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LIST OF SECTIONS AFFECTED

WHAT IT IS

The List of Sections Affected is designed to lead users of the Code of Federal Regulations to amendatory actions published in the Federal Register. It should be shelved with current Code volumes. Entries indicate the nature of the changes. Certain terms used are defined in the glossary below. Proposed rules are listed at the end of appropriate titles.

HOW TO USE THIS FINDING AID

The Code of Federal Regulations may be brought up to immediate date by the following steps:

1. Consult this List of Sections Affected for any changes, deletions, or additions published after the revision date of the volume you are using.
2. Check the "Cumulative List of Parts Affected" appearing at the end of the latest issue of the Federal Register for changes published after the last date covered by this issue of the List of Sections Affected.
3. If the latest edition of the Code of Federal Regulations is not yet available, use the previous year's edition and consult the 1973 Annual List of Sections Affected before beginning with step 1 above.

For an explanation of the structure and numbering of the Code, see 1 CFR Part 21.

GLOSSARY

Amended—A typographical unit of the CFR was partially set forth.
Recodified—Major portions of CFR were restructured or rearranged, or both.
Redesignated—A typographical unit or larger was renumbered and transferred from one place to another place in the CFR with no change in text.
Removed—A typographical unit was removed from the CFR.
Revised—A typographical unit of the CFR was set forth in full.
Superseded—An existing CFR unit was replaced by regulations appearing under another CFR unit.
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INQUIRIES AND SUGGESTIONS

Inquiries concerning this and other publications of the office and suggestions for improvements will be welcomed by the Director, Office of the Federal Register, National Archives and Records Service, Washington, D.C. 20408.

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211.12 (d)(1) amended; (d)(3) and (4) redesignated as (d)(4) and (5); new (d)(3) added 20187
211.13 (b) revised 10156
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211.17 (h) added 2598
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211.61—211.71 (Subpart C) Revised 17290
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211.83 (a)(9) added 4450
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211.84 (c)(3) revised 20188
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211.222 (b) revised 10236
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211 Appendix A Added 5272
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212.1 (b) revised 6532
212.31 Amended 4467, 6532, 7582, 12011, 12013, 12354
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212.74 (b) amended 23251
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370.6 Introductory text revised; (e) added	10557
370.10 (f)(2) and (3)(i) revised	10557
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373.2 (b)(6) added	3672
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373.4 (c)(4), (d)(1) and (2) and (e)(2) revised	18432
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376 Supplement 1 added (redesignated from 377 Supplement 2)	18434
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40.21	(a) revised	22778
60.1	*(d) amended	20964
60.4	*(a) and (c) revised; (b) amended	20964
70.62	(h) added	31294
70.62	*(g) revised	10242
89	*Added	20452
91.3	*(e) added	7421
94	*Added	10374
	*Revised	19888
95	*Added	10377
	*Revised	19892
96	*Added	5900
	*Revised	10389, 19904
97	*Added	17182
	*Revised	19910
97.101—97.199	(Subpart B) *Added	23158
98	*Added	10395
	*Revised	19913

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102.36	*Revised	15271
102.71	*Revised	4080

Chapter II—Office of the Assistant Secretary for Labor-Management Relations, Department of Labor

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201	Nomenclature change	26449
201.15	Revised	26449
202	Nomenclature change	26449
202.17	Heading and (f) revised; (g) and (h) added	30875

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203 Nomenclature change 26449
204 Nomenclature change 26449
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206 Nomenclature change 26449
206.7 Revised 30875

Chapter IV—Office of Labor-Management and Welfare-Pension Reports, Department of Labor

452 Revised 18324

Chapter V—Wage and Hour Division, Department of Labor

511.4 *Revised 1266
511.8 *(b) revised 17947
511.10 *Revised 17948
511.13 *Revised 17948
516.33 (a) and introductory text of (b) revised; (g) added 27520
519 *Revised 15117
519.6 *(39 FR 15117) Compliance date extended through 8-31-74 23995
519.16 *(39 FR 15117) Compliance date extended through 8-31-74 23995
520.12 *Revised 3257
522.24 *Revised 15123
522.35 *(a) revised 15123
522.43 *(a) and (d) revised 15123
522.65 *(a) revised 15124
522.85 *(a) revised 15124
525 *Revised 17509
545.9 Revised 34805
545.13 Removed 34810
570.35a *Revised 3257
*(b) (3) (ii) corrected 3822
570.53a *(b) (3) (ii) corrected 4478
601.1 *Revised 13271
608.2 (a), (b), and (c) revised 23402
609.2 (a) (1) and (2) revised 23403
610.2 (a) revised 25988
612.1 Revised 25989
612.2 Revised 25989
614.2 (a) (1) and (c) (1) revised 25989
690 *Revised 13271
694.1 *(b) (2) (i) and (4) (i) revised 6607
697.1 (a) (1), (b), (c) (1), (d) (1), (e), (f), (g), (h) (1), (i), (j), (k) (1), and (l) (1) revised 32576
697.3 Revised 32576
720.1 *Revised 13271
720.2 *(a) (4) removed 13271
720.3 *Revised 13271
723.2 (b) (1) revised 26718
724.2 (b) (1) and (c) revised 35305
725.2 Revised 35305
730 *Added 13271
780.305 (c) added 27520
780.308 Revised 17726
780.331 (d) revised 27521
870.10 *(b) revised 15032

Chapter X—National Mediation Board

1208 *Revised 1751

Chapter XII—Federal Mediation and Conciliation Service

1430 *Added 9433

Chapter XIV—Equal Employment Opportunity Commission

1601.12 (k) revised 20829
1601.12 *(d) (1) and (2) revised; (k) amended 23996
1601.25 *Revised 10123
1601.25b CFR correction 34810
1602.39—1602.40 (Subpart L) Added 26719
1602.41—1602.45 (Subpart M) Added 26719
1602.41 (b) amended 32576
1602.46 (Subpart N) Added 26720
1606.1 *(d) and (e) revised 10123

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1903.21 (e) and (f) revised 22624
1907 Added 25150
1910 *Republished 23502
1910.19 *Revised 12343
1910.21 *(f) (31) and (g) (16) corrected 19468
1910.25 *(c) (1) (iii) (c) and (c) (2) (iv) (c) (1) corrected 19468
1910.28 *(b) (12) corrected 19468
1910.31 *Corrected 19468
1910.37 *(q) (6) corrected 19468
1910.66 *Heading 19468
*(c) (22) (i) and (vii) corrected 19469

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1910.68 *(b) (4) and (c) (5) (iv) (c) corrected 19469
1910.93 *Table amended 12343
1910.93c Revised 20074
1910.93c *Revised 3760
1910.93d *Added 3762
1910.93e *Added 3765
1910.93f *Added 3768
1910.93g *Added 3771
1910.93h *Added 3773
1910.93i *Added 3776
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1910.93k *Added 3781
1910.93l *Added 3784
1910.93m *Added 3786
1910.93n *Added 3789
1910.93o *Added 3792
1910.93p *Added 3794
1910.93q *Added 12343
1910.94 *(b) (5) (i) (a) and (d) (9) (vi) corrected 19468
(a) (2) (iii) corrected 19469
1910.95 *Table corrected 19468, 19469
1910.96 *(b) (2) (ii) corrected 19469
1910.103 *(b) (5) and (c) (5) revised 9958
1910.103 *(b) (3) (iii) (e) and (c) (3) (ii) (d) corrected 19469
1910.104 *(b) (10) revised 9958
1910.106 (a) (14), 18), and (19) and (d) (1) (ii), (3) (i), (5) (iv) (b), and (7) revised; (a) (37) and (38) added; tables amended 27048, 28259
(a) (14) (iii) corrected 28035
1910.106 *(a) (27), (c) (2) (i) and (ii), (d) (7) (ii), and (g) (3) (iv) (b) revised; (g) (1) (i) (d), (e) (3), and (3) (vii) removed 9958
1910.107 *(b) (1) and (d) (2) revised 9959
*(a) (5) corrected 19469
1910.108 (h) (4) (i) revised 27049, 28259
1910.109 *(i) (2) (iii) (c) and (6) corrected 19469
1910.110 *(f) (5) (iii) revised 9959
1910.110 *(b) (14) (xvi) correctly designated as (b) (14) (xiv) 19469
1910.115 *Corrected 19469
1910.147 *Corrected 19469
1910.157 (b) (1) revised 19030
1910.157 *(d) (4) (iii) revised 1437
1910.157 *(c) (4) (iii) and (d) (4) (iii) corrected 19469
1910.158 *(b) (3) and (4) revised 6110
1910.160 (b) (1) and (c) (1) (iv) revised 19030
1910.168 *(a) (15) corrected 19469
1910.178 *(c) (2) corrected 19469
1910.179 *(g) (3) (vii) corrected 19469
1910.180 *(f) (1) correctly designated as (f) 19469
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1910.215 *Table corrected 19469
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1910.246 *Corrected 19469
1910.252 *(a) (6) (vi) (a) (6) and (b) (2) (iii) (b) (2) corrected 19469
1910.254 *Corrected 19469
1910.261 *(e) (11) corrected 19469
1910.262 *(b) (22) and heading of (m) corrected 19469
1010.263 *(l) (9) (ix) heading corrected 19469
1910.265 *(a) (2) corrected 19469
1910.266 *(a) (2) and (c) (2) (vii) corrected 19469
1910.267a (c) (2) corrected 18464
1910.268 *Corrected 19469
1910.308 *(a) and (d) corrected 19469
1910.309 (c) added 33397
1910.309 *(a) and (b) corrected 19469
1912 Revised 28035
1912a Added 28934
1915 *Republished 22001
1915.43 *(d) revised 15124
1915.47 *(d) revised 15125
1915.75 *Correctly printed 9435
1915.82 *Correctly printed 9435
1915.91 *Correctly printed 9436
1916 *Republished 22029
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1926 *Republished 22801
1926.400 (h) added 33397
1926.451 *(d) (8) corrected 19470
1926.500 *(d) (1) corrected 19470
1926.602 (a) (8) (ii) revised 27594
1926.914 *(e) corrected 19470

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1952.300—1952.303 (Subpart X) *Added	1013
1952.310—1952.313 (Subpart Y) *Added	1012
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1952.330—1952.333 (Subpart AA) *Added	9438
1952.340—1952.343 (Subpart BB) *Added	15395
1953 Added	24361
1953.4 *Added	5629
1953.11 *(c) and (d) (1) revised	5629
1953.31 *(c) and (d) (1) revised	5629
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29.20	*Amended	24003
29.21	*(a), (b), (c), and (d) amended	24003

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29.30	*(a) and (b) amended	24003
29.31	*(e) amended	24003
29.32	*(a) and (c) amended	24003
29.33	*(a), (c), (e), and (f) amended	24003
	*(b) amended	24004
29.34	*Amended	24003
29.35	*(a), (d), and (e) amended	24003
29.36	*Amended	24004
29.40	*Amended	24003
29.41	*(i) amended	24003
	*(b) amended	24004
29.42	*Heading, (a), (b), and (c) amended	24003
29.43	*Heading, (b), and (c) amended	24003
29.50	*(a) and (b) amended	24003
29.51	*Amended	24003
29.52	*(a) amended	24004
29.53	*(a), (b), and (c) amended	24003
29.54	*(b) and (c) amended	24003
29.55	*Heading, (b), (d), and (e) amended	24003
	*(a) and (c) amended	24004
29.56	*(a) and (b) amended	24003
29.61	*(e) and (f) amended	24003
29.70	*(c) and (d) amended	24003
31.2	*(a), (b), (d), (g), and (j) amended; (k) added	24004
31.3	*(b), (c) note, (d)(1) and (3), (e) through (h), and (j) amended	24004
31.4	*(a) and (i)(6)(i) and (7)(v) amended	24004
31.5	*(a) introductory text, (a)(4)(vi), (5)(vii), (6)(iii) and (iv), (b)(1), (2)(ii), (3), (4), and (5) amended	24004
31.6	*(a)(1), (2), and (4), (b)(1) and (2), and (c)(1) and (2) amended	24004
31.7	*Amended	24004
31.8	*Introductory text and (a), (b), and (c) amended	24004
31.9	*Introductory text and (b)(2)(ii) and (iv), (3)(i), and (4)(i) amended	24004
31.10	*Amended	24004
32.1	*(b) amended	24004
32.2	*(g), (h), (i), and (j) amended; (k) added	24004
32.3	*(a), (b), (c) note, (d)(1), and (3) (e), (f), (g), and (h)(1) amended	24004
	*(j) amended	24005
32.4	*(a) and (h)(4)(ii) amended	24005
32.5	*(b) and (c) amended	24004
	*(a)(1) amended	24005
32.6	*(a)(1), (2), and (4) and (c)(1) and (2) amended	24004
	*(b)(1) and (2) amended	24005
32.7	*Amended	24004
32.8	*Introductory text, (b), (c), (d), and (e) amended	24004
	*(a) amended	24005
32.9	*Introductory text and (b)(2)(ii) and (iv) amended	24004
32.10	*Amended	24004
33.2	*(c) and (d) amended; (i) added	24005
33.3	*Amended	24005
33.5	*(a) footnote 1 and (e) amended	24005
33.6	*(a), (c), (d)(1), (e), (h), and (i) amended	24005
33.8	*(a) and (b) amended	24005
33.9	*Amended	24005
33.10	*(a) amended	24005
33.11	*(a) and (c) amended	24005
33.12	*Introductory text and (b) amended	24005
33.13	*Amended	24005
33.20	*(a) amended	24005
33.21	*Amended	24005
33.30	*Revised	24005
33.36	*Amended	24005
33.37	*(d) amended	24005
35.2	*(b) revised; (c) amended	24005
35.3	*Amended	24005
35.4	*Amended	24005
35.5	*(b) and (d) item 4 amended	24005
35.6	*(a), (f), and (g) amended	24005
35.8	*Amended	24005
35.9	*(a) and (b) amended	24005
35.10	*(a) and (e) amended	24005
35.11	*Amended	24005
35.12	*Introductory text and (b) amended	24005
35.13	*Amended	24005
36.2	*(c) revised; (d) amended	24006
36.3	*Amended	24006
36.5	*Amended	24006
36.6	*(a), (b)(6), (c), (d), (f), and (g) amended	24006

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36.7	*(a) item 16 and (b) amended	24006
36.9	*(a) and (b) amended	24006
36.10	*(a) amended	24006
36.11	*(a) and (b) amended	24006
36.12	*Introductory text and (b) amended	24006
36.13	*Amended	24006
36.20	*(a) amended	24006
36.21	*Amended	24006
36.23	*(d) amended	24006
36.24	*(a) amended	24006
36.25	*(b)(3), (c)(1) and (2), (d)(1), (e) and (f)(1) amended	24006
36.26	*(a), (b), and (c) amended	24006
36.27	*(c) amended	24006
36.29	*Amended	24006
36.33	*(a) (b), and (c) amended	24006
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36.41	*Amended	24006
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36.44	*(a) amended	24006
36.45	*(b) amended	24006
36.46	*(b) and (c) amended	24006
36.48	*(a) and note amended	24006
36.49	*Amended	24006
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	*Subchapter M of Chapter I (Part 51) redesignated as Subchapter M of Chapter VI (Part 651)	23997
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55.5	Amended	18665
55.6	Amended	18665
55.12	Amended	18665
55.13	Amended	18665
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55.24	Amended	18666
55.26	Added	23380
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56.5	Amended	18666
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56.13	Amended	18666
56.18	Amended	23381
56.24	Amended	18666
56.26	Added	23381
57.2	Amended	18666
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57.5	Amended	18666
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57.11	Amended	23382
57.11	*Amended	9653
57.12	Amended	18666
57.13	Amended	18666
57.15	*Amended	9653
57.18	Amended	23382
57.18	*Amended	13969
57.21	Amended	18666
57.24	Amended	18666
57.25	Amended	18666
57.26	Added	23382
58.1	Amended	18666
58.2	(k) amended	18666
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58.20	Amended	18666
58.21	Amended	18666
58.22	(a)(1) amended	18666
58.30	Amended	18666
58.31	Amended	18666
58.32	Amended	18666
58.33	Amended	18666
70.204	Removed	18666
70.223	Amended	18666
70.260	(a) amended	18666
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70.271	Amended	18666
70.272	Revised	18667
70.305–1	Amended	18667
70.400–1	Amended	18667
70.504	Amended	18667
70.504–1	Amended	18667
70.504–2	Amended	18666
70.505	Amended	18667
70.507	Amended	18667
70.508	Amended	18667
70.509	Amended	18667
70.510	(b)(2) amended	18666
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71.110–1	*Added	17101
71.111	Amended	18667
71.200	Amended	18667
71.200	*(a) revised	17101
71.302	*Added	17102
71.303	*Added	17102
71.304	*Added	17102

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71.305 *Added	17102
71.402 Amended	18667
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74.3 *(a)(8)(ii) amended	3677
75.100 (c)(1) amended	18667
75.150 (b)(2) amended	18667
75.151 Amended	18667
75.153 (e) amended	18667
75.155 (c) amended	18667
75.301–7 (c)(2) amended	18667
75.301–8 (c)(1) amended	18667
75.303–2 (c) amended	18667
75.503–1 Amended	18667
75.506 (a) amended	18667
75.517–2 (d) amended	18667
75.523–1 (c) amended	18667
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75.523–3 (a)(1) and (2) compliance dates suspended and postponed indefinitely	34810
75.524 Added	29998
75.803–3 Removed	18667
75.902–3 Removed	18667
75.1001–1 Revised	29998
75.1003–2 Added	29998
75.1101–23 Added	29999
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75.1103–2 (b) amended	18667
75.1107–17 Amended	18667
75.1600–1 Added	29999
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75.1703–1 Amended	18667
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75.1710–1 (f) amended	18667
75.1712–6 Amended	18667
75.1714–1 Amended	18667
75.1720 *(d) revised	7175
75.1720–1 *Added	7175
75.1721 (b)(1) amended	18667
75.1800 Amended	18667
75.1801 Amended	18667
75.1802 Amended	18667
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77.100 (b)(2) amended	18667
77.101 (b)(2) amended	18667
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77.103 (e) amended	18667
77.105 (b) amended	18667
77.403 *Revised	24007
77.403a *Added	24007
77.403b *Added	24007
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77.1000–1 Amended	18667
77.1108 (b)(4) amended	18667
77.1303 (m) amended	18667
77.1710 *Introductory text and (d) revised	7176
77.1710–1 *Added	7176
77.1806 Amended	18667
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77.1902–1 Amended	18667
77.1914 (c) amended	18667
80.10 Amended	18667
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81 Technical amendment	18668
82 Technical amendment	18668
90 Subpart E heading amended	18668
90.1 Amended	18668
90.2 (b) revised	18668
90.10 Amended	18668
90.20 Amended	18668
90.30 Amended	18668
90.31 (a) amended	18668
90.32 Amended	18668
90.33 (b) amended	18668
90 Figure 1 amended	18668

Chapter II—Geological Survey, Department of the Interior

270 Added	35068
271 Added	35073

Chapter V—Interim Compliance Panel (Coal Mine Health and Safety)

504 Added	29292
504.1 Corrected	29881
505.10 Revised	29076
505.12 Revised	30259
505.53 Revised	29076

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*Chapter established	23997
*Subchapter A (Parts 601, 602, 609, and 610) redesignated from Subchapter A (Parts 1, 2, 9, and 10)	23997

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601.3 *(c) amended	23997
601.6 *(a) and (e) amended	23997
601.10 *(c) amended	23997
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602.5 *Amended	23997
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*Subchapter K (Parts 640–642) redesignated from Subchapter K (Parts 40–42)	23997
640 *Removed	23997
*Subchapter M (Part 651) redesignated from Subchapter M (Part 51)	23997
651.4–3 *Amended	23997
651.5 *(b), (c), (d) introductory text, and (d)(7) amended	23997
651.6–1 *Heading and text amended	23997
651.6–2 *Heading and (a) amended	23997
651.7 *(a) amended	23997
651.8 *(c), (d), (e) introductory text, and (e)(2) amended	23997
651.9 *Heading amended	23997
651.13–1 *Heading amended	23997
651.13–2 *Heading amended	23997
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55	23383
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TITLE 31—MONEY AND FINANCE: TREASURY

0 *Appendix A amended	19470
2 Added	19322
3.7 *(c) amended	19470
9 *Added (provisions derived from 32A CFR EPO Reg. 4)	10898
*Authority citation corrected	11882
9.6 *Corrected	11882

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51.3 Revised	18668
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51.5 Amended	18668
51.11 (b) amended	18668
51.22 *(a) revised	8324
51.24 (a) revised	18668
51.24 *(a) amended; (b) and (c) redesignated as (c) and (d); new (b) added	8324
51.25 (a) and (b) amended	18669
51.25 *(b) heading revised and text amended	8324
51.26 (a) amended	18669
51.27 *(a) amended	8324
51.33 *(a) and (b) revised	8324
51.40 *(b) amended	8325
91.1 Revised	24897
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91.8 Revised	24898
94 *Added	13881

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202—290 (Subchapter A) *Heading revised	20964
202 *Footnote 1 amended	20964
202.3 *(a) and (b)(1)(ii) and (iii) and (2) amended	20964
202.4 Revised	31295, 34181
202.6 *(c)(2) and (d) amended	20964
203.4 Revised	31295, 34181
203.7 *(a)(2) amended	20964
205.5 *(c) amended	20964
205.10 *Amended	20964
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208 *Removed	20964
209 Revised	27521
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209.12 *Amended	20964
211.3 *(a) and (b) amended	20965
211.4 *Amended	20965
214.5 (c) and (d) revised	31295
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223.17 Redesignated as 223.18; redesignated from 223.18	22779

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223.20 Added	22779
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223.22 *Revised	20965
225 *Footnote 1 amended	20965
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235 *Redesignated from Part 359 and heading revised	20967
235.0 *Amended	20967
235.1 *Amended	20967
235.2 *Introductory text and (b) amended	20967
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240 *Redesignated from 360 and heading revised	20967
*Footnote 1 amended	20967
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240.9 *(a) revised	20968
240.10 *(a) amended	20968
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240 *Appendix amended	20968
245 *Redesignated from 365 and heading revised	20968
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245.2 *Revised	20968
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250.5 *Amended	20965
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251.1 *Amended	20965
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254.1 *(b) amended	20965
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257.2 *(a) and footnote 1 amended	20965
257.3 Added	29218
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261.2 Removed; new 261.2 added	18372
261.7 *(a) amended	20965
270.1 *Amended	20965
270.2 *(a) Introductory text and (a)(1) and (3) amended	20965
270.3 *(a) and (b) amended	20965
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281.4 *Amended	20965
281.5 *(c) amended	20965
281.6 *Introductory text amended	20965
290.3 *Amended	20965
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306.2 *(r) removed; (s) redesignated as (r)	20965
306.12 *Amended	20965
306.25 *(a) amended	20965
306.26 *(a) amended	20965
306.28 *(a) footnote 5 amended	20965
306.37 *(a), (c), and (d) amended	20965
306.38 *Amended	20965
306.40 *(a) amended	20965
306.43 *Amended	20965
306.45 *(d) amended	20965
306.122 *Revised	20965
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309.2 *Amended	20966
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309.5 *(b) amended	20966
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315.1 *(b) amended; (c) removed	20966
315.2 (e) revised	26189
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315.7 *(f) amended	20966
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315.30 *Revised	5314
315.32 *(a) revised	5314
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315.61 *(a)(4) amended	20966
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316.10 *(b) heading revised	20966
316 *Revised	14412
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321 *Memorandum Instructions amended	20966
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332.10 *(c) amended	20966
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341.8 *(b), (c)(1) and (2) amended	20966
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351—368 (Subchapter C) *Heading removed	20967
351 *Removed	20967
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360 *Redesignated as Part 240	20967
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407.1 Revised	31975

Chapter VI—Bureau of Engraving and Printing, Department of the Treasury

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605 Authority citation revised	24898
605.1 Revised	24898
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TITLE 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

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214 *Revised	14699
290.6 Revised	28936
295 Added	31007
300.3 Amended	17959
300.4 (b)(1)(iii), (iv), (v), and (vi) redesignated as (b)(1)(iv), (v), (vi), and (vii); new (b)(1)(iii) and (viii) added; (b)(4) redesignated as (b)(6) and revised; new (b)(4) and (5) added	17959
300.6 (a)(1) and (b) amended; (a)(2) revised; (d) added	17960
300.7 (b) amended	17960
300.8 (b) amended	17960
300.11 (g) added	17960
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518 Revised	31520
641.4 *(h) revised	10124

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719.103 *(d)(2) revised 18436
719.107 *(c) revised 18436
719.112 *(a), (b), (d)(7), and (f) revised 18436
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719.125 (b)(1) and (2) revised 18437
719.128 *Revised 18437
719.141 *(a) revised 18437
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719.151 *Added 18437
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750.1 *Revised 20681
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751.16 *(a) revised 22421
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751.22 *(b) revised 22422
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751.30 *Added 22422
752 *Revised 9962
753.6 *Revised 20682
753.18 *Heading and (b) revised 20682
753.19 *(a) revised 20682
753.21 *Revised 20682
753.25 *Revised 20682
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753.28 *Revised 20683
753.29 *Revised 20683
757.2 *(c), (f), and (g) revised; (h) and (i) added 22262
757.3 *(a), (b), (d), and (f)(1) revised 22262
757.5 *(e), (f), and (g) revised; (h) added 22262
757.8 *Introductory and closing text revised 22263
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757.15 *(a)(4) revised 22263
757.16 *(c) added 22263
757.19 *Revised 22263
757.20 *Revised 22263

Chapter VII—Department of the Air Force

802 Removed 26190
806.15 Amended 26190
809.4 (f)(6)(ii) note removed; (h) revised; (l) (2), (3), and (4) added 23946
809.7 Table amended 23946
Corrected 25678
809.10 (a) and (g) revised; (h) and (i) added 23946
809.11 (d)(2)(iii)(f) added; (d)(6) revised 23947
809.13 (d)(5) revised 23947
809.14 Introductory text and (a) revised 23947
809.15 (b) (3) and (4) revised; (b) (5) and (6) added 23947
809.16 (a) revised 23947
809.61 (b) revised 23947
809.62 (a) and (c) revised; (b) added 23947
809c *Revised 10560
818b Added 26801
855 *Revised 10124
865.12 (a)(5) added 30739
870 Revised 21147
870.38 b)(3)(iv) corrected 21746
870.40 Corrected 21746
870.86 Corrected 21746
872.2 *(a) and heading of (h) revised 5485
872.3 *Amended 5485
872.7 *Introductory text amended 5485

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872.8 *Introductory text and (b) amended; (c), (d), and (h) revised 5485
872.10 *Revised 5486
872.11 *Revised 5486
872.12 *(b) revised 5486
872.14 *Heading and introductory text revised; (d) added 5486
872.17 *(a)(2)(ii) revised; (b) amended 5486
872.19 *Revised 5486
872.20 *Heading revised 5486
872.24 *Revised 5486
872.26 *Revised 5486
872.28 *Redesignated as 872.29; new 872.28 added 5487
872.29 *Redesignated from 872.28 5487
872.30 *Added 5487
881 Revised 26891
881.22 (d)(4) correctly designated from (d)(5) 28936
(d)(5) correctly designated as (d)(4) 28936
881.30 (a) introductory text and (a)(14) and (22) corrected 28936
881.32 (b)(2)(iii) corrected 28936
881.34 Table corrected 28936
881.50 (c) corrected 28936
881.53 (d) corrected 28936
881.83 Added 28937
883 Added 26802
883.3 (a)(3) corrected 27523
886.1 Existing text designated as (a); (b) added 20325
886.2 Revised 20325
886.4 Revised 20325
886.5 Revised 20325
886.6 Revised 20325
886.7 Revised 20325
886.8 Revised 20326
886.11 Added 20326
886.12 Revised 20326
886.13 Revised 20326
886.14 Revised 20326
888 Revised 31421
888.5 *Amended 6607
888.6 *(a)(4)(i) amended; (d)(3) removed; (d)(4) redesignated as (d)(3) 6607
888d.6 *Amended 4477
888d.12 *Revised 4477
888d.14 *(b) and (c) revised 4477
888d.16 *Added 4477
888d.18 *Added 4478
888d.20 *Added 4478
901 Redesignated from 901a 22471
901.6b Added 22471
901.13 (a)(2) added 22471
901a Redesignated as 901 22471
901b Removed 22471
903 Added 22471
920.0 *Revised 22264
920.5 *(e) added 22264
920.8 *(a) amended 22264
920.9 *(b) and (c) amended 22264
920.10 *Introductory text revised 22264
920.13 *(c) amended 22264
920.19 *(e) and (f) amended 22264
920.20 *(b)(1) revised 22264
920.22 *(g) amended 22264
920.23 *(b)(14) revised 22264

Chapter XII—Defense Supply Agency

1280 *Revised 19470
1285 Added 24206

Chapter XIV—The Renegotiation Board

1453.3 (d)(2)(i) amended 24210
1455.4 *(b)(1) amended 3677
1464.7 (b) amended 28259
1464.26 *(a) CFR correction 12865
1466.1 *(c)(1) amended 4571
1466.2 *Amended 4571
1472.2 *(c) amended 13649
1472.3 *(h), (k)(4)(i) and (iii), and (m)(1) and (3) amended 13649
1472.4 *(c)(1) and (3) amended 13649
1472.5 *(d) amended 13650
1472.6 (e)(2) amended 29466
1472.6 *(e)(2) amended 4571
1473.2 *(a) and (b) amended 13650
1473.3 *Amended 13650
1474.3 *(b) and (c) amended 13650
1474.4 *Amended 13650
1475.2 *Amended 13650
1475.3 *Amended 13650
1475.4 *Amended 13650
1477.3 *Revised 13650
1480.5 *(a)(16), (17), and (18) added; closing text of (a) revised 13650
1499.2–8 *(d)(2)(iii) and (iv) redesignated as (d)(2)(iv) and (v); new (d)(2)(iii) added; (g)(1) revised 3677

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Chapter XVI—Selective Service System

1604.28 Revised ---- 29219
1604.60 Added ---- 34731
1613.11—1613.43 *Removed; CFR correction ---- 17539
1623.3 Removed ---- 35463
1628.6 (c) added ---- 35463
1631.6 (b) revised ---- 35463
1631.7 Removed ---- 35464
1632.1 (d) added ---- 35464
1641.2 Removed ---- 34731
1641.8 Removed ---- 35464

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1704 Added ---- 17961
1709 *Recodified as 24 CFR Part 2200 ---- 6697
1710 *Recodified as 24 CFR Part 2201 ---- 6705

Chapter XVIII—Office of Civil Defense, Office of the Secretary of the Army

1808.3 Removed; new 1808.3 added ---- 31526
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1812.2 Revised ---- 28660
1812.3 Amended ---- 18372
1812.16 Revised ---- 28660

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2000 Added ---- 22624
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1499 ---- 30285
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TITLE 32A—NATIONAL DEFENSE, APPENDIX

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OEP Reg. 4 removed (provisions recodified as 31 CFR Part 9) ---- 10898

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BDC Notice 1 removed ---- 25176
BDC Notice 1 *added ---- 22143
Notice 2 *added ---- 22144
BDC Notice 3
Delegation 5 removed ---- 33472
BCABP Notice 1 added ---- 25175
DMS Reg. 1
*Revised ---- 23008
*Direction 1 revised ---- 23019
*Direction 2 removed ---- 23020
*Redesignated from Direction 3 and revised ---- 23020
*Direction 3 redesignated as Direction 2 ---- 23020
DPS Reg. 1 *List A amended ---- 4478
*Revised ---- 23021
*DPS Order 1 revised ---- 23028
*DPS Order 2 added ---- 23030
*Interpretations 1, 2 and 3 removed ---- 23028
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*(f) added ---- 12344
Sec. 4 *Revised ---- 10243
Sec. 5 *Revised ---- 10243
*(a) compliance date extended ---- 14598
Sec. 6 *Republished ---- 10243
Sec. 7 *Republished ---- 10243
Sec. 8 *Republished ---- 10243
Sec. 9 *Revised ---- 10244
Sec. 9A (a)(1) amended ---- 19819
(b) revised; (e)(2) amended ---- 34204
Sec. 9A *Revised ---- 10244
Sec. 9B (d) revised ---- 34204
Sec. 9B *(a)(6), (b), and (d) revised ---- 10245

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Sec. 10 (a) and (c) revised; (f) and (g) added ---- 19819
Sec. 10 *Revised ---- 10245
Sec. 11 (a) and (c) revised; (f) and (g) added ---- 19819
(c) corrected ---- 20076
Sec. 11 *Revised ---- 10246
Sec. 11A (a) and (b) revised ---- 19819
Sec. 12 *Revised ---- 10246
Sec. 13 *Revised ---- 10246
Sec. 14 *Revised ---- 10247
Sec. 15 *Revised ---- 10247
Sec. 16 *Revised ---- 10247
Sec. 17 (b) revised ---- 19820
Sec. 17 *Revised ---- 10247
Sec. 18 *(c) and (d) added ---- 1266
Sec. 21 Revised ---- 19820
Sec. 22 (g)(2), (4), and (9), (h)(1), (p)(2)(iii), and (j) revised; (q) and (r) added ---- 19820
Sec. 25 Revised ---- 19821
(a)(1), (b)(5), (g)(1), and (i) revised; (a)(2)(x) added; (e)(4) removed; (e)(5) redesignated as (e)(4) ---- 28066
Sec. 25 *Revised ---- 10247
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Sec. 28 *Revised ---- 10251
Sec. 29 *Revised ---- 12344
*(j) compliance date extended ---- 14598
Sec. 30 (c) revised ---- 19822
Sec. 30 *Revised ---- 10251
Sec. 32 Revised ---- 19822
Introductory text of (g) revised ---- 25438
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Sec. 3 Added ---- 28661
(a) amended ---- 32740
(d) added ---- 35307
Sec. 3 *Removed ---- 2605
Sec. 4 Added ---- 28661
Sec. 4 *Removed ---- 2605
Sec. 5 Added ---- 28662
Sec. 6 Added ---- 28662
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Sec. 7 Added ---- 28662
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Sec. 17 Added ---- 28663
Sec. 17 *Removed ---- 2605
Sec. 18 Added ---- 28663
Sec. 18 *Removed ---- 2605
Sec. 19 Added ---- 28663
Sec. 19 *Removed ---- 2605
Sec. 20 Added ---- 28663
Sec. 20 *Removed ---- 2605
EPO Reg. 2
Sec. 1 Added ---- 32577
Sec. 2 Added ---- 32577
Sec. 3 Added ---- 32577
Sec. 4 Added ---- 32577
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Sec. 6 Added ---- 32578
Sec. 7 Added ---- 32578
Sec. 8 Added ---- 32578
Sec. 9 Added ---- 32578
EPO Reg. 3
*Removed ---- 2605
Sec. 1 Added ---- 27397
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Sec. 4 Added ---- 27398
(a) interpretation ---- 34735
Sec. 5 Added ---- 27398
Sec. 6 Added ---- 27398

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Sec. 8 Added	27398
Sec. 9 Added	27398
Sec. 10 Added	27398
Sec. 11 Added	27398
EPO Reg. 7 added	29330
*Removed	2605
Sec. 2 Amended	30740
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1.01–40 Added	32448
1.05–1 *(c)(5) added	9176
*(d), (e), and (f) added	10131
1.07–1—1.07–23 and Appendix (Subpart 1.07) *Added	19472
1.25–30 (b)(6) revised	30740
1.107–23 *Corrected	20203
2.01–10 *(b) amended	19473
3.01–1 *(b) revised	2581
3.04–1 *(b) revised	2581
3.04–3 *(b) revised	2581
3.25–10 *Revised	8613
3.25–15 *Revised	8614
3.25–20 *Revised	8614
*(b) corrected	12007
3.25–55 *Removed	8614
3.25–60 *Removed	8614
3.25–65 *Removed	8614
3.65–10 *Revised	17312
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3.65–60 *Removed	17312
26.08 *(b) amended	9176
40.4 *(a) revised	8614
40.8 *(f)(1) and (5) revised	8614
40.13 (d) amended	28937
62.01–25 Revised	33472
62.10–1 (a) revised	33472
62.10–10 Removed	33472
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66.05–169 Removed	33473
66.05–173 Removed	33473
74.05 Subpart heading revised	33472
74.05–1 Revised	33472
74.05–5 Added	33472
74.10–1—74.10–5 (Subpart 74.10) Removed	33472
80.18 *Note preceding section removed	11541
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90.22—90.29 *Undesignated center heading and sections added	11541
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91.01–10 *(b) amended	19473
95.51 *Note preceding section removed	11543
96.01–10 *(b) amended	19473
100.50 *(b) amended	19473
105.40 *Amended	19473
110.5 (d) revised	33473
110.5 *(c–1) added	11544
*(c–1) corrected	20376
110.60 (u–2) added	30000
110.70a *Added	5314
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110.80 *Revised	12007
110.87 *Added	15271
110.90 *Revised	17539
110.157 *(a)(1) revised	18279
110.158 (a)(6) revised	30740
(a)(6) corrected	31835
110.168 (d)(1) revised	18373
110.178 *Removed	4478
110.183 (a)(1) and (2) removed	33474
115.60 *(e) revised	2361
117.75 *(a)(5) revised; (h)(4) added	1582
*(g)(3) added	19942
117.105 *Revised	13775
117.175 *(b) removed	2094
117.190 *(f)(11) removed	2094
117.220 *(p) added	14200
117.225 (f)(9) removed	21631
117.225 *(f)(6) removed	4479
*(f)(17–a)(i) revised	12865

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117.245 (i)(2) and (5–a) added	21631
(j)(40) removed	30000
(g)(17) and (i)(2–a) and (2–b) revised	32137
117.245 *(i)(12–b) added	4479
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*(f)(16–b), (16–c), and (18), (g)(3–a), and (j)(25) removed; (g)(3) revised	9662
*(h)(4) added	14201
117.311 *Revised	2581
117.431a *Removed	18767
117.441a *Added	12865
117.446 *(e)(1) revised	14201
117.467 Added	25438
117.495 Amended	18546, 33594
117.540 *Added	18766
117.560 *(f)(2), (2–a), (3), (4), (5), (6), and (7) removed; new (f)(2) added	4479
*(g)(7)(ii) redesignated as (g)(7)(iv); new (g)(7)(ii) added; (g)(7)(i) and (iii) revised	6110
*(g)(2) revised; (g)(3) removed	20969
117.644a *Added	14505
117.660 *Revised	14201
*(a)(2) amended	16231
117.712 *(e) revised	14202
117.716 (c)(1) revised	26115
117.760 (f) revised	25438
117.785 *(f)(2) revised	5314
117.795 *(b)(1)(i) and (iii) revised	20970
127.202 Added	19379
127.302 Removed	24898
127.303 Added	17441
127.304 Added	17441
127.305 Added	20831, 31428
127.306 Added	22123
127.309 Added	22778
127.310 Added	28065
127.312 *Added	9662
127.501 Added	35307
127.501 *Revised	11258
127.502 *Added	6608
*Effective date changed	6608
127.503 *Added	12988
127.504 *Added	12988
128.301 *Added	18279
177.07 *(f) added	2583
*(f)(2) corrected	5488
*(g) added	10131
177.08 *Added	2583
183.25 *(b)(1) table CFR correction	10899
183.33 *(a) and (b) CFR correction	10899
183.37 *(a) and (b)(2) CFR correction	10899
183.67 *(b) and (c)(1) CFR correction	10899
199 *CFR effective date note correctly added	10899

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204.86 Removed	21495
207.11 Removed	25176
207.127 *Added	19478
207.162 *Removed	2362
207.170d Added	21404
207.611 Removed	30741
209.120 *Revised	12118
Appendices A through G added	12132
209.132 *Added	12256
209.410 *Added	12737
213 *Added	17312

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401 *Revised	10900
401.2 (g) revised	22031
401.101—401.102 (Subpart B) *Added	12747
401.104–9 Revised	9667, 15508, 22627
401.201—401.206 (Subpart C) Added	21922
401.201—401.206 (Subpart C) *Revised	18443
401.201 (a) revised	24210
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117	18563, 19412, 21649, 21650, 22491, 24912–24914, 25455, 26938, 27414, 28298, 31315
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TITLE 34—GOVERNMENT MANAGEMENT

Title established	33769

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Chapter established	33769
200 Added	33769
211 Added	34731
231 Added	35464
232 *Added	2606
232 *Appendix B amended	10132
*Appendix C amended	10132
251 Added	33770
252 *Added	1582
253 *Added	797
254 *Added	1014
271 Added	34733
281 *Added	8615

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67.91 *Revised	7783
67.93 *Revised	7783
67.111 *Revised	7783
67.112 *Revised	7783
67.113 *Revised	7783
67.114 *Revised	7783
67.115 *Removed	7783
67.121 *(a) revised	7783
67.131 *Introductory text and (a) revised	7783
67.141 *Introductory text, (c), and (d) revised	7783
67.161 *(a)(2) revised	7783
67.163 *(b) (1), (2), and (3) revised	7783
67.591 *(b) and (c) revised	7783
70 Added	31177
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119.103 (c) amended; (d) added	27386
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133.1 *Revised	15033
253.2 *(o) added	12345
253.113 *Revised	12345
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2.27 *Revised	11882
2.30 *Heading revised; (b) removed	11882
2.34 *(c) and (d)(1) revised	11882
2.35 Added	31511
4.3 *(c) and (d) revised	11882
4.19 *Revised	11883
4.21 *Added	11883
6.5 *Added	19208
7.6 *(b) removed	14338
7.7 Revised	20831
7.13 *(h) and (i)(1)(i) revised	9964
7.15 (f) added	27595
7.15 *(b), (c), and (d) added	9963
7.20 *(a)(1)(ii), (2)(iv) and (4)(i) revised; (a)(4)(iv) and (v) removed	11883
7.58 (c) added	33081
7.67 *(c) revised	11883
7.71 *(b) removed	11883
7.93 Added	21264
7.97 Added	32931
50.19 (g)(2) and (3) amended; effective date changed	24218

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200.1—200.2 (Subpart A) *Revised	23057
212.20 Added	33474

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212.21 Added	33474
214 Added	35307
221.2 Revised	20326
221.17 (a)(4) revised; authority citation added	23403
Revised	23948
221.25 *Revised	9663
231.11 Added	22000
261.17 *Added	17103
292.14—292.16 (Subpart C) *Added	11544
295 Added	26723
295.3 *Amended	10431
295.6 *Added	10431

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510 *Removed	22145

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701 Added; provisions transferred from 44 CFR Ch. V (Part 501) and amended	27049
701.10 *Revised	20203
702 Added; provisions transferred from 44 CFR Ch. V (Part 502) and amended	27049

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5*	11904
7	20071, 20896, 22633, 22634, 22968, 23796, 24912, 25185
7*	13, 1777, 7942, 9982, 11904, 14950, 16150, 17851, 18658, 20489
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1.84 *(b), (d)(1), (f), (j) and (l) revised	12247
1.253 *(e) and (f) revised	12247
2.31 *Revised	12247
2.47 Revised	18876
2.52 *(c) and (d) revised	12247
2.56 *Revised	12248
2.57 Revised	18876
2.57 *Revised	12248
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1*	19786, 22158

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1.218—1.220 Undesignated center heading added	24364
1.218 Added	24364
1.219 Added	24365
1.220 Added	24366
1.512 *Revised	12248
1.513a *Added	7929
1.526 *(g) and (i)(2), (4), and (6)(i) revised	3938
1.600 *Undesignated center heading and section added	1024
1.666 Added	34734
1.772 *(a) revised	20061
2.6 (a)(8) revised	24366
2.6 *(b)(1) revised	12747
2.6 *(e)(1), (2), (3), (e)(4) introductory text, and (5) revised; (e)(1)(iii) and (7) added; (f) removed	20788
2.93 *Revised	1839
3 *Cross reference added	5315
3.4 (d) revised	21923
3.7 (w) added	28826
3.105 *(d) through (f) revised	17222
3.106 *(a) revised	17222
3.261 (a)(17) revised	26804
(a)(33) added	28826

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3.262 (f) revised	26804
(q) added	28826
3.311 Heading, (b), and cross reference revised	21923
3.321 *(b)(2) revised	5315
3.323 (a)(2) and (b)(2) revised	21923
3.324 Revised	21923
3.342 *(b) (3) and (5) revised	14944
3.343 *(c) revised	14944
3.350 Introductory text of (i) revised	20832
Introductory text and introductory text of (a) revised	21923
3.351 Introductory text of (d) revised	20832
3.400 *(w) heading revised	17222
*(t) removed; (u), (v), (w), and (x) redesignated (t), (u), (v), and (w) and revised	20204
3.401 *(b), (c), and (d) note revised	17222
3.402 *Heading, introductory text, (a), and (b) revised	20204
3.403 *Introductory text revised; (e) removed; (f) redesignated (e) and revised	20204
3.500 (r) revised	21923
*Introductory text revised; (s) removed; (t), (u), (v), and (w) redesignated as (s), (t), (u), and (v)	20204
3.501 (i)(1) and (3) revised	34115
3.551 (b) revised	34115
3.552 (d), (f), and introductory text of (g) revised	34115
3.556 (a) revised	34115
3.557 (d) revised	34115
3.558 (a) revised	34116
3.656 *(d) revised	20204
3.657 *Revised	20204
3.658 *Revised	20205
3.661 (b) revised	28826
3.702 *(c), (d), (e), and (f) revised	20205
3.703 *(a) and (c) revised	20205
3.704 *(b) removed; (c) redesignated (b) and revised	20205
3.705 *Removed	20205
3.706 *Removed	20205
*Cross reference removed	20206
3.708 *Revised	18099
3.711 *Revised	18099
3.800 (b) revised	21923
3.810 *(c) added	2362
*(a)(1) revised	9541
3.811 *Added	9542
3.850 (c) revised	29076
3.850 *(a) revised	12100
3.851 *Revised	12100
3.852 (a) and (b)(2) revised	29076
3.852 *(a) introductory text and (b) introductory text and (b)(2) and (3) revised	12100
3.855 Revised	29076
3.855 *(b) revised	12100
3.857 *Revised	12100
3.903 (b)(1) revised	30106
3.904 (b) and (c) revised	30106
3.904 *(c) revised	13970
3.905 *(a) and (b) revised; cross reference removed	13970
3.1000 *(f) revised; (h) added	15125
3.1001 *(a)(1), (2), and (3) and (c) revised	15126
3.1002 *Revised	15126
3.1600 (a) and (b)(4) revised; (f) added	30106
3.1601 Revised	30106
3.1602 (a), (b), and (d) revised	30107
3.1603 Revised	30107
3.1604 (c) added	30107
3.1605 Introductory text, (a), and introductory text of (b) revised	30107
3.1606 (a)(3) revised	27354
3.1609 Revised	30107
3.1800—3.1822 (Subpart C) *Removed	20206
3.1850—3.1853 (Subpart D) *Removed	11884
14.501 *(b) revised	2094
14.639 *Revised	13775
14.641 *Revised	13776
14.644 *Revised	13776
14.648 *Removed	13776
17.30 *(l) and (m) revised	1840
17.36 *Undesignated center heading and section revised	1840
17.37 *Revised	1840
17.38 *Heading, introductory text, (a), (b)(2), and (c) revised; (d) and (e) added	1840
17.39 *Revised	1841
17.40 *Revised	1841
17.46b *Heading, introductory text, (a), and (c) revised	1841
17.47 *(a), (b), (c)(1), (d), and (f) revised	1841

Note: Asterisk (*) identifies changes published in 1974.

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17.48 *(c)(2) and (f) revised	1841
17.49 *Heading (a)(3)(vi) through (ix) revised; (a)(3)(x) and (c) added	1842
17.50 *Revised	1842
17.50b *(a), (d), (e), and (f) revised	1842
*(i) amended; (j) added	20376
17.50c *Revised	17223
17.51 *Revised	1842
17.51a *Revised	1843
17.51b *Revised	1843
17.54 *Undesignated center heading and section added	1843
17.60 *Heading, (e), (f), and (h) revised	1843
17.66 Revised	24366
17.70—17.71 Undesignated center heading revised	24366
17.70 Removed	24367
17.75 *Undesignated center heading and section revised	1843
17.76 *Revised	1843
17.77 *Revised	1843
17.78 *Introductory text of (a) revised	1843
17.80 *Undesignated center heading and section revised	1844
17.82 *Revised	1844
17.83 *Introductory text revised	1844
17.84 *Introductory text and (d) revised; (f) removed	1844
17.85 *Introductory text and (b) revised; (c) added	1844
17.86 *Revised	1844
17.88 *Revised	1844
17.89 *Revised	1844
17.95 *Revised	1844
17.96 *Revised	1844
17.98 *Revised	1844
17.100 *(a)(1) revised	1845
17.115d Added	31007
17.135 *Undesignated center heading and section added	9542
17.166 *(a) revised	1845
17.166a *Introductory text of (a) revised	1845
17.166b *(a) revised	1845
17.166c *Revised	1845
17.170—17.176 *Note revised	1845
17.170 *(f) added	1845
17.171 *(a) revised	1845
17.173 *(a)(1), (c), and (d) revised; (a)(4) added	1845
17.175 *Revised	1845
17.176 Appendix A revised	28827
17.180 *(e) added	1845
17.181 *Revised	1845
17.182 *(b)(7) and (c)(5) amended; (b)(8) and (c)(6) added; (c)(2) and (d) revised	1846
17.200—17.206 *Undesignated center heading and sections removed	1024
17.210 *Introductory text revised	1846
17.352 *Revised	1846
17.353 *Revised	1846
17.360 *Revised	1846
17.361 *Revised	1846
17.362 *Revised	1846
17.365 *Revised	1846
17.400—17.416 Undesignated center heading added	26190
17.400 Added	26190
17.401 Added	26190
17.402 Added	26190
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17.405 Added	26191
17.406 Added	26192
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17.415 Added	26193
17.416 Added	26193
18.2 Revised	17965
18.3 (b) revised	17965
18.4 (a) and (b) revised; (c) and (d) added	17965
18.5 Removed; provision transferred to Appendix B	17966
18.6 (b) revised	17966
18.7 (b) revised	17966
18.8 (d) revised	17966
18.9 (b) and (d)(1) revised	17966
18.10 (a) through (e) revised; (g) added	17966
18.12 (a) and (c) revised	17967
18.13 (c), (f), and (h) revised; (i) added	17967
18 Appendix B added; provisions derived from 18.5	17968
21.42 Revised	33303

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21.43 (b) revised	33303
21.201 (j) added	32578
21.226 (a)(1) revised	32578
21.261 (b)(4) added	32578
(b)(1) revised	34116
21.261 *(b)(1) revised	5315
21.1045 (a)(6) added	23948
21.3041 *(d) introductory text, (d)(8), and (e)(3) revised	2362
21.3044 *(a) and (c) revised	2362
21.3046 *(c) revised	2362
21.4131 (b) revised	32578
21.4136 (a) revised	32578
21.4200 (d) added	32579
21.4203 (b)(1) revised	30439, 34116
(b)(4) added	32579
21.4205 *(c)(1) revised	20595
21.4206 *(c) revised	20595
21.4207 *(a) revised	1592
21.4253 (e)(3) revised	32579
21.4270 (c) and (d) revised	32579
21.4274 (a) revised	19371
21.4275 *(c)(1) revised; (d) added	7784
21.4280 Added	32579
25 Added	22779
36.4212 (a)(2) and (3) revised	20615
(a) revised	23519
36.4212 *(a) introductory text and (a)(2) and (3) revised	3258, 14505
*(a)(2) and (3) revised	17441
36.4222 *Revised	7784
36.4310 Revised	25678
36.4311 (a) revised	18373, 20616, 23519
36.4311 *(a) revised	3258, 14505, 17441
36.4326 Revised	20832
36.4326 *Revised	7785
36.4402 *(f) added	7785
36.4502 Revised	33772
36.4503 (a) revised	18373, 20616, 23519, 33772
36.4503 *(a) revised	3258, 14505, 17441
36.4509 (b) revised	33772
36.4511 (a) revised	33772
36.4512 *(b) revised	7785
36.4600 *(c)(3) revised	7785
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1	22904, 28959, 34746, 35023
1*	15, 18667
2*	5211
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3	21188, 21946, 22561, 22650, 22986, 29610, 34129
3*	2775, 4673, 9559, 11202, 11442, 12898, 12899, 20086, 20214, 23070
13*	18667
17	22904, 26393, 31846
17*	3292, 5211, 10918, 18667
21	19417, 23541, 26944, 27228, 28844, 32519, 33104
21*	1644, 20087, 20996

TITLE 39—POSTAL SERVICE

Chapter I—United States Postal Service

111 Removed	17841
111 *Added	20595
113.3 (a) revised	21496
121 Revised	19030
122.4 *(c)(4) revised	5488
124.3 (c)(1)(xiv) added	21496
124.6 (b) removed; (c) and (d) redesignated as (b) and (c)	19123
125.6 *(e) amended; (f)(1) and (3), (g), (h), and (i) revised	14202
125.7 *(d)(1) and (3) amended; (d)(2) revised	14203
126.1 (f)(1)(ii) revised	18373
(e)(2) and (4) revised	18655
126.1 *(f)(1)(ii) revised	7579
126.2 Revised	18655
131.1 *Revised	14203
132.1 *(b)(2)(iii) revised	7580
*(a)(1) and (2), (b)(1), (2), (3), and (4), (c), (d), and (e) revised	14203
*(a)(1) table and (b)(1)(ii)(a) corrected	15272
132.4 *(g)(3)(v) revised; (g)(3)(vi) and (vii) added; (h)(2) removed; (h)(3) through (7) redesignated as (h)(2) through (6)	8617
*(g)(3)(v), (vi), and (vii) effective date postponed	17949
133.1 *Revised	14204
133.2 *(a) and (b) revised	14204
134.1 *Revised	14204
135.1 *Revised	14205
*(d) table corrected	15272
136.1 *Revised	14207
*(b) table corrected	15272

Note: Asterisk (*) identifies changes published in 1974.

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141.2 (b) amended; (c)(1) and (2), (d)(1), and (e)(1) revised: (e)(2) redesignated as (e)(4) and amended; (f) redesignated as (g) and revised; (g) redesignated as (h); new (e)(2) and (3) and (f) added	22384
142.1 (a) revised	22384
143.2 (f)(1) and (2) and (g) revised	20076
144 Revised	19033
144.3 (d)(4)(i) amended	22385
144.3 *(d)(8) amended; (e)(1)(iii) revised	20970
144.4 *(i) revised	7580
144.6 (b) redesignated as (c); new (b) added	22385
145.1 (b) added	18548
148 Removed	17841
154.1 (d)(4) and (5) added	20076
154.1 *(g) amended	20970
154.2 (a)(2) revised	22385
156.5 (a)(5) amended	18877, 33082
(a)(6) added	19041
158.4 *Amended	20970
*Corrected	24008
159.1 *(a)(2)(ii)(b), (h), and (j) removed; (a)(2)(ii)(c) through (g), (i), and (k) through (q) redesignated as (a)(2)(ii)(b) through (f), (g), and (h) through (n) respectively; redesignated (a)(2)(ii)(n) and (iii) revised	20971
159.2 *(g)(1) revised	20971
159.7 *(b)(2)(iii), (3), and (9)(ii) revised; (e) and (f) removed	7580
161.1 *(b) amended; (e)(2) and (3) revised	20971
161.3 *(e) amended	20971
161.4 *(e) revised	20971
162.1 (c)(4) amended	21496
162.3 *Revised	20971
162.3 *(a) corrected	24008
162.4 *(c)(2) amended	20971
163.4 *(a) and (b) revised	20971
164 Revised	19041
164.1 (b)(2) corrected	19911
164.1 *Revised	10132
164.2 *Revised	10133
*Corrected	10566
164.3 *Revised	10134
164.4 Revised	10134
164.5 *Revised	10134
165 *Revised	20971
165.2 *(d)(1)(i) corrected	24008
165.3 *(c) corrected	24009
168.1 *Revised	20973
168.5 *(e) revised	20973
169.2 *(g) added	23261
171.2 (b)(2)(iv) added	18878
Table No. 1 revised	18878
211 Provisions transferred to Part 221; new Part 211 added	20402
212 Removed (provisions transferred to Part 222)	20402
213 Removed (provisions transferred to Part 223)	20402
221 Added (provisions derived from Part 211)	20403
221.6 (d) revised	31007
222 Provisions transferred to Part 224; revised (provisions derived from Part 212)	20404
223 Provisions transferred to Part 225; revised (provisions derived from Part 213)	20406
224 Provisions transferred to Part 226; revised (provisions derived from Part 222)	20406
225 Added (provisions derived from Part 223)	20410
226 Added (provisions derived from Part 224)	20414
Authority citation corrected	21265
226.4 Corrected	21265
232.2 *(y) amended	20973
232.4 (g) revised	19911
232.5 (b) revised	19124
232.6 (h)(2) and (3) revised	27824
235 Revised	20415, 26193
243.2 *(g)(6) added (provisions derived from 743.5)	1989
244.1 Removed; redesignated from 244.2	20327
244.2 Redesignated as 244.1	20327
256 Removed	17841
257.1 *(b) and (c)(2) amended; (c)(3) revised; (c)(4) added	20973
257.4 *(d) amended	20973
257.5 *Amended	20974
257.6 *Amended	20974
263.1 *(g) added	20974
281 *Added	20974
447 *Redesignated from 742 and revised	1990
447.22 *Introductory text of (b) corrected; (b)(6) and (7) added	3677

Note: Asterisk (*) identifies changes published in 1974.

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447.23 *(b) corrected	3677
447.25 *(f) note corrected	3677
447.81 *(c) corrected	4081
742 *Redesignated as Part 447	1990
743 *Removed	1989
743.5 *Redesignated as 243.2 (g)(6)	1989
747 Removed	17841
952.17 (a) amended	20263
953.11 Amended	20263
954.14 (a) amended	20263
958.7 Amended	20263

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3000.735–501 Revised	24899
3000.735–502 Amended	24899
3001.7 (a) revised	24899
3001.10 (c) revised	19045
3002.2 *(e) revised	11523, 20376
3002.12 *Added	2481

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123*	9203, 13563, 13788, 19958
124*	19958
132	27304
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777*	10449

TITLE 40—PROTECTION OF ENVIRONMENT

Chapter I—Environmental Protection Agency

2.107a Revised	22473
4 *Revised	10362
5 Revised	32806
7 Added	17968
8 *Added	3258
14 *Added	9664
15 Added	35311
*Subchapter B heading revised	20789
35.400—35.560–2 (Subpart B) *Interim regulations	7785
*Effective date corrected	9439
35.505 *(c) corrected	9439
35.850—35.895 (Subpart D) Added	26882
35.850—35.895 (Subpart D) *Revised	3678
35.900—35.960 (Subpart E) *Revised	5253
35.910–1 *Revised	1847
35.910–2 *Revised	1847
35.910–3 *Added	1847
*(b) table corrected	15760
*(c) table corrected	15761
35.910–4 *Added	1847
*(b) table and (c) corrected	15761
35.917–7 *Corrected	15761
35.935–12 *Heading correctly added	15761
35.935–13 *(b)(1) corrected	15761
35.938–5 *(g) corrected	15761
35.1050—35.1080 (Subpart F) *Added	17202
35 Appendix A added	24639
35 *Appendix A revised	5269
*Appendix B added	5270
39 *Added	20789
50.5 Revised	25681
51.5 *(a)(1) note added	16122
51.7 Revised	20834
51.12 *(e)(2), (f), and (g) revised	16344
51.14 *(c)(2) revised; (c)(3) removed	16122
51.16 (c) removed; (f) amended	20835
51.33 Added	22026
(a)(2) and (6), (b)(2)(iv), (c)(1), (4), and (5), (d)(2), and (u)(2) revised	27286
52.01 *(f) removed	7276
52.09 (c) added	30877
52.22 *Revised	7276
52.23 Added	30633
52.50 *(c) revised	7279
*(c)(2) amended	14338
52.53 *Revised	7279
52.54 *Table amended	16345
52.56 *Added	7279
52.70 (c) revised	22738
52.74 *(b) added	7279
52.78 *Added	7279
52.81 Table amended	32659
52.82 (b) added	32659
52.83 Removed	32659
52.84 (b), (c), and (d) added	22738
(b)(9) revised	24342
*Corrected	20061
52.85 Added	32659
52.86 Added	32659

Note: Asterisk (*) identifies changes published in 1974.

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52.86 *(c), (d), and (h) amended	1849
52.87 Added	32660
52.88 Added	32660
52.89 Added	32661
52.90 Added	32661
52.91 Added	32662
52.92 Added	32662
52.93 Added	32662
52.120 (c) revised	33373
52.121 *Table amended	16346
52.122 (d) added	33373
52.122 *(e) added	10583
52.123 Revised	33373
52.125 *(c) revised	10584
52.127 *Removed	16346
52.129 *(e) and (f) added	7279
52.131 Table amended	33373
52.131 *Amended	10584
*Table amended	16346
*Corrected	20061
52.132 Removed; new 52.132 added	33373
52.134 *(a)(2) amended; (b) added	10584
52.136 Revised	33374
52.137 Added	33374
52.138 Added	33375
52.139 Added	33375
52.139 *(c), (d), (h), and (k) amended	1849
52.140 Added	33376
52.171 *Table amended	16346
52.176 *Table amended	16346
52.177 *Added	7280
52.221 *Table amended	16346
52.222 (b) and (c) added	31244
52.233 *(h) and (i) added	7280
52.237 Removed	31245
52.238 Amended	31245
52.239 Removed	31245
52.240 (d)(1)(i)(*f*) revised	33973
52.241 Added	31245
52.242 Added	31245
52.243 Added	31245
52.244 Added	31246
52.245 Added	31246
52.246 Added	31246
52.247 Added	31246
52.248 Added	31247
52.248 *Removed	1849
52.249 Added	31247
52.249 *Removed	1849
52.250 Added	31247
52.250 *Removed	1849
52.251 Added	31248
52.251 *Revised	1025
*(c), (d), (g), and (j) amended	1849
52.252 Added	31248
52.253 Added	31248
52.254 Added	31249
52.255 Added	31251
52.255 *(d)(2), (e)(1), and (f)(1) and (3) amended	4881
*(c)(3)(iii) revised	16888
52.256 Added	31251
52.256 *(g)(1) and (2) and (h)(1) and (3) amended	4881
*(g)(1), (2), and (3) and (h)(1) amended	21053
52.257 Added	31252
52.258 Added	31252
52.259 Added	31253
52.260 Added	31253
52.261 Added	31253
(d) amended	35467
52.262 Added	31254
52.263 Added	31254
52.264 Added	31254
52.265 Added	31254
52.266 Added	31255
52.320 (c) revised	30820
52.321 *Table amended	16346
52.322 (b) added	30820
52.325 Table amended	30820
52.325 *Table amended	16346
52.326 (a) revised	30820
52.327 (b) added	22739
(b)(5) revised	24342
(38 FR 16564) redesignated as 52.328	30821
52.328 Redesignated from 52.327 (38 FR 16564) and revised	30821
52.329 Added	20754, 30821
52.330 Added	20755, 30821
52.331 Added	20755, 30821
52.332 Added	20755, 30821
52.333 Added	20756, 30821
52.334 Added	20756, 30822
52.335 Added	20756, 30823
52.336 Added	20757, 30823
52.336 *(e)(1), (2) and (3) and (f)(1) and (3) amended	4881
52.337 Added	20757, 30824
52.337 *(g)(1) and (2) and (h)(1) and (3) amended	4881
*(g)(1), (2), and (3) and (h)(1) amended	21053
52.338 Added	20757, 30824
52.339 Added	30824

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52.340	*Added	7280
52.370	*(c) revised	7280
52.371	*Table amended	16346
52.373	*Revised	7280
52.374	*Table amended	16346
52.375	*Added	7280
	*Table amended	13651
52.421	*Table amended	16346
52.422	*Revised	7280
52.426	*Added	7280
52.428	*Table amended	16346
52.470	(d) added	29296
	(c)(2) and (3) revised	33709
52.471	*Table amended	16346
52.472	Revised	33709
52.474	Revised	33709
52.476	(b) added	22740
	(b)(5) revised	24342
	(c) through (h) added	33709
52.476	*(d)(3) removed	1849
52.478	*Added	7280
52.479	(b) and (c) added	33710
52.481	Table amended	33711
52.481	*Table amended	16346
52.482	Revised	33711
52.483	Revised	33711
52.484	Removed	33711
52.485	Removed	33711
52.486	Added	33711
52.486a	Added (appears as 52.486)	33711
52.487	Added	33711
52.487	*(e) (1) and (2) and (f) (1) and (3) amended	4881
52.488	Added	33712
52.488	*(g) (1) and (2) and (h) (1) and (3) amended	4881
	*(g)(1), (2), and (3) and (h) (1) amended	21053
52.489	Added	33713
52.490	Added	33713
52.491	Added	33713
52.492	Added	33714
52.493	Added	31536
52.493	*(c) and (d) amended	1849
52.494	Added	33715
52.495	Added	33715
52.496	Added	33716
52.520	(c) revised	22740
52.520	*(c) revised	7280
52.521	*Table amended	16346
52.523	*Table amended	16346
52.524	(b) added	22740
	(c) added	24333
	(b)(6) revised	24342
	(c) tables revised	26325
52.571	*Table amended	16346
52.572	*Revised	7280
52.574	*Added	7280
52.575	*Table amended	16346
52.620	(c)(2) revised	30877
52.620	*(c) revised	22947
52.623	*Amended	7280
52.626	*Added	16348
52.628	*Table amended	22947
52.629	*Added	7280
52.670	(c) revised	22741, 29296
52.670	*(c) revised	7280
52.677	Revised	22741
	(d)(5) revised	24342
52.679	*Added	7280
52.720	(c) revised	29296
52.721	*Table amended	16346
52.723	Removed	29297
52.726	(a) revised	17726
52.727	Table amended	33561
	Table corrected	29297
52.727	*Table amended	16346
52.728	Removed	33561
52.730	(b) added	22742
	(b)(3) revised	24342
52.731	Added	33561
52.732	Added	33562
52.733	Added	33562
52.734	Added	33562
52.736	*Added	7281
52.770	*(c)(3) added	4663
	*(c) revised	12348
52.771	*Table amended	16346
52.772	*(b) added	12348
52.780	*(a) and (d) (1) and (2) revised; (b), (c), and (d)(9) removed	4663
	*(e) and (f) added	7281
52.783	*Table amended	16346
52.786	*Revised	12348
52.787	*Added	12349
52.791	*Added	4663
52.821	*Table amended	16346
52.824	*(b) added	7281
52.827	*Table amended	16346
52.828	Added	30877
52.829	Added	30877
52.830	*Added	7281
52.870	(c) revised; (d) added	30877
52.873	Tables amended	17682
52.874	*(c) added	7281
52.875	Removed	30877
52.876	(b)(1) amended	30877
52.877	Removed	30878

Note: Asterisk (*) identifies changes published in 1974.

		Page
52.878	Removed	30878
52.878	*Added	7281
52.880	Removed	17682
52.881	Removed	17682
52.920	*(c) revised	7281
52.921	*Table amended	16346
52.926	*Table amended	16346
52.928	*Added	7281
52.970	(c) revised	17682, 18652
52.973	Removed	17682
52.976	Removed	18652
52.976	*(c) and (d) added	7281
	*(39 FR 7281) (c) and (d) correctly designated as (a) and (b)	21053
52.979	Table amended	17682
52.980	Removed	17682
52.1020	(d) added	22474
52.1020	*(c) revised	7281
52.1022	*Revised	7281
52.1023	Added	22474
52.1025	Added	22474
52.1026	*Added	7281
52.1070	(c) revised	33716
52.1070	*(c) revised	22947
52.1071	*Table amended	16346
	*Corrected	20061
52.1072	(b) revised	33716, 34247
52.1073	Revised	33716
	(d) and (e) added	34247
52.1074	Revised	33716
	(a) and (b) revised	34248
52.1075	*Removed	16346
52.1076	*Added	7281
52.1077	(b) amended; (c) added	33716
	(c)(2) and (3) amended	34248
52.1078	Table amended	33717, 34248
52.1078	*Table amended	16346, 22947
	*Corrected	20061
52.1079	Removed	33717
52.1080	(b) added	22743
	(b)(5) revised	24342
	(c) through (h) added	33717
	(38 FR 16566) Correctly designated as 52.1081	33718
	(i), (j), and (k) added	34248
52.1080	*(d)(3) removed	1849
52.1081	Correctly designated from 52.1080 (38 FR 16566) and revised	33718
	(c) and (d) added	34248
52.1082	Added	33718
	(b) added	34249
52.1084	Revised	33718
52.1085	Added	33718
52.1086	Added	33719
52.1086	*(e) (1) and (2) and (f) (1) and (3) amended	4881
52.1087	Added	33719
52.1087	*(g) (1) and (2) and (h) (1) and (3) amended	4881
	*(g)(1), (2), and (3) and (h) (1) amended	21053
52.1088	Added	33720
52.1089	Added	33720
52.1090	Added	33721
52.1091	Added	33721
52.1092	Added	33722
52.1093	Added	33722
52.1094	Added	33723
52.1095	Added	34249
52.1096	Added	34249
52.1097	Added	34250
52.1098	Added	34250
52.1099	Added	34251
52.1100	Added	34251
52.1101	Added	34252
52.1101	*(e) (1) and (2), (f) (1) and (3), and (g) (1) and (2) amended	4881
	*(39 FR 4881) correctly designated as 52.1102	21053
52.1102	Added	34253
52.1102	*(h) (1) and (3) amended	4881
	*(39 FR 4881) correctly designated from 52.1101	21053
	*(g)(1), (2), and (3) and (h) (1) amended	21053
52.1103	Added	31537
52.1103	*(c) and (d) amended	1849
52.1104	Added	34253
52.1105	Added	34253
52.1106	Added	34254
52.1107	Added	34255
52.1108	Added	34255
52.1109	Added	34256
52.1110	Added	34256
52.1111	Added	34256
52.1111	*(c), (d), and (j) amended	1849
52.1112	Added	34257
52.1121	*Table amended	16346
52.1122	(b) added	30963
52.1124	*Added	7281
	*Removed	16346
52.1125	(a) revised; (b) table amended	20835
	(a) and (b) tables amended	21919
	(b) table amended	32808, 34116

Note: Asterisk (*) identifies changes published in 1974.

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		Page
52.1125	*(b) table amended	3823, 15272, 17442, 17443, 17840
	*(a) and (b) tables amended	14339
52.1127	Table amended	30964
52.1127	*Table amended	16346
52.1128	Revised	30964
52.1129	Added	18879
	(38 FR 18879) redesignated as 52.1133	30878
52.1130	Added	18879
	(b) added	18880
52.1131	Added	18879
	(b) added	18880
52.1132	Added	18880
52.1133	Redesignated from 52.1129 (38 FR 18879)	30878, 30964
52.1134	Added	30964
52.1135	Added	30964
52.1135	*(d) amended	1849
52.1136	Added	30966
52.1136	*(b), (c), and (d) removed; (e), (f), and (g) redesignated as (b), (c), and (d)	1849
52.1137	Added	30966
52.1137	*Removed	1849
52.1138	Added	30966
52.1139	Added	30967
52.1140	Added	30967
52.1141	Added	30968
52.1142	Added	30968
52.1143	Added	30968
52.1144	Added	30969
52.1145	Added	30969
52.1146	Added	30969
52.1147	Added	30970
52.1147	*(a) (1), (2), and (3) and (c)(3) revised; (b) (1) and (2), (c)(1), and (d) (1) and (3) amended; (c)(4) added	4881
	*(b)(1), (2), and (3) and (d) (1) amended	21053
52.1148	Added	30830
52.1149	Added	30830
52.1150	Added	30830
52.1150	*Removed	1849
52.1151	Added	30830
52.1152	Added	30831
52.1153	Added	30831
52.1154	Added	30831
52.1155	Added	30831
52.1160	Added	30971
52.1171	*Table amended	16346
52.1174	*Removed	16346
52.1175	(d) added	22743
	(d)(3) revised	24342
52.1175	*(d)(3)(i) revised	9177
52.1176	*(c) and (d) added	7282
52.1177	*Table amended	16346
52.1220	(c) revised	30833
52.1221	*Table amended	16346
52.1225	*Added	7282
52.1226	*Table amended	16347
52.1227	(a)(1) revised; (a)(2) and (3) removed	30833
52.1228	Removed	30833
52.1271	*Table amended	16347
52.1272	*Revised	7282
52.1273	*Table amended	16347
52.1275	*Added	7282
52.1276	*Added	7282
52.1320	(c) revised	30878
52.1321	*Table amended	16347
52.1325	*(c) added	7282
52.1326	*Removed	16347
52.1328	*Added	7282
52.1332	Table amended	17682
52.1332	*Table amended	16347
52.1333	Removed	17682
52.1334	Removed	17682
52.1374	*Added	7282
52.1421	*Table amended	16347
52.1428	*(f) and (g) added	7282
52.1431	*Table amended	16347
52.1433	*Removed	16347
52.1471	*Table amended	16347
52.1478	*(c) and (d) added	7282
52.1482	*(b) and (c) added	14209
52.1520—52.1525	(Subpart EE) *See FR Doc. 74-7887	12350
52.1520	*(c) revised	7282
52.1524	(d) added	22744
52.1525	*Added	7282
52.1570	*(c)(4) added	1439
52.1571	*Table revised	16347
52.1572	(b) added	31392
52.1576	*Amended	16347
52.1578	*Added	7282
52.1580	Revised	31392
52.1580	*Table amended	16347
52.1581	Removed	31393
52.1583	Added	31393
52.1583	*(c) and (f) amended	12101
52.1584	Added	31393
52.1584	*(c) and (g) amended	12101
52.1585	Added	31394
52.1585	*(c) and (f) revised	12101

Note: Asterisk (*) identifies changes published in 1974.

		Page
52.1586	Added	31394
52.1587	Added	31394
52.1587	*(b), (c), (d), and (e)(2) amended	12101
52.1588	Added	31395
52.1588	*(c), (d), and (g) amended	1849
52.1589	Added	31395
52.1589	*(d) and (i) amended	12101
52.1590	Added	31396
52.1590	*Removed	1849
	*Revised	19780
52.1591	Added	31397
52.1591	*(c) and (d) amended	12101
52.1592	Added	31397
52.1593	Added	31397
52.1593	*(c) amended	12101
52.1594	Added	31397
52.1595	Added	31398
52.1596	Added	31398
52.1597	Added	31399
52.1597	*(b)(1), (2), and (3) and (c)(1) and (3) revised	12101
	*(b)(1), (2), and (3) and (c)(1) and (3) amended	12865
52.1598	Added	31399
52.1598	*(e)(1) and (2) and (f)(1) and (3) amended	4881
52.1599	Added	31400
52.1599	*(f)(1) and (2) amended	4881
	*(g)(1) and (3) amended	4882
	*(b) and (d) revised; (e) through (i) redesignated as (f) through (j); new (e) added	12102
	*(f)(1), (2), and (3) and (g)(1) amended	21053
52.1600	Added	31400
52.1600	*(c)(1) and (3) amended	12102
52.1601	*Added	1439
52.1621	*Table amended	16347
52.1624	(c)(1) revised	29296
52.1624	*(c) revised	10584
52.1626	*(c)(3) amended	10585
52.1628	*Added	7282
52.1630	*Amended	10585
52.1631	*(a) revised	10585
52.1670	*(c)(3) added	1441, 9666
	*(c)(2) revised	7283
52.1671	*Table amended	16347
52.1675	*(f) revised	1441, 9666
52.1676	*Amended	16347
52.1677	(d) added	22744
	(d)(12) revised	24342
52.1680	*Added	7283
52.1682	*Table amended	16347
52.1770	*(c) revised	7283
52.1775	*Added	7283
52.1822	*Revised	7283
52.1824	*Added	7283
52.1870	(c) revised	30974
52.1870	*(c)(4) added	13542
52.1871	*Table amended	16347
52.1873	*Revised	7283, 13542
52.1875	Footnote f removed	30974
52.1875	*Table amended	16347
52.1876	Removed	30974
52.1877	(a) revised; (b) and (c) removed	30974
52.1877	*Amended	13542
52.1878	Added	30974
52.1879	*Added	7283
	*(c) and (d) added	13542
52.1880	*Added	13542
52.1881	*Added	13542
52.1922	*Revised	7283
52.1924	*Added	7283
52.1970	(c) revised	22746, 30827
52.1970	*(c) revised	7283
52.1973	Table amended	30827
52.1973	*Table amended	16347
52.1974	Revised	30827
52.1975	(b) and (c) added	22746
	(c)(11) revised	24342
52.1976	Removed	30827
52.1977	Removed	30827
52.1978	Removed	30827
52.1981	Added	30827
52.1982	*Added	7283
52.2021	*Table amended	16347
52.2022	(b) added	32893
52.2023	Revised	32893
52.2027	*Removed	16347
52.2034	Table amended	32893
52.2034	*Table amended	16347
52.2036	Revised	32893
52.2036	*(38 FR 16568, 32893) Correctly designated as 52.2037	2483
	*(a) table amended	12102, 16123
52.2037	*Correctly designated from 52.2036 (38 FR 16568, 32893)	2483
52.2038	Added	32893
52.2039	Added	32894
52.2040	Added	32894
52.2040	*(c), (d), and (h) amended	1849

Note: Asterisk (*) identifies changes published in 1974.

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		Page
52.2041	Added	32895
52.2042	Added	32896
52.2042	*(e) (1) and (2) and (f) (1) and (3) amended	4882
	*(c) (2) and (3) (ii) revised	13543
52.2043	Added	32897
52.2044	Added	32897
52.2045	Added	32897
52.2046	Added	32898
52.2047	Added	32898
52.2048	Added	32899
52.2049	Added	32900
52.2050	Added	32900
52.2051	Added	32901
52.2052	Added	32901
52.2053	Added	32902
52.2055	*Added	7283
52.2070—52.2076	(Subpart 00) Effective date revised	32257
52.2070	(d) revised	29297
52.2071	Table amended	34325
52.2071	*Table amended	16347
52.2074	*(c) added	7283
	*Correctly removed	12350
52.2076	*Table amended	16347
52.2077	Added	18879
	(b) added	18880
	(b) table amended; (c) and (d) added	22747
	(38 FR 18879) redesignated as 52.2080	30878
	(b) (38 FR 18880) redesignated as 52.2080 (b)	30878
52.2077	*(c) table amended	3824
52.2078	Added	18879
	(b) added	18880
52.2079	Added	18879
	(b) added	18880
52.2080	Redesignated from 52.2077 (38 FR 18879)	30878
	(b) redesignated from 52.2077 (b) (38 FR 18880)	30878
52.2081	*Added	7283
52.2120	*(c) revised	4082
52.2123	(b) table amended; (c) added	22747
	(c) (14) revised	24342
52.2123	*(a) and (c) removed	4082
52.2124	*(d) added	7284
52.2125	*Added	7284
52.2175	*Added	7284
52.2220	(c) (4) added	22748
52.2220	*(c) revised	9668
52.2221	*Table amended	16347
52.2223	(a) and (e) added	22748
	(a) (1) and (2) revised; (a) (4), (5), and (6) redesignated as (a) (5), (6), and (7); new (a) (4) added	24341
	(a) (5) and (e) (16) revised	24342
52.2224	*(b) added	7284
52.2228	*Added	7284
52.2230	*Table amended	16347
52.2271	*Table amended	16347
52.2272	Added	30642
52.2275	Added	30642
52.2276	*Removed	16347
52.2278	Removed	30642
52.2279	Table amended	30642
52.2279	*Table amended	16347
52.2280	Removed	30642
52.2283	Added	30643
52.2284	Added	30643
52.2285	Added	30643
52.2285	*(f) (1) and (3) amended	4882
52.2286	Added	30644
52.2286	*(e) (1), (2), and (3) and (f) (1) and (3) amended	4882
52.2287	Added	30645
52.2288	Added	30645
52.2288	*(c) (2) and (d) revised; (g) (1), (2), and (3), (h) (3), (i) (1) and (3), and (k) amended; (e) through (k) redesignated as (f) through (l); new (e) added	4882
52.2289	Added	30646
52.2289	*(g) (1) and (3) and (i) amended	4882
	*(d) revised; (e) through (i) redesignated as (f) through (j); new (e) added	4883
52.2290	Added	30647
52.2291	Added	30647
52.2292	Added	30647
52.2293	Added	30647
52.2294	Added	30647
52.2295	Added	30648
52.2295	*(c), (d), and (i) amended	1849
52.2296	Added	30649
52.2297	Added	30650
52.2297	*(b) revised; (f) amended	4884
52.2298	Added	30650
52.2299	*Added	7284

Note: Asterisk (*) identifies changes published in 1974.

		Page
52.2320	(c) revised	32666
52.2321	*Table amended	16347
52.2322	(e) added	32666
52.2322	*(d) removed	20485
52.2325	*(c) removed	20485
52.2327	*(b) revised	20485
52.2328	*Added	7284
52.2329	*Added	20596
52.2331	Table amended	32666
52.2331	*Table amended	16347, 20485
52.2332	Removed	32666
52.2337	Added	32666
52.2338	Added	32667
52.2339	Added	32667
52.2340	Added	32667
52.2341	Added	32668
52.2342	Added	32668
52.2343	Added	32668
52.2370	*(c) revised	7284
52.2376	Added	20836
52.2377	*Added	7284
52.2420	(c) revised	33723
52.2420	*(c) (2) revised	7284
	*(c) revised	22947
52.2421	*Table amended	16347
52.2422	Existing text designated as (a); (b) added	33723
52.2423	Revised	33724
52.2424	(b) corrected	33724
52.2426	*Removed	16347
52.2427	(c) amended; (d) added	33724
52.2429	Table amended	33724
52.2429	*Table amended	16347, 22947
52.2430	Revised	33724
52.2431	Revised	33724
52.2432	Removed	33724
52.2434	Removed	33724
52.2435	Added	33724
52.2435	*(b) (3) removed	1849
52.2436	Added	33725
52.2437	Added	33725
52.2438	Added	33726
52.2438	*(e) (1) and (2) and (f) (1) and (3) amended	4882
	(38 FR 33726) *Redesignated as 52.2439	4882
52.2439	*Redesignated from 52.2438 (38 FR 33726) and (g) (1) and (2) and (h) (1) and (3) amended	4882
52.2440	Added	33727
52.2441	Added	33727
52.2442	Added	33728
52.2443	Added	31538
52.2443	*(c) and (d) amended	1849
52.2444	Added	33729
52.2445	Added	33729
52.2446	Added	33729
52.2447	Added	33730
52.2448	*Added	7284
52.2460	(c) revised	22750
	(38 FR 22750) Correctly designated as 52.2470	32674
52.2470	Correctly designated from 52.2460 (38 FR 22750) and (c) revised	32674
52.2470	*(c) revised	7284
52.2471	*Table amended	16347
52.2472	Added	32674
52.2473	Revised	32674
52.2475	Added	32674
52.2477	Revised	32674
52.2478	Table amended	32675
52.2478	*Table amended	16347
52.2479	Removed	32675
52.2481	(a) and (b) revised; (c) removed; (d) added	22751
	(d) (3) revised	24342
	(38 FR 16569) Correctly designated as 52.2484	32675
52.2484	Correctly designated from 52.2481 (38 FR 16569) and heading amended and text revised	32675
52.2485	Added	32675
52.2486	Added	32675
52.2486	*(c), (d), and (h) amended	1849
52.2488	Added	32677
52.2488	*Removed	1849
52.2489	Added	32677
52.2490	Added	32677
52.2491	Added	32678
52.2492	Added	32678
52.2493	Added	32679
52.2494	Added	32679
52.2495	*Added	7284
52.2524	(b) added	22751
	(b) (9) (i), (ii), and (iii) revised	24342
52.2525	*Added	7284
52.2570	(c) (2) amended	30878
52.2571	*Table amended	16348
52.2577	*Table amended	16348
52.2578	(a) redesignated as (b); (c) added	22752
	(c) (3) revised (appears as 52.2758)	24342
52.2579	*Added	7285
52.2620	(c) revised; (d) added	29297
52.2625	*(c) and (d) added	7285
52.2627	Removed	29297

Note: Asterisk (*) identifies changes published in 1974.

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		Page
52.2670	*(c) added	7285
52.2722	*Revised	7285
52.2724	*Added	7285
52.2775	*(c) and (d) added	7285
52.2822	*Correctly revised	8617
52.2824	*Correctly added	8617
60.1	*Revised	20791
60.2	(p), (q), and (r) added	28565
60.2	*(i) and (l) revised; (s) through (w) added	9313
	*(s) and (v) revised	20791
60.3	*Revised	9313
60.4	*Revised	9313
60.6	*(b) revised	9314
60.7	(c) added	28565
60.7	*(d) added	9314
60.8	(c) revised	28565
60.8	*(b) and (f) revised; (d) amended	9314
60.11	Added	28565
60.12	*Added	9314
60.40	*Revised	20791
60.41	*Revised	20791
60.42	*Revised	20792
60.43	*Revised	20792
60.44	*Revised	20792
60.45	(g) added	28566
60.45	*(f) removed	20792
60.46	*Revised	20792
60.50	*Revised	20792
60.51	*(a) amended; (d) removed	20792
60.52	*Revised	20792
60.53	*Revised	20792
60.54	*Revised	20793
60.61	*(b) removed	20793
60.62	*Revised	20793
60.63	*Revised	20793
60.64	*Revised	20793
60.72	*Revised	20794
60.73	(e) added	28566
60.73	*(d) removed	20794
60.74	*Revised	20794
60.81	*(b) revised	20794
60.82	*Revised	20794
60.83	*Revised	20794
60.84	(e) added	28566
60.84	*(d) removed	20794
60.85	*Revised	20794
60.90—60.93 (Subpart I)	*Added	9314
60.100—60.106 (Subpart J)	*Added	9315
60.110—60.112 (Subpart K)	*Added	9317
	*(b) amended	20794
60.111	*(e) corrected	13776
	*(b), (d), (g), and (h) revised	20794
60.112	*Correctly designated from 61.112	13776
60.120—60.122 (Subpart L)	*Added	9317
60.121	*(c) corrected	13776
60.130—60.133 (Subpart M)	*Added	9318
60.140—60.144 (Subpart N)	*Added	9318
60.150—60.154 (Subpart O)	*Added	9319
60.154	*(c)(3)(i) and (ii) and (d) corrected	13776
	*(d) corrected	15396
60	*Appendix amended	9319
	*Appendix corrected	13776
	*Appendix designated as A and heading revised	20794
61.02	*(c) revised	15398
61.21	*(g), (h), (i), and (j) added	15398
61.22	*(a) and (d)(1), (2)(i), and (4) revised; (g) added	15398
61.112	*Correctly designated as 60.112	13776
80.1	Amended	33741
80.1	*Effective date corrected	2267
80.2	(m) added	33741
80.2	*(m) effective date corrected	2267
80.20	Added	33741
80.20	*Effective date corrected	2267
80.22	*(c) revised; (h) added	16125
80.24	Revised	26450
80.25	Added	33741
80.25	*Effective date corrected	2267
80.26	Added	33741
80.26	*Effective date corrected	2267
85.002	(a)(5) revised	21363
85.002	*(a) (28), (29), and (30) added	7548
85.005	*(a) (1) and (3) and (b) (1) revised; (a)(4) added	7549
85.006	*(a) and (c) revised	7549
85.073–30	*(a) (1) and (2) revised; (b)(3) amended; (c) added	7552
85.074–2	*(b)(1) revised; (c) added	7551
85.074–3	*Revised	7551

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85.074–4	(c) revised	32258
85.074–12	(c) revised	30080
85.074–13	*Introductory text amended; (b)(1) revised, (d) added	18076
85.074–14	*(b) revised	18076
85.074–15	*(j) revised	18076
85.074–19	(d), (e), and (f) redesignated (e), (f), and (g); new (d) added	30080
85.074–20	Corrected	19683
85.074–20	*(b)(1) and (2) revised	18076
85.074–22	(f) revised	30080
85.074–22	*(g) and (j) revised	18076
85.074–23	(a)(3) and (6)(vii) revised	30080
	(a)(6)(vii) corrected	31428
85.074–23	*(a)(6) revised, Figure A74–8 added	18076
85.074–26	(c) amended	30080
85.074–29	*(b)(2) amended	7552
85.074–30	(b)(1)(ii) revised	30080
85.074–30	*(a) (1) and (2) revised; (b)(3) amended; (c) added	7552
85.075–1	(a) revised	17441
85.075–2	*(b)(1) revised; (c) added	7550
85.075–3	*Revised	7550
85.075–4	(c) revised	32258
85.075–10	*(a) and (b) revised	2364
85.075–11	(a)(1) revised	30080
85.075–12	(c) revised	30080
85.075–13	*Introductory text amended; (b)(1) revised; (d) added	18077
85.075–14	*(b) revised	18077
85.075–15	*(a) and (j) revised	18078
85.075–19	(e) and (f) redesignated as (f) and (g)	30080
85.075–20	*(a), (b)(1) and (2), (c), and Figure A75–2 revised	18078
85.075–21	*(b)(2)(iii) revised	18079
85.075–22	(f) revised	30081
85.075–22	*(g), (j), and (n) revised	18079
85.075–23	(a)(2) and (6)(vii) revised	30081
85.075–23	*(a) revised; Figure A75–8 added	18079
85.075–24	(b)(14), (15), (16), and (17) revised	30081
85.075–26	(c) amended	30081
85.075–28	*(c) revised	18080
85.075–28	(c)(1)(i)(a) revised	30081
85.075–29	*(b)(2) amended	7550
85.075–30	*(a), (1) and (2) revised; (b)(3) amended; (c) added	7551
	*(b)(1)(iii) corrected	18080
85.075–38	(b) and (b)(3) removed	30081
85.076–1	Revised	22474
85.101—85.176–1	(Subpart B) Revised	21348
85.102	*(a)(21), (22), and (23) added	7553
85.105	*(a) (1) and (3) and (b) (1) revised; (a)(4) added	7553
85.106	*(a) and (c) revised	7553
85.175–2	*(b)(1) revised; (c) added	7555
85.175–3	*Revised	7555
85.175–4	(c) revised	32258
85.175–6	(a)(1)(i) revised	30081
85.175–12	*(b) revised	18080
85.175–13	*(a) and (j) revised	18080
85.175–18	*(a), (b)(1) and (2), (c), (d), and Figures B175–2 and B175–3 revised	18081
85.175–19	(f) revised	30081
85.175–19	*(g), (j), and (m) revised	18082
85.175–20	*(a) revised; Figure B175–8 added	18082
85.175–21	*(b)(15) revised; (b)(16) removed; (b)(17)–(21) redesignated as (b)(16)–(20)	18083
85.175–23	*(c) revised	18083
85.175–29	*(b)(2) amended	7555
85.175–30	*(a) (1) and (2) revised; (b)(3) amended; (c) added	7555
85.201—85.276–1	(Subpart C) Added	21363
85.202	*(a) (26), (27), and (28) added	7556
85.205	*(a) (1) and (3) and (b) (1) revised; (a)(4) added	7556
85.206	*(a) and (c) revised	7556
85.275–2	*(b)(1) revised; (c) added	7558
85.275–3	*Revised	7558
85.275–4	(c) revised	32258
85.275–5	*(b)(2) amended	18084
85.275–10	*(a) and (b) revised	2364
85.275–11	(a)(1) revised	30081
85.275–12	(c) revised	30081

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85.275–13 *Introductory text amended; (b)(1) revised; (d) added	18084
85.275–14 *(b) revised	18084
85.275–15 (d) table corrected	30439
85.275–15 *(a) and (j) revised	18084
85.275–19 (e) and (f) redesignated as (f) and (g)	30081
85.275–20 *(a), (b)(1) and (2), (c), and Figure C75–2 revised	18085
85.275–21 *(b)(2)(iii) revised	18086
85.275–22 (f) revised	30081
85.275–22 *(g), (j), and (n) revised	18086
85.275–23 (a)(2) and (6)(vii) revised	30082
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85.275–23 *(a) revised; Figure C75–8 added	18086
85.275–24 (b)(14), (15), (16), and (17) revised	30082
85.275–26 (c) amended	30082, 31428
85.275–26 *(c) revised	18087
85.275–28 (c)(1)(i)(a) revised	30082
85.275–29 *(b)(2) amended	7558
85.275–30 *(a) (1) and (2) revised; (b)(3) amended; (c) added	7558
*(b)(1)(ii) amended	18087
85.275–38 (b) and (b)(3) removed	30082
85.702 *(a) (20), (21), and (22) added	7559
85.705 *(a) (1) and (3) and (b) (1) revised; (a)(4) added	7559
85.706 *(a) and (c) revised	7559
85.773–4 *(c) revised	32258
85.773–30 *(a) (1) and (2) revised; (b)(3) amended; (c) added	7561
85.774–2 *(b)(1) revised; (c) added	7560
85.774–3 *Revised	7560
85.774–4 (c) revised	32258
85.774–5 *(c)(2) removed	18087
85.774–9 (b) revised	30082
85.774–29 *(b)(2) amended	7561
85.774–30 *(a) (1) and (2) revised; (b)(3) amended; (c) added	7561
85.775–10 *(a) and (b) revised	2364
85.802 *(a) (25), (26), and (27) added	7562
85.805 *(a) (1) and (3) and (b) (1) revised (a)(4) added	7562
85.806 *(a) and (c) revised	7562
85.873–4 (c) revised	32258
85.873–30 *(a) (1) and (3) revised; (b)(3) amended; (c) added	7565
85.874–2 *(b)(1) revised; (c) added	7564
85.874–3 *Revised	7564
85.874–4 (c) revised	32258
85.874–5 *(b)(2) and (c)(1) revised; (b)(3) added	18087
85.874–7 Heading amended; (e) added; (i) removed	30082
85.874–29 *(b)(2) amended	7564
85.874–30 (b)(1)(ii) redesignated as (b)(1)(i) and revised	30082
85.874–30 *(a) (1) and (2) revised; (b)(3) amended; (c) added	7564
*(b)(1)(i) and (ii) revised	18088
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85.902 (a)(23) revised	30082
85.902 *(a) (25), (26), and (27) added	7565
85.905 *(a) (1) and (3) and (b) (1) revised; (a)(4) added	7566
85.906 *(a) and (c) revised	7566
85.974–2 *(b)(1) revised; (c) added	7567
85.974–3 *Revised	7567
85.974–4 (c) revised	32258
85.974–16 (b)(6) [revised] redesignated as (c)(6)	30082
85.974–18 (c) revised	30082
(c) corrected	32138
85.974–28 (c)(1)(i)(a) and (b) revised	30082
85.974–29 *(b)(2) amended	7567
85.974–30 (b)(1)(i), (ii), and (iii) revised	30082
85.974–30 *(a) (1) and (2) revised; (b)(3) amended; (c) added	7567
*(b)(1)(i) and (ii) revised	18088
85 Appendix III amended	30083
*Appendix V and schematic removed	18088
87 Added	19090
87.11 *(a) revised	4884
87.64 (c)(1)(2)(c) revised	34734

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87.66 (a)(6)(i) and (vi) revised	34734
87.70 *(a)(2) and (3), (b)(4), and (d) table corrected; (e)(4)(iii) revised	34734
87.93 (d) corrected	34734
87.96 (a) corrected	34734
87.99 (e)(2)(ii) and (5)(i) revised	34734
87.101–87.102 (Subpart J) Added	35001
87 Appendix A corrected	34734, 34735
104 Removed	31174
104 *Added	1027
104.5 *Amended	8325
104.10 *(f) revised; (g) removed	8326
105 Added	22757
106 Removed	31174
107 Removed	31174
108 *Added	12866, 15398
112 Added	34165
113 Added	25440
120.10 Amended	26359
122 Removed	22893
124.1 (u) and (v) added	18002
(h) removed; new (h), (i), and (j) added	19895
124.10—124.11 (Subpart B) Revised	18002
124.21 Added	19895
125.1 (ii) and (jj) added	18003
(g) through (gg) redesignated as (h) through (hh); new (g) added	19895
125.4 (j) added	18003
125.12 (b), (h)(1) introductory text, (h)(1)(iii)(C) and (D), (h)(2) introductory text, (h)(2)(i) and (iii), (h)(3), and (i)(5) amended; (h)(2)(ii) removed; (h)(2)(iii) redesignated as (h)(2)(ii) and amended	19896
126 Added	25681
128 Added	30983
129 Added	24344
130 *Added	19635
131 *Added	19639
133 Added	22298
136 Added	28758
162.14 (a)(5) revised	26360
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164.50 *(d)(4) corrected	11884
165 *Added	15237
166 Added	33305
167 Added	30558
168 Added	26361
170 *Added	16890
180.1 (j)(8) added	31174
180.3 (e)(6) amended	27523
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180.120 Amended	28663
180.121 Amended	26450
180.133 *Amended	13776
180.140 *Revised	13776
180.142 (a) revised	29589
180.144 *Amended	13260
180.150 *Amended	9177
180.153 Heading revised; text amended	23781
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180.169 Amended	18548
180.185 Heading revised; text amended	34117
180.198 Amended	31174
180.200 Amended	23404
180.206 *Amended	7421
180.213 Amended	28664
180.215 *Amended	22423
180.221 *Amended	3679, 7929
180.223 *Amended	5765
180.224 Revised	22475
180.227 *Amended	15126
180.234 *Amended	2585
180.242 Amended	35467
180.245 Revised	31539
180.246 Amended	28937
180.249 Revised	32909
180.249 *Amended	7422
180.253 *Amended	22146
180.254 *Revised	20597
180.254a *Added	6608
*Effective date corrected	7929
*Removed	20597
180.259 Revised	22124
180.263 *Amended	3679, 17443
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180.292 *(b) added	22146
180.294 Amended	26450
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180.298 Heading revised; text amended	23404
180.298 *Amended	22423
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180.301	*Revised	7568
180.303	*Removed	11268
180.304	Added	27524
180.315	Amended	35314
180.317	Revised	27524
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180.317	*Amended	18280
180.319	Table amended	18548, 22894, 28663, 31539, 33974
180.319	*Table amended	12008, 13971, 22146
180.319a	Added	21783
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180.320	Revised	23403
180.326	*Revised	9965
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180.327	*Revised	9965
180.337	Added	29589
180.340	Added	22894
180.341	Added	22894
180.342	Added	28664
180.343	Added	33398
180.344	*Added	12008
180.345	*Added	19208
180.346	*Added	9177
180.347	*Added	13971
180.348	*Added	13260
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180.350	*Added	19943
180.1001	(d) table amended	22124
180.1001	*(c) table, (d) table, and (e) table amended	799, 2758
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180.1011	(a)(4) added	19045
180.1020	Amended	28938
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180.1020	*Revised	6705
180.1021	(c) added	25440
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227	Revised (except Approved Interim Dumping Sites)	28618
227	*Approved Interim Dumping Sites List amended	20206
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408	*Added	23140
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409.13	*Introductory text of (a) corrected	17841
409.20—409.26	(Subpart B) *Added	10524
409.30—409.36	(Subpart C) *Added	10526
411	*Added	6590
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414	*Added	14678
414.20	*Table amended	20597
414.22	*(b) amended	20597
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415	*Added	9616
415.152	*Corrected	20376
415.153	*Corrected	20376
416	*Added	12505
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417.32	*Table corrected	17841
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417.162	*(a) table corrected	17841
418	*Added	12836
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426.12	*Table corrected	4760
426.20—426.26	(Subpart B) *Added	5714
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426.50—426.56	(Subpart E) *Added	5714
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TITLE 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

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1-1.708-3 Revised	26913
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1-2.303-3 Revised	26914
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1-2.404-2 (h) added	32808
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1-3.802-1 Added	26914
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1-3.807-3 *(a)(2), (b), (d), (e), and (g) revised; (i) added	1752
1-3.807-5 *(a) introductory text, (a)(1) and (3), (d), and (e) revised; (f) added	1753
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1-7.103-5 *Revised	24009
1-7.103-23 Revised	26916
1-7.200—1-7.204-4 (Subpart 1-7.2) *Added	1756
1-7.202-15 *Revised	24009
1-7.602-1 Revised	26916
1-7.703-10 *Revised	24009
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1-12.804-1 (d) revised	28818
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1-18.703-1 (b) corrected	23791
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101–32.1305–2 Added	22477
101–32.1400—101–32.1404 (Subpart 101–32.14) Added	22228
101–32.1403 *(a) revised	11081
101–32.1500—101–32.1507 (Subpart 101–32.15) *Added	19209
101–32.1503 *(c) corrected	21054
101–32.4902–2928 *Added	19211
101–35.109 *Revised	19211
101–35.202 *(g) revised	13264
101–35.203 *(g) revised	13264
*(a)(1) and (b) revised	19943
101–35.803 *Revised	2096
101–35.4900—101–35.4901 (Subpart 101–35.49) *Added	19943
101–39.204 Revised	22229
101–39.205 Revised	22229
101–39.207–1 Revised	22229
101–39.207–2 Revised	22229
101–39.207–3 Revised	22229
101–39.302 (d)(3) revised	22229
101–39.403–1 Revised	22229
101–39.403–2 (b) revised	22229
101–39.404–2 Revised	22229
101–39.404–4 (b) revised	22229
101–39.404–5 Revised	22229
101–39.603–1 Revised	22229
101–39.704 Revised	32259
101–39.706 Revised	22230
101–39.807 (b) revised	32259
101–40.109 Revised	28289
101–40.109–1 Added	28289
101–40.109–2 Added	28290
101–40.109–3 Added	28290
101–40.700 Revised	28678
101–40.701 Revised	28678
101–40.702 Revised	28679
101–40.702–1 Revised	28679
101–40.702–2 Revised	28679
101–40.702–3 Revised	28679
101–40.703–1 Revised	28679
101–40.703–2 (a) and (c) revised	28679
101–40.703–3 Revised	28679
101–40.704–2 Revised	28680
101–40.707–1 Revised	28680
101–40.710 Revised	28680
101–40.711 Revised	28680
101–40.711–1 Revised	28680
101–40.711–2 Revised	28680
101–40.712 Revised	28680
101–40.713 Revised	28680
101–40.4901 (b) revised	28681
101–40.4902 Revised	28681
101–40.4906–6 Added	28681
101–40.4906–7 Added	28681
101–42.103 *Removed	2366
101–42.103–1 *Removed	2366
101–43.320 *Revised	20061
101–43.4908 *Revised	20063
101–47.204–1 *(a) and (b) revised	22947

Chapter 105—General Services Administration

	Page
105–61.001–7 *Added	11884
105–61.101–1 *(d) revised	11884
105–61.101–3 *(a) and (b) revised	11884
105–61.105 *Revised	11884
105–61.301 *Revised	11885
105–61.302 *Text removed	11885
105–61.302–1 *Added	11885
105–61.302–2 *Added	11885
105–61.302–3 *Added	11885
105–61.304 *Heading revised; text removed	11885
105–61.304–1 *Revised	11885
105–61.304–2 *(a), (e), (f) and (i) revised	11885
105–61.306 *Revised	11885
105–61.307 *Added	11885
105–61.4801 *(a) revised; (h) amended; (i) added	11885
105–64 Added	26604

Chapter 109—Atomic Energy Commission

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109–40.106 Amended	22549
109–40.109 Amended	22549
109–40.305–5 Amended	22549
109–40.307 Amended	22549

Chapter 114—Department of the Interior

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114–3.105 *Amended	12989
114–3.205 *Amended	12989
114–3.206 *Amended	12989
114–25.350 *Amended	12989
114–25.4801 *(a) amended	12989
114–26.406–2 (d) amended	20327
114–26.501–52 *Revised	9668
114–26.600–50 (a), (b), and introductory text of (c) revised	31534
114–26.600–50 *(c) amended	1036, 12989
114–26.600–51 *(f) amended	12989
114–35.204 (a)(1) revised	22373
114–38.102–1 *Amended	12989
114–38.402 *(a) amended	12989
114–38.605—114–38.607 (Subpart 114–38.6) *Revised	12989
114–38.5307 *(b) and (c) amended	12989
114–38.5400—114–38.5402 (Subpart 114–38.54) Added	31835
114–39.404–3 *Amended	12989
114–39.404–4 *Amended	12989
114–40.307 *Amended	12989
114–42.302–2 *Amended	12989
114–43.319—114–43.319–52 (Subpart 114–43.3) Revised	26370
114–43.319 *(b) amended	12989
114–43.319–52 *Amended	12989
114–43.402–4 *Amended	12989

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114–45.302 Introductory text, (a)(2), and (b) revised	20617
114–45.316–2 *(b) amended	12989
114–45.317 *(c)(2)(v) amended	12989
114–46.407 *Amended	12989
114–47.203–7 *Amended	12989
114–47.301–5 *(b) amended	12989
114–47.304–8 *(b) amended	12989
114–47.304–51 *(c)(2)(v) amended	12989
114–47.802–54 *(d) amended	12989
114–50.109 Revised	24649
114–50.701 (a) and (b) added	24649
114–50.903 (e) added	24650
114–50.1003—114–50.1011 Redesignated as 114–50.1004—114–50.1012	24650
114–50.1009 (c) amended	24650
114–51.103—114–51.104–3 (Subpart 114–51.1) Revised	20617
114–52.203 *(b) amended	12989
114–60.104 *Amended	12989
114–60.605 Added	31535
114–60.605–1 Added	31535
114–60.800—114–60.804 (Subpart 114–60.8) Added	31535
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3–1*	6119
3–4*	6119
3–16*	6119
3–50*	15141, 20602
8–2*	5326
8–7*	5327
8–18*	5326
12–9	23536
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15–1*	16142
15–16	20267
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25–9*	2497
50–201	22408, 27942
50–202*	13554
60–1*	11555
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101–20*	15052
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Note: Asterisk (*) identifies changes published in 1974.

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TITLE 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

	Page
1.103 (b) removed; introductory text of (c) revised	34118
1.103 *(c) effective date corrected	1763
1.104 Amended	34118
1.104 *Effective date corrected	1763
21.204 Revised	35467
21.331 *Revised	3939
21.332 *Amended	3940
21.333 *Amended	3940
37.3 *(a) amended	14593
50 *Added	1441
50.201—50.208 (Subpart B) *Added	4732
*Effective date changed	5315, 9178, 10432
*Revised	13873
51.4 (i) revised	31381
54.305a *Added	13780
54b.102 *Revised	14209
57.201—57.220 (Subpart C) *Revised	4770
57.301–57.320 (Subpart D) *Revised	16473
57.316 *(b)(1)(iii) corrected	18098
57.1201—57.1213 (Subpart M) *Added	4775
57.1501—57.1517 (Subpart P) Added	31836
57.1701—57.1717 (Subpart R) *Added	4778
58.1 *(a) and (e) revised	17762
58.2 *Revised	17762
58.3 *Amended	17762
58.6 *Revised	17762
58.8 *Revised	17762
58.10 *Revised	17762
62 *Added	17962
65 Added	28290
100 Added	31381
100.106 (c)(2) corrected	32789
101 *Added	10206
101.7 *Amended	23060
101.36 *Amended	23060
101.37 *Amended	23060
101.101—101.106 (Subpart B) *Added	16202
Proposed Rules:	
50*	15043
52*	11560
52a*	13895
53*	1446
55a*	20079
56a*	11758
57*	15012, 16151, 17563
62*	11430
72*	18463
83*	11923, 15141, 22276
100	23270
101	34944
101*	2383, 2384, 13738

TITLE 43—PUBLIC LANDS: INTERIOR

4.2 *Revised	7931
4.704 *Amended	2366
26 Added	33082

Chapter I—Bureau of Reclamation, Department of the Interior

421 *Added	4755

Chapter II—Bureau of Land Management, Department of the Interior

1821.2–1 *(d) amended	5634
1855.1—1855.9–2 (Subpart 1855) Removed	27825
2071.1 *(c) added	13613
2924.3–1 *Added	13613
3000.0–5 Revised	35082
3000.4 Revised	35082
3200 Added	35082
3210 Added	35093
3220 Added	35094
3230 Added	35095
3240 Added	35097
3861.5–1 Revised	30001
4114.3 Revised	34664
4114.3–1 Revised	34664
4114.3–2 Revised	34664
4114.3–3 Added	34664
4114.3–4 Added	34664
6250.1–2 *(c) removed	13613
6251.0–6—6251.4 (Subpart 6251) *Removed	13613
6290 *Added	13613
9185.1–3 (b) revised	30001

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255 *See PLO 5403	1592
684 *See PLO 5403	1592
924 *Revoked in part by PLO 5409	5488

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1203 *See PLO 5403	1592
1205 *See PLO 5403	1592
1345 *See PLO 5403	1592
1444 *See PLO 5403	1592
1503 *See PLO 5403	1592
1523 *See PLO 5403	1592
2302 *Revoked in part by PLO 5419	12104
2418 *See PLO 5403	1592
2632 Revoked in part by PLO 5399	28568
2768 *See PLO 5403	1592
3922 *See PLO 5403	1592
4341 *Revoked in part by PLO 5420	13073
4522 See PLO 5399	28568
5150 *Revoked in part and amended by PLO 5403	1592
*Revoked in part by PLO 5405	2585
5151 *Revoked in part by PLO 5403	1592
*Revoked in part by PLO 5405	2585
5156 *See PLO 5405	2585
5174 *Amended and revoked in part by PLO 5411	5632
5179 *Revoked in part by PLO 5411	5632
5180 *See PLO 5403	1592
*Amended and revoked in part by PLO 5411	5632
*Amended by PLO 5418	11547
5182 *See PLO 5403	1592
5183 *See PLO 5403	1592
5184 *Amended by PLO 5403	1592
*See PLO 5405	2585
*Revoked in part by PLO 5411	5632
5186 *Amended by PLO 5403	1592
5187 *See PLO 5403	1592
5188 *See PLO 5405	2585
5190 *See PLO 5403	1592
*Revoked in part by PLO 5405	2585
5192 *See PLO 5411	5632
5193 *See PLO 5411	5632
5250 *See PLO 5411	5632
5251 *See PLO 5411	5632
5255 *Revoked in part by PLO 5411	5632
5354 *Corrected by PLO 5407	3940
5362 Corrected	33597
5398	28291
5399	28568
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5400	32912
5401	33186
5402	34873
5403*	1592
*Revoked in part by PLO 5423	23060
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5421*	17232
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5400*	5502
5420*	5502

TITLE 45—PUBLIC WELFARE

25 *Added	19478
46 *Added	18917
60 *Temporary rule added	9440
60.5 Removed	30658
60.12 (a) revised; (b) removed	30658
60.15 (a) removed	30658
60.17 (a), (e), (h), (i), (j), and (k) removed	30658
60.19 Removed	30658
67 Added	28291

Chapter I—Office of Education, Department of Health, Education, and Welfare

100—100c Subchapter A heading added	30661, *17104
100 Added	30661
100a Added	30662

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Title 45—Continued

Chapter I—Continued

	Page
100a.10 *(a)(22) and (24) removed	19212
100a.400 *Revised	19212
100b Added	30679
100b.10 *(l) added	19213
100c Added	30691
101—190 Subchapter B heading added	30661
101.10—101.13 (Subpart B) *Added	19212
102.2 Removed	30658
102.3 (e), (h), (k), (l), (p), and (r) removed	30658
(q) through (aa) redesignated as (r) through (bb); new (q) added	32243
102.4 (b)(1)(i) revised; (b)(5) and (6) added; (j) redesignated as (k); new (j) added	32243
102.42 (b) removed	30658
102.44 Removed	30658
102.122 Removed	30658
102.123 Removed	30658
102.124 Removed	30658
102.125 Removed	30658
102.126 Removed	30658
102.127 Removed	30658
102.128 Removed	30658
102.129 Removed	30658
102.130 Removed	30658
102.131 Removed	30658
102.134 Removed	30658
102.144 Removed	30658
102.146 Removed	30658
102.147 Removed	30658
102.154 Removed	30658
102.155 Removed	30658
102.158 Removed	30658
103.2 Removed	30658
103.3 (b), (d), and (g) removed	30658
103.13 (a)(2), (3), (4), (5), (6), and (7) removed	30658
103.14 Removed	30658
103.16 Removed	30658
103.17 Removed	30658
103.24 (a)(4), (5), (6), (7), (8), (9), and (10) and (c) removed	30658
103.27 Removed	30658
103.28 Removed	30658
103.34 Removed	30658
103.35 Removed	30658
103.36 Removed	30658
103.37 Removed	30658
103.41—103.61 (Subpart E) Removed	30658
103 *Appendix B added	7423
*Appendix A added	10566
107.1 (b), (c), (e), and (g) removed	30658
107.3 Removed	30658
107.4 Removed	30658
107.5 Removed	30658
107.6 Removed	30658
107.7 Removed	30658
107.8 Removed	30658
107.9 Removed	30658
111.1 (a), (d), and (e) removed	30658
112.1 (b) and (h) removed	30659
113.1 (b) and (f) removed	30659
114.1 (b), (g), and (v) removed	30659
115.3 (b) and (d) removed	30659
116.1 (e), (j), (k), (m), (t), (u), (x), (y), and (bb) removed	30659
116.21 (a), (b), (c), (d), and (e) removed	30659
116.42 Removed	30659
116.46 Removed	30659
116.47 Removed	30659
116.48 Removed	30659
116.53 (a), (b), (c), and (e) removed	30659
116.54 Removed	30659
116.55 Removed	30659
116.56 Removed	30659
116.57 Removed	30659
117.1 (c), (d), (e), (g), and (j) removed	30659
117.3 (l) removed	30659
117.13 Removed	30659
117.20 Revised	30659
117.21 (b) removed	30659
117.26—117.30 (Subpart E) Removed	30659
117.36 Removed	30659
117.39 Removed	30659
117.43 Removed	30659
117.44 Removed	30659
117.45 Removed	30659
117.46 (c) removed	30659
118.2 (b), (e), (f), (g), (o), (q), (r), and (x) removed	30659, *17104
118.6 (e) removed	30659
118.18 (d) removed	30659
118.22 (f) removed	30659
118.31 Removed	30659
118.33 Removed	30659
118.34 Removed	30659

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118.41 Removed	30659
118.42 Removed	30659
118.43 Removed	30659
118.45 Removed	30659
118.53 Removed	30659
118.55 Removed	30659
118.56 Removed	30659
118.57 Removed	30659
118.58 Removed	30659
118 *Appendix added	14345
119.1 (c), (d), (e), (f), (g), (i), (k), and (l) removed	30659
119.7 Removed	30659
119.8 Introductory text revised	30659
119.21 Removed	30659
119.22 (b) removed	30659
119.23 Removed	30659
119.24 Removed	30659
119.25 Removed	30659
119.26 Removed	30659
119.27 Removed	30659
119.28 Removed	30659
119.40—119.52 (Subpart D) Removed	30659
121.2 (a), (b-1), (d), (f), (g), (h), (i), m), (n), (p), (q), (r), (t), and (u) removed	30659, *17104
121.3 Removed	30659
121.4 Removed	30659
121.5 Removed	30659
121.6 Removed	30659
121.7 Removed	30659
121.8 Removed	30659
121.9 Removed	30659
121.10 Removed	30659
121.11 Removed	30659
121.12 Removed	30659
121.56 Removed	30659
121.57 Removed	30659
121.58 Removed	30659
121.59 Removed	30659
121.60 Removed	30659
121.80 Removed	30659
121.82 Removed	30659
121.83 Removed	30659
121.84 Removed	30659
121.90 Removed	30659
121.99 Removed	30659
121.102 (d) and (g) removed	30659
121.106 (e) removed	30659
121.110 Removed	30659
121.127 (c) and (d) removed	30659
121.128 (d) removed	30659
121.131 Removed	30659
121.132 Removed	30659
121.133 Removed	30659
123.1 (d), (h), (i), (n), (p), (q), and (r) removed	30659
123 *Revised	17965
123.2 Removed	30659
123.3 Removed	30659
123.6 Removed	30659
123.14 Removed	30649
123.21 Removed	30659
123.23 Removed	30659
123.24 Removed	30659
123.25 Removed	30659
123.26 Removed	30659
123.27 Removed	30659
123.28 Removed	30659
123.29 Removed	30659
123.35—123.38 (Subpart E) Removed	30659
123.44 (Subpart F) Removed	30659
124 *Revised	13652
124.1 (b), (c), (e), (f), (i), (j), and (k) removed	30659
124.4 Removed	30659
124.5 Removed	30659
124.6 Removed	30659
124.7 Removed	30659
124.8 Amended	30659
124.15 (a), (c), and (d) removed	30659
124.16 Removed	30659
124.20—124.28 (Subpart D), Removed	30659
124.33 Removed	30659
124.34 Removed	30659
125.1 (c) removed	30659
129.1 (b), (e), (f), (h), (i) and (m) removed	30659
129.3 Amended	30659
129.6 (a) removed	30659
129.9 Removed	30659
129.10 Removed	30659
129.11 Removed	30659
129.12 Removed	30659
129.13 Removed	30659
129.14 Removed	30659
129.15 Removed	30659
129.16 Removed	30659
129.17 Removed	30659
129.18 Removed	30659
129.19 Removed	30659
130.2 Removed	30659
130.3 (b), (d), (f), and (g) removed	30659
130.5 (b)(1) through (6) and (8) through (16) removed	30659
130.22 (c) removed	30659

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130.33	Removed	30659
130.34	Removed	30659
130.35	Removed	30659
130.36	Removed	30659
130.37	Removed	30659
130.38	Removed	30659
130.39	Removed	30659
130.40	Removed	30659
130.41	Removed	30659
130.43	Removed	30659
130.44	Removed	30659
130.52	Removed	30659
130.53	Removed	30659
130.55	Removed	30659
131.1	Revised	30659
131.2	(e), (f) and (n) removed	30660
131.6	Removed	30660
131.10	Removed	30660
131.12	Removed	30660
131.13	Removed	30660
131.14	Removed	30660
131.15	Removed	30660
131.16	Removed	30660
131.17	Removed	30660
132	*Revised	17540
132.1	Revised	30660
132.2	(b), (c), (d), and (e) removed	30660
132.5	Removed	30660
132.6	Removed	30660
132.7	Removed	30660
132.8	Removed	30660
132.9	Removed	30660
132.10	Removed	30660
132.11	Removed	30660
132.12	Removed	30660
132.14	Removed	30660
132.16	Removed	30660
132.17	Removed	30660
132.18	Removed	30660
132.19	Removed	30660
132.20	Removed	30660
132.21	Removed	30660
132.22	Removed	30660
132.23	Removed	30660
132.24	Removed	30660
132.25	Removed	30660
132.26	Removed	30660
132.27	Removed	30660
133	*Added	17546
141.1	(e), (f), (g), (h), and (k) removed	30660
141.8	Removed	30660
141.11	(d)(4) removed	30660
141.12	Removed	30660
141.13	Removed	30660
141.14	Removed	30660
141.15	Removed	30660
141.16	Removed	30660
141.17	Removed	30660
141.18	Removed	30660
141.21—141.23	(Subpart E) Removed	30660
142.2	(c), (e), (f), (g), (j), (k), (l), (m), (n), and (p) removed	30660
144.2	(d), (e), (f), (v), (w), and (y) removed	30660
145.1	(d), (e), and (i) removed	30660
147.2	(e) and (f) removed	30660
150.1	(f) removed	30660
151	*Revised	22147
151.2	(b), (d), (h), (j), (k), and (n) removed	30660
151.4	Removed	30660
151.5	(b) removed	30660
151.7	Removed	30660
151.8	Removed	30660
151.9	Removed	30660
151.11	Removed	30660
151.13	Removed	30660
151.14	Removed	30660
151.15	Removed	30660
151.16	Removed	30660
151.18	Removed	30660
151.19	Removed	30660
151.20	Removed	30660
151.21	Removed	30660
151.22	Removed	30660
151.23	Removed	30660
151.31	Removed	30660
151.32	Removed	30660
151.33	Removed	30660
151.34	Removed	30660
151.35	Removed	30660
151.36	Removed	30660
151.37	Removed	30660
151.38	Removed	30660
151.39	Removed	30660
151.40	Removed	30660
151.42	Removed	30660
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151.47	Removed	30660

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154	*Added	14945
155.2	(b), (d), and (g) removed	30660
155.3	Removed	30660
155.7	(c) and (f) removed	30660
155.7	*Revised	19216
155.9	(a) removed	30660
155.11	Removed	30660
155.12	Removed	30660
155.13	Removed	30660
155.14	Removed	30660
158	*Revised	22343
160.2	(f), (q), (r), and (u) removed	30660
160.10	(a), (b), (f), and (g) removed	30660
160.11	Removed	30660
160.12	Removed	30660
160.13	Removed	30660
160.14	Removed	30660
160.16	Removed	36060
160.17	Removed	30660
160.19	Removed	30660
160.20	Removed	30660
160.21	Removed	30660
160.22	Removed	30660
160	Appendix amended	30660
166.2	Removed	30660
166.3	(f), (g), (h), and (k) removed	30660
166.11	*(a) revised	18074
166.16	(a) removed	36060
166.21	(a) removed	30660
166.22	Removed	30660
166.23	Removed	30660
166.24	Removed	30660
166.25	Removed	30660
166.26	Removed	30660
166.27	Removed	30660
166.28	Removed	30660
166.29	Removed	30660
166.30	Removed	30660
166.31	Removed	30660
166.33	Removed	30660
166.34	Removed	30660
166.35	Removed	30660
166.36	Removed	30660
166.43	Removed	30660
166.44	Removed	30660, *17104
166.46	Removed	30660
166.47	Removed	30660
167	*Revised	18390
167.2	Removed	30660
167.3	(f), (g), (h), (k), and (l) removed	30660, *17104
167.7	(a) removed	30660
167.8	Removed	30660
167.9	Removed	30660
167.10	Removed	30660
167.11	(a) and (b) removed	30660
167.12	Removed	30660
167.13	Removed	30660
167.15	Removed	30660
167.17	Removed	30660
167.18	Removed	30660
167.19	Removed	30660
167.20	Removed	30660
167.24	Removed	30660
167.25	Removed	30660
167.26	Removed	30660
167.27	Removed	30660
167	Appendix A added	34560
169	*Added	18650
170.1	(f) and (l) removed	30660
170.2	Removed	30660
170.3	Removed	30660
170.4	Removed	30660
170.5	(b) removed	30660
170.6	(b)(1) and (2) and (c) removed	30660, *17104
170.8	Removed	30660, *17104
170.13	(a)(4) removed	30660
170.14	(b) amended	30660
170.18	(a) and (c) removed	30660
170.19	Removed	30660
170.45	Removed	30660
171	*Revised	12950
171.1	(h), (j), (p), and (q) removed	30660
171.4	(b) amended	30660
171.7	(b) removed	30660
171.8	Removed	30660
171.10	Removed	30660
171.11	Removed	30660
171.12	Removed	30660
173.1	(b), (d), (e), (g), and (i) removed	30660
173.14	Revised	30660
173.16	Removed	30660
173.23	Removed	30660
173.24	Removed	30660
173.25	Removed	30660
173.26	Removed	30660
173.27	Removed	30660
173.28	Removed	30660
173.29	Removed	30660
173.30	Removed	30660
173.31	Removed	30660
173.32	Removed	30660
173.33	Removed	30660
173.37	Removed	30660

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174	*Added	10567
175.2	(d), (h), and (s) removed	30660
175.3a	*Revised	17547
175.15	Removed	30660
175.16	(b) and (c) removed	30660
175.17	Removed	30660
177.1	(d) and (i) removed	30661
177.4	(c)(3)(xvii) added	27935
177.4	*(c)(3)(xviii) added	1849
	*(c)(3)(xix) added	17104
178.1	(d) and (i) removed	30661
180.02	(a), (h), and (k) removed	30661
180.03	Removed	30661
180.04	Removed	30661
190.05	Removed	30661
180.06	Removed	30661
180.13	*(a) revised	16886
180.22	*(b)(1) revised	16887
180.23	*(a) revised	16887
180.24	*(a) revised	16887
181.1	(a), (e), and (h) removed	30661
181.13	Removed	30061
181.14	Removed	30661
181.16	Removed	30661
181	Appendix A removed	30661
183	*Added	17842
185.02	(b), (c), (h), (l), and (m) removed	30661
185.03	Revised	30661
185.71	*Revised	13268
185.72	*Revised	13268
185.73	*Revised	13269
185.74	*Amended	13269
185.75	*Revised	13270
185.76	*Revised	13270
185.91	*(a) revisod	13270
185.91-1	*Added	17547
185.92	*(b)(4) added	13270
185.92-1	*Added	17548
185.93-1	*Added	17548
185.94-1	*Added	17549
185.95	*(b)(1) and (3) revised	13270
185	Appendix A removed	30661
186.2	Amended	30661
186.22	*Removed	22424
186.31—186.34	(Subpart D) Removed	30661
186.31—186.33	*(Subpart D) Added	22424
187.2	Amended	30661
187.3	Added	30661
187.21	Introductory text revised; (e), (f), (g), (h), (i), and (j) removed	30661, *17104
187.31—187.34	(Subpart D) Removed	30661
188.3	Added	30661
188.15	Introductory text revised; (c), (d), (e), and (f) removed	30661
188.21—188.24	(Subpart D) Removed	30661
189	Added	27825
189	*Revised	15481
192	*Added	19213

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201.0	*Added	8326
205.10	*(a)(4)(i)(A), (5)(v), and (11) revised; (a)(4)(iv) added	12009
205.25	Added	34324
205.25	*Effective date changed to 7-1-74	3824
205.35	*Added	4733
	*Effective date changed	5315, 9178, 10432
	*Revised	13887
205.100	*Revised	9513
205.101	*Revised	16970
205.120	*Revised	16971
205.190	*(a) introductory text and (a)(1) and (2) revised	2254
206.10	(a)(6) revised	33380
206.10	*(a)(6) revised	1443
	*(a)(2) revised	12009
220	*Reinstated until 1-1-75 and amended	1443
220.60	Removed; provisions transferred to Part 221	30072
220.61	(a) through (f) removed; provisions transferred to Part 221	10782, 30072
220.65	(a) removed; provisions transferred to Part 221	30072
221	*Effective date postponed to 1-1-75	1443
222	Removed; provisions transferred to Part 221	30072
222	*Reinstated until 1-1-75 and amended	1443
226	Removed; provisions transferred to Part 221	30072

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226	*Reinstated until 1-1-75 and amended	1443
233.20	*(a)(12) revised	22268
233.50	Revised	30259
	Effective date corrected	31174
233.120	*(b)(2) revised	5316
233.145	(c) added	32912
234.130	*(a) introductory text and (c) revised	2220
237.50	Revised	32913
248.1	*Added	9513
248.2	*Added	9515
248.3	*Added	9516
248.4	*Added	9517
248.10	(a)(1), (b)(2)(ii) and (iv), and (d)(1) and (2) revised; (b)(3) and (4) redesignated as (b)(5) and (6); (b)(5) redesignated as (b)(7) and revised; new (b)(3) and (4) added	33380
248.10	*Introductory text added	9518
	*(b)(4) revised	16971
248.11	*Existing text designated as (b); (a) added	9518
248.21	(a) revised; (b) redesignated as (c) and revised; new (b) added	33382
248.21	*(a) revised	5552
	*Introductory text added	9518
248.30	(b)(1) revised	33382
248.30	*Revised	9518
248.50	Revised	30259
248.50	*Revised	9518
248.60	(a)(1), (2), and (3)(iv) revised	33383
	Effective date corrected	31174
248.60	*(a)(1) revised; (b)(9) and (10) added	2221
248.70	*Revised	9518
248.80	*Revised	9518
	*(c) corrected	10253
249.10	*(b)(14) and (c) revised; (b)(15) redesignated as (b)(17), new (b)(15) added; (b)(16) reserved; (d)(1)(iv), (v), and (vi) added	2221
	*(b)(4)(i) revised	2257
	*(b)(15)(i)(e), (ii) introductory text, (ii)(a), (iii)(b) and (d)(1)(vi) corrected	8918
	*(a)(1), (2), (5), and (6) and (b)(7), (11), and (17) revised; (a)(9) removed; new (a)(9) and (10) added	16971
249.11	*Redesignated as 249.20	2223
249.12	*Added	2223
	*(a)(1)(ii)(B) and (9)(iii) and (c)(2) and (3)(v) corrected	8918
249.13	*Added	2226
	*(c)(6)(ii)(C)(1) and (12)(ii)(E) corrected; (h)(i) through (x) correctly designated as (h)(1) through (10); (h)(10) revised	8918
249.20	*Redesignated from 249.11 and revised	2223
249.31	*Added	12866
249.32	*Revised	16972
249.33	*Revised	2254
	*(a)(1)(i), (iii), (2), (4)(iii)(B), and (8)(i)(B) corrected	8918
	*(a)(3)(i) revised	16972
249.40	*Revised	5553
249.41	*Revised	16972
249.81	Revised	33383
250.24	*Added	2234
	*(a)(1) and (3)(v)(B) corrected	8918
250.30	*(a)(6) revised; (b)(3)(iii) added	2235
	*(b) and (d) revised	21135
250.70	*Added	16973
250.80	*Revised	7930
250.90	*Added	17763
	*(b)(2)(ii) corrected	22269
250.100	*Added	2256
250.120	*Revised	16973
270	*Removed	11886

Chapter IV—Social and Rehabilitation Service (Rehabilitation Programs), Department of Health, Education, and Welfare

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401	*Revised	898
401.116	*(b)(2) added	7931
402	*Removed	898
403	*Revised	914
404	*Revised	918
405	*Revised	926
406	*Revised	929
407	*Revised	932
408	*Revised	933

Chapter VI—National Science Foundation

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602	*Added	4664
640	*Revised	3545

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Chapter VII—Commission on Civil Rights

801 *Appendix A amended 19780

Chapter IX—Administration on Aging, Department of Health, Education, and Welfare

901.5 *Revised 17912
903 Revised 28042
903.0 *Correctly promulgated 7790
903.16 *Revised 17912
903.34 Corrected 29809
910 Added 30878
910 *Revised 17912
910.6 Corrected 31680

Chapter X—Office of Economic Opportunity

1060 *Revised 17969
1062 *Added 8856
1068.9–1—1068.9–5 (Subpart 1068.9) *Added 10253
1069.3–4 *(a)(2) amended 12109
1069.3–5 *Revised 17549
1069.3–6 *Revised 17550
1069.3–7 *Removed 17550
1070.3–1—1070.3–3 (Subpart) *Superseded by Part 71 13882
1071 *Added 13882

Chapter XII—ACTION

1204 Added 34118
1205 *Added 1037
1206 *Added 1996
1207 *Added 5770

Chapter XIII—Office of Human Development, Department of Health, Education, and Welfare

*Chapter heading revised 11886
1350 *Added 11886

Chapter XIV—National Institute of Education, Department of Health, Education, and Welfare

Chapter established 15485
1450 (Subchapter B) *Added 15485

Chapter XV—Fund for the Improvement of Postsecondary Education, Department of Health, Education, and Welfare

1501 *Revised 1593

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TITLE 46—SHIPPING

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1.10 Revised 32448
1.20 (c)(1)(ii) and (e)(2) amended 32448
(c)(2) [amended] correctly designated from (e)(2) [amended] 34644
(e)(2) [amended] correctly designated as (c)(2) [amended] 34644
1.23 (b) amended 32448
1.25 (b) revised 32449
2.40–20 *Note added 19481
2.50–1—2.50–40 (Subpart 2.50) *Removed 19481
10.05–33 (a)(3)(ii) revised 29320
10.05–39 (b)(1a) added 29320
10.16–71 *Amended 17970
25.05–15 *(b) and (c) removed; (d) revised 3270
26.03–1 *Removed 8919
26.05–1—26.05–5 (Subpart 26.05) *Removed 8919
26.10–5 *(b) amended 19481
30 *Authority citation revised 22949
30.01–5 *(a)(1)(i) and (ii), (2)(i) and (ii), and 3(i) revised; (a)(3)(ii) and (iii) added 22950
30.01–6 Revised 29320
30.10–36 Removed 29320
33.60–1 (Subpart 33.60) *Added 10138
34.20–15 *(c) revised 7790
34.20–20 *(b) revised; (c) added 7790
35.01–40 *Revised 18767
35.10–25 *Added 10139
35.30–20 Revised 27354
35.40–40 *(a) amended 10139
54.05–30 *Added 9179
54.25–10 *(c) revised 9178
54.25–15 *(c) revised 9178
54.25–20 *(e) revised 9179
56.50–50 *(n) revised 18767
64 *Added 22950
70.05–10 Revised 29320
70.05–30 *(a)(1) and (2) revised 22953
70.10–21 Removed 29320
74.15–10 *(b) amended 18767
75.60–1 (Subpart 75.60) *Added 10139
77.35–5 (c) revised 33475
78.17–85 *Added 10139

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78.47–72 *Added 10139
78.85–1 *Revised 18767
90.05–10 Revised 29320
90.05–35 *(a)(1)(i) and (ii) and (2)(i) revised; (a)(1)(iii) removed; (a)(2)(ii) and (iii) added 22953
90.10–17 Removed 29320
93.13–10 *(b) revised 18767
94.60–1 (Subpart 94.60) *Added 10139
96.35–5 (c) revised 33475
97.15–65 *Added 10139
97.37–55 *Added 10139
97.75–1 *Revised 18767
98.30–1—98.30–39 (Subpart 98.30) *Added 22954
98.35–1—98.35–50 (Subpart 98.35) *Heading revised 22955
98.35–1 *(a) and (c) amended; (f) added 22955
98.35–3 *(a) amended 22956
98.35–10 *(e) removed 22956
98.35–25 *Revised 22956
98.35–30 *Revised 22956
98.35–35 *Removed 22956
98.35–40 *Removed 22956
111.80–5 (a)(7) table corrected 32914
137.01–5 (d) added 32449
137.02–1 Revised 32449
137.30–1 *(g) corrected 10432
146.02–12 *(e) redesignated from 146.02–13 (a) 14709
146.02–13 *Removed and (a) redesignated as 146.02–12 (e) 14709
146.02–14 *(d) revised; (e) removed 14709
146.02–15 *(b) amended; (d) added 14709
146.02–35 *(c) added 14709
146.04–5 *Table amended 13277, 14708
146.05–3 *(a) and (b) revised 14708
146.05–5 *(b) and (c) revised 14708
146.05–10 *Revised 14708
146.05–10a *Added 14708
146.07–1—146.07–40 (Subpart 146.07) *Heading amended 14709
146.07–1 *(a) amended 14709
146.07–40 *(b) revised 14709
146.09–2 *(f) amended 14709
146.10–2 *Amended 14709
146.19–12 *(h) added 14710
146.20–35 *(b) amended 14709
146.20–51 *(c) and (d) removed 14709

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146.22–100	*Table E amended	14709
146.22–200	*Table E amended	14709
146.23–1	*Heading and (a)(1) revised; Notes 1 and 2 added	13279
146.23–10	*(c) removed	14709
146.23–30	*(a)(2) revised	13279
146.23–100	*Table amended	13278, 13279
146.24–20	*(c)(4) removed; (c)(5) redesignated as (c)(4)	14709
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146.24–100	*Table G amended	14709
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146.27–1	*(b) amended	14709
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160.015–3	*(j)(1) removed; (l) amended	11273
160.035–5	*Introductory text of (a)(3) revised	12747
160.047–3	*(g) removed	20684
160.047–3a	*Added	20684
160.051–1	*(c) added	9669
160.051–5	*(c)(4) amended; (e)(11) revised	9669
160.051–7	(b)(5) revised	31297
160.052–3	*(e) removed	20684
160.052–3a	*Added	20684
160.060–3	*(e) removed	20684
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161.011–1—161.011–10	(Subpart 161.011 *Added	10139
162.028–3	(j)(1) removed	27354
162.039–3	(h) removed	27354
166.01	(b) revised	29320
167.35–72	*Added	10139
167.55–5	*(j)(1) amended	10139
167.65–1	*(c)(3) added	10140
180.05–1	*(b)(10) added	10140
180.40–1	(Subpart 180–40) *Added	10140
184.15–15	*(b) and (c) removed; (d) revised	3270
185.25–20	*Added	10140
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188.05–10	Revised	29320
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191.25–10	*(b) revised	18768
192.65–1	(Subpart 192.65) *Added	10140
195.35–5	(c) revised	33475
196.15–65	*Added	10140
196.37–49	*Added	10140
196.75–1	*Revised	18768

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221.4	*(a), (b), (c), and (d) revised	10572
221.7	*Appendix amended	10573
221.14	*Revised	22425
282	*Revised	16445
294.3	*(c)(1) amended	19481
294.8	(b)(1) revised	30880
294.9	(a)(3)(i) and (ii) revised; (b)(2)(iii) revised	30879, 30880
294.12	*(b)(3) revised	19481
308.6	Amended	27525
308.6	*Amended	9669
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309.1	*Revised	3952
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309.101	*Revised	3953
310.52	*(c) revised	2760
310.53	Revised	27525
310.53	*(a) amended	2760
310.58	(c) amended	34118
310.60	(b) revised	34118
310.64	*(c)(1) revised	2760
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390	*See 26 CFR 3.1	12

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531.26	*(c) revised	22956
542	Revised	28829
542	*Amended	9542
542.5	*(a)(3) revised	23262
542.10	*Added	9542

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0.84	Redesignated from 0.85 and revised	33598
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0.87	Added	33598
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0.89	Added	33598
0.90	Added	33598
0.93	*Revised	10432
0.111	Introductory text revised	31298
0.111	*Revised	13543
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0.311	Heading, (a) introductory text, (a)(1) and (b) revised	31298
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0.351	(h) added	30559
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0.465	*(a) revised	19216
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1.83	*(a)(1) and (2) revised; (a)(3) removed	7423
	*(a)(1) corrected	8617
1.294	*(c)(2) removed	10909
1.516	(e)(1) amended	28788
1.526	(a) introductory text and (e) introductory text revised; (a)(6), (7), (8), and (9) added	28788
	(a)(6) effective stayed; (a)(9) and introductory text of (e) amended	35411
1.526	*(a)(10) added	1767
1.539	(a) revised	28789
1.547	*(a) and (c)(4) revised; (d) removed	10574
1.550	(c)(1) corrected	27595
1.573	*Note 1 revised	12990
1.580	(c) and (i) amended; (d), (j) introductory text, and (m) revised	28789
	(d) introductory text and (d)(2) and (3)(iii) revised; (d)(5) redesignated as (d)(6); new (d)(5) added	35411
1.804	Revised	33475
1.912	(d) amended	33302

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1.926 (b)(10) amended	33302
1.993 (b) revised	35320
1.1113 *Amended	2765
1.1207 *Introductory text revised	18280
2.1 *Amended	2765
2.106 Table amended	29081, 30742
Footnote revised	32449
Footnote amended	30001
2.106 *Table amended	2765, 6706, 10142, 16843
*Footnote revised	10145
2.551—2.593 (Subpart F) *Removed	5919
2.601 *Revised	7130
2.603 *(a) and (b) revised	7130
*(a) table and (b) table corrected	13781
2.901—2.1065 (Subpart J *Added	5919
2.903 *(a) and (b) corrected	8617
2.905 *(a) and (b) corrected	8617
2.925 *Effective date stayed until 6/25/74	12351, 12867
2.969 *Effective date stayed until 6/25/74	12351, 12867
2.1003 *Effective date stayed until 6/25/74	12351, 12867
2.1045 *Effective date stayed until 6/25/74	12351, 12867
5.55 (d) and (f) revised	32138
13.4 *(c) revised	7424
13.11 *(b)(1)(iii), (2), and (3) revised	7424
13.21 *(b) added	7580
13.28 *Revised	7424
13.61 *(d)(2), (f)(6), and (g)(1) and (3) revised	3553
*(e)(2) and (f)(7) removed; (h)(4) revised	15129
13.62 *(c) introductory text and (c)(1), (2), and (3) revised	3553
15.66 *(b) revised	14347
15.68 *(b)(3) and (d)(3) revised (d)(4) added	29813, 30265
15.71 *(b) removed	14347
15.201 *(e) added	12748
15.214 *(c) revised	1768
15.216 *(a), (b), and (c) revised	12748
15.307 *Revised	1768
15.309 Revised	27822
15.309 *(a) and (c) revised	1768
17.7 *Revised	7581
17.14 *(c) revised	7581
17.57 *Revised	7581
18.13 *Revised	1769
18.14 *Revised	1769
18.141 *(a) revised	1769
18.144 *Note revised	1769
21.1 *Amended	2765, 20601
21.15 (r)(2) corrected	27218
21.35 *(a) revised	2765
21.107 *(b) amended	2765
21.108 *(b) amended	2765
21.501 *(e) revised	2765
21.509 *(e) designated as (e)(1); new (e)(2) added	20601
21.701 *(a) table amended	2766
21.703 *(g) table amended	2766
21.900—21.908 (Subpart K) *Added	2766
21.901 *(c) corrected	7134
23.16 Corrected	27386
23.20 (d)(2) corrected	27218
43.72 *Added	2768
64.202—64.298 (Subpart B) Revised	33475
73.18 (c)(2) corrected	27218
73.52 *(a) revised	10574
73.60 (a) revised	30266
73.63 (g) revised	30266
73.71 *(b) revised	10574
73.93 *(h)(4)(iv) revised	10575
73.98 *(b) and (g) revised	3901
73.113 *(e) revised	10575
73.114 *(b) revised	10575
73.202 (b) table amended	28833, 32450, 33602, 34119
(a) amended	28834
73.202 *(b) table amended	804, 1474, 1478, 1772, 1851, 4885, 7791, 10578, 11082, 13548, 14506, 19216, 20378, 20379
73.204 *(a) revised	12990
73.207 *(a) note amended	12990
*(b) table corrected	2768
*(a) Note corrected	20485
73.215 (c)(2) corrected	27218
73.252 (a) revised	30266
73.255 (f) revised	30266
73.261 *(b) revised	10575
73.265 *(d)(5)(iv) revised	10575
73.267 *(c) revised	10575
73.283 *(e) revised	10575
73.284 *(b) revised	10575
73.295 (g) revised	30266
73.297 (b) revised	30266
73.298 *(b) and (f) revised	3901
73.310 *(a) amended	10575
73.501 (c) added	28834
73.504 *Note added	12990
73.507 Added	28834
73.515 (c)(3) corrected	27218
73.552 (a) revised	30266
73.555 (f) revised	30266
73.565 *(d)(5)(iv) revised	10575
73.567 *(c) revised	10576
73.583 *(e) revised	10576
73.595 (g) revised	30266
73.596 (b) revised	30266
73.597 *(b) and (f) revised	3901
73.603 *(a) table amended	10576
73.606 *(b) table amended	10433, 16467
73.623 (c)(2) corrected	27218
73.644 *(a)(10) removed	5775
73.651 *(a)(3) revised	10576
73.658 Heading revised; (m) added	27218
(m) effective date stayed	31680, 34325
73.658 *(k) revised	5611, 12748
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73.674 *Existing text designated as (a); (b) and (c) added	1767
73.675 *(b) and (f) revised	3901
73.682 *(a)(22) revised	802
73.689 *(b)(3) revised	10576
73.690 (a) revised	30266
73.698 *Table I revised	20377
73.712 (c)(2) corrected	27218
73.901—73.962 (Subpart G) *Revised	3901
73.911 *(a), (b), and (c) revised	14710
*Republished	17443
73.931 *(a)(3) corrected	6610
73.1201 *(c) revised	6707
*(c) corrected	9442
73.1202 Added	28790
(a), (d)(1)(ii) and (iii) and (2)(ii) and (iii), and (e) revised	35412
74.12 (c)(2) corrected	27218
74.533 *(b)(4) revised	10576
74.635 *(a)(4) revised	10576
74.1202 *Note added	12990
76.7 *(b) and (d) revised	6707
*(i)(3) note added	20380
76.11 (a) revised	33398
76.13 *(a)(6), (b)(6) and (c)(4) revised	6707
*Note designated as 1; note 2 added	20380
76.95 *(c) added	12993
76.306 *Added	9443
76.601 (e) revised	29085
78.15 (a) revised; (b) removed	29321
78.15 *Note designated as 1; note 2 added	20380
78.19 (e)(2) corrected	27218
78.23 (a) revised	29321
78.25 (a) revised	29321
81.3 (t) added	29815
81.132 *(a)(2)(ii) amended	2001
*(a)(3) revised	12749
81.134 *(e) revised	12749
81.193 *Revised	2586
81.194 *(d) added	2586
81.330 Added	29815
81.361 *(b)(1) removed	11082
81.708 (b)(20) revised	29323
81.708 *(a) table amended	5488
83.3 *(q) added	10142
83.7 *(l) added	10142
83.39 *(b)(3) revised	2267
83.68 *Revised	10142
83.131 *Introductory text of (c) revised; (c)(3) added	10142
83.132 *(a)(1)(iii) and (iv) added; (a)(2)(ii) revised	10142
83.133 *(a) table amended	10142
83.134 (f) footnote 3 added	28941
83.134 *(f) revised	4578
*(i) added	10142
83.137 *(i) added	10142
83.139 *(b) revised	10142
83.141 *(a)(4) and (b) revised; (d) added	10142
83.144 *Added	10142
83.145 *Added	10143
83.164 *(b) revised	10143
83.178 *(e) added	10143
83.233 *Table revised	10144
83.252 *Added	10144
83.322 *(c) revised; (d) added	10144
83.326 *(c) added	10144
83.351 *(a) table amended	5489
83.352 *(b) revised; (c) added	10144
83.354 (b) table heading amended	28053
(b)(7) removed	28053
83.360 *(b)(1) and (3) removed	11082
83.401 *(c) revised	10144
*(c) corrected	13781

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83.517	(c)(2) revised	31008
83.518	Revised	28941
83.542	(d)(2) revised	31008
87.29	*(a)(5) added	5316
87.31	(f)(2) corrected	27218
87.65	(a)(5) and footnote 1 revised; footnote 2 added	29081
87.65	*(c) revised	14210
87.67	(b)(1) footnotes 5, 6, and 7 revised	29081
87.67	*(b)(1) footnote 7 revised	6706
87.79	(a) revised	29081
87.115	*(e)(1)(iii) revised	11083
87.183	(i) revised	29081
87.201	(b) revised	29082
87.295	(b) amended; (c) added	29082
87.331	(a) and (b) amended; (a) footnote 3 removed	29082
87.331	*(a) and (b) revised; (d) added	6706
	*(a) corrected	10909
87.341	(a) revised	29082
87.401	(a) and (c) revised	29082
87.431	Revised	29083
87.431	*Revised	6707
87.501	(h) (5) and (8) revised; footnote 3 added	33975
89.3	(b) amended	27823
89.12	(e) added	27823
89.15	(e)(2) corrected	27218
89.103	*(a) table amended	16843
89.105	*(a) revised; (e) added	16843
89.107	*(b)(2) table amended	16843
89.109	*(d) and (i) revised	16843
89.111	*(b) table revised	16843
89.117	*(b) revised	7134
89.123	Introductory text of (c) revised; (e) and (f) added	32929
89.156	Revised	28835
89.307	(f) removed	27823
89.357	(e) removed	27823
89.459	(d) table amended; (e)(17) added	30742
89.511	*(a) and (d) revised	15129
89.601—89.804	(Subpart S) *Added	16843
89.751	*(g) table corrected	18461
91.3	Amended	27823
91.7	(e) added	27823
91.8	(m)(2) corrected	27218
91.102	*(a) table amended	16848
91.103	*(a) revised; (c) added	16849
91.104	*(b)(2) table amended	16849
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91.106	*(b) table revised	16849
91.114	Introductory texts of (c), (d), (e), and (f) revised; (h) and (i) added	32929
91.116	*Added	16849
91.162	Revised	28835
91.504	(a) table amended; (b)(37) and (38) added	30742
91.554	(b)(32) and (41) revised	27823
91.604	*(a) table amended; (b)(19) added	10145
93.7	Amended	27823
93.9	(c)(2) corrected	27218
93.10	Added	27824
93.102	*(a) table amended	16849
93.103	*(a) revised; (c) added	16849
93.104	*(b)(2) table amended	16849
93.105	*(f) and (h) revised	16849
93.106	*(b) table revised	16849
93.109	*(b) revised	7134
93.114	(c) introductory text and (d) introductory text revised; (c) footnote 2 and (d) footnote 2 amended; (f) and (g) added	32930
93.116	*Added	16850
93.164	Revised	28836
95.3	(b) and (c) amended	29325
95.5	(a) amended	33302
95.6	(b) amended	33302
95.13	(a) and (c) amended	33302
95.15	(b) amended; (b) footnote removed	33302
95.19	(a) introductory text and (a)(3) amended	33302
95.35	Heading, introductory text, and (c) revised; (d) and (e) added	29325
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95.37	(c) amended	33302
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95.45	Revised	29326
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95.51	Revised	29326
95.55	Revised	29326
95.57	Heading, (a), and (b) revised; (d) added	29327
95.58	Added	29327
	Introductory text of (c) amended	34325
95.59	Revised	29327
95.63	Introductory text revised	29327
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95.83	(a)(7) note amended	33302
95.97	Introductory text of (c) revised	29327
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95.101	(a) amended	33302
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97.41	*(f) removed	2002
97.61	*(a) table and (b) (8), (9), and (10) revised; (b) (11) and (12) added	12995
97.88	*Added	21054
97.108	*(a)(4) revised	2002
	*Removed	21054
97.111	*(c) revised; (f) added	2002
97.112	*Existing text designated as (a); (b) added	9444
97	Appendix 1 amended	33974
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1.41	Revised	29881
1.46	*(l) and (m) revised	4083
	*(o)(6) and (r) added	10585
	*(o)(7) added	17847
1.48	(b), (c), and (n) revised	31497
1.48	*(b)(33) and (c)(1) amended	3680
	*(c)(15) added	5767
	*(p) added	7791
	*(q) added	10585
	*(b)(1) revised	13781
1.49	*(p) added	7791
	*(q) added	8919
	*(r) added	10585
1.50	(f) and (g) added	31498
1.50	*(g) amended	3680
	*(f)(2) revised	13781
1.50a	*Revised	10585
1.51	(b) revised; (g) added	31498
1.53	*(m) added	7425
1.57	*(j) added	7791
1.58	*Heading revised; (g) added	10585
	*(d)(1) revised	11423

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1.59 (n) added	29881
1.59 *(o) added	7425
1.60 *(l) added	8919
7.85 (g)(2) revised	32580
7 Appendix H amended	34112
73 Added	34877
85 *Appendix amended	4085
*Appendix corrected	5190
99 Appendix C amended	33975
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171 Compliance date amended	28292
171.7 *(c)(18) and (d)(13) added; (d) (1) and (7)(iv) revised	10910
*(c)(19) added	12750
172 Compliance date amended	28292
172.4 *(a) amended	2770
172.5 (a) table amended	35469
172.5 *(a) table corrected	1851
*(a) table amended	2770, 12750, 15034, 17314, 18462
*(39 FR 17314)(a) effective date corrected	17970
173 Compliance date amended	28292
173.28 Introductory text of (m) revised	35470
173.31 *(c) (7) and (10) revised	15034
173.32 *(a)(3) added	17315
173.33 (e) introductory text, (e)(1), (g) introductory text, (g)(1), (2), (3), (4), and (8), and (i) exception, (i)(1), (2), and (3) revised; (e)(5), (g)(5), and (i)(3) note 1 removed; (e)(6) through (10) redesignated as (e)(5) through (9); (g)(6) through (11) redesignated as (g)(5) through (10)	27596
173.60 *(a)(1) removed	17315
*Effective date corrected	17970
173.64 *(a)(3) removed	17315
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173.65 *(a)(3) and (e)(1) removed	17315
*Effective date corrected	17970
173.70 *(b) introductory text and (d) revised	17315
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*Effective date corrected	17970
173.71 *(b) and (d) revised	17315
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173.72 *(b) and (d) revised	17315
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173.75 *(b) introductory text and (d) revised	17316
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173.76 *(b) and (c) revised	17316
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173.77 *(b) and (d) revised	17316
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173.78 *(b) and (d) revised	17316
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173.91 *(a)(1) removed	17316
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173.93 *(a)(1), (b)(2), and (d)(2) removed	17316
*Effective date corrected	17970
173.108 *(a)(1) removed	17316
*Effective date corrected	17970
173.115 *Heading, (a), and (c) revised	2770
173.118 *Heading revised; (a)(3), (b), (c), and (d) added	2770
173.119 (m)(16) and (17) added	35470
173.119 *(b) introductory text and (l) introductory text revised	2770
*(a)(12) amended; (e)(2), (f)(3) and (4), and (h) revised	15035
*(a)(5) and (6) removed; (b)(3) and (e)(1) and (3) revised	17316
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173.121 *(a)(1) removed	17317
173.123 *(a)(5) revised	15035
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173.128 *(b)(1) removed	17317
*Effective date corrected	17970
173.131 *(a)(2) removed	17317
*Effective date corrected	17970
173.132 *(a)(1) revised; (a)(1) note 1 removed	17317
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173.154 *(a)(15) added	15035
*(a)(3), (4), and (5) removed	17317
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173.155 *(a)(2) removed	17317
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173.163 *(a)(4) amended	17317
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173.182 *(a) introductory text, (b) introductory text, and (b)(3), (4), (5), and (6) revised; (b)(7) added	12751
173.184 *(a)(1) removed	17317
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173.187 *(a)(1) revised	17317
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173.195 *(a)(3) removed	17317
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173.201 *(a)(3) removed	17317
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173.204 *(a)(1) revised; (a)(8) added	17317
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173.205 *(a)(2) removed	17317
*Effective date corrected	17970
173.206 *(a)(1) and (c)(4) revised; (a)(11) added	17317
*Effective date corrected	17970
173.214 *(a)(2) and (c)(2) removed; (c)(4) added	17318
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173.216 *(a)(2) removed	17318
*Effective date corrected	17970
173.217 *Heading and introductory text of (a) revised; (a)(6) added	12751
173.240 (a) revised	35470
173.245 (a)(4) revised; (a)(34) added	35470
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173.245a *(a) table amended	15035
173.246 *Heading and (a) revised	17318
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173.247 Heading and (a) introductory text revised	35471
173.247 *Heading, (a) introductory text, and (a) (13) and (14) revised	15037
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*Effective date corrected	17970
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173.248 *(a)(4) revised	15036
173.249 Heading and (a) introductory text revised	35471
173.249 *(a)(5) revised	15036
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173.262 *(a)(6) revised	15036
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173.263 *(a) (9) and (12) revised	15036
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173.266 *(f)(1) revised	15036
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173.268 *(b)(1) and (c)(2) revised	15036
*(d)(1) and (e)(1) revised	17319
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173.270 *(a)(2) removed	17319
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173.271 *(a) (9) and (11) revised	15037
*(a)(3) removed	17319
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rules and regulations

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The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of Housing and Urban Development

Section 213.3384 is amended to show that one position of Administrative Aide to the Special Assistant to the Secretary, is expected under Schedule C.

Effective on June 17, 1974, § 213.3384 (a) (31) is amended as set out below.

§ 213.3384 Department of Housing and Urban Development.

(a) *Office of the Secretary.* • • •

(31) One Special Assistant to the Secretary and one Administrative Aide to the Special Assistant.

• • • • • •

(5 U.S.C. secs. 3301, 3302; E.O. 10577, 3 CFR 1954–58 comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74–13774 Filed 6–14–74;8:45 am]

Title 7—Agriculture

CHAPTER II—FOOD AND NUTRITION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—GENERAL REGULATIONS AND POLICIES—COMMODITY DISTRIBUTION

[Amdt. 26]

PART 250—DONATION OF FOODS FOR USE IN UNITED STATES, ITS TERRITORIES AND POSSESSIONS, AND AREAS UNDER ITS JURISDICTION

Realignment of Regional Boundaries

So that each State within an FNS Region and all residents thereof will be included in the same FNS Region, the Navajo Nation is, effective July 1, 1974, being transferred from the West-Central Region to the Western Region. Therefore, § 250.11 of this part is amended to show the current names and address of offices and the alignment of States, Territories, or Possessions as set out below.

This amendment is of an organizational nature and does not substantially affect the rights or obligations of any member of the public. Accordingly, it is found that notice and public procedure concerning this amendment are impracticable and unnecessary.

§ 250.11 Where to obtain information.

Interested persons desiring information concerning the program may make written request to the following Regional Offices:

Northeast Region, Food and Nutrition Service, USDA, 729 Alexander Road, Princeton, New Jersey 08540, for the following States and the District of Columbia: Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Puerto Rico, Rhode Island, Vermont, Virgin Islands, Virginia, and West Virginia.

Southeast Region, Food and Nutrition Service, USDA, 1100 Spring Street NW., Atlanta, Georgia 30309, for the following States: Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee.

Midwest Region, Food and Nutrition Service, USDA, 536 South Clark Street, Chicago, Illinois 60605, for the following States: Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, Ohio, and Wisconsin.

West-Central Region, Food and Nutrition Service, USDA, 1100 Commerce Street, Room 6–D–22, Dallas, Texas 75202, for the following States: Arkansas, Colorado, Louisiana, Montana, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Utah, and Wyoming.

Western Region, Food and Nutrition Service, USDA, 550 Kearney Street, Room 400, San Francisco, California 94108, for the following States, Territories, or Possessions: Alaska, American Samoa, Arizona, California, Guam, Hawaii, Idaho, Nevada, Oregon, Trust Territory, and Washington.

(Catalog of Federal Domestic Assistance Program No. 10.550, National Archives Reference Services).

This amendment shall become effective July 1, 1974.

Dated: June 11, 1974.

RICHARD L. FELTNER,
Assistant Secretary for Marketing and Consumer Services.

[FR Doc.74–13769 Filed 6–14–74;8:45 am]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

PART 918—FRESH PEACHES GROWN IN GEORGIA

Expenses and Rates of Assessment

This document authorizes expenses of $10,800 of the Industry Committee under Marketing Order No. 918 for the 1974–75 fiscal period and fixes a rate of assessment of $0.02 per bushel basket of peaches (net weight of 48 pounds), handled in such period to be paid to the Committee by each first handler as his pro rata share of such expenses.

On May 20, 1974, notice of proposed rulemaking was published in the FEDERAL REGISTER (39 FR 17767) regarding proposed expenses and the related rate of assessment for the period March 1, 1974, through February 28, 1975, pursuant to the marketing agreement and Order No. 918 (7 CFR Part 918) regulating the handling of fresh peaches grown in Georgia. This notice allowed interested persons 19 days during which they could submit written data, views, or arguments pertaining to the proposals. None were submitted. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Industry Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 918.212 Expenses and rate of assessment.

(a) *Expenses.* Expenses that are reasonable and necessary to be incurred by the Industry Committee during the period March 1, 1974, through February 28, 1975, will amount to $10,800.

(b) *Rate of assessment.* The rate of assessment for said period, payable by each handler in accordance with § 918.41, is fixed as $0.02 per bushel basket of peaches (net weight of 48 pounds, or an equivalent of peaches in other containers or in bulk.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (7 U.S.C. 553) in that (1) shipments of fresh peaches have already begun; (2) the relevant provisions of said amended marketing agreement and this part require that the rate of assessment fixed for a particular fiscal period shall be applicable to all assessable peaches from the beginning of such period; and (3) the current fiscal period began March 1, 1974, and the rate of assessment herein fixed will automatically apply to all assessable peaches beginning with such date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 12, 1974.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.74–13766 Filed 6–14–74;8:45 am]

[Avocado Reg. 22]

PART 944—FRUITS; IMPORT REGULATIONS

Trade Requirements for Avocados

Avocado Regulation 22 prescribes during the period June 24, 1974, through

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April 30, 1975, the same grade requirement for imported avocados as that applicable, pursuant to Order No. 915 (7 CFR Part 915), to avocados grown in South Florida. The maturity regulation applies the same minimum size or weight requirements to imported avocados of the Pollock, Catalina, and Trapp varieties as are applicable to Florida avocados of the same varieties. All other imported avocados are required to meet minimum size or weight requirements comparable to those effective for similar types grown in Florida as variations in characteristics make application of identical requirements impractical. This import regulation is effective pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

On June 3, 1974, notice of proposed rulemaking was published in the FEDERAL REGISTER (39 FR 19484) inviting written comments on consideration that was being given to a proposed regulation, which would limit the importation of avocados into the United States, during the period June 17, 1974, through April 30, 1975, pursuant to Part 944–Fruits; Import Regulations (7 CFR Part 944). None were received.

It is hereby found that good cause exists for not postponing the effective time of the regulatory provisions of this regulation, as hereinafter set forth, beyond that hereinafter specified (5 U.S.C. 553) in that (a) the requirements of this import regulation are imposed pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), which makes such requirements mandatory; (b) such regulation imposes the same grade and comparable maturity requirements on imports of avocados as are being made applicable to the shipment of avocados grown in Florida under Avocado Regulation 16, which becomes effective June 17, 1974; (c) such domestic and import regulations should become effective at as near the same time as is reasonably practicable; (d) notice hereof in excess of three days, the minimum prescribed by said section 8e, is given with respect to this import regulation; and (e) such notice is hereby determined, under the circumstances, to be reasonable.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, and other available information, it is hereby found that the grade, size, and maturity restrictions that are the same as or are comparable to those to be in effect pursuant to the said amended marketing agreement and order shall apply to avocados to be imported.

§ 944.14 Avocado Regulation 22.

(a) On and after the effective time of this section, the importation into the United States of any avocados is prohibited unless such avocados are inspected and meet the following requirements:

(1) All avocados imported during the period June 24, 1974, through April 30, 1975, shall grade not less than U.S. No. 3.

(2) Avocados of the Pollock variety shall not be imported (i) prior to July 8, 1974; (ii) from July 8, 1974, through July 21, 1974, unless the individual fruit in each lot of such avocados weighs at least 18 ounces or measures at least 3 11/16 inches in diameter; and (iii) from July 22, 1974, through August 5, 1974, unless the individual fruit in each lot of such avocados weighs at least 16 ounces or measures at least 3 7/16 inches in diameter.

(3) Avocados of the Catalina variety shall not be imported (i) prior to August 19, 1974; (ii) from August 19, 1974, through September 22, 1974, unless the individual fruit in each lot of such avocados weighs at least 24 ounces; and (iii) from September 23, 1974, through October 7, 1974, unless the individual fruit in each lot of such avocados weighs at least 22 ounces.

(4) Avocados of the Trapp variety shall not be imported (i) prior to August 19, 1974; (ii) from August 19, 1974, through September 1, 1974, unless the individual fruit in each lot of such avocados weighs at least 12 ounces or measures at least 3 10/16 inches in diameter; and (iii) from September 2, 1974, through September 16, 1974, unless the individual fruit in each lot of such avocados weights at least 12 ounces or measures at least 3 7/16 inches in diameter.

(5) Avocados of any variety other than Pollock, Catalina, and Trapp varieties, of the West Indian varieties not listed elsewhere in this regulation, shall not be imported (i) prior to July 8, 1974; (ii) from July 8, 1974, through August 4, 1974, unless the individual fruit in each lot of such avocados weighs at least 18 ounces; (iii) from August 5, 1974, through September 8, 1974, unless the individual fruit in each lot of such avocados weighs at least 16 ounces; (iv) from September 9, 1974, through October 6, 1974, unless the individual fruit in each lot of such avocados weighs at least 14 ounces: *Provided*, That any lot of such avocados may be imported without regard to the date or minimum weight requirements of this paragraph if such avocados, when mature, normally change color to any shade of red or purple and any portion of the skin of the individual fruit has changed to the color normal for that fruit when mature.

(6) Avocados of any variety of the Guatemalan type, including hybrid type seedlings, unidentified Guatemalan and and hybrid varieties, and Guatemalan and hybrid varieties not listed elsewhere in the regulation shall not be imported (i) prior to September 23, 1974; (ii) from September 23, 1974, through October 20, 1974, unless the individual fruit in each lot of such avocados weighs at least 15 ounces; and (iii) from October 21, 1974, through December 22, 1974, unless the individual fruit in each lot of such avocados weighs at least 13 ounces.

(7) Notwithstanding the provisions of paragraph (a) (2) through (6) of this section regarding the minimum weight or diameter for individual fruit, not to exceed 10 percent, by count, of the individual fruit, contained in each lot may weigh less than the minimum specified and be less than the specified diameter: *Provided*, That such avocados weigh not over 2 ounces less than the applicable specified weight for the particular variety specified in such subparagraphs. Such tolerances shall be on a lot basis, but not to exceed double such tolerances shall be permitted for an individual container in a lot.

(b) The Federal or Federal-State Inspection Service, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, is hereby designated as the governmental inspection service for the purpose of certifying the grade, size, quality, and maturity of avocados that are imported into the United States. Inspection by the Federal or Federal-State Inspection Service with appropriate evidence thereof in the form of an official inspection certificate, issued by the respective service, applicable to the particular shipment of avocados, is required on all imports of avocados. Such inspection and certification services will be available upon application in accordance with the rules and regulations governing inspection and certification of fresh fruits, vegetables, and other products (7 CFR Part 51) but, since inspectors are not located in the immediate vicinity of some of the small ports of entry, such as those in southern California, importers of avocados should make arrangements for inspection, through the applicable one of the following officers, at least the specified number of days prior to the time when the avocados will be imported:

Ports	Office	Advance Notice
All Texas points.	L. M. Denbo, 506 South Nebraska St., San Juan, Tex. 78589 (Phone (512) 787–4091). or Charles E. Parragon, 300 North Concepcion, El Paso, Tex. 79905 (Phone (915) 543–7723).	1 day. Do.
All New York points.	Frank J. McNeal, Room 28A Hunts Point Market, Bronx, N.Y. 10474 (Phone (212) 991–7668 and 7669). or Charles D. Renick, 176 Niagara Frontier Food Terminal, Room 8, Buffalo, N.Y. 14206 (Phone (716) 824–1885).	Do. Do.
All Arizona points.	B. O. Morgan, 225 Terrace Ave., Nogales, Ariz. 85621 (Phone (602) 287–2902).	Do.
All Florida points.	Lloyd W. Boney, 1350 NW. 12th Ave., Room 638, Miami, Fla. 33136 (Phone (305) 324–6116). or Hubert S. Flynt, 775 Warner Lane, Orlando, Fla. 32814 (Phone (306) 894–9511). or Johnnie E. Corbitt, Unit 46, 3335 North Edgewood Ave., Jacksonville, Fla. 32205 (Phone (904) 354–5083).	Do. Do. Do.
All California points.	Daniel P. Thompson, 784 South Central Ave., Room 266, Los Angeles, Calif. 90012 (Phone (213) 622–8756).	3 days.
All Louisiana points.	Pascal J. Lamarca, 5027 Federal Office Bldg., 701 Loyola Ave., New Orleans, La. 70113 (Phone (504) 527–6741 and 6742).	1 day.
All other points	D. S. Matheson, F&V Div., AMS-USDA, Washington, D.C. 20250 (Phone (202) 447–5870).	3 days.

(c) Inspection certificates shall cover only the quantity of avocados that is being imported at a particular port of entry by a particular importer.

(d) The inspection performed, and certificates issued, by the Federal or Federal-State Inspection Service shall be in accordance with the rules and regulations of the Department governing the inspection and certification of fresh fruits, vegetables, and other products (7 CFR Part 51). The cost of any inspection and certification shall be borne by the applicant therefor.

(e) Each inspection certificate issued with respect to any avocados to be imported into the United States shall set forth, among other things:

(1) The date and place of inspection;

(2) The name of the shipper, or applicant;

(3) The commodity inspected;

(4) The quantity of the commodity covered by the certificate;

(5) The principal identifying marks on the container;

(6) The railroad car initials and number, the truck and the trailer license number, the name of the vessel, or other identification of the shipment; and

(7) The following statement, if the facts warrant: Meets U.S. import requirements under Section 8e of the Agricultural Marketing Agreement Act of 1937, as amended.

(f) Notwithstanding any other provisions of this regulation, any importation of avocados which, in the aggregate, does not exceed 55 pounds may be imported without regard to the restrictions specified herein.

(g) It is hereby found that the application of the maturity restrictions being imposed, pursuant to Order No. 915 (7 CFR Part 915), upon avocados grown in South Florida to imported avocados, other than of the Pollock, Catalina, and Trapp varieties, is not practicable because of variations in characteristics between the domestic and imported avocados; and the maturity restrictions applicable to imported avocados other than of the Pollock, Catalina, and Trapp varieties are comparable to those imposed upon the domestic commodity. The quality restrictions for all imported avocados, and the maturity restrictions for imported avocados of the Pollock, Catalina, and Trapp varieties, are the same as those being imposed upon the domestic commodity.

(h) No provisions of this section shall supersede the restrictions or prohibitions on avocados under the Plant Quarantine Act of 1912.

(i) Nothing contained in this section shall be deemed to preclude any importer from reconditioning, prior to importation, any shipment of avocados for the purpose of making it eligible for importation.

(j) The terms relating to grade, as used herein, shall have the same meaning as when used in the United States Standards for Florida Avocados (7 CFR 51.3050–51.3069). "Diameter" shall mean the greatest dimension measured at right angles to a line from the stem to the blossom end of the fruit. "Importation" means release from custody of the United States Bureau of Customs.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated June 11, 1974, to become effective June 24, 1974.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.74–13764 Filed 6–14–74;8:45 am]

CHAPTER X—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; MILK), DEPARTMENT OF AGRICULTURE

[Milk Order No. 121]

PART 1121—MILK IN THE SOUTH TEXAS MARKETING AREA

Order Suspending Certain Provisions

This order of suspension is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and of the order regulating the handling of milk in the South Texas marketing area.

It is hereby found and determined that for the month of July 1974 the following provisions of the order do not tend to effectuate the declared policy of the Act:

In § 1121.16, which defines "fluid milk products," the language "cultured sour cream and sour cream products."

STATEMENT OF CONSIDERATION

This action will continue the present suspension of certain provisions that now results in milk utilized for sour cream and sour cream products being classified as Class II milk rather than Class I milk. The present suspension, which has been in effect since June 1973, expires June 30, 1974.

Continuation of the suspension was requested by a proprietary handler regulated under the South Texas order. The distributing plant of this handler is located in the center of the North Texas order marketing area. Although the handler has a majority of his Class I sales in the South Texas market where he is regulated, most of the remainder of his sales, which include sour cream, is in the North Texas market. The North Texas order classifies milk used in sour cream and sour cream products in the lower-priced class (Class II).

Beginning August 1, 1974, milk used to produce various products, including sour cream and sour cream products, will be classified uniformly under all of the Texas orders. Amendments providing for such uniform classification were issued for 39 orders, including all Texas orders except South Texas, on April 29, 1974 (39 15404, 15762, 15997, and 16232) and for the South Texas order on May 22, 1974 (39 FR 18448).

In view of the inequitable competitive situation that again would prevail should the present suspension lapse after June 30, and inasmuch as it has been found appropriate on the basis of extensive hearings to classify milk uniformly under the Texas orders, the continued suspension of sour cream and sour cream products from the fluid milk products definition is appropriate until the classification amendments become effective on August 1. Such action will provide during the interim period the same classification of sour cream and sour cream products, and thus comparable pricing, under both the North Texas and South Texas orders.

It is hereby found and determined that thirty days' notice of the effective date hereof is impractical, unnecessary and contrary to the public interest in that:

(a) This suspension is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area;

(b) This suspension does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) A similar suspension has been in effect since June 1973 but will expire June 30, 1974. On August 1, 1974, uniform classification provisions will become effective under all Texas orders. Such provisions will result under each order in the same classification of milk used to produce sour cream and sour cream mixtures. Interim action is appropriate pending the effective date of related order amendments.

Therefore, good cause exists for making this order effective July 1, 1974.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended for the month of July 1974.

(Secs. 1–19, 48 Stat. 31, as amended (7 U.S.C. 601–674))

Effective date: July 1, 1974.

Signed at Washington, D.C., on June 11, 1974.

RICHARD L. FELTNER,
Assistant Secretary for Marketing and Consumer Services.

[FR Doc.74–13768 Filed 6–14–74;8:45 am]

Title 8—Aliens and Nationality

CHAPTER I—IMMIGRATION AND NATURALIZATION SERVICE, DEPARTMENT OF JUSTICE

PART 242—PROCEEDINGS TO DETERMINE DEPORTABILITY OF ALIENS IN THE UNITED STATES: APPREHENSION, CUSTODY, HEARING, AND APPEAL

Authority to Issue and Cancel Orders To Show Cause; Authority To Issue Warrants of Arrest

Correction

In FR Doc.74–13187 appearing at page 20367 of the issue for Monday, June 10, 1974, the following changes should be made:

1. In § 242.2(a), the second word "the" in the 35th line should read "he".

2. In § 242.7 the word "and" in the second line should read "any".

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Title 10—Energy

CHAPTER I—ATOMIC ENERGY COMMISSION

PART 71—PACKAGING OF RADIOACTIVE MATERIAL FOR TRANSPORT AND TRANSPORTATION OF RADIOACTIVE MATERIALS UNDER CERTAIN CONDITIONS

Form for Shipping Plutonium

On August 1, 1973, the Commission published in the FEDERAL REGISTER a notice of proposed rulemaking (38 FR 20482) that would have required that all plutonium in excess of twenty curies per package be shipped as a solid material contained within a "special form" capsule placed within a package meeting the conditions for normal form material. The effective date proposed was three years after adoption of the amendment. All interested persons were invited to submit written comments and suggestions for consideration in connection with the proposed amendment within 60 days after publication of the notice of proposed rulemaking in the FEDERAL REGISTER. After careful consideration of the comments received and other factors involved, the Commission has adopted the amendments as published for comment with the following changes:

(1) The proposed requirement that the inner containment vessel meet the "special form" capsule requirement has been replaced with a requirement that the inner containment vessel must maintain its integrity after the entire package has been subjected to the normal and accident test conditions prescribed by Part 71. The effect of the amended provisions is still to require double containment of the contents. A number of commenters expressed the view that while double containment of plutonium is an important safety objective, a requirement that the inner container meet the stringent performance specifications required of a "special form" capsule was unnecessary. The Commission considers it most important that solid form plutonium be doubly contained and that both barriers in the packaging maintain their integrity under normal and accident test conditions. The present packaging required for normal form material provides the outer barrier. In specifying the "inner barrier" in the proposed rule, the Commission proposed a form of encapsulation that was already defined in Part 71, with corresponding performance specifications. Since the inner containment requirements are intended to take into account the fact that the plutonium may not be in a "nonrespirable" form, the Commission has concluded that if it can be demonstrated that the inner container will maintain its integrity in the packaging after the package is subjected to the normal and accident test conditions, sufficient protection will be afforded.

(2) Solid plutonium in the following forms has been exempted from the double containment requirements: (a) Reactor fuel elements; (b) metal or metal alloy; and (c) other plutonium bearing solids that the Commission determines suitable for such exemption. Since the double containment provision compensates for the fact that the plutonium may not be in a "nonrespirable" form, solid forms of plutonium that are essentially nonrespirable should be exempted from the double containment requirement. Therefore, it appears appropriate to exempt from the double containment requirements reactor fuel elements, metal or metal alloy, and other plutonium bearing solids that the Commission determines suitable for such exemption. The latter category provides a means for the Commission to evaluate, on a case-by-case basis, requests for exemption of other solid material where the quantity and form of the material permits a determination that double containment is unnecessary.

(3) The implementation period has been extended from three to four years. Many comments suggested that the proposed three-year implementation period was not long enough, considering the necessary plant design effort, licensing, and construction of required facility modifications necessary to meet the requirements. Additional time was requested. The Commission believes that the increases in the amounts of plutonium to be shipped and the changing characteristics of plutonium will not change significantly in the next four years when compared to years beyond 1978. The four-year period for compliance should give the nuclear industry a sufficient period for implementation.

The Commission has determined, pursuant to guidelines of the Council on Environmental Quality, that this rulemaking action will not significantly affect the quality of the human environment and, accordingly, makes this Negative Declaration on environmental impact. The staff's environmental Impact Appraisal supporting this declaration is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C.

Pursuant to the Atomic Energy Act of 1954, as amended, and sections 552 and 553 of Title 5 of the United States Code, the following amendments to Title 10, Chapter 1, Code of Federal Regulations, Part 71, are published as a document subject to codification.

1. A new § 71.42 is added to read as follows:

§ 71.42 Special requirements for plutonium shipments after June 17, 1978.

(a) Notwithstanding the exemption in § 71.9, plutonium in excess of twenty (20) curies per package shall be shipped as a solid.

(b) Plutonium in excess of twenty (20) curies per package shall be packaged in a separate inner container placed within outer packaging that meets the requirements of Subpart C for packaging of material in normal form. The separate inner container shall not release plutonium when the entire package is subjected to the normal and accident test conditions specified in Appendices A and B. Solid plutonium in the following forms is exempt from the requirements of this paragraph:

(1) Reactor fuel elements;

(2) Metal or metal alloy; or

(3) Other plutonium bearing solids that the Commission determines should be exempt from the requirements of this section.

(c) Authority in AEC licenses issued pursuant to this part for delivery of plutonium to a carrier for transport under conditions which do not meet the limitations of paragraphs (a) and (b) of this section shall expire on June 17, 1978.

Effective date. The requirements of this part are effective on July 17, 1974.

Dated at Germantown, Maryland this 11th day of June 1974.

For the Atomic Energy Commission.

PAUL C. BENDER,
Secretary of the Commission.

[FR Doc.74-13775 Filed 6-14-74;8:45 am]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. T]

PART 220—CREDIT BY BROKERS AND DEALERS

Credit in Connection With Investment Contracts; Postponement of Effective Date

1. On page 34988 of the FEDERAL REGISTER of December 21, 1973, the Board of Governors announced the addition, pursuant to the authority of section 7 of the Securities and Exchange Act of 1934 (15 U.S.C. § 78g), of a new paragraph (1) to § 220.6 of Regulation T. The effective date of the amendment was to be June 21, 1974.

2. The Securities and Exchange Commission has announced on June 7, 1974, proposed amendments to its regulations that would exempt from section 7 of Securities and Exchange Act of 1934 some of the investment contracts which would be affected by the addition of paragraph (1) to § 220.6 of Regulation T. In order to provide the Commission with adequate time for review of comments received on its proposal, the Board of Governors hereby announces that the effective date of paragraph (1) of § 220.6 is postponed until January 2, 1975.

By order of the Board of Governors, June 7, 1974.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.74-13757 Filed 6-14-74;8:45 am]

CHAPTER VI—FARM CREDIT ADMINISTRATION

PART 615—FUNDING AND FISCAL AFFAIRS

Banks for Cooperatives Earnings

The Farm Credit Administration, by its Federal Farm Credit Board, took final action on an amendment to its regulations and authorized its issuance effective June 4, 1974. This amendment clarifies how the amount that may be placed in an unallocated surplus account by a bank for cooperatives is to be determined. Because this amendment has been discussed with the banks involved and there is a need for it to be made effective for the closing of books as of June 30, 1974, it is found that notice of proposed rulemaking provided for in 5 U.S.C. 553 is unnecessary, and any delay in the issuance of this amendment is not in the public interest.

Chapter VI of Title 12 of the Code of Federal Regulations is amended by revising § 615.5370 to read as follows:

§ 615.5370 Banks for cooperatives earnings.

(a) Whenever at the end of any fiscal year a bank shall have no outstanding capital stock held by the Governor the net savings shall first be applied to the restoration of the amount of the impairment, if any, of capital stock, as determined by the bank board. Any remaining net savings or losses shall be distributed as authorized by the bank board. Twenty-five percent or less of such remaining net savings derived from business done with or for patrons may be used to maintain an allocated surplus account. Not more than 10 percent of net savings derived from business done with or for patrons, plus the total amount of any net earnings derived from nonpatronage (including nonmember) sources, may be used to create or maintain an unallocated surplus or unallocated reserve account. The amount so determined shall first be reduced by related income taxes. For purposes of this regulation all net savings shall be deemed to be from patronage sources unless otherwise determined by the bank. Cash patronage refunds shall not exceed 25 percent of the total amount of net savings allocated or paid to patrons except with Farm Credit Administration approval. Patronage refunds not paid in cash or allocated in surplus shall be paid in capital stock as determined by the bank board. A net loss in any fiscal year shall be absorbed on the basis determined by the bank board. Any costs or expenses attributable to a prior year shall not be charged to reserves, surplus, or patronage allocations without the approval of the Farm Credit Administration.

(b) Whenever at the end of any fiscal year a bank shall have stock outstanding held by the Governor, net savings shall be distributed in accordance with section 3.11 (a) of the Act.

(c) The phrase "service fees" as used in section 3.11 (c) of the Act are loan service fees and not income related to "technical assistance and financially related services" referred to in section 3.7 of the Act. If net savings from "technical assistance and financially related services" becomes more than incidental, such net savings shall be distributed as patronage to borrowers using such services.

E. A. JAENKE,
Governor,
Farm Credit Administration.

[FR Doc.74-13760 Filed 6-14-74;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 73-CE-4-AD; Amdt. 39-1877]

PART 39—AIRWORTHINESS DIRECTIVES

Cessna Model 500 Airplanes

Amendment 39-1623, AD 73-9-1 (38 FR 9990) applicable to Cessna Model 500 airplanes, is an Airworthiness Directive (AD) which was issued as a result of the manufacturer's notification that some understrength elevator torque tube inboard hinge end cap—pivot studs (P/N 5534120-8) had been installed on some of these model airplanes. The AD requires that on certain serial numbers of the Cessna Model 500 airplanes that these aircraft not exceed a maximum operation speed of .69 mach. It also requires, prior to each flight, a preflight check and within 5 hours' time in service after the effective date of the AD an inspection of the suspect part for thickness in accordance with Cessna Service Bulletin SB 55-2 and replacement thereof if not within acceptable tolerances (.084 or less). The manufacturer has now advised the agency that on Cessna Model 500 aircraft all torque tubes with an end cap thickness of less than .085 have been replaced. Since total compliance with AD 73-9-1 has now been achieved the need for this AD is obviated. Therefore, action is taken herein to rescind AD 73-9-1.

Since this amendment relieves a restriction and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than thirty (30) days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 (31 FR 13697), Section 39.13 of Part 39 of the Federal Aviation Regulations is amended by rescinding AD 73-9-1, Amendment 39-1623 (38 FR 9990).

This amendment becomes effective June 21, 1974.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Kansas City, Missouri, on June 6, 1974.

A. L. COULTER,
Director, Central Region.

[FR Doc.74-13743 Filed 6-14-74;8:45 am]

[Airspace Docket No. 74-GL-5]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On pages 12768 and 12769 of the FEDERAL REGISTER dated April 8, 1974, the Federal Aviation Administration published a Notice of Proposed Rule Making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Camp McCoy, Wisconsin.

Interested persons were given 30 days to submit written comments, suggestions or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., August 15, 1974.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Des Plaines, Illinois on June 4, 1974.

R. O. ZIEGLER,
Acting Director,
Great Lakes Region.

In § 71.181 (39 FR 440), the following transition area is added:

CAMP MCCOY, WISCONSIN

That airspace extending upward from 700 feet above the surface within an 11 mile radius of the McCoy Army Air Field (latitude 43°57'15" N., longitude 90°44'15" W.), excluding that portion that overlies the La Crosse, Wisconsin transition area.

[FR Doc.74-13744 Filed 6-14-74;8:45 am]

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-862, Amdt. 23]

PART 288—EXEMPTION OF AIR CARRIERS FOR MILITARY TRANSPORTATION

Surcharge to Applicable Rates for Certain Foreign and Overseas Air Transportation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., June 11, 1974.

By ER-839, March 8, 1974, the Board amended Part 288 of its Economic Regulations (14 CFR Part 288) by providing a surcharge to the rates applicable to certain foreign and overseas air transportation services performed by air carriers for the Department of Defense. The surcharge was intended to compensate the carriers for the increased cost of commercial fuel expended in long-range foreign and overseas military charter operations. By ER-860, May 24, 1974, the Board adopted a procedure whereby the fuel surcharge rate would

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be opened "automatically" on the first day of each month for a period necessary to receive and analyze reported fuel price data, after which the rate would be revised, either up or down, to reflect the more recent prices, and then retroactively applied from the first of the month.

Appendix B[1] sets forth the computation of the cost impact on operations for the base year ended September 30, 1973, of commercial fuel prices as of April 1, which is the first month for which the review is being made. On the basis of these results, we will amend the surcharge to increase the rate from the current 7.96 to 11.65 percent of the existing interim rates retroactive to April 1, 1974. This rate will continue as a temporary rate on and after May 1, until review of commercial fuel prices as of that date is completed.

In its comments in response to notice of rule making EDR–265, in which the monthly fuel surcharge review was proposed, Pan American World Airways, Inc. (Pan American) raised questions concerning two aspects of the methodology used to determine the surcharge rate which we deferred for consideration herein. First, Pan American suggests that since the surcharge is intended to reflect fuel prices for a current month, the rate should be based upon the average price of fuel actually used during the month rather than on the prices in effect on the first day of the month. And, second, the carrier objects to our procedure which substitutes the most recent reported fuel prices at stations operated during the base period rather than using the prices in effect at the stations actually operated during the month under review. We have considered the carrier's comments, but are not persuaded to base the fuel surcharge rate upon the average price of fuel actually consumed during the month in MAC operations. However, we have determined to revise somewhat our own methodology. As indicated, the previous commercial fuel surcharge rates have been determined by substituting the most recent reported fuel price at stations operated during the year ended September 30, 1973, for the average prices in effect during that period. This methodology tends to understate the current fuel prices in effect by reflecting obsolete prices in the current month for stations no longer served. In calculating the current prices for purposes of the instant amendment, we have taken into account only those stations served in both the base period and the current period. The methodology employed consists of (1) determining the current average commercial fuel price at stations operated on the first of the month that also had base year operations, and (2) multiplying the base year fuel costs by the average rate of price increase in item (1) to determine the base year fuel costs at present price levels. See Appendix A.[1] We will not adopt Pan American's approach because it would substantially increase the time required to adjust the fuel surcharge to reflect current prices. We are not persuaded that the Pan American approach would, over the long run, provide sufficiently greater accuracy as to justify the longer periods of retroactivity which would result.

In consideration of the foregoing, the Board hereby amends Part 288 of its Economic Regulations (14 CFR Part 288) effective April 1, 1974, as follows:

Amend § 288.7(a)(1) by amending the second proviso of the paragraph following the tables to read as follows:

§ 288.7 Reasonable level of compensation.

* * * * *

(a) * * *

(1) * * *; *And, provided further,* That (i) effective April 1 through April 30, 1974, the total minimum compensation for transportation with regular turbojet, widebody jet and DC–8F–61–63 aircraft, pursuant to the rates specified above in this paragraph (1), shall be further increased by a surcharge of 11.65 percent, and (ii) on and after May 1, 1974, the total minimum compensation for transportation with regular turbojet, widebody jet, and DC–8F–61–63 aircraft, pursuant to the rates specified above in this paragraph (1) shall include a temporary surcharge of 11.65 percent, subject to amendment (upward or downward) upon final determination by the Board.

* * * * *

(Secs. 204, 403 and 416 of the Federal Aviation Act of 1958, as amended; 72 Stat. 743, 758 and 771, as amended (49 U.S.C. 1324, 1373 and 1386.))

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND, *Secretary.*

[FR Doc.74–13811 Filed 6–14–74;8:45 am]

[Reg. ER–861, Amdt. 22]

PART 288—EXEMPTION OF AIR CARRIERS FOR MILITARY TRANSPORTATION

Category A and Z Military Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., June 11, 1974.

By notice of proposed rulemaking EDR–267/PSDR–38, dated April 10, 1974, the Board gave notice that it had under consideration amendments to Part 288 of its Economic Regulations (14 CFR Part 288) and Part 399 of its Statements of General Policy (14 CFR Part 399) with respect to Category A and Z military rates, applicable to military traffic carried on scheduled flights between commercial terminals, to provide for a 7.64 percent surcharge on existing interim rates, to be effective prospectively from the date of adoption through June 30, 1974. The proposed surcharge was intended to cover added operating costs resulting from increased fuel prices. It was based upon a similar proposed increase in international long-range Category B military charter rates since historically the Category A and Z rates have been derived from the long-range Category B one-way charter rate determinations.[1] The proposed Category B rate increase was to be based upon commercial fuel price increases as of February 1, 1974, compared with base period prices for the year ended September 30, 1973.[2] However, whereas the Board proposed to reopen monthly the Category B commercial fuel surcharge, and to revise the rate either up or down based upon prices in effect on the first of each month, the Board tentatively found that such a procedure could not be practically applied to the individually ticketed or waybilled Category A and Z services.

Comments in response to the notice were filed by Pan American World Airways, Inc. (Pan American) and Trans World Airlines, Inc. (TWA).

Upon consideration of the comments, the Board has determined to adopt the proposed rules with the following modifications: (1) Instead of basing the surcharge rate upon February 1 prices, we will utilize the April 1 prices from our monthly review of the Category B commercial fuel surcharge; (2) we will apply the same monthly review procedure adopted for the long-range Category B rates to the Category A rates; and (3) we will not require that tariffs implementing the surcharge with respect to Category Z rates bear any expiration date.

In determining to propose a 7.64 percent surcharge rate, we had relied upon the most recent available commercial fuel prices for Category B long-range foreign and overseas MAC charters. Both Pan American and TWA contend that the proposed rate, which was based upon February 1 fuel prices, understates the impact of continuing fuel price increases on the cost of performing Category A and Z services. In the interval since the issuance of the notice, we have received the results of our April 1 fuel price review for Category B services. This review indicates that a surcharge of 11.65 percent is now necessary to compensate for further increases in fuel prices.[3] Therefore, consistent with our policy of giving due consideration to the most recent available information,[4] we find that it is appropriate to adopt an 11.65 percent surcharge for Category A and Z rates rather than the 7.64 percent surcharge proposed. The surcharge will be on a temporary basis for Category A services, subject to adjustment after review of the June 1 fuel price reports.

We do not find it appropriate to make the Category A surcharge effective retroactively as proposed by Pan American.[5]

[1] Appendices filed as part of the original document.

[1] See EDR–265, dated March 27, 1974.

[2] The proposed increase was finalized by ER–860.

[3] See ER–862.

[4] See *e.g.*, ER–839 adopted March 8, 1974.

[5] More specifically, Pan American contends that the 7.64 percent surcharge proposed in EDR–265 for application to Category B rates should also be applied to Category A rates. Thus, Pan American proposes that Category A rates be increased by 7.64 percent effective March 27, 1974, and be periodically adjusted on the same basis as Category B rates. In addition, Pan American contends that it would also be appropriate to apply the 5.15 percent surcharge imposed on Category B rates effective January 22, 1974, by ER–839, to the Category A rates.

In general, the Board's consistent ratemaking practice with respect to military rates has been that the rates established are not subject to retroactive application to a date prior to Board action specifically "reopening" the particular rate. In the present case, the Category A rates were not "opened" until the issuance of EDR–267/PSDR–38.

Nor in this instance are we persuaded to revise the rates retroactively to the date of the notice since in EDR–267/PSDR–38 we indicated clearly our intention of applying any rate adjustments prospectively only, and the Department of Defense may well have relied on such assurances in making its procurement decisions. Accordingly, we cannot find that a retroactive application of the Category A surcharge would be appropriate.

We originally did not propose adoption of the automatic monthly reopening of the fuel surcharge rate to permit retroactive adjustments reflecting more recent fuel prices on the basis that such a procedure practically could not be applied to the individually ticketed or waybilled Category A and Z services. Of particular concern was the fact that Category Z rates are embodied in tariffs, which can only be changed on a prospective basis. In its comment, Pan American contends that there is no practical reason why the automatic monthly reopening procedure cannot be applied to Category A rates.

We continue to believe that monthly review of the Category Z surcharge rate is not practical, since tariffs may not be retroactively amended. However, we are persuaded to adopt the procedure for the Category A rates. Unlike Category Z services, Category A services are performed pursuant to contracts with the Department of Defense, and with Category B services, are covered by the tariff filing exemption of Part 288. Furthermore, adoption of the monthly fuel surcharge reopening for Category A rates should serve during this period of extreme fuel price volatility to keep those rates more closely tied to the cost of the services provided.

As originally proposed, the Category A and Z surcharges were to be effective prospectively from the date of adoption through June 30, 1974. In its comment, Pan American objects to the requirement of an expiration date. The carrier is concerned about the possibility that a new surcharge will not be promulgated sufficiently in advance of July 1 to permit the carriers to have new tariffs in effect no later than July 1. Our original proposal was intended to provide a point at which the surcharge rate could be reviewed in the light of subsequent fuel price developments. However, periodic review can be accomplished without having to require any fixed expiration date. Accordingly, and in light of the considerations advanced by Pan American, we have determined to eliminate the requirement for an expiration date.

Finally, an additional matter not raised in our notice of rule making is now ripe for resolution. In ER–819, dated August 28, 1973, we made certain retroactive increases in rates applicable to various air transportation services performed pursuant to contracts with the Department of Defense. The period for which the rates were increased included the interval from June 13 through August 12, 1973, during which time the Phase III price freeze was in effect. At the time, the Department of Defense questioned whether or not the increased rates could be effective for the period of the freeze. The Board, noting that the Cost of Living Council had permitted retroactive increases in the rates for Logair/Quicktrans military charters under similar circumstances during the 1971 Phase I freeze, indicated that it had requested a ruling from the Council with respect to the applicability of the Phase III freeze to the rate increases. The Board determined, however, not to apply the increased rates during the freeze period, subject to adjustment if the ruling so permitted. By letter dated April 16, 1974, the Council informed the Board that the earlier ruling may be applied to the 1973 freeze. Accordingly, we are herewith making the appropriate adjustments to Part 288 to implement the increased rates during the period of the freeze.

In view of the carriers' need for prompt rate relief, we find good cause exists to make the amendments effective on less than thirty (30) days' notice.

Accordingly, the Civil Aeronautics Board hereby amends Part 288 of its Economic Regulations (14 CFR Part 288) effective June 11, 1974, as follows:

1. Amend § 288.7(a)(1) by amending the heading of the table presently entitled "Amended Rates Effective July 1, 1972–June 12, 1973 and August 13, 1973–August 27, 1973," and by deleting the table entitled "Performed with turbine-powered aircraft (For the period June 13–August 12, 1973)," the heading as amended to read as follows:

Amended rates effective July 1, 1972–August 27, 1973.

2. Amend § 288.7(d) to read as follows:

§ 288.7 Reasonable level of compensation.

* * * * *

(d) For Category A transportation:

(1) Passengers:

(i) For services performed between July 1, 1972 and August 27, 1973, 3.778 cents per passenger-mile.

(ii) For services performed on and after August 28, 1973, 3.842 cents per passenger-mile.

(2) Cargo:

(i) For services performed between July 1, 1972 and August 27, 1973, 15.276 cents per ton-mile.

(ii) For services performed on and after August 28, 1973, 15.534 cents per ton-mile.

Provided, however, That effective June 11, 1974, the total minimum compensation specified in paragraphs (1) and (2) above shall include a temporary surcharge of 11.65 percent, subject to amendment (upward or downward) upon final determination by the Board.

* * * * *

(Sections 204, 403, and 416 of the Federal Aviation Act of 1958, as amended; 72 Stat. 743, 758, and 771, as amended (49 U.S.C. 1324, 1373 and 1386.))

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND, *Secretary.*

[FR Doc.74–13810 Filed 6–14–74;8:45 am]

SUBCHAPTER F—POLICY STATEMENTS

[Reg. PS–55; Amdt. 34]

PART 399—STATEMENTS OF GENERAL POLICY

Category Z Military Transportation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., June 11, 1974.

By Notice of Proposed Rule Making EDR–267/PSDR–38, dated April 10, 1974, the Board gave notice that it had under consideration, *inter alia,* proposed amendments to Part 399 of its Statements of General Policy (14 CFR Part 399), providing a surcharge of 7.64 percent to the existing interim rates for Category Z individually ticketed military transportation to be effective prospectively from the date of adoption through June 30, 1974. For the reasons set forth in ER–861, issued contemporaneously herewith, the Board has decided to adopt the proposed rules with the following modifications: (1) instead of basing the surcharge rate upon February 1 fuel prices, we will utilize April 1 prices from our monthly review of the Category B commercial fuel surcharge; and (2) we will not require that tariffs implementing the surcharge bear on expiration date.

Accordingly, the Civil Aeronautics Board hereby amends Part 399 of its Statements of General Policy (14 CFR Part 399), effective June 11, 1974, as follows:

Amend § 399.16(b) by adding thereto a proviso, the section as amended to read as follows:

§ 399.16 Military exemptions.

* * * * *

(b) The minimum charges considered fair and reasonable for the transportation of Category Z individually tickeled passengers in foreign and overseas air transportation and in air transportation between the 48 contiguous states, on the one hand, and Hawaii or Alaska, on the other hand, effective on and after August 28, 1973, will be 3.842 cents per passenger-mile applied to the shortest mileage between the commercial air carrier points as set forth in the current IATA Mileage Manual to compute point-to-point passenger fares: *Provided, however,* That effective June 11, 1974, the total minimum compensation shall be increased by a surcharge of 11.65 percent.

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(Sec. 204, 403 and 416 of the Federal Aviation Act of 1958, as amended; 72 Stat. 743, 758 and 771, as amended (49 U.S.C. 1324, 1373 and 1386))

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND, *Secretary.*

[FR Doc.74-13812 Filed 6-14-74;8:45 am]

Title 29—Labor

SUBTITLE A—OFFICE OF THE SECRETARY

PART 60—IMMIGRATION; IMMIGRANT LABOR CERTIFICATION

Removal of D.C. Manpower Administration Immigration Responsibilities to Philadelphia

On July 1, 1974, the Manpower Administration of the U.S. Department of Labor is terminating its area office in the District of Columbia. Various of the functions of that office will, pursuant to the requirements of P.L. 93-198, District of Columbia Self Government and Government Reorganization Act, be transferred to the government of the District of Columbia; other functions including the Federal immigrant labor certification responsibilities are being transferred to the Manpower Administration's Regional Office in Philadelphia, Pennsylvania. This rulemaking amends the Department's immigrant labor certification regulations at 29 CFR Part 60 to reflect the closure of the D.C. area office and the above-mentioned absorption of that office's immigrant labor certification responsibilities by the Regional Office for that region.

In addition to the above, the regulations are also being revised to reflect a change in the title of "Regional Manpower Administrator" which has been changed to "Assistant Regional Director for Manpower."

This rulemaking is limited to procedural matters which do not require public participation or publication 30 days before its effective date. This rulemaking does not change the procedure which is used in the filing of requests for immigrant labor certifications; it merely modifies the governmental processing of such requests for the D.C. area. Requests for review of denials of certification issued by the D.C. Manpower Administration Certifying Officer may continue to be mailed to the address set forth on the denial form; such requests will be administratively forwarded to the appropriate Reviewing Officer.

In light of the above, 29 CFR Part 60 is amended as follows:

§ 60.1 [Amended]

1. Paragraph (d) of § 60.1 is amended as follows:

a. By deleting in the second sentence the designation "Regional Manpower Administrator" and substituting the following: Assistant Regional Director for Manpower.

b. By deleting the list of States after the designation of Region III and substituting the following: (Delaware, District of Columbia, Maryland, Pennsylvania, Virginia and West Virginia).

c. By deleting the designation "D.C." and the address and geographical listing set forth for that designation.

2. Section 60.4 is amended as follows:

a. Paragraph (b) is amended by deleting the words "Regional Manpower Administrator (or the Administrator for the District of Columbia)" and substituting the following: Assistant Regional Director for Manpower.

b. Paragraphs (a) and (c) are revised to read as follows:

§ 60.4 Certification determinations and review.

(a) Department of Labor determinations pursuant to paragraphs (b) and (c) of § 60.3 shall be made by the Certifying Officer appointed by the Assistant Regional Director for Manpower of the Department of Labor for the area wherein the employment is to occur.

* * * * *

(c) The Assistant Regional Director for Manpower or his designated representative, who shall not have participated in the initial determination, shall carry out the review. Upon review, the Assistant Regional Director for Manpower or his designated representative may order the issuance of a certification or may affirm the denial. The determination of the Assistant Regional Director for Manpower shall be final.

* * * * *

Effective date. This revision becomes effective on July 1, 1974.

Signed at Washington, D.C., this 12th day of June 1974.

WILLIAM H. KOLBERG, *Assistant Secretary for Manpower.*

[FR Doc.74-13788 Filed 6-14-74;8:45 am]

Title 31—Money and Finance: Treasury

CHAPTER II—FISCAL SERVICE, DEPARTMENT OF THE TREASURY

MISCELLANEOUS AMENDMENTS TO CHAPTER

The Department of the Treasury finds it necessary to amend its regulations in Subtitle B, Chapter II, in order to make them conform to the reorganization of the Fiscal Service as mandated by Treasury Department Orders No. 229 and 229-1, appearing at 39 FR 2280 and 39 FR 10454 respectively. In particular, the amendments delete references to the Bureau of Accounts, the Commissioner of the Bureau of Accounts, the Office of the Treasurer of the United States and to the Treasurer of the United States, and add in lieu thereof, references to the Bureau of Government Financial Operations, the Commissioner of the Bureau of Government Financial Operations, the United States Treasury and to the Bureau of the Public Debt, as the case may be. In addition, Part 208 is deleted as its underlying substantive regulation, Treasury Department Circular 195, is outdated and inaccurate in many respects and will be revised and released, in Part IV of the Treasury Fiscal Requirements Manual, without being codified in 31 CFR. The other amendments herein are wholly editorial in nature in that they mostly amend office titles, mailing addresses, part designations, and references to the amended designations, to conform to the requirements of the reorganization. Of the latter amendments, the relevant portion of § 351.2(a)(1) has been incorporated into § 270.2(a)(1), and the remainder of Part 351 is deleted. Parts 359, 360, 365, and 368 are redesignated as Parts 235, 240, 245, and 248 respectively.

The Department finds that notice to the public, of these amendments, is not necessary under 5 U.S.C. 553 as the amendments are wholly intra-Departmental. Therefore, Title 31 of the Code of Federal Regulations, Subtitle B, Chapter II, is amended as follows:

Chapter II; Subchapter A:

Subchapter A is retitled "Bureau of Government Financial Operations"

Part 202 (footnote 1): Amend "Treasurer of the United States" to read "United States Treasury".

In § 202.3(a): Amend "Treasurer of the United States," to read "United States Treasury,".

In § 202.3(b)(1)(ii) & (iii): Amend "Treasurer of the United States;" to read "United States Treasury;".

In § 202.3(b)(2): Amend "Bureau of Accounts)," to read "Bureau of Government Financial Operations),".

In § 202.6(c)(2): Amend "the Treasurer of the United States, Securities Division," to read "the United States Treasury," and "or the Treasurer of the United States" to read "or the United States Treasury".

In § 202.6(d): Amend (in 2 places) "or the Treasurer of the United States," to read "or the United States Treasury,".

In § 203.7(a)(2): Amend "and the Treasurer of the United States;" to read "and the United States Treasury;".

In § 205.5(c): Amend "or the Cash Division, Office of the Treasurer of the United States," to read "or the Division of Cash Services, Bureau of Government Financial Operations.".

In § 205.10: Amend "Commissioner of Accounts" to read "Commissioner of the Bureau of Government Financial Operations".

In § 205.11: Amend "Commissioner of Accounts." to read "Commissioner of the Bureau of Government Financial Operations.".

Part 208 is deleted: Treasury Department Circular No. 195, the substantive regulation, is outdated and inaccurate in many respects and will be revised and released in Part IV of the Treasury Fiscal Requirements Manual. The new material will have no public or policy impact and need not be codified in 31 CFR.

In § 209.10(a): Amend "Checks Drawn on the Treasurer of the United States, in particular 31 CFR 360.8." to read "Checks Drawn on the United States Treasury, in particular 31 CFR 240.8.".

In § 209.12: Amend "Commissioner of Accounts." to read "Commissioner of the Bureau of Government Financial Operations.".

In § 211.3(a): Amend "Bureau of Accounts, Investments Branch," to read "Bureau of Government Financial Operations,".

In § 211.3(b): Amend "of the Treasurer of the United States" to read "of the United States Treasury".

In § 211.4: Amend "Bureau of Accounts, Investments Branch," to read "Bureau of Government Financial Operations," and "The Bureau of Accounts will" to read "The Bureau of Government Financial Operations will".

In § 223.2: Amend "(Chief Auditor), Bureau of Accounts," to read "for Auditing, Bureau of Government Financial Operations,".

In § 223.3: Amend "(Chief Auditor)" to read "for Auditing".

In § 223.12(a): Amend "(Chief Auditor)" to read "for Auditing".

In § 223.12(c): Amend "(Chief Auditor)" to read "for Auditing".

In a document amending Part 223 published Friday, August 24, 1973 (38 FR 22779), amendatory language redesignating § 223.19 as § 223.22 was inadvertently omitted. To clarify, redesignated § 223.22 is set forth in full together with changes promulgated by this document:

§ 223.22 Schedule of fees.

Fees shall be imposed and collected for the following services performed by the Treasury Department, whether the action requested is granted or denied, effective with requests submitted as of January 20, 1972. The payee of the check or other instrument shall be the Bureau of Government Financial Operations, Treasury Department.

(a) For examining a company's application for a certificate of authority as an acceptable surety on Federal bonds or as an acceptable reinsuring company on such bonds: $550 (see § 223.2).

(b) For examining a company's application for recognition as an admitted reinsurer (except on excess risks running to the United States) of surety companies doing business with the United States: $50 (see § 223.12 (a) and (b)).

(c) For determining the continuing qualifications for annual renewal of a company's certificate of authority: $365 (see § 223.3).

(d) For determining the continuing qualifications for annual renewal of a company's authority as an admitted reinsurer: $25 (see § 223.12(c)).

Part 225 (footnote 1): Amend "Bureau of Accounts," to read "Bureau of Government Financial Operations,".

In § 225.8: Amend (in 2 places) "Treasurer of the United States" to read "United States Treasury".

In § 250.2: Amend "Investments Branch, Bureau of Accounts," to read "Bureau of Government Financial Operations,".

In § 250.3(a): Amend "Investments Branch, Bureau of Accounts," to read "Bureau of Government Financial Operations,".

In § 250.4(b)(1): Amend "Investments Branch." to read "Bureau of Government Financial Operations.".

In § 250.4(f): Amend "Investments Branch, Bureau of Accounts," to read "Bureau of Government Financial Operations,".

In § 250.5: Amend "on the Treasurer of the United States." to read "on the United States Treasury.".

In § 250.6: Amend "Office of the Treasurer of the United States," to read "Bureau of Government Financial Operations,".

In § 251.1: Amend "Bureau of Accounts" to read "Bureau of Government Financial Operations".

In § 251.4: Amend "Investments Branch, Bureau of Accounts," to read "Bureau of Government Financial Operations,".

In § 254.1(b): Amend "Commissioner of Accounts," to read "Commissioner of the Bureau of Government Financial Operations,".

In § 254.3(b): Amend "Commissioner of Accounts," to read "Commissioner of the Bureau of Government Financial Operations,".

In § 254.3(c): Amend "Treasurer of the United States." to read "United States Treasury.".

In § 254.4: Amend "Office of the Treasurer of the United States." to read "Bureau of Government Financial Operations.".

In § 256.2: Amend "Bureau of Accounts," to read "Bureau of Government Financial Operations,".

In § 257.2(a): Amend "Investments Branch, Bureau of Accounts," to read "Bureau of Government Financial Operations," and "Form No. 607" to read "Form No. 5118".

In § 257.2 (footnote 1): Amend "Post Office Department" to read "Postal Service" and "Investments Branch" to read "Bureau of Government Financial Operations".

In § 261.7(a): Amend "Division of Deposits." to read "Bureau of Government Financial Operations.".

In § 270.1: Amend "Bureau of Accounts" to read "Bureau of Government Financial Operations".

In § 270.2(a): Amend "Bureau of Accounts" to read "Bureau of Government Financial Operations".

In § 270.2(a)(1) is revised to read:

(1) Final opinions, as well as orders, made in the adjudication of cases. These will include final dispositions of claims on Government checks and claims for the redemption of mutilated currency of the United States which are of a precedential nature. Generally, however, the Bureau of Government Financial Operations does not issue orders in the adjudication of cases.

In § 270.2(a)(3): Amend "Bureau of Accounts'" to read "Bureau of Government Financial Operations'".

In § 270.3(a): Amend "Commissioner of Accounts," to read "Commissioner of the Bureau of Government Financial Operations," and "Operating Facilities Officer," to read "Director, Division of Facilities Management,".

In § 270.3(b): Amend "Commissioner of Accounts," to read "Commissioner of the Bureau of Government Financial Operations,".

In § 270.4: Amend "Bureau of Accounts" to read "Bureau of Government Financial Operations".

In § 281.4: Amend "Treasurer of the United States" to read "United States Treasury".

In § 281.5(c): Amend "Treasurer of the United States" to read "United States Treasury".

In § 281.6: Amend (in 2 places) "Treasurer of the United States," to read "United States Treasury,".

In § 290.3: Amend "Bureau of Accounts," to read "Bureau of Government Financial Operations,".

In § 290.6: Amend "Treasurer of the United States" to read "Bureau of Government Financial Operations" and "Bureau of Accounts," to read "Bureau of Government Financial Operations,".

Chapter II: Subchapter B:

In § 306.1(a): Amend "Treasurer of the United States." to read "Bureau of the Public Debt.".

In § 306.1(b): Delete "or (3) the Office of the Treasurer of the United States, Securities Division, Washington, D.C. 20222,".

In § 306.2: Delete paragraph (r).

In § 306.2: Redesignate paragraph (s) as paragraph (r).

In § 306.12: Delete "or the Treasurer's Office".

In § 306.25(a): Amend "or the Treasurer's Office, and bearer securities to a Federal Reserve bank or branch or the Treasurer's Office," to read "and bearer securities to a Federal Reserve bank or branch.".

In § 306.26(a): Amend "Treasurer of the United States" to read "United States Treasury".

§ 306.28(a) (footnote 5): Amend ", the Bureau of the Public Debt or the Treasurer's Office." to read "or, the Bureau of the Public Debt.".

In § 306.37(a): Amend "Treasurer of the United States" to read "United States Treasury".

In § 306.37(c): Amend "(Part 360 of this chapter)." to read "(Part 240 of this chapter).".

In § 306.37(d): Amend "the Office of the Treasurer of the United States, Check Claims Division, Washington, D.C. 20227," to read "the Bureau of Government Financial Operations, Washington, D.C. 20226,".

In § 306.38: Amend "Treasurer's Office." to read "Bureau of the Public Debt.".

In § 306.40(a): Delete ", or the Treasurer of the United States".

In § 306.43: Amend "a Federal Reserve bank or branch, or the Treasurer of the United States," to read "or a Federal Reserve bank or branch,".

In § 306.45(d): Amend "any Federal Reserve bank or branch, or the Treasurer of the United States," to read "or any Federal Reserve bank or branch,".

Section 306.122 is revised to read as follows:

§ 306.122 Servicing book-entry Treasury securities; payment of interest, payment at maturity or upon call.

Interest becoming due on book-entry Treasury securities shall be charged in

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the "account of the United States Treasury" on the interest-due date and remitted or credited in accordance with the depositor's instructions. Such securities shall be redeemed and charged in the account on the date of maturity or call, and the redemption proceeds, principal and interest, shall be disposed of in accordance with the depositor's instructions.

In § 308.2: Amend "20220," to read "20226,".

In § 309.2: Amend "Treasurer of the United States," to read "Bureau of the Public Debt,".

In § 309.4: Amend "Office of the Treasurer of the United States, Washington." to read "Bureau of the Public Debt, Washington, D.C. 20226.".

In § 309.5(b): Amend "Office of the Treasurer of the United States, Washington, D.C. 20220," to read "Bureau of the Public Debt, Washington, D.C. 20226.".

In § 315.1(b): Amend "536 South Clark Street, Chicago, Ill. 60605," to read "P.O. Box 509, Parkersburg, West Virginia 26101,".

In § 315.1: Delete "or (c) the Office of the Treasurer of the United States, Securities Division, Washington, D.C. 20222.".

In § 315.2(l): Delete "the Office of the Treasurer of the United States, Securities Division,".

In § 315.7(f): In the heading amend "*Treasurer of the United States*" to read "*United States Treasury*" and in the text "Treasurer of the United States" to read "United States Treasury".

In § 315.32(g): Amend "Office of the Treasurer of the United States" to read "Bureau of Government Financial Operations" and "(31 CFR, Part 360)." to read "(31 CFR, Part 240).".

In § 315.38(a): Delete ", or (3) the Office of the Treasurer of the United States, Securities Division" and insert the word "or" before subparagraph (2).

In § 315.42(h): Delete "the Treasurer of the United States,".

In § 315.45(a): Delete ", or (3) the Office of the Treasurer of the United States, Securities Division" and insert the word "or" before subparagraph (2).

In § 315.46: Delete "the Office of the Treasurer of the United States, Securities Division,".

In § 315.47: Delete "or (c) the Office of the Treasurer of the United States, Securities Division,".

In § 315.61(a)(4): Add "or the United States Treasury" after the words "Treasurer of the United States".

In § 315.66(e): Add after "United States" the words "or the United States Treasury".

In § 316.10: The heading of paragraph (b) is revised to read:

(b) *Federal Reserve Banks and Branches and United States Treasury.*

In § 321.11: Amend "or the Office of the Treasurer of the United States Securities Division, Washington, D.C. 20220." to read "or the Bureau of the Public Debt, P.O. Box 509, Parkersburg, West Virginia 26101.".

In Memorandum Instructions (at end of Part 321):

In Instruction No. 14(a): Amend "Treasurer of the United States." to read "United States Treasury.".

In Instruction No. 14(b): Amend "Treasurer of the United States" to read "United States Treasury".

Section 322.0 is revised to read as follows:

§ 322.0 Applicability of regulations.

The regulations in this part govern the manner of accounting for losses to the United States of America resulting from the redemption of U.S. Savings Bonds and U.S. Savings Notes (Freedom Shares) (a) by any bank or other financial institution duly qualified as a paying agent under Treasury Department Circular No. 750, or any revision thereof (Part 321 of this chapter), and (b) by any Federal Reserve Bank or Branch, as fiscal agent of the United States.

Section 322.1 is revised to read as follows:

§ 322.1 Report of erroneous payment.

(a) *By qualified paying agent.* Upon discovery of an erroneous or unauthorized payment by a qualified paying agent, immediate report thereof should be made to the Federal Reserve Bank of the district. The payments so reported to, or otherwise discovered by, a Federal Reserve Bank, shall be adjusted, so far as possible, between the Federal Reserve Bank and the paying agent concerned. If no such adjustment is possible, or if the error in payment is discovered after the account of the United States Treasury has been charged, an immediate report thereof shall be made by the Federal Reserve Bank to the Bureau of the Public Debt, P.O. Box 509, Parkersburg, West Virginia 26101.

(b) *By Bureau of the Public Debt and Federal Reserve Bank or Branch.* Upon discovery of an erroneous or unauthorized payment by the United States Treasury or by a Federal Reserve Bank or Branch, immediate report thereof shall be made by such agency to the Bureau of the Public Debt, P.O. Box 509, Parkersburg, West Virginia 26101.

In § 322.3: Delete "Treasurer of the United States, the".

In § 322.4: Delete "the Treasurer of the United States, or".

In § 328.3(a): Amend "Treasurer of the United States," to read "Bureau of the Public Debt,".

In § 328.3(b): Amend "Treasurer of the United States," to read "Bureau of the Public Debt,".

In § 328.6(a): Amend "Treasurer of the United States, the words 'Treasurer of the United States' should be used in lieu of the words • • • " to read "Bureau of the Public Debt, the words 'United States Treasury' should be used in lieu of the words • • •".

In § 328.7: Amend "Treasurer of the United States" to read "Bureau of the Public Debt".

Part 330 Memorandum of Instructions (at end of Part 330):

In Instruction No. 9(1): Amend "Treasurer of the United States." to read "United States Treasury.".

In Instruction No. 11(b): Amend "Treasurer of the United States." to read "United States Treasury.".

In § 332.10(c): Amend "536 South Clark Street, Chicago, Illinois 60605." to read "P.O. Box 509, Parkersburg, West Virginia 26101.".

In § 337.1: Amend "Division of Loans and Currency," to read "Division of Securities Operations,".

In § 337.3: Amend "Division of Loans and Currency," to read "Division of Securities Operations,".

In § 337.6: Amend "Division of Loans and Currency," to read "Division of Securities Operations,".

Part 339 (footnote 4): Amend "or the Securities Division, Office of the Treasurer of the United States, Washington, D.C. 20220," to read "or the Bureau of the Public Debt, Washington D.C. 20226,".

Part 339 (footnote 5): Amend "Office of the Treasurer of the United States," to read "Bureau of the Public Debt," and "Treasurer of the United States," to read "United States Treasury,".

In § 340.2: Amend "$51,000," to read "$1,000,".

In § 341.3(a): Amend "Office of the Treasurer of the United States, Washington, D.C. 20220." to read "Bureau of the Public Debt, Washington, D.C. 20226." and "Treasurer's Office" to read "Bureau of the Public Debt".

In § 341.3(b): Amend "Treasurer of the United States," to read "United States Treasury,".

In § 341.8(b) in the paragraph following item No. 9.: Delete "Division of Loans and Currency," and amend "Office of the Treasurer of the United States." to read "Bureau of the Public Debt.".

In § 341.8(c)(1)(a): Amend "Office of the Treasurer of the United States." to read "Bureau of the Public Debt, Washington, D.C. 20226."

In § 341.8(c)(2)(a): Amend "Office of the Treasurer of the United States." to read "Bureau of the Public Debt."

In § 341.8(c)(2)(b) (footnote 1): Delete "Division of Loans and Currency,".

In § 341.9(a) in the paragraph following item No. 5.: Amend "Office of the Treasurer of the United States, Washington D.C. 20220." to read "Bureau of the Public Debt, Washington, D.C. 20226." and delete "Division of Loans and Currency, Washington, D.C. 20226.".

In § 341.9(b)(2): Amend "Treasurer of the United States, Washington, D.C. 20220." to read "Bureau of the Public Debt, Washington, D.C. 20226.".

In § 341.10(a): Amend "office of the Treasurer of the United States, Washington, D.C. 20220," to read "Bureau of the Public Debt, Washington, D.C. 20226,".

In § 341.10(b): Amend "Office of the Treasurer of the United States, Washington, D.C. 20220." to read "Bureau of the Public Debt, Washington, D.C. 20226.".

In § 341.12: Delete "Division of Loans and Currency,".

In § 341.14(e): Amend "Chief of the Division of Loans and Currency," to read "Chief of the Division of Securities Operations,".

In § 341.15(a): Amend "Office of the Treasurer of the United States." to read "Bureau of the Public Debt.".

In § 342.2(e): Amend "Treasurer of the United States, Securities Division, Washington, D.C. 20220." to read "Bureau of the Public Debt, Washington, D.C. 20226.".

In § 342.3(a): Amend "Office of the Treasurer of the United States, Securities Division, Washington, D.C. 20220." to read "Bureau of the Public Debt, Washington, D.C. 20226.".

In § 342.6(a): Amend "Office of the Treasurer of the United States, Securities Division, Washington, D.C. 20220," to read "Bureau of the Public Debt, Washington, D.C. 20226,".

In § 343.1(c): Amend "Office of the Treasurer of the United States" to read "Bureau of the Public Debt".

In § 343.2(a): Amend "Office of the Treasurer of the United States, Securities Division, Washington, D.C. 20220," to read "Bureau of the Public Debt, Washington, D.C. 20226," and "Office of the Treasurer" to read "Bureau of the Public Debt".

In § 343.2(b): Amend "Office of the Treasurer" to read "Bureau of the Public Debt".

In § 343.3: Delete "Division of Loans and Currency,".

In § 343.5(a): Delete "Division of Loans and Currency,".

In § 343.6(a): Delete "Division of Loans and Currency,".

Chapter II; Subchapter C:

Subchapter C heading is deleted.

Part 351 is deleted. Relevant sections from this Part have been incorporated into 270.2(a)(1).

Part 359 is redesignated as Part 235 and as redesignated is amended as follows:

The heading of Part 235 is revised to read:

PART 235—SETTLEMENTS BY THE COMMISSIONER OF THE BUREAU OF GOVERNMENT FINANCIAL OPERATIONS, IN ADVANCE OF RECLAMATION, WITH PAYEES OR SPECIAL ENDORSEES OF LOST OR STOLEN CHECKS, WHICH HAVE BEEN PAID ON FORGED INDORSEMENTS

In § 235.0: Amend "Treasurer of the United States" to read "Commissioner of the Bureau of Government Financial Operations".

In § 235.1: Amend "The Treasurer of the United States" to read "The Commissioner of the Bureau of Government Financial Operations".

In § 235.1(b): Amend "Treasurer" to read "Commissioner".

In § 235.1 (note following 359.1(b)): Amend "Treasurer of the United States" to read "United States Treasury".

In § 235.2: Amend "The Treasurer of the United States" to read "The Commissioner of the Bureau of Government Financial Operations" and "Treasurer" to read "Commissioner".

In § 235.2(b): Amend "Treasurer" to read "United States Treasury".

In § 235.3: Amend "Treasurer of the United States" to read "Commissioner of the Bureau of Government Financial Operations".

Part 360 is redesignated as Part 240 and as redesignated is amended as follows:

The heading of Part 240 is revised to read:

PART 240—INDORSEMENT AND PAYMENT OF CHECKS DRAWN ON THE UNITED STATES TREASURY[1]

In § 240 (footnote 1): Amend "Treasurer of the United States" to read "United States Treasury".

In § 240.1: Amend "Treasurer of the United States." to read "United States Treasury.".

Sections 240.2 through 240.6 are revised to read as follows:

§ 240.2 Definitions.

As used in this part, the term:

"Check" or "checks" means a check or checks drawn on the United States Treasury.

"Federal Reserve Bank" means a Federal Reserve Bank or branch thereof.

"Financial organization" means any bank, savings bank, savings and loan association or similar institution, or Federal or State chartered credit union.

"Person" or "persons" means an individual or individuals, or an organization or organizations, whether incorporated or not, including all forms of banking institutions.

"Presenting bank" means (a) a bank or depositor which presents checks to, and receives credit therefor from, a Federal Reserve Bank, or (b) a depositary which is authorized to charge checks to the General Account of the United States Treasury and present them directly to the Treasury for payment, or (c) a bank which, under special arrangements with the Treasury, presents checks directly to the Treasury for payment.

"Reclamation" means the action taken by the Treasury to obtain refund of the amounts of paid checks.

"Treasury" means the United States Treasury.

"U.S. securities" means securities of the United States and securities of Federal agencies and wholly or partially Government-owned corporations for which the Treasury acts as transfer agent.

§ 240.3 Generally.

All checks heretofore or hereafter drawn on the United States Treasury are payable without limitation of time. The Treasury shall have the usual right of a drawee to examine checks presented for payment and refuse payment of any checks, and shall have a reasonable time to make such examination. Checks shall be deemed to be paid by the United States Treasury only after first examination has been fully completed. If the Treasury is on notice of a doubtful question of law or fact when a check is presented for payment, payment will be deferred pending settlement by the General Accounting Office.

§ 240.4 Guaranty of indorsements.

The presenting bank and the indorsers of a check presented to the Treasury for payment are deemed to guarantee to the Treasury that all prior indorsements are genuine, whether or not an express guaranty is placed on the check. When the first indorsement has been made by one other than the payee personally, the presenting bank and the indorsers are deemed to guarantee to the Treasury, in addition to other warranties, that the person who so indorsed had unqualified capacity and authority to indorse the check in behalf of the payee.

§ 240.5 Reclamation of amounts of paid checks.

The Treasury shall have the right to demand refund from the presenting bank of the amount of a paid check if after payment the check is found to bear a forged or unauthorized indorsement or an indorsement by another for a deceased payee where the right to the proceeds of such check terminated upon the death of the payee, or to contain any other material defect or alteration which was not discovered upon first examination. If refund is not made, the Treasury shall take such action against the proper parties as may be necessary to protect the interests of the United States.

§ 240.6 Processing of checks.

(a) *Federal Reserve Banks.* (1) Federal Reserve Banks shall make arrangement to cash checks for Government disbursing officers when such checks are drawn by the disbursing officers to their own order. Federal Reserve Banks may ascertain from the Treasury that the balances to the credit of the disbursing officers are sufficient and thereafter payment of such checks shall not be refused except for alteration or forged signature of the drawer.

(2) Federal Reserve Banks shall not be expected to cash Government checks presented direct to them by the general public.

(3) As a depository of public funds each Federal Reserve Bank shall (i) receive checks from its member banks, nonmember clearing banks, or other depositors, when indorsed by such banks or depositors who guarantee all prior indorsements thereon, (ii) give immediate credit therefor in accordance with their current Time Schedules and charge the amount of the checks cashed or otherwise received to the account of the Treasury, subject to examination and payment by the United States Treasury, and (iii) forward the checks to the Treasury. The Treasury shall return to the forwarding Federal Reserve Bank a photocopy of any check the payment of which is refused upon first examination. Federal Reserve Banks shall give immediate credit therefor in the United States Treasury's account, thereby reversing the previous charge to the account for such check.

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(b) *Depositaries outside of the mainland of the United States.* Banks outside of the mainland of the United States designated as depositaries of public money and permitted to charge checks to the General Account of the United States Treasury shall be governed by the operating instructions contained in the letter of authorization to them from the Fiscal Assistant Secretary and shall assume the obligations of presenting banks set forth in §§ 240.4 and 240.5. Checks charged to the General Account of the United States Treasury shall be shipped to the Treasury with the daily transcript of account in which they are charged. The Treasury shall return to the presenting depositary bank a photocopy of any check the payment of which is refused. The depositary bank shall give immediate credit therefor in the General Account of the United States Treasury, thereby reversing the previous charge to the Account for such check.

(c) *Banks processing checks under special arrangements.* Certain banks in the Washington, D.C., area are authorized under special arrangements to present checks directly to the Treasury for payment. The terms of such arrangements shall apply to such checks so presented. As to matters not specifically covered by such arrangements, the provisions of this part shall apply. The Treasury shall return to the presenting bank a photocopy of any check the payment of which is refused. That bank shall refund the amount of each such check to the Treasury before the close of the next business day. If refund is not made, the Treasury shall deduct the amount from any amount that is due or may become due to the presenting bank.

In § 240.8(b): Amend "Treasurer" to read "Treasury".

Section 240.9(a) is revised to read as follows:

§ 240.9 Checks issued to incompetent payees.

(a) *Classes of checks which may be indorsed by guardian or fiduciary.* Where the payee of a check of any class listed in § 240.10(a) has been declared incompetent:

(1) If the check is indorsed by a legal guardian or other fiduciary and presented for payment by a bank, it will be paid by the United States Treasury without submission to the Treasury of documentary proof of the authority of the guardian or other fiduciary.

(2) If a guardian has not been or will not be appointed, and if the check (i) was issued in payment of goods and services, tax refunds or redemption of currency, it shall be forwarded for advice to the Bureau of Government Financial Operations, Division of Check Claims, Washington, D.C. 20226, or (ii) was issued in payment of principal or interest on U.S. securities, it shall be forwarded to the Bureau of the Public Debt, Division of Loans and Currency, Washington, D.C. 20226, with a full explanation of the circumstances.

• • • • • •

In § 240.10(a): Amend "Treasurer" to read "United States Treasury".

In § 240.12(d): Amend "Treasurer" to read "United States Treasury".

In § 240.12(e): Amend "Treasurer" to read "Treasury".

Part 240 appendix:

In *Standard Form 231:* Amend "Treasurer of the United States," to read "United States Treasury,".

In *Standard Form 232:* Amend "Treasurer." to read "United States Treasury."

Part 365 is redesignated as Part 245 and as redesignated is amended as follows:

The heading of Part 245 is revised to read:

PART 245—ISSUE OF SUBSTITUTES OF LOST, DESTROYED, MUTILATED AND DEFACED CHECKS DRAWN ON THE UNITED STATES TREASURY

In § 245.1: Amend "Treasurer of the United States," to read "United States Treasury,".

Sections 245.2 and 245.3 are revised to read as follows:

§ 245.2 Advice of nonreceipt or loss.

(a) In the event of the nonreceipt, loss, or destruction of a check drawn on the United States Treasury, or the mutilation or defacement of such a check to an extent which renders it nonnegotiable, the owner, better to protect his interest, should immediately notify the drawer, describing the check, stating the purpose for which it was issued, giving, if possible, its date, number and amount, and requesting that payment be stopped. If the name or address of the drawer is not known the request for stoppage of payment should be sent to the Commissioner of the Bureau of Government Financial Operations, stating the purpose for which the check was issued, the name of the department or agency authorizing the payment and if possible, the date, number and amount of the check. In cases involving mutilated or defaced checks, the owner should enclose the mutilated or defaced check with his communication to the drawer or Commissioner.

(b) Upon receipt of advice from an owner as to the nonreceipt, loss, destruction, mutilation, or defacement of a check, the drawer will, if appropriate, transmit the owner's letter (together with the mutilated or defaced check in cases involving such checks) to the Commissioner of the Bureau of Government Financial Operations, Washington, D.C. 20226, or other bank through which the check is payable, as the case may be, together with a request by the drawer for stoppage of payment which includes a certification as to the accuracy of the check description and that it was properly issued.

(c) If the check, which is the basis of the owner's claim, is determined to be outstanding, the Commissioner's Office will furnish the claimant an appropriate application form for obtaining a substitute check. However, the execution of an application will not be required in the event the original written statement submitted by the claimant substantially meets the requirements of the prescribed application form.

§ 245.3 Request for substitute check; requirements for undertaking of indemnity; execution of applications in foreign countries.

(a) An undertaking of indemnity on Form 2244 or Form 2244b in penal sum equal to the amount of the check or, in an appropriate case, an application, on Form 2244a, or an application substantially containing the same information as Form 2244a, must be executed by the claimant, as may be required by the Commissioner of the Bureau of Government Financial Operations, and submitted to the Commissioner of the Bureau of Government Financial Operations, Washington, D.C. 20226.

(b) Unless the Commissioner of the Bureau of Government Financial Operations deems that an undertaking of indemnity is essential in the public interest, no undertaking of indemnity shall be required in the following classes of cases:

(1) If the Commissioner of the Bureau of Government Financial Operations is satisfied that the loss, theft, destruction, mutilation, or defacement occurred without fault of the owner or holder and while the check was in the custody or control of the United States or of a person duly authorized as an agent of the United States, including the Postal Service when carrying mail for an officer, employee, agent, or agency of the United States when performing services in connection with an official function of the United States, but not including the Postal Service when otherwise acting solely in its capacity as a public carrier of the mail, or while it was in the course of shipment effected pursuant to and in accordance with regulations issued under the provisions of the Government Losses in Shipment Act, as amended;

(2) If substantially the entire check is presented and surrendered by the owner or holder and the Commissioner of the Bureau of Government Financial Operations is satisfied as to the identity of the check presented and that any missing portions are not sufficient to form the basis of a valid claim against the United States;

(3) If the Commissioner of the Bureau of Government Financial Operations is satisfied that the original check is not negotiable and cannot be made the basis of a valid claim against the United States;

(4) If the amount of the check is not more than $200.00;

(5) If the owner or holder is the United States or an officer or employee thereof in his official capacity, a State, the District of Columbia, a territory or possession of the United States, a municipal corporation or political subdivision of any of the foregoing, a corporation the entire capital of which is owned by the United States, a foreign government, or a Federal Reserve Bank.

(c) An application executed in a foreign country other than by an officer or an employee of the United States or a member of the Armed Forces of the United States, shall be sworn to before (1) a diplomatic or consular officer of the United States, or (2) an officer of the United States Army, Navy, Air Force, Marine Corps, or Coast Guard, or (3) an official of such foreign country authorized by law to administer oaths generally, and such foreign official shall affix his official seal, if any, and a diplomatic or consular officer of the United States shall certify that the foreign official who administered the oath was duly authorized under the laws of such foreign country so to act.

In § 245.4: Amend "Treasurer of the United States" to read "Commissioner of the Bureau of Government Financial Operations".

Sections 245.5, 245.6, and 245.7 are revised to read as follows:

§ 245.5 Receipt or recovery of original check.

(a) If the original check is received or recovered by the owner after he has requested the drawer or the Commissioner of the Bureau of Government Financial Operations to stop payment on the original check but before a substitute check has been received, he should immediately advise the drawer or the Commissioner, as the case may be, and hold such check until receipt of instructions with respect to the negotiability of such check.

(b) If the original check is received or recovered by the owner after a substitute has been received by him, the original shall not be cashed, but shall be immediately forwarded to the Commissioner of the Bureau of Government Financial Operations, Washington, D.C. 20226. Under no circumstances should both the original and substitute checks be cashed.

§ 245.6 Removal of stoppage of payment.

Requests for removal of stoppage of payment shall be addressed by the drawer to the Commissioner of the Bureau of Government Financial Operations, or other bank through which the check is payable, as the case may be. No request for removal of stoppage of payment shall be accepted by the Commissioner or other bank through which the check is payable, after issuance of a substitute check has been approved.

§ 245.7 Performance of functions of the Commissioner.

The Commissioner of the Bureau of Government Financial Operations may authorize any officer of the Treasury Department to perform any of his functions under this part and to redelegate such authority within such limits as the Commissioner may prescribe.

Part 368 is redesignated as Part 248 and as redesignated is amended as follows:

Section 248.2 is revised to read as follows:

§ 248.2 Delegation of authority to issue substitute checks.

Pursuant to authority contained in section 3646 of the Revised Statutes, as amended, and subject to such procedural requirements as may be prescribed by the Treasury Department, there is hereby delegated to heads of departments and agencies whose disbursing officers issue depositary checks, authority to authorize officers or employees of their respective departments or agencies to issue substitutes of such checks, prior to the close of the fiscal year next following the fiscal year in which the checks are issued, and to receive and approve undertakings to indemnify the United States in such cases. The Commissioner of the Bureau of Government Financial Operations, Treasury Department, is hereby delegated authority to issue substitutes of depositary checks drawn by the Chief Disbursing Officer, Treasury Department, or by officers disbursing under delegation from the Chief Disbursing Officer, and to receive and approve undertakings of indemnity in such cases. The authority delegated to the Commissioner of the Bureau of Government Financial Operations may be redelegated by him to such disbursing officers.

(Treasury Department Orders Nos. 229 and 229-1)

Dated: June 11, 1974.

JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[FR Doc.74-13724 Filed 6-14-74;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 74-61]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Tennessee River, Tenn.

This amendment changes the regulations for the Market Street drawbridge across the Tennessee River at Chattanooga and the Southern Railroad drawbridge approximately 6½ miles downstream at Hixson to require that the draws of these bridges open on signal when the vertical clearance is 50 feet or less. This amendment was circulated as a public notice dated March 14, 1974 by the Commander, Second Coast Guard District, and was published in the FEDERAL REGISTER as a notice of proposed rule making (CGD 74-61) on March 11, 1974 (39 FR 9455). Two replies were received. One had no objection to the proposed change, however, he believed that the eight hours advance notice requirement would not provide positive benefits for either bridge owner or towboat operator. Considering Nickajack and Watts Bar Locks as the logical point of contact with the average speed-of-advance for river towboats, the time in route from these points would be about eight hours. Also, based on past history this eight hours advance notice would be in effect less than one percent of the time. Therefore, the Coast Guard does not classify this comment on the eight hours advance notice as a valid objection. The other reply objected to the second eight hours notice requirement if a vessel was unable to reach the bridge after giving the first notice. However, Coast Guard files indicate that the proposed second eight hours notice would have no appreciable effect on navigation. Further, this change would be equitable and proper for bridge owner and towboat operator. Therefore, the Coast Guard does not consider the objection to the second eight hours advance notice requirement to be a valid objection. The Coast Guard views the eight hours notice as reasonable and it is felt that this requirement would have little, if any effect on navigation. If the needs of navigation do change, a revision of these regulations will be considered at that time.

Accordingly, Part 117 of Title 33 of the Code of Federal Regulations is amended by:

(1) Deleting subparagraph (3) of paragraph (g) of § 117.560, and

(2) Revising subparagraph (b) of paragraph (g) of §117.560 to read as follows:

§ 117.560 Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.

• • • • • •

(g) • • •

(2) Tennessee River, Tennessee: Market Street bridge at Chattanooga and Southern Railroad bridge approximately 6½ miles downstream at Hixson. When the vertical clearance beneath the draw spans of these bridges is 50 feet or less the draw shall open on signal. When the vertical clearance beneath the draw is more than 50 feet at least eight hours advance notice is required. Whenever any vessel that requires the opening of the draw will return through the draw within four hours and informs the draw tender of the probable time of its return, the draw tender shall return ½ hour before the time specified and the draw shall be promptly opened on signal for the passage of the vessel on the return trip without further advance notice. When a vessel has given advance notice and fails to arrive within one hour after the arrival time specified, whether upbound or downbound, a second eight hours notice shall be required. Gauges of a type acceptable to the Coast Guard shall be installed on both sides of each bridge to indicate the minimum clearance. Notices of these regulations shall be posted at the Nickajack and Watts Bar Locks on the Tennessee River.

• • • • • •

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937 (33 U.S.C. 499, 49 U.S.C. 1655(g)(2)); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4).)

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Effective date. This revision shall become effective on July 22, 1974.

Dated: June 10, 1974.

R. I. PRICE,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.74-13786 Filed 6-14-74;8:45 am]

[CGD 73-255R]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Lake Washington Ship Canal, Wash.

This amendment changes the regulations for two Burlington Northern railroad bridges across the Lake Washington Ship Canal, Washington, to reflect a change in names and to allow the draw of one of these bridges to be maintained in the fully open position. This amendment was circulated as a public notice dated November 14, 1973 by the Commander, Thirteenth Coast Guard District, and was published in the FEDERAL REGISTER as a notice of proposed rulemaking (CGD 73-255P) on November 13, 1973 (38 FR 31315). Five comments were received which either supported the proposal or had no objection thereto.

In consideration of the foregoing, Part 117 of Title 33 of the Code of Federal Regulations, is amended by revising § 117.795(b)(1)(i) and (iii) to read as follows:

§ 117.795 Lake Washington Ship Canal, Wash.; bridges.

* * * * *

(b) * * *

(1) * * *

(i) *Burlington Northern Railway Bridge, clearance 42 feet at high tide.* One long blast of whistle, followed quickly by one short blast.

* * * * *

(iii) *Burlington Northern Railway Bridge, clearance 16 feet.* The draw of this bridge shall be maintained in the fully open position. If the draw is open, no signal is required. If the draw is closed the provisions of paragraphs (a) of this section shall apply.

* * * * *

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937 (33 U.S.C. 499, 49 U.S.C. 1655(g)(2)); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4)).

Effective date. This revision shall become effective on July 22, 1974.

Dated: June 10, 1974.

R. I. PRICE,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.74-13787 Filed 6-14-74;8:45 am]

Title 39—Postal Service

CHAPTER I—UNITED STATES POSTAL SERVICE

Miscellaneous Amendments to Chapter

Regulations codified under § 144.3(e)(1)(iii) are amended to modify the requirement that the descending register in a postage meter being checked out of service be cleared to zero when the meter is jammed in mid-cycle. A technical, designation change is also made in § 144.3(d)(8), and a section reference is corrected in § 154.1(g).

Regulations codified under § 158.4 are amended to allow second-class mail with FPO addresses to be forwarded to or from the U.S. and overseas for a period not to exceed 60 days, when requested by individual addressees.

Regulations codified under Part 159 Undeliverable Mail are amended as follows:

(1) Section 159.1(a)(2)(ii) and (iii) is amended to simplify the reasons for nondelivery endorsed on mail by carriers or window delivery employees.

(2) Section 159.2(g)(1) is amended to clarify the instructions concerning the handling of undeliverable COD mail.

Regulations codified under Part 161 Registered Mail are amended to add to registrable matter in § 161.1(b) mailable matter prepaid with postage at priority rates. Sections 161.1(e)(2), 161.1(e)(3), 161.3(e) and 161.4(e), dealing with return receipts and restricted delivery, are revised to refer to sections in new Part 165, which is completely revised to cover these subjects.

Regulations codified under Part 162, Insured Mail, are amended in § 162.3(a), dealing with restricted delivery service, and § 162.3(b), dealing with return receipts, by referring to sections covering these subjects in revised Part 165. In addition, § 162.4(c)(2) is amended to reflect the changed title of a form.

Regulations codified under Part 163 COD Mail are amended in § 163.4(a), dealing with restricted delivery service, by referring to sections covering this subject in revised Part 165. A minor change is also made to § 163.4(b).

Regulations codified under existing Part 165 Certificates of Mailing are expanded and completely revised to include material on return receipts and restricted delivery which were formerly found in various other places in the regulations.

Regulations codified under Part 168 Certified Mail are amended in § 168.1, which describes such mail, by referring to return receipt and restricted delivery services which appear in revised Part 165. In addition, § 168.5(e) is amended to require a second notice of arrival to be given to an addressee if the certified article is not picked up at the post office within 5 days of attempted delivery.

Certain erroneous references to other parts of Chapter I appearing in § 232.3y are corrected.

Regulations codified under Part 257 Philately are amended as follows:

(1) Section 257.1(b) is amended to indicate that sectional center facilities designated to distribute accountable paper are sources of supply for less-than-bulk quantity commemorative stamps.

(2) Section 257.1(c)(2) is amended to reduce from 90 days to 60 days the period of time regular stamp windows should stock a commemorative issue.

(3) Section 257.1(c)(3)(ii) is amended to reflect a policy change in the sale of plate numbers.

(4) Sections 257.1(c)(3)(iii) and (iv), 257.4(d), 257.5, and 257.6 are amended to update addresses.

Regulations codified under § 263.1 are amended by adding new paragraph (g) which provides a policy on releasing employee information to credit bureaus.

A new Part 281 is added, containing policy and instructions on notifying major mailers whenever significant portions of their firm shipments are involved in transportation accidents or catastrophes.

Accordingly, the following amendments are effective immediately:

PART 144—POSTAGE METERS AND METER STAMPS

1. In § 144.3(d)(8), the words "regional mail classification branch" are deleted wherever they appear and the words "regional controller" are inserted in lieu thereof; paragraph (e)(1)(iii) is revised to read as follows:

§ 144.3 Setting meters.

* * * * *

(e) *Checking meter out of service.*—(1) *Checkout procedures.* * * *

(iii) Clear the descending register to zero or to lowest possible setting, except when the meter is jammed in mid-cycle.

* * * * *

PART 154—CONDITIONS OF DELIVERY

§ 154.1 [Amended]

2. In paragraph (g) of §154.1 the section reference is changed from "§ 161.1(e)(3)" to "§ 165.3(d)".

PART 158—FORWARDING MAIL

3. In § 158.4 *Address changes of persons in U.S. service* the material following the word "Exception:" is revised to read as follows:

§ 158.4 Address changes of persons in U.S. service.

* * * * *

EXCEPTIONS: Second-class mail will not be forwarded between the U.S. and overseas APO addresses by military authorities. Copies of publications addressed to an APO for military personnel transferred to overseas assignments will be endorsed by military personnel *Forwarding Prohibited Addressee Assigned Overseas* and returned to the post office for disposition. Copies of publications addressed to military personnel at their APO addresses who have been transferred to the U.S. will be endorsed by military personnel *Forwarding Prohibited, Addressee Returned to the U.S.* and returned to the military post office for disposition. Second-class mail having FPO addresses may be forwarded to or from the U.S. and overseas for a period not to exceed 60 days when requested by individual addressees. Additional treatment of second-class mail shall be outlined in § 159.2(b) of this chapter.

PART 159—UNDELIVERABLE MAIL

4. In § 159.1, subdivisions (b), (h), and (j) of paragraph (a)(2)(ii) of § 159.1 are deleted, subdivisions (c)–(g) are redesignated (b)–(f); subdivision (i) is redesignated (g); subdivisions (k)–(q) are redesignated (h)–(n). Redesignated subdivision (n) of paragraph (a)(2)(ii) and paragraph (a)(2)(iii) are revised to read as follows:

§ 159.1 Provisions applicable to all classes.

(a) *Reasons for nondelivery* * * *

(2) *Endorsing undeliverable mail.* * * *

(ii) * * *

(n) Not deliverable as addressed—Unable to Forward.	Mail is undeliverable at address given; no Change of Address Order on file; forwarding order has expired; forwarding postage not guaranteed by sender or addressee; or, mail bears sender's instructions DO NOT FORWARD.

(iii) Initials and route number of carrier or initials of window delivery employee must be shown on all first-class mail marked up, except at units where Central Markup System is operative. At units where markup is centralized, refer to instructions in Supervisors Manual for Installing Central Markup System and Training Craft Employees.

* * * * *

5. Paragraph (g)(1) of § 159.2 is revised to read as follows:

§ 159.2 Treatment by classes.

* * * * *

(g) *Registered, certified, insured, and COD*—(1) Notice (*Registered and COD Mail only*). (i) When mail is undeliverable as addressed and cannot be forwarded, a notice is sent to the mailer on Form 3858 showing the reason. By completing the form and returning it immediately in an envelope bearing first-class postage, the mailer may tell the postmaster what to do with the mail. Mail will be returned to the mailer if there is no response. The postage charge, if any, for returning the mail (but not registration or COD fees), will be collected from the mailer.

EXCEPTION: When registered mail is addressed to a person who has moved and left no forwarding address, Form 3858 will not be sent, and the mail will be returned immediately to the mailer.

(ii) When, and only when, the mailer specifically so requests, Form 3849–D, *Notice to Sender of Undelivered COD Mail*, will be sent to the mailer in accordance with § 163.4(c) of this chapter. The mailer may then designate a new addressee or alter the amount of COD charges by submitting Form 3818, *Authorization to Change COD Charges or Addressee*, in accordance with § 163.4(b) of this chapter. The article will be returned to the mailer at the end of the holding period if no response is received. The postage charge, if any, for returning the mail (but not registration or COD fees) will be collected from the mailer.

EXCEPTION: When COD mail is addressed to a person who has moved and left no forwarding address, Form 3849–D will not be sent, and the mail will be returned immediately to the mailer.

* * * * *

PART 161—REGISTERED MAIL

6. In paragraph (b) of § 161.1 the words "first-class or airmail rate" are deleted and the words "first-class, airmail, or priority rates" are inserted in lieu thereof; and paragraph (e)(2) and (3) is revised to read as follows:

§ 161.1 Description.

* * * * *

(e) *Additional services* * * *

(2) *Return receipts.* The sender may obtain a return receipt, Form 3811, by paying fees, in addition to the registration fee and postage, as outlined in § 165.2 of this chapter.

(3) *Restricted delivery.* Restricted delivery may be obtained as set forth in § 165.3 of this chapter and by the payment of additional fees as provided in § 165.3(b). For circumstances under which *Deliver to Addressee Only* restricted delivery will not be furnished, see § 165.3(d)(1).

7. In paragraph (e) of § 161.3 the material following the section reference "§ 161.1(e)(2) and (3)" is revised to read as follows:

§ 161.3 Preparation for mailing.

* * * * *

(e) * * * If the mail is to be restricted in delivery, it shall be marked *Deliver to Addressee Only* or *Deliver to Addressee or Order* on the address side of the mail.

* * * * *

8. Paragraph (e) of § 161.4 is revised to read as follows:

§ 161.4 Delivery.

* * * * *

(e) *Restricted delivery.* Restricted delivery may be obtained as set forth in § 165.3 of this chapter and by the payment of additional fees as provided in § 165.3(b). For circumstances under which *Deliver to Addressee Only* restricted delivery will not be furnished, see § 165.3(d)(1).

* * * * *

PART 162—INSURED MAIL

Section 162.3 is revised to read as follows:

§ 162.3 Additional services.

(a) *Restricted delivery.* Restricted delivery may be obtained as set forth in § 165.3(b). For circumstances under ment of additional fees as provided in § 165.3(b). For circumstances under which *Deliver to Addressee Only* restricted delivery will not be furnished, see § 165.3(d)(1).

(b) *Return receipt.* The sender may obtain a return receipt, Form 3811, by paying the required additional fee as provided in § 165.2 of this chapter.

§ 162.4 [Amended]

10. In paragraph (c)(2) of § 162.4 the words "*Receipt For Insured Parcel*" are deleted and the words "*Receipt for Insured Mail, Domestic—International*" are inserted in lieu thereof.

PART 163—COD MAIL

11. Paragraphs (a) and (b) of § 163.4 are revised to read as follows:

§ 163.4 Additional services.

(a) *Restricted delivery.* Restricted delivery may be obtained as set forth in § 165.3 of this chapter and by the payment of additional fees as provided in § 165.3(b). For circumstances under which *Deliver to Addressee Only* restricted delivery will not be furnished, see § 165.3(d)(1).

(b) *Alteration of COD Charges or Designation of New Addressee.* The sender of a COD package may alter the COD charges or direct delivery to a new addressee by filing a request with the postmaster at the office of mailing on Form 3818, *Authorization to Change COD Charges or Addressee.* The postmaster will send the directions to the office of delivery by telegram if the sender pays the costs.

* * * * *

PART 165—CERTIFICATES OF MAILING, RETURN RECEIPTS, AND RESTRICTED DELIVERY

12. Part 165 is revised to read as follows:

Sec.
165.1 Certificates of mailing.
165.2 Return receipts.
165.3 Restricted delivery.

AUTHORITY: 39 U.S.C. 401.

§ 165.1 Certificates of mailing.

(a) *Purpose.* Certificates of mailing furnish evidence of mailing only. A receipt is not obtained upon delivery of the mail to the addressee. The fee paid for certificates of mailing does not insure the article against loss or damage.

(b) *Fees*—(1) *Individual Pieces.*

Original certificate of mailing for individually listed pieces of all classes of ordinary mail.	5¢ for each piece of mail described.
Each additional copy of original certificate of mailing or original mailing receipt for registered, insured, certified, and COD mail.	2¢ for each piece of mail described.

(2) *Bulk pieces.* Identical pieces of first- and third-class mail paid with ordinary stamps, precanceled stamps, or meter stamps are subject to the following fees:

Up to 1,000 pieces (1 certificate for total number)	25¢
For each additional 1,000 pieces, or fraction	5¢
Duplicate copy	5¢

(c) *Forms*—(1) *Who prepares.* (i) Certificates of mailing are prepared by the

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mailer, except mailers on rural routes or at nonpersonnel rural stations and branches. Individual and firm mailing book certificates must show the name and address of both the sender and the addressee, and may show the amount of postage paid. Identifying invoice or order numbers also may be placed on the certificate.

(ii) Customers of rural routes and nonpersonnel rural stations and branches may deliver mail to the rural carrier with the fee for the certificate. The carrier will obtain the certificate at the post office, attach the stamps, cancel them by postmark, and deliver the certificate to the sender on his next trip.

(2) *Individual certificates.* Form 3817, *Certificate of Mailing*, is used for an individual certificate for ordinary mail of any class. Forms specially printed at the mailer's expense may be used also.

(3) *Firm mailing books.* Firm mailing books Forms 3877 or 3877–A or forms printed at the mailer's expense may be used for certificates for three or more pieces of mail of any class presented at one time.

(4) *Bulk mailings.* Form 3606, Sender's *Statement and Certificate of Bulk Mailing of Matter Paid With Stamps or Meter Postage*, is used to issue certificates that a specified number of pieces have been mailed. These certificates are furnished only for mailings of identical pieces of first- and third-class matter paid with ordinary stamps, precanceled stamps, or meter stamps. A certificate will not be issued for bulk mailings paid with permit imprints.

(5) *Quantity mailings.* When the number of articles ordinarily presented justifies such action, mailers must comply with the following:

(i) When individual certificates on Form 3817 are desired, the forms must either be fixed by the stub to the articles or the forms must be consecutively numbered and fastened together. If the certificates are numbered, the articles should also be lightly numbered at a uniform place to permit relating the parcels and certificates.

(ii) When the articles are descriptively listed on firm mailing sheets or on special approved forms, they should, if practicable, be presented in the order in which they are entered on the sheets; otherwise, each entry must be consecutively numbered by the mailer, and the articles lightly numbered to show the sheet and line number on which they are described.

(d) *Additional certificates after mailing.* To obtain an additional certificate after mailing, the sender must present the original certificate and an additional certificate endorsed *duplicate* or *copy* showing the original dates of mailing. The additional certificate will be postmarked to show the current date.

(e) *Payment and certification.* Mailers must affix uncanceled stamps or meter stamps to cover the fee for certificates of mailing. The stamps will be canceled by the postmark of the mailing office. Signatures or initials of accepting employees are not required.

§ 165.2 Return receipts.

(a) *Purpose.* Return receipts furnish the mailer evidence of delivery. The fee paid for a return receipt does not insure the article against loss or damage. Return receipts may be obtained for mail which is sent COD, is insured for more than $15.00, or which is registered or certified. For international return receipts, see parts 425 and 437 of Publication 42, *International Mail*.

(b) *Fees (in addition to postage and other fees).*

Requested at Time of Mailing:	
Showing to whom (signature) and date delivered	$.15
Showing to whom (signature) and date and address where delivered	.35
Requested After Mailing:	
Showing to whom and date delivered	.25

(c) *Procedures at mailing office.* (1) The sender may request a return receipt, Form 3811, at the time of mailing by informing the postal clerk or writing on the mail *Return Receipt Requested* or *Return Receipt Requested Showing Address Where Delivered.* Firm mailers will complete the mailer's entries on the form, including the article identification number, attach the form, and *place the required endorsement on the article.* Individual mailers will also normally complete the mailer's entries on the form, but in those cases where the article is mailed with the endorsement and the correct postage but without Form 3811 attached, the clerk shall complete the form and attach it to the article.

(2) The sender may request a return receipt after mailing an article which is registered, certified, COD, or insured for more than $15.00 by paying the required fee. To do so, the sender shall complete Form 3811–A, *Request for Return Receipt (After Mailing)*, attach the proper postage, and mail the Form 3811–A to the delivery post office. The sender will be provided the date of delivery and the name of the person who signed for the article as shown in delivery records. Neither the signature of the recipient nor the address of delivery will be provided.

(3) In the event a mailer does not, after a reasonable period of time, receive a return receipt he has paid for, he may, within one year of mailing, request a duplicate if he can produce a receipt for such payment. The mailer may request the duplicate by presenting the receipt at any post office, branch, or station. The clerk shall assist the customer in completing Form 3811–A, postmark it, and mail it to the delivering post office. No charge for such duplicate is to be made.

(4) Return of Form 3811 or Form 3811–A by airmail may be obtained by the mailer affixing postage stamps to the form to cover the postal card airmail rate and endorsing it *Return by Airmail.*

(5) Payment for return receipts shall be noted on the receipt given for purchase of the COD, registry, certified mail, or insurance service.

(d) *Procedures at office of delivery—*
(1) *Return Receipt, Form 3811.* (i) Delivery employees shall obtain the signature of addressee or his agent. Delivery shall only be made to the addressee if so requested on the Form 3811, except as provided in § 165.3(d)(i). The address of delivery shall be filled in only if requested on Form 3811. The delivery employee shall examine the card for completeness and make any corrections necessary. Return receipts shall be given to the clearing clerk daily when the carrier returns to the post office.

(ii) The clearing clerk shall check all return receipts to make sure they are properly signed and dated. If the mail was restricted in delivery, check to see that delivery was not made to an agent, except as provided in § 165.3(d)(i) of this chapter. If delivery was improper, have addressee sign a second return receipt. Take prompt corrective action with delivery employees if return receipts are improperly handled or completed. Postmark all return receipts legibly and mail no later than the first working day after delivery. Undeliverable articles will be handled in accordance with § 159.2(g)(2) of this chapter and the appropriate endorsement will be made in block 6 of Form 3811.

(2) *Request for duplicate or return receipt after mailing, Form 3811–A.* (i) Records of delivery shall be checked and the date of delivery and name of the individual who signed for the article shall be placed on Form 3811–A.

(ii) If a signed receipt is not found for certified mail, send the addressee Form 1572, *Inquiry About Receipt of Mail.* If the reply indicates that the addressee has received the certified mail, file completed Form 1572 with Forms 3849 as a receipt. The delivery information contained on Form 1572 shall be used to complete Form 3811–A. If the addressee does not return completed Form 1572 within 14 days, Form 3811–A shall be completed to show no record of delivery and returned to the mailer.

(iii) Form 3811–A shall be postmarked and the 25¢ postage for receipt after mailing shall be canceled. A line is to be drawn through the address of the delivery post office on the front of Forms 3811–A (1973 and later printings) and the form mailed back to the mailer.

(e) *Refunds.* Return receipt fees will only be refunded when failure to furnish a receipt was the fault of the Postal Service.

§ 165.3 Restricted delivery.

(a) *Purpose.* Restricted delivery provides a means by which a mailer may direct that delivery be made only to a specific individual except as provided in paragraph (d) of this section. Restricted delivery may be obtained for mail which is COD, insured for more than $15.00, registered, or certified. For international restricted delivery, see part 426 of Publication 42.

(b) *Fees (in addition to postage and other fees).*

Restricted delivery	$0.50

(c) *Procedures.* The sender may direct that the article be delivered only to the addressee (see paragraph (d)(i) of this section for circumstances under which this service is not provided) or, if desired by the mailer, to someone named by the addressee in writing as being authorized to receive his mail (Deliver to Addressee or Order). These services are available only for articles addressed to natural persons specified by name:

(1) *At the time of mailing.* The sender shall inform the postal clerk or write on the mail *Deliver to Addressee Only* or *Deliver to Addressee or Order.* Customers should be advised that famous personalities and executives of large companies may have designated another person to receive or sign for their mail and it may be difficult or impossible to deliver mail directly to them. Customers should be further advised that *Deliver to Addressee or Order* service is preferred for mail addressed to famous personalities or executives of large companies because it allows such addressees to decide whether to receive the mail personally or to designate another person to receive and sign for the mail. The clerk shall stamp the article with the proper endorsement if the mailer has not done so. Firm mailers are expected to place the required endorsements on the article being mailed and enter the appropriate fee in the proper column of the firm mailing bill. In the case of mail for which a return receipt has been requested, the appropriate block on Form 3811 shall be checked to indicate restricted delivery is desired.

(2) *After mailing.* The mailer may request restricted delivery after mailing by notifying the mailing post office in writing, providing appropriate identification of the article including the article number and addressee, and payment of the appropriate fee. The mailer will be required to pay for the postage, telegram, or telephone call required to effect the restricted delivery. Failure to provide the service because of prior delivery will not be grounds for refund of the fee or communication charges.

(d) *Procedures at office of delivery.* (1) Mail marked *Deliver to Addressee Only* will be so delivered, except as provided:

(i) Mail addressed to officials of executive agencies, or members of the legislative and judicial branches of the Government of the United States or of the States and their political subdivisions and possessions, or to members of the diplomatic corps, may be delivered either to the addressee or to a person authorized by these persons to receive their mail.

(ii) Mail addressed to the commander, staff sections or other officials of military organizations by name and title may be delivered to the unit mail clerk, mail orderly, postal clerk, assistant postal clerk, or postal finance clerk.

(iii) Mail addressed to minors will be delivered to their guardians or parents if the parents or guardians so request.

(iv) Mail addressed to an inmate of a city, State, or Federal prison, in cases where a personal signature cannot be obtained, may be delivered to the warden or his authorized representative.

(2) Mail marked *Deliver to Addressee or Order* will be delivered either to the addressee or to the person he authorizes in writing to receive his mail.

(3) When mail marked *Deliver to Addressee Only* is addressed jointly to two or more persons (as indicated by the word or symbol *and* connecting their names) all addressees will be notified to be present to accept delivery together. The delivery receipt obtained and the return receipt, if any, must be signed by all of the joint addressees. The mail may then be delivered to any of the addressees unless one or more addressee objects, in which case delivery will not be made until all the addressees sign a statement designating who is to receive the mail. If any of the joint addressees is one of the persons specified in paragraph (d)(1) of this section, he may designate a person to receive and sign for the article on his behalf.

(4) If mail marked *Deliver to Addressee or Order* is jointly addressed, as defined in paragraph (d)(3) of this section, it shall be delivered to the joint addressees in accordance with subparagraph (3). However, any addressee may in writing authorize someone to receive the mail for him, or all of the addressees may in writing authorize a person to receive the mail for them.

(e) *Refunds.* Restricted delivery fees will be refunded only when failure to give restricted delivery was the fault of the Postal Service.

PART 168—CERTIFIED MAIL

12. Section 168.1 is revised to read as follows:

§ 168.1 Description.

Certified mail service provides a receipt to the sender and a record of delivery at the office of address. No record is kept at the office at which mailed. It will be dispatched and handled in transit as ordinary mail. No insurance coverage is provided. Return receipts and restricted delivery services may be obtained as set forth in part 165 and by the payment of additional fees as provided in §§ 165.2(b) and 165.3(b) of this chapter. For circumstances under which *Deliver to addressee only* restricted delivery will not be furnished, see § 165.3(d)(1) of this chapter. Certified mail will be endorsed in the following manner:



13. Paragraph (e) of § 168.5 is revised to read as follows:

§ 168.5 Delivery.

* * * * * * *

(e) *Notice of arrival.* The carrier will leave a notice of arrival on Form 3849 if he cannot deliver the certified article for any reason. The article will be brought back to the post office and held for the addressee. If the article is not called for within 5 days, a second notice will be issued. If the article is not called for or its redelivery requested, it will be returned at the expiration of the period stated by the sender, or after 15 days if no period is stated.

* * * * * * *

PART 232—POSTAL LOSSES AND OFFENSES

§ 232.2 [Amended]

14. In paragraph (y) of § 232.3 the section references are changed from "§§ 142.8 and 144.3(b)(5)" to "§§ 142.8, 144.2(b)(1), and 144.3(d)(1)(iii)".

PART 257—PHILATELY

15. In paragraph (b) of § 257.1 the word "Accountable" in the second sentence is deleted and the words "Sectional center facilities designated to distribute accountable" are inserted in lieu thereof; in paragraph (c)(2) the numeral "90" is deleted wherever it appears and the numeral "60" is inserted in lieu thereof; and paragraph (c)(3) is revised to read as follows:

§ 257.1 Commemorative stamps.

* * * * * * *

(c) *Sale of commemorative stamps.*
* * *

(3) *Philatelic windows and postal stores—*(i) *Time on sale.* Those offices with full or part-time philatelic windows may keep an issue on sale until a notice of its removal from sale in the Philatelic Sales Division is published in the Postal Bulletin. Upon notification, immediately withdraw and sell the stock for regular postage purposes.

(ii) *Plate numbers.* The sale of plate numbers and marginal markings at philatelic windows shall be restricted as follows:

Denomination	*Minimum purchase*
1¢ to 16¢ inclusive	Full panes of each.
17¢ to 50¢ inclusive	Strips of 20 stamps each.
60¢	Strip of 10 stamps.
$1 to $5 inclusive	Four stamps each.

(iii) *Availability of back-issue commemoratives.* Post offices which maintain or establish special philatelic windows should notify the Stamp Services Division, Office of Stamps, U.S. Postal Service, Washington, DC 20260, to keep them informed of available back-issue commemoratives. Notification will normally be in the Postal Bulletin.

(4) *Outside sales of commemorative stamps.* Do not accept mail orders for postage stamps from customers outside the limits of the area served by your post office. Return any such requests to the sender calling attention to the services provided by the Philatelic Sales Division, Washington, DC 20036.

§ 257.4 [Amended]

16. In paragraph (d) of § 257.4 the words "Manager, Philatelic Affairs Divi-

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sion" are deleted and the words "the Director, Office of Stamps" are inserted in lieu thereof.

§ 257.5 [Amended]

17. In § 257.5 the words "City Post Office, Washington, D.C. 20013" are deleted and the words "Washington, D.C. 20036" are inserted in lieu thereof.

§ 257.6 [Amended]

18. In § 257.6 the words "Division of Philately" are deleted and the words "Office of Stamps" are inserted in lieu thereof.

PART 263—EMPLOYEE INFORMATION

19. § 263.1 is revised to add new paragraph (g) as follows:

§ 263.1 Policy.

* * * * *

(g) A credit bureau or a commercial firm from which an employee is seeking credit may be given the following information upon request: length of service, job title, and salary range for the employee's grade (but not exact salary). No further information is to be supplied unless the employee requests, in writing, that other data be given in response to such inquiries.

DAMAGE TO OR DESTRUCTION OF FIRM MAILINGS

PART 281—FIRM MAILINGS DAMAGED OR DESTROYED THROUGH TRANSPORTATION ACCIDENTS OR CATASTROPHES

20. Part 281 is added to read as follows:

Sec.
281.1 Notification of firm mailers.
281.2 Action required by processing postal officials.
281.3 Postal inspector responsibilities.
281.4 Disclaimer.

AUTHORITY: 39 U.S.C. 401, 403, and 404.

§ 281.1 Notification of firm mailers.

Whenever bulk firm mail shipments are involved in transportation accidents or catastrophes, such as train or highway accidents, fire, flood, etc., it will be the responsibility of the customer services representatives at the office of mailing to give known mailers timely notification of the incident and its effect on their mail shipment(s).

§ 281.2 Action required by processing postal officials.

Postal officials processing salvable mail recovered from the scene of an accident or catastrophe are responsible for giving timely notification of the incident to the customer services representative at the office of mailing. The notification should include, but not be limited to:

(a) The determinable names of the major mailers involved;

(b) The nature and extent of damage or destruction;

(c) Anticipated delivery delay; and

(d) If known, the shipment delivery destination(s).

§ 281.3 Postal inspector responsibilities.

The postal inspector investigating the incident should assure that the processing postal officials are fulfilling their notification responsibilities on a timely basis. Should the situation arise where no postal officials are involved in processing affected mail, then the investigating postal inspector will take necessary action to insure that appropriate notification is made.

§ 281.4 Disclaimer.

The Postal Service will not be liable in damages for any loss occasioned by any failure to notify firm mailers in accordance with this Part of damage to or destruction of firm mailings.

ROGER P. CRAIG,
Deputy General Counsel.

[FR Doc.74-13740 Filed 6-14-74;8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rulemaking prior to the adoption of the final rules.

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 53]

ADMINISTRATION OF PRIVATE FOUNDATION EXCISE TAXES

Notice of Proposed Rulemaking

Notice is hereby given that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments pertaining thereto which are submitted in writing (preferably six copies) to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, by July 17, 1974. Pursuant to 26 CFR 601.601(b), designations of material as confidential or not to be disclosed, contained in such comments, will not be accepted. Thus, a person submitting written comments should not include therein material that he considers to be confidential or inappropriate for disclosure to the public. It will be presumed by the Internal Revenue Service that every written comment submitted to it in response to this notice of proposed rule making is intended by the person submitting it to be subject in its entirety to public inspection and copying in accordance with the procedures of 26 CFR 601.702(d)(9). Any person submitting written comments who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner by July 17, 1974. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER, unless the person or persons who have requested a hearing withdraw their requests for a hearing before notice of the hearing has been filed with the Office of the Federal Register. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

This document contains proposed amendments to the Foundation Excise Tax Regulations (26 CFR Part 53) in order to provide rules regarding the administration of the private foundation excise taxes added by the Tax Reform Act of 1969 (83 Stat. 524).

The proposed amendments to the regulations provide rules for the filing of returns for the excise taxes imposed by chapter 42. In general, returns must be filed by all persons liable for tax at the time and place the private foundation files its annual information or tax return. A taxpayer may, by signing the foundation's annual return designate it as his return. Rules providing for the extension of time to file returns and to pay the tax due are also provided.

PROPOSED AMENDMENTS TO THE REGULATIONS

Based on the foregoing, the Foundation Excise Tax Regulations (26 CFR Part 53) are amended as follows:

The following sections are inserted immediately before the end of Part 53:

§ 53.6001 Statutory provisions; notice or regulations requiring records, statements, and special returns.

SEC. 6001. *Notice or regulations requiring records, statements, and special returns.* Every person liable for any tax imposed by this title, or for the collection thereof, shall keep such records, render such statements, make such returns, and comply with such rules and regulations as the Secretary or his delegate may from time to time prescribe. Whenever in the judgment of the Secretary or his delegate it is necessary, he may require any person, by notice served upon such person or by regulations, to make such returns, render such statements, or keep such records, as the Secretary or his delegate deems sufficient to show whether or not such person is liable for tax under this title.

§ 53.6001-1 Notice or regulations requiring records, statements, and special returns.

(a) *In general.* Any person subject to tax under chapter 42, Subtitle D, of the Code shall keep such complete and detailed records as are sufficient to enable the district director to determine accurately the amount of liability under chapter 42.

(b) *Notice by district director requiring returns, statements, or the keeping of records.* The district director may require any person, by notice served upon him, to make such returns, render such statements, or keep such specific records as will enable the district director to determine whether or not such person is liable for tax under chapter 42.

(c) *Retention of records.* The records required by this section shall be kept at all times available for inspection by authorized internal revenue officers or employees, and shall be retained so long as the contents thereof may become material in the administration of any internal revenue law.

§ 53.6011 Statutory provisions; general requirement of return, statement, or list.

SEC. 6011. General requirement of return, *statement, or list*—(a) *General rule.* When required by regulations prescribed by the Secretary or his delegate any person made liable for any tax imposed by this title, or for the collection thereof, shall make a return or statement according to the forms and regulations prescribed by the Secretary or his delegate. Every person required to make a return or statement shall include therein the information required by such forms or regulations.

§ 53.6011-1 General requirement of return, statement, or list.

(a) Every private foundation subject to tax under section 4940 shall file an annual return with respect to such tax on the form prescribed by the Internal Revenue Service for such purpose and shall include therein the information required by such form and the instructions issued with respect thereto.

(b) Every person subject to tax imposed by section 4941(a), 4942(a), 4943(a), 4944(a) or 4945(a), and every private foundation and every trust described in section 4947(a)(2) which has has engaged in an act of self-dealing (as defined in section 4941(d)) (other than an act giving rise to no tax under section 4941(a)) shall file an annual return on Form 4720 and shall include therein the information required by such form and the instructions issued with respect thereto. In the case of any tax imposed by sections 4941(a), 4942(a), 4943(a), and 4944(a), the annual return shall be filed with respect to each act (or failure to act) for each year (or part thereof) in the taxable period (as defined in sections 4941(e)(1), 4942(j)(1), 4943(d)(2), and 4944(e)(1)). In the case of a tax imposed by section 4945(a), the annual return shall be filed with respect to each act for the year in which such act giving rise to liability occurred.

(c) If a Form 4720 is filed by a private foundation or trust described in section 4947(a)(2) with respect to a transaction to which other persons are required to file under this paragraph, such persons may by their signature designate such organization's Form 4720 (to the extent applicable) as their return for purposes of compliance with this paragraph.

§ 53.6061 Statutory provisions; signing of returns and other documents.

SEC. 6061. *Signing of returns and other documents.* Except as otherwise provided by sections 6062 and 6063, any return, statement, or other document required to be made under any provision of the internal revenue laws or regulations shall be signed

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in accordance with forms or regulations prescribed by the Secretary or his delegate.

§ 53.6061–1 Signing of returns and other documents.

Any return, statement, or other document required to be made with respect to a tax imposed by chapter 42 or the regulations thereunder shall be signed by the person required to file such return, statement or document, or by such other persons required or duly authorized to sign in accordance with the regulations, forms or instructions prescribed with respect to such return, statement or other document. The person required or duly authorized to make the return may incur liability for penalties provided for erroneous, false or fraudulent returns. For criminal penalties see sections 7201, 7203, 7206, and 7207.

§ 53.6065 Statutory provisions; verification of returns.

SEC. 6065. *Verification of returns*—(a) *Penalties of perjury.* Except as otherwise provided by the Secretary or his delegate, any return, declaration, statement, or other document required to be made under any provision of the internal revenue laws or regulations shall contain or be verified by a written declaration that it is made under the penalties of perjury.

(b) *Oath.* The Secretary or his delegate may by regulations require that any return, statement, or other document required to be made under any provision of the internal revenue laws or regulations shall be verified by an oath. • • •

§ 53.6065–1 Verification of returns.

(a) *Penalties of perjury.* If a return, statement, or other document made under the provisions of chapter 42 or subtitle F of the Code or the regulations thereunder with respect to any tax imposed by chapter 42 of the Code, or the form and instructions issued with respect to such return, statement, or other document, requires that it shall contain or be verified by a written declaration that it is made under the penalties of perjury, it must be so verified by the person or persons required to sign such return, statement, or other document. In addition, any other statement or document submitted under any provision of chapter 42 or subtitle F of the Code or regulations thereunder with respect to any tax imposed by chapter 42 of the Code may be required to contain or be verified by a written declaration that it is made under the penalties of perjury.

(b) *Oath.* Any return, statement, or other document required to be submitted under chapter 42 or subtitle F of the Code or regulations prescribed thereunder with respect to any tax imposed by chapter 42 of the Code may be required to be verified by an oath.

§ 53.6071 Statutory provisions; time for filing returns and other documents.

SEC. 6071. *Time for filing returns and other documents*—(a) *General rule.* When not otherwise provided for by this title, the Secretary or his delegate shall by regulations prescribe the time for filing any return, statement, or other document required by this title or by regulations.

§ 53.6071–1 Time for filing returns.

A return required by § 53.6011–1 shall be filed at the time the private foundation or trust described in section 4947 (a)(2) is required to file its annual information or tax return under section 6033 or 6012 (as may be applicable).

§ 53.6081 Statutory provisions; extension of time for filing the return.

SEC. 6081 *Extension of time for filing returns*—(a) *General rule.* The Secretary or his delegate may grant a reasonable extension of time for filing any return, declaration, statement, or other document required by this title or by regulations. Except in the case of taxpayers who are abroad, no such extension shall be for more than 6 months.

§ 53.6081–1 Extension of time for filing the return.

(a) District directors and directors of service centers are authorized to grant a reasonable extension of time for filing any return, statement, or other document which relates to any tax imposed by chapter 42 and which is required under the provisions of chapter 42 or the regulations thereunder. However, except in the case of taxpayers who are abroad, such extensions of time shall not be granted for more than 6 months. An extension of time for filing a return shall not operate to extend the time for the payment of the tax or any part thereof unless specified to the contrary in the extension.

(b) The application for an extension of time for filing the return shall be addressed to the district director or director of the service center with whom the return is to be filed and must contain a full recital of the causes for the delay. It should be made before the expiration of the time within which the return otherwise must be filed, and failure to do so may indicate negligence and constitute sufficient cause for denial. It should, where possible, be made sufficiently early to permit consideration of the matter and reply before what otherwise would be the due date of the return.

(c) If an extension of time for filing the return is granted, a return shall be filed before the expiration of the period of extension.

§ 53.6091 Statutory provisions; place for filing returns or other documents.

SEC. 6091. *Place for filing returns and other documents*—(a) *General rule.* When not otherwise provided for by this title, the Secretary or his delegate shall by regulations prescribe the place for the filing of any return, declaration, statement, or other document, or copies thereof, required by this title or by regulations.

(b) *Tax returns.* In the case of returns of tax required under authority of part II of this subchapter—

(1) *Persons other than corporations*—(a) *General rule.* Except as provided in subparagraph (B), a return (other than a corporation return) shall be made to the Secretary or his delegate—

(i) In the internal revenue district in which is located the legal residence or principal place of business of the person making the return, or

(ii) At a service center serving the internal revenue district referred to in clause (i), as the Secretary or his delegate may by regulations designate.

(B) *Exception.* Returns of—

(i) Persons who have no legal residence or principal place of business in any internal revenue district,

(ii) Citizens of the United States whose principal place of abode for the period with respect to which the return is filed is outside the United States,

(iii) Persons who claim the benefits of section 911 (relating to earned income from sources without the United States), section 931 (relating to income from sources within possessions of the United States), or section 933 (relating to income from sources within Puerto Rico), and

(iv) Nonresident alien persons, shall be made at such place as the Secretary or his delegate may by regulations designate.

(2) *Corporations*—(A) *General rule.* Except as provided in subparagraph (B), a return of a corporation shall be made to the Secretary or his delegate—

(i) In the internal revenue district in which is located the principal place of business or principal office or agency of the corporation, or

(ii) At a service center serving the internal revenue district referred to in clause (i), as the Secretary or his delegate may by regulations designate.

(B) *Exception.* Returns of—

(i) Corporations which have no principal place of business or principal office or agency in any internal revenue district,

(ii) Corporations which claim the benefits of section 922 (relating to special deduction for Western Hemisphere trade corporations), section 931 (relating to income from sources within possessions of the United States), or section 941 (relating to the special deduction for China Trade Act corporations), and

(iii) Foreign corporations, shall be made at such place as the Secretary or his delegate may by regulations designate.

• • • • •

(4) *Hand-carried returns.* Notwithstanding paragraph (1) or (2), a return to which paragraph (1)(A) or (2)(A) would apply, but for this paragraph, which is made to the Secretary or his delegate by hand carrying shall, under regulations prescribed by the Secretary or his delegate, be made in the internal revenue district referred to in paragraph (1)(A)(i) or (2)(A)(i), as the case may be.

(5) *Exceptional cases.* Not withstanding paragraphs (1), (2), • • • or (4) of this subsection, the Secretary or his delegate may permit a return to be filed in any internal revenue district, and may require the return of any officer or employee of the Treasury Department to be filed in any internal revenue district selected by the Secretary or his delegate.

[Sec. 6091 as amended by sec. 1(a), Act of Nov. 2, 1966 (Public Law 89–713, 80 Stat. 1107)]

§ 53.6091–1 Place for filing chapter 42 tax returns.

Except as provided in § 53.6091–2 (relating to exceptional cases)—

(a) *Persons other than corporations.* Chapter 42 tax returns of persons other than corporations shall be filed with the district director for the internal revenue district in which is located the legal residence or principal place of business of the person required to make the return.

(b) *Corporations.* Chapters 42 tax returns of corporations shall be filed with the district director for the internal revenue district in which is located the principal place of business or principal office or agency of the corporation.

(c) *Returns filed with service centers.* Notwithstanding paragraphs (a) and (b) of this section, unless a return is filed by hand carrying, whenever instructions applicable to chapter 42 tax returns provide that the returns be filed with a service center, the returns must be so filed in accordance with the instructions. Returns which are filed by hand carrying shall be filed in accordance with paragraphs (a) or (b) of this section, whichever is applicable.

§ 53.6091–2 Exceptional cases.

Notwithstanding the provisions of § 53.6091–1, the Commissioner may permit the filing of any chapter 42 tax return in any internal revenue district.

§ 53.6151 Statutory provisions; time and place for paying tax shown on returns.

SEC. 6151. *Time and place for paying tax shown on returns*—(a) *General rule.* Except as otherwise provided in this section, when a return of tax is required under this title or regulations, the person required to make such return shall, without assessment or notice and demand from the Secretary or his delegate, pay such tax to the internal revenue officer with whom the return is filed, and shall pay such tax at the time and place fixed for filing the return (determined without regard to any extension of time for filing the return).

• • • • •

(c) *Date fixed for payment of tax.* In any case in which a tax is required to be paid on or before a certain date, or within a certain period, any reference in this title to the date fixed for payment of such tax shall be deemed a reference to the last day fixed for such payment (determined without regard to any extension of time for paying the tax).

• • • • •

[Sec. 6151 (a) and (c) as amended by sec. 1(b), Act of Nov. 2, 1966 (Pub. Law 89–713, 80 Stat. 1108)]

§ 53.6151–1 Time and place for paying tax shown on returns.

The chapter 42 tax shown on any return shall, without assessment or notice and demand, be paid to the internal revenue officer with whom the return is filed at the time and place for filing such return (determined without regard to any extension of time for filing the return). For provisions relating to the time and place for filing such return, see §§ 53.6071–1 and 53.6091–1. For provisions relating to the extension of time for paying the tax, see § 53.6161–1.

§ 53.6161 Statutory provisions; extension of time for paying tax.

SEC. 6161. *Extension of time for paying tax*—

(a) *Amount determined by taxpayer on return*—(1) *General rule.* The Secretary or his delegate, except as otherwise provided in this title, may extend the time for payment of the amount of the tax shown, or required to be shown, on any return or declaration required under authority of this title (or any installment thereof), for a reasonable period not to exceed 6 months (12 months in the case of estate tax) from the date fixed for payment thereof. Such extension may exceed 6 months in the case of a taxpayer who is abroad.

• • • • •

(b) *Amount determined as deficiency.* Under regulations prescribed by the Secretary or his delegate, the Secretary or his delegate may extend, to the extent provided below, the time for payment of the amount determined as a deficiency:

(1) In the case of a tax imposed by chapter 1, 12, or 42, for a period not to exceed 18 month from the date fixed for payment of the deficiency, and, in exceptional cases, for a further period not to exceed 12 months. • • •

An extension under this subsection may be granted only where it is shown to the satisfaction of the Secretary or his delegate that the payment of a deficiency upon the date fixed for the payment thereof will result in undue hardship to the taxpayer in the case of a tax imposed by chapter 1 or 42, to the estate in the case of a tax imposed by chapter 11, or to the donor in the case of a tax imposed by chapter 12. No extension shall be granted if the deficiency is due to negligence, to intentional disregard of rules and regulations, or to fraud with intent to evade tax.

• • • • •

[Sec. 6161 as amended by sec. 1801(j)(37), Tax Reform Act 1969 (83 Stat. 530); sec 101(h), Excise, Estate and Gift Tax Adjustment Act 1970 (84 Stat. 1838)]

§ 53.6161–1 Extension of time for paying tax or deficiency.

(a) *In general*—(1) *Tax shown or required to be shown on return.* A reasonable extension of the time for payment of the amount of any tax imposed by chapter 42 and shown or required to be shown on any return, may be granted by the district directors and directors of the service centers at the request of the taxpayer. The period of such extension shall not be in excess of 6 months from the date fixed for payment of such tax, except that if the taxpayer is abroad the period of the extension may be in excess of 6 months.

(2) *Deficiency.* The time for payment of any amount determined as a deficiency in respect of tax imposed by chapter 42 may, at the request of the taxpayer, be extended by the internal revenue officer to whom the tax is required to be paid for a period not to exceed 18 months from the date fixed for payment of the deficiency, as shown on the notice and demand, and, in exceptional cases for a further period not in excess of 12 months. No extension of the time for payment of a deficiency shall be granted if the deficiency is due to negligence, to intentional disregard of rules and regulations, or to fraud with intent to evade tax.

(3) *Extension of time for filing distinguished.* The granting of an extension of time for filing a return does not operate to extend the time for the payment of the tax or any part thereof unless so specified in the extension.

(b) *Undue hardship required for extension.* An extension of the time for payment shall be granted only upon a satisfactory showing that payment on the due date of the amount with respect to which the extension is desired will result in an undue hardship. The extension will not be granted upon a general statement of hardship. The term "undue hardship" means more than an inconvenience to the taxpayer. It must appear that substantial financial loss, for example, loss due to the sale of property at a sacrifice price, will result to the taxpayer from making payment on the due date of the amount with respect to which the extension is desired. If a market exists, the sale of property at the current market price is not ordinarily considered as resulting in an undue hardship.

(c) *Application for extension.* An application for an extension of the time for payment of the tax shown or required to be shown on any return, or for the payment of any amount determined as a deficiently shall be made on Form 1127 and shall be accompanied by evidence showing the undue hardship that would result to the taxpayer if the extension were refused. Such application shall also be accompanied by a statement of the assets and liabilities of the taxpayer and an itemized statement showing all receipts and disbursements for each of the three months immediately preceding the due date of the amount to which the application relates. The application, with supporting documents, must be filed on or before the date prescribed for payment of the amount with respect to which the extension is desired with the internal revenue officer to whom the tax is to be paid. The application will be examined, and within 30 days, if possible, will be denied, granted, or tentatively granted subject to certain conditions of which the taxpayer will be notified. If an additional extension is desired, the request therefor must be made on or before the expiration of the period for which the prior extension is granted.

(d) *Payment pursuant to extension.* If an extension of time for payment is granted, the amount the time for payment of which is so extended shall be paid on or before the expiration of the period of the extension without the necessity of notice and demand. The granting of an extension of the time for payment of the tax or deficiency does not relieve the taxpayer from liability for the payment of interest thereon during the period of the extension. See section 6601 and § 301.6601–1 of this chapter (Regulations on Procedure and Administration).

§ 53.6165 Statutory provisions; bonds where time to pay tax or deficiency has been extended.

SEC. 6165. *Bonds where time to pay tax or deficiency has been extended.* In the event the Secretary or his delegate grants any extension of time within which to pay any tax or any deficiency therein, the Secretary or his delegate may require the taxpayer to furnish a bond in such amount (not exceeding double the amount with respect to which the extension is granted) conditioned upon the payment of the amount extended in accordance with the terms of such extension.

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§ 53.6165–1 Bonds where time to pay tax or deficiency has been extended.

If an extension of time for payment of tax or deficiency is granted under section 6161, the district director or the director of the service center may, if he deems it necessary, require a bond for the payment of the amount in respect of which the extension is granted in accordance with the terms of the extension. However, such bond shall not exceed double the amount with respect to which the extension is granted. For provisions relating to form of bonds, see the regulations under section 7101 contained in Part 301 of this chapter (Regulations on Procedure and Administration).

§ 53.6601 Statutory provisions; interest on underpayment, nonpayment, or extension of time for payment, of tax.

SEC. 6601. Interest on underpayment, nonpayment, or extensions of time for payment, of tax—(a) *General rule.* If any amount of tax imposed by this title (whether required to be shown on a return, or to be paid by stamp or by some other method) is not paid on or before the last date prescribed for payment, interest on such amount at the rate of 6 percent per annum shall be paid for the period from such last date to the date paid.

* * * * *

§ 53.6601–1 Interest on underpayment, nonpayment, or extensions of time for payment, of tax.

For regulations concerning interest on underpayment, nonpayment, or extensions of time for payment of tax, see § 301.6601–1 of this chapter (Regulations on Procedure and Administration).

§ 53.7101 Statutory provisions; form of bonds.

SEC. 7101. *Form of bonds.* Whenever, pursuant to the provisions of this title (other than sections 7485 and 6803(a)(1)), or the rules or regulations prescribed under authority of this title, a person is required to furnish a bond or security—

(1) *General rule.* Such bond or security shall be in such form and with such surety or sureties as may be prescribed by regulations issued by the Secretary or his delegate.

(2) *United States bonds and notes in lieu of surety bonds.* The person required to furnish such bond or security may, in lieu thereof, deposit bonds or notes of the United States as provided in 6 U.S.C. 15.

§ 53.7101–1 Form of bonds.

For provisions relating to form of bonds, see the regulations under section 7101 contained in Part 301 of this chapter (Regulations on Procedure and Administration).

[FR Doc.74–13825 Filed 6–14–74;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 916]

NECTARINES GROWN IN CALIFORNIA

Proposed Reporting Procedure for Shipments

This notice invites written comments relative to proposed amendment of the rules and regulations established pursuant to the amended marketing agreement and Order No. 916, as amended. Such amendment would require each handler to file with the Nectarine Administrative Committee manager or other committee designee (1) a daily report showing the number of packages of nectarines by container type, variety, and district of origin packed the preceding day, and (2) a monthly report filed by the 10th of each month showing shipments of the preceding month by shipping point, district of origin, by variety, and the number of packages, by size, for each container type. The committee reported that such information is necessary to enable it to perform its duties under the program.

Notice is hereby given that the Department is considering a proposed amendment, as hereinafter set forth, to the rules and regulations (Subpart—Rules and Regulations, 7 CFR Part 916.102–916.715), currently in effect pursuant to the applicable provisions of the amended marketing agreement and Order No. 916 (7 CFR Part 916), regulating the handling of nectarines grown in California, hereinafter referred to as "the order." This is a regulatory program effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

This proposed amendment of the rules and regulations was unanimously recommended by the Nectarine Administrative Committee, established under said order, as the agency to administer the terms and provisions thereof.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed amendment shall file the same, in quadruplicate, with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than July 7, 1974. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposed amendment is as follows:

1. A New § 916.160. *Reporting procedure* is added to read:

§ 916.160 Reporting procedure.

(a) *Report of daily packout.* When requested by the Nectarine Administrative Committee, each shipper who ships nectarines shall furnish to the manager of the Nectarine Administrative Committee or when designated to the Federal-State Inspection Service a report of the number of packages by container type, by variety and by district of origin, which the shipper packed during the preceding day.

(b) *Recapitulation of shipments.* Each shipper of nectarines shall furnish to the manager of the Nectarine Administrative Committee not later than the 10th day of each month a recapitulation of his shipments of each variety completed during the preceding month. The recapitulation shall show: (1) the name of the shipper, (2) the shipping point, (3) the district of origin, (4) the variety, and (5) the number of packages, by size, for each container type.

Dated: June 12, 1974.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.74–13822 Filed 6–14–74;8:45 am]

[7 CFR Part 921]

FRESH PEACHES GROWN IN DESIGNATED COUNTIES IN WASHINGTON

Proposed Limitation of Handling

This notice contains the proposed grade, maturity, size, and pack requirements for Washington peaches during the 1974 season. These proposed requirements are designed to provide consumers with acceptable quality peaches. The proposal would require peaches to grade Washington Extra Fancy grade except that peaches packed in the western lug, or the standard peach box need only meet the requirements of the Washington Fancy grade. The minimum diameter would be 2⅜ inches, except the minimum diameter for Elberta peaches and peaches of any variety when packed in the standard peach box would be 2¼ inches. All peaches would be required to be well matured and have a reasonably uniform degree of firmness. Loose or jumble packs would be permitted for containers with a net weight of 26 pounds and in containers of less capacity if the packages are well filled. The use of the family pack lug box would not be permitted this year as such container did not prove satisfactory last year.

Consideration is being given to the following proposal which would limit the handling of fresh peaches grown in designated counties in Washington by establishing a regulation which was recommended by the Washington Fresh Peach Marketing Committee, pursuant to the marketing agreement, and Order No. 921 (7 CFR Part 921) regulating the handling of fresh peaches grown in designated counties in Washington. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

All persons who desire to submit written data, views, or arguments in connection with the proposal should file the same in quadruplicate with the Hearing Clerk, Room 112A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than June 30, 1974. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The recommendations of the Washington Fresh Peach Marketing Committee reflect its appraisal of the current and prospective crop and market conditions. Washington's 1974 peach crop is estimated at 11,700 tons, compared with commercial production in 1973 of 18,703 tons. Total fresh market shipments are expected to be 9,200 tons. The regulation, hereinafter set forth, is designed to prevent the handling on and after July 14, 1974, of lower quality and smaller size peaches and provide orderly marketing in the interest of producers and consumers, consistent with the objectives of the act.

Such proposal reads as follows:

§ 921.311 Peach Regulation 11.

(a) Order: Peach Regulation 10 (38 FR 19959) is hereby terminated July 14, 1974.

(b) During the period July 14, 1974, through July 31, 1975, no handler shall handle any lot of peaches unless such peaches meet the following applicable requirements, or are handled in accordance with paragraph (b)(6) of this section.

(1) *Minimum grade.* Such peaches shall grade at least Washington Extra Fancy Grade: *Provided,* That peaches which grade Washington Fancy Grade, or better may be handled if they are packed in the Western lug box or the standard peach box.

(2) *Minimum size.* (i) Such peaches of any variety, except peaches of the Elberta varieties, packed in any container except the standard peach box, shall measure not less than 2⅜ inches in diameter:

(ii) Such peaches of any variety when packed in a standard peach box shall measure not less than 2¼ inches in diameter; and

(iii) Such peaches of the Elberta varieties, packed in any container shall measure not less than 2¼ inches in diameter.

(3) *Minimum maturity.* Such peaches shall be well matured, exeept that any lot of peaches shall be deemed to have met such minimum maturity requirement if not more than 25 percent, by count, of the peaches in such lot are mature but not well matured.

(4) *Uniform firmness.* Such peaches in individual containers shall have a reasonably uniform degree of firmness.

(5) *Pack.* (i) Such peaches in loose or jumble packs shall be in containers of a capacity equal to or greater than that of a Western lug box and shall contain not less than 26 pounds net weight of peaches: *Provided,* That such containers of peaches having less than 26 pounds net weight may be handled if such containers are well filled; and

(ii) Such peaches other than peaches in loose or jumble packs in any container shall meet the standard pack requirements as set forth in the Washington Standards for Peaches (Order No. 1212), or the U.S. Standards for Peaches (7 CFR 51.1210 et seq.).

(6) Notwithstanding any other provision of this section, any individual shipment of peaches sold by the producer or at an established packinghouse which meets each of the following requirements may be handled without regard to the provisions of this paragraph, of § 921.41 (Assessments), and of § 921.55 (Inspection and Certification) if:

(i) The shipment consists of peaches sold for home use and not for resale;

(ii) The shipment does not, in the aggregate, exceed 500 pounds, net weight, of peaches; and

(iii) Each container is stamped or marked with the handler's name and address and with the words "not for resale" in letters at least one-half inch in height.

(c) The terms "Washington Extra Fancy Grade", "Washington Fancy Grade", and "mature" shall have the same meaning as when used in the Washington Standards for Peaches (effective October 18, 1971), issued by the State of Washington Department of Agriculture; the term "well matured" shall mean peaches which will yield very slightly to moderate pressure at the suture or blossom end, have shoulders and sutures that are well filled out, and have skin and flesh colored sufficiently that it will show characteristic varietal color when ripe; the term "loose or jumble pack" shall mean that the peaches are not placed in the container in rows, cups, compartments, or otherwise placed in the container in symmetrical order; the term "standard peach box" shall mean a container with inside dimension of 4¼ to 6 by 11½ by 16 inches; the term "Western lug box" shall mean any container with inside dimensions of 7 by 11½ by 16 inches; the term "well filled" shall mean that the level of fruit is filled at least to the top edge of the container; the term "diameter" shall mean the greatest distance, measured through the center of the peach at right angles to a line running from the stem to the blossom end; and terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in the marketing agreement and order.

Dated: June 11, 1974.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.74–13765 Filed 6–14–74;8:45 am]

[7 CFR Part 922]

FRESH APRICOTS GROWN IN DESIGNATED COUNTIES IN WASHINGTON

Proposed Limitation of Handling

This notice contains the proposed grade, maturity, and size requirements for Washington Apricots during the 1974 season. These proposed requirements are designed to provide consumers with acceptable quality apricots. The proposed requirements are: That apricots grade at least Washington No. 1 and be reasonably uniform in color; and size at least 1⅝ inches in diameter, except Blenheim, Blenril and Tilton varieties, in unlidded containers, may have a minimum diameter of 1¼ inches.

Consideration is being given to the following proposal, which would limit the handling of fresh apricots grown in designated counties in Washington by establishing a regulation which was recommended by the Washington Apricot Marketing Committee, established pursuant to the marketing agreement, as amended, and Order No. 922, as amended, (7 CFR Part 922), regulating the handling of fresh apricots grown in designated counties in Washington. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

All persons who desire to submit written data, views, or arguments in connection with the proposal should file the same in quadruplicate with the Hearing Clerk, Room 112A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than June 30, 1974. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The recommendations of the Washington Apricot Marketing Committee reflect its appraisal of the current and prospective crop and market conditions. Total 1974 fresh market shipments are expected to be 2,100 tons, compared with 1973 fresh market shipments of 2,575 tons. The regulation is designed to prevent the handling on and after August 1, 1974, of lower quality and smaller size apricots which do not provide consumer satisfaction and to promote orderly marketing in the interest of producers and consumers, consistent with the objectives of the act.

Such proposal reads as follows:

§ 922.314 Apricot Regulation 14.

(a) Order: During the period August 1, 1974, through July 31, 1975, no handler shall handle any container of apricots unless such apricots meet the following applicable requirements, or are handled in accordance with subparagraph (3) of this paragraph:

(1) *Minimum grade and maturity requirements.* Such apricots grade not less than Washington No. 1 and are at least reasonably uniform in color: *Provided,* That such apricots of the Moorpark variety in open containers shall be generally well matured; and

(2) *Minimum size requirements.* Such apricots measure not less than 1⅝ inches in diameter except that apricots of the Blenhiem, Blenril, and Tilton varieties when packed in unlidded containers may measure not less than 1¼ inches: *Provided,* That not more than 10 percent, by count, of such apricots may fail to meet the applicable minimum diameter requirement.

(3) Notwithstanding any other provision of this section, any individual shipment of apricots which meets each of the following requirements may be handled without regard to the provisions of this paragraph, of § 922.41 (Assessments), and of § 922.55 (Inspection and Certification):

(i) The shipment consists of apricots sold for home use and not for resale.

(ii) The shipment does not, in the aggregate, exceed 500 pounds, net weight, of apricots; and

(iii) Each container is stamped or marked with the words "not for resale"

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in letters at least one-half inch in height.

(b) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; "diameter" and "Washington No. 1" shall have the same meaning as when used in the State of Washington Department of Agriculture Standards for Apricots, effective May 31, 1966; "reasonably uniform in color" means that the apricots in the individual container do not show sufficient variation in color to materially affect the general appearance of the apricots; and "generally well matured" means that, with respect to not less than 90 percent, by count, of the apricots in any container in such lot, at least 40 percent of the surface area of the fruit is at least as yellow as Shade 3 on the U.S. Department of Agriculture Standard Ground Color Chart for Apples and Pears in the Western States.

Dated: June 12, 1974.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.74-13823 Filed 6-14-74;8:45 am]

Animal and Plant Health Inspection Service

[9 CFR Part 113]

VIRUSES, SERUMS, TOXINS, AND ANALOGOUS PRODUCTS

Notice of Proposed Rulemaking

Notice is hereby given in accordance with the provisions contained in section 553 of Title 5, United States Code, that it is proposed to amend certain of the regulations relating to viruses, serums, toxins, and analogous products in Part 113 of Title 9, Code of Federal Regulations, issued pursuant to the provisions of the Virus-Serum-Toxin Act of March 4, 1913 (21 U.S.C. 151–158).

These proposed amendments would codify in Part 113 test methods, procedures, and criteria established by Veterinary Services for evaluating biological products to be pure, safe, potent, and efficacious and not to be worthless, contaminated, dangerous, or harmful. All products shall meet the applicable requirements before marketing release is authorized.

These requirements have been developed over a period of years in cooperation with interested members of the scientific society and, for the most part, have been utilized by industry either as accepted requirements or as proposals under development.

The publication of these requirements is done to make more readily available to the general public these requirements which now appear in administrative memorandums.

§ 113.120 and § 113.135 were included in a notice of proposed rulemaking published in the FEDERAL REGISTER, Volume 39, Number 71, April 11, 1974. When one of these sections is referred to in this document, the requirements set out in such notice are intended. It is further intended that when these regulations are published in final form, the effective date for having the Master Seed Virus requirements prescribed in § 113.160, § 113.161, and § 113.164 be completed by January 1, 1975, and the Master Seed Virus requirements prescribed in § 113.163 and § 113.165 be completed by June 1, 1975.

Part 113, Standard Requirements, of Title 9 of the Code of Federal Regulations, is amended by adding a new paragraph (d) to § 113.27 and further amended by adding the following material to read:

§ 113.27 Detection of viable bacteria and fungi in live vaccines.

* * * * *

(d) Live viral vaccines of chicken embryo origin recommended for use in a manner other than parenteral injection shall be tested according to the procedures prescribed in this paragraph.

(1) *The media shall be.* (i) Brain Heart Infusion Agar with 500 Kinetic (Kersey) units of penicillinase per ml of medium added to the agar just prior to pouring the plates; and

(ii) Trypticase Soy Agar with 500 Kinetic (Kersey) units penicillinase per ml of medium added to the agar just prior to pouring the plates.

(2) *Test procedures.* (i) Ten final container samples from each serial or subserial shall be tested using the media as prescribed in paragraph (d)(1) of this paragraph.

(ii) Immediately prior to starting the test, frozen liquid vaccine shall be thawed, or lyophilized vaccine shall be rehydrated to the quantity recommended on the label using sterile distilled water. Product recommended for mass vaccination shall be rehydrated at the rate of 30 ml sterile distilled water per 1000 doses.

(iii) From each final container sample, four plates shall be inoculated with biological product equal to 10 doses as recommended for poultry or one dose as recommended for other animals.

(iv) Twenty ml of Brain Heart Infusion Agar shall be added to each of two plates. Twenty ml of Trypticase Soy Agar shall be added to each of two plates.

(v) Two plates, one with each agar, shall be incubated at 30–35° C for seven days. The two remaining plates, one from each agar, shall be incubated at 20–25° C for 14 days.

(vi) Colony counts shall be made for each plate. An average colony count for the ten samples representing a serial or subserial shall be computed for each agar at each incubation condition.

(vii) If the average count on either agar at either incubation condition for a serial or subserial exceeds one colony per dose for vaccines recommended for poultry, or ten colonies per dose for vaccines recommended for other animals, the serial or subserial is unsatisfactory.

§ 113.127 Encephalomyelitis Vaccine, Eastern and Western, Killed Virus.

Encephalomyelitis Vaccine, Eastern and Western, Killed Virus, shall be prepared from virus-bearing cell culture fluids. Except for § 113.120(d), each serial and subserial shall meet the general requirements prescribed in § 113.120 and the requirements prescribed in this section. Any serial or subserial found unsatisfactory by a prescribed test shall not be released.

(a) *Safety test.* Bulk samples of each serial or subserial shall be tested for encephalomyelitis virus inactivation.

(1) Each of at least ten 6 to 12 hour old chickens shall be injected subcutaneously with 0.5 ml of the product and the chickens observed each day for 10 days.

(2) If unfavorable reactions attributable to the product occur in the chickens during the observation period, the serial is unsatisfactory. If unfavorable reactions not attributable to the product occur, the test is inconclusive and may be repeated: *Provided,* That, if the test is not repeated, the serial is unsatisfactory.

(b) *Potency tests.* Bulk or final container samples of completed product shall be tested for potency as provided in this paragraph. For these tests, a guinea pig dose shall be one-half the amount recommended on the label for a horse and shall be administered as recommended for a horse except for the interval between the first and second dose.

(1) *Eastern Type Fraction.* Each of 10 healthy guinea pigs (vaccinates) shall be injected with two guinea pig doses with an interval of 14 to 21 days between doses. Two additional guinea pigs from the same source shall be held as controls.

(i) Fourteen to twenty-one days after the second inoculation, serum samples from each of the vaccinates and the controls shall be tested by the plaque reduction serum neutralization test.

(ii) If the control serum samples show a titer greater than 1:2, the test is inconclusive and may be repeated; *Provided,* That, if at least nine of the vaccinate serum samples do not show a titer of 1:4 or greater, the serial or subserial is unsatisfactory.

(2) *Western Type Fraction.* Each of 10 healthy guinea pigs (vaccinates) shall be injected with two guinea pig doses with an interval of 7 days between doses. Five additional guinea pigs from the same source shall be held as controls.

(i) Ten to fourteen days after the second dose, at least nine of the 10 vaccinates and the five controls shall be injected intracerebrally with 0.1 ml of a virulent virus suspension and the guinea pigs observed each day for 10 days.

(ii) If at least 80 percent of the controls do not die or show signs of encephalomyelitis during the observation period, the test is inconclusive and may be repeated; *Provided,* That, if more than two of the challenged vaccinates die or show signs of encephalomyelitis during the observation period, the serial or subserial is unsatisfactory.

§ 113.128 Avian Encephalomyelitis Vaccine (Killed Virus).

Avian Encephalomyelitis Vaccine (Killed Virus) shall be prepared from virus-bearing tissues or fluids obtained from embryonated chicken eggs. Each

serial shall meet the general requirements prescribed in § 113.120 and the requirements prescribed in this section. Any serial found unsatisfactory by a prescribed test shall not be released.

(a) *Safety tests.* (1) The prechallenge part of the potency test prescribed in paragraph (b) of this section shall constitute a safety test. If any of the vaccinates develop clinical signs or die due to causes attributable to the product, the serial is unsatisfactory.

(2) An inactivation test for viable avian encephalomyelitis (AE) virus shall be conducted on each serial. The test shall be conducted using susceptible chicken embryos; *Provided,* That, if a non-embryo adapted virus is used for vaccine production, the test shall be conducted in susceptible chickens.

(i) *Chicken Embryo Test.* Each of 15 or more AE susceptible 5 or 6 day old embryos shall be injected in the yolk sac with 0.2 ml of the vaccine. For a valid test, at least 80 percent of the embryos shall survive for 48 hours post-inoculation (PI). Eleven to 13 days PI, all embryos surviving the 48 hour PI period shall be examined for gross lesions of AE; all these embryos shall be normal or the serial is unsatisfactory. Concurrently, five additional embryos from the same source shall be injected with live AE virus of the production strain to serve as positive controls. At least 4 of the 5 embryos shall show evidence of AE virus infection during the 11 to 13 day PI period or the test shall be considered inconclusive and repeated; *Provided,* That, if the test is not repeated, the serial shall be declared unsatisfactory.

(ii) *Chicken test.* Each of 10 or more AE susceptible 7 day old chickens shall be injected intracerebrally with 0.1 ml vaccine each. The chickens shall be observed each day for 28 days. If any chickens show clinical signs of AE, the serial is unsatisfactory. Concurrently, 5 additional chickens from the same source shall be injected intracerebrally with live AE virus of the production strain to serve as positive controls. At least 4 of the 5 controls shall show evidence of AE virus infection during the observation period or the test shall be inconclusive and may be repeated; *Provided,* That, if the test is not repeated, the serial shall be unsatisfactory.

(b) *Potency test.* Bulk or final container samples of completed product from each serial or one subserial shall be tested. Ten or more AE-susceptible chickens (vaccinates), 4 weeks or older, properly identified and obtained from the same source and hatch, shall be injected as recommended on the label. At least 10 additional AE-susceptible chickens, properly identified and obtained from the same source and hatch shall be kept in isolation as controls.

(i) At least 28 days post-injection, the vaccinates and the controls shall be challenged intramuscularly with a virulent AE virus and the chickens observed each day for 21 days.

(ii) If at least 80 percent of the controls do not show clinical signs of AE injection or die from AE injection, the test is inconclusive and may be repeated.

(iii) If at least 80 percent of the vaccinates do not remain normal, the serial is unsatisfactory.

§ 113.129 Rabies Vaccine (Killed Virus).

Rabies Vaccine (Killed Virus) shall be prepared from virus-bearing cell cultures or nerve tissues obtained from animals that have developed rabies infection following injection with rabies virus. Only Master Seed Virus which has been established as pure, safe, and immunogenic shall be used for preparing the production seed virus for vaccine production. All serials of vaccine shall be prepared from the first through the fifth passage from the Master Seed Virus.

(a) The Master Seed Virus shall meet the applicable requirements prescribed in § 113.135 and the requirements prescribed in this section.

(1) Each lot of Master Seed Virus shall be tested for viral agents by procedures prescribed in § 113.52(d) (4), (5), and (6) with the modification that one ml of Master Seed Virus is substituted for the one ml aliquot of disrupted cells.

(2) Each lot of Master Seed Virus propagated in tissue or cells of avian origin shall also be tested for extraneous pathogens by procedures prescribed in § 113.37.

(3) Each lot of Master Seed Virus propagated in cell cultures of hamster origin or brain tissues of mouse origin shall be tested for lymphocytic choriomeningitis (LCM) virus by the procedure for testing vaccine prescribed in subparagraph (d) (1) of this section. If LCM virus is detected, the Master Seed Virus is unsatisfactory. Vaccine virus may be neutralized with specific antiserum when necessary.

(b) The immunogenicity of the lot of Master Seed Virus shall be established in all species for which the vaccine is recommended.

(1) Thirty-five animals of each species shall be used as test animals (25 vaccinates and 10 controls). Blood samples shall be drawn from these animals and individual serums tested. Only animals which are negative for neutralizing antibodies to rabies shall be used.

(2) The preinactivation virus titer shall be established by at least five separate virus titrations. A mean relative potency value of the vaccine used in the host animal potency test shall be established by at least five replicate potency tests conducted in accordance with the National Institutes of Health test for Potency in Chapter 33 of *Laboratory Techniques in Rabies,* 1973 Edition, World Health Organization, Geneva. The volumetric method of calculation shall be used.

(3) Each of 25 vaccinates shall be injected intramuscularly with one dose equal to that recommended on the label. A second such dose may be injected 30 days after the first dose unless the test is intended to qualify the vaccine for label recommendations which specify a single dose for primary immunization.

(4) On days 30, 60, 90, 180, 270, and 365 post-injection, all test animals shall be bled and individual serums tested for neutralizing antibodies to rabies virus.

(5) Virulent street virus shall be furnished or approved by Veterinary Services. One year after the last dose of vaccine, challenge virus shall be injected bilaterally into the masseter muscles and the animals observed each day for 90 days as prescribed in § 113.5(b).

(i) When cattle, horses, sheep, and goats are the test animals, the immunity of the five vaccinates having the lowest titers shall be challenged: *Provided,* That, all vaccinates with titers below 1:5 shall be challenged. The remainder of the vaccinates may be challenged at a later date and the results included in the criteria used to establish a satisfactory Master Seed Virus.

(ii) When other species are used for test animals, all vaccinates shall be challenged.

(iii) If at least 80 percent of the controls do not die from rabies during the observation period, the test is inconclusive.

(iv) If at least 85 percent of the challenged vaccinates do not remain well during the observation period, the Master Seed Virus is unsatisfactory.

(6) The immunogenicity test shall be repeated every 3 years unless use of the lot of Master Seed Virus is discontinued. If the test is on the same lot of Master Seed Virus as 3 years previously, only five vaccinates and five controls need be used. The test may be limited to serological the original immunogenicity test.

(7) An Outline of Production change shall be made before authority for use of a new lot of Master Seed Virus shall be granted by Veterinary Services.

(c) If more than 1 year duration of immunity is to be claimed, a duration of immunity test for the additional time shall be conducted as prescribed in subparagraph (b)(5) of this section for the 1 year test. At least 25 vaccinates shall be selected at the time the test is started for each challenge period. The test animals may be monitored serologically and the time of challenge adjusted accordingly. A duration of immunity test shall be considered satisfactory if 85 percent of the vaccinates are shown to be immune.

(d) Test requirements for release: Each serial and each subserial shall meet the general requirements prescribed in § 113.120 and special requirements in this paragraph.

(1) *Purity test.* (i) Tissues of hamster origin and mouse brain tissues used in vaccine production shall be tested for LCM virus. Hamster origin cells shall be disrupted and undiluted cell fluids from each lot shall be tested. Where mouse brains are used in production, at least five mice which have not been injected with rabies virus shall be sacrificed and a 10 percent suspension of brain material shall be prepared and tested as follows:

(ii) Each of at least 10 mice obtained from a source free of LCM shall be injected in the foot pad of a hind foot with 0.02 ml and the mice observed each day for 21 days.

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(iii) If any of the mice show swelling in the injected foot pad or if more than one becomes systemically abnormal, the serial or subserial is unsatisfactory.

(2) *Safety tests.* Bulk samples from each serial shall be tested for virus inactivation and safety as follows:

(i) At the end of the inactivation period, each of 20 12 to 16 gram mice shall be injected intracerebrally with 0.03 ml and two rabbits shall be injected into each cerebral hemisphere with 0.25 ml and observed each day for 21 days. The brains of animals dying between the fourth and 21st day post-injection shall be checked for rabies virus. Material from each brain recovered shall be injected into each of five mice and the mice observed each day for 14 days. The fluorescent antibody test or serum neutralization test shall be used to confirm the presence or absence or live rabies virus. If live rabies virus is confirmed, the serial is unsatisfactory unless reprocessed in accorndace with § 114.18.

(ii) Each of three young (less than 6 months of age) seronegative animals of one species for which the vaccine is recommended shall be injected in the manner and dosage for primary immunization stated on the label. If one dose is used, the animals shall be observed each day for 30 days. If two doses are used, the animals shall be observed each day for 14 days after the second dose. If unfavorable reactions attributable to the product occur, the serial is unsatisfactory.

(3) *Potency test.* Bulk or final container samples of complete product from each serial shall be tested for potency by the National Institutes of Health Test described in Chapter 33, *Laboratory Techniques in Rabies*, 1973 edition, World Health Organization, Geneva. The volumetric method of calculation shall be used. The relative potency of each serial shall be at least equal to that used in an approved host animal potency study, but not less than 0.3.

§ 113.139 Feline Distemper Vaccine.

Feline Distemper Vaccine shall be prepared from virus-bearing cell culture fluids. Only Master Seed Virus which has been established as pure, safe, and immunogenic shall be used for preparing the production seed virus for vaccine production. All serials of vaccine shall be prepared from the first through the fifth passage from the Master Seed Virus.

(a) The Master Seed Virus shall meet the applicable general requirements prescribed in § 113.135 and the requirements prescribed in this section.

(b) The lot of Master Seed Virus shall be tested for other agents as follows:

(1) To detect virulent feline distemper virus or virulent mink enteritis virus, each of two feline distemper susceptible cats, as determined by the criteria prescribed in paragraph (c)(1) of this section, shall be injected subcutaneously with the equivalent of one cat dose each and the cats observed each day for 21 days. If either or both cats show signs of disease or reduced white blood cell counts below 50 percent of the normal level established by an average of three or more counts taken prior to injection, the Master Seed Virus is unsatisfactory.

(2) To detect chlamydial agents, the yolk sac of 6 day old chicken embryos shall be injected. Three groups of 10 embryos shall be used sequentially.

(i) The inoculum for each embryo in the first group shall consist of 0.5 ml of a mixture of equal parts of the seed virus with phosphate buffered saline containing 2 mg/ml each of Streptomycin, Vancomycin, and Kanomycin.

(ii) On the tenth day post-inoculation, the yolk sacs of viable embryos shall be harvested, pooled, homogenized in phosphate buffered saline antibiotic diluent, and 0.5 ml of the mixture injected into the second group of chicken embryos. This process shall be repeated for the injection of the third group of embryos using the yolk sacs of viable embryos from the second group.

(iii) For each of the three passages, embryos deaths occuring within 48 hours of injection shall be disregarded except that if more than three such deaths occur at any passage, that passage shall be repeated.

(iv) If one or more embryo deaths occur at any passage after 48 hours post-injection, the yolk sacs from each of the dead embryos shall be subcultured into 10 additional embryos. If embryo deaths again occur, the seed virus is disqualified for use to produce vaccine.

(c) Each lot of Master Seed Virus used for vaccine production shall be tested for immunogenicity. The selected virus dose from the lot of Master Seed Virus shall be established as follows:

(1) Twenty-five feline distemper susceptible cats shall be used as test animals (20 vaccinates and five controls). Blood samples shall be drawn from these animals and individual serums tested. The cats shall be considered susceptible if:

(i) The results are negative at a 1:2 serum dilution in a varying serum-constant virus neutralization test with 100 to 500 $TCID_{50}$ of feline distemper virus; and

(ii) A total leukocyte count of less than 4,000 in a littermate challenged with virulent feline distemper virus.

(2) A geometric mean titer of the dried vaccine produced from the highest passage of the Master Seed Virus shall be established by the fluorescent antibody method before the potency test is conducted. The 20 cats used as vaccinates shall be injected with a predetermined quantity of vaccine virus and the remaining five cats held as uninjected controls. To confirm the dosage calculations, five replicate virus titrations shall be conducted on a sample of the vaccine virus dilution used.

(3) Fourteen days post-injection, the vaccinates and the controls shall be challenged with virulent feline distemper virus furnished by Veterinary Services and the cats observed each day for 14 days.

(i) If at least 80 percent of the controls do not show clinical signs of feline distemper, the test is inconclusive and may be repeated. Symptoms shall include a febrile response and pronounced leukopenia wherein the white blood cell count drops to less than 50 percent of the normal level established by an average of three or more counts taken prior to challenge.

(ii) If at least 19 of the 20 vaccinates do not survive without showing clinical signs of feline distemper or a pronounced drop in white blood cell count during the observation period, the Master Seed Virus is unsatisfactory.

(4) The immunogenicity test shall be repeated every 3 years unless use of the lot of Master Seed Virus is discontinued. If the test is on the same lot of Master Seed Virus as 3 years previously, only five vaccinates and five controls need to be used. The five vaccinates and the controls shall meet the criteria prescribed in paragraph (c)(3) of this section.

(5) An Outline of Production change shall be made before authority for use of a new lot of Master Seed Virus shall be granted by Veterinary Services.

(d) *Test requirements for release.* Each serial and subserial shall meet the requirements prescribed in § 113.135 and in this paragraph. Final container samples of completed product shall be tested. Any serial or subserial found unsatisfactory by a prescribed test shall not be released.

(1) *Safety tests.* The mouse safety test prescribed in § 113.33(a) and the cat safety test prescribed in this subparagraph shall be conducted.

(i) Each of two cats considered susceptible to feline distemper infection according to the criteria in paragraph (c)(1) of this section shall be injected with 10 cat doses prepared as recommended on the label and the cats observed each day for 14 days.

(ii) If unfavorable reactions attributable to the biological product occur during the observation period, the serial is unsatisfactory. If unfavorable reactions occur which are not attributable to the product, the test shall be declared inconclusive and repeated; *Provided*, That, if not repeated, the serial shall be unsatisfactory.

(2) *Potency test.* An in vitro potency test shall be conducted. To be eligible for release, each serial and each subserial shall have a virus titer sufficiently greater than the titer of vaccine virus used in the immunogenicity test prescribed in paragraph (c) of this section to assure that, when tested at any time within the expiration period, each serial and subserial shall have a virus titer of 0.7 logs greater than that used in such immunogenicity test but not less than $10^{2.0}$ ID_{50} per dose when tested by the fluorescent antibody method.

§ 113.140 Canine Hepatitis Vaccine.

Canine Hepatitis Vaccine shall be prepared from virus bearing cell culture fluids. Only Master Seed Virus which has been established as pure, safe, and immunogenic shall be used in preparing the production seed virus for vaccine production. All serials shall be prepared from the first through the fifth passage from the Master Seed Virus.

(a) The Master Seed Virus shall meet the applicable requirements prescribed in § 113.135 and the requirements prescribed in this section.

(b) The lot of Master Seed Virus shall tested for other viral agents as follows:

(1) To detect wild infectious canine hepatitis virus, each of two canine hepatitis susceptible dogs or foxes shall be injected intravenously with 2.0 ml of the seed virus and observed each day for 21 days. If clinical signs or deaths due to infectious canine hepatitis occur in either test animal during the observation period the seed virus is unsatisfactory.

(2) To detect virulent canine distemper virus, each of 2 ferrets known to be susceptible to canine distemper virus shall be injected with 1.0 ml of the seed virus and observed each day for 21 days. If clinical signs or deaths due to infectious canine hepatitis occur in either test animal during the observation period, the seed virus is unsatisfactory.

(3) To detect canine distemper virus, 10 Leighton tubes containing coverslips shall be seeded with any type cell that is susceptible to canine distemper virus. When the cell growth is satisfactory, five tubes shall be inoculated with 0.2 ml mixture of seed virus and antiserum (equal volumes of virus and monospecific high titer infectious canine hepatitis antiserum). Seven to ten days later, all the coverslips shall be stained with a canine distemper specific fluorescent antibody. If all the coverslips are not negative for specific viral staining, the seed virus is unsatisfactory. Positive virus controls shall be included.

(c) Each lot of Master Seed Virus used for vaccine production shall be tested for immunogenicity. The selected virus dose from the lot of Master Seed Virus being tested shall be established as follows:

(1) Twenty-five canine hepatitis susceptible dogs shall be used as test animals (20 vaccinates and five controls). Blood samples shall be drawn from these animals and individual serum samples tested. The dogs shall be considered susceptible if the results are negative at a 1:2 serum dilution in a varying serum-constant virus neutralization test with 100 to 300 $TCID_{50}$ of infectious canine hepatitis virus.

(2) A geometric mean titer of the dried vaccine produced from the highest passage of the Master Seed Virus shall be established by a cytopathic effect method before the potency test is conducted. The 20 dogs to be used as vaccinates shall be injected with a predetermined quantity of vaccine virus and the remaining five dogs held as uninjected controls. To confirm the dosage calculations, five replicate virus titrations shall be conducted on a sample of the vaccine virus dilution used.

(3) Not less than fourteen days post-injection, the vaccinates and the controls shall each be challenged intravenously with virulent infectious canine hepatitis virus and observed each day for 14 days.

(i) If at least four of the five controls do not die and the survivor, if any, does not show clinical signs of infectious canine hepatitis and infectious canine hepatitis virus is not isolated from such survivor, the test is inconclusive and may be repeated.

(ii) If at least 19 of the 20 vaccinates do not survive without showing clinical signs of infectious canine hepatitis during the observation period, the Master Seed Virus is unsatisfactory.

(4) The immunogenicity test shall be repeated every 3 years unless use of the lot of Master Seed Virus is discontinued. If the test is on the same lot of Master Seed Virus as 3 years previously, only five vaccinates and five controls need be used. The five vaccinates and at least four of the five controls shall meet the criteria prescribed in paragraph (c)(3) of this section.

(5) An Outline of Production change shall be made before authority for use of a new lot of Master Seed Virus shall be granted by Veterinary Services.

(d) Test requirements for release:

Each serial and subserial shall meet the general requirements prescribed in § 113.135 and special requirements in this paragraph. Final container samples of completed product shall be tested. Any serial or subserial found unsatisfactory by a prescribed test shall not be released.

(1) The dog safety test prescribed in § 113.40 and the mouse safety test prescribed in § 113.33 (a) shall be conducted.

(2) Potency test: An in vitro potency test shall be conducted. To be eligible for release, each serial and subserial shall have a virus titer sufficiently greater than the titer of vaccine virus used in the immunogenicity test prescribed in paragraph (c) of this section to assure that, when tested at any time within the expiration period, each serial and subserial shall have a virus titer .7 logs greater than that used in such immunogenicity test but not less than $10^{2.0}$ $TCID_{50}$ per dose when tested by a cytopathic effect method.

§ 113.141 Canine Distemper Vaccine (Ferret Avirulent).

Canine Distemper Vaccine (Ferret Avirulent) shall be prepared from virus-bearing cell culture fluids or embryonated chicken eggs. Only Master Seed Virus which has been established as pure, safe, and immunogenic shall be used for preparing the production seed virus for vaccine production. All serials of vaccine shall be prepared from the first through the fifth passage from the Master Seed Virus.

(a) The Master Seed Virus shall meet the applicable requirements prescribed in § 113.135 and the requirements prescribed in this section.

(b) The lot of Master Seed Virus shall be tested for other viral agents as follows:

(1) To detect wild canine distemper virus, each of two canine distemper susceptible ferrets shall be injected with a sample of the Master Seed Virus equivalent to the amount of virus to be used in one dog dose and observed each day for 21 days. If undesirable reactions occur in either ferret, the lot of Master Seed Virus is unsatisfactory.

(2) To detect infectious canine hepatitis virus, the two tests prescribed in this subparagraph shall be used.

(i) Each of two infectious canine hepatitis susceptible dogs or foxes shall be injected with 0.05 ml of the Master Seed Virus into the anterior chamber of one eye and examined each day for 14 days for corneal opacity. If the eyes do not remain clear, the Master Seed Virus is unsatisfactory.

(ii) Ten Leighton tubes containing coverslips shall be seeded with any type cell that is susceptible to infectious canine hepatitis virus. When the cell growth is satisfactory, five tubes shall be inoculated with 0.1 ml of the Master Seed Virus. Seven to ten days later, all the coverslips shall be stained with infectious canine hepatitis specific fluorescent antibody. If all coverslips are not negative, the Master Seed Virus is unsatisfactory. A positive control shall be used for comparison.

(3) Master Seed Virus propagated in chicken embryos shall be tested for pathogens by the chicken embryo test prescribed in § 113.37. If found unsatisfactory, the Master Seed Virus shall not be used.

(c) Each lot of Master Seed Virus used for vaccine production shall be tested for immunogenicity. The selected virus dose from the lot of Master Seed Virus shall be established as follows:

(1) Twenty-five canine distemper susceptible dogs shall be used as test animals (20 vacinates and five controls). Blood samples shall be drawn from these animals and individual serum samples tested. The dogs shall be considered susceptible if the results are negative at a 1:2 serum dilution in a varying serum-constant virus neutralization test with 100 to 300 ID_{50} of canine distemper virus.

(2) A geometric mean titer of the dried vaccine produced from the highest passage of the Master Seed Virus shall be established by a fluorescent antibody method before the potency test is conducted. The 20 dogs used as vaccinates shall be injected with a predetermined quantity of vaccine virus and the remaining five dogs held as uninjected controls. To confirm the dosage calculations, five replicate virus titrations shall be conducted on a sample of the vaccine virus dilution used.

(3) At least twenty-one days post-injection, the vaccinates and the controls shall each be challenged intracerebrally with the same size dose of Snyder Hill canine distemper virus furnished by Veterinary Services and observed each day for 21 days.

(i) If at least four of the five controls do not die and the survivor, if any, does not show clinical signs of canine distemper and canine distemper virus isolated from such survivor, the test is inconclusive and may be repeated.

(ii) If at least 19 of the 20 vaccinates

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do not survive without showing clinical signs of disease during the observation period, the Master Seed Virus is unsatisfactory.

(4) The immunogenicity test shall be repeated every 3 years unless use of the lot of Master Seed Virus is discontinued. If the test is on the same lot of Master Seed Virus as 3 years previously, only five vaccinates and five controls need be used. The five vaccinates and the controls shall meet the criteria prescribed in paragraph (c) (3) of this section.

(5) An Outline of Production change shall be made before authority for use of a new lot of Master Seed Virus shall be granted by Veterinary Services.

(d) Test requirements for release: Each serial and subserial shall meet the general requirements prescribed in § 113.135 and the requirements in this paragraph. Final container samples of completed product shall be tested. Any serial or subserial found unsatisfactory by a prescribed test shall not be released.

(1) *Safety tests.* The dog safety test prescribed in § 113.40 and the mouse safety test prescribed in § 113.33(a) shall be conducted.

(2) *Potency test.* An in vitro potency test shall be conducted. To be eligible for release, each serial and subserial shall have a virus titer sufficiently greater than the titer of the vaccine virus used in the immunogenicity test prescribed in paragraph (c) of this section to assure that, when tested at any time within the expiration period, each serial and subserial shall have a virus titer .7 logs greater than that used in such immunogenicity test but not less than $10^{2.5}$ ID_{50} per dose when tested by a fluorescent antibody method.

§ 113.142 Canine Distemper Vaccine (Ferret Virulent).

Canine Distemper Vaccine (Ferret Virulent) shall be prepared from virus-bearing cell culture fluids or virus-bearing tissues obtained from ferrets that have developed canine distemper following inoculation with canine distemper virus. Only Master Seed Virus which has been established as pure, safe, and immunogenic shall be used for preparing the production seed virus for vaccine production. All serials of vaccine shall be produced from the first through the fifth passage from the Master Seed Virus.

(a) The Master Seed Virus shall meet the applicable requirements prescribed in § 113.135 and the special requirements prescribed in this section.

(b) The lot of Master Seed Virus shall be tested for other viral agents as follows:

(1) To detect infectious canine hepatitis virus each of two infectious canine hepatitis susceptible dogs or foxes shall be injected with 0.05 ml of the test virus into the anterior chamber of one eye. The dogs shall be examined each day for 14 days for corneal opacity characteristic of infectious canine hepatitis. To be satisfactory, the eyes shall remain clear.

(2) Ten Leighton tubes containing slides shall be seeded with any type cell that is susceptible to infectious canine hepatitis. When cell growth is satisfactory, five tubes shall be inoculated with 0.1 ml of test virus. Seven to ten days later, all the slides shall be stained with infectious canine hepatitis fluorescent tagged specific antibody. To be satisfactory, all slides shall be negative. A positive control shall be included.

(c) Each lot of Master Seed Virus used for vaccine production shall be tested for immunogenicity. The selected virus dose from the lot of Master Seed Virus shall be established as follows:

(1) Twenty-five canine distemper susceptible dogs shall be used as test animals (20 vaccinates and five controls). Blood samples shall be drawn from these animals and individual serum samples tested. The dogs shall be considered susceptible if the results are negative at a 1:2 serum dilution in a varying serum-constant virus neutralization test with 100 to 300 ID_{50} of canine distemper virus.

(2) A geometric mean titer of the dried vaccine produced from the highest passage of the Master Seed Virus shall be established by a ferret injection method before the potency test is conducted. The 20 dogs used as vaccinates shall be injected with a predetermined quantity of vaccine virus and the remaining five dogs held as uninjected controls. To confirm the dosage calculations, a replicate virus titration shall be conducted on a samples of the vaccine virus dilution used. A satisfactory titration shall have at least one dilution having between 50 percent and 100 percent positives and at least one dilution having between 50 percent and 0 percent positives. At least 10 ferrets shall be used per dilution.

(3) Twenty-one days post-injection, the vaccinates and the controls shall each be challenged intracerebrally with the same size dose of Snyder Hill canine distemper virus furnished by Veterinary Services. The test animal shall be observed each day for 21 days.

(i) If at least four of the five controls do not die and the survivor, if any, does not show clinical signs of canine distemper and canine distemper virus isolated from such survivor, the test is inconclusive and may be repeated.

(ii) If at least 19 of the 20 vaccinates do not survive without showing clinical signs of disease during an observation period of 21 days, the Master Seed Virus is unsatisfactory.

(4) The immunogenicity test shall be repeated every 3 years unless use of the lot of Master Seed Virus is discontinued. If the test is on the same lot of Master Seed Virus as 3 years previously, only five vaccinates and five controls need be used. The five vaccinates and at least four of the five controls shall meet the criteria prescribed in paragraph (c) (3) of this section.

(5) An Outline of Production change shall be made before authority for use of a new lot of Master Seed Virus shall be granted by Veterinary Services.

(d) Test requirements for release: Each serial and subserial shall meet the general requirements prescribed in § 113.135 and in this paragraph. Any serial or subserial found unsatisfactory by a prescribed test shall not be released.

(1) *Purity test.* Primary dog kidney cells which have been tested as prescribed in § 113.51 covering an area equal to two glass or plastic flasks (150 cm^2 total) and Vero cells covering an area equal to one glass or plastic flasks (75 cm^2 total) shall be used for testing for extraneous viral agents as follows:

(i) Harvesting bulk untreated material consisting of ferret spleen suspension or ferret kidney tissue culture fluids or both shall be inoculated onto the monolayers in amounts equal to five percent of the amount of maintenance media in the flasks. The inoculum shall be allowed to adsorb for 2 hours and then be removed.

(ii) The cells shall be washed with phosphate buffered saline (PBS) and maintenance media added. Twenty-four hours later the media may be changed if there is evidence of cytotoxicity from the inoculum.

(iii) All cultures shall be observed each day for 14 days after inoculation for cytopathic effect (CPE). Subcultures shall be conducted if necessary.

(iv) If there is no CPE, one of the primary dog kidney cell monolayers shall be washed in several changes of PBS and tested by successive hemadsorption tests using 0.2 percent human 0, guinea pig, and chickens erythrocytes. After each appropriate incubation period, the cells shall be observed for hemadsorption indicating presence of a virus.

(v) The second primary dog kidney monolayer shall be subcultured in Leighton tubes with coverslips for appropriate fluorescent antibody tests.

(vi) If extraneous viral agents are detected, the serial or subserial shall not be released.

(2) *Safety tests.* Final container samples of completed product from each serial shall be tested for safety in dogs as prescribed in § 113.40 and in mice as prescribed in § 113.33(a).

(3) *Potency test.* To be eligible for release, each serial and subserial shall have a virus titer sufficiently greater than the virus dose used in the immunogenicity test prescribed in paragraph (c) of this section to assure that when tested at any time within the expiration period, each serial and subserial shall have a virus titer .7 logs greater than that used in the immunogenicity test when tested by the ferret injection method.

§ 113.143 Encephalomyelitis Vaccine, Venezuelan.

Encephalomyelitis Vaccine, Venezuelan, shall be prepared from virus-bearing cell culture fluids. Only Master Seed Virus which has been established as pure, safe, and immunogenic shall be used for preparing the production seed virus for vaccine production. All serials of vaccine shall be prepared from the first through the fifth passage from the Master Seed Virus.

(a) Except for § 113.135(b), the Master Seed Virus shall meet the applicable general requirements in § 113.135 and the requirements prescribed in this section.

(b) The immunogenicity of the lot of Master Seed Virus shall be established as follows:

(1) Tests conducted by the Department have established that horses having Venezuelan Equine Encephalomyelitis antibody titers of 1:20 by the hemagglutination-inhibition (HI) method or 1:40 by the serum neutralization (SN) method were immune to challenge with virulent virus. The immunogenicity test is based on the demonstration of a serological response of at least that magnitude following vaccination of serologically negative horses.

(2) Licensees may use previous experience to select a suitable vaccine dose for the immunogenicity test, based on guinea pig infective doses. The test shall be conducted on vaccine produced according to the Outline of Production from a lot of Master Seed Virus of the highest passage to be used in production.

(3) At least 20 horses (vaccinates), serologically negative to Eastern, Western, and Venezuelan equine encephalomyelitis, shall be injected with the predetermined virus dose. Two additional seronegative animals shall be held with the vaccinates as sentinel controls. At least two guinea pig potency tests shall be conducted with samples of the vaccine dilution used as inoculum for the horses.

(4) All animals shall be bled on vaccination days —14, 0, 14, and 28. For a test result to be satisfactory, all serum samples taken on days —14 and 0 shall be negative for Venezuelan Equine Encephalomyelitis (VEE) antibodies and at least 19 of the 20 serum samples taken from vaccinates on days 14 or 28 or both shall show antibody titers of at least 1:20 (HI) or 1:40 (SN). The serum samples from the sentinel controls shall be tested and should remain negative to validate the test.

(5) The immunogenicity test shall be repeated every 3 years unless use of the lot of Master Seed Virus is discontinued. If the test is on the same lot of Master Seed Virus as 3 years previously, only five vaccinates and two controls need to be used. The five vaccinates and the controls shall meet the criteria prescribed in subparagraph (4) of this paragraph.

(6) An Outline of Production change shall be made before authority for use of a new lot of Master Seed Virus shall be granted by Veterinary Services.

(c) Test requirements for release: Each serial and subserial shall meet the applicable general requirements prescribed in § 113.135 and special requirements in this paragraph. Any serial or subserial found unsatisfactory by a prescribed test shall not be released.

(1) Safety tests for bulk samples of completed product (other than for desiccation) or bulk samples of each individual virus pool shall be conducted as follows:

(i) Each of 10 young adult mice (16 to 20 grams each) shall be injected intraperitoneally with 0.3 ml of the undiluted virus sample and observed each day for 21 days. If all the mice do not survive the observation period or do not remain free of signs of illness, the sample being tested is unsatisfactory.

(ii) Groups of at least five young adult mice (16 to 20 gram each) shall be injected intracerebrally with 0.03 ml of varying (tenfold 10^0 through 10^{-4} dilutions of the virus sample and observed each day for 21 days.

(iii) Mice dying within 24 hours post-inoculation may be disregarded in interpreting the test, except that at least four mice shall remain in each group for a valid test. Brain tissue of all mice that die after 24 hours shall be reserved for possible subpassage if the first phase of the test is unsatisfactory.

(iv) If at least 80 percent of the total number of mice do not survive and the deaths are not dose related, the virus pool or serial sampled is unsatisfactory; *Provided*, That, if more than 20 percent of the mice die or if deaths appear to be dose related, a 10 percent suspension of pooled brain tissue from all dead mice shall be injected intracerebrally into each of at least 10 mice. If at least 80 percent of the subpassage mice do not survive, the test result is unsatisfactory and the virus pool or serial shall be destroyed.

(2) Final container samples of completed product, rehydrated as recommended on the label, shall be tested in accordance with § 113.33(b) and § 113.38.

(3) Potency test: Each serial and each subserial shall be tested for potency using guinea pigs as the test animal. The test shall consist of determining the 50 percent infective dose as measured by serological conversion.

(i) Groups of at least 10 guinea pigs shall be injected intraperitoneally with 1.0 ml of tenfold serial dilutions of vaccine rehydrated as recommended on the label. The range of dilutions shall be such that less than 50 percent of the guinea pigs shall convert serologically at the highest dilution and more than 50 percent shall convert at the lowest dilution.

(ii) Ten percent of the guinea pigs shall be bled before inoculation. All of the guinea pigs shall be bled 14 days post-inoculation.

(iii) All serums shall be tested for VEE antibody by the hemagglutination-inhibition test. Conversion shall be positive if the preinoculation titer is less than 1:10 (final dilution) and post-inoculation titer is 1:20 or higher.

(iv) The 50 percent guinea pig intraperitoneal infective dose ($GPIPID_{50}$) is calculated by the method of Reed-Muench or Spearman-Karber.

(v) To be eligible for release, each serial of vaccine shall have a $GPIPID_{50}$ titer of sufficiently greater than the titer of vaccine virus used in the immunogenicity test prescribed in paragraph (b) of this section to assure that when tested at any time within the expiration period, each serial shall have $GPIPID_{50}$ titer .7 logs greater than that used in such immunogenicity test but not less than $10^{2.7}$ $GPIPID_{50}$ per dose.

§ 113.144 Bovine Parainfluenza$_3$ Vaccine.

Bovine Parainfluenza$_3$ Vaccine shall be produced from virus-bearing cell culture fluids. Only Master Seed Virus which has been established as pure, safe, and immunogenic shall be used for preparing the production seed virus for vaccine production. All serials of vaccine shall be prepared from the first through the tenth passage from the Master Seed Virus.

(a) The Master Seed Virus shall meet the applicable general requirements prescribed in § 113.135 and the requirements prescribed in this section.

(b) The lot of Master Seed Virus shall be tested for other viral agents by procedures prescribed in § 113.51 for primary cells used in cell cultures.

(c) Each lot of Master Seed Virus used for vaccine production shall be tested for immunogenicity. The selected virus dose from the lot of Master Seed Virus shall be established as follows:

(1) Twenty-five bovine parainfluenza$_3$ susceptible calves shall be used as test animals (20 vaccinates and five controls). Blood samples shall be drawn from these animals and individual serums tested. Also, nasal specimens shall be collected for virus isolation attempts. The calves shall be considered susceptible if:

(i) the results are negative at a 1:2 serum dilution in a varying serum-constant virus neutralization test with 100 to 500 $TCID_{50}$ of bovine parainfluenza$_3$ virus; and

(ii) shall be negative to bovine parainfluenza$_3$ virus isolation attempts from the nasal specimens on the day of injection.

(2) A geometric mean titer of the dried vaccine produced from the highest passage of the Master Seed Virus shall be established by a cytopathic effect method and a hemadsorption method before the potency test is conducted. The 20 calves to be used as vaccinates shall be injected with a predetermined quantity of vaccine virus and the remaining five calves held as uninjected controls. To confirm the dosage calculation, five replicate virus titrations shall be conducted on a sample of the vaccine virus dilution used.

(3) The vaccinates and controls shall be examined each day during the first 14 days post-injection for clinical signs of respiratory disease. The body temperature shall be taken and recorded each day. The vaccinates shall be bled on day 6±2 days post-injection.

(4) Three to four weeks post-vaccination, all calves shall be bled for serum antibodies and nasal specimens shall be collected for PI$_3$ virus isolation. On the same day, all vaccinates and controls shall be given acceptable challenge PI$_3$ virus titrating at least $10^{7.0}$ $TCID_{50}$ per ml and the animals observed each day for 14 days. Two ml of the challenge virus shall be instilled in each nostril or shall be inhaled as an aerosol suspension. Upon request, challenge virus and instructions shall be furnished by Veterinary Services.

(5) Each animal shall be examined for clinical signs of respiratory disease and the body temperature recorded each day during the post-challenge observation period. Each day for at least the first 10 days post-challenge, nasal specimens for virus isolation attempts shall be taken. All animals shall be bled on day 6±2 days post-challenge, and all animals

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shall be bled on day 14 to 28 days post-challenge for serum antibody studies.

(6) Satisfactory Test Criteria:

(i) All virus isolations attempts shall be by culture and at least one subculture in PI_3 susceptible cells for a total of at least 14 days.

(ii) Three to four weeks post-vaccination, 19 of the 20 or 20 of the 20 vaccinates shall have PI_3 neutralizing antibody titers of at least 1:4 and all five controls shall be negative at 1:2 dilution. None of the post-vaccination serums collected from the vaccinates on day 6±2 days shall reveal serum neutralization antibody titers of 1:32 or greater based upon final dilution.

(iii) Satisfactory resistance to challenge by vaccinates shall be determined by a significant difference between virus isolation rates from vaccinates and controls. The virus neutralization titers of post-challenge serums and respiratory symptoms and temperatures from all animals shall be considered in the evaluation of the test validity.

(7) Designated animal alternates for test animals showing anamnestic antibody responses (titers 1:32 or greater) on day 6 serums may be included in the study under the following provisions:

(i) No more than five alternates shall be allowed for the vaccinates and no more than two for the controls.

(ii) Alternates shall be subject to all requirements outlined for the animals for which they are alternates.

(iii) Antibody values from alternate animals may be used only to replace values from up to and including five vaccinates which develop antibody of 1:32 or greater by day 6±2 days post-vaccination or up to and including two controls which develop antibody titers of 1:32 or greater by day 6±2 days post-challenge.

(8) A sequential test procedure may be used in lieu of the 20 calf requirement. A beta value of .05 and a tolerance level of .78 shall be required.

(9) The immunogenicity test shall be repeated every 3 years unless use of the lot of Master Seed Virus is discontinued. If the test is on the same lot of Master Seed Virus as 3 years previously, only five vaccinates and five controls need be used. The five vaccinates and at least four of the five controls shall meet the criteria prescribed in paragraph (c)(6) of this section.

(10) An Outline of Production change shall be made before authority for use of a new lot of Master Seed Virus shall be granted by Veterinary Services.

(d) Test requirements for release: Each serial and subserial shall meet the applicable general requirements prescribed in § 113.135 and the requirements in this paragraph. Final container samples of completed product shall be tested. Any serial or subserial found unsatisfactory by a prescribed test shall not be released.

(1) *Purity test.* The test for Brucella contamination prescribed in § 113.32 shall be conducted.

(2) *Safety tests.* The guinea pig safety test prescribed in § 113.38, the mouse safety test prescribed in § 113.33(a) and the calf safety test prescribed in § 113.41 shall be conducted.

(3) *Potency test.* An in vitro potency test shall be conducted. To be eligible for release, each serial and each subserial shall have a virus titer sufficiently greater than the titer of the vaccine virus used in the immunogenicity test prescribed in paragraph (c) of this section to assure that when tested at any time within the expiration period, each serial and subserial shall have a virus titer .7 logs greater than that used in such immunogenicity test but not less than $10^{8.7}$ $TCID_{50}$ per dose by a cytopathic effect method and a hemadsorption method.

§ 113.145 Bovine Rhinotracheitis Vaccine.

Bovine Rhinotracheitis Vaccine shall be prepared from virus-bearing cell culture fluids. Only Master Seed Virus which has been established as pure, safe, and immunogenic shall be used for preparing the production seed virus for vaccine production. All serials of vaccine shall be prepared from the first through the tenth passage from the Master Seed Virus.

(a) The Master Seed Virus shall meet the applicable requirements prescribed in § 113.135 and the requirements prescribed in this section.

(b) The lot of Master Seed Virus shall be tested for other viral agents by procedures prescribed in § 113.51 for primary cells used in cell cultures.

(c) Each lot of Master Seed Virus used for vaccine production shall be tested for immunogenicity. The selected virus dose from the lot of Master Seed Virus shall be established as follows:

(1) Twenty-five infectious bovine rhinotracheitis susceptible calves shall be used as test animals (20 vaccinates and five controls). Blood samples shall be drawn from these animals and individual serums tested. The calves shall be considered susceptible if the results are negative at a 1:2 serum dilution by the virus plaque reduction method.

(2) A geometric mean titer of the dried vaccine produced from the highest passage of the Master Seed Virus shall be established by the plaque formation method before the potency test is conducted. The 20 calves to be used as vaccinates shall be injected with a predetermined quantity of vaccine virus and the remaining five calves held as uninjected controls. To confirm the dosage calculations, five replicate virus titrations shall be conducted on a sample of the vaccine virus dilution used.

(3) Fourteen to twenty-eight days post-injection, virus neutralization tests shall be conducted on individual serum samples collected from each of the vaccinates. The test virus shall be 100 to 500 $TCID_{50}$ per 0.1 ml. Results shall be used in making a determination as prescribed in paragraph (c)(6) of this section.

(4) The vaccinates and the controls shall each be challenged with virulent infectious bovine rhinotracheitis virus and observed each day for 14 days. During the observation period, the rectal temperature of each animal shall be taken each day and the presence or absence of respiratory or other clinical signs of bovine rhinotracheitis noted and recorded.

(5) If at least four of the five controls do not show clinical signs of infectious bovine rhinotracheitis and a marked temperature rise to 104.5° F or higher post-challenge, the test shall be considered inconclusive and may be repeated.

(6) If less than 19 of the post-injection serum samples tested as prescribed in paragraph (c)(3) of this section do not show neutralization in all tubes of the 1:2 dilution, or if more than one of the vaccinates show a temperature of 103.5° F or higher for 2 or more days, or if more than one of the vaccinates exhibits respiratory or other clinical signs of infectious bovine rhinotracheitis, or both, the Master Seed Virus is unsatisfactory.

(7) A sequential test procedure may be used in lieu of the 20 calf requirement. A beta value of .05 and a tolerance level of .78 shall be required.

(8) The immunogenicity test shall be repeated every 3 years unless use of the lot of Master Seed Virus is discontinued. If the test is on the same lot of Master Seed Virus as 3 years previously, only five vaccinates and five controls need be used. The five vaccinates and at least four of the five controls shall meet the criteria prescribed in paragraph (c)(5) and (6) of this section.

(9) An outline of Production change shall be made before authority for use of a new lot of Master Seed Virus shall be granted by Veterinary Services.

(d) Test requirements for release: Each serial and subserial shall meet the applicable general requirements prescribed in § 113.135 and the requirements in this paragraph. Final container samples of completed product shall be tested. Any serial or subserial found unsatisfactory by a prescribed test shall not be released.

(1) *Purity test.* The test for detection of Brucella contamination prescribed in § 113.32 shall be conducted.

(2) *Safety tests.* The guinea pig safety test prescribed in § 113.38, the mouse safety test prescribed in § 113.33(a) and the calf safety test prescribed in § 113.41 shall be conducted.

(3) *Potency test.* An in vitro potency test shall be conducted. To be eligible for release, each serial and each subserial shall have a virus titer sufficiently greater than the titer of the vaccine virus used in the immunogenicity test prescribed in paragraph (c) of this section to assure that when tested at any time within the expiration period, each serial and subserial shall have a virus titer .7 logs greater than that used in such immunogenicity test but not less than $10^{8.7}$ $TCID_{50}$ per dose by the plaque formation method.

§ 113.146 Bovine Virus Diarrhea Vaccine.

Bovine Virus Diarrhea Vaccine shall be prepared from virus-bearing cell culture fluids. Only Master Seed Virus which has been established as pure, safe, and immunogenic shall be used for preparing the production seed virus for vaccine production. All serials of vaccine shall be prepared from the first through the tenth passage from the Master Seed Virus.

(a) The Master Seed Virus shall meet the applicable requirements prescribed in § 113.135 and the requirements prescribed in this section.

(b) The lot of Master Seed Virus shall be tested for other viral agents by procedures prescribed in § 113.51 for primary cells used in cell cultures.

(c) Each lot of Master Seed Virus used for vaccine production shall be tested for immunogenicity. The selected virus dose from the lot of Master Seed Virus shall be established as follows:

(1) Twenty-five bovine virus diarrhea susceptible calves shall be used as test animals (20 vaccinates and five controls). Blood samples shall be drawn from these animals and individuals serum samples tested. The calves shall be considered susceptible to bovine virus diarrhea virus infection if the results are negative at a 1:2 serum dilution in a varying serum-constant virus neutralization test with 100 to 300 $TCID_{50}$ of bovine virus diarrhea virus.

(2) A geometric mean titer of the dried vaccine produced from the highest passage of the Master Seed Virus shall be established by the fluorescent antibody method before the potency test is conducted. The 20 calves to be used as vaccinates shall be injected with a predetermined quantity of vaccine virus and the remaining five calves held as uninjected controls. To confirm the dosage calculations, five replicate virus titrations shall be conducted on a sample of the vaccine virus dilution used.

(3) Fourteen to twenty-eight days post-injection, virus neutralization tests shall be conducted on individual serum samples collected from each of the vaccinates. The test virus shall be with 100 to 500 $TCID_{50}$ per 0.1 ml. The white cell count for all vaccinates and controls shall be established at least 3 days just before challenge. Results shall be used in making a determination as prescribed in paragraph (c)(5) of this section.

(4) The vaccinates and the controls shall each be challenged with virulent bovine virus diarrhea virus and observed each day for 14 days. The white cell count shall be determined each day on each animal from the second through the eighth day post-challenge. If leukopenia does not develop in at least four of the five controls as compared with the vaccinates, the test shall be considered inconclusive and may be repeated.

(5) If less than 19 of the post-injection serum samples, tested as prescribed in paragraph (c)(3) of this section, do not show neutralization in all tubes of the 1:8 dilution; or if more than one of the vaccinates exhibits respiratory or other clinical signs of bovine virus diarrhea post-challenge; or both, the Master Seed Virus is unsatisfactory.

(6) A sequential test procedure may be used in lieu of the 20 calf requirement. A beta value of .05 and a tolerance level of .78 shall be required.

(7) The immunogenicity test shall be repeated every 3 years unless use of the lot of Master Seed Virus is discontinued. If the test is on the same lot of Master Seed Virus as 3 years previously, only five vaccinates and five controls need be used. The five vaccinates and at least four of the five controls shall meet the criteria prescribed in paragraph (c)(4) and (5) of this section.

(8) An Outline of Production change shall be made before authority for use of a new lot of Master Seed Virus shall be granted by Veterinary Services.

(d) *Test requirements for release.* Each serial and subserial shall meet the applicable general requirements prescribed in § 113.135 and the requirements in this paragraph. Final container samples of completed product shall be tested. Any serial or subserial found unsatisfactory by a prescribed test shall not be released.

(1) *Purity test.* The test for detection of Brucella contamination prescribed in § 113.32 shall be conducted.

(2) *Safety tests.* The guinea pig safety test prescribed in § 113.38, the mouse safety test prescribed in § 113.33(a), and the calf safety test prescribed in § 113.41 shall be conducted.

(3) *Potency test.* An in vitro potency test shall be conducted. To be eligible for release, each serial and each subserial shall have a virus titer sufficiently greater than the titer of the vaccine virus used in the immunogenicity test prescribed in paragraph (c) of this section to assure that when tested at any time within the expiration period, each serial and subserial shall have a virus titer .7 logs greater than that used in such immunogenicity test but not less than $10^{8.5}$ $TCID_{50}$ per dose by the fluorescent antibody method.

§ 113.147 Rabies Vaccine.

Rabies Vaccine shall be prepared from virus-bearing cell cultures or embryonated chicken eggs. Only Master Seed Virus which has been established as pure, safe and immunogenic shall be used for preparing the production seed virus for vaccine production. All serials of vaccine shall be prepared from the first through the fifth passage from the the Master Seed Virus.

(a) The Master Seed Virus shall meet the applicable requirements prescribed in § 113.135 and the requirements prescribed in this section.

(1) The lot of Master Seed Virus shall be tested for viral agents by procedures prescribed in § 113.52 (d), (4), (5) and (6) with the modification that one ml of Master Seed Virus is substituted for the one ml aliquot of disrupted cells.

(2) Each lot of Master Seed Virus propagated in tissues or cells of avian origin shall be tested for pathogens by procedures prescribed in § 113.37.

(3) Each lot of Master Seed Virus propagated in cell cultures of hamster origin or brain tissues of mouse origin shall be tested for lymphocytic choriomeningitis (LCM) virus. The vaccine virus may be neutralized with specific antiserum when necessary.

(i) Each of at least 10 mice obtained from a source free of LCM shall be injected in a hind foot pad with 0.02 ml and the mice observed each day for 21 days.

(ii) If any of the mice show swelling in the injected foot pad or if more than one become systemically abnormal, the Master Seed Virus is unsatisfactory.

(4) The Master Seed Virus shall be studied in each species of carnivore or domesticated wild animal for which the vaccine is specifically recommended to attempt to determine the fate of the vaccine virus.

(i) Obtain at least 10 unvaccinated serologically negative animals (1:2), of each species in which tests will be conducted. Divide each species into two groups of five animals.

(ii) For each species of animal, inject one group of five animals intramuscularly. Infiltrate a major nerve and the surrounding tissue in each of the five animals in the other group. Use up to 2.0 ml of the highest possible titer virus for each method of administration.

(iii) Observe all animals for signs of rabies until scheduled time to sacrifice. If animals show definite symptoms, sacrifice and check regional lymph nodes, brain, salivary glands, and kidney for rabies virus by injection of suckling mice (not more than 7 days of age). Tissues may be held frozen at −70° C until suckling mice are available. Inject each mouse in one litter intracerebrally with 0.02 ml of a ground tissue suspension from each organ. Observe mice each day for 21 days. If any mice die, confirm the deaths were due to rabies virus in the brain by a fluorescent antibody test.

(iv) Sacrifice animals that do not show signs of rabies according to the following schedule and check regional lymph nodes, brain, salivary glands, and kidney in suckling mice.

Route of injection	Days after injection	Number of animals
Intramuscularly	15, 20, 25, 30, 35	1 each day.
Intraneurally	3, 6, 9, 15, 30	1 each day.

(5) Each lot of Master Seed Virus shall be tested for safety in at least 10 unvaccinated serologically negative animals of each domestic species for which the vaccine is recommended.

(i) Each group of 10 animals shall be divided into 2 groups of 5 animals. For each species, inject one group intramuscularly with 10 doses of virus at the highest possible titer.

(ii) Infiltrate a major nerve of each of the animals in the other group of 5 with up to 2.0 ml of the same high titer virus. For all species except canine and feline, multiple injections along the cervical spine in proximity to the nerve trunks emerging from the spinal cord may be used: *Provided*, That, at least 8 ml of virus shall be divided into four or more sites bilaterally.

(iii) Observe all animals each day for 90 days.

(iv) If any animals show clinical signs of rabies, sacrifice the animal and check appropriate brain tissue for rabies virus by the fluorescent antibody test and by mouse injection.

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(v) If rabies is confirmed, the lot of Master Seed Virus is unsatisfactory.

(b) Immunogenicity determination:

(1) A geometric mean virus titer of the dried vaccine produced from the highest passage of the Master Seed Virus shall be established before the potency test is conducted. To confirm the dosage calculations, five replicate virus titrations shall be conducted on a sample of the vaccine virus dilution used.

(2) The maximum dosage in a single dilution test shall be the volume of a field dose of rehydrated vaccine which, on the basis of previous titrations has been diluted to the proposed minimum acceptable virus titer throughout the dating period, then further diluted 1:2.

(3) Samples of the vaccine dilution selected for host animal immunogenicity tests shall be tested using at least 20 guinea pigs as vaccinates for each of at least four dilutions. The dilutions shall not exceed five-fold and valid results shall encompass the 50 percent endpoint. Ten additional guinea pigs shall be used as controls.

(i) Each vaccinate shall be injected intramuscularly and observed each day with the controls for 21 days. If the vaccinates or the controls do not remain healthy during the prechallenge period, the test shall be inconclusive.

(ii) The vaccinates and at least 10 controls shall be challenged intramuscularly in a hind leg with 0.2 ml of a suitable dilution of street virus or with 0.5 ml of a suitable dilution of fixed virus. If the Master Seed Virus was injected into the hind leg, the challenge virus shall be injected into the opposite hind leg.

(iii) The post-challenge observation period shall be 14 days if fixed virus is used and shall be 21 days if street virus is used.

(iv) If at least 80 percent of the controls do not die or show paralysis attributable to rabies virus, the test is inconclusive.

(v) If correlation is established between efficacy in dogs and guinea pigs, the seed virus may be checked every 3 years in guinea pigs instead of dogs.

(4) The immunogenicity of the lot of Master Seed Virus shall be established in all species for which the vaccine is recommended. Test animals shall be as uniform as possible and have no neutralizing antibodies to rabies as determined by serium-neutralization (SN) tests.

(i) Twenty-five to thirty animals shall be used as vaccinates. Each shall be injected intramuscularly at one site with the proposed minimum virus dose diluted 1: 2.

(ii) Ten additional animals shall be held as controls.

(iii) All test animals shall be bled and SN tests conducted at 30, 60 and 90 days after injection.

(iv) Challenge all species of test animals after completion of the 90 day SN tests except as provided in subparagraphs (5) and (6) of this paragraph with a virulent rabies street virus. Injection bilaterally into the masseter muscles is the recommended route for challenge.

(v) Requirements for acceptance in challenge tests shall be death due to rabies in at least 80 percent of the controls while at least 22/25 or 26/30 vaccinates remain well for a period of 90 days.

(5) An immunogenicity test in cattle, horses, sheep, and goats may be conducted in the manner described above, except only 5 vaccinated animals selected on the basis of lowest serum titers need be challenged along with suitable controls. If at least 3 of 5 of the vaccinated animals survive challenge, those with higher serological levels which were not challenged will be considered immune for meeting the requirements of acceptance. However, all test animals with titers below 1: 5 must be challenged. Virus neutralization titers of all sera shall be conducted to an endpoint.

(6) In lieu of the test set forth in subparagraph (4) of this paragraph, other test methods shall be permitted provided the test design allows no more than 5 percent probability of acceptance of a vaccine that is only 75 percent effective. Data generated by a varying dose study in host animals will be considered, provided these data are valid for determining a PD_{50} by probit analysis.

(7) The immunogenicity test shall be repeated every 3 years unless use of the lot of Master Seed Virus is discontinued. If the test is on the same lot of Master Seed Virus as 3 years previously, only five vaccinates and five controls need be used. The test may be limited to serological response of the vaccinates when compared with both the controls and the vaccinates in the original immunogenicity test.

(8) An Outline of Production change shall be made before authority for use of a new lot of Master Seed Virus shall be granted by Veterinary Services.

(c) If more than 1 year duration of immunity is to be claimed, a duration of immunity test for the additional time shall be conducted as prescribed in paragraph (b) of this section for the 1 year test. At least 25 vaccinates shall be selected at the time the test is started for each challenge period. The test animals may be monitored serologically and the time of challenge adjusted accordingly. A duration of immunity test shall be considered satisfactory if 85 percent of the vaccinates are shown to be immune.

(d) Test requirements for release: Each serial and each subserial shall meet the general requirements prescribed in § 113.135 and special requirements in this paragraph.

(1) *Safety tests.* Final container samples of completed product from each serial or one subserial shall be tested.

(i) The test for pathogens, prescribed in § 113.37 shall be conducted. If necessary, neutralize the rabies virus with specific rabies antiserum.

(ii) A test for safety in three young seronegative animals of the most susceptible species for which the vaccine is recommended shall be conducted. Each shall be injected intramuscularly with 10 doses prepared with any practical volume of diluent. If either of the test animals shows signs of disease attributable to the vaccine during a 28 day observation period, the serial is unsatisfactory.

(2) *Virus titrations.* Final container samples of completed product shall be titrated in young adult mice or in suckling mice as prescribed in paragraph (d) (3) or (4) of this section. The following conditions shall apply in each test:

(i) Each of two vials of vaccine shall be rehydrated with a sterile diluent consisting of 2 percent normal horse serum in distilled water to which 500 units of penicillin and 1,000 mcg of streptomycin per ml has been added.

(ii) One-half dog dose from each vial shall be pooled and diluted to a volume of 10 ml. This 10 ml of diluted vaccine shall represent the 10^{-1} dilution (one dose per 10 ml). Tenfold dilutions using the 10^{-1} dilution shall be made.

(iii) Tubes containing the desired dilutions shall be placed in an ice bath. The first dilution to be used is optional; *Provided,* That, at least 80 percent of the mice die in the lowest dilution used.

(iv) Deaths occurring during the first 4 days post-injection shall not be considered in the test; *Provided,* That, if less than 80 percent of the mice injected for any dilution survive more than 4 days, the test is inconclusive. Mice which succumb during inauguration of the test may be replaced and disregarded.

(3) Young adult mice, each weighing 14 to 16 grams, shall be used as test animals when the virus in vaccine prepared with a low egg passage strain or ERA strain of rabies virus is titrated. At least 10 mice for each dilution shall be used.

(i) At least 10 mice shall be used for each dilution. Each shall be injected intracerebrally with 0.03 ml.

(ii) The injected young adult mice shall be observed each day for 14 days except when testing vaccines made with ERA strain of rabies virus, in which case, the mice shall be observed each day for 21 days. Deaths and paralysis occurring subsequent to the fourth day post-injection shall be noted and the LD_{50} titer calculated by the Reed and Muench Method.

(iii) Virus titer requirements for release and at expiration date shall be determined for each vaccine on the basis of data available: *Provided,* That, the lowest titer permitted at expiration date when determined by this test shall be $10^{2.5}$ LD_{50} per 0.03 ml.

(4) Suckling mice, 6 days of age or younger, shall be used as test animals when virus in vaccine prepared with a high egg passage strain of rabies virus is titrated.

(i) Six to twelve mice shall be used for each dilution. Each shall be injected intracerebrally with 0.02 ml.

(ii) The injected suckling mice shall be observed each day for 21 days. Deaths and paralysis occurring subsequent to the fourth day post-injection shall be

noted and the LD_{50} titer calculated by the Reed and Muench Method; and

(iii) Virus titer requirements for release and at expiration date shall be determined for each vaccine on the basis of data available: *Provided,* That, the lowest titer permitted at expiration date when determined by this test shall be $10^{2.5}$ LD_{50} per 0.02 ml.

§ 113.160 Avian Encephalomyelitis Vaccine.

Avian Encephalomyelitis Vaccine shall be prepared from virus-bearing tissues or fluids from embryonated chicken eggs. Only Master Seed Virus which has been established as pure, safe, and immunogenic in accordance with the requirements in paragraphs (a), (b), and (c) of this section shall be used for preparing the production seed virus for vaccine production. All serials shall be prepared with the passage from the Master Seed Virus used in the immunogenicity test.

(a) The Master Seed Virus shall meet the applicable requirements prescribed in § 113.135 and the requirements prescribed in this section.

(b) Each lot of Master Seed Virus shall be tested for pathogens by the chicken embryo inoculation test prescribed in § 113.37.

(c) Each lot of Master Seed Virus shall be tested for immunogenicity and the selected virus dose to be used shall be established as follows:

(1) Avian encephalomyelitis susceptible chickens, all of the same age (four weeks or older) and from the same source, shall be used. Thirty or more chickens shall be used as vaccinates for each method of administration recommended on the label. Ten additional chickens of the same age and from the same source shall be held as unvaccinated controls.

(2) A geometric mean titer of the vaccine produced from the highest passage of the Master Seed Virus shall be established before the imunogenicity test is conducted. Each vaccinate shall receive a predetermined quantity of vaccine virus. Five replicate virus titrations shall be conducted on an aliquot of the vaccine virus to confirm the amount of virus administered to each chicken used in the test. At least three appropriate (not to exceed tenfold) dilutions shall be used and the test conducted as follows:

(i) For each dilution, inoculate at least 10 embryos, 5 or 6 days old, in the yolk sac with 0.2 ml each. Ten similar embryos obtained from the same source shall be kept as uninoculated negative controls. Disregard all deaths during the first 48 hours post-inoculation.

(ii) Eggs for each dilution shall be kept in separate containers and allowed to hatch. Sufficient precaution shall be taken to assure that chickens from each dilution remain separated. To be a valid test, at least 80 percent of the uninoculated eggs shall hatch.

(iii) On the third day after normal hatching time, count all unhatched eggs and dead, crippled, and ataxic chickens as positive evidence of viral infection.

(iv) A satisfactory titration shall have at least one dilution with between 50 and 100 percent positives and at least one dilution with between 50 and 0 percent positives.

(v) Calculate the EID_{50} by the Spearman-Karber or Reed-Muench method.

(3) At least 21 days post-vaccination, the vaccinates and the controls shall be challenged intracerebrally with a virulent avian encephalomyelitis virus and observed each day for 21 days.

(4) If at least 80 percent of the controls do not show signs of avian encephalomyelitis or die, the test is inconclusive and may be repeated. If at least 90 percent of the vaccinates in each group do not remain free from clinical signs of avian encephalomyelitis during the observation period, the Master Seed Virus is unsatisfactory.

(5) The immunogenicity test shall be repeated every 3 years unless use of the lot of Master Seed Virus is discontinued. The vaccinates and the controls shall meet the criteria prescribed in subparagraph (4) of this paragraph.

(6) An Outline of Production change shall be made before authority for use of a new lot of Master Seed Virus shall be granted by Veterinary Services.

(d) After a lot of Master Seed Virus has been established as prescribed in paragraphs (a), (b), and (c) of this section, each serial and subserial shall meet the requirements in §§ 113.135, 113.37, and in this paragraph.

(1) Potency test: Final container samples of completed product shall be tested for virus titer using the procedures prescribed in subparagraph (c) (2) of this section. Samples shall be incubated at 37° C for not less than 7 days before preparation for use in the virus titration test.

(2) To be eligible for release each serial and subserial shall have an avian encephalomyelitis virus titer sufficiently greater than the titer of the vaccine used in the immunogenicity test prescribed in paragraph (c) of this section to assure that when tested at any time within the expiration period, each serial and subserial shall have a virus titer of 0.7 logs greater than used in such immunogenicity test but not less than $^{2.5}$ EID_{50} per dose.

(e) Before a lot of Master Seed Virus is established as prescribed in paragraphs (a), (b), and (c) of this section, each serial and subserial shall meet the requirements in §§ 113.135, 113.37, and in this paragraph.

(1) A virus titration shall be conducted on final container samples of completed product in accordance with the procedures prescribed in paragraph (c) (2) of this section. Samples shall be incubated at 37° C for not less than 7 days before preparation for use in the virus titration test. A serial or subserial which does not contain at least $10^{2.5}$ ID_{50} per dose of avian encephalomyelitis virus through the expiration date is unsatisfactory.

(2) An immunogenicity test shall be conducted on final container samples of completed product. The vaccine shall be given as recommended on the label.

(i) At least 10 susceptible chickens properly identified and obtained from same source and hatch, per serial or the first subserial, and five more similar chickens per each additional subserial, shall be used as vaccinates.

(ii) Ten nonvaccinated chickens, properly identified and obtained from the same source and hatch as the vaccinates, shall be kept in isolation as controls.

(iii) At least 21 days post-vaccination, the vaccinates and the controls shall be challenged intracerebrally with a virulent avian encephalomyelitis virus and observed each day for 21 days. Challenge virus shall be provided or approved by Veterinary Services.

(iv) If less than 80 percent of the controls develop recognizable signs or lesions of avian encephalomyelitis, the test is inconclusive and may be repeated.

(v) If at least 80 percent of the vaccinates do not remain free of signs of avian encephalomyelitis, the serial or subserial is unsatisfactory.

§ 113.161 Avian pox vaccine.

Fowl Pox Vaccine and Pigeon Pox Vaccine shall be prepared from virus-bearing cell culture fluids or embryonated chicken eggs. Only Master Seed Virus which has been established as pure, safe, and immunogenic in accordance with the requirements in paragraphs (a), (b), and (c) of this section shall be used for preparing the production seed virus for vaccine production. All serials shall be prepared with the passage from the Master Seed Virus used in the immunogenicity test.

(a) The Master Seed Virus shall meet the applicable requirements prescribed in § 113.135 and the requirements prescribed in this section.

(b) Each lot of Master Seed Virus shall be tested for pathogens by the chicken inoculation test prescribed in § 113.36.

(c) Each lot of Master Seed Virus shall be tested for immunogenicity and the selected virus dose to be used shall be established as follows:

(1) Fowl pox susceptible birds all of the same age and from the same source, shall be used as test birds. Thirty or more birds shall be used as vaccinates for each method of administration recommended on the label. Ten additional birds of the same age and from the same source as the vaccinates shall be held as unvaccinated controls.

(2) A geometric mean titer of the dried vaccine produced from the highest passage of the Master Seed Virus shall be established before the immunogenicity test is conducted. Each vaccinate shall receive a predetermined quantity of vaccine virus. Five replicate virus titrations shall be conducted on an aliquot of the vaccine virus to confirm the amount of virus administered to each bird used in the test. At least three appropriate (not to exceed tenfold) dilutions shall be used and the test conducted as follows:

(i) For each dilution, inoculate at least five embryos, 9 to 11 days old, on the chorioallantoic membrane with at

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least 0.2 ml each. Disregard all deaths during the first 24 hours post-inoculation. To be a valid test, at least four embryos in each dilution shall remain viable beyond 24 hours.

(ii) Examine the surviving embryos for evidence of infection 5 to 7 days post-inoculation.

(iii) A satisfactory titration shall have at least one dilution with between 50 and 100 percent positives and at least one dilution with between 50 and 0 percent positives.

(iv) Calculate the EID_{50} by the Spearman-Karber or Reed-Muench method.

(3) Fourteen to twenty-one days post-vaccination, all vaccinates and controls shall be challenged by the wing web method and observed each day for 21 days. If the wing webb method was used for vaccination, the opposite wing shall be used for challenge. Challenge virus shall be provided or approved by Veterinary Services.

(4) If at least 90 percent of the controls do not develop fowl pox during the observation period, the test is inconclusive and may be repeated. If at least 90 percent of the vaccinates in each group do not remain free from clinical signs of fowl pox during the observation period, the Master Seed Virus is unsatisfactory.

(5) The immunogenicity test shall be repeated every 3 years unless use of the lot of Master Seed Virus is discontinued. The vaccinates and the controls shall meet the criteria prescribed in paragraph (c) (4) of this section.

(6) An Outline of Production change shall be made before authority for use of a new lot of Master Seed Virus shall be granted by Veterinary Services.

(d) After a lot of Master Seed Virus has been established as prescribed in paragraphs (a), (b), and (c) of this section, each serial and subserial shall meet the requirements in § 113.135, § 113.36, and in this paragraph.

(1) *Potency test.* Final container samples of completed product shall be tested for virus titer using the procedures prescribed in paragraph (c) (2) of this section.

(i) Vaccine samples shall be incubated at 37° C for not less than 7 days before preparation for use in the titration test.

(ii) To be eligible for release, each serial and each subserial shall have a virus titer sufficiently greater than the titer of vaccine virus used in the immunogenicity test prescribed in paragraph (c) of this section to assure that when tested at any time within the expiration period, each serial and subserial shall have a virus of 0.7 logs greater than that used in such immunogenicity test but not less than $10^{2.0}$ EID_{50} per dose.

(2) *Safety test.* At least 10 fowl pox susceptible birds for each method of administration recommended on the label shall be vaccinated with vaccine from a rehydrated final container sample of completed product. Each bird shall receive one dose of vaccine and observed each day for 10 days. If all the birds do not remain healthy in all respects during the observation period, the serial or subserial is unsatisfactory.

(e) Before a lot of Master Seed Virus is established as prescribed in paragraphs (a), (b), and (c) of this section, each serial and subserial shall meet the requirements in §§ 113.135, 113.36, and this paragraph.

(1) A virus titration shall be conducted on final container samples of completed product in accordance with the procedures prescribed in paragraph (c) (2) of this section.

(i) Vaccine samples shall be incubated at 37° C for not less than 7 days before preparation for use in the titration test.

(ii) Serial or subserial which does not contain at least $10^{2.0}$ EID_{50} per dose of fowl pox virus through the expiration date is unsatisfactory.

(2) An immunogenicity test shall be conducted on final container samples of completed product. The vaccine shall be administered as recommended on the label.

(i) At least 10 susceptible birds (vaccinates) properly identified and obtained from same source and hatch, per serial or the first subserial, and five more similar birds per each additional subserial, shall be vaccinated.

(ii) Ten nonvaccinated birds, properly identified and obtained from the same source and hatch as the vaccinates, shall be kept in isolation as controls.

(iii) Ten to fourteen days post-vaccination, the vaccinates and the controls shall be challenged with a fowl pox virus furnished or approved by Veterinary Services.

(iv) The challenge virus shall be administered on the comb, or in the web of the opposite wing from that used for vaccination, or on the feather follicles and the chickens observed each day for 10 days.

(v) If less than 80 percent of the controls develop recognizable signs or lesions of fowl pox, the test is inconclusive and may be repeated.

(vi) If at least 80 percent of the vaccinates do not remain free of signs or lesions of fowl pox, the serial or subserial is unsatisfactory.

§ 113.162 Bronchitis Vaccine.

Bronchitis Vaccine shall be prepared from virus-bearing cell culture fluids or embryonated chicken eggs. Only Master Seed Virus which has been established as pure, safe, and immunogenic in accordance with the requirements in paragraphs (a), (b), and (c) of this section shall be used for preparing the production seed virus for vaccine production. All serials shall be prepared with the passage from the Master Seed Virus used in the immunogenicity test.

(a) The Master Seed Virus shall meet the applicable requirements prescribed in § 113.135 and the requirements prescribed in this section.

(b) Each lot of Master Seed Virus shall be tested for pathogens by the chicken embryo inoculation test prescribed in § 113.37; *Provided*, That, if the test is unsatisfactory because of a virus override, the test may be repeated using a higher titered antiserum, and if the repeat test is unsatisfactory for the same reason, the chicken inoculation test in § 113.36 may be conducted and the virus judged accordingly.

(c) Each lot of Master Seed Virus used for vaccine production shall be tested for immunogenicity and the selected virus dose to be used shall be established. Bronchitis susceptible chickens, all of the same age and from the same source, shall be used.

(1) A geometric mean titer of the dried vaccine produced from the highest passage of the Master Seed Virus shall be established before the immunogenicity tests are conducted. Each vaccinate shall receive a predetermined quantity of vaccine virus. Five replicate virus titrations shall be conducted on an aliquot of the vaccine virus to confirm the amount of virus administered to each chicken used in such tests. At least three appropriate (not to exceed tenfold) dilutions shall be used and the test conducted as follows:

(i) For each dilution, inject at least five embryos, 9 to 11 days old, in the allantoic cavity with 0.1 ml each. Deaths occurring during the first 24 hours shall be disregarded, but at least four viable embryos in each dilution shall survive beyond 24 hours for a valid test. After 5 to 8 days incubation, examine the surviving embryos for evidence of infection.

(ii) A satisfactory titration shall have at least one dilution with between 50 and 100 percent positives and at least one dilution with between 50 and 0 percent positives.

(iii) Calculate the EID_{50} by the Spearman-Karber or Reed-Muench method.

(2) Neutralization test: For each method of administration recommended on the label, twenty or more chickens shall be used as vaccinates in a neutralization test. Ten additional chickens shall be used as controls. The test shall be conducted as follows:

(i) Blood samples shall be taken from the vaccinates and the controls 21 to 28 days post-vaccination. Serums from the vaccinates shall be tested individually but serums from the controls may be tested either individually or in pools of not more than five serums. All serums shall be inactivated at 56° C for 30 minutes.

(ii) The specific serum-virus preparation and embryo injection method for the Neutralization Test described in *Methods for Examining Poultry Biologics and for Identifying and Quantifying Avian Pathogens* (NAS, 1971) shall be used. The varying virus-constant serum technique shall be used. The ID_{50} Neutralization Index (NI) of each test serum or control serum pool shall be the reciprocal of the difference between the viral infectivity endpoint of the serum-virus mixture (serum titer) and the indicator virus titration (virus titer).

(iii) The indicator virus titration shall be done using tryptose phosphate broth as diluent. All titrations shall have at least one dilution with between 50 and 100 percent positives and at least one dilution with between 50 and 0 percent positives.

(iv) To be satisfactory, the vaccine virus shall produce NI's against each type used in production as follows:

NI's of 3.0 or more for 19 of 20 or 27 of 30 or 36 of 40 vaccinate serums, provided the average NI of the control serums or pools is less than 1.5, or

NI's 2.0 or more greater than that on control serums for at least 19 of 20 or 27 of 30 or 36 of 40 of the vaccinate serums, provided the average NI of the control serums or pools is 1.0 or less.

(3) Virus-recovery test: For each method of administration recommended on the label for each virus type used in the vaccine, twenty or more chickens shall be used as vaccinates in the virus-recovery test. Ten additional chickens shall be used as controls. The test shall be conducted as follows:

(i) Each vaccine virus shall be tested against itself and each other type against which protection is claimed.

(ii) Twenty-one to twenty-eight days post-vaccination, all vaccinates and controls shall be challenged by eye-drop with virulent bronchitis virus of each virus type and strain against which protection is claimed. Each challenge virus shall be approved or provided by Veterinary Services and shall titer at least $10^{4.0}$ EID_{50} per ml.

(iii) Tracheal swabs shall be taken once, 5 days post-challenge, from each control and vaccinate. Each swab shall be placed in a test tube containing 3 ml of tryptose phosphate broth and antibiotics. The tube and swab shall be swirled thoroughly and if they are to be stored, be immediately frozen and be stored at below −40° C pending egg evaluation. For each chicken swab, at least five chicken embryos 9 to 11 days old shall be inoculated in the allantoic cavity with 0.2 ml each of broth from the stored tube.

(iv) A chicken swab shall be positive for virus recovery when one or more of five embryos show typical infectious bronchitis virus lesions, such as but not limited to, curling, kidney urates, clubbed down, or death 4 to 7 days post-inoculation. Embryo stunting is indicative but not always positive evidence of infectious bronchitis virus and some strains do not always product kidney urates. Evaluation shall be based on at least four embryos per swab.

(v) If less than 90 percent of the controls are positive for virus recovery, the test is inclusive and may be repeated.

(vi) If less than 90 percent of the vaccinates are negative for virus recovery, the virus is unsatisfactory.

(4) The immunogenicity test shall be repeated every 3 years unless use of the lot of Master Seed Virus is discontinued. The vaccinates and the controls shall meet the criteria prescribed in paragraphs (c) (2) and (3) of this section.

(5) An Outline of Production change shall be made before authority for use of a new lot of Master Seed Virus shall be granted by Veterinary Services.

(d) Test requirements for release: Each serial and subserial shall meet the requirements prescribed in § 113.135 and in this paragraph.

(1) *Test for pathogens.* Final container samples of completed product shall be tested for pathogens by the test prescribed in § 113.37. If the vaccine is found to be unsatisfactory because of a virus override the test may be repeated using a higher titered antiserum and if the repeat test is also unsatisfactory for the same reason, the test prescribed in § 113.36 may be conducted and the vaccine judged accordingly.

(2) *Safety test.* Final container samples of completed product shall be tested to determine safety for use in bronchitis susceptible young chickens.

(i) Twenty-five susceptible chickens, 5 days of age or younger, properly identified and obtained from the same source and hatch, shall be vaccinated by the eye-drop method with the equivalent of 10 doses of vaccine and observed each day for 21 days post-vaccination. Severe respiratory signs or death shall be counted as failures. Two-stage sequential testing may be conducted if the first test (which then becomes stage one) has three failures.

(ii) The results shall be evaluated according to the following table:

Stage	Number of chickens	Cumulative number of chickens	Cumulative total number of failures for a satisfactory serial	Cumulative total number of failures for an unsatisfactory serial
1	25	25	2	4
2	25	50	5	6

If unfavorable reactions occur which are not attributable to the product, the test shall be declared inconclusive and repeated or, in lieu thereof, the serial declared unsatisfactory.

(3) *Virus titrations.* Using the procedure prescribed in paragraph (c) (1) of this section virus titrations shall be conducted.

(i) The Newcastle disease virus fraction of combined Newcastle-Bronchitis Vaccines shall be neutralized prior to titration of the bronchitis virus fraction. Equal parts of heat-inactivated Newcastle disease antiserum shall be mixed with each appropriate serial ten-fold dilution of the vaccine. After inactivation, embryos shall be injected with 0.2 ml each and results calculated as a 0.1 ml dose to allow for serum dilution of the vaccine. The allantoic fluids, tested as prescribed in § 113.34 shall not show hemagglutinating activity in the lowest dilution used in the titration.

(ii) Each bronchitis virus type shall be harvested separately and a sample of bulk harvested material shall be collected prior to mixing with the other virus type(s). Each sample shall contain not less than the minimum virus titer stated in the filed Outline of Production.

(iii) Final container samples of completed product of each serial and subserial shall be tested. Vaccine samples shall be incubated at 37° C for 3 days before preparation for use in the titration test. A satisfactory serial or subserial shall contain at least $10^{2.0}$ EID_{50} per dose of bronchitis virus through expiration.

(4) All bronchitis vaccines shall stimulate protection against each type for which protection is claimed. Final container samples of completed product shall be tested by the virus-recovery test prescribed in paragraph (c) (3) of this section except that 10 vaccinates shall be used and one-tenth of a chicken dose shall be given to each.

§ 113.163 Fowl Laryngotracheitis Vaccine.

Fowl Laryngotracheitis Vaccine shall be prepared from virus-bearing cell culture fluids or embryonated chicken eggs. Only Master Seed Virus which has been established as pure, safe, and immunogenic in accordance with the requirements in paragraphs (a), (b), and (c) of this section shall be used for preparing the production seed virus for vaccine production. All serials shall be prepared with the passage from the Master Seed Virus used in the immunogenicity test.

(a) The Master Seed Virus shall meet the applicable requirements prescribed in § 113.135 and the requirements prescribed in this section.

(b) Each lot of Master Seed Virus shall be tested for extraneous pathogens by the chicken embryo inoculation test prescribed in § 113.37 and for safety as follows:

(1) Each of at least ten 3 to 4 week old susceptible chickens obtained from the same source and hatch as those used in the immunogenicity test prescribed in paragraph (c) of this section shall be injected intratracheally with 0.2 ml of the virus as used in the vaccine and the chickens observed each day for 14 days.

(2) If more than 20 percent of the chickens die during the observation period, the virus is unsatisfactory.

(c) Each lot of Master Seed Virus used for vaccine production shall be tested for immunogenicity and the selected virus dose to be used shall be established as follows:

(1) Fowl laryngotracheitis susceptible chickens all of the same age and from the same source shall be used. Thirty or more chickens shall be used as vaccinates for each method of administration recommended on the label. Ten additional chickens of the same age and from the same source shall be held as unvaccinated controls.

(2) A geometric mean titer of the dried vaccine produced from the highest passage of the Master Seed Virus shall be established before the immunogenicity test is conducted. Each vaccinate shall receive a predetermined quantity of vaccine virus. Five replicate virus titrations shall be conducted on an aliquot of the vaccine virus to confirm the amount of virus administered to each chicken used in the test. At least three appropriate (not to exceed tenfold) dilutions shall be used for vaccine of chicken embryo origin and the test conducted as follows:

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(i) For each dilution, inject at least five embryos, 9 to 11 days old, on the chorioallantoic membrane with 0.2 ml each. Disregard all deaths during the first 24 hours post-injection. To be a valid test, at least four embryos in each dilution shall remain viable beyond 24 hours.

(ii) Examine the surviving embryos for evidence of infection 5 to 8 days post-injection.

(iii) A satisfactory titration shall have at least one dilution with between 50 and 100 percent positives and at least one dilution with between 50 and 0 percent positives.

(iv) Calculate the EID_{50} by the Spearman-Karber or Reed-Muench method.

(3) Tissue culture origin vaccine may be titrated by a tissue culture method approved by Veterinary Services and written into the filed Outline of Productions.

(4) Ten to fourteen days post-vaccination, all vaccinates and controls shall be challenged intratracheally or in the orbital sinus with infectious fowl laryngotracheitis virus and observed each day for 10 days. Challenge virus shall be provided or approved by the Veterinary Services laboratories.

(5) If at least 90 percent of the controls do not die or show clinical signs of fowl laryngotracheitis during the observation period, the test is inconclusive and may be repeated. If at least 90 percent of the vaccinates in each group do not remain free of clinical signs of fowl laryngotracheitis during the observation period, the Master Seed Virus is unsatisfactory.

(6) The antigenicity test shall be repeated every 3 years unless use of the lot of Master Seed Virus is discontinued. The vaccinates and the controls shall meet the criteria prescribed in paragraph (c) (4) and (5) of this section.

(7) An Outline of Production change shall be made before authority for use of a new lot of Master Seed Virus shall be granted by Veterinary Services.

(d) After a lot of Master Seed Virus has been established as prescribed in paragraphs (a), (b), and (c) of this section, each serial and subserial shall meet the requirements in §§ 113.135, 113.37 and in this paragraph.

(1) *Potency test.* Final container samples of completed product shall be tested for virus titer using the procedures prescribed in paragraph (c) (2) of this section.

(i) Vaccine samples shall be incubated at 37° C for 7 days before preparation for use in the titration test.

(ii) Each serial and subserial shall have a fowl laryngotracheitis virus titer sufficiently greater than the titer of the vaccine used in the immunogenicity test prescribed in paragraph (c) of this section to assure that when tested at any time within the expiration period, each serial and subserial shall have a virus titer 0.7 logs greater than the titer of the vaccine used in the immunogenicity test but not less than $10^{2.9}$ EID_{50} per dose.

(e) Until a lot of Master Seed Virus is established as prescribed in paragraphs (a), (b), and (c) of this section, each serial and subserial shall meet the requirments in §§ 113.135, and 113.36, and this paragraph before release for sale.

(1) A virus titration shall be conducted on final container samples of completed product in accordance with the procedures prescribed in paragraph (c) (2) of this section.

(i) Vaccine samples shall be incubated at 37° C for 7 days before preparation for use in the titration test.

(ii) A serial or subserial of chicken embryo origin vaccine which does not contain at least $10^{2.6}$ EID_{50} per dose of laryngotracheitis virus through the expiration date is unsatisfactory. Tissue culture origin vaccine shall contain $10^{6.9}$ EID_{50} or $10^{2.6}$ $TCID_{50}$ per dose.

(2) An immunogenicity test shall be conducted on final container samples of completed product. The vaccine shall be used as recommended on the label.

(i) At least 10 susceptible chickens (vaccinates) properly identified and obtained from same source and hatch, per serial or the first subserial, and five more similar chickens for each additional subserial, shall be vaccinated.

(ii) Ten nonvaccinated chickens (controls) properly identified and obtained from the same source and hatch, shall be kept in isolation.

(iii) Ten to fourteen days post-vaccination, the vaccinates and the controls shall be challenged intratracheally with a fowl laryngotracheitis virus furnished or approved by Veterinary Services and observed each day for 10 days.

(iv) If less than 80 percent of the controls die or develop recognizable signs of fowl laryngotracheitis, the test is inconclusive and may be repeated.

(v) If at least 80 percent of the vaccinates do not remain free of signs of fowl laryngotracheitis, the serial or subserial is unsatisfactory.

(3) Safety test. Final container samples of completed product from each serial or one subserial shall be tested for safety in ten susceptible chickens obtained from the same source and hatch as those used in the immunogenicity test prescribed in paragraph (e) (2) of this section. Each shall be injected intratracheally with 0.2 ml of the vaccine prepared for use as recommended on the label and observed each day for 14 days. If more than 20 percent of the chickens die during the observation period, the serial or subserial is unsatisfactory.

§ 113.164 Newcastle Disease Vaccine.

Newcastle Disease Vaccine shall be prepared from virus-bearing cell culture fluids or embryonated chicken eggs. Only Master Seed Virus which has been established as pure, safe, and immunogenic in accordance with the requirements in paragraphs (a), (b), and (c) of this section shall be used for preparing the production seed virus for vaccine production. All serials shall be prepared with the passage from the Master Seed Virus used in the immunogenicity test.

(a) The Master Seed Virus shall meet the applicable requirements prescribed in § 113.135 and the requirements prescribed in this section.

(b) Each lot of Master Seed Virus shall be tested for pathogens by the chicken embryo inoculation test prescribed in § 113.37; *Provided*, That if the sample of virus is unsatisfactory because of a virus override, the test may be repeated using a higher titered antiserum, and if the repeat test is unsatisfactory for the same reason, the chicken inoculation test prescribed in § 113.36 may be conducted and the virus judged accordingly.

(c) Each lot of Master Seed Virus used for vaccine production shall be tested for immunogenicity and the selected virus dose to be used shall be established as follows:

(1) Newcastle Disease susceptible chickens, all of the same age and from the same source, shall be used. Thirty or more chickens shall be used as vaccinates for each method of administration recommended on the label. Ten additional chickens of the same age and from the same source shall be held as unvaccinated controls.

(2) A geometric mean titer of the dried vaccine produced from the highest passage of the Master Seed Virus shall be established before the immunogenicity test is conducted. Each vaccinate shall receive a predetermined quantity of vaccine virus. Five replicate virus titrations shall be conducted on an aliquot of the vaccine virus to confirm the amount of virus administered to each chicken used in the test. At least three appropriate (not to exceed tenfold) dilutions shall be used and the test conducted as follows:

(i) For each dilution, inject at least five embryos, 9 to 11 days old, in the allantoic cavity with at least 0.1 ml each. Disregard all deaths during the first 24 hours post-injection. To be a valid test, at least four embryos in each dilution shall remain viable beyond 24 hours.

(ii) Examine the surviving embryos for evidence of infection 5 to 7 days post-injection.

(iii) A satisfactory titration shall have at least one dilution with between 50 and 100 percent positives and at least one dilution with between 50 and 0 percent positives.

(iv) Calculate the EID_{50} by the Spearman-Karber or Reed-Muench method.

(3) Twenty to twenty-eight days post-vaccination, all vaccinates and controls shall be challenged with at least $10^{4.5}$ EID_{50} of virus per chicken and observed each day for 14 days. Challenge virus shall be provided or approved by Veterinary Services.

(4) If at least 90 percent of the controls do not develop clinical signs of Newcastle disease during the observation period, the test is inconclusive and may be repeated. If at least 90 percent of the vaccinates do not remain free of clinical signs of Newcastle disease during the observation period, the Master Seed Virus is unsatisfactory.

(5) The immunogenicity test shall be repeated every 3 years unless use of the lot of Master Seed Virus is discontinued. The vaccinates and the controls shall meet the criteria prescribed in paragraph (c) (4) of this section.

(6) A strain identity test acceptable to Veterinary Services shall be conducted.

(7) An Outline of Production change shall be made before authority for use of a new lot of Master Seed Virus shall be granted by Veterinary Services.

(d) After a lot of Master Seed Virus has been established as prescribed in paragraphs (a), (b), and (c) of this section, each serial and subserial shall meet the requirements in §§ 113.135, 113.36 and in this paragraph.

(1) *Virus titer.* Final container samples of completed product shall be tested for virus titer using the procedures prescribed in paragraph (c) (2) of this section.

(i) Samples of desiccated vaccines shall be incubated at 37° C for not less than 7 days before preparation for use in the virus titration test. Samples of liquid vaccine (not to be desiccated) shall be incubated at 37° C for not less than 48 hours.

(ii) Each serial and subserial shall have a Newcastle disease virus titer sufficiently greater than the titer of the vaccine used in the immunogenicity test prescribed in paragraph (c) of this section to assure that when tested at any time within the expiration period, each serial and subserial shall have a virus titer 0.7 logs greater than the titer used in the immunogenicity test but not less than $10^{7.6}$ EID_{50} per dose.

(e) Until a lot of Master Seed Virus is established as prescribed in paragraphs (a), (b), and (c) of this section, each serial and subserial shall meet the requirements in §§ 113.135, and 113.36, and this paragraph before release for sale.

(1) A virus titration shall be conducted on final container samples of completed product in accordance with the procedures prescribed in paragraph (c) (2) of this section.

(i) Samples of desiccated vaccines shall be incubated at 37° C for not less than 7 days before preparation for use in the virus titration test. Samples of liquid vaccine (not to be desiccated) shall be incubated at 37° C for not less than 48 hours.

(ii) A serial or subserial which does not contain at least $10^{7.6}$ EID_{50} per dose of Newcastle disease virus through the expiration date is unsatisfactory.

(2) An immunogenicity test shall be conducted on final container samples of completed product. The vaccine shall be used as recommended on the label.

(i) At least 10 susceptible chickens (vaccinates) properly identified and obtained from same source and hatch, per serial or the first subserial, and five more similar chickens per each additional subserial, shall be vaccinated.

(ii) Ten nonvaccinated chickens (controls), properly identified and obtained from the same source and hatch, shall be kept in isolation.

(iii) Twenty to twenty-eight days post-vaccination, the vaccinates and the controls shall be challenged with at least $10^{4.5}$ EID_{50} Newcastle disease virus furnished or approved by Veterinary Services.

(iv) If less than 80 percent of the controls die or develop recognizable signs of Newcastle disease, the test is inconclusive and may be repeated.

(v) If at least 80 percent of the vaccinates do not remain free of signs of Newcastle disease, the serial or subserial is unsatisfactory.

(4) Safety test: Final container samples of completed product from each serial or one subserial shall be tested to determine whether the vaccine is safe for use in susceptible young chickens.

(i) Twenty-five susceptible chickens, 5 days of age or younger, properly identified and obtained from the same source and hatch, shall be vaccinated by the eye drop method with the equivalent of 10 doses of vaccine and the chickens observed each day for 21 days post-vaccination. Severe respiratory signs or death shall be counted as failures. Two-stage sequential testing may be conducted if the first test (which then becomes stage one) has 3 failures.

(ii) The results shall be evaluated according to the following table:

Stage	Number of chicks	Cumulative number chicks	Cumulative total number of failures for a satisfactory serial	Cumulative total number of failures for an unsatisfactory serial
1	25	25	2 or less	4 or more.
2	25	50	6 or less	6 or more.

(iii) In unfavorable reactions occur which are not attributable to the product, the test shall be declared inconclusive and may be repeated.

(iv) For vaccines not recommended for use in chickens 10 days of age or younger, the prechallenge portion of the potency test shall be considered a safety test.

§ 113.165 Marek's Disease Vaccines.

Marek's Disease Vaccine shall be prepared from virus-bearing tissue culture cells. Only Master Seed Virus which has been established as pure, safe, and immunogenic shall be used for preparing the production seed virus for vaccine production. All serials shall be prepared with the passage from the Master Seed Virus used in the immunogenic test.

(a) The Master Seed Virus shall meet the applicable requirements prescribed in § 113.135 and the requirements prescribed in this section. Each lot of Master Seed Virus shall also be tested for pathogens by the chicken embryo inoculation test prescribed in § 113.37.

(b) Safety test: The Master Seed Virus shall be nonpathogenic for chickens as determined by the following procedure:

(1) Three groups of at least 50 chickens each at one day of age shall be used. These chickens shall be of the same source and hatch; be susceptible to Marek's disease; and be kept isolated in groups.

(i) *Group 1.* Each chicken shall be injected with 10 times as much viable virus as will be contained in one dose of vaccine, by the route recommended for vaccination.

(ii) *Group 2.* Each chicken shall be injected with a virulent Marek's disease herpesvirus at a dosage level that will cause gross lesions of Marek's disease in at least 60% of the chickens within 50 days.

(iii) *Group 3.* Controls.

(2) At least 40 chickens in each group shall survive for 4 days post-injection. All chickens that die shall be necropsied and examined for lesions of Marek's disease and cause of death. The test shall be judged according to the following:

(i) At 50 days of age, the remaining chickens in Group 2 shall be killed and examined for gross Marek's disease lesions. If at least 60 percent of this group do not develop Marek's disease, the test is inconclusive and may be repeated.

(ii) At 120 days of age, the remaining chickens in Groups 1 and 3 shall be weighed, killed, and necropsied. If at least 30 chickens in each of these 2 groups have not survived the 120 day period; or if any of the chickens in Groups 1 and 3 have gross lesions of Marek's disease at necropsy; or if the average body weight of the chickens in Group 1 is significantly (statistically) different from the average in Group 3 at the end of the 120 days, the lot of Master Seed Virus is unsatisfactory.

(c) Each lot of Master Seed Virus used for vaccine production shall be tested for immunogenicity and the selected virus dose to be used shall be established. The Master Seed Virus immunogenicity study shall be conducted with vaccine diluted to contain about 10,000 PFU per dose and at least 4 three-fold dilutions ($10^{-4.5}$) thereof down to about 300 PFU per dose in at least 100 chickens per dilution, challenging in groups of 25 chickens at selected times between 0 and 28 days after vaccination. Applicants and licensees shall submit detailed proposed protocols for review and approval before conducting this test.

(1) The immunogenicity test shall be repeated every 3 years unless use of the lot of Master Seed Virus is discontinued.

(2) An Outline of Production change shall be made before authority for use of a new lot of Master Virus shall be granted by Veterinary Services.

(d) Test requirements for release: Each serial and subserial shall meet the requirements prescribed in § 113.135 and in this paragraph. Final container samples of completed product shall be tested. Any serial or subserial found unsatisfactory by a prescribed test shall not be released.

(1) *Purity test.* The chicken embryo inoculation test prescribed in § 113.37 shall be conducted.

(2) *Safety test.* At least 25 one-day old chickens shall be injected, by the route

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recommended on the label for vaccination, with the equivalent of 10 chicken doses of virus (vaccine concentrated 10X). The chickens shall be observed each day for 21 days. Chickens dying during the period shall be examined, cause of death determined, and the results recorded.

(i) If at least 20 chickens do not survive the observation period, the test is inconclusive.

(ii) If lesions of any disease or cause of death are directly attributable to the vaccine, the serial is unsatisfactory.

(iii) If less than 20 chicks survive the observation period and there are no deaths or lesions attributable to the vaccine, the test may be repeated one time; *Provided*, That, if the test is not repeated, the serial shall be declared unsatisfactory.

(3) *Potency test.* The samples shall be titrated in a cell culture system or by any other titration method acceptable to Veterinary Services. Vaccine samples of desiccated vaccine shall be incubated at 37° C for 7 days before preparation for use in the titration test. A satisfactory serial or subserial shall contain at least 1500 plaque forming units per dose at release and maintain at least 1000 plaque forming units through expiration.

Interested parties are invited to submit written data, views, or arguments regarding the proposed regulations to Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 828-A, Federal Building, Hyattsville, Maryland 20782. All comments received on or before August 16, 1974, will be considered.

All written submissions made pursuant to this notice will be made available for public inspection of Biologics Licensing and Standards Staff, at the above address, during regular business hours (7 CFR 1.27(b)).

Done at Washington, D.C., this 12th day of June 1974.

J. M. HEJL,
Acting Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.74-13824 Filed 6-14-74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Airworthiness Docket No. 74-SW-26]

BELL MODEL 206A AND 206B HELICOPTERS

Proposed Airworthiness Directive

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Bell Model 206A and 206B helicopters equipped with certain design horizontal stabilizers. There have been several cases of cracks in and failures of the inboard ribs on the Bell Model 206A and 206B horizontal stabilizers occurring from 250 hours to 2600 hours total time in service.

Failure of the inboard rib could result in possible loss of a stabilizer. Since this condition is likely to exist or develop in other helicopters of the same type design, the proposed airworthiness directive would require a modification of the inboard ribs on certain right and left stabilizers of Bell Model 206A and 206B helicopters.

The manufacturer has also created a design improvement that adds stops at the aft portion of the stabilizers to limit movement of the stabilizers. This improvement will be installed at the factory on Bell Model 206B helicopters, Serial Number 1252 and subsequent. The Agency proposes to require installation of these stops on Model 206A and 206B helicopters, Serial Numbers 1 through 1251, within 100 hours time in service after the effective date of the A.D. This will coincide with the modification to the stabilizer ribs.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or comments as they may desire. Communications should identify the docket number and be submitted in triplicate to the Regional Counsel, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101. All communications received on or before will be considered by the Director before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Office of Regional Counsel for examination by interested persons.

This amendment is proposed under the authority of Sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423) and of Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend Section 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

BELL. Applies to Bell Model 206A and 206B Helicopters as Noted Herein, Certificated in all Categories

Compliance required within 100 hours time in service after the effective date of this A.D., unless already accomplished.

To prevent possible failure of the inboard ribs with possible loss of a stabilizer on Model 206A and 206B helicopters, serial numbers 1 through 913 equipped with horizontal stabilizer, P/N 206-020-119, replace any cracked inboard ribs and modify all inboard ribs by installing a doubler specified in and using the applicable procedures described in Items 3 through 24, Bell Helicopter Company Service Bulletin No. 206-01-73-7, Revision A, dated December 11, 1973 or later FAA approved revision.

To prevent excessive movement of the horizontal stabilizer install Horizontal Stabilizer Stop Kit, P/N 206-704-096-3, on Model 206A and 206B helicopters, Serial Numbers 1 through 1251, in accordance with Bell Helicopter Company Service Bulletin No. 206-01-74-1, Revision A, dated May 6, 1974 or later FAA approved revision.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to the Service Manager, Bell Helicopter Company, P.O. Box 482, Fort Worth, Texas 76101. These documents may also be examined at the Office of the Regional Counsel, Southwest Region, FAA, 4400 Blue Mound Road, Fort Worth, Texas, and at FAA Headquarters, 800 Independence Avenue SW., Washington, D.C. A historical file on this A.D. which includes the incorporated material in full is maintained by the FAA at its headquarters in Washington, D.C., and at the Southwest Regional Office in Fort Worth, Texas.

Issued in Fort Worth, Texas on June 6, 1974.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.74-13745 Filed 6-14-74;8:45 am]

[14 CFR Part 39]

[Docket No. 74-GL-7]

GENERAL ELECTRIC CF6 ENGINES

Proposed Airworthiness Directive

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an Airworthiness Directive applicable to the General Electric CF6 Engine. There have been nine instances in which foreign objects have broken pieces from tips of the fan blades. Six of these penetrated the cowling and one punctured a fuel line. Considerable secondary damage has also been caused by the broken pieces which further degrades the engine's performance. Since it is reasonable to expect that such incidents could occur again with even more serious consequences an Airworthiness Directive is being considered to require replacement of drilled blades with ones with solid tips.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Director, Great Lakes Region Federal Aviation Administration, Attention: Regional Counsel, Airworthiness Rules Docket, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before August 16, 1974 will be considered by the Director before taking action upon the proposed rule. The proposals contained in this Notice may be changed in light of comments received. All comments will be available, both before and after the closing date for comments, in the Airworthiness Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new Airworthiness Directive:

GENERAL ELECTRIC. Applies to Models CF6-6D, 6D1, 6H; and CF6-50A, 50C, 50D and 50H Turbofan Engines

Compliance required as indicated.

(a) To prevent breakage of fan blade tips and resulting damage therefrom, unless already accomplished, install solid fan blade P/N 9081M53P04 in all 38 locations per the instructions of General Electric Service Bulletins (CF6-6) 72-444 or (CF6-50) 72-161 or subsequent FAA approved revisions.

(b) Engines modified per paragraph (a) are to be installed in at least one wing position in aircraft using these model engines by June 30, 1975.[1]

(c) All engines are to be modified by June 30, 1976.

Issued at Des Plaines, Illinois on June 11, 1974.

JOHN M. CRYOCKI,
Director, Great Lakes Region.

[FR Doc.74-13983 Filed 6-14-74;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 74-GL-13]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition area at Greenville, Illinois.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before July 17, 1974, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice, in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

A new public instrument approach procedure has been developed for the Greenville Airport, Greenville, Illinois. Accordingly, it is necessary to alter the Greenville, Illinois transition area to adequately protect the aircraft executing the new approach procedure.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (39 FR 440), the following transition area is amended to read:

GREENVILLE, ILLINOIS

That airspace extending upward from 700 feet above the surface within a 6.5 mile radius of Greenville, Illinois Airport (latitude 38°50'12" N., longitude 89°22'38" W.), and within 2 miles each side of the 348° bearing from Greenville Airport, extending from the 6.5 mile radius to 8 miles north of the airport.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Des Plaines, Illinois on May 31, 1974.

R. O. ZIEGLER,
Acting Director, Great Lakes Region.

[FR Doc.74-13746 Filed 6-14-74;8:45 am]

CIVIL AERONAUTICS BOARD

[14 CFR Part 288]

[Docket No. 26792; EDR-274]

EXEMPTION OF AIR CARRIERS FOR MILITARY TRANSPORTATION

Certain Foreign and Overseas Air Transportation Services

Notice is hereby given that the Civil Aeronautics Board proposes to amend Part 288 of its Economic Regulations (14 CFR Part 288) with respect to certain foreign and overseas air transportation services performed for the Department of Defense (DOD). The purpose of the proposed amendment is explained in the attached Explanatory Statement, and the proposed amendment is set forth in the Proposed Rule. As discussed in the Explanatory Statement, the proposed amendment provides for a fuel surcharge, resulting from increased commercial fuel costs, to the rates for short-range services procured by the Military Airlift Command (MAC). The Board is proposing that the surcharge be effective from the date of this Notice, and that subsequent revisions be made on the same procedural basis established for long-range MAC services.[1] The amendment is proposed under authority of sections 204, 403 and 416 of the Federal Aviation Act of 1958, as amended (72 Stat. 743, 758 and 771, as amended; 49 U.S.C. 1324, 1373 and 1386).

Interested persons may participate in the proposed rulemaking through submission of twelve (12) copies of written data, views or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant material in communications received on or before July 1, 1974, will be considered by the Board before taking final action on the proposed rule. Copies of such communication will be available for examination by interested persons in the Docket Section of the Board, Room 710, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C. upon receipt thereof.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

EXPLANATORY STATEMENT

In comments filed by World Airways, Inc. (World) seeking reconsideration of ER-839, adopted March 8, 1974, the carrier sought a commercial fuel surcharge for its Pacific inter-island MAC services. At that time, the Board rejected World's request on the basis that the relatively small rate impact of commercial fuel price increases as of January 1, 1974 on World's inter-island operations did not administratively warrant or economically require adoption of a fuel surcharge. The Board indicated, however, that action would be taken if subsequent commercial fuel price increases warranted it.[2]

As set out in the Appendix,[1a] commercial fuel price increases as of April 1, 1974, related to the base year ended September 30, 1973, now require a surcharge of 3.25 percent to the rates for World's Pacific inter-island services to compensate for the increased cost of fuel. In addition, current commercial fuel costs for the other short-range MAC operations, performed by Eastern Air Lines, Inc. (Eastern), indicate a surcharge to the interim final minimum MAC rates for those services of 5.19 percent is also warranted.[3]

Accordingly, we propose to amend the interim final rates effective with the date of this Notice consistent with the above results. We also propose to review monthly the short-range surchage rates based upon monthly commercial fuel price fluctuations on the same basis established for the long-range international MAC services.[3] To accomplish this, we propose that the surcharge rates recommended herein apply until our review of June 1, 1974 commercial fuel prices is completed, and that the rate then be revised, based upon the June 1 prices, retroactive to the date of this Notice. Thus, effective with our review of June 1 fuel prices, the surcharge rates for all international Category B MAC operations will be processed together.

[1] Order 74-5-7, May 1, 1974.

[1a] Filed as part of the original document.

[2] EDR-265, March 27, 1974, adopted by ER-860, May 24, 1974.

[3] The amount of the surcharge was calculated on the same basis as the surcharge adopted in ER-839.

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We are, therefore, proposing to amend the interim final MAC rate provisions by increasing the current Category B Pacific inter-island and other short-range services by a temporary surcharge of 3.25 and 5.19 percent, respectively.

PROPOSED RULE

It is proposed to amend § 288.7(a)(1) by adding after the tables a third proviso, the proviso to read as follows:

§ 288.7 Reasonable level of compensation.

* * * * *

(a) * * *

(1) * * *

And provided further, That (i) effective ————, 1974, the total minimum compensation for Pacific inter-island service performed with B–727 aircraft, pursuant to the rates specified in paragraph (a)(1) of this section, shall be increased by a temporary surcharge of 3.25 percent subject to amendment (either up or down) upon final determination by the Board; and (ii) effective ————, 1974, the total minimum compensation for all other services performed with B–727 aircraft, pursuant to the rates specified in paragraph (1) above, shall be increased by a temporary surcharge of 5.19 percent subject to amendment (either up or down) upon final determination by the Board.[4]

* * * * *

[FR Doc.74–13813 Filed 6–14–74;8:45 am]

VETERANS ADMINISTRATION

[38 CFR Part 21]

DISABLED VETERANS

Tutoring

The purpose of the regulatory change to § 21.278 is to liberalize the provisions defining the factors for determining eligibility for tutorial training for trainees under chapter 31, title 38, United States Code. In addition minor editorial changes have been made to §§ 21.268, 21.274 and § 21.279 designed to reflect agency policy to avoid any appearance of seeming to preclude benefits for female veterans. No substantive change affecting benefits is involved.

Interested persons are invited to submit written comments, suggestions or objections regarding the proposal to the Administrator of Veterans Affairs (27H), Veterans Administration, 810 Vermont Avenue, N.W., Washington, DC 20420. All relevant material received before July 17, 1974, will be considered. All written comments received will be available for public inspection at the above address only between the hours of 8 a.m. and 4:30 p.m. Monday through Friday (except holidays) during the mentioned 30-day period and for 10 days thereafter. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Assistance Unit in room 132. Such visitors to any VA field station will be informed that the records are available for inspection only in Central Office and furnished the address and the above room number.

Notice is also given that it is proposed to make § 21.278 effective the date of approval.

1. In § 21.268, the introductory portion preceding paragraph (a) and paragraph (b) are revised to read as follows:

§ 21.268 Interregional transfers not at Government expense.

A veteran may transfer for his or her own convenience to attend a training facility other than one located in the State or the regional territory of the veteran's residence upon his or her written request. Any such transfer will not be at the expense of the Government.

* * * * *

(b) After a veteran is transferred for his or her own convenience, the expense to the Government of any additional transfer to a satisfactory facility will not be in excess of that which would have been necessary to transfer the veteran to a satisfactory facility originally.

2. In § 21.274, paragraph (a) is revised to read as follows:

§ 21.274 Authorization for travel for attendants.

(a) The services of an attendant to accompany a veteran while traveling for vocational rehabilitation purposes may be provided when such services are necessitated by the severity of the disability of the veteran.

* * * * *

3. Section 21.278 is revised to read as follows:

§ 21.278 Tutoring.

Tutoring at Government expense may be provided when, for a veteran to be successfully rehabilitated, there is need for special assistance beyond that given to other students pursuing the same or comparable courses.

4. In § 21.279, paragraphs (a) and (b)(3) and the introductory portion of paragraph (c) preceding subparagraph (1) are amended to read as follows:

§ 21.279 Reader service.

(a) Reader service, necessary for the successful pursuit of a course of vocational rehabilitation by a veteran with visual impairment, may be furnished when:

(1) The vision of a veteran in school training is so impaired as to make it impossible or inadvisable to use his or her eyes for reading; or

(2) The visual impairment of a veteran in training on the job where study is required in connection with his or her training is such that need for reader assistance is established.

(b) * * *

(3) One with impaired vision, whose conditions or prognosis indicates that the residual sight will be affected detrimentally by the use of his or her eyes for reading.

(c) The functions of a reader should be more than simply to read mechanically. The reader's services should serve a twofold purpose:

* * * * *

Approved: June 11, 1974.

By direction of the Administrator.

R. L. ROUDEBUSH,
Deputy Administrator.

[FR Doc.74–13781 Filed 6–14–74;8:45 am]

[4] As set forth in EDR–265, March 27, 1974, and adopted by ER–860, May 24, 1974.

[4] The surcharge is also to be applied to all other aircraft types common-rated with the B–727 for these services.

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

[Public Notice CM–149]

STUDY GROUP 4 OF THE U.S. NATIONAL COMMITTEE FOR THE INTERNATIONAL RADIO CONSULTATIVE COMMITTEE (CCIR)

Notice of Meeting

The Department of State announces that Study Group 4 of U.S. National Committee for the International Radio Consultative Committee (CCIR) will meet on July 2, 1974, at 10 a.m. in the Comsat Auditorium at 950 L'Enfant Plaza South, SW., Washington, D.C. 20024. Study Group 4 studies matters relating to systems of radiocommunication for the fixed service using satellites. The agenda for the meeting will include the following:

a. Review of the conclusions of the international meeting of Study Group 4 in March 1974;

b. Consideration of recommended positions for the CCIR Plenary Assembly;

c. Development of work programs for the period 1974–1977.

Members of the general public who desire to attend the meeting on July 2 will be admitted up to the capacity of the meeting room.

Dated: June 11, 1974.

GORDON L. HUFFCUTT,
Chairman,
U.S. National Committee.

[FR Doc.74–13783 Filed 6–14–74;8:45 am]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

ART ADVISORY PANEL

Notice of Closed Meeting

Notice is hereby given that pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Public Law 92–463, a closed meeting of the Art Advisory Panel will be held on July 16 & 17, 1974, beginning at 9:30 a.m. in Room 3313 Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, D.C. 20224.

The agenda will consist of the review and evaluation of the acceptability of market value appraisals of works of art involved in Federal income, estate or gift tax returns. This involves the discussion of confidential material in individual tax returns. A determination as required by section 10(d) of the Act has been made that these meetings are concerned with matters listed in section 552(b) of Title 5 of the United States Code, and that the meetings will not be open to the public.

[SEAL] DONALD C. ALEXANDER,
Commissioner.

[FR Doc.74–13833 Filed 6–14–74;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Army

ARMY ADVISORY PANEL ON ROTC AFFAIRS

Notice of Meeting

In accordance with Public Law 92–463 dated October 6, 1972, notice is given of a meeting of the Army Advisory Panel on ROTC Affairs, as follows:

Date of Meeting. June 27, 1974.

Place. Room 2E 687, Pentagon, Washington, D.C. 20310.

Time. From 0800–1130 hours and 1300–1615 hours.

Proposed Agenda.

0800–0815 Opening remarks and introductions, Chairman.
0815–0825 Remarks, Mr. Lowe, ASA (M&RA).
0825–0900 Presentation of ROTC Status Report, Briefers HQ, DA, and HQ, TRADOC.
0900–1130 General discussions on selected topics, Chairman.
1130–1300 Adjournment for lunch.
1300–1615 General discussion on selected topics, Chairman.
1615 Panel adjourns.

Proposed Discussion Topics.

1. The expanding two-year community college system and their affect on the ROTC program.
2. Actions the Army can take to increase faculty support for the ROTC program.
3. Courses of action for institutions with low productive and non-productive ROTC units.
4. Recomposition of Army Advisory Panel.
5. Interface of Army Panel with DOD Panel on ROTC Affairs.
6. Use of USAR commissioned officers at institutions as ROTC instructors.

This meeting will be open to the public.

CLINTON A. FIELDS,
Major, GS, Executive Secretary,
Army Advisory Panel on ROTC Affairs.

[FR Doc.74–13784 Filed 6–14–74;8:45 am]

Department of the Navy

CONSTRUCTION 140 FAMILY HOUSING UNITS AT FORT SHERIDAN, ILLINOIS

Notice of Public Hearing and Availability of Draft Environmental Impact Statement

Announcement. A public hearing will be held for the purpose of soliciting comments from the public regarding proposed construction by the Navy of 140 family housing units for Naval Air Station, Glenview, Illinois, at Fort Sheridan, Illinois. The hearing will be conducted by a senior naval officer, and will include a presentation of the Navy's plan for such construction.

Date. Thursday, July 18, 1974.

Time. 7:30 p.m.–11:30 p.m.

Place. Auditorium, Deerfield High School, Waukegan Road, Deerfield, Illinois.

Title. Draft Environmental Impact Statement, Navy Family Housing Project, Naval Air Station, Glenview, Illinois, at Fort Sheridan, IL.

Description. The proposal is to construct 140 units of family housing for Naval Air Station, Glenview, Illinois at Fort Sheridan, Illinois. The 140 four-bedroom units of family housing will include 20 units for officers and 120 for enlisted personnel on two non-contiguous sites of 4.3 and 16.9 acres respectively.

WHERE COPIES OF THE DRAFT ENVIRONMENTAL IMPACT STATEMENT CAN BE OBTAINED

Northern Division, Naval Facilities Engineering Command, Naval Base, Philadelphia, PA 19112, Attn: Code 09B8. Telephone (215) 755–4021.

Cost of Copies. No charge but stock is limited.

LOCATION OF LOCAL COPIES AVAILABLE FOR PUBLIC REFERENCE

City Hall
17 Highwood Avenue
Highwood, Illinois 60040

Board of Education
Elementary School District No. 111
806 Euclid Court
Highwood, Illinois 60040

City Hall
1707 St. Johns Avenue
Highland Park, Illinois 60035

Highwood Chamber of Commerce
32 Burtis Avenue
Highwood, Illinois 60040

Highland Park Chamber of Commerce
1811 St. Johns Avenue
Highland Park, Illinois 60035

Highland Park Public Library
494 Laurel Avenue
Highland Park, Illinois 60035

Environmental Protection Agency
1 N. Wacker Drive
Chicago, Illinois 60606

Post Engineer
Fort Sheridan, Illinois 60037

Commanding Officer
Naval Air Station
Glenview, Illinois 60026

Director
Great Lakes Branch

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Northern Division
Naval Facilities Engineering Command
Building 1–A
Great Lakes, Illinois

Commandant
Ninth Naval District
Building 1
Great Lakes, Illinois 60088

Clerk
Deerfield Township
1637 Green Bay Road
Deerfield, Illinois 60035

Name, address, and telephone number of government contact. Capt. H. E. Falk, CEC, Director, Great Lakes Branch Northern Division, Naval Facilities Engineering Command, Bldg. 1A, Great Lakes, Illinois, 60088; telephone (312) 688–6895.

Time limit for oral presentations. The following procedures will be followed during the public hearing. Individual speakers will be limited to 5 minutes, with 10 minutes for a group spokesman. There will be no relinquishing of time by one speaker to another. Written statements, in addition to or in lieu of oral presentations, will be accepted. The submission of written documentation and text material pertaining to the technical aspects of the proposal is encouraged. The closing date for including written communications in the hearing record is July 25, 1974.

Dated: June 10, 1974.

H. B. ROBERTSON, Jr.,
Rear Admiral, JAGC, U.S. Navy,
Acting Judge Advocate General.

[FR Doc.74–13785 Filed 6–14–74;8:45 am]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

AMPHETAMINE

Aggregate Production Quota for 1974

Section 306 of the Controlled Substances Act (21 U.S.C. 826) requires that the Attorney General establish aggregate production quotas for all controlled substances listed in Schedule I and II by July 1 of each year. This responsibility has been delegated to the Administrator of the Drug Enforcement Administration by § 0.100 of Title 28 of the Code of Federal Regulations. The quotas are to provide adequate supplies of each such substance for (1) the estimated medical, scientific, research, and industrial needs of the United States, (2) lawful export requirements, and (3) the establishment and maintenance of reserve stocks.

On July 3, 1973, the Drug Enforcement Administration published in the FEDERAL REGISTER a notice of proposed 1974 Aggregate Production Quota for Amphetamine (38 FR 17741).

In order to meet the statutory requirement that 1974 production quota be established on or before July 1, 1973, the Administration utilized the same data used for setting the 1973 quota on May 8, 1973 (38 FR 11473).

On April 3, 1974, the Drug Enforcement Administration published in the FEDERAL REGISTER a Notice of Proposed 1974 Amphetamine Aggregate Production Quota revising the July 3, 1973 proposed aggregate production quota.

All interested parties were invited to comment on or object to the proposed aggregate production quota on or before April 29, 1974. No comments or objections have been received by the Administration.

Therefore, the Administrator of the Drug Enforcement Administration under the authority vested in the Attorney General by section 306 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 826) and delegated to the Administrator, Drug Enforcement Administration by Section 0.100 of Title 28 of the Code of Federal Regulations, orders that the 1974 aggregate production quota for amphetamine expressed in grams in terms of its anhydrous base, be established as follows:

Basic class. Amphetamine.
Granted. 3,657,153.

All persons who submitted an application for either an individual manufacturing quota or procurement quota for 1974 will be notified by mail as to their respective 1974 quota established by the Administration.

This order is effective on June 17, 1974.

Dated: June 11, 1974.

JOHN R. BARTELS, Jr.,
Administrator,
Drug Enforcement Administration.

[FR Doc.74–13760 Filed 6–14–74;8:45 am]

Law Enforcement Assistance Administration

PRIVATE SECURITY ADVISORY COUNCIL

Notice of Meeting

Notice is hereby given that the Private Security Advisory Council to the Law Enforcement Assistance Administration will meet on June 27 and June 28, 1974 at the Hilton Hotel in Washington, D.C.

The meeting will be open to the public. Any interested person may file a written statement with the council for its considerations.

Statements may be sent to or information requested from Irving Slott, Law Enforcement Assistance Administration, U.S. Department of Justice, 633 Indiana Avenue, NW., Washington, D.C. 20530.

GERALD H. YAMADA,
Advisory Committee Management Officer, Office of General Counsel.

[FR Doc.74–13751 Filed 6–14–74;8:45 am]

SOUTHEAST TENNESSEE REGIONAL CORRECTIONAL FACILITY

Availability of Final Environmental Statement

Notice is hereby given that on May 17, 1974, the Law Enforcement Assistance Administration issued the Final Environmental Impact Statement Southeast Tennessee Regional Correctional Facility. The Draft Environmental Impact Statement was distributed for review and comment on January 16, 1974. Comments received on the draft have been taken into account in preparation of the final statement. Copies of this Final Environmental Impact Statement are available to the public at the LEAA Regional Office, 730 Peachtree Street, NE., Room 985, Atlanta, Georgia and the Tennessee Law Enforcement Planning Agency, Suite 206, Capitol Hill Building, 301 Seventh Avenue, North Nashville, Tennessee.

DONALD E. SANNTARELLI,
Administrator.

[FR Doc.74–13752 Filed 6–14–74;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[New Mexico 21098]

NEW MEXICO

Notice of Application

JUNE 5, 1974.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Llano, Inc., has applied for an 8-inch pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 19 S., R. 28 E.,
Sec. 35, E½W½.
T. 20 S., R. 28 E.,
Sec. 11, E½W½;
Sec. 14, NE¼NW¼.

This pipeline will convey natural gas across 2.187 miles of national resource land in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico 88201.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.74–13753 Filed 6–14–74;8:45 am]

[New Mexico 21527, 21528, 21529, 21530, 21620, 21621, 21622, 21623, 21631, 21632, 21637, 21672, 21673, 21684]

NEW MEXICO

Notice of Applications

JUNE 7, 1974.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for fourteen 4½-inch natural gas pipelines right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 27 N., R. 4 W.,
Sec. 19, NE¼NE¼.
T. 28 N., R. 5 W.,
Sec. 10, SW¼SE¼.
T. 27 N., R. 6 W.,
Sec. 1, E½SW¼;
Sec. 7, W½NE¼;
Sec. 9, W½NE¼;
Sec. 10, SW¼SW¼ and S½NE¼;
Sec. 14, S½NE¼ and W½SW¼;
Sec. 15, E½NE¼.
T. 28 N., R. 6 W.,
Sec. 8, SW¼SE¼;
Sec. 18, S½NE¼;
Sec. 31, lot 3, NE¼NE¼, S½NE¼ and NE¼SW¼.

These pipelines will convey natural gas across 1.646 miles of national resource land in Rio Arriba County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, 3550 Pan American Freeway, NE, Albuquerque, NM 87107.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.74–13754 Filed 6–14–74;8:45 am]

National Park Service

[Order No. 2]

ADMINISTRATIVE OFFICER, GEORGE WASHINGTON MEMORIAL PARKWAY

Delegation of Authority

SECTION 1. *Administrative Officer.* The Administrative Officer may issue purchase orders not in excess of $2,000 for supplies or equipment in conformity with applicable regulations and statutory authority and subject to availability of appropriated funds.

SEC. 2. *Revocation.* This order supersedes Order No. 1 published October 31, 1968 (33 FR 16030).

(National Park Service Order No. 78 (38 FR 10477) dated April 27, 1973 as amended; National Capital Parks Order No. 5 (37 FR 14892) dated July 26, 1972; National Capital Parks Order No. 5, Amendment No. 1 (38 FR 19419) dated July 20, 1973; National Capital Parks Order No. 5, Amendment No. 2 (39 FR 11445) dated March 28, 1974.)

Dated: May 2, 1974.

JAMES J. REDMOND,
Acting Superintendent.

[FR Doc.74–13793 Filed 6–14–74;8:45 am]

[Order No. 1]

ADMINISTRATIVE OFFICER, KENNEDY CENTER SUPPORT GROUP

Delegation of Authority

SECTION 1. *Administrative Officer.* The Administrative Officer may issue purchase orders not in excess of $2,000 for supplies or equipment in conformity with applicable regulations and statutory authority and subject to availability of appropriated funds.

(National Park Service Order No. 78 (38 FR 10477) dated April 27, 1973 as amended; National Capital Parks Order No. 5 (37 FR 14892) dated July 26, 1972; National Capital Parks Order No. 5, Amendment No. 1 (38 FR 19419) dated July 20, 1973; National Capital Parks Order No. 5, Amendment No. 2 (39 FR 11445) dated March 28, 1974.)

Dated: April 10, 1974.

OLOF R. ANDERSON,
General Manager.

[FR Doc.74–13796 Filed 6–14–74;8:45 am]

[Order No. 1]

ADMINISTRATIVE OFFICER, NATIONAL CAPITAL PARKS, WEST

Delegation of Authority

SECTION 1. *Administrative Officer.* The Administrative Officer may issue purchase orders not in excess of $2,000 for supplies or equipment in conformity with applicable regulations and statutory authority and subject to availability of appropriated funds.

(National Park Service Order No. 78 (38 FR 10477) dated April 27, 1973 as amended; National Capital Parks Order No. 5 (37 FR 14892) dated July 26, 1972; National Capital Parks Order No. 5, Amendment No. 1 (38 FR 19419) dated July 20, 1973; National Capital Parks Order No. 5, Amendment No. 2 (39 FR 11445) dated March 28, 1974.)

Dated: April 12, 1974.

LUTHER C. BURNETT,
Superintendent.

[FR Doc.74–13794 Filed 6–14–74;8:45 am]

[Order No. 1]

ADMINISTRATIVE OFFICER, NATIONAL CAPITAL PARKS, EAST

Delegation of Authority

SECTION 1. *Administrative Officer.* The Administration Officer may issue purchase orders not in excess of $2,000 for supplies or equipment in conformity with applicable regulations and statutory authority and subject to availability of appropriated funds.

(National Park Service Order No. 78 (38 FR 10477) dated April 27, 1973, as amended; National Capital Parks Order No. 5 (37 FR 14892) dated July 26, 1972; National Capital Parks Order No. 5, Amendment No. 1 (38 FR 19419) dated July 20, 1973; National Capital Parks Order No. 5, Amendment No. 2 (39 FR 11445) dated March 28, 1974.)

Dated: April 8, 1974.

IRA J. HUTCHISON,
Superintendent.

[FR Doc.74–13797 Filed 6–14–74;8:45 am]

[Order No. 1]

ADMINISTRATIVE OFFICER, NATIONAL VISITOR CENTER

Delegation of Authority

SECTION 1. *Administrative Officer.* The Administrative Officer may issue purchase orders not in excess of $2,000 for supplies or equipment in conformity with applicable regulations and statutory authority and subject to availability of appropriated funds.

(National Park Service Order No. 78 (38 FR 10477) dated April 27, 1973 as amended; National Capital Parks Order No. 5 (37 FR 14892) dated July 26, 1972; National Capital Parks Order No. 5, Amendment No. 1 (38 FR 19419) dated July 20, 1973; National Capital Parks Order No. 5, Amendment No. 2 (39 FR 11445) dated March 28, 1974.)

Dated: April 19, 1974.

JAMES C. GROSS,
General Manager.

[FR Doc.74–13795 Filed 6–14–74;8:45 am]

[Order No. 1]

ADMINISTRATIVE OFFICER, WOLF TRAP FARM PARK

Delegation of Authority

SECTION 1. *Administrative Officer.* The Administrative Officer may issue purchase orders not in excess of $2,000 for supplies or equipment in conformity with applicable regulations and statutory authority and subject to availability of appropriated funds.

(National Park Service Order No. 78 (38 FR 10477) dated April 27, 1973, as amended; National Capital Parks Order No. 5 (37 FR 14892) dated July 26, 1972; National Capital Parks Order No. 5, Amendment No. 1 (38 FR 19419) dated July 20, 1973; National Capital Parks Order No. 5, Amendment No. 2 (39 FR 11445) dated March 28, 1974.)

Dated: April 22, 1974.

J. CLAIRE ST. JACQUES,
Director, Wolf Trap Farm Park.

[FR Doc. 74–13798 Filed 6–14–74;8:45 am]

[Order No. 7]

ASSISTANT SUPERINTENDENT ET AL., ROCKY MOUNTAIN NATIONAL PARK AND SHADOW MOUNTAIN NATIONAL RECREATION AREA

Delegation of Authority

SECTION 1. *Assistant Superintendent and Administrative Officer.* The Assistant Superintendent and Administrative Officer may execute and approve contracts not in excess of $100,000 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to availability of appropriated funds. This authority may be exercised on behalf of any office or area under the supervision of the Superintendent of Rocky Mountain National Park.

SEC. 2. *Procurement and Property Management Officer.* The Procurement and Property Management Officer may execute and approve contracts not in excess of $25,000 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to availability of appropriated funds. This authority may be exercised on behalf of any office or area under the supervision of the Superintendent of Rocky Mountain National Park.

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SEC. 3. *Assistant Procurement and Property Management Officer and General Supply Assistant.* The Assistant Procurement and Property Management Officer and General Supply Assistant may issue purchase orders not in excess of $2,000 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to availability of appropriated funds. This authority may be exercised on behalf of any office or area under the supervision of the Superintendent of Rocky Mountain National Park.

SEC. 4. *Chief Park Ranger, East District Park Ranger, West Unit Manager, Maintenance Foreman, Maintenance Supervisor, Maintenance General Foreman, and Shop Foreman.* The Chief Park Ranger, East District Park Ranger, West Unit Manager, Maintenance Foreman, Maintenance Supervisor, Maintenance General Foreman, and Shop Foreman may issue purchase orders not in excess of $100 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to availability of appropriated funds. This authority may be exercised on behalf of any office or area under the supervision of the Superintendent of Rocky Mountain National Park.

SEC. 5. *Revocation.* This order supersedes Order No. 6, Rocky Mountain National Park, dated June 5, 1972, and published in 37 FR 14823, July 25, 1972.

(National Park Service Order No. 77 (38 FR 7478) as amended)

Dated: April 29, 1974.

ROGER J. CONTOR,
Superintendent, Rocky Mountain National Park and Shadow Mountain National Recreation Area.

[FR Doc.74-13800 Filed 6-14-74;8:45 am]

[Order No. 5, Amdt. 3]

SUPERINTENDENTS ET AL., MIDWEST REGION

Delegation of Authority

Midwest Region Order No. 5, approved March 1, 1972, and published in the FR of March 28, 1972 (37 FR 6324) and Amendment No. 1, approved October 12, 1972, and published in the FR of November 3, 1972 (37 FR 23464) and Amendment No. 2, approved May 3, 1973, and published in the FR of June 4, 1973 (38 FR 14697) are hereby amended to change the designation references from Director of Midwest Region to Regional Director, Midwest Region.

Section 1, paragraphs (f) and (g) are amended as follows:

(f) Authority to designate areas at which recreation fees will be charged, as specified by the Land and Water Conservation Fund Act of 1965 (78 Stat. 897), as amended.

(g) Authority to select from the fees established by 43 CFR Part 18 (38 FR 3385), specific fees to be charged at the designated areas in accordance with the Land and Water Conservation Fund Act of 1965 (78 Stat. 897), as amended.

Section 2, paragraphs (a) and (b) are hereby amended to read as follows:

(a) *Associate Regional Director, Administration.* The Associate Regional Director, Administration, is authorized to exercise all the procurement and contracting authority now or hereafter vested in the Regional Director, Midwest Region, except authority to contract for acquisition of land and related property, and options and offers to sell related thereto.

(b) *Regional Chief, Contracting and Property Management Division.* The Regional Chief, Contracting and Property Management Division, is authorized to exercise all the procurement and contracting authority now or hereafter vested in the Regional Director, Midwest Region, except authority to contract for acquisition of land and related property, and options and offers to sell related thereto.

(National Park Service Order No. 77, 38 FR 7478, published March 22, 1973, as amended; 38 FR 16789, published June 26, 1973; and 39 FR 4597 published February 5, 1974.)

Dated: May 15, 1974.

ROBERT L. GILES,
Acting Regional Director.

[FR Doc.74-13799 Filed 6-14-74;8:45 am]

Office of Hearings and Appeals

[Docket No. M74-100]

UNITED POCAHONTAS COAL CO.

Amendment to Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), United Pocahontas Coal Company has filed an amended petition to modify the application of 30 CFR 75.1405 to its Crumbler Mine No. 10 located near Crumbler, West Virginia.

30 CFR 75.1405 provides:

All haulage equipment acquired by an operator of a coal mine on or after March 30, 1971, shall be equipped with automatic couplers which couple by impact and uncouple without the necessity of persons going between the ends of such equipment. All haulage equipment without automatic couplers in use in a mine on March 30, 1970, shall also be so equipped within 4 years after March 30, 1970.

Petitioner's amendment to the original petition, published in FEDERAL REGISTER, Vol. 39, No. 82, Friday, April 26, 1974, at 14783, pertains to the alternate method as proposed in the original petition. In support of the amendment, Petitioner states the following:

(1) Since the petition was filed, Petitioner's representatives, in cooperation with local union and District UMWA representatives and technical representatives of Mining Enforcement and Safety Administration and a State Mine Inspector, have designed, installed and field tested a device, hereinafter called "Aligning Bar" which is permanently fastened to the rear end of the last car of a permanently coupled string of mine cars, and which makes unnecessary the use of the Hand Link Aligner to position the link when coupling strings of cars together. In coupling a string of cars to an electric locomotive the Hand Link Aligner would continue to be used by the motor crews.

(2) It is hereby proposed that the "Aligning Bar" be installed on the rear end of the last car of each string of cars used in mine haulage at this mine and that it be used as part of the alternate method being proposed in the subject petition for modification in conjunction with the Coupling Lever and in place of the Hand Link Aligner for coupling strings of mine haulage cars at the subject mine. The Hand Link Aligner would only be used in connection with coupling strings of mine cars to electric locomotives.

(3) The substitution of the "Aligning Bar" for the Hand Link Aligner, as proposed, is feasible at this mine since the mine cars involved are rotary dump cars with fixed ends (unlike front-end dump cars where one end of the car is pivoted to swing upwards when the car is being dumped).

(4) The safety feature of the "Aligning Bar" consists of its being used to position the link, as necessary for coupling, without the necessity of employees doing this by hand. The "Aligning Bar" accomplishes the same result achieved by the Hand Link Aligner but in more convenient form. It is not feasible to affix the "Aligning Bar" to the electric locomotives because coupling may need to be made from either end of the locomotive and the type of bumpers in use on the locomotives at this mine make it impractical to mount an "Aligning Bar." The Hand Link Aligners provide the same degree of safety as the "Aligning Bar," and by being maintained as an accessory on each electric locomotive will be always convenient for use by the motor crews.

(5) In view of the foregoing it is hereby proposed that the use of the Aligning Bar, as heretofore described, be included as part of the Alternate Method being proposed in the captioned Petition for Modification and the original petition is accordingly amended to so provide.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before July 17, 1974. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director,
Office of Hearings and Appeals.

JUNE 5, 1974.

[FR Doc.74-13792 Filed 6-14-74;8:45 am]

DEPARTMENT OF AGRICULTURE

Soil Conservation Service

PALUXY RIVER WATERSHED PROJECT, TEXAS

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Soil Conservation Service, U.S. Department of Agriculture, has prepared a final environmental statement for the Paluxy River Watershed Project, Erath, Hood, and Somervell Counties, Texas, USDA-SCS-ES-WS-(ADM)-73-34-(F).

The environmental statement concerns a plan for watershed protection, flood prevention, and agricultural and nonagricultural water management. The plan includes conservation land treatment measures on about 55,279 acres of grassland and cropland, supplemented by 23 floodwater retarding structures and 3 multiple-purpose reservoirs.

The final environmental statement was transmitted to CEQ on June 5, 1974.

A limited supply is available at the following locations to fill single copy requests:

Soil Conservation Service, USDA, South Agriculture Building, Room 5227, 14th and Independence Avenue SW., Washington, D.C. 20250

Soil Conservation Service, USDA, First National Bank Building, P.O. Box 648, Temple, Texas 76501

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services)

Dated: June 5, 1974.

EUGENE C. BUIE,
Acting Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.74-13791 Filed 6-14-74;8:45 am]

SLEDGE BAYOU WATERSHED PROJECT, MISSISSIPPI

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Soil Conservation Service, U.S. Department of Agriculture, has prepared a final environmental statement for Sledge Bayou Watershed Project, Quitman County, Mississippi, USDA-SCS-ES-WS-(ADM)-74-2(F).

The environmental statement concerns a plan for watershed protection, flood prevention and agricultural drainage. The planned works of improvement provide for conservation land treatment, supplemented by about 32 miles of multiple purpose channel work. The channel work serves both flood prevention and drainage needs. The work consists of about 1.2 miles of new channel, 15.8 miles of enlargement by excavation and 15.0 miles of cleaning out channels that were dug in 1922. All streams in the watershed are ephemeral, flowing only during periods of surface runoff.

The final environmental statement has been filed with the Council on Environmental Quality.

A limited supply is available at the following location to fill single copy requests:

Soil Conservation Service, USDA, Room 502 Milner Building, Lamar at Pearl Streets, P.O. Box 610, Jackson, Mississippi 39205

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services)

Dated: June 7, 1974.

WILLIAM B. DAVEY,
Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.74-13790 Filed 6-14-74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

STRENGTHENING DEVELOPING INSTITUTIONS PROGRAM; BASIC AND ADVANCED INSTITUTIONAL DEVELOPMENT PROGRAMS

Closing Date for Receipt of Applications

Notice is hereby given that pursuant to the authority contained in section 304 of title III of the Higher Education Act of 1965, as amended (20 U.S.C. 1054), applications are being accepted from institutions of higher education for grants under both the Basic and Advanced Institutional Development Programs (title III, HEA, 20 U.S.C. 1051 et seq.).

Applications must be received by the U.S. Office of Education Application Control Center on or before October 31, 1974.

A. *Applications sent by mail.* An application sent by mail should be addressed as follows: Application Control Center, U.S. Office of Education, 400 Maryland Avenue, S.W., Washington, D.C. 20202, Attention: Basic 13.454 or Advanced 13.454. An application sent by mail will be considered to be received on time by the Application Control Center if:

(1) The application was sent by registered or certified mail no later than the fifth calendar day prior to the closing date (or if such fifth calendar day is Saturday, Sunday, or Federal holiday, not later than the next following business day), as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mail rooms in Washington, D.C. (In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.)

B. *Hand delivered applications.* An application to be hand delivered must be taken to the U.S. Office of Education Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets, S.W., Washington, D.C. 20202. Hand delivered applications will not be accepted by the Application Control Center after 4 p.m. Washington, D.C. time, on the closing date.

C. *Program information and forms.* Information and application forms may be obtained from the Bureau of Postsecondary Education, Division of Institutional Development, Basic Institutional Development Branch and/or Advanced Institutional Development Branch, Regional Office Building Three, 7th and D Streets, SW., Washington, D.C. 20202.

(20 U.S.C. 1054)

Dated: June 7, 1974.

(Catalog of Federal Domestic Assistance Number 13.454; Strengthening Developing Institutions)

DUANE J. MATTHEIS,
Acting U.S. Commissioner of Education.

[FR Doc.74-13741 Filed 6-14-74;8:45 am]

Office of the Secretary

ASSISTANT SECRETARY FOR ADMINISTRATION AND MANAGEMENT ET AL.

Delegations of Authority

Notice is hereby given that delegations of authority have been made pursuant to section 203 (j), (k), and (n) of the Federal Property and Administrative Services Act of 1949, as amended, and Federal Civil Defense Administration (Defense Civil Preparedness Agency) Delegation 5, as follows:

1. Delegation from the Secretary, Department of Health, Education, and Welfare to the Assistant Secretary for Administration and Management of authorities vested in the Secretary by section 203 (j), (k), and (n) of said Act, as amended, and Federal Civil Defense Administration (Defense Civil Preparedness Agency) Delegation 5. The delegated authority may be redelegated.

2. Delegation from the Assistant Secretary for Administration and Management to the Director, Office of Facilities Engineering and Property Management, of all authorities vested in the Assistant Secretary for Administration and Management to administer the Federal surplus property program. The delegated authority may be redelegated.

3. Delegation from the Director, Office of Facilities Engineering and Property Management to the Director, Office of Surplus Property Utilization, of all authorities vested in the Director, Office of Facilities Engineering and Property Management to administer the Federal surplus property program. The delegated authority may be redelegated. This delegation is concurrent with a delegation to the Regional Directors.

4. Delegation from the Director, Office of Facilities Engineering and Property Management to the several Regional Di-

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rectors of the Department of Health, Education, and Welfare of the authorities vested in the Director, Office of Facilities Engineering and Property Management to administer the Federal surplus property program. The delegated authority may be redelegated.

The authorities delegated herein supersede all previous delegations of authority on this subject matter and were effective upon execution.

Dated: June 5, 1974.

JOHN OTTINA,
Assistant Secretary for Administration and Management.

[FR Doc.74-13801 Filed 6-14-74;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Interstate Land Sales Registration

[Docket No. N-74-236]

THUNDERBIRD VALLEY ET AL.

Notice of Hearing

In the matters of Thunderbird Valley, Thunderbird Hills, Thunderbird Mobile Estates, Unit 1, Docket No. 74-14; Desert Sky, Docket No. 74-16; Conquistador Estates, Docket No. 74-22; et al.

Notice is hereby given that:

1. Thunderbird Valley, Inc., its officers and agents, hereinafter referred to as "Respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. Law 90-448) (15 U.S.C. 1701 et seq), were notified pursuant to 15 U.S.C. 1706(d) and 24 CFR 1710.45(b)(1) of Proceedings and Opportunity for Hearing in 39 FR 13799, 13800, March 17, 1974. This notice informed the Developer of information obtained by the Office of Interstate Land Sales Registration showing that changes had occurred which affected material facts in the Developer's Statement of Record for Thunderbird Valley, Thunderbird Hills, Thunderbird Mobile Estates, Unit 1, Graham County, Arizona; Desert Sky, Cochise County, Arizona; and Conquistador Estates, Graham County, Arizona. The Developer has failed to amend pertinent sections of the Statement of Record and Property Reports.

2. The Respondent filed an answer May 6, 1974, in answer to the allegations of the Notice of Proceedings and Opportunity for a Hearing.

3. The Answer of the Respondent is deemed to constitute a request for a hearing on the allegations contained in the Notice of Proceedings and Opportunity for a Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(b), *it is hereby ordered*, That a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Administrative Law Judge John F. Cook, 4015 Wilson Boulevard, Arlington, Virginia, 10th Floor Hearing Room C on June 17, 1974 at 10 a.m.

5. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an order Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

By the Secretary.

Dated: June 12, 1974.,

GEORGE K. BERNSTEIN,
Interstate Land Sales Administrator.

[FR Doc.74-13911 Filed 6-14-74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 74-154]

PROPOSED BRIDGE ACROSS THE NANTICOKE RIVER, SHARPSTOWN, MARYLAND

Notice of Public Hearing

Notice is hereby given that the Commandant has authorized a public hearing to be held by the Commander, Fifth Coast Guard District, at 8 p.m., Wednesday, July 24, 1974 in the Wicomico County Courthouse, Salisbury, Maryland. This hearing is being held pursuant to the provisions of the Modified Preliminary Injunctive Order of the U.S. District Court for the District of Delaware, Civil Action No. 4767 dated May 10, 1974. This Order requires the conduct of a public hearing by the Commander, Fifth Coast Guard District, on the application of the State of Maryland dated May 10, 1974 for reinstatement of Bridge Permit Number 179-69 which expired on October 20, 1972 to construct a bridge across the Nanticoke River at Sharpstown, Maryland.

The plans approved by the expired Bridge Permit are for a fixed two lane highway bridge to carry the relocation of Maryland Route 313. The plans provide for a minimum vertical clearance of 40.0 feet above Mean High Water, and 47.7 feet above Mean Low Water. The minimum horizontal clearance normal to the axis of the channel is 80.0 feet.

The general areas of opposition to the reinstatement of this Bridge Permit to construct the proposed bridge with a minimum vertical clearance of 40.0 feet at Mean High Water are that this vertical clearance would:

a. Have an adverse impact on the ability of some commercial shipping presently using the Nanticoke River to reach Seaford, Delaware, located upstream of Sharpstown;

b. have an adverse impact and cause irreparable harm to recreational or noncommercial boating using the Nanticoke River upstream of Sharpstown;

c. prevent and curtail future growth of commercial shipping and recreational boating upstream of Sharpstown, and

d. would adversely affect the economic growth and development of Seaford as an economically viable area and the development of the Port of Seaford.

All interested persons may present data, views and comments, orally or in writing at this public hearing concerning the issues enumerated in a, b, c and d above.

The hearing will be informal. A Coast Guard representative who will preside at the hearing will make a brief opening statement describing the proposed bridge and announce the procedures to be followed at the hearing.

Each person who wishes to make an oral statement should notify the Commander, Fifth Coast Guard District (oan), 431 Crawford Street, Portsmouth, Virginia 23705 by July 19, 1974. Such notification should include the approximate time required to make the presentation. A transcript will be made of the hearing and may be purchased by the public.

Interested persons who are unable to attend this hearing may also participate in the consideration of this bridge permit application by submitting their comments in writing on or before August 7, 1974 to the Commander, Fifth Coast Guard District (oan). Each comment should state the reasons for any objections or proposed changes to the plans and the name and address of the person or organization submitting the comment. Copies of all written communications will be available for examination by interested persons at the office of the Commander, Fifth Coast Guard District (oan).

All comments received will be considered before final action is taken on the proposed bridge permit application. After the time set for the submission of comments, the Commander, Fifth Coast Guard District, will forward the record, including all written comments and his recommendations to the Commandant, U.S. Coast Guard, Washington, D.C. 20590. The Commandant will make the final determination on the bridge permit.

(Sec. 502, 60 Stat. 847, as amended (33 U.S.C. 525, 49 U.S.C. 1655(g)(6)(C)); 40 CFR 1.46(c)(10)))

Dated: June 7, 1974.

R. I. PRICE,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.74-13789 Filed 6-14-74;8:45 am]

Federal Aviation Administration

[OE Docket No. 74-SW-2]

AVIATION SYSTEMS ASSOCIATES

Petition for and Grant of Review

On April 22, 1974, the Federal Aviation Administration Southwest Region issued a Determination of Hazard to Air Navigation under Aeronautical Study Number 73-SW-1808-OE. The determination concerns a proposal by Aviation Systems Associates, Redondo Beach, California, to construct a television antenna tower near Port Isabel, Texas, at latitude 26°04'30" north, longitude 97°15'30" west. The overall height of the structure would be 1,439 feet above ground level and 1,449 feet above mean sea level.

The sponsor petitioned the Administrator of the FAA for a discretionary review of the determination on May 14, within the 30-day period specified in § 77.37 of Part 77 of the Federal Aviation Regulations. The petitioner states the following consideration as basis for the review:

1. That the determination of hazard is written in a manner which tends to confuse the issue and intermixes comments and considerations concerning two different sites studied.

2. That there is no aeronautical basis for the determination of hazard.

3. That changes to IFR procedures to accommodate the proposed structure were not considered.

Pursuant to the authority in § 77.37(c) of the Federal Aviation regulations, which has been delegated to me (30 FR 13023), the petition for discretionary review is hereby granted. The review will be conducted on the basis of written materials as set forth in Federal Aviation regulations, § 77.37(c)(1).

Interested persons may, within 30 days of the date of issuance of this notice, submit aeronautical information relevant to the question as to whether or not the proposed television antenna structure would have an adverse effect on the safe and efficient use of airspace by aircraft. Each submission must contain sufficient detail to establish a clear understanding of the reason for any claim. Submissions should be in triplicate and addressed to the Chief, Airspace Obstruction and Airports Branch, AAT-240, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591.

Pending final disposition of the petition, the Determination of Hazard to Air Navigation issued by the Southwest Region under Aeronautical Study Number 73-SW-1808-OE is not final.

Issued in Washington, D.C., on June 10, 1974.

RAYMOND G. BELANGER,
Director, Air Traffic Service.

[FR Doc.74-13747 Filed 6-14-74;8:45 am]

PROCEDURES FOR HANDLING AIRSPACE MATTERS

Proposed FAA Handbook Change; Extension of Comment Period

Public notice was given on April 11, 1974, of the Federal Aviation Administration proposal to amend paragraph 1453, Section 3, Chapter 25, Part 6, of FAA Handbook 7400.2B, to allow a finding of no substantial adverse effect on VFR en route operations when proposed structures are obstruction marked with the FAA approved high intensity obstruction lighting system, provided that all other guidelines for evaluating aeronautical effect have been satisfied. The notice provided interested parties an opportunity to comment on the proposed changes. Interested parties were invited to participate by submitting such written data, views or arguments as they might desire. Written comments were to have been submitted prior to June 1, 1974. Subsequently, interested persons have requested additional time in which to prepare their comments. Therefore, the period for comments is hereby extended to July 1, 1974.

Issued in Washington, D.C., on June 4, 1974.

RAYMOND G. BELANGER,
Director, Air Traffic Service.

[FR Doc.74-13748 Filed 6-14-74;8:45 am]

National Highway Traffic Safety Administration

BUICK AND CADILLAC ENGINE MOUNT FAILURES

Postponement of Public Proceeding

On June 3, 1974 (39 FR 19529), the NHTSA published notice of a public proceeding in the above-captioned matter, to be held on June 18, 1974. Due to procedural difficulties, the NHTSA has determined that the proceeding must be postponed. Notice of a new date for the proceeding will be published in the FEDERAL REGISTER.

(Sec. 113, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1402); delegations of authority at 49 CFR 1.51 and 49 CFR 501.8)

Issued on June 13, 1974.

ROBERT L. CARTER,
Associate Administrator, Motor Vehicle Programs.

[FR Doc.74-13919 Filed 6-14-74;8:45 am]

NATIONAL HIGHWAY SAFETY ADVISORY COMMITTEE AD HOC TASK FORCE ON ADJUDICATION

Notice of Public Meeting

On June 28-29, 1974, the National Highway Safety Advisory Committee's Ad Hoc Task Force on Adjudication will hold an open meeting at the Department of Transportation Headquarters Building, 400 Seventh Street, SW., Washington, D.C.

The National Highway Safety Advisory Committee is composed of 35 members appointed by the President in accordance with the Highway Safety Act of 1966 (23 U.S.C. 401 et seq.). The Committee consists of representatives of State and local governments, State legislatures, public and private interests contributing to, affected by, or concerned with highway safety, other public and private agencies, organizations, and groups demonstrating an active interest in highway safety, and research scientists and other experts in highway safety.

The Advisory Committee advises, consults with, and makes recommendations to the Secretary of Transportation on matters relating to the activities of the Department in the field of highway safety. The Committee is specifically authorized (1) to review research projects or programs, and (2) to review, prior to issuance, standards proposed to be issued by the Secretary under the national highway safety program.

The Ad Hoc Task Force on Adjudication will meet on June 28 from 9 a.m. to 4 p.m. in room 4234 with the following agenda:

Report on Effective Highway Safety Adjudication Mandatory Sanctions and Highway Safety.

On Saturday, June 29, the task force will meet from 9 a.m. to 12 noon in room 4234 with the following agenda:

Mandatory Sanctions and Highway Safety, continued.

The above meetings will be held subject to approval by the Secretary of Transportation.

Further information may be obtained from the Executive Secretariat, National Highway Traffic Safety Administration, Department of Transportation, 400 Seventh Street, SW., Washington, D.C. 20590, telephone 202-426-2872.

This notice is given pursuant to section 10(a)(2) of Public Law 92-463, Federal Advisory Committee Act (FACA), effective January 5, 1973.

Issued: June 11, 1974.

CALVIN BURKHART,
Executive Secretary.

[FR Doc.74-13835 Filed 6-14-74;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-409]

DAIRYLAND POWER COOPERATIVE

Notice of Request for Variance Involving Provisional Operating License

The Dairyland Power Cooperative of La Crosse, Wisconsin (licensee), is authorized by Provisional Operating License No. DPR-45 to operate a nuclear power reactor identified as the La Crosse Boiling Water Reactor (the facility), located in Vernon County, Wisconsin, at steady-state power levels up to 165 MWt. The licensee has requested a variance for the facility of the July 1, 1974, requirement for achieving compliance with the Commission's Interim Acceptance Criteria (36 FR 12247, June 29, 1971) for emergency core cooling systems for light-water reactors.

Notice is hereby given that the Director of Regulation is considering the requested variance which would extend the July 1, 1974 deadline for achieving compliance for the facility. The variance may be granted upon a finding that good cause has been shown, and that there is reasonable assurance that the granting of the variance will not adversely affect the health and safety of the public. The Director of Regulation will consider and issue a determination, together with

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supporting reasons, with respect to the request for a variance. In that connection, the Director of Regulation invites the submission of views and comments by any interested persons. Such views and comments should be submitted in writing, addressed to the Director of Licensing, USAEC, Washington, D.C. 20545, not later than fourteen days after the date of publication of this notice.

A copy of the licensee's June 13, 1974, request and related correspondence and documents are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and the Sparta Free Library at P.O. Box 347, Sparta, Wisconsin 54565.

For the Atomic Energy Commission.

Dated at Bethesda, Maryland, this 13th day of June 1974.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch #2, Directorate of Licensing.

[FR Doc.74-13921 Filed 6-14-74;8:45 am]

[Dockets Nos. 50-250, 50-251]

FLORIDA POWER & LIGHT CO.

Issuance of Amendments to Facility Operating Licenses

Notice is hereby given that the U.S. Atomic Energy Commission (the Commission) has issued Amendments No. 2 and No. 1, respectively, to Facility Operating Licenses Nos. DPR-31 and DPR-41 issued to Florida Power and Light Company which revised Technical Specifications for operation of the Turkey Point Plant Units 3 and 4, located in Dade County, Florida. The amendments are effective as of the date of issuance.

The change modifies the surveillance test interval for the containment spray system so that it is consistent with testing requirements of other plant safeguard systems and with intervals which have been found acceptable at other nuclear power generating plants.

The application for the change complies with the standards and requirements of the Act and the Commission's rules and regulations and the Commission has made appropriate findings as required by the Atomic Energy Act of 1954, as amended, and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the amendments to the licenses.

For further details with respect to this action, see (1) the application for the change dated May 17, 1974, (2) Amendment No. 2 to License No. DPR-31 and Amendment No. 1 to License No. DPR-41, and (3) the letter to Florida Power and Light Company (transmitting Amendments 2 and 1) which includes an evaluation of the requested change. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Lily Lawrence Bow Public Library, 212 N.W. First Avenue, Homestead, Florida 33030.

A copy of items (2) and (3) may be obtained upon request addressed to the United States Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing—Regulation.

Dated at Bethesda, Maryland, this 4th day of June 1974.

For the Atomic Energy Commission.

ROBERT A. PURPLE,
Chief, Operating Reactors Branch #1, Directorate of Licensing.

[FR Doc.74-13776 Filed 6-14-74;8:45 am]

[Docket No. 50-160]

GEORGIA INSTITUTE OF TECHNOLOGY

Issuance of Amendment to Facility Operating License

No request for a hearing or petition for leave to intervene having been filed following publication of the notice of proposed action in the FEDERAL REGISTER on December 22, 1972 (37 FR 28312), the United States Atomic Energy Commission (the Commission) has issued Amendment No. 1 to Facility Operating License No. R-97 to the Georgia Institute of Technology (Georgia Tech), as proposed in that notice, except that the license wording has been modified to conform with the current Regulatory license format.

The license amendment authorizes Georgia Tech to operate its modified research reactor located on its campus in Atlanta, Georgia, at power levels up to 5 megawatts (thermal) for research and development activities. The amendment also authorizes an increase (from 11 kilograms to 33 kilograms) in the quantity of uranium 235 that Georgia Tech may receive, possess and use in connection with operation of the reactor.

The reactor facility has been inspected by a representative of the Commission and found to have been modified substantially in accordance with the provisions of Construction Permit No. CPRR-116.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment, and has concluded that the issuance of the license amendment will not be inimical to the common defense and security or to the health and safety of the public.

A copy of Amendment No. 1 to License No. R-97 with Technical Specifications and the Safety Evaluation dated December 19, 1972, are available for inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., or may be obtained upon request sent to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing—Regulation. The proposed Technical Specifications were made available for inspection at the above location on April 12, 1974.

Dated at Bethesda, Maryland, this 6th day of June 1974.

For the Atomic Energy Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch No. 2, Directorate of Licensing.

[FR Doc.74-13759 Filed 6-14-74;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 26664]

AIR PANAMA INTERNACIONAL, S.A.

Foreign Air Carrier Permit Renewal; Notice of Prehearing Conference and Hearing

Notice is hereby given that a prehearing conference in this proceeding is assigned to be held on August 29, 1974, at 10 a.m. (local time), in Room 503, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C., before Administrative Law Judge E. Robert Seaver.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless a person objects or shows reason for postponement on or before August 15, 1974.

Dated at Washington, D.C., June 12, 1974.

[SEAL] RALPH L. WISER,
Chief Administrative Law Judge.

[FR Doc.74-13804 Filed 6-14-74;8:45 am]

[Docket No. 26790; Order 74-6-54]

ALASKA AIRLINES, INC. ET AL.

Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 11th day of June 1974.

By tariff revisions[1] marked to become effective June 15, 1974, Alaska Airlines, Inc. (Alaska), Northwest Airlines, Inc. (Northwest), and Western Air Lines, Inc. (Western) propose to increase fares between Seattle and Anchorage 5.5 percent. Alaska also proposes to increase its fares between Seattle and Fairbanks, and between Anchorage and Fairbanks 5.5 percent; while Northwest would also increase its fares between Anchorage and points other than Portland, Seattle, and Spokane by nine percent.

In support of its proposal Alaska submits that the instant filing will complete its general fare increase of 5.5 percent in all markets—increases in other markets having become effective on April 15, 1974. The 5.5 percent increase is allegedly

[1] Revisions to Airline Tariff Publishers, Inc., Agent, Tariff C.A.B. No. 202.

necessary to offset higher fuel cost. It estimates that the instant proposal will provide $622,000 in additional revenue which, when added to the aforementioned April 15 increases, will produce an annual total of $1,793,000 additional revenue, which it claims will fall short of covering increased fuel costs of $2,028,000 for the same period. Alaska forecasts that it will earn an operating profit of $690,000 with the proposed increase and that its rate of return on investment will be 2.1 percent.

Northwest alleges that, in common with all other trunk carriers, it has been experiencing an unparalleled upward spiral in operating costs, and the intent of its filing is to bring fares more into line with costs, and to move closer towards rationalizing the structure of Anchorage fares. It estimates increased passenger revenue amounting to $3,221,000 from its proposal, which will increase its rate of return on States-Alaska investment from 2.72 percent to 5.94 percent.

Western also asserts that the proposed increases are needed to offset the continuing, severe escalation in the cost of fuel. The carrier estimates that the proposed increases would add $341,000 to revenues, based on the number of passengers carried in 1973, after applying a demand elasticity coefficient of −0.7. After adjusting 1973 results to reflect the instant fare increases, elimination of youth and family fares, and fuel costs as of March 1974, Western shows a net profit before taxes of $4,607,000.

Upon consideration of all relevant matters, the Board has determined that the proposals may be unjust or unreasonable, or unjustly discriminatory, or unduly preferential, or unduly prejudicial, or otherwise unlawful, and should be investigated. The Board further concludes that these proposals should be suspended pending investigation.

We find several difficulties with the carriers' proposals to increase fares in the mainland-Alaska market at this time, both on the basis of deficiencies in individual carrier justifications, and on the basis of operating results in this rate entity as a whole. Our foremost concern is that the proposed coach fare levels are substantially in excess of the formula prescribed in Phase 9 (Fare Structure) of the Domestic Passenger-Fare Investigation (DPFI).

The Board recognizes that States-Alaska operations were not part of the DPFI, but nevertheless believes the Phase 9 ratemaking standards must be considered as a point of reference in evaluating domestic fares. Put another way, we must ask why, for example, the proposed coach fare in the largest market, Seattle-Anchorage, should be 15.2 percent higher than the fare produced by Phase 9. While there may be some higher costs traceable to operations at Anchorage, much of the cost of providing Alaskan service is incurred within the 48 contiguous states.

Turning to individual carrier data, the Board finds that Western's data is deficient in a number of respects. First, the carrier has provided no support or explanation of the derivation of its profit and loss summary for Alaskan services. No investment data are supplied, instead Alaskan profit is related to system rate of return, a totally inappropriate methodology.

Northwest forecasts a volume of service and traffic which produces a passenger load factor of 45 percent. Northwest's forecast available seat miles are 78 percent over that provided in 1973, but it asserts that in view of the volume of service which its competitors will offer,[2] its service pattern is the minimum it can operate and still remain competitive. The extent of the carrier's ability to fill this capacity is not known. Although, Alaskan oil development activity promises a rather sharp increase in traffic, we are reluctant to permit a significant fare increase until the magnitude of this source of traffic is more clearly defined.

We note that Alaska recently purchased three B-727 aircraft which had been leased. In addition, other debt transactions have materially altered its balance sheet. The carrier did not properly reflect these changes in the forecast data which accompanied its filing, nor did it reflect the fare increase permitted effective April 15, 1974. After adjusting for the foregoing factors, we estimate that the carrier would earn a 13 percent rate of return for the year ended March 31, 1975 without the requested increase.

In summary, the filings raise a number of questions bearing on the reasonableness of the requested increase which the carriers' justifications have not answered to our satisfaction, particularly the overall relationship of the fare structure in the States-Alaska market vis-a-vis fares for comparable distances elsewhere in the domestic system. For these reasons the Board concludes that the requested increases may be excessive and should be suspended.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof,

It is ordered, That:

1. An investigation be instituted to determine whether the fares and provisions described in Appendix A[3] and rules, regulations and practices affecting such fares and provisions, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful fares and provisions, and rules, regulations, or practices affecting such fares and provisions;

2. Pending hearing and decision by the Board, the fares and provisions described in Appendix A[3] are suspended and their use deferred to and including September 12, 1974, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. The proceeding ordered herein be assigned for hearing before an Administrative Law Judge of the Board at a time and place hereafter to be designated; and

4. Copies of this order be filed in the aforesaid tariffs and served upon Alaska Airlines, Inc., Northwest Airlines, Inc., and Western Air Lines, Inc., which are hereby made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-13809 Filed 6-14-74;8:45 am]

[Order 74-6-56]

CERTAIN UNAUTHORIZED INDIRECT AIR CARRIERS

Order Granting Extension of Temporary Relief

Issued under delegated authority on June 11, 1974.

Extension of temporary relief granted to certain unauthorized indirect air carriers to transport household goods for the Department of Defense.

From time to time, at the request of the Department of Defense (DOD), the Board has granted relief from provisions of the Federal Aviation Act of 1958 (the Act) to permit otherwise unauthorized indirect air carriers to transport used household goods[1] of Department of Defense personnel. A condition for obtaining such relief was that the firm seeking it have on file with the Board an application for air freight forwarder authority. The relief was to expire 180 days after the Board's decision in the Household Goods Air Freight Forwarder Investigation, Docket 20812, became final[2] or, as to each individual company, upon Board disposition of such company's application for interstate and/or international air freight forwarder authority, whichever event shall occur first.[3]

Since the processing of a number of the applications could not be concluded prior to the expiration of the temporary relief, the Department of the

[1] The term "used household goods" means personal effects (including unaccompanied baggage) and property used or to be used in a dwelling, when a part of the equipment or the supply of such dwelling, but specifically excludes (1) furniture, fixtures, equipment and the property of stores, offices, museums, institutions, hospitals or other establishments, when a part of the stock, equipment or supply of such stores, offices, museums, institutions, hospitals or other establishments, and (2) objects of art (other than personal effects), displays and exhibits.

[2] Order on reconsideration issued October 16, 1972. Temporary relief was to expire April 16, 1973.

[3] Order 71-10-56, dated October 13, 1971.

[2] This summer Alaska Airlines will operate four nonstop round trips per day between Anchorage and Seattle, while Western will operate seven-round trips, two of which will be with DC-10 equipment. Northwest will provide three daily Seattle-Anchorage DC-10 round trips, a daily B-747 Chicago-Anchorage round trip and an Edmonton-Anchorage round trip.

[3] Filed as part of the original document.

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Army, acting in behalf of DOD, requested extension of such relief. The Board initially extended the temporary relief for 90 days and subsequently granted further extensions.[4] Such relief is to expire on June 18, 1974.

Delays have been encountered in resolving control and/or interlocking relationship matters, some of which are complex. As a result, the applications of the two applicants named in the appendix will not be completed prior to expiration of the extended deadline. Furthermore, by letter dated July 6, 1973, the Department of the Army requested an extension of the temporary relief for a reasonable period in those cases where processing could not be completed by the time limit previously set. We construe that letter to be a request for whatever additional extension of the temporay relief is necessary to complete the processing.

In view of these circumstances and DOD's request, it is found, pursuant to authority delegated by the Board, that further extension of the temporary relief to those carriers named in the appendix hereto is in the public interest, and that such relief should be extended to September 18, 1974.

Accordingly, it is ordered:

1. That pursuant to sections 101(3) and 204 of the Federal Aviation Act of 1958, as amended, the carriers listed in the appendix hereto are hereby relieved from the provisions of Title IV of the Act to the extent necessary to transport by air used household goods of personnel of DOD upon tender by the Department;

2. That the relief granted herein shall become effective June 19, 1974, and terminate on September 18, 1974, or as to each individual company named in the appendix hereto, upon Board disposition of such company's application for interstate and/or international air freight forwarder authority, whichever event shall occur first;

3. That this order may be amended or revoked at any time in the discretion of the Board without hearing; and

4. That copies of this order shall be served on the Military Traffic Management and Terminal Service, U.S. Army, and the companies listed in the appendix hereto.

This order shall be published in the FEDERAL REGISTER.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may file their petitions by June 14, 1974.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review is filed, or the Board gives notice that it will review this order on its own motion.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[4] Order 73-4-57, dated April 12, 1973, as supplemented by Order 73-7-56, dated July 13, 1973, Order 73-9-53, dated September 13, 1973, Order 73-12-13, dated December 4, 1973, and Order 74-3-29, dated March 7, 1974.

APPENDIX

Garrett Forwarding Company
2055 Garrett Way
P.O. Box 4048
Pocatello, Idaho 83201

Smyth Worldwide Movers, Inc.
11816 Aurora Avenue, North
Seattle, Washington 98133

[FR Doc.74-13806 Filed 6-14-74;8:45 am]

[Docket No. 25474]

HAWAII FARES INVESTIGATION

Notice of Reassignment of Proceeding

This proceeding is hereby reassigned from Administrative Law Judge Hyman Goldberg to Administrative Law Judge Robert M. Johnson. Future communications should be addressed to Judge Johnson.

Dated at Washington, D.C., June 11, 1974.

[SEAL] RALPH L. WISER,
Chief Administrative Law Judge.

[FR Doc.74-13805 Filed 6-14-74;8:45 am]

[Dockets Nos. 25513, 25280; Order 74-6-51]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Passenger Fare and Cargo Rate Matters

Issued under delegated authority on June 11, 1974.

Agreements have been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers and other carriers embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA), and have been assigned the above C.A.B. agreement numbers.

Agreement C.A.B. 24419 proposes general increases of two percent in passenger fares and three percent in cargo rates to compensate for escalating fuel prices, for traffic between Europe/Middle East on the one hand, and Africa (except to/from East Africa) on the other. The agreement has indirect application in air transportation insofar as it involves normal fares and general cargo rates, which are combinable with fares and rates to/from U.S. points. Agreemment C.A.B. 24418 proposes a general four percent increase in passenger fares, to compensate for escalating fuel prices, between Europe/Middle East/Africa (except to/from East Africa) on the one hand, and Asia/Australia/Australasia (except to/from Southwest Pacific) on the other. This agreement has direct application only insofar as it involves fares and rates to/from Guam, and as with Agreement C.A.B. 24419 has indirect application with respect to normal fares and general cargo rates. Agreement C.A.B. 24420 amends IATA Resolution 022j governing currency-related surcharges on U.S.-originating air cargo transportation, by providing for imposition of the surcharge in cases where specific commodity rates are specified from points other than New York. This amendment was occasioned by the action of the 17th Joint Specific Commodity Rate Board to adopt rates for gladioli from Miami to various European points.

The agreements, which for the most part have only limited application in air transportation, appear reasonable and are consistent with prior agreements approved by the Board, and will herein be approved.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found that the following resolutions, incorporated in the agreements indicated, are adverse to the public interest or in violation of the Act:

Agreement C.A.B.	IATA No.	Title	Application
24418	006u	General Increases in Passenger Fares	2/3; 1/2/3 (except to/from S.W. Pacific).
24419:			
R-1	006t	General Increases in Passenger Fares	2 (Europe/Middle East-Africa, except to/from East Africa).
R-2	006t	General Increases in Cargo Rates	2 (Europe/Middle East-Africa, except to/from East Africa).
24420		JT12(Mail 845)022j	

Accordingly, it is ordered, That:

Agreements C.A.B. 24418 and C.A.B. 24419, R-1 and R-2, and C.A.B. 24420 be and hereby are approved.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-13807 Filed 6-14-74;8:45 am]

[Docket No. 26531; Order 74-6-53]

NATIONAL AIRLINES, INC.

Order Authorizing Discussions

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 11th day of June 1974.

By application, dated March 22, 1974, National Airlines, Inc. (National) requests that the Board authorize National, Delta Air Lines, Inc. (Delta) and Eastern Air Lines, Inc. (Eastern) to engage in discussions looking toward an agreement on night coach departure times in the New York/Newark-Miami/Fort Lauderdale markets.

In support of its request, National asserts that the three carriers, for competitive reasons, have all scheduled departures to each city in both directions at the very moment the night coach fares become applicable (i.e. 9 p.m. in New York/Newark; and 10 p.m. in Miami/Fort Lauderdale). As a result of these scheduling practices, large quantities of fuel are being wasted as the carriers' aircraft line up on the runway, with engines running, waiting for takeoff clearance.[1] National believes that, if the carriers could agree on separate departure times for each of the airport-to-airport operations,[2] substantial fuel savings would result.[3] Furthermore, it contends that new scheduling practices could be adopted without any attendant anti-competitive impact among the discussants.

No comments relative to the application have been received.

Upon consideration of the application and other relevant facts, the Board concludes that the discussions requested by National, looking toward an agreement with Delta and Eastern concerning night coach departure times in the New York/Newark-Miami/Fort Lauderdale markets, will serve the public interest and fulfill an important transportation need by providing the forum for the carriers to discuss the elimination of a wasteful fuel practice. The request will, therefore, be granted.

Under the new Federal Energy Office (FEO) regulations[4] the trunkline carriers' future fuel levels, to the extent they exceed the present 95% allocation level, are wholly dependent on the amount of fuel received by the carriers from the local suppliers. While it appears that these supplies will increase as a result of the lifting of the Arab oil embargo, the foreseeable future demand for aviation fuel is going to outstrip supplies by probably a considerable amount. Accordingly, the carriers are encouraged to eliminate wasteful fuel practices and utilize their available fuel in the most productive manner.[5] At the present time each carrier in the New York/Newark-Miami/Fort Lauderdale market operates a flight from each of the airports at those points at precisely the time that night coach fares become applicable. This abundance of single-time departures (six at each airport) has resulted in a wasteful utilization of fuel as the aircraft taxi out to the runways and hold for takeoff clearance. By simply agreeing to stagger the departure times at each particular airport (i.e., 9 p.m. from New York-Miami and 9:15 p.m. from New York-Fort Lauderdale) the competing carriers would reduce by one half the number of single-time departures and, thus, substantially reduce the amount of excess fuel being used while the carriers wait in line for takeoff clearance. Moreover, these fuel-savings could be achieved in this manner without adversely affecting the level of service being offered to the traveling public or the competitive practices in these markets.[6]

Accordingly, it is ordered, That:

1. The application of National Airlines, Inc. for authority to hold inter-carrier discussions concerning night coach departure times in the New York/Newark-Miami/Fort Lauderdale markets be and it hereby is granted, subject to the following conditions:

(a) participation in the discussions shall be open to National Airlines, Inc., Eastern Air Lines, Inc. and Delta Air Lines, Inc.;

(b) representatives of the Board and all other interested persons shall be permitted to attend the discussions as observers;

(c) the discussions shall be held in Washington, D.C. at a time, date and place determined by the discussants;

(d) the discussants shall file notices and agendas of the discussion meetings with the Board's Docket Section, and shall send notices and agendas to all other persons who so request, at least 7 calendar days before each meeting;

(e) the discussants shall keep complete and detailed minutes of the discussions, and complete details of all actions agreed to by the discussants, and shall file such minutes with the Board's Docket Section and send such minutes to all other persons who so request within 7 calendar days after each meeting;

(f) any agreement or agreements reached as a result of these discussions shall be filed with the Board for prior approval, in accordance with section 412 of the Act and 14 CFR 261 and 302, Subpart P;

(g) this authorization shall expire after 90 days from the date of service of this order; and

(h) this authorization may be extended, modified, or revoked at any time by the Board or by the undersigned; and

2. This order shall be served on the Department of Justice and all certificated route and supplemental air carriers.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-13808 Filed 6-14-74;8:45 am]

[1] Data presented by National for the month of February 1974 indicates that the carriers, on the average, wait 15-20 minutes for takeoff clearance.

[2] For example, all flights to Miami from a particular New York-area airport could leave at 9:00 p.m. and those to Fort Lauderdale at a later time (or vice-versa). This would cut in half the number of same time departures to Florida as well as the amount of fuel used while waiting for takeoff.

[3] National states that during the month of February 1974 it used 17,277 gallons of fuel while taxiing and holding in the departure sequence.

[4] 39 FR 15959, May 6, 1974.

[5] See, letter from FEO Administrator John Sawhill, dated May 19, 1974, filed in Dockets 25989, 26014, 26076 and 26333 concerning the necessity of the airlines maintaining their fuel conservation programs and alleviating wasteful fuel practices.

[6] We believe there may be some merit in National's assertion that any unilateral change would be competitively damaging since the public looks to the earliest departure within the applicable night coach fare period.

CONSUMER PRODUCT SAFETY COMMISSION

WHEEL ESTATES, INC.

Denial of Petition Regarding Fuel Flow Monitoring Systems

Section 10 of the Consumer Product Safety Act (Public Law 92-573, 86 Stat. 1217; 15 U.S.C. 2059) provides that any interested person may petition the Consumer Product Safety Commission to commence a proceeding for the issuance of a consumer product safety rule. Section 10 of the Act also provides that if the Commission denies such petition, it shall publish in the FEDERAL REGISTER its reasons for such denial.

On February 14, 1974, Wheel Estates, Inc., Oakdale, Pennsylvania, petitioned the Consumer Product Safety Commission to commence a proceeding for the issuance of a consumer product safety rule that would lessen the hazards of liquid fuel handling at the point of final use. The petitioner emphasized the need for fuel flow monitoring systems in both small gasoline engines and portable liquid fuel heating and lighting equipment. The petitioner cautioned that the hazards associated with the handling of liquid fuels at the point of final use are inherent in the fuel itself: flammability and the liberation of flammable vapor.

The Commission is aware of the potential for injury that results from the filling of small gasoline tanks. However, the Commission finds that it can best deal with the hazards posed by the handling of liquid fuels when viewing these hazards against the circumstances in which they occur. For this reason, the Commission has decided to approach the issue of liquid fuel handling on a case-by-case basis. The petition is, therefore, denied, without prejudice.

In the near future, the Commission will publish a notice in the FEDERAL REGISTER requesting interested parties to submit proposals for the development of a standard that will reduce unreasonable risks of injury associated with lawn mowers. One of the hazards that must be addressed in the development of this standard is the problem of the overfilling of fuel tanks and/or the spilling of gasoline.

The Commission is also concerned with the issue of liquid fuel handling in the area of space heaters and it is anticipated that the problem of the overfilling of fuel tanks will again be addressed as a potential hazard.

The Commission's determination to address the issue of liquid fuel handling on a case-by-case basis necessitates the denial of the petition to commence proceedings under section 10(a) of the Consumer Product Safety Act (15 U.S.C. 2059) for the issuance of a consumer product safety rule to reduce the hazards of liquid fuel handling.

Therefore, pursuant to section 10(d) of the Consumer Product Safety Act (Public Law 92-573, 86 Stat. 1217; 15 U.S.C. 2059(d)), notice is hereby given of the Commission's denial of the above-described Wheel Estates, Inc. petition.

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A copy of the petition may be seen during working hours, Monday through Friday, in the Office of the Secretary, Consumer Product Safety Commission, 1750 K Street, NW., Washington, D.C.

Dated: June 12, 1974.

SADYE E. DUNN,
Secretary, Consumer Product Safety Commission.

[FR Doc.74-13772 Filed 6-14-74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[OPP-32000/67]

NOTICE OF RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 979), and its procedures for implementation. This policy provides that EPA will, upon receipt of every application, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by the applicant will be available for examination at the Environmental Protection Agency, Room EB-37, East Tower, 401 M Street SW., Washington, D.C. 20460.

On or before August 16, 1974, any person who (a) is or has been an applicant, (b) desires to assert a claim for compensation under section 3(c)(1)(D) against another applicant proposing to use supportive data previously submitted and approved, and (c) wishes to preserve his opportunity for determination of reasonable compensation by the Administrator must notify the Administrator and the applicant named in the FEDERAL REGISTER of his claim by certified mail. Every such claimant must include, at a minimum, the information listed in this interim policy published on November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy in regard to usage of existing supportive data for registration will be processed in accordance with existing procedures. Applications submitted under 2(c) will be held for the 60-day period before commencing processing. If claims are not received, the application will be processed in normal procedure. However, if claims are received within 60 days, the applicants against whom the particular claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after August 16, 1974.

APPLICATIONS RECEIVED

EPA File Symbol 15887-L. Agricultural Chemicals of Dallas, 3707 East Kiest Boulevard, Dallas, Texas 75203. *HI BRAND Pyrethrins Oil Base 2.5%*. Active Ingredients: Pyrethrins 2.5%; Petroleum distillate 97.5%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 15887-U. Agricultural Chemicals of Dallas, 3707 East Kiest Boulevard, Dallas, Texas 75203. *HI BRAND Roach Spray Concentrate*. Active Ingredients: Pyrethrins 1.50%; Piperonyl butoxide, technical 7.50%; Petroleum distillate 91.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 12016-A. Anderson-Stolz Corp., 1727-33 Walnut Street, Kansas City, Missouri 64108. *Sol-Vet 426X*. Active Ingredients: Disodium cyanodithioimidocarbonate 6.35%; Ethylenediamine 2.40%; Potassium N-methyldithiocarbamate 8.75%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 662-LG. BASF Wyandotte Corporation, 1609 Biddle Avenue, Wyandotte, Michigan 48192. *Chlorine*. Active Ingredients: Chlorine 100%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 19760-I. Cardinal Chemical Company, 257 Dutchess Turnpike, Poughkeepsie, New York 12603. *Cardinal P-D Roach & Ant Liquid Spray*. Active Ingredients: Pyrethrins 0.052%; Piperonyl Butoxide, Technical 0.250%; Chlorpyrifos [O,O-diethyl O-(3,5,6-trichloro-2-pyridyl) phosphorothioate] 0.500%; Petroleum Distillate 98.736%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 3125-163. Chemagro Corporation, P.O. Box 4913, Kansas City, Missouri 64120. *Dasanit Spray Concentrate Insecticide-Nematocide*. Active Ingredients: O,O-Diethyl O-[p-(methyl-sulfinyl) phenyl] phosphorothioate 63%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 3125-170. Chemagro Corporation, P.O. Box 4913, Kansas City, Missouri 64120. *Baygon 5% Granular Insecticide*. Active Ingredients: o-Isopropoxyphenyl methylcarbamate 5%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 7173-RLR. Chempar Chemical Co., Inc., 260 Madison Avenue, New York, New York 10016. *Chempar Rozol Pellets Rat Bait*. Active Ingredients: 2-[(p-chlorophenyl) phenylacetyl]-1,3-indandione 0.005%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 100-LGO. Home and Garden Products, Agricultural Division, Ciba-Geigy Corporation, P.O. Box 11422, Greensboro, North Carolina 27409. *Spectracide Rose and Flower Spray*. Active Ingredients: O,O-diethyl O-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate 0.500%; pyrethrins 0.025%; technical piperonyl butoxide (equivalent to 0.200% (butycarbityl) (6-propylpiperonyl) ether and 0.050% other related compounds) 0.250%; Folpet (n-trichloromethyl thiophthalimide 0.500%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 632-R. Crop King Chemicals, Box 1016, Yakima, Washington 98907. *Dieldrin 280*. Active Ingredients: Dieldrin (Hexachloroepoxy octahydro-endo, exo-dimethano naphthalene 23.8%; Related Compounds 4.2%) 28%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 2938-T. Culligan USA, One Culligan Parkway, Northbrook, Illinois 60062. *Chemical Treatment M-24*. Active Ingredients: Disodium cyanodithioimidocarbonate 3.18%; Ethylenediamine 1.20%; Potassium N-methyldithiocarbamate 4.37%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 464-LNU. The Dow Chemical Company, P.O. Box 1706, Midland, Michigan 48640. *Dow Ronnel 6 Insecticidal Concentrate*. Active Ingredients: Ronnel [O,O-dimethyl O-(2,4,5-trichlorophenyl) phosphorothioate] 51.3%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 5602-RUR. Hub States Corporation, 2000 North Illinois Street, Indianapolis, Indiana 46202. *Hub States Sani-Mint Cleaner-Deodorizer-Disinfectant-Fungicide*. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 2.25%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 2.25%; Sodium Carbonate 3.00%; Tetrasodium ethylenediamine tetraacetate 1.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 3618-EA. Industrial Colloids & Chemicals Inc., P.O. Box 1948, Knoxville, Tennessee 37901. *Industrial Formula Malathion 50% Emulsifiable Concentrate*. Active Ingredients: Malathion 50.0%; Methylated Napthalenes 39.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 2342-OGG. Kerr-McGee Chemical Corp., Kerr-McGee Center, Oklahoma City, Oklahoma 73125. *Fasco Aldrin Liquid-4*. Active Ingredients: Aldrin 42.55%; Aromatic petroleum derivative solvents 48.60%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 1021-1258. McLaughlin Gormley King Company, 1715 5th Street S.E., Minneapolis, Minnesota 55414. *Pyrocide Stabilized Growers Spray*. Active Ingredients: Pyrethrins 1.40%; Petroleum distillate 5.60%; Aromatic petroleum distillate 48.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 1812-ERG. Parramore & Griffin, P.O. Box 188, Valdosta, Georgia 31601. *Methozin Tobacco Dust*. Active Ingredients: Methomyl [S-methyl-N-(methylcarbamoyl) oxy] thioacetimidate 2.25%; Zineb (zinc ethylene bisdithiocarbamate) 6.50%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 655-338. Prentiss Drug & Chemical Co., Inc., 363 Seventh Avenue, New York, New York 10001. *Prentox DDVP-Carbamate Concentrate—An Insecticide For Formulating Use*. Active Ingredients: o-Isopropoxyphenyl Methylcarbamate 10.00%; 2,2-dichlorovinyl dimethyl phosphate 2.00%; Related compounds 0.14%; Epichlorohydrin 0.50%; 2-Butoxyethanol 86.72%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 5741-RN. Spartan Chemical Company, Inc., 110 N. Westwood Avenue, Toledo, Ohio 43607. *Spartan F-1 Industrial Strength Insecticide*. Active Ingredients: Pyrethrins 0.5%; Piperonyl Butoxide, Technical 4.0%; Petroleum Distillate 5.3%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 2724-ELL. Thuron Industries, Inc., 12200 Denton Drive, Dallas, Texas 75234. *Thuron Tick Collar*. Active Ingredients: o-Isopropoxyphenyl methylcarbamate 9.4%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 400-89. Uniroyal Chemical, Division of Uniroyal, Inc., Amity Road, Bethany, Connecticut 06525. *Omite-6E Agricultural Miticide*. Active Ingredients: Propargite 2-(p-tert-butylphenoxy) cyclohexyl 2-propynyl sulfite 66.1%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 2829-RNA. Ventron Corporation, Chemicals Division, Congress Street, Beverly, Massachusetts 01915. *Durotex—7665 Controls Mold and Mildew Organisms and Rot and Decay Organisms in Textiles*. Active Ingredients: Fatty acid esters of pentachlorophenol (C6-C20) 4.0%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 2829-RNT. Ventron Corporation, Chemicals Division, Congress Street, Beverly, Massachusetts 01915. *Durotex-7665 Controls Mold and Mildew Organisms and Rot and Decay Organisms in Textiles*. Active Ingredients: Fatty acid esters of Penthachlorophenol (C6-C20) 38%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 2829-RNL Ventron Corporation, Chemicals Division, Congress Street, Beverly, Massachusetts 01915. *Durotex-7665P Controls Mold and Mildew Organisms and Rot and Decay Organisms in Textiles*. Active Ingredients: Fatty acid esters of pentachlorophenol (C6-C20) 4.0%. Method of Support: Application proceeds under 2(b) of interim policy.

REPUBLISHED ITEMS

The following item represents a correction and/or change in the list of Applications Received previously published in the FEDERAL REGISTER of May 31, 1974 (39 FR 19267).

EPA Reg. No. 3770-108. Economy Products Company, P.O. Box 427, Shenandoah, Iowa 51601. *Sevin 5% Dust Insecticide*. Correction: Originally published as P.O. Box 47.

Dated: June 7, 1974.

JOHN B. RITCH, JR.,
Director, Registration Division.

[FR Doc.74-13591 Filed 6-14-74;8:45 am]

FEDERAL ENERGY OFFICE

PETROLEUM INDUSTRY ADVISORY COMMITTEE (INDEPENDENT SECTOR), NORTHEAST GROUP

Notice of Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463, 86 Stat. 770) notice is hereby given that the Northeast Group of the Petroleum Industry Advisory Committee (Independent Sector) will meet June 27, 1974, at 2 p.m., Room 3140-A, 12th & Pennsylvania Ave NW., Washington, D.C.

The Committee was established to advise the Administrator, Federal Energy Office (FEO), with respect to general petroleum aspects of interests and problems related to the policy and implementation of programs to meet the current national energy crisis.

The agenda for the meeting is as follows:

A. Presentation of Reports to Administrator, i.e., Allocation Programs, Fuel Oil Supplies
B. Mandatory Allocation Program and Regulations:
1. Continuation of Program
2. Simplification and Amendment of Middle Distillate Regulations
3. Restrictions on Home Heating Oil Retailers
4. Competitive Bidding
5. Supplies for Winter Delivery
C. Review of FEO Conservation Policy Toward Utilities
D. Price Regulations
1. Crude Oil Price Equalization
2. Inventory Appreciation
E. Importation of Foreign Heating Oil During Summer Months

The meeting is open to the public; however, space and facilities are limited.

The Chairman of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Oral statements or participation by the public in the meeting will not be permitted, but any member of the public who wishes to file a written statement with the Committee shall be permitted to do so, either before or after the meeting.

Further information concerning this meeting may be obtained from Ivan Maple, Federal Energy Office, Washington, D.C., phone number (202) 961-8520.

Minutes of the meeting will be made available for public inspection at the Federal Energy Office, Washington, D.C.

Issued at Washington, D.C. on June 12, 1974.

WILLIAM N. WALKER,
General Counsel.

[FR Doc.74-13803 Filed 6-14-74;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. E-8799]

ARKANSAS-MISSOURI POWER CO.

Agreement Letter

JUNE 13, 1974.

Take notice that on May 16, 1974 Arkansas-Missouri Power Company (Ark-Mo) tendered for filing a Letter of Agreement between Ark-Mo and Arkansas Electric Cooperative (Arkco).

Ark-Mo states that this agreement provides for the sale by Ark-Mo of short-term firm power for the period between June 1, 1974 to May 31, 1975. Because of the inability of Arkco to obtain additional power from its regular sources, Ark-Mo was asked to supply the power provided for in the enclosed agreement. It is estimated that the revenue from the sale will be about $972,000 for the 12 month period.

Ark-Mo proposes an effective date of June 1, 1974 for said agreement.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Stree NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 17, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-13941 Filed 6-14-74;8:45 am]

[Docket No. E-8823]

SOUTH CAROLINA ELECTRIC & GAS CO.

Proposed Changes in Rates and Charges

JUNE 11, 1974.

Take notice that South Carolina Electric & Gas Company (SCE&G) on May 31, 1974, tendered for filing proposed changes in its rates and charges to its 3 municipal, five rural electric cooperatives, and one public power body sales-for-resale customers, as embodied in SCE&G's proposed Rate Schedule WR. The proposed changes, which SCE&G proposes to put into effect as of July 1, 1974, would increase revenues from jurisdictional sales and service by approximately $1,662,195.00, based on the twelve-month period ending June 30, 1974.

SCE&G states that it expects to earn a rate of return of 4.67 percent from service to these sales-for-resale customers during the calendar 1974 test year in the absence of rate relief. SCE&G further states that the proposed rates are designed to enable SCE&G to improve the rate of return earned from its service to sales-for-resale customers, which the Company believes is necessary if it is to attract the necessary amounts of capital if it is to continue to provide adequate service to its present and future customers.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 19, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person desiring to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-13940 Filed 6-14-74;8:45 am]

FEDERAL PREVAILING RATE ADVISORY COMMITTEE

NOTICE OF COMMITTEE MEETINGS

Pursuant to the provisions of section 10 of Public Law 92-463, effective January 5, 1973, notice is hereby given that meetings of the Federal Prevailing Rate Advisory Committee will be held on:

Thursday, July 11, 1974
Thursday, July 18, 1974
Thursday, July 25, 1974

The meetings will convene at 10 a.m. and will be held in Room 5A06A, Civil Service Commission Building, 1900 E Street, NW., Washington, D.C.

The committee's primary responsibility is to study the prevailing rate system

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and from time to time advise the Civil Service Commission thereon.

At these scheduled meetings, the committee will consider proposed plans for implementation of Public Law 92–392, which law establishes pay systems for Federal prevailing rate employees.

The meetings will be closed to the public on the basis of a determination under section 10(d) of the Federal Advisory Committee Act (Public Law 92–463) that the closing is necessary in order to provide the members with the opportunity to advance proposals and counterproposals in meaningful debate on issues related solely to the Federal Wage System with the view toward ultimately formulating advisory policy recommendations for the consideration of the Civil Service Commission.

However, members of the public who wish to do so, are invited to submit material in writing to the Chairman concerning matters felt to be deserving of the committee's attention. Additional information concerning these meetings may be obtained by contacting the Chairman, Federal Prevailing Rate Advisory Committee, Room 5451, 1900 E Street, NW., Washintgon, D.C. 20415.

DAVID T. ROADLEY,
Chairman, Federal Prevailing Rate Advisory Committee.

JUNE 12, 1974.

[FR Doc.74–13773 Filed 6–14–74;8:45 am]

FEDERAL RESERVE SYSTEM

EUCLID STREET STATE BANK

Order Approving Application for Merger of Banks

Euclid Street State Bank, San Antonio, Texas, a proposed state member bank of the Federal Reserve System, has applied for the Board's approval, pursuant to the Bank Merger Act (12 U.S.C. 1828(c)), of the merger of that bank with Main Bank and Trust, San Antonio, Texas, under the name of Main Bank and Trust.

As required by the Act, notice of the proposed merger, in form approved by the Board, has been published, and the Board has requested reports on competitive factors from the Attorney General, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation. The Board has considered the application in light of the factors set forth in the Act.

On the basis of the record, the application is approved for the reasons summarized in the Board's Order of this date relating to the application of First International Bancshares, Inc., Dallas, Texas, to acquire the successor by merger to Main Bank and Trust, San Antonio, Texas, provided that said merger shall not be made (a) before the thirtieth calendar day following the date of this Order, or (b) later than three months after the date of this Order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Dallas pursuant to delegated authority.

By order of the Board of Governors,[1] effective June 7, 1974.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.74–13756 Filed 6–14–74;8:45 am]

FIRST INTERNATIONAL BANCSHARES, INC.

Order Approving Acquisition of Bank

First International Bancshares, Inc., Dallas, Texas, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent, less directors' qualifying shares, of the voting shares of the successor by merger to Main Bank and Trust, San Antonio, Texas. The bank into which Bank is to be merged has no significance except as a means to facilitate the acquisition of the voting shares of Bank. Accordingly, the proposed acquisition of the shares of the successor organization is treated herein as the proposed acquisition of the shares of Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with Section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant is the largest banking organization in Texas and presently controls sixteen banks[1] with aggregate deposits of approximately 2.6 billion, representing approximately 7 per cent of total commercial bank deposits in Texas.[2] Approval of this application would increase Applicant's share of Statewide deposits by only .3 of 1 per cent and would have no appreciable effect upon the concentration of banking resources in the State.

Bank is the fifth largest of 39 banking organizations in the San Antonio banking market (approximated by the San Antonio SMSA) and holds $94.1 million in deposits, or about 4.5 per cent of total commercial bank deposits in the market. The three largest banking organizations in the market presently control approximately 51 per cent of total deposits. The acquisition of Bank would effect Applicant's initial entry into the San Antonio banking market, thereby introducing Applicant as an additional competitive force. There is no substantial existing competition between Bank and any of Applicant's banking subsidiaries, the nearest of which is approximately 140 miles northeast of Bank. In view of distances involved, the number of banks intervening areas, and Texas' prohibitive branching laws, it is unlikely that any substantial future competition will develop between Bank and any of Applicant's banking subsidiaries. Ease of entry into the market would not be significantly diminished, for numerous other medium-sized banks remain as potential entry points for bank holding companies presently unrepresented in the market.

Applicant does not appear to be a likely de novo entrant into the market. In addition to the number and size of the bank holding companies presently in the market, the market itself is only moderately attractive for de novo entry. The Board concludes that consummation of the proposed acquisition would not have a significant adverse effect on existing or potential competition.

The financial and managerial resources and future prospects of Applicant, its subsidiaries, and Bank are regarded as generally satisfactory and consistent with approval. Although there is no evidence in the record that the banking needs of the community are not presently being adequately served, Applicant's acquisition of Bank would permit Bank to better serve its customers by improving its trust services, international services and those services related to factoring and industrial development activities. Considerations of the convenience and needs of the community to be served lend weight toward approval. It is the Board's judgment that consummation of the proposed acquisition is in the public interest and should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order, or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Dallas pursuant to delegated authority.

By order of the Board of Governors,[3] effective June 7, 1974.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.74–13756 Filed 6–14–74;8:45 am]

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

LAXARE, INC.

Applications for Renewal Permits Electric Face Equipment Standard; Opportunity for Public Hearing

Applications for Renewal Permits for Noncompliance with the Electric Face Equipment Standard prescribed by the Federal Coal Mine Health and Safety Act of 1969 have been received for items of equipment in underground coal mines as follows:

(1) ICP Docket No. 4337–000, Laxare, Inc., Mine No. 1–B, Mine ID No. 46 03830 0, Peytona, West Virginia,
ICP Permit No. 4337–001 (Joy 12–RB Cutter, Ser. No. 16766),
ICP Permit No. 4337–002 (Joy 14–BU Loader, Ser. No. 9153),
ICP Permit No. 4337–006 (Joy 18 SC Shuttle Car, Ser. No. ET 9721).
(2) ICP Docket No. 4338–000, Laxare, Inc., Mine No. 1, Mine ID No. 46 01284 0, Peytona, West Virginia,
ICP Permit No. 4338–003 (Galis Roof Drill, Ser. No. 310–981373),
ICP Permit No. 4338–005 (Joy 18SC Shuttle Car, Ser. No. ET 8906),
ICP Permit No. 4338–006 (Joy 18SC Shuttle Car, Ser. No. ET 8905).

In accordance with the provisions of § 504.7(b) of Title 30, Code of Federal Regulations, notice is hereby given that requests for public hearing as to an application for a renewal permit may be filed on or before July 2, 1974. Requests for public hearing must be filed in accordance with 30 CFR Part 505 (35 FR 11296, July 15, 1970), as amended, copies of which may be obtained from the Panel upon request.

A copy of each application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Room 800, 1730 K Street, NW., Washington, D.C. 20006.

C. DONALD NAGLE,
Vice Chairman, Interim Compliance Panel.

JUNE 12, 1974.

[FR Doc.74–13750 Filed 6–14–74;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 74–37]

SPACE PROGRAM ADVISORY COUNCIL PHYSICAL SCIENCES COMMITTEE

Notice of Meeting

The Physical Sciences Committee of the NASA Space Program Advisory Council will meet at the George C. Marshall Space Flight Center of the National Aeronautics and Space Administration on July 11 and 12, 1974. The meeting will be held in the tenth floor conference room of the Main Administration Building (Building 4200), located at Marshall Space Flight Center, Alabama 35812. The meeting is open to members of the public, from 8:30 am to 5 pm on July 11, 1974, and from 8:30 am to 4 pm on July 12, 1974, on a first-come, first-served basis to within the 80-seat capacity of the room. Visitors will be requested to sign a visitor's register.

The Physical Sciences Committee serves only in an advisory capacity to NASA. The Committee is concerned with all aspects of the physical sciences which are relevant to the space program, including lunar and planetary exploration, astronomy, and space physics. The Committee has 14 members including the Chairman, Dr. Michael B. McElroy. For further information regarding the meeting, please contact Mr. Guenter Strobel: area code 202/755–3645. The agenda for the meeting is as follows:

11 JULY 1974

Time	Topic
8:30 am–9 am	*Whitney Report Implementation Status*—Dr. Smith *Action:* The Committee will receive a report on the status of implementing the Task Force Report on Selecting Investigators. The Committee is requested to assess and advise NASA on the issues raised and on the implementing status.
9 am–9:30 am	*HEAO Status Report*—Dr. Schardt *Action:* The Committee is requested to comment and advise on the current planning for the HEAO program.
9:30 am–10:30 am.	*Planetary Exploration Status*—Mr. Kraemer *Action:* The status of Mariner 10 retargeting, Pioneer 10 & 11, Pioneer Venus Payload, and Viking experiments, will be presented to keep the Committee currently informed. The Committee is requested to comment on impact of program decisions and changes in mission status as they affect strategy of planetary missions.
10:30 am–12 pm.	*Committee Reports and Issues*—Dr. McElroy, Chairman *Action:* The Committee members will use this period to discuss pertinent issues they wish to raise with NASA, and to assess issues NASA raises with the Committee, so that the Committee can recommend the most effective way its advice can assist NASA.
12 pm–1 pm	Lunch
1 pm–5 pm	*Large Space Telescope (LST)*—Dr. C. O'Dell, et al. *Action:* The status of Program Planning for the LST will be presented followed by a tour of three LST engineering areas: Flexible Mirror Test Facility, Full Scale Mock-up area, and the Neutral Bouyancy Simmulator. The Committee is required to consult and advise NASA on the timeliness and effectiveness of NASA programs. To fulfill this responsibility, it is necessary that the Committee periodically review the status of those programs, and recommend future actions.
5 pm	Adjourn.

JULY 12, 1974

Time	Topic
8:30 am–9:30 am.	*Lunar Polar Orbiter Planing Status*—Dr. Hinners. *Action:* The status of the Lunar Polar Orbiter Mission planning will be presented to the Committee. The Committee is requested to comment and advise on the current planning status.
9:30 am–10:30 am.	*Post Mission Scientific Activities*—Chairman *Action:* The Committee members will use this time to discuss methods of maximizing science return following completion of the flight phase of missions. The Committee will make recommendations to NASA concerning continuing support of science activities in these periods.
10:30 am–12 pm.	*SR&T Program Issues* — Chairman *Action:* The Committee will use this period to discuss position papers on SR&T prepared by designated Committee members. The Committee will review and comment on SR&T program management, and will recommend new directions and emphasis in SR&T.
12 pm–1 pm	Lunch.
1 pm–2 pm	*FY 76 Budget Issues*—Dr. Naugle. *Action:* NASA and the Committee will discuss the budget for FY 76 and beyond, including the projection of space science programs in physics, astronomy, planetary exploration, and lunar science. The Committee is requested to give NASA advice and recommendations regarding the alternatives and priorities of future space science programs based upon budget projection guidelines. The Committee is specifically requested to advise NASA on the priorities of FY 76 new starts.
2 pm–4 pm	*Committee Working Papers*—Chairman *Action:* The members of the Committee will use this period to prepare individual working papers and draft committee reports to NASA.
4 pm	Adjourn.

BOYD C. MYERS, II,
Assistant Associate Administrator for Organization and Management, National Aeronautics and Space Administration.

JUNE 11,1974.

[FR Doc.74–13770 Filed 6–14–74;8:45 am]

[1] In addition Applicant indirectly controls interests of less than 25 per cent in two banks; Applicant has agreed to divest its minority interests in the two banks. Also, on May 13, 1974, the Board approved Applicant's proposal for the acquisition of First National Bank of Cleburne, Cleburne, Texas.

[2] All deposit figures are as of June 30, 1973, and reflect holding company formations and acquisitions approved by the Board through May 1, 1974.

[1] Voting for this action: Chairman Burns and Governors Mitchell, Brimmer, Sheehan, Bucher, Holland, and Wallich.

[3] Voting for this action: Chairman Burns and Governors Mitchell, Brimmer, Sheehan, Bucher, Holland, and Wallich.

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[Notice 74-36]

SPACE PROGRAM ADVISORY COUNCIL AD HOC SUBCOMMITTEE ON SCIENTIST-ASTRONAUTS

Notice of Establishment

Pursuant to section 9(a) (2) of the Federal Advisory Committee Act (Public Law 92-463), and after consultation with the Office of Management and Budget, the NASA Administrator has determined that the establishment of the Ad Hoc Subcommittee on Scientist-Astronauts, as an element of the NASA Space Program Advisory Council, is in the public interest in connection with the performance of duties imposed upon NASA by law.

The functions of this Ad Hoc Subcommittee will include the review of the scientist-astronaut program to date and the study of alternative aproaches to the effective participation of scientists as onboard specialists in Space Shuttle operations. The Ad Hoc Subcommittee will provide advice and recommendations on future steps to take in order to employ scientist-astronauts in the shuttle program most effectively. The reason for establishing this Ad Hoc Subcommittee is to ensure that the scientist-astronaut program as developed for Space Shuttle operations is responsive to the views and needs of the scientific community, which will comprise one of the major user groups for the shuttle.

BOYD C. MYERS, II,
Assistant Associate Administrator for Organization and Management, National Aeronautics and Space Administration.

JUNE 10, 1974.

[FR Doc.74-13771 Filed 6-14-74;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on June 12, 1974 (44 USC 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable, the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this Daily List may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, (202-395-4529).

NEW FORMS

DEPARTMENT OF COMMERCE

Bureau of the Census:
Survey of Philanthropy Questionnaire, Forms PHL-1, PHL-2, Single time, Hulett/Planchon, Individuals.
Schedule for New York City Housing Vacancy Survey and Supplemental Form; Visitation Letter, Forms H-100, H-100A, H-100L, Single time, Sunderhauf, Households in New York City.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Resources Administration:
Study of the Utilization of New Health Practitioners in Remote Practice Settings, Form HRABHRD 0606, Single time, Raynsford/Wann, MD's, new health practitioners' families.
Survey of Dental Practice in South Texas, Form REG 0605, Single time, Reese, Dentists.
Continuing Education in Management of Health Services Systems, Form HRABHRD 0605, Annual, Planchon, Individuals.
The Optimal Demand and Supply of Physician's Assistants, Form HRABHRD 0610, Occasional, Raynsford, Primary care physicians & physicians.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Resources Administration:
Physician's Associates' Careers, Form HRABHRD 0610, Occasional, Ranysford, Physicians associates students & graduates etc.
Nursing Manpower Study, Region II, Form REG 20607, Single time, Raynsford, Employers of nursing personnel.
Demonstration Project Related to the Education and Utilization of Child Health Associates, From HRABHRD 0606, Occasional, Ranysford/Reese, Physicians, child health associates.
Center for Disease Control, The Relationship of Nutritional Status and Immunity Levels to Socioeconomic Stratification, Form CDC BSS 0621, Single time, Reese, Households with children age 1-4 in two Tennessee counties.
Food and Drug Administration: Survey of Direct and Indirect Food Additives, Form FDA 0606, Occasional, Wann, Manufacturers, users formulators of food additives.

DEPARTMENT OF THE INTERIOR

Bureau of Mines: Sand and Gravel Supplement, Form 6-1273-A-XI, Triennial, Weiner, Commercial & government producers of sand & gravel.

NATIONAL SCIENCE FOUNDATION

Three-Year Integrated Human Sciences Program for Middle Schools: Form ——, Single time, Planchon, Students, parents teachers, & school administrators.

REVISIONS

DEPARTMENT OF AGRICULTURE

Statistical Reporting Service: Weekly and Monthly Turkey Hatchery Survey, Form ——, Weekly, Lowry, Turkey hatcheries.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social and Rehabilitation Service: Statistical Report on Medical Care: Recipients, Payments Services, Form SRS NCSS 2062, Annual, Sunderhauf, State medicaid agencies (Title XIX).

DEPARTMENT OF THE INTERIOR

Bureau of Mines:
Industrial Sand and Gravel, Form 6-1273-A, Annual, Weiner, Commercial producers of sand and gravel.
Construction Sand and Gravel, Form 6-1274-A, Annual, Weiner, Commercial & govt. producers of sand & gravel.

THE RENEGOTIATION BOARD

Confidential Reply: Forms RB 171-B, RB 171-C, Weekly, Caywood, Employers.

EXTENSIONS

DEPARTMENT OF AGRICULTURE

Agricultural Research Service: Food Facility Survey Form, Form TF 21, Occasional, Lowry, Wholesale food distributors & processors.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education:
Application for Federal Assistance (Nonconstruction Programs) for Educational TV under ESAA—Instructions and Supplementary Questionnaire, Form OE 328, Annual, Evinger (x).
Application for Federal Assistance (Nonconstruction Programs) under ESEA Title III, Section 306—Instructions and Supplementary Questionnaire, Form OE 208, Annual, Evinger (x).
Application for Federal Assistance (Nonconstruction Programs), Instructions for Foreign Language and Area Studies, Form OE 324, Annual, Evinger (x).
LEA Title I Comparability Reports—General Information, Form B——Detailed School Data, Forms OE 4524 A and B, Annual, Evinger (x).
State Educational Agency Comment-ESSA Form OE 235, Occasional, Evinger (x).
Preapplication for Federal Assistance (Construction Programs), Non-commercial Educational Broadcasting Facilities Program, Form OE 323, Annual, Evinger (x).
Office of Education, Application for Federal Assistance (Construction Programs), Non-Commerical Educational Broadcasting Facilities Program, Form OE 323-1, Annual, Evinger (x).
Application for Federal Assistance (Construction Programs), Non-Commercial Educational Broadcasting Facilities Program, Form OE 323-1, Annual, Evinger, (x).
Education, Form OE 326-1, Annual, Evinger (x).
Health Resources Administration: Student Selected Process in Schools of Nursing, Form HRABHRD 0610, Single time, Planchon, Deans or admissions officers of RN schools.

PHILIP D. LARSEN,
Budget and Management Officer.

[FR Doc.74-13860 Filed 6-14-74;8:45 am]

OFFICE OF TELECOMMUNICATIONS POLICY

ELECTROMAGNETIC RADIATION MANAGEMENT ADVISORY BOARD

Notice of Public Meeting

Notice is hereby given that the Electromagnetic Radiation Management Advisory Council (ERMAC) will meet at 9:30 a.m. in Room 712, 1800 G Street, NW., Washington, D.C., on Wednesday, June 26, 1974.

The principal agenda item will be continuing discussions on a recommended approach toward a scientific review of selected program areas.

The meeting will be open to the public; any member of the public will be permitted to file a written statement with the Council, before or after the meeting.

The names of the members of the Council, a copy of the agenda, a summary of the meeting, and other information pertaining to the meeting may be obtained from Lt. Cmdr. David C. Brown, Office of Telecommunications Policy, Washington, D.C. 20504 (telephone: 202-395-4737).

Dated: June 11, 1974.

BRYAN M. EAGLE,
Advisory Committee Management Officer.

[FR Doc.74-13767 Filed 6-14-74;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

EQUITY FUNDING CORPORATION OF AMERICA

Suspension of Trading

JUNE 10, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, warrants to purchase the stock, 9½ percent debentures due 1990, 5½ percent convertible subordinated debentures due 1991, and all other securities of Equity Funding Corporation of America being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from June 11, 1974, through June 20, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-13818 Filed 6-14-74;8:45 am]

[812-3607]

FIRST INSURED MUNICIPAL TRUST FUND

Filing of Application

JUNE 10, 1974.

Notice is hereby given that First Insured Muncipal Trust Fund ("Applicant"), a unit investment trust registered under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 6(c) of the Act for an order for exemption from the provisions of section 14(a) of the Act, and Rule 19b-1 and Rule 22c-1 under the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

Applicant is sponsored by Van Kampen, Wauterlek & Brown, Inc. ("Sponsor"), 300 West Washington Street, Chicago, Illinois 60606. The Evaluator is Standard & Poor's Corporation. Applicant represents that the objective of each of its series (Series 1 and subsequent series) is to seek tax-exempt income and conservation of capital through an investment in tax-exempt bonds. All of such bonds will be obligations issued by or on behalf of states, counties, territories or municipalities of the United States and authorities or political subdivisions thereof, the interest of which, in the opinion of counsel to the various issuers of such bonds, is exempt from all Federal income taxes under existing law. The Sponsor will seek to obtain a commitment from MGIC Indemnity Corporation in respect to each series to guarantee the timely payment of interest and principal when due on the bonds in its portfolio in the event of nonpayment thereof by the bond issuer.

On February 28, 1974, a registration statement on Form S-6 under the Securities Act of 1933 ("Securities Act") was filed for 7,500 units of undivided interest in Series 1 of Applicant. This registration statement has not yet become effective. On January 10, 1974, Applicant also filed a Notification of Registration on Form N-8A for said Series and on February 28, 1974, filed a registration statement on Form N-8B-2 under the Act for said Series.

Each series of Applicant (Series 1 and subsequent series) will be governed by the provisions of a trust indenture and agreement ("Indenture") to be entered into by the Sponsor and a corporation organized and doing business under the laws of the United States or a state thereof, which is authorized under such laws to exercise corporate trust powers and having at all times an aggregate capital, surplus, and undivided profits of not less than $5,000,000 ("Trustee"). It is contemplated that the United States Trust Company of New York will serve as Trustee for Series 1 and subsequent series. A separate Indenture will be entered into each time a series is created and activated and the bonds which comprise its portfolio are deposited with the Trustee. Each series will be substantially identical except as to size, number of units and the individual bonds in its portfolio.

Section 14(a) of the Act, in substance, provides that no registered investment company and no principal underwriter for such a company shall make a public offering of securities of which such company is the issuer unless (1) the company has a net worth of at least $100,000; (2) at the time of a previous public offering it had a net worth of $100,000; or (3) provision is made that a net worth of $100,000 will be obtained from not more than twenty-five responsible persons within ninety days, or the entire proceeds received, including sales charge, will be refunded.

Applicant represents that the bonds for a portfolio of a series of Applicant are to be delivered to the Trustee on the date of deposit, and from that time on, except for the payment of limited amounts of expenses specified in the Indenture, including the premiums on portfolio insurance, such bonds are held in the custody of the Trustee subject to the Indenture which, in substance, provides that the Trustee may dispose of the bonds when events occur which may affect their investment stability and distribute the proceeds thereof in partial liquidation to unit holders. However, there is no provision permitting the bonds to be pledged or subjected to any debt by Applicant, except to the extent that MGIC Indemnity Corporation is secured and succeeds to the rights of Applicant in respect of any amounts of interest or principal it may pay on a defaulted bond.

The Sponsor has represented that no series of Applicant will be created which will contain in its portfolio on the date of deposit, bonds having a principal amount of less than $5,000,000. In the event the value of such a series should decrease to $1,000,000 (20% of the amount of the bonds initially deposited) or less, for any reason, the Trustee may, and when so directed by the Sponsor shall, terminate the trust and liquidate such series, provided, however, that in connection with any such liquidation it shall not be necessary for the Trustee to dispose of any Bond or Bonds in default because of nonpayment of principal or interest by the issuer thereof if retention of such Bond or Bonds, until due, shall be deemed to be in the best interests of units holders. Thus, Applicant represents that it is highly unlikely that, except during the course of liquidation, the net worth of any series would ever decline to $100,000 or less.

As a further basis for the requested exemption, the Sponsor also represents that, in the event that the net worth of any series of Applicant should be reduced to less than $100,000 within 90 days after the registration statement under the Securities Act becomes effective in respect of that series, the Sponsor will repurchase all units which have been sold prior to such date at the same price paid by the original purchaser, including sales charge.

In addition, on the day of the deposit of the bonds comprising the portfolio of any series of Applicant, the Sponsor will instruct the Trustee that, in the event the Sponsor as the owner of units of any such series of Applicant, which have not previously been sold to the public, shall tender such unsold units to the Trustee for redemption in an amount constituting more than 60 percent of the number of units which such series of Applicant is authorized to have outstanding, and that thereby the net worth of such series is reduced to less than 40 percent of the principal amount of bonds originally deposited therein, the Trustee shall terminate such series in the manner provided in the Indenture relating thereto and the Sponsor will refund, on demand, to each purchaser of units of any such series, the entire sales charge paid by such purchaser without any deduction whatsoever.

V 39 117 JUN 17 74 XUM

In light of these representations and undertakings, Applicant requests that the Commission issue an order exempting all series of Applicant (Series 1 and subsequent series) from the provisions of section 14(a) of the Act subject to future series being substantially identical in all material respects to Series 1 except as to size, number of units and identity of portfolio bonds.

Applicant states that distributions of principal constituting capital gains to unit holders may arise in the following circumstances: (1) if an issuer calls or redeems an issue held in the portfolio; and (2) if bonds are sold in order to provide funds necessary to meet redemptions by unit holders. Applicant states that capital gains are not anticipated to arise from sales of bonds made by the Trustee at the request of the Sponsor to provide stability, i.e., after default in payments of principal interest on such bonds or the occurrence of other market or credit factors which, in the opinion of the Sponsor, would make retention of such bonds in Applicant detrimental to the interests of the unit holders. Portfolio insurance terminates as to any bond when it is sold by the Trustee.

Rule 19b–1(b) provides, in part, that no registered investment company which is not a "regulated investment company" as defined in section 851 of the Internal Revenue Code of 1954 ("Code") shall make more than one distribution of long-term capital gains in any one taxable year of such investment company.

Each series of Applicant is or will be a registered investment company which is not a regulated investment company under the Code. From time to time bonds in a portfolio of a series of Applicant may be redeemed by the issuer thereof or may be sold by the Trustee for the purpose of providing either investment stability, as described below, or funds for the redemption of units. These transactions may give rise to a problem under Rule 19b–1 when the funds distributed from Applicant's Principal Account involve a long-term capital gain.

The Indenture establishes record and distribution dates for the distribution to unit holders of their pro rata share of the cash balance of the Interest and Principal Accounts computed as of such record dates. Since the Trustee has no authority to reinvest funds received upon the disposition of bonds, it is in the best interests of unit holders that it be permitted to distribute such funds promptly. Initially it is contemplated that distributions will be made semi-annually from the Principal Account and monthly, quarterly or semi-annually from the Interest Account, depending upon the plan of distribution chosen by unit holders.

The primary objective of Applicant is tax-exempt income through an investment in tax-exempt bonds. In the case of normal distributions, it is expected that virtually the entire amount will represent interest received on portfolio Bonds. Applicant states that when sums are distributed from the Principal Account, the amount thereof which represents long-term capital gains will be minimal in comparison to the total amount of the distribution and will have been realized almost entirely as a result of activities of persons other than the Applicant, the Sponsor or the Trustee. Accordingly, Applicant requests that the Commission grant an exemption from the provisions of Rule 19b–1 to permit distributions to be made as proposed under the Indenture for Series 1 and for such additional series as may be created in the future, even though on occasion the distributions may include a capital gain to the unit holder.

Rule 22c–1 provides, in part, that redeemable securities of registered investment companies may not be sold, redeemed or repurchased except at a price based on the current net asset value which is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security. For the purpose of the Rule, the current net asset value of any such security shall be that computed on each day during which the New York Stock Exchange is open for trading, not less frequently than once daily as of the time of the close of trading on such Exchange.

Applicant represents that during the initial public offering, it will fully comply with the Rule, since it is intended that there will be an evaluation made each day the New York Stock Exchange is open for trading. The first evaluation after receipt of an order for sale, purchase or redemption of units is the evaluation which will govern the terms of such transaction. Applicant further represents that the Sponsor intends to maintain a market for the units and continuously to offer to purchase units at prices based upon the aggregate offering price of the bonds in Applicant's portfolio. For purposes of the secondary market transactions, an evaluation will only be made as of the last business day of the preceding week when the Applicant has notice that a transaction has occurred.

Applicant asserts that the pricing by the Sponsor in the secondary market in no way affects the assets of Applicant since all units of any series of Applicant are issued and outstanding prior to any offering thereof to the public. Moreover, the units represent an interest in a fixed portfolio of bonds which is subject only to limited change. Therefore, the relation of a unit to Applicant is not affected in any manner by the price at which other outstanding units are sold. Finally, because of the nature of the bonds in the portfolio, price changes are expected to be gradual and to depend largely on general changes in interest rates.

The application states that the Sponsor has undertaken to adopt a procedure whereby the Evaluator, without a formal evaluation, will provide the Sponsor with estimated evaluations on trading days. In the case of a repurchase, if the Evaluator cannot state that the previous Friday's price is at least equal to the current offering price, the Sponsor will order a full evaluation. In case of resale, if the Evaluator cannot state that the previous Friday's price is no more than one-half point ($5.00 per $1,000 principal amount of underlying bonds) greater than the current offering price, a full evaluation will be ordered. The result of this procedure is that a unit holder wishing to sell units will not receive from the Sponsor an amount less than might be received from Applicant upon redemption, and a purchaser of such units from the Sponsor will not pay more than one-half point in excess of the current net asset value, plus the sales charge.

Thus, under these circumstances, after the initial distribution is completed, the Sponsor believes that it would be appropriate for Applicant and its unit holders to be relieved of the cost of daily evaluations and in lieu thereof to permit evaluations to be made as of the close of trading on the New York Stock Exchange on the last business day of the preceding week when transactions occur with each such evaluation to be effective for transactions during the ensuing week. Applicant requests an exemption from the provisions of Rule 22c–1 for Series 1 and for all subsequently created series of Applicant insofar as the Rule may apply after completion of the primary distribution of units of such series.

Section 6(c) of the Act provides, in part, that the Commission may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions from any provisions of the Act or of any rule or regulation under the Act, if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may not later than July 5, 1974, 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in the case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein will be issued by the Commission as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.74–13816 Filed 6–14–74;8:46 am]

[File No. 500–1]

INDUSTRIES INTERNATIONAL, INC.

Suspension of Trading

JUNE 10, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Industries International, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from June 11, 1974 through June 20, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.74–13815 Filed 6–14–74;8:45 am]

[811–2176]

LEISURE FUND, INC.

Filing of Application

JUNE 7, 1974.

Notice is hereby given that Leisure Fund, Incorporated ("Applicant"), 84 State Street, Boston, Massachusetts, 02109, registered as a closed-end, non-diversified management investment company under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 8(f) of the Act for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations set forth therein, which are summarized below.

Applicant was organized as a corporation under the laws of the Commonwealth of Massachusetts on April 9, 1970, and registered under the Act on March 11, 1971, by filing a Notification of Registration on Form N–8A. Applicant has never filed a Registration Statement on Form N–8B–1 nor any Registration Statement under the Securities Act of 1933.

Applicant represents that its Board of Directors determined not to proceed with a proposed public offering of Applicant's securities because of unfavorable conditions of the securities markets. Applicant has no shareholders or assets, is not making any public offering of its securities and does not propose to make any public offering.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the effectiveness of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than July 3, 1974, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the Applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following July 3, 1974 unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advise as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.74–13819 Filed 6–14–74;8:45 am]

[75–5511]

NARRAGANSETT ELECTRIC CO.

Proposed Issue and Sale of First Mortgage Bonds at Competitive Bidding

JUNE 7, 1974.

Notice is hereby given that The Narragansett Electric Company ("Narragansett"), 280 Melrose Street, Providence, Rhode Island 02901, an electric utility subsidiary company of New England Electric System ("NEES"), a registered holding company, has filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(b), 9(a), 10, and 12 of the Act and Rules 42 and 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Narragansett proposes to issue and sell $25,000,000 aggregate principal amount of its First Mortgage Bonds, Series K, ---- %, to mature not more than 30 years from August 1, 1974. Such bonds will be sold pursuant to the competitive bidding requirements of Rule 50 and the interest rate (which shall be a multiple of ⅛ of 1% and the price exclusive of accrued interest (which shall be not less than 100% nor more than 102.75% of the principal amount) will be determined by the competitive bidding. The bonds will be issued under the First Mortgage and Indenture and Deed of Trust dated as of September 1, 1944, between Narragansett and Rhode Island Hospital Trust National Bank, Trustee, as heretofore supplemented and amended and as to be further supplemented by a tenth Supplemental Indenture to be dated as of August 1, 1974. Narragansett shall notify prospective bidders no later than the second full business day prior to the time designated for the submission of bids of (i) the maturity date of the bonds and (ii) whether or not the bonds shall be redeemable during the first five years of their term in connection with a refunding of the bonds at a lesser effective interest cost to Narragansett.

The proceeds from the sale of the bonds will be applied first to the payment of $21,925,000, Series A Bonds maturing September 1, 1974, and second to the payment of outstanding short term notes payable which were issued to pay for capitalizable expenditures or to reimburse the treasury therefor.

It is stated that the terms and conditions for bids for the Series K Bonds provide that Narragansett may postpone the bidding or reject all bids. In addition, the terms of purchase of the Series K Bonds entitle the purchasers to terminate their commitments to purchase on grounds of materially changed market conditions. If for these reasons or for any other reasons Narragansett does not sell the Series K Bonds prior to the maturity of the Series A Bonds, Narragansett states it must have funds available on short notice to pay the Series A Bonds at their maturity. Accordingly, Narragansett expects to make arrangements to provide the required funds to redeem the Series A Bonds from short-term borrowings or from NEES. Such borrowing would require authorization by this Commission and by the holders of Narragansett preferred stock. If such authorization is sought, it will be the subject of a separate filing with this Commission.

The application-declaration states that the Department of Business Regulation of Rhode Island has jurisdiction over the issue and sale of the bonds, and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. The fees and expenses to be paid by Narragansett are estimated at $90,000, including service fees, at cost, of New England Power Service Company, a wholly-owned subsidiary company of NEES, of $30,000. The fees of counsel for the underwriters are to be paid by the successful bidders and will be supplied by amendment.

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Notice is further given that any interested person may, not later than July 10, 1974, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-13817 Filed 6-14-74;8:45 am]

[File No. 500-1]

ZENITH DEVELOPMENT CORP.

Suspension of Trading

JUNE 10, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Zenith Development Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from June 11, 1974 through June 20, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-13814 Filed 6-14-74;8:45 am]

VETERANS ADMINISTRATION

ENVIRONMENTAL IMPACT PROGRAM

Revision of Guidelines

On page 3324 of the FEDERAL REGISTER of January 25, 1974, there was published proposed amendments to VA guidelines (37 FR 8591, published April 28, 1972) for preparation of environmental statements required by section 102(2)(C) of the National Environmental Policy Act of 1969 (Pub. L. 91-190). Interested persons were given 30 days in which to submit comments, suggestions, or objections regarding the proposed amendments to the guidelines.

No written objections have been received and the proposed amendments to the guidelines are hereby adopted without change and are set forth below.

Approved: June 11, 1974.

By direction of the Administrator.

[SEAL] R. L. ROUDEBUSH,
Deputy Administrator.

1. Paragraph 7b(1)(c)2 is amended to read as follows:

CHAPTER 9—VA ENVIRONMENTAL IMPACT PROGRAM

* * * * *

7. *Plans and procedures.* * * *

b. Each of these considerations is explained in more detail below, in the order of their listing:

(1) *Consultation with Federal, State, and local agencies, the CEQ, and the OMB.* * * *

(c) Coordination of 102 statements with responsible agencies will be done as follows:

* * * * *

2. A 60-day time limit for reply is established. The period will begin on the day the notice of availability of a draft 102 statement is published in the FEDERAL REGISTER by the VA. The VA will endeavor to comply with requests for an extension of time up to 15 days. After this time period has passed, it may be presumed that the concerned agency has no comment to make.

* * * * *

2. Paragraph 8a and c(3) is amended to read as follows:

8. *Initiating and controlling the preparation, coordination and administration of 102 statements.* a. Under the general direction of the Deputy Administrator, the "Central Point" in the VA for the control and administration of the program concerning 102 statements will be located in DM&S, under the Assistant Chief Medical Director for Administration, in Engineering Service.

* * * * *

c. The Office of Construction, the Department of Medicine and Surgery, the Department of Veterans Benefits and staff office heads having cognizance of any of the categories of VA actions or administrative responsibilities related thereto outlined in paragraph 3 will:

* * * * *

(3) Provide information to the "Central Point" at inception of any action or at the earliest possible time so that assistance may be given in the environmental assessment process in determining the need for a 102 statement. The final decision as to the need for a 102 statement will be made by the "Central Point." Prepare a publicly available record briefly setting forth the reasons when a determination is made not to make a 102 statement on a proposed action when:

(a) A 102 statement would normally be made.

(b) An action is similar to those on which the VA has prepared 102 statements.

(c) An announcement was previously made that a 102 statement would be prepared.

(d) The VA has made a negative determination in response to a request from the CEQ for a 102 statement.

* * * * *

[FR Doc.74-13782 Filed 6-14-74;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 530]

ASSIGNMENT OF HEARINGS

JUNE 12, 1974.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issue as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

No. 35897, Continuous Movement of Chemicals & Petroleum Products in Bulk, is continued to June 27, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

No. 35786, Feed Grains To New England, reconvened for prehearing conference on June 26, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 134323 Sub-61, Jay Lines, Inc., now assigned July 8, 1974, and MC-F-12114, Preston Trucking Company, Inc.—Purchase (Portion)—Express/S.D.Z. (Irvin Klein, Trustee), now assigned July 10, 1974, at New York, N.Y., will be held in Room E-2222, 26 Federal Plaza.

MC 10794 Sub 4, Perrow Motor Freight Lines, Inc. now assigned July 22, 1974, will be held in Room C, 2nd Floor, State Office Bldg., 1900 Washington St., East, Charleston, West Virginia.

MC-C-8261, Coastal Cities Coach Co.—Investigation And Revocation of Certificates—now assigned July 9, 1974, at Newark, N.J., will be held in Room 730, Tax Court, Federal Office Building, 970 Broad Street.

MC 119777 Sub 276, Ligon Specialized Hauler, Inc., now assigned June 17, 1974, at St. Louis, Mo., at the Downtowner Motor Inn, 12th and Washington St., St. Louis, Mo., instead of the St. Louis University Law School.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-13826 Filed 6-14-74;8:45 am]

[Section 5a Application 113]

AUTOMOTIVE CARRIERS ASSOCIATION

Application for Approval of Agreement

MAY 30, 1974.

The Commission is in receipt of the above-entitled and numbered application for approval of an agreement under the provisions of Section 5a of the Interstate Commerce Act.

Filed March 14, 1974 by: Paul Zola, Suite 1402, 230 West 41st St., New York, N.Y. 10036; Attorney-In-Fact.

Agreement involves: Organization and procedures between and among common carriers by motor vehicle, members of the Automotive Carriers Association, relating to the joint consideration, initiation or establishment of rates, charges, rules, regulations, classifications, respecting transportation of automobiles in driveaway service (together with the baggage, sporting equipment and personal effects of the owners thereof) from, to and between all points and places within the 50 United States.

The complete application may be inspected at the Office of the Commission in Washington, D.C.

Any person desiring to protest and participate in this proceeding shall notify the Commission in writing on or before July 8, 1974. As provided by the general rules of practice of the Commission, persons other than applicants should fully disclose their interest, and the position they intend to take with respect to the application. Otherwise, the Commission, in its discretion, may proceed to investigation and determine the matters involved, without public hearing.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-13830 Filed 6-14-74;8:45 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 12, 1974.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1100.40) and filed on or before July 5, 1974.

FSA No. 42840—*Fresh Meats and Packinghouse Products from Madison, Nebraska.* Filed by Western Trunk Line Committee, Agent (No. A-2707), for interested rail carriers. Rates on fresh meats and packinghouse products, in straight or mixed carloads, as described in the application, from Madison, Nebraska, to specified points in southern territory.

Grounds for relief—Market competition.

Tariff—Supplement 14 to Western Trunk Line Committee, Agent, tariff 287-G, I.C.C. No. A-4899. Rates are published to become effective on July 12, 1974.

FSA No. 42841—*Beet or Cane Sugar to Points in Iowa, Minnesota and Wisconsin.* Filed by Western Trunk Line Committee, Agent (No. A-2706), for interested rail carriers. Rates on sugar, beet or cane, dry, in bulk, in carloads, as described in the application, from points in Montana, trans-continental and western trunkline territories, to specified points in Iowa, Minnesota and Wisconsin.

Grounds for relief—Rate relationship and return shipment of commodities.

Tariffs—Supplement 154 to Western Trunk Line Committee, Agent, tariff 159-O, I.C.C. No. A-4481, and 3 other schedules named in the application. Rates are published to become effective on July 15, 1974.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-13827 Filed 6-14-74;8:45 am]

[Notice 105]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

JUNE 17, 1974.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-35456. By order of June 10, 1974, the Motor Carrier Board approved the lease to Joseph K. Hewitt, doing business as Ed Miller Trucking Company, Baltimore, Md., of Certificates Nos. MC-118182 and MC-118182 (Sub-No. 3) issued January 13, 1966, and December 2, 1970, respectively, authorizing the transportation of bananas from Baltimore, Md., New York, N.Y., Norfolk, Va., Philadelphia, Pa., and Weehawken, N.J., to named points in Virginia, Pennsylvania, Maryland, New Jersey, New York, and the District of Columbia; and from Wilmington, Del., and Port Newark, N.J., to points in Delaware, New York, New Jersey, described parts of Maryland and Pennsylvania, and the District of Columbia, respectively. Ronald N. Middleton, Esq., Attorney for Applicants, 1900 Land Title Building, Philadelphia, Pa. 19110.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-13829 Filed 6-14-74;8:45 am]

[Notice 83]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JUNE 7, 1974.

The following are notices of filing of application; except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 25798 (Sub-No. 258 TA), filed May 29, 1974. Applicant: CLAY HYDER TRUCKING LINES, INC., 502 East Bridgers Avenue, P.O. Box 1186, Auburndale, Fla. 33823. Applicant's representative: Tony G. Russell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, and *agricultural commodities*, exempt from economic regulation under Section 203(b)(6) of the Act when transported in mixed loads with bananas, from Mobile, Ala., to points in Colorado, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, New Mexico, Ohio, Oklahoma, Texas, and Wisconsin, restricted to traffic having an immediate prior movement by water, for 180 days. SUPPORTING SHIPPER: Del Monte Banana Company, 1201 Brickell Ave., Miami, Fla. 33101. SEND PROTESTS TO: District Supervisor Joseph B. Teichert, Interstate Commerce Commission, Bureau of Operations, 5255 NW. 87th Avenue, Room 208, Miami, Fla. 33166.

No. MC 52574 (Sub-No. 46 TA), filed May 30, 1974. Applicant: ELIZABETH

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FREIGHT FORWARDING CORP., 120 South 20th Street, Irvington, N.J. 07111. Applicant's representative: Edward F. Bowes, 744 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bakery products*, from Wilmington, Del., to Edison Township, N.J., for the account of Gourmet Bakers, Inc., for 90 days. SUPPORTING SHIPPER: Gourmet Bakers, Inc., P.O. Box B, Edison, N.J. 08817. SEND PROTESTS TO: District Supervisor Robert S. H. Vance, Interstate Commerce Commission, Bureau of Operations, 9 Clinton Street, Newark, N.J. 07102.

No. MC 55898 (Sub-No. 51 TA), filed May 28, 1974. Applicant: DECATO BROS., INC., P.O. Box 310, Lebanon, N.H. 03766. Applicant's representative: David M. Marshall, 135 State Street, Springfield, Mass. 01103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum and gypsum products*, between Buchanan, N.Y., on the one hand, and, on the other, ports of entry on the International Boundary line between the United States and Canada located at Rouses Point and Champlain, N.Y., for 180 days. SUPPORTING SHIPPER: Georgia-Pacific Corporation, Gypsum Division, 1062 Lancaster Ave., Rosemont, Pa. 19010. SEND PROTESTS TO: District Supervisor Ross J. Seymour, Interstate Commerce Commission, Bureau of Operations, 313 Federal Building, Concord, N.H. 03301.

NOTE.—Applicant will interline at Rouses Point and Champlain, N.Y., with Canadian carriers for movements into Canada.

No. MC 103993 (Sub-No. 810 TA), filed May 28, 1974. Applicant: MORGAN DRIVE-AWAY, INC., 2800 W. Lexington Avenue, Elkhart, Ind. 46514. Applicant's repersentative: Paul D. Borghesani (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from Franklin Parish, La., to points in Arkansas, Texas, Oklahoma, Mississippi, Tennessee, and Alabama, for 180 days. SUPPORTING SHIPPER: Franklin Homes, Inc., P.O. Box 907, Winnsboro, La. 71295. SEND PROTESTS TO: J. H. Gray, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 345 W. Wayne St., Room 204, Ft. Wayne, Ind. 46802.

No. MC 103993 (Sub-No. 811 TA), filed May 28, 1974. Applicant: MORGAN DRIVE-AWAY, INC., 2800 W. Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Amusement rides*, on undercarriages, from points in St. Charles County, Mo., to points in the United States (except Alaska and Hawaii), for 180 days. SUPPORTING SHIPPER: Hampton Amusement Corp., Portage Des Sioux, Mo. 63373. SEND PROTESTS TO: J. H. Gray, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 345 W. Wayne St., Room 204, Fort Wayne, Ind. 46802.

No. MC 105774 (Sub-No. 2 TA), filed May 28, 1974. Applicant: C. E. JOHNSON, 704 North First Street, Box 403, Osborne, Kans. 67473. Applicant's representative: Marvin Johnson (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles and parts and material* to be used in the manufacture of agricultural machinery, from Fort Collins, Colo., Dallas, Tex., Kansas City, Mo., Quincy, Skokie, and Chicago, Ill., to Clay Center and Osborne, Kans., and (2) *Agricultural machinery and parts*, from Clay Center and Osborne, Kans., to points in Texas, New Mexico, Oklahoma, Colorado, Missouri, Iowa, Nebraska, South Dakota, North Dakota, Montana, Wyoming, Utah, Idaho, Illinois, and Indiana, for 180 days. SUPPORTING SHIPPERS: Gilmore-Tatge Mfg. Co., Inc., Clay Center, Kans. 67432; Osborne Manufacturing Co., Inc., P.O. Box 390, Osborne, Kans. 67473; and Kaser Implement, Inc., 130–136 North First St., Osborne, Kans. 67473. SEND PROTESTS TO: Thomas P. O'Hara, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 234 Federal Building, Topeka, Kans. 66603.

No. MC 105813 (Sub-No. 195 TA), filed May 29, 1974. Applicant: BELFORD TRUCKING CO., INC., Off: 3500 NW., 79th Avenue, Mail: 154 M.I.A. Station, Miami, Fla. 33148. Applicant's representative: Arnold L. Burke, 127 N. Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas and agricultural commodities* exempt from economic regulation under Section 203(b)(6) of the Act, when transported in mixed loads with bananas, from Mobile, Ala., to points in Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, Montana, Nevada, Nebraska, New Hampshire, New Jersey, New Mexico, New York, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wyoming, and the District of Columbia, restricted to the transportation of traffic having immediate prior move by water, for 180 days. SUPPORTING SHIPPER: Del Monte Banana Company, 1201 Brickell Avenue, Miami, Fla. 33101. SEND PROTESTS TO: District Supervisor Joseph B. Teichert, Interstate Commerce Commission, Bureau of Operations, 5255 NW., 87th Ave., Room 208, Miami, Fla. 33166.

No. MC 107002 (Sub-No. 453 TA), filed May 31, 1974. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, U.S. Highway 80 West, Jackson, Miss. 39205. Applicant's representative: John J. Borth, P.O. Box 1123, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from the plant site of Phillips Petroleum Co., near Chatom, Ala., to Columbus, Dawson, Alapaha, Woodbury, Macon, and Montezuma, Ga.; Tallulah, La.; and Corinth, New Albany, Oxford, Vicksburg, Booneville, and Falkner, Miss., for 180 days. SUPPORTING SHIPPER: Phillips Petroleum Company, 149 Phillips Building Annex, Bartlesville, Okla. 74004. SEND PROTESTS TO: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 212, 145 East Amite Building, Jackson, Miss. 39201.

No. MC 107496 (Sub-No. 956 TA), filed May 30, 1974. Applicant: RUAN TRANSPORT CORPORATION, Third and Keosauqua Way, P.O. Box 855 (Box ZIP 50304), Des Moines, Iowa 50309. Applicant's representative: E. Check (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulphuric acid*, in bulk, in tank vehicles, from Davenport, Iowa, to points in Illinois, Missouri, and Iowa, for 150 days. SUPPORTING SHIPPER: Thompson Hayward Chemical Company, 2040 West River Drive, Davenport, Iowa 52802. SEND PROTESTS TO: Herbert W. Allen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 109584 (Sub-No. 155 TA), filed May 29, 1974. Applicant: ARIZONA-PACIFIC TANK LINES, 5773 South Prince Street, P.O. Box 192, Littleton, Colo. 80120. Applicant's representative: Kenneth A. Willhite (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Syrup*, in bulk, in tank vehicles, from Emeryville, Calif., to Richmond, Utah, for 180 days. SUPPORTING SHIPPER: Nulomoline of California, Div. of Liquid Sugars, Inc., P.O. Box 96, Oakland, Calif. 94604. SEND PROTESTS TO: District Supervisor Roger L. Buchanan, 2022 Federal Building, Interstate Commerce Commission, Denver, Colo. 80202.

No. MC 116077 (Sub-No. 354 TA), filed May 31, 1974. Applicant: ROBERTSON TANK LINES, INC., 2000 West Loop South, Suite 1800, Houston, Tex. 77027. Applicant's representative: J. C. Browder (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sulphur trioxide*, in bulk, in tank vehicles, from Houston, Tex., to Lockland, Ohio, for 180 days. SUPPORTING SHIPPER: R. C. Messemer, Product Transportation Manager, Stauffer Chemical Company, Westport, Conn. 06880. SEND PROTESTS TO: District Supervisor Mensing, Interstate Commerce Commission, Bureau of Operations, 515 Rusk Avenue, Room 8610, Federal Bldg., Houston, Tex. 77002.

No. MC 116133 (Sub-No. 11 TA), filed May 31, 1974. Applicant: POLLARD DELIVERY SERVICE, INC., Washington National Airport, Hanger No. 8, Room 213, Washington, D.C. 20001. Applicant's representative: Russell S. Bernhard, 1625 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hand power tools, replacement parts and components thereof*, from the plant site of Black & Decker Manufacturing Co., Hampstead, Md., to John F. Kennedy International Airport, New York, N.Y., restricted to traffic having an immediately subsequent movement by air, for 180 days. SUPPORTING SHIPPER: Black & Decker Manufacturing Co., P.O. Box 197, Hampstead, Md. 21074. SEND PROTESTS TO: W. C. Hersman, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 12th & Constitution Avenue NW., Washington, D.C. 20423.

No. MC 117344 (Sub-No. 233 TA), filed May 21, 1974. Applicant: THE MAXWELL CO., a Corporation, 10380 Evendale Drive, P.O. Box 15010, Cincinnati, Ohio 45215. Applicant's representative: John C. Spencer (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulphur trioxide*, in bulk, in shipper-owned tank trailers, from Columbia Park (Hamilton County), Ohio, to Baltimore, Md., and Kansas City, Kans., for 150 days. SUPPORTING SHIPPER: The Procter & Gamble Manufacturing Company, P.O. Box 599, Cincinnati, Ohio 45201. SEND PROTESTS TO: Paul J. Lowry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5514–B Federal Bldg., 550 Main Street, Cincinnati, Ohio 45202.

No. MC 117820 (Sub-No. 6 TA), filed May 30, 1974. Applicant: AURELIA TRUCKING CO., a Corporation, 2136 Pine Grove Avenue, Port Huron, Mich. 48060. Applicant's representative: Robert D. Schuler, 100 West Long Lake Road, Bloomfield Hills, Mich. 48013. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as described in Sections A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 272, in vehicles equipped with mechanical refrigeration, from DeWitt (Clinton County), Mich., to points in New York, Ohio, Pennsylvania, and Virginia, for 180 days. SUPPORTING BEEFER: Michigan Beef Company, Box 400, Round Lake Road, DeWitt, Mich. 48820. SEND PROTESTS TO: Melvin P. Kirsch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1110 Broderick Tower, 10 Witherell, Detroit, Mich. 48226.

No. MC 117940 (Sub-No. 132 TA), filed May 22, 1974. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, Minn. 55359. Applicant's representative: Donald L. Stern, Suite 530, Univac Building, 7100 W. Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas and agricultural commodities* exempt from economic regulation under section 203(b)(6) of the Act, when transported in mixed loads with bananas, from Mobile, Ala., to points in Illinois, Indiana, Iowa, Kentucky, Maryland, Michigan, Minnesota, Missouri, New Jersey, New York, Ohio, Pennsylvania, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia, restricted to the transportation of traffic having an immediate prior move by water, for 180 days. SUPPORTING SHIPPER: Del Monte Banana Company, 1201 Brickell Avenue, Miami, Fla. 33101. SEND PROTESTS TO: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building and U.S. Court House, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 118016 (Sub-No. 2 TA), filed May 30, 1974. Applicant: BURKETT TRUCKING CO., INC., 2508 East Roosevelt, P.O. Box 4173 (Box zip 72204), Little Rock, Ark. 72202). Applicant's representative: Thomas J. Presson, P.O. Box 71, Redfield, Ark. 72132. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas and exempt agricultural commodities* when transported in same vehicle with bananas, from Mobile, Ala., to points in Colorado, Kansas, Oklahoma, Arkansas, Texas, and Missouri, for 180 days. SUPPORTING SHIPPER: Del Monte Banana Company, 1201 Brickell Avenue, Miami, Fla. 33101. SEND PROTESTS TO: District Supervisor William H. Land, Jr., Interstate Commerce Commission, Bureau of Operations, 2519 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

No. MC 119792 (Sub-No. 42 TA), filed May 31, 1974. Applicant: CHICAGO SOUTHERN TRANSPORTATION COMPANY, a Corporation, 3215 S. Hamilton Avenue, Chicago, Ill. 60608. Applicant's representative: Jack H. Blanshan, 29 S. LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas and agricultural commodities* exempt from economic regulation under section 203(b)(6) of the Act, when transported in mixed shipments with bananas, from Mobile, Ala., to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, Minnesota, and Wisconsin, restricted to traffic having an immediate prior movement by water, for 180 days. SUPPORTING SHIPPER: Mr. Ben E. Klein, Del Monte Banana Company, 1201 Brickell Ave., Miami, Fla. 33101. SEND PROTESTS TO: Robert G. Anderson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 124032 (Sub-No. 12 TA), filed May 29, 1974. Applicant: REED'S FUEL COMPANY, a Corporation, 4080 Commercial Street, Springfield, Oreg. 97477. Applicant's representative: Lawrence V. Smart, Jr., 419 NW. 23rd Avenue, Portland, Oreg. 97210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood*, between the facilities of Cress-Ply, Inc., near Creswell, Oreg., on the one hand, and, on the other, Eugene, Oreg., for 180 days. SUPPORTING SHIPPER: Cress-Ply, Inc., 82898 N. Butte Road, Creswell, Oreg. 97462. SEND PROTESTS TO: A. E. Odoms, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 114 Pioneer Courthouse, Portland, Oreg. 97204.

No. MC 124111 (Sub-No. 47 TA), filed May 22, 1974. Applicant: OHIO EASTERN EXPRESS, INC., P.O. Box 2297, 300 West Perkins Avenue, Sandusky, Ohio 44870. Applicant's representative: John P. McMahon, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas and agricultural commodities*, the transportation of which is otherwise exempt from economic regulation under Section 203(b)(6) of the Act in mixed loads with bananas, from Georgetown, S.C., to Louisville, Ky., and St. Louis, Mo., and points in New York, New Jersey, Illinois, Indiana, Michigan, Ohio, Pennsylvania, West Virginia, Maryland, Delaware, Connecticut, Wisconsin, and the District of Columbia, for 180 days. SUPPORTING SHIPPER; Castle & Cooke Foods, Division of Castle & Cooke, Inc., 350 Vanderbilt Motor Parkway, Hauppauge, N.Y. 11787. SEND PROTESTS TO: Keith D. Warner, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 313 Federal Office Building, 234 Summit Street, Toledo, Ohio 43604.

No. MC 125271 (Sub-No. 3 TA), filed May 28, 1974. Applicant: DONALD E. KRAKE, doing business as Haines TRANSFER CO., Box 28, Haines, Alaska 99827. Applicant's representative: Joseph C. Lawton (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* requiring special equipment, between points in Alaska south and east of the United States-Canada boundary line north of Haines, Alaska, for 180 days. SUPPORTING SHIPPERS: There are approximately 8 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. SEND PROTESTS TO: Hugh H. Chaffe, District Supervisor, Interstate Commerce Commission, Bureau of Operations, P.O. Box 1532, Anchorage, Alaska 99510.

No. MC 125533 (Sub-No. 8 TA), filed May 30, 1974. Applicant: GEORGE W. KUGLER, INC., 2800 East Waterloo Road, P.O. Box 6064, Ellet Sta-

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tion, Akron, Ohio 44312. Applicant's representative: John P. McMahon, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, plastic conduit and fittings therefor*, and *materials, supplies, and accessories* used in the installation thereof, moving from the plantsite of Carlon Products Corporation located in Mantua Township, Portage County, Ohio, to points in Indiana and Michigan, restricted to deliveries to jobsites of telephone and electric utilities companies, for 180 days. SUPPORTING SHIPPER: Carlon Products Corporation, Carlon Division of Indiana Head, Inc., Three Commerce Park Square, 23200 Chagrin Blvd., Cleveland, Ohio 44122. SEND PROTESTS TO: Franklin D. Ball, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Bldg., 1240 East Ninth Street, Cleveland, Ohio 44199.

No. MC 125533 (Sub-No. 9 TA), filed May 30, 1974. Applicant: GEORGE W. KUGLER, INC., 2800 East Waterloo Road, P.O. Box 6064, Ellet Station, Akron, Ohio 44312. Applicant's representative: John P. McMahon, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, plastic conduit and fittings therefor*, and *materials, supplies, and accessories* used in the installation thereof, moving from the plantsite of Carlon Products Corporation in Mantua Township, Portage County, Ohio, to points in New York, restricted to deliveries to jobsites of telephone and electric utilities companies, for 180 days. SUPPORTING SHIPPER: Carlon Products Corporation, Carlon Division of Indian Head, Inc., Three Commerce Park Square, 23200 Chagrin Blvd., Cleveland, Ohio 44122. SEND PROTESTS TO: Franklin D. Ball, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 181 Federal Office Building, 1240 East Ninth Street, Cleveland, Ohio 44199.

No. MC 126899 (Sub-No. 77 TA), filed May 28, 1974. Applicant: USHER TRANSPORT, INC., 3925 Old Benton Road, P.O. Box 3051, Paducah, Ky. 42001. Applicant's representative: George M. Catlett, 703–706 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, and *related advertising materials* and *empty malt beverage containers* on return, from Dubuque, Iowa, to points in Wisconsin (except Prairie du Chien and Spring Green, Wis.), for 180 days. SUPPORTING SHIPPER: Joseph S. Pickett & Sons., Inc., E. 4th St. Ext., Dubuque, Iowa 52001. SEND PROTESTS TO: Floyd A. Johnson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 435 Federal Office Building 167 North Main Street, Memphis, Tenn. 38103.

No. MC 127115 (Sub-No. 9 TA), filed May 24, 1974. Applicant: MILLERS TRANSPORT, INC., 510 4th North Street, Hyrum, Utah 84319. Applicant's representative: Harry D. Pugsley, Suite 400, 315 East 2nd South, Salt Lake City, Utah 84111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Foam and cellular expanded plastics, rubber and related accessories*, from Compton, City of Commerce, and Oakland, Calif., and Portland, Oreg., to points in Utah and Idaho south of Idaho County, and to Reno and Elko, Nev., for 180 days. SUPPORTING SHIPPER: United Foam Company, 4542 E. Dunham St., Los Angeles, Calif. 90023 (Frank A. Distaso, General Manager). SEND PROTESTS TO: Lyle D. Helfer, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5301 Federal Building, 125 South State Street, Salt Lake City, Utah 84138.

No. MC 128383 (Sub-No. 55 TA), filed May 29, 1974. Applicant: PINTO TRUCKING SERVICE, INC., 1414 Calcon Hook Road, Sharon Hill, Pa. 19079. Applicant's representative: Gerald K. Gimmel, 303 N. Frederick Avenue, Gaithersburg, Md. 20760. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk, Class A and B explosives and motor vehicles requiring the use of special equipment), in vehicles equipped with roller bed floors, between Chicago O'Hare International Airport at Chicago, Ill., and Douglas Municipal Airport at Charlotte, N.C., restricted to the transportation of traffic having a prior or subsequent movement by air or moving in a substitute for air service for direct or indirect air carriers, for 180 days. SUPPORTING SHIPPERS: Air Express International/Wings & Wheels Express, 7701 Frosch Road, Charlotte, N.C. 28214, and Airborne Freight Corporation, 3313 Piper Lane, Charlotte, N.C. SEND PROTESTS TO: Peter R. Guman, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Federal Building, Room 3238, 600 Arch St., Philadelphia, Pa. 19106.

No. MC 129704 (Sub-No. 1 TA), filed May 3, 1974. Applicant: CLARENCE B. BLANKENSHIP, doing business as TROY CAB CO., 2136 Burdic, P.O. Box 34, Troy, Mich. 48084. Applicant's representative: Robert E. McFarland, 635 Elm Street, Birmingham, Mich. 48011. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk, classes A and B explosives, household goods as defined by the Commissions, and commodities requiring special handling), in straight trucks, between the plant sites of TRW, Inc., and suppliers of TRW, Inc., located in Detroit, Mich., and the commercial zone thereof and the facility of TRW, Inc., located at 902 Lyons Road at or near Portland, Ionio County, Mich., on the one hand, and, on the other, the plant sites of TRW, Inc., located on Highway 11 W at or near Rogersville, Hawkins County, Tenn., and the plant site of TRW, Inc., located on Snapp Ferry Road at or near Greenville, Greene County, Tenn., restricted against the transportation of shipments weighing more than 3,000 pounds in the aggregate from one consignor at one location to one consignee at one location during a single day, for 180 days. SUPPORTING SHIPPER: TRW, Inc., 34201 Van Dyke, Sterling Heights, Mich. 48092. SEND PROTESTS TO: Melvin F. Kirsch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1110 Broderick Tower, 10 Witherell Avenue, Detroit, Mich. 48226.

No. MC 134022 (Sub-No. 10 TA), filed May 30, 1974. Applicant: RICHARD A. ZIMA, doing business as ZIPCO, 4008 Schuster Drive, P.O. Box 115, West Bend, Wis. 53095. Applicant's representative: Nancy J. Johnson, 4506 Regent Street, Suite 100, Madison, Wis. 53705. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and related advertising materials, premiums, equipment, and supplies* when shipped therewith, from Dubuque, Iowa, to Germantown, Brown Deer, and Cedarburg, Wis., for 180 days. SUPPORTING SHIPPER: Wetzler Dist. Co., Inc., W63 N 147 Washington Ave., Cedarburg, Wis. 53012 (Robert Stecker, President). SEND PROTESTS TO: District Supervisor John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 134734 (Sub-No. 16 TA), filed May 31, 1974. Applicant: NATIONAL TRANSPORTATION, INC., P.O. Box 37461, Millard, Nebr. 68137. Applicant's representative: Lanny N. Fauss, P.O. Box 37906, Omaha, Nebr. 68137. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cranberry products* (except in bulk), fresh, frozen, and sealed hermetically sealed containers, from Kenosha, Wis., to St. Joseph, Joplin, and Springfield, Mo.; Little Rock, Ark.; Atlanta, Ga.; Birmingham, Montgomery, and DeArmanville, Ala.; Shreveport, Harahan, Baton Rouge, and New Orleans, La.; Tupelo and Jackson, Miss.; Markham, Wash.; and their commercial zones, for 180 days. SUPPORTING SHIPPER: Ocean Spray Cranberries, Inc., Mrs. Florence Quick, Traffic Manager, Cranberry Lane, Kenosha, Wis. SEND PROTESTS TO: District Supervisor Carroll Russell, Interstate Commerce Commission, Bureau of Operations, Suite 620, Union Pacific Plaza, 110 North 14th Street, Omaha, Nebr. 68102.

No. MC 138452 (Sub-No. 4 TA), filed May 29, 1974. Applicant: JOSEF T. KRAUS, doing business as JOSEF KRAUS TRUCKING CO., Route 2, Box 262–H, Sherwood, Oreg. 97140. Applicant's representative: Philip C. Skofstad, 3076 E. Burnside Street, Portland, Oreg. 97214. Authority sought to operate

as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Beds, fixtures, and materials* used in the manufacturing of furniture and bedding, between Los Angeles, Calif. and Glendale, Ariz., on the one hand, and, on the other hand, Portland, Medford, Eugene, and Salem, Oreg.; Seattle, Tacoma, and Spokane, Wash.; Boise, Nampa, Caldwell, Twin Falls, and Pocatello, Idaho; and Salt Lake City, Utah, for 180 days. SUPPORTING SHIPPER: Leggett & Platt Incorporated, 600 W. Mound, Carthage, Mo. 64836. SEND PROTESTS TO: A. E. Odoms, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 114 Pioneer Courthouse, Portland, Oreg. 97204.

No. MC 139021 (Sub-No. 3 TA), filed May 30, 1974. Applicant: 212 AUTO SALES, INC., 325 U.S. Highway 20 East, P.O. Box 251, Michigan City, Ind. 46360. Applicant's representative: Karl L. Gotting, 1200 Bank of Lansing Bldg., Lansing, Mich. 48933. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used cars and pick-up trucks*, in truckway service for Barnett Chrysler-Plymouth of White Bear Lake, Minn., sold at auctions between the auction sites of Grand Rapids Auto Auction, Inc. at or near Hudsonville, Mich.; Flint Auto Auction, Flint, Mich.; and Appco Auto Auction, Detroit, Mich., on the one hand, and White Bear Lake, Minn., on the other hand, for 180 days. SUPPORTING SHIPPER: Barnett Chrysler-Plymouth, 3610 N. Highway 61, White Bear Lake, Minn. SEND PROTESTS TO: J. H. Gray, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 345 W. Wayne St., Room 204, Ft. Wayne, Ind. 46802.

No. MC 139413 (Sub-No. 2 TA), filed May 28, 1974. Applicant: ST. LAMBERT TRANSPORT INC., 189 Dupont Street, St-Lambert of Levis, County of Levis, St. Lambert, Canada. Applicant's representative: Marshall Kragen, 666 Eleventh Street, Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, between ports of entry on the United States-Canada boundary line located in Maine, on the one hand, and points in Maine, on the other, restricted to the transportation of shipments having an immediately prior or subsequent movement in foreign commerce, for 180 days. SUPPORTING SHIPPERS: Le Bouef & Sirois Lumber Company, 28 Exchange St., Ashland, Maine and Turcot Lumber Inc., Industrial Centre, St-Romuald, County of Levis, Quebec, Canada. SEND PROTESTS TO: District Supervisor Ross J. Seymour, Interstate Commerce Commission, Bureau of Operations, 313 Federal Building, Concord, N.H. 03301.

No. MC 139716 TA (CORRECTION), filed April 18, 1974, published in the FEDERAL REGISTER issue of May 6, 1974, and republished as corrected this issue. Applicant: TEXAS NEBRASKA EXPRESS, INC., 3902 West South Omaha Bridge Road, Council Bluffs, Iowa 51501. Applicant's representative: Robert V. Dwyer, Jr., 1601 Woodmen Tower, Omaha, Nebr. 68102.

NOTE.—The purpose of this republication is to add Indiana as a destination state, which was omitted in previous publication. The rest of the application will remain the same.

No. MC 139804 (Sub-No. 1 TA), filed May 31, 1974. Applicant: ESKELSON TRUCKING, INC., Enderlin, N. Dak. 58027. Applicant's representative: Charles E. Johnson, 425 Gate City Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Waste treatment systems and parts and accessories* for waste treatment systems, from Enderlin, N. Dak., to points in Minnesota, Iowa, North Dakota, South Dakota, Montana, Washington, Oregon, Idaho, Texas, California, Louisiana, New Mexico, Ohio, New York, Massachusetts, Maine, Pennsylvania, Michigan, Wisconsin, Florida, and Missouri, for 180 days. SUPPORTING SHIPPERS: Multi-Flo, Inc., 500 Webster-Street, Dayton, Ohio 45401 and Enderlin Plastics, Enderlin, N. Dak. 58027. SEND PROTESTS TO: Joseph H. Ambs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 139837 (Sub-No. 1 TA), filed May 28, 1974. Applicant: K & I DISTRIBUTORS, INC., 911 Schnelker Court, New Haven, Ind. 46774. Applicant's representative: Robert W. Loser II, 1009 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is distributed by Amway Corporation, including but not limited to *cosmetics, toiletries, fire extinguishers and component parts, cookware, dishes, soaps, cleaning compounds, and solvents* (except commodities in bulk) and *advertising materials*, (1) from Huntington, Ind., to points in Indiana on and north of Indiana State Highway 46 and (2) from Columbus, Ind., to points in Indiana on and south of a line commencing at the point where U.S. Highway 36 intersects with Indiana-Illinois state line, thence along U.S. Highway 36 in an easterly direction to Indianapolis, Ind., thence along U.S. Highway 40 to the point where U.S. Highway 40 intersects with the Indiana-Ohio state line, and points in Kentucky on and west of U.S. Highway 431 and (3) from Louisville, Ky., to points in Kentucky on and east of U.S. Highway 431 and points in Indiana on and south of Interstate Highway 64, for 180 days. RESTRICTION: The operations authorized herein are limited to a transportation service to be performed under a continuing contract, or contracts with Amway Corp., Ada, Mich. SUPPORTING SHIPPER: Amway Corporation, 7575 East Fulton Road, Ada, Mich. 49301. SEND PROTESTS TO: J. H. Gray, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 345 W. Wayne St., Room 204, Ft. Wayne, Ind. 46802.

No. MC 139840 TA, filed May 28, 1974. Applicant: FREDERICK M. PRICE, SR., doing business as P & H CARTAGE AND GARAGE, 2531 East Pontiac Street, Ft. Wayne, Ind. 46803. Applicant's representative: James M. Prickett, 395 Lincoln Bank Tower, Ft. Wayne, Ind. 46802. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Freight of all kinds*, having an immediately prior or subsequent movement via rail, between Cincinnati, Ohio and Fort Wayne, Ind., for 180 days. SUPPORTING SHIPPER: The American Thread Co., Inc., P.O. Box 729, Old Fort, N.C. 28762. SEND PROTESTS TO: J. H. Gray, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 345 W. Wayne St., Room 204, Ft. Wayne, Ind. 46802.

No. MC 139847 TA, filed May 29, 1974. Applicant: W–W TRANSPORTATION CO., INC., P.O. Box 1204, Wausau, Wis. 54401. Applicant's representative: Michael J. Wyngaard, 329 West Wilson Street, Madison, Wis. 53703. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Building and housing units*, complete, knocked down, or in sections, and *component parts thereof, wood products, composition wood products, and parts and accessories* for each of these commodities (a) between points in Marathon County, Wis., and Wapello County, Iowa; and (b) from points in Marathon County, Wis., and Wapello County, Iowa, to points in the United States (except Alaska and Hawaii); and (2) *returned shipments and materials, equipment, and supplies* used or useful in the manufacture, sale, distribution, erection, and completion of the commodities named in part (1) of the application, (a) between points in Marathon County, Wis., and Wapello County, Iowa, and (b) from points in the United States (except Alaska and Hawaii), to points in Marathon County, Wis., and Wapello County, Iowa, for 180 days. RESTRICTION: Restricted to transportation service to be performed under a continuing contract or contracts with Wausau Homes, Incorporated, of Wausau, Wis. SUPPORTING SHIPPER: Wausau Homes, Incorporated, 901 Cherry Street, Wausau, Wis. 54401. SEND PROTESTS TO: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 139 West Wilson Street, Room 202, Madison, Wis. 53703.

No. MC 139849 TA, filed May 28, 1974. Applicant: ACTIVE TRUCK LINE, INC., 15666 Slover Avenue, Fontana, Calif. 92335. Applicant's representative: Milton C. White (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Iron or steel storage tanks*, knocked down with the necessary *supplies and equipment* to assemble

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or maintain the storage tanks, between the warehouse facilities of G.A.T.X., Inc., at Fontana, Calif., and the Storage Tank installation or job site facilities in Arizona, for 180 days. SUPPORTING SHIPPER: General American Transportation Corp., Plate & Welding Division, Western Region, 520 West 2000 South, Orem, Utah 84057. SEND PROTESTS TO: Walter W. Strakosch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 139850 TA, filed May 30, 1974. Applicant: FOUR STAR TRANSPORTATION, INC., 301-12 Park Building, Council Bluffs, Iowa 51501. Applicant's representative: Jack H. Blanshan, 29 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plant sites and storage facilities utilized by American Beef Packers, Inc., located at or near Cactus, Tex., to points in California, Mississippi, Alabama, Georgia, Florida, North Carolina, Tennessee, South Carolina, Ohio, Virginia, Maryland, District of Columbia, Delaware, New Jersey, New York, Rhode Island, Pennsylvania, Connecticut, and Massachusetts, restricted to the transportation of traffic originating at the above named origin point and destined to the named destinations, for 180 days. SUPPORTING SHIPPER: American Beef Packers, Inc., Ralph L. McGee, General Traffic Manager, 7000 W. Center Road, Omaha, Nebr. 68106. SEND PROTESTS TO: District Supervisor Carroll Russell, Interstate Commerce Commission, Bureau of Operations, Suite 620, Union Pacific Plaza, 110 North 14th Street, Omaha, Nebr. 68102.

No. MC 139851 TA, filed May 30, 1974. Applicant: EARL DAVIS BOONE, Route 1, Box 37, Dudley, N.C. 28333. Applicant's representative: Earl Davis Boone (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk), having prior or subsequent movement by air, between Raleigh-Durham Airport, Wake County, N.C., on the one hand, and, on the other, points in Wayne, Lenoir, Durham, Johnston, and Harnett Counties, N.C., for 180 days. SUPPORTING SHIPPER: ICI America, Inc., P.O. Box 208, Goldsboro, N.C. 27530. SEND PROTESTS TO: Archie W. Andrews, District Supervisor, Interstate Commerce Commission, Bureau of Operations, P.O. Box 26896, Raleigh, N.C. 27611.

No. MC 139852 TA, filed May 30, 1974. Applicant: E. C. BLACK, doing business as BLACK TRUCKING COMPANY, Route 1, York, S.C. 29754. Applicant's representative: Joseph M. Epting, P.O. Box 11414, Columbia, S.C. 29211. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Galvanized and vinyl coated chain link fence, fencing accessories, pipes, gates, and reinforcing concrete wire mesh*, from Rock Hill, S.C., to points in North Carolina, for 180 days. SUPPORTING SHIPPER: National Fence Manufacturing Co., Inc., 4301 46th Street, Bladensburg, Md. 20710. SEND PROTESTS TO: E. E. Strotheid, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 302, 1400 Building, 1400 Pickens St., Columbia, S.C. 29201.

MOTOR CARRIERS OF PASSENGERS

No. MC 3647 (Sub-No. 453 TA), filed May 30, 1974. Applicant: TRANSPORT OF NEW JERSEY, a Corporation, 180 Boyden Avenue, Maplewood, N.J. 07040. Applicant's representative: John F. Ward (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage and express and newspapers* in the same vehicle with passengers, between Mount Holly and Prospertown, Jackson Township, N.J., serving no intermediate points, and from Mount Holly, N.J., over New Jersey County Highway No. 537, to Prospertown, Jackson Township, N.J., and return over the same route, for 150 days.

NOTE.—The purpose of this application is to enable applicant to serve the location of Great Adventure Zoo and Amusement Park, Prospertown, N.J., and applicant intends to join this route with its existing routes. Applicant will also tack with Docket No. MC 3647.

SUPPORTING SHIPPERS: Great Adventure, Inc., per Senior Vice President, Richard Weston, Prospertown, N.J., and 35 support appendices as: Rev. Roosevelt Alstons, 2428 W. Allegheny Ave., Philadelphia, Pa.; William Bittner, 5923 North St., Philadelphia, Pa.; and Mr. and Mrs. Edward Surnteck, 6603 Erdaick St., Philadelphia, Pa. SEND PROTESTS TO: District Supervisor Robert S. H. Vance, Interstate Commerce Commission, Bureau of Operations, 9 Clinton Street, Newark, N.J. 07102.

No. MC 112934 (Sub-No. 5 TA), filed June 4, 1974. Applicant: AUTOBUSES INTERNACIONALES S. de R. L., 208 Palo Verde, Meadow Vista, N. Mex. 88063. Applicant's representative: Edwin E. Piper, Jr., 1115 Simms Building, Albuquerque, N. Mex. 87101. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, (1) Between Meadow Vista-Anapra, N. Mex. and boundary of the United States at or near El Paso, Tex.: From Meadow Vista, N. Mex., over unspecified streets to the boundary of the United States and Mexico and the Port of Entry thereon, thence over unspecified streets through Anapra to New Mexico Highway 273, thence over New Mexico Highway 273 to junction with Texas Highway 20, thence over Texas Highway 20 to El Paso, Tex.; thence through El Paso, Tex., over unspecified city streets and thence over the Stanton Street, Santa Fe Street, and any other Downtown Bridges to Ports of Entry and the boundary between the United States and Mexico, and return over the same route, serving all intermediate points; (2) Between the boundary of the United States at or near El Paso, Tex. and the boundary of the United States and Mexico at or near Caseta, Mexico: From the boundary of the United States at or near El Paso, Tex., and the Ports of Entry thereon, over the Stanton Street, Santa Fe and any other Downtown Bridges through El Paso, Tex., over unspecified city streets, to junction with Texas Highway 20, thence over Texas Highway 20 through Ysleta, Tex., to junction with Texas Farm Road 258 through Socorro and San Elizario, to Clint, Tex., and junction with Texas Highway 20, thence over Texas Highway 20 to Fabens, Tex., thence over Texas Farm Road 1109 to the boundary of the United States and Mexico at or near Caseta, Mexico, and return over the same route, serving all intermediate points; (3) Between the boundary of the United States and Mexico at or near Ciudad Rio Bravo, Mexico and Ysleta, Tex.: From the boundary of the United States and Mexico at or near Ciudad Rio Bravo, Mexico, and the Port of Entry thereon, over Zaragosa Road to Ysleta, Tex. and return over the same route, serving all intermediate points; (4) Between the boundary of the United States and Mexico near Columbus, N. Mex. and Deming, N. Mex.: From the Port of Entry at the boundary of the United States and Mexico, near Columbus, N. Mex., over New Mexico Highway 11 through Columbus, N. Mex., to Deming, N. Mex. and return over the same route, serving all intermediate points; (5) Between Fabens, Tex. and the boundary of the United States and Mexico at or near El Porvenir, Mexico: From Fabens, Tex., over Texas Highway 20 through Fort Hancock, Tex., to undesignated road leading to the Port of Entry and boundary between the United States and Mexico at or near El Porvenir, Mexico, and return over the same route, serving all involved intermediate points, for 180 days. RESTRICTION: Restricted to transportation in foreign commerce with no interstate transportation except that interstate movements originating at or destined to Anapra and Meadow Vista, N. Mex., shall be authorized. Note: The authority under (1) will be tacked with the authority under (2) at the common point of El Paso, Tex.; the authority under (2) will be tacked with the authority under (3) at the common point of Ysleta, Tex.; and the authority under (5) will be tacked with the authority under (2) at the common point of Fabens, Tex. SUPPORTING SHIPPERS: There are approximately 92 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. SEND PROTESTS TO: John H. Kirkemo, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1106 Federal Office Building, 517 Gold Avenue, SW., Albuquerque, N. Mex. 87101.

No. MC 139210 (Sub-No. 1 TA), filed May 31, 1974. Applicant: WESLEE ENTERPRISES INC., doing business as ALASKA-YUKON MOTORCOACHES, 1440 Washington Building, 1325 4th Avenue, Seattle, Wash. 98101. Applicant's representative: Charles J. Williams, 47 Lincoln Park, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: REGULAR ROUTES: (a) *Passengers and their baggage, and express* in the same vehicle with passengers, (1) Between Fairbanks and Valdez, Alaska: From Fairbanks over Alaska Highway 2 to junction Alaska Highway 4, thence over Alaska Highway 4 to Valdez, and return over the same route, serving all intermediate points; (2) between Anchorage and Valdez, Alaska: From Anchorage over Alaska Highway 1 to junction Alaska Highway 4, thence over Alaska Highway 4 to Valdez, and return over the same route, serving all intermediate points; (3) between Anchorage, Alaska, and the International Boundary line between the United States and Canada at the Yukon Territory: From Anchorage over Alaska Highway 1 to junction Alaska Highway 2, thence over Alaska Highway 2 to the International Boundary line between the United States and Canada at the Yukon Territory, and return over the same route, serving all intermediate points; (4) between the International Boundary line between the United States and Canada at British Columbia and Haines, Alaska: From British Columbia over Alaska Highway 7 to Haines, also serving Porcupine, and return over the same routes, serving all intermediate points; and (5) between Haines, Alaska, and Skagway, Alaska: From Haines over Alaska Marine Highway to Skagway, and return over the same route, serving all intermediate points. IRREGULAR ROUTES: (b) *Passengers and their baggage, and express* in the same vehicle with passengers, in one-way roundtrip charter operations between the terminal points on the regular routes specified in (a) above on the one hand, and, on the other, points in Alaska, for 180 days. SUPPORTING SHIPPER: Phil Senour Travel, doing business as Alaska Air-Sea Tour, 1205 Vance Bldg., Seattle, Wash. 98101. SEND PROTESTS TO: L. D. Boone, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 6049 Federal Office Bldg., Seattle, Wash. 98104.

NOTE.—Applicant will interline with Alaskan Coachways, Ltd., at Tok, Alaska.

No. MC 139838 TA, filed May 28, 1974. Applicant: JEFFREY S. HOWARD, doing business as ADVANCE COACH LINES, 14029 S.E. 10th, Bellevue, Wash. 98007. Applicant's representative: George H. Hart, 1100 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in charter operations, between points in King County, Wash., on the one hand, and, on the other, points in Oregon, California, Nevada, Utah, Idaho, Montana, and Washington, for 180 days. SUPPORTING SHIPPERS: There are approximately 8 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. SEND PROTESTS TO: L. D. Boone, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 6049 Federal Office Building, Seattle, Wash. 98104.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-13831 Filed 6-14-74;8:45 am]

[Notice 84]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JUNE 11, 1974.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 52709 (Sub-No. 325 TA), filed May 30, 1974. Applicant: RINGSBY TRUCK LINES, INC., 5773 South Prince Street, P.O. Box 192, Littleton, Colo. 80120. Applicant's representative: Alvin J. Meiklejohn, Jr., Suite 1600 Lincoln Center, 1660 Lincoln Street, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: (1) *General commodities* (except classes A and B explosives, livestock, uncrated used household goods and office furniture, and articles too large to load on enclosed trucks or trailers), from Los Angeles, Calif., to Grand Junction, Colo., serving no intermediate points: From Los Angeles over U.S. Highway 66 to Barstow, Calif., thence over U.S. Highway 91 to Spanish Fork, Utah, and thence over U.S. Highway 50 to Grand Junction; (2) *Crated household goods, butter, and returned empty wine containers*, from Grand Junction, Colo., to Los Angeles, Calif., serving no intermediate points: From Grand Junction over the above-specified route to Los Angeles. RESTRICTION: The service authorized above is subject to the condition that said carrier shall not also operate as a private carrier of property by motor vehicle, in interstate or foreign commerce, between Grand Junction, Colo., and Los Angeles, Calif.; (3) *General commodities* (except those of unusual value, classes A and B explosives, livestock, commodities in bulk, and those requiring special equipment other than refrigerated equipment), from Grand Junction, Colo., to Los Angeles, Calif., serving no intermediate points: from Grand Junction over the above-specified route to Los Angeles, and return over the same route with no transportation for compensation except as otherwise authorized;

(4) *General commodities* (except those of unusual value, classes A and B explosives, other than small arms ammunition, household goods, as defined by the Commission, livestock, and commodities in bulk), between Los Angeles, Calif., and San Bernardino, Calif., serving all intermediate points and the off-route points within 25 miles of Los Angeles: from Los Angeles over U.S. Highway 99 to junction U.S. Highway 91 at or near Colton, Calif., thence over U.S. Highway 91 to San Bernardino, and return over the same route; between Los Angeles, Calif., and Pomona, Calif., serving all intermediate points and off-route points within 25 miles of Los Angeles: from Los Angeles over Valley Boulevard to Pomona, and return over the same route; between Los Angeles, Calif., and Long Beach, Calif., serving all intermediate points and off-route points within 25 miles of Los Angeles and Long Beach: from Los Angeles over U.S. Highway 6 to junction Alternate U.S. Highway 101, thence over Alternate U.S. Highway 101 to Long Beach, and return over the some route; between Long Beach, Calif., and Colton, Calif., serving all intermediate points and off-route points within 25 miles of Long Beach: from Long Beach over U.S. Highway 91 to Colton, and return over the same route; between Junction U.S. Highway 99 and unnumbered Highway (approximately 3 miles west of Colton, Calif.) and Junction U.S. Highway 91 and unnumbered Highway north of San Bernardino, Calif., serving all intermediate points: from Junction U.S. Highway 99 and unnumbered highway (approximately 3 miles west of Colton) over said unnumbered highway via Rialto, Calif., to Junction U.S. Highway

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91 (north of San Bernardino) and return over the same route; (5) General commodities (except explosives and wool) between Los Angeles, Calif., and Junction U.S. Highway 6 and Nevada Highway 47, serving all intermediate points and the off-route points of Monolith, Ransburg, and Atolia, Calif., and points within 30 miles of First and Main Streets, Los Angeles, Calif.: from Los Angeles over U.S. Highway 6 to junction Nevada Highway 47, and return over the same route;

(6) *General commodities* (except classes A and B explosives, livestock, wool, and petroleum products in tank trucks), from Tonopah, Nev., to Salt Lake City, Utah, serving all intermediate points on the authorized portion of U.S. Highway 6 (except Ely, Nev.), and the off-route points within five miles of Salt Lake City, Utah, and serving Tonopah for joinder purposes only: from Tonopah over U.S. Highway 6 to Ely, Nev., and thence over Alternate U.S. Highway 50 to Salt Lake City, and return over the same route with no transportation for compensation except as otherwise authorized; (7) *General commodities* (except household goods as defined by the Commission, commodities in bulk, and those requiring special equipment other than refrigeration), between Reno, Nev., and Tonopah, Nev., serving all intermediate points (except points between Reno and Hawthorne, Nev.), and serving those points east of Hawthorne including Tonopah for joinder purposes only; from Reno over U.S. Highway 40 or Interstate Highway 80 to junction Alternate U.S. Highway 95, thence over Alternate U.S. Highway 95 to junction U.S. Highway 95, thence over U.S. Highway 95 to Tonopah, and return over the same route; (8) *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Tonopah, Nev., and Las Vegas, Nev., serving no intermediate points and serving Tonopah for joinder purposes only: from Tonopah over U.S. Highway 95 to Las Vegas, and return over the same route;

(9) *Classes A and B explosives*, between Lathrop Wells, Nev., and Las Vegas, Nev., serving no intermediate points, but serving the off-route point of the site of the United States Atomic Energy Project, near Indian Springs, Nev., restricted to the transportation of shipments originating at or destined to said off-route point: from Lathrop Wells over U.S. Highway 95 to Las Vegas, and return over the same route. RESTRICTION: The authority granted herein to the extent it authorizes the transportation of Dangerous Explosives is limited in point of time to a period expiring December 24, 1978. (10) Explosives, between Los Angeles, Calif., and Silverpeak, Nev., serving all intermediate points and the off-route points within 30 miles of First and Main Streets, Los Angeles, Calif., and all off-route points in Nevada within 80 miles of Silverpeak, Nev., and the off-route points of Monolith, Randsburg, Atolia, Muroc Army Air Field, and Flingt Test Station, located approximately 20 miles from Mojave, Seal Beach, Port Hueneme, Point Magu, located approximately five miles from Port Hueneme, and the U.S. Naval Testing Station located approximately eight miles from Inyokern, Calif.; from Los Angeles on U.S. Highway 6 via Mojave, Calif., to Blair Junction, Nev., and thence over Nevada Highway 47 to Silverpeak and return over the same route; between Mojave, Calif., and Beatty, Nev., serving no intermediate points, but serving the off-route points in Nevada within 80 miles of Silverpeak, Nev.: from Mojave over U.S. Highway 466 via Barstow, Calif., to Baker, Calif., thence over California Highway 127 to the California-Nevada State line, thence over Nevada Highway 29 to junction U.S. Highway 95, thence over U.S. Highway 95 to Beatty, and return over the same route; from Tonopah, Nev., to Salt Lake City, Utah, serving all intermediate points in Nevada: from Tonopah over U.S. Highway 6 to Ely, Nev., and thence over Alternate U.S. Highway 50 to Salt Lake City, and return over the same route with no transportation for compensation except as otherwise authorized; between Los Angeles, Calif., and Barstow, Calif., as alternate routes for operating convenience only, serving no intermediate points: from Los Angeles over U.S. Highway 66 to Barstow, and return over the same route; from Los Angeles over U.S. Highway 99 to junction U.S. Highway 395, thence over U.S. Highway 395 to junction U.S. Highway 66, and thence over U.S. Highway 66 to Barstow, and return over the same route.

Alternate routes for operating convenience only: (11) *General commodities* (except Classes A and B explosives, livestock, wool, household goods as defined by the Commission, commodities, in bulk, and those requiring special equipment), between Salt Lake City, Utah and San Bernardino, Calif., serving the intermediate point of Barstow, Calif., and with service at Barstow and San Bernardino, Calif., for the purpose of joinder only: from Salt Lake City over U.S. Highway 91 through Las Vegas, Nev., to Barstow, Calif., thence over U.S. Highway 66 to San Bernardino, and return over the same route; (12) *General commodities* (except Classes A and B explosives, livestock, wool, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Los Angeles, Calif. and San Bernardino, Calif., serving no intermediate points; from Los Angeles over U.S. Highway 99 to junction U.S. Highway 91, and thence over U.S. Highway 91 to San Bernardino, and return over the same route; (13) *General commodities* (except household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) between Basalt, Nev. and junction Nevada Highway 10 and U.S. Highway 96 (near Mina, Nev.), serving no intermediate points: from Basalt over Nevada Highway 10 to junction U.S. Highway 95, and return over the same route; (14) *General commodities* (except wool, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between junction U.S. Highways 395 and 6 at or near Bishop, Calif. and Reno, Nev., serving no intermediate points: from junction U.S. Highways 395 and 6 over U.S. Highway 395 to Reno, and return over the same route.

REGULAR ROUTES: (15) *General commodities*, from Salt Lake City, Utah, to Tonopah, Nev., serving the intermediate and off-route points of Currant, Lockes and Hot Creek, Nev. and points within five miles of each, for delivery only, and serving Tonopah for joinder purposes only: from Salt Lake City, Utah over Alternate U.S. Highway 50 (or over Interstate Highway 80 to Wendover, Utah, thence over Alternate U.S. Highway 50) to Ely, Nev., thence over U.S. Highway 6 to Tonopah, Nev.; (16) *Classes A and B explosives*, between Las Vegas, Nev. and Tonopah, Nev., serving no intermediate points, but serving the off-route point of the site of Tonopah Ballistics Range, Tonopah, Nev., restricted to the transportation of shipments originating at or destined to said off-route point: from Las Vegas over U.S. Highway 95 to Tonopah, and return over the same route. Restriction: The authority granted herein to the extent it authorizes the transportation of Dangerous Explosives is limited in point of time to a period expiring with April 4, 1974; (17) *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Denver, Colo. and Los Angeles, Calif., as an alternate route for operating convenience in connection with carrier's regular route operations between Denver and Los Angeles, serving no intermediate points: from Denver over Interstate Highway 25 to junction U.S. Highway 160 at or near Walsenburg, Colo., thence over U.S. Highway 160 to junction Colorado Highway 159 at or near Fort Garland, Colo., thence over Colorado Highway 159 to the Colorado-New Mexico state line, thence over New Mexico Highway 3 to junction U.S. Highway 64 at or near Taos, N. Mex., thence over U.S. Highway 64 to Santa Fe, N. Mex., thence over Interstate Highway 25 (and, pending completion of Interstate Highway 25, over U.S. Highway 85 and New Mexico Highway 422), to Albuquerque, N. Mex., thence over Interstate Highway 40 (and, pending completion of Interstate Highway 40, over U.S. Highway 66) to junction U.S. Highway 89 near Ash Fork, Ariz., thence over U.S. Highway 89 to junction Arizona Highway 71 at or near Congress, Ariz., thence over Arizona Highway 71 to junction U.S. Highway 60 at or near Aguila, Ariz., thence over U.S. Highway 60 to junction Interstate Highway 10 near Quartzsite, Ariz., and thence over Interstate Highway 10 to Los Angeles, and return over the same route.

ALTERNATE ROUTE FOR OPERATING CONVENIENCE ONLY: (18) *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Denver, Colo. and Los Angeles, Calif., in connection with carrier's authorized regular route operations between Denver, Colo. and Los Angeles, Calif., serving no intermediate points: from Denver over U.S. Highway 285 to junction Colorado Highway 112 near Center, Colo., thence over Colorado Highway 112 to junction U.S. Highway 160 at or near Del Norte, Colo., thence over U.S. Highway 160 to junction U.S. Highway 666 at or near Cortez, Colo., thence over U.S. Highway 666 to junction Colorado Highway 40, approximately six miles north of the New Mexico-Colorado state line, thence over Colorado Highway 40 to the Colorado-New Mexico state line, thence over New Mexico Highway 364 to the New Mexico-Arizona state line, thence over Arizona Highway 364 to junction Arizona Highway 64 at or near Carrizo, Ariz., thence over Arizona Highway 64 to junction U.S. Highway 89, approximately 11 miles west of Tuba City, Ariz., thence over U.S. Highway 89 to junction Arizona Highway 71 at or near Congress, Ariz., thence over Arizona Highway 71 to junction U.S. Highway 60 at or near Aguila, Ariz., thence over U.S. Highway 60 to junction Interstate Highway 10 near Quartzsite, Ariz., and thence over Interstate Highway 10 to Los Angeles and return over the same route. RESTRICTION: The authority granted, herein and carrier's existing authority between the involved termini shall be construed as comprising only a single operating right, not severable by sale or otherwise.

REGULAR ROUTES: (19) *General commodities* (except those of unusual value, Classes A and B explosives, livestock, commodities in bulk, and those requiring special equipment other than refrigerated equipment), serving Las Vegas, Nev., as an intermediate point in connection with carrier's regular route operations between Grand Junction, Colo., and Los Angeles, Calif. RESTRICTION: The service authorized under the commodity description next above is restricted against the transportation of traffic (a) originating at points in California on the one hand, and destined on the other to Las Vegas, Nev. and (b) originating at Las Vegas, Nev., on the one hand and destined on the other to points in California; (20) *Classes A and B explosives and commodities requiring special equipment*, between Grand Junction, Colo. and Las Vegas, Nev., serving no intermediate points: from Grand Junction over U.S. Highway 50 to junction Utah Highway 24, thence over Utah Highway 24 to junction unnumbered highway, thence over unnumbered highway to junction Utah Highway 62, thence over Utah Highway 62 to junction Utah Highway 22, thence over Utah Highway 22 to junction U.S. Highway 89, thence over U.S. Highway 89 to junction Utah Highway 20, thence over Utah Highway 20 to junction U.S. Highway 91, and thence over U.S. Highway 91 to Las Vegas, and return over the same route; (21) *Classes A and B explosives*, between Las Vegas, Nev. and junction U.S. Highway 91 and California Highway 127, serving no intermediate points and serving junction U.S. Highway 91 and California Highway 127 for purpose of joinder only: from Las Vegas over U.S. Highway 91 to junction California Highway 127, and return over the same route. RESTRICTION: The service authorized herein is subject to the following conditions: The authority granted herein shall not be severable, by sale or otherwise, from the authority in Certificates Nos. MC 52709. The authority granted herein to the extent it authorizes the transportation of Classes A and B explosives shall be limited in point of time, to a period expiring May 24, 1976.

ALTERNATE ROUTES FOR OPERATING CONVENIENCE ONLY: (22) *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Albuquerque, N. Mex. and Kansas City, Mo., serving no intermediate points, and serving Albuquerque for purposes of joinder only: from Albuquerque over U.S. Highway 66 to junction U.S. Highway 54 at or near Santa Rosa, N. Mex., thence over U.S. Highway 54 to junction Kansas Highway 61 at or near Pratt, Kans., thence over Kansas Highway 61 to junction U.S. Highway 50, thence over U.S. Highway 50 to Kansas City, and return over the same route; between junction U.S. Highway 54 and Kansas Highway 61 and junction U.S. Highway 50 and the Kansas Turnpike at or near Emporia, Kans., serving no intermediate points, and serving the termini for purposes of joinder only: from junction U.S. Highway 54 and Kansas Highway 61 over U.S. Highway 54 to junction the Kansas Turnpike at or near Wichita, Kans., thence over the Kansas Turnpike (Interstate Highway 35) to junction U.S. Highway 50, and return over the same route. RESTRICTION: The operations authorized next above are limited to the transportation of traffic moving between Albuquerque, N. Mex. and Kansas City, Kans. Between Santa Fe, N. Mex. and junction U.S. Highways 54 and 160 at or near Plains, Kans., serving no intermediate points, and serving Santa Fe and junction U.S. Highways 54 and 160 for purposes of joinder only: from Santa Fe over U.S. Highway 85 to junction U.S. Highway 56 to junction U.S. Highway 270 at or near Hugoton, Kans., thence over U.S. Highway 270 to junction U.S. Highway 83 about 10 miles north of Liberal, Kans., thence over U.S. Highway 83 to junction U.S. Highway 160, thence over U.S. Highway 160 to junction U.S. Highway 54, and return over the same route. RESTRICTION: The operations authorized next above are limited to the transportation of traffic moving between Santa Fe, N. Mex. and Kansas City, Mo. Between junction U.S. Highways 54 and 81 at or near Wichita, Kans., and Kansas City, Mo., serving no intermediate points, and serving junction U.S. Highways 54 and 81 for purposes of joinder only: from junction U.S. Highways 54 and 81 over U.S. Highway 81 to junction Interstate Highway 70 at or near Salina, Kans., thence over Interstate Highway 70 to Kansas City, Mo., and return over the same route; and between junction Kansas Turnpike and U.S. Highway 50, and junction Kansas Turnpike and Interstate Highway 70 at Tecumseh, Kans., serving no intermediate points, and serving junction of Kansas Turnpike and U.S. Highway 50, and Kansas Turnpike and Interstate Highway 70 for purposes of joinder only: from junction Kansas Turnpike and U.S. Highway 50 over the Kansas Turnpike to junction Interstate Highway 70 and return over the same route. RESTRICTION: The operations authorized under the two routes next above are limited to the transportation of traffic moving between Albuquerque and Santa Fe, N. Mex., on the one hand, and, on the other, Kansas City, Mo.

REGULAR AND IRREGULAR ROUTES: (23) *Classes A and B explosives*, between the points authorized and over the routes described in carrier's presently-held certificates authorizing the transportation of general commodities (except among other commodities, classes A and B explosives) in California, Colorado, Illinois, Indiana, Iowa, Kansas, Missouri, Nebraska, Nevada, Utah, and Wyoming. RESTRICTION: The service authorized herein is subject to all existing territorial restrictions applicable to operations in the above states, except that no authority is granted to transport classes A and B explosives (1) between points both of which are east of U.S. Highway 85 and (2) originating at the Corn Husker Ordnance Plant near Grand Island, Nebr. This certificate shall be of no further force and effect after November 24, 1975.

ALTERNATE ROUTES FOR OPERATING CONVENIENCE ONLY: (24) *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between junction Interstate Highways 15 and 40 at or near Barstow, Calif., and Kingman, Ariz., in connection with carrier's authorized regular and alternate route operations, serving no intermediate points, and serving Kingman for joinder purposes only, from junction Interstate Highways 15 and 40 over Interstate Highway 40 (also U.S. Highway 66) to Kingman, and return over the same route; between Kingman, Ariz., and Ash Fork, Ariz., in connection with carrier's authorized regular and alternate route operations, serving no intermediate points, and serving the termini for joinder purposes only: from Kingman over U.S. Highway 66 to junction Interstate Highway 40, thence over U.S. Highway 66 (also Interstate Highway 40) to Ash Fork, and return over the same route; between Beaumont, Calif., and Riverside, Calif., in connection with carrier's authorized regular and alternate route operations, serving no intermediate points, and serving Beaumont

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for joinder purposes only: from Beaumont over California Highway 60 to Riverside, and return over the same route; between junction U.S. Highway 395 and California Highway 14 and Beechers Corners, Calif., in connection with carrier's authorized regular and alternate route operations, serving no intemediate points and serving said junction and Beechers Corners for joinder purposes only: from junction U.S. Highway 395 and California Highway 14 over U.S. Highway 395 to Beechers Corners, and return over the same route; between Beechers Corners, Calif., and junction U.S. Highway 395 and Interstate Highway 15 near Cajon Summit, Calif., in connection with carrier's authorized regular and alternate route operations, serving no intermediate points and serving the termini for joinder purposes only: from Beechers Corners over U.S. Highway 395 to junction Interstate Highway 15 and return over the same route; between Las Vegas, Nev., and Kingman, Ariz., in connection with carrier's authorized regular and alternate route operations, serving no intermediate points, and serving Las Vegas and Kingman for joinder purposes only: from Las Vegas over U.S. Highway 93 to Kingman and return over the same route;

(25) *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between junction U.S. Highway 50 and Interstate Highway 70 at or near Green River, Utah and Salina, Utah, in connection with carrier's authorized regular and alternate route operations, serving no intermediate points, and serving the termini for joinder purposes only: from junction U.S. Highway 50 and Interstate Highway 70 over Interstate Highway 70 to junction Utah Highway 4, thence over Utah Highway 4 to Salina, and return over the same route; between Salina, Utah, and junction U.S. Highway 91 (also Interstate Highway 15) and Utah Highway 63 at or near Scipio, Utah, in connection with carrier's authorized regular and alternate route operations, serving no intermediate points, and serving the termini for joinder purposes only: from Salina over Utah Highway 63 to junction U.S. Highway 91 (also Interstate Highway 15) and Utah Highway 63 and return over the same route.

REGULAR ROUTES: (26) *General commodities* (except articles of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), over an alternate route for operating convenience only, between Price, Utah, and Cove Fort, Utah, serving no intermediate points and with service at the termini for joinder of routes only: from Price over Utah Highway 10 to Salina, Utah, thence over U.S. Highway 89 to Sevier, Utah, and thence over Utah Highway 13 to Cove Fort, and return over the same route, for 180 days. RESTRICTION: All routes and authority segments above will be tacked except where expressly restricted.

NOTE.—The purpose of this application is to enable the applicant to retain the operating rights which it is not selling in MC-F-12212 and applicant states that it will tack.

SUPPORTING SHIPPERS: There are approximately 56 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. SEND PROTESTS TO: District Supervisor Roger L. Buchanan, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, Colo. 80202.

No. MC 110525 (Sub-No. 1097 TA), filed May 23, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 E. Lancaster Avenue, P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils*, in bulk, in tank vehicles, from Macon, Ga., to points in Wisconsin, for 180 days. SUPPORTING SHIPPER: The Procter & Gamble Distributing Co., P.O. Box 599, Cincinnati, Ohio 45201. SEND PROTESTS TO: Peter R. Guman, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Federal Building, Room 3238, 600 Arch Street, Philadelphia, Pa. 19106.

No. MC 111729 (Sub-No. 441 TA), filed May 30, 1974. Applicant: PUROLATOR COURIER CORP., 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: John M. Delany (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New unused furniture* measuring less than 132 inches in length and girth combined and weighing no more than 65 pounds per article or package, from Conway, N.H., to points in Connecticut, Maine, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont, for 90 days. SUPPORTING SHIPPER: Yield House, Conway, N.H. 03818. SEND PROTESTS TO: Anthony D. Giaimo, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 117940 (Sub-No. 127 TA) (AMENDMENT), filed May 7, 1974, published in the FEDERAL REGISTER issue of May 23, 1974, and republished as amended this issue. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, Minn. 55359. Applicant's representative: Donald L. Stern, Suite 530, Univac Building, 7100 W. Center Road, Omaha, Nebr. 68106.

NOTE.—The purpose of this republication is to add some more additional states to the territory in the application, which was omitted in previous publication in error. The additional states are Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, and New York. The rest of the application will remain the same.

No. MC 123056 (Sub-No. 2 TA), filed May 15, 1974. Applicant: GENE McGINNIS, doing business as FREDONIA TRUCK LINE, Route 4, Fredonia, Kans. 66736. Applicant's representative: W. R. Casey, Box 1470, Decatur, Ill. 62525. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Soybean flour and soybean grits* (except in bulk, in tank vehicles), from Fredonia, Kans., to points in Arizona, Arkansas, California, Colorado, Idaho, Kansas, Louisiana, Missouri, Montana, Nevada, Nebraska, New Mexico, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming, for 180 days. SUPPORTING SHIPPER: Archer Daniels Midland Company, P.O. Box 1470, Decatur, Ill. 62525. SEND PROTESTS TO: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 501 Petroleum Building, Wichita, Kans. 67202.

No. MC 127096 (Sub-No. 1 TA), filed May 28, 1974. Applicant: HENNES TRUCKING CO., a Corporation, 338 South 17th Street, Milwaukee, Wis. 53233. Applicant's representative: Paul F. Beery, 8 East Broad Street, 9th Floor, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, in tank vehicles, from Charleston, W. Va., to points in West Virginia, for 180 days. RESTRICTION: To the transportation of traffic having an immediately prior movement by rail and originating at the plantsite of Columbia Cement Corporation at Newton Township, Muskingum County, Ohio. SUPPORTING SHIPPER: Columbia Cement Corporation, 3059 E. Mound Street, Columbus, Ohio 43209 (Darrell L. Miller, Manager, Credit & Traffic). SEND PROTESTS TO: District Supervisor John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 138189 (Sub-No. 1 TA), filed May 30, 1974. Applicant: CAMP BAGGAGE SERVICE, INC., 108-30 66th Road, Forest Hills, N.Y. 11375. Applicant's representative: David Levmore, 143-39 84th Drive, Briarwood, N.Y. 11435. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Campers' baggage and personal effects* seasonally, from June 15 through August 31, from New York, N.Y.; points in Westchester, Rockland and Nassau Counties, N.Y.; and points in Hudson, Essex, Bergen, and Union Counties, N.J., to Great Barrington, Mass., and Honesdale, Pa., and return, for 180 days. SUPPORTING SHIPPER: Camp Hachshara Moshava of N.Y., Inc., 200 Park Avenue South, New York, N.Y. 10003; Tora Va'avoda Center, Inc., 200 Park Avenue South, New York, N.Y. 10003; and Camp Kadima, 153-06 76th Road, Flushing, N.Y. 11367. SEND PROTESTS TO: Paul W. Assenza, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 139713 (Sub-No. 1 TA), filed May 21, 1974. Applicant: DONALD M. NASS, doing business as DON NASS TRUCKING, 136 High Street, Box 299, 301 Mills Street, Clinton, Wis. 53014. Applicant's representative: Nancy J. Johnson, 4506 Regent Street, Madison, Wis. 53705. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages, related advertising equipment, materials, and supplies* when shipped therewith and *return of empty containers and rejected shipments*, from Milwaukee, Wis., to Freeport and Rockford, Ill., for 180 days. SUPPORTING SHIPPERS: John Knobel & Sons, 115 East Spring, Freeport, Ill. 61032, and Blue Ribbon Distributors, 1670 Northbrook Ct., Rockford, Ill. 61103. SEND PROTESTS TO: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, 139 W. Wilson St., Room 202, Madison, Wis. 53703.

No. MC 139802 (Sub-No. 1 TA), filed May 28, 1974. Applicant: DEAN BACHKORA, BILL PEDEN, AND GARY L. BACHKORA, doing business as BPB TRANSPORTATION, 3705 Santa Maria No. 24, Laredo, Tex. 78040. Applicant's representative: Bill R. Davis, Suite 101, Emerson Center, Atlanta, Ga. 30339. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Used clothing, rugs, rags*, in bales and (2) *used appliances* when moving in the same vehicle and at the same time as the commodities named in (1) above, from Miami, Fort Lauderdale, West Palm Beach, St. Petersburg, Tampa, Orlando, Jacksonville, Panama City, Pensacola, and Tallahassee, Fla., to Laredo, Tex., for 180 days. SUPPORTING SHIPPER: Galvan Second Hand Stores, 1119 Santa Maria, Laredo, Tex. 78040. SEND PROTESTS TO: District Supervisor Richard H. Dawkins, Interstate Commerce Commission, Bureau of Operations, 301 Broadway Bldg., Room 206, San Antonio, Tex 78205.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-13828 Filed 6-14-74;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

Correction

JUNE 5, 1974.

In FR Doc. 74-13270 appearing at page 20439 in the issue of Monday, June 10, 1974, the comments date in the fourth line of the second paragraph should be changed from June 10, 1974, to June 20, 1974.

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Volume 39 ■ Number 118

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The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of Defense

Section 213.3306 is amended to show that the position of President of the Uniformed Services University of the Health Sciences, is excepted under Schedule C.

Effective June 18, 1974, § 213.3306 (a) (64) is added as set out below.

§ 213.3306 Department of Defense.

(a) *Office of the Secretary.* • • •

(64) President of the Uniformed Services University of the Health Sciences.

(5 U.S.C. secs. 3301, 3302; E.O. 10577, 3 CFR 1954–58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc. 74–13912 Filed 6–17–74; 8:45 am]

PART 213—EXCEPTED SERVICE

Domestic Council Committee on the Right of Privacy

Section 213.3199 is amended to show that all positions at the grade levels GS–7 through GS–15 on the staff of the Domestic Council Committee on the Right of Privacy are excepted under Schedule A.

Effective on June 18, § 213.3199(r) is added as set out below.

§ 213.3199 Temporary Boards and Commissions.

• • • • •

(r) *Domestic Council Committee on the Right of Privacy.*

(1) All positions on the staff of the Committee in grades GS–7 through GS–15.

(5 U.S.C. secs. 3301, 3302; E.O. 10577, 3 CFR 1954–58 comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74–13913 Filed 6–17–74;8:45 am]

Title 7—Agriculture

CHAPTER III—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Whitefringed Beetle

QUARANTINE AND REGULATIONS

On August 14, 1973, a notice was published in the FEDERAL REGISTER (38 FR 21935) of a public hearing and proposed rulemaking proceeding to determine whether to terminate the Whitefringed Beetle Quarantine and regulations (7 CFR 301.72, 301.72–1 et seq.) or whether the quarantine and regulations should be extended to the States of Kentucky, Missouri, and Texas.

Interested persons were given an opportunity to submit written data, views, and arguments and a public hearing was held on September 11, 1973, with respect to these proposals. After due consideration of all relevant matters, including those presented at the hearing, it has been determined to be in the best interest of the public to retain the Whitefringed Beetle Quarantine and regulations and to add the States of Kentucky, Missouri, and Texas to the States designated as quarantined, to specify regulated areas in said States, and to amend the list of regulated articles by deleting certain articles and by changing the conditions under which certain other articles are regulated.

Statement of considerations. To prevent spread of the whitefringed beetle into other noninfested areas, it is necessary to quarantine the States of Kentucky, Missouri, and Texas, which are on the fringes of the infested area, and to regulate the movement from infested areas into noninfested areas of articles which are known to present a hazard of spread of the pest.

Past experience has shown that certain articles which are presently being regulated pose little hazard of spread of whitefringed beetles due to current growing, handling, and shipping practices. For this reason, the following articles are deleted from the list of regulated articles: Compost, decomposed manure, humus, muck, and peat; plant crowns and roots for propagation; true bulbs, corms, rhizomes, and tubers of ornamental plants; Irish potatoes; peanuts in shells and peanut shells; uncleaned grass, grain, and legume seed; hay and straw; used mechanized cultivating equipment and used harvesting equipment. The definition for mechanized cultivating equipment and mechanized harvesting equipment is deleted from § 301.72–1 because these articles are no longer regulated. Houseplants grown in a home and not for sale are being deleted from the list of regulated articles because empirical data in the Department indicates that the movement of the excepted articles would present only a minimal, if any, risk of spread of the whitefringed beetle.

Pursuant to the provisions of sections 8 and 9 of the Plant Quarantine Act of August 20, 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee), Notice of Quarantine No. 72 relating to the whitefringed beetle and regulations supplemental to said quarantine (7 CFR 301.72, 301.72–1 et seq.) are hereby amended as set forth below:

1. In § 301.72, paragraphs (a) and (b) are amended to read, respectively, as follows:

§ 301.72 Quarantine; restriction on interstate movement of specified regulated articles.

(a) *Notice of quarantine.* (1) Pursuant to the provisions of sections 8 and 9 of the Plant Quarantine Act of August 20, 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161), 162, 150ee), the Secretary of Agriculture heretofore determined, after public hearing, that it was necessary to quarantine the States[1] of Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia in order to prevent the spread of whitefringed beetle infestations of species of the genus Graphognathus, commonly known as whitefringed beetles, dangerous insects of cultivated crops, not theretofore widely prevalent or distributed within and throughout the United States, and accordingly quarantined said States.

(2) Pursuant to the said provisions and after public hearing, the Secretary has now determined that it is necessary also to quarantine the States of Kentucky, Missouri, and Texas to prevent the spread of the whitefringed beetle. Under the authority of said provisions, the Secretary hereby quarantines the States of Kentucky, Missouri, and Texas, and continues in effect the quarantine of the other specified States as aforesaid, with

[1] See definition of "State" in § 301.72–1(e).

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respect to the interstate movement from the quarantined States of the articles described in paragraph (b) of this section, amends the regulations in this subpart governing such movement, and gives notice of said quarantine and regulations, and amendments thereof.

(b) *Quarantine restrictions on interstate movement of specified regulated articles.* No common carrier or other person shall move interstate from any quarantined State any of the articles listed in paragraph (b) (1) or (2) of this section except in accordance with the conditions prescribed in this subpart:

(1) When moved from any generally infested area, or any area outside the regulated areas, in a quarantined State:

(i) Soil, separately or with other things;

(ii) Plants with roots with soil attached, except houseplants grown in a home and not for sale;

(iii) Grass sod;

(iv) Used mechanized soil-moving equipment;

(v) Any other products, articles, or means of conveyance of any character whatsoever, not covered by paragraph (b) (1) (i) through (iv) of this section, when it is determined by an inspector that they present a hazard of spread of the whitefringed beetle, and the person in possession thereof has been so notified.

(2) When moved from any suppressive area in a quarantined State:

(i) Bulk soil;

(ii) Used mechanized soil-moving equipment;

(iii) Any other products, articles, or means of conveyance of any character whatsoever, not covered by paragragh (b) (2) (i) and (ii) of this section, when it is determined by an inspector that they present a hazard of spread of the whitefringed beetle, and the person in possession thereof has been so notified.

2. Paragraph (j) of § 301.72–1, *Definitions*, is amended to read as follows:

§ 301.72–1 [Amended]

* * * * *

(j) *Mechanized soil-moving equipment.* Mechanized equipment used to move or transport soil—e.g., draglines, bulldozers, road scrapers, and dumptrucks.

(Secs. 8 and 9, 37 Stat. 318, as amended, sec. 106, 71 Stat. 33; (7 U.S.C. 161, 162, 150ee); 37 FR 28464, 28477; 38 FR 19140)

To the extent that these amendments relieve certain restrictions heretofore imposed, they should be made effective promptly in order to be of maximum benefit to persons subject to the restrictions which are being relieved. To the extent that these amendments impose restrictions, they are necessary in order to prevent the spread of the whitefringed beetle and should be made effective promptly to accomplish their purpose in the public interest. Also, it does not appear that additional information would be made available to the Department by further public participation in rulemaking proceedings on these amendments.

Therefore, under the administrative procedure provisions of 5 U.S.C. 553, it is found upon good cause that further notice of rulemaking and other public procedures with respect to the foregoing amendments are unnecessary, impracticable, and contrary to the public interest, and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

Effective date. These amendments shall become effective June 18, 1974.

Done at Washington, D.C., this 12th day of June, 1974.

LEO G. K. IVERSON,
Deputy Administrator, Plant Protection and Quarantine Programs.

[FR Doc.74–13900 Filed 6–17–74;8:45 am]

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Whitefringed Beetle

REGULATED AREAS

This document amends the supplemental regulation which lists regulated areas for purposes of the Federal Whitefringed Beetle Quarantine by adding to the regulated areas all or parts of the following previously nonregulated counties and parishes: Independence in Arkansas; Bacon and Forsyth in Georgia; Christian, McCracken, and Warren in Kentucky; Beauregard, Bossier, Calcasieu, and Lafourche in Louisiana; Dunklin and New Madrid in Missouri; and Harris, Jasper, and Tyler in Texas; and by extending the regulated areas in the following previously regulated counties and parishes: Crittenden and Poinsett in Arkansas; Jefferson in Florida; Appling, Berrien, De Kalb, Gwinnett, Hancock, Lanier, Morgan, and Pierce in Georgia; East Baton Rouge, East Feliciana, Lincoln, Livingston, Ouachita, Plaquemines, St. Charles, St. James, St. John the Baptist, Union, and Webster in Louisiana; and Carroll and Tallahatchie in Mississippi. Also, this document corrects the description of the regulated portion of Suwannee County in Florida.

Pursuant to the provisions of sections 8 and 9 of the Plant Quarantine Act of August 20, 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee), and § 301.72–2 of the Whitefringed Beetle Quarantine regulations, 7 CFR 301.72–2, as amended, the supplemental regulation designating regulated areas, 7 CFR 301.72–2a, is hereby amended as set forth below:

1. In 301.72–72a relating to the states of Arkansas, Florida, Georgia, Louisiana, Mississippi, Kentucky, Missouri, and Texas, under generally infested area, the following counties are redescribed or added in alphabetical order as follows:

§ 301.72–2a Regulated areas; suppressive and generally infested areas.

* * * * *

ARKANSAS

(1) *Generally infested area.*

* * * * *

Crittenden County. The entire county.

* * * * *

Independence County. That area included within the corporate limits of the City of Batesville.

* * * * *

Poinsett County. That area included within the corporate limits of the towns of Harrisburg, Trumann, Weiner, and that portion of Marked Tree lying west of the Saint Francis River; all that area of the county lying east of the Saint Francis River; secs. 12, 13, 14, 23, 24, 25, and 26, T. 10 N., R. 3 E.

* * * * *

FLORIDA

(1) *Generally infested area.*

* * * * *

Jefferson County. That portion of the county lying north of the south boundary line of T. 1 S.

* * * * *

Suwannee County. E½, T. 2 S., R. 13 E. and W½, T. 2 S., R. 14 E., including the entire City of Live Oak.

3. In § 301.72–2a relating to the State of Georgia, under generally infested area, the following counties are redescribed or added in alphabetical order as follows:

GEORGIA

(1) *Generally infested area—Appling County.* The entire county.

Bacon County. The entire county.

* * * * *

Berrien County. The entire county.

* * * * *

De Kalb County. The entire county.

* * * * *

Forsyth County. That portion of the county lying within Georgia Militia District 879.

* * * * *

Gwinnett County. That portion of the county within a circle having a 3-mile radius with the center at the county courthouse in Lawrenceville; and Georgia Militia District 550.

Hancock County. The entire county.

* * * * *

Lanier County. The entire county.

* * * * *

Morgan County. The entire county.

* * * * *

Pierce County. The entire county.

LOUISIANA

(1) *Generally infested area—Acadia Parish.* T. 7 S., Rs. 1 E. and 1 W.; secs. 13, 21, 22, 23, 24, 25, 26, 27, 28, 32, 33, 34, 35, 36, and 43, T. 9 S., R. 1 E.; that portion of sec. 14, T. 9 S., R. 1 E., lying south of Bayou Wikoff; those portions of secs. 20, 29, 30, 31, and 44, T. 9 S., R. 1 E., lying south and east of Bayou Plaquemine Brule; secs. 3, 4, 5, 6, 7, 8, and 37, T. 10 S., R. 1 E.; and secs. 19, 20, 21, 22, 27, 28, 29, 30, 31, 32, 33, and 34, T. 9 S., R. 2 E., and secs. 1, 2, 3, 4, 5, and 6, T. 7 S., R. 2 W.; and that portion of sec. 1, T. 7 S., R. 3 W. within the parish.

Beauregard Parish. That portion of T. 3 S., R. 6 W. lying within the parish.

Caddo Parish. That area in the corporate limits of the City of Shreveport bounded by a line beginning at a point where Youree Drive intersects U.S. Interstate Highway 20, thence southeast and then south along Youree Drive to its intersection with Kings Highway, thence west along Kings Highway to its intersection with U.S. Interstate Highway 20, thence northeast along U.S. Interstate Highway 20 to the point of beginning.

Caldwell Parish. Secs. 10, 11, 14, 15, T. 12 N., R. 3 E.

De Soto Parish. Secs. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, and 18, T. 11 N., R. 13 W.; and that portion of the parish lying within T. 12 N., R. 13 W.

East Baton Rouge Parish. The entire parish.

East Feliciana Parish. The entire parish.

Evangeline Parish. That area bounded by lines lying 1 mile west and east of and parallel to Louisiana Highway 13 extending from State Highway 1160 to the south line of the parish; sections 27, 28, 29, 31, 32, 33, 34, and 42, T. 4 S., R. 3 W.; and that portion of secs. 27 and 28, T. 6 S., R. 3 W., within the parish.

Iberia Parish. That portion of the parish known as Avery Island including secs. 37, 38, 39, 53, 55, and 56, T. 13 S., R. 5 E.; and secs. 26, 55, 56, 57, 58, 59, and 60, T. 13 S., R. 6 E.; and secs. 1, 2, 10, 11, 12, and 13, T. 12 S., R. 6 E.

Iberville Parish. That portion of the parish lying west of the Mississippi River in T. 9 S., Rs. 12 and 13 E.

Jefferson Parish. The entire parish.

Jefferson Davis Parish. Sections 36, 37, and that portion of sec. 38 within the parish in T. 6 S., R. 3 W., and that portion of sec. 1 within the parish, and secs. 2 and 3, T. 7 S., R. 3 W.

Lafayette Parish. The entire parish.

Lincoln Parish. The entire parish.

Livingston Parish. The entire parish.

Morehouse Parish. All that area within the corporate limits of the City of Bastrop; secs. 13, 14, and those portions of secs. 23, and 24 outside the corporate limits of the City of Bastrop, T. 21 N., R. 5 E.

Natchitoches Parish. That portion of the parish lying within T. 9 N., R. 7 W.

Orleans Parish. All of Orleans Parish, including the City of New Orleans.

Ouachita Parish. The entire parish.

Plaquemines Parish. That portion of the parish lying north of the south line of T. 18 S.

Pointe Coupée Parish. That portion of the parish in T. 6 S., Rs. 8 and 9 E.

Rapides Parish. That portion of sec. 1 outside of the corporate city limits of Pineville; sec. 2, T. 4 N., R. 1 W.; and secs. 35 and 36, T. 5 N., R. 1 W.; and that portion of the City of Alexandria bounded on the west by MacArthur Drive, on the south and east by Monroe Street, and on the north by Bolton Avenue; all of T. 1 N., R. 1 W.; secs. 4, 5, and 6, T. 1 S., R. 2 W.; secs. 28, 29, 30, 31, 32, and 33, T. 11 N., R. 2 W.; secs. 32, 76, 115, and that portion of 118 and 119 lying south of State Highway 121 in T. 4 N., R. 3 W.; secs. 12, 13, 37, 38, 40, and 41 in T. 4 N., R. 4 W.

Red River Parish. That portion of the parish lying within the corporate limits of the City of Coushatta.

St. Bernard Parish. The entire parish.

St. Charles Parish. That portion of the parish lying north of the south line of T. 13 S.

St. Helena Parish. The entire parish.

St. James Parish. That portion of the parish lying north and east of the Mississippi River.

St. John the Baptist Parish. That portion of the parish lying north and east of the Mississippi River.

St. Landry Parish. That portion of the parish lying in T. 5 S. west of the east line of R. 2 E.; secs. 33, 34, 35, 42, and 45, T. 5 S., R. 5. E.; secs. 2, 3, 4, 5, 6, 11, 12, 13, 14, 15, 16, 52, and 63, T. 6 S., R. 5 E.; that portion of sec. 47 lying east of the Missouri Pacific Railroad, and sec. 61, T. 7 S., R. 5 E.; and sec. 30, T. 7 S., R. 6 E.

St. Martin Parish. Secs. 13, 24, 105, and 106, T. 6 S., R. 5 E.; and secs. 48 and 57, T. 8 S., R. 6 E.

St. Tammany Parish. The entire parish.

Tangipahoa Parish. The entire parish.

Terrebonne Parish. That area bounded by a line commencing where the Intercoastal Waterway crosses Bayou Terrebonne, thence north and east along said waterway to the east line of R. 17 E., thence south along said line to the intersection of East Houma city limits, thence south along said city limits line to the intersection of Louisiana Highway 57, thence north and west along said highway to the intersection of State Highway 24, thence west on State Highway 24 to the point of beginning.

Union Parish. That portion of the parish lying within T. 20 N., Rs. 1 W. and 1 E., and T. 21 N., Rs. 1 W. and 1 E.

Vernon Parish. That portion of the parish lying within T. 2 N., R. 9 W.; and that portion of the parish lying within the Fort Polk military reservation.

Washington Parish. The entire parish.

Webster Parish. T. 18 N., Rs. 8 and 9 W.; T. 19 N., R. 9 W.; and all that area lying within the corporate limits of the City of Springhill.

West Carroll Parish. That portion of the parish lying within T. 11 N., Rs. 2 and 3 W.

(2) *Suppressive area.*

Bienville Parish. That area lying within the corporate limits of the City of Arcadia.

Bossier Parish. That area within the corporate limits of Bossier City bounded by a line beginning at a point where Barksdale Boulevard intersects the Kansas City Southern Railroad, thence southeast along Barksdale Boulevard to its junction with Central Park Drive, thence southwest along Central Park Drive to its junction with Rodney Street, thence southwest along a line projected from a point at the junction of Central Park Drive and Rodney Street to the east bank of Red River, thence northwest along said bank of the Red River to its intersection with the Kansas City Southern Railroad, thence northeast along the Kansas City Railroad to the point of beginning.

Caloasieu Parish. Secs. 15, 16, 21, and 22, T. 2 S., R. 12 W.; secs. 31, 32, 33, 34, and 35, T. 8 S., R. 13 W.; secs. 2, 3, 4, 5, that portion of secs. 6, 7, 8, and 9 within the parish, and secs. 10 and 11, T. 9 S., R. 13 W.; that portion of sec. 36, T. 8 S., R. 14 W. within the parish; and that portion of sec. 1, T. 9 S., R. 14 W., within the parish.

Grant Parish. Sec. 15, T. 6 N., R. 1 W.

Lafourche Parish. That portion of T. 15 S., R. 17 E., lying within the parish.

West Feliciana Parish. Secs. 51, 52, 67, and 68, T. 3 S., R. 3 W., excluding that area lying within the corporate limits of the City of St. Francisville.

MISSISSIPPI

(1) *Generally infested area.*

* * * * *

Carroll County. T. 17 N., R. 5 E.; secs. 1, 12, and 13, T. 19 N., R. 3 E.; and NW1/4 T. 19 N., R. 4 E.

* * * * *

Tallahatchie County. Secs. 2 and 3, T. 24 N., R. 2 E.; secs. 34 and 35, T. 25 N., R. 2 E.; and NE1/4 T. 25 N., R. 3 E.

* * * * *

KENTUCKY

(1) *Generally infested area.* None.

(2) *Suppressive area—Christian County.* That area bounded by a line beginning at a point on U.S. Highway 41–A, 0.5 mile north of the Tennessee-Kentucky State line and 50 feet north of the Edston TVA Sub-station, thence along an imaginary line from said point 110 yards due east, thence 220 yards south along an imaginary line parallel to U.S. Highway 41–A, thence 110 yards due west along another imaginary line to U.S. Highway 41–A, thence north along said highway to the point of beginning.

McCracken County. That area of the City of Paducah bounded by a line beginning at a point where Lone Oak Road intersects Jackson Street, thence northeasterly along Jackson Street to its junction with 31st Street, thence southeasterly along an imaginary line projected from said junction across the Paxton Park Golf Course to the junction of Oak Street and Emmet Street, thence westerly along said street to its junction with Lone Oak Road, thence northerly along said road to the point of beginning.

Warren County. That area of the City of Bowling Green bounded by a line beginning at a point where Nashville Road intersects Normal Boulevard, thence westerly along said boulevard to its junction with Normal Drive, thence northerly along said drive to its junction with State Street, thence northerly along State Street to its junction with 10th Street, thence southeasterly along 10th Street to its junction with Chestnut Street, thence southwesterly along Chestnut Street to its junction with Ogden Avenue, thence easterly along Ogden Avenue to its junction with 15th Street, thence southeasterly along 15th Street to its junction with Magnolia Avenue and Cook Street, thence southwesterly along Magnolia Avenue and Cook Street to its junction with Cabell Drive, thence southerly along said drive to its junction with Smith Drive, thence southwesterly along Smith Drive to its junction with Rodes Avenue, thence south along Rodes Avenue to its junction with Loving Avenue, thence west along Loving Avenue to the point of beginning.

MISSOURI

(1) *Generally infested area.* None.

(2) *Suppressive area—Dunklin County.* That portion of the county lying within the corporate limits of the City of Cardwell in secs. 3 and 10, Buffalo twp. T. 16 N., R. 7 E.; that portion of the county within the City of Malden lying east of Missouri Route 25 in secs. 10 and 15, Cotton Hill twp. T. 22 N., R. 10 E.

New Madrid County. That portion of the county lying within and bounded by the corporate limits of the City of Portageville.

TEXAS

(1) *Generally infested area.* None.

(2) *Suppressive area—Harris County.* That portion of the county bounded by a line beginning at the point where Gosling Road crosses Willow Creek, thence easterly along said creek to its confluence with Spring Creek, thence southeasterly along said creek to U.S. Highway 59, thence southwesterly along said highway to its junction with Texas Highway 525, thence west along said highway to its junction with Interstate Highway 45, thence southerly along said highway to its intersection with West Road, thence west along said road to its junction with Stuebner Airline Road, thence northwesterly along said road to its junction with State Secondary Road 2920, thence east along said road to its intersection with Rhodes Road, thence north along said road to its junction with Spring-Stuebner Road, thence westerly along said road to its junction with Goslin Road, thence north along said road to the point of beginning.

Jasper County. That portion of the county bounded by a line beginning at the intersection of Texas Highway 63 and Farm Road 254 and extending north and northeast along said farm road to its termination, thence easterly along the West Lake Peach Tree Road to its junction with Farm Road 2800, thence southeasterly along said farm road to its intersection with Gulf States Utilities Power Transmission Line, thence east along said Power Transmission Line to

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its junction with U.S. Highway 96, thence northerly along said highway to the junction of the Collins-Harrisburg Road, thence easterly along said road to its junction with Farm Road 1738, thence southerly along said road to its junction with Texas Highway 63, thence southwesterly along said highway to the junction of a county road at Bishop Chapel, thence southerly along said county road to its junction with Farm Road 1406, thence northwesterly along said road for a distance of 0.7 mile to where it crosses a tripie gas transmission line, thence southerly along said gas transmission line to where it crosses Big Walnut Run, thence southwesterly along Big Walnut Run to where it crosses the east leg of Farm Loop Road 777, thence northeasterly along said road to its junction with Stick Road, thence west along said road to its junction with Farm Road 1747, thence north along said road to its junction with Farm Road 2799, thence east along said road to its junction with Farm Road 254, thence northerly along said road to the point of beginning.

Tyler County. That portion of the county bounded by a line beginning at the point of junction of Farm Road 256 and a county road running from Shiloh through Doucette to Barlow, and extending along said county road in an easterly direction to where it crosses Theuvenins Creek, thence southeasterly along said creek to where it crosses Farm Road 1013, thence westerly along said farm road to its junction with U.S. Highway 69, thence southerly along said highway to where it crosses Big Cypress Creek, thence northwesterly along said creek to its confluence with Little Cypress Creek, thence northerly along Little Cypress Creek to where it crosses U.S. Highway 190, thence westerly along said highway to its junction with Farm Road 256, thence northerly along said road to the point of beginning, but excluding the towns of Doucette and Hillister.

(Secs. 8 and 9, 37 Stat. 318, as amended, sec. 106, 71 Stat. 33; (7 U.S.C. 161, 162 150ee); 37 FR 28464, 28477; 38 FR 19140; 7 CFR 301.72–2, as amended)

This amendment shall become effective June 18, 1974.

The Deputy Administrator of the Plant Protection and Quarantine Programs has determined that the whitefringed beetle has been found or there is reason to believe it is present in the civil divisions and parts of civil divisions listed as regulated areas or that it is necessary to regulate such areas because of their proximity to whitefringed beetle infestation or their inseparability for quarantine enforcement purposes from whitefringed beetle infested localities. Further, he has also determined that the areas designated as suppressive and generally infested areas are eligible for such designation under § 301.72–1, as amended.

The Deputy Administrator has also determined that each of the quarantined States, wherein only portions of the State are designated as regulated areas has adopted and is enforcing a quarantine or regulation which imposes restrictions on the intrastate movement of the regulated articles which are substantially the same as those which are imposed with respect to the interstate movement of such articles under the quarantine and regulations in this subpart, and that the designation of less than the entire State as a regulated area will otherwise be adequate to prevent the interstate spread of the whitefringed beetle. Therefore, such civil divisions and parts of civil divisions listed above are designated as whitefringed beetle regulated areas.

The document imposes restrictions that are necessary in order to prevent the dissemination of the whitefringed beetle and should be made effectively promptly to accomplish its purpose in the public interest. Accordingly, it is found upon good cause, under the administrative procedure provisions of 5 U.S.C. 553, that notice and other public procedure with respect to the foregoing amendment are impracticable and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the Federal Register.

Done at Washington, D.C., this 12th day of June 1974.

LEO G. K. IVERSON,
Deputy Administrator, Plant Protection and Quarantine Programs.

[FR Doc.74–13901 Filed 6–17–74;8:45 am]

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Whitefringed Beetle

EXEMPTED ARTICLES

This document amends the regulations supplemental to the Whitefringed Beetle Quarantine by adding transplants, if substantially free of soil, to the list of articles exempted from certification, permit, or other requirements and also by deleting compost, decomposed manure, humus, and peat from the list.

Statement of considerations. It is not considered necessary to regulate transplants substantially free of soil to prevent the spread of the whitefringed beetle. Therefore, they are being exempted from regulation. Compost, decomposed manure, humus, and peat are no longer regulated under the quarantine and therefore are deleted.

Pursuant to the provisions of sections 8 and 9 of the Plant Quarantine Act of August 20, 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee), and in accordance with § 301.72–2 of the Whitefringed Beetle Quarantine regulations (7 CFR 301.72–2, as amended), the supplemental regulation exempting certain articles from specified requirements of the regulations, 7 CFR 301.72–2b is hereby amended to read as follows:

§ 301.72–2b Exempted articles.[1]

The following articles are exempt from the certification, permit, or other requirements of this subpart if they meet the applicable conditions prescribed in paragraphs (a) through (c) of this section and have not been exposed to infestation after cleaning or other handling as prescribed in said paragraphs:

(a) Potting soil, if commercially prepared, packaged, and shipped in original containers.

(b) Used mechanized soil-moving equipment, if it has only compacted soil or is cleaned of all noncompacted[2] soil.

(c) Transplants, if substantially free[3] of soil.

(Secs. 8 and 9, 37 Stat. 318, as amended, sec. 106, 71 Stat. 33 (7 U.S.C. 161, 162, 150ee); 37 FR 28464, 28477, 38 FR 19140; 38 FR 10071, 7 CFR 301.72–2)

The Deputy Administrator of the Plant Protection and Quarantine Programs has found that facts exist as to the pest risk involved in the movement of such articles which make it safe to relieve the requirements as provided herein.

This amendment relieves certain restrictions heretofore imposed, and should be made effective promptly in order to be of maximum benefit to the persons subject to the restrictions that are being relieved. Also, it does not appear that additional information would be made available to the Department by public participation in rulemaking proceedings on the amendment. Accordingly, it is found, under the administrative procedure provisions of 5 U.S.C. 553, that notice and other public procedure with respect to this amendment are impracticable and unnecessary, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Effective date. This amendment shall become effective June 18, 1974.

Done at Washington, D.C., this 12th day of June 1974.

LEO G. K. IVERSON,
Deputy Administrator, Plant Protection and Quarantine Programs.

[FR Doc.74–13899 Filed 6–17–74;8:45 am]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Grapefruit Reg. 74, Amdt. 8; Export Reg. 23, Amdt. 4]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Grade Regulations for Grapefruit and Oranges

The amendment to Regulation 74 lowers the minimum grade requirement applicable to domestic shipments of seeded grapefruit to Improved No. 2 on June 14, 1974. The amendment to Regulation 23 lowers the minimum grade requirement applicable to export shipments of oranges, other than Navel, Temple and Murcott Honey oranges, to U.S. No. 2 on June 24, 1974. The specifica-

[1] The articles hereby exempted remain subject to applicable restrictions under other quarantines.

[2] Compacted soil is defined as soil attached to equipment which cannot be removed by brisk brushing and/or washing with water under normal city water pressure.

[3] Not sufficient soil to harbor whitefringed beetle larvae.

tion of such lower minimum grade for Florida seeded grapefruit is necessary to satisfy demand for such grapefruit during the period of seasonally reduced supply. The amended grade requirement for the specified varieties of oranges recognizes the lesser quality of such oranges estimated to be remaining for fresh shipment to export outlets.

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the requirements applicable to grapefruit and oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The lower minimum grade requirement for domestic shipments of fresh seeded grapefruit is consistent with the remaining supply of and current and prospective demand for such grapefruit by fresh market outlets. Fresh shipments of Florida grapefruit for the season through June 9, 1974, totaled 25,166 carlots, and there were an estimated 1,084 carlots remaining for shipment. The lower grade requirement for export shipments of the specified varieties of oranges for the period June 24, 1974, through September 29, 1974, reflects the seasonal decline in the external appearance of such oranges and the prospective demand for such oranges by export outlets. For the season through June 2, 1974, export shipments of Florida fresh oranges totaled 765 carlots compared to 264 carlots during a comparable period last season.

(3) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of these amendments until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that the time intervening between the date when information upon which these amendments are based became available and the time when these amendments must become effective in order to effectuate the declared policy of the act is insufficient; and these amendments lower requirements applicable to the handling of grapefruit and oranges grown in Florida.

Order. 1. In § 905.551 (Grapefruit Regulation 74; 38 FR 25665, 28063, 31414, 34454, 34986; 39 FR 6605, 16231, 17970) the provisions of paragraph (b)(1) are amended to read as follows:

§905.551 Grapefruit Regulation 74.

* * * * * * *

(b) * * *

(1) Any seeded grapefruit, grown in the production area, which do not grade at least U.S. No. 1: *Provided,* That during the period June 14, 1974, through September 29, 1974, seeded grapefruit may be shipped if they grade at least Improved No. 2;

* * * * * * *

2. In § 905.554 (Export Regulation 23; 38 FR 25665, 28063; 39 FR 3812, 12105) the provisions of paragraphs (b)(1) and (b)(9) are amended to read as follows:

§ 905.554 Export Regulation 23.

* * * * * * *

(b) * * *

(1) Any oranges, except Navel oranges, Temple oranges, Murcott Honey oranges, and Valencia, Lue Gim Gong and similar late maturing oranges of the Valencia type, grown in the production area, which do not grade at least U.S. No. 1: *Provided,* That during the period June 24, 1974, through September 29, 1974, such oranges may be shipped if they grade at least U.S. No. 2;

* * * * * * *

(9) Any Valencia, Lue Gim Gong, and similar late maturing oranges of the Valencia type, grown in the production area, which do not grade at least U.S. No. 1: *Provided,* That during the period June 24, 1974, through September 29, 1974, such oranges may be shipped if they grade at least U.S. No. 2;

* * * * * * *

(Secs. 1–19, 48 Stat. 31, as amended (7 U.S.C. 601–674))

Dated June 13, 1974, to become effective June 14, 1974.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.74–13976 Filed 6–17–74;8:45 am]

Title 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER E—VIRUSES, SERUMS, TOXINS, AND ANALOGOUS PRODUCTS; ORGANISMS AND VECTORS

PART 113—STANDARD REQUIREMENTS

Miscellaneous Amendments

On March 15, 1974, a notice of proposed amendments to Part 113 was published in the FEDERAL REGISTER, 39 FR 9983.

These amendments authorize the issuance of technical bulletins to be known as Supplemental Assay Methods (SAMs), standard reference preparations, standard test reagents, and seed cultures for laboratory test reagents as aids in conducting required tests.

They amend the test methods provided in § 113.26 to clarify the use of such methods to test materials used in the preparation of biological products. They authorize the testing of bulk material to satisfy the lymphoid leukosis requirements for products of avian origin.

The types of cells to be used when testing cell lines for purity are changed to those more appropriate and clarify the instructions for their use. Requirements for testing nutrient serum used in medium for growing bacteria are clarified.

After due consideration of all relevant matters, including the proposals set forth in the aforesaid notices of rulemaking, and the comments and views submitted by interested persons, and pursuant to the authority contained in the Virus-Serum-Toxin Act of March 4, 1913 (U.S.C. 151–158), the amendments of Part 113, of Subchapter E, Chapter I, Title 9 of the Code of Federal Regulations, as contained in the aforesaid notices are hereby adopted and are set forth herein, subject to the following noted modifications:

§ 113.2 has been reworded for clarification. "Seed cultures" has been substituted for "seed virus" in paragraph (d).

§ 113.26 has been reworded by substituting "ingredients" for "materials" in the lead paragraph and subparagraph (c)(3). Subdivision (b)(2)(ii) has been reworded for clarity.

The lead paragraph in § 113.52(d)(4) has been reworded for clarity and authorization to use cell lines added to subdivision (v).

§ 113.53(b) has been reworded to permit the licensee to process nutrient serum other than by pasteurization and to clarify the application of the test requirements to such serums used in cell culture systems.

Also, the captions for § 113.36 and § 113.37 are revised by deleting the word "extraneous" from each and substituting the word "chicken" for "chick" in § 113.37 as being more accurate and uniform. These changes are editorial and do not substantively change the regulations affected.

1. Section 113.2 is amended to read:

§ 113.2 Testing aids.

To better insure consistent and reproducible test results when Standard Requirement tests prescribed in the regulations are conducted, Veterinary Services Laboratories, U.S. Department of Agriculture, may provide testing aids, when available, to licensees, permitees, and applicants for licenses and permits. Such aids shall be as follows:

(a) Supplemental Assay Method (SAM) is a technical bulletin containing detailed instructions for conducting an official required test. Such instructions shall be in accordance with the procedures currently being followed at Veterinary Services Laboratories and as improved, proven procedures are developed, shall be revised and reissued prior to application.

(b) Standard Reference Preparation is a serum, virus, bacterial culture, or antigen to be used in test systems for direct comparison with serials of biological products under test.

(c) Standard Test Reagent is a serum, antitoxin, fluorescent antibody conjugate, toxin, virus, bacterial cultural, or antigen to be used in test systems but

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not for direct comparison with serials of biological products under test.

(d) Seed cultures are small quantities of standard organisms to be propagated by the recipient to establish a supply for use.

2. The caption and introductory paragraph of § 113.26, and the provisions in § 113.26(b)(1), (b)(2), and (c)(3) are amended to read:

§ 113.26 Detection of viable bacteria and fungi except in live vaccine.

Each serial and subserial of biological product except live vaccines shall be tested as prescribed in this section unless otherwise specified by the Deputy Administrator. When ingredients used in the preparation of a biolgoical product are required to be free of viable bacteria and fungi, they shall also be tested as prescribed in this section.

* * * * *

(b) Test procedure:

(1) The media prescribed in paragraph (a) of this section shall be used in sufficient quantity to negate the bacteriostatic or fungistatic activity in the inoculum as determined in § 113.25(d).

(2) Inoculum:

(i) When completed product is tested, 10 final container samples for each serial and subserial shall be used. Inoculate 1 ml, or entire contents if less than 1 ml, from each sample to a corresponding individual test vessel of culture medium.

(ii) When cell lines or primary cells are tested, 10 samples having a total volume of at least five ml of resuspended cells shall be tested using media and procedures prescribed in paragraphs (a) and (b) of this section.

* * * * *

(c) * * *

(3) If growth is found in any test vessel of the final test, the serial, subserial, or ingredients to be used in the preparation of a biological product, as the case may be, is unsatisfactory.

3. § 113.31(a)(2) is amended to read:

§ 113.31 Detection of avian lymphoid leukosis.

* * * * *

(a) * * *

(2) When cell cultures are tested, 5 ml of the final cell suspension as prepared for seeding of production cell cultures shall be used as inoculum. When vaccines are tested, the equivalent of 200 doses of Newcastle disease vaccine or 500 doses of other vaccines for use in poultry, or one dose of vaccine for use in other animals shall be used as inoculum. Control cultures shall be prepared from the same cell suspension as the cultures for testing the vaccine.

* * * * *

4. § 113.52(d)(4) is amended to read:

§ 113.52 Requirements for selection of cell lines.

* * * * *

(d) * * *

(4) At least one monolayer, at the conclusion of the required observation period, shall be alternately frozen and thawed three times. A 1.0 ml aliquot of disrupted cells shall be dispensed onto at least one monolayer of each of the cells designated in paragraph (d)(4)(i), (ii), (iii), and (iv) of this section. Use of such designated cells is a mandatory cell requirement; *Provided*, That, if the species for which the vaccine is recommended is not represented by such designated cells, use of the cells designated in paragraph (d)(4)(v) of this section is also mandatory.

(i) Vero line of African Green Monkey kidney cell line.

(ii) Embryonic bovine kidney cells.

(iii) Neonatal canine kidney cells.

(iv) BHK_{21} hamster kidney cell line.

(v) Embryonic cells, neonatal cells, or cell lines of the species for which the vaccine is recommended.

* * * * *

5. The introductory paragraph of § 113.53(b) is amended to read:

§ 113.53 Requirements for ingredients of animal origin.

* * * * *

(b) Nutrient serum added to cell culture systems used in the preparation of biological products shall be tested according to the tests prescribed in this paragraph. Nutrient serum added to medium used for growing bacteria shall meet the requirements in paragraph (b)(1) of this section and shall be processed in accordance with methods written into the filed Outline of Production.

* * * * *

§ 113.36 Detection of pathogens by the chicken inoculation test.

§ 113.37 Detection of pathogens by the chicken embryo inoculation test.

6. The headings for §§ 113.36 and 113.37 are amended to read as set forth above.

It is hereby found that notice of rulemaking and public procedure thereon are impracticable and unnecessary, and this amendment should be made effective June 28, 1974.

Effective date. This amendment takes effect July 22, 1974.

Done at Washington, D.C., this 13th day of June 1974.

PIERRE A. CHALOUX,
Acting Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.74-13903 Filed 6-17-74;8:45 am]

Title 10—Energy

CHAPTER II—FEDERAL ENERGY OFFICE

APPENDIX; RULINGS

[FEO Ruling 1974-15]

PORTABLE SANITATION INDUSTRY

Facts. Firm A is engaged in the delivery, maintenance, and servicing of portable sanitation facilities to locations at which no permanent toilet facilities are available, such as construction sites, sporting events, recreation areas and the scenes of natural disasters and accidents. Firm A delivers and installs portable chemical toilets and provides regular maintenance of the units, including pumping and disposal of the toilet effluent and furnishing fresh chemicals, toilet paper, deodorant blocks and other supplies.

Issue. Is Firm A engaged in "sanitation services," as defined in § 211.51 of the Mandatory Petroleum Allocation Regulations (10 CFR 211.51), for purposes of determining the allocation level under which it is entitled to purchase motor gasoline?

Ruling. Yes. As defined in § 211.51, "sanitation services" means "the collection and disposal for the general public of solid wastes, whether by public or private entities, and the maintenance, operation and repair of liquid purification and waste facilities during emergency conditions." In its business, Firm A collects and disposes of solid wastes for the general public at sporting events and recreational areas. In addition, although equipment installed and maintained at construction sites is primarily for the use of the parties involved in the construction project, such facilities are frequently available for the use of the general public. At times Firm A is called upon to maintain and operate waste facilities during emergency conditions, such as those prevailing after floods, storms and other natural disasters, or at scenes of accidents or rescue operations. Firm A is therefore engaged in sanitation services as defined under the Mandatory Petroleum Allocation Regulations.

The allocation level for sanitation services is one hundred percent of current requirements, subject to the supplier's allocation fraction. Firm A is therefore entitled under § 211.103(c)(1)(iii) to purchase one hundred percent of its current requirements of motor gasoline, reduced by an allocation fraction, if it is a wholesale purchaser-consumer as defined in §211.51, or a bulk purchaser as defined in § 211.102, subject to any other applicable provisions of the regulations.

WILLIAM N. WALKER,
General Counsel, Federal Energy Office.

JUNE 12, 1974.

[FR Doc.74-13891 Filed 6-17-74;8:45 am]

[FEO Ruling 1974-16]

ALLOWABLE USE OF MULTIPLE ALLOCATION FRACTIONS

Section 211.10(b), Chapter II of Title 10, Code of Federal Regulations, requires suppliers to have a single allocation fraction for all purchasers except to the extent permitted by § 211.14 or unless permitted or required by order of the FEO. Suppliers with two or more distribution subsystems or regions independent of one another may petition the National FEO for permission to use multiple allocation fractions whenever use of a single fraction would be impracticable or inconsistent with the objectives of the Mandatory Petroleum Allocation Program.

FEO has concluded that suppliers which are engaged in distribution of allocated products both in the 48 contiguous States and in Alaska, Hawaii, or any territory or possession of the United States will be able to justify the use of multiple allocation fractions under § 211.10(b) because of geographical considerations. FEO will therefore permit the use of allocation fractions for Alaska, Hawaii, or any territory or possession of the United States which are different from the single fraction used for the 48 contiguous States, without the filing of a petition otherwise required by § 211.10(b).

A supplier which uses multiple allocation fractions pursuant to this ruling must notify FEO if its allocation fraction in Alaska, Hawaii, or any state, territory or possession of the United States exceeds by 0.3 or more or falls below the allocation fraction of the supplier used in the 48 contiguous States. If it appears that a supplier's allocation fraction in any such area varies greatly from its allocation fraction in its distribution subsystem or subsystems in the 48 contiguous States, or is otherwise impracticable or inconsistent with the objectives of the Mandatory Petroleum Allocation Program, FEO may require the supplier to submit information justifying its practice, and may order modification of the allocation fractions used, including the use of a single allocation fraction for all purchasers.

WILLIAM N. WALKER,
General Counsel, Federal Energy Office.

JUNE 12, 1974.

[FR Doc.74-13892 Filed 6-17-74;8:45 am]

[FEO Ruling 1974-17]

BASE PRICE COMPUTATION

Facts. Firm R is a refiner of covered petroleum products subject to the Mandatory Petroleum Price Regulations of the Federal Energy Office (10 CFR Part 212). Under Subpart E of Part 212, to determine its lawful selling prices, Firm R must first compute its base prices. The base price for sales of an item by a refiner is defined in 10 CFR 212.82(f) as the "weighted average price at which the item was lawfully priced in transactions with the class of purchaser concerned on May 15, 1973" plus increased product costs incurred since that date.

Firm R computes its weighted average May 15, 1973 selling price for a product sold to a particular class of purchaser. Firm R, however, does not determine prices to individual customers within that class of purchaser by use of this weighted average May 15, 1973 selling price. Instead, to determine its "base prices," Firm R adds an equal amount of increased product costs to each May 15, 1973 selling price to each individual customer within that class of purchaser, and thereby maintains the price differences between customers within that class of purchaser which existed on May 15, 1973. By so doing, Firm R asserts that it is maintaining a weighted average May 15, 1973 selling price, plus increased product costs, even though some of the firm's sales to customers within that class are now at prices above, and some are now at prices below, the actual weighted average May 15, 1973 selling price, plus increased product costs.

To illustrate, Firm R's base price determination for sales of a product to a particular class of purchaser may be represented as follows, assuming that each customer within the class was sold an equal number of units on May 15:

[In cents]

Customers in a class of purchaser	May 15 selling price	Weighted average price	Increased product cost	Base price	New unit price charged
A	10				12
B	11	11	2	13	13
C	12				14
Average					13

The price to B was Firm R's prevailing market price on May 15, 1973; the lower price to A was due to a special, temporary deal in effect on May 15; and the higher price to C was caused by the provisions of a short-term agreement under which C purchased its product. These price differences within the same class of purchaser were random differentials. They did not constitute customary price differentials, which would have served to establish separate classes of purchaser, because they were not consistently and historically applied price distinctions based on differences in volume, grade, quality, or location or type of purchaser or a term or condition of sale or delivery.

Issue. Has Firm R correctly applied the FEO price regulations?

Ruling. No. Firm R's efforts to "maintain" price differences among its customers within a particular class of purchaser are not permitted by FEO price regulations. When a seller computes its base prices, those are established with respect to a "class of purchaser." Section 212.31 defines a "class of purchaser" as "purchasers or lessees to whom a person has charged a comparable price for a comparable property or service pursuant to customary price differential between those purchasers or lessees and other purchasers or lessees." A class of purchaser is, therefore, the smallest unit for which a uniform selling price may be computed because, by definition, no customary price differentials exist within a class of purchaser. It should be noted, however, that a class of purchaser may consist of only a single customer, if that particular customer alone was charged a comparable price for a comparable property or service pursuant to a customary price differential between the customer and all other customers.

The base price computed for a class of purchaser must be a single price for all customers within that class of purchaser. In the case of Firm R, the base price for customers A, B, and C is 13 cents. By charging a unit price of 14 cents to Customer C, Firm R is charging a price in excess of the base price which would only be permissible if prenotified and cost-justified pursuant to the provisions of § 212.82(c)-(k). The same general principles also apply to the calculation of lawful selling prices under 10 CFR 212.93.

WILLIAM N. WALKER,
General Counsel, Federal Energy Office.

JUNE 12, 1974.

[FR Doc.74-13893 Filed 6-17-74;8:45 am]

[FEO Ruling 1974-18]

GASOLINE; DISCOUNTED MAY 15, 1973 PRICE TO A CLASS OF PURCHASER

Facts. G&M, a firm engaged in refining and marketing petroleum products, distributes its gasoline products in retail sales through its own retail stations and through sales to branded and unbranded independent sellers. G&M establishes the tankwagon and terminal prices for the gasoline to be sold within specified areas. One May 15, 1973, G&M sold gasoline to Company A, a branded independent retailer, which operated a high volume retail outlet in a favorable location, at a net price which was 1½ cents per gallon less than G&M's established tankwagon price in that area. G&M regularly extended this type of competitive discount or allowance to various retailers for a variety of reasons. Company A's discount was a competitive inducement for it to continue to purchase gasoline from G&M. In this case, Company A received the discount by a contract addendum made on January 1, 1973, which was to be in effect for an indefinite period, subject to discontinuance upon notice by G&M.

On May 15, 1973, another branded independent retailer, Company B, also received a discount of 1½ cents off G&M's tankwagon price for its gasoline. The discount to Company B was first placed in effect on April 15, 1973, and represented a form of subsidy to Company B (and to other retailers in Company B's pricing zone) for the purpose of alleviating the impact of a "price war" situation. The discount to Company B was not intended to be of indefinite duration, but was intended to be temporary and to remain in effect only for as long as the "price war" situation lasted.

On June 1, 1973, G&M notified all its purchasers that no further sales of gasoline would be made at less than the tankwagon price.

Issue. May G&M discontinue these discounted sales to its purchasers under the price regulations of the Federal Energy Office?

Ruling. G&M's discount to Company A may not be discontinued under FEO regulations. G&M is not, however, required by FEO rules to maintain the discount to Company B.

G&M must calculate its base prices according to the rule of 10 CFR 212.82(f). This price rule requires that G&M establish a weighted average May 15, 1973 selling price to each "class of purchaser." To determine a class of purchaser, 10 CFR 212.31 requires that G&M identify

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those "purchasers * * * to whom [G&M] has charged a comparable price for comparable property * * * pursuant to customary price differentials between those purchasers * * * and other purchasers * * *." Section 212.31 identifies a customary price differential to include a price distinction based on a discount.

In the case of Company A, the tankwagon price is not the appropriate price to apply when calculating the base price under § 212.82 because that Company customarily paid a price less than the tankwagon price. Company A could not, therefore, be included in any class of purchaser which is charged the tankwagon price. The lower price based on a discount, which Company A customarily paid, establishes Company A as a member of a class of purchaser separate from those purchasers which customarily paid the tankwagon price.

Company B, however, may be included in the class of purchaser which includes persons customarily paying the full tankwagon price. The reason that Company B's lower May 15, 1973 price need not be separately maintained in a separate class of purchaser is that the discount price to Company B was intended to be temporary and did not, therefore, constitute a "customary price differential." Thus, although a price discount existed on May 15, 1973, for Company B, the discount was not a customary price differential but was limited to the situation in which a price "war" prevailed. After that time, G&M intended to return Company B's price to the tankwagon price level. Because of the temporary duration of the discount in this case, the fact that there was a discount on May 15, 1973 does not serve to establish a "customary" price which might distinguish Company B from other purchasers in the class otherwise associated with Company B.

As a further means of distinguishing between temporary and customary discounts, FEO will generally regard any discount that was in effect on May 15, 1973, and that had either been in effect or had been granted for a period of six months or more, to be a customary discount. This presumption may be rebutted in particular situations by appropriate factual showing.

The price rule of 10 CFR 212.82(f) nevertheless requires G&M to take into account the fact that a discount price was paid by Company B on May 15, 1973. The refiner's price rule of § 212.82(f) requires that in determining a lawful May 15, 1973 weighted average selling price to a class of purchaser, G&M may not exclude any temporary special sale, deal or allowance which was then in effect. The application of § 212.82(f) should therefore result in a weighted average May 15, 1973 selling price computed by including among the class of purchaser customarily paying the full tankwagon price, those customers temporarily paying a price which is lower than the May 15, 1973 tankwagon price. Company B's May 15, 1973 discount price, therefore, would be averaged with the May 15, 1973 selling prices to all other members of the class of purchaser to which Company B would belong if it had received no discount.

In summary, FEO price regulations require that price differentials customarily extended must continue in effect to members of those classes of purchaser which are identified by such customary price differentials. These same principles govern the price rules for resellers and retailers under 10 CFR 212.93.

WILLIAM N. WALKER,
General Counsel,
Federal Energy Office.

JUNE 12, 1974.

[FR Doc.74-13894 Filed 6-17-74;8:45 am]

Title 12—Banks and Banking

CHAPTER III—FEDERAL DEPOSIT INSURANCE CORPORATION

SUBCHAPTER A—PROCEDURE AND RULES OF PRACTICE

PART 303—APPLICATIONS, REQUESTS, AND SUBMITTALS

Delegation of Authority To Act on Certain Applications

Correction

In FR Doc. 74-10567 appearing at page 16229 of the issue for Wednesday, May 8, 1974, in § 303.11(a)(8) on page 16230, the second line now reading "filed by State and members banks upon" should read "filed by State member banks upon".

Title 14—Aeronautics and Space

CHAPTER II—CIVIL AERONAUTICS BOARD

[Reg. OR-82; Amdt. 40]

PART 385—DELEGATIONS AND REVIEW OF ACTION UNDER DELEGATION; NON-HEARING MATTER

Delegation to the General Counsel

Correction

In FR Doc. 74-12999 appearing at page 20058 in the issue for Thursday, June 6, 1974, the headings should read as set forth above.

Title 15—Commerce and Foreign Trade

CHAPTER III—DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 377—SHORT SUPPLY CONTROLS

Ferrous Scrap; Additional Quotas for Shipment to Certain Destinations in Second Quarter 1974

Notice is hereby given that, notwithstanding § 377.4 and Supplement No. 1 to Part 377, the Department of Commerce has allocated 119,400 additional short tons of ferrous scrap for export to certain countries from the second quarter 1974 contingency reserve. The new allocations are assigned, following consultations with the Department of State and the National Security Council, to fill special needs that are in consonance with U.S. foreign policy objectives. The countries eligible for these additional amounts and the quantities available to each are as follows:

Country	Contingency allocation per country (in short tons)	Limitation per exporter (in short tons)	Type "A" limitation per country (in short tons) [1]
Angola	10,000	5,000	10,000
Bangladesh	6,000	3,000	6,000
Brazil	10,000	5,000	10,000
Colombia	10,000	5,000	8,900
Dominican Republic	5,000	2,500	400
Egypt	15,000	5,000	5,000
Israel	15,000	5,000	5,000
Mexico	15,000	5,000	10,000
New Zealand	10,000	5,000	1,200
Pakistan	6,000	3,000	3,800
Peru	10,000	5,000	None permitted
Thailand	7,400	3,700	5,400

[1] The column designated "Type 'A' Limitation Per Country" indicates the total quantity of Type "A" grade ferrous scrap (as described in Supplement No. 1) which may be licensed from the contingency allocation for export to a particular country.

Any exporter who obtains an order dated June 11, 1974 or later, for export of ferrous scrap to a country which has received an additional allocation hereunder, may submit an application for an export license with respect thereto, whether or not he has a past history of exporting scrap to the country involved. The application must be clearly marked "Contingency Allocation," and submitted on Forms DIB-622P or FC-419 and DIB-623P or FC-420 to the Office of Export Administration, U.S. Department of Commerce, Washington, D.C. 20230.[2] Such application must be accompanied by: (1) A photocopy or certified copy of the order, and (2) where import permits are required by the country, a statement from the ultimate consignee (or other foreign party to the transaction), or other documentation, which indicates to the satisfaction of the Office of Export Administration that the permit has been obtained. In order for an application to be acceptable, the ferrous scrap must be described in sufficient detail so that the "Type" it belongs in may be ascertained and verified. The copy of the contract will serve in lieu of Form FC-842, which would otherwise be required pursuant to § 375.2 of this chapter.

No exporter will receive export licenses for any country under the rules announced herein in excess of 5,000 short tons, or half of the country's contingency

[2] Forms are available from any of the Commerce Department's Domestic and International Business Administration District Offices, or from the Office of Export Administration, U.S. Department of Commerce, Washington, D.C. 20230.

allocation, whichever is less as indicated in the column designated "Limitation per Exporter." Applications received by the Office of Export Administration after 5 p.m. e.d.t., Friday, June 28, 1974 will not be considered. The Department of Commerce will seek the guidance and advice of the countries involved as to which applications should be licensed for each particular country, and the amount of Type "A" grade ferrous scrap which should be allotted to each particular applicant within the Type "A" limitation for each country.

Any license issued pursuant to these rules will expire 90 days from the date of issuance. The shipping tolerance for exports with respect thereto shall be 5 percent. Any cancellation of an order automatically revokes the license that was issued against it.

Effective date of action: June 13, 1974.

RAUER H. MEYER,
Director, Office of Export Administration.

[FR Doc.74-13904 Filed 6-17-74;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 8886]

PART 13—PROHIBITED TRADE PRACTICES

Tysons Corner Regional Shopping Center, et al.

Subpart—Combining or conspiring: § 13.395 To control marketing practices and conditions; § 13.430 To enhance, maintain or unify prices; § 13.470 To restrain or monopolize trade. Subpart—**Cutting off access to customers or market:** § 13.560 **Interfering** with distributive outlets. Subpart—Interfering with competitors or their goods: [1] § 13.1080 Interfering with competitors or their goods.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C 45) [Cease and desist order, Tysons Corner Regional Shopping Center, et al., Tysons Corner, Va., Docket 8886, May 3, 1974]

In the Matter of Tysons Corner Regional Shopping Center, a Partnership; City Stores Company, a Corporation; The May Department Stores Company, a Corporation; Woodward and Lothrop, Inc., a Corporation

Consent order requiring a Tysons Corner, Va., developer of a northern Va. regional shopping center, among other things to cease entering into or enforcing agreements which limit the merchandise, services, or price ranges of prospective tenants or tenants; control or allow other tenants to control the advertising of other tenants; or involves any connection with price fixing.

Consent orders requiring two major tenants of Tysons Corner Regional Shopping Center, one headquartered in St. Louis, Mo., and the other in Washington, D.C., among other things to cease entering into or enforcing leases which exclude competitors, fix retail prices, eliminate discount selling and otherwise restrain trade.

The order to cease and desist, as to Tysons Corner Regional Shopping Center, including further order requiring report of compliance therewith, is as follows:

I. For purposes of this order the following definitions shall apply:

A. The term "respondents" refers to Tysons Corner Regional Shopping Center, a partnership, and its partners, officers, agents, representatives, employees, successors, and assigns, in their capacities as such, and H. Max Ammerman and Theodore N. Lerner individually to the extent hereinafter specified. The term "respondents" refers to any or all of the respondents.

B. The term "shopping center" refers to a planned development of retail outlets, managed as a unit in relation to a trade area which the development is intended to serve, and providing on-site parking in some definite relationship to the types and sizes of stores in the development.

C. The term "tenant" refers to any occupant or potential occupant of retail space in any of respondents' shopping centers, whether as a lessee or owner of such space.

D. The term "retailer" refers to a tenant which sells merchandise or services to the public.

E. The terms "range of prices" and "price range" refer to such descriptive words as "popular priced," "medium priced," "high priced," "merchandise ranging in price from $90 to $190," and "the sale of merchandise at prices less than $15."

F. The term "price line" refers to descriptive words identifying a particular retailer as an example of a category of merchants selling merchandise within a generally identifiable range of prices.

II. Shopping centers with respect to which each respondent is bound by this Order shall be, in addition to Tysons Corner Regional Shopping Center, any shopping center constructed after the issuance of this Order in which such respondent actively participates in leasing, negotiating leases, or enforcing leases, or in establishing leasing policies or leasing practices of such shoping center, including any standard form of leasing contract and substantial modifications thereto.

III. A. *It is ordered.* That respondents cease and desist from making, carrying out, or enforcing, directly or indirectly, an agreement or provision of an agreement which:

1. Specifies that any retailer in any of respondents' shopping centers shall or shall not sell merchandise or services at any particular price or within any range of prices;

2. Specifies that any retailer in any of respondents' shopping centers shall or shall not sell designated price lines of merchandise;

3. Specifies that any retailer in any of respondents' shopping centers shall not be a discounter or sell merchandise or services at discount prices;

4. Specifies the content of or prohibits any type of advertising by a retailer, other than advertising within any of respondents' shopping centers, except that respondents may require a tenant to include the name, insignia, or other identifying mark of any of respondents' shopping centers in advertising pertaining to the tenant's store in any of respondents' shopping centers; or

5. Prohibits price advertising within any of respondents' shopping centers or controls advertising within any of respondents' shopping centers in such a way as to make it difficult for consumers to discern advertised prices from the common area of such shopping centers, provided that, in all other respects, respondents may make, carry out, and enforce reasonable standards for advertising within any of respondents' shopping centers.

B. *It is further ordered,* That respondent Tysons Corner Regional Shopping Center will within thirty (30) days after service of this Order mail a copy of Letter "A,"[2] attached hereto, to all tenants of Tysons Corner Regional Shopping Center whose leases make reference in the use clauses to the price or quality of the merchandise or services to be sold.

C. *It is further ordered,* That respondents cease and desist from entering into any agreement with any tenant that said tenant may:

1. specify or control or may require any of respondents to specify or control prices, price ranges, or price lines of merchandise or services sold by any other retailer;

2. control or may require any of respondents to control discounting by any other retailer; or

3. exclude any retailer from any of respondents' shopping centers by reason of such retailer's discount selling or discount advertising.

D. *It is further ordered,* That respondents advise the Commission in writing within sixty (60) days of any occasion that:

1. A tenant disapproves the admission into any of respondents' shopping centers of any other retailer;

2. A tenant refuses to approve the renewal of another retailer's lease in any of respondents' shopping centers;

3. A tenant approves the admission of another retailer into any of respondents' shopping centers subject to conditions imposed by the tenant relating to the pricing, price ranges, price lines, trade names, store names, trade marks, brands or lines of merchandise, or the discounting practices or methods of such other retailer; or

4. A tenant enters into an agreement with any respondent to become a tenant in any of respondents' shopping centers

[1] Not applicable as to respondent Tysons Corner Regional Shopping Center.

[2] Letter "A" filed as part of original document.

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on condition that any respondent refuse to renew the lease of another retailer.

IV. *It is further ordered,* That respondents shall:

A. Within thirty (30) days after service of this Order upon respondents, notify each tenant with which any of them have a lease of this Order by providing each such tenant with a copy thereof by registered or certified mail;

B. Within sixty (60) days after service of this Order upon respondents, file with the Commission a report showing the manner and form in which they have complied and are complying with each and every specific provision of this Order; and

C. Notify the Commission at least thirty (30) days prior to any change in the form of business organization of Tysons Corner Regional Shopping Center, such as dissolution, incorporation, assignment, or sale, or any other change in the partnership which may affect compliance obligations arising out of this Order.

Issued: May 3, 1974.

By the Commission.

CHARLES A. TOBIN,
Secretary.

[FR Doc.74-13925 Filed 6-17-74;8:45 am]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

§ 15.485 Location of debt collection agency office.

The Commission issued an advisory opinion on December 19, 1973 (743 7002), to the effect that a debt collection agency properly could locate its offices on or adjacent to the premises of its clients. Since the agency would make every effort to disclose its separate identity by placing its corporate name on the entrances to the office, notices sent and stationery used, the Commission concluded that its Guides Against Debt Collection Deception (16 CFR 237) would be observed and that debtors would not be deceived.

(38 Stat. 717, as amended, 15 U.S.C. 41-58)

Released: January 4, 1974.

By direction of the Commission.

CHARLES A. TOBIN,
Secretary.

[FR Doc.74-13928 Filed 6-17-74;8:45 am]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

§ 15.486 Averaging individual profit and loss statements in reports to association members.

The Commission issued an advisory opinion on February 22, 1974 (7437003), to the effect that an accountant for a group of about fifteen companies properly could compile and distribute an average profit and loss statement for the companies provided the individual firms' reporting data was kept strictly confidential and only disclosed as a part of the average figures. The Commission added that the plan must not be used to secure adherence to prices, quotas of production, quotas of sales or to create other unlawful trade restraints.

(38 Stat. 717, as amended, 15 U.S.C. 41-58)

Released: March 6, 1974.

By direction of the Commission.

CHARLES A. TOBIN,
Secretary.

[FR Doc.74-13929 Filed 6-17-74;8:45 am]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

§ 15.487 Collecting and reporting statistical information from members of an association.

The Commission issued an advisory opinion on March 7, 1974 (743 7004), to the effect that an association properly could collect data and report aggregate figures on production, purchases, shipments, inventory, and unfilled or open orders, provided the collection was handled by an independent accounting firm. Individual firm's data would not be disclosed and no data on prices, future projections or estimates would be collected. The Commission commented that the program must not be used to secure adherence to prices, quotas or production, quotas of sales or to create other unlawful trade restraints.

(38 Stat. 717, as amended, 15 U.S.C. 41-58)

Released: March 20, 1974.

By direction of the Commission.

CHARLES A. TOBIN,
Secretary.

[FR Doc.74-13930 Filed 6-17-14;8:45 am]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

§ 15.488 Association by-laws regarding membership may not be arbitrary or discriminatory.

The Commission issued an advisory opinion on March 8, 1974 (743 7005), to the effect that an association's constitution and by-laws should not provide for arbitrary or discriminatory bars to membership to a qualified applicant or to arbitrary or discriminatory dismissal of a member. Membership in the association might be a vital competitive factor in the industry.

(38 Stat. 717, as amended, 15 U.S.C. 41-58)

Released: March 20, 1974.

By direction of the Commission.

CHARLES A. TOBIN,
Secretary.

[FR Doc.74-13931 Filed 6-17-74;8:45 am]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

§ 15.489 Refund must be offered to subscribers to discontinued magazine.

The Commission issued an advisory opinion on March 4, 1974 (743 7006), to the effect that subscribers to a discontinued magazine should be notified by letter and allowed at least three weeks to choose between a refund and a subscription to a substitute magazine. The Commission added that those who made no choice should be deemed to have elected to receive a refund.

(38 Stat. 717, as amended, 15 U.S.C. 41-58)

Released: March 12, 1974.

By direction of the Commission.

CHARLES A. TOBIN,
Secretary.

[FR Doc.74-13932 Filed 6-17-74;8:45 am]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

§ 15.490 Drop shipments proper when warehouse distributor does not stock item.

The Commission issued an advisory opinion on April 1, 1974 (Dkt. 6889), to the effect that the utilization of drop shipments for initial stock orders and very heavy equipment would not be violative of the cease and desist order provided the products are not normally stocked by warehouse distributors. The Commission added that drop shipments would not be permissible if the items normally were stocked by warehouse distributors.

(38 Stat. 717, as amended, 15 U.S.C. 41-58)

Released: April 9, 1974.

By direction of the Commission.

CHARLES A. TOBIN,
Secretary.

[FR Doc.74-13933 Filed 6-17-74;8:45 am]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

§ 15.491 Association may prepare dealer's catalog provided no price information is included.

The Commission issued an advisory opinion on April 5, 1974 (Dkt 5979), to the effect that sponsorship by an association of individualized catalogs to be used by dealer members of the association showing products, the name of the manufacturer, a description of the product and a number for ordering purposes would not be violative of the cease and desist order. A dealer would select the pages for his catalogs, could have his name printed on the cover and overprints on pages to show his name, address and phone number. No price information would be in the catalogs; any manufacturer could arange to have pages printed for his products; and the catalog also could be ordered by nonmembers of the association.

(38 Stat. 717, as amended, 15 U.S.C. 41-58)

Released: April 17, 1974.

By direction of the Commission.

CHARLES A. TOBIN,
Secretary.

[FR Doc.74-13934 Filed 6-17-74;8:45 am]

Title 20—Employees' Benefits

CHAPTER III—SOCIAL SECURITY ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[Regs. No. 4, further amended]

PART 404—FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE (1950 ——)

Subpart D—Old-Age, Disability, Dependents' and Survivors' Insurance Benefits; Period of Disability

DISABILITY WAITING PERIOD REQUIREMENT

On September 27, 1973, there was published in the FEDERAL REGISTER (38 FR 26921) a notice of proposed rulemaking with proposed amendments to Subpart D of Regulations No. 4 of the Social Security Administration. The proposed amendments reflect changes effected by section 116 of Public Law 92-603, which lowers the waiting period an individual must serve in order to receive benefits under title II of the Act on the basis of his disability and/or to establish a period of disability. The amendment is effective for benefits payable after December 1972 based on applications filed in or after October 1972, or applications filed prior to October 1972 on which notice of a final decision had not been given the applicant or a decision in a civil action commenced pursuant to section 205(g) of the Act had not become final before October 1972.

Interested persons were given the opportunity to submit, within 30 days, data, views or arguments with respect to the proposed regulations.

No written objections have been received and the proposed regulations are hereby adopted without change and are set forth below.

(Secs. 205, 1102, 53 Stat. 1368, as amended, 49 Stat. 647, as amended; (42 U.S.C. 405, and 1302.))

Effective date. The amendments shall be effective June 18, 1974.

(Catalog of Federal Domestic Assistance Program No. 13.802 Social Security—Disability Insurance.)

Dated: May 23, 1974.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: June 13, 1974.

CASPAR W. WEINBERGER,
Secretary of Health, Education, and Welfare.

Regulations No. 4 of the Social Security Administration, as amended (20 CFR 404.1 et seq.), are further amended to read as follows:

1. Section 404.308 is amended by revising paragraph (a), redesignating paragraphs (b) and (c) as (c) and (d), respectively, and adding thereto a new paragraph (b), as follows:

§ 404.308 Disability insurance benefits; waiting period.

(a) *Benefits payable for months prior to January 1973.* An individual's waiting period for benefits payable prior to January 1973 is the earliest period of 6 full consecutive calendar months throughout which the individual has been under a disability (as defined in section 223(c) of the Act); however, an individual's "waiting period" can begin no earlier than the later of:

(1) The first month such individual is insured for disability insurance benefits (see § 404.116);

(2) The 18th month before the month in which such individual's application for disability insurance benefits is filed; or

(3) January 1, 1957.

For purposes of this paragraph, where the individual's disability begins on the first day of the month and continues through the last day of the month, such month is considered as a full calendar month.

(b) *Benefits payable for months after December 1972.* An individual's waiting period for benefits payable after December 1972 is the earliest period of 5 full consecutive calendar months throughout which he has been under a disability (as defined in section 223(c) of the Act); provided that:

(1) The application is filed:

(i) After September 1972; or

(ii) Before October 1972, and

(*a*) Notice of the final decision of the Secretary was not given to the applicant before October 1972; or

(*b*) Notice of the final decision of the Secretary was given to the applicant before October 1972 but a civil action with respect to such final decision is commenced under section 205(g) of the Act (whether before, in, or after October 1972) and the decision in such civil action did not become final before October 1972; however

(2) An individual's "waiting period" can begin no earlier than the later of:

(i) The first month such individual is insured for disability insurance benefits (see § 404.116); or

(ii) The 17th month before the month in which such individual's application for disability insurance benefits is filed. For purposes of this paragraph, where the individual's disability begins on the first day of the month and continues through the last day of the month, such month is considered as a full calendar month.

* * * * *

§ 404.309 [Amended]

2. Paragraph (a) of § 404.309 is amended by adding "and (b)" to the parenthetical reference "(see § 404.308(a))" and by changing the parenthetical reference "(see § 404.308(c))" to "(see § 404.308 (d))."

3. Paragraph (a)(4) of § 404.310 is revised to read as follows:

§ 404.310 Period of disability; conditions of entitlement.

(a) * * *

(4) Except as provided in paragraph (d) of this section.

(i) Not less than 6 full consecutive calendar months have elapsed from the date on which a period of disability could begin (as determine under § 404.311) for such individual and before the date on which such period of disability could end (as determined under § 404.311a); or

(ii) Not less than 5 full consecutive calendar months have elapsed from the date on which a period of disability could begin (as determined under § 404.311) for such individual and before the date on which such period of disability could end (as determined under § 404.311a), provided an application is filed:

(*a*) After September 1972; or

(*b*) Before October 1972, and

(*1*) Notice of the final decision of the Secretary was not given to the applicant before October 1972; or

(2) Notice of the final decision of the Secretary was given to the applicant before October 1972 but a civil action with respect to such final decision is commenced under section 205(g) of the Act (whether before, in, or after October 1972) and the decision in such civil action did not become final before October 1972.

For purposes of this paragraph (a)(4) where the beginning date of the period of disability is the first day of a month and the disability continues through the last day of the month, such month is considered a full calendar month.

* * * * *

4. Paragraph (e)(2) of § 404.328 is revised to read as follows:

§ 404.328 Widow's insurance benefits; conditions of entitlement.

* * * * *

(e) *Widow's entitlement based on disability.* * * *

(2) *"Waiting period" defined.*—(i) *Benefits payable for months prior to January 1973.* The "waiting period," for purposes of entitlement of a widow or surviving divorced wife by virtue of a disability to benefits payable for months prior to January 1973, is the earliest period of 6 full consecutive calendar months throughout which she was under a disability and which began no earlier than the later of:

(*a*) The first day of the 18th month before the month in which she files application for widow's insurance benefits, or

(*b*) The first day of the sixth month before the month in which the period described in paragraph (e)(1) of this section began.

(ii) *Benefits payable for months after December 1972.* (*a*) The "waiting period," for purposes of entitlement of a widow or surviving divorced wife by virtue of a disability to benefits payable for months after December 1972, is the earliest period of 5 full consecutive calendar months throughout which she was under a disability, provided the application is filed:

(*1*) After September 1972; or

(*2*) Before October 1972, and

(*i*) Notice of the final decision of the Secretary was not given to the applicant before October 1972; or

(*ii*) Notice of the final decision of the Secretary was given to the applicant be-

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fore October 1972 but a civil action with respect to such final decision is commenced under section 205(g) of the Act (whether before, in, or after October 1972) and the decision in such civil action did not become final before October 1972.

(b) However, the waiting period can begin no earlier than the later of:

(1) The first day of the 17th month before the month in which she files application for widow's insurance benefits, or

(2) The first day of the fifth month before the month in which the period described in paragraph (e)(1) of this section began. Months in which a widow was disabled before the month of the wage earner's death, and such months before the months of termination of entitlement to mother's insurance benefits may be counted as months in the waiting period if they otherwise meet the requirements of paragraph (e)(1)(i)(a), (b) or (e)(1)(ii)(b), of this paragraph (e)(2) as applicable. If the widow was previously entitled to a widow's insurance benefit based on disability, entitlement to which benefit terminated prior to the month in which she again becomes disabled, a waiting period is not required if she again becomes disabled and meets all other requirements for entitlement. For purposes of this paragraph (e)(2) where the widow's disability begins on the first day of the month and continues through the last day of the month, such month is considered as a full calendar month.

• • • • • •

5. Paragraph (c)(2) of § 404.331 is revised to read as follows:

§ 404.331 Widower's insurance benefits; conditions of entitlement.

• • • • • •

(c) *Widower's entitlement based on disability.* • • •

(2) *"Waiting period" defined*—(i) *Benefits payable for months prior to January 1973.* The "waiting period," for the purposes of entitlement to a widow by virtue of a disability to benefits payable for months prior to January 1973, is the earliest period of 6 full consecutive calendar months throughout which he was under a disability and which began no earlier than the later of:

(a) The first day of the 18th month before the month in which he files application for widower's insurance benefits, or

(b) The first day of the sixth month before the month in which the period described in paragraph (c)(1) of this section began.

(ii) *Benefits payable for months after December 1972.* (a) The "waiting period," for purposes of entitlement of a widower by virtue of a disability to benefits payable for months after December 1972, is the earliest period of 5 full consecutive calendar months throughout which he was under a disability, provided the application is filed

(1) After September 1972; or

(2) Before October 1972; and

(f) Notice of the final decision of the Secretary was not given to the applicant before October 1972; or

(ii) Notice of the final decision of the Secretary was given to the applicant before October 1972 but a civil action with respect to such final decision is commenced under section 205(g) of the Act (whether before, in, or after October 1972) and the decision in such civil action did not become final before October 1972.

(b) However, the waiting period can begin no earlier than the later of:

(1) The first day of the 17th month before the month in which he files application for widower's insurance benefits, or

(2) The first day of the fifth month before the month in which the period described in paragraph (c)(1) of this section began. Months in which a widower was disabled before the month of the wage earner's death may be counted as months in the waiting period if they otherwise meet the requirements of paragraphs (c)(2)(i)(a), (b) or (c)(2)(ii)(a) of this section as applicable. If the widower was previously entitled to a widower's insurance benefit based on disability, entitlement to which benefit terminated prior to the month in which he again becomes disabled, a waiting period is not required if he again becomes disabled and meets all other requirements for entitlement. For purposes of this subparagraph, where the widower's disability begins on the first day of the month and continues through the last day of the month, such month is considered a full calendar month.

[FR Doc.74-13973 Filed 6-17-74;8:45 am]

[Regs. No. 4, further amended]

PART 404—FEDERAL OLD-AGE SURVIVORS, AND DISABILITY INSURANCE

Subpart K—Employment—Wages—Self-Employment—Self-Employment Income

CREDITABILITY OF WAGES FOR SOCIAL SECURITY PURPOSES

On Februray 20, 1974, there was published in the FEDERAL REGISTER (39 FR 6536) a notice of proposed rulemaking with proposed amendments to Subpart K of Regulations No. 4 reflecting the amendments to the Social Security Act made by section 203 of Pub. L. 92-336 enacted July 1, 1972; several sections of Pub. L. 92-603 enacted October 30, 1972; section 203 of Pub. L. 93-66 enacted July 9, 1973, and section 5(a) of Pub. L. 93-233 enacted December 31, 1973.

Interested persons were given the opportunity to submit, within 30 days, data, views or arguments with regard to the proposed changes.

No comments were received. Accordingly, the proposed amendments are hereby adopted without change and are set forth below.

(Secs. 205, 209, 210, 229, and 1102 of the Social Security Act, as amended, 53 Stat. 1368, as amended, 49 Stat. 625, as amended, 64 Stat. 502, as amended, 81 Stat. 833, as amended, 49 Stat. 647, as amended (42 U.S.C. 405, 409, 410, 429, and 1302.))

(Catalog of Federal Domestic Assistance Program No. 13.803, Social Security—Retirement Insurance.)

Effective date. The amendments shall be effective June 18, 1974.

Dated: May 23, 1973.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: June 13, 1974.

CASPAR W. WEINBERGER,
Secretary of Health, Education, and Welfare.

Subpart K, Regulations No. 4 of the Social Security Administration, as amended (20 CFR Part 404), is further amended as set forth below.

1. Section 404.1013 is amended by revising paragraph (e)(2)(ii) to read as follows:

§ 404.1013 Services in employ of United States or instrumentalities thereof.

(e) • • •

(2) • • •

(ii) In the employ of a Federal land bank association (formerly national farm loan association), a production credit association, a Federal Reserve bank, or a Federal credit union; and after 1959, in the employ of a Federal land bank, a Federal intermediate credit bank and a bank for cooperatives; and, after 1972, in the employ of a Federal Home Loan bank. Services performed as an employee of a Federal Home Loan Bank during the period January 1, 1967, through December 31, 1972, are not excepted from employment if the employee is employed by the Federal Home Loan bank on January 1, 1973, and the taxes imposed by sections 3101 and 3111 of the Internal Revenue Code of 1954 with respect to such services are paid by July 1, 1973, or at a later date provided in an agreement entered into prior to July 1, 1973, with the Secretary of the Treasury or his delegate;

• • • • • •

2. Section 404.1014a is amended by revising paragraph (b) to read as follows:

§ 404.1014a Services in the employ of the Governments of American Samoa and Guam.

• • • • • •

(b) *Guam.* Services in the employ of the government of Guam, its political subdivisions, or any instrumentality of any one or more of the foregoing wholly owned thereby, performed by an officer or employee thereof (including a member of the legislature of such government or political subdivision) are excepted from employment; *Provided, however,* That services performed after 1972 by such employee properly classified as a temporary or as an intermittent employee are not excepted from employment unless performed by an elected official, a member of the legislature, or a patient or inmate in a hospital or penal institution, or are covered by a retirement system established by a law of Guam.

3. Section 404.1019 is amended by revising paragraph (b) to read as follows:

§ 404.1019 Students employed by schools, colleges, or universities.

• • • • • •

(b) Services performed in the employ of a school, college, or university as defined in paragraph (a) of this section (whether or not such organization is exempt from income tax) are excepted from employment, if the services are performed by a student who is both enrolled in and regularly attending classes at such school, college, or university. Effective for services performed after 1972 in the employ of a private, nonprofit auxiliary organization of such a school, college, or university which is organized and operated exclusively for the benefit of, to perform functions of, or to carry out the purposes of the school, college, or university and is operated, supervised, or controlled by or in connection with the school, college, or university are also excepted from employment, if the services are performed by a student who is both enrolled in and regularly attending classes at the school, college, or university.

• • • • • •

4. Section 404.1027 is amended by revising paragraphs (a)(1), (n)(1), and (q)(2) and by adding paragraph (u) to read as follows:

§ 404.1027 Exclusions from wages.

(a) *Annual wage limitation.* (1) The term "wages" does not include that part of the remuneration paid by an employer to an employee within any calendar year:

(i) After 1950 and prior to 1955 which exceeds the first $3,600 of remuneration;

(ii) After 1954 and prior to 1959 which exceeds the first $4,200 of remuneration;

(iii) After 1958 and prior to 1966 which exceeds the first $4,800 of remuneration;

(iv) After 1965 and prior to 1968 which exceeds the first $6,600 of remuneration;

(v) After 1967 and prior to 1972 which exceeds the first $7,800 of remuneration;

(vi) After 1971 and prior to 1973 which exceeds the first $9,000 of remuneration;

(vii) After 1972 and prior to 1974 which exceeds the first $10,800 of remuneration;

(viii) After 1973 and prior to 1975 which exceeds the first $13,200 of remuneration; or

(ix) After 1974 which exceeds an amount equal to the contribution and benefit base as determined under section 230 of the Act which is effective for such calendar year;

(exclusive of remuneration excepted from wages in accordance with paragraphs (b) through (u) of this section) paid within the calendar year by an employer to the employee for employment performed by him at any time after 1936.

• • • • • •

(n) *Payments to employees for nonwork periods.* (1) The term "wages" does not include any payment (other than vacation or sick pay) made by an employer to an employee for a period throughout which the employment relationship exists between the employer and the employee, but in which the employee does no work for the employer (including employees subject to call for the performance of work), nor any payment made to a corporate officer solely for holding office during a period in which no work was performed, if such payment is made:

(i) In the case of a man, after the calendar month in which he attains age 65, or for payments after 1974, after the calendar month in which he attains age 62; or

(ii) In the case of a woman, after the calendar month in which she attains age 62, or for payments made before November 1956, after the calendar month in which she attains age 65; or

(iii) In the case of a disabled employee regarding payments made after December 1972, the employee is at the time of payment entitled to disability insurance benefits under the Social Security Act, entitlement to which began prior to the calendar year in which such payment is made.

• • • • • •

(q) *Payments to members of the uniformed services.* • • •

(2) An individual is deemed to have been paid in each calendar quarter occurring after 1956 in which he was paid wages for service as a member of a uniformed service, wages of $300 in addition to the wages actually paid to him for such service.

• • • • • •

(u) *Payments by employer to survivor or estate of former employee.* The term "wages" does not include any payment made after December 31, 1972, by an employer to a survivor or the estate of a former employee after the calendar year in which such employee died.

[FR Doc.74-13974 Filed 6-17-74;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER C—DRUGS

PART 135—NEW ANIMAL DRUGS

PART 135f—NEW ANIMAL DRUGS FOR MISCELLANEOUS USE

Gentamicin Sulfate Solution

The Commissioner of Food and Drugs has evaluated a new animal drug application (92-523V) filed by Schering Corp., Galloping Hill Rd., Kenilworth, NJ 07033, proposing the safe and effective use of gentamicin sulfate solution for dipping turkey eggs as an aid in the reduction or elimination of certain microorganisms. The application is approved.

Use of the drug as labeled will not result in gentamicin residues in edible tissue of turkeys of marketable age. Labeling contains a warning statement that eggs which have been dipped in the drug should not be used for food. Tolerances for residues of gentamicin in turkeys and turkey eggs therefore are not being established.

The regulations are also being amended to correct the address of the sponsor.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), Parts 135 and 135f are amended as follows:

§ 135.501 [Amended]

1. Section 135.501(c) in Part 135 is amended by revising the firm name and address for sponsor code No. 032 to read; Schering Corp., Galloping Hill Rd., Kenilworth, NJ 07033.

2. Part 135f is amended by adding thereto a new section to read as follows:

§ 135f.4 Gentamicin sulfate solution, veterinary.

(a) *Specifications.* Each milliliter of solution contains gentamicin sulfate equivalent to 50 milligrams of gentamicin base.

(b) *Sponsor.* See code No. 032 in § 135.501(c) of this chapter.

(c) *Conditions of use.* (1) The drug is recommended as an aid in the reduction or elimination of the following microorganisms from turkey-hatching eggs: *Arizona hinshawii (paracolon), Salmonella st. paul,* and *Mycoplasma meleagridis.*

(2) The drug is added to clean water to provide a dip solution with a gentamicin concentration of 250 to 1,000 parts per million. A concentration of 500 parts per million is recommended. Clean eggs should be held submerged in the gentamicin solution under a vacuum of about 27.5–38 centimeters of mercury for 5 minutes followed by additional soaking in gentamicin solution for approximately 10 minutes at atmospheric pressure. Eggs can also be treated by warming them for 3 to 6 hours at approximately 100° F. then immediately submerging them in gentamicin solution maintained at about 40° F., keeping the eggs submerged for 10 to 15 minutes.

(3) For use in the dipping treatment of turkey-hatching eggs only. Eggs which have been dipped in the drug shall not be used for food.

Effective date. This order shall be effective June 18, 1974.

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i).)

Dated: June 11, 1974.

C. D. VAN HOUWELING,
Director, Bureau of Veterinary Medicine.

[FR Doc.74-13864 Filed 6-17-74;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

PART 52—APPROVAL AND PROMULGATION OF STATE IMPLEMENTATION PLANS

Gasoline Vapor Recovery Regulations; Changes in Initial Compliance Dates and Request for Comments on Alternative Systems

This notice promulgates a delay in the dates for submission of "control plans," submission of signed contracts, and ini-

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tiation of construction for the installation of gasoline vapor recovery systems for vehicle refueling, asks for additional comment on which types of systems should be required, and asks for comment on possibly accelerating the deadline for final compliance. This notice only involves so-called "Stage II" vapor control systems (automobile refueling) and does not change the control dates for "Stage I," requiring recovery of vapors lost during other gasoline transfer operations.

Legal Background

Under section 110(a)(2)(A) of the Clean Air Act, 42 U.S.C. § 1857c-5(a)(2)(A), the primary national ambient air quality standards must be attained "as expeditiously as practicable." As the U.S. Court of Appeals for the Fifth Circuit has stated in Natural Resources Defense Council v. EPA, 489 F.2d 390, 6 ERC 1248, 1255 (1974):

> [T]he approach of the Clean Air Amendments of 1970 was to shift from the approach of earlier legislation of 'establishing air pollution standards commensurate with existing technological feasibility' to a bolder 'policy which forces technology to catch up with the newly promulgatd standards.'

Under section 110(e) of the Act, no final compliance date for a requirement in an implementation plan can be later than May 31, 1975, except where "the necessary technology or other alternatives are not available or will not be available soon enough to permit compliance." Furthermore, no extension based upon technology unavailability may be given unless the "reasonably available alternative means of attaining such primary standard" have been "considered and applied as a part of [the] plan." Furthermore, each implementation plan must provide for revision "to take account of * * * the availability of improved or more expeditious methods of achieving such primary or secondary standard." Section 110(a)(2)(H). The clear intent of these provisions is that as technology becomes available or is predicted to become available, it must be applied to reduce air pollution, until such point as the ambient standards are attained.

Under current EPA regulations regarding vapor recovery in eight states, control plans for Stage II were due on June 1, 1974. The original requirement was generally February 1 or March 1, 1974, but a delay was granted on February 8, 1974 (39 FR 4880). Substantial confusion has arisen as to the type of equipment and necessary recovery efficiency required to comply with Stage II regulations.

Vapor Control Methods

Because gasoline is a volatile liquid, it tends to evaporate at ordinary ambient temperatures. The vapors thus created are often emitted into the atmosphere, becoming a significant source of hydrocarbon emissions and consequently of photochemical oxidants (smog). In some metropolitan areas these vapors contribute as much as 15 percent of the total hydrocarbon emissions.

Gasoline may evaporate at any of the points at which it is stored or handled, and enter the atmosphere either through "breathing" from vents on the storage tanks (at the bulk terminal, in tanker trucks, at the service station, or in the automobile) or during the process of transfer from or refilling of each of these tanks. The basic measures to reduce either the evaporation or subsequent emission of vapors to the atmosphere include floating roofs on large storage tanks or bladders in vehicle tanks (reducing the airspace above the liquid into which evaporation may occur), submerged filling of tanks (so that new gasoline flows into the old gasoline, rather than splashing from above, and consequently forms fewer vapors), restrictions on vent pipes on the stationary storage tanks or on vehicles (limiting the amount of breathing which may occur through those vents), use of vapor return lines (to allow vapors in the tank being filled to be transferred back into the tank from which the gasoline is being taken), and secondary recovery systems (at the bulk plant, at the service station, or on the vehicles) such as carbon adsorption or refrigeration-condensation (to neutralize or reprocess the vapors that otherwise might be emitted).

Of these control techniques, submerged fill is required for any new stationary storage container (such as at service stations) with a capacity greater than 250 gallons in most regions (see, e.g., § 52.255(c), California) and any existing container over 2000 gallons (e.g., § 52.255(d)(2)). In addition, vapors displaced either must be transferred back to the delivery vessel (such as a tanker truck) through a vapor-tight return line, or must be processed on the location by a refrigeration-condensation system or the equivalent, designed to recover or otherwise eliminate from the atmosphere at least 90 percent by weight of the organic compounds in the displaced vapors (e.g., § 52.255(c)(1)). If the vapors are transferred back to the delivery vessel, that vessel must be designed as to be vapor-tight at all times (essentially, a requirement for restrictions on vent pipes, hatches, or other openings) (e.g., § 52.255(c)(3)(i)). If the vapors are thus transferred to the delivery vessel, such as a tanker truck, it must be refilled with gasoline only at facilities equipped with processing systems (such as refrigeration-condensation, adsorption, or the like) which can recover at least 90 percent of the organic compounds in the vapors. An exemption is provided for certain storage containers which are designed to prevent hydrocarbon emissions, including those with floating roofs or their equivalent (e.g., § 52.255(d)(3)).

Control of vapors displaced during refueling of automobiles could theoretically make use of any of the control techniques described above, but submerged fill, collapsible bladders (the small-scale equivalent of a floating roof), and carbon canisters to adsorb all vapors during fueling would require redesign of present automobiles and are not included in the EPA regulations. Restrictions on vent pipes (often including small carbon canisters on the vehicles) were instituted to comply with the Federal Motor Vehicle Control Program in the 1970 model year, although pre-1970 vehicles have vent pipes open to the atmosphere. The remaining control technique is the capture (or collection) of vapors displaced during refueling, the return of the vapors by means of vapor return lines, and the subsequent processing of them either to render them harmless or to convert them back to gasoline. This gives rise to issues involving collection and issues involving recovery.

Displacement and Blower-Assist

Essentially two techniques have been developed for the capture or collection of vapors displaced from automobile tanks through vapor return lines: simple displacement and blower-assist. (After the vapors are captured, they can be recovered or reprocessed either at the service station or at the bulk terminal after being transferred via tanker truck. Thus, recovery systems (such as carbon adsorption or refrigeration-condensation) can be installed either at the service station or at the bulk terminal.)

A substantial controversy has arisen over the effectiveness of simple displacement systems, on the one hand, and the reliability of blower-assist systems, on the other.

During vehicle fueling, gasoline vapors normally escape to the atmosphere through the filler neck of the fuel tank. If a simple displacement or "vapor balance" system is used to capture these vapors, it requires that the nozzle be designed with a "boot" or other fitting, and that a tight fit be effected between the nozzle-boot and the filler neck of the automobile to prevent this leakage to the atmosphere. Under these conditions, the vapors forced out of the vehicle tank during refueling will flow back through a vapor return line in the nozzle to the underground storage tank. The lack of a tight fit would allow hydrocarbon vapors to escape directly to the atmosphere since this is the course of least resistance. Likewise, on pre-1970 vehicles equipped with vent pipes, some vapors may exit to the atmosphere through such vents even if there is a tight fit at the nozzle, and thus fail to be captured. If a blower-assisted system is used to capture the vapors, the slight suction in the vapor return line can eliminate the need for a tight fit at the nozzle-filler neck interface. In addition, it can prevent vapors from escaping to the atmosphere through the vents on pre-1970 automobiles. On the other hand, blower-assist systems with on-site secondary recovery are more complex and it has been suggested by some that they are more subject to breakdown, and that during such eventualities no vapor recovery would occur. Some persons have also argued that safety or energy problems may exist.

Requirements for Collection of Vapors

There are three possible ways of accounting for possible vapor escape at the automobile. The first is to require 100 percent collection of vapors. The second is not to require collection of any fixed percentage of vapors and to assume losses to be zero. The third is either to measure the vapor lost or to assume it to be some calculated amount.

The County of San Diego has enacted Rule 61, which requires collection of "all" vapors from vehicles fuel tanks. That rule follows the first of the methods outlined above and is tested by use of an explosimeter at the interface or vent to detect any vapors escaping to the atmosphere. Much of the testing of simple displacement or balance systems follows the second of these methods, involving the fueling of 1970-and-later vehicles for the most part, and assuming that a tight fit has obtained 100 percent collection by ignoring any losses. Other testing of displacement systems has assumed the loss to be some amount, based upon various calculations. However, no testing of either system appears to have involved actual measurement of the quantity of emissions lost at the interface or through vent pipes. This would require testing in an air-tight shed or covering and analysis of the air in the shed before and after refueling, or another method.

Requirements for Recovery Efficiency

After all or some of the vapors have been collected, they must be recovered, reprocessed, or eliminated by a so-called secondary treatment, either at the service station or the bulk plant. One method is to cool the vapors, causing them to condense back to a liquid state. This is known as refrigeration-condensation. Another method is to direct the vapors through a carbon canister which makes the hydrocarbons cling to the carbon surface. This is known as carbon adsorption. A third method is to burn the vapors, known as incineration. A fourth method is to direct the vapors through a catalytic converter to neutralize the hydrocarbons.

One type of regulatory requirement would be to establish a percentage recovery efficiency for this secondary treatment without regard to a separate requirement established for collection, previously discussed. For example, it could be required that 90 percent of the organic compounds (largely hydrocarbons) in vapors entering the secondary treatment unit be removed before the vapors left the unit. This type of requirement could be used in conjunction with a 100 percent collection requirement (as San Diego does), with some other collection requirement, or with no fixed collection requirement.

Another type of regulatory requirement would be to establish an overall recovery efficiency for the entire system, which would then be met by multiplying the efficiencies of the collection and secondary treatment stages. For example, if 90 percent overall recovery were required, it could be met by 100 percent collection and 90 percent recovery of the collected vapors, by 90 percent collection and 100 percent recovery of the collected vapors, or by some combination of the two (such as approximately 95 percent collection and 95 percent recovery of the collected vapors).

It has also been suggested that a percentage approach to defining allowable emissions can result in variable emissions under different temperature conditions, and that the required recovery could be stated in terms of a "mass standard." Again, the standard selected would result in defining whether displacement or blower-assist systems are acceptable.

Current EPA Regulations

At the time the current EPA regulations were first drafted for proposal and redrafted for promulgation, the Agency believed that the requirement for 90 percent "recovery" of the organic compounds in vapors displaced would necessitate the use of a blower-assisted system, since the data available on balance or displacement systems at that time indicated that 80 percent recovery would be the maximum achievable by this type of system, but that the blower-assisted systems could achieve at least 90 percent recovery. The data available at that time also indicated that the lead time for final development, production and installation of the more sophisticated, blower-assisted systems would require the full two-year extension allowable under section 110(e) for full compliance by all sources subject to this regulation. (Obviously some sources would be in full compliance before others due to installation scheduling.) In cases where the use of the balance or displacement system was anticipated, the regulations required 80 percent recovery of displaced vapors and included final compliance dates which did not allow the full two year extension for final compliance, since the control system needed less final development and production lead times.

However, there have been claims made by several major oil companies that balance or displacement systems can achieve the 90 percent recovery of displaced vapors which is required by these regulations, given a certain reading of the regulations. These companies have submitted compliance schedules involving only displacement systems.

It is because of these claims that clarification of the possible interpretations of the existing regulations becomes important for determining what type of control system or systems will be allowed to be installed to meet the requirements of the regulations. The two major portions of the current EPA regulations which are open to varying interpretation are:

(1) The regulations generally require that "vapor displaced from the automotive fuel tank" be directed "to a system wherein at least 90 percent by weight of the organic compounds in displaced vapors are recovered." This requirement is susceptible to three readings, consistent with the methods or assumptions outlined above: that all vapors displaced must be captured or collected and directed to the recovery system and 90 percent of those arriving there must be recovered; that vapors not collected may be ignored, and 90 percent of the vapors arriving at the recovery system must be recovered; or that 90 percent of the overall vapors displaced must be recovered and that any losses at the interface or vent pipes must be subtracted from the 10 percent that need not be recovered.

The significance of this is that the first interpretation may make installation of blower-assist systems mandatory, the second interpretation may make installation of displacement systems acceptable, and the third interpretation may require testing which has not been performed on these systems to date in order to determine which ones can recover on the aggregate 90 percent of the vapors displaced.

(2) The regulations could be interpreted to exempt fueling operations involving vehicles on which no tight fit can be obtained. This has led some to conclude that the regulations endorse the use of balance or displacement systems. But the regulations can also be interpreted not to exempt pre-1970 vehicles, with their open vent pipes, and do not provide for "averaging" vapor losses throughout the year or among different vehicles. This had led others to conclude that the regulations can only be met by blower-assist systems.

Re-Opening of Comment Period

The Administrator has concluded that there have been sufficient developments since the regulations were drafted, and that there is sufficient uncertainty about which systems will be approvable as to be in compliance with these regulations, to warrant a reopening of the opportunity for public comment on this issue until July 31, 1974. In addition, an EPA-funded testing program is being carried out in San Diego County to attempt to measure the performance of various systems, with results expected by August 1, 1974. The Agency will publish clarifications of these regulations, test procedures, or other approval procedures by September, 1974. Accordingly, the requirement for submission of control plans by June 1, 1974, is being postponed to January 1, 1975, signing of contracts or placing of orders is delayed from November 1, 1974, to March 1, 1975, and initiation of construction is delayed from January 1, 1975, to May 1, 1975. Owners and operators are forewarned that they must be prepared to submit control plans by January 1, 1975, for the most advanced technology as specified by the Administrator, and should plan for alternative contingencies. As pointed out at the beginning of this notice, the Agency's regulations must require the use of the most advanced technology which is or which is expected to become available and the regulations are intended to be technology-forcing.

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ISSUES PRESENTED

To date, many of the oil companies have concentrated their development and testing efforts on systems using simple displacement to collect vapors, with recovery of organic compounds planned to occur at the bulk terminal. The American Petroleum Institute has investigated such systems for the past year. On the other hand, several independent manufacturers have concentrated upon development of blower-assisted systems to collect the vapors, with carbon adsorption, refrigeration-condensation, or catalytic conversion of the organic compounds at the service station. Some of these systems have been installed in San Diego County since last year.

The oil companies claim that the blower-assisted systems are highly unreliable, and while 90 percent recovery can be achieved when the systems are working properly, little or no vapor recovery will occur over substantial periods of time. On the other hand, the San Diego County Air Pollution Control District (SDAPCD) claims that the only system capable of achieving 90 percent recovery on an overall basis is the blower-assisted system. The SDAPCD bases this contention on the fact that the blower-assisted system recovers vapors even when a tight fit at the vehicle/nozzle interface is not possible and on a phenomenon known as "excess vapor" or "vapor growth." SDAPCD claims this phenomenon causes vapors displaced from the vehicle tanks to be greater in volume than the gasoline dispensed, and that the balance or displacement system is incapable of collecting all of these vapors because there is insufficient room in the dispensing tanks to hold them. Some oil companies dispute the magnitude of this phenomenon when a balance or displacement system is used. They also claim that it only occurs in low-smog seasons (colder months), which SDAPCD disputes. SDAPCD also claims that the component parts of the blower-assisted systems can be currently obtained and indeed, the San Diego regulation requires them by the end of 1974. If this is true, it may be possible to install these prior to the 1977 date in the current regulations. On the other hand, some oil companies claim such systems will be unsafe, while others disagree.

It is against this background that the Administrator is continuing to study this issue in depth. In order to assure that this study is as complete as possible, the Administrator is hereby soliciting comments from the general public, oil companies, manufacturers of vapor recovery equipment, and other governmental regulatory bodies regarding the alternative systems including, but not limited to, the following issues. Whenever possible, citations, studies, sources, and assumption should be given for all assertions made. (The listing of an issue here does not imply that it is entitled to any specific weight in the legal standard by which the Administrator must base his decision.)

1. On the collection issue, what are the technological reasons for and against adopting each of the following methods for dealing with the collection of vapors:

(a) A 100 percent collection requirement,

(b) No fixed requirement, and no accounting for noncollected vapors,

(c) A requirement that noncollected vapors be measured in a certification program and counted as nonrecovered vapors when determining whether the 90 percent recovery requirement has been met, or

(d) A requirement such as in subparagraph (c), but using a calculation or estimate of the noncollected vapors rather than actual measurement?

2. What is the collection efficiency of each system, on vehicles with or without atmospheric vents, on vehicles with and without filler neck configurations allowing a tight fit, on a representative mixture of these vehicles, and under different seasonal conditions? Are these assertions based on tests or calculations?

3. If the simple displacement system is used, what are the potential sources of losses occurring at each stage of transfer or storage, what are the amounts of such losses, and what is the recovery efficiency of the secondary treatment equipment at the bulk terminal? What are the overall losses to the atmosphere?

4. If a blower-assist system is used, with secondary treatment at the service station, what are the sources and amounts of losses at each stage, and what is the recovery efficiency of the secondary treatment equipment, and what are the overall losses to the atmosphere?

5. Should there be an exemption for vehicles on which a "tight fit" cannot be obtained? For vehicles with open vent pipes? What are the expected numbers of each in 1977 in the affected air quality control regions?

6. Should there be an exemption or lower requirements for certain times of the year?

7. What data are available to describe and quantify the phenomenon known as "vapor growth" or "excess vapor" when either the displacement system or blower-assisted system is used to collect and recover vapors? What is the magnitude of this problem? At what times of the year?

8. What technological, engineering, production, or reliability problems remain with each system? What is the potential for equipment failure? What are the consequences of failure?

9. What safety problems remain with each system?

10. What are the cost estimates for the various systems, including hardware, installation, and operating costs? These estimates should set forth all assumptions used, such as hourly wages and time required, and should provide back-up documentation or references to support the estimates.

11. What approval is required under regulations or laws other than EPA's by local fire marshalls, recognized testing laboratories and so forth? How long does approval take?

12. How long would it take to install each system in the affected areas within the nine states and on what kind of schedule? How many installations per month could be contemplated?

13. Based upon the claims and documentation made available to the Agency since the time of promulgation, EPA is considering changing the dates for compliance with these regulations. Comments are invited on technological or other reasons for and against the following alternate schemes, keeping in mind that measures must be taken "as expeditiously as practicable" and that implementation plan regulations are supposed to force the development of technology.

(a) Require final compliance with this regulation for Stage II control by May 1977, as at present;

(b) Require final compliance for Stage II by a set portion of sources by a certain date (e.g., all stations with over 250,000 gallons per year throughput, or all those under common ownership with 10 others), another portion by a later date, and the last incremental portion by May 1977;

(c) The same scheme as (b) but advance the Stage II final compliance date to May 1976 (giving the Stage II schedule the same final date as for Stage I controls);

(d) The same scheme as (b) but delay the final compliance date for Stage I controls (final transfer to underground storage tanks) to 1977.

All four options allow all or most sources to install Stage I and Stage II simultaneously.

14. Where a service station is leased, should the owner/lessor be required to install the equipment? What are the possible economic consequences of such a requirement? What are the possible economic consequences of omitting such a requirement?

15. What are the amounts of breathing losses? Should there be a requirement for limitation on such losses?

16. Might the 90 percent recovery requirement fail to achieve a 90 percent reduction in current emissions due to the possibility of systems spraying (or "saturating") the vapor space with gasoline, for safety or other reasons, and thereby increasing the baseline vapors from which the reduction occurs? If so, how should such a regulatory problem be handled?

17. What are the energy consumption estimates of Stage II systems? What are the energy savings?

18. What is the magnitude of the spillage or overfill problem? How should this be controlled?

19. If a displacement system were approved for Stage II installation, would it be possible to convert it to a blower-assist system with reasonable effort? What problems would arise? How much more would such a two-step procedure cost than initial installation of a blower-assist system?

It is not expected that each person or organization commenting will be able to address each of these questions, but it would be helpful if the comments specify which of these questions is being addressed, by number, and with what qualifications or modifications. In addition, comments addressing other issues are invited.

STUDIES TO DATE

The following documents or studies are available for inspection at the EPA regional office in San Francisco by contacting the Office of Air Programs and at the Freedom of Information Center in EPA headquarters, Washington, D.C. Copies may also be available from the various authors. They do not represent all the information available, but provide a cross section of the points of view. Critiques of them are welcome.

1. "Cost Effectiveness of Methods to Control Vehicle Refueling Emissions," API, Project EF-14, Phase I Interim Report, April 1973, prepared by Refinery Management Services Company.

2. "An Evaluation of Service Station Vapor Recovery Concepts," API, March 20, 1974, report (draft), prepared by Scott Research Laboratories, report SRL 2109 10 0374.

3. "Technical Review and Evaluation of Vapor Control Systems," March 22, 1974, William, et al., Department of Applied Mechanics and Engineering Sciences, University of California at San Diego.

4. "Status Report on Control of Gasoline Vapor Losses from Station and Vehicle Filling," May 1973, EQL Memorandum No. 5, Environmental Quality Laboratory, California Institute of Technology.

5. "The 'Displacement' System: An Effective Method of Controlling Hydrocarbon Vapor Losses at Service Stations," November 27, 1973, Revision I, Presten, et al., Standard Oil Company of California.

6. Advertisement by ARCO in San Diego Union, January 15, 1974, with subsequent letters from the California Deputy Attorney General to ARCO January 16, from ARCO to the Deputy Attorney General, February 1, and from J. B. Askew, Director of Public Health, to the Board of Supervisors, San Diego County, February 7.

7. "Rules 61–63, Data," County of San Diego, undated (early 1974).

8. Memorandum from Richard A. Fusco, Calgon Corporation, to Dr. J. B. Askew, San Diego Air Pollution Control District, "Control of Gasoline Vapor Emissions through Forced Displacement," undated (February 1974?).

9. "The Clean Air Act and Transportation Controls: A White Paper," August 1973, Horowitz, et al., EPA.

10. Correspondence between Shell Oil Company and the San Diego County Air Pollution Control District, March 15, 21, 25, and 28, 1974.

It should be noted that none of the above discussion is relevant to the El Paso Air Quality Control Region, where 80 percent control is required by 1975. For that region EPA is willing to approve appropriate simple displacement or balance systems. Furthermore, EPA-promulgated regulations do not currently apply in San Diego, where the existing, State-submitted, federally-approved regulation requires collection of "all" vapors.

All comments should be submitted, preferably in triplicate, to Mr. Roger Strelow, Acting Assistant Administrator for Air and Waste Management, Attention: Vapor Recovery Task Force, AW-443, EPA, 401 M Street, SW., Washington, D.C. 20460.

The deadline for submission of comments is July 31, 1974.

(Sec. 110(c), 301(a), Clean Air Act; 42 U.S.C. 1857c-5(c), 1857g)

Dated: June 11, 1974.

RUSSELL E. TRAIN,
Administrator.

Part 52 of 40 CFR Chapter I, as most recently amended in 39 FR 4880 (Feb. 8, 1974), is amended as follows:

Subpart F—California

§ 52.256 [Amended]

1. In § 52.256(g)(1) the date "June 1, 1974" is revised to read "January 1, 1975."

2. In § 52.256(g)(2) the date "November 1, 1974" is revised to read "March 1, 1975."

3. In § 52.256(g)(3) the date "January 1, 1975" is revised to read "May 1, 1975."

4. In § 52.256(h)(1) the date "June 1, 1974" is revised to read "January 1, 1975."

Subpart G—Colorado

§ 52.337 [Amended]

5. In § 52.337(g)(1) the date "June 1, 1974" is revised to read "January 1, 1975."

6. In § 52.337(g)(2) the date "November 1, 1974" is revised to read "March 1, 1975."

7. In § 52.337(g)(3) the date "January 1, 1975" is revised to read "May 1, 1975."

8. In § 52.337(h)(1) the date "June 1, 1974" is revised to read "January 1, 1975."

Subpart J—District of Columbia

§ 52.488 [Amended]

9. In § 52.488(g)(1) the date "June 1, 1974" is revised to read "January 1, 1975."

10. In § 52.488(g)(2) the date "November 1, 1974" is revised to read "March 1, 1975."

11. In § 52.488(g)(3) the date "January 1, 1975" is revised to read "May 1, 1975."

12. In § 52.488(h)(1) the date "June 1, 1974" is revised to read "January 1, 1975."

Subpart V—Maryland

§ 52.1087 [National Capital] [Amended]

13. In § 52.1087(g)(1) the date "June 1, 1974" is revised to read "January 1, 1975."

14. In § 52.1087(g)(2) the date "November 1, 1974" is revised to read "March 1, 1975."

15. In § 52.1087(g)(3) the date "January 1, 1975" is revised to read "May 1, 1975."

16. In § 52.1087(h)(1) the date "June 1, 1974" is revised to read "January 1, 1975."

§ 52.110 [Amended]

17. In volume 39, No. 28, of the FEDERAL REGISTER dated Friday, February 8, 1974, page 4881, a typographical error was made in amending §§ 52.1101 and 52.1102. § 52.1102(g)(1) and (g)(2) was mistakenly printed as § 52.1101(g)(1) and (g)(2). This error is hereby corrected.

18. In § 52.1102(g)(1) the date "June 1, 1974" is revised to read "January 1, 1975."

19. In § 52.1102(g)(2) the date "November 1, 1974" is revised to read "March 1, 1975."

20. In § 52.1102(g)(3) the date "January 1, 1975" is revised to read "May 1, 1975."

21. In § 52.1102(h)(1) the date "June 1, 1974" is revised to read "January 1, 1975."

Subpart W—Massachusetts

§ 52.1147 [Amended]

22. In § 52.1147(b)(1) the date "June 1, 1974" is revised to read "January 1, 1975."

23. In § 52.1147(b)(2) the date "November 1, 1974" is revised to read "March 1, 1975."

24. In § 52.1147(b)(3) the date "January 1, 1975" is revised to read "May 1, 1975."

25. In § 52.1147(d)(1) the date "June 1, 1974" is revised to read "January 1, 1975."

Subpart FF—New Jersey

§ 52.1599 [Amended]

26. In § 52.1599(f)(1) the date "June 1, 1974" is revised to read "January 1, 1975."

27. In § 52.1599(f)(2) the date "November 1, 1974" is revised to read "March 1, 1975."

28. In § 52.1599(f)(3) the date "January 1, 1975" is revised to read "May 1, 1975."

29. In § 522.1599(g)(1) the date "June 1, 1974" is revised to read "January 1, 1975."

[FR Doc.74-13842 Filed 6-17-74;8:45 am]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Subpart T—Louisiana

Correction

In FR Doc. 74-4143 appearing at 39 FR 7270–7285 in the issue of February 25, 1974, the entry entitled "Subpart T—Louisiana" (39 FR 7281) is corrected as follows:

1. The words of issuance are corrected to read as follows: "33. Subpart T is amended by adding § 52.976 as follows:"

2. Paragraphs (c) and (d) are corrected by redesignating them as paragraphs (a) and (b), respectively.

Dated: June 13, 1974.

ROGER STRELOW,
Acting Assistant Administrator for Air and Waste Management.

[FR Doc.74-13985 Filed 6-17-74;8:45 am]

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Title 41—Public Contracts and Property Management

CHAPTER 101—FEDERAL PROPERTY MANAGEMENT REGULATIONS

SUBCHAPTER E—SUPPLY AND PROCUREMENT

[FPMR Amdt. E-141]

PART 101–32—GOVERNMENT-WIDE AUTOMATED DATA MANAGEMENT SERVICES

Future System Plans

Correction

In FR Doc. 74-12463 appearing at page 19208 in the issue for Friday, May 31, 1974, make the following correction. In § 101-32.1503, in the third line of paragraph (c) on page 19210, the section referred to should be § 101-32.4902.

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

PART 97—AMATEUR RADIO SERVICE

Operation of Remotely Controlled Stations

1. Because not all remotely controlled amateur radio stations are additional stations, it is inappropriate to present the rules for remotely controlled stations under the undesignated headnote Operation of Additional Stations in Part 97, Subpart D. For this reason, the rules for the operation of a remotely controlled station are relocated, with only minor editorial revision, from § 97.108 to a new § 97.88 under the undesignated headnote General.

2. Because this amendment relates to editorial revisions only, prior notice of rule making public procedure and effective date provisions are unnecessary, pursuant to the Administrative Procedure and Judicial Review provisions of 5 U.S.C. 553.

3. Accordingly, *it is ordered*, pursuant to sections 4(i), 5(d), and 303 of the Communications Act of 1934, as amended, and § 0.231(d) of the Commission's rules and regulations, That effective June 21, 1974, Part 97 of the Commission rules is amended as set forth below.

(Secs. 4, 5, 303, 307, 48 Stat., as amended, 1066, 1068, 1082, 1083; 47 U.S.C. 154, 155, 303, 307)

Adopted: June 11, 1974.

Released: June 12, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] JOHN M. TORBET,
Executive Director.

Part 97 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

1. Add new § 97.88 to read as follows:

§ 97.88 Operation of a remotely controlled station.

An amateur radio station may be remotely controlled only from an authorized control point, and only where there is compliance with the following:

(a) The license for the remotely controlled station must list the authorized remote control point(s). A photocopy of the remotely controlled station license must be posted in a conspicuous place at the authorized control point(s), and at the remotely controlled transmitter location. A copy of the system network diagram on file with the Commission must be retained at each control point. The transmitting antenna, transmission line, or mast, as appropriate, associated with the remotely controlled transmitter must bear a durable tag marked with the station call sign, the name of the station licensee and other information so that the control operator can readily be contacted by Commission personnel.

(b) The control link equipment and the remotely controlled station must be accessible only to persons authorized by the licensee. Protection against both inadvertent and unauthorized deliberate emissions must be provided. In the event unauthorized emissions occur, the station operation must be suspended until such time as adequate protection is incorporated, or until there is reasonable assurance that unauthorized emissions will not recur.

(c) A control operator designated by the licensee must be on duty at an authorized control point while the station is being remotely controlled. Immediately prior to, and during the periods the remotely controlled station is in operation, the frequencies used for emission by the remotely controlled transmitter must be continuously monitored by the control operator. The control operator must terminate transmission upon any deviation from the rules.

(d) Provisions must be incorporated to limit transmission to a period of no more than 3 minutes in the event of malfunction in the control link.

(e) A remotely controlled station may not be operated at any location other than that specified on the license without prior approval of the Commission except in emergencies involving the immediate safety of life or protection of property.

(f) A repeater station may be operated by radio remote control only where the control link utilizes frequencies other than the repeater station receiving frequencies.

§ 97.108 [Reserved]

2. § 97.108 is deleted and reserved.

[FR Doc.74-13918 Filed 6-17-74;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Service Order No. 1187]

PART 1033—CAR SERVICE

Regulations for Return of Trailers

At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, DC, on the 12th day of June 1974.

It appearing, that an acute shortage of insulated trailers equipped with ventilating devices exists on the lines of the Seaboard Coast Line Railroad Co. for transporting melons and other perishable products requiring protection from heat; that shippers are being deprived of the insulated and ventilated trailers required to transport such perishable freight, thus creating spoilage of produce and great economic loss; that insulated, ventilated trailers, after being unloaded are being retained and appropriated for other services which do not result in their return to the major origin areas for perishable freight; that present regulations and practices with respect to the use, supply, control, movement, distribution, exchange, interchange, and return of insulated, ventilated trailers are ineffective. It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 1033.1187 Service Order No. 1187; regulations for return of trailers.

(a) Each common carrier by railroad subject to the Interstate Commerce Act shall observe, enforce, and obey the following rules, regulations, and practices with respect to its car service:

(1) Return to Seaboard Coast Line Railroad Co. (SCL) (see paragraph (3) herein), either empty via the reverse of the service route or direct as agreed to by the owner, or loaded to the SCL in the manner prescribed in paragraph (2) herein, all insulated, ventilated trailers owned or controlled by the following railroads and bearing any of the reporting marks designated:

Seaboard Coast Line Railroad Co.:
Reporting marks: SBD, SBDZ, SCLZ: Series 2002-2060, 30104-30901, 702001-702034 and 703004-703150.
Reporting marks: RCLZ, RSBZ and RSCZ: Series 700000-709999 when subject to notes E(3), E(4), E(5), E(6) and E(7) on pages 98-109, inclusive of the Official Intermodal Equipment Register, ICC—O. I. E. R. No. 18, issued by R. G. Hilts, or successive issues thereof.

(2) Trailers described in paragraph (1) herein, located on lines other than the SCL (see paragraph (3) herein) may be loaded to any station on the lines of the SCL. If empty at a station on the lines of the SCL, such trailers shall be returned to the SCL at that station.

(3) For the purpose of this order the term Seaboard Coast Line Railroad Co. (SCL) shall include the following railroads:

Fort Myers Southern Railroad Co.
Gainesville Midland Railroad Co.
Seaboard Coast Line Railroad Co.
Tampa Southern Railroad Co.

(b) For the purpose of improving car utilization and the efficiency of railroad operations, or alleviating inequities or hardships, modifications may be authorized by the Chief Transportation Officer of the SCL, or by R. D. Pfahler, Director, Bureau of Operations, Interstate Commerce Commission. Modifications authorized by the SCL must be confirmed in writing to W. H. Van Slyke, Chairman, Car Service Division, Association of American Railroads, Washington, D.C., for submission to, and approval by, R. D. Pfahler.

(c) No common carrier by railroad subject to the Interstate Commerce Act shall accept from shipper any loaded trailer, described in this order, contrary to the provisions of the order.

(d) *Application.* The provisions of this order shall apply to intrastate, interstate and foreign commerce.

(e) *Effective date.* This order shall become effective at 12:01 a.m., June 15, 1974.

(f) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., July 31, 1974, unless otherwise modified, changed or suspended by order of this Commission.

(Secs. 1, 12, 15 and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15 and 17(2). Interprets or applies secs. 1(10-17), 15(4) and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4), and 17(2).)

It is further ordered, That a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc. 74-13979 Filed 6-17-74;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—UNITED STATES FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

CHAPTER IV—UNITED STATES FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

Change of Chapter Titles and Nomenclature Changes

Effective July 1, 1974, Public Law 93-271 establishes within the Department of the Interior the United States Fish and Wildlife Service to succeed and replace the United States Fish and Wildlife Service (as constituted on June 30, 1974) and the Bureau of Sport Fisheries and Wildlife (as constituted on such date). In accordance with such Act and pursuant to the authority of the Secretary of the Interior contained in 5 U.S.C. 301, Title 50 of the Code of Federal Regulations is amended as follows:

1. The titles of 50 CFR Chapters I and IV are changed to "United States Fish and Wildlife Service, Department of the Interior."

2. Wherever the title, "Bureau of Sport Fisheries and Wildlife," or "Director, Bureau of Sport Fisheries and Wildlife" appears in 50 CFR Chapters I and IV, it is changed to "United States Fish and Wildlife Service," or "Director, United States Fish and Wildlife Service," respectively.

3. Wherever the term "bureau" or "Bureau" appears in 50 CFR Chapter I, it is changed to "service" or "Service," respectively.

4. Wherever the title "Bureau of Commerical Fisheries" appears in 50 CFR Chapter IV, it is changed to "National Marine Fisheries Service, Department of Commerce."

It is the general policy of the Department of the Interior to allow time for interested parties to take part in the rulemaking process. However, these amendments are entirely administrative in nature. Therefore the public rulemaking process is waived and these amendments will become effective on July 1, 1974.

(Sec. 1, Pub. L. 93-271, 88 Stat. 92)

Dated: June 10, 1974.

NATHANIEL P. REED,
Assistant Secretary of the Interior.

[FR Doc.74-13926 Filed 6-17-74;8:45 am]

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proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rulemaking prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 924]

FRESH PRUNES GROWN IN DESIGNATED COUNTIES IN WASHINGTON AND IN UMATILLA COUNTY, OREGON

Proposed Handling Regulation

This notice contains a proposal which would require fresh Washington-Oregon Prunes during the period August 1, 1974, through August 31, 1975, to grade U.S. No. 1, except for off-color and an additional tolerance for defects, and be at least 1¼ inches in diameter.

Consideration is being given to the following proposal, which would limit the handling of fresh prunes by establishing minimum grades and sizes recommended by the Washington-Oregon Fresh Prune Marketing Committee, established pursuant to the marketing agreement and Order No. 924 (7 CFR Part 924), regulating the handling of fresh prunes grown in designated counties in Washington and in Umatilla County, Oregon. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

All persons who desire to submit written data, views, or arguments in connection with the proposal should file the same with the Hearing Clerk, Room 112A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than July 8, 1974. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The recommendations of the Washington-Oregon Fresh Prune Marketing Committee reflect its appraisal of the crop and current and prospective market conditions. Fresh shipments of Washington-Oregon Prunes are expected to start on or about August 1, 1974, and to total 18,000 tons compared with 16,375 tons last season. Hence, ample supplies of fresh prunes meeting the proposed requirements should be available to fill fresh market needs. The proposed regulation is designed to prevent the handling of lower quality and smaller size prunes which do not provide consumer satisfaction and to promote orderly marketing in the interest of producers and consumers, consistent with the objectives of the act.

The provision which would exempt the Brooks variety of prunes from the regulation would recognize that prunes of this variety are primarily consumed locally, and that the total production of this variety is insignificant compared to the total supply. Also, the provision which would exempt individual shipments, not exceeding 500 pounds, of the Stanley or Merton varieties, would recognize that the production of these varieties is relatively small, and for the most part are consumed locally or are sold for home use and not for resale. The exemption of individual shipments, not exceeding 150 pounds, of any variety other than Stanley or Merton, if sold for home use and not for resale, would recognize that the quantity of prunes likely to be so handled is relatively inconsequential in relation to the total, and it is not practical administratively to regulate the handling of such shipments due to the nearness of the source of supply.

Such proposal reads as follows:

§ 924.312 Prune Regulation 12.

Order. (a) Prune Regulation 11, (38 FR 19681) is hereby terminated on August 1, 1974.

(b) During the period August 1, 1974, through August 31, 1975, no handler shall handle any lot of prunes, except prunes of the Brooks variety, unless:

(1) Such prunes grade at least U.S. No. 1, except that only two-thirds of the surface of the prune is required to be purplish color, and such prunes measure not less than 1¼ inches in diameter as measured by a rigid ring: *Provided,* That the following tolerances, by count, of the prunes in any lot shall apply in lieu of the tolerances for defects provided in the United States Standards for Grades of Fresh Plums and Prunes: A total of not more than 15 percent for defects, including therein not more than the following percentage for the defect listed:

(i) 10 percent for prunes which fail to meet the color requirement;

(ii) 10 percent for prunes which fail to meet the minimum diameter requirement;

(iii) 10 percent for prunes which fail to meet the remaining requirements of the grade: *Provided,* That not more than one-half of this amount, or 5 percent, shall be allowed for defects causing serious damage, including in the latter amount not more than 1 percent for decay, or

(2) Such prunes are handled in accordance with paragraph (c) of this section.

(c) Notwithstanding any other provision of this regulation, any individual shipment which, in the aggregate, does not exceed 500 pounds net weight, of prunes of the Stanley or Merton varieties of prunes, or 150 pounds net weight, of prunes of any variety other than Stanley or Merton varieties of prunes, which meets each of the following requirements may be handled without regard to the provision of paragraph (b) of this section, and of §§ 924.41 and 924.55:

(1) The shipment consists of prunes sold for home use and not for resale, and

(2) Each container is stamped or marked with the handler's name and address and with the words "not for resale" in letters at least one-half inch in height.

(d) The term "U.S. No. 1" shall have the same meaning as when used in the United States Standards for Fresh Plums and Prunes (7 CFR 51.1520–51. 1538); the term "purplish color" shall have the same meaning as when used in the Washington State Department of Agriculture Standards for Italian Prunes (June 5, 1972) and in the Oregon State Department of Agriculture Standards for Italian Prunes (July 15, 1972); the term "diameter" means the greatest dimension measured at right angles to a line from the stem to blossom end of the fruit; and, except as otherwise specified, all other terms shall have the same meaning as when used in the marketing agreement and order.

Dated: June 12, 1974.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.74–13898 Filed 6–17–74;8:45 am]

[7 CFR Part 948]

IRISH POTATOES GROWN IN COLORADO—AREA NO. 3

Proposed Expenses and Rate of Assessment

Consideration is being given to the approval of the expenses and rate of assessment, hereinafter set forth, which were recommended by the Area Committee for Area No. 3 established pursuant to Marketing Agreement No. 97 and Order No. 948, both as amended (7 CFR Part 948).

This marketing order program regulates the handling of Irish potatoes grown in the State of Colorado and is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

All persons who desire to submit written data, views, or arguments in connection with these proposals may file the same in quadruplicate with the Hearing Clerk, Room 112–A, United States Department of Agriculture, Washington, D.C. 20250, before July 3, 1974. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposals are as follows:

§ 948.271 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred by the Area Committee for Area No. 3 to enable such committee to perform its functions, pursuant to the provisions of Marketing Agreement No. 97, as amended, and this part, during the fiscal period ending June 30, 1975, will amount to $3,795.

(b) The rate of assessment to be paid by each handler pursuant to Marketing Agreement No. 97, as amended, and this part, shall be $0.0085 per hundredweight of potatoes grown in Area No. 3 handled by him as the first handler thereof during said fiscal period.

(c) Unexpended income in excess of expenses for the fiscal period ending June 30, 1975, may be carried over as a reserve.

(d) Terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97, as amended, and this part.

Dated: June 13, 1974.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.74–13975 Filed 6–17–74;8:45 am]

Animal and Plant Health Inspection Service

[9 CFR Parts 112, 113]

VIRUSES, SERUMS, TOXINS, AND ANALOGOUS PRODUCTS

Notice of Proposed Rulemaking

Notice is hereby given in accordance with the provisions contained in section 553 of Title 5, United States Code, that it is proposed to amend certain of the regulations relating to viruses, serums, toxins, and analogous products in Part 112 and Part 113 of Title 9, Code of Federal Regulations, issued pursuant to the provisions of the Virus-Serum-Toxin Act of March 4, 1913 (21 U.S.C. 151–158).

These proposed amendments would codify in Part 113 the test requirements and production restrictions for autogenous biologics prepared in licensed establishments for emergency use.

The lead paragraph of § 112.7(g) would be changed by these proposed amendments by substituting the phrase "autogenous biologics" for "autogenous bacterins and autogenous vaccines" and adding a new label requirement in the form of an abbreviated test statement.

1. The introductory paragraph in § 112.7(g) is amended to read:

§ 112.7 Special additional requirements.

* * * * * *

(g) In the case of autogenous biologics, labels shall include a statement that the product has been subject to abbreviated tests for purity and safety, the recommended dose, the number of repeat doses, if any, and the interval between doses; *Provided;* That the label shall not show:

* * * * * *

2. It is proposed to amend Part 113 by adding § 113.98 to read as follows:

§ 113.98 Autogenous biologics.

Autogenous biologics shall be prepared from a culture of micro-organisms which has been inactivated and is nontoxic. Each serial shall meet the requirements in this section and if found unsatisfactory by any prescribed test shall not be used.

(a) *Seed requirements.* The micro-organisms used as seed shall be isolated from sick or dead animals or birds and judged to be the causative agent of the current disease affecting such animals or birds.

(1) More than one isolate from the same specimen(s) may be used.

(2) Isolates from one herd or flock shall not be used to prepare an autogenous biologic for another herd or flock.

(3) Isolates used to prepare autogenous biologics shall not be maintained in the licensed establishment beyond the time required to prepare authorized amounts.

(b) *Production restrictions.* Unless otherwise authorized by the Deputy Administrator, each serial of autogenous biologics shall be subject to the following restrictions:

(1) A serial shall be limited to 100,000 doses for poultry and 1,000 doses for other animals.

(2) Autogenous biologics shall be prepared for emergency use only. Biologics for initial vaccination shall not be prepared with organisms which have been isolated more than 14 days prior to initiating production.

(3) Expiration dates shall be limited to 6 months from date of harvest.

(c) *Testing requirements.* Final container samples of completed product from each serial and subserial shall be tested for purity and safety as prescribed in § 113.26, § 113.33(b) and § 113.38 except that:

(1) The observation period for all tests shall be reduced to 5 days; and

(2) Serials which are satisfactory after the third day observation of purity test cultures and safety test animals may be released for shipment to the customer and the tests continued throughout the required test period; and

(3) Serials released on the basis of satisfactory results of third day observations shall be immediately recalled if evidence of contamination occurs in test cultures or if safety test animals sicken or die within 5 days from the date tests are inaugurated.

Interested parties are invited to submit written data, views, or arguments regarding the proposed regulations to Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 828–A, Federal Building, Hyattsville, Maryland 20782. All comments received on or before July 22, 1974, will be considered.

All written submissions made pursuant to this notice will be made available for public inspection at Biologics Licensing and Standards Staff, at the above address, during regular business hours (7 CFR 1.27(b)).

Done at Washington, D.C. this 13th day of June 1974.

PIERRE A. CHALOUX,
Acting Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.74–13902 Filed 6–17–74; 8:45 am]

CIVIL AERONAUTICS BOARD

[14 CFR Part 399]

[PSDR–39A; Docket No. 26658]

STATEMENTS OF GENERAL POLICY POLICY

Deceptive Practices In Advertising Group Inclusive Tours

SUPPLEMENTAL NOTICE OF PROPOSED RULEMAKING

JUNE 13, 1974.

By notice of proposed rulemaking PSDR–39, dated April 29, 1974 and published at 39 FR 15309, the Board gave notice that it had under consideration an amendment to Part 399 of its Policy Statements (14 CFR Part 399) to codify a policy which would regard as an unfair or deceptive practice and an unfair method of competition in air transportation or the sale thereof, within the meaning of section 411 of the Act, the advertising of prices involved in group inclusive tours unless the advertisement includes a clear statement of the total tour prices. Interested persons were invited to participate in the proposed rulemaking through submission of twelve (12) copies of written data, views or arguments pertaining thereto to the Docket Section of the Board on or before June 17, 1974.

Counsel for the National Air Carrier Association (NACA) has requested a 10-day extension of time for filing comments to June 27, 1954. In support of the request, counsel states, inter alia, that additional time is needed for communication between counsel and the NACA carriers with respect to comments in the instant proceeding, as well as being necessitated by the press of other urgent Board matters affecting the NACA carriers.

The undersigned finds that good cause has been shown for an extension of time for filing comments to June 27, 1974.

Accordingly, pursuant to authority delegated in § 385.20(d) of the Board's organization regulations, the undersigned hereby extends the time for submitting comments to June 27, 1974.

(Sec. 204(a), Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324)

Dated: June 13, 1974.

[SEAL] ARTHUR H. SIMMS,
Associate General Counsel, Rules and Rates Division.

[FR Doc.74–13920 Filed 6–17–74;8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

APPROVAL AND PROMULGATION OF STATE IMPLEMENTATION PLANS

Gasoline Vapor Recovery Regulations

A notice published today in the Rules and Regulations section of the FEDERAL REGISTER asks for comment on various issues which will affect the interpretation of current regulations regarding vapor recovery at gasoline service stations.

Comments should be submitted by July 31, 1974, preferably in triplicate, to Mr. Roger Strelow, Acting Assistant Administrator for Air and Waste Management. Attention: Vapor Recovery Task Force, AW-443, EPA, 401 M Street, SW, Washington, D.C. 20460.

(Sec. 110(c), 301(a), Clean Air Act; 42 U.S.C. 1857c-5(c), 1857g)

Dated: June 11, 1974.

RUSSELL E. TRAIN,
Administrator.

[FR Doc.74-13840 Filed 6-17-74;8:45 am]

[40 CFR Part 180]

TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

p-Chlorophenoxyacetic Acid; Proposed Tolerance

Dr. C. C. Compton, Coordinator, Interregional Research Project No. 4, State Agricultural Experiment Station, Rutgers University, New Brunswick, NJ 08903, on behalf of California tomato growers and the University of California, Riverside, submitted a petition (PP 8E0732) proposing establishment of a tolerance for residues of the plant regulator *p*-chlorophenoxyacetic acid and its metabolite *p*-chlorophenol in or on tomatoes at 0.1 or 0.05 part per million.

Based on consideration given data submitted in the petition and other relevant material, it is concluded that:

1. The plant regulator is useful for the purpose for which the tolerance is proposed.

2. A tolerance of 0.05 part per million will be adequate to cover residues from the proposed use.

3. There is no reasonable expectation of residues from the proposed use in milk, eggs, meat, or poultry, and § 180.6(a)(3) applies.

4. A tolerance of 0.05 part per million is safe and will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (39 FR 18805), it is proposed that § 180.202 be revised to read as follows:

§ 180.202 *p*-Chlorophenoxyacetic acid; tolerances for residues.

Tolerances are established for combined residues of the plant regulator *p*-chlorophenoxyacetic acid and its metabolite *p*-chlorophenol in or on raw agricultural commodities as follows:

2 parts per million in or on mung bean sprouts to inhibit embryonic root development.

0.05 part per million in or on tomatoes.

Any person who has registered or submitted an application for the registration of a pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act containing any of the ingredients listed herein may request, on or before July 18, 1974, that this proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments with reference to this notice to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, Environmental Protection Agency, Room B-1, East Tower, 401 M Street SW., Washington, D.C. 20460. Three copies of the comments should be submitted to facilitate the work of the Environmental Protection Agency and others interested in inspecting the documents. The comments must be received on or before July 18, 1974, and should bear a notation indicating the subject. All written comments filed pursuant to this notice will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4 p.m. Monday through Friday.

Dated: June 7, 1974.

JOHN B. RITCH, JR.,
Director, Registration Division.

[FR Doc.74-13967 Filed 6-17-74;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 76]

[Docket No. 19988]

CABLE TELEVISION SYSTEMS

Program Origination and Cablecasting Services

In the Matter of amendment of Part 76, Subpart G, of the Commission's rules and regulations relative to program origination by Cable Television Systems; and inquiry into the development of Cablecasting Services to formulate regulatory policy and rulemaking.

1. A request for an extension of time until June 17, 1974, within which to file Reply Comments in the above captioned Cable Television Rule Making has been submitted by the Warner Cable Corporation. Warner requests the additional time in order to respond to comments on file which specifically discuss certain Warner cable systems.

2. It appearing that good cause has been shown to support such request, it is granted.

3. This action is taken by the Chief, Cable Television Bureau, pursuant to authority delegated in § 0.289 of the Commission's rules and regulations.

Adopted: June 10, 1974.

Released: June 11, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] DAVID D. KINLEY,
Chief, Cable Television Bureau.

[FR Doc.74-13917 Filed 6-17-74;8:45 am]

FEDERAL ENERGY OFFICE

[10 CFR Part 211]

SUPPLIER'S METHOD OF ALLOCATION

Fractions in Excess of One

The Federal Energy Office hereby gives notice of a proposal to amend Title 10 of the Code of Federal Regulations, Part 211.

On May 1, 1974, FEO issued a revision of Part 211 effective June 1, 1974 which included a new procedure to be followed when a supplier determined that its allocation fraction for a period corresponding to a base period exceeds one (1.0). That procedure provided a means for a supplier to increase supplies to its historic purchasers using an incremental allocation fraction and modified allocation levels whenever it had surplus product. In the case of retail sales outlets for motor gasoline, such a supplier was limited to supplying its outlets up to 110 percent of their base period use.

The May 1, 1974 revision introduced a degree of complexity to the disposition of surplus supplies which FEO believes is no longer necessary. FEO now believes that supplies are available in sufficient amounts that it is advisable to consider the modification of these regulations in order to provide more flexibility in the disposition of surplus product. At the same time, FEO believes it appropriate (a) to continue the reporting obligation of suppliers other than retail sales outlets to permit redirection of surplus supplies by FEO to other suppliers which may be in need of additional supply and (b) to impose restrictions on the categories of purchasers to which refiners may dispose of surplus supplies in order to protect the interests of branded and nonbranded independent marketers.

The proposal would place no restrictions on the disposition of surplus product by retail sales outlets and would impose no reporting requirements on such outlets when they have surplus product. A supplier which is not a refiner (or a retail sales outlet) would be required to notify FEO of its surplus product when its allocation fraction exceeds one (1.0). Fifteen days after notification to FEO, unless otherwise directed by the FEO, the supplier could dispose of its surplus product at its discretion.

A refiner, would also be required to provide FEO with notice whenever it has surplus product. At the end of fifteen days, however, a refiner could dispose of its surplus product at its discretion except that it would be required to offer proportional amounts of the surplus product to the independent branded and nonbranded wholesale purchaser-resellers which it ordinarily supplies if it desires to supply any of the surplus product to wholesale purchaser-resellers within its own distribution system. The retail sales outlets operated by the refiner could not receive more than their proportionate share of the surplus product offered to the refiner's historic wholesale purchaser-resellers.

A refiner would be required to report to FEO its disposition of such surplus product at the end of the period during which it has the surplus.

Interested persons are invited to participate in the rulemaking by submitting written data, views, or arguments with respect to the proposed regulations set forth in this notice to the Executive Secretariat, Federal Energy Office, Box AM, Washington, D.C. 20461.

Comments should be identified on the outside envelope and on the documents submitted to the Federal Energy Office Executive Secretariat with the designation "Allocation Fraction". Fifteen copies should be submitted. All comments received by June 26, 1974, and all other relevant information will be considered by the Federal Energy Office before final action is taken on the proposed regulations.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93159, E.O. 11748; 38 FR 33575)

In consideration of the foregoing, it is proposed to amend Part 211, Chapter II Title 10 of the Code of Federal Regulations as set forth below.

Issued in Washington, D.C., June 14, 1974.

WILLIAM N. WALKER,
General Counsel,
Federal Energy Office.

1. Section 211.10 is revised in paragraph (g) to read as follows:

§ 211.10 Supplier's method of allocation.

* * * * *

(g) *Allocation fractions greater than one.* (1) *General.* In allocating allocable supplies of any allocated product among wholesale purchasers and end-users, no supplier may use an allocation fraction greater than one (1.0) except as provided herein.

(2) *Retail sales outlets.* Any wholesale purchaser-reseller which is a retail sales outlet and which has an allocation fraction in excess of one (1.0) for a period corresponding to a base period shall make allocations based on an allocation fraction of one (1.0) and may distribute its surplus product at its discretion. There is no requirement that such a wholesale purchaser-reseller report its surplus product to FEO.

(3) *Suppliers of wholesale purchaser-resellers.* If the allocable supply of a supplier of wholesale purchaser-resellers is of sufficient magnitude that its allocation fraction computed pursuant to paragraph (b) of this section will exceed one (1.0) for a period corresponding to a base period, that supplier shall make allocations based on an allocation fraction of one (1.0) and shall report the volume of surplus product available by certified mail to the National FEO and the appropriate regional FEO in accordance with forms and instructions issued by FEO, within five (5) days of the supplier's determination that its allocation fraction will exceed one (1.0).

(4) *Redirection.* The National or Regional FEO (whenever authorized by the National FEO) may within 15 days after the notification made pursuant to paragraph (g)(3) of this section direct that the product so reported be distributed among other suppliers or sold to designated wholesale purchasers or end-users.

(5) *Non-refiner suppliers of wholesale purchaser-resellers.* Any supplier which reports pursuant to subparagraph (3) above and which is not a refiner may distribute its surplus product at its discretion if it is not notified to the contrary within fifteen (15) days of reporting to the FEO.

(6) *Refiner suppliers of wholesale purchaser-resellers.* Any supplier which reports pursuant to paragraph (g)(3) of this section and which is also a refiner shall distribute its surplus product as provided below if it is not notified to the contrary within fifteen (15) days of reporting to the FEO:

(i) The refiner at its discretion may distribute any portion of its surplus product to any wholesale purchaser-reseller which is not entitled to receive an allocation from that refiner, and to any end-users or wholesale purchaser-consumers which would normally be supplied directly by the refiner rather than through a retail sales outlet.

(ii) Any portion of its surplus product which the refiner intends to offer to wholesale purchaser-resellers which are entitled to receive an allocation from it shall be distributed by offering, in the aggregate, to the category of wholesale purchaser-resellers which are branded independent marketers and to the category of wholesale purchaser-resellers which are non-branded independent marketers at least the same proportion of that part of the refiner's surplus product as the total base period uses of such branded or non-branded independent marketers bear to the total base period uses of all wholesale purchaser-resellers which are entitled to receive an allocation from that refiner.

(iii) Retail sales outlets owned and operated by the refiner may not purchase or be supplied a greater proportion of that part of the refiner's surplus product which is sold or supplied to wholesale purchaser-resellers which are entitled to an allocation from that refiner than the total base period uses of all such retail sales outlets bear to the total base period uses of all such wholesale purchaser-resellers.

(7) *Disposition Report by Refiner Supplier.* Within ten (10) days following the end of a period corresponding to a base period, any refiner which reported surplus product for such period as required by paragraph (g)(3) of this section shall report by certified mail to the National FEO and the appropriate regional FEO the disposition of the surplus product, including the names and volumes of any purchasers.

(8) *Purchaser's rights.* Notwithstanding the provisions of § 211.12, any wholesale purchaser or end-user may purchase allocated product from any supplier which certifies that it has surplus product to distribute and that it has complied with the provisions of this paragraph.

(9) *Limitation on purchaser's rights.* No supplier shall supply and no end-user or wholesale purchaser-consumer shall accept quantities of an allocated product which exceed one hundred (100) percent of the end-user's or wholesale purchaser-consumer's current requirements, unless directed by FEO.

(10) *Special propane restriction.* No supplier shall supply and no end-user or wholesale purchaser-consumer shall accept quantities of propane in excess of one hundred (100) percent of base period use for synthetic natural gas feedstock use or standby volumes or any other industrial uses covered by § 211.83(c)(4)(ii).

* * * * *

2. Section 211.107 is revised in paragraph (b) to read as follows:

§ 211.107 Method of allocation.

* * * * *

(b) Allocations of motor gasoline to retail sales outlets and all other purchasers shall be made as specified in § 211.10. Suppliers which have an allocation fraction greater than one (1.0) shall distribute their surplus product in accordance with the provisions of § 211.10 (g) notwithstanding the provisions of § 211.106 with respect to reassignments among retail sales outlets.

* * * * * *

§§ 211.84, 211.104, 211.124, 211.144, 211.164 [Revoked]

3. Sections 211.84, 211.104, 211.124, 211.144 and 211.164 are revoked.

[FR Doc.74-14023 Filed 6-17-74;8:45 am]

FEDERAL TRADE COMMISSION

[16 CFR Part 233]

GUIDES AGAINST DECEPTIVE PRICING

Proposed Revision

Proposed revised Guides Against Deceptive Pricing are hereinafter set forth and are today made public by the Commission for consideration by interested or affected parties pursuant to the Federal Trade Commission Act, as amended, 15 U.S.C. 41, et seq., the provisions of Part 1, Subpart A, of the Commission's procedures and rules of practice, 16 CFR 1.5, 1.6, and section 553 of Subchapter II, Chapter 5, Title 5, U.S. Code (Administrative Procedure).

Opportunity is hereby extended by the Federal Trade Commission to any and

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all persons, firms, corporations, organizations or other parties affected by or having an interest in the proposed revised Guides to submit to the Commission their views concerning the Guides, including such pertinent information, suggestions, or objections as they may desire to submit. For this purpose, additional copies of the proposed revised Guides, which are advisory in nature as to the applicability of legal requirements, may be obtained upon request to the Commission. Data, views, information, objections, and suggestions may be submitted by letter, memorandum, brief, or other written communication not later than August 19, 1974, to the Assistant Director for Marketing Practices, Bureau of Consumer Protection, Federal Trade Commission, Pennsylvania Avenue and Sixth St. NW., Washington, D.C. 20580. Written comments received will be available for examination by interested parties at the Commission's Washington address, Room 130, and will be fully considered by the Commission.

The proposed revised guides that follow, if adopted, will supersede the Guides Against Deceptive Pricing adopted by the Commission December 20, 1963.

INTRODUCTION

These Guides represent the Commission's enforcement policies with respect to comparative price advertising. They are deliberately brief and should be considered as guides rather than as comprehensive rules and regulations. Their application will be governed by the following principle: since price is an important factor in consumer purchasing decisions, the advertiser who does more than state his asking price must tell the truth in such a way that it cannot be misunderstood. Truthful price advertising, offering real bargains, is a benefit to all. But the advertiser must shun sales "gimmicks" which lure customers into a belief that they are getting a bargain when in fact they are not.

Sec.
233.0 Definitions.
233.1 Price comparisons—In general.
233.2 Former price comparisons.
233.3 Omission of former price.
233.4 Omission of duration of sale.
233.5 Comparable value comparisons.
233.6 Advertising of retail prices by manufacturers or non-retail distributors.
233.7 Advertising by retailers of manufacturers' recommended prices.
233.8 Special sales; special merchandise.
233.9 Misrepresentation of retailer's status.

AUTHORITY: Secs. 5, 6, 38 Stat. 719, as amended, 721 (15 U.S.C. 45, 46).

§ 233.0 Definitions.

As used herein, "to advertise" means to inform consumers by any means such as, but not limited to, shelf tags, preticketing, display cards, handbills, billboards, and advertisements in newspapers, magazines, radio and television. "Advertiser" means any person or firm which advertises prices to consumers. "Article" includes services as well.

§ 233.1 Price comparisons—In general.

(a) Comparative pricing is generally defined as the practice whereby a merchant or manufacturer displays, states, or advertises—directly or by implication—two or more prices for his goods or services; the actual current asking price and another, higher, reference price. The reference price may be described in various ways such as "list price," "regular price," "full price," "retail price" or "value," or may be displayed with no designation at all. A reference price may also be implied by a statement such as "Save 40%."

(b) No comparisons should be made or implied between the price at which an article is offered for sale and some other reference price unless the article and the nature of the reference price are explicitly identified and the advertiser has a reasonable basis to substantiate the reference price. If the advertiser is a retailer, identification of the article should also be made at the point of sale through the use of prominent shelf tags or similar means.

(c) Examples of reference prices properly identified include: The advertiser's former price for the same article; a manufacturer's suggested list price; the advertiser's price for a perfect article when the advertised article is imperfect, irregular, or a second; a manufacturer's list price for a different but comparable article; a competitor's offering price for a different but comparable article, etc.

§ 233.2 Former price comparisons.

(a) A representation of a former price, unless otherwise specified, must be of the advertiser's immediately preceding price for the same article.

(b) Bona fide sales must have been made by the advertiser at the advertised former price in the recent past. If the article was offered for sale but no such sales were made at that price or any other price in the recent past, that fact must be disclosed in connection with any mention of the former price.

§ 233.3 Omission of former price.

A businessman should not advertise a reduction in price, either directly or through the use of words such as "sale" or "reduced to," unless

(a) The reduction from the immediately preceding price is recent; and

(b) The immediately preceding price is disclosed or can be readily ascertained by disclosure of the stated dollar or percentage reduction in price.

The immediately preceding price must also be disclosed if any other comparison price is advertised in connection with a price reduction.

§ 233.4 Omission of duration of sale.

A merchant should not advertise a "sale" or other temporary change in prices without disclosing as explicitly as possible, in terms of time or quantities available, the period in which the advertised prices will be available. Where the termination point has been advertised in good faith, it is not deceptive to extend the availability of the advertised prices, to make further reductions, or to reinstitute terminated reductions. In determining good faith, reference will be made to the advertiser's past record of truthfulness in advertising sales of limited duration.

§ 233.5 Comparable value comparisons.

An advertised price for an article should not be compared with a price for another article unless the price for the article is explicitly identified (i.e., whether it is a manufacturer's list price, the advertiser's own price, a competitor's offering price, etc.), and the advertiser has a reasonable basis to substantiate the existence of that price. In addition, one of the following conditions must be met:

(a) The comparability of the two articles can be established by reference to established standards of identity or performance; or

(b) The advertiser has otherwise established that the two articles are substantially identical in all significant respects; or

(c) The other article is specifically identified.

A retailer can be reasonably certain that his product is substantially identical to other products if he knows that all are made by the same manufacturer to the same specifications.

§ 233.6 Advertising of retail prices by manufacturers or non-retail distributors.

A manufacturer or non-retail distributor may advertise a recommended retail price or provide retailers with the means to advertise such price for his product only if

(a) A substantial fraction of sales of the product are made through retailers unaffiliated with the manufacturer or distributor; and

(b) The recommended price is independently set by the manufacturer or non-retail distributor without collusion or agreement with, or as an accommodation to, any retailer or competitor; and

(c) There is no more than one price for each region of the United States; and

(d) The recommended price does not substantially exceed the highest prices at which sales are made in the region to which they apply, or, if the product is new, at which such sales can be anticipated in good faith.

§ 233.7 Advertising by retailers of manufacturers' recommended prices.

A retailer may compare his prices with those recommended by manufacturers or non-retail distributors if he had no part in establishing those prices and has no reason to believe that they substantially exceed the highest prices at which sales are made in the region in which such prices are recommended.

§ 233.8 Special sales; special merchandise.

(a) No advertisement should be made which expressly or impliedly offers lowered prices as a result of some unusual circumstances, unless the circumstances are true and the prices are actually lower than the advertiser's usual prices.

(b) Examples of claimed unusual circumstances include "special purchase," "exceptional purchase," "clearance," "manufacturer's close-out."

§ 233.9 Misrepresentation of retailer's status.

(a) A retailer should not use any term such as "wholesale" to describe the prices offered to consumers unless he makes substantial bona fide sales to retailers at those prices.

(b) A retailer should not use any term such as "factory" to describe the prices offered to consumers unless those prices are the same prices as paid by those purchasing directly from the manufacturer for resale.

NOTE.—Offers of a bargain on one article when another is purchased, such as "Free," "Buy 1—Get 1 Free," "2 for-1 Sale," "50% off with the purchase of Two," "1¢ Sale," etc., raise many similar problems as those covered by the foregoing Guides. The Commission's "Guide Concerning Use of the Word 'Free' and Similar Representations" afford further guidance in this area. Copies are available upon request.

Issued June 18, 1974.

By direction of the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.74-13855 Filed 6-17-74;8:45 am]

NATIONAL CREDIT UNION ADMINISTRATION

[12 CFR Part 748]

MINIMUM SECURITY DEVICES AND PROCEDURES

Proposed Rulemaking

Notice is hereby given that the Administrator of the National Credit Union Administration, pursuant to the authority conferred by section 120, 73 Stat. 635, 12 U.S.C. 1766, proposes to amend 12 CFR 748.9(e)(1) as set forth below.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed revision to the Administrator, National Credit Union Administration, 2025 M Street NW., Washington, D.C. 20456, to be received not later than July 21, 1974.

HERMAN NICKERSON, JR.
Administrator.

JUNE 11, 1974.

§ 748.9 [Amended]

1. Section 748.9(e)(1) is amended by deleting the number "18" after the word "least" and before the word "inches" and substituting in lieu thereof the number "12."

[FR Doc.74-13865 Filed 6-17-74;8:45 am]

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notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF DEFENSE

Defense Supply Agency

TIMKEN COMPANY

Proposed Cancellation of Contracts

JUNE 10, 1974.

The Office of Contracts Compliance, Headquarters, Defense Supply Agency (DSA) requested and received approval from the Director of DSA to issue a Notice of Proposed Cancellation of Contracts to the Timken Company for its failure to respond to the 30-day show cause letter issued to that company December 27, 1973. The Timken Company has been given 14 days after receipt of the Proposed Cancellation Notice to answer the allegations therein, and request a hearing on the issues with the Director, DSA.

The following letter is published in accordance with the requirements of 41 CFR 60–1.26(b) (2) (i) and (ii):

DCAS–VO

Mr. H. E. Markley
President
The Timken Company
1835 Dueber Avenue, SW.
Canton, Ohio 44706

Dear Mr. Markley: The Timken Company has agreed, pursuant to the Equal Employment Opportunity clause of United States Government contracts, to comply with all provisions of Executive Order 11246, as amended, and the rules, regulations, and relevant orders of the Secretary of Labor, 41 Code of Federal Regulations (CFR), Chapter 60. The Defense Supply Agency is charged with responsibility for securing compliance with the referenced Order and regulations under Department of Defense Directive No. 1100.11.

On 27 September 1973 an onsite Equal Employment Opportunity compliance review was initiated at your Bucyrus, Ohio facility. During the course of the review it was determined that a restrictive area of recruitment (about 16 miles distance from the facility) existed beyond which your Company would hire whites but refused to hire minorities.

It was further determined that Timken's goals and timetables are based on a 16 mile recruiting area which has about .6% minorities to the total population. The City of Mansfield, only nine miles outside the current recruitment area, is within a reasonable commuting availability distance to Bucyrus and should be included in Timken's designated recruiting area. The new 25 mile radius would provide at least a 3.5% availability figure which should be reflected in your Company's new goals and timetables.

The Timken Company is in violation of Executive Order 11246 which requires federal contractors to refrain from discriminating in their employment practices. In addition, the Company's goals and timetables are unrealistic and not in consonance with the requirements of 41 CFR 60–2.11 and 60–2.12 respectively.

Negotiations were conducted with your Company between 6 October 1973 and 3 December 1973 in an effort to settle the above issues. The Commander, DCASR, Cleveland issued a show cause letter on 27 December 1973, which stated the deficiencies found to exist and offered assistance to resolve them by mediation and negotiation. During the 30-day show cause period an additional meeting was held which also failed to yield positive results. To date there is no indication that your Company intends to change its position.

In view of your apparent noncompliance with the Order and applicable regulations, you are hereby notified of the proposed cancellation or termination of any existing United States Government contracts or subcontracts. You will also be declared ineligible for further contracts and subcontracts with the United States Government. This action is pursuant to Section 209 of the Order and 41 CFR 60–1.26(b). The Timken Company may within 14 days after receipt of this notice file an answer to the allegations set forth in this letter and request a hearing on the issues with the Director, Defense Supply Agency, Cameron Station, Alexandria, Virginia 22314. The answer and request for a hearing should conform with the requirements of 41 CFR 60–1.26(b) (2) (iii).

Sincerely,

D. H. RICHARDS,
Major General, USA,
Acting Director.

[FR Doc.74–13843 Filed 6–17–74;8:45 am]

Office of the Secretary

SECRETARY OF DEFENSE NATURAL RESOURCES CONSERVATION ADVISORY COMMITTEE

Postponement of Meeting

The Secretary of Defense Natural Resources Conservation Advisory Committee Meeting originally scheduled for June 25, 1974 (published at 39 FR 18482, May 28, 1974), has been postponed until 9 a.m., Tuesday, September 10, 1974. The meeting will be held in Room 1E801, #4, the Pentagon, Washington, D.C.

Additional information may be obtained from Mr. Francis B. Roche, Director, Real Property and Natural Resources, OASD(I&L), the Pentagon, Washington, D.C. 20301, telephone: OX 7–7227, autovon 227–7227.

MAURICE W. ROCHE,
Director, Correspondence and Directives, OASD (Comptroller).

JUNE 13, 1974.

[FR Doc.74–13935 Filed 6–17–74;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[OR 12177]

OREGON

Notice of Proposed Withdrawal and Reservation of Land

Correction

In FR Doc. 74–11065, appearing at page 17240, in the issue for Tuesday, May 14, 1974, the 26th line of the land description for the Abert Rim Scenic Corridor reading "T. 34 S., R. 22 E.," should read "T. 35 S., R. 22 E.".

[New Mexico 21630 and 21633]

NEW MEXICO

Notice of Applications

JUNE 10, 1974.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for two 2⅜-inch natural gas pipelines right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 27 N., R. 6 W.,
Sec. 8, S½NE¼ and E½SW¼.

These pipelines will convey natural gas across .065 miles of national resource land in Rio Arriba County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, 3550 Pan American Freeway, NE, Albuquerque, NM 87107.

FRED E. PADILLA,
Chief, Branch of Lands, and Minerals Operations.

[FR Doc.74–13844 Filed 6–17–74;8:45 am]

Fish and Wildlife Service

NATIONAL AUDUBON SOCIETY

Endangered Species Permit; Receipt of Application

Correction

In FR Doc. 74–12669, appearing at page 19245 for the issue of Friday, May 31, 1974, the date in the last line of this document which appears on page 19246 should be "May 29, 1974".

National Park Service

GATEWAY NATIONAL RECREATION AREA ADVISORY COMMISSION

Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Gateway National Recreation Area Advisory Commission will be held at 10 a.m., e.d.t. on June 27, 1974 at the Headquarters Building, Sandy Hook Unit, Gateway National Recreation Area, Highlands, New Jersey.

The purpose of the Commission is to provide for the free exchange of ideas between the National Park Service and the public, and to facilitate the solicitation of advice or other counsel from members of the public on problems and programs pertinent to the Gateway National Recreation Area.

The members of the Commission are as follows:

Honorable Alfred E. Driscoll, Chairman
Haddonfield, New Jersey
Mr. Alexander Aldrich
South Mall, Albany
Mr. Chester Apy
Little Silver, New Jersey
Mr. Donald H. Elliott
Brooklyn, New York
Mrs. Marian S. Heiskell
New York, New York
Mr. Gustav Heningburg
Newark, New Jersey
Mr. Ernest W. Lass
Interlaken, New Jersey
Mr. Edward H. Tuck
New York, New York
Reverend Horace Tyler
Brooklyn, New York
Mr. Nathaniel Washington
Newark, New Jersey
Honorable Joseph B. Williams
Brooklyn, New York

The purpose of this meeting is to discuss development and future plans for Gateway National Recreation Area.

The meeting will be open to the public. However, facilities and space for accommodating members of the public are limited, and persons will be accommodated on a first come, first served basis. Any member of the public may file with the Commission a written statement concerning the matters to be discussed.

Persons wishing further information concerning this meeting, or who wish to submit written statements, may contact Robert F. Mahoney, Public Affairs Officer, Gateway National Recreation Area, at Area Code (212) 264–4454. Minutes of the meeting will be available for public inspection two weeks after the meeting at the Gateway National Recreation Area Headquarters Building, Floyd Bennett Field, Brooklyn, New York 11234.

RUSSELL E. DICKENSON,
Deputy Director.

JUNE 13, 1974.

[FR Doc.74–13992 Filed 6–17–74;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

SHIPPERS ADVISORY COMMITTEE

Notice of Public Meeting

Pursuant to the provisions of section 10 (a) (2) of the Federal Advisory Committee Act (86 Stat. 770), notice is hereby given of a meeting of the Shippers Advisory Committee established under Marketing Order No. 905 (7 CFR Part 905). This order regulates the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida and is effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The Committee will meet in the A. B. Michael Auditorium of the Florida Citrus Mutual Building, 302 South Massachusetts Avenue, Lakeland, Florida, at 10:30 a.m., local time, on June 26, 1974.

Notice of less than 15 days is provided for this meeting in recognition of the need for timely consideration of the supply and demand situation confronting the industry. In order to make appropriate recommendations for regulations, the committee must be able to meet and appraise the supply and demand situation as near to the marketing period as possible. Under the circumstances, a longer notice period is impracticable and the notice provided in this document is reasonable.

The meeting will be open to the public and a brief period will be set aside for public comments and questions. The agenda of the Committee includes the receipt and review of market supply and demand information incidental to consideration of the need for modification of current grade and size limitations applicable to domestic and export shipments of the named fruits.

The names of Committee members, agenda, summary of the meeting and other information pertaining to the meeting may be obtained from Frank D. Trovillion, Manager, Growers Administrative Committee, P.O. Box R, Lakeland, Florida 33802; telephone 813–682–3103.

Dated: June 12, 1974.

JOHN C. BLUM,
Associate Administrator.

[FR Doc.74–13895 Filed 6–17–74;8:45 am]

Cooperative State Research Service

COMMITTEE OF NINE

Notice of Meeting

Pursuant to the Federal Advisory Committee Act, Public Law 92–463, notice is hereby given of a meeting of the Committe of Nine at 8:30 a.m., June 27, 1974, in the Conference Room, Irrigated Agricultural Research and Extension Center, Washington State University, Prosser, Washington.

The purpose of the meeting is to evaluate and recommend proposals for cooperative research on problems that concern agriculture in two or more States, and to make recommendations for allocation of funds for fiscal year 1975. The meeting is open to the public and written statements can be filed with the Committee before or after the meeting.

The names of the members of the Committee, the agenda, minutes, and other information pertaining to the meeting may be obtained from the Recording Secretary, Committee of Nine, Cooperative State Research Service, U.S. Department of Agriculture, Washington, D.C. 20250, Telephone 202–447–3880.

Dated: June 4, 1974.

C. I. HARRIS,
Acting Administrator.

[FR Doc.74–13977 Filed 6–17–74;8:45 am]

Forest Service

PROPOSED VEGETATION CONTROL BY MECHANICAL, CHEMICAL, AND FIRE TREATMENT IN ARIZONA AND NEW MEXICO

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for Proposed Vegetation Control by Mechanical, Chemical and Fire Treatment in the States of Arizona and New Mexico, USDA–FS–DES(Adm) R3–74–03.

The environmental statement considers probable environmental effects of the proposed program.

The draft environmental statement was filed with CEQ on June 10, 1974.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agriculture Bldg., Rm. 3230
14th & Independence Ave., SW
Washington, D.C. 20250

USDA, Forest Service
Southwestern Region
517 Gold Avenue, SW
Albuquerque, New Mexico

Carson National Forest
Cruz Alta Road
Taos, New Mexico 87571

Coronado National Forest
130 South Scott
Tucson, Arizona 85702

Tonto National Forest
102 South 28th Street
Phoenix, Arizona 85034

Apache-Sitgreaves National Forest
Federal Building
Springerville, Arizona 85938

Coconino National Forest
114 N. San Francisco Street
Flagstaff, Arizona 85938

Lincoln National Forest
Federal Building
Alamogordo, New Mexico 88310

Gila National Forest
301 West College Avenue
Silver City, New Mexico 88061

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Single copies are available upon request to the Forest Supervisors listed above and the Regional Forester, Southwestern Region, 517 Gold, SW., Albuquerque, New Mexico 87102. Copies are also available from the Colorado Plateau Environmental Advisory Council, P.O. Box 1389, Flagstaff, Arizona 86001. Please refer to the name and number of the environmental statement when ordering.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

Comments are invited from the public, from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to the Regional Forester, Southwestern Region, 517 Gold Avenue, SW, Albuquerque, New Mexico 87102. Comments must be received within 60 days from the date of this notice in order to be considered in the preparation of the final environmental statement.

M. M. JOHANNESEN,
Acting Regional Forester, R3.

JUNE 10, 1974.

[FR Doc.74-13853 Filed 6-17-74;8:45 am]

KISATCHIE NATIONAL FOREST; TIMBER MANAGEMENT PLAN

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture has prepared a draft environmental statement for the Timber Management Plan, Kisatchie National Forest, Louisiana, USDA-FS-R8-DES (Adm.)-74-9.

This environmental statement concerns a proposed management plan for the timber resources of the Kisatchie National Forest.

This draft environmental statement was transmitted to CEQ on June 10, 1974.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agriculture Bldg., Room 3230
12th St. & Independence Ave., S.W.
Washington, D.C. 20250

USDA, Forest Service
1720 Peachtree Road, N.W., Room 804
Atlanta, Georgia 30309

A limited number of single copies are available upon request to J. Lamar Beasley, Forest Supervisor, Kisatchie National Forest, 2500 Shreveport Highway, Pineville, Louisiana 71360.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the Council on Environmental Quality Guidelines.

Comments are invited from the public, from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to J. Lamar Beasley, Forest Supervisor, Kisatchie National Forest, 2500 Shreveport Highway, Pineville, Louisiana 71360. Comments must be received by August 12, 1974 in order to be considered in the preparation of the final environmental statement.

DAVID F. JOLLY,
Regional Environmental Coordinator.

[FR Doc.74-13854 Filed 6-17-74;8:45 am]

WEYERHAEUSER COMPANY ROAD; SNOQUALMIE NATIONAL FOREST

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for the Weyerhaeuser Company Road, Hansen Creek Share Cost Agreement Area, Snoqualmie National Forest, Washington. USDA-FS-FES-(Adm)-74-67.

The environmental statement concerns proposed non-share cost easements for construction and use of short segments of three roads across Snoqualmie National Forest land, in King County, Washington.

This final environmental statement was transmitted to CEQ on June 12, 1974.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agriculture Bldg., Room 3231
12th St. & Independence Ave., SW.
Washington, D.C. 20250

USDA, Forest Service
Pacific Northwest Region
319 SW. Pine Street
Portland, Oregon 97204

Snoqualmie National Forest
1601 Second Avenue Building
Seattle, Washington 98101

A limited number of single copies are available upon request to T. A. Schlapfer, Regional Forester, Pacific Northwest Region, P.O. Box 3623, Portland, Oregon 97208, or Don R. Campbell, Forest Supervisor, 1601 Second Avenue Building, Seattle, Washington 98101.

ROBERT B. TERRILL,
Acting Regional Forester, Region 6.

JUNE 12, 1974.

[FR Doc.74-13927 Filed 6-17-74;8:45 am]

DEPARTMENT OF COMMERCE

National Technical Information Service

FEDERALLY-SPONSORED BUSINESS, ECONOMIC AND TECHNICAL REPORTS

Notice of Pricing Policy

Notice is hereby given of the following pricing schedule adopted by the National Technical Information Service (NTIS). The NTIS provides government and public availability of federally-sponsored business, economic and technical reports.

POLICY STATEMENT ON SHIP AND BILL

Effective July 1, 1974, the billing charge for Ship and Bill will be as follows:

Documents (per order)	$5.00
NTISearches (per search)	5.00
Subscription items (per subscription order)	2.50

This charge applies to all government and private orders.

WILLIAM T. KNOX,
Director, National Technical Information Service.

[FR Doc.74-13866 Filed 6-17-74;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration

[Docket No. NFD-206; FDAA-437-DR]

ARKANSAS

Notice of Major Disaster and Related Determinations

Pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11749 of December 10, 1973, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-73-238; and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that on June 8, 1974, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the State of Arkansas resulting from a tornado occurring on June 6, 1974, is of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 93-288. I therefore declare that such a major disaster exists in the State of Arkansas. You are to determine the specific areas within the State eligible for Federal assistance under this declaration.

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development under Executive Order 11749, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-73-238, I hereby appoint Mr. Joe D. Winkle, HUD Region 6, to act as the Federal Coordinating Officer for this declared major disaster.

I do hereby determine the following area in the State of Arkansas to have been adversely affected by this declared major disaster:

The county of: St. Francis.

This disaster has been designated as FDAA-437-DR.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

Dated: June 10, 1974.

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.74-13908 Filed 6-17-74;8:45 am]

[Docket No. NFD-208; FDAA-438-DR]

ILLINOIS

Notice of Major Disaster and Related Determinations

Pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11749 of December 10, 1973, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-73-238; and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that on June 10, 1974, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the State of Illinois resulting from heavy rains and flooding beginning about May 17, 1974, is of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 93-288. I therefore declare that such a major disaster exists in the State of Illinois. You are to determine the specific areas within the State eligible for Federal assistance under this declaration.

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development under Executive Order 11749, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-73-238, I hereby appoint Mr. Robert E. Connor, HUD Region 5, to act as the Federal Coordinating Officer for this declared major disaster.

I do hereby determine the following areas in the State of Illinois to have been adversely affected by this declared major disaster:

The counties of:

Adams	Lee
Brown	Logan
Bureau	McHenry
Carroll	Macon
Clark	Mercer
Coles	Pike
Cumberland	Rock Island
Edgar	Sangamon
Hancock	Stephenson
Jo Daviess	Whiteside
La Salle	Winnebago

This disaster has been designated as FDAA-438-DR.

Dated: June 10, 1974.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.74-13910 Filed 6-17-74;8:45 am]

[Docket No. NFD-207; FDAA-442-DR]

KANSAS

Notice of Major Disaster and Related Determinations

Pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11749 of December 10, 1973, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-73-238; and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that on June 10, 1974, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the State of Kansas resulting from severe storms and flooding beginning about June 7, 1974, is of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 93-288. I therefore declare that such a major disaster exists in the State of Kansas. You are to determine the specific areas within the State eligible for Federal assistance under this declaration.

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development under Executive Order 11749, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-73-238, I hereby appoint Mr. Francis X. Tobin, HUD Region 7, to act as the Federal Coordinating Officer for this declared major disaster.

I do hereby determine the following area in the State of Kansas to have been adversely affected by this declared major disaster:

The county of: Lyon.

This disaster has been designated as FDAA-442-DR.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

Dated: June 10, 1974.

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.74-13909 Filed 6-17-74;8:45 am]

[Docket No. NFD-204; FDAA-440-DR]

MINNESOTA

Notice of Major Disaster and Related Determinations

Pursuant to the authority vested in the Secretary of Housing and Urban Development under Executive Order 11749 of December 10, 1973, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-73-238; and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that on June 10, 1974, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the State of Minnesota resulting from heavy rains and flooding beginning about April 10, 1974, is of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 93-288. I therefore declare that such a major disaster exists in the State of Minnesota. You are to determine the specific areas within the State eligible for Federal assistance under this declaration.

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development under Executive Order 11749, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-73-238, I hereby appoint Mr. Robert E. Connor, HUD Region 5, to act as the Federal Coordinating Officer for this declared major disaster.

I do hereby determine the following areas in the State of Minnesota to have been adversely affected by this declared major disaster:

The counties of:

Kittson	Red Lake
Marshall	Roseau
Norman	

This disaster has been designated as FDAA-440-DR.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

Dated: June 10, 1974.

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.74-13906 Filed 6-17-74;8:45 am]

[Docket No. NFD-205; FDAA-439-DR]

MISSOURI

Notice of Major Disaster and Related Determinations

Pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11749 of December 10, 1973; and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-73-238; and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that on June 10, 1974, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the State of Missouri resulting from severe storms and flooding beginning

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about May 17, 1974, is of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 93-288. I therefore declare that such a major disaster exists in the State of Missouri. You are to determine the specific areas within the State eligible for Federal assistance under this declaration.

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development under Executive Order 11749, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-73-238, I hereby appoint Mr. Francis X. Tobin, HUD Region 7, to act as the Federal Coordinating Officer for this declared major disaster.

I do hereby determine the following areas in the State of Missouri to have been adversely affected by this declared major disaster:

The counties of:

Adair	Clinton
Andrew	Holt
Atchison	Jackson
Buchanan	Lafayette
Caldwell	Nodaway
Carroll	Platte
Clay	Ray

This disaster has been designated as FDAA-439-DR.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

Dated: June 10, 1974.

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.74-13907 Filed 6-17-74;8:45 am]

[Docket No. NFD-202; FDAA-441-DR]

OKLAHOMA

Notice of Major Disaster and Related Determinations

Pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11749 of December 10, 1973, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-73-238; and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that on June 10, 1974, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the State of Oklahoma resulting from severe storms and flooding beginning about June 7, 1974, is of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 93-288. I therefore declare that such a major disaster exists in the State of Oklahoma. You are to determine the specific areas within the State eligible for Federal assistance under this declaration.

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development under Executive Order 11749, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-73-238, I hereby appoint Mr. Joe D. Winkle, HUD Region 6, to act as the Federal Coordinating Officer for this declared major disaster.

I do hereby determine the following areas in the State of Oklahoma to have been adversely affected by this declared major disaster:

The Counties of:

Adair	Mayes
Creek	Oklahoma
Lincoln	Rogers
Logan	Tulsa

This disaster has been designated as FDAA-441-DR.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

Dated: June 10, 1974.

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.74-13904 Filed 6-17-74;8:45 am]

[Docket No. NFD-203; FDAA-441-DR]

OKLAHOMA

Amendment to Notice of Major Disaster

Notice of Major Disaster for the State of Oklahoma, dated June 10, 1974, is hereby amended to include the following counties among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of June 10, 1974:

The counties of:

Craig	Payne
Osage	

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

Dated: June 12, 1974.

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.74-13905 Filed 6-17-74;8:45 am]

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

NOTICE OF HEARINGS

The Architectural and Transportation Barriers Compliance Board will conduct a public hearing on Thursday, June 20, 1974, from 9:00 a.m. to 5:00 p.m. and on Friday, June 21, 1974, from 8:30 a.m. to 5:00 p.m., in Bay Rooms A, B, and C, at the Travelodge-on-the-Wharf, 250 Beach Street, San Francisco, California. The Board was established by Section 502 of the Rehabilitation Act of 1973 (Pub. L. 93-112) and is composed of representatives of the Department of Health, Education, and Welfare, the General Services Administration, the Department of Defense, the Department of Housing and Urban Development, the Veterans Administration, the U.S. Post Office, the Department of the Interior, the Department of Transportation and the Department of Labor. Its function is to insure compliance with Federal standards on accessibility under Pub. L. 90-480, the Architectural Barriers Act of 1968, as amended, and to investigate and examine alternative approaches to architectural, transportation and attitudinal barriers confronting handicapped individuals. At the public hearing, testimony will be presented to the Board on the degree to which structures and space in the San Francisco area comply with Public Law 90-480. Further information about these meetings may be obtained from Dale Williamson, Rehabilitation Services Administration Representative of DHEW, Region X, San Francisco (415-566-0251).

Dated: June 14, 1974.

STANLEY B. THOMAS, JR.,
Acting Chairman, Architectural and Transportation Barriers Compliance Board.

[FR Doc.74-14002 Filed 6-17-74;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket Nos. 50-327, 50-328]

TENNESSEE VALLEY AUTHORITY

Notice and Order for Prehearing Conference

In the matter of Tennessee Valley Authority (Sequoyah Nuclear Plant, Units 1 and 2).

Take notice that the Atomic Safety and Licensing Board will hold a prehearing conference in this proceeding on July 1, 1974, at 9 a.m., local time, at the U.S. Post Office and Courthouse, Ninth and Georgia Avenues, Room 355, Chattanooga, Tennessee. The purposes of this prehearing conference are to: (1) Permit identification of the key issues in the proceeding; (2) take any steps necessary for further identification of the issues; and (3) establish a schedule for further actions in the proceeding. In addition to the purposes specified above, the prehearing conference will also deal with such of the matters stated in § 2.752 of the Commission's rules of practice (10 CFR 2.752) as may be appropriate.

Members of the public may attend this prehearing conference as well as the evidentiary hearing which will be held at a later time to be fixed by the Board. However, members of the public who may wish to participate in the hearing by way of limited appearances will not be permitted to do so at the prehearing conference. Oral or written statements offered by way of limited appearances will be received by the Board at the time of the aforementioned evidentiary hearing.

It is ordered that the parties or their representatives shall conduct such informal conferences as may be practicable to expedite the proceeding and in particular to advance the purposes of the prehearing conference.

It is so ordered.

Dated at Bethesda, Maryland, this 12th day of June, 1974.

ATOMIC SAFETY AND LICENSING BOARD,
EDWARD LUTON,
Chairman.

[FR Doc.74-13922 Filed 6-17-74;8:45 am]

[Docket Nos. 50-434, 50-435]

VIRGINIA ELECTRIC AND POWER CO.

Notice of Schedule for Evidentiary Hearing

In the matter of Virginia Electric and Power Company (Surry Power Station, Units 3 and 4).

A public hearing in the above proceeding will begin at 10 a.m., local time, on Tuesday, July 9, 1974, in the Circuit Courtroom, Surry County Courthouse, in Surry, Virginia.

This first session of the hearing will cover environmental and site suitability matters. At a subsequent session health and safety matters will be covered.

Time will be reserved on Tuesday, July 9, 1974, for members of the public who desire to make limited appearances.

It is so ordered.

Dated at: Bethesda, Md., this 13th day of June 1974.

For the Atomic Safety and Licensing Board.

JAMES R. YORE,
Chairman.

[FR Doc.74-13923 Filed 6-17-74;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 25513; C.A.B. 24397; Order 74-5-146]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Passenger Fares Increases

Correction

In FR Doc. 74-13000 appearing at page 20098 in the issue for Thursday, June 6, 1974, the last line of the third paragraph should read as follows: "Conference 1 (Western Hemisphere)."

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

TEXTILE AGREEMENTS

Bilateral Discussions

The Committee for the Implementation of Textile Agreements, as announced in its FEDERAL REGISTER notice of April 12, 1974, solicits comments on United States Government actions implementing the GATT Arrangement Regarding International Trade in Textiles hereafter referred to as the Arrangement. In the April 12 notice the Committee announced that in the following 12 months bilateral discussions would be held to bring United States textile and apparel agreements into conformity with the Arrangement, and negotiations could be held to renew existing agreements or to reach new agreements. The notice invited the public to submit views or provide data or information on any or on all these agreements, the treatment of any product under them or any other aspect of the agreements.

The Committee presently anticipates that in the immediate future bilateral discussions will be held between the Government of the United States and the Governments of Pakistan and the Republic of China. The Committee also anticipates that shortly thereafter bilateral discussions will be held between the Government of the United States and the Governments of Japan, Malaysia and the Republic of Korea. Any party wishing to express a view or provide data or information with regard to the treatment of any product under these agreements and any other aspect thereof, or with respect to imports of other textile products from these countries, is invited to submit such in ten copies to Mr. Seth M. Bodner, Chairman of the Committee for the Implementation of Textile Agreements and Deputy Assistant Secretary for Resources and Trade Assistance, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Room 3826, Washington, D.C. 20230. To enable timely consideration, comments concerning textile product imports from Pakistan and the Republic of China should be submitted at the earliest date possible. Comments on the other bilateral textile discussions announced herein should be received by June 30, 1974. Comments received after June 30, 1974 will be taken into consideration to the extent possible consistent with the schedule of discussions.

Views, data or information submitted under this procedure will be available for public inspection at the Central Reference and Records Inspection Facility, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Room 7043, Washington, D.C. 20230 and may be obtained upon written request pursuant to the Freedom of Information Act (5 U.S.C. Section 522) and the regulations of the Department of Commerce (15 CFR Part 4). Whenever practicable, public comment may be invited concerning views, comments or information received from the public which the Committee for the Implementation of Textile Agreements considers appropriate for further consideration.

The solicitation of comments on any negotiation, consultation, market disruption or any other matter pursuant to this notice is not a waiver in any respect of the exemption contained in 5 USC Sections 553(a)(1) and 554(a)(4) of the Administrative Procedure Act, relating to matters which constitute "a foreign affairs function of the United States."

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

[FR Doc.74-14014 Filed 6-17-74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[OPP-32000/68]

RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 979), and its procedures for implementation. This policy provides that EPA will, upon receipt of every application, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by the applicant will be available for examination at the Environmental Protection Agency, Room EB-37, East Tower, 401 M Street, SW., Washington, D.C. 20460.

On or before August 19, 1974, any person who (a) is or has been an applicant, (b) desires to assert a claim for compensation under section 3(c)(1)(D) against another applicant proposing to use supportive data previously submitted and approved, and (c) wishes to preserve his opportunity for determination of reasonable compensation by the Administrator must notify the Administrator and the applicant named in the FEDERAL REGISTER of his claim by certified mail. Every such claimant must include, at a minimum, the information listed in this interim policy published on November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy in regard to usage of existing supportive data for registration will be processed in accordance with existing procedures. Applications submitted under 2(c) will be held for the 60-day period before commencing processing. If claims are not received, the application will be processed in normal procedure. However, if claims are received within 60 days, the applicants against whom the particular claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after August 19, 1974.

APPLICATIONS RECEIVED

EPA File Symbol 32690-E. Bio-Chemical, Inc., 1353 Ellsworth Industrial Dr., NW, Atlanta, Georgia 30318. *Phenolic Disinfectant.* Active Ingredients: Isopropyl Alcohol 10.00%; sodium O-phenylphenate 3.95%; sodium 4-chloro-2-cyclopentylphenate 3.89%; sodium dodecylbenzene sulfonate 2.90%; Tetrasodium ethylene diamine tetraacetate 0.20%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 32690-G. Bio-Chemical, Inc., 1353 Ellsworth Industrial Dr., NW, Atlanta, Georgia 30318. *Pine Odor Disinfectant.* Active Ingredient: Isopropyl Alcohol 20.00%; Pine Oil 10.00%; Soap 10.00%; ortho-benzyl-para-chlorophenol 3.00%; Tetrasodium ethylene diamine tetraacetate 0.20%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 11652-2. Brown Pharmaceutical Co., Inc., 2500 West 6th Street, Los Angeles, California 90057. *Heliogen (Powder) Di-Atomic Iodine Sanitizer.* Active Ingredients: Potassium Iodine 27%; Chloramine T 20%. Method of Support: Application proceeds under 2(a) of interim policy.

EPA Reg. No. 3125-213. Chemagro Corporation, P.O. Box 4913, Kansas City, Missouri 64120. *Dasanit 15% Granular Insecticide-*

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Nematicide (Use on commercial grasses and corn). Active Ingredients: O,O-Diethyl O-[p-(methyl-sulfinyl)phenyl] phosphorothioate 15%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 15567–O. Creative Chemicals, Inc., 3 Church Street, Palmer, Massachusetts 01069. *Creative Disinfectant Cleaner.* Active Ingredients: Didecyl dimethyl ammonium chloride 4.5%; Tetrasodium ethylenediamine tetraacetate 2.0%; Sodium carbonate 1.0%; Sodium metasilicate, anhydrous 0.5%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 270–OI. Farnam Companies, Inc., P.O. Box 2151, Phoenix, Arizona 85001. *Farnam SX–80 Pheromone Bait Fly Killer.* Active Ingredients: 2,2-dichlorovinyl dimethyl phosphate 0.47%; Related Compounds 0.03% (Z)-9-tricosene 0.045%; related compounds 0.005%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 34094–R. J & B Enterprises, Inc., P.O. Box 342, Helena, Alabama 35080. *Aquacell.* Active Ingredients: Sodium hypochlorite 5.25%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 3837–UN. Lubar Company, 1708 Campbell, Kansas City, Missouri 64108. *501 L For Control of Bacteria and Fungi In Industrial Applications.* Active Ingredients: Sodium Pentachlorophenate 79%; Sodium Salts of Other Chlorophenols 11%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 72–478. Miller Chemical & Fertilizer Co., Box 333, Hanover, Pennsylvania 17331. *Miller Weed Free.* Active Ingredients: Dimethyl ester of tetrachloroterephthalic acid 5%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 5967–RGE. Moyer Chemical Company, 1310 Bayshore Highway, P.O. Box 945, San Jose, California 95106. *Malathion Dust No. 4.* Active Ingredients: Malathion 4.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 5136–RN. Panther Chemical Co., Inc., 600–700 North Beach Street, Fort Worth, Texas 76101. *Panco 633.* Active Ingredients: Poly[oxyethylene(dimethyliminio)ethylene (dimethyliminio)ethylene dichloride] 10.0%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 10663–RI. Sentry Chemical Company, 1481 Rock Mountain Blvd., Stone Mountain, Georgia 30083. *SL–88 Slimicide/Algaecide For Industrial Re-Circulating Water Cooling Systems.* Active Ingredients: Calcium Hypochlorite 5.00%. Method of Support: Application proceeds under 2(c) of iterim policy.

EPA File Symbol 34371–R. Teoc, Inc., P.O. 513, Westwego, Louisiana 70094. *San-O-Terg 99.* Active Ingredients: Alkyl (60% C14, 30% C16, 5% C12, 5% C18) Dimethyl Benzyl Ammonium Chlorides 1.28%; Alkyl (68% C12, 32% C14) Dimethyl Ethylbenzyl Ammonium Chlorides 1.28%; Sodium carbonate 2.00%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA Reg. No. 1023–23. Tuco Products Company, 7171 Portgage Road, Kalamazoo, Michigan 49001. *Tuco Enide 50W Diphenamid Selective Preemergence Herbicide.* Active Ingredients: Diphenamid (N,N-Dimethyl-2,2-diphenylacetamide) 50%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 9782–GI. Woodbury Chemical Company of Homestead, P.O. Box 4319, Princeton, Florida 33030. *Pyre-Sin Roach Spray Concentrate Liquid Insecticide.* Active Ingredients: Pyrethrins 1.0%; Piperonyl Butoxide 10.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 9782–GO. Woodbury Chemical Company of Homestead, P.O. Box 4319, Princeton, Florida 33030. *Pyrethrins 2.5 Extract Liquid Insecticide.* Active Ingredients: Pyrethrins 2.5%; Petroleum Hydrocarbons 97.5%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 9782–GT. Woodbury Chemical Company of Homestead, P.O. Box 4319, Princeton, Florida 33030. *Zinc Phosphide Rat Bait.* Active Ingredients: Zinc Phosphide 1%. Method of Support: Application proceeds under 2(c) of interim policy.

REPUBLISHED ITEM

The following item represents a correction and/or change in the list of Applications Received previously published in the FEDERAL REGISTER of May 22, 1974 (39 FR 17997).

EPA File Symbol 5748–UE. Household Products Division, Conwood Corporation, P.O. Box 217, Memphis, Tennessee 38101. *Hot Shot Improved Fly and Mosquito Insect Killer.* Active Ingredients: * * * N-Octyl Bicycloheptene Dicarboximide 0.33%. Correction: Originally published as N-Octyl Bicycloheptene Discarboximide.

Dated: June 7, 1974.

JOHN B. RITCH, JR.,
Director, Registration Division.

[FR Doc.74–13592 Filed 6–17–74;8:45 am]

BATTRONIC TRUCK CORPORATION, DIVISION OF BOYERTOWN AUTO BODY WORKS

Notice of Receipt of Application for Certification of Low Emission Vehicles and Notice of Low Emission Vehicle Determination

On November 2, 1973 the Administrator received an application from the Battronics Division of the Boyertown Auto Body Works to have six battery powered vehicles certified for Federal procurement as low emission vehicles under section 212 of the Clean Air Act. The Administrator has transmitted the application to the Low Emission Vehicle Certification Board.

As provided in section 212, the Administrator is required to determine whether the vehicles are low emission vehicles. The basis for this determination is that the vehicles meet the emission standards and other criteria set forth in 40 CFR 85.1602. In making this determination, the Administrator has considered only the amounts of emissions from the vehicles themselves, since section 212 does not authorize him to consider pollutant emissions from powerplants resulting from the generation of electricity to power these vehicles.

Because these vehicles are powered by a propulsion system which meets applicable emission standards without exhaust emission devices external to the engine, the Administrator recommends to the Low Emission Vehicle Certification Board that the vehicles be considered "inherently low-polluting vehicles" as defined in 40 CFR 85.1601(a)(2). The Board must determine, within 180 days, whether these vehicles are suitable for purchase by the Federal Government in accordance with the criteria specified in section 212(d)(1) of the Clean Air Act.

A copy of the application for certification is available for inspection in the Public Docket at the Office of Public Affairs, Room 329, Waterside Mall West Tower, Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460. Interested persons who wish to comment on the determination of suitability for purchase of the vehicle by the Federal Government may submit comments (in quadruplicate) to the Administrator, Environmental Protection Agency, Attention: Office of Mobile Source Air Pollution Control, Office of Air and Waste Management, 41 M Street SW., Washington, D.C. 20460. All relevant comments received on or before July 18, 1974, will be considered by the Low Emission Vehicle Certification Board.

This notice is issued pursuant to section 212 of the Clean Air Act, as amended (42 U.S.C. 1857f–6e).

Dated: June 13, 1974.

JOHN QUARLES,
Acting Administrator.

[FR Doc.74–13988 Filed 6–17–74;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20078; File No. BP–19137]

COSMOPOLITAN ENTERPRISES, INC.

Application for Construction Permit

1. The Commission has for consideration: (a) a permit (BP–16347) issued in 1969, after hearing, which authorized the construction of a new AM station in Edna, Texas (1130 kHz, 10 kW, DA-D), by Cosmopolitan Enterprises, Inc. (Cosmopolitan); (b) a license application filed September 2, 1971, by Cosmopolitan to cover said construction permit; (c) a special temporary authorization (STA) granted September 15, 1971, to operate with a power of five kilowatts in lieu of 10 kilowatts pending submission of an application for modification of the outstanding construction permit to reduce authorized power to five kilowatts; (d) a responsive application for construction permit filed December 2, 1971, with companion request for waiver of section 1.571 of the Commission rules to allow for the acceptance and grant of said application as one for "minor change;" (e) a petition to deny filed December 23, 1971, by International Broadcasting Corporation (KWKH), licensee of co-channel radio station KWKH, Shreveport, Louisiana, directed against Cosmopolitan's construction permit application of December 2, 1971; and (f) an investigation into the affairs of station KWBY conducted in June of 1972.

2. Cosmopolitan completed construction of KWBY in September 1971, but was unable to prove in the three-tower directional antenna system at the authorized power (10 kW). It then tendered the above-captioned application to modify the outstanding construction permit by reducing the authorized power to five kilowatts. In its petition KWKH claims that even at five kilowatts, the KWBY array cannot be adjusted and maintained to prevent interference to KWKH. Our study indicates that, on a theoretical basis, the proposed operation will involve no overlap (as defined in section 73.37 of the rules) of pertinent contours with any existing station or pending application. In addition, we find that the proposed operation complies with section 73.187 of the rules with respect to radiation permitted toward the KWKH 0.1 mV/m contour during critical hours. However, to afford the necessary protection, KWBY must suppress radiation to critically low values in the direction of station KWKH. It follows that a minor variation in the operating parameters of this proposal would cause the proposed MEOV's to be exceeded. Since our studies of the present proposal indicate that protection to KWKH is critical, and in view of the degree of signal suppression proposed, we feel that a substantial question exists as to whether KWBY will be able to maintain the pattern within authorized limits, and whether adequate protection will be afforded to KWKH. Consequently, KWKH will be made a party to this proceeding.

3. Pending outcome of a hearing to determine whether the five-kilowatt proposal will, in fact, protect KWKH, KWKH requests that the Commission order KWBY to reduce its interim STA power to 100 watts nondirectional or 500 watts directional. However, the engineering exhibits submitted by KWKH only establish that "* * * a serious question remains as to whether the facility can be operated and maintained with five kilowatts of power while restricting radiation to the required degree." On the basis of our preliminary determination that KWBY's present five-kilowatt STA operation is not causing interference to KWKH, and KWKH's failure to rebut this determination, we would not be justified in ordering a further interim power reduction. Finally, since the five-kilowatt proposal involves no new physical construction, no new channel study, and no increase in radiation over previously authorized values, it will be considered as a "minor change" proposal.

4. Matters coming to our attention over the past several years, including information obtained in our 1972 investigation into the affairs of KWBY, raise serious questions as to whether the applicant possesses the requisite qualifications to remain a permittee or to become a licensee of the Commission. In view of these questions, we are unable to find that a grant of the above-captioned construction permit application would serve the public interest, convenience and necessity, and must, therefore, designate the application for hearing.

5. Accordingly, *It is ordered*, That the provisions of § 1.571 of the Commission's rules are waived, and the above-captioned application for construction permit is accepted for filing as one for minor change.

6. *It is further ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, said application is designated for hearing at a time and place to be specified in a subsequent Order, upon the following issues:

(a) To determine whether the proposed directional antenna system can be adjusted and maintained within the proposed values of radiation.

(b) To determine whether Cosmopolitan Enterprises, Inc., is a legal corporate entity under the laws of the State of Texas, and, if not, whether it is qualified to do business in the State of Texas.

(c) To determine whether Cosmopolitan Enterprises, Inc., engaged in conduct designed to obstruct the flow of information to the Commission, as evidenced by a promissory note drafted by Cosmopolitan's officers in December of 1971.

(d) To determine whether Cosmopolitan Enterprises, Inc., has, at all times, properly maintained a public inspection file in accordance with the requirements of § 1.526 of the Commission's rules.

(e) To determine the facts and circumstances surrounding the execution of a backdated stock transfer instrument dated June 30, 1970.

(f) To determine whether Cosmopolitan Enterprises, Inc., has failed to file stock transfer agreements within 30 days of their execution, in violation of § 1.613(b)(3) of the Commission's rules.

(g) To determine whether Cosmopolitan Enterprises, Inc., failed to file supplemental ownership reports (FOC Form 323) to reflect changes in corporate directors within 30 days, in violation of § 1.615(c)(2) of the Commission's rules.

(h) To determine whether Phillip J. Tibletti and/or C. E. Ritchey assumed control of Cosmopolitan Enterprises, Inc., without prior Commission approval in contravention of section 310(b) of the Communications Act of 1934, as amended.

(i) To determine whether Cosmopolitan Enterprises, Inc., engaged in misrepresentation to the Commission or demonstrated a lack of candor in statements filed with the Commission with respect to Matry Hyak's resignation as executive vice president; the pendency of an appeal of a judgment awarded in a local court in favor of G. B. Sandlin for severance pay; the status of a transmitter modification in September of 1971; and the legal existence of Cosmopolitan Enterprises, Inc.

(j) To determine, in light of the evidence adduced under the foregoing issues, whether Cosmopolitan Enterprises, Inc., possesses the requisite qualifications to remain as a permittee or to become a licensee of the Commission.

(k) To determine, in light of the evidence adduced under the foregoing issues, whether a grant of the above-captioned application for construction permit would serve the public interest, convenience, and necessity.

7. *It is further ordered*, That if it is determined that the hearing record does not warrant an Order denying the above-captioned application for construction permit, it shall also be determined whether Cosmopolitan Enterprises, Inc., violated § 310(b) of the Communications Act, § 1.613(b)(3), and/or § 1.615(c)(2) of the Commission's rules within one year preceding the issuance of the Bill of Particulars in this matter.

8. *It is further ordered*, That this document constitutes a Notice of Apparent Liability for forfeiture for violation of section 310(b) of the Communications Act and §§ 1.613(b)(3) and 1.615(c)(2) of the rules as set out in the preceding paragraph. The Commission has determined that, in every case designated for hearing involving violations which come within the purview of section 503(b) of the Act, it shall, as a matter of course, include this forfeiture notice so as to maintain the fullest possible flexibility of action. Since the procedure is thus a routine or standard one, we stress that inclusion of this notice is not to be taken in any way as indicating what the initial or final disposition of the case should be; that judgment is, of course, to be made on the facts of each case.

9. *It is further ordered*, That the Chief of the Broadcast Bureau is directed to serve upon Cosmopolitan Enterprises, Inc., within thirty (30) days of the release of this Order, a Bill of Particulars with respect to issues (b) through (i), paragraph 6, supra.

10. *It is further ordered*, That the Broadcast Bureau proceed with the initial presentation of the evidence with respect to issues (b) through (i), and Cosmopolitan Enterprises, Inc., then proceed with its evidence and have the burden of establishing that it possesses the requisite qualifications to remain a permittee or become a licensee of the Commission and that a grant of its application would serve the public interest, convenience and necessity.

11. *It is further ordered*, That International Broadcasting Corporation, licensee of station KWKH, Shreveport, Louisiana, is made a party to this proceeding.

12. *It is further ordered*, That the petition to deny filed by International Broadcasting Corporation, is granted to the extent indicated above, and is denied in all other respects.

13. *It is further ordered*, That the STA issued September 15, 1971, for operation of KWBY with power reduced to five kilowatts in accordance with the tentative specifications contained in the Commission letter of September 17, 1971, is reinstated and extended pending final outcome of this proceeding.

14. *It is further ordered*, That further action with respect to the above-captioned license application will be held in abeyance pending final outcome of this proceeding.

15. *It is further ordered*, That tower lighting prescribed in the outstanding construction permit (BP–16347) shall be maintained pending final outcome of this proceeding.

16. *It is further ordered*, That, to avail itself of the opportunity to be heard, the applicant, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within twenty (20) days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

17. *It is further ordered*, That the applicant herein, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, shall give notice of the hearing within the time and in the

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manner prescribed in such rule and shall advise the Commission thereof as required by § 1.594(g) of the rules.

Adopted: June 5, 1974.

Released: June 12, 1974.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.74-13915 Filed 6-17-74;8:45 am]

KAYE BROADCASTERS, INC.

[Docket No. 18929; File No. BR-2682]

Application for Renewal of License

In re Application of Kaye Broadcasters, Inc., for renewal of license of Station KUPY,[1a] Puyallup, Washington.

1. This proceeding involves the application of KAYE Broadcaster, Inc. (hereinafter KAYE), for renewal of its license for standard broadcast Station KUPY, Puyallup, Washington. KAYE's application was designated for hearing on issues concerning, inter alia, KAYE's policies and procedures for Fairness Doctrine and personal attack matters, its efforts to ascertain the needs and interests of its service area, and the candor and truthfulness of its communications with the Commission. 25 FCC 2d 96 (1970). In a Memorandum Opinion and Order, FCC 72M-1478, December 4, 1972, Administrative Law Judge Nash terminated the hearing and dismissed KAYE's application with prejudice pursuant to Section 1.568(b) of the Rules which provides, inter alia, that failure to prosecute an application will be cause for its dismissal. In a Memorandum Opinion and Order, FCC 74-375, released April 19, 1974, we set aside the Judge's order and remanded the proceeding for further hearings.[2]

2. Now before us for consideration are two contingent petitions to enlarge issues filed April 13 and September 6, 1973, by the Broadcast Bureau. On May 16, 1973, KAYE filed a response[3] to the Bureau's first contingent petition which requests issues:

(1) To determine whether KAYE Broadcasters, Inc. failed to make proper entries in the program logs of KAYE in violation of § 73.282 of the Commission's rules.

(2) To determine whether the broadcast by KAYE Broadcasters, Inc. of program length commercials promoting "Shaklee" products violates Commission policy.

(3) To determine whether KAYE Broadcasters, Inc. has used the facilities of its station to serve the private interests of its principals and to raise funds for their support rather than to serve the community generally and to serve impartially all the various groups which make up the community.

(4) To determine whether there have been unauthorized transfers of control of KAYE Broadcasters, Inc. without prior Commission approval in violation of Section 310(b) of the Communications Act.

(5) To determine whether KAYE Broadcasters, Inc. and/or its principals misrepresented facts or were lacking in candor in applications and reports filed with the Commission.

(6) To determine whether KAYE Broadcasters, Inc. failed to comply with the provisions of Section 1.615 of the Commission's rules.[4]

On October 1, 1973, KAYE filed a motion to dismiss the Bureau's second petition which requested an issue:

To determine whether KAYE Broadcasters, Inc. has made and/or solicited or encouraged others to make ex parte presentations in violation of §§ 1.1221 and 1.1225 of the Commissions Rules.[5]

3. Requested issues (1) (logging violations), (2) (broadcast of program length commercials), and (3) (use of KAYE's facilities for the private interest of its principals) evolved out of KAYE's fund raising activities. Attached to the Bureau's first petition is a transcript of a KAYE broadcast on March 5, 1973, which is devoted almost exclusively to the promotion of Shaklee products (soap and other home use items) and distributorships. In a letter, dated March 15, 1973, James Nicholls, who was a distributor of Shaklee products as well as a principal of KAYE, advised the Commission that on March 5, 1973, KAYE had in fact broadcast a 9 hour marathon devoted to promoting the sale of Shaklee products.[6]

From an examination of KAYE's logs as they were prepared at that time, it appears that the marathon was improperly logged, since the logs contained only entries for 60 second commercials.

4. In a Public Notice, 39 FCC 2d 1062, released February 22, 1973, sent to all broadcast licensees, we held that, where program content is so interweaved with commercial messages that the entire program must be considered commercial, all of such programming—all 9 hours on March 5—must be logged as commercial. We also stated that such broadcasts were considered by the Commission to be "a serious dereliction of duty on the part of the licensee." KAYE asserts that the alleged logging violations were innocent, that it was unaware of our February 22 Public Notice, and that it requested rulings on how to log the marathon. We find, however, that KAYE's explanation is of questionable value since it did not request a Commission ruling until after it had violated the policy and after the Bureau had examined its logs. Moreover, a ruling on how to log the programming should have been unnecessary even if KAYE did not receive the Public Notice, since the Public Notice merely summarized our clear and unambiguous public policy which had been spelled out in prior rulings, including: Topper Corporation, 21 FCC 2d 148 (1969); American Broadcasting Companies, Inc., 23 FCC 2d 132 (1970); American Broadcasting Companies, Inc., 23 FCC 2d 134 (1970); Columbus Broadcasting Company, Inc., (WRBL-TV), 25 FCC 2d 56, 18 RR 2d 684 (1970); Multimedia, Inc. (WBIR-TV), 25 FCC 2d 59, 18 RR 2d 687 (1970); KCOP-TV, Inc., 24 FCC 2d 149, 19 RR 2d 607 (1970); Dena Pictures, Inc., 31 FCC 2d 206 (1971); National Broadcasting Company, 29 FCC 2d 67, 21 RR 2d 593 (1971); WUAB, Inc., 37 FCC 2d 748, 26 RR 2d 137 (1972); and WFIL, Inc., 38 FCC 2d 411, 25 RR 2d 1027 (1972). KAYE as a Commission licensee is chargeable with knowledge of these rulings and it had an obligation to comply with our policy against program length commercials. Letter to Weigel Broadcasting Company, 41 FCC 2d 374, dated May 23, 1973.

5. In the Public Notice and the above cited rulings we also stated that the broadcast of program length commercials may raise a question of whether the licensee was subordinating programming in the public interest to his own private interest. The transcript submitted by the Bureau consisted primarily of an attempt by KAYE to sell Shaklee products and distributorships to its listeners. In a letter written on March 15, Mr. Nicholls admitted conducting a marathon to sell Shaklee products, noting that "[t]hroughout the day, on several occasions" he urged KAYE's listeners to purchase Shaklee products. It thus appears that there is sufficient indication that KAYE violated our policy to warrant the requested logging and program length commercial issues.

6. KAYE argues that the policy against program length commercials constitutes censorship and a prior restraint on free speech prohibited by Section 326 of the Communications Act and the First Amendment. We do not agree. In clarifying our policy on program length commercials, we asserted that it is not our function to pass upon the desirability or quality of a questioned program. Our concern lies where the commercial interest in the program is the "dominant purpose" and the licensee has subordinated the public interest in its programming to a point where the programming is designed to promote the sale of products or services rather than entertain or inform the public. 44 FCC 2d 985 at 986-988 (1974). Interpreting the program length commercial within these guidelines does not impinge on the free exchange of ideas or free speech and it is not censorship in violation of Section 326 of the Act.

7. The Bureau also charges that KAYE's use of programming for its fund raising efforts is inconsistent with the public interest. On the other hand, KAYE asserts that such activities have been undertaken to support and continue the station's operation. References have been made at various points in the record of this proceeding to the fact that KAYE was engaging in such fund raising efforts, but this is the first time that this matter has been mentioned in the context of a petition to enlarge issues. Without attempting to make any final evaluation of KAYE's fund raising efforts here, we have concluded, in view of the tardiness of the Bureau's request and the fact that we have already specified an issue concerning KAYE's program length commercials, that the Bureau's requested issue (3) is neither necessary nor appropriate at this time.

8. Requested issues (4) (unauthorized transfer of control) and (5) (candor), were premised in part on allegations contained in an FCC Form 316 (application for approval of transfer of control) filed by Hayden Blair as transferee and Henry Perozzo as transferor. Although our records indicated that Mr. Nicholls was a 50% owner of KAYE, Messrs. Blair and Perozzo alleged in their application that Mr. Blair owned 100% of the stock in KAYE. In view of the settlement of the civil litigation in the Superior Court of Pierce County, Washington, involving the ownership of KAYE, in which all parties acknowledged the validity of Mr. Nicholls' ownership interest in KAYE, we are convinced that there is no longer any basis for adding these issues. In that civil litigation, however, Mr. Blair filed an affidavit stating that in 1968 he resigned his position as an officer and director of KAYE and that he subsequently abstained from further participation in the affairs of the station. Since KAYE failed to report either this or any subsequent changes in its management as required by Section 1.615 of the Rules, an issue will be added concerning KAYE's failure to comply with Section 1.615.

9. In its second petition the Bureau requests an ex parte issue based, inter alia, on a letter to former Chairman Dean Burch from Mr. Slade Gorton, Attorney General of the State of Washington, urging a grant of KAYE's renewal application. The letter was not served on either the Bureau or other parties to this proceeding. In a subsequent affidavit, Mr. Gorton asserts: (a) that the letter was solicited by Mr. Nicholls, who stated that he had received similar letters from other public officials, and (b) that Mr. Nicholls sent copies of letters from Leonard Sawyer, a Washington State Representative, and Mr. Hal Nielson of the Tacoma Civil Service Board to him. Mr. Gorton sent those copies to the Bureau's counsel, and they were also attached to the Bureau's pleading.

10. KAYE argues that there is nothing on the face of the Sawyer and Nielson letters to show that they were solicited by Mr. Nicholls, and that, although the letters are addressed to Chairman Burch, the copies do not indicate that they were in fact received by the Commission. Standing alone, the copies of the Sawyer and Nielson letters would not be the basis for an ex parte issue. We can, however, take official notice from our public correspondence file that those letters were received by Chairman Burch's office, and Mr. Gorton's affidavit establishes that Mr. Nicholls had knowledge and copies of the letters. Moreover, as previously noted, the affidavit also states that Mr. Gorton's letter was in fact solicited by Mr. Nicholls in violation of the ex parte rules.

11. The Bureau's request is also premised on a petition urging the grant of KAYE's application solicited by Gil Brown, who has been a participant in KAYE broadcasts.[7] The petition was signed by, inter alia, Terrell Nicholls, who was manager of KAYE, and Merlyn Nicholls, who is Jim Nicholls' wife and was previously an officer of KAYE. The petition, which was sent to Chairman Burch, was an improper ex parte communication supported by KAYE's manager and the wife of its owner who had been an officer. The petition taken together with the Gorton letter and other communications raises serious questions which merit addition of the requested ex parte issue.[8]

12. KAYE filed a motion to dismiss the Bureau's second petition arguing that the Bureau was served since it received copies of the letters. KAYE also urges that the fact that Mr. Nicholls' wife and son signed the Brown petition refutes the claim that it was solicited by KAYE, since if Mr. Nicholls had solicited the petition he would not have aroused suspicion by including his wife and son among the petitioners. Both of these arguments, however, ignore the intent of our ex parte rules. The rules require service on all parties and are not satisfied because Commission routing of mail happens to all certain ex parte letters to the Bureau's attention. Indeed, it is incumbent upon all applicants to see that communications bearing on the merits of a proceeding such as this one are properly served on all parties. As to Terrell Nicholls, as manager of KAYE his signing of the petition addressed to Chairman Burch was also improper unless he took steps to see that all such petitions were properly served on all parties. KAYE next charges the Bureau with "nitpicking" and "dredging up charges." We need only say in response that these types of allegations add nothing of substance to the resolution of the questions raised by the pleadings and are highly improper, particularly since we have found merit to several of the Bureau's requests. The other matters raised in KAYE's motion have been discussed in regard to the merits of the Bureau's request and need not be further considered. Since we find the Bureau's request for an ex parte issue to be meritorious, KAYE's motion will be denied.

13. KAYE finally argues that, if we add any of the requested issues, the burden of proof should be on the Bureau. Each of the new issues, however, involves information and evidence which is peculiarly within the knowledge and control of KAYE, and accordingly, the burden of proof with respect to the additional issues will be on the applicant, as it is in all cases unless specified to the contrary.

14. Accordingly, *it is ordered*, That the contingent Petitions to Enlarge Issues, filed April 13 and September 6, 1973, are granted to the extent indicated herein are denied in all other respects.

15. It is further ordered, That the issues designated for hearing are enlarged:

(a) To determine whether KAYE Broadcasters, Inc. failed to make proper entries in the program logs of then Station KAYE in violation of § 73.282 of the Commission's rules.

(b) To determine whether the broadcast by KAYE Broadcasters, Inc. of programs promoting "Shaklee" products and distributorships violates Commission policy.

(c) To determine whether KAYE Broadcasters, Inc. has failed to comply with the provisions of § 1.615 of the Commission's rules.

(d) To determine whether KAYE Broadcasters, Inc. has made and/or solicited or encouraged others to make ex parte presentations in violation of §§ 1.1221 and 1.1225 of the Commission's rules.

16. It is further ordered, That originally specified issue (7) is modified to read as follows:

To determine, in light of the evidence adduced under all of the issues, whether the licensee possesses the requisite qualifications to remain a Commission licensee, and whether the public interest would be served by grant of renewal.

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[1] Commissioner Reid concurring in the result. Commissioner Quello not participating.

[1a] Effective November 11, 1973, the station's call letters were changed from KAYE to KUPY.

[2] In that order we also enlarged the issues: To determine whether there has been an unauthorized relinquishment of control of KAYE Broadcasters, Inc. and whether Carl H. Lambert is exercising de facto control of the licensee without proper authorization of this Commission.

[3] KAYE, citing the Bureau's pleading in Royal Broadcasting Company, Inc. (Docket No. 16676), argues that since the Bureau's petition is contingent, it should be dismissed. Royal Broadcasting is not applicable here, however, since the petitioner in that case was willing to dismiss its petition if the Commission denied a similar petition lodged against it, while the present petitions are contingent only in the sense that they would have become moot if the Judge's dismissal order had been sustained.

[4] Other pleadings concerning the first petition which are under consideration here include: (1) comments filed April 30, 1973, by the Puget Sound Committee for Good Broadcasting (PSC), (2) a reply filed May 31, 1973, by the Bureau, (3) a further response and a motion to accept that response filed June 18, 1973, by KAYE, (4) an opposition to KAYE's motion filed June 27, 1973, by the Bureau, and (5) KAYE's reply to the opposition, filed July 3, 1973. Since the matters discussed in KAYE's further response could have been raised in its earlier pleading, since they go to the weight rather than to the truthfulness of the Bureau's allegations, and since KAYE has not otherwise shown good cause for its request to file the additional pleading, we shall deny its motion to accept that pleading. See D. H. Overmeyer Communications Co., 4 FCC 2d 496 (1966); Supplemental Pleadings Before the Review Board, 40 FCC 2d 1026 (1972); and KFPW Broadcasting Company, 33 FCC 2d 310 (1973).

[5] Other pleadings relating to the second contingent petition which are under consideration here include an opposition to the motion to dismiss filed October 11, 1973, by the Bureau and a reply filed October 24, 1973, by KAYE.

[6] The purpose of the promotion was to raise funds for the prosecution of KAYE's application.

[7] The transcript attached to the first petition shows Gil Brown appeared on KAYE's Shaklee marathon along with Mr. Nicholls and the regular announcer, and that he gave KAYE's business number as his own telephone number for his business as a Shaklee distributor.

[8] Although we indicated in our recent order, FCC 74-375, released April 19, 1974, that further aspects of this proceeding should be handled in an expedited manner, the presiding Judge has ample authority to schedule the procedures on these newly added issues in any way consistent with both the public interest and KAYE's right to a full and fair hearing.

FEDERAL REGISTER, VOL. 39, NO. 118—TUESDAY, JUNE 18, 1974

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17. It is further ordered, That the Motion for Acceptance of Response, filed June 18, 1973, by KAYE Broadcasters, Inc., is denied, and that the response, filed June 18, 1973, by KAYE Broadcasters, Inc., is dismissed.

18. It is further ordered, That the Motion to Dismiss filed October 1, 1973, by KAYE Broadcasting, Inc., is denied.

Adopted: June 5, 1974.

Released: June 12, 1974.

FEDERAL COMMUNICATIONS COMMISSION,*
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.74-13916 Filed 6-17-74;8:45 am]

FEDERAL MARITIME COMMISSION

[Agreement No. 10012]

AUSTRALIA—PACIFIC COAST RATE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before July 8, 1974. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

F. Conger Fawcett, Esq.
Graham & James
310 Sansome Street
San Francisco, California 94104

Agreement No. 10012-1 is an application on behalf of the member lines of the Australia-Pacific Coast Rate Agreement (No. 10012) to extend the presently approved authority thereunder for an additional period of three years beyond September 13, 1974, through September 13, 1977. Agreement No. 10012 covers an arrangement for the establishment and maintenance of freight rates on cargo from ports in Australia, and inland points via such ports, to ports on the Pacific Coast of the United States and inland points via such ports.

By order of the Federal Maritime Commission.

Dated: June 13, 1974.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74-13939 Filed 6-17-74;8:45 am]

TRADER NAVIGATION CO., LTD. (ATLANTRAFIK EXPRESS SERVICE) AND BLUE SEA LINE JOINT SERVICE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW, Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before July 8, 1974. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Sanford C. Miller, Esq.
Haight, Gardner, Poor & Havens
One State Street Plaza
New York, New York 10004

Agreement No. 10133, entered into by the above named carriers, covers an arrangement for the sharing of terminal and stevedoring costs involving situations where one or more of the same vessels employed by a carrier party to the Blue Sea Line service in its inward service to United States ports may from time to time be employed by Atlanttrafik Express Service in its outward service from United States ports with the result that a vessel may be loading for one party in a port while still completing discharge for the other party.

By Order of the Federal Maritime Commission.

Dated: June 13, 1974.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74-13938 Filed 6-17-74;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. E-8806]

ARIZONA PUBLIC SERVICE CO.

Notice of Agreement

JUNE 7, 1974.

Take notice that on May 20, 1974, Arizona Public Service Company (APS) tendered for filing an Agreement with Arizona Power Authority (APA) for the sale of energy "if and when available" and upon the request of APA. APS states that it cannot estimate revenues to be received because the magnitude and frequency of transactions under this Agreement are not able to be presently determined.

APS requests that the waiver provisions of § 35.11 of the Commission's regulations be waived to permit an effective date of September 26, 1973.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 14, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-13870 Filed 6-17-74;8:45 am]

[Docket No. E-8804]

ARIZONA PUBLIC SERVICE CO.

Interconnection Agreement

JUNE 7, 1974.

Take notice that on May 17, 1974, Arizona Public Service Company (APS) tendered for filing Service Schedule E-1 to an Interconnection Agreement with Utah Power and Light Company (UP&L).

APS requests waiver of the notice requirements under Section 35.11 of the Commission's regulations to permit an effective date of January 1, 1974.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 14, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-13869 Filed 6-17-74;8:45 am]

[Docket No. E-8793]

ARKANSAS POWER AND LIGHT CO.

Amendment to Agreement

JUNE 7, 1974.

Take notice that on May 18, 1974, Arkansas Power and Light Company (AP&L) tendered for filing an Amendment to a Power Coordinating, Interchange and Transmission Agreement with Arkansas Electric Cooperative Corporation (AECC) which has been designated AP&L Rate Schedule FPC No. 67.

The Amendment provides for the addition of three new points of delivery with requested effective dates of June 1, 1974, July 1, 1974, and June 1, 1975. The Amendment also provides for the abandonment of a point of delivery, with a requested effective date of July 1, 1974. In addition the Amendment provides for an increase in capacity and change in load characteristics at various points of delivery, with requested proposed effective dates of June 1, 1974 and October 1, 1974.

AP&L states that it has not submitted any billing data because of the difficulty in estimating the effect of deliveries to the points of delivery set out in the proposed Amendment. However, AP&L states that the proposed Amendment does not change any of the rates or condition of Rate Schedule FPC No. 67.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 14, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-13871 Filed 6-17-74;8:45 am]

[Docket No. E-8792]

ARKANSAS POWER AND LIGHT CO.

Amended Transmission Agreement

JUNE 7, 1974.

Take notice that on May 18, 1974, Arkansas Power and Light (AP&L) tendered for filing an Amendment to Transmission Agreement with Arkansas Electric Cooperative Corporation (AECC) which has been designated AP&L Rate Schedule FPC No. 52. AP&L states that this Amendment does not change any of the rates or provisions of Rate Schedule No. 52, but merely provides an additional point of delivery and changes the maximum capacity made available at three existing points of delivery. Therefore, AP&L has submitted no billing data with this filing.

AP&L requests an effective date of June 1, 1974, for changing the maximum capacity available at the existing points of delivery, and a March 1, 1975 effective date for installation of the additional point of delivery.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 14, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-13872 Filed 6-17-74;8:45 am]

[Docket No. CI67-248]

BEACON GASOLINE CO.

Notice of Petition To Amend

JUNE 10, 1974.

Take notice that on May 24, 1974, Beacon Gasoline Company (Applicant), P.O. Box 396, Minden, Louisiana 71055, filed in Docket No. CI67-248 a petition to amend the order of the Commission heretofore issued in said docket pursuant to Section 7(c) of the Natural Gas Act by authorizing a "blanket" certificate which would serve to obviate the necessity for the Commission to amend the subject order each time Applicant contracts to connect a new well to its processing plant, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant requests the Commission to issue an order amending the order issuing the certificate now held by Applicant in Docket No. CI67-248 in order to authorize Applicant to continue the normal conduct of its business of contracting with producers in the general manner reflected in the various prior amendments to Applicant's certificate, without the necessity for obtaining separate amending orders and filing separate rate schedules with regard to each such transaction. Applicant proposes that the certificate authorization herein requested be indefinite in its duration. Applicant indicates its willingness to report additional well connections under such "blanket" authorization either as each new connection occurs or at periodic intervals.

Applicant maintains that due to its relatively small size it suffers an inordinate administrative burden because it must file complete FPC applications and rate schedules each time it connects a well to its plant. Applicant states that it does not sell gas for resale but merely serves as a middleman to process the gas and deliver the residue gas to pipelines whose gas purchase contracts are made directly with the producers. Applicant states that the Commission has complete control over the sale and disposition of the residue gas from Applicant's plant because the producer's sales contracts with their pipeline purchasers are contracts for the sale of gas in interstate commerce and as such afford the Commission complete jurisdiction over the delivery of the residue gas entering the interstate market. Therefore, Applicant submits that in view of its limited relationship with the interstate sale and delivery of gas by the producers connected to its plant, the public interest would not be impaired if Applicant's operations were conducted under the authority of some type of "blanket" or "budget" certificate.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before July 1, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-13873 Filed 6-17-74;8:45 am]

* Commissioners Wiley, Chairman; and Hooks concurring in the result, Commissioner Quello not participating.

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[Docket No. E-8820]

BLACK HILLS POWER AND LIGHT CO.

Notice of Application

JUNE 10, 1974.

Take notice that on May 30, 1974, Black Hills Power and Light Company (Applicant) filed an application pursuant to section 204 of the Federal Power Act seeking authority to issue First Mortgage Bonds, Series P, in the amount of $6,000,000 to be issued under Applicant's Indenture of Mortgage with Manufacturers Hanover Trust Company, dated September 1, 1941. Applicant further requests that this issuance be exempted from the competitive bidding requirements of the Commission's rules of practice and procedure under the Federal Power Act.

Applicant is incorporated under the laws of the State of South Dakota with its principal business office at Rapid City, South Dakota, and is engaged in the electric utility business in the States of Wyoming, Montana, and South Dakota.

The aggregate proceeds from the proposed financing will be used to continue its construction program.

Any person desiring to be heard or to make any protest with reference to the application, should on or before June 25, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-13874 Filed 6-17-74;8:45 am]

[Project No. 2338]

CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.

Notice of Extension of Time

JUNE 10, 1974.

On June 4, 1974, Consolidated Edison Company of New York, Inc. (Con Edison), filed a motion for an extension of time, until ten days following decision by the United States Court of Appeals for the Second Circuit of the petitions for rehearing of the Court's decision of May 8, 1974, in Hudson River Fishermen's Association et al. v. FPC et al., within which to answer the "Petition of Scenic Hudson Preservation Conference for an Immediate Stay of Further Construction," filed May 22, 1974.

Upon consideration, notice is hereby given that the time is extended to and including July 10, 1974, within which Con Edison may answer the petition filed by Scenic Hudson Preservation Conference.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-13875 Filed 6-17-74;8:45 am]

[Docket No. E-8770]

FLORIDA POWER AND LIGHT CO.

Notice of Contract for Interchange Service

JUNE 10, 1974.

Take notice that on May 3, 1974, Florida Power and Light Company (FP&L) tendered for filing a Contract for Interchange Service with Jacksonville Electrict Authority (Jacksonville). This contract is intended to supersede a prior agreement between the parties designated as FP&L's Rate Schedule FPC No. 3. FP&L requests an effective date of October 31, 1973.

FP&L requests waiver of the requirements of § 35.12(b)(1) since it claims that it is not possible to estimate transactions and revenues for the future 12 month period.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 21, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-13876 Filed 6-17-74;8:45 am]

[Docket No. E-8817]

GULF STATES UTILITIES CO.

Notice of Filing of Electric Service Agreement

JUNE 10, 1974.

Take notice that on May 28, 1974, Gulf States Utilities Company (Gulf States) tendered for filing an agreement for wholesale electric service with Kirbyville Light and Power Company. Gulf States states that this contract is for a 3-year period and will continue thereafter on a year to year basis.

According to Gulf States, the primary difference between this contract and its predecessor (dated September 26, 1951), is that Article VII now sets forth possible future curtailment provisions. Gulf States further states that the rate schedules attached to this agreement are the current rate schedule now being considered in Docket No. E-8121 and that Gulf States understands that such rate schedules may be changed as a result of that proceeding.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 20, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-13877 Filed 6-17-74;8:45 am]

[Docket No. E-8821]

IOWA ELECTRIC LIGHT AND POWER CO.

Notice of Application

JUNE 10, 1974.

Take notice that on May 30, 1974, the Iowa Electric Light and Power Company (Applicant) filed an application with the Federal Power Commission seeking an order pursuant to section 204 of the Federal Power Act authorizing the issuance of short-term notes in the aggregate principal amount of not over $40,000,000.

Applicant is incorporated under the laws of the State of Iowa and is authorized to do business in the States of Iowa, Minnesota, Colorado, and Nebraska with its principal business office at Cedar Rapids, Iowa. Applicant is engaged primarily in the generation, transmission and sale at retail of electric energy in 51 counties in the State of Iowa.

The notes to be issued to commercial banks and commercial paper dealers or either of such types of facilities will have a term not in excess of one year with a final maturity date of not later than December 31, 1976. The notes issued to banks will bear interest at the prime rate and those issued as commercial paper will bear the rate then in effect of such commercial paper of like term and quality.

Proceeds from the sale of commercial paper, in the maximum amount of $25,000,000 will be used to refund a portion of certain obligations to commercial banks. Such obligations, consisting of borrowings in the form of long-term notes and aggregating $63,500,000 at March 31, 1974, were made under a Bank Credit Agreement dated July 20, 1972, with three Chicago banks providing maximum borrowings of $75,000,000, with final maturity not later than July 20, 1977. Borrowings under this agreement bear interest at varying rates above the prime rate of interest charged by The First National Bank of Chicago from time to time on 90-day commercial loans to its prime commercial borrowers. Said agreement provides that borrowings may be reduced or repaid at any time without penalty. The commercial paper is proposed to be issued from time to time when prevailing interest rates provide funds at a lower cost than that available through the issuance of the long-term notes referred to above.

Short-term notes issued to commercial banks in the aggregate amount of $3,950,000 were outstanding at March 31, 1974. It is anticipated that such debt will remain at substantially that level during the twelve month period ending March 31, 1975. However, in the event economic conditions make it necessary for the Company to obtain funds to meet its immediate financial obligations it is seeking authority to secure such funds through the issuance of additional short-term notes to commercial banks.

Any person desiring to be heard or to make any protest with reference to this application should on or before June 25, 1974 file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-13878 Filed 6-17-74;8:45 am]

[Docket Nos. CP71-142, RP73-66]

INTER-CITY MINNESOTA PIPELINES LTD., INC.

Notice of Filing of Compliance Statement and Tariff

JUNE 10, 1974.

Take notice that on April 26, 1974, Inter-City Minnesota Pipelines Ltd., Inc. filed in the above-designated dockets a compliance statement and a revised FPC Gas Tariff, Original Volume Nos. 1 and 2. Inter-City Minnesota requests that its tariff be made effective as of the date approved.

Inter-City Minnesota states that the filings made herein are in compliance with the Commission's order issued on December 21, 1970, in Docket No. CP71-142. Inter-City Minnesota further states that its tariff filing is in lieu of the previous filings of January 24, 1973, in Docket No. RP73-66 and October 1, 1973 (not docketed).

Any person desiring to be heard and to make any protest with reference to said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All such petitions or protests should be filed on or before June 28, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. The subject filing is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-13879 Filed 6-17-74;8:45 am]

[Docket No. CP74-302]

MICHIGAN WISCONSIN PIPE LINE CO.

Notice of Application

JUNE 10, 1974.

Take notice that on May 23, 1974, Michigan Wisconsin Pipe Line Company (Applicant), One Woodward Avenue, Detroit, Michigan 48226, filed in Docket No. CP74-302 an application pursuant to section 7(c) of the Natural Gas Act, as implemented by § 157.7(b) of the regulations thereunder (18 CFR 157.7(b)), for a certificate of public convenience and necessity authorizing the construction, during the 12-month period commencing July 13, 1974, and operation of facilities to enable Applicant to take into its certificated main pipeline system natural gas which will be purchased from producers thereat, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the purpose of this budget-type application is to augment its ability to act with reasonable dispatch in contracting for and connecting to its pipeline system supplies of natural gas in various producing areas generally co-extensive with said system.

The application states that the total cost of the proposed facilities will not exceed $7,000,000, with on single offshore project costing in excess of $1,750,000, and no single onshore project costing in excess of $1,000,000. Applicant states that these costs will be financed from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 1, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-13880 Filed 6-17-74;8:45 am]

[Docket No. ID-1530]

MILTON L. VAN SCHOIK

Notice of Supplemental Application

JUNE 10, 1974.

Take notice that on May 23, 1974, Milton L. Van Schoik (Applicant) filed a supplemental application with the Federal Power Commission, pursuant to section 305(b) of the Federal Power Act.

By Commission order dated July 13, 1967, Applicant was authorized to hold the following positions:

Assistant Controller	The Cincinnati Gas & Electric Co.	Public Utility.
Do	The Union Light, Heat and Power Co.	Do.
Do	Miami Power Corp.	Do.
In lieu of these positions, applicant now seeks authorization to hold the following positions:		
Controller	The Cincinnati Gas & Electric Co.	Do.
Do	The Union Light, Heat and Power Co.	Do.
Do	Miami Power Corp.	Do.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 3, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the

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Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-13881 Filed 6-17-74;8:45 am]

[Docket No. CP73-289]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Petition To Amend

JUNE 10, 1974.

Take notice that on May 23, 1974, Natural Gas Pipeline Company of America (Petitioner), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP73-289 a petition to amend the order of the Commission issued on December 10, 1973 (50 FPC —), in said docket pursuant to section 7(c) of the Natural Gas Act by authorizing the retention in place and operation of an additional point of delivery for the exchange of natural gas with Texas Eastern Transmission Corporation (Texas Eastern), all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By the Commission's order of December 10, 1973, in the subject docket, Petitioner was authorized, inter alia, to construct and operate gas purchase and exchange facilities at the Bailey's Prairie Exchange Point, Brazoria County, Texas, and to exchange up to 15,000 Mcf of gas per day with Texas Eastern under the terms of the exchange agreement dated November 17, 1972, between Petitioner and Texas Eastern.

Petitioner has subsequently entered into two long-term contracts to purchase gas from the California Company, a Division of Chevron Oil Company (California), in East Cameron, Blocks 257 and 286 offshore Louisiana. Under authorization granted by Commission order dated February 27, 1974 (51 FPC —), Texas Eastern was authorized to transport up to 25,000 Mcf of gas per day from Blocks 257 and 286 onshore for redelivery to Petitioner at the Bailey's Prairie Exchange Point. Petitioner states, however, that the total volume of gas Texas Eastern was obligated to redeliver to Petitioner through the Bailey's Prairie Exchange Point exceeded the capacity of Petitioner's 6-inch pipeline in Brazoria County, thereby causing an imbalance of delivery volumes. To alleviate such imbalance Petitioner and Texas Eastern amended their November 17, 1972, agreement to provide for an alternate exchange point in Brazoria County, Texas, where Petitioner has constructed 2,800 feet of 8-inch pipeline, a tap connection and measuring facilities pursuant to § 157.22 of the Commission's regulations (18 CFR 157.22). Petitioner requests that the certificate issued in subject docket be amended to authorize the retention in place and operation of the additional exchange point. Petitioner estimates the cost of construction to have been $69,200, which cost Petitioner claims to have met from funds on hand.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before July 1, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secfetary.

[FR Doc.74-13882 Filed 6-17-74;8:45 am]

[Docket No. E-8824]

NORTHERN INDIANA PUBLIC SERVICE CO.

Notice of Filing of Revised Service Agreement

JUNE 10, 1974.

Take notice that on May 31, 1974, the Northern Indiana Public Service Company (Northern) tendered for filing a revised Electric Service Agreement with the Commonwealth Edison Company of Indiana, Inc. (Commonwealth). Northern states that the tendered filing, entitled Memorandum No. 60, is similar to Memorandum No. 57 which terminates June 30, 1974. The tendered revised agreement provides for increased charges under Sections IV and V to account for increased fuel costs and provides for a new paragraph C to describe the method whereby start-up costs for gas turbine units would be charged. Northern proposes an effective date of July 1, 1974.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedures (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 24, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-13883 Filed 6-17-74;8:45 am]

[Docket No. CP74-32]

NORTHERN NATURAL GAS CO.

Notice of Petition To Amend

JUNE 10, 1974.

Take notice that on May 28, 1974, Northern Natural Gas Company (Petitioner), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP74-32 a petition to amend the order issued in the subject docket on December 11, 1973 (50 FPC —), pursuant to section 7 (c) and (b) of the Natural Gas Act as implemented by §§ 157.7(c) and 157.7 (e) of the Commission's regulations thereunder, by waiving a volumetric limitation on deliveries by means of authorized facilities, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner is currently authorized, among other things, to construct during the calendar year 1974 and operate unspecified natural gas sales and transportation facilities for the purpose of selling and delivering natural gas to existing distributors, including its Peoples Division, for resale to residential, small volume commercial and small volume industrial consumers pursuant to § 157.7(c) of the Commission's regulations (18 CFR 157.7 (c)). The order of December 11, 1974, limits total gas deliveries by means of the authorized facilities to any one of Petitioner's customers, including its Peoples Natural Gas Division (Peoples), to 100,000 Mcf per year and total gas deliveries to all distributors to 1,000,000 Mcf per year. Petitioner states that based upon the requests for service presently pending and the anticipated additional requests during the balance of 1974, Peoples will have total annual requirements of approximately 650,000 Mcf of gas. Petitioner claims that such requests for service are by rural consumers (many of whom are Petitioner's right-of-way grantors) for domestic, commercial and agricultural uses. Petitioner requests the Commission to waive the 100,000-Mcf annual limitation per utility customer in order to permit the establishment of the required sales delivery stations to enable Peoples to provide natural gas service to these rural consumers.

Petitioner states further that if the waiver is granted, Petitioner will be delivering less than 80 percent of the 1,000,000 Mcf authorized for all customers because it estimates that all of its other utility customers will have "budget-type" requirements of less than 150,000 Mcf.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before June 28, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-13884 Filed 6-17-74;8:45 am]

[Docket Nos. RP71-107 (Phase II), RP72-127, RP74-75]

NORTHERN NATURAL GAS CO.

Filing of Motion To Enlarge Scope of Proceedings

JUNE 10, 1974.

Take notice that on June 4, 1974, Northern Natural Gas Company (Northern) filed a motion to enlarge the trial of the reserved issue of cost-of-service treatment for post-October 7, 1969, leases in the Hugoton-Anadarko Area to include cost-of-service treatment for Northern's exploration, development and production expenditures in all areas in the lower forty-eight states, including offshore areas. The Hugoton-Anadarko issue was reserved for hearing by the Commission's order issued January 4, 1974, in Docket No. RP71-107 (Phase II) and RP72-127 which approved a rate settlement subject to conditions. By order issued May 20, 1974, in Docket No. RP74-80, the Commission consolidated the trial of the Hugoton-Anadarko issue with the trial concerning the reasonableness of certain advance payments in Docket No. RP74-75.

Any party desiring to be heard or to protest Northern's motion should file such comments with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426 on or before June 21, 1974.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-13885 Filed 6-17-74;8:45 am]

[Docket No. E-8825]

PACIFIC POWER & LIGHT CO.

Notice of Tendered Exhibit Revisions

JUNE 10, 1974.

Take notice that on June 3, 1974, Pacific Power & Light Company (PP&L) tendered for filing its annual revision of Exhibits "A" and "B" (Revision No. 10) to the basic wheeling agreement between PP&L and the Bureau of Reclamation in Wyoming Contract No. 14-06-400-2437. These exhibits are to supersede Supplement No. 8 to Supplement No. 3 to Pacific Power & Light Company Rate Schedule FPC No. 45.

The company requests waiver of the notice requirement set forth at § 35.11 of the Commission's regulations and further requests that an effective date of January 1, 1974 be assigned its filing. PP&L states that service under the tendered exhibits commenced on January 1, 1974.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 24, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-13886 Filed 6-17-74;8:45 am]

[Docket Nos. E-8176, E-8570]

SOUTHERN CALIFORNIA EDISON CO.

Order Denying Motion for Consolidation for Hearing and Decision

JUNE 10, 1974.

The proceeding in Docket No. E-8176 involves the resale rate filing of Southern California Edison ("Edison") supported by adjusted 1972 cost of service data. The proposed rates in this proceeding became effective on September 7, 1973. The proceeding is scheduled for hearing commencing June 18, 1974.

The proceeding in Docket No. E-8570 involves a resale rate filing which is suspended until August 4, 1974, and which is based on 1972 operating data and estimated 1973 data. Hearings in this latter proceeding are scheduled to begin on September 10, 1974.

By its motion, Edison requests consolidation of the two proceedings and utilization of 1973 actual operating data now available to Edison. Edison suggests that such a consolidated proceeding would be more expeditious than the two present proceedings.

All the prepared exhibits and direct testimony, however, have been filed in the proceeding in Docket No. E-8176. Consolidation would delay any movement in that proceeding until September 10, 1974. We believe it more efficient not to postpone the proceeding in Docket No. E-8176 under the assumption that Edison, Staff and the other parties will be diligent in reviewing Edison's 1973 actual operating experience and will develop on the record any necessary adjustments to be filed test year data. In addition, we assume that there are issues common to both proceedings. Commencing to explore the issues in the proceeding in Docket No. E-8176, therefore, should speed resolution of the proceeding in Docket No. E-8570 and should result in decisions in both cases sooner than if an exploration of all the issues were postponed by the proposed consolidation until September 10, 1974.

The Commission finds and orders:

(1) Good cause has not been shown for granting Edison's motion of May 17, 1974, and the motion is denied.

(2) The Commission Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74-13887 Filed 6-17-74;8:45 am]

[Docket Nos. RP71-130, etc.]

TEXAS EASTERN TRANSMISSION CORP.

Extension of Time

JUNE 7, 1974.

On June 4, 1974, Counsel for Algonquin Gas Transmission Company filed a motion for an extension of time within which to file briefs opposing exceptions to the Presiding Administrative Law Judge's Initial Decision issued on April 19, 1974, in the above-designated matter.

Upon consideration, notice is hereby given that the time is extended to and including June 17, 1974, within which briefs opposing exceptions may be filed by all participants in the above-designated matter.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-13888 Filed 6-17-74;8:45 am]

[Docket No. RP74-48]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Proposed Changes in FPC Gas Tariff

JUNE 10, 1974.

Take notice that Transcontinental Gas Pipe Line Corporation (Transco) on May 31, 1974, tendered for filing proposed changes in its FPC Gas Tariff, First Revised Volume No. 1 and Original Volume No. 2. The seven tariff sheets to become effective July 1, 1974 are as follows:

FIRST REVISED VOLUME NO. 1

Tenth Revised Sheet No. 5
Seventh Revised Sheet No. 6

ORIGINAL VOLUME NO. 2

Substitute Thirteenth Revised Sheet No. 52
Substitute Ninth Revised Sheet No. 321
Second Revised Sheet No. 351
Substitute Fifth Revised Sheet No. 416
Substitute Fourth Revised Sheet No. 495

Transco states that such tariff sheets are those necessary to place its rates, suspended by order issued January 31, 1974 in this docket, into effect at the end of the prescribed suspension period. It is further stated that the suspended rates have been updated to reflect two tracking rate filings which have been made by Transco since the January 31, 1974 Order. With this filing Transco has also filed a motion to place its proposed rates into effect on July 1, 1974, and in conjunction therewith, an agreement and undertaking of Transco to comply with § 154.67 of the Commission's regulations.

Transco also states that copies of the filing have been mailed to each of its jurisdictional customers and interested State Commissions.

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Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 20, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-13889 Filed 6-17-74;8:45 am]

[Docket No. RP74-35]

UNITED NATURAL GAS CO.

Further Extension of Time and Postponement of Hearing and Prehearing Conference

JUNE 10, 1974.

On June 3, 1974, Staff Counsel filed a motion for a further extension of the procedural dates fixed by notice issued May 3, 1974, in the above-designated matter. The motion states that the Company relies on its comments filed on April 11, 1974, in response to Staff's previous motion for an extension of time.

Upon consideration, notice is hereby given that the procedural dates in the above matter are further modified as follows:

Service of Evidence by Staff, June 19, 1974.
Prehearing Conference, June 27, 1974 (10 a.m. e.d.t.).
Service of Evidence by Interveners, July 9, 1974.
Service of Rebuttal Evidence, July 23, 1974.
Hearing, July 30, 1974 (10 a.m. e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-13890 Filed 6-17-74;8:45 am]

[Docket No. ID-1734]

JOHN R. BURTON

Notice of Application

JUNE 11, 1974.

Take notice that on May 28, 1974, John R. Burton (Applicant) filed an initial application with the Federal Power Commission, pursuant to section 305(b) of the Federal Power Act, to hold the following positions:

Secretary, Appalachian Power Co., Public Utility.
Secretary, Indiana & Michigan Electric Co., Public Utility.
Secretary, Kanawha Valley Power Co., Public Utility.
Secretary, Kentucky Power Co., Public Utility.
Secretary, Kingsport Power Co., Public Utility.
Secretary, Michigan Power Co., Public Utility.
Secretary, Ohio Power Co., Public Utility.
Secretary, Wheeling Electric Co., Public Utility.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 3, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-13954 Filed 6-17-74;8:45 am]

[Docket No. CI74-694]

CINCO EXPLORATION CO.

Notice of Application

JUNE 12, 1974.

Take notice that on May 28, 1974, Cinco Exploration Company (Applicant), 715 Houston Citizens Bank Building, Houston, Texas 77002, filed in Docket No. CI74-694 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interestate commerce to United Gas Pipe Line Company (United) from the Cinco-Bolton No. 1 Well, Woodbine "C" Sand, Trinity County, Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it commenced the sale of natural gas to United on April 2, 1974, within the contemplation of Section 157.29 of the Regulations under the Natural Gas Act (18 CFR 157.29) and proposes to continue said sale for one year from the end of the 60-day emergency period within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant proposes to sell approximately 7,500 Mcf of gas per month at 45.0 cents per Mcf at 14.65 psia, subject to upward and downward Btu adjustment from a base of 1,000 Btu per cubic foot.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 1, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-13943 Filed 6-17-74;8:45 am]

[Docket No. CI74-688]

COLUMBIA GAS DEVELOPMENT CORP.

Notice of Application

JUNE 12, 1974.

Take notice that on May 23, 1974, Columbia Gas Development Corporation (Applicant), P.O. Box 1350, Houston, Texas 77001, filed in Docket No. CI74-688 an application pursuant to § 2.75 of the Commission's general policy and interpretations (18 CFR 2.75) for a certificate of public convenience and necessity authorizing the sale for resale of natural gas in interstate commerce to Columbia Gas Transmission Corporation (Columbia Transmission), an affiliate, from Block 118, East Cameron Area, offshore Louisiana, and delivery of said gas to Columbia Gulf Transmission Company (Columbia Gulf), all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

Applicant proposes to sell, under the optional gas pricing procedure, natural gas to Columbia Transmission from the subject acreage for a primary term of 20 years at an initial price of 45 cents per Mcf at 15.025 psia, subject to upward and downward Btu adjustment from a base of 1,000 Btu per cubic foot, pursuant to the terms of a gas sales contract dated May 8, 1974. Said contract provides for fixed annual price escalations of 2.0 cents per Mcf, plus reimbursement for any additional or increased taxes. Applicant estimates sales volumes at 75,000 Mcf per month.

Applicant intends to commence deliveries under this application upon the completion of construction of the pipeline facilities required to connect the reserves. Columbia Gulf, Consolidated Gas Supply Corporation and Transcontinental Gas Pipe Line Corporation filed for authorization to construct said facilities in Docket No. CP74-249, filed on March 25, 1974, noticed by publication in the FEDERAL REGISTER on April 8, 1974 (39 FR 12789).

Applicant states that it must obtain the price requested herein in order to continue actively to explore and to develop domestic gas reserves to enable Columbia Gas System, Inc., its parent corporation, to meet its gas requirements. Applicant further states that the price requested herein is relatively inexpensive when compared with supplemental gas sources, such as LNG, Alaskan gas and synthetic gas.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 5, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-13944 Filed 6-17-74;8:45 am]

[Docket Nos. RP73-85, RP73-86]

COLUMBIA GULF TRANSMISSION CO. AND COLUMBIA GAS TRANSMISSION CORP.

Notice of Certification of Proposed Settlement Agreement

JUNE 12, 1974.

Take notice that by document dated May 31, 1974, Presiding Administrative Law Judge Michel Levant certified to the Commission a proposed stipulation and agreement presented by Counsel for Columbia Gas Transmission Corporation (Columbia) and Columbia Gulf Transmission Company (Columbia Gulf) and agreed to by certain wholesale customers of Columbia, and various municipalities and state commissions. The Presiding Judge also certified to the Commission the record in this proceeding consisting of Volume Nos. 1 and 2 of the transcript, Exhibit Nos. 1-87, and items by reference A and B, for Commission consideration and disposition.

The Presiding Judge noted that the proposed stipulation and agreement was supported by 17 parties and was not objected to by the Public Service Commission of the State of New York. However, the Presiding Judge also noted that the Commission Staff recommended that the Commission remand the settlement for a full hearing with respect to depreciation, return on equity and overall rate of return, capital structure, short term interest, rate base, Canadian advance payments, sales volumes, rate design and conjunctive billing. The City of Charlottesville also expressed several objections to the proposed stipulation and agreement.

All parties desiring to comment upon the proposed stipulation and agreement should file such comments with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426 on or before July 12, 1974. Any parties wishing to respond to the initial comments, shall file such responses on or before August 9, 1974.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-13945 Filed 6-17-74;8:45 am]

[Docket No. RP74-90]

CONSOLIDATED GAS SUPPLY CORP.

Notice of Proposed Changes in Rates and Charges

JUNE 11, 1974.

Take notice that on May 16, 1974, Consolidated Gas Supply Corporation (Consolidated) tendered for filing proposed changes in its FPC Gas Tariff, First Revised Volume No. 1 and Original Volume No. 2. Consolidated proposes an effective date of July 1, 1974.

The proposed rate changes would increase Consolidated's revenues from jurisdictional sales and service by $24,943,901 based on the twelve months ended January 31, 1974, adjusted for known changes for a nine-month period through October 31, 1974. The proposed increase is comprised of $24,001,782 for resale service, $902,880 for GSS and $39,239 for SSO. $15,000,000 of the total increase reflects supplier rate increases.

Consolidated states that the increased rates are required to recoup, *inter alia*, increased cost of transportation of gas by others, increased cost of capital, increases in capital expenditures, and increases in operating expenses. The rates proposed include an overall rate of return of 9.75%. Further, Consolidated states that the proposed rates do not include the appropriate surcharge or surcharge credit as provided by its purchase gas adjustment clause. At such time as the increased rates are to become effective, Consolidated will make the appropriate filing to reflect the applicable surcharge adjustment in effect at that time. Additionally, Consolidated is proposing to change the present rate form for sales to its non-affiliated customers who purchase in excess of 10,000 Mcfd. The proposed rate form is the same as presently available to its affiliated customers under the RQ rate schedules. Consolidated also proposes to combine certain rate schedules applicable to smaller customers. Finally, Consolidated asserts that Statement P will be filed within fifteen days of this filing.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules or practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 24, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-13946 Filed 6-17-74;8:45 am]

[Docket No. RI74-244]

CONTINENTAL OIL CO.

Notice of Petition for Special Relief

JUNE 12, 1974.

Take notice that on May 28, 1974, Continental Oil Company (Petitioner), P.O. Box 2197, Houston, Texas 77001, filed a petition for special relief in Docket No. RI74-244, seeking a rate above the applicable area ceiling under Opinion No. 662. Petitioner seeks a price of 35.0 cents per Mcf, with an annual 1¢ per Mcf escalation, for the sale of gas to El Paso Natural Gas Company (El Paso) under its FPC Gas Rate Schedule No. 214 from the proposed State KN-12 No. 2 well in the Eumont Gas Pool located in Lea County, New Mexico. Petitioner states that it cannot economically justify drilling the proposed well at the current contract price of 17.5 cents per Mcf.

Any person desiring to be heard or to make any protest with reference to said petition should on or before July 1, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to

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a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-13947 Filed 6-17-74;8:45 am]

[Docket No. E-9522]

DELMARVA POWER & LIGHT CO.

Notice of Extension of Time

JUNE 11, 1974.

On May 28, 1974, Delmarva Power & Light Company and Subsidiaries filed a motion for an extension of time to serve its rebuttal evidence as required by the notice issued May 3, 1974 in the above-designated matter.

Upon consideration, notice is hereby given that the time is extended to and including June 7, 1974 within which Delmarva Power & Light Company and its Subsidiaries shall file its rebuttal testimony in the above matter.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-13948 Filed 6-17-74;8:45 am]

[Docket No. ID-1614]

WILLIAM H. DICKHONER

Notice of Supplemental Application

JUNE 12, 1974.

Take notice that on May 23, 1974, William H. Dickhoner (Applicant) filed a supplemental application with the Federal Power Commission, pursuant to section 305(b) of the Federal Power Act, seeking authority to hold the following positions:

Executive Vice President and Director, The Cincinnati Gas & Electric Co., Public Utility.
Executive Vice President and Director, The Union Light, Heat and Power Co., Public Utility.
Executive Vice President, Miami Power Corp., Public Utility.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 3, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1:8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-13972 Filed 6-17-74;8:45 am]

[Docket No. RP71-15, et al.]

EAST TENNESSEE NATURAL GAS

Notice of Filing of Corrections To Proposed PGA Rate Adjustment

JUNE 12, 1974.

Take notice that on May 31, 1974, East Tennessee Natural Gas Company (East Tennessee) tendered for filing corrected tariff sheets which propose changes to Sixth Revised Volume No. 1 of its FPC Gas Tariff to be effective on July 1, 1974.

On May 16, 1974, East Tennessee filed Seventh Revised Sheet No. 4, and alternatively, Substitute Seventh Revised Sheet No. 4 to reflect rate adjustments to its commodity and developmental period rates and its rates for Supplemental Winter Service. This filing was noticed on May 31, 1974, with petitions to intervene and protests due on or before June 10, 1974.

East Tennessee states that since the May 16, 1974, filing did not reflect any change in demand rates, the amount for the current adjustment for these rates should be zero. According to East Tennessee, the present filing, which is solely to correct the foregoing error, consists of Second Substitute Seventh Revised Sheet No. 4 to be substituted for Seventh Revised Sheet No. 4 and Third Substitute Seventh Revised Sheet No. 4 to be substituted for Substitute Seventh Revised Sheet No. 4 in the filing of May 16, 1974.

East Tennessee states that a copy of this filing has been served on each of the customers and affected state commissions listed on the certificate of service contained in its filing of May 16, 1974.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 24, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Persons presently parties to this proceeding need not file additional petitions to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-13949 Filed 6-17-74;8:45 am]

[Docket No. ID-1717]

THOMAS A. GRIFFIN, JR.

Notice of Supplemental Application

JULY 12, 1974.

Take notice that on May 23, 1974, Thomas A. Griffin, Jr. (Applicant) filed a supplemental application with the Federal Power Commission, pursuant to section 305(b) of the Federal Power Act, seeking authority to hold the following positions:

Director, Orange and Rockland Utilities, Inc., Public Utility.
Director, Rockland Electric Co., Public Utility.
Director, Pike County Light & Power Co., Public Utility.

Authorization was sought for the officer positions of Executive Vice President of the above mentioned companies in an application filed January 2, 1974. No order of the Commission has been issued regarding the holding of these positions.

Orange and Rockland Utilities, Inc. is engaged in the generation, distribution and sale of electric current in Rockland County and portions of Orange County and the easterly portion of Sullivan County, all in the State of New York, and owns and operates facilities for the transmission of electric energy across the New Jersey and Pennsylvania state lines of its wholly-owned subsidiaries, Pike County Light and Power and Rockland Electric Company. The Company also distributes natural gas in parts of the territory.

Any person desiring to be heard or to make any protests with reference to said application should on or before July 3, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-13967 Filed 6-17-74;8:45 am]

[Docket No. RP74-86]

GULF ENERGY AND DEVELOPMENT CORP.

Order Accepting for Filing and Suspending Proposed Rate Increase, Permitting Intervention and Establishing Procedures

JUNE 10, 1974.

On April 26, 1974, Gulf Energy and Development Corporation (Gulf Energy) tendered for filing a proposed increase in its gathering rate amounting to an increase in Gulf Energy's revenues from jurisdictional sales and service of $422,310 annually, for the twelve month period ended December 31, 1973, as adjusted. Gulf Energy also requests that the Commission waive the requirements of § 154.63(b)(3) of its regulations and that its notice of change in rate become effective June 11, 1974 without suspension.

In support of the proposed rate increase Gulf Energy states that the increased gathering rates are required to permit the Company to recover its cost of service which is not being recovered on the basis of its present rates. Gulf Energy states further that the revenues being realized at the present rates are resulting in a very serious revenue deficiency because of increased cost in providing the gas gathering service and also the diminishing volumes of gas gathered. In addition to Gulf Energy's proposed rate increase and its request for a higher rate of return, Gulf Energy proposes to include in its cost of service the entire effect of the acquisition cost in excess of the original cost of the interest acquired from Natural Gas Gathering Company, Inc.

Notice of Gulf Energy's proposed rate increase was issued on May 7, 1974 which provided for the filing of protests or petitions to intervene on or before May 16, 1974. On May 16, 1974 Tennessee Gas pipeline Company (Tennessee) filed a petition to intervene.

While Petitioner does not request a hearing in this proceeding it states that as the pipeline company for which Gulf Energy renders a gas-gathering service and upon which the rate change is to be imposed, Tennesssee has a direct interest in the instant proceeding and will be affected by any decisions made in this proceeding. Tennessee further maintains that its intervention is in the public interest, necessary and appropriate to the administration of the Natural Gas Act, and that it should be granted the full rights of intervention in this proceeding.

Our review of Gulf Energy's proposed Fifth Revised FPC Gas Rate Schedule No. 1 indicates that it may not be just and reasonable and may be unjust, unreasonable or unduly discriminatory. Accordingly, we shall suspend the proposed increase for one day and establish hearing procedures to determine the justness and reasonableness of the proposed change in rates, terms and conditions contained therein.

As noted above, Gulf Energy requested that its prior waiver of § 154.63(b)(3) of the Regulations which requires the filing of Statement P within 15 days of the date the rate filing is filed. However, Gulf Energy also requests that, in the event its filing is suspended and set for hearing, that it be permitted to file Statement P within 15 days of the issuance of the suspension order. For good cause shown, we shall grant Gulf Energy's alternate request partial waiver of Section 154.63(b)(3) and shall require Gulf Energy to file its Statement within 15 days of the date of issuance of this order.

The Commission finds:

(1) The proposed changes in rates and charges tendered by Gulf Energy on April 26, 1974 should be accepted for filing.

(2) The proposed change in rates and charges may be unjust, unreasonable, unduly discriminatory, preferential or otherwise unlawful under section 4 of the Natural Gas Act and should be suspended for one day and set for hearing.

(3) Good cause exists to permit the intervention of the above-named intervenor.

(4) Good cause exists to grant a partial waiver of § 154.63(b)(3) as hereinafter ordered and conditioned.

The Commission orders:

(A) Pursuant to authority of the Natural Gas Act, particularly section 4 thereof, and the Commission's rules of practice and procedure and the regulations under the Federal Power Act (18 C.F.R., Chapter I), a public hearing shall be held on September 30, 1974 at 10:00 A.M. in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE, Washington, DC 20426, concerning the lawfulness of Gulf Energy's proposed rate increase.

(B) Pending a hearing and a decision thereon, Gulf Energy's proposed changes in its rates and charges, tendered April 26, 1974 are accepted for filing, suspended for one day, and the use thereof deferred until June 12, 1974 or until such time as they are made effective in the manner provided by the Federal Power Act.

(C) On or before July 26, 1974 the Commission staff shall serve its prepared testimony and exhibits concerning the proposed rate increase. Any prepared testimony and exhibits of any intervenors shall be served on or before August 16, 1974. Any rebuttal evidence by the company shall be served on or before September 5, 1974.

(D) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided and shall control this proceeding in accordance with the policies expressed in the Commission's Rules of Practice and Procedure.

(E) Tennessee is hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission; *Provided, however,* That the participation of such intervenor shall be limited to matters affecting the rights and interests specifically set forth in its petition to intervene; and Provided, further, that the admission of such intervenor shall not be construed as recognition that it might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(F) Gulf Energy's alternate request for partial waiver of § 154.63(b)(3) of the regulations is granted such that Gulf Energy shall be required to file its Statement P within 15 days of the date of issuance of this order.

(G) Nothing contained herein shall be construed as limiting the rights of parties to this proceeding regarding the convening of conferences or offers of settlements pursuant to § 1.18 of the Commission's rules of practice and procedure.

(H) The Secretary of the Commission shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74-13951 Filed 6-17-74;8:45 am]

[Docket No. CI74-94]

BLAKE HAMMAN

Notice of Extension of Time and Postponement of Hearing

JUNE 12, 1974.

On May 31, 1974, Blake Hamman filed a motion for a continuance of the hearing and for an extension of time to serve its testimony as required by notice issued May 2, 1974, in the above-designated matter. The motion states that the interveners have no objection to the motion.

Upon consideration, notice is hereby given that the procedural dates in the above matter are further modified as follows:

Service of Applicant's testimony, June 20, 1974.
Hearing, July 1, 1974 (10 a.m. EDT).

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-13942 Filed 6-17-74;8:45 am]

[Docket No. CI74-695]

INEXCO OIL CO.

Notice of Application

JUNE 12, 1974.

Take notice that on May 28, 1974, Inexco Oil Company (Applicant), 1100 Milam Building, Houston, Texas 77002, filed in Docket No. CI74-695 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to United Gas Pipe Line Company from the Lake Hatch Field, Terrebonne Parish, Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it intends to commence the sale of natural gas to United within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and proposes to continue said sale for one year from the end of the 60-day emergency period within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant proposes to sell an average daily quantity of up to 2,000 Mcf of gas at 59.0 cents per Mcf at 15.025 psia, subject to upward and downward Btu adjustment from a base of 1,000 Btu per cubic foot. Estimated monthly sales are 8,370 Mcf of gas. By order issued June 4, 1973, in Docket No. CI73-680 Applicant was authorized to sell gas to United from the same acreage for one year from June 26, 1973, at 45.0 cents per Mcf.

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Any person desiring to be heard or to make any protest with reference to said application should on or before July 1, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-13952 Filed 6-17-74;8:45 am]

[Project No. 2095]

INTERNATIONAL PAPER CO.

Notice of Issuance of Annual License

JUNE 10, 1974.

On May 14, 1969, International Paper Company, Licensee for York Haven Project No. 2095, located in York County, Pennsylvania, on the Susquehanna River, filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (§§ 16.1–16.6). Licensee also made a supplemental filing pursuant to Commission Order No. 384 on May 21, 1970.

The license for Project No. 2095 was issued effected January 1, 1938, for a period ending June 30, 1970. Since the original date of expiration, the project has been under annual license. In order to authorize the continued operation of the project pursuant to section 15 of the Act pending completion of Licensee's application and Commission action thereon, it is appropriate and in the public interest to issue an annual license to International Paper Company for continued operation and maintenance of Project No. 2095.

Take notice that an annual license is issued to International Paper Company (Licensee) under section 15 of the Federal Power Act for the period July 1, 1974, to June 30, 1975, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the York Haven Project No. 2095, subject to the terms and conditions of its license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-13953 Filed 6-17-74;8:45 am]

[Docket No. ID-1465]

EDWARD J. JASPER

Notice of Supplemental Application

JUNE 11, 1974.

Take notice that on May 23, 1974, Edward J. Jasper (Applicant) filed a supplemental application with the Federal Power Commission, pursuant to section 305(b) of the Federal Power Act.

By Commission order dated July 2, 1964, Applicant was authorized to hold the following positions:

Assistant Controller, The Cincinnati Gas & Electric Co., Public Utility.
Assistant Controller, The Union Light, Heat and Power Co., Public Utility.

Applicant now seeks authorization to hold the following position:

Assistant Controller, Miami Power Corp., Public Utility.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 3, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-13950 Filed 6-17-74;8:45 am]

[Project No. 1888]

METROPOLITAN EDISON CO.

Notice of Issuance of Annual License

JUNE 12, 1974.

On June 30, 1969, Metropolitan Edison Company, Licensee for York Haven Project No. 1888, located in Dauphin, Lancaster and York Counties, in the region of the Cities of Harrisburg, Lancaster and York, Pennsylvania, on the Susquehanna River, filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (§§ 16.1–16.6). Licensee also made a supplemental filing pursuant to Commission Order No. 384 on February 27, 1970.

The license for Project No. 1888 was issued effective January 1, 1938, for a period ending June 30, 1970. Since the original date of expiration, the project has been under annual license. In order to authorize the continued operation of the project pursuant to section 15 of the Act pending completion of Licensee's application and Commission action thereon, it is appropriate and in the public interest to issue an annual license to Metropolitan Edison Company for continued operation and maintenance of Project No. 1888.

Take notice that an annual license is issued to Metropolitan Edison Company (Licensee) under section 15 of the Federal Power Act for the period July 1, 1974, to June 30, 1975, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the York Haven Project No. 1888, subject to the terms and conditions of its license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-13955 Filed 6-17-74;8:45 am]

[Docket No. E-7734]

MID-CONTINENTAL AREA POWER POOL

Notice of Exhibit A

JUNE 12, 1974.

Take notice that on December 3, 1973, Northern States Power Company, on behalf of several signatories [1] to the Mid-Continent Area Power Pool Agreement, filed Exhibit A to said Agreement. Pursuant to section 19.11 of the MAPP Agreement the Administrative Committee of the MAPP Pool is charged with preparation or amendment of Exhibit A, which indicates the points of interconnection between the Pool Participants.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 25, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-13956 Filed 6-17-74;8:45 am]

[1] Interstate Power Company; Iowa Electric Light and Power Company; Iowa-Illinois Gas & Electric Company; Iowa Power and Light Company; Iowa Public Service Company; Iowa Southern Utilities Company; Lake Superior District Power Company; Minnesota Power & Light Company; Montana-Dakota Utilities Co.; Northern States Power Company; Northwestern Public Service Company.

[Docket No. RP74-97]

MONTANA-DAKOTA UTILITIES CO.

Notice of Proposed Change in Rates

JUNE 12, 1974.

Montana-Dakota Utilities Co. (MDU), 400 North Fourth Street, Bismarck, North Dakota, filed on May 31, 1974 proposed increased rates to its two jurisdictional customers, Wyoming Gas Company (Wyoming Gas) and Byron Gas Service (Byron). MDU also proposed incorporation in its Tariff of a Purchased Gas Cost Adjustment Provision (PGA). The proposed effective date is July 16, 1974.

According to MDU, the increased revenues from the rates as proposed would amount to $159,045 annually. MDU states that the proposed PGA would only be utilized if the resulting rate after current adjustments reflects an average annual cost of purchased gas in excess of 24.35 cents per Mcf.

MDU states that its cost of service, as developed according to traditional FPC ratemaking principles, would justify an average unit rate of approximately 54 cents per Mcf. MDU states, however, that it has agreed with its two jurisdictional customers, Wyoming Gas and Byron, to file for lower rates (39 cents per Mcf for firm service and 36 cents per Mcf for interruptible service) and that Wyoming Gas and Byron have agreed not to oppose such lower rates.

Any person desiring to be heard or to make any protest with reference to said filing should on or before June 21, 1974 file with the Federal Power Commission, Washington, D.C. 20426 a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedures (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-13957 Filed 6-17-74;8:45 am]

[Docket No. RP74-96]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Proposed Changes in Rates and Charges

JUNE 10, 1974.

Take notice that on May 31, 1974, Natural Gas Pipeline Company of America (Natural) filed Seventeenth Revised Sheet No. 5, Fourth Revised Sheet No. 119, and Third Revised Sheet No. 120-A to its FPC Gas Tariff, Third Volume No. 1, and Seventh Revised Sheet No. 220 and First Revised Sheet No. 270 to its FPC Gas Tariff, Second Revised Volume No. 2.

Natural states that the filed tariff sheets reflect increased charges for service under all of Natural's rate schedules in its FPC Gas Tariff except Rate Schedule S-2. The proposed increased rates provide for a $58.3 million annual increase in jurisdiction revenues above the revenues collected under the rates presently in effect subject to refund at Docket No. RP73-110 and provided for a $79.9 million revenue increase above revenues based on the proposed interim settlement rates in that rate proceeding. Of the indicated revenue increases, approximately $7 million would have been billed under the advanced payment tracking procedure of the proposed settlement in Docket No. RP73-110.

Natural states that the jurisdictional rates filed herewith are designed to enable Natural to recover its increased jurisdictional cost of service for the test period which is based on the twelve months ended February 28, 1974, adjusted to include the annualized effect of changes which are known and measurable with reasonable accuracy and which will become effective by November 30, 1974. In addition to the increased costs associated with advance payments, Natural states that the principal increased costs result from a proposed increase in overall rate of return to 10.14 percent, which would permit a rate of return to equity of 15.25 percent, and a change in depreciation rate to 5.0 percent for all property which formerly was depreciated at a 3.5 percent rate. A 3.9 percent rate effective December 1, 1973 is pending Commission approval of Natural's proposed settlement of Docket No. RP73-110.

Natural states that the sales rates and charges proposed were derived from demand and commodity cost components utilizing an unmodified Seaboard cost classification and allocation. Natural's last approved rates under Docket No. RP72-132 were derived on an unmodified Seaboard basis, as were the present rates, in effect since December 1, 1973, subject to refund, in the current rate proceedings at Docket No. RP73-110. A settlement proposed in Docket No. RP73-110 is before the Commission wherein proposed interim settlement rates are based on an unmodified Seaboard cost allocation, pending the Commission's decision on rate design which was tried separately before the Commission in that docket at a hearing which ended March 20, 1974.

Copies of this filing have been mailed to the customers of Natural and interested public bodies.

Any person desiring to be heard or to protest said application should file a petion to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 24, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-13959 Filed 6-17-74;8:45 am]

[Project No. 1892]

NEW ENGLAND POWER CO.

Notice of Issuance of Annual License

JUNE 12, 1974.

On June 23, 1969, New England Power Company, Licensee for Wilder Project No. 1892, located in Orange and Windsor Counties, Vermont and Cheshire, Grafton and Sullivan Counties, New Hampshire, on the Connecticut River, filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (§§ 16.1–16.6). Licensee also made a supplemental filing pursuant to Commission Order No. 384 on February 24, 1970.

The license for Project No. 1892 was issued effective January 1, 1938, for a period ending June 30, 1970. Since the original date of expiration, the project has been under annual license. In order to authorize the continued operation of the project pursuant to section 15 of the Act pending completion of Licensee's application and Commission action thereon, it is appropriate and in the public interest to issue an annual license to New England Power Company for continued operation and maintenance of Project No. 1892.

Take notice that an annual license is issued to New England Power Company (Licensee) under section 15 of the Federal Power Act for the Period July 1, 1974, to June 30, 1975, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Wilder Project No. 1892, subject to the terms and conditions of its license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-13958 Filed 6-17-74;8:45 am]

[Docket Nos. RM74-22, E-8589, E-8550, *et al.*]

NEW ENGLAND POWER POOL PARTICIPANTS, ET AL. AND APPALACHIAN POWER CO.

Notice of Application

JUNE 12, 1974.

On May 30, 1974, Richmond Power & Light of the City of Richmond, Indiana (Richmond) filed a motion for an extension of time within which to file a reply to the written comments which replies were to have been filed by June 5, 1974,

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pursuant to the notice isued April 30, 1974, in the above-designated matter. On May 31, 1974, a notice was issued extending the time from June 5 to June 17, 1974.

On June 4, 1974, Richmond filed an application for an order for the production of documentary evidence or, in the alternative, for issuance of a subpoena. In accordance with § 1.12 of the rules of practice and procedure (18 CFR 1.12), answers to that application may be filed on or before June 19, 1974.

Notice is hereby given that the application filed by Richmond and the answers thereto, the comments and the replies thereto, and the motion for an extension of time will be presented for Commission consideration after June 19, 1974. The date for filing replies to the written comments is June 17, 1974, unless later changed by Commission action.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-13960 Filed 6-17-74;8:45 am]

OHIO POWER CO.

[Docket No. E-8827]

Notice of Changes in Rates and Charges

JUNE 11, 1974.

Take notice that American Electric Power Service Corporation (AEP) on June 3, 1974, tendered for filing on behalf of its affiliate, Ohio Power Company (Ohio), a Second Supplemental Agreement dated and effective February 15, 1974 to the Interconnection Agreement dated January 17, 1950, between Ohio and Kentucky Utilities Company, designated Ohio Rate Schedule FPC No. 22.

Section 1 of the Second Supplemental Agreement provides for an increase in the Demand Charge for Short Term Power from $0.30 to $0.45 per kilowatt per week. Waiver is requested of any requirements not already complied with § 35.13 of the Commission's regulations under the Federal Power Act.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 21, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file the petition to intervene. Copies of this filing are on file wih the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-13961 Filed 6-17-74;8:45 am]

[Docket No. E-7317]

PENNSYLVANIA POWER CO.

Notice of Extension of Time and Postponement of Hearing

JUNE 11, 1974.

On May 22, 1974, The Borough of Ellwood City filed a motion for an extension of time and postponement of the hearing fixed by notice issued April 23, 1974 in the above-designated matter. The motion states that Pennsylvania Power Company and Staff Counsel have no objection to the motion.

Upon consideration, notice is hereby given that the procedural dates are further modified as follows:

Service of rebuttal evidence by Ellwood City, July 22, 1974.
Hearing, August 20, 1974 (10:00 a.m. e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-13962 Filed 6-17-74;8:45 am]

[Docket No. RP74-87]

INVESTIGATION OF PENNZOIL COMPANY-UNITED GAS PIPE LINE COMPANY SPIN-OFF AND RELATED TRANSACTIONS

Order Denying Request for Clarification and Other Relief and Ordering Further Procedures and Changing Date for Filing Evidence

JUNE 12, 1974.

On June 3, 1974, Pennzoil Company (Pennzoil) filed a document entitled, "Answer and Request for Clarification and Other Relief of Pennzoil Company". In that document, Pennzoil requests clarification and the elimination of issues set forth in our order of May 14, 1974, which initiated an investigation, ordered respondents to show cause, and established procedures in the above-entitled proceeding. Specifically, Pennzoil requests: (1) the elimination of show-cause aspects of the proceeding related to Sections 7 and 12 of the Natural Gas Act, (2) the elimination or, alternatively, the industry-wide expansion of the investigation initiated under section 14, and (3) the placing of the burden of proof on the Commission Staff and Setting further procedural dates for filing of evidence by the Staff and Intervenors and for filing rebuttal testimony by Pennzoil and United Gas Pipe Line Company (United).[1]

In support of its request, Pennzoil argues, *inter alia*, that section 7 is not properly involved in this proceeding because this Commission lacks jurisdiction over the issuance of securities by natural gas companies and lacks jurisdiction to impose restrictions on dividends (except as agreed to by an applicant as a condition to a grant of a certificate). Our order of May 4, 1974, initiated an inquiry into whether there is a statutory requirement that Pennzoil seek section 7(b) abandonment authorization from this Commission, "for the severance of [its] corporate ties" with United. The extent of our jurisdiction over security transactions generally, is not an issue necessarily dispositive of the section 7 issue involved here: whether the severance of corporate ties in this particular instance is an abandonment for which authorization pursuant to the Natural Gas Act is required. Therefore, Pennzoil's request to eliminate the section 7 aspects of this proceeding should be denied.

Similarly, Pennzoil's request to eliminate the section 12 show-cause aspects of this proceedings should be denied. Pennzoil argues that there were no transactions involving Pennzoil's securities and therefore the directors and officers of Pennzoil could not be involved in any violation of section 12. Further, Pennzoil asserts that since no officer or director of United received any money or thing of value with reference to a transaction involving securities issued by United, there can be no violation of section 12 by the officers and directors of United. As shown by the S-1 Statement filed by United and repeated in our May 14, 1974, order, the Board of Directors of Pennzoil on March 14, 1974, declared the stock dividend that constituted the spin-off. Previously, on March 13, 1974, obviously with knowledge of the planned spin-off, United's directors declared a $100 million preferred stock dividend to Pennzoil. The control of United by Pennzoil at the time of that declaration is undisputed. Pennzoil owned 100% of the common stock of United. Consequently, any possible actions of Pennzoil's directors and officers in influencing the declaration by United of that preferred stock dividend cannot be dismissed as appropriate on the grounds that there were no transactions involving *Pennzoil* securities. Nor can the actions of United's officers and directors be perfunctorily dismissed as appropriate on the assertions of Pennzoil's answer to our order without further investigation and cross-examination of the individuals involved. The hearing initiated by our May 14, 1974, order will permit the officers and directors of United and Pennzoil to develop an evidentiary record to substantiate their positions.

Pennzoil urges the elimination of the Section 14 investigation or, alternatively, enlarging that investigation into an industry-wide inquiry. In support, it states that the spin-off transaction is a matter of public record and therefore the Commission has all of the information it needs to form the basis of a request to Congress for jurisdiction over security transactions of natural gas companies. As the May 14, 1974, order indicates, the investigation is not intended solely as an inquiry to determine legislative recommendations. The spin-off and related transactions must be the subject of a full evidentiary record not only to ascertain what, if any, additional legislation may be required to permit the Commission to properly meet its statutory responsibilities under the Natural Gas Act, but also whether there have been or may be violations of the Natural Gas Act. Pennzoil's request for an enlargement of the investigation to include an industry-wide presentation fails to recognize that Pennzoil's actions and United's actions (as a Pennzoil subsidiary) are unique among corporations within the industry, so far as we are aware. The impact of their actions can only be measured by an investigation of their situation. We perceive no advantage to an enlargement of our investigation at this time. Thus, Pennzoil's request for dismissal of the Section 14 investigation or, alternatively, enlargement of that proceeding should be denied.

Pennzoil's request to place the burden of proof on our staff is misplaced. It erroneously construes our May 14, 1974, order as "accusatory" and cites newspaper articles as a basis for arguing, in essence, that the order issued was a "staff" order and not a "Commission" order. The order issued was purposefully not an accusation of any person, individual or corporation. It merely initiated an investigation and set forth, as required by our rules of practice and procedure, ". . . a statement of the particulars and matters which the Commission is inquiring, which shall be deemed to be tentative and for the purpose of framing issues for consideration and decision by the Commission in the proceeding. . . ." (18 C.F.R. 1.6(d)). The facts of the spin-off and related transactions are in the possession of Pennzoil and United and their officers and directors and, therefore, they are properly charged with the obligation to come forward with the evidence uniquely at their disposal and in their control, together with other material evidence they believe supports their actions.

We wish to make clear that the staff of this Commission is conducting this investigation at the direction of the Commission. It has the responsibility to determine all relevant and material facts and issues and the obligation to present evidence and arguments in support of its findings and beliefs as they may relate to the investigation and applicable statutory standards under the Natural Gas Act. To this end and in light of the expedited procedural schedule set forth below, a presiding Administrative Law Judge should be promptly designated in order that he may become immediately available pursuant to § 1.27 of the Commission's rules of practice and procedure (18 C.F.R. 1.27) to cause depositions to be taken or to cause to be issued subpoenas *duces tecum* or other compulsory process as may be necessary to further the objects of this investigation. Prior to that designation, the Chief Administrative Law Judge is authorized to exercise those functions in this proceeding in conformity with §§ 3.5(d) and 1.27 of our rules.

We agree with Pennzoil and United that this proceeding should be expedited. The uncertainties created by this proceeding can have an unusually disruptive effect upon the market value of the securities of these companies and upon their financing capabilities in the future. The procedure set forth in our May 14, 1974, order should be accelerated; however, Pennzoil's suggested dates for the filing of Commission Staff and intervenor cases are overly restrictive to the participants. Also, in order to give Pennzoil and United an opportunity for timely filing of their evidence, previously ordered to be filed June 13, 1974, we shall extend that date by one day until June 14, 1974, for the filing of evidence by Pennzoil, United, their affiliates and directors and officers. We will also provide that the Commission Staff and any intervenor shall file evidence within three weeks following the close of cross-examination on the evidence filed on June 14, 1974. Further dates for the filing of rebuttal evidence and other procedural dates may be determined by the presiding Administrative Law Judge. The date for the commencement of the hearing shall remain July 8, 1974.

The Commission finds:

(1) Pennzoil's requests, other than for expedition, contained in its document entitled, "Answer and Request for Clarification and Other Relief of Pennzoil Company" filed June 3, 1974, should be denied.

(2) United's requests, other than for expedition, contained in its "Answer of United Gas Pipe Line Company" filed June 10, 1974, should be denied.

(3) The evidence of Pennzoil, United, their affiliates, directors and officers should be filed on June 14, 1974.

(4) These proceedings should be expedited by the filing of the direct evidentiary case by the Commission staff and any intervenor three weeks from the close of cross-examination of the evidence filed June 14, 1974.

(5) A presiding Administrative Law Judge should be immediately designated in these proceedings.

The Commission orders:

(A) The requests, other than for expedition, contained in the document entitled, "Answer and Request for Clarification and Other Relief of Pennzoil Company" filed June 3, 1974, are hereby denied.

(B) The requests, other than for expedition, contained in the document entitled, "Answer of United Gas Pipe Line Company" filed June 10, 1974, are hereby denied.

(C) Ordering paragraph (B) of the order of May 14, 1974, is changed to provide that the evidence of Pennzoil, United, their affiliates, directors and officers shall be filed on June 14, 1974.

(D) The Commission staff and any intervenor shall file their direct evidentiary case three weeks from the close of cross-examination upon the evidence filed June 14, 1974.

(E) The Chief Administrative Law Judge shall designate forthwith an Administrative Law Judge to preside over these proceedings.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74-13970 Filed 6-17-74;8:45 am]

[Docket Nos. E-7795, E-7989]

PHILADELPHIA ELECTRIC CO.

Order In Compliance with Court Mandate

JUNE, 4, 1974.

In 1964, Philadelphia Electric Company (Philadelphia) and the Borough of Lansdale, Pennsylvania (Lansdale), entered into a three-year contract by which Lansdale would purchase a portion of its required electrical service from Philadelphia. That contract was subsequently renewed at the expiration of each three year period. On November 12, 1971, Philadelphia and Lansdale negotiated a new contract by which Lansdale would receive all of its present electrical requirements (up to a maximum of 29,000 kilowatts per month) from Philadelphia. The rates at which this service would be provided were fixed at the same level as in the 1964 contract and were to be effective for a period of five years.

Philadelphia sent the new agreement to the Commission for filing but later withdrew it and submitted a new filing which proposed rates higher than those set in the 1971 contract. Upon motion by Lansdale, the Commission rejected this rate increase as violating the unambiguous terms of the 1971 agreement which provided for a fixed rate for the life of the contract. In the same order, issued August 31, 1972, we also rejected the November 12, 1971, agreement itself. Philadelphia then submitted a new rate increase to the Commission pursuant to the original 1964 agreement which was still on file with the Commission. Lansdale opposed Philadelphia's action on the grounds that this latest filing was also made in violation of the 1971 fixed rate contract and should therefore be rejected.

On November 22, 1972, we denied Lansdale's motion to reject, suspended the effectiveness of Philadelphia's rate increase, and set the matter for hearing. In this order, we stated that the 1971 contract between Philadelphia and Lansdale—which ordinarily would have barred any rate change during its life—was no longer controlling since that contract had never been filed with the Commission and was specifically rejected by our earlier order.

Upon appeal by Lansdale, the United States Court of Appeals for the District of Columbia Circuit reversed our order

[1] On June 10, 1974, United filed a document entitled, "Answer of United Gas Pipe Line Company", which sets forth its written position on the issues specified in our May 14, 1974, order, denies that the transactions involved have or will result in any violation of the Natural Gas Act, and adopts Pennzoil's request for expedited procedural dates and for shifting the burden of proof to Commission Staff. United's Answer states that it will respond fully to our investigation order by presenting evidence in the hearing ordered therein. Our response, below, to Pennzoil's requests for changes in this proceeding is equally applicable to United's requests.

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and remanded the case for further proceedings.[1] The Court held that we had erred in rejecting the 1971 contract without first holding a hearing as to whether this new rate schedule was consistent with the public interest. Accordingly, the Court found that the rates contained in the 1971 contract are currently effective and any change in those rates would violate Sierra-Mobile doctrine.[2] The Court further directed that the 1971 agreement be properly filed with the Commission, and that all other rate proceedings inconsistent with the 1971 contract, be dismissed.

We now comply with the provisions of this mandate by dismissing all proceedings in Docket Nos. 7795 and 7989 which involved proposed rate increases under the 1964 agreement between Philadelphia and Lansdale. Philadelphia is directed to immediately file with the Commission its November 12, 1971, agreement with Lansdale. The rates contained in that contract are currently effective. Philadelphia, however, alleges that the rate provided in the 1971 contract is unreasonably low. The Commission will therefore investigate the justness and reasonableness of this rate schedule in an appropriate hearing under the provisions of section 206(a) of the Federal Power Act, 16 U.S.C. 824e(a).[3]

The Commission further finds:

(1) It is necessary and appropriate in the administration of the Federal Power Act to dismiss all proceedings in Docket Nos. 7795 and 7989 in compliance with order of the Court of Appeals issued March 12, 1974.

(2) Philadelphia should immediately submit for filing with the Commission its contract with Lansdale of November 12, 1971.

(3) It is necessary and proper in the public interest to determine the justness and reasonableness of the rate schedule contained in the 1971 contract.

The Commission orders:

(1) All proceeding initiated by Commission orders issued November 22, 1972, and March 19, 1973, in Docket Nos. E-7795 and E-7989 respectively, are hereby dismissed.

(2) Philadelphia shall immediately file with the Commission its contract with Lansdale negotiated on November 12, 1971.

(3) The rates contained in the November 12, 1971, contract are currently effective. The Commission shall enter upon a hearing pursuant to the provisions of section 206(a) of the Federal Power Act for purposes of determining whether or not the rate schedule contained in the 1971 agreement is in the public interest on November 26, 1974, at 10:00 A.M. E.d.t, in a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426.

(4) Philadelphia shall file its direct evidence on or before August 6, 1974. On or before October 8, 1974, the Commission Staff shall file its prepared testimony and exhibits. On or before October 29, 1974, the prepared testimony and exhibits of all intervenors shall be filed. Any rebuttal evidence by Philadelphia shall be filed on or before November 12, 1974.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-13963 Filed 6-17-74;8:45 am]

[Project No. 1893]

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE

Notice of Issuance of Annual License

JUNE 10, 1974.

On June 27, 1969, Public Service Company of New Hampshire, Licensee for Amoskeag Project No. 1893, located in Hillsborough and Merrimack Counties, New Hampshire, on the Merrimack River, filed an application for a new license under Section 15 of the Federal Power Act and Commission Regulations thereunder (§§ 16.1–16.6). Licensee also made a supplemental filing pursuant to Commission Order No. 384 on February 17, 1970.

The license for Project No. 1893 was issued effective January 1, 1938, for a period ending June 30, 1970. Since the original date of expiration, the project has been under annual license. In order to authorize the continued operation of the project pursuant to section 15 of the Act pending completion of Licensee's application and Commission action thereon, it is appropriate and in the public interest to issue an annual license to Public Service Company of New Hampshire for continued operation and maintenance of Project No. 1893.

Take notice that an annual license is issued to Public Service Company of New Hampshire (Licensee) under Section 15 of the Federal Power Act for the period July 1, 1974, to June 30, 1975, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Amoskeag Project No. 1893, subject to the terms and conditions of its license.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-13965 Filed 6-17-74;8:45 am]

[Project No. 1913]

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE

Notice of Issuance of Annual License

JUNE 10, 1974.

On June 27, 1969, Public Service Company of New Hampshire, Licensee for Hookset Project No. 1913, located in Merrimack County, New Hampshire, on the Merrimack River, filed an application for a new license under Section 15 of the Federal Power Act and Commission regulations thereunder (§§ 16.1–16.6). Licensee also made a supplemental filing pursuant to Commission Order No. 384 on February 17, 1970.

The license for Project No. 1913 was issued effective January 1, 1938, for a period ending June 30, 1970. Since the original date of expiration the project has been under annual license. In order to authorize the continued operation of the project pursuant to Section 15 of the Act pending completion of Licensee's application and Commission action thereon, it is appropriate and in the public interest to issue an annual license to Public Service Company of New Hampshire for continued operation and maintenance of Project No. 1913.

Take notice that an annual license is issued to Public Service Company of New Hampshire (Licensee) under Section 15 of the Federal Power Act for the period July 1, 1974, to June 30, 1975, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Hookset Project No. 1913, subject to the terms and conditions of its license.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-13964 Filed 6-17-74;8:45 am]

[Docket No. CI74-693]

SKLAR & PHILLIPS OIL CO., ET AL.

Notice of Application

JUNE 12, 1974.

Take notice that on May 28, 1974, Sklar & Phillips Oil Co., et al. (Applicants), P.O. Box 3735, Shreveport, Louisiana 71103, filed in Docket No. CI74-693 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Tennessee Gas Pipeline Company, a Division of Tenneco, Inc., from the Deep Lake Field, Cameron Parish, Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants state that they intend to commence the sale of natural gas within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and propose to continue said sale for one year from the end of the 60-day emergency period within the contemplation of § 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70). Applicants propose to charge and collect 50.0 cents per Mcf at 15.025 psia, subject to upward Btu adjustment from a base of 1,015 Btu per cubic foot and downward Btu adjustment from a base of 1,000 Btu per cubic foot. The buyer's obligation to purchase is limited to 4,000 Mcf of gas per day.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 1, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-13966 Filed 6-17-74;8:45 am]

[Docket No. RP72-99]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Tariff Filing

JUNE 11, 1974.

Take notice that Transcontinental Gas Pipe Line Corporation (Transco) on May 31, 1974, tendered for filing two revised tariff sheets to its FPC Gas Tariff, First Revised Volume No. 1 to become effective July 1, 1974. Transco states that pursuant to the provision contained in its Tariff providing for "tracking" of curtailment credits and debits, Transco proposes to decrease its rates effective July 1, 1974, to reflect the balance of credits in the Deferred Account as of April 30, 1974.

According to Transco, Ninth Revised Sheet No. 5 and Sixth Revised Sheet No. 6 included in the filing reflect a decrease of .6¢ per Mcf in Zone 1, .3¢ per Mcf in Zone 2 and .5¢ per Mcf in Zone 3 in the commodity rate or delivery charge of the Company's CD, G, OG, E, PS and S-2 rate schedules.

The Company states that copies of the filing have been mailed to each of the Company's jurisdictional customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rule of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 21, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-13968 Filed 6-17-74;8:45 am]

[Docket No. RP74-35]

UNITED NATURAL GAS CO.

Notice of Proposed PGA Rate Adjustment

JUNE 11, 1974.

Take notice that on June 3, 1974 United Natural Gas Company (United), tendered for filing as part of its FPC Gas Tariff, Original Volume No. 1, Substitute Fifth Revised Sheet No. 3-A to be effective May 1, 1974.

On April 26, 1974 United filed Fifth Revised Tariff Sheet No. 3-A to be effective May 1, 1974. Subsequent to this filing, United states that it received notification of revised rate changes by Texas Eastern Transmission Corporation at Docket No. RP72-98 and Transcontinental Gas Pipe Line Corporation at Docket No. RP73-69. United states that the sole purpose of this revised tariff sheet is to adjust United's rates to reflect these revised rate changes pursuant to the PGA provision in Section 16 of the General Terms and Conditions approved by the Commission's Order issued December 10, 1973, in Docket No. RP74-35. United further states that such tariff sheet reflects an adjustment in United's rates of .19¢ per Mcf on Substitute Fifth Revised Sheet No. 3-A, which results in an annual revenue increase of $86,161 over those rates that would be generated under Fourth Revised Sheet No. 3-A, effective April 6, 1974.

United also requests a waiver of Section 16.6 of the General Terms and Conditions of its FPC Tariff relating to the 45-day notice requirement of a rate change due to not receiving its suppliers' revised rates in sufficient time to make a timely filing. Additionally, United requests a waiver of any of the Commission's rules and regulations as may be required to permit Substitute Fifth Revised Sheet No. 3-A submitted herewith to become effective May 1, 1974, as proposed above.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules or practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 24, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-13969 Filed 6-17-74;8:45 am]

[Project No. 1744]

UTAH POWER & LIGHT CO.

Notice of Issuance of Annual License

JUNE 12, 1974.

On June 24, 1969, Utah Power & Light Company, Licensee for Weber Project No. 1744, located in Davis, Morgan, and Weber Counties, Utah, on the Weber River, filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (§§ 16.1–16.6). Licensee also made a supplemental filing pursuant to Commission Order No. 384 on February 9, 1970.

The license for Project No. 1744 was issued effective June 1, 1927, for a period ending June 30, 1970. Since the original date of expiration, the project has been under annual license. In order to authorize the continued operation of the project pending completion of Licensee's application and Commission action thereon, it is appropriate and in the public interest to issue an annual license to Utah Power & Light Company for continued operation and maintenance of Project No. 1744.

Take notice that an annual license is issued to Utah Power & Light Company (Licensee) under Section 15 of the Federal Power Act for the period July 1, 1974, to June 30, 1975, or until federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Weber Project No. 1744, subject to the terms and conditions of its license.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-13971 Filed 6-17-74;8:45 am]

FEDERAL RESERVE SYSTEM

INTERMOUNTAIN BANCORP, INC.

Order Approving Formation of Bank Holding Company and Acquisition

Intermountain Bancorp, Inc., Westminster, Colorado ("Intermountain"), has applied for the Board's approval under section 3(a) (1) of the Bank Holding Company Act (12 U.S.C. 1842(a) (1))

[1] *Borough of Lansdale, Pennsylvania* v. *F.P.C.*, D.C. Cir. Nos. 73-1031 and 73-1649, decided March 15, 1974.

[2] *F.P.C.* v. *Sierra Pacific Power Co.*, 350 U.S. 348 (1956), and *United Gas Pipe Line Company* v. *Mobile Gas Service*, 350 U.S. 332 (1956).

[3] The Commission may utilize the provisions of section 205(e) of the Act only if it determines to suspend a new rate schedule, with the provision for subsequent hearings, within 30 days after the filing.

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of formation of a bank holding company through acquisition of 86 percent or more of the voting shares of First National Bank, Westminster, Colorado ("Bank").

At the same time, First Plaza Company, Lincoln, Nebraska ("First Plaza"), a bank holding company by virtue of its ownership of 86 percent of the shares of Bank, and Intermountain have applied for the Board's approval under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y, to acquire all of the voting shares of Intermountain Mortgage Co., and Intermountain Insurance, Inc., both of Westminster, Colorado. Intermountain Mortgage Co. will engage de novo in the activities of making or acquiring for its own account or the account of others, loans and other extensions of credit for any person; servicing loans and other extensions of credit for any person; and performing mortgage activities of a kind heretofore performed by Bank. Intermountain Insurance, Inc. will succeed to the insurance business of First Plaza, and thereby engage in the activities of agent or broker with respect to declining term credit life, and credit accident and health insurance sold in connection with consumer loans made by Bank, and general insurance for the holding company and subsidiaries. Such activities have been determined by the Board to be closely related to banking (12 CFR 225.4(a) (1) (3), and (9)).

Notice of the applications, affording opportunity for interested persons to submit comments and views has been given in accordance with section 3 and 4 of the Act (29 FR 12177). The time for filing comments and views has expired, and all comments and views received have been considered in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)), and the public interest factors specified in section 4(c)(8) of the Act (12 U.S.C. 1843(c)).

First Plaza, Bank's existing parent corporation, has formed Intermountain to effectuate a corporate reorganization that is designed to enlarge the ownership of the holding company to include all of the shareholders of Bank, to facilitate the financing of a new bank building, and to transfer the present and proposed holding company activities to subsidiaries of Intermountain. By means of the corporate reorganization, First Plaza proposes to change its direct ownership of shares of Bank to indirect ownership through Intermountain, a proposed subsidiary of First Plaza; and also proposes to acquire shares of Intermountain Insurance, Inc., and Intermountain Mortgage Co.

Bank (deposits of $27.4 million as of June 30, 1973) is the 23rd largest of 68 banks in the Denver banking market, which is the revelant banking market,[1] and controls less than 1 per cent of the total deposits in commercial banks in the market. In view of the fact that this proposal represents only a corporate restructuring, consummation of the proposal would not eliminate any existing or potential competition, increase concentration of banking resources, nor have any adverse effects on the other banks in the relevant market. Accordingly, competitive considerations are regarded as consistent with approval of the application.

The financial condition, managerial resources, and future prospects of Bank are regarded as satisfactory; the management of First Plaza and Intermountain is satisfactory, their financial condition and future prospects appear favorable. Considerations relating to the convenience and needs of the community to be served are consistent with approval of the application. It is the Board's judgment that the proposed acquisition of Bank would be consistent with the public interest, and that the application to acquire Bank should be approved.

First Plaza currently operates an insurance agency, on Bank's premises, engaged in the sale of credit life and credit accident and health insurance sold in connection with consumer loans made by Bank. Incident to the reorganization, Intermountain proposes to acquire this insurance business and operate it as Intermountain Insurance, Inc. ("Insurance"). Approval of this proposal would ensure that such insurance will continue to be available to Bank's customers. In view of the limited nature of this insurance business and the fact that Applicant's acquisition of Insurance is part of a corporate reorganization, it does not appear that any existing or potential competition would be eliminated by the acquisition of Insurance.

First Plaza and Intermountain propose that Intermountain Mortgage Co. ("Mortgage") would engage de novo in a mortgage banking business. Approval of this proposal would enable Intermountain to offer expanded mortgage services. In view of the fact that Mortgage is a de novo company, it does not appear that any existing or potential competition would be eliminated upon consummation of the proposal.

There is no evidence in the record to indicate that consummation of the proposal to acquire Insurance or Mortgage would result in any undue concentration of resources, unfair competition, conflicts of interests, unsound banking practices, or other adverse effects upon the public interest. Based upon the foregoing and other considerations reflected in the record, the Board has determined that the balance of the public interest factors the Board is required to consider under section 4(c)(8) is favorable and that the applications to acquire Insurance and Mortgage should be approved.

Accordingly, the applications are approved for the reasons summarized above. The acquisition of Bank shall not be made before the thirtieth calendar day following the effective date of this order. The acquisition of Bank, Insurance, and Mortgage shall be made not later than three months after the effective date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Kansas City pursuant to delegated authority. The determinations as to Insurance and Mortgage are subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

By order of the Board of Governors,[2] effective June 7, 1974.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.74-13851 Filed 6-17-74;8:45 am]

[1] The Denver banking market is approximated by Adams, Arapahoe, Denver, and Jefferson Counties and the Broomfield area of Boulder County.

[2] Voting for this action: Chairman Burns and Governors Mitchell, Brimmer, Sheehan, Bucher, Holland, and Wallich.

MORAMERICA FINANCIAL CORP.

Acquisition of Bank; Correction

MorAmerica Financial Corporation, Cedar Rapids, Iowa ("MorAmerica"), a bank holding company within the meaning of the Bank Holding Company Act of 1956, as amended, has applied for the Board's approval under section 3(a)(5) of the Bank Holding Company Act (12 U.S.C. 1842(a)(5)) to merge with another bank holding company, Bezanson Investments, Inc., Cedar Rapids, Iowa ("Bezanson"), under the charter and name of MorAmerica. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

MorAmerica is also engaged in the following nonbank activities: Morris Plan financing, investment in a small business investment company, mortgage lending, personal property leasing, ownership of a licensed intrastate dealer in securities of Applicant, the travel agency business, and ownership, leasing and development of real property; and Bezanson is engaged in the activities of a general insurance agency. In addition to the factors the Board considers under section 3(c) of the Act (banking factors) the proposal will also be considered in the light of the companies nonbanking activities and the provisions and prohibitions in section 4 of the Act (12 U.S.C. 1843).

Section 4 of the Bank Holding Company Act (12 U.S.C. 1843) provides certain privileges ("grandfather privileges") with respect to nonbanking activities of a company that, by virtue of the 1970 amendments to the Bank Holding Company Act, became subject to the Bank Holding Company Act. Pursuant to section 4(a)(2) of the Act, a "company covered in 1970" may continue to engage, either directly or through a subsidiary, in nonbanking activities that such a company was lawfully engaged in on June 30, 1968 (or on a date subsequent to June 30, 1968, in the case of activities carried on as a result of the acquisition by such company or subsidiary, pursuant to a binding written contract entered into on or before June 30, 1968, of another company engaged in such activities at the time of the acquisition), and has been continuously engaged in since June 30, 1968 (or such subsequent date).

However, section 4(a)(2) provides that the Board of Governors of the Federal Reserve System may, after opportunity for hearing, terminate the authority granted by said section if, having due regard to the purposes of the Act, the Board determines that such action is necessary to prevent undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices. An examination of the grandfather privileges of MorAmerica and Bezanson is in process, incident to the instant application, to determine whether continuation of such privileges, if any, is consistent with the purposes of the Act. A Board determination not to terminate grandfather privileges at this time would not preclude the Board from making determination at a later date that grandfathered activities must be terminated.

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the merger application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System. In addition, interested persons are hereby afforded an opportunity to submit relevant data, views, and arguments and requests for hearing relating to continuation of the grandfather privileges of subject companies in relation to the listed activities. Any such material should be submitted in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C., to be received no later than July 3, 1974.

Board of Governors of the Federal Reserve System, June 10, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-13845 Filed 6-17-74;8:45 am]

MORRIS COUNTY BANKSHARES, INC.

Formation of Bank Holding Company

Morris County Bankshares, Inc., Naples, Texas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 100 percent of the voting shares (less directors' qualifying shares) of Morris County National Bank of Naples, Naples, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received not later than July 8, 1974.

Board of Governors of the Federal Reserve System, June 11, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-13846 Filed 6-17-74;8:45 am]

SOUTHEAST BANKING CORP.

Acquisition of Bank

Southeast Banking Corporation, Miami, Florida, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to engage in a joint venture with Sun Banks of Florida, Inc., Orlando, Florida, through the acquisition of 23 percent or more of the voting shares of Bank of Lake Buena Vista, Lake Buena Vista, Florida. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than July 8, 1974.

Board of Governors of the Federal Reserve System, June 10, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-13849 Filed 6-17-74;8:45 am]

SOUTHERN BANCORPORATION

Order Approving Acquisition of Bank

Southern Bancorporation, Birmingham, Alabama, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of Capitol National Bank of Montgomery, Montgomery, Alabama ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and this Federal Reserve Bank has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the fourth largest banking organization in Alabama, controls nine banks with aggregate deposits of $715.6 million, representing 10.1 percent of deposits in all commercial banks in the state. (All banking data are as of June 30, 1973, and reflect acquisitions and formations approved through May 1, 1974.) Acquisition of Bank having deposits of $10 million, would increase Applicant's share of Alabama commercial bank deposits by .1 percent and would change Applicant's rank in size from fourth to third. No undue concentration of banking resources in Alabama would result.

Applicant is seeking to make an initial entry into the Montgomery Banking Market, consisting of Elmore and Montgomery Counties. The ten banking organizations in the market control $626.4 million in commercial bank deposits. Applicant, in acquiring Bank, will control the seventh largest bank in the market, with $10 million in deposits, or 1.6 percent of total commercial bank deposits in the market.

Applicant's closest subsidiary bank is located in Jefferson County, approximately 95 miles from Bank. No competition currently exists between Applicant's subsidiaries and Bank, and it is unlikely that significant future competition would develop between them because of the distance involved and Alabama's branching laws. The state's three largest holding companies each have banking subsidiaries in the market, each of which is at least six times as large as Bank. Acquisition of Bank by Applicant will not have any adverse competitive effects in any relevant area.

The financial and managerial resources and prospects of Applicant, its subsidiaries, and Bank are considered to be generally satisfactory. The proposed affiliation with Applicant would provide Bank's customers with data processing, leasing, trust service, and mobile home financing. Further, Applicant will provide Bank with management training. Considerations relating to convenience and needs of the community to be served lend weight toward approval of the application. It is this Federal Reserve Bank's judgment that consummation of the proposed transaction would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this order or (b) later than three months after that date, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Federal Reserve Bank of Atlanta acting under delegated authority for the Board of Governors of the Federal Reserve System, effective June 6, 1974.

[SEAL] MONROE KIMBREL,
President.

[FR Doc.74-13848 Filed 6-17-74;8:45 am]

SUN BANKS OF FLORIDA, INC.

Acquisition of Bank

Sun Banks of Florida, Inc., Orlando, Florida, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to engage in a joint venture with Southeast Banking Corporation, Miami, Florida, through the acquisition of 50

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percent or more of the voting shares of Bank of Lake Buena Vista, Lake Buena Vista, Florida. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than July 8, 1974.

Board of Governors of the Federal Reserve System, June 10, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-13850 Filed 6-17-74;8:45 am]

UNION BOND & MORTGAGE CO.

Proposed Acquisition

Union Bond & Mortgage Company, Port Angeles, Washington, has applied pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843 (c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire voting shares of Union Bond Insurance Agency, Inc., Port Angeles, Washington. Notice of the application was published on May 15, 1974, in The Daily News, a newspaper circulated in Port Angeles, Washington.

Applicant states that the proposed subsidiary would engage in the activities of insurance agency for credit related life insurance; disability insurance; auto insurance covering collision, fire, theft, property damage, bodily injury, uninsured motorists and medical on occupants; fire insurance on dwellings and commercial property, marine insurance on boats, motors, boat trailers and equipment—also includes liability for damage to others; trailer insurance covering fire, theft, collision and liability on travel trailers as well as mobile homes; cycle insurance covering collision, comprehensive, liability, property damage, uninsured motorist and medical on motorcycles; general liability insurance; commercial insurance-blanket bond and registered mail liability for banks comprehensive blanket policy for commercial ventures; Bonds-fidelity, commercial, contractors, notary, public official, miscellaneous indemnity, fiduciary, forgery, court, construction, supply; and a small percentage of non-credit related insurance of the types mentioned above except life and disability insurance. Applicant states that such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of San Francisco.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than July 5, 1974.

Board of Governors of the Federal Reserve System, June 7, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-13847 Filed 6-17-74;8:45 am]

ZIONS UTAH BANCORPORATION

Order Approving Acquisition

Zions Utah Bancorporation, Salt Lake City, Utah, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y, to acquire all of the voting shares of Mauss Finance Company, Twin Falls, Idaho ("Company"), a company that engages in the activities of making consumer installment loans, purchasing consumer installment sales finance contracts, making loans to small businesses and selling credit insurance directly related to such extensions of credit. Such activities have been determined by the Board to be closely related to banking (12 CFR 225.4(a)(1) and (9)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (39 FR 13604). The time for filing comments and views has expired, and the Board has considered all comments received in light of the public interest factors in section 4(c)(8) of this Act.

Applicant, the second largest banking organization in Utah, controls two banks with aggregate deposits of $383 million, representing about 16 percent of the total deposits in commercial banks in the State.[1] Applicant also controls seven industrial banks in Colorado and other nonbanking subsidiaries engaged in consumer finance, equipment leasing, real estate development, and electrical supply activities.[2]

Company, with total assets of $292,000, operates its sole office in Twin Falls, Idaho, and competes in the Jerome County market. Company competes with 10 other consumer finance companies, four commercial banks and eight credit unions. Applicant has several subsidiaries that make loans to individuals and businesses. The closest such office to Company is that of Financial Credit Corporation, Pocatello, Idaho ("FCC"), which is located approximately 100 miles from Company. Neither the Pocatello office of FCC nor any of Applicant's lending subsidiaries derive any significant business from the area served by Company. Conversely, Company does not operate in areas served by lending subsidiaries of Applicant. Accordingly, consummation of the proposal would not eliminate any existing competition. In view of the large number of existing competitors in Company's area and the distance separating Company from Applicant's other lending subsidiaries, it does not appear that Applicant's acquisition of Company would eliminate future competition or pose significant barriers to entry by other organizations. The Board concludes that no significant existing or potential competition would be eliminated upon approval of this application.

Company is also engaged in the sale of credit life, credit health and accident insurance directly related to its extensions of credit. These insurance acivtities have been determined by the Board to be closely related to banking under § 225.4(a)(9)(ii) of Regulation Y. In view of the limited nature of Company's insurance business, it does not appear that the continuation of these insurance activities of Company upon approval of the proposal would have any adverse effects on existing or potential competition.

Applicant proposes to expand the types of lending services offered by Company as well as to increase its lending capabilities through the resources of Applicant. Consummation of this proposal should enable Company to become a more effective competitor. There is no evidence in the record indicating that consummation of the proposed transaction would result in any undue concentration of resources, unfair competition, conflicts of interests, unsound banking practices or other adverse effects on the public interest.

Based upon the foregoing and other considerations reflected in the record, the Board has determined that the balance of the public interest factors the Board is required to consider under section 4(c)(8) is favorable. Accordingly, the application is hereby approved. This determination is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

The transaction shall be made not later than three months after the effective date of this order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of San Francisco.

By order of the Board of Governors,[3] effective June 10, 1974.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.74-13852 Filed 6-17-74;8:45 am]

[1] All banking data are as of June 30, 1973, and reflect bank holding company formations and acquisitions approved by the Board through April 30, 1974.

[2] By Order dated January 4, 1973, the Board determined that Applicant must discontinue or divest its electrical supply activities prior to January 1, 1981.

NATIONAL SCIENCE FOUNDATION

ADVISORY PANEL FOR BIOPHYSICS

Notice of Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Advisory Panel for Biophysics to be held at 9 a.m. on July 8 and 9, 1974, in Room 338 at 1800 G Street, NW, Washington, D.C. 20550.

The purpose of the panel is to provide advice and recommendations as part of the review and evaluation process for specific proposals and projects. The agenda will be devoted to the review and evaluation of research proposals.

This meeting is concerned with matters which are within the exemptions of 5 U.S.C. 552(b) and will not be open to the public in accordance with the determination by the Director of the National Science Foundation dated December 17, 1973, pursuant to the provisions of section 10(d) of Pub. L. 92-463.

Individuals requiring further information about this panel may contact Dr. Martin Schweizer, Program Director, Biophysics Program, Room 329, 1800 G Street, NW, Washington, D.C. 20550.

T. E. JENKINS,
Assistant Director for Administration.

JUNE 5, 1974.

[FR Doc.74-13836 Filed 6-17-74;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on June 13, 1974 (44 USC 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this Daily List may be obtained from the Clearance Office, Office of Management and Budget Washington, D.C. 20503, (202-395-4529).

NEW FORMS

DEPARTMENT OF COMMERCE

Departmental: Survey of Resettlement Program Participants, Form ---, Single time, Sunderhauf, Black and White tenants still possessing resettlement land.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration: Survey of Use of Antibiotics in Clinical Practice, Form FDA 0604, Single time, Caywood, Physicians.

Health Resource Administration

Analysis Design and Dissemination of Optimal Staffing Patterns for Group Practices Utilizing Physicians Assistants, Form HRABHRD 0610, Occasional, Raynsford, Individuals.

Methods and Procedures for Maintenance of Data Quality, Form HRANCHS 0611, Single time, Reese, State health departments and licensure boards.

Evaluation of Utah-MEDEX—: Impact on Health Care, Form HRABHSR 0503, Single time, HRD/Caywood, M.D., Physicians Assistant.

VETERANS ADMINISTRATION

Mobile Home Appraisal Report, Form 26-8712, Single time, Caywood, Appraisers.

REVISIONS

None.

EXTENSIONS

DEPARTMENT OF COMMERCE

Bureau of East West Trade: Request for and Notice of Amendment Action, Form DIB 685P, Occasional, Evinger (x).

Application Processing Card, Form DIB 623P, Occasional, Evinger (x).

Economic Development Administration: Assurances of Job Opportunities for the Unemployed, Form ED 612, Occasional, Evinger (x).

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education:

Application for Federal Assistance (Nonconstruction) Instructions for Indian Education Program, Part A, Title IV, P.L. 92-318, Form OE 272, Annual, Evinger (x).

Application for Federal Assistance (Nonconstruction) Education for the Handicapped Instructions and Supplementary Questionnaire, Form OE 9037, Annual, Evinger (x).

Application for Federal Assistance (Nonconstruction) Instructions for Parts B and/or C, Title IV, P.L. 92-318, Form OE 267, Occasional, Evinger (x).

Application for Federal Assistance (Nonconstruction) Instructions for Vocational Education Programs, Form OE 3176, Annual, Evinger (x).

Follow-up Correspondence on Delinquent Federal Student Loans, Title IV-B, P.L. 89-329, Form OE 1249-1, Occasional, Evinger (x).

Investigation Report on the Administration of ESEA, Title I, Program Activities, Form OE 4517, Occasional, Evinger (x).

School's Application for Federal Loan Insurance Comprehensive Certificate, Form OE 1156-2, Annual, Evinger (x).

Report on ESEA Title I Comparability Requirements, P.L. 89-10 as Amended, Form OE 4524, Annual, Evinger (x).

Follow Through Classroom Roster, Form OE 4485, Occasional, Evinger (x).

Survey of Foreign Language Registrations in U.S. Institutions of Higher Education, Form OE 7600, Annual, Evinger (x).

Quarterly Program Progress Report, ESAA, Form OE 257, Quarterly, Evinger (x).

Application for Federal Assistance (Nonconstruction Programs) Instructions for the Right to Read Program, Form OE 295, Annual, Evinger (x).

Application for Federal Assistance (Nonconstruction Programs) for the Follow-through Program—Instructions and Supplementary Questionnaire, Form OE 4473, Annual, Evinger (x).

Application for Federal Assistance (Nonconstruction Programs) Instructions for Teacher Corps Program, Form OE 298, Annual, Evinger (x).

Application for Federal Assistance (Nonconstruction Programs) for Title IV Civil Rights Act, Desegregation of Public Education—Instructions and Supplementary Questionnaire, Form OE 296, Occasional, Evinger (x).

Certificate of Project Costs Capitalized Interest Higher Education Facilities Act, Form OE 1144, Occasional, Evinger (x).

Lenders Request for Payment of Interest on Student Loans, Form OE 1166, Occasional, Evinger (x).

Current Project Report, Title I, P.L. 88-204, Form OE 1116, Annual, Evinger (x).

Report on Former Upward Bound Student, Form OE 1197, Occasional, Evinger (x).

Report on Current Upward Bound Student, Form 1196, Occasional, Evinger (x).

Application for Grants under College Library Resources Program, Title II, Part A, Sections 202, 203, HEA of 1965, Form OE 3118, Annual, Evinger (x).

Follow Through Parent Interview Form, Form OE 4485-1, Annual, Evinger (x).

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.74-14041 Filed 6-17-74;8:45 am]

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

COMMUNITY ADVISORY GROUP

Charter

1. *Objectives and scope of activity.* In furthering the goals of the Pennsylvania Avenue Development Corporation, with specific reference to section 9(a) of the Pennsylvania Avenue Development Corporation Act of 1972 (Pub. L. 92-578, 86 Stat. 1266), the scope and function of the Community Advisory Group will be to provide an advisory forum for the Corporation to receive information and ideas from the community concerning preparation of its development plan.

[3] Voting for this action: Chairman Burns and Governors Brimmer, Bucher, Holland, and Wallich. Absent and not voting: Governors Mitchell and Sheehan.

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Toward that end, the Group shall give interested parties outside the development area for Pennsylvania Avenue effective access to the planning process of the designated development area, such area having been designated by Congress in Section 2 of the Act as one of utmost national and community importance. The objectives of the Group shall be to:

a. Establish a climate of community involvement in the preparation of the development plan for the designated Pennsylvania Avenue area;

b. Foster local initiative, interest and participation from without the development area;

c. Provide a forum so that opinions, ideas and grievances can be effectively presented to the Corporation during the preparation of the plan; and

d. Seek out public sentiment on the proposed plan and to reflect such sentiment back to the Corporation so that it might be taken into account in the preparation of the plan.

2. *Committee tenure.* It is determined that the time necessary for the Committee to effectively carry out these objectives is best limited to the actual preparation period of the proposed plan and the Congressional review period which follows, terminating 60 legislative days after initial receipt by the Congress of the proposed plan for development of the Pennsylvania Avenue area.

3. *Official to whom Committee reports.* Pennsylvania Avenue Development Corportation has designated Ms. Katharine Gresham, Urban Planner, as the official to whom the Community Advisory Group will report.

4. *Support services.* Pennsylvania Avenue Development Corporation shall be responsible for all agency support, determined to be necessary to carry forward the advisory function of the Community Advisory Group.

5. *Committee duties.* The Community Advisory Group shall be responsible for the following duties:

a. To present and discuss steps and elements that might be considered for inclusion within the plan in its preparation stages and recommend alternatives to the Corporation for final determination as to their inclusion;

b. To provide a communications link between the Pennsylvania Avenue Development Corporation and the Washington Community at large;

c. To prepare an annual report of its activities and recommendations that have occurred during the past year;

d. To maintain competent and adequate records of all actions taken and detailed minutes of all meetings held;

e. To provide for public meetings to be held at reasonable times and places at which interested persons may be permitted to speak out; and

f. To generally follow all procedures as set out in the Federal Advisory Committee Act (Pub. L. No. 92–463, 86 Stat. 770) and as implemented by guidance circular No. A–63 Rev, 27 March 1974 by the Office of Management and Budget and as published in the FEDERAL REGISTER Vol. 39 No. 67, 5 April 1974.

6. *Estimated annual cost.* Estimated annual operating costs of such committee shall not exceed $1,860, and estimated man/years for such committee shall be 21 days.

7. *Meetings.* Meetings of the Community Advisory Group shall be open to the public, with proper notice of such meetings being given through the publication in the FEDERAL REGISTER; such meetings shall occur at least bi-monthly and shall continue through to the termination date of the Group.

8. *Termination date.* The existence of the Community Advisory Group shall terminate at the end of the Congressional review period of the completed plan as provided in Section 4(d) of the Act or on December 31, 1974, whichever date occurs first.

9. *Determination.* Establishment of this Group is determined to be in the public interest in connection with the performance of duties imposed on the Pennsylvania Avenue Development Corporation by Public Law 92–578, dated October 27, 1972.

10. The date of this charter is June 18, 1974.

PETER T. MESZOLY,
General Counsel.

[FR Doc.74–13924 Filed 6–17–74;8:45 am]

SMALL BUSINESS ADMINISTRATION

[License No. 02/02–0273]

INVERNESS CAPITAL CORP.

Filing of Application for Transfer of Control of Licensed Small Business Investment Company

Notice is hereby given that an application has been filed with the Small Business Administration (SBA) pursuant to section 107.701 of the regulations governing small business investment companies (13 CFR 107.701 (1974) for the transfer of control of Inverness Capital Corporation, a Delaware corporation, with principal offices at 345 Park Avenue, New York, New York 10022, a Federal licensee under the Small Business Investment Act of 1958, as amended (the Act).

Inverness Capital Corporation (ICC) was licensed on October 1, 1969, as a small business investment company under the Small Business Investment Act of 1958. However, its capital is currently impaired under the regulations of the Small Business Administration and it proposes to enter into an agreement contemplating a financial reorganization with its parent, Inverness Industries, Inc., a Delaware corporation with principal offices at 345 Park Avenue, New York, New York 10022; Llennoco Corporation, a Delaware corporation with principal offices at 460 Park Avenue, New York, New York 10022; Harry S. Flemming, an individual residing at one Potomac Court, Alexandria, Virginia 22314; and John W. Hanes, Jr., an individual residing at Gunnell's Run Farm, 600 Innsbruck Avenue, Great Falls, Virginia 22066.

It is contemplated that the proposed financial reorganization will ultimately result in the investment of between $500,000 and $1,200,000 of new capital in ICC. Upon consummation of the plan of reorganization, control will be transferred from Inverness Industries Corporation to Llennoco Corporation, which will be the majority stockholder in ICC.

Llennoco Corporation is a privately held company engaged in the business of effecting investments in the area of venture capital, special situations and other investment areas in which it discerns promising opportunities. Its officers and directors are as follows:

Walter F. O'Connell, President, Treasurer, and Director, 110 East 57th Street, New York, N.Y. 10022.
John W. Hanes, Vice President and Director, 555 Park Avenue, New York, N.Y. 10021.
Fred L. Greenley, Secretary.
Ellen J. Maucher, Assistant Secretary.
John W. Hanes, Jr., Director.
John M. Olin, Director.
Eugene F. Williams, Jr., Director.

The new officers and directors of ICC will be:

John W. Hanes, Jr., Chairman of the Board and Director.
Harry S. Flemming, President and Director.
Margaret T. Weaver, Secretary.
Tina L. Pugliese, Treasurer.
Robert B. Deans, Jr., Director.

While at the present time none of the foregoing persons owns any shares of the Capital Stock of Inverness Capital Corporation, it is contemplated that within approximately one year Harry S. Flemming and John W. Hanes, Jr. will invest sufficient funds in the capital stock of ICC to become holders of 10%, or more, of ICC's total capital stock.

In connection with the reorganization, ICC also seeks permission to change its office from 346 Park Avenue, New York, New York 10022 to 417 North Washington Street, Alexandria, Virginia 22314, and to change its operating area from the State of New York to the State of Virginia.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed new owners, and the probability of a successful operation of the company under their control and management in accordance with the Act and Regulations.

Notice is further given that any person may submit comments on the proposed transfer of control to the Associate Administrator for Finance and Investment, Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416 on or before July 28, 1974.

A similar notice shall be published by Inverness Capital Corporation in a newspaper of general circulation in New York, New York, and in Alexandria, Virginia.

Dated: June 10, 1974.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.74–13856 Filed 6–17–74;8:45 am]

[Notice of Disaster Loan Area 1069]

ARKANSAS

Notice of Disaster Relief Loan Availability

As a result of the President's declaration of the State of Arkansas as a major disaster area following heavy rains and flooding beginning on or about May 14, 1974, applications for disaster relief loans will be accepted by the Small Business Administration from flood victims in the following County: Phillips, and adjacent affected areas.

Applications may be filed at the:

Small Business Administration
District Office
600 West Capital Avenue
Little Rock, Araknsas 72201

and at such temporary offices as are established. Such addresses will be announced locally.

Applications for disaster loans under this announcement must be filed not later than August 5, 1974.

Dated: June 6, 1974.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.74–13858 Filed 6–17–74;8:45 am]

[Notice of Disaster Loan Area 1064]

NORTH DAKOTA

Notice of Disaster Relief Loan Availability

As a result of the President's declaration of the State of North Dakota as a major disaster area following heavy rains, snowmelt runoff, and flooding, beginning on or about April 14, 1974, applications for disaster relief loans will be accepted by the Small Business Administration from victims in the following Counties: Bottineau, Cavalier, McHenry, Pembina, Pierce, Renville, Rolette, Towner, Walsh, and Ward, and adjacent affected areas.

Applications may be filed at the:

Small Business Administration
District Office
Federal Office Building, Room 218
653 Second Avenue North
Fargo, North Dakota 58102

and at such temporary offices as are established. Such addresses will be announced locally. Applications will be processed under the provisions of Pub. L. 93–24.

Applications for disaster loans under this announcement must be filed not later than July 13, 1974.

Dated: May 16, 1974.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.74–13859 Filed 6–17–74;8:45 am]

[Notice of Disaster Loan Area 1068]

OHIO

Notice of Disaster Relief Loan Availability

As a result of the President's declaration of the State of Ohio as a major disaster area following severe storms and flooding beginning on or about April 8, 1974, applications for disaster relief loans will be accepted by the Small Business Administration from flood victims in the following Counties: Lucas, Ottawa, and Sandusky, and adjacent affected areas.

Applications may be filed at the:

Small Business Administration
District Office
1240 East Ninth Street
Cleveland, Ohio 44199

and at such temporary offices as are established. Such addresses will be announced locally.

Applications for disaster loans under this announcement must be filed not later than August 5, 1974.

Dated: June 6, 1974.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.74–13857 Filed 6–17–74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

DENTAL DRUG PRODUCTS ADVISORY COMMITTEE

Notice of Renewal

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92–463, 86 Stat. 770–776; 5 U.S.C. App.), the Food and Drug Administration announces the renewal by the Secretary, Department of Health, Education, and Welfare, of the Dental Drug Products Advisory Committee for an additional period of 2 years beyond June 6, 1974.

Authority for this committee will expire June 6, 1976, unless the Secretary formally determines that continuance is in the public interest.

Dated: June 12, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.74–13863 Filed 6–17–74;8:45 am]

SCIENCE ADVISORY BOARD TO NATIONAL CENTER FOR TOXICOLOGICAL RESEARCH

Notice of Renewal

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92–463, 86 Stat. 770–776; 5 U.S.C. App.), the Food and Drug Administration announces the renewal by the Secretary, Department of Health, Education, and Welfare, of the Science Advisory Board to the National Center for Toxicological Research for an additional period of 2 years beyond June 2, 1974.

Authority for this committee will expire June 2, 1976, unless the Secretary formally determines that continuance is in the public interest.

Dated: June 12, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.74–13862 Filed 6–17–74;8:45 am]

[FAP 4B2990]

ROHM AND HAAS CO.

Notice of Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 4B2990) has been filed by Rohm and Haas Co., Independence Mall West, Philadelphia, PA 19105, proposing that § 121.2526 *Components of paper and paperboard in contact with aqueous and fatty foods* (21 CFR 121.2526) be amended to provide for safe use of polymethacrylic acid, sodium salt, having a viscosity in 40 percent by weight aqueous solution of 400–700 centipoises at 25° C., as a coating adjuvant for controlling viscosity in the manufacture of paper and paperboard intended to contact food.

The environmental impact analysis report and other relevant material have been reviewed, and it has been determined that the proposed use of the additive will not have a significant environmental impact. Copies of the environmental impact analysis report may be seen in the office of the Assistant Commissioner for Public Affairs, Rm. 15B–42 or the office of the Hearing Clerk, Food and Drug Administration, Rm. 6–86, 5600 Fishers Lane, Rockville, MD 20852, during working hours, Monday through Friday.

Dated: June 9, 1974.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.74–13861 Filed 6–17–74;8:45 am]

Office of the Secretary

PRESIDENT'S COMMITTEE ON MENTAL RETARDATION

Meeting

The President's Committee on Mental Retardation was established to provide advice and assistance in the area of mental retardation to the President including evaluation of the adequacy of the national effort to combat mental retardation; coordination of activities of Federal agencies; provision of adequate liaison between Federal activities and related activities of State and local governments, foundations and private organizations; develop information designed for dissemination to the general public. The Committee will meet on Thursday, June 20, 9 a.m., at the Temple University, Tomlinson Theater, 13th and Norris Avenue, Philadelphia, Pennsylvania, for a regional forum on mental retardation. On June 21–22, beginning at 9 a.m. each day, the Committee will meet for their quarterly meeting at the Albert M. Greenfield Conference Center, 9230 Germantown Avenue, Philadelphia, Pennsylvania. The Committee will discuss health, education, services, and legal rights as they relate to the mentally retarded. These meetings are open to the public.

Dated: June 11, 1974.

FRED J. KRAUSE,
Executive Director, President's Committee on Mental Retardation.

[FR Doc.74–14115 Filed 6–17–74;12:27 pm]

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INTERSTATE COMMERCE COMMISSION

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateways

JUNE 12, 1974.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065 (a)), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before June 28, 1974. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC–730 (Sub-No. E13), filed May 1, 1974. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., P.O. Box 638, Oakland, Calif. 94612. Applicant's representative: R. N. Cooledge (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except chemicals for human consumption, silicate of soda, petroleum products, liquid glue, and formaldehyde), in bulk, in tank vehicles, from points in that part of Oregon and Washington west of the summit of the Cascade Mountains to points in that part of New Mexico on and south of Interstate Highway 40. The purpose of this filing is to eliminate the gateway of points in California.

No. MC–730 (Sub-No. E16), filed May 1, 1974. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., P.O. Box 638, Oakland, Calif. 94612. Applicant's representative: R. N. Cooledge (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petrochemicals* (except liquid hydrogen), in bulk, in tank vehicles, from points in Texas, to points in that part of Oregon and Washington west of the summit of the Cascade Mountains. The purpose of this filing is to eliminate the gateway of points in California.

No. MC–730 (Sub-No. E17), filed May 1, 1974. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., P.O. Box 638, Oakland, Calif. 94612. Applicant's representative: R. N. Cooledge (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except chemicals for human consumption, silicate of soda, petroleum products, liquid glue, and formaldehyde), in bulk, in tank vehicles, from points in Texas to points in that part of Oregon and Washington west of the summit of the Cascade Mountains. The purpose of this filing is to eliminate the gateway of points in California.

No. MC–2226 (Sub-No. E1), filed May 10, 1974. Applicant: RED ARROW FREIGHT LINES, 3901 Seguin Road, P.O. Box 1897, San Antonio, Texas 78297. Applicant's representative: Eugene C. Daniel (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except livestock, Classes A and B explosives, liquid commodities in bulk, articles of unusual value, and household goods as defined by the Commission), from Galveston, Tex., and points in that part of Texas on and east of a line beginning at the United States-Mexico International boundary line near Del Rio, thence along U.S. Highway 277 to Abilene, Tex., thence along U.S. Highway 83 to the Texas-Oklahoma State line, near Perryton, Tex. (except points in Brazoria, Chambers, Galveston, Hardin, Jasper, Jefferson, Liberty, Matagorda, and Orange Counties). The purpose of this filing is to eliminate the gateway of Houston, Texas.

No. MC–2862 (Sub-No. E1), filed May 13, 1974. Applicant: ARROW TRANSPORTATION, P.O. Box 4131, Portland, Oregon 97208. Applicant's representative: Michael D. Crew, 620 Blue Cross Bldg., Portland, Oregon 97201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Liquid petroleum products*, from Seattle, Richmond Beach, and Tacoma, Wash., and Portland, Linnton, Willbridge, Astoria, and Marshfield, Oreg., to points in Montana, and points in Lewis, Clearwater, Latah, Benewah, Shoshone, Kootenai, Bonner, and Boundary Counties, Idaho. (b) *Liquid petroleum products and petroleum products, in bulk, in tank vehicles*, from Anacortes, Wash., and points within 10 miles thereof, and Neptune Beach, Wash. and points within 4 miles thereof, to points in Montana. (c) *Liquid petroleum products and petroleum products, in bulk, in tank vehicles*, from Seattle, Richmond Beach, and Tacoma, Wash., and Portland, Linnton, Willbridge, Astoria, and Marshfield, Oreg., to points in Idaho County, Idaho, and on and south of U.S. Highway 12. (d) *Petroleum and petroleum products*, in bulk, in tank vehicles, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from Anacortes, Wash., and points within 10 miles thereof, and Neptune Beach, Wash., and points within 4 miles thereof, to points in Idaho in and east of Lemhi, Custer, Blaine, Minidoka, and Cassia Counties, Idaho. The purpose of this filing is to eliminate the gateways of points in Whitman, Garfield, Columbia, and Asotin Counties, Wash. (proposal numbers a and b), and Baker, Oreg. (proposal numbers c and d).

No. MC–14702 (Sub-No. E33), filed May 15, 1974. Applicant: OHIO FAST FREIGHT, INC., P.O. Box 808, Warren, Ohio 44482. Applicant's representative: James M. Holland (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Structural frame steel, and metals and metal grading, lathes, mesh, panels, and partitions* (except commodities which because of size and weight require the use of special equipment and commodities in bulk), between Warren and Youngstown, Ohio, on the one hand, and, on the other, points in Minnesota on and north of a line beginning at the Minnesota-Wisconsin State line, thence west along Minnesota Highway 97 to its intersection with Interstate Highway 35W, thence along Interstate Highway 35W to its intersection with U.S. Highway 10, thence along U.S. Highway 10 to its intersection with Minnesota Highway 25, thence along Minnesota Highway 25 to its intersection with U.S. Highway 12, thence along U.S. Highway 12 to its intersection with U.S. Highway 71, thence along U.S. Highway 71 to the Minnesota-Iowa State line. The purpose of this filing is to eliminate the gateways of (a) Warren, Ohio, and (b) the facilities of the Keene Corporation at or near Vienna, W. Va.

No. MC–30280 (Sub-No. E6), (CORRECTION), filed May 3, 1974, published in the FEDERAL REGISTER May 16, 1974. Applicant: WATKINS CAROLINA EXPRESS, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Paul Daniell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), from Columbus, Ga. to those points in South Carolina on and north of the line beginning at the North Carolina-South Carolina State line, thence along U.S. Highway 178 to junction Interstate Highway 85, thence along Interstate Highway 85 to junction U.S. Highway 76–123, thence along U.S. Highway 76–123 to Anderson, thence along South Carolina Highway 23 to Abbeville, thence along South Carolina Highway 72 to Greenwood, thence along South Carolina Highway to Columbia, thence along U.S. Highway 76–378 to Sumter, thence along U.S. Highway 378 to junction South Carolina Highway 527, thence along South Carolina Highway 527 to junction with U.S. Highway 52, thence along U.S. Highway 52 to Kingstree, thence along South Carolina Highway 261 to Yauhannan, thence along U.S. Highway 701 to Conway, thence along South Carolina Highway 544 to Murrell's Inlet. The purpose of this filing is to eliminate the gateway of Greenville, S.C. The purpose of this correction is to substitute South Carolina for Georgia in the territorial description.

No. MC–30280 (Sub-No. E35), filed May 9, 1974. Applicant: WATKINS CAROLINA EXPRESS, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Paul Daniell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, dairy products, livestock, acids, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), from Baltimore, Md., to points in Georgia. The purpose of this filing is to eliminate the gateways of Charlotte, N.C., and Greenville, S.C.

No. MC–30280 (Sub-No. 37), filed May 9, 1974. Applicant: WATKINS CAROLINA EXPRESS, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Paul Daniell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Textile products*, from points in that part of South Carolina on and west of a line beginning at the North Carolina-South Carolina State line, thence along U.S. Highway 601 to Pageland, thence along South Carolina Highway 151 to McBee, thence along U.S. Highway 1 to junction South Carolina Highway 341, thence along South Carolina Highway 341 to junction U.S. Highway 15, thence along U.S. Highway 15 to Walterboro thence along South Carolina Highway 64 to Jacksonboro, thence along U.S. Highway 17 to Osborn, thence along South Carolina Highway 174 to Otter Island, to Baltimore, Md. The purpose of this filing is to eliminate the gateway of Gastonia, N.C.

No. MC–30280 (Sub-No. E38), filed May 9, 1974. Applicant: WATKINS CAROLINA EXPRESS, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Paul Daniell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Textile products*, from points in that part of South Carolina on and west of a line beginning at the North Carolina-South Carolina State line, thence along U.S. Highway 52 to junction South Carolina Highway 51, thence along South Carolina Highway 51 to Kingsburg, thence along South Carolina 41 to Jamestown, thence along South Carolina Highway 45 to McClellanville, thence along unnumbered route to Cape Romaine, to New York, N.Y. The purpose of this filing is to eliminate the gateway of Gastonia, N.C.

No. MC–30280 (Sub-No. E39), filed May 9, 1974. Applicant: WATKINS CAROLINA EXPRESS, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Paul Daniell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Textile products*, from points in that part of South Carolina on and east of a line beginning at the North Carolina-South Carolina State line, thence along South Carolina Highway 145 to Chesterfield, thence along South Carolina Highway 102 to Hartsville, thence along U.S. Highway 15 to junction South Carolina Highway 176, thence along South Carolina Highway 176 to junction U.S. Highway 52, thence along U.S. Highway 52 to Charleston, to points in that part of Pennsylvania on and south of a line beginning at the Pennsylvania-New Jersey State line, thence along U.S. Highway 22 to junction unnumbered highway (formerly portion U.S. Highway 22), thence along unnumbered highway through Upper Bern to junction U.S. Highway 22, thence along U.S. Highway 22 to Harrisburg, Pa., and east of U.S. Highway 15 from Harrisburg to the Pennsylvania-Maryland State line. The purpose of this filing is to eliminate the gateway of Gastonia, N.C.

No. MC–30280 (Sub-No. E40), filed May 9, 1974. Applicant: WATKINS CAROLINA EXPRESS, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Paul Daniell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, dairy products, livestock, acids, household goods, as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), from points in Hudson, Berger, Essex, Passaic, Union, and Middelsex Counties, N.J., to points in Georgia. The purpose of this filing is to eliminate the gateways of Charlotte, N.C. and Greenville, S.C.

No. MC–105984 (Sub-No. E1), filed May 5, 1974. Applicant: JOHN B. BARBOUR, JR., d/b/a, JOHN B. BARBOUR TRUCKING COMPANY, P.O. Box 577, Iowa Park, Tex. 76367. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Bldg., Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) Machinery, materials, supplies and equipment, incidental to, or used in, the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, and pipe, pipe line materials, machinery and equipment, incidental to, or used in, the construction, repairing, or dismantling of gas, gasoline and oil, pipelines, except the stringing and picking up of pipe in connection with main pipelines; and (2) earth drilling machinery and equipment, and machinery, equipment, materials, supplies and pipe incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment; (b) the completion of holes or wells drilled; (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites; and (d) the injection or removal of commodities to or from holes or wells, between points in Louisiana and Oklahoma, on the one hand, and, on the other, points in Montana, Utah, and Wyoming. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC–105984 (Sub-No. E19), filed May 5, 1974. Applicant: JOHN B. BARBOUR, JR., d.b.a., JOHN B. BARBOUR TRUCKING COMPANY, P.O. Box 577, Iowa Park, Tex. 76367. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Bldg., Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting:

(1) *Machinery, materials, supplies, and equipment*, incidental to, or used in, the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, and *pipe, pipe line materials, machinery, and equipment*, incidental to, or used in, the construction, repairing, or dismantling of gas, gasoline, and oil pipelines (except the stringing and picking up of pipe in connection with main pipelines; and

(2) *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment; (b) the completion of holes or wells drilled; (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites; and (d) the injection or removal of commodities to or from holes or wells, between points in Baca County, Colo., on the one hand, and, on the other, points in Wyoming on and north of a line beginning at the Wyoming-Utah State line, and extending along Interstate Highway 80 to U.S. Highway 187, thence along U.S. Highway 187 to its intersection with Wyoming Highway 28, thence along Wyoming Highway 28 to its intersection with Wyoming Highway 789, thence along Wyoming Highway 789 to its intersection with U.S. Highway 16, thence along U.S. Highway 16 to the Wyoming-South Dakota State line, and points in Montana. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC–110525 (Sub-No. E17), filed May 1, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension-Addyston*, 63 M.C.C. 677 (except liquefied petroleum gases), in bulk, in tank vehicles, from points in that part of California in and south of Inyo, Fresno, Madera, Mariposa, Stanis-

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laus, San Joaquin, Contra Costa, and Marine Counties, to points in Delaware. The purpose of this filing is to eliminate the gateways of Houston, Tex., and Baltimore, Md.

No. MC–110525 (Sub-No. E18), filed May 1, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals as* defined in *The Maxwell Co., Extension-Addyston*, 63 M.C.C. 677 (except liquefied petroleum gases), in bulk, in tank vehicles, from points in that part of California on and south of a line beginning at Morro Bay, thence along California Highway 41 to junction U.S. Highway 101, thence along U.S. Highway 101 to junction California Highway 58, thence along California Highway 58 to Barstow, thence along Interstate Highway 15 to the California-Nevada State line, to points in Maine. The purpose of this filing is to eliminate the gateways of Houston, Tex., Pittsburgh, Pa., and Syracuse, N.Y.

No. MC–110525 (Sub-No. E20), filed May 1, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as described in *The Maxwell Co., Extension-Addyston*, 63 M.C.C. 677, (except liquified petroleum gases), in bulk, in tank vehicles, from points in that part of California on and south of U.S. Highway 80 to points in Massachusetts. The purpose of this filing is to eliminate the gateways of points in Harris County, Texas, Baltimore, Md., and Newark, N.J.

No. MC–110525 (Sub-No. E21), filed May 1, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension-Addyston*, 63 M.C.C. 677, (except liquified petroleum gases), in bulk, in tank vehicles, from points in that part of California in and south of Santa Cruz, Santa Clara, Merced, Mariposa, Madera, and Mono Counties, to points in New Hampshire. The purpose of this filing is to eliminate the gateways of points in Harris County, Tex., Pittsburgh, Pa., and Syracuse, N.Y.

No. MC–110525 (Sub-No. E24), filed May 1, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pennsylvania 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension-Addyston*, 63 M.C.C. 677 (except liquefied petroleum gases), in bulk, in tank vehicles, from points in that part of California in and south of Santa Cruz, Santa Clara, Merced, Mariposa, Madera, and Mono Counties, to points in Ohio. The purpose of this filing is to eliminate the gateway of points in Harris County, Texas.

No. MC–110525 (Sub-No. E25), filed May 1, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension-Addyston*, 63 M.C.C. 667 (except liquefied petroleum gases), in bulk, in tank vehicles, from points in that part of California on and south of a line beginning at Morro Bay, thence along California Highway 41 to junction U.S. Highway 101, thence along U.S. Highway 101 to junction California Highway 58, thence along California Highway 58 to Barstow, thence along Interstate Highway 15 to the California-Nevada State line, to points in Pennsylvania. The purpose of this filing is to eliminate the gateway of Houston, Tex.

No. MC–110525 (Sub-No. E26), filed May 1, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, as defined in *The Maxwell Co., Extension-Addyston*, 63 M.C.C. 677 (except liquefied petroleum gases), in bulk, in tank vehicles, from points in that part of California in and south of Santa Cruz, Santa Clara, Merced, Mariposa, Madera, and Mono Counties, to points in New Hampshire. The purpose of this filing is to eliminate the gateways of Houston, Tex., Pittsburgh, Pa., and Syracuse, N.Y.

No. MC–110525 (Sub-No. E28), filed May 1, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension-Addyston*, 63 M.C.C. 677 (except liquefied petroleum gases), in bulk, in tank vehicle, from points in that part of California in and south of Inyo, Fresno, Madera, Mariposa, Stanislaus, San Joaquin, Contra Costa, and Marin Counties, to points in West Virginia. The purpose of this filing is to eliminate the gateways of Houston, Tex., and South Point, Ohio.

No. MC–110525 (Sub-No. E67), filed May 1, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials), in bulk, in tank vehicles, from points in Connecticut to points in West Virginia. The purpose of this filing is to eliminate the gateways of Newark, N.J., Morrisville, Pa., and the District of Columbia.

No. MC–110525 (Sub-No. E171), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension-Addyston*, 63 M.C.C. 677 (except bituminous products and materials), in bulk, in tank vehicles, from points in Florida to points in that part of West Virginia on and north of a line beginning at Williamson, thence along U.S. Highway 52 to Welch, thence along West Virginia Highway 16 to Beckley, thence along West Virginia Highway 3 to Hinton, thence along West Virginia Highway 63 to the West Virginia-Virginia State line. The purpose of this filing is to eliminate the gateway of Institute, W. Va.

No. MC–110525 (Sub-No. E454), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Kentucky to points in Connecticut. The purpose of this filing is to eliminate the gateways of South Charleston, W. Va., and Elizabeth, N.J.

No. MC–112822 (Sub-No. E38), filed May 17, 1974. Applicant: BRAY LINES INCORPORATED, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in containers, from points in Ponca City, Okla., to points in Alabama, Arkansas, Louisiana, Mississippi, and Tennessee. The purpose of this filing is to eliminate the gateway of Coffeyville, Kans.

No. MC–112822 (Sub-No. E41), filed May 17, 1974. Applicant: BRAY LINES INCORPORATED, P.O. Box 1191, Cushing, Okla., 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products, in* containers, from points in that part of Kansas on and west of U.S. Highway 169 to points in that part of Florida east of Jefferson County, Fla. The purpose of this filing is to eliminate the gateway of Wichita, Kans.

No. MC–112822 (Sub-No. E43), filed May 16, 1974. Applicant: BRAY LINES INCORPORATED, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in containers, from points in Missouri south of U.S. Highway 36 and west of a line beginning at Macon, and extending along U.S. Highway 63 to Jefferson City, thence along U.S. Highway 54 to Camdenton, thence along Missouri Highway 5 to Lebanon, thence along U.S. Highway 66 to Springfield, and thence along U.S. Highway 65 to the Missouri-Arkansas State line, to points in Montana. The purpose of this filing is to eliminate the gateway of Kansas City, Kans.

No. MC–112822 (Sub-No. E44), filed May 16, 1974. Applicant: BRAY LINES INCORPORATED, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in containers, from points in that part of Missouri south of U.S. Highway 36 and west of a line beginning at Macon, and extending along U.S. Highway 63 to Jefferson City, thence along U.S. Highway 54 to Camdenton, thence along Missouri Highway 5 to Lebanon, thence along U.S. Highway 66 to Springfield, and thence along U.S. Highway 65 to the Missouri-Arkansas State line, to points in Wyoming. The purpose of this filing is to eliminate the gateway of Kansas City, Wichita, or El Dorado, Kans.

No. MC–112822 (Sub-No. E46), filed May 16, 1974. Applicant: BRAY LINES INCORPORATED, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products* in containers, from points in Missouri south of U.S. Highway 36 and west of a line beginning at Macon, and extending along U.S. Highway 63 to Jefferson City, thence along U.S. Highway 54 to Camdenton, thence along Missouri Highway 5 to Lebanon, thence along U.S. Highway 66 to Springfield, and thence along U.S. Highway 65 to the Missouri-Arkansas State line, to points in Oregon and Washington. The purpose of this filing is to eliminate the gateway of Kansas City, Kans.

No. MC–112822 (Sub-No. E88), filed May 12, 1974. Applicant: BRAY LINES INCORPORATED, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in California to points in Kansas, Oklahoma, and Texas. The purpose of this filing is to eliminate the gateway of points in Colorado or New Mexico.

No. MC–112822 (Sub-No. E89), filed May 12, 1974. Applicant: BRAY LINES INCORPORATED, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative. Robert A. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in Louisiana to points in California. The purpose of this filing is to eliminate the gateway of points in Colorado.

No. MC–112822 (Sub-No. E90), filed May 12, 1974. Applicant: BRAY LINES INCORPORATED, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Particleboard*, from Lillie and Winnfield, La., to points in California, Nevada, and Utah. The purpose of this filing is to eliminate the gateway of Albuquerque, N. Mex.

No. MC–112822 (Sub-No. E91), filed May 12, 1974. Applicant: BRAY LINES INCORPORATED, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in Louisiana to points in Arizona. The purpose of this filing is to eliminate the gateway of points in New Mexico north of U.S. Highway 66.

No. MC–112822 (Sub-No. E92), filed May 12, 1974. Applicant: BRAY LINES, INC., P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from Eldon, Mo., to points in Colorado. The purpose of this filing is to eliminate the gateway of points in Colorado.

No. MC–112822 (Sub-No. E93), filed May 12, 1974. Applicant: BRAY LINES, INC., P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in Arkansas to points in California. The purpose of this filing is to eliminate the gateway of points in Colorado.

No. MC–112822 (Sub-No. E94), filed May 17, 1974. Applicant: BRAY LINES, INC., P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in containers, from Casper, Wyo., to points in that part of Texas east of U.S. Highway 281. The purpose of this filing is to eliminate the gateway of El Dorado, Kans.

No. MC–112822 (Sub-No. E112), filed May 17, 1974. Applicant: BRAY LINES INCORPORATED, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in containers, from points in that part of Kansas east of U.S. Highway 81 and south of a line beginning at McPherson, and extending along U.S. Highway 56 (formerly U.S. Highway 50N) to junction U.S. Highway 59, thence along U.S. Highway 59 to Lawrence, and thence along U.S. Highway 40 to the Kansas-Missouri State line, to points in California. The purpose of this filing is to eliminate the gateway of Enid, Okla.

No. MC–112822 (Sub-No. E113), filed May 17, 1974. Applicant: BRAY LINES INCORPORATED, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in containers, from points in that part of Oklahoma bounded by a line beginning at the Oklahoma-Kansas State line and extending along U.S. Highway 81 to El Reno, thence along U.S. Highway 66 to Oklahoma City, thence along U.S. Highway 77 to Pauls Valley, thence Oklahoma Highway 19 to Ada, thence along Oklahoma Highway 12 to Calvin, thence along U.S. Highway 270 to junction U.S. Highway 271, thence along U.S. Highway 271 to the Oklahoma-Arkansas State line, and thence along the Oklahoma-Arkansas, Oklahoma-Missouri, and Oklahoma-Kansas State line to points of beginning, to points in that part of Nebraska on and west of U.S. Highway 281, and points in Wyoming. The purpose of this filing is to eliminate the gateway of El Dorado, Kans., or Wichita, Kans.

No. MC–113267 (Sub-No. E3), filed May 10, 1974. Applicant CENTRAL AND SOUTHERN TRUCK LINES, INC., 3385 Airways Boulevard, Memphis, Tenn. 38116. Applicant's representative: Lawrence A. Fischer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles* distributed by meat packinghouses as described in Section A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 MCC 209 and 766 (except commodities in bulk, in tank vehicles), in vehicles equipped with mechanical refrigeration, from the plant site of Wilson and Co., Inc., at Monmouth, Ill. to that part of Texas east and south of the eastern and southern boundaries of Red River, Titus, Franklin, Wood, Van Zandt, Henderson, Freestone, Leon, Madison, Grimes, Waller, Fort Bend, and Brazoria Counties, Tex. The purpose of this filing is to eliminate the gateway of Shreveport, La.

No. MC–113267 (Sub-No. E4), filed May 10, 1974. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 3385 Airways Boulevard, Memphis, Tenn. 38116. Applicant's representative: Lawrence A. Fischer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Packinghouse products and dairy products*, from Chicago, Ill., to points in Arkansas (except Benton

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County). The purpose of this filing is to eliminate the gateway of Paducah, Ky.

No. MC–113267 (Sub-No. E5), filed May 13, 1974. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 3385 Airways Boulevard, Memphis, Tenn. 38116. Applicant's representative: Lawrence A. Fischer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Charleston, S.C., to points in Arkansas, Indiana, Michigan, Mississippi, Wisconsin, points in Ohio in and west of the counties of Lucas, Wood, Hancock, Hardin, Logan, Champaign, Clark, Greene, Clinton, and Clermont, points in Kentucky in and west of the counties of Bracken, Harrison, Scott, Fayette, Jessamine, Garrard, Lincoln, Pulaski, and Wayne, points in Alabama (except Montgomery and Mobile and points in Lee, Macon, Bullock, Pike, Russell, Barbour, Coffee, Dale, Henry, Houston, Geneva, and Covington Counties). The purpose of this filing is to eliminate the gateway of Atlanta, Ga.

No. MC–114019 (Sub-No. E89), filed May 9, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers and accessories*, therefore, and paper cartons used in the packing or shipping of glass containers, from South Connellsville, Pa., to points in Wisconsin on and west of U.S. Highway 53. The purpose of this filing is to eliminate the gateway of Charleston, W. Va.

No. MC–114019 (Sub-No. E90), filed May 10, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Nashville, Tenn. and Bowling Green, Ky., to points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont, restricted to shipments moving from, to or, between warehouses or other facilities of wholesale food business houses. The purpose of this filing to eliminate the gateways of Cincinnati, Ohio, and Pittsburgh, Pa.

No. MC–114019 (Sub-No. E92), filed May 12, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from points in New York and New Jersey within 40 miles of City Hall, New York, N.Y., to points in Arkansas, Kentucky, and points in Tennessee on and west of Tennessee Highway 69. The purpose of this filing is to eliminate the gateways of Jersey City, N.J., and Adams County, Pa., or Monroe, Orleans, or Wayne Counties, N.Y.

No. MC–114019 (Sub-No. E93), filed May 12, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods, and foods not frozen*, when transported in the same vehicle with frozen foods in vehicles equipped with mechanical refrigeration, from points in New York and New Jersey within 40 miles of City Hall, New York, N.Y., to points in Iowa, Nebraska, North Dakota, Michigan, South Dakota, and those in Kentucky on and west of Interstate Highway 75. The purpose of this filing is to eliminate the gateways of Jersey City, N.J., and Chicago, Ill., or Cleveland, Ohio.

No. MC–114019 (Sub-No. E94), filed May 12, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C., 209 and 766 (except hides and commodities in bulk), (1) from points in Ohio to points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont, and (2) from points in Ohio on and north of U.S. Highway 224 to points in Delaware, Maryland (except points on and west of U.S. Highway 15), Virginia (except points on and west of U.S. Highway 15), and the District of Columbia. The purpose of this filing is to eliminate the gateway of Pittsburgh, Pa.

No. MC–114019 (Sub-No. E118), filed May 3, 1974, Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, (1) from points in New York, Pennsylvania, and West Virginia, those in New Jersey, Connecticut, Delaware, and Maryland, which are within 30 miles of New York, N.Y., and Philadelphia, Pa., those in Ohio on and east of Interstate Highway 75, Baltimore and Sparrows Point, Md., and Detroit, Mich., to Bismark, N. Dak. (2) from points in New York, Pennsylvania, West Virginia, and Ohio, those in New Jersey, Connecticut, Delaware, and Maryland which are within 30 miles of New York, N.Y., and Philadelphia, Pa., Baltimore and Sparrows Point, Md., and Detroit, Mich., to Salt Lake City, Utah. (3) from points in New York, Pennsylvania, West Virginia, and Ohio, those in New Jersey, Connecticut, Delaware, and Maryland, which are within 30 miles of New York, N.Y., and Philadelphia, Pa., those in Indiana on and east of U.S. Highway 31, Baltimore and Sparrows Point, Md., Detroit and Grand Rapids, Mich., and Louisville, Ky., to points in Oregon and Washington. The authority described in (1), (2), and (3) above, restricted to the transportation of shipments moving from, to, or between warehouses, and other facilities of retail food business houses. The purpose of this filing is to eliminate the gateway of Cleveland, Ohio.

No. MC–114019 (Sub-No. E119), filed May 3, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats and meat products*, (1) from points in Illinois and Indiana to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Jersey (except those points in the New York, N.Y., and Philadelphia, Pa., commercial zones, as defined by the Commission), New Hampshire, Rhode Island, Vermont, West Virginia, and the District of Columbia; (2) from points in Illinois on and north of U.S. Highway 150 and those in Indiana on and north of Indiana Highway 32 to points in Kentucky on and east of U.S. Highway 25, and Virginia; (c) from points in New York, Pennsylvania, and those in New Jersey in the New York, N.Y., and Philadelphia, Pa., commercial zones as defined by the Commission, to points in Kentucky on and west of U.S. Highway 421 from the Indiana-Kentucky State line to its junction with U.S. Highway 25 thence along U.S. Highway 25 to the Kentucky-Tennessee State line. The purpose of this filing is to eliminate the gateway of Union City, Ohio.

No. MC–114019 (Sub-No. E120), filed May 3, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, (a) from points in New York on and east of Interstate Highway 81, those in Pennsylvania on and east of U.S. Highway 15, and those in New Jersey in the New York, N.Y., and Philadelphia, Pa., commercial zones as defined by the Commission, to points in Kentucky on and west of U.S. Highway 25; (b) from points in New York (except those in Monroe, Orleans, and Wayne Counties) and those in Pennsylvania on and east of U.S. Highway 219 from the New York-Pennsylvania State line to its junction with Interstate Highway 80, on and north of Interstate Highway 80 from its junction with U.S. Highway 219 to its junction with U.S. Highway 15 and on and east of U.S. Highway 15 from its junction with Interstate Highway 80, to the Pennsylvania-Maryland State line, and those in New Jersey in the New York, N.Y., and Philadelphia, Pa., commercial zones as defined by the Commission, to points in Arkansas and those in Tennessee west of U.S. Highway 45 and 45E. The purpose of this filing is to eliminate the gateways of points in Adams County, Pa., or Monroe, Orleans, or Wayne Counties, N.Y.

No. MC–114019 (Sub-No. E129), filed May 17, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629, Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, in vehicles equipped with mechanical refrigeration, from Lafayette, Ind., to points in North Dakota, South Dakota, points in Iowa on and north of U.S. Highway 20 from the Illinois-Iowa State line to junction Iowa Highway 13, thence Iowa Highway 13 to junction U.S. Highway 30, thence U.S. Highway 30 to the Iowa-Nebraska State line, those in Kansas on and west of U.S. Highway 83 from the Nebraska-Kansas State line to junction Kansas Highway 96, thence Kansas Highway 96 to the Kansas-Colorado State line, points in Nebraska on and north of Interstate Highway 80 from the Iowa-Nebraska State line to its junction with U.S. Highway 83, thence along U.S. Highway 83 to the Nebraska-Kansas State line. The purpose of this filing is to eliminate the gateway of Darien, Wis.

No. MC–114019 (Sub-No. E139), filed May 9, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Packinghouse products and by-products and packinghouse supplies* as dealt in by wholesale, retail, and food business houses, from points in the Lower Peninsula of Michigan to Kansas City and Wichita, Kans.; Kansas City, St. Joseph, South St. Joseph, and St. Louis, Mo.; Des Moines and Sioux City, Iowa; and Omaha and South Omaha, Nebr., restricted to shipments moving from, to, or between warehouses, and wholesale, retail, or chain outlets of food business houses. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC–114019 (Sub-No. E140), filed May 9, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise, as is dealt in by wholesale and retail grocery business houses*, from Nashville, Tenn., and Bowling Green, Ky., to points in Wisconsin, the Lower Peninsula of Michigan, Ohio (except Cincinnati), and points in Allegheny, Beaver, Butler, Erie, Fayette, Lawrence, Mercer, Venango, Washington, and Westmoreland Counties, Pa., and points in Illinois, on and north of U.S. Highway 24 to its junction with U.S. Highway 67, thence along U.S. Highway 67 from said junction to Beardstown, thence from Beardstown on Illinois Highway 125 to its junction with Illinois Highway 78, thence along Illinois Highway 78 to U.S. Highway 136, thence U.S. Highway 136 to U.S. Highway 150, thence U.S. Highway 150 to the Illinois-Indiana State line, restricted to shipments moving from, to, or between warehouses or other facilities of wholesale food business houses. The purpose of this filing is to eliminate the gateway of Jeffersonville, Ind.

No. MC–117119 (Sub-No. E64), filed May 15, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from points in Ohio to points in Oklahoma and Texas. The purpose of this filing is to eliminate the gateways of Springdale, Ark., and Westville, Okla.

No. MC–117119 (Sub-No. E65), filed May 15, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except dairy products and commodities in bulk) from East St. Louis, Ill., to points in Oregon, Nevada, and Washington (except Grandview and Kennewick). The purpose of this filing is to eliminate the gateway of Springdale, Ark.

No. MC–117119 (Sub-No. E66), filed May 15, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except dairy products and commodities in bulk) from Cleveland, Ohio to points in Oregon, Nevada, and Washington (except Grandview and Kennewick). The purpose of this filing is to eliminate the gateway of Springdale, Ark. (withhin the Fayetteville, Ark. Commercial Zone).

No. MC–117119 (Sub-No. E67), filed May 15, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except dairy products and commodities in bulk), from points in the Lower Peninsula of Michigan to Reno, Las Vegas, and Carson City, Nev. The purpose of this filing is to eliminate the gateway of Springdale, Ark., (within the Fayetteville, Ark. Commercial Zone).

No. MC–117119 (Sub-No. E68), filed May 15, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except dairy products and commodities in bulk) from East St. Louis, Ill., to points in Idaho and Utah. The purpose of this filing is to eliminate the gateway of Springdale, Ark.

No. MC–117119 (Sub-No. E47), filed May 24, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, in vehicles equipped with mechanical refrigeration, from Kansas City, Kansas to points in Pima, Pinal, Maricopa, and Yuma, Counties, Arizona, to Las Vegas, Nevada, and to points in San Francisco, Alameda, San Joaquin, Stanislaus, Santa Clara, San Mateo, Santa Cruz, Monterey, San Luis Obispo, Santa Barbara, Ventura, Los Angeles, Orange, San Diego, Imperial, Riverside, San Bernardino, Kern, Tulare, Kings, Fresno, San Benito, and Merced Counties, California. The purpose of this filing is to eliminate the gateways of Springfield, Mo., and Fort Smith, Ark.

No. MC–117119 (Sub-No. E48), filed May 15, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen potatoes and frozen potato products*, from Grand Forks, N. Dak., to points in Arizona and New Mexico, and to points in that part of California south of the northern boundaries of Santa Barbara, Kern, and San Bernardino Counties. The purpose of this filing is to eliminate the gateway of St. Joseph, Mo.

No. MC–117119 (Sub-No. E49), filed May 15, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned or preserved foodstuffs*, from points in Wisconsin on and east of a line beginning at the Illinois-Wisconsin State line and extending northward along Wisconsin Highway 104 to junction with U.S. Highway 14, thence along U.S. Highway 14 to Madison, thence along U.S. Highway 151 from Madison to junction with Wisconsin Highway 26, thence along Wisconsin Highway 26 to Oshkosh, thence along U.S. Highway 45 to junction U.S. Highway 41, thence along U.S. Highway 41 to Green Bay, Wis., to points in Utah and Oregon, restricted against the transportation of commodities in bulk, in tank

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vehicles. The purpose of this filing is to eliminate the gateway of California, Mo.

No. MC–117119 (Sub-No. E50), filed May 15, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned or preserved foodstuffs*, (a) from Fort Madison and Davenport, Iowa to points in Kansas on and south of Interstate Highway 70 and points in Idaho, Oregon, Utah and Washington; (b) from points in Iowa on, and east and south of a line beginning at the Iowa-Illinois State line along U.S. Highway 218 to junction Interstate Highway 80 at Iowa City, thence eastward along Interstate Highway 80 to the Illinois-Iowa State line to points in Idaho, Oregon, Utah, and Washington. The purpose of this filing is to eliminate the gateway of California, Mo.

No MC–117119 (Sub-No. E51), filed May 15, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods* from points in Wisconsin on and east of a line beginning at the Illinois-Wisconsin State line and extending northward along Wisconsin Highway 104 to junction with U.S. Highway 14, thence along U.S. Highway 14 to Madison, thence U.S. Highway 151 from Madison to junction with Wisconsin Highway 26, thence along Wisconsin Highway 26 to Oshkosh, thence U.S. Highway 45 to junction U.S. Highway 41, thence U.S. Highway 41 to Green Bay, Wis., Las Vegas, Nev., and to points in Arizona, New Mexico, and points in California on and south of Interstate Highway 80. The purpose of this filing is to eliminate the gateway of Siloam Springs, Ark.

No. MC–117119 (Sub-No. E52), filed May 15, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from points in Indiana to Reno, Carson City, and Las Vegas, Nev., and points in Arizona, California, and New Mexico. The purpose of this filing is to eliminate the gateway of Siloam Springs, Ark.

No. MC–117119 (Sub-No. E53), filed May 15, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Indiana to points in Oklahoma (except Ottawa and Delaware Counties) and Texas (except Bowie, Orange, and Jefferson Counties). The purpose of this filing is to eliminate the gateway of Fort Smith, Ark.

No. MC–117119 (Sub-No. E54), filed May 15, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, (a) from points in Iowa on and east of U.S. Highway 69 to points in Texas south of Interstate Highway 40; (b) from points in Iowa west of U.S. Highway 69 to New Orleans, Louisiana and points in Texas on and east of a line beginning at the Oklahoma-Texas State line and extending along Texas Highway 79 to Wichita Falls, thence along U.S. Highway 277 to the United States-Mexico International Boundary line. The purpose of this filing is to eliminate the gateway of Fort Smith, Ark.

No. MC–117119 (Sub-No. E55), filed May 15, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Indiana to points in Arizona, New Mexico, California (except Modoc, Lassen, and Plumas Counties), and to Reno, Carson City, and Las Vegas, Nev. The purpose of this filing is to eliminate the gateway of Fayetteville, Ark.

No. MC–117119 (Sub-No. E56), filed May 15, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from La Porte, Ind., to points in that part of Oregon on and west of Interstate Highway 5. The purpose of this filing is to eliminate the gateway of Fayetteville, Ark.

No. MC–117119 (Sub-No. E58), filed May 15, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned or preserved foodstuffs*, from points in Maryland east of the Chesapeake Bay and south of the Chesapeake and Delaware Canal to points in Kansas, Nebraska, Idaho, Montana, Oregon, Utah, Washington, and Wyoming. The purpose of this filing is to eliminate the gateways of Cincinnati, Ohio, and California, Mo.

No. MC–117119 (Sub-No. E59), filed May 15, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from points in Maryland east of the Chesapeake Bay and south of the Chesapeake and Delaware Canal to points in Arizona, California, Colorado, New Mexico, and Nevada. The purpose of this filing is to eliminate the gateways of Cincinnati, Ohio, and Siloam Springs, Ark.

No. MC–117119 (Sub-No. E60), filed May 15, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Maryland east of the Chesapeake Bay and south of the Chesapeake and Delaware Canal to points in Oklahoma and Texas (except points in Orange, Jefferson, Newton, Jaspar, Hardin, Liberty, Tyler, and Chambers Counties). The purpose of this filing is to eliminate the gateway of Cincinnati, Ohio, and Fort Smith, Ark.

No. MC–117119 (Sub-No. E62), filed May 15, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned or preserved food stuffs*, from points in Maryland east of the Chesapeake Bay and south of the Chesapeake and Delaware Canal to points in Missouri. The purpose of this filing is to eliminate the gateway of Cincinnati, Ohio.

No. MC–118831 (Sub-No. E10), filed May 4, 1974. Applicant: CENTRAL TRANSPORT, P.O. Box 5044, High Point, N.C. 27262. Applicant's representative: Richard E. Shaw (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except petrochemicals, fertilizer, and vegetable oils), in bulk, in tank vehicles, from points in the South Carolina counties of Calhoun, Chester, Chesterfield, Clarendon, Darlington, Dillon, Fairfield, Florence, Georgetown, Horry, Kershaw, Lancaster, Lee, Marion, Marlboro, Richland, Sumter, Williamsburg, and York to points in Alabama. The purpose of this filing is to eliminate the gateways of Lanett, Ala., and Charlotte, N.C.

No. MC–121318 (Sub-No. E5), filed May 14, 1974. Applicant: YOURGA TRUCKING, INC., P.O. Box 335, Wheatland, Pa. 16161. Applicant's representative: John H. Yourga (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products, and such raw materials, supplies, and equipment*, as are used in the manufacture of iron and steel articles, between those points in that part of Allegheny, Fayette, and Westmoreland Counties, Pa., west of Pennsylvania Highway 711, on the one hand, and, on the other, points in that part of Ohio on and north of a line beginning at the Pennsylvania-Ohio State line, thence

along Interstate Highway 76 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction Interstate Highway 271, thence along Interstate Highway 271 to junction Interstate Highway 71, thence along Interstate Highway 71 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 42, thence along U.S. Highway 42 to junction U.S. Highway 36, thence along U.S. Highway 36 to the Ohio-Indiana State line. The purpose of this filing is to eliminate the gateway of Sharon, Pa.

No. MC–121318 (Sub-No. E6), filed May 14, 1974. Applicant: YOURGA TRUCKING, INC., P.O. Box 335, Wheatland, Pa. 16161. Applicant's representative: John H. Yourga (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products, and such raw materials, supplies, and equipment*, as are used in the manufacture of iron and steel products, between points in Clearfield, Centre, Clinton, Mifflin, Snyder, Juanita, and Perry Counties, Pa., that part of Lycoming County, Pa., west of U.S. Highway 15, that part of Union County, Pa., west of U.S. Highway 15 and south of Interstate Highway 80, and that part of Northumberland County, Pa., south of Interstate Highway 80, on the one hand, and, on the other, points in that part of Ohio, on, west, and north of a line beginning at the Pennsylvania-Ohio State line, thence along U.S. Highway 30 to junction Ohio Highway 39, thence along Ohio Highway 39 to junction Interstate Highway 77, thence along Interstate Highway 77 to the Ohio-West Virginia State line. The purpose of this filing is to eliminate the gateway of Sharon, Pa.

No. MC–121318 (Sub-No. E7), filed May 14, 1974. Applicant: YOURGA TRUCKING, INC., P.O. Box 335, Wheatland, Pa. 16161. Applicant's representative: John H. Yourga (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products, and such raw materials, supplies, and equipment*, as are used in the manufacture of iron and steel products, between points in Venango, Clarion, Elk, Forest, Warren, McKean, Cameron, and Potter Counties, Pa., and that part of Tioga County, Pa., west of U.S. Highway 15, on the one hand, and, on the other, points in Ohio (except points in Ashtabula, Lake, and Geauga Counties.) The purpose of this filing is to eliminate the gateway of Sharon, Pa.

No. MC–121318 (Sub-No. E8), filed May 14, 1974. Applicant: YOURGA TRUCKING, INC., P.O. Box 335, Wheatland, Pa. 16161. Applicant's representative: John H. Yourga (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products, and such raw materials, supplies, and equipment*, as are used in the manufacture of iron and steel products, between points in that part of West Virginia, on the one hand, and, on the other, points in that part of Pennsylvania on and north of Interstate Highway 80. The purpose of this filing is to eliminate the gateway of Sharon, Pa.

No. MC–121318 (Sub-No. E9), filed May 14, 1974. Applicant: YOURGA TRUCKING, INC., P.O. Box 335, Wheatland, Pa. 16161. Applicant's representative: John H. Yourga (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* as described in Groups I, II, and III of Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from points in that part of Pennsylvania on, north, and west of a line beginning at the Pennsylvania-Ohio State line, thence along U.S. Highway 422 to junction Interstate Highway 79, thence along Interstate Highway 79 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction Pennsylvania Highway 8, thence along Pennsylvania Highway 8 to junction Pennsylvania Highway 89, thence along Pennsylvania Highway 89 to junction Interstate Highway 90, thence along Interstate Highway 90 to the Pennsylvania-New York State line, to points in Delaware. The purpose of this filing is to eliminate the gateway of Greenville, Pa.

No. MC–121318 (Sub-No. E10), filed May 14, 1974. Applicant YOURGA TRUCKING, INC., P.O. Box 335, Wheatland, Pa. 16161. Applicant's representative: John H. Yourga (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles, and such raw materials, supplies, and equipment*, as are used in the manufacture of iron and steel articles, between points in Jefferson County, Pa., on the one hand, and, on the other, points in that part of Ohio on, north and west of a line beginning at the Pennsylvania-Ohio State line, thence along Ohio Highway 14 to junction Ohio Highway 14A, thence along Ohio Highway 14A to junction U.S. Highway 62, thence along U.S. Highway 62 to junction Interstate Highway 77, thence along Interstate Highway 77 to the Ohio-West Virginia State line. The purpose of this filing is to eliminate the gateway of Sharon, Pa.

No. MC–121318 (Sub-No. E12), filed May 14, 1974. Applicant YOURGA TRUCKING, INC., P.O. Box 335, Wheatland, Pa. 16161. Applicant's representative: John H. Yourga (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products, and such raw materials, supplies, and equipment*, as are used in the manufacture of iron and steel products, between points in Erie County, Pa., on the one hand, and, on the other, points in Ohio (except points in Ashtabula, Geauga, Lake, Cuyahoga, Lorain, Huron, and Erie Counties, and that port of Ottawa County east of Ohio Highway 19). The purpose of this filing is to eliminate the gateway of Sharon, Pa.

No. MC–121318 (Sub-No. E14), filed May 14, 1974, Applicant: YOURGA TRUCKING, INC., P.O. Box 335, Wheatland, Pa. 16161. Applicant's representative: John H. Yourga (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products, and such raw materials, supplies, and equipment*, as are used in the manufacture of iron and steel products, between points in Chautauqua, Cattaraugus, and Allegheny Counties, N.Y., and that part of Steuben County, N.Y., west of U.S. Highway 15, on the one hand, and, on the other, points in Lawrence, Beaver, Allegheny, Washington, and Greene Counties, Pa. The purpose of this filing is to eliminate the gateway of Sharon, Pa.

No. MC–121318 (Sub-No. E15), filed May 14, 1974, Applicant: YOURGA TRUCKING, INC., P.O. Box 335, Wheatland, Pa. 16161. Applicant's representative: John H. Yourga (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products, and such raw materials, supplies, and equipment*, as are used in the manufacture of iron and steel products, between points in Niagara, Erie, Orleans, Genessee, and Wyoming Counties, N.Y., and that part of Monroe and Livingston Counties, N.Y., west of U.S. Highway 15, on the one hand, and, on the other, points in Mercer, Lawrence, Butler, Beaver, Allegheny, Westmoreland, Washington, Greene, and Fayette Counties, Pa., and that part of Somerset County, Pa., on and west of U.S. Highway 219. The purpose of this filing is to eliminate the gateway of Sharon, Pa.

No. MC–121318 (Sub-No. E16), filed May 14, 1974, Applicant: YOURGA TRUCKING, INC., P.O. Box 335, Wheatland, Pa. 16161. Applicant's representative: John H. Yourga (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products, and such raw materials, supplies, and equipment*, as are used in the manufacture of iron and steel products, between points in Somerset, Bedford, Fulton, and Franklin Counties, Pa., that part of Westmoreland County, Pa., east of Pennsylvania Highway 711, and that part of Cambria County, Pa., south of U.S. Highway 22, on the one hand, and, on the other, points in that part of Ohio on, north, and west of a line beginning at the Pennsylvania-Ohio State line, thence along Ohio Highway 14 to junction Ohio Highway 14A, thence along Ohio Highway 14A to junction U.S. Highway 62, thence along U.S. Highway 62 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Ohio Highway 4, thence along Ohio Highway 4 to the Ohio-Kentucky State line. The purpose of this filing is to eliminate the gateway of Sharon, Pa.

No. MC–121318 (Sub-No. E17), filed May 14, 1974, Applicant: YOURGA TRUCKING, INC., P.O. Box 335, Wheatland, Pa. 16161. Applicant's representa-

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tive: John H. Yourga (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products, and such raw materials, supplies, and equipment*, as are used in the manufacture of iron and steel products, between points in Adams, Cumberland, Dauphin, Lebannon, York, Lancaster, Berks, Montgomery, Chester, Delaware, and Philadelphia Counties, Pa., and that part of Bucks County, Pa., south of U.S. Highway 202, on the one hand, and, on the other, points in that part of Ohio on, north, and west of a line beginning at the Pennsylvania-Ohio State line, thence along Ohio Highway 14 to junction Ohio Highway 14A, thence along Ohio Highway 14A to junction U.S. Highway 62, thence along U.S. Highway 62 to junction Ohio Highway 83, thence along Ohio Highway 83 to junction Ohio Highway 16, thence along Ohio Highway 16 to junction U.S. Highway 62, thence along U.S. Highway 62 to the Ohio-Kentucky State line. The purpose of this filing is to eliminate the gateway of Sharon, Pa.

No. MC–121318 (Sub-No. E18), filed May 14, 1974. Applicant: YOURGA TRUCKING, INC., P.O. Box 335, Wheatland, Pa. 16161. Applicant's representative: John H. Yourga (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products, and such raw materials, supplies, and equipment*, as are used in the manufacture of iron and steel articles, between points in Butler County, Pa., on the one hand, and, on the other, points in that part of Ohio on, north, and west of a line beginning at the Pennsylvania-Ohio State line, thence over Interstate Highway 76 to junction Interstate Highway 80, thence over Interstate Highway 80 to junction Interstate Highway 271, thence over Interstate Highway 271 to junction Interstate Highway 71, thence over Interstate Highway 71 to junction U.S. Highway 250, thence over U.S. Highway 250 to junction Ohio Highway 96, thence over Ohio Highway 96 to junction Ohio Highway 61, thence over Ohio Highway 61 to junction Interstate Highway 71, thence over Interstate Highway 71 to junction U.S. Highway 62, thence over U.S. Highway 62 to the Ohio-Kentucky State line. The purpose of this filing is to eliminate the gateway of Sharon, Pa.

No. MC–123048 (Sub-No. E33), filed May 15, 1974. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., P.O. Box A, Racine, Wis. 53401. Applicant's representative: Paul L. Martinson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm tractors*, from West Allis, Wis., to points in Kansas and Ohio, restricted to the transportation of traffic originating at the plant site of Allis-Chalmers Manufacturing Company, Farm Equipment Division, West Allis, Wis. The purpose of this filing is to eliminate the gateway of Racine, Wis.

No. MC–123048 (Sub-No. E34), filed May 15, 1974. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., P.O. Box A, Racine, Wis. 53401. Applicant's representative: Paul L. Martinson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* (except truck tractors, truck tractor attachments, and commodities which by reason of size or weight require the use of special equipment), from West Allis, Wis., to the port of entry on the United States-Canada International Boundary line at Detroit, Mich., restricted to the transportation of traffic originating at the plant site of Allis-Chalmers Manufacturing Company, Farm Equipment Division, West Allis, Wis. The purpose of this filing is to eliminate the gateway of Racine, Wis.

No. MC 123048 (Sub-No. E53), filed May 15, 1974. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., P.O. Box A, Racine, Wis. 53401. Applicant's representative: Paul L. Martinson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Harrows and attachments thereof*, from Sac City, Iowa, to points in Connecticut, Delaware, Maine, Massachusetts, Maryland, New Hampshire, New York, New Jersey, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the Upper Peninsula of Michigan. The purpose of this filing is to eliminate the gateway of West Bend, Wis.

No. MC 123048 (Sub-No. E54), filed May 15, 1974. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., P.O. Box A, Racine, Wis. 53401. Applicant's representative: Paul L. Martinson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm wagon bodies and portable grain elevators*, from Omaha, Nebr., to points in Connecticut, Delaware, Maine, Massachusetts, Maryland, New Hampshire, New York, New Jersey, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the Upper Peninsula of Michigan. The purpose of this filing is to eliminate the gateway of West Bend, Ind.

No. MC 123048 (Sub-No. E55), filed May 15, 1974. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., P.O. Box A, Racine, Wis. 53401. Applicant's representative: Paul L. Martinson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rotary mowers and rotary clippers, not hand*, from Olathe, Kans., to points in Connecticut, Maine, Massachusetts, New Hampshire, New York, Rhode Island, Vermont, and the Upper Peninsula of Michigan. The purpose of this filing is to eliminate the gateway of West Bend, Wis.

No. MC 123048 (Sub-No. E56), filed May 15, 1974. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., P.O. Box A, Racine, Wis. 53401. Applicant's representative: Paul L. Martinson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Material, equipment, and supplies used in the manufacture and distribution of agricultural implements and farm machinery* (except commodities in bulk), from points in Maryland, Michigan, New Hampshire, Rhode Island, Vermont, West Virginia, Wisconsin, and points in Indiana on and north of U.S. Highway 30, to Gering, Nebr., restricted against the transportation of commodities requiring special equipment by reason of size or weight. The purpose of this filing is to eliminate the gateway of Glencoe, Minn.

No. MC–123594 (Sub-No. E1), filed May 9, 1974. Applicant: BONANZA TRUCKING COMPANY, 4250 Oneider Street, Rm. 133, Denver, Colo. 80216. Applicant's representative: Wm. S. Richards, P.O. Box 2465, Salt Lake City, Utah 84110. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods, as defined by the Commission, commodities injurious or contaminating to other lading, commodities as defined by the Commission in Mercer Extension-Oil Field Commodities 74 MCC 459 and commodities requiring the use of tank trucks) between Denver, Colo., and points within 10 miles of Denver, on the one hand, and, on the other, Evanston and Cokeville, Wyo., and points in Uintah and Duchesne Counties, Utah. The purpose of this filing is to eliminate the gateway of Craig, Colo.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74–13832 Filed 6–17–74;8:45 am]

[Notice No. 531]

ASSIGNMENT OF HEARINGS

JUNE 13, 1974.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after June 18, 1974.

MC–F–12060, Anderson Motor Service, Inc.—Purchase—Toedebusch Transfer, Inc., now assigned June 24, 1974, at St. Louis, Mo., will be held in the Downtowner Motor Inn, 12th and Washington St., instead of at the Moot Courtroom, St. Louis University Law School, 3642 Lindell Blvd.

MC–F–11942, United Trucking Service, Inc.—Control—Harper Truck Service, Inc., now assigned June 19, 1974, at St. Louis, Mo., will be held in the Downtowner Motor Inn, 12th and Washington St., instead of the Moot Courtroom, St. Louis University Law School, 3642 Lindell Blvd.

MC–83539 Sub 379, C. H. Transportation Co., Inc., now assigned July 15, 1974, at San Francisco, Calif., is cancelled and the application is dismissed.

MC–C–8228, Harrison-Shields Transportation Lines, Inc. Investigation and Revocation of Certificates, now assigned June 17, 1974, at Columbus, Ohio, is postponed indefinitely.

MC 128521 Sub-2, Birmingham-Nashville Express, Inc., is continued to July 15, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC–106644, Superior Trucking Company, Inc., application is dismissed.

I&S No. 8944, Fresh Fruits & Vegetables, Transcontinental & Western Points and FSA No. 42803, Fruit and Vegetables From And To Colorado And Utah Points, now being assigned July 30, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

I&S No. M–27723, Capacity Load Minimum Charges, From, To And Within The South, now being assigned August 6, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

No. 36002, Increased Rates And Fares, New London Freight Lines, Inc., now being assigned August 28, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

I&S No. 8942, Soy Beans For Export, Midwest To Gulf Ports And Chicago, now being assigned September 10, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 139476, Twin Rivers Transport, Inc., application dismissed.

MC–51146 Sub 320, Schneider Transport, Inc., is continued to August 7, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 136384 Sub-2, Palmer Motor Express, Inc., now assigned July 15, 1974, at Charleston, S.C., will be held on the 3rd Floor, County Courthouse, Corner of Meeting & Broad Street.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74–13981 Filed 6–17–74;8:45 am]

[No. AB–7 (Sub-No. 14)]

CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD CO.

Abandonment of Service

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available for public inspection upon request; and

It appearing, that no environmental impact statement need be issued in this proceeding, because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. §§ 4321, et seq.; and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in newspapers of general circulation in King and Snohomish Counties, Washington, within 15 days of the date of service of this order, and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by forwarding a copy to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

Dated at Washington, D.C., this 3rd day of June 1974.

By the Commission, Commissioner Tuggle.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[No. AB–7 (Sub-No. 14)]

CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD COMPANY ABANDONMENT BETWEEN SNOQUALMIE FALLS AND MONROE, IN KING AND SNOHOMISH COUNTIES, WASHINGTON

The Interstate Commerce Commission hereby gives notice that by order dated June 3, 1974, it has been determined that the proposed abandonment of the branch line of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company between Snoqualmie Falls and Monroe, Wash., a total distance of approximately 31 miles, and the proposed abandonment by the same railroad company of its operations only over trackage of Burlington Northern Inc., between Monroe and Snohomish, Wash., a distance of approximately 7.2 miles, if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. §§ 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that the environmental impacts are not considered significant because there are no identifiable development plans in the area which are predicated upon the availability of direct railroad service. The volume of traffic over this line has been minimal, and alternate transportation is available over the existing highway system in the area. Also, alternate rail transportation is available at both end points of the line. In addition, abandonment will aid in the planned recreational usage of this area, and thus is consistent with local land use policies.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available for public inspection upon request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202–343–6989.

Interested parties may comment on this matter by the submission of representations to the Interstate Commerce Commission, Washington, D.C. 20423, on or before July 3, 1974.

[FR Doc.74–13978 Filed 6–17–74;8:45 am]

[Notice No. 3]

TEMPORARY AUTHORITY TERMINATION

The temporary authorities granted in the dockets listed below have expired as a result of final action either granting or denying the issuance of a Certificate or Permit in a corresponding application for permanent authority, on the date indicated below:

Temporary authority application	Final action or certificate or permit	Date of action
No. MC–17227 (Sub-No. 11)	No. MC–17227 (Sub-No. 12)	Aug. 10, 1973
No. MC–21455 (Sub-No. 26)	No. MC–21455 (Sub-No. 27)	Aug. 31, 1973
No. MC–22195 (Sub-No. 145)	No. MC–22195 (Sub-No. 146)	Aug. 10, 1973
No. MC–30844 (Sub-No. 421)	No. MC–30844 (Sub-No. 423)	Apr. 1, 1974
No. MC–41406 (Sub-No. 31)	No. MC–41406 (Sub-No. 32)	Mar. 18, 1974
No. MC–41406 (Sub-No. 33)	No. MC–41406 (Sub-No. 32)	Do.
No. MC–41406 (Sub-No. 35)	No. MC–41406 (Sub-No. 32)	Do.
No. MC–44639 (Sub-No. 52)	No. MC–44639 (Sub-No. 50)	Aug. 21, 1973
No. MC–46737 (Sub-No. 47)	No. MC–46737 (Sub-No. 48)	Aug. 22, 1973
No. MC–52704 (Sub-No. 96)	No. MC–52704 (Sub-No. 98)	Apr. 8, 1974
No. MC–59640 (Sub-No. 30)	No. MC–59640 (Sub-No. 31)	Aug. 16, 1973
No. MC–61825 (Sub-No. 50)	No. MC–61825 (Sub-No. 47)	Aug. 13, 1973
No. MC–65697 (Sub-No. 48)	No. MC–65697 (Sub-No. 49)	Mar. 25, 1974
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No. MC–69281 (Sub-No. 41)	No. MC–69281 (Sub-No. 42)	Aug. 8, 1973
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[SEAL] ROBERT L. OSWALD, *Secretary.*

Doc.74–13980 Filed 6–17–74;8:45 am]

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WASHINGTON, D.C.

Volume 39 ■ Number 119

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NOTE: There were no items published after October 1, 1972, that are eligible for inclusion in the list of RULES GOING INTO EFFECT TODAY.

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H.R. 1817..... Pub. Law 93–309
J. Edgar Hoover, commemorative medals
(June 8, 1974; 88 Stat. 234).

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(June 8, 1974; 88 Stat. 237).

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(June 8, 1974; 88 Stat. 233).

H.R. 12925..... Pub. Law 93–308
Commerce Department maritime programs, appropriation authorization
(June 8, 1974; 88 Stat. 234).

H.R. 14013..... Pub. Law 93–305
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(June 8, 1974; 88 Stat. 195).

S. 1752..... Pub. Law 93–311
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(June 8, 1974; 88 Stat. 236).

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S. 3373..... Pub. Law 93–314
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(June 8, 1974; 88 Stat. 239).

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rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of Justice

Correction

In FR Doc. 74-13114 appearing at page 20185 in the issue of Friday, June 7, 1974, the amended paragraph in § 213.3310 reading "(a) *Law Enforcement Assistance Administration.* * * *" should read "(s) *Law Enforcement Assistance Administration.* * * *"

Title 7—Agriculture

CHAPTER III—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

PART 301—DOMESTIC QUARANTINE NOTICES

Japanese Beetle

This document amends the list of Japanese beetle regulated articles by adding houseplants grown in the home and not for sale to the items listed as exceptions to the regulations concerning plants with roots. Houseplants grown in the home and not for sale are being deleted from the list of regulated articles because empirical data in the Department indicates that the movement of the excepted articles would present only a minimal, if any, risk of spread of the Japanese beetle. The quarantine is further amended by adding "compacted soil" to the list of definitions. This is being done to provide a definition of "compacted soil" for enforcement purposes under the Japanese Beetle Quarantine supplemental regulations listing exempted articles (7 CFR 301.48–2b) which exempts used mechanized soil-moving equipment, if cleaned of all loose, noncompacted soil. Also, footnote 4, of § 301.48–3, is amended to note that the list of approved laboratories is published in the FEDERAL REGISTER.

Pursuant to sections 8 and 9 of the Plant Quarantine Act, of August 20, 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee), Notice of Quarantine No. 48 relating to the Japanese beetle and regulations supplemental to said quarantine (7 CFR 301.48, 301.48–1, et. seq.), are hereby amended as set forth below:

1. Paragraph (b) of § 301.48 is amended to read as follows:

§ 301.48 Quarantine: restriction on interstate movement of specified regulated articles.

* * * * *

(b) *Quarantine restrictions on interstate movement of specified regulated articles.* No common carrier or other person shall move interstate from any quarantined State any of the following articles (defined in § 301.48–1(p) as regulated articles), except in accordance with the conditions prescribed in this subpart:

(1) When moved from any generally infested area, or any area outside the regulated areas, in a quarantined State:

(i) Soil, compost, decomposed manure, humus, muck, and peat, separately or with other things;

(ii) Plants with roots, except houseplants grown in the home and not for sale, soil-free aquatic plants, moss, and Lycopodium (clubmoss or ground pine or running pine);

(iii) Grass sod;

(iv) Plant crowns and roots for propagation;

(v) True bulbs, corms, rhizomes, and tubers of ornamental plants, when freshly harvested or uncured;

(vi) Unused mechanized soil-moving equipment;

(vii) Any other products, articles, or means of conveyance of any character whatsoever, not covered by paragraphs (b) (1) through (vi) of this section, when it is determined by an inspector that they present a hazard of spread of the Japanese beetle, and the person in possession thereof has been so notified.

(2) When moved from any suppressive area in a quarantined State:

(i) Bulk soil;

(ii) Used mechanized soil-moving equipment;

(iii) Any other products, articles, or means of conveyance of any character whatsoever, not covered by subdivisions (i) and (ii) of this subparagraph, when it is determined by an inspector that they present a hazard of spread of the Japanese beetle, and the person in possession thereof has been so notified.

2. In § 301.48–1, paragraph (b) is changed to (c) and the remaining paragraphs of this section are relettered in alphabetical sequence, and the definition for "compacted soil" is added in alphabetical order as paragraph (b) to read as follows:

§ 301.48–1 Definition.

* * * * *

(b) *Compacted soil.* Soil attached to equipment which cannot be removed by brisk brushing or washing with water, or both under normal water pressure.

* * * * *

§ 301.48–3 [Amended]

3. In § 301.48–3 footnote 4 is amended to read as follows:

[4] For list of approved laboratories, see 39 FR 8362, 9683 and amendments thereof.

(Secs. 8 and 9, 37 Stat. 318, as amended, sec. 106, 71 Stat. 33; (7 U.S.C. 161, 162, 150ee); 37 FR 28464, 28477; 38 FR 19140)

To the extent that these amendments relieve certain restrictions heretofore imposed, they should be made effective promptly in order to be of maximum benefit to the persons subject to the restrictions that are being relieved. To the extent that these amendments impose restrictions they are necessary in order to prevent the spread of the Japanese beetle and should be made effective promptly to accomplish their purpose in the public interest. Also, it does not appear that additional information would be made available to the Department by public participation in rulemaking proceedings on the amendment. Accordingly, it is found, under the administrative procedure provisions of 5 U.S.C. 553, that notice of rulemaking and other public procedure with respect to these amendments are impracticable and unnecessary, and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

Effective date. These amendments shall become effective on June 19, 1974.

Done at Washington, D.C., this 14th day of June 1974.

LEO G. K. IVERSON,
Deputy Administrator, Plant Protection and Quarantine Programs.

[FR Doc.74-14078 Filed 6-18-74;8:45 am]

PART 301—DOMESTIC QUARANTINE NOTICES

Imported Fire Ant

This document amends the list of imported fire ant regulated articles in the quarantine notice by adding houseplants grown in the home and not for sale to the items listed as exceptions to the regulations concerning plants with roots with soil attached. Houseplants grown in the home and not for sale do not need to be regulated because they do not present a hazard of spread of the imported fire ant. The regulations are amended by adding "compacted soil" to the list of definitions. This is being done to provide a definition of "compacted soil" for enforcement purposes under the Imported Fire Ant Quarantine supplemental regulation listing exempted articles (7 CFR 301.81–2b), which exempts used mechanized soil-moving equipment, if cleaned of all loose, noncompacted soil. Also, footnote 4 of § 301.81–3 is amended to note that the list of approved labora-

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tories is published in the FEDERAL REGISTER.

Pursuant to sections 8 and 9 of the Plant Quarantine Act of August 20, 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee), Notice of Quarantine No. 81 relating to the imported fire ant and regulations supplemental to said quarantine (7 CFR 301.81, 301.81–1, et seq.), are hereby amended as set forth below:

1. Paragraph (b) of § 301.81 is amended to read as follows:

§ 301.81 Quarantine: restriction on interstate movement of specified regulated articles.

* * * * *

(b) *Quarantine restrictions on interstate movement of specified regulated articles.* No common carrier or other person shall move interstate from any quarantined State any of the following articles (defined in § 301.81–1(p) as regulated articles), except in accordance with the conditions prescribed in this subpart:

(1) Soil, separately or with other things;

(2) Plants with roots with soil attached, except houseplants grown in the home and not for sale;

(3) Grass sod;

(4) Hay and straw;

(5) Used mechanized soil-moving equipment;

(6) Any other products, articles, or means of conveyance of any character whatsoever not covered by paragraphs (b) (1) through (5) of this section when it is determined by an inspector that they present a hazard of spread of the imported fire ant, and the person in possession thereof has been so notified.

2. In § 301.81–1, paragraph (b) is changed to (c) and the remaining paragraphs of this section are relettered in alphabetical sequence, and the definition for "compacted soil" is added in alphabetical order as paragraph (b) to read as follows:

§ 301.81–1 Definitions.

* * * * *

(b) *Compacted soil.* Soil attached to equipment which cannot be removed by brisk brushing or washing with water, or both, under normal city water pressure.

* * * * *

§ 301.81–3 [Amended]

3. In § 301.81–3 relating to footnote 4, the footnote is changed to read as follows:

[4] For list of approved laboratories, see 39 FR 8362, 9683, and amendments thereof.

(Secs. 8 and 9, 37 Stat. 318, as amended, sec. 106, 71 Stat. 33 (7 U.S.C. 161, 162, 150ee); 37 FR 28464, 28477; 38 FR 19140)

To the extent that these amendments relieve certain restrictions heretofore imposed, they should be made effective promptly in order to be of maximum benefit to the persons subject to the restrictions that are being relieved. To the extent that these amendments impose restrictions, they are necessary in order to prevent the spread of the imported fire ant and should be made effective promptly to accomplish their purpose in the public interest. Also, it does not appear that additional information would be made available to the Department by public participation in rulemaking proceedings on the amendment. Accordingly, it is found, under the administrative procedure provisions of 5 U.S.C. 553, that notice of rulemaking and other public procedure with respect to these amendments are impracticable and unnecessary, and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

Effective date. These amendments shall become effective June 19, 1974.

Done at Washington, D.C., this 14th day of June 1974.

LEO K. IVERSON,
Deputy Administrator, Plant Protection and Quarantine Programs.

[FR Doc.74–14709 Filed 6–18–74;8:45 am]

CHAPTER IV—FEDERAL CROP INSURANCE CORPORATION, DEPARTMENT OF AGRICULTURE

[Amendment No. 53]

PART 401—FEDERAL CROP INSURANCE

Corn Endorsement (Grain and Silage)

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, the above-identified regulations are amended effective beginning with the 1975 crop year in the following respects:

1. Subsection 4(e) of the corn endorsement (grain and silage) shown in § 401.142 of this chapter is amended effective beginning with the 1975 crop year by changing the first sentence of the second paragraph thereof to read as set forth below and deleting the third paragraph therein.

§ 401.142 [Amended]

* * * * * * *

(e) * * * The provisions of this paragraph shall be applicable only to corn crop insurance contracts in Minnesota and Wisconsin, except that it shall not apply to any contract of insurance for which a production guarantee in tons of silage per acre is applicable.

* * * * * * *

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended (7 U.S.C. 1506, 1516))

Item 1 of the foregoing amendment deletes references to specific counties in the Corn Endorsement (grain and silage). This will permit the Corporation to offer corn insureds in some Minnesota counties an option of electing one of two already established contracts, whereas at the present time they would have but one choice. Item 2 of the proposed amendment, by deleting one of the two formulas for the downward adjustment of the production of any corn to be counted, will provide insureds in the 13 Minnesota counties, where the deleted formula is currently applicable, with a much more liberal formula for adjusting production. By providing the same formula for all insureds in Minnesota, the farmers in the 13 Minnesota counties will now be treated more equitable.

Under the circumstances, the Board of Directors found that it would be unnecessary to follow the procedure for notice and public participation prescribed by 5 U.S.C. 553 (b) and (c), as directed by the Secretary of Agriculture in a Statement of Policy, executed July 20, 1971 (36 FR 13804), prior to its adoption. Accordingly, said amendment was adopted by the Board of Directors on June 6, 1974.

[SEAL] LLOYD E. JONES,
Secretary,
Federal Crop Insurance Corporation.

Approved on June 12, 1974.

EARL L. BUTZ,
Secretary.

[FR Doc.74–14017 Filed 6–18–74;8:45 am]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Peach Regulation 4; Amendment 1]

PART 917—FRESH PEARS, PLUMS, AND PEACHES GROWN IN CALIFORNIA

Regulation by Grades and Sizes

This amended regulation, issued pursuant to the Marketing Agreement and Order 917 (7 CFR 917), continues the currently effective peach grade and size regulation to include all peach shipments during the 1974 season. Unless amended, such regulation would end on July 2, 1974. The regulation prescribes appropriate minimum sizes, by variety, and a minimum grade of U.S. No. 1 for all California peaches entering interstate commerce. Such regulation is designed to provide markets with an ample supply of desirable size and quality peaches consistent with the available supply in the interest of consumers and producers. The said marketing agreement and order are effective pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

Notice was published in the FEDERAL REGISTER issue of May 30, 1974 (39 FR 18796), that the Department was giving consideration to a proposal to amend § 917.433 (Peach Regulation 4; 39 FR 17756) effective pursuant to the marketing agreement, as amended, and Order No. 917, as amended (7 CFR 917), regulating the handling of fresh pears, plums, and peaches grown in California to: (1) Continue the effective period of regulation to include all peach shipments for the 1974 season; and (2) continue to October 31, 1974, the minimum size provisions (80) for varieties not otherwise specified in the regulations. This notice allowed interested persons until June 12, 1974, to submit data, views, or arguments for consideration relative to such proposed extension. None were received.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the recommendations and information submitted by the Peach Commodity Committee, established under the said amended marketing agreement and order, and other available information, it is hereby found that the limitation of handling of such peaches, as hereinafter provided, will tend to effectuate the declared policy of the act.

It is hereby further found that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of such peaches are currently in progress and this amendment should be applicable to all peach shipments occurring during the effective periods specified herein in order to effectuate the declared policy of the act; (2) the amendment is the same as that specified in the notice; and (3) compliance with this amended regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

Order. Section 917.433 (Peach Regulation 4; 39 FR 17756) is amended by revising paragraph (a) preceding subparagraph (1); and paragraph (c) preceding subparagraph (1) to read as follows:

§ 917.433 Peach Regulation 4.

(a) During the period May 18, 1974, through May 31, 1975, no handler shall handle:

* * * * * *

(c) During the period July 1, 1974, through October 31, 1974, no handler shall handle any package or container of any variety of peaches not specifically named in subparagraphs (2), (3), (4), (5), or (6) of paragraph (a) unless.

* * * * * *

Dated: June 14, 1974.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.74–14063 Filed 6–18–74;8:45 am]

[Cherry Reg. 13]

PART 923—SWEET CHERRIES GROWN IN DESIGNATED COUNTIES IN WASHINGTON

Limitation of Shipments

On May 21, 1974, notice of proposed rulemaking was published in the FEDERAL REGISTER (39 FR 17851) regarding a proposed regulation to be made effective pursuant to the marketing agreement, and Order No. 923 (7 CFR Part 923), regulating the handling of sweet cherries grown in designated counties in Washington. The proposed regulation was recommended by the Washington Cherry Marketing Committee established pursuant to said marketing agreement and order. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The notice allowed interested persons to submit, through June 10, 1974, written data, views, or arguments pertaining to the proposed regulation. None were submitted.

This regulation is the same as the current Cherry Regulation 12 (§ 923.312; 38 FR 17182) expiring on June 30, 1974. It reflects the Department's appraisal of the need for continued regulation and of the crop and current and prospective market conditions. Seasonal shipments of sweet cherries from the production area are currently in progress and the continuation of grade and size requirements as hereinafter provided is designed to prevent the handling, on and after July 1, 1974, of any cherries of a lower grade or a smaller applicable size than hereinafter specified, so as to provide consumers with good quality fruit, consistent with the overall quality of the crop, while improving returns to the producers pursuant to the declared policy of the act. The requirements hereinafter specified that pertain to containers and the packaging of cherries in faced packs and any packs of 20 pounds, net weight, or larger, are designed to prevent deceptive packaging practices, promote buyer confidence, and maintain the integrity of the Washington sweet cherry industry. Individual shipments, not exceeding 100 pounds, of cherries sold for home use and not for resale, subject to necessary safeguards, are excepted from these requirements because the quantity of cherries so handled is relatively inconsequential when compared with the total quantity handled and because it would be administratively impracticable to regulate the handling of such shipments due to the proximity of their source and destination.

After consideration of all relevant matter presented, including the proposal set forth in the aforesaid notice, the recommendation and information submitted by the Washington Cherry Marketing Committee, and other available information, it is hereby found and determined that the regulation hereinafter set forth is in accordance with the provisions of said marketing agreement and order and will tend to effectuate the declared policy of the act.

It is hereby further found that good cause exists for not postponing the effective date of this regulation until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) seasonal shipments of sweet cherries now in progress are regulated by Cherry Regulation 12 and this regulation would continue the same requirements on and after July 1, 1974; (2) this regulation is the same as that specified in the notice to which no exceptions were filed; and (3) compliance with the regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective date thereof.

§ 923.313 Cherry Regulation 13.

(a) *Order.* During the period July 1, 1974, through June 30, 1975, no handler shall, except as provided in paragraph (b) of this section, handle any lot of cherries unless such cherries meet each of the following applicable requirements:

(1) *Minimum grade.* U.S. No. 1: *Provided,* That the following tolerances, by count of the cherries in the lot, shall apply in lieu of the tolerances for defects provided in the United States Standards for Grades of Sweet Cherries: A total of 10 percent for defects; including in this amount not more than 5 percent, by count, of the cherries in the lot, for serious damage, and including in this latter amount not more than 1 percent by count of the cherries in the lot, for cherries affected by decay: *Provided further,* That the contents of individual packages in the lot are not limited as to the percentage of defects but the total of the defects of the entire lot shall be within the tolerances specified.

(2) *Minimum size.* At least 95 percent, by count, of the cherries in the lot shall measure not less than $^{48}/_{64}$ inch in diameter.

(3) *Faced packs and any packs of 20 pounds, net weight, or larger.* At least 90 percent, by count, of the cherries in the lot shall measure not less than $^{54}/_{64}$ inch in diameter.

(4) *Containers.* The net weight of the cherries in any container having a capacity greater than that of a container with inside dimensions of 15⅛ by 10½ by 4 inches shall be not less than 20 pounds; and no container of cherries shall contain less than 12 pounds, net weight, of cherries.

(b) *Exceptions.* Notwithstanding any other provision of this section, any individual shipment of cherries which meets each of the following requirements may be handled without regard to the provisions of paragraph (a) of this section, and of §§ 923.41 and 923.55:

(1) The shipment consists of cherries sold for home use and not for resale;

(2) The shipment does not, in the aggregate, exceed 100 pounds, net weight, of cherries; and

(3) Each container is stamped or marked with the words "not for resale" in letters at least one-half inch in height.

(c) *Definitions.* Terms used in the marketing agreement and order shall, when used herein, have the same meaning as given to the respective term in said marketing agreement and order; "U.S. No. 1" and "diameter" shall have the same meaning as when used in the United States Standards for Grades of Sweet Cherries (§§ 51.2646–51.2660 of this title); and "faced pack" means that the cherries in the top layer in any container are so placed that the stem ends are pointing downward toward the bottom of the container.

Dated: June 14, 1974.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.74–14065 Filed 6–18–74;8:45 am]

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Title 9—Animals and Health Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER G—ANIMAL BREEDS

PART 151—RECOGNITION OF BREEDS AND BOOKS OF RECORD OF PUREBRED ANIMALS

Change of Address

The purpose of this amendment is to update the address through which all books of record sent to Veterinary Services, Animal and Plant Health Inspection Service, United States Department of Agriculture, shall be submitted as required in § 151.9 of Part 151, Title 9, Code of Federal Regulations.

Accordingly, Part 151, Title 9, Code of Federal Regulations is amended as follows:

In § 151.9 the last sentence of the introductory paragraph is amended to read:

§ 151.9 Recognized breeds and books of record.

• • • All books of record sent to Veterinary Services, Animal and Plant Health Inspection Service, United States Department of Agriculture, shall be submitted through the United States Government Despatch Agency, 26 Federal Plaza, New York, New York 10007, U.S.A.

• • • • • • •

(Sec. 201, 46 Stat. 673, as amended; (19 U.S.C. 1201), 37 FR 28464, 28477; 38 FR 19141.)

It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this amendment are impracticable and unnecessary, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Effective date. The foregoing amendment shall become effective June 19, 1974.

Done at Washington, D.C., this 14th day of June 1974.

PIERRE A. CHALOUX,
Acting Deputy Administrator, Veterinary Services Animal and Plant Health Inspection Service.

[FR Doc.74-14080 Filed 6-18-74;8:45 am]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. Y]

PART 225—BANK HOLDING COMPANIES

Management Consulting Service; Correction

In FR Doc. 74-5023 appearing on page 8318 of the issue for Tuesday, March 5, 1974, the number of the interpretation should be § 225.131.

Board of Governors of the Federal Reserve System, June 12, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-14012 Filed 6-18-74;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 69-CE-32-AD; Amdt. 39-1879]

PART 39—AIRWORTHINESS DIRECTIVES

Certain Models of Beech Airplanes

Amendment 39-1074 (35 FR 13722, 13723), AD 70-18-2, applicable to Beech Models 50, 65, 65-80, 65-90, 65-A90, 70 and B90 series airplanes is an Airworthiness Directive (AD) which requires repetitive inspection of the elevator push rods and replacement thereof where necessary. Beech Models C90 and E90 airplanes were manufactured after the effective date of AD 70-18-2. Since these aircraft are susceptible to the same type of elevator push rod defects that is the subject matter of AD 70-18-2, the applicability statement of said AD is being amended to include Beech Models C90 and E90 airplanes. Action is taken herein to effect this change.

Since this amendment is in the interest of safety, compliance with the notice and public procedure provisions of the Administrative Procedure Act is not necessary and good cause exists for making this amendment effective in less than thirty (30) days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89, 31 FR 13697) § 39.13 of Part 39 of the Federal Aviation Regulations is amended by changing the applicability statement so that it now reads as follows:

BEECH. Applies to Models 50, B50, C50, D50, D50A, D50B, D50C, D50E, E50, F50, G50, H50, J50, 65, A65, A65-8200, 65-80, 65-A80, 65-A80-8800, 65-B80, 65-88, 65-90, 65-A90, 65-A90-1, 65-A90-2, 65-A90-3, 70, B90, C90 and E90 airplanes with 1,000 hours' or more time in service.

This amendment becomes effective June 25, 1974.

(Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 and 1423), and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655 (c)).

Issued in Kansas City, Missouri, on June 10, 1974.

A. L. COULTER,
Director, Central Region.

[FR Doc.74-13990 Filed 6-18-74; 8:45 am]

[Docket No. 74-GL-6; Amdt. 39-1878]

PART 39—AIRWORTHINESS DIRECTIVES

McCauley Industrial Corporation Wheel Assemblies

There have been failures of the McCauley Industrial Corporation wheel assemblies P/N's D-30063-1, -2, and -4. McCauley Accessory Division (formerly McCauley Industrial Corporation) is a division of the Cessna Aircraft Company. Therefore, these wheel assemblies may also be identified by Cessna P/N's C163002-0102, -0103, and -0104 respectively. They are typically used on, but not limited to, Cessna Aircraft Models 180J and A185F, manufactured in the Model Year of 1973; and Models 180J, A185F, U206F, TU206F, 210L, and T210L manufactured in the Model Year of 1974.

Failures have occurred in the bolts attaching the wheel flanges which could cause complete failure of the main wheel assemblies and could cause loss of control of the aircraft during taxiing, takeoff, or landing. Since this condition is likely to exist or develop in other wheel assemblies of the same Technical Standard Order authorization wheel design, an airworthiness directive is being issued to require modification of the earlier wheel assemblies to conform with one of a new design now used on later Cessna Aircraft Models 180J, A185F, U206F, TU206F, 210L, and T210L aircraft. Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impractical and good cause exists for making this amendment effective in less than thirty days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (31 FR 13697 and 14 CFR 11.89) § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

MCCAULEY. Applies to main wheel assemblies P/N's D-30063-1, -2, and -4, S/N's 720000 through 739999 typically used on, but not limited to, Cessna Aircraft Models 180J, A185F, U206F, TU206F, 210L and T210L

Compliance required as indicated unless already accomplished.

To prevent possible wheel failures due to breakage of the wheel flange attaching bolts, accomplish the following:

(a) For main wheel assemblies used on the Cessna Aircraft Models 180J, A185F, U206F, TU206F, 210L, and T210L, manufactured in the Model Year 1974 and any other aircraft with these main wheel assemblies installed, within the next 25 hours' time in service, modify main wheel assemblies in accordance with the instructions contained in McCauley Industrial Corporation Service Bulletin WB-1-A dated June 10, 1974, or subsequent Federal Aviation Administration approved revisions. Equivalent methods of compliance with this Airworthiness Directive must be approved by the Chief, Engineering and Manufacturing Branch, Federal Aviation Administration Great Lakes Region, Des Plaines, Illinois.

(b) For main wheel assemblies used on Cessna Aircraft, Models 180J and A185F, manufactured in the Model Year 1973; within 25 hours' time in service after the effective date of this Airworthiness Directive and thereafter, at intervals not to exceed 25 hours' time in service visually inspect the ¼" bolts attaching the wheel flanges for broken bolts until compliance with the modification in Paragraph (a) above is accomplished. If indications of broken bolts exist modify wheels in accordance with Paragraph (a).

(c) Upon completion of the modification in Paragraph (a), record compliance with this particular part of the Airworthiness Directive in the aircraft logbook.

NOTE: Cessna Service Letter SE 74-8 or subsequent revisions pertains to the same subject. The McCauley wheels may additionally be marked with Cessna P/N's C163002-0102, -0103 or -0104.

This amendment becomes effective June 24, 1974.

(Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Des Plaines, Illinois, on June 10, 1974.

R. O. ZIEGLER,
Acting Director, Great Lakes Region.

[FR Doc.74-13989 Filed 6-18-74;8:45 am]

[Docket No. 74-SO-61; Amdt. 39-1880]

PART 39—AIRWORTHINESS DIRECTIVES

Piper Model PA-36-285 Series Airplanes

There has been a revision to the usable fuel quantity on the Piper PA-36-285 airplanes that could result in fuel mismanagement. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require replacement of usable fuel placards on PA-36-285 airplanes.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

PIPER. Applies to PA-36-285 airplanes, Serial Numbers 36-7360001 to 36-7360049 inclusive; 36-7360051, 36-7360053 to 36-7360065 inclusive, certificated in all categories

Compliance required within the next 50 hours' time in service after the effective date of this AD, unless already accomplished.

To prevent fuel mismanagement due to reduced usable fuel, accomplish the following:

(a) Remove the existing placard and install a Piper Part Number 98000-51 placard, at the fuel shutoff lever on the control console.

(b) Remove the two existing placards and install a Piper Part Number 98000-52 placard inboard and near the fuel filler caps on both right and left wings.

(c) Remove the existing placard and install a Piper Part Number 98000-53 placard on the right hand side of the instrument panel crashroll cover.

(d) Incorporate Revision 6 dated August 20, 1973 into the Airplane Flight Manual (Piper Report VB-347) for Normal Category certification; or incorporate Revision 7 dated August 20, 1973 into the Airplane Flight Manual (Piper Report VB-464) for Restricted Category certifications.

NOTE: Equivalent placards approved by the Chief, Engineering and Manufacturing Branch, Federal Aviation Administration, Southern Region, may be installed in lieu of the Piper placards noted above.

Piper Service Bulletin 397 pertains to this same subject.

This amendment becomes effective June 25, 1974.

(Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in East Point, Georgia, on June 11, 1974.

GORDON W. BECKER,
Acting Director, Southern Region.

[FR Doc.74-13991 Filed 6-18-74;8:45 am]

[Airspace Docket No. 74-WE-5]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

Correction

In FR Doc. 74-13037, appearing at page 20192, in the issue for Friday, June 7, 1974, the following changes should be made under the heading for Oakdale, Calif.:

(1) The latitude reading in the third line should read "37°45'23'' N.,".

(2) The longitude reading in the fourth line should read "120°48'01'' W.".

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-863; Amdt. 24]

PART 298—CLASSIFICATION AND EXEMPTION OF AIR TAXI OPERATORS

Reporting of Certain Data by Commuter Air Carriers and Other Air Taxi Operators

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., May 20, 1974.

By circulation of proposed rulemaking EDR-251, dated August 15, 1973, and supplemental notice of proposed rulemaking EDR-251B, dated September 18, 1973 (Docket 25800) and published at 38 FR 22494 and 26616, respectively, the Board gave notice that it had under consideration amendments to Part 298 of its Economic Regulations (14 CFR Part 298), which would revise the report forms (CAB Form 298-C) presently required to be filed quarterly by commuter air carriers, and would impose on all air taxis—including commuters—a new requirement to report annually with respect to their overall operations, both scheduled and nonscheduled. For the latter purpose, a new reporting form (CAB Form 298-D) was proposed.

In EDR-251, the Board proposed to require the reporting of new statistical data by air taxi operators (including commuter air carriers)[1] and additional statistical data by commuter air carriers[2] in order to (1) aid the National Transportation Safety Board (NTSB) in making its future air taxi safety reports more meaningful and (2) assist the Board in fulfilling its direct regulatory responsibilities, with respect to air taxis in general, and commuter air carriers, in particular. EDR-251 also included a proposal to require more detailed data to be disclosed in the reporting by commuter air carriers.[3] The Board stated that the availability of this latter information would be desirable, in view of the scheduled operations of the commuter air carriers, particularly for the purpose of comparison with those of certificated air carriers.

In EDR-251B, the Board proposed an expansion of Form 298-D to reflect a breakdown of the data called for therein between domestic and international operations. It was the Board's view that this breakdown would be very useful, particularly for bilateral intergovernmental discussion on nonscheduled air services.

Comments were filed by 47 air taxi operators,[4] 10 commuter air carriers,[5] 1 certificated route air carrier—Southern Airways, Inc.—The New Hampshire Aeronautics Commission, and 2 trade associations.[6]

[1] Number of passengers carried, hours flown and miles flown and number of departures in all revenue operations (Form 298-D).

[2] Hours flown, miles flown and number of departures in scheduled revenue operations (Form 298-C).

[3] Revenue passenger-miles, revenue seat-miles available, revenue ton-miles and revenue ton-miles available in scheduled operations (Form 298-C).

[4] Air Services International; Alaska Helicopters, Inc.; Alpine Helicopters, Inc.; Anrode's Air Charter Service; Astrocopters, Ltd.; Aviation Sales, Incorporated; Broome County Aviation, Inc.; Bryan Air Service, Inc.; Callahan Aviation, Inc.; Campbell Air Service, Inc.; Cantele Aviation Company; Capital Flying Service, Inc.; Carbon Emery Air Service; Cardinal Airlines, Inc.; Centurian Aviation Services, Inc.; Chesapeake and Potomac Airways, Inc.; Coffey Aeronautical Service, Inc.; Comet Airways, Inc.; Connecticut Air Service, Inc.; Era Helicopters, Inc.; Ever-Green Helicopters of Alaska, Inc.; Executive Air Corp.; Executive Air, Inc.; Executive Air Fleet; Goble Aviation; Golden Isles Aviation; Gunnel Aviation, Inc.; Hawke Flying Service; Hesler-Noble Air Service, Inc.; Hoffman Pilot Genter; Hughes Aviation Services; Ice Flying Service; Lindner Aviation, Inc.; Louisville Flying Service, Inc.; Milwaukee Executive Charter and Air Freight, Inc.; Jim D. Mortensen; Petroleum Helicopters, Inc.; Rocky Mountain Helicopters; Ronson Helicopters, Inc.; Seattle Flight Service, Inc.; Seeley Aircraft Service; SerVair Accessories, Inc.; South Alabama General Aviation, Inc.; Tipp Watts Air Service; Waco-Air; Wiggins Airways; Western Helicopters, Inc.

[5] Air Wisconsin, Inc.; Brower Airways, Inc.; Colgan Airways Corporation; Coast Air Commuter Airlines; Eureka Aero Industries; Panorama Air Tour, Inc.; Pinehurst Airlines, Inc.; Provincetown-Boston Airline, Inc.; Suburban Airlines.

[6] National Air Transportation Conferences, Inc.; South Dakota Aviation Trades Association.

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Upon consideration of the comments received, the Board has determined to adopt the amendments as proposed,[7] except for the inclusion of a waiver provision in Part 298 of the Economic Regulations, as explained below. Except to the extent modified herein, the tentative findings set forth in the explanatory statements to the proposed rule, as supplemented, are incorporated by reference and made final.

Virtually all the air taxi operators who filed individual comments, as well as the New Hampshire Aeronautics Commission and the South Dakota Aviation Trades Association, opposed the instant proposed rule. The general ground for such opposition was that the reporting requirement would constitute an undue burden on the carriers while producing little information of value to either the NTSB or the Board.

In addition to the aforementioned general objections, several air taxi operators particularly objected to the proposed Form 298–D insofar as it would apply to helicopter operations. These comments argued that such data would be difficult to compute due to the peculiarities of helicopter operations, which consist of many landings and takeoffs each day, including flights of only a few minutes duration, and which frequently involve flights of external load type carrying a variety of cargo and weights.

We do not regard as persuasive the arguments generally opposing the proposed reporting by air taxi operators. The prescribed reporting consists of only four basic items which we believe are available from records maintained by these carriers so that their compilation should not entail a significant burden and, in any event, this reporting requirement hardly appears to impose a burden sufficiently great as to outweigh the regulatory need which we find for having this information readily and regularly available.[8]

With respect to the air taxi operators engaging in helicopter operations, we recognize that such operations do not readily lend themselves to the kind of reporting which we are requiring. However, we are not persuaded that the reporting of such operations by air taxis should be entirely excluded from the within reporting requirement, so long as helicopter operations of certificated carriers continue to be subject to the far more complex reporting requirements of Form 41. Instead, just as certificated carriers are able to obtain waivers of Form 41 reporting provisions upon an appropriate showing, we have determined to include an express waiver provision in the instant rule, to afford such relief to air taxis as may be needed, not only with respect to reporting of helicopter operations but also with respect to any other type of information for which a departure from prescribed reporting requirements might be warranted.

Of the ten commuter air carriers responding to the notice of proposed rule making, only five opposed the additional proposed reporting requirements, objecting that the additional reporting will necessitate extra record keeping and expense for which no benefits would be forthcoming.

As with the general opposition expressed by individual air taxi operators, we are not impressed by the general opposition of the commuter air carriers. The expanded statistical reporting for commuter air carriers, as set forth in the proposal, is long overdue and the lack of these data has hampered the Board in its regulatory decisions with respect to the operations of commuter air carriers vis-a-vis the certificated air carriers. We therefore find that the regulatory need for this additional information from the commuter air carriers, both by NTSB and the Board, outweighs the slight additional burden on this class of carriers.

We turn now to various requests made in the filed comments for clarification or technical revision[9] of the reporting requirements:

1. *Aircraft hours.* We have determined to make final our proposed definition of "aircraft hours," which is the same as the Part 241 definition of that term. Although it was suggested in the filed comments that this term be defined as the hours of revenue-producing operation recorded by whatever method the operator uses for maintenance inspection purposes, we think it preferable to utilize a prescribed definition which will achieve uniformity in the data reported hereunder by air taxis.

2. *Aircraft miles.* In view of question raised as to the method for computing "aircraft miles" in those situations where the origin and destination airports are the same (such as air taxi flights for pipeline patrols, sightseeing trips, and real estate surveys), we wish to explain that, in such cases, aircraft miles should be computed by multiplying the hours flown by the average cruising speed of the aircraft being used.

3. *Departures.* Similarly, we are making final our proposed definition of "departure," which is the same as the definition of that term in Part 241. In those cases where the site of an aircraft's takeoff might not normally be regarded as an "airport," we would nonetheless expect the takeoff to be reported as a "departure."

4. *Revenue passenger-miles.* Since revenue passenger-miles are only required to be reported by commuter air carriers in scheduled service on Form 298–C, it would obviously be a rarity for such flight to include parachutists who do not complete the scheduled flight stage. Nonetheless, in view of the question raising this possibility, we think it clear that a parachutist who pays for a flight stage which he does not intend to complete should be reported as a revenue passenger for the entire flight stage.

5. *Paid positioning flights—ferry flights.* Clarification was requested with respect to the treatment of paid positioning and ferry flights. Such flights, when made for the purpose of positioning an empty aircraft in connection with a charter flight, are specifically paid for by the charterer and should, thus, be reported on Form 298–D, which includes all revenue operations, but not on Form 298–C, because they are not scheduled. However, when such flights are made for the purpose of returning an aircraft to base or positioning for scheduled operations, then they are not to be reported on Form 298–C, because they are not scheduled flights, and they are not to be reported on Form 298–D, because they are non-revenue.

We are making the rule effective with respect to reports to be filed 30 or more days after the date of publication in the FEDERAL REGISTER.[10] Thus, the first due date for the revised commuters' Form 298–C will be November 10, 1974, and the report will cover the quarter commencing July 1, 1974. As for the new Form 298–D, the first due date will be February 10, 1975, and, although this is designed to be an annual form, covering the air taxi's operations during the entire preceding calendar year, we shall require the first filing to cover only the final six months of 1974.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 298 of the Economic Regulations (14 CFR Part 298) effective July 19, 1974, as follows:

1. Amend the Table of Contents by adding two new sections under Subpart A; deleting and reserving § 298.62 under Subpart F; and adding a new Subpart F–1—Reporting by Air Taxi Operators, consisting of a new § 298.67, the table as amended to read as follows:

Sec.

* * * * *

298.6 Extension of filing time.
298.7 Waivers from reporting requirements.

* * * * *

298.62 [Reserved].

* * * * *

298.66 Public disclosure of Schedule T–1 data.

Subpart F–1—Reporting by Air Taxi Operators

298.67 Reporting instructions.

* * * * *

2. Amend § 298.2 by adding thereto certain definitions, the section as amended to read as follows:

§ 298.2 Definitions.

* * * * *

"Air transportation" means * * *

"Aircraft hours" means the airborne hours of aircraft computed from the moment an aircraft leaves the ground until it touches the ground at the end of a flight.

"Aircraft miles" means the miles (computed in airport-to-airport distances) for each flight stage actually completed, whether or not performed in accordance with the scheduled pattern.

* * * * *

"Competitive market" means * * *

"Departure" means takeoff from an airport.

"Flight stage" means the operation of an aircraft from takeoff to landing.

* * * * *

"Maximum payload capacity" means * * *

"Mile" means a statute mile, i.e., 5,280 feet.

"Noncompetitive market" means * * *

"Passengers carried" means passengers on board each flight stage.

"Point" when used * * *

"Revenue passenger-mile" means one revenue passenger transported one mile. Revenue passenger-miles are computed by summation of the products of the revenue aircraft miles flown on each flight stage multiplied by the number of revenue passengers carried on that flight stage.

"Revenue seat-miles available" means the total of the products of aircraft miles and number of seats available for revenue use on each flight stage, representing the total passenger-carrying capacity offered.

"Revenue ton-mile" means one ton of revenue traffic transported one mile. Revenue ton-miles are computed by summation of the products of the revenue aircraft miles flown on each flight stage multiplied by the number of revenue tons carried on that stage. (A standard weight of 200 pounds per passenger may be used in the computation.)

"Revenue ton-miles available" means the aggregate of the products of the aircraft miles flown on each flight stage multiplied by the capacity in tons available for use on that stage.

"Ton" means a short ton, i.e., 2,000 pounds.

3. Add new §§ 298.6 and 298.7 following § 298.5, to read as follows:

§ 298.6 Extension of filing time.

If circumstances prevent the filing of a report on CAB Forms 298–C or 298–D on or before the prescribed due date, consideration will be given to the granting of an extension upon receipt of a written request therefor. To provide ample time for consideration and communication to the air carrier of the action taken, such a request must be delivered to the Board's Bureau of Accounts and Statistics in writing at least three (3) days in advance of the due date, setting forth good and sufficient reason to justify the granting of the extension and the date when the report can be filed. Except in cases of emergency, no such request will be entertained which is not in writing and received by the Board's Bureau of Accounts and Statistics at least three (3) days before the prescribed due date. If the request is denied, the air carrier remains subject to the filing requirements to the same extent as if no request for extension of time had been made.

§ 298.7 Waivers from reporting requirements.

A waiver from any reporting requirement contained in CAB Forms 298–C or 298–D may be made by the Civil Aeronautics Board upon its own initiative or upon the submission of a written request therefor to the Board's Bureau of Accounts and Statistics from any air taxi operator or commuter air carrier, or group of air taxi operators or commuter air carriers: *Provided*, That such a waiver is in the public interest and each request for waiver expressly demonstrates that: Existing peculiarities warrant a departure from the prescribed reporting; a specifically defined alternative procedure or technique will result in a substantially equivalent or more accurate portrayal of the prescribed reporting; and the application of such alternative procedure will maintain or improve uniformity in reporting as between air tax operators or commuter air carriers.

§ 298.62 [Reserved]

4. Delete and reserve § 298.62, as follows:

5. Amend paragraph (b) of § 298.64 by adding thereto new subparagraphs (5) and (6), the section as amended to read as follows:

§ 298.64 Reporting instructions.

* * * * *

(b) * * *

(5) Columns (5), (6) and (7) shall set forth, respectively, aircraft hours flown, aircraft miles flown and aircraft departures performed during the reporting quarter.

(6) Columns (8), (9), (10) and (11) shall set forth, respectively, revenue passenger-miles, revenue seat-miles available, revenue ton-miles and revenue ton-miles available for the reporting quarter.

6. Amend Part 298 by adding a new Subpart F–1, consisting of a new § 298.67, the caption and text of the subpart to read as follows:

Subpart F–1—Reporting by Air Taxi Operators

§ 298.67 Reporting instructions.

(a) Each air taxi operator (including commuter air carriers) shall file CAB Form 298–D,[7] entitled "Report of All Revenue Operations Performed by Air Taxi Operators and Commuter Air Carriers," in accordance with the provisions of this part and in the manner set forth in said form which is made a part hereof and annexed hereto.

(b) CAB Form 298–D shall be prepared for the period January 1 through December 31 of each year.[7] It shall be completed in triplicate and filed with the Bureau of Accounts and Statistics, Civil Aeronautics Board, Washington, D.C. so as to be received on or before February 10 following the year for which it is prepared. If February 10 falls on a Saturday, Sunday, or national holiday, the due date will become effective on the first following working day.

(c) Items 1 through 4 under Part I of CAB Form 298–D shall set forth, in total, respectively, the number of passengers carried, aircraft hours flown, aircraft miles flown and number of aircraft departures performed in all revenue domestic operations, whether scheduled or nonscheduled.

(d) Items 1 through 4 under Part II of CAB Form 298–D shall set forth, respectively, the number of passengers carried, aircraft hours flown, aircraft miles flown and number of aircraft departures performed in revenue operations in each market of international operations (*e.g.*, United States-Bahamas, United States-Canada, United States-Mexico), the name of each such market shall be inserted over columns (a) through (c), and the total for each item shall be set forth in column (d).

(e) The certificate contained in CAB Form 298–D shall be executed by the officer in charge of the carrier's accounts.

7. Amend the certification and Schedule A–1 of CAB Form 298–C and add a new CAB Form 298–D which are attached hereto[7] and made a part hereof.

(Sections 204(a), 407, Federal Aviation Act of 1958, as amended, 72 Stat. 743, 766; (49 U.S.C. 1324, 1377))

By the Civil Aeronautics Board.

NOTE: The reporting requirements herein have been approved by the General Accounting Office in accordance with the Federal Reports Act of 1942, as amended.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74–14058 Filed 6–18–74;8:45 am]

[7] In making final § 298.6, which had been proposed in EDR–251 as a relocation of the extension provision of § 298.62, which was to be deleted, we are revising the text of this extension provision to reflect the recent amendment made to § 298.62 in ER–851. Similarly, the prescribed due date for filing the new Form 298–D has been revised so as to reflect the revised due dates prescribed for Form 298–C and other reporting forms, by the rules adopted in ER–851.

[8] It is noteworthy that the National Air Transportation Conference (NATC) filed a comment generally endorsing the proposal to require air taxis, including commuters, to file this information, which it believes need not be unduly burdensome and will be of use to the Board, the public and the industry. The comment recites that it reflects the unanimous vote of the NATC Board of Directors, composed of three representatives each from the Air Taxi Charter Conference, Commuter Air Carrier Conference, and the Cargo Mail Conference, although it specifically disclaims representing a unanimous view of the industry.

[9] Insofar as the NATC comment requests a fundamental revision of the Part 298 definition of "commuter air carrier," we shall not here deal with that request, since it is quite beyond the scope of the instant proceeding.

[10] Since, as indicated above, we recognize that the within rule may present real difficulties for those air taxi operators who, because of the size or nature of their operations, are unable to comply fully with these reporting requirements, we shall be prepared to entertain such requests for appropriate relief as may be made pursuant to the waiver provision (§ 298.7) which we have determined to include in this final rule.

[7] CAB Form 298–D may be obtained from the Publications Services Section, Civil Aeronautics Board, Washington, D.C. 20428.

[7] The first report required to be filed hereunder is to cover only the period July 1 through December 31, 1974.

[7] Filed as part of the original document.

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SUBCHAPTER D—SPECIAL REGULATIONS

[Reg. SPR–75, Amdt. 5]

PART 373—STUDY GROUP CHARTERS BY DIRECT AIR CARRIERS AND STUDY GROUP CARRIERS

Adoption of a Waiting Period for Marketing Study Group Charters

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., June 14, 1974.

For the reasons set forth in SPR–76, published contemporaneously herewith, the Board has decided to make final, but with some modification, the proposals set forth in SPDR–34,[1] to amend Parts 373 and 378 so as to provide a 15-day waiting period between the time an inclusive tour charter prospectus or study group charter statement, or an amendment to either of them, is filed with the Board and the time such charter program may be marketed.

Accordingly, the Civil Aeronautics Board hereby amends Part 373 of its Economic Regulations (14 CFR Part 373) effective July 19, 1974, as follows:

Amend § 373.10(b) as follows:

§ 373.10 Study group statement.

* * * * *

(b) (1) No study group charter shall be operated nor shall any study group charterer sell, or offer to sell, or solicit persons to participate in, or otherwise advertise, such study group charter or charters, or receive any money from any prospective participant in connection therewith, until at least 15 days after he and the direct air carrier have jointly filed with the Board (Supplementary Services Division, Bureau of Operating Rights), in duplicate, a study group statement satisfying the requirements of paragraph (c) of this section: *Provided, however*, That if during the 15-day period following filing hereunder the study group charterer has been notified that the Board has rejected such statement for noncompliance with this part, then he shall not sell, or offer to sell, solicit, or advertise such charter or charters until he has subsequently been notified by the Board that such filing has been accepted. If a series of study group charters is to be performed pursuant to one charter contract, the statement may cover the entire series.

(2) No change in the facts reflected in a filed statement shall become effective until at least 15 days after the study group charterer and the direct air carrier have jointly filed with the Board (Supplementary Services Division, Bureau of Operating Rights), in duplicate, an amended statement reflecting such change, unless he has been notified by the Board that such change may become effective sooner: *Provided, however*, That if during the 15-day period following filing of an amended statement hereunder, the study group charterer has been notified that the Board has rejected such amended statement for noncompliance with this part, then such amendment shall not became effective until he has subsequently been notified by the Board that such filing has been accepted: *And provided further*, That the direct air carrier need not join in the filing of an amended statement which reflects only such change or changes as do not involve air transportation or services in connection therewith which are to be provided by such direct air carrier. Deviations from the statement may not be made except where they are beyond the control of the carrier or the study group charterer, and there is insufficient time to file an amended statement.

(Secs. 101(3), 204(a), 401, 402, Federal Aviation Act of 1958, as amended, 72 Stat. 737, 743, 754, 757 (49 U.S.C. 1301, 1324, 1371, 1372))

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND, *Secretary.*

[FR Doc.74–14059 Filed 6–18–74;8:45 am]

[1] October 29, 1973; 38 FR 30281, November 2, 1973 (Docket 26049).

[Reg. SPR–76, Amdt. 9]

PART 378—INCLUSIVE TOUR CHARTERS

Adoption of a Waiting Period for Marketing Inclusive Tour Charters

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., June 14, 1974.

In a notice of proposed rulemaking, SPDR–34,[1] the Board proposed to amend Parts 373 and 378 of the Special Regulations to provide a 15-day waiting period between the time an inclusive tour charter (ITC) prospectus or study group charter (SGC) statement, or an amendment to either of them, is filed with the Board and the time such charter program may be marketed. The present rules permit marketing of these two types of charters to commence immediately after the required filing has been made.

The Board pointed out in SPDR–34 that the rules applicable to SGC's and ITC's do not enable the Board to monitor the sale of these programs as effectively as do our rules applicable to travel group charters (TGC),[2] which include a prohibition against the marketing of TGC's until 15 days after the documents in connection therewith have been filed.[3] Since, during this 15-day waiting period, the filed documents can be reviewed, and rejected if necessary, the marketing of TGC's has been carefully supervised. Therefore, we tentatively concluded that it would be desirable, for the protection of the public as well as for administrative efficiency, to prescribe for SGC's and ITC's the same premarketing waiting period which we have prescribed for TGC's. Moreover, we noted that, since ITC's and SGC's—unlike TGC's—can be amended after filing of the original prospectus or statement, we would prescribe the same 15-day waiting period for marketing of the amended charter programs. Finally, we proposed to explicitly require that ITC and SGC filings are to be made jointly by the operator and the direct carrier.

Pursuant to the notice, nine comments were filed as described hereinbelow. Upon consideration of the comments, the Board has decided to adopt the amendments as proposed, but with the modifications described hereinbelow. Except as so modified, we hereby make final the tentative findings and conclusions set forth in the proposed rule.

United Airlines, Inc., the American Society of Travel Agents Inc., and Trans World Airlines, Inc., are completely in favor of the proposal. On the other hand, Marriott World Travel and Saturn Airways, Inc. argue that the proposals would impose unnecessary restrictions on the marketing programs of ITC's and TGC's. Although the American Express Company believes that the proposed rule does not impose an unreasonable marketing burden on inclusive tour and study group charters, it argues that the proposed regulation is not in the public interest insofar as it would prohibit a change in any of the factors reflected in the filed prospectus from becoming effective until at least 15 days after an appropriate amendment to the prospectus has been filed. Therefore American Express urges the addition of the following proviso at the end of the first sentence of proposed § 378.10(b) (and a comparable change in § 373.10 (b)):

* * * : *And further provided*, That a change in facts reflected in an amended prospectus to a prospectus that is effective may become effective upon the filing of the amended prospectus unless the change relates to a new tour or series to tours.

The American Automobile Association (AAA) does not object to allowing the Board's staff 15 days to determine if an ITC or SGC prospectus is acceptable. However, it is AAA's position that the post-filing waiting period set forth in proposed §§ 373.10(b)(2) and 378.10(b) with respect to amendments, as distinguished from the original prospectus, should be changed from 15 days to no more than 5 working days.

The National Air Carrier Association (NACA) generally opposes the proposed waiting period as unnecessary, contending that existing procedures for informal staff supervision of ITC and SGC filings have adequately prevented sale of questionable charters, and that the proposed rules would thus represent an additional technical impediment in the marketing of these charters, to their competitive disadvantage vis-a-vis comparable forms of scheduled services. Moreover, NACA suggests that, if the proposed rules are adopted, two modifications should be made: First, the time period for staff examination of an amendment should be reduced to a period of not more than four working days; second, the staff should be required to accompany its notice of rejection with an explanation of the grounds for such rejection.

Modern Air Transport, Inc. (Modern) also questions the need for the proposed rules, noting that ITC's and SGC's are very different from TGC's. In any event, Modern suggests that, if the rules are made final, the following points should be considered:

(1) The purpose of presently requiring ITC and SGC filings to be made 60 and 90 days, respectively, prior to departure, is to give the CAB staff time to review the filings. If the proposed waiting period is adopted, staff's review of such filings will be completed within 15 days, and the present 60/90-day requirement should therefore be repealed.

(2) The 15-day post-filing waiting period for amendments should not apply to tour price increases, hotel changes, added and dropped flights and date changes within the period of the prospectus, or any other change which does not affect regulatory essentials, such as the minimum 110 percent airfare and the 3-stops-50-miles-apart requirements for ITC's.

(3) A time limit, preferably 5 days but not more than 15 days, should be placed on the Board staff to review revisions of a rejected prospectus or amendment.

None of the filed comments has offered any convincing reason for departing from our tentative view that the proposed 15-day waiting period for ITC's and SGC's is a desirable technique to improve our staff's ability to supervise effectively the marketing of these types of charters, thereby increasing the protection of the traveling public. Although the present rules have not precluded our staff from exercising a considerable degree of supervision over the marketing of ITC's and SGC's, the absence of an explicit post-filing waiting period in the governing rules has been conducive to foot-dragging on the part of some operators in making changes of charter programs which they have begun to market. We see no reason to perpetuate a regulatory scheme so dependent upon voluntary compliance by charter operators with "informal" requests of our staff, particularly since actual experience with TGC's has demonstrated the effectiveness of an express regulatory authorization for staff's supervision of filed materials. Accordingly, we think it clear that ITC and SGC initial filings should be subject to the same 15-day premarketing waiting period as TGC's.

However, we accept Modern's argument that prescribing a 15-day waiting period, during which filings can be reviewed by our staff, obviates the need for continuing to require that ITC and SGC filings must be made 60/90 days before flight departure. We have therefore determined to adopt the premarketing waiting period requirement as a substitute for, rather than merely as an addition to, the existing requirement, as SPDR–34 proposed.[4]

On the other hand, we shall not at this time modify our proposal to require the same waiting period for filed amendments as for initial filings. There is obvious merit to the contentions made in the comments that minor amendments to one or more components of a charter "package" should not necessitate an untoward interruption of marketing activities. However, we shall not now attempt to solve the difficult problem of formulating suitably precise criteria which would enable the industry to know in advance how to distinguish between "minor" and "major" amendments, for the purpose of determining whether marketing of a revised program must be suspended. Instead, we shall make final herein our proposal that all amendments are subject to the waiting period requirement, but with the firm understanding that our staff shall expeditiously review, and accept, those amendments which are clearly too insignificant to warrant a full 15-day postponement of marketing activities. In light of the actual experience which the industry and our staff will gain in the administration of this aspect of the rules adopted herein we would at a future time consider the feasibility of amending the rules themselves so as to expressly differentiate between the kinds of amendments which should entail another premarketing waiting period and those which should not.

Finally, we are modifying the proposed rules so as to make it clear that, in requiring ITC and SGC filings to be the joint responsibility of the direct carrier and the operator of the charter, this requirement is limited only to the initial filing and to those amendments which involve air transportation. Thus, for example, the direct carrier need not join in filing an amendment reflecting a change in hotels from those named in the prospectus, although it would have to join in filing an amendment relating to changed flight dates or destinations.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 378 of the Economic Regulations (14 CFR Part 378), effective July 19, 1974, as follows:

Amend § 378.10 as follows:

§ 378.10 Procedure.

(a) No inclusive tour or series of tours shall be operated, nor shall any tour operator or foreign tour operator sell, or offer to sell, or solicit persons to participate in, or otherwise advertise such tour or tours, or receive any money from any prospective participant in connection therewith, until at least 15 days after he and the direct air carrier have jointly filed with the Board (Supplementary Services Division, Bureau of Operating Rights), in duplicate, a Tour Prospectus satisfying the requirements of § 378.13: *Provided, however*, That if during the 15-day period following filing hereunder the tour operator or foreign tour operator has been notified that the Board has rejected such statement for noncompliance with this part, then he shall not sell, or offer to sell, solicit, or advertise such tour or tours until he has subsequently been notified by the Board that such filing has been accepted. If a series of tours is to be performed for one tour operator or foreign tour operator pursuant to one charter contract, the Prospectus may cover the entire series, provided the elapsed time between the commencement of the first tour and the departure of the last tour shall not exceed one year.

(b) No change in the facts reflected in a filed Prospectus shall become effective until at least 15 days after the tour operator or foreign tour operator and the direct air carrier have jointly filed with the Board (Supplementary Services Division, Bureau of Operating Rights), in duplicate, an amended Prospectus reflecting such change, unless he has been notified by the Board that such change may become effective sooner: *Provided, however*, That if during the 15-day period following filing of an amended Prospectus hereunder, the tour operator or foreign tour operator has been notified that the Board has rejected such amended Prospectus for noncompliance with this part, then such change shall not become effective until he has subsequently been notified by the Board that such filing has been accepted: *And provided further*, That the direct air carrier need not join in the filing of an amended Prospectus which reflects only such change or changes as do not involve air transportation or services in connection therewith which are to be provided by such direct air carrier. Deviations from the Prospectus may not be made except where they are beyond the control of the carrier or the operator, and there is insufficient time to file an amended Prospectus.

(Secs. 101(3), 204(a), 401, 402, Federal Aviation Act of 1958, as amended, 72 Stat. 737, 743, 754, 757 (49 U.S.C. 1301, 1324, 1371 and 1372))

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND, *Secretary.*

[FR Doc.74–14060 Filed 6–18–74;8:45 am]

[Reg. OR–83, Amdt. 41]

PART 385—DELEGATIONS AND REVIEW OF ACTION UNDER DELEGATION; NONHEARING MATTERS

Delegated Authority of the Director, Bureau of Operating Rights

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., June 14, 1974.

By SPR–75 and SPR–76, published contemporaneously herewith, the Board has respectively amended Parts 378 and 373 of the Special Regulations to provide a 15-day waiting period between the time an Inclusive Tour Charter (ITC) prospectus or Study Group Charter (SGC) statement, or an amendment to either of them, is filed with the Board

[2] 14 CFR Part 372a.

[3] 14 CFR 372a.22(a).

[4] The 90-day filing requirement presently imposed by § 378.19 on direct air carriers operating foreign-originating ITC's for foreign tour operators over whom we have declined jurisdiction, is not being changed, since the new waiting period will not apply to ITC's governed by § 378.19.

It should also be noted that, from a practical standpoint, our revocation of the 60/90-day predeparture filing, as a regulatory requirement, is not likely to substantially reduce the actual predeparture filing period, since henceforth the operator may legally commence marketing of an ITC or SGC "package" no less than 15 days after such filing.

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and the time such charter program may be marketed.

The new rules, which are patterned after similar provisions in the Travel Group Charter (TGC) rule, require filings to be made with the Supplementary Services Division, Bureau of Operating Rights, and provide for notification by the Board, in varying circumstances, that a filing has been rejected or accepted, or that a change reflected in a filed amendment may become effective before the expiration of the prescribed waiting period.

We have determined to delegate to the Director, Bureau of Operating Rights, the authority to perform the above-described functions involving review of materials filed under our ITC and SGC rules, just as we have previously delegated to him similar authority under the TGC rule.

Since the amendment being adopted herein is a rule of agency organization, the Board finds that notice and public procedure are not required, and the rule may be made effective immediately.

In consideration of the foregoing, the Board hereby amends § 385.13 of the Organization Regulations (14 CFR Part 385), effective July 19, 1974, by revising paragraph (ff) thereof, the section as amended to read in part as follows:

§ 385.13 Delegation to the Director, Bureau of Operating Rights.

* * * * *

(ff) Reject or accept filings made with respect to travel group charters, study group charters and inclusive tour charters, pursuant to §§ 372a.22(a), 373.10 (b) and 378.10(a), respectively, and to permit amended filings reflecting changes of such study group charters and inclusive tour charters to become effective prior to the expiration of the 15-day waiting period prescribed by §§ 373.10(b) and 378.10(a), respectively.

(Sec. 204(a) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743; (49 U.S.C. 1324). Reorganization Plan No. 3 of 1961, 75 Stat. 837, 26 FR 5989 (49 U.S.C. 1324 (note)))

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-14061 Filed 6-18-74;8:45 am]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER D—MISCELLANEOUS EXCISE TAXES

[T.D. 7316]

PART 154—TEMPORARY REGULATIONS IN CONNECTION WITH THE AIRPORT AND AIRWAY REVENUE ACT OF 1970

Tax on Transportation of Property by Air

This document contains an amendment to the temporary regulations relating to the tax on transportation of property by air (26 CFR Part 154) under sections 4271 and 4272 of the Internal Revenue Code.

The tax on transportation of property by air does not apply to transportation entirely by air which begins in the United States and ends outside the United States, or which begins outside the United States and ends in the United States. The Department of Defense has numerous shipments entirely by air that leave or enter the United States through so-called aerial ports of embarkation and debarkation. These shipments are not made on through airwaybills showing the points of origin and destination but instead are made on U.S. Government bills of lading clearly stating that the shipment is being exported or imported but not showing the points of origin or destination.

The amendment permits the Department of Defense to use U.S. Government bills of lading to establish the export or import character of air shipments traveling through aerial ports of embarkation and debarkation. A shipment will be considered to end outside the United States if the bill of lading states that the shipment is "For Export", and a shipment will be considered to begin outside the United States if the bill of lading states that the shipment is "Imported by Air."

Amendment to the regulations. In order to revise the rules relating to the tax on transportation of property by air, § 154.2-1 of the Temporary Regulations in Connection with the Airport and Airway Revenue Act of 1970 (26 CFR Part 154) is amended by adding the following new paragraph (c) (4):

§ 154.2-1 Tax on transportation of property by air.

* * * * *

(c) *Property exported or imported entirely by air.* * * *

(4) Any transportation of property by air shipped by the Department of Defense through an aerial port of embarkation and debarkation on a U.S. Government bill of lading shall be considered to—

(i) Begin in the United States and end outside the United States if the bill of lading states that the shipment is "For Export", or

(ii) Begin outside the United States and end in the United States if the bill of lading states that the shipment is "Imported by Air".

If a U.S. Government bill of lading stating that a shipment is "For Export" has been issued but the shipment nevertheless ends in the United States, then the amount paid for air transportation is taxable. In such a case the Department of Defense shall notify the air carrier that the shipment is taxable and shall pay the tax to such carrier.

* * * * *

Because the amendment made by this Treasury decision could not operate to the detriment of any taxpayer, it is found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under section 553 (b) of title 5 of the United States Code or subject to the effective date limitation of section 553(d) of such title.

(Sec. 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; (26 U.S.C. 7805)).)

[SEAL] DONALD C. ALEXANDER,
Commissioner.

Approved: June 13, 1974.

FREDERIC W. HICKMAN,
Assistant Secretary of the Treasury.

[FR Doc.74-14081 Filed 6-18-74;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 7—AGENCY FOR INTERNATIONAL DEVELOPMENT

Miscellaneous Amendments to Chapter

The following Amendment No. 17 to the Agency for International Development Procurement Regulations (AIDPR) makes changes in Parts 7-1, 7-4, 7-7, 7-16, and 7-60. Notice of proposed rulemaking was not issued because these regulations involve contracts, and are therefore exempt from the requirement.

The major changes contained in the Amendment are:

1. AIDPR Notice 74-1 (39 FR 8160) is incorporated into the body of the AIDPR without change. AIDPR Subpart 7-4.2 is cancelled, and a new Subpart 7-4.10 is added to supplement and implement Amendment 122 to the Federal Procurement Regulations, dated November 29, 1973 (38 FR 33594 et seq.) governing procurement of architect-engineer services.

2. AID contract provisions have been changed to:

(a) Cancel the requirement to use the AID contractor for procurement of subscriptions to periodicals, since AID no longer has such a contract;

(b) Conform the clauses governing travel and transportation costs and overseas allowances for all cost-reimbursement type contracts, whether or not they are with educational institutions. In addition, the amount of unaccompanied baggage which may be shipped at contract expense has been modified;

(c) Add an optional clause covering care of laboratory animals.

3. Title to Government property may now be vested in educational or nonprofit organizations whose primary purpose is the conduct of scientific research when the contract is for basic or applied research.

4. The rules of the Armed Services Board of Contract Appeals have been deleted from the AIDPR, since these are provided to the contractor when an appeal is lodged. Only special procedures applicable to AID are now contained in the AIDPR.

PART 7-1—GENERAL

1. New § 7-1.1003-3, *Special areas of negotiation*, is added to the Contents of Part 7-1.

Sec.
7-1.1003-3 Special areas of negotiation.

Subpart 7-1.2—Definition of Terms

2. Revise § 7-1.205 as follows:

§ 7-1.205 Procuring activities.

The procuring activities within AID are (a) the AID/Washington procuring activities, which are the Office of Contract Management, and the Office of Management Operations; and (b) the overseas field activities (including missions) which have been delegated procurement authority.

Subpart 7-1.10—Publicizing Procurement Actions

3. Add new § 7-1.1003-3 as follows:

§ 7-1.1003-3 Special areas of negotiation.

AID utilizes AID Form 1420-5, "Exception to Standard Form 251, Architect-Engineer Questionnaire", in place of the Standard Form 251, "U.S. Government Architect-Engineer Questionnaire" cited in FPR 1-1.1003-3(c).

4. Amend § 7-1.1003-7 to add new paragraph (c) as follows:

§ 7-1.1003-7 Preparation and transmittal.

* * * * *

(c) AID utilizes AID Form 1420-5, "Exception to Standard Form 251, Architect-Engineer Questionnaire", in place of the Standard Form 251, "U.S. Government Architect-Engineer Questionnaire" cited in FPR 1-1.1003-7(b) (9).

PART 7-4—SPECIAL TYPES AND METHODS OF PROCUREMENT

5. The Contents of Part 7-4 are revised to delete Subpart 7-4.2 in its entirety and to add new Subpart 7-4.10 as follows:

Subpart 7-4.10—Architect-Engineer Services

Sec.
7-4.1003 Public announcements.
7-4.1004-1 Establishment of architect-engineer evaluation boards.
7-4.1004-2 Functions of the evaluation boards.
7-4.1004-3 Evaluation criteria and selection memorandum.
7-4.1004-4 Action by Agency head or his authorized representative.
7-4.1004-5 Procedure for procurement estimated not to exceed $10,000.
7-4.1005-3 Independent Government cost estimate.

AUTHORITY: Sec. 621, 72 Stat. 445, as amended; 22 U.S.C. 2381. E.O. 10973, November 3, 1961, 26 F.R. 10469; 3 CFR 1959-63 Comp.

Subpart 7-4.2—Architect-Engineer Services [Deleted]

6. Subpart 7-4.2 is deleted in its entirety.

7. Add the following new Subpart 7-4.10.

Subpart 7-4.10—Architect-Engineer Services

§ 7-4.1003 Public announcements.

(d) To ensure the broadest publicity concerning the Government's interest in obtaining architect-engineer services, the contracting officer shall develop notices in accordance with FPR 1-1.1003 with respect to individual projects.

(b) A Contractors' Index is maintained in Washington by the AID Small Business Office. Architect-engineers wishing to perform contracts for AID should file the appropriate form with that office, as provided in AIDPR 7-1.1001 (b). Procurements are publicized in the "Department of Commerce Synopsis", as provided in FPR 1-1.10 and AIDPR 7-1.10.

§ 7-4.1004-1 Establishment of architect-engineer evaluation boards.

(a) The Director, Office of Engineering, or the chief engineer at an AID mission is the designated representative of the Agency head for the establishment of architect-engineer evaluation boards.

(b) No firm or organization shall be eligible for consideration for a contract where its principals or associates participated as a member of the evaluation board in the selection process for that project.

(c) Each evaluation board will include a representative of the contracting officer and, as appropriate, the cognizant bureau.

§ 7-4.1004-2 Functions of the evaluation boards.

Agency architect-engineer evaluation boards shall perform the following functions:

(a) Utilize current data files on architect-engineer firms as collected by the AID Small Business Office, including information on the qualifications of their members and key employees and past experience on various types of engineering and construction projects. The AID Form 1420-5, supported by required photographs and any supplemental data requested in the notice required by FPR 1-1.1003-3 shall be used for this purpose. Information from other sources (such as other clients, other members of the profession, managers or occupants of facilities previously designed, assessments by the procuring agency itself on prior projects awarded to a firm) may also be included in the files;

(b) When procurement of architect-engineer services is proposed and following publication of a notice as required by FPR 1-1.1003-3, the board shall review the data files on eligible firms including files established on receipt of an AID Form 1420-5 and any supplemental data required in response to the public notice of a particular contract, and shall evaluate the firms in accordance with AIDPR 7-4.1004-3. After making this review and technical evaluation, the board shall hold discussions with not less than three of the firms deemed most highly qualified regarding anticipated concepts and relative utility of alternative methods of approach for furnishing the required services. Oral discussions are preferred, but, if deemed appropriate, a written questionnaire may be used. Overseas missions are encouraged to use AID/W engineering staff to conduct oral discussions in the U.S. when face-to-face discussions at the mission become prohibitively expensive. In so doing, architect-engineer fees will not be a consideration and will not be discussed; and

(c) Prepare a selection memorandum recommending no less than three firms which are considered most highly qualified to perform the required services for submission to the head of the procuring activity for his approval. This selection memorandum shall include the information specified in AIDPR 7-4.1004-3(b).

§ 7-4.1004-3 Evaluation criteria and selection memorandum.

(a) In evaluating architect-engineer firms, the architect-engineer evaluation board shall apply the following criteria, other criteria established by Agency regulations, and any criteria set forth in the public notice on a particular contract:

(1) Specialized experience of the firm (including each member of joint venture or association) with the type of service required;

(2) Capacity of the firm to perform the work (including any specialized services) within the time limitations;

(3) Past record of performance on contracts with AID or other Government agencies and private industry with respect to such factors as control of costs, quality of work, and ability to meet schedules, to the extent such information is available;

(4) Ability to assign an adequate number of qualified key personnel from the organization, including a competent supervising representative having considerable experience in responsible positions on work of a similar nature;

(5) The portions of the work the architect-engineer is able to perform with its own forces when required;

(6) Ability of the architect-engineer to furnish or to obtain required materials and equipment;

(7) If the geographical or topographical aspects of the project are deemed vital, familiarity with the locality where the project is situated;

(8) Financial capacity;

(9) Responsibility of the architect-engineer under standards provided in FPR 1-1.1203-1 and 1-1.1203-2. No contract may be awarded to a contractor that does not meet these standards;

(10) Volume of work previously awarded to the firm by the Agency, with the object of effecting an equitable distribution of architect-engineer contracts among qualified firms. Each architect-engineer evaluation board shall give favorable consideration, to the fullest extent practicable, to the most highly qualified firms that have not had prior experience on Government projects (including small business firms and firms owned by the socially and/or economically deprived).

(b) The evaluation board shall prepare a selection memorandum for the approval of the head of the procuring activity. The selection memorandum will be signed by the board chairman and cleared by each board member. The selection memorandum shall include the following information:

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(1) A listing by name of all the firms reviewed by the board;

(2) A listing of the evaluation criteria applied;

(3) An analysis of the selection showing the rationale for the board's recommendation;

(4) The board's recommendation of the three most highly qualified firms, in order of preference;

(5) An independent Government cost estimate. The evaluation board shall require the project engineer to develop an independent Government estimate of the cost of the required architect-engineer services. Consideration shall be given to the estimated value of the services to be rendered, the scope, complexity, and the nature of the project and the estimated costs expected to be generated by the work. The independent Government estimate shall be revised as required during negotiations to correct noted deficiencies and reflect changes in, or clarification of, the scope of the work to be performed by the architect-engineer. A cost estimate based on the application of percentage factors to cost estimates of the various segments of the work involved, e.g., construction project, may be developed for comparison purposes, but such a cost estimate shall not be used as a substitute for the independent Government estimate.

§ 7–4.1004–4 Action by Agency head or his authorized representative.

(a) The head of the procuring activity or his authorized designee shall review the selection memorandum and shall either approve it or return it to the board for reconsideration for specified reasons.

(b) Approval of the selection memorandum by the head of the procuring activity or his authorized designee shall serve as authorization for contracting officer to commence negotiation.

§ 7–4.1004–5 Procedure for procurements estimated not to exceed $10,000.

References to FPR 1–4.1004–2 (b) and (c) contained in FPR 1–4.1004–5 shall be construed as references to AIDPR 7–4.1004–2 (b) and (c).

§ 7–4.1005–3 Independent Government cost estimate.

See AIDPR 7–4.1004–3(b)(5).

PART 7–7—CONTRACT CLAUSES

8. The Contents of Part 7–7 are amended by revising Subparts 7–7.50 and 7–7.55 and deleting Subpart 7–7.51 as follows:

Subpart 7–7.50—Clauses for Cost Reimbursement Type Contracts

Sec.
7–7.5000 Scope of subpart.
7–7.5001 Required clauses.
7–7.5001–1 Definitions.
7–7.5001–2 Changes.
7–7.5001–3 Biographical data.
7–7.5001–4 Leave and holidays.
7–7.5001–5 Travel and transportation expenses.
7–7.5001–6 Standards of work.
7–7.5001–7 Inspection.
7–7.5001–8 Limitation of cost.
7–7.5001–9 Allowable cost, fixed fee and payment.
7–7.5001–10 Negotiated overhead rates.
7–7.5001–11 Assignment of claims.
7–7.5001–12 Examination of records by Comptroller General.
7–7.5001–13 Price reduction for defective cost or pricing data.
7–7.5001–14 Audit and records.
7–7.5001–15 Subcontractor cost and pricing data.
7–7.5001–16 Reports.
7–7.5001–17 Source requirements of procurement of equipment, vehicles, materials, supplies and services.
7–7.5001–18 Subcontracts and purchase orders.
7–7.5001–19 Title to and care of property.
7–7.5001–20 Utilization of small business concerns.
7–7.5001–21 Utilization of concerns in labor surplus areas.
7–7.5001–22 Insurance—Liability to third persons.
7–7.5001–23 Termination for default or for convenience of the Government.
7–7.5001–24 Excusable delays.
7–7.5001–25 Stop work order.
7–7.5001–26 Disputes.
7–7.5001–27 Authorization and consent.
7–7.5001–28 Notice and assistance regarding patent and copyright infringement.
7–7.5001–29 Patent provisions and publication of results.
7–7.5001–30 Rights in data.
7–7.5001–31 Release of information.
7–7.5001–32 Equal opportunity.
7–7.5001–33 Convict labor.
7–7.5001–34 Walsh-Healey Public Contracts Act.
7–7.5001–35 Officials not to benefit.
7–7.5001–36 Covenant against contingent fees.
7–7.5001–37 Language, weights, and measures.
7–7.5001–38 Security requirements.
7–7.5001–39 Notices.
7–7.5001–40 Utilization of minority business enterprises.
7–7.5001–41 Listing of employment openings.
7–7.5001–42 Payment of interest on contractors' claims.
7–7.5002 Additional clauses.
7–7.5002–1 Definitions.
7–7.5002–2 Leave and holidays.
7–7.5002–3 Travel expenses.
7–7.5002–4 Title to and care of property.
7–7.5002–5 Marking.
7–7.5002–6 Personnel.
7–7.5002–7 Differential and allowances.
7–7.5002–8 Conversion of United States dollars to local currency.
7–7.5002–9 Orientation and language training.
7–7.5002–10 Insurance—workmen's compensation, private automobiles, marine and air cargo.
7–7.5002–11 Services provided to contractor.
7–7.5002–12 Post privileges.
7–7.5002–13 Contractor-mission relationships.
7–7.5002–14 Notice of changes in regulations.
7–7.5002–15 Transportation and storage expenses.
7–7.5003 Clauses to be used when applicable.
7–7.5003–1 Alterations in contract.
7–7.5003–2 Care of laboratory animals.

Subpart 7–7.51—[Reserved]

Subpart 7–7.55—Clauses for Cost Reimbursement Contracts With Educational Institutions

Sec.
7–7.5500 Scope of subpart.
7–7.5501 Required clauses.
7–7.5501–1 Definition.
7–7.5501–2 Approvals.
7–7.5501–3 Biographical data.
7–7.5501–4 (Reserved).
7–7.5501–5 Personnel compensation.
7–7.5501–6 Leave and holidays.
7–7.5501–7 Travel expenses.
7–7.5501–8 Allowable cost and payment.
7–7.5501–9 Negotiated overhead rates—postdetermined.
7–7.5501–10 Limitation of funds.
7–7.5501–11 Examination of records by Comptroller General.
7–7.5501–12 Audit and records.
7–7.5501–13 Reports.
7–7.5501–14 Research activities and the use of graduate students.
7–7.5501–15 Training of foreign country nationals.
7–7.5501–16 Source requirements of procurement of equipment, vehicles, materials, supplies and services.
7–7.5501–17 Subcontracts and purchase orders.
7–7.5501–18 Title to and care of property.
7–7.5501–19 Material change in conditions.
7–7.5501–20 Disputes.
7–7.5501–21 Termination for convenience of the Government
7–7.5501–22 Rights in data and publication.
7–7.5501–23 Authorization and consent.
7–7.5501–24 Notice and assistance regarding patent and copyright infringement.
7–7.5501–25 Insurance-liability to third persons.
7–7.5501–26 Assignment of claims.
7–7.5501–27 Inspection.
7–7.5501–28 Equal opportunity.
7–7.5501–29 Utilization of small business concerns.
7–7.5501–30 Utilization of labor surplus area concerns.
7–7.5501–31 Convict labor.
7–7.5501–32 Officials not to benefit.
7–7.5501–33 Convenant against contingent fees.
7–7.5501–34 Language, weights and measures.
7–7.5501–35 Utilization of minority business enterprises.
7–7.5501–36 Listing of employment openings.
7–7.5501–37 Payment of interest on contractors' claims.
7–7.5501–38 Notices.
7–7.5502 Additional clauses.
7–7.5502–1 Definitions.
7–7.5502–2 Contractor-mission relationships.
7–7.5502–3 Personnel.
7–7.5502–4 Personnel compensation.
7–7.5502–5 Orientation and language training.
7–7.5502–6 Leave and holidays.
7–7.5502–7 Post privileges.
7–7.5502–8 Differential and allowances.
7–7.5502–9 Travel expenses.
7–7.5502–10 Transportation and storage expenses.
7–7.5502–11 Inspection trips by contractor's officers and executives.
7–7.5502–12 Notice of changes in regulations.
7–7.5502–13 Documentation for mission.
7–7.5502–14 Conversion of United States dollars to local currency.
7–7.5502–15 Facilities and services to be arranged by AID.
7–7.5502–16 Title to and care of property.
7–7.5502–17 Marking.
7–7.5502–18 Insurance—Workmen's compensation, private automobile, marine and air cargo (overseas).
7–7.5503 Clauses to be used when applicable.
7–7.5503–1 Alterations in contract.
7–7.5503–2 Advance of funds.
7–7.5503–3 Federal reserve letter of credit.
7–7.5503–4 Negotiated overhead rates—predetermined.
7–7.5503–5 Limitation of cost.
7–7.5503–6 Changes.
7–7.5503–7 Security requirements.
7–7.5503–8 Patent provisions.
7–7.5503–9 Care of laboratory animals.

AUTHORITY: Sec. 621, 72 Stat. 445, as amended (22 U.S.C. 2381); E.O. 10973, November 3, 1961, 26 FR 10469; 3 CFR 1959–63 Comp.

Subpart 7–7.6—Fixed Price Construction Contracts

9. Section 7–7.602–9 is revised as follows:

§ 7–7.602–9 Workmen's Compensation Insurance (Defense Base Act).

See AIDPR 7–7.103–22.

10. Section 7–7.602–10 is revised as follows:

§ 7–7.602–10 Federal, State and Local taxes.

See AIDPR 7–7.102–10.

Subpart 7–7.50—Clauses for Cost Reimbursement Type Contracts

§ 7–7.5001–9 [Amended]

11. Section 7–7.5001–9 is amended to change the date of the title from "NOV 1973" to "SEPT 1974" and to delete the reference to "Examination of Records" in paragraph (g) and substitute "examination of Records by Comptroller General".

12. Section 7–7.5001–14 is revised as follows:

§ 7–7.5001–14 Audit and Records.

Insert the clause set forth in FPR 1–3.814–2(a) under the conditions prescribed therein.

13. Section 7–7.5001–17 is amended to change the date of the title in the introductory text from "DEC 1971" to "SEPT 1974" and to revise paragraph (c) as follows:

§ 7–7.5001–17 Source requirements of procurement of equipment, vehicles, materials, and supplies.

* * * * *

(c) The contractor shall purchase all English language books from the current AID Contractor providing purchasing services of such material at discount prices: *Provided, however,* That the Contractor may purchase books from other sources if the terms, price, delivery, and other factors considered, are as good as, or better than, those offered by the current AID contractor. The procedure to be followed, the name and address of the contractor, and pertinent provisions of the contract are set forth in AID Manual Order 1426.3.

14. Section 7–7.5002–1 is amended to change the date of the title in the introductory text from "December 1970" to "September 1974" and to add the following new paragraph (f) as follows:

§ Definitions.

* * * * *

(f) "Contractor's Chief of Party" shall mean the representative of the Contractor in the Cooperating Country who shall be responsible for supervision of the performance of all duties undertaken by the Contractor in the Cooperating Country.

15. Section 7–7.5002–3 is revised as follows:

§ 7–7.5002–3 Travel expenses.

TRAVEL EXPENSES (SEPTEMBER 1974)

(a) *International travel.* The Contractor shall be reimbursed for actual travel costs and travel allowances of travelers from place of residence in the United States (or other location provided that the cost of such travel does not exceed the cost of travel from the employee's residence in the United States) to the post of duty in the Cooperating Country and return to place of residence in the United States (or other location: *Provided,* That the cost of such travel does not exceed the cost of travel from the post of duty in the Cooperating Country to the employee's residence) upon completion of services by the individual. Such travel costs and travel allowances shall not be reimbursed in an amount greater than economy class commercially scheduled air travel by the most expeditious route, except as otherwise provided in paragraph (g) below, and unless economy air travel or economy air travel space are not available and the Contractor certifies to this in the voucher documents retained as part of his Contract records. When travel is by economy class accommodations, the Contractor will be reimbursed for the costs of transporting up to twenty-two (22) pounds of accompanied personal baggage per traveler in addition to that regularly allowed with the economy ticket provided that the total number of pounds of baggage does not exceed that regularly allowed for first-class travelers. If the cost of economy class accommodations plus the cost of transporting twenty-two pounds of additional accompanied personal baggage equals or exceeds the cost of first class accommodations, first class accommodations may be used. Travel allowances for travelers shall not be in excess of six dollars ($6) per day for persons eleven (11) years of age, or over, or three dollars ($3) per day for persons under eleven (11) years of age, for not more than the travel time required by scheduled economy class commercial air carrier using the most expeditious route and computed in accordance with the Federal Travel Regulations as from time to time amended. One (1) stopover en route for a period of not to exceed twenty-four hours is allowable when the traveler uses economy class accommodations for a trip of fourteen (14) hours or more of scheduled duration. Such stopover shall not be authorized when travel is by indirect route or is delayed for the convenience of the traveler. Per diem during such stopover shall be paid in accordance with the established practice of the Contractor but not to exceed the amounts stated in the Federal Travel Regulations, as from time to time amended.

(b) *Local travel.* Reimbursement for local travel shall not be in excess of the rates established by the Mission Director for the travel costs of travelers in the Cooperating Country in connection with duties directly referable to the Contract. In the absence of such established rates, the Contractor shall be reimbursed for actual travel costs of travelers in the Cooperating Country, if not provided by the Cooperating Government or the Mission, in connection with duties directly referable to the Contract, including travel allowances at rates not in excess of those prescribed by the Federal Travel Regulations as from time to time amended.

(c) *Travel for consultation.* The Contractor shall be reimbursed for the round trip of the Contractor's Chief of Party in the Cooperating Country or other designated Contractor employee or consultant in the Cooperating Country performing services required under this Contract, for travel from the Cooperating Country to the Contractor's office in the United States or to AID/Washington for consultation and return on occasions deemed necessary by the Contractor and approved in advance, in writing, by the Contracting Officer or the Mission Director.

(d) *Special international travel and third country travel.* For special travel which advances the purpose of the contract, which is not otherwise provided by the Cooperating Government, and with the prior written approval of the Contracting Officer or the Mission Director, the Contractor shall be reimbursed for (i) the travel cost of travelers other than between the United States and the Cooperating Country and for local travel within other countries and (ii) travel allowance for travelers while in travel status and while performing services hereunder in such other countries at rates not in excess of those prescribed by the Federal Travel Regulations, as amended.

(e) *Indirect travel for personal convenience.* When travel is performed by an indirect route for the personal convenience of the traveler, the allowable costs of such travel will be computed on the basis of the cost of economy class air fare via the direct usually traveled route. If such costs include fares for air or ocean travel by foreign flag carriers, approval for indirect travel by such foreign flag carriers must be obtained from the Contracting Officer or the Mission Director before such travel is undertaken, otherwise only that portion of travel accomplished by United States-flag carriers will be reimbursable within the above limitation of allowable costs.

(f) *Limitation on travel by dependents.* Travel costs and allowances will be allowed only for dependents of regular employees and such costs shall be reimbursed for travel from place of abode in the United States to assigned station in the Cooperating Country and return, only if dependent remains in the Country for at least nine (9) months or one-half of the required tour of duty of the regular employee responsible for such dependent, whichever is greater.

If the dependent is eligible for educational travel pursuant to the General Provision entitled "Differential and Allowances", time spent away from post resulting from educational travel will be counted as time at post.

(g) *Delays en route.* The Contractor may grant to travelers under this Contract reasonable delays en route, not circuitous in nature, while in travel status, caused by events beyond the control of such traveler or Contractor. It is understood that if delay is caused by physical incapacitation, personnel shall be eligible for such sick leave as is provided under paragraph (b) of the clause of this Contract entitled "Leave and Holidays".

(h) *Travel by privately owned automobile.* The Contractor shall be reimbursed for the cost of travel performed by a regular employee in his privately owned automobile at rate not to exceed twelve cents (12¢) per mile plus authorized per diem for the employee and for each of the authorized de-

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pendents traveling in the automobile if the automobile is being driven to or from the Cooperating Country as authorized under the Contract; *Provided*, That the total cost of the mileage and the per diem paid to all authorized travelers shall not exceed the total constructive cost of fare and normal per diem by all authorized travelers by (1) surface common carrier or (2) less than first-class air, whichever is the lesser.

(i) *Emergency and irregular travel and transportation.* Actual transportation costs and travel allowances while en route, as provided in this section will also be reimbursed under the following conditions:

(1) The costs of going from post of duty in the Cooperating Country to the United States or other location for Contractor employees and dependents and returning to the post of duty, when the Contractor's Chief of Party makes a written determination that such travel is necessary for one of the reasons provided in (i) or (ii) below:

(A copy of the written determination shall be furnished to the Contracting Officer)

(i) Need for medical care beyond that available within the area to which the employee is assigned, or serious effect on physical or mental health if residence is continued at assigned post of duty, subject in either case, to the limitations stated in the provisions of this contract entitled "Physical Fitness of Employee and Dependents".

(ii) Death, or serious illness or injury of a member of the immediate family of the employee or the immediate family of the employee's spouse. "Serious illness or injury" is defined as one in which death is imminent or likely to occur as based on competent medical opinion; or one in which the absence of the employee or dependent would result in great personal hardship. "Immediate family" is defined as the mother or father of the employee or spouse, including stepparents or adoptive parents, the spouse of the employee, or children of the employee and/or spouse including stepchildren or adoptive children, regardless of age.

Ordinarily, only one member of a family may travel at contract expense on emergency visitation travel. However, there may be exceptional circumstances, such as critical injury to a dependent child attending school outside the post of assignment which would require the presence of the employee and/or dependent(s). In such cases the limitations prescribed in this provision apply to each traveler; for example, if more than one person travels, the deductible described below applies to each traveler.

An employee or dependent is limited to one round trip for each serious illness or injury of each immediate family member.

Reimbursement to the Contractor for the cost of such travel shall be subject to a "deductible" (for each round trip) of $100 if the employee's basic salary rate is less than the minimum scheduled rate for FSR–6 Agency personnel, or $200 if the employee's annual salary is more than the aforesaid rate. The employee will prepare and sign, prior to his or any dependent's departure from post for emergency visitation travel, a statement explaining the emergency for which travel expense is to be authorized, including the name, address, and relationship (to the employee or dependent) of the ailing or deceased family member. Requests for emergency travel may be granted at contract expense, less deductibles, only on the basis of certification by a licensed physician that (a) the medical condition of the patient is of such nature that, by customary practice of the medical profession in the locale where the condition is diagnosed or treated, it is considered such as to warrant the placement of the patient on the "critical list", or (b) the person has deceased. Where it is impracticable to provide a physician's statement prior to the travel, tentative approval for the travel may be granted by the Contractor's Chief of Party subject to a later furnishing of such certification.

Time away from post by the employee on emergency visitation travel, including travel time, is charged to vacation leave or leave without pay, as appropriate. No per diem, excess baggage or unaccompanied baggage charges or other expenses, except the cost of transportation in connection with emergency travel, are authorized for reimbursement under the contract.

(2) When, for any reason, the Mission Director determines it is necessary to evacuate the Contractor's entire team (i.e., employees and dependents or dependents only), the Contractor will be reimbursed for actual travel and transportation expenses and travel allowance while en route, for the cost of the individuals going from post of duty in the Cooperating Country to the United States or other approved location. The return of such employees and dependents to the Cooperating Country may also be authorized by the Mission Director when, in his discretion, he determines it is prudent to do so.

(3) The Mission Director may also authorize emergency or irregular travel and transportation in other situations, when in his opinion, the circumstances warrant such action. The authorization shall include the kind of leave to be used and appropriate restrictions as to time away from post, transportation of personal and/or household effects, etc. Requests for such emergency travel shall be submitted through the Contractor's Chief of Party.

(4) If a regular employee does not complete one full year at post of duty (except for reasons beyond his control), the costs of going to and from the post of duty are not reimbursable hereunder. If the employee serves more than one year but less than the required service in the cooperating country (except for reasons beyond his control) the costs of going to the post of duty are reimbursable hereunder but the costs of going from post of duty to the United States or other location are not reimbursable under this contract.

(j) *Home leave travel.* The Contractor shall be reimbursed for the cost of travel performed by regular employees and dependents for purposes of home leave provided that such reimbursement does not exceed that authorized by the Uniform State/AID/USIA Foreign Service Travel Regulations.

(k) *Rest and recuperation travel.* The Contractor shall be reimbursed for the cost of travel performed by regular employees and dependents for purposes of rest and recuperation: *Provided*, That, such reimbursement does not exceed that authorized Mission employees, e.g., required length of service at the post of assignment unbroken by home leave and with payment of deductibles: *And provided further*, That no reimbursement will be made unless approval is given by the Contractor's Chief of Party.

(l) *Use of U.S. flag carriers.* International air travel under this Contract shall be made on United States flag carriers. Exceptions to this rule will be allowed in the following situations: *Provided*, The Contractor supports the facts in the voucher or other documents retained as part of his Contract records to support his claim for reimbursement:

(i) Where a flight by a United States carrier does not operate, or if operating, is not scheduled to arrive in time, or where the departure time or routing would interfere with or prevent the satisfactory performance of official business;

(ii) Where a flight by a United States carrier is scheduled but does not have accommodations available when reservations are sought;

(iii) Where a scheduled flight by a United States carrier is delayed because of weather, mechanical, or other conditions to such an extent that use of a non-United States carrier is in the Government's interest;

(iv) Where the appropriate class of accommodations is available only on a non-United States carrier and the cost of transportation and related per diem is less than the cost of available accommodations of another class on a United States carrier and related per diem; and

(v) Where payment for transportation can be made in trust funds or excess foreign currencies, provided no United States air carriers adequately serving the points of travel will accept the currency. This preferential use of foreign air carrier will also apply to near-excess foreign currencies.

16. Section 7–7.5002–7 is revised as follows:

§ 7–7.5002–7 Differentials and allowances.

DIFFERENTIAL AND ALLOWANCES (SEPT. 1974)

(a) *Post differential.* Post differential is an additional compensation for service at places in foreign areas where conditions of environment differ substantially from conditions of environment in the continental United States and warrant additional compensation as a recruitment and retention incentive.

In areas where post differential is paid to AID direct-hire employees, post differential not to exceed the percentage of salary as is provided such AID employees in accordance with the Standardized Regulations (Government Civilians, Foreign Areas), Chapter 500 (except the limitation contained in Section 552, "Ceiling on Payments") Tables-Chapter 900, as from time to time amended, will be reimbursable hereunder for employees in respect to amounts earned during the time such employees actually spend overseas on work under this Contract. When such post differential is provided to contractor employees, it shall be payable beginning on the date of arrival at the post of assignment and continue, including periods away from post on official business, until the close of business on the day of departure from post of assignment en route to the United States. Sick or vacation leave taken at away from the post of assignment will not interrupt the continuity of the assignment or require a discontinuance of such post differential payments, provided such leave is not taken within the United States or the territories of the United States. Post differential will not be payable while the employee is away from his post of assignment for purposes of home leave. Short-term employees appointed to serve at least 90 days shall be entitled to post differential beginning with the forty-third (43rd) day at post retroactive to the date of arrival at post.

(b) *Living quarters allowance.* Living quarters allowance is an allowance granted to reimburse an employee for substantially all of his cost for either temporary or residence quarters whenever Government-owned or Government-rented quarters are not provided to him at his post without charge. Such costs are those incurred for temporary lodging (temporary lodging allowance) or one unit of residence quarters (living quarters allowance) and include rent, plus any costs not included therein for heat, light, fuel, gas, electricity and water. The temporary lodging allowance and the living quarters allowance are never both payable to an employee for the same period of time.

The Contractor will be reimbursed for payments made to employees for a living quarters allowance for rent and utilities if such facilities are not supplied. Such allowance shall not exceed the amount paid AID employees of equivalent rank in the Cooperating Country, in accordance with either the Standardized Regulations (Government Civilians, Foreign Areas), Chapter 130, as from time to time amended, or other rates approved by the Mission Director. Subject to the written approval of the Mission Director, short-term employees may be paid per diem (in lieu of living quarters allowance) at rates prescribed by the Federal Travel Regulations, as from time to time amended, during the time such short-term employees spend at posts of duty in the Cooperating Country under this Contract. In authorizing such per diem rates, the Mission Director shall consider the particular circumstances involved with respect to each such short-term employee including the extent to which meals and/or lodging may be made available without charge or at nominal cost by an agency of the United States Government or of the Cooperating Government, and similar factors.

(c) *Temporary lodging allowance.* Temporary lodging allowance is a quarters allowance granted to an employee for the reasonable cost of temporary quarters incurred by the employee and his family for a period not in excess of (i) three months after first arrival at a new post in a foreign area or a period ending with the occupation of residence (permanent) quarters, if earlier, and (ii) one (1) month immediately preceding final departure from the post subsequent to the necessary vacating of residence quarters.

The Contractor will be reimbursed for payments made to employees and authorized dependents for temporary lodging allowance, in lieu of living quarters allowance, not to exceed the amount set forth in the Standardized Regulations (Government Civilians, Foreign Areas), Chapter 120, as from time to time amended.

(d) *Post allowance.* Post allowance is a cost-of-living allowance granted to an employee officially stationed at a post where the cost of living, exclusive or quarters costs, is substantially higher than in Washington, D.C.

The Contractor will be reimbursed for payments made to employees for post allowance not to exceed those paid AID employees in the Cooperating Country, in accordance with the Standardized Regulations (Government Civilians, Foreign Areas), Chapter 220, as from time to time amended.

(e) *Supplemental post allowance.* Supplemental post allowance is a form of post allowance granted to an employee at his post when it is determined that assistance is necessary to defray extraordinary subsistence costs.

The Contractor will be reimbursed for payments made to employees for supplemental post allowance not to exceed the amount set forth in the Standardized Regulations (Government Civilians, Foreign Areas), Chapter 230, as from time to time amended.

(f) *Educational allowance.* Educational allowance is an allowance to assist an employee in meeting the extraordinary and necessary expenses, not otherwise compensated for, incurred by reason of his service in a foreign area in providing adequate elementary and secondary education for his children.

The Contractor will be reimbursed for payments made to regular employees for educational allowances for their dependent children in amounts not to exceed those set forth in the Standardized Regulations (Government Civilians, Foreign Areas), Chapter 270, as from time to time amended.

(g) *Educational travel.* Educational travel is travel to and from a school in the United States for secondary education (in lieu of an educational allowance) and for college education.

The Contractor will be reimbursed for payments made to regular employees for educational travel for their dependent children provided such payment does not exceed that which would be payable in accordance with the Standardized Regulations (Government Civilians, Foreign Areas), Chapter 280, as from time to time amended. Educational travel shall not be authorized for regular employees whose assignment is less than two years.

(h) *Separate maintenance allowance.* Separate maintenance allowance is an allowance to assist an employee who is compelled, by reason of dangerous, notably unhealthful, or excessively adverse living conditions at his post of assignment in a foreign area, or for the convenience of the Government, to meet the additional expense of maintaining his dependents elsewhere than at such post.

The Contractor will be reimbursed for payments made to regular employees for a separate maintenance allowance not to exceed that made to AID employees in accordance with the Standardized Regulations (Government Civilians, Foreign Areas), Chapter 260, as from time to time amended.

(i) *Payments during evacuation.* The Standardized Regulations (Government Civilians, Foreign Areas) provide the authority for efficient, orderly, and equitable procedure for the payment of compensation, post differential and allowances in the event of an emergency evacuation of employees or their dependents, or both, from duty stations for military or other reasons or because of imminent danger to their lives.

If evacuation has been authorized by the Mission Director the Contractor will be reimbursed for payments made to employees and authorized dependents evacuated from their post of assignment in accordance with the Standardized Regulations (Government Civilians, Foreign Areas), Chapter 600, and the United States Federal Travel Regulations, as from time to time amended.

17. Section 7–7.5002–10 is amended to change the date of the title in the introductory text from "DECEMBER 1970" to "SEPTEMBER 1974" and to revise paragraph (a) (3) as follows:

§ 7–5002–10 Insurance—workmen's compensation, private automobiles, marine and air cargo.

(a) • • •

(3) The Contractor agrees to insert the provisions of this clause, including this paragraph (3), in all subcontracts or subordinate contracts hereunder except subcontracts or subordinate contracts exclusively for furnishing materials or supplies.

18. New § 7–7.5002–15 is added as follows:

§ 7–7.5002–15 Transportation and Storage Expenses.

TRANSPORTATION AND STORAGE EXPENSES (SEPTEMBER 1974)

(a) Transportation of Motor Vehicles, Personal Effects and Household Goods.

Transportation, including packing and crating costs, will be paid for shipping from the point of origin in the United States (or other location as approved by the Contracting Officer) to post of duty in the Cooperating Country and return to point of origin in the United States (or other location as approved by the Contracting Officer):

(1) Of one privately-owned vehicle for each regular employee,

(2) Of personal effects of travelers, and

(3) Of household goods of each regular employee not to exceed the following limitations:

	Basic household furniture not supplied (pounds net weight)	Basic household furniture supplied (pounds net weight)
Regular employee with dependents in cooperating country	7,500	2,500
Regular employee without dependents in cooperating country	4,500	1,500

NOTE.—For the purpose of this clause, "net weight" and "gross weight" are defined and determined in accordance with the provisions of § 162.1 of the Uniform State/AID/USIA Foreign Service Travel Regulations.

The cost of transporting motor vehicles and household goods shall not exceed the cost of packing, crating and transportation by surface. In the event that the carrier does not require boxing or crating of motor vehicles for shipment to the Cooperating Country, the cost of boxing or crating is not reimbursable. The transportation of a privately-owned motor vehicle for a regular employee may be authorized by the Contractor, as replacement of the last such motor vehicle shipped under this Contract for such employee when the Mission Director or his designee determines in advance and so notifies the Contractor in writing, that the replacement is necessary for reasons not due to the negligence or malfeasance of the regular employee. The determination shall be made under the same rules and regulations that apply to Mission employees.

(b) *Unaccompanied baggage.* The Contractor will be reimbursed for costs of shipment of unaccompanied baggage (in addition to the weight allowance above for household effects) not to exceed the following:

	Gross weight (pounds)
Employee	250
First dependent traveling	200
Second dependent traveling	150
Each additional dependent traveling	100

This unaccompanied baggage may be shipped as air freight by the most direct route between authorized points of origin and destination regardless of the modes of travel used.

Unaccompanied baggage is considered to be those personal belongings needed by the traveler immediately upon arrival at destination. To permit the arrival of effects to coincide with the arrival of regular employees and dependents, consideration should be given to advance shipments of unaccompanied baggage.

The foregoing provision concerning "unaccompanied baggage" is also applicable to home leave travel. The foregoing provision "unaccompanied baggage" is also applicable to short-term employees when these are authorized by the terms of this Contract.

(c) *Storage of household effects.* The cost of storage charges (including packing, crating and drayage costs) in the U.S. of household goods of regular employees will be permitted in lieu of transportation of all or any part of such goods to the Cooperating Country under paragraph (a) above: *Provided*, That the total amount of household goods shipped to the Cooperating Country and stored in the U.S. shall not exceed 4,500 pounds net for each regular employee without dependents in the Cooperating Country and 7,500 pounds net for each regular employee with dependents in the Cooperating Country.

(d) *Limitation on transportation.*—(1) *International Air Transportation.* All international air shipments under this contract shall be made on U.S. flag carriers unless shipment would, in the judgment of the Con-

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tractor, be delayed unreasonably awaiting a U.S. carrier either at point of origin or transshipment: *Provided*, That the Contractor certifies to the facts in the vouchers or other documents retained as part of the contract record to support his claim for reimbursement and for post audit by AID.

(2) *International Ocean transportation.* All international ocean transportation of persons and things which is to be reimbursed in U.S. dollars under this contract shall be by U.S. flag vessels to the extent they are available.

(i) *Transportation of things.* Where U.S. flag vessels are not available, or their use would result in a significant delay, the Contractor may obtain a release from this requirement from the Transportation Division, Agency for International Development, Washington, D.C. 20523, or the Mission Director, as appropriate, giving the basis for the request.

(ii) *Transportation of persons.* Where U.S. flag vessels are not available, or their use would result in a significant delay, the Contractor may obtain a release from this requirement from the Contracting Officer or the Mission Director, as appropriate.

(3) *Transportation of foreign-made motor vehicles.* Reimbursement of the costs of transporting a foreign (non-U.S.) made motor vehicle will be made in accordance with the provisions of the Uniform State/AID/USIA Foreign Service Travel Regulations, as from time to time amended.

(4) *Reduced rates on U.S. flag carriers.* Reduced rates on United States flag carriers are in effect for shipments of household goods and personal effects of AID contract personnel. These reduced rates are available: *Provided*, The shipper states on the bill of lading that the cargo is "Personal property—not for resale—payment of freight charges is at U.S. Government (AID) expense and any special or diplomatic discounts accorded this type cargo are applicable." The Contractor will not be reimbursed for shipments of household goods or personal effects in amounts in excess of the reduced rates available in accordance with the foregoing.

19. New § 7-7.5003-2 is added as follows:

§ 7-7.5003-2 Care of Laboratory Animals.

Insert the following clause in applicable contracts to be performed in the United States, the District of Columbia, the Commonwealth of Puerto Rico, or a territory or possession of the United States:

CARE OF LABORATORY ANIMALS
(SEPTEMBER 1974)

(a) Before undertaking performance of any contract involving the use of laboratory animals, the Contractor shall register with the Secretary of Agriculture of the United States in accordance with section 6, Pub. L. 89-544, Laboratory Animal Welfare Act, August 24, 1966, as amended by Pub. L. 91-579, Animal Welfare Act of 1970, December 24, 1970. The Contractor shall furnish evidence of such registration to the Contracting Officer.

(b) The Contractor shall acquire animals to be used in research under this contract only from dealers licensed by the Secretary of Agriculture, or from exempted sources in accordance with the Public Laws enumerated in (a) above.

(c) In the care of any experimental warmblooded animal used or intended for use in the performance of this contract, the Contractor shall comply with: the Public Laws enumerated in (a) above; regulations issued thereunder (Title 9, Code of Federal Regulations, Parts 1, 2 and 3, entitled "Laboratory Animal Welfare"); the principles enunciated in the "Guide for Laboratory Animal Facilities and Care" prepared by the Institute of Laboratory Animal Resources, National Academy of Sciences-National Research Council (Public Health Service Publication No. 1024); and the terms of this contract. In the event of any conflict among the standards prescribed by the foregoing, the higher standard shall be used.

NOTE: The Contractor may request registration of its facility and a current listing of licensed dealers from the Veterinarian in Charge, Animal Health Division, USDA, in the capital city of the state in which his research facility is located. (In Florida, the office of the Veterinarian in Charge is in Jacksonville.)

Subpart 7-7.51—Clauses for Basic Ordering Agreement for Engineering Services [Deleted]

20. Subpart 7-7.51 is deleted in its entirety.

Subpart 7-7.52—Basic Ordering Agreement for Participant Training

21. Section 7-7.5201-6 is amended to add a title date of "(SEPTEMBER 1974)" as an introductory text and to revise paragraph (a) as follows:

§ 7-7.5201-6 Withdrawal of students.

• • • • • •

(a) The Government may, at its option and at any time, withdraw any student.

• • • • • •

22. Section 7-7.5201-9 is revised as follows:

§ 7-7.5201-9 Audit and Records.

Insert the clause set forth in FPR-1-3.814-2(a) under the conditions prescribed therein.

Subpart 7-7.53—Contracts for Participant Training

23. Section 7-7.5301-9 is revised as follows:

§ 7-7.5301-9 Audit and Records.

3.814-2(a) under the conditions pre-
Insert the clause set forth in FPR-1-scribed therein.

Subpart 7-7.55—Clauses for Cost Reimbursement Contracts with Educational Institutions

§ 7-7.5501-8 [Amended]

24. Section 7-7.5501-8 is amended to change the date of the title from "JUNE 1973" to "SEPT 1974" and to delete the reference to "Examination of Records" in paragraph (g) and substitute "Examination of Records by Comptroller General".

25. Section 7-7.5501-12 is revised as follows:

§ 7-7.5501-12 Audit and Records.

Insert the clause set forth in FPR-1-3.814-2(a) under the conditions prescribed therein.

§ 7-7.5502-7 [Amended]

26. Section 7-7.5502-7 is amended to change the date of the title from "NOVEMBER 1973" to "SEPT 1974" and to delete the last sentence in paragraph (b).

27. Section 7-7.5502-8 is revised as follows:

§ 7-7.5502-8 Differential and allowances.

Insert the clause set forth in AIDPR 7-7.5002-7.

28. Section 7-7.5502-9 is revised as follows:

§ 7-7.5502-9 Travel expenses.

Insert the clause set forth in AIDPR 7-7.5002-3.

29. Section 7-7.5502-10 is revised as follows:

§ 7-7.5502-10 Transportation and storage expenses.

Insert the clause set forth in AIDPR 7-7.5002-15.

30. New § 7-7.5503-9 is added as follows:

§ 7-7.5503-9 Care of laboratory animals.

Insert the clause set forth in AIDPR 7-7.5003-2 under the conditions contained therein.

PART 7-13—GOVERNMENT PROPERTY

Subpart 7-13.7—Contract Clauses

31. Section 7-13.705(a) is amended as follows:

§ 7-13.705 Government property clause for cost-reimbursement contracts with non-profit institutions.

(a) Except as provided in paragraph (b) of this section, the following clause is used in cost-reimbursement contracts with non-profit institutions (including educational institutions) which are performed in the United States, or under which title to Government property vests in the U.S. Government.

• • • • •

(b) When a contract is for basic or applied scientific research with an educational institution or non-profit organization whose primary purpose is the conduct of scientific research the following shall be substituted for paragraph (c) of the clause as set forth in paragraph (a) of this section, unless it is determined that the vesting of title in the institution to Government property is not in furtherance of the objectives of the Agency.

(c) Title.

(1) Title to all Government-furnished property shall remain in the Government.

(2) Except as otherwise expressly provided elsewhere in this contract, title to all material, supplies, and equipment purchased or otherwise acquired by the Contractor, for the cost of which the Contractor is to be reimbursed as a direct item of cost, shall be and remain in the Contractor subject to the provisions of subparagraph (3) of this paragraph: *Provided, however*, That the Contractor shall not, under any Government contract or subcontract thereunder or under any Government grant, charge for any depreciation, amortization, or use of any property title to which remains in the Contractor pursuant to this subparagraph. The Contractor agrees to use and maintain such materials, supplies and equipment for the benefit of research of interest to the Government.

(3) With respect to items of equipment having an acquisition cost of $1,000 or more, title to which vests in the Contractor pursuant to subparagraph (2) of this paragraph, the Contractor agrees:

(i) To report such items to the Contracting Officer from time to time as they are acquired and to maintain a control system which will permit their ready identification and location; and

(ii) To transfer title to any such items to the Government, or to a third party designated by the Government, where the third party is eligible under existing statutes, in accordance with any written request therefor issued by the Contracting Officer at any time prior to final payment under this contract.

(4) All Government-furnished property, together with all property acquired by the Contractor, title to which vests in the Government pursuant to any other express provision of this contract, is subject to the provisions of this clause, and is hereinafter collectively referred to as "Government Property." Title to the Government property shall not be affected by the incorporation or attachment thereof to any property not owned by the Government, nor shall such Government property, or any part thereof, be or become a fixture or lose its identity or personality by reason of affixation to any realty.

32. Section 7-13.706 is revised as follows:

§ 7-13.706 Government property clause for all contracts under which title vests in the Cooperating Country.

The following clause shall be used in all contracts under which title to contractor-acquired property vests in the Cooperating Country, pursuant to the Project Agreement or other underlying document between AID and the Cooperating Country. Where no such agreement has been made, the appropriate clause vesting title to the property in the United States Government or educational or research institution shall be used.

TITLE TO AND CARE OF PROPERTY
(SEPTEMBER 1974)

(a) Except as modified by the Schedule of this Contract, title to all equipment, materials and supplies, the cost of which is reimbursable to Contractor by AID or by the Cooperating Government, shall at all times be in the name of the Cooperating Government, or such public or private agency as the Cooperating Government may designate, unless title to specified types or classes of equipment is reserved to AID under provisions set forth in the Schedule of this Contract; but all such property shall be under the custody and control of Contractor until the owner of title directs otherwise or completion of work under this Contract or its termination, at which time custody and control shall be turned over to the owner of title or disposed of in accordance with its instructions. All performance guaranties and warranties obtained for suppliers shall be taken in the name of the title owner.

(b) Contractor shall prepare and establish a program, to be approved by the Mission, for the receipt, use, maintenance, protection, custody and care of equipment, materials and supplies for which it has custodial responsibility, including the establishment of reasonable controls to enforce such program.

(c) Within 90 days after completion of this contract, or at such other date as may be fixed by the Contracting Officer, the Contractor shall submit an inventory schedule covering all items of equipment, materials and supplies under his custody, title to which is in the Cooperating Government, which have not been consumed in the performance of this Contract. The Contractor shall also indicate what disposition has been made of such property.

PART 7-16—PROCUREMENT FORMS

33. The Contents of Part 7-16 are amended by revising Subparts 7-16.5 and 7-16-9 as follows:

Subpart 7-16.5—Forms for Advertised and Negotiated Nonpersonal Services Contracts (Other than Construction)

Sec.
7-16.500 Scope of subpart.
7-16.550 Cover Page for Agency for International Development Cost Reimbursement Type Contract.
7-16.551 (Reserved).
7-16.552 Cover Page for basic ordering agreement (participant training).
7-16.553 Forms for task orders for participant training: Individual and group.
7-16.554 Cover pages for contracts for participant training: Individual and group:
7-16.555 Cover Page for Agency for International Development Fixed Price Technical Services Contract.
7-16.556 Cover Page for Agency for International Development cost reimbursement contract with an educational institution.
7-16.557 Negotiated indirect cost agreement.

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Subpart 7-16.9—Illustrations of Forms

7-16.900 Scope of subpart.
7-16.951 Cover Page for Agency for International Development Cost Reimbursement Contract With an Educational Institution.
7-16.952 Cover Page for Agency for International Development Cost-Reimbursement Type Contract.
7-16.953 [Reserved.]
7-16.954-1 [Reserved.]
7-16.954-2 [Reserved.]
7-16.955 Form for Offeror's Analysis of Cost Proposal.
7-16.956-1 Cover Page for Basic Ordering Agreement (Participant Training).
7-16.956-2 Task Order for Participant Training (Individual).
7-16.956-3 Task Order for Participant Training (Group).
7-16.957-1 Cover Page for Contract for Participant Training (Individual).
7-16.957-2 Cover Page for Contract for Participant Training (Group).
7-16.958 Cover Page for Agency for International Development Fixed Price Technical Services Contract.
7-16.959 Negotiated Indirect Cost Rate Agreement.
7-16.960 Small Business/Minority Business Enterprise Review Form (AID Form 1410-14).
7-16.961 Contractor's Release and/or Assignment of Refunds, Rebates, Credits, and Other Amounts (AID Form 1420-40).
7-16.962 Assignee's Release and/or Assignment of Refunds, Rebates, Credits and Other Amounts (AID Form 1420-44).

AUTHORITY: Sec. 621, 72 Stat. 445, as amended; 22 U.S.C. 2381. E.O. 10973 November 3, 1961, 26 F.R. 10469; 3 CFR 1959-63 Comp.

Subpart 7-16.5—Forms for Advertised and Negotiated Nonpersonal Services Contracts (Other Than Construction)

34. Subpart 7-16.5 is revised as follows:

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§ 7–16.500 Scope of subpart.

This subpart prescribes forms for use in advertised and negotiated nonpersonal service contracts other than construction.

§ 7–16.550 Cover Page for Agency for International Development Cost Reimbursement Type Contract.

AID Form 1420–41A (see AIDPR 7–16.952) is for use with the General Provisions for Cost Reimbursement Type Contracts with a contractor other than an educational institution. Use of the Cover Page is mandatory as are the General Provisions prescribed in AIDPR 7–7.50.

§ 7–16.551 [Reserved]

§ 7–16.552 Cover Page for Basic Ordering Agreement (Participant Training).

AID Form 1420–27A (see AIDPR 7–16.956–1) is for use with the General Provisions for Basic Ordering Agreements (Participant Training). Use of the Cover Page is mandatory as are the General Provisions set forth in AIDPR 7–7.52.

§ 7–16.553 Forms for Task Orders for Participant Training: Individual and Group.

(a) AID Form 1420–27D, "Task Order for Participant Training (Individual)" (see § 7–16.956–2) is for use in issuing task orders for individuals under the Basic Ordering Agreement for Participant Training. Use of the form is mandatory.

(b) AID Form 1420–27E, "Task Order for Participant Training (Group)" (see AIDPR 7–16.956–3) is for use in issuing task orders for a group of participants under the Basic Ordering Agreement for Participant Traning. Use of the form is mandatory.

§ 7–16.554 Cover Page for Contracts for Participant Training: Individual and Group.

(a) AID Form 1420–27F, "Cover Page for Contract for Participant Training (Individual)", (see AIDPR 7–16.957–1) is mandatory for use with contracts for the training of an individual, as are the General Provisions set forth in AIDPR 7–7.53.

(b) AID Form 1420–27G, "Cover Page for Contract for Participant Training (Group)", (see AIDPR 7–16.957–2), is mandatory for use with contracts for the training of a group, as are the General Provisions set forth in AIDPR 7–7.53.

§ 7–16.555 Cover Page for Agency for International Development Fixed Price Technical Services Contract.

AID Form 1420–42A, "Cover Page for Agency for International Development Fixed Price Technical Services Contract", (see AIDPR 7–16.958), is for use with the General Provisions for a fixed price technical services type contract with a contractor other than an educational institution. Use of the Cover Page is mandatory as are the General Provisions prescribed in AIDPR 7–7.54.

§ 7–16.556 Cover Page for Agency for International Development Cost Reimbursement Contract with an Educational Institution.

AID Form 1420–23A, "Cover Page for Agency for International Development Cost Reimbursement Contract with an Educational Institution", (see AIDPR 7–16.951), is for use with the General Provisions for cost reimbursement type contracts with educational institutions. Use of the Cover Page is mandatory as are the General Provisions prescribed in AIDPR 7–7.55.

§ 7–16.557 Negotiated Indirect Cost Rate Agreement.

AID Form 1420–47, "Negotiated Indirect Cost Rate Agreement" (see AIDPR 7–16.959, is for use in establishing indirect cost rates for Agency contracts.

Subpart 7–16.9—Illustration of Forms

§§ 7–16.954–1 and 7–16.954–2 [Deleted]

35. Sections 7–16.954–1, 7–16.954–2 are deleted in their entirety.

36. Section 7–16.956–2, *Task order for participant training (individual)*, is amended by substituting the following revised form:

§ 7–16.956–2 Task order for participant training (individual).

AID Forms 1420–27D—Task Order for Participating Training (Individual) filed as part of the original document.

37. Section 7–16.956–3, *Task Order for Participant Training (Group)*, is amended by substituting the following revised form:

§ 7–16.956–3 Task Order for Participant Training (Group).

AID Form 1420–27E—Task Order for Participating Training (Group) filed as part of the original document.

38. Section 7–16.957–1, *Cover Page for Contract for Participant Training (Individual)*, is amended by substituting the following revised form:

§ 7–16.957–1 Cover Page for Contract for Participant Training (Individual).

AID Form 1420–27F—Cover Page for Contract for Participant Training (Individual) filed as part of the original document.

39. Section 7–16.957–2, Cover Page for Contract for Participant Training (Group), is amended by substituting the following revised form:

§ 7–16.957–2 Cover Page for Contract for Participant Training (Group).

AID Form 1420–27G—Cover Page for Contract for Participant Training (Group) filed as part of the original document.

PART 7–60—CONTRACT APPEAL PROCEDURE

40. Part 7–60 is revised as follows:

Subpart 7–60.1—Appeals Procedure

Sec.
7–60.101 Designation of Armed Services Board of Contracts Appeals (ASBCA) to hear and determine appeals under AID contracts.
7–60.102 Special procedures regarding contract dispute appeals promulgated pursuant to Paragraph 2 of the Administrator's Designation.

AUTHORITY: Sec. 621, 72 Stat. 445, as amended; 22 U.S.C. 2381. E.O. 10973, November 3, 1961, 26 FR 10469; 3 CFR 1959–63 Comp.

Subpart 7–60.1—Appeals Procedure

§ 7–60.101 Designation of Armed Services Board of Contract Appeals (ASBCA) to hear and determine appeals under AID contracts.

(a) The Armed Services Board of Contract Appeals is hereby designated the authorized representative of the Administrator of the Agency for International Development (AID) in hearing, considering, and determining as fully and finally as might the Administrator, appeals by contractors from decisions on disputed questions taken pursuant to the provisions of contracts requiring the determination of such appeals by the Administrator or his duly authorized representative or Board.

(b) In acting under this designation, the Armed Services Board of Contract Appeals will follow such rules and procedures as are or may be prescribed for the conduct of Defense Department contract appeal cases, except for the rules entitled "Forwarding of Appeals" (Rule 3) and "Duties of the Contracting Officer" (Rule 4), which subjects will be governed by procedures to be promulgated by the General Counsel of AID with approval of the Chairman of the Armed Services Board of Contract Appeals.

(c) The General Counsel of AID will assure representation of the interests of the Government in proceedings before the Armed Services Board of Contract Appeals.

(d) All officers and employees of AID will cooperate with the Armed Services Board of Contract Appeals and Government counsel in the processing of appeals so as to assure their speedy and just determination.

(e) This designation will apply to appeals which have not been docketed by the Agency for International Development Board of Contract Appeals before November 1, 1965, and, to such extent and in such manner as may be agreed upon by the General Counsel of AID and the Chairman of the Armed Services Board of Contract Appeals to appeals docketed before that date.

(f) The General Counsel of AID will assure that all matters docketed by the Agency for International Development Board of Contract Appeals before November 1, 1965, are transferred or brought to completion, that no appeals will subsequently be docketed by that Board, that upon completion of its business the records and files of the Board will be transferred to the Executive Secretary of AID. The General Counsel will thereupon dissolve the Board.

Dated: September 30, 1965.

WILLIAM S. GAUD,
Acting Administrator.

§ 7–60.102 Special procedures regarding contract dispute appeals promulgated pursuant to Paragraph 2 of the Administrator's Designation.

The following rules will apply, in lieu of Rules 3 and 4(a) of the Armed Services Board of Contract Appeals, to contract dispute appeals to the Administrator of the Agency for International Development or his authorized representative which are docketed with that Board.

Rule 3 (AID). *Forwarding of Appeals.* When a notice of appeal in any form has been received by the contracting officer, he shall endorse thereon the date of mailing (or date of receipt, if otherwise conveyed) and within 10 days shall forward said notice of appeal to the Board with a copy to the AID General Counsel in Washington, D.C. Following receipt by the Board of the original notice of an appeal (whether through the contracting officer or otherwise), the contractor, the contracting officer, and the AID General Counsel will be promptly advised of its receipt, and the contractor will be furnished a copy of these rules.

Rule 4 (AID). *Preparation, Contents, Organization, Forwarding, and Status of Appeal File* (Supersedes Rule 4, "Duties of Contracting Officer" of the ASBCA rules in effect on September 30, 1965).

(a) *Duties of Contracting Officer.* Within 30 days of receipt of an appeal, or advice that an appeal has been filed, the contracting officer shall assemble and transmit to the AID General Counsel in Washington, D.C., two copies of all documents pertinent to the appeal, including:

(1) The decision and findings of fact from which appeal is taken;

(2) The contract, including specifications and pertinent amendments, plans and drawings;

(3) All correspondence between the parties pertinent to the appeal, including the letter or letters of claim in response to which the decision was issued;

(4) All transcripts of any testimony taken during the course of proceedings, and affidavits or statements of any witnesses on the matter in dispute made prior to the filing of the notice of appeal with the Board; and

(5) Any additional information considered pertinent.

The General Counsel will compile the appeal file from such documents, which file must contain the items enumerated in (1) through (5) above and will promptly, and in any event within 60 days after the appeal is docketed by the Board, transmit the appeal file to the Board. The General Counsel will notify the appellant when he has compiled the appeal file, will provide him with a list of its contents, and will afford him an opportunity to examine the complete file at the office of the Board and, if the General Counsel deems it appropriate, at an overseas location, for the purpose of satisfying himself as to the contents, and furnishings or suggesting any additional documentation deemed pertinent to the appeal. After receipt of the foregoing file, as it may be augmented at the time of receipt, the Board will promptly advise the parties.

Issued pursuant to the order of the Administrator on Designation of the Armed Services Board of Contract Appeals dated September 30, 1965.

Dated: October 13, 1965.

THOMAS L. FARMER,
General Counsel.

Approved:
LOUIS SPECTOR,
Chairman, Armed Services Board of Contract Appeals.

Cancellation. This amendment incorporates AIDPR Notice 74–1 (39 FR 8160) which is hereby cancelled.

Effective date. This amendment is effective on September 30, 1974. However, it may be observed earlier.

Dated: June 5, 1974.

WILLARD H. MEINECKE,
Acting Assistant Administrator for Program and Management Services.

[FR Doc.74–13998 Filed 6–18–74;8:45 am]

Title 45—Public Welfare

CHAPTER II—SOCIAL AND REHABILITATION SERVICE (ASSISTANCE PROGRAMS), DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 250—ADMINISTRATION OF MEDICAL ASSISTANCE PROGRAMS

Payment for Reservation of Beds in Long Term Care Facilities

Part 250 of Chapter II of Title 45 of the Code of Federal Regulations is amended to set forth policies for payment for the reservation of a bed in a long term care facility during the temporary absence of a recipient from the facility. Previous policy on such payment was not clearly stated. The purpose of the regulation is to provide the States with definitive guidance in the matter to encourage deinstitutionalization of recipients. The regulation provides for Federal financial participation in State payments to reserve a bed in a long term care facility for periods of up to fifteen days for hospitalization for an acute condition and of up to 3 days for therapeutically indicated home visits. These time periods are based on the experience of those States which had actively implemented a program of payment for reserved beds under pre-existing policy. It also sets forth specific conditions to be met, including prior authorization for hospitalization and deinstitutionalization planning for recipients on therapeutic visits.

This regulation shall become effective June 19, 1974, because immediate implementation of this policy clarification is in the public interest. Amendment or revision will be made if, after due consideration of comments, suggestions, or objections to the interim regulations, received in writing by the Administrator, Social and Rehabilitation Service, Department of Health, Education, and Welfare, P.O. Box 2372, Washington, D.C. 20013, on or before July 19, 1974, it is determined such amendment or revision is required. Comments received will be available for public inspection in Room 5324 of the Department's offices at 330 C Street SW., Washington, D.C., on Monday through Friday of each week from 8:30 a.m. to 5 p.m. (Area code 202/245–0950).

Section 250.30 of Part 250, Chapter II, Title 45 of Code of Federal Regulations, is amended by revising paragraphs (b) and (d) to read as follows:

§ 250.30 Reasonable charges.

* * * * *

(b) *Upper limits.* The upper limits for payments for care and services under a medical assistance plan are as follows: The State agency may pay less than the upper limits, except that, in the case of inpatient hospital services, a State may pay less only with prior approval of the Secretary. These upper limits do not apply to payments made under the State plan for deductibles and coinsurance imposed under title XVIII of the Social Security Act. Such payments may be made up to the reasonable charge under title XVIII. The upper limits with respect to any item of medical care and services provided under the State plan shall not exceed the amounts established as the ceilings for the prices of such item pursuant to nationally-imposed economic controls or limitations on the prices of good and services, including those imposed pursuant to Executive Order 11615 of August 15, 1971, 36 F.R. 15727, or any subsequent issuance. A State which pays for reserved beds in long term care facilities pursuant to paragraph (d) may set payment rates for such reserved beds in an amount less than the rate paid for care in the facility if it is determined by the State that a differential exists between the cost of reserving a bed and the cost of providing care.

* * * * *

(d) *Federal financial participation.*—(1) *General* Federal financial participation is available for payments within the upper limits described in paragraph (b) of this section, in accordance with the provisions of the State plan.

(2) *Payments during recipient's absence from long term care facility.* (i) Federal financial partcipation is available in vendor payments which are necessary to reserve a bed in a long term care facility (skilled nursing facility, intermediate care facility, tuberculosis or mental hospital, or chronic care part of a general hospital facility) for a recipient during a temporary absense in a hospital for an acute condition or for home visits.

(*a*) The following conditions will be met in any instance in which a bed is reserved.

(*1*) The State plan provides for such payments;

(2) Payment is made only for those days during which there is a likelihood that the reserved bed would otherwise be required for occupancy by some other patient. Determinations as to whether there is a likelihood that a bed is otherwise required for occupancy shall be based on occupancy patterns and levels of the facility and other pertinent data; and

(*b*) The following conditions will be met when a bed is reserved in a long term care facility because of the recipient's hospitalization for an acute condition:

(*1*) The single State agency has approved the recipient's hospitalization for an acute condition prior to each period of hospitalization during which a bed in another facility has been reserved. In

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case of an emergency admission such authorization will be obtained as soon as possible after admission.

(2) The single State agency has approved the bed reservation for the recipient prior to each period of hospitalization. In case of an emergency admission such authorization will be obtained as soon as possible after admission.

(3) The patient intends to return to the same facility after hospitalization.

(4) The hospital provides a discharge plan for the recipient.

(c) When a bed is reserved because the recipient is out of the facility for home visits which are therapeutically indicated, there is a planned program for deinstitutionalization of the recipient of which such visits are a part.

(ii) Federal financial participation in the cost of reserving a bed for purposes of paragraph (d)(2) of this section is available for periods of hospitalization for acute conditions not to exceed 15 days and for therapeutically indicated home visits not to exceed 3 days per visit.

(Sec. 1102, 49 Stat. 647 (42 U.S.C. 1302))

Effective Date: June 19, 1974.

(Catalog of Federal Domestic Assistance Program No. 13.714, Medical Assistance Program)

Dated: June 10, 1974.

JAMES S. DWIGHT, Jr.,
Administrator, Social and Rehabilitation Service.

Approved: June 13, 1974.

CASPAR W. WEINBERGER,
Secretary.

[FR Doc.74-14045 Filed 6-18-74;8:45 am]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-290]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the fourth column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

State	County	Location	Hazard area identified	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
•	•	•	•	•	•	•
Alabama	Autauga	Prattville, city of				June 18, 1974.
Florida	Palm Beach	West Palm Beach, city of.				June 18, 1974. Emergency.
Do	Brevard	Rockledge, city of.	Mar. 1, 1974			Do.
Kansas	Rawlins	Atwood, city of	Feb. 15, 1974			Do.
Maryland	Caroline	Unincorporated areas.				Do.
Minnesota	McLeod	Glencoe, city of				Do.
Do	Watonwan	Unincorporated areas.				June 13, 1974.
Missouri	Lincoln	Old Monroe, city of.				June 18, 1974.
New Jersey	Camden	Magnolia, borough of.				June 18, 1974. Emergency.
Do	Monmouth	Union Beach, borough of.	Dec. 28, 1973			Do.
Do	Middlesex	South River, borough of.	Apr. 5, 1974			Do.
Do	Somerset	Hillsborough, township of.				Do.
Oklahoma	Oklahoma	Edmond, city of				Do.
Oregon	Polk	Dallas, city of	Nov. 23, 1973			Do.
Pennsylvania	Delaware	Morton, borough of.				Do.
Do	Jefferson	Brookville, borough of.				Do.
Do	Clinton	South Renovo, borough of.				Do.
•	•	•	•	•	•	•
Do	Westmoreland	Irwin, borough of	Apr. 12, 1974			Do.
Do	Beaver	Fallston, borough of.	Feb. 8, 1974			Do.
Do	Franklin	Greene, township of.				Do.
Do	Allegheny	Jefferson, borough of.				Do.
Vermont	Washington	East Montpelier, town of.				Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408-410, Pub. L. 91-152, Dec. 24, 1969) (42 U.S.C. 4001-4127); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: June 10, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74-13820 Filed 6-18-74;8:45 am]

[Docket No. FI-289]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities With Special Hazard Areas

The Federal Insurance Administrator finds that comment and public procedure and the use of delayed effective dates in identifying the areas of communities which have special flood or mudslide hazards, in accordance with 24 CFR Part 1915, would be contrary to the public interest. The purpose of such identifications is to guide new development away from areas threatened by flooding. Since this publication is merely for the purpose of informing the public of the location of areas of special flood hazard and has no binding effect on the sale of flood insurance or the commencement of construction, notice and public procedure are impracticable, unnecessary, and contrary to the public interest. Inasmuch as this publication is not a substantive rule, the identification of special hazard areas shall be effective on the date shown. Accordingly, § 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1915.3 List of communities with special hazard areas.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
•	•	•	•	•	•	•
Alabama	Autauga	Autaugaville, town of.	H 010001 01 through H 010001 02	Alabama Development Office, Office of State Planning, State Office Bldg., 501 Dexter Ave., Montgomery, Ala. 36104. Alabama Insurance Department, Room 453, Administrative Bldg., Montgomery, Ala. 36104.	Mayor, Town Hall, Autaugaville, Ala. 36003.	June 7, 1974.
Do	Baldwin	Daphne, city of	H 010005 01	do	Mayor, City Hall, Daphne, Ala. 36526.	Do.
Do	Calhoun	Piedmont, city of	H 010024 01 through H 010024 05	do	Mayor, City of Piedmont, Ala. 36272.	Do.
Do	Covington	Gantt, town of	H 010083 01	do	Mayor, Gantt, Ala. 36038	Do.
Do	Geneva	Samson, city of	H 010086 01 through H 010088 02	do	Mayor, Samson, Ala. 36477	Do.
Do	Jefferson	Irondale, town of	H 010124 01	do	Mayor, City Hall, Irondale, Ala. 35210.	Do.
Do	Lee	Auburn, city of	H 010144 01 through H 010144 04	do	Mayor, Chairman, City Council, City Hall, Auburn, Ala. 36830.	Do.
Do	Marengo	Demopolis, city of	H 010157 01 through H 010157 06	do	Mayor, City Hall, Demopolis, Ala. 36732.	Do.
Do	Talladega	Talladega, city of	H 010200 01 through H 010200 06	do	Mayor, City Hall, Talladega, Ala. 35160.	Do.
Alaska	Lynn Canal-Icy Straits Borough.	Hoonah, city of	H 020049 01 through H 020049 02	Department of Community and Regional Affairs, Division of Community Research and Planning, Pouch B, Juneau, Alaska 99801. Alaska Division of Insurance, Room 410, Goldstein Bldg., Pouch D, Juneau, Alaska 99801.	Mayor, City of Hoonah, Hoonah, Alaska 99829.	Do.
Arizona	Apache	St. Johns, city of	H 040010 01	Arizona State Land Dept., 1624 West Adams, Room 400, Phoenix, Ariz. 85007. Arizona Department of Insurance, P.O. Box 7098, 718 W. Glenrosa, Phoenix, Ariz. 85011.	Mayor, City Hall, St. Johns, Ariz. 85936.	Do.
Do	Coconino	Fredonia, town of	H 040021 01	do	Mayor, City Hall, Fredonia, Ariz. 86022.	Do.
Do	Greenlee	Clifton, town of	H 040035 01 through H 040035 03	do	Mayor, City Hall, Clifton, Ariz. 85533.	Do.
Do	Navajo	Show Low, city of	H 040069 01	do	Mayor, City Hall, Show Low, Ariz. 85901.	Do.
Do	Yavapai	Cottonwood, town of.	H 040096 01 through H 040096 02	do	Mayor, P.O. Box 866, Cottonwood, Ariz. 86326	Do.
Arkansas	Marion	Flippen, city of	H 050135 01	Division of Soil and Water Resources, State Department of Commerce, 1920 West Capitol Ave., Little Rock, Ark. 72201. Arkansas Insurance Department, 400 University Tower Bldg., Little Rock, Ark. 72204.	Mayor, City Hall, Flippen, Ark. 72634.	Do.
Do	Ouachita	Bearden, city of	H 050162 01	do	Mayor, City Hall, Bearden, Ariz. 71720.	Do.
California	Inyo	Bishop, city of	H 060074 01	Department of Water Resources, P.O. Box 388, Sacramento, Calif. 95802 California Insurance Department, 107 South Broadway, Los Angeles, Calif. 90012.	Mayor, 207 West Line St., Bishop, Calif. 93514.	Do.
Do	Alameda	San Leandro, city of.	H 060013 01 through H 060013 07	do	Mayor, 835 East 14th St., San Leandro, Calif. 94577.	Do.
Do	Butte	Oroville, city of	H 060020 01 through H 060020 04	do	Mayor, City Hall, 1735 Montgomery St., Oroville, Calif. 95965.	Do.
Do	El Dorado	Placerville, city of.	H 060041 01 through H 060041 03	do	Mayor, City Hall, 485 Main St., Placerville, Calif. 95667.	Do.
Do	Kings	Hanford, city of	H 060068 01 through H 060068 04	do	Mayor, City Hall, 400 N. Douty St., Hanford, Calif. 93230.	Do.
Do	Marin	Mill Valley, city of.	H 060177 01 through H 060177 04	do	Community Development Department, P.O. Box 31, City Hall, Mill Valley, Calif. 94941.	Do.
Do	Monterey	Seaside, city of	H 060203 01 through H 060203 04	do	Mayor, City Hall, 440 Harcourt Ave., Seaside, Calif. 93955.	Do.
Do	Orange	Cypress, city of	H 060217 01 through H 060217 02	do	Mayor, City Hall, 5275 Orange Ave., Cypress, Calif. 90630.	Do.

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State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do	do	Los Alamitos, city of.	H 060226 01 through H 060226 02	do	Mayor, City Hall, 3191 Katella Ave., Los Alamitos, Calif. 90720.	Do.
Do	San Bernardino	Colton, city of	H 060273 01 through H 060273 08	do	Mayor, Civic Center, 650 North La Cadena Dr., Colton, Calif. 92324.	Do.
Do	do	Rialto, city of.	H 060280 01 through H 060280 08	do	Department of Public Works, P.O. Box 728, Rialto, Calif. 92376.	Do.
Do	San Luis Obispo	Arroyo Grande, city of.	H 060305 01 through H 060305 04	do	Mayor, City of Arroyo Grande, Arroyo Grande, Calif. 93420.	Do.
Do	San Mateo	San Bruno, city of.	H 060326 01 through H 060326 02	do	Mayor, City Hall, 567 El Camino Real, San Bruno, Calif. 94066.	Do.
Do	Santa Clara	Los Altos, city of	H 060341 01 through H 060341 03	do	Mayor, City Hall, 1 North San Antonio Rd., Los Altos, Calif. 94022.	Do.
Do	Stanislaus	Oakdale, city of	H 060389 01	do	Mayor, City Hall, 248 North 3rd Ave., Oakdale, Calif. 95361.	Do.
Do	Sutter	Live Oak, city of	H 060395 01	do	Mayor, City Hall, 9867 O St., Live Oak, Calif. 95953.	Do.
Do	Ventura	Thousand Oaks, city of.	H 060422 01 through H 060422 15	do	Office of Public Works, 1429 Thousand Oaks Blvd., Thousand Oaks, Calif. 91360.	Do.
Do	Marin	Belvedere, city of	H 060429 01 through H 060429 03	do	City Hall, 450 San Rafael Ave., Belvedere, Calif. 94920.	Do.
Do	do	Tiburon, city of	H 060430 01 through H 060430 02	do	City Hall, 80 Main St., Tiburon, Calif. 94920.	Do.
Do	Tehama	Red Bluff, city of	H 065053 01 through H 065053 03	do	City Clerk, 555 Washington St., Red Bluff, Calif. 96080.	Do.
Colorado	Adams	Westminster, city of.	H 080008 01 through H 080008 12	Colorado Water Conservation, Board, Room 102, 1845 Sherman St., Denver, Colo. 80203. Colorado Division of Insurance, 106 State Office Bldg., Denver, Color. 80203.	City Clerk's Office, 3031 West 76th Ave., Westminster, Colo. 80032.	Do.
Do	Archuleta	Pagosa Springs, town of.	H 080019 01	do	Mayor, City Hall, Pagosa Springs, Colo. 81147.	Do.
Do	Gunnison	Crested Butte, town of.	H 080079 01	do	Mayor, City Hall, Crested Butte, Colo. 81224.	Do.
Do	Teller	Woodland Park town of.	H 080175 01	do	City Manager, Woodland Park, Colo. 80863.	Do.
Connecticut	Litchfield	Roxbury, town of.	H 090051 01 through H 090051 07	Department of Environmental Protection, Division of Water and Related Resources, Room 207, State Office Bldg., Hartford, Conn. 06115. Connecticut Insurance Department. State Capitol Bldg., 165 Capitol Ave., Hartford, Conn. 06115.	Selectman, Roxbury, Conn. 06783	Do.
Do	New Haven	New Haven, city of.	H 090084 01	do	City Clerk, 200 Orane Street, New Haven, Conn. 06508.	Do.
Do	Tolland	Bolton, town of	H 090109 01 through H 090109 04	do	Selectman, 9 Bolton Center Road, Bolton, Conn. 06040.	Do.
Do	Hartford	Rocky Hill, town of.	H 090742 01 through H 090742 04	do	Mayor, City of Rocky Hill, Rocky Hill, Conn. 06067.	Do.
Delaware	Sussex	Blades, town of	H 100031 01	Division of Soil and Water Conservation, Department of Natural Resources and Environmental Control, Tatnall Bldg., Capital Complex, Dover, Del. 19901. Delaware Insurance Department, 21 The Green, Dover, Del. 19901.	Planning and Zoning Commission, Court House, Blades, Del.	Do.
Do	do	Bridgeville, town of.	H 100032 01 through H 100032 02	do	Mayor, Bridgeville, Del. 19933	Do.
Do	do	Lewes, city of	H 100041 01 through H 100041 02	do	Town Hall, East Third Street, Lewes, Del.	Do.
Do	do	Laurel, town of	H 100040 01	do	Mayor and Council, Town of Laurel, Laurel, Del. 19956.	Do.
Florida	Duval	Jacksonville Beach, city of.	H 120078 01 through H 120078 04	Department of Community Affairs, 2571 Executive Center Circle East, Howard Bldg., Tallahassee, Fla. 32201. State of Florida Insurance Department, Treasurer's Office, The Capitol, Tallahassee, Fla. 32304.	Hon. Robert T. Evans, Mayor, City of Jacksonville Beach, Jacksonville Beach, Fla. 32250.	Do.
Do	Pinellas	Pinellas Park, city of.	H 120251 01 through H 120251 04	do	City Manager, City of Pinellas Park, Pinellas Park, Fla. 33565.	Do.
Do	Polk	Haines City, city of.	H 120266 01 through H 120266 03	do	City Manager, City Hall, Haines City, Fla. 33844.	Do.
Georgia	Bryan	Richmond Hill, city of.	H 130018 01 through H 130018 04	Department of Natural Resources, Office of Planning and Research, 270 Washington St. SW., Room 707, Atlanta, Ga. 30334. Georgia Insurance Department, State Capitol, Atlanta, Ga. 30334.	Mayor, City Hall, Richmond Hill, Ga. 31324.	Do.
Do	Bulloch	Statesboro, city of.	H 130021 01 through H 130021 04	do	Mayor, City Hall, Statesboro, Ga. 30458.	Do.
Do	Clinch	Homerville, city of.	H 130051 01 through H 130051 02	do	Mayor, Municipal Bldg., Homerville, Ga. 31634.	Do.
Do	Cobb	Smyrna, city of	H 130057 01 through H 130057 06	do	City Engineer, City of Smyrna, Public Works Bldg., 1300 Spring St., Smyrna, Ga. 30080.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do	De Kalb	Chamblee, city of	H 130066 01 through H 130066 04	do	City Hall, City of Chamblee, 5468 Peachtree Rd., Chamblee, Ga. 30341.	Do.
Do	do	Doraville, city of	H 130069 01 through H 130069 04	do	City Hall, 3725 Park Ave., Doraville, Ga. 30340.	Do.
Do	Fulton	Roswell, city of	H 130088 01 through H 130088 13	do	City Hall, 816 Atlanta St., Roswell, Ga. 30075.	Do.
Do	Gwinnett	Lilburn, city of	H 130100 01 through H 130100 04	do	Mayor, City Hall, Lilburn, Ga. 30247.	Do.
Do	Henry	Stockbridge, city of.	H 130108 01 through H 130108 02	do	Mayor, City Hall, Stockbridge, Ga. 30281.	Do.
Do	Oglethorpe	Crawford, city of	H 130146 01	do	Mayor, City Hall, Crawford, Ga. 30630.	Do.
Do	Polk	Aragon, city of	H 130162 01	do	City Hall, City of Aragon, Aragon, Ga. 30104.	Do.
Do	do	Rockmart, city of.	H 130164 01 through H 130164 03	do	City Manager, City Hall, Rockmart, Ga. 31063.	Do.
Do	Screven	Sylvania, city of	H 130163 01 through H 130163 02	do	Mayor, City-County Bldg., Sylvania, Ga. 30467.	Do.
Do	Thomas	Thomasville, city of	H 130170 01 through H 130170 06	do	Municipal Bldg., 144 East Jackson St., Thomasville, Ga. 31792.	
Do	Troup	West Point, city of.	H 130178 01 through H 130178 02	do	Mayor, City Hall, West Point, Ga. 31833.	Do.
Do	Walker	Lafayette, city of	H 130182 01	do	Walker County Commissioner, P.O. Box 445, Lafayette, Ga. 30728.	May 17, 1974.
Idaho	Elmore	Mountain Home, city of.	H 160058 01 through H 160058 08	Department of Water Administration, State House, Annex 2, Boise, Idaho 83707. Idaho Department of Insurance, Room 206, Statehouse, Boise, Idaho 83707.	Mayor, City Hall, Mountain Home, Idaho 83647.	June 7, 1974.
Do	Shoshone	Wallace, city of	H 160118 01	do	Mayor of Wallace, Wallace, Idaho 83873	Do.
Do	Twin Falls	Twin Falls, city of.	H 160120 01 through H 160120 05	do	City Manager, Twin Falls, Idaho 83301.	Do.
Illinois	Adams	Golden, village of	H 170002 01	Governor's Task Force on Flood Control, P.O. Box 475, Lisle, Ill. 60532. Illinois Insurance Department, 509 State Office Bldg., Springfield, Ill. 62702.	Mayor, Golden, Ill.	Do.
Do	Bureau	Princeton, city of	H 170014 01 through H 170014 02	do	Mayor, City Hall, Princeton, Ill. 61356	Do.
Do	Christian	Stonington, village of.	H 170037 01	do	Mayor, Stonington, Ill. 62567	Do.
Do	Clinton	Breese, city of	H 170046 01	do	Mayor, City Hall, 290 North Clinton, Breese, Ill.	Do.
Do	Cook	Bellwood, village of.	H 170061 01	do	Mayor, 2726 St. Charles Rd., Bellwood, Ill. 60104.	Do.
Do	De Kalb	Malta, village of	H 170187 01	do	President of the Board, Village of Malta, Malta, Ill. 60150.	Do.
Do	do	Shabbona, village of.	H 170189 01	do	President of the Village Board, Village of Shabbona, Shabbona, Ill. 60550.	Do.
Do	Green	Carrollton, city of	H 170250 01	do	Mayor, Carrollton, Ill. 62016	Do.
Do	Hancock	Carthage, city of	H 170269 01	do	Mayor, City Hall, Carthage, Ill. 62321	Do.
Do	Iroquois	Ashkum, village of.	H 170287 01	do	Mayor, Ashkum, Ill. 60911	Do.
Do	do	Gilman, city of	H 170293 01	do	Mayor, Gilman, Ill. 60938	Do.
Do	Jefferson	Mount Vernon, city of.	H 170308 01 through H 170308 06	do	City Manager, City Hall, Mount Vernon, Ill. 62864.	Do.
Do	Jersey	Jerseyville, city of.	H 170315 01 through H 170315 02	do	Chairman of Planning Commission, City Hall, Jerseyville, Ill. 62052.	Do.
Do	Knox	Abingdon, city of	H 170348 01	do	Mayor, City Hall, Abingdon, Ill. 61410.	Do.
Do	do	Knoxville, city of	H 170350 01	do	Mayor, City Office, Knoxville, Ill. 61448.	Do.
Do	do	Oneida, city of	H 170352 01	do	Mayor, Village Hall, Oneida, Ill. 61467	Do.
Do	do	Victoria, village of	H 170353 01	do	Village President, Victoria, Ill. 61485	Do.
Do	do	Wataga, village of	H 170354 01	do	Village President, Wataga, Ill. 61488	Do.
Do	Macoupin	Gillespie, city of	H 170433 01	do	Mayor, Gillespie, Ill. 62033	Do.
Do	Massac	Brookport, city of	H 170468 01	do	Mayor, Brookport, Ill. 62910	Do.
Do	McDonough	Bushnell, city of	H 170471 01	do	Mayor, City Hall, Bushnell, Ill. 61422	Do.
Do	McLean	Colfax, village of	H 170493 01	do	Mayor, Colfax, Ill. 61728	Do.
Do	Moultrie	Bethany, village of.	H 170521 01	do	Mayor, City Hall, Bethany, Ill. 61914	Do.
Do	do	Lovington, village of.	H 170523 01	do	Mayor, City Hall, Lovington, Ill. 61937.	Do.
Do	Ogle	Forreston, village of.	H 170527 01	do	Mayor, City Hall, Forreston, Ill. 61030	Do.
Do	Pike	Pittsfield, city of	H 170557 01 through H 170557 02	do	Mayor, Pittsfield, Ill. 62363	Do.
Do	Sangamon	Springfield, city of.	H 170604 01 through H 170604 18	do	Planning Commission, Municipal Bldg., 8th and Monroe, Springfield, Ill. 62704.	Do.
Do	Scott	Bluffs, village of	H 170608 01	do	Mayor, Bluffs, Ill. 62621	Do.
Do	Shelby	Moweaqua, village of.	H 170611 01	do	Mayor, 340 East Main St., Moweaqua, Ill. 62550.	Do.
Do	Tazewell	Washington, city of.	H 170655 01 through H 170655 03	do	City Council, 115 West Jefferson, Washington, Ill. 61571.	Do.
Do	Winnebago	South Beloit, city of.	H 170725 01	do	Mayor, City Hall, South Beloit, Ill. 61080.	Do.

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State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Indiana	Huntington	Huntington, city of.	H 180094 01 through H 180094 03	Division of Water, Department of Natural Resources, 608 State Office Bldg., Indianapolis, Ind. 46204. Indiana Insurance Department, 509 State Office Bldg., Indianapolis, Ind. 46204.	Planning Commission Director, City Bldg., Huntington, Ind. 46750.	Do.
Do	Huntington	Andrews, town of.	H 180097 01	do	County Plan Director, Court House, Huntington, Ind. 46750.	Do.
Do	Noble	Albion, town of.	H 180181 01	do	Noble Co. Planning Commission, Albion, Ind. 46701.	Do.
Do	Porter	Burns Harbor, town of.	H 180207 01	do	Town Board, Boo Rd., Chesterton, Ind. 46304.	Do.
Do	Putnam	Cloverdale, town of.	H 180215 01	do	Chairman, Town Board, Cloverdale, Ind. 46120.	Do.
Do	Wabash	Wabash, city of.	H 180271 01 through H 180271 02	do	Chairman, Wabash City Planning Commission, 111 South Wabash, Wabash, Ind. 46992.	Do.
Iowa	Story	Gilbert, town of.	H 190256 01	Iowa Natural Resources Council, James W. Grimes Bldg., Des Moines, Iowa 50319. Iowa Insurance Department, Lucas State Office Bldg., Des Moines, Iowa 50319.	Mayor, City Hall, Gilbert, Iowa 50105.	Do.
Do	Warren	Carlisle, town of.	H 190274 01	do	Mayor, City Hall, Carlisle, Iowa 50047.	Do.
Do	do	Indianola, city of.	H 190275 01 through H 190275 04	do	Mayor, City Hall, Indianola, Iowa 50125.	Do.
Kansas	Harvey	Halstead, city of.	H 200131 01	Division of Water Resources, State Board of Agriculture, Topeka, Kans. 66612. Kansas Insurance Department, 1st Floor, Statehouse, Topeka, Kans. 66612.	Mayor, City Hall of Halstead, Halstead, Kans. 67056.	Do.
Do	do	Sedgwick, city of.	H 200134 01	do	Mayor, City Hall, Sedgwick, Kans. 67135.	Do.
Do	Haskell	Satanta, city of.	H 200135 01	do	Mayor, City Hall, Satanta, Kans. 67870.	Do.
Do	Johnson	Merriam, city of.	H 200169 01 through H 200169 02	do	Mayor, City Hall, 9000 West 62d Ter., Shawnee Mission, Kans. 66202.	Do.
Do	do	Mission Hills, city of.	H 200171 01 through H 200171 02	do	Mayor, City Hall, 6300 State Line Rd., Shawnee Mission, Kans. 66208.	Do.
Do	Leavenworth	Tonganoxie, city of.	H 200192 01	do	Mayor, City Hall, Tonganoxie, Kans. 66086.	Do.
Do	Riley	Ogden, city of.	H 200301 01	do	Mayor, City Building, Ogden, Kans. 66517.	Do.
Kentucky	Bath	Salt Lick, town of.	H 210049 01	Division of Water, Kentucky Department of Natural Resources, Capitol Plaza, Office, Tower, Frankfort, Ky. 40601. Kentucky Insurance Department, Old Capitol Annex, Frankfort, Ky. 40601.	Mayor, Salt Lick, Ky. 40371	Do.
Do	Fleming	Flemingsburg, town of.	H 210068 01 through H 210068 02	do	Mayor, Flemingsburg, Ky. 11041	Do.
Do	Franklin	Frankfort, city of.	H 210075 01 through H 210075 05	do	Chairman, Frankfort—Franklin County Planning Commission, Municipal Bldg., Frankfort, Ky. 40601.	Do.
Do	Harrison	Cynthiana, city of.	H 21017 01 through H 21017 02	do	Mayor, City Hall, Cynthiana, Ky. 41031.	Do.
Do	Letcher	Jenkins, city of.	H 210138 01 through H 210138 04	do	Mayor, City Hall, Jenkins, Ky. 41537.	Do.
Do	Madison	Berea, city of.	H 210156 01 through H 210156 03	do	Mayor, City Hall, Berea, Ky. 40403	Do.
Do	Simpson	Franklin, city of.	H 210210 01 through H 210210 02	do	Mayor, Municipal Bldg., Franklin, Ky. 42134.	Do.
Do	Todd	Guthrie, town of.	H 210214 01 through H 210214 02	do	Mayor, Guthrie, Ky. 42234	Do.
Do	Meade	Bradenburg, city of.	H 21 163 0360 01	do	Mayor, City Hall, Brandenburg, Ky. 40108.	May 17, 1974.
Louisiana	Ascension	Donaldsonville, city of.	H 220014 01 through H 220014 02	State Department of Public Works, P.O. Box 44155, Capitol Station, Baton Rouge, La. 70804. Louisiana Insurance Department, Box 44214, Capitol Station, Baton Rouge, La. 70804.	City of Donaldsonville, P.O. Box 470, Donaldsonville, La. 70346.	June 7, 1974.
Do	St. Martin Parish	Henderson, town of.	H 220189 01	do	Dudley Patin, Secretary, Town of Henderson, City Hall, Henderson, La. 70517.	Do.
Maine	Aroostook	Limestone, town of.	H 230023 01 through H 230023 09	Maine Soil and Water Conservation Commission, State House, Augusta, Maine 04330. Maine Insurance Department, Capitol Shopping Center, Augusta, Maine 04330.	1st Selectman, Town Office, Limestone, Maine 04750.	Do.
Massachusetts	Berkshire	Alford, town of.	H 250017 01	Division of Water Resources, Water Resources Commission, State Office Bldg., 100 Cambridge St., Boston, Mass. 02202. Massachusetts Division of Insurance, 100 Cambridge St., Boston, Mass. 02202.	Town Hall, Town Center, Alford, Mass.	Do.

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Do	Essex	Nahant, town of.	H 250095 01 through H 250095 03	do	Town Hall, Nahant, Mass. 01908	Do.
Do	Hampden	Holland, town of.	H 250141 01 through H 250141 04	do	Chairman, Planning Board, Town Hall, Holland, Mass. 01550.	Do.
Do	Middlesex	Everett, city of.	H 250192 01 through H 250192 03	do	City Council, City Hall, Everett, Mass. 02149.	Do.
Do	Suffolk	Chelsea, city of.	H 250287 01 through H 250287 02	do	Office of the City Engineer, City Hall, 500 Broadway, Chelsea, Mass. 02150.	Do.
Do	Worcester	Douglas, town of.	H 250301 01 through H 250301 16	do	Chairman, Board of Selectman, Town Hall, Douglas, Mass. 01516.	Do.
Do	do	East Brookfield, town of.	H 250303 01 through H 250303 03	do	Chairman, Board of Selectman, Town Hall, East Brookfield, Mass. 01515.	Do.
Michigan	Allegan	Saugatuck, village of.	H 260009 01	Water Resources Commission, Bureau of Water Management, Stevens T. Mason Bldg., Lansing, Mich. 48926. Michigan Insurance Bureau, 111 North Mosmer St., Lansing, Mich. 48913.	Village President, Village Hall, Saugatuck, Mich. 49453.	May 17, 1974.
Do	Arenac	Angres, city of.	H 260012 01 through H 260012 02	do	Office of the Zoning, Administrator, Angres Township, Omer, Mich. 48749.	June 7, 1974.
Do	Bay	Essexville, city of.	H 260021 01 through H 260021 02	do	City Clerk, City Hall, 1401 Woodside, Essexville, Mich. 48752.	Do.
Do	do	Merritt, township of.	H 260024 01 through H 260024 09	do	Clerk, Merritt Township, 32 West Munger Rd., Munger, Mich. 48747.	Do.
Do	do	Pinconning, township of.	H 260025 01 through H 260025 12	do	Clerk, Pinconning Township, 678 Newman Rd., Pinconning, Mich. 48650.	Do.
Do	Berrien	Bridgman, city of.	H 260033 01 through H 260033 04	do	Ms. Phyllis S. Weber, Clerk, City of Bridgman, City Hall, 4355 Lake Street, Bridgman, Mich. 49106.	Do.
Do	Charlevoix	Charlevoix, city of.	H 260057 01	do	Tom Hanna, City Manager, City Hall, Charlevoix, Mich. 49720.	Do.
Do	Dickinson	Iron Mountain, city of.	H 260063 01 through H 260063 03	do	Mayor, Municipal Bldg., Iron Mountain, Mich. 49801.	Do.
Do	Ingham	Lansing, city of.	H 260090 01 through H 260090 10	do	City of Lansing, Public Service Department, City Hall, 7th Floor, Lansing, Mich. 49833.	Do.
Do	Ionia	Ionia, city of.	H 260097 01 through H 260097 02	do	Mayor, Donald Stanton, 405 North Jefferson St., Ionia, Mich. 48846.	Do.
Do	Iosco	Baldwin township of.	H 260099 01 through H 260099 12	do	Baldwin Township Hall, Monument Rd., Tawas City, Mich. 48730.	Do.
Do	Menominee	Menominee, city of.	H 260138 01 through H 260138 03	do	Kenneth C. Krause, Clerk of the Board of Commissioners, Office of County Clerk and Registrar of Deeds, Menominee, Mich. 49858.	Do.
Do	Monroe	London, township of.	H 260149 01 through H 260149 11	do	Edward Werstein, 10909 Palmer, Township of London, Maybee, Mich. 48159.	Do.
Do	Muskegon	Muskegon, city of.	H 260161 01 through H 260161 08	do	City Hall, City of Muskegon, 933 Terrace St., Muskegon, Mich. 49443.	Do.
Do	Tuscola	Wisner, township of.	H 260209 01 through H 260209 07	do	Tuscola County Civil Defense, Township of Wisner, 420 Court St., Caro, Mich. 48723.	Do.
Do	Van Buren	South Haven, city of.	H 260211 01	do	City Manager, City Hall, Phoenix Avenue, South Haven, Mich. 49090.	Do.
Do	Wayne	Grosse Ile, township of.	H 260227 01 through H 260227 04	do	Stuart McNabb, Administrative Assistant, Township of Grosse Ile, P.O. Box 116, Grosse Ile, Mich. 48138.	Do.
Do	do	Grosse Pointe, city of.	H 260228 01	do	Municipal Bldg., 17147 Maumee Ave., Grosse Pointe, Mich. 48230.	Do.
Do	Jackson	Jackson, city of.	H 260273 01 through H 260273 04	do	Alice Boelter, Assistant Director of Community Development, City of Jackson, 122 West Washington, Jackson, Mich. 49201.	Do.

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Minnesota	Brown	Sleepy Eye, city of.	H 270087 01	Division of Waters, Soils and Minerals, Department of Natural Resources, Centennial Office Bldg., St. Paul, Minn. 55101. Minnesota Division of Insurance, R-210 State Office Bldg., St. Paul, Minn. 55101.	Mayor, City Hall, 108 West Main, Sleepy Eye, Minn. 56085.	Do.
Do	Carver	Victoria, city of	H 270054 01 through H 270054 02	do	Mayor, City Hall, Victoria, Minn. 55386.	Do.
Do	do	Waconia, city of	H 270065 01	do	Mayor, City Hall, Waconia, Minn. 55387.	Do.
Do	Dakota	Lakeville, city of	H 270107 01 through H 270107 10	do	Mayor, City of Lakeville, Lakeville, Minn. 55044.	Do.
Do	do	Rosemont, city of	H 270113 01 through H 270113 02	do	Mayor, City Hall, 1367 145th St. East, Rosemont, Minn. 55068.	Do.
Do	Freeborn	Albert Lea, city of.	H 270135 01 through H 270135 04	do	City Manager, City Hall, Albert Lea, Minn. 56007.	Do.
Do	Hennepin	Corcoran, city of	H 270155 01 through H 270155 12	do	Mayor, Village of Corcoran, Route 1, P.O. Box 160, Rogers, Minn. 55374.	Do.
Do	do	Minnetonka Beach, city of.	H 270174 01	do	Mayor, City of Minnetonka, 14600 Minnetonka Blvd., Minnetonka, Minn. 55343.	Do.
Do	do	Mound, city of	H 270176 01 through H 270176 04	do	Mayor, City of Mound, 5545 Shoreline Blvd., Mound, Minn. 55364.	Do.
Do	do	Deephaven, city of.	H 270158 01 through H 270158 02	do	Mayor, City of Deephaven, 20225 Cottagewood Rd., Excelsior, Minn. 55331.	Do.
Do	do	Long Lake, city of.	H 270168 01	do	Mayor, City of Long Lake, Long Lake, Minn. 55356.	Do.
Do	do	St. Bonifacius, city of.	H 270183 01	do	Mayor, City of St. Bonifacius, St. Bonifacius, Minn. 55375.	Do.
Do	do	Spring Park, city of.	H 270186 01	do	Mayor, City of Spring Park, Spring Park, Minn. 55384.	Do.
Do	do	Tonka Bay, city of.	H 270187 01	do	Mayor, City of Tonka Bay, Route 2, P.O. Box 100, Excelsior, Minn. 55331.	Do.
Do	Hubbard	Park Rapids, city of.	H 270196 01 through H 270196 02	do	Mayor, City Administration Building, 222 South Main, Park Rapids, Minn. 56470.	Do.
Do	Koochiching	International Falls, city of.	H 270235 01	do	City Engineer, P.O. Box 392, International Falls, Minn. 56649.	Do.
Do	Le Sueur	Kasota, city of	H 270247 01	do	Mayor, City Hall, Kasota, Minn. 56050.	Do.
Do	McLeod	Glencoe, city of	H 270263 01 through H 270263 02	do	Mayor, Municipal Bldg., Glencoe, Minn. 55336.	Do.
Do	Martin	Fairmont, city of	H 270276 01 through H 270276 05	do	Mayor, City Hall, 114 East 1st St., Fairmont, Minn. 56031.	Do.
Do	Mille Lacs	Isle, city of	H 270288 01 through H 270288 02	do	Mayor, Isle, Minn. 56342	Do.
Do	Morrison	Pierz, city of	H 270301 01	do	Mayor, Pierz, Minn. 56364	Do.
Do	do	Randall, city of	H 270302 01 through H 270302 02	do	Mayor, Randall, Minn. 56475	Do.
Do	do	Royalton, city of	H 270303 01	do	Mayor, Royalton, Minn. 56373	Do.
Do	Ramsey	White Bear Lake, city of.	H 270386 01 through H 270386 05	do	Mayor, 250 Miller Ave., White Bear Lake, Minn. 55110.	Do.
Do	Redwood	Redwood Falls, city of.	H 270393 01 through H 270393 02	do	Mayor, City Hall, Redwood Falls, Minn. 56283.	Do.
Do	St. Louis	Eveleth, city of	H 270422 01 through H 270422 02	do	Mayor, City Hall, Eveleth, Minn. 55734.	Do.
Do	Scott	Shakopee, city of	H 270434 01 through H 270434 10	do	Chairman, City Council, City Hall, Shakopee, Minn. 55379.	Do.
Do	Steele	Owatonna, city of	H 270463 01 through H 270463 04	do	City Planning Commission, Courthouse, Owatonna, Minn. 55060.	Do.
Do	Ramsey	North Oaks, city of.	H 27 123 5284 01 through H 27 123 5284 04	do	Mayor, North Oaks City, 1 Pleasant Lake Road, St. Paul, Minn. 55110.	May 17, 1974.

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Mississippi	Amite	Gloster, town of	H 280004 01	Mississippi Reasearch and Development Center, P.O. Drawer 2470, Jackson, Miss. 39205. Mississippi Insurance Department, 910 Woolfolk Bldg., P.O. Box 79, Jackson, Miss. 39205.	Mayor, Gloster, Miss. 39638	June 7, 1974.
Do	do	Liberty, town of	H 280005 01	do	Mayor, Liberty, Miss. 39645	Do.
Do	Bolivar	Merigold, town of	H 280019 01	do	Town Hall, Merigold, Miss. 38759	Do.
Do	do	Mound Bayou, town of.	H 280020 01	do	Mayor, Mound Bayou, Miss. 38762	Do.
Do	do	Rosedale, city of	H 280022 01 through H 280022 02	do	Office of the City Clerk, City Hall, Rosedale, Miss. 38769.	Do.
Do	do	Shaw, city of	H 280023 01	do	Mayor, Shaw, Miss. 38773	Do.
Do	Calhoun	Bruce, city of	H 280026 01	do	Mayor, Bruce, Miss, 38915.	Do.
Do	do	Calhoun City, town of.	H 280027 01	do	Mayor, Calhoun City, Miss. 38916	Do.
Do	Carroll	North Carrollton, town of.	H 280028 01	do	Mayor, North Carrollton, Miss. 38947	Do.
Do	do	Valden, town of	H 280029 01 through H 280029 02	do	Mayor, Valden, Miss. 39176	Do.
Do	Clarke	Shubuta, town of	H 280034 01 through H 280034 02	do	Mayor, City Hall, Shubuta, Miss. 39360.	Do.
Do	do	Stonewall, town of.	H 280035 01	do	Mayor, City Hall, Stonewall, Miss. 39363.	Do.
Do	Coahoma	Clarksdale, city of.	H 280039 01 through H 280039 04	do	Mayor, City Hall, Clarksdale, Miss. 38614.	Do.
Do	do	Jonestown, town of.	H 280041 01 through H 280041 02	do	Mayor, City Hall, Jonestown, Miss. 38639.	Do.
Do	Copiah	Crystal Springs, city of.	H 280044 01	do	Mayor, Crystal Springs, Miss. 39059	Do.
Do	do	Hazelhurst, city of.	H 280046 01 through H 280046 04	do	Mayor, Hazelhurst, Miss. 39083	Do.
Do	Franklin	Bude, town of	H 280054 01	do	Mayor, Town Hall, Bude, Miss. 39630	Do.
Do	do	Roxie, town of	H 280055 01	do	Mayor, Town Hall, Roxie, Miss. 39661	Do.
Do	George	Lucedale, town of.	H 280056 01	do	Mayor, City Hall, Lucedale, Miss. 39452.	Do.
Do	Holmes	Goodman, town of.	H 280075 01	do	Mayor, Goodman, Miss. 39079	Do.
Do	Jefferson Davis	Prentiss, town of	H 280090 01	do	Mayor, Prentiss, Miss. 39474	Do.
Do	Lafayette	Oxford, city of	H 280094 01 through H 280094 04	do	Office of the City Clerk, City Hall, Oxford, Miss. 38655.	Do.
Do	Leake	Carthage, city of	H 280097 01 through H 280097 02	do	Mayor, Carthage, Miss. 39051	Do.
Do	Leflore	Greenwood, city of.	H 280102 01 through H 280102 04	do	Olene Lary, City Clerk, City of Greenwood, City Hall, 101 West Church St., Greenwood, Miss. 38930.	Do.
Do	do	Itta Bena, city of.	H 280103 01	do	Office of the Mayor, City Hall, Itta Bena, Miss. 38941.	Do.
Do	Lowndes	Columbus, city of.	H 280108 01 through H 280108 04	do	City Hall, City of Columbus, Columbus, Miss. 39701.	Do.
Do	Madison	Canton, city of	H 280109 01 through H 280109 04	do	Mayor, City Hall, Canton, Miss. 39046.	Do.
Do	Marshall	Byhalia, town of	H 280112 01	do	Mayor, City Hall, Byhalia, Miss. 38611.	Do.
Do	do	Holly Springs, city of.	H 280113 01 through H 280113 02	do	Mayor, City Hall, Holly Springs, Miss. 38635.	Do.
Do	Montgomery	Duckhill, town of.	H 280118 01	do	Mayor, Duckhill, Miss. 38925	Do.
Do	Oktibbeha	Starkville, city of	H 280124 01 through H 280124 04	do	Mayor, City Hall, Starkville, Miss. 39759.	Do.
Do	Panola and Quitman.	Crenshaw, town of.	H 280127 01	do	Mayor, City Hall, Crenshaw, Miss. 38621.	Do.
Do	Prentiss and Lee	Baldwyn, city of	H 280134 01	do	Mayor, City Hall, Baldwyn, Miss. 38824.	Do.
Do	Quitman and Panola.	Crowder, town of	H 280137 01	do	Mayor, Crowder, Miss. 38622	Do.
Do	Quitman	Lambert, town of	H 280139 01	do	Mayor, Lambert, Miss. 38643	Do.
Do	do	Marks, city of	H 280140 01	do	City Hall, Marks, Miss. 38646	Do.
Do	do	Sledge, town of	H 280141 01	do	Mayor, Sledge, Miss. 38670	Do.
Do	Rankin	Brandon, city of	H 280143 01 through H 280143 02	do	Mayor, City Hall, Brandon, Miss. 39042.	Do.
Do	do	Pelahatchie, town of.	H 280146 01	do	Mayor, City Hall, Pelahatchie, Miss. 39145.	Do.
Do	Scott	Morton, town of	H 280150 01 through H 280150 02	do	Mayor, City Hall, Morton, Miss. 39117	Do.
Do	Sharkey	Anguilla, town of	H 280153 01	do	Town Hall, Anguilla, Miss. 38721	Do.
Do	Simpson	D'Lo, town of	H 280157 01	do	Mayor, City Hall, D'Lo, Miss. 39062	Do.
Do	Tallahatchie	Charleston, city of.	H 280160 01	do	Mayor, Charleston, Miss. 38921	Do.
Do	Tippah	Ripley, city of	H 280173 01 through H 280173 03	do	Mayor, Ripley, Ripley, Miss. 38663	Do.
Do	Washington	Arcola, town of	H 280178 01	do	Office of the Town Clerk, Town Hall, Arcola, Miss. 38722.	Do.
Do	Webster	Eupora, town of	H 280183 01	do	Mayor, Community Bldg., Eupora, Miss. 39744.	Do.
Do	Yalobusha	Coffeeville, town of.	H 280186 01	do	Mayor, Coffeeville, Miss. 38922	Do.
Do	Sunflower	Sunflower, town of.	H 2813325 10	do	Chancery Clerk, Chancery Clerk's Office, Sunflower County Courthouse, Indianola, Miss. 38751.	May 17, 1974.

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State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Missouri	Adair	Novinger, town of.	H 290008 01	Water Resources Board, P.O. Box 271, Jefferson City, Mo. 65077. Division of Insurance, P.O. Box 690, Jefferson City, Mo. 65101.	Mayor, Novinger, Mo. 63559	June 7, 1974.
Do	Atchison	Tarkio, city of	H 290013 01 through H 290013 02	do	Mayor, City Hall, Tarkio, Mo. 64491	Do.
Do	Boone	Centralia, city of	H 290035 01 through H 290035 02	do	Mayor, City Hall, Centralia, Mo. 65240.	Do.
Do	Buchanan	St. Joseph, city of.	H 290043 01 through H 290043 14	do	Zoning and Planning Department, City of St. Joseph, St. Joseph, Mo. 64501.	Do.
Do	Cass	Archie, town of	H 290061 01 through H 290061 02	do	Mayor, City Hall, Archie, Mo. 64725	Do.
Do	Macon	Macon, city of	H 290220 01 through H 290220 03	do	City Hall, 121 Bourke St., Macon, Mo. 63552.	Do.
Do	Mercer	Princeton, town of.	H 290225 01	do	City Hall, City of Princeton, Mo. 64673.	Do.
Do	Ray	Hardin, city of	H 290307 01	do	Mayor, City Hall, Hardin, Mo. 64035	Do.
Do	St. Louis	Ballwin, city of	H 290328 01 through H 290328 03	do	Mayor, City Hall, 300 City Hall Dr., Ballwin, Mo. 63011.	Do.
Do	Saline	Sweet Springs, city of.	H 290407 01 through H 290407 02	do	Mayor, City Hall, Sweet Springs, Mo. 65351.	Do.
Do	Stone	Crane, city of	H 290430 01 through H 290430 02	do	Mayor, Crane, Mo. 65633	Do.
Do	Taney	Branson, city of	H 290436 01 through H 290436 03	do	Building Inspector, Branson, Mo. 65616.	Do.
Do	do	Hollister, city of.	H 290437 01	do	Mayor, City Hall, Hollister, Mo. 65672.	Do.
Do	Gasconade	Bland, city of	H 290730800	do	Mayor & City Council, Bland, Mo. 65014.	May 17, 1974.
Montana	Pondera	Conrad, city of	H 300057 01	Montana Department of Natural Resources, and Conservation, Water Resources Division, Sam. W. Mitchell Bldg., Helena, Mont. 59601. Montana Insurance Department, Capitol Bldg., Helena, Mont. 59601.	Mayor, City Hall, Conrad, Mont. 59425.	June 7, 1974.
Do	Sanders	Hot Springs, town of.	H 300073 01	do	Mayor, Hot Springs, Mont. 59845	Do.
Nebraska	Clay	Sutton, city of	H 310045 01	Nebraska Natural Resources Commission, P.O. Box 94725, State House Station, Lincoln, Nebr. 68509. Nebraska Insurance Department, 1335 L St., Lincoln, Nebr. 68509.	Mayor, City Hall, Sutton, Nebr. 68979	Do.
Do	Dawson	Cozad, city of	H 310059 01 through H 310059 02	do	Mayor, City Hall, Cozad, Nebr. 69130.	Do.
Do	Dodge	Fremont, city of	H 310069 01 through H 310069 02	do	City Administrator, P.O. Box C, City of Fremont, Fremont, Nebr. 68025.	Do.
Do	Nance	Fullerton, city of	H 310152 01 through H 310152 02	do	Fullerton City Council, Fullerton, Nebr. 68638.	Do.
Do	Phelps	Holdrege, city of	H 310173 01 through H 310173 04	do	Mayor and City Council, Municipal Bldg., Holdrege, Nebr. 68949.	Do.
Do	Polk	Stromsburg, city of.	H 31 143 4660 01	do	Mayor, City Office, Stromsburg, Nebr. 68666.	May 17, 1974.
New Jersey	Camden	Berlin, township of.	H 340126 01 through H 340126 02	Bureau of Water Control, Department of Environmental Protection, P.O. Box 1390, Trenton, N.J. 08625. New Jersey Department of Insurance, State House Annex, Trenton, N.J. 08625.	Mayor, Municipal Bldg., West Berlin, N.J. 08091.	June 7, 1974.
Do	Essex	North Caldwell, borough of.	H 340190 01	do	Mayor, Could Ave., North Caldwell, N.J. 07006.	Do.
Do	Hunterdon	Hampton, borough of.	H 340019 1280 01 through H 34 019 1280 04	do	Mayor, Main St., Hampton, N.J. 08827.	May 17, 1974.
Do	Monmouth	Shrewsbury, borough of.	H 340326 01	do	Mayor, 777 Broad St., Shrewsbury, N.J. 07701.	June 7, 1974.
New Mexico	Lincoln	Ruidoso, village of.	H 350033 01 through H 350033 04	State Engineer's Office, Bataan Memorial Bldg., Santa Fe, N. Mex. 87501. New Mexico Department of Insurance, P.O. Box 1269, Santa Fe, N. Mex. 87501.	Chairman, Planning and Zoning Commission, Municipal Bldg., Ruidoso, N. Mex. 88345.	Do.
Do	Sandoval	Bernalillo, town of.	H 350056 01	do	Mayor, City Hall, Bernalillo, N. Mex. 87004.	Do.
Do	Torrance	Moriarty, city of	H 350083 01 through H 350083 03	do	Mayor, City Office, Moriarty, N. Mex. 87035.	Do.
Do	Valencia	Belen, city of	H 350088 01 through H 350088 02	do	Mayor, City of Belen, 503 Becker Ave., Belen, N. Mex. 87002.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
New York	Broome	Binghamton, town of.	H 360089 01 through H 360089 08	New York State Department of Environmental Conservation, Division of Resources Management Services, Albany, N.Y. 12201. New York State Insurance Department, 123 William St., New York, N.Y. 10038.	Town Supervisor, RD #2, Binghamton, N.Y. 13903.	Do.
Do	Cayuga	Weedsport, village of	H 360132 01	do	Weedsport Village Board, 211 Jackson St., Weedsport, N.Y. 13166.	Do.
Do	Erie	Orchard Park, village of	H 360254 01	do	Mayor, Village Hall, 8-4295 South Buffalo St., Orchard Park, N.Y. 14127.	Do.
Do	do	Tonawanda, town of.	H 360260 01 through H 360260 09	do	Supervisor, Town Hall, 2919 Delaware Ave., Kenmore, N.Y. 14217.	Do.
Do	Herkimer	Salisbury, town of.	H 360317 01 through H 360317 08	do	Town Supervisor, Salisbury Center, N.Y. 13454.	Do.
Do	do	Stark, town of	H 360319 01 through H 360319 03	do	Town Supervisor, RD #1, Fort Plain, N.Y. 13339.	Do.
Do	Jefferson	Rutland, town of	H 360350 01 through H 360350 11	do	Supervisor, Town of Rutland, Watertown, N.Y. 13601.	Do.
Do	Lewis	Turin, town of	H 360376 01 through H 360376 03	do	Town Board, Turin, Town Clerk, Turin, N.Y. 13473.	Do.
Do	Oneida	New York Mills, village of.	H 360587 01	do	Mayor, Village Hall, New York Mills, N.Y. 13417.	Do.
Do	Onondaga	North Syracuse, village of.	H 360587 01	do	Mayor, 600 South Bay Rd., North Syracuse, N.Y. 13211.	Do.
Do	Ontario	South Bristol, town of.	H 360606 01 through H 360606 06	do	Supervisor, Town of South Bristol, Naples, N.Y. 14512.	Do.
Do	Orange	Blooming Grove, town of.	H 360608 01 through H 360608 11	do	Supervisor, Town Hall, Main St., Washington, N.Y. 10992.	Do.
Do	Schoharie	Cobleskill, village of.	H 360743 01 through H 360743 02	do	Town Supervisor, Cobleskill, N.Y. 12043.	Do.
Do	Tioga	Newark Valley, village of.	H 360836 01	do	Mayor, Newark Valley, N.Y. 13811	Do.
Do	do	Nichols, village of	H 360838 01	do	Mayor, Nichols, N.Y. 13812	Do.
Do	Tompkins	Dryden, village of	H 360847 01 through H 360847 04	do	Village of Dryden, 1 George St., Dryden, N.Y. 13053.	Do.
Do	Ulster	Olive, town of	H 360860 01 through H 360860 06	do	Town Supervisor, Olivebridge, N.Y. 12461.	Do.
Do	Yates	Benton, town of	H 360955 01 through H 360955 10	do	Town Board, Benton, N.Y. No Zip	Do.
Do	do	Starkey, town of	H 360965 01 through H 360965 05	do	Town Board, Starkey, N.Y. No Zip	Do.
Do	Chenango	Afton, village of	H 360979 01	do	Mayor, City of Afton, Afton, N.Y. 13730.	Do.
North Carolina	Carteret	Emerald, town of	H 370047 01 through H 370047 04	North Carolina Office of Water and Air Resources, Department of Natural and Economic Resources, P.O. Box 27687, Raleigh, N.C. 27611. North Carolina Insurance Department, P.O. Box 26387, Raleigh, N.C. 27611.	Town Hall, Town of Emerald Isl, Mourehead. RFD, N.C. 28557.	Do.
Do	Columbus	Tabor City, town of.	H 370070 01 through H 370070 04	do	Mayor, Tabor, N.C. 28463	Do.
Do	Martin	Robersonville, town of.	H 370156 01	do	Mayor, Robersonville, N.C. 27871	Do.
Do	Pender	Topsail Beach, town of.	H 370187 01 through H 370187 03	do	Mayor, Topsail Beach, N.C. 28445	Do.
Do	Pitt	Winterville, town of.	H 370193 01	do	Mayor, Municipal Building, Winterville, N.C. 28590.	Do.
Do	Rowan	Landis, town of	H 370213 01	do	Mayor, Town Hall, Landis, N.C. 28088.	Do.
Do	Wayne	Goldboro, city of	H 370255 01 through H 370255 05	do	Mayor, City of Goldboro, Goldboro, N.C. 27530.	Do.
North Dakota	Morton	Mandan, city of	H 380072 01 through H 380072 04	State Water Commission, State Office Bldg., 900 East Boulevard, Bismarck, N. Dak. 58501. North Dakota Insurance Department, State Capitol, Bismarck, N. Dak. 58501.	Morton County Auditor, Morton County Courthouse, Mandan, N. Dak. 58554.	Do.
Do	Cass	West Fargo, city of.	H 380024 01	do	City Engineer's Office, 219 West Main Ave., West Fargo, N. Dak. 58078.	Do.

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State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Ohio	Auglaize	St. Mary's, city of.	H 390022 01 through H 390022 03	Ohio Department of Natural Resources, Fountain Sq., Columbus, Ohio 43224. Director of Insurance, State of Ohio, Department of Insurance, 115 East Rich St., Columbus, Ohio 43215.	Mayor, Municipal Bldg., St. Mary's, Ohio 45885.	Do.
Do	Belmont	Barnesville, village of.	H 390024 01	do	Mayor, City Bldg., Barnesville, Ohio 43713.	Do.
Do	do	St. Clairsville, village of.	H 390032 01	do	Mayor, Municipal Bldg., St. Clairsville, Ohio 43950.	Do.
Do	Butler	Millville, village of.	H 390041 01 through H 390041 02	do	Mayor, Village Council, Hamilton, Ohio 45012.	Do.
Do	Champaign	St. Paris, village of.	H 390059 01 through H 390059 03	do	Mayor, City Bldg., St. Paris, Ohio 43072.	Do.
Do	do	Urbana, city of.	H 390060 01 through H 390060 04	do	Mayor, City Bldg., Urbana, Ohio 43078.	Do.
Do	Cuyahoga	Brook Park, city of.	H 390102 01 through H 390102 04	do	Mayor, City Hall, 6161 Engle Rd., Brook Park, Ohio 44142.	Do.
Do	do	Cleveland, city of.	H 390104 01 through H 390104 27	do	Hon. Ralph J. Perk, Mayor, City of Cleveland, Cleveland City Hall, Rm. 505, Cleveland, Ohio, 44114.	Do.
Do	Franklin	Hilliard, city of.	H 390175 01 through H 390175 04	do	Mayor, Municipal Bldg., 372 Waterworks Dr., Hilliard, Ohio 43026.	Do.
Do	Fulton	Wauseon, village of.	H 390184 01 through H 390184 02	do	Village Council, 230 Clinton St., Wauseon, Ohio 43567.	Do.
Do	Hamilton	Cheviot, city of.	H 390209 01	do	Mayor, City of Cheviot, 3814 Harrison Ave., Cincinnati, Ohio 45211.	Do.
Do	do	Deer Park, city of.	H 390212 01	do	Mayor, City of Deer Park, Matson and Beech, Cincinnati, Ohio 45236.	Do.
Do	do	Mount Healthy, city of.	H 390229 01	do	Mayor, Municipal Bldg., Mount Healthy, Ohio 45231.	Do.
Do	do	North College Hill, city of.	H 390232 01	do	Mayor, City of North College Hill, 1646 West Galbraith, Cincinnati, Ohio 45239.	Do.
Do	Hardin	Ada, city of.	H 390251 01	do	Mayor, 100 West Buckeye, Ada, Ohio 45810.	Do.
Do	Licking	Granville, village of.	H 390330 01 through H 390330 02	do	Manager, 118 South Main St., Granville Ohio 43023.	Do.
Do	Logan	Bellefontaine, city of.	H 390340 01 through H 390340 03.	do	Mayor, City Bldg., West Chillicothe Ave., Bellefontaine, Ohio 43311.	Do.
Do	Lorain	North Ridgeville, city of.	H 390352 01 through H 390352 06	do	Mayor, City Hall, 36119 Center Ridge Rd., North Ridgeville, Ohio 44039.	Do.
Do	Mercer	Coldwater, village of.	H 390394 01	do	Village Planning Commission, Coldwater, Ohio 45828.	Do.
Do	do	Fort Recovery, village of.	H 390395 01	do	Zoning Commission, Fort Recovery, Ohio 45846.	Do.
Do	Miami	Covington, village of.	H 390399 01	do	Mayor, City Bldg., North Pearl and Broadway, Covington, Ohio 45318.	Do.
Do	do	West Milton, village of.	H 390403 01 through H 390403 02	do	Village Council, 104 South Miami St., West Milton, Ohio 45383.	Do.
Do	Monroe	Woodsfield, village of.	H 390406 01 through H 390406 02	do	Mayor, Municipal Bldg., Woodsfield, Ohio 43793.	Do.
Do	Montgomery	Vandalia, city of.	H 390418 01 through H 390418 03	do	Mayor, 333 J. E. Bohanan Memorial Dr., Vandalia, Ohio 45377.	Do.
Do	Putnam	Ottawa, village of.	H 390472 01 through H 390472 02	do	Mayor, Municipal Bldg., Ottawa, Ohio 45875.	Do.
Do	Stark	Alliance, city of.	H 390608 01 through H 390608 04	do	Mayor, City Hall, 470 East Market St., Alliance, Ohio 44601.	Do.
Do	Williams	Bryan, city of.	H 390580 01 through H 390580 03	do	Mayor, City Hall, Bryan, Ohio 43506.	Do.
Do	Noble	Caldwell, village of.	H 39 121 1230 01	do	Mayor, City Hall, Caldwell, Ohio 43724.	May 17, 1974.
Oklahoma	Atoka	Atoka, city of.	H 400008 01	Oklahoma Water Resources Board, 2241 Northwest 40th St., Oklahoma City, Okla. 73112. Oklahoma Insurance Department, Room 408, Will Rogers Memorial Bldg., Oklahoma City, Okla. 73105.	Atoka City Council, City Hall, Atoka, Okla. 74525.	June 7, 1974.
Do	Caddo	Binger, town of.	H 400020 01	do	Mayor, Binger, Okla. 73009	Do.
Do	Cleveland	Moore, city of.	H 400044 01 through H 400044 07	do	Inspection Department, 117 East Main, Moore, Okla. 73060.	Do.
Do	McClain	New Castle, town of.	H 400103 01 through H 400103 13	do	Mayor, New Castle, Okla. 73065	Do.
Do	Osage	Skiatook, town of.	H 400153 01	do	Mayor, Skiatook, Okla. 74070	Do.
Do	Seminole	Seminole, city of.	H 400192 01 through H 400192 06	do	City Manager, City Hall, Seminole, Okla. 74868.	Do.
Oregon	Douglas	Canyonville, city of.	H 410060 01	Executive Department, State of Oregon, Salem, Oreg. 97310. Oklahoma Insurance Department, Room 408, Will Rogers Memorial Bldg., Oklahoma City, Okla. 73105.	Mayor, City Hall, Canyonville, Oreg. 97416.	Do.
Do	Douglas	Riddle, city of.	H 410066 01	do	Mayor, City Hall, Riddle, Oreg. 97469.	Do.
Do	do	Roseburg, city of.	H 410067 01 through H 410067 03	do	City Hall, 744 Southeast Rose St., Roseburg, Oreg. 97470.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do	Jackson	Ashland, city of.	H 410090 01	do	Mayor, City Hall, Ashland, Oreg. 97530.	Do.
Do	Lane	Eugene, city of.	H 410122 01 through H 410122 12	do	Mayor, City Hall, Eugene, Oreg. 97401.	Do.
Do	Tillamook	Tillamook, city of.	H 410202 01 through H 410202 03	do	Tillamook City Hall, City of Tillamook, Tillamook, Oreg. 97141.	Do.
Do	Wasco	Dufur, city of.	H 410231 01	do	Mayor, City Hall, Dufur, Oreg. 97021.	Do.
Pennsylvania	Allegheny	Bell Acres, borough of.	H 420008 01 through H 420008 02	Department of Community Affairs, Commonwealth of Pennsylvania, Harrisburg, Pa. 17120. Pennsylvania Insurance Department, 108 Finance Bldg., Harrisburg, Pa. 17120.	Mayor, RD 3, Sewickley, Sewickley, Pa. 15143.	Do.
Do	Berks	Bally, borough of.	H 420125 01	do	Mayor, Borough Hall, Main St., Bally, Pa. 19503.	Do.
Do	Bradford	Canton, borough of.	H 420169 01 through H 420169 02	do	Canton Borough Council, Canton, Pa. 17724.	Do.
Do	do	Sylvania, borough of.	H 420177 01 through H 420177 02	do	Florence Webster, Borough Secretary, Borough of Sylvania, R.D. 1, Troy, Pa. 16947.	Do.
Do	Carbon	Lansford, borough of.	H 420250 01	do	Mayor, Box 26, Lansford, Pa. 18232	Do.
Do	Centre	Bellefonte, borough of.	H 420257 01	do	Borough Manager, 348 East Bishop St., Bellefonte, Pa. 16823.	Do.
Do	Erie	Edinboro, borough of.	H 420448 01 through H 420448 02	do	Mayor, Borough Hall, 20 Meadville St., Edinboro, Pa. 16412.	Do.
Do	Somerset	Central City, borough of.	H 420796 01	do	Mayor, Central City, Pa. 15926	Do.
Do	Washington	Roscoe, borough of	H 420858 01	do	Mayor, Roscoe, Pa. 15477	Do.
Do	Lancaster	Leacock, township of.	H 420958 01 through H 420958 02	do	Leacock Township, Municipal Bldg., Bird in Hand, Pa. 17505.	Do.
Do	Berks	Oley, township of.	H 420965 02 through H 420965 10	do	Oley Township, Municipal Bldg., Rose Virginia Rd., Oley, Pa. 19547.	Do.
Do	Allegheny	Ross, township of.	H 420979 01 through H 420979 06	do	Ross Township, Municipal Bldg., Perry Highway at Center Ave., Pittsburg, Pa. 15229.	Do.
Do	Columbia	Locust, township of.	H 421001 01 through H 421001 05	do	Locust Township, Numidia Fire Hall, Numidia, Pa. 17820.	Do.
South Carolina	Barnwell	Blackville, town of.	H 450024 01 through H 450024 04	South Carolina Resources, P.O. Drawer 164, 700 Knox Abbott Dr., Cayce, S.C. 29033. South Carolina Insurance Department, 2711 Middleburg St., Columbia, S.C. 29204.	O'Neal Lairo, Mayor, Blackville, S.C. 29817.	Do.
Do	Colleton	Walterboro, city of.	H 450035 01 through H 450035 02	do	Wallace Dean, Mayor, P.O. Box 717, Walterboro, S.C. 29488.	Do.
Do	Darlington	Darlington, city of.	H 450061 01 through H 450061 02	do	Frank A. Wells, Mayor, Drawer 57, Darlington, S.C. 29532.	Do.
Do	do	Hartsville, city of.	H 450062 01 through H 450062 03	do	Dr. Glenn Lawhorn, Jr. Mayor, P.O. Box 146, Hartsville, S.C. 29550.	Do.
Do	Georgetown	Georgetown, city of.	H 450067 01 through H 450087 03	do	Hon. O. M. Higgins, Mayor, City of Georgetown, P.O. Box 574, Georgetown, S.C. 29440.	Do.
Do	Laurens	Clinton, town of.	H 450123 01 through H 450123 02	do	J. Frost Walker, Mayor, City Hall, Clinton, S.C. 29325.	Do.
Do	do	Laurens, city of.	H 450125 01 through H 450125 04	do	Joe B. Cox, Building and Zoning Administrator, P.O. Box 519, Laurens, S.C. 29360.	Do.
Do	Lexington	Lexington, town of.	H 450134 01	do	H. Hugh Rogers, Mayor, P.O. Box 397, Lexington, S.C. 29072.	Do.
Do	do	Swansea, town of.	H 450139 01	do	Mayor, Town Hall, Swansea, S.C. 29160.	Do.
Do	Marion	Sellers, town of.	H 450145 01	do	C. B. Wilson, Mayor, City Hall, Sellers, S.C. 29592.	Do.
Do	McCormick	McCormick, city of.	H 450152 01 through H 450152 02	do	James M. Dorn, Mayor, City Hall, McCormick, S.C. 29835.	Do.
Do	Orangeburg	Branchville, town of.	H 450162 01 through H 450162 02	do	D. L. Hutto, Mayor, P.O. Box 85, Branchville, S.C. 29432.	Do.
Do	do	Holly Hill, town of.	H 450163 01	do	John J. Koopman, Mayor, P.O. Box 515, Holly Hill, S.C. 29059.	Do.
Do	Pickens	Liberty, town of.	H 450168 01 through H 450168 02	do	Mary B. Finney, Mayor, Liberty, S.C. 29657.	Do.
Do	do	Pickens, town of.	H 450169 01	do	W. Earle Findley, Mayor, P.O. Box 417, Pickens, S.C. 29671.	Do.
Do	Richland	Forest Acres, town of.	H 450174 01	do	W. Y. Edens, Mayor, 4405 Bethel Church Rd., Columbia, S.C. 29206.	Do.
Do	Spartanburg	Spartanburg city of.	H 450181 01 through H 450181 07	do	Director of Planning, P.O. Drawer 1749, Spartanburg, S.C. 29301.	Do.
Do	Williamsburg	Hemingway, town of.	H 450189 01	do	W. B. Harmon, Mayor, Hemingway, S.C. 29554.	Do.
South Dakota	Aurora	Plankinton, city of.	H 460001 01	South Dakota Planning Agency, State Capitol Bldg., Pierre, S. Dak. 57501. South Dakota Department of Insurance, Insurance Department, Pierre, S. Dak. 57501.	Mayor and CC, City Hall, Plankinton, S. Dak. 57368.	Do.
Do	Haakon	Philip, town of.	H 460033 01	do	Mayor, Philip, S. Dak. 57567	Do.
Do	Hughes	Pierre, city of.	H 460040 01 through H 460040 05	do	Mayor, City Hall, Pierre, S. Dak. 57501	Do.

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State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Tennessee	Anderson	Norris, city of	H 470003 01 through H 470003 03	Tennessee State Planning Office, 660 Capitol Hill Bldg., , Nashville, Tenn. 37219. Tennessee Department of Insurance, and Banking, 114 State Office Bldg., Nashville, Tenn. 37219.	Mayor, Norris Tenn. 38828	Do.
Do	Bedford	Wartrace, city of	H 470009 01	do	Mayor, City of Wartrace, County Judge, Courthouse, Shelbyville, Tenn. 37160.	Do.
Do	De Kalb	Alexandria, city of.	H 470042 01	do	Mayor, City Hall, Alexandria, Tenn. 37012.	Do.
Do	Gibson	Rutherford, town of.	H 470061 01 through H 470061 02	do	Aubry Horner, Mayor, Rutherford, Tenn. 38369.	Do.
Do	Macon	Red Boiling Springs, city of.	H 470111 01 through H 471111 03	do	Mayor, City Hall, Red Boiling Springs, Tenn. 37150.	Do.
Do	Meigs	Decatur, city of	H 470134 01	do	Mayor, City Hall, Decatur, Tenn. 37322.	Do.
Do	Obion	Union City, town of.	H 470142 01 through H 470142 06	do	City Manager, Municipal Bldg., Union City, Tenn. 38261.	Do.
Do	Robertson	Ridgetop, city of	H 470162 01 through H 470162 02	do	Mayor, Ridgetop, Tenn. 37152	Do.
Do	Rutherford	Murfreesboro, city of.	H 470168 01 through H 470168 06	do	Mayor, Hollis Westbrooks, City Hall, Murfreesboro, Tenn. 37130.	Do.
Do	Trousdale	Hartsville, town of.	H 470193 01 through H 470193 02	do	Mayor, City Hall, Hartsville, Tenn. 37074.	Do.
Texas	Bowie	Texarkana, city of.	H 480060 01 through H 480060 07	Texas Water Development, Board, P.O. Box 13087, Capital Station, Austin, Tex. 78711. Texas Insurance Department, 1110 San Jacinto St., Austin, Tex. 78701.	Department of Public Works, City Hall, Texarkana, Tex. 75501.	Do.
Do	Cameron	Los Fresnos, city of.	H 480108 01	do	Mayor, Rt. 3, Box 16A, Los Fresnos, Tex. 78566.	Do.
Do	do	South Padre Island, city of.	H 480115 01 through H 480115 02	do	Town Office, Volunteer Fire Station, Retama St., South Padre Island, Tex. 78578.	Do.
Do	Dallas	Lancaster, city of	H 480182 01 through H 480182 06	do	Mayor, P.O. Box 548, Lancaster, Tex. 75146.	Do.
Do	Deaf Smith	Hereford, city of	H 480192 01 through H 480192 06	do	Mayor, City Hall, 239 North Miles Ave., Hereford, Tex. 79045.	Do.
Do	Fannin	Bonham, city of	H 480222 01 through H 480222 02	do	Mayor, Bonham, Tex. 75418	Do.
Do	Hardin	Silsbee, city of	H 480285 01 through H 480285 03	do	Mayor, Silsbee, Tex. 77656	Do.
Do	Jack	Jacksboro, city of	H 480378 01 through H 480378 02	do	Mayor, 111 East Archer, Jacksboro, Tex. 76056.	Do.
Do	Marion	Jefferson, city of	H 480465 01 through H 480465 02	do	Mayor, City Hall, Jefferson, Tex. 75657.	Do.
Do	Midland	Midland, city of	H 480477 01 through H 480477 15	do	City Manager, City Hall, 300 North Loraine, Midland, Tex. 79701.	Do.
Do	Newton	Newton, city of	H 480500 01 through H 480500 02	do	City Manager, Newton, Tex. 75960	Do.
Do	Reeves	Pecos, city of	H 480538 01 through H 480538 04	do	Mayor, City Hall, Pecos, Tex. 79772	Do.
Do	San Augustine	San Augustine, city of.	H 480552 01 through H 480552 02	do	Mayor, San Augustine, Tex. 75972	Do.
Do	San Patricio	Gregory, city of	H 480555 01	do	Mayor, City Hall, Gregory, Tex. 78359.	Do.
Do	Wharton	El Campo, city of.	H 480653 01 through H 480653 02	do	Mayor, City Hall, 315 East Jackson, El Campo, Tex. 77437.	Do.
Do	Wichita	Burkburnett, city of.	H 480658 01 through H 480658 06	do	Mayor, City of Burkburnett, Burkburnett, Tex. 76354.	Do.
Utah	Box Elder	Brigham City, city of.	H 490096 01 through H 490096 04	Department of Natural Resources, Division of Water Resources, State Capitol Bldg., Rm 435, Salt Lake City, Utah 84114. Utah Insurance Department, 115 State Capitol, Salt Lake City, Utah 84114.	Mayor, City Hall, Brigham City, Utah 84302.	Do.
Do	do	Willard, city of	H 490011 01 through H 490011 02	do	Mayor, Willard, Utah 84340	Do.
Do	Emery	Orangeville, city of.	H 490064 01	do	Mayor, City Hall, Orangeville, Utah 84537.	Do.
Do	Juab	Eureka, city of	H 490079 01 through H 490079 02	do	Mayor, City Hall, Eureka, Utah 84628.	Do.
Vermont	Caledonia	Burke, town of	H 50 005 0115 01 through H 50 005 0115 02	Management and Engineering Division, Water Resources Department, State Office Bldg., Montpelier, Vt. 05602. Vermont Insurance Department, State Office Bldg., Montpelier, Vt. 05602.	Chairman, Burke Board of Selectmen, c/o Town Clerk, West Burke, Vt. 05871.	Do.
Virginia	Campbell	Altavista, town of.	H 510029 01 through H 510029 04	Bureau of Water Control Management, State Water Control Board, 2d Floor, Davenport Bldg., 11 South 10th St., Richmond, Va. 23219. Virginia Insurance Department, 200 Blanton Bldg., P.O. Box 1157, Richmond, Va. 23209.	Town Manager, Town of Altavista, Drawer 552, 510 7th St., Altavista, Va. 24517.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do	Montgomery	Blacksburg, town of	H 510100 01 through H 510100 07	do	Town Manager, Municipal Bldg., Blacksburg, Va., Local Drainage, 24060.	Do.
Washington	Benton	Kennewick, city of.	H 530011 01 through H 530011 06	Department of Ecology, Olympia, Wash. 98501. Washington Insurance Department, Insurance Bldg., Olympia, Wash. 98501.	City Council, P.O. Box 6108, Kennewick, Wash. 99336.	Do.
Do	Ferry	Republic, town of.	H 530042 01 through H 530042 02	do	City Council, Republic, Wash. 99166	Do.
Do	Grant	Quincy, town of	H 530064 01	do	Quincy Town Council, Quincy, Wash. 98848.	Do.
Do	Grays Harbor	Elma, town of	H 530060 01	do	Mayor, City Hall, Elma, Wash. 98541	Do.
Do	King	Kent, city of	H 530080 01 through H 530080 07	do	Mayor, City Hall, P.O. Box 310, Kent, Wash. 98031.	Do.
Do	do	Renton, city of	H 530088 01 through H 530088 09	do	Mayor, City Hall, 200 Mill Ave. South, Renton, Wash. 98055.	Do.
Do	Klickitat	Bingen, town of	H 530100 01	do	Chairman, Bingen Town Council, Bingen, Wash. 98605.	Do.
Do	Lewis	Chehalis, city of	H 530104 01 through H 530104 10	do	Mayor, City Hall, Chehalis, Wash. 98532.	Do.
Do	Lincoln	Wilbur, town of	H 530114 01	do	Mayor, Town Hall, Wilbur, Wash. 99185.	Do.
Do	Snohomish	Snitan, town of	H 530173 01	do	Mayor, City Hall, Snitan, Wash. 98294.	Do.
Do	Spokane	Cheney, city of	H 530175 01 through H 530175 02	do	City Council, Cheney, Wash. 99004	Do.
Do	do	Medical Lake, town of.	H 530179 01 through H 530179 02	do	Mayor, City Hall, Medical Lake, Wash. 99022.	Do.
Do	Stevens	Chewelah, city of	H 530186 01 through H 530186 02	do	Mayor, City Hall, Chewelah, Wash. 99109.	Do.
Do	Yakima	Toppenish, city of.	H 530228 01	do	Mayor, City Hall, Toppenish, Wash. 98948.	Do.
W. Virginia	Berkeley	Martinsburg, city of.	H 540006 01 through H 540006 02	Office of Federal-State Relations, Rm. W. 115, Capitol Bldg., Charleston, W. Va. 25305. West Virginia Insurance Department, State Capitol, Charleston, W. Va. 25305.	City Manager, City Hall, Martinsburg, W. Va. 25401.	Do.
Do	Grant	Petersburg, town of.	H 540039 01 through H 540039 02	do	Mayor, City Office, Petersburg, W. Va. 26847.	Do.
Do	Hancock	Chester, city of	H 540048 01	do	Mayor, City Building, Chester, W. Va. 26034.	Do.
Do	Monongalia	Osage, town of	H 540142 01	do	Mayor, Osage, W. Va. 26543	Do.
Do	Pleasants	Saint Marys, city of.	H 540155 01	do	Mayor, City Building, St. Marys, W. Va. 26170.	Do.
Do	Pocahontas	Marlington, town of.	H 540159 01	do	Town Council, Marlington, W. Va. 24954.	Do.
Do	Raleigh	Beckley, city of	H 540170 01 through H 540170 06	do	Mayor, City Hall, Beckley, W. Va. 25801.	Do.
Wisconsin	Bayfield	Bayfield, city of	H 550007 01	Department of Natural Resources, P.O. Box 450, Madison, Wis. 53701. Wisconsin Insurance Department, 212 North Bassett St., Madison, Wis. 53701.	Mayor, City Hall, Bayfield, Wis. 54814	Do.
Do	Burnett	Grantsburg, village of.	H 550033 01	do	Village President or Chairman of, Zoning Commission, Grantsburg, Wis. 54840.	Do.
Do	Crawford	Soldiers Grove, village of.	H 550074 01 through H 550074 02	do	Village President, Soldiers Grove, Wis. 54655.	Do.
Do	Door	Sturgeon Bay, city of.	H 550111 01 through H 550111 03	do	Mayor, City Hall, Sturgeon Bay, Wis. 54235.	Do.
Do	Douglas	Lake Nebagamon, village of.	H 550112 01 through H 550112 06	do	President, Village Lake Nebagamon, Lake Nebagamon, Wis. 54849.	Do.
Do	do	Solon Springs, village of.	H 550115 01	do	President, Village of Solon Springs, Solon Springs, Wis. 54873.	Do.
Do	Fond du Lac	Mount Calvary, village of.	H 550137 01	do	President, Village Hall, Mount Calvary, Wis. 53057.	Do.
Do	Forest	Crandon, city of	H 550143 01 through H 550143 04	do	Mayor, Crandon, Wis. 54501	Do.
Do	Juneau	Elroy, city of	H 550201 01	do	Mayor, City Bldg., Elroy, Wis. 53929	Do.
Do	Kenosha	Twin Lakes, village of.	H 550211 01 through H 550211 03	do	Village President, Village Hall, Twin Lakes, Wis. 53181.	Do.
Do	Lafayette	Shullsburg, city of.	H 550230	do	Mayor, City Hall, Shullsburg, Wis. 53586.	May 17, 1974.
Do	Manitowoc	Cleveland, village of.	H 550237 01 through H 550237 03	do	Village of Cleveland, East Washington Ave., Cleveland, Wis. 53015.	June 7, 1974.
Do	do	Manitowoc, city of.	H 550240 01 through H 550240 06	do	Mayor, City Hall, Manitowoc, Wis. 54220.	Do.
Do	Milwaukee	Cudahy, city of	H 550272 01 through H 550272 02	do	Mayor, City Hall, Cudahy, Wis. 53110	Do.
Do	do	St. Francis, city of.	H 550281 01	do	Mayor, City Hall, St. Francis, Wis. No Zip.	Do.

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State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do	Ozaukee	Belgium, village of.	H 550311 01	do	Village President, Belgium, Wis. 53004.	Do.
Do	Polk	Osceola, village of.	H 550336 01	do	Village President, Osceola, Wis. 54020	Do.
Do	St. Croix	Glenwood, city of.	H 550381 01 through H 550381 02	do	Mayor, City Hall, Glenwood City, Wis. 54013.	Do.
Do	Sawyer	Hayward, city of	H 550410 01	do	City Clerk-Treasurer's Office, City of Hayward, Hayward, Wis. 54843.	Do
Do	Sheboygan	Sheboygan, city of.	H 550430 01 through H 550430 04	do	Department of City Development, 828 Center Ave., Sheboygan, Wis. 53081.	Do.
Do	Walworth	Delavan, city of	H 550463 01	do	Mayor, Municipal Bldg., Delavan, Wis. 53115.	Do.
Do	Washburn	Shell Lake, city of.	H 550469 01 through H 550469 04	do	Mayor, Shell Lake, Wis. 54871	Do.
Do	Waukesha	Delafield, city of	H 550479 01 through H 550479 04	do	Mayor, 834 Mill St., Delafield, Wis. 53018.	Do.
Do	Waupaca	Iola, village of	H 550497 01	do	President, Village Board, Iola, Wis, 54945.	Do.
Do	do	Marion, city of	H 550499 01	do	Mayor, City Hall, Marion, Wis. 54940	Do.
Do	Waushara	Redgranite, village of.	H 550508	do	Village President, Redgranite, Wis. 54970.	Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408–410, Pub. L. 91–152, Dec. 24, 1969) (42 U.S.C. 4001–4127); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: June 7, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74-13821 Filed 6-18-74;8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rulemaking prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 917]

FRESH PEARS, PLUMS, AND PEACHES GROWN IN CALIFORNIA

Proposed Limitation of Handling

This notice invites written comments relative to proposed amendment of the rules and regulations established pursuant to the amended marketing agreement and Order No. 917, as amended. Such amendment would require each handler to file with the Control Committee manager or other committee designee (1) a daily report showing the number of packages of pears, plums, and peaches by container type, variety, and district of origin packed the preceding day, and (2) a monthly report filed by the 10th of each month showing shipments of the preceding month by shipping point, district of origin, by variety, and the number of packages, by size, for each container type. The committee reported that such information is necessary to enable it to perform its duties under the program.

Notice is hereby given that the Department is considering a proposed amendment, as hereinafter set forth, to the rules and regulations (Subpart—Rules and Regulations, 7 CFR Part 917.100–917.179), currently in effect pursuant to the applicable provisions of the amended marketing agreement and Order No. 917 (7 CFR Part 917), regulating the handling of fresh pears, plums, and peaches grown in California, hereinafter referred to as "the order." This is a regulatory program effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

This proposed amendment of the rules and regulations was unanimously recommended by the Control Committee, established under said order, as the agency to administer the terms and provisions thereof.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed amendment shall file the same, in quadruplicate, with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than July 10, 1974. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposed amendment is as follows:

1. In § 917.176 paragraphs (a) and (b) are added superseding the existing paragraph (a) and the existing paragraph (b) will be redesignated as paragraph (c). As revised § 917.176 Pears would read as follows:

§ 917.176 Pears.

(a) *Report of daily packout.* When requested by the Pear Commodity Committee, each shipper who ships pears shall furnish to the manager of the Control Committee or when designated to the Federal-State Inspection Service a report of the number of packages by container type, by variety and by district of origin, which the shipper packed during the preceding day.

(b) *Recapitulation of shipments.* Each shipper of pears shall furnish to the manager of the Control Committee not later than the tenth day of each month a recapitulation of his shipments during the preceding month. The recapitulation shall show: (1) The name of the shipper, (2) the shipping point, (3) the district of origin, (4) the variety, and (5) the number of packages, by size, for each container type.

(c) *Report of pears heir in storage.* Each shipper who has pears under refrigeration in a storage warehouse shall upon request, file with the manager of the Control Committee within the time specified in the request an accurate report containing the following information:

(1) The name and address of the shipper; and

(2) The total quantity, as of the date specified in the request, of pears in storage outside of the State of California and in storage in the State of California.

2. In § 917.177 paragraphs (a) and (b) are added superseding the existing paragraph (a) and the existing paragraph (b) will be redesignated as paragraph (c). As revised § 917.177 Plums would read as follows:

§ 917.177 Plums.

(a) *Report of daily packout.* When requested by the Plum Commodity Committee, each shipper who ships plums shall furnish to the manager of the Control Committee or when designated to the Federal-State Inspection Service a report of the number of packages by container type, by variety and by district of origin, which the shipper packed during the preceding day.

(b) *Recapitulation of shipments.* Each shipper of plums shall furnish to the manager of the Control Committee not later than the tenth day of each month a recapitulation of his shipments of each variety completed during the preceding month. The recapitulation shall show: (1) The name of the shipper, (2) the shipping point, (3) the district of origin, (4) the variety, and (5) number of packates, by size, for each container type.

(c) *Report of plums held in storage.* Each shipper who has plums under refrigeration in storage warehouse shall, upon request, file with the manager of the Control Committee within the time specified in the request, an accurate report containing the following information:

(1) The name and address of the shipper;

(2) The total quantity, as of the date specified in the request, of each variety of such plums in storage in the State of California, and the portion of such quantity which has been in such storage for a period less than 60 hours; and

(3) The total quantity of each variety of such plums in storage outside of the State of California as of such date.

3. Section 917.178 is revised to read as follows:

§ 917.178 Peaches.

(a) *Report of daily packout.* When requested by the Peach Commodity Committee, each shipper who ships peaches shall furnish to the manager of the Control Committee or when designated to the Federal-State Inspection Service a report of the number of packages by container type, by variety and by district or origin, which the shipper packed during the preceding day.

(b) *Recapitulation of shipments.* Each shipper of peaches shall furnish to the manager of the Control Committee not later than the tenth day of each month a recapitulation of his shipments of each variety completed during the preceding month. The recapitulation shall show: (1) The name of the shipper, (2) the shipping point, (3) the district of origin, (4) the variety, and (5) the number of packages, by size, for each container type.

Dated: June 14, 1974.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.74-14066 Filed 6-18-74;8:45 am]

[7 CFR Part 945]

IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREGON

Proposed Handling Limitations

This proposal, designed to promote orderly marketing of Idaho-Oregon pota-

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toes, would impose minimum quality standards and require inspection of fresh market shipments to keep undesirable low quality potatoes from being shipped to consumers.

Consideration is being given to the issuance of the handling regulation hereinafter set forth, which was unanimously recommended by the Idaho-Eastern Oregon Potato Committee, established pursuant to Marketing Agreement No. 98 and Order No. 945, both as amended (7 CFR Part 945). This marketing order program regulates the handling of Irish potatoes grown in certain designated counties in Idaho and Malheur County, Oregon, and is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

The recommendations of the Idaho-Eastern Oregon Potato Committee reflect its appraisal of the crop and prospective market conditions and are consistent with the marketing policy it unanimously adopted. Shipments of new crop potatoes from the production area are expected to begin by July 10. However, storage potatoes from last year's crop will also be shipped during July.

On balance, current supplies of fresh potatoes and those which will be available during the summer are about the same as last year. Spring potato production is expected to be 11 percent more than last year, but storage stocks of potatoes on April 1, 1974, were down 9 percent from a year ago. Intended 1974 summer planted acreage is forecast at 128,300 acres, about 1 percent less than a year ago. Intended planted fall acreage is forecast at 1,098.8 million acres, about 1 percent more than 1973. Prospective plantings in Idaho and Malheur County, Oregon, for 1974 are 336,000 acres, slightly less than the 339,500 acres planted last year. The amount of fall acreage actually planted this year will be influenced by the profit prospects of competing crops. Yields and timeliness of harvest also will have an important influence on potato supplies and prices. However, total supplies in 1974–75 are expected to be at least as large as in 1973–74.

The grade, size, quality and maturity requirements proposed herein are similar to those which have been issued during past seasons. They are necessary to prevent low quality potatoes from being distributed in the fresh market channels. The specific requirements hereinafter set forth would benefit consumers and producers by standardizing and improving the quality of the potatoes shipped from the production area, thereby promoting orderly marketing and effectuating the declared policy of the act.

It is proposed that when this regulation becomes effective it will supersede the regulation currently in effect (§ 945.-332, 38 FR 18865).

Exceptions are provided to certain of these requirements to recognize special situations in which such requirements would be inappropriate or unreasonable.

A specified quantity of potatoes may be handled without regard to maturity requirements (1) in order to permit growers to make test diggings without loss of the potatoes so harvested or (2) in order to allow a lot to be shipped which, after regrading, meets the grade and size requirements but then fails to meet the maturity requirements, possibly due to further "skinning" as a result of running the potatoes over the grader again.

Shipments may be made to certain special purpose outlets without regard to minimum grade, size, cleanliness and maturity requirements, provided that safeguards are used to prevent such potatoes from reaching unauthorized outlets. Since no purpose would be served by regulating potatoes used for charity purposes such shipments are exempt. Certified seed and seed pieces cut from stock eligible for certification as certified seed are so exempted because requirements for this outlet differ greatly from those for fresh market. Potatoes used for experimentation have special requirements and do not normally enter commercial channels of trade. Exemption of potatoes for most processing uses is mandatory under the legislative authority for this part and therefore shipments to processing outlets are unregulated.

Requirements for export shipments differ from those for domestic markets; while the standard quality requirements are desired in foreign outlets, smaller sizes are more acceptable. In commercial prepeeling, operators can use potatoes with surface defects which would be undesirable for the tablestock market, and smaller sizes are acceptable. For these reasons potatoes for export and prepeeling are provided with different requirements.

All persons who desire to submit written data, views, or arguments in connection with this proposal should file the same in quadruplicate with the Hearing Clerk, Room 112–A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than July 5, 1974. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposed regulation is as follows:

§ 945.333 Handling regulation.

During the period July 15, 1974, through July 31, 1975, no person shall handle any lot of potatoes unless such potatoes meet the requirements of paragraphs (a), (b), (c) and (d) of this section, or unless such potatoes are handled in accordance with paragraphs (e), (f), or (g) of this section.

(a) *Minimum quality requirements*—(1) *Grade. All varieties.* U.S. No. 2 or better grade.

(2) *Size.* (i) Round red varieties—1⅞ inches minimum diameter.

(ii) *All other varieties.* 2 inches minimum diameter, or 4 ounces minimum weight.

(iii) *All varieties.* Size B if U.S. No. 1 or better grade.

(3) *Cleanliness. All varieties.* "Fairly clean."

(b) *Minimum maturity requirements*—(1) *White Rose and red skin varieties.* Beginning the effective date hereof through December 31, 1974, "moderately skinned"; thereafter, no maturity requirements.

(2) *All other varieties.* "Slightly skinned."

(3) *Exceptions.* (i) Subject to compliance with subdivision (iii) of this subparagraph, any lot of potatoes not exceeding a total of 50 hundredweight of each variety may be handled for any producer without regard to the foregoing maturity requirements.

(ii) If an officially inspected lot of potatoes meets the foregoing maturity requirements, but fails to meet the grade and size requirements, the lot may be regraded. If, after regrading, such lot then meets the grade and size requirements but fails to meet the maturity requirements, as indicated by the applicable Federal-State inspection certificate, such lot if not exceeding 100 hundredweight shall be exempt from the foregoing maturity requirements: *Provided,* That the handler complies with subdivision (iii) of this subparagraph.

(iii) Prior to each shipment of potatoes exempt from the foregoing maturity requirements, the handler thereof shall report to the committee the name and address of the producer of such potatoes, and each such shipment shall be handled as an identifiable entity.

(c) *Pack.* (1) When 50 pounds containers (except master containers) of long varieties of potatoes are marked with a count, size or similar designation they must meet the count, average count and weight ranges for the count designation listed below.

	Range		
	Count	Average count[1]	Weight
Larger than 50 count	10 percent over or under	8 percent over or under	15 ounces or larger
50 count	45–55	48–52	12–19
60 count	54–66	57–63	10–16
70 count	63–77	67–74	9–15
80 count	72–88	76–84	8–13
90 count	81–99	86–95	7–12
100 count	90–110	96–105	6–10
110 count	99–121	105–116	5–9
120 count	108–132	114–126	4–8
130 count	117–143	124–137	4–8
140 count	126–154	133–147	4–8
Smaller than 140 count.	10 percent over or under.	8 percent over or under.	

[1] Applicable to lots.

The following tolerances by weight are provided for potatoes in any lot which fail to meet the weight range for the designated count:

(i) Not to exceed 5 percent for undersize; and

(ii) Not to exceed 10 percent for oversize.

(iii) Potatoes packed in 50-pound cartons shall be U.S. No. 1 or better grade.

(d) *Inspection.* (1) During the period beginning the effective date hereof through July 31, 1975, no handler shall handle potatoes unless such potatoes are inspected by either the Idaho Federal-State Inspection Service or Oregon Federal-State Inspection Service and are covered by a valid inspection certificate

except when relieved of such requirement pursuant to paragraphs (e), (f), or (g) of this section.

(2) Each lot moving by truck shall be accompanied by a copy of a valid inspection certificate.

(e) *Special purpose shipments.* (1) The minimum grade, size, cleanliness, maturity and pack requirements set forth in paragraphs (a), (b) and (c) of this section shall not be applicable to shipments of potatoes for any of the following purposes:

(i) Charity;

(ii) Certified seed;

(iii) Seed pieces cut from stock eligible for certification as certified seed;

(iv) Experimentation; and

(v) Canning, freezing and "other processing" as hereinafter defined: *Provided,* That shipments of potatoes for the purpose specified in this subdivision (v) shall be exempt from inspection requirements specified in § 945.65 and paragraph (d) of this section and from assessment requirements specified in § 945.42.

(2) The minimum grade, size, cleanliness, maturity and pack requirements set forth in paragraph (a), (b) and (c) of this section shall be applicable to shipments of potatoes for each of the following purposes:

(i) *Export: Provided,* That potatoes of a size not smaller than 1½ inches in diameter may be shipped if the potatoes grade not less than U.S. No. 2; and

(ii) *Prepeeling: Provided,* That potatoes of a size not smaller than 1½ inches in diameter may be shipped if the potatoes grade not less than Idaho Utility or Oregon Utility grade.

(f) *Safeguards.* (1) Each handler making shipments of potatoes for charity, certified seed, seed pieces cut from stock eligible for certification, experimentation, export, or for prepeeling pursuant to paragraph (e) of this section shall:

(i) First, apply to the committee for and obtain a Certificate of Privilege to make shipments for each purpose;

(ii) Upon request by the committee, furnish reports of each shipment pursuant to the applicable Certificate of Privilege;

(iii) At the time of applying to the committee for a Certificate of Privilege, or promptly thereafter furnish the committee with a receiver's or buyer's certification that the potatoes so handled are to be used only for the purpose stated in the application and that such receiver will complete and reutrn to the committee such periodic receiver's reports that the committee may require.

(iv) Mail to the office of the committee a copy of the bill of lading for each Certificate of Privilege shipment promptly after the date of shipment;

(v) Bill each shipment directly to the applicable receiver.

(2) Each handler making shipments of potatoes for canning, freezing, or "other processing" pursuant to paragraph (e) of this section shall:

(i) First apply to the committee for and obtain a Certificate of Privilege to make shipments for processing;

(ii) Make shipments only to those firms whose names appear on the committee's current list of manufacturers of potato products;

(iii) Upon request by the committee, furnish reports of each shipment pursuant to the applicable Certificate of Privilege;

(iv) Mail to the office of the committee a copy of the bill of lading for each Certificate of Privilege shipment promptly after the date of shipment;

(v) Bill each shipment directly to the applicable processor.

(3) Each receiver of potatoes for processing pursuant to paragraph (e) of this section shall:

(i) Complete and return an application form for listing as a manufacturer of potato products;

(ii) Certify to the committee and to the Secretary that potatoes received from the production area for processing will be used for such purpose and will not be placed in fresh market channels;

(iii) Report on shipments received as the committee may require and the Secretary approve.

(g) *Minimum quantity exception.* Each handler may ship up to, but not to exceed, 5 hundredweight of potatoes any day without regard to the inspection and assessment requirements of this part, but this exception shall not apply to any shipment that exceeds 5 hundredweight of potatoes.

(h) *Definitions.* The terms "U.S. No. 1," "U.S. No. 2," "Size B," "fairly clean," "moderately skinned," and "slightly skinned," shall have the same meaning as when used in the United States Standards for Potatoes (§§ 51.1540–51.1566 of this title effective September 1, 1971, as amended February 5, 1972, 37 FR 2745), including the tolerances set forth therein. The term "prepeeling" means potatoes which are clean, sound, fresh tubers prepared commercially in a prepeeling plant by washing, removal of the outer skin or peel, trimming, and sorting preparatory to sale in one or more of the styles of peeled potatoes described in § 52.2422 (United States Standards for Grades of Peeled Potatoes §§ 52.2421–52.2433 of this title). The term "other processing" has the same meaning as the term appearing in the act and includes, but is not restricted to, potatoes for dehydration, chips, shoestrings, starch, and flour. It includes only that preparation of potatoes for market which involves the application of heat or cold to such an extent that the natural form or stability of the commodity undergoes a substantial change. The act of peeling, cooling, slicing, or dicing, or the application of material to prevent oxidation does not constitute "other processing." The terms "Idaho Utility grade" and "Oregon Utility grade" shall have the same meaning as when used in the respective standards for potatoes for the respective States. Other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 98 and Order No. 945, both as amended.

(i) *Applicability to imports.* Pursuant to section 8e of the act and § 980.1 "Import regulations" (7 CFR 980.1), Irish potatoes of the long varieties imported during the effective period of this section shall meet the grade, size, cleanliness and maturity requirements specified in paragraphs (a) and (b) of this section.

Dated: June 14, 1974.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.74-14067 Filed 6-18-74;8:45 am]

[7 CFR Part 1040]

MILK IN THE SOUTHERN MICHIGAN MARKETING AREA

Proposed Suspension of Certain Provisions of the Order

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the suspension of certain provisions of the order regulating the handling of milk in the Southern Michigan marketing area is being considered for June through December 1974.

All persons who desire to submit written data, views, or arguments in connection with the proposed suspension should file the same with the Hearing Clerk, Room 112–A, Administration Building, United States Department of Agriculture, Washington, D.C. 20250, on or before June 24, 1974. All documents filed should be in quadruplicate.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The provision proposed to be suspended, in paragraph (c) (3) of § 1040.93 of the order, reads "by evidence of pesticide or herbicide residue in his milk supply as evidenced".

The proposed suspension, requested by cooperatives representing a majority of producers for the market, would enable a producer quarantined from the market by a Federal or State authority to retain his base for 12 months. As now provided in the order, a quarantined producer who does not deliver milk to any handler for 45 consecutive days loses his base unless quarantined from the market "by evidence of pesticide or herbicide residue in his milk supply".

More than 30 producers were quarantined from the market because of a chemical residue other than pesticide or herbicide in their milk. A prepared feed contaminated accidentally with a chemical fire-retardant was the source of the residue. Final disposition of the problem is uncertain at this time.

Some producers have been quarantined since May 10, 1974. If no action is taken, these producers will lose their bases when they have delivered no milk under the order for 45 consecutive days. The proposed suspension would ensure that such quarantined producers may retain their bases for 12 months after being quarantined, even though they ship no

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milk as producers under the order during this period.

Signed at Washington, D.C., on June 13, 1974.

JOHN C. BLUM,
Associated Administrator.

[FR Doc.74-14064 Filed 6-18-74;8:45 am]

[7 CFR Part 1049]

[Docket No. AO-319-A23]

MILK IN THE INDIANA MARKETING AREA

Notice of Recommended Decision and Opportunity to File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and to Order

Notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Indiana marketing area.

Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D.C. 20250, on or before July 1, 1974. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The above notice of filing of the decision and of opportunity to file exceptions thereto is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

PRELIMINARY STATEMENT

The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order as amended, were formulated, was conducted at Indianapolis, Indiana, on April 30, 1974, pursuant to notice thereof which was issued April 12, 1974 (39 FR 13280).

The material issues on the record of the hearing relate to:

1. Expansion of the marketing area.
2. Designating a cooperative as the handler on bulk tank milk.
3. Partial payment to cooperatives.
4. Shrinkage allowance on producer deliveries.
5. Offsetting payments due from a handler against payments due the handler.
6. Including the advertising and promotion assessment as an adjustment to the uniform price.
7. Computing interest on overdue accounts.
8. Conforming changes.
9. Need for emergency action.

FINDINGS AND CONCLUSIONS

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Expansion of the marketing area.* The Indiana marketing area, now comprised of 60 Indiana counties, should be expanded to include the four Indiana counties of Jefferson, Jennings, Ripley and Switzerland. Route disposition in the four counties is from one unregulated plant, from Indiana order pool plants, and from plants regulated by other orders. The handling of milk in the enlarged marketing area is in the current of interstate commerce and directly burdens, obstructs or affects interstate commerce in milk and its products.

The four-county area, which is in southeastern Indiana, attaches to the present Indiana marketing area on the north, the Ohio Valley (OV) marketing area on the east, and the Louisville-Lexington-Evansville (LLE) marketing area on the south. The 1970 census population of the four counties is 74,000. For each county the population is: Jefferson 27,000, Jennings 20,000, Ripley 21,000 and Switzerland 6,000.

Expansion of the marketing area was proposed by an Indiana order handler, the principal distributor in the four-county area. Testimony in support of the proposal was also given on behalf of 19 Indiana order handlers and by the order's principal producer association. They claim that regulated handlers are at a disadvantage in competing for sales with the unregulated distributor in the four-county area, primarily because the latter is not subject to the minimum pricing provisions of an order.

The unregulated distributor, whose plant is in Madison (Jefferson County), Indiana, stated that he would not be averse to regulation if he had to pay no more than his competitors for milk. About 85 to 90 percent of the route disposition from his plant is in the four counties proposed to be added to the marketing area.

The principal distribution in the four-county area is from plants regulated by the Indiana order. Weighted on the basis of population in each county with the estimated percentage of each handler's sales in each county, 67 percent of the distribution in the four counties is by six Indiana order handlers, 22 percent by the presently unregulated distributor, 10 percent by two LLE handlers and 1 percent by an OV handler. With the expansion of the marketing area, as adopted in this decision, the presently unregulated distributor will be a fully regulated handler under the order. This will result in 89 percent of the total distribution in the four-county area accounted for by Indiana order regulated handlers.

The presently unregulated distributor, who is basically a Class I operation, receives milk from 14 dairy farmers. He pays 7 of these on the basis of the LLE uniform price and 7 based on the OV uniform price. In the fall and winter months, when their deliveries are insufficient for his Class I needs, he obtains supplemental supplies from other sources, primarily from a LLE regulated plant.

The unregulated distributor's Class I utilization, about 95 percent of his total receipts from all sources in the fall and winter months, is substantially higher than that reflected in the Indiana uniform price and in the comparable uniform prices for the LLE and OV orders. Class I utilization of producer milk in 1973 was 72 percent for the Indiana order, 73 percent for LLE, and 67 percent for OV.

To the extent that he has a higher Class I utilization and does not purchase milk on a class-use basis, the presently unregulated distributor has a competitive advantage over the Indiana handlers. The latter are required to pay for their milk purchases according to its use. Including the four counties in the Indiana marketing area, as adopted in this decision, will tend to insure the maintenance of orderly marketing conditions by requiring all distributors to pay not less than the applicable Federal order price for Class I milk sold in these counties.

From a careful review of the record evidence it is concluded that the provisions of the existing order, as hereinafter proposed to be amended, are equally appropriate for the extended marketing area and they are adopted for the identical reasons advanced in the decision on which they were adopted for the existing marketing area.

2. *Designating a cooperative as the handler on bulk tank milk.* A cooperative must be held the handler for milk of producers it receives for its account from their farms in a tank truck operated by, or under control of, the cooperative for delivery to a pool plant of another person, unless the cooperative and the operator of the pool plant agree through notice filed with the market administrator that the plant operator will pay for the milk on the basis of weights and butterfat tests determined at the farm. In addition, a cooperative must continue to be the handler for the milk of producers it diverts for its account.

The principal cooperative in the market proposed the provision here adopted for designating a cooperative as a handler on bulk tank milk. It contended that such a provision is necessary to establish accountability for the milk that is picked up at two or more producers' farms in the same tank truck and intermingled with the milk of other producers at a reload station before being delivered to a pool plant. There was no opposition to the cooperative's proposal.

Practically all, if not all, milk produced for the Indiana market is handled through farm bulk tanks and moved to the market in tank trucks. Milk of any producer when commingled in a tank truck with that of other producers is indistinguishable from such other milk. The amount of a producer's milk placed in a tank truck, and the butterfat content thereof, can be determined only by measurement at the farm and from milk samples taken at the farm. After the milk has been pumped from the farm tank into the tank truck and commingled with the milk of other producers there is

no opportunity to measure, sample, or reject the milk of the individual producers.

When milk is picked up at the farm by a tank truck owned or operated by a cooperative, or by a person under contract to, or otherwise under the control of, such cooperative for delivery to a pool plant, it is the cooperative that determines the weight and butterfat content of each producer's milk. Frequently, the plant operator will not know the identity of the individual producer whose milk he receives, and will know only the aggregate amount of milk received. In such cases, the cooperative obviously must become the responsible handler for milk as it leaves the farm.

Since many pool plant operators purchase all their producer milk on the basis of farm weights and tests, it can be expected that the arrangements to receive milk marketed by the cooperative on the basis of farm weights and tests will continue to predominate in the market. When milk is received at the pool plant on such basis, it is accounted for as a receipt at such plant directly from producers.

Whether a pool plant operator will pay a cooperative for farm bulk tank milk according to the weights and tests taken at the farm or those made at the plant to which the milk is delivered is a matter to be determined in advance by agreement between the cooperative and the plant operator. When the farm bulk tank milk from producers' farms is intermingled at a reload point with other milk before being moved to a pool plant(s), it is not generally practicable the milk of such producers on the basis of farm weights and tests. A similar situation exists when the milk from producers' farms that is picked up in the same tank truck is delivered to two or more pool plants.

When a pool plant operator receives milk from a cooperative on the basis of its scale weight at the plant, the cooperative must ascertain and account for the weights and butterfat tests of milk at producers' farms. The cooperative's monetary obligation to the pool, however, on such milk for which it is the bulk tank handler will be only on the difference in the amounts of milk and butterfat as measured at the farm and those recorded at the receiving plant. These amounts usually will be shrinkage and will be priced in accordance with its value under the shrinkage provisions. The milk delivered to the pool plant appropriately should be treated as a transfer from the cooperative to the pool plant operator.

The order should specify, however, that milk received at a pool plant from a cooperative bulk tank handler shall be paid for at the uniform price. This will simplify the accounting for such milk by pool plant operator and will facilitate billing by the market administrator of adjustments resulting from changes in the classification of such milk after audit.

Payments into and out of the producer settlement fund will be between the pool plant operator and the market administrator. This will establish directly the responsibility of accounting for milk and for its payment. When settlement is made through the cooperative (i.e., when a handler settles with the cooperative at class prices and the cooperative pays into or receives payment from the producer-settlement fund) a third party is unnecessarily involved in the transaction. Removing the cooperative as a party to such transactions will minimize the problems of financial responsibility, enforcement, and subsequent audit adjustments that may arise.

A pool plant operator now pays the administrative assessment on all milk delivered to his plant from producers' farms, including that delivered from the farm in a tank truck operated by, or under control of, a cooperative. Designating the cooperative as the handler on farm bulk tank milk, as adopted in this decision, provides no basis for changing the responsibility of the pool plant operator in this regard. However, the order language should be modified to state explicitly that the administrative assessment on all milk delivered to a pool plant from producers' farms, including that received from a cooperative bulk tank handler, is the obligation of the pool plant operator.

A cooperative may pick up milk of nonmember producers on bulk tank routes under its control. The provisions adopted, which accommodate substantial flexibility in the arrangements under which cooperatives sell to pool plant operators, make it possible for a cooperative to pick up the milk of nonmember producers for delivery to pool plants, and for the pool plant operator to pay such nonmember producers for their milk. The cooperative's responsibility for such milk will depend on the terms of the arrangements for its delivery to pool plants. At the same time, the provisions will enable the cooperative to act as the marketing agent for a nonmember producer who, although he has not become a member, has contracted with the cooperative to act as the marketing agent for his milk. In this circumstance, the cooperative may collect payment from pool plant operators for a nonmember producer who authorized such collection.

The Capper-Volstead Act provides the criteria by which cooperatives are determined to be qualified cooperatives under the Agricultural Marketing Agreement Act. This amendment to the order is consistent with that provision of the Capper-Volstead Act that recognizes that cooperatives may "deal in the products of nonmembers" and limits such dealings to amounts not greater in value than such as are "handled by it for members."

When a cooperative diverts the milk of a nonmember producer as producer milk from a pool plant, it must be the handler for such milk, unless the operator of the plant from which the milk is diverted agrees with the cooperative to account for such milk. Here the cooperative performs the complete handling function and in such capacity is responsible for order obligations applicable to such milk.

The potential of a cooperative to be the handler on nonmember producer milk raises the question whether, in paying a nonmember producer, a cooperative may reblend proceeds due such nonmember with those due its member producers. If the nonmember signed a contract with the cooperative authorizing it to market his milk, collect payment therefor, and reimburse him on the same basis as though he were a member, the cooperative could pay such nonmember on the same basis it pays its member producers.

In the absence of a written contract containing the terms set forth above, the cooperative would be required to pay a nonmember producer, for whose milk it is the handler, not less than the uniform price (subject only to authorized deductions) announced by the market administrator for the month.

3. *Partial payment to cooperatives.* For milk received during the first 15 days of the month from a cooperative, either directly from producers' farms or from a cooperative's plant, a pool plant operator should pay the cooperative at least 2 days prior to the last day of the month for milk received during the first 15 days of the month at not less than the preceding month's Class III price.

The required partial payment by pool plant operators to cooperatives, now applicable only to producer milk, is payable by the 26th of the month for milk received during the first 15 days of the month. The only change applicable to producer milk provided in this decision is that the partial payment would be payable at least 2 days prior to the last day, instead of by the 26th day, of the month.

The partial payment provision changes adopted in this decision were proposed by the major cooperative. It claimed that too frequently there is insufficient time to assemble weights and tests for all producers for the first 15 days of the month and obtain other information needed to prepare invoices, and get them to the handlers in time to pay the cooperative by the 26th. Conditions in the Indiana market are further aggravated in this regard when the producer and handler data needed to prepare invoices must be mailed to a central office of a cooperative at a distant city outside the marketing area and the invoices to the handler for payment must be mailed to a corporate main office at another distant city outside the marketing area.

Extending the time for partial payments from the 26th to 2 days prior to the last day of the month for milk received during the first 15 days of the month gives reasonable recognition to the time necessary to effectuate the payment. Failure to make the change under present conditions in this market would be impracticable. Absent the change, handlers would, through no fault of their own, be unable to comply with the order by making the partial payment when due in some months.

Pool plant operators must now pay by the 10th day of the following month

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for plant milk purchased from a cooperative during the month at not less than the class prices for such milk. No partial payment is now required on plant milk purchased from a cooperative. The cooperative spokesman contended that there is no less justification for requiring a partial payment by a pool plant operator for plant milk than for milk delivered to the pool plant from producers' farms. Without such a provision a pool plant operator purchasing plant milk would, in effect, have an advantage over his competitors who receive milk directly from producers' farms and who are required to make partial payments on such milk.

Pool plant operators now make a partial payment for all milk received from producers' farms, including that delivered in a tank truck operated by, or under control of, the cooperative. Such milk, as adopted in this decision, is considered producer milk received by the cooperative at the location of the pool plant to which delivered and as an interhandler transfer to the pool plant operator. This decision in no way, however, changes the plant operator's obligation for a partial payment on such milk.

4. *Shrinkage allowance on producer deliveries.* Designating a cooperative as the handler for bulk tank milk, as adopted in this decision, necessitates changing the shrinkage provisions to accord producer milk of a cooperative bulk tank handler the same treatment as any other producer milk.

A maximum Class III shrinkage of 1.5 percent is now allowed the transferee-plant on the skim milk and butterfat in bulk fluid milk products received from another plant. Since milk delivered by a cooperative bulk tank handler to a pool plant will be considered an interhandler transfer, the transferee-plant should be allowed Class III shrinkage up to 1.5 percent, the same as an interplant transfer. However, when a pool plant operator agrees to accept milk from a cooperative bulk tank handler on the basis of weights and butterfat tests determined at the farm, the Class III shrinkage allowed the pool plant should be 2 percent of such receipts, as on all other milk delivered to a plant directly from producers' farms.

When a pool plant operator is not purchasing milk from a cooperative bulk tank handler on the basis of the weights and butterfat tests at the farm, the cooperative would be responsible for pooling the differences between the farm weights and tests and those accounted for as received at pool plants. A Class III shrinkage allowance of 0.5 percent is provided to cover such differences, the same as allowed a transferor-plant on shipments to another plant.

In connection with designating a cooperative as the handler on bulk tank milk, it was suggested that shrinkage resulting from milk of producers destroyed or lost under extraordinary circumstances (e.g., milk lost from an overturned tank truck) be classified in the lowest price class.

Losses of milk and milk products in a vehicular accident, flood, fire, or similar catastrophe beyond their control may be experienced by cooperative bulk tank handlers and other handlers. To the extent that the quantities involved can be verified from records kept by the handler and satisfactory to the market administrator, a Class III classification should be provided for such losses.

A Class III classification is now provided for the skim milk and butterfat in milk products dumped by a handler if the market administrator is notified in advance of such dumping and is given the opportunity to verify it. When milk is lost by a handler in a truck accident or in a comparable situation beyond his control it is not possible to give advance notice to the market administrator. However, the quantities of milk and milk products lost or destroyed can generally be established in a reasonable manner. The quantities of milk lost in a truck accident, for example, can frequently be verified from shipping invoices or from farm pickup records.

Milk lost under circumstances beyond the control of the handler obviously would not provide any return to him except as covered by insurance. Nevertheless, producers should not be involved and should be remunerated for all milk the handler has received from them.

It is not intended that this provision shall be applicable to milk lost through faulty pipe connections, open or leaking valves, broken hoses, contamination and similar accidents which must be considered normal business hazards. Milk lost in such manner is part of the normal shrinkage experienced in any milk operation and such losses are adequately provided for under the shrinkage provisions. However, the shrinkage provisions cannot be expected to accommodate losses from truck accidents, flood, fire, and similar catastrophes. Providing a Class III classification for verified amounts of skim milk and butterfat in milk and milk products lost under such circumstances, as adopted herein, is a reasonable basis for handling such losses.

5. *Offsetting payments due from a handler against payments due the handler.* Any payments due the market administrator from a handler should be offset against a payment due the handler from the producer-settlement fund.

The order now provides for offsetting payments due from a handler against payment due the handler from the producer-settlement fund. However, it neither expressly precludes nor explicitly provides that the amounts due the market administrator for other purposes may offset payments due from the producer-settlement fund. The language herein adopted will clarify this by stating specifically that the payment due a handler from the producer-settlement fund shall be reduced by any amount he owes the producer-settlement fund and for administrative assessments, marketing service deductions, audit adjustments, and interest charges on unpaid obligations.

The change here adopted was proposed by the major cooperative in the market and was unopposed at the hearing. It will contribute to orderly marketing by facilitating the collection of monies due from handlers and will avoid unnecessary and duplicate transactions. Additionally, it will provide a practicable means for collecting money from a handler who is delinquent in any payments due the market administrator.

6. *The advertising and promotion assessment as an adjustment to the uniform price.* A handler proposal to remove the 5-cent per hundredweight advertising and promotion deduction for the uniform price computation, and apply it instead as a deduction from the uniform price in paying producers, should not be adopted.

There is some overlapping of the supply areas for the Indiana order and for 6 nearby orders (Chicago Regional, Southern Illinois, Central Illinois, Ohio Valley, Southern Michigan, and Louisville-Lexington-Evansville), none of which provide for an advertising and promotion assessment. Handlers contended that under the present arrangement in the Indiana order, whereby the 5-cent advertising and promotion assessment is reflected in the uniform price, the announced uniform price for Indiana is not comparable with those announced for the 6 nearby orders with no advertising and promotion assessment.

The advertising and promotion program is a voluntary producer program. After the inclusion of such a program in an order, each producer decides whether he will contribute to the cost of its operation. The responsibility for operating the program and the costs of operating it are borne entirely by producers. Handlers are not involved in any way in the advertising and promotion program.

The change proposed was not supported by producers. In fact, they expressed no dissatisfaction with the way in which the 5-cent per hundredweight advertising and promotion deduction is now provided for under the order. Moreover, adopting the handler proposal would have no effect on either the prices handlers must pay producers for their milk or on the net price returned to producers. Accordingly, no purpose would be served by changing any order provisions affecting the advertising and promotion program at this time.

7. *Computing interest on overdue accounts.* The date when interest charges begin on unpaid obligations to the market administrator should not be changed.

A handler must now pay interest on payments owed the producer-settlement fund, for administration expense, and for marketing service deductions beginning on the 6th day after such payments are due. This provision became applicable in the order effective April 1, 1973.

Handlers proposed that interest on unpaid obligations be computed beginning the 8th day after such obligations are due. They claimed that an additional 2 days are needed because their billings from the market administrator are frequently delayed because of routine delays in mail deliveries. This is substantially the same basis on which the provision to charge interest beginning 6 days after the due date was adopted. The handler testimony, however, provided no information indicating any changed conditions since the hearing that resulted in beginning interest charges 6 days after the due date to warrant extending that period to 8 days.

Handlers are billed by the market administrator immediately following completion of the monthly uniform price computation. The date the uniform price is computed depends on when handlers' monthly reports are received. When reports are late, the uniform price announcement is delayed.

Handler reports are due on or before the 8th of the month for the preceding month and the market administrator must announce the uniform price no later than the 14th. Payments by handlers to the producer-settlement fund and for order administration expenses and marketing service deductions are due on or before the 15th of the month.

If the reports for all handlers are filed when due, it can be expected the market administrator will complete the uniform price computation and bill handlers before the 14th of the month. This would allow sufficient time for handlers to make payments to the market administrator when due, by the 15th of the month. Of course, when reports are filed late, it necessarily delays the date when the billings are issued to handlers. There is no indication, however, that billings to handlers have ever been issued so late as to make it impossible for the handlers to pay the market administrator within 6 days after their due dates.

The purpose of interest charges is to insure the prompt payment of amounts due the market administrator, which is necessary to achieve efficient administration of the order. Extending the period of grace for making such payments an additional 2 days, as proposed by handlers, would be inconsistent with this purpose.

8. *Conforming changes.* The definition changes provided in this decision require changes in other sections of the order involving such definitions. The affected provisions have been redrafted to reflect the changes. Except as heretofore noted, these changes do not affect the application or impact of the order.

It is not expected that any order amendment resulting from this decision will become effective before August 1, 1974. Accordingly, the attached order language of this decision is coordinated with that in the amended Indiana order issued April 29, 1974, to be effective August 1, 1974.

9. *Need for emergency action.* The notice of hearing provided for evidence to be taken to determine whether emergency marketing conditions exist that would warrant omission of a recommended decision on the proposal to designate a cooperative association as the handler on farm bulk tank milk. At the hearing, proponent urged prompt action on this proposal. However, no testimony was presented to justify omission of the recommended decision and the opportunity to file exceptions thereto. The proposal for taking emergency action is therefor denied.

Rulings on Proposed Findings and Conclusions

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General Findings

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held;

(d) All milk and milk products handled by handlers, as defined in the tentative marketing agreement and the order as hereby proposed to be amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(e) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 4 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to milk specified in § 1049.85 of the aforesaid tentative marketing agreement and the order as proposed to be amended.

Recommended Marketing Agreement and Order Amending the Order

The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended. The following order amending the order, as amended, regulating the handling of milk in the Indiana marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out:

1. Section 1049.2 is revised as follows:

§ 1049.2 Indiana marketing area.

"Indiana marketing area" (hereinafter referred to as the "marketing area") means all the territory within the boundaries of each of the Indiana counties listed below, including territory wholly or partly within such boundaries occupied by Government (municipal, State, or Federal) reservations, installations, institutions, or other similar establishments:

Adams.	La Porte.
Allen.	Lawrence.
Bartholomew.	Madison.
Blackford.	Marion.
Boone.	Marshall.
Brown.	Miami.
Cass.	Monroe.
Clay.	Montgomery.
Clinton.	Morgan.
Decatur.	Noble.
De Kalb.	Owen.
Delaware.	Parke.
Elkhart.	Porter.
Fayette.	Putnam.
Fountain.	Randolph.
Franklin.	Ripley.
Fulton.	Rush.
Grant.	Shelby.
Hamilton.	Steuben.
Hancock.	St. Joseph.
Hendricks.	Starke.
Henry.	Switzerland.
Howard.	Tippecanoe.
Huntington.	Tipton.
Jackson.	Union.
Jay.	Vermillion.
Jefferson.	Vigo.
Jennings.	Wabash.
Johnson.	Warren.
Kosciusko.	Wayne.
Lagrange.	Wells.
Lake.	Whitley.

2. In § 1049.7, paragraphs (a) (1) and (b) are revised as follows:

§ 1049.7 Pool plant.

* * * * *

(a) * * *

(1) Total route disposition, exclusive of packaged fluid milk products received from other plants and filled milk, in an amount not less than 50 percent of Grade A milk received at such plant (excluding receipts of milk diverted from another plant pursuant to § 1049.13) during the month from dairy farmers, supply plants, and handlers pursuant to § 1049.9(c), except that a plant meeting such percentage requirement for the preceding month may remain qualified under this subparagraph in the current month; and

* * * * *

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(b) A supply plant from which not less than 50 percent of the Grade A milk received from dairy farmers and handlers pursuant to § 1049.9(c) at such plant during the month is shipped to plants qualifying for the month pursuant to paragraph (a) of this section. A plant qualified pursuant to this paragraph in each of the immediately preceding months of September through February shall remain so qualified for the months of April through August unless written application is filed with the market administrator on or before the first day of any such month to designate such plant as a nonpool plant for such month and for each subsequent month through August during which it would otherwise not qualify under this paragraph.

• • • • •

3. In § 1049.9, a new paragraph (c) is added as follows:

§ 1049.9 Handler.

• • • • •

(c) Any cooperative association with respect to milk it receives for its account from the farm of a producer in a tank truck owned and operated by, or under the control of, such association, for delivery to a pool plant operated by another person, unless both the cooperative association and the operator of the pool plant notify the market administrator that the plant operator will be responsible for payment for the milk and is purchasing the milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples. Milk for which the cooperative association is the handler pursuant to this paragraph shall be deemed to have been received by the cooperative association at the location of the pool plant to which such milk is delivered.

• • • • •

4. In § 1049.12, paragraph (a) is revised as follows:

§ 1049.12 Producer.

(a) Except as provided in paragraph (b) of this section, "producer" means any person who, in compliance with Grade A inspection requirements of a duly constituted health authority, produces milk for distribution as fluid milk products within the marketing area or produces milk acceptable for fluid consumption at Federal, State or municipal institutions, which milk is received at a pool plant, diverted pursuant to § 1049.13, or received by a handler pursuant to § 1049.9(c).

• • • • •

5. Section 1049.13 is revised as follows:

§ 1049.13 Producer milk.

"Producer milk" means all skim milk and butterfat contained in milk of any producer which is:

(a) Received during the month at one or more pool plants or by a handler pursuant to § 1049.9(c) (milk may be diverted during the month by a handler from a pool distributing plant to another pool plant(s) for not more days of production of producer milk than is physically received at the diverting pool plant);

(b) Received at a pool plant at least one day during the month from such producer or from a handler pursuant to § 1049.9(c) and then diverted by the operator of a pool plant or by a cooperative association to a nonpool plant that is not a producer-handler plant during the month under any of the following conditions:

(1) During April through August the operator of a pool plant or a cooperative association may divert the milk production of a producer from a pool plant to a nonpool plant on any number of days during the month.

(2) During September through March the milk of a producer diverted by the operator of a pool plant or a cooperative association to a nonpool plant shall be limited to the amounts specified in paragraph (b)(2)(i) and (ii) of this section:

(i) The operator of a pool plant may divert the milk of producers (except producers for whom a cooperative association is diverting milk under the percentage limit of paragraph (b)(2)(ii) of this section) for not more days of production of producer milk than is physically received at the diverting pool plant or he may divert an aggregate quantity not exceeding 40 percent of the milk of all such producers.

(ii) A cooperative association may divert the milk of individual producers for not more days of production of producer milk than is physically received at a pool plant or it may divert an aggregate quantity of the milk of producers not exceeding 40 percent of all such milk either caused to be delivered to pool plants or diverted to nonpool plants by the cooperative association.

(3) When milk is diverted in excess of the limit by a handler who elects to divert on the basis of days-of-production, only that milk of the individual producer which was received at a pool plant or which was diverted to a nonpool plant for not more days of production than is physically received at a pool plant shall be considered producer milk.

(4) When milk is diverted in excess of the percentage limit by a handler who elects to divert on a percentage basis, eligibility as producer milk shall be forfeited on a quantity of milk equal to such excess. In such instances the diverting handler shall specify the dairy farmers whose milk is ineligible as producer milk. If the handler fails to designate such dairy farmers whose milk is ineligible, producer milk status shall be forfeited with respect to all milk diverted to nonpool plants by such handler.

(c) Diverted milk shall be deemed to be received by the handler at the pool plant or nonpool plant to which the milk is diverted, unless diverted to a plant located in any part of the marketing area or to a plant at which no location adjustment would apply pursuant to § 1049.52, in which case such diverted milk shall be deemed to be received at the pool plant from which diverted.

6. In § 1049.40, paragraph (c) is revised as follows:

§ 1049.40 Classes of utilization.

• • • • •

(c) Class III milk. Class III milk shall be all skim milk and butterfat:

(1) Used to produce:

(i) Cheese (other than cottage cheese, lowfat cottage cheese and dry curd cottage cheese);

(ii) Butter;

(iii) Any milk product in dry form;

(iv) Any concentrated milk product in bulk, fluid form that is used to produce a Class III product;

(v) Evaporated or condensed milk (plain or sweetened) in a consumer-type package and evaporated or condensed skim milk (plain or sweetened) in a consumer-type package; and

(vi) Any product not otherwise specified in this section;

(2) In inventory at the end of the month of fluid milk products in bulk or packaged form and products specified in paragraph (b)(1) of this section in bulk form;

(3) In fluid milk products and products specified in paragraph (b)(1) of this section that are disposed of by a handler for animal feed;

(4) In fluid milk products and products specified in paragraph (b)(1) of this section that are dumped by a handler if the market administrator is notified of such dumping in advance and is given the opportunity to verify such disposition;

(5) In fluid milk products and products specified in paragraph (b)(1) of this section that are destroyed or lost by a handler in a vehicular accident, flood, fire, or in a similar occurrence beyond his control, to the extent that the quantities destroyed or lost can be verified from records satisfactory to the market administrator;

(6) In skim milk in any modified fluid milk product that is in excess of the quantity of skim milk in such product that was included within the fluid milk product definition pursuant to § 1049.15; and

(7) In shrinkage assigned pursuant to § 1049.41(a) to the receipts specified in § 1049.41(a)(2) and in shrinkage specified in § 1049.41 (b) and (c).

7. In § 1049.30, a new paragraph (a)(2) is added and paragraph (c) is revised as follows:

§ 1049.30 Reports of receipts and utilization.

• • • • •

(a) • • •

(2) Receipts of milk from handlers pursuant to § 1049.9(b) or (c);

• • • • •

(c) Each handler described in § 1049.9 (b) or (c) shall report:

(1) The quantities of skim milk and butterfat contained in receipts of milk from producers;

(2) The quantities of such receipts delivered to each pool plant of other handlers; and

(3) The classification of such receipts diverted pursuant to § 1049.13.

• • • • •

8. Section 1049.41 is revised as follows:

§ 1049.41 Shrinkage.

For purposes of classifying all skim milk and butterfat to be reported by a handler pursuant to § 1049.30, the market administrator shall determine the following:

(a) The pro rata assignment of shrinkage of skim milk and butterfat, respectively, at each pool plant to the respective quantities of skim milk and butterfat:

(1) In the receipts specified in paragraph (b)(1) through (7) of this section on which shrinkage is allowed pursuant to such paragraph; and

(2) In other source milk not specified in paragraph (b)(1) through (7) of this section which was received in bulk fluid form;

(b) The shrinkage of skim milk and butterfat, respectively, assigned pursuant to paragraph (a) of this section to the receipts specified in paragraph (a)(1) of this section that is not in excess of:

(1) Two percent of the skim milk and butterfat, respectively, in producer milk (excluding milk diverted by the plant operator to another plant);

(2) Plus 1.5 percent of skim milk and butterfat, respectively, in milk received from a handler pursuant to § 1049.9(c), except that if the handler operating the pool plant files notice with the market administrator that he is purchasing such milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples, the applicable percentage under this subparagraph shall be 2.0 percent;

(3) Plus 1.5 percent of the skim milk and butterfat, respectively, in milk diverted to such plant from another pool plant, except that if the operator of the plant to which the milk is delivered purchases such milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples, the applicable percentage under this subparagraph shall be 2 percent;

(4) Plus 0.5 percent of the skim milk and butterfat, respectively, in producer milk diverted from such plant by the plant operator to another plant, except that if the operator of the plant to which the milk is delivered purchases such milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples, the applicable percentage under this subparagraph shall be zero;

(5) Plus 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products received by transfer from other pool plants;

(6) Plus 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products received by transfer from other order plants, excluding the quantity for which Class II or Class III classification is requested by the operators of both plants;

(7) Plus 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products received from unregulated supply plants, excluding the quantity for which Class II or Class III classification is requested by the handler; and

(8) Less 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products transferred to other plants that is not in excess of the respective amounts of skim milk and butterfat to which percentages are applied in paragraphs (b)(1), (2), (3), (5), (6) and (7) of this section; and

(c) The quantity of skim milk and butterfat, respectively, in shrinkage of milk from producers for which a cooperative association is the handler pursuant to § 1049.9 (b) or (c) but not in excess of 0.5 percent of the skim milk and butterfat, respectively, in such milk. If the operator of the plant to which the milk is delivered purchases such milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples, the applicable percentage under this paragraph shall be zero.

9. In § 1049.42, that portion of the paragraph preceding paragraph (a)(1) thereof is revised as follows:

§ 1049.42 Classification of transfers and diversions.

(a) *Transfers and diversions to pool plants.* Skim milk and butterfat transferred or diverted in the form of a fluid milk product to a pool plant from another pool plant or by a handler pursuant to § 1049.9 (b) or (c) and skim milk and butterfat transferred in the form of a bulk fluid cream product between pool plants shall be classified as Class I milk unless both parties to each such transfer or diversion request the same classification in another class. In either case, the classification of such transfers or diversions shall be subject to the following conditions:

• • • • •

10. In § 1049.43, paragraphs (a) and (c) are revised as follows:

• • • • •

§ 1049.43 General classification rules.

(a) Each month the market administrator shall correct for mathematical and other obvious errors all reports filed pursuant to § 1049.30 and shall compute separately for each pool plant and each handler pursuant to § 1049.9 (b) or (c) the pounds of skim milk and butterfat, respectively, in each class in accordance with §§ 1049.40, 1049.41 and 1049.42;

• • • • •

(c) The classification of producer milk for which a cooperative association is the handler pursuant to § 1049.9 (b) or (c) shall be determined separately from the operations of any pool plant operated by such cooperative association.

11. In § 1049.44, the introductory paragraph and paragraph (a)(8)(ii)(b) and (13) are revised as follows:

§ 1049.33 Classification of producer milk.

For each month the market administrator shall determine for each pool plant the classification of milk received from producers and from handlers pursuant to § 1049.9 (b) or (c) and the classification of milk received from producers by each handler pursuant to § 1049.9 (b) or (c) that was not received at a pool plant, as follows:

(a) • • •

(8) • • •

(ii) • • •

(*a*) • • •

(*b*) Subtract from the above result the sum of the pounds of skim milk at all pool plants of the handler in producer milk, receipts of fluid milk products from pool plants of other handlers, from handlers pursuant to § 1049.9(b) and (c), and bulk fluid milk products from other order plants that were not subtracted pursuant to paragraph (a)(7)(vi) of this section; and

• • • • •

(13) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk in receipts from handlers pursuant to § 1049.9(b) and (c) and in receipts of fluid milk products and bulk fluid cream products from other pool plants according to the classification assigned pursuant to § 1049.42 (a); and

• • • • •

12. In § 1049.52, paragraph (b) is revised as follows:

§ 1049.52 Plant location adjustments for handlers.

• • • • •

(b) For the purpose of calculating adjustments pursuant to this section, transfers between pool plants shall be assigned Class I disposition at the transferee-plant, in excess of the receipts at such plant from producers and handlers pursuant to § 1049.9(b) and (c) and the volume assigned as Class I to receipts from other order plants and unregulated supply plants, such assignment to be made first to transferor-plants at which no location adjustment is applicable and then in sequence beginning with the plant at which the least location adjustment would apply.

• • • • •

13. In § 1049.60, the introductory paragraph and paragraph (a) are revised as follows:

§ 1049.60 Handler's value of milk for computing uniform price.

For the purpose of computing the uniform price, the market administrator shall determine for each month the value of milk for each pool plant of each handler and for each handler pursuant to § 1049.9 (b) and (c) for milk that was not received at a pool plant as follows:

(a) Multiply by the applicable class prices the pounds of producer milk in each class as determined pursuant to § 1049.44 and the pounds of milk received

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from handlers pursuant to § 1049.9(c) (and allocated pursuant to § 1049.44(a)(13) and the corresponding steps of § 1049.44(b)), and add the resulting amounts;

• • • • •

14. In § 1049.61, paragraphs (c), (e)(1), (h) and (j) are revised as follows:

§ 1049.61 Computation of uniform price (including weighted average price).

• • • • •

(c) Subtract an amount computed by multiplying the total hundredweight of producer milk and milk received from handlers pursuant to § 1049.9(c) included in paragraph (a) of this section by 5 cents;

• • • • • •

(e) • • •

(1) The hundredweight of milk described in paragraph (c) of this section; and

• • • • •

(h) Subtract for each month of April through July the amount obtained by multiplying the hundredweight of milk described in paragraph (c) of this section by 20 cents. The amount so subtracted, and the interest subsequently earned thereon (less any money not available for crediting under this paragraph because of insufficient payment by a handler to the producer-settlement fund) shall be credited to the producer-settlement fund and remain as an obligated amount until disbursed pursuant to paragraph (i) of this section;

• • • • •

(j) Divide the resulting sum by the hundredweight of milk described in paragraph (c) of this section; and

• • • • •

15. Section 1049.70 is revised as follows:

§ 1049.70 Producer-settlement fund.

The market administrator shall maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments received pursuant to §§ 1049.71, 1049.76, 1049.77 and 1049.78 and out of which he shall make all payments pursuant to §§ 1049.72 and 1049.77: *Provided*, That a payment due a handler shall be offset against payments due the market administrator from such handler pursuant to §§ 1049.71, 1049.76, 1049.77, 1049.78, 1049.85 and 1049.86.

16. In § 1049.71, paragraph (a)(2)(i) is revised as follows:

§ 1049.71 Payments to the producer-settlement fund.

(a) • • •

(2) • • •

(i) The value at the uniform price, adjusted pursuant to § 1049.75, of such handler's receipts of producer milk and milk received from handlers pursuant to § 1049.9(c);

17. In § 1049.73, paragraphs (b)(1) and (c) are revised as follows:

§ 1049.73 Payments to producers and to cooperative associations.

• • • • • •

(b) • • •

(1) On or before two days prior to the last day of each month for producer milk received during the first 15 days of the month; and

• • • • •

(c) Each handler shall pay a cooperative association for milk received by the handler from the cooperative association as follows:

(1) In the case of milk received from a pool plant(s) operated by a cooperative association:

(i) For milk received during the first 15 days of the month, the handler shall pay the cooperative association on or before two days prior to the last day of such month not less than the Class III price for the preceding month;

(ii) For milk received during the month the handler shall pay the cooperative association on or before the 10th day of the following month not less than the applicable class prices pursuant to § 1049.50 adjusted by the butterfat differential specified in § 1049.74 and less any payments made pursuant to paragraph (c)(1)(i) of this section; and

(2) Each handler pursuant to § 1049.9(a) who receives milk from a cooperative association as a handler pursuant to § 1049.9(b) or (c), including the milk of producers who are not members of such association, and who the market administrator determines have authorized such cooperative association to collect payment for their milk, shall pay such cooperative for such milk as follows:

(i) On or before two days prior to the last day of the month for milk received during the first 15 days of the month, not less than the Class III price for the preceding month;

(ii) On or before the 16th day of the following month for milk received during the month, not less than the uniform price as adjusted pursuant to §§ 1049.74 and 1049.75, and less any payments made pursuant to paragraph (c)(2)(i) of this section.

• • • • • •

18. In § 1049.85, the introductory paragraph and paragraph (a) are revised as follows:

§ 1049.85 Assessment for order administration.

As his pro rata share of the expense of administration of the order, each handler (except a handler pursuant to § 1049.9(b) or (c) for milk delivered to pool plants) shall pay to the market administrator on or before the 15th day after the end of the month 4 cents per hundred-weight, or such lesser amount as the Secretary may prescribe, with respect to:

(a) Producer milk (including such handler's own farm production) and milk received from handlers pursuant to § 1049.9(b) or (c);

• • • • •

Signed at Washington, D.C., on June 14, 1974.

JOHN C. BLUM,
Associate Administrator.

[FR Doc.74-14062 Filed 6-18-74;8:45 am]

Rural Electrification Administration

[7 CFR Part 1701]

FILLED BURIED WIRE

Proposed New REA Specification

Notice is hereby given that, pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et seq.), including the amendment thereto enacted by Pub. L. 93-32, REA proposes to issue REA Bulletin 345-70 to announce a new REA Specification PE-54 for filled buried wire. On issuance of REA Bulletin 345-70, Appendix A to Part 1701 will be modified accordingly.

Persons interested in the new specification may submit written data, views or comments to the Director, Telephone Operations and Standards Division, Rural Electrification Administration, Room 1355, South Building, U.S. Department of Agriculture, Washington, D.C. 20250, on or before July 19, 1974. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Director, Telephone Operations and Standards Division during regular business hours.

A copy of the new REA Specification PE-54 may be secured in person or by written request from the Director, Telephone Operations and Standards Division.

The text of REA Bulletin 345-70 announcing the issuance of the new specification is as follows:

REA BULLETIN 345-70

REA SPECIFICATION FOR FILLED BURIED WIRE

I. *Purpose.* To announce issuance of a new REA Specification PE-54 for Filled Buried Wire.

II. *General.* This specification covers requirements for filled telephone buried wire in one-, two-, and three-pair sizes for providing telephone circuits.

This specification becomes effective January 1, 1975. All filled buried wire bid or ordered by REA telephone borrowers after that date shall comply with this specification. This does not preclude the adoption of its requirements by manufacturers prior to the effective date.

III. *Availability of specification.* Copies of the new PE-54 will be furnished by REA upon request. Questions concerning the new specification may be referred to the Chief, Outside Plant Branch, Telephone Operations and Standards Division, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250, telephone number 202 447-3827.

Dated: June 13, 1974.

C. R. BALLARD,
Assistant Administrator—Telephone.

[FR Doc.74-14018 Filed 6-18-74;8:45 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[50 CFR Part 259]

INTERIM FISHING VESSEL CAPITAL CONSTRUCTION FUND PROCEDURES

Notice of Proposed Rulemaking

This proposes interim procedural regulations for governing administration of the Fishing Vessel Capital Construction Fund program.

The Secretary of Commerce on October 9, 1971, published at 36 FR 19699, et seq., a 50 CFR Part 259 (§ 259.1, which was subsequently redesignated as § 259.30, see 37 FR 25025), establishing a final form of Interim Capital Construction Fund Agreement (and instructions for making application therefor) under section 607 of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1114), insofar as agreements under that section relating to fishing vessels are concerned.

The Merchant Marine Act of 1970 (84 Stat. 1018) amended section 607 of the Merchant Marine Act, 1936, as amended. Under the amended section 607, citizens of the United States may enter into agreements with the Secretary of Commerce providing for the deferment of Federal Taxation of, among other things, fishing vessel income when such income is deposited in a Capital Construction Fund and reserved for the future acquisition, construction or reconstruction of fishing vessels.

The Secretary does not presently propose to disturb the final form of Interim Capital Construction Fund Agreement published October 9, 1971. Under that interim form, approximately 500 Interim Capital Construction Fund Agreements relating to fishing vessels are presently in force. These agreements, and all subsequent ones, will continue in force under the interim agreement form of October 9, 1971, until such a time as the Secretary proposes and adopts Permanent Fishing Vessel Capital Construction Fund Procedures. At that time, Permanent Capital Construction Fund Agreements will be tendered by the Secretary to all then eligible holders of interim agreements. The October 9, 1971, final form of Interim Capital Construction Fund Agreement is not, consequently, now again published as an appendix to this proposed §§ 259.30 through 259.38 of CFR Part 259.

These presently proposed Interim Fishing Vessel Capital Construction Fund Procedures (i.e., the proposed §§ 259.30 through 259.38 of 50 CFR Part 259 appearing below) generally restate (with minor revisions) the § 259.1 (but subsequently redesignated § 259.30) previously published on October 9, 1971, and propose to establish for the first time new §§ 259.31 through 259.38. The new §§ 259.31 through 259.38 will, upon adoption, establish certain basic procedural regulations applicable to transactions under all past, present, and future Interim Capital Construction Fund Agreements. These will, upon adoption, remain in force until either (1) revised or (2) replaced by Permanent Fishing Vessel Capital Construction Fund Procedures at which latter time interim agreements will be replaced by permanent agreements.

The proposed new §§ 259.31 through 259.38, basically, accomplish the following:

The new § 259.31 proposes to establish the conditions under which the acquisition, construction, or reconstruction of fishing vessels is qualified for Capital Construction Fund (CCF) benefits. The terms "acquisition" and "reconstruction" are given specific meanings which restrict CCF benefits for these two purposes to those projects meeting specific criteria.

The new § 259.32 proposes to establish the effect upon Interim Capital Construction Fund Agreements of the adoption of conditional fisheries under 50 CFR Part 251 (a regulatory mechanism for establishing certain fisheries from time-to-time in which the introduction of additional fishing capacity would be unwarranted). The new § 259.32 will have the effect of restricting, in a certain manner, the availability of CCF benefits in fisheries adopted as conditional under 50 CFR Part 251.

The new §§ 259.33 through 259.38 propose to establish procedures deemed necessary for the proper administration of Interim Capital Construction Fund Agreements and concern such areas as: (1) Constructive deposits and withdrawals, (2) ratification of withdrawals made without first having obtained the Secretary's consent thereto, (3) minimum and maximum deposits, (4) maximum allowable time in which to deposit, (5) a requirement for annual deposit and withdrawal reports and possible penalties for not complying with such requirement, (6) a requirement to establish account numbers for CCF deposits and prohibition of intermingling CCF and non-CCF transactions, (7) a requirement for submission of further proofs, assurances, and advices concerning previous conditional consents to withdrawal qualification and possible penalties for not complying with such requirement, and (8) miscellaneous provisions involving how submittal dates will be established, confidentiality, and applicability of the proposed new §§ 259.31 through 259.38.

The Secretary will give consideration to written comments prior to final adoption of the Proposed Interim Fishing Vessel Capital Construction Fund Procedures set forth below. Written comments should (1) be addressed to the Director, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, Washington, D.C. 20235, and (2) received on or before July 9, 1974.

Dated: June 18, 1974.

By order of the Administrator, National Oceanic and Atmospheric Administration.

JOHN W. TOWNSEND, Jr.,
Acting Administrator.

Sec.

259.30 Application for interim capital construction fund agreement ("interim CCF agreement").
259.31 Acquisition, construction, or reconstruction.
259.32 Conditional fisheries.
259.33 Constructive deposits and withdrawals; ratification of withdrawals (as qualified) made without first having obtained Secretary's consent; first tax year for which interim CCF agreement is effective.
259.34 Minimum and maximum deposits; maximum time to deposit.
259.35 Annual deposit and withdrawal reports required.
259.36 CCF accounts.
259.37 Conditional consents to withdrawal qualification.
259.38 Miscellaneous.

AUTHORITY: Sec. 204, 49 Stat. 1087, as amended; (46 U.S.C. 1114); Pub. L. 91-469, 84 Stat. 1018; sec. 21(a), 84 Stat. 1026; Reorganization Plan No. 4 of 1970, 86 Stat. 909.

§ 259.30 Application for interim capital construction fund agreement ("interim CCF agreement").

(a) *General qualifications.* To be eligible to enter into an Interim CCF Agreement an applicant must:

(1) Be a citizen of the United States (citizenship requirements are those for documenting vessels in the coastwise trade within the meaning of section "2" of the Shipping Act, 1916, as amended);

(2) Own or lease one or more eligible vessels operating in the fisheries of the United States and earning a significant income from catching, processing, or transporting fish, shellfish, or other living marine resources for commercial purposes such as marketing or processing the catch;

(3) Have an acceptable program for the acquisition, construction, or reconstruction of one or more qualified vessels.

(b) *Content of application.* Applicants seeking an Interim CCF Agreement may make application by letter providing the following information:

(1) Proof of U.S. citizenship;

(2) The first taxable year (specify the date upon which the party's tax year begins and the date upon which the party's tax year ends) for which the Interim CCF Agreement is to apply (see § 259.33 for the latest time at which application for an Interim CCF Agreement relating to a previous taxable year may be received);

(3) The following information regarding each "eligible vessel" or "qualified vessel" (as both such terms are defined in the Act) owned or leased by an applicant for operation in the fisheries of the United States which is to be designated as an "agreement vessel" (i.e., to be incorporated in Schedule A of the Interim CCF Agreement) for the purpose of making deposits into a Capital Construction Fund pursuant to section 607 of the Act:

(i) Name of vessel,

(ii) Type of vessel (i.e., catching vessel, processing vessel, transporting vessel),

(iii) General characteristic (i.e., net tonnage, fish-carrying capacity, age, length, type of fishing gear),

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(iv) Whether owned or leased and, if leased, the name of the owner, and a copy of the lease,

(v) Date and place of construction,

(vi) If reconstructed, date of redelivery and place of reconstruction,

(vii) Date last documented under the laws of the United States for operation in the fisheries of the United States,

(viii) Fishery of operation (which in this section means each species or group of species—each species must be specifically identified by acceptable common name—of fish, shellfish, or other living marine resources which each vessel catches, processes, or transports, or will catch, process, or transport for commercial purposes such as marketing or processing the catch),

(ix) Area of operation (which in this section means the general geographic areas in which each vessel will catch, process, or transport for commercial purposes each species or group of species of fish, shellfish, or other living marine resources).

(4) The general objectives to be achieved by the accumulation of assets in a Capital Construction Fund (to be incorporated in Schedule B of the Interim CCF Agreement) including, the applicant's firm estimate of:

(i) Anticipated number of vessels,

(ii) Type of vessel (i.e., catching vessel, processing vessel, transporting vessel),

(iii) General characteristics (i.e., net tonnage, fish-carrying capacity, age, length, type of fishing gear),

(iv) Anticipated cost of projects,

(v) Amount of indebtedness to be paid, for vessels already, or to be, constructed, acquired, or reconstructed (all notes, mortgages, or other evidences of the indebtedness must be submitted as soon as available, together with sufficient additional evidence to establish that the full proceeds of the indebtedness to be paid from a CCF under an Interim CCF Agreement, were used solely for the purpose of the construction, acquisition, or reconstruction of Schedule B vessels),

(vi) Anticipated date of construction, acquisition, reconstruction,

(vii) Anticipated area of operation (which in this section means each species or group of species—each species must be specifically identified by acceptable common name—of fish, shellfish, or other living marine resources which each vessel catches, processes, or transports, or will catch, process, or transport for commercial purposes such as marketing or processing the catch),

(5) An income and expense statement (indicating the nature of all costs of operation and sources of vessel income) for the past 4 years of each agreement vessel's operation or, if not owned or leased for at least such period, then for such lesser period as the vessel has been owned or leased. The applicant's current balance sheet.

(6) The name, address, and account number of each depository in which the assets of a CCF will be deposited.

(c) *Filing.* The application must be signed and submitted in duplicate to the Regional Office of the National Marine Fisheries Service's Financial Assistance Division corresponding to the region in which the party conducts its business. As a general rule, the Interim CCF Agreement must be executed and entered into by the taxpayer on or prior to the due date, with extensions, for the filing of the Federal tax return in order to be effective for the year to which that return relates. It is manifestly in the applicant's best interest to file at least 45 days in advance of such date.

§ 259.31 Acquisition, construction, or reconstruction.

(a) *Acquisition.* No vessel more than 1 year old at the time of its acquisition by the party seeking CCF withdrawal therefor shall be a qualified vessel for the purpose of acquisition, except in the cases specified in subparagraphs (1) and (2) of this paragraph:

(1) A vessel more than 1 year old, but not more than 5 years old, at the time of its acquisition by the party seeking CCF withdrawal therefor may be a qualified vessel for the purpose of acquisition, but only if each acquisition in this category becomes a Schedule A vessel and there exists for each acquisition in this category (on a one-for-one basis) an additional Schedule B construction or reconstruction. The sole consideration for permitting an acquisition in this category is that it will enable the party (but the Secretary will not attempt to predetermine such an ability) to accelerate accomplishment of the additional Schedule B construction or reconstruction. Should this consideration materially fail, the Secretary shall, at his discretion, disqualify previously qualified withdrawals in this category, involuntarily terminate the Interim CCF Agreement, or both.

(2) A vessel more than 5 years old, but not more than 25 years old (special showing required if more than 25 years old, see paragraph (b) of this section), at the time of acquisition by the party seeking CCF withdrawal therefor may be a qualified vessel for the purpose of acquisition, but only if that same vessel becomes a Schedule A vessel and, in addition to a Schedule B vessel for the purpose of acquisition, a Schedule B vessel for the purpose of that same vessel's reconstruction to be accomplished ordinarily within 5 years from the date of acquisition. The sole consideration for permitting an acquisition in this category is that it will enable a party (but the Secretary will not attempt to predetermine such an ability) to accelerate accomplishment of the Schedule B reconstruction of the vessel so acquired. Should this consideration materially fail, the same penalty prescribed in subparagraph (1) of this paragraph applies.

(b) *Reconstruction.* No reconstruction project costing less than $100,000 shall qualify a vessel for reconstruction, unless the reconstruction project costs, or will cost, 20 percent or more of the reconstructed vessel's original construction cost. If the reconstruction project meets the $100,000 test, then the 20 percent test does not apply. Conversely, if the reconstruction project does not meet the $100,000 test, then the 20 percent test applies.

(1) If the original construction cost cannot otherwise be fairly and reasonably established, then the Secretary shall estimate what would have been the fair, reasonable, and representative cost of constructing the vessel at the time it was constructed, which estimate shall be conclusive for the purpose of reconstruction.

(2) Reconstruction may include rebuilding, replacing, reconditioning, and/or converting any portion of a vessel. A reconstruction project must, however, substantially prolong the useful life of the reconstructed vessel, increase its value, or adapt it to a different commercial use in the fishing trade or industry.

(3) All, or the major portion (ordinarily, not less than 80 percent), of a reconstruction project's actual cost must (for the purpose of meeting the above dollar or percentage tests) be classifiable as a capital expenditure for Internal Revenue Service (IRS) purposes. That otherwise allowable (i.e., for the purpose of meeting the above dollar or percentage tests) portion of a reconstruction project's actual cost which is not classifiable as a capital expenditure shall, however, be excluded from the amount qualified for withdrawal as a result of the reconstruction project.

(4) No vessel more than 25 years old at the time of withdrawal or request for withdrawal shall be a qualified vessel for the purpose of reconstruction unless a special showing is made, to the Secretary's discretionary satisfaction, that the type and degree of reconstruction intended will result in an efficient and productive vessel with an economically useful life at least 15 years beyond the date reconstruction is completed.

(c) *Time permitted for construction or reconstruction.* Construction or reconstruction must be completed within 1 year from the date construction or reconstruction first commences, unless otherwise consented to by the Secretary.

§ 259.32 Conditional fisheries.

(a) The Secretary may from time-to-time establish certain fisheries in which CCF benefits will be restricted. The regulatory mechanism for so doing is Part 251 of this chapter. Each fishery so restricted is termed a "conditional fishery". Subpart A of Part 251 of this chapter establishes the procedure to be used by the Secretary in proposing and adopting a fishery as a conditional fishery. Subpart B of Part 251 of this chapter enumerates each fishery actually adopted as a conditional fishery (Part 251 of this chapter should be referred to for details). The purpose of this § 259.32 is to establish the effect of conditional fishery adoption upon Interim CCF Agreements.

(b) If a written request for an otherwise permissible action under an Interim CCF Agreement is submitted prior to the date upon which conditional fishery adoption occurs, then the Secretary will act, in an otherwise normal manner, upon so much of the action then applied for as is then permissible without regard to the subsequent adoption of a conditional fishery (even, if that adoption occurs before the Secretary gives his consent or issues an Interim CCF Agreement or amendment thereto, all as the case may be). Nevertheless, in accordance with paragraph (c) of this section, requests in this category for the Secretary's consent to the qualification of withdrawal shall be consented to only if the project to which such withdrawal relates is capable of commencement and is commenced, not later than 6 months from the date of conditional fishery adoption.

(c) Conditional fishery adoption shall have no effect whatsoever upon a Schedule B objective whose qualification for withdrawal (which may be in an amount equal to the total cost over time of a Schedule B objective, i.e., a series of withdrawals) has been, prior to the date of conditional fishery adoption, either consented to by the Secretary or requested in accordance with paragraph (b) of this section. This extends to past, present, and future withdrawals in an amount representing up to 100 percent of the cost of a Schedule B objective. Commencement of any project in this category shall, however, be started not later than 6 months from the date of conditional fishery adoption and shall be completed within 18 months from the date of conditional fishery adoption, unless for good and sufficient cause shown the Secretary, at his discretion, consents to a longer period for either project commencement or completion. Consent to the qualification of withdrawal for any project in this category not commenced or completed within the periods allowed shall be revoked at the end of the periods allowed.

(d) Conditional fishery adoption shall have no effect whatsoever upon Schedule B objectives which will not result in significantly increasing harvesting capacity in a fishery adopted as a conditional fishery.

(1) Construction of a new vessel (vessel "Y") for operation in an adopted conditional fishery shall be deemed to significantly increase harvesting capacity in that fishery unless the party causing the "Y" vessel to be constructed causes (within 1 year after the delivery of vessel "Y") to be permanently removed from all fishing, or placed permanently in a fishery not then adopted as a conditional fishery, under such conditions as the Secretary may deem necessary or desirable, a vessel (vessel "Z") which has during the previous 18 months operated substantially in the same fishery as the "Y" vessel and which has a fishing capacity substantially equivalent to the "Y" vessel. What constitutes substantially equivalent fishing capacity shall be a matter for the Secretary's discretion. Ordinarily, in exercising his discretion about what does or does not constitute substantially equivalent fishing capacity, the Secretary will take into consideration (i) the average size of vessels constructed for the adopted conditional fishery in question at the time vessel "Z" was constructed (or, if constructed for a different fishery, the average size of vessels in the adopted conditional fishery at the time vessel "Z" entered it), (ii) the average size of vessels constructed for the adopted conditional fishery at the time vessel "Y" was or will be constructed, and (iii) such other factors as the Secretary may deem material and equitable, including the length of time the party had owned or leased vessel "Z" and the length of time the vessel has operated in the conditional fishery. The Secretary will consider these factors, and exercise his discretion, in such a way as to encourage use of this program by established fishermen who have owned or leased for substantial periods vessels which need to be replaced, even though a "Z" vessel may have been constructed at a time which dictated a lesser fishing capacity than dictated for a "Y" vessel at the time of its construction.

(2) Acquisition and/or reconstruction of a used vessel for operation in an adopted conditional fishery shall be deemed to significantly increase harvesting capacity in that fishery unless the vessel to be acquired and/or reconstructed had during the previous 3 years operated substantially in the same fishery as the adopted conditional fishery in which it will operate after acquisition and/or reconstruction. If less than 3 years, then acquisition and/or reconstruction of a used vessel for operation in an adopted conditional fishery shall be deemed to significantly increase harvesting capacity in that fishery unless there occurs vessel removal or permanent placement elsewhere under the same conditions specified for construction in subparagraph (1) of this paragraph.

(e) Conditional fishery adoption shall have the following effect on all Schedule B objectives (whether for acquisition, construction, or reconstruction) which the Secretary deems to significantly increase harvesting capacity in that fishery, excluding those circumstances specifically exempted by paragraphs (b) through (d) of this section (which shall be governed by the provisions of paragraphs (b) through (d) of this section).

(1) The Secretary may nevertheless consent to the qualification of withdrawal, but only up to an amount not exceeding the total of eligible ceilings actually deposited during tax years other than the taxable year in which conditional fishery adoption occurs plus a pro-rata portion of eligible ceilings generated in the tax year in which conditional fishery adoption occurs. Pro-ration shall be according to the number of months in a party's tax year which elapse before the month in which conditional fishery adoption occurs. For example, if a party's tax year runs from January 1, 1974, to December 31, 1974, and conditional fishery adoption occurs on August 15, 1974 (i.e., during the 8th month of the party's tax year), then the pro-rata portion for that year is eight-twelfths (or two-thirds) of the total eligible ceilings generated during that year.

(2) Qualified withdrawals in excess of the amount specified in subparagraph (1) of this section shall not, during the continuance of the adopted conditional fishery, be consented to. Parties, at this point shall have the following options.

(i) Make, with the Secretary's consent, a nonqualified withdrawal of the excess and discontinue the future deposit of eligible ceilings (which may effect termination of the Interim CCF Agreement).

(ii) Reserve the excess, as well as the future deposit of eligible ceilings, for a Schedule B objective not then involving an adopted conditional fishery. If amendment of an Interim CCF Agreement is necessary in order to include a Schedule B objective not then involving an adopted conditional fishery, the party may, with the Secretary's consent, make the necessary amendment.

(iii) Reserve the excess, as well as the future deposit of eligible ceilings, for a Schedule B objective involving a then adopted conditional fishery in anticipation that the then adopted conditional fishery will eventually be disadopted, in which case all deposits of eligible ceilings will once again be eligible for the Secretary's consent as qualified withdrawals. If the adoption of a conditional fishery continues for a substantial length of time and there is no foreseeable prospect of disadoption, then the Secretary, in his discretion, may require, subdivision (i) or (ii) of this subparagraph to be effected.

(f) The Secretary shall neither enter into a new Interim CCF Agreement, nor permit amendment of an existing one, which involves a Schedule B objective in a then adopted conditional fishery unless paragraph (b) or paragraph (c) of this § 259.32 applies or unless the Schedule B objective is expressly conditioned upon acquisition, construction, or reconstruction of the type permitted under paragraph (d) of this § 259.32. Such an express condition would not survive beyond the time at which the adopted conditional fishery is disadopted.

§ 259.33 Constructive deposits and withdrawals; ratification of withdrawals (as qualified) made without first having obtained Secretary's consent; first tax year for which interim CCF agreement is effective.

(a) *Periods controlling permissibility.* For the purpose of this § 295.33, the period between the beginning and the end of a party's tax year is designated "Period (aa)"; the period between the end of a party's tax year and the party's tax due date for that tax year is designated "Period (bb)"; the period between the party's tax due date and the date on which ends the party's last extension (if any) of that tax due date is designated "Period (cc)".

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(b) *Constructive deposits and withdrawals (before interim CCF agreement effectiveness date).* Constructive deposits and withdrawals shall be permissible only during the Period (aa) during which a written application for an Interim CCF Agreement is submitted to the Secretary and so much of the next succeeding Period (aa), if any, which occurs before the Secretary executes the Interim CCF Agreement previously applied for. All otherwise qualified expenditures of eligible ceilings during Period (aa) may be consented to by the Secretary as constructive deposits and withdrawals: *Provided,* The applicant's application for an Interim CCF Agreement and for consent to constructive deposit and withdrawal qualification (together with sufficient supporting data to enable the Secretary's execution or issuance of consent) is submitted to the Secretary either before the end of Period (bb) or, if extension was requested and received, before the end of Period (cc). If, however, the Secretary receives the completed application in proper form so close to the latest permissible period that the Interim CCF Agreement cannot be executed and/or the consent given before the end of Period (bb) or Period (cc), whichever applies, then the burden is entirely upon the applicant to negotiate with the Internal Revenue Service (IRS) for such relief as may be available (e.g., filing an amended tax return, if appropriate). The Secretary will nevertheless execute the Interim CCF Agreement and issue his consent however long past the applicant's Period (bb) or Period (cc), whichever applies, the Secretary's administrative workload requires. Should IRS relief be, for any reason, unavailable, the Secretary shall regard the same as merely due to the applicant's having failed to apply in a more timely fashion.

(c) *Constructive deposits (after interim CCF agreement effectiveness date).* The Secretary shall not permit constructive deposits or withdrawals after the effective date of an Interim CCF Agreement. Eligible ceilings must, after the effective date of a Interim CCF Agreement, be physically deposited in money or kind in scheduled depositories before the last date eligible ceilings for any Period (aa) of any party become ineligible for deposit (the last date being Period (bb) or Period (cc), whichever applies).

(d) *Ratification of withdrawals (as qualified) made without first having obtained Secretary's consent.* The Secretary may ratify as qualified any withdrawal made without first having obtained the Secretary's consent therefor, provided the withdrawal was such as would have resulted in the Secretary's consent had it been requested before withdrawal, and provided further that the party's request for consent (together with sufficient supporting data to enable issuance of the Secretary's consent) is submitted to the Secretary either before the end of Period (bb) or, if extension was requested and received, before the end of Period (cc). If, however, the Secretary receives the request in proper form so close to the latest permissable period that the consent cannot be given before expiration of Period (bb) or Period (cc), whichever applies, then the burden is entirely upon the party to negotiate with IRS for such relief as may be available (e.g., filing an amended tax return, if appropriate). The Secretary will nevertheless issue his consent however long past the party's Period (bb) or Period (cc), whichever applies, the Secretary's administrative workload requires. Should IRS relief be, for any reason, unavailable, the Secretary regard the same as merely due to the party's having failed to apply in a more timely fashion. All parties shall be counseled that it is manifestly in their best interest to request the Secretary's consent 45 days in advance of the expected date of withdrawal. Withdrawals made without the Secretary's consent, in reliance on obtaining the Secretary's consent, are made purely at a party's own risk. Should any withdrawal made without the Secretary's consent prove, for any reason, to be one to which the Secretary will not or cannot consent by ratification, then the result will be either, or both, at the Secretary's discretion, an unqualified withdrawal or an involuntary termination of the Interim CCF Agreement. Should the withdrawal made without having first obtained the Secretary's consent be made in pursuance of a project not then an eligible Schedule B objective, then the Secretary may entertain an application to amend the Interim CCF Agreement's Schedule B objectives as the prerequisite to consenting by ratification to the withdrawal, all under the same time constraints and conditions as otherwise specified herein. Any withdrawals made, after the effective date of an Interim CCF Agreement, without the Secretary's consent are automatically nonqualified withdrawals unless the Secretary subsequently consents to them by ratification as otherwise specified herein. Redeposit of that portion of the ceiling withdrawn without the Secretary's consent, and for which such consent is not subsequently given (either by ratification or otherwise), shall not be permitted. If such a non-qualified withdrawal adversely affects the Interim CCF Agreement's general status in any wise deemed by the Secretary, at his discretion, to be significant and material, the Secretary may involuntarily terminate the Interim CCF Agreement.

(e) *First tax year for which interim CCF agreement is effective.* An Agreement, to be effective for any party's Period (aa), must be executed and entered into by the party, and submitted to the Secretary, before the end of Period (bb) or Period (cc), whichever applies, for such Period (aa). If executed and entered into by the party, and/or received by the Secretary, after the end of Period (bb) or Period (cc), whichever applies, then the Agreement will be first effective for the next succeeding Period (aa). If, however, the Secretary receives an Agreement executed and entered into by the party in proper form so close to the latest permissible period that the Secretary cannot execute the Agreement before expiration of Period (bb) or Period (cc), whichever applies, then the burden is entirely upon the party to negotiate with IRS for such relief as may be available (e.g., filing an amended tax return, if appropriate). The Secretary will nevertheless execute the Agreement however long past the party's Period (bb) or Period (cc), whichever applies, the Secretary's administrative workload requires. Should IRS relief be, for any reason, unavailable, the Secretary shall regard the same as merely due to the party's having failed to apply in a more timely manner. All parties shall be counseled that it is manifestly in their best interest to enter into and execute an Agreement, and submit the same to the Secretary, at least 45 days in advance of the Period (bb) or Period (cc), whichever applies, for the Period (aa) for which the Agreement is first intended to be effective.

§ 259.34 Minimum and maximum deposits; maximum time to deposit.

(a) *Minimum annual deposit.* The minimum annual (based on each party's taxable year) deposit required by the Secretary in order to maintain an Interim CCF Agreement shall be an amount equal to 2 percent of the total anticipated cost of all Schedule B objectives unless such 2 percent exceeds during any tax year 50 percent of a party's Schedule A taxable income, in which case the minimum deposit for that year shall be 50 percent of the party's Schedule A taxable income. Minimum annual deposit compliance shall be audited at the end of each party's taxable year unless any one or more of the Schedule B objectives is scheduled for commencement more than 3 taxable years in advance of the taxable year in which the agreement is effected, in which case minimum annual deposit compliance shall be audited at the end of each 3 year taxable period. In any taxble year, a Party may apply any eligible amount in excess of the 2 percent minimum annual deposit toward meeting the party's minimum annual deposit requirement in past or future years: *Provided, however,* At the end of each 3 year period, the aggregate amount in the fund must be in compliance with the 2 percent minimum annual deposit rule (unless the 50 percent of taxable income situation applied during any of the 3 taxable years). The Secretary may, at his discretion and for good and sufficient cause shown, consent to minimum annual deposits in any given tax year or combination of tax years in an amount lower than prescribed herein; *Provided,* The party demonstrates to the Secretary's satisfaction the availability of sufficient funds from any combination of sources to accomplish Schedule B objectives at the time they are scheduled for accomplishment.

(b) *Maximum deposits.* Other than the maximum annual ceilings established by the Act, the Secretary shall not establish a maximum annual ceiling: *Provided, however,* That deposits can no longer be made once a party has deposited 100 percent of the anticipated cost of all Schedule B objectives, unless the Interim CCF Agreement is then amended to establish additional Schedule B objectives.

(c) *Maximum time to deposit.* Ten years shall ordinarily be the maximum time the Secretary shall permit in which to accumulate deposits prior to commencement of any given Schedule B objective. A time longer than 10 years, either by original scheduling or by subsequent extension through amendment, may, however, be permitted at the Secretary's discretion and for good and sufficient cause shown.

§ 259.35 Annual deposit and withdrawal reports required.

The Secretary shall require from each Interim CCF Agreement holder an annual deposit and withdrawal report for each tax year, on a form prescribed by the Secretary, not later than 30 days after expiration of the due date, with extensions (if any), for filing the party's tax return. The required deposit and withdrawal report shall be submitted for each scheduled depository, even if the report is negative. Each report shall bear the account number of each CCF account in each scheduled depository. Each withdrawal report shall contain the party's certification that there were during the tax year involved no withdrawals other than those enumerated on the withdrawal report. Failure to submit the required annual deposit and withdrawal reports shall be cause after due notice for either, or both, disqualification of withdrawals or involuntary termination of the Interim CCF Agreement, at the Secretary's discretion. Additionally, the Secretary shall require from each Interim CCF Agreement holder, not later than 30 days after expiration of the party's tax due date, with extensions (if any), a copy of the party's Federal Income Tax Return filed with IRS for the preceding tax year. Failure to submit shall after due notice be cause for the same adverse action specified in the paragraph above.

§ 259.36 CCF accounts.

Each CCF account in each scheduled depository shall have an account number, which must be reflected on the reports required by § 259.35 above. All CCF accounts shall be reserved only for CCF transactions. There shall be no intermingling of CCF and non-CCF transactions in a CCF account. Safe deposit boxes, safes, or the like shall not be eligible CCF depositories without the Secretarys' consent and then only under such conditions as the Secretary, in his discretion, prescribes.

§ 259.37 Conditional consents to withdrawal qualification.

The Secretary may from time-to-time conditionally consent to the qualification of withdrawal, such consent being conditional upon the timely submission to the Secretary of such further proofs, assurances, and advices as the Secretary, in his discretion, may require. Failure of a party to comply with the conditions of such a consent within a reasonable time and after due notice shall, at the Secretary's discretion, be cause for either, or both, non-qualification of withdrawal or involuntary Intrim CCF Agreement termination.

§ 259.38 Miscellaneous.

(a) Wherever the Secretary prescribes time constrains herein for the submission of any CCF transactions, the postmark date shall control if mailed or, if personally delivered, the actual date of submission. All required materials may be submitted to any Financial Assistance Division office of the National Marine Fisheries Service.

(b) The Secretary shall withhold from disclosure all CCF information normally considered privileged or confidential and not customarily made public by a businessman.

(c) While recognizing that precise regulations are necessary in order to treat similarly situated parties similarly, the Secretary also realizes that precision in regulations can often cause inequitable effects to result from unavoidable, unintended, or minor discrepancies between the regulations and the circumstances they attempt to govern. The Secretary will, consequently, at his discretion, as a matter of privilege and not as a matter of right, attempt to afford relief to parties where literal application of the purely procedural, as opposed to substantive, aspects of these regulations would otherwise work an inequitable hardship. This privilege will be sparingly granted and no party should before the fact attempt to act in reliance on its being granted after the fact.

(d) These §§ 259.30 through 259.38 are applicable absolutely to all Interim CCF Agreements first entered into (or the amendment of all then existing Interim CCF Agreements, which amendment is first entered into) on or after the date these §§ 259.30 through 259.38 are adopted. These §§ 259.30 through 259.38 are applicable to all Interim CCF Agreements entered into before the date these §§ 259.30 through 259.38 are adopted, with the following exceptions only. The vessel age limitations imposed by § 259.31 shall not apply to already scheduled Schedule B objectives. The minimum deposits imposed by § 259.34 shall not apply to any party's tax year before that party's tax year next following the one in which these §§ 259.30 through 259.38 are adopted.

(e) These §§ 259.30 through 259.38 are specifically incorporated in all past, present, and future Interim CCF Agreements by reference thereto made in Whereas Clause number 2 of all such Interim CCF Agreements.

[FR Doc.74-14049 Filed 6-18-74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 1]

PRESCRIPTION DRUGS

Proposed Revision of Reminder Advertisements and Reminder Labeling Regulations

Reminder advertisements and reminder labeling for a prescription drug product, as provided for in §§ 1.105 and 1.106 (21 CFR 1.105 and 1.106), are intended to call attention to the name of the drug product but do not include indications or dosage recommendations for use of the drug product. In the FEDERAL REGISTER of November 21, 1973 (38 FR 32140), the Commissioner of Food and Drugs published a proposal to revise those parts of §§ 1.105 and 1.106 relating to reminder advertisements and reminder labeling, respectively, in order to eliminate differences between these regulations. At the same time the Commissioner also proposed to add a new § 1.111 *Prescription drugs; reminder advertisements and reminder labeling to provide price information to consumers.* As proposed, §§ 1.105(e)(2)(i) and 1.106(b)(6) contain the statement, "If the Commissioner finds that there is evidence of significant incidence of fatalities or serious damage associated with the use of a particular prescription drug, he may withdraw this exemption by so notifying the manufacturer, packer, or distributor of the drug by letter."

The Food and Drug Administration has received questions as to whether reminder advertisements or reminder labeling should be prohibited for drug products which are required to contain box warning statements in their advertisements and labeling. Box warning statements may be required to appear in prescription drug advertisements and labeling, other than reminder advertisements and reminder labeling, when there is evidence of significant incidence of fatalities or serious damage associated with the use of the drug product. Reminder advertisements and reminder labeling which do not contain such box warning statements may be misleading in that they do not adequately convey the potential hazards that exist in using the drug product.

In response to the questions which have been raised, the Commissioner proposes to prohibit the use of reminder advertisements and reminder labeling, other than price lists and catalogs solely intended to convey price information including, but not limited to, those subject to the proposed § 1.111, for prescription drug products that are required to contain a box warning statement in their advertisements and labeling.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201(m), 502, 701(a), 52 Stat. 1041, 1051 as amended by 76 Stat. 791,

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1055 (21 U.S.C. 321(m), 352, 371(a))) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes to further amend Subpart A of Part 1, as proposed in the FEDERAL REGISTER of November 21, 1973 (38 FR 32140), as follows:

1. In § 1.105(e)(2)(i) by adding after the third sentence a new sentence, as follows:

§ 1.105 Prescription-drug advertisements.

* * * * *

(e) * * *

(2) * * *

(i) * * * Reminder advertisements, other than those solely intended to convey price information including, but not limited to, those subject to the requirements of § 1.111, are not permitted for a prescription drug product whose labeling contains a box warning statement required by the Commissioner on a finding that there is evidence of significant incidence of fatalities or serious damage associated with the use of the drug product.

* * * * *

2. In § 1.106(b)(6) by adding after the third sentence a new sentence, as follows:

§ 1.106 Drugs and devices; directions for use.

* * * * *

(b) * * *

(6) * * * Reminder labeling, other than price lists and catalogs solely intended to convey price information including, but not limited to, those subject to the requirements of § 1.111, is not permitted for a prescription drug product whose labeling contains a box warning statement required by the Commissioner on a finding that there is evidence of significant incidence of fatalities or serious damage associated with the use of the drug product.

* * * * *

Interested persons may, on or before August 19, 1974, file with the Hearing Clerk, Food and Drug Administration, Rm. 6–86, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this proposal. Received comments may be seen in the above office during working hours, Monday through Friday. Comments may no longer be submitted for the proposal which was published in the FEDERAL REGISTER on November 21, 1973 (38 FR 32140).

Dated: June 7, 1974.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.74–14016 Filed 6–18–74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Hazardous Materials Regulations Board Transportation Requirements

[49 CFR Parts 172, 173, 177, 178, 179]

[Docket No. HM–115; Notice No. 74–3]

CRYOGENIC LIQUIDS

Extension of Comment period

On March 1, 1974, the Hazardous Materials Regulations Board ("the Board") published Docket No. HM–115; Notice 74–3 (39 FR 7950). The comment period in the notice closes June 18, 1974.

Several petitions have been received by the Board requesting extension of the comment period in the notice. Requests have been filed for time extensions up to 120 days. The Board has considered the reasons submitted in these petitions and has decided that some extension of the comment period is reasonable. Accordingly, the Board has extended the period for comments from June 18, 1974 to September 17, 1974.

(Transportation of Explosives Act (18 U.S.C. 831–835), sec. 6 of the Department of Transportation Act (49 U.S.C. 1655); Title VI and sec. 902(h) of the Federal Aviation Act of 1958 (49 U.S.C. 1421–1430, 1472(h), and 1655(c)).)

Issued in Washington, D.C., on June 13, 1974.

ALAN I. ROBERTS,
Secretary, Hazardous Materials Regulations Board.

[FR Doc.74–14208 Filed 6–18–74;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 2, 15, 81, 83]

[Docket No. 20074; FCC 74–580]

RADIO RECEIVERS

Proposed Establishment of Minimum Requirements for Maritime Services

In the matter of amendment of Parts 2, 15, 81 and 83 of the Commission's rules to establish minimum performance requirements for radio receivers employed at coast stations or used aboard ships and operating on frequencies in the band 156–162 MHz in the maritime service, Docket No. 20074.

1. Notice of proposed rulemaking in the above-entitled matter is hereby given.

2. In this notice of proposed rulemaking, the Commission is proposing to amend Parts 2, 15, 81 and 83 of the rules to require receivers manufactured after July 1, 1975, which are intended for use in the VHF maritime service, to meet or exceed certain minimum technical characteristics. Further, we are proposing that marine coast and ship stations operating at frequencies of 156 to 162 MHz maintain at least one receiver after July 1, 1980 which meets these requirements.

3. While it is the general procedure in the International Telecommunications Union (ITU) to direct regulation to transmitters rather than to receivers, this procedure was not followed at the World Administrative Radio Conference (WARC) with regard to receivers used in the maritime mobile service in the band 156–174 MHz. The reasons which were advanced during the debates at the WARC in favor of inclusion in Appendix 19 of technical characteristics for receivers were supported with near unanimity by the participating administrations. Briefly, these reasons are: This is a world-wide system providing safety and other communications; vessels fitted with VHF must be able to provide and to obtain two-way communications with other ship stations and with coast stations serving ports throughout the world; in a two-way communication system the technical characteristics of the receiver and transmitter must be such that intercommunication is assured; under these conditions the receiver is an integral and inseparable part of the communication system and, therefore, it is as necessary to specify technical characteristics for the receiver as for the transmitter.

4. While a substantial number of currently available receivers are believed to conform in major part to the technical characteristics set forth below (referred to hereinafter as superior receivers), there are some receivers which we believe do not meet these standards (referred to hereinafter as inferior receivers). The proposed receiver characteristics should, we believe, result in the production of a superior type of receiver, give encouragement to manufacturers to continue to effect refinements and improvements in the design of receivers for use in the maritime mobile service; and discourage the production of inferior receivers by setting a minimally acceptable level of performance. Further, such characteristics are intended to discourage competition in one undesirable area, that is, reduction in product quality or performance as a means of reducing unit cost.

5. The statistics on ship station licensing clearly show that use of VHF by the maritime mobile service is expanding at a rapid rate. It is reasonable to expect that the density of users of VHF within a given area will continue to increase, with a consequent increase in the potentiality of interference, particularly with inferior receivers, from one or more of several sources. It is appropriate and timely, therefore, that technical characteristics, when designed into receivers set forth levels of performance which will reduce or eliminate the common sources of interference. These technical characteristics, when designed into a receiver, will substantially reduce the susceptibility of a receiver to undesired signals which arise from poor selectivity, poor spurious response attenuation and poor frequency stability. These technical characteristics, which are usually designed into the superior receiver, are in the areas of adjacent channel rejection, spurious response attenuation and frequency stability.

6. The technical characteristics set forth in this Notice of Proposed Rule Making are applicable generally to receivers used in the maritime mobile service. They will be supplemented where there is a requirement peculiar to one or more categories of vessels, or to fulfill a specific operational requirement. The technical characteristics set forth in the attached Appendix will be applicable to receivers used for bridge-to-bridge communications.

7. On February 17, 1972, the Radio Technical Commission for Marine Services (RTCM) established a Special Committee 66 (SC 66) to prepare technical standards for receivers used in the maritime services. Because of the rapidly expanding use of VHF, SC 66 gave first

priority to the preparation of technical standards for VHF receivers. Further, for the adopted standards to have specific meaning, it was the view of SC 66 that it was necessary, also, to prescribe the test procedures to be used in making measurements to determine compliance with each of the standards. SC 66 completed that assignment in July 1973, the results of which are contained in a paper entitled "Minimum Standards for VHF Receivers in the Maritime Mobile Service". The technical characteristics and test procedures set forth in the attached Appendix are generally in accord with the minimum standards prepared by RTCM SC 66.

8. The Commission has had a requirement (since 1956) that a receiver (including VHF marine receivers), which operates in the frequency range of 30 to 890 must meet certain minimum technical characteristics to reduce the possibility of the device causing harmful interference. To insure that the receiver meets these standards, it must be certificated, which means certain information is required to be submitted to the Commission. The material submitted is reviewed and, if acceptable, a grant of certification issued. The technical, certification and labeling requirements for receivers are contained in Subpart C of Part 15 of the Commission's rules (47 CFR 15.61 et seq.).

9. The technical requirements proposed herein are intended to be in addition to the present requirements for certification under Part 15. In this case, the applicant for certification of VHF maritime receivers will submit test data demonstrating that the receiver is capable of meeting or exceeding the certain minimum performance specifications. Again, if the material is found to be acceptable, a grant of certification will be issued. As in the case of other receivers, the marine VHF receiver will also be required to have a label attesting the receiver's compliance with the applicable FCC rule parts.

10. The proposed amendments to the rules, as set forth below are issued pursuant to the authority contained in sections 4(i), 302 and 303(r) of the Communications Act of 1934, as amended, and in Articles 28, 35 and Appendices 18 and 19 of the International Radio Regulations, Geneva 1968.

11. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before July 18, 1974, and reply comments on or before July 29, 1974. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

12. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 14 copies of all statements, briefs, or comments filed shall be furnished to the Commission. Responses will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C.

Adopted: June 5, 1974.

Released: June 13, 1974.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] VINCENT J. MULLINS,
Secretary.

Parts 2, 15, 81 and 83 of Chapter I, Title 47, Code of Federal Regulations, are amended as follows:

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

1. Section 2.907 of Part 2 is amended by adding a new paragraph (c) to read as follows:

§ 2.907 Certification.

* * * * *

(c) A device may also be required to meet specific performance requirements for the service in which it is intended to operate.

PART 15—RADIO FREQUENCY DEVICES

2. Section 15.69(e) of Part 15 is amended by adding a new paragraph (12) to read as follows:

§ 15.69 Certifications of receivers.

* * * * *

(e) * * *

(12) In the case of receivers used in the maritime service, subject to the requirements of § 15.84, a report of measurements showing the performance characteristics achieved.

* * * * *

3. Section 15.71 is amended by adding a new paragraph (d) to read as follows:

§ 15.71 Identification of certificated receivers.

* * * * *

(d) Each certificated receiver, which meets the requirements of Parts 81 or 83 of this chapter, as well as those in this subpart, shall have the following statement on the label required by paragraph (a) of this section:

This receiver meets FCC requirements—Parts 15–C, 81 and 83 of this chapter, as of (*Date of Manufacture*).

§ 15.8 [Deleted]

4. Subpart C of Part 15 is amended by deleting § 15.81 and adding a new § 15.84 to read as follows:

§ 15.84 Additional requirements for maritime receivers.

(a) A receiver, manufactured after 7/1/75, which operates in the band 156–162 MHz and is intended for use in a coast, marine-utility, marine-fixed or ship station shall also meet the performance specifications of Subpart S of Part 81 or Subpart AA of Part 83 of this chapter.

(b) A receiver intended for operation aboard a ship of the United States, excluding lifeboats and other survival craft, shall also meet the requirements of § 83.135 of this chapter.

[1] Commissioner Quello not participating.

PART 81—STATIONS ON LAND IN THE MARITIME SERVICES AND ALASKA-PUBLIC FIXED STATIONS

5. Section 81.8 of Part 81 is amended by adding the following definition:

§ 81.8 Technical.

* * * * *

SINAD Ratio. A measure expressed in decibels of the ratio of (1) the signal plus noise plus distortion to (2) noise plus distortion produced at the output of a receiver that is the result of a modulated-signal input.

* * * * *

6. Part 81 is further amended by adding a new Subpart S to read as follows:

Subpart S—Performance Requirements for Receivers Operating in the Frequency Band 156–162 MHz

Sec.

81.901 Preface.
81.903 Requirements for receivers operating in the frequency band 156–162 MHz.
81.905 Station requirements.
81.907 Filing requirements.
81.909 Report of measurement.
81.911 Minimum technical specifications

PERFORMANCE CHARACTERISTICS FOR VHF RECEIVERS

81.923 Usable sensitivity.
81.925 Quieting sensitivity.
81.927 Squelch threshold sensitivity.
81.929 Squelch limit sensitivity.
81.931 Modulation acceptance bandwidth.
81.933 Adjacent channel selectivity.
81.935 Spurious response attenuation.
81.937 Intermodulation attenuation.
81.941 Local oscillator frequency stability.
81.943 Audio output power.
81.945 Audio frequency response.
81.947 Hum and noise.

PROCEDURES FOR MEASURING PERFORMANCE CHARACTERISTICS

81.969 Standard test conditions.
81.971 Procedure for measuring usable sensitivity.
81.973 Procedure for measuring quieting sensitivity.
81.975 Procedure for measuring squelch threshold.
81.977 Procedure for measuring squelch limit sensitivity.
81.979 Procedure for measuring modulation acceptance bandwidth.
81.981 Procedure for measuring adjacent channel selectivity.
81.983 Procedure for measuring spurious response attenuation.
81.985 Procedure for measuring Type I intermodulation attenuation.
81.987 Procedure for measuring Type II intermodulation attenuation.
81.989 Procedure for measuring local oscillator frequency stability.
81.991 Procedure for measuring audio power output.
81.993 Procedure for measuring audio frequency response.
81.995 Procedure for measuring hum and noise ratio.

SPECIFICATION ON RECEIVER DEGRADATION DUE TO ENVIRONMENTAL CHANGE

81.1011 Receiver degradation due to variations in supply voltage.
81.1013 Receiver degradation due to variations in temperature range.

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Sec.
81.1115 Receiver degradation due to a variation in relative humidity.
81.1117 Receiver degradation due to vibration.
81.1119 Receiver degradation due to shock.
81.1121 Receiver degradation due to salt fog.

AUTHORITY: Secs. 4(i), 302, and 303(r) of the Communications Act of 1934, as amended, Articles 28, 35, and Appendices 18 and 19 of the International Radio Regulations, Geneva 1968.

Subpart S—Performance Requirements for Receivers Operating in the Frequency Band 156–162 MHz

§ 81.901 Preface.

The performance specifications set forth in this Subpart are applicable to receivers operated or intended to be operated in the maritime services in the band 156–162 MHz. This is in addition to the technical and certification requirements of Subpart C of Part 15 of this chapter.

§ 81.903 Requirements for receivers operating in the frequency band 156–162 MHz.

(a) A receiver manufactured after 7/1/75, which is designed for operation in the band 156–162 MHz for use in a coast, marine-utility or marine fixed station, shall be certificated and labeled in accordance with Subpart J of Part 2 of this chapter to demonstrate that it is capable of meeting the receiver performance requirements of this subpart and the radiation interference limits of Subpart C of Part 15 of this chapter.

(b) A portable receiver which, when in operation, can be hand carried or worn on the person is exempt from the performance requirements of this subpart, but must be certificated to show compliance with Subpart C of Part 15 of this chapter.

§ 81.905 Station requirement.

Each coast, marine-utility or marine-fixed station in the band of 156–162 MHz shall, after 7/1/80, be equipped with at least one receiver which complies with the provisions of this subpart.

§ 81.907 Filing requirement.

Each person filing an application for certification of a receiver subject to the requirements of this Subpart, which is in addition to the requirements of Subpart J of Part 2, and Subpart C of Part 15 of this chapter, shall also present the following information, if not already included with the application:

(a) A report of measurements pursuant to § 81.909;

(b) A description of the receiver, including a list of all pertinent technical specifications, circuit diagrams, a description of the circuitry and a description of the antenna, if any, provided with the receiver;

(c) Photographs of the receiver: Such photographs shall be 8" x 10", and shall clearly show the construction and circuit layout of the device. At least one exterior view shall be furnished showing the antenna, if any, and controls available to the user. A sufficient number of views of the interior shall be furnished to define component placement and chassis assembly.

§ 81.909 Report of measurements.

The report of measurements submitted to the Commission shall be signed by the person who performed, or supervised the tests, who shall attest to the accuracy of the data and shall attach a brief statement of his qualifications. The report shall also include the following information:

(a) Identification of the unit tested. Give the name of manufacturer, model number, serial number, all trade names and model numbers under which the unit will be distributed.

(b) A list of the measuring equipment that was used, identified by manufacturer and model number.

(c) The latest calibration date of the measuring equipment and the standard against which such equipment was calibrated.

(d) Date the measurements were made.

(e) Measurements shall be made and reported in accordance with the following:

(1) For each of the performance characteristics, except audio power output and frequency response, tests shall be made under the standard test condition of § 81.969 (except where modified by the measurement procedure) with the receiver tuned to the frequencies corresponding to maritime VHF channels 6, 16, and 28. For each test, the report shall state the frequency (or corresponding channel number) tuned, pertinent test conditions, and all results noted.

(2) For each of the environmental tests, measurements shall be made under the standard test conditions of § 81.969 (except where modified by the measurement procedure) and with the receiver tuned to the frequency corresponding to channel number 16. For each test, the report shall state the frequency (or corresponding channel number) tuned, pertinent test conditions and all results noted.

§ 81.911 Minimum technical specifications.

The receiver shall meet the following technical specifications:

(a) Channel spacing: 25kHz.

(b) Type of emission to be received: 16F3.

(c) Antenna input: coaxial; nominal impedance 50 ohms, non-reactive.

(d) Operating ambient temperature: −20° C to +50° C.

(e) Channel frequencies and capacity shall be in accordance with §§ 81.304 and 81.104 and Appendix 18 of the International Radio Regulations.

(f) An adjustable squelch control shall be provided. When remote control units are installed, the squelch control may be included in each unit, however, provision shall be incorporated to assure that there is no interaction between any two or more such controls.

PERFORMANCE CHARACTERISTICS FOR VHF RECEIVERS

§ 81.923 Usable sensitivity.

(a) The usable sensitivity of a receiver is the minimum value of input signal level from a standard signal source which, with standard test modulation, will produce at least 50 percent of the receiver's rated audio power output with 12 dB signal+noise+distortion to noise+distortion ratio (SINAD).

(b) The receiver shall have a usable sensitivity of 0.5 microvolts or less, when measured in accordance with the procedure specified in § 81.971.

§ 81.925 Quieting sensitivity.

(a) The quieting sensitivity of a receiver is the minimum input signal level from an unmodulated signal generator that will cause the background noise of the receiver to be reduced by 20 dB as measured across the standard output load for the receiver.

(b) The quieting sensitivity of the receiver shall be 0.7 microvolts or less, when measured in accordance with the procedure specified in § 81.973.

§ 81.927 Squelch threshold sensitivity.

(a) The squelch threshold sensitivity of a receiver is the minimum input signal level from an unmodulated or modulated signal generator that will cause the receiver to switch from a quiet state to an open state.

(b) The squelch threshold sensitivity of the receiver shall be equal to or less than the measured usable sensitivity when measured in accordance with the procedure in § 81.975.

§ 81.929 Squelch limit sensitivity.

(a) The squelch limit sensitivity of a receiver is the input signal level from an unmodulated or modulated signal generator that will cause the receiver to switch from a completely quiet state to a completely open state when the squelch control is adjusted to its maximum squelched position.

(b) The squelch limit sensitivity shall be 2.0 microvolts or less when measured in accordance with the procedure in § 81.977. In addition, there shall be no more than a 3 dB difference between the squelch limit sensitivities with and without modulation.

§ 81.931 Modulation acceptance bandwidth.

(a) The modulation acceptance bandwidth of a receiver is a measure of the frequency deviation of a radio frequency signal that the receiver will accept at an RF signal level 6 dB above the measured usable sensitivity.

(b) The modulation acceptance bandwidth of the receiver shall be not less than ±7.5 kHz when measured in accordance with the procedure in § 81.979.

§ 81.933 Adjacent channel selectivity.

(a) The adjacent channel selectivity of a receiver is a measure of its ability to differentiate between a desired modulated signal and undesired modulated signals which differ in frequency from the desired signal by the width of one radio frequency channel. It is the ratio, expressed in dB, of the power of the undesired signal to the power of the desired signal at which the SINAD ratio is degraded from 12 dB to 6 dB.

(b) The adjacent channel selectivity of the receiver shall be at least 70 dB when measured in accordance with the procedure in § 81.981.

§ 81.935 Spurious response attenuation.

(a) The spurious response attenuation of a receiver is a measure of its ability to reject any undesired signal including images to which it may respond. It is the ratio, expressed in dB, of the signal required to produce 20 dB of noise quieting at any spurious frequency to the signal required to produce 20 dB of noise quieting at the desired received frequency.

(b) The spurious response attenuation of the receiver shall be at least 70 dB when measured in accordance with the procedure in § 81.983.

§ 81.937 Intermodulation attenuation—Types I and II.

(a) The intermodulation attenuation of a receiver indicates its ability to receive a desired signal in the presence of two interfering signals that are separated in frequency from the desired signal, and each other, and are of sufficient strength to cause N^{th} order mixing of the interfering signals in the non-linear elements of the receiver. It is the ratio (expressed in dB) of the interfering signals to the desired signal for a reduction of SINAD by 6 dB. Type I mixing results in a third signal appearing within the pass band of the receiver along (or equal in frequency) with the desired signal. Type II results in a third signal appearing within the pass band of the first intermediate frequency (I.F.) amplifier.

(b) The receiver shall be capable of achieving an intermodulation attenuation of at least 60 dB for both Types I and II, when measured in accordance with the procedures set forth in §§ 81.985 and 81.987, respectively.

§ 81.941 Local oscillator frequency stability.

(a) The local oscillator frequency stability is the extent to which the frequency of the local oscillator signal (or the equivalent thereof in the case of equipment using frequency synthesizers), measured at the point of injection into the first mixer, is permitted to depart from the reference value.

(b) The receiver shall have a local oscillator frequency stability of not more than ±10 parts in 10^6 from the reference frequency when measured in accordance with the procedure set forth in § 81.989.

§ 81.943 Audio output power.

(a) The audio output power of a receiver is the average audio power that it can supply into a standard load with not more than 10 percent total distortion when measured with standard test modulation.

(b) The audio output power delivered to the loudspeaker shall be at least 2.5 watts average when measured in accordance with the procedure set forth in § 81.991.

§ 81.945 Audio frequency response.

(a) The audio frequency response of a receiver is a measure of how closely the audio output follows a 6 dB per octave deemphasis characteristic with a constant frequency deviation modulated input.

(b) The audio frequency response of a receiver shall not vary more than +2 to −8 dB from a standard 6 dB per octave deemphasis curve within the frequency range 300 to 3000 Hertz when measured in accordance with the procedure set forth in § 81.993.

§ 81.947 Hum and noise.

(a) The hum and noise of a receiver is a ratio (expressed in dB) of residual receiver audio output to the rated audio output power.

(b) The hum and noise of a receiver shall be suppressed by at least 50 dB for the squelched condition and at least 35 dB for the unsquelched condition. Measurements shall be made in accordance with the procedure set forth in § 81.995.

PROCEDURES FOR MEASURING PERFORMANCE CHARACTERISTICS

§ 81.969 Standard test conditions.

The following standard test conditions shall, unless otherwise noted, be used when measuring a receiver in accordance with procedures in §§ 81.871 to 81.995, inclusive.

(a) The impedance of the specified standard input termination of a radio receiver is based upon the nominal source impedance that the antenna normally presents to the receiver. Unless otherwise noted, this shall be a termination having a nominal impedance of 50 ohms, non-reactive.

(b) The standard output load of a radio receiver is the impedance of the output indicator which is connected to the final audio frequency power amplifier of a receiver. This load shall present a resistive impedance equal to the load into which the receiver normally operates.

(c) The standard environmental test conditions are to be as follows:

(1) Ambient temperature: 25° C, ±5° C.

(2) Relative humidity: 0–90 percent.

(d) The standard input signal level of a radio receiver shall be expressed as the number of microvolts across the standard input termination when it is connected to the receiver input terminals.

(e) The standard signal source for a radio receiver shall be a signal generator that meets the following criteria:

(1) Presents standard input termination to the receiver.

(2) Can be adjusted to, and will remain at, the center of the received channel frequency.

(3) Has an output attenuator capable of calibrated output levels down to 0.1 microvolt, ±1dB.

(4) Can be frequency modulated from 300 Hz to 3000 Hz with a peak deviation up to ±5 kHz with 5 percent maximum distortion and a peak deviation up to ±25 kHz with a 10 percent maximum distortion.

(f) The standard test modulation for a radio receiver input signal shall be ±3.0 kHz deviation with a modulating tone of 1000 Hz.

(g) The standard power supply voltage for a radio receiver shall be in accordance with the following table and is to be measured at the interface between the equipment and the power cord.

Nominal power	*Supply voltage*
12 VDC	13.6 VDC.
24 VDC	26.4 VDC.
Power supply	*Test voltage*
32 VDC	36.0 VDC.
115 VAC 60 Hz	117.0 VAC 60 Hz.

(h) The standard received frequency (defined as f_r) shall refer to the center frequency of the channel on which the receiver is intended to be operated.

§ 81.971 Procedure for measuring usable sensitivity.

A 1,000 microvolt test signal from a standard signal source with standard test modulation shall be connected to the receiver antenna input terminals. A standard output load and a distortion meter incorporating a 1,000 Hz band elimination filter shall be connected to the receiver audio output terminals. The receiver volume control shall be adjusted to give rated audio output. The standard input signal source attenuator shall be adjusted until the signal+noise+distortion to noise+distortion ratio (SINAD) is 12 dB. At this value of signal input, it shall be possible to obtain at least 50 percent of the rated audio output without readjustment of the volume control. If it is not possible to obtain this amount of audio output, the RF signal input shall be increased until 50 percent of full rated audio output is obtained, and this value of RF signal input shall be used in specifying sensitivity.

§ 81.973 Procedure for measuring quieting sensitivity.

Connect a standard signal source to the antenna terminals of the receiver. Connect an alternating current vacuum tube volt meter across the standard output load. Adjust the volume control for some convenient 0 dB reference point of background noise. Adjust the standard signal source frequency to f_r. Adjust the signal generator attenuator until the background noise audio output is reduced by 20 dB. That value of input signal level required to produce the 20 dB reduction is the quieting sensitivity for that channel.

§ 81.975 Procedure for measuring squelch threshold sensitivity.

Connect a standard signal source to the antenna terminals of the receiver. Adjust the signal generator output to zero. Adjust the squelch control to that

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point where the receiver just becomes completely quiet. Adjust the signal generator frequency to f_o. With the signal generator unmodulated, adjust the attenuator until the receiver becomes completely open. Apply standard test modulation and readjust the output level if necessary to that point where the receiver is again completely open. That value of RF signal input level (with or without modulation, whichever is greater) required to completely open the receiver is the squelch threshold sensitivity of that channel.

§ 81.977 Procedure for measuring squelch limit sensitivity.

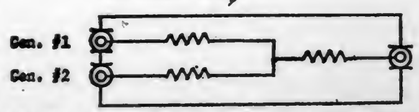
Connect a standard signal source to the antenna terminal of the receiver. Adjust the squelch control to its maximum squelched position. Adjust the signal generator frequency to f_o. With the signal generator unmodulated, adjust the attenuator until the receiver becomes completely open. Record this value of RF signal input level. Apply standard test modulation and readjust the attenuator (if necessary) until the receiver becomes completely open. Record this value of RF signal input level. The higher of the two recorded values of RF signal input is the squelch limit sensitivity.

§ 81.979 Procedure for measuring modulation acceptance bandwidth.

Connect a standard signal source to frequency to f_o and the deviation for standard test modulation. A standard output load and a distortion meter incorporating a 1,000 Hz band elimination filter shall be connected to the receiver output terminals. The receiver volume control shall be adjusted for 10% of rated output with a 1,000 microvolt input signal level. The standard signal source attenuator shall be adjusted until the SINAD ratio is 12 dB. The RF input signal level from the standard signal source shall be increased 6 dB and the deviation shall be increased until the SINAD ratio is again 12 dB. This deviation is the desired measurement to be recorded.

§ 81.981 Procedure for measuring adjacent channel selectivity.

The output of the radio receiver shall be terminated in a standard output load. Two signal generators shall be coupled with a suitable matching network, to provide equal signal input levels, to the receiver antenna input terminals. Such a network is shown below. Signal generator #1 shall be adjusted as set forth in § 81.971 above. Signal generator #2, modulated with 3 kHz deviation at 400 Hz, shall be tuned first to the high and then to the low adjacent channel. Its attenuator shall be adjusted until the 12 dB SINAD ratio is decreased to 6 dB. The adjacent channel selectivity shall be specified as the ratio, expressed in dB, of the amplitude of signal #2 to signal #1. If the ratio for the high side adjacent channel is different from the ratio for the low side adjacent channel, the smaller ratio, expressed in dB, shall be used in specifying selectivity.

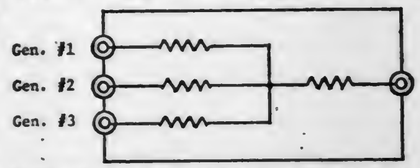


§ 81.983 Procedure for measuring spurious response attenuation.

An unmodulated standard input signal source shall be connected to the receiver under test. The receiver under test shall be operated under standard test conditions. A standard output load shall be connected to the receiver audio output terminals and the noise level shall be adjusted to 25 percent of rated output using the receiver volume control. The attenuator of the signal generator shall be adjusted for the minimum amount of signal required to produce 20 dB of noise quieting. The signal generator used for this test should be of the fundamental oscillator type. Vary the signal generator frequency from the lowest intermediate frequency (IF) used in the receiver to 1,000 MHz. Excluding subharmonics of the frequency on which the receiver is intended to be operated (f_o), and the area $f_o \pm 25$ kHz, record the signal generator output level required to produce 20 dB of noise quieting for any response noted. The spurious response attenuation of a receiver is expressed as a ratio (in dB) of the lowest of the signal generator output levels for any response to the quieting sensitivity.

§ 81.985 Procedure for measuring Type I intermodulation attenuation.

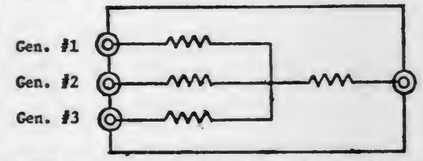
Connect three standard signal sources to the antenna terminal of the receiver through a matching network designed so that each port presents standard termination. Such a network is shown below:



Adjust the receiver to operate on Channel 6. Adjust signal generator #1 for 12 dB SINAD at f_o. Adjust the frequency of signal generator #2 to Channel 66 (156.325 MHz) and the frequency of signal generator #3 to Channel 7 (156.350 MHz). Apply 400 Hz audio at ± 3kHz deviation modulation to signal generator #3 and simultaneously increase the output levels of both signal generators #2 and #3 until the SINAD reduces to 6 dB. Vary the frequency of signal generator #3 back and forth very slightly to obtain maximum interference and then reset the output levels of #2 and #3 for 6 dB SINAD. The intermodulation attenuation of the receiver is expressed as a ratio (in dB) of the output level of signal generator #2 (or #3) to the output level of signal generator #1.

§ 81.987 Procedure for measuring Type II intermodulation attenuation.

Connect three standard signal sources to the antenna terminals of the receiver through a matching network designed so that each port presents standard termination. Such a network is shown below:



Adjust the receiver to operate on Channel 6. Adjust signal generator #1, with 1,000 Hz modulation at ± 3.0 kHz deviation applied, for 12 dB SINAD at f_o. Adjust the frequency of signal generator #2 to 162.55 MHz and of signal generator #3 to 162.55 MHz minus the intermediate frequency (IF). Apply 400 Hz audio at ± 3.0 kHz deviation modulation to signal generator #3 and simultaneously increase the input levels of both signal generator #2 and #3 until the SINAD reduces to 6 dB. Vary the frequency of signal generator #3 back and forth very slightly to obtain maximum interference and then reset the input levels of #2 and #3 for 6 dB SINAD. The intermodulation attenuation of the receiver is expressed as a ratio (in dB) of the input level of signal generator #2 (or #3) to the input level of signal generator #1.

§ 81.989 Procedure for measuring local oscillator frequency stability.

With the receiver adjusted for reception on each of the three standard frequencies, the frequency of the signal injected into the first mixer shall be measured at nominal line voltage and at standard temperature. This is the reference frequency. The measurement shall be repeated at + and −10% of the nominal line voltage and at −20° C and at +50° C. On synthesized receivers and single channel receivers, the measurement at only one frequency is required.

§ 81.991 Procedure for measuring audio power output.

Connect a standard signal source to the antenna terminals of the receiver. Connect an audio power meter and a distortion meter across the standard output load. Adjust the signal generator frequency to f_o and output level to 1,000 microvolts. Apply standard test modulation. Increase the volume control level until rated power is achieved. The measured distortion shall not exceed 10 percent. Record the power measured.

§ 81.993 Procedure for measuring adio frequency response.

Connect a standard signal source to the antenna terminals of the receiver. Connect an alternating current vacuum tube volt meter across the standard output load. Adjust the signal generator frequency to f_o and the output level to 1,000 microvolts. Throughout this test, the signal generator modulation deviation is to be held constant at 1.0 kHz. Apply a modulating tone of 300 Hz to the signal generator and adjust the volume control for approximately one-half rated audio power output. Increase the modulating tone frequency to 1.0 kHz. Reduce the volume control setting slightly to some convenient 0 dB reference point. Vary the modulating tone frequency from 300 Hz to 3.0 kHz and record the audio output level in dB referenced to the 1.0 kHz reading.

§ 81.995 Procedure for measuring hum and noise ratio.

(a) *Unsquelched.* The residual hum and noise level shall be measured at the audio output terminals of the receiver when the output is terminated in a standard load, and shall be expressed in dB below rated power output. A standard input signal source shall be connected to the antenna terminals of the receiver. With 1,000 microvolts input and with standard test modulation, the receiver volume control shall be adjusted for rated power output. The modulation shall be turned off and the hum and noise level measured. The hum and noise ratio shall be the difference in dB between the two output meter readings.

(b) *Squelched.* The signal shall be removed from the receiver antenna input terminals. The receiver squelch shall be adjusted as set forth in § 81.975, and the volume control setting shall remain as in paragraph (a) of this section. The hum and noise ratio for the squelched condition shall be the difference in dB between the output meter readings.

SPECIFICATIONS ON RECEIVER DEGRADATION DUE TO ENVIRONMENTAL CHANGES

§ 81.1011 Receiver degradation due to variations in supply voltage.

(a) *Definition.* Power supply voltage range is the range of primary supply voltage over which the receiver will operate with a specified performance.

(b) *Method of measurement.* The primary voltage shall be measured at the interface between the equipment and the power cord. Variations in individual performance characteristics shall be measured in accordance with the procedures set forth in this subpart.

(c) *Standard.* Not more than 3 dB degradation in measured audio power output, usable sensitivity and threshold audio squelch sensitivity shall occur when the power source voltage is varied ±10 percent of the test voltage specified in § 81.969(g) nor shall the tight squelch adjustment lock out a strong signal. The equipment shall be capable of receiving a 10 microvolt RF signal modulated with standard test modulation when the test voltage is 80 percent of the test voltage specified in § 81.969(g).

§ 81.1013 Receiver degradation due to variations in temperature range.

(a) *Definition.* Temperature range denotes the range of ambient temperature over which a receiver will operate with no more than a specified maximum amount of degradation in overall performance.

(b) *Method of measurement.* Measurements shall be made in the following manner:

(1) After one hour warm-up at standard ambient temperature and humidity, the receiver sensitivity, audio squelch sensitivity, modulation acceptance bandwidth, selectivity and audio power output shall be measured in accordance with the appropriate procedures in this subpart and noted.

(2) The receiver, installed in the case normally supplied shall be placed in a box or room the temperature of which can be accurately measured and controlled. It shall remain inoperative for five hours at an ambient temperature of −20° C after which it shall be turned on. The receiver shall start. After a maximum of fifteen minutes of operation, it shall be tested for all of the technical characteristics set forth in paragraph (b) (1) of this section without readjustment. Tests shall be completed within 1 hour and with the environment maintained at −20° C.

(3) The ambient temperture shill be raised to +50° C and the equipment operated for five hours without forced circulation of air over the equipment. The receiver shall then be tested for all of the technical characteristics set forth in paragraph (b) (1) of this section without readjustment.

(c) *Standard.* The receiver shall meet the following performance specifications:

(1) The usable sensitivity shall not degrade more than 6 dB.

(2) The squelch threshold sensitivity shall not degrade more than 6 dB from the value measured in § 81.975. The receiver squelch shall not become inoperative over the temperature range and a tight squelch adjustment shall not lock out a 4 microvolt signal.

(3) The modulation acceptance bandwidth shall not degrade more than 20 percent.

(4) The adjacent channel selectivity shall not degrade more than 12 dB.

(5) The audio power output shall not degrade more than 3 dB.

§ 81.1015 Receiver degradation due to a variation in relative humidity.

(a) *Definition.* Humidity denotes the relative humidity at which a receiver will operate with no more than a specified maximum amount of degradation in overall performance.

(b) *Method of measurement.* Measurements for the receiver shall be made in the following manner:

(1) After one hour warm-up at standard ambient temperature and humidity, the receiver usable sensitivity, audio squelch sensitivity, modulation acceptance bandwith, selectivity and audio power output shall be measured in accordance with the appropriate procedure in this subpart and the results recorded.

(2) The receiver shall be placed inoperative in a humidity chamber. The humidity shall be maintained at 90 to 95 percent at 50° C for a period of not less than 8 hours. After removal from the humidity chamber, visible moisture may be blown off with an air hose. The receiver shall be tested for all of the technical characteristics set forth in paragraph (b) (1) of this section within 15 minutes after its removal from the humidity chamber.

(c) *Standard.* The receiver shall meet the following performance specifications:

(1) The usable sensitivity shall not degrade more than 10 dB.

(2) The audio squelch sensitivity shall not degrade more than 10 dB from the value measured in paragraph (b) (1) of this section, and the receiver squelch shall not become inoperative. Tight squelch shall not lock out at a 6 microvolt signal.

(3) The modulation acceptance bandwidth shall not degrade more than 20 percent.

(4) The adjacent channel selectivity shall not degrade more than 20 dB.

(5) The audio power output shall not degrade more than 3 dB.

§ 81.1117 Receiver degradation due to vibration.

(a) *Definition.* Vibration stability is the ability of the marine equipment to maintain specified mechanical and electrical performance during and after being vibrated.

(b) *Method of measurement.* The equipment shall be vibrated with simple harmonic motion having an amplitude of 0.015 inches (total excursion 0.003 inches) with the frequency varied uniformly between 10 and 30 cycles per second and an amplitude of 0.015 inches (total excursion 0.015 inches) with the frequency varied uniformly between 30 and 60 cycles per second. The entire cycle of frequencies for each group (i.e., 10 to 30 and 30 to 60 cycles per second) shall be accomplished in five minutes and repeated three times. The above motion shall be applied for a total of 30 minutes in each direction, namely, the directions parallel to both axis of the base and perpendicular to the plane of the base.

(c) *Standard.* No fixed parts shall become loose or movable part shifted in

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position or adjustment under either of the two conditions of vibration. After being vibrated, the equipment shall meet all performance requirements at standard temperature and humidity.

§ 81.1119 Receiver degradation due to shock.

(a) *Definition.* Shock stability is the ability of the marine equipment to maintain specified mechanical and electrical performance after being shocked.

(b) *Method of measurement.* Acceleration shall be applied to the manufacturers' mounting facilities and may be measured by means of a suitable accelerometer. The equipment shall be operated under standard test conditions.

(c) *Standard.* The equipment shall meet all electrical requirements and suffer no mechanical damage after being subjected to a series of not less than 10 impacts in each plane (total 30). Each impact shall be not less than 20$_g$ acceleration.

§ 81.1121 Receiver degradation due to salt fog.

(a) *Definition.* The Salt Fog test indicates the ability of the marine equipment to maintain specified mechanical and electrical performance after being exposed to a salt fog environment.

(b) *Method of measurement.* The method of measurement shall be in accordance with MIL–STD 810B, Method 509. In brief, this test requires the equipment to be exposed to the salt fog for 48 hours, allowed to dry for 48 hours and then placed in operation.

(c) *Standard.* The receiver shall meet the following performance specifications:

(1) The usable sensitivity shall not degrade by more than 6 dB.

(2) The squelch threshold sensitivity shall not degrade more than 6 dB from the value measured in § 81.975. The tight squelch adjustment shall not lock out a strong signal.

(3) The modulation acceptance bandwidth shall not degrade more than 20 percent.

(4) The adjacent channel selectivity shall not degrade more than 12 dB.

(5) The audio power output shall not degrade more than 3 dB.

PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

7. Section 83.7 of Part 83 is amended by adding the following definition:

§ 83.7 Technical.

* * * * *

SINAD Ratio. A measure expressed in decibels of the ratio of (1) the signal plus noise plus distortion to (2) noise plus distortion produced at the output of a receiver that is the result of a modulated-signal input.

* * * * *

8. Subpart X of Part 83 is amended by deleting paragraphs (c) and (d) from § 83.715 and adding a new paragraph (c) to read as follows:

§ 83.715 Bridge to bridge receiver.

* * * * *

(c) The receiver referred to in paragraph (a) of this section, except for hand held portables, shall be certificated pursuant to § 83.903.

9. Part 83 is further amended by adding a new Subpart AA to read as follows:

Subpart AA—Performance Requirements for Receivers Operating in the Frequency Band 156–162 MHz [1]

Sec.
83.901 Preface.
83.903 Requirements for receivers operating in the frequency band 156–162 MHz.
83.905 Station requirement.
83.907 Filing requirement.
83.911 Minimum technical specifications.

PERFORMANCE CHARACTERISTICS FOR VHF RECEIVERS

83.925 through 83.947 (Same as 81.923 through 81.947).

PROCEDURES FOR MEASURING PERFORMANCE CHARACTERISTICS

83.969 through 83.995 (Same as 81.969 through 81.995).

SPECIFICATIONS ON RECEIVER DEGRADATION DUE TO ENVIRONMENTAL CHANGES

83.1011 through 83.1121 (Same as 81.1011 through 81.1121).

AUTHORITY: Secs. 4(9), 302 and 303(r) of the Communications Act of 1934, as amended, Articles 28, 35, and Articles 18 and 19 of the International Radio Regulations, Geneva 1968.

Subpart AA—Performance Requirements for Receivers Operating in the Frequency Band 156–162 MHz [1]

§ 83.901 Preface.

(Same as § 81.901)

§ 83.903 Requirements for receivers operating in the frequency band 156–162 MHz.

(a) A receiver manufactured after 7/1/75, which is designed for operation in the band 156–162 MHz for use in a ship or marine-utility station, shall be certificated and labeled in accordance with Subpart J of Part 2 of this chapter to demonstrate that it is capable of meeting the receiver performance requirements of this Subpart and the radiation interference limits of Subpart C of Part 15 of this chapter.

(b) A portable receiver which, when in operation, can be hand carried or worn on the person is exempt from the performance requirements of this subpart, but must be certificated to show compliance with Subpart C of Part 15 of this chapter.

[1] In the first section below, the phrase "83.901 (Same as § 81.901)", means that the wording of proposed § 83.901 is the same as has been set forth in proposed § 81.901. This procedure is employed for other sections of Part 83 where the proposed wording is the same as has been proposed for Part 81. This has been done in order to reduce the physical size of this notice of proposed rulemaking and will not affect the normal printing of the rules if and when adopted.

§ 83.905 Station requirement.

Each ship or marine-utility station in the band of 156–162 MHz shall, after 7/1/80 be equipped with at least one receiver which complies with the provisions of this subpart.

§ 83.907 Filing requirement.

Each person filing an application for certification of a receiver subject to the requirements of this subpart, which is in addition to the requirements of Subpart J of Part 2 and Subpart C of Part 15 of this chapter, shall also present the following information, if not already included with the application:

(a) A report of measurement pursuant to § 83.909.

(b) A description of the receiver, including a list of all pertinent technical specifications, circuit diagrams, a description of the circuitry and a description of the antenna, if any, provided with the receiver.

(c) Photographs of the receiver: Such photographs shall be 8" x 10", and shall clearly show the construction and circuit layout of the device. At least one exterior view shall be furnished showing the antenna, if any, and controls available to the user. A sufficient number of views of the interior shall be furnished to define component placement and chassis assembly.

(d) A report of measurements, pursuant to § 83.135.

§ 83.909 Report of measurements.

(Same as § 81.909.)

§ 83.911 Minimum technical specifications.

The receiver shall be capable of meeting the following technical specifications.

(a) Channel spacing: 25 kHz.

(b) Type of emission to be received: 16F3.

(c) Antenna input: coaxial; nominal impedance 50 ohms nonreactive.

(d) Operating temperatures: −20° C +50° C.

(e) *Frequencies.* Receiver channel frequencies shall be in accordance with § 83.351 and Appendix 18 of the International Radio Regulations.

(f) *Channel capacity.* The receiver shall have a minimum of 12 channels.

(g) A squelch control shall be provided.

PERFORMANCE CHARACTERISTICS FOR VHF RECEIVERS

Section 83.923 (Same as § 81.923) through § 83.947 (Same as § 81.947).

PROCEDURES FOR MEASURING PERFORMANCE CHARACTERISTICS

Section 83.969 (Same as § 81.969) through § 83.995 (Same as § 81.995).

SPECIFICATIONS ON RECEIVER DEGRADATION DUE TO ENVIRONMENTAL CHANGES

Section 83.1011 (Same as § 81.1011) through § 83.1121 (Same as § 81.1121).

[FR Doc.74–14024 Filed 6–18–74;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

ENDANGERED SPECIES PERMIT

Notice of Receipt of Application

Notice is hereby given that the following application for a permit has been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93–205).

Applicant. Lion Country Safari, Inc., 8800 Moulton Parkway, Laguna Hills, Calif. 92653.

APRIL 23, 1974.

DIRECTOR,
U.S. Department of the Interior,
Bureau of Sport Fisheries and Wildlife,
Washington, D.C. 20240.

DEAR SIR: Reference my letter of March 4, 1974 and your reply FSF/LE ENF 7–02 dated March 19, 1974. As requested by your letter, my application is hereby resubmitted.

In compliance with Pub. L. 93–205, section 10 and Code of Federal Regulations, Title 50, Subpart c, paragraph 17–23 and § 13.12(a), it is requested that permission be granted Lion Country Safari, Inc., to transfer six tigers from our park in California to our park in Florida.

(1) Applicant's name. Lion Country Safari, Inc., 8800 Moulton Parkway, Laguna Hills, Calif. 92653. Attention: Donald R. Dietlein, (804) 796–4781.

(2) Applicant is a public corporation. Harry Shuster, President and Chairman of the Board, Lion Country Safari, Inc., 8800 Moulton Parkway, Laguna Hills, Calif. 92653, (714) 837–1200.

(3) Location where the permitted activity is to be conducted. Lion Country Safari, West Palm Beach, Fla. Mailing address: P.O. Box 16066, West Palm Beach, Fla. 33406 (305) 683–8084.

(4) Name of species. One male and five female tigers (*Panthera tigris*), four subadults and two adults. All tigers were born in captivity.

(5) Statement of justification. At the present time, Lion Country Safari has 12 tigers in their California park. By dividing this group into two groups, physically isolated from each other, the breeding potential would be greater. Florida has ideal climate, space, and animal expertise.

(6) Description and address of facility. Lion Country Safari in Florida is a 350-acre drive-through wildlife park. The section for the tigers will be a 40-acre paddock with a half-acre lake. At night they are conditioned to return to their dens; this conditioning is accomplished by feeding at night in the dens. Lion Country Safari, P.O. Box 16066, West Palm Beach, Fla. 33406.

(7) The six tigers were born in captivity.

(8) The Zoological Manager of Lion Country Safari, Florida, has had outstanding breeding successes of his inventory. Addax, Impala, Waterbuck, Gnu, Eland, and during one year, 61 Lions were born. Lion Country Safari, Inc., has six zoological managers, a zoological co-ordinator, and a zoological director. These men are in constant contact with one another and by pooling their knowledge, they work out most problems, therefore, the expertise is available.

(9) Lion Country Safari, Inc., will participate in a cooperative breeding program with other institutions and will contribute data to a studbook.

(10) If permission is granted, the tigers will be air freighted (5 hours) in individual crates.

(11) I hereby certify that I have read and am familiar with the regulations contained in Title 50, Part 13, of the Code of Federal Regulations and the other applicable parts in Subchapter B of Chapter I of Title 50, and I further certify that the information submitted in this application for a permit is complete and accurate to the best of my knowledge and belief. I understand that any false statement hereon may subject me to the criminal penalties of 18 U.S.C. 1001.

Sincerely,

LION COUNTRY SAFARI, INC.,
DON DIETLEIN,
Zoological Co-ordinator.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Bureau's office in Suite 600, 1612 K Street NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FSF/LE), Bureau of Sport Fisheries and Wildlife, Washington, D.C. 20240. All relevant comments received no later than July 18, 1974 will be considered.

Dated: June 14, 1974.

F. V. SCHMIDT,
Acting Director, Bureau of Sport Fisheries and Wildlife.

[FR Doc.74–14022 Filed 6–18–74;8:45 am]

Bureau of Land Management

[New Mexico 21535, 21536]

NEW MEXICO

Notice of Applications

JUNE 12, 1974.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Transwestern Pipeline Company has applied for two 6-inch natural gas pipelines right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN,
NEW MEXICO

T. 21 S., R. 32 E.,
Sec. 21, NW¼NW¼, S½NW¼, E½SW¼ and W½SE¼;
Sec. 27, W½SW¼ and SE¼SW¼;
Sec. 28, N½NE¼, SE¼NE¼ and NE¼SE¼;
Sec. 34, SW¼NE¼ and E½NW¼.
T. 22 S., R. 34 E.,
Sec. 22, SE¼NE¼, SE¼SW¼ and SE¼.
T. 23 S., R. 34 E.,
Sec. 5, lots 3, 4, SW¼NW¼.

These pipelines will convey natural gas across 4.068 miles of national resource land in Lea County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, NM 88201.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.74–13994 Filed 6–18–74;8:45 am]

[Wyoming 46210]

WYOMING

Notice of Application

JUNE 11, 1974.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Marathon Pipe Line Company has applied for a crude oil pipe line right-of-way across the following lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 45 N., R. 91 W.,
Sec. 19, SW¼SE¼;
Sec. 29, NW¼NW¼;
Sec. 30, N½NE¼.

The pipeline will be an extension of Nelber Field gathering system.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should send their name and address to the District Manager, Bureau of Land Management, P.O. Box 119, Worland, Wyoming 82401.

PHILIP C. HAMILTON,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.74–14001 Filed 6–18–74;8:45 am]

National Park Service

[INT DES 74–68]

ARCHES NATIONAL PARK, UTAH

Availability of Draft Environmental Statement

Pursuant to section 102(2)(c) of the National Environmental Policy Act of

JUN 19 1974

1969, the Department of the Interior has prepared a draft environmental statement for a wilderness proposal for Arches National Park, Utah.

The statement considers establishment of 39,690 acres of wilderness in three units within Arches National Park, Utah. Also considered are 28,440 acres of potential wilderness additions to be added by the Secretary of the Interior at such time he determines they qualify.

Written comments on the environmental statement are invited and will be accepted on or before August 5, 1974. Comments should be addressed to the Superintendent, Canyonlands National Park.

Copies of the Draft Environmental Statement are available from or for inspection at the following locations:

Rocky Mountain Regional Office
National Park Service
655 Parfet Street
Lakewood, Colorado 80215

Midwest Regional Office
National Park Service
1709 Jackson Street
Omaha, Nebraska 68102

Superintendent
Canyonlands National Park
Moab, Utah 84532

Dated: June 13, 1974.

STANLEY D. DOREMUS,
Deputy Assistant Secretary of the Interior.

[FR Doc.74-14055 Filed 6-18-74;8:45 am]

[INT FES 74-33]

CRATER LAKE NATIONAL PARK, OREGON

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental statement for the proposed wilderness for Crater Lake National Park, Oregon.

The statement considers the designation as wilderness of 122,400 acres in Crater Lake National Park. Establishment of wilderness will result in the preservation of a major segment of the Park in a completely undeveloped state, and allow ecological processes to function with limited human influence.

Copies are available from and for inspection at the following locations:

Pacific Northwest Region
National Park Service
Fourth and Pike Building
Seattle, Washington 98101

Klamath Falls Group Office
National Park Service
1939 South Sixth Street
Klamath Falls, Oregon 97601

Portland Field Office
National Park Service
920 NE. 7th Avenue
Portland, Oregon 97323

Dated: June 13, 1974.

ROYSTON C. HUGHES,
Assistant Secretary of the Interior.

[FR Doc.74-14051 Filed 6-18-74;8:45 am]

[INT FES 74-32]

GLACIER NATIONAL PARK, MONTANA

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act, the Department of the Interior has prepared a final environmental statement for the Glacier National Park wilderness recommendation.

The environmental statement considers establishment of 927,550 acres of wilderness in three units within Glacier National Park, Montana. Also considered are 3,360 acres of potential wilderness additions to be added by the Secretary of the Interior at such time he determines they qualify.

Copies of the final environmental statement are available from or for inspection at the following locations:

Rocky Mountain Regional Office
National Park Service
655 Parfet Street
Lakewood, Colorado 80215

Midwest Regional Office
National Park Service
1709 Jackson Street
Omaha, Nebraska 68102

Superintendent
Glacier National Park
West Glacier, Montana 59936

Dated: June 13, 1974.

ROYSTON C. HUGHES,
Assistant Secretary of the Interior.

[FR Doc.74-14050 Filed 6-18-74;8:45 am]

[INT FES 74-35]

KATMAI NATIONAL MONUMENT, ALASKA

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental statement for the wilderness recommendation for Katmai National Monument, Alaska.

The statement considers the recommendation for including 2,603,547 acres of Katmai National Monument in the National Wilderness Preservation System.

Copies are available from or for inspection at the following locations:

Pacific Northwest Region
National Park Service
Fourth and Pike Building
Seattle, Washington 98101

Alaska State Office
National Park Service
334 West Fifth Avenue, Suite 250
Anchorage, Alaska 99501

Headquarters
Katmai National Monument
P.O. Box 7
King Salmon, Alaska 99613

Dated: June 13, 1974.

STANLEY D. DOREMUS,
Deputy Assistant Secretary of the Interior.

[FR Doc.74-14503 Filed 6-18-74;8:45 am]

[INT FES 74-36]

ROCKY MOUNTAIN NATIONAL PARK, COLORADO

Availability of Final Environmental Statement

Pursuant to section 102(2)(c) of the National Environmental Policy Act, the Department of the Interior has prepared a final environmental statement for proposed wilderness designation of a portion of Rocky Mountain National Park.

The environmental statement considers the social, economic, and ecological effects of the proposal to designate 91.5 percent of park (239,835 acres) as wilderness and two percent as potential wilderness addition (5169 acres) to be added to the Wilderness Preservation System when the lands qualify.

Copies of the final environmental statements are available from or for inspection at the following locations:

Rocky Mountain Regional Office
National Park Service
655 Parfet Street
Lakewood, Colorado 80215

Utah State Office
National Park Service
125 South State Street
Salt Lake City, Utah 84111

Superintendent
Rocky Mountain National Park
Estes Park, Colorado 80517

Dated: June 13, 1974.

STANLEY D. DOREMUS,
Deputy Assistant Secretary of the Interior.

[FR Doc. 74-14054 Filed 6-18-74;8:45 am]

[INT FES 74-34]

ZION NATIONAL PARK, UTAH

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act, the Department of the Interior has prepared a final environmental statement for proposed wilderness designation of a portion of Zion National Park.

The environmental statement considers the social, economic, and ecological effects of the proposal to designate 81 percent of park as wilderness and nine percent as potential wilderness addition to be added to the Wilderness Preservation System when the lands qualify.

Copies of the final environmental statement are available from or for inspection at the following locations:

Rocky Mountain Regional Office
National Park Service
655 Parfet Street
Lakewood, Colorado 80215

Utah State Office
National Park Service
125 South State Street
Salt Lake City, Utah 84111

Superintendent
Zion National Park
Springdale, Utah 84767

Dated: June 13, 1974.

ROYSTON C. HUGHES,
Assistant Secretary of the Interior.

[FR Doc.74-14052 Filed 6-18-74;8:45 am]

DEPARTMENT OF COMMERCE

National Technical Information Service

GOVERNMENT-OWNED INVENTIONS

Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for licensing in accordance with the licensing policy of each Agency-sponsor.

Copies of Patent applications, either paper copy (PC) or microfiche (MF), can be purchased from the National Technical Information Service (NTIS), Springfield, Virginia 22151, at the prices cited. Requests for copies of patent applications must include the PAT-APPL number and the title.

Paper copies of patents cannot be purchased from NTIS but are available from the Commissioner of Patents, Washington, D.C. 20231, at $0.50 each.

Requests for licensing information should be directed to the address cited below for each agency.

DOUGLAS J. CAMPION,
Patent Program Coordinator, National Technical Information Service.

U.S. Atomic Energy Commission, Assistant General Counsel for Patents, Washington, D.C. 20545.

Patent application 414,029: Removal of Heavy Metal Contaminants from Fluid Streams; filed 8 November 1973; PC $4.00/MF $1.45.

Patent application 436,401: Apparatus and Method for Large Tunnel Excavation in Hard Rock; filed 25 January 1974; PC $4.00/MF $1.45.

Patent application 436,402: Apparatus and Method for Large Tunnel Excavation in Soft and Incompetent Rock or Ground; filed 25 January 1974; PC $4.00/MF $1.45.

Patent 3,762,133: Process for the Separation of Components from Gas Mixtures; filed 15 October 1971, Patented 2 October 1973; not available NTIS.

Patent 3,762,486: Big Hole Drilling Bit. Filed 6 March 1972, Patented 2 October 1973; not available NTIS.

Patent 3,762,992: Laser-Driven Fusion Reactor; filed 1 March 1972, Patented 2 October 1973; not available NTIS.

Patent 3,764,660: Chemical Processing in Geothermal Nuclear Chimney; filed 17 May 1971, Patented 9 October 1973; not available NTIS.

Patent 3,766,062: Sintering of Compacts of UN, (U,Pu) N, and PuN; filed 20 April 1971, Patented 16 October 1973; not available NTIS.

Patent 3,767,525: Irradiation Subassembly; filed 6 October 1972, Patented 23 October 1973; not available NTIS.

Patent 3,767,930: Radioisotopic Heat Source; filed 21 June 1972, Patented 23 October 1973; not available NTIS.

Patent 3,769,911: Contact Fuse; filed 14 December 1971, Patented 6 November 1973; not available NTIS.

Patent 3,772,004: Uranium, Niobium and Carbon Alloy; filed 11 August 1972, Patented 13 November 1973; not available NTIS.

Department of the Air Force, AF/JACP, Washington, D.C. 20314.

Patent application 289,692: Liquid Cooled Mirror Structure; filed 5 September 1972; PC $4.00/MF $1.45.

Patent application 314,638: Surface Wave Delay Line with Quarter-Wave Taps; filed 13 December 1972; PC $4.00/MF $1.45.

Patent application 323,152: An Associative Storage Apparatus for Comparing Between Specified Limits; filed 12 January 1973; PC $4.00/MF $1.45.

Patent application 343,061: Method and Means for Equalizing the Response of Signal Channels in a Multiple Channel Infrared System; filed 20 March 1973; PC $4.00/MF $1.45.

Patent application 349,515: Signal Analyzing Apparatus for Time Sequential Signals; filed 9 April 1973; PC $4.50/MF $1.45.

Patent application 349,900: Solid Fuel Burner for Ramjet Engine; filed 9 April 1973; PC $4.00/MF $1.45.

Patent application 354,261: Combustion Device; filed 25 April 1973; PC $4.00/MF $1.45.

Patent application 354,263: Technique and Apparatus for Stabilizing the Frequency of a Gas Laser; filed 25 April 1973; PC $4.00/MF $1.45.

Patent application 356,269: Doppler Data Processor with Digital Computing Pulse Rate Filter; filed 1 May 1973; PC $4.25/MF $1.45.

Patent application 357,037: Photocathode; filed 3 May 1973; PC $4.50/MF $1.45.

Patent application 357,039: Embedded Porous Element Rocket Motor; filed 3 May 1973; PC $4.00/MF $1.45.

Patent application 366,887: Process for Preparing Mullite Powder and Fabrication of Structural Bodies Therefrom; filed 4 June 1973; PC $4.00/MF $1.45.

Patent application 369,654: Method of Manufacturing a Multi-Layered Strip Transmission Line Printed Circuit Board Integrated Package; filed 13 June 1973; PC $4.00/MF $1.45.

Patent application 369,655: Integral Precombustor/Ramburner Assembly; filed 13 June 1973; PC $4.00/MF $1.45.

Patent application 380,420: A Spiral Antenna Stripline Termination; filed 18 July 1973; PC $4.00/MF $1.45.

Patent application 380,520: Lock and Release Mechanism for Propellant Actuated Escape System; filed 18 July 1973; PC $4.00/MF $1.45.

Patent application 384,531: Multiport Multimode Slot Antenna; filed 1 August 1973; PC $4.00/MF $1.45.

Patent application 392,383: Support for Flexible Control Device; filed 28 August 1973; PC $4.00/MF $1.45.

Patent application 392,387: Single Phase Sintering Aid for Stabilized Zirconia; filed 28 August 1973; PC $4.00/MF $1.45.

U.S. Department of Agriculture, Chief, Research Agreements and Patent Management Branch, Federal Building, General Services Division, Agricultural Research Service, Hyattsville, Md. 20782.

Patent application 290,933: Process for Acylating Functional Groups Bearing Active Hydrogen with Isopropenyl Esters of Long-Chain Fatty Acids; filed 21 September 1972; PC $4.00/MF $1.45.

Patent 3,732,872: Apparatus for the Uniform Addition of Soluble Materials to Cigarettes; filed 31 August 1971, Patented 15 May 1973; not available NTIS.

National Aeronautics and Space Administration, Assistant General Counsel for Patent Matters, NASA—Code GP—2, Washington, D.C. 20546.

Patent application 394,149: Servo-Controlled Intravital Microscope System; filed 4 September 1973; PC $4.50/MF $1.45.

Patent application 412,080: Laser System with an Antiresonant Optical Ring; filed 2 November 1973; PC $4.25/MF $1.45.

Patent application 438,147: Two Stage Light Gas Plasma Projectile Accelerator; filed 29 January 1974; PC $4.00/MF $1.45.

Patent application 446,561: Recording Apparatus; filed 27 February 1974; PC $4.00/MF $1.45.

Patent application 446,567: Method of Forming a Wick for a Heat Pipe; filed 27 February 1974; PC $4.00/MF $1.45.

Patent application 446,569: Self-Regulating Proportionally Controlled Heating Apparatus and Technique; filed 27 February 1974; PC $4.00/MF $1.45.

Patent application 450,500: Analysis of Volatile Organic Compounds; filed 12 March 1974; PC $5.25/MF $1.45.

Patent application 450,503: Symmetrical Odd-Modulus Frequency Divider; filed 12 March 1974; PC $4.00/MF $1.45.

Patent application 452,767: Shoulder Harness and Lap Belt Restraint System; filed 19 March 1974; PC $4.00/MF $1.45.

Patent application 452,768: Visual Examination Apparatus; filed 19 March 1974; PC $4.25/MF $1.45.

Patent application 452,769: Thermoelectric Power System; filed 19 March 1974; PC $4.00/MF $1.45.

Patent application 452,770: A Doped Josephson Tunneling Junction for Use in a Sensitive IR Detector; filed 19 March 1974; PC $4.50/MF $1.45.

Patent application 453,232: A Space Vehicle; filed 21 March 1974; PC $4.00/MF $1.45.

Patent 3,795,134: Anti-Buckling Fatigue Test Assembly, Patented 5 March 1974; not available NTIS.

Patent 3,796,592: Method and Apparatus for Stable Silicon Dioxide Layers on Silicon Grown in Silicon Nitride Ambient, Patented 12 March 1974; not available NTIS.

Patent 3,799,793: Formation of Star Tracking Reticles, Patented 26 March 1974; not available NTIS.

Patent 3,800,074: Apparatus for Scanning the Surface of a Cylindrical Body, Patented 26 March 1974; not available NTIS.

[FR Doc.74-14046 Filed 6-18-74;8:45 am]

GOVERNMENT-OWNED INVENTIONS

Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for licensing in accordance with the licensing policy of each Agency-sponsor.

Copies of Patent applications, either paper copy (PC) or microfiche (MF), can be purchased from the National Technical Information Service (NTIS), Springfield, Virginia 22151, at the prices cited. Requests for copies of patent applications must include the PAT-APPL number and the title.

Paper copies of patents cannot be purchased from NTIS but are available from the Commissioner of Patents, Washington, D.C. 20231, at $0.50 each.

Requests for licensing information should be directed to the address cited below for each agency.

DOUGLAS J. CAMPION,
Patent Program Coordinator, National Technical Information Service.

U.S. Atomic Energy Commission, Assistant General Counsel for Patents, Washington, D.C. 20545

Patent application 350,860: Automated Sample-Reagent Loader; filed 13 April 1973, PC $4.00/MF $1.45.

Patent application 357,758: Diagnoses of Disease States by Fluorescent Measurements Utilizing Scanning Laser Beams. Filed 7 May 1973, PC $4.00/MF $1.45.

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Patent application 363,221: Pulsed Multiline CO_2 Laser Oscillator Apparatus and Method. Filed 23 May 1973, PC $4.00/MF $1.45.

Patent application 364,397: Telecommunication Using Muon Beams. Filed 29 May 1973, PC $4.00/MF $1.45.

Patent application 367,657: Method of Diagnosing a Disease Utilizing Enzyme-Labeled Anti-Bodies. Filed 6 June 1973, PC $4.00/MF $1.45.

Patent application 367,680: Low Density Syntactic Foams. Filed 6 June 1973, PC $4.00/MF $1.45.

Patent application 367,683: Doppler-Shift Velocity Measurement System Using a Two-Frequency Laser. Filed 6 June 1973, PC $4.00/MF $1.45.

Patent 3,764,466: Production of Plasmas by Long-Wavelength Lasers. Filed 1 April 1971, patented 9 October 1973. Not available NTIS.

Patent 3,764,467: Fast Breeder Reactor Protection System. Filed 22 December 1971, patented 9 October 1973. Not available NTIS.

Patent 3,764,552: Method for Storing Radioactive Combustible Waste. Filed 14 June 1972, patented 9 October 1973. Not available NTIS.

Patent 3,764,553: Removal of Radioisotopes from Waste Solutions. Filed 18 August 1972, patented 9 October 1973. Not available NTIS.

Patent 3,766,526: Multi-Microprogrammed Input-Output Processor. Filed 10 October 1972, patented 16 October 1973. Not available NTIS.

Patent 3,767,929: Method and Means for Measuring the Anisotropy of a Plasma in a Magnetic Field. Filed 15 June 1972, patented 23 October 1973. Not available NTIS.

DEPARTMENT OF THE AIR FORCE, AF/JACP, Washington, D.C. 20314.

Patent application 404,060: Quick Release Open Link. Filed 5 November 1973. PC $4.50/MF $1.45.

Patent application 404,083: Sliding Segment Roller. Filed 5 October 1973. PC $4.00/MF $1.45.

Patent application 404,091: The Chemical Protection of Asbestos. Filed 5 October 1973. PC $4.00/MF $1.45.

Patent application 405,620: Apparatus for Laser Frequency Selection. Filed 11 October 1973. PC $4.00/MF $1.45.

Patent application 405,722: Gauge Installation Tool. Filed 11 October 1973. PC $4.00/MF $1.45.

Patent application 407,357: Base Two Exponential Counter. Filed 17 October 1973. PC $4.00/MF $1.45.

Patent application 407,379: Ceramic Ductile Metal Composites. Filed 17 October 1973. PC $4.00/MF $1.45.

U.S. DEPARTMENT OF AGRICULTURE, Chief, Research Agreements and Patent Management Branch, Federal Building, General Services Division, Agricultural Research Service, Hyattsville, Md. 20782.

Patent application 176,620: Improved, Easily Folding Strip Chart Records. Filed 20 August 1973. PC $4.00/MF $1.45.

Patent application 278,661: Process for Reducing the Hygroscopicity of Dehydrated Fruits. Filed 7 August 1972. PC $4.00/MF $1.45.

Patent application 288,839: Stable Acidified Concentrated Milk Products and Methods of Preparation. Filed 13 September 1972. PC $4.00/MF $1.45.

Patent application 323,194: Process for the Preparation of Beta Keto Aldehydes. Filed 12 January 1973. PC $4.00/MF $1.45.

Patent application 335,859: Preparation of Enol Esters. 26 February 1973. PC $4.00/MF $1.45.

Patent application 337,789: Physiochemically Designed Fat Compositions from Tallow and Process for Making. Filed 5 March 1973. PC $4.00/MF $1.45.

Patent application 343,328: Method and Compounds for Disrupting Normal Insect Maturation. Filed 21 March 1973. PC $4.00/MF $1.45.

Patent application 348,554: 2-Hydroperoxycarboxylic Acids and their Preparation. Filed 6 April 1973. PC $4.00/MF $1.45.

Patent application 360,279: Methods of Increasing the Attraction of the Gypsy Moth, Porthetria dispar L. Filed 16 May 1973. PC $4.00/MF $1.45.

Patent application 365,898: A Method of Inhibiting the Formation of Nitrosamines in Cured Meat Products. 1 June 1973. PC $4.00/MF $1.45.

Patent application 370,094: Doctoring Apparatus. Filed 14 June 1973. PC $4.00/MF $1.45.

Patent 3,692,532: Milk-Fruit Juice Beverage and Process for Preparing Same. Filed 27 October 1970; patented 19 September 1972. Not available NTIS.

Patent 3,716,592: Process for the Preparation of Alkyl Perfluoroalkyl and Aryl Iodides. Filed 12 November 1971; patented 13 February 1973. Not available NTIS.

Patent 3,748,149: Continuous Production of Cheese Curd. Filed 14 February 1972; patented 24 July 1973. Not available NTIS.

Patent 3,749,669: Lubricants for Hides and Leather. Filed 21 June 1971; patented 31 July 1973. Not available NTIS.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, Assistant General Counsel for Patent Matters, NASA—Code GP—2, Washington, D.C. 20546.

Patent 3,763,708: Cryogenic Gyroscope Housing. Patented 9 October 1973. Not available NTIS.

Patent 3,788,163: Manual Actuator. Patented 29 January 1974. Not available NTIS.

Patent 3,789,654: Method for Determining Thermo-Physical Properties of Specimens. Patented 5 February 1974. Not available NTIS.

Patent 3,790,037: Metering Gun for Dispensing Precisely Measured Charges of Fluid. Patented 5 February 1974. Not available NTIS.

Patent 3,790,347: Apparatus for Remote Handling of Materials. Patented 5 February 1974. Not available NTIS.

Patent 3,790,650: Method for Compression Molding of Thermosetting Plastics Utilizing a Temperature Gradient Across the Plastic to Cure the Article. Patented 5 February 1974. Not available NTIS.

Patent 3,795,448: Doppler Shift System. Patented 5 March 1974. Not available NTIS.

[FR Doc.74-14047 Filed 6-18-74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

CERTAIN BIOLOGICAL PRODUCTS

Request for Data and Information Regarding Safety, Effectiveness, and Labeling Review

The Food and Drug Administration is continuing its review of all licensed biological products to determine that they are safe, effective, and not misbranded under prescribed, recommended or suggested conditions of use. This notice is prompted by the elimination of three previously planned panels, namely: The Panel on Review of In Vitro Diagnostic Reagents, the Panel on Review of Immune Serums, Antitoxins, and Antivenins, and the Panel on Review of Miscellaneous Biological Products. Products from these three panels are being distributed to the remaining six advisory review panels, some of which are already constituted and others which are in the process of being formed. Also, eleven products are being transferred from the Panel on Review of Blood and Blood Derivatives.

The final order outlining the procedures and explaining the purpose of this review was published in the FEDERAL REGISTER of February 13, 1973 (38 FR 4319). To facilitate this review and to provide all interested persons an opportunity to present, for the consideration of the reviewing panels, the best data and information available to support the stated claims for this group of miscellaneous biological products, submission of data, published and unpublished, and other information pertinent to the products listed is hereby solicited.

Accordingly, notice is hereby given that all data and information regarding the safety and effectiveness of the following licensed biological products shall be submitted:

I. To be considered by the Panel on Review of Bacterial Vaccines and Toxoids with Standards of Potency:

Botulism Antitoxin.
Collagenase.
Diphtheria Antitoxin.
Fibrinolysin (Human).
Fibrinolysin and Desoxyribonuclease Combined (Bovine).
Fibrinolysin and Desoxyribonuclease Combined (Bovine) with Chloramphenicol.
Gas Gangrene Polyvalent Antitoxin.
Haemophilis Influenzae Typing Serum.
Pertussis Immune Globulin.
Staphylococcus Antitoxin.
Streptokinase.
Streptokinase-Streptodornase.
Tetanus Antitoxin.
Tetanus & Gas Gangrene Polyvalent Antitoxin.
Tetanus Immune Globulin.

II. To be considered by the Panel on Review of Viral and Rickettsial Vaccines:

Antirabies Serum.
Immune Globulin (Human), Pepsin-Modified.
Immune Serum Globulin (Human).
Measles Immune Globulin.
Mumps Immune Globulin.
Vaccinia Immune Globulin.

III. To be considered by the Panel on Review of Allergenic Extracts:

Histamine Azoprotein.

The format of the submission shall be in accordance with § 601.25(b)(3) (21 CFR 601.25(b)(3)), except as changed in this FEDERAL REGISTER notice. The Commissioner has concluded that some changes and clarifications are required for these products if the panel is to obtain the information needed for this review. The data required by these changes are necessary since differences in propagation techniques and manufacturing prosesses are critical in determining the quality and specifications of each particular finished product. Generic descriptions of production methods for a particular biological product, or data and studies relating to the same product processed by a different manufacturer may not always be sufficient to support the safety or effectiveness of any particular product.

Therefore, the submissions for these products shall follow the prescribed format incorporating the following changes and clarifications as applicable:

1. Items I and II are unchanged.

2. For item III, manufacturers of the products shall provide, in addition to the complete quantitative composition:

a. A description of the step-by-step manufacturing procedures currently employed;

b. Data on any preservatives, stabilizers, or adjuncts used either in the final product or employed in the manufacturing process;

c. A complete description of the biologic source(s) of all raw materials giving, where applicable, the species and types of animals used, the current types or strains of microorganisms used including their passage history and cultivation procedures, extraction or concentration techniques, storage methods, and all such pertinent information including any changes in these matters since original product licensure;

d. A description of the test methods used to demonstrate specificity, potency, purity, safety, and stability; and

e. Data indicating the means employed to assure that the culture medium used for the propagation of any microorganism does not contain ingredients capable of producing allergenic effects in human subjects where applicable to the product.

3. For items IV, V, and VI, manufacturers shall provide all existing data which are applicable to, or in direct support of, the specific product as currently produced by the manufacturer. When published literature or other reference data is cited, it shall be made clear whether it refers to the specific studies which apply to the company's product, as described in the submission, or whether it is a part of the general literature pertaining to the product generically. If a manufacturer's current finished product is produced in any manner other than referenced in the literature, or other data submitted in support of a similar product, the equivalency of the qualitative and quantitative compositions shall be identified and compared. A concise summary of the data contained in the reference material and a precise statement of how it supports the claims made for the product shall accompany the list of references.

4. In the matter of documented case reports for item V, "Human safety data," and item VI, "Efficacy data," numerous citations of individual case reports are not necessary. Instead, a tabular summary of data available, including the salient features concerning the patients tested, the results obtained and the types of reactions observed shall be provided for us by the panel. However, the raw data shall be available for inspection, or duplication for submission, should the panel find it necessary at a later date.

5. In submitting pertinent marketing experience as required in item V, paragraph C.4, each manufacturer shall list the number of doses distributed annually for the past 5 years.

6. For item VII the rationale for the recommended dosages shall also be included in the summary.

7. Item VIII is unchanged.

To assure a complete and fully informed review of this category, the panel may request additional data or information from producers of the licensed products under review.

To be considered, 12 copies of the data and information, presented in the prescribed format, must be submitted on or before August 19, 1974, to:

Office of Efficacy Review, Bureau of Biologics (HFB-5), Building 29, Room 124, 8800 Rockville Pike, Bethesda, Md. 20014.

Any other data and information which is available and pertinent to this category of biological products is solicited from all interested persons.

Dated: June 10, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.74-14015 Filed 6-18-74;8:45 am]

National Institute for Occupational Safety and Health

OCCUPATIONAL SAFETY AND HEALTH

Request for Information on Occupational Exposure to Cold Stress

Section 20(a)(3) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 669(a)(3)) provides that the Secretary of Health, Education, and Welfare, on the basis of information available to him, shall develop criteria dealing with toxic materials and harmful physical agents and substances which will describe exposure levels that are safe for various periods of employment. Section 22(c) of the Act authorizes the National Institute for Occupational Safety and Health to develop recommended occupational safety and health standards and to perform all functions of the Secretary of Health, Education, and Welfare, under sections 20 and 21 of the Act.

The Institute is developing a recommended standard for occupational exposure to cold stress and is seeking information pertaining to cold stress heretofore not available to it. Any person having information or data which are not readily available in "open scientific literature" concerning (1) the health effects of occupational exposure to cold stress, (2) work practices or procedures which may be instituted for control of the work place environment for any situation involving substantial exposure to cold stress, or (3) in other areas which the person considers relevant to the establishment of a safe and healthful occupational environment involving exposure to cold stress, is invited to submit two (2) copies of such information, with accompanying documentation, to the Director for Research and Standards Development, National Institute for Occupational Safety and Health, 5600 Fishers Lane, Rockville, Maryland 20852, on or before August 19, 1974.

Dated: June 11, 1974.

MARCUS M. KEY,
Director, National Institute for Occupational Safety and Health.

[FR Doc.74-13995 Filed 6-18-74;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration

[FDAA-438-DR; Docket No. NFD 209]

ILLINOIS

Amendment to Notice of Major Disaster

Notice of major disaster for the State of Illinois, dated June 10, 1974, is hereby amended to include the following counties among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of June 10, 1974:

The Counties of:

Alexander	Jersey
Calhoun	Monroe
Henderson	Randolph

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

Dated: June 13, 1974.

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.74-14021 Filed 6-18-74;8:45 am]

ATOMIC ENERGY COMMISSION

[Dockets Nos. 50-471, 50-472]

BOSTON EDISON CO.

Availability Draft Environmental Statement; Pilgrim Nuclear Generating Station

Pursuant to the National Environmental Policy Act of 1969 and the U.S. Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that a Draft Environmental Statement prepared by the Commission's Directorate of Licensing related to the proposed Pilgrim Nuclear Generating Station, Units 2 and 3, to be constructed by the Boston Edison Company on the western shore of Cape Cod Bay and south of Plymouth Bay in the Town of Plymouth, Plymouth County, Massachusetts, is available for inspection by the public in the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C., and in the Plymouth Public Library, North Street, Plymouth, Massachusetts 02360. The Draft Environmental Statement is also being made available at the Office of State Planning and Management, Leverett Saltonstall Building, 100 Cambridge Street, Rm. 909, Boston, Massachusetts 02202 and the Southeastern Massachusetts Regional Planning and Economic Development District, 68 Winthrop Street, Taunton, Massachusetts 02780. Copies of the Commission's Draft Environmental Statement may be obtained by request ad-

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dressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

The Environmental Report, as supplemented, submitted by the Boston Edison Company is also available for public inspection at the above-designated locations. Notice of availability of the Applicant's Environmental Report was published in the FEDERAL REGISTER on January 28, 1974 (39 FR 3577).

Pursuant to 10 CFR Part 50, Appendix D, interested persons may submit comments on the Applicant's Environmental Report and the Draft Environmental Statement for the Commission's consideration. Federal and State agencies are being provided with copies of the Applicant's Environmental Report and the Draft Environmental Statement (local agencies may obtain these documents upon request). Comments are due by August 5, 1974. Comments by Federal, State and local officials or other persons received by the Commission will be made available for public inspection at the Commission's Public Document Room in Washington, D.C., and at the Plymouth Public Library, North Street, Plymouth, Massachusetts. Upon consideration of comments submitted with respect to the Draft Environmental Statement, the regulatory staff will prepare a Final Environmental Statement, the availability of which will be published in the FEDERAL REGISTER.

Comments on the Draft Environmental Statement from interested members of the public should be addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Bethesda, Maryland, this 13th day of June 1974.

For the Atomic Energy Commission.

B. J. YOUNGBLOOD,
Chief, Environmental Projects Branch 3, Directorate of Licensing.

[FR Doc.74-14000 Filed 6-18-74;8:45 am]

[Dockets Nos. 50-471, 50-472]

BOSTON EDISON CO. ET AL.

Special Prehearing Conference

In the matter of The Boston Edison Co., et al. (Pilgrim Nuclear Generating Station Units 2 and 3).

Notice is hereby given that, pursuant to the memorandum and order dated May 30, 1974, issued herein by the Atomic Safety and Licensing Board established by the Commission for this proceeding, and in accordance with § 2.751a of the Commission's rules of practice, 10 CFR Part 2, a Further Special Prehearing Conference will be held at the New Suffolk County Courthouse, Room 306, Pemberton Square, Boston Government Center, Boston, Massachusetts 02108, commencing at 10 a.m., local time, on Thursday, July 11, 1974.

This further conference will deal with the following matters:

(1) identification of the key issues;
(2) the need for discovery, and the time required therefor;
(3) establishment of a schedule for further action; and
(4) such other matters as may aid in the orderly and expeditious conduct of the hearing.

In the aforementioned memorandum and order of May 30, the parties were directed to confer prior to this Conference in an effort to narrow, simplify and clarify the contentions and issues presented in this proceeding, so as to assist in the more orderly development of the record in this hearing. The parties were also urged to discuss and consider the possible consolidation of issues and stipulations with regard to matters in issue in this proceeding.

The Board has been informed that the parties have been in communication in connection with these matters; accordingly, the Board requests that it be advised, on or before July 9, 1974, of the results of any such conferences in terms of agreements on issues, stipulations, admissions, etc., so that it may conduct the prehearing conference in accordance therewith.

The persons and organizations who were permitted by the aforesaid memorandum and order of May 30, to make limited appearances in this proceeding are not required to appear at this scheduled Prehearing Conference; such presentations will be received at the forthcoming Evidentiary Hearing.

It is so ordered.

Dated at Bethesda, Maryland, this 13th day of June 1974.

ATOMIC SAFETY AND LICENSING BOARD,
MAX D. PAGLIN,
Chairman.

[FR Doc.74-13999 Filed 6-18-74;8:45 am]

[Docket No. 50-219]

JERSEY CENTRAL POWER & LIGHT CO.

Issuance of Facility License Amendment

Notice is hereby given that the U.S. Atomic Energy Commission (the Commission) has issued Amendment No. 4 to Provisional Operating License No. DPR-16 to the Jersey Central Power & Light Company which revised Technical Specifications for operation of the Oyster Creek Nuclear Generating Station Unit 1 located in Lacey Township, Ocean County, New Jersey.

The amendment authorized the use of Type III F fuel (in a 7x7 array and containing uranium 235) for operation of the facility, and also authorized changes to the limiting conditions for operation associated with fuel densification for the Type III F fuel.

The applications for the amendment comply with the standards and requirements of the Atomic Energy Act, as amended (the Act), and the Commission's rules and regulations, and the Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I which are set forth in the license amendment.

For further details with respect to this action, see (1) the applications for the amendment dated March 1, 1974, and April 8, 1974, (2) Amendment No. 4 to License No. DPR-16, with any attachments, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Ocean County Library, 15 Hooper Avenue, Toms River, New Jersey 08753.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing-Regulation.

Dated at Bethesda, Maryland, this 11th day of June 1974.

For the Atomic Energy Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch No. 2, Directorate of Licensing.

[FR Doc.74-14031 Filed 6-18-74;8:45 am]

[Docket No. 50-20]

MASSACHUSETTS INSTITUTE OF TECHNOLOGY

Issuance of Amendment To Facility Operating License

The Atomic Energy Commission (the Commission) has issued, effective as of the date of this notice, Amendment 9 to Facility Operating License No. R-37. The license issued June 9, 1958, as amended, authorizes Massachusetts Institute of Technology (MIT) to operate its 5 megawatt research reactor located on its Campus in Cambridge, Massachusetts. MIT was authorized to modify the facility by Construction Permit CPRR-118, issued April 9, 1973 (38 FR 9530), to convert the reactor from a heavy water-moderated and cooled facility to a light water-cooled, heavy water-reflected facility. Safety considerations associated with the construction and operation of the modified facility are assessed by the Regulatory staff in its "Safety Evaluation on Installation and Operation of Light-Water Moderated Core" dated February 23, 1973, issued in connection with the "Notice of Proposed Issuance of Construction Permit and Amended Facility Operating License" relating to the captioned facility, published in the FEDERAL REGISTER March 6, 1973 (38 FR 6096).

The activities authorized in the amendment are a limited portion of the activities considered in connection with the notice of proposed action published March 6, 1973. There were no requests for hearing or petitions for leave to intervene in connection with the notice of proposed action.

The amendment authorizes the receipt, possession and storage of 27.5 kilograms of new unirradiated fuel for use in the modified facility. This fuel would be in addition to the 17.5 kilograms already

authorized and previously used for the facility before modification. The new fuel would be stored along with the existing fuel in existing prevously authorized fuel storage vault. The existing vault provides 60 fuel element storage positions. This provides adequate storage capacity to accommodate all of the new fuel elements along with the existing fuel elements and was evaluated for storage of its full capacity. Each storage position is lined with cadmium, nuetronically isolating each stored element from adjacent elements, preventing criticality under all conditions of reflection and moderation.

The amendment also authorizes the insertion of up to 3 of the new (unirradiated) fuel elements into the reactor for preoperational alignment and non-nuclear testing. This will permit final verification of design tolerances and any necessary adjustments of clearances. These tests are part of customary preoperational testing. Insertion of this limited number of fuel elements does not entail consideration of accidental criticality since more than 10 elements are required for this facility to sustain criticality even under optimum conditions of spacing, reflection, and moderation. For this reason, the applicant is authorized under the existing license to store up to 3 existing elements, outside the fuel storage vault, in any location in the facility. Similar storage of up to 3 new fuel elements outside the storage vault, in any location in the facility, was encompassed by the safety analysis provided for the full amended operating license previously noticed.

The Commission's Regulatory staff has found that the application complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations published in 10 CFR Chapter I, and has concluded that the issuance of this license amendment will not be inimical to the common defense and security or to the health and safety of the public.

A copy of MIT's application dated November 29, 1972, Amendment No. 9 to Facility License No. R-37, and the February 23, 1973, Safety Evaluation are available for inspection at the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C. Single copies of Amendment No. 9 to the license and the above Safety Evaluation may be obtained upon request sent to the Deputy Director for Reactor Projects, Directorate of Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Dated at Bethesda, Maryland, this 12th day of June 1974.

For the Atomic Energy Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch No. 2, Directorate of Licensing.

[FR Doc.74-14029 Filed 6-18-74;8:45 am]

REGULATORY GUIDES

Notice of Issuance and Availability

The Atomic Energy Commission has issued a new guide in its Regulatory Guide series. This series has been developed to describe and make available to the public methods acceptable to the AEC Regulatory staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

The new guide is in Division 1, "Power Reactor Guides." Regulatory Guide 1.80, "Preoperational Testing of Instrument Air Systems," describes an acceptable method for complying with the Commission's requirements for verifying the operability of safety-related instrument air systems, before placing these systems into service.

Regulatory Guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Comments and suggestions in connection with improvements in the guides are encouraged and should be sent to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff. Requests for single copies of issued guides or for placement on an automatic distribution list for single copies of future guides should be made in writing to the Director of Regulatory Standards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Telephone requests cannot be accommodated. Regulatory Guides are not copyrighted and Commission approval is not required to reproduce them.

Other Division 1 Regulatory Guides currently being developed include the following:

Tornado Design Classification
Availability of Electric Power Sources
Requirements for Instrumentation to Assess Nuclear Power Plant Conditions During and Following an Accident for Water-Cooled Reactors
Isolation of Low Pressure Systems Connected to the Reactor Coolant Pressure Boundary
Requirements for Collection, Storage, and Maintenance of Nuclear Power Plant Quality Assurance Record
Requirements for Assessing Ability of Material Underneath Nuclear Power Plant Foundations to Withstand Safe Shutdown Earthquake
Fire Protection Criteria for Nuclear Power Plants
Protective Coatings for Light Water Nuclear Reactor Containment Facilities
Inservice Surveillance of Grouted Prestressing Tendons
Seismic Input Motion to Uncoupled Structural Model
Primary Reactor Containment (Concrete) Design and Analysis
Quality Assurance Requirements for Installation, Inspection, and Testing of Mechanical Equipment and Systems
Quality Assurance Requirements for Installation, Inspection and Testing of Structural Concrete and Structural Steel
Fracture Toughness Requirements for Vessels Under Overstress Conditions
Material Limitations for Component Supports
Protection Against Postulated Events and Accidents Outside of Containment
Requirements for Auditing of Quality Assurance Programs for Nuclear Power Plants
Assumptions Used for Evaluating the Potential Radiological Consequences of a Gas Holdup Tank Failure in a Boiling Water Reactor
Quality Assurance Requirements for Procurement of Equipment, Materials, and Services
Quality Assurance Requirements for Lifting Equipment
Maintenance and Testing of Batteries
Qualification of Class I Electrical Equipment
Type Tests for Class IE Cables, Connections, and Field Splices for Nuclear Power Plants
Seismic Qualification of Class I Electric Equipment
Fracture Toughness Requirements for Materials for Class 2 and 3 Components
Maintenance of Water Purity in PWR Secondary Systems
Main Steam Line Sealing System Design Guidelines for Boiling Water Reactors
Criteria for Heat-up and Cool-down Procedures
Effects of Residual Elements on Predicted Radiation Damage
Inservice Inspection and Testing of Steam Generators Tubing
Component Design Criteria for Elevated Temperature Reactors
Preoperational Testing of Emergency Core Cooling Systems for Pressurized Water Reactors
Fuel Oil Supplies for Standby Diesel-Generators
Assumptions Used for Evaluating the Habitability of a Nuclear Power Plant Control Room During a Postulated Toxic Chemical Release
Assumptions Used for Evaluating the Potential Radiological Consequences of a Liquid Radioactive Waste System Accident
Code Case Acceptability for ASME Section III Materials
Sumps for Emergency Core Cooling and Containment Spray Systems
Surveillance and Examination and Testing of Irradiated Fuel Rods
Elevated Temperature Inservice Surveillance Tests for HTGR Plants
Design Load Combinations for Component Supports
Termination of Nuclear Reactor Operating Licenses
Preoperational Testing of Instrument Air Systems
Requirements for Containment Isolation
Probable Maximum Storm Surge Flooding on Lakes and Sea Shores
Requirements for Concrete Reactor Vessels and Containments (ASME Section III Division 2)
Instrument Span and Trip Setting
Failed Fuel Detection System for Nuclear Power Plants
Code Case Acceptability—ASME Section III Design and Fabrication
Code Case Acceptability—ASME Section III Nonmetallic Materials
Design, Qualification Test and Installation Requirements for Class 2 and 3 Safety-Related Pumps
Seismic Response Combination of Modes and Spatial Components
*Analysis of Seismic Recorded Data
*Protection of Nuclear Power Plant Control Room Operators Against an Onsite Chlorine Release
*Self-Operated and Power Operated Safety-Related Valves Functional Specification

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•Nuclear Power Plant Environmental Characteristics for Designated Sites
•Evaluation of Explosions Postulated to Occur on Transportation Routes Near Nuclear Power Plant Sites

(5 U.S.C. 522(a))

Dated at Rockville, Maryland this 11th day of June, 1974.

For the Atomic Energy Commission.

LESTER ROGERS,
Director of Regulatory Standards.

[FR Doc.74-14080 Filed 6-18-74;8:45 am]

ATOMIC ENERGY LABOR-MANAGEMENT ADVISORY COMMITTEE

Notice of Meeting

JUNE 17, 1974.

The Atomic Energy Commission's Atomic Energy Labor-Management Advisory Committee will hold a meeting on July 25, 1974, at the AEC's Washington office, Room No. 1146, 1717 H Street NW., Washington, D.C. The meeting will be open to the public; it will begin at 10 a.m. and end at approximately noon.

The following agenda items are scheduled for discussion:

1. Disposition of the workmen's compensation function.

2. Transfer of the licensee radiation exposure record-keeping function to the Director of Regulation.

The Chairman is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business.

With respect to public participation in agenda items scheduled above, the following requirements shall apply:

(a) Persons wishing to submit written statements on those agenda items may do so by mailing 10 copies thereof, postmarked, if possible, no later than July 15, 1974, to Mr. H. T. Herrick, Chairman, Atomic Energy Labor-Management Advisory Committee, Division of Labor Relations, U.S. Atomic Energy Commission, Washington, D.C. 20545. Minutes of the meeting will be kept open for 30 days for receipt of written statements for the record.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement, and shall set forth reasons justifying the need for such oral statements and their usefulness to the Committee. To the extent that the time available for the meeting permits, the Committee will receive oral statements during a total period of not more than 30 minutes at an appropriate time, chosen by the Chairman.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Committee, who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call to the office of the Chairman of the Committee named in paragraph (a), above. His telephone number is Area Code 301-973-5083.

(e) Questions at the meeting may be asked only by members of the Advisory Committee.

(f) Seating for the public will be made available on a first-come, first-served basis.

(g) Copies of minutes of the meeting will be made available for copying, following their acceptance by the Committee, in accordance with the Federal Advisory Committee Act, at the Atomic Energy Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545, upon payment of all charges required by law.

JOHN C. RYAN,
Advisory Committee Management Officer.

[FR Doc.74-14222 Filed 6-18-74;10:52 am]

CIVIL AERONAUTICS BOARD

[Docket No. 26799; Order No. 74-6-74]

ALLEGHENY AIRLINES, INC.

Individual Inclusive Tour Fares

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 14th day of June 1974.

By tariff revisions [1] marked to become effective June 15, 1974, Allegheny Airlines, Inc. (Allegheny) proposes to establish new individual inclusive tour basing fares (IT fares) in 95 markets over 200 miles in distance. The fares, which provide a 20 percent discount from normal jet-custom and propeller-class fares, are to be restricted to round-trip travel and would be available only between 12:01 a.m. Friday and midnight Monday. Further conditions stipulate that return travel may not commence prior to the second day, that all travel be completed within 30 days, and that the passenger purchase an advertised air tour (ground package) of at least $35.00.

In support of the IT program, Allegheny alleges that the fares are expected to contribute approximately $16,825 per month towards total net profit, or $201,900 during the 12-month life of the tariff. In deriving this figure, Allegheny estimates an average usage of five passengers per day in each market, and assumes a 40/60-generation/diversion ratio.

American Airlines, Inc. (American) and Trans World Airlines, Inc. (TWA) have filed complaints against the proposal insofar as the fares would apply in 20 markets where the complainants allege Allegheny is not a major participant.[2] American and TWA argue that should Allegheny's proposal be permitted to become effective in these markets, the complainants will suffer the major risk and burden of diversion and dilution resulting from the fare. Citing a previous Board determination in an allegedly similar situation [3] the complainants contend that it would be unreasonable and unjust for Allegheny, a limited-market participant, to become in effect the fare-setting carrier.

American and TWA further allege that Allegheny's justification is deficient in that the carrier has not properly evaluated its assumption of a 40/60-generation/diversion ratio; failed to consider the potential displacement of higher-fare passengers brought about by restrained capacity; and neglected to provide an explanation of its estimate of daily passenger usage. In addition, TWA presents data in its complaint which allegedly illustrate that in seven markets alone,[4] TWA would lose 456 passengers per month by diversion to Allegheny's fare, and other competitors—530 passengers per month, while Allegheny would suffer downgrading of only 39 passengers per month.

Allegheny has answered the complaints of American and TWA alleging, inter alia, that its proposed IT program is a reasonable, equitable, and responsibly constructed marketing device which can be expected to contribute materially to the carrier's overall profitability without risking undue diversion or revenue dilution. In rebuttal to American's complaint that Allegheny's proposal constitutes "a major new promotional fare," the proponent argues that no fewer than 13 other carriers, including four local service carriers, offer similar fare plans. Furthermore, Allegheny alleges that those IT programs are far broader in scope than the instant proposal both in terms of available travel periods and in level of discount.

In answer to the complainants' argument that they will bear the major burden of traffic and revenue diversion should the proposal be permitted to become effective, Allegheny presents data which reveal it to be the dominant carrier in 64 of the proposed 95 markets. Citing statistics which show Allegheny's participation to be less than 20 percent in only 15 markets, the carrier further alleges that the complainants' fear of undue and disproportionate diversion is significantly overstated. In markets where Allegheny's participation is admittedly small, the carrier points out that, for the most part, its service consists of multistop or online connecting flights only, and argues, therefore, that its proposal can hardly be considered a serious threat in light of the comparative service superiority offered by carriers holding primary certificate authority. The few passengers which Allegheny hopes to attract in these markets are allegedly extremely price-sensitive travelers who are willing to sacrifice the convenience of nonstop service for a modest reduction in ticket cost.

In summary, Allegheny rebuts the complainants' argument that its 40/60 generation/diversion is unrealistic. Allegheny takes the position that, since the normal fare level has risen dramatically within the past year and at least two major discount programs, family and youth fares, are scheduled to expire shortly, initiatives must be taken to protect the air carrier's share of vacation travel. In the absence of such generative programs as the instant IT proposal, Allegheny alleges that potential air travelers will simply find air transportation to be economically beyond their means.

Upon consideration of all relevant matters, the Board has concluded that the proposed fares, insofar as they apply in the markets listed in Appendix A hereto, may be unjust, or unreasonable, or unjustly discriminatory, or unduly preferential, or unduly prejudicial, or otherwise unlawful, and should be investigated. The Board further concludes that these fares should be suspended pending investigation. With respect to the remaining markets included in the proposal, the Board concludes that the complaints do not set forth sufficient facts to warrant investigation and hence the requests therefor, and consequently the requests for suspension, will be denied and the complaints dismissed.

As contended by the complainants Allegheny's justification lacks substantive evidence in support of its estimate of a 40/60-generation/diversion ratio; nor has it provided load-factor data for its Friday and Monday operations. We are nevertheless persuaded to permit the instant proposal for the reasons that follow.

First, exclusive of the eight markets wherein we are suspending the proposed fares, Allegheny is the dominant carrier in a majority by a substantial margin. This means that not only will Allegheny bear the major portion of the risk involved, but the carrier will be in a better position to discontinue the program should it not live up to expectations; *i.e.*, the competitive pressures that typically tend to perpetuate even those discount fares a carrier may believe to be unprofitable will be less evident.

Second, regarding the generation question, a number of factors tend to enhance the generative potential (or lessen the diversionary possibilities) of the fares. First, the advertised air tour, which is of sufficient amount to eliminate "throw-away" situations, is generally acknowledged to be an effective inhibitor of diversion. Second, since many of the proposed fares apply in markets involving a smaller point on Allegheny's system and a major traffic center, these fares could well encourage short duration trips by families to the latter for sightseeing combined with sporting events or theatrical activities. Third, a closely connected factor, is that with the discontinuance of family and youth fares, the IT fares could save some of that traffic which might otherwise be lost and thus heighten the potential generative value of the proposal. While we cannot quantify any of these factors, we nevertheless believe they improve the chances of the fare's being sufficiently generative. For all these reasons, and considering Allegheny's dominant position in a majority of the markets, we are reluctant to suspend on the basis of an inadequately supported generation/diversion estimate.

Nevertheless, the complainants' arguments appear well taken in eight of the 20 markets to which their complaints are directed.[6] In each of these markets, Allegheny's traffic share amounts to less than 10 percent, and in at least six markets less than five percent. The Board has in the past considered 90 percent of a market to be a monopoly share, and conversely has deemed less than 10 percent not to be effective competition. As alleged by the complainants, the Board has previously suspended discount-fare proposals when it appeared that carriers other than the proponent stood to bear the greatest burden of the experiment.

We will require Allegheny to file a report (see Appendix B) [7] reflecting the results of the experiment no later than August 1, 1975.[7] This report is to be submitted whether or not Allegheny elects to extend the fares beyond June 15, 1975. Moreover, we expect the carrier to provide detailed backup data for the report, including a separate analysis of generation/diversion. We will leave to Allegheny's discretion how it evaluates the latter—through survey techniques, traffic analysis, etc.—however, a judgment estimate will not comply with this reporting requirement. Moreover, we will not be disposed to consider favorably any proposed extension of these fares in the absence of a thorough load-factor analysis.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204, 403, 404, and 1002 thereof,

It is ordered, That:

1. An investigation be instituted to determine whether the fares and provisions described in Appendix A[8] attached hereto, and rules, regulations, and practices affecting such fares and provisions, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful fares and provisions, and rules, regulations, or practices affecting such fares and provisions;

2. Pending hearing and decision by the Board, the fares and provisions described in Appendix A[8] hereto are suspended and their use deferred to and including September 12, 1974, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. Except to the extent granted herein, the complaints in Dockets 26705 and 26708 be, and hereby are dismissed;

4. The investigation ordered herein be assigned before an Administrative Law Judge at a time and place hereafter to be designated; and

5. A copy of this order be filed with the aforesaid tariffs and be served upon Allegheny Airlines, Inc., American Airlines, Inc., and Trans World Airlines, Inc. which are hereby made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.[9]

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-14056 Filed 6-18-74;8:45 am]

[1] Revisions to Airline Tariff Publishers, Inc., Agent, Tariff C.A.B. Nos. 142 and 202.

[2] Markets include: Boston-Chicago Cincinnati/Columbus/Dayton/Indianapolis / Pittsburgh/St. Louis/Washington; New York-Cincinnati / Indianapolis / Louisville/Memphis / Nashville / Pittsburgh / St. Louis; Philadelphia-Columbus/Dayton/Indianapolis; Baltimore-St. Louis; and Chicago-Pittsburgh.

[3] "Adult Standby Fares proposed by southern," Order 71-1-145, January 29, 1971.

[4] Boston-Chicago/Cincinnati/Columbus/St. Louis; New York-Cincinnati/St. Louis; and Indianapolis-Philadelphia.

[6] Between Boston, on the one hand, and Chicago, Cincinnati, and St. Louis, on the other, and between New York/Newark, on the one hand, and Cincinnati, Louisville, Memphis, Nashville, and St. Louis, on the other.

[7] Of course, if Allegheny elects to extend the fares beyond June 15, 1975, its justification will have to include a similar analysis based on a partial year's data.

[8] Filed as part of the original document.

[9] Statement of concurrence and dissent filed as part of the original document.

[Docket 23080-2; Order 74-6-73]

PRIORITY AND NONPRIORITY DOMESTIC SERVICE MAIL

Phase 2 Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the on the 13th day of June, 1974.

By a petition on April 1, 1974, The Flying Tiger Line, Inc. (Tiger) has requested the Board to increase the temporary service mail rates established by Order 74-1-89,[1] by the addition thereto of a surcharge to compensate for increased fuel costs.

In support of its request, Tiger asserts that the present temporary rates do not adequately reflect the current fuel costs allocable to the carriage of mail because they are based on calendar year 1972 operating cost data collected prior to the onset of major fuel cost increases in the final months of 1973 and the beginning of 1974. Tiger notes that the Board has recognized these monumental fuel cost increases by allowing the carriers to implement offsetting increases in passenger fares and freight and military rates [2] and urges that similar increases in mail rates also be permitted. According to Tiger, the increase in fuel costs allocable to mail transportation is $7.5 million, 53.4 percent over the fuel costs which prevailed when the Board developed the present temporary service mail rate formulas. To compensate for this increase, Tiger proposes to increase the overall cost of mail by 4.6 percent. Under Tiger's proposal, the increase would be applied solely to the line-haul element of the temporary rate, and would take the

[1] Order 74-1-89, January 16, 1974, fixed temporary service mail rates for sack mail and standard and daylight container mail, container minimum chargeable weights, and pickup and delivery rates to be effective on and after March 28, 1973.

[2] Citing Orders 74-3-96 (domestic passengers), 74-3-63, 74-2-136, and 73-12-77 (IATA passenger fares and cargo rates) and regulations ER-831 and ER-839 (MAC rates).

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form of either a change in the temporary rate or a specifically identified surcharge which could be adjusted up or down with fluctuations in the price of fuel.

Answers to the petition have been filed by the Postmaster General (PMG) and various route carriers.[3] The carriers unanimously support Tiger's request, but have somewhat differing views with respect to the actual percentage increase to be allowed.[4] While not opposed in principle to fuel cost adjustments, the Postal Service takes issue with the methodology used by Tiger to compute such adjustments. It argues that the adjustment should be based on experienced increases in fuel costs per revenue ton-mile instead of per gallon as proposed by Tiger. Calculating, under this approach, fuel cost increases of 32.2 percent over 1972 levels, the PMG proposes the establishment of a fuel surcharge equivalent to a three percent increase in the current temporary rates for sack and standard container mail. The Postal Service further suggests review and revision of fuel surcharges on a quarterly basis, employing the costing technique set forth above.

Upon consideration of the pleadings and matters discussed below we believe a need for a temporary rate increase has been demonstrated. The carriers have experienced unprecedented increases in aviation fuel costs[5] which were not considered by the Board at the time it developed the present temporary mail rates and which, consequently are not reflected in those rates. The Board has allowed fuel-related increases in passenger and military fares and accepted spiraling fuel costs as justification for increasing various of the rates applicable to domestic and international freight services. It is only reasonable and equitable that an aliquot share of escalated fuel costs now be added to the cost of conducting domestic mail operations. While, of course, the final rates ultimately established in this proceeding will reflect the fuel costs currently being experienced—such retroactive rate adjustments are not possible with respect to the carriers' passenger and freight operations—we do not believe the carriers should be obliged to absorb these costs during the period before final rates can be set.

We are therefore proposing to raise the overall yield of transporting domestic mail from 26.64 to 27.89 cents per great circle ton-mile to reflect an increase of 51.6 percent in the cost of fuel since calendar year 1972. The methodology employed to determine this increase is set forth in Appendix A. In substance, we have determined the percentage increase in the price of fuel per gallon for the domestic trunk carriers and Tiger in February 1974 over calendar 1972 levels, adjusted this percentage to reflect a three percent potential savings in fuel through conservation measures, and applied the adjusted percentage to the capacity costs allocated to the mail service for temporary rate purposes, Order 73–8–145.

In adopting the foregoing technique, the Board has attempted to arrive at a reasonable fuel surcharge by employing the same base period and costing methodology which were use in establishing the current temporary rates. We recognize that the changes in traffic mix might warrant a smaller allocation of capacity costs to mail than was the case during the base period on which the temporary rates were based. Similarly, whereas the underlying rates reflect a 52.5 percent passenger load factor, the long-run 55 percent standard has since become effective. These factors would, of course, tend to offset the impact of fuel cost increases on the total cost of transporting mail. On the other hand, there have been considerable cost increases, apart from fuel costs, since the 1972 base period, and moreover, the unit cost of fuel has continued to increase since the February 1974 period on which our adjustment is based.[6] Taking full account of all the foregoing factors would entail a lengthy and complex updating of the current rates. Bearing in mind, however, the fact that the surcharge we are herein proposing applies only to temporary rates which will be subject to further adjustment in fixing a final rate, we do not believe it is necessary or appropriate to undertake a plenary review of the temporary rates at this juncture, and for present purposes, we consider our approach and the ultimate results reasonable.

We tentatively conclude that the increased costs of aviation fuel should be recovered by means of surcharges to be added to the line-haul components of the several temporary rates.[7] A surcharge will apparently be fairly easy for the Postal Service to administer[8] and has the virtue of giving the Board maximum flexibility to deal with subsequent fuel cost fluctuations without disturbing the rates or the multielement payment formulas. As set forth in Appendix C, we are proposing temporary fuel surcharges per nonstop great circle ton-mile of 1.25 cents for sack and standard container mail, 0.71 cents for daylight container mail and 0.91 cents for parcel air lift (PAL) mail,[9] to be effective on and after February 2, 1974. In the interim, we intend to review reported fuel prices and consumption figures and make such adjustments to these temporary fuel surcharges as may be indicated by such reviews.

Based on the foregoing, the Board tentatively finds and concludes that: Order 74–1–89, January 16, 1974, should be amended by incorporating therein the rates set forth in Appendix C of this order as the fair and reasonable temporary rates of mail compensation to be paid effective on and after February 2, 1974, to the carriers specified in the above order for the services covered therein. In computing such compensation, the mail ton-miles for each shipment shall be computed by using the nonstop great circle ton-miles between the station of origin and station of destination for each shipment as the standard mileage between such points.

Accordingly, pursuant to the Federal Aviation Act of 1958, particularly sections 204(a) and 406 thereof, and the regulations promulgated in 14 CFR Part 302,

It is ordered, That:

1. All interested persons, and particularly Airlift International, Inc., Alaska Airlines, Inc., Allegheny Airlines, Inc., American Airlines, Inc., Braniff Airways, Inc., Continental Air Lines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., The Flying Tiger Line Inc., Frontier Airlines, Inc., Hughes Air Corp. d/b/a Hughes Airwest, National Airlines, Inc., North Central Airlines, Inc., Northwest Airlines, Inc., Ozark Air Lines, Inc., Pan American World Airways, Inc., Piedmont Aviation, Inc., Seaboard World Airlines, Inc., Southern Airways, Inc., Texas International Airlines, Inc., Trans World Airlines, Inc., United Air Lines, Inc., Western Air Lines, Inc., and the Postmaster General, are directed to show cause why the Board should not amend Order 74–1–89, January 16, 1974, as proposed above.

2. Further procedures herein shall be in accordance with the rules of practice, 14 CFR Part 302, and if there is any objection to the rates and charges or to the other findings and conclusions proposed herein, notice thereof shall be filed within 8 days, and, if notice is filed, written answer and supporting documents shall be filed within 15 days, after the date of service of this order.

3. If notice of objection is not filed within 8 days, or if notice is filed and answer is not filed within 15 days, after service of this order, or if an answer timely filed raises no material issue of fact, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of an order fixing temporary service mail rates and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the temporary rates herein specified.

4. If notice of objection and answer are filed presenting issues for hearing, issues going to the establishment of the fair and reasonable temporary rates herein shall be limited to those specifically raised by such answers except as otherwise provided in 14 CFR 302.307.

5. This order shall be served upon the parties listed in paragraph 1 above.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[3] American Airlines, Inc. (American), Eastern Air Lines, Inc. (Eastern), National Airlines, Inc. (National), Trans World Airlines, Inc. (TWA), and United Air Lines, Inc. (United).

[4] American, for example, contends that the temporary rates should be increased by 5.85 percent whereas United would make only a slight upward adjustment in Tiger's rate calculation. Eastern suggests application of a 5.1 percent increase to both the line-haul and the terminal elements of the rates.

[5] See Appendix B attached.

[6] Cost per gallon for the month of April 1974 is 20.59¢ or about 11 percent above February.

[7] While some portion of the fuel surcharge might be assignable to the line-haul element as suggested by Eastern, we do not have to reach this degree of refinement for purposes of adjusting a temporary rate.

[8] Whereas on overall rate increase would require the Postal Service to reconstruct its master payment tapes for each direct segment, the imposition of a surcharge will entail the preparation of only a single computer tape for payment purposes.

[9] The surcharges for daylight container and PAL mail have been computed by maintaining the same percentage relationship between the line-haul elements of these temporary rates and the corresponding elements of the sack and standard container rates.

APPENDIX A

Computation of industry fuel cost increase adjustment to domestic service mail rates set by board order 74–1–89, calendar year 1972

[Amounts in thousands]

Domestic trunks and Flying Tiger fuel expenses[1]	$780,811.5
Domestic trunks and Flying Tiger capacity cost[2]	$4,333,387.0
Fuel as a percentage of capacity costs	18.02
Capacity cost allocated to mail adjusted for standard load factor and seats[3]	$76,191.0
Fuel in above capacity cost at 18.02 percent	$13,729.6
Fuel increase at 51.63 percent[4]	$7,088.6
Adjusted capacity costs allocated ($76,191 plus $7,088.6)	$83,279.6
Traffic expense allocated to mail	$55,170.0
Total cost allocated to mail	$138,449.6
Return and taxes ($152,925 less $131,361)[5]	$21,564.0
Total economic cost of mail	$160,013.6
Economic cost per RTM adjusted for circuity (cents)	27.89
Less: Terminal charge per Order 73–8–145	9.32
Line-haul element and fuel surcharge (cents)	18.57
Revenue ton-miles of mail[6]	611,757
Economic cost per RTM (cents)	26.16
Circuity factor (26.64¢÷25.00¢)[6]	1.066
Less: Line-haul charge per order 73–8–145 (cents)	17.32
Fuel surcharge applicable to line-haul element (cents)	1.25
Percentage increase in overall rate (1.25¢÷26.64¢)	4.69
Fuel surcharge as percentage of line-haul (1.25¢÷17.32¢)	7.22
Fuel costs—All services (000) per form 41	$810,474.9
Fuel costs—scheduled services (000) (96.34 percent of $810,474.9)	780,811.5

[1] Total fuel costs for the domestic trunkline carriers (excluding Pan American) and Flying Tiger, allocated to scheduled service based on the percentage of scheduled revenue aircraft hours to total aircraft hours as follows:

Aircraft hours per form 41	Amount	Percentage
Scheduled	3,850,708	96.34
Nonscheduled	70,106	1.75
Nonrevenue	76,006	1.91
Total	3,996,820	100.00

[2] Order 73–8–145, Appendix A, page 1.

[3] Appendix B of this order.

[4] CAB Form 41.

[5] CAB Form T–90, Fuel Consumption and Inventories.

[6] 0.03×1.5632.

[6] Derived from the actual billed ton-mile information submitted by the PMG in connection with the Phase 1 portion of this investigation. See Orders 74–1–89 (p. 5) and 73–11–91 (p. 4, notes 5 and 6).

APPENDIX B

Computation of fuel cost increase for domestic trunklines (excluding Pan American) plus Flying Tiger

[Amounts in thousands]

Fuel cost per gallon:	
Calendar year 1972:[1]	
Fuel cost	$810,474.9
Gallons of fuel	6,831,455.1
Cost per gallon (cents)	11.86
Month of February 1974:[2]	
Fuel cost	$88,134.6
Gallons of fuel	475,371.3
Cost per gallon (cents)	18.54
Net increase per gallon (percent)	56.32
Assume a 3 percent fuel savings as a result of conservation measures[3]	4.69
Adjusted increase per gallon	51.63

[1] CAB Form 41.

[2] CAB Form T–90, Fuel Consumption and Inventories.

[3] 0.03×1.5632.

APPENDIX C

Revised temporary service mail rates,[1] effective on and after Feb. 2, 1974

	Station type	Sack mail	Container mail		PAL mail
			Standard rate	Daylight rate	
		Cents	*Cents*	*Cents*	*Cents*
Terminal charges per pound of mail at station or origin, per order 74–1–89.[2]	X	4.48	2.17	2.17	2.61
	Y	8.96	6.65	6.65	5.22
	Z	17.92	15.61	15.61	10.44
Linehaul charge per nonstop great circle ton-mile, per order 74–1–89.		17.32	17.32	9.84	12.63
Fuel surcharge per nonstop great circle ton-mile.		1.25	1.25	.71	.91

[1] Except for the addition of a fuel surcharge, all temporary service mail rates and related charges set forth in order 74–1–89 remain unchanged.

[2] Terminal charges per pound for sack mail at X, Y, and Z, stations are equivalent to a terminal cost of 9.32 cents per nonstop great circle ton-mile.

[FR Doc.74–13936 Filed 6–18–74;8:45 am]

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[Docket No. 22859; Order No. 74-6-68]

WESTERN AIR LINES, INC.

Domestic Air Freight Rate Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 13th day of June, 1974.

By tariff revisions bearing the issue date of May 16, and marked to become effective June 15, 1974, Western Air Lines, Inc. (Western) proposes to increase its domestic air freight rates as follows:

1. All bulk minimum charges by $1.00, generally $10.00 to $11.00, with certain exceptions;

2. Westbound and nondirectional bulk rates by 7.5 percent;

3. All eastbound and directional bulk rates by 7.5–10 percent, but not to exceed the general commodity rate applicable in the opposite direction of the same market; and

4. Establish a 220-pound general commodity weight-break in certain markets.

All rates under 100 pounds are to be rounded to the nearest whole cent; rates 100 pounds and over are to be rounded to the nearest five cents. Rates to and from Alaska and Hawaii, other than certain minimum charges, are not increased.

In support of its proposal, Western contends, inter alia, that the increases are justified on the basis of increased fuel costs; that the fuel costs for Western are even higher than for most other trunk carriers; that the average domestic cost per gallon of fuel for Western has increased by over 50 percent for a nine-month period ending March 31, 1974; that the rates are being filed to match similar rates in effect for other carriers in the same markets; that the high percentage of minimum charge shipments transported by Western also has compounded ground service costs to a degree not experienced by most other carriers; and that the minimum charge increase is equitable in relation to other rates and, in the Honolulu market, would still provide charges less than those of competitive carriers. Western estimates that its proposal, including a container increase scheduled for August 1, 1974, when applied to projected 1974 results, would provide approximately $1.8 million of additional revenue, or a total freight revenue of $24.9 million.

The proposed rates and charges come within the scope of the Domestic Air Freight Rate Investigation, Docket 22859, and their lawfulness will be determined in that proceeding. The issue now before the Board is whether to suspend the proposal or to permit it to become effective pending investigation.

The Western filing is one of a group of rate increases filed in recent weeks. The Board has reviewed these proposed rates in the light of industry costs of carrying air freight (including a full return on investment), which reflect recognition of sharp increases in fuel costs recently experienced. Based on such criteria, the Board finds the following rates generally to be excessive in relation to costs:

1. Bulk general commodity rates, eastbound and westbound, with numerous exceptions, in markets with lengths of haul 500 miles and over; and

2. Increased rates in connection with premium ratings on human remains and furniture.

In view of the foregoing and upon consideration of all other relevant factors, the Board finds that the proposal, to the extent it applies to such rates as set forth in detail in Appendix A,[1] should be suspended. The remaining portions of the proposal, including bulk general commodity rates in many markets under 500 miles and all increased minimum charges per shipment, appear sufficiently related to costs that the Board will permit them to become effective.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof,

It is ordered, That:

1. Pending hearing and decision by the Board, the increased rates, charges, and provisions described in Appendix A[1] hereto are suspended and their use deferred to and including September 11, 1974, unless otherwise ordered by the Board and that no change be made therein during the period of suspension except by order or special permission of the Board; and

2. Copies of this order shall be filed with the tariff and served upon Western Air Lines, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-14179 Filed 6-18-74;8:45 am]

[1] Filed as part of the original document.

[Docket Nos. 26791, 25661; Order No. 74-6-75; Agreement C.A.B. 24006 R-36 and R-37]

YOUTH FARES

Foreign Air Transportation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 14th day of June, 1974.

By Order 73-11-131, November 28, 1973, the Board disapproved portions of an agreement by the carrier members of the International Air Transport Association (IATA) to revalidate transatlantic youth fares beyond January 1, 1974, on the grounds that the fares were unjustly discriminatory and uneconomic.

By motion filed June 7, 1974, Trans World Airlines, Inc. (TWA) requests the Board to withdraw its previous disapproval of youth fares in air transportation and thus permit tariff revisions filed by TWA to reinstate youth fares to/from U.S. points, effective June 15.[1] In support of its motion, TWA alleges that reintroduction of youth fares is necessary to alleviate its serious loss in revenue, estimated at $8 million annually, resulting from massive diversion of U.S.-originating transatlantic traffic via Canada where youth fares are still available.

The National Air Carrier Association (NACA), by a complaint filed June 11, 1974, requests suspension and investigation of the tariff filings on the grounds that the fares are unjustly discriminatory and/or unreasonable, and have already been disapproved by the Board.

TWA's motion for withdrawal of Board disapproval of youth fares will be dealt with on its merits in due course and the Board will herein establish a ten-day period for the receipt of comments in support of or in opposition to motion from interested persons, as well as a further ten-day period for reply comments. Pending disposition of TWA's motion, however, the Board cannot permit tariff filings pursuant to an agreement previously disapproved, and accordingly TWA's tariff revisions, as well as the matching filings of other carriers, will be rejected. In these circumstances the complaint of NACA requesting suspension and investigation will be dismissed. In this regard, we would remind all carriers providing U.S.-Europe service that sale of youth fares in the United States for U.S.-originating passengers is illegal, and caution carriers against advertising or holding out the availability of such fares in any manner.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404(b) and 1002(f) thereof,

It is ordered, That:

1. The revisions to the tariffs named in the appendix[2] hereto are hereby rejected;

2. Copies of this order will be filed in the tariffs named in the appendix hereto;

3. Comments from interested persons in support of or in opposition to the motion of Trans World Airlines, Inc., requesting the Board to wihtdraw its disapproval of Agreement C.A.B. 24006, R-36 and R-37, shall be filed with the Board's Docket Section (in an original and 19 copies) within ten calendar days of the date of this order;

4. Replies to comments submitted pursuant to ordering paragraph 3 above shall be filed with the Board's Docket Section (in an original and 19 copies) within twenty calendar days of the date of this order; and

5. The complaint of the National Air Carrier Association in Docket 26791 is dismissed.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-14057 Filed 6-18-75;8:45 am]

[1] Matching tariffs have been filed by Pan American World Airways, Inc., and by several foreign carriers. (See Appendix.)

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN COLUMBIA

Waiver of Prohibition Agreements

JUNE 18, 1974.

On May 3, 1974, there was published in the FEDERAL REGISTER (39 FR 15528) a letter dated April 30, 1974, which was subsequently corrected on May 14, 1974 (39 FR 17284), from the Chairman of the Committee for the Implementation of Textile Agreements prohibiting entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products, produced or manufactured in Colombia, on and after June 2, 1974 for which Colombia had not issued a visa. The purpose of this notice is to advise that, at the request of the Government of Colombia, this requirement is being waived for all shipments of cotton textiles and cotton textile products exported from Colombia, which are presented for entry into the United States on or before July 31, 1974.

Accordingly, there is published below a letter of June 18, 1974, from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs directing that shipments of cotton textiles and cotton textile products exported from Colombia be permitted to enter the United States for consumption or be withdrawn from

[2] Filed as part of the original document.

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warehouse for consumption without a visa until July 31, 1974.

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20229.

JUNE 18, 1974.

DEAR MR. COMMISSIONER: This directive amends, but does not cancel, the directive of April 30, 1974, that directed you to prohibit under certain specified conditions entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 1 through 64, produced or manufactured in Colombia, for which the Government of Colombia had not issued an appropriate visa.

Pursuant to the provisions of the Bilateral Cotton Textile Agreement of June 15, 1971, between the Governments of the United States and Colombia, and in accordance with the procedures of Executive Order 11651 of March 3, 1972, you are directed, effective as soon as possible and through July 31, 1974, to waive the aforementioned visa requirement for all shipments of cotton textiles and cotton textile products exported from Colombia.

The actions taken with respect to the Government of Colombia and with respect to imports of cotton textiles and cotton textile products from Colombia have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

[FR Doc.74-14219 Filed 6-18-74;10:16 am]

COMMISSION ON CIVIL RIGHTS

ILLINOIS STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Illinois State Advisory Committee (SAC) to this Commission will convene at 1 p.m. on June 20, 1974, at 219 South Dearborn Street, Chicago, Illinois 60604.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Midwestern Regional Office of the Commission, Room 1428, 219 South Dearborn Street, Chicago, Illinois 60604.

The purposes of this meeting shall be to (1) determine the subject of the next project to be undertaken in Cairo, Illinois and (2) discuss programs for study by the Illinois SAC during FY '75.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., June 10, 1974.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.74-14082 Filed 6-18-74;8:45 am]

COST OF LIVING COUNCIL

FOOD INDUSTRY WAGE AND SALARY COMMITTEE

Notice of Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770) notice is hereby given that the Food Industry Wage and Salary Committee, established under the authority of section 212(f) of the Economic Stabilization Act, as amended, section 4(a)(iv) of Executive Order 11695, and Cost of Living Council Order No. 14, will meet on Thursday, June 20, 1974. The meeting will be open to the public on a first-come, first-served basis at 10:30 a.m., in Conference Room 8202, 2025 M Street NW., Washington, D.C.

The agenda will consist of a discussion of food industry wage cases pending before the Cost of Living Council.

The Chairman of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business.

Issued in Washington, D.C., on June 17, 1974.

HENRY H. PERRITT, JR.,
Executive Secretary, Cost of Living Council.

[FR Doc.74-14220 Filed 6-18-74;10:12 am]

DELAWARE RIVER BASIN COMMISSION

COMPREHENSIVE PLAN

Notice of Public Hearing

Notice is hereby given that the Delaware River Basin Commission will hold a public hearing on Wednesday, June 26, 1974, in the South Auditorium of the ASTM Building, 1916 Race Street, Philadelphia, Pa., beginning at 2 p.m. The subjects of the hearing will be as follows:

A. A proposal to amend the Comprehensive Plan so as to include therein the following projects:

1. *White Beauty View, Inc.* A sewage treatment plant to provide service at the White Beauty View resort area on the eastern shore of Lake Wallenpaupack in Palmyra Township, Pike County, Pa. Extended aeration and tertiary sand filter treatment facilities will provide removal of about 95 percent of BOD, and 96 percent of suspended solids from a flow of 70,000 gallons per day. Treated effluent will discharge into Lake Wallenpaupack.

2. *Monroe County.* A regional sewerage plan for the Boroughs of Stroudsburg, East Stroudsburg, and Delaware Water Gap, and portions of Smithfield and Stroud Townships, Monroe County, Pa. Sewage collection systems would be constructed in Stroud and Smithfield Townships and extended in other areas. Regional interceptors would serve a new regional treatment plant near the Delaware River scheduled for operation in 1977. Existing sewage treatment plants would be upgraded and expanded as necessary to meet needs on an interim basis until completion of the regional system.

3. *Borough of Modena.* A sewage interceptor project to expand the service area of the South Coatesville sewage treatment plant in the Borough of Modena, Chester County, Pa. About 2,800 feet of force main and 14,000 feet of gravity sewers will be constructed to convey an ultimate sewage flow of 182,000 gallons per day to the existing South Coatesville treatment plant. Treated effluent will continue to discharge to an unnamed tributary to the West Branch Brandywine Creek.

4. *Montgomeryville Industrial Center, Inc.* A sewage treatment plant to serve the Montgomeryville industrial park area in Montgomery Township, Montgomery County, Pa. A sewage treatment plant will provide about 97 percent removal of BOD, and 95 percent of suspended solids to an ultimate sewage flow of about 50,000 gallons per day. Treated effluent will discharge to Park Creek, a tributary of the Little Neshaminy Creek.

5. *T & M Homes, Inc.* A sewage treatment project to provide service to the new residential development known as Oak Ridge Estates in Pemberton Township, Burlington County, New Jersey. The facility will provide removal of 95 percent of BOD, and 93 percent of suspended solids from a sewage flow of 80,000 gallons per day. Treated effluent will discharge to the North Branch of Rancocas Creek.

6. *Gloucester Township Municipal Utilities Authority.* An addition to the existing sewage treatment plant serving Gloucester Township, Camden County, N.J. The addition will increase overall plant capacity to 2.5 million gallons per day at 90 percent average removal of influent BOD, and suspended solids. Treated effluent will discharge to the North Branch of Big Timber Creek.

7. *Jackson Township Municipal Utilities Authority.* A sewage treatment plant and spray irrigation system to serve the "Great Adventure" amusement park area in Jackson Township, Ocean County, N.J. The treatment plant will provide removal of 90 percent of BOD, from a sewage flow of 200,000 gallons per day. Further waste reduction will be achieved by percolation to the ground following spray irrigation.

8. *Mini Holding Company, Inc.* Upgrading of a sewage treatment plant facility serving the Andover Nursing Home in Andover Township, Sussex County, N.J. The new treatment plant will provide removal of about 95 percent of BOD, from a sewage flow of 141,000 gallons per day. Treated effluent will be discharged to an earthen lagoon and from there by percolation to the ground.

9. *Burlington Township.* Upgrading of the Township's existing Central Avenue sewage treatment plant in Burlington County, N.J. The upgraded plant is designed to provide removal of about 90 percent of BOD, from a sewage flow of 1,280,000 gallons per day. Treated effluent will discharge to a tidal portion of Tanners Run, a tributary of the Delaware River.

10. *Pennsylvania Fish Commission.* Construction of a small boat ramp in the Zane Grey Inn access area in Lackawaxen Township, Pike County, Pa. The access area will be located on the western bank of the Delaware River adjacent to the mouth of the Lackawaxen River.

11. *Glen Alsace Water Company.* A well water supply project to augment public water supplies in the company's service area in Exeter Township, Berks County, Pa. Designated as Well No. 1B, the new facility is expected to yield about 720,000 gallons per day.

12. *North Penn Water Authority.* A well water supply project to augment public water supplies in the Authority's service area in Hilltown Township, Bucks County, Pa. Designated as Well No. 30, the new facility is expected to yield about 210,000 gallons per day.

13. *Evesham Township Municipal Utilities Authority.* A well water supply project to augment public water supplies in the service area in Burlington County, N.J. Two new facilities, designated as Wells Nos. 5 and 6, will be added to the existing system and will be limited to a combined total withdrawal of 1,800,000 gallons per day.

14. *Fairview Water Company.* A well water supply project to augment well water supplies in the Borough of Mount Pocono, Monroe County, Pa. Two new wells, having a yield of 40,000 gallons per day each, will be installed.

15. *New Castle County.* A well water supply project to develop water supplies to be used by the Department of Parks and Recreation for golf course irrigation at the Delcastle Recreation Area in New Castle County, Del. Five new wells and two existing wells will be utilized for irrigation. Withdrawal will be limited to not more than 560,000 gallons per day during any month.

B. Applications for water quality certification pursuant to Section 401 of the Federal Water Pollution Control Act:

1. *City of Philadelphia.* A project by the Division of Aviation to extend existing twin drain pipe outlets at the Philadelphia International Airport, Philadelphia, Pa. The project also includes construction of a sump and two jetties in the back channel of the Delaware River opposite the upstream end of Tinicum Island.

2. *City of Philadelphia.* Public site improvements at the Penn's Landing project situated on the east bank of the Delaware River between Commerce and South Streets, Philadelphia, Pa. Improvements involve emplacement of construction cells, floating piers and a piling system for a boat basin, and dredging.

Documents relating to the items on this hearing notice may be examined at the Commission's offices. Persons wishing to testify are requested to notify the Secretary prior to the hearing.

W. BRINTON WHITALL,
Secretary.

JUNE 12, 1974.

[FR Doc.74-14013 Filed 6-18-74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[OPP-32000/69]

NOTICE OF RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

Data To Be Considered In Support of Applications

On November 19, 1973, the Environmental Protection Agency published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 979), and its procedures for implementation. This policy provides that EPA will, upon receipt of every application, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by the applicant will be available for examination at the Environmental Protection Agency, Room EB-37, East Tower, 401 M Street, SW., Washington, D.C. 20460.

On or before August 19, 1974, any person who (a) is or has been an applicant, (b) desires to assert a claim for compensation under section 3(c)(1)(D) against another applicant proposing to use supportive data previously submitted and approved, and (c) wishes to preserve his opportunity for determination of reasonable compensation by the Administrator must notify the Administrator and the applicant named in the FEDERAL REGISTER of his claim by certified mail. Every such claimant must include, at a minimum, the information listed in this interim policy published on November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy in regard to usage of existing supportive data for registration will be processed in accordance with existing procedures. Applications submitted under 2(c) will be held for the 60-day period before commencing processing. If claims are not received, the application will be processed in normal procedure. However, if claims are received within 60 days, the applicants against whom the particular claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after August 19, 1974.

APPLICATIONS RECEIVED

EPA File Symbol 14651-I. Agricultural Enterprises, Inc., 933 W. 6th Street, Fremont, Nebraska 68025. *Rat-A-Tac Thro Pac Rodenticide.* Active Ingredients: Diphacinone 2-diphenylaceteyl-1, 3-indandione 0.005 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 14651-T. Agricultural Enterprises, Inc., 933 W. 6th Street, Fremont, Nebraska 68025. *Rat-A-Tac Rodenticide.* Active Ingredients: Diphacinone 2-diphenylacetyl-1,3-indandione 0.005 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 218-566. Allied Chemical Corporation, P.O. Box 2061R, Morristown, New Jersey 07960. *5 percent Kepone Dust For Control of the Root Borer.* Active Ingredients: Decachlorooctahydro-1, 3,4-methano-2H-cyclobuta[cd] pentalen-2-one 5 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 10634-RG. Alpha Chemical Services, Inc., 46 Morton Street, Stoughton, Massachusetts 02072. *Alpha Chem Ready To Use Animal Spray.* Active Ingredients: Pyrethrins 0.10 percent; Piperonyl Butoxide, Tech 1.00 percent; Petroleum Distillate 98.90 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 10634-RU. Alpha Chemical Services, Inc., 46 Morton Street, Stoughton, Massachusetts 02072. *Alpha Chem Concentrated Animal Spray.* Active Ingredients: Pyrethrins 1.0 percent; Piperonyl Butoxide, Technical 10.0 percent; Petroleum Distillate 79.0 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 241-EGU. American Cyanimid Company, P.O. Box 400, Princeton, New Jersey 08540. *2 percent Protex temefos Powder For the control of fleas on dogs and cats.* Active Ingredients: Temefos (O,O' - (thiodi - p - phenylene) O,O,O',O' - tetramethyl bisphosphorothioate) 2.0 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 241-EGG. American Cyanamid Company, Agricultural Division, P.O. Box 400, Princeton, New Jersey 08540. *Cygon 400 Systemic Insecticide.* Active Ingredients: Dimethoate (O,O-dimethyl S-(N-methylcarbamoylmethyl) phosphorodithioate) 43.5 percent. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 5481-RAA. Amvac Chemical Corporation, 4100 East Washington Blvd., Los Angeles, California 90023. *Aloo Dursban 2 Insecticide.* Active Ingredients: Chlorpyrifos [O,O-diethyl O-(3,5,6-trichloro-2-pyridyl) phosphorothioate] 25.0 percent; Aromatic petroleum derivative solvent 34.0 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 3125-73. Chemagro, Division of Baychem Corporation, Box 4913, Kansas City, Missouri 64120. *Baytex 4 Emulsifiable Insecticide.* Active Ingredients: fenthion O,O-Dimethyl O-[3-methyl-4-(methylthio) phenyl] phosphorothioate 45 percent; Aromatic Petroleum Distillate 47 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 3125-211. Chemagro. *Dasanit 15 percent Granular Ornamental and Turf Nematocide.* Active Ingredients: O,O-Diethyl O-[p-(methyl-sulfinyl) phenyl] phosphorothioate 15 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 3125-164. Chemagro. *Dasanit 10 percent Granular Insecticide-Nematocide.* Active Ingredients: O,O-Diethyl O-[p-(methyl-sulfinyl) phenyl] phosphorothioate 10 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 3125-196. Chemagro. *Dasanit 10 percent Granular Ornamental and Turf Nematocide.* Active Ingredients: O,O-Diethyl O-[p-(methyl-sulfinyl) phenyl] phosphorothioate 10 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 18599-R. Barber Laboratories, 1200 South Broad Street, New Orleans, Louisiana 70125. *Fog-Zit, A New Synthetic Pyrethroid for Control of Flies and Mosquitoes.* Active Ingredients: (5-Benzyl-3-furyl) methyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylate 0.500 percent; Related compounds 0.068 percent; Aromatic petroleum hydrocarbons 0.662 percent; Petroleum distillate 98.750 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 851-ET. Commercial and Industrial Products Company, Rear Main Street, Childs, Pennsylvania 18407. *Cipco Pine Oil Disinfectant Coef. 5.* Active Ingredients: Pine Oil 80 percent; Sodium Oleate 10 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 1544-AN. Frank J. Curran Co., 8101 South Lemont Road, Downers Grove, Illinois 60515. *Scram Pleasantly Scented Closet Freshner.* Active Ingredients: Paradichlorobenzene 99.75 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 1544-LI. Frank J. Curran Co. *Scram Fragrant Cedar Block.* Active Ingredients: Paradichlorobenzene: 99.75 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 1544-LO. Frank J. Curran Co. *Scram Fragrant Moth Block.* Active Ingredients: Paradichlorobenzene 99.75 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 10163-45. The Dune Company, Agricultural Chemicals, P.O. Box 406, Calipatria, California 92233. *Phosphamidon 8 Spray.* Active Ingredients: Phosphamidon 75.5 percent; Related Compounds 2.5 percent. Method of Support: Application proceeds under 2(c) of interim policy.

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EPA File Symbol 3770–GNL. Economy Products Company, Inc., Shenandoah, Iowa 51601. *Seed-Quik Chlordane+Captan Seed Dressing.* Active Ingredients: Technical Chlordane 33.34 percent; Captan (N-trichloromethylthio-4-cyclohexene-1,2-dicarboximide) 12.50 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 279–2098. FMC Corporation, Agricultural Chemical Division, 100 Niagara Street, Middleport, New York 14105. *Lanstan 4.0 EC Soil Fungicide.* Active Ingredients: 1-chloro-2-nitropropane 45.46 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 33258–R. Good News Corporation, P.O. Box 1064, Manhasset, New York 11030. *Good News Roach and Insect Killer.* Active Ingredients: Pyrethrins 0.052 percent; Piperonyl Butoxide, Technical 0.260 percent; Chlorpyrifos [O,O-diethyl O-(3,5,6-trichloro-2-pyridyl) phosphorothioate] 0.500 percent; Petroleum Distillate 98.736 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 2124–TOL. W. R. Grace & Co., Agricultural Chemicals, P.O. Box 277, Memphis, Tennessee 38101. *NACO Spray Mix No. 214.* Active Ingredients: Sulfur 44.5 percent; Copper (from basic copper sulfate) expressed as metallic 7.3 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 891–23. Hercules Incorporated, Wilmington, Delaware 19899. *Hercules Toxaphene 72 Percent Emulsifiable Concentrate.* Active Ingredients: Toxaphene (technical chlorinated camphene containing 67–69 percent chlorine) 72.0 percent; Xylene 23.0 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 31268–E. Johnson-Hayworth Chemical Co., 705 South Catherine Avenue, La Grange, Illinois 60525. *Pyrenone No. 4 Insecticide Industrial and Mill Spray.* Active Ingredients: Pyrethrins 0.20 percent; Piperonyl Butoxide, Tech 1.00 percent; Petroleum Distillate 98.80 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 31268–T. Johnson-Hayworth Chemical Co. *Pyrenone Industrial Aerosol Insecticide.* Active Ingredients: Pyrethrins 0.50 percent; Piperonyl Butoxide, Technical 4.00 percent; Petroleum Distillate 15.00 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 31268–U. Johnson-Hayworth Chemical Co. *Pyrenone No. 1 Insecticide Industrial and Mill Spray.* Active Ingredients: Pyrethrins 0.065 percent; Piperonyl Butoxide, Tech 0.650 percent; Petroleum Distillate 99.285 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 34103–R. Antonio Muniz Marrero, Box 743, Quebrada Grande, Mayagues, Puerto Rico 00708. *Mata Ratones (Mouse Killer).* Active Ingredients: 3-(A-Acetonylbenzyl 4-Hydroxycoumarin 0.025 percent, Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 33732–R, Midwest Products Corp. of Oklahoma, P.O. Drawer D, Purcell, Oklahoma 73080. *855 Kills and Repels Mosquitoes, Flies, Gnats and Wasps.* Active Ingredients: (5-Benzyl-3-furyl) methyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylate 0.250 percent; Related compounds 0.034 percent; 2-Hydroxyethyl n-octyl sulfide 0.950 percent; Related Compounds 0.050 percent; Aromatic Petroleum Solvent 0.332 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 1553–12. Momar Incorporated, 1830 Ellsworth Industrial Drive N.W., Atlanta, Georgia 30318. *Momar Butoxol.* Active Ingredients: Pyrethrins 0.056 percent; Piperonyl Butoxide 0.560 percent; Petroleum Distillate 99.174 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 524–308. Monsanto Company, Agricultural Division, 800 N. Lindberg Boulevard, St. Louis, Missouri 63166. *Roundup Postemergence Herbicide.* Active Ingredients: Isopropylamine salt of Glyphosate. 41.0 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 5316–6. Namco Chemicals, P.O. Box 853, Milpitas, California 94003. *Namco Malathion 57 Emulsifiable.* Active Ingredients: Malathion (0,0-dimethyl dithiophosphate of diethyl mercaptosuccinate) 57.0 percent; Aromatic Petroleum Derivative Solvent 35.0 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 5316–9. Namco Chemicals, P.O. Box 319, Milpitas, California 95035. *Maclean's Malathion 30% Oil Base.* Active Ingredients: Malathion 30 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 7001–10. Occidental Chemical Company, A Division of Occidental Petroleum Corporation, P.O. Box 198, Lathrop, California 95330. *Best Emulsifiable Liquid for Control of Plant Parasitic Nematodes.* Active Ingridents: 1,2-Dibromo-3-Chloropropane and related Halogenated C Aliphatics 86.3 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 7001–RIO. Occidental Chemical Company. *Best Ametryne 80 WP.* Active Ingredients: 2-ethylamino-4-isopropylamino-6-methylthio-s-triazine 76 percent; Related Compounds 4 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 7001–RON. Occidental Chemical Company. *Best Granular Crabgrass Killer.* Active Ingredients: Disodium methanearsonate 1.65 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 1812–ERN. Parramore & Griffin Company, P.O. Box 188; Valdosta, Georgia 31601. *New Liquid Super 8.* Active Ingredients: Sulfur as S 69.0 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 3234–GL. Pax Company, 580 W 13th Street, Salt Lake City, Utah 84115. *Pax Super Total For Lawns.* Active Ingredients; N-oleyl 1,3-propylenediamine salt of 2,4-dichlorophenoxyacetic acid 0.438 percent; Dimethylamine salt of dicamba (3,6-dichloro-o-anisic acid) 0.067 percent; Dimethylamine salts of related acids 0.014 percent; Dimethyl ester of tetrachloroterephthalic acid 2.870 percent; Disodium methanearsonate hexahydrate 1.580 percent; Heptachlor (heptachlorotetrahydro-4,7-methanoindene) 0.574 percent; Plus related compounds 0.212 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 655–349. Prentiss Drug & Chemical Co., Inc., 363 Seventh Avenue, New York, New York 10001. *Prentox Pyronyl 11–22–22—An Insecticide For Formulating Use.* Active Ingredients: Pyrethrins 11.11 percent; Piperonyl Butoxide, Technical 22.22 percent; N-octyl bicycloheptene dicarboximide 22.22 percent; Petroleum Distillates 44.45 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 655–365. Prentiss Drug & Chemical Co., Inc. *Prentox Allethrin Solution 2.5 percent-An Insecticide For Formulating Use.* Active Ingredients: Petroleum Distillates 97.22 percent; Allethrin (Allyl Homolog of Cinerin I) 2.50 percent; Related compounds 0.28 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 655–439. Prentiss Drug & Chemical Co., Inc. *Prentox Methoxychlor 2# Emulsifiable Concentrate in Xylene An Insecticide For Formulating Use.* Active Ingredients: Methoxychlor Technical 25.40 percent; Xylene 71.60 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 655–439. Prentiss Drug & Chemical Co., Inc. *Prentox Cube Powder 5 percent Wettable—An Insecticide For Formulating Use.* Active Ingredients: Rotenone 5.0 percent; Ether Extractives other than Rotenone 10 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 655–LNN. Prentiss Drug & Chemical Co., Inc. *Prentox Diazinon 4 LB. Oil Concentrate For Manufacturing of Household and Industrial Insecticides.* Active Ingredients: O,O-diethyl O-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate 48.7 percent; Petroleum Distillates 43.6 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 2548–30. Research Products Company, P.O. Box 1057, Salina, Kansas 67401. *Max Kill 75–25 Liquid Grain Fumigant.* Active Ingredients: Carbon Tetrachloride 29.8 percent; Ethylene Dichloride 70.2 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 9852–GL. Rite-Off Corporation, 163 Dupont Street, Plainview, New York 11803. *Rite-Off Farm and Industry Multi-Purpose Insecticide Concentrate.* Active Ingredients: Pyrethrins 1.0 percent; Piperonyl Butoxide, Technical 10.0 percent; Petroleum Distillate 79.0 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 9852–GT. Rite-Off Corporation, 163 Dupont Street, Plainview, New York 11803. *Rite-Off Industrial Aqueous Insecticide.* Active Ingredients: Pyrethrins 0.1 percent; Piperonyl Butoxide, technical 1.0 percent; Petroleum distillate 0.4 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 3090–ERG. Sanitized, Inc., 605 3rd Avenue, New York, New York 10016. *Sanitized Brand PDQ.* Active Ingredients: N-(trichloromethylthio) phthalimide 88 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 2279–4. Southern Protective Products Co., P.O. Box 10943, Atlanta, Georgia 30310. *Southern 2340 Refined Creosote.* Active Ingredients: Coal Tar Creosote 96.5 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 148–1000. Thompson-Hayward Chemical Company, 5200 Speaker Road, Kansas City, Kansas 66106. *T–H Super Merge 3.* Active Ingredients: Monosodium Acid Methanearsonate 47.6 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. 1023–51. Tuco, Division of the Upjohn Company, 7171 Portage Road, Kalamazoo, Michigan 49001. *Prozol 80 SP Insecticide.* Active Ingredients: Dimethyl (2,2,2-trichloro-1-hydroxyethyl) phosphate 80 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 876–EGR. Velsicol Chemical Corporation, 341 E. Ohio Street, Chicago, Illinois 60611. *Velsicol Vegatrol A–4T Herbicide For Brush Control.* Active Ingredients: Triethylamine Salt of 2,4,5-Trichlorophenoxyacetic Acid 57.0 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 11656–RE. Western Farm Service, Inc., 2401 Crow Canyon Road, San Ramon, California 94583. *Thiodan 2 Emulsive Insecticide.* Active Ingredients: Endosulfan (Hexachlorohexahydromethano-2,4,3-benzodioxathiepin Oxide) 24.0 percent; Aromatic Petroleum Derivative Solvent 68.0 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 682–IN. Woods Industries, Inc., dba Crop King Chemical, Box 1016, Yakima, Washington 98907. *2,4–D Liquid Salt 10.* Active Ingredients: Dimethylamine salt of 2,4-Dichlorophenoxyacetic acid 12 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 7885–GA. Zoe Chemical Company, 1801 Falmouth Avenue, New Hyde Park, New York 11040. *Zoe Chemical Flying Insect Killer Pressurized Spray (.116 percent).* Active Ingredients: d-trans-chrysanthemum monocarboxylic acid ester of d-2-allyl-4-hydroxy-3-methyl-2-cyclopenten-1-one 0.116 percent; Other isomers 0.009 percent; Piperonyl butoxide, technical 0.625 percent; Petroleum distillate 5.250 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 7885–GT. Zoe Chemical Company, 1801 Falmouth Avenue, New Hyde Park, New York 11040. *Zoe Chemical Flying Insect Killer Pressurized Spray (.186 percent).* Active Ingredients: d-trans-chrysanthemum monocarboxylic acid ester of d-2-allyl-4-hydroxy-3-methyl-2-cyclopenten-1-one 0.186 percent; Other isomers 0.014 percent; Piperonyl butoxide, technical 0.600 percent; N-octyl bicycloheptene dicarboximide 1.000 percent; Petroleum distillate 4.200 percent. Method of Support: Application proceeds under 2(c) of interim policy.

Dated: June 7, 1974.

JOHN B. RITCH, JR.,
Director, Registration Division.

[FR Doc.74–13593 Filed 6–18–74;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Canadian List No. 326]

CANADIAN BROADCAST STATIONS

Notification List

MAY 30, 1974.

List of new stations, proposed changes in existing stations, deletions, and corrections in assignments of Canadian standard broadcast stations modifying the assignments of Canadian broadcast stations contained in the appendix to the recommendations of the North American Regional Broadcasting Agreement Engineering Meeting January 30, 1941.

Call letters	Location	Power kW	Antenna	Schedule	Class	Antenna height (feet)	Ground system: Number of radials	Ground system: Length (feet)	Proposed date of commencement of operation
		690 kHz							
(New)	Sussex, New Brunswick, N. 45°41'06", W. 65°31'29".	0.5D/0.25N	DA-2	U	III				E.I.O. 5-30-75.
		710 kHz							
CIPC (decrease in tower height and assignment of call letters).	Port Cartier, Quebec, N. 49°58'55", W. 66°57'22".	1	DA-1	U	II				
		900 kHz							
CJEN (change of call letters).	St. Jerome, Quebec, N. 45°49'01",	1	DA-1	U	II				
		1110 kHz							
CKJD (PO 1250 kHz, 1 kW, DA-2).	Sarnia, Ontario, N. 42°52'12", W. 82°22'50".	10D/0.5N	DA-2	U	II				E.I.O. 5-30-75.
		1240 kHz							
CKMK (assignment of call letters).	MacKenzie, British Columbia, N. 55°20'48", W. 122°08'54".	1D/0.25N	ND-182	U	IV	150	120	318	
		1340 kHz							
CKNR (now in operation)	Elliot Lake, Ontario, N. 46°22'40", W. 82°37'58".	1D/0.25N	ND-195	U	IV	190	120	300	
		1400 kHz							
CINL (change of call letters).	Princeton, British Columbia, N. 49°26'50", W. 120°30'42".	1D/0.25N	ND-184	U	IV	150	120	282	
		1450 kHz							
CFJR (now in operation)	Brockville, Ontario, N. 44°36'22", W. 75°43'09".	1D/0.25N	DA-D ND-N-190	U	IV				

[SEAL]

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.74–13914 Filed 6–18–74;8:45 am]

[Docket No. 20076–20079]

MEL-LIN, INC., ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In regard applications of Mel-Lin, Inc., Jacksonville, Florida, Docket No. 20076, File No. BPH–8194, Requests: 107.3 MHz, #297; 100 kW (H & V); 353 feet; Mark L. Wodlinger, Jacksonville, Florida, Docket No. 20077, File No. BPH–8252, Requests: 107.3 MHz, #297; 100 kW (H & V); 353 feet; Bold City Broadcasting Company, Jacksonville, Florida, Docket No. 20078, File No. BPH–8255, Requests: 107.3 MHz, #297; 100 kW (H & V); 574 feet; Diamond T. Coal and Realty Co., Jacksonville, Florida, Docket No. 20079, File No. BPH–8258, Requests: 107.3 MHz, #297; 100 kW (H & V); 593.8 feet, for construction permits.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has under consideration the above-captioned applications which are mutually exclusive in that they seek the same channel in the same community.

2. Mark L. Wodlinger will require $108,515 to construct and operate the proposed facility for a period of one year, itemized as follows:

Down payment on equipment	$22,050
12 months' principal payments on equipment	22,050
12 months' interest payments on principal balance at 10 percent	6,615
Miscellaneous	2,000
First-year operating costs	55,800
Total	108,515

To meet this requirement, the applicant relies upon existing capital, Mr. Wodlinger's balance sheet, dated January 1, 1973, fails to identify claimed stock securities and the exchanges upon which they are listed as required by section III, page 3, paragraph 4(b) of the application form. As a result only $83,800 has been established as available to the applicant. An issue has therefore been specified.

3. In 1968, the corporate limits of Jacksonville were expanded to become co-extensive with the limits of Duval County. As a result, the city limits encompass approximately 850 square miles and include large rural as well as urban areas. Engineering data indicate that the proposed 3.16 mV/m contour of Mel-Lin, Inc., fails to cover a very small portion of the western corner of the limits of Jacksonville. However, in light of the extensive nature of the corporate limits of the city and since the proposal covers all of urbanized Jacksonville, including its suburbs, we have not included a coverage issue.

4. Except as indicated by the issues specified below, the applicants are quali-

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fied to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

5. *Accordingly, it is ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine with respect to the application of Mark L. Wodlinger:

(a) Whether funds in addition to those noted in paragraph 2, supra, are available; and

(b) Whether in light of the evidence adduced pursuant to (a), above, the applicant is financially qualified to construct and operate as proposed.

2. To determine which of the proposals would, on a comparative basis, best serve the public interest.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if any, of the applications should be granted.

6. *It is further ordered*, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

7. *It is further ordered*, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: June 7, 1974.

Released: June 12, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.74-14025 Filed 6-18-74;8:45 am]

FEDERAL ENERGY OFFICE

PRIME SUPPLIERS, REFINERS, GAS PROCESSING PLANT OPERATORS AND IMPORTERS

Submitting of Forms FEO-1000 and FEO-1001

Prime Suppliers, Refiners, Gas Processing Plant Operators and Importers required to submit monthly reports to the Federal Energy Office in accordance with § 211.222 of 10 CFR Part 211 may file such reports on June 25, 1974, for July, 1974: *Provided*, That the reporting firm reports on the June, 1974 revised Forms FEO-1000 and FEO-1001.

Issued in Washington, D.C., on June 14, 1974.

WILLIAM N. WALKER,
General Counsel,
Federal Energy Office.

[FR Doc.74-13993 Filed 6-18-74;8:45 am]

FEDERAL MARITIME COMMISSION

JAMES JOSEPH McGRATH, SR.

Independent Ocean Freight Forwarder License Revocation

By letter dated April 18, 1974, James Joseph McGrath, Sr., 700 Crawford Parkway #6, Portsmouth, Virginia 23704 was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 1271 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission on or before May 18, 1974.

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Section 510.9 of Federal Maritime Commission General Order 4, further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

James Joseph McGrath, Sr. has failed to furnish a valid surety bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised) § 7.04(g) (dated 9/15/73);

It is ordered, That Independent Ocean Freight Forwarder License No. 1271 be returned to the Commission for cancellation.

It is further ordered, That Independent Ocean Freight Forwarder License No. 1271 of James Joseph McGrath, Sr. be and is hereby revoked effective May 18, 1974.

It is further ordered, That a copy of this Order be published in the FEDERAL REGISTER and served upon James Joseph McGrath, Sr.

AARON W. REESE,
Managing Director.

[FR Doc.74-14040 Filed 6-18-74;8:45 am]

[Docket No. 73-67]

U.S. GULF/JAPAN COTTON POOL AGREEMENT-POOL PAYMENTS

Postponement of Time for Reply

This proceeding was instituted to determine whether the payment provisions of the U.S. Gulf/Japan Cotton Pool should be suspended for the 1972-1973 season.

After numerous extensions of time for response to the order, respondents (other than Lykes Bros. Steamship Co.) have filed to dismiss the proceeding as moot based on a settlement reached among the parties as to penalties due. This settlement would require amendment to the basic agreement. Respondent Lykes moves to discontinue the proceeding upon approval of the amendment to the agreement.

Hearing Counsel now request postponement of filing of their reply until a specified time following publication of the amended agreement in the FEDERAL REGISTER.

Hearing Counsel's point is well-taken. Accordingly, time for filing reply is postponed until further notice.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.74-14039 Filed 6-18-74;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. RI74-119]

BELCO PETROLEUM CORP.

Order Providing for Hearing On and Suspension of Proposed Change in Rate, and Allowing Change To Become Effective Subject to Refund

JUNE 7, 1974.

Respondent has filed a proposed change in rate and charge for the jurisdictional sale of natural gas, as set forth in Appendix A below.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders: (A) Under the Natural Gas Act, particularly Sections 4 and 15, the Regulations pertaining thereto (18 CFR, Chapter I), and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column. This supplement shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Commission. Respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in docket No.
RI74-119	Belco Petroleum Corp.	4	11	Mountain Fuel Supply Co. (Big Piney Field, Sublette and Lincoln Counties, Wyo.) (Rocky Mountain Area).	$1,714	4-22-74	4-22-74	[7] Accepted	[1] [3] 24.6024	[1] [2] 24.8472	
RI74-119	do				1,826	4-22-74		6-10-74	[1] [4] [5] 25.6024	[1] [2] 25.8632	RI74-119.

* Unless otherwise stated, the pressure base is 15.025 lb/in²a.
[1] Applicable to gas from wells completed on or before June 7, 1972.
[2] Applicable to gas from wells completed after June 7, 1972.
[3] Includes a double amount of contractually due tax reimbursement.
[4] Suspended in Docket No. RI74-119.
[5] Previously reported at rate of 24.74 cents due to incorrectly computed tax reimbursement.
[6] Previously reported at rate of 25.74 cents due to incorrectly computed tax reimbursement.
[7] The proposed rate increase is accepted as of Apr. 22, 1974.

The proposed rate increase to 24.8472¢ is accepted to be effective as of April 22, 1974. The proposed increase to 25.8632¢, which adds tax reimbursement to a rate currently under suspension until June 10, 1974, in Docket No. RI74-119, is suspended in that same docket until June 10, 1974.

Belco in its filing includes a double amount of the contractually due tax reimbursement so as to collect tax reimbursement on past production as well as on future production. Belco shall file a rate decrease reflecting only contractually due tax reimbursement for future production after tax reimbursement on past production has been recovered.

[FR Doc.74-13867 Filed 6-18-74;8:45 am]

[Docket No. RI74-89]

MARATHON OIL CO.

Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Change To Become Effective Subject to Refund

JUNE 7, 1974.

Respondent has filed a proposed change in rate and charge for the jurisdictional sale of natural gas, as set forth in Appendix A below.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders: (A) Under the Natural Gas Act, particularly Sections 4 and 15, the Regulations pertaining thereto (18 CFR, Chapter I), and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column. This supplement shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Commission. Respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in docket No.
	Marathon Oil Company.	24	14	El Paso Natural Gas Co. (La Plata Area, Blanco Field, San Juan County, N. Mex., San Juan Basin Sub Area) (Rocky Mountain Area).	$720	5-8-74	7-1-74	[10] [11] Accepted	[1] [3] 26.1053	[1] [3] 26.3730	
RI74-89	do	15		do	(9)	5-8-74		7-2-74	[4] [6] 28.5	[4] [5] 28.8117	RI74-89
	do	25	17	El Paso Natural Gas Co. (Jicarilla Area, San Juan Basin (Pictured Cliffs), Rio Arriba County, N. Mex., San Juan Basin Sub Area) (Rocky Mountain Area).	1,465	5-8-74	7-1-74	[10] [11] Accepted	[1] [7] 26.0741	[1] [7] 26.3420	
					142	5-8-74	7-1-74	[10] [11] Accepted	[1] [8] 26.0562	[1] [8] 26.3240	
RI74-89	do	18		do	168	5-8-74		7-2-74	[4] [6] 28.5	[4] [5] 28.8117	RI74-89.
	do	55	13	El Paso Natural Gas Co. (Kutz Canyon and Jicarilla Areas (Dakota Formation), San Juan and Rio Arriba Counties, N. Mex., San Juan Basin Sub Area) (Rocky Mountain Area).	2,032	5-8-74	7-1-74	[10] [11] Accepted	[1] [7] 26.0741	[1] [7] 26.3420	
					3,382	5-8-74	7-1-74	[10] [11] Accepted	[1] [8] 26.0562	[1] [8] 26.3240	
					3	5-8-74	7-1-74	[10] [11] Accepted	[1] [8] 26.1053	[1] [8] 26.3731	
RI74-89	do	14		do	430	5-8-74		7-2-74	[4] [6] 28.5	[4] [5] 28.8117	RI74-89.
	do	90	6	Southern Union Gathering Co. (acreage in San Juan County, N. Mex., San Juan Basin Sub Area) (Rocky Mountain Area).	118	5-8-74	7-1-74	[10] [11] Accepted	[1] [8] 26.1053	[1] [8] 26.3730	
	do	92	5	do	46	5-8-74	7-1-74	[10] [11] Accepted	[1] [8] 26.1053	[1] [8] 26.3730	
	do	96	10	El Paso Natural Gas Co. (Argo No. 1 Well, San Juan County, N. Mex., San Juan Basin Sub Area) (Rocky Mountain Area).	43	5-8-74	7-1-74	[10] [11] Accepted	[1] [8] 26.0562	[1] [8] 26.3240	
RI74-89	do	11		do	(9)	5-8-74		7-2-74	[4] [6] 28.5	[4] [5] 28.8117	RI74-89.

* Unless otherwise stated, the pressure base is 15.025 lb/in²a.
[1] Applicable to production from wells completed prior to June 1, 1970.
[2] Applicable to production from wells completed on or after June 1, 1970.
[3] Subject to Btu adjustment above 1,050 Btu and below 1,000 Btu.
[4] Subject to Btu adjustment above and below 1,000 Btu.
[5] Reflects contractually due tax reimbursement for the increased New Mexico severance tax.
[6] No current production.
[7] School District No. 53.
[8] School District No. 6.
[9] School District No. 5.
[10] Accepted for filing as of the date set forth in the "Effective Date Unless Suspended" column.
[11] The rates accepted herein and reflected in the proposed rate column reflect reimbursement for seven-eighths of the 1.25 percent increase in the New Mexico Severance Tax. The rates originally proposed in excess of those shown are rejected as not being contractually provided for.

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The applicable area rate established by Opinion No. 658 has not changed as a result of the increase in the Wyoming severance tax subsequent to the issuance of that opinion. Accordingly, there is no contractual basis under the area rate clause in the subject contracts for the full reimbursement reflected in some of Marathon's notices of change in rate. The proposed notices of change in rate are accepted insofar as they do not exceed the contractually provided tax reimbursement for the increased tax (⅞ of the tax increase), and are rejected insofar as they exceed such rates for lack of contractual authorization.

The other Marathon tax increases are from underlying rates which are currently in effect subject to refund in Docket No. RI74–89, and are suspended for one day from July 1, 1974, in Docket No. RI74–89.

[FR Doc.74–13868 Filed 6–18–74;8:45 am]

FEDERAL RESERVE SYSTEM

AMERICAN BANCORPORATION

Acquisition of Bank

American Bancorporation, Columbus, Ohio, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire up to 100 percent of the voting shares (less directors' qualifying shares) of The Morristown Bank, Morristown, Ohio. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Cleveland. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received not later than July 10, 1974.

Board of Governors of the Federal Reserve System, June 12, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74–14006 Filed 6–18–74;8:45 am]

BANCSHARES OF NEW JERSEY

Acquisition of Bank

Bancshares of New Jersey, Moorestown, New Jersey, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire the successor by merger to Prospect Park National Bank ("Prospect Bank"), Wayne, New Jersey. The bank into which Bank is to be merged has no significance except as a means to facilitate the acquisition of the voting shares of Bank. Accordingly, the proposed acquisition of shares of the successor organization is treated herein as the proposed acquisition of the shares of Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in paragraph 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the thirteenth largest banking organization in the State, controls one bank, The Bank of New Jersey ("Camden Bank"), Camden, New Jersey, which has deposits of $439.3 million, representing about 2.5 percent of total deposits in commercial banks in New Jersey.[1] The acquisition of Prospect Bank (deposits of $171.3 million) would increase Applicant's shares of deposits in commercial banks in the State by a little less than 1 percent and would not lead to a significant increase in the concentration of banking resources in New Jersey. It is also noted that Applicant and Prospect Bank compete with a large number of substantially larger banks located in Philadelphia and New York.

Camden Bank operates in the southern New Jersey area while Prospect Bank is located in the northern portion of the State. Four of Prospect Bank's offices are located in the Paterson market, wherein it ranks as the fifth largest bank of twenty-eight banks with approxmately 7.5 percent of total deposits in commercial banks.[2] Prospect Bank's other office is located in the metropolitan New York market and has a relatively insignificant position in that market. Camden Bank's share of deposits in commercial banks in each of the three banking markets in which it operates is less than 10 percent.[3] The closest offices of the two banks are approximately one hundred miles apart, and there is no significant existing competition between them. It appears, therefore, that consummation of the proposal would not have any significant adverse effect on existing competition.

Though Applicant could enter the Paterson market either by having Camden Bank branch into the market or by organizing a de novo bank, it does not appear that Applicant would be obtaining a substantial position in that market through its acquisition of Prospect Bank. Additionally, there are several other potential entrants into the Paterson market larger than Applicant, and based on that criteria, may be considered more likely entrants into the market. Thus, the elimination of Applicant as one of a numerous group of potential entrants into the market is not likely to have a substantially adverse effect on potential competition in the Paterson market. Similarly, though Prospect Bank may be considered a potential entrant into Camden Bank's market areas, the structure of these markets, Camden Bank's position therein, and the number of potential entrants into such markets indicate that Applicant's acquisition of Prospect Bank would not have a substantially adverse effect on potential competition in these markets.

On the other hand, Applicant's acquisition of Prospect Bank would enable Applicant to expand its representation in the State and thereby become a more effective competitor for the substantially larger holding companies operating in New Jersey. In addition, consummation of the proposal should enable Prospect Bank to provide more vigorous competition for the largest banks located in the Paterson market.

Accordingly, the Board concludes that the proposed transaction would not have significantly adverse effects on competition and that competitive considerations are consistent with approval of the application.

Considerations relating to the financial and managerial resources and future prospects of Applicant, Camden Bank, and Prospect Bank are regarded as generally satisfactory and consistent with approval of the application. Considerations relating to the convenience of the community to be served lend some support for approval of the application since Applicant plans to provide increased management expertise to Prospect Bank in the areas of installment loans, construction loans, and trust services and will offer expanded banking hours. It is the Board's judgment that consummation of the proposal would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the date of this Order or (b) later than three months after the date of this Order unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Philadelphia pursuant to delegated authority.

By order of the Board of Governors.[4]

Effective June 10, 1974.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.74–14011 Filed 6–18–74;8:45 am]

BRONSON AGENCY, INC.

Formation of Bank Holding Co.

Bronson Agency, Inc., Bronson, Kansas, has applied for the Board's approval under sections 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 80 percent or more of the voting shares of Bank of Bronson, Bronson, Kansas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Bronson Agency, Inc., has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8) and § 225.4(b)(2) of the Board's Regulation Y, for permission to continue acting as a general insurance agency in a town not exceeding 5,000 in population. Notice of the application was published on March 27, 1974, in the Fort Smith Tribune, a newspaper circulated in Bronson, Kansas. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than July 10, 1974.

Board of Governors of the Federal Reserve System, June 12, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74–14003 Filed 6–18–74;8:45 am]

COMMERCE BANCSHARES, INC.

Acquisition of Bank

Commerce Bancshares, Inc., Kansas City, Missouri, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 50 percent or more of the voting shares of Mount City Trust Company, St. Louis, Missouri, and thereby acquire, directly or indirectly, a majority of the voting shares of Valley Bank of Florissant, Florissant, Missouri. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Commerce Bancshares is also engaged in the following nonbank activities: mortgage banking, credit life insurance underwriting, and operation of a bank service corporation and a small business investment company. In addition to the factors considered under section 3 of the Act (banking factors), the Board will consider the proposal in the light of the company's nonbanking activities and the provisions and prohibitions in section 4 of the Act (12 U.S.C. 1843).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received not later than July 10, 1974.

Board of Governors of the Federal Reserve System, June 12, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74–14010 Filed 6–18–74;8:45 am]

CITY NATIONAL BANK CORP.

Acquisition of Bank

City National Bank Corporation, Miami, Florida, has applied for the Board's approval under Section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire all of the voting shares (less directors' qualifying shares) of City National Bank of South Dade, Dade County, Florida, a proposed new bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than July 10, 1974.

Board of Governors of the Federal Reserve System, June 12, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74–14009 Filed 6–18–74;8:45 am]

EAGLE CAPITAL CO.

Formation of Bank Holding Company

Eagle Capital Co., Eagle, Nebraska, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 94 percent of the voting shares of Eagle State Bank, Eagle, Nebraska, a proposed new bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received not later than July 8, 1974.

Board of Governors of the Federal Reserve System, June 12, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74–14007 Filed 6–18–74;8:45 am]

FIRST COMMERCIAL BANKS INC.

Acquisition of Bank

First Commercial Banks Inc., Albany, New York, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of The Oystermen's Bank and Trust Company, Sayville, New York, the successor by merger to Sayville Bank and Trust Co., Sayville, New York. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of New York. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received not later than July 1, 1974.

Board of Governors of the Federal Reserve System, June 12, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74–14005 Filed 6–18–74;8:45 am]

METRO BANCSHARES, INC.

Formation of Bank Holding Co.

Metro Bancshares, Inc., Kansas City, Missouri, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 80 percent or more of the voting shares of Metro North State Bank, Kansas City, Missouri. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than July 9, 1974.

Board of Governors of the Federal Reserve System, June 12, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74–14004 Filed 6–18–74;8:45 am]

NORTH ATLANTIC BANCORP.

Acquisition of Bank

North Atlantic Bancorp., Framingham, Massachusetts, has applied for the Board's approval under section 3(a)(3)

[1] All banking data are as of June 30, 1973, except where otherwise noted.

[2] The Paterson banking market is approximated by Passaic County plus certain portions of western Bergen County and northeastern Morris County. Banking data for this market are as of June 30, 1972.

[3] Camden Bank's market areas are the Philadelphia-Camden, Hammonton, and Bridgeton-Vineland-Millville markets. Banking data for these markets are as of June 30, 1972.

[4] Voting for this action: Chairman Burns and Governors Brimmer, Bucher, Holland, and Wallich. Absent and not voting: Governors Mitchell and Sheehan.

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of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 51 percent or more of the voting shares of Neponset Valley Bank and Trust Company, Canton, Massachusetts. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Boston. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than June 28, 1974.

Board of Governors of the Federal Reserve System, June 12, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-13996 Filed 6-18-74;8:45 am]

SOUTHEAST BANKING CORP.

Acquisition of Bank

Southeast Banking Corporation, Miami, Florida, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of Bank of New Smyrna, New Smyrna Beach, Florida. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received not later than July 10, 1974.

Board of Governors of the Federal Reserve System, June 12, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-14008 Filed 6-18-74;8:45 am]

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

KAISER STEEL CORP.

Application for Renewal Permit

Application for renewal permit for noncompliance with the Mandatory Dust Standard (2.0 mg/m³) has been received as follows:

ICP Docket No. 20479, Kaiser Steel Corp., Sunnyside Mine No. 1, Mine ID No. 42 00093 0, Sunnyside, Utah, Section ID No. 020-0 (17th Left), Section ID No: 021-0 (Motor Road Extension), Section ID No. 022-0 (Outside Raise—3rd Right), Section ID No. 025-0 (3rd South), Section ID No. 026-0 (15th Right), Section ID No. 028-0 (2nd Left).

In accordance with the provisions of section 202(b)(4) (30 U.S.C. 842(b)(4)) of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742, et seq., Pub. L. 91-173), notice is hereby given that requests for public hearing as to an application for renewal may be filed on or before July 5, 1974. Requests for public hearing must be filed in accordance with 30 CFR Part 505 (35 FR 11296, July 15, 1970), as amended, copies of which may be obtained from the Panel on request.

A copy of the application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Room 800, 1730 K Street, N.W., Washington, D.C. 20006.

C. DONALD NAGLE,
Vice Chairman,
Interim Compliance Panel.

JUNE 13, 1974.

[FR Doc.74-13997 Filed 6-18-74;8:45 am]

NATIONAL SCIENCE FOUNDATION

ADVISORY COMMITTEE FOR PLANNING AND INSTITUTIONAL AFFAIRS

Notice of Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Advisory Committee for Planning and Institutional Affairs to be held at 9 a.m. on June 28, 1974, in Room 545 at 1800 G Street, NW., Washington, D.C. 20550.

The purpose of the committee is to provide advice and recommendations to the National Science Foundation concerning planning, evaluation and policy study activities within NSF (with the exception of NSF internal long-range program estimates); and the impact of actual and proposed Foundation programs on the effectiveness and integrity of academic and other institutions performing research, viewed as a whole. The emergency situation prohibiting the publication of this notice within the newly prescribed 15-day lead time occurred due to difficulty in arranging a meeting date satisfactory to all of the committee members.

The agenda for this meeting shall include:

JUNE 28

9:00—Opening Remarks
9:30—Work on Study Topics
10:15—Coffee
10:30—Director's Meeting with Committee
10:45—Work on Study Topics
12:00—Lunch
1:00—Continued Work on Study Topics
3:45—Public Discussion (if necessary)
4:15—Adjournment

This meeting shall be open to the public. Individuals who wish to attend should inform Mrs. Mary L. Parramore, Executive Assistant, Office of Budget, Programming and Planning Analysis, by telephone (202-632-4050) or by mail (Room 426, 1800 G Street, NW., Washington, D.C. 20550) prior to the meeting.

Persons requiring further information concerning this committee should contact Mrs. Mary L. Parramore at the previously mentioned address. Summary minutes relative to this meeting may be obtained from the Management Analysis Office, Room K-720, 1800 G Street, NW., Washington, D.C. 20550.

ELDON D. TAYLOR,
Acting Assistant Director
for Administration.

JUNE 14, 1974.

[FR Doc.74-14020 Filed 6-18-74;8:45 am]

ADVISORY PANEL FOR BIOCHEMISTRY

Notice of Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Advisory Panel for Biochemistry to be held at 9 a.m. on July 8 and 9, 1974, in Room 338 at 1800 G Street, NW., Washington, D.C. 20550.

The purpose of the panel is to provide advice and recommendations as part of the review and evaluation process for specific proposals and projects. The agenda will be devoted to the review and evaluation of research proposals.

This meeting is concerned with matters which are within the exemptions of 5 U.S.C. 552(b) and will not be open to the public in accordance with the determination by the Director of the National Science Foundation dated December 17, 1973, pursuant to the provisions of section 10(d) of Pub. L. 92-463.

Individuals requiring further information about this panel may contact Dr. Roy Pepaske, Program Director, Biochemistry Program, Room 329, 1800 G Street, NW., Washington, D.C. 20550.

T. E. JENKINS,
Assistant Director
for Administration.

JUNE 5, 1974.

[FR Doc.74-14019 Filed 6-18-74;8:45 am]

ADVISORY PANEL FOR GENETIC BIOLOGY

Notice of Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Advisory Panel for Genetic Biology to be held at 9 a.m. on July 11 and 12, 1974, in Room 321 at 1800 G Street, NW., Washington, D.C. 20550.

The purpose of the panel is to provide advice and recommendations as part of the review and evaluation process for specific proposals and projects. The agenda will be devoted to the review and evaluation of research proposals.

This meeting is concerned with matters which are within the exemptions of 5 U.S.C. 552 (b) and will not be open to the public in accordance with the determination by the Director of the National Science Foundation dated December 17, 1973, pursuant to the provisions of section 10 (d) of Pub. L. 92-463.

Individuals requiring further information about this panel may contact Dr. Rose Litman, Program Director, Genetic Biology Program, Room 326, 1800 G Street, NW., Washington, D.C. 20550.

T. E. JENKINS,
Assistant Director
for Administration.

JUNE 6, 1974.

[FR Doc.74-14085 Filed 6-18-74;8:45 am]

ADVISORY PANEL FOR SOCIOLOGY

Notice of Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Advisory Panel for Sociology to be held at 9 a.m. on July 11 and 12, 1974, in Room 517 at 1800 G Street, NW, Washington, D.C. 20550.

The purpose of the panel is to provide advice and recommendations as part of the review and evaluation process for specific proposals and projects. The agenda will be devoted to the review and evaluation of research proposals.

This meeting is concerned with matters which are within the exemptions of 5 U.S.C. 552 (b) and will not be open to the public in accordance with the determination by the Director of the National Science Foundation dated December 17, 1973, pursuant to the provisions of section 10 (d) of Pub. L. 92-463.

Individuals requiring further information about this panel may contact Dr. Donald Ploch, Program Director, Sociology Program, Room 205, 1800 G Street, NW., Washington, D.C. 20550.

T. E. JENKINS,
Assistant Director
for Administration.

JUNE 5, 1974.

[FR Doc.74-14084 Filed 6-18-74;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[812-3587]

E. I. DU PONT DE NEMOURS AND CO.

Application for Order Exempting Proposed Transaction

JUNE 13, 1974.

Notice is hereby given that E. I. du Pont de Nemours and Company ("Du Pont"), Wilmington, Del. 19898 (812-358), a Delaware corporation, has filed an application for an order pursuant to sections 17(b) and 17(d) of the Act, and Rule 17d-1 thereunder, exempting from the provisions of section 17(a) of the Act, and permitting pursuant to section 17(d) of the Act, the transactions involving and incident to a proposed merger of a Mexican corporation, Policron de Mexico, S.A. ("Policron"), into another Mexican corporation, Nylon de Mexico, S.A. ("Nylmex"). All interested persons are referred to the application on file with the Commission for a complete statement of the representations therein, which are summarized below.

THE PROPOSED MERGER

The proposed merger reflects the desire of Du Pont and the Llaguno family, Mexican industrialists owning controlling interests in both Policron and Nylmex, to enhance their respective positions in the Mexican fibre market by combining the assets of two relatively young, non-diversified companies into a diversified company which can compete more successfully in the rapidly expanding total fibre market in Mexico. By acquiring Policron, Nylmex will, as the surviving corporation gain access to Du Pont's multifibre technology and Du Pont will be able to participate in the growth of the surviving company on the basis on an equity position which is within the permissible limits imposed by Mexican law.

Du Pont and the Llagunos will effectuate the proposed merger by causing Nylmex to purchase all of the outstanding common stock of Policron, i.e., the 49 percent interest held by Du Pont, and the remaining 51 percent interest held by Promofil, S.A. ("Promofil"), the Mexican corporation through which the Llagunos hold their controlling interests in Nylmex and Policron. Nylmex will buy the Policron shares with its authorized but unissued common shares. Promofil will then sell the Nylmex shares it thereby receives to Du Pont for a cash payment of $16,100,000, thus giving Du Pont 100 percent of the Nylmex shares of that class (Series "B"), and a 40 percent interest in the total ownership of Nylmex. Promofil and other Mexican interests will have the remaining 60 percent ownership of Nylmex by holding 100 percent of the other class of the new corporation's common stock (Series "A").

After the merger, but as part of the entire transaction, the surviving corporation will purchase for book value, estimated to be approximately $1,900,000 at June 30, 1974, the assets of Derivados Sinteticos, S.A. de C.V., and Derivados will then be dissolved. Derivados is presently owned 60 percent by Nylmex and 40 percent by a wholly-owned subsidiary of Du Pont. Derivados is an embryonic spandex fibre producer, and its plant is in the preliminary stages of construction.

APPLICATION OF THE ACT

1. *Section 17(a).* Section 17(a), in pertinent part, prohibits an affiliated person of an affiliated person of a registered investment company from selling to any company controlled by such registered investment company any security. Under section 2(a)(3) of the Act, both Promofil and Nylmex are affiliated persons of Policron. Approximately 28 percent of Du Pont's common stock is owned by Christiana Securities Company ("Christiana"), a registered closed-end investment company, so that Du Pont is an affiliated person of Christiana under section 2(a)(3) of the Act and is presumed to be controlled by Christiana, pursuant to section 2(a)(9). Policron is an affiliated person of Christiana; Nylmex and Promofil are affiliated persons of an affiliated person of Christiana. Therefore, the purchase by Nylmex of Du Pont's 49 percent interest in Policron in exchange for Nylmex securities and the contemporaneous sale by Promofil of Nylmex securities for $16,100,000 in cash to Du Pont constitute sales of securities by affiliated persons of an affiliated person of a registered investment company to a company controlled by a registered investment company.

2. *Section 17(b).* Under section 17(b) of the Act, the Commission, upon application, may grant an exemption from the provisions of section 17(a) after finding that the terms of the proposed transaction, including the consideration to be paid, are reasonable and fair and do not involve overreaching on the part of any person concerned. In addition, the proposed transaction must be consistent with the policy of the registered investment company concerned and with the general purposes of the Act. In support of the requested exemption, the application states that the proposed transaction will, in Du Pont's opinion, permit the development of a strong multifibre company that can compete successfully for a larger share of the Mexican synthetic market; that Du Pont's equity position in Policron exceeds the 40 percent limitation of Mexican law; that the terms of the proposed transaction were negotiated among the parties on an arms-length basis; and that the prices to be paid for the securities and other property to be transferred are fair and reasonable to all parties. In particular, Du Pont presents that the payment of $16,100,000 plus Du Pont's 49 percent interest in Policron to obtain a 40 percent interest in the surviving company is fair and reasonable and based on the earnings capacities of the two companies. In addition, Du Pont represents that the acquisition of Derivados by the surviving corporation will have no impact on the fairness of the proposed merger or the transaction in general since Du Pont and Nylmex will continue to own the same proportional interest in the assets of Derivados after the acquisition as prior to it.

3. *Section 17(d) and Rule 17d-1.* Section 17(d) of the Act and Rule 17d-1 thereunder, in pertinent part, provide that it shall be unlawful, with certain exceptions not applicable here, for an affiliated person of an affiliated person of a registered investment company, acting as principal, to participate in or effect any transaction in which a company controlled by such registered company, is a joint or joint and several participant unless an application regarding such arrangement has been granted by the Commission, and that, in passing upon such an application, the Commission will consider whether the participation of such controlled company in such arrangement is consistent with the provisions, policies and purposes of the Act and the extent to which such participation is on a basis different from or less advantageous than that of other participants. The proposed merger and the transactions incident thereto constitute a joint enterprise or arrangement, which as used in Rule 17d-1, is defined in pertinent part as any written or oral plan, contract, authorization or arrangement whereby a controlled company of a registered investment company and any affiliated person of an affiliated person

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of such registered company, have a joint and several participation, or share in the profits of such enterprise or undertaking.

Du Pont's representations regarding the merger transaction as set forth above relative to the exemption from section 17(a) of the Act are likewise applicable to the question of permitting the transaction pursuant to section 17(d) and rule 17d–1. In addition to the proposed merger, Du Pont and the Llagunos have agreed that immediately prior to the merger Nylmex will sell certain of its assets, including real estate and securities, to the Llaguno interests or to Promofil at book value of approximately $3,300,000. The application states that these assets, which had originally been sold to Nylmex by the Llaguno interests, have made no meaningful contribution to Nylmex earnings in recent years and are not needed for proposed operations of the surviving corporation. The securities involved are a 40 percent equity interest in Polisac, S.A., a Mexican company that makes polypropelene bags, and a 15.4 percent equity interest in Leona Textil, S.A., a Mexican company that makes fabrics, yarns and knits. As to Leona Textil, in particular, Du Pont represents that as a matter of general policy it does not wish to own interests in companies which compete with customers of Du Pont or Du Pont subsidiaries. Leona Textil is such a company because it buys the fibre which Nylmex and Policron make and converts the fibre to fabrics and yarns.

Du Pont believes (1) that the foregoing factors justify the sale of the assets and (2) that Du Pont is not participating in the transaction on a basis different from or less advantageous than that of Promofil, Nylmex, or the Llagunos.

Notice is further given that any interested person may, not later than July 8, 1974, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74–14042 Filed 6–18–74;8:45 am]

[70–5510]

KENTUCKY POWER CO.

Issue and Sale of Short-Term Notes To Banks

JUNE 12, 1974.

Notice is hereby given that Kentucky Power Company ("Kentucky"), 15th Street and Carter Ave., Ashland, Ky. 41101 (70–5510), an electric utility subsidiary company of American Electric Power Company, Inc. ("AEP"), a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 6(b) of the Act and Rule 50(a)(2) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transactions.

Kentucky requests that, for the period ending June 30, 1975, it be permitted from time to time to issue or renew notes of a maturity of nine months or less evidencing short-term bank borrowings provided that the aggregate principal amount of such notes outstanding at any one time shall not exceed $20,000,000.

The new rates will bear interest at the prime interest rate for commercial borrowing of the bank from which the borrowing is made at the date of the issue of such note, will mature not more than nine months from the date of issue, and will be prepayable at any time, without premium or penalty. Kentucky has established lines of credit with two commercial banks with the aggregate lines of credit of each bank being as follows:

Manufacturers Hanover Trust Co., New York, N.Y.	$10,000,000
Irving Trust Co., New York, N.Y.	10,000,000
	20,000,000

Sufficient bank balances to meet operating and financial needs are kept at these banks to satisfy any compensating balance requirements of these banks in connection with the borrowings. If the average of such bank balances were maintained solely in order to fulfill the prevailing compensating balance requirements of such banks, generally between 15 percent and 20 percent, the effective interest cost to Kentucky would be approximately 2.4 percent above the current prime commercial rate of 11¼ percent or about 13.6 percent.

Of the $20,000,000 proposed to be borrowed, Kentucky has as of May 9, 1974, borrowed $5,000,000. Kentucky requests that, for the period commencing on the date this application is permitted and ending on June 30, 1975, the exemptions from the provisions of section 6(a) of the Act afforded to it by the first sentence of section 6(b) thereby, relating to the sale of short-term notes, be increased from 5 percent to approximately 8.32 percent of the principal amount and par value of the other securities of Kentucky at the time outstanding. The notes payable to the banks will not necessarily be retired with the proceeds of any permanent financing, but rather any such notes outstanding after June 30, 1975 will be retired at maturity, but not later than December 31, 1975, from internal cash resources or with the proceeds of such debt or equity financing or cash capital contributions as the Commission shall authorize.

The fees, commissions, or expenses to be paid or incurred, directly or indirectly, by Kentucky or any associate company in connection with the proposed transactions.

Notice is further given that any interested person may, not later than July 3, 1974, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74–14044 Filed 6–18–74;8:45 am]

[812–3644]

VALUE LINE SPECIAL SITUATIONS FUND, INC. AND GULF AND WESTERN MANUFACTURING CO.

Application Exempting a Proposed Transaction

JUNE 11, 1974.

In the matter of the Value Line Special Situations Fund, Inc., 5 East 44th Street, New York, New York 10017 and Gulf and Western Manufacturing Co. (systems), 1 Gulf and Western Plaza, New York, New York 10023. (812–3644).

Notice is hereby given that The Value Line Special Situations Fund, Inc. (the "Fund"), a diversified, open-end, management investment company registered under the Investment Company Act of 1940 (the "Act") and Gulf and Western Manufacturing Company (Systems), ("Gulf and Western Systems"), (jointly referred to with the Fund as "Applicants"), a wholly-owned subsidiary of Gulf & Western Industries, Inc. ("Gulf & Western"), have filed an application pursuant to section 17(b) of the Act for an order of the Commission exempting from the provisions of section 17(a) of the Act the purchase of certain portfolio securities by Gulf and Western Systems from the Fund. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

The Fund owns 122,776 shares of the common stock of Elco Corporation ("Elco"), a Pennsylvania corporation engaged in the business of manufacturing and selling electronic and electrical connector products. These securities, acquired pursuant to a purchase agreement dated October 22, 1969, represent approximately 8.39 percent of the 1,462,202 Elco shares outstanding. These securities are not registered under the Securities Act of 1933.

Gulf and Western Systems owns 246,057 shares of Elco common stock or approximately 16.8 percent of the Elco shares outstanding. Gulf and Western Systems purchased 217,057 of these shares on March 15, 1974 from Benjamin Fox ("Fox"), President and Chairman of the Board of Elco, pursuant to a stock purchase agreement dated March 13, 1974, between Fox and Gulf & Western. The purchase price was $8.50 per share. The remaining 29,000 shares of Elco stock had previously been acquired by Gulf & Western on the American Stock Exchange on March 7, 1974 and were subsequently transferred to Gulf and Western Systems.

On the same day as the agreement between Gulf & Western and Fox, i.e., March 13, 1974, Gulf & Western had also executed an agreement with Elco pursuant to which Gulf & Western obligated itself to propose a merger between Gulf & Western or a subsidiary of Gulf & Western and Elco under which holders of Elco common stock would receive $8.50 per share for their stock.

The proposed plan of merger, which must be submitted to Elco shareholders for their approval, and which is further conditioned upon receipt of an order of the Commission permitting Gulf and Western Systems to purchase shares of Elco tendered by the Fund, provides for a wholly-owned subsidiary of Gulf and Western Systems to be merged into Elco. Pursuant to the merger, all shareholders of Elco common stock will receive $8.50 per share from Gulf and Western Systems. Upon completion of the merger, the former shareholders of Elco will possess no interest in or rights as shareholders of the surviving corporation.

Applicants state that neither the Fund nor its investment adviser nor any of their officers or directors had any advance knowledge of the proposed merger and did not participate in negotiating the terms of the proposed merger.

Section 17(a) of the Act provides, in pertinent part, that it shall be unlawful for any affiliated person of a registered investment company, or any affiliated person of such a person, to purchase from such registered company any security or other property. Section 17(b) of the Act provides that the Commission, upon application, may exempt a proposed transaction from the provisions of section 17(a) of the Act if evidence establishes that the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreading on the part of any person concerned and the proposed transaction is consistent with the policy of each investment company concerned and with the general purposes of the Act.

Section 2(a)(3) of the Act defines an affiliated person of another person to include any person owning 5 percent or more of the outstanding voting securities of such other person or any person 5 percent or more of whose outstanding securities are owned by such person. Under this definition, Gulf and Western Systems and Elco are affiliated persons of each other and Elco and the Fund are affiliated persons of each other. Gulf and Western Systems, as an affiliate of an affiliate of the Fund, is, in the absence of an exemption, prohibited by section 17(a) from purchasing any securities from the Fund.

Applicants contend that the proposed transaction is reasonable and fair and does not involve overreaching on the part of any person concerned. In support of this contention, Applicants state that the purchase price of $8.50 per share to be paid by Gulf and Western Systems is fair in the context of the past market performance of Elco shares, represents a premium over current market price, and places a price earnings multiple upon the stock that is comparable to the price earnings multiple placed upon a more profitable Elco competitor. The Fund further asserts that Gulf and Western Systems' offer is higher than tender offers made in March of 1973 and March of 1974 and that the offer approximates Elco's year end book value. The Fund believes that since its Elco shares are not registered pursuant to the Securities Act of 1933, it is unlikely that the Fund could obtain a better offer from another buyer and that even if the shares were registered, selling these shares in the quantity held by the Fund would present substantial difficulties. The Fund also asserts that the proposed transaction is consistent with the Fund's policies and the purposes of the Act.

Notice is hereby given that any interested person may, not later than July 8, 1974, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit, or in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following July 8, 1974, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74–19043 Filed 6–18–74;8:45 am]

TARIFF COMMISSION

[337–L–63]

PRESET VARIABLE RESISTANCE CONTROLS

Notice of Hearing

Notice is hereby given that the United States Tariff Commission will hold a public hearing in connection with preliminary inquiry No. 337–L–63, Preset Variable Resistance Controls, on July 25, 1974, at 10 a.m., E.d.t., in the Hearing Room of the U.S. Tariff Commission Building, 8th and E Streets, NW., Washington, D.C., for the purpose of allowing complainant opportunity to show cause why the complaint should not be dismissed and the preliminary inqury terminated.

At issue is whether there is good and sufficient reason for the institution of a full investigation within the provisions of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337); specifically,

(1) with respect to United States Letters Patent No. 3,518,604: whether the allegedly infringing imported articles compete in the marketplace with patented controls produced by the complainant;

(2) with respect to United States Letters Patent No. 3,670,285: whether a definable producing industry exists in the United States or whether a domestic industry within the purview of the statute is prevented from being established;

(3) with respect to United States Letters Patent No. 3,375,478: whether the importation, since 1969, of articles embraced within the claims of said patent has been established; and

(4) with respect to taxes allegedly rebated by the Spanish Government upon exportation of subject articles: the nature and amount of such taxes and whether rebates thereof upon exportation constitute an unfair method of competition or unfair act within the purview of the statute and whether the importation into the United

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States of complained-of articles, if subject to such tax rebates, could have the effect or tendency to injure an industry in the United States.

Requests from interested parties for appearances at the hearing should be received by the Secretary of the Tariff Commission, in writing, at his office in Washington, D.C. 20436, not later than noon, Friday, July 19, 1974.

Notice of the receipt of the complaint and initiation of the preliminary inquiry was published in the FEDERAL REGISTER on June 19, 1973 (38 FR 16002).

By order of the Commission.

Issued: June 13, 1974.

[SEAL] KENNETH R. MASON, *Secretary.*

[FR Doc.74-14026 Filed 6-18-74;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 532]

ASSIGNMENT OF HEARINGS

JUNE 14, 1974.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after June 19, 1974.

MC-F-12093, Crouch Bros., Inc.—Purchase (Portion)—Bestway Freight Lines, Inc., & MC-F-12104, Illinois-California Express, Inc.—Purchase (Portion)—Bestway Freight Lines, Inc., now assigned July 22, 1974 (1 week). Will be held in the Sheraton Dallas Hotel, Southland Center, 2117 Live Oak Street, Dallas, Tex., and July 29, 1974 (1 week), at the Skirvin Plaza Hotel, One Park Avenue, Oklahoma City, Okla.

MC 22229 Sub 81, Terminal Transport Company, Inc., application dismissed.

MC-133777 Sub 8, Metal Carriers, Inc., now assigned June 17, 1974, at Kansas City, Mo., is cancelled and the application is dismissed.

MC 107002 Sub-441, Miller Transporters, Inc., now assigned July 8, 1974; MC 119792 Sub-39, Chicago Southern Transportation Co., now assigned July 10, 1974; and MC 126939 Sub-1, W. Gray Braxton, DBA W. Gray Braxton Trucking Co., now assigned July 15, 1974, at New Orleans, will be held in Room 265 West Courtroom, U.S. Court of Appeals, 600 Camp Street.

MC-C-5460 Sub 2, Mayflower Transit Lines, Inc.—Revocation of Certificate, now assigned July 23, 1974, will be held in Court Room A, Court of Claims, 26 Federal Plaza, New York, N.Y.

FF-426 Sub 1, Express Forwarding and Storage Co., Inc., now assigned July 24, 1974, will be held in Court Room A, Court of Claims, 26 Federal Plaza, New York, N.Y.

MC 20824 Sub-31, Commercial Motor Freight, Inc., now being assigned September 10, 1974, at Indianapolis, Indiana, in a hearing room to be later designated.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-14070 Filed 6-18-74;8:45 am]

[Ex Parte No. 241; Rev. Exemption 75]

ATCHISON, TOPEKA AND SANTA FE RAILWAY CO., ET AL.

Exemption Under Provision of Mandatory Car Service Rules

To: The Atchison, Topeka and Santa Fe Railway Company; Chicago, Rock Island and Pacific Railroad Company; Fort Worth and Denver Railway Company;[1] Missouri Pacific Railroad Company; St. Louis-San Francisco Railway Company.

It appearing, that there is a massive harvest of wheat in progress in the states of Oklahoma and Texas; that present supplies of plain boxcars owned by the railroads serving these states are inadequate to move the newly harvested grain to terminal elevators for safe storage; that use of available plain boxcars owned by other carriers for movements of this grain will substantially augment the car supplies of the railroads named herein.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, the railroads named herein, and their short line connections, are hereby authorized to use and to accept from shippers shipments of grain originating at stations located in Oklahoma or Texas when loaded into plain 40-ft. narrow-door boxcars of various ownerships without regard to the requirements of Car Service Rule 2.

Exception. This exemption shall not apply to plain boxcars owned by railroads named above nor to cars subject to an order of this Commission requiring return to car owner.

Effective: June 5, 1974.

Expires: 11:59 pm., June 30, 1974.

Issued at Washington, D.C., June 5, 1974.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER, *Agent.*

[FR Doc.74-14069 Filed 6-18-74;8:45 am]

[Rev. I.C.C. O. 76, Amdt. 2; Rev. S.O. 994]

READING CO.

Rerouting or Diversion of Traffic

Upon further consideration of I.C.C. Order No. 76 (Reading Company) and good cause appearing therefor:

It is ordered, That:

I.C.C. Order No. 76 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., November 15, 1974, unless otherwise modified, changed, or suspended.

[1] Missouri-Kansas-Texas Railroad Company eliminated.

It is further ordered, That this amendment shall become effective at 11:59 p.m., June 7, 1974, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., June 8, 1974.

INTERSTATE COMMERCE COMMISSION,
[SEAL] L. R. TEEPLE, *Agent.*

[FR Doc.74-14068 Filed 6-18-74;8:45 am]

FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

JUNE 14, 1974.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by § 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

Arkansas Docket No. M-8307 filed June 3, 1974. Applicant: REYCO MOTOR EXPRESS, INC., 5412 S. 24th Street, Fort Smith, Ark. 72901. Applicant's representative: David A. Sutherlund, Turney & Turney, 2001 Massachusetts Ave. NW., Washington, D.C. 20036. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Transportation of general commodities (except classes A and B explosives, household goods, as defined by the Commission, commodities in bulk and commodities requiring special equipment), over regular routes, (1) Between Danville and Little Rock, Ark., serving all intermediate points, from Danville over Arkansas Highway 10 to Little Rock, and return over the same route; (2) Between Arkansas River and Plainview, Ark., serving all intermediate points, from the Arkansas River over Arkansas Highway 60 to Plainview, and return over the same route; (3) Between the junction of Arkansas Highways 60 and 113, and the junction of Arkansas Highways 113 and 10, serving all intermediate points and the off-route point of Fourche, from junction of Arkansas Highways 60 and 113 over Arkansas Highway 113 to junction of Arkansas Highway 10, and return over the same route; (4) Between Ola, Ark., and the junction of Arkansas Highways 7 and 60, serving all intermediate points, from Ola over Arkansas Highway 7 to junction of Arkansas Highway 60, and return over the same route; (5) Between Ola and Rover, Ark., serving all intermediate points and the off-route point of Kingston, from Ola over Arkansas Highway 28 to Rover, and return over the same route; (6) Between Rover and Danville, Ark., serving all intermediate points, from Rover over Arkansas Highway 27 to Danville, and return over the same route; and (7) Between Booneville and State Sanatorium, Ark., serving all intermediate points, from Booneville over Arkansas Highway 116 to junction of Arkansas Highway 23, thence over Arkansas Highway 23 to State Sanatorium, and return over the same route. Intrastate, interstate and foreign commerce authority sought.

HEARING: August 6, 1974 at the Arkansas Transportation Commission Hearing Room, Justice Building, Little Rock, Ark., at 9:30 A.M. Requests for procedural information should be addressed to the Arkansas Transportation Commission, Justice Building, Little Rock, Ark. 72201, and should not be directed to the Interstate Commerce Commission.

Kansas Docket No. 101,919 M filed May 20, 1974. Applicant: JAYHAWK TRUCK LINES, INC., 312 S. Mosley, Wichita, Kans. Applicant's representative: Paul V. Dugan (same address as applicant). Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Transportation of general commodities, over regular routes, Between Wichita, Kansas, on the one hand, and, on the other, Cassoday, Madison, Lamont, Gridley, and Olpe, Kansas: From Wichita, Kansas, on Kansas Turnpike, to Cassoday, thence east and north on county road to Madison, thence east on Kansas Highway 57 to Gridley, thence west on same to Madison and north on Kansas Highways 57 and 99 to Olpe, thence north to Emporia, and return over the same route. Intrastate, interstate and foreign commerce authority sought.

HEARING: July 25, 1974, at Holiday Inn, Regency Room, 2700 West 18, Emporia, Kans., at 10:00 A.M. Requests for procedural information should be addressed to the Kansas State Corporation Commission, State Office Building, Topeka, Kans. 66612, and should not be directed to the Interstate Commerce Commission.

Missouri Docket No. T-25,449 Sub 2 filed May 21, 1974. Applicant: SOUTHERN MISSOURI FREIGHT, INC., P.O. Box 1091 C.S.S., Springfield, Mo. 65803. Applicant's representative: Herman W. Huber, 101 East High Street, Jefferson City, Mo. 65101. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Transportation of general commodities (except those of unusual value, dangerous explosives, uncrated household goods as defined by the Commission, commodities in bulk and those requiring special equipment), over regular routes, (1) From Springfield over U.S. Highway 60 to its junction with Missouri State Highway No. 37, and return; and (2) From the junction of Missouri State Highway No. 37 and Interstate Highway 44, thence over I-44 and Missouri State Highway No. 37 to Sarcoxie, thence southerly over Missouri State Highway No. 37 to the junction of Missouri State Highway No. 76 to Cassville, and return. Serving between Springfield, Missouri and its commercial zone and Sarcoxie, Wentworth, Pierce City, Monett, Purdy, Butterfield and Cassville, Missouri and the commercial zones of said points, and serving the junction of the above-described routes for the purpose of joinder with applicant's presently authorized regular route operations. Applicant seeks to provide through service, at through rates prescribed by the Missouri Public Service Commission between all points sought to be served herein and all points applicant is presently authorized to serve over its presently authorized regular routes, and to provide joint line service at applicable through rates prescribed by the Commission for certificated motor common carriers. Intrastate, interstate and foreign commerce authority sought.

HEARING: July 25, 1974, at the Hearing Room of the Missouri Public Service Commission, Jefferson Building, Jefferson City, Mo., at 10:00 a.m. Requests for procedural information should be addressed to the Missouri Public Service Commission, P.O. Box 360, Jefferson Building, Jefferson City, Mo. 65101, and should not be directed to the Interstate Commerce Commission.

Tennessee Docket No. MC-6201 filed May 30, 1974. Applicant: JACKSON TRANSFER, INC., 12 Conalco Drive, Jackson, Tenn. 38301. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Transportation of general commodities (except household goods, classes A and B explosives, commodities in bulk, and those requiring special equipment), between all points and places in the Western Grand Division of Tennessee as defined in Tennessee Code Annotated Section 4-112 (except Shelby County, Tenn.). Intrastate, interstate and foreign commerce authority sought.

HEARING: August 13, 1974, at the Tennessee Public Service Commission's Court Room, C-1 Cordell Hull Building, Nashville, Tennessee at 9:30 a.m. Requests for procedural information should be addressed to the Tennessee Public Service Commission, C-1 Cordell Hull Building, Nashville, Tenn. 37219, and should not be directed to the Interstate Commerce Commission.

Virginia Docket No. CC-7155 filed June 5, 1974. Applicant: INTERCITY BUS LINES, INC., Route 1, Box 316, Roanoke, Va. 24012. Applicant's representative: Calvin F. Major, 200 West Grace Street, Richmond, Va. Certificate of Public Convenience and Necessity sought to operate a common carrier passenger service as follows: Transportation of passengers and their baggage, mail, newspapers and express, between Martinsville and Rocky Mount, Virginia, via State Highways 108 and 619 and U.S. Highway 220. Intrastate, interstate and foreign commerce authority sought.

HEARING: July 16, 1974, in the courtroom of the Blanton Building, Richmond, Va., at 10:00 A.M. Requests for procedural information should be addressed to the State Corporation Commission of Virginia, P.O. Box 1197, Richmond, Va. 23209, and should not be directed to the Interstate Commerce Commission.

Virginia Docket No. CC-7156 filed June 5, 1974. Applicant: INTERCITY BUS LINES, INC., Route 1, Box 316, Roanoke, Va. 24012. Applicant's representative: Calvin F. Major, 200 West Grace Street, Richmond, Va. Certificate of Public Convenience and Necessity sought to operate a common carrier passenger service as follows: Transportation of passengers and their baggage, mail, newspapers and express, between Roanoke and Rocky Mount, Virginia, over Va. State Highways 116, 122 and 40. Intrastate, interstate and foreign commerce authority sought.

HEARING: July 16, 1974, in the courtroom of the Blanton Building, Richmond, Va., at 10 a.m. Requests for procedural information should be addressed to the State Corporation Commission of Virginia, P.O. Box 1197, Richmond, Va. 23209, and should not be directed to the Interstate Commerce Commisison.

Virginia Docket No. CC-7157 filed June 5, 1974. Applicant: INTERCITY BUS LINES, INC., Route 1, Box 316, Roanoke, Va. 24012. Applicant's representative: Calvin F. Major, 200 West Grace Street, Richmond, Va. Certificate of Public Convenience and Necessity sought to operate a common carrier passenger service as follows: Transportation of passengers and their baggage, mail, newspapers and express, between Roanoke, and Rocky Mount, Virginia, over U.S. Highway 220, via Boones Mill. Intrastate, interstate and foreign commerce authority sought.

HEARING: July 16, 1974, in the courtroom of the Blanton Building, Richmond, Va. at 10 a.m. Requests for procedural information should be addressed to the State Corporation Commission of Virginia, P.O. Box 1197, Richmond, Va. 23209, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-14071 Filed 6-18-74;8:45 am]

[Notice 21]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JUNE 14, 1974.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application), to operate over deviation routes for operat-

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ing convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969 (49 CFR 1042.4(c)(11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4(c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4(c)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed on or before July 19, 1974.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC-2202 (Deviation No. 129), ROADWAY EXPRESS, INC., P.O. Box 471, 1077 Gorge Boulevard, Akron, Ohio 44309, filed June 10, 1974. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Denton, Tex., over U.S. Highway 380 to Decatur, Tex., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: From Denton, Tex., over U.S. Highway 377 to Fort Worth, Tex., thence over U.S. Highway 81 to Decatur, Tex., and return over the same routes.

No. MC-2202 (Deviation No. 130), ROADWAY EXPRESS, INC., P.O. Box 471, 1077 Gorge Boulevard, Akron, Ohio 44309, filed June 10, 1974. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From Shawnee, Okla., over Oklahoma State Route 18 to Meeker, Okla., (2) from Shawnee, Okla., over Oklahoma State Route 18 to junction Interstate Highway 40, thence over Interstate Highway 40 to junction Oklahoma State Route 99, thence over Oklahoma State Route 99 to Prague, Okla., (3) from Shawnee, Okla., over Oklahoma State Route 18 to junction Interstate Highway 40, thence over Interstate Highway 40 to junction Oklahoma State Route 99, thence over Oklahoma State Route 99 to Seminole, Okla., (4) from Seminole, Okla., over Oklahoma State Route 99 to Prague, Okla., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: From Seminole, Okla., over U.S. Highway 270 to Harrah, Okla., thence over U.S. Highway 62 to Prague, Okla., and return over the same routes.

No. MC-29910 (Deviation No. 30), ARKANSAS-BEST FREIGHT SYSTEM, INC., General Offices, Fort Smith, Ark. 72901, filed June 10, 1974. Carrier proposes to operate as a *common carrier*, by motor vehicles, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From Little Rock, Ark., over Interstate Highway 40, to Junction Muskogee Turnpike, thence over Muskogee Turnpike to Tulsa, Okla., thence over U.S. Highway 64 to junction Interstate Highway 35, thence over Interstate Highway 35 to Wichita, Kans., and (2) From Little Rock, Ark., over Interstate Highway 40, to junction Muskogee Turnpike, thence over Muskogee Turnpike to Tulsa, Okla., thence over U.S. Highway 64 to junction Interstate Highway 35, thence over Interstate Highway 35 to junction U.S. Highway 177, thence over U.S. Highway 177 to junction U.S. Highway 81, thence over U.S. Highway 81 to Wichita, Kans., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Fort Smith, Ark., over Arkansas Highway 22 to Dardanelle, Ark., thence over Arkansas Highway 7 to Russellville, Ark., thence over U.S. Highway 64 to Conway, Ark., thence over U.S. Highway 65 to Pine Bluff, Ark., and return over the same route, (2) from Fort Smith, Ark., over U.S. Highway 71 to Kansas City, Kans., and (3) from Kansas City, Mo., over U.S. Highway 50 to junction U.S. Highway 56 near Olathe, Kans., thence over U.S. Highway 56 to Junction Kansas Highway 99, thence over Kansas Highway 99 to junction U.S. Highway 50, thence over U.S. Highway 50 to junction U.S. Highway 81, thence over U.S. Highway 81 to Wichita, Kans., and return over the same routes.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-14072 Filed 6-18-74;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY-ELIMINATION OF GATEWAY LETTER NOTICES

JUNE 14, 1974.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's *Gateway Elimination* rules (49 CFR 1065 (a)), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before July 1, 1974. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will *not* operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC-2473 (Sub-No. E1), filed May 13, 1974. Applicant: BILLINGS TRANSFER CORP., INC., Green Needles Road, Lexington, N.C. 27292. Applicant's representative: Charles Ephraim, 1250 Connecticut Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (A) from Baltimore, Md., New York, N.Y., and points in New York within 20 miles thereof, points in that part of Pennsylvania on and south of U.S. Highway 22 from Easton to Harrisburg and east of the Susquehanna River from Harrisburg to the Pennsylvania-Maryland State line, and points in New Jersey, to (1) points in Forsyth, Guilford, Davidson, and Stakes Counties, N.C. [points within 20 miles of Lexington, N.C. (except points in Forsyth, Guilford, Davidson, and Stakes Counties, N.C.]; * and (2) those points in South Carolina, Tennessee, Virginia, and North Carolina located within 100 miles of Forsyth, Guilford, Davidson, and Stakes Counties, N.C. (except points in North Carolina in and east of Columbus, Bladen, Cumberland, Harnett, Wake, Person, Durham, and Caswell Counties, and points in Virginia in and east of Patrick, Floyd, Pulaski, and Giles Counties) [Lexington, N.C., and points in Forsyth, Davidson, and Stakes Counties, N.C., within 20 miles thereof]*; (B) from New York, N.Y., and points in New York within 20 miles thereof, points in that part of Pennsylvania on and south of U.S. Highway 22 from Easton to Harrisburg, and east of the Susquehanna River from Harrisburg, to the Pennsylvania-Maryland State line, and points in New Jersey, to points in Cumberland and Harnett Counties, N.C. [Lexington, N.C., and points within 20 miles thereof]*; (C) from New York, N.Y., and points in New York within 20 miles thereof, points in that part of North Lampton County, Pa., on and south of U.S. Highway 22, and points in New Jersey (except points in Salem and Cumberland Counties), to points in Durham, Person, and Carwell Counties, N.C. [Lexington, N.C., and points within 20 miles thereof]*;

(D) From points in New York within 20 miles of New York, N.Y. (except New York, N.Y.), to points in Wake County, N.C. [Lexington, N.C., and points within 20 miles thereof]*; (E) from New York, N.Y., and points in New York within 20 miles thereof, points in New Jersey, and points in that part of Pennsylvania on and south of U.S. Highway 22 from Easton to junction Pennsylvania Highway 183 at or near Strausstown, on and east of a line beginning at junction U.S.

Highway 22 and Pennsylvania Highway 183, thence along Pennsylvania Highway 183 to junction Interstate Highway 176, thence along Interstate Highway 176 to junction Pennsylvania Turnpike, and on, east and north of a line beginning at junction Interstate Highway 176 and Pennsylvania Turnpike, thence along Pennsylvania Turnpike to junction Interstate Highway 76 at or near Bridgeport, thence along Interstate Highway 76 to Philadelphia, thence along Interstate Highway 676 to the Pennsylvania-New Jersey State line, to points in Patrick and Henry Counties, Va. [Lexington, N.C., and points within 20 miles thereof]*; and (F) from New York, N.Y., and points in New York within 20 miles thereof, and points in New Jersey, in and north of Bergen, Essex, and Morris Counties and that part of Warren County on and north of New Jersey Highway 46, to Danville, Va. [Lexington, N.C., and points within 20 miles thereof]*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC-5470 (Sub-No. E2), filed May 30, 1974. Applicant: TAJON, INC., R.D. 5, Box 146, Mercer, Pa. 16137. Applicant's representative: Mr. Patrick McElgat, Rea, Cross, & Knebel, 700 World Center Building, 918 Sixteenth St., NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ferro alloys*, in bulk, in dump vehicles, from Calvert City, Ky. to points in North Carolina on and east of U.S. Highway 52. The purpose of this filing is to eliminate the gateway of Alloy, W. Va.

No. MC-14702 (Sub-No. E21), filed May 15, 1974. Applicant: OHIO FAST FREIGHT, INC., P.O. Box 808, Warren, Ohio 44482. Applicant's representative: James M. Holland (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, and iron and steel articles*, which because of size, weight, or nature require the use of flat-bottom vehicles or vehicles with sides not in excess of 36 inches in height, from points in Illinois in the Chicago, Ill. commercial zone as defined by the Commission, Indiana, points in Michigan on and south of Michigan Highway 46, on the one hand, and, on the other, points in Armstrong, Clarion, Fayette, Forest, Warren, and Westmoreland Counties, Pa., and points in New York on and west of New York Highway 14 (except Buffalo and Rochester, N.Y.). The purpose of this filing is to eliminate the gateway of Canton, Ohio.

No. MC-14702 (Sub-No. E35), filed May 15, 1974. Applicant: OHIO FAST FREIGHT, INC., P.O. Box 808, Warren, Ohio 44482. Applicant's representative: James M. Holland (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum* (except that which because of size or weight requires the use of special equipment and except in bulk), between points in that part of Ohio on, east, and north of a line beginning at the Michigan-Ohio State line, thence south along Interstate Highway 75 to its intersection with Ohio Highway 15, thence along Ohio Highway 15 to its intersection with U.S. Highway 23, thence along U.S. Highway 23 to its intersection with Interstate Highway 70, thence along Interstate Highway 70 to the Ohio-Pennsylvania State line, on the one hand, and, on the other, points in California, Nevada, Oregon, and Washington. The purpose of this filing is to eliminate the gateways of (a) Warren, Ohio, and (b) the plantsite and warehouse facilities of Alcan Aluminum Corporation at Fairmont, W. Va.

No. MC-14702 (Sub-No. E36), filed May 15, 1974. Applicant: OHIO FAST FREIGHT, INC., P.O. Box 808, Warren, Ohio 44482. Applicant's representative: James M. Holland (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Structural frame steel*, and (2) *Metals and metal grading, lathe, mesh, panels, and partitions* (except commodities which because of size or weight require the use of special equipment and except commodities in bulk), between points in Ohio on, north, and east of a line extending south from the shore of Lake Erie along Ohio Highway 21 to its intersection with U.S. Highway 30, thence along U.S. Highway 30 to the Ohio-Pennsylvania State line, on the one hand, and, on the other, points in Arizona, Colorado, Oklahoma, Texas, and points in Kansas on and west of a line beginning at the Kansas-Nebraska State line, thence south along U.S. Highway 77 to its intersection with Kansas Highway 177, thence along Kansas Highway 177 to its intersection with U.S. Highway 77, thence along U.S. Highway 77 to the Kansas-Oklahoma State line. The purpose of this filing is to eliminate the gateways of (a) Warren, Ohio, and (b) the facilities of the Keene Corporation at or near Vienna, W. Va.

No. MC-14702 (Sub-No. E37), filed May 15, 1974. Applicant: OHIO FAST FREIGHT, INC., P.O. Box 808, Warren, Ohio 44482. Applicant's representative: James M. Holland (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum* (except that which because of size or weight requires the use of special equipment and except in bulk), between New York, N.Y., on the one hand, and, on the other, points in Texas, points in Kansas on and west of U.S. Highway 83, and points in Oklahoma on and west of a line beginning at the Kansas-Oklahoma State line, thence south along U.S. Highway 81 to its intersection with Interstate Highway 40, thence along Interstate Highway 40 to its intersection with Oklahoma Highway 92, thence along Oklahoma Highway 92 to its intersection with Oklahoma Highway 152, thence along Oklahoma Highway 152 to its intersection with U.S. Highway 81, thence along U.S. Highway 81 to the Oklahoma-Texas State line. The purpose of this filing is to eliminate the gateways of (a) the plantsite and warehouses of Alcan Aluminum Corporation at Oswego, N.Y., and (b) the plantsite and warehouses of Alcan Aluminum Corporation at Fairmont, W. Va.

No. MC-14702 (Sub-No. E38), filed May 15, 1974. Applicant: OHIO FAST FREIGHT, INC., P.O. Box 808, Warren, Ohio 44482. Applicant's representative: James M. Holland (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum* (except that which because of size or weight requires the use of special equipment), between Oswego, N.Y., on the one hand, and, on the other, points in Minnesota on and north of a line beginning at the Wisconsin-Minnesota State line, thence along U.S. Highway 12 to its intersection with U.S. Highway 169, thence along U.S. Highway 169 to the Minnesota-Iowa State line. The purpose of this filing is to eliminate the gateway of the plantsite and warehouses of Alcan Aluminum Corporation at Fairmont, W. Va.

No. MC-14781 (Sub-No. E1), filed May 14, 1974. Applicant: GOTTRY CORP., 999 Blahan Rd., Rochester, N.Y. 14624. Applicant's representative: Paul F. Sullivan (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities the transportation of which because of size or weight requires the use, of special equipment* (except aircraft, missiles and parts thereof and except pipe, pipeline materials, equipment, and supplies which are incidental to and used in connection with the construction, operation, maintenance, servicing, and dismantling of pipelines and the stringing and picking up thereof); and (2) *Self-propelled articles*, each weighing 15,000 pounds or more and *related machinery, tools, parts, and supplies* moving in connection therewith (except pipe, pipeline material, equipment, and supplies which are incidental to and used in connection with the construction, operation, maintenance, servicing, and dismantling of pipelines and the stringing and picking up thereof), restricted to those commodities which are transported on trailers, (a) between points in Maine on and south of Maine Highway 25, Massachusetts, New Hampshire, Vermont, and Rhode Island, on the one hand, and, on the other, points in Ohio (except roadbuilding and earthmoving equipment), Illinois, Indiana, and Michigan; (b) between points in Erie and Crawford Counties, Pa., on the one hand, and, on the other, points in Maine on and south of Maine Highway 25, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut; (c) between points in Ohio (except roadbuilding and earthmoving equipment), west of a line beginning at the southern shore of Lake Erie near Willoughby, thence along Ohio Highway 91 to its intersection with Interstate Highway 271, thence along Interstate Highway 271 to its intersection with Interstate Highway 71, thence along Interstate Highway 71 to its intersection with U.S. Highway 62, thence over U.S. Highway 62 to the Kentucky-Ohio State line; (d) between points in that part of New York east of a line extending from the shore of Lake

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Ontario along New York Highway 18 to Rochester, N.Y., thence along U.S. Highway 15 to the New York-Pennsylvania State line (except Sullivan, Orange, Putnam, Rockland, Westchester, Nassau, and Suffolk Counties and New York, N.Y.), on the one hand, and, on the other, points in Erie County, Pa.;

(e) Between points in that part of New York east of a line extending from the shore of Lake Ontario along New York Highway 18 to Rochester, N.Y., thence along U.S. Highway 15 to the New York-Pennsylvania State line (except Sullivan, Orange, Putnam, Rockland, Westchester, Nassau, and Suffolk Counties, and New York, N.Y.), on the one hand, and, on the other, points in Ohio (except roadbuilding and earthmoving equipment) west of a line extending from the shore of Lake Erie, near Willoughby, along Ohio Highway 91 to its intersection with Interstate Highway 271, thence along Interstate Highway 271 to its intersection with Interstate Highway 71, thence along Interstate Highway 71 to its intersection with U.S. Highway 62, thence over U.S. Highway 62 to the Kentucky-Ohio State line; (f) between points in that part of New York east of a line extending from the shore of Lake Ontario, along New York Highway 18 to Rochester, N.Y., thence along U.S. Highway 15 to the New York-Pennsylvania State line (except Sullivan, Orange, Putnam, Rockland, Westchester, Nassau, and Suffolk Counties and New York, N.Y.), on the one hand, and, on the other, points in Michigan, Indiana, and Illinois; (g) between points in Niagara, Erie, Orleans, Genesee, and Wyoming Counties, N.Y., on the one hand, and, on the other, points in Pennsylvania east of U.S. Highway 15; (h) from points in Monroe County, N.Y., to points in Michigan, Indiana, Illinois, Ohio (except roadbuilding and earthmoving equipment), West Virginia, Virginia, Pennsylvania, Deleware, Maryland, New Jersey, Connecticut, Rhode Island, New Hampshire, Massachusetts, Vermont, Maine, and the District of Columbia; (i) from points in Orleans, Genesee, and Livingston Counties, N.Y., to points in Indiana, Illinois, West Virginia, Virginia, Maryland, Delaware, Connecticut, Rhode Island, New Hampshire, Massachusetts, Vermont, Maine, and the District of Columbia; (j) from points in Ontario and Wayne Counties, N.Y., to points in New Hampshire, Maine, Rhode Island, Indiana, Illinois, the District of Columbia, and points in those portions of Connecticut, Vermont, and Massachusetts east of Interstate Highway 91; (k) between points in Orleans, Genesee, Livingston, and Ontario Counties, N.Y., on the one hand, and, on the other, points in Indiana and Illinois; (l) between points in Niagara, Erie, Orleans, Genesee, and Wyoming Counties, N.Y., on the one hand, and, on the other, points in New Jersey, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, and Maine; and (m) between points in Chautaugua, Cattaraugus, Allegheny, and Livingston Counties, N.Y., on the one hand, and, on the other, points in Vermont, New Hampshire, Massachusetts, Rhode Island, and Connecticut (except New Haven and Middlesex Counties). The purpose of this filing is to eliminate the gateway of Rochester or Monroe County, N.Y.

No. MC–19227 (Sub-No. E3), filed June 4, 1974. Applicant: LEONARD BROS. TRUCKING CO., INC., 2515 NW. 20th Street, Miami, Fla. 33152. Applicant's representative: William O. Turney, 2001 Massachusetts Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities* (except boats, oil field equipment, airplanes, and airplane parts), the transportation of which because of their size or weight require the use of special equipment, and (2) *Self-propelled articles*, each weighing 15,000 lbs. or more and *related machinery, tools, parts and supplies* moving in connection therewith; (a) between points in Mobile and Baldwin Counties, Alabama, on the one hand, and, on the other, points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Tennessee (east and north of Lake, Dyer, Gibson, Carroll, Decatur, and Wayne Counties), Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia; between points in Texas (south of Deaf Smith, Randall, Armstrong, Donley, and Collingsworth Counties, north of Andrews, Martin, Howard, Mitchell, Nolan, Taylor, Callahan, Eastland, Erath, Hood, Johnson, Ellis, Nevaro, and Henderson Counties) and west of Lamar, Delta, Hopkins, Rains, and Van Zandt Counties), on the one hand, and, on the other, points in Alabama (east and south of Cleburne, Clay, Tallapoosa, Elmore, Autauga, Lowndes, Butler, Conecuh, and Escambia Counties), Connecticut, Delaware, Georgia (east and south of Elbert, Oglethorpe, Clarke, Barrow, Gwinnett, De kalb, Fulton, and Carroll Counties), Maryland (east and south of Washington County), New Jersey, New York (east and south of Warren, Saratoga, Albany, Greene, and Delaware Counties), North Carolina (east and south of Stokes, Forsyth, Davidson, Rowan, Cabbarus, and Mecklenburg Counties), Pennsylvania (east and south of Wayne, Lackawanna, Luzerne, Carbon, Schuylkill, Dauphin, Cumberland, and Franklin Counties), Rhode Island, South Carolina (east and south of York, Union, Laurens, Greenwood, and Abbeville Counties), Vermont (except Grand Isle, Chittenden and Addison Counties), and Virginia (east and south of Clarke, Warren, Page, Rockingham, Augusta, Nelson, Amherst, Bedford, Franklin, and Henry Counties). The commodities sought in (2) above are restricted to those which are transported on trailers. The purpose of this filing is to eliminate the gateway of points in Florida.

No. MC–30280 (Sub-No. E36), filed May 9, 1974. Applicant: WATKINS CAROLINA EXPRESS, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Paul Daniell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, dairy products, livestock, acids, household goods, as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), from New York, N.Y., to points in Georgia. The purpose of this filing is to eliminate the gateways of Charlotte, N.C., and Greenville, S.C.

No. MC–42212 (Sub-No. E1), filed May 9, 1974. Applicant: HARDER'S EXPRESS, INC., Route 9–H, Claverack, N.J. 12513. Applicant's representative: Michael R. Werner, West 45th Street, New York, N.Y. 10036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between the cities of Cohoes, Rensselaer, Schenectady, Troy, and Watervliet, N.Y., the towns of Brunswick, Colonie, East Greenbush, Glenville, Niskayuna, North Greenbush, Rotterdam, and Waterford, N.Y., and the villages of Green Island, Menands, and Waterford, N.Y., on the one hand, and, on the other, points in Middlesex, Union, Essex, Passaic, Hudson, and Bergen Counties, N.J. The purpose of this filing is to eliminate the gateways of (1) points in Rensselaer County, N.Y., or (2) points in Columbia County, N.Y., and those points in Westchester County, N.Y., located in the New York, N.Y., commercial zone.

No. MC–42212 (Sub-No. E2), filed May 9, 1974. Applicant: HARDER'S EXPRESS, INC., Route 9–H, Claverack, N.Y. 12513. Applicant's representative: Michael R. Werner, West 45th Street, New York, N.Y. 10036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities, in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between points in Albany, Columbia, Dutchess, Orange, Rensselaer, and Ulster Counties, N.Y., on the one hand, and, on the other, points in Middlesex, Union, Essex, Passaic, Hudson, and Bergen Counties, N.J. The purpose of this filing is to eliminate the gateway points in that part of Westchester County, N.Y., located within the New York, N.Y., commercial zone.

No. MC–63792 (Sub-No. E6), filed May 17, 1974. Applicant: TOM HICKS TRANSFER CO., INC., P.O. Box 16005, Houston, Tex. 77022. Applicant's representative: C. W. Ferebee (same as above).

Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Machinery, equipment, materials and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts, and *machinery, materials, equipment, and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking-up thereof, except the stringing and picking-up of pipe in connection with main pipelines, (B) *Machinery, equipment, materials, and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and byproducts, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline rights of way, and (C) *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells, between points in Louisiana, on the one hand, and, on the other, points in Oklahoma, Kansas, New Mexico, Colorado, Utah, and Wyoming. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC–73165 (Sub-No. E8), filed May 14, 1974. Applicant: EAGLE MOTOR LINES INCORPORATED, P.O. Box 11086, Birmingham, Ala. 35202. Applicant's representative: Carl U. Hurst (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles, firebrick and refractory materials, contractors outfits and equipment* (except those requiring special equipment); (1) between points in Mississippi on and south of U.S. Highway 78, and on and north of U.S. Highway 80, on the one hand, and, on the other, points in Georgia on and northeast of a line beginning at the Alabama-Georgia State line, thence over U.S. Highway 82 to Albany and thence over U.S. Highway 29 to the Florida-Georgia State line; (2) between points in Mississippi north of U.S. Highway 78, on the one hand, and, on the other, points in Georgia (except those west and north of a line beginning at the Tennessee-Georgia State line, thence over Georgia Highway 61 to Villa Rica and thence over U.S. Highway 78 to the Georgia-Alabama State line; (3) between points in Mississippi on and south of U.S. Highway 80, and on and north of U.S. Highway 78, on the one hand, and on the other, points in Georgia on and north of U.S. Highway 280 from Columbus to McRae and thence over U.S. Highway 23 to the Georgia-Florida State line; (4) between points in Mississippi on and south of U.S. Highway 98, on the one hand, and, on the other, points in Georgia on and north of a line, beginning at the Alabama-Georgia State line and thence over U.S. Highway 78 to Atlanta, and thence over U.S. Highway 278 to the Georgia-South Carolina State line; (5) between points in Mississippi on and south of U.S. Highway 80, on the one hand, and, on the other, points in Tennessee on and east of U.S. Highway 31 and 31W; (6) between points in Mississippi on and north of U.S. Highway 80, and on and south of U.S. Highway 82, on the one hand, and, on the other, points in Tennessee on and east of U.S. Highway 231; (7) between points in Mississippi on and north of U.S. Highway 82, and on and south of U.S. Highway 78, on the one hand, and, on the other, points in Tennessee on and east of U.S. Highway 127; (8) between points in Mississippi on and southeast of Interstate Highway 59 on the one hand, and, on the other, points in Tennessee on and east of Tennessee Highway 13;

(9) Between points in Georgia on and south of U.S. Highway 29, on the one hand, and, on the other, points in Tennessee on and west of a line beginning at the Alabama-Tennessee State line and thence over U.S. Highway 43 to Summertown, thence over Tennessee Highway 20 to the Tennessee River, thence following the Tennessee River to the Kentucky-Tennessee State line; (10) between points in Georgia, on the one hand, and, on the other, points in Tennessee on and west of U.S. Highway 51; (11) between points in Georgia on and south of U.S. Highway 80, on the one hand, and, on the other, points in Tennessee on and west of Interstate Highway 65; (12) between points in Georgia on and south of U.S. Highway 280 and U.S. Highway 341, on the one hand, and, on the other, points in Tennessee on and west of U.S. Highway 231; and (13) between points in Georgia on and south of U.S. Highway 82 and on and west of Interstate Highway 73 on the one hand, and, on the other, points in Tennessee on and west of Tennessee Highway 56. The purpose of this filing is to eliminate the gateway of Birmingham, Ala.

No. MC–76177 (Sub-No. E12) (Correction), filed April 24, 1974, published in the FEDERAL REGISTER May 21, 1974. Applicant: BAGGETT TRANSPORTATION COMPANY, 2 South 32nd Street, Birmingham, Ala. 35233. Applicant's representative: T. C. Sinclair (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Classes A and B explosives, and blasting supplies*, between points in Maryland, New Jersey, and Delaware, on the one hand, and, on the other, points in Montana. The purpose of this filing is to eliminate the gateways of points within 15 miles of both Reynolds and Allentown, Pa.; and Seneca, Ill. The purpose of this correction is to reflect authority is between points and not from as previously published.

No. MC–83539 (Sub-No. E3), filed May 11, 1974. Applicant: C & H TRANSPORTATION CO., INC., 2010 West Commerce Street, Dallas, Tex. 75208. Applicant's representative: Kenneth Weeks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which because of size or weight, requires the use of special equipment and related machinery parts and *related contractors' materials and supplies* when their transportation is incidental to the transportation by the carrier of commodities which, because of size or weight, require the use of special equipment; (A) between points in Delaware, on the one hand, and, on the other, (1) points in Arizona and New Mexico (Philadelphia, Pa., and points in Texas)*, (2) points in Idaho, Oregon, and Washington (Phildelphia, Pa. and Butte, Mont.)*, and (3) points in Montana, North Dakota, South Dakota, Texas, Wyoming, New Jersey, and New York, Philadelphia, Pa.); (B) between the District of Columbia on the one hand, and, on the other, (1) points in Arizona and New Mexico (Philadelphia, Pa., and points in Texas)*, (2) points in Idaho, Oregon, and Washington (Philadelphia, Pa., and Butte, Mont.)*, and (3) points in Montana, New Jersey, North Dakota, South Dakota, Texas, and Wyoming (Philadelphia, Pa.)*;

(C) Between points in Rhode Island, on the one hand, and, on the other, (1) points in Arizona and New Mexico (Philadelphia, Pa., and points in Texas)* (2) points in Idaho, Oregon, and Washington (Philadelphia, Pa., and Butte, Mont.)*, and (3) points in Maryland, Montana, North Dakota, South Dakota, Texas, and Wyoming (Philadelphia, Pa.)*; (D) from points in Colorado to points in Rhode Island and the District of Columbia (points in Utah, or points in Wyoming and Philadelphia, Pa., or points in Texas and Philadelphia, Pa.)*; (E) between points in Delaware, on the one hand, and, on the other, (1) points in Arkansas, Illinois, Kansas, Louisiana, and Oklahoma (Philadelphia and Braddock, Pa.)*, and (2) points in Iowa, Minnesota, Missouri, Nebraska, and Wisconsin (Philadelphia and Braddock, Pa., and points in Illinois)*; (F) from points in Rhode Island and the District of Columbia to points in Colorado (Philadelphia and Braddock, Pa.)*; (G) between the District of Columbia, on the one hand, and, on the other, (1) points in Kansas (Philadelphia and Braddock, Pa.)*; and (2) points in Minnesota, Nebraska, and Wisconsin (Philadelphia and Braddock, Pa., and points in Illinois)*; and (H) between points in Rhode Island, on the one hand, and, on the other, (1) points in Kansas, Louisiana, Mississippi, and Oklahoma (Philadelphia and Braddock, Pa.)*, and (2) points in Iowa, Minnesota, Missouri, Nebraska, and Wisconsin (Philadelphia and Braddock, Pa., and points in Illinois)*; restricted in (A), (B), and (C)

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above (except between points in Delaware, Rhode Island, and the District of Columbia, on the one hand, and, on the other, points in New Jersey, New York, and Maryland, as authorized herein), against participation by the carrier in the stringing or picking up of pipe along pipelines. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC–83539 (Sub-No. E4), filed May 17, 1974. Applicant: C & H TRANSPORTATION, P.O. Box 5976, Dallas, Texas 75222. Applicant's representative: Kenneth Weeks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (I) *Commodities*, the transportation of which, because of size or weight, requires the use of special equipment and *related machinery parts and related contractors' materials and supplies*, when their transportation is incidental to the transportation by the carrier of commodities which, because of size or weight, require the use of special equipment; and (II) *Self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts and supplies* moving in connection therewith, restricted to commodities which are transported on trailer, (A) (except that no service shall be performed in connection with the stringing or picking up of pipe along pipelines), between points in Arizona, on the one hand, and, on the other, points in Montana and Wyoming (points in Colorado)*; (B) those commodities specified in (I) above, between points in Arkansas on the one hand, and, on the other, points in Idaho (except that no service shall be performed in connection with stringing or picking up pipe along main or trunk pipeline rights of way, other than in the transportation, stringing or picking up of pipe (1) in connection with river crossings of pipelines, and (2) in connection with the operation, repair, and maintenance of pipelines) (points in Kansas, and Nebraska, and Butte, Mont.)*; (C) those commodities sepcified in (I) and (II) above between points in Arkansas, on the one hand, and, on the other, points in Iowa restricted as in (B) above, and further restricted so that carrier's service shall be limited to movements (1) of machinery, equipment, materials, and supplies used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts and (2) of related contractors' equipment, materials, and supplies when their transportation is incidental to the transportation by carrier of commodities which, because of size or weight, require the use of special equipment) (points in Kansas)*, (D) those commodities specified in (I) and (II) above, between points in Arkansas, on the one hand, and on the other, points in North Dakota, restricted as in (B) above (points in Kansas and South Dakota)*; (E) those commodities specified in (I) above (except aircraft and missiles, and parts thereof) between points in California on the one hand, and, on the other, points in Florida (points in South Carolina)*;

(F) Those commodities specified in (I) above, between points in Idaho, on the one hand, and, on the other, (a) points in Iowa, and Missouri, subject to the restrictions imposed in (C) above, (Butte, Mont., and points in Nebraska)*, (b) points in Montana (Butte, Mont.)*, and (c) points in West Virginia (Butte, Mont., and points in Utah)*; (G) those commodities specified in (I) above, between points in Illinois, on the one hand, and, on the other, (a) points in Kansas (points in Missouri)*, (b) points in Montana (points in Nebraska)*, and (c) points in Wyoming (points in Iowa and South Dakota)*, all restricted as in (C) above; (H) those commodities specified in (I) and (II) above, between points in Arkansas, on the one hand, and, on the other, points in South Dakota, restricted as in (B) above (points in Kansas)*, (I) those commodities specified in (I) above between points in Iowa, on the one hand, and, on the other, (a) points in Michigan (points in Illinois)*, and (b) points in Oklahoma (points in Kansas)*, restricted as in (C) above, further restricted against the stringing or picking up of pipe in connection with oil or gas pipelines, and further restricted against the transportation of cast iron pressure pipe and fittings and accessories therefore when moving with such pipe, from Council Bluffs, Iowa; (J) those commodities specified in (I) above, between points in Kansas, on the one hand, and, on the other, points in North Dakota (points in South Dakota)*, restricted as in (B) above, and (b) points in West Virginia (points within a 50 mile radius of Nashville, Tenn.; (K) those commodities specified in (I) above between points in Montana, on the one hand, and, on the other, points in New Mexico (points in Colorado)*, (L) those commodities specified in (1) above between points in Nebraska, on the one hand, and on the other, (a) points in Ohio, (points in South Dakota)*, restricted as in (A) above, and (b) points in West Virginia (points in Kansas and points within a 50 mile radius of Nashville, Tenn.)*, restricted as in (B) above; (M) those commodities specified in (I) above, between points in Ohio, on the one hand, and, on the other, points in Oregon and Washington, (Butte, Mont.)*, restricted as in (A) above; (N) those commodities specified in (I) and (II) above between points in Oregon, on the one hand, and, on the other, points in Virginia (points in California)*; and (O) those commodities specified in (I) above (except aircraft and missiles and parts thereof), between points in South Carolina, on the one hand, and, on the other, points in Tennessee (points in Georgia or North Carolina)*. The purpose of this filing is to eliminate those gateways indicated by asterisks above.

No. MC–95540 (Sub-No. E52), filed April 15, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits and frozen vegetables*, from points in Florida to points in South Dakota on, west, and north of a line beginning at the South Dakota-Nebraska State line, and extending north along U.S. Highway 18 to Gregory, thence along South Dakota Highway 47 to its intersection with South Dakota Highway 44, thence along South Dakota Highway 44 to its intersection with South Dakota Highway 45, thence along South Dakota Highway 45 to its junction with Interstate Highway 90, thence along Interstate Highway 90 to its intersection with South Dakota Highway 37, thence along South Dakota Highway 37 to Huron, thence along U.S. Highway 14 to its intersection with South Dakota Highway 25, thence along South Dakota Highway 25 to its intersection with South Dakota Highway 28, thence along South Dakota Highway 28 to its intersection with U.S. Highway 81, thence along U.S. Highway 81 to Watertown, thence along U.S. Highway 212 to the South Dakota-Minnesota State line. The purpose of this filing is to eliminate the gateways of Tifton, Ga. and points in Tennessee (except Memphis, Tenn., and points in the commercial zone thereof).

No. MC–95540 (Sub-No. E150), (CORRECTION), filed April 22, 1974, published in the Federal Register May 24, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212–5299 Roswell Rd., NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned citrus products*, other than frozen, in vehicles equipped with mechanical refrigeration, in mixed loads with citrus products, not canned and not frozen, from points in Florida on and east of a line beginning at the Georgia-Florida State line and thence south along U.S. Highway 319 to the intersection with Florida Highway 363, thence along Florida Highway 363 to the St. Marks River, thence along the St. Marks River to the Gulf of Mexico, to points in Arkansas on and north of a line beginning at the Oklahoma-Arkansas State line, and thence along U.S. Highway 70 to the intersection with Arkansas Highway 329, thence along Arkansas Highway 329 to the intersection with Arkansas Highway 24, thence along Arkansas Highway 24 to Nashville, thence along Arkansas Highway 27 to the intersection with Arkansas Highway 26, thence along Arkansas Highway 26 to the intersection with Arkansas Highway 8, thence along Arkansas Highway 8 to the intersection with Arkansas Highway 46, thence along Arkansas Highway 46 to Sheridan, thence along U.S. Highway 270 to Pine Bluff, thence along U.S. Highway 79 to the intersection with U.S. Highway 79B, thence along U.S. Highway 79B to Altheimer, thence along Arkansas Highway 88 to the intersection with Arkansas Highway 11, thence along Arkansas Highway 11 to the intersection with Arkansas Highway 276, thence along Arkansas Highway 276 to the intersection with Arkansas Highway 1, thence along Arkansas Highway 1 to the intersection with U.S. Highway 49, thence along U.S. Highway 49 to the Mississippi River. The purpose of this filing is to eliminate the gateway of Doraville, Ga. The purpose of this correction is to set forth the correct gateway to be eliminated.

No. MC–95540 (Sub-No. E284), filed May 9, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd., NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Butter, cheese, cream and milk, including concentrated milk*, from points in Missouri, to points in Florida on and east of U.S. Highway 231. The purpose of this filing is to eliminate the gateway of Moultrie, Ga.

No. MC–95540 (Sub-No. E285), filed May 9, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd., NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from Bridgeton, N.J., to points in Oklahoma on and south of a line beginning at the New Mexico-Oklahoma State line, and proceeding along U.S. Highways 56/64 to its junction with Oklahoma Highway 3, thence along Oklahoma Highway 3 thence along U.S. Highway 15 to its junction with U.S. Highway 60 thence along U.S. Highway 60 to Enid, thence along U.S. Highway 64 to its junction with Interstate Highway 35, thence along Interstate Highway 51 to its junction with Oklahoma Highway 51 to its junction with Oklahoma Highway 16, thence along Oklahoma Highway 16 to its junction with U.S. Highway 64, thence along U.S. Highway 64 to the Oklahoma-Arkansas State line. The purpose of this filing is to eliminate the gateway of Baltimore, Md. and points in Pike and Spaulding Counties, Ga.

No. MC–95540 (Sub-No. E286), filed May 9, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen bakery products*, from St. Louis, Mo., to Atlanta, Ga. The purpose of this filing is to eliminate the gateway of Florence, Ala.

No. MC–95540 (Sub-No. E287), filed May 9, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Butter, cheese, cream and milk, including concentrated milk*, from points in Minnesota, to points in Florida. The purpose of this filing is to eliminate the gateway of Moultrie, Ga.

No. MC–95540 (Sub-No. E288), filed May 9, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Butter, cheese, cream, and milk, including concentrated milk*, from points in Illinois to points in Florida on and east of a line beginning at the Alabama-Florida State line, and extending south along Florida Highway 83 to De Funiak Springs, thence along Florida Highway 331 to the Gulf of Mexico. The purpose of this filing is to eliminate the gateway of Moultrie, Ga.

No. MC–95540 (Sub-No. E289), filed May 9, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Tifton, Ga., to points in Kansas, Iowa, Indiana, Arkansas, Wisconsin, and points in Tennessee on and west of Interstate Highway 65. The purpose of the filing is to eliminate the gateway of Florence, Ala.

No. MC–95540 (Sub-No. E314), filed May 15, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas* from Galveston, Tex., to points in Iowa, on and east of U.S. Highway 61. The purpose of this filing is to eliminate the gateway of Mobile, Ala.

No. MC–95540 (Sub-No. E315), filed May 15, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Milton, Pa., to points in Oklahoma. The purpose of this filing is to eliminate the gateway of Florence, Ala.

No. MC–95540 (Sub-No. E316), filed May 15, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Milton, Pa., to points in Arkansas. The purpose of this filing is to eliminate the gateway of Florence, Ala.

No. MC–95540 (Sub-No. E337), filed May 14, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, and coconuts, and pineapples*, when moving in the same vehicle and at the same time with bananas, from points in South Carolina east of a line beginning at the northeastern boundary and U.S. Highway 701, and proceeding along U.S. Highway 701 through Conway to Georgetown, thence along U.S. Highway 17/701 to Charleston, thence on U.S. Highway 17 to its intersection with U.S. Highway 21, thence along U.S. Highway 21 to the Atlantic Ocean, to points in Alabama south of a line beginning at the Alabama-Mississippi State line and extending along U.S. Highway 98 to Mobile, thence along U.S. Highway 31 to Brewton, thence along U.S. Highway 29 to Andalusia, thence along Alabama Highway 55 to the Alabama-Florida State line. The purpose of this filing is to eliminate the gateway of Jacksonville, Fla.

No. MC–95540 (Sub-No. E340), filed May 15, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Tifton, Ga., to points in Nevada. The purpose of this filing is to eliminate the gateway of points in Tennessee (except Memphis, Tenn., and points in the commercial zone thereof).

No. MC–95540 (Sub-No. E341), filed May 15, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Tifton, Ga., to points in North Dakota. The purpose of this filing is to eliminate the gateway of points in Tennessee (except Memphis, Tenn., and points in the commercial zone thereof).

No. MC–95540 (Sub-No. E342), filed May 15, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Tifton, Ga., to points in Wyoming. The purpose of this filing is to eliminate the gateway of points in Tennessee (except Memphis, Tenn., and points in the commercial zone thereof).

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No. MC–95540 (Sub-No. E343), filed May 15, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Tifton, Ga., to points in Utah. The purpose of this filing is to eliminate the gateway of points in Tennessee (except Memphis, Tenn., and points in the commercial zone thereof).

No. MC–95540 (Sub-No. E344), filed May 15, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Elmira, N.Y., to points in Arizona, California, Colorado, New Mexico, Nevada, and Utah. The purpose of this filing is to eliminate the gateway of points in Tennessee (except Memphis, Tenn., and points in the commercial zone thereof).

No. MC–95540 (Sub-No. E345), filed May 15, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in California to points in New Jersey, New York, Pennsylvania, Virginia, and Baltimore, Md. The purpose of this filing is to eliminate the gateway of points in Tennessee.

No. MC–95540 (Sub-No. E346), filed May 15, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Tifton, Ga., to points in South Dakota. The purpose of this filing is to eliminate the gateway of points in Tennessee (except Memphis, Tenn., and points in the commercial zone thereof).

No. MC–95540 (Sub-No. E347), filed May 15, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, and frozen vegetables*, from points in Maryland to points in Texas on and south of a line beginning at the Texas-Louisiana State line, and extending along Interstate Highway 20 to Ft. Worth, thence long Texas Highway 199 to its intersection with U.S. Highway 80, thence along U.S. Highway 82 to Lubbock, thence along Texas Highway 116 to the Texas-New Mexico State line. The purpose of this filing is to eliminate the gateway of Tifton, Ga.

No. MC–107839 (Sub-No. E1), filed May 15, 1974. Applicant: DENVER-ALBUQUERQUE MOTOR TRANSPORT, INC., P.O. Box 16106, Denver, Colo. 80216. Applicant's representative: Edward T. Lyons (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen citrus products and frozen seafood*, in vehicles equipped with mechanical refrigeration, from points in Florida on and south of a line beginning at Daytona Beach on the Atlantic Ocean, thence along U.S. Highway 92 to U.S. Highway 17, thence along U.S. Highway 17 to Barberville, thence along Florida Highway 40 to the Gulf of Mexico, to (1) San Diego, Calif., and (2) all points in that part of California in and north of Riverside and Orange Counties. The purpose of this filing is to eliminate the gateways of Denver, Colo., and Gallup, N. Mex.

No. MC–107839 (Sub-No. E2), filed May 15, 1974. Applicant: DENVER-ALBUQUERQUE MOTOR TRANSPORT, INC., P.O. Box 16106, Denver, Colo. 80216. Applicant's representative: Edward T. Lyons (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bananas*, and (2) *coconuts and pineapples*, when moving in the same vehicles and at the same time with presently authorized commodities which are subject to economic regulation under the Act, from New Orleans, La., and Galveston, Tex., to points in that part of Colorado on and west of a line from the New Mexico State line along U.S. Highway 85–87 to Denver, thence along U.S. Highway 85 to the Wyoming State line (except Denver, Colorado Springs, and Pueblo). The purpose of this filing is to eliminate the gateway of Albuquerque, N. Mex.

No. MC–107839 (Sub-No. E3), filed May 15, 1974. Applicant: DENVER-ALBUQUERQUE MOTOR TRANSPORT, INC., P.O. Box 16106, Denver, Colo. 80216. Applicant's representative: Edward T. Lyons (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from Denver and Colorado Springs, Colo., to points in Georgia. The purpose of this filing is to eliminate the gateway of Plainview, Tex.

No. MC–107839 (Sub-No. E4), filed May 15, 1974. Applicant: DENVER-ALBUQUERQUE MOTOR TRANSPORT, INC., P.O. Box 16106, Denver, Colo. 80216. Applicant's representative: Edward T. Lyons (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from Denver and Colorado Springs, Colo., to Chattanooga, Johnson City, Knoxville, and Memphis, Tennessee, and points in North Carolina and South Carolina. The purpose of this filing is to eliminate the gateway of Plainview, Tex.

No. MC–107839 (Sub-No. E5), filed May 15, 1974. Applicant: DENVER-ALBUQUERQUE MOTOR TRANSPORT, INC., P.O. Box 16106, Denver, Colo. 80216. Applicant's representative: Edward T. Lyons (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen citrus products and frozen seafood*, in vehicles equipped with mechanical refrigeration, and (2) *canned citrus products* in mixed loads with citrus products, frozen (presently authorized) in vehicles equipped with mechanical refrigeration, from points in that part of Florida on and south of a line from Vero Beach on the Atlantic Ocean along Florida Highway 60 to U.S. Highway 27, thence along U.S. Highway 27 to Haines City, thence along U.S. Highway 17 via Winter Haven to Florida Highway 64, thence along Florida Highway 64 to Bradenton and the Gulf of Mexico, to Gallup and Farmington, N. Mex. The purpose of this filing is to eliminate the gateway of Denver, Colo.

No. MC–110525 (Sub-No. E65), filed May 1, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Connecticut to points in Virginia. The purpose of this filing is to eliminate the gateways of Elizabeth, N.J., and Morrisville, Pa.

No. MC–110525 (Sub-No. E95), filed May 1, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Delaware to points in that part of New Jersey on and north of New Jersey Highway 70. The purpose of this filing is to eliminate the gateways of Lima, Philadelphia, and Morrisville, Pa.

No. MC–110525 (Sub-No. E97), filed May 1, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Delaware to points in that part of New York on and east of New York Highway 19. The purpose of this filing is to eliminate the gateways of Middletown Township, Delaware County, Philadelphia, and Morrisville, Pa.

No. MC–110525 (Sub-No. E142), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from the District of Columbia to points in Rhode Island. The purpose of this filing is to eliminate the gateways of Lima, Philadelphia, and Morrisville, Pa.

No. MC–110525 (Sub-No. E166), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, as defined in *The Maxwell Co., Extension—Addyston*, 63 M.C.C. 677, in bulk, in tank vehicles, (1) from points in that part of Florida on, west, and south of a line beginning at the Georgia-Florida State line, thence along U.S. 441 to Orlando, thence along Florida Highway 50 to junction Florida Highway 405, thence along Florida Highway 405 to the Atlantic Ocean, to points in Pennsylvania [S. Charleston, W. Va.]*, and (2) from Jacksonville, Fla., to points in Pennsylvania [Greensboro, N.C., and Hopewell, Va.]*, restricted in (2) above against the transportation of bituminous products and materials. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC–110525 (Sub-No. E203), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials), in bulk, in tank vehicles, (a) from points in that part of Georgia west of U.S. Highway 441, to points in Pennsylvania, (b) from points in that part of Georgia east of U.S. Highway 441, to points in Pennsylvania on and west of U.S. Highway 220, and (c) from points in that part of Georgia east of U.S. Highway 441 to points in that part of Pennsylvania on and east of U.S. Highway 220. The purpose of this filing is to eliminate the gateways of S. Charleston, W. Va. (parts A and B), and Greensboro, N.C. (part C).

No. MC–110525 (Sub-No. E222), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Indiana to points in that part of North Carolina on and east of U.S. Highway 21. The purpose of this filing is to eliminate the gateway of S. Charleston, W. Va.

No. MC–110525 (Sub-No. E232), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, (a) from points in that part of Kentucky on, north, and west of a line beginning at Jenkins, thence along U.S. Highway 119 to junction Kentucky Highway 190, thence along Kentucky Highway 190 to junction Kentucky Highway 90, thence along Kentucky Highway 90 to the Kentucky-Tennessee State line, to points in Maryland, and (b) from points in that part of Kentucky south and east of a line beginning at Jenkins, Ky., thence along U.S. Highway 119 to junction Kentucky Highway 190, thence along Kentucky Highway 190 to junction Kentucky Highway 90, thence along Kentucky Highway 90 to the Kentucky-Tennessee State line, to points in that part of Maryland on and west of U.S. Highway 220. The purpose of this filing is to eliminate the gateway of S. Charleston, W. Va.

No. MC–110525 (Sub-No. E241), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials), in bulk, in tank vehicles, from points in Kentucky to points in Pennsylvania. The purpose of this filing is to eliminate the gateways of S. Charleston, and Morgantown, W. Va.

No. MC–110525 (Sub-No. E242), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Kentucky to points in Rhode Island. The purpose of this filing is to eliminate the gateways of S. Charleston, W. Va., and Elizabeth, N.J.

No. MC–110525 (Sub-No. E462), filed June 3, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal tar products*, in bulk, in tank vehicles, from points in Massachusetts to points in Kentucky. The purpose of this filing is to eliminate the gateways of Newark, N.J., and Pittsburgh, Pa.

No. MC–110525 (Sub-No. E463), filed June 3, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal tar products*, in bulk, in tank vehicles, from points in Massachusetts to points in Indiana. The purpose of this filing is to eliminate the gateways of Newark, N.J., and Pittsburgh, Pa.

No. MC–110525 (Sub-No. E464), filed June 3, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal tar products*, in bulk, in tank vehicles, from points in Massachusetts to points in Maryland. The purpose of this filing is to eliminate the gateway of Carteret, N.J.

No. MC–110525 (Sub-No. E465), filed June 3, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal tar products*, in bulk, in tank vehicles, from points in the Lower Peninsula of Michigan to points in Connecticut. The purpose of this filing is to eliminate the gateways of Pittsburgh, Pa., and Ft. Lee, N.J.

No. MC–110525 (Sub-No. E466), filed June 3, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal tar products*, in bulk, in tank vehicles, from points in New Jersey to points in Indiana. The purpose of this filing is to eliminate the gateway of Pittsburgh, Pa.

No. MC–110525 (Sub-No. 467), filed June 3, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal tar products*, in bulk, in tank vehicles, from points in New Jersey to points in Ohio. The purpose of this filing is to eliminate the gateway of Pittsburgh, Pa.

No. MC–110525 (Sub-No. E468), filed May 3, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal tar products*, in bulk, in tank vehicles, from points in that part of New York on and east of Interstate Highway 81, to those points in the Lower Peninsula of Michigan on and west of a line beginning at the Michigan-Indiana State line, thence along U.S. Highway 27 to Clare, thence along Interstate Highway 75 to Macki-

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naw City. The purpose of this filing is to eliminate the gateway of Kobuta, Pa.

No. MC–110525 (Sub-No. E469), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal tar products*, in bulk, in tank vehicles, from points in Massachusetts, to points in the Lower Peninsula of Michigan. The purpose of this filing is to eliminate the gateways of Newark, N.J., and Pittsburgh, Pa.

No. MC–111812 (Sub-No. E10), filed May 13, 1974. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, S. Dak. 57101. Applicant's representative: R. H. Jinks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen potatoes and frozen potato products*, from Grand Forks, N. Dakota, to points in Arizona, California, Colorado, Idaho, Kentucky, Montana, Nevada, New Mexico, Oregon, Utah, Virginia, West Virginia, Washington, and Wyoming. The purpose of this filing is to eliminate the gateway of Crookston, Minn.

No. MC–111812 (Sub-No. E11), filed May 8, 1974. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, S. Dak. 57101. Applicant's representative: R. H. Jinks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Washington, Oregon, California, and Idaho, to points in Massachusetts, New York, New Jersey, Maryland, Ohio, and Pennsylvania, and the District of Columbia. The purpose of this filing is to eliminate the gateway of Ft. Atkinson, Wis.

No. MC–111812 (Sub-No. E12), filed May 10, 1974. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, S. Dak. 57101. Applicant's representative: R. H. Jinks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confections*, from points in that part of Minnesota on and south of Minnesota Highway 210, to Salt Lake City, Utah, and points in California and Arizona. The purpose of this filing is to eliminate the gateways of (1) Lakefield, Minn., and points within 25 miles thereof, and (2) Ocheyedan, Iowa, and points within 10 miles thereof, and Sioux Falls, South Dakota.

No. MC–111812 (Sub-No. E13), filed May 10, 1974. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, S. Dak. 57101. Applicant's representative: R. H. Jinks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except animal fats in bulk, in tank vehicles), from Fremont, Nebr., to points in that part of California on and west of U.S. Highway 395. The purpose of this filing is to eliminate the gateway of Mitchell, S. Dak.

No. MC–111812 (Sub-No. E14), filed May 10, 1974. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, S. Dak. 57101. Applicant's representative: R. H. Jinks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, from the plantsites and storage facilities of Bird Provision Company, at or near Pekin and Peoria, Ill., to points in California, Nevada, and Utah. The purpose of this filing is to eliminate the gateway of points in Iowa.

No. MC–111812 (Sub-No. E15), filed May 14, 1974. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, S. Dak. 57101. Applicant's representative: R. H. Jinks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plantsite of Swift and Company at or near Grand Island, Nebr., to points in Montana and Washington. The purpose of this filing is to eliminate the gateway of Mitchell, S. Dak.

No. MC–111812 (Sub-No. E16), filed May 15, 1974. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, S. Dak. 57101. Applicant's representative: R. H. Jinks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plantsite of Swift and Company at or near Grand Island, Nebr., to points in that part of Oregon on and west of Interstate Highway 5. The purpose of this filing is to eliminate the gateway of Rapid City, S. Dak.

No. MC–111812 (Sub-No. E17), filed May 12, 1974. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, S. Dak. 57101. Applicant's representative: R. H. Jinks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plantsites and warehouse facilities of Sterling Colorado Beef Packers, at or near Sterling, Colo., and the plantsites and warehouses of American Beef Packers, Inc., at or near Ft. Morgan, Colo., to points in Delaware, Maine, Maryland, New Hampshire, Ohio, and Vermont, and the District of Columbia. The purpose of this filing is to eliminate the gateway of Ottumwa, Iowa.

No. MC–111812 (Sub-No. E18), filed May 13, 1974. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, S. Dak. 57101. Applicant's representative: R. H. Jinks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Estherville, Iowa, to points in Idaho, Oregon, Washington, California, Nevada, Utah, Montana. The purpose of this filing is to eliminate the gateway of Fairmont, Minn.

No. MC–112822 (Sub-No. E103), filed May 17, 1974. Applicant: BRAY LINES INCORPORATED, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in packages and containers, from St. Louis, Mo., to points in North Dakota and South Dakota (except Rapid City). The purpose of this filing is to eliminate the gateways of Kansas City Kans., and Kansas City, Mo.

No. MC–112822 (Sub-No. E105), filed May 17, 1974. Applicant: BRAY LINES INCORPORATED, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in packages and containers from points in that part of Kansas on, north, and east of a line beginning at the Kansas-Missouri State line and extending along U.S. Highway 54 to junction U.S. Highway 81, thence along U.S. Highway 81 to Kansas-Nebraska State line, to points in that part of Texas on and north of a line beginning at the Texas-New Mexico State line and extending along U.S. Highway 380 to Post, and thence along U.S. Highway 84 to junction U.S. Highway 281 at Evant, and on and west of a line beginning at Evant and extending along U.S. Highway 281 via Wichita Falls, to the Texas-Oklahoma State line. The purpose of this filing is to eliminate the gateway of El Dorado, Kans.

No. MC–112822 (Sub-No. E106), filed May 17, 1974. Applicant: BRAY LINES INCORPORATED, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same as above).

Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in containers, from those points in that part of Kansas east of U.S. Highway 81 and south of a line beginning at McPherson, and extending along U.S. Highway 56 (formerly U.S. Highway 50N) to junction U.S. Highway 59, thence along U.S. Highway 59 to Lawrence, and thence along U.S. Highway 40 to the Kansas-Missouri State line, to points in Louisiana. The purpose of this filing is to eliminate the gateway of Stroud, Okla.

No. MC–112822 (Sub-No. E107), filed May 17, 1974. Applicant: BRAY LINES INCORPORATED, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in packages and containers, from points in that part of Kansas east of U.S. Highway 81 and south of a line beginning at McPherson, and extending along U.S. Highway 56 (formerly U.S. Highway 50N) to junction U.S. Highway 59, thence along U.S. Highway 59 to Lawrence, and thence along U.S. Highway 40 to the Kansas-Missouri State line, to points in Arizona and New Mexico. The purpose of this filing is to eliminate the gateway of Enid or Ponca City, Okla.

No. MC–112822 (Sub-No. E110), filed May 17, 1974. Applicant: BRAY LINES INCORPORATED, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in packages and containers, from points in that part of Missouri south of U.S. Highway 36 and west of a line beginning at Macon, and extending along U.S. Highway 63 to Jefferson City, thence along U.S. Highway 54 to Camdenton, thence along Missouri Highway 5 to Lebanon, thence along U.S. Highway 66 to Springfield, and thence along U.S. Highway 65 to the Missouri-Arkansas State line, to points in Arizona and New Mexico. The purpose of this filing is to eliminate the gateway of Enid, Okla.

No. MC–114019 (Sub-No. E150), filed May 9, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions of Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (1) from Chicago and Peoria, Ill., Detroit and Grand Rapids, Mich., Indianapolis and Ft. Wayne, Ind., Cleveland and Toledo, Ohio, and Madison, Wisc., to points in Connecticut, Delaware, Maine, Maryland (except points on and west of U.S. Highway 15), Massachusetts, New Hampshire, Rhode Island, Vermont, and points in Virginia on and east of U.S. Highway 501 from the North Carolina-Virginia State line to its junction with U.S. Highway 29, thence from said junction along U.S. Highway 29 to the Virginia-Maryland State line, and the District of Columbia, (2) from Akron, Cincinnati, Columbus, and Dayton, Ohio; Carbondale, Ill., Evansville, Ind., St. Louis, Mo., Louisville, Bellevue, and Covington, Ky. to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, and Rhode Island. The purpose of this filing is to eliminate the gateway of Pittsburgh, Pa.

No. MC–114019 (Sub-No. E151), filed May 9, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oil and vegetable oil shortenings*, in bulk, in tank vehicles, (1) from points in Berrien, Cass, and Van Buren Counties, Mich., to Suffolk, Va., and the District of Columbia; (2) from points in Berrien, Cass, St. Joseph, Kalamazoo, and Van Buren Counties, Mich., to Boston, Mass., restricted to the transportation of shipments moving from, to or between warehouses, and wholesale, retail, or chain outlets of food business houses. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC–114019 (Sub-No. E152), filed May 9, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such general merchandise* as is dealt in by chain grocery stores, and *supplies, machinery, fixtures, and equipment* incidental to the production, warehousing and sale thereof (except commodities in bulk and commodities requiring the use of special equipment), between Chicago, Carbondale, and Peoria, Ill.; Detroit and Grand Rapids, Mich.; Evansville, Indianapolis, and Ft. Wayne, Ind.; Louisville, Bellevue, and Covington, Ky.; Madison, Wis., and St. Louis, Mo., on the one hand, and, on the other, Sparrows Point and Baltimore, Md., New York, N.Y. and points within 30 miles of New York, N.Y. to points in that part of New Jersey, Delaware, and Maryland, which are located within 30 miles of Philadelphia, Pa. points in that part of New York on and west of a line beginning at Windsor Beach, and extending to Rochester, thence along U.S. Highway 15 to Wayland, thence along New York Highway 245 to Dansville, thence along New York Highway 36 to junction New York Highway 21, thence along New York Highway 21 to Andover, and thence along New York Highway 17 to the New York-Pennsylvania State line, and points in Pennsylvania and points in West Virginia on and north of its junction with Interstate Highway 64 to West Virginia Highway 62, thence along its junction with West Virginia Highway 62 to U.S. Highway 33, thence U.S. Highway 33 to West Virginia-Virginia State line. The purpose of this filing is to eliminate the gateway of Akron, Cincinnati, Cleveland, Columbus, Dayton, or Toledo, Ohio.

No. MC–114019 (Sub-No. E153), filed May 17, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides) in vehicles, equipped with mechanical refrigeration, from the plantsites and warehouse facilities of Swift and Company located within the St. Louis, Mo.-East St. Louis, Ill. commercial zone, as defined by the Commission, to points in West Virginia, and those in Virginia on and east of U.S. Highway 52. The purpose of this filing is to eliminate the gateway of Union City or Chesapeake, Ohio.

No. MC–114019 (Sub-No. E154), filed May 9, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy*, when transported in the same vehicle with frozen foods, in vehicles equipped with mechanical refrigeration from Madison, Wis., Detroit and Grand Rapids, Mich., St. Louis, Mo., Louisville, Bellevue, and Covington, Ky., to points in New Jersey and Delaware. The purpose of this filing is to eliminate the gateway of Toledo or Cincinnati, Ohio and Hershey, Pa.

No. MC–114019 (Sub-No. E157), filed May 6, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, raw and manufactured, between Louisville, Ky., on the one hand, and, on the other points in Illinois and Indiana, on and north of U.S. Highway 40, Ohio, Pennsylvania, West Virginia, New York, and points in New Jersey within 40 miles of City Hall, New York, N.Y., and those in New Jersey, Delaware, and Maryland within 30 miles of Philadelphia, Pa., and Baltimore and Sparrows Point, Md. The purpose of this filing is to eliminate the gateway of Lexington, Ind.

No. MC–114019 (Sub-No. E158), filed May 8, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought

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to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oil and vegetable oil shortening*, in bulk, in tank vehicles, from Madison, Wis., and St. Louis, Mo., to Boston, Mass., Suffolk, Va., and the District of Columbia. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC–114019 (Sub-No. E164), filed May 6, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared foods* (other than frozen foods), from points in Ohio, Indiana, Pennsylvania, New York, West Virginia, those points in New Jersey within 40 miles of City Hall, New York, N.Y., those points in New Jersey, Delaware, and Maryland, which are within 30 miles of Philadelphia, Pa., and those points in Illinois which are on and east of U.S. Highway 51, and on and north of U.S. Highway 50, Sparrows Point and Baltimore, Md., to Denver, Colo., points in that part of Nebraska, on and east of U.S. Highway 83 from the Kansas-Nebraska State line to North Platte, and on and south of U.S. Highway 30 from North Platte to the Missouri River, points in that part of Kansas on and east of U.S. Highway 281, points in Missouri on and west of U.S. Highway 65, and points in that part of Iowa on and west of U.S. Highway 65 from Lineville to Iowa Falls and on and south of U.S. Highway 20 from Iowa Falls to Sioux City. The purpose of this filing is to eliminate the gateways of Chicago, Effingham, Eurelea, Morrison, Morton or Washington, Ill.

No. MC–114019 (Sub-No. E165), filed May 6, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared dough*, in vehicles equipped with mechanical refrigeration, (1) from St. Louis, Mo. to points in Kentucky on and east of U.S. Highway 27, those points in Virginia on and west of U.S. Highway 29, and West Virginia; (2) from Madison, Wis., to points in Kentucky on and east of U.S. Highway 431, and those points in Virginia on and west of U.S. Highway 29 from the North Carolina-Virginia State line to its junction with U.S. Highway 211, thence on and south of U.S. Highway 211 from said junction to its junction with U.S. Highway 11 thence U.S. Highway 11 from said junction to its junction with U.S. Highway 33 and thence U.S. Highway 33 from said junction to the Virginia-West Virginia State line. The purpose of this filing is to eliminate the gateway of New Albany, Ind.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary*.

[FR Doc.74–14077 Filed 6–18–74;8:45 am]

[Notice 49]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JUNE 14, 1974.

The following publications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application), are governed by the new § 1100.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable by the Commission.

MOTOR CARRIERS OF PROPERTY

No. MC 31600 (Sub-No. 666) (republication), filed August 15, 1973, and published in the FEDERAL REGISTER issue of November 8, 1973, and republished this issue. Applicant: P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham, Mass. 02154. Applicant's representative: David F. McAllister (same address as applicant). An Order of the Commission, Operating Rights Board, dated May 15, 1974, and served June 3, 1974, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, (1) of *sodium aluminate*, in bulk, in tank vehicles, from Winsted, Conn., to Huntington and Springfield, Mass., and (2) of *lead oxide*, dry, in bulk, in tank vehicles, from Middletown, N.Y., to Bennington, Vt.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 109533 (Sub-No. 54) (Correction of a republication), filed July 9, 1973, and published in the FEDERAL REGISTER issues of September 20, 1973, and June 5, 1974, and in third publication this issue. Applicant: OVERNITE TRANSPORTATION COMPANY, a Corporation, 1100 Commerce Road, Richmond, Va. 23224. Applicant's representative: Eugene T. Liipfert, Suite 1100, 1660 L Street NW., Washington, D.C. 20036. An Order of the Commission, Operating Rights Board, dated May 6, 1974, and served June 4, 1974, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over regular routes, of *general commodities* (except those of usual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between Bluefield, W. Va., and Huntington, W. Va., from Bluefield over U.S. Highway 460 to junction West Virginia Turnpike (Interstate Highway 77), thence over West Virginia Turnpike (Interstate Highway 77) to Charleston, W. Va., thence over Interstate Highway 64 to Huntington, and return over the same route, serving no intermediate points, and serving the off-route point of Louisa, Ky., subject to the condition that the regular-route authority granted herein shall not be severable, by sale or otherwise, from the irregular-route authority contained in No. MC 109533 (Sub-Nos. 45 and 48); that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this correction is to delete the commodity "new furniture" in the restriction of the commodities authorized. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 113908 (Sub-No. 296) (REPUBLICATION), filed December 10, 1973, and published in the FR issue of January 24, 1974, and republished this issue. Applicant: ERICKSON TRANSPORT CORPORATION, 2105 East Dale Street, P.O. Box 3180 G.S.S. Springfield, Mo. 65804. Applicant's representative: B. B. Whitehead (same address as applicant). An Order of the Commission, Operating Rights Board, dated May 14, 1974, and served June 3, 1974, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, (1) of *fruit juice, fruit juice concentrate, and beverage base*, in bulk, from Chicago, Ill., to Bridgeton, N.J., (2) of *citrus juices*, in bulk, in tank vehicles, from Harlingen, Tex., to Bridgeton, N.J., and (3) of *fruit juice and fruit juice concentrates*, in bulk, in tank vehicles, from points in Arizona, to Bridgeton, N.J.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to add parts (2) and (3) as stated herein. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 130189 (REPUBLICATION) filed December 22, 1972, and published in the FR issue of February 8, 1973, and republished this issue. Applicant: SHENANDOAH TOURS, INC., 107 Lambert Street, Staunton, Va. Applicant's representative: Robert L. Quick (same address as applicant). The Initial Decision of the Commission, dated February 15, 1974 and served April 16, 1974, became the Order of the Commission by Notice dated May 20, 1974 and served June 4, 1974 and finds that operations by applicant at Staunton, Va., as a *broker*, in arranging for the transportation by motor vehicles of *passengers and groups of passengers and their baggage* in round-trip, charter and special operations beginning and ending at points in the Cities of Staunton and Waynesboro, Virginia and Augusta County, Virginia, and extending to points in the United States (except Hawaii but including Alaska) will be consistent with the public interest and the national transportation policy. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a license in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 75320 and Sub-No. 158 (NOTICE OF FILING OF PETITION TO MODIFY TERRITORIAL DESCRIPTION), filed May 30, 1974. Petitioner: CAMPBELL-SIXTY SIX EXPRESS, INC., P.O. Box 807, Springfield, Mo. 65801. Petitioner's representative: Phineas Stevens, 700 Petroleum Building, P.O. Box 22567, Jackson, Miss. 39205. Petitioner presently holds motor *common carrier* certificates No. MC 75320 and Sub-No. 158 issued December 16, 1941, and November 1, 1972, respectively, authorizing as pertinent, transportation, over regular routes, of *General Commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment) (1) in the lead certificate, Between Springfield, Mo., and Chicago, Ill.; (a) From Springfield, over U.S. Highway 66 via St. Louis, Mo., to Gardner, Ill., thence over Alternate U.S. Highway 66 to junction U.S. Highway 66 and thence over U.S. Highway 66 to Chicago; (b) From Springfield over U.S. Highway 66 to junction Illinois Highway 48, thence over Illinois Highway 48 to junction U.S. Highway 54, thence over U.S. Highway 54 via Kankakee, Ill., to Chicago; (c) From Springfield over Missouri Highway 13 to junction U.S. Highway 40, thence over U.S. Highway 40 to St. Louis, Mo., and thence to Chicago as specified above; (d) and return over these routes to Springfield; and (e) Service is authorized to and from the intermediate points of Kankakee, Decatur, Taylorville, Joliet, Bloomington, Springfield, Gilman, and Litchfield, Ill., and Bolivar, Clinton, Sullivan, St. Clair, Bourbon, Cuba, St. James, Rolla, Waynesville, Lebanon, Conway, Marshfield, and Strafford, Mo.; and the off-route points of Alton, Wood River, O'Fallon, Belleville, Dixon, and Sterling, Ill., and Crocker, Dixon, Richland, and Bloodland, Mo., and intermediate and off-route points in the Chicago, Ill., Commercial Zone, as defined by the Commission in 1 M.C.C. 673, and those in the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone, as defined by the Commission in 1 M.C.C. 656; and

(2) In Sub-No. 158, between Bloomington, Ill., and Milwaukee, Wis., serving all intermediate points in Ogle and Winnebago Counties, Ill., and serving junction U.S. Highway 51 and Interstate Highway 80 for purposes of joinder only: From Bloomington over U.S. Highway 51 to junction U.S. Highway 20, thence over U.S. Highway 20 to junction Interstate Highway 90, thence over Interstate Highway 90 to junction Wisconsin Highway 15, thence over Wisconsin Highway 15 to Milwaukee, and return over the same route. By the instant petition, petition seeks to add Dixon and Sterling, Ill., as off-route points in connection with carrier's authorized regular route operation as stated in Sub-No. 158 and to delete said off-route points from the lead certificate, Sheet No. 2. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 79135 (Sub-No. 27) (NOTICE OF FILING OF PETITION TO MODIFY A TERRITORIAL DESCRIPTION) filed May 30, 1974. Petitioner: COSSITT MOTOR EXPRESS, 63 W. Kendrick Ave., Hamilton, N.Y. 13346. Petitioner's representative: Joseph F. McCue (same address as applicant). Petitioner holds a motor *common carrier* certificate No. MC 79135 (Sub-No. 27) issued August 26, 1963, authorizing transportation over irregular routes, of *iron and steel articles*, from the plantsite of Norwich Wire Works, Inc., of Norwich, N.Y., to points in Massachusetts, Rhode Island, New Jersey, Pennsylvania, Maryland, New York, Delaware, Virginia, and the District of Columbia. By the instant petition, petitioner seeks to modify its territorial description to read: "from Norwich, N.Y., to points in Massachusetts, Rhode Island, New Jersey, Pennsylvania, Maryland, New York, Delaware, Virginia, and the District of Columbia." Any interested person or persons desiring to participate may file an original and six copies of his written representation, views or arguments in support of or against the petition on or before July 19, 1974.

No. MC 128217 (Sub-No. 3) (NOTICE OF FILING OF PETITION TO EXTEND OPERATIONS) filed June 3, 1974. Petitioner: REINHART MAYER, doing business as, MAYER TRUCK LINE, 1203 South Riverside Drive, Jamestown, N. Dak. 58041. Petitioner's representative: James B. Hovland, 425 Gate City Building, Fargo, N. Dak. 58102. Petitioner holds a motor *contract carrier* permit in No. MC–128217 (Sub-No. 3) issued August 9, 1973, authorizing transportation, over irregular routes, of (1) *Iron and steel articles*, (a) from Chicago, Chicago Heights, and Broadview, Ill., to points in Minnesota and Nebraska; (b) from the facilities of Calumet Steel Division of Borg Warner Corporation at Chicago Heights, Ill., and Ceco Corporation at Chicago, Ill., to points in South Dakota; (c) from Duluth and Minneapolis, Minn., and Sterling and Granite City, Ill., to points in Nebraska; and (d) from Jamestown, N. Dak., to points in Nebraska, Idaho, and Wyoming; (2) *lumber, chipboard, shingles, and treated poles*, from the port of entry on the International Boundary line between the United States and Canada, located at or near East Port, Idaho, to points in North Dakota, South Dakota, Montana, Wyoming, Arizona, Nebraska, Kansas, Oklahoma, Texas, Minnesota, New Mexico, Washington, Oregon, California, Nevada, Utah, and Colorado; restricted to the transportation of shipments moving in foreign commerce; (3) *treated poles*, (a) from the port of entry on the International Boundary line between the United States and Canada, located at or near East Port, Idaho, to points in Iowa, Wisconsin, and Illinois, restricted to the transportation of shipments moving in foreign commerce; and (b) from Columbia Falls, Mont., to points in North Dakota and South Dakota; and (4) *overhead doors*, from Sterling, Ill., to Jamestown, N. Dak., under a continuing contract, or contracts, with LeFevre Sales, Inc., of Jamestown, N. Dak.

By the instant petition, petitioner seeks to modify the above mentioned permit to authorize petitioner to serve his contract shipper LeFevee Sales, Inc., additionally in the transportation of: (1) *pre-fabricated buildings and building materials*, from Jamestown, N. Dak., to

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points in Colorado, Idaho, Illinois, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, North Dakota, Oklahoma, South Dakota, Texas, Utah, Wisconsin, and Wyoming; (2) *pre-fabricated buildings and building materials* from Warrenton, Mo., El Paso, Ill., Dallas, Houston and Stafford, Tex., Bossier City, and Waukesha, Wis., to points in Idaho, Montana, North Dakota, South Dakota, Wyoming, and those in Minnesota on and west of U.S. Highway 71; (3) *pre-fabricated buildings and building materials* (except lumber and lumber products) from Spokane, Wash., to points in Minnesota, North Dakota, South Dakota, and Wyoming; (4) *prefinished panelling*, from Memphis, Tenn., Chicago, Ill., and Phillips, Wis., to points in North Dakota, and South Dakota; (5) *building materials* (except iron and steel articles), from Minneapolis, Minn., to points in North Dakota; (6) *cabinets*, from Red Wing, Minn., to points in Montana, North Dakota, and South Dakota; (7) *treated wood posts*, from Butte, Mont., to points in North Dakota and South Dakota; (8) *doors and gates*, from Galesburg, Ill. (except from the plantsite of Butler Manufacturing Co.), to points in Montana, North Dakota, and South Dakota; and (9) *windows, patio doors, and millwork*, from Rock Island, Ill., to points in Montana, North Dakota, South Dakota, and those in Minnesota on and west of U.S. Highway 71. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition on or before July 19, 1974.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

Applications Under Sections 5 and 210a(b)

The following applications are governed by the Interstate Commerce Commission's Special Rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

Applications for Certificates or Permits Which Are To Be Processed Concurrently With Applications Under Section 5 Governed by Special Rule 240 to the Extent Applicable.

No. MC–1936 (Sub-No. 40) (Amendment), filed March 28, 1974, published in the FEDERAL REGISTER issue of May 8, 1974, and republished, as amended this issue. Applicant: B & P MOTOR EXPRESS, INC., 720 Gross Street, Pittsburgh, Pa. 15224. Applicant's representative: Herbert Burstein, 1 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *General commodities* (except articles of unusual value, dangerous explosives articles; liquid commodities in tank vehicles, heavy machinery and equipment, building materials, household goods; office and store equipment, building materials usually hauled in dump trucks; livestock, and motor vehicles), between points in the industrial, commercial and terminal area of Chicago, Ill. including Chicago, Ill.; (2) *General commodities* (with the exceptions named in (1) above), between points within a 75 mile radius of Chicago, Ill. including Chicago, Ill., in interline service with motor carriers; and (3) *textiles* under 500 pounds, *meat products, packinghouse products, chemicals* (except in bulk), and *alloys*, between points within a 75 mile radius of Chicago, Ill. including Chicago, Ill.

NOTE.—The purpose of this republication is to include the requests for authority in (2) and (3) above. Common control may be involved. The purpose of this application is to convert the Certificate of Registration issued under MC–124041 and subs thereunder to a Certificate of Public Convenience and Necessity. This is a matter directly related to the section 5 proceeding in MC–F–12181 published in the FEDERAL REGISTER issue of April 10, 1974. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC–56640 (Sub-No. 33) (CORRECTION) filed May 1, 1974, published in the FEDERAL REGISTER issue of June 5, 1974, and republished as corrected, in part, this issue. Applicant: DELTA LINES, INC., 333 Hegenberger Road, Oakland, Calif. 94621. Applicant's representative: Marshall G. Berol, 100 Bush Street, 21st Floor, San Francisco, Calif. 94104. The purpose of this partial republication is to correct the Section "5" in lieu of Section "2", which was previously published in error. This is a matter directly related to the Section 5 proceeding in MC–F–12212 published in the FEDERAL REGISTER issue of May 15, 1974. If a hearing is deemed necessary, the applicant requests it be held at Los Angeles, Calif. or Las Vegas, Nev.

No. MC–F–12219. (Correction) (REED LINES, INC.—PURCHASE—REBCO TRANSIT, INC.), published in the May 31, 1974, issue of the FEDERAL REGISTER on page 19306. Prior Notice should be modified to read: *REBO* TRANSIT INC., in lieu of *REBCO* TRANSIT INC.

No. MC–F–12234. Authority sought for purchase by CENTURY EXPRESS LTD., 300 South Centre St., Pottsville, Pa. 17901, of the operating rights of LANSDALE TRANSPORTATION CO., INC., 1330 North Broad St., Lansdale, Pa. 19446, and for acquisition by GEORGE F. HASSEL, 355 Lackawanna Ave., Reading, Pa. 19600, ALBERT L. EVANS, 1240 Howard Ave., Pottsville, Pa. 17901, and ALBERT L. EVAND, JR., 51 Blossom Lane, Schuylkill Haven, Pa. 17972, of control of such rights through the purchase. Applicants' attorneys: Kenneth R. Davis, 999 Union St., Taylor, Pa. 18517, and Abe H. Frumkin, P.O. Box 500, Pottsville, Pa. 17901. Operating rights sought to be transferred: *General commodities*, with exceptions, as a *common carrier* over regular routes, between Lansdale, Pa., and New York, N.Y., serving all intermediate points; and the off-route points of Trenton, N.J., those in that part of Pennsylvania within 26 miles of Lansdale, Pa., and those in that part of New Jersey within 30 miles of Newark, N.J. between Philadelphia and Quakertown, Pa., serving all intermediate points, the off-route point of Camden, N.J., and all points in Pennsylvania within five miles of described route, between Norristown, Pa., and Washington, D.C., and Camden, N.J., serving all intermediate points, and off-route points within ten miles of Norristown, and Camden: *general commodities*, with exceptions over irregular routes, between Philadelphia, Pa., on the one hand, and, on the other, points in Pennsylvania bounded by a line beginning at New Hope, Pa., and extending along U.S. Highway 202 to Norristown, Pa., thence along U.S. Highway 422 to Philadelphia, Pa., and thence along the Delaware River to point of beginning, including points on the indicated portions of the highways specified, between certain specified points in Pennsylvania; *tanks*, and *parts thereof, pumps, range boilers, hot water heaters, air compressors, asbestos pipe, insulating materials, magnesia, firebricks, cement, pipecovered materials*, and *related articles*, from Philadelphia and Norristown, Pa. CENTURY EXPRESS LTD., holds no authority from this Commission. However it is affiliated with EVANS DELIVERY COMPANY, INC., Route 3, Box 268, Pottsville, Pa. 17901, which is authorized to operate as a *common carrier* in New Jersey, New York, Pennsylvania, and West Virginia. Application has been filed for temporary authority under section 210a(b).

No. MC–F–12235. Authority sought for purchase by KISSICK TRUCK LINES, INC., 7101 East 12th, Kansas City, Mo. 64126, of the operating rights and property of RAYMOND L. NELSON and PATRICK D. FITZMORRIS, doing business as BRICK CARTAGE CO., 6945 East 11th St., Tulsa, Okla. 74112, and for acquisition by RAYMOND L. NELSON, 8736 East 27th St., Tulsa, Okla., and PATRICK D. FITZMORRIS, 9130 East Newton St., Tulsa, Okla., of control of such rights through the purchase. Applicants' attorney: John E. Jandera, 641 Harrison St., Topeka, Kans. 66603. Operating rights sought to be transferred: *Clay and concrete products*, as a *common carrier* over irregular routes, from points in Crawford County, Kans., to points in Arkansas, Missouri, Oklahoma, and Texas, from points in Canadian, Creek, Ottawa, Seminole, Sequoyah, and Tulsa Counties, Okla. (except the sites of Acme Brick Company Tulsa-TLP plant, and Acme Brick Company Tulsa-TUP plant, both at Tulsa), to points in Arkansas, Kansas, Missouri, and Texas, from points in Bastrop, Bowie, Harrison, Henderson, and Wilson Counties, Tex., to points in Arkansas, Kansas, Missouri, and Oklahoma, between points in Arkansas, Kansas, Missouri, Oklahoma, and Texas, with restriction. Vendee is authorized to operate as a *common carrier* in Colorado, Kansas, Illinois, Iowa, Oklahoma, Missouri, and Nebraska. Application has been filed for temporary authority under section 210a(b).

No. MC–F–12236. Authority sought for purchase by ROADWAY EXPRESS, INC., 1077 Gorge Blvd., P.O. Box 471, Akron, OH 44309, of a portion of the operating rights of WOMELDORF, INC., Jefferson Ave., East, P.O. Box 877, Washington, PA 15301, and for acquisition by GALEN J. ROUSH, also of Akron, OH 44309, of control of such rights through the purchase. Applicants' attorneys and representative: William O. Turney, 2001 Mass. Ave., NW., Washington, DC 20036, Douglas W. Faris, P.O. Box 471, Akron, OH 44309, and V. Baker Smith, 2107 The Fidelity Bldg., Philadelphia, PA 19109. Operating rights sought to be transferred: *General commodities*, with exceptions, as a *common carrier*, over regular routes, between Frederick and Cumberland, Md., serving all intermediate points, between Cumberland, Md., and Piedmont, W. Va., serving all intermediate points, and the off-route points of Luke and Mt. Savage, Md., between Salisbury, Pa., and Cumberland, Md., serving all intermediate points in Pennsylvania, and the off-route points in Pennsylvania within 8 miles of Salisbury, Pa.; *general commodities*, with exceptions over irregular routes, between points in Morgan and Hampshire Counties, W. Va., on the one hand, and, on the other, points in Allegany and Washington Counties, Md., and those in Frederick and Warren Counties, Va. Vendee is authorized to operate as a *common carrier* in Ohio, Texas, Oklahoma, Connecticut, Michigan, Missouri, Indiana, Massachusetts, Pennsylvania, Kansas, Illinois, Kentucky, Rhode Island, Alabama, Georgia, North Carolina, Tennessee, South Carolina, New Jersey, New York, Virginia, Delaware, Maryland, West Virginia, Wisconsin, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC–F–12237. Authority sought for control and merger by SENTLE TRUCKING CORPORATION, 210 West Alexis Rd., Toledo, OH 43612, of the operating rights and property of CRAUN TRANSPORTATION, INC., Emma St., Bettsville, OH 44815, and for acquisition by JESSIE W. SENTLE, SR., 4145 Forest Lawn Dr., Toledo, OH 43613, of control of such rights and property through the transaction. Applicants' attorney: John P. McMahon, 100 E. Broad St., Columbus, OH 43215. Operating rights sought to be controlled and merged: *Lime, limestone, and lime products* etc., as a *common carrier* over irregular routes, from Woodville, Gibsonburg, Martin, Marblehead, and Genoa, Ohio, and points within two miles of each, to Chicago, Ill., and points in Indiana, Ohio, and the lower peninsula of Michigan, from Genoa and Woodville, Ohio, to points in Cambell and Kenton Counties, Ky., from Carey and Broken Sword, Ohio to points in Michigan, from Carey and Broken Sword, Ohio, to points in Illinois, Port Allegany, Pa., and points in that part of Pennsylvania on and west of U.S. Highway 219, points in New York, and points in that part of West Virginia on and west of U.S. Highway 219, from Carey and Broken Sword, Ohio, to points in Indiana, from points in Ottawa and Sandusky Counties, Ohio, to certain specified points in Illinois, Pennsylvania, New York, and West Virginia, from Chicago and Thornton, Ill., to points in Ohio, from Maple Grove, Ohio, and points within five miles thereof, to points in Illinois, Indiana, Kentucky, Michigan, New York (except points in Kings, Queens, Nassau, and Suffolk Counties), Pennsylvania and West Virginia, from River Rouge, Mich., to points in Indiana, Illinois, Iowa, Kentucky, Ohio, Missouri, New York, Pennsylvania, Wisconsin, and West Virginia, from Buffington (Lake County), Ind., to points in Illinois, Indiana, Kentucky, Michigan, Minnesota, Missouri, New York, Ohio (except points in Cuyahoga, Geauga, Portage, and Lorain Counties), Pennsylvania, and West Virginia, and certain specified points in Wisconsin, with restrictions; *roofing materials and supplies*, from East Chicago, Ind., to points in Monroe and Lenawee Counties, Mich., and points in Ohio on and west of Ohio Highway 13 from Sandusky to Jacksontown, and on and north of U.S. Highway 40 from Jacksontown to the Ohio-Indiana State line; *cold water paint, kalsomine plaster, plaster board joint system, sizing, and casein*, from Gypsum, Ohio, to points in Indiana on and north of U.S. Highway 40 (except points on U.S. Highway 20 and Fort Wayne and Muncie), and points in Illinois within 50 miles of Chicago (except points in the Chicago, Ill., Commercial Zone as defined by the Commission), and return with *rejected shipments; cement and mortar*, from Detroit and Port Huron, Mich., to points in Sandusky, Wood, Fulton, Ottawa, and Henry Counties, Ohio; and return with *empty cloth bag containers and rejected shipments; bone meal and ground bone*, from Lockland, Ohio, to points in Michigan on and south of Michigan Highway 55; *silicate of soda*, in bulk, from Anderson, Ind., to Maple Grove and Bettsville, Ohio; *plaster and plaster products, gypsum and gypsum products, and lime*, from Grand Rapids, Mich., to points in Ohio, with restriction; *refractory products*, from Maple Grove, Ohio, and points within two miles thereof, to points in that part of Michigan on and east of U.S. Highway 23 and on and south of Michigan Highway 59, Fort Wayne and Kokomo, Inc., points in Indiana in the Chicago, Ill., Commercial Zone, as defined by the Commission, and points in Illinois; and return with *pallets, skids, and shipping containers* used in the transportation of the commodities specified immediately above, from the plantsite of Basic, Incorporated, at or near Maple Grove, Ohio, to points in Michigan (except those on and east of U.S. Highway 23 and on and south of Michigan Highway 59), Indiana (except Fort Wayne, Kokomo, and those in the Chicago, Ill., Commercial Zone, as defined by the Commission), Wisconsin, and Mercer, Lawrence, Butler, Beaver, and Allegheny Counties, Pa.; *mineral wool* (clay, rock, slag or glass wool), plain or saturated, other than bats, in bulk, in bags; *mineral wool* (clay, rock, slag or glass wool), bats plain or saturated, with or without paper backing or wrapping; *mineral wool* (clay, rock, slag or glass wool), bats or blankets (quilted or not quilted), with or without backing and covering, loose or in packages; in mixed loads with plaster products and/or gypsum products, from Grand Rapids, Mich., to points in Ohio; refractories and refractory materials, from the plantsites of Basic Incorporated at or near Maple Grove, Ohio, to points in Ohio. SENTLE TRUCKING CORPORATION, is authorized to operate as a common carrier in Pennsylvania, Ohio, Illinois, Michigan, Kentucky, West Virginia, Indiana, New York, Wisconsin, Iowa, and Minnesota. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–12238. Authority sought for purchase by LOUIS J. KENNEDY TRUCKING COMPANY, 342 Schuyler Ave., Kearny, NJ 07032, of the operating rights of T–P STORAGE AND LEASING, INC., 4 Colonial Terrace, Pompton Plains, NJ 07444, and for acquisition by LOUIS J. KENNEDY, also of Kearny, NJ 07032, of control of such rights through the purchase. Applicants' attorneys: Bert Collins, 5 World Trade Center, New York, NY 10048, and George A. Olsen, 69 Tonnele Ave., Jersey City, NJ. Operating rights sought to be transferred: *Steel, pipe, piling, railway track accessories, bridge and highway railing, pile drivers, pile extractors, and parts and materials thereof, as a contract carrier* over irregular routes, between Newark, Windsor, N.J., Philadelphia, Pa., and New Haven, Conn., on the one hand, and, on the other, points in New York, Connecticut, Massachusetts, Rhode Island, Vermont, New Hampshire, Maine, Pennsylvania, Delaware, Maryland, Virginia, and the District of Columbia. Vendee is authorized to operate as a *contract carrier* in New York, New Jersey, Pennsylvania, Maryland, Connecticut, Massachusetts, New Hampshire, Rhode Island, Vermont, Georgia, South Carolina, Alabama, Tennessee, North Carolina, Delaware, Virginia, Maine, West Virginia, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74–14073 Filed 6–18–74;8:45 am]

[Notice 85]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JUNE 12, 1974.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC–67 (49 CFR 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965.

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These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 409 (Sub-No. 53 TA), filed June 3, 1974. Applicant: SCHROETLIN TANK LINE, INC., Mlg: P.O. Box 511, Off: Saunders Ave. & Highway 6, Sutton, Nebr. 68979. Applicant's representative: Patrick E. Quinn, 605 South 14th Street, Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Urea*, in bulk or in bags, from the plantsite and storage facilities of Cooperative Farm Chemicals Association at or near Lawrence, Kans., to points in Colorado, Iowa, Nebraska, Missouri, Oklahoma, Illinois, Texas, Minnesota, North Dakota, South Dakota, and Wyoming, for 180 days. SUPPORTING SHIPPER: Charles D. Rosas, Super. Transp. Services, Farmland Industries, Inc., Box 7305, Kansas City, Mo. 64116. SEND PROTESTS TO: Max H. Johnston, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 320 Federal Building & Court House, Lincoln, Nebr. 68508.

No. MC 35807 (Sub-No. 47 TA), filed June 3, 1974. Applicant: WELLS FARGO ARMORED SERVICE CORPORATION, P.O. Box 4314, 210 Baker Street, NW., Atlanta, Ga. 30302. Applicant's representatives: M. E. Ballet (same address as applicant) and Harry J. Jordan, 1000 16th Street, NW., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Currency, coin, bonds and securities*, between Denver, Colo., on the one hand, and, on the other, points in Colorado, for 180 days.

NOTE.—Applicant states that requested authority will tack MC 35807 (Sub-13) at Denver, Colo., to provide service between points in Union, Hardin, San Miguel, Santa Fe, Bernalillo, and Valencia Counties, N. Mex., on the one hand, and, on the other, points in Colorado.

SUPPORTING SHIPPER: Federal Reserve Bank of Kansas City, Denver Branch, Terminal Annex, P.O. Box 5228, Denver, Colo. 80217. SEND PROTESTS TO: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street, NW., Atlanta, Ga. 30309.

No. MC 52460 (Sub-No. 150 TA), filed June 3, 1974. Applicant: ELLEX TRANSPORTATION, INC., 1420 W. 35th Street, P.O. Box 9515, Tulsa, Okla. 74107. Applicant's representative: Steve B. McCommas (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and related advertising material*, in containers, from Memphis, Tenn., to Rolla, Mo., for 180 days. SUPPORTING SHIPPER: Broyles Distr. Co., Inc., Gary M. Broyles, P.O. Box 783-Hwy 63 North, Rolla, Mo. 65401. SEND PROTESTS TO: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Rm. 240-Old P.O. Bldg., 215 NW Third, Oklahoma City, Okla. 73102.

No. MC 52460 (Sub-No. 151 TA), filed June 3, 1974. Applicant: ELLEX TRANSPORTATION, INC., 1420 W. 35th Street, P.O. Box 9515, Tulsa, Okla. 74107. Applicant's representative: Steve B. McCommas (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aviation fuels*, in bulk, in tank vehicles, from Kansas City, Kans., to Lonoke, Harrisburg, Almyra, Eudora, and Hickory Ridge, Ark., for 180 days. SUPPORTING SHIPPER: Southern Farmers Association, Pringle Gazaway, Mgr., Petroleum and TBA Dept., 824 North Palm, North Little Rock, Ark. 72119. SEND PROTESTS TO: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Rm. 240-Old P.O. Bldg., 215 NW Third, Oklahoma City, Okla. 73102.

No. MC 99780 (Sub-No. 42 TA), filed May 28, 1974. Applicant: CHIPPER CARTAGE COMPANY, INC., 1327 NE. Bond Street, Peoria, Ill. 61603. Applicant's representative: John R. Zang (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale and retail grocers, (1) from the plant site and storage facilities of Lever Brothers Co. at Hammond, Ind. and Gary, Ind., to points in Illinois and portion of Iowa bounded on the west by U.S. Route 218 including all of Waterloo and all of Cedar Rapids, Iowa and the state line on the North, South, and East and Kenosha, Milwaukee, Racine, and Waukesha Counties, Wis. and (2) from the plantsite and storage facilities of Lever Brothers Co. at Chicago, Ill. and Chicago Commercial Zone to that portion of Iowa bounded on the West by U.S. Route 218 including all of Waterloo, and all of Cedar Rapids, Iowa and Kenosha, Milwaukee, Racine, and Waukesha Counties, Wis., for 180 days. RESTRICTION: The authority granted herein is restricted to the transportation of traffic originating at the above named origins and destined to the above named destinations. SUPPORTING SHIPPER: Anthony Csaszar, Transportation Manager, Lever Brothers Company, 390 Park Avenue, New York, N.Y. 10022. SEND PROTESTS TO: District Supervisor Richard K. Shullaw, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 S. Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 106400 (Sub-No. 101 TA), filed June 3, 1974. Applicant: KAW TRANSPORT COMPANY, a Corporation, P.O. Box 12628, North Kansas City, Mo. 64116. Applicant's representative: Harold D. Holwick (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic materials*, in bulk, in tank vehicles, from Randolph, Mo., to Broken Arrow, Okla., for 180 days. SUPPORTING SHIPPER: Gulf Oil Chemicals Company, P.O. Box 2100, Houston, Tex. 77001. SEND PROTESTS TO: Vernon V. Coble, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 600 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 107162 (Sub-No. 35 TA), filed June 3, 1974. Applicant: NOBLE GRAHAM TRANSPORT, INC., R.R. 1, Brimley, Mich. 49715. Applicant's representative: John Duncan Varda, 121 S. Pinckney Street, Box 2509, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel buildings, steel building components and parts, materials and supplies* used in the construction of same, from the facilities of Armco Steel Corporation at or near Washington Court House, Ohio, to points in the Upper Peninsula of Michigan and points in Oneida, Marinette, Florence, Forest, Vilas, and Iron Counties, Wis., for 180 days. SUPPORTING SHIPPER: Superior Steel Systems, Incorporated, 117 East Kent St., Iron Mountain, Mich. 49801. SEND PROTESTS TO: C. R. Flemming, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 225 Federal Bldg., Lansing, Mich. 48933.

No. MC 107295 (Sub-No. 717 TA), filed June 4, 1974. Applicant: PRE-FAB TRANSIT CO., a Corporation, 100 South Main Street, P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Bruce J. Kinnee (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Storage racks and storage rack parts*, from Rock Island and Chicago, Ill., to Elmgrove, N.Y., for 180 days. SUPPORTING SHIPPER: Robert E. Tofall, Traffic Manager, Speedrack, Inc., 5300 Golf Road, Skokie, Ill. SEND PROTESTS TO: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, P.O. Box 2418, Springfield, Ill. 62701.

No. MC 109540 (Sub-No. 31 TA), filed June 4, 1974. Applicant: YEARY TRANSFER COMPANY, INC., 2171 Christian Road, P.O. Box 398, Lexington, Ky. 40505. Applicant's representative: George M. Catlett, 703–706 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prestressed and precast concrete products*, from the site

of the plant of Featherlite Precast Corporation at Louisville, Ky., to the site of the University of Cincinnati, Cincinnati, Ohio, for 180 days. SUPPORTING SHIPPER: Jack Young, Plant Manager, Featherlite Precast Corporation, P.O. Box 5436, Lexington, Ky. 40505. SEND PROTESTS TO: R. W. Schneiter, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 222 Bakhaus Building, 1500 West Main Street, Lexington, Ky. 40505.

No. MC 112184 (Sub-No. 43 TA), filed June 5, 1974. Applicant: THE MANFREDI MOTOR TRANSIT COMPANY, 11250 Kinsman Road, Newbury, Ohio 44065. Applicant's representative: John P. McMahon, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paint and paint products* in bulk, in tank vehicles, from Cleveland, Ohio, to Kansas City, Mo. and Kansas City, Kans., for 180 days. SUPPORTING SHIPPER: PPG Industries, One Gateway Center, Pittsburgh, Pa. SEND PROTESTS TO: Franklin D. Ball, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Building, 1240 East Ninth Street, Cleveland, Ohio 44199.

No. MC 113024 (Sub-No. 130 TA), filed June 3, 1974. Applicant: ARLINGTON J. WILLIAMS, INC., R.D. No. 2, S. Du Pont Highway, Smyrna, Del. 19977. Applicant's representative: Samuel W. Earnshaw, 833 Washington Building, Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Rubber hose, and materials and supplies* (except in bulk) used in the manufacture thereof, between points in Elmhurst and Cook Counties, Ill., on the one hand, and, on the other, points in Essex County, Ill., under a continuing contract or contracts with Electric Hose and Rubber Company, Wilmington, Del., for 180 days. SUPPORTING SHIPPER: Mr. Fred H. Evick, Dir. of Distribution, Electric Hose and Rubber Company, Box 910, Wilmington, Del. 19899. SEND PROTESTS TO: William L. Hughes, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 814–B Federal Building, Baltimore, Md. 21201.

No. MC 114004 (Sub-No. 144 TA), filed June 3, 1974. Applicant: CHANDLER TRAILER CONVOY, INC., 8828 New Benton Highway, P.O. Box 1715, Little Rock, Ark. 72209. Applicant's representative: Harold G. Hernly, Jr., 118 North St. Asaph Street, Alexandria, Va. 22314. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boats*, not exceeding twenty-five (25) feet in length, from the plantsite and other facilities of Charger, Incorporated at Richland, Mo., to Solon and Dubuque, Iowa; Alton, Ill.; Bristol, Tenn.; and Conway and Little Rock, Ark., for 180 days. SUPPORTING SHIPPER: Charger, Incorporated, P.O. Box 709, Highway 7 North, Richland, Mo. 65556. SEND PROTESTS TO: District Supervisor William H. Land, Jr., Interstate Commerce Commission, Bureau of Operations, 2519 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

No. MC 114389 (Sub-No. 17TA) (CORRECTION), filed May 15, 1974, published in the FEDERAL REGISTER issue of May 31, 1974, and republished as corrected this issue. Applicant: GALE B. ALEXANDER, 120 South Ward, Ottumwa, Iowa 52501. Applicant's representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, Iowa 52501.

NOTE.—The purpose of this republication is to show the applicant correct sub number. The correct sub number is 17 in lieu of 217 that was published in the FEDERAL REGISTER. The rest of the application will remain the same.

No. MC 114725 (Sub-No. 63 TA), filed June 3, 1974. Applicant: WYNNE TRANSPORT SERVICE, INC., 2606 North 11th Street, Omaha, Nebr. 68110. Applicant's representative: Patrick E. Quinn, 605 So. 14 Street, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid feed and feed ingredients*, from Blair, Nebr., to points in Iowa, Kansas, Illinois, Missouri, Wisconsin, Minnesota, North Dakota, South Dakota, Colorado, Wyoming, and Oklahoma and ports of entry on the boundary between the United States and Canada located in North Dakota and Minnesota, for 180 days. SUPPORTING SHIPPER: Ruminant Nitrogen Products Company, Raymond H. Ifft, Regional Manager, P.O. Box 450, Blair, Nebr. 68008. SEND PROTESTS TO: District Supervisor Carroll Russell, Interstate Commerce Commission, Bureau of Operations, Suite 620 Union Pacific Plaza, 110 North 14th Street, Omaha, Nebr. 68102.

No. MC 116626 (Sub-No. 10 TA), filed June 4, 1974. Applicant: C. W. EANES, Route 1, Box 6, Gretna, Va. 24557. Applicant's representative: Edward G. Villalon, 1032 Pennsylvania Bldg., Pennsylvania Ave. & 13th St. NW., Washington, D.C. 20004. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Wooden desk skids*, from the facilities of Spaulding Lumber Company at Chase City and Keysville, Va., to the U.S. Penitentiary at Marion, Ill., for 180 days. SUPPORTING SHIPPER: Spaulding Lumber Company, Chase City, Va. 23924. SEND PROTESTS TO: Danny R. Beeler, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 215 Campbell Avenue SW., Roanoke, Va. 24011.

No. MC 117765 (Sub-No. 173 TA), filed June 3, 1974. Applicant: HAHN TRUCK LINE, INC., 5315 NW. Fifth Street, P.O. Box 75213, Oklahoma City, Okla. 73107. Applicant's representative: R. E. Hagan (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Poultry equipment, feeder equipment, and supplies*, from the plantsite of Chore-Time Equipment, Inc., Athens, Ga. and Decatur, Ala., to points in Arkansas, Iowa, Kansas, Louisiana, Missouri, Nebraska, Oklahoma, and Texas, for 180 days. SUPPORTING SHIPPER: Chore-Time Equipment, Inc., Michael D. Geyer, T.M., Rd. No. 15, Milford, Ind. 46542. SEND PROTESTS TO: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Rm. 240–Old P.O. Bldg., 215 NW Third, Oklahoma City, Okla. 73102.

No. MC 124328 (Sub-No. 63 TA), filed June 3, 1974. Applicant: BRINK'S INCORPORATED, 234 E. 24th Street, Chicago, Ill. 60616. Applicant's representative: John G. O'Keefe, O'Hare Plaza, Suite 650, 5725 E. River Road, Chicago, Ill. 60631. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coin, silver bullion and other precious metals*, between Winchester, Ind.; Dayton, Ohio; Cincinnati, Ohio; Chicago, Ill.; New York, N.Y.; Bridgeport, Conn.; Union City, Ind.; and Cambridge City, Ind., for 180 days. SUPPORTING SHIPPER: Leon E. Hendrickson, Silver Towne Coin, P.O. Box 424, Winchester, Ind. 47394. SEND PROTESTS TO: District Supervisor Richard K. Shullaw, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 S. Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 128645 (Sub-No. 9 TA), filed June 4, 1974. Applicant: RAY L. KRALL, P.O. Box 335, Carson, Wash. 98610. Applicant's representative: David C. White, 2400 SW. Fourth Avenue, Portland, Oreg. 97201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plywood*, for the account of Astoria Plywood Corp., from Astoria, Oreg., to Portland, Oreg.; Vancouver, Washougal, Centralia, and Tacoma, Wash., for 180 days. SUPPORTING SHIPPER: Astoria Plywood Corp., P.O. Box 117, Astoria, Oreg. 97103. SEND PROTESTS TO: W. J. Huetig, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 114 Pioneer Courthouse, Portland, Oreg. 97204.

No. MC 129973 (Sub-No. 13 TA), filed June 5, 1974. Applicant: FIELD MARKETING SERVICES, INC., Off. 825 Third Avenue, Mlg: 466 Lexington Avenue, New York, N.Y. 10022. Applicant's representative: William J. Lippman, Suite 550, 1819 H Street, NW., Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Merchandise, equipment and supplies* sold, used or distributed by a manufacturer of household products, restricted to packages weighing 50 pounds or less for home delivery only, between points in Massachusetts, for 180 days. SUPPORTING SHIPPER: Amway Corporation, Box 900, Dayton, N.J. 08810, Att: Thomas H. Eikamp, Supervisor of Transportation. SEND PROTESTS TO: Stephen P. Tomany, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 134400 (Sub-No. 11 TA), filed June 3, 1974. Applicant: MILLER'S TRUCKING AND RENTAL, INC., 2760 Muscatine Street, Dubuque, Iowa 52001.

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Applicant's representative: Carl E. Munson, 469 Fischer Building, Dubuque, Iowa 52001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Carbonated beverages*, in glass containers, from Dubuque, Iowa, to Peru, Ill., for 90 days. SUPPORTING SHIPPER: Coca Cola Bottling Company, 2435 Kerper Blvd., Dubuque, Iowa 52001. SEND PROTESTS TO: Herbert W. Allen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 134806 (Sub-No. 23 TA), filed June 3, 1974. Applicant: B-D-R TRANSPORT, INC., P.O. Box 813, Brattleboro, Vt. 05301. Applicant's representative: Daniel A. Cullen, 1100 Seventeenth St. NW., Suite 613, Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Tanned leather, soles and heels for shoes*, from points in Massachusetts, New Hampshire, and Vermont, to Wilton, Maine, for 180 days. SUPPORTING SHIPPER: G. H. Bass & Co., Wilton, Maine 04294. SEND PROTESTS TO: District Supervisor Paul D. Collins, Interstate Commerce Commission, Bureau of Operations, P.O. Box 548, Montpelier, Vt. 05602.

No. MC 136230 (Sub-No. 2 TA), filed June 4, 1974. Applicant: INTERSTATE WAREHOUSING CORPORATION, doing business as INTERMODAL CONTAINER EXPRESS, 9805 North Main Street, P.O. Box 6338, Jacksonville, Fla. 32218. Applicant's representative: John O. Moseley (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat or meat products*, in marine refrigerated containers, from Thomasville, Ga., to Jacksonville, Fla., thence subsequent movement by water, for 180 days. SUPPORTING SHIPPER: AJC International, Inc., 6065 Roswell Rd., NE., Atlanta, Ga. 30328. SEND PROTESTS TO: District Supervisor G. H. Fauss, Jr., Interstate Commerce Commission, Bureau of Operations, Box 35008, 400 W. Bay Street, Jacksonville, Fla. 32202.

No. MC 136375 (Sub-No. 3 TA), filed May 30, 1974. Applicant: DONCO CARRIERS, INC., 1001 South Rockwell, P.O. Box 75354, Oklahoma City, Okla. 73107. Applicant's representative: Wm. L. Peterson, Jr., 401 N. Hudson, P.O. Box 917, Oklahoma City, Okla. 73101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Curtains, dust collecting electric precipitators*, from the plantsite, warehouse or facility of Ternes Steel Company at Roseville, Mich., to points in the United States (except Alaska and Hawaii), for 180 days. SUPPORTING SHIPPER: Evans Products-Ternes Steel Division, Daniel Dafek, T.M., 15500 East 12 Mile Road, Roseville, Mich. 48066. SEND PROTESTS TO: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240—Old Post Office Building, 215 NW. Third, Oklahoma City, Okla. 73102.

No. MC 139123 (Sub-No. 2 TA), filed June 4, 1974. Applicant: GLOUCESTER DISPATCH, INC., 274 Main Street, Gloucester, Mass. 01930. Applicant's representative: Ignatius C. Goode, 274 Main Street, Gloucester, Mass. 01930. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour*, edible, NOI, *doughnut coating dry, icing powder, dessert preparations, wheat flour*, in packages, boxes, cartons or bags, but not in bulk, from Hillside, Mich., to points in Connecticut, Delaware, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont; also to Dallas and Fort Worth, Tex. and Oklahoma City, Okla., for 180 days. SUPPORTING SHIPPER: DCA Food Industries, Inc., 919 Third Ave., New York, N.Y. 10022. SEND PROTESTS TO: Max Gorenstein, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 150 Causeway St., Boston, Mass. 02114.

No. MC 139814 (Sub-No. 1 TA), filed June 3, 1974. Applicant: GERRY MADEKER, doing business as G. W. SPECIALTY TRANSFER COMPANY, 396 East Center Street, Marion, Ohio 43302. Applicant's representative: Richard H. Brandon, 79 East State Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Power shovel parts*, from Marion, Ohio, to points in the United States, including Alaska (but excluding Hawaii), restricted to shipments not exceeding 7,500 pounds, in express service, for 180 days. SUPPORTING SHIPPER: Marion Power Shovel Company, Inc., 617 West Center Street, Marion, Ohio 43302. SEND PROTESTS TO: District Supervisor Frank L. Calvary, Interstate Commerce Commission, Bureau of Operations, 220 Federal Building & U.S. Courthouse, 85 Marconi Boulevard, Columbus, Ohio 43215.

MOTOR CARRIERS OF PASSENGERS

No. MC 139827 (Sub-No. 1 TA), filed June 5, 1974. Applicant: NORTH BRANFORD COACH COMPANY, INCORPORATED, 23 North Main Street, Branford, Conn. 06405. Applicant's representative: John E. Fay, 630 Oakwood Avenue, West Hartford, Conn. 06110. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special, non-scheduled, door-to-door service, limited to the transportation of not more than 11 persons in any one vehicle, not including the driver, between points in Connecticut, on the one hand, and, on the other, the Acupuncture Center of Springfield, 1537 Main Street, Springfield, Mass., for 180 days. SUPPORTING SHIPPER: Acupuncture Information Service of Conn., 277 Main Street, West Haven, Conn. SEND PROTESTS TO: District Supervisor David J. Kiernan, Interstate Commerce Commission, Bureau of Operations, 324 U.S. Post Office Building, 135 High Street, Hartford, Conn. 06101.

WATER CARRIERS OF PROPERTY

No. W-1277 TA. Carrier: U.S. ATLANTIC MARINE CORP., South Roosevelt Boulevard, Key West, Fla. 33040. An Order of the Commission, Motor Carrier Board, dated May 7, 1974, and served May 9, 1974, finds that temporary authority should be granted to U.S. ATLANTIC MARINE CORP. for a duration of 90 days commencing May 7, 1974, to engage in operation as a *common carrier by water*, in the transportation of (1) *general commodities*, in trailers, and (2) *trailers*, by self-propelled water vessels, between Miami, Fla., and Key West, Fla., limited to the movement of traffic originating at and destined to the points and areas specified, and restricted against combination with any other temporary or permanent authority now held by, or herefter issued to, the carrier named above or any other carrier. Any interested party may file a petition for reconsideration within 20 days from the date of this FEDERAL REGISTER notice.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-14074 Filed 6-18-74;8:45 am]

[Notice 86]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JUNE 13, 1974.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (4 CFR 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 111729 (Sub-No. 442 TA), filed June 3, 1974. Applicant: PUROLATOR COURIER CORP., 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: John M. Delany (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Business papers, records, audit and accounting media of all kinds, engineering drawings and specifications*, between Indianapolis, Ind., on the one hand, and, on the other, Central City, Ky. and Keensburg, Macomb, Marion, and Sparta, Ill.; (2) *Emergency replacement parts*, restricted to the transportation of packages or articles weighing in the aggregate no more than 100 pounds from one consignor to one consignee on any one day, between Indianapolis, Ind., on the one hand, and, on the other, Central City, Ky. and Keensburg, Macomb, Marion, and Sparta, Ill.; and (3) *Laboratory specimens and reports, and business papers and records*, between Evansville and Jeffersonville, Ind., on the one hand, and, on the other, points in Illinois and Kentucky, for 180 days. SUPPORTING SHIPPERS: (1) Amax Coal Company, 105 Meridian Street, Indianapolis, Ind. and (2) American Biomedical, 3408 Industrial Parkway, Jeffersonville, Ind. SEND PROTESTS TO: Anthony D. Giaimo, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 111729 (Sub-No. 443 TA), filed June 4, 1974. Applicant: PUROLATOR COURIER CORP., 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: John M. Delany (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Business papers, records, audit and accounting media of all kinds*, between points in St. Louis County, Mo., on the one hand, and, on the other, points in Alabama, Arkansas, Georgia, Oklahoma, and Tennessee and (2) *Exposed and processed film and prints, complimentary replacement film*, incidental dealer handling *supplies and advertising literature* moving therewith (except motion picture film used primarily for commercial theatre and television exhibition), between St. Louis, Mo., on the one hand, and, on the other, points in Iowa, for 180 days. SUPPORTING SHIPPERS: (1) McDonnell Douglas Automation Company, Quadrangle at Brown Campus, 5775 Campus Parkway, Bldg. B, Level 1, Hazelwood, Mo. 63042 and (2) Technicolor, Inc., 133 South Eleventh Street, St. Louis, Mo. SEND PROTESTS TO: Anthony D. Giaimo, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 113651 (Sub-No. 171 TA), filed May 30, 1974. Applicant: INDIANA REFRIGERATOR LINES, INC., 2404 North Broadway, Muncie, Ind. 47303. Applicant's representative: Henry A. Dillon (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas and agricultural commodities* exempt from economic regulation under Section 203(b)(6) of the Act, when transported in mixed loads with bananas, from Mobile, Ala., to points in Illinois, Iowa, Indiana, Kentucky, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin, restricted to traffic having a immediate prior movement by water, for 180 days. SUPPORTING SHIPPER: Del Monte Banana Company, 1201 Brickell Ave., Miami, Fla. 33101. SEND PROTESTS TO: J. H. Gray, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 345 W. Wayne St., Room 204, Ft. Wayne, Ind. 46802.

No. MC 136786 (Sub-No. 57 TA), filed May 28, 1974. Applicant: ROBCO TRANSPORTATION, INC., Room 205, 3033 Excelsior Boulevard, Minneapolis, Minn. 55416. Applicant's representative: K. O. Petrick (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas and agricultural commodities* exempt from economic regulation under Sections 203(b)(6) of the Interstate Commerce Act, when transported in mixed loads with bananas, from Mobile, Ala., to points in Illinois, Iowa, Kansas, Minnesota, Missouri, North Dakota, Nebraska, Oklahoma, South Dakota, Texas, and Wisconsin, restricted to the transportation of traffic having an immediate prior move by water, for 180 days. SUPPORTING SHIPPER: Del Monte Banana Company, 1201 Brickell Ave., Miami, Fla. 33101. SEND PROTESTS TO: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg. & U.S. Court House, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 139797 (Sub-No. 1 TA), filed June 3, 1974. Applicant: SOUTHEASTERN AIR FREIGHT, INC., Bush Field Airport, Augusta, Ga. 30280. Applicant's representative: James L. Flemister, 1220 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities, including monies, coins, currency, stamps, legal tender, precious stones, precious metals, jewelry, punched or used punched cards and business records, computer media, audit and accounting media, microfilm, exposed or processed film and print, replacement films, pharmaceuticals requiring special handling, blood, plasma, viral and communicable disease lab cultures, and any articles requiring security or courier type service* having had prior or subsequent air movement, between Bush Field, Richmond County, Ga., on the one hand, and the following counties on the other, Richmond, Columbia, McDuffie, Lincoln, Wilkes, Oglethorpe, Elbert, Green, Taliaferro, Hancock, Warren, Glascock, Washington, Jefferson, Burke, Jenkins, Emanuel, Johnson, Bullock, Candler, and Screvens, Ga. and points in Aiken, Barnwell, Allendale, Bamberg, Hampton, Orangeburg, Edgefield, Saluda, McCormick, Greenwood, Newberry, and Abbeville Counties, S.C., for 180 days. SUPPORTING SHIPPERS: Dixie Bearings, Inc., 518 Skyview Drive, Augusta, Ga. 30904; Kimberly Clark Corp., P.O. Box 112, Beech Island, S.C. 29841; The Kendall Company, P.O. Box 430, Augusta, Ga. 30280; and Graniteville Company, Box 128, Graniteville, S.C. 28929. SEND PROTESTS TO: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1252 W. Peachtree St., NW., Room 309, Atlanta, Ga. 30309.

No. MC 139818 (Sub-No. 1 TA) (CORRECTION), filed May 20, 1974, published in the FEDERAL REGISTER issue of June 11, 1974, and republished as corrected this issue. Applicant: GARNER TRUCKING, INC., Route #4, Findlay, Ohio 45840. Applicant's representative: Michael M. Briley, 300 Madison Avenue, Toledo, Ohio 43604.

NOTE.—The purpose of this republication is to show the applicant correct MC number as No. MC 139818 (Sub-No. 1 TA) in lieu of No. MC 139819 (Sub-No. 1 TA), which was published in the Federal Register in error. The rest of the application will remain as previously published.

No. MC 139865 TA, filed June 3, 1974. Applicant: GILIES GARIEPY, doing business as MERIDIAN YACHT SALES REG'D, 375 Taillon Street, Montreal, Quebec, Canada. Applicant's representative: Adrien R. Paquette, 200 St. James Street, Montreal, Quebec, Canada H2Y 1M1. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pleasure sailing boats and motor boats*, from the ports of entry on the United States-Canada boundary line located in New York, Vermont, New Hampshire, and Maine and extending to points in the United States (except Alaska and Hawaii), restricted to traffic having an immediate prior movement in foreign commerce, for 180 days. SUPPORTING SHIPPERS: (1) Mirage Yachts Ltd., 493 Harwood, Dorion, Quebec, Canada; (2) Challenger Yachts Ltd., 100 Humus Street, Pointe Claire, Quebec, Canada; (3) Olympic Yacks Limited, 2615 Marcel, Montreal, Quebec, Canada; (4) Distin Marine Ltd., 80 Les Cheneaux, Vaudreuil, Quebec, Canada; (5) Michel Trempe Enrg., 29 St. Louis, St. Esprit, Cte. Montcalm, Quebec, Canada; (6) Societe Ami Yachts (Quebec) Inc., 755 Buchanan, Ville St. Laurent, Quebec, Canada; and (7) Navisport Inc., 3 Place Ville Marie S. 131, Montreal, Quebec, Canada H3B 2E3. SEND PROTESTS TO: District Supervisor Paul D. Collins, Bureau of Operations, Interstate Commerce Commission, P.O. Box 548, Montpelier, Vt. 05602.

No. MC 139867 TA filed June 4, 1974. Applicant: ARTHUR CROWDER, 1115 East Washington Street, Pittsfield, Ill. 62363. Applicant's representative: Robert T. Lawley, 300 Reisch Building, Springfield, Ill. 62701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dry feed ingredients*, in bulk or bags, for the account of Webel Feed Mill, Pittsfield, Ill., from points in Arkansas, Iowa, Kansas, Missouri, Minnesota, Mississippi, Nebraska, Ohio, South Dakota, Tennessee, and Wisconsin to the plantsite of Webel Feed Mill, Pittsfield, Ill., for 180 days. SUPPORTING SHIPPER: Mr.

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Cecil B. Smith, Office Manager, Webel Feed Mill, Route #3, Pittsfield, Ill. 62363. SEND PROTESTS TO: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, P.O. Box 2418, Springfield, Ill. 62705.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-14075 Filed 6-18-74;8:46 am]

ELIMINATION OF GATEWAYS

Irregular-Route Motor Common Carriers of Property

JUNE 13, 1974.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's *Gateway Elimination* Rules (49 CFR 1065 (a)), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission within 10 days from the date of this publication. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC-730 (Sub-No. E14), filed May 1, 1974. Applicant: PACIFIC INTERMOUNTAIN EXPRESS, CO., P.O. Box 638, Oakland, California 94612. Applicant's representative: R. N. Cooledge (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals and acids*, in bulk, in tank vehicles, from points in Texas to points in that part of Wyoming in and west of Sweetwater, Fremont, Hot Springs, and Park Counties. The purpose of this filing is to eliminate the gateway of points in Utah.

No. MC-730 (Sub-No. E15), filed May 1, 1974. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., P.O. Box 638, Oakland, California 94612. Applicant's representative: R. N. Cooledge (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals and acids*, in bulk, in tank vehicles, from points in Texas to points in that part of Montana in and west of Carbon, Stillwater, Golden Valley, Fergus, Chouteau, and Hill Counties. The purpose of this filing is to eliminate the gateway of points in Utah.

No. MC-14702 (Sub-No. E15), filed May 15, 1974. Applicant: OHIO FAST FREIGHT, INC., P.O. Box 808, Warren, Ohio 44482. Applicant's representative: James M. Holland (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum* (except that which because of size or weight requires the use of special equipment), between points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming, on the one hand, and, on the other, points in New York east of a line extending from the shore of Lake Ontario along New York Highway 18 to Rochester, thence along U.S. Highway 15 to the New York-Pennsylvania State line; points in New Jersey on, east, and north of a line beginning at the New Jersey-Pennsylvania State line, thence along U.S. Highway 206 to its intersection with New Jersey Highway 28, thence along New Jersey Highway 28 to its intersection with New Jersey Highway 18, thence along New Jersey Highway 18 to its intersection with New Jersey Highway 27, thence along New Jersey Highway 27 to Interstate Highway 287, thence along Interstate Highway 287 to its intersection with New Jersey Highway 440, thence along New Jersey Highway 440 to the New Jersey-New York line; and points in Connecticut, Massachusetts, Maine, New Hampshire, Vermont, and Rhode Island. The purpose of this filing is to eliminate the gateways of (a) the plantsite and warehouses of Alcan Aluminum Corporation at Oswego, N.Y., and (b) the plantsite and warehouses of Alcan Aluminum Corporation at Fairmont, W. Va.

No. MC-14702 (Sub-No. E22), filed May 15, 1974. Applicant: OHIO FAST FREIGHT, INC., P.O. Box 808, Warren, Ohio 44482. Applicant's representative: James M. Holland (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, and iron and steel articles*, which because of size, weight, or nature require the use of flat-bottom vehicles or vehicles with sides not in excess of 36 inches in height, from Weirton, W. Va., to points in that part of New York north and east of a line beginning at the United States-Canada International Boundary line, thence east along New York Highway 324 to its intersection with New York Highway 33, thence along New York Highway 33 to its intersection with New York Highway 63, thence along New York Highway 63 to its intersection with U.S. Highway 15, thence along U.S. Highway 15 to the New York-Pennsylvania State line, and west of New York Highway 14 (except Buffalo and Rochester, N.Y.). The purpose of this filing is to eliminate the gateway of Canton, Ohio.

No. MC-14702 (Sub-No. E24), filed May 15, 1974. Applicant: OHIO FAST FREIGHT, INC., P.O. Box 808, Warren, Ohio 44482. Applicant's representative: James M. Holland (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Insulating materials* (except commodities in bulk and those requiring special equipment), from Richmond, Ind., to points in Mahoning and Trumbull Counties, Ohio. The purpose of this filing is to eliminate the gateways of Canton, Ohio and Sharon, Pa.

No. MC-14702 (Sub-No. E25), filed May 15, 1974. Applicant: OHIO FAST FREIGHT, INC., P.O. Box 808, Warren, Ohio 44482. Applicant's representative: James M. Holland (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glassware*, from Dunkirk, Ind., to points in Mahoning and Trumbull Counties, Ohio. The purpose of this filing is to eliminate the gateways of Warren, Ohio, and Sharon, Pa.

No. MC-14702 (Sub-No. E27), filed May 15, 1974. Applicant: OHIO FAST FREIGHT, INC., P.O. Box 808, Warren, Ohio 44482. Applicant's representative: intersection with the Pennsylvania Turnthority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum* (except that which because of size or weight requires the use of special equipment), between points in Pennsylvania on and west of a line beginning at the New York-Pennsylvania State line, thence south along Interstate Highway 81 to its intersection with the Pensylvania Turnpike Extension, thence along the Pennsylvania Turnpike Extension to its intersection with U.S. Highway 422, thence along U.S. Highway 422 to its intersection with Interstate Highway 676, thence along Interstate Highway 676 to the Delaware River, and points in that part of New Jersey west and south of a line beginning at the Pennsylvania-New Jersey State line, thence south along U.S. Highway 206 to its intersection with Interstate Highway 287, thence along Interstate Highway 287 to its intersection with New Jersey Highway 440, thence along New Jersey Highway 440 to the New Jersey-New York State line, and on and north of U.S. Highway 30, on the one hand, and, on the other, points in Arizona, California, Oregon, Washington, Utah, Nevada, Idaho; points in Montana on and west of a line beginning at the United States-Canada International Boundary line, thence south along Montana Highway 242 to its intersection with U.S. Highway 191, thence along U.S. Highway 191 to its intersection with U.S. Highway 87, thence along U.S. Highway 87 to the Montana-Wyoming State line; points in Wyoming on and west of a line beginning at the Montana-Wyoming State line, thence south along U.S. Highway 310 to its intersection with Wyoming Highway 789, thence along Wyoming Highway 789 to the Wyoming-Colorado State line; points in Colorado on and west of a line beginning at the Colorado-Wyoming State line, thence south along Colorado Highway 13 to its intersection with U.S. Highway 6, thence along U.S. Highway 6 to its intersection with U.S. Highway 24, thence along U.S. Highway 24 to its intersection with U.S. Highway 285, thence south along U.S. Highway 285 to the Colorado-New Mexico State line; and points in New Mexico on and west of U.S. Highway 285.

The purpose of this filing is to eliminate the gateways of (a) the plant site and warehouses of Alcan Aluminum Corporation at Oswego, N.Y., and (b) the plant site and warehouses of Alcan Aluminum Corporation at Fairmont, W. Va.

No. MC-14702 (Sub-No. E28), filed May 15, 1974. Applicant: OHIO FAST FREIGHT, INC., P.O. Box 808, Warren, Ohio 44482. Applicant's representative: James M. Holland (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum* (except that which because of size or weight requires the use of special equipment), between points in that part of Pennsylvania on and east of a line beginning at the New York-Pennsylvania State line, thence along U.S. Highway 15 to its intersection with Interstate Highway 83, thence along Interstate Highway 83 to the Pennsylvania-Maryland State line, and west of a line beginning at the New York-Pennsylvania State line, thence south along Interstate Highway 81 to its intersection with the Pennsylvania Turnpike Extension, thence along the Pennsylvania Turnpike Extension to its intersection with U.S. Highway 422, thence along U.S. Highway 422 to its intersection with Interstate Highway 676, thence along Interstate Highway 676 to the Pennsylvania-New Jersey State line, on the one hand, and, on the other, points in California, Oregon, Washington, Idaho, Nevada, and points in Arizona on and west of U.S. Highway 89. The purpose of this filing is to eliminate the gateways of (a) the plant site and warehouses of Alcan Aluminum Corporation at Oswego, N.Y., and (b) the plant site and warehouses of Alcan Aluminum Corporation at Fairmont, W. Va.

No. MC-14702 (Sub-No. 29), filed May 15, 1974. Applicant: OHIO FAST FREIGHT, INC., P.O. Box 808, Warren, Ohio 44482. Applicant's representative: James M. Holland (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum* (except that which because of size or weight requires the use of special equipment), between points in that part of New York east of New York Highway 18 and west of a line extending from the shore of Lake Ontario along New York Highway 18 to Rochester, N.Y., thence along U.S. Highway 15 to the New York-Pennsylvania State line, on the one hand, and, on the other, points in Arizona on and west of a line beginning at the Arizona-Utah State line, thence along U.S. Highway 89 to its intersection with Interstate Highway 17, thence along Interstate Highway 17 to its intersection with Interstate Highway 10, thence long Interstate Highway 10 to its intersection with U.S. Highway 89, thence along U.S. Highway 89 to its United States-Mexico International Boundary line; points in Nevada on and west of a line beginning at the Nevada-Idaho State line, thence along Nevada Highway 51 to its intersection with U.S. Highway 50, thence along U.S. Highway 50 to the Utah-Nevada State line; and points in California, Oregon, and Washington. The purpose of this filing is to eliminate the gateways of (a) the plant site and warehouses of Alcan Aluminum Corporation at Oswego, N.Y., and (b) the plant site and warehouses of Alcan Aluminum Corporation at Fairmont, W. Va.

No. MC-21866 (Sub-No. E1), filed May 5, 1974. Applicant: WEST MOTOR FREIGHT, INC., 740 South Reading Ave., Bayertown, Pa. 19512. Applicant's representative: Robert P. Stimmel (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Metal articles* (except those which because of size or weight require special equipment), from New York, N.Y., Baltimore, Md., and points in New Jersey to points in Colorado, Iowa, Kansas, Minnesota, Missouri, and Tennessee. (2) *Metal articles* (except buildings, complete, knocked down, or in sections, and tractors, agricultural machinery, and parts and attachments therefor), from New York, N.Y., and points in New Jersey to points in Illinois, Indiana, Michigan, and Wisconsin. (3) *Metal building and shipbuilding materials*, from New York, N.Y., Baltimore, Md., and points in New Jersey points in Ohio, West Virginia and Kentucky. (4) *Metal articles* requiring special handling or rigging, except those which because of size or weight require special equipment, from points in Berks, Bucks, Carbon, Chester, Lehigh, Montgomery, Northampton, and Schuylkill Counties, Pa., within 25 miles of Allentown, Pa., to points in Colorado, Iowa, Kansas, Minnesota, Missouri, and Tennessee. (5) *Metal building and shipbuilding materials* requiring special handling or rigging, from points in Berks, Bucks, Carbon, Chester, Lehigh, Montgomery, Northampton, and Schuylkill Counties, Pa., within 25 miles of Allentown, Pa., to points in Ohio, West Virginia, and Kentucky. (6) *Metal articles* (except those which because of size or weight require special equipment), from Leesport and Trappe, Pa., to points in Colorado, Iowa, Kansas, Minnesota, Missouri, and Tennessee. (7) *Metal articles* (except buildings, complete, knocked down, or in sections, and except tractors, agricultural machinery, and parts and attachments therefor), from Leesport and Trappe, Pa., to points in Illinois, Indiana, Michigan, and Wisconsin.

(8) *Metal building and shipbuilding materials*, from Leesport and Trappe, Pa., to points in New Hampshire, Maine, Ohio, West Virginia, Kentucky, and Vermont. (9) *Iron and steel articles and equipment* used in the erection of such commodities, requiring specialized handling or rigging, between points in New York, New Jersey, and Connecticut on the one hand, and, on the other, points in Delaware, Maryland, Virginia, and the District of Columbia. The purpose of this filing is to eliminate the gateways of (1) Pottsville, Pa. (proposal number 1); (2) Trappe, Pa., and the plantsite of G.A.C. Merchandising, Inc., at Pottsville, Pa. (poposal number 2); (3) Pottsville, Pa. (proposal number 3); (4) Phillipsburg, N.J., Trappe and Pottsville, Pa. (proposals numbers 4 and 5); (5) Pottsville, Pa. (proposal number 6); (6) plant site of G.A.C. Merchandising, Inc., at Pottsville, Pa. (proposal number 7); (7) Pottsville, Pa. (proposal number 8); (8) Pottsville, Pa. (proposal number 9).

No. MC-30280 (Sub-No. E24), filed May 12, 1974. Applicant: WATKINS CAROLINA EXPRESS, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Paul Daniell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, dairy products, livestock, acids, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), from points in Hudson, Bergen, Essex, Passaic, Union and Middlesex Counties, N.J., to points in that part of South Carolina on and west of a line beginning at the North Carolina-South Carolina State line, thence along U.S. Highway 321 to Chester, thence along South Carolina Highway 97 to junction U.S. Highway 601, thence along U.S. Highway 601 to St. Matthews, thence along South Carolina Highway 6 to junction U.S. Highway 15, thence along U.S. Highway 15 to Walterboro, thence along U.S. Highway Alt. 17 to junction U.S. Highway 21, thence along U.S. Highway 21 to Beaufort. The purpose of this filing is to eliminate the gateways of Charlotte, N.C., and Greenville, S.C.

No. MC-48017 (Sub-No. E1), filed May 14, 1974. Applicant: AUCLAIR TRANSPORTATION, 333 March Ave., Manchester, N.H. 03103. Applicant's rep-

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resentative: John E. Russell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, livestock, Class A and B explosives, commodities in bulk, commodities requiring refrigeration or special equipment and those injurious or contaminating to other lading), from points in New Hampshire to points in Rhode Island and Connecticut. The purpose of this filing is to eliminate the gateways of Boston and Lowell, Mass.

No. MC–61620 (Sub-No. E1), filed April 23, 1974. Applicant: M. & G. TRANSPORTATION CO., Gloucester, Va. 23061. Applicant's representative: Eugene Thomas (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural commodities*, (a) from Baltimore, Md., to Norfolk, Va., and (b) from Norfolk and Portsmouth, Va., to Baltimore, Md., Washington, D.C., and Philadelphia, Pa.; and (2) *Canned goods*, (a) from Baltimore, Md., and Richmond, Va., to Norfolk, Va., and (b) from Norfolk and Portsmouth, Va., to Richmond, Va. The purpose of this filing is to eliminate the gateway of points in Gloucester County, Va.

No. MC–85231 (Sub-No. E1), filed May 12, 1974. Applicant: FRANK WILLIAMS TRANSFER & STORAGE CO., INC., P.O. Box 1442, Mansfield, Ohio 44901. Applicant's representative: Michael M. Briley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plumber's supplies and materials and enamelware* (1) from Chicago, Ill., to points in Maryland, New Jersey, New York, Pennsylvania, Virginia, and West Virginia. (2) from points in New York, New Jersey, Pennsylvania, Maryland, and Virginia to Detroit, Mich., St. Louis, Mo., and points in Indiana and Illinois, and (3) from points in New York and New Jersey to points in Kentucky. The purpose of this filing is to eliminate the gateways of Mansfield, Ohio, and points within 5 miles of Mansfield.

No. MC–83539 (Sub-No. E2), (Correction), filed May 3, 1974, filed in the FEDERAL REGISTER May 24, 1974. Applicant: C. & H. TRANSPORTATION CO., INC., P.O. Box 5976, 2010 West Commerce St., Dallas, Tex. 75222. Applicant's representative: Kenneth Weeks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting:

(A) *Machinery, equipment, materials, and supplies*, used in or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products;

(B) *Machinery, equipment, materials, and supplies*, used in or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof;

(C) *Earth drilling machinery and equipment, and, machinery, equipment, materials, supplies, and pipe*, incidental to, used in, or in connection with the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, the completion of holes or wells drilled, the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites and the injection or removal of commodities into or from holes or wells, between points in Alaska, on the one hand, and, on the other, (1) points in Alabama, Florida, Mississippi, North Carolina, and Tennessee (points in Kansas), and (2) points in California (points in Oregon), restricted in (2) against the transportation of those commodities in (B) above not used for the transmission of natural gas and petroleum and their products and by-products, further restricted against the stringing or picking up of pipe in connection with main or trunk pipelines, and further restricted against the transportation of traffic having a prior or subsequent movement by water;

(D) *Machinery, equipment, materials, and supplies* used in or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, not including the stringing or picking up of pipe in connection with pipe lines, *Machinery, equipment, materials, and supplies* used in or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, restricted to pipelines used for the transmission of natural gas and petroleum and their products and by-products, and further restricted against the stringing or picking up of pipe in connection with main or trunk pipelines, and *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies and pipe*, incidental to, used in, or in connection with the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, the completion of holes or wells drilled, the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites and the injection or removal of commodities into or from holes or wells, between points in Alaska, on the one hand, and, on the other, (1) points in Indiana and Kentucky (points in Illinois);

(E) *Machinery, materials, equipment, and supplies*, incidental to, or used in, the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, and, *Earth drilling machinery and equipment, and, machinery, equipment, materials, supplies and pipe*, incidental to, used in, or in connection with the transportation, installation, removal, operation, repair, servicing, maintenance and dismantling of drilling machinery and equipment, the completion of holes or wells drilled, the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites and the injection or removal of commodities into or from holes or wells, between points in Alaska, on the one hand, and, on the other, points in Nebraska (points in Wyoming); and

(F) *Machinery, equipment, materials, and supplies*, used in, or in connection with the operation, repair, servicing, and maintenance of pipelines used in the transmission of natural gas, petroleum, and petroleum products, but not including the stringing or picking up of pipe in connection with pipelines, and *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies and pipe*, incidental to, used in, or in connection with the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, the completion of holes or wells drilled, the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites and the injection or removal of commodities into or from holes or wells, between points in Alaska, on the one hand, and, on the other, (1) points in New York (points in Pennsylvania), and (2) points in South Carolina and Virginia (points in Kansas and Tennessee). The purpose of this filing is to eliminate the gateways indicated in parenthesis above. The purpose of this correction is to set forth the additional commodity of earth drilling machinery, etc., and territorial description for same.

No. MC–85811 (Sub-No. E1), filed May 6, 1974. Applicant: AMACO TRANSPORTATION, INC., P.O. Box 33280, Houston, Texas 77033. Applicant's representative: A. M. Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, (1) from Corpus Christi, Galveston, and Houston, Tex., to points in Mississippi, Arkansas, and Oklahoma; points in Louisiana (except points in the Parishes of Vernon, Rapides, Beauregard, Allen, Evangeline, St. Landry, Calcasieu, Jefferson, Acadia, St. Martin, Cameron, Vermilion, Iberia, and Lafayette); and points in New Mexico (except points in Dona Ana and Eddy Counties; those in Otero County south and east of U.S. Highway 82; and those in Chaves and Lea Counties south of U.S. Highway 380); and (2) from Corpus Christi; Galveston, and points in Ford Bend County, Tex., to points in Colorado, Illinois, Kansas, Kentucky, Missouri, Tennessee, and Utah; and points in Arizona (except points in Cochise, Graham, and Greenlee Counties; those points in Pima and Santa Cruz Counties east of U.S. Highway 89; those points in Pinal County both east of U.S. Highway 89 and south of U.S. Highway 60; those points in Gila County east of a line beginning at the western County line and extending over U.S. Highway 60 to Claypool, Ariz., thence over Arizona Highway 88 to junction Salt River, thence along the Salt River to junction U.S. Highway 60, thence over

U.S. Highway 60 to the northern boundary of Gila County; and those points in Navajo and Apache Counties south of U.S. Highway 60). The purpose of this filing is to eliminate the gateway of points in Ford Bend County, Tex., in (1) above; and Houston, Tex., in (2) above.

No. MC–107839 (Sub-No. E6), filed May 15, 1974. Applicant: DENVER-ALBUQUERQUE MOTOR TRANSPORT, INC., P.O. Box 16106, Denver, Colo. 80216. Applicant's representative: Edward T. Lyons (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen citrus products and frozen seafood*, in vehicles equipped with mechanical refrigeration, from points in that part of Florida on and south of a line beginning at Fort Pierce on the Atlantic Ocean, thence along Florida Highway 70 to Arcadia, thence along Florida Highway 72 to the Gulf of Mexico, to Phoenix, Ariz. The purpose of this filing is to eliminate the gateway of Denver, Colo., and Gallup, N. Mex.

No. MC–108651 (Sub-No. E1), filed April 28, 1974. Applicant: ROY B. MOORE, INC., P.O. Box 628, Kingsport, Tenn. 37662. Applicant's representative: Daniel H. Moore (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods* (not including frozen foods), (1) from Rochester, N.Y., and points within 75 miles of Rochester, to Fort Oglethorpe, Ga., points in Bell, Harlan, and Letcher Counties, Ky., points in Tennessee on and east of U.S. Highway 27, and points in West Virginia on and south of U.S. Highway 60 (except from points on and west of New York Highway 21 to points in West Virginia on and west of U.S. Highway 119); (2) from North East, Pa., and Fredonia, N.Y., and points within 25 miles of Fredonia, to Fort Oglethorpe, Ga.; points in Tennessee on and east of U.S. Highway 27; and those in West Virginia south and east of a line extending west along U.S. Highway 60 from the Virginia-West Virginia State line to U.S. Highway 19, thence south along U.S. Highway 19 to West Virginia Highway 16, thence south along West Virginia Highway 16 to the Virginia-West Virginia State line, including points on that portion of U.S. Highway 60 specified above; and (3) from points within 25 miles of Fredonia, N.Y., east of a line along New York Highway 428 from Silver Creek, N.Y., to New York Highway 83, thence west along New York Highway 83 to New York Highway 60, thence south along New York Highway 60 to Cassadaga, N.Y., thence southwest along New York Highways 424 and 430 to the Pennsylvania State line, to points in Bell, Harlan, and Letcher Counties, Ky. The purpose of this filing is to eliminate the gateway of Winchester, Va.

No. MC–110525 (Sub-No. E16), filed May 1, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Dowingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension—Addyston*, 63 M.C.C. 677 (except liquefied petroleum gases), in bulk, in tank vehicles, from points in that part of California in and south of Inyo, Fresno, Madera, Mariposa, Stanislaus, San Joaquin, Contra Costa, and Marin Counties, to points in Connecticut. The purpose of this filing is to eliminate the gateways of Houston, Tex., Baltimore, Md., and Newark, N.J.

No. MC–111401 (Sub-No. E1), filed May 14, 1974. Applicant: GROENDYKE TRANSPORT, INC., P.O. Box 632, Enid, Okla. 73701 Applicant's representative: Victor R. Comstock (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia and fertilizer solutions*, to the extent these commodities are petroleum products, in bulk, in tank vehicles, from the plant site of Phillips Petroleum Company, at or near Hoag, Nebr., to points in that part of Texas south of U.S. Highway 66 and west of U.S. Highway 83.

The purpose of this filing is to eliminate the gateway of Ponca City, Okla.

No. MC–111401 (Sub-No. E2), filed May 12, 1974. Applicant: GROENDYKE TRANSPORT, INC., P.O. Box 632, Enid, Okla. 73701. Applicant's representative: Victor R. Comstock (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from points in Kansas to points in that part of New Mexico on and north of U.S. Highway 66. The purpose of this filing is to eliminate the gateway of points in that part of Texas north of U.S. Highway 66.

No. MC–111401 (Sub-No. E61), filed May 12, 1974. Applicant: GROENDYKE TRANSPORT, INC., P.O. Box 632, Enid, Okla. 73701. Applicant's representative: Victor R. Comstock (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from points in that part of Texas on and east of U.S. Highway 83 and south of U.S. Highway 66, to points in that part of New Mexico on and north of U.S. Highway 66. The purpose of this filing is to eliminate the gateway of points in that part of Texas on and north of U.S. Highway 66.

No. MC–112822 (Sub-No. E31), filed May 17, 1974. Applicant: BRAY LINES INCORPORATED, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in packages and containers, from points in Missouri south of U.S. Highway 36 and west of a line beginning at Macon, and extending along U.S. Highway 63 to Jefferson City, thence along U.S. Highway 54 to Camdenton, thence along Missouri Highway 5 to Lebanon, thence along U.S. Highway 66 to Springfield, and thence along U.S. Highway 65 to the Missouri-Arkansas State line, to points in Kansas. The purpose of this filing is to eliminate the gateway of points in Kansas east of U.S. Highway 81 and south of a line beginning at McPherson, and extending along U.S. Highway 56 (formerly U.S. Highway 50N) to junction U.S. Highway 59, thence along U.S. Highway 59 to Lawrence, and thence along U.S. Highway 40 to the Kansas-Missouri State line.

No. MC–112822 (Sub-No. E42), filed May 17, 1974. Applicant: BRAY LINES INCORPORATED, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products* in containers, from points in that part of Kansas east of U.S. Highway 81 and south of a line beginning at McPherson, Kansas, and extending along U.S. Highway 56 (formerly U.S. Highway 50N) to junction U.S. Highway 59, thence along U.S. Highway 59 to Lawrence, Kansas, and thence along U.S. Highway 40 to the Kansas-Missouri State line, to points in Nevada. The purpose of this filing is to eliminate the gateway of Enid, Okla.

No. MC–112822 (Sub-No. E45), filed May 16, 1974. Applicant: BRAY LINES INCORPORATED, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products* in containers, from points in that part of Oklahoma bounded by a line beginning at the Oklahoma-Kansas State line and extending along U.S. Highway 81 to El Reno, thence along U.S. Highway 66 to Oklahoma City, thence along U.S. Highway 77 to Pauls Valley, thence along Oklahoma Highway 19 to Ada, thence along Oklahoma Highway 12 to Calvin, thence along U.S. Highway 270 to junction U.S. Highway 271, thence along U.S. Highway 271 to the Oklahoma-Arkansas State line, and thence along the Oklahoma-Arkansas, Oklahoma-Missouri, and Oklahoma-Kansas State lines to points of beginning, to points in Montana, Oregon, and Washington. The purpose of this filing is to eliminate the gateways of El Dorado or Wichita, Kans., and Casper, Wyo.

No. MC–112822 (Sub-No. E47), filed May 12, 1974. Applicant: BRAY LINES INCORPORATED, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber* from points in Oklahoma to points in California. The purpose of this filing is to eliminate the gateway of points in Colorado.

No. MC–112822 (Sub-No. E48), filed May 12, 1974. Applicant: BRAY LINES INCORPORATED, P.O. Box 1191, Cush-

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ing, Okla. 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in Missouri south of U.S. Highway 66 (except St. Louis), to points in Arizona and New Mexico. The purpose of this filing is to eliminate the gateway of points in New Mexico on and north of U.S. Highway 66.

No. MC–112822 (Sub-No. E50), filed May 12, 1974. Applicant: BRAY LINES INCORPORATED, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in Arkansas to points in Arizona. The purpose of this filing is to eliminate the gateway of points in Arizona on and north of U.S. Highway 66.

No. MC–112822 (Sub-No. E52), filed May 12, 1974. Applicant: BRAY LINES INCORPORATED, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Particleboard*, from Huttig, Ark., to points in California, Nevada, and Utah. The purpose of this filing is to eliminate the gateway of Albuquerque, N. Mex.

No. MC–112822 (Sub-No. E68), filed May 15, 1974. Applicant: BRAY LINES INCORPORATED, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Charcoal*, from Memphis, Tenn., to points in California, Idaho, Montana, Nebraska, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming. The purpose of this filing is to eliminate the gateway of Sallisaw, Okla.

No. MC–112822 (Sub-No. E69), filed May 15, 1974. Applicant: BRAY LINES INCORPORATED, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Charcoal*, from Memphis, Tenn., to points in New Mexico. The purpose of this filing is to eliminate the gateway of Sallisaw, Okla.

No. MC–112822 (Sub-No. E70), filed May 15, 1974. Applicant: BRAY LINES INCORPORATED, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Charcoal*, from Branson, Mo., to points in Arizona, California, Idaho, Montana, Oregon, Utah, Washington, and Wyoming. The purpose of this filing is to eliminate the gateway of Sallisaw, Okla.

No. MC–112822 (Sub-No. E72), filed May 15, 1974. Applicant: BRAY LINES INCORPORATED, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sugar*, in bulk, in tank vehicles, from Grimes, Iowa, to points in Arkansas (except Little Rock). The purpose of this filing is to eliminate the gateway of Kansas City, Mo.

No. MC–112822 (Sub-No. E73), filed May 15, 1974. Applicant: BRAY LINES INCORPORATED, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugar*, in bulk, from Hardin, Mont., to points in Arkansas and Missouri. The purpose of this filing is to eliminate the gateway of Kansas City, Kans.

No. MC–112822 (Sub-No. E74), filed May 15, 1974. Applicant: BRAY LINES INCORPORATED, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugar*, from Torrington, Wyo., to points in Arkansas and Texas. The purpose of this filing is to eliminate the gateway of Rocky Ford, Colo.

No. MC–112822 (Sub-No. E75), filed May 15, 1974. Applicant: BRAY LINES INCORPORATED, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugar*, from Pueblo, Colo., to points in Arkansas, Kansas, Missouri, Nebraska, Oklahoma, and Texas. The purpose of this filing is to eliminate the gateway of Rocky Ford, Colo.

No. MC–112822 (Sub-No. E76), filed May 15, 1974. Applicant: BRAY LINES INCORPORATED, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugar*, from Mitchell, Scottsbluff, Gering, and Bayard, Nebr., to points in that part of Texas bounded by a line beginning at the Texas-New Mexico State line and extending east along U.S. Highway 180 to junction U.S. Highway 87, thence along U.S. Highway 87 to junction U.S. Highway 80, thence along U.S. Highway 80 to junction U.S. Highway 75, thence north along U.S. Highway 75 to the Texas-Oklahoma State line, thence northwesterly, northerly, and westerly along the Texas-Oklahoma State line to the Texas-New Mexico State line, and thence south along the Texas-New Mexico State line to point of beginning, including points on the indicated portions of the highways specified. The purpose of this filing is to eliminate the gateway of Garden City, Kans.

No. MC–112822 (Sub-No. E77), filed May 15, 1974. Applicant: BRAY LINES INCORPORATED, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugar*, in bulk, from Hereford, Tex., to points in Iowa (except Cedar Rapids, Clinton, and Keokuk). The purpose of this filing is to eliminate the gateway of a point in Kansas City, Kans., which is within the Kansas City, Mo., commercial zone.

No. MC–112822 (Sub-No. E95), filed May 17, 1974. Applicant: BRAY LINES INCORPORATED, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in packages and containers, from Wichita, Kans., to points in that part of Texas on, north, and west of a line beginning at the New Mexico-Texas State line and extending along U.S. Highway 380 to junction U.S. Highway 281, thence north along U.S. Highway 281 to the Texas-Oklahoma State line. The purpose of this filing is to eliminate the gateway of El Dorado, Kans.

No. MC–112822 (Sub-No. E96), filed May 17, 1974. Applicant: BRAY LINES INCORPORATED, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in containers, from Ponca City, Okla., to points in Georgia. The purpose of this filing is to eliminate the gateway of Wichita, Kans.

No. MC–112822 (Sub-No. E97), filed May 17, 1974. Applicant: BRAY LINES INCORPORATED, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in containers, from Wichita, Kans., to points in that part of Texas on and east of U.S. Highway 281. The purpose of this filing is to eliminate the gateway of El Dorado, Kans.

No. MC–112822 (Sub-No. E102), filed May 17, 1974. Applicant: BRAY LINES, INCORPORATED, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in packages and containers, from points in that part of Kansas on, north, and east of a line beginning at the Kansas-Oklahoma State line and extending along U.S. Highway 81 to junction U.S. Highway 56, thence along U.S. Highway 56 to the Missouri-Kansas State line (including points in Kansas within the Kansas City, Kans., commercial zone). The purpose of this filing is to eliminate the gateway of El Dorado, Kans.

No. MC–113267 (Sub-No. E6), filed May 13, 1974. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 3385 Airways Boulevard, Memphis, Tenn. 38116. Applicant's representative: Lawrence A. Fischer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas* from Tampa, Fla., to points in Arkansas, Kentucky, Ohio, Michigan, points in Mississippi in and north of the counties of Washington, Sunflower, Leflore, Carroll, Montgomery, Choctaw, Oktibbeha, and Lowndes, and points in Alabama in and north of the counties of Pickens, Tuscaloosa, Jefferson, Shelby, Talladega, Clay, and Randolph. The purpose of this filing is to eliminate the gateway of Atlanta, Ga.

No. MC–113843 (Sub-No. E171), filed May 17, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Massachusetts 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Pennsylvania east of U.S. Highway 15 to points in Arkansas, Colorado, Kansas, Minnesota, Nebraska, and Oklahoma. The purpose of this filing is to eliminate the gateway of Dundee, N.Y.

No. MC–114019 (Sub-No. E103), filed May 13, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heavy industrial chemicals* (not including drugs, medicine, and toilet preparations), from Sparrows Point and Baltimore, Md., New York, N.Y., and points within 30 miles of New York, N.Y., points in that part of New Jersey, Delaware, and Maryland which are located within 30 miles of Philadelphia, Pa., points in that part of New York on and west of a line beginning at Windsor Beach, and extending to Rochester, thence along U.S. Highway 15 to Wayland, thence along New York Highway 245 to Dansville, thence along New York Highway 36 to junction New York Highway 21, thence along New York Highway 21 to Andover, and thence along New York Highway 17 to the New York-Pennsylvania State line, and points in West Virginia on and east of Interstate Highway 77, including Bluefield, W. Va., and points in Pennsylvania to points in Wayne County, Ind. The purpose of this filing is to eliminate the gateway of Cleveland, Ohio.

No. MC–114019 (Sub-No. E104), filed May 12, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses* classified in the appendix to the report in *Modifications of Permits of Motor Contract Carriers of Packing House Products*, 46 M.C.C. 23, between points in West Virginia on and west of Interstate Highway 77 and U.S. Highway 119, on the one hand, and, on the other, points in New York, Rhode Island, Connecticut, and Massachusetts, and those in New Jersey within the New York, N.Y., commercial zone, as defined by the Commission. The purpose of this filing is to eliminate the gateway of Youngstown, Ohio.

No. MC–114019 (Sub-No. E105), filed May 3, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sugar and blends thereof*, in bulk, in tank vehicles, (1) from points in New York, Pennsylvania, and points in New Jersey within the New York, N.Y., and Philadelphia, Pa., commercial zone, as defined by the Commission to points in Kentucky and Tennessee, on and west of U.S. Highway 127, and (2) from points in Chicago, Ill., to points in Kentucky on and east of Kentucky Highway 79 and points in Tennessee on and east of U.S. Highway 41. The purpose of this filing is to eliminate the gateway of Louisville, Ky.

No. MC–114019 (Sub-No. E106), filed May 3, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766, from points in Illinois on, west, and south of a line beginning at the junction of the Illinois-Wisconsin State line and Illinois Highway 47, thence south along Illinois Highway 47 to its junction with Illinois Highway 17, thence east along Illinois Highway 17 to the Illinois-Indiana State line to points in Maine, Vermont, New Hampshire, Connecticut, Massachusetts, and Rhode Island. The purpose of this filing is to eliminate the gateway of Peoria, Ill.

No. MC–114019 (Sub-No. E107), filed May 3, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid dextrose*, in bulk, in tank vehicles, (1) from points Pennsylvania on and east of U.S. Highway 15 and those in New York on and east of U.S. Highway 14, to points in Minnesota, Iowa, Missouri, those points in Wisconsin west of Wisconsin Highway 104 from the Wisconsin-Illinois State line to junction with U.S. Highway 18 at Madison, and points north of U.S. Highway 18 to the Wisconsin-Lake Michigan line, points in Kentucky on and west of Kentucky 453, and points in Tennessee west of U.S. Highway 79, and (2) from points in Indiana south of U.S. Highway 52 from the Indiana-Ohio State line to its junction with U.S. Highway 36, thence along U.S. Highway 36 to the Illinois-Indiana State line to points in Iowa, Minnesota, and Wisconsin. The purpose of this filing is to eliminate the gateway of Decatur, Ill.

No. MC–114019 (Sub-No. E108), filed May 3, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, raw and manufactured (other than frozen, and other than in bulk), from points in New York on, east and north of U.S. Highway Alternate 20 from Lake Erie to its junction with U.S. Highway 15, thence along U.S. Highway 15 to the New York-Pennsylvania State line, those in Pennsylvania on and east of U.S. Highway 15 from the New York-Pennsylvania State line to its junction with Pennsylvania 61, thence along Pennsylvania 61 to its junction with U.S. Highway 222, thence along U.S. Highway 222 to the Pennsylvania-Maryland State line, and points in New Jersey in the New York, N.Y., and Philadelphia, Pa., commercial zones as defined by the Commission, to points in Iowa, Minnesota, Nebraska, North Dakota, and South Dakota. The purpose of this filing is to eliminate the gateway of Rochester, N.Y.

No. MC–114019 (Sub-No. E121), filed May 3, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy, confectionery, and confectionery products* (1) from points in New York on and east of New York Highway 8 and those in Pennsylvania on and east of U.S. Highway 11, and those in New Jersey in the New York, N.Y., and Philadelphia, Pa., commercial zone, as defined by the Commission to points in Iowa and Wisconsin. (2) From points in New York and on and east of U.S. Highway 11 and those in Pennsylvania on and east of U.S. Highway 11 from the New York-Pennsylvania State line to its junction with the Pennsylvania Turnpike (NE. Extension), thence along Pennsylvania Turnpike (NE. Extension) to Philadelphia, and points in Kentucky on and west of Interstate Highway 75, and points in Michigan and St. Louis, Mo. The purpose of this filing is to eliminate the gateway of Duryea, Pa.

No. MC–114019 (Sub-No. E122), filed May 3, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transport-

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ing: *Canned foods*, from points in Ohio, Indiana, Pennsylvania, New York, and points in New Jersey in the New York, N.Y., and Philadelphia, Pa., commercial zones, to Milwaukee, Wis. The purpose of this filing is to eliminate the gateway of points in Illinois.

No. MC–114019 (Sub-No. E123), filed May 3, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Shelled corn and soy beans*, from points in Ohio, Indiana, Pennsylvania, New York and points in New Jersey in the New York, N.Y., and Philadelphia, Pa., commercial zones, as defined by the Commission, to points in Racine and Kenosha Counties, Wis. The purpose of this filing is to eliminate the gateway of points in Illinois.

No. MC–114019 (Sub-No. E124), filed May 3, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, in vehicles equipped with mechanical refrigeration, from points in Illinois and Indiana, to points in New Hampshire, Maine, and Vermont. The purpose of this filing is to eliminate the gateway of Pittsburgh, New Kensington, or Allegheny, Pa.

No. MC–114019 (Sub-No. E127), filed May 3, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC. 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, raw and manufactured, between points in Ohio, Indiana, Illinois, Pennsylvania, New York and points in New Jersey in the New York, N.Y., and Philadelphia, Pa., commercial zones, on the one hand, and, on the other, points in New York and New Jersey, within 40 miles of City Hall, New York, N.Y. The purpose of this filing is to eliminate the gateway of points in the New York, N.Y., commercial zone.

No. MC–114019 (Sub-No. E128), filed May 3, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC. 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oil and vegetable oil shortenings*, in bulk, in tank vehicles, (1) from points in Illinois on and north of Illinois Highway 16 to Washington, D.C., and Suffolk, Va. (2) from points in Illinois and those points in Indiana on and west of U.S. Highway 31 from the Indiana-Michigan State line south to its junction with U.S. Highway 37, thence south along U.S. Highway 37 to the Indiana-Kentucky State line to Boston, Mass. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC–114019 (Sub-No. E130), filed May 9, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC. 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Such general merchandise* as is dealt in by chain grocery stores and supplies, machinery, fixtures, and equipment, incidental to the production, warehousing and sale thereof, (1) from Carbondale, Ill., to points in Ohio (except Akron, Cincinnati, Cleveland, Columbus, Dayton, and Toledo) and those points in Allegheny, Denver, Butler, Erie, Fayette, Lawrence, Mercer, Venango, Washington, and Westmoreland Counties, Pa., and (2) from St. Louis, Mo., to points in Ohio on and east of U.S. Highway 75 (except Akron, Cleveland, Columbus, Dayton, and Toledo) and those points in Allegheny, Beaver, Butler, Erie, Falette, Lawrence, Mercer, Venango, Washingtoin, and Westmoreland Counties, Pa. The purpose of this filing is to eliminate the gateway of Jeffersonville, Ind.

No. MC–114019 (Sub-No. E131), filed May 9, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC. 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wine*, in bulk, in tank vehicles, from Carbondale and Peoria, Ill., St. Louis, Mo., and Madison, Wis., to Westfield, N.Y. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC–114019 (Sub-No. E132), filed May 9, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid edible coating compounds*, in bulk, in tank vehicles, from Louisville, Ky., to Grand Rapids, Mich., and Denver, Colo. The purpose of this filing is to eliminate the gateway of Cincinnati, Ohio.

No. MC–114019 Sub-No. E133), filed May 9, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in tin glass containers, between points in Wisconsin, on the one hand, and, on the other, Louisville, Ky. The purpose of this filing is to eliminate the gateway of Lexington, Ind.

No. MC–114019 (Sub-No. E134), filed May 9, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meat, meat products, and meat by-products*, and (2) *articles distributed by meat packinghouses* classified in the Appendix to the report in *Modification of Permits of Motor Contract Carriers of Packinghouse Products*, 46 M.C.C. 23, between Madison, Wis.; Chicago, Carbondale, and Peoria, Ill.; St. Louis, Mo.; Evansville, Indianapolis, and Ft. Wayne, Ind.; Detroit and Grand Rapids, Mich.; Louisville, Bellevue, and Covington, Ky.; Cincinnati, Columbus, Dayton, and Toledo, Ohio, on the one hand, and, on the other, points in New York, New Jersey, Rhode Island, Connecticut, and Massachusetts. The purpose of this filing is to eliminate the gateway of Cleveland, Ohio.

No. MC–114019 (Sub-No. E135), filed May 9, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal fats, animal oils, margarine, and products and blends thereof*, in bulk, in tank vehicles, from Madison, Wis., to points in Virginia, West Virginia, Maryland, and North Carolina. The purpose of this filing is to eliminate the gateway of Champaign, Ill.

No. MC–114019 (Sub-No. E137), filed May 9, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Lexington, Ky., to points in Maine, New Hampshire, and Vermont. The purpose of this filing is to eliminate the gateway of Pittsburgh, Pa.

No. MC–114019 (Sub-No. E143), filed May 9, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, fixtures, and equipment* incidental to the production, warehousing, and sale of chain grocery store merchandise, between Bellvue, Covington, Dayton, Louisville, and Newport, Ky., St. Louis, Mo.; points in Illinois, Indiana, and that part of Wisconsin on and south of Wisconsin Highway 64, and those in the lower peninsula of Michigan, on the one hand, and, on the other, Sparrows Point and Baltimore, Md.; New York, N.Y., and points within 30 miles of New York, N.Y., points in that part of New York

on and west of a line beginning at Windsor Beach, and extending to Rochester, thence along U.S. Highway 15 to Wayland, thence along New York Highway 245 to Dansville, thence along New York Highway 36 to junction New York Highway 21, thence along New York Highway 21 to Andover, and thence along New York Highway 17 to the New York-Pennsylvania State line, and points in West Virginia and Pennsylvania. The purpose of this filing is to eliminate the gateway of points in Ohio.

No. MC–114019 (Sub-No. E144), filed May 9, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared foods* (other than frozen) in tin or glass containers, from points in Wisconsin on and east of Wisconsin Highway 26 from the Illinois-Wisconsin State line to its junction with U.S. Highway 41, thence from said junction along U.S. Highway 41 to the Wisconsin-Michigan State line to (1) Denver, Colo., (2) points in that part of Nebraska on and east of U.S. Highway 83 from the Kansas-Nebraska State line to North Platte, and on and south of U.S. Highway 30 from North Platte to the Missouri River, (3) points in that part of Kansas on and east of U.S. Highway 281, (4) points in Missouri on and west of U.S. Highway 65, and (5) points in that part of Iowa on and west of U.S. Highway 65 from Lineville to Iowa Falls, and on and south of U.S. Highway 20 from Iowa Falls to Sioux City. The purpose of this filing is to eliminate the gateway of Morrison, Ill.

No. MC–114019 (Sub-No. E145), filed May 9, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fish, frozen seafood, and other frozen foods*, between Madison, Wis., and St. Louis, Mo., on the one hand, and, on the other, Philadelphia, Pa., points in New Jersey, Connecticut, Rhode Island, Massachusetts, and points in that part of New York east of U.S. Highway 60 from Fentonville to Buffalo south of New York Highway 5 from Buffalo to Syracuse, and east of New York Highway 57 from Syracuse to Oswego, not including points on the foregoing highways. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC–114019 (Sub-No. E146), filed May 9, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products and dairy supplies; butter and butter substitutes; eggs, cheese, buttermilk, frozen condensed milk, frozen cream and dressed poultry, and rabbits*, from Madison, Wis., and St. Louis, Mo., to points in that part of New York south of Lake Ontario and the following Highways; U.S. Highway 104 and New York Highway 69 from Oswego to Utica, New York Highway 5 from Utica to Schenectady and New York Highway 7 from Schenectady to the New York-Vermont State line, including points in the designated portions of these highways, points in that part of New Jersey on and south of New Jersey Highway 3 from Weehawken to Passaic and on and east of New Jersey Highway 7 from Passaic to Newark and points in Connecticut, Massachusetts, and Rhode Island. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC–114019 (Sub-No. E156), filed May 6, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fruit juices, jams, jellies, and preserves*, from points in New York and those points in Pennsylvania on and east of U.S. Highway 219 to Lawton and Mattawan, Mich. The purpose of this filing is to eliminate the gateway of North East, Pa.

No. MC–114019 (Sub-No. E170), filed May 6, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Equipment and materials and supplies* used by, or useful to, companies engaged in the canning and preserving of foodstuffs from Akron, Cincinnati, Cleveland, Columbus, Dayton, and Toledo, Ohio; Detroit and Grand Rapids, Mich.; Evansville, Indianapolis, and Ft. Wayne, Ind., Louisville, Bellevue, and Covington, Ky., Pittsburgh, Pa., and St. Louis, Mo., to Sussex, Eden and Oakfield, Wis. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC–114019 (Sub-No. E171), filed May 6, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products*, as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Madison, Wis., and St. Louis, Mo., to points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont. The purpose of this filing is to eliminate the gateway of Peoria, Ill.

No. MC–114019 (Sub-No. E172), filed May 6, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, packinghouse products and commodities used by packinghouses*, as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Chicago, Carbondale, and Peoria, Ill.; Evansville, Ind., and Louisville, Ky., to points in Connecticut, Delaware, Massachusetts, New Jersey, New Hampshire, and Rhode Island. The purpose of this filing is to eliminate the gateway of Indianapolis, Ind.

No. MC–116063 (Sub-No. E3), filed May 6, 1974. Applicant: WESTERN-COMMERCIAL TRANSPORT, INC., P.O. Box 270, Fort Worth, Tex. 76101. Applicant's representative: W. H. Cole (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal fats, vegetable oils, and blends thereof*, in bulk, in tank vehicles, from Memphis, Tenn., to points in Colorado (except points in Baca, Bent, Las Animas, and Prowers Counties); Iowa; those in Kansas on and north of Interstate Highway 70; Minnesota; Nebraska; and Wisconsin. The purpose of this filing is to eliminate the gateway of Dupo, Ill.

No. MC–116063 (Sub-No. E4), filed May 7, 1974. Applicant: WESTERN-COMMERCIAL TRANSPORT, INC., P.O. Box 270, Fort Worth, Tex. 76101. Applicant's representative: W. H. Cole (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Processed, refined, and blended vegetable and animal oils, and animal fats*, in bulk, in tank vehicles, (1) from Kansas City, Mo., to points in Indiana; those in Kentucky on and east of U.S. Highway 41; Michigan; Ohio; New Jersey; New York; Pennsylvania; and those in Wisconsin on and east of U.S. Highway 51; and (2) from Kansas City, Mo., to points in Connecticut, Delaware, Maryland, Massachusetts, North Carolina, Rhode Island, Virginia, and West Virginia. The purpose of this filing is to eliminate the gateway of the Anderson-Clayton plant site at Jacksonville, Ill., in (1) above; and Jacksonville, Ill., in (2) above.

No. MC–116063 (Sub-No. E5), filed May 7, 1974. Applicant: WESTERN-COMMERCIAL TRANSPORT, INC., P.O. Box 270, Fort Worth, Tex. 76101. Applicant's representative: W. H. Cole (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal fats*, in bulk, in tank vehicles, from St. Louis, Mo., to Cincinnati and Columbus, Ohio. The purpose of this filing is to eliminate the gateway of the plant site of Anderson-Clayton Company at Jacksonville, Ill.

No. MC–117119 (Sub-No. E43), filed May 24, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen*

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foods, in vehicles equipped with mechanical refrigeration, from Kansas City, Kans., to points in Georgia and Florida, restricted against the transportation of meat, meat products, and meat by-products, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766. The purpose of this filing is to eliminate the gateway of Springdale, Ark.

No. MC–117119 (Sub-No. E44), filed May 24, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Council Bluffs, Iowa, to Paragould, Blytheville, Jonesboro, Wynne, Camden, Conway, El Dorado, Fort Smith, Hope, Hot Springs, Little Rock, Pine Bluff, Russellville, Atkins, and Texarkana, Ark. The purpose of this filing is to eliminate the gateway of Springfield, Mo.

No. MC–117119 (Sub-No. E45), filed May 24, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in vehicles equipped with mechanical refrigeration, from points in that part of Indiana on and south of Interstate Highway 74 to points in California (except points in Modoc, Lassen, Plumas, Sierra, Nevada, Siskiyou, Shasta, Tehama, Glenn, Butte, Cohusa, Sutter, Yuba, Yolo, and Sacramento Counties). The purpose of this filing is to eliminate the gateways of Blytheville, Ark., and Jackson, Tenn.

No. MC–117119 (Sub-No. E46), filed May 24, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from points in Ohio on, east, and south of Interstate Highway 71 to points in Denver County, Colo., and points in Colorado in and south of the northern boundaries of Mesa, Pitkin, Lake, Park, Jefferson, and Douglas Counties and in and west of the eastern boundaries of Douglas; El Paso, Pueblo, and Las Animas Counties, Colo. The purpose of this filing is to eliminate the gateway of Siloam Springs, Ark.

No. MC–121318 (Sub-No. E1), filed May 14, 1974. Applicant: YOURGA TRUCKING, INC., P.O. Box 335, Wheatland, Pa. 16161. Applicant's representative: John H. Yourga (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products, and such raw materials, supplies, and equipment*, as are used in the manufacture of iron and steel products, between points in Washington and Greene Counties, Pa., on the one hand, and, on the other, points in that part of Ohio on and north of a line beginning at the Pennsylvania-Ohio State line, thence along U.S. Highway 62 to junction Ohio Highway 82, thence along Ohio Highway 82 to junction Ohio Highway 10, thence along U.S. Highway 10 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction Ohio Highway 4, thence along Ohio Highway 4 to junction U.S. Highway 30N., thence along U.S. Highway 30N to junction Interstate Highway 75, thence along Interstate Highway 75 to junction U.S. Highway 30S, thence along U.S. Highway 30S to junction U.S. Highway 30, thence along U.S. Highway 30 to the Ohio-Indiana State line. The purpose of this filing is to eliminate the gateway of Sharon, Pa.

No. MC–121318 (Sub-No. E2), filed May 14, 1974. Applicant: YOURGA TRUCKING, INC., P.O. Box 335, Wheatland, Pa. 16161. Applicant's representative: John H. Yourga (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products, and such raw materials, supplies, and equipment*, as are used in the manufacture of iron and steel products, between points in Lawrence County, Pa., on the one hand, and, on the other, points in that part of Ohio, on, north, and west of a line beginning at the Pennsylvania-Ohio State line, thence along U.S. Highway 62 to junction Ohio Highway 82, thence along Ohio Highway 82 to junction Ohio Highway 5, thence along Ohio Highway 5 to junction Ohio Highway 44, thence along Ohio Highway 44 to junction U.S. Highway 224, thence along U.S. Highway 224 to junction Interstate Highway 76, thence along Interstate Highway 76 to junction Ohio Highway 3, thence along Ohio Highway 3 to junction U.S. Highway 250, thence along U.S. Highway 250 to junction Ohio Highway 83, thence along Ohio Highway 83 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Interstate Highway 77, thence along Interstate Highway 77 to the Ohio-West Virginia State line. The purpose of this filing is to eliminate the gateway of Sharon. Pa.

No. MC–121318 (Sub-No. E3), filed May 14, 1974. Applicant: YOURGA TRUCKING, INC., P.O. Box 335, Wheatland, Pa. 16161. Applicant's representative: John H. Yourga (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products, and such raw materials, supplies, and equipment*, as are used in the manufacture of iron and steel products, between points in Crawford County, Pa., on the one hand, and, on the other, points in Ohio (except points in Ashtabula, Lake, Geauga and Cuyahoga Counties). The purpose of this filing is to eliminate the gateway of Sharon, Pa.

No. MC–121318 (Sub-No. E11), filed May 14, 1974. Applicant: YOURGA TRUCKING, INC., P.O. Box 335, Wheatland, Pa. 16161. Applicant's representative: John H. Yourga (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products, and such raw materials, supplies, and equipment*, as are used in the manufacture of iron and steel products, between points in Huntingdon, Blair, Indiana, and Armstrong Counties, Pa., and that part of Cambria County, Pa., north of U.S. Highway 22, on the one hand, and, on the other, points in that part of Ohio on, north, and west of a line beginning at the Ohio-Pennsylvania State line, thence along Ohio Highway 41 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction Interstate Highway 77, thence along Interstate Highway 77 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Ohio Highway 16, thence along Ohio Highway 16 to junction U.S. Highway 23, thence along U.S. Highway 23 to the Ohio-Kentucky State line. The purpose of this filing is to eliminate the gateway of Sharon, Pa.

No. MC–121318 (Sub-No. E13), filed May 14, 1974. Applicant: YOURGA TRUCKING, INC., P.O. Box 335, Wheatland, Pa. 16161. Applicant's representative: John H. Yourga (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products, and such raw materials, supplies, and equipment*, as are used in the manufacture of iron and steel products, between points in Butler County, Pa., on the one hand, and, on the other, points in Ohio (except points in Washington, Morgan, Guernsey, Noble, Monroe, Belmont, Harrison, Carroll, Columbiana, Jefferson, and Mahoning Counties, that part of Tuscarawas County east of Interstate Highway 77, and that part of Stark County east of Ohio Highway 44). The purpose of this filing is to eliminate the gateway of Sharon, Pa.

No. MC–121318 (Sub-No. E19), filed May 14, 1974. Applicant: YOURGA TRUCKING, INC., P.O. Box 335, Wheatland, Pa. 16161. Applicant's representative: John H. Yourga (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* as described in Groups I, II, and III, of Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from points in that part of Ohio on, north, and west of a line beginning at the Pennsylvania-Ohio State line, thence along Ohio Highway 14 to junction Ohio Highway 14A, thence along Ohio Highway 14A to junction U.S. Highway 62, thence along U.S. Highway 62 to junction Ohio Highway 83, thence along Ohio Highway 83 to junction Ohio Highway 16, thence along Ohio Highway 16 to junction U.S. Highway 62, thence along U.S. Highwy 62 to the Ohio-Kentucky State line, to points in Delaware. The purpose of this filing is to eliminate the gateways of Greenville and Sharon, Pa.

No. MC–123502 (Sub-No. E2), filed May 15, 1974. Applicant: FREE STATE TRUCK SERVICE, INC., P.O. Box 760,

Glen Burnie, Md. 21061. Applicant's representative: W. Wilson Carroum (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal alloys*, in dump vehicles, from points in Delaware, Connecticut, Maine, New Hampshire, New Jersey, Rhode Island, Vermont, that part of New York east of the Hudson River, Lake George, and Lake Champlain, and that part of Maryland on and east of Interstate Highway 81, to points in that part of Pennsylvania on and west of U.S. Highway 219. The purpose of this filing is to eliminate the gateway of Baltimore, Md.

No. MC–128746 (Sub-No. E2), filed May 31, 1974. Applicant: D'AGATA NATIONAL TRUCKING CO., 3224–44th South 64th St., Philadelphia, Pa. 19153. Applicant's representative: Alan Kahn, Two Penn Center Plaza, Kennedy Blvd. at 15th Street, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting:

(a) *Malt beverages*, from Allentown, Pa., to points in West Virginia (except those on and east of a line beginning at the West Virginia-Pennsylvania State line and extending over U.S. Highway 19 to Morgntown, W. Va., thence southeast over West Virginia Highway 7 to the West Virginia-Maryland State line, thence north over that line to its junction West Virginia-Maryland-Pennsylvania State lines, and thence west over the West Virginia-Pennsylvania State line to points of beginning). The purpose of this filing is to eliminate the gateway of Philadelphia, Pa.

(b) (1) *Malt beverages*, from New York, N.Y., and Newark and East Orange, N.J., to points in West Virginia; (2) *Empty malt beverage containers*, from points in West Virginia to the origin points specified in (b) (1) above. The purpose of this filing is to eliminate the gateway of Philadelphia, Pa.

(c) *Malt beverages*, in containers, from Allentown, Pa., to points in that part of Massachusetts on and east of U.S. Highway 5. The purpose of this filing is to eliminate the gateway of the plantsite of C. Schmidt & Sons, Inc., at Philadelphia, Pa.

(d) *Malt beverages*, in containers, from Allentown, Pa., to (a) points in Delaware on and south of Delaware Highway 8, (b) those in Maryland on and east of a line beginning at the Maryland-Virginia State line and extending north over U.S. Highway 15 to junction Maryland Highway 26, thence east over Maryland Highway 26 to junction Maryland Highway 91, thence north over Maryland Highway 91 to junction Maryland Highway 137, thence east over Maryland Highway 137 to junction Interstate Highway 83, and thence north over Interstate Highway 83 to the Maryland-Pennsylvania State line, and (c) those in Virginia, except those west of a line beginning at the Maryland-Virginia State line and extending south over U.S. Highway 15 to junction U.S. Highway 29, thence over U.S. Highway 29 to junction U.S. Highway 33, thence over U.S. Highway 33 to Harrisonburg, Va., thence over Interstate Highway 81 to Lexington, Va., and thence over Interstate Highway 64 to the Virginia-West Virginia State line. The purpose of this filing is to eliminate the gateways of Philadelphia and Conshohocken, Pa.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary*.

[FR Doc.74–13982 Filed 6–18–74;8:45 am]

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PART II

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

■

SAFETY AND HEALTH REGULATIONS FOR MARITIME EMPLOYMENT

No. 119—Pt. II——1

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Title 29—Labor

CHAPTER XVII—OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR

OCCUPATIONAL SAFETY AND HEALTH STANDARDS FOR MARITIME EMPLOYMENT

Pursuant to authority in sections 6 and 8(g) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1593, 1600; 29 U.S.C. 655, 657), in Secretary of Labor's Order No. 12–71 (36 FR 8754) and in section 41 of the Longshoremen's and Harbor Workers' Compensation Act (44 Stat. 1444, as amended; 33 U.S.C. 941), Parts 1915, 1916, 1917, 1918, and 1919 of Title 29 of the Code of Federal Regulations are hereby republished in their entirety. The purpose of this republication is to update the present occupational safety and health standards for maritime employment by incorporating all changes made up to June 3, 1974, and thereby improve their usefulness and facilitate their enforcement.

Since this application does not make any substantive change in the standards, it is not necessary to provide notice of proposed rulemaking, opportunity for public participation therein, nor any delay in the effective date under either section 6(b) of the Williams-Steiger Occupational Safety and Health Act of 1970 or 5 U.S.C. 553. For the same reason, good cause is found for not following the regular procedure for rulemaking and for making this republication effective immediately.

Signed at Washington, D.C., this 28th day of May 1974.

JOHN STENDER,
Assistant Secretary of Labor.

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AUTHORITY: The provisions of this Part 1915, issued under sec. 41, 44 Stat. 1444; sec. 1, 72 Stat. 835; 33 U.S.C. 941.

SOURCE: 37 FR 22458, Oct. 19, 1972.

Subpart A—General Provisions

§ 1915.1 Purpose, scope and responsibility.

(a) The Longshoremen's and Harbor Workers' Compensation Act (44 Stat. 1424; 33 U.S.C. 901 et seq.) provides compensation for injuries suffered by employees when they are working for private employers within the Federal maritime jurisdiction on the navigable waters of the United States, including drydocks. Public Law 85–742, 72 Stat. 835, approved August 23, 1958, which amends section 41 of the Longshoremen's and Harbor Workers' Compensation Act, as amended (44 Stat. 1444; 33 U.S.C. 941) requires, among other things, that every employer of the aforementioned employees "shall install, furnish, maintain, and use such devices and safeguards with particular reference to equipment used by and working conditions established by such employers as the Secretary may determine by regulation or order to be reasonably necessary to protect the life, health, and safety of such employees, and to render safe such employment and places of employment, and to prevent injury to his employees." It is the purpose of the regulations of this part to carry out the intent of Public Law 85–742.

(b) Pursuant to Public Law 85–742 the regulations of this part do not make determinations with respect to matters under the control of the United States Coast Guard within the scope of Title 52 of the Revised Statutes and Acts supplementary or amendatory thereto (46 U.S.C. 1–1388, passim), including, but not restricted to, the master, ship's officers, crew members, design, construction, and maintenance of the vessel, its gear and equipment; to matters within the regulatory authority of the United States Coast Guard to safeguard vessels, harbors, ports, and waterfront facilities under the provisions of the Espionage Act of June 15, 1917, as amended (40 Stat. 220; 50 U.S.C. 191 et seq.; 22 U.S.C. 401 et seq.); including the provisions of Executive Order 10173, as amended by Executive Orders 10277 and 10352 (3 CFR 1949–1953 Comp., pp. 356, 778, and 873); or to matters within the regulatory authority of the United States Coast Guard with respect to lights, warning devices, safety equipment and other matters relating to the promotion of safety of lives and property under section 4(e) of the Outer Continental Shelf Lands Act of August 7, 1953 (67 Stat. 462; 43 U.S.C. 1333).

(c) The responsibility for compliance with the regulations of this part is placed upon "employers" as defined in § 1915.2(c).

(d) It is not the intent of the regulations of this part to place additional responsibilities or duties on owners, operators, agents or masters of vessels unless such persons are acting as employers, nor is it the intent of these regulations to relieve such owners, operators, agents or masters of vessels from responsibilities or duties now placed upon them by law, regulation or custom.

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(e) The responsibilities placed upon the competent person herein shall be deemed to be the responsibilities of the employer.

§ 1915.2 Definitions.

(a) The term "shall" indicates provisions which are mandatory.

(b) The term "Secretary" means the Secretary of Labor.

(c) The term "employer" means an employer any of whose employees are employed, in whole or in part, in ship repair or related employments as defined in this section on the navigable waters of the United States, including dry docks, graving docks and marine railways.

(d) The term "employee" means any ship repairman or other person engaged in ship repair or related employments on the navigable waters of the United States, including dry docks, graving docks and marine railways, other than the master, ship's officers, crew of the vessel, or any person engaged by the master to repair any vessel under 18 net tons.

(e) The term "gangway" means any ramp-like or stair-like means of access provided to enable personnel to board or leave a vessel including accommodation ladders, gangplanks and brows.

(f) The term "vessel" includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water, including special purpose floating structures not primarily designed for or used as a means of transportation on water.

(g) For purposes of § 1915.44, the term "barge" means an unpowered, flat bottom, shallow draft vessel including scows, carfloats and lighters. For purposes of this section, the term does not include ship shaped or deep draft barges.

(h) For purposes of § 1915.44, the term "river tow boat" means a shallow draft, low free board, self-propelled vessel designed to tow river barges by pushing ahead. For purposes of this section, the term does not include other towing vessels.

(i) The term "ship repair" means any repair of a vessel including, but not restricted to, alterations, conversions, installations, cleaning, painting, and maintenance work.

(j) The term "related employments" means any employments performed as an incident to or in conjunction with ship repair work, including, but not restricted to, inspection, testing and employment as a watchman.

(k) The term "hazardous substance" means a substance which by reason of being explosive, flammable, poisonous, corrosive, oxidizing, irritant, or otherwise harmful is likely to cause injury.

(l) The term "competent person" for purposes of this part means a person who is capable of recognizing and evaluating employee exposure to hazardous substances or to other unsafe conditions and is capable of specifying the necessary protection and precautions to be taken to ensure the safety of employees as required by the particular regulation under the condition to which it applies. For the purposes of Subparts B, C, and D, of this part except for §§ 1915.11(a)(1)(iv) and 1915.24(b)(8), to which the above definition applies, the competent person must also meet the additional requirements of § 1915.10.

(m) The term "confined space" means a compartment of small size and limited access such as a double bottom tank, cofferdam, or other space which by its small size and confined nature can readily create or aggravate a hazardous exposure.

(n) The term "enclosed space" means any space, other than a confined space, which is enclosed by bulkheads and overhead. It includes cargo holds, tanks, quarters, and machinery and boiler spaces.

(o) The term "hot work" means riveting, welding, burning or other fire or spark producing operations.

(p) The term "cold work" means any work which does not involve riveting, welding(burning or other fire or spark producing operations.

(q) The term "portable unfired pressure vessel" means any pressure container or vessel used aboard ship, other than the ship's equipment, containing liquids or gases under pressure, excepting pressure vessels built to ICC regulations under 49 CFR Part 78, Subparts C and H.

(r) The term "powder actuated fastening tool" means a tool or machine which drives a stud, pin, or fastener by means of an explosive charge.

(s) For purposes of § 1915.57, the term "hazardous material" means a material which has one or more of the following characteristics: (1) Has a flash point below 140° F., closed cup, or is subject to spontaneous heating; (2) has a threshold limit value below 500 p.p.m. in the case of a gas or vapor, below 500 mg./m.³ for fumes, and below 25 m.p.p.c.f. in case of a dust; (3) has a single dose oral LD_{50} below 500 mg./kg.; (4) is subject to polymerization with the release of large amounts of energy; (5) is a strong oxidizing or reducing agent; (6) causes first degree burns to skin in short time exposure, or is systemically toxic by skin contact; or (7) in the course of normal operations, may produce dusts, gases, fumes, vapors, mists, or smokes which have one or more of the above characteristics.

§ 1915.3 [Reserved]

§ 1915.4 [Reserved]

§ 1915.5 Reference specifications, standards, and codes.

Specifications, standards, and codes of agencies of the U.S. Government, to the extent specified in the text, form a part of the regulations of this part. In addition, under the authority vested in the Secretary under the Act, the specifications, standards, and codes of organizations which are not agencies of the U.S. Government, in effect on the date of the promulgation of the regulations of this part as listed below, to the extent specified in the text, form a part of the regulations of this part:

National Fire Protection Association, 60 Batterymarch Street, Boston, Mass. 02110, Subpart B § 1915.13(a).

Underwriters' Laboratories, Inc., 207 East Ohio Street, Chicago, Ill. 60611, Subpart B, §1915.12 (b) and (f); Subpart C, §§ 1915.24(b)(7), 1915.25(a)(4); Subpart H, § 1915.72(a).

United States of America Standard Safety Code for Portable Wood Ladders, A14.1–1959, United States of America Standards Institute, Inc., 10 East 40th Street, New York, N.Y. 10016, Subpart E, § 1915.42(a)(6).

United States of America Standard Safety Code for Portable Metal Ladders, A14.2–1956, United States of America Standards Institute, Inc., 10 East 40th Street, New York, N.Y. 10016, Subpart E, § 1915.42(a)(4).

United States of America Standard Safety Code for Head, Eye, and Respiratory Protection, Z2.1–1959, United States of America Standards Institute, Inc., 10 East 40th Street, New York, N.Y. 10016, Subpart I, §§ 1915.81(a)(1), 1915.83(b).

American Society of Mechanical Engineers, Boiler and Pressure Vessel Code, Section VIII, Rules for Construction of Unfired Pressure Vessels, American Society of Mechanical Engineers, 345 East 47th Street, New York, N.Y. 10017, Subpart K, § 1915.101(a).

Threshold Limit Values, American Conference of Governmental Industrial Hygienists, 1014 Broadway, Cincinnati, Ohio 45202, Subpart B, § 1915.11(a)(3) and (b)(3); Subpart C, § 1915.21(b).

United States of America Standards Safety Code for the Use, Care, and Protection of Abrasive Wheels, B7.1–1964, United States of America Standards Institute, Inc., 10 East 40th Street, New York, N.Y. 10016, Subpart H, § 1915.74(c).

§ 1915.6 [Reserved]

§ 1915.7 Amendment of the regulations of this part.

The Secretary may at any time, upon his own motion or upon written petition of any interested person setting forth reasonable grounds therefor, and after opportunity has been given to interested persons to present their views, amend or revoke any of the provisions of the regulations of this part.

Subpart B—Explosive and Other Dangerous Atmospheres

§ 1915.10 Competent person.

(a) *Designation.* (1) For the purposes of Subparts B, C, D, and H of this part, except for §§ 1915.24(b)(8) and 1915.25(a)(5), one or more competent persons shall be designated by the employer in accordance with the applicable requirements of this section unless the requirements of Subparts B, C, D, and H of this part are always carried out by a National Fire Protection Association Certified Marine Chemist.

(2) The employer shall indicate on U.S. Department of Labor Form OSHA 73 "Designation of Competent Person" either those employees designated as competent persons or that the prescribed functions of such persons are always carried out by a National Fire Protection Association Certified Marine Chemist in addition to his professional duties. When additions or changes are made in the personnel so designated, a new Form OSHA 73 shall be executed. A copy of this executed form shall be forwarded to the nearest office of the Occupational Safety and Health Administration.

(b) *Criteria.* The following criteria shall guide the employer in designating employees as competent persons:

(1) Ability to understand the meaning of designations on certificates and of any qualifications relating thereto and to carry out any instructions, either written or oral, left by the National Fire Protection Association Certified Marine Chemist or person authorized by the U.S. Coast Guard referred to in § 1915.13.

(2) Ability to use and interpret the readings of an oxygen indicator and a combustible gas indicator. The ability to use and interpret the readings of a carbon monoxide indicator and a carbon dioxide indicator, if the operations involve such hazardous gases.

(3) Familiarity with and understanding of Subparts B, C, D, and H of this part.

(4) Familiarity with the structure and knowledge of the location and designation of spaces of the types of vessels on which repair work is done.

(5) Capability to perform the tests and inspections required by Subparts B, C, D, and H of this part and to write the required logs.

(c) *Logging of inspections and tests.* (1) When tests and inspections required to be performed by a competent person by any provisions of Subparts B, C, D, and H of this part, except those referred to in §§ 1915.24(b)(8) and 1915.25(a)(5) are made, a record of the locations, operations performed and date, time, and results of the tests and any instructions resulting therefrom shall be recorded on U.S. Department of Labor Form OSHA 74, "Log of Inspections and Tests by Competent Person." A separate form shall be used for each vessel on which tests and inspections are made.

(2) This record shall be available for inspection in the immediate vicinity of the affected operations while they are in progress. This record or copy thereof shall be kept on file for a period of at least three months from the date of the completion of the job.

(3) A copy of any certificate issued in accordance with § 1915.13 and of any instructions issued by the National Fire Protection Association Certified Marine Chemist shall be kept on file with the log for a period of at least 3 months from the date of the completion of the job. The certificate and instruction issued by the person doing the fumigation referred to in § 1915.11(b)(1)(ii) shall also be kept on file for a period of at least 3 months from the date of the completion of the job.

(d) *Application.* The provisions of this section are intended to apply in their entirety to employers engaged in general ship repair work. They do not apply to employers whose work involves situations to which Subparts B, C and D of this part are not applicable, such as general cleaning work in which flammable and toxic atmospheres are not involved. Any employer whose work involves only certain portions of Subparts B, C and D of this part, such as work on small craft in boat yards where only combustible gas indicator tests are necessary for fuel tank leaks or when using flammable paints below decks, may designate persons as competent on the basis of the applicable portion of the criteria set forth in paragraph (b) of this section.

§ 1915.11 Precautions before entering.

(a) *Flammable atmospheres and residues.* (1) Before employees are initially permitted to enter any of the ship's spaces designated in subdivisions (i) and (ii) of this subparagraph, the atmosphere within the space to be entered shall be tested by a competent person to determine the concentration of flammable vapors or gases within the space.

(i) Cargo spaces or other spaces containing or having last contained combustible or flammable liquids or gases in bulk.

(ii) Spaces immediately adjacent to those described in subdivision (i) of this subparagraph.

(2) If the tests indicate that the atmosphere in the space to be entered contains a concentration of flammable vapor or gas greater than 10 percent of the lower explosive limit, the space shall be ventilated to reduce the concentration below 10 percent of the lower explosive limit before men are permitted to enter.

(3) If the atmosphere in the space to be entered is found to contain a concentration of flammable vapor or gas below the level immediately dangerous to life as defined in § 1915.82(b)(1), but above the threshold limit value, employees shall be protected in accordance with the requirements of § 1915.82 (a), and (c), (d), or (e), whichever is applicable.

(b) *Toxic atmospheres and residues.* (1) Before employees are initially permitted to enter any of the ship's spaces designated in subdivisions (i), (ii), and (iii) of this subparagraph, the atmosphere in the space to be entered shall be tested for toxic atmospheric contaminants, and the space inspected for the presence of toxic or corrosive residues by a Marine Chemist, Industrial Hygienist or other person qualified to make these tests and inspections.

(i) Cargo spaces or other spaces containing or having last contained bulk liquids, gases, or solids of a toxic, corrosive, or irritant nature.

(ii) Spaces which have been fumigated.

(iii) Spaces immediately adjacent to those described in subdivisions (i) and (ii) of this subparagraph.

(2) If the tests indicate that the atmosphere in the space to be entered contains a concentration of toxic contaminants above the level which is immediately dangerous to life, the space shall be ventilated to reduce the concentration below the level immediately dangerous to life as defined in § 1915.82(b)(1).

(3) If the atmosphere in the space to be entered is found to contain a concentration of toxic contaminants below the level immediately dangerous to life as defined in § 1915.82(b)(1), but above the threshold limit value, employees shall be protected in accordance with the requirements of § 1915.82 (a), and (c), (d), or (e), whichever is applicable.

(4) The person qualified to make the tests and inspections referred to in subparagraph (1) of this paragraph shall make a record of the tests, inspections and instructions pertaining to subparagraph (3) of paragraph (a) of this section and subparagraphs (2) and (3) of this paragraph on U.S. Department of Labor Form OSHA 74, which shall be available for inspection and kept on file in accordance with § 1915.10(c)(2).

(c) *Oxygen deficient atmospheres.* (1) Before employees are initially permitted to enter any of the ship's spaces designated in subdivisions (i) through (v) of this subparagraph, the atmosphere in the spaces to be entered shall be tested by a competent person with an oxygen indicator or other suitable device to ensure that it contains at least 16.5 percent oxygen.

(i) Spaces in which the tests required by paragraphs (a) and (b) of this section indicate that no flammable or toxic contaminants are present in the atmosphere.

(ii) Compartments which have been sealed.

(iii) Spaces which have been coated and closed up.

(iv) Nonventilated compartments which have been freshly painted.

(v) Cargo spaces containing cargoes or residues of cargoes which absorb oxygen, such as scrap iron, fresh fruit and molasses, and various vegetable drying oils in bulk.

(2) If the tests indicate that the atmosphere in the space to be entered contains less than 16.5 percent oxygen, the space shall be ventilated until tests indicate an oxygen content above this level.

(d) *Exceptions.* In emergencies and in cases of work of brief duration necessary to accomplish the ventilation required or to start operations, work may be performed in atmospheres containing concentrations of flammable contaminants above the upper explosive limit or otherwise immediately dangerous to life, provided employees are protected in accordance with the requirements of § 1915.82 (a) and (b).

§ 1915.12 Cleaning and other cold work.

(a) Employees shall be permitted to perform manual cleaning to remove residue materials, scale, and debris or to perform other cold work in spaces described in § 1915.11 (a)(1) (i) and (ii) and (b)(1) (i) through (iii) before they have been certified as gas free only under the following conditions:

(1) Liquid residues of flammable and toxic materials shall be removed from the spaces as thoroughly as practicable before employees start actual cleaning operations in these spaces. Drippings and spills of these materials on deck or elsewhere alongside the vessel shall be cleaned up as the work progresses. Special care shall be taken to prevent the spilling or the draining of these materials into the water surrounding the vessel.

(2) Continuous natural or mechanical ventilation shall be provided to keep the concentration of flammable vapors be-

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low ten (10) percent of the lower explosive limit in all parts of the space, provided that if, because of the high volatility of the residues, a uniform concentration of less than ten (10) percent of the lower explosive limit cannot be achieved, sufficient exhaust ventilation shall be provided to reduce the concentration to or below that level in the major portions of the compartment.

(3) Tests shall be made by a competent person prior to commencement of cold work and with sufficient frequency thereafter, in accordance with temperature, volatility of the residues and other existing conditions in and about the spaces, to ensure that the concentration stated in subparagraph (2) of this paragraph is not exceeded.

(4) Cold work only shall be permitted.

(5) Tests shall be made by a competent person to ensure that the exhaust vapors from these spaces are not accumulating in other areas within or around the vessel, marine railway, dry-dock, graving dock, or under the pier where sources of ignition may be present. Should such accumulations be found, any sources of ignition within the affected area shall be removed or extinguished.

(b) Only approved explosion-proof, self-contained, battery-fed, portable lamps shall be used in spaces described in paragraph (a) of § 1915.13 before the spaces have been certified as "Safe for Men." Battery-fed, portable lamps bearing the approval of the Underwriters' Laboratories for use in Class I, Group D atmospheres, or approved as permissible by the U.S. Bureau of Mines, and such lamps listed by the U.S. Coast Guard as approved for such use are deemed to meet the requirements of this paragraph.

(c) Signs shall be posted on the open deck adjacent to the access to spaces described in paragraph (a) of § 1915.13 prohibiting smoking and the use of open flames.

(d) The metallic parts of air moving devices, including fans, blowers, and jet-type air movers, and all duct work shall be electrically bonded to the vessel's structure.

(e) All motors and control equipment shall be of the explosion-proof type. Fans shall have nonferous blades. Portable air ducts shall also be of nonferrous materials. All motors and associated control equipment shall be properly maintained and grounded.

(f) In spaces described in paragraph (a) of § 1915.13 which have been certified "Safe for Men," either battery lamps or explosion-proof lights, approved by the Underwriters' Laboratories for use in Class I, Group D atmospheres, or approved as permissible by the U.S. Bureau of Mines or the U.S. Coast Guard, shall be used, provided the lights are mounted to the space openings from the exterior, or suspended within the space with the cables so led as to protect them from injury.

(g) In spaces certified "Safe for Fire" nonexplosion proof lights may be used.

§ 1915.13 Certification before hot work is begun.

(a) Employees shall not be permitted to engage in hot work or the use of powder actuated fastening tools in or on the following spaces, boundaries or pipe lines until a certificate setting forth that the hot work can be done in safety is issued. Such certificate shall be acceptable only if issued by a Marine Chemist certificated by the National Fire Protection Association, except that a certificate issued by another person authorized by the U.S. Coast Guard pursuant to the provisions of 46 CFR 35.01-1(c)(1) for tank vessels, 46 CFR 71.60-1(c)(1) for passenger vessels, and 46 CFR 91.50-1(c)(1) for cargo and miscellaneous vessels is acceptable for a particular inspection:

(1) *On tank vessels.* (i) Within or on the boundaries of cargo tanks which have been used to carry combustible or flammable liquids and gases in bulk, or within spaces adjacent to such cargo tanks.

(ii) Within or on the boundaries of fuel tanks.

(iii) On pipe lines, heating coils, pumps, fittings, or other appurtenances connected to such cargo or fuel tanks.

(2) *On dry cargo, miscellaneous and passenger vessels.* (i) Within or on the boundaries of cargo tanks which have been used to carry combustible or flammable liquids and gases in bulk.

(ii) Within spaces adjacent to cargo tanks which have been used to carry flammable gases, or liquids with a flash point below 150° F., except where the distance between such cargo tanks and the work to be performed is not less than twenty-five (25) feet.

(iii) Within or on the boundaries of fuel tanks.

(iv) On pipe lines, heating coils, pumps, fittings, or other appurtenances connected to such cargo or fuel tanks.

(b) In dry cargo holds for which a Marine Chemist's certificate is not required by paragraph (a)(2)(ii) of this section, hot work may be performed only after a competent person has carefully examined the hold and found it to be free of flammable liquids, gases, and vapors. If flammable liquids, gases, or vapors are found, hot work shall not be performed within the space until the flammable liquids, gases, or vapors have been removed and a test indicates that the space is safe for fire.

(c) Before hot work is performed in engine room and boiler room spaces of any vessel for which a Marine Chemist's certificate is not required by the provision of paragraph (a) of this section or in fuel tank and engine compartments of boats, the bilges shall be inspected and tested by a competent person to ensure that they are free of flammable liquids, gases, and vapors. If flammable liquids, gases, or vapors are found, hot work shall not be performed within the space until the flammable liquids, gases, or vapors have been removed and a test indicates that the space is safe for fire.

§ 1915.14 Maintaining gas free conditions.

The following rules shall apply in maintaining gas free conditions:

(a) Pipe lines which may convey hazardous substances into the spaces certified "Safe For Men—Safe For Fire" shall be disconnected or blanked off, or other positive means shall be used to prevent discharge of hazardous substances from entering the space. Manholes and other closures which were secured when tests were made shall remain secured. If such manholes or other closures are opened or any manipulation of valves takes place which tends to alter existing conditions, work in the affected spaces or areas shall be stopped and not resumed until such time as the area has been retested and again certified "Safe For Men—Safe For Fire" in accordance with the requirements of § 1915.13(a).

(b) Before hot work is commenced on the weather deck over spaces which, under these regulations, are not required to be gas freed or inerted, all valves, closures and vents, except those which are vented up masts, connecting with non-gas free tanks or compartments below, shall be closed.—Valves, closures and vents shall not be opened until hot work is completed unless the hot work is stopped and the work location posted as unsafe for fire. The latter notice shall not be removed nor hot work resumed until the area is again made safe.

(c) The employer shall inform masters and chief engineers of vessels of the provisions of this section and shall confirm that they are aware of their responsibilities for seeing that their crews understand and obey all warning signs, tags, and the limitations stated on the marine chemist's certificates.

(d) When conditions in a tank are such that there is a possibility of hazardous vapor being released from residues or other sources after a marine chemist's certificate has been issued, a competent person shall make tests to insure that the gas-free condition is maintained irrespective of whether hot work is being performed in the tank. When the competent person finds that atmospheric conditions have altered, work shall be stopped and a new marine chemist's certificate in accordance with the requirements of § 1915.13(a) shall be obtained before work is resumed.

(e) Before hot work is begun on any metal covered with preservative coatings the requirements of § 1915.33 shall be met.

§ 1915.15 Warning signs.

(a) Except as provided in paragraph (c) of this section, all tanks, compartments, or spaces which have been certified "Safe For Men—Not Safe for Fire," or "Not Safe For Men—Not Safe For Fire" shall be plainly and conspicuously marked with paint or signs indicating that no hot work shall be performed on such tanks, compartments, or spaces or in the vicinity thereof.

(b) Except as provided in paragraph (c) of this section, all tanks, compartments or spaces which have been inerted with gas or certified "Not Safe For Men—Safe For Fire" shall be plainly and conspicuously marked with paint or signs indicating that the tank, compartment or space contains a gas which will not support life or is hazardous to employees.

(c) The warning marks or signs required by paragraphs (a) and (b) of this section need not be posted on individual tanks, compartments or spaces if the entire vessel has been certified "Safe For Men—Not Safe For Fire," "Not Safe For Men— Not Safe For Fire," or if the entire vessel has been inerted or certified "Not Safe For Men—Safe For Fire," and if a sign to this effect is conspicuously posted at the gangway and at all other means of access to the vessel.

Subpart C—Surface Preparation and Preservation

§ 1915.21 Toxic cleaning solvents.

(a) When toxic solvents are used, the employer shall employ one or more of the following measures to safeguard the health of employees exposed to these solvents.

(1) The cleaning operation shall be completely enclosed to prevent the escape of vapor into the working space.

(2) Either natural ventilation or mechanical exhaust ventilation shall be used to remove the vapor at the source and to dilute the concentration of vapors in the working space to a concentration which is safe for the entire work period.

(3) Employees shall be protected against toxic vapors by suitable respiratory protective equipment in accordance with the requirements of § 1915.82 (a) and (c), and, where necessary, against exposure of skin and eyes to contact with toxic solvents and their vapors by suitable clothing and equipment.

(b) The principles in the threshold limit values to which attention is directed in § 1915.5 will be used by the Department of Labor in enforcement proceedings in defining a safe concentration of air contaminants.

(c) When flammable solvents are used, precautions shall be taken in accordance with the requirements of § 1915.25.

§ 1915.22 Chemical paint and preservative removers.

(a) Employees shall be protected against skin contact during the handling and application of chemical paint and preservative removers and shall be protected against eye injury by goggles or face shields in accordance with the requirements of § 1915.81 (a) and (b).

(b) When using flammable paint and preservative removers, precautions shall be taken in accordance with the requirements of § 1915.25.

(c) When using chemical paint and preservative removers which contain volatile and toxic solvents, such as benzol, acetone and amyl acetate, the provisions of § 1915.21 shall be applicable.

(d) When using paint and rust removers containing strong acids or alkalies, employees shall be protected by suitable face shields to prevent chemical burns on the face and neck.

(e) When steam guns are used, all employees working within range of the blast shall be protected by suitable face shields. Metal parts of the steam gun itself shall be insulated to protect the operator against heat burns.

§ 1915.23 Mechanical paint removers.

(a) *Power tools.* (1) Employees engaged in the removal of paints, preservatives, rusts or other coatings by means of power tools shall be protected against eye injury by goggles or face shields in accordance with the requirements of § 1915.81(a).

(2) All portable rotating tools used for the removal of paints, preservatives, rusts or other coatings shall be adequately guarded to protect both the operator and nearby workers from flying missiles.

(3) Portable electric tools shall be grounded in accordance with the requirements of § 1915.72 (a) and (b).

(4) In a confined space, mechanical exhaust ventilation sufficient to keep the dust concentration to a minimum shall be used, or employees shall be protected by respiratory protective equipment in accordance with the requirements of § 1915.82 (a) and (d).

(b) *Flame removal.* (1) Hardened preservative coatings shall not be removed by flame in enclosed spaces unless the employees exposed to fumes are protected by air line respirators in accordance with the requirements of § 1915.82 (a). Employees performing such an operation in the open air, and those exposed to the resulting fumes, shall be protected by a fume filter type respirator in accordance with requirements of paragraphs (a) and (d)(2)(iv) of § 1915.82.

(2) Flame or heat shall not be used to remove soft and greasy preservative coatings.

(c) *Abrasive blasting*—(1) *Equipment.* Hoses and fittings used for abrasive blasting shall meet the following requirements:

(i) *Hoses.* Hose of a type to prevent shocks from static electricity shall be used.

(ii) *Hose couplings.* Hose lengths shall be joined by metal couplings secured to the outside of the hose to avoid erosion and weakening of the couplings.

(iii) *Nozzles.* Nozzles shall be attached to the hose by fittings that will prevent the nozzle from unintentionally becoming disengaged. Nozzle attachments shall be of metal and shall fit onto the hose externally.

(iv) *Dead man control.* A dead man control device shall be provided at the nozzle end of the blasting hose either to provide direct cutoff or to signal the pot tender by means of a visual and audible signal to cut off the flow, in the event the blaster loses control of the hose. The pot tender shall be available at all times to respond immediately to the signal.

(2) *Replacement.* Hoses and all fittings used for abrasive blasting shall be inspected frequently to insure timely replacement before an unsafe amount of wear has occurred.

(3) *Personal protective equipment.* (i) Abrasive blasters working in enclosed spaces shall be protected by hoods and air fed respirators or by air helmets of a positive pressure type in accordance with the requirements of § 1915.82(a).

(ii) Abrasive blasters working in the open shall be protected as indicated in subdivision (i) of this subparagraph except that when synthetic abrasives containing less than one percent free silica are used filter type respirators approved by the Bureau of Mines for exposure to lead dusts may be used in accordance with § 1915.82 (a) and (d).

(iii) Employees, other than blasters, including machine tenders and abrasive recovery men, working in areas where unsafe concentrations of abrasive materials and dusts are present shall be protected by eye and respiratory protective equipment in accordance with the requirements of §§ 1915.81 (a) and (b) and 1915.82 (a) and (d).

(iv) The blaster shall be protected against injury from exposure to the blast by appropriate protective clothing, including gloves.

(v) Since surges from drops in pressure in the hose line can be of sufficient proportions to throw the blaster off the staging, the blaster shall be protected by a safety belt when blasting is being done from elevations where adequate protection against falling cannot be provided by railings.

§ 1915.24 Painting.

(a) *Paints mixed with toxic vehicles or solvents.* (1) When paints mixed with toxic vehicles or solvents are sprayed, the following conditions shall apply:

(i) In confined spaces, employees continuously exposed to such spraying shall be protected by air line respirators in accordance with the requirements of § 1915.82(a).

(ii) In tanks or compartments, employees continuously exposed to such spraying shall be protected by air line respirators in accordance with the requirements of § 1915.82(a). Where mechanical ventilation is provided, employees shall be protected by respirators in accordance with the requirements of § 1915.82 (a) and (e).

(iii) In large and well ventilated areas, employees exposed to such spraying shall be protected by respirators in accordance with the requirements of § 1915.82 (a) and (e).

(2) Where brush application of paints with toxic solvents is done in confined spaces, or other areas where lack of ventilation creates a hazard, employees shall be protected by filter respirators in accordance with the requirements of § 1915.82 (a) and (c).

(3) When flammable paints or vehicles are used, precautions shall be taken in accordance with the requirements of § 1915.25.

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(4) The metallic parts of air moving devices, including fans, blowers, and jet-type air movers, and all duct work shall be electrically bonded to the vessel's structure.

(b) *Paints and tank coatings dissolved in highly volatile, toxic and flammable solvents.* Several organic coatings, adhesives and resins are dissolved in highly toxic, flammable and explosive solvents with flash points below 80° F. Work involving such materials shall be done only when all of the following special precautions have been taken:

(1) Sufficient exhaust ventilation shall be provided to keep the concentration of solvent vapors below ten (10) percent of the lower explosive limit. Frequent tests shall be made by a competent person to ascertain the concentration.

(2) If the ventilation fails or if the concentration of solvent vapors rises above ten (10) percent of the lower explosive limit, painting shall be stopped and the compartment shall be evacuated until the concentration again falls below ten (10) percent of the lower explosive limit. If the concentration does not fall when painting is stopped, additional ventilation to bring the concentration down to ten (10) percent of the lower explosive limit shall be provided.

(3) Ventilation shall be continued after the completion of painting until the space or compartment is gas free. The final determination as to whether the space or compartment is gas free shall be made after the ventilating equipment has been shut off for at least ten minutes.

(4) Exhaust ducts shall discharge clear of working areas and away from sources of possible ignition. Periodic tests shall be made to ensure that the exhausted vapors are not accumulating in other areas within or around the vessel or dry dock.

(5) All motors and control equipment shall be of the explosion-proof type. Fans shall have nonferrous blades. Portable air ducts shall also be of nonferrous materials. All motors and associated control equipment shall be properly maintained and grounded.

(6) Only non-sparking paint buckets, spray guns and tools shall be used. Metal parts of paint brushes and rollers shall be insulated. Staging shall be erected in a manner which ensures that it is non-sparking.

(7) Only explosion proof lights, approved by the Underwriters' Laboratories for use in Class I, Group D atmospheres, or approved as permissible by the U.S. Bureau of Mines or the U.S. Coast Guard, shall be used.

(8) A competent person shall inspect all power and lighting cables to ensure that the insulation is in excellent condition, free of all cracks and worn spots, that there are no connections within fifty (50) feet of the operation, that lines are not overloaded, and that they are suspended with sufficient slack to prevent undue stress or chafing.

(9) The face, eyes, head, hands and all other exposed parts of the bodies of employees handling such highly volatile paints shall be protected. All footwear shall be non-sparking, such as rubbers, rubber boots or rubber soled shoes without nails. Coveralls or other outer clothing shall be of cotton. Rubber, rather than plastic, gloves shall be used because of the danger of static sparks.

(10) No matches, lighted cigarettes, cigars, or pipes, and no cigarette lighters or ferrous articles shall be taken into the area where work is being done.

(11) All solvent drums taken into the compartment shall be placed on nonferrous surfaces and shall be grounded to the vessel. Metallic contact shall be maintained between containers and drums when materials are being transferred from one to another.

(12) Spray guns, paint pots, and metallic parts of connecting tubing shall be electrically bonded, and the bonded assembly shall be grounded to the vessel.

(13) All employees continuously in a compartment in which such painting is being performed, shall be protected by air line respirators in accordance with the requirements of § 1915.82(a) and by suitable protective clothing. Employees entering such compartments for a limited time shall be protected by filter cartridge type respirators in accordance with the requirements of § 1915.82 (a) and (e).

(14) All employees doing exterior paint spraying with such paints shall be protected by suitable filter cartridge type respirators in accordance with the requirements of § 1915.82 (a) and (e) and by suitable protective clothing.

§ 1915.25 Flammable liquids.

(a) In all cases when liquid solvents, paint and preservative removers, paints or vehicles, other than those covered by § 1915.24(b), are capable of producing a flammable atmosphere under the conditions of use, the following precautions shall be taken:

(1) Smoking, open flames, arcs and spark-producing equipment shall be prohibited in the area.

(2) Ventilation shall be provided in sufficient quantities to keep the concentration of vapors below ten (10) percent of their lower explosive limit. Frequent tests shall be made by a competent person to ascertain the concentration.

(3) Scrapings and rags soaked with these materials shall be kept in a covered metal container.

(4) Only explosion proof lights, approved by the Underwriters' Laboratories for use in Class I, Group D atmospheres, or approved as permissible by the U.S. Bureau of Mines or the U.S. Coast Guard, shall be used.

(5) A competent person shall inspect all power and lighting cables to ensure that the insulation is in excellent condition, free of all cracks and worn spots, that there are no connections within fifty (50) feet of the operation, that lines are not overloaded, and that they are suspended with sufficient slack to prevent undue stress or chafing.

(6) Suitable fire extinguishing equipment shall be immediately available in the work area and shall be maintained in a state of readiness for instant use.

Subpart D—Welding, Cutting and Heating

§ 1915.31 Ventilation and protection in welding, cutting and heating.

(a) *Mechanical ventilation requirements.* (1) For purposes of this section, mechanical ventilation shall meet the following requirements:

(i) Mechanical ventilation shall consist of either general mechanical ventilation systems or local exhaust systems.

(ii) General mechanical ventilation shall be of sufficient capacity and so arranged as to produce the number of air changes necessary to maintain welding fumes and smoke within safe limits.

(iii) Local exhaust ventilation shall consist of freely movable hoods intended to be placed by the welder or burner as close as practicable to the work. This system shall be of sufficient capacity and so arranged as to remove fumes and smoke at the source and keep the concentration of them in the breathing zone within safe limits.

(iv) Contaminated air exhausted from a working space shall be discharged into the open air or otherwise clear of the source of intake air.

(v) All air replacing that withdrawn shall be clean and respirable.

(vi) Oxygen shall not be used for ventilation purposes, comfort cooling, blowing dust or dirt from clothing, or for cleaning the work area.

(b) *Welding, cutting and heating in confined spaces.* (1) Except as provided in paragraphs (b)(3) and (c)(2) of this section, either general mechanical or local exhaust ventilation meeting the requirements of paragraph (a) of this section shall be provided whenever welding, cutting or heating is performed in a confined space.

(2) The means of access shall be provided to a confined space and ventilation ducts to this space shall be arranged in accordance with § 1915.46(b) (1) and (2).

(3) When sufficient ventilation cannot be obtained without blocking the means of access, employees in the confined space shall be protected by air line respirators in accordance with the requirements of § 1915.82(a), and an employee on the outside of such a confined space shall be assigned to maintain communication with those working within it and to aid them in an emergency.

(c) *Welding, cutting or heating of metals of toxic significance.* (1) Welding, cutting or heating in any enclosed spaces aboard the vessel involving the metals specified in this subparagraph shall be performed with either general mechanical or local exhaust ventilation meeting the requirements of paragraph (a) of this section.

(i) Zinc-bearing base or filler metals or metals coated with zinc-bearing materials.

(ii) Lead base metals.

(iii) Cadmium-bearing filler materials.

(iv) Chromium-bearing metals or metals coated with chromium-bearing materials.

(2) Welding, cutting or heating in any enclosed spaces aboard the vessel involving the metals specified in this subparagraph shall be performed with local exhaust ventilation in accordance with the requirements of paragraph (a) of this section or employees shall be protected by air line respirators in accordance with the requirements of § 1915.82(a).

(i) Metals containing lead, other than as an impurity, or metals coated with lead-bearing materials.

(ii) Cadmium-bearing or cadmium coated base metals.

(iii) Metals coated with mercury-bearing metals.

(iv) Beryllium-containing base or filler metals. Because of its high toxicity, work involving beryllium shall be done with both local exhaust ventilation and air line respirators.

(3) Employees performing such operations in the open air shall be protected by filter type respirators in accordance with the requirements of paragraphs (a) and (d)(2)(iv) of § 1915.82, except that employees performing such operations on beryllium-containing base or filler metals shall be protected by air line respirators in accordance with the requirements of § 1915.82(a).

(4) Other employees exposed to the same atmosphere as the welders or burners shall be protected in the same manner as the welder or burner.

(d) *Inert-gas metal-arc welding.* (1) Since the inert-gas metal-arc welding process involves the production of ultraviolet radiation of intensities of 5 to 30 times that produced during shielded metal-arc welding, the decomposition of chlorinated solvents by ultraviolet rays, and the liberation of toxic fumes and gases, employees shall not be permitted to engage in, or be exposed to the process until the following special precautions have been taken:

(i) The use of chlorinated solvents shall be kept at least two hundred (200) feet from the exposed arc, and surfaces prepared with chlorinated solvents shall be thoroughly dry before welding is permitted on such surfaces.

(ii) Helpers and other employees in the area not protected from the arc by screening as provided in § 1915.36(e) shall be protected by filter lenses meeting the requirements of § 1915.81(a) and (c). When two or more welders are exposed to each other's arc, filter lens goggles of a suitable type meeting the requirements of § 1915.81 (a) and (c) shall be worn under welding helmets or hand shields to protect the welder against flashes and radiant energy when either the helmet is lifted or the shield is removed.

(iii) Welders and other employees who are exposed to radiation shall be suitably protected so that the skin is covered completely to prevent burns and other damage by ultraviolet rays. Welding helmets and hand shields shall be free of leaks and openings, and free of highly reflective surfaces.

(iv) When inert-gas metal-arc welding is being performed on stainless steel, the requirements of paragraph (c)(2) of this section shall be met to protect against dangerous concentrations of nitrogen dioxide.

(e) *General welding, cutting and heating.* (1) Welding, cutting and heating not involving conditions or materials described in paragraphs (b), (c) or (d) of this section may normally be done without mechanical ventilation or respiratory protective equipment, but where, because of unusual physical or atmospheric conditions, an unsafe accumulation of contaminants exists, suitable mechanical ventilation or respiratory protective equipment shall be provided.

(2) Employees performing any type of welding, cutting or heating shall be protected by suitable eye protective equipment in accordance with the requirements of § 1915.81 (a) and (c).

(f) *Residues and cargos of metallic ores.* (1) Residues and cargos of metallic ores of toxic significance shall be removed from the area or protected from the heat before welding, cutting or heating is begun.

§ 1915.32 Fire prevention.[1]

(a) When practical, objects to be welded, cut or heated shall be moved to a designated safe location or, if the object to be welded, cut or heated cannot be readily moved, all movable fire hazards including residues of combustible bulk cargos in the vicinity shall be taken to a safe place.

(b) If the object to be welded, cut or heated cannot be moved and if all the fire hazards including combustible cargos cannot be removed, positive means shall be taken to confine the heat, sparks, and slag, and to protect the immovable fire hazards from them.

(c) No welding, cutting or heating shall be done where the application of flammable paints or the presence of other flammable compounds or of heavy dust concentrations creates a hazard.

(d) Suitable fire extinguishing equipment shall be immediately available in the work area and shall be maintained in a state of readiness for instant use. In addition, when hot work is being performed aboard a vessel and pressure is not available on the vessel's fire system, an auxiliary supply of water shall be made available where practicable, consistent with avoiding freezing of the lines or hose.

(e) When the welding, cutting, or heating operation is such that normal fire prevention precautions are not sufficient, additional personnel shall be assigned to guard against fire while the actual welding, cutting, or heating operation is being performed and for a sufficient period of time after completion of the work to insure that no possibility of fire exists. Such personnel shall be instructed as to the specific anticipated fire hazards and how the fire fighting equipment provided is to be used.

(f) When welding, cutting or heating is performed on tank shells, decks, overheads and bulkheads, since direct penetration of sparks or heat transfer may introduce a fire hazard to an adjacent compartment, the same precautions shall be taken on the opposite side as are taken on the side on which the welding is being performed.

(g) In order to eliminate the possibility of fire in confined spaces as a result of gas escaping through leaking or improperly closed torch valves, the gas supply to the torch shall be positively shut off at some point outside the confined space whenever the torch is not to be used or whenever the torch is left unattended for a substantial period of time, such as during the lunch hour. Overnight and at the change of shifts the torch and hose shall be removed from the confined space. Open end fuel gas and oxygen hoses shall be immediately removed from confined spaces when they are disconnected from the torch or other gas consuming device.

(h) Vaporizing liquid extinguishers shall not be used in enclosed spaces.

(i) Except when the contents are being removed or transferred, drums, pails, and other containers which contain or have contained flammable liquids shall be kept closed. Empty containers shall be removed to a safe area apart from hot work operations, or open flames.

§ 1915.33 Welding, cutting and heating in way of preservative coatings.

(a) Before welding, cutting or heating is commenced on any surface covered by a preservative coating whose flammability is not known, a test shall be made by a competent person to determine its flammability. Preservative coatings shall be considered to be highly flammable when scrapings burn with extreme rapidity.

(b) Precautions shall be taken to prevent ignition of highly flammable hardened preservative coatings. When coatings are determined to be highly flammable they shall be stripped from the area to be heated to prevent ignition. A 1½-inch or larger fire hose with fog nozzle, which has been uncoiled and placed under pressure, shall be immediately available for instant use in the immediate vicinity, consistent with avoiding freezing of the hose.

(c) *Protection against toxic preservative coatings.* (1) In enclosed spaces all surfaces covered with toxic preservatives shall be stripped of all toxic coatings for a distance of at least 4 inches from the area of heat application or the employees shall be protected by air line respirators meeting the requirements of § 1915.82(a).

(2) In the open air employees shall be protected by a filter type respirator in accordance with requirements of § 1915.82 (a) and (d).

(d) Before welding, cutting or heating is commenced in enclosed spaces on metals covered by soft and greasy preservatives, the following precautions shall be taken:

(1) A competent person shall test the atmosphere in the space to ensure that it does not contain explosive vapors, since there is a possibility that some soft and

[1] 46 CFR 146.02-20 contains Coast Guard regulations pertaining to welding and cutting while explosives and dangerous cargoes are being handled.

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greasy preservatives may have flash points below temperatures which may be expected to occur naturally. If such vapors are determined to be present, no hot work shall be commenced until such precautions have been taken as will ensure that the welding, cutting or heating can be performed in safety.

(2) The preservative coatings shall be removed for a sufficient distance from the area to be heated to ensure that the temperature of the unstripped metal will not be appreciably raised. Artificial cooling of the metal surrounding the heated area may be used to limit the size of the area required to be cleaned. The prohibition contained in § 1915.23(b) (2) shall apply.

(e) Immediately after welding, cutting or heating is commenced in enclosed spaces on metal covered by soft and greasy preservatives, and at frequent intervals thereafter, a competent person shall make tests to ensure that no flammable vapors are being produced by the coatings. If such vapors are determined to be present, the operation shall be stopped immediately and shall not be resumed until such additional precautions have been taken as are necessary to ensure that the operation can be resumed safely.

§ 1915.34 Welding, cutting and heating of hollow metal containers and structures not covered by § 1915.11.

(a) Drums, containers, or hollow structures which have contained flammable substances shall, before welding, cutting, or heating is undertaken on them, either be filled with water or throughly cleaned of such substances and ventilated and tested.

(b) Before heat is applied to a drum, container, or hollow structure, a vent or opening shall be provided for the release of any built-up pressure during the application of heat.

(c) Before welding, cutting, heating or brazing is begun on structural voids such as skegs, bilge keels, fair waters, masts, booms, support stanchions, pipe stanchions or railings, a competent person shall inspect the object and, if necessary, test it for the presence of flammable liquids or vapors. If flammable liquids or vapors are present, the object shall be made safe.

(d) Objects such as those listed in paragraph (c) of this section shall also be inspected to determine whether water or other non-flammable liquids are present which, when heated, would build up excessive pressure. If such liquids are determined to be present, the object shall be vented, cooled, or otherwise made safe during the application of heat.

(e) Jacketed vessels shall be vented before and during welding, cutting or heating operations in order to release any pressure which may build up during the application of heat.

§ 1915.35 Gas welding and cutting.

(a) *Transporting, moving and storing compressed gas cylinders.* (1) Valve protection caps shall be in place and secure. Oil shall not be used to lubricate protection caps.

(2) When cylinders are hoisted, they shall be secured on a cradle, slingboard or pallet. They shall not be hoisted by means of magnets or choker slings.

(3) Cylinders shall be moved by tilting and rolling them on their bottom edges. They shall not be intentionally dropped, struck, or permitted to strike each other violently.

(4) When cylinders are transported by vehicle, they shall be secured in position.

(5) Valve protection caps shall not be used for lifting cylinders from one vertical position to another. Bars shall not be used under valves or valve protection caps to pry cylinders loose when frozen. Warm, not boiling, water shall be used to thaw cylinders loose.

(6) Unless cylinders are firmly secured on a special carrier intended for this purpose, regulators shall be removed and valve protection caps put in place before cylinders are moved.

(7) A suitable cylinder truck, chain, or other steadying device shall be used to keep cylinders from being knocked over while in use.

(8) When work is finished, when cylinders are empty or when cylinders are moved at any time, the cylinder valves shall be closed.

(9) Acetylene cylinders shall be secured in an upright position at all times except, if necessary, for short periods of time while cylinders are actually being hoisted or carried.

(b) *Placing cylinders.* (1) Cylinders shall be kept far enough away from the actual welding or cutting operation so that sparks, hot slag or flame will not reach them. When this is impractical, fire resistant shields shall be provided.

(2) Cylinders shall be placed where they cannot become part of an electrical circuit. Electrodes shall not be struck against a cylinder to strike an arc.

(3) Fuel gas cylinders shall be placed with valve end up whenever they are in use. They shall not be placed in a location where they would be subject to open flame, hot metal, or other sources of artificial heat.

(4) Cylinders containing oxygen or acetylene or other fuel gas shall not be taken into confined spaces.

(c) *Treatment of cylinders.* (1) Cylinders, whether full or empty, shall not be used as rollers or supports.

(2) No person other than the gas supplier shall attempt to mix gases in a cylinder. No one except the owner of the cylinder or person authorized by him shall refill a cylinder. No one shall use a cylinder's contents for purposes other than those intended by the supplier. Only cylinders bearing Interstate Commerce Commission identification and inspection markings shall be used.

(3) No damaged or defective cylinder shall be used.

(d) *Use of fuel gas.* The employer shall thoroughly instruct employees in the safe use of fuel gas, as follows:

(1) Before connecting a regulator to a cylinder valve, the valve shall be opened slightly and closed immediately. (This action is generally termed "cracking" and is intended to clear the valve of dust or dirt that might otherwise enter the regulator.) The person cracking the valve shall stand to one side of the outlet, not in front of it. The valve of a fuel gas cylinder shall not be cracked where the gas would reach welding work, sparks, flame or other possible sources of ignition.

(2) The cylinder valve shall always be opened slowly to prevent damage to the regulator. To permit quick closing, valves on fuel gas cylinders shall not be opened more than 1½ turns. When a special wrench is required, it shall be left in position on the stem of the valve while the cylinder is in use so that the fuel gas flow can be shut off quickly in case of an emergency. In the case of manifolded or coupled cylinders, at least one such wrench shall always be available for immediate use. Nothing shall be placed on top of a fuel gas cylinder, when in use, which may damage the safety device or interfere with the quick closing of the valve.

(3) Fuel gas shall not be used from cylinders through torches or other devices which are equipped with shut-off valves without reducing the pressure through a suitable regulator attached to the cylinder valve or manifold.

(4) Before a regulator is removed from a cylinder valve, the cylinder valve shall always be closed and the gas released from the regulator.

(5) If, when the valve on a fuel gas cylinder is opened, there is found to be a leak around the valve stem, the valve shall be closed and the gland nut tightened. If this action does not stop the leak, the use of the cylinder shall be discontinued, and it shall be properly tagged and removed from the vessel. In the event that fuel gas should leak from the cylinder valve rather than from the valve stem and the gas cannot be shut off, the cylinder shall be properly tagged and removed from the vessel. If a regulator attached to a cylinder valve will effectively stop a leak through the valve seat, the cylinder need not be removed from the vessel.

(6) If a leak should develop at a fuse plug or other safety device, the cylinder shall be removed from the vessel.

(e) *Fuel gas and oxygen manifolds.* (1) Fuel gas and oxygen manifolds shall bear the name of the substance they contain in letters at least one (1) inch high which shall be either painted on the manifold or on a sign permanently attached to it.

(2) Fuel gas and oxygen manifolds shall be placed in safe and accessible locations in the open air. They shall not be located within enclosed spaces.

(3) Manifold hose connections, including both ends of the supply hose that lead to the manifold, shall be such that the hose cannot be interchanged between fuel gas and oxygen manifolds and supply header connections. Adapters shall not be used to permit the interchange of

hose. Hose connections shall be kept free of grease and oil.

(4) When not in use, manifold and header hose connections shall be capped.

(5) Nothing shall be placed on top of a manifold, when in use, which will damage the manifold or interfere with the quick closing of the valves.

(f) *Hose.* (1) Fuel gas hose and oxygen hose shall be easily distinguishable from each other. The contrast may be made by different colors or by surface characteristics readily distinguishable by the sense of touch. Oxygen and fuel gas hoses shall not be interchangeable. A single hose having more than one gas passage, a wall failure of which would permit the flow of one gas into the other gas passage, shall not be used.

(2) When parallel sections of oxygen and fuel gas hose are taped together, not more than 4 inches out of 8 inches shall be covered by tape.

(3) All hose carrying acetylene, oxygen, natural or manufactured fuel gas, or any gas or substance which may ignite or enter into combustion or be in any way harmful to employees, shall be inspected at the beginning of each shift. Defective hose shall be removed from service.

(4) Hose which has been subjected to flashback or which shows evidence of severe wear or damage shall be tested to twice the normal pressure to which it is subject, but in no case less than two hundred (200) psi. Defective hose or hose in doubtful condition shall not be used.

(5) Hose couplings shall be of the type that cannot be unlocked or disconnected by means of a straight pull without rotary motion.

(6) Boxes used for the stowage of gas hose shall be ventilated.

(g) *Torches.* (1) Clogged torch tip openings shall be cleaned with suitable cleaning wires, drills or other devices designed for such purpose.

(2) Torches shall be inspected at the beginning of each shift for leaking shut-off valves, hose couplings, and tip connections. Defective torches shall not be used.

(3) Torches shall be lighted by friction lighters or other approved devices, and not by matches or from hot work.

(h) *Pressure regulators.* Oxygen and fuel gas pressure regulators including their related gauges shall be in proper working order while in use.

§ 1915.36 Arc welding and cutting.

(a) *Manual electrode holders.* (1) Only manual electrode holders which are specifically designed for arc welding and cutting and are of a capacity capable of safely handling the maximum rated current required by the electrodes shall be used.

(2) Any current carrying parts passing through the portion of the holder which the arc welder or cutter grips in his hand, and the outer surfaces of the jaws of the holder, shall be fully insulated against the maximum voltage encountered to ground.

(b) *Welding cables and connectors.* (1) All arc welding and cutting cables shall be of the completely insulated, flexible type, capable of handling the maximum current requirements of the work in progress, taking into account the duty cycle under which the arc welder or cutter is working.

(2) Only cable free from repair or splices for a minimum distance of ten (10) feet from the cable end to which the electrode holder is connected shall be used, except that cables with standard insulated connectors or with splices whose insulating quality is equal to that of the cable are permitted.

(3) When it becomes necessary to connect or splice lengths of cable one to another, substantial insulated connectors of a capacity at least equivalent to that of the cable shall be used. If connections are effected by means of cable lugs, they shall be securely fastened together to give good electrical contact, and the exposed metal parts of the lugs shall be completely insulated.

(4) Cables in poor repair shall not be used. When a cable, other than the cable lead referred to in subparagraph (2) of this paragraph, becomes worn to the extent of exposing bare conductors, the portion thus exposed shall be protected by means of rubber and friction tapes or other equivalent insulation.

(c) *Ground returns and machine grounding.* (1) A ground return cable shall have a safe current carrying capacity equal to or exceeding the specified maximum output capacity of the arc welding or cutting unit which it services. When a single ground return cable services more than one unit, its safe current carrying capacity shall equal or exceed the total specified maximum output capacities of all the units which it services.

(2) Structures or pipe lines, except pipe lines containing gases or flammable liquids or conduits containing electrical circuits, may be used as part of the ground return circuit, provided that the pipe or structure has a current carrying capacity equal to that required by subparagraph (1) of this paragraph.

(3) When a structure or pipe line is employed as a ground return circuit, it shall be determined that the required electrical contact exists at all joints. The generation of an arc, sparks or heat at any point shall cause rejection of the structure as a ground circuit.

(4) When a structure or pipe line is continuously employed as a ground return circuit, all joints shall be bonded, and periodic inspections shall be conducted to ensure that no condition of electrolysis or fire hazard exists by virtue of such use.

(5) The frames of all arc welding and cutting machines shall be grounded either through a third wire in the cable containing the circuit conductor or through a separate wire which is grounded at the source of the current. Grounding circuits, other than by means of the vessel's structure, shall be checked to ensure that the circuit between the ground and the grounded power conductor has resistance low enough to permit sufficient current to flow to cause the fuse or circuit breaker to interrupt the current.

(6) All ground connections shall be inspected to ensure that they are mechanically strong and electrically adequate for the required current.

(d) *Operating instructions.* Employers shall instruct employees in the safe means of arc welding and cutting as follows:

(1) When electrode holders are to be left unattended, the electrodes shall be removed and the holders shall be so placed or protected that they cannot make electrical contact with employees or conducting objects.

(2) Hot electrode holders shall not be dipped in water, since to do so may expose the arc welder or cutter to electric shock.

(3) When the arc welder or cutter has occasion to leave his work or to stop work for any appreciable length of time, or when the arc welding or cutting machine is to be moved, the power supply switch to the equipment shall be opened.

(4) Any faulty or defective equipment shall be reported to the supervisor.

(e) *Shielding.* Whenever practicable, all arc welding and cutting operations shall be shielded by noncombustible or flame-proof screens which will protect employees and other persons working in the vicinity from the direct rays of the arc.

§ 1915.37 Uses of fissionable material in ship repair.

(a) In ship repair and related activities involving the use of and exposure to sources of ionizing radiation not only on conventionally powered but also on nuclear powered vessels, the applicable provisions of the Atomic Energy Commission's Standards for Protection Against Radiation (10 CFR Part 20), relating to protection against occupational radiation exposure, shall apply.

(b) Any activity which involves the use of radioactive material, whether or not under license from the Atomic Energy Commission, shall be performed by competent persons specially trained in the proper and safe operation of such equipment. In the case of materials used under Commission license, only persons actually licensed, or competent persons under direction and supervision of the licensee, shall perform such work.

Subpart E—Scaffolds, Ladders and Other Working Surfaces

§ 1915.41 Scaffolds or staging.

(a) *General requirements.* (1) All scaffolds and their supports whether of lumber, steel or other material, shall be capable of supporting the load they are designed to carry with a safety factor of not less than four (4).

(2) All lumber used in the construction of scaffolds shall be spruce, fir, long leaf yellow pine, Oregon pine or wood of

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equal strength. The use of hemlock, short leaf yellow pine, or short fiber lumber is prohibited.

(3) Lumber dimensions as given in this subpart are nominal except where given in fractions of an inch.

(4) All lumber used in the construction of scaffolds shall be sound, straight-grained, free from cross grain, shakes and large, loose or dead knots. It shall also be free from dry rot, large checks, worm holes or other defects which impair its strength or durability.

(5) Scaffolds shall be maintained in a safe and secure condition. Any component of the scaffold which is broken, burned or otherwise defective shall be replaced.

(6) Barrels, boxes, cans, loose bricks, or other unstable objects shall not be used as working platforms or for the support of planking intended as scaffolds or working platforms.

(7) No scaffold shall be erected, moved, dismantled or altered except under the supervision of competent persons.

(8) No welding, burning, riveting or open flame work shall be performed on any staging suspended by means of fiber rope.

(9) Lifting bridles on working platforms suspended from cranes shall consist of four legs so attached that the stability of the platform is assured.

(10) Unless the crane hook has a safety latch or is moused, the lifting bridles on working platforms suspended from cranes shall be attached by shackles to the lower lifting block or other positive means shall be taken to prevent them from becoming accidentally disengaged from the crane hook.

(b) *Independent pole wood scaffolds.* (1) All pole uprights shall be set plumb. Poles shall rest on a foundation of sufficient size and strength to distribute the load and to prevent displacement.

(2) In light-duty scaffolds not more than 24 feet in height, poles may be spliced by overlapping the ends not less than 4 feet and securely nailing them together. A substantial cleat shall be nailed to the lower section to form a support for the upper section except when bolted connections are used.

(3) All other poles to be spliced shall be squared at the ends of each splice, abutted, and rigidly fastened together by not less than two cleats securely nailed or bolted thereto. Each cleat shall overlap each pole end by at least 24 inches and shall have a width equal to the face of the pole to which it is attached. The combined cross sectional area of the cleats shall be not less than the cross sectional area of the pole.

(4) Ledgers shall extend over two consecutive pole spaces and shall overlap the poles at each end by not less than 4 inches. They shall be left in position to brace the poles as the platform is raised with the progress of the work. Ledgers shall be level and shall be securely nailed or bolted to each pole and shall be placed against the inside face of each pole.

(5) All bearers shall be set with their greater dimension vertical and shall extend beyond the ledgers upon which they rest.

(6) Diagonal bracing shall be provided between the parallel poles, and cross bracing shall be provided between the inner and outer poles or from the outer poles to the ground.

(7) Minimum dimensions and spacing of members shall be in accordance with table E–1 in § 1915.68.

(8) Platform planking shall be in accordance with the requirements of paragraph (h) of this section.

(9) Backrails and toeboards shall be in accordance with the requirements of paragraph (i) of this section.

(c) *Independent pole metal scaffolds.* (1) Metal scaffold members shall be maintained in good repair and free of corrosion.

(2) All vertical and horisontal members shall be fastened together with a coupler or locking device which will form a positive connection. The locking device shall be of a type which has no loose parts.

(3) Posts shall be kept plumb during erection and the scaffold shall be subsequently kept plumb and rigid by means of adequate bracing.

(4) Posts shall be fitted with bases supported on a firm foundation to distribute the load. When wooden sills are used, the bases shall be fastened thereto.

(5) Bearers shall be located at each set of posts, at each level, and at each intermediate level where working platforms are installed.

(6) Tubular bracing shall be applied both lengthwise and crosswise as required.

(7) Platform planking shall be in accordance with the requirements of paragraph (h) of this section.

(8) Backrails and toeboards shall be in accordance with the requirements of paragraph (i) of this section.

(d) *Wood trestle and extension trestle ladders.* (1) The use of trestle ladders, or extension sections or base sections of extension trestle ladders longer than 30 feet is prohibited. The total height of base and extension may, however, be more than 20 feet.

(2) The minimum dimensions of the side rails of the trestle ladder, or the base sections of the extension trestle ladder, shall be as follows:

(i) Ladders up to and including those 16 feet long shall have side rails of not less than 1⅝ x 2¾ inch lumber.

(ii) Ladders over 16 feet long and up to and including those 20 feet long shall have side rails of not less than 1⅝ x 3 inch lumber.

(3) The side rails of the extension section of the extension trestle ladder shall be parallel and shall have minimum dimensions as follows:

(i) Ladders up to and including 12 feet long shall have side rails of not less than 1⅝ x 2¼ inch lumber.

(ii) Ladders over 12 feet long and up to and including those 16 feet long shall have side rails of not less than 1⅝ x 2½ inch lumber.

(iii) Ladders over 16 feet long and up to and including those 20 feet long shall have side rails of not less than 1⅝ x 2¾ inch lumber.

(4) Trestle ladders and base sections of extension trestle ladders shall be so spread that when in an open position the spread of the trestle at the bottom, inside to inside, shall be not less than 5½ inches per foot of the length of the ladder.

(5) The width between the side rails at the bottom of the trestle ladder or of the base section of the extension trestle ladder shall be not less than 21 inches for all ladders and sections 6 feet or less in length. For longer lengths of ladder the width shall be increased at least 1 inch for each additional foot of length. The width between the side rails of the extension section of the trestle ladder shall be not less than 12 inches.

(6) In order to limit spreading, the top ends of the side rails of both the trestle ladder and of the base section of the extension trestle ladder shall be beveled, or of equivalent construction, and shall be provided with a metal hinge.

(7) A metal spreader or locking device to hold the front and back sections in an open position, and to hold the extension section securely in the elevated position, shall be a component of each trestle ladder or extension trestle ladder.

(8) Rungs shall be parallel and level. On the trestle ladder, or on the base section of the extension trestle ladder, rungs shall be spaced not less than 8 inches nor more than 18 inches apart; on the extension section of the extension trestle ladder, rungs shall be spaced not less than 6 inches nor more than 12 inches apart.

(9) Platform planking shall be in accordance with the requirements of paragraph (h) of this section, except that the width of the platform planking shall not exceed the distance between the side-rails.

(10) Backrails and toeboards shall be in accordance with the requirements of paragraph (i) of this section.

(e) *Painters' suspended scaffolds.* (1) The supporting hooks of swinging scaffolds shall be constructed to be equivalent in strength to mild steel or wrought iron, shall be forged with care, shall be not less than ⅞ inch in diameter, and shall be secured to a safe anchorage at all times.

(2) The ropes supporting a swinging scaffold shall be equivalent in strength to first-grade ¾ inch diameter manila rope properly rigged into a set of standard 6 inch blocks consisting of at least one double and one single block.

(3) Manila and wire ropes shall be carefully examined before each operation and thereafter as frequently as may be necessary to ensure their safe condition.

(4) Each end of the scaffold platform shall be supported by a wrought iron or mild steel stirrup or hanger, which in turn is supported by the suspension ropes.

(5) Stirrups shall be constructed so as to be equivalent in strength to wrought iron ¾ inch in diameter.

(6) The stirrups shall be formed with a horizontal bottom member to support the platform, shall be provided with means to support the guardrail and midrail and shall have a loop or eye at the top for securing the supporting hook on the block.

(7) Two or more swinging scaffolds shall not at any time be combined into one by bridging the distance between them with planks or any other form of platform.

(8) No more than two men shall be permitted to work at one time on a swinging scaffold built to the minimum specifications contained in this paragraph. Where heavier construction is used, the number of men permitted to work on the scaffold shall be determined by the size and the safe working load of the scaffold.

(9) Backrails and toeboards shall be in accordance with the requirements of paragraph (i) of this section.

(10) The swinging scaffold platform shall be one of the three types described in subparagraphs (11), (12), and (13) of this paragraph.

(11) The ladder-type platform consists of boards upon a horizontal ladder-like structure, referred to herein as the ladder, the side rails of which are parallel. If this type of platform is used the following requirements shall be met:

(i) The width between the side rails shall be no more than 20 inches.

(ii) The side rails of ladders in ladder-type platforms shall be equivalent in strength to a beam of clear straight-grained spruce of the dimensions contained in Table E–2 in § 1915.68.

(iii) The side rails shall be tied together with tie rods. The tie rods shall be not less than ⅝ inch in diameter, located no more than 5 feet apart, pass through the rails, and be riveted up tight against washers at both ends.

(iv) The rungs shall be of straight-grained oak, ash, or hickory, not less than 1⅛ inches diameter, with ⅞ inch tenons mortised into the side rails not less than ⅞ inch and shall be spaced no more than 18 inches on centers.

(v) Flooring strips shall be spaced no more than ⅝ inch apart except at the side rails, where 1 inch spacing is permissible.

(vi) Flooring strips shall be cleated on their undersides.

(12) The plank-type platform consists of planks supported on the stirrups or hangers. If this type of platform is used, the following requirements shall be met:

(i) The planks of plank-type platforms shall be of not less than 2 x 10 inch lumber.

(ii) The platform shall be no more than 24 inches in width.

(iii) The planks shall be tied together by cleats of not less than 1 x 6 inch lumber, nailed on their undersides at intervals of not more than 4 feet.

(iv) The planks shall extend not less than 6 inches nor more than 18 inches beyond the supporting stirrups.

(v) A cleat shall be nailed across the platform on the underside at each end outside the stirrup to prevent the platform from slipping off the stirrup.

(vi) Stirrup supports shall be not more than 10 feet apart.

(13) The beam-type platform consists of longitudinal side stringers with cross beams set on edge and spaced not more than 4 feet apart on which longitudinal platform planks are laid. If this type platform is used the following requirements shall be met:

(i) The side stringers shall be of sound, straight-grained lumber, free from knots, and of not less than 2 x 6 inch lumber, set on edge.

(ii) The stringers shall be supported on the stirrups with a clear span between stirrups of not more than 16 feet.

(iii) The stringers shall be bolted to the stirrups by U-bolts passing around the stirrups and bolted through the stringers with nuts drawn up tight on the inside face.

(iv) The ends of the stringers shall extend beyond the stirrups not less than 6 inches nor more than 12 inches at each end of the platform.

(v) The platform shall be supported on cross beams of 2 x 6 inch lumber between the side stringers securely nailed thereto and spaced not more than 4 feet on centers.

(vi) The platform shall be not more than 24 inches wide.

(vii) The platform shall be formed of boards ⅞ inch in thickness by not less than 6 inches in width, nailed tightly together, and extending to the outside face of the stringers.

(viii) The ends of all platform boards shall rest on the top of the cross beams, shall be securely nailed, and at no intermediate points in the length of the platform shall there be any cantilever ends.

(f) *Horse scaffolds.* (1) The minimum dimensions of lumber used in the construction of horses shall be in accordance with Table E–3 in § 1915.68.

(2) Horses constructed of materials other than lumber shall provide the strength, rigidity and security required of horses constructed of lumber.

(3) The lateral spread of the legs shall be equal to not less than one-third of the height of the horse.

(4) All horses shall be kept in good repair, and shall be properly secured when used in staging or in locations where they may be insecure.

(5) Platform planking shall be in accordance with the requirements of paragraph (h) of this section.

(6) Backrails and toeboards shall be in accordance with paragraph (i) of this section.

(g) *Other types of scaffolds.* (1) Scaffolds of a type for which specifications are not contained in this section shall meet the general requirements of paragraphs (a), (h) and (i) of this section, shall be in accordance with recognized principles of design and shall be constructed in accordance with accepted standards covering such equipment.

(h) *Scaffold or platform planking.* (1) Except as otherwise provided in paragraph (e) (11) and (13) of this section, platform planking shall be of not less than 2 x 10 inch lumber. Platform planking shall be straight-grained and free from large or loose knots and may be either rough or dressed.

(2) Platforms of staging shall be not less than two 10 inch planks in width except in such cases as the structure of the vessel or the width of the trestle ladders make it impossible to provide such a width.

(3) Platform planking shall project beyond the supporting members at either end by at least 6 inches but in no case shall project more than 12 inches unless the planks are fastened to the supporting members.

(4) Table E–4 in § 1915.68 shall be used as a guide in determining safe loads for scaffold planks.

(i) *Backrails and toeboards.* (1) Scaffolding, staging, runways, or working platforms which are supported or suspended more than 5 feet above a solid surface, or at any distance above the water, shall be provided with a railing which has a top rail whose upper surface is from 42 to 45 inches above the upper surface of the staging, platform, or runway and a midrail located halfway between the upper rail and the staging, platform, or runway.

(2) Rails shall be of 2 x 4 inch lumber, flat bar or pipe. When used with rigid supports, taut wire or fiber rope of adequate strength may be used. If the distance between supports is more than 8 feet, rails shall be equivalent in strength to 2 x 4 inch lumber. Rails shall be firmly secured. Where exposed to hot work or chemicals, fiber rope rails shall not be used.

(3) Rails may be omitted where the structure of the vessel prevents their use. When rails are omitted, employees working more than 5 feet above solid surfaces shall be protected by safety belts and life lines meeting the requirements of § 1915.-84(b), and employees working over water shall be protected by buoyant work vests meeting the requirements of § 1915.84(a).

(4) Employees working from swinging scaffolds which are triced out of a vertical line below their supports or from scaffolds on paint floats subject to surging, shall be protected against falling toward the vessel by a railing or a safety belt and line attached to the backrail.

(5) When necessary, to prevent tools and materials from falling on men below, toeboards of not less than 1 x 4 inch lumber shall be provided.

(j) *Access to staging.* (1) Access from below to staging more than 5 feet above a floor, deck or the ground shall consist of well secured stairways, cleated ramps, fixed or portable ladders meeting the applicable requirements of § 1915.42 or rigid type non-collapsible trestles with parallel and level rungs.

(2) Ramps and stairways shall be provided with 36-inch handrails with midrails.

(3) Ladders shall be so located or other means shall be taken so that it is not necessary for employees to step more than one foot from the ladder to any intermediate landing or platform.

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(4) Ladders forming integral parts of prefabricated staging are deemed to meet the requirements of these regulations.

(5) Access from above to staging more than 3 feet below the point of access shall consist of a straight, portable ladder meeting the applicable requirements of § 1915.42 or a Jacob's ladder properly secured, meeting the requirements of § 1915.44(d).

§ 1915.42 Ladders.

(a) *General requirements.* (1) The use of ladders with broken or missing rungs or steps, broken or split side rails, or other faulty or defective construction is prohibited. When ladders with such defects are discovered, they shall be immediately withdrawn from service. Inspection of metal ladders shall include checking for corrosion of interiors of open end, hollow rungs.

(2) When sections of ladders are spliced, the ends shall be abutted, and not fewer than 2 cleats shall be securely nailed or bolted to each rail. The combined cross sectional area of the cleats shall be not less than the cross sectional area of the side rail. The dimensions of side rails for their total length shall be those specified in paragraphs (b) or (c) of this section.

(3) Portable ladders shall be lashed, blocked or otherwise secured to prevent their being displaced. The side rails of ladders used for access to any level shall extend not less than 36 inches above that level. When this is not practical, grab rails which will provide a secure grip for an employee moving to or from the point of access shall be installed.

(4) Portable metal ladders shall be of strength equivalent to that of wood ladders. Manufactured portable metal ladders provided by the employer shall be in accordance with the provisions of the United States of America Standard Safety Code for Portable Metal Ladders, A14.2.

(5) Portable metal ladders shall not be used near electrical conductors nor for electric arc welding operations.

(6) Manufactured portable wood ladders provided by the employer shall be in accordance with the provisions of the United States of America Standard Safety Code for Portable Wood Ladders, A14.1.

(b) *Construction of portable wood cleated ladders up to 30 feet in length.* (1) Wood side rails shall be made from West Coast hemlock, Eastern spruce, Sitka spruce, or wood of equivalent strength. Material shall be seasoned, straight-grained wood, and free from shakes, checks, decay or other defects which will impair its strength. The use of low density woods is prohibited.

(2) Side rails shall be dressed on all sides, and kept free of splinters.

(3) All knots shall be sound and hard. The use of material containing loose knots is prohibited. Knots shall not appear on the narrow face of the rail and, when in the side face, shall be not more than ½ inch in diameter or within ½ inch of the edge of the rail or nearer than 3 inches to a tread or rung.

(4) Pitch pockets not exceeding ⅛ inch in width, 2 inches in length and ½ inch in depth are permissible in wood side rails, provided that not more than one such pocket appears in each 4 feet of length.

(5) The width between side rails at the base shall be not less than 11½ inches for ladders 10 feet or less in length. For longer ladders this width shall be increased at least ¼ inch for each additional 2 feet in length.

(6) Side rails shall be at least 1⅝ x 3⅝ inches in cross section.

(7) Cleats (meaning rungs rectangular in cross section with the wide dimension parallel to the rails) shall be of the material used for side rails, straight-grained and free from knots. Cleats shall be mortised into the edges of the side rails ½ inch, or filler blocks shall be used on the rails between the cleats. The cleats shall be secured to each rail with three 10d common wire nails or fastened with through bolts or other fasteners of equivalent strength. Cleats shall be uniformly spaced not more than 12 inches apart.

(8) Cleats 20 inches or less in length shall be at least 25/32 x 3 inches in cross section. Cleats over 20 inches but not more than 30 inches in length shall be at least 25/32 x 3¾ inches in cross section.

(c) *Construction of portable wood cleated ladders from 30 to 60 feet in length.* (1) Ladders from 30 to 60 feet in length shall be in accordance with the specifications of paragraph (b) of this section with the following exceptions:

(i) Rails shall be of not less than 2 x 6 inch lumber.

(ii) Cleats shall be of not less than 1 x 4 inch lumber.

(iii) Cleats shall be nailed to each rail with five 10d common wire nails or fastened with through bolts or other fastenings of equivalent strength.

§ 1915.43 Guarding of deck openings and edges.

(a) When employees are working in the vicinity of flush manholes and other small openings of comparable size in the deck and other working surfaces, such openings shall be suitably covered or guarded to a height of not less than 30 inches, except where the use of such guards is made impracticable by the work actually in progress.

(b) When employees are working around open hatches not protected by coamings to a height of 24 inches or around other large openings, the edge of the opening shall be guarded in the working area to a height of 36 to 42 inches, except where the use of such guards is made impracticable by the work actually in progress.

(c) When employees are exposed to unguarded edges of decks, platforms, flats, and similar flat surfaces, more than 5 feet above a solid surface, the edges shall be guarded by adequate guardrails meeting the requirements of § 1915.41(i) (1) and (2), unless the nature of the work in progress or the physical conditions prohibit the use or installation of such guardrails.

(d) When employees are working near the unguarded edges of decks of vessels afloat, they shall be protected by personal flotation devices meeting the requirements of § 1915.84(a).

(e) Sections of bilges from which floor plates or gratings have been removed shall be guarded by guardrails except where they would interfere with work in progress. If these open sections are in a walkway at least two 10-inch planks placed side by side, or equivalent, shall be laid across the opening to provide a safe walking surface.

(f) Gratings, walkways, and catwalks, from which sections or ladders have been removed, shall be barricaded with adequate guardrails.

§ 1915.44 Access to vessels.

(a) *Access to vessels afloat.* The employer shall not permit employees to board or leave any vessel, except a barge or river towboat, until the following requirements have been met:

(1) Whenever practicable, a gangway of not less than 20 inches walking surface, of adequate strength, maintained in safe repair and safely secured shall be used. If a gangway is not practicable, a substantial straight ladder, extending at least 36 inches above the upper landing surface and adequately secured against shifting or slipping, shall be provided. When conditions are such that neither a gangway nor a straight ladder can be used, a Jacob's ladder meeting the requirements of paragraph (d) (1) and (2) of this section may be used.

(2) Each side of such gangway, and the turn table if used, shall have a railing with a minimum height of approximately 33 inches measured perpendicularly from rail to walking surface at the stanchion, with a mid rail. Rails shall be of wood, pipe, chain, wire or rope and shall be kept taut at all times.

(3) Gangways on vessels inspected and certificated by the U.S. Coast Guard are deemed to meet the foregoing requirements, except in cases where the vessel's regular gangway is not being used.

(4) The gangway shall be kept properly trimmed at all times.

(5) When a fixed tread accommodation ladder is used, and the angle is low enough to require employees to walk on the edge of the treads, cleated duckboards shall be laid over and secured to the ladder.

(6) When the lower end of a gangway overhangs the water between the ship and the dock in such a manner that there is danger of employees falling between the ship and the dock, a net or other suitable protection shall be rigged at the foot of the gangway in such a manner as to prevent employees from falling from the end of the gangway.

(7) If the foot of the gangway is more than one foot away from the edge of the apron, the space between them shall be bridged by a firm walkway equipped with railings, with a minimum height of approximately 33 inches with mid rails on both sides.

(8) Supporting bridles shall be kept clear so as to permit unobstructed passage for employees using the gangway.

(9) When the upper end of the means of access rests on or flush with the top of the bulwark, substantial steps properly secured and equipped with at least one substantial handrail approximately 33 inches in height shall be provided between the top of the bulwark and the deck.

(10) Obstructions shall not be laid on or across the gangway.

(11) The means of access shall be adequately illuminated for its full length.

(12) Unless the construction of the vessel makes it impossible, the means of access shall be so located that drafts of cargo do not pass over it. In any event, loads shall not be passed over the means of access while employees are on it.

(b) *Access to vessels in drydock or between vessels.* Gangways meeting the requirements of paragraph (a) (1), (2), (9), (10), (11) of this section shall be provided for access from wing wall to vessel or, when two or more vessels, other than barges or river towboats, are lying abreast, from one vessel to another.

(c) *Access to barges and river towboats.* (1) Ramps for access of vehicles to or between barges shall be of adequate strength, provided with side boards, well maintained and properly secured.

(2) Unless employees can step safely to or from the wharf, float, barge, or river towboat, either a ramp in accordance with the requirements of subparagraph (1) of this paragraph or a safe walkway in accordance with the requirements of paragraph (a) (7) of this section shall be provided. When a walkway is impracticable, a substantial straight ladder, extending at least 36 inches above the upper landing surface and adequately secured against shifting or slipping, shall be provided. When conditions are such that neither a walkway nor a straight ladder can be used, a Jacob's ladder in accordance with the requirements of paragraph (d) of this section may be used.

(3) The means of access shall be in accordance with the requirements of paragraphs (a) (9), (10) and (11) of this section.

(d) *Jacob's ladders.* (1) Jacob's ladders shall be of the double rung or flat tread type. They shall be well maintained and properly secured.

(2) A Jacob's ladder shall either hang without slack from its lashings or be pulled up entirely.

§ 1915.45 Access to and guarding of dry docks and marine railways.

(a) A gangway, ramp or permanent stairway of not less than 20 inches walking surface, of adequate strength, maintained in safe repair and securely fastened, shall be provided between a floating dry dock and the pier or bulkhead.

(b) Each side of such gangway, ramp or permanent stairway, including those which are used for access to wing walls from dry dock floors, shall have a railing with a mid rail. Such railings on gangways or ramps shall be approximately 42 inches in height; and railings on permanent stairways shall be not less than approximately 30 or more than approximately 34 inches in height. Rails shall be of wood, pipe, chain, wire, or rope, and shall be kept taut at all times.

(c) Railings meeting the requirements of paragraph (b) of this section shall be provided on the means of access to and from the floors of graving docks.

(d) Railings approximately 42 inches in height, with a mid rail, shall be provided on the edges of wing walls of floating dry docks and on the edges of graving docks. Sections of the railings may be temporarily removed where necessary to permit line handling while a vessel is entering or leaving the dock.

(e) When employees are working on the floor of a floating dry dock where they are exposed to the hazard of falling into the water, the end of the dry dock shall be equipped with portable stanchions and 42 inch railings with a mid rail. When such a railing would be impracticable or ineffective, other effective means shall be provided to prevent men from falling into the water.

(f) Access to wingwalls from floors of dry-docks shall be by ramps, permanent stairways or ladders meeting the applicable requirements of § 1915.42.

(g) Catwalks on stiles of marine railways shall be no less than 20 inches wide and shall have on at least one side a guardrail and midrail meeting the requirements of §§ 1915.41(i) (1) and (2).

§ 1915.46 Access to cargo spaces and confined spaces.

(a) *Cargo spaces.* (1) There shall be at least one safe and accessible ladder in any cargo space which employees must enter.

(2) When any fixed ladder is visibly unsafe, the employer shall prohibit its use by employees.

(3) Straight ladders of adequate strength and suitably secured against shifting or slipping shall be provided as necessary when fixed ladders in cargo spaces do not meet the requirements of subparagraph (1) of this paragraph. When conditions are such that a straight ladder cannot be used, a Jacob's ladder meeting the requirements of § 1915.44(d) may be used.

(4) When cargo is stowed within 4 inches of the back of ladder rungs, the ladder shall be deemed "unsafe" for the purpose of this section.

(5) Fixed ladders or straight ladders provided for access to cargo spaces shall not be used at the same time that cargo drafts or other loads are entering or leaving the hold. Before using these ladders to enter or leave the hold, the employee shall be required to inform the winchman or crane signalman of his intention.

(b) *Confined spaces.* (1) More than one means of access shall be provided to a confined space in which employees are working and in which the work may generate a hazardous atmosphere in the space except where the structure or arrangement of the vessel makes this provision impractical.

(2) When the ventilation ducts required by these regulations must pass through these means of access, the ducts shall be of such a type and so arranged as to permit free passage of an employee through at least two of these means of access.

§ 1915.47 Working surfaces.

(a) When firebox floors present tripping hazards of exposed tubing or of missing or removed refractory, sufficient planking to afford safe footing shall be laid while work is being carried on within the boiler.

(b) When employees are working aloft, or elsewhere at elevations more than 5 feet above a solid surface, either scaffolds or a sloping ladder, meeting the requirements of this subpart, shall be used to afford safe footing, or the employees shall be protected by safety belts and lifelines meeting the requirements of § 1915.84(b). Employees visually restricted by blasting hoods, welding helmets, and burning goggles shall work from scaffolds, not from ladders, except for the initial and final welding or burning operation to start or complete a job, such as the erection and dismantling of hung scaffolding, or other similar, nonrepetitive jobs of brief duration.

(c) For work performed in restricted quarters, such as behind boilers and in between congested machinery units and piping, work platforms at least 20 inches wide meeting the requirements of § 1915.41(h)(1) shall be used. Backrails may be omitted if bulkheading, boilers, machinery units, or piping afford proper protection against falling.

(d) When employees are boarding, leaving, or working from small boats or floats, they shall be protected by personal flotation devices meeting the requirements of § 1915.84(a).

Subpart F—General Working Conditions

§ 1915.51 Housekeeping.

(a) Good housekeeping conditions shall be maintained at all times. Adequate aisles and passageways shall be maintained in all work areas. All staging platforms, ramps, stairways, walkways, aisles, and passageways on vessels or dry docks shall be kept clear of all tools, materials, and equipment except that which is in use, and all debris such as welding rod tips, bolts, nuts, and similar material. Hose and electric conductors shall be elevated over or placed under the walkway or working surfaces or covered by adequate crossover planks.

(b) All working areas on vessels and dry docks shall be kept reasonably free of debris, and construction material shall be so piled as not to present a hazard to employees.

(c) Slippery conditions on walkways or working surfaces shall be eliminated as they occur.

(d) Free access shall be maintained at all times to all exits and to all fire-alarm boxes or fire-extinguishing equipment.

(e) All oils, paints, thinners, solvents waste, rags, or other flammable substances shall be kept in fire resistant covered containers when not in use.

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§ 1915.52 Illumination.

(a) All means of access and walkways leading to working areas as well as the working areas themselves shall be adequately illuminated.

(b) Temporary lights shall meet the following requirements:

(1) Temporary lights shall be equipped with guards to prevent accidental contact with the bulb, except that guards are not required when the construction of the reflector is such that the bulb is deeply recessed.

(2) Temporary lights shall be equipped with heavy duty electric cords with connections and insulation maintained in safe condition. Temporary lights shall not be suspended by their electric cords unless cords and lights are designed for this means of suspension. Splices which have insulation equal to that of the cable are permitted.

(3) Cords shall be kept clear of working spaces and walkways or other locations in which they are readily exposed to damage.

(c) Exposed non-current-carrying metal parts of temporary lights furnished by the employer shall be grounded either through a third wire in the cable containing the circuit conductors or through a separate wire which is grounded at the source of the current. Grounding shall be in accordance with the requirements of § 1915.72(b).

(d) Where temporary lighting from sources outside the vessel is the only means of illumination, portable emergency lighting equipment shall be available to provide illumination for safe movement of empoyees.

(e) Employees shall not be permitted to enter dark spaces without a suitable portable light. The use of matches and open flame lights is prohibited. In non-gas free spaces, portable lights shall meet the requirements of § 1915.12(b).

(f) Temporary lighting stringers or streamers shall be so arranged as to avoid overloading of branch circuits. Each branch circuit shall be equipped with overcurrent protection of capacity not exceeding the rated current carrying capacity of the cord used.

§ 1915.53 Utilities.

(a) *Steam supply and hoses.* (1) Prior to supplying a vessel with steam from a source outside the vessel, the employer shall ascertain from responsible vessel's representatives, having knowledge of the condition of the plant, the safe working pressure of the vessel's steam system. The employer shall install a pressure gauge and a relief valve of proper size and capacity at the point where the temporary steam hose joins the vessel's steam piping system or systems. The relief valve shall be set and capable of relieving at a pressure not exceeding the safe working pressure of the vessel's system in its present condition, and there shall be no means of isolating the relief valve from the system which it protects. The pressure gauge and relief valve shall be located so as to be visible and readily accessible.

(2) Steam hose and fittings shall have a safety factor of not less than five (5).

(3) When steam hose is hung in a bight or bights, the weight shall be relieved by appropriate lines. The hose shall be protected against chafing.

(4) Steam hose shall be protected from damage and hose and temporary piping shall be so shielded where passing through normal work areas as to prevent accidental contact by employees.

(b) *Electric power.* (1) When the vessel is supplied with electric power from a source outside the vessel, the following precautions shall be taken prior to energizing the vessel's circuits:

(i) If in dry dock, the vessel shall be adequately grounded.

(ii) The employer shall ascertain from responsible vessel's representatives, having a knowledge of the condition of the vessel's electrical system, that all circuits to be energized are in a safe condition.

(iii) All circuits to be energized shall be equipped with overcurrent protection of capacity not exceeding the rated current carrying capacity of the cord used.

(c) *Infrared electrical heat lamps.* (1) All infrared electrical heat lamps shall be equipped with guards that surround the lamps with the exception of the face, to minimize accidental contact with the lamps.

§ 1915.54 Work in confined or isolated spaces.

When any work is performed in a confined space, except as provided in § 1915.31(b)(3), or when an employee is working alone in an isolated location, frequent checks shall be made to ensure the safety of the employees.

§ 1915.55 Work on or in the vicinity of radar and radio.

(a) No employees other than radar or radio repairmen shall be permitted to work on masts, king posts or other aloft areas unless the radar and radio are secured or otherwise made incapable of radiation. In either event, the radio and radar shall be appropriately tagged.

(b) Testing of radar or radio shall not be done until the employer can schedule such tests at a time when no work is in progress aloft or personnel can be cleared from the danger area according to minimum safe distances established for and based on the type, model, and power of the equipment.

§ 1915.56 Work in or on lifeboats.

(a) Before employees are permitted to work in or on a lifeboat, either stowed or in a suspended position, the employer shall ensure that the boat is secured independently of the releasing gear to prevent the boat from falling due to accidental tripping of the releasing gear and movement of the davits or capsizing of a boat in chocks.

(b) Employees shall not be permitted to remain in boats while the boats are being hoisted into final stowed position.

(c) Employees shall not be permitted to work on the outboard side of lifeboats stowed on their chocks unless the boats are secured by gripes or otherwise secured to prevent them from swinging outboard.

§ 1915.57 Health and sanitation.

(a) No chemical product, such as a solvent or preservative; no structural material, such as cadmium or zinc coated steel, or plastic material; and no process material, such as welding filler metal; which is a hazardous material within the meaning of § 1915.2(s), shall be used until the employer has ascertained the potential fire, toxic, or reactivity hazards which are likely to be encountered in the handling, application, or utilization of such a material.

(b) In order to ascertain the hazards, as required by paragraph (a) of this section, the employer shall obtain the following items of information which are applicable to a specific product or material to be used:

(1) The name, address, and telephone number of the source of the information specified in this paragraph, preferably those of the manufacturer of the product or material.

(2) The trade name and synonyms for a mixture of chemicals, a basic structural material, or for a process material; and the chemical name and synonyms, chemical family, and formula for a single chemical.

(3) Chemical names of hazardous ingredients, including, but not limited to, those in mixtures, such as those in: (i) Paints, preservatives, and solvents; (ii) alloys, metallic coatings, filler metals and their coatings or core fluxes; and (iii) other liquids, solids, or gases (e.g., abrasive materials).

(4) An indication of the percentage, by weight or volume, which each ingredient of a mixture bears to the whole mixture, and of the threshold limit value of each ingredient, in appropriate units.

(5) Physical data about a single chemical or a mixture of chemicals, including boiling point, in degrees Fahrenheit; vapor pressure, in millimeters of mercury; vapor density of gas or vapor (air=1); solubility in water, in percent by weight; specific gravity of material (water=1); percentage volatile, by volume, at 70° F.; evaporation rate for liquids (either butyl acetate or ether may be taken as 1); and appearance and odor.

(6) Fire and explosion hazard data about a single chemical or a mixture of chemicals, including flash point, in degrees Fahrenheit; flammable limits, in percent by volume in air; suitable extinguishing media or agents; special fire fighting procedures; and unusual fire and explosion hazard information.

(7) Health hazard data, including threshold limit value, in appropriate units, for a single hazardous chemical or for the individual hazardous ingredients of a mixture, as appropriate; effects of overexposure; and emergency and first aid procedures.

(8) Reactivity data, including stability, incompatibility, hazardous decomposition products, and hazardous polymerization.

(9) Procedures to be followed and precautions to be taken in cleaning up and disposing of materials leaked or spilled.

(10) Special protection information, including use of personal protective equipment, such as respirators, eye protection, and protective clothing, and of ventilation, such as local exhaust, general, special, or other types.

(11) Special precautionary information about handling and storing.

(12) Any other general precautionary information.

(c) The pertinent information required by paragraph (b) of this section shall be recorded either on U.S. Department of Labor Form OSHA 20, Material Safety Data Sheet, or on an essentially similar form which has been approved by the Occupational Safety and Health Administration. Copies of Form OSHA 20 may be obtained at any of the following regional offices of the Occupational Safety and Health Administration:

(1) North Atlantic Region, 341 North Avenue, Room 920, New York, N.Y. 10001 (Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, and Vermont).

(2) Middle Atlantic Region, Penn Square Building, Juniper and Filbert Streets, Philadelphia, Pa. 19107 (Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, and West Virginia).

(3) South Atlantic Region, 1371 Peachtree Street NE., Suite 723, Atlanta, Ga. 30309 (Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee).

(4) Great Lakes Region, 848 Federal Office Building, 219 South Dearborn Street, Chicago, Ill. 60604 (Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin).

(5) Mid-Western Region, 2100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106 (Colorado, Iowa, Kansas, Missouri, Montana, Nebraska, North Dakota, South Dakota, Utah, and Wyoming).

(6) Western Gulf Region, 411 North Akard Street, Room 601, Dallas, Tex. 75201 (Arkansas, Louisiana, New Mexico, Oklahoma, and Texas).

(7) Pacific Region, 10353 Federal Building, 450 Golden Gate Avenue, Box 36017, San Francisco, Calif. 94102 (Alaska, Arizona, California, Hawaii, Idaho, Nevada, Oregon, and Washington).

A completed form shall be preserved and available for inspection for a period of 3 months from the date of the completion of the job.

(d) The employer shall instruct employees who will be exposed to the hazardous materials as to the nature of the hazards and the means of avoiding them.

(e) The employer shall provide all necessary controls, and the employees shall be protected by suitable personal protective equipment against the hazards identified under paragraph (a) of this section and those hazards for which specific precautions are required in Subparts B, C, and D of this part.

(f) The employer shall provide adequate washing facilities for employees engaged in the application of paints or coatings or in other operations where contaminants can, by ingestion or absorption, be detrimental to the health of the employees. The employer shall encourage good personal hygiene practices by informing the employees of the need for removing surface contaminants by thorough washing of hands and face prior to eating or smoking.

(g) The employer shall not permit eating or smoking in areas undergoing surface preparation or preservation.

(h) The employer shall not permit employees to work in the immediate vicinity of uncovered garbage and shall ensure that employees working beneath or on the outboard side of a vessel are not subject to contamination by drainage or waste from overboard discharges.

§ 1915.58 First aid.

(a) Unless a first aid room and a qualified attendant are close at hand and prepared to render first aid to employees on behalf of the employer, the employer shall furnish a first aid kit for each vessel on which work is being performed, except that when work is being performed on more than one small vessel at one pier, only one kit shall be required. The kit, when required, shall be kept close to the vessel and at least one employee, close at hand, shall be qualified to administer first aid to the injured.

(b) The first aid kit shall consist of a weatherproof container with individual sealed packages for each type of item. The contents of such kit shall contain a sufficient quantity of at least the following types of items:

Gauze roller bandages, 1 inch and 2 inch.
Gauze compress bandages, 4 inch.
Adhesive bandages, 1 inch.
Triangular bandage, 40 inch.
Ammonia inhalants and ampules.
Antiseptic applicators or swabs.
Burn dressing.
Eye dressing.
Wire or thin board splints.
Forceps and tourniquet.

(c) The contents of the first aid kit shall be checked before being sent out on each job and at least weekly on each job to ensure that the expended items are replaced.

(d) There shall be available for each vessel on which ten (10) or more employees are working one Stokes basket stretcher, or equivalent, permanently equipped with bridles for attaching to the hoisting gear, except that no more than two stretchers are required on each job location. A blanket or other liner suitable for transferring the patient to and from the stretcher shall be provided. Stretchers shall be kept close to the vessels. This paragraph does not apply where ambulance services which are available are known to carry such stretchers.

Subpart G—Gear and Equipment for Rigging and Materials Handling

§ 1915.61 Inspection.

(a) All gear and equipment provided by the employer for rigging and materials handling shall be inspected before each shift and, when necessary, at intervals during its use to ensure that it is safe. Defective gear shall be removed and repaired or replaced before further use.

(b) The safe working load of gear as specified in §§ 1915.62 and 1915.63 shall not be exceeded.

§ 1915.62 Ropes, chains and slings.

(a) *Manila rope and manila rope slings.* (1) Table G–1 in § 1915.68 shall be used to determine the safe working load of various sizes of manila rope and manila rope slings at various angles, except that higher safe working loads are permissible when recommended by the manufacturer for specific, identifiable products, provided that a safety factor of not less than five (5) is maintained.

(b) *Wire rope and wire rope slings.* (1) Tables G–2 through G–5 in § 1915.68 shall be used to determine the safe working loads of various sizes and classifications of improved plow steel wire rope and wire rope slings with various types of terminals. For sizes, classifications and grades not included in these tables, the safe working load recommended by the manufacturer for specific, identifiable products shall be followed, provided that a safety factor of not less than five (5) is maintained.

(2) Protruding ends of strands in splices on slings and bridles shall be covered or blunted.

(3) Where U-bolt wire rope clips are used to form eyes, Table G–6 in § 1915.68 shall be used to determine the number and spacing of clips. The U-bolt shall be applied so that the "U" section is in contact with the dead end of the rope.

(4) Wire rope shall not be secured by knots.

(c) *Chains and chain slings.* (1) Tables G–7 and G–8 in § 1915.68 shall be used to determine the working load limit of various sizes of wrought iron and alloy steel chains and chain slings, except that higher safe working loads are permissible when recommended by the manufacturer for specific, identifiable products.

(2) All sling chains, including end fastenings, shall be given a visual inspection before being used on the job. A thorough inspection of all chains in use shall be made every 3 months. Each chain shall bear an indication of the month in which it was thoroughly inspected. The thorough inspection shall include inspection for wear, defective welds, deformation and increase in length or stretch.

(3) Interlink wear, not accompanied by stretch in excess of 5 percent, shall be noted and the chain removed from service when maximum allowable wear at any point of link, as indicated in Table G–9 in § 1915.68 has been reached.

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(4) Chain slings shall be removed from service when, due to stretch, the increase in length of a measured section exceeds five (5) percent; when a link is bent, twisted or otherwise damaged; or when raised scarfs or defective welds appear.

(5) All repairs to chains shall be made under qualified supervision. Links or portions of the chain found to be defective as described in subparagraph (4) of this paragraph shall be replaced by links having proper dimensions and made of material similar to that of the chain. Before repaired chains are returned to service, they shall be proof tested to the proof test load recommended by the manufacturer.

(6) Wrought iron chains in constant use shall be annealed or normalized at intervals not exceeding six months when recommended by the manufacturer. The chain manufacturer shall be consulted for recommended procedures for annealing or normalizing. Alloy chains shall never be annealed.

(7) A load shall not be lifted with a chain having a kink or knot in it. A chain shall not be shortened by bolting, wiring or knotting.

§ 1915.63 Shackles and hooks.

(a) *Shackles.* (1) Table G–10 in § 1915.68 shall be used to determine the safe working loads of various sizes of shackles, except that higher safe working loads are permissible when recommended by the manufacturer for specific, identifiable products, provided that a safety factor of not less than (5) is maintained.

(b) *Hooks.* (1) The manufacturer's recommendations shall be followed in determining the safe working loads of the various sizes and types of specific and identifiable hooks. All hooks for which no applicable manufacturer's recommendations are available shall be tested to twice the intended safe working load before they are initially put into use. The employer shall maintain a record of the dates and results of such tests.

(2) Loads shall be applied to the throat of the hook since loading the point overstresses and bends or springs the hook.

(3) Hooks shall be inspected periodically to see that they have not been bent by overloading. Bent or sprung hooks shall not be used.

§ 1915.64 Chain falls and pull-lifts.

(a) Chain falls and pull-lifts shall be clearly marked to show the capacity and the capacity shall not be exceeded.

(b) Chain falls shall be regularly inspected to ensure that they are safe, particular attention being given to the lift chain, pinion, sheaves and hooks for distortion and wear. Pull-lifts shall be regularly inspected to ensure that they are safe, particular attention being given to the ratchet, pawl, chain and hooks for distortion and wear.

(c) Straps, shackles, and the beam or overhead structure to which a chain fall or pull-lift is secured shall be of adequate strength to support the weight of load plus gear. The upper hook shall be moused or otherwise secured against coming free of its support.

(d) Scaffolding shall not be used as a point of attachment for lifting devices such as tackles, chain falls, and pull-lifts unless the scaffolding is specifically designed for that purpose.

§ 1915.65 Hoisting and hauling equipment.

(a) Derrick and crane certification: (1) Derricks and cranes which are part of, or regularly placed aboard barges, other vessels, or on wingwalls of floating drydocks, and are used to transfer materials or equipment from or to a vessel or drydock, shall be tested and certificated in accordance with the standards provided in Part 1505 of this chapter by persons accredited for that purpose.

(2) Subparagraph (1) of this paragraph shall take effect 180 days after the effective date of this amendment.

(b) The moving parts of hoisting and hauling equipment shall be guarded.

(c) Mobile crawler or truck cranes used on a vessel: (1) The maximum manufacturer's rated safe working loads for the various working radii of the boom and the maximum and minimum radii at which the boom may be safely used with and without outriggers shall be conspicuously posted near the controls and shall be visible to the operator. A radius indicator shall be provided.

(2) The posted safe working loads of mobile crawler or truck cranes under the conditions of use shall not be exceeded.

(d) Accessible areas within the swing radius of the outermost part of the body of a revolving derrick or crane either permanently or temporarily mounted, shall be guarded in such a manner as to prevent an employee from being in such a position as to be struck by the crane or caught between the crane and fixed parts of the vessel or of the crane itself.

(e) Marine railways: (1) The cradle or carriage on the marine railway shall be positively blocked or secured when in the hauled position to prevent it from being accidentally released.

§ 1915.66 Use of gear.

(a) Loads shall be safely rigged before being hoisted.

(b) Plates shall be handled on and off hulls by means of shackles whenever possible. Clips or pads of ample size shall be welded to the plate to receive the shackle pins when there are no holes in the plate. When it is not possible to make holes in or to weld pads to the plate, alligator tongs, grab hooks, grab clamps or screw clamps may be used. In such cases special precautions shall be taken to keep employees from under such lifts.

(c) Tag lines shall be provided on loads likely to swing or to need guidance.

(d) When slings are secured to eyebolts, the slings shall be so arranged, using spreaders if necessary, that the pull is within 20 degrees of the axis of the bolt.

(e) Slings shall be padded by means of wood blocks or other suitable material where they pass over sharp edges or corners of loads so as to prevent cutting or kinking.

(f) Skips shall be rigged to be handled by not less than 3 legged bridles, and all legs shall always be used. When open end skips are used, means shall be taken to prevent the contents from falling.

(g) Loose ends of idle legs of slings in use shall be hung on the hook.

(h) Employees shall not be permitted to ride the hook or the load.

(i) Loads (tools, equipment or other materials) shall not be swung or suspended over the heads of employees.

(j) Pieces of equipment or structure susceptible to falling or dislodgement shall be secured or removed as early as possible.

(k) An individual who is familiar with the signal code in use shall be assigned to act as a signalman when the hoist operator cannot see the load being handled. Communications shall be made by means of clear and distinct visual or auditory signals except that verbal signals shall not be permitted.

(l) Pallets, when used, shall be of such material and construction and so maintained as to safely support and carry the loads being handled on them.

(m) A section of hatch through which materials or equipment are being raised, lowered, moved, or otherwise shifted manually or by a crane, winch, hoist, or derrick, shall be completely opened. The beam or pontoon left in place adjacent to an opening shall be sufficiently lashed, locked or otherwise secured to prevent it from being unshipped so that it cannot be displaced by accident.

(n) Hatches shall not be opened or closed while employees are in the square of the hatch below.

(o) Before loads or empty lifting gear are raised, lowered, or swung, clear and sufficient advance warning shall be given to employees in the vicinity of such operations.

(p) At no time shall an employee be permitted to place himself in a hazardous position between a swinging load and a fixed object.

§ 1915.67 Qualifications of operators.

(a) When ship's gear is used to hoist materials aboard, a competent person shall determine that the gear is properly rigged, that it is in safe condition, and that it will not be overloaded by the size and weight of the lift.

(b) Only those employees who understand the signs, notices, and operating instructions, and are familiar with the signal code in use, shall be permitted to operate a crane, winch, or other power operated hoisting apparatus.

(c) No employee known to have defective uncorrected eyesight or hearing, or to be suffering from heart disease, epilepsy, or similar ailments which may suddenly incapacitate him, shall be permitted to operate a crane, winch or other power operated hoisting apparatus.

(d) No minor under eighteen (18) years of age shall be employed in occupations involving the operation of any power-driven hoisting apparatus or assisting in such operations by work such as hooking on, loading slings, rigging gear, etc.

§ 1915.68 Tables.

TABLE E-1

DIMENSIONS AND SPACING OF WOOD INDEPENDENT-POLE SCAFFOLD MEMBERS

Structural Members	Light duty (Up to 25 pounds per square foot)			Heavy duty (25 to 75 pounds per square foot)		
	Height in feet			Height in feet		
	24 or less	24–40	40–60	24 or less	24–40	40–60
Poles or uprights (in inches)	2 x 4	3 x 4 or 2 x 6	4 x 4	3 x 4	4 x 4	4 x 6
Bearers (in inches)	2 x 6	2 x 6	2 x 6	2 x 8	2 x 8	2 x 10
Ledgers (in inches)	2 x 6	2 x 6	2 x 6	2 x 8	2 x 8	2 x 8
Stringers (not supporting bearers) (in inches)	1 x 6	1 x 6	1 x 6	1 x 6	1 x 6	1 x 6
Braces (in inches)	1 x 4	1 x 6	1 x 6	1 x 6	1 x 6	1 x 6
Pole spacing—longitudinally (in feet)	7½	7½	7½	7	7	7
Pole spacing—transversely (in feet)	6½ min	7½ min	8½ min	6½	10	10
Ledger spacing—vertically (in feet)	7	7	7	4½	4½	4½

TABLE E-2

SPECIFICATIONS FOR SIDE RAILS OF LADDERS

Length (in feet)	Cross section (in inches)	
	At ends	At center
18	1¼ x 2¾	1¼ x 3¾
16	1¼ x 2¾	1¼ x 3¾
18	1¼ x 3	1¼ x 4
30	1¼ x 3	1¼ x 4
34	1¼ x 3	1¼ x 4½

TABLE E-3

SPECIFICATIONS FOR THE CONSTRUCTION OF HORSES

Structural members	Height in feet		
	Up to 10	10 to 16	16 to 20
	Inches	Inches	Inches
Legs	2 x 4	3 x 4	4 x 6
Bearers or headers	2 x 6	2 x 8	4 x 6
Crossbraces	2 x 4 or 1 x 8	2 x 4	2 x 6
Longitudinal braces	2 x 4	2 x 6	2 x 6

TABLE E-4

SAFE CENTER LOADS FOR SCAFFOLD PLANK OF 1,100 POUNDS FIBRE STRESS

Span in Feet	Lumber dimensions in inches							
	A	B	A	B	A	B	A	B
	2 x 10	1¼ x 9¼	2 x 12	1¼ x 11¼	3 x 8	2½ x 7¼	3 x 10	2½ x 9¼	3 x 12	2½ x 11¼
6	256	209	336	267	307	307				
8	192	232	305	500	605					
10	153	186	316	400	484					
12	128	155	263	333	404					
14	110	133	225	286	346					
16		116	197	250	303					

(A)—Rough lumber.
(B)—Dressed lumber

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TABLE G-1
MANILA ROPE
(In pounds or tons of 2000 pounds)

Circumference	Diameter in Inches	Single Leg	60°	45°	30°
3/4	1/4	120 lbs.	204 lbs.	170 lbs.	120 lbs.
1	5/16	200	346	282	200
1-1/8	3/8	270	467	380	270
1-1/4	7/16	350	605	493	350
1-3/8	15/32	450	775	635	450
1-1/2	1/2	530	915	798	530
1-3/4	9/16	690	1190	973	690
2	5/8	880	1520	1240	885
2-1/4	3/4	1080	1870	1520	1080
2-1/2	13/16	1300	2250	1830	1300
2-3/4	7/8	1540	2660	2170	1540
3	1	1800	3120	2540	1800
3-1/4	1-1/16	1.0 Tons	1.7 Tons	1.4 Tons	1.0 Tons
3-1/2	1-1/8	1.2	2.1	1.7	1.2
3-3/4	1-1/4	1.35	2.3	1.9	1.35
4	1-5/16	1.5	2.6	2.1	1.5
4-1/2	1-1/2	1.8	3.1	2.5	1.8
5	1-5/8	2.25	3.9	3.2	2.25
5-1/2	1-3/4	2.6	4.5	3.7	2.6
6	2	3.1	5.4	4.4	3.1
6-1/2	2-1/8	3.6	6.2	5.1	3.6

TABLE G-2
RATED CAPACITIES FOR IMPROVED PLOW STEEL INDEPENDENT WIRE ROPE CORE, WIRE ROPE AND WIRE ROPE SLINGS
(In tons of 2000 pounds)

Rope Dia. Inches	SINGLE LEG					
	Vertical			Choker		
	A	B	C	A	B	C
6x19 CLASSIFICATION						
1/4"	.59	.56	.53	.44	.42	.40
3/8"	1.3	1.2	1.1	.98	.93	.86
1/2"	2.3	2.2	2.0	1.7	1.6	1.5
5/8"	3.6	3.4	3.0	2.7	2.5	2.2
3/4"	5.1	4.9	4.2	3.8	3.6	3.1
7/8"	6.9	6.6	5.5	5.2	4.9	4.1
1"	9.0	8.5	7.2	6.7	6.4	5.4
1-1/8"	11.	10.	9.0	8.5	7.8	6.8
6x37 CLASSIFICATION						
1-1/4"	13.	12.	10.	9.9	9.2	7.9
1-3/8"	16.	15.	13.	12.	11.	9.6
1-1/2"	19.	17.	15.	14.	13.	11.
1-3/4"	26.	24.	20.	19.	18.	15.
2"	33.	30.	26.	25.	23.	20.
2-1/4"	41.	38.	33.	31.	29.	25.

(A) - Socket or Swaged Terminal attachment.
(B) - Mechanical Sleeve attachment.
(C) - Hand Tucked Splice attachment.

TABLE G-3
RATED CAPACITIES FOR IMPROVED PLOW STEEL INDEPENDENT WIRE ROPE CORE, WIRE ROPE SLINGS
(In tons of 2000 pounds)

Rope Dia. Inches	TWO - LEG BRIDLE OR BASKET HITCH											
	Vertical			60°			45°			30°		
	A	B	C	A	B	C	A	B	C	A	B	C
6x19 CLASSIFICATION												
1/4"	1.2	1.1	1.0	1.0	.97	.92	.80	.78	.75	.58	.56	.53
3/8"	2.6	2.5	2.3	2.3	2.1	2.0	1.6	1.6	1.6	1.3	1.2	1.1
1/2"	4.6	4.4	3.9	4.0	3.8	3.4	3.2	3.1	2.8	2.3	2.2	2.0
5/8"	7.3	6.8	6.0	6.2	5.8	5.2	5.1	4.8	4.2	3.6	3.4	3.0
3/4"	10.	9.7	8.4	8.9	8.4	7.3	7.2	6.8	5.8	5.1	4.8	4.2
7/8"	14.	13.	11.	12.	11.	9.6	9.8	9.3	7.8	6.8	6.5	5.5
1"	18.	17.	14.	15.	14.	12.	13.	12.	10.	9.0	8.5	7.2
1-1/8"	23.	21.	18.	19.	18.	16.	16.	15.	13.	11.	10.	9.0
6x37 CLASSIFICATION												
1-1/4"	26.	24.	21.	23.	21.	18.	20.	17.	15.	13.	12.	10.
1-3/8"	32.	29.	26.	28.	26.	22.	25.	22.	18.	16.	15.	13.
1-1/2"	38.	35.	30.	33.	30.	26.	27.	25.	21.	19.	17.	15.
1-3/4"	51.	47.	41.	44.	41.	35.	36.	33.	29.	26.	24.	20.
2"	66.	61.	53.	57.	53.	46.	47.	43.	37.	33.	30.	26.
2-1/4"	83.	76.	66.	72.	66.	57.	64.	54.	47.	41.	38.	33.

(A) - Socket or Swaged Terminal Attachment.
(B) - Mechanical Sleeve Attachment.
(C) - Hand Tucked Splice Attachment.

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TABLE G-4
RATED CAPACITIES FOR IMPROVED PLOW STEEL FIBER CORE, WIRE ROPE AND WIRE ROPE SLINGS
(In tons of 2000 pounds)

Rope Dia. Inches	SINGLE LEG					
	Vertical			Choker		
	A	B	C	A	B	C
6x19 CLASSIFICATION						
1/4	.55	.51	.49	.41	.38	.37
3/8	1.2	1.1	1.1	.91	.85	.80
1/2	2.1	2.0	1.8	1.6	1.5	1.4
5/8	3.3	3.1	2.8	2.5	2.3	2.1
3/4	4.8	4.4	3.9	3.6	3.3	2.9
7/8	6.4	5.9	5.1	4.8	4.5	3.9
1	8.4	7.7	6.7	6.3	5.8	5.0
1-1/8	10.	9.5	8.4	7.9	7.1	6.3
6x37 CLASSIFICATION						
1-1/4	12.	11.	9.8	9.2	8.3	7.4
1-3/8	15.	13.	12.	11.	10.	8.9
1-1/2	17.	16.	14.	13.	12.	10.
1-3/4	24.	21.	19.	18.	16.	14.
2	31.	28.	25.	23.	21.	18.

(A) - Socket or Swaged Terminal attachment.
(B) - Mechanical Sleeve attachment.
(C) - Hand Tucked Splice attachment.

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TABLE G-5
RATED CAPACITIES FOR IMPROVED PLOW STEEL, FIBER CORE, WIRE ROPE SLINGS
(In tons of 2000 pounds)

Rope Dia. Inches	TWO - LEG BRIDLE OR BASKET HITCH											
	Vertical			60°			45°			30°		
	A	B	C	A	B	C	A	B	C	A	B	C
	6x19 CLASSIFICATION											
1/4	1.1	1.0	.99	.95	.88	.85	.77	.72	.70	.55	.51	.49
3/8	2.4	2.2	2.1	2.1	1.9	1.8	1.7	1.6	1.5	1.2	1.1	1.1
1/2	4.3	3.9	3.7	3.7	3.4	3.2	3.0	2.8	2.6	2.1	2.0	1.8
5/8	6.7	6.2	5.6	5.8	5.3	4.8	4.7	4.4	4.0	3.3	3.1	2.8
3/4	9.6	8.8	7.8	8.2	7.6	6.8	6.7	6.2	5.5	4.8	4.4	3.9
7/8	13.	12.	10.	11.	10.	8.9	9.1	8.4	7.3	6.4	5.9	5.1
1	17.	15.	13.	14.	13.	11.	12.	11.	9.4	8.4	7.7	6.7
1-1/8	21.	19.	17.	18.	16.	14.	15.	13.	12.	10.	9.5	8.4
	6x37 CLASSIFICATION											
1-1/4	25.	22.	20.	21.	19.	17.	17.	16.	14.	12.	11.	9.8
1-3/8	30.	27.	24.	26.	23.	20.	21.	19.	17.	15.	13.	12.
1-1/2	35.	32.	28.	30.	27.	24.	25.	22.	20.	17.	16.	14.
1-3/4	48.	43.	38.	41.	37.	33.	34.	30.	27.	24.	21.	19.
2	62.	55.	49.	53.	48.	43.	43.	39.	35.	31.	28.	25.

(A) - Socket or Swaged Terminal attachment.
(B) - Mechanical Sleeve attachment.
(C) - Hand Tucked Splice attachment.

TABLE G-6—NUMBER AND SPACING OF U-BOLT WIRE ROPE CLIPS

Improved plow steel, rope diameter, inches	Number of clips		Minimum spacing, inches
	Drop forged	Other material	
*	----	----	----
1/4	3	4	3
5/16	3	4	3 1/4
3/8	4	5	4 1/2
7/16	4	5	5 1/2
1/2	4	6	6
9/16	5	6	6 1/2
5/8	5	7	7 1/2
3/4	6	7	9 1/4
7/8	6	8	9

* Three clips shall be used on wire size less than 1/4 inch diameter.

TABLE G-7
WROUGHT IRON CHAIN
(In pounds or tons of 2000 pounds)

Nominal Size Chain Stock Inch.	Single Leg	60°	45°	30°
* 1/4	1060	1835	1500	1060
* 5/16	1655	2865	2340	1655
3/8	2385	2.1	3370	2385
* 7/16	3250	2.8	2.3	3250
1/2	2.1	3.7	3.0	2.1
* 9/16	2.7	4.6	3.8	2.7
5/8	3.3	5.7	4.7	3.3
3/4	4.8	8.3	6.7	4.8
7/8	6.5	11.3	9.2	6.5
1	8.5	14.7	12.0	8.5
1-1/8	10.0	17.3	14.2	10.0
1-1/4	12.4	21.4	17.5	12.4
1-3/8	15.0	26.9	21.1	15.0
1-1/2	17.8	30.8	25.2	17.8
1-5/8	20.9	36.2	29.5	20.9
1-3/4	24.2	42.0	34.3	24.2
1-7/8	27.6	47.9	39.1	27.6
2	31.6	54.8	44.8	31.6

* These sizes of wrought iron chain are no longer manufactured in the United States.

TABLE G-8
ALLOY STEEL CHAIN
(In tons of 2000 pounds)

Nominal Size Chain Stock Inch.	Single Leg	60°	45°	30°
1/4	1.62	2.82	2.27	1.62
3/8	3.30	5.70	4.65	3.30
1/2	5.62	9.75	7.90	5.62
5/8	8.25	14.25	11.65	8.25
3/4	11.5	19.9	16.2	11.5
7/8	14.3	24.9	20.3	14.3
1	19.3	33.5	27.3	19.3
1-1/8	22.2	38.5	31.5	22.2
1-1/4	28.7	49.7	40.5	28.7
1-3/8	33.5	58.0	47.0	33.5
1-1/2	39.7	68.5	56.0	39.7
1-5/8	42.5	73.5	59.5	42.5
1-3/4	47.0	81.5	62.0	47.0

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TABLE G-9

MAXIMUM ALLOWABLE WEAR AT ANY POINT OF LINK

Chain size in inches	Maximum allowable wear in fraction of inches
¼ (2½)	3/64
5/16	4/64
⅜	4/64
7/16	5/64
½	7/64
9/16	11/64
⅝	3/16
¾	7/32
1	1/4
1⅛	9/32
1¼	5/16
1⅜	11/32
1½	3/8
1¾	1 13/32

TABLE G-10

SAFE WORKING LOADS FOR SHACKLES

[In tons of 2000 pounds]

Material size (inches)	Pin diameter (inches)	Safe working load
½	⅝	1.4
⅝	¾	2.2
¾	⅞	3.2
⅞	1	4.3
1	1⅛	5.6
1⅛	1¼	6.7
1¼	1⅜	8.2
1⅜	1½	10.0
1½	1⅝	11.9
1¾	2	16.2
2	2¼	21.2

TABLE I-1

FILTER LENSES FOR PROTECTION AGAINST RADIANT ENERGY

Operation	Shade No.
Soldering	2
Torch Brazing	3 or 4
Light cutting, up to 1 inch	3 or 4
Medium cutting, 1–6 inches	4 or 5
Heavy cutting, over 6 inches	5 or 6
Light gas welding, up to ½ inch	4 or 5
Medium gas welding, ½–½ inch	5 or 6
Heavy gas welding, over ½ inch	6 or 8
Shielded Metal-Arc Welding 1/16- to 5/32-inch electrodes.	10
Inert-gas Metal-Arc Welding (Nonferrous) 1/16- to 5/32-inch electrodes.	11
Inert-gas Metal-Arc Welding (Ferrous) 1/16- to 5/32-inch electrodes.	12
Shielded Metal-Arc Welding:	
5/32- to ¼-inch electrodes	12
5/16- and ⅜-inch electrodes	14
Atomic Hydrogen Welding	10 to 14
Carbon Arc Welding	14

Subpart H—Tools and Related Equipment

§ 1915.71 General precautions.

(a) Hand lines, slings, tackles of adequate strength, or carriers such as tool bags with shoulder straps shall be provided and used to handle tools, materials, and equipment so that employees will have their hands free when using ship's ladders and access ladders. The use of hose or electric cords for this purpose is prohibited.

(b) When air tools of the reciprocating type are not in use, the dies and tools shall be removed.

(c) All portable, power-driven circular saws shall be equipped with guards above and below the base plate or shoe. The upper guard shall cover the saw to the depth of the teeth, except for the minimum arc required to permit the base to be tilted for bevel cuts. The lower guard shall cover the saw to the depth of the teeth, except for the minimum arc required to allow proper retraction and contact with the work. When the tool is withdrawn from the work, the lower guard shall automatically and instantly return to the covering position.

(d) The moving parts of machinery on dry docks shall be guarded.

(e) Before use, pneumatic tools shall be secured to the extension hose or whip by some positive means to prevent the tool from becoming accidentally disconnected from the whip.

(f) The moving parts of drive mechanisms, such as gearing and belting on large portable tools, shall be adequately guarded.

(g) Headers, manifolds, and widely spaced hose connections on compressed air lines shall bear the word "air" in letters at least 1 inch high, which shall be painted either on the manifold or separate hose connections, or on signs permanently attached to the manifolds or connections. Grouped air connections may be marked in one location.

(h) Before use, compressed air hose shall be examined. Visibly damaged and unsafe hose shall not be used.

§ 1915.72 Portable electric tools.

(a) The frames of portable electric tools and appliances, except double insulated tools approved by Underwriters' Laboratories, shall be grounded either through a third wire in the cable containing the circuit conductors or through a separate wire which is grounded at the source of the current.

(b) Grounding circuits, other than by means of the structure of the vessel on which the tool is being used, shall be checked to ensure that the circuit between the ground and the grounded power conductor has resistance which is low enough to permit sufficient current to flow to cause the fuse or circuit breaker to interrupt the current.

(c) Portable electric tools which are held in the hand shall be equipped with switches of a type which must be manually held in the closed position.

(d) Worn or frayed electric cables shall not be used.

(e) The employer shall notify the officer in charge of the vessel before using electric power tools operated with the vessel's current.

§ 1915.73 Hand tools.

(a) Employers shall not issue or permit the use of unsafe hand tools.

(b) Wrenches, including crescent, pipe, end and socket wrenches, shall not be used when jaws are sprung to the point that slippage occurs.

(c) Impact tools, such as drift pins, wedges, and chisels, shall be kept free of mushroomed heads.

(d) The wooden handles of tools shall be kept free of splinters or cracks and shall be kept tight in the tool.

§ 1915.74 Abrasive wheels.

(a) Floor stand and bench mounted abrasive wheels used for external grinding shall be provided with safety guards (protection hoods). The maximum angular exposure of the grinding wheel periphery and sides shall be not more than 90 degrees, except that when work requires contact with the wheel below the horizontal plane of the spindle, the angular exposure shall not exceed 125 degrees. In either case the exposure shall begin not more than 65 degrees above the horizontal plane of the spindle. Safety guards shall be strong enough to withstand the effect of a bursting wheel.

(b) Floor and bench mounted grinders shall be provided with work rests which are rigidly supported and readily adjustable. Such work rests shall be kept a distance not to exceed ⅛ inch from the surface of the wheel.

(c) Cup type wheels used for external grinding shall be protected by either a revolving cup guard or a band type guard in accordance with the provisions of the United States of America Standard Safety Code for the Use, Care, and Protection of Abrasive Wheels, B7.1. All other portable abrasive wheels used for external grinding shall be provided with safety guards (protection hoods) meeting the requirements of paragraph (e) of this section, except as follows:

(1) When the work location makes it impossible, in which case a wheel equipped with safety flanges as described in paragraph (f) of this section shall be used.

(2) When wheels 2 inches or less in diameter which are securely mounted on the end of a steel mandrel are used.

(d) Portable abrasive wheels used for internal grinding shall be provided with safety flanges (protection flanges) meeting the requirements of paragraph (f) of this section, except as follows:

(1) When wheels 2 inches or less in diameter which are securely mounted on the end of a steel mandrel are used.

(2) If the wheel is entirely within the work being ground while in use.

(e) When safety guards are required, they shall be so mounted as to maintain proper alignment with the wheel, and the guard and its fastenings shall be of sufficient strength to retain fragments of the wheel in case of accidental breakage. The maximum angular exposure of the grinding wheel periphery and sides shall not exceed 180 degrees.

(f) When safety flanges are required, they shall be used only with wheels designed to fit the flanges. Only safety flanges of a type and design and properly assembled so as to insure that the pieces of the wheel will be retained in case of accidental breakage shall be used.

(g) All abrasive wheels shall be closely inspected and ring tested before mounting to ensure that they are free from cracks or defects.

(h) Grinding wheels shall fit freely on the spindle and shall not be forced on. The spindle nut shall be tightened only enough to hold the wheel in place.

(i) The power supply shall be sufficient to maintain the rated spindle speed under all conditions of normal grinding. The rated maximum speed of the wheel shall not be exceeded.

(j) All employees using abrasive wheels shall be protected by eye protection equipment in accordance with the requirements of § 1915.81 (a) and (b), except when adequate eye protection is afforded by eye shields which are permanently attached to the bench or floor stand.

§ 1915.75 Powder actuated fastening tools.

(a) *General precautions.* (1) Powder actuated fastening tools shall be tested each day before loading to ensure that the safety devices are in proper working condition. Any tool found not to be in proper working order shall be immediately removed from service until repairs are made.

(2) Powder actuated fastening tools shall not be used in an explosive or flammable atmosphere.

(3) All tools shall be used with the type of shield or muzzle guard appropriate for a particular use.

(4) Fasteners shall not be driven into very hard or brittle materials, such as cast iron, glazed tile, surface hardened steel, glass block, live rock, face brick or hollow tile.

(5) Fasteners shall not be driven into soft materials unless such materials are backed by a substance that will prevent the pin or fastener from passing completely through and creating a flying missile hazard on the opposite side.

(6) Unless a special guard, fixture or jig is used, fasteners shall not be driven directly into materials such as brick or concrete within 3 inches of the unsupported edge or corner, or into steel surfaces within ½ inch of the unsupported edge or corner. When fastening other material, such as 2 x 4 inch lumber to a concrete surface, fasteners of greater than 7/32 inch shank diameter shall not be used and fasteners shall not be driven within 2 inches of the unsupported edge or corner of the work surface.

(7) Fasteners shall not be driven through existing holes unless a positive guide is used to secure accurate alignment.

(8) No attempt shall be made to drive a fastener into a spalled area caused by an unsatisfactory fastening.

(9) Employees using powder actuated fastening tools shall be protected by eye protection equipment in accordance with the requirements of § 1915.81 (a) and (b).

(b) *Instruction of operators.* Before employees are permitted to use powder actuated tools, they shall have been thoroughly instructed by a competent person with respect to the requirements of paragraph (a) of this section and the safe use of such tools as follows:

(1) Before using a tool, the operator shall inspect it to determine that it is clean, that all moving parts operate freely and that the barrel is free from obstructions.

(2) When a tool develops a defect during use, the operator shall immediately cease to use it and shall notify his supervisor.

(3) Tools shall not be loaded until just prior to the intended firing time and the tool shall not be left unattended while loaded.

(4) The tool, whether loaded or empty, shall not be pointed at any person, and hands shall be kept clear of the open barrel end.

(5) In case of a misfire, the operator shall hold the tool in the operating position for at least 15 seconds and shall continue to hold the muzzle against the work surface during disassembly or opening of the tool and removal of the powder load.

(6) Neither tools nor powder charges shall be left unattended in places where they would be available to unauthorized persons.

§ 1915.76 Internal combustion engines, other than ship's equipment.

(a) When internal combustion engines furnished by the employer are used in a fixed position below decks, for such purposes as driving pumps, generators, and blowers, the exhaust shall be led to the open air, clear of any ventilation intakes and openings through which it might enter the vessel.

(b) All exhaust line joints and connections shall be checked for tightness immediately upon starting the engine, and any leaks shall be corrected at once.

(c) When internal combustion engines on vehicles, such as forklifts and mobile cranes, or on portable equipment such as fans, generators, and pumps exhaust into the atmosphere below decks, the competent person shall make tests of the carbon monoxide content of the atmosphere as frequently as conditions require to ensure that dangerous concentrations do not develop. Employees shall be removed from the compartment involved when the carbon monoxide concentration exceeds 50 parts per million (0.005%). The employer shall use blowers sufficient in size and number and so arranged as to maintain the concentration below this allowable limit before work is resumed.

Subpart I—Personal Protective Equipment

§ 1915.81 Eye protection.

(a) *General precautions.* (1) All eye protection equipment required by these regulations shall meet the specifications prescribed by the American Standard Safety Code for Head, Eye and Respiratory Protection, Z2.1.

(2) Eye protection equipment shall be maintained in good condition.

(3) Eye protection equipment which has previously been used shall be cleaned and disinfected before it is issued by the employer to another employee.

(4) Employees who wear corrective spectacles while engaged in eye hazardous work shall be protected by eye protection equipment of a type which can be worn over personal spectacles, except that glasses with prescription ground safety lenses may be worn in lieu of cover goggles when such glasses provide suitable protection against the hazard involved.

(b) *Protection against impact.* (1) In any operations such as chipping, caulking, drilling, riveting, grinding, and pouring babbitt metal, in which the eye hazard of flying particles, molten metal, or liquid chemical exists, employees shall be protected by suitable face shields or goggles meeting the requirements of paragraph (a) of this section.

(c) *Protection against radiant energy.* (1) In any operation in which the eye hazard of injurious light rays or other radiant energy exists, depending upon the intensity of the radiation to which employees are exposed, they shall be protected by spectacles, cup goggles, helmets, hand shields, or face shields equipped with filter lenses meeting the requirements of paragraphs (a) and (c) (2) of this section.

(2) Filter lenses shall be of a shade number appropriate to the type of work to be performed as indicated in Table I–1 in § 1915.68, except that variations of one or two shade numbers are permissible to suit individual preferences.

(3) If filter lenses are used in the goggles worn under the helmet, the shade number of the lens in the helmet may be reduced so that the sum of the shade numbers of the two lenses will equal the value shown in Table I–1 in § 1915.68.

§ 1915.82 Respiratory protection.

(a) *General.* (1) All respiratory protective equipment required by these regulations shall carry the U.S. Bureau of Mines approval for the use for which it is intended. Respiratory protective equipment shall be used only for the purposes intended and no modifications of the equipment shall be made.

(2) Respiratory protective equipment shall be inspected regularly and maintained in good condition. Gas mask canisters and chemical cartridges shall be replaced as necessary so as to provide complete protection. Mechanical filters shall be cleaned or replaced as necessary so as to avoid undue resistance to breathing.

(3) Respiratory protective equipment which has been previously used shall be cleaned and disinfected before it is issued by the employer to another employee. Emergency rescue equipment shall be cleaned and disinfected immediately after each use.

(4) Employees required to use respiratory protective equipment approved for use in atmospheres immediately dangerous to life shall be thoroughly trained in its use. Employees required to use other types of respiratory protective equipment shall be instructed in the use and limitations of such equipment.

(5) When an air line respirator is used, the air line shall be fitted with a pressure regulating valve and a filter

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which will remove oil, water, and rust particles. The air intake shall be from a source which is free from all contaminants, such as the exhaust from internal combustion engines.

(6) In all cases when an employee is stationed outside a compartment, tank or space as a tender or safety man for men working inside in an atmosphere immediately dangerous to life, the tender shall have immediately available for emergency use respiratory protective equipment equivalent to that required for the men in the compartment. When a tender is stationed outside a compartment for men working inside in an atmosphere not immediately dangerous to life, the tender shall wear respiratory protective equipment equivalent to that required for the men in the compartment if he is exposed for prolonged periods to the same concentration of atmospheric contaminants.

(b) *Protection in atmospheres immediately dangerous to life.* (1) Atmospheres immediately dangerous to life are those which contain less than 16.5 percent oxygen, or which by reason of the high toxicity of the contaminant, as in fumigation, or high concentration of the contaminant, as with carbon dioxide, would endanger the life of a person breathing them for even a short period of time.

(2) In atmospheres immediately dangerous to life the only approved types of respiratory protective equipment are the following:

(i) Self-contained breathing apparatus, in which the wearer carries with him a supply of oxygen, air, or an oxygen generating material.

(ii) Hose mask with blower, in which a hand or motor operated blower supplies air at high volume and low pressure through a large diameter hose through which the wearer can draw air in case the blower fails.

(iii) If there is known to be more than 16 percent oxygen and less than 2 percent gas by volume, a gas mask equipped with a canister approved for the particular type gas involved.

NOTE: A gas mask offers absolutely no protection in an atmosphere deficient in oxygen.

(3) Work in atmospheres immediately dangerous to life shall be performed only in an emergency, as when rescuing a man who has been overcome or when shutting off a source of contamination that cannot otherwise be controlled. When an employee enters such an atmosphere he shall be provided with and use an adequate, attended life line.

(4) In the vicinity of each vessel in which there is a danger of employees being exposed to an atmosphere immediately dangerous to life the employer shall have on hand and ready for use respiratory protective equipment approved for such use. When such equipment is required, one or more persons shall be thoroughly trained in the use of the equipment.

(c) *Protection against gaseous contaminants not immediately dangerous to life.* (1) Gaseous contaminants not immediately dangerous to life are gases present in concentrations that could be breathed for a short period without endangering the life of a person breathing them, but which might produce discomfort and possible injury after a prolonged single exposure or repeated short exposures.

(2) When employees are exposed to a gaseous contaminated atmosphere not immediately dangerous to life, they shall be protected by respiratory protective equipment approved for use in the type and concentration of the gaseous contaminant as follows:

(i) In high or unknown concentrations, a hose mask or an air line respirator. The use of either a hose mask or an air line respirator in lower concentrations is permissible.

(ii) In concentrations of ammonia of less than 3 percent, or of other gases less than 2 percent, by volume, a canister type gas mask equipped with the proper type of canister. Different canisters are approved for specific use against the following gases or groups of gases: acid gases, hydrocyanic acid gas, chlorine gas, organic vapors, ammonia gas, carbon monoxide, or combination of the above.

(iii) In low concentrations (less than 0.1 percent by volume), a chemical cartridge respirator equipped with the type of cartridge approved for use against the particular gases or groups of gases listed in subdivision (ii) of this subparagraph.

(d) *Protection against particulate contaminants not immediately dangerous to life.* (1) When employees are exposed to unsafe concentrations of particulate contaminants, such as dusts and fumes, mists and fogs or combinations of solids and liquids, they shall be protected by either air line or filter respirators, except as otherwise provided in the regulations of this part.

(2) Filter respirators shall be equipped with the proper type of filter. Different filters are approved for specific protection against groups of contaminants, as follows:

(i) Pneumoconiosis-producing dust and nuisance dust filters which provide respiratory protection against pneumoconiosis-producing dusts, such as aluminum, cellulose, cement, charcoal, coal, coke, flour, gypsum, iron ore, limestone and wood.

(ii) Toxic dust filters which provide respiratory protection against toxic dusts that are not significantly more toxic than lead, such as arsenic, cadmium, chromium, lead, manganese, selenium, vanadium, and their compounds.

(iii) Mist filters which provide respiratory protection against pneumoconiosis-producing mists, chromic acid mists, and nuisance mists.

(iv) Fume filters which provide respiratory protection against fumes (solid dispersoids or particulate matter formed by the condensation of vapors, such as those from heated metals and other substances).

(v) Filters which provide respiratory protection against combinations of two or more of the contaminants described in subdivisions (i) through (iv) of this subparagraph.

(e) *Protection against combinations of gaseous and particulate contaminants not immediately dangerous to life.* (1) When employees are exposed to combinations of gaseous and particulate contaminants not immediately dangerous to life, as in spray painting, they shall be protected by respiratory protective equipment approved for use in the type and concentration of the contaminants, as follows:

(i) In high or unknown concentrations, a hose mask or an air line respirator. The use of either a hose mask or an air line respirator is permissible in lower concentrations.

(ii) In concentrations of gaseous contaminants of less than 2 percent by volume, a canister type gas mask with a combination canister approved for the particular type of gaseous contaminant as specified in paragraph (c)(2) of this section and a filter for the particular type of particulate contaminant as specified in paragraph (d)(1) of this section.

(iii) In low concentrations of gaseous contaminants (less than 0.1 percent by volume) a respirator equipped with the type of cartridge and filter as specified in subdivision (ii) of this subparagraph.

§ 1915.83 Head, foot and body protection.

(a) When employees are working in areas where there is danger of falling objects they shall be protected by protective hats.

(b) Protective hats shall meet the specifications contained in the United States of America Standard Safety Code for Head, Eye, and Respiratory Protection, Z2.1. Hats without dielectric strength shall not be used where there is the possibility of contact with electric conductors.

(c) Protective hats which have been previously worn shall be cleaned and disinfected before they are issued by the employer to another employee.

(d) The employer shall arrange through means, such as vendors or local stores, or otherwise, to make safety shoes readily available to all employees, and shall encourage their use. Metal toe caps from which the covering has been worn shall be insulated when employees are working on exposed energized circuits of the vessel's electrical system.

(e) Employees shall not be permitted to wear excessively greasy clothing when performing hot work operations.

(f) Employees shall be protected by suitable gloves when engaged in operations hazardous to their hands.

§ 1915.84 Lifesaving equipment.

(a) *Personal flotation devices.* (1) Any personal flotation device shall be approved by the United States Coast Guard as a Type I PFD, Type II PFD, Type III PFD, or Type V PFD or their equivalent, pursuant to 46 CFR 160 (Coast Guard Lifesaving Equipment Specifications) and 33 CFR 175.23 (Coast Guard table of devices equivalent to personal flotation devices).

(2) Prior to each use, personal flotation devices shall be inspected for dry rot, chemical damage, or other defects which may affect their strength and buoyancy. Defective personal flotation devices shall not be used.

(3) When employees are working in any location requiring a safety belt and a lifeline, care shall be exercised to ensure that the lifeline is not cut, pinched, or led over a sharp edge. In hot work operations or those involving the use of acids, solvents, or caustics, the line shall be kept clear to avoid its being burned or weakened. In order to keep the lifeline continuously attached with a minimum of slack to a fixed structure the attachment point of the lifeline shall be appropriately changed as the work progresses.

(c) *Life rings and ladders.* (1) At least three 30 inch Coast Guard approved life rings with lines attached shall be kept in easily visible and readily accessible places aboard each vessel afloat on which work is being performed. Life rings shall be located, one forward, one aft, and one on the gangway, except on vessels under 200 feet in length, in which case one at the gangway will be sufficient.

(2) At least one life ring with a line attached shall be located on each staging float alongside a vessel on which work is being performed.

(3) At least 90 feet of line shall be attached to each life ring. Life rings and lines shall be maintained in good condition.

(4) In the vicinity of each vessel afloat in which work is being performed there shall be at least one portable or permanent ladder of sufficient length to assist employees to reach safety in the event that they fall into the water.

Subpart J—Ship's Machinery and Piping Systems

§ 1915.91 Ship's boilers.

(a) Before work is performed in the fire, steam, or water spaces of a boiler where employees may be subject to injury from the direct escape of a high temperature medium, such as steam, or water, oil, or other medium at a high temperature entering from an interconnecting system, the employer shall insure that the following steps are taken:

(1) The isolation and shutoff valves connecting the dead boiler with the live system or systems shall be secured, blanked, and tagged indicating that employees are working in the boiler. This tag shall not be removed nor the valves unblanked until it is determined that this may be done without creating a hazard to the employees working in the boiler, or until the work in the boiler is completed. Where valves are welded instead of bolted at least two isolation and shutoff valves connecting the dead boiler with the live system or systems shall be secured, locked, and tagged.

(2) Drain connections to atmosphere on all of the dead interconnecting systems shall be opened for visual observation of drainage.

(3) A warning sign calling attention to the fact that employees are working in the boilers shall be hung in a conspicuous location in the engine room. This sign shall not be removed until it is determined that the work is completed and all employees are out of the boilers.

§ 1915.92 Ship's piping systems.

(a) Before work is performed on a valve, fitting, or section of piping in a piping system where employees may be subject to injury from the direct escape of steam, or water, oil, or other medium at a high temperature, the employer shall insure that the following steps are taken:

(1) The isolation and shutoff valves connecting the dead system with the live system or systems shall be secured, blanked, and tagged indicating that employees are working on the systems. This tag shall not be removed nor the valves unblanked until it is determined that this may be done without creating a hazard to the employees working on the system, or until the work on the system is completed. Where valves are welded instead of bolted at least two isolation and shutoff valves connecting the dead system with the live system or systems shall be secured, locked, and tagged.

(2) Drain connections to atmosphere on all of the dead interconnecting systems shall be opened for visual observation of drainage.

§ 1915.93 Ship's propulsion machinery.

(a) Before work is performed on the main engine, reduction gear, or connecting accessories, the employer shall ensure that the following steps are taken:

(1) The jacking gear shall be engaged to prevent the main engine from turning over. A sign shall be posted at the throttle indicating that the jacking gear is engaged. This sign shall not be removed until the jacking gear can be safely disengaged.

(2) If the jacking gear is steam driven, the stop valves to the jacking gear shall be secured, locked, and tagged indicating that employees are working on the main engine.

(3) If the jacking gear is electrically driven, the circuit controlling the jacking gear shall be deenergized by tripping the circuit breaker, opening the switch or removing the fuse, whichever is appropriate. The breaker, switch, or fuse location shall be tagged indicating that employees are working on the main engine.

(b) Before the jacking engine is operated, the following precautions shall be taken:

(1) A check shall be made to ensure that all employees, equipment, and tools are clear of the engine, reduction gear, and its connecting accessories.

(2) A check shall be made to ensure that all employees, equipment and tools are free of the propeller.

(c) Before work is started on or in the immediate vicinity of the propeller, a warning sign calling attention to the fact that employees are working in that area shall be hung in a conspicuous location in the engine room. This sign shall not be removed until it is determined that the work is completed and all employees are free of the propeller.

(d) Before the main engine is turned over (e.g., when warming up before departure or testing after an overhaul) a check shall be made to ensure that all employees, equipment, and tools are free of the propeller.

§ 1915.94 Ship's deck machinery.

(a) Before work is performed on the anchor windlass or any of its attached accessories, the employer shall ensure that the following steps are taken:

(1) The devil claws shall be made fast to the anchor chains.

(2) The riding pawls shall be in the engaged position.

(3) In the absence of devil claws and riding pawls, the anchor chains shall be secured to a suitable fixed structure of the vessel.

Subpart K—Portable, Unfired Pressure Vessels, Drums and Containers, Other Than Ship's Equipment

§ 1915.101 Portable air receivers and other unfired pressure vessels.

(a) Portable, unfired pressure vessels, built after the effective date of this regulation, shall be marked and reported indicating that they have been designed and constructed to meet the standards of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code, Section XIII, Rules for Construction of Unfired Pressure Vessels, 1963. They shall be subjected to a hydrostatic pressure test of one and one-half times the working pressure of the vessels.

(b) Portable, unfired pressure vessels, not built to the code requirements of paragraph (a) of this section, and built prior to the effective date of this regulation, shall be examined quarterly by a competent person. They shall be subjected yearly to a hydrostatic pressure test of one and one-half times the working pressure of the vessels.

(c) The relief valves on the portable, unfired pressure vessels in paragraphs (a) and (b) of this section shall be set to the safe working pressure of the vessels, or set to the lowest safe working pressure of the systems, whichever is lower.

(d) A record of such examinations and tests made in compliance with the requirements of paragraphs (a) and (b) of this section shall be maintained.

§ 1915.102 Drums and containers.

(a) Shipping drums and containers shall not be pressurized to remove their contents.

(b) A temporarily assembled pressurized piping system conveying hazardous liquids or gases shall be provided with a relief valve and by-pass to prevent rupture of the system and the escape of such hazardous liquids or gases.

(c) Pressure vessels, drums and containers containing toxic or flammable liquids or gases shall not be stored or used where they are subject to open flame, hot metal, or other sources of artificial heat.

(d) Unless pressure vessels, drums and containers of 30 gallon capacity or over

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containing flammable or toxic liquids or gases are placed in an out-of-the-way area where they will not be subject to physical injury from an outside source, barriers or guards shall be erected to protect them from such physical injury.

(e) Containers of 55 gallons or more capacity containing flammable or toxic liquid shall be surrounded by dikes or pans which enclose a volume equal to at least 25 percent of the total volume of the containers.

(f) Fire extinguishers adequate in number and suitable for the hazard shall be provided. These extinguishers shall be located in the immediate area where pressure vessels, drums and containers containing flammable liquids or gases are stored or in use. Such extinguishers shall be ready for use at all times.

Subpart L—Electrical Machinery

§ 1915.111 Electrical circuits and distribution boards.

(a) Before an employee is permitted to work on an electrical circuit, except when the circuit must remain energized for testing and adjusting, the circuit shall be deenergized and checked at the point at which the work is to be done to insure that it is actually deenergized. When testing or adjusting an energized circuit a rubber mat, duck board, or other suitable insulation shall be used underfoot where an insulated deck does not exist.

(b) Deenergizing the circuit shall be accomplished by opening the circuit breaker, opening the switch, or removing the fuse, whichever method is appropriate. The circuit breaker, switch, or fuse location shall be tagged to indicate that an employee is working on the circuit. Such tags shall not be removed nor the circuit energized until it is definitely determined that the work on the circuit has been completed.

(c) When work is performed immediately adjacent to an open-front energized board or in back of an energized board, the board shall be covered or some other equally safe means shall be used to prevent contact with any of the energized parts.

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Subpart A—General Provisions

§ 1916.1 Purpose, scope, and responsibility.

(a) Section 41 of the Longshoremen's and Harbor Workers' Compensation Act requires every employer to furnish and maintain employment and places of employment which are reasonably safe for his employees in all employments covered thereby (the Act applies to all injuries sustained by employees on navigable waters of the United States if the employees are employed by an "employer" as defined in section 2(4) of the Act, i.e., "an employer any of whose employees are employed in maritime employment, in whole or in part, upon the navigable waters of the United States (including any drydock)." Calbeck v. Travelers Insurance Co. and Donovan v. Avondale Shipyards, Inc. (52 S. Ct. 1196 (1962)) and to install, furnish, maintain, and use devices and safeguards (with particular reference to equipment used by such employers and working conditions established by them) determined by the Secretary of Labor to be reasonably necessary to protect the life, health, and safety of such employees, and to render safe such employment and places of employment and to prevent injury to such employees. The purpose of this part is to make determinations under this standard with respect to shipbuilding activity.

(b) This part does not apply to matters under the control of the United States Coast Guard within the scope of Title 52 of the Revised Statutes and acts supplementary or amendatory thereto (46 U.S.C. secs. 1–1388 passim) including, but not restricted to, the master, ship's officer, crew members, design, construction, and maintenance of the vessel, its gear and equipment; to matters within the regulatory authority of the United States Coast Guard to safeguard vessels, harbors, ports, and waterfront facilities under the provisions of the Espionage Act of June 17, 1917, as amended (50 U.S.C. 191 et seq.; 22 U.S.C. 401, et seq.); including the provisions of Executive Order 10173, as amended by Executive Orders 10277 and 10352 (3 CFR 1949–1953 Comp., pp. 356, 778, and 873); or to matters within the regulatory authority of the United States Coast Guard with respect to lights, warning devices, safety equipment and other matters relating to the promotion of safety of lives and property under section 4(e) of the Outer Continental Shelf Lands Act (43 U.S.C. 1333). Also, this part does not apply to owners, operators, agents, or masters of vessels unless they are acting as "employers". However, this part is not intended to relieve owners, operators, agents, or masters of vessels who are not "employers" from responsibilities or duties now placed upon them by law, regulations, or custom.

(c) The responsibilities placed upon the competent person herein shall be deemed to be the responsibilities of the employer.

§ 1916.2 Definitions.

(a) The term "shall", indicates provisions which are mandatory.

(b) The term "Secretary" means the Secretary of Labor.

(c) The term "employer" means an employer any of whose employees are employed in maritime employment, in whole or in part, upon the navigable wa-

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ters of the United States, including dry docks, graving docks, and marine railways, and any of whose employees are employed, in whole or in part, in shipbuilding or related employments as defined in paragraphs (i) and (j) of this section, on the navigable waters of the United States, including drydocks, graving docks, and marine railways.

(d) The term "employee" means any person employed in shipbuilding or related employments on the navigable waters of the United States, including dry docks, graving docks and marine railways, by an employer as defined in paragraph (c) of this section.

(e) The term "gangway" means any ramp-like or stair-like means of access provided to enable personnel to board or leave a vessel including accommodation ladders, gangplanks and brows.

(f) The term "vessel" includes every description of watercraft or other artificial contrivance used or capable of being used as a means of transportation on water, including special purpose floating structures not primarily designed for or used as a means of transportation on water.

(g) For purposes of § 1916.44, the term "barge" means an unpowered, flat bottom, shallow draft vessel including scows, carfloats and lighters. For purposes of this section, the term does not include ship shaped or deep draft barges.

(h) For purposes of § 1916.44, the term "river tow boat" means a shallow draft, low free board, self-propelled vessel designed to tow river barges by pushing ahead. For purposes of this section, the term does not include other towing vessels.

(i) The term "shipbuilding" means the construction of a vessel, including the installation of machinery and equipment.

(j) The term "related employment" means any employments performed as an incident to or in conjunction with shipbuilding work including, but not restricted to inspection, testing trials and employment as a watchman.

(k) The term "hazardous substance" means a substance which by reason of being explosive, flammable, poisonous, corrosive, oxidizing, irritant, or otherwise harmful is likely to cause injury.

(l) The term "competent person" for purposes of this part means a person who is capable of recognizing and evaluating employee exposure to hazardous substances or to other unsafe conditions and is capable of specifying the necessary protection and precautions to be taken to ensure the safety of employees as required by the particular regulation under the condition to which it applies. For the purposes of Subparts C and [illegible] of this part, except for § 1916.24(b) [illegible] to which the above definition applies, the competent person must also meet the additional requirements of § 1916.10.

(m) The term "confined space" means a compartment of small size and limited access such as a double bottom tank, cofferdam, or other space which by its small size and confined nature can readily create or aggravate a hazardous exposure.

(n) The term "enclosed space" means any space, other than a confined space, which is enclosed by bulkheads and overhead. It includes cargo holds, tanks, quarters and machinery and boiler spaces.

(o) The term "hot work" means riveting, welding, burning or other fire or spark producing operations.

(p) The term "cold work" means any work which does not involve riveting, welding, burning or other fire or spark producing operations.

(q) The term "portable unfired pressure vessel" means any pressure container or vessel used aboard ship, other than the ship's equipment, containing liquids or gases under pressure, excepting pressure vessels built to ICC regulations under 49 CFR Part 78, Subparts C and H.

(r) The term "powder actuated fastening tool" means a tool or machine which drives a stud, pin or fastener by means of an explosive charge.

(s) For purposes of § 1916.57, the term "hazardous material" means a material which has one or more of the following characteristics: (1) Has a flash point below 140° F., closed cup, or is subject to spontaneous heating; (2) has a threshold limit value below 500 p.p.m. in the case of a gas or vapor, below 500 mg./m.³ for fumes, and below 25 m.p.p.c.f. in case of a dust; (3) has a single dose oral LD_{50} below 500 mg./kg.; (4) is subject to polymerization with the release of large amounts of energy; (5) is a strong oxidizing or reducing agent; (6) causes first degree burns to skin in short time exposure, or is systemically toxic by skin contact; or (7) in the course of normal operations, may produce dusts, gases, fumes, vapors, mists, or smokes which have one or more of the above characteristics.

§ 1916.3 [Reserved]

§ 1916.4 [Reserved]

§ 1916.5 Reference specifications, standards, and codes.

Specifications, standards, and codes of agencies of the U.S. Government, to the extent specified in the text, form a part of the regulations of this part. In addition, under the authority vested in the Secretary under the Act, the specifications, standards, and codes of organizations which are not agencies of the U.S. Government, in effect on the date of the promulgation of the regulations of this part as listed below, to the extent specified in the text, form a part of the regulations of this part:

National Fire Protection Association, 60 Batterymarch Street, Boston, Mass. 02110, Subpart B, § 1916.10(a).

Underwriters' Laboratories, Inc., 207 East Ohio Street, Chicago, Ill. 60611, Subpart C §§ 1916.24(b)(7), 1916.25(a)(4); Subpart H, § 1916.72(a).

United States of America Standard Safety Code for Portable Wood Ladders, A14.1–1959, United States of America Standards Institute, Inc., 10 East 40th Street, New York, N.Y. 10016, Subpart E, § 1916.42(a)(6).

American Society of Mechanical Engineers, Boiler and Pressure Vessel Code, Section VIII, Rules for Construction of Unfired Pressure Vessels, American Society of Mechanical Engineers, 345 East 47th Street, New York, N.Y. 19917, Subpart K, § 1916.101(a).

Threshold Limit Values, American Conference of Governmental Industrial Hygienists, 1014 Broadway, Cincinnati, Ohio 45202, Subpart C, § 1916.21(b).

United States of America Standard Safety Code for the Use, Care, and Protection of Abrasive Wheels, B7.1–1964, United States of America Standards Institute, Inc., 10 East 40th Street, New York, N.Y. 10016, Subpart H, § 1916.74(c).

§ 1916.6 [Reserved]

§ 1916.7 Amendment of the regulations of this part.

The Secretary may at any time, upon his own motion or upon written petition of any interested person setting forth reasonable grounds therefor, and after opportunity has been given to interested persons to present their views, amend or revoke any of the provisions of the regulations of this part.

Subpart B—Explosive and Other Dangerous Atmospheres

§ 1916.10 Competent person.

(a) *Designation.* (1) For the purposes of Subparts C, D, and H of this part, except for §§ 1916.24(b)(8) and 1916.25(a)(5), one or more competent persons shall be designated by the employer in accordance with the applicable requirements of this section unless the requirements of Subparts C, D, and H of this part are always carried out by a National Fire Protection Association Certified Marine Chemist.

(2) The employer shall indicate on U.S. Department of Labor Form MAR–8, "Designation of Competent Person" either those employees designated as competent persons or that the prescribed functions of such persons are always carried out by a National Fire Protection Association Certified Marine Chemist in addition to his professional duties. When additions or changes are made in the personnel so designated, a new Form MAR–8 shall be executed. A copy of this executed form shall be forwarded to the nearest office of the Occupational Safety and Health Administration.

(b) *Criteria.* The following criteria shall guide the employer in designating employees as competent persons:

(1) Ability to understand the meaning of designations on certificates and of any qualifications relating thereto and to carry out any instructions, either written or oral, left by the National Fire Protection Association Certified Marine Chemist or issued by a consultant or chemist who may be used by the employer to make the tests and inspections required by Subparts C and D of this part.

(2) Ability to use and interpret the readings of an oxygen indicator and a combustible gas indicator. The ability to use and interpret the readings of a carbon monoxide indicator and a carbon dioxide indicator, if the operations involve such hazardous gases.

(3) Familiarity with and understanding of Subparts C, D, and H of this part.

(4) Familiarity with the structure and knowledge of the location and designation of spaces of the types of vessels on which construction work is done.

(5) Capability to perform the tests and inspections required by Subparts C, D, and H of this part and to write the required logs.

(c) *Logging of inspections and tests.* (1) When tests and inspections required to be performed by a competent person by any provisions of Subparts C, D, and H of this part, except those referred to in §§ 1916.24(b)(8) and 1916.25(a)(5), are made, a record of the locations, operations performed and date, time, and results of the tests and any instructions resulting therefrom shall be recorded on U.S. Department of Labor Form MAR–9, "Log of Inspections and Tests by Competent Person." A separate form shall be used for each vessel on which tests and inspections are made.

(2) This record shall be available for inspection in the immediate vicinity of the affected operations while they are in progress. This record or copy thereof shall be kept on file for a period of at least 3 months from the date of the completion of the job.

(d) *Application.* The provisions of this section are intended to apply in their entirety to employers engaged in general vessel construction. They do not apply in their entirety to employers whose work involves only certain portions of Subparts C and D of this part, such as the building of some wooden vessels, where only knowledge of the precautions to be taken when using flammable paints is necessary. In such cases employers may designate persons who are competent on the basis of the applicable portions of the criteria set forth in paragraph (b) of this section.

Subpart C—Surface Preparation and Preservation

§ 1916.21 Toxic cleaning solvents.

(a) When toxic solvents are used, the employer shall employ one or more of the following measures to safeguard the health of employees exposed to these solvents.

(1) The cleaning operation shall be completely enclosed to prevent the escape of vapor into the working space.

(2) Either natural ventilation or mechanical exhaust ventilation shall be used to remove the vapor at the source and to dilute the concentration of vapors in the working space to a concentration which is safe for the entire work period.

(3) Employees shall be protected against toxic vapors by suitable respiratory protective equipment in accordance with the requirements of § 1916.82 (a) and (c), and, where necessary, against exposure of skin and eyes to contact with toxic solvents and their vapors by suitable clothing and equipment.

(b) The principles in the threshold limit values to which attention is directed in § 1916.5 will be used by the Department of Labor in enforcement proceedings in defining a safe concentration of air contaminants.

(c) When flammable solvents are used, precautions shall be taken in accordance with the requirements of § 1916.25.

§ 1916.22 Chemical paint and preservative removers.

(a) Employees shall be protected against skin contact during the handling and application of chemical paint and preservative removers and shall be protected against eye injury by goggles or face shields in accordance with the requirements of § 1916.81 (a) and (b).

(b) When using flammable paint and preservative removers, precautions shall be taken in accordance with the requirements of § 1916.25.

(c) When using chemical paint and preservative removers which contain volatile and toxic solvents, such as benzol, acetone and amyl acetate, the provisions of § 1916.21 shall be applicable.

(d) When using paint and rust removers containing strong acids or alkalies, employees shall be protected by suitable face shields to prevent chemical burns on the face and neck.

(e) When steam guns are used, all employees working within range of the blast shall be protected by suitable face shields. Metal parts of the steam gun itself shall be insulated to protect the operator against heat burns.

§ 1916.23 Mechanical paint removers.

(a) *Power tools.* (1) Employees engaged in the removal of paints, preservatives, rusts or other coatings by means of power tools shall be protected against eye injury by goggles or face shields in accordance with the requirements of § 1916.81(a).

(2) All portable rotating tools used for the removal of paints, preservatives, rusts or other coatings shall be adequately guarded to protect both the operator and nearby workers from flying missiles.

(3) Portable electric tools shall be grounded in accordance with the requirements of § 1916.72 (a) and (b).

(4) In a confined space, mechanical exhaust ventilation sufficient to keep the dust concentration to a minimum shall be used, or employees shall be protected by respiratory protective equipment in accordance with the requirements of § 1916.82 (a) and (d).

(b) *Flame removal.* (1) Hardened preservative coatings shall not be removed by flame in enclosed spaces unless the employees exposed to fumes are protected by air line respirators in accordance with the requirements of § 1916.82 (a). Employees performing such an operation in the open air, and those exposed to the resulting fumes, shall be protected by a fume filter type respirator in accordance with requirements of paragraphs (a) and (d)(2)(iv) of § 1916.82.

(2) Flame or heat shall not be used to remove soft and greasy preservative coatings.

(c) *Abrasive blasting*—(1) *Equipment.* Hoses and fittings used for abrasive blasting shall meet the following requirements:

(i) *Hoses.* Hose of a type to prevent shocks from static electricity shall be used.

(ii) *Hose couplings.* Hose lengths shall be joined by metal couplings secured to the outside of the hose to avoid erosion and weakening of the couplings.

(iii) *Nozzles.* Nozzles shall be attached to the hose by fittings that will prevent the nozzle from unintentionally becoming disengaged. Nozzle attachments shall be of metal and shall fit onto the hose externally.

(iv) *Dead man control.* A dead man control device shall be provided at the nozzle end of the blasting hose either to provide direct cut off or to signal the pot tender by means of a visual and audible signal to cutoff the flow, in the event the blaster loses control of the hose. The pot tender shall be available at all times to respond immediately to the signal.

(2) *Replacement.* Hoses and all fittings used for abrasive blasting shall be inspected frequently to insure timely replacement before an unsafe amount of wear has occurred.

(3) *Personal protective equipment.* (i) Abrasive blasters working in enclosed spaces shall be protected by hoods and air fed respirators or by air helmets of a positive pressure type in accordance with the requirements of § 1916.82(a).

(ii) Abrasive blasters working in the open shall be protected as indicated in subdivision (i) of this subparagraph except that when synthetic abrasives containing less than one percent free silica are used, filter type respirators approved by the Bureau of Mines for exposure to lead dusts may be used in accordance with § 1916.82 (a) and (d).

(iii) Employees, other than blasters, including machine tenders and abrasive recovery men, working in areas where unsafe concentrations of abrasive materials and dusts are present shall be protected by eye and respiratory protective equipment in accordance with the requirements of §§ 1916.81 (a) and (b) and 1916.82 (a) and (d).

(iv) The blaster shall be protected against injury from exposure to the blast by appropriate protective clothing, including gloves.

(v) Since surges from drops in pressure in the hose line can be of sufficient proportions to throw the blaster off the staging, the blaster shall be protected by a safety belt when blasting is being done from elevations where adequate protection against falling cannot be provided by railings.

§ 1916.24 Painting.

(a) *Paints mixed with toxic vehicles or solvents.* (1) When paints mixed with toxic vehicles or solvents are sprayed, the following conditions shall apply:

(i) In confined spaces, employees continuously exposed to such spraying shall be protected by air line respirators in accordance with the requirements of § 1916.82(a).

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(ii) In tanks or compartments, employees continuously exposed to such spraying shall be protected by air line respirators in accordance with the requirements of § 1916.82(a). Where mechanical ventilation is provided, employees shall be protected by respirators in accordance with the requirements of § 1916.82 (a) and (e).

(iii) In large and well ventilated areas, employees exposed to such spraying shall be protected by respirators in accordance with the requirements of § 1916.82 (a) and (e).

(2) Where brush application of paints with toxic solvents is done in confined spaces, or other areas where lack of ventilation creates a hazard, employees shall be protected by filter respirators in accordance with the requirements of § 1916.82 (a) and (c).

(3) When flammable paints or vehicles are used, precautions shall be taken in accordance with the requirements of § 1915.25.

(4) The metallic parts of air moving devices, including fans, blowers, and jet-type air movers, and all duct work shall be electrically bonded to the vessel's structure.

(b) *Paints and tank coatings dissolved in highly volatile toxic and flammable solvents.* Several organic coatings, adhesives and resins are dissolved in highly toxic, flammable and explosive solvents with flash points below 80° F. Work involving such materials shall be done only when all of the following special precautions have been taken:

(1) Sufficient exhaust ventilation shall be provided to keep the concentration of solvent vapors below ten (10) percent of the lower explosive limit. Frequent tests shall be made by a competent person to ascertain the concentration.

(2) If the ventilation fails or if the concentration of solvent vapors rises above ten (10) percent of the lower explosive limit, painting shall be stopped and the compartment shall be evacuated until the concentration again falls below ten (10) percent of the lower explosive limit. If the concentration does not fall when painting is stopped, additional ventilation to bring the concentration down to ten (10) percent of the lower explosive limit shall be provided.

(3) Ventilation shall be continued after the completion of painting until the space or compartment is gas free. The final determination as to whether the space or compartment is gas free shall be made after the ventilating equipment has been shut off for at least ten minutes.

(4) Exhaust ducts shall discharge clear of working areas and away from sources of possible ignition. Periodic tests shall be made to ensure that the exhausted vapors are not accumulating in other areas within or around the vessel or dry dock.

(5) All motors and control equipment shall be of the explosion-proof type. Fans shall have nonferrous blades. Portable air ducts shall also be of nonferrous materials. All motors and associated control equipment shall be properly maintained and grounded.

(6) Only non-sparking paint buckets, spray guns and tools shall be used. Metal parts of paint brushes and rollers shall be insulated. Staging shall be erected in a manner which ensures that it is non-sparking.

(7) Only explosion proof lights, approved by the Underwriters' Laboratories for use in Class I, Group D atmospheres, or approved as permissible by the U.S. Bureau of Mines or the U.S. Coast Guard, shall be used.

(8) A competent person shall inspect all power and lighting cables to ensure that the insulation is in excellent condition, free of all cracks and worn spots, that there are no connections within fifty (50) feet of the operation, that lines are not overloaded, and that they are suspended with sufficient slack to prevent undue stress or chafing.

(9) The face, eyes, head, hands and all other exposed parts of the bodies of employees handling such highly volatile paints shall be protected. All footwear shall be non-sparking, such as rubbers, rubber boots or rubber soled shoes without nails. Coveralls or other outer clothing shall be of cotton. Rubber, rather than plastic gloves shall be used because of the danger of static sparks.

(10) No matches, lighted cigarettes, cigars, or pipes, and no cigarette lighters or ferrous articles shall be taken into the area where work is being done.

(11) All solvent drums taken into the compartment shall be placed on nonferrous surfaces and shall be grounded to the vessel. Metallic contact shall be maintained between containers and drums when materials are being transferred from one to another.

(12) Spray guns, paint pots, and metallic parts of connecting tubing shall be electrically bonded, and the bonded assembly shall be grounded to the vessel.

(13) All employees continuously in a compartment in which such painting is being performed, shall be protected by air line respirators in accordance with the requirements of § 1916.82(a) and by suitable protective clothing. Employees entering such compartments for a limited time shall be protected by filter cartridge type respirators in accordance with the requirements of § 1916.82 (a) and (e).

(14) All employees doing exterior paint spraying with such paints shall be protected by suitable filter cartridge type respirators in accordance with the requirements of § 1916.82 (a) and (e) and by suitable protective clothing.

§ 1916.25 Flammable liquids.

(a) In all cases when liquid solvents, paint and preservative removers, paints or vehicles, other than those covered by § 1916.24(b), are capable of producing a flammable atmosphere under the conditions of use, the following precautions shall be taken:

(1) Smoking, open flames, arcs and spark-producing equipment shall be prohibited in the area.

(2) Ventilation shall be provided in sufficient quantities to keep the concentration of vapors below ten (10) percent of their lower explosive limit. Frequent tests shall be made by a competent person to ascertain the concentration.

(3) Scrapings and rags soaked with these materials shall be kept in a covered metal container.

(4) Only explosion proof lights, approved by the Underwriters' Laboratories for use in Class I, Group D atmospheres, or approved as permissible by the U.S. Bureau of Mines or the U.S. Coast Guard shall be used.

(5) A competent person shall inspect all power and lighting cables to ensure that the insulation is in excellent condition, free of all cracks and worn spots, that there are no connections within fifty (50) feet of the operation, that lines are not overloaded, and that they are suspended with sufficient slack to prevent undue stress or chafing.

(6) Suitable fire extinguishing equipment shall be immediately available in the work area and shall be maintained in a state of readiness for instant use.

Subpart D—Welding, Cutting and Heating

§ 1916.31 Ventilation and protection in welding, cutting and heating.

(a) *Mechanical ventilation; requirements.* (1) For purposes of this section, mechanical ventilation shall meet the following requirements:

(i) Mechanical ventilation shall consist of either general mechanical ventilation systems or local exhaust systems.

(ii) General mechanical ventilation shall be of sufficient capacity and so arranged as to produce the number of air changes necessary to maintain welding fumes and smoke within safe limits.

(iii) Local exhaust ventilation shall consist of freely movable hoods intended to be placed by the welder or burner as close as practicable to the work. This system shall be of sufficient capacity and so arranged as to remove fumes and smoke at the source and keep the concentration of them in the breathing zone within safe limits.

(iv) Contaminated air exhausted from a working space shall be discharged into the open air or otherwise clear of the source of intake air.

(v) All air replacing that withdrawn shall be clean and respirable.

(vi) Oxygen shall not be used for ventilation purposes, comfort cooling, blowing dust or dirt from clothing, or for cleaning the work area.

(b) *Welding, cutting and heating in confined spaces.* (1) Except as provided in paragraphs (b)(3) and (c)(2) of this section, either general mechanical or local exhaust ventilation meeting the requirements of paragraph (a) of this section shall be provided whenever welding, cutting or heating is performed in a confined space.

(2) The means of access shall be provided to a confined space and ventilation ducts to this space shall be arranged in accordance with § 1916.46(b)(1) and (2).

(3) When sufficient ventilation cannot be obtained without blocking the means of access, employees in the confined space shall be protected by air line respirators in accordance with the requirements of § 1916.82(a), and an employee on the outside of such a confined space shall be assigned to maintain communication with those working within it and to aid them in an emergency.

(c) *Welding, cutting or heating of metals of toxic significance.* (1) Welding, cutting or heating in any enclosed spaces aboard the vessel involving the metals specified in this subparagraph shall be performed with either general mechanical or local exhaust ventilation meeting the requirements of paragraph (a) of this section.

(i) Zinc-bearing base or filler metals or metals coated with zinc-bearing materials.

(ii) Lead base metals.

(iii) Cadmium-bearing filler materials.

(iv) Chromium-bearing metals or metals coated with chromium-bearing materials.

(2) Welding, cutting or heating in any enclosed spaces aboard the vessel involving the metals specified in this subparagraph shall be performed with local exhaust ventilation in accordance with the requirements of paragraph (a) of this section or employees shall be protected by air line respirators in accordance with the requirements of § 1916.82(a).

(i) Metals containing lead, other than as an impurity, or metals coated with lead-bearing materials.

(ii) Cadmium-bearing or cadmium coated base metals.

(iii) Metals coated with mercury-bearing metals.

(iv) Beryllium-containing base or filler metals.

Because of its high toxicity, work involving beryllium shall be done with both local exhaust ventilation and air line respirators.

(3) Employees performing such operations in the open air shall be protected by filter type respirators in accordance with the requirements of paragraphs (a) and (d)(2)(iv) of § 1916.82, except that employees performing such operations on beryllium-containing base or filler metals shall be protected by air line respirators in accordance with the requirements of § 1916.82(a).

(4) Other employees exposed to the same atmosphere as the welders or burners shall be protected in the same manner as the welder or burner.

(d) *Inert-gas metal-arc welding.* (1) Since the inert-gas metal-arc welding process involves the production of ultraviolet radiation of intensities of 5 to 30 times that produced during shielded metal-arc welding, the decomposition of chlorinated solvents by ultraviolet rays, and the liberation of toxic fumes and gases, employees shall not be permitted to engage in, or be exposed to the process until the following special precautions have been taken:

(i) The use of chlorinated solvents shall be kept at least two hundred (200) feet from the exposed arc, and surfaces prepared with chlorinated solvents shall be thoroughly dry before welding is permitted on such surfaces.

(ii) Helpers and other employees in the area not protected from the arc by screening as provided in § 1916.36(e) shall be protected by filter lenses meeting the requirements of § 1916.81 (a) and (c). When two or more welders are exposed to each other's arc, filter lens goggles of a suitable type meeting the requirements of § 1916.81 (a) and (c) shall be worn under welding helmets or hand shields to protect the welder against flashes and radiant energy when either the helmet is lifted or the shield is removed.

(iii) Welders and other employees who are exposed to radiation shall be suitably protected so that the skin is covered completely to prevent burns and other damage by ultraviolet rays. Welding helmets and hand shields shall be free of leaks and openings, and free of highly reflective surfaces.

(iv) When inert-gas metal-arc welding is being performed on stainless steel, the requirements of paragraph (c)(2) of this section shall be met to protect against dangerous concentrations of nitrogen dioxide.

(e) *General welding, cutting and heating.* (1) Welding, cutting and heating not involving conditions or materials described in paragraphs (b), (c) or (d) of this section may normally be done without mechanical ventilation or respiratory protective equipment, but where, because of unusual physical or atmospheric conditions, an unsafe accumulation of contaminants exists, suitable mechanical ventilation or respiratory protective equipment shall be provided.

(2) Employees performing any type of welding, cutting or heating shall be protected by suitable eye protective equipment in accordance with the requirements of § 1916.81 (a) and (c).

§ 1916.32 Fire prevention.[1]

(a) When practical, objects to be welded, cut or heated shall be moved to a designated safe location or, if the object to be welded, cut or heated cannot be readily moved, all movable fire hazards in the vicinity shall be taken to a safe place.

(b) If the object to be welded, cut or heated cannot be moved and if all the fire hazards cannot be removed, positive means shall be taken to confine the heat, sparks, and slag, and to protect the immovable fire hazards from them.

(c) No welding, cutting or heating shall be done where the application of flammable paints or the presence of other flammable compounds or of heavy dust concentrations creates a hazard.

(d) Suitable fire extinguishing equipment shall be immediately available in the work area and shall be maintained in a state of readiness for instant use. In addition, when hot work is being performed aboard a vessel and pressure is not available on the vessel's fire system, an auxiliary supply of water shall be made available where practicable, consistent with avoiding freezing of the lines or hose.

(e) When the welding, cutting, or heating operation is such that normal fire prevention precautions are not sufficient, additional personnel shall be assigned to guard against fire while the actual welding, cutting, or heating operation is being performed and for a sufficient period of time after completion of the work to insure that no possibility of fire exists. Such personnel shall be instructed as to the specific anticipated fire hazards and how the fire fighting equipment provided is to be used.

(f) When welding, cutting or heating is performed on tank shells, decks, overheads and bulkheads, since direct penetration of sparks or heat transfer may introduce a fire hazard to an adjacent compartment, the same precautions shall be taken on the opposite side as are taken on the side on which the welding is being performed.

(g) In order to eliminate the possibility of fire in confined spaces as a result of gas escaping through leaking or improperly closed torch valves, the gas supply to the torch shall be positively shut off at some point outside the confined space whenever the torch is not to be used or whenever the torch is left unattended for a substantial period of time, such as during the lunch hour. Overnight and at the change of shifts, the torch and hose shall be removed from the confined space. Open end fuel gas and oxygen hoses shall be immediately removed from confined spaces when they are disconnected from the torch or other gas consuming device.

(h) Vaporizing liquid extinguishers shall not be used in enclosed spaces.

(i) Except when the contents are being removed or transferred, drums, pails, and other containers which contain or have contained flammable liquids shall be kept closed. Empty containers shall be removed to a safe area apart from hot work operations, or open flames.

§ 1916.33 Welding, cutting and heating in way of preservative coatings.

(a) Before welding, cutting or heating is commenced on any surface covered by a preservative coating whose flammability is not known, a test shall be made by a competent person to determine its flammability. Preservative coatings shall be considered to be highly flammable when scrapings burn with extreme rapidity.

(b) Precautions shall be taken to prevent ignition of highly flammable hardened preservative coatings. When coatings are determined to be highly flammable they shall be stripped from the area to be heated to prevent ignition. A 1½-inch or larger fire hose with fog nozzle, which has been uncoiled and placed under pressure, shall be immediately available for instant use in the immediate vicinity, consistent with avoiding freezing of the hose.

(c) Protection against toxic preservative coatings. (1) In enclosed spaces, all surfaces covered with toxic preservatives

[1] 46 CFR 146.02-20 contains Coast Guard regulations pertaining to welding and cutting while explosives and dangerous cargoes are being handled.

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shall be stripped of all toxic coatings for a distance of at least 4 inches from the area of heat application, or the employees shall be protected by air line respirators meeting the requirements of § 1916.82(a).

(2) In the open air employees shall be protected by a filter type respirator in accordance with requirements of § 1916.82 (a) and (d).

(d) Before welding, cutting or heating is commenced in enclosed spaces on metals covered by soft and greasy preservatives, the following precautions shall be taken:

(1) A competent person shall test the atmosphere in the space to ensure that it does not contain explosive vapors, since there is a possibility that some soft and greasy preservatives may have flash points below temperatures which may be expected to occur naturally. If such vapors are determined to be present, no hot work shall be commenced until such precautions have been taken as will ensure that the welding, cutting or heating can be performed in safety.

(2) The preservative coatings shall be removed for a sufficient distance from the area to be heated to ensure that the temperature of the unstripped metal will not be appreciably raised. Artificial cooling of the metal surrounding the heated area may be used to limit the size of the area required to be cleaned. The prohibition contained in § 1916.23(b)(2) shall apply.

(e) Immediately after welding, cutting or heating is commenced in enclosed spaces on metal covered by soft and greasy preservatives, and at frequent intervals thereafter, a competent person shall make tests to ensure that no flammable vapors are being produced by the coatings. If such vapors are determined to be present, the operation shall be stopped immediately and shall not be resumed until such additional precautions have been taken as are necessary to ensure that the operation can be resumed safely.

§ 1916.34 Welding, cutting and heating of hollow metal containers and structures.

(a) Drums, containers, or hollow structures which have contained toxic or flammable substances shall, before welding, cutting or heating is undertaken on them, either be filled with water or thoroughly cleaned of such substances and ventilated and tested.

(b) Before heat is applied to a drum, container, or hollow structure, a vent or opening shall be provided for the release of any build-up pressure during the application of heat.

(c) Before welding, cutting, heating or brazing is begun on structural voids such as skegs, bilge keels, fair waters, masts, booms, support stanchions, pipe stanchions or railings, a competent person shall inspect the object and, if necessary, test it for the presence of flammable liquids or vapors. If flammable liquids or vapors are present, the object shall be made safe.

(d) Objects such as those listed in paragraph (c) of this section shall also be inspected to determine whether water or other non-flammable liquids are present which, when heated, would build up excessive pressure. If such liquids are determined to be present, the object shall be vented, cooled, or otherwise made safe during the application of heat.

(e) Jacketed vessels shall be vented before and during welding, cutting or heating operations in order to release any pressure which may build up during the application of heat.

§ 1916.35 Gas welding and cutting.

(a) *Transporting, moving and storing compressed gas cylinders.* (1) Valve protection caps shall be in place and secure. Oil shall not be used to lubricate protection caps.

(2) When cylinders are hoisted, they shall be secured on a cradle, slingboard or pallet. They shall not be hoisted by means of magnets or choker slings.

(3) Cylinders shall be moved by tilting and rolling them on their bottom edges. They shall not be intentionally dropped, struck, or permitted to strike each other violently.

(4) When cylinders are transported by vehicle, they shall be secured in position.

(5) Valve protection caps shall not be used for lifting cylinders from one vertical position to another. Bars shall not be used under valves or valve protection caps to pry cylinders loose when frozen. Warm, not boiling, water shall be used to thaw cylinders loose.

(6) Unless cylinders are firmly secured on a special carrier intended for this purpose, regulators shall be removed and valve protection caps put in place before cylinders are moved.

(7) A suitable cylinder truck, chain, or other steadying device shall be used to keep cylinders from being knocked over while in use.

(8) When work is finished, when cylinders are empty or when cylinders are moved at any time, the cylinder valve shall be closed.

(9) Acetylene cylinders shall be secured in an upright position at all times except, if necessary, for short periods of time while cylinders are actually being hoisted or carried.

(b) *Placing cylinders.* (1) Cylinders shall be kept far enough away from the actual welding or cutting operation so that sparks, hot slag or flame will not reach them. When this is impractical, fire resistant shields shall be provided.

(2) Cylinders shall be placed where they cannot become part of an electrical circuit. Electrodes shall not be struck against a cylinder to strike an arc.

(3) Fuel gas cylinders shall be placed with valve end up whenever they are in use. They shall not be placed in a location where they would be subject to open flame, hot metal, or other sources of artificial heat.

(4) Cylinders containing oxygen or acetylene or other fuel gas shall not be taken into confined spaces.

(c) *Treatment of cylinders.* (1) Cylinders, whether full or empty, shall not be used as rollers or supports.

(2) No person other than the gas supplier shall attempt to mix gases in a cylinder. No one except the owner of the cylinder or person authorized by him shall refill a cylinder. No one shall use a cylinder's contents for purposes other than those intended by the supplier. Only cylinders bearing Interstate Commerce Commission identification and inspection markings shall be used.

(3) No damaged or defective cylinder shall be used.

(d) *Use of fuel gas.* The employer shall thoroughly instruct employees in the safe use of fuel gas, as follows:

(1) Before connecting a regulator to a cylinder valve, the valve shall be opened slightly and closed immediately. (This action is generally termed "cracking" and is intended to clear the valve of dust or dirt that might otherwise enter the regulator). The person cracking the valve shall stand to one side of the outlet, not in front of it. The valve of a fuel gas cylinder shall not be cracked where the gas would reach welding work, sparks, flame or other possible sources of ignition.

(2) The cylinder valve shall always be opened slowly to prevent damage to the regulator. To permit quick closing, valves on fuel gas cylinders shall not be opened more than 1½ turns. When a special wrench is required, it shall be left in position on the stem of the valve while the cylinder is in use so that the fuel gas flow can be shut off quickly in case of an emergency. In the case of manifolded or coupled cylinders, at least one such wrench shall always be available for immediate use. Nothing shall be placed on top of a fuel gas cylinder, when in use, which may damage the safety device or interfere with the quick closing of the valve.

(3) Fuel gas shall not be used from cylinders through torches or other devices which are equipped with shut-off valves without reducing the pressure through a suitable regulator attached to the cylinder valve or manifold.

(4) Before a regulator is removed from a cylinder valve, the cylinder valve shall always be closed and the gas released from the regulator.

(5) If, when the valve on a fuel gas cylinder is opened, there is found to be a leak around the valve stem, the valve shall be closed and the gland nut tightened. If this action does not stop the leak, the use of the cylinder shall be discontinued, and it shall be properly tagged and removed from the vessel. In the event that fuel gas should leak from the cylinder valve rather than from the valve stem and the gas cannot be shut off, the cylinder shall be properly tagged and removed from the vessel. If a regulator attached to a cylinder valve will effectively stop a leak through the valve seat, the cylinder need not be removed from the vessel.

(6) If a leak should develop at a fuse plug or other safety device, the cylinder shall be removed from the vessel.

(e) *Fuel gas and oxygen manifolds.* (1) Fuel gas and oxygen manifolds shall bear the name of the substance they contain in letters at least one (1) inch high which shall be either painted on the manifold or on a sign permanently attached to it.

(2) Fuel gas and oxygen manifolds shall be placed in safe and accessible locations in the open air. They shall not be located within enclosed spaces.

(3) Manifold hose connections, including both ends of the supply hose that lead to the manifold, shall be such that the hose cannot be interchanged between fuel gas and oxygen manifolds and supply header connections. Adapters shall not be used to permit the interchange of hose. Hose connections shall be kept free of grease and oil.

(4) When not in use, manifold and header hose connections shall be capped.

(5) Nothing shall be placed on top of a manifold, when in use, which will damage the manifold or interfere with the quick closing of the valves.

(f) *Hose.* (1) Fuel gas hose and oxygen hose shall be easily distinguishable from each other. The contrast may be made by different colors or by surface characteristics readily distinguishable by the sense of touch. Oxygen and fuel gas hoses shall not be interchangeable. A single hose having more than one gas passage, a wall failure of which would permit the flow of one gas into the other gas passage, shall not be used.

(2) When parallel sections of oxygen and fuel gas hose are taped together, not more than 4 inches out of 8 inches shall be covered by tape.

(3) All hose carrying acetylene, oxygen, natural or manufactured fuel gas, or any gas or substance which may ignite or enter into combustion or be in any way harmful to employees, shall be inspected at the beginning of each shift. Defective hose shall be removed from service.

(4) Hose which has been subjected to flashback or which shows evidence of severe wear or damage shall be tested to twice the normal pressure to which it is subject, but in no case less than two hundred (200) psi. Defective hose or hose in doubtful condition shall not be used.

(5) Hose couplings shall be of the type that cannot be unlocked or disconnected by means of a straight pull without rotary motion.

(6) Boxes used for the stowage of gas hose shall be ventilated.

(g) *Torches.* (1) Clogged torch tip openings shall be cleaned with suitable cleaning wires, drills or other devices designed for such purpose.

(2) Torches shall be inspected at the beginning of each shift for leaking shut-off valves, hose couplings, and tip connections. Defective torches shall not be used.

(3) Torches shall be lighted by friction lighters or other approved devices, and not by matches or from hot work.

(h) *Pressure regulators.* Oxygen and fuel gas pressure regulators including their related gauges shall be in proper working order while in use.

§ 1916.36 Arc welding and cutting.

(a) *Manual electrode holders.* (1) Only manual electrode holders which are specifically designed for arc welding and cutting and are of a capacity capable of safely handling the maximum rated current required by the electrodes shall be used.

(2) Any current carrying parts passing through the portion of the holder which the arc welder or cutter grips in his hand, and the outer surfaces of the jaws of the holder, shall be fully insulated against the maximum voltage encountered to ground.

(b) *Welding cables and connectors.* (1) All arc welding and cutting cables shall be of the completely insulated, flexible type, capable of handling the maximum current requirements of the work in progress, taking into account the duty cycle under which the arc welder or cutter is working.

(2) Only cable free from repair or splices for a minimum distance of ten (10) feet from the cable end to which the electrode holder is connected shall be used, except that cables with standard insulated connectors or with splices whose insulating quality is equal to that of the cable are permitted.

(3) When it becomes necessary to connect or splice lengths of cable one to another, substantial insulated connectors of a capacity at least equivalent to that of the cable shall be used. If connections are effected by means of cable-lugs, they shall be securely fastened together to give good electrical contact, and the exposed metal parts of the lugs shall be completely insulated.

(4) Cables in poor repair shall not be used. When a cable, other than the cable lead referred to in subparagraph (2) of this paragraph, becomes worn to the extent of exposing bare conductors, the portion thus exposed shall be protected by means of rubber and friction tapes or other equivalent insulation.

(c) *Ground returns and machine grounding.* (1) A ground return cable shall have a safe current carrying capacity equal to or exceeding the specified maximum output capacity of the arc welding or cutting unit which it services. When a single ground return cable services more than one unit, its safe current carrying capacity shall equal or exceed the total specified maximum output capacities of all the units which it services.

(2) Structures or pipe lines, except pipe lines containing gases or flammable liquids or conduits containing electrical circuits, may be used as part of the ground return circuit, provided that the pipe or structure has a current carrying capacity equal to that required by subparagraph (1) of this paragraph.

(3) When a structure or pipe line is employed as a ground return circuit, it shall be determined that the required electrical contact exists at all joints. The generation of an arc, sparks or heat at any point shall cause rejection of the structure as a ground circuit.

(4) When a structure or pipe line is continuously employed as a ground return circuit, all joints shall be bonded, and periodic inspections shall be conducted to ensure that no condition of electrolysis or fire hazard exists by virtue of such use.

(5) The frames of all arc welding and cutting machines shall be grounded either through a third wire in the cable containing the circuit conductor or through a separate wire which is grounded at the source of the current. Grounding circuits, other than by means of the vessel's structure, shall be checked to ensure that the circuit between the ground and the grounded power conductor has resistance low enough to permit sufficient current to flow to cause the fuse or circuit breaker to interrupt the current.

(6) All ground connections shall be inspected to ensure that they are mechanically strong and electrically adequate for the required current.

(d) *Operating instructions.* Employers shall instruct employees in the safe means of arc welding and cutting as follows:

(1) When electrode holders are to be left unattended, the electrodes shall be removed and the holders shall be so placed or protected that they cannot make electrical contact with employees or conducting oojects.

(2) Hot electrode holders shall not be dipped in water, since to do so may expose the arc welder or cutter to electric shock.

(3) When the arc welder or cutter has occasion to leave his work or to stop work for any appreciable length of time, or when the arc welding or cutting machine is to be moved, the power supply switch to the equipment shall be opened.

(4) Any faulty or defective equipment shall be reported to the supervisor.

(e) *Shielding.* Whenever practicable, all arc welding and cutting operations shall be shielded by noncombustible or flame-proof screens which will protect employees and other persons working in the vicinity from the direct rays of the arc.

[29 FR 4028, Mar. 27, 1964, as amended at 32 FR 14048, Oct. 10, 1967]

§ 1916.37 Uses of fissionable material in shipbuilding.

(a) In shipbuilding and related activities involving the use of an exposure to sources of ionizing radiation not only on conventionally powered but also on nuclear powered vessels, the applicable provisions of the Atomic Energy Commission's Standards for Protection Against Radiation (10 CFR Part 20), relating to protection against occupational radiation exposure, shall apply.

(b) Any activity which involves the use of radioactive material, whether or not under license from the Atomic Energy Commission, shall be performed by competent persons specially trained in the proper and safe operation of such equipment. In the case of materials used under Commission license, only persons actually licensed, or competent persons under direction and supervision of the licensee, shall perform such work.

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Subpart E—Scaffolds, Ladders and Other Working Surfaces

§ 1916.41 Scaffolds or staging.

(a) *General requirements.* (1) All scaffolds and their supports, whether of lumber, steel or other material, shall be capable of supporting the load they are designed to carry with a safety factor of not less than four (4).

(2) All lumber used in the construction of scaffolds shall be spruce, fir, long leaf yellow pine, Oregon pine or wood of equal strength. The use of hemlock, short leaf yellow pine or short fiber lumber is prohibited.

(3) Lumber dimensions as given in this subpart are nominal except where given in fractions of an inch.

(4) All lumber used in the construction of scaffolds shall be sound, straight-grained, free from cross grain, shakes and large, loose or dead knots. It shall also be free from dry rot, large checks, worm holes or other defects which impair its strength or durability.

(5) Scaffolds shall be maintained in a safe and secure condition. Any component of the scaffold which is broken, burned or otherwise defective shall be replaced.

(6) Barrels, boxes, cans, loose bricks, or other unstable objects shall not be used as working platforms or for the support of planking intended as scaffolds or working platforms.

(7) No scaffolds shall be erected, moved, dismantled or altered except under the supervision of competent persons.

(8) No welding, burning, riveting or open flame work shall be performed on any staging suspended by means of fiber rope.

(9) Lifting bridles on working platforms suspended from cranes shall consist of four legs so attached that the stability of the platform is assured.

(10) Unless the crane hook has a safety latch or is moused, the lifting bridles on working platforms suspended from cranes shall be attached by shackles to the lower lifting block or other positive means shall be taken to prevent them from becoming accidentally disengaged from the crane hook.

(b) *Independent pole wood scaffolds.* (1) All pole uprights shall be set plumb. Poles shall rest on a foundation of sufficient size and strength to distribute the load and to prevent displacement.

(2) In light-duty scaffolds not more than 24 feet in height, poles may be spliced by overlapping the ends not less than 4 feet and securely nailing them together. A substantial cleat shall be nailed to the lower section to form a support for the upper section except when bolted connections are used.

(3) All other poles to be spliced shall be squared at the ends of each splice, abutted, and rigidly fastened together by not less than two cleats securely nailed or bolted thereto. Each cleat shall overlap each pole end by at least 24 inches and shall have a width equal to the face of the pole to which it is attached. The combined cross sectional area of the cleats shall be not less than the cross sectional area of the pole.

(4) Ledgers shall extend over two consecutive pole spaces and shall overlap the poles at each end by not less than 4 inches. They shall be left in position to brace the poles as the platform is raised with the progress of the work. Ledgers shall be level and shall be securely nailed or bolted to each pole and shall be placed against the inside face of each pole.

(5) All bearers shall be set with their greater dimension vertical and shall extend beyond the ledgers upon which they rest.

(6) Diagonal bracing shall be provided between the parallel poles, and cross bracing shall be provided between the inner and outer poles or from the outer poles to the ground.

(7) Minimum dimensions and spacing of members shall be in accordance with Table E–1 in § 1916.68.

(8) Platform planking shall be in accordance with the requirements of paragraph (h) of this section.

(9) Backrails and toeboards shall be in accordance with the requirements of paragraph (i) of this section.

(c) *Independent pole metal scaffolds.* (1) Metal scaffold members shall be maintained in good repair and free of corrosion.

(2) All vertical and horizontal members shall be fastened together with a coupler or locking device which will form a positive connection. The locking device shall be of a type which has no loose parts.

(3) Posts shall be kept plumb during erection and the scaffold shall be subsequently kept plumb and rigid by means of adequate bracing.

(4) Posts shall be fitted with bases supported on a firm foundation to distribute the load. When wooden sills are used, the bases shall be fastened thereto.

(5) Bearers shall be located at each set of posts, at each level, and at each intermediate level where working platforms are installed.

(6) Tubular bracing shall be applied both lengthwise and crosswise as required.

(7) Platform planking shall be in accordance with the requirements of paragraph (h) of this section.

(8) Backrails and toeboards shall be in accordance with the requirements of paragraph (i) of this section.

(d) *Wood trestle and extension trestle ladders.* (1) The use of trestle ladders, or extension sections or base sections of extension trestle ladders longer than 20 feet is prohibited. The total height of base and extension may, however, be more than 20 feet.

(2) The minimum dimensions of the side rails of the trestle ladder, or the base sections of the extension trestle ladder, shall be as follows:

(i) Ladders up to and including those 16 feet long shall have side rails of not less than 1⅝ x 2¾ inch lumber.

(ii) Ladders over 16 feet long and up to and including those 20 feet long shall have side rails of not less than 1⅝ x 3 inch lumber.

(3) The side rails of the extension section of the extension trestle ladder shall be parallel and shall have minimum dimensions as follows:

(i) Ladders up to and including 12 feet long shall have side rails of not less than 1⅝ x 2¼ inch lumber.

(ii) Ladders over 12 feet long and up to and including those 16 feet long shall have side rails of not less than 1⅝ x 2½ inch lumber.

(iii) Ladders over 16 feet long and up to and including those 20 feet long shall have side rails of not less than 1⅝ x 2¾ inch lumber.

(4) Trestle ladders and base sections of extension trestle ladders shall be so spread that when in an open position the spread of the trestle at the bottom, inside to inside, shall be not less than 5½ inches per foot of the length of the ladder.

(5) The width between the side rails at the bottom of the trestle ladder or of the base section of the extension trestle ladder shall be not less than 21 inches for all ladders and sections 6 feet or less in length. For longer lengths of ladder the width shall be increased at least 1 inch for each additional foot of length. The width between the side rails of the extension section of the trestle ladder shall be not less than 12 inches.

(6) In order to limit spreading, the top ends of the side rails of both the trestle ladder and of the base section of the extension trestle ladder shall be beveled, or of equivalent construction, and shall be provided with a metal hinge.

(7) A metal spreader or locking device to hold the front and back sections in an open position, and to hold the extension section securely in the elevated position, shall be a component of each trestle ladder or extension trestle ladder.

(8) Rungs shall be parallel and level. On the trestle ladder, or on the base section of the extension trestle ladder, rungs shall be spaced not less than 8 inches nor more than 18 inches apart; on the extension section of the extension trestle ladder, rungs shall be spaced not less than 6 inches nor more than 12 inches apart.

(9) Platform planking shall be in accordance with the requirements of paragraph (h) of this section, except that the width of the platform planking shall not exceed the distance between the siderails.

(10) Backrails and toeboards shall be in accordance with the requirements of paragraph (i) of this section.

(e) *Painters' suspended scaffolds.* (1) The supporting hooks of swinging scaffolds shall be constructed to be equivalent in strength to mild steel or wrought iron, shall be forged with care, shall be not less than ⅞ inch in diameter, and shall be secured to a safe anchorage at all times.

(2) The ropes supporting a swinging scaffold shall be equivalent in strength to first-grade ¾ inch diameter manila rope properly rigged into a set of standard 6 inch blocks consisting of at least one double and one single block.

(3) Manila and wire ropes shall be carefully examined before each operation and thereafter as frequently as may

be necessary to ensure their safe condition.

(4) Each end of the scaffold platform shall be supported by a wrought iron or mild steel stirrup or hanger, which in turn is supported by the suspension ropes.

(5) Stirrups shall be constructed so as to be equivalent in strength to wrought iron ¾ inch in diameter.

(6) The stirrups shall be formed with a horizontal bottom member to support the platform, shall be provided with means to support the guardrail and midrail and shall have a loop or eye at the top for securing the supporting hook on the block.

(7) Two or more swinging scaffolds shall not at any time be combined into one by bridging the distance between them with planks or any other form of platform.

(8) No more than two men shall be permitted to work at one time on a swinging scaffold built to the minimum specifications contained in this paragraph. Where heavier construction is used, the number of men permitted to work on the scaffold shall be determined by the size and the safe working load of the scaffold.

(9) Backrails and toeboards shall be in accordance with the requirements of paragraph (i) of this section.

(10) The swinging scaffold platform shall be one of the three types described in subparagraphs (11), (12) and (13) of this paragraph.

(11) The ladder-type platform consists of boards upon a horizontal ladder-like structure, referred to herein as the ladder, the side rails of which are parallel. If this type of platform is used, the following requirements shall be met:

(i) The width between the side rails shall be no more than 20 inches.

(ii) The side rails of ladders in ladder-type platforms shall be equivalent in strength to a beam of clear straight-grained spruce of the dimensions contained in Table E–2 in § 1916.68.

(iii) The side rails shall be tied together with tie rods. The tie rods shall be not less than ⅝ inch in diameter, located no more than 5 feet apart, pass through the rails, and be riveted up tight against washers at both ends.

(iv) The rungs shall be of straight-grained oak, ash, or hickory, not less than 1⅛ inches diameter, with ⅞ inch tenons mortised into the side rails not less than ⅞ inch and shall be spaced no more than 18 inches on centers.

(v) Flooring strips shall be spaced no more than ⅝ inch apart except at the side rails, where 1 inch spacing is permissible.

(vi) Flooring strips shall be cleated on their undersides.

(12) The plank-type platform consists of planks supported on the stirrups or hangers. If this type of platform is used, the following requirements shall be met:

(i) The planks of plank-type platforms shall be of not less than 2 x 10 inch lumber.

(ii) The platform shall be no more than 24 inches in width.

(iii) The planks shall be tied together by cleats of not less than 1 x 6 inch lumber, nailed on their undersides at intervals of not more than 4 feet.

(iv) The planks shall extend not less than 6 inches nor more than 18 inches beyond the supporting stirrups.

(v) A cleat shall be nailed across the platform on the underside at each end outside the stirrup to prevent the platform from slipping off the stirrup.

(vi) Stirrup supports shall be not more than 10 feet apart.

(13) The beam-type platform consists of longitudinal side stringers with cross beams set on edge and spaced not more than 4 feet apart on which longitudinal platform planks are laid. If this type platform is used the following requirements shall be met:

(i) The side stringers shall be of sound, straight-grained lumber, free from knots, and of not less than 2 x 6 inch lumber, set on edge.

(ii) The stringers shall be supported on the stirrups with a clear span between stirrups of not more than 16 feet.

(iii) The stringers shall be bolted to the stirrups by U-bolts passing around the stirrups and bolted through the stringers with nuts drawn up tight on the inside face.

(iv) The ends of the stringers shall extend beyond the stirrups not less than 6 inches nor more than 12 inches at each end of the platform.

(v) The platform shall be supported on cross beams of 2 x 6 inch lumber between the side stringers securely nailed thereto and spaced not more than 4 feet on centers.

(vi) The platform shall be not more than 24 inches wide.

(vii) The platform shall be formed of boards ⅞ inch in thickness by not less than 6 inches in width, nailed tightly together, and extending to the outside face of the stringers.

(viii) The ends of all platform boards shall rest on the top of the cross beams, shall be securely nailed, and at no intermediate points in the length of the platform shall there be any cantilever ends.

(f) *Horse scaffolds.* (1) The minimum dimensions of lumber used in the construction of horses shall be in accordance with Table E–3 in § 1916.68.

(2) Horses constructed of materials other than lumber shall provide the strength, rigidity and security required of horses constructed of lumber.

(3) The lateral spread of the legs shall be equal to not less than one-third of the height of the horse.

(4) All horses shall be kept in good repair, and shall be properly secured when used in staging or in locations where they may be insecure.

(5) Platform planking shall be in accordance with the requirements of paragraph (h) of this section.

(6) Backrails and toeboards shall be in accordance with paragraph (i) of this section.

(g) *Other types of scaffolds.* (1) Scaffolds of a type for which specifications are not contained in this section shall meet the general requirements of paragraphs (a), (h) and (i) of this section, shall be in accordance with recognized principles of design and shall be constructed in accordance with accepted standards covering such equipment.

(h) *Scaffold or platform planking.* (1) Except as otherwise provided in paragraph (e) (11) and (13) of this section, platform planking shall be of not less than 2 x 10 inch lumber. Platform planking shall be straight-grained and free from large or loose knots and may be either rough or dressed.

(2) Platforms of staging shall be not less than two 10 inch planks in width except in such cases as the structure of the vessel or the width of the trestle ladders make it impossible to provide such a width.

(3) Platform planking shall project beyond the supporting members at either end by at least 6 inches but in no case shall project more than 12 inches unless the planks are fastened to the supporting members.

(4) Table E–4 in § 1916.68 shall be used as a guide in determining safe loads for scaffold planks.

(i) *Backrails and toeboards.* (1) Scaffolding, staging, runways, or working platforms which are supported or suspended more than 5 feet above a solid surface, or at any distance above the water, shall be provided with a railing which has a top rail whose upper surface is from 42 to 45 inches above the upper surface of the staging, platform, or runway and a midrail located halfway between the upper rail and the staging, platform, or runway.

(2) Rails shall be of 2 x 4 inch lumber, flat bar or pipe. When used with rigid supports, taut wire or fiber rope of adequate strength may be used. If the distance between supports is more than 8 feet, rails shall be equivalent in strength to 2 x 4 inch lumber. Rails shall be firmly secured. Where exposed to hot work or chemicals, fiber rope rails shall not be used.

(3) Rails may be omitted where the structure of the vessel prevents their use. When rails are omitted employees working more than 5 feet above solid surfaces shall be protected by safety belts and life lines meeting the requirements of § 1916.84(b), and employees working over water shall be protected by buoyant work vests meeting the requirements of § 1916.84(a).

(4) Employees working from swinging scaffolds which are triced out of a vertical line below their supports or from scaffolds on paint floats subject to surging, shall be protected against falling toward the vessel by a railing or a safety belt and line attached to the backrail.

(5) When necessary, to prevent tools and materials from falling on men below, toeboards of not less than 1 x 4 inch lumber shall be provided.

(j) *Access to staging.* (1) Access from below to staging more than 5 feet above a floor, deck or the ground shall consist of well secured stairways, cleated ramps, fixed or portable ladders meeting the applicable requirements of § 1916.42 or rigid type non-collapsible trestles with parallel and level rungs.

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(2) Ramps and stairways shall be provided with 36-inch handrails with midrails.

(3) Ladders shall be so located or other means shall be taken so that it is not necessary for employees to step more than one foot from the ladder to any intermediate landing or platform.

(4) Ladders forming integral parts of prefabricated staging are deemed to meet the requirements of these regulations.

(5) Access from above to staging more than 3 feet below the point of access shall consist of a straight, portable ladder meeting the applicable requirements of § 1916.42 or a Jacob's ladder properly secured, meeting the requirements of § 1916.44(d).

§ 1916.42 Ladders.

(a) *General requirements.* (1) The use of ladders with broken or missing rungs or steps, broken or split side rails, or other faulty or defective construction is prohibited. When ladders with such defects are discovered, they shall be immediately withdrawn from service. Inspection of metal ladders shall include checking for corrosion of interiors of open end, hollow rungs.

(2) When sections of ladders are spliced, the ends shall be abutted, and not fewer than 2 cleats shall be securely nailed or bolted to each rail. The combined cross sectional area of the cleats shall be not less than the cross sectional area of the side rail. The dimensions of side rails for their total length shall be those specified in paragraphs (b) or (c) of this section.

(3) Portable ladders shall be lashed, blocked or otherwise secured to prevent their being displaced. The side rails of ladders used for access to any level shall extend not less than 36 inches above that level. When this is not practical, grab rails which will provide a secure grip for an employee moving to or from the point of access shall be installed.

(4) Portable metal ladders shall be of strength equivalent to that of wood ladders. Manufactured portable metal ladders provided by the employer shall be in accordance with the provisions of the United States of America Standard Safety Code for Portable Metal Ladders, A14.2.

(5) Portable metal ladders shall not be used near electrical conductors nor for electric arc welding operations.

(6) Manufactured portable wood ladders provided by the employer shall be in accordance with the provisions of the United States of America Standard Safety Code for Portable Wood Ladders, A14.1.

(b) *Construction of portable wood cleated ladders up to 30 feet in length.* (1) Wood side rails shall be made from West Coast hemlock, Eastern spruce, Sitka spruce, or wood of equivalent strength. Material shall be seasoned, straight-grained wood, and free from shakes, checks, decay or other defects which will impair its strength. The use of low density woods is prohibited.

(2) Side rails shall be dressed on all sides, and kept free of splinters.

(3) All knots shall be sound and hard. The use of material containing loose knots is prohibited. Knots shall not appear on the narrow face of the rail and, when in the side face, shall be not more than ½ inch in diameter or within ½ inch of the edge of the rail or nearer than 3 inches to a tread or rung.

(4) Pitch pockets not exceeding ⅛ inch in width, 2 inches in length and ½ inch in depth are permissible in wood side rails, provided that not more than one such pocket appears in each 4 feet of length.

(5) The width between side rails at the base shall be not less than 11½ inches for ladders 10 feet or less in length. For longer ladders this width shall be increased at least ¼ inch for each additional 2 feet of length.

(6) Side rails shall be at least 1⅝ x 3⅝ inches in cross section.

(7) Cleats (meaning rungs rectangular in cross section with the wide dimension parallel to the rails) shall be of the material used for side rails, straight-grained and free from knots. Cleats shall be mortised into the edges of the side rails ½ inch, or filler blocks shall be used on the rails between the cleats. The cleats shall be secured to each rail with three 10d common wire nails or fastened with through bolts or other fasteners of equivalent strength. Cleats shall be uniformly spaced not more than 12 inches apart.

(8) Cleats 20 inches or less in length shall be at least $2\frac{5}{32}$ x 3 inches in cross section. Cleats over 20 inches but not more than 30 inches in length shall be at least $2\frac{5}{32}$ x 3¾ inches in cross section.

(c) *Construction of portable wood cleated ladders from 30 to 60 feet in length.* (1) Ladders from 30 to 60 feet in length shall be in accordance with the specifications of paragraph (b) of this section with the following exceptions:

(i) Rails shall be of not less than 2 x 6 inch lumber.

(ii) Cleats shall be of not less than 1 x 4 inch lumber.

(iii) Cleats shall be nailed to each rail with five 10d common wire nails or fastened with through bolts or other fastenings of equivalent strength.

§ 1916.43 Guarding of deck openings and edges.

(a) When employees are working in the vicinity of flush manholes and other small openings of comparable size in the deck and other working surfaces, such openings shall be suitably covered or guarded to a height of not less than 30 inches, except where the use of such guards is made impracticable by the work actually in progress.

(b) When employees are working around open hatches not protected by coamings to a height of 24 inches or around other large openings, the edge of the opening shall be guarded in the working area to a height of 36 to 42 inches, except where the use of such guards is made impracticable by the work actually in progress.

(c) When employees are exposed to unguarded edges of decks, platforms, flats, and similar flat surfaces, more than 5 feet above a solid surface, the edges shall be guarded by adequate guardrails meeting the requirements of § 1916.41(i) (1) and (2), unless the nature of the work in progress or the physical conditions prohibit the use or installation of such guardrails.

(d) When employees are working near the unguarded edges of decks of vessels afloat, they shall be protected by personal flotation devices meeting the requirements of § 1916.84(a).

(e) Section of bilges in which floor plates or gratings have not been installed shall be guarded by guardrails except where they would interfere with the work in progress. If these open sections are in a walkway, at least two 10-inch planks placed side by side, or equivalent, shall be laid across the opening to provide a safe walking surface.

(f) Gratings, walkways, and catwalks, in which sections of gratings and ladders have not been installed, shall be barricaded with adequate guardrails.

§ 1916.44 Access to vessels.

(a) *Access to vessels afloat.* The employer shall not permit employees to board or leave any vessel, except a barge or river towboat, until the following requirements have been met:

(1) Whenever practicable, a gangway of not less than 20 inches walking surface, of adequate strength, maintained in safe repair and safely secured, shall be used. If a gangway is not practicable, a substantial straight ladder, extending at least 36 inches above the upper landing surface and adequately secured against shifting or slipping, shall be provided. When conditions are such that neither a gangway nor a straight ladder can be used, a Jacob's ladder meeting the requirements of paragraph (d) (1) and (2) of this section may be used.

(2) Each side of such gangway, and the turn table if used, shall have a railing with a minimum height of approximately 33 inches measured perpendicularly from rail to walking surface at the stanchion, with mid rail. Rails shall be of wood, pipe, chain, wire, or rope and shall be kept taut at all times.

(3) The gangway shall be kept properly trimmed at all times.

(4) When a fixed tread accommodation ladder is used, and the angle is low enough to require employees to walk on the edge of the treads, cleated duckboards shall be laid over and secured to the ladder.

(5) When the lower end of a gangway overhangs the water between the ship and the dock in such a manner that there is danger of employees falling between the ship and the dock, a net or other suitable protection shall be rigged at the foot of the gangway in such a manner as to prevent employees from falling from the end of the gangway.

(6) If the foot of the gangway is more than one foot away from the edge of the apron, the space between them shall be bridged by a firm walkway equipped with railings, with a minimum height of approximately 33 inches with mid rails on both sides.

(7) Supporting bridles shall be kept clear so as to permit unobstructed passage for employees using the gangway.

(8) When the upper end of the means of access rests on or flush with the top of the bulwark, substantial steps properly secured and equipped with at least one substantial handrail approximately 33 inches in height shall be provided between the top of the bulwark and the deck.

(9) Obstructions shall not be laid on or across the gangway.

(10) The means of access shall be adequately illuminated for its full length.

(11) Loads shall not be passed over the means of access while employees are on it.

(b) *Access to vessels in drydock or between vessels.* Gangways meeting the requirements of paragraph (a) (1), (2), (8), (9) and (10) of this section shall be provided for access from wing wall to vessel or, when two or more vessels, other than barges or river towboats, are lying abreast, from one vessel to another.

(c) *Access to barges and river towboats.* (1) Ramps for access of vehicles to or between barges shall be of adequate strength, provided with side boards, well maintained and properly secured.

(2) Unless employees can step safely to or from the wharf, float, barge, or river towboat, either a ramp in accordance with the requirements of subparagraph (1) of this paragraph or a safe walkway in accordance with the requirements of paragraph (a) (7) of this section shall be provided. When a walkway is impracticable, a substantial ladder, extending at least 36 inches above the upper landing surface and adequately secured against shifting or slipping shall be provided. When conditions are such that neither a walkway nor a straight ladder can be used, a Jacob's ladder in accordance with the requirements of paragraph (d) of this section may be used.

(3) The means of access shall be in accordance with the requirements of paragraph (a) (8), (9) and (10) of this section.

(d) *Jacob's ladders.* (1) Jacob's ladders shall be of the double rung or flat tread type. They shall be well maintained and properly secured.

(2) A Jacob's ladder shall either hang without slack from its lashings or be pulled up entirely.

§ 1916.45 Access to and guarding of dry docks and marine railways.

(a) A gangway, ramp or permanent stairway of not less than 20 inches walking surface, of adequate strength, maintained in safe repair and securely fastened, shall be provided between a floating dry dock and the pier or bulkhead.

(b) Each side of such gangway, ramp or permanent stairway, including those which are used for access to wing walls from dry dock floors, shall have a railing with a mid rail. Such railings on gangways or ramps shall be approximately 42 inches in height; and railings on permanent stairways shall be not less than approximately 30 or more than approximately 34 inches in height. Rails shall be of wood, pipe, chain, wire, or rope and shall be kept taut at all times.

(c) Railings meeting the requirements of paragraph (b) of this section shall be provided on the means of access to and from the floors of graving docks.

(d) Railings approximately 42 inches in height, with a mid rail, shall be provided on the edges of wing walls of floating dry docks and on the edges of graving docks. Sections of the railings may be temporarily removed where necessary to permit line handling while a vessel is entering or leaving the dock.

(e) When employees are working on the floor of a floating dry dock where they are exposed to the hazard of falling into the water, the end of the dry dock shall be equipped with portable stanchions and 42-inch railings with a mid rail. When such a railing would be impracticable or ineffective, other effective means shall be provided to prevent men from falling into the water.

(f) Access to wingwalls from floors of dry docks shall be by ramps, permanent stairways or ladders meeting the applicable requirements of § 1916.42.

(g) Catwalks on stiles of marine railways shall be no less than 20 inches wide and shall have on at least one side a guardrail and midrail meeting the requirements of § 1916.41(i) (1) and (2).

§ 1916.46 Access to cargo spaces and confined spaces.

(a) *Cargo spaces.* (1) There shall be at least one safe and accessible ladder in any cargo space which employees must enter.

(2) When any fixed ladder is visibly unsafe, the employer shall prohibit its use by employees.

(3) Straight ladders of adequate strength and suitably secured against shifting or slipping shall be provided as necessary when fixed ladders in cargo spaces do not meet the requirements of subparagraph (1) of this paragraph. When conditions are such that a straight ladder cannot be used, a Jacob's ladder meeting the requirements of § 1916.44(d) may be used.

(4) Fixed ladders or straight ladders provided for access to cargo spaces shall not be used at the same time that equipment, materials or other loads are entering or leaving the hold. Before using these ladders to enter or leave the hold, the employee shall be required to inform the winchman or the crane signalman of his intention.

(b) *Confined spaces.* (1) More than one means of access shall be provided to a confined space in which employees are working and in which the work may generate a hazardous atmosphere in the space except where the structure or arrangement of the vessel makes this provision impractical.

(2) When the ventilating ducts required by these regulations must pass through these means of access, the ducts shall be of such a type and so arranged as to permit free passage to an employee through at least two of these means of access.

§ 1916.47 Working surfaces.

(a) When firebox floors present tripping hazards of exposed tubing or of missing or removed refractory, sufficient planking to afford safe footing shall be laid while work is being carried on within the boiler.

(b) When employees are working aloft, or elsewhere at elevations more than 5 feet above a solid surface, either scaffolds or a sloping ladder, meeting the requirements of this subpart, shall be used to afford safe footing, or the employees shall be protected by safety belts and lifelines meeting the requirements of § 1916.84(b). Employees visually restricted by blasting hoods, welding helmets, and burning goggles shall work from scaffolds, not from ladders, except for the initial and final welding or burning operation to start or complete a job, such as the erection and dismantling of hung scaffolding, or other similar, nonrepetitive jobs of brief duration.

(c) For work performed in restricted quarters, such as behind boilers and in between congested machinery units and piping, work platforms at least 20 inches wide meeting the requirements of § 1916.41(h) (1) shall be used. Backrails may be omitted if bulkheading, boilers, machinery units, or piping afford proper protection against falling.

(d) When employees are boarding, leaving, or working from small boats or floats, they shall be protected by personal flotation devices meeting the requirements of § 1916.84(a).

Subpart F—General Working Conditions

§ 1916.51 Housekeeping.

(a) Good housekeeping conditions shall be maintained at all times. Adequate aisles and passageways shall be maintained in all work areas. All staging platforms, ramps, stairways, walkways, aisles, and passageways on vessels or drydocks shall be kept clear of all tools, materials, and equipment except that which is in use, and all debris such as welding rod tips, bolts, nuts, and similar material. Hose and electric conductors shall be elevated over or placed under the walkway or working surfaces or covered by adequate crossover planks.

(b) All working areas on vessels and dry docks shall be kept reasonably free of debris, and construction material shall be so piled as not to present a hazard to employees.

(c) Slippery conditions on walkways or working surfaces shall be eliminated as they occur.

(d) Free access shall be maintained at all times to all exits and to all fire-alarm boxes or fire-extinguishing equipment.

(e) All oils, paints, thinners, solvents, waste, rags, or other flammable substances shall be kept in fire resistant covered containers when not in use.

§ 1916.52 Illumination.

(a) All means of access and walkways leading to working areas as well as the working areas themselves shall be adequately illuminated.

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(b) Temporary lights shall meet the following requirements:

(1) Temporary lights shall be equipped with guards to prevent accidental contact with the bulb, except that guards are not required when the construction of the reflector is such that the bulb is deeply recessed.

(2) Temporary lights shall be equipped with heavy duty electric cords with connections and insulation maintained in safe condition. Temporary lights shall not be suspended by their electric cords unless cords and lights are designed for this means of suspension. Splices which have insulation equal to that of the cable are permitted.

(3) Cords shall be kept clear of working spaces and walkways or other locations in which they are readily exposed to damage.

(c) Exposed non-current-carrying metal parts of temporary lights furnished by the employer shall be grounded either through a third wire in the cable containing the circuit conductors or through a separate wire which is grounded at the source of the current. Grounding shall be in accordance with the requirements of § 1916.72(b).

(d) Where temporary lighting from sources outside the vessel is the only means of illumination, portable emergency lighting equipment shall be available to provide illumination for safe movement of employees.

(e) Employees shall not be permitted to enter dark spaces without a suitable portable light. The use of matches and open flame lights is prohibited.

(f) Temporary lighting stringers or streamers shall be so arranged as to avoid overloading of branch circuits. Each branch circuit shall be equipped with overcurrent protection of capacity not exceeding the rated current carrying capacity of the cord used.

§ 1916.53 Utilities.

(a) *Steam supply and hoses.* (1) Prior to supplying a vessel with steam from a source outside the vessel, the employer shall install a pressure gauge and a relief valve of proper size and capacity at the point where the temporary steam hose joins the vessel's steam piping system or systems. The relief valve shall be set and capable of relieving at a pressure not exceeding the safe working pressure of the vessel's system in its present condition, and there shall be no means of isolating the relief valve from the system which it protects. The pressure gauge and relief valve shall be located so as to be visible and readily accessible.

(2) Steam hose and fittings shall have a safety factor of not less than five (5).

(3) When steam hose is hung in a bight or bights, the weight shall be relieved by appropriate lines. The hose shall be protected against chafing.

(4) Steam hose shall be protected from damage and hose and temporary piping shall be so shielded where passing through normal work areas as to prevent accidental contact by employees.

(b) *Electric power.* (1) When the vessel is supplied with electric power from a source outside the vessel, the following precautions shall be taken prior to energizing the vessel's circuits:

(i) If in dry dock, the vessel shall be adequately grounded.

(ii) The employer shall insure that all of the vessel's circuits to be energized are in a safe condition.

(iii) All circuits to be energized shall be equipped with overcurrent protection of capacity not exceeding the rated current carrying capacity of the cord used.

(c) *Infrared electrical heat lamps.* (1) All infrared electrical heat lamps shall be equipped with guards that surround the lamps with the exception of the face, to minimize accidental contact with the lamps.

§ 1916.54 Work in confined or isolated spaces.

When any work is performed in a confined space, except as provided in § 1916.-31(b)(3), or when an employee is working alone in an isolated location, frequent checks shall be made to ensure the safety of the employees.

§ 1916.55 Work on or in the vicinity of radar and radio.

(a) No employees other than radar or radio repairmen shall be permitted to work on masts, king posts or other aloft areas unless the radar and radio are secured or otherwise made incapable of radiation. In either event, the radio and radar shall be appropriately tagged.

(b) Testing of radar or radio shall not be done until the employer can schedule such tests at a time when no work is in progress aloft or personnel can be cleared from the danger area according to minimum safe distances established for and based on the type, model, and power of the equipment.

§ 1916.56 Work in or on lifeboats.

(a) Before employees are permitted to work in or on a lifeboat, either stowed or in a suspended position, the employer shall ensure that the boat is secured independently of the releasing gear to prevent the boat from falling due to accidental tripping of the releasing gear and movements of the davits or capsizing of a boat in chocks.

(b) Employees shall not be permitted to remain in boats while the boats are being hoisted into final stowed position.

(c) Employees shall not be permitted to work on the outboard side of lifeboats stowed on their chocks unless the boats are secured by gripes or otherwise secured to prevent them from swinging outboard.

§ 1916.57 Health and sanitation.

(a) No chemical product, such as a solvent or preservative; no structural material, such as cadmium or zinc coated steel, or plastic material; and no process material, such as welding filler metal; which is a hazardous material within the meaning of § 1916.2(s), shall be used until the employer has ascertained the potential fire, toxic, or reactivity hazards which are likely to be encountered in the handling, application, or utilization of such a material.

(b) In order to ascertain the hazards, as required by paragraph (a) of this section, the employer shall obtain the following items of information which are applicable to a specific product or material to be used:

(1) The name, address, and telephone number of the source of the information specified in this paragraph, preferably those of the manufacturer of the product or material.

(2) The trade name and synonyms for a mixture of chemicals, a basic structural material, or for a process material; and the chemical name and synonyms, chemical family, and formula for a single chemical.

(3) Chemical names of hazardous ingredients, including, but not limited to, those in mixtures, such as those in: (i) Paints, preservatives, and solvents; (ii) alloys, metallic coatings, filler metals and their coatings or core fluxes; and (iii) other liquids, solids, or gases (e.g., abrasive materials).

(4) An indication of the percentage, by weight or volume, which each ingredient of a mixture bears to the whole mixture, and of the threshold limit value of each ingredient, in appropriate units.

(5) Physical data about a single chemical or a mixture of chemicals, including boiling point, in degrees Fahrenheit; vapor pressure, in millimeters of mercury; vapor density of gas or vapor (air=1); solubility in water, in percent by weight; specific gravity of material (water=1); percentage volatile, by volume, at 70° F.; evaporation rate for liquids (either butyl acetate or ether may be taken as 1); and appearance and odor.

(6) Fire and explosion hazard data about a single chemical or a mixture of chemicals, including flash point, in degrees Fahrenheit; flammable limits, in percent by volume in air; suitable extinguishing media or agents; special fire fighting procedures; and unusual fire and explosion hazard information.

(7) Health hazard data, including threshold limit value, in appropriate units, for a single hazardous chemical or for the individual hazardous ingredients of a mixture, as appropriate; effects of overexposure; and emergency and first aid procedures.

(8) Reactivity data, including stability, incompatibility, hazardous decomposition products, and hazardous polymerization.

(9) Procedures to be followed and precautions to be taken in cleaning up and disposing of materials leaked or spilled.

(10) Special protection information, including use of personal protective equipment, such as respirators, eye protection, and protective clothing, and of ventilation, such as local exhaust, general, special, or other types.

(11) Special precautionary information about handling and storing.

(12) Any other general precautionary information.

(c) The pertinent information required by paragraph (b) of this section shall be recorded either on U.S. Department of Labor Form OSHA 20, Material Safety Data Sheet, or on an essentially

similar form which has been approved by the Occupational Safety and Health Administration. Copies of Form OSHA 20 may be obtained at any of the following regional offices of the Occupational Safety and Health Administration:

(1) North Atlantic Region, 341 Ninth Avenue, Room 920, New York, N.Y. 10001 (Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, and Vermont).

(2) Middle Atlantic Region, Penn Square Building, Juniper and Filbert Streets, Philadelphia, Pa. 19107 (Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, and West Virginia).

(3) South Atlantic Region, 1371 Peachtree Street NE., Suite 723, Atlanta, Ga. 30309 (Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee).

(4) Great Lakes Region, 848 Federal Office Building, 219 South Dearborn Street, Chicago, Ill. 60604 (Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin).

(5) Mid-Western Region, 2100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106 (Colorado, Iowa, Kansas, Missouri, Montana, Nebraska, North Dakota, South Dakota, Utah, and Wyoming).

(6) Western Gulf Region, 411 North Akard Street, Room 601, Dallas, Tex. 75201 (Arkansas, Louisiana, New Mexico, Oklahoma, and Texas).

(7) Pacific Region, 10353 Federal Building, 450 Golden Gate Avenue, Box 36017, San Francisco, Calif. 94102 (Alaska, Arizona, California, Hawaii, Idaho, Nevada, Oregon, and Washington).

A completed form shall be preserved and available for inspection for a period of 3 months from the date of the completion of the job.

(d) The employer shall instruct employees who will be exposed to the hazardous materials as to the nature of the hazards and the means of avoiding them.

(e) The employer shall provide all necessary controls, and the employees shall be protected by suitable personal protective equipment against the hazards identified under paragraph (a) of this section and those hazards for which specific precautions are required in Subparts C and D of this part.

(f) The employer shall provide adequate washing facilities for employees engaged in the application of paints or coatings or in other operations where contaminants can, by ingestion or absorption, be detrimental to the health of the employees. The employer shall encourage good personal hygiene practices by informing the employees of the need for removing surface contaminants by thorough washing of hands and face prior to eating or smoking.

(g) The employer shall not permit eating or smoking in areas undergoing surface preparation or preservation.

§ 1916.58 First aid.

(a) Unless a first aid room and a qualified attendant are close at hand and prepared to render first aid to employees on behalf of the employer, the employer shall furnish a first aid kit for each vessel on which work is being performed, except that when work is being performed on more than one small vessel at one pier, only one kit shall be required. The kit, when required, shall be kept close to the vessel and at least one employee, close at hand shall be qualified to administer first aid to the injured.

(b) The first aid kit shall consist of a weatherproof container with individual sealed packages for each type of item. The contents of such kit shall contain a sufficient quantity of at least the following types of items:

Gauze roller bandages, 1 inch and 2 inch.
Gauze compress bandages, 4 inch.
Adhesive bandages, 1 inch.
Triangular bandage, 40 inch.
Ammonia inhalants and ampules.
Antiseptic applicators or swabs.
Burn dressing.
Eye dressing.
Wire or thin board splints.
Forceps and tourniquet.

(c) The contents of the first aid kit shall be checked before being sent out on each job and at least weekly on each job to ensure that the expended items are replaced.

(d) There shall be available for each vessel on which ten (10) or more employees are working one Stokes basket stretcher, or equivalent, permanently equipped with bridles for attaching to the hoisting gear, except that no more than two stretchers are required on each job location. A blanket or other liner suitable for transferring the patient to and from the stretcher shall be provided. Stretchers shall be kept close to the vessels. This paragraph does not apply where ambulance services which are available are known to carry such stretchers.

Subpart G—Gear and Equipment for Rigging and Materials Handling

§ 1916.61 Inspection.

(a) All gear and equipment provided by the employer for rigging and materials handling shall be inspected before each shift and, when necessary, at intervals during its use to ensure that it is safe. Defective gear shall be removed and repaired or replaced before further use.

(b) The safe working load of gear as specified in §§ 1916.62 and 1916.63 shall not be exceeded.

§ 1916.62 Ropes, chains and slings.

(a) *Manila rope and manila rope slings.* (1) Table G–1 in § 1916.68 shall be used to determine the safe working load of various sizes of manila rope and manila rope slings at various angles, except that higher safe working loads are permissible when recommended by the manufacturer for specific, identifiable products, provided that a safety factor of not less than five (5) is maintained.

(b) *Wire rope and wire rope slings.* (1) Tables G–2 through G–5 in § 1916.68 shall be used to determine the safe working loads of various sizes and classifications of improved plow steel wire rope and wire rope slings with various types of terminals. For sizes, classifications and grades not included in these tables, the safe working load recommended by the manufacturer for specific, identifiable products shall be followed, provided that a safety factor of not less than five (5) is maintained.

(2) Protruding ends of strands in splices on slings and bridles shall be covered or blunted.

(3) Where U-bolt wire rope clips are used to form eyes, Table G–6 in § 1916.68 shall be used to determine the number and spacing of clips. The U-bolt shall be applied so that the "U" section is in contact with the dead end of the rope.

(4) Wire rope shall not be secured by knots.

(c) *Chains and chain slings.* (1) Tables G–7 and G–8 in § 1916.68 shall be used to determine the working load limit of various sizes of wrought iron and alloy steel chains and chain slings, except that higher safe working loads are permissible when recommended by the manufacturer for specific, identifiable products.

(2) All sling chains, including end fastenings, shall be given a visual inspection before being used on the job. A thorough inspection of all chains in use shall be made every 3 months. Each chain shall bear an indication of the month in which it was thoroughly inspected. The thorough inspection shall include inspection for wear, defective welds, deformation and increase in length or stretch.

(3) Interlink wear, not accompanied by stretch in excess of 5 percent, shall be noted and the chain removed from service when maximum allowable wear at any point of link, as indicated in Table G–9 in § 1916.68 has been reached.

(4) Chain slings shall be removed from service when, due to stretch, the increase in length of a measured section exceeds five (5) percent; when a link is bent, twisted or otherwise damaged; or when raised scarfs or defective welds appear.

(5) All repairs to chains shall be made under qualified supervision. Links or portions of the chain found to be defective as described in subparagraph (4) of this paragraph shall be replaced by links having proper dimensions and made of material similar to that of the chain. Before repaired chains are returned to service, they shall be proof tested to the proof test load recommended by the manufacturer.

(6) Wrought iron chains in constant use shall be annealed or normalized at intervals not exceeding six months when recommended by the manufacturer. The chain manufacturer shall be consulted for recommended procedures for annealing or normalizing. Alloy chains shall never be annealed.

(7) A load shall not be lifted with a chain having a kink or knot in it. A chain shall not be shortened by bolting, wiring or knotting.

§ 1916.63 Shackles and hooks.

(a) *Shackles.* (1) Table G–10 in § 1916.68 shall be used to determine the safe working loads of various sizes of

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shackles, except that higher safe working loads are permissible when recommended by the manufacturer for specific, identifiable products, provided that a safety factor of not less than five (5) is maintained.

(b) *Hooks.* (1) The manufacturer's recommendations shall be followed in determining the safe working loads of the various sizes and types of specific and identifiable hooks. All hooks for which no applicable manufacturer's recommendations are available shall be tested to twice the intended safe working load before they are initially put into use. The employer shall maintain a record of the dates and results of such tests.

(2) Loads shall be applied to the throat of the hook since loading the point overstresses and bends or springs the hook.

(3) Hooks shall be inspected periodically to see that they have not been bent by overloading. Bent or sprung hooks shall not be used.

§ 1916.64 Chain falls and pull-lifts.

(a) Chain falls and pull-lifts shall be clearly marked to show the capacity and the capacity shall not be exceeded.

(b) Chain falls shall be regularly inspected to ensure that they are safe, particular attention being given to the lift chain, pinion, sheaves and hooks for distortion and wear. Pull-lifts shall be regularly inspected to ensure that they are safe, particular attention being given to the ratchet, pawl, chain and hooks for distortion and wear.

(c) Straps, shackles, and the beam or overhead structure to which a chain fall or pull-lift is secured shall be of adequate strength to support the weight of load plus gear. The upper hook shall be moused or otherwise secured against coming free of its support.

(d) Scaffolding shall not be used as a point of attachment for lifting devices, such as tackles, chain falls, and pull-lifts unless the scaffolding is specifically designed for that purpose.

§ 1916.65 Hoisting and hauling equipment.

(a) Derrick and crane certification: (1) Derricks and cranes which are part of, or regularly placed aboard, barges, other vessels, or on wingwalls of floating drydocks, and are used to transfer materials or equipment from or to a vessel or drydock, shall be tested and certificated in accordance with the standards provided in Part 1919 of this chapter by persons accredited for that purpose.

(2) Subparagraph (1) of this paragraph shall take effect 180 days after the effective date of this amendment.

(b) The moving parts of hoisting and hauling equipment shall be guarded.

(c) Mobile crawler or truck cranes used on a vessel: (1) The maximum manufacturer's rated safe workingloads for the various working radii of the boom and the maximum and minimum radii at which the boom may be safely used with and without outriggers shall be conspicuously posted near the controls and shall be visible to the operator. A radius indicator shall be provided.

(2) The posted safe working loads of mobile crawler or truck cranes under the conditions of use shall not be exceeded.

(d) Accessible areas within the swing radius of the outermost part of the body of a revolving derrick or crane either permanently or temporarily mounted, shall be guarded in such a manner as to prevent an employee from being in such a position as to be struck by the crane or caught between the crane and fixed parts of the vessel or of the crane itself.

(e) Marine railways: (1) The cradle or carriage on the marine railway shall be positively blocked or secured when in the hauled position to prevent it from being accidentally released.

§ 1916.66 Use of gear.

(a) Loads shall be safely rigged before being hoisted.

(b) Plates shall be handled on and off hulls by means of shackles whenever possible. Clips or pads of ample size shall be welded to the plate to receive the shackle pins when there are no holes in the plate. When it is not possible to make holes in or to weld pads to the plate, alligator tongs, grab hooks, grab clamps or screw clamps may be used. In such cases special precautions shall be taken to keep employees from under such lifts.

(c) Tag lines shall be provided on loads likely to swing or to need guidance.

(d) When slings are secured to eyebolts, the slings shall be so arranged, using spreaders if necessary, that the pull is within 20 degrees of the axis of the bolt.

(e) Slings shall be padded by means of wood blocks or other suitable material where they pass over sharp edges or corners of loads so as to prevent cutting or kinking.

(f) Skips shall be rigged to be handled by not less than 3 legged bridles, and all legs shall always be used. When open end skips are used, means shall be taken to prevent the contents from falling.

(g) Loose ends of idle legs of slings in use shall be hung on the hook.

(h) Employees shall not be permitted to ride the hook or the load.

(i) Loads (tools, equipment or other materials) shall not be swung or suspended over the heads of employees.

(j) Pieces of equipment or structure susceptible to falling or dislodgement shall be secured as early as possible.

(k) An individual who is familiar with the signal code in use shall be assigned to act as a signalman when the hoist operator cannot see the load being handled. Communications shall be made by means of clear and distinct visual or auditory signals except that verbal signals shall not be permitted.

(l) Pallets, when used, shall be of such material and construction and so maintained as to safely support and carry the loads being handled on them.

(m) A section of hatch through which materials or equipment are being raised, lowered, moved, or otherwise shifted manually or by a crane, winch, hoist, or derrick, shall be completely opened. The beam or pontoon left in place adjacent to an opening shall be sufficiently lashed, locked or otherwise secured to prevent it from being unshipped.

(n) Hatches shall not be opened or closed while employees are in the square of the hatch below.

(o) Before loads or empty lifting gear are raised, lowered, or swung, clear and sufficient advance warning shall be given to employees in the vicinity of such operations.

(p) At no time shall an employee be permitted to place himself in a hazardous position between a swinging load and a fixed object

§ 1916.67 Qualifications of operators.

(a) When ship's gear is used to hoist materials aboard, a competent person shall determine that the gear is properly rigged, that it is in safe condition, and that it will not be overloaded by the size and weight of the lift.

(b) Only those employees who understand the signs, notices, and operating instructions, and are familiar with the signal code in use, shall be permitted to operate a crane, winch, or other power operated hoisting apparatus.

(c) No employee known to have defective uncorrected eyesight or hearing, or to be suffering from heart disease, epilepsy, or similar ailments which may suddenly incapacitate him, shall be permitted to operate a crane, winch or other power operated hoisting apparatus.

(d) No minor under eighteen (18) years of age shall be employed in occupations involving the operation of any power-driven hoisting apparatus or assisting in such operations by work such as hooking on, loading slings, rigging gear, etc.

§ 1916.68 Tables.

TABLE E-1

DIMENSIONS AND SPACING OF WOOD INDEPENDENT-POLE SCAFFOLD MEMBERS

Structural Members	Light duty (Up to 25 pounds per square foot)			Heavy duty (25 to 75 pounds per square foot)		
	Height in feet			Height in feet		
	24 or less	24–40	40–60	24 or less	24–40	40–60
Poles or uprights (in inches)	2 x 4	3 x 4 or 2 x 6	4 x 4	3 x 4	4 x 4	4 x 6
Bearers (in inches)	2 x 6	2 x 6	2 x 6	2 x 8	2 x 8	2 x 10
Ledgers (in inches)	2 x 6	2 x 6	2 x 6	2 x 8	2 x 8	2 x 8
Stringers (not supporting bearers) (in inches)	1 x 6	1 x 6	1 x 6	1 x 6	1 x 6	1 x 6
Braces (in inches)	1 x 4	1 x 6	1 x 6	1 x 6	1 x 6	1 x 6
Pole spacing—longitudinally (in feet)	7½	7½	7½	7	7	7
Pole spacing—transversely (in feet)	6½ min	7½ min	8½ min	6½	10	10
Ledger spacing—vertically (in feet)	7	7	7	4½	4½	4½

TABLE E-2

SPECIFICATIONS FOR SIDE RAILS OF LADDERS

Length (in feet)	Cross section (in inches)	
	At ends	At center
15	1¼ x 3¼	1¼ x 3¼
16	1¼ x 3¼	1¼ x 3¼
18	1¼ x 3	1¼ x 4
20	1¼ x 3	1¼ x 4
24	1¼ x 3	1¼ x 4½

TABLE E-3

SPECIFICATIONS FOR THE CONSTRUCTION OF HORSES

Structural members	Height in feet		
	Up to 10	10 to 16	16 to 20
Legs	Inches 2 x 4	Inches 3 x 4	Inches 4 x 6
Bearers or headers	2 x 6	2 x 6	4 x 6
Crossbraces	2 x 4 or 1 x 8	2 x 6	2 x 6
Longitudinal braces	2 x 4	2 x 6	2 x 6

TABLE E-4

SAFE CENTER LOADS FOR SCAFFOLD PLANK OF 1,100 POUNDS FIBRE STRESS

Span in Feet	Lumber dimensions in inches							
	A	B	A	B	A	B	A	B
	2 x 10	1¾ x 9¼	2 x 12	1¾ x 11¼	3 x 8	2¾ x 7¼	3 x 10	2¾ x 9¼	3 x 12	2¾ x 11¼
6	256	309	526	667	807			
8	192	232	395	500	605			
10	153	186	316	400	484			
12	128	155	263	333	404			
14	110	133	226	286	346			
16		116	197	250	303			

(A)—Rough lumber.
(B)—Dressed lumber.

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TABLE G-1
MANILA ROPE
(In pounds or tons of 2000 pounds)

Circumference	Diameter in Inches	Single Leg	60°	45°	30°
3/4	1/4	120 lbs.	204 lbs.	170 lbs.	120 lbs.
1	5/16	200	346	282	200
1-1/8	3/8	270	467	380	270
1-1/4	7/16	350	605	493	350
1-3/8	15/32	450	775	635	450
1-1/2	1/2	530	915	796	530
1-3/4	9/16	690	1190	973	690
2	5/8	880	1520	1240	880
2-1/4	3/4	1080	1870	1520	1080
2-1/2	13/16	1300	2250	1830	1300
2-3/4	7/8	1540	2660	2170	1540
3	1	1800	3120	2540	1800
3-1/4	1-1/16	1.0 Tons	1.7 Tons	1.4 Tons	1.0 Tons
3-1/2	1-1/8	1.2	2.1	1.7	1.2
3-3/4	1-1/4	1.35	2.3	1.9	1.35
4	1-5/16	1.5	2.6	2.1	1.5
4-1/2	1-1/2	1.8	3.1	2.5	1.8
5	1-5/8	2.25	3.9	3.2	2.25
5-1/2	1-3/4	2.6	4.5	3.7	2.6
6	2	3.1	5.4	4.4	3.1
6-1/2	2-1/8	3.6	6.2	5.1	3.6

TABLE G-2
RATED CAPACITIES FOR IMPROVED PLOW STEEL, INDEPENDENT WIRE ROPE CORE, WIRE ROPE AND WIRE ROPE SLINGS
(In tons of 2000 pounds)

Rope Dia. Inches	SINGLE LEG					
	Vertical			Choker		
	A	B	C	A	B	C
6x19 CLASSIFICATION						
1/4"	.59	.56	.53	.44	.42	.40
3/8"	1.3	1.2	1.1	.98	.93	.86
1/2"	2.3	2.2	2.0	1.7	1.6	1.5
5/8"	3.6	3.4	3.0	2.7	2.5	2.2
3/4"	5.1	4.9	4.2	3.8	3.6	3.1
7/8"	6.9	6.6	5.5	5.2	4.9	4.1
1"	9.0	8.5	7.2	6.7	6.4	5.4
1-1/8"	11.	10.	9.0	8.5	7.8	6.8
6x37 CLASSIFICATION						
1-1/4"	13.	12.	10.	9.9	9.2	7.9
1-3/8"	16.	15.	13.	12.	11.	9.6
1-1/2"	19.	17.	15.	14.	13.	11.
1-3/4"	26.	24.	20.	19.	18.	15.
2"	33.	30.	26.	25.	23.	20.
2-1/4"	41.	38.	33.	31.	29.	25.

(A) - Socket or Swaged Terminal attachment.
(B) - Mechanical Sleeve attachment.
(C) - Hand Tucked Splice attachment.

TABLE G-3
RATED CAPACITIES FOR IMPROVED PLOW STEEL, INDEPENDENT WIRE ROPE CORE, WIRE ROPE SLINGS
(In tons of 2000 pounds)

Rope Dia. Inches	TWO - LEG BRIDLE OR BASKET HITCH											
	Vertical			60°			45°			30°		
	A	B	C	A	B	C	A	B	C	A	B	C
6x19 CLASSIFICATION												
1/4"	1.2	1.1	1.0	1.0	.97	.92	.83	.79	.75	.59	.56	.53
3/8"	2.6	2.5	2.3	2.3	2.1	2.0	1.8	1.8	1.8	1.3	1.2	1.1
1/2"	4.6	4.4	3.9	4.0	3.8	3.4	3.3	3.1	2.8	2.3	2.2	2.0
5/8"	7.2	6.8	6.0	6.2	5.9	5.2	5.1	4.8	4.2	3.6	3.4	3.0
3/4"	10.	9.7	8.4	8.9	8.4	7.3	7.2	6.9	5.9	5.1	4.9	4.2
7/8"	14.	13.	11.	12.	11.	9.8	9.8	9.3	7.8	6.9	6.8	5.5
1"	18.	17.	14.	15.	15.	12.	13.	12.	10.	9.0	8.5	7.2
1-1/8"	23.	21.	18.	19.	18.	16.	16.	15.	13.	11.	10.	9.0
6x37 CLASSIFICATION												
1-1/4"	26.	24.	21.	23.	21.	16.	19.	17.	15.	13.	12.	10.
1-3/8"	32.	29.	25.	28.	25.	22.	22.	21.	18.	16.	15.	13.
1-1/2"	38.	35.	30.	33.	30.	26.	27.	25.	21.	19.	17.	15.
1-3/4"	51.	47.	41.	44.	41.	35.	36.	33.	29.	26.	24.	20.
2"	66.	61.	53.	57.	53.	46.	47.	43.	37.	33.	30.	26.
2-1/4"	83.	76.	66.	72.	66.	57.	58.	54.	47.	41.	38.	33.

(A) - Socket or Swaged Terminal Attachment.
(B) - Mechanical Sleeve Attachment.
(C) - Hand Tucked Splice Attachment.

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TABLE G-4
RATED CAPACITIES FOR IMPROVED PLOW STEEL, FIBER CORE, WIRE ROPE AND WIRE ROPE SLINGS
(In tons of 2000 pounds)

Rope Dia. Inches	SINGLE LEG					
	Vertical			Choker		
	A	B	C	A	B	C
6x19 CLASSIFICATION						
1/4	.55	.51	.49	.41	.38	.37
3/8	1.2	1.1	1.1	.91	.85	.80
1/2	2.1	2.0	1.8	1.6	1.5	1.4
5/8	3.3	3.1	2.8	2.5	2.3	2.1
3/4	4.8	4.4	3.9	3.6	3.3	2.9
7/8	6.4	5.9	5.1	4.8	4.5	3.9
1	8.4	7.7	6.7	6.3	5.8	5.0
1-1/8	10.	9.5	8.4	7.9	7.1	6.3
6x37 CLASSIFICATION						
1-1/4	12.	11.	9.8	9.2	8.3	7.4
1-3/8	15.	13.	12.	11.	10.	8.9
1-1/2	17.	16.	14.	13.	12.	10.
1-3/4	24.	21.	19.	18.	16.	14.
2	31.	28.	25.	23.	21.	18.

(A) - Socket or Swaged Terminal attachment.
(B) - Mechanical Sleeve attachment.
(C) - Hand Tucked Splice attachment.

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TABLE G-7
WROUGHT IRON CHAIN
(In pounds or tons of 2000 pounds)

Nominal Size Chain Stock Inch.	Single Leg	60°	45°	30°
• 1/4	1060	1835	1500	1060
• 5/16	1655	2865	2340	1655
3/8	2385	2.1	3370	2385
• 7/16	3250	2.8	2.3	3250
1/2	2.1	3.7	3.0	2.1
• 9/16	2.7	4.6	3.8	2.7
5/8	3.3	5.7	4.7	3.3
3/4	4.8	8.3	6.7	4.8
7/8	6.5	11.2	9.2	6.5
1	8.5	14.7	12.0	8.5
1-1/8	10.0	17.3	14.2	10.0
1-1/4	12.4	21.4	17.5	12.4
1-3/8	15.0	25.9	21.1	15.0
1-1/2	17.8	30.8	25.2	17.8
1-5/8	20.9	36.2	29.5	20.9
1-3/4	24.2	42.0	34.3	24.2
1-7/8	27.6	47.9	39.1	27.6
2	31.6	54.8	44.8	31.6

• These sizes of wrought iron chain are no longer manufactured in the United States.

TABLE G-8
RATED CAPACITIES FOR IMPROVED PLOW STEEL, FIBER CORE, WIRE ROPE SLINGS
(In tons of 2000 pounds)

Rope Dia. Inches	Vertical A	Vertical B	Vertical C	60° A	60° B	60° C	45° A	45° B	45° C	30° A	30° B	30° C
6x19 CLASSIFICATION												
1/4	1.1	1.0	.99	.95	.85	.85	.77	.73	.70	.55	.51	.49
5/16	1.4	1.3	1.2	1.2	1.1	1.1	1.0	.95	.90	.70	.65	.63
3/8	2.1	1.9	1.8	1.8	1.6	1.6	1.5	1.4	1.3	1.1	1.0	.95
7/16	2.8	2.6	2.4	2.4	2.2	2.1	2.0	1.9	1.8	1.5	1.4	1.3
1/2	3.7	3.4	3.2	3.2	2.9	2.8	2.6	2.5	2.3	2.0	1.8	1.7
9/16	4.3	4.0	3.7	3.7	3.4	3.3	3.3	3.1	2.9	2.5	2.3	2.1
5/8	5.2	4.8	4.4	4.5	4.1	3.9	4.0	3.7	3.5	3.0	2.8	2.6
3/4	6.7	6.2	5.6	5.8	5.3	5.1	5.1	4.8	4.5	4.0	3.7	3.5
7/8	9.0	8.3	7.6	7.8	7.2	6.9	6.9	6.4	6.1	5.4	5.0	4.7
1	11.	10.	9.8	10.	9.2	8.8	8.8	8.2	7.8	6.9	6.4	6.0
1-1/8	13.	12.	12.	12.	11.	11.	11.	10.	9.8	8.6	8.0	7.5
1-1/4	15.	15.	14.	14.	14.	13.	13.	13.	12.	10.	9.9	9.3
1-3/8	18.	17.	17.	17.	16.	16.	16.	15.	14.	12.	12.	11.
1-1/2	21.	19.	19.	19.	18.	18.	18.	17.	17.	14.	13.	13.
1-3/4	28.	26.	25.	25.	24.	24.	24.	23.	22.	19.	18.	17.
2	36.	34.	32.	33.	31.	30.	31.	29.	28.	24.	23.	22.
6x37 CLASSIFICATION												
1-1/4	33.	31.	30.	31.	29.	28.	29.	27.	26.	22.	21.	20.
1-3/8	39.	37.	35.	36.	34.	33.	34.	32.	31.	26.	25.	24.
1-1/2	45.	43.	41.	42.	40.	38.	39.	37.	36.	30.	29.	28.
1-3/4	60.	57.	54.	56.	53.	51.	52.	50.	48.	40.	38.	37.
2	78.	74.	70.	73.	69.	66.	68.	64.	62.	52.	49.	47.

(A) = Socket or Swaged Terminal attachment.
(B) = Mechanical Sleeve attachment.
(C) = Hand Tucked Splice attachment.

TABLE G-9—NUMBER AND SPACING OF U-BOLT WIRE ROPE CLIPS

Improved plow steel, rope diameter, inches	Number of clips: Drop Forged	Number of clips: Other material	Minimum spacing, inches
•	3	3	3
1/4	3	4	3-1/4
5/16	4	4	3-1/4
3/8	4	5	4-1/2
7/16	4	5	4-1/2
1/2	5	6	6
9/16	5	6	6-1/2
5/8	6	7	7-1/2
3/4	6	8	9
7/8	6		
1	6		
1-1/8	6		
1-1/4	6		

• Three clips shall be used on wire size less than 1/2 inch diameter.

TABLE G-5
ALLOY STEEL CHAIN
(In tons of 2000 pounds)

Nominal Size Chain Stock Inch.	Single Leg	60°	45°	30°
1/4	1.62	2.82	2.27	1.62
3/8	3.30	5.70	4.65	3.30
1/2	5.62	9.75	7.90	5.62
5/8	8.25	14.25	11.65	8.25
3/4	11.5	19.9	16.2	11.5
7/8	14.3	24.9	20.3	14.3
1	19.3	33.5	27.3	19.8
1-1/8	22.2	38.5	31.5	22.2
1-1/4	28.7	49.7	40.5	28.7
1-3/8	33.5	58.0	47.0	33.5
1-1/2	39.7	68.5	56.0	39.7
1-5/8	42.5	73.5	59.5	42.5
1-3/4	47.0	81.5	62.0	47.0

TABLE G-6
MAXIMUM ALLOWABLE WEAR AT ANY POINT OF LINK

Chain size in inches	Maximum allowable wear in fraction of inches
1/4 (9/32)	5/64
5/16	6/64
3/8	7/64
7/16	8/64
1/2	9/64
9/16	10/64
5/8	11/64
3/4	13/64
7/8	15/64
1	17/64
1-1/8	19/64
1-1/4	21/64
1-3/8	23/64
1-1/2	25/64

TABLE G-10
SAFE WORKING LOADS FOR SHACKLES
[In tons of 2000 pounds]

Material size (inches)	Pin diameter (inches)	Safe working load
1/4	5/8	1.4
5/16	3/4	2.2
3/8	7/8	3.2
1/2	1	4.8
5/8	1 1/4	6.6
3/4	1 1/4	8.7
7/8	1 1/2	8.2
1	1 1/2	10.0
1 1/8	1 1/2	11.9
1 1/4	2	16.2
2	2 1/4	21.2

TABLE I-1
FILTER LENSES FOR PROTECTION AGAINST RADIANT ENERGY

Operation	Shade No.
Soldering	2
Torch Brazing	3 or 4
Light cutting, up to 1 inch	3 or 4
Medium cutting, 1-6 inches	4 or 5
Heavy cutting, over 6 inches	5 or 6
Light gas welding, up to 1/2 inch	4 or 5
Medium gas welding, 1/2-1 inch	5 or 6
Heavy gas welding, over 1 inch	6 or 8
Shielded Metal-Arc Welding 1/16- to 5/32-inch electrodes	10
Inert-gas Metal Arc Welding (Nonferrous) 1/16- to 5/32-inch electrodes.	11
Inert-gas Metal-Arc Welding (Ferrous) 1/16- to 5/32-inch electrodes.	12
Shielded Metal-Arc Welding:	
3/16- to 1/4-inch electrodes	12
5/16- and 3/8-inch electrodes	14
Atomic Hydrogen Welding	10 to 14
Carbon Arc Welding	14

Subpart H—Tools and Related Equipment

§ 1916.71 General precautions.

(a) Hand lines, slings, tackles of adequate strength, or carriers such as tool bags with shoulder straps, shall be provided and used to handle tools, materials, and equipment so that employees will have their hands free when using ship's ladders and access ladders. The use of hose or electric cords for this purpose is prohibited.

(b) When air tools of the reciprocating type are not in use, the discs and tools shall be removed.

(c) All portable, power-driven circular saws shall be equipped with guards above and below the base plate or shoe. The upper guard shall cover the saw to the depth of the teeth, except for the minimum arc required to permit the base to be tilted for bevel cuts. The lower guard shall cover the saw to the depth of the teeth, except for the minimum arc required to allow proper retraction and contact with the work. When the tool is withdrawn from the work, the lower guard shall automatically and instantly return to the covering position.

(d) The moving parts of machinery on dry docks shall be guarded.

(e) Before use, pneumatic tools shall be secured to the extension hose or whip by some positive means to prevent the tool from becoming accidentally disconnected from the whip.

(f) The moving parts of drive mechanisms, such as gearing and belting on large portable tools, shall be adequately guarded.

(g) Headers, manifolds, and widely spaced hose connections on compressed air lines shall bear the word "air" in letters at least 1 inch high, which shall be painted either on the manifold or separate hose connections, or on signs permanently attached to the manifolds or connections. Grouped air connections may be marked in one location.

(h) Before use, compressed air hose shall be examined. Visibly damaged and unsafe hose shall not be used.

§ 1916.72 Portable electric tools.

(a) The frames of portable electric tools and appliances, except double insulated tools approved by Underwriters' Laboratories, shall be grounded either through a third wire in the cable containing the circuit conductors or through a separate wire which is grounded at the source of the current.

(b) Grounding circuits, other than by means of the structure of the vessel on which the tool is being used, shall be checked to ensure that the circuit between the ground and the grounded power conductor has resistance which is low enough to permit sufficient current to flow to cause the fuse or circuit breaker to interrupt the current.

(c) Portable electric tools which are held in the hand shall be equipped with switches of a type which must be manually held in the closed position.

(d) Worn or frayed electric cables shall not be used.

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§ 1916.73 Hand tools.

(a) Employers shall not issue or permit the use of unsafe hand tools.

(b) Wrenches, including crescent, pipe, end and socket wrenches, shall not be used when jaws are sprung to the point that slippage occurs.

(c) Impact tools, such as drift pins, wedges, and chisels, shall be kept free of mushroomed heads.

(d) The wooden handles of tools shall be kept free of splinters or cracks and shall be kept tight in the tool.

§ 1916.74 Abrasive wheels.

(a) Floor stand and bench mounted abrasive wheels used for external grinding shall be provided with safety guards (protection hoods). The maximum angular exposure of the grinding wheel periphery and sides shall be not more than 90 degrees, except that when work requires contact with the wheel below the horizontal plane of the spindle, the angular exposure shall not exceed 125 degrees. In either case the exposure shall begin not more than 65 degrees above the horizontal plane of the spindle. Safety guards shall be strong enough to withstand the effect of a bursting wheel.

(b) Floor and bench mounted grinders shall be provided with work rests which are rigidly supported and readily adjustable. Such work rests shall be kept a distance not to exceed ⅛ inch from the surface of the wheel.

(c) Cup type wheels used for external grinding shall be protected by either a revolving cup guard or a band type guard in accordance with the provisions of the United States of America Standard Safety Code for the Use, Care, and Protection of Abrasive Wheels, B7.1. All other portable abrasive wheels used for external grinding shall be provided with safety guards (protection hoods) meeting the requirements of paragraph (e) of this section, except as follows:

(1) When the work location makes it impossible, in which case a wheel equipped with safety flanges as described in paragraph (f) of this section shall be used.

(2) When wheels 2 inches or less in diameter which are securely mounted on the end of a steel mandrel are used.

(d) Portable abrasive wheels used for internal grinding shall be provided with safety flanges (protection flanges) meeting the requirements of paragraph (f) of this section, except as follows:

(1) When wheels 2 inches or less in diameter which are securely mounted on the end of a steel mandrel are used.

(2) If the wheel is entirely within the work being ground while in use.

(e) When safety guards are required, they shall be so mounted as to maintain proper alignment with the wheel, and the guard and its fastenings shall be of sufficient strength to retain fragments of the wheel in case of accidental breakage. The maximum angular exposure of the grinding wheel periphery and sides shall not exceed 180 degrees.

(f) When safety flanges are required, they shall be used only with wheels designed to fit the flanges. Only safety flanges of a type and design and properly assembled so as to insure that the pieces of the wheel will be retained in case of accidental breakage shall be used.

(g) All abrasive wheels shall be closely inspected and ring tested before mounting to ensure that they are free from cracks or defects.

(h) Grinding wheels shall fit freely on the spindle and shall not be forced on. The spindle nut shall be tightened only enough to hold the wheel in place.

(i) The power supply shall be sufficient to maintain the rated spindle speed under all conditions of normal grinding. The rated maximum speed of the wheel shall not be exceeded.

(j) All employees using abrasive wheels shall be protected by eye protection equipment in accordance with the requirements of § 1916.81 (a) and (b), except when adequate eye protection is afforded by eye shields which are permanently attached to the bench or floor stand.

§ 1916.75 Powder actuated fastening tools.

(a) *General precautions.* (1) Powder actuated fastening tools shall be tested each day before loading to ensure that the safety devices are in proper working condition. Any tool found not to be in proper working order shall be immediately removed from service until repairs are made.

(2) Powder actuated fastening tools shall not be used in an explosive or flammable atmosphere.

(3) All tools shall be used with the type of shield or muzzle guard appropriate for a particular use.

(4) Fasteners shall not be driven into very hard or brittle materials, such as cast iron, glazed tile, surface hardened steel, glass block, live rock, face brick or hollow tile.

(5) Fasteners shall not be driven into soft materials unless such materials are backed by a substance that will prevent the pin or fastener from passing completely through and creating a flying missile hazard on the opposite side.

(6) Unless a special guard, fixture or jig is used, fasteners shall not be driven directly into materials such as brick or concrete within 3 inches of the unsupported edge or corner, or into steel surfaces within ½ inch of the unsupported edge or corner. When fastening other material, such as 2 x 4 inch lumber to a concrete surface, fasteners of greater than 7/32-inch shank diameter shall not be used and fasteners shall not be driven within 2 inches of the unsupported edge or corner of the work surface.

(7) Fasteners shall not be driven through existing holes unless a positive guide is used to secure accurate alignment.

(8) No attempt shall be made to drive a fastener into a spalled area caused by an unsatisfactory fastening.

(9) Employees using powder actuated fastening tools shall be protected by eye protection equipment in accordance with the requirements of § 1916.81 (a) and (b).

(b) *Instruction of operators.* Before employees are permitted to use powder actuated fastening tools, they shall have been thoroughly instructed by a competent person with respect to the requirements of paragraph (a) of this section and the safe use of such tools as follows:

(1) Before using a tool, the operator shall inspect it to determine that it is clean, that all moving parts operate freely and that the barrel is free from obstructions.

(2) When a tool develops a defect during use, the operator shall immediately cease to use it and shall notify his supervisor.

(3) Tools shall not be loaded until just prior to the intended firing time and the tool shall not be left unattended while loaded.

(4) The tool, whether loaded or empty, shall not be pointed at any person, and hands shall be kept clear of the open barrel end.

(5) In case of a misfire, the operator shall hold the tool in the operating position for at least 15 seconds and shall continue to hold the muzzle against the work surface during disassembly or opening of the tool and removal of the powder load.

(6) Neither tools nor powder charges shall be left unattended in places where they would be available to unauthorized persons.

§ 1916.76 Internal combustion engines, other than ship's equipment.

(a) When internal combustion engines, furnished by the employer are used in a fixed position below decks, for such purposes as driving pumps, generators, and blowers, the exhaust shall be led to the open air, clear of any ventilation intakes and openings through which it might enter the vessel.

(b) All exhaust line joints and connections shall be checked for tightness immediately upon starting the engine, and any leaks shall be corrected at once.

(c) When internal combustion engines on vehicles, such as forklifts and mobile cranes, or on portable equipment such as fans, generators, and pumps exhaust into the atmosphere below decks, the competent person shall make tests of the carbon monoxide content of the atmosphere as frequently as conditions require to insure that dangerous concentrations do not develop. Employees shall be removed from the compartment involved when the carbon monoxide concentration exceeds 50 parts per million (0.005%). The employer shall use blowers sufficient in size and number and so arranged as to maintain the concentration below this allowable limit before work is resumed.

Subpart I—Personal Protective Equipment

§ 1916.81 Eye protection.

(a) *General precautions.* (1) All eye protection equipment required by these regulations shall meet the specifications prescribed by the American Standard Safety Code for Head, Eye and Respiratory Protection, Z2.1.

(2) Eye protection equipment shall be maintained in good condition.

(3) Eye protection equipment which has previously been used shall be cleaned and disinfected before it is issued by the employer to another employee.

(4) Employees who wear corrective spectacles while engaged in eye hazardous work shall be protected by eye protection equipment of a type which can be worn over personal spectacles, except that glasses with prescription ground safety lenses may be worn in lieu of cover goggles when such glasses provide suitable protection against the hazard involved.

(b) *Protection against impact.* (1) In any operations such as chipping, caulking, drilling, riveting, grinding, and pouring babbitt metal, in which the eye hazard of flying particles, molten metal, or liquid chemical exists, employees shall be protected by suitable face shields or goggles meeting the requirements of paragraph (a) of this section.

(c) *Protection against radiant energy.* (1) In any operation in which the eye hazard of injurious light rays or other radiant energy exists, depending upon the intensity of the radiation to which employees are exposed, they shall be protected by spectacles, cup goggles, helmets, hand shields, or face shields equipped with filter lenses meeting the requirements of paragraphs (a) and (c) (2) of this section.

(2) Filter lenses shall be of a shade number appropriate to the type of work to be performed as indicated in Table I–1 in § 1916.68 except that variations of one or two shade numbers are permissible to suit individual preferences.

(3) If filter lenses are used in the goggles worn under the helmet, the shade number of the lens in the helmet may be reduced so that the sum of the shade numbers of the two lenses will equal the value shown in Table I–1 in § 1916.68.

§ 1916.82 Respiratory protection.

(a) *General.* (1) All respiratory protective equipment required by these regulations shall carry the U.S. Bureau of Mines approval for the use for which it is intended. Respiratory protective equipment shall be used only for the purpose intended and no modifications of the equipment shall be made.

(2) Respiratory protective equipment shall be inspected regularly and maintained in good condition. Gas mask canisters and chemical cartridges shall be replaced as necessary so as to provide complete protection. Mechanical filters shall be cleaned or replaced as necessary so as to avoid undue resistance to breathing.

(3) Respiratory protective equipment which has been previously used shall be cleaned and disinfected before it is issued by the employer to another employee. Emergency rescue equipment shall be cleaned and disinfected immediately after each use.

(4) Employees required to use respiratory protective equipment approved for use in atmospheres immediately dangerous to life shall be thoroughly trained in its use. Employees required to use other types of respiratory protective equipment shall be instructed in the use and limitations of such equipment.

(5) When an air line respirator is used, the air line shall be fitted with a pressure regulating valve and a filter which will remove oil, water, and rust particles. The air intake shall be from a source which is free from all contaminants, such as the exhaust from internal combustion engines.

(6) In all cases, when an employee is stationed outside a compartment, tank or space as a tender or safety man for men working inside in an atmosphere immediately dangerous to life, the tender shall have immediately available for emergency use repiratory protective equipment equivalent to that required for the men in the compartment. When a tender is stationed outside a compartment for men working inside in an atmosphere not immediately dangerous to life, the tender shall wear respiratory protective equipment equivalent to that required for the men in the compartment if he is exposed for prolonged periods to the same concentration of atmospheric contaminants.

(b) *Protection in atmospheres immediately dangerous to life.* (1) Atmospheres immediately dangerous to life are those which contain less than 16.5 percent oxygen, or which by reason of the high toxicity of the contaminant, as in fumigation, or high concentration of the contaminant, as with carbon dioxide, would endanger the life of a person breathing them for even a short period of time.

(2) In atmospheres immediately dangerous to life the only approved types of respiratory protective equipment are the following:

(i) Self-contained breathing apparatus, in which the wearer carries with him a supply of oxygen, air, or an oxygen generating material.

(ii) Hose mask with blower, in which a hand or motor operated blower supplies air at high volume and low pressure through a large diameter hose through which the wearer can draw air in case the blower fails.

(iii) If there is known to be more than 16 percent oxygen and less than 2 percent gas by volume, a gas mask equipped with a canister approved for the particular type gas involved.

NOTE: A gas mask offers absolutely no protection in an atmosphere deficient in oxygen.

(3) Work in atmospheres immediately dangerous to life shall be performed only in an emergency, as when rescuing a man who has been overcome or when shutting off a source of contamination that cannot otherwise be controlled. When an employee enters such an atmosphere he shall be provided with and use an adequate, attended life line.

(4) In the vicinity of each vessel in which there is a danger of employees being exposed to an atmosphere immediately dangerous to life the employer shall have on hand and ready for use respiratory protective equipment approved for such use. When such equipment is required, one or more persons shall be thoroughly trained in the use of the equipment.

(c) *Protection against gaseous contaminants not immediately dangerous to life.* (1) Gaseous contaminants not immediately dangerous to life are gases present in concentrations that could be breathed for a short period without endangering the life of a person breathing them, but which might produce discomfort and possible injury after a prolonged single exposure or repeated short exposures.

(2) When employees are exposed to a gaseous contaminated atmosphere not immediately dangerous to life, they shall be protected by respiratory protective equipment approved for use in the type and concentration of the gaseous contaminant as follows:

(i) In high or unknown concentrations, a hose mask or an air line respirator. The use of either a hose mask or an air line respirator in lower concentrations is permissible.

(ii) In concentration of ammonia of less than 3 percent, or of other gases less than 2 percent, by volume, a canister type gas mask equipped with the proper type of canister. Different canisters are approved for specific use against the following gases or groups of gases: acid gases, hydrocyanic acid gas, chlorine gas, organic vapors, ammonia gas, carbon monoxide, or combination of the above.

(iii) In low concentrations (less than 0.1 percent by volume), a chemical cartridge respirator equipped with the type of cartridge approved for use against the particular gases or groups of gases listed in subdivision (ii) of this subparagraph.

(d) *Protection against particulate contaminants not immediately dangerous to life.* (1) When employees are exposed to unsafe concentrations of particulate contaminants, such as dusts and fumes, mists and fogs or combinations of solids and liquids, they shall be protected by either air line or filter respirators, except as otherwise provided in the regulations of this part.

(2) Filter respirators shall be equipped with the proper type of filter. Different filters are approved for specific protection against groups of contaminants, as follows:

(i) Pneumoconiosis-producing dust and nuisance dust filters which provide respiratory protection against pneumoconiosis-producing dusts, such as aluminum, cellulose, cement, charcoal, coal, coke, flour, gypsum, iron ore, limestone and wood.

(ii) Toxic dust filters which provide respiratory protection against toxic dusts that are not significantly more toxic than lead, such as arsenic, cadmium, chromium, lead, manganese, selenium, vanadium, and their compounds.

(iii) Mist filters which provide respiratory protection against pneumoconiosis-

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producing mists, chromic acid mists, and nuisance mists.

(iv) Fume filters which provide respiratory protection against fumes (solid dispersoids or particulate matter formed by the condensation of vapors, such as those from heated metals and other substances).

(v) Filters which provide respiratory protection against combinations of two or more of the contaminants described in subdivisions (i) through (iv) of this subparagraph.

(e) *Protection against combinations of gaseous and particulate contaminants not immediately dangerous to life.* (1) When employees are exposed to combinations of gaseous and particulate contaminants not immediately dangerous to life, as in spray painting, they shall be protected by respiratory protective equipment approved for use in the type and concentration of the contaminants, as follows:

(i) In high or unknown concentrations, a hose mask or an air line respirator. The use of either a hose mask or an air line respirator is permissible in lower concentrations.

(ii) In concentrations of gaseous contaminants of less than 2 percent by volume, a canister type gas mask with a combination canister approved for the particular type of gaseous contaminant as specified in paragraph (c)(2) of this section and a filter for the particular type of particulate contaminant as specified in paragraph (d)(1) of this section.

(iii) In low concentrations of gaseous contaminants (less than 0.1 percent by volume) a respirator equipped with the type of cartridge and filter as specified in subdivision (ii) of this subparagraph.

§ 1916.83 Head, foot and body protection.

(a) When employees are working in areas where there is danger of falling objects they shall be protected by protective hats.

(b) Protective hats shall meet the specifications contained in the United States of America Standard Safety Code for Head, Eye, and Respiratory Protection, Z2.1. Hats without dielectric strength shall not be used where there is the possibility of contact with electric conductors.

(c) Protective hats which have been previously worn shall be cleaned and disinfected before they are issued by the employer to another employee.

(d) The employer shall arrange through means, such as vendors or local stores, or otherwise, to make safety shoes readily available to all employees, and shall encourage their use. Metal toe caps from which the covering has been worn shall be insulated when employees are working on exposed energized circuits of the vessel's electrical system.

(e) Employees shall not be permitted to wear excessively greasy clothing when performing hot work operations.

(f) Employees shall be protected by suitable gloves when engaged in operations hazardous to their hands.

§ 1916.84 Lifesaving equipment.

(a) *Personal flotation devices.* (1) Any personal flotation device shall be approved by the United States Coast Guard as a Type I PFD, Type II PFD, Type III PFD, or Type V PFD, or their equivalent, pursuant to 46 CFR 160 (Coast Guard Lifesaving Equipment Specifications) and 33 CFR 175.23 (Coast Guard table of devices equivalent to personal flotation devices).

(2) Prior to each use, personal flotation devices shall be inspected for dry rot, chemical damage, or other defects which may affect their strength and buoyancy. Defective personal flotation devices shall not be used.

(b) *Safety belts and lifelines.* (1) Safety belts shall be equipped with lifelines which in use are secured with a minimum of slack to a fixed structure.

(2) Prior to each use, belts and lifelines shall be inspected for dry rot, chemical damage, or other defects which may affect their strength. Defective belts and lifelines shall not be used.

(3) When employees are working in any location requiring a safety belt and a lifeline, care shall be exercised to insure that the lifeline is not cut, pinched, or led over a sharp edge. In hot work operations or those involving the use of acids, solvents, or caustics, the line shall be kept clear to avoid its being burned or weakened. In order to keep the lifeline continuously attached with a minimum of slack to a fixed structure the attachment point of the lifeline shall be appropriately changed as the work progresses.

(c) *Life rings and ladders.* (1) At least three 30-inch Coast Guard approved life rings with lines attached shall be kept in easily visible and readily accessible places aboard each vessel afloat on which work is being performed. Life rings shall be located, one forward, one aft, and one on the gangway, except on vessels under 200 feet in length, in which case one at the gangway will be sufficient.

(2) At least one life ring with a line attached shall be located on each staging float alongside a vessel on which work is being performed.

(3) At least 90 feet of line shall be attached to each life ring. Life rings and lines shall be maintained in good condition.

(4) In the vicinity of each vessel afloat on which work is being performed there shall be at least one portable or permanent ladder of sufficient length to assist employees to reach safety in the event that they fall into the water.

Subpart J—Ship's Machinery and Piping Systems

§ 1916.91 Ship's boilers.

(a) Before work is performed in the fire, steam, or water spaces of a boiler where employees may be subject to injury from the direct escape of a high temperature medium, such as steam, or water, oil, or other medium at a high temperature entering from an interconnecting system, the employer shall insure that the following steps are taken:

(1) The isolation and shutoff valves connecting the dead boiler with the live system or systems shall be secured, blanked, and tagged indicating that employees are working in the boiler. This tag shall not be removed nor the valves unblanked until it is determined that this may be done without creating a hazard to the employees working in the boiler, or until the work in the boiler is completed. Where valves are welded instead of bolted at least two isolation and shutoff valves connecting the dead boiler with the live system or systems shall be secured, locked, and tagged.

(2) Drain connections to atmosphere on all of the dead interconnecting systems shall be opened for visual observation of drainage.

(3) A warning sign calling attention to the fact that employees are working in the boilers shall be hung in a conspicuous location in the engine room. This sign shall not be removed until it is determined that the work is completed and all employees are out of the boilers.

§ 1916.92 Ship's piping systems.

(a) Before work is performed on a valve, fitting, or section of piping in a piping system where employees may be subject to injury from the direct escape of steam, or water, oil, or other medium at a high temperature, the employer shall insure that the following steps are taken:

(1) The isolation and shutoff valves connecting the dead system with the live system or systems shall be secured, blanked, and tagged indicating that employees are working on the system. This tag shall not be removed nor the valves unblanked until it is determined that this may be done without creating a hazard to the employees working on the system, or until the work on the system is completed. Where valves are welded instead of bolted at least two isolation and shutoff valves connecting the dead system with the live system or systems shall be secured, locked, and tagged.

(2) Drain connections to atmosphere on all of the dead interconnecting systems shall be opened for visual observation of drainage.

§ 1916.93 Ship's propulsion machinery.

(a) Before work is performed on the main engine, reduction gear, or connecting accessories, the employer shall ensure that the following steps are taken:

(1) The jacking gear shall be engaged to prevent the main engine from turning over. A sign shall be posted at the throttle indicating that the jacking gear is engaged. This sign shall not be removed until the jacking gear can be safely disengaged.

(2) If the jacking gear is steam driven, the stop valves to the jacking gear shall be secured, locked, and tagged indicating that employees are working on the main engine.

(3) If the jacking gear is electrically driven, the circuit controlling the jacking gear shall be deenergized by tripping the circuit breaker, opening the switch

or removing the fuse, whichever is appropriate. The breaker, switch, or fuse location shall be tagged indicating that employees are working on the main engine.

(b) Before the jacking engine is operated, the following precautions shall be taken:

(1) A check shall be made to ensure that all employees, equipment, and tools are clear of the engine, reduction gear, and its connecting accessories.

(2) A check shall be made to ensure that all employees, equipment and tools are free of the propeller.

(c) Before work is started on or in the immediate vicinity of the propeller, a warning sign calling attention to the fact that employees are working in that area shall be hung in a conspicuous location in the engine room. This sign shall not be removed until it is determined that the work is completed and all employees are free of the propeller.

(d) Before the main engine is turned over (e.g., when warming up before departure or testing after an overhaul) a check shall be made to ensure that all employees, equipment, and tools are free of the propeller.

§ 1916.94 Ship's deck machinery.

(a) Before work is performed on the anchor windlass or any of its attached accessories, the employer shall ensure that the following steps are taken:

(1) The devil claws shall be made fast to the anchor chains.

(2) The riding pawls shall be in the engaged position.

(3) In the absence of devil claws and riding pawls, the anchor chains shall be secured to a suitable fixed structure of the vessel.

Subpart K—Portable, Unfired Pressure Vessels, Drums, and Containers, Other Than Ship's Equipment

§ 1916.101 Portable air receivers and other unfired pressure vessels.

(a) Portable, unfired pressure vessels, built after the effective date of this regulation, shall be marked and reported indicating that they have been designed and constructed to meet the standards of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code, Section VIII, Rules for Construction of Unfired Pressure Vessels, 1963. They shall be subjected to a hydrostatic pressure test of one and one-half times the working pressure of the vessels.

(b) Portable, unfired pressure vessels, not built to the code requirements of paragraph (a) of this section, and built prior to the effective date of this regulation, shall be examined quarterly by a competent person. They shall be subjected yearly to a hydrostatic pressure test of one and one-half times the working pressure of the vessels.

(c) The relief valves on the portable, unfired pressure vessels in paragraphs (a) and (b) of this section shall be set to the safe working pressure of the vessels, or set to the lowest safe working pressure of the systems, whichever is lower.

(d) A record of such examinations and tests made in compliance with the requirements of paragraphs (a) and (b) of this section shall be maintained.

§ 1916.102 Drums and containers.

(a) Shipping drums and containers shall not be pressurized to remove their contents.

(b) A temporarily assembled pressurized piping system conveying hazardous liquids or gases shall be provided with a relief valve and by-pass to prevent rupture of the system and the escape of such hazardous liquids or gases.

(c) Pressure vessels, drums and containers containing toxic or flammable liquids or gases shall not be stored or used where they are subject to open flame, hot metal, or other sources of artificial heat.

(d) Unless pressure vessels, drums and containers of 30-gallon capacity or over containing flammable or toxic liquids or gases are placed in an out-of-the-way area where they will not be subject to physical injury from an outside source, barriers or guards shall be erected to protect them from such physical injury.

(e) Containers of 55 gallons or more capacity containing flammable or toxic liquid shall be surrounded by dikes or pans which enclose a volume equal to at least 25 percent of the total volume of the containers.

(f) Fire extinguishers adequate in number and suitable for the hazard shall be provided. These extinguishers shall be located in the immediate area where pressure vessels, drums, and containers containing flammable liquids or gases are stored or in use. Such extinguishers shall be ready for use at all times.

Subpart L—Electrical Machinery

§ 1916.111 Electrical circuits and distribution boards.

(a) Before an employee is permitted to work on an electrical circuit, except when the circuit must remain energized for testing and adjusting, the circuit shall be deenergized and checked at the point at which the work is to be done to insure that it is actually deenergized. When testing or adjusting an energized circuit, a rubber mat, duck board, or other suitable insulation shall be used underfoot where an insulated deck does not exist.

(b) Deenergizing the circuit shall be accomplished by opening the circuit breaker, opening the switch, or removing the fuse, whichever method is appropriate. The circuit breaker, switch, or fuse location shall be tagged to indicate that an employee is working on the circuit. Such tags shall not be removed nor the circuit energized until it is definitely determined that the work on the circuit has been completed.

(c) When work is performed immediately adjacent to an open-front energized board or in back of an energized board, the board shall be covered or some other equally safe means shall be used to prevent contact with any of the energized parts.

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Subject Index for 29 CFR 1917—Shipbreaking

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Subpart A—General Provisions

§ 1917.1 Purpose, scope and responsibility.

(a) Section 41 of the Longshoremen's and Harbor Workers' Compensation Act requires every employer to furnish and maintain employment and places of employment which are reasonably safe for his employees in all employments covered thereby (the Act applies to all injuries sustained by employees on navigable waters of the United States if the employees are employed by an "employer" as defined in section 2(4) of the Act i.e., "an employer any of whose employees are employed in maritime employment, in whole or in part, upon the navigable waters of the United States (including any dry dock)." Calbeck v. Travelers Insurance Co. and Donovan v. Avondale Shipyards, Inc. (52 S. Ct. 1196 (1962)) and to install, furnish, maintain and use devices and safeguards (with particular reference to equipment used by such employers and working conditions established by them) determined by the Secretary of Labor to be reasonably necessary to protect the life, health and safety of such employees, and to render safe such employment and places of employment and to prevent injury to such employees. The purpose of this part is to make determinations under this standard with respect to shipbreaking activity.

(b) This part does not apply to matters under the control of the United States Coast Guard within the scope of Title 52 of the Revised Statutes and acts supplementary or amendatory thereto (46 U.S.C. secs. 1–1388 passim) including, but not restricted to, the master, ship's officer, crew members, design, construction and maintenance of the vessel, its gear and equipment; to matters within the regulatory authority of the United States Coast Guard to safeguard vessels, harbors, ports and waterfront facilities under the provisions of the Espionage Act of June 17, 1917, as amended (50 U.S.C. 191 et seq.; 22 U.S.C. 401 et seq.); including the provisions of Executive Order 10173, as amended by Executive Orders 10277 and 10352 (3 CFR 1949–1953 Comp., pp. 356, 778 and 873); or to matters within the regulatory authority of the United States Coast Guard with respect to lights, warning devices, safety equipment and other matters relating to the promotion of safety of lives and property under section 4(e) of the Outer Continental Shelf Lands Act (43 U.S.C. 1333). Also, this part does not apply to owners, operators, agents or masters of vessels unless they are acting as "employers". However, this part is not intended to relieve owners, operators, agents or masters of vessels who are not "employers" from responsibilities or duties now placed upon them by law, regulations or custom.

(c) The responsibilities placed upon the competent person herein shall be deemed to be the responsibilities of the employer.

§ 1917.2 Definitions.

(a) The term "shall" indicates provisions which are mandatory.

(b) The term "Secretary" means the Secretary of Labor.

(c) The term "employer" means an employer any of whose employees are employed, in whole or in part, in shipbreaking or related employments as defined in paragraphs (i) and (j) of this section on navigable waters of the United States, including dry docks, graving docks and marine railways, and any of whose employees are employed in maritime employment, in whole or in part, upon the navigable waters of the United States, including dry docks, graving docks and marine railways.

(d) The term "employee" means any person employed in shipbreaking or related employments on the navigable waters of the United States, including dry docks, graving docks and marine railways, by an employer as defined in paragraph (c) of this section.

(e) The term "gangway" means any ramp-like or stair-like means of access provided to enable personnel to board or leave a vessel including accommodation ladders, gangplanks and brows.

(f) The term "vessel" includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water, including special purpose floating structures not primarily designed for or used as a means of transportation on water.

(g) For purposes of § 1917.44, the term "barge" means an unpowered, flat bottom, shallow draft vessel including scows, carfloats and lighters. For purposes of this section, the term does not include ship shaped or deep draft barges.

(h) For purposes of § 1917.44, the term "river tow boat" means a shallow draft, low free board, self-propelled vessel designed to tow river barges by pushing ahead. For purposes of this section, the term does not include other towing vessels.

(i) The term "shipbreaking" means any breaking down of a vessel's structure for the purpose of scrapping the vessel, including the removal of gear, equipment or any component part of a vessel.

(j) The term "related employments" means any employments performed as an incident to or in conjunction with shipbreaking work, including, but not restricted to, inspection, survey and employment as a watchman.

(k) The term "hazardous substance" means a substance which by reason of being explosive, flammable, poisonous, corrosive, oxidizing, irritant or otherwise harmful is likely to cause injury.

(l) The term "competent person" for purposes of this part means a person who is capable of recognizing and evaluating employee exposure to hazardous substances or to other unsafe conditions and is capable of specifying the necessary protection and precautions to be taken to ensure the safety of employees as required by the particular regulation under the condition to which it applies. For the purposes of Subparts B and D, the competent person shall be one meeting the requirements of § 1917.10.

(m) The term "confined space" means a compartment of small size and limited access such as a double bottom tank, cofferdam or other space which by its small size and confined nature can readily create or aggravate a hazardous exposure.

(n) The term "enclosed space" means any space, other than a confined space, which is enclosed by bulkheads and overhead. It includes cargo holds, tanks, quarters and machinery and boiler spaces.

(o) The term "hot work" means riveting, welding, burning or other fire or spark producing operations.

(p) The term "cold work" means any work which does not involve riveting, welding, burning or other fire or spark producing operations.

(q) The term "powder actuated fastening tool" means a tool or machine which drives a stud, pin or fastener by means of an explosive charge.

(r) For purposes of § 1917.57, the term "hazardous material" means a material which has one or more of the following characteristics: (1) Has a flash point below 140° F., closed cup, or is subject to spontaneous heating; (2) has a threshold limit value below 500 p.p.m. in the case of a gas or vapor, below 500 mg./m.³ for fumes, and below 25 m.p.p.c.f. in case of a dust; (3) has a single dose oral LD_{50} below 500 mg./kg.; (4) is subject to polymerization with the release of large amounts of energy; (5) is a strong oxidizing or reducing agent; (6) causes first degree burns to skin in short time exposure, or is systemically toxic by skin contact; or (7) in the course of normal operations, may product dusts, gases, fumes, vapors, mists, or smokes which have one or more of the above characteristics.

§ 1917.3 [Reserved]

§ 1917.4 [Reserved]

§ 1917.5 Reference specifications, standards, and codes.

Specifications, standards, and codes of agencies of the U.S. Government, to the extent specified in the text, form a part of the regulations of this part. In addition, under the authority vested in the Secretary under the Act, the specifications, standards, and codes of organizations which are not agencies of the U.S. Government, in effect on the date of the promulgation of the regulations of this part as listed below, to the extent specified in the text, form a part of the regulations of this part:

National Fire Protection Association, 60 Batterymarch Street, Boston, Mass. 02110. Subpart B § 1917.13(b).

Underwriters' Laboratories, Inc., 207 East Ohio Street, Chicago, Ill. 60611, Subpart B, § 1917.12(b) and (f); Subpart H, § 1917.72(a).

United States of America Standard Safety Code for Portable Wood Ladders, A14.1–1959, United States of America Standards Institute, Inc., 10 East 40th Street, New York, N.Y. 10016, Subpart E, § 1917.42(a)(6).

United States of America Standard Safety Code for Portable Metal Ladders, A14.2–1956, United States of America Standards Institute, Inc., 10 East 40th Street, New York, N.Y. 10016, Subpart I, § 1917.42(a)(4).

United States of America Standard Safety Code for Head, Eye, and Respiratory Protection, Z2.1–1959, United States of America Standards Institute, Inc., 10 East 40th Street, New York, N.Y. 10016, Subpart I, §§ 1917.81(a)(1), 1917.83(b).

Threshold Limit Values, America Conference of Governmental Industrial Hygenists, 1014 Broadway, Cincinnati, Ohio 45202, Subpart B, § 1917.11 (a)(3) and (b)(3).

§ 1917.6 [Reserved]

§ 1917.7 Amendment of the regulations of this part.

The Secretary may at any time, upon his own motion or upon written petition of any interested person setting forth reasonable grounds therefor, and after opportunity has been given to interested persons to present their views, amend or revoke any of the provisions of the regulations of this part.

Subpart B—Explosive and Other Dangerous Atmospheres

§ 1917.10 Competent person.

(a) *Designation.* (1) For the purposes of Subparts B, D, and H of this part one or more competent persons shall be designated by the employer in accordance with the applicable requirements of this section unless the requirements of Subparts B, D, and H of this part are always carried out by a National Fire Protection Association Certified Marine Chemist.

(2) The employer shall indicate on U.S. Department of Labor Form OSHA 73, "Designation of Competent Person" either those employees designated as competent persons or that the prescribed functions of such persons are always carried out by a National Fire Protection Association Certified Marine Chemist in addition to his professional duties. When additions or changes are made in the personnel so designated, a new Form OSHA 73 shall be executed. A copy of this executed form shall be forwarded to the nearest office of the Occupational Safety and Health Administration.

(b) *Criteria.* The following criteria shall guide the employer in designating employees as competent persons:

(1) Ability to understand the meaning of designations on certificates and of any qualifications relating thereto and to carry out any instructions, either written or oral, left by the National Fire Protection Association Certified Marine Chemist.

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(2) Ability to use and interpret the readings of an oxygen indicator and a combustible gas indicator. The ability to use and interpret the readings of a carbon monoxide indicator and a carbon dioxide indicator, if the operations involve such hazardous gases.

(3) Familiarity with and understanding of Subparts B, D, and H of this part.

(4) Familiarity with the structure and knowledge of the location and designation of spaces of the types of vessels on which breaking work is done.

(5) Capability to perform the tests and inspections required by Subparts B, D, and H of this part and to write the required logs.

(c) *Logging of inspections and tests.* (1) When tests and inspections required to be performed by a competent person by any provisions of Subparts B, D, and H of this part are made, a record of the locations, operations performed and date, time, and results of the tests and any instructions resulting therefrom shall be recorded on U.S. Department of Labor Form OSHA 74, "Log of Inspections and Tests by Competent Person." A separate form shall be used for each vessel on which tests and inspections are made.

(2) This record shall be available for inspection in the immediate vicinity of the affected operations while they are in progress. This record or copy thereof shall be kept on file for a period of at least 3 months from the date of the completion of the job.

(3) A copy of any certificate issued in accordance with § 1917.13 and of any instructions issued by the National Fire Protection Association Certified Marine Chemist shall be kept on file with the log for a period of at least 3 months from the date of the completion of the job.

(d) *Application.* The provisions of this section are intended to apply in their entirety to employers engaged in general shipbreaking work where both Subparts B and D of this part are applicable. They do not apply in their entirety to employers whose work involves only certain portions of Subparts B and D of this part, such as the breaking of vessels with no exposure to fuel oil or other flammable hazards. In such cases employers may designate persons who are competent on the basis of the applicable portions of the criteria set forth in paragraph (b) of this section.

§ 1917.11 Precautions before entering.

(a) *Flammable atmospheres and residues.* (1) Before employees are initially permitted to enter any of the ship's spaces designated in subdivisions (i) and (ii) of this subparagraph, the atmosphere within the space to be entered shall be tested by a competent person to determine the concentration of flammable vapors or gases within the space.

(i) Cargo spaces or other spaces containing or having last contained combustible or flammable liquids or gases in bulk.

(ii) Spaces immediately adjacent to those described in subdivision (i) of this subparagraph.

(2) If the tests indicate that the atmosphere in the space to be entered contains a concentration of flammable vapor or gas greater than 10 percent of the lower explosive limit, the space shall be ventilated to reduce the concentration below 10 percent of the lower explosive limit before men are permitted to enter.

(3) If the atmosphere in the space to be entered is found to contain a concentration of flammable vapor or gas below the level immediately dangerous to life as defined in § 1917.82(b)(1), but above the threshold limit value, employees shall be protected in accordance with the requirements of § 1917.82 (a), and (c), (d), or (e), whichever is applicable.

(b) *Toxic atmospheres and residues.* (1) Before employees are initially permitted to enter any of the ship's spaces designated in subdivisions (i) and (ii) of this subparagraph, the atmosphere in the space to be entered shall be tested for toxic atmospheric contaminants, and the space inspected for the presence of toxic or corrosive residues by a Marine Chemist, Industrial Hygienist or other person qualified to make these tests and inspections.

(i) Cargo spaces or other spaces containing or having last contained bulk liquids, gases, or solids of a toxic, corrosive or irritant nature.

(ii) Spaces immediately adjacent to those described in subdivision (i) of this subparagraph.

(2) If the tests indicate that the atmosphere in the space to be entered contains a concentration of toxic contaminants above the level which is immediately dangerous to life, the space shall be ventilated to reduce the concentration below the level immediately dangerous to life as defined in § 1917.82 (b)(1).

(3) If the atmosphere in the space to be entered is found to contain a concentration of toxic contaminants below the level immediately dangerous to life as defined in § 1917.82(b)(1), but above the threshold limit value, employees shall be protected in accordance with the requirements of § 1917.82 (a), and (c), (d), or (e), whichever is applicable.

(4) The person qualified to make the tests and inspections referred to in subparagraph (1) of this paragraph shall make a record of the tests, inspections and instructions pertaining to subparagraph (3) of paragraph (a) of this section and subparagraphs (2) and (3) of this paragraph on U.S. Department of Labor Form OSHA 74, which shall be available for inspection and kept on file in accordance with § 1917.10(c)(2).

(c) *Oxygen deficient atmospheres.* (1) Before employees are initially permitted to enter any of the ship's spaces designated in subdivisions (i) through (v) of this subparagraph, the atmosphere in the spaces to be entered shall be tested by a competent person with an oxygen indicator or other suitable device to ensure that it contains at least 16.5 percent oxygen.

(i) Spaces in which the tests required by paragraphs (a) and (b) of this section indicate that no flammable or toxic contaminants are present in the atmosphere.

(ii) Compartments which have been sealed.

(iii) Spaces which have been coated and closed up.

(iv) Nonventilated compartments which have been freshly painted.

(v) Cargo spaces containing cargoes or residues of cargoes which absorb oxygen, such as scrap iron, fresh fruit and molasses, and various vegetable drying oils in bulk.

(2) If the tests indicate that the atmosphere in the space to be entered contains less than 16.5 percent oxygen, the space shall be ventilated until tests indicate an oxygen content above this level.

(d) *Exceptions.* In emergencies and in cases of work of brief duration necessary to accomplish the ventilation required or to start operations, work may be performed in atmospheres containing concentrations of flammable contaminants above the upper explosive limit or otherwise immediately dangerous to life, provided employees are protected in accordance with the requirements of § 1917.82 (a) and (b).

§ 1917.12 Cleaning and other cold work.

(a) Employees shall be permitted to remove residue materials or to perform other cold work in spaces described in § 1917.11 (a)(1) (i) and (ii), and (b)(1) (i) and (ii) only under the following conditions:

(1) Liquid residues of flammable and toxic materials shall be removed from the spaces as thoroughly as practicable before employees start actual cleaning operations in these spaces. Drippings and spills of these materials on deck or elsewhere alongside the vessel shall be cleaned up as the work progresses. Special care shall be taken to prevent the spilling or the draining of these materials into the water surrounding the vessel.

(2) Continuous natural or mechanical ventilation shall be provided to keep the concentration of flammable vapors below ten (10) percent of the lower explosive limit in all parts of the space, provided that if, because of the high volatility of the residues, a uniform concentration of less than ten (10) percent of the lower explosive limit cannot be achieved, sufficient exhaust ventilation shall be provided to reduce the concentration to or below that level in the major portions of the compartment.

(3) Tests shall be made by a competent person prior to commencement of cold work and with sufficient frequency thereafter, in accordance with temperature, volatility of the residues and other existing conditions in and about the spaces to ensure that the concentration stated in subparagraph (2) of this paragraph is not exceeded.

(4) Cold work only shall be permitted.

(5) Tests shall be made by a competent person to ensure that the exhaust vapors from these spaces are not accumulating in other areas within or around the vessel, marine railway, dry dock, or under the pier where sources of ignition may be present. Should such accumulations be found, any sources of ignition within the affected area shall be removed or extinguished.

(b) Only approved explosion-proof, self-contained, battery-fed, portable lamps shall be used in spaces described in paragraph (b) of § 1917.13 before the spaces have been certified as "Safe for Men." Battery-fed, portable lamps bearing the approval of the Underwriters' Laboratories for use in Class I, Group D atmospheres, or approved as permissible by the U.S. Bureau of Mines, and such lamps listed by the U.S. Coast Guard as approved for such use are deemed to meet the requirements of this paragraph.

(c) Signs shall be posted on the open deck adjacent to the access to spaces described in paragraph (b) of § 1917.13 prohibiting smoking and the use of open flames.

(d) The metallic parts of air moving devices, including fans, blowers, and jet-type air movers, and all duct work shall be electrically bonded to the vessel's structure.

(e) All motors and control equipment shall be of the explosion-proof type. Fans shall have nonferrous blades. Portable air ducts shall also be of nonferrous materials. All motors and associated control equipment shall be properly maintained and grounded.

(f) In spaces described in paragraph (b) of § 1917.13 which have been certified "Safe for Men," either battery lamps or explosion-proof lights, approved by the Underwriters' Laboratories for use in Class I, Group D atmospheres, or approved as permissible by the U.S. Bureau of Mines or the U.S. Coast Guard, shall be used, provided the lights are mounted to the space openings from the exterior, or suspended within the space with the cables so led as to protect them from injury.

(g) In spaces certified "Safe for Fire" nonexplosion proof lights may be used.

§ 1917.13 Certification before hot work is begun.

(a) *Hot work in the open.* Before hot work is performed from open decks or in tanks or compartments from which the overhead has been completely removed, on the boundaries of cargo spaces or other spaces containing or having last contained combustible or flammable liquids or gases in bulk, the following steps shall be taken:

(1) Tests shall be made by a competent person to determine the concentration of flammable vapors in these spaces. The permissible level of concentration of flammable vapors shall not exceed ten (10) percent of the lower explosive limit in all parts of the spaces.

(2) When the tests indicate that a space contains a concentration of flammable vapors above the permissible concentration, the space shall be inerted with a nonflammable gas or with water, or sufficient ventilation shall be provided to reduce the concentration below the permissible level.

(3) When the bottom of a space contains flammable residues, it shall be flooded with water to cover all parts of the space to a depth of at least one (1) foot unless the space is inerted.

(b) *Hot work below decks.* Employees shall not be permitted to engage in hot work in or on the following spaces, boundaries or pipelines until a certificate setting forth that the hot work can be done in safety is issued. Such certificate shall be acceptable only if issued by a Marine Chemist certificated by the National Fire Protection Association.

(1) On tank vessels:

(i) Within or on the boundaries of cargo tanks which have been used to carry combustible or flammable liquids and gases in bulk, or within spaces adjacent to such cargo tanks.

(ii) Within or on the boundaries of fuel tanks.

(iii) On pipelines, heating coils, pumps, fittings, or other appurtenances connected to such cargo or fuel tanks.

(2) On dry cargo, miscellaneous, and passenger vessels:

(i) Within or on the boundaries of cargo tanks which have been used to carry combustible or flammable liquids and gases in bulk.

(ii) Within spaces adjacent to cargo tanks which have been used to carry flammable gases, or liquids with a flash point below 150° F., except where the distance between such cargo tanks and the work to be performed is not less than twenty-five (25) feet.

(iii) Within or on the boundaries of fuel tanks.

(iv) On pipelines, heating coils, pumps, fittings, or other appurtenances connected to such cargo or fuel tanks.

(3) In dry cargo holds for which a Marine Chemist's certificate is not required by paragraph (b)(2)(ii) of this section, hot work may be performed only after a competent person has carefully examined the hold and found it to be free of flammable liquids, gases, and vapors. If flammable liquids, gases, or vapors are found, hot work shall not be performed within the space until the flammable liquids, gases, or vapors have been removed and a test indicates that the space is safe for fire.

(4) Before hot work is performed in engine room and boiler room spaces of any vessel for which a Marine Chemist's certificate is not required by the provision of paragraph (b) (1) and (2) of this section or in fuel tank and engine compartments of boats, the bilges shall be inspected and tested by a competent person to ensure that they are free of flammable liquids, gases, and vapors. If flammable liquids, gases, or vapors are found, hot work shall not be performed within the space until the flammable liquids, gases, or vapors have been removed and a test indicates that the space is safe for fire.

§ 1917.14 Maintaining gas free conditions.

(a) *Hot work in the open.* (1) During the performance of hot work from open decks or in tanks or compartments from which the overhead has been completely removed, on the boundaries of spaces described in § 1917.13(a), other than those filled with water, the competent person shall make frequent tests to ensure that the inert atmosphere is being maintained or that the concentration of flammable vapors remains below ten (10) percent of the lower explosive limit.

(b) *Hot work below decks.* (1) When conditions in spaces below decks described in § 1917.13(b) (1) and (2) are such that there is a possibility of hazardous vapors being released from residues or other sources, after a Marine Chemist's certificate has been issued, a competent person shall make tests to ensure that the gas free condition is maintained irrespective of whether hot work is being performed in or on the aforementioned spaces. When the competent person finds that the atmospheric conditions have altered, work shall be stopped and a new Marine Chemist's certificate in accordance with § 1917.13(b) (1) and (2) shall be obtained, before work is resumed.

Subpart C—[Reserved]

Subpart D—Welding, Cutting and Heating

§ 1917.31 Ventilation and protection in welding, cutting and heating.

(a) *Mechanical ventilation; requirements.* (1) For purposes of this section, mechanical ventilation shall meet the following requirements:

(i) Mechanical ventilation shall consist of either general mechanical ventilation systems or local exhaust systems.

(ii) General mechanical ventilation shall be of sufficient capacity and so arranged as to produce the number of air changes necessary to maintain welding fumes and smoke within safe limits.

(iii) Local exhaust ventilation shall consist of freely movable hoods intended to be placed by the welder or burner as close as practicable to the work. This system shall be of sufficient capacity and so arranged as to remove fumes and smoke at the source and keep the concentration of them in the breathing zone within safe limits.

(iv) Contaminated air exhausted from a working space shall be discharged into the open air or otherwise clear of the source of intake air.

(v) All air replacing that withdrawn shall be clean and respirable.

(vi) Oxygen shall not be used for ventilation purposes, comfort cooling, blowing dust or dirt from clothing, or for cleaning the work area.

(b) *Welding, cutting and heating in confined spaces.* (1) Except as provided in subparagraph (3) of this paragraph and paragraph (c)(2) of this section, either general mechanical or local exhaust ventilation meeting the requirements of paragraph (a) of this section shall be provided whenever welding, cutting or heating is performed in a confined space.

(2) The means of access shall be provided to a confined space in accordance with § 1917.46(b) (1) and (2).

(3) When sufficient ventilation cannot be obtained without blocking the

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means of access, employees in the confined space shall be protected by air line respirators in accordance with the requirements of § 1917.82(a), and an employee on the outside of such a confined space shall be assigned to maintain communication with those working within it and to aid them in an emergency.

(c) *Welding, cutting or heating of metals of toxic significance.* (1) Welding, cutting or heating in any enclosed spaces aboard the vessel involving the metals specified in this subparagraph shall be performed with either general mechanical or local exhaust ventilation meeting the requirements of paragraph (a) of this section.

(i) Zinc-bearing base or filler metals or metals coated with zinc-bearing materials.

(ii) Lead base metals.

(iii) Cadmium-bearing filler materials.

(iv) Chromium-bearing metals or metals coated with chromium-bearing materials.

(2) Welding, cutting or heating in any enclosed spaces aboard the vessel involving the metals specified in this subparagraph shall be performed with local exhaust ventilation in accordance with the requirements of paragraph (a) of this section or employees shall be protected by air line respirators in accordance with the requirements of § 1917.82 (a).

(i) Metals containing lead, other than as an impurity, or metals coated with lead-bearing materials.

(ii) Cadmium-bearing or cadmium coated base metals.

(iii) Metals coated with mercury-bearing metals.

(iv) Beryllium-containing base or filler metals. Because of its high toxicity, work involving beryllium shall be done with both local exhaust ventilation and air line respirators.

(3) Employees performing such operations in the open air shall be protected by filter type respirators in accordance with requirements of paragraphs (a) and (d) (2) (iv) of § 1917.82, except that employees performing such operations on beryllium-containing base or filler metals shall be protected by air line respirators in accordance with the requirements of § 1917.82(a).

(4) Other employees exposed to the same atmosphere as the welders or burners shall be protected in the same manner as the welder or burner.

(d) *General welding, cutting and heating.* (1) Welding, cutting and heating not involving conditions or materials described in paragraph (b) or (c) of this section may normally be done without mechanical ventilation or respiratory protective equipment, but where, because of unusual physical or atmospheric conditions, an unsafe accumulation of contaminants exists, suitable mechanical ventilation or respiratory protective equipment shall be provided.

(2) Employees performing any type of welding, cutting or heating shall be protected by suitable eye protective equipment in accordance with the requirements of § 1503.81 (a) and (c).

§ 1917.32 Fire prevention.

(a) When hot work is performed below decks or in other situations in which accidental fire would jeopardize the safety of employees the following precautions shall be taken:

(1) When practical, objects to be welded, cut or heated shall be moved to a designated safe location or, if the object to be welded, cut or heated cannot be readily moved, all movable fire hazards in the vicinity shall be taken to a safe place.

(2) If the object to be welded, cut or heated cannot be moved and if all the fire hazards cannot be removed, positive means shall be taken to confine the heat, sparks and slag, and to protect the immovable fire hazards from them.

(3) When welding, cutting or heating is performed on tank shells, decks, overheads and bulkheads, since direct penetration of sparks or heat transfer may introduce a fire hazard to an adjacent compartment, the same precautions shall be taken on the opposite side as are taken on the side on which the welding is being performed.

(4) In order to eliminate the possibility of fire in confined spaces as a result of gas escaping through leaking or improperly closed torch valves, the gas supply to the torch shall be positively shut off at some point outside the confined space whenever the torch is not to be used or whenever the torch is left unattended for a substantial period of time, such as during the lunch hour. Overnight and at the change of shifts the torch and hose shall be removed from the confined space. Open end fuel gas and oxygen hoses shall be immediately removed from confined spaces when they are disconnected from the torch or other gas consuming device.

(b) In all cases, suitable fire extinguishing equipment shall be immediately available in the work area and shall be maintained in a state of readiness for instant use. Personnel assigned to contain fires within controllable limits shall be instructed as to the specific anticipated fire hazards and how the fire fighting equipment provided is to be used.

§ 1917.33 Welding, cutting and heating in way of preservative coatings.

(a) Before welding, cutting or heating is commenced on any surface covered by a preservative coating whose flammability is not known, a test shall be made by a competent person to determine its flammability. Preservative coatings shall be considered to be highly flammable when scrapings burn with extreme rapidity.

(b) When coatings are determined to be highly flammable either they shall be stripped from the area to be heated to prevent ignition or they shall be burned away under controlled conditions. A 1½-inch or larger fire hose with fog nozzle, which has been uncoiled and placed under pressure, shall be immediately available for instant use in the immediate vicinity, consistent with avoiding freezing of the hose.

(c) Protection against toxic preservative coatings. (1) In enclosed spaces all surfaces covered with toxic preservatives shall be stripped of all toxic coatings for a distance of at least 4 inches from the area of heat application or the employees shall be protected by air line respirators meeting the requirements of § 1917.82(a).

(2) In the open air, employees shall be protected by a filter type respirator in accordance with requirements of § 1917.82 (a) and (d).

§ 1917.34 Welding, cutting and heating of hollow metal containers and structures not covered by § 1917.11.

(a) Drums, containers or hollow structures which have contained flammable substances shall, before welding, cutting or heating is undertaken on them, either be filled with water or thoroughly cleaned of such substances and ventilated and tested.

(b) Before heat is applied to a drum, container or hollow structure, a vent or opening shall be provided for the release of any built-up pressure during the application of heat.

(c) Before welding, cutting, heating or brazing is begun on structural voids such as skegs, bilge keels, fair waters, masts, booms, support stanchions, pipe stanchions or railings, a competent person shall inspect the object and, if necessary, test it for the presence of flammable liquids or vapors. If flammable liquids or vapors are present, the object shall be made safe.

(d) Objects such as those listed in paragraph (c) of this section shall also be inspected to determine whether water or other nonflammable liquids are present which, when heated, would build up excessive pressure. If such liquids are determined to be present, the object shall be vented, cooled or otherwise made safe during the application of heat.

(e) Jacketed vessels shall be vented before and during welding, cutting or heating operations in order to release any pressure which may build up during the application of heat.

§ 1917.35 Gas welding and cutting.

(a) *Transporting, moving and storing compressed gas cylinders.* (1) Valve protection caps shall be in place and secure. Oil shall not be used to lubricate protection caps.

(2) When cylinders are hoisted, they shall be secured on a cradle, slingboard or pallet. They shall not be hoisted by means of magnets or choker slings.

(3) Cylinders shall be moved by tilting and rolling them on their bottom edges. They shall not be intentionally dropped, struck or permitted to strike each other violently.

(4) When cylinders are transported by vehicle, they shall be secured in position.

(5) Valve protection caps shall not be used for lifting cylinders from one vertical position to another. Bars shall not be used under valves or valve protection caps to pry cylinders loose when frozen. Warm, not boiling, water shall be used to thaw cylinders loose.

(6) Unless cylinders are firmly secured on a special carrier intended for this purpose, regulators shall be removed and valve protection caps put in place before cylinders are moved.

(7) A suitable cylinder truck, chain or other steadying device shall be used to keep cylinders from being knocked over while in use.

(8) When work is finished, when cylinders are empty, or when cylinders are moved at any time, the cylinder valves shall be closed.

(9) Acetylene cylinders shall be secured in an upright position at all times except, if necessary, for short periods of time while cylinders are actually being hoisted or carried.

(b) *Placing cylinders.* (1) Cylinders shall be kept far enough away from the actual welding or cutting operation so that sparks, hot slag or flame will not reach them. When this is impractical, fire resistant shields shall be provided.

(2) Cylinders shall be placed where they cannot become part of an electrical circuit. Electrodes shall not be struck against a cylinder to strike an arc.

(3) Fuel gas cylinders shall be placed with valve end up whenever they are in use. They shall not be placed in a location where they would be subject to open flame, hot metal or other sources of artificial heat.

(4) Cylinders containing oxygen or acetylene or other fuel gas shall not be taken into confined spaces.

(c) *Treatment of cylinders.* (1) Cylinders, whether full or empty, shall not be used as rollers or supports.

(2) No person other than the gas supplier shall attempt to mix gases in a cylinder. No one except the owner of the cylinder or person authorized by him shall refill a cylinder. No one shall use a cylinder's contents for purposes other than those intended by the supplier. Only cylinders bearing Interstate Commerce Commission identification and inspection markings shall be used.

(3) No damaged or defective cylinder shall be used.

(d) *Use of fuel gas.* The employer shall thoroughly instruct employees in the safe use of fuel gas, as follows:

(1) Before connecting a regulator to a cylinder valve, the valve shall be opened slightly and closed immediately. (This action is generally termed "cracking" and is intended to clear the valve of dust or dirt that might otherwise enter the regulator). The person cracking the valve shall stand to one side of the outlet, not in front of it. The valve of a fuel gas cylinder shall not be cracked where the gas would reach welding work, sparks, flame or other possible sources of ignition.

(2) The cylinder valve shall always be opened slowly to prevent damage to the regulator. To permit quick closing, valves on fuel gas cylinders shall not be opened more than 1½ turns. When a special wrench is required, it shall be left in position on the stem of the valve while the cylinder is in use so that the fuel gas flow can be shut off quickly in case of an emergency. In the case of manifolded or coupled cylinders, at least one such wrench shall always be available for immediate use. Nothing shall be placed on top of a fuel gas cylinder, when in use, which may damage the safety device or interfere with the quick closing of the valve.

(3) Fuel gas shall not be used from cylinders through torches or other devices which are equipped with shut-off valves without reducing the pressure through a suitable regulator attached to the cylinder valve or manifold.

(4) Before a regulator is removed from a cylinder valve, the cylinder valve shall always be closed and the gas released from the regulator.

(5) If, when the valve on a fuel gas cylinder is opened, there is found to be a leak around the valve stem, the valve shall be closed and the gland nut tightened. If this action does not stop the leak, the use of the cylinder shall be discontinued, and it shall be properly tagged and removed from the vessel. In the event that fuel gas should leak from the cylinder valve rather than from the valve stem and the gas cannot be shut off, the cylinder shall be properly tagged and removed from the vessel. If a regulator attached to a cylinder valve will effectively stop a leak through the valve seat, the cylinder need not be removed from the vessel.

(6) If a leak should develop at a fuse plug or other safety device, the cylinder shall be removed from the vessel.

(e) *Fuel gas and oxygen manifolds.* (1) Fuel gas and oxygen manifolds shall bear the name of the substance they contain in letters at least one (1) inch high which shall be either painted on the manifold or on a sign permanently attached to it.

(2) Fuel gas and oxygen manifolds shall be placed in safe and accessible locations in the open air. They shall not be located within enclosed spaces.

(3) Manifold hose connections, including both ends of the supply hose that lead to the manifold, shall be such that the hose cannot be interchanged between fuel gas and oxygen manifolds and supply header connections. Adapters shall not be used to permit the interchange of hose. Hose connections shall be kept free of grease and oil.

(4) When not in use, manifold and header hose connections shall be capped.

(5) Nothing shall be placed on top of a manifold, when in use, which will damage the manifold or interfere with the quick closing of the valves.

(f) *Hose.* (1) Fuel gas hose and oxygen hose shall be easily distinguishable from each other. The contrast may be made by different colors or by surface characteristics readily distinguishable by the sense of touch. Oxygen and fuel gas hoses shall not be interchangable. A single hose having more than one gas passage, a wall failure of which would permit the flow of one gas into the other gas passage, shall not be used.

(2) When parallel sections of oxygen and fuel gas hose are taped together, not more than 4 inches out of 8 inches shall be covered by tape.

(3) All hose carrying acetylene, oxygen, natural or manufactured fuel gas, or any gas or substance which may ignite or enter into combustion or be in any way harmful to employees, shall be inspected at the beginning of each shift. Defective hose shall be removed from service.

(4) Hose which has been subjected to flashback or which shows evidence of severe wear or damage shall be tested to twice the normal pressure to which it is subject, but in no case less than two hundred (200) psi. Defective hose or hose in doubtful condition shall not be used.

(5) Hose couplings shall be of the type that cannot be unlocked or disconnected by means of a straight pull without rotary motion.

(6) Boxes used for the stowage of gas hose shall be ventilated.

(g) *Torches.* (1) Clogged torch tip openings shall be cleaned with suitable cleaning wires, drills or other devices designed for such purpose.

(2) Torches shall be inspected at the beginning of each shift for leaking shut-off valves, hose couplings, and tip connections. Defective torches shall not be used.

(3) Torches shall be lighted by friction lighters or other approved devices, and not by matches or from hot work.

(h) *Pressure regulators.* Oxygen and fuel gas regulators including their related gauges shall be in proper working order while in use.

§ 1917.36 Arc welding and cutting.

(a) *Manual electrode holders.* (1) Only manual electrode holders which are specifically designed for arc welding and cutting and are of a capacity capable of safely handling the maximum rated current required by the electrodes shall be used.

(2) Any current carrying parts passing through the portion of the holder which the arc welder or cutter grips in his hand, and the outer surfaces of the jaws of the holder, shall be fully insulated against the maximum voltage encountered to ground.

(b) *Welding cables and connectors.* (1) All arc welding and cutting cables shall be of the completely insulated, flexible type, capable of handling the maximum current requirements of the work in progress, taking into account the duty cycle under which the arc welder or cutter is working.

(2) Only cable free from repair or splices for a minimum distance of ten (10) feet from the cable end to which the electrode holder is connected shall be used, except that cables with standard insulated connectors or with splices whose insulating quality is equal to that of the cable are permitted.

(3) When it becomes necessary to connect or splice lengths of cable one to another, substantial insulated connectors of a capacity at least equivalent to that of the cable shall be used. If con-

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nections are effected by means of cable lugs, they shall be securely fastened together to give good electrical contact, and the exposed metal parts of the lugs shall be completely insulated.

(4) Cables in poor repair shall not be used. When a cable, other than the cable lead referred to in subparagraph (2) of this paragraph, becomes worn to the extent of exposing bare conductors, the portion thus exposed shall be protected by means of rubber and friction tapes or other equivalent insulation.

(c) *Ground returns and machine grounding.* (1) A ground return cable shall have a safe current carrying capacity equal to or exceeding the specified maximum output capacity of the arc welding or cutting unit which it services. When a single ground return cable services more than one unit, its safe current carrying capacity shall equal or exceed the total specified maximum output capacities of all the units which it services.

(2) Structures or pipe lines, except pipe lines containing gases or flammable liquids or conduits containing electrical circuits, may be used as part of the ground return circuit, provided that the pipe or structure has a current carrying capacity equal to that required by subparagraph (1) of this paragraph.

(3) When a structure or pipe line is employed as a ground return circuit, it shall be determined that the required electrical contact exists at all joints. The generation of an arc, sparks or heat at any point shall cause rejection of the structure as a ground circuit.

(4) When a structure or pipe line is continuously employed as a ground return circuit, all joints shall be bonded, and periodic inspections shall be conducted to ensure that no condition of electrolysis or fire hazard exists by virtue of such use.

(5) The frames of all arc welding and cutting machines shall be grounded either through a third wire in the cable containing the circuit conductor or through a separate wire which is grounded at the source of the current. Grounding circuits, other than by means of the vessel's structure, shall be checked to ensure that the circuit between the ground and the grounded power conductor has resistance low enough to permit sufficient current to flow to cause the fuse or circuit breaker to interrupt the current.

(6) All ground connections shall be inspected to ensure that they are mechanically strong and electrically adequate for the required current.

(d) *Operating instructions.* Employers shall instruct employees in the safe means of arc welding and cutting as follows:

(1) When electrode holders are to be left unattended, the electrodes shall be removed and the holders shall be so placed or protected that they cannot make electrical contact with employees or conducting objects.

(2) Hot electrode holders shall not be dipped in water, since to do so may expose the arc welder or cutter to electric shock.

(3) When the arc welder or cutter has occasion to leave his work or to stop work for any appreciable length of time, or when the arc welding or cutting machine is to be moved, the power supply switch to the equipment shall be opened.

(4) Any faulty or defective equipment shall be reported to the supervisor.

(e) *Shielding.* Whenever practicable, all arc welding and cutting operations shall be shielded by noncombustible or flame-proof screens which will protect employees and other persons working in the vicinity from the direct rays of the arc.

Subpart E—Scaffolds, Ladders and Other Working Surfaces

§ 1917.41 Scaffolds or staging.

(a) *General requirements.* (1) All scaffolds and their supports, whether of lumber, steel or other material, shall be capable of supporting the load they are designed to carry with a safety factor of not less than four (4).

(2) All lumber used in the construction of scaffolds shall be spruce, fir, long leaf yellow pine, Oregon pine or wood of equal strength. The use of hemlock, short leaf yellow pine or short fiber lumber is prohibited.

(3) Lumber dimensions as given in this subpart are nominal except where given in fractions of an inch.

(4) All lumber used in the construction of scaffolds shall be sound, straight-grained, free from cross grain, shakes and large, loose or dead knots. It shall also be free from dry rot, large checks, worm holes or other defects which impair its strength or durability.

(5) Scaffolds shall be maintained in a safe and secure condition. Any component of the scaffold which is broken, burned or otherwise defective shall be replaced.

(6) Barrels, boxes, cans, loose bricks, or other unstable objects shall not be used as working platforms or for the support of planking intended as scaffolds or working platforms.

(7) No scaffold shall be erected, moved, dismantled or altered except under the supervision of competent persons.

(b) *Horse scaffolds.* (1) The minimum dimensions of lumber used in the construction of horses shall be in accordance with Table E–1 in § 1917.68.

(2) Horses constructed of materials other than lumber shall provide the strength, rigidity, and security required of horses constructed of lumber.

(3) The lateral spread of the legs shall be equal to not less than one-third of the height of the horse.

(4) All horses shall be kept in good repair, and shall be properly secured when used in staging or in locations where they may be insecure.

(5) Platform planking shall be in accordance with the requirements of paragraph (d) of this section.

(6) Backrails and toeboards shall be in accordance with paragraph (e) of this section.

(c) *Other types of scaffolds.* (1) Scaffolds of a type for which specifications are not contained in this section shall meet the general requirements of paragraphs (a), (d), and (e) of this section, shall be in accordance with recognized principles of design and shall be constructed in accordance with accepted standards covering such equipment.

(d) *Scaffold or platform planking.* (1) Platform planking shall be of not less than 2 x 10 inch lumber. Platform planking shall be straight-grained and free from large or loose knots and may be either rough or dressed.

(2) Platforms of staging shall be not less than two 10 inch planks in width except in such cases as the structure of the vessel or the width of the trestle ladders make it impossible to provide such a width.

(3) Platform planking shall project beyond the supporting members at either end by at least 6 inches but in no case shall project more than 12 inches unless the planks are fastened to the supporting members.

(4) Table E–2 in § 1917.68 shall be used as a guide in determining safe loads for scaffold planks.

(e) *Backrails and toeboards.* (1) Scaffolding, staging, runways, or working platforms which are supported or suspended more than 5 feet above a solid surface, or at any distance above the water, shall be provided with a railing which has a top rail whose upper surface is from 42 to 45 inches above the upper surface of the staging, platform, or runway and a midrail located half-way between the upper rail and the staging, platform, or runway.

(2) Rails shall be of 2 x 4 inch lumber, flat bar or pipe. When used with rigid supports, taut wire or fiber rope of adequate strength may be used. If the distance between supports is more than 8 feet, rails shall be equivalent in strength to 2 x 4 inch lumber. Rails shall be firmly secured. Where exposed to hot work or chemicals, fiber rope rails shall not be used.

(3) Rails may be omitted where the structure of the vessel prevents their use. When rails are omitted employees working more than 5 feet above solid surfaces shall be protected by safety belts and lifelines meeting the requirements of § 1917.84(b), and employees working over water shall be protected by buoyant work vests meeting the requirements of § 1503.84(a).

(4) Employees working from scaffolds on floats subject to surging, shall be protected against falling toward the vessel by a railing or a safety belt and line attached to the backrail.

(5) When necessary, to prevent tools and materials from falling on men below, toeboards of not less than 1 x 4 inch lumber shall be provided.

(f) *Access to staging.* (1) Access to staging more than 5 feet above a floor, deck or the ground shall consist of well secured stairways, cleated ramps, fixed or portable ladders meeting the applicable requirements of § 1917.42 or rigid type non-collapsible trestles with parallel and level rungs.

(2) Ramps and stairways shall be provided with 36-inch handrails with midrails.

(3) Ladders shall be so located or other means shall be taken so that it is not necessary for employees to step more than one foot from the ladder to any intermediate landing or platform.

(4) Ladders forming integral parts of prefabricated staging are deemed to meet the requirements of these regulations.

(5) Access from above to staging more than 3 feet below the point of access shall consist of a straight, portable ladder meeting the applicable requirements of § 1917.42 or a Jacob's ladder properly secured, meeting the requirements of § 1917.44(d).

§ 1917.42 Ladders.

(a) *General requirements.* (1) The use of ladders with broken or missing rungs or steps, broken or split side rails, or other faulty or defective construction is prohibited. When ladders with such defects are discovered, they shall be immediately withdrawn from service. Inspection of metal ladders shall include checking for corrosion of interiors of open end, hollow rungs.

(2) When sections of ladders are spliced, the ends shall be abutted, and not fewer than 2 cleats shall be securely nailed or bolted to each rail. The combined cross sectional area of the cleats shall be not less than the cross sectional area of the side rail. The dimensions of side rails for their total length shall be those specified in paragraph (b) or (c) of this section.

(3) Portable ladders shall be lashed, blocked or otherwise secured to prevent their being displaced. The side rails of ladders used for access to any level shall extend not less than 36 inches above that level. When this is not practical, grab rails which will provide a secure grip for an employee moving to or from the point of access shall be installed.

(4) Portable metal ladders shall be of strength equivalent to that of wood ladders. Manufactured portable metal ladders provided by the employer shall be in accordance with the provisions of the United States of America Standard Safety Code for Portable Metal Ladders, A14.2.

(5) Portable metal ladders shall not be used near electrical conductors nor for electric arc welding operations.

(6) Manufactured portable wood ladders provided by the employer shall be in accordance with the provisions of the United States of America Standard Safety Code for Portable Wood Ladders, A14.1.

(b) *Construction of portable wood cleated ladders up to 30 feet in length.* (1) Wood side rails shall be made from West Coast hemlock, Eastern spruce, Sitka spruce, or wood of equivalent strength. Material shall be seasoned, straight-grained wood, and free from shakes, checks, decay or other defects which will impair its strength. The use of low density woods is prohibited.

(2) Side rails shall be dressed on all sides, and kept free of splinters.

(3) All knots shall be sound and hard. The use of material containing loose knots is prohibited. Knots shall not appear on the narrow face of the rail and, when in the side face, shall be not more than ½ inch in diameter or within ½ inch of the edge of the rail or nearer than 3 inches to a tread or rung.

(4) Pitch pockets not exceeding ⅛ inch in width, 2 inches in length and ½ inch in depth are permissible in wood side rails, provided that not more than one such pocket appears in each 4 feet of length.

(5) The width between side rails at the base shall be not less than 11½ inches for ladders 10 feet or less in length. For longer ladders this width shall be increased at least ¼ inch for each additional 2 feet of length.

(6) Side rails shall be at least 1⅝ x 3½ inches in cross section.

(7) Cleats (meaning rungs rectangular in cross section with the wide dimension parallel to the rails) shall be of the material used for side rails, straight-grained and free from knots. Cleats shall be mortised into the edges of the side rails ½ inch, or filler blocks shall be used on the rails between the cleats. The cleats shall be secured to each rail with three 10d common wire nails or fastened with through bolts or other fasteners of equivalent strength. Cleats shall be uniformly spaced not more than 12 inches apart.

(8) Cleats 20 inches or less in length shall be at least 25/32 x 3 inches in cross section. Cleats over 20 inches but not more than 30 inches in length shall be at least 25/32 x 3¾ inches in cross section.

(c) *Construction of portable wood cleated ladders from 30 to 60 feet in length.* (1) Ladders from 30 to 60 feet in length shall be in accordance with the specifications of paragraph (b) of this section with the following exceptions:

(i) Rails shall be of not less than 2 x 6 inch lumber.

(ii) Cleats shall be of not less than 1 x 4 inch lumber.

(iii) Cleats shall be nailed to each rail with five 10d common wire nails or fastened with through bolts or other fastenings of equivalent strength.

§ 1917.43 [Reserved]

§ 1917.44 Access to vessels.

(a) *Access to vessels afloat.* The employer shall not permit employees to board or leave any vessel, except a barge or river towboat, until the following requirements have been met:

(1) Whenever practicable, a gangway of not less than 20 inches walking surface, of adequate strength, maintained in safe repair and safely secured, shall be used. If a gangway is not practicable, a substantial straight ladder, extending at least 36 inches above the upper landing surface and adequately secured against shifting or slipping, shall be provided. In an emergency, a Jacob's ladder meeting the requirements of paragraph (d) (1) and (2) of this section may be used.

(2) Each side of such gangway, and the turn table if used, shall have a railing with a minimum height of approximately 33 inches measured perpendicularly from rail to walking surface at the stanchion, with a midrail. Rails shall be of wood, pipe, chain, wire, or rope and shall be kept taut at all times.

(3) The gangway shall be kept properly trimmed at all times.

(4) When a fixed tread accommodation ladder is used, and the angle is low enough to require employees to walk on the edge of the treads, cleated duckboards shall be laid over and secured to the ladder.

(5) When the lower end of a gangway overhangs the water between the ship and the dock in such a manner that there is danger of employees falling between the ship and the dock, a net or other suitable protection shall be rigged at the foot of the gangway in such a manner as to prevent employees from falling from the end of the gangway.

(6) If the foot of the gangway is more than one foot away from the edge of the apron, the space between them shall be bridged by a firm walkway equipped with railings, with a minimum height of approximately 33 inches with midrails on both sides.

(7) Supporting bridles shall be kept clear so as to permit unobstructed passage for employees using the gangway.

(8) When the upper end of the means of access rests on or flush with the top of the bulwark, substantial steps properly secured and equipped with at least one substantial handrail approximately 33 inches in height shall be provided between the top of the bulwark and the deck.

(9) Obstructions shall not be laid on or across the gangway.

(10) The means of access shall be adequately illuminated for its full length.

(11) Loads shall not be passed over the means of access while employees are on it.

(b) *Access to vessels in drydock or between vessels.* Gangways meeting the requirements of paragraph (a) (1), (2), (8), (9) and (10) of this section shall be provided for access from wing wall to vessel or, when two or more vessels, other than barges or river towboats, are lying abreast, from one vessel to another.

(c) *Access to barges and river towboats.* (1) Ramps for access of vehicles to or between barges shall be of adequate strength, provided with side boards, well maintained and properly secured.

(2) Unless employees can step safely to or from the wharf, float, barge, or river towboat, either a ramp in accordance with the requirements of subparagraph (1) of this paragraph or a safe walkway in accordance with the requirements of paragraph (a)(6) of this section shall be provided. When a walkway is impracticable, a substantial straight ladder, extending at least 36 inches above the upper landing surface and adequately secured against shifting or slip-

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ping, shall be provided. In an emergency, a Jacob's ladder in accordance with the requirements of paragraph (d) of this section may be used.

(3) The means of access shall be in accordance with the requirements of paragraph (a) (8), (9) and (10) of this section.

(d) *Jacob's ladders.* (1) Jacob's ladders shall be of the double rung or flat tread type. They shall be well maintained and properly secured.

(2) A Jacob's ladder shall either hang without slack from its lashings or be pulled up entirely.

§ 1917.45 Access to and guarding of drydocks and marine railways.

(a) A gangway, ramp or permanent stairway of not less than 20 inches walking surface, of adequate strength, maintained in safe repair and securely fastened, shall be provided between a floating dry dock and the pier or bulkhead.

(b) Each side of such gangway, ramp or permanent stairway, including those which are used for access to wing walls from dry dock floors, shall have a railing with a midrail. Such railings on gangways or ramps shall be approximately 42 inches in height; and railings on permanent stairways shall be not less than approximately 30 or more than approximately 34 inches in height. Rails shall be of wood, pipe, chain, wire, or rope and shall be kept taut at all times.

(c) Railings meeting the requirements of paragraph (b) of this section shall be provided on the means of access to and from the floors of graving docks.

(d) Railings approximately 42 inches in height, with a midrail, shall be provided on the edges of wing walls of floating dry docks and on the edges of graving docks. Sections of the railings may be temporarily removed where necessary to permit line handling while a vessel is entering the dock.

(e) When employees are working on the floor of a floating dry dock where they are exposed to the hazard of falling into the water, the end of the dry dock shall be equipped with portable stanchions and 42-inch railings with a mid rail. When such a railing would be impracticable or ineffective, other effective means shall be provided to prevent men from falling into the water.

(f) Access to wingwalls from floors of dry docks shall be by ramps, permanent stairways or ladders meeting the applicable requirements of § 1917.42.

(g) Catwalks on stiles of marine railways shall be no less than 20 inches wide and shall have on at least one side a guardrail and midrail meeting the requirements of § 1917.41(e) (1) and (2).

§ 1917.46 Access to cargo and confined spaces.

(a) *Cargo spaces.* (1) There shall be at least one safe and accessible ladder in any cargo space which employees must enter.

(2) When any fixed ladder is visibly unsafe, the employer shall prohibit its use by employees.

(3) Straight ladders of adequate strength and suitably secured against shifting or slipping shall be provided as necessary when fixed ladders in cargo spaces do not meet the requirements of subparagraph (1) of this paragraph. In an emergency, a Jacob's ladder meeting the requirements of § 1917.44(d) may be used.

(4) Fixed ladders or straight ladders provided for access to cargo spaces shall not be used at the same time that equipment, materials, scrap or other loads are entering or leaving the hold. Before using these ladders to enter or leave the hold, the employee shall be required to inform the winchman or crane signalman of his intention.

(b) *Confined spaces.* (1) More than one means of access shall be provided to a confined space in which employees are working and in which the work may generate a hazardous atmosphere.

(2) When the ventilating ducts required by these regulations must pass through these means of access, an additional means of access shall be provided.

§ 1917.47 Working surfaces.

When employees are boarding, leaving, or working from small boats or floats, they shall be protected by personal flotation devices meeting the requirements of § 1917.84(a).

Subpart F—General Working Conditions

§ 1917.51 Housekeeping.

(a) All working areas on or immediately surrounding the vessel in a dry dock and graving dock or on a marine railway shall be kept in a reasonable state of order. Scrap, equipment and other materials shall be so piled as not to present a hazard to employees.

(b) Adequate aisles and passageways shall be maintained, as far as practicable, in all work areas, except when impossible due to the nature of the work being performed.

(c) Free access shall be maintained at all times to all exits and to fire-extinguishing equipment.

§ 1917.52 Illumination.

(a) All means of access and walkways leading to working areas as well as the working areas themselves shall be adequately illuminated.

(b) Temporary lights shall meet the following requirements:

(1) Temporary lights shall be equipped with guards to prevent accidental contact with the bulb, except that guards are not required when the construction of the reflector is such that the bulb is deeply recessed.

(2) Temporary lights shall be equipped with heavy duty electric cords with connections and insulation maintained in safe condition. Temporary lights shall not be suspended by their electric cords unless cords and lights are designed for this means of suspension. Splices which have insulation equal to that of the cables are permitted.

(3) Cords shall be kept clear of working spaces and walkways or other locations in which they are readily exposed to damage.

(c) Exposed non-current-carrying metal parts of temporary lights furnished by the employer shall be grounded either through a third wire in the cable containing the circuit conductors or through a separate wire which is grounded at the source of the current. Grounding shall be in accordance with the requirements of § 1917.72(b).

(d) Where temporary lighting from sources outside the vessel is the only means of illumination, portable emergency lighting equipment shall be available to provide illumination for safe movement of employees.

(e) Employees shall not be permitted to enter dark spaces without a suitable portable light. The use of matches and open flame lights is prohibited. In non-gas free spaces, portable lights shall meet the requirements of § 1917.12(b).

(f) Temporary lighting stringers or streamers shall be so arranged as to avoid overloading of branch circuits. Each branch circuit shall be equipped with overcurrent protection of capacity not exceeding the rated current carrying capacity of the cord used.

§ 1917.53 Utilities.

(a) *Steam supply and hoses.* (1) Prior to supplying a vessel with steam from a source outside the vessel, the employer shall ascertain the safe working pressure of the vessel's steam system. The employer shall install a pressure gauge and a relief valve of proper size and capacity at the point where the temporary steam hose joins the vessel's steam piping system or systems. The relief valve shall be set and capable of relieving at a pressure not exceeding the safe working pressure of the vessel's system in its present condition, and there shall be no means of isolating the relief valve from the system which it protects. The pressure gauge and relief valve shall be located so as to be visible and readily accessible.

(2) Steam hose fittings shall have a safety factor of not less than five (5).

(3) When steam hose is hung in a bight or bights, the weight shall be relieved by appropriate lines. The hose shall be protected against chafing.

(4) Steam hose shall be protected from damage and hose and temporary piping shall be so shielded where passing through normal work areas as to prevent accidental contact by employees.

(b) *Electric power.* (1) When the vessel is supplied with electric power from a source outside the vessel, the following precautions shall be taken prior to energizing the vessel's circuits:

(i) If in dry dock, the vessel shall be adequately grounded.

(ii) The employer shall ensure that all circuits to be energized are in a safe condition.

(iii) All circuits to be energized shall be equipped with overcurrent protection of capacity not exceeding the rated current carrying capacity of the cord used.

§ 1917.54 Work in confined or isolated spaces.

When any work is performed in a confined space, except as provided in § 1917.31(b)(3), or when an employee is working alone in an isolated location, frequent checks shall be made to ensure the safety of the employees.

§ 1917.55 [Reserved]

§ 1917.56 Work in or on lifeboats.

(a) Before employees are permitted to work in or on a lifeboat, either stowed or in a suspended position, the employer shall ensure that the boat is secured independently of the releasing gear to prevent the boat from falling due to accidental tripping of the releasing gear and movement of the davits or capsizing of a boat in chocks.

(b) Employees shall not be permitted to work on the outboard side of lifeboats stowed on their chocks unless the boats are secured by gripes or otherwise secured to prevent them from swinging outboard.

§ 1917.57 Health and sanitation.

(a) No chemical product, such as a solvent or preservative; no structural material, such as cadmium or zinc coated steel, or plastic material; and no process material, such as welding filler metal; which is a hazardous material within the meaning of § 1917.2(r), shall be used until the employer has ascertained the potential fire, toxic, or reactivity hazards which are likely to be encountered in the handling, application, or utilization of such a material.

(b) In order to ascertain the hazards, as required by paragraph (a) of this section, the employer shall obtain the following items of information which are applicable to a specific product or material to be used:

(1) The name, address, and telephone number of the source of the information specified in this paragraph, preferably those of the manufacturer of the product or material.

(2) The trade name and synonyms for a mixture of chemicals, a basic structural material, or for a process material; and the chemical name and synonyms, chemical family, and formula for a single chemical.

(3) Chemical names of hazardous ingredients, including, but not limited to, those in mixtures, such as those in: (i) Paints, preservatives, and solvents; (ii) alloys, metallic coatings, filler metals and their coatings or core fluxes; and (iii) other liquids, solids, or gases (e.g., abrasive materials).

(4) An indication of the percentage, by weight or volume, which each ingredient of a mixture bears to the whole mixture, and of the threshold limit value of each ingredient, in appropriate units.

(5) Physical data about a single chemical or a mixture of chemicals, including boiling point, in degrees Fahrenheit; vapor pressure, in millimeters of mercury; vapor density of gas or vapor (air =1); solubility in water, in percent by weight; specific gravity of material (water=1); percentage volatile, by volume, at 70° F.; evaporation rate for liquids (either butyl acetate or ether may be taken as 1); and appearance and odor.

(6) Fire and explosion hazard data about a single chemical or a mixture of chemicals, including flash point, in degrees Fahrenheit; flammable limits, in percent by volume in air; suitable extinguishing media or agents; special fire fighting procedures; and unusual fire and explosion hazard information.

(7) Health hazard data, including threshold limit value, in appropriate units, for a single hazardous chemical or for the individual hazardous ingredients of a mixture, as appropriate; effects of overexposure, and emergency and first aid procedures.

(8) Reactivity data, including stability, incompatibility, hazardous decomposition products, and hazardous polymerization.

(9) Procedures to be followed and precautions to be taken in cleaning up and disposing of materials leaked or spilled.

(10) Special protection information, including use of personal protective equipment, such as respirators, eye protection, and protective clothing, and of ventilation, such as local exhaust, general, special, or other types.

(11) Special precautionary information about handling and storing.

(12) Any other general precautionary information.

(c) The pertinent information required by paragraph (b) of this section shall be recorded either on U.S. Department of Labor Form OSHA 20, Material Safety Data Sheet, or on an essentially similar form which has been approved by the Occupational Safety and Health Administration. Copies of Form OSHA 20 may be obtained at any of the following regional offices of the Occupational Safety and Health Administration:

(1) North Atlantic Region, 341 Ninth Avenue, Room 920, New York, N.Y. 10001 (Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, and Vermont).

(2) Middle Atlantic Region, Penn Square Building, Juniper and Filbert Streets, Philadelphia, Pa. 19107 (Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, and West Virginia).

(3) South Atlantic Region, 1371 Peachtree Street NE., Suite 723, Atlanta, Ga. 30309 (Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee).

(4) Great Lakes Region, 848 Federal Office Building, 219 South Dearborn Street, Chicago, Ill. 60604 (Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin).

(5) Mid-Western Region, 2100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106 (Colorado, Iowa, Kansas, Missouri, Montana, Nebraska, North Dakota, South Dakota, Utah, and Wyoming).

(6) Western Gulf Region, 411 North Akard Street, Room 601, Dallas, Tex. 75201 (Arkansas, Louisiana, New Mexico, Oklahoma, and Texas).

(7) Pacific Region, 10353 Federal Building, 450 Golden Gate Avenue, Box 36017, San Francisco, Calif. 94102 (Alaska, Arizona, California, Hawaii, Idaho, Nevada, Oregon, and Washington).

A completed form shall be preserved and available for inspection for a period of 3 months from the date of the completion of the job.

(d) The employer shall instruct employees who will be exposed to the hazardous materials as to the nature of the hazards and the means of avoiding them.

(e) The employer shall provide all necessary controls, and the employees shall be protected by suitable personal protective equipment against the hazards identified under paragraph (a) of this section and those hazards for which specific precautions are required in Subparts B and D of this part.

(f) The employer shall provide adequate washing facilities for employees engaged in the various shipbreaking operations where contaminants can, by ingestion or absorption, be detrimental to the health of the employees. The employer shall encourage good personal hygiene practices by informing the employees of the need for removing surface contaminants by thorough washing of hands and face prior to eating or smoking.

(g) The employer shall not permit eating or smoking in the immediate areas where shipbreaking operations produce atmospheric contaminants.

(h) No minor under 18 years of age shall be employed in shipbreaking or related employments.

§ 1917.58 First aid.

(a) Unless a first aid room and a qualified attendant are close at hand and prepared to render first aid to employees on behalf of the employer, the employer shall furnish a first aid kit for each vessel on which work is being performed, except that when work is being performed on more than one small vessel at one pier, only one kit shall be required. The kit, when required, shall be kept close to the vessel and at least one employee, close at hand, shall be qualified to administer first aid to the injured.

(b) The first aid kit shall consist of a weatherproof container with individually sealed packages for each type of item. The contents of such kit shall contain a sufficient quantity of at least the following types of items:

Gauze roller bandages, 1 inch and 2 inch.
Gauze compress bandages, 4 inch.
Adhesive bandages, 1 inch.
Triangular bandage, 40 inch.
Ammonia inhalants and ampules.
Antiseptic applicators or swabs.
Burn dressing.
Eye dressing.

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Wire or thin board splints.
Forceps and tourniquet.

(c) The contents of the first aid kit shall be checked before being sent out on each job, and at least weekly on each job, to ensure that the expended items are replaced.

(d) There shall be available for each vessel one Stokes basket stretcher, or equivalent, permanently equipped with bridles for attaching to the hoisting gear, except that no more than two stretchers are required on each job location. A blanket or other liner suitable for transferring patients to and from the stretcher shall be provided. Stretchers shall be kept close to the vessels. This paragraph does not apply where ambulance services which are available are known to carry such stretchers.

Subpart G—Gear and Equipment for Rigging and Materials Handling

§ 1917.61 Inspection.

(a) All gear and equipment provided by the employer for rigging and materials handling shall be inspected before each shift and, when necessary, at intervals during its use to ensure that it is safe. Defective gear shall be removed and repaired or replaced before further use.

(b) The safe working load of gear as specified in §§ 1917.62 and 1917.63 shall not be exceeded.

§ 1917.62 Ropes, chains and slings.

(a) *Manila rope and manila rope slings.* Table G–1 in § 1917.68 shall be used to determine the safe working load of various sizes of manila rope and manila rope slings at various angles, except that higher safe working loads are permissible when recommended by the manufacturer for specific, identifiable products, provided that a safety factor of not less than five (5) is maintained.

(b) *Wire rope and wire rope slings.* (1) Tables G–2 through G–5 in § 1917.68 shall be used to determine the safe working loads of various sizes and classifications of improved plow steel wire rope and wire rope slings with various types of terminals. For sizes, classifications and grades not included in these tables, the safe working load recommended by the manufacturer for specific, identifiable products shall be followed, provided that a safety factor of not less than five (5) is maintained.

(2) Protruding ends of strands in splices on slings and bridles shall be covered or blunted.

(3) Where U-bolt wire rope clips are used to form eyes, Table G–6 in § 1917.68 shall be used to determine the number and spacing of clips. The U-bolt shall be applied so that the "U" section is in contact with the dead end of the rope.

(4) Wire rope shall not be secured by knots.

(c) *Chains and chain slings.* (1) Tables G–7 and G–8 in § 1917.68 shall be used to determine the working load limit of various sizes of wrought iron and alloy steel chains and chain slings, except that higher safe working loads are permissible when recommended by the manufacturer for specific, identifiable products.

(2) All sling chains, including end fastenings, shall be given a visual inspection before being used on the job. A thorough inspection of all chains in use shall be made every 3 months. Each chain shall bear an indication of the month in which it was thoroughly inspected. The thorough inspection shall include inspection for wear, defective welds, deformation and increase in length or stretch.

(3) Interlink wear, not accompanied by stretch in excess of 5 percent, shall be noted and the chain removed from service when maximum allowable wear at any point of link, as indicated in Table G–9 in § 1917–68, has been reached.

(4) Chain slings shall be removed from service when, due to stretch, the increase in length of a measured section exceeds five (5) percent; when a link is bent, twisted or otherwise damaged; or when raised scarfs or defective welds appear.

(5) All repairs to chains shall be made under qualified supervision. Links or portions of the chain found to be defective as described in paragraph (d) of this section shall be replaced by links having proper dimensions and made of material similar to that of the chain. Before repaired chains are returned to service, they shall be proof tested to the proof test load recommended by the manufacturer.

(6) Wrought iron chains in constant use shall be annealed or normalized at intervals not exceeding six months when recommended by the manufacturer. The chain manufacturer shall be consulted for recommended procedures for annealing or normalizing. Alloy chains shall never be annealed.

(7) A load shall not be lifted with a chain having a kink or knot in it. A chain shall not be shortened by bolting, wiring or knotting.

§ 1917.63 Shackles and hooks.

(a) *Shackles.* (1) Table G–10 in § 1917.68 shall be used to determine the safe working loads of various sizes of shackles, except that higher safe working loads are permissible when recommended by the manufacturer for specific, identifiable products, provided that a safety factor of not less than five (5) is maintained.

(b) *Hooks.* (1) The manufacturer's recommendations shall be followed in determining the safe working loads of the various sizes and types of specific and identifiable hooks. All hooks for which no applicable manufacturer's recommendations are available shall be tested to twice the intended safe working load before they are initially put into use. The employer shall maintain a record of the dates and results of such tests.

(2) Loads shall be applied to the throat of the hook since loading the point overstresses and bends or springs the hook.

(3) Hooks shall be inspected periodically to see that they have not been bent by overloading. Bent or sprung hooks shall not be used.

§ 1917.64 Chain falls and pull-lifts.

(a) Chain falls and pull-lifts shall be clearly marked to show the capacity and the capacity shall not be exceeded.

(b) Chain falls shall be regularly inspected to ensure that they are safe, particular attention being given to the lift chain, pinion, sheaves and hooks for distortion and wear. Pull-lifts shall be regularly inspected to ensure that they are safe, particular attention being given to the ratchet, pawl, chain and hooks for distortion and wear.

(c) Straps, shackles, and the beam or overhead structure to which a chain fall or pull-lift is secured shall be of adequate strength to support the weight of load plus gear. The upper hook shall be moused or otherwise secured against coming free of its support.

(d) Scaffolding shall not be used as a point of attachment for lifting devices, such as tackles, chain falls, and pull-lifts unless the scaffolding is specifically designed for that purpose.

§ 1917.65 Hoisting and hauling equipment.

(a) Derrick and crane certification: (1) Derricks and cranes which are part of, or regularly placed aboard, barges, other vessels, or on wingwalls of floating drydocks, and are used to transfer materials or equipment from or to a vessel or drydock, shall be tested and certificated in accordance with the standards provided in Part 1919 of this chapter by persons accredited for that purpose.

(2) Subparagraph (1) of this paragraph shall take effect 180 days after the effective date of this amendment.

(b) The moving parts of hoisting and hauling equipment shall be guarded.

(c) Mobile crawler or truck cranes used on a vessel: (1) The maximum manufacturer's rated safe working loads for the various working radii of the boom and the maximum and minimum radii at which the boom may be safely used with and without outriggers shall be conspicuously posted near the controls and shall be visible to the operator. A radius indicator shall be provided.

(2) The posted safe working loads of mobile crawler or truck cranes under the conditions of use shall not be exceeded.

(d) Accessible areas within the swing radius of the outermost part of the body of a revolving derrick or crane either permanently or temporarily mounted, shall be guarded in such a manner as to prevent an employee from being in such a position as to be struck by the crane or caught between the crane and fixed parts of the vessel or of the crane itself.

(e) Marine railways:

(1) The cradle or carriage on the marine railway shall be positively blocked or secured when in the hauled position to prevent it from being accidentally released.

§ 1917.66 Use of gear.

(a) Loads shall be safely rigged before being hoisted.

(b) When slings are secured to eyebolts, the slings shall be so arranged, using spreaders if necessary, that the pull is within 20 degrees of the axis of the bolt.

(c) Slings shall be padded by means of wood blocks or other suitable material where they pass over sharp edges or corners of loads so as to prevent cutting or kinking.

(d) Skips shall be rigged to be handled by not less than 3 legged bridles, and all legs shall always be used. When open end skips are used, means shall be taken to prevent the contents from falling.

(e) Loose ends of idle legs of slings in use shall be hung on the hook.

(f) Employees shall not be permitted to ride the hook or the load.

(g) Loads (tools, equipment or other materials) shall not be swung or suspended over the heads of employees.

(h) Pieces of equipment or structure susceptible to falling or dislodgement shall be secured or removed as early as possible.

(i) An individual who is familiar with the signal code in use shall be assigned to act as a signalman when the hoist operator cannot see the load being handled. Communications shall be made by means of clear and distinct visual or auditory signals except that verbal signals shall not be permitted.

(j) Pallets, when used, shall be of such material and construction and so maintained as to safely support and carry the loads being handled on them.

(k) Before loads or empty lifting gear are raised, lowered, or swung, clear and sufficient advance warning shall be given to employees in the vicinity of such operations.

(l) At no time shall an employee be permitted to place himself in a hazardous position between a swinging load and a fixed object.

(m) A section of hatch through which materials or equipment are being raised, lowered, moved, or otherwise shifted manually or by a crane, winch, hoist, or derrick, shall be completely opened. The beam or pontoon left in place adjacent to an opening shall be sufficiently lashed, locked or otherwise secured to prevent it from being unshipped.

(n) Hatches shall not be opened or closed while employees are in the square of the hatch below.

§ 1917.67 Qualifications of operators.

(a) Only those employees who understand the signs, notices, and operating instructions, and are familiar with the signal code in use, shall be permitted to operate a crane, winch, or other power operated hoisting apparatus.

(b) No employee known to have defective uncorrected eyesight or hearing, or to be suffering from heart disease, epilepsy, or similar ailment which may suddenly incapacitate him, shall be permitted to operate a crane, winch or other power operated hoisting apparatus.

§ 1917.68 Tables.

TABLE E–1

SPECIFICATIONS FOR THE CONSTRUCTION OF HORSES

Structural members	Height in feet		
	Up to 10	10 to 16	16 to 20
	Inches	*Inches*	*Inches*
Legs	2 x 4	3 x 4	4 x 6
Bearers or headers	2 x 6	2 x 8	4 x 6
Crossbraces	2 x 4 or 1 x 8	2 x 4	2 x 6
Longitudinal braces	2 x 4	2 x 6	2 x 6

TABLE E–2

SAFE CENTER LOADS FOR SCAFFOLD PLANK OF 1,100 POUNDS FIBRE STRESS

Span in feet	Lumber dimensions in inches									
	A	B	A	B	A	B	A	B	A	B
	2 x 10	1¼ x 9¼	2 x 12	1¼ x 11¼	1 x 8	2¼ x 7¼	3 x 10	2½ x 9¼	3 x 12	2½ x 11¼
6	256	209	326	667	807					
8	192	232	395	500	605					
10	153	186	316	400	484					
12	128	155	263	333	404					
14	110	133	225	286	346					
16	------	116	197	250	303					

(A)—Rough lumber.
(B)—Dressed lumber.

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TABLE G-1
MANILA ROPE
(In pounds or tons of 2000 pounds)

Circumference	Diameter in Inches	Single Leg	60°	45°	30°
3/4	1/4	120 lbs.	204 lbs.	170 lbs.	120 lbs.
1	5/16	200	346	282	200
1-1/8	3/8	270	467	380	270
1-1/4	7/16	350	605	493	350
1-3/8	15/32	450	775	635	450
1-1/2	1/2	530	915	798	530
1-3/4	9/16	690	1190	973	690
2	5/8	880	1520	1240	880
2-1/4	3/4	1080	1870	1520	1080
2-1/2	13/16	1300	2250	1830	1300
2-3/4	7/8	1540	2660	2170	1540
3	1	1800	3120	2540	1800
3-1/4	1-1/16	1.0 Tons	1.7 Tons	1.4 Tons	1.0 Tons
3-1/2	1-1/8	1.2	2.1	1.7	1.2
3-3/4	1-1/4	1.35	2.3	1.9	1.35
4	1-5/16	1.5	2.6	2.1	1.5
4-1/2	1-1/2	1.8	3.1	2.5	1.8
5	1-5/8	2.25	3.9	3.2	2.25
5-1/2	1-3/4	2.6	4.5	3.7	2.6
6	2	3.1	5.4	4.4	3.1
6-1/2	2-1/8	3.6	6.2	5.1	3.6

TABLE G-2
RATED CAPACITIES FOR IMPROVED PLOW STEEL, INDEPENDENT WIRE ROPE CORE, WIRE ROPE AND WIRE ROPE SLINGS
(In tons of 2000 pounds)

Rope Dia. Inches	SINGLE LEG					
	Vertical			Choker		
	A	B	C	A	B	C
6x19 CLASSIFICATION						
1/4"	.59	.56	.53	.44	.42	.40
3/8"	1.3	1.2	1.1	.98	.93	.86
1/2"	2.3	2.2	2.0	1.7	1.6	1.5
5/8"	3.6	3.4	3.0	2.7	2.5	2.2
3/4"	5.1	4.9	4.2	3.8	3.6	3.1
7/8"	6.9	6.6	5.5	5.2	4.9	4.1
1"	9.0	8.5	7.2	6.7	6.4	5.4
1-1/8"	11.	10.	9.0	8.5	7.8	6.8
6x37 CLASSIFICATION						
1-1/4"	13.	12.	10.	9.9	9.2	7.9
1-3/8"	16.	15.	13.	12.	11.	9.6
1-1/2"	19.	17.	15.	14.	13.	11.
1-3/4"	26.	24.	20.	19.	18.	15.
2"	33.	30.	26.	25.	23.	20.
2-1/4"	41.	38.	33.	31.	29.	25.

(A) - Socket or Swaged Terminal attachment.
(B) - Mechanical Sleeve attachment.
(C) - Hand Tucked Splice attachment.

TABLE G-3
RATED CAPACITIES FOR IMPROVED PLOW STEEL, INDEPENDENT WIRE ROPE CORE, WIRE ROPE SLINGS
(In tons of 2000 pounds)

Rope Dia. Inches	TWO - LEG BRIDLE OR BASKET HITCH											
	Vertical			60°			45°			30°		
	A	B	C	A	B	C	A	B	C	A	B	C
6x19 CLASSIFICATION												
1/4"	1.2	1.1	1.0	1.0	.97	.92	.83	.79	.75	.59	.56	.53
3/8"	2.8	2.5	2.3	2.3	2.1	2.0	1.8	1.8	1.6	1.3	1.2	1.1
1/2"	4.6	4.4	3.9	4.0	3.8	3.4	3.2	3.1	2.8	2.3	2.2	2.0
5/8"	7.2	6.8	6.0	6.2	5.9	5.2	5.1	4.8	4.2	3.6	3.4	3.0
3/4"	10.	9.7	8.4	8.8	8.4	7.3	7.2	6.9	5.8	5.1	4.9	4.2
7/8"	14.	13.	11.	12.	11.	9.6	9.8	9.3	7.8	6.9	6.6	5.5
1"	18.	17.	14.	15.	15.	12.	13.	12.	10.	9.0	8.5	7.2
1-1/8"	23.	21.	18.	19.	18.	16.	16.	15.	13.	11.	10.	9.0
6x37 CLASSIFICATION												
1-1/4"	26.	24.	21.	23.	21.	19.	18.	17.	15.	13.	12.	10.
1-3/8"	32.	29.	25.	28.	25.	22.	22.	21.	18.	16.	15.	13.
1-1/2"	38.	35.	30.	33.	30.	26.	27.	25.	21.	19.	17.	15.
1-3/4"	51.	47.	41.	44.	41.	35.	36.	33.	29.	26.	24.	20.
2"	66.	61.	53.	57.	53.	46.	47.	43.	37.	33.	30.	26.
2-1/4"	83.	76.	66.	72.	66.	57.	58.	54.	47.	41.	38.	32.

(A) - Socket or Swaged Terminal Attachment.
(B) - Mechanical Sleeve Attachment.
(C) - Hand Tucked Splice Attachment.

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TABLE G-4
RATED CAPACITIES FOR IMPROVED PLOW STEEL, FIBER CORE, WIRE ROPE AND WIRE ROPE SLINGS
(In tons of 2000 pounds)

Rope Dia. Inches	SINGLE LEG					
	Vertical			Choker		
	A	B	C	A	B	C
6x19 CLASSIFICATION						
1/4	.55	.51	.49	.41	.38	.37
3/8	1.2	1.1	1.1	.91	.85	.80
1/2	2.1	2.0	1.8	1.6	1.5	1.4
5/8	3.3	3.1	2.8	2.5	2.3	2.1
3/4	4.8	4.4	3.9	3.6	3.3	2.9
7/8	6.4	5.9	5.1	4.8	4.5	3.9
1	8.4	7.7	6.7	6.3	5.8	5.0
1-1/8	10.	9.5	8.4	7.9	7.1	6.3
6x37 CLASSIFICATION						
1-1/4	12.	11.	9.8	9.2	8.3	7.4
1-3/8	15.	13.	12.	11.	10.	8.9
1-1/2	17.	16.	14.	13.	12.	10.
1-3/4	24.	21.	19.	18.	16.	14.
2	31.	28.	25.	23.	21.	18.

(A) - Socket or Swaged Terminal attachment.
(B) - Mechanical Sleeve attachment.
(C) - Hand Tucked Splice attachment.

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TABLE G-7
WROUGHT IRON CHAIN
(In pounds or tons of 2000 pounds)

Nominal Size Chain Stock Inch.	Single Leg	60°	45°	30°
• 1/4	1060	1835	1500	1060
• 5/16	1655	2865	2340	1655
3/8	2385	2.1	3370	2385
• 7/16	3250	2.8	2.3	3250
1/2	2.1	3.7	3.0	2.1
• 9/16	2.7	4.6	3.8	2.7
5/8	3.3	5.7	4.7	3.3
3/4	4.8	8.3	6.7	4.8
7/8	6.5	11.2	9.2	6.5
1	8.5	14.7	12.0	8.5
1-1/8	10.0	17.3	14.2	10.0
1-1/4	12.4	21.4	17.5	12.4
1-3/8	15.0	25.9	21.1	15.0
1-1/2	17.8	30.8	25.2	17.8
1-5/8	20.9	36.2	29.5	20.9
1-3/4	24.2	42.0	34.3	24.2
1-7/8	27.6	47.9	39.1	27.6
2	31.6	54.8	44.8	31.6

• These sizes of wrought iron chain are no longer manufactured in the United States.

TABLE G-8
RATED CAPACITIES FOR IMPROVED FLOW STEEL FIBER CORE, WIRE ROPE SLINGS
(In tons of 2000 pounds)

Rope Dia. Inches	Vertical A	Vertical B	Vertical C	60° A	60° B	60° C	45° A	45° B	45° C	30° A	30° B	30° C
6x19 CLASSIFICATION												
1/4	1.1	1.0	.89	2.1	1.9	1.6	1.6	1.4	1.2	1.1	1.0	.89
3/8	2.4	2.2	2.1	3.7	3.4	3.2	2.7	2.4	2.3	2.1	2.0	1.8
1/2	4.3	3.9	3.7	6.8	6.2	5.8	4.9	4.4	4.0	3.8	3.5	3.2
5/8	6.7	6.2	5.8	10.	9.6	9.0	7.6	7.0	6.3	5.9	5.4	5.0
3/4	9.6	8.8	8.3	15.	14.	13.	11.	10.	9.1	8.4	7.7	7.2
7/8	13.	12.	11.	20.	19.	17.	15.	14.	12.	11.	10.	9.4
1	17.	15.	15.	26.	24.	23.	19.	18.	17.	15.	13.	12.
1-1/8	21.	19.	18.	33.	30.	28.	24.	22.	21.	19.	17.	16.
6x37 CLASSIFICATION												
1-1/4	22.	22.	20.	34.	31.	30.	25.	23.	22.	19.	18.	17.
1-3/8	30.	27.	26.	46.	42.	40.	33.	31.	30.	26.	24.	23.
1-1/2	38.	33.	32.	58.	52.	50.	42.	38.	37.	33.	30.	28.
1-3/4	48.	43.	40.	73.	67.	63.	53.	49.	46.	42.	38.	36.
2	60.	55.	50.	92.	85.	78.	67.	62.	57.	52.	48.	44.

(A) = Socket or forged Terminal attachment.
(B) = Mechanical Sleeve attachment.
(C) = Hand Tucked Splice attachment.

TABLE G-9—NUMBER AND SPACING OF U-BOLT WIRE ROPE CLIPS

Improved plow steel, rope diameter, inches	Number of clips: Drop forged	Number of clips: Other material	Minimum spacing, inches
1/4	3	4	3¾
5/16	3	4	4½
3/8	4	5	5¼
7/16	4	6	6
1/2	4	6	6¾
9/16	5	7	7½
5/8	6	8	8¼
3/4	6	8	9
7/8	6	8	10½
1	6	8	12
1-1/8	7	8	13½
1-1/4	7	8	15
1-3/8	8	9	16½
1-1/2	8	9	18
1-5/8	8	9	19½
1-3/4	8	9	21
1-7/8	8	9	22½
2	8	9	24

*Three clips shall be used on wire size less than ¼-inch diameter.

TABLE G-8
ALLOY STEEL CHAIN
(In tons of 2000 pounds)

Nominal Size Chain Stock Inch.	Single Leg	60°	45°	30°
1/4	1.62	2.82	2.27	1.62
3/8	3.30	5.70	4.65	3.30
1/2	5.62	9.75	7.90	5.62
5/8	8.25	14.25	11.65	8.25
3/4	11.5	19.9	16.2	11.5
7/8	14.3	24.9	20.3	14.3
1	19.3	33.5	27.3	19.8
1-1/8	22.2	38.5	31.5	22.2
1-1/4	28.7	49.7	40.5	28.7
1-3/8	33.5	58.0	47.0	33.5
1-1/2	39.7	68.5	56.0	39.7
1-5/8	42.5	73.5	59.5	42.5
1-3/4	47.0	81.5	62.0	47.0

TABLE G-9
MAXIMUM ALLOWABLE WEAR AT ANY POINT OF LINK

Chain size in inches	Maximum allowable wear in fraction of inches
¼ (5/16)	5/64
5/16	3/32
3/8	7/64
7/16	1/8
1/2	9/64
5/8	11/64
3/4	13/64
7/8	15/64
1	1/4
1-1/8	17/64
1-1/4	9/32
1-3/8	19/64
1-1/2	5/16

TABLE G-10
SAFE WORKING LOADS FOR SHACKLES
(In tons of 2,000 pounds)

Material size (inches)	Pin diameter (inches)	Safe working load
1/4	1/4	1.4
5/16	5/16	2.3
3/8	3/8	3.2
1/2	1/2	4.8
5/8	5/8	6.5
3/4	3/4	9.5
7/8	7/8	13.0
1	1	17.0
1-1/8	1-1/8	19.0
1-1/4	1-1/4	24.0
1-3/8	1-3/8	28.0
1-1/2	1-1/2	32.0
1-3/4	1-3/4	42.0
2	2	54.0

TABLE I-1
FILTER LENSES FOR PROTECTION AGAINST RADIANT ENERGY

Operation	Shade No.
Soldering	2
Torch Brazing	3 or 4
Light cutting, up to 1 inch	3 or 4
Medium cutting, 1-6 inches	4 or 5
Heavy cutting, over 6 inches	5 or 6
Light gas welding, up to ½ inch	4 or 5
Medium gas welding, ½-½ inch	5 or 6
Heavy gas welding, over ½ inch	6 or 8
Shielded Metal-Arc Welding 1/16- to 5/32-inch electrodes	10
Inert-gas Metal-Arc Welding (Non-ferrous) 1/16- to 5/32-inch electrodes	11
Inert-gas Metal-Arc Welding (Ferrous) 1/16- to 5/32-inch electrodes	12
Shielded Metal-Arc Welding:	
1/16 to 1/8 inch electrodes	12
5/32 and 1/4 inch electrodes	14
Atomic Hydrogen Welding	10 to 14
Carbon Arc Welding	14

Subpart H—Tools and Related Equipment

§ 1917.71 General precautions.

(a) Hand lines, slings, tackles of adequate strength, or carriers such as tool bags with shoulder straps shall be provided and used to handle tools, materials, and equipment so that employees will have their hands free when using ship's ladders and access ladders. The use of hose or electric cords for this purpose is prohibited.

(b) When air tools of the reciprocating type are not in use, the dies and tools shall be removed.

(c) All portable, power-driven circular saws shall be equipped with guards above and below the base plate or shoe. The upper guard shall cover the saw to the depth of the teeth, except for the minimum arc required to permit the base to be tilted for bevel cuts. The lower guard shall cover the saw to the depth of the teeth, except for the minimum arc required to allow proper retraction and contact with the work. When the tool is withdrawn from the work, the lower guard shall automatically and instantly return to the covering position.

(d) The moving parts of machinery on dry docks shall be adequately guarded.

(e) Before use, pneumatic tools shall be secured to the extension hose or whip by some positive means to prevent the tool from becoming accidentally disconnected from the whip.

(f) The moving parts of drive mechanisms, such as gearing and belting on large portable tools, shall be adequately guarded.

(g) Headers, manifolds, and widely spaced hose connections on compressed air lines shall bear the word "air" in letters at least 1 inch high, which shall be painted either on the manifold or separate hose connections, or on signs permanently attached to the manifolds or connections. Grouped air connections may be marked in one location.

(h) Before use, compressed air hose shall be examined. Visibly damaged and unsafe hose shall not be used.

§ 1917.72 Portable electric tools.

(a) The frames of portable electric tools and appliances, except double insulated tools approved by Underwriters Laboratories, shall be grounded either through a third wire in the cable containing the circuit conductors or through a separate wire which is grounded at the source of the current.

(b) Grounding circuits, other than by means of the structure of the vessel on which the tool is being used, shall be checked to ensure that the circuit between the ground and the grounded power conductor has resistance which is low enough to permit sufficient current to flow to cause the fuse or circuit breaker to interrupt the current.

(c) Portable electric tools which are held in the hand shall be equipped with switches of a type which must be manually held in the closed position.

(d) Worn or frayed electric cables shall not be used.

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§ 1917.73 Hand tools.

(a) Employers shall not issue or permit the use of unsafe hand tools.

(b) Wrenches, including crescent, pipe, end and socket wrenches, shall not be used when jaws are sprung to the point that slippage occurs.

(c) Impact tools, such as drift pins, wedges, and chisels, shall be kept free of mushroomed heads.

(d) The wooden handles of tools shall be kept free of splinters or cracks and shall be kept tight in the tool.

§ 1917.74 Abrasive wheels.

(a) Floor stand and bench mounted abrasive wheels used for external grinding shall be provided with safety guards (protection hoods). The maximum angular exposure of the grinding wheel periphery and sides shall be not more than 90 degrees, except that when work requires contact with the wheel below the horizontal plane of the spindle, the angular exposure shall not exceed 125 degrees. In either case the exposure shall begin not more than 65 degrees above the horizontal plane of the spindle. Safety guards shall be strong enough to withstand the effect of a bursting wheel.

(b) Floor and bench mounted grinders shall be provided with work rests which are rigidly supported and readily adjustable. Such work rests shall be kept a distance not to exceed ⅛ inch from the surface of the wheel.

(c) Cup type wheels used for external grinding shall be protected by either a revolving cup guard or a band type guard in accordance with the provisions of the United States of America Standard Safety Code for the Use, Care, and Protection of Abrasive Wheels, B7.1. All other portable abrasive wheels used for external grinding shall be provided with safety guards (protection hoods) meeting the requirements of paragraph (e) of this section, except as follows:

(1) When the work location makes it impossible, in which case a wheel equipped with safety flanges as described in paragraph (f) of this section shall be used.

(2) When wheels 2 inches or less in diameter which are securely mounted on the end of a steel mandrel are used.

(d) Portable abrasive wheels used for internal grinding shall be provided with safety flanges (protection flanges) meeting the requirements of paragraph (f) of this section, except as follows:

(1) When wheels 2 inches or less in diameter which are securely mounted on the end of a steel mandrel are used.

(2) If the wheel is entirely within the work being ground while in use.

(e) When safety guards are required, they shall be so mounted as to maintain proper alignment with the wheel, and the guard and its fastenings shall be of sufficient strength to retain fragments of the wheel in case of accidental breakage. The maximum angular exposure of the grinding wheel periphery and sides shall not exceed 180 degrees.

(f) When safety flanges are required they shall be used only with wheels designed to fit the flanges. Only safety flanges of a type and design and properly assembled so as to ensure that the pieces of the wheel will be retained in case of accidental breakage shall be used.

(g) All abrasive wheels shall be closely inspected and ring tested before mounting to ensure that they are free from cracks or defects.

(h) Grinding wheels shall fit freely on the spindle and shall not be forced on. The spindle nut shall be tightened only enough to hold the wheel in place.

(i) The power supply shall be sufficient to maintain the rated spindle speed under all conditions of normal grinding. The rated maximum speed of the wheel shall not be exceeded.

(j) All employees using abrasive wheels shall be protected by eye protection equipment in accordance with the requirements of § 1917.81 (a) and (b), except when adequate eye protection is afforded by eye shields which are permanently attached to the bench or floor stand.

§ 1917.76 Internal combustion engines, other than ship's equipment.

(a) When internal combustion engines, furnished by the employer are used in a fixed position below decks, for such purposes as driving pumps, generators, and blowers, the exhaust shall be led to the open air, clear of any ventilation intakes and openings through which it might enter the vessel.

(b) All exhaust line joints and connections shall be checked for tightness immediately upon starting the engine, and any leaks shall be corrected at once.

(c) When internal combusion engines on vehicles, such as forklifts and mobile cranes, or on portable equipment such as fans, generators, and pumps exhaust into the atmosphere below decks, the competent person shall make tests of the carbon monoxide content of the atmosphere as frequently as conditions require to ensure that dangerous concentrations do not develop. Employees shall be removed from the compartment involved when the carbon monoxide concentration exceeds 50 parts per million (0.005%). The employer shall use blowers sufficient in size and number and so arranged as to maintain the concentration below this allowable limit before work is resumed.

Subpart I—Personal Protective Equipment

§ 1917.81 Eye protection.

(a) *General precautions.* (1) All eye protection equipment required by the regulations in this part shall meet the specifications prescribed by the American Standard Safety Code for Head, Eye and Respiratory Protection, Z2.1.

(2) Eye protection equipment shall be maintained in good condition.

(3) Eye protection equipment which has previously been used shall be cleaned and disinfected before it is issued by the employer to another employee.

(4) Employees who wear corrective spectacles while engaged in eye hazardous work shall be protected by eye protection equipment of a type which can be worn over personal spectacles, except that glasses with prescription ground safety lenses may be worn in lieu of cover goggles when such glasses provide suitable protection against the hazard involved.

(b) *Protection against impact.* (1) In any operations such as chipping, caulking, drilling, riveting, grinding, and pouring babbitt metal, in which the eye hazard of flying particles, molten metal, or liquid chemical exists, employees shall be protected by suitable face shields or goggles meeting the requirements of paragraph (a) of this section.

(c) *Protection against radiant energy.* (1) In any operation in which the eye hazard of injurious light rays or other radiant energy exists, depending upon the intensity of the radiation to which employees are exposed, they shall be protected by spectacles, cup goggles, helmets, hand shields, or face shields equipped with filter lenses meeting the requirements of paragraphs (a) and (c) (2) of this section.

(2) Filter lenses shall be of a shade number appropriate to the type of work to be performed as indicated in Table I–1 in § 1917.68, except that variations of one or two shade numbers are permissible to suit individual preferences.

(3) If filter lenses are used in the goggles worn under the helmet, the shade number of the lens in the helmet may be reduced so that the sum of the shade numbers of the two lenses will equal the value shown in Table I–1 in § 1917.68.

§ 1917.82 Respiratory protection.

(a) *General.* (1) All respiratory protective equipment required by these regulations shall carry the U.S. Bureau of Mines approval for the use for which it is intended. Respiratory protective equipment shall be used only for the purpose intended and no modifications of the equipment shall be made.

(2) Respiratory protective equipment shall be inspected regularly and maintained in good condition. Gas mask canisters and chemical cartridges shall be replaced as necessary so as to provide complete protection. Mechanical filters shall be cleaned or replaced as necessary so as to avoid undue resistance to breathing.

(3) Respiratory protective equipment which has been previously used shall be cleaned and disinfected before it is issued by the employer to another employee. Emergency rescue equipment shall be cleaned and disinfected immediately after each use.

(4) Employees required to use respiratory protective equipment approved for use in atmospheres immediately dangerous to life shall be thoroughly trained in its use. Employees required to use other types of respiratory protective equipment shall be instructed in the use and limitations of such equipment.

(5) When an air line respirator is used, the air line shall be fitted with a pressure regulating valve and a filter

which will remove oil, water, and rust particles. The air intake shall be from a source which is free from all contaminants, such as the exhaust from internal combustion engines.

(6) In all cases, when an employee is stationed outside a compartment, tank or space as a tender or safety man for men working inside in an atmosphere immediately dangerous to life, the tender shall have immediately available for emergency use respiratory protective equipment equivalent to that required for the men in the compartment. When a tender is stationed outside a compartment for men working inside in an atmosphere not immediately dangerous to life, the tender shall wear respiratory protective equipment equivalent to that required for the men in the compartment if he is exposed for prolonged periods to the same concentration of atmospheric contaminants.

(b) *Protection in atmospheres immediately dangerous to life.* (1) Atmospheres immediately dangerous to life are those which contain less than 16.5 percent oxygen, or which by reason of the high toxicity of the contaminant, as in fumigation, or high concentration of the contaminant, as with carbon dioxide, would endanger the life of a person breathing them for even a short period of time.

(2) In atmospheres immediately dangerous to life the only approved types of respiratory protective equipment are the following:

(i) Self-contained breathing apparatus, in which the wearer carries with him a supply of oxygen, air, or an oxygen generating material.

(ii) Hose mask with blower, in which a hand or motor operated blower supplies air at high volume and low pressure through a large diameter hose through which the wearer can draw air in case the blower fails.

(iii) If there is known to be more than 16 percent oxygen and less than 2 percent gas by volume, a gas mask equipped with a canister approved for the particular type gas involved.

NOTE: A gas mask offers absolutely no protection in an atmosphere deficient in oxygen.

(3) Work in atmospheres immediately dangerous to life shall be performed only in an emergency, as when rescuing a man who has been overcome or when shutting off a source of contamination that cannot otherwise be controlled. When an employee enters such an atmosphere he shall be provided with and use an adequate, attended life line.

(4) In the vicinity of each vessel in which there is a danger of employees being exposed to an atmosphere immediately dangerous to life the employer shall have on hand and ready for use respiratory protective equipment approved for such use. When such equipment is required, one or more persons shall be thoroughly trained in the use of the equipment.

(c) *Protection against gaseous contaminants not immediately dangerous to life.* (1) Gaseous contaminants not immediately dangerous to life are gases present in concentrations that could be breathed for a short period without endangering the life of a person breathing them, but which might produce discomfort and possible injury after a prolonged single exposure or repeated short exposures.

(2) When employees are exposed to a gaseous contaminated atmosphere not immediately dangerous to life, they shall be protected by respiratory protective equipment approved for use in the type and concentration of the gaseous contaminant as follows:

(i) In high or unknown concentrations, a hose mask or an air line respirator. The use of either a hose mask or an air line respirator in lower concentrations is permissible.

(ii) In concentrations of ammonia of less than 3 percent or of other gases less than 2 percent, by volume, a canister type gas mask equipped with the proper type of canister. Different canisters are approved for specific use against the following cases or groups of gases: acid gases, hydrocyanic acid gas, chlorine gas, organic vapors, ammonia gas, carbon monoxide, or combination of the above.

(iii) In low concentrations (less than 0.1 percent by volume), a chemical cartridge respirator equipped with the type of cartridge approved for use against the particular gases or groups of gases listed in subdivision (ii) of this subparagraph.

(d) *Protection against particulate contaminants not immediately dangerous to life.* (1) When employees are exposed to unsafe concentrations of particulate contaminants, such as dusts and fumes, mists and fogs or combinations of solids and liquids, they shall be protected by either air line or filter respirators, except as otherwise provided in the regulations of this part.

(2) Filter respirators shall be equipped with the proper type of filter. Different filters are approved for specific protection against groups of contaminants, as follows:

(i) Pneumoconiosis-producing dust and nuisance dust filters which provide respiratory protection against pneumoconiosis-producing dusts, such as aluminum, cellulose, cement, charcoal, coal, coke, flour, gypsum, iron ore, limestone and wood.

(ii) Toxic dust filters which provide respiratory protection against toxic dusts that are not significantly more toxic than lead, such as arsenic, cadmium, chromium, lead, manganese, selenium, vanadium, and their compounds.

(iii) Mist filters which provide respiratory protection against pneumoconiosis-producing mists, chromic acid mists and nuisance mists.

(iv) Fume filters which provide respiratory protection against fumes (solid dispersoids or particulate matter formed by the condensation of vapors, such as those from heated metals and other substances.)

(v) Filters which provide respiratory protection against combinations of two or more of the contaminants described in subdivisions (i) through (iv) of this subparagraph.

(e) *Protection against combinations of gaseous and particulate contaminants not immediately dangerous to life.* (1) When employees are exposed to combinations of gaseous and particulate contaminants not immediately dangerous to life, they shall be protected by respiratory protective equipment approved for use in the type and concentrations of the contaminants, as follows:

(i) In high or unknown concentrations, a hose mask or an air line respirator. The use of either a hose mask or an air line respirator is permissible in lower concentrations.

(ii) In concentrations of gaseous contaminants of less than 2 percent by volume, a canister type gas mask with a combination canister approved for the particular type of gaseous contaminant as specified in paragraph (c) (2) of this section and a filter for the particular type of particulate contaminant as specified in paragraph (d) (1) of this section.

(iii) In low concentrations of gaseous contaminants (less than 0.1 percent by volume) a respirator equipped with the type of cartridge and filter as specified in subdivision (ii) of this subparagraph.

§ 1917.83 Head, foot and body protection.

(a) When employees are working in areas where there is danger of falling objects they shall be protected by protective hats.

(b) Protective hats shall meet the specifications contained in the United States of America Standard Safety Code for Head, Eye, and Respiratory Protection, Z2.1. Hats without dielectric strength shall not be used where there is the possibility of contact with electric conductors.

(c) Protective hats which have been previously worn shall be cleaned and disinfected before they are issued by the employer to another employee.

(d) The employer shall arrange through means, such as vendors or local stores, or otherwise, to make safety shoes readily available to all employees, and shall encourage their use. Metal toe caps from which the covering has been worn shall be insulated when employees are working on exposed energized circuits of the vessel's electrical system.

(e) Employees shall not be permitted to wear excessively greasy clothing when performing hot work operations.

(f) Employees shall be protected by suitable gloves when engaged in operations hazardous to their hands.

§ 1917.84 Lifesaving equipment.

(a) *Personal flotation devices.* (1) Any personal flotation devices shall be approved by the United States Coast Guard as a Type I PFD, Type II PFD, Type III PFD, or Type V PFD, or their equivalent, pursuant to 46 CFR 160 (Coast Guard Lifesaving Equipment Specifications)

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and 33 CFR 175.23 (Coast Guard table of devices equivalent to personal flotation devices).

(2) Prior to each use, personal flotation devices shall be inspected for dry rot, chemical damage, or other defects which may affect their strength and buoyancy. Defective personal flotation devices shall not be used.

(3) When employees are working in any location requiring a safety belt and a lifeline, care shall be exercised to insure that the lifeline is not cut, pinched, or led over a sharp edge. In hot work operations or those involving the use of acids, solvents, or caustics, the line shall be kept clear to avoid its being burned or weakened. In order to keep the lifeline continuously attached with a minimum of slack to a fixed structure the attachment point of the lifeline shall be appropriately changed as the work progresses.

(4) When employees are working in any location requiring a safety belt and a life line, as required in subparagraph (1) or (2) of this paragraph, care shall be exercised to ensure that the life line is not cut, pinched or led over a sharp edge. In hot work operations or those involving the use of acids or caustics, the line shall be kept clear to avoid its being burned or weakened. In order to keep the life line continuously attached with a minimum of slack to a fixed structure, the attachment point of the life line shall be appropriately changed as the work progresses.

(c) *Life rings and ladders.* (1) At least three 30-inch Coast Guard approved life rings with lines attached shall be kept in easily visible and readily accessible places in the immediate vicinity of each vessel afloat on which work is being performed.

(2) At least one life ring with a line attached shall be located on each staging float alongside a vessel on which work is being performed.

(3) At least 90 feet of line shall be attached to each life ring. Life rings and lines shall be maintained in good condition.

(4) In the vicinity of each vessel afloat in which work is being performed there shall be at least one portable or permanent ladder of sufficient length to assist employees to reach safety in the event that they fall into the water.

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APENDIX I—CARGO GEAR REGISTER AND CERTIFICATES

Subject Index for 29 CFR 1918—Longshoring.

AUTHORITY: The provisions of this Part 1918 and Appendix I, issued under sec. 41, 44 Stat. 1444, as amended; 33 U.S.C. 941.

SOURCE: 37 FR 22630, Oct. 19, 1972.

Subpart A—General Provisions

§ 1918.1 Purpose and authority.

(a) The Longshoremen's and Harbor Workers' Compensation Act (44 Stat. 1424; 33 U.S.C. 901 et seq.) provides compensation for injuries suffered by employees when they are working for private employers within the Federal maritime jurisdiction on the navigable waters of the United States, including dry docks. Public Law 85–742, 72 Stat. 835, approved August 23, 1958, which amends section 41 of the Longshoremen's and Harbor Workers' Compensation Act, as amended (44 Stat. 1444; 33 U.S.C. 941) requires, among other things, that every employer of the aforementioned employees "shall install, furnish, maintain, and use such devices and safeguards with particular reference to equipment used by and working conditions established by such employers as the Secretary may determine by regulation or order to be reasonably necessary to protect the life, health, and safety of such employees, and to render safe such employment and places of employment, and to prevent injury to his employees." It is the purpose of the regulations of this part to carry out the intent of Public Law 85–742.

(b) Pursuant to Public Law 85–742 the regulations of this part do not make determinations with respect to matters under the control of the U.S. Coast Guard within the scope of Title 52 of the Revised Statutes and Acts supplementary or amendatory thereto (46 U.S.C. 1–1388, passim), including, but not restricted to, the master, ship's officers, crew members, design, construction and maintenance of the vessel, its gear and equipment; to matters within the regulatory authority of the U.S. Coast Guard to safeguard vessels, harbors, ports, and waterfront facilities under the provisions of the Espionage Act of June 15, 1917, as amended (40 Stat. 220; 50 U.S.C. 191 et seq.; 22 U.S.C. 401 et seq.) or to matters within the regulatory authority of the U.S. Coast Guard with respect to lights, warning devices, safety equipment and other matters relating to the promotion of safety of lives and property under section 4(e) of the Outer Continental Shelf Lands Act of August 7, 1953 (67 Stat. 462; 43 U.S.C. 1333).

§ 1918.2 Scope and responsibility.

(a) The responsibility for compliance with the regulations of this part is placed upon "employers" as defined in § 1918.3(c).

(b) It is not the intent of the regulations of this part to place additional responsibilities or duties on owners, operators, agents or masters of vessels unless such persons are acting as employers, nor is it the intent of these regulations to relieve such owners, operators, agents or masters of vessels from responsibilities or duties now placed upon them by law, regulation or custom.

§ 1918.3 Definitions.

(a) The term "shall" indicates provisions which are mandatory.

(b) The term "Secretary" means the Secretary of Labor.

(c) The term "employer" means an employer any of whose employees are employed, in whole or in part, in longshoring operations or related employments, as defined herein within the Federal maritime jurisdiction on the navigable waters of the United States.

(d) The term "employee" means any longshoreman, or other person engaged in longshoring operations or related employments, within the Federal maritime jurisdiction on the navigable waters of the United States, other than the master, ship's officers, crew of the vessel, or any person engaged by the master to load or unload any vessel under 18 net tons.

(e) The term "vessel" includes every description of watercraft or other artificial contrivance used or capable of being used as a means of transportation on water, including special purpose floating structures not primarily designed for or used as a means of transportation on water.

(f) The term "public vessel" means a vessel owned and operated by a government and not regularly employed in merchant service.

(g) For the purposes of §§ 1918.11, 1918.23, 1918.35, 1918.37, 1918.43(f)(2), and 1918.106, the term "barge" means an unpowered, flat bottom, shallow draft vessel including river barges, scows, carfloats, and lighters. For the purposes of these sections the term does not include ship shaped or deep draft barges.

(h) For purposes of §§ 1918.11 and 1918.23, the term "river towboat" means a shallow draft, low freeboard, self propelled vessel designed to tow river barges by pushing ahead. For purposes of these sections the term does not include other towing vessels.

(i) The term "longshoring operations" means the loading, unloading, moving, or handling of cargo, ship's stores, gear, etc., into, in, on, or out of any vessel on the navigable waters of the United States.

(j) The term "related employments" means any employments performed as an incident to or in conjunction with longshoring operations including, but not restricted to, securing cargo, rigging, and employment as a porter, checker, or watchman.

(k) The term "gangway" means any ramp-like or stair-like means of access provided to enable personnel to board or leave a vessel, including accommodation ladders, gangplanks and brows.

(l) The term "bulling" means the horizontal dragging of cargo across a surface with none of the weight of the cargo supported by the fall.

(m) For the purpose of § 1918.12 the term "ship's cargo handling gear" includes that gear which is a permanent part of the vessel's equipment and which is used for the handling of cargo other than bulk liquids, but does not include gear which is used only for handling or holding hoses, handling ship's stores or handling the gangway, or boom conveyor belt systems for the self-unloading of bulk cargo vessels.

(n) For purposes of the regulations in this part the terms "beam" or "strongback" mean a portable transverse or longitudinal beam which is placed across a hatchway and acts as a bearer to support the hatch covers.

(o) For the purposes of §§ 1918.23(b)(2) and 1918.106(b) the term "Mississippi River System" includes the Mississippi River from the head of navigation to its mouth, and navigable tributaries including the Illinois Waterway, Missouri River, Ohio River, Tennessee River, Allegheny River, Cumberland River, Green River, Kanawha River, Monongahela River, and such others to which barge operations extend.

(p) For the purpose of § 1918.106(b) the term "Gulf Intracoastal Waterway" means the system of that name extending from St. Marks, Fla., to Brownsville and Harlingen, Tex., and including the Pearl River, Tombigbee River, Apalachicola River, Flint River, and such other navigable tributaries to which barge operations extend.

(q) The term "small trimming hatch" means a small hatch or opening, pierced in the 'tween-deck or other intermediate deck of a vessel and intended for the trimming of dry bulk cargoes. It does not refer to the large hatchways through which cargo is normally handled.

(r) For the purpose of § 1918.13 only—

(1) The term "crane" means a mechanical device intended for lifting or lowering a load and moving it horizontally, in which the hoisting mechanism is an integral part of the machine. A crane may be a fixed or mobile machine.

(2) The term "derrick" means a mechanical device intended for lifting, with or without a boom supported at its head by a topping lift from a mast, fixed A frame, or similar structure. The mast or equivalent member may or may not be supported by guys or braces. The boom, where fitted, may or may not be controlled in the horizontal plane by guys (vangs). The term shall include shear legs.

(3) The term "bulk cargo spout" means a spout, which may or may not be telescopic and may or may not have removable sections, but is suspended over the vessel from some overhead structure by wire rope or other means. Such a spout is often used with a thrower or trimming machine. A grain loading spout is an example of spouts covered by this definition.

(4) The term "bulk cargo sucker" means a pneumatic conveyor which utilizes a spout-like device, which may be adjustable vertically and/or laterally, and which is suspended over a vessel from some overhead structure by wire rope or other means. An example of an installation of this nature is the grain sucker used to discharge grain from barges.

(5) Unless otherwise specifically required, the terms defined in this paragraph shall not include, and the provisions of § 1918.13 shall not apply to, the following equipment:

(i) Small industrial crane trucks as described and illustrated in American National Standards Institute, B56.1, 1959, "Safety Code for Powered Industrial Trucks."

(ii) Huletts.

(iii) Bridge cranes including steeple towers and dock-leg elevators.

(iv) Ore and taconite loading facilities of such type that failure could not cause injury to an employee as defined in paragraph (d) of this section.

(v) Bulk coal loading facilities.

(vi) Vertical pocket conveyors such as banana, sugar, or other similar marine legs.

(s) The term "hazardous cargo" includes:

(1) Any packaged commodity in the "List of explosives and other dangerous articles and combustible liquids" of the "dangerous cargoes" regulations of the U.S. Coast Guard (46 CFR 146.04–5) requiring a label, without regard to the exemptions mentioned at the foot of the list;

(2) Any packaged commodity in the list identified in subparagraph (1) of this paragraph, not requiring a label but classed as a combustible liquid;

(3) Any packaged liquid commodity in the list identified in subparagraph (1) of this paragraph not requiring a label but classed as a hazardous article; or

(4) Any article not properly described by a name in that list but which is properly classified under the definition of those categories of dangerous articles given in 46 CFR 146.03–8 and is included in subparagraph (1), (2), or (3) of this paragraph.

§ 1918.4 [Reserved]

§ 1918.5 [Reserved]

§ 1918.6 Standards incorporated by reference.

(a) The standards listed below are hereby incorporated by reference in this part:

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(1) American National Standard (USAS) Practice for Occupational and Educational Eye and Face Protection, Z87.1 (1968), American National Standards Institute, 1430 Broadway, New York, NY 10018. See Subpart J, § 1504.105(a).

(2) American National Standard Safety Requirements for Industrial Head Protection, Z89.1 (1969), American National Standards Institute, 1430 Broadway, New York, NY 10018. See Subpart J, § 1918.105(a).

(b) Standards which are legally incorporated by reference in this part have the same force and effect as other standards in this part. The locations where these standards may be examined are as follows:

(1) Occupational Safety and Health Administration, U.S. Department of Labor, Railway Labor Building, Washington, DC 20210.

(2) The Regional and Field Offices of the Occupational Safety and Health Administration which are listed in the U.S. Government Organizational Manual.

(c) Any changes in the standards which are incorporated by reference in this part and an official historic file of such changes are available at the offices referred to in paragraph (b) of this section. All questions as to the applicability of such changes should also be referred to these offices.

(d) Copies of the standards incorporated by reference in paragraph (a) of this section may be obtained from the American National Standards Institute at the address indicated therein.

§ 1918.7 [Reserved]

§ 1918.8 Amendment of this part.

The Secretary may at any time upon his own motion or upon written petition of any interested person setting forth reasonable grounds therefor, and after opportunity has been given to interested persons to present their views, amend or revoke any of the provisions of this part.

Subpart B—Gangways and Gear Certification

§ 1918.11 Gangways.[1]

The employer shall not permit employees to board or leave any vessel, except a barge or river towboat, until the following requirements have been met:

(a) Whenever practicable, a gangway of not less than 20 inches walking surface, of adequate strength, maintained in safe repair and safely secured shall be used. If a gangway is not practicable, a substantial straight ladder, extending at least 36 inches above the upper landing surface, and adequately secured against shifting or slipping shall be provided. When conditions are such that neither a gangway nor straight ladder can be used, a Jacob's ladder meeting the requirements of § 1918.22 may be used.

(b) Each side of such gangway, and the turntable, if used, shall have a railing with a minimum height of 33 inches measured perpendicularly from rail to walking surfaces at the stanchion, with a mid-rail. Rails shall be of wood, pipe, chain, wire or rope and shall be kept taut at all times. Portable stanchions supporting railings shall be so supported or secured as to prevent accidental dislodgment.

(c) Gangways on vessels inspected and certificated by the U.S. Coast Guard are deemed to meet the foregoing requirements, except in cases where the vessels' regular gangway is not being used.

§ 1918.12 Gear certification.[2]

(a) The employer shall not use the vessel's cargo handling gear until he has ascertained that the vessel has a current and valid cargo gear register and certificates which in form and content are in substantial accordance with the recommendations of the International Labor Office, as set forth in Appendix I of this part, and as provided by International Labor Organization Convention No. 32, and which indicates that the cargo gear has been tested, examined and heat treated by or under the supervision of persons or organizations defined as competent to make register entries and issue certificates pursuant to paragraphs (c) and (d) of this section.

(b) Public vessels and vessels holding a valid Certificate of Inspection issued by the U.S. Coast Guard are deemed to meet the requirements of paragraph (a) of this section.

(c) With respect to U.S. vessels not holding a valid Certificate of Inspection issued by the U.S. Coast Guard, persons or organizations competent to make entries in the registers and issue the certificates required by paragraph (a) of this section shall be only those persons currently accredited by the Occupational Safety and Health Administration, U.S. Department of Labor, as provided in Part 1919 of this chapter.

(d) With respect to vessels under foreign registry, persons or organizations competent to make entries in the registers and issue the certificates required by paragraph (a) of this section shall be: (1) those acceptable as such to any foreign nation, (2) those acceptable to the Commandant of the U.S. Coast Guard, or (3) those currently accredited by the Occupational Safety and Health Administration, U.S. Department of Labor, as provided in Part 1919 of this chapter.

§ 1918.13 Certification of shore-based material handling devices.

(a) An employer shall not use in vessel-to-shore, shore-to-vessel, or in vessel-to-vessel cargo handling any crane, derrick, bulk cargo spout, or bulk cargo sucker, as defined in § 1918.3(r), which—

(1) Is not part of a vessel's permanent equipment and is either located ashore or placed aboard a vessel only temporarily; and

(2) Is used to transfer cargo or materials other than bulk liquids directly between the shore and a vessel or between vessels; and

(3) Is so located that its failure could cause injury to an employee, as defined in § 1918.3(d);

until he has ascertained that the device has been certificated as evidenced by current and valid documents attesting to compliance with the requirements specified in paragraph (b) of this section.

(b) The certification required by paragraph (a) of this section must have been performed—

(1) In accordance with the standards of Part 1919 of this chapter, by persons then currently accredited by the Occupational Safety and Health Administration as provided in Part 1919 of this chapter; or

(2) In accordance with standards established and enforced by the State in which the device is located, or by a political subdivision thereof, which have been found by the Assistant Secretary of Labor for Occupational Safety and Health Administration, U.S. Department of Labor, to be compatible with the standards of Part 1919 of this chapter, by persons designated as competent to perform such certification by competent state authority and recognized as such by the Assistant Secretary of Labor for Occupational Safety and Health Administration.

(c) Cranes and derricks shall have been tested as a unit, inspected and/or examined, at the intervals required by, and in accordance with applicable requirements set forth in, paragraph (b) of this section. Appropriate documentation, acceptable for the purpose, shall be available for inspection at the worksite.

(d) Bulk cargo spouts and suckers, together with any portable extensions and rigging or outriggers associated therewith which support them vertically, need not be tested, but shall be subject to an annual examination in accordance with applicable requirements as set forth in paragraph (b) of this section. Certificates attesting to the required examination and acceptable for the purpose shall be available for inspection.

(e) Disassembly and reassembly of equipment, which is necessary for movement from job to job, or which becomes necessary during the normal course of operations as a routine matter, does not nullify existing certification nor require additional certification functions to be carried out.

(f) Where equipment which is certificated in accordance with paragraph (b) of this section is transferred for use in another state, the then current and valid certification shall remain valid until the next survey becomes due.

(g) In the case of seasonal operations, initial certification required by this section may be deferred until the end of the current season. Subsequent annual and/or quadrennial requirements will then become applicable during normally idle periods.

(h) Certification procedures shall not be construed as a substitute for, or cause for elimination of, normal operational inspection and maintenance routine throughout the year, which shall be carried out as usual by operating and maintenance personnel.

§ 1918.14 Container cranes.

The provisions of § 1918.13 requiring certification of certain shore-based material handling devices shall apply to any crane utilized to handle containers in containerized operations between the vessel and the shore.

§ 1918.15 Effective date of §§ 1918.13 and 1918.14.

Sections 1918.13 and 1918.14 shall become effective February 1, 1970.

Subpart C—Means of Access

§ 1918.21 Gangways and other means of access.

(a) The gangway shall be kept properly trimmed at all times.

(b) When a fixed tread accommodation ladder is used, and the angle is low enough to require employees to walk on the edge of the treads, cleated duckboards shall be laid over and secured to the ladder.

(c) When the lower end of a gangway overhangs the water between the ship and the dock in such a manner that there is danger of employees falling between the ship and the dock, a net or other suitable protection shall be rigged at the foot of the gangway in such a manner as to prevent employees from falling from the end of the gangway.

(d) If the foot of the gangway is more than one foot away from the edge of the apron, the space between them shall be bridged by a firm walkway equipped with railings with a minimum height of approximately 33 inches with mid-rails on both sides.

(e) Supporting bridles shall be kept clear so as to permit unobstructed passage for employees using the gangway.

(f) When the upper end of the means of access rests on or is flush with the top of the bulwark, substantial steps, properly secured and equipped with at least one substantial hand rail approximately 33 inches in height shall be provided between the top of the bulwark and the deck.

(g) Obstructions shall not be laid on or across the gangway.

(h) The means of access shall be adequately illuminated for its full length.

(i) Unless the construction of the vessel makes it impossible, the means of access shall be so located that drafts of cargo do not pass over it. In any event loads shall not be passed over the means of access while employees are on it.

§ 1918.22 Jacob's ladders.

(a) Jacob's ladders shall be of the double rung or flat tread type. They shall be well maintained and properly secured.

(b) A Jacob's ladder shall either hang without slack from its lashings or be pulled up entirely.

§ 1918.23 Access to barges and river towboats.

(a) Ramps for access of vehicles to or between barges shall be of adequate strength, provided with side boards, well maintained, and properly secured.

(b) Unless employees can step safely to or from the wharf, float, barge, or river towboat, either a ramp meeting the requirements of paragraph (a) of this section or a safe walkway meeting the requirements of § 1918.21(d) shall be provided. When a walkway is impracticable, a substantial straight ladder, extending at least 36 inches above the upper landing surface and adequately secured against shifting or slipping shall be provided. When conditions are such that neither a walkway nor a straight ladder can be used, a Jacob's ladder meeting the requirements of § 1918.22 may be used: *Provided, however,* That when these requirements cannot reasonably be met, by reason of local conditions, in respect to barges operating on the Mississippi River System, other safe means of access shall be provided.

(c) When a barge, raft or log boom is being worked alongside a larger vessel, a Jacob's ladder meeting the requirements of § 1918.22 shall be provided for each gang working alongside unless other safe means of access are provided.

(d) When longshoring operations are in progress on barges, the barges shall be securely made fast to the vessel, wharf, or dolphins.

§ 1918.24 Bridge plates and ramps.

(a) Bridge or car plates used afloat shall be of adequate strength, equipped with side boards along the space bridged, well maintained, and secured against movement.

(b) Ramps for access of vehicles to or between vessels shall be of adequate strength, provided with side boards, well maintained and properly secured.

§ 1918.25 Ladders.

(a) There shall be at least one safe and accessible ladder for each gang working in a hatch. However, no more than two such ladders are required in any hatch. An adequate means of gaining a handhold shall be provided at or near the head of each vertical fixed ladder in cases where any coaming or other structural features are such that they cannot serve this purpose.

(b) When any fixed ladder is visibly unsafe, the employer shall prohibit its use by employees.

(c) Straight ladders of adequate strength, of sufficient length to extend at least 36 inches above the coaming, and suitably secured against shifting or slipping, shall be provided as necessary when fixed hold ladders do not meet the requirements of paragraph (a) of this section, except that when conditions are such that a straight ladder cannot be used, Jacob's ladders meeting the requirements of § 1918.22 may be used.

(d) When 4 inches of clearance does not exist in back of ladder rungs, the ladder shall be deemed "unsafe" for the purpose of this section.

(e) When necessary to obtain access to or from a stowed deckload or other cargo and no other safe means is available, ladders or steps of adequate strength, and positively secured against shifting or slipping, shall be furnished. Where portable straight ladders are used they shall be of sufficient length to extend at least 36 inches above the upper landing surface. Adequate steps formed by the cargo itself are acceptable when the nature of the cargo and the type of stowage permits. This paragraph shall not apply to the circumstances covered by § 1918.54(f).

(f) Portable straight ladders used by employees for any purpose not otherwise specifically covered by this part shall be of adequate strength and lashed, blocked, or otherwise secured against shifting or slipping.

Subpart D—Working Surfaces

§ 1918.31 Hatch coverings.

(a) No cargo, dunnage, or other material shall be loaded or unloaded by means requiring the services of employees at any partially opened intermediate deck unless either the hatch at that deck is sufficiently covered or an adequate landing area suitable for the prevailing conditions exists: *Provided, however,* That in no event shall such work be done unless the working area available for such employees extends for a distance of 10 feet or more fore and aft and athwartships.

(b) Cargo shall not be landed on or handled over a covered hatch or 'tween-deck unless all beams are in place under the hatch covers.

(c) Missing, broken, split, or poorly fitting hatch covers that would jeopardize the safety of employees shall be reported at once to the officers in charge of the vessel. Pending replacement or repairs by the vessel, work shall not be performed in the section containing the unsafe covers or in adjacent sections unless the flooring is made safe.

(d) When the hatch covers and beams are not of uniform size, they shall be placed only in the hatch, deck, and section in which they fit properly.

(e) Small trimming hatches located in intermediate decks shall be adequately covered or guarded while work is proceeding in the hatch in which they are located, unless they are actually in use.

§ 1918.32 Stowed cargo and temporary landing platforms.

(a) Temporary tables on which loads are to be landed shall be of sufficient size and strength to permit the employees thereon to work in safety.

(b) When an edge of a hatch section or of stowed cargo more than 8 feet high is so exposed that it presents a danger of an employee falling, the edge shall be guarded by a safety net of adequate strength to prevent injury to a falling employee, or by other means providing equal protection under the existing circumstances.

(c) When two gangs are working in the same hatch on different levels, a safety net shall be rigged and securely fastened so as to prevent men or cargo from falling.

[1] See also § 1918.21.

[2] See also § 1918.51.

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§ 1918.33 Deck loads.

(a) Employees shall not be permitted to pass fore and aft over or around deck loads unless there is a safe passage.

(b) Signalmen shall not be permitted to walk over deck loads from rail to coaming unless there is a safe passage. If it is necessary to stand at the outboard or inboard edge of the deckload where less than 24 inches of bulwark, rail, coaming, or other protection exists, any signalman shall be provided with a suitable means of protection against falling from the deck load.

§ 1918.34 Skeleton decks.

No cargo shall be worked on a skeleton deck, mechano deck or other superstructure unless temporary flooring is provided, when necessary, to make a safe working surface.

§ 1918.35 Open hatches.

Open weather deck hatches around which longshoremen must work, which are not protected to a height of 24 inches by coamings, shall be guarded by taut lines at a height of 36 to 42 inches above the deck except on the side on which cargo is being worked. Any portable stanchions or uprights used shall be so supported or secured as to prevent accidental dislodgement; *Provided, however,* That the requirements of this section shall not be deemed to apply to barges or to Great Lakes type bulk carriers.

§ 1918.36 Weather deck rails.

Removable weather deck rails shall be kept in place except when cargo operations require them to be removed, in which case they shall be replaced as soon as such cargo operations are completed.

§ 1918.37 Barges.

(a) Employees shall not be permitted to walk along the sides of covered lighters or of barges with coamings more than 5 feet high unless there is a 3-foot clear walkway or a grab rail or taut handline is provided.

(b) Employees shall not be permitted to walk or work on the decks of barges to be loaded unless and until the walking or working surfaces have been determined by visual inspection to be sound structurally and maintained properly. If in the course of discharging a barge an unsound deck surface is discovered, work shall be discontinued and shall not be resumed until temporary means to ensure a safe work surface, or to avoid the unsound surface, shall have been taken.

§ 1918.38 Freshly oiled decks.

If decks are wet with fresh paint or oil, the employer shall not permit employees to engage in longshoring operations until necessary walking and working areas have been made safe by the use of suitable non-skid materials.

Subpart E—Opening and Closing Hatches

§ 1918.41 Coaming clearances.

(a) Weather deck: If a deck load of lumber or other smooth sided deck cargo over 5 feet high is stowed within 3 feet of the hatch coaming and employees handling beams and hatch covers are not protected by at least a 24-inch height of the coaming, a taut handline shall be provided along the side of the deckload for their protection. The requirements of § 1918.35(a) are not intended to apply in this situation.

(b) Intermediate deck: (1) Before intermediate deck hatch covers and beams are removed or replaced by employees, there shall be a 3-foot working space between the stowed cargo and the coaming at both sides and at one end of the hatches with athwartship beams, and at both ends of those hatches with fore and aft beams, except that a reasonable tolerance will be permitted in circumstances where adherence to a 3-foot working space would create undue hardship.

(2) The 3-foot clearance required by subparagraph (1) of this paragraph is not required on the covered portion of a partially opened hatch, nor is it required when lower decks have been filled to beam height with cargo of such a nature as to provide a safe surface upon which employees may work.

(3) For purposes of subparagraph (1) of this paragraph, banana or other fitted gratings which are in good condition shall be considered a part of the decking when properly placed within the 3-foot area.

(c) Trunk hatches and other permanent or semi-permanent structures and spare parts: When bulkheads, lockers, reefer compartments or large spare parts are within 3 feet of the coaming, grab rails or taut handlines shall be provided for the protection of employees handling beams and hatch covers.

(d) The provisions of this section regarding coaming clearances do not apply to hatches which are opened by hydraulic or other mechanical means, but in all cases in which the 3-foot clearance does not exist, means shall be taken to prevent stowed cargo which is likely to shift from falling into the hold.

§ 1918.42 Beam and pontoon bridles.

Beam and pontoon bridles shall not be used unless they meet the following requirements:

(a) Bridles shall be long enough to easily reach the holes, rings, or other lifting attachments on the beams and pontoons. The bridles shall be of adequate strength and properly maintained, including covering or blunting of protruding ends in wire rope splices.

(b) Bridles for lifting hatch beams shall be equipped with toggles, shackles, or hooks or other devices of such design that they cannot become accidentally dislodged from the beams with which they are used. Hooks other than those herein described may be used only when they are hooked into the standing part of the bridle. Toggles, when used, shall be at least 1 inch longer than twice the longest diameter of the holes into which they are placed.

(c) Bridles used for lifting pontoons and plugs shall have the number of legs required by the design of the pontoon or plug, and all legs shall be used. Where any use of a bridle requires fewer than the number of legs provided, idle legs shall be hung on the hook or ring, or otherwise prevented from swinging free.

(d) At least two legs of all strongback and pontoon bridles shall be equipped with a substantial fiber rope lanyard at least 8 feet long and in good condition. The bridle end of the lanyard may be of chain or wire.

§ 1918.43 Handling beams and covers.

Only paragraphs (f)(2), (h), and (i) of this section apply to folding, sliding, or hinged metal hatch covers or to those hatch covers handled by cranes carried for that purpose.

(a)(1) When hatch covers or pontoons are stowed on the weather deck abreast of hatches they shall be arranged in stable piles not closer than 3 feet from the hatch coaming and, when on the working side of the deck, not higher than the coaming, unless they are spread one high between coaming and rail with no space between them and with not less than a 24-inch height of hatch coaming maintained.

(2) When, in the case of pontoons, the requirements of subparagraph (1) of this paragraph cannot be met due to the narrowness of the available deck area, pontoons may be stowed more than one high against the coaming, provided that not less than a 24-inch height of hatch coaming is maintained on the working side of the vessel. If pontoons must be stowed closer than 3 feet to and higher than the coaming on the idle side, they shall be secured against movement.

(3) When some, but not all, conventional small weather deck hatch boards or similar covers on seagoing vessels are removed from the beams in a section of a partially opened hatch during cargo handling, cleaning or other operations, those removed shall not be stowed on those left in place within that section.

(b) Beams shall be laid on their sides, or stood on edge close together and lashed: *Provided, however,* That this paragraph shall not apply in cases where beams are of such design that (1) the width of the flange is 50 percent or more of the height of the web and (2) that when a beam is stood upright the flange rests flat on the deck.

(c) Strongbacks, hatch covers and pontoons shall be so placed as not to interfere with a safe walkway from rail to hatch coaming or fore and aft, and so secured that they cannot be tipped over or dragged into hatches or overboard by drafts or gear. Dunnage or other suitable material shall be used under and between tiers of strongbacks and pontoons.

(d) Hatch covers unshipped in an intermediate deck shall be placed at least 3 feet from the coaming or they shall be removed to another deck. Strongbacks unshipped in an intermediate deck shall not be placed closer than 6 inches to the coaming, and if placed closer than 3 feet, they shall be so secured that they cannot be tipped or dragged into a lower compartment. If this is not possible they shall be removed to another deck.

(e) Any beam or pontoon left in place adjacent to a section through which cargo, dunnage, equipment, or any other material is being worked, shall be lashed, locked, or otherwise secured so that it cannot be displaced by accident. All portable, mannally handled hatch covers, including those bound together to make a larger cover, shall be removed from any working section.

(f) (1) The roller hatch beam at the edge of the open section of the hatch shall be lashed or pinned back so that it cannot be moved toward the open section.

(2) Rolling, sectional or telescopic hatch covers of barges which open in a fore and aft direction shall be secured against unintentional movement while in the open position.

(g) When a hatch is to be covered, hatch covers or night tents shall be used. Any partial hatch covering, such as alternate hatch covers or strips of dunnage, shall not be covered by a tarpaulin.

(h) Hinged or folding hatch covers normally stowed in an approximately vertical position shall be positively secured when in the upright position.

(i) Hatches shall not be opened or closed while employees are in the square of the hatch below.

Subpart F—Ship's Cargo Handling Gear

§ 1918.51 General requirements.[1]

(a) Neither the safe working load as specified in the cargo gear certification papers, nor any safe working load marked on the booms, shall be exceeded. Any limitations imposed by the certificating authority shall be adhered to.

(b) Any component of cargo handling gear, including tent gantlines and other associated rigging, which is visibly unsafe shall not be used until made safe.

(c) The following limitations shall apply to the use of wire rope as a part of the ship's cargo handling gear:

(1) An eye splice made in any wire rope shall have not less than three full tucks. However, this requirement shall not operate to preclude the use of another form of splice or connection which can be shown to be as efficient and which is not otherwise prohibited;

(2) Except for eye splices in the ends of wires, each wire rope used in hoisting or lowering, in guying derricks, or as a topping lift, preventer, segment of a multipart preventer, or pendant, shall consist of one continuous piece without knot or splice; and

(3) Wire rope shall not be used for the ship's cargo gear if, in any length of 8 diameters, the total number of visible broken wires exceeds 10 percent of the total number of wires or if the rope shows other signs of excessive wear, corrosion or defect.

§ 1918.52 Specific requirements.

Gear which does not comply with the following requirements shall not be used:

[1] See also § 1918.12.

(a) *Preventers.* (1) When preventers are used they shall be of sufficient strength for the intended purpose and secured to the head of the boom independent of working guys except when, in the case of cast fittings, the strength of the fitting exceeds the total strength of all lines secured to it. Any tails, fittings, or other means of making the preventers fast on deck shall provide strength equal to that of the preventer itself.

(2) Wire rope clips or knots shall not be used to form eyes in, or to join sections of, preventer guys.

(b) *Stoppers.* (1) When used, chain topping lift stoppers shall be in good condition, equipped with manila tails, and of a length to allow not fewer than three half-hitches in the chain.

(2) When used, chain stoppers shall be shackled or otherwise secured in such a manner that their links are not bent by being passed around fittings. The point of attachment shall be of sufficient strength and so located that the stoppers are reasonably in line with the normal topping lift lead at the time the stopper is applied.

(3) When used, patent stoppers of the clamp type shall be suited to the size of the rope used. Clamps shall be in good condition and free of paint and dirt which would prevent their being drawn tight.

(c) *Falls.* (1) The end of the winch fall shall be secured to the drum by clamps, U-bolts, shackles, or some other equally strong method. Fiber rope fastenings shall not be used.

(2) Winch falls shall not be used with fewer than three turns on the winch drum.

(3) Eyes in the ends of wire rope cargo falls shall not be formed by knots and, in single part falls, shall not be formed by wire rope clips.

(4) When the design of the winch permits, the fall shall be so wound on the drum that the control mechanism moves in the same direction as the load.

(d) *Heel blocks.* (1) When employees are required to work in the bight formed by the heel block, a preventer of at least ¾-inch diameter wire rope, rove reasonably snug and adequately secured, shall be rigged, or equally effective means shall be taken to hold the block and fall in the event that the heel block attachments should fail. Where physical limitations prohibit the fitting of a wire rope preventer of the required size or of other equally effective means, the maximum possible protection shall be provided.

(2) If the heel block is not so rigged as to prevent its falling when not under strain, it shall be secured to prevent alternate raising and dropping of the block: *Provided, however,* That this requirement shall not apply when the heel block is so located as to be at least 10 feet above the deck when at its lowest point.

(e) *Coaming rollers.* When used, portable coaming rollers, whether provided by the ship or by the employer, shall be secured by wire preventers in addition to the regular coaming clamps.

(f) *Cargo hooks.* Cargo hooks shall be as close to the junction of the falls as the assembly permits, but in no case farther than two feet from it, except that this provision shall not apply when the construction of the vessel and the operation in progress are such that fall angles in excess of 120 degrees do not normally occur. Overhaul chains shall not be shortened by bolting or knotting.

§ 1918.53 Cargo winches.

(a) *General.* (1) When moving parts of winches or other deck machinery present a hazard, they shall be guarded.

(2) Winches shall not be used if control levers operate with excessive friction or excessive play.

(3) Double gear winches or other winches equipped with a clutch shall not be used unless a positive means of locking the gear shift is provided.

(4) When changing gears on a two gear winch, there shall be no load other than the fall and cargo hook assembly on the winch.

(5) Any defect or malfunction of winches shall be reported immediately to the officer in charge of the vessel.

(6) Temporary seats and shelters for winch drivers which create a hazard to the winchmen or other employees shall not be used.

(7) Except for short handles on wheel type controls, winch drivers shall not be permitted to use winch control extension levers unless they are provided by either the ship or the employer. Such levers shall be of adequate strength and securely fastened with metal connections at the fulcrum and at the permanent control lever.

(b) *Steam winches.* (1) Means shall be taken to prevent escaping steam from obscuring any part of the decks or other work places or from otherwise hindering or injuring any employee.

(2) Access shall be maintained to the steam valve between each winch and the deck steam line. If this valve is not operative with normal hand pressure, the winch shall not be used.

(3) Extension control levers which tend to fall of their own weight shall be counterbalanced.

(4) When winches are left unattended, control levers shall be secured in the neutral position.

(c) *Electrical winches.* (1) When the electromagnetic or other service brake is unable to hold the load, the winch shall not be used.

(2) Winches shall not be used when one or more control points, either hoisting or lowering, is not operating properly. Employees shall not be permitted to tamper with or adjust electric control circuits.

(3) When winches are left unattended, control levers shall be placed in the neutral position and, whenever possible, the power shall be shut off or control levers locked at the winch or the operating controls.

§ 1918.54 Rigging gear.

(a) When alternate positions for securing guys are provided, the guys shall be so placed as to produce a minimum stress without permitting the boom to jackknife.

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(b) The head of the midship boom shall be spotted no farther outboard of the coaming than is necessary for control of the load.

(c) Preventers: When preventers are used, the following shall apply:

(1) Preventers shall be properly secured to suitable fittings, other than those to which the guys are secured, and shall be as nearly parallel to the guys as available fittings permit.

(2) Unless the cleat is also a chock and the hauling part is led through the chock opening, the leads of preventers to cleats shall be such that the direction of the line pull of the preventer is as nearly as possible parallel to the plane of the surface on which the cleat is mounted.

(3) Guys and associated preventers shall be adjusted so as to share the load as nearly equally as practicable where cargo operations are being conducted by burtoning; *Provided, however,* That where guys are designed and intended for trimming purposes only and the preventer is intended to perform the function of the guy, the guy shall be left slack.

(d) Cargo falls under load shall not be permitted to chafe on any standing or other running rigging: *Provided, however,* That this shall not be construed to mean hatch coamings or other similar structural parts of the vessel.

(e) (1) Where a bull wire is taken to a gypsy head for the purpose of lowering or topping a boom, the bull wire shall be secured to the gypsy head by shackle or other equally strong method. Securing by fiber rope fastening will not be considered adequate.

(2) When, in lowering or topping a boom, it is not possible to secure the bull wire to the gypsy head, or when the topping lift itself is taken to the gypsy head, sufficient turns, in no case less than five (5), shall be used.

(f) When deck loads extend above the rail and there is less than 8 inches horizontal clearance between the edge of the deck load and the inside of the bulwark or rail, employees shall not be permitted to go overside unless adequate precautions are taken to prevent them from falling.

§ 1918.55 Cranes.

Unless permanently guarded, the accessible areas within the swing radius of the outermost part of the body of a revolving crane shall be temporarily guarded by ropes or other suitable means during cargo operations, so as to prevent an employee being in a position to be caught between the body of the crane and fixed parts of the vessel or of the crane itself.

Subpart G—Cargo Handling Gear and Equipment Other Than Ship's Gear

§ 1918.61 General.

(a) All gear and equipment provided by the employer shall be inspected by the employer or his authorized representative before each use and, when necessary, at intervals during its use, to ensure that it is safe. Any gear which is found upon such inspection to be visibly unsafe shall not be used until it is made safe.

(b) All special stevedoring gear provided by the employer, the strength of which depends upon components other than commonly used stock items such as shackles, ropes or chains, shall be tested as a unit in the following manner before initially being put into use:

(1) Gear intended to handle lifts up to and including 20 short tons (40,000 lbs.) shall be tested to 25 percent in excess of its safe working load.

(2) Gear intended to handle lifts over 20 short tons (40,000 lbs.) but not exceeding 50 short tons (100,000 lbs.) shall be tested to 5 short tons (10,000 lbs.) in excess of its safe working load.

(3) Gear intended to handle lifts over 50 short tons (100,000 lbs.) shall be tested to 10 percent in excess of its safe working load.

(4) The employer shall maintain a record of the dates and results of the tests with each unit of gear concerned clearly identifiable. The records shall be available for examination by representatives of the Occupational Safety and Health Administration.

(c) The safe working load of gear as specified in §§ 1918.61 through 1918.66 shall not be exceeded.

(d) The weight shall be plainly marked on any article of stevedoring gear hoisted by ship's gear and weighing in excess of 2,000 lbs.

§ 1918.62 Fiber rope and fiber rope slings.

(a) Table G-1 shall be used to determine the safe working load of various sizes of manila rope and rope slings at various angles, except that higher safe working loads are permissible when recommended by the manufacturer for specific, identifiable products, provided that a safety factor of not less than five (5) is maintained.

(b) Where synthetic fiber ropes are substituted for manila ropes of less than three (3) inches circumference, the substitute shall be of equal size. Where synthetic fiber ropes are substituted for manila ropes of three (3) inches circumference or more, the size of the synthetic rope is to be determined from the formula:

$$C=\sqrt{0.6C_s^2+0.4C_m^2}.$$

Where C=the required circumference of the synthetic rope in inches.

C_s=the circumference to the nearest one-quarter inch of a synthetic rope having a breaking strength not less than the breaking strength of the size manila rope that would be required by paragraph (a) of this section.

C_m=the circumference of manila rope in inches which would be required by paragraph (a) of this section.

TABLE G-1
MANILA ROPE
(In pounds or tons of 2000 pounds)

Circumference	Diameter in Inches	Single Leg	60°	45°	30°
3/4	1/4	120 lbs.	204 lbs.	170 lbs.	120 lbs.
1	5/16	200	346	282	200
1-1/8	3/8	270	467	380	270
1-1/4	7/16	350	605	493	350
1-3/8	15/32	450	775	635	450
1-1/2	1/2	530	915	798	530
1-3/4	9/16	690	1190	973	690
2	5/8	880	1520	1240	880
2-1/4	3/4	1080	1870	1520	1080
2-1/2	13/16	1300	2250	1830	1300
2-3/4	7/8	1540	2660	2170	1540
3	1	1800	3120	2540	1800
3-1/4	1-1/16	1.0 Tons	1.7 Tons	1.4 Tons	1.0 Tons
3-1/2	1-1/8	1.2	2.1	1.7	1.2
3-3/4	1-1/4	1.35	2.3	1.9	1.35
4	1-5/16	1.5	2.6	2.1	1.5
4-1/2	1-1/2	1.8	3.1	2.5	1.8
5	1-5/8	2.25	3.9	3.2	2.25
5-1/2	1-3/4	2.6	4.5	3.7	2.6
6	2	3.1	5.4	4.4	3.1
6-1/2	2-1/8	3.6	6.2	5.1	3.6

In making such a substitution it should be ascertained that the inherent characteristics of the synthetic fiber are suitable for the intended service of the rope.

§ 1918.63 Wire rope and wire rope slings.

(a) Tables G-2 through G-5 shall be used to determine the safe working loads of various sizes and classifications of improved plow steel wire rope and wire rope slings with various types of terminals. For sizes, classifications and grades not included in these tables the safe working load recommended by the manufacturer for specific, identifiable products shall be followed, provided that a safety factor of not less than five (5) is maintained.

TABLE G-2
RATED CAPACITIES FOR IMPROVED PLOW STEEL, INDEPENDENT WIRE ROPE CORE, WIRE ROPE AND WIRE ROPE SLINGS
(In tons of 2000 pounds)

Rope Dia. Inches	SINGLE LEG					
	Vertical			Choker		
	A	B	C	A	B	C
6x19 CLASSIFICATION						
1/4"	.59	.56	.53	.44	.42	.40
3/8"	1.3	1.2	1.1	.98	.93	.86
1/2"	2.3	2.2	2.0	1.7	1.6	1.5
5/8"	3.6	3.4	3.0	2.7	2.5	2.2
3/4"	5.1	4.9	4.2	3.8	3.6	3.1
7/8"	6.9	6.6	5.5	5.2	4.9	4.1
1"	9.0	8.5	7.2	6.7	6.4	5.4
1-1/8"	11.	10.	9.0	8.5	7.8	6.8
6x37 CLASSIFICATION						
1-1/4"	13.	12.	10.	9.9	9.2	7.9
1-3/8"	16.	15.	13.	12.	11.	9.6
1-1/2"	19.	17.	15.	14.	13.	11.
1-3/4"	26.	24.	20.	19.	18.	15.
2"	33.	30.	26.	25.	23.	20.
2-1/4"	41.	38.	33.	31.	29.	25.

(A) - Socket or Swaged Terminal attachment.
(B) - Mechanical Sleeve attachment.
(C) - Hand Tucked Splice attachment.

TABLE G-3.
RATED CAPACITIES FOR IMPROVED PLOW STEEL, INDEPENDENT WIRE ROPE CORE, WIRE ROPE SLINGS
(In tons of 2000 pounds)

Rope Dia. Inches	TWO - LEG BRIDLE OR BASKET HITCH											
	Vertical			60°			45°			30°		
	A	B	C	A	B	C	A	B	C	A	B	C
6x19 CLASSIFICATION												
1/4"	1.3	1.1	1.0	1.0	.97	.92	.83	.79	.78	.69	.66	.63
3/8"	2.6	2.5	2.3	2.3	2.1	2.0	1.8	1.8	1.6	1.3	1.2	1.1
1/2"	4.6	4.4	3.9	4.0	3.8	3.4	3.3	3.1	2.8	2.3	2.2	2.0
5/8"	7.2	6.8	6.0	6.2	5.9	5.3	5.1	4.8	4.3	3.6	3.4	3.0
3/4"	10.	9.7	8.4	8.8	8.4	7.5	7.2	6.8	6.1	5.1	4.9	4.2
7/8"	14.	13.	11.	12.	11.	9.9	9.8	9.3	8.0	6.9	6.6	5.5
1"	18.	17.	14.	16.	15.	13.	13.	12.	10.	9.0	8.8	7.2
1-1/8"	23.	21.	18.	19.	18.	16.	16.	15.	13.	11.	10.	9.0
6x37 CLASSIFICATION												
1-1/4"	26.	24.	21.	23.	21.	18.	19.	17.	15.	13.	12.	10.
1-3/8"	32.	29.	26.	28.	25.	22.	23.	21.	18.	16.	15.	12.
1-1/2"	38.	35.	30.	33.	30.	26.	27.	25.	21.	19.	17.	15.
1-3/4"	51.	47.	41.	44.	41.	36.	36.	33.	29.	25.	24.	20.
2"	66.	61.	53.	57.	53.	46.	47.	43.	37.	33.	30.	26.
2-1/4"	83.	76.	66.	72.	66.	57.	58.	54.	47.	41.	38.	33.

(A) - Socket or Swaged Terminal Attachment.
(B) - Mechanical Sleeve Attachment.
(C) - Hand Tucked Splice Attachment.

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TABLE G-4
RATED CAPACITIES FOR IMPROVED PLOW STEEL, FIBER CORE, WIRE ROPE AND WIRE ROPE SLINGS
(In tons of 2000 pounds)

Rope Dia. Inches	SINGLE LEG					
	Vertical			Choker		
	A	B	C	A	B	C
6x19 CLASSIFICATION						
1/4	.55	.51	.49	.41	.38	.37
3/8	1.2	1.1	1.1	.91	.85	.80
1/2	2.1	2.0	1.8	1.6	1.5	1.4
5/8	3.3	3.1	2.8	2.5	2.3	2.1
3/4	4.8	4.4	3.9	3.6	3.3	2.9
7/8	6.4	5.9	5.1	4.8	4.5	3.9
1	8.4	7.7	6.7	6.3	5.8	5.0
1-1/8	10.	9.5	8.4	7.9	7.1	6.3
6x37 CLASSIFICATION						
1-1/4	12.	11.	9.8	9.2	8.3	7.4
1-3/8	15.	13.	12.	11.	10.	8.9
1-1/2	17.	16.	14.	13.	12.	10.
1-3/4	24.	21.	19.	18.	16.	14.
2	31.	28.	25.	23.	21.	18.

(A) - Socket or Swaged Terminal attachment.
(B) - Mechanical Sleeve attachment.
(C) - Hand Tucked Splice attachment.

TABLE G-5
RATED CAPACITIES FOR IMPROVED PLOW STEEL, FIBER CORE, WIRE ROPE SLINGS
(In tons of 2000 pounds)

Rope Dia. Inches	TWO - LEG BRIDLE OR BASKET HITCH											
	Vertical			60°			45°			30°		
	A	B	C	A	B	C	A	B	C	A	B	C
6x19 CLASSIFICATION												
1/4	1.1	1.0	.99	.95	.86	.85	.77	.72	.70	.55	.51	.49
3/8	2.4	2.2	2.1	2.1	1.9	1.8	1.7	1.6	1.5	1.2	1.1	1.1
1/2	4.3	3.9	3.7	3.7	3.3	3.2	3.0	2.8	2.6	2.1	2.0	1.8
5/8	6.7	6.2	5.6	5.8	5.3	4.8	4.7	4.4	4.0	3.3	3.1	2.8
3/4	9.5	8.9	7.8	8.3	7.6	6.8	6.7	6.2	5.5	4.8	4.4	3.9
7/8	13.	12.	10.	11.	10.	8.8	9.1	8.4	7.2	6.4	5.9	5.1
1	17.	15.	13.	14.	13.	11.	12.	11.	9.4	8.4	7.7	6.7
1-1/8	21.	19.	17.	18.	16.	14.	15.	13.	12.	10.	9.5	8.4
6x37 CLASSIFICATION												
1-1/4	23.	22.	20.	21.	19.	17.	17.	16.	14.	12.	11.	9.8
1-3/8	30.	27.	24.	26.	23.	20.	21.	19.	17.	15.	13.	12.
1-1/2	36.	32.	29.	30.	27.	24.	25.	22.	20.	17.	16.	14.
1-3/4	48.	43.	39.	41.	37.	33.	34.	30.	27.	24.	21.	19.
2	62.	56.	49.	53.	48.	43.	43.	39.	35.	31.	28.	25.

(A) - Socket or Swaged Terminal attachment.
(B) - Mechanical Sleeve attachment.
(C) - Hand Tucked Splice attachment.

(b) Protruding ends of strands in splices on slings and bridles shall be covered or blunted.

(c) Where "U" bolt wire rope clips are used to form eyes, Table G-6 shall be used to determine the number and spacing of clips. The "U" bolt shall be applied so that the "U" section is in contact with the dead end of the rope.

(d) Wire rope shall not be secured by knots, except on haul back lines on scrapers.

(e) The following limitations shall apply to the use of wire rope:

(1) An eye splice made in any wire rope shall have not less than three full tucks. However, this requirement shall not operate to preclude the use of another form of splice or connection which can be shown to be as efficient and which is not otherwise prohibited.

(2) Except for eye splices in the ends of wires and for endless rope slings, each wire rope used in hoisting or lowering, or in bulling cargo, shall consist of one continuous piece without knot or splice.

(3) Eyes in wire rope bridles, slings, or bull wires shall not be formed by wire rope clips or knots.

(4) Wire rope shall not be used as cargo handling gear if, in any length of eight diameters, the total number of visible broken wires exceeds 10 percent of the total number of wires or if the rope shows other signs of excessive wear, corrosion or defect.

TABLE G-6—NUMBER AND SPACING OF U-BOLT WIRE ROPE CLIPS

Improved plow steel, rope diameter inches	Number of clips		Minimum spacing (inches)
	Drop forged	Other material	
1/4	3	4	3
5/16	3	4	3 1/4
3/8	4	5	4 1/2
7/16	4	5	5 1/4
1/2	4	6	6
9/16	5	6	6 3/4
5/8	5	6	7 1/2
3/4	6	7	8 1/2
7/8	6	8	9

§ 1918.64 Chains and chain slings.

(a) Tables G-7 and G-8 shall be used to determine the maximum safe working loads of various sizes of wrought iron and alloy steel chains and chain slings, except that higher safe working loads are permissible when recommended by the manufacturer for specific, identifiable products. Proof coil steel chain, also known as common or hardware chain, or other chain not recommended for slinging or hoisting by the manufacturer, shall not be used for hoisting purposes.

TABLE G-7
WROUGHT IRON CHAIN
(In pounds or tons of 2000 pounds)

Nominal Size Chain Stock Inch.	Single Leg	60°	45°	30°
* 1/4	1060	1835	1500	1060
* 5/16	1655	2865	2340	1655
3/8	2385	2.1	3370	2385
* 7/16	3250	2.8	2.3	3250
1/2	2.1	3.7	3.0	2.1
* 9/16	2.7	4.6	3.8	2.7
5/8	3.3	5.7	4.7	3.3
3/4	4.8	8.3	6.7	4.8
7/8	6.5	11.2	9.2	6.5
1	8.5	14.7	12.0	8.5
1-1/8	10.0	17.3	14.2	10.0
1-1/4	12.4	21.4	17.5	12.4
1-3/8	15.0	25.9	21.1	15.0
1-1/2	17.8	30.8	25.2	17.8
1-5/8	20.9	36.2	29.5	20.9
1-3/4	24.2	42.0	34.3	24.2
1-7/8	27.6	47.9	39.1	27.6
2	31.6	54.8	44.8	31.6

* These sizes of wrought iron chain are no longer manufactured in the United States.

TABLE G-8
ALLOY STEEL CHAIN
(In tons of 2000 pounds)

Nominal Size Chain Stock Inch.	Single Leg	60°	45°	30°
1/4	1.62	2.82	2.27	1.62
3/8	3.30	5.76	4.65	3.30
1/2	5.62	9.75	7.90	5.62
5/8	8.25	14.25	11.65	8.25
3/4	11.5	19.9	16.2	11.5
7/8	14.3	24.9	20.3	14.3
1	19.3	33.5	27.3	19.3
1-1/8	22.2	38.5	31.5	22.2
1-1/4	26.7	46.7	40.5	26.7
1-3/8	33.5	58.0	47.0	33.5
1-1/2	39.7	68.5	56.0	39.7
1-5/8	42.5	73.5	59.5	42.5
1-3/4	47.0	81.5	62.0	47.0

(b) All sling chains, including end fastenings, shall be given a visual inspection before being used on the job. A thorough inspection of all chains in use shall be made every 3 months. Each chain shall bear an indication of the month in which it was thoroughly inspected. The thorough inspection shall include inspection for wear, defective welds, deformation and increase in length or stretch.

(c) Interlink wear, not accompanied by stretch in excess of five (5) percent, shall be noted and the chain removed from service when maximum allowable wear at any point of link, as indicated in Table G-9, has been reached.

(d) Chain slings shall be removed from service when, due to stretch, the increase in length of a measured section exceeds five (5) percent; when a link is bent, twisted or otherwise damaged; or when raised scarfs or defective welds appear.

(e) All repairs to chains shall be made under qualified supervision. Links or portions of the chain found to be defective, as described in paragraph (d) of this section, shall be replaced by links having proper dimensions and made of material similar to that of the chain. Before repaired chains are returned to service, they shall be proof tested to the proof test load recommended by the manufacturer.

(f) Wrought iron chains in constant use shall be annealed or normalized at intervals not exceeding 6 months when recommended by the manufacturer. The chain manufacturer shall be consulted for recommended procedures for annealing or normalizing. Alloy chains shall not be annealed.

TABLE G-9
MAXIMUM ALLOWABLE WEAR AT ANY POINT OF LINK

Chain size in inches	Maximum allowable wear in fraction of inches
1/4 (9/32)	3/64
5/16	3/64
3/8	3/64
7/16	3/64
1/2	3/64
9/16	3/32
5/8	1 1/64
3/4	3/32
7/8	1/16
1	3/32
1 1/8	1/16
1 1/4	5/32
1 3/8	1 1/32

(g) A load shall not be lifted with a chain having a kink or knot in it. A chain shall not be shortened by bolting, wiring or knotting.

§ 1918.65 Shackles.

(a) Table G-10 shall be used to determine the safe working loads of various sizes of shackles, except that higher safe working loads are permissible when recommended by the manufacturer for specific, identifiable products, provided that a safety factor of not less than five (5) is maintained.

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TABLE G–16

SAFE WORKING LOADS FOR SHACKLES

[In tons of 2000 pounds]

Material size (inches)	Pin diameter (inches)	Safe working load
½	⅝	1.4
⅝	¾	2.2
¾	⅞	3.2
⅞	1	4.3
1	1¼	5.6
1⅛	1⅜	6.7
1¼	1½	8.2
1⅜	1⅝	10.0
1½	1¾	11.9
1⅝	2	14.2
2	2¼	21.2

(b) Screw pin shackles provided by the employer and used aloft, except in cargo hook assemblies, shall have their pins moused.

§ 1918.66 Hooks other than hand hooks.

(a) The manufacturer's recommendations shall be followed in determining the safe working loads of the various sizes and types of specific and identifiable hooks. All hooks for which no applicable manufacturer's recommendations are available shall be tested to twice the intended safe working load before they are initially put into use. The employers shall maintain a record of the dates and results of such tests.

(b) Loads shall be applied to the throat of the hook since loading the point overstresses and bends or springs the hook.

(c) Hooks shall be inspected periodically to see that they have not been bent by overloading. Bent or sprung hooks shall not be used.

(d) Teeth of case hooks shall be kept in good condition.

(e) Jaws of patent clamp type plate hooks shall be kept in safe condition so that they will grip plates securely.

§ 1918.67 Pallets.

(a) Pallets shall be of such material and construction and so maintained as to safely support and carry loads being handled on them. Fastenings of reusable pallets shall be bolts and nuts, drive screws (helically threaded nails), annular threaded nails or fastenings of equivalent strength.

(b) Wing or lip type pallets hoisted by means of bar bridles shall have an overhanging wing or lip at least 3 inches long.

(c) Loaded pallets which on visual examination do not meet the requirements of this section, shall be placed on pallets meeting the requirements before being hoisted into or out of the vessel.

(d) Bridles used to handle flush end or box type pallets shall be of such a design as to prevent them from becoming disengaged from the pallet under load.

§ 1918.68 Chutes, gravity conveyors and rollers.

(a) Chutes used in the manual handling of cargo shall be of adequate length and strength for the use to which they are put and shall be kept free of splinters and sharp edges.

(b) Chutes shall be equipped with sideboards of sufficient height to prevent cargo from falling off.

(c) Chutes and gravity roller sections shall be firmly placed or secured to prevent displacement.

(d) Gravity rollers shall be of sufficient strength for the weight of material which is placed upon them. Rollers shall be locked in position to prevent them from falling or jumping out of the frame.

(e) Frames shall be kept free of burrs and sharp edges.

(f) When necessary for safe operation, provision shall be made for braking objects at the delivery end of the roller or chute.

§ 1918.69 Powered conveyors.

(a) Readily accessible stop controls shall be provided for use in an emergency. Whenever the operation of any power conveyor requires personnel to work in the immediate vicinity of the conveyor, the conveyor controls shall not be left unattended while the conveyor is in operation.

(b) Electric motors and controls on grain trimmers shall be of the explosionproof type approved by the Underwriters' Laboratories, Incorporated, for use in hazardous locations, Class II, Group G.

(c) All conveyor and trimmer drives which create a hazard shall be adequately guarded.

(d) Each grain trimmer shall have a control box located on the weather deck in close proximity to the spout feeding the trimmer.

(e) Power cables between the deck control box and the grain trimmer shall be used only in continuous lengths without splice or tap between connections.

§ 1918.70 Portable stowing winches.

(a) Portable stowing winches shall be used only with the knowledge and consent of the officer in charge of the vessel.

(b) Portable stowing winches used in connection with operations shall at all times be properly secured to prevent shifting.

(c) When internal combustion powered stowing winches are located below the weather deck or in other enclosed spaces, the exhaust shall be led topside to open air and away from the hatch opening.

§ 1918.71 Rain tents.

When using rain tents, lanyards shall be secured to padeyes or other fixed structures of the vessel which are strong enough or to objects which are heavy enough to withstand the breaking stress of all lanyards attached.

§ 1918.72 Tools.

(a) *General.* Employers shall not issue or permit the use of visibly unsafe tools.

(b) *Portable electric tools.* (1) Portable electric tools which are held in the hand shall be equipped with switches of a type which must be manually held in a closed position.

(2) All portable, power-driven circular saws shall be equipped with guards above and below the base plate or shoe. The upper guard shall cover the saw to the depth of the teeth, except for the minimum arc required to permit the base to be tilted for bevel cuts. The lower guard shall cover the saw to the depth of the teeth, except for the minimum arc required to allow proper retraction and contact with the work. When the tool is withdrawn from the work, the lower guard shall automatically and instantly return to the covering position.

§ 1918.73 Mechanically-powered vehicles used aboard vessels.

(a) All automotive equipment shall be maintained in good working order and safety devices shall not be removed or made inoperative, except as otherwise provided.

(b) Overhead guards for fork lift trucks:

(1) Except as noted in subparagraph (5) of this paragraph, fork lift trucks shall be equipped with overhead guards securely attached to the machines. The guards shall be of such design and construction as to protect the operator from boxes, cartons, packages, bagged material, and other similar individual items of cargo which may fall from the load being handled or from stowage.

(2) The guard shall be of such construction that it does not interfere with good visibility, but openings in the top of the guard must not exceed six inches in one of the two dimensions, width or length. Larger openings may be permitted provided no opening is larger than the smallest unit of cargo that is likely to fall on the guard.

(3) The guard shall be large enough to extend over the operator in all normal circumstances of truck operation, including forward tilt.

(4) In fork lift trucks equipped with a single tilt cylinder, provision shall be made so that failure of this cylinder or associated parts will not cause the overhead guard to injure the operator.

(5) The overhead guard may be removed only at times when the construction of the truck is such that the presence of such a guard would prevent the truck from entering working spaces, and if the operator cannot be injured by low overhead obstructions.

(c) Guards for bulk cargo-moving vehicles:

(1) Every crawler type, rider operated, bulk cargo-moving vehicle shall be equipped with an operator's guard of such design and construction as to protect the operator, when seated, against injury from contact with a projecting overhead.

(2) Guards and their attachment points shall be so designed as to be able to withstand, without excessive deflection, a load applied horizontally at the operator's shoulder level equal to the drawbar pull of the machine.

(3) Guards shall not be required when the vehicle is used in situations in which

the possibility of the seated operator coming in contact with projecting overheads does not exist.

(d) End platform guards:

(1) Every truck operated from an end platform or pedal position shall be equipped with an operator's platform guard of such design that it permits rapid and unobstructed egress.

(2) Guards shall be so designed as to be able to withstand, without excessive deflection, a load equal to the weight of the loaded machine.

(e) Forks, fork extensions or other attachments shall be suitably secured to prevent unintentional disengagement.

(f) Weights and loads:

(1) The vehicle weight, with and without removable counterweights, shall be clearly posted on all mechanically-powered vehicles which are lifted aboard vessels.

(2) The rated capacity of every fork lift truck, with and without removable counterweights, shall be posted on the vehicle in such a manner as to be readily visible to the operator.

(3) Loads in excess of the rated capacity shall not be lifted or carried by lift trucks.

(4) If loads are lifted by two or more trucks working in unison, the total weight shall not exceed the combined safe lifting capacity of all the trucks.

(g)(1) Steering knobs, when furnished on vehicles where the driver is not in a sitting position, shall be of a mushroom type unless the steering mechanism is of a type that prevents load reactions from causing the steering handwheel to spin. The steering knob shall be mounted within the periphery of the wheel.

(2) Steering knobs or similar ancillary devices shall not be used on the steering wheels of trucks in which the driver is in a sitting position.

(h) No load on a fork lift truck or industrial crane truck shall be suspended or swung over any employee.

(i) When mechanically-powered vehicles are used, adequate provisions shall be made to ensure that the working surface can support the vehicle and load, and that hatch covers, truck plates, or other temporary surfaces cannot be dislodged by movement of the vehicle.

(j) When mechanically-powered vehicles are left unattended, the controls shall be neutralized, power shut off, brakes set, and the forks, blade, or scoop shall be placed in the lowered position.

(k) When lift trucks or other mechanically powered vehicles are being operated on open deck type barges, the edges of the barges shall be suitably guarded by railings, sideboards, timbers or other means sufficient to prevent vehicles from rolling overboard. When operated on covered lighters where door openings other than those being used are left open, adequate means shall be taken as necessary to prevent vehicles from rolling overboard through such openings.

§ 1918.74 Cranes and derricks other than vessel's gear.

(a) The following requirements shall be met in the use of cranes, whether hoisted aboard a vessel for use thereon or used to service a vessel from the dock, shore, or another vessel, and in the use of any other crane or derrick not a part of a vessel's permanent equipment, but used in longshoring operations:

(1) The crane weight shall be posted on all mobile cranes hoisted aboard vessels for temporary use thereon.

(2) All types of cranes shall be equipped with a durable rating chart visible to the operator, covering the complete range of the manufacturer's (or design) capacity ratings and for which they are certificated, where required. The rating chart shall include all operating radii for all permissible boom lengths and jib lengths as applicable, with and without outriggers which may be fitted, and alternate ratings with optional equipment affecting such ratings. Necessary precautions or warnings shall be included. Operating controls shall be marked, or an explanation posted, at the operator's position to indicate function.

(3) A boom angle or radius indicator shall be fitted where applicable.

(4) All shore-based derricks shall be clearly marked to indicate all applicable capacity ratings, based on manufacturer's (or design) data for which certificated. Such ratings, and any necessary precautions or warnings shall be visible to the operator. Operating controls shall be marked, or an explanation posted at the operator's position to indicate function.

(5) The rated safe working loads of each crane and derrick, for the conditions of use, shall not be exceeded.

(6) No counterweights in excess of manufacturer's (or design) specifications shall be fitted. All equipment shall be used in accordance with manufacturer's (or design) specifications and recommendations.

(7) Pulling of barges or rail cars, and bulling of cargo in such a way as to exert side loading stresses upon crane booms shall not be permitted.

(8) No crane or derrick shall be used in any case where a visible defect affecting safe use exists.

(9) Unless exempted by the provisions of subdivision (viii) of this subparagraph, every crane used to load or discharge cargo into or out of a vessel shall be fitted with a load indicating device or alternative device in proper working condition which shall meet the following criteria:

(i) The type or model of any load indicating device which is used may be such as to provide (*a*) a direct indication in the cab of actual weight hoisted or a means of determining this by reference to crane ratings posted and visible to the operator, except that the use of a dynamometer or simple scale alone will not meet this requirement; or (*b*) an automatic weight-moment device or computer providing indications in the cab according to the radius and load at the moment; or alternatively (*c*) a device may be used which shall prevent an overloaded condition.

(ii) Accuracy of the load indicating device, weight-moment device, or overload protection device shall be such that any indicated load (or limit), including the sum of actual weight hoisted and additional equipment or "add ons" such as slings, sensors, blocks, etc., is within the range from no less than 95 percent of the actual true total load (5 percent overload) to 110 percent of the actual true total load (10 percent underload). Such accuracy shall be required over the range of the daily operating variables to be expected under the conditions of use.

(iii) The device shall permit the operator to determine before making any lift that the indicating or substitute system is operative. In the alternative, if the device is not so mounted or attached and does not include such means of checking, it shall be certified by the manufacturer to remain operable within the limits stated in subdivision (ii) of this subparagraph for a specific period of time. Checks for accuracy, using known values of load, shall be performed at the time of every certification survey (see § 1918.13) and at such additional times as may be recommended by the manufacturer.

(iv) When the load indicating device or alternative system is so arranged in the supporting system (crane structure) that its failure could cause the load to be dropped, its strength shall not be the limiting factor of the supporting system (crane structure).

(v) Marking shall be conspicuously placed giving (*a*) units of measure in pounds or both pounds and kilograms, (*b*) capacity of the indicating system, (*c*) accuracy of the indicating system, and (*d*) operating instructions and precautions. Data providing (*a*) the means of measurement, (*b*) capacity of the system, (*c*) accuracy of the system; and (*d*) operating instructions and precautions shall similarly be provided in the case of systems utilizing indications other than actual weights. If the system used provides no readout, but is such as to automatically cease crane operation when the rated load limit under any specific condition of use is reached, marking shall be provided giving the make and model of device installed, a description of what it does, how it is operated, and any necessary precautions regarding the system. All weight indications, other types of loading indications, and other data required shall be readily visible to the operator.

(vi) All load indicating devices shall be operative over the full operating radius. Overall accuracy shall be based on actual applied load and not on full scale (full capacity) load. For example, if accuracy of the load indicating device is based on full scale load and the device is arbitrarily set at plus or minus 10 percent, it would accept a reading between 90,000 and 110,000 lbs., at full capacity of a machine with 100,000 lbs., maximum rating, but would also allow a reading between zero and 20,000 lbs., at that outreach (radius) at which the rating would be 10,000 lbs., capacity—an unacceptable figure. If, however, accuracy is based on actual applied load under the same conditions, the acceptable range would remain the same with the 100,000-lb. load but becomes a figure between 9,000 and

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11,000 lbs., a much different and acceptable condition, at the 10,000-lb. load.

(vii) When the device uses the radius as a factor in its use or in its operating indications, the indicated radius (which may be in feet and/or meters, or degrees of boom angle, depending on the system used) shall be a figure which is within the range of a figure no greater than 110 percent of the actual radius to a figure which is no less than 97 percent of the actual (true) radius. When radius is presented in degrees, and feet or meters are required for necessary determinations, a conversion chart shall be provided.

(viii) The load indicating device requirements of this subparagraph do not apply to a crane (a) of trolley equipped bridge type while handling containers known to be and identified as empty, or loaded, and in either case in compliance with the provisions of § 1918.85(b) of this part; or while hoisting other lifts by means of a lifting beam supplied by the crane manufacturer for the purpose and in all cases within the crane rating; (b) while handling bulk commodities or cargoes by means of clamshell bucket or magnet; (c) while used to handle or hold hoses in connection with transfer of bulk liquids or other hose handled products; or (d) while the crane is used exclusively to handle cargo or equipment the total actual gross weight of which is known by means of marking of the unit or units hoisted, when such total actual gross weight never exceeds 11,200 lbs., and when 11,200 lbs., is less than the rated capacity of the crane at the maximum outreach that is possible under the conditions of use at the time.

(ix) *Effective date of subparagraph (9).* The provisions of this subparagraph (9) shall become effective on May 27, 1972, or at the time of the next regular certification survey subsequent to that date.

(10) Accessible areas within the swing radius of the outermost part of the body of a revolving crane shall be temporarily guarded by ropes or other suitable means during cargo operations, so as to prevent an employee being in a position to be caught between the body of the crane and fixed parts of the vessel or of the crane itself.

(11) During the hours of darkness, illumination provided shall be sufficient under the prevailing circumstances so that an operator can see clearly the work area and any signalmen associated with the operation.

(b) The posted safe working loads of mobile crawler or truck cranes under the conditions of use shall not be exceeded.

(c) Accessible areas within the swing radius of the outermost part of the body of a revolving crane shall be temporarily guarded by ropes or other suitable means during cargo operations, so as to prevent an employee being in a position to be caught between the body of the crane and fixed parts of the vessel or of the crane itself.

§ 1918.75 Notifying ship's officers before using certain equipment.

(a) The employer shall notify the officer in charge of the vessel before bringing aboard ship internal combustion or electric powered tools, equipment or vehicles.

(b) The employer shall also notify the officer in charge of the vessel before using the ship's electric power for the operation of any of his electric tools or equipment.

§ 1918.76 Grounding.

(a) The frames of portable electric equipment and tools, except double insulated tools approved by Underwriters' Laboratories, Inc., shall be grounded either through a third wire in the cable containing the circuit conductors or through a separate wire which is grounded at the source of the current.

(b) Grounding circuits, other than by means of the structure of the vessel on which the equipment is being used, shall be checked to ensure that the circuit between the ground and the grounded power conductor has resistance low enough to permit sufficient current to flow to cause the fuse or circuit breaker to interrupt the current.

Subpart H—Handling Cargo [4]

§ 1918.81 Slinging.

(a) Drafts shall be safely slung before being hoisted. Loose dunnage or debris hanging or protruding from loads shall be removed.

(b) Cargo handling bridles, such as pallet bridles, which are to remain attached to the hoisting gear while hoisting successive drafts, shall be attached by shackles, or other positive means shall be taken to prevent them from becoming accidentally disengaged from the cargo hook.

(c) Drafts of lumber, pipe, dunnage and other pieces, the top layer of which is not bound by the sling, shall be slung in such a manner as to prevent sliders. Double slings shall be used on unstrapped dunnage, except when, due to the size of hatch or deep tank openings, it is impractical to use them.

(d) Case hooks shall not be used for handling cases into or out of the vessel, unless the cases are specifically designed to be handled by this means.

(e) Bales of cotton, wool, cork, wood pulp, gunny bags or other similar articles shall not be hoisted into or out of the vessel by their straps unless the straps are of sufficient strength to support the weight of the bale and two hooks, each in a separate strap, are used.

(f) Loads requiring continuous manual guidance while in motion shall be provided with tag lines.

(g) No draft shall be hoisted unless the winch or crane operator(s) can clearly see the draft itself or see the signals of any signalman associated with the operation.

§ 1918.82 Building drafts.

(a) Drafts shall be so built or such means shall be taken as to prevent cargo from falling from the draft.

[4] 46 CFR Parts 146–147 contains regulations of the U.S. Coast Guard pertaining to the handling of explosives and other dangerous cargo.

(b) Hand loaded buckets or tubs used in handling bulk cargo shall not be loaded above their rims.

§ 1918.83 Stowed cargo, tiering and breaking down.

(a) When necessary, cargo shall be secured or blocked to prevent its shifting or falling.

(b) In breaking down, precautions shall be taken, when necessary, to prevent the remaining cargo from falling.

(c) Employees trimming bulk cargo shall be checked in and out by the foreman. Before securing any reefer compartment, a check shall be made to ensure that no employee remains inside. Frequent checks shall be made to ensure the safety of any employee working alone in a tank or cargo compartment.

§ 1918.84 Bulling cargo.

(a) Bulling cargo shall be done with the bull line led directly from the heel block, except that bulling may be done from the head of the boom when the nature of the cargo and the surface over which it is dragged are such as to avoid stalling the load, or when the winch actually does not have sufficient strength, with the purchase used, to overload the boom.

(b) Snatch blocks shall be used to provide a fair lead for the bull line so as to avoid unnecessary dragging of the bull line against coamings and obstructions.

(c) Falls led from cargo booms of vessels shall not be used to move scows, lighters or railroad cars.

(d) Snatch blocks shall not be used with the point of the hook resting on the flange of a beam, but shall be hung from padeyes, straps or beam clamps. Snatch blocks or straps shall not be made fast to batten cleats or other insecure fittings.

(e) Beam or frame clamps shall be so secured to the beam as to minimize the possibility of their slipping, falling or being pulled from the beam.

§ 1918.85 Containerized cargo.

(a) On every cargo container there shall be permanently marked in pounds (1) the weight of the container when empty, (2) the maximum cargo weight that the container is intended and designed by its manufacturer to carry, and (3) the sum of these two weights.

(b) No container shall be loaded aboard or discharged from any vessel by means of hoisting by ship's cargo handling gear or by shore crane or derrick unless the following conditions have been met:

(1) In the case of an empty container, it shall be ascertained from the carrier that such is the case and the container shall be identified before loading or discharge either by marking, in cargo stowage plans, by both means, or otherwise in such manner that every supervisor and foreman on the site and in charge of loading or discharging, and/or every crane or other hoisting equipment operator, and signalman, if any, shall be enabled to know that such container is empty.

(2) In the case of a loaded container, either the actual gross weight shall be plainly marked so as to be visible to the crane or other hoisting equipment operator or signalman, if any, and/or to every supervisor and foreman on the site and in charge of loading or discharging; or the cargo stowage plan or equivalent permanently recorded display serving the same purpose shall be provided to the crane or other hoisting equipment operator and signalman, if any, and to every supervisor and foreman on the site and in charge of loading or discharging, and contain the actual gross weight, the exact stowage position, and the serial number or other positive identification of that specific container.

(3) Every outbound loaded container received at a marine terminal ready to load aboard a vessel without further consolidation or loading shall be weighed to obtain the actual gross weight, either at the terminal or elsewhere before loading aboard a vessel. The open type vehicle carrying container and those built specifically and used solely for the carriage of compressed gases are excepted from this subparagraph and from subparagraphs (4) and (5) of this paragraph.

(4) When container weighing scales are located at a marine terminal, any outbound container with a load consolidated at that terminal shall be weighed to obtain an actual gross weight before loading aboard a vessel.

(5) When there are no container weighing scales located at a marine terminal at which outbound containers are loaded with cargo, or where container loads are completed or consolidated there or elsewhere, and no weighing facility is available and located in a reasonably accessible location, the actual gross weight may be calculated, providing that accurate weights of all contents are known and a list of same, including the empty container weight, is totaled and posted on the container in a conspicuous place with identification of the source and date of calculation. Such list of contents may refer to cartons, cases, or other means of packaging but need not specifically identify the commodity or commodities involved except as otherwise required by law. Container weights so arrived at shall be subject to random sample weight checks at the nearest weighing facility. In cases where such weight checks or experience otherwise indicate consistently inaccurate weights arrived at by this means, the weight of containers so calculated at the source from which the inaccurate weights originated may no longer be recognized as true gross weights, in which case such containers may not be loaded aboard a vessel unless actual gross weights have been obtained by weighing. This procedure shall be continued until the Administration is satisfied by reasonable experience thereunder that correct weights will be furnished.

(6) In the case of loaded inbound containers from foreign ports, they shall, if they have not been weighed, have the calculated weight posted in the manner prescribed by subparagraph (5) of this paragraph. All loaded inbound containers from foreign ports shall be subject to random sample weight checks at a time satisfactory to the Administration which may be at any time up to unloading the contents of the container at the terminal or until the container is delivered unopened to the land carrier. When such checks indicate a pattern of significant and continuing inaccuracy or when the provisions of subparagraph (7) of this paragraph are not met, such suitable means as are acceptable to the Administration to protect the safety of the workers involved shall be taken during discharge to assure safety and such means shall be continued until the Administration is satisfied by experience thereunder that correct weights will be furnished.

(7) The identification and documentation provisions of subparagraphs (1) and (2) of this paragraph shall apply to containers originating from foreign ports.

(8) Any scale used within the United States to weigh containers for the purpose of the requirements of this section shall meet the accuracy standards of the state or local public authority in which the scale is located.

(c) No container shall be hoisted if its actual gross weight exceeds the weight marked as required in paragraph (a)(3) of this section, or if it exceeds the capacity of the crane or other hoisting device intended for use, under the conditions in which said crane or other hoisting device is used. All hoisting of containers shall be by means which will safely do so without probable damage to the container, and using the lifting fittings provided.

(d) All outbound containers shall be inspected before loading for any visible defects in structural members and fittings, which would render unsafe their handling in loading. To the extent it is practicable, inbound containers shall be similarly inspected before discharge. Any outbound container found to have such a defect shall not be loaded unless the defect is first corrected. Any inbound container found to have such a defect shall either be discharged by such special means as to insure safety or shall be emptied before discharge.

(e) For the purpose of this section, the term "container" means a reusable cargo container of rigid construction and rectangular configuration, intended to contain one or more articles of cargo or bulk commodities for shipment aboard a vessel, and capable of utilization for this purpose by one or more other modes of transport without intermediate reloading. The term includes completely enclosed units, open top units, half or other fractional height units, units incorporating liquid or gas tanks, and any other variations serving the same basic purpose and fitting into the container system, demountable or with attached wheels. The term, however, does not include cylinders, drums, crates, cases, cartons, packages, sacks, unitized loads or any other of the usual forms of packaging.

§ 1918.86 Hazardous cargo.

(a) Prior to the start of cargo handling operations a responsible representative of the employer shall ascertain from labels on the cargo, from the dangerous cargo manifest, or from other shipping documents, what hazardous cargoes, if any, are to be handled and the general nature of the hazard. He shall inform employees of the general nature of the hazard, the importance to the employees of preventing damage to the cargo, and the special precautions to be taken. The responsible representative of the employer aboard the vessel shall instruct the employees to notify him of any leaks or spills.

(b) Drafts of cargo ascertained by the employer to be hazardous shall be so slung and secured that neither the draft nor individual packages can fall as a result of tipping the draft or slacking the supporting gear.

(c) If a cargo ascertained by the employer to be hazardous is spilled or any of its containers has or develops a serious leak, the employees shall be removed from the hold or compartment until the employer has ascertained the specific hazards, has provided such personal protective equipment and clothing and such ventilation and fire protective equipment as may be necessary to avoid, or protect against, the hazard, and has instructed the employees as to the safe method of cleaning up and disposing of a spill or handling and disposing of the leaking containers. The actual work of clean up or disposal shall be carried out under the personal supervision of a responsible representative of the employer aboard the vessel.

Subpart I—General Working Conditions

§ 1918.91 Housekeeping.

(a) Weather deck walking and working areas shall be kept reasonably clear of lines, bridles, dunnage and all other loose tripping or stumbling hazards.

(b) Gear or equipment, when not in use, shall be removed from the immediate work areas, or shall be so placed as not to present a hazard.

(c) Slippery conditions shall be eliminated as they occur.

(d) Loose paper, dunnage and debris shall be collected as the work progresses and be kept clear of the immediate work area.

(e) Dunnage shall not be placed on deck where it interferes with the free movement of the drafts.

(f) Dunnage racked against sweat battens shall not be used when the levels of such racks are above the safe reach of employees.

(g) Dunnage, hatch beams, tarpaulins or gear not in use shall be stowed no closer than 3 feet to the port and starboard sides of the weather deck hatch coaming, except that a reasonable tolerance shall be permitted where strict

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adherence is rendered impracticable due to the circumstances.

(h) **Nails:** (1) Nails which are protruding from shoring or fencing in the immediate work areas shall be bent over or otherwise rendered harmless.

(2) Dunnage, lumber, or shoring material in which there are visibly protruding nails shall be removed from the immediate work area, or, if left in that area, the nails shall be bent over or otherwise rendered harmless.

(i) Employees shall not be exposed to ice which may fall from aloft under conditions where the accumulation of such ice and the circumstances at the time are such as to constitute a hazard.

§ 1918.92 Illumination.

(a) All walking and working areas shall be adequately illuminated.

(b) Portable lights shall meet the following requirements:

(1) Portable lights shall be equipped with substantial reflectors and guards to prevent flammable and other material from coming in contact with the bulb, except that guards are not required where the construction of the reflector is such that the bulb is deeply recessed.

(2) Portable lights shall be equipped with heavy duty electric cords and may be suspended by such cords only when the means of attachment of the cord to the light is such as to prevent the light from being suspended by the electrical connections. All connections and insulation shall be maintained in safe condition.

(3) Lighting wires and fixtures for portable lights shall be so arranged as to be free from contact with drafts, running gear, or other moving equipment.

(4) Portable lights shall be so arranged that they do not shine in the eyes of winchdrivers or hatchtenders.

(5) Portable cargo lights furnished by the employer for use aboard vessels and purchased after September 1, 1966, shall be listed as approved by the U.S. Coast Guard or shall bear the Underwriters Laboratories, Inc., Marine Label.

(c) Employees shall not be permitted to enter dark holds, compartments, decks or other places without a flashlight or other suitable portable light. The use of matches or open flame lights is prohibited.

§ 1918.93 Ventilation and atmospheric conditions.

(a) Ventilation requirements with respect to carbon monoxide:

(1) (i) When internal combustion engines exhaust into a hold, an intermediate deck, or any other compartment, the employer shall see that tests of the carbon monoxide content of the atmosphere are made with such frequency as is found by test to be necessary in the type and location of the operation, and under the conditions existing, to insure that dangerous concentrations do not develop. Such tests shall be made in the area in which employees are working, by persons competent in the use of the test equipment and procedure. Where operations are located in a deep tank or refrigerated compartment, the first test shall be made within one half hour of the time the machine(s) start.

(ii) The carbon monoxide content of the atmosphere shall be maintained at not more than 50 parts per million (0.005%) as a time weighted average, and employees shall be removed from the compartment if the carbon monoxide concentration exceeds 100 parts per million (0.01%). The term "time weighted average" means that for any period of time in which the concentration exceeds 50 parts per million, it shall be maintained at a corresponding amount below 50 parts per million for an equal period of time.

(iii) When neither natural ventilation nor the vessel's ventilating system, where fitted, is adequate to keep the carbon monoxide concentration within the allowable limits set forth in this paragraph, the employer shall use supplementary means of portable ventilation in such size and number and so arranged as to bring such concentration within such limits before work is resumed.

(2) A record of the date, time, location, and results of the tests required by subparagraph (1) of this paragraph shall be maintained for at least 30 days after the work is completed. The record shall be available for examination by representatives of the Occupational Safety and Health Administration.

(3) The intakes of portable blowers and any exposed belt drives shall be guarded adequately by screens.

(4) The frames of portable blowers shall be grounded at the source of the current either through a third wire in the cable containing the circuit conductors or through a separate wire. When the vessel is the source of the current the ground shall be made to the structure of the vessel. Electric cords used shall be free of visible defects.

(5) The employer shall not permit the use of shore electrical circuits unless they have been checked to ensure that the circuit between the ground and the grounded power conductor has resistance low enough to permit sufficient current to flow to cause the fuse or circuit breaker to interrupt the current. When the vessel is the source of the current, it is required only that a check be made to ensure good electrical contact between the ground wire and the vessel's structure.

(b) (1) Before commencing to load grain which has been fumigated, the employer shall ascertain from the elevator operator that the cargo is free from hazardous concentrations of fumigants.

(2) The employer shall not load tobacco until the carrier has provided written notification as to whether or not the cargo has been fumigated. If the tobacco has been fumigated with any toxic fumigant, the employer shall not commence loading until written warranty has been received from the fumigation facility that the aeration of the cargo has been such as to reduce the concentration of the fumigant to a safe limit. Such notification and warranty shall be maintained for at least 30 days after the loading of the tobacco has been completed, and shall be available for examination by representatives of the Occupational Safety and Health Administration.

(3) Before commencing to load cargo other than cargo mentioned in subparagraph (1) or (2) of this paragraph, which has been fumigated at the loading port, the employer shall ascertain that such cargo does not contain a hazardous concentration of fumigants.

(c) Before employees are permitted to enter or work in any stowage space or tank, the employer shall ascertain from the officer in charge of the vessel, or the vessel's agent or operator, whether explosive, poisonous, noxious, or gaseous cargoes have been carried or are stowed therein, or whether dry ice has been used as a refrigerant therein, or whether such places have been fumigated, or whether there is a possibility of oxygen deficiency. Upon establishing that any of such conditions may exist, the employer shall ascertain from the officer in charge of the vessel, if he is properly equipped and qualified so to evaluate, the condition of the work place with respect to atmospheric contaminants or deficiencies. If the officer in charge of the vessel is not equipped or qualified to carry out such evaluation, this shall be done by another person qualified and equipped to do it.

(d) When it is ascertained as set forth in paragraph (c) of this section that the atmosphere in which employees would be working is immediately dangerous to life, or if the atmosphere becomes immediately dangerous to life during cargo handling operations, no employee shall be permitted to enter or remain in the work place until the atmospheric condition has been made safe. Atmospheres immediately dangerous to life are those which contain less than 16.5 percent oxygen, or which by reason of the high toxicity of the contaminant, as in fumigation, or the high concentration of contaminants, as with carbon dioxide, would endanger the life of a person breathing them for even a short period of time.

(e) When it is ascertained as set forth in paragraph (c) of this section that the atmosphere in which employees would be working contains dangerous gaseous contaminants not immediately dangerous to life, or if the atmosphere becomes so contaminated during cargo handling operations, no employee shall be permitted to enter or remain in the work place until the atmosphere is made safe, or the employees are protected by suitable respiratory protective equipment in accordance with the requirements of § 1918.102 (a) and (b). Dangerous gaseous contaminants not immediately dangerous to life are gases present in concentrations that could be breathed for a short period of time without endangering the life of a person breathing them, but might produce discomfort and injury after a prolonged single exposure or repeated short exposures.

(f) When employees are exposed to heavy concentrations of dusts, as in loading bulk grain, they shall be protected by suitable respiratory protective equipment in accordance with the requirements of § 1918.102 (a) and (c).

§ 1918.94 Sanitation and drinking water.

(a) Longshoring operations shall not be carried on in the immediate vicinity of uncovered garbage or in the way of overboard discharges from sanitary lines unprotected by a baffle or splash boards.

(b) Clean drinking water in clean, covered containers shall be provided. Individual sanitary drinking cups or some other equally sanitary device shall be conveniently available.

§ 1918.95 Longshoring operations in the vicinity of repair and maintenance work.

(a) Longshoring operations shall not be carried on when chipping or scaling of decks, bulkheads or sides of vessels creates excessive noise which interferes with communication of warnings or instructions.

(b) Longshoring operations shall not be carried on in the hold or on deck beneath men working in the rigging overhead when such overhead work creates a hazard of falling objects.

(c) Longshoring operations shall not be carried on where employees are exposed to injurious light rays, hot metal, or sparks, any of which result from welding or cutting.

(d) Longshoring operations shall not be carried on where employees are exposed to unsafe concentrations of dust or vapors from sand blasting or spray painting.

§ 1918.96 First aid and life saving equipment.

(a) Unless a first aid room is close at hand and a qualified attendant is prepared to render first aid to employees on behalf of the employer, the employer shall furnish a first aid kit for each vessel on which work is being performed, except that when work is being performed on more than one small vessel at one pier only one kit shall be required. The kit shall be kept in the immediate vicinity of the vessel and at least one employee holding a currently valid first aid certificate shall be close at hand.

(b) The first aid kit shall consist of a weatherproof container with individual sealed packages for each type of item. The contents of such kit shall include a sufficient quantity of at least the following types of items:

Gauze roller bandages, 1 inch and 2 inch.
Gauze compress bandages, 4 inch.
Adhesive bandages, 1 inch.
Triangular bandage, 40 inch.
Ammonia inhalants and ampules.
Antiseptic applicators or swabs.
Burn dressing.
Eye dressing.
Wire or thin board splints.
Forceps and tourniquet.

(c) The contents of the first aid kit shall be checked before being sent out on each job to ensure that all expended items have been replaced.

(d) There shall be available for each vessel being worked one Stokes basket stretcher, or its equivalent, permanently equipped with bridles for attaching to the hoisting gear, except that there need be no more than two stretchers on each pier. Stretchers shall be kept close to the vessels.

(e) The employer shall ensure that there is in the vicinity of each vessel being worked at least one U.S. Coast Guard approved 30-inch lifering with not less than 90 feet of line attached and at least one portable or permanent ladder which will reach from the top of the apron to the surface of the water. If the above equipment is not available at the pier, the employer shall furnish it during the time that he is working the vessel. When working a barge, scow, raft, lighter, log boom, or carfloat alongside a ship, a U.S. Coast Guard approved 30-inch lifering, with not less than 90 feet of line, shall be provided either on the floating unit itself or aboard the ship in the immediate vicinity of each floating unit being worked.

(f) When employees are working on log booms or cribs, lifelines shall be furnished and hung overside to the water's edge.

§ 1918.97 Qualification of machinery operators.

(a) Only those employees considered by the employer to be competent by reason of training or experience, and who understand the signs, notices, and operating instructions and are familiar with the signal code in use shall be permitted to operate a crane, winch or other power-operated hoisting apparatus, or any power-operated vehicle, or to give signals to the operator of any hoisting apparatus.

(b) No employee known to have defective uncorrected eyesight or hearing, or to be suffering from heart disease, epilepsy, or similar ailments which may suddenly incapacitate him shall be permitted to operate a crane, winch or other power-operated hoisting apparatus or a power-operated vehicle.

(c) No minor under 18 years of age shall be employed in occupations involving the operation of any power-operated hoisting apparatus or assisting in such operations by performing work such as hooking on or landing drafts, rigging gear, etc.

§ 1918.98 Grain fitting.

(a) Where employees are engaged in work on longitudinal bulkheads or shifting boards (other than longitudinal bulkheads of feeders) at a distance of eight (8) feet or more above any ceiling, tank top or deck, the following shall apply:

(1) If working off portable straight ladders the provisions of § 1918.25(f) of this Part shall apply.

(2) If working off staging, any lumber used in the construction thereof shall be sound, straight grained, free from cross grain, shakes, and large, loose or dead knots. It shall also be free from dry rot, large checks, worm holes or other defects which impair its strength. Platform planking used as a work surface shall not be less than 2 x 10 lumber and the width of the platform shall not be less than 18 inches.

(3) If working from other elevated positions, employees shall be protected from falling by safety belt and lifeline or other equivalent protection.

(b) (1) When grain fitting operations are in progress in the square of an intermediate deck, the hatch covering at that deck shall be such as to cover the hatch except for the minimum open spaces necessary to perform the work.

(2) When coverings used to provide a temporary work surface are other than the vessels' hatch covers placed in their normal positions, they shall be of adequate strength and so placed or secured that they cannot be accidentally dislodged.

(c) When the erection of grain fittings requires employees to work on surfaces immediately adjacent to or between open deep tanks, either the deep tank covers shall be put in place, the opening covered by a net, or the opening guarded by a line, railing or net rigged as a railing, or by other suitable means.

(d) When removing hatch coverings from the interiors of feeders at the completion of their construction, or when removing or replacing hatch coverings in the interiors of feeders for any purpose at other times, employees engaged in this work shall be protected from falling by the use of adequate individual lifelines, properly tended, or by nets or other means suitable for the purpose. Except for the minimum open spaces necessary, hatch coverings shall not be removed within feeders under construction until such construction is completed.

(e) When repair or other work is carried out in the interior of an existing feeder and circumstances do not allow the covering of the hatch at that deck, employees shall be protected from falling by the use of adequate individual lifelines, properly secured and if necessary tended, or by nets or other means suitable for the purpose.

(f) Such other sections of this part as are applicable to grain fitting operations shall be adhered to.

Subpart J—Personal Protective Equipment

§ 1918.101 Eye protection.

(a) When, because of the nature of the cargo being handled, an eye hazard from flying particles or heavy dust exists, employees shall be protected by eye protection equipment meeting the specifications prescribed by the American National Standard (ANSI) Practice for Occupational and Educational Eye and Face Protection, Z87.1 (1968).

(b) Eye protection equipment shall be maintained in good condition.

(c) Eye protection equipment which has previously been used shall be cleaned and disinfection before it is issued by the employer to another employee.

(d) Employees who wear corrective spectacles while engaged in eye hazardous work shall be protected by eye protection equipment of a type which can be worn over personal spectacles, except that glasses with prescription ground safety lenses may be worn in lieu of

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cover goggles when such glasses provide suitable protection against the hazard involved.

§ 1918.102 Respiratory protection.

(a) *General.* (1) Except as provided in subparagraph (c)(3) of this section, respiratory protective equipment required by this part shall carry U.S. Bureau of Mines approval for the use intended. In cases where the U.S. Bureau of Mines does not issue approval against the particular hazard equipment shall be acceptable to the Occupational Safety and Health Administration. Respiratory protective equipment shall be used only for the purpose intended and no modification of the equipment shall be made.

(2) Respiratory protective equipment shall be inspected regularly and maintained in good condition. Gas mask canisters and chemical cartridges shall be replaced as necessary so as to provide complete protection. Mechanical filters shall be cleaned or replaced as necessary so as to avoid undue resistance to breathing.

(3) Respiratory protective equipment which has been previously used shall be cleaned and disinfected before it is issued by the employer to another employee.

(4) Employees required to use respiratory protective equipment shall be instructed in its use.

(b) *Protection against gaseous contaminants not immediately dangerous to life.* (1) In concentrations of ammonia of less than 3 percent, or of other gases less than 2 percent, by volume, a canister type gas mask equipped with the proper type of canister shall be used. Different canisters are approved for use against the following gases and groups of gases: acid gases, hydrocyanic acid gas, chlorine gas, organic vapors, ammonia gas, carbon monoxide or combinations of the above.

(2) In low concentrations (less than 0.1 percent by volume, but above the Threshold Limit Value of the gas), a chemical cartridge respirator equipped with the type of cartridge approved for use against the particular gases or groups of gases listed in subparagraph (1) of this paragraph shall be used.

(c) *Protection against dusts.* (1) For protection against pneumoconiosis producing dusts, a respirator equipped with the type of filter approved for such purpose shall be used.

(2) For protection against toxic dusts, a respirator equipped with the type of filter approved for such purpose shall be used.

(3) For protection against nuisance dusts, a respirator equipped with the type of filter required in subparagraph (1) of this paragraph or a suitable dust mask shall be used.

§ 1918.103 Protective clothing.

(a) When employees are handling cargo which, due to ruptured, leaking or inadequate containers, may cause burns, skin irritation or be otherwise injurious to health, they shall be protected by suitable protective clothing.

(b) Protective clothing which has been previously worn shall be cleaned and disinfected before it is issued by the employer to another employee.

§ 1918.104 Foot protection.

The employer shall arrange through means, such as vendors or local stores, or otherwise, to make safety shoes readily available to all employees, and shall encourage their use.

§ 1918.105 Head protection.

(a) Employees shall be protected by protective hats meeting the specifications contained in the American National Standard Safety Requirements for Industrial Head Protection, Z89.1 (1969).

(b) Protective hats which have been previously worn shall be cleaned and disinfected before they are issued by the employer to another employee.

§1918.106 Protection against drowning.

(a) *Personal flotation devices.* Any personal flotation device shall be approved by the United States Coast Guard as a Type I PFD, Type II PFD, Type III PFD, or Type V PFD, or their equivalent, pursuant to 46 CFR 160 (Coast Guard Lifesaving Equipment Specifications) and 33 CFR 175.23 (Coast Guard table of devices equivalent to personal flotation devices).

(b) Employees working on log booms shall be protected by personal flotation devices meaning the requirements of § 1918.106(a).

(c) Except when engaged in loading or discharging ocean going vessels, employees walking or working on the decks of barges on the Mississippi River System and the Gulf Intracoastal Waterway shall be protected by personal flotation devices meeting the requirements of § 1918.106(a).

(d) Personal flotation devices shall be maintained in good condition and shall be considered unserviceable when damaged so as to affect their buoyant properties or capability of being fastened.

Appendix I

CARGO GEAR REGISTER AND CERTIFICATES

The cargo gear register, designated Form I by the ILO, is a booklet containing instructions and forms on which the following information is recorded:

Part I. Annual Inspection and Quadrennial Thorough Examination of Derricks and Permanent Attachments (including Bridle Chains) to the Derricks, Masts and Decks.

Part II. Annual Thorough Examination of Cranes, Winches, Hoists, and Accessory Gear other than Derricks and Permanent Attachments Thereto.

Part III. Annual Thorough Examination of Gear which is Exempt from Heat Treatment.

Part IV. Heat Treatment of Chains, Rings, Hooks, Shackles and Swivels which Require such Treatment.

The following are the sample forms of certificates recommended by the ILO.

Form No. 2

Test Certificate No. ------

CERTIFICATE OF TEST AND EXAMINATION OF WINCHES, DERRICKS AND THEIR ACCESSORY GEAR, BEFORE BEING TAKEN INTO USE

(Form prescribed by ----------)

Name of ship on which machinery is fitted----------

(1) Situation and description of machinery and gear, with distinguishing number or mark (if any)	(2) Angle to the horizontal of derrick boom while the load was applied (degrees)	(3) Proof load applied (tons)	(4) Safe working load at the angle shown in column 2 (tons)

(5) Name and address of public service, association, company or firm making the test and examination ----------

(6) Position of signatory in public service, association, company, or firm ----------

I certify that on the ------ day of ----------, 19--, the above machinery, together with its accessory gear, was tested by a competent person in the manner set forth on the reverse side of this certificate; that a careful examination of the said machinery and gear by a competent person after the test showed that it had withstood the proof load without injury or permanent deformation; and that the safe working load of the said machinery and gear is as shown in column 4.

(Date) ---------- (Signature) ----------

NOTE: "Competent person" means a person acceptable as such to the competent authority in the country of issue of the certificate.

[Reverse of Form 2]

INSTRUCTIONS

Every winch with the whole of the gear, accessory thereto (including derricks, goosenecks, eye plates, eye bolts, or other attachments) shall be tested with a proof load which shall exceed the safe working load as follows:

Safe working load	*Proof load*
Up to 20 tons	25 percent in excess.
20–50 tons	5 tons in excess.
Over 50 tons	10 percent in excess.

The proof load shall be lifted with the ship's normal tackle with the derrick at an angle which should not be more than 15 degrees to the horizontal, or, when this is impracticable, at the lowest practicable angle. The angle at which the test was made should be stated in the certificate of test. After the proof load has been lifted, it should be swung as far as possible in both directions.

As a general rule, all tests should be carried out in this way by dead load, and no exception should be allowed in the case of gear on new ships. In the case of replacements or renewals, however, spring or hydraulic balances may be used where dead loads are not available. Where a spring or hydraulic balance is used it shall be accurate, and the test should not be regarded as satisfactory unless the indicator remains constant for a period of at least five minutes.

After being tested as aforesaid, all lifting machinery, with the whole of the gear accessory thereto shall be examined to see whether any part has been injured or permanently deformed by the test.

The safe working load shown in column 4 is applicable only to a swinging derrick. When using fixed derricks, such as "union purchase" rig, the safe working load should as a general rule be reduced; in any case, it should be determined with due regard to the actual conditions of use.

In the case of heavy derricks, care should be taken that the appropriate shrouds and stays are rigged.

NOTE: The expression "ton" means a ton of 1,000 kg or 2,200 lb.

Form No. 3

Test Certificate No. ------

CERTIFICATE OF TEST AND EXAMINATION OF CRANES OR HOISTS, AND THEIR ACCESSORY GEAR, BEFORE BEING TAKEN INTO USE

(Form prescribed by ----------)

Name of ship on which machinery is fitted ----------

(1) Situation and description of crane or hoist, with distinguishing number or mark (if any)	(2) For jib cranes radius at which proof load was applied	(3) Proof load applied (tons)	(4) Safe working load for jib cranes at radius shown in column 2) (tons)

(5) Name and address of public service, association, company or firm making the test and examination ----------

(6) Position of signatory in public service, association, company or firm ----------

I certify that on the ------ day of ---------, 19--, the above machinery, together with its accessory gear, was tested by a competent person in the manner set forth on the reverse side of this certificate; that a careful examination of the said machinery and gear by a competent person after the test showed that it had withstood the proof load without injury or permanent deformation; and that the safe working load of the said machinery and gear is as shown in column 4.

(Signature) ----------

Date ----------

NOTE: "Competent person" means a person acceptable as such to the competent authority in the country of issue of the certificate.

[Reverse of Form 3]

INSTRUCTIONS

Every crane and other hoisting machine, with its accessory gear, shall be tested with a proof load which shall exceed the safe working load as follows:

Safe working load	*Proof load*
Up to 20 tons	25 percent in excess.
20–50 tons	5 tons in excess.
Over 50 tons	10 percent in excess.

The proof load shall be lifted and swung as far as possible in both directions. If the jib of the crane has a variable radius, it should be tested with a proof load, as defined above, at the maximum and minimum radii of the jib. With hydraulic cranes where, owing to the limitation of pressure, it is impossible to lift a load 25 percent in excess of the safe working load, it will be sufficient to lift the greatest possible load.

After being tested, each crane or hoist, with the whole of the gear accessory thereto, shall be examined to see whether any part has been injured or permanently deformed by the test.

NOTE: The expression "ton" means a ton of 1,000 kg or 2,200 lb.

Form No. 4

Test Certificate No. ------

CERTIFICATE OF TEST AND EXAMINATION OF CHAINS, RINGS, HOOKS, SHACKLES, SWIVELS AND PULLEY BLOCKS

(Form prescribed by ----------)

(1) Distinguishing number or mark (if any)	(2) Description of gear*	(3) Number tested	(4) Date of test	(5) Proof load applied (tons)	(6) Safe working load (tons)

* The dimensions of the gear, the type of material of which it is made and, when applicable, the heat treatment received in manufacture should be stated (unless Form No. 6 is used for the purpose).

(7) Name and address of makers or suppliers ----------

(8) Name and address of public service, association, company or firm making the test and examination ----------

(9) Position of signatory in public service, association, company or firm ----------

I certify that on the ------ day of ---------, 19--, the above gear was tested and examined by a competent person in the manner set forth on the reverse side of this certificate; that the examination showed that the said gear withstood the proof load without injury or deformation; and that the safe working load of the said gear is as shown in Column 6.

(Date) ---------- (Signature) ----------

NOTE: "Competent person" means a person acceptable as such to the competent authority in the country of issue of the certificate.

[Reverse of Form 4]

INSTRUCTIONS

Chains, rings, shackles and other loose gear (whether accessory to a machine or not) shall be tested with a proof load equal to that shown against the article in the following table:

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Article of gear	*Proof load*
Chain, ring, hook, shackle or swivel	100 percent in excess of the safe working load.
Pulley blocks:	
Single-sheave block	300 percent in excess of the safe working load.
Multiple-sheave block with safe working load up to and including 20 tons.	100 percent in excess of the safe working load.
Multiple-sheave block with safe working load over 20 tons up to and including 40 tons.	20 tons in excess of the safe working load.
Multiple-sheave block with safe working load over 40 tons.	50 percent in excess of the safe working load.
Pitched chains used with hand-operated pulley blocks and rings, hooks, shackles or swivels permanently attached thereto.	50 percent in excess of the safe working load.
Hand-operated pulley blocks used with pitched chains and rings, hooks, shackles or swivels permanently attached thereto.	50 percent in excess of the safe working load.

After being tested, all the gear shall be examined, the sheaves and the pins of the pulley blocks being removed for the purpose, to see whether any part has been damaged or permanently deformed by the test.

NOTE: The expression "ton" means a ton of 1,000 Kg or 2,200 lb.

Test Certificate No. ------ FORM No. 5

CERTIFICATE OF EXAMINATION AND TEST OF WIRE ROPE BEFORE BEING TAKEN INTO USE

(Form prescribed by ----------)

Name and address of maker or supplier of rope ----------

Circumference/diameter* of rope ----------

Number of strands ----------

Number of wires per strand ----------

Lay ----------

Quality of wire ----------

Date of test of sample of rope ----------

Load at which sample broke ----------

Safe working load, subject to any stated qualifying conditions such as minimum pulley diameter, direct tensile load, etc ----------

Name and address of public service, association, company or firm making the examination and test ----------

Position of signatory in public service, association, company or firm making the examination and test ----------

I certify that the above particulars are correct, and that the examination and test were carried out by a competent person.

(Signature) ----------

(Date) ----------

NOTE: "Competent person" means a person acceptable as such to the competent authority in the country of issue of the certificate.

*Delete what does not apply.

[Reverse of Form No. 5]

INSTRUCTIONS

Wire rope shall be tested by sample, a piece being tested to destruction, and the safe working load of running ropes shall not exceed one-fifth of the breaking load of the sample tested.

Certificate No. ------ Form No. 6

CERTIFICATE OF HEAT TREATMENT OF CHAINS, RINGS, HOOKS, SHACKLES AND SWIVELS WHICH REQUIRE SUCH TREATMENT

(Form prescribed by ----------)

(1) Distinguishing number or mark	(2) Description of gear*	(3) Number of certificate of test and examination	(4) Number heat treated	(5) Date of heat treatment	(6) Nature of heat treatment given	(7) Defects found at inspection after heat treatment

*The dimensions of the gear, the type of material of which it is made, and the heat treatment received in manufacture should be stated.

(8) Name and address of public service, association, company or firm carrying out the heat treatment and inspection ----------

(9) Position of signatory in public service, association, company or firm ----------

I certify that on the date shown in Column 5, the gear referred to in Columns 1 to 4 was heat-treated (indicated in Column 8) under my supervision; that after being so heat-treated every article was carefully inspected, and that no defects affecting its safe working condition were found other than those indicated in Column 7.

(Signature) ----------

(Date) ----------

NOTES: "Competent person" means a person acceptable as such to the competent authority in the country of issue of the certificate.

For requirements as to heat treatment, see reverse side.

[Reverse of Form No. 6]

INSTRUCTIONS

ANNEALING

Chains (other than bridle chains attached to derricks or masts), rings, hooks, shackles and swivels made of wrought iron, used in hoisting or lowering, shall be annealed at the following intervals:

	If used on lifting machinery driven by power	If used solely on lifting machinery worked by hand
Half-inch (12.5 mm) and smaller chains, rings, hooks, shackles and swivels in general use.	6 months	12 months.
All other chains, rings, hooks, shackles and swivels in general use	12 months	2 years.

OTHER HEAT TREATMENT

Chains, rings, hooks, shackles and swivels made of material other than wrought iron shall be heat treated in accordance with procedures approved by the competent authority.

Certificate No. ------ Form No. 7

CERTIFICATE OF ANNUAL THOROUGH EXAMINATION OF GEAR WHICH DOES NOT REQUIRE TO BE PERIODICALLY HEAT TREATED

(Form prescribed by ----------)

(1) Distinguishing number or mark	(2) Description of gear*	(3) Number of certificate of test and examination	(4) Remarks

*The dimensions of the gear, the type of material of which it is made, and the heat treatment received in manufacture should be stated.

(5) Name and address of public service, association, company or firm making the test and examination ----------

(6) Position of signatory in public service, association, company or firm ----------

I certify that on the ------ day of ---------- 19--, the above gear was thoroughly examined by a competent person, and that no defects affecting its safe working condition were found other than those indicated in Column 4.

(Signature) ----------

(Date) ----------

NOTES: This certificate is optional. The above particulars may be entered in Part III of the Register (Form No. 1).

"Competent person" means a person acceptable as such to the competent authority in the country of issue of the certificate.

For list of gear not required to be heat-treated and definition of "thorough examination", see reverse side.

[Reverse of Form No. 7]

INSTRUCTIONS

Gear not required to be heat treated, but required to be thoroughly examined by a competent person once at least in every twelve months:

Plate-link chains.

Pitched chains.

Rings, hooks, shackles and swivels permanently attached to pitched chains, pulley blocks or weighing machines.

Hooks and swivels having ball bearings or other case-hardened parts.

Bordeaux connections.

Other gear exempted by the competent authority, as follows:

NOTE: "Thorough examination" means a visual examination, supplemented if necessary by other means such as a hammer test, carried out as carefully as conditions permit in order to arrive at a reliable conclusion as to the safety of the parts examined; if necessary for the purpose, parts of the machines or gear must be dismantled.

SUBJECT INDEX FOR 29 CFR 1918—LONGSHORING

Subject term	Section No:	Federal Register page No.
Access, Means: (see Gangways & Ladders, Jacob's).		
Barges	.23 (a), (b), (c)	22077
Drafts	.21(l)	22077
Illumination	.21(h)	22077
River Towboats	.23(b)	22077
Vessels	.11 (a), (b), (c)	22076
Atmospheres:		
Carbon Monoxide	.93(a), (1), (2)	22088
Conditions	.93(c)	22088
Dusts	.93(f)	22088
Fumigants	.93(b), (1), (2), (3)	22088
Life Hazards	.93(d), (e)	22088
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Subpart A—General Provisions

§ 1919.1 Purpose and scope.

(a) The regulations in this part implement §§ 1918.12 (c) and (d)(3) and 1918.13 of this chapter. They provide procedures and standards governing accreditation of persons by the Occupational Safety and Health Administration, U.S. Department of Labor, for the purpose of certificating vessels' cargo gear and shore-based material handling devices, and the manner in which such certification shall be performed.

(b) Accreditation is not required, and the regulations of this part are not applicable, under the following circumstances:

(1) When cargo gear certification is performed for vessels inspected and certificated under the authority of the U.S. Coast Guard,[1] or for foreign vessels certificated under the requirements of a foreign nation or by persons acceptable for certification purposes by a foreign nation.

(2) When cargo gear certification is performed for shore-based material handling devices under standards established and enforced by the States wherein the devices are located, or by political subdivisions delegated this responsibility by the States, provided such standards meet the requirements of § 1918.13 (b) (2) of this chapter.

(c) Persons not required to be accredited for gear certification purposes, as set forth in paragraph (b) of this section, may, nevertheless, apply for and receive accreditation by the Administration. The appropriate subparts of this part shall apply to persons accredited pursuant to this paragraph except insofar as exemptions may be granted.

§ 1919.2 Definition of terms.

(a) "Vessel" means every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water, including special-purpose floating structures not primarily designed for or used as a means of transportation on water.

(b) Except as otherwise noted, "cargo gear", as used in Subparts B through E of this part, includes that gear forming a part of a vessel's equipment which is used for the handling of cargo other than bulk liquids, but does not include gear which is used only for handling or holding hoses, handling ships' stores, or handling the gangway, or boom conveyor belt

(c) With reference to equipment covered by this part—

(1) "Derrick" means:

(i) When applied to vessels' cargo handling gear, a mechanical device for lifting, including a boom which is suspended at its head by a topping lift from a mast, king post, or similar structure, controlled in the horizontal plane by vangs, and used either singly or in pairs with married falls;

(ii) When applied to shore-based material handling devices, a mechanical device intended for lifting, with or without a boom supported at its head by a topping lift from a mast, fixed A frame, or similar structure. The mast or equivalent member may or may not be supported by guys or braces. The boom, where fitted, may or may not be controlled in the horizontal plane by guys (vangs). The term includes shear legs.

(2) "Crane" means a mechanical device, intended for lifting or lowering a load and moving it horizontally, in which the hoisting mechanism is an integral part of the machine. A crane may be a fixed or mobile machine.

(3) "Bulk cargo spout" means a spout which may or may not be telescopic and may or may not have removable sections, but is suspended over the vessel from some overhead structure by wire rope or other means. Such a spout is often used with a "thrower" or "trimming machine". A grain loading spout is an example of those covered by this definition.

(4) "Bulk cargo sucker" means a pneumatic conveyor which utilizes a spoutlike device, which may be adjustable vertically and/or laterally, and which is suspended over a vessel from some overhead structure by wire rope or other means. An example of an installation of this nature is the "grain sucker" used to discharge grain from barges.

(d) "Assistant Secretary" means the Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, or his authorized representative.

(e) "Administration" means the Occupational Safety and Health Administration, U.S. Department of Labor.

(f) "Person" includes any individual, partnership, corporation, agency, association, or organization.

(g) "Competent person" means:

(1) An individual qualified to perform gear certification functions with respect to vessels' cargo handling gear, as specifically set forth in § 1919.37.

(2) An individual qualified under the provisions of Subparts F and G of this part to perform gear certification functions with respect to shore-based material handling devices.

(h) "Ton" means a ton of 2,240 pounds when applied to vessels' cargo handling gear, and a ton of 2,000 pounds when applied to shore-based material handling devices or to shore-type cranes permanently mounted aboard barges or other vessels employed in domestic trade and designed on the basis of the 2,000-pound ton. Capacity ratings may be stated in pounds.

(i) "Nondestructive examination" means examination of structure or parts by electronic, ultrasonic, or other nondestructive examination suitable for the purpose.

Subpart B—Procedure Governing Accreditation

§ 1919.3 Application for accreditation.

(a) *Application.* Any person seeking accreditation shall file an original and duplicate copy of an application for accreditation with the Assistant Secretary of Labor for Occupational Safety and Health, United States Department of Labor, Washington, D.C. 20210, on a form provided by the Administration for this purpose. Each application shall be signed and certified by the applicant and, if the applicant is an agency or organization, by a responsible officer of such agency or organization.

(b) *Contents of application.* The application form shall include the following information:

(1) A statement detailing the applicable types of work performed by the applicant in the past, noting the amount and extent of such work performed within the previous three years, listing representative vessels involved, and including representative job orders, if available, or equivalent evidence;

(2) Descriptive details concerning any testing instruments and heat treatment furnaces which are to be used in conducting required tests or heat treatments. Test reports indicating that instruments meet the accuracy standards set forth in this part shall be included;

(3) A list setting forth the ports in which applicant currently conducts his business as well as those in which he proposes to conduct gear certification activities;

(4) A list of the applicant's responsible qualified personnel, both supervisory and managerial and including any surveyors, with resumes of their individual experience in the testing, examination, inspection and heat treatment of cargo gear. Such list shall include any branch office personnel or surveyors appointed to act in the applicant's behalf in any of the ports of the United States: *Provided, however,* That where the submission of individual resumes would be unduly burdensome because of the large number of persons engaged in the applicant's behalf, the applicant, after stating this fact, need only submit a list of its personnel together with a detailed statement of the qualifications upon which the appointment of surveyors is based;

(5) A detailed schedule of the fees proposed to be charged for the various gear certification services;

(6) Evidence of financial stability;

(7) Names of at least three business references who will furnish information regarding work performed by applicant;

(8) Any additional information the applicant deems to be pertinent.

§ 1919.4 Action upon application.

(a) Upon receipt of an application for accreditation, the Assistant Secretary shall approve or deny the application. The Assistant Secretary may conduct an investigation, which may include a hearing, prior to approving or denying an application. To the extent he deems appropriate, the Assistant Secretary may provide an opportunity to other interested persons to present data and views on the application prior to approval or denial.

[1] Jurisdiction of the U.S. Coast Guard extends to matters within the scope of title 52 of the Revised Statutes and Acts supplementary or amendatory thereto (46 U.S.C. 1–1388, passim); to matters within the regulatory authority of the U.S. Coast Guard under the provisions of the Espionage Act of June 15, 1917, as amended (40 Stat. 220; 50 U.S.C. 191 et seq.; 22 U.S.C. 401 et seq.) or to matters within the regulatory authority of the U.S. Coast Guard under section 4(e) of the Outer Continental Shelf Lands Act of Aug. 7, 1953 (67 Stat. 462; 43 U.S.C. 1333).

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(b) Any application which fails to present the information required by the prescribed form may be returned to the applicant with a notation of deficiencies and without prejudice to submission of a new or revised application.

(c) If the application is approved, notice of approval shall be mailed to the applicant. If the application is denied, notice of such denial shall be mailed to the applicant and such denial shall be without prejudice to any subsequent application except where such action is deemed to be in the public interest. In the event an application is denied with prejudice, the provisions of § 1919.9 shall be applicable.

(d) A copy of the notice of accreditation shall be kept on file by applicant at the applicant's place of business.

§ 1919.5 Duration and renewal of accreditation.

The period of accreditation shall not exceed three years. Applications for renewal of accreditation shall be made on the same form as described in § 1919.3. No accreditation shall expire until action on an application for renewal shall have been finally determined, provided that such application has been properly executed in accordance with § 1919.3 and filed with and received by the Assistant Secretary not less than 15 nor more than 60 days prior to the expiration date. A final determination means either the approval or initial denial of the application for renewal. The procedure specified in § 1919.4 shall be applicable to all applications for renewal.

§ 1919.6 Criteria governing accreditation to certificate vessels' cargo gear.

(a) (1) A person applying for accreditation to issue registers and pertinent certificates, to maintain registers and appropriate records, and to conduct initial, annual and quadrennial surveys shall not be accredited unless he is engaged in one or more of the following activities:

(i) Classification of vessels;

(ii) Certification of vessels' cargo gear;

(iii) Shipbuilding or ship repairing, or both insofar as related to work on vessels' cargo handling gear;

(iv) Unit and loose gear testing of vessels' cargo handling gear.

(2) Applicants for accreditation under paragraph (a) (1) of this section for operations in coastal or Great Lakes ports who come within subdivisions (ii) or (iv) shall not be accredited unless they conduct at least 1,500 hours of cargo gear certification work per year.

(b) A person applying for accreditation to carry out tests of loose gear or wire rope, or both, or to carry out heat treatments, and to issue the related certificates, shall be engaged in one or both of the following activities:

(1) Testing of loose gear or wire rope, or both;

(2) Heat treatment of chains and loose cargo gear.

(c) (1) A person applying for accreditation shall be staffed by individuals technically qualified to conduct the inspections and examinations and to conduct or supervise tests and heat treatments prescribed in this part. Any representatives, agents or surveyors acting on behalf of a person applying for accreditation in ports in which such operations are conducted shall be similarly qualified.

(2) Accreditation to conduct such nondestructive examination as may be a part of any certification activity may be granted to applicants found competent and equipped to carry out this activity.

(d) Except as noted in § 1919.1(c), and unless exemptions are granted under § 1919.10(h), a person applying for accreditation as specified in paragraph (a) of this section shall be prepared to carry out all of the requirements of Subparts C, D, and E, of this part except that loose gear and wire rope tests and heat treatments may be carried out by the manufacturer of the gear concerned or by another person accredited specifically for this purpose.

(e) A person applying for accreditation shall have a satisfactory record of performance, and shall be in sound financial condition.

§ 1919.7 Voluntary amendment or termination of accreditation.

The accreditation of any person may be voluntarily amended or terminated upon written request filed with the Assistant Secretary.

§ 1919.8 Suspension or revocation of accreditation.

The Assistant Secretary may suspend or revoke the accreditation of any person for cause. Except in cases of willfulness or cases in which the public interest requires otherwise, before any accreditation is suspended or revoked, facts or conduct which may warrant such action shall be called to the attention of the person involved in writing and that person shall be afforded an opportunity to achieve or demonstrate appropriate compliance.

§ 1919.9 Reconsideration and review.

(a) Any person aggrieved by the action of the Assistant Secretary or his authorized representative in denying, granting, suspending or revoking an accreditation under this part may within 15 days after such action, (1) file a written request for reconsideration thereof by the Assistant Secretary or the authorized representative of the Assistant Secretary who made the decision in the first instance, or (2) file a written request for review of the decision by the Assistant Secretary or an authorized representative of the Assistant Secretary, who has taken no part in the action which is the subject for review.

(b) A request for reconsideration shall be granted where the applicant shows that there is additional evidence which may materially affect the decision and that there were reasonable grounds for failure to adduce such evidence in the original proceedings.

(c) Any person aggrieved by the action of the Assistant Secretary or authorized representative of the Assistant Secretary in denying a request for reconsideration may, within 15 days after the denial of such request, file with the Assistant Secretary or his authorized representative a written request for review.

(d) Any person aggrieved by the reconsidered determination of the Assistant Secretary or authorized representative of the Assistant Secretary, may within 15 days after such determination, file with the Assistant Secretary a written request for review.

(e) A request for review shall be granted where reasonable grounds for the review are set forth in the request.

(f) If a request for reconsideration or review is granted, all interested persons shall be afforded an opportunity to present their views.

(g) No cargo gear certification function shall be performed by any person seeking reconsideration or review under this section pending the final decision with respect to such reconsideration or review.

Subpart C—Duties of Persons Accredited to Certificate Vessels' Cargo Gear

§ 1919.10 General duties; exemptions.

(a) Except as noted in § 1919.1 and in paragraph (h) of this section, the requirements set forth in Subparts D and E of this part shall be strictly adhered to in all testing, examinations, inspections, and heat treatments.

(b) Supervision of all testing, examinations, inspections, and heat treatments shall be carried out only by such persons as are listed in the application for accreditation, or subsequent supplements thereto, submitted pursuant to this part.

(c) The certificates issued by an accredited person shall be signed and all register entries made only by an authorized agent of such accredited person. No certification shall be issued until any deficiencies considered by the accredited person to constitute a currently unsatisfactory condition have been corrected. Replacement parts shall be of equal or better quality as original equipment and suitable for the purpose. In the event deficiencies remain uncorrected and no certification may therefore be issued, the accredited person shall inform the nearest District Office of the Administration of the circumstances.

(d) Dynamometers or other recording test equipment owned by an accredited person shall have been tested for accuracy within the six months next preceding application for accreditation or renewal of same. Such test shall be performed with calibrating equipment which has been checked in turn so that indications are traceable to the National Bureau of Standards. A copy of test reports shall accompany the application. Where test equipment is not the property of the accredited person, that person shall not issue any certificate based upon the use of such equipment unless its owner has made available a certificate of accuracy based on the requirements of this paragraph, obtained within 1 year prior to such use and stating the errors of the equipment. Reasonable standards of accuracy shall be met and proof loads adjusted as necessary.

(e) An accredited person shall, upon request, provide the nearest local office of the Administration with advance information as to scheduled testing or of such other functions as are performed and facilitate the Administration's observation of any such activities as it may desire to witness: *Provided, however,* That tests need not be delayed, except when specifically requested by the Administration under unusual circumstances.

(f) All cargo gear registers or certificates issued by an accredited person shall be made on forms prescribed or approved by the Administration.

(g) Unless otherwise instructed by the Assistant Secretary in specific instances, any person accredited under § 1919.6(a) shall accept certificates, relating to loose gear or wire rope tests or to heat treatments which are issued by the manufacturer of the gear concerned, by another person accredited specifically by the Assistant Secretary for this purpose, or by any other person whose certificates are acceptable to the Administration. Such certificates shall either be attached as a part of the vessel's certification or shall be used as the basis for the issuance of the accredited person's own loose gear, wire rope, or heat treatment certificates. In the latter case, the original certificates shall be kept on file by the accredited person as part of the permanent record of the vessel concerned.

(h) In case of practical difficulties or unnecessary hardships, the Assistant Secretary in his discretion may grant exemptions from any provision of Subparts C, D, and E of this part.

§ 1919.11 Recordkeeping and related procedures concerning records in custody of accredited persons.

(a) An accredited person shall maintain records of all work performed under Subparts D and E of this part.

(b) An accredited person shall maintain a continuous record of the status of the certification of each vessel issued a register by such person.

(c) The records required in paragraphs (a) and (b) of this section shall be available for examination by the Assistant Secretary.

(d) When annual or quadrennial tests, inspections, examinations, or heat treatments are performed by an accredited person, other than the person who originally issued the vessel's register, such accredited person shall furnish copies of any certificates issued and information as to register entries to the person originally issuing the register.

(e) An accredited person shall inform the nearest local office of the Administration whenever a vessel is initially certificated under these regulations and a register in the prescribed form has been issued.

(f) A copy of each certificate relating to unit tests or thorough examinations, except those issued by the manufacturer and those issued by accredited persons outside of the United States, shall be sent to the nearest local office of the Administration within 10 days after issuance. Such records shall form a part of the Administration's file on the accredited person.

(g) An accredited person shall promptly notify the nearest local office of the Administration with respect to any changes in technical personnel, in fee schedules in geographical areas in which operations are conducted, or other pertinent substantial changes in its organization or operations.

§ 1919.12 Recordkeeping and related procedures concerning records in custody of the vessel.

(a) A fully completed and up-to-date register shall be kept in the form prescribed or approved by the Administration, giving the particulars required with respect to:

(1) The inspections and thorough examinations required by § 1919.15 (a) and (b).

(2) The thorough examinations required by § 1919.15(c).

(3) The thorough examinations required by § 1919.17.

(4) The heat treatment required by § 1919.16 (a) and (b), and § 1919.19.

(b) Certificates in the form prescribed or approved by the Administration shall be kept up-to-date, be attached to the register, and shall contain the particulars required with respect to:

(1) The testing and examinations required by §§ 1919.14, 1919.15(a), and 1919.19.

(2) The heat treatment required by §§ 1919.16 and 1919.19.

(c) The certificates and entries in the register shall be signed by a person qualified under § 1919.37.

(d) Adequate means shall be provided to enable persons examining the register, or any certificate attached thereto, to identify items of cargo gear referred to therein. Small items of gear, such as shackles, shall bear a mark to indicate that they have been initially tested.

(e) Records shall be kept aboard vessels identifying wire rope or articles of loose gear obtained from time to time and required to be certificated under the regulations of this part.

(f) An accredited person shall instruct the vessel's officers, or the vessel's operator if the vessel is unmanned, that the vessel's register and certificates shall be preserved for at least 4 years after the date of the latest entry except in the case of nonrecurring test certificates concerning gear which is kept in use for a longer period, in which event the pertinent certificates shall be retained so long as that gear is continued in use.

(g) In cases where derricks, spouts, suckers, or cranes are mounted permanently aboard barges which remain in domestic inland waters service, the certification documentation shall comply with the provisions of § 1919.90 of this part.

Subpart D—Certification of Vessels' Cargo Gear

§ 1919.13 General.

(a) Except as noted in § 1919.1 and as provided in exemptions under § 1919.10 (h), certification performed by accredited persons shall conform to the requirements contained in this subpart.

(b) Safe working loads assigned to assembled units of gear, shall be based on applicable design criteria acceptable to the accredited person. Where no design data on which to base a rating is obtainable, the safe working load ratings assigned shall be based on the owner's information and warranty that those so assigned are correct. Unit test certificates shall state the basis for any such safe working load assignment.

§ 1919.14 Initial tests of cargo gear and tests after alterations, renewals or repairs.

(a) (1) Before being taken into use, hoisting machines, fixed gear aboard vessels accessory thereto, and loose gear and wire rope used in connection therewith shall be tested and examined and the safe working load thereof certified in the manner set forth in Subpart E of this part.

(2) Replacement or additional loose gear and wire rope obtained from time to time shall also be tested and examined in the manner set forth in subparagraph (1) of this paragraph. However, the replacement of a component part of an article of loose gear such as a sheave, pin, or bushing does not require a new test certificate as long as the new component at least equals in all particulars the part replaced.

(b) In the case of untested gear which has been in use, an initial test in conformance with paragraph (a) (1) of this section shall be carried out: *Provided, however,* That existing standing rigging and wire rope will not be required to be tested but shall be thoroughly examined to ascertain its fitness for continued use in conformance with the requirements of §§ 1919.24 and 1919.25.

(c) In the case of important alterations or renewals of the machinery and gear and also after repairs due to failure of or damage to other than loose components, a test as required in paragraph (a) (1) of this section shall be carried out.

(d) If the operation in which cargo gear is engaged never utilizes more than a fraction of the safe working load rating, the owner may, at his option, have said gear certificated for, and limited in operation to, a lesser maximum safe working load: *Provided, however,* That the gear concerned is physically capable of operation at the original load rating and the load reduction is not for the purpose of avoiding correction of any deficiency.

(e) In no case shall safe working loads be increased beyond the original design limitations unless such increase is based on engineering calculations by or acceptable to the accredited certification

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agency, and all necessary structural changes are carried out.

§ 1919.15 Periodic tests, examinations and inspections.

After being taken into use, every hoisting machine, all fixed gear aboard vessels accessory thereto and loose gear used in connection therewith shall be tested, thoroughly examined or inspected as follows:

(a) Derricks with their winches and accessory gear, including the attachments, as a unit; and cranes and other hoisting machines with their accessory gear, as a unit, shall be tested and thoroughly examined every four years in the manner set forth in Subpart E of this part.

(b) Derricks, their permanent attachments and any other fixed gear, the dismantling of which is especially difficult, shall be visually inspected every twelve months. In order to facilitate such inspection, all derricks shall be lowered.

(c) All hoisting machines (e.g., cranes, winches, blocks, shackles, and all other accessory gear) not included in paragraph (b) of this section shall be thoroughly examined every 12 months by means of a visual examination, supplemented as necessary by other means, such as a hammer test or with electronic, ultrasonic, or other nondestructive methods, carried out as carefully as conditions permit in order to arrive at a reliable conclusion as to the safety of the parts examined. Particular attention shall be paid to the suitability for continued use of all swivels and the pins and bushings of blocks. If necessary, parts of the machines or gear shall be dismantled. If blocks are disassembled, all shell bolt nuts shall be securely locked upon reassembly.

(d) Where a derrick or crane is mounted on a barge hull, and ballast tanks within the hull are used to facilitate use of the derrick or crane, or uncontrolled free surface may be a factor, each annual inspection or examination, as required, shall include such inspection as is necessary for the purpose of determining the integrity of any internals contributing to stability under conditions of use. The owner shall provide the accredited person with necessary information on any ballasting arrangements required.

(e) Annual inspection or examination, as required, shall include, among other things, examination of the following:

(1) Derrick heel attachment points. Heel pins may, if possible, be examined by nondestructive examination.

(2) Shrouds and stays necessary in the use of the gear, together with attachment points.

(3) Deck fittings for the securing of vangs, topping lifts, and/or preventers.

(4) Means of attachment to the hull of "A" frame or other fixed derrick or crane structure and of mobile types of equipment permanently placed aboard the barge or vessel.

(5) Clamshell buckets or other similar equipment, such as magnets, etc., used in conjunction with a derrick or crane mounted aboard a vessel, with particular attention to closing line wires and sheaves. The accredited person may supplement such examination by requesting any operational tests he may deem appropriate.

(6) Winch and other operating drums for excessive wear or defect.

§ 1919.16 Heat treatment.

(a) All chains (other than bridle chains attached to derricks or masts), rings, hooks, shackles, and swivels made of wrought iron, which are used in hoisting or lowering, shall be annealed in accordance with § 1919.36 at the following intervals:

(1) Half-inch and smaller chains, rings, hooks, shackles, and swivels in general use, at least once every six months; and

(2) All other chains, rings, hooks, shackles, and swivels in general use, at least once every twelve months.

(3) In the case of gear used solely on lifting machinery worked by hand, twelve months shall be substituted for six months in subparagraph (1) of this paragraph and two years for twelve months in subparagraph (2) of this paragraph.

(4) When used in this paragraph, the term "in general use" means used on fifty-two or more days in a year. In any case, however, the period between annealings shall not exceed two years.

(b) Chains, rings, hooks, shackles, and swivels made of material other than wrought iron or steel shall be heat treated when necessary in accordance with § 1919.36(b).

§ 1919.17 Exemptions from heat treatment.

Gear made of steel, or gear which contains (as in ball bearings swivels), or is permanently attached to (as with blocks) equipment made of materials which cannot be subjected to heat treatment shall be exempt from the requirements of § 1919.16. Such gear, however, shall be thoroughly examined in the manner described in § 1919.15(c).

§ 1919.18 Grace periods.

Grace periods allowed in connection with the requirements of this subpart are as follows:

(a) Annual or six-month requirements—by the end of the voyage during which they become due;

(b) Quadrennial requirements—within six months after the date when due;

(c) Grace periods shall not be deemed to extend subsequent due dates.

§ 1919.19 Gear requiring welding.

Chains or other gear which have been lengthened, altered or repaired by welding shall be properly heat treated where necessary, and, before again being put into use, shall be tested and reexamined in the manner set forth in Subpart E of this part.

§ 1919.20 Damaged components.

(a) Pursuant to § 1918.51(b) of this chapter, any derrick or associated permanent fitting which is deformed in service between surveys shall be subjected to proof test to determine its suitability for continued service. If a proof test indicates that the derrick or associated permanent fitting may be continued in service without repair, a note of the existing deformity shall be made on the test certificate. When, in the opinion of the accredited person, it is unsafe to conduct a proof test with an existing deformity, the derrick or associated permanent fitting shall be replaced or repaired and then subjected to proof test in accordance with Subpart E of this part.

(b) Any loose gear components which are injured or deformed by a proof load shall be replaced before a certificate is issued.

(c) Any derrick, other fixed installation, or associated permanent fitting which is injured or deformed by a proof load shall be replaced or repaired and another proof load test shall be conducted without damage before a certificate is issued.

§ 1919.21 Marking and posting of safe working loads.

(a) The safe working load of the assembled gear and the minimum angle to the horizontal at which this load may be applied shall be plainly marked at the heels of all booms along with the date of the test. Where gear is certificated for use in union purchase, the union purchase safe working load shall also be plainly marked. Any limitations shall be noted in the vessel's papers.

(b) The safe working load shall be marked on all blocks used in hoisting or lowering.

(c) When the capacity of the boom of a crane or derrick has been or will be rated in accordance with the variance of its radius, the maximum safe working loads for the various working angles of the boom and the maximum and minimum radii at which the boom may be safely used shall be conspicuously posted near the controls and visible to the crane operator. Ratings may be stated in pounds. When they are stated in tons of 2,000 pounds, this fact shall be indicated.

§ 1919.22 Requirements governing braking devices and power sources.

All types of winches and cranes shall be provided with means to stop and hold the proof load in any position, and the efficiency of such means shall be demonstrated. Electric winches, electrohydraulic winches fitted with electromagnetic or hydraulic brakes at the winch, or electric cranes shall be equipped so that a failure of the electric power shall stop the motion and set the brakes without any action on the part of the operator. Current for operation of electric winches and cranes during the tests shall be taken from the vessel's circuits. Shore current may be used if it passes through the vessel's main switchboard.

§ 1919.23 Means of derrick attachment.

Appropriate measures shall be taken to prevent the foot of a derrick from being accidentally lifted from its socket or support during the test.

§ 1919.24 Limitations on use of wire rope.

(a) An eye splice made in any wire rope shall have at least three tucks with a whole strand of rope and two tucks with one-half of the wires cut out of each strand. However, this requirement shall not operate to preclude the use of another form of splice or connection which can be shown to be as efficient and which is not prohibited by Part 1918 of this chapter.

(b) Except for eye splices in the ends of wires, each wire rope used in hoisting or lowering, in guying derricks, or as a topping lift, preventer or pendant shall consist of one continuous piece without knot or splice.

(c) Eyes in the ends of wire rope cargo falls shall not be formed by knots and, in single part falls, shall not be formed by wire rope clips.

(d) The ends of falls shall be secured to the winch drums by clamps, U-bolts, shackles or some other equally strong method. Fiber rope fastenings shall not be used.

(e) Wire rope shall not be used for the vessel's cargo gear if in any length of eight diameters, the total number of visible broken wires exceeds 10 percent of the total number of wires, or if the rope shows other signs of excessive wear, corrosion, or defect. Particular attention shall be given to the condition of those sections of wire rope adjacent to any terminal connections, those sections exposed to abnormal wear, and those sections not normally exposed for examination.

§ 1919.25 Limitations on use of chains.

Chains forming a part of vessel's cargo gear shall not be used when, due to stretch, the increase of length of a measured section exceeds five percent, when a link is damaged, or when other external defects are evident. Chains shall not be shortened by bolting, wiring, or knotting.

Subpart E—Certification of Vessels: Tests and Proof Loads; Heat Treatment; Competent Persons

§ 1919.26 Visual inspection before tests.

Before any test under this Subpart E is carried out, a visual inspection of the gear involved shall be conducted and any visibly defective gear shall be replaced or repaired. The provisions of § 1919.15(d) shall be adhered to.

§ 1919.27 Unit proof tests—winches, derricks and gear accessory thereto.

(a) Winches, with the whole of the gear accessory thereto (including derricks, goosenecks, eye plates, eye bolts, or other attachments), shall be tested with a proof load which shall exceed the safe working load as follows:

Safe working load:	Proof load
Up to 20 tons	25 percent in excess.
20–50 tons	5 tons in excess.
Over 50 tons	10 percent in excess.

(b) The proof load shall be lifted with the vessel's normal tackle with the derrick at an angle not more than 15 degrees to the horizontal, or, at the designed minimum angle when this is greater, or, when this is impracticable, at the lowest practicable angle. The angle at which the test was made shall be stated in the certificate of test. After the proof load has been lifted, it shall be swung as far as possible in both directions. In applying the proof load, the design factors of the gear concerned will determine whether the load is applied with a single part fall or with a purchase and the certificate of test shall state the means used. Where winches are fitted with mechanical brakes for manual operation they shall be demonstrated to be in satisfactory operating condition.

(c) In the case of heavy lift derrick barges, proof loads shall be applied, except as limited by design and stability considerations, at the maximum and minimum radii for which designed, as well as at any intermediate radius which the surveyor may deem necessary, and shall be swung as far as possible in both directions. Data with respect to each proof load applied shall be entered in the test certificate.

(d) No items of cargo gear furnished by outside sources shall be used as a part of the vessel's gear for the purpose of accomplishing the proof test.

(e) All tests prescribed by this section should in general be carried out by dead load, except that in the case of quadrennial tests, replacements, or renewals, spring or hydraulic balances may be used where dead loads are not reasonably available. However, no exception shall be allowed in the case of gear on new vessels.

(f) The test shall not be regarded as satisfactory unless the indicator remains constant under the proof load for a period of at least 5 minutes.

(g) (1) The safe working load, determined pursuant to the requirements of this section, shall be applicable only to a swinging derrick. When using two fixed derricks in "union purchase" rigs, the safe working load should generally be reduced. It is recommended that owners obtain union purchase safe working load certification based upon design study and analysis by, or acceptable to, a qualified technical office of an accredited gear certification agency, with the recognition that such determinations are valid only for the conditions contemplated in the analysis.

(2) Where both guys and preventers are fitted, union purchase certification shall state whether the guy or the preventer is the working strength member, when the guy is for slewing only, and when the guy and preventor should share working loads as far as practicable.

(h) When necessary in the proof testing of heavy derricks, the appropriate shrouds and stays shall be rigged.

§ 1919.28 Unit proof tests—cranes and gear accessory thereto.

(a) Except as noted in paragraph (e) of this section, cranes and other hoisting machines, together with gear accessory thereto, shall be tested with a proof load which shall exceed the safe working load as follows:

Safe working load:	Proof load
Up to 20 tons	25 percent in excess.
20–50 tons	5 tons in excess.
Over 50 tons	10 percent in excess.

(b) The proof load shall be lifted and swung as far as possible in both directions. If the jib or boom of the crane has a variable radius, it shall be tested with proof loads, as specified in paragraph (a) of this section, at the maximum and minimum radii. In the case of hydraulic cranes, when due to the limitation of pressure it is impossible to lift a load 25 percent in excess of the safe working load, it will be sufficient to lift the greatest possible load.

(c) Initial proof tests of new cranes shall be made only with a dead load as specified in paragraph (b) of this section.

(d) Initial tests of cranes which have been in service, quadrennial tests, or tests associated with replacements or renewals, may be made with spring or hydraulic balances where dead loads are not reasonably available under the following conditions:

(1) Tests shall be conducted at maximum, minimum, and intermediate radius points, as well as such points in the arc of rotation as meet with the approval of the accredited person.

(2) An additional test shall be conducted with partial load and shall include all functions and movements contemplated in the use of the crane.

(e) In cases where shore-type cranes are mounted permanently aboard barges, the requirements of this Subpart E with respect to unit proof tests and examinations shall not apply and the applicable requirements of Subpart H of this part shall be adhered to with respect to unit proof tests and examinations.

§ 1919.29 Limitations on safe working loads and proof loads.

The proof loads specified by §§ 1919.27 and 1919.28 shall be adjusted as necessary to meet any pertinent limitations based on stability and/or on structural competence at particular radii. Safe working loads shall be reduced accordingly.

§ 1919.30 Examinations subsequent to unit tests.

(a) After satisfactory completion of the unit proof load tests required by §§ 1919.27 and 1919.28, the cargo gear and all component parts thereof shall be given a thorough visual examination, supplemented as necessary by other means, such as a hammer test or with electronic, ultrasonic, or other nondestructive methods, to determine if any of the parts were damaged, deformed, or

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otherwise rendered unsafe for further use.

(b) When the test of gear referred to in paragraph (a) of this section is being conducted for the first time on a vessel, accessory gear shall be dismantled or disassembled for examination after the test. The sheaves and pins of the blocks included in this test need not be removed unless there is evidence of deformation or failure.

(c) For subsequent tests such parts of the gear shall be dismantled or disassembled after the test as necessary to determine their suitability for continued service.

(d) When blocks are disassembled all shell bolt nuts shall be securely locked upon reassembly.

(e) In carrying out the requirements of this section, replacement shall be required of:

(1) Any swivel found to have excessive tolerance as a result of wear on any bearing surface.

(2) Pins of blocks found to be shouldered, notched, or grooved from wear, in which case, in addition to replacing the pin, sheave bushings shall be examined for suitability for continued use.

§ 1919.31 Proof tests—loose gear.

(a) Chains, rings, shackles and other loose gear (whether accessory to a machine or not) shall be tested with a proof load against the article equal to that shown in the following table:

Article of gear	*Proof load*
Chain, ring, hook, shackle or swivel	100 percent in excess of the safe working load.
Blocks:	
Single sheave block	300 percent in excess of the safe working load.[1]
Multiple sheave block with safe working load up to and including 20 tons.	100 percent in excess of the safe working load.
Multiple sheave block with safe working load over 20 tons up to and including 40 tons.	20 tons in excess of the safe working load.
Multiple sheave block with safe working load over 40 tons.	50 percent in excess of the safe working load.
Pitched chains used with hand-operated blocks and rings, hooks, shackles or swivels permanently attached thereto.	50 percent in excess of the safe working load.
Hand-operated blocks used with pitched chains and rings, hooks, shackles or swivels permanently attached thereto.	50 percent in excess of the safe working load.

[1] The proof load applied to the block is equivalent to twice the maximum resultant load on the eye or pin of the block when lifting the nominal safe working load defined in (i) below. The proof load is, therefore, equal to four times the safe working load as defined in (i) below or twice the safe working load as defined in (ii) below.

(i) The nominal safe working load of a single-sheave block should be the maximum load which can be safely lifted by the block when the load is attached to a rope which passes around the sheave of the block.

(ii) In the case of a single-sheave block where the load is attached directly to the block instead of to a rope passing around the sheave, it is permissible to lift a load equal to twice the nominal safe working load of the block as defined in (i) above.

(iii) In the case of a lead block so situated that an acute angle cannot be formed by the two parts of the rope passing over it (i.e., the angle is always 90° or more), the block need not have a greater nominal safe working load than one-half the maximum resultant load which can be placed upon it.

(b) In cases where persons accredited to carry out loose gear tests may be retained to conduct tests of special stevedoring gear as described in § 1918.61(b) of this chapter, which does not form part of a vessel's equipment, such tests shall adhere to the requirements set forth in § 1918.61(b) (1), (2), and (3) of this chapter.

(c) After being tested as required by paragraph (a) of this section, and before being taken into use, all chains, rings, hooks, shackles, blocks or other loose gear, except as noted in § 1919.32, shall be thoroughly examined, the sheaves and pins of the blocks being removed for this purpose, to determine whether any part has been injured or permanently deformed by the test. Shell bolt nuts shall be securely locked upon reassembly. Defective loose gear components shall be replaced before the certificate is issued.

(d) Any certificate relating to shackles, swivels or strength members of single-sheave blocks which have been restored to original dimensions by welding shall state this fact.

§ 1919.32 Specially designed blocks and components.

(a) Blocks and connecting components of an unusual nature which are specially designed and constructed as an integral part of a particular lifting unit and are either permanently affixed or of such design that two or more components must be tested together need not be considered as loose gear for purposes of § 1919.31.

(b) In lieu of the loose gear proof test required by § 1919.31(a), design data shall be submitted to an accredited certification agency indicating design and material specifications and analysis whereby the designed strength of such gear may be determined.

(c) Subsequent to the test of the lifting unit as a whole, a thorough visual examination shall be made of disassembled parts and an electronic, ultrasonic, or other equally efficient nondestructive examination shall be made of those parts not dismantled to ensure the safe condition of such parts.

§ 1919.33 Proof tests—wire rope.

Wire rope, except as provided in § 1919.14(b), shall be tested by sample, a piece being tested to destruction, and the safe working load of running ropes, unless otherwise acceptable to the Administration on the basis of design, shall not exceed one-fifth of the breaking load of the sample tested. In the case of running ropes used in gear with a safe working load exceeding 10 tons, the safe working load shall not exceed one-fourth of the breaking load of the sample tested.

§ 1919.34 Proof tests after repairs or alterations.

When proof loads are applied after repairs or alterations, all parts of the assembled gear shall be examined as required in §§ 1919.30, 1919.31(c), or 1919.32(c), whichever is applicable.

§ 1919.35 Order of tests.

When both unit and loose gear proof load tests are required, the loose gear test may be carried out after completion of the unit test.

§ 1919.36 Heat treatment.

(a) The annealing of wrought iron gear required by this part shall be accomplished at a temperature between 1100° and 1200° F. and the exposure shall be of between 30 and 60 minutes duration. After being annealed, the gear shall be allowed to cool slowly and shall then be carefully inspected. All annealing shall be carried out in a closed furnace.

(b) When heat treatment of loose gear made of other than wrought iron or steel is recommended by the manufacturer, it shall be carried out in accordance with the specifications of the manufacturer.

§ 1919.37 Competent persons.

All gear certification functions shall be performed by competent persons as set forth in the following table:

Functions	*Competent person*
Any testing, examination, inspection, or heat treatment required in United States ports.	Responsible individual, surveyor or other authorized agent of a person accredited by the Administration under the regulations contained in this part.
Any testing, examination, inspection, or heat treatment required while the vessel is in other than United States ports.	Responsible individual, surveyor or other authorized agent of persons recognized by the Commandant of the United States Coast Guard or by a foreign nation whose certification is accepted by the Administration as being in substantial accordance with § 1918.12(a) of this chapter.
Testing, examination and inspection of loose gear or wire rope; heat treatment of loose gear.	Employees or authorized agents of persons accredited specifically by the Administration for this purpose under the regulations contained in this part, or the manufacturer of the gear concerned unless disapproved by the Assistant Secretary.

Subpart F—Accreditation To Certificate Shore-Based Equipment

§ 1919.50 Eligibility for accreditation to certificate shore-based material handling devices covered by § 1918.13 of the safety and health regulations for longshoring.

(a) A person applying for accreditation to carry out certification activities and to issue and maintain the requisite records must be:

(1) A manufacturer of cranes or derricks or of specialized equipment of the type for which accreditation application is made, or a person or organization representing such a manufacturer in a technical capacity; or

(2) Technically experienced and qualified to carry out examinations and/or testing, as applicable, of vessels or shore-based equipment or gear of the type for which accreditation application is made.

(b) The owner of shore-based equipment affected may designate a member of his organization to carry out certification functions respecting the owner's equipment, on the following conditions:

(1) The designee is technically experienced and qualified in the inspection and maintenance or design of the type of equipment involved, aside from employment as an operator only.

(2) The designee has applied to an accredited, nationally operating certification agency and has been granted appointment or equivalent recognition by that agency as a surveyor for the purpose intended.

(3) Certification activities carried out by the designee are cleared through the offices, and are subject to the approval, of the accredited certificating agency. When equipment is found satisfactory for use upon any survey, said equipment may be used pending receipt of notification of such approval or any disapproval.

(4) In cases where equipment is certificated by a person designated by the equipment owner, the cognizant accredited certification agency retains the right to inspect such equipment as desired and convenient in order to ascertain the adequacy of the certification activity performed.

(c) Accreditation to conduct such nondestructive examination as may be a part of any certification activity may be granted to applicants found competent and equipped to carry out this activity.

(d) Unless exemptions are granted at the discretion of the Assistant Secretary in cases of practical difficulties or unnecessary hardship, applicants for accreditation as specified in this section shall be prepared to carry out all necessary functions, except that any requisite wire rope tests, nondestructive examinations, and heat treatments may be carried out by the manufacturer of the gear concerned or by another person accredited specifically for these purposes.

(e) A person applying for accreditation shall have a satisfactory record of relevant experience and performance, and shall be in sound financial condition.

§ 1919.51 Provisions respecting application for accreditation, action upon the application, and related matters.

The provisions of §§ 1919.3, 1919.4, 1919.5, 1919.7, 1919.8, and 1919.9 shall govern accreditation to certificate shore-based material handling devices to the extent applicable.

Subpart G—Duties of Persons Accredited to Certificate Shore-Based Material Handling Devices

§ 1919.60 General duties, exemptions.

(a) The requirements of Subpart H of this part shall be strictly observed: *Provided, however*, That in cases of practical difficulties or unnecessary hardship, the Assistant Secretary in his discretion may grant exemptions or variations from any provision in that subpart.

(b) Except as otherwise noted in this part, all functions required by Subpart H of this part shall be carried out by or under the supervision of a person accredited for the purpose or by his authorized representative.

(c) All required unit proof load tests shall be carried out by the use of weights as a dead load. Only where this is not possible may dynamometers or other recording test equipment be used. Any such recording test equipment owned by an accredited person shall have been tested for accuracy within the 6 months next preceding application for accreditation or renewal thereof. Such test shall be performed with calibrating equipment which has been checked in turn so that indications are traceable to the National Bureau of Standards. A copy of test reports shall accompany the accreditation application. Where test equipment is not the property of the accredited person, that person shall not issue any certificate based upon the use of such equipment unless its owner has made available a certificate of accuracy based on the requirements of this paragraph obtained within the year prior to such use, and stating the errors of the equipment. In any event, reasonable standards of accuracy shall be met and proof loads adjusted as necessary.

(d) The qualifications of any person appointed or recognized by any accredited person for the purpose of carrying out certification functions shall meet with the approval of the Assistant Secretary.

(e) Sections 1919.10 (e) and (g) and 1919.11 shall govern, to the extent applicable, persons accredited under Subpart F of this part.

Subpart H—Certification of Shore-Based Material Handling Devices

§ 1919.70 General provisions.

(a) Certification of shore-based material handling devices shall conform to the requirements contained in this subpart, except in cases for which exemptions or variations have been granted by the Assistant Secretary as provided in §§ 1919.50(d) and 1919.60(a).

(b) Any replacements or repairs deemed necessary by the accredited person shall be carried out before application of a proof test.

(c) "Ton" in this subpart means a ton of 2,000 pounds.

(d) When applied to shore-based material handling devices, ratings may be stated in pounds rather than tons. When stated in tons of 2,000 pounds, this fact shall be indicated.

§ 1919.71 Unit proof test and examination of cranes.

(a) Unit proof tests of cranes shall be carried out at the following times:

(1) In the cases of new cranes, before initial use and every 4 years thereafter.

(2) In the cases of uncertificated cranes which have been in use, at the time of initial certification and every 4 years thereafter.

(3) After important alterations and renewals and after repairs due to failure of, or damage to major components.

(b) Unit proof load tests of cranes shall be carried out where applicable with the boom in the least-stable direction relative to the mounting, based on the manufacturer's specifications.

(c) Unit proof load tests shall be based on the manufacturer's load ratings for the conditions of use and shall, except in the case of bridge type cranes utilizing a trolley, consist of application of a proof load of 10 percent in excess of the load ratings at maximum and minimum radii, and at such intermediate radii as the certificating authority may

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deem necessary in the circumstances.[1] Trolley equipped cranes shall be subject to a proof load of 25 percent in excess of the manufacturer's load rating. In cases of foreign manufacture, the manufacturer's specifications shall be subject to approval by the certificating authority as being equivalent to U.S. practice. The weight of all auxiliary handling devices such as, but not limited to, magnets, hooks, slings, and clamshell buckets, shall be considered part of the load.

(d) An examination shall be carried out in conjunction with each unit proof load test. The accredited person, or his authorized representative, shall make a determination as to correction of deficiencies found. The examination shall cover the following points as applicable:

(1) All functional operating mechanisms shall be examined for improper function, maladjustment, and excessive component wear, with particular attention to sheaves, pins, and drums. The examination shall include operation with partial load, in which all functions and movements, including, where applicable, maximum possible rotation in both directions, are performed.

(2) All safety devices shall be examined for malfunction.

(3) Lines, tanks, valves, drains, pumps, and other parts of air or hydraulic systems shall be examined for deterioration or leakage.

(4) Loose gear components, such as hooks, including wire rope and wire rope terminals and connections, shall be checked with particular attention to sections of wire rope exposed to abnormal wear and to sections not normally exposed for examination. The provisions of § 1919.24 shall apply in wire rope examinations. Cracked or deformed hooks shall be discarded and not reused on any equipment subject to the provisions of Part 1918 of this chapter and this Part 1919.

(5) Rope reeving shall comply with manufacturer's recommendations.

(6) Deformed, cracked, or excessively corroded members in crane structure and boom shall be repaired or replaced as necessary.

(7) Loose bolts, rivets, or other connections shall be corrected.

(8) Worn, cracked, or distorted parts affecting safe operation shall be corrected.

(9) Brake and clutch system parts, linings, pawls, and ratchets shall be examined for excessive wear and free operation.

(10) Load, boom angle, or other indicators shall be checked over their full range for any significant inaccuracy. A boom angle or radius indicator shall be fitted.

(11) It shall be ascertained that there is a durable rating chart visible to the operator, covering the complete range of the manufacturer's capacity ratings at all operating radii, for all permissible boom lengths and jib lengths, with alternate ratings for optional equipment affecting such ratings. Necessary precautions or warnings shall be included. Operating controls shall be marked or an explanation of controls shall be posted at the operator's position to indicate function.

(12) Where used, clamshell buckets or other similar equipment such as magnets, etc., shall be carefully examined in all respects, with particular attention to closing line wires and sheaves. The accredited person may supplement such examination by requesting any operational tests as may be appropriate.

(13) Careful examination of the junction areas of removable boom sections, particularly for proper seating, cracks, deformities, or other defects in securing bolts and in the vicinity of such bolts.

(14) It shall be ascertained that no counterweights in excess of the manufacturer's specifications are fitted.

(15) Such other examination or supplemental functional tests shall be made as may be deemed necessary by the accredited person under the circumstances.

§ 1919.72 Annual examination of cranes.

(a) In any year in which no quadrennial unit proof test is required, an examination shall be carried out by an accredited person or his authorized representative. Such examination shall be made not later than the anniversary date of the quadrennial certification and shall conform with the requirements of § 1919.71(d).

§ 1919.73 Unit proof test and examination of derricks.

(a) Unit proof tests of derricks shall be carried out at the same times as are specified in § 1919.71(a) for cranes.

(b) Unit proof load tests and safe working load ratings shall be based on the design load ratings at the ranges of boom angles or operating radii. Unit proof loads shall exceed the safe working load as follows:

Safe working load:	*Proof Load*
Up to 20 tons	25 percent in excess.
20–50 tons	5 tons in excess.
Over 50 tons	10 percent in excess.

Proof loads shall be applied at the designed maximum and minimum boom angles or radii, or, if this is impracticable, as close to these as practicable. The angles or radii of test shall be stated in the certificate of test. Proof loads shall be swung as far as possible in both directions. The weight of all auxiliary handling devices shall be considered a part of the load.

(c) After satisfactory completion of a unit proof load test, the derrick and all component parts thereof shall be carefully examined in accordance with the requirements of § 1919.71(d), as far as applicable.

§ 1919.74 Annual examination of derricks.

(a) In any year in which no quadrennial unit proof test is required, an examination shall be carried out by an accredited person or his authorized representative. Such annual examination shall be made not later than the anniversary date of the quadrennial certification and shall conform in all applicable respects with § 1919.71(d).

§ 1919.75 Determination of crane or derrick safe working loads and limitations in absence of manufacturer's data.

(a) In the event neither manufacturer's data nor design data on safe working loads (including any applicable limitations) are obtainable, the safe working load ratings assigned shall be based on the owner's information and warranty that those so assigned are correct. Unit test certificates shall state the basis for any such safe working load assignment.

§ 1919.76 Safe working load reduction.

(a) If the operation in which equipment is engaged never utilizes more than a fraction of the safe working load rating, the owner of such equipment may, at his option, have the crane or derrick certificated for and operated at a lesser maximum safe working load in keeping with the use and based on radius and other pertinent factors: *Provided, however,* That the equipment concerned is physically capable of operation at the original load rating and the load reduction is not for the purpose of avoiding correction of any deficiency.

§ 1919.77 Safe working load increase.

(a) In no case shall safe working loads be increased beyond the manufacturer's ratings or original design limitations unless such increase meets with the manufacturer's approval. Where the manufacturer's services are not available, or where the equipment is of foreign manufacture, engineering design analysis by, or acceptable to, the accredited certification agency is required. All necessary structural changes shall be carried out.

§ 1919.78 Nondestructive examinations.

(a) Wherever it is considered necessary by the accredited person or his authorized representative and wherever it is practical and advisable to avoid disassembly of equipment, removal of pins, etc., examination of structure or parts by electronic, ultrasonic, or other nondestructive methods may be carried out, provided that the procedure followed is acceptable to the Assistant Secretary and the person carrying out such examination is accredited or acceptable to the Assistant Secretary for the purpose.

§ 1919.79 Wire rope.

(a) Wire rope and replacement wire rope shall be of the same size, same or better grade, and same construction as originally furnished by the equipment manufacturer or contemplated in the design, unless otherwise recommended by the equipment or the wire rope manufacturer due to actual working condition requirements. In the absence of specific requirements as noted, wire rope shall be of a size and construction suitable for the purpose, and a safety factor of 4 shall be adhered to, and verified by wire rope test certificate.

(b) Wire rope in use on equipment previously constructed and prior to initial certification of said equipment shall not be required to be tested, but shall be subject to thorough examination at the time of initial certification of the equipment.

§ 1919.80 Heat treatment.

(a) Wherever heat treatment of any loose gear is recommended by the manufacturer, it shall be carried out in accordance with the specifications of the manufacturer.

§ 1919.81 Examination of bulk cargo loading or discharging spouts or suckers.

(a) Those portions of bulk cargo loading or discharging spouts or suckers which extend over vessels, together with any portable extensions, rigging components, outriggers, and attachment points supporting them or any of their components vertically, shall be examined annually. The examination shall be carried out with particular attention to the condition of wire rope and accessories. The equipment shall not be considered satisfactory unless, in the opinion of the accredited person or his authorized representative, it is deemed fit to serve its intended function.

§ 1919.90 Documentation.

(a) Documents issued respecting a certification function by an accredited person shall be on forms approved for such use by the Assistant Secretary and shall so state.

(b) Such documents shall be issued by the accredited person to the owners of affected equipment, attesting to satisfactory compliance with applicable requirements. The forms used shall contain the following information:

(1) Unit proof tests where required—

(i) Identification of crane or derrick including manufacturer, model number, serial number, and ownership.

(ii) Basis for assignment of safe worksigned (i.e., whether based on manufacturing load ratings, with the ratings asturer's ratings, whether for any specific service, etc.).

(iii) Proof test details noting radii and proof loads, how applied, and, where applicable, direction relative to mounting.

(iv) A statement that the test and associated examination were conducted and all applicable requirements of this subpart are met.

(v) Any necessary remarks or supplementary data, including limitations imposed and the reason thereof.

(vi) Name of accredited person and identification of authorized representative actually conducting test and/or examination.

(vii) Authorized signature of accredited person; date and place of test and/or examination.

(2) Annual examination of cranes or derricks—

(i) Information specified in subparagraph (1) (i), (v), (vi), and (vii) of this paragraph.

(ii) A statement that the required examination has been carried out and that, in the opinion of the accredited person or his authorized representative, the equipment has been found in compliance in all applicable respects with the requirements of this subpart.

(3) Annual examination of bulk cargo loading or discharging spouts or suckers—

(i) Specific identification of equipment.

(ii) A statement that examination has been completed and that, in the opinion of the accredited person or his authorized representative, the equipment meets the criteria of § 1919.81(a).

(iii) Information specified in subparagraph (1) (v), (vi), and (vii) of this paragraph.

(c) Certificates relating to wire rope, whether tested by or under the supervision of the accredited person or by its manufacturer and whether or not issued on the basis of the manufacturer's certificates, shall follow the general format of a wire rope test form approved by the Administration.

(d) Accredited persons shall advise owners of affected equipment of the necessity for maintaining required documentation or acceptable copies thereof available for inspection at or near the worksite of the equipment involved.

(1) Where initial and periodic tests as well as annual examinations are required, documentation available for inspection shall include the latest unit test certificate and any subsequent annual examination certificates, together with wire rope test certificates relating to any replacements since the last unit test or annual examination.

(2) Where only annual examination is required, documentation available for inspection shall include the latest annual examination certificate and wire rope test certificates relating to any wire replaced since the last annual examination.

(3) In the event that heat treatment of any loose gear is recommended by its manufacturer, the latest heat treatment certificate, attesting to compliance with the manufacturer's specifications, shall be part of the available documentation.

(e) No certification shall be issued until any deficiencies considered by the accredited person to constitute a currently unsatisfactory condition have been corrected. Replacement parts shall be of equal or better quality than original equipment and suitable for the purpose. In the event deficiencies remain uncorrected and no certification therefore is issued, the accredited person shall inform the nearest district office of the Administration of the circumstances.

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[1] The manufacturer's load ratings are usually based upon percentage of tipping loads under some conditions and upon limitations of structural competence at others, as well as on other criteria such as type of crane mounting, whether or not outriggers are used, etc. Some cranes utilizing a trolley may have only one load rating assigned and applicable at any outreach. It is important that the manufacturer's ratings be used.

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EXECUTIVE ORDER 11788

Providing for the Orderly Termination of Economic Stabilization Activities

The authority contained in the Economic Stabilization Act of 1970, as amended, to impose a system of mandatory wage and price controls expired at midnight on April 30, 1974. Executive Order No. 11781 of May 1, 1974, provided for an orderly transition from mandatory controls, for the continuation of enforcement procedures under the Economic Stabilization Act of 1970, as amended, with respect to acts committed prior to May 1, 1974, for the continuation of the Cost of Living Council, and the continuation of monitoring and other functions of the Council for the period May 1, 1974, through June 30, 1974. However, the orderly termination of the Economic Stabilization Program will require several more months of follow-up activities. The Economic Stabilization Act of 1970, as amended, permits the maintenance of authority to take appropriate action with respect to any action or pending proceedings, civil or criminal, not finally determined on April 30, 1974, or with respect to matters before the Council that relate to wages paid for work performed prior to May 1, 1974, and prices charged prior to May 1, 1974. In order to meet these requirements and to assure the proper disposition of the files, records, data, and other financial and administrative matters relating to the Economic Stabilization Act, I am, by this Order, delegating to the Secretary of the Treasury such Presidential authority as may remain under the Economic Stabilization Act of 1970, as amended, and assigning to him the responsibility for taking such action as may be necessary and appropriate to achieve the limited objectives described above.

NOW, THEREFORE, by virtue of the authority vested in me by the Constitution and Statutes of the United States, including the Economic Stabilization Act of 1970 (P.L. 91–379, 84 Stat. 799) as amended, and as President of the United States of America, it is hereby ordered as follows:

SECTION 1. The Cost of Living Council, established by Section 2 of Executive Order No. 11615 of August 15, 1971, and continued by Executive Order No. 11627 of October 15, 1971, Executive Order No. 11640 of January 26, 1972, Executive Order No. 11695 of January 11, 1973, Executive Order No. 11730 of July 18, 1973, and Executive Order No. 11781 of May 1, 1974, is hereby abolished.

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SEC. 2. All the powers and duties conferred upon the President by the Economic Stabilization Act of 1970, as amended, are hereby delegated to the Secretary of the Treasury who shall exercise them so as to provide for the orderly termination of the Economic Stabilization Program. That authority shall be exercised only to the extent necessary to provide for the orderly termination of the Economic Stabilization Program, including the taking of appropriate action with respect to any action or pending proceedings, civil or criminal, not finally determined on April 30, 1974, or with respect to any act committed prior to May 1, 1974, and as hereinafter provided. The Secretary of the Treasury is authorized to redelegate such powers and duties to other officials or agencies of the United States, as may be appropriate.

SEC. 3. The Secretary of the Treasury or his designee shall provide for the continuation of any action or pending proceedings, civil or criminal, not finally determined prior to May 1, 1974, as appropriate. He shall continue to receive reports and review pay adjustments with respect to work performed prior to May 1, 1974, and price adjustments with respect to prices charged prior to May 1, 1974, and take appropriate remedial action whenever he finds such adjustments were in violation of applicable Economic Stabilization Regulations.

SEC. 4. Nothing in this Order shall be construed as authorizing the imposition or reimposition of any mandatory economic controls with respect to prices, rents, wages, salaries, corporate dividends, interest rates, or any similar transfer, other than on the basis of the authority provided in Sections 2 and 3 of this Order with respect to enforcement activity related to the period prior to May 1, 1974.

SEC. 5(a). The Secretary of the Treasury or his designee is authorized:

(1) To employ such personnel as he deems necessary to perform the functions conferred upon him by this Order, including personnel previously employed by the Cost of Living Council.

(2) To appoint, pursuant to Section 212(b) of the Economic Stabilization Act of 1970, as amended, not more than one officer who shall be compensated at the rate prescribed for level V of the Executive Schedule (5 U.S.C. 5316) for the purposes of carrying out functions under this Order through December 31, 1974.

(3) To place no more than 3 positions in GS–16, 17, and 18, pursuant to Section 212(d) of the Economic Stabilization Act of 1970, as amended, for purposes of carrying out this Order through December 31, 1974.

(4) To receive from the Cost of Living Council and be the custodian of all the records and data not otherwise properly disposed of by June 30, 1974, including the records and data of all Advisory Committees to the Council.

(5) To receive from the Cost of Living Council custody of and accountability for property (real and personal) and equipment not otherwise properly disposed of by June 30, 1974.

(b) The Secretary of the Treasury shall—

(1) Provide for the compilation of a history of the Economic Stabilization Program by December 31, 1974; and

(2) Provide for the appropriate disposition of all property (real and personal), records, data, and personnel transferred hereunder or relating to the activities conferred upon him by this Order.

SEC. 6. Any officer or employee who was serving in the Economic Stabilization Program, on or before June 30, 1974, and who while so serving was guaranteed reemployment rights to his former agency by virtue of such service, shall retain such rights through December 31, 1974, if employed by the Secretary of the Treasury or his designee to perform functions under this Order, without a break in service of one day or more.

SEC. 7. The following committees and boards are abolished:

(1) The Cost of Living Council Committee on Health established by Section 6 of Executive Order No. 11695 of January 11, 1973, and continued through June 30, 1974, by Executive Order No. 11781 of May 1, 1974.

(2) The Cost of Living Council Committee on Food established by Section 7 of Executive Order No. 11695 of January 11, 1973, and continued through June 30, 1974, by Executive Order No. 11781 of May 1, 1974.

(3) The Labor-Management Advisory Committee established by Section 8 of Executive Order No. 11695 of January 11, 1973, and continued through June 30, 1974, by Executive Order No. 11781 of May 1, 1974.

(4) The Construction Industry Stabilization Committee, established by Executive Order No. 11588 of March 29, 1971, and continued by Executive Order No. 11695 of January 11, 1973, and Executive Order No. 11781 of May 1, 1974.

SEC. 8. The Secretary of the Treasury, or his designee, may, for the purposes of carrying out this Order, continue any advisory committees previously established by the Cost of Living Council and not abolished by the Council prior to the effective date of this Order. He shall make appropriate provisions for abolishing, on or before December 31, 1974, all Council Advisory committees so continued.

SEC. 9. This Order shall not be deemed to affect any authority (1) exercised by the Federal Energy Office with respect to pricing and allocation of crude oil, residual fuel oil, and refined petroleum products (as defined in the Emergency Petroleum Allocation Act of 1973), pursuant to the Economic Stabilization Act of 1970, as amended, the Emergency Petroleum Allocation Act of 1973, Executive Order No. 11748 of December 4, 1973, or Cost of Living Council Order No. 47, as amended, or (2) any comparable authority vested in, or delegated to, the Administrator of the Federal Energy Administration.

SEC. 10. Executive Order No. 11588 of March 29, 1971, Executive Order No. 11627 of October 15, 1971, Executive Order No. 11640 of January 26, 1972, Executive Order No. 11695 of January 11, 1973, Executive Order No. 11723 of June 13, 1973, Executive Order No. 11730

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of July 18, 1973, and Executive Order No. 11781 of May 1, 1974, are revoked.

SEC. 11. Sections 1 through 10 of this Order shall be effective as of July 1, 1974.

SEC. 12(a). There is hereby established the President's Committee on Food, which shall be composed of the Counsellor to the President for Economic Policy, who shall be its Chairman, the Secretary of State, the Secretary of the Treasury, the Secretary of Agriculture, the Director of the Office of Management and Budget, the Chairman of the Council of Economic Advisers, the Executive Director of the Council on International Economic Policy, and such other members as the President may, from time to time, designate.

(b) The President's Committee on Food shall review Government activities significantly affecting food costs and prices and provide coordination for the Nation's policy relating to domestic and international food supplies and relating to food costs and prices.

(c) The President's Committee on Food shall terminate on December 31, 1974.

Richard Nixon

THE WHITE HOUSE,
June 18, 1974.

[FR Doc.74-14310 Filed 6-18-74;4:54 pm]

rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-295]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the fourth column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
Colorado	Gunnison	Crested Butte, town of	June 13, 1974. Emergency.	June 7, 1974		
Delaware	Kent	Bowers, town of	do	May 10, 1974		
Do	do	Smyrna, town of	do			
Do	New Castle	Middletown, town of	do			
Florida	Palm Beach	Manalapan, town of	July 17, 1970. Emergency. October 30, 1974. Regular. March 1, 1972. Suspended. June 7, 1974. Reinstated.			
Idaho	Benewah	St. Maries, city of	June 7, 1974. Emergency.	Feb. 15, 1974		
Kansas	Miami	Osawatomie, city of	do	Jan. 23, 1974		
Oregon	Clackamas	Oregon, city of	do	Dec. 28, 1973		
Do	Multnomah	Troutdale, city of	do	Dec. 7, 1973		
Wisconsin	Columbia	Lodi, city of	do	Apr. 12, 1974		

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408-410, Pub. L. 91-152, Dec. 24, 1969), 42 U.S.C. 4001-4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: June 6, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74-14033 Filed 6-19-74;8:45 am]

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[Docket No. FI-294]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the fourth column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
Florida	Palm Beach	Lantana, town of	Mar. 12, 1971. Regular. Sept. 18, 1972. Suspended. June 10, 1974. Reinstated.			
Illinois	Cook	Elmwood Park, village of	June 14, 1974. Emergency.			
Ohio	Cuyahoga	Bay Village, city of	do	Apr. 12, 1974		

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408-410, Pub. L. 91-152, Dec. 24, 1969), 42 U.S.C. 4001-4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: June 6, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74-14034 Filed 6-19-74;8:45 am]

[Docket No. FI-293]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the fourth column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

State	County	Location	Hazard area identified	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
California	Monterey	King, city of				Sept. 4, 1970. Emergency. June 24, 1971. Regular. Jan. 15, 1973. Suspended. June 3, 1974. Reinstated.
Illinois	Winnebago	Roscoe, village of	Mar. 22, 1974			June 11, 1974. Emergency
Do	Grundy	Unincoporated areas				Do.
Iowa	Clinton	Clinton, city of				Do.
Minnesota	Anoka	Blaine, city of				Do.
Missouri	Vernon	Nevada, city of	Dec. 17, 1973			Do.
Oregon	Tillamook	Bay City, city of				Do.
Pennsylvania	Columbia	Orangeville, borough of				Do.
Do	Allegheny	Upper St. Clair, township of.	May 31, 1974			Do.
Texas	Wharton	Wharton, city of				Do.
Wisconsin	Columbia	Portage, city of	May 3, 1974			Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 23, 1968), as amended (secs. 408-410, Pub. L. 91-152, Dec. 24, 1969), 42 U.S.C. 4001-4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: June 6, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74-14035 Filed 6-19-74;8:45 am]

[Docket No. FI-292]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the East column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
Illinois	Hancock	Carthage, city of	June 12, 1974. Emergency.	June 7, 1974		
Do	Madison	Bethalto, village of	do	May 3, 1974		
Do	do	Glen Carbon, village of	do			
Do	McHenry	Woodstock, city of	do	Mar. 22, 1974		
Do	Randolph	Chester, city of	do	Apr. 12, 1974		
Do	Schuyler	Browning, village of	do			
Do	Will	Mokena, village of	do	Apr. 5, 1974		
Iowa	Black Hawk	Elk Run Heights, town of	do	Jan. 16, 1974		
Maryland	Frederick	Walkersville, town of	do			
North Dakota	La Moure	La Moure, city of	do	Nov. 16, 1973		
Oregon	Union	Elgin, city of	do	Nov. 30, 1973		
Texas	Dallas	De Soto, city of	do			
Do	Robertson	Hearne, city of	do	Mar. 29, 1974		
Wisconsin	Milwaukee	River Hills, village of	do	Dec. 17, 1973		

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408-410, Pub. L. 91-152, Dec. 24, 1969), 42 U.S.C. 4001-4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: June 7, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74-14036 Filed 6-19-74;8:45 am]

[Docket No. FI-291]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the fourth column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
Illinois	Pulaski	Mounds, city of	June 19, 1974. Emergency.			
Iowa	Polk	Des Moines, city of	do			
Missouri	Jackson	Unincorporated areas	do			
New Jersey	Middlesex	South Brunswick, township of.	do	Jan. 16, 1974		
Virginia	Greene	Standardsville, town of	do			
Do	Montgomery	Blacksburg, town of	do	June 7, 1974		
Washington	Kitsap	Poulsbo, city of	do			

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 23, 1968), as amended (secs. 408-410, Pub. L. 91-152, Dec. 24, 1969), 42 U.S.C. 4001-4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: June 12, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74-14037 Filed 6-19-74;8:45 am]

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[Docket No. FI-296]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities With Special Hazard Areas

The Federal Insurance Administrator finds that comment and public procedure and the use of delayed effective dates in identifying the areas of communities which have special flood or mudslide hazards, in accordance with 24 CFR Part 1915, would be contrary to the public interest. The purpose of such identifications is to guide new development away from areas threatened by flooding. Since this publication is merely for the purpose of informing the public of the location of areas of special flood hazard and has no binding effect on the sale of flood insurance or the commencement of construction, notice and public procedure are impracticable, unnecessary, and contrary to the public interest. Inasmuch as this publication is not a substantive rule, the identification of special hazard areas shall be effective on the date shown. Accordingly, § 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1915.3 List of communities with special hazard areas.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Alabama	Jefferson	Leeds, city of	H 010125 01 through H 010125 04	Alabama Development Office, Office of State Planning, State Office Bldg., 501 Dexter Ave., Montgomery, Ala. 36104. Alabama Insurance Department, Rm. 453, Administrative Bldg., Montgomery, Ala. 36104.	Mayor, City Hall, City of Leeds, Leeds, Ala. 35094.	June 7, 1974.
Do	do	Lipscomb, town of.	H 010126 01 through H 010126 04	do	Mayor, City Hall, City of Lipscomb, Lipscomb, Ala. 35020.	June 14, 1974.
Do	do	Midfield, city of	H 010127 01 through H 010127 03	do	Mayor, City Hall, City of Midfield, Midfield, Ala. 35228.	Do.
Do	Madison	New Hope, town of.	H 010154 01	do	Mayor, City Hall, New Hope, Ala. 35760.	Do.
Do	Marion	Guin, town of	H 010162 01 through H 010162 04	do	Office of the City Clerk, Town of Guin, Guin, Ala. 35563.	Do.
Do	Talladega	Childersburg, city of.	H 010197 01 through H 010197 04	do	Mayor, City Hall, City of Childersburg, Childersburg, Ala. 35044.	Do.
Arkansas	Baxter	Cotter, city of	H 050011 01	Division of Soil and Water Resources, State Department of Commerce, 1920 West Capitol Ave., Little Rock, Ark. 72201. Arkansas Insurance Department, 400 University Tower Bldg., Little Rock, Ark. 72204.	Mayor, City Hall, City of Cotter, Cotter, Ark. 72626.	Do.
Do	Bradley	Warren, city of	H 050022 01 through H 050022 02	do	Warren Zoning and Planning Commission, City of Warren, Warren, Ark. 71671.	Do.
Do	Cross	Parkin, city of	H 050059 01	do	City Planning Commission, P.O. Box 335, Parkin, Ark. 72373.	Do.
California	Kern	Maricopa, city of	H 060079 01	Department of Water Resources, P.O. Box 388, Sacramento, Calif. 95802. California Insurance Department, 107 South Broadway, Los Angeles, Calif. 90012.	Mayor, City Hall, City of Maricopa, Maricopa, Calif. 93252.	Do.
Colorado	Clear Creek	Idaho Springs, city of.	H 080036 01	Colorado Water Conservation Board, Room 102, 1845 Sherman St., Denver, Colo. 80203. Colorado Division of Insurance, 106 State Office Bldg., Denver, Colo. 80203.	Idaho Springs City Hall, 14th Ave. at Miner St., P.O. Box 907, Idaho Springs, Colo. 80452.	Do.
Do	Jefferson	Edgewater, city of.	H 080089 01	do	Mayor and City Councilmen, City of Edgewater, Edgewater, Colo. 80214.	Do.
Georgia	Burke	Waynesboro, city of.	H 130025 01 through H 130025 04	Department of Natural Resources, Office of Planning and Research, 270 Washington St. SW., Rm. 707, Atlanta, Ga. 30334. Georgia Insurance Department, State Capitol, Atlanta, Ga. 30334.	Mayor, City Hall, City of Waynesboro, Waynesboro, Ga. 30803.	Do.
Do	Clayton	Riverdale, city of	H 130047 01 through H 130047 04	do	City Building Inspector's Office, City of Riverdale, 6690 Church St., Riverdale, Ga. 30274.	Do.
Do	Dooly	Unadilla, town of	H 130072 01 through H 130072 02	do	Mayor, City Hall, Town of Unadilla, Unadilla, Ga. 31091.	Do.
Do	Floyd	Cave Spring, city of.	H 130080 01	do	City Hall, City of Cave Spring, Cave Spring, Ga. 30124.	Do.
Do	Fulton	Alpharetta, city of.	H 130084 01 through H 130084 02	do	City Hall, City of Alpharetta, Alpharetta, Ga. 30201.	Do.
Do	Houston	Warner Robins, town of.	H 130111 01 through H 130111 05	do	Municipal Complex, 700 Watson Blvd., P.O. Box 1488, Warner Robins, Ga. 31093.	Do.
Do	Gwinnett	Snellville, city of	H 130102 01 through H 130102 02	do	Mayor, City Hall, City of Snellville, Snellville, Ga. 30278.	Do.
Do	Long	Ludowici, city of	H 130128 01 through H 130128 02	do	Mayor, City Hall, City of Ludowici, Ludowici, Ga. 31316.	Do.
Do	Bartow	Adairsville, town of.	H 130235 01	do	Mayor, Town of Adairsville, Adairsville, Ga. 30103.	Do.
Do	Forsyth	Cumming, city of	H 130236 01 through H 130236 03	do	Mayor, City of Cumming, Cumming, Ga. 30130.	Do
Do	Camden	Kingsland, city of	H 130238 01 through H 130238 02	do	Mayor, City of Kingsland, Kingsland, Ga. 31548.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do	Fulton and Coweta.	Palmetto, city of	H 130239 01	do	Mayor, City of Palmetto, Palmetto, Ga. 30268.	Do.
Do	Harris	Waverly Hall, town of.	H 130240 01 through H 130240 02	do	Mayor, Town of Waverly Hall, Waverly Hall, Ga. 31831.	Do.
Do	Camden	Woodbine, city of	H 130241 01	do	Mayor, City of Woodbine, Woodbine, Ga. 31569.	Do.
Illinois	Bond	Greenville, city of	H 170007 01	Governor's Task Force on Flood Control, P.O. Box 475, Lisle, Ill. 60532. Illinois Insurance Department, 509 State Office Bldg., Springfield, Ill. 62702.	Mayor, City Hall, City of Greenville, Greenville, Ill. 62246.	Do.
Do	Cook	Kenilworth, village of.	H 170113 01	do	President, 99 Robsart Rd., Village of Kenilworth, Kenilworth, Ill. 60043.	Do.
Do	Henry	Galva, city of	H 170283 01	do	Mayor, City Hall, Front St., Galva, Ill. 61434.	Do.
Do	Knox	Williamsfield, village of.	H 170355 01	do	Village President, Village of Williamsfield, Williamsfield, Ill. 61489.	Do.
Do	do	Yates City, village of.	H 170356 01	do	Village President, Village of Yates City, Yates City, Ill. 61572.	Do.
Do	Lee	Paw Paw, village of.	H 170419 01	do	Mayor, Village Hall, Paw Paw, Ill. 61353.	Do.
Do	Macoupin	Carlinville, city of	H 170431 01	do	Mayor, City Hall, Carlinville, Ill. 62626.	Do.
Do	McLean	Heyworth, village of.	H 170497 01	do	Mayor, City of Heyworth, Heyworth, Ill. 61745.	Do.
Do	do	Hudson, village of	H 170498 01	do	Mayor, City of Hudson, Hudson, Ill. 61748.	Do.
Do	Platt	Bement, village of	H 170544 01	do	President, Village Board, Bement, Ill. 61813.	Do.
Do	Fulton	Lewistown, city of.	H 170782 01	do	County Board Chairman, City of Lewistown, Lewistown, Ill. 61542.	Do.
Indiana	Clark	Clarksville, town of.	H 180026 01 through H 180026 03	Division of Water, Department of Natural Resources, 608 State Office Bldg., Indianapolis, Ind. 46204. Indiana Insurance Department, 509 State Office Bldg., Indianapolis, Ind. 46204.	Administrative Assistant, Clarksville Town Board, Clarksville, Ind. 47130.	Do.
Do	Noble	Kendallville, city of.	H 180185 01	do	Kendallville Planning Commission, City of Kendallville, Kendallville, Ind. 46755.	Do.
Do	Vanderburgh	Evansville, city of.	H 180257 01	do	Area Planning Commission, Room 312, Administration Bldg., Civic Center Complex, Evansville, Ind. 47708.	Do.
Do	White	Wolcott, town of	H 180296 01	do	Area Planning Commission, Court House, Town of Wolcott, Monticello, Ind. 47960.	Do.
Iowa	Fremont	Hamburg, city of.	H 190133 01	Iowa Natural Resources Council, James W. Grimes Bldg., Des Moines, Iowa 50319. Iowa Insurance Department, Lucas State Office Bldg., Des Moines, Iowa 50319.	Mayor, City Hall, City of Hamburg, Hamburg, Iowa 51640.	Do.
Do	Johnson	Coralville, city of.	H 190169 01 through H 190169 08	do	Mayor, City Hall, City of Coralville, Coralville, Iowa 52241.	Do.
Do	Lucas	Chariton, city of	H 190195 01 through H 190195 02	do	City Manager, City Hall, Chariton, Iowa 50049.	Do.
Kentucky	Marshall	Hardin, city of	H 210165 01 through H 210165 02	Division of Water, Kentucky Department of Natural Resources, Capitol Plaza, Office Tower, Frankfort, Ky. 40601. Kentucky Insurance Department, Old Capitol Annex, Frankfort, Ky. 40601.	Mayor, City of Hardin, Hardin, Ky. 42048.	Do.
Do	McCracken	Paducah, city of	H 210152 01 through H 210152 17	do	Mayor, City Hall, Paducah, Ky. 42001	Do.
Do	Whitley	Corbin, city of	H 210227 01 through H 210227 02	do	Mayor, City Hall, Corbin, Ky. 40701	Do.
Louisiana	Bossier Parish	Benton, town of	H 220032 01	State Department of Public Works, P.O. Box 44155, Capitol Station, Baton Rouge, La. 70804. Louisiana Insurance Department, Box 44214, Capitol Station, Baton Rouge, La. 70804.	Mayor of Benton, Town of Bentou, Benton, La. 71006.	Do.
Do	do	Plain Dealing, town of.	H 220035 01	do	Mayor, Town of Plain Dealing, Plain Dealing, La. 71064.	Do.
Maine	Aroostook	Van Buren, town of.	H 230036 01 through H 230036 11	Maine Soil and Water Conservation Commission, State House, Augusta, Maine 04330. Maine Insurance Department, Capitol Shopping Center, Augusta, Maine 04330.	Town of Van Buren, Van Buren, Maine 04785.	Do.
Do	Franklin	Phillips, town of	H 230060 01 through H 230060 07	do	1st Selectman, Town Office, Town of Phillips, Phillips, Maine 04966.	Do.
Massachusetts	Essex	Amesbury, town of.	H 250075 01 through H 250075 06	Division of Water Resources, Water Resources Commission, State Office Bldg., 100 Cambridge St., Boston, Mass. 02202. Massachusetts Division of Insurance, 100 Cambridge St., Boston, Mass. 02202.	Planning Board, Town Hall, Town of Amesbury, Amesbury, Mass. 01913.	Do.

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State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do.	Norfolk	Weymouth, town of.	H 250257 01 through H 250257 09	do	Weymouth Town Hall, 75 Middle St., Weymouth, Mass. 02189.	Do.
Michigan	Calhoun	Marshall, city of.	H 260053 01 through H 260053 09	Water Resources Commission, Bureau of Water Management, Stevens T. Mason Bldg., Lansing, Mich. 48926. Michigan Insurance Bureau, 111 North Mosmer St., Lansing, Mich. 48913.	Mayor, City Hall, City of Marshall, Mich. 49068.	Do.
Do.	Houghton	Hancock, city of.	H 260087 01	do	City Manager, City Hall, City of Hancock, Hancock, Mich. 49930.	Do.
Do.	Ingham	Leslie, city of.	H 260091 01	do	Mayor, City of Leslie, 107 East Bellevue, Leslie, Mich. 49251.	Do.
Do.	Muskegon	Montague, city of.	H 260160 01	do	Montague City Hall, 4525 Dowling St., Montague, Mich. 49437.	Do.
Do.	Tuscola	Vassar, city of.	H 260208 01	do	Vassar Village Hall, City of Vassar, 287 East Huron, Vassar, Mich. 48768.	Do.
Do.	Berrien	Michigana, village of.	H 260275 01	do	Town Hall, Village of Michigana, 4000 Cherokee Dr., Box 12E, New Buffalo, Mich. 49117.	Do.
Minnesota	Pennington	Thief River Falls, city of.	H 270344 01 through H 270344 04	Division of Waters, Soils and Minerals, Department of Natural Resources, Centennial Office Bldg., St. Paul, Minn. 55101. Minnesota Division of Insurance, R-210 State Office Bldg., St. Paul, Minn. 55101.	Robert J. Bregier, Building Official, City of Thief River Falls, P.O. Box 528, Thief River Falls, Minn. 56701.	Do.
Mississippi	Bolivar	Gunnison, town of.	H 280018 01	Mississippi Research and Development Center, P.O. Drawer 2470, Jackson, Miss. 39205. Mississippi Insurance Department, 910 Woolfolk Bldg., P.O. Box 79, Jackson, Miss. 39205.	Town of Gunnison, Town Hall, Gunnison, Miss. 38746.	Do.
Do.	Holmes	Pickens, town of.	H 280077 01	do	Mayor, Town of Pickens, Pickens, Miss. 39142.	Do.
Do.	Lee	Plantersville, town of.	H 280099 01	do	Mayor, Town of Plantersville, Plantersville, Miss. 38862.	Do.
Do.	Sharkey	Cary, town of.	H 280154 01	do	Town of Cary, Town Hall, Cary, Miss. 39054.	Do.
Do.	Simpson	Mendenhall, city of.	H 280159 01 through H 280159 03	do	City Hall, City of Mendenhall, Mendenhall, Miss. 39114.	Do.
Do.	Tallahatchie	Sumner, town of.	H 280194 01	do	Town of Sumner, Town Hall, Sumner, Miss. 38957.	Do.
Do.	Tallahatchie	Tutwiler, town of.	H 280197 01	do	Town of Tutwiler, Town Hall, Tutwiler, Miss. 38963.	Do.
Missouri	Clay	Glenaire, village of.	H 290092 01	Water Resources Board, P.O. Box 271, Jefferson City, Mo. 65077. Division of Insurance, P.O. Box 690, Jefferson City, Mo. 65101.	Chairman, Board of Trustees, Route 4, Box 361, Village of Glenaire, Liberty, Mo. 64068.	Do.
Nebraska	Dawson	Overton, village of.	H 310064 01 through H 310064 02	Nebraska Natural Resources, Commission, P.O. Box 94725, State House Station, Lincoln, Nebr. 68509. Nebraska Insurance Department, 1335 L St., Lincoln, Nebr. 68509.	Mayor, Village Board, Village of Overton, Overton, Nebr. 68863.	Do.
New Mexico	Torrance	Estancia, town of.	H 350082 01	State Engineer's Office, Bataan Memorial Bldg., Santa Fe, No. Mex. 87501. New Mexico Department of Insurance, P.O. Box 1269, Santa Fe, N. Mex. 87501	Mayor, Town Office, Town of Estancia, Estancia, N. Mex. 87016.	Do.
New York	Erie	Brant, town of.	H 360229 01 through H 360229 10	New York State Department of Environmental Conservation, Division of Resources Management Services, Albany, N.Y. 12201. New York State Insurance Department, 123 William St., New York, N.Y. 10038.	Supervisor, Town Hall, Brant Rd., Town of Brant, Brant, N.Y. 14027.	Do.
Do.	do	Holland, town of.	H 360245 01 through H 360245 06	do	Supervisor, Town Hall, Town of Holland, Pearl St., Holland, N.Y. 14080.	Do.
Do.	Monroe	Clarkson, town of.	H 360413 01 through H 360413 09	do	Clarkson Town Hall, Town of Clarkson, 3710 Lake Rd., Clarkson, N.Y. 14430.	Do.
Do.	Saratoga	Milton, town of.	H 360722 01 through H 360722 10	do	Supervisor, Town of Milton, County Board of Supervisors, Municipal Center, Ballston Spa, N.Y. 12020.	Do.
Do.	Sullivan	Callicoon, town of.	H 360816 01 through H 360816 06	do	Town Supervisor, Town of Callicoon, Jeffersonville, N.Y. 12748.	Do.
Do.	Westchester	Larchmont, village of.	H 360915 01	do	George P. Forbes, Jr. Village Attorney, Village of Larchmont, Municipal Bldg., Larchmont, N.Y. 10538.	Nov. 23, 1973, June 14, 1974.
North Carolina	Avery	Newland, town of.	H 370012 01	North Carolina Office of Water and Air Resources, Department of Natural and Economic Resources, P.O. Box 27687, Raleigh, N.C. 27611. North Carolina Insurance Department, P.O. Box 26387, Raleigh, N.C. 27611.	Mayor, Town Hall, Town of Newland, Nowlaod, N.C. 28657.	June 14, 1974.
Do.	Franklin	Louisburg, town of.	H 370096 01	do	City Manager, Town of Louisburg, Louisburg, N.C. 27549.	Do.
Do.	Halifax	Hobgood, town of.	H 370116 01	do	Mayor and Town Board, Town of Hobgood, Hobgood, N.C. 27843.	Do.
Do.	Haywood	Clyde, town of.	H 370122 01	do	Town Clerk, Town of Clyde, Clyde, N.C. 28721.	Do.
Do.	Madison	Marshall, town of.	H 370154 01 through H 370154 05	do	Office of the Town Clerk, Town of Marshall, Marshall, N.C. 28753.	Do.
Do.	Washington	Creswell, town of.	H 370248 01	do	Mayor, Municipal Bldg., Town of Creswell, Creswell, N.C. 27928.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
North Dakota	Rolette	Rolla, city of.	H 380105 01	State Water Commission, State Office Bldg., 900 East Blvd., Bismarck, N. Dak. 58501. North Dakota Insurance Department, State Capitol, Bismarck, N. Dak. 58501.	Mayor, City of Rolla, Rolla, N. Dak. 58367.	Do.
Ohio	Butler	Seven Mile, village of.	H 390045 01	Ohio Department of Natural Resources, Fountain Sq., Columbus, Ohio 43224. Director of Insurance, State of Ohio, Department of Insurance, 115 East Rich St., Columbus, Ohio 43215.	Mayor, Seven Mile Village Council, Seven Mile, Ohio 45062.	Do.
Do.	Lake	Mentor, city of.	H 390317 01 through H 390317 09	do	Mentor Municipal Bldg., 8383 Mentor Ave., Mentor, Ohio 44060.	Do.
Do.	Warren	Mason, city of.	H 390649 01	do	City Manager, City of Mason, 203 West Main St., Mason, Ohio 45040.	Do.
Do.	Mercer	Mendon, village of.	H 390641 01	do	Mayor, Village of Mendon, Mendon, Ohio 45862.	Do.
Oklahoma	Grady	Rush Springs, town of.	H 400064 01	Oklahoma Water Resources, Board, 2241 NW. 40th St., Oklahoma City, Okla. 73112. Oklahoma Insurance Department, Room 408 Will Rogers Memorial Bldg., Oklahoma City, Okla. 73105.	City Council, Town of Rush Springs, Rush Springs, Okla. 73083.	Do.
Do.	Okfuskee	Weleetka, city of.	H 400139 01	do	Mayor, City of Weleetka, Box 726, Weleetka, Okla. 74880.	Do.
Oregon	Tillamook	Bay City, town of.	H 410197 01	Executive Department, State of Oregon, Salem, Oreg. 97310. Oregon Insurance Division, Department of Commerce, 158 12th St., NE., Salem, Oreg. 97310.	Mayor, Town of Bay City, Bay City, Oreg. 97107.	Do.
Do.	do	Rockaway, city of.	H 410201 01	do	Mayor, City of Rockaway, Rockaway, Oreg. 97136.	Do.
Pennsylvania	Lehigh	Upper Macungie, township of.	H 420590 01 through H 420590 08	Department of Community Affairs, Commonwealth of Pennsylvania, Harrisburg, Pa. 17120. Pennsylvania Insurance Department, 108 Finance Bldg., Harrisburg, Pa. 17120.	Upper Macungie Township, Municipal Bldg., Rural Delivery No. 1, Breinigsville, Pa. 18031.	Do.
Do.	Tioga	Gaines, township	H 421005 01 through H 421005 04	do	Office of the Township Supervisor, R.F.D. No. 1, Box 67, Gaines, Pa. 16921.	Do.
South Carolina	Aiken	Warrenville, town of.	H 450008 01 through H 450008 02	South Carolina Resources, P.O. Drawer 164, 700 Knox Abbott Dr., Cayce, S.C. 29033. South Carolina Insurance Department, 2711 Middleburg St., Columbia, S.C. 29204.	Raymond L. Walters, Mayor, P.O. Box 6177, Town of Warrenville, North Augusta, S.C. 29841.	Do.
Do.	Dillon	Latta, town of.	H 450067 01 through H 450067 02	do	A. Lafon LeGette, Mayor, Town of Latta, Latta, S.C. 29565.	Do.
Do.	Dorchester	Summerville, S.C., town of.	H 450073 01	do	Town Hall, Town of Summerville, 104 Civic Center, Summerville, S.C. 29483.	Do.
Do.	Greenville	City View, town of.	H 450090 01	do	Zimmie Mason, Mayor, 8½ Belk St., Greenville, S.C. 29611.	Do.
Do.	Jasper	Hardeeville, town of.	H 450113 01 through H 450113 02	do	James Horton, Mayor (Pro Tem), Town of Hardeeville, Hardeeville, S.C. 29927.	Do.
Do.	Oconee	Seneca, town of.	H 450158 01	do	Jake Cromer, Mayor, City Hall, Seneca, S.C. 29678.	Do.
South Dakota	Hutchinson	Parkston, town of.	H 460042 01	South Dakota Planning Agency, State Capitol Bldg., Pierre, S. Dak. 57501. South Dakota Department of Insurance, Insurance Department, Pierre, S. Dak. 57501.	Mayor, City Hall, Town of Parkston, Parkston, S. Dak. 57366.	Do.
Do.	Sanborn	Woonsocket, city of.	H 460075 01	do	Mayor, City of Woonsocket, Woonsocket, S. Dak. 57385.	Do.
Tennessee	Bedford	Bell Buckle, town of.	H 470007 01	Tennessee State Planning Office, 660 Capitol Hill Bldg., Nashville, Tenn. 37219. Tennessee Department of Insurance and Banking, 114 State Office Bldg., Nashville, Tenn. 37249.	Mayor, Town of Bell Buckle, County Judge, Courthouse, Shelbyville, Tenn. 37160.	Do.
Do.	Franklin	Decherd, town of.	H 470054 01 through H 470054 04	do	Mayor, City Hall, Town of Decherd, Decherd, Tenn. 37324.	Do.
Do.	do	Winchester, city of.	H 470056 01 through H 470056 11	do	Mayor, City Hall, Winchester, Tenn. 37398.	Do.
Do.	Giles	Lynnville, city of.	H 470065 01	do	Mayor, City of Lynnville, Lynnville, Tenn. 38472.	Do.
Do.	Henderson	Lexington, city of.	H 470089 01 through H 470089 10	do	Mayor, City Hall, Lexington, Tenn. 38351.	Do.
Do.	Lawrence	Iron City, town of.	H 470101 01	do	Mayor, Town of Iron City, Iron City, Tenn. 38463.	Do.
Do.	Marshall	Chapel Hill, town of.	H 470120 01 through H 470120 02	do	Mayor, Town of Chapel Hill, Chapel Hill, Tenn. 37034.	Do.
Do.	Robertson	Springfield, city of.	H 470163 01 through H 470163 08	do	Mayor, City Hall, City of Springfield, Springfield, Tenn. 37172.	Do.
Texas	Crosby	Ralls, city of.	H 480161 01	Texas Water Development Board, P.O. Box 13087, Capitol Station, Austin, Tex. 78701. Texas Insurance Department, 1110 San Jacinto St., Austin, Tex. 78701.	Mayor, City Offices, City of Ralls, Ralls, Tex. 79357.	Do.
Do.	Milam	Cameron, city of.	H 480478 01	do	City of Cameron, Court House, Brownsville, Tex. 78520.	Do.

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State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do	Moore	Cactus, city of	H 480490 01	do	Mayor, City of Cactus, Cactus, Tex. 79013.	Do.
Do	Van Zandt	Edgewood, city of.	H 480635 01	do	Mayor, City Hall, City of Edgewood, Edgewood, Tex. 75117.	Do.
Vermont	Rutland	Pittsford, town of.	H 500098 01 through H 500098 06	Management and Engineering Division, Water Resources Department, State Office Bldg., Montpelier, Vt. 05602. Vermont Insurance Department State Office Bldg., Montpelier, Vt. 05602.	Chairman, Town of Pittsford, Pittsford Board of Selectmen, Pittsford, Vt. 05763.	Do.
Virginia	Washington	Abington, town of.	H 510169 01 through H 510169 04	Bureau of Water Control Management, State Water Control Board, P.O. Box 11143, Richmond, Va. 23230. Virginia Insurance Department, 700 Blanton Bldg., P.O. Box 1157, Richmond, Va. 23209.	Town Manager, Town of Abington, Town Hall, Abington, Va. 24210.	Do.
Do	Wise	Pound, town of	H 510174 01 through H 510174 01	do	Mayor, Town of Pound, Town Hall, Pound, Va. 24279.	Do.
Washington	Adams	Ritzville, city of	H 530005 01	Department of Ecology, Olympia, Wash. 98501. Washington Insurance Department, Insurance Bldg., Olympia, Wash. 98501.	Mayor, City of Ritzville, City Hall, Ritzville, Wash. 99169.	Do.
Do	Grays Harbor	HoQuiam, city of	H 530061 01 through H 530061 06	do	City Engineer, City of HoQuiam, 609 8th Street, HoQuiam, Wash. 98550.	Do.
Do	Whitman	Garfield, town of	H 530209 01	do	Mayor, Town of Garfield, Garfield, Wash. 99130.	Do.
Wisconsin	Dunn	Boyceville, village of.	H 550119 01	Department of Natural Resources, P.O. Box 450, Madison, Wis. 53701. Wisconsin Insurance Department, 212 North Bassett St., Madison, Wis. 53701.	Village President, Village of Boyceville, Boyceville, Wis. 54725.	Do.
Do	Outagamie	Kimberly, village of.	H 550306 01	do	Village President, Village of Kimberly, Kimberly, Wis. 54136.	Do.
Do	do	Little Chute, village of.	H 550307 01	do	Village President, Village of Little Chute, Little Chute, Wis. 54140.	Do.
Do	Pierce	Spring Valley, village of.	H 550331 01	do	Village President, Village of Spring Valley, Spring Valley, Wis. 54767.	Do.
Do	Rock	Evansville, city of.	H 550366 01	do	Mayor, City of Evansville, City Hall, Evansville, Wis. 53536.	Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 23, 1968), as amended (secs. 408-410, Pub. L. 91-152, Dec. 24, 1969), 42 U.S.C. 4001-4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: June 12, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74-14032 Filed 6-19-74;8:45 am]

Title 29—Labor

CHAPTER XVII—OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR

PART 1954—PROCEDURES FOR THE EVALUATION AND MONITORING OF APPROVED STATE PLANS

Exercise of Federal Discretionary Authority

1. *Background.* Pursuant to the authority in sections 8(g)(2) and 18 of the Williams-Steiger Occupational Safety and Health Act of 1970 (29 U.S.C. 657(g)(2) and 667), (hereinafter called the Act), 29 CFR Part 1954 is amended by adding a new § 1954.3 formerly "[Reserved]", on the exercise of Federal discretionary authority under section 18(e) of the Act. Part 1954 describes the policy and procedures for evaluation and monitoring of State plans approved in accordance with section 18(c) of the Act. These include a description of the monitoring system, provisions for reports from the States, and for complaints about State program administration.

In addition to monitoring the development and operation of approved State plans, the Act in section 18(e), provides for a period of discretionary authority for enforcement of Federal occupational safety and health standards in States with approved plans. Under section 18(e), the Assistant Secretary for Occupational Safety and Health (hereinafter called the Assistant Secretary), under a delegation of authority from the Secretary of Labor (Sec. Order 12-71 36 8754), must retain his enforcement authority with regard to issues covered by the approved plan for at least 3 years until he determines "on the basis of actual operations" that the criteria for plan approval in section 18(c) of the Act are being applied by the State. Section 18(e) as implemented by 29 CFR Part 1902 does not require the exercise of the Assistant Secretary's enforcement authority over all the issues covered by the State plan for the entire period of discretionary authority. Indeed, section 18(e) expressly confers discretion upon the Assistant Secretary in the exercise of his enforcement authority when it states that "he may, but shall not be required to, exercise his authority" under certain specified sections of the Act. These include sections 5(a)(2), 8, 9, 10, 13 and 17 with respect to comparable standards promulgated under section 6 of the Act.

This amendment to 29 CFR Part 1954 sets out the statutory interpretations and policy guidelines by which the Assistant Secretary will exercise his discretion under section 18(e) to enforce Federal standards. This discretion will be exercised within the framework of the general purpose of the Act "to assure so far as possible every working man and woman in the Nation safe and healthful working conditions * * *" (section 2(b)). Implementation of this fundamental statutory purpose necessarily includes consideration of the policy of "encouraging the States to assume the fullest responsibility for the administration and enforcement of their occupational safety and health laws * * *" (section 2(b)(11)).

The Assistant Secretary is required in § 1902.1(c)(2) of this chapter to exercise his discretionary enforcement authority after plan approval "to the degree necessary to assure occupational safety and health" protection to employees. Factors to be considered under this section and § 1902.20(b)(1)(iii) of this chapter in determining the level of Federal enforcement include the developmental nature of the plan, the results of evaluations of the plan, the State's schedule for coming up to Federal standards, and any other relevant matters. In accordance with these criteria, each plan approval decision, codified at 29 CFR Part 1952, contains the Assistant Secretary's intention as to continued Federal enforcement of Federal standards in issues covered by the plan. Other matters which are relevant to the exercise of Federal enforcement authority include the most efficient utilization of Federal and State resources to provide effective worker protection throughout the Nation; the need to clarify the rights and responsibilities of employers and employees with regard to Federal and State authority by eliminating unreasonable duplication and conflict; definition of areas of State responsibility for evaluation of their effectiveness; and prompt and appropriate application of the Federal authority to any failure of the States in providing effective enforcement of standards.

A fundamental consideration in determining the manner and degree to which Federal discretionary enforcement authority should be exercised is the developmental status of approved State plans. 29 CFR Part 1902 governing approval of State plans under section 18(c) of the Act, defines the circumstances for approval of developmental plans. Section 1902.2(b) limits the developmental period to 3 years following commencement of operations under the approved plan.[1] In order to obtain approval as a developmental plan the State must include in its plan the specific actions it proposes to take and a time schedule for their accomplishment not to exceed that 3 year period. On this basis, the Assistant Secretary will approve the plan "if he finds that there is a reasonable expectation that the State plan will met the criteria in § 1902.3 [of this chapter] within the indicated 3 year period."[2] In such case however, the Assistant Secretary cannot make a determination under section 18(e) relinquishing the right to exercise his discretionary enforcement authority as to issues covered by the plan until, in accordance with § 1902.2(b) of this chapter, he has had at least one year to evaluate the plan on the basis of actual operations. Again, this does not mean that discretionary enforcement authority must be exercised over all the issues covered by the plan for the entire length of time it takes a State to complete its developmental schedule and operate for a full year. Section 18(e) leaves the determination as to the exercise of Federal enforcement authority to the discretion of the Assistant Secretary.

The exercise of discretionary authority under section 18(e) so as to reduce Federal enforcement in States with approved plans is not inconsistent with the concept of developmental plans. The guidelines set out in the new § 1954.3 supply reasonable and uniform criteria to be applied to each State in accordance with the facts and circumstances in each State program. Essential to these criteria is the premise that before a State reaches a specified level in its development, the exercise of Federal enforcement authority cannot be diminished consistent with worker protection. However, when a State has attained that specified level of development, consideration of factors such as effective utilization of resources throughout the Nation and relief from unreasonable duplication and conflicts in the rights and responsibilities of employers and employees must be considered in the administration of an effective Federal-State program. In addition, State plan evaluations which have been and will continue to be made throughout the discretionary authority period, will assist in determining the appropriate level of Federal enforcement, including its reinstatement where warranted.

2. *Summary of the regulation.* Section 1954.3 of this chapter sets out the policy guidelines for the exercise of discretionary Federal enforcement authority. The implementation of these guidelines in each States will be set out in the appropriate approval decision in 29 CFR Part 1952. Recognizing that from the time of approval to the end of the developmental period a State is obligated to increase its capability for the enforcement of State standards, the guidelines are based on the extent to which a State can operate at least as effectively as the Federal program. After determining the operational status of the State plan, the Assistant Secretary may reduce the Federal enforcement effort consistent with the developmental nature and relevant operational status of the State plan.

In determining the operational status of a plan, the following elements all must be met in order to determine that the State is operational with regard to any or all of the issues covered by its plan: (1) enabling legislation substantially in conformance with the requirements of 29 CFR Part 1902 which legislation has been reviewed and approved by the Assistant Secretary and enacted by the State; (2) standards promulgated under State law which standards have been reviewed and found to provide overall protection equal to comparable Federal standards; (3) a sufficient number of qualified personnel; and (4) the review procedures for contested citations and penalties in effect. In addition, where the State is operational on one or more issues and has for example, adopted regulations governing variances, reporting and recordkeeping requirements, or developed an approved State poster, such State action will be appropriately recognized by the Assistant Secretary for the purpose of the Federal enforcement program during the period of discretionary Federal authority.

Under § 1954.3 of this chapter, Federal enforcement authority over issues covered by a State plan will be exercised in the absence of enabling legislation, where the State plan covers issues in which State standards are found not to provide overall protection equal to comparable Federal standards, where there are not sufficient qualified personnel, or where the review procedures are not in effect. Of course, Federal enforcement authority will cover all issues not included in the State plan. Employee complaints alleging discrimination under section 11(c) of the Act, which section is not included in section 18(e) and therefore is not subject to termination after an affirmative 18(e) determination will be subject to Federal jurisdiction.

The regulation also provides for written agreements as to the operational status of each State and publication of the level of Federal enforcement in the appropriate section of 29 CFR Part 1952.

3. *Public Participation.* The new § 1954.3 of this chapter contains general statements of policy which advise the States, employers, employees and the public of the guidelines by which the Assistant Secretary proposes to exercise his discretionary authority. It also includes interpretations of the Act and implementing regulations respecting concurrent authority. Regulations dealing with statutory interpretations and policy statements do not require a public comment period prior to becoming effective. (Administrative Procedure Act, 5 U.S.C. 553(b)(3)(A)).

In addition, the Assistant Secretary, in accordance with 5 U.S.C. 553(b)(3)(B) finds that good cause exists for not delaying further application of the amendments to Part 1954 for the following reasons:

1. The policy statements contained in this regulation have been discussed with the National Advisory Committee on Occupational Safety and Health and its Subcommittee on State Plans on December 6, 1973, December 20, 1973 and March 18, 1974. These discussions included input from members of the public, the States, employer and employee representatives, and further participation is considered unnecessary;

2. Immediate implementation of the discretionary authority guidelines which affect a temporary period already begun is necessary to assure adequate worker protection and the orderly development of Federal-State relations and further public comment would therefore be impractical.

Interested persons may, however, submit written data, views and arguments concerning this regulation until July 20, 1974. These comments should be addressed to the Associate Assistant Secretary for Regional Programs, Room 800, 1726 M Street NW., Washington, D.C. 20210.

In accordance with the above, Subpart A of 29 CFR Part 1954 is amended, effective June 20, 1974, by adding a new § 1954.3 formerly "[Reserved]" as follows:

[1] Commencement of operations is defined in 29 CFR 1953.10(b) as the plan approval date if the State initiates at the time of approval inspections and enforcement activity with respect to standards covered by the plan. But in any case it can be no later than the effective date of the grant approved under section 23(g) of the Act.

[2] Where, at the end of this 3 year period, the Assistant Secretary finds that the State has not substantially completed the developmental steps of the plan, the approval of the plan shall be withdrawn after notice and opportunity for a hearing. (29 CFR 1902.2(b)).

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§ 1954.3 Exercise of Federal discretionary authority.

(a) (1) When a State plan is approved under section 18(c) of the Act, Federal authority for enforcement of standards continues in accordance with section 18 (e) of the Act. That section prescribes a period of concurrent Federal-State enforcement authority which must last for at least three years, after which time the Assistant Secretary shall make a determination whether, based on actual operations, the State plan meets all the criteria set forth in section 18(c) of the Act and the implementing regulations in 29 CFR Part 1902 and Subpart A of 29 CFR Part 1952. During this period of concurrent authority, the Assistant Secretary may, but shall not be required to, exercise his authority under sections 5 (a) (2), 8, 9, 10, 13 and 17 of the Act with respect to standards promulgated under section 6 of the Act where the State has comparable standards. Accordingly, section 18(e) authorizes, but does not require, the Assistant Secretary to exercise his discretionary enforcement authority over all the issues covered by a State plan for the entire 18(e) period.

(2) Existing regulations at 29 CFR Part 1902 set forth factors to be considered in determining how Federal enforcement authority should be exercised. These factors include: (i) whether the plan is developmental or complete; (ii) results of evaluations conducted by the Assistant Secretary; (iii) the State's schedule for meeting Federal standards; and (iv) any other relevant matters. (29 CFR 1902.1(c) (2) and 1902.20(b) (1) (iii).

(3) Other relevant matters requiring consideration in the decision as to the level of Federal enforcement include: (i) coordinated utilization of Federal and State resources to provide effective worker protection throughout the Nation; (ii) necessity for clarifying the rights and responsibilities of employers and employees with respect to Federal and State authority; (iii) increasing responsibility for administration and enforcement by States under an approved plan for evaluation of their effectiveness; and (iv) the need to react promptly to any failure of the States in providing effective enforcement of standards.

(b) *Guidelines for determining the appropriate level of Federal enforcement.* In light of the requirements of 29 CFR Part 1902 as well as the factors mentioned in paragraph (a) (3) above, the following guidelines for the extent of the exercise of discretionary Federal authority have been determined to be reasonable and appropriate. When a State plan meets all of these guidelines it will be considered operational, and the State will conduct all enforcement activity including inspections in response to employee complaints, in all issues where the State is operational. Federal enforcement activity will be reduced accordingly and the emphasis will be placed on monitoring State activity in accordance with the provisions of this part.

(1) *Enabling legislation.* A State with an approved plan must have enacted enabling legislation substantially in conformance with the requirements of section 18(c) and 29 CFR Part 1902 in order to be considered operational. This legislation must have been reviewed and approved under 29 CFR Part 1902. States without such legislation, or where State legislation as enacted requires substantial amendments to meet the requirements of 29 CFR Part 1902, will not be considered operational.

(2) *Approved State standards.* The State must have standards promulgated under State law which standards are the same as Federal standards; have been found to be at least as effective as the comparable Federal standards; or have been reviewed by the Assistant Regional Director under the delegation of authority in 29 CFR 1953.4 and found to provide overall protection equal to comparable Federal standards. Review of the effectiveness of State standards and their enforcement will be a continuing function of the evaluation process. Where State standards in an issue have not been promulgated by the State or have been promulgated and found not to provide overall protection equal to comparable Federal standards, the State will not be considered operational as to those issues.

(3) *Personnel.* The State must have a sufficient number of qualified personnel who are enforcing the standards in accordance with the State's enabling legislation. Where a State lacks the qualified personnel to enforce in a particular issue; e.g., Occupational Health, the State will not be considered operational as to that issue even though it has enabling legislation and standards.

(4) *Review of enforcement actions.* Provisions for review of State citations and penalties, including the appointment of the reviewing authority and the promulgation of implementing regulations, must be in effect.

(c) (1) *Evaluation reports.* One of the factors to consider in determining the level of Federal enforcement is the result of evaluations conducted under the monitoring system described in this part. While completion of an initial comprehensive evaluation of State operations is not generally a prerequisite for a determination that a State is operational under paragraph (b) of this section, such evaluations will be used in determining the Federal enforcement responsibility in certain circumstances.

(2) Where evaluations have been completed prior to the time a determination as to the operational status of a State plan is made, the results of those evaluations will be included in the determination.

(3) Where the results of one or more evaluations conducted during the operation of a State plan and prior to an 18 (e) determination reveal that actual operations as to one or more aspects of the plan fail in a substantial manner to be at least as effective as the Federal program, and the State does not adequately resolve the deficiencies in accordance with Subpart C of Part 1953, the appropriate level of Federal enforcement activity shall be reinstated. An example of such deficiency would be a finding that State standards and their enforcement in an issue are not at least as effective as comparable Federal standards and their enforcement. Federal enforcement activity may also be reinstated where the Assistant Secretary determines that such action is necessary to assure occupational safety and health protection to employees.

(d) (1) *Recognition of State procedures.* In order to resolve potential conflicting responsibilities of employers and employees, Federal authority will be exercised in a manner designed to recognize the implementation of State procedures in accordance with approved plans in areas such as variances, informing employees of their rights and obligations, and recordkeeping and reporting requirements.

(i) Variances; [Reserved]

(ii) Approved State posters; [Reserved]

(iii) Recordkeeping and reporting. [Reserved]

(e) *Discrimination complaints.* State plan provisions on employee discrimination do not divest the Secretary of Labor of any authority under section 11(c) of the Act. The Federal authority to investigate discrimination complaints exists even after an affirmative 18(e) determination. (See South Carolina decision 37 FR 25932, December 6, 1972). Employee complaints alleging discrimination under section 11(c) of the Act will be subject to Federal jurisdiction.

(f) (1) *Procedural agreements.* A determination as to the operational status of a State plan shall be accompanied by an agreement with the State setting forth the Federal-State responsibilities as follows: (i) scope of the State's operational status including the issues excluded from the plan, the issues where State enforcement will not be operational at the time of the agreement and the dates for commencement of operations; (ii) procedures for referral, investigation and enforcement of employee requests for inspections; (iii) procedures for reporting fatalities and catastrophes by the agency which has received the report to the responsible enforcing authority both where the State has and has not adopted the requirement that employers report as provided in 29 CFR 1904.8; (iv) specifications as to when and by what means the operational guidelines of this section were met; and (v) provision for resumption of Federal enforcement activity for failure to substantially comply with this agreement, or as a result of evaluation or other relevant factors.

(2) Upon approval of these agreements, the Assistant Secretary shall cause to be published in the FEDERAL REGISTER, notice of the operational status of each approved State plan.

(3) Where subsequent changes in the level of Federal enforcement are made, similar FEDERAL REGISTER notices shall be published.

(Sec. 8(g)(2), 18, 84 Stat. 1598, 1608 (29 U.S.C. 657(g)(2), 667))

Signed at Washington, D.C., this 13th day of June 1974.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.74-14149 Filed 6-19-74;8:45 am]

Title 7—Agriculture

SUBTITLE A—OFFICE OF THE SECRETARY OF AGRICULTURE

PART 2—DELEGATIONS OF AUTHORITY BY THE SECRETARY OF AGRICULTURE AND GENERAL OFFICERS OF THE DEPARTMENT

Equal Employment Opportunity; Staff Responsibility

Part 2, Subtitle A, of Title 7, Code of Federal Regulations is amended to revise the delegations of authority by the Assistant Secretary for Administration to the Director, Office of Personnel, and the Director, Office of Equal Opportunity to provide staff assistance to the Assistant Secretary for Administration in his capacity as Director of Equal Employment Opportunity, as follows:

1. Section 2.78(a) is amended to read as follows:

§ 2.78 Director, Office of Personnel.

(a) *Delegations.* • • •

(11) Perform staff work for the Director of Equal Employment Opportunity including the preparation of decisions on complaints of discrimination.

(12) Prepare regulations, plans, and procedures necessary to carry out the Department's equal employment opportunity program.

• • • • • •

2. Section 2.80 is amended as follows:

§ 2.80 Director, Office of Equal Opportunity.

(a) *Delegations.* • • •

(8) [Deleted.]

Effective date: These amendments shall become effective on June 20, 1974.

Dated: June 14, 1974.

JOSEPH R. WRIGHT, Jr.,
Assistant Secretary for Administration.

[FR Doc.74-14118 Filed 6-19-74;8:45 am]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Valencia Orange Regulation 470]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This regulation fixes the quantity of California-Arizona Valencia oranges that may be shipped to fresh market during the weekly regulation period June 21-27, 1974. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 908. The quantity of Valencia oranges so fixed was arrived at after consideration of the total available supply of Valencia oranges, the quantity of Valencia oranges currently available for market, the fresh market demand for Valencia oranges, Valencia orange prices, and the relationship of season average returns to the parity price for Valencia oranges.

§ 908.770 Valencia Orange Regulation 470.

(a) *Findings.* (1) Pursuant to the marketing agreement as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this regulation to limit the respective quantities of Valencia oranges that may be marketed from District 1, District 2, and District 3 during the ensuing week stems from the production and marketing situation confronting the Valencia orange industry.

(i) The committee has submitted its recommendation with respect to the quantities of Valencia oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Valencia oranges deteriorated last week. Prices f.o.b. averaged $3.50 per carton on a reported sales volume of 825 carlots last week, compared with an average f.o.b. price of $3.65 per carton and sales of 1,028 carlots a week earlier. Track and rolling supplies at 615 cars were down 36 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the respective quantities of Valencia oranges which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until July 22, 1974 (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on June 18, 1974.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period June 21, 1974, through June 27, 1974, are hereby fixed as follows:

(i) District 1: 257,000 cartons;

(ii) District 2: 193,000 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled", "District 1", "District 2", "District 3", and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: June 19, 1974.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division Agricultural Marketing Service.

[FR Doc.74-14334 Filed 6-19-74;12:15 pm]

[Grapefruit Reg. 14; Amdt. 5]

PART 944—FRUITS; IMPORT REGULATIONS

Minimum Grade Requirement for Imports of Seeded Grapefruit

This amendment lowers the minimum grade requirement applicable to imported seeded grapefruit to Improved No. 2 on June 14, 1974. This requirement is the same as that applicable to seeded grapefruit produced in Florida and regulated pursuant to Marketing Order No. 905.

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This amendment is consistent with section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). This section requires that whenever specified commodities, including grapefruit, are regulated under a Federal marketing order, imports of that commodity must meet the same or comparable requirements as those in effect for the domestically produced commodity. This regulation establishes the same grade requirement on imported seeded grapefruit as is effective under Marketing Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines and tangelos grown in Florida.

Order. In § 944.110 (Grapefruit Regulation 14; 38 FR 26108, 28286; 39 FR 7798, 16472, 17970) the provisions of paragraph (a) are amended to read as follows:

§ 944.110 Grapefruit Regulation 14.

(a) • • •

(1) Seeded grapefruit shall grade at least Improved No. 2 ("Improved No. 2" shall mean grapefruit grading at least U.S. No. 2 and also meeting the requirements of the U.S. No. 1 grade as to shape (form) and color.) and be of a size not smaller than 3 1/16 inches in diameter, except that a tolerance for undersize grapefruit shall be permitted as specified in § 51.761 of the United States Standards for Florida Grapefruit; and

(2) Seedless grapefruit shall grade at least Improved No. 2 ("Improved No. 2" shall mean grapefruit grading at least U.S. No. 2 and also meeting the requirements of U.S. No. 1 grade as to shape (form) and color.) and be of a size not smaller than 3 6/16 inches in diameter, except that a tolerance for undersize grapefruit shall be permitted as specified in § 51.761 of the United States Standards for Florida Grapefruit.

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It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective time of this amendment beyond that hereinafter specified (5 U.S.C. 553) in that (a) the requirements of this amended import regulation are imposed pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), which makes such regulation mandatory; (b) this amendment fixes the same requirements on imports of seeded grapefruit as are applicable under amended Grapefruit Regulation 74 (§ 905.551) to the shipment of seeded grapefruit grown in Florida; (c) compliance with this amended import regulation will not require any special preparation which cannot be completed by the effective time hereof; and (d) this amendment lowers requirements on the importation of seeded grapefruit.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 13, 1974 to become effective June 14, 1974.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.74–14117 Filed 6–19–74;8:45 am]

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1974 Crop Flue-Cured Tobacco Farm-Stored Loan Supplement

This subpart constitutes the annual crop year supplement to the Subpart—1972 and subsequent crops flue-cured tobacco farm-stored loan program (7 CFR § 1421.400 et seq.).

On page 5777 of the FEDERAL REGISTER of February 15, 1974, there was published a notice of proposed rulemaking relating to the 1974 tobacco loan program. Interested persons were given until March 15, 1974, to submit written comments, suggestions, or objections regarding the proposed program. No written comments, suggestions, or objections were received regarding the loan program.

The General Regulations Governing Price Support for the 1970 and Subsequent Crops published at 35 FR 7363 and 7781 and any amendments thereto, and the Subpart—1972 and Subsequent Crops Flue-Cured Tobacco Farm-Stored Loan Program Regulations, published at 37 FR 16930 and any amendments to such regulations are further supplemented for the 1974-crop Flue-cured tobacco.

Sec.
1421.420 Availability.
1421.421 Farm storage interim loan rate.
1421.422 Rate of interest.
1421.423 Liquidation of loans.
1421.424 Delivery charge.
1421.425 Maturity of loans.

AUTHORITY: Sec. 4, 62 Stat. 1070, as amended; sec. 5, 62 Stat. 1072, secs. 101, 106, 401, 403, 63 Stat. 1051, as amended; 1054, 74 Stat. 6; 7 U.S.C. 1441, 1445, 1421, 1423, 15 U.S.C. 714b, 714c.

§ 1421.420 Availability.

A produced desiring a farm storage loan on his eligible Flue-cured tobacco stored in Alabama, Florida, Georgia, North Carolina, South Carolina, and Virginia must request a loan at the county ASCS office not later than November 1, 1974.

§ 1421.421 Farm storage interim loan rate.

The loan will be made at a rate of 62 cents per pound for regular varieties or 31 cents per pound for discount varieties on the quantity of eligible tobacco tendered as security for a loan under this subpart if such tobacco is equal to or better than the average grade composition of a normal crop. If the producer certifies the grade composition to be below such average quality, the rate of loan shall be 15 cents less than the average loan rate for which he estimates such tobacco would qualify.

§ 1421.422 Rate of interest.

Loans shall bear interest at the rate announced in a separate notice published in the FEDERAL REGISTER.

§ 1421.423 Liquidation of loans.

(a) Section 1421.19 of the general regulations shall not apply to this program. Loans shall be liquidated by repayment of the amount loaned, plus interest, on or before maturity to the county office which approved the loan, either directly by the producer or by the buyer or the Marketing Recorder upon sale of tobacco securing the loan; or by delivery, as directed by CCC, during a period of approximately 1 week beginning immediately after the close of the 1974 auction marketing season to a cooperative association designated by CCC, of a quantity of Flue-cured tobacco eligible for price support having a settlement value equal to the outstanding principal balance of the loan.

(b) Notwithstanding the provisions of § 1421.23 of the general regulations, no deduction for storage charges will be made if the tobacco is delivered during this period. The association will advise producers of the time and place at which the tobacco is to be delivered in liquidation of farm storage loans and will determine the settlement value of the tobacco delivered on the basis of the grade and quality thereof as determin eehbydt and quality thereof as determined by the inspection service of the Agricultural Marketing Service, USDA.

§ 1421.424 Delivery charge.

Notwithstanding the provisions of § 1421.11 of the general regulations, there shall be no delivery charge on the tobacco delivered to the association.

§ 1421.425 Maturity of loans.

Unless demand is made earlier, farm storage loans on Flue-cured tobacco will mature on December 1, 1974.

Effective date: June 20, 1974.

Signed at Washington, D.C. on June 14, 1974.

GLENN A. WEIR,
Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc.74–14201 Filed 6–19–74;8:45 am]

Title 10—Energy

CHAPTER I—ATOMIC ENERGY COMMISSION

PART 32—SPECIFIC LICENSES TO MANUFACTURE, DISTRIBUTE, OR IMPORT EXEMPTED AND GENERALLY LICENSED ITEMS CONTAINING BYPRODUCT MATERIAL

Revisions of Quality Assurance Practices

The Atomic Energy Commission has revised acceptance sampling procedures for persons specifically licensed under 10 CFR Part 32 to manufacture, distribute, or import exempted and generally licensed items containing byproduct material. As revised, the acceptance sampling procedures in § 32.110 are based on the concept of Lot Tolerance Percent Defective (LTPD) which is defined in new § 32.2(b) as, expressed in percent defective, the poorest quality in an individual inspection lot that should be accepted.

Conforming amendments of §§ 32.15, 32.55, and 32.62 provide assurance that persons licensed under §§ 32.14, 32.53, or 32.61 will for LTPD of 5.0 percent accept or reject inspection lots of products in accordance with the directions of § 32.110. In addition, the amendments provide that the Commission will approve alternative procedures if the applicant for a license demonstrates that the alternative procedures provide the equivalent of LTPD 5.0 percent.

The effect of the amendments is to provide uniform protection against the acceptance of poor quality lots. For example, a 50-item inspection lot containing 5.0 percent defectives would have the same chance, one chance in ten, of being accepted as a 100,000-item inspection lot containing 5.0 percent defectives.

The sampling table for LTPD 5.0 percent is consistent with Sampling Table A, lot size 1301 to 3200, previously set out in § 32.110. With regard to protection as a function of lot size, a mathematical analysis has demonstrated that Sampling Table A previously set out in § 32.110, even though based on an Acceptable Quality Level of 1 percent defective, had one chance in ten of accepting 4 percent defectives in a lot size of 22,000 and one chance in ten of accepting 14 percent defectives in a lot size of 110.

In anticipation of additional products being subjected to acceptance sampling procedures in 10 CFR Part 32, eight single sampling tables covering the range of 0.5 percent to 10.0 percent LTPD are set out in § 32.110(b), any one of which may be referenced depending on the percent defectives that can be tolerated in inspection lots of the product under consideration.

Inasmuch as the amendments set forth below are of a minor nature, good cause exists for omitting notice of proposed rule making, and public procedure thereon, as unnecessary.

Pursuant to the Atomic Energy Act of 1954, as amended, and sections 552 and 553 of title 5 of the United States Code, the following amendments to Title 10, Chapter I, Code of Federal Regulations, Part 32 are published as a document subject to codification.

1. In § 32.2 of 10 CFR Part 32, a new paragraph (b) is added to read as follows:

§ 32.2 Definitions.

• • • • • •

(b) Lot Tolerance Percent Defective means, expressed in percent defective, the poorest quality in an individual inspection lot that should be accepted.

2. In § 32.15 of 10 CFR Part 32, the section heading is amended, the prefatory language is designated as paragraph (a), paragraphs (a), (b), and (c) are redesignated as paragarphs (a)(1), (a)(2), and (a)(3), and new paragraphs (b) and (c) are added to read as follows:

§ 32.15 Same: quality assurance, prohibition of transfer, and labeling.

(a) Each person licensed under § 32.14 shall:

(1) Maintain quality assurance practices in the manufacture of the part or product, or the installation of the part into the product;

(2) Subject inspection lots to such testing as may be required as a condition of the license issued under § 32.14 taking a random sample of the size required by the tables in § 32.110, and for Lot Tolerance Percent Defective of 5.0 percent, accept or reject inspection lots in accordance with the directions of § 32.110; and

(3) Visually inspect each unit, except electron tubes containing byproduct material, in inspection lots. Any unit which has an observable physical defect that could affect containment of the byproduct material shall be considered as a defective unit.

(b) An application for a license or for amendment of a license may include a description of procedures proposed as alternatives to those prescribed by § 32.15(a)(2), and proposed criteria for acceptance under those procedures. The Commission will approve the proposed alternative procedures if the applicant demonstrates that the operating characteristic curve or confidence interval estimate for the alternative procedures provides a Lot Tolerance Percent Defective of 5.0 percent at the consumer's risk of 0.10.

(c) No person licensed under § 32.14 shall transfer to other persons for use under § 30.15 of this chapter or equivalent regulations of an Agreement State:

(1) Any part or product which has been tested and found defective under the criteria and procedures specified in the license issued under § 32.14, unless the defective units have been repaired or reworked and have then met such criteria as may be required as a condition of the license issued under § 32.14; or

(2) Any inspection lot which has been rejected as a result of the procedures in § 32.110 or alternative procedures in paragraph (b) of this section, unless the defective units have been sorted and removed or have been repaired or reworked and have then met such criteria as may be required as a condition of the license issued under § 32.14.

• • • • •

3. In § 32.55 of 10 CFR Part 32, the section heading and paragraphs (b), (c), and (d) are amended to read as follows:

§ 32.55 Same: quality assurance; prohibition of transfer.

• • • • • •

(b) Each person licensed under § 32.53 shall take a random sample of the size required by the table in § 32.110 for Lot Tolerance Percent Defective of 5.0 percent from each inspection lot, and shall subject each unit in the sample to the following tests:

(1) Each device shall be immersed in 30 inches of water for 24 hours and shall show no visible evidence of water entry. Absolute pressure of the air above the water shall then be reduced to 1 inch of mercury. Lowered pressure shall be maintained for 1 minute or until air bubbles cease to be given off by the water, whichever is the longer. Pressure shall then be increased to normal atmospheric pressure. Any device which leaks as evidenced by bubbles emanating from within the device, or water entering the device, shall be considered as a defective unit.

(2) The immersion test water from the preceding test in paragraph (b)(1) of this section shall be measured for tritium or promethium 147 content by an apparatus that has been calibrated to measure tritium or promethium 147, as appropriate. If more than 0.1 percent of the original amount of tritium or promethium 147 in any device is found to have leaked into the immersion test water, the leaking device shall be considered as a defective unit.

(3) The levels of radiation from each device containing promethium 147 shall be measured. Any device which has a radiation level in excess of 0.5 millirad per hour at 10 centimeters from any surface when measured through 50 milligrams per square centimeter of absorber, shall be considered as a defective unit.

(c) An application for a license or for amendment of a license may include a description of procedures proposed as alternatives to those prescribed by paragraph (b) of this section, and proposed criteria for acceptance under those procedures. The Commission will approve the proposed alternative procedures if the applicant demonstrates that:

(1) They will consider defective any sampled device which has a leakage rate exceeding 0.1 percent of the original quantity of tritium of promethium 147 in any 24-hour period; and

(2) The operating characteristic curve or confidence interval estimate for the alternative procedures provides a Lot Tolerance Percent Defective of 5.0 percent at the consumer's risk of 0.10.

(d) No person licensed under § 32.53 shall transfer to persons generally licensed under § 31.7 of this chapter:

(1) Any luminous safety device which has been tested and found defective

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under the criteria and procedures specified in this section, unless the defective units have been repaired or reworked and have then met the tests set out in paragraph (b) of this section; or

(2) Any inspection lot which has been rejected as a result of the procedures in § 32.110 or alternative procedures in paragraph (c) of this section, unless the defective units have been sorted and removed or have been repaired or reworked and have then met the tests set out in paragraph (b) of this section.

4. In § 32.62 of 10 CFR Part 32, the section heading, and paragraphs (c), (d), and (e) are amended to read as follows:

§ 32.62 Same: quality assurance; prohibition of transfer.

Ice detection devices containing strontium 90 which are manufactured or imported under a license pursuant to § 32.61 shall be subjected to the following procedures:

* * * * *

(c) Each person licensed under § 32.61 take a random sample of the size required by the table in § 32.110 for Lot Tolerance Percent Defective of 5.0 percent from each inspection lot, and shall subject each unit in the sample to the following tests:

(1) Each device shall be immersed in 30 inches of water for 24 hours and shall show no visible evidence of physical contact between the water and the strontium 90. Absolute pressure of the air above the water shall then be reduced to 1 inch of mercury. Lowered pressure shall be maintained for 1 minute or until air bubbles cease to be given off by the water, whichever is the longer. Pressure shall then be increased to normal atmospheric pressure. Any device which leaks, as evidenced by physical contact between the water and the strontium 90, shall be considered as a defective unit.

(2) The immersion test water from the preceding test in paragraph (c)(1) of this section shall be measured for radioactive material. If the amount of radioactive material in the immersion test water is greater than 0.1 percent of the original amount of strontium 90 in any device, the device shall be considered as a defective unit.

(d) An application for a license or for amendment of a license may include a description of procedures proposed as alternatives to those prescribed by paragraph (c) of this section, and proposed criteria for acceptance under those procedures. The Commission will approve the proposed alternative procedures if the applicant demonstrates that:

(1) They will consider defective any sampled device which has a leakage rate exceeding 0.1 percent of the original quantity of strontium 90 in any 24-hour period; and

(2) The operating characteristic curve or confidence interval estimate for the alternative procedures provides a Lot Tolerance Percent Defective of 5.0 percent at the consumer's risk of 0.10.

(e) No person licensed under § 32.61 shall transfer to persons generally licensed under § 31.10 of this chapter:

(1) Any device which has been tested and found defective under the criteria and procedures specified in this § 32.62 unless the defective units have been repaired or reworked and then met the tests set out in paragraph (c) of this section; or

(2) Any inspection lot which has been rejected as a result of the procedures in § 32.110 or alternative procedures in paragraph (d) of this section, unless the defective units have been sorted and removed or have been repaired or reworked and have been sorted and removed or have been repaired or reworked and have then met the tests set out in paragraph (c) of this section.

5. In § 32.110 of 10 CFR Part 32, the section heading and paragraph (a) are amended, paragraphs (b), (c), and (d) are deleted, and a new paragraph (b) is added to read as follows:

§ 32.110 Acceptance sampling procedures under certain specific licenses.

(a) A random sample shall be taken from each inspection lot of devices licensed under §§ 32.14, 32.53, or 32.61 for which testing is required pursuant to §§ 32.15, 32.55, or 32.62 in accordance with the appropriate Sampling Table in this section determined by the designated Lot Tolerance Percent Defective. If the number of defectives in the sample does not exceed the acceptance number in the appropriate Sampling Table in this section, the lot shall be accepted. If the number of defectives in the sample exceeds the acceptance number in the appropriate Sampling Table in this section, the entire inspection lot shall be rejected.

(b) Single sampling tables for Lot Tolerance Percent Defective:

(1) Lot Tolerance Percent Defective 0.5 percent:

Lot size	Sample size	Acceptance No.
1 to 180	All	0
181 to 240	180	0
241 to 250	210	0
251 to 300	240	0
301 to 400	275	0
401 to 500	300	0
501 to 600	320	0
601 to 700	350	0
701 to 1,000	365	0
1,001 to 2,000	410	0
2,001 to 3,000	430	0
3,001 to 4,000	440	0
4,001 to 5,000	445	0
5,001 to 7,000	450	0
7,001 to 10,000	455	0
10,001 to 20,000	460	0
20,001 to 50,000	775	1
50,001 to 100,000	780	1

(2) Lot Tolerance Percent Defective 1.0 percent:

Lot size	Sample size	Acceptance No.
1 to 120	All	0
121 to 150	120	0
151 to 200	140	0
201 to 300	165	0
301 to 400	175	0
401 to 500	180	0
501 to 600	190	0
601 to 800	200	0
801 to 1000	205	0
1001 to 3000	220	0
3001 to 5000	225	0
5001 to 10,000	230	0
10,001 to 100,000	390	1

(3) Lot Tolerance Percent Defective 2.0 percent:

Lot size	Sample size	Acceptance No.
1 to 75	All	0
76 to 100	70	0
101 to 200	85	0
201 to 300	95	0
301 to 400	100	0
401 to 600	105	0
601 to 800	110	0
801 to 4000	115	0
4001 to 10,000	195	1
10,001 to 100,000	280	1

(4) Lot Tolerance Percent Defective 3.0 percent:

Lot size	Sample size	Acceptance No.
1 to 40	All	0
41 to 50	40	0
51 to 100	55	0
101 to 200	65	0
201 to 500	70	0
501 to 3000	75	0
3001 to 100,000	130	1

(5) Lot Tolerance Percent Defective 4.0 percent:

Lot size	Sample size	Acceptance No.
1 to 25	All	0
26 to 30	24	0
31 to 100	44	0
101 to 200	50	0
201 to 2000	55	0
2001 to 100,000	95	1

(6) Lot Tolerance Percent Defective 5.0 percent:

Lot size	Sample size	Acceptance No.
1 to 30	All	0
31 to 50	29	0
51 to 100	37	0
101 to 200	40	0
201 to 300	43	0
301 to 400	44	0
401 to 2000	45	0
2001 to 100,000	75	1

(7) Lot Tolerance Percent Defective 7.0 percent:

Lot size	Sample size	Acceptance No.
1 to 25	All	0
26 to 50	24	0
51 to 100	28	0
101 to 200	29	0
201 to 300	31	0
301 to 800	32	0
801 to 1,000	33	0
1,001 to 100,000	85	1

(8) Lot Tolerance Percent Defective 10.0 percent:

Lot size	Sample size	Acceptance No.
1 to 20	All	0
21 to 50	17	0
51 to 100	20	0
101 to 200	22	0
201 to 800	23	0
801 to 100,000	30	1

Effective date: These amendments become effective on July 22, 1974.

(Secs. 81, 161, Pub. L. 83-703, 68 Stat. 935, 948 (42 U.S.C. 2111, 2201))

Dated at Bethesda, Md. this 13th day of June 1974.

For the Atomic Energy Commission.

L. MANNING MUNTZING,
Director of Regulation.

[FR Doc.74-14000 Filed 6-19-74;8:45 am]

PART 71—PACKAGING OF RADIOACTIVE MATERIAL FOR TRANSPORT AND TRANSPORTATION OF RADIOACTIVE MATERIAL UNDER CERTAIN CONDITIONS

Broadening of General License Conditions

In the revised Memorandum of Understanding between the Atomic Energy Commission and the Department of Transportation dated March 22, 1973, the Commission agreed to evaluate package designs for fissile material and Type B and large quantities of radioactive material, and if found satisfactory, to issue approvals directly to the persons requesting the evaluation. The Department of Transportation in its regulations has authorized the use of such AEC-approved packages by any person, without the need for a DOT Special Permit, provided the packages meet certain specified requirements.

The purpose of the amendments which follow is to authorize persons holding a general or specific AEC license to use, under a general license, package designs for which a certificate of compliance or other approval has been issued by the Commission's Directorate of Licensing. A certificate of compliance would be the form by which a package approval would be issued to persons, such as Agreement State licensees, for whom AEC does not issue licenses or license amendments. This change will eliminate duplicate applications for package approvals and issuance of duplicate package approvals to licensees for package designs which are evaluated pursuant to the Memorandum of Understanding between the Atomic Energy Commission and the Department of Transportation without affecting safety in the use of the package.

The general license does not authorize the receipt, possession, or use of byproduct, source or special nuclear material; such authorization must be obtained pursuant to the appropriate regulations (10 CFR Parts 30 to 36, 40 or 70). The general license also does not authorize the transportation of licensed material. Transportation by private, common, or contract carriers is subject to the requirements of the Department of Transportation (49 CFR Parts 170 to 179 and 397; 14 CFR Part 103; 46 CFR Part 146) either directly or through requirements in AEC or state regulations.

Since the amendments set forth below relate solely to minor procedural matters, good cause exists for omitting notice of proposed rule making, and public procedure thereon, as unnecessary. Since the amendments grant relief from restrictions under regulations currently in effect, they will become effective without the customary 30 day notice.

Pursuant to the Atomic Energy Act of 1954, as amended, and sections 552 and 553 of Title 5 of the United States Code, the following amendments to Title 10, Chapter 1, Code of Federal Regulations, Part 71, are published as a document subject to codification.

1. The section heading and paragraph (b) of § 71.12 are amended to read as follows:

§ 71.12 General license for shipment in DOT specification containers, in packages approved for use by another person, and in packages approved by a foreign national competent authority.

A general license is hereby issued to persons holding a general or specific license issued pursuant to this chapter, to deliver licensed material to a carrier for transport:

* * * * *

(b) In a package for which a license, certificate of compliance or other approval has been issued by the Commission's Directorate of Licensing, provided that:

(i) Has a copy of the specific license, certificate of compliance, or other approval authorizing use of the package and all documents referred to in the license, certificate, or other approval, as applicable;

(ii) Complies with the terms and conditions of the license, certificate, or other approval, as applicable, and the applicable requirements of this part; and

(iii) Prior to first use of the package submits in writing to the Directorate of Licensing, his name and license number, the name and license or certificate number of the person to whom the package approval has been issued, and the package identification number specified in the package approval.

(2) The package approval authorizes use of the package under general license provided in this paragraph.

* * * * *

2. Section 71.25 is amended to read as follows:

§ 71.25 Additional information.

The Commission may at any time require further information in order to enable it to determine whether a license, certificate of compliance, or other approval should be granted, denied, modified, suspended, or revoked.

Effective date. This amendment becomes effective on June 20, 1974.

(Secs. 53, 63, 81, 161; Pub. L. 83-703, 68-489; 68 Stat. 930, 933, 935, 948 as amended (42 U.S.C. 2073, 2093, 2111 and 2201))

Dated at Bethesda, Md. this 4th day of June 1974.

For the Atomic Energy Commission.

L. MANNING MUNTZING,
Director of Regulation.

[FR Doc.74-14159 Filed 6-19-74;8:45 am]

CHAPTER II—FEDERAL ENERGY OFFICE

PART 210—GENERAL ALLOCATION AND PRICE RULES

"Summer Fill" and Other "Dating" Programs

A notice of proposed rulemaking which proposed revisions to the Normal Business Practices regulation found in Subpart D of Part 210 was issued by the Federal Energy Office on May 21, 1974 (39 FR 18471, May 28, 1974). Comments were invited from interested persons by June 7, 1974 and approximately 25 written comments were received by FEO. All comments have been considered by FEO and the amendment adopted today is adopted in light of the suggestions contained in the comments, some of which are reflected in modifications in the text of the amendment from that which was originally proposed.

Section 210.62, entitled "Normal Business Practices" is hereby amended to require suppliers to maintain their "summer fill" and other special dating or seasonal credit programs, if they had such programs in effect in connection with the supply of covered products to purchasers during the allocation base period.

The comments which FEO has received respecting this amendment, indicate that certain credit practices, such as "summer fill" programs or dating terms, were offered by suppliers on a seasonal basis, and that they substantially influenced the supply relationships and volumes of product during the allocation base period, as defined in Part 211 for each product. Although seasonal credit terms were in existence during the allocation base period (1972 for most products), they may not have been offered to purchasers of that product on May 15, 1973. Since current monthly allocations and supply obligations are determined under FEO regulations by reference to base period volumes and since those volumes were influenced by these seasonal credit programs, FEO has determined that the discontinuance of such programs would be likely to have a disruptive effect on the allocation patterns established under the regulations required by the Emergency Petroleum Allocation Act of 1973.

In order to avoid such disruption of distribution patterns and also to promote and maintain adequate and reliable sources of supply for these products, FEO has therefore amended § 210.62 to explicitly state that such seasonal credit programs will be treated by FEO as "normal business practices" which must be maintained by a supplier if they were in effect during the appropriate base period, as defined in Part 211 with regard to a particular product.

Section 210.62 has also been amended to make explicit that credit terms other than those associated with seasonal credit programs are to be treated under FEO regulations as a function of price. Prices are determined under Part 212 by reference to the May 15, 1973 price for a particular covered product to a class of purchaser. This revision simply recognizes that credit terms constitute an essential aspect of price, and that, except for seasonal credit programs, credit terms

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are most appropriately determined by reference to the May 15, 1973 price (See, e.g., FEO Ruling 1974–10, 39 FR 1540, May 1, 1974).

SUMMER FILL

Many suppliers of No. 2 heating oil offered a so-called "summer fill" credit option to their wholesale purchasers during calendar year 1972, which is the base period for allocation of middle distillates under Part 211. The "summer fill" programs offered by suppliers varied in detail, but contained one or more of the following general features:

(1) *Deferred Payment.* Payment for deliveries accepted during a "summer fill" period (e.g., May 1 through September 30), was not due until a date subsequent to this period (e.g., October 10th);

(2) *Discount Option.* A percentage discount (e.g., 1 percent) on the purchase price was provided if payment was made prior to the date it was due, for "summer fill" purchases;

(3) *Price Protection.* Any price reduction implemented by a supplier during the entire "summer fill" period was applicable to all deliveries made prior to the price reduction and within the "summer fill" period.

Considerable comment was received by FEO on the relationship between any price protection provisions and the FEO price regulations. Certain summer fill programs have, in the past, provided purchasers with an assurance that there would be no price increase during the period of the program. FEO has concluded, however, that this aspect of price protection is impracticable in view of the significantly changed price conditions now, as opposed to when such guarantees were given. Moreover, such a guarantee is not essential to fulfilling the objectives of summer fill programs, since even if prices go up during the course of a summer fill program, a purchaser that pays the prices at which it was invoiced each month would, at the end of the program, have a lower average unit cost of product in inventory than if all of the product had been purchased at the higher prices prevailing at the end of the period. Thus, the possibility that prices will go up during a summer fill program would not discourage use of such a program. Also, any assurance that prices crease significantly, result in a substantial amount of unrecouped increased product costs for refiners, which would tend to have a disruptive effect on the overall prices of products sold under summer fill programs.

Accordingly, FEO will not require the maintenance of price protection against price increases under any summer fill program, even if such protection were a part of a summer-fill program in effect in the base period. Thus, in a situation that involves stable or increasing prices during the course of a summer fill program, purchasers will be required to pay the price for the product which is in effect during the month when it is delivered.

Most summer fill programs have, in the past, included "price protection" against reductions in price during the period of the program. The FEO has concluded that such price protection, where previously offered, must be maintained as essential to insuring that the objectives of summer fill programs are achieved and because no disruption of prices is involved. Unless protection against price reductions is provided, a purchaser would be discouraged from taking part in a summer fill program because if prices decrease during the period of the program, the purchaser would have a higher average unit cost of product in inventory at the end of the program than the current cost for the product, and would therefore be at a disadvantage in seeking to sell the product at competitive prices. Further, the maintenance of protection against price decreases does not pose any undue problems under the FEO price regulations. Thus, to the extent such price protection was available under base period summer fill programs, it must be provided currently, even if it was not actually implemented in the base period because price reductions did not occur. The fact that price protection against reductions in price was provided is the significant fact, since, as noted above, it serves as an incentive to utilize summer fill terms.

As some questions were raised as to the proper application of FEO price regulations under price protection provisions of summer fill programs, it is appropriate here to indicate how those regulations should be applied.

In the case of a refiner which makes deliveries of product under a summer fill program, invoices for such product should be provided to indicate the refiner's lawful price for that product to the purchaser for that month, and the refiner should compute its recoupment of increased product costs for that month based on the invoice price. If, in the subsequent month, a refiner's lawful price for that product to that purchaser is less than in the preceding month, the refiner should adjust the preceding month's price to that of the current month and, at the same time, add to its unrecouped increased product costs, available for application to its May 15, 1973 selling price in computing its current month's base price, an amount equal to the volume of the product sold in the preceding month multiplied by the difference in lawful price between the current month and the preceding month. The same procedure should be followed by the refiner each month. In any month where the lawful price is less than the lawful price in a preceding month (or the lawful price as previously adjusted to take into account a price reduction, as described above) a further adjustment to reduce the prices for the preceding month or months to the current month's prices, and to adjust for unrecouped increased product costs must be made.

With respect to a reseller that purchases product under a summer fill program, it must compute its current weighted average unit cost on the basis of the invoices it receives with each delivery of product. If a purchaser receives an invoice in a subsequent month at a lower price than in a preceding month of a summer fill program under which it has protection against price reductions, it must make an adjustment to its inventory costs when it computes weighted average unit cost of the product in inventory for the current month, to take into account the price reduction it received for the prior month.

To do so, the purchaser must deduct from the total cost of its inventory an amount equal to the number of gallons received in the prior month at a higher price multiplied by the difference between the prior month's price and the current month's price. This is to remove from the purchaser's cost of inventory the amounts previously included, but which will not ultimately need to be paid because of protection against price reductions.

FEO price regulations eliminate one aspect of summer fill programs which was formerly a factor—the purchaser's opportunity for taking an additional mark-up on summer-fill supplies as prices rise during the heating season. One refiner stated that this was sufficient incentive for summer purchases, even absent a summer fill program, and one association of jobbers stated that the reseller rules should be modified to permit such additional mark-ups. FEO has concluded that its current price regulations covering pass through of increased product cost by resellers should not be modified, and, accordingly, the opportunity for additional mark-up is not available and does not serve as an incentive to use storage capacity.

In addition to the relationship between allocation volumes and the availability of summer fill terms, FEO noted in its proposal to amend the regulations that summer fill programs appeared to be important to attaining the objectives of the Emergency Petroleum Allocation Act of 1973, in that they insure that existing storage capacity for heating oil is fully utilized and that wholesale purchasers had constructed storage capacity in reliance on the availability of such programs.

The comments received by FEO support the fact that the availability of summer fill programs is important to meeting the objectives of the Act.

The comments confirmed that availability of summer fill programs added to the nation's overall storage capacity, by fully utilizing that capacity, both of jobbers and terminal operators, and of consumers.

The comments further pointed out that the maintenance of summer fill programs was necessary to preserve the historic distribution patterns with respect to branded and nonbranded independent marketers.

Various entities pointed out in their comments that their summer fill programs differed in detail from that outlined in FEO's notice. It should be emphasized that the rule adopted today simply requires suppliers to conform to their normal business practices in the base period concerning such programs, and does not establish a single summer fill program applicable to all suppliers.

Finally, FEO has determined that it would not be appropriate to require purchasers now to make current payments for those volumes that were received under dating programs in 1972. While suppliers may be required now to bear interest costs that are higher than they were in 1972, because of "summer fill" programs, this does not provide justification for shifting that cost to their wholesale purchasers who would be placed in a position either of assuming that cost or of not obtaining supplies to which they are entitled under the allocation program. Moreover, storage facilities constructed in part because of the availability of "summer fill" programs would then be unused. FEO has determined that such a result would not be equitable or consistent with its regulatory structure.

As indicated in the notice of rulemaking, § 210.62, as amended, requires that "summer fill" credit options available to base period purchasers must be offered to those same purchasers during the corresponding time period in 1974. Accordingly, any payments made for deliveries by purchasers entitled to the "summer fill" options and which are not required under such options must now be refunded by suppliers or credited to current accounts of the purchaser.

Where a purchaser that had summer fill terms in the base period is currently being supplied by a supplier other than its base period supplier, such purchaser must be placed in the new supplier's class of purchaser which is afforded the "summer fill" credit option. If the new supplier had no "summer fill" program in the base period, then the former "summer fill" purchaser must be placed in that supplier's class of purchaser which is afforded credit options which most nearly approximate the "summer fill" program previously offered to such purchaser.

If any wholesale purchaser with an entitlement to purchase in May or June, 1974, which was based on supplies received under the terms of a summer fill program in 1972, did not take the full amount of its entitlement because of the unavailability of summer fill terms, the unused portion of the entitlement will be carried forward to the month of July 1974.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93–159, E.O. 11748, 38 FR 33575)

In consideration of the foregoing, Part 210 of Chapter II, Title 10 of the Code of Federal Regulations is amended as set forth below, effective May 1, 1974.

Issued in Washington, D.C., on June 17, 1974.

WILLIAM N. WALKER,
General Counsel,
Federal Energy Office.

Section 210.62(a) is amended to read as follows:

§ 210.62 Normal Business Practices.

(a) Suppliers will deal with purchasers of an allocated product according to normal business practices in effect during the base period specified in Part 211 for that allocated product, and no supplier may modify any normal business practice so as to result in the circumvention of any provision of this chapter. "Summer fill" programs and other "dating" or seasonal credit programs are among the normal business practices which must be maintained by a supplier under this paragraph, if that supplier had such programs in effect during the base period. Credit terms other than those associated with seasonal credit programs are included as a part of the May 15, 1973 price charged to a class of purchaser under Part 212 of this Chapter. Nothing in this paragraph shall be construed to require suppliers to sell to purchasers who do not arrange proper credit or payments for allocated products, as customarily associated with that class of purchaser during the base period (for seasonal credit), or on May 15, 1973 (for other credit terms). However, no supplier may require or impose more stringent credit terms or payment schedules on purchasers than those in effect for that class of purchaser during the base period (for seasonal credit), or on May 15, 1973 (for other credit terms).

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[FR Doc.74–14152 Filed 6–17–74;2:50 pm]

[Ruling 1974–19]

APPENDIX—FEO RULINGS

Competitive Bids; Supplier/Purchaser Relationship

Facts: County A, located in State B, historically solicited competitive bids from fuel suppliers for middle distillate which it uses for heating fuel. State B's laws and County A's ordinances required County A to procure such supplies by soliciting competitive bids. For the year 1972, Firm C was the successful bidder to supply County A's requirement of middle distillate. Firm D was the low bidder for 1973 and 1974. County A purchased in excess of 84,000 gallons of middle distillate in 1972.

County X, also located in State B, has historically solicited competitive bids from fuel suppliers for middle distillate which it uses for heating fuel. County X's ordinances also require County X to procure such supplies by soliciting competitive bids.

For the year 1972, Firm Y was the successful bidder to supply County X's requirements of middle distillate. Firm Z was the low bidder for 1973 and 1974. County X has never purchased more than 75,000 gallons of middle distillate in any calendar year subsequent to 1971.

Issues: (1) Is Firm D or Firm C the middle distillate supplier of County A under the Mandatory Petroleum Allocation Program? (2) Is Firm Y or Firm Z the middle distillate supplier of County X under the Mandatory Petroleum Allocation Program?

Ruling: The mandatory allocation regulations in 10 CFR Part 211, provide no exemption for Federal, State or local governments. Therefore, County A, County X and State B are fully subject to all the provisions of that Part. The competitive bid requirements of the laws and ordinances of State B, County A, and County X are superseded to the extent they are inconsistent with the allocation regulations.

Since County A and County X are ultimate consumers of middle distillate, the supplier/purchaser relationship imposed by the allocation regulations will depend on whether they are end-users or wholesale purchaser-consumers.

County A as a wholesale purchaser-consumer. County A is a wholesale purchaser-consumer since it is an ultimate consumer:

• • • which as part of its normal business practices, purchases or obtains an allocated product from a supplier and receives delivery of that product into a storage tank substantially under • • • (its) control at a fixed location and • • • purchased or obtained more than 84,000 gallons of that allocated product in any calendar year subsequent to 1971. (§ 211.51.)

Since County A is a wholesale purchaser-consumer its supplier/purchaser relationships will be determined by reference to § 211.9(a) which provides that wholesale purchaser-consumers shall be supplied by their base period suppliers. The base period for middle distillate is the month of 1972 which corresponds to the current month (§ 211.122). County A will therefore be supplied by Firm C rather than Firm D since Firm C was County A's 1972 supplier. Section 211.9 (a)(2)(ii) provides that such a supplier/purchaser relationship shall be maintained for the duration of the Mandatory Petroleum Allocation Program unless otherwise provided by FEO's regulations or directed by FEO "• • • and may not be revised or otherwise terminated except that such relationship may be terminated by the mutual consent of both parties."

Consequently, Firm C will be County A's supplier for 1974 and for the duration of the Mandatory Petroleum Allocation Program, unless FEO assigns County A a different supplier pursuant to § 211.12 (e)(1) or (3).

Section 211.12(e)(1) provides that wholesale purchaser-consumers without

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a base period supplier or a new supplier as provided in § 211.10(e)(1) can make mutually acceptable arrangements with suppliers subject to FEO approval. Since County A has a base period supplier (Firm C), it cannot make a mutually acceptable arrangement with a supplier pursuant to § 211.12(e)(1).

Section 211.12(e)(3) provides in part that FEO may assign a supplier to a wholesale purchaser-consumer whose base period supplier is unable to supply it with sufficient amounts of an allocated product. This provision may not be used in circumstances where the base period supplier is able to supply sufficient quantities of product even if the supplier charges higher lawful prices than a wholesale purchaser-consumer would like to pay or higher prices than another supplier might charge.

In those circumstances where FEO considers an assignment pursuant to § 211.12(e)(1) or (3) FEO will take into account such factors as the supplier's allocation fraction, the allocation fraction of other suppliers which could supply the wholesale purchaser-consumer, and whether an assignment will affect the competitive position of any independent marketer, or small or independent refiner or would be otherwise inconsistent with the objectives of the Emergency Petroleum Allocation Act of 1973. The fact that a wholesale purchaser-consumer is a governmental entity required by State and local law to procure supplies at the lowest price will not be a controlling factor in assigning a new supplier to a wholesale purchaser-consumer without a base period supplier. The regulations are intended to be applied equitably such that the burden of fuel shortages will be borne without regard to whether a governmental agency or a private citizen is involved.

County A, of course, is free to procure supplies from any supplier which certifies that it has excess product to distribute and that it has complied with the provisions of § 211.10(g) of FEO's regulations. Thus, County A on a month-to-month basis could attempt to secure its supplies from such suppliers. However, FEO cautions that County A will not know from month-to-month which suppliers will be able to make such a certification. Further, County A will not be able to anticipate whether such suppliers' prices will be higher than or lower than Firm C's.

County X as an end-user. Unlike County A, County X is an end-user rather than a wholesale purchaser-consumer since it has not purchased or obtained more than 84,000 gallons of middle distillate in any calendar year since 1971.

An end-user is "* * * any firm which is an ultimate consumer of an allocated product other than a wholesale purchaser-consumer." (§ 211.51.)

Since County X is an end-user, its supplier/purchaser relationships are specified by § 211.9(b) which provides as follows:

> Each supplier of an allocated product shall, to the maximum extent practicable, supply all end-users which purchased that allocated product from that supplier as of January 15, 1974, and which are entitled to an allocation level under the provisions of Subparts D through K of this part.

As an end-user, County X may apply as a new end-user to a supplier other than its supplier on January 15, 1974. Section 211.12(f) provides:

> (1) Suppliers to the maximum extent possible shall accept new end-users where such purchaser, under normal business practices, could logically have been served by the supplier in accordance with its base period business practices. Suppliers shall allocate to new end-users in a manner consistent with the allocation methods set forth in this chapter.
>
> (2) If the supplier and new end-user cannot agree on an allocation requirement for the end-user or if the end-user cannot locate a supplier, the end-user may apply to the appropriate State office in accordance with the procedure specified in Subpart I of Part 205 of this chapter. In this event, the new end-user shall certify to the State office documented evidence justifying the proposed allocation requirement as normal and reasonable for the intended use.

County X may therefore solicit bids from suppliers of middle distillate such as Firm Z, and Firm Z could under FEO's regulations supply County X.

WILLIAM N. WALKER,
General Counsel,
Federal Energy Office.

JUNE 14, 1974.

[FR Doc.74-14150 Filed 6-17-74;2:49 pm]

[Ruling 1974-20]

APPENDIX—FEO RULINGS

Additional Use of a Property Used in the Retailing of Gasoline

Facts. Firm A, a refiner, owns property that on May 15, 1973 was leased to a retailer and utilized exclusively for the retail marketing of gasoline. The lease has expired and Firm A wants to lease the site for use in the retailing of gasoline, and to add a retail convenience store on the site that was covered by the prior lease. The proposed additional use of the site will involve substantial additional costs to Firm A for the construction of an additional building within the boundaries described in the prior lease.

Issue. What rental limitations are applicable to a new lease of the property, after the convenience store has been added?

Ruling. A new lease agreement is subject to Subpart G (Lessors) of Part 212, which, pursuant to § 212.101, applies to "each leased real property used in the retailing of gasoline where both the lessor and lessee are refiners, resellers, resellers-retailers, or retailers * * *", and which provides in § 212.103 that the rent for such a property may not be increased to an amount in excess of the base rent. Base rent is defined in § 212.102 as "the rent charged for that station pursuant to the contractual terms prevailing on May 15, 1973."

However, in the case of Firm A, where a property is substantially altered to provide for a substantial additional and different use, the resulting property may be properly treated under the "new item" rule of § 212.111(a), since a parcel of real property which has been extensively altered so as to add a convenience store outlet in the manner described for Firm A is not "in the same or substantially similar form," even though gasoline continues to be sold on the property, and since the renovated property is "substantially different in purpose (and) function."

Firm A, therefore, may determine the base rent under the provisions of the "new item" rule which are specifically applicable to "new real property." Section 212.111(b)(2) provides that "a firm offering a lease in a new real property used in the retailing of gasoline shall determine the base rent for that real property as the average rent charged on May 15, 1973, for the most nearly similar real property used in the retailing of gasoline leased to the same market by other firms leasing real property used in the retailing of gasoline in the same geographic area."

WILLIAM N. WALKER,
General Counsel,
Federal Energy Office.

JUNE 14, 1974.

[FR Doc.74-14151 Filed 6-17-74; 2:50 pm]

Title 12—Banks and Banking

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 74-541]

PART 545—OPERATIONS

Issuance of Negotiable Certificates of Deposit by Federal Savings and Loan Associations

JUNE 12, 1974.

The Federal Home Loan Bank Board, by Resolution No. 74-59, dated January 30, 1974, proposed to amend various sections of Parts 545 and 549 of the rules and regulations for the Federal Savings and Loan System (12 CFR Parts 545, 549) for the purpose of authorizing deposit-type Federal associations to issue certain negotiable certificates of deposit. By a companion Resolution No. 74-60, dated January 30, 1974, the Board proposed collateral amendments to the Rules and Regulations for Insurance of Accounts (12 CFR Chapter V, Subchapter D) relating to State-chartered institutions whose accounts are insured by the Federal Savings and Loan Insurance Corporation. Said Resolution No. 74-59 and said Resolution No. 74-60, respectively, were published as FR Docs. 74-7335 and 74-7336, respectively, beginning on page 11562 in the Friday, March 29, 1974, issue of the FEDERAL REGISTER (39 FR 11562 et seq.), with an invitation for interested persons to submit written comments by April 30 ,1974.

On the basis of its consideration of all relevant material presented by interested persons and otherwise available, the Federal Home Loan Bank Board hereby amends Part 545 by adding a new § 545.1-5, immediately after § 545.1-4 thereof, to read as set forth below, effective June 20, 1974; and said Board hereby determines that no amendment to Part 549 is needed at his time relating to negotiable certificates of deposit.

Since the new regulation § 545.1-5 as set forth below relieves restriction, and since the Board finds that due to current market conditions the public interest requires that Federal associations be permitted to issue negotiable certificates of deposit as soon as possible, publication of said regulation for the 30-day period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date of said regulation is unnecessary and the Board hereby provides that said regulation shall become effective as hereinbefore set forth.

The proposed amendments and the final regulation set forth below provide in part that a certificate issued pursuant to new § 545.1-5: (1) shall be in a minimum principal amount of $100,000, shall have a term of not less than 30 days and not more than 10 years, and shall provide that no interest or return shall be earned thereon after the end of the certificate's fixed-term; (2) shall not be withdrawable or redeemable before the end of its fixed-term, shall not provide in its terms or otherwise for any renewal or extension at the end of its fixed-term, and shall not permit its holder to add principal payments after its issuance; and (3) may be in registered form or with principal payable to bearer or order, and may provide for payment of interest in whole or in part by coupon.

The final regulations set forth below and set forth in the companion amendments to the Rules and Regulations for Insurance Accounts, relating to State-chartered insured institutions, differ with the proposed amendments in the following principal respects:

1. The proposed amendments characterized the new certificates as "negotiable". The final regulations use the more neutral word "marketable" in the headings of new §§ 545.1-5 and 563.3-3 and otherwise refer to such certificates by authorizing section. These changes are advisable to qualify certificates which meet all the requirements of these sections and are "marketable", but which in some cases will not necessarily be "negotiable instruments". However, it is expected that in most instances the certificates issued under these sections will be "negotiable intruments".

2. The proposed amendments would not have authorized the issuance of certificates at a discount from their principal amounts (i.e. face amounts). The final regulations permit such discounts and provide in substance that the principal amount of the certificate determines whether it meets the $100,000 requirement. For example, the $100,000 requirement is met by a certificate having the principal amount of $100,000 which is issued on a discount basis for a cash payment of $98,000. If a certificate is issued at a discount, likewise, the full principal amount must be included in determining compliance with the provisions of § 526.5-1(b) (12 CFR 526.5-1(b); percentage limitation on certificate accounts of $100,000 or more) and § 563.25 (12 CFR 563.25; percentage limitation on brokered savings accounts).

3. The proposed amendments would have permitted an issuer to use a form of certificate as soon as such issuer submits to the Federal Savings and Loan Insurance Corporation a copy of such form and an opinion of its counsel. The final regulations require the issuer to wait the shorter period of either 30 days after the form and counsel opinion have been submitted to such Corporation or until the issuer receives written advice that such Corporation has no objection to the use of such form.

4. The proposed § 545.1-5(f) as to Federal associations would permit the association to determine whether the holders of the certificates are members and have voting rights. The final regulation § 545.1-5(h) as to Federal associations provides that holders of the certificates will be members and have voting rights only if such certificates so state and such certificates are registered as to principal. The proposed § 563.3-3 and final regulation § 563.3-3 as to State-chartered institutions porvide in substance that membership and voting rights are matters to be governed by applicable State laws. If a holder of a certificate in either a Federal association or a State-chartered insured institution has membership and/or voting rights, the certificate must contain a statement to such effect.

5. The proposed amendments would have amended the following sections and added a new § 564.13: §§ 545.2, 545.4-1, 549.5-2, 563.3-1, 563.4, 563.7-2 and 563.17-1. The principal purpose of these proposed changes was to conform these sections to the provisions of the proposed new §§ 545.1-5 and 563.3-3. The final regulations have been written in a way that eliminates the need for changing the above-mentioned sections.

6. The proposed amendments to Part 564 (12 CFR Part 564) would have added a new section H to the Appendix following said Part 564 for the purpose of giving an example relating to a negotiable certificate. After further consideration, such an example seems superfluous since insurability, and the amount of insurance on a particular account, is not dependent on negotiability or non-negotiability. Therefore, the final regulations eliminate such new section H and the illustration therein.

Accordingly, Part 545 is amended by adding a new § 545.1-5, as follows:

§ 545.1-5 Marketable certificates of deposit.

(a) *General.* A Federal association which is a deposit association within the meaning of that term as used in § 545.1-2 may, notwithstanding and without regard to any provision of this part other than this section, accept savings deposits for fixed terms and bearing fixed returns which are evidenced by certificates of deposit in conformity with this section. A Federal association may make provision for issuance of duplicate certificates for such savings deposits and for bond, security, and/or other protection in connection with such issuance. Savings deposits authorized by this section shall be deemed to be included in the term "such savings deposits" wherever used in the first sentence of paragraph (b)(3) of § 545.1-2. Provisions of the association's charter other than the provision set forth in paragraph (a) of § 545.1-3 shall not be applicable to or with respect to such savings deposits or such certificates.

(b) *Return.* The return shall be fixed at the time of the issuance of the certificate and shall be in the form of interest or discount or both. Such return shall not be in excess of any applicable maximum limitation in Part 526 of this chapter.

(c) *Terms.* (1) A certificate authorized by this section shall have a single fixed maturity, with a fixed term which shall be not less than 30 days and not more than 10 years. In the calculation of such minimum or maximum term, such term shall be deemed to begin with the date on which the certificate is actually issued, which date shall be excluded, and to expire on the date on which the certificate becomes payable, which date shall be included. No savings deposit shall be accepted pursuant to this section and no certificate shall be issued pursuant to this section if such acceptance or such issuance is accompanied by any contract or agreement for extension or renewal of such deposit or such certificate. Wherever used in this section, except in the second sentence of this paragraph, the term "issue" and variations thereof shall be deemed to include reissue unless the context otherwise requires.

(2) Certificates may be, but need not be, in one or more series. Interest may be, but need not be, evidenced in whole or in part by coupons.

(d) *Limitations.* In exercising authority under this section, a Federal association shall not issue any certificate:

(1) with a face amount (inclusive of discount, whether or not arrived at in whole or part by add-on calculation) of less than $100,000;

(2) which by its terms or otherwise is subject to redemption, repurchase, or acceleration by the association;

(3) as to which there is, by its terms or otherwise, any right or privilege to increase its amount by payment on or transfer to such certificate, or a savings deposit evidenced thereby, prior to the expiration of the fixed term, or which by its terms or otherwise is subject to withdrawal or transfer of principal of or from such certificate, or a savings deposit evidenced thereby, prior to such expiration, but nothing in this paragraph shall be deemed to be violated by compounding of interest or other return or the allowance of interest or other return upon interest or other return on such certificate;

(4) which by its terms or otherwise permits any extension or renewal of the term of such certificate or of a deposit evidenced by such certificate, but a certificate which is silent as to such ex-

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tension and as to such renewal shall not be deemed to be in noncompliance with this paragraph.

(e) *Required provisions.* Each certificate under this section shall include in its provisions the following:

(1) The face amount of the certificate and the date borne by the certificate;

(2) The date on which the certificate is payable, which may be expressed as a date or by a provision that the certificate is payable a specified period after a named or specified fixed date;

(3) To the extent that interest is not represented by discount or evidenced by a coupon or coupons, the rate of interest and the date or dates, or the frequency, of payment of interest;

(4) A statement that no interest shall accrue on or be credited to the certificate or any savings account evidenced by the certificate for any time after the expiration of the fixed term of the certificate; and

(5) If the holder of the certificate has membership and voting rights, a statement in accordance with paragraph (h) (2) of this section.

(f) *Form.* (1) A certificate under this section shall be a writing in (i) a form that would be a negotiable instrument (other than a draft or check) within the terms of Article 3 of the 1972 Official Text of the Uniform Commercial Code (which text is hereinafter in this section referred to as the Uniform Commercial Code) or (ii) a form that would be so except that such writing is not payable to order or to bearer within the meaning of the term "payable to order or to bearer" as used in section 3–104 of said Article 3 but is issued in registered form within the meaning of the term "registered form" as used in section 8–102 of the Uniform Commercial Code or in a form that would be such a registered form except that as to interest thereon or part of such interest it is not in such registered form. Certificates under this section shall not be incorporated in passbooks. If a certificate under this section is offered or described as a negotiable instrument it must be an instrument which, under the law of the State or other jurisdiction in which the home office of the Federal association is located, is a negotiable instrument.

(2) A certificate shall not be deemed to be in noncompliance with paragraph (f) (1) or any other provision of this section because it is, by its terms or otherwise, interchangeable as between denominations and/or between some or all of the order, bearer, registered, or partly registered forms permitted by said paragraph (f) (1) or refers to any such interchangeability, or because of the inclusion in the certificate of anything which, by this part, is expressly permitted to be included therein or which, by this part or other applicable regulation or by applicable statute, is required to be included therein.

(3) Subject to the provisions of this section, a certificate under this section shall be in such form as is determined by the board of directors of the association.

(g) *Transfer or withdrawal.* A savings deposit evidenced by a certificate as set forth in this section shall not be subject to check or to withdrawal or transfer on negotiable or transferable order or authorization to the association, but indorsement of such certificate which is physically on such certificate (including an allonge), whether such indorsement is to order or to bearer or otherwise, shall not, so far as such indorsement relates to such certificate or part thereof or to not more of such savings deposit than is evidenced by such certificate, be deemed to be such a check or negotiable or transferable order or authorization, and such indorsement is hereby permitted.

(h) *Voting and membership.* (1) Except as provided in paragraph (h) (2), holders of such savings deposits or of such certificates shall not, by reason of being such holders, be members of the association or have voting rights.

(2) If such certificate (i) is originally issued in registered form and is not by its terms or otherwise exchangeable immediately or otherwise into a form in which it would not be in registered form and (ii) contains a statement that the provisions of the association's charter with respect to membership and voting are applicable to such certificate, the provisions of paragraph numbered 4 of the association's charter with respect to membership and voting shall as to such certificate be applicable in the same manner and to the same extent as if such certificate were included in the term "savings accounts" as used in said paragraph numbered 4. For purposes of this paragraph (h), a certificate shall be deemed to be in registered form if it is in a form which is a registered form within the meaning of the term "registered form" as used in section 8–102 of the Uniform Commercial Code or in a form that would be such a registered form except that as to interest or part of interest it is not such a registered form.

(i) *Ancillary provisions.* (1) The term "savings accounts representing share interest in the association" in § 545.24 shall with respect to savings deposits authorized by this section or by § 545.1–4 be applicable in the same manner and to the same extent that it would be applicable if such savings deposits were such savings accounts.

(2) Nothing in this section shall prevent holders referred to in paragraph (h) (1), of this section from being insured members within the meaning of title IV of the National Housing Act or regulations relating to insurance under said title.

(j) *Filing.* Prior to issuing a certificate under this section, an association shall file with the Federal Savings and Loan Insurance Corporation a copy of the form of certificate which it proposes to issue, together with an opinion of its legal counsel that the form of the certificate complies with the requirements of applicable law and regulations and the association's charter. Such filing shall be made by delivering a copy of such form and opinion to a Supervisory Agent (the President or any other officer or employee of the Federal Home Loan Bank of the district in which the home office of the association is located who is designated as an agent of the Federal Savings and Loan Insurance Corporation by or under § 501.10 or § 501.11 of this chapter) and an additional copy to the Director, Office of Industry Development, 101 Indiana Avenue, NW., Washington, D.C. 20552. The association shall refrain from issuing such certificate for the shorter period of 30 days from the date such form was filed with the Federal Savings and Loan Insurance Corporation in accordance with the provisions of this paragraph or the date such association receives appropriate written advice that such Corporation has no objection to the use of such form by such association.

(k) *Relationship to other provisions.* (1) The provisions of § 545.2, § 545.4, § 545.4–1, and § 545.4–2 shall not be applicable to or with respect to a savings deposit which is in conformity with this section.

(2) Paragraph (d) of § 545.1 shall be applicable to a savings deposit which is in conformity with this section, except that the period referred to in paragraph (d) (2) shall be deemed to commence on the date of the expiration of the fixed term of such deposit.

(3) The provisions of § 545.7 shall be applicable with respect to a savings deposit which is in conformity with the provisions of this section, and for purposes of this paragraph the term "withdrawal amount" as used in said § 545.7 shall include so much of any discount on such savings deposit as would be shown by a straight-line calculation to have accumulated thereon plus any accrued or accumulated interest on such savings deposit which is unpaid. The term "redemption, repurchase, or acceleration by the association" as used in paragraph (d) (2) of this section shall not include setoff, counterclaim, or recoupment, or realization by foreclosure or otherwise upon a lien or pledge held by the association or payment by the association of surplus remaining upon such realization.

(4) Acceptance of savings deposits under any one of § 545.1–2, § 545.1–4, and § 545.1–5 shall not debar a Federal association from concurrently accepting savings deposits under the authority of either or both of the other two of said sections.

(5) The payment of a savings deposit which is in conformity with the provisions of this section shall not be subject to any right of the association to require advance notice.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1949–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, JR.,
Assistant Secretary.

[FR Doc.74–14180 Filed 6–19–74;8:45 am]

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

[No. 74–516]

PART 563—OPERATIONS

Loans in Excess of 90 Percent of Value

JUNE 5, 1974.

The Federal Home Loan Bank Board, by Resolution No. 74–202, dated March 19, 1974, proposed an amendment to Part 563 of the rules and regulations for Insurance of Accounts (12 CFR Part 563) by adding a new § 563.9–7, which would require insured institutions making single-family-dwelling loans exceeding 90 percent of value either to establish a special reserve or to secure private mortgage insurance of a specified amount from an insurer approved by the Federal Home Loan Mortgage Corporation. Notice of such proposed rulemaking was duly published in the FEDERAL REGISTER on March 27, 1974, with an invitation for interested persons to submit written comments by April 30, 1974. On the basis of its consideration of all relevant material presented by interested persons and otherwise available, the Board considers it desirable to adopt the amendment with the change discussed herein.

Until the present amendment, only federally-chartered associations were required by the Board to have the protection of a special reserve or approved private mortgage insurance for single-family-dwelling loans in excess of 90 percent of value, as provided by § 545.6–1(a) (5) (iv) of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.6–1(a) (5) (iv)). The purpose of the amendment is to extend this protection to such loans made by State-chartered, federally-insured institutions. Section 403(b) of the National Housing Act of 1934, as amended, states that insured institutions "will provide adequate reserves satisfactory to the Corporation, to be established in accordance with regulations made by the Corporation . . ." Under this statutory authority, the Board is empowered to determine that investments by insured institutions in the higher-risk, low-equity single-family-dwelling-loan category should be protected by means of a special reserve or approved insurance coverage which in the Board's view will serve as an adequate substitute for such a reserve. The Board therefore is incorporating the provisions of § 545.6–1(a) (5) (iv) for Federal associations into the regulations for insured institutions in Part 563.

The amendment adopted by the Board modifies the language set forth in the proposal to provide explicitly that insured loans and guaranteed loans, as defined in §§ 561.20 and 561.21, respectively (12 CFR 561.20 and 561.21), are excluded from the requirement to establish a special reserve or to secure approved private mortgage insurance.

Accordingly, the Federal Home Loan Bank Board hereby amends Part 563 by adding thereto a new § 563.9–7 to read as set forth below, effective July 22, 1974.

§ 563.9–7 Loans in excess of 90 percent of value.

(a) An insured institution which is authorized to make loans, other than insured loans or guaranteed loans, on the security of "single-family dwellings" (as defined in § 541.10 of this chapter) in excess of 90 percent of value of such real estate may do so only if:

(1) The association establishes and maintains a specific reserve with respect to such loan equal to one percent of the unpaid principal balance thereof until the unpaid principal balance has been reduced to an amount not in excess of 90 percent of the value or purchase price of the real estate security, whichever is less, determined at the time the loan was made; or

(2) As long as the unpaid balance of such a loan is in excess of an amount equal to 90 percent of the value or purchase price of the real estate security, whichever is less, determined at the time the loan was made, that portion of the unpaid balance of such loan which is in excess of an amount equal to 80 percent of such value or purchase price of the real estate security is guaranteed or insured by a mortgage insurance company which has been determined to be a "qualified private insurer" by the Federal Home Loan Mortgage Corporation.

(b) This section does not apply to single-family-dwelling loans to facilitate the sale of real estate owned described in § 561.15(d) of this subchapter.

(Secs. 402, 403, 407, 48 Stat. 1256, 1257, 1260, as amended; 12 U.S.C. 1725, 1726, 1730. Reorg. Plan No. 3 of 1947 12 F.R. 4981, 3 CFR, 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, JR.,
Assistant Secretary.

[FR Doc.74–14182 Filed 6–19–74;8:45 am]

[No. 74–542]

PART 563—OPERATIONS

PART 564—SETTLEMENT OF INSURANCE

Approval of Issuance of Negotiable Fixed-Rate, Fixed-Term Accounts by State-Chartered Insured Institutions

JUNE 12, 1974.

The Federal Home Loan Bank Board, by Resolution No. 74–60, dated January 30, 1974, proposed to amend various sections of Parts 563 and 564 of the rules and regulations for Insurance of Accounts (12 CFR Parts 563, 564) for the purpose of approving the issuance of certain negotiable fixed-rate, fixed-term accounts by State-chartered insured institutions which are authorized to do so under State law. By a companion Resolution No. 74–59, dated January 30, 1974, the Board proposed collateral amendments to the Rules and Regulations for the Federal Savings and Loan System (12 CFR Chapter V, Subchapter C) relating to deposit-type Federal savings and loan associations. Said Resolution No. 74–59 and said Resolution No. 74–60, respectively, were published as FR Docs. 74–7335 and 74–7336, respectively, beginning on page 11562 in the Friday, March 29, 1974, issue of the FEDERAL REGISTER (39 FR 11562 et seq.), with an invitation for interested persons to submit written comments by April 30, 1974.

On the basis of its consideration of all relevant material presented by interested persons and otherwise available, the Federal Home Loan Bank Board hereby amends said Parts 563 and 564 as set forth below, effective June 20, 1974.

Since the final regulations set forth below relieve restrictions, and since the Board finds that due to current market conditions the public interest requires that institutions whose accounts are insured by the Federal Savings and Loan Insurance Corporation be permitted to issue negotiable certificates of deposit as soon as possible, publication of said regulations for the 30-day period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date of said regulations is unnecessary and the Board hereby provides that said regulations shall become effective as hereinbefore set forth.

The proposed amendments and the final regulations set forth below provide in part that a certificate issued pursuant to new § 563.3–3: (1) shall be in a minimum principal amount of $100,000, shall have a term of not less than 30 days and not more than 10 years, and shall provide that no interest or return shall be earned thereon after the end of the certificate's fixed-term; (2) shall not be withdrawable or redeemable before the end of its fixed-term, shall not provide in its terms or otherwise for any renewal or extension at the end of its fixed-term, and shall not permit its holder to add principal payments after its issuance; and (3) may be in registered form or with principal payable to bearer or order, and may provide for payment of interest in whole or in part by coupon.

The final regulations set forth below and set forth in the companion amendments to the rules and regulations for the Federal Savings and Loan System, relating to Federal savings and loan associations, differ with the proposed amendments in the following principal respects:

1. The proposed amendments would have characterized the new certificates as "negotiable". The final regulations use the more neutral word "marketable" in the headings of new §§ 545.1–5 and 563.3–3 and otherwise refer to such certificates by authorizing section. These changes are advisable to qualify certificates which meet all the requirements of these sections and are "marketable", but which in some cases will not necessarily be "negotiable instruments". However, it is expected that in most instances the certificates issued under these sections will be "negotiable instruments".

2. The proposed amendments would not have authorized the issuance of certificates at a discount from their prin-

cipal amounts (i.e. face amounts). The final regulations permit such discounts and provide in substance that the principal amount of the certificate determines whether it meets the $100,000 requirement. For example, the $100,000 requirement is met by a certificate having the principal amount of $100,000 which is issued on a discount basis for a cash payment of $98,000. If a certificate is issued at a discount, likewise, the full principal amount must be included in determining compliance with the provisions of § 526.5–1(b) (12 CFR 526.5–1(b); percentage limitation on certificate amounts of $100,000 or more) and and § 563.25 (12 CFR 563.25; percentage limitation on brokered savings accounts).

3. The proposed amendments would have permitted an issuer to use a form of certificate as soon as such issuer submits to the Federal Savings and Loan Insurance Corporation a copy of such form and an opinion of its counsel. The final regulations require the issuer to wait the shorter period of either 30 days after the form and counsel opinion have been submitted to such Corporation or until the issuer receives written advice that such Corporation has no objection to the use of such form.

4. The proposed § 545.1–5(f) as to Federal associations would have permitted the issuing association to determine whether the holders of the certificates are members and have voting rights. The final regulation § 545.1–5(h) as to Federal associations provides that holders of the certificates will be members and have voting rights only if such certificates so state and such certificates are registered as to principal. The proposed § 563.3–3 and final regulation § 563.3–3 as to State-chartered institutions provide in substance that membership and voting rights are matters to be governed by applicable State laws. If a holder of a certificate in either a Federal association or a State-chartered insured institution has membership and/or voting rights, the certificate must contain a statement to such effect.

5. The proposed amendments would have amended the following sections and added a new § 564.13: §§ 545.2, 545.4–1, 549.5–2, 563.3–1, 563.4, 563.7–2 and 563.17–1. The principal purpose of these proposed changes was to conform these sections to the provisions of the proposed new §§ 545.1–5 and 563.3–3. The final regulations have been written in a way that eliminates the need for changing the above-mentioned sections.

6. The proposed amendments to said Part 564 would have added a new section H to the Appendix following said Part 564 for the purpose of giving an example relating to a negotiable certificate. After further consideration, such an example seems superfluous since insurability, and the amount of insurance on a particular account, is not dependent on negotiability or non-negotiability. Therefore, the final regulations eliminate such new section H and the illustration therein.

Accordingly:

1. Part 563 is amended by adding a new § 563.3–3, immediately after § 563.3–2, to read as follows:

§ 563.3–3 Marketable fixed-rate, fixed-term accounts.

(a) *General.* Approval by the Corporation as hereinafter set forth in this section is hereby given to the acceptance by an insured institution (other than a Federal savings and loan association), notwithstanding and without regard to any provision of this part other than this section, of savings accounts for fixed terms and bearing fixed returns which are evidenced by certificates in conformity with this section. Such savings accounts and such certificates are hereby approved by the Corporation as to type (as referred to in subdivision (c) of section 401 of the National Housing Act) and form, return, and maturity (as referred to in those parts of the third sentence of subsection (b) of section 403 of said Act which refer to the form, return, and maturity of securities).

(b) *Return.* The return shall be fixed at the time of the issuance of the certificate and shall be in the form of interest or discount or both. Such return shall not be in excess of any applicable maximum limitation in Part 526 of this chapter.

(c) *Terms.* (1) A certificate shall have a single fixed maturity, with a fixed term which shall be not less than thirty days and not more than ten years. In the calculation of such minimum or maximum term, such term shall be deemed to begin with the date on which the certificate is actually issued, which date shall be excluded, and to expire on the date on which the certificate becomes payable, which date shall be included. A certificate shall not be deemed to be not in compliance with this paragraph (c)(1) or any other provision of this section because of any provision of statute, charter, or regulation for postponement of payment, for limitation of funds available for payment, or for any rotation or similar system or method of payment, and the first two sentences of this paragraph shall be applied as if any such provision of statute, charter, or regulation did not exist. No savings account shall be accepted pursuant to the approval granted by this section and no certificate shall be issued pursuant to such approval if such acceptance or such issuance is accompanied by any contract or agreement for extension or renewal of such account or such certificate. Wherever used in this section, except in the second sentence of this paragraph, the term "issue" and variations thereof shall be deemed to include reissue unless the context otherwise requires.

(2) Certificates may be, but need not be, in one or more series. Interest may be, but need not be, evidenced in whole or in part by coupons.

(d) *Limitations.* In acting under the approval granted by this section, an insured institution shall not issue any certificate:

(1) with a face amount (inclusive or discount, whether or not arrived at in whole or part by add-on calculation) of less than $100,000;

(2) which by its terms or otherwise is subject to redemption, repurchase, or acceleration by the insured institution;

(3) as to which there is, by its terms or otherwise, any right or privilege to increase its amount by payment on or transfer to such certificate, or a savings account evidenced thereby, prior to the expiration of the fixed term, or which by its terms or otherwise is subject to withdrawal or transfer of principal of or from such certificate, or a savings account evidenced thereby, prior to such expiration, but nothing in this paragraph shall be deemed to be violated by compounding of interest or other return or the allowance of interest or other return upon interest or other return on such certificate;

(4) which by its terms or otherwise permits any extension or renewal of the term of such certificate or of a savings account evidenced by such certificate, but a certificate which is silent as to such extension and as to such renewal shall not be deemed to be in noncompliance with this paragraph (d)(4). A certificate shall not be deemed to be in noncompliance with this paragraph because of any reference therein to any provision of statute, charter, or regulation referred to in the third sentence of paragraph (c)(1) of this section.

(e) *Required provisions.* Each certificate under this section shall include in its provisions the following:

(1) The face amount of the certificate and the date borne by the certificate;

(2) The date on which the certificate is payable, which may be expressed as a date or by a provision that the certificate is payable a specified period after a named or specified fixed date;

(3) To the extent that interest is not represented by discount or evidenced by a coupon or coupons, the rate of interest and the date or dates, or the frequency, of payment of interest;

(4) A statement that no interest shall accrue on or be credited to the certificate or any savings account evidenced by the certificate for any time after the expiration of the fixed term of the certificate; and

(5) If the holder of the certificate has membership and/or voting rights, a statement to such effect.

(f) *Form.* (1) A certificate under this section shall be a writing in (f) a form that would be a negotiable instrument (other than a draft or check) within the terms of Article 3 of the 1972 Official Text of the Uniform Commercial Code (which text is hereinafter in this section referred to as the Uniform Commercial Code) or (ii) a form that would be so except that such writing is not payable to order or to bearer within the meaning of the term "payable to order or to bearer" as used in section 3–104 of said Article 3 but is issued in registered form within the meaning of the term "registered form" as used in section 8–102 of the Uniform Commercial Code or in a form that would be such a registered form except that as to interest thereon or part of such interest it is not in such registered form. Certificates under this section shall not be incorporated in passbooks. If a certificate under this section is offered or described as a negotiable instrument it must be an instrument which, under the law of the State or other jurisdiction in which the principal office of the insured institution is located, is a negotiable instrument.

(2) A certificate shall not be deemed to be in noncompliance with paragraph (f)(1) or any other provision of this section because it is, by its terms or otherwise, interchangeable as between denominations and/or between some or all of the order, bearer, registered, or partly registered forms permitted by said paragraph (f)(1) or refers to any such interchangeability, or because of the inclusion in the certificate of anything which, by this part, is expressly permitted to be included therein or which, by this part or other applicable regulation or by applicable statute, is required to be included therein.

(g) *Ancillary provisions.* No savings account shall be accepted pursuant to the approval granted by this section and no certificate shall be issued pursuant to such approval if such acceptance or such issuance is with or accompanied by any contract or agreement for priority of such savings account or such certificate or for subordination of such savings account or such certificate, but a contract or agreement for or toward a priority equal to but not superior to the priority of general creditors of the insured institution not having priority (other than priority arising or resulting from consensual subordination) over other general creditors of the insured institution shall not be deemed to violate this sentence. No savings account shall be accepted pursuant to the approval granted by this section and no certificate shall be issued pursuant to such approval if such acceptance or such issuance is accompanied by the giving by the insured institution of security for such saving account or such certificate or by any contract or agreement for the giving of any such security by such institution.

(h) *Filing.* Prior to issuing a certificate under this section, an insured institution shall file with the Corporation a copy of the form of certificate which it proposes to issue, together with an opinion of its legal counsel that the form of the certificate complies with the requirements of applicable law and regulations and (if the insured institution has a charter) the insured institution's charter. Such filing shall be made by delivering a copy of such form and opinion to a Supervisory Agent (the President or any other officer or employee of the Federal Home Loan Bank of the district in which the principal office of the insured institution is located who is designated as an agent of the Corporation by or under § 501.10 or § 501.11 of this chapter) and an additional copy to the Director, Office of Industry Development, 101 Indiana Avenue NW., Washington, D.C. 20552. The insured institution shall refrain from issuing such certificate for the shorter period of 30 days from the date such form was filed with the Corporation in accordance with the provisions of this paragraph (h) or the date such insured institution receives appropriate written advice that the Corporation has no objection to the use of such form by such insured institution.

(i) *Applicability of other provisions.* (1) The provisions of §§ 563.2, 563.3, 563.3–1, 563.3–2, 563.4, and 563.8 and the provisions of subdivision (5) of paragraph (c) of § 563.17–1 shall not be applicable to or with respect to savings accounts or certificates which are in conformity with § 545.1–5 of this chapter or with this section, and such savings accounts and such certificates shall not be deemed to be borrowing within the meaning of the second sentence of § 563.8. The provisions of this section shall not be applicable to or with respect to savings accounts or certificates which are in conformity with § 545.1–4 of this chapter or with § 563.3–1 or § 563.3–2.

(2) Neither the accumulation or accrual nor the payment of any return referred to in paragraph (b) of § 545.1–5 of this chapter or paragraph (b) of this section shall be deemed to violate any provision of § 563.11 or of the first sentence of § 563.14 or to constitute a use of any Federal insurance reserve account contrary to any provision of § 563.11, and such return shall accumulate and accrue and be payable notwithstanding and without regard to any provision of § 563.13.

(3) The provisions of § 563.24, § 563.25, § 563.26, § 563.27, § 563.31, and § 563.32 shall not, by reason of anything in § 545.1–5 of this chapter or in this section, be inapplicable to or with respect to said § 545.1–5 or this section. Nothing in this section shall be deemed to grant approval for the issuance of any security which is a subordinated debt security as defined in § 561.24 of this subchapter.

2. Part 564 is amended by revising § 564.1(a) to read as follows:

§ 564.1 Settlement of insurance upon default.

(a) *General.* In the event of a default by an insured institution, the Corporation will promptly determine, from the savings account contracts and the books and records of the institution, or otherwise, the insured members thereof and the amount of the insured account or accounts of each such member. The Corporation will give to each insured member shown to be such on the books of the insured institution written notice of the time and place of payment of insurance by mail at the last known address as shown by the books of the insured institution. If an insured institution has outstanding at the time of default any account or accounts issued pursuant to § 545.1–5 of this chapter or issued pursuant to the approval granted by § 563.3–3 of this subchapter, the Corporation shall, promptly after default, publish (in a newspaper printed in the English language and of general circulation in the city, county, or locality in which the principal office of such insured institution is located) a notice to all account holders of such insured institution of the time and place of payment of insurance.

• • • • •

3. Part 564 is amended by adding a new paragraph (b)(5) to § 564.2, immediately after paragraph (b)(4) of said section, to read as follows:

§ 564.2 General principles applicable in determining insurance of accounts.

• • • • •

(b) *Records.* • • •

(5) The foregoing provisions of this paragraph (b) shall not be applicable with respect to any account evidenced by a certificate of deposit which was issued pursuant to § 545.1–5 of this chapter or evidenced by a certificate which was issued pursuant to the approval granted by § 563.3–3 of this subchapter. Affirmative proof must be offered in all cases to substantiate a claim by the holder of such an account as to the existence of any relationship upon which a claim for insurance coverage is founded.

• • • • •

(Secs. 402, 403, 48 Stat. 1256, 1257, as amended; 12 U.S.C. 1725, 1726, Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR 1943–48 Comp. p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, JR.,
Assistant Secretary.

[FR Doc.74–14181 Filed 6–19–74;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket 8835–o]

PART 13—PROHIBITED TRADE PRACTICES

United Brands Company

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 45, 18) [Cease and desist order, United Brands Company, New York, N.Y., Docket 8835, May 14, 1974]

In the Matter of United Brands Company a Corporation

Order dismissing a complaint against a diversified New York City based company with decided interests in the food industry. The complaint challenged respondent's acquisition of the stock or assets of six California and Arizona farming operations producing lettuce and other vegetables.

Order requiring the filing of a special report and periodic subsequent reports informing the Commission of any increase since Feb. 11, 1971, or future increase in access to land commercially suitable for the production of lettuce.

The order dismissing the complaint, and the order requiring special periodic reports informing of any increase in access to land commercially suitable for the production of lettuce, are as follows:

V 39 120 JUN 20 74 XUM

FINAL ORDER

This matter having been heard by the Commission upon the appeal of respondent from the Administrative Law Judge's initial decision, and upon briefs and oral argument in support thereof and in opposition thereto, and the Commission, for the reasons stated in the accompanying opinion, having concluded that the Administrative Law Judge's initial decision should be set aside and that the complaint should be dismissed:

It is ordered That the Administrative Law Judge's initial decision be, and it hereby is, set aside.

It is further ordered That the complaint be, and it hereby is, dismissed.

By the Commission, Commissioner Hanford not participating.[1]

Issued: May 14, 1974.

[SEAL] CHARLES A. TOBIN,
Secretary.

ORDER REQUIRING FILING OF SPECIAL REPORT

Pursuant to the Opinion of the Commission in the Matter of United Brands Company, Docket No. 8835, attached herewith and made a part hereof, you, United Brands Company, are required to file with the Commission, within sixty (60) days of receipt of this order, a Special Report informing the Commission of any increase, since February 11, 1971, in the access of United Brands or any subsidiary corporation, to land commercially suitable for the production of lettuce. You are further required to file with the Commission every six months, commencing six months after the filing of the initial Special Report, a Special Report informing the Commission of any future increase in access to land commercially suitable for the production of lettuce.

Please note that "access" to land may exist by virtue of various transactions, such as, but not necessarily limited to, purchasing land, acquiring the capital stock of a firm which is the owner or lessee of land, acquiring a lease of land, or contracting with a grower for the production of lettuce.

Said reports must be subscribed and sworn to by an official of the reporting company.

You are advised that penalties may be imposed under applicable provisions of Federal law for failure to file special reports or for the filing of false reports.

By direction of the Commission.

Issued: May 14, 1974.

CHARLES A. TOBIN,
Secretary.

[FR Doc.74-14097 Filed 6-19-74;8:45 am]

[1] Opinion of the Commission by Commissioner Engman and concurring opinion of Commissioner Thompson, filed as part of the original document.

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION AND WELFARE

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Picloram

In response to a food additive petition (FAP 4H5052) submitted jointly by the Montana Department of Agriculture, Helena, MT 59601, and the North Dakota Department of Agriculture, Bismarck, ND 58501, a notice was published by the Environmental Protection Agency in the FEDERAL REGISTER of May 6, 1974 (39 FR 15879), proposing establishment of the herbicide picloram (4-amino-3,5,6-trichloropicolinic acid) in flour at 1 part per million and in milled fractions (except flour) at 2 parts per million resulting from application of the herbicide to growing barley and wheat.

No requests for referral to an advisory committee were received. One comment was received from the State of Nebraska, Department of Agriculture, requesting that the proposed tolerances for picloram be extended to cover residues in the same processed foods resulting from the same use pattern in Nebraska.

It is concluded that the proposal reflecting this change be adopted. (For a related document, see this issue of the FEDERAL REGISTER, page 22146.)

The Reorganization Plan No. 3 of 1970, published in the FEDERAL REGISTER of October 6, 1970 (35 FR 15623), transferred (effective December 2, 1970) to the Administrator of the Environmental Protection Agency the functions vested in the Secretary of Health, Education, and Welfare for establishing tolerances for pesticide chemicals under sections 406, 408, and 409 of the Federal Food, Drug, and Cosmetic Act, as amended (21 U.S.C. 346, 346a, and 348).

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(d), 72 Stat. 1787; 21 U.S.C. 348(d)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (39 FR 18805), part 121 is amended by adding the following new section to Subpart D:

§ 121.1256 Picloram.

The following interim tolerances are established for residues of the herbicide picloram (4-amino-3,5,6-trichloropicolinic acid) resulting from application of 2,4-D-picloram mixtures to growing barley and wheat during the 1974 growing season in the States of Montana, Nebraska, and North Dakota:

2 parts per million in milled fractions (except flour) of barley and wheat.
1 part per million in flour of barley and wheat.

Any person who will be adversely affected by the foregoing order may at any time on or before July 22, 1974, file with the Hearing Clerk, Environmental Protection Agency, Room 1019E, 4th & M Streets, SW., Waterside Mall, Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on June 20, 1974.

(Sec. 409(d), 72 Stat. 1787; 21 U.S.C. 348(d))

Dated: June 14, 1974.

HENRY J. KORP,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.74-14124 Filed 6-19-74;8:45 am]

SUBCHAPTER D—DRUGS FOR HUMAN USE

PART 331—ANTACID PRODUCTS FOR THE OVER-THE-COUNTER (OTC) HUMAN USE

PART 332—ANTIFLATULENT PRODUCTS FOR OVER-THE-COUNTER (OTC) HUMAN USE

Final Order for Antacid and Antiflatulent Products Generally Recognized as Safe and Effective and Not Misbranded

Correction

In FR Doc. 74-12686 appearing on page 19862 in the issue of Tuesday, June 4, 1974, make the following corrections:

1. On page 19864 change the second sentence in the fifth paragraph of the third column to read "The Commissioner concurs that an in vitro test should be adopted now and that research should promptly begin on an in vivo test."

2. On page 19874, the last two lines of the first column should read "(e.g., 2 grams per day in antacid products)."

3. The second line of § 331.22 should be changed to read "(NaOH) and hydrochloric acid (HCL)".

4. The third line of the formula appearing in § 331.26(b)(4)(ix) should be changed to read "(NaOH). Total mEq. per labeled minimum".

CHAPTER II—DRUG ENFORCEMENT ADMINISTRATION, DEPARTMENT OF JUSTICE

PART 1308—SCHEDULES OF CONTROLLED SUBSTANCES

Annual Publication

The Comprehensive Drug Abuse Prevention and Control Act of 1970, in section 202(a) (21 U.S.C. 812(a)), requires that the schedules of controlled substances established by the Act be updated and republished semi-annually for a two-year period beginning one year after the effective date of the Act (October 27, 1970), and thereafter shall be updated and republished annually. Therefore, pursuant to the mandate of section 202(a) of the Act, the Administrator of the Drug Enforcement Administration hereby orders the annual publication of the schedules of controlled substances for 1974.

In updating and republishing the five schedules of control, the Drug Enforcement Administration has become aware of a source of possible confusion which may arise from a reading of 21 CFR 1308.13(c) (38 FR 31310, November 13, 1973). That section, as amended, reads as follows:

§ 1308.13 Schedule III.

* * * * *

(c) *Depressants.* Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system:

(1) Any compound, mixture, or preparation containing amobarbital, secobarbital, pentobarbital or any salt thereof and one or more other active medicinal ingredients which are not listed in any schedule 2351
(2) Any suppository dosage form containing amobarbital, secobarbital, pentobarbital, or any salt of any of these drugs and approved by the Food and Drug Administration for marketing only as a suppository 2100

* * * * *

Confusion for some may arise in noticing that only one drug code number was assigned to each subpart of subsection (c), notwithstanding that subparts (1) and (2) each contain three separate controlled substances, i.e., amobarbital, secobarbital, and pentobarbital, and their salts. The Administrator finds that the assignment of the drug control numbers to subparts (1) and (2) differed from DEA's past and present practice, which is to assign a separate number to each individual controlled substance, done solely for the purpose of this agency's administrative efficiency and convenience primarily in the areas of manufacturers' registration and laboratory identification.

Therefore, to conform § 1308.13(c)(1) and (2) to the other sections of Part 1308 which list the schedules of controlled substances, and which designate a specific drug control number for each separate controlled substance listed therein, the Administrator of the Drug Enforcement Administration, under the authority vested in the Attorney General by sections 301 and 501(b) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 821 and 871(b)) and delegated to the Administrator of the Drug Enforcement Administration by § 0.100 of Title 28 of the Code of Federal Regulations, hereby orders that:

1. Section 1308.13(c) (1) and (2) of Title 21 of the Code of Federal Regulations be amended to read as follows:

§ 1308.13 Schedule III.

* * * * *

(c) *Depressants.* Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system:

(1) Any compound, mixture or preparation containing:
(i) Amobarbital 2125
(ii) Secobarbital 2315
(iii) Pentobarbital 2270
or any salt thereof and one or more active medicinal ingredients which are not listed in any schedule.
(2) Any suppository dosage form containing:
(i) Amobarbital 2125
(ii) Secobarbital 2315
(iii) Pentobarbital 2270
or any salt of any of these drugs and approved by the Food and Drug Administration for marketing only as a suppository.

Effective date. The Administrator regards the above-ordered change in § 1308.13(c) (1) and (2) as a change in form only, and does not consider it to be a substantive rule-making change which would necessitate the solicitation and receipt of comments or objections. There being no occasion requiring the solicitation or receipt of such comments or objections, the above-ordered change shall take effect upon publication of this order. This order is effective on June 20, 1974, and operates to the extent of affecting only those sections of Part 1308 listed below, which actually designate schedules and enumerate substances listed therein as being controlled under the Act, and all other sections of Part 1308 remain in full force and effect and are not repealed by virtue of their exclusion from, or the issuing of, this publication.

Dated: June 12, 1974.

JOHN R. BARTELS, Jr.,
Administrator,
Drug Enforcement Administration.

Sections 1308.11 through 1308.15 are republished to read as follows:

SCHEDULES

§ 1308.11 Schedule I.

(a) Schedule I shall consist of the drugs and other substances, by whatever official name, common or usual name, chemical name, or brand name designated, listed in this section. Each drug or substance has been assigned the DEA Controlled Substances Code Number set forth opposite it.

(b) Opiates. Unless specifically except the existence of such isomers, esters, ethers, and salts is possible within the specific chemical designation:

(1) Acetylmethadol	9601
(2) Allylprodine	9602
(3) Alphacetylmethadol	9603
(4) Alphameprodine	9604
(5) Alphamethadol	9605
(6) Benzethidine	9606
(7) Betacetylmethadol	9607
(8) Betameprodine	9608
(9) Betamethadol	9609
(10) Betaprodine	9611
(11) Clonitazene	9612
(12) Dextromoramide	9613
(13) Dextrorphan	9614
(14) Diampromide	9615
(15) Diethylthiambutene	9616
(16) Dimenoxadol	9617
(17) Dimepheptanol	9618
(18) Dimethylthiambutene	9619
(19) Dioxaphetyl butyrate	9621
(20) Dipipanone	9622
(21) Ethylmethylthiambutene	9623
(22) Etonitazene	9624
(23) Etoxeridine	9625
(24) Furethidine	9626
(25) Hydroxypethidine	9627
(26) Ketobemidone	9628
(27) Levomoramide	9629
(28) Levophenacylmorphan	9631
(29) Morpheridine	9632
(30) Noracymethadol	9633
(31) Norlevorphanol	9634
(32) Normethadone	9635
(33) Norpipanone	9636
(34) Phenadoxone	9637
(35) Phenampromide	9638
(36) Phenomorphan	9647
(37) Phenoperidine	9641
(38) Piritramide	9642
(39) Proheptazine	9643
(40) Properidine	9644
(41) Propiram	9649
(42) Racemoramide	9645
(43) Trimeperidine	9646

(c) Opium derivatives. Unless specifically excepted or unless listed in another schedule, any of the following opium derivatives, its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

(1) Acetorphine	9319
(2) Acetyldihydrocodeine	9051
(3) Benzylmorphine	9052
(4) Codeine methylbromide	9070
(5) Codeine-N-Oxide	9053
(6) Cyprenorphine	9054
(7) Desomorphine	9055
(8) Dihydromorphine	9145
(9) Drotebanol	9335
(10) Etorphine (except hydrochloride salt)	9056
(11) Heroin	9200
(12) Hydromorphinol	9301
(13) Methyldesorphine	9302
(14) Methyldihydromorphine	9304
(15) Morphine methylbromide	9305
(16) Morphine methylsulfonate	9306
(17) Morphine-N-Oxide	9307
(18) Myrophine	9308
(19) Nicocodeine	9309
(20) Nicomorphine	9312
(21) Normorphine	9313
(22) Pholcodine	9314
(23) Thebacon	9315

(d) Hallucinogenic substances. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation, which contains any quantity of the following hallucinogenic substances, or which con-

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tains any of its salts, isomers, and salts of isomers, whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation (for purposes of this paragraph only, the term "isomer" includes the optical, position, and geometric isomers):

(1) 3,4 - methylenedioxy amphetamine ---------- 7400
(2) 5-methoxy - 3,4 - methylenedioxy amphetamine ---------- 7401
(3) 3,4,5-trimethoxy amphetamine--- 7390
(4) Bufotenine ---------- 7433
Some trade and other names: 3-(β - dimethylaminoethyl) - 5 - hydroxyindole; 3 - (2 - dimethylaminoethyl) - 5 - indolol; N,N - dimethylserotonin; 5 - hydroxy - N-dimethyltryptamine; mappine.
(5) Diethyltryptamine ---------- 7434
Some trade and other names: N,N-Diethyltryptamine; DET.
(6) Dimethyltryptamine ---------- 7435
Some trade or other names: DMT.
(7) 4-methyl-2,5-dimethoxyamphetamine ---------- 7395
Some trade and other names: 4-methyl - 2,5 - dimethoxy-α-methylphenethylamine; "DOM"; and "STP".
(8) Ibogaine ---------- 7260
Some trade and other names: 7 - Ethyl - 6,6α,7,8,9,10,12,13-octahydro - 2 - methoxy-6,9-methano-5H-pyrido (1',2':1,2 azepino 4,5-b) indole; tabernanthe iboga.
(9) Lysergic acid diethylamide------- 7315
(10) Marihuana ---------- 7360
(11) Mescaline ---------- 7381
(12) Peyote ---------- 7415
(13) N-ethyl-3-piperidyl benzilate---- 7482
(14) N-methyl-3-piperidyl benzilate--- 7484
(15) Psilocybin ---------- 7437
(16) Psilocyn ---------- 7438
(17) Tetrahydrocannabinols ---------- 7370
Synthetic equivalents of the substances contained in the plant, or in the resinous extractives of Cannabis, sp. and/or synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity such as the following:
Δ^1 cis or trans tetrahydrocannabinol, and their optical isomers.
Δ^6 cis or trans tetrahydrocannabinol, and their optical isomers.
$\Delta^{3,4}$ cis or trans tetrahydrocannabinol, and their optical isomers.
(Since nomenclature of these substances is not internationally standardized, compounds of these structures, regardless of numerical designation of atomic position are covered.)
(18) 2,5-dimethoxyamphetamine ----- 7396
Some trade or other names: 2,5-dimethoxy - α - methylphenethylamine: 2,5-DMA.
(19) 4 - bromo-2,5-dimethoxyamphetamine ---------- 7391
Some trade or other names: 4-bromo - 2,5 - dimethoxy - α - methylphenethylamine: 4-bromo-2,5-DMA.
(20) 4-methoxyamphetamine ---------- 7411
Some trade or other names: 4-methoxy - α - methylphenethylamine; paramethoxyamphetamine: PMA.

§ 1308.12 Schedule II.

(a) Schedule II shall consist of the drugs and other substances, by whatever official name, common or usual name, chemical name, or brand name designated, listed in this section. Each drug or substance has been assigned the Controlled Substances Code Number set forth opposite it.

(b) Substances, vegetable origin or chemical synthesis. Unless specifically excepted or unless listed in another schedule, any of the following substances whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

(1) Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate, excluding naloxone hydrochloride, but including the following:

(i) Raw opium---------- 9600
(ii) Opium extracts---------- 9610
(iii) Opium fluid extracts---------- 9620
(iv) Powdered opium---------- 9639
(v) Granulated opium---------- 9640
(vi) Tincture of opium---------- 9630
(vii) Apomorphine ---------- 9030
(viii) Codeine ---------- 9050
(ix) Ethylmorphine ---------- 9190
(x) Etorphine hydrochloride------ 9059
(xi) Hydrocodone ---------- 9193
(xii) Hydromorphone ---------- 9150
(xiii) Metopon ---------- 9260
(xvi) Morphine ---------- 9300
(xv) Oxycodone ---------- 9143
(xvi) Oxymorphone ---------- 9652
(xvii) Thebaine ---------- 9333

(2) Any salt, compound, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in paragraph (b) (1) of this section, except that these substances shall not include the isoquinoline alkaloids of opium.

(3) Opium poppy and poppy straw.

(4) Coca leaves (9040) and any salt, compound, derivative, or preparation of coca leaves, and any salt, compound, derivative, or preparation thereof which is chemically equivalent or identical with any of these substances, except that the substances shall not include decocainized coca leaves or extraction of coca leaves, which extractions do not contain cocaine (9041) or ecgonine (9180).

(c) Opiates. Unless specifically excepted or unless in another schedule any of the following opiates, including its isomers, esters, ethers, salts and salts of isomers, esters and ethers whenever the existence of such isomers, esters, ethers, and salts is possible within the specific chemical designation:

(1) Alphaprodine ---------- 9010
(2) Anileridine ---------- 9020
(3) Bezitramide ---------- 9800
(4) Dihydrocodeine ---------- 9120
(5) Diphenoxylate ---------- 9170
(6) Fentanyl ---------- 9801
(7) Isomethadone ---------- 9226
(8) Levomethorphan ---------- 9210
(9) Levorphanol ---------- 9220
(10) Metazocine ---------- 9240
(11) Methadone ---------- 9250
(12) Methadone-Intermediate, 4-cyano-2-dimethylamino - 4,4-diphenyl butane ---------- 9254
(13) Moramide-Intermediate, 2-methyl-3-morpholino-1, 1-diphenylpropane-carboxylic acid---------- 9802
(14) Pethidine ---------- 9230
(15) Pethidine-Intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine ---------- 9232
(16) Pethidine-Intermediate-B, ethyl-4-phenylpiperidine-4-carboxylate ---------- 9233
(17) Pethidine - Intermediate - C, 1-methyl-4-phenylpiperidine-4-carboxylic acid---------- 9234
(18) Phenazocine ---------- 9715
(19) Piminodine ---------- 9730
(20) Racemethorphan ---------- 9732
(21) Racemorphan ---------- 9733

(d) *Stimulants.* Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system:

(1) Amphetamine, its salts, optical isomers, and salts of its optical isomers ---------- 1100
(2) Methamphetamine, its salts, isomers, and salts of its isomers---- 1105
(3) Phenmetrazine and its salts------ 1631
(4) Methylphenidate ---------- 1724

(e) *Depressants.* Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

(1) Methaqualone ---------- 2565
(2) Amobarbital ---------- 2125
(3) Secobarbital ---------- 2315
(4) Pentobarbital ---------- 2270

§ 1308.13 Schedule III.

(a) Schedule III shall consist of the drugs and other substances, by whatever official name, common or usual name, chemical name, or brand name designated, listed in this section. Each drug or substance has been assigned the DEA Controlled Substances Code Number set forth opposite it.

(b) *Stimulants.* Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers (whether optical, position, or geometric), and salts of such isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

(1) Those compounds, mixtures, or preparations in dosage unit form containing any stimulant substances listed in schedule II which compounds, mixtures, or preparations were listed on August 25, 1971, as excepted compounds under § 308.32, and any other drug of the quantitive composition shown in that list for those drugs or which is the same except that it contains a lesser quantity of controlled substances ---------- 1405
(2) Benzphetamine ---------- 1228
(3) Chlorphentermine ---------- 1645
(4) Clortermine ---------- 1647
(5) Mazindol ---------- 1605
(6) Phendimetrazine ---------- 1615

(c) *Depressants.* Unless specifically excepted or unless listed in another schedule, any material compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system:

(1) Any compound, mixture or preparation containing:
(i) Amobarbital ---------- 2125
(ii) Secobarbital ---------- 2315
(iii) Pentobarbital ---------- 2270
or any salt thereof and one or more other active medicinal ingredients which are not listed in any schedule.
(2) Any suppository dosage form containing:
(i) Amobarbital ---------- 2125
(ii) Secobarbital ---------- 2315
(iii) Pentobarbital ---------- 2270
or any salt of any of these drugs and approved by the Food and Drug Administration for marketing only as a suppository.
(3) Any substance which contains any quantity of a derivative of barbituric acid or any salt thereof ---------- 2100
(4) Chlorexadol ---------- 2510
(5) Glutethimide ---------- 2550
(6) Lysergic acid---------- 7300
(7) Lysergic acid amide---------- 7310
(8) Methyprylon ---------- 2575
(9) Phencyclidine ---------- 7471
(10) Sulfondiethylmethane ---------- 2600
(11) Sulfonethylmethane ---------- 2605
(12) Sulfonmethane ---------- 2610

(d) Nalorphine ---------- 9400

(e) Narcotics drugs. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing limited quantities of any of the following narcotic drugs, or any salts thereof:

(1) Not more than 1.8 grams of codeine per 100 milliliters of not more than 90 milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium ---- 9803
(2) Not more than 1.8 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts ----- 9804
(3) Not more than 300 milligrams of dihydrocodeinone per 100 milliliters or not more than 15 milligrams per dosage unit, with a fourfold or greater quantity of an isoquinoline alkaloid of opium ---------- 9805
(4) Not more than 300 milligrams of dihydrocodeinone per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active nonnarcotic ingredients in recognized therapeutic amounts---------- 9806
(5) Not more than 1.8 grams of dihydrocodeine per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active nonnarcotic ingredients in recognized therapeutic amounts- 9807
(6) Not more than 300 milligrams of ethylmorphine per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts ---------- 9808
(7) Not more than 500 milligrams of opium per 100 milliliters or per 100 grams or not more than 25 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts---------- 9809
(8) Not more than 50 milligrams of morphine per 100 milliliters or per 100 grams, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts- 9810

§ 1308.14 Schedule IV.

(a) Schedule IV shall consist of the drugs and other substances, by whatever official name, common or usual name, chemical name, or brand name designated, listed in this section. Each drug or substance has been assigned the DEA Controlled Substances Code Number set forth opposite it.

(b) *Depressants.* Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

(1) Barbital ---------- 2145
(2) Chloral betaine---------- 2460
(3) Chloral hydrate---------- 2465
(4) Ethchlorvynol ---------- 2540
(5) Ethinamate ---------- 2545
(6) Methohexital ---------- 2264
(7) Meprobamate ---------- 2820
(8) Methylphenobarbital ---------- 2250
(9) Paraldehyde ---------- 2585
(10) Petrichloral ---------- 2591
(11) Phenobarbital ---------- 2285

(c) Fenfluramine. — Any material, compound, mixture, or preparation which contains any quantity of the following substances, including its salts, isomers (whether optical, position, or geometric), and salts of such isomers, whenever the existence of such salts, isomers, and salts of isomers is possible:

(1) Fenfluramine ---------- 1670

(d) Stimulants: Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers (whether optical, position, or geometric), and salts of such isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

(1) Diethylpropion ---------- 1608
(2) Phentermine ---------- 1640

§ 1308.15 Schedule V.

(a) Schedule V shall consist of the drugs and other substances, by whatever official name, common or usual name, chemical name, or brand name designated, listed in this section.

(b) Narcotic drugs containing nonnarcotic active medicinal ingredients. Any compound, mixture, or preparation containing any of the following limited quantities of narcotic drugs or salts thereof, which shall include one or more nonnarcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture, or preparation valuable medicinal qualities other than those possessed by the narcotic drug alone:

(1) Not more than 200 milligrams of codeine per 100 milliliters or per 100 grams.

(2) Not more than 100 milligrams of dihydrocodeine per 100 milliliters or per 100 grams.

(3) Not more than 100 milligrams of ethylmorphine per 100 milliliters or per 100 grams.

(4) Not more than 2.5 milligrams of diphenoxylate and not less than 25 micrograms of atropine sulfate per dosage unit.

(5) Not more than 100 milligrams of opium per 100 milliliters or per 100 grams.

[FR Doc.74-14116 Filed 6-19-74;8:45 am]

Title 32A—National Defense Appendix

CHAPTER VI—DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION, DEPARTMENT OF COMMERCE

[DIBA/BDC Notice 1]

BDC NOTICE 1—RATIFICATION OF BUREAU OF COMPETITIVE ASSESSMENT AND BUSINESS POLICY ACTIONS

JUNE 14, 1974.

This notice is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this notice, consultation with industry representatives was impracticable since the notice has no substantive effect on industry.

Sec.
1. What this notice does.
2. Existing regulations, orders, and other actions of the Bureau of Competitive Assessment and Business Policy.
3. Rescission of BCABP Notice 1.
4. Use of Bureau of Competitive Assessment and Business Policy and Business and Defense Services Administration forms.

AUTHORITY: Defense Production Act of 1950, as amended (64 Stat. 816; 50 U.S.C. App. 2061 et seq.); Executive Order 10480, as amended, 18 FR 4939, 6201, 19 FR 3807, 7249, 21 FR 1673, 23 FR 5061, 6971, 24 FR 3779, 27 FR 9683, 11447, 3 CFR 1949–1953 Comp., p. 919; Executive Order 11725, 38 FR 17175; DMO 8400.1, 32A CFR 15; Department of Commerce Organization Order 10–3, 38 FR 33824, and 40–1, 39 FR 1871; Department of Commerce, Domestic and International Business Administration Organization and Function Orders 41–1, as amended, 39 FR 2780, 39 FR 18490, 45–1, 39 FR 18488, and 45–2, 39 FR 18489.

Section 1. What this notice does.

The purpose of this notice is to furnish continuity in the defense mobilization activities of the United States Department of Commerce, Domestic and International Business Administration, Bureau of Domestic Commerce, which will exercise certain functions formerly handled by the Bureau of Competitive Assessment and Business Policy, the Bu-

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reau of Domestic Commerce, the Business and Defense Services Administration, and the National Production Authority. To accomplish a smooth transition, it provides that outstanding actions of the Bureau of Competitive Assessment and and Business Policy, the Bureau of Domestic Commerce, the Business and Defense Services Administration and the National Production Authority are ratified and deemed actions of the Domestic and International Business Administration, Bureau of Domestic Commerce. This notice supersedes BCABP Notice 1 of September 7, 1973.

Sec. 2. Existing regulations, orders, and other actions of the Bureau of Competitive Assessment and Business Policy.

All regulations, orders, and delegations of authority to other Government agencies or officials thereof, shown in List A of this notice, and all other actions (including but not limited to directives), which were issued or taken by or under authority of the Acting Deputy Assistant Secretary for Competitive Assessment and Business Policy, the Director of the Bureau of Domestic Commerce, the Administrator of the Business and Defense Services Administration or the Administrator of the National Production Authority and which were in existence at the close of business November 11, 1973, are hereby adopted, ratified, and confirmed by the Deputy Assistant Secretary for Domestic and International Business, Domestic and International Business Administration, and shall remain in full force and effect until they expire by their terms or are revoked or amended. Any references in such actions to the Acting Deputy Assistant Secretary for Competitive Assessment and Business Policy or the Bureau of Competitive Assessment and Business Policy, to the Director of the Bureau of Domestic Commerce or the Bureau of Domestic Commerce, to the Administrator of the Business and Defense Services Administration or the Business and Defense Services Administration, or to the Administrator of the National Production Authority or the National Production Authority shall be deemed references to the Deputy Assistant Secretary for Domestic and International Business or the Domestic and International Business Administration, Bureau of Domestic Commerce, as the case may be.

Sec. 3. Rescission of BCABP Notice 1.

This DIBA/BDC Notice 1 supersedes BCABP Notice 1 of September 7, 1973, which is hereby rescinded.

Sec. 4. Use of Bureau of Competitive Assessment and Business Policy or Business and Defense Services Administration forms.

Pending the preparation and adoption of revised forms, and until otherwise ordered or prescribed, forms of the Bureau of Competitive Assessment and Business Policy or the Business and Defense Services Administration shall be deemed forms of the Domestic and International Business Administration, Bureau of Domestic Commerce.

This notice shall take effect June 14, 1974.

Domestic and International Business Administration, Bureau of Domestic Commerce.

JOHN M. DUNN,
Deputy Assistant Secretary for Domestic and International Business.

LIST A OF DIBA/BDC NOTICE 1

EXISTING BDC, BCABP AND BDSA ACTIONS

Regulations

Basic Rules of Priorities System:
DPS Regulation 1 (as amended March 23, 1953) (formerly BDSA Regulation 3 36 FR 1684.
Amendment 1 (May 9, 1958) (formerly BDSA Regulation 2, Amendment 5) 23 FR 3273.
Amendment 2 (April 27, 1960) (formerly BDSA Regulation 2, Amendment 6) 25 FR 3820.
Amendment 3 (July 21, 1964) (formerly BDSA Regulation 2, Amendment 7) 29 FR 10461.
Amendment 5 (December 3, 1970) 35 FR 19575.
Amendment 6 (July 1, 1971) 36 FR 12741.
Amendment 7 (February 4, 1974) 39 FR 4478.
Direction 2 (June 29, 1956) (formerly BDSA Regulation 2, Direction 7) 29 FR 4911.
Direction 2, Amendment 1 (May 9, 1958) (formerly BDSA Regulation 2, Direction 7, Amendment 1) 23 FR 3272.
Direction 3 (January 18, 1957) (formerly BDSA Regulation 2, Direction 8) 22 FR 474.
Direction 4 (August 15, 1967) (formerly BDSA Regulation 2, Direction 11) 32 FR 11734.
1953) (formerly BDSA Regulation 2 16
Operations of the Priorities and Allocations Systems Between Canada and the United States:
DPS Regulation 2 (February 1, 1956) (formerly BDSA Regulation 3) 21 FR 787.
Compliance and Enforcement Procedures:
DPS Regulation 3 (May 15, 1956) (formerly BDSA Regulation 8) 21 FR 3254.
Basic Rules of the Defense Materials System:
DMS Regulation 1 (as amended December 1, 1959) 24 FR 9595.
Amendment 1 (March 15, 1966) (formerly DMS Regulation 1, Amendment 2) 31 FR 4594.
Amendment 3 (July 1, 1971) 36 FR 12742.
Direction 1 (December 1, 1959) 24 FR 9607.
Direction 2 (December 1, 1959) 24 FR 9607.
Direction 3 (December 1, 1959) 24 FR 9608.
Direction 3, Amendment 1 (July 1, 1971) 36 FR 12742.

Orders

Metalworking Machines:
DPS Order 1 (as amended May 24, 1963) (formerly BDSA Order M-41) 28 FR 5295.
Iron and Steel:
DMS Order 1 (as amended August 14, 1970) (formerly BDSA Order M-1A) 35 FR 12897.
Amendment 1 (July 1, 1971) 36 FR 12742.
Nickel Alloys:
DMS Order 2 (June 29, 1956) (formerly BDSA Order M-1B) 21 FR 4914.
Amendment 1 (August 17, 1956) (formerly BDSA Order M-1B, Amendment 1) 21 FR 6227.
Amendment 2 (January 20, 1958) (formerly BDSA Order M-12, Amendment 2) 23 FR 363.
Amendment 3 (July 1, 1971) 36 FR 12743.
Aluminum:
DMS Order 3 (May 6, 1953) (formerly BDSA Order M-5A) 18 FR 2639.
Amendment 1 (December 31, 1956) (formerly BDSA Order M-5A, Amendment 1) 22 FR 32.
Amendment 2 (January 20, 1958) (formerly BDSA Order M-5A, Amendment 2) 23 FR 363.
Amendment 3 (July 1, 1971) 36 FR 12743.
Copper and Copper-Base Alloys:
DMS Order 4 (as amended October 28, 1966) (formerly BDSA Order M-11A) 31 FR 13852.
Amendment 1 (July 1, 1971) 36 FR 12744.
Schedule A (Revised as of May 15, 1972) (formerly Schedule A to BDSA Order M-11A) 36 FR 10440.

Delegations

Delegation of Authority to Secretary of Defense:

BDC Delegation 1 (as amended May 31, 1960) (formerly BDSA Delegation 1) 25 FR 5788.

Delegation of Authority to Atomic Energy Commission:

BDC Delegation 2 (as amended May 31, 1960) (formerly BDSA Delegation 2) 25 FR 5789.

Delegation of Authority to Administrator of General Services Administration:

BDC Delegation 3 (May 16, 1972) (formerly BDSA Delegation 3) 37 FR 10426.

Emergency Delegation of Priorities and Allocation Powers:

BDC Emergency Delegation 1 (Revised as of April 18, 1972) (formerly BDSA Emergency Delegation 1) 37 FR 8661.

Notice

Designation of BDC Actions to Be Taken Under the Authority of the Defense Production Act of 1950, as amended:

DIBA/BDC Notice 1 (June 14, 1974) 39 FR 22143
DIBA/BDC Notice 2 (June 14, 1974) 39 FR 22144
BDC Notice 3 (November 30, 1970) 35 FR 18279

[FR Doc.74-14068 Filed 6-19-74;8:45 am]

[DIBA/BDC Notice 2]

DIAB/BDC NOTICE 2—SIGNATURE OF OFFICIAL DIBA/BDC ACTIONS

JUNE 14, 1974.

This notice is found necessary in order to bring procedural practices into conformity with the provisions of Commerce Department Organization Order 10-3, as amended, 38 FR 33624, which abolished the Bureau of Competitive Assessment and Business Policy and assigned its functions to the Domestic and International Business Administation which was established as a primary operating unit of the Department of Commerce. Order 10-3 also established the Bureau of Domestic Commerce as a main line component of the Domestic and International Business Administration. Department of Commerce, Domestic and International Business Administration Organization and Function Orders 45-1 and 45-2 prescribe the organization and functions of the Bureau of Domestic Commerce. This notice supersedes BCABP Notice 2, April 13, 1973, 38 FR 9589.

Sec.
1. Purpose of this notice.
2. Definition.
3. Signature of official actions.

AUTHORITY: Defense Production Act of 1950, as amended (64 Stat. 816; 50 U.S.C. App. 2061 et seq.); Executive Order 10480, as amended, 18 FR 4939, 6201, 19 FR 3807, 7249, 21 FR 1673, 23 FR 5061, 6971, 24 FR 3779, 27 FR 9683, 11447, 3 CFR 1949-1953 Comp., p. 919; Executive Order 11725, 38 FR 17175; DMO 8400.1, 32A CFR 15; Department of Commerce Organization Order 10-3, 38 FR 33624, and 40-1, 39 FR 1671; Department of Commerce, Domestic and International Business Administration Organization and Function Orders 41-1, as amended, 39 FR 2760, 39 FR 18490, 45-1, 39 FR 18488, and 45-2, 39 FR 18489.

Section 1. Purpose of this notice.

This notice prescribes the exclusive methods of signature to be used on official actions taken by the Domestic and International Business Administration, Bureau of Domestic Commerce under the authority of the Defense Production Act of 1950, as amended and extended. This notice does not apply to official actions of any other agency, or of any officer or employee thereof, even when such action is based on a regulation, order, directive, direction, delegation, designation, notice, or rule of the Domestic and International Business Administration, Bureau of Domestic Commerce.

Sec. 2. Definition.

As used in this notice, "official action" means any action taken by the Domestic and International Business Administration, Bureau of Domestic Commerce under the authority of the Defense Production Act of 1950, as amended and extended, including but not limited to the issuance of any regulation, order, direction or supplement thereto, including any amendment, extension, or revocation thereof; any action taken by letter, telegram, form, directive, or otherwise, which assigns or denies a preference rating or grants or denies an authorization, allocation, allotment, adjustment, or exception, to a named person or persons to take or not to take any action relating to production, delivery, receipt, use, sale or distribution of any material or facility; and any action which changes or refuses to change the effect of any of the above actions. For the purpose of this notice, "official action" does not include any action taken in the course of an investigation or compliance proceeding; or the issuance of a suspension order or any action taken in the course of a proceeding looking toward the issuance of such a suspension order.

Sec. 3. Signature of official actions.

(a) The Deputy Assistant Secretary for Domestic and International Business and the Deputy Assistant Secretary for Domestic Commerce may, in their respective names, perform the functions and exercise all the powers, authority, and discretion vested in the Deputy Assistant Secretary for Domestic and International Business.

(b) All official actions taken in performance of the functions or in the exercise of the powers, authority, and discretion vested in the Deputy Assistant Secretary for Domestic and International Business under the Defense Production Act of 1950, as amended and extended, which are not taken in the name of the Deputy Assistant Secretary for Domestic and International Business, or in the name of the Deputy Assistant Secretary for Domestic Commerce shall be taken in the name of the Director of the Office of Industrial Mobilization or in the name of the Office of Industrial Mobilization, countersigned or attested by the Executive Secretary of the Office of Industrial Mobilization. Unless otherwise ordered, all actions taken by countersignature or attestation of the Executive Secretary shall be in the following form:

OFFICE OF INDUSTRIAL MOBILIZATION
By ----------
(Executive Secretary)

This notice shall take effect June 14, 1974.

Domestic and International Business Administration, Bureau of Domestic Commerce.

JOHN M. DUNN,
Deputy Assistant Secretary for Domestic and International Business.

[FR Doc.74-14087 Filed 6-19-74;8:45 am]

Title 36—Parks, Forests, and Public Property

CHAPTER V—SMITHSONIAN INSTITUTION

PART 510—SCIENCE INFORMATION EXCHANGE

Revocation of Part 510

Part 510 of this title on the Science Information Exchange of the Smithsonian Institution is hereby revoked. The Science Information Exchange (SIE) has been abolished and a successor organization, the Smithsonian Science Information Exchange (SSIE), was incorporated under the laws of the District of Columbia on June 9, 1971. Information on the nature and services of the Smithsonian Science Information Exchange may be obtained by contacting SSIE directly at:

1730 M Street, NW.
Washington, D.C. 20036

S. DILLON RIPLEY,
Secretary.

[FR Doc.74-14119 Filed 6-19-74;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER E—PESTICIDE PROGRAMS

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Benomyl

A petition (PP 4F1427) was filed by E. I. du Pont de Nemours & Co., Inc., Wilmington, DE 19898, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a), proposing establishment of a tolerance for combined residues of the fungicide benomyl (methyl 1-(butylcarbamoyl)-2-benzimidazolecarbamate) and its metabolites containing the benzimidazole moiety (calculated as benomyl) in or on the raw agricultural commodity pineapples at 35 parts per million (postharvest application).

Based on consideration given the data submitted in the petition and other relevant material, it is concluded that:

1. The fungicide is useful for the purpose for which the tolerance is being established.

2. There is no reasonable expectation of residues in eggs, meat, milk, or poultry, and § 180.6(a)(3) applies.

3. The tolerance established by this order will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator of the Environmental Protection Agency (36 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (39 FR 18805), § 180.294 is amended by adding the paragraph "35 parts per million * * *", as follows:

§ 180.294 Benomyl; tolerances for residues.

* * * * * *

35 parts per million in or on pineapples (from postharvest application).

* * * * * *

Any person who will be adversely affected by the foregoing order may at any time on or before July 22, 1974, file with the Hearing Clerk, Environmental Protection Agency, Room 1019E, 4th & M Streets SW., Waterside Mall, Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on June 20, 1974.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: June 14, 1974.

HENRY J. KORP,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.74-14207 Filed 6-19-74;8:46 am]

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PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Interim Tolerances; Deletions

In the FEDERAL REGISTER of June 6, 1973 (38 FR 14829), interim tolerances were established for residues resulting from external animal uses only of the insecticides potassium arsenite and sodium arsenite (calculated as As_2O_3) in the raw agricultural commodities kidney and liver of cattle and horses at 2.7 parts per million and the meat, fat, and meat byproducts of cattle and horses at 0.7 part per million.

The interim tolerances were established pending final review and evaluation of the data in petitions submitted on the subject pesticides.

Subsequently, the review and evaluation of the subject petitions have been completed and permanent tolerances established for residues of the insecticides potassium and sodium arsenite (expressed as As_2O_3), resulting from dermal application of the insecticides to animals under the supervision of the U.S. Department of Agriculture, in the raw agricultural commodities kidney and liver of cattle and horses at 2.7 parts per million and the meat, fat, and meat byproducts (except Kidney and liver) of cattle and horses at 0.7 parts per million by an order published in the FEDERAL REGISTER of June 6, 1973 (38 FR 14829).

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055; 21 U.S.C. 371(a)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (39 FR 18805), § 180.319 *Interim tolerances* is amended by deleting the items "Potassium arsenite * * *" and "Sodium arsenite * * *" from the list of items in the table.

Since these amendments are merely for record-clearance purposes and are noncontroversial in nature, notice and public procedure and delayed effective date are not prerequisites to the promulgation of this order.

Effective date. This order shall become effective on June 20, 1974.

Dated: June 14, 1974.

HENRY J. KORP,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.74-14204 Filed 6-19-74;8:45 am]

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Methomyl

A petition (PP 4F1437) was filed by E. I. du Pont de Nemours & Co., Inc., Wilmington, DE 19898, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a), proposing establishment of tolerances for residues of the insecticide methomyl (*S*-methyl *N* - [(methylcarbamoyl)oxy]thioacetimidate) in or on the raw agricultural commodities grapes at 5 parts per million and beans (dry) at 0.1 part per million (negligible residue).

Based on consideration given the data submitted in this petition and other relevant material, it is concluded that:

1. The insecticide is useful for the purpose for which the tolerances are being established.

2. There is no reasonable expectation of residues in eggs, meat, milk, or poultry, and § 180.6(a)(3) applies.

3. The tolerances established by this order will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (39 FR 18805), § 180.253 is amended by revising the paragraphs "5 parts per million * * *" and "0.1 part per million * * *" to read as follows:

§ 180.253 Methomyl; tolerances for residues.

* * * * * *

5 parts per million in or on cabbage, endive (escarole), grapes, lettuce, nectarines, peaches, and peas.

* * * * * *

0.1 part per million (negligible residue) in or on beans (dry), corn grain (including popcorn), fresh corn including sweet corn (kernels plus cob with husk removed), cottonseed, peanut hulls, and peanuts.

Any person who will be adversely affected by the foregoing order may at any time on or before July 22, 1974, file with the Hearing Clerk, Environmental Protection Agency, Room 1019E, 4th & M Streets, SW., Waterside Mall, Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on June 20, 1974.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: June 14, 1974.

HENRY J. KORP,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.74-14206 Filed 6-19-74;8:45 am]

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Picloram

In response to a petition (PP 4E1469) submitted jointly by the Montana Department of Agriculture, Helena, MT 59601, and the North Dakota Department of Agriculture, Bismarck, ND 58501, a notice was published by the Environmental Protection Agency in the FEDERAL REGISTER of May 6, 1974 (39 FR 15880), proposing establishment of interim tolerances for residues of the herbicide picloram (4-amino-3,5,6-trichloropicolinic acid) in or on the raw agricultural commodities green forage and straw of barley and wheat at 1 part per million; grain of barley and wheat at 0.5 part per million; kidney of hogs and horses at 5 parts per million; liver of hogs and horses at 0.5 part per million; meat, fat, and meat byproducts (except kidney and liver) of hogs and horses at 0.2 part per million; and eggs and the meat, fat, and meat byproducts of poultry at 0.05 part per million.

No requests for referral to an advisory committee were received. One comment was received from the State of Nebraska, Department of Agriculture, requesting that the proposed tolerances for picloram be extended to cover residues in or on the same raw agricultural commodities resulting from the same use pattern in Nebraska.

It is concluded that the proposal reflecting this change be adopted. (For a related document, see this issue of the FEDERAL REGISTER, page 22140.)

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (39 FR 18805), § 180.292 is amended by adding to the end thereof the following new paragraph:

§ 180.292 4-Amino-3,5,6-trichloropicolinic acid; tolerances for residues.

* * * * * *

(b) Interim tolerances are established for residues of the herbicide picloram (4-amino-3,5,6-trichloropicolinic acid) in or on the following raw agricultural commodities when present as a result of application of 2,4-D-picloram mixtures to growing barley and wheat during the 1974 growing season in the States of Montana, Nebraska, and North Dakota:

5 parts per million in kidney of hogs and horses.

1 part per million in green forage and straw of barley and wheat.

0.5 part per million in or on grain of barley and wheat.

0.5 part per million in liver of hogs and horses.

0.2 part per million in meat, fat, and meat byproducts (except kidney and liver) of hogs and horses.

0.05 part per million in eggs and the meat, fat, and meat byproducts of poultry.

Any person who will be adversely affected by the foregoing order may at any time on or before July 22, 1974, file with the Hearing Clerk, Environmental Protection Agency, Room 1019E, 4th & M Streets, SW., Waterside Mall, Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on June 20, 1974.

(Sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e))

Dated: June 14, 1974.

HENRY J. KORP,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.74-14125 Filed 6-19-74;8:45 am]

Title 45—Public Welfare

CHAPTER I—OFFICE OF EDUCATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 151—RIGHT TO READ PROGRAM

General Provisions

Notice of proposed rule making was published in the FEDERAL REGISTER on April 10, 1974 (39 FR 13003) setting forth proposed general provisions applicable to all Right to Read grants and specific provisions governing project grants for the development of exemplary teacher preparation programs. Interested persons were given 30 days in which to submit written comments, suggestions, or objections regarding the proposed regulations.

1. Only one comment was received by the Office of Education regarding the proposed regulations. It suggested that all proposals submitted by institutions within a State be reviewed by the appropriate State Department of Education and that the State Department of Education make recommendations for priority funding of proposals that are consistent with reading plans of the State agency.

The Office of Education shares the concern implicit in this comment for facilitating communication and coordination among agencies and institutions supported by the Right to Read program. To carry out this concern, the Office of Education would encourage early consultation among prospective applicants and would intend to seek the views of interested parties, particularly State educational agencies, with regard to Right to Read applications, to the extent appropriate and practicable.

However, the suggestion for formal review of applications by State Departments of Education seems inappropriate in a number of respects. The Cooperative Research Act already requires review of applications by an independent panel of specialists. Mandatory review by State agencies would duplicate this statutory procedure and add to the practical difficulties of submitting and processing grant applications within tight funding cycles. Also, funding decisions for applications submitted under this part must be made by the Commissioner strictly on the basis of requirements and criteria provided for in this part, and not on the basis of State plans concerning activities to be carried out by the State agency with Right to Read funds. Accordingly, no changes in the regulations have been made.

2. Technical and typographical corrections have been made.

After consideration of the above comment, the proposed regulations are adopted as set forth below.

Effective date. These regulations are effective on June 20, 1974.

Dated: May 21, 1974.

JOHN OTTINA,
U.S. Commissioner of Education.

Approved: June 17, 1974.

CASPAR W. WEINBERGER,
Secretary of Health, Education, and Welfare.

(Catalog of Federal Domestic Assistance Program Number 13.533; Right to Read—Elimination of Illiteracy.)

Title 45 of the Code of Federal Regulations is amended by revising Part 151 to read as follows:

Subpart A—General Provisions for Right to Read

Sec.
151.1 Scope.
151.2 Purpose.
151.3 Definitions.
151.4 Competitions for funding.
151.5 Advice and recommendation on proposals.

Subpart B—Exemplary Projects for the Development of Preservice Teacher Preparation Programs

151.11 Scope and purpose.
151.12 Funding requirements.
151.13 Evaluation criteria.
151.14 Allowable costs.
151.15 Project duration.

AUTHORITY: Sec. 2(a) of the Cooperative Research Act enacted by section 401 of Pub. L. 89-10, 79 Stat. 44, as amended (20 U.S.C. 331a(a)).

Subpart A—General Provisions for Right to Read

§ 151.1 Scope.

(a) The provisions of this subpart apply to all grant awards made with funds available to carry out the Right to Read Program pursuant to section 2(a)(1) of the Cooperative Research Act.

(b) Assistance provided under this part shall also be subject to applicable provisions contained in Subchapter A of this Chapter (General Provisions for Office of Education programs relating to fiscal, administrative, property management, and other matters).

(c) Contracts which may be awarded by the Right to Read Program will be made in accordance with criteria specified in this subpart and shall be subject to regulations in Chapters 1 and 3 of Title 41 of the Code of Federal Regulations.

(d) The regulations of this part are not applicable to the provision of technical assistance by the Commissioner in the field of reading.

(20 U.S.C. 331a, 332)

§ 151.2 Purpose.

The purpose of the Right to Read Program is, through the means of funding surveys, dissemination, and exemplary projects in the field of reading under this part and the provision of technical assistance related to such projects, to stimulate greater attention to reading needs, and the initiation of innovative and effective reading programs, by all types of agencies and institutions which can contribute to the elimination of illiteracy in this country.

(20 U.S.C. 331a(a))

§ 151.3 Definitions.

As used in this part:

"Act" means the Cooperative Research Act, as amended, 20 U.S.C. 331.

"Competency based teacher education" means a system of teacher education which places emphasis on the specification, learning, and demonstration of those competencies which are of central importance to effective teaching.

"Institution of higher education" means an educational institution in any State which (a) admits as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such certificate, (b) is legally authorized within such State to provide a program of education beyond secondary education, (c) provides an educational program for which it awards a bachelor's degree or provides not less than a two-year program which is acceptable for full credit toward such a degree, (d) is a public or other nonprofit institution, and (e) is accredited by a nationally recognized accrediting agency or association approved by the Commissioner for this purpose or, if not so accredited, (1) is an institution with respect to which the Commissioner has determined that there is satisfactory assurance, considering the resources available to the institution, the period of time, if any, during which it has operated, the effort it is making to meet accreditation standards, and the purpose for which this determination is being made, that the institution will meet the accreditation standards of such agency or association within a reasonable time, or (2) is an institution whose credits are accepted on transfer by not less than three institutions which are so accredited, for credit on the same basis as if transferred from an institution so accredited.

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"Prospective teacher" means an undergraduate or graduate student who is preparing, in his university or college studies, to become an elementary school teacher.

"Protocol materials" means reproductions which portray concepts in teaching and learning. Protocol materials are used for interpretation of classroom behavior to facilitate the development of interpretative competencies in teachers.

(20 U.S.C. 331a(a))

§ 151.4 Competitions for funding.

(a) Public and private nonprofit institutions, agencies, and organizations shall be eligible to apply for assistance under this part.

(b) Unsolicited proposals involving surveys, dissemination, and exemplary projects related to reading which do not fall within the activities and specific eligibility requirements set forth under other subparts of this part will be evaluated by the Commissioner according to their overall quality in meeting the purposes of the Act and according to the criteria set forth in § 100a.26(b) of this chapter.

(c) The activities described by other subparts of this part represent areas in which the Commissioner has determined there is a special need for exemplary efforts and for better flow of information to eliminate illiteracy within the Nation, and applications which meet the criteria for selection set forth in those subparts will be given priority for funding.

(20 U.S.C. 331a(a)(1))

§ 151.5 Advice and recommendations on proposals.

The Commissioner will, prior to the approval of any proposal under this part, obtain and consider the advice and recommendations of a panel of specialists who are not employees of the Federal Government and who are competent to evaluate the proposal as to the soundness of its design, the possibilities of securing productive results, the adequacy of resources to conduct the proposed project, and its relationship to similar projects already completed or in progress.

(20 U.S.C. 331a(a)(2))

Subpart B—Exemplary Projects for the Development of Preservice Teacher Preparation Programs

§ 151.11 Scope and purpose.

(a) This subpart governs applications from institutions of higher education for grants to develop exemplary preservice preparation components in the teaching of reading on the elementary school level designed to serve as models for other institutions of higher education which may wish to improve the quality of their teacher preparation programs.

(b) Grants under this subpart will support the development and installation of a new program of preparation in the field of the teaching of reading, or the development and installation of components necessary for the restructuring of an existing such program, for undergraduate or graduate students who are preparing to become elementary school teachers.

(20 U.S.C. 331a(a))

§ 151.12 Funding requirements.

(a) Projects funded under this subpart must be designed to devise a program of preparation in the field of the teaching of reading for prospective elementary school teachers that develops the understanding and skills which enable them to become effective teachers of reading in regular classroom settings. Projects must be designed to prepare prospective teachers to teach reading as an integral part of the overall elementary school curriculum.

(b) An application for Federal assistance under this subpart must describe the proposed activities and provide information adequate to establish that:

(1) The applicant will develop a program as described under paragraph (a) of this section which must include, but need not be limited to, instruction and experiences for prospective teachers which:

(i) Develop understanding of the reading process;

(ii) Develop mastery of a variety of approaches to the teaching of reading;

(iii) Develop mastery of a variety of diagnostic instruments and techniques;

(iv) Develop the ability to individualize instruction;

(v) Provide a variety of teaching experiences with children in school settings, including one-to-one instruction, small group instruction, and whole class instruction;

(vi) Enable the prospective teacher to integrate reading instruction into subject matter courses such as social studies and mathematics;

(vii) Develop an understanding of the language development of children, and how to stimulate it in the classroom;

(viii) Develop understanding and appreciation of children's literature so that it can be presented effectively; and

(ix) Develop appropriate skills and attitudes to teach reading to children from diverse cultural and linguistic backgrounds.

(2) The applicant has conducted an assessment of its teacher preparation program in general and the teaching of reading component of that program in particular to determine what changes are needed to make the program more effective in preparing prospective teachers to teach reading in elementary schools, and the proposed project has been designed in light of that asessment;

(3) The project staff will document their experiences in developing the program in a form that will be useful to other institutions interested in changing their own teacher preparation program in reading;

(4) The project director has a background in both the field of reading and teacher preparation; and

(5) The project design will utilize recent research findings and provide for the adoption of innovative products and practices in teacher preparation (such as any newly developed protocol materials, opportunities for undergraduate prospective teachers to engage in their freshman or sophomore years in practice teaching and similar work with elementary school children; competency based teacher education, individual counseling for prospective teachers, and implementation of the entire project in an elementary school).

(20 U.S.C. 331a(a))

§ 151.13 Evaluation criteria.

In evaluating project proposals under this subpart, the Commissioner will seek to identify a small number of exemplary projects and will evaluate proposals in accordance with the following criteria and point system totalling 100 points:

(a) The criteria set forth in § 100a.26 (b) of this chapter; (15 points)

(b) The overall quality of the project in satisfying the requirements set forth in § 151.12; (45 points)

(c) The extent to which the proposed project:

(1) Would involve, in program planning and implementation, representatives from local educational agencies, educational associations, students, and community groups, as well as faculty from different departments in the school of education; (5 points)

(2) Specifies performance objectives for each prospective teacher and criteria for evaluation of the extent to which they are achieved; (5 points)

(3) Provides for follow-up of the prospective teacher's preformance in the first year of teaching; (5 points)

(4) Would result in the adoption or development of new instructional materials and methods which would contribute to the elimination of illiteracy through improved reading instruction in elementary schools; (5 points)

(5) Provides for an effective management system with methodology for the planning, installing, and evaluating of project activities; (5 points)

(6) Provides for preparation of the teachers and administrators in cooperating elementary schools in order to facilitate their role as trainers of prospective teachers; and (5 points)

(7) Gives evidence of commitment and involvement of the dean (or person of the equivalent position) of the applicant's school of education to the project; (5 points)

(d) The extent to which the proposal shows evidence of a capacity and intent on the part of the applicant to implement the project design (if effective) in its elementary education training curriculum following completion of the project assisted under this subpart. (5 points)

(20 U.S.C. 331a(a))

§ 151.14 Allowable costs.

(a) Allowable costs under grants awarded pursuant to this subpart shall be determined in accordance with cost principles set forth in Appendix C to Subchapter A of this chapter, subject to the following restrictions:

(1) Funds supplied under the grants may not be used to pay undergraduate or graduate stipend support or tuition.

(2) Not in excess of five percent of the funds supplied under the grant may be used to purchase equipment.

(b) It is expected that grants will generally range from $20,000 to $50,000 depending on the scope of the proposed project.

(20 U.S.C. 331a(a))

§ 151.15 Project duration.

(a) Projects may be of one or two years duration.

(b) Applicants should make a realistic estimate of the amount of time needed to develop and implement the proposed curricular changes and develop a budget according to such estimate.

(c) With respect to funded projects of two years duration, it is anticipated that generally an initial grant will be awarded for the first year of the project for support of course development and experimental teaching. A continuation grant will support the cost of installing the new program during the second year. Decisions for refunding for the second year will be made on the basis of the extent to which the grantee has satisfactorily performed under the first grant and will be contingent upon availability of funds.

(20 U.S.C. 331a(a))

[FR Doc.74-14196 Filed 6-19-74;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—BUREAU OF SPORT FISHERIES AND WILDLIFE, FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Sachuest Point National Wildlife Refuge, R.I.

The following special regulations are issued and are effective during the period June 27, 1974 through December 31, 1974.

§ 28.28 Special regulations, public access, use, and recreation; for individual wildlife refuge areas.

RHODE ISLAND

SACHUEST POINT NATIONAL WILDLIFE REFUGE

Foot entry to the refuge is permitted during daylight hours for the purposes of photography, nature study, sunbathing, and hiking. The entire refuge beach has no life guards. Swimming will be at the visitor's own risk. Shellfishing is permitted in conformance with the regulations prescribed by the State of Rhode Island. Vehicle parking is limited to areas designated by signs. Parking elsewhere is not permitted. Pets are permitted on a leash not exceeding 10 feet in length. Open fires and camping are not permitted.

The refuge, comprising 71 acres, is delineated on a map available from the Refuge Manager, Ninigret National Wildlife Refuge, c/o Postmaster, Charlestown, Rhode Island 02813, or from the Regional Director, U.S. Fish and Wildlife Service, John W. McCormack Post Office and Courthouse, Boston, Massachusetts 02109.

The provisions of this special regulation supplement the regulations governing recreation on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through December 31, 1974.

WILLARD M. SPAULDING, JR.,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

JUNE 12, 1974.

[FR Doc.74-14143 Filed 6-19-74;8:45 am]

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proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rulemaking prior to the adoption of the final rules.

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

[12 CFR 23]

PRINCIPAL OFFICERS AND DIRECTORS OF NATIONAL BANKS

Statement of Business Interests

Notice is hereby given that the Comptroller of the Currency pursuant to the authority contained in R.S. 5211 as amended, 12 U.S.C. 161; R.S. 5240, as amended, 12 U.S.C. 481; 64 Stat. 879, as amended, 12 U.S.C. 1818 is considering the adoption of a new regulation, 12 CFR 23.

Pursuant to the proposed regulation principal officers and directors of each national bank would be required to complete and keep on file with the bank Form CC 8013–06 relating to their business interests. This statement would indicate the form of business, its principal activity, the nature and percentage of ownership interest, all positions held in the business and the amount of all extensions of credit or other transactions between the national bank and the enterprise. These statements of interest would be required to be completed by January 1, 1975, or within 30 days of attaining the position of national bank director or principal officer of a national bank.

The experience of the Comptroller's Office indicates that unsafe and unsound banking practices frequently are associated with self-dealing by the bank's managing officials. Thus, the identification and scrutiny of self-dealing transactions is important both to the bank and to the Comptroller's Office. One of the most common manifestations of self-dealing is the extension of credit on an unsound basis. Other examples include various types of contracts negotiated between the bank and a business enterprise of a bank official on other than an "arms length" basis, sometimes benefiting improperly these individuals or their interests, to the detriment of the bank.

The purpose of this regulation is to establish an informational base upon which bank management and the Comptroller's Office may assess more accurately the extent and manner by which a national bank may be engaging in transactions with its own directors and senior officers.

All interested persons are invited to submit comments in writing to Robert Bloom, Chief Counsel, Office of the Comptroller of the Currency, Washington, D.C. 20220, to be received not later than August 1, 1974. Such material will be made available for inspection and copying upon request except as provided in § 4.16(a) of the Comptroller's rules regarding availability of information.

The proposed new Part 23 would read as follows:

PART 23—STATEMENTS OF BUSINESS INTERESTS OF PRINCIPAL OFFICERS AND DIRECTORS OF NATIONAL BANKS

Sec.

23.1 Authority and scope.
23.2 Definitions.
23.3 Filing of statement.
23.4 Annual review.
23.5 Location and retention of statements.

§ 23.1 Authority and scope.

(a) This part is issued by the Comptroller of the Currency pursuant to sections 161, 481 and 1818 of Title 12 of the United States Code. This part requires the filing of a Statement of Interest of directors and principal officers of national banks. An initial statement must be filed by January 1, 1975, or within 30 days of attaining the position of director or principal officer of a national bank, whichever is later.

(b) The statement is to be kept at the head office of the bank for review by national bank examiners and the bank's board of directors, management, lending officers, auditors, and attorneys.

§ 23.2 Definitions.

For purposes of this part:

(a) The term "business enterprise" means a corporation, association, trust, partnership, joint venture, pool, syndicate, sole proprietorship or any other form of business not specifically listed herein.

(b) The term "extension of credit" means the making of a loan or extending credit in any manner whatsoever by a national bank, and shall include (without limitation):

(1) A loan.

(2) Any advance by means of an overdraft, cash item or otherwise.

(3) The acquisition by discount, purchase, exchange or otherwise of any note, draft, bill of exchange or other evidence of indebtedness.

(4) An acceptance.

(5) A letter of credit.

(6) Any purchase of securities, accounts, receivable or other chose in action under a repurchase agreement.

(7) Any other transaction as a result of which an extension of credit is created.

(c) The term "interest" with regard to a business enterprise means:

(1) ownership, whether legal, equitable or otherwise, of stock or other forms of equitable, legal or beneficial participation in the enterprise by the reporting bank officer or director and/or his spouse or minor children which, when aggregated, equal or are greater then either 5 percent of the enterprise's total outstanding indicia of ownership, or, in the case of stock, 5 percent of the total outstanding of any class of stock;

(2) indebtedness owed to or from the enterprise in an amount of $100,000 (aggregated among the reporting bank director or principal officer and his spouse and minor children) or greater; or

(3) the holding by the reporting bank director or officer or his spouse or minor child of a position in the enterprise.

(4) The possession, directly or indirectly, by the reporting bank officer or director of the power to direct or cause the direction of the management or policies of the enterprise, whether through the ownership of securities, by contract, by inter-company relationships, or otherwise.

(d) The term "material change" means:

(1) The acquisition or termination of an interest in a business enterprise.

(2) A change from the amount most recently reported on a Form CC 8013–06 of more than 25 percent in the amount of deposits maintained with the bank by a business enterprise.

(3) The creation, or termination, or material change in the terms or conditions of any extension of credit or agreement between the bank and a business enterprise.

(e) The term "principal officer" with regard to a national bank usually includes the Chairman of the Board of Directors, President, Cashier, Treasurer, Secretary, Comptroller, Vice-President or anyone exercising the functions normally associated with those positions, or any other person who participates in major policy-making functions of the bank. In certain banks, particularly those with officers bearing titles such as Executive Vice-President, Senior Vice-President or First Vice-President, some or all Vice-Presidents do not participate in major policy-making functions and such persons are not "principal officers" for the purpose of this part.

(f) The term "position" with regard to a business enterprise means an officer, director, employees with managerial or policy-making responsibilities, trustee, beneficiary, participant, partner, or associate or any similar office regardless of title.

§ 23.3 Filing of statement.

Every director or principal officer of a national bank is required to maintain on file with the bank as prescribed in this Regulation a statement of each business enterprise in which the officer or director has an interest, whether or not that enterprise has a business relationship with the bank. The director or principal officer shall complete and file with the bank Form CC 8013–06 within 30 days of attaining his position as a bank director or principal officer, or by January 1, 1975, whichever is later. Thereafter, the director or principal officer shall complete and file Form CC 8013–06 within 30 days after any material change. The director or principal officer shall include on the Form, in accordance with the instructions thereon, the required information concerning any business enterprise in which he, his spouse, or his minor children have an interest.

§ 23.4 Annual review.

Every director or principal officer subject to this part shall review annually during January the Statement of Interest Form and any subsequent Statement of Interest Form he has on file with the bank to determine if these forms accurately reflect his current status. If his current status is not reflected accurately, he forthwith shall prepare and file with the bank Form CC 8013–06.

§ 23.5 Location and retention of statements.

(a) All Statements of Interest Forms shall be maintained at the head office of the bank during the tenure of the reporting officer or director as an official of the bank.

(b) If any director or principal officer of a national bank ceases to serve in that capacity, the bank nevertheless shall maintain all Statement of Interest Forms for a period of two years or until all extensions of credit listed thereon have been paid, whichever is later.

Dated: June 14, 1974.

[SEAL] JUSTIN T. WATSON,
Acting Comptroller of the Currency.

Office of the Comptroller of the Currency — STATEMENT OF INTEREST of Principal Officers and Directors of National Banks — The Administrator of National Banks

☐ Initial Statement, ☐ Subsequent Statement Sheet ___ of ___

Name and Address of Business	Form of Business	Principal Activity

Ownership Interest	Position	Extension of Credit or Agreement by Bank	Deposits

Name & Address of Business	Form of Business	Principal Activity

Ownership Interest	Position	Extension of Credit or Agreement by Bank	Deposits

Name & Address of Business	Form of Business	Principal Activity

Ownership Interest	Position	Extension of Credit or Agreement by Bank	Deposits

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Name of Bank

Date

Name of Officer or Director

Position with Bank

Signature

This form (CC-8013-06) is to be completed in accordance with the provision of Part 23 of the Comptroller's regulations.

Officers and directors are reminded of the provision of 18 U.S.C. 1001 and 18 U.S.C. 1005.

§ 1001

Whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals or covers up by any trick, scheme, or device a material fact, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be fined not more than $10,000 or imprisoned not more than five years, or both.

§ 1005

Whoever, being an officer, (or) director . . . of any . . . national bank . . . makes any false entry in any book, report, or statement of such bank with intent to injure or defraud such bank, or any other company, body politic or corporate, or any individual person, or to deceive any officer of such bank, or the Comptroller of the Currency, or the Federal Deposit Insurance Corporation, or any agent or examiner appointed to examine the affairs of such bank, or the Board of Governors of the Federal Reserve System -- shall be fined not more than $5,000 or imprisoned not more than five years.

Initial Statement of Interest

1. Name and Address of Business: Give legal name and address of the business.
2. Form of Business: State the legal form of existence of the business enterprise: e.g., trust, sole proprietorship, corporation.
3. Principal Activity: Briefly describe the principle activities in which the identified business enterprise engages.
4. Ownership Interest: Specify the nature and percentage of ownership in the identified business enterprise; any indebtedness owed to or from the business enterprise to the officer or director in an amount of $100,000 or greater; and, other means of control.
5. Position: Under "position" list all positions held, in the identified business enterprise by the bank officer or director, his spouse, or his minor children, whether as an officer, director, employee with managerial or policy making responsibilities, trustee, beneficiary, participant, associate, or otherwise.
6. Extension of Credit or Agreement by Bank:
   a. Identify and list the amount of all extensions of credit from the bank to the identified business enterprise.
   b. Identify any transaction between the bank and the identified business enterprise not covered in 6(a) including contracts, agreements, leases or any understanding whereby the bank will purchase or lease goods or services from the business enterprise of the officer or director.
7. Deposits: Indicate the nature and amount of all deposits with the bank by the identified business interest.

Subsequent Statement of Interest

A statement on this form is required to be filed by every director or principal officer of a national bank within 30 days of any material change in his interests or those of his spouse or minor children in any business enterprise, whether or not any previous interest in this enterprise has been reported previously on an "Initial Statement of Interest" or "Subsequent Statement of Interest" It is to be completed and filed in accordance with Part 23 of the Comptroller's regulations and with the instructions provided.

[FR Doc.74-14048 Filed 6-19-74;8:45 am]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 33]

SPORT FISHING

Sachuest Point National Wildlife Refuge, R.I.

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the National Wildlife Refuge System Administration Act of 1966 (80 Stat. 927 as amended: 16 U.S.C. 668dd), as delegated to the Director, Bureau of Sport Fisheries and Wildlife by Chapter 2, Part 242 of the Departmental Manual, it is proposed to amend 50 CFR 33 by the addition of Sachuest Point National Wildlife Refuge, Rhode Island, to the list of areas open to sport fishing.

It has been determined that sport fishing may be permitted as designated on the above refuge without detriment to the objectives for which the area was established.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendment, to the Director, Bureau of Sport Fisheries and Wildlife, Washington, D.C. 20240, by July 25, 1974.

WILLARD M. SPAULDING, JR.,
Acting Regional Director.

JUNE 12, 1974.

[FR Doc.74-14142 Filed 6-19-74;8:45 am]

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[9 CFR Parts 312, 317, 320, 381]

MEAT AND POULTRY PRODUCTS

Labeling and Official Marks of Inspection

Pursuant to the authority contained in the Federal Meat Inspection Act, as amended (21 U.S.C. 601 *et seq.*), and in the Poultry Products Inspection Act, as amended (21 U.S.C. 451 *et seq.*), notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553 that the Animal and Plant Health Inspection Service proposes to amend Parts 312, 317, and 320 of the meat inspection regulations (9 CFR Parts 312, 317, and 320) and Part 381 of the poultry products inspection regulations (9 CFR Part 381) to establish procedures for the approval of labeling, marking devices, and containers for use with meat and poultry products; provide criteria to print labeling or other devices bearing the marks of inspection; permit inspectors to approve certain modifications of labeling previously approved; and establish equitable procedures for processing labeling approval applications in the Washington office. Further, notice is given that a public hearing to consider the above proposal will be held.

Statement of Considerations: On August 14, 1969, there was published in the FEDERAL REGISTER (34 FR 13194–13255) a notice that the Department was considering revising the Federal meat inspection regulations, including 9 CFR Parts 317 and 320, pursuant to the Federal Meat Inspection Act, as amended by the Wholesome Meat Act (21 U.S.C. 601 *et seq.*). The notice proposed among other things, new §§ 317.3, 317.4, and 317.15 related to approval of labeling, marking devices, and containers for meat products subject to the Act and authorization to make labeling or other devices bearing official marks of inspection.

After considering all the comments and information presented, the Department alternatively proposed new §§ 317.3, 317.4, 317.15, and 320.1 on December 17, 1970 (35 FR 19118–19121). On February 18, 1971, another notice was published (36 FR 3126) extending the time until March 22, 1971, for filing comments on the proposed revision of the regulations. On September 21, 1973, there was published in the FEDERAL REGISTER (38 FR 26455–26459) a notice proposing to amend the poultry products inspection regulations in a similar manner as previously proposed for meat products incorporating changes based on previous comments.

The principal objectives of the proposals were to assure that products distributed under the Acts are wholesome, unadulterated, and properly marked, labeled, and packaged. The objectives also were to insure that the official marks of the Department's meat and poultry inspection service shall not be printed, cast, lithographed, or otherwise made or

used improperly. The number and nature of comments received emphasized the importance of the subject matter involved in the proposed regulations. The Department carefully considered all the information presented by the comments.

Several of the persons commenting recommended changes in the proposed regulations and one person recommended a public hearing on the regulations. In view of numerous comments received, the Department believes that it would be in the public interest to conduct further rulemaking proceedings, and that a public hearing should be held to develop further information on the proposals.

Based on the comments received to date, the Department has made certain changes in the proposed regulations concerning authorizations to make labeling or devices, and generally has modified the proposed amendments to the meat inspection regulations to conform to the proposed amendments to the poultry products inspection regulations. It is recognized that additional changes may be necessary after the rulemaking proceedings are completed.

As set forth herein, the proposed amendments would: (1) Establish a new application form for the submission of labeling for approval; (2) provide for more complete information upon which the approval or disapproval of labeling can be based; (3) simplify labeling approval procedures for multiple plant operations and in situations where multiple formulae apply to the same product name and label design; (4) retain the previous policy of control for the acceptability of containers used for foods; (5) establish a simplified procedure for the approval of the manufacture of brands or printing of labeling bearing the official mark of inspection, and (6) prescribe procedures for submitting labeling by mail and in person for approval.

Therefore, it is proposed to amend Parts 312, 317 and 320 of the meat inspection regulations (9 CFR Parts 312, 317 and 320) and Part 381 of the poultry products inspection regulations (9 CFR Part 381) as set forth below:

The specific proposed amendments to the meat inspection regulations are as follows:

§ 312.10 [Amended]

1. In § 317.3, the text of paragraph (a) would be added at the end of the present text in § 312.1 of this subchapter; and § 317.3 and the title thereof would be revised to read:

§ 317.3 Prior approval required for certain labeling and marking devices; conditions and procedure.

(a) (1) No labeling or device bearing an official mark as provided for in Part 312 of this subchapter, or simulation thereof, shall be used until it has been approved in finished form, as provided in this section. This requirement does not, however, apply to labeling used on the outside of an immediate or shipping container and approved in accordance with § 316.13(g) of this subchapter.

(2) No labeling or device bearing an official mark, or simulation thereof, shall be made or caused to be made in finished form until it has been approved in sketch form, as provided in this section; except that such prior approval of a sketch will not be required when finished labeling is submitted initially: *Provided, however,* That no more than 100 prints of the labeling may be prepared in finished form without sketch approval and such prints shall be marked "Proof" before being removed from the printing establishment or printing facility.

(3) Inserts, tags, liners, pasters, and similar articles containing printed or graphic matter for use on, or to be placed within, containers or coverings for product shall be submitted for approval in the same manner as provided for in paragraph (a) (2) of this section. Inspectors in charge may, however, permit use of such devices which bear no reference to any product and which are not false or misleading in any particular even though not so submitted.

(b) Requests for approval required under paragraph (a) of this section shall be made on Form MP–480, Application for Approval of Label, Marking, or Device,[1] in accordance with the procedures prescribed in this section. To request approval, the applicant (or his agent) shall submit sketches or proofs of the labeling or device, as described in paragraph (a) of this section. Copies of these sketches or proofs shall be attached to Form MP–480 completed as prescribed in paragraph (d) of this section. Applications shall be mailed to: Labels and Packaging Staff, Meat and Poultry Inspection Program, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Post Office Box 7416, Benjamin Franklin Station, Washington, D.C. 20044, or delivered to the office of said Staff, U.S. Department of Agriculture, Washington, D.C. Applications will be processed in accordance with the following procedures:

(1) Applications received by mail will be stamped with the date of receipt and will be processed in the daily order in which they are received.

(2) Applications delivered to the office of said Staff by the applicant (or his agent) shall be handled as follows:

(i) The application shall be left with the receptionist who will stamp thereon the date of receipt, which will be used to determine priority of processing applications as provided in paragraph (b) (1) of this section; and instructions shall also be left with the receptionist identifying the person to be notified of the final action and the method of notification desired; or

(ii) The applicant (or his agent) may schedule a conference with the label review office for the purpose of presenting applications in person. Such conferences will be scheduled, based on available time, Monday through Friday. Every effort will be made to schedule conferences to meet the desires of the applicant. However, availability of label review personnel for such conferences will be dependent upon the processing of all applications on an equitable time basis, regardless of the mode of receipt. These procedures for scheduling conferences apply only to routine applications. Conferences to discuss principles of labeling or special problems will be by appointment during regular working hours Monday through Friday. Information supplied under this section will be treated as confidential insofar as authorized under the provisions of 5 U.S.C. 552, 18 U.S.C. 1905, § 407 of the Act, and 15 U.S.C. 50, and the public information regulations of the Department of Agriculture (7 CFR 1.1 *et seq.* and supplementary regulations). All information requested must be given either in the space provided on Form MP–480 or by attaching additional sheets as necessary.

(c) The sketch for labeling or a device shall be an accurate representation of the labeling or device as it will appear in finished form. To be considered for approval, the sketch shall:

(1) Show all the features required by Parts 312, 316, 317, and 319 of this subchapter.

(2) Represent by rough drawings, printing, or other means, the exact information to be shown, the approximate location thereof, and size of type to be used. When a comprehensive sketch of a true color reproduction of the finished labeling or device with complete details is submitted, it will be eligible for final approval under the conditions stated in paragraph (e) of this section.

(3) Indicate transparent or semi-transparent colored coverings.

(4) Present pictorials, if used, in color photographs, color transparencies or color prints.

(5) Indicate, if proposed for multi-plant operations, the official establishment numbers of the plants at which the final labeling will be used.

(6) Show each applicable ingredient statement and formula for which the labeling format will be used.

(d) Form MP–480 shall be completed in its entirety in accordance with the instructions provided on the reverse side of the form and shall conform with the following provisions:

(1) Entries shown under the item—"Fill Specifications" shall specify the quantity of each component of the product, either by weight or percentage, if the product consists of two or more major distinct components such as "beef and gravy," "frozen dinner," etc. The space shall not be used for such products as stews, soup, patties, sausage, etc.

(2) Entries shown under the item—"Formula Breakdown of Each Major Component" shall specify a formula, listing the ingredients and quantity, either by weight or percentage, of each ingredient used in the preparation of each component making up the product. In cases where the percentages of ingredients may vary, approximate percentages may be given if the limits of variations are

[1] Copies of this form may be obtained from any Meat and Poultry Inspection Program office or from the Administrator.

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stated. When a complex ingredient (such as a breading or seasoning mixture), for which there is no Food and Drug Administration standard of identity, is shown in a formula, the formula shall be further explained by listing the common name of each ingredient therein. The quantity need not be shown for each ingredient in gravy bases, gravy mixes, seasoning mixes, and relishes. The space shall not be used for products that do not have distinctly separate components such as stews, soup, patties, etc.

(3) The space provided for "Complete Formula" shall be used to show the complete formula of the product and to specify the quantity of each ingredient used to prepare the product, either by weight or percentage, in descending order of predominance, when required in the specific case by the Administrator.

(4) "Processing Procedures" shall describe those processing procedures (fabricating, cooking, smoking, curing, canning, etc.) that may significantly affect the physical properties or condition of the product, or both. Description of the establishment control methods exercised with respect to the processing procedures shall be provided when it is required in the specific case by the Administrator to enable determination whether the product complies with statements on the labeling.

(e) (1) Finished labeling shall not be printed prior to obtaining sketch approval except as provided for in paragraph (a) (2) of this section. In any case, if finished labeling is printed prior to sketch approval, the applicant shall assume full responsibility and risk for the labeling which may be disapproved for use in accordance with the regulations in this Part.

(2) Finished labeling submitted for approval shall be accompanied by a copy of the approved sketch or make reference to the approved sketch, if a sketch has been approved, or other approval; or comply with the requirements of this section with respect to submission of sketches for approval: *Provided*, That,

(i) Finished labeling intended for use at more than one official establishment shall be submitted in sufficient copies to provide two copies for each official establishment designated on the application;

(ii) Lithographed labels, metal containers or sections therefrom shall not be submitted for approval. Paper takeoffs can be used to represent lithographed labels submitted for approval. Such paper takeoffs shall not be in the form of a negative but shall be a complete reproduction of the label as it will appear on the package, including any color scheme involved; and

(iii) For fiber containers, the printed layers such as kraft paper sheet, showing the entire label shall be submitted for approval in lieu of the complete container.

(f) At an official establishment, application for approval of a device or a sketch of any labeling or device, proof of any labeling, or any finished labeling completed in accordance with this section, may be submitted by the applicant to the inspector in charge. Applications may also be submitted to Washington, D.C., as hereinafter provided.

(1) If such material is submitted to the inspector in charge, he shall initially review the material as follows:

(i) If he determines that the device, sketch of labeling or device, proof of labeling, or finished labeling and the formulation of the product on which the labeling is to be used are in accordance with the applicable provisions of Parts 312, 316, 317, and 319 of this subchapter, he shall sign the application in the space provided therefor, and submit an imprint of the device, the sketch of labeling or device, proof of labeling, or finished labeling and the formulation to the Labels and Packaging Staff for review to determine whether the proposed labeling or device complies with all the applicable provisions of this subchapter, and approval or disapproval accordingly.

(ii) If the inspector in charge determines that the device, sketch, proof, or finished labeling or the formulation of the product on which the labeling or the device is to be used is not in accordance with the regulations cited in paragraph (f) (1) (i) of this section, he shall notify the applicant and request that the labeling or device be revised or the product formulation be changed in accordance with the applicable regulations: *Provided*, That, if the applicant does not agree with the inspector in charge's determination, the inspector in charge shall complete Form MP–442, "Checklist for Accuracy of Labels," identifying nonconforming features of the device, sketch, proof, finished labeling, or product formulation. The completed Form MP–442, signed by the inspector in charge, shall be submitted with the application and the imprint of the device, sketch, proof, or finished labeling to the Washington, D.C., office of the Labels and Packaging Staff for review and decision.

(2) If the Washington office of the Labels and Packaging Staff concurs with the inspector in charge's determinations, the application will be returned to the applicant without further action. If, however, said office does not agree with the inspector in charge's determinations, the application will be further processed in the usual manner for a determination whether the proposed labeling or device complies with all the applicable provisions of this subchapter, and approval and disapproval accordingly.

(3) The operator of an official establishment may submit applications for approval of a device, sketch of labeling or device, proof of labeling or finished labeling to the Washington office of the Labels and Packaging Staff for review. If said office determines that the device, sketch, proof, or finished labeling or the formulation of the product on which the labeling or device is to be used is not in accordance with the regulations cited in paragraph (f) (1) (i) of this section, the application will be returned to the applicant with an appropriate explanation of why the material submitted appears not to be in accordance with the regulations. Otherwise, it will be processed in the usual manner for a determination whether the proposed labeling or device complies with all the applicable provisions of this subchapter and approval or disapproval accordingly.

(4) Applications for approval of a device, a sketch of labeling or device, proof of labeling, or finished labeling will be reviewed and processed by the Washington, D.C., office of the Labels and Packaging Staff in the order received by that office. If an application is returned to the applicant because the sketch, proof, or finished labeling or product formulation does not comply with the regulations cited in paragraph (f) (1) (i) of this section, and an application is resubmitted therefor, it will be handled as a new application in accordance with this section.

(g) A sample of the product for which labeling approval is being sought may be required to be furnished by the applicant to the Washington, D.C., office of the Labels and Packaging Staff to determine the acceptability of the proposed labeling.

(h) Two copies of the approved sketch shall be mailed to the inspector in charge of the official establishment concerned, and, if requested, a copy of the approved sketch may be given to the applicant or his agent. Copies of approved sketches for multiplant operations may be sent to the applicant under appropriate procedures approved by the Administrator.

(i) (1) All applications for approval of labeling or devices intended for use on or with products to be imported into the United States shall comply with all requirements of this section, except that the applications shall be presented directly to the Labels and Packaging Staff, Meat and Poultry Inspection Program, Post Office Box 7416, Benjamin Franklin Station, Washington, D.C. 20044.

(2) After receiving an approved sketch, the applicant shall submit the finished labeling or device in the same manner as required for sketches, except that a minimum of four copies of the finished labeling or device plus one for each foreign plant producing the product involved and one for each port of entry where the product will be offered for importation into the United States shall be furnished. Each port of entry and each foreign producing plant shall be listed in the application.

(3) The import inspector shall not allow entry of the product proposed for importation into the United States until he receives an approved copy of the finished labeling or device.

(j) Copies of the approved application for labeling or devices pertaining to domestic product shall be mailed to the inspector in charge of the official establishment concerned, and he shall deliver a copy to the applicant. When an applicant desires wider than usual distribution of approved copies, he shall provide extra copies of the application, along with mailing or other distribution instructions. Approved applications for foreign product shall be returned to the applicant. Copies shall be sent to the inspector of the foreign plant where the product is to be prepared. Each labeling or device made or caused to be made by the applicant for approval of such labeling or device, shall conform to the approved sketch or proof.

(k) Any action taken by any inspector in charge or any other employee of the Program under this subchapter with respect to any application for approval of any labeling or device may be appealed to the immediate supervisor of such employee by the applicant. An order under section 7(e) of the Act to withhold any marking, labeling or container from use may be issued by the Administrator.

2. Section 317.4 and the title thereof would be revised to read:

§ 317.4 Authorization required to make labeling or other devices bearing official marks.

(a) No person, firm, or corporation shall cast, print, lithograph, or otherwise make or cause to be made any labeling or device bearing any official mark, or simulation thereof, except as authorized by the Administrator as provided for in this section.

(b) Receipt of an approved sketch or proof for a labeling or device bearing the official mark as provided for in § 317.3 of this subchapter, shall be deemed sufficient authorization by the Administrator thereof to make or cause to be made such labeling or device in accordance with the provisions of this section.

(c) A copy of the approved labeling or device, a record of the order by the official establishment to manufacture, and a record of the quantity received and disposition made of the labeling or device, shall be maintained by the operator of the official establishment as provided for in Part 320 of this subchapter.

3. Section 317.5 and the title thereof would be revised to read:

§ 317.5 Inspector in charge may permit modifications of approved labelings or markings.

(a) The inspector in charge may permit modifications of approved labeling or marking under any of the following circumstances, provided the labeling or marking, as modified, is so used as not to be false or misleading.

(1) When all features of the labeling or marking are proportionately enlarged and the color scheme remains the same;

(2) When abbreviations are substituted for words, such as "lb." for "pound," or "oz." for "ounce," or words are substituted for abbreviations such as "pound" for "lb.";

(3) When the name and address of the distributor are included in the blank space following the words "prepared for" or a similar statement, on a master or stock label which was approved with the understanding that such information would be added later;

(4) When, during any holiday season, special designs or wrappers are used with approved labelings or markings on a label;

(5) When there is a slight change in the directions pertaining to opening a can or serving the product;

(6) When there is a change in the quantity of an ingredient shown in the formula without a change in the order of predominance shown in the ingredients statement on the label: *Provided*, That the change in the quantity of ingredients complies with any minimum or maximum limits for the use of such ingredients prescribed in Parts 318 and 319 of this subchapter, or identified in the original approved application as a condition for approval of the product name.

(b) Request for such permission shall be made to the inspector in charge, prior to printing the modified labeling, on Form MP–480, as specified in § 317.3 of this subchapter, except that in lieu of a sketch sufficient copies of the previously approved labeling may be modified to indicate the change(s) and the information on Form MP–480 may be limited to the modification requested.

(c) The inspector in charge shall review the application for permission for use of a modified labeling, and, if appropriate, indicate approval by signing his name in the appropriate space on Form MP–480.

(d) Prior to use, three copies of the modified finished labeling shall be submitted to the inspector in charge on Form MP–480 for his approval. If approved, the inspector in charge will indicate approval by signing his name on Form MP–480 in the appropriate space and distribute copies as follows:

(1) One copy to the establishment operator,

(2) One copy to the inspector at the establishment, for filing along with the original approval, and

(3) One copy to the Labels and Packaging Staff, Meat and Poultry Inspection Program, for review and filing.

(e) If the inspector in charge determines that the modification does not comply with the regulations, and the applicant disagrees, the application for modification must be submitted to the Labels and Packaging Staff for review and decision.

4. A new section 317.15 would be added with the following title and text:

§ 317.15 Containers.

Containers for any product shall not result in the adulteration or misbranding of the product. Containers shall not be composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health under conditions of use. Containers shall adequately protect products and shall not be deceptive. Container composition shall comply with section 409 of the Federal Food, Drug, and Cosmetic Act, as amended, and the implementing regulations in 21 CFR 121, Subparts B, E, and F.

5. Section 320.1 would be amended by adding thereto a new paragraph (b) (4) to read as follows:

§ 320.1 Records required to be kept.

* * * * *

(4) Records of any labeling or device bearing any official inspection mark, as required of the operator of each official establishment by § 317.4 of this subchapter.

* * * * *

6. The Table of Contents to Part 317—Labeling, Marking Devices, and Containers would be amended to reflect new titles for §§ 317.3, 317.4, 317.5, and 317.15 as follows:

Sec.
317.3 Prior approval required for certain labeling and marking devices; conditions and procedure.
317.4 Authorization required to make labeling or other devices bearing official marks.
317.5 Inspector in charge may permit modification of approved labelings or markings.
317.15 Containers.

The specific proposed amendments to the poultry products inspection regulation are as follows:

1. Section 381.131 and the title thereof would be revised to read as follows:

§ 381.131 Prior approval required for certain labeling and marking devices; conditions and procedure.

(a) (1) No labeling or device bearing an official mark as provided for in Subpart M of this subchapter, or simulation thereof, shall be used until it has been approved in finished form, as provided in this section. This requirement does not, however, apply to labeling used on the outside of an immediate or shipping container and approved in accordance with § 381.134(b) of this subchapter.

(2) No labeling or device bearing an official mark, or simulation thereof, shall be made or caused to be made in finished form until it has been approved in sketch form, as provided in this section; except that such prior approval of a sketch will not be required when finished labeling is submitted initially: *Provided, however*, That no more than 100 prints of the labeling may be prepared in finished form without sketch approval and such prints shall be marked "Proof" before being removed from the printing establishment or printing facility.

(3) Inserts, tags, liners, pasters, and similar articles containing printed or graphic matter for use on, or to be placed within, containers or coverings for product shall be submitted for approval in the same manner as provided for in paragraph (a) (2) of this section. Inspectors in charge may, however, permit use of such devices which bear no reference to any product and which are not false or misleading in any particular, even though not so submitted.

(b) Requests for approval required under paragraph (a) of this section shall be made on Form MP–480, Application for Approval of Label, Marking, or Device,[1] in accordance with the procedures prescribed in this section. To request approval, the applicant (or his agent) shall

[1] Copies of this form may be obtained from any Meat and Poultry Inspection Program office or from the Administrator.

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submit sketches or proofs of the labeling or device, as described in paragraph (a) of this section. Copies of these sketches or proofs shall be attached to Form MP-480 completed as prescribed in paragraph (d) of this section. Applications shall be mailed to: Labels and Packaging Staff, Meat and Poultry Inspection Program, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Post Office Box 7416, Benjamin Franklin Station, Washington, D.C. 20044, or delivered to the office of said Staff, U.S. Department of Agriculture, Washington, D.C. Applications will be processed in accordance with the following procedures:

(1) Applications received by mail will be stamped with the date of receipt and will be processed in the daily order in which they are received.

(2) Applications delivered to the office of said Staff by the applicant (or his agent) shall be handled as follows:

(i) The application shall be left with the receptionist who will stamp thereon the date of receipt, which will be used to determine priority of processing applications as provided in paragraph (b)(1) of this section; and instructions shall also be left with the receptionist identifying the person to be notified of the final action and the method of notification desired; or

(ii) The applicant (or his agent) may schedule a conference with the label review office for the purpose of presenting applications in person. Such conferences will be scheduled, based on available time, Monday through Friday. Every effort will be made to schedule conferences to meet the desires of the applicant. However, availability of label review personnel for such conferences will be dependent upon the processing of all applications on an equitable time basis, regardless of the mode of receipt. These procedures for scheduling conferences only apply to routine applications. Conferences to discuss principles of labeling or special problems will be by appointment during regular working hours Monday through Friday. Information supplied under this section will be treated as confidential insofar as authorized under the provisions of 5 U.S.C. 552, 18 U.S.C. 1905, §§ 9(a)(5) and 22 of the Act, and 15 U.S.C. 50, and the public information regulations of the Department of Agriculture (7 CFR 1.1 et seq. and supplementary regulations). All information requested must be given either in the space provided on Form MP-480 or by attaching additional sheets as necessary.

(c) The sketch for labeling or a device shall be an accurate representation of the labeling or device as it will appear in finished form. To be considered for approval, the sketch shall:

(1) Show all the features required by Subparts M and N of this subchapter.

(2) Represent by rough drawings, printing, or other means, the exact information to be shown, the approximate location thereof, and size of type to be used. When a comprehensive sketch of a true color reproduction of the finished labeling or device with complete details is submitted, it will be eligible for final approval under the conditions stated in paragraph (e) of this section.

(3) Indicate transparent or semi-transparent colored coverings.

(4) Present pictorials, if used, in color photographs, color transparencies or color prints.

(5) Indicate, if proposed for multi-plant operations, the official establishment numbers of the plants at which the final labeling will be used.

(6) Show each applicable ingredient statement and formula for which the labeling format will be used.

(d) Form MP-480 shall be completed in its entirety in accordance with the instructions provided on the reverse side of the form and shall conform with the following provisions:

(1) Entries shown under the item—"Fill Specifications" shall specify the quantity of each component of the product, either by weight or percentage, if the product consists of two or more major distinct components such as "turkey and gravy," "frozen dinner," etc. The space shall not be used for such products as stews, soup, patties, etc.

(2) Entries shown under the item—"Formula Breakdown of Each Major Component" shall specify a formula, listing the ingredients and quantity, either by weight or percentage, of each ingredient used in the preparation of each component making up the product. In cases where the percentages of ingredients may vary, approximate percentages may be given if the limits of variations are stated. When a complex ingredient (such as a breading or seasoning mixture), for which there is no Food and Drug Administration standard of identity, is shown in a formula, the formula shall be further explained by listing the common name of each ingredient therein. The quantity need not be shown for each ingredient in gravy bases, gravy mixes, seasoning mixes, and relishes. The space shall not be used for products that do not have distinctly separate components such as stews, soup, patties, etc.

(3) The space provided for "Complete Formula" shall be used to show the complete formula of the product and to specify the quantity of each ingredient used to prepare the product, either by weight or percentage, in descending order of predominance, when required in the specific case by the Administrator.

(4) "Processing Procedures" shall describe those processing procedures (fabricating, cooking, smoking, curing, canning, etc.) that may significantly affect the physical properties or condition of the product, or both. Description of the establishment control methods exercised with respect to the processing procedures shall be provided when it is required in the specific case by the Administrator to enable determination whether the product complies with statements on the labeling.

(e)(1) Finished labeling shall not be printed prior to obtaining sketch approval except as provided for in paragraph (a)(2) of this section. In any case, if finished labeling is printed prior to sketch approval, the applicant shall assume full responsibility and risk for the labeling which may be disapproved for use in accordance with the regulations in this Part.

(2) Finished labeling submitted for approval shall be accompanied by a copy of the approved sketch or make reference to the approved sketch, if a sketch has been approved, or other approval; or comply with the requirements of this section with respect to submission of sketches for approval: *Provided*, That,

(i) Finished labeling intended for use at more than one official establishment shall be submitted in sufficient copies to provide two copies for each official establishment designated on the application;

(ii) Lithographed labels, metal containers or sections therefrom shall not be submitted for approval. Paper takeoffs can be used to represent lithographed labels submitted for approval. Such paper takeoffs shall not be in the form of a negative but shall be a complete reproduction of the label as it will appear on the package, including any color scheme involved; and

(iii) For fiber containers, the printed layers such as kraft paper sheet, showing the entire label shall be submitted for approval in lieu of the complete container.

(f) At an official establishment, application for approval of a device or a sketch of any labeling or device, proof of any labeling, or any finished labeling completed in accordance with this section, may be submitted by the applicant to the inspector in charge. Applications may also be submitted to Washington, D.C., as hereinafter provided.

(1) If such material is submitted to the inspector in charge, he shall initially review the material as follows:

(i) If he determines that the device, sketch of labeling or device, proof of labeling, or finished labeling and the formulation of the product on which the labeling is to be used are in accordance with the applicable provisions of §§ 381.96 or 381.97, 381.117 through 381.122, 381.125, 381.147(f)(3), and 381.155 through 381.170 of this subchapter, he shall sign the application in the space provided therefor, and submit an imprint of the device, the sketch of labeling or device, proof of labeling, or finished labeling and the formulation to the Labels and Packaging Staff for review to determine whether the proposed labeling or device complies with all the applicable provisions of this subchapter, and approval or disapproval accordingly.

(ii) If the inspector in charge determines that the device, sketch, proof, or finished labeling or the formulation of the product on which the labeling or the device is to be used is not in accordance with the regulations cited in paragraph (f)(1)(i) of this section, he shall notify the applicant and request that the labeling or device be revised or the product formulation be changed in accordance with the applicable regulations: *Provided*, That, if the applicant does not agree with the inspector in charge's determination, the inspector in charge shall complete Form MP-442, "Checklist for Accuracy of Labels," identifying nonconforming features of the device, sketch, proof, finished labeling, or product formulation. The completed Form MP-442, signed by the inspector in charge, shall be submitted with the application and the imprint of the device, sketch, proof, or finished labeling to the Washington, D.C., office of the Labels and Packaging Staff for review and decision.

(2) If the Washington office of the Labels and Packaging Staff concurs with the inspector in charge's determinations, the application will be returned to the applicant without further action. If, however, said office does not agree with the inspector in charge's determinations, the application will be further processed in the usual manner for a determination whether the proposed labeling or device complies with all the applicable provisions of this subchapter, and approval or disapproval accordingly.

(3) The operator of an official establishment may submit applications for approval of a device, sketch of labeling or device, proof of labeling or finished labeling to the Washington office of the Labels and Packaging Staff for review. If said office determines that the device, sketch, proof, or finished labeling or the formulation of the product on which the labeling or device is to be used is not in accordance with the regulations cited in paragraph (f)(1)(i) of this section, the application will be returned to the applicant with an appropriate explanation of why the material submitted appears not to be in accordance with the regulations. Otherwise, it will be processed in the usual manner for a determination whether the proposed labeling or device complies with all the applicable provisions of this subchapter and approval or disapproval accordingly.

(4) Applications for approval of a device, a sketch of labeling or device; proof of labeling, or finished labeling will be reviewed and processed by the Washington, D.C., office of the Labels and Packaging Staff in the order received by that office. If an application is returned to the applicant because the sketch, proof, or finished labeling or product formulation does not comply with the regulations cited in paragraph (f)(1)(i) of this section, and an application is resubmitted therefor, it will be handled as a new application in accordance with this section.

(g) A sample of the product for which labeling approval is being sought may be required to be furnished by the applicant to the Washington, D.C., office of the Labels and Packaging Staff to determine the acceptability of the proposed labeling.

(h) Two copies of the approved sketch shall be mailed to the inspector in charge of the official establishment concerned, and, if requested, a copy of the approved sketch may be given to the applicant or his agent. Copies of approved sketches for multiplant operations may be sent to the applicant under appropriate procedures approved by the Administrator.

(i)(1) All applications for approval of labeling or devices intended for use on or with products to be imported into the United States shall comply with all requirements of this section, except that the applications shall be presented directly to the Labels and Packaging Staff, Meat and Poultry Inspection Program, Post Office Box 7416, Benjamin Franklin Station, Washington, D.C. 20044.

(2) After receiving an approved sketch, the applicant shall submit the finished labeling or device in the same manner as required for sketches, except that a minimum of four copies of the finished labeling or device plus one for each foreign plant producing the product involved and one for each port of entry where the product will be offered for importation into the United States shall be furnished. Each port of entry and each foreign producing plant shall be listed in the application.

(3) The import inspector shall not allow entry of the product proposed for importation into the United States until he receives an approved copy of the finished labeling or device.

(j) Copies of the approved application for labeling or devices pertaining to domestic product shall be mailed to the inspector in charge of the official establishment concerned, and he shall deliver a copy to the applicant. When an applicant desires wider than usual distribution of approved copies, he shall provide extra copies of the application, along with mailing or other distribution instructions. Approved applications for foreign product shall be returned to the applicant. Copies shall be sent to the inspector of the foreign plant where the product is to be prepared. Each labeling or device made or caused to be made by the applicant for approval of such labeling or device, shall conform to the approved sketch or proof.

(k) The Administrator may approve and authorize the use of abbreviations for marks of inspection under the regulations in this subchapter. Such authorized abbreviations shall have the same force and effect as the marks themselves.

(l) Any action taken by any inspector in charge or any other employee of the Inspection Service under this subchapter with respect to any application for approval of any labeling or device may be appealed to the immediate supervisor of such employee by the applicant. An order under section 8(d) of the Act to withhold any marking, labeling or container from use may be issued by the Administrator in accordance with § 381.130 of this Part.

2. Section 381.132 and the title thereof would be revised to read as follows:

§ 381.132 Authorization required to make labeling or other devices bearing official marks.

(a) No person shall cast, print, lithograph, or otherwise make or cause to be made any labeling or device bearing any official mark, or simulation thereof, except as authorized by the Administrator as provided for in this section and in § 381.131 of this subchapter.

(b) Receipt of an approved sketch or proof for a labeling or device bearing the official mark as provided for in § 381.131 of this subchapter, shall be deemed sufficient authorization by the Administrator to make or cause to be made such labeling or device in accordance with the provisions of this section.

(c) A copy of the approved labeling or device, a record of the order by the official establishment to manufacture, and a record of the quantity received and disposition made of the labeling or device, shall be maintained by the operator of the official establishment as provided for in Subpart Q of this subchapter.

§ 381.133 [Amended]

3. Section 381.133 would be amended by revoking paragraph (a) in its entirety; deleting the paragraph designation "(b)" with the provisions of that paragraph becoming the text of the amended § 381.133; and changing the section heading as follows: § 381.133 Requirements of analysis.

4. Section 381.134 would be amended by revising paragraph (b) to read as follows:

§ 381.134 Label approvals by the inspector in charge.

* * * * * *

(b) Stencils, labels, box dies, and brands may be used on shipping containers which contain properly labeled immediate containers or immediate containers which contain properly marked poultry products, such as tierces, barrels, drums, boxes, crates, and large-size fiberboard containers, without approval as provided for in § 381.131 of this Part. Provided, That the stencils, labels, box dies, and brands are not false or misleading and are approved by the inspector in charge. The official mark for use in combination with such devices shall be approved by the Administrator as provided for in this Part.

5. Section 381.135 and the title thereof would be revised to read:

§ 381.135 Inspector in charge may permit modifications of approved labelings or markings.

(a) The inspector in charge may permit modifications of approved labeling or marking under any of the following circumstances, provided the labeling or marking, as modified, is so used as not to be false or misleading.

(1) When all features of the labeling or marking are proportionately enlarged and the color scheme remains the same;

(2) When abbreviations are substituted for words, such as "lb." for "pound," or "oz." for "ounce," or words are substituted for abbreviations, such as "pound" for "lb.";

(3) When the name and address of the distributor are included in the blank space following the words "prepared for" or a similar statement, on a master or stock label which was approved with the understanding that such information would be added later;

(4) When, during any holiday season, special designs or wrappers are used with approved labelings or markings on a label;

(5) When there is a slight change in the directions pertaining to opening a can or serving the product;

(6) When the appropriate name or class of the poultry is added to a master or stock label which was approved without this information appearing on the label;

(7) When there is a change in the quantity of an ingredient shown in the formula without a change in the order of predominance shown in the ingredients statement on the label: *Provided*, That the change in the quantity of ingredients complies with any mimimum or maximum limits for the use of such ingredients prescribed in Subparts O and P of this part, or identified in the original approved application as a condition for approval of the product name.

(b) Request for such permission shall be made to the inspector in charge, prior to printing the modified labeling, on Form MP–480, as specified in § 381.131, except that in lieu of a sketch sufficient copies of the previously approved labeling may be modified to indicate the change(s) and the information on Form MP–480 may be limited to the modification requested.

(c) The inspector in charge shall review the application for permission for use of a modified labeling, and, if appropriate, indicate approval by signing his name in the appropriate space on Form MP–480.

(d) Prior to use, three copies of the modified finished labeling shall be submitted to the inspector in charge on Form MP–480 for his approval. If approved, the inspector in charge will indicate approval by signing his name on Form MP–480 in the appropriate space and distribute copies as follows:

(1) One copy to the establishment operator,

(2) One copy to the inspector at the establishment, for filing along with the original approval, and

(3) One copy to the Labels and Packaging Staff, Meat and Poultry Inspection Program, for review and filing.

(e) If the inspector in charge determines that the modification does not comply with the regulations, and the applicant disagrees, the application for modification must be submitted to the Labels and Packaging Staff for review and decisions.

6. Section 381.175(b) would be amended by adding a new subparagraph (2) to read as follows:

§ 381.175 Records required to be kept.

* * * * * *

(b) * * *

(2) Records of any labeling or device bearing any official inspection mark, as required of the operator of each official establishment by § 381.132 of this Part.

7. A new section 381.142 would be added to Subpart N as follows:

§ 381.142 Containers.

Containers for any product shall not result in the adulteration or misbranding of the product. Containers shall not be composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health under conditions of use. Containers shall adequately protect products and shall not be deceptive. Container composition shall comply with section 409 of the Federal Food, Drug, and Cosmetic Act, as amended, and the implementing regulations in 21 CFR 121, Subparts B, E, and F.

8. Section 381.205(c) would be amended as follows:

§ 381.205 Labeling of immediate containers of imported poultry products.

* * * * *

(c) Labeling for immediate containers of imported poultry products shall be submitted for approval to the Labels and Packaging Staff, Meat and Poultry Inspection Program, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250, and approved as provided in Subpart N of this Part, before products bearing such labeling will be admitted into the United States.

9. The Table of Contents to Subpart N—Labeling and Containers would be amended to reflect new headings for §§ 381.131, 381.132, 381.133, and 381.135, and to add the new section 381.142 with its heading, as follows:

Sec.
381.131 Prior approval required for certain labeling and marking devices; conditions and procedure.
381.132 Authorization required to make labeling or other devices bearing official marks.
381.133 Requirements of analysis.
381.135 Inspector in charge may permit modifications of approved labelings or markings.
381.142 Containers.

* * * * *

A public hearing to consider the above proposal is scheduled before a representative of the Department on Wednesday, August 28, 1974, at 10 a.m. in Room 218A, Administration Building, U.S. Department of Agriculture, 14th and Independence Avenue, SW., Washington, D.C. 20250. A representative of the Animal and Plant Health Inspection Service will present a statement explaining the purpose and basis of the proposal. Any interested person or firm may appear in person or by a representative and present information relevant to the proposal. Also, any interested person or his representative will be afforded an opportunity to ask the Department representative relevant questions concerning the proposal.

Any interested person or his representative who wishes to attend the public hearing and present his views shall contact the Director, Issuance Coordination Staff, Technical Services, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 4905, South Agriculture Building, Washington, D.C. 20250, Area Code (202) 447–7163 no later than August 22, 1974. If no one contacts the Director in this regard by the close of business on August 22, 1974, the public hearing will be canceled.

Any interested person who desires to submit written data, views, or arguments on the proposal may do so by filing the same with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by September 30, 1974, or with the presiding officer at the hearing. All written submissions made pursuant to this notice will be made available for public inspection at times and places and in a manner convenient to the public business, unless the person making the submission requests that it be held confidential, and the Administrator determines that a proper showing in support of the request has been made on grounds that disclosure of the material submitted could adversely affect any person by disclosing information in the nature of trade secrets or commercial or financial information obtained from any person and privileged or confidential. If such determination is made, the material will be held confidential; otherwise, notice will be given of denial of such a request and an opportunity afforded for withdrawal of the submission. Requests for confidential treatment will be held confidential as provided in 7 CFR 1.27(c).

Comments on the proposal should bear a reference to the date and page number of this issue of the FEDERAL REGISTER.

Done at Washington, D.C., on June 17, 1974.

G. H. WISE,
Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc.74–14199 Filed 6–19–74;8:45 am]

DEPARTMENT OF COMMERCE

Patent Office

[37 CFR Part 1]

ABANDONED APPLICATIONS REFERRED TO IN DEFENSIVE PUBLICATIONS

Public Inspection

Correction

In FR Doc. 74–12726, appearing at page 19786 in the issue for Tuesday, June 4, 1974, the approval date above the last signature now reading "May 28, 1964" should be changed to read "May 28, 1974".

DEPARTMENT OF TRANSPORTATION

Saint Lawrence Seaway Development Corporation

[33 CFR Part 401]

SEAWAY REGULATIONS AND RULES

Call-In Table

Notice is hereby given that the Saint Lawrence Seaway Development Corporation, pursuant to provisions of its enabling act (33 U.S.C. 981 et seq.) and pursuant to the authority vested in the Secretary of Transportation with respect to the Saint Lawrence Seaway under the Ports and Waterways Safety Act of 1972 (Pub. L. 92–340, 86 Stat. 424), which authority was subsequently delegated to the Administrator of the Saint Lawrence Seaway Development Corporation in the FEDERAL REGISTER on October 17, 1972 (37 FR 21943), acting jointly with the St. Lawrence Seaway Authority of Canada, proposes to amend the Seaway Regulations with respect to Schedule III, Calling-In Table.

After publication of the 1974 revision of the Seaway Regulations in the FEDERAL REGISTER on March 22, 1974, it was found that certain items contained in the message content required from downbound vessels at Mid Lake Ontario-entering Sector 4 and Sodus Point should be rearranged. Recognizing a need to keep message content at Mid Lake Ontario to a minimum since vessels must call two stations at this point, i.e. leaving Sector 5 and entering Sector 4, it is proposed to require only name and location of vessel at Mid Lake Ontario-entering Sector 4 and to obtain the vessel's drafts fore and aft, cargo and destination at Sodus Point.

Therefore, the proposed amendment is as follows:

SCHEDULE III.—*Calling-In table*

C.I.P. and checkpoint	Station to call	Message content
*	*	*
Downbound vessels:		
*	*	*
Mid Lake Ontario—entering sector 4	Seaway, Sodus—Call Ch. 16. Work Ch. 13.	1. Name of vessel. 2. Location.
Sodus Point	Seaway, Sodus—Call Ch. 16. Work Ch. 13.	1. Name of vessel. 2. Location. 3. Updated ETA Cape Vincent or Lake Ontario port. 4. Confirm river pilot requirement-Cape Vincent. 5. Drafts, fore and aft. 6. Cargo. 7. Destination.

* * * * *

Interested parties may submit written data, views, or arguments in regard to the proposed amendment to the Saint Lawrence Seaway Development Corporation, Seaway Circle, Massena, N.Y. 13662 (Attention: General Counsel). Comments received not later than July 19, 1974, will be considered. All comments received will be available for examination by interested parties at the office of the Saint Lawrence Seaway Development Corporation, Seaway Circle, Massena, N.Y. 13662.

(68 Stat. 92–97, 33 U.S.C. 981–990, as amended, and Sec. 104, Pub. L. 92–340, 86 Stat. 424, 49 CFR 1.50a (37 FR 21943)).

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION,
[SEAL] D. W. OBERLIN,
Administrator.

[FR Doc.74–14120 Filed 6–19–74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

NEW MEXICO; APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Schedules of Compliance

On May 31, 1972 (37 FR 10881), pursuant to section 110 of the Clean Air Act, 42 USC 1857c–5, the Administrator approved, with specific exceptions, the plan submitted by the State of New Mexico for the implementation of the national ambient air quality standards. One of the requirements for implementation plans, described in § 51.15(c) of this Chapter, was that any compliance schedule extending over a period of 18 months from the date of its adoption should provide for periodic increments of progress toward compliance. Section 52.1626(a) of this Chapter, promulgated May 31, 1972 (37 FR 10882), noted the failure of the New Mexico plan to meet the requirements of § 51.15(c) as it applied to the State's Air Quality Control Regulations 504.D (emission limitation for particulate matter from coal burning equipment), 506.B (emission limitation for particulate matter from nonferrous smelters), 602.B (emission limitation for sulfur dioxide from existing coal burning equipment), 603.B (emission limitation for nitrogen dioxide from existing coal burning equipment), 604.B (emission limitation for nitrogen dioxide from existing gas burning equipment), and 652.A (emission limitation for sulfur from existing nonferrous smelters). Subsequently, on July 27, 1972 (37 FR 15087), Regulation 602.B was deleted from § 52.1626(a).

On July 27, 1972 (37 FR 15106), in order to correct the deficiency in the New Mexico plan, the Administrator proposed the addition of § 52.1626(d) to this Chapter to require increments of progress in compliance schedules. Almost contemporaneously, on July 29, 1972, the State of New Mexico adopted Air Quality Control Regulation 705 requiring semi-annual progress reports from pollution sources until the sources reported compliance with emission limiting regulations. This Regulation 705 was submitted to the Administrator on July 31, 1972. Since the requirement for progress reports did not assure the setting of specific dates for achieving increments of progress, Regulation 705 did not meet the requirements of § 51.15(c). On May 14, 1973 (38 FR 12709), the Administrator promulgated § 52.1626(d) of this Chapter requiring increments of progress with dates in compliance schedules.

On September 24, 1973, the State of New Mexico repealed the July 29, 1972, Regulation 705, and adopted a new Air Quality Control Regulation 705, Schedules of Compliance, requiring increments of progress. Prior to its adoption, the proposed regulation was subjected to public hearing on May 17, 1973. This hearing was preceded by adequate notice to the public of thirty days. During this period, the proposed regulation was available for public inspection. The new Regulation 705 became effective on December 16, 1973, and was submitted to the Administrator on February 12, 1974. It has been examined and found to meet the requirements of § 51.15(c). The Administrator proposes to revoke paragraph (d) of § 52.1626 of this Chapter and to revise paragraph (a) to indicate approval of the September 24, 1973, Regulation 705.

The September 24, 1973, Regulation 705 requires compliance schedules under certain circumstances for pollutant sources which are out of compliance with emission limiting regulations, including those regulations listed in § 52.1626(d). Regulation 705 contains procedures for obtaining approval of schedules of compliance, requires that a public hearing be held by the Board on a petition for approval, and requires that increments of progress with dates be included in a compliance schedule and followed to achieve compliance with the applicable regulations as expeditiously as practicable. The Regulation in its entirety is available for public inspection at the following locations:

Environmental Protection Agency
Region VI
Air Programs Branch
1600 Patterson Street
Dallas, Texas 75201

New Mexico Environmental Improvement Agency
Air Quality Division
P.E.R.A. Building
Santa Fe, New Mexico 87501

Environmental Protection Agency
Freedom of Information Center
401 M Street, S.W.
Washington, D.C. 20460

Interested persons may participate in this rulemaking by submitting written comments, preferably in triplicate, to the Region VI Air Program Branch, 1600 Patterson Street, Dallas, Texas 75201. All comments received on or before July 22, 1974, will be considered. All comments will be available for public inspection during normal business hours at the Region VI office.

This notice of proposed rulemaking is issued under the authority of section 110 of the Clean Air Act, Pub. L. 91–604, 84 Stat. 1713.

Dated: June 10, 1974.

ARTHUR W. BUSCH,
Regional Administrator, Region VI.

It is proposed to amend Part 52 of Chapter I, Title 40 of the Code of Federal Regulations as follows:

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1. In § 52.1620, paragraph (c) is amended by adding a subparagraph (3) as follows:

§ 52.1620 Identification of plan.

• • • • • •

(c) • • •

(3) February 12, 1974.

2. In § 52.1626, paragraph (d) is revoked and paragraph (a) is revised to read as follows:

§ 52.1626 Compliance schedules.

(a) New Mexico Air Quality Control Regulation 705, Schedules of Compliance, as adopted by the State of New Mexico on September 24, 1973, meets the requirements of § 51.15(c) of this Chapter and is hereby approved as part of the State of New Mexico Implementation Plan.

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(d) [Revoked]

[FR Doc.74-14203 Filed 6-19-74;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR—Part 73]

[Docket No. 20012; RM-1927]

FM BROADCAST STATIONS

Transmission of Non-Aural Signals; Order Extending Time for Filing Comments and Reply Comments

In the Matter of amendment of Part 73 of the Commission's rules and regulations concerning the transmission of non-aural signals on an FM broadcast station subcarrier pursuant to a Subsidiary Communications Authorization.

1. The Commission, on April 9, 1974, adopted a notice of proposed rulemaking in the above-entitled matter. Publication of the notice was given in the FEDERAL REGISTER on April 22, 1974 (39 FR 14230). As subsequently amended, the dates for filing comments and reply comments in this proceeding is now specified as June 14 and June 28, 1974, respectively.

2. On June 12, 1974, counsel for Information Transmission Corporation (ITX) filed a request for an extension of time to and including June 19, 1974, in which to file comments herein. ITX states that it feels that the technical and empirical information it wishes to file in this proceeding will provide valuable assistance to the Commission. It further states that although the technical data to be submitted has been completed the additional time is necessary to allow sufficient time to insure receipt and proper collation of the data by its counsel.

3. We are of the view that the public interest would be served by extending the time for filing comments and reply comments in this proceeding. Accordingly, *it is ordered*, that the dates for filing comments and reply comments are extended to and including June 19 and July 3, 1974, respectively.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules.

Adopted: June 13, 1974.

Released: June 17, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.74-14183 Filed 6-19-74;8:45 am]

[47 CFR—Part 73]

[Docket No. 19824; RM-2060]

FM BROADCAST STATIONS

Proposed Table of Assignments, Sun Valley, Idaho

1. A notice of proposed rulemaking, adopted in this docket September 11, 1973 (FCC 73-947; 38 FR 26380), proposed to amend the FM Table of Assignments (§ 73.202(b) of the Commission's rules and regulations) by substituting Class C Channel 247 for 228A, the only FM channel assigned to Sun Valley, Idaho. At the time the notice was adopted, Channel 228A was unoccupied and unapplied for. As indicated below, two applications for its use have since been filed.

2. The notice was adopted in response to a petition for rule making filed by Sun Valley Radio, Inc. (SVR), which made a convincing showing that because of terrain factors a station operating on Channel 228A could not provide service to the Wood River Valley communities of Sun Valley (population 180), Ketchum (population 2,273), Hailey (population 1,425), Bellevue (population 537), and Elkhorn, a new resort city under construction near Sun Valley, all in Blaine County (population 5,749).[1] As stated in the Notice, Sun Valley is a world famous ski resort, which we were told is visited annually by one million families for skiing and other recreational purposes; and Channel 247 may be assigned there in full compliance with mileage separation requirements. The Notice also indicated a need for information as to the extent of the service area that would be served and the nature of FM and other aural services within that area.[2] Note was made that, although there is preclusion (Channels 244A, 246, 247, 248, and 249A), many other FM channel assignments are available for the communities located within the preclusion areas.

3. Comments and reply comments were due October 2 and November 5, 1973, respectively. SVR filed timely comments reiterating the position taken in its petition and furnishing data and information requested by the Notice concerning the extent of the service area if Channel 247 is assigned to Sun Valley and the nature of aural services within that area. SVR's engineering showing about service from a Class C station indicates that it would serve a substantial white and gray area in terms of FM service: of the total service area (10,297 square miles with a total population of 18,262), there is no FM service to 7,800 square miles with a population of 15,644, and there is one FM service for an area of 1,388 square miles with a population of 2,402; the remaining 1,109 square miles with a population of 216 receive two or three FM services. As concerns AM service, there is no unserved area with service from one to five AM stations based on a showing of daytime service.

4. On November 16, 1973, Leisure Time Communications, Inc. (LTC), filed a letter in which it stated its belief that the present lack of local service and the prospects for economic growth in the area warranted the Class C assignment. It further said that, although the time for filing comments had expired, it wished to inform the Commission that LTC was prepared to apply for use of the channel if it was assigned to Sun Valley.

5. On December 12, 1973, SVR filed an application for a construction permit for use of Channel 228A (BPH-8724), and on the following day it filed "Supplemental Comments" requesting that the proposed amendment of the table "be modified and changed only so as to continue the allocation of Channel 228A at Sun Valley, Idaho".[3] The basis for this request is said to be that after the issuance of the Notice herein, the president of SVR met with representatives of the U.S. Forest Service and of the Sun Valley Company (which is the prime permittee on Bald Mountain in connection with its ski facility there) and with a number of licensees of other communications facilities who operate from Bald Mountain. These meetings resulted in an expression of concern by the Forest Service representative about potential interference that a Class C FM station on Bald Mountain might impose on other communications licensees on the mountain. SVR states that it has been informally assured that there would be no problem in locating a transmitter and antenna for a Class A FM station on the mountain.

6. SVR also then stated that, while earlier speculation without benefit of precise and detailed engineering study gave a contrary indication as to the feasibility of a Class A operation at Sun Valley, it now believes that a Class A station would provide service to the Wood River Valley communities previously mentioned, and it submits an engineering statement in support of this.

[1] All population data are from the 1970 Census unless otherwise indicated.

[2] See Policy to Govern Requests for Additional FM Assignments, 8 F.C.C. 2d 79 (1967); and Roanoke Rapids and Goldsboro, 9 F.C.C. 2d 672, 673 (1968).

[3] Since SVR did not ask for dismissal of the rule making, it appears that this quoted language was intended to mean that SVR is requesting that Channel 247 be assigned to Sun Valley not as a substitute for 228A as proposed in the Notice but as an additional channel, a supposition which is borne out by its February 27, 1974, pleadings discussed in paragraph 8 below.

7. On January 25, 1974, LTC filed a petition to hold action on the SVR application for use of Channel 228A in that petition states that as a result of making proceeding. Among other things, abeyance pending resolution of this rule on-the-spot investigations and the retention of a broadcast engineering firm which assures it of the feasibility of a Class C operation, LTC believes that a transmitter site for such an operation is available.

8. Two pleadings were filed by SVR on February 27, 1974—a response to the LTC petition to hold in abeyance, and further supplemental comments. Read together, they request the Commission to grant the SVR application for a new station on Channel 228A, and to either dismiss the rule making or, alternatively, consider the assignment of Channel 232A or any other of a number of Class A channels as a second FM assignment at Sun Valley. The dismissal is sought on the ground that the assignment of Channel 247 to Sun Valley while allowing Channel 228A to remain there would be contrary to the Commission's long-standing policy against intermixture of classes of FM channels which is avoided in order to maintain technical parity between facilities in the same community. SVR says that while the policy against intermixture has been deviated from on occasion there is no reason for doing so here where the only consideration is service to Blaine County and a Class A station can adequately serve that county (77% of the population clustered in the Wood River Canyon (4,312 persons) would be within the 1 mV/m contour of a Class A station).

9. On March 22, 1974, LTC filed an application for a construction permit for the use of Channel 228A at Sun Valley (BPH-8903) which, of course, is mutually exclusive with that filed by SVR. Finally, completing the succession of filings, on April 18, 1974, SVR filed further supplemental comments in which it requested the Commission to assign a second Class A channel, Channel 232A, to Sun Valley (and not assign a Class C channel there). This request is in conflict with its previous request of February 27 which asked, as one alternative, that the rule making be dismissed, which would leave Sun Valley with only one channel—228A—assigned to the community.

10. As stated above, comments and reply comments were due on October 26 and November 5, 1973, respectively. Although SVR filed timely comments, thereafter both SVR and LTC filed a variety of untimely submissions, as the foregoing resume indicates. Section 1.415 of the Commission's rules provides that in rule making proceedings a reasonable time will be allowed for the filing of comments and reply comments and that no additional comments may be filed unless specifically requested or authorized by the Commission. No requests or authorizations were made. Nor did SVR request leave that any of the pleadings filed subsequent to the comments be accepted for good cause shown. We do not accept the late pleadings into the record. However, to the extent that they raise substantial questions which require an answer on the record, we are issuing this further notice of proposed rule making. Of the questions presented, the overriding ones are whether, as originally proposed, a Class C channel is necessary in order to provide service to the Wood River Valley communities, and, if so, whether there is a site available for a station. SVR, which originally proceeded on the basis that a site for a Class C transmitter was available on Bald Mountain (to which there now are objections), implies that there is no other site. LTC alleges that a suitable site exists. SVR's objection to intermiature would suggest that in fact there is a site for a Class C channel.[4]

11. We should like interested parties to discuss whether the public interest would be served by the assignment of a Class C channel to Sun Valley, Idaho, and, if so, whether a site is available in the area for a station on such a channel. In this respect, we need further information as to the existence of aural services in the area and, more particularly, as to *nighttime* AM service (see para. 3 above).[5] We should also like the parties to discuss whether, aside from considerations of availability, it is appropriate to make a second channel assignment to a community the size of Sun Valley, and, if so, whether intermixture is appropriate in the circumstances. To make an appropriate evaluation of this and other issues, an engineering showing should be made as to the area of service from a Class A station on Bald Mountain. On the other hand, if it is deemed appropriate to assign a second Class A channel to Sun Valley, our own study indicates that Channel 237A would be preferable to SVR's suggestion of Channel 232A.

[4] SVR's vacillation is disturbing. First, it argues that a Class C channel is needed at Sun Valley to provide service to the Wood River Valley communities and urges that such a channel be substituted for the existing Class A assignment; then, it asks that the Class A assignment remain at Sun Valley, stating that adequate service could be provided by a Class A (para. 5, *supra*); later, it objects to its own proposal—to allow Channel 228A to remain there and to assign Channel 247—as contrary to the Commission's policy against intermixture and would have the Commission either dismiss the petition or assign a second Class A channel to Sun Valley; and, finally, it urges that a second Class A channel be assigned but that no Class C channel be assigned to Sun Valley.

[5] See the recent *Anamosa and Iowa City, Iowa* case, adopted April 16, 1974 (FCC 74-409; 46 F.C.C. 2d), which stated that in considering the need for service and evaluating the extent to which service is already provided, recognition must be given to both AM and FM as components of a single aural service with primary AM service determined by nighttime coverage. See also footnote 2, *supra*.

12. *Showings required.* Further comments are invited as to the issues referred to above. Failure to file comments or address the issues raised may result in dismissal.

13. *Cut-off procedure.* The following procedures will govern:

(a) Except as to Channel 247, counter-proposals advanced will be considered if advanced in initial comments so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments.

(b) With respect to petitions for rule making which conflict with the proposal in this Further Notice (except Channel 247), they will be considered as comments in this proceeding, and Public Notice to that effect will be given, as long as they are filed before the date for filing initial comments set forth below. If filed later, they will not be considered in connection with the decision herein.

(c) The cut-off as to the proposed Channel 247 assignment to Sun Valley is already operative by virtue of the Notice, adopted September 11, 1973 (FCC 73-947).

14. In view of the foregoing, and pursuant to the authority found in sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules and regulations, it is proposed to amend § 73.202(b) of the Commission's rules and regulations, the FM Table of Assignments, as concerns Sun Valley, Idaho, as follows:

City	Channel No.	
	Present	Proposed
Sun Valley, Idaho	228A	228A and 247 or 228A and 237A or 247

15. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules and regulations, interested parties may file comments on or before August 8, 1974, and reply comments on or before August 27, 1974. All submissions by parties to this proceeding or persons acting on behalf of such parties, shall be made in written comments, reply comments, or other appropriate pleadings.

16. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and 14 copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission. All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C. 20554.

Adopted: June 12, 1974.

Released: June 14, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.74-14184 Filed 6-19-74;8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[17 CFR 240]

[File No. S7-526; Release No. 34-10045]

SECURITIES EXCHANGE ACT PROPOSED RULE 3a12-5

Request for Public Comment

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposal to adopt Rule 3a12-5 (17 CFR 240.3a12-5) under the Securities Exchange Act of 1934 (the "Act") which would exempt certain investment contract securities involving the direct ownership of specified residential real property offered by broker-dealers from sections 7 and 11(d)(1) of the Act, subject to certain conditions. Rule 3a12-5 is being proposed pursuant to sections 3(a)(12), 7(c), 11(d)(1) and 23(a) of the Act. The Board of Governors of the Federal Reserve System has also announced that it has deferred, for a period of six months, an amendment to § 220.6(l) of Regulation T (12 CFR 220.6 (l)) which was to become effective on June 21, 1974.[1]

The rationale behind the adoption of Section 7 of the Act was to limit the amount of credit which might be devoted to speculation in the securities markets,[2] to maintain the availability of credit for financing local commerce and industry,[3] to prevent undue market volatility by exerting a positive, stabilizing effect on the market[4] and to protect investors from purchasing on too thin a margin.[5]

Section 11(d)(1) was enacted by Congress to prevent "one of the greatest potential evils attributable to the combination of the broker and dealer functions in the same person"—the extension of credit on new issues by underwriter-brokers.[6] This potential conflict of interest so troubled Congress that it was "deemed advisable to include a statutory prohibition"[7] even prior to the completion of a Commission study on the advisability and feasibility of segregating the functions of broker and dealer.[8]

Section 11(d)(1) prohibits a person who transacts business as both a broker and a dealer from effecting any transaction in connection with which he extends or maintains, or arranges for the extension or maintenance of, credit, directly or indirectly, to or for a customer on a security which was part of a new issue in the distribution of which he participated.

In response to requests from interested parties, the Commission has reviewed the impact of sections 7 and 11(d)(1) on the sale of certain investment contracts in the form of real estate and related management agreements in light of the statutory purposes of those sections. It is the preliminary view of the Commission that the unique characteristics of investment contract securities involving the direct ownership of specified residential real property (particularly the traditional modes of financing real property and the lack of any secondary trading market therefor) make the existence of the concerns addressed by sections 7 and 11(d)(1) unlikely. The Commission has determined, therefore, to propose an exemption from the provisions of sections 7 and 11(d)(1) of the Act for the arranging of credit by broker-dealers offering such securities, subject to certain conditions. Nevertheless, the Commission believes it important that commentators address certain policy questions in the context of investment contracts which include the offering of a direct ownership interest in residential real property and related management agreements:

(1) Does the lack of a secondary trading market for such investment contracts outweigh the prohibition which Congress established for the extension or arranging of credit by broker-dealers for "purpose loans" against other than "approved collateral"?

(2) Would permitting the extension or arranging of credit by broker-dealers for such investment contracts tend to encourage investment in such securities rather than other types of securities and therefore be less likely to ensure a rational allocation of capital?

The conditions incorporated in the rule proposed herein would require that the credit be secured by a lien, mortgage, deed of trust or other security interest on specified real property; that the lender not be in a control relationship with the broker-dealer or the issuer; that the principal and interest relating to the credit be repaid pursuant to a regular schedule of amortization; and that the credit extended be reasonably related to the value of the real property.

Additionally, the proposed rule would require certain disclosures and a determination by the broker-dealer that the investment is suitable for each purchaser. The broker-dealer would be required by Rule 3a12-5 to deliver to the person for whom credit is arranged, before any purchase, lien or other related element of the transaction is entered into, a written statement setting forth the exact nature and extent of (1) such person's obligation under the particular loan arrangement; (2) the risk which such person will incur in the entire transaction; and (3) all commissions, discounts and other remuneration received and to be received by the broker-dealer or any person in a control relationship with the broker-dealer in connection with the transaction.

The broker-dealer must also obtain information concerning the purchaser's financial situation, and, in light of such information, determine reasonably that the entire transaction, including the loan arrangement, is suitable for such person. Finally, the broker-dealer must deliver to the purchaser a written statement setting forth the basis upon which the determination as to suitability was made.

If adopted, proposed Rule 3a12-5 would exempt from the restrictions of sections 7 and 11(d)(1) credit arranged by broker-dealers in connection with the offer and sale of investment contract securities consisting of the direct ownership of specified residential real property and related management services, for example "condominium securities".[9] The proposed rule would not apply to real estate syndications, real estate limited partnerships, real estate investment trusts or other investment vehicles in which the investor does not possess a direct ownership interest in specified residential real property. The Commission is also soliciting comments concerning whether proposed Rule 3a12-5 should be available for (1) investment contract securities involving specified residential real property which, because of prohibitions under foreign or domestic law, do not convey a fee simple interest; and (2) investment contract securities that include a direct interest in real property other than residential real property. At this time the Commission does not have a sufficient basis for determining whether such securities should be exempted from sections 7 and 11(d)(1) consistent with the interests of the public and the protection of investors.

The Commission wishes to emphasize that this rule, if adopted, is in the nature of an experiment and that the activities of persons seeking to avail themselves of the exemptions proposed today will be carefully scrutinized to assure that such activities are not inconsistent with the public interest and are not subject to abuse. Inasmuch as proposed Rule 3a12-5 is premised, in part, upon the lack of a secondary trading market for investment contract securities involving the direct ownership of specified residential real property, the Commission would reconsider the appropriateness of the rule proposed today if secondary trading markets develop for these investment contract securities.

TEXT OF PROPOSED RULE

The Securities and Exchange Commission, acting pursuant to the provisions of the Securities Exchange Act of 1934, and particularly sections 3(a)(12), 7(c), 11(d)(1) and 23(a) thereof, hereby proposes to amend Part 240 of Title 17 of the Code of Federal Regulations by adding new § 240.3a12-5 to read as follows:

[1] See FEDERAL REGISTER for (December 21, 1973) 38 FR 34988. This amendment would have the effect of treating the extension of credit on any part of an investment contract security as credit on the entire security and would prohibit broker-dealers from arranging for such credit unless collateralized in compliance with the requirements of Regulation T.

[2] H.R. Rep. No. 1383, 73d Cong., 2d Sess. 8 (1934).

[3] Id.

[4] S. Rep. No. 792, 73d Cong., 2d Sess. 8 (1934).

[5] Id. at 3; S. Rep. No. 1455, 73d Cong., 2d Sess. 11 (1934).

[6] H.R. Rep. No. 1383, 73d Cong., 2d Sess. 22 (1934).

[7] S. Rep. No. 792, 73d Cong., 2d Sess. 12 (1934).

[8] Pursuant to Section 11(e) of the Securities Exchange Act, the Commission conducted a study of the abuses connected with, among other things, the combination of underwriter-broker and participating dealer-broker functions but did not recommend the segregation of such functions. Securities and Exchange Commission, Study of the Feasibility and Advisability of the Complete Segregation of the Functions of Dealer and Brokers, 43-45, 109 (1936).

[9] See, Securities Act Release No. 5347 (Jan. 4, 1973) and FEDERAL REGISTER for (Jan. 18, 1973) 38 FR 1735.

§ 240.3a12-5 Exemption of certain investment contract securities from sections 7 and 11(d)(1) of the Act.

(a) A security shall be exempted from the provisions of sections 7(c) and 11(d)(1) [of the Act] with respect to any transaction by a broker or dealer who, directly or indirectly, arranges for the extension or maintenance of credit on the security to or for a customer, if—

(1) The security is an investment contract security involving the direct ownership of specified residential real property and related management services, and the credit:

(i) Is secured by a lien, mortgage, deed of trust, or other security interest which is related only to such real property;

(ii) Is reasonably related to the current market value of the real property at the time the credit is extended; and is to be repaid by regular payments of principal and interest pursuant to an amortization schedule established by the governing instruments; and

(iii) Is extended by a lender which is not directly or indirectly controlling, controlled by, or under common control with the broker or dealer or the issuer of the securities; and

(2) Such broker or dealer, before any purchase, loan or other related element of the transaction is entered into:

(i) Delivers to the customer a written statement setting forth the exact nature and extent of (a) the customer's obligation under the particular loan arrangement, including, among other things, the specified charges which he will incur under such loan in each period during which the loan may continue to be extended, (b) the risks which he will incur in the entire transaction, including the loan arrangement, and (c) all commissions, discounts and other remuneration received and to be received in connection with the entire transaction, including the loan arrangement, by the broker or dealer, and by any person controlling, controlled by, or under common control with the broker or dealer: *Provided, however*, That the broker or dealer shall be deemed to be in compliance with paragraph (a)(2) if the customer, before any purchase, loan or other related element of the transaction is entered into in a manner legally binding upon the customer, receives a statement from the lender, or receives a prospectus or offering circular from the broker or dealer, which statement, prospectus or offering circular contains the information required by this subparagraph; and

(ii) Obtains from the customer information concerning his financial situation, reasonably determines that the entire transaction, including the loan arrangement, is suitable for him, and delivers to him a written statement setting forth the basis upon which the broker or dealer made such determination.

(Secs. 3(a)(12), 7(c), 11(d)(1), 23(a), 48 Stat. 882, 886, 891, 901; as amended 84 Stat. 718, 1435, 1499; 82 Stat. 452; 68 Stat. 666; 49 Stat. 704, 1379; 78 Stat. 580; 15 U.S.C. 78c (12), 78g(c), 78k(d), 782(a)).

Comments are invited from all interested persons and should be addressed to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, NW., Washington, D.C. 20549. Comments should be received before August 15, 1974. All comments received will be made publicly available and reference should be made to File No. S7-526.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

JUNE 7, 1974.

[FR Doc.74-14172 Filed 6-19-74;8:45 am]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 121]

SMALL BUSINESS SIZE STANDARDS

Proposed Definition of a Small Electric Utility for the Purpose of Obtaining an SBA Loan

Notice is hereby given that the Administrator of the Small Business Administration proposes to establish a new definition of a small electric utility for the purpose of obtaining an SBA loan. At the present time, the SBA size regulation provides that, unless otherwise defined, the size standard for a concern primarily engaged in a service industry is that it have average annual receipts of $1 million or less for the preceding fiscal year.

Available information indicates that the currently effective $1 million size standard is unreasonable for an electric utility concern. The latest available data shows that there are approximately 400 electric utility concerns. However, many of these 400 concerns are very small and account for an insignificant portion of the total industry output. The industry is dominated by the largest 20 percent of the industry in terms of output, sales, assets, etc. These concerns include many of the largest corporations in the United States.

Over the past several decades, there has been an increase in concentration in the electric power industry and some experts contend that the industry may end up with only 15 to 20 systems. The SBA finds that an increase in the size standard will help to preserve competition within the industry and may, in certain instances, have a salutary effect with respect to mergers and acquisitions.

Therefore, the SBA proposes to establish a size standard for electric utilities of annual output not exceeding 4 million megawatt hours. Under such a definition, no firm qualifying as small would account for more than three-tenths of 1 percent of the total output of the industry.

Accordingly, the Small Business Administration proposes to amend 13 CFR 121.3-10(d) by adding new paragraph (d)(11) to read as follows:

§ 121.3-10 Definition of Small Business for SBA Loans.

* * * * *

(d) Services * * *

(11) As small if, including its affiliates, it is primarily engaged in the generation, transmission, and/or distribution of electric energy for sale and its total electric output for the preceding fiscal year did not exceed 4 million megawatt hours.

* * * * *

Interested parties may file with the Small Business Administration on or before July 22, 1974, written statements of facts, opinions, or arguments concerning the proposal.

All correspondence shall be addressed to:

William L. Pellington
Director
Office of Industry Studies and Size Standards
1441 L Street, NW.
Washington, D.C. 20416

(Catalog of Federal Domestic Assistance Program Nos. 59.011, Small Business Investment Companies; 59.012, Small Business Loans.)

Dated: June 10, 1974.

LOUIS F. LAUN,
Acting Administrator.

[FR Doc.74-14129 Filed 6-19-74;8:45 am]

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notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 74-5]

JAMES G. MIDDLETON, M.D.

Hearing

Notice is hereby given that on April 22, 1974, the Drug Enforcement Administration, Department of Justice, issued to James G. Middleton, M.D., Des Plaines, Illinois, an Order to Show Cause as to why the Drug Enforcement Administration registration No. AM4183670 issued to him pursuant to section 303 of the Controlled Substances Act (21 U.S.C. 823) should not be revoked.

Thirty days having elapsed since said Order was received by Dr. Middleton, and written request for a hearing having been filed with the Drug Enforcement Administration, notice is hereby given that a hearing in this matter will be held commencing at 10:00 a.m. on June 25, 1974, in Room 204-A, Evefett Dirksen Federal Building, 219 South Dearborn Street, Chicago, Illinois 60604.

Dated: June 17, 1974.

JOHN R. BARTELS, Jr.,
Administrator.

[FR Doc.74-14221 Filed 6-19-74;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

ATKASOOK, ALASKA

Eligibility of Native Village

This decision is published in exercise of authority delegated by the Secretary of the Interior to the Director, Juneau Area Office, Bureau of Indian Affairs, by § 2651.2(a) (6), (8), (9) and (10) of Subchapter B of Chapter II of Title 43 of the Code of Federal Regulations published on Page 14223 of the May 30, 1973, issue of the FEDERAL REGISTER.

The Alaska Native Claims Settlement Act of December 18, 1971 (Pub. L. 92-203, 92nd Congress; 85 Stat. 688-716), provides for the settlement of certain land claims of Alaska Natives and for other purposes.

Accordingly, the Director, Juneau Area Office, Bureau of Indian Affairs, pursuant to the authority delegated him pursuant to the regulations in 43 CFR Part 2650, authorizing him to make final decisions on behalf of the Secretary of the Interior on the eligibility of Native Villages for benefits under the Alaska Native Claims Settlement Act, subject to appeal to the Ad Hoc Board, published on November 29, 1973, his Final Decision determining the eligibility of the Native Village of Atkasook, said decision appearing in 38 Fed. Reg. 32958 (1973).

On December 18, 1973, the Office of Naval Petroleum and Oil Shale Reserves, Department of the Navy, filed a Notice of Appeal from the Final Decision of the Director on the eligibility of the Native Village of Atkasook. Thereafter, on May 21, 1974, the Office of Naval Petroleum and Oil Shale Reserves, Department of the Navy, filed a Motion to Dismiss its appeal from the Final Decision of the Director on the eligibility of the Native Village of Atkasook.

The Ad Hoc Board, finding no reason for justifying the denial of Motion of the Office of Naval Petroleum and Oil Shale Reserves, Department of the Navy, to Dismiss its Appeal from the Final Decision of the Director on the eligibility of the Native Village of Atkasook, on May 30, 1974, issued a Final Order Dismissing the Appeal of the Office of Naval Petroleum and Oil Shale Reserves, Department of the Navy, and Certifying Village.

In accordance with the Ad Hoc Board's Final Order Dismissing the Appeal of the Office of Naval Petroleum and Oil Shale Reserves, Department of the Navy and Certifying Village, which requested the Director, Juneau Area Office, Bureau of Indian Affairs, to certify the Native Village of Atkasook as eligible for benefits under the Alaska Native Claims Settlement Act, the Director, Juneau Area Office, Bureau of Indian Affairs, certifies the Native Village of Atkasook eligible for benefits under the Alaska Native Claims Settlement Act, said decision not being further appealable, and also issues to the Native Village of Atkasook a Certification of Eligibility.

JOHN A. MOORE II,
Acting Director.

JUNE 11, 1974.

[FR Doc.74-14156 Filed 6-19-74;8:45 am]

NOOIKSUT, ALASKA

Eligibility of Native Village

This decision is published in exercise of authority delegated by the Secretary of the Interior to the Director, Juneau Area Office, Bureau of Indian Affairs, by § 2651.2(a) (6), (8), (9) and (10) of Subchapter B of Chapter II of Title 43 of the Code of Federal Regulations published on Page 14223 of the May 30, 1973, issue of the FEDERAL REGISTER.

The Alaska Native Claims Settlement Act of December 18, 1971 (Pub. L. 92-203, 92nd Congress; 85 Stat. 688-716), provides for the settlement of certain land claims of Alaska Natives and for other purposes.

Accordingly, the Director, Juneau Area Office, Bureau of Indian Affairs, pursuant to the authority delegated him pursuant to the regulations in 43 CFR Part 2650, authorizing him to make final decisions on behalf of the Secretary of the Interior on the eligibility of Native Villages for benefits under the Alaska Native Claims Settlement Act, subject to appeal to the Ad Hoc Board, published on December 12, 1973, his Final Decision determining the eligibility of the Native Village of Nooiksut, said decision appearing in 38 Fed. Reg. 34211(1973).

On January 4, 1974, the Office of Naval Petroleum and Oil Shale Reserves, Department of the Navy, filed a Notice of Appeal from the Final Decision of the Director on the eligibility of the Native Village of Nooiksut. Thereafter, on May 21, 1974, the Office of Naval Petroleum and Oil Shale Reserves, Department of the Navy, filed a Motion to Dismiss its appeal from the Final Decision of the Director on the eligibility of the Native Village of Nooiksut.

The Ad Hoc Board, finding no reason for justifying the denial of Motion of the Office of Naval Petroleum and Oil Shale Reserves, Department of the Navy, to Dismiss its Appeal from the Final Decision of the Director on the eligibility of the Native Village of Nooiksut, on May 30, 1974, issued a Final Order Dismissing the Appeal of the Office of Naval Petroleum and Oil Shale Reserves, Department of the Navy, and Certifying Village.

In accordance with the Ad Hoc Board's Final Order Dismissing the Appeal of the Office of Naval Petroleum and Oil Shale Reserves, Department of the Navy and Certifying Village, which requested the Director, Juneau Area Office, Bureau of Indian Affairs, to certify the Native Village of Nooiksut as eligible for benefits under the Alaska Native Claims Settlement Act, the Director, Juneau Area Office, Bureau of Indian Affairs, certifies the Native Village of Nooiksut eligible for benefits under the Alaska Native Claims Settlement Act, said decision not being further appealable, and also issues to the Native Village of Nooiksut a Certification of Eligibility.

JOHN A. MOORE II,
Acting Director.

JUNE 11, 1974.

[FR Doc.74-14157 Filed 6-19-74;8:45 am]

Bureau of Land Management

EUGENE DISTRICT ADVISORY BOARD

Notice of Meeting

Notice is hereby given that the Eugene District Advisory Board will meet on July 24, 1974, commencing at 9 a.m. in the Eugene District, Bureau of Land Management, Conference Room, 1255 Pearl Street, Eugene, Oregon, for a field trip to look at reforestation, forest genetics and nursery operations. There will be a no-host dinner followed by a short meeting at Cottage Grove, Oregon, after the field trip.

The meeting and tour will be open to the public although persons wishing to accompany the tour must provide their own transportation. In addition to discussion of the agenda topics by board members, there will be time for brief statements by nonmembers. Persons wishing to make oral statements should so advise the chairman or co-chairman prior to the meeting to aid in scheduling the time available. Any interested person may file a written statement for consideration by the board by sending it to the chairman, in care of the co-chairman: Eugene District Manager, P.O. Box 10226, Eugene, Oregon 97401.

JOSEPH C. DOSE,
Eugene District Manager.

JULY 13, 1974.

[FR Doc.74-14139 Filed 6-19-74;8:45 am]

[New Mexico 21434]

NEW MEXICO

Notice of Application

JUNE 12, 1974.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for a 4-inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 20 S., R. 37 E.,
Sec. 6, E½SW¼.

This pipeline will convey natural gas across .308 miles of national resource land in Lea County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico 88201.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.74-14140 Filed 6-19-74;8:45 am]

[New Mexico 21533 and 21551]

NEW MEXICO

Notice of Applications

JUNE 12, 1974.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Transwestern Pipeline Company has applied for two 6-inch natural gas pipelines right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 24 S., R. 26 E.,
Sec. 17, S½NE¼ and SE¼NW¼.
T. 17 S., R. 29 E.,
Sec. 10, W½SW¼ and SE¼SW¼.
Sec. 15, SW¼NE¼, S½SE¼ and NW¼SE¼.

These pipelines will convey natural gas across 1.656 miles of national resource land in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, NM 88201.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.74-14158 Filed 6-19-74;8:45 am]

[New Mexico 21531]

NEW MEXICO

Notice of Application

JUNE 12, 1974.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Transwestern Pipeline Company has applied for an 8-inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 19 S., R. 25 E., Sec. 10, W½SE¼; Sec. 15, NW¼NE¼.

This pipeline will convey natural gas across .721 miles of national resource land in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico 88201.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.74-14140 Filed 6-19-74;8:45 am]

[Wyoming 40618]

WYOMING

Notice of Application

JUNE 13, 1974.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Champlin Petroleum Company has applied to amend right-of-way grant W-40618 to install an oil pipeline across the following lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 17 N., R. 100 W.,
Sec. 10, SW¼NW¼, N½SW¼, SE¼SW¼, and SW¼SE¼.

The pipeline will convey oil from a well in the NE¼ sec. 9 to an existing pipeline in the SE¼ sec. 10, all in T. 17 N., R. 100 W.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1088, Rock Springs, Wyoming 82901.

PHILIP C. HAMILTON,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.74-14174 Filed 6-19-74;8:45 am]

[Wyoming 46354]

WYOMING

Notice of Application

JUNE 13, 1974.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Colorado Interstate Corporation has applied for a natural gas pipeline right-of-way across the following lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 20 N., R. 99 W.,
Sec. 20, E½E½.

The pipeline will convey natural gas from the UPRR No. 28-E well in sec. 28, T. 20 N., R. 99 W., to an existing gathering system.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1088, Rock Springs, Wyoming 82901.

PHILIP C. HAMILTON,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.74-14175 Filed 6-19-74;8:45 am]

[Wyoming 46208]

WYOMING

Notice of Application

JUNE 13, 1974.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Marathon Pipe Line Company has applied for a right-of-way for a rectifier and ground bed across the following lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 56 N., R. 97 W.,
Sec. 15, S½NE¼ and N½SE¼.

These facilities are requested for the operation and maintenance of an existing oil transmission system.

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The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should send their name and address to the District Manager, Bureau of Land Management, P.O. Box 119, Worland, Wyoming 82401.

PHILIP C. HAMILTON,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.74-14176 Filed 6-19-74;8:45 am]

[C-063968, C-072835, C-079187]

WYOMING

Notice of Application

JUNE 11, 1974.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Amoco Pipeline Company has applied to amend right-of-way grants C-063968, C-072835 and C-079187 to install cathodic protection units on the following lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 22 N., R. 76 W.,
sec. 20, NW¼.
T. 22 N., R. 80 W.,
sec. 30, SE¼SE¼.
T. 25 N., R. 88 W.,
sec. 35, NE¼.
T. 38 N., R. 92 W.,
sec. 20, SE¼.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should send their name and address to the District Manager, Bureau of Land Management, P.O. Box 670, Rawlins, Wyoming 82301.

PHILIP C. HAMILTON,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 74-14126 Filed 6-19-74;8:45 am]

[C-071484]

WYOMING

Notice of Application

JUNE 11, 1974.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Amoco Pipeline Company has applied to amend right-of-way grant C-071484 to install a cathodic protection unit on the following land:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 38 N., R. 88 W.,
sec. 21, NE¼.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should send their name and address to the District Manager, Bureau of Land Management, P.O. Box 2834, Casper, Wyoming 82601.

PHILIP C. HAMILTON,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.74-14127 Filed 6-19-74;8:45 am]

Fish and Wildlife Service

COYOTE CONTROL

Emergency Use of Sodium Cyanide With M-44 Device

Notice is hereby given that on May 28, 1974, procedures for the emergency use of sodium cyanide applied with the M-44 device to control coyotes in the Department of the Interior's operational predator control program, authorized by the Act of March 2, 1931 (7 U.S.C. 426-426b; 46 Stat. 1468), were implemented for the purpose of relieving coyote depredations on sheep and goats where mechanical techniques have proven ineffective. The procedures which are printed below were developed in consultation with the agencies stipulated as required by the emergency provisions of Executive Order 11643, section 3(b).

The use of sodium cyanide for this purpose is covered by an experimental permit issued May 30, 1974, by the Environmental Protection Agency (EPA) under section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (7 U.S.C. 121-135k; 78 Stat. 190), for the period of May 28, 1974, through October 31, 1974. Data collected during the field use of the M-44 in this program will be used by EPA to evaluate the use in considering registration of this application of sodium cyanide.

PROCEDURE FOR ADVANCE IDENTIFICATION AND APPROVAL OF AREAS FOR THE POSSIBLE EMERGENCY USE OF SODIUM CYANIDE DELIVERED BY THE M-44 DEVICE FOR THE CONTROL OF DEPREDATING CANIDS

Introduction. Section 3 of Executive Order 11643 prohibits the use of toxicants for killing predators on Federal lands or in Federal programs of mammalian or bird damage control except in emergency situations.

Section 3(b) allows for chemical toxicants to be used for killing predatory mammals and birds, and for chemical toxicants with secondary poisoning effects to be used for killing other mammals, birds or reptiles when an emergency exists that cannot be dealt with by other means.

(b) Notwithstanding the provisions of subsection (a) of this section, the head of any agency may authorize the emergency use on Federal lands under his jurisdiction of a chemical toxicant for the purpose of killing predatory mammals or birds, or of a chemical toxicant which causes a secondary poisoning effect for the purpose of killing other mammals, birds, or reptiles, but only if in each specific case he makes a written finding, following consultation with the Secretaries of the Interior, Agriculture, and Health, Education and Welfare, and the Administrator of the Environmental Protection Agency, that an emergency exists that cannot be dealt with by means which do not involve use of chemical toxicants, and that such use is essential.

(1) to the protection of the health or safety of human life;

(2) to the preservation of one or more wildlife species threatened with extinction, or likely within the foreseeable future to become so threatened; or

(3) to the prevention of substantial irretrievable damage to nationally significant natural resources.

The Bureau of Sport Fisheries and Wildlife (hereinafter referred to as the Bureau), conducts and supervises a cooperative operational predator control program in many of the Western States under authority of the Act of March 2, 1931 (7 U.S.C. 426-426b; 46 Stat. 1468). Since the issuance of Executive Order 11643, the Bureau has attempted to carry out this program with nonchemical methods, such as steel traps, aircraft, shooting and other techniques. The effort has been successful in many situations; however, the effort has failed in areas where terrain, vegetation, and other factors do not permit the effective use of nonchemical methods to reduce livestock damage caused by coyotes. In these areas the use of sodium cyanide delivered by the M-44 device could significantly increase the Bureau's capability to prevent significant economic damage to livestock resources, particularly sheep and goats. The Bureau has identified and defined the types of areas where the effective use of nonchemical means of control may be inadequate to respond to an emergency and where there is a history of severe depredations on sheep.

The procedures for implementation of the emergency provisions of the Executive order established by interagency Memorandum of Agreement were developed to expedite emergency requests for aid. The procedures of the Memorandum of Agreement appear to be acceptable for routine requests; emergencies caused by coyote depredation on sheep and goats require faster action. Accordingly, the Department of the Interior, in consultation with the other agencies charged with the implementation of the Executive order, has developed the procedures contained herein in order to provide for timely responses to true emergency situations. These procedures address only the emergency use of sodium cyanide delivered by the M-44 device to mitigate emergencies caused by coyote depredation on sheep and goats.

An emergency request will be handled by the following procedure:

(1) The owner or operator in the case of private land, or the land administrator, in the case of public land, may initiate a request in consultation with Bureau field personnel through use of the form, "Request for the Emergency Use of the M-44 Device."

(2) The completed request form will be reviewed by the Bureau's State Animal Damage Control Office.

(3) The request, with recommendations, will be submitted to the Regional

Director for a final determination on the existence of an emergency situation and the need for use of the M-44. If the finding is made that an emergency exists, the Regional Director has authority to approve the use of the M-44, without further consultation with the Secretary of the Interior or other agencies. The criteria set forth in the remainder of this document shall be adhered to by the Regional Director in making the finding that an emergency exists.

Definition of an emergency. Emergency requests will be considered only for sheep and goat raising areas where aerial or other nonchemical coyote control methods have not proved feasible or effective. An emergency shall be held to exist when there is an unusually high rate of predator loss to one or more growers equal to 2 percent or more of the affected flock over a 7-day period. The emergency criteria may be satisfied when a lesser rate of predator loss occurs which can be projected to cause the destruction of 8 percent or more of the affected flock over the growing season, after trapping, shooting, and other nonchemical controls have been attempted over a reasonable period and found ineffective.

In low, open grassy pastures, sheep and goat losses due to predation are more easily located and confirmed. An emergency will be considered to exist in these areas when: a sheep raiser is suffering a demonstrated and confirmed 2 percent or higher loss to predators over a period of 7 days; when mechanical methods have been unsuccessful for a 14-day period and the losses suffered by the grower due to predation have reached an average of 0.6 percent per week or more for that period; or when mechanical control methods have been unsuccessful for 28 consecutive days and the losses suffered by the grower due to predation have reached an average of 0.4 percent per week for that period.

In heavy brushy areas or rough, steep terrain, sheep and lamb losses due to predation are not easily located and confirmed. Research has documented the extreme difficulty in locating more than 50 percent of all losses in areas of this type. An emergency will be considered to exist in this situation when a sheep grower suffers a confirmed loss of 1 percent or higher during a 7-day period, when mechanical control methods have been unsuccessful during a 14-day period and losses suffered due to predation have reached an average of .3 percent per week or more for that period; or when mechanical control methods have been unsuccessful for a 28-day period and the losses suffered by the grower due to predation have reached an average of .2 percent per week or more for that period.

Description of areas where the M-44 may be authorized to control coyote depredations. These are areas where aerial methods of predator control are not feasible and other mechanical tools have not been effective in reducing sheep and goat depredations and where use of the M-44, in justified emergency situations, could provide a means to effectively reduce depredations on flocks during grazing or lambing seasons. This delineation is based on a number of factors. These are covered in more detail in (1) "The Bridger Project: An Evaluation of Mechanical Control Techniques;" (2) "Predator Control in Transition;" (3) "Coyote Damage Control by Mechanical Techniques;" and (4) "Preliminary Report, Predator Survey—Western U.S., 1972;" and "1973 Index of Coyote Abundance, Showing Percent Change from 1972 and Percent Significance." In order to be qualified as an emergency area the three following conditions must be present: (1) sheep and or goats must be present in the area; (2) coyotes or other predator canids must have been shown to be the cause of loss; and (3) mechanical means must have been shown to be ineffective.

The areas can be generally classified into four types as follows:

1. *Low altitude pastures.* Lambing grounds and pastures which may be used throughout the year. In case of lambing situations, the animals are vulnerable during late winter and early spring starting in January in southern States and continuing through May in northern States.

These areas are typified by dense, brushy ground cover, and rough breaks where ground access is limited. Mechanical methods, such as aerial hunting, may not be effective because of the dense vegetation which prevents observation of coyotes from the air. Roughness and limited access may also present obstacles to effective use of other mechanical techniques, such as steel traps, calling, and shooting in some instances. Steel traps are often not practical because of the time involved in reaching problem areas for placement and frequent revisitation as required by Bureau regulations or State laws.

Much of the land is open range with minimum fencing. The presence of livestock, both sheep and cattle, interferes with the effective use of traps, resulting in traps being sprung or trampled and rendered useless before the target animal can be caught, causing time loss and increased depredations.

2. *High altitude summer pastures.* These are areas above 7,000 feet used by sheep and goats from late June through early October. Aerial hunting is impractical either because of high altitudes or vegetation. Many of these grazing areas are covered by aspen and coniferous timber.

The open park areas at high altitudes cannot be hunted with fixed-wing aircraft or helicopters due to the lack of aircraft efficiency and the extreme safety hazard at this elevation. Sheep and goats are moved to fresh feed daily. Trap interference is common as a result of trampling because livestock and coyotes travel the same trails. Due to the roughness and limited access, traps often cannot be tended as required.

Sheep and lambs are present in areas during the period that coyote pups are maturing and begin to hunt on their own or in family groups.

The major area under this classification is public land under the jurisdiction of the U.S. Forest Service and the Bureau of Land Management. Land use and restrictions on control techniques are determined by these agencies to coordinate these practices with other land use patterns, such as recreation.

3. *Fenced pastures including small farms with mixed agriculture.* This classification includes fenced pastures where it is impractical or illegal to use aircraft due to the difficulty in identifying property lines from the air. The lands are almost exclusively privately owned.

The aerial hunting permit law recently passed by Congress (16 U.S.C. 742 J-L; 86 Stat. 905), requires the States to issue specific permits showing land areas to be hunted and land ownership. Permission from the landowner must be secured before aerial programs can be conducted since aerial hunting is interpreted as trespass in some States. It is therefore necessary that property lines be recognizable from the air to conduct programs of this nature.

Fenced pastures as described are used for lambing and may include summer and winter grazing. In many instances control operations are restricted within the fenced areas containing the animals to be protected; steel traps cannot be used due to interference by sheep and other livestock. Sheep and goats are vulnerable to coyote depredation at all ages and, therefore, in these areas are exposed to depredations throughout the year.

4. *Areas where aerial hunting is prohibited by State law.* Coyote depredations in some of the areas designated in Arizona and the State of Washington could be stopped through aerial hunting techniques. However, State laws prohibit aerial hunting. In some areas of these States, the use of mechanical means other than aerial hunting may not be effective.

Coyote Abundance. The Bureau's coyote scent post surveys conducted during the fall of 1972 and 1973 indicate significant increases in some coyote populations in Western States east of the Continental Divide and decreases in some States west of the divide. Coyote populations occur in all of the problem areas where emergencies can be anticipated. Coyote density alone is only a variable, and not a determining factor in the seriousness of coyote depredations. Specific situations, such as losses resulting from a single coyote den in a lambing area in the spring, or from a family group of maturing coyote pups in the fall, may create a critical situation for an individual grower within the areas where mechanical methods are not effective and create the need for use of the M-44 to stop significant economic hardship.

Livestock Use. The determination of areas where problems may not be handled with mechanical techniques is based on the number of sheep present and the historic depredation problems of which we have record.

Policy and procedures for field application. When emergencies as defined herein are determined to exist within the areas described, field application of M-44

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devices will be conducted by Bureau employees and State employees under the supervision of the Bureau. The following policies and procedures will be followed:

LEGAL GUIDELINES

Service use of the M–44 shall conform to all applicable Federal, State, and local laws and regulations.

AGREEMENTS FOR USE

M–44's may be placed after an emergency request for control is received and approved and a Bureau Agreement and Release Form (3–1923) or its equivalent, is executed. Use of M–44's shall be controlled by cooperative agreement for programs on Federal or State lands.

PLACEMENT

Emergency use of M–44's shall be in locations and at times that will minimize encounters by humans, pets, and nontarget species.

1. *Private Lands.* M–44's may be used in emergency areas as defined hereinafter approval of the Regional Director. Use shall be for the period authorized by the Director of the Bureau.

2. *Public Lands.* Specific locations and time periods of M–44 use shall be established by the appropriate Bureau representative, based upon land-use information provided by the land administrator.

WARNING REGULATIONS

Signs shall be used to provide warning of all areas containing M–44's. Individual unit sites also shall be clearly identified to protect persons who might happen upon them.

1. *Area Warning.* Main entrances, gateways, or commonly used access points to areas in which M–44's are set shall be posted with warning signs to alert the public to the toxic nature of the cyanide and to the danger to pets. Good judgment is the best guide to placing signs so they most likely will be seen by those entering the property.

2. *Individual Unit Warnings.* An elevated sign shall be placed in the immediate vicinity of the M–44, clearly warning persons not to handle the device. This sign must be obvious when one is looking at the M–44 from its most logical access.

NONAUTHORIZED USE

M–44's or cartridges shall not be given to, or entrusted to the care of any person not under the supervision of the Bureau. Care shall be taken to prevent theft or loss and the possibility of their subsequent use by nonauthorized persons.

SAFETY

1. *Personal Safety.* The State Supervisor shall be responsible for determining that all Bureau-supervised employees are properly instructed in the safe use of M–44's before being entrusted with them. When setting M–44's, caution should be exercised to prevent personal injury from accidental discharge. Gloves shall be worn when handling loaded M–44's. When assembling or disassembling the loaded top, the gloved hand should be cupped over the M–44 to deflect an accidental discharge to the face.

2. *Antidote.* Cyanide antidote kits shall be possessed by all employees using M–44's and shall be carried with them at the time units are being set or maintained.

3. *Storage.* M–44 cases contain toxic materials and shall be stored and handled accordingly.

4. *Case Disposal.* Discharged M–44 cases may retain hazardous amounts of cyanide and shall not be discarded at random in the field. Spent cases that have become unusable, shall be disposed of by burning in a safe place.

INSPECTION

1. *Maintenance of M–44 Sets.* District Field Assistants shall carry with them a supply of warning signs and shall check all M–44 sets under their care as frequently as is feasible to assure that warning signs are present and fully visible. Under guidelines prescribed by the Regional Director, frequency of checking sets shall be established by the State Supervisor for his project area, taking into consideration topography, weather, access, and local and State regulations. All requirements established by the State Supervisor shall be subject to the Regional Director's review.

2. *Inspection of M–44 Sets.* District Supervisors shall routinely inspect M–44 sets as a part of their supervisory responsibility to assure compliance with established policy. The State Supervisor or Assistant State Supervisor shall conduct inspections of M–44 sets as part of District inspections. Inspections shall include checking on the adequacy of warning signs. A written report to the Regional Director shall be mandatory on any violation of these regulations.

LOCAL RESTRICTIONS

Regions, States or Districts shall have the authority to issue more restrictive M–44 regulations as local situations may warrant.

REPORTING ACCIDENTS

All accidents involving humans and domestic animals shall be reported immediately in accordance with procedures established in 6.000, (68)–F–17, (68)–F–16, and 4.000, (68)–R–8 of the Policy Handbook.

RECORD OF PLACEMENT, ACCOUNTABILITY OF M–44's

The State Supervisor will establish procedures for recording the placement and removal of M–44's in the field. Transfer of M–44's will be recorded according to the nature of the loss (theft, vandalism, removal by animal, inability to find location, etc.).

In addition to the above provisions, the following restrictions will apply.

1. The M–44 will not be used in National Parks or Monuments, under any circumstances.

2. The device will not be used in areas where susceptible threatened or endangered species, such as the San Joaquin kit fox, or red wolf, might be affected. Maps delineating the known range of susceptible threatened and endangered species will be supplied for guidance to the Regional Directors. (The new endangered species legislation (16 U.S.C. 1531–1543, 87 Stat. 884), provides for a list of threatened species; however, this list has not been established and at this time no animals are designated as threatened. When the provisions of the legislation are enacted, threatened species would be included in the areas where the M–44 would not be used.)

3. The device will not be used in areas of high public use or at times when excessive exposure is likely.

An appropriate announcement of the intent, including definition, procedures, and a general description of the areas to be affected will be published in the FEDERAL REGISTER for public information. Monthly notices of actual use of the M–44 under the program also will be published in the FEDERAL REGISTER.

Records and Reports. Appropriate arrangements will be made in all cases involving the use of the M–44 sodium cyanide device to secure and record data that can be helpful in further evaluating this device for the purpose of controlling sheep and goat depredations. The data will include:

a. Total number of target species taken, by direct count.

b. Number of nontarget species taken, by species.

c. Number of M–44 discharges with no animal recovery.

d. Any human or domestic animal accidents associated with M–44 use.

e. Loss rate reported by the sheep owner before emergency use of M–44's and loss after application of the tool.

f. Other significant information, such as effectiveness of different types of scents, or placement techniques.

g. Number of M–44 devices and capsules used, and cumulative total of M–44 use-years or months.

Monitoring. Each Regional Director shall established a system for monitoring the operation of emergency procedures in the field and shall provide a monthly report of findings. Surveillance may be undertaken on a sampling basis and shall include verification of the following.

1. Data presented in support of emergency requests.

2. Effort expended to provide control with mechanical means.

3. Adherence to described geographical areas.

4. Adherence to policy in use of M–44's.

5. Reports of results obtained in controlling depredations with M–44's.

REQUEST FOR THE EMERGENCY USE OF THE M–44 DEVICE

1. Land status: Public ------ and/or Private ------.

2. Land administrator, if public:------. Landowner, if private:------.

3. Name and address of the livestock operator: ------

4. Land area involved: ------ acres in ------ County and ------ State.

5. Date request for assistance received: ------

6. Description of the problem:

(a) Total livestock losses from all causes during the peirod------

(b) Number of predator kills confirmed by District Field Assistants (Indicate whether sheep, goats, calves, etc.)------

(c) Predator species responsible------

(d) Time period involved for these reported losses ------ to ------.

(e) What mechanical methods were used during the period of loss------;

(f) Time period this operation will be exposed to depredation losses------

(g) Number of sheep and goats involved in this operation------

(h) Number of sheep and goats lost to predators during the same period last season ------ (other losses).

(i) Type of operation: farm flock ------; open range ------; fenced pasture ------; close herding of bands ------; other------.

(j) Number of M–44 units which will be used ------ during the period of ------ to ------.

(k) Factors which limit the effectiveness of available mechanical tools------

7. What has been the success with nonchemical methods in the past?------

8. Other factors affecting losses (whether high predator population, low population of buffer species, etc.)------

9. Special restrictions required by land administrators ------

Recommended by: ------
State Supervisor------
Land Administrator------
(Forest Supervisor, BLM Area Manager or Landowner)
Approved by Regional Director------
Date ------

LISTING OF BUREAU OF SPORT FISHERIES AND WILDLIFE REPRESENTATIVES FOR FIELD APPLICATION OF THE PRECEDING EMERGENCY PROGRAMS

REGIONAL DIRECTORS

Region 1 (California, Idaho, Nevada, Oregon and Washington)
R. Kahler Martinson
1500 NW. Irving Street
P.O. Box 3737
Portland, Oregon 97208

Region 2 (Arizona, New Mexico, Oklahoma and Texas)
W. O. Nelson, Jr.
517 Gold Avenue SW.
P.O. Box 1306
Albuquerque, New Mexico 87103

Region 6 (Colorado, Iowa, Kansas, Missouri, Montana, Nebraska, North and South Dakota, Utah and Wyoming)
Charles M. Loveless
P.O. Box 25486
Denver, Colorado 80225

STATE SUPERVISORS

Malcolm N. Allison
2800 Cottage Way
Sacramento, California 95825

Joe E. Minor
300 Booth Street
Reno, Nevada 89502

Vincent Bogatich
506 W. Valley Mall Blvd.
Union Gap, Washington 98903

Vernon Cuningham
10304 Candelaria NE.
Albuquerque, New Mexico 87112

A. Warren Ahlstrom
550 West Fort (Box 025)
Boise, Idaho 83724

Willard Nelson
809 NE. Sixth Avenue
Portland, Oregon 97232

William Rightmire
2721 N. Central Ave. (Suite 704)
Phoenix, Arizona 85004

Berkeley R. Peterson
Room 238, Old Post Office
Oklahoma City, Oklahoma 73102

Milton Caroline
P.O. Box 9037, Guilbeau Station
San Antonio, Texas 78204

Frederick Christenson
Federal Bldg. & U.S. Courthouse
111 S. Wolcott
Casper, Wyoming 82601

William K. Pfeifer
P.O. Box 1897
Bismarck, North Dakota 58501

Robert P. Kelly
246 Federal Building
Lincoln, Nebraska 68508

Norton Minor
711 Central Avenue
Billings, Montana 59102

Donald W. Hawthorne
Federal Bldg., Room 2215
125 S. State Street
Salt Lake City, Utah 84111

Rew V. Hanson
439 Federal Building
Pierre, South Dakota 57501

LYNN A. GREENWALT,
Director, Bureau of Sport Fisheries and Wildlife.

JUNE 17, 1974.

[FR Doc.74–14096 Filed 6–19–74;8:45 am]

Geological Survey

DEEP CREEK BASIN, OREGON

Power Site Cancellation 296

Pursuant to authority under the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and 220 Departmental Manual 6.1, Power Site Classification 382 of July 15, 1947, is hereby canceled to the extent that it affects the following described land:

WILLAMETTE MERIDIAN, OREGON

T. 40 S., R. 22 E.,
Sec. 26, NE¼NE¼.

The area described aggregates 40 acres.

The effective date of this cancellation is October 14, 1974.

Dated: June 13, 1974.

HENRY W. COULTER,
Acting Director.

[FR Doc.74–14144 Filed 6–19–74;8:45 am]

Office of the Secretary

[Int Des 74–42]

LIVESTOCK GRAZING MANAGEMENT FOR NATIONAL RESOURCE LANDS

Extension of Time Period

The Department of the Interior published in the FEDERAL REGISTER of April 16, 1974 (39 FR 13697) a notice concerning the availability of a Draft Environmental Impact Statement on Livestock Grazing Management. The statement addresses itself to the livestock grazing management program on public lands administered by the Bureau of Land Management. The notice provided a 2-month period from its date of publication for comments.

Because of the requests for extension of time to comment by reviewers, the time originally established for commenting on the Draft EIS has been extended to July 16, 1974.

JACK O. HORTON,
Assistant Secretary of the Interior.

JUNE 14, 1974.

[FR Doc.74–14083 Filed 6–19–74;8:45 am]

MARTIN T. QUIGLEY

Appointee's Statement of Financial Interests

Pursuant to section 302(a) of Executive Order 10647, the following information on a WOC appointee in the Department of the Interior is furnished for publication in the FEDERAL REGISTER.

NAME OF APPOINTEE

Martin T. Quigley.

NAME OF EMPLOYING AGENCY

Department of the Interior, Defense Electric Power Administration

THE TITLE OF THE APPOINTEE'S POSITION

Regional Power Liaison Representative, DEPA Area 3

THE NAME OF THE APPOINTEE'S PRIVATE EMPLOYER OR EMPLOYERS

Potomac Electric Power Company

The statement of "financial interests" for the above appointee is enclosed.

ROGERS C. B. MORTON,
Secretary of the Interior.

In accordance with the requirements of section 302(b) of Executive Order 10647, I am filing the following statement for publication in the FEDERAL REGISTER:

(1) Names of any corporations of which I am, or had been within 60 days preceding my appointment, on May 1, 1974, as Regional Power Liaison Representative, Defense Electric Power Administration, an officer or director;

No change.

(2) Names of any corporations in which I own, or did own within 60 days preceding my appointment, any stocks, bonds, or other financial interests.

I own 310 shares of common stock in the Potomac Electric Power Company of Washington, D.C.

(3) Names of any partnerships in which I am associated, or had been associated within 60 days preceding my appointment:

No change.

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(4) Names of any other businesses which I own, or owned within 60 days preceding my appointment:
No change.

Dated: May 23, 1974.

M. T. QUIGLEY.

[FR Doc.74-14137 Filed 6-19-74;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[Marketing Agreement 146]

PEANUTS; 1974 CROP

Incoming and Outgoing Quality Regulations and Indemnification

Pursuant to the provisions of sections 5, 31, 32, 34 and 36 of the marketing agreement regulating the quality of domestically produced peanuts heretofore entered into between the Secretary of Agriculture and various handlers of peanuts (30 FR 9402) and upon recommendation of the Peanut Administrative Committee established pursuant to such agreement and other information it is hereby found that the appended "Incoming Quality Regulation—1974 Crop Peanuts", "Outgoing Quality Regulation—1974 Crop Peanuts" and the "Terms and Conditions of Indemnification—1974 Crop Peanuts", which modify or are in addition to the provisions of section 5, 31, 32 and 36 of said agreement will tend to effectuate the objectives of the Agricultural Marketing Agreement Act of 1937, as amended, and of such agreement and should be issued.

The Peanut Administrative Committee has recommended that the appended "Incoming Quality Regulation—1974 Crop Peanuts", "Outgoing Quality Regulation—1974 Crop Peanuts" and the "Terms and Conditions of Indemnification—1974 Crop Peanuts", be issued so as to implement and effectuate the provisions of the aforementioned sections of the marketing agreement. The 1974 peanut crop year begins July 1 and procedures and regulations for operations under the agreement should be established thereby affording handlers maximum time to plan their operations accordingly. The handlers of peanuts who will be affected hereby have signed the marketing agreement authorizing the issuance hereof, they are represented on the Committee which has prepared and recommended these quality regulations and terms and conditions of indemnification for approval.

Upon consideration of the Committee recommendation and other available information the appended "Incoming Quality Regulation—1974 Crop Peanuts", "Outgoing Quality Regulation—1974 Crop Peanuts", and the "Terms and Conditions of Indemnification—1974 Crop Peanuts" are hereby approved.

Dated: June 17, 1974.

CHARLES R. BRADER,
Deputy Director,
Fruit and Vegetable Division.

INCOMING QUALITY REGULATION—1974 CROP PEANUTS

The following modify section 5 of the peanut marketing agreement and modify or are in addition to the restrictions of section 31 on handler receipts or acquisitions of 1974 crop peanuts:

(a) *Modification of section 5, paragraphs (b), (c), and (d).* Paragraphs (b), (c), and (d) of section 5 of the peanut marketing agreement are modified as to 1974 crop farmers stock peanuts to read respectively as follows:

(b) *Segregation 1.* "Segregation 1 peanuts" means farmers stock peanuts with not more than 2 percent damaged kernels nor more than 1.00 percent concealed damage caused by rancidity, mold or decay and which are free from visible *Aspergillus flavus.*

(c) *Segregation 2.* "Segregation 2 peanuts" means farmers stock peanuts with more than 2 percent damaged kernels or more than 1.00 percent concealed damage caused by rancidity, mold or decay and which are free from visible *Aspergillus flavus.*

(d) *Segregation 3.* "Segregation 3 peanuts" means farmers stock peanuts with visible *Aspergillus flavus.*

(b) *Moisture.* Except as provided under paragraph (e) *Seed peanuts,* no handler shall receive or acquire peanuts containing more than 10 percent moisture: *Provided,* That peanuts of a higher moisture content may be received and dried to not more than 10 percent moisture prior to storing or milling. On farmers stock, such moisture determinations shall be rounded to the nearest whole number; on shelled peanuts, the determinations shall be carried to the hundredths place and shall not be rounded to the nearest whole number.

(c) *Damage.* For the purpose of determining damage, other than concealed damage, on farmers stock peanuts, all percentage determinations shall be rounded to the nearest whole number.

(d) *Loose shelled kernels.* Handlers may separate from the loose shelled kernels received with farmers stock peanuts, those sizes of whole kernels which ride screens with the following slot openings: Runner—$^{16}/_{64}$ x $^{3}/_{4}$ inch; Spanish and Valencia—$^{15}/_{64}$ x $^{3}/_{4}$ inch; Virginia—$^{18}/_{64}$ x 1 inch. If so separated, those loose shelled kernels which do not ride such screens, shall be removed from the farmers stock peanuts and shall be held separate and apart from other peanuts and disposed of as oil stock. If the whole kernels are not separated, the entire amount of loose shelled kernels shall be removed from farmers stock peanuts and shall be so held and so delivered or disposed of. The whole kernels which ride the screens may be included with shelled peanuts prepared by the handler for inspection and sale for human consumption. For the purpose of this regulation, the term "loose shelled kernels" means peanut kernels or portions of kernels completely free of their hulls and found in deliveries of farmers stock peanuts.

(e) *Seed peanuts.* A handler may acquire and deliver for seed purposes farmers stock peanuts which meet the requirements of Segregation 1 peanuts. If the seed peanuts are produced under the auspices of a State agency which regulates or controls the production of seed peanuts, they may contain up to 3 percent damaged kernels and have visible Aspergillus flavus, and, in addition, the following moisture content, as applicable:

(1) for seed peanuts produced in the Southeastern and Virginia-Carolina areas, they may contain up to 11 percent moisture except Virginia type peanuts which are not stacked at harvest time may contain up to 12 percent moisture; and (2) for seed peanuts produced in the Southwestern area, they may contain up to 10 percent moisture.

However, any such seed peanuts with visible Aspergillus flavus shall be stored and shelled separate from other peanuts, and any residual not used for seed shall not be used or disposed of for human consumption unless it is determined to be wholesome by chemical assay for aflatoxin. A handler whose operations may include custom seed shelling, may receive, custom shell, and deliver for seed purposes farmers stock peanuts and such peanuts shall be exempt from the Incoming Quality Regulation requirements and therefore shall not be required to be inspected and certified as meeting the Incoming Quality Regulation requirements and the handler shall report to the Committee as requested the weight of each lot of farmers stock peanuts received on such basis on a form furnished by the Committee. However, handlers who may acquire seed peanut residuals from their custom seed shelling operations or from another seed sheller or producer who has or has not signed the marketing agreement shall hold and/or mill such residuals separate and apart from other receipts or acquisitions of the handler and such residuals which meet Outgoing Quality Regulation requirements may be disposed of by sale to human consumption outlets and any portion not meeting such requirements shall be disposed of by sale to oil stock or crushing.

(f) *Oil stock.* Handlers may acquire as oil stock, peanuts of a lower quality than Segregation 1 or grades or sizes of shelled peanuts or cleaned inshell peanuts which fail to meet the requirements for human consumption. The provision of section 31 of the marketing agreement restricting such acquisitions to handlers who are crushers is hereby modified to authorize all handlers to act as accumulators and acquire Segregation 2 or 3 farmers stock peanuts: *Provided,* That all such acquisitions except Segregation 3 peanuts shall be bagged, red tagged and held separate and apart from Segregation 1 peanuts acquired for milling or from edible grades of shelled or milled peanuts and shall be disposed of only by crushing or by delivery to crushers and the consequent production of oil and meal: *And further provided,* That all Segregation 3 peanuts shall at all times be kept separate and apart from all other peanuts and disposed of as provided in paragraph (j) of the Outgoing Quality Regulation for 1974 crop peanuts. However, to be eligible to receive or acquire Segregation 3 farmers stock peanuts, a handler shall pay to the Area Association a fee, specified by the Committee, for the purpose of covering cost of supervision on the disposition of such peanuts.

(g) *Segregation 3 control.* To assure the removal from edible outlets of any

lot of peanuts determined by the Federal or Federal-State Inspection Service to be Segregation 3, each handler shall inform each employee, country buyer, commission buyer or like person through whom he receives peanuts, of the need to receive and withhold all lots of Segregation 3 peanuts from milling for edible use. If any lot of Segregation 3 farmers stock peanuts is not withheld but returned to the producer, the handler shall cause the Inspection Service to forward immediately a copy of the inspection certificate on the lot to the designated office of the handler and a copy to the Committee which shall be used only for information purposes.

(h) *Warehouse Storage Facilities.* Handlers shall report to the Committee, on a form furnished by the Committee, all storage facilities or contract storage facilities which they will use to store acquisitions of 1974 crop Segregation 1 farmers stock peanuts and all such storage facilities must be reported prior to storing of any such handler acquisitions. All such storage facilities must be of sound construction, in good repair, built and equipped so as to provide suitable storage and sufficient ventilation to prevent moisture condensation and provide adequate protection for farmers stock peanuts. All breaks or openings in the walls, floors or roofs of the facilities shall have been repaired so as to keep out moisture. Elevator pits and wells must be kept dry and free of moisture at all times. Insect control procedures must be carried out in such a manner as to prevent undesirable moisture in the storage facilities. The Committee may make periodic inspections of storage facilities and farmers stock peanuts stored in such facilities to determine if handlers are adhering to these requirements.

(i) *Shelled peanuts.* Handlers may acquire from other handlers shelled peanuts (which originated from "Segregation 1 peanuts") that fail to meet the requirements of the Outgoing Quality Regulation. Any lot of such peanuts must be accompanied by a valid inspection certificate for grade factors, an aflatoxin assay certificate and must be positive lot identified. Transactions made in this manner shall be reported to the Committee by both the buyer and seller on a form provided by the Committee. Peanuts acquired pursuant to this paragraph shall be held and milled separate and apart from other receipts or acquisitions of the receiving handler and further disposition shall be regulated by the Outgoing Quality Regulation.

OUTGOING QUALITY REGULATION—1974 CROP PEANUTS

The following modify or are in addition to the peanut marketing agreement restrictions of section 32 on handler disposition of 1974 crop peanuts for human consumption:

(a) *Shelled peanuts.* No handler shall ship or otherwise dispose of shelled peanuts for human consumption unless appropriate samples for pretesting have been drawn in accordance with subparagraph (c) of this regulation, or which if of a category not eligible for indemnification are not certified "negative" as to aflatoxin, or which contain more than (1) a total of 1.50 percent unshelled peanuts and damaged kernels; (2) a total of 3.00 percent unshelled peanuts and damaged kernels and minor defects; (3) 9.00 percent moisture in the Southeastern and Southwestern areas, or 10.00 percent moisture in the Virginia-Carolina area; or (4) 0.10 percent foreign material in peanuts "with splits" and peanuts of U.S. grade, other than U.S. splits, or 0.20 percent foreign material in U.S. splits and other edible quality peanuts not of U.S. grade. Fall through in such peanuts shall not exceed 4 percent except that in peanuts other than "No. Two Virginia" fall through consisting of either split and broken kernels or whole kernels shall not exceed 3 percent and fall through of whole kernels in Runners or Virginias "with splits" shall not exceed 3 percent or 2 percent on Spanish "with splits". The term "fall through" as used herein, shall mean sound split and broken kernels and whole kernels which pass through specified screens. Screens used for determining fall through in peanuts covered by this paragraph (a) shall be as follows:

Type	Screen openings	
	Split and broken kernels	Whole kernels
Runners	$^{17}/_{64}$ inch round	$^{25}/_{64}$ by $^{3}/_{4}$ inch slot.
Spanish and Valencia	$^{15}/_{64}$ inch round	$^{15}/_{64}$ by $^{3}/_{4}$ inch slot.
Virginia, except "No. Two Virginia"	$^{17}/_{64}$ inch round	$^{15}/_{64}$ by 1 inch slot.
"No. Two Virginia"	$^{17}/_{64}$ inch round only for split, broken and whole kernels.	

("No. Two Virginia" means Virginia type peanuts that meet requirements of U.S. No. 2 Virginia grade peanuts except for tolerances for: (1) damage or unshelled peanuts and minor defects; and (2) sound peanuts and portions of peanuts which pass through the prescribed screen. Such tolerances shall be the same as those listed heretofore in this paragraph. Runners, Spanish or Virginia "with splits" means shelled peanuts which do not contain more than (a) 15 percent splits, (b) for Spanish 2.00 percent whole kernels which will pass through $^{15}/_{64}$ x $^{3}/_{4}$ slot screen; for Runners 3.00 percent whole kernels which will pass through a $^{16}/_{64}$ x $^{3}/_{4}$ inch slot screen; and for Virginias 3.00 percent whole kernels which will pass through a $^{15}/_{64}$ x 1 inch slot screen, and (c) otherwise meet the specifications of U.S. No. 1 grade).

(b) *Cleaned inshell peanuts.* No handler shall ship or otherwise dispose of cleaned inshell peanuts for human consumption: (1) with more than 1.00 percent kernels with mold present unless a sample of such peanuts, drawn by an inspector of the Federal or Federal-State Inspection Service, was analyzed chemically by laboratories approved by the Committee or by an Agricultural Marketing Service laboratory (hereinafter referred to as "AMS laboratory") and found to be wholesome relative to aflatoxin; (2) with more than 2.00 percent peanuts with damaged kernels; (3) with more than 10.00 percent moisture; or (4) with more than 0.50 percent foreign material.

(c) *Pretesting shelled peanuts.* Each handler shall cause appropriate samples of each lot of shelled peanuts to be drawn by an inspector of the Federal or Federal-State Inspection Service. The gross amount of peanuts drawn shall be large enough to provide for a grade analysis, for a grading check sample and for one 48-pound sample for aflatoxin assay. The 48-pound sample shall be ground by the Federal or Federal-State Inspector, AMS or designated laboratories in a "sub-sampling mill" approved by the Committee. Four sub-samples of a size specified by the Committee shall be drawn from the ground portion of the sample diverted by the "sub-sampling mill" during the grinding process. Two of the resulting sub-samples from the 48-pound sample shall be designated as "1–A" and "2–A". The two remaining sub-samples shall be designated as "1–B" and "2–B". The sub-samples designated "1–A" and "1–B" shall be sent as requested by the handler or buyer, for aflatoxin assay to an AMS laboratory or a laboratory listed on the most recent Committee list of approved laboratories that can provide analyses results on such samples in 36 hours. The sub-samples designated as "2–A" and "2–B" shall be held as aflatoxin check-samples by the Federal or Federal-State Inspection Service, AMS or designated laboratories and shall be analyzed only in AMS or designated laboratories.

Sub-samples "1–A" and "1–B" shall be accompanied by a notice of sampling, signed by the inspector, containing, at least, identifying information as to the handler (shipper), the buyer (receiver) if known, and the positive lot identification of the shelled peanuts. A copy of such notice on each lot shall be sent to the Committee office. All assay sub-samples shall be positive lot identified and sub-samples "2–A" and "2–B" held for 30 days, after delivery of sub-samples "1–A" and "1–B", and delivered for assay upon all of the laboratory or the Committee and at the Committee's expense. The cost of drawing the 48-pound sample and the preparation of the resultant sub-samples and postage for mailing the sub-samples "1–A" and "1–B" shall be borne by the handler. When the sub-samples "1–A" and "1–B" have not been analyzed within 30 days from date of delivery of the "1–A" and "1–B" sub-samples and a second set of "2–A" and "2–B" sub-samples must be drawn, the cost of drawing, grinding preparation and mailing such sub-samples shall be for the account of the holder

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of the peanuts. Cost of the assay on the "1–A" and "1–B" sub-samples shall be for the account of the buyer of the lot and of the "2–A" and "2–B" sub-samples for the Committee's account. If the handler elects to pay for the assay of the "1–A" sub-sample; he shall charge the buyer when he invoices the peanuts, and if more than one buyer, on a pro rata basis. The results of each assay shall be reported to the buyer listed in the notice of sampling and, if the handler desires, to the handler.

If a buyer is not listed in the notice of sampling the results of the assay shall be reported to the handler who shall promptly cause notice to be given, to the buyer of the contents thereof and such handler shall not be required to furnish additional samples for assay.

(d) *Identification.* Each lot of shelled or cleaned inshell peanuts shipped or otherwise disposed of for human consumption shall be identified by positive lot identification procedures. For the purpose of this regulation, "positive lot identification" of a lot of shelled or inshell peanuts is a means of relating the inspection certificate to the lot covered so that there can be no doubt that the peanuts delivered are the same ones described on the inspection certificate. Such procedure on bagged peanuts shall consist of attaching a lot numbered tag bearing the official stamp of the Federal or Federal-State Inspection Service to each filled bag in the lot. The tag shall be sewed (machine sewed if shelled peanuts) into the closure of the bag except that in plastic bags the tag shall be inserted prior to sealing so that the official stamp is visible. Any peanuts moved in bulk or bulk bins shall have their lot identity maintained by sealing the conveyance and if in other containers by other means acceptable to the Federal or Federal-State inspectors and to the Committee. All lots shelled or cleaned inshell peanuts shall be handled, stored, and shipped under positive lot identification procedures.

(e) *Reinspection.* Whenever the Committee has reason to believe that peanuts may have been damaged or deteriorated while in storage, the Committee may reject the then effective inspection certificate and may require the owner of the peanuts to have a reinspection to establish whether or not such peanuts may be disposed of for human consumption.

(f) *Inter-plant transfer.* Until such time as procedures permitting all interplant and cold storage movements are established by the Committee, any handler may transfer peanuts from one plant owned by him to another of his plants or to commercial storage, without having such peanuts positive lot identified and certified as meeting quality requirements, but such transfer shall be only to points within the same production area and ownership shall have been retained by the handler. Upon any transferred peanuts being disposed of for human consumption, they shall meet all the requirements applicable to such peanuts.

(g) *Loose shelled kernels, fall through and pickouts.* (1) Loose shelled kernels which do not ride screens with the following slot openings: Runner—$^{16}/_{64}$ x $^{3}/_{4}$ inch; Spanish and Valencia—$^{15}/_{64}$ x $^{3}/_{4}$ inch; Virginia—$^{15}/_{64}$ x 1 inch; shall be disposed of only by sale as domestic oil stock, by crushing, or as specified in "paragraph (g)(3)" hereinafter. Fall through shall be disposed of in the same manner while pickouts shall be sold as domestic oil stock or crushed. For the purpose of this regulation: the term "non-edible quality peanuts described in paragraph (g)(1)" means loose shelled kernels, fall through, and pickouts; the term "loose shelled kernels" means peanut kernels or portions of kernels completely free of their hulls, either as found in deliveries of farmers stock peanuts or those which fail to ride the screens (U.S. No. 1 screens) in removing whole kernels; the term "fall through" has the same meaning as in paragraph (a) of this regulation; and the term "pickouts" means those peanuts removed at the picking table, by electronic equipment, or otherwise during the milling process.

(2) All loose shelled kernels, fall through and pickouts shall be kept separate and apart from other milled peanuts that are to be shipped into edible channels. Each such category of peanuts shall be bagged separately in suitable new or clean, sound, used bags or placed in bulk containers acceptable to the Committee, except that loose shelled kernels and fall through may be commingled as provided in paragraph (g)(3). Such peanuts shall be inspected by Federal or Federal-State inspectors in lots of not more than 100,000 pounds and a certification made as to moisture and foreign material content.

(3) Each category of non-edible quality peanuts described in paragraph (g)(1) shall be identified by positive lot identification procedures set forth in paragraph (d) but using a red tag. In addition to disposition outlets specified in paragraph "(g)(1)", "loose shelled kernels" and "fall through" may be exported in bulk or bags to countries other than Mexico or Canada if such peanuts are sampled and determined to be "negative" as to aflatoxin content and are "fragmented" prior to exportation. The term "fragmented" means to fragment the shelled peanuts by use of such devices as barhullers, rollers, hammermills, etc. so that no more than 10 percent of the kernels that remain as whole kernels will ride the following screens by type: Spanish $^{14}/_{64}$ x $^{3}/_{4}$ inch slot; Runner $^{15}/_{64}$ x $^{3}/_{4}$ inch slot; and Virginia $^{14}/_{64}$ x 1 inch slot. Furthermore, after such peanuts have been fragmented handlers may commingle them with residue from CCC stock of a similar type for export under area association supervision. Fall through that has been sampled and determined to be negative as to aflatoxin content may be disposed of for use as wild-life feed or bait for rodents in labeled containers approved by the Committee. All dispositions of peanuts described in paragraph (g)(1) shall be reported to the Committee on such forms and at such times as it prescribes. Such peanuts destined for crushing shall be deemed to be "restricted" peanuts and the meal produced therefore shall be used or disposed of as fertilizer or other non-feed use. Loose shelled kernels and fall through not fragmented and exported may be commingled provided they are separated by type (Spanish, Virginia, etc.). However, the handler shall cause such peanuts to be inspected and certified as to the percentage of such peanuts riding and/or falling through the following specified screens, for determination of loose shelled kernels: Spanish $^{16}/_{64}$ inch round; Virginia and Runners $^{17}/_{64}$ inch round. However, such peanuts shall be disposed of only for domestic crushing. To prevent use of restricted meal for feed, handlers shall either denature it or restrict its sale to licensed or registered U.S. fertilizer manufacturers or firms engaged in exporting who will export such meal for nonfeed use or sell it to the aforesaid fertilizer manufacturers. However, loose shelled kernels, fall through and pickouts and meal from peanuts other than pickouts in specifically identified lots of not more than 50 tons each, may be sampled by Federal or Federal-State inspectors, or by the Area association if authorized by the Committee, and tested for aflatoxin by laboratories approved by the Committee or operated by the Agricultural Marketing Service, at handler's or crusher's expense, and if such meet Committee standards, the meal may be disposed of for feed use.

(4) Notwithstanding any other provisions of this regulation or of the Incoming Quality Regulation applicable to 1974 crop peanuts, a handler may transfer such "restricted" peanuts to another plant within his own organization or transfer or sell such peanuts to a crusher for crushing. Sales or transfer of restricted peanuts to persons not handlers under the agreement shall be made only on the condition that they agree to comply with the terms of this paragraph (g) including the reporting requirements.

(h) *Peanuts failing quality requirements.* (1) Handlers may sell to other handlers shelled peanuts (which originated from Segregation 1 peanuts) that fail to meet the Outgoing Quality Regulation requirements heretofore specified. Lots of peanuts disposed of in this manner must be accompanied by a valid grade inspection certificate, an aflatoxin assay certificate and must be positive lot identified. Transactions made in this manner shall be reported to the Committee by both the seller and buyer on a form provided by the Committee. Any such peanuts acquired by handlers pursuant to paragraph (i) of the Incoming Quality Regulation shall be held and milled separate and apart from other receipts or acquisitions of the receiving handler and further disposition shall be regulated by the requirements specified heretofore.

(2) Handlers may blanch or cause to have blanched peanuts failing to meet requirements of the Outgoing Quality Regulation because of excessive damage or minor defects or are positive as to aflatoxin. To be eligible for disposal into human consumption outlets, such peanuts, after blanching, must meet specifications for unshelled peanuts, damaged kernels, and minor defects as listed in the Outgoing Quality Regulation and be accompanied by an aflatoxin certificate determined to be negative by the Committee.

(3) Handlers may dispose of to domestic crushing or export to countries other than Mexico and Canada, shelled peanuts which fail to meet requirements of the Outgoing Quality Regulation, because of excessive damage and minor defects providing such peanuts will ride the following prescribed screens:

Type	Screen openings	
	Split and broken kernels	Whole kernels
Virginia	$^{17}/_{64}$ inch round	$^{13}/_{64}$ by 1 inch slot.
Runners	$^{15}/_{64}$ inch round	$^{13}/_{64}$ by $^{3}/_{4}$ inch slot.
Spanish and Valencia	$^{15}/_{64}$ inch round	$^{11}/_{64}$ by $^{3}/_{4}$ inch slot.

Furthermore, such peanuts riding the above screens shall: contain not more than 2.00 percent foreign material; contain not more than 6.00 percent fall through of kernels passing through such prescribed screens; contain not more than a total of 8.00 percent damage and minor defects, including not more than 4.00 percent damage or unshelled kernels; and not contain moisture content exceeding 10.00 percent in the Virginia-Carolina area and 9.00 percent in the Southwestern and Southeastern areas. Each lot of peanuts so disposed of shall be identified by positive lot identification procedures as specified in paragraph (d). Each lot of peanuts so disposed of shall be sampled and assayed for aflatoxin as specified in paragraph (c) and only peanuts determined negative by the Committee and accompanied by a negative certificate may be exported provided such peanuts are "fragmented" prior to exportation. Any such peanuts not eligible for export due to excessive aflatoxin or which fail to meet the requirements of this paragraph shall be handled and disposed of in the same manner specified for loose shelled kernels, fall through and pickouts in paragraph (g) and such disposition shall be reported to the Committee on such forms and at such times as it prescribes.

(i) *Residuals from seed peanuts.* Handlers who receive and custom shell for seed purposes farmers stock peanuts (which have not been inspected and certified as meeting the incoming quality regulation) shall hold and mill peanuts acquired as residuals from such operations separate and apart from peanuts acquired as Segregation 1 farmers stock. Likewise, any such residuals received or acquired from a handler or non-handler, shall be held and milled separate and apart in the same manner. Residuals that meet requirements of the Outgoing Quality Regulation may be disposed of by sale to human consumption outlets or to another handler and any portion not meeting such requirements shall be disposed of by sale to an oil mill for crushing or by crushing.

(j) *Segregation 3 farmers stock disposition.* Shelling and disposition of Segregation 3 peanuts shall be done only under the supervision of the Committee and the Area Associations. Such peanuts, prior to shelling and after shelling, shall be kept separate and apart from all other peanuts. Handlers who have acquired Segregation 3 farmers stock peanuts pursuant to paragraph (f) of the Incoming Quality Regulation may dispose of the peanuts in bags or bulk: (1) for crushing to other handlers who are crushers or to crushers who are not handlers but are approved by the Committee with the resultant meal restricted for non-feed use; and (2) to export but prior to such exportation, the shelled peanuts shall be "fragmented" in the same manner as specified in paragraph (g)(3) of the Outgoing Quality Regulation and shall be assayed for aflatoxin by an AMS laboratory or a laboratory approved by the Committee with the aflatoxin results shown on the export bill of lading. All dispositions of Segregation 3 peanuts shall be reported to the Committee on such forms and at such times as it prescribes.

TERMS AND CONDITIONS OF INDEMNIFICATION—1974 CROP PEANUTS

For the purpose of paying indemnities on a uniform basis pursuant to section 36 of the peanut marketing agreement effective July 12, 1965, each handler shall promptly notify or arrange for the buyer to notify, the Manager, Peanut Administrative Committee of any lot of cleaned inshell or shelled peanuts, milled to the outgoing quality requirements and into one of the categories listed in the final paragraph of these terms and conditions, on which the handler has withheld shipment or storage or the buyer, including the user division of a handler, has withheld usage due to a finding as to aflatoxin content as shown by the results of chemical assay. To be eligible for indemnification, such a lot of peanuts shall have been inspected and certified as meeting the quality requirements of the agreement, shall have met all other applicable regulations issued pursuant thereto, including the pretesting requirements in (a) and (c) of the "Outgoing Quality Regulation—1974 Crop Peanuts", and the lot identification shall have been maintained. If the Committee concludes, based on assays to date or further assays, that the lot is so high in aflatoxin that it should be handled pursuant to these Terms and Conditions and such is concurred in by the Agricultural Marketing Service, the lot shall be accepted for indemnification. If the lot is covered by a sales contract, the lot may be rejected to the handler.

In an effort to make such eligible peanuts suitable for human consumption, and to minimize indemnification costs, the Committee and the Agricultural Marketing Service shall, prior to disposition for crushing cause all suitable lots to be remilled or custom blanched or both.

"Custom blanching" means the process which involves blanching peanuts, and the subsequent removal of damaged peanuts for the purpose of eliminating aflatoxin from the lot. The process may be applied to either an original lot or the new lot which results from remilling. Custom blanching shall be performed only by those firms determined by the Committee to have the capability to remove the aflatoxin and who agree to such terms, conditions and rates of payment as the Committee may find to be acceptable.

If the Committee and the Agricultural Marketing Service conclude that such lot is not suitable for remilling or custom blanching, the lot shall be declared to crushing and shall be disposed of by delivery to the Committee at such point as it may designate. The indemnification payment for peanuts in such a lot shall be the indemnification value of the peanuts, as hereinafter provided, plus actual costs of any necessary storage. Transportation expenses (excluding demurrage) from the handler's plant or storage to the point within the Continental United States where the rejection occurred and from such point to a delivery point specified by the Committee shall be included in the indemnification payment if the lot is found by the Committee to be unwholesome as to aflatoxin after such lot had been certified negative as to aflatoxin prior to being shipped or otherwise disposed of for human consumption by the handler pursuant to requirements of the "Outgoing Quality Regulation—1974 Crop Peanuts". Payment shall be made to the handler as soon as practicable after delivery of the peanuts to the Committee. The salvage value for peanuts declared for crushing shall be paid to, and retained by, the Committee to offset indemnification expenses.

If it is concluded that the lot should be remilled or custom blanched, expenses shall be paid by the Committee on those lots which, on the basis of the inspection occurring prior to shipment, contained not more than 1.00 percent damaged kernels other than minor defects. Lots with damage in excess of 1.00 percent on such inspection shall be remilled without reimbursement from the Committee for milling, freight, or temporary storage and handling but otherwise shall be indemnifiable the same as lots with not more than 1.00 percent damage.

The indemnification value of peanuts delivered to the Committee for indemnification shall be as listed in the final paragraph of these terms and conditions.

The indemnification payment on peanuts declared for remilling, and which contain not more than 1.00 percent damaged kernels other than minor defects, shall be the indemnification value referable to the weights of peanuts lost in the remilling process and not cleared for

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human consumption, plus temporary storage, except as hereinafter restricted, plus an allowance for remilling of one cent per pound on the original weight, less 1½ percent of the indemnification value multiplied by the original weight. However, the 1½ percent deduction shall not apply to peanuts whose appropriate samples for pretesting, drawn and assayed in accordance with paragraph (c) of the "Outgoing Quality Regulation—1974 Crop Peanuts", were determined to be not indemnifiable as to aflatoxin. Transportation expenses (excluding demurrage) from the handler's plant or storage to the point within the Continental United States where the rejection occurred and from such point to a delivery point specified by the Committee shall be included in the indemnification payment if the lot is found by the Committee to be unwholesome as to aflatoxin after such lot had been certified negative as to aflatoxin prior to being shipped or otherwise disposed of for human consumption by the handler pursuant to requirement of the "Outgoing Quality Regulation—1974 Crop Peanuts". On lots on which the remilling is not successful in making the lot wholesome as to aflatoxin and such lots of peanuts are declared for custom blanching after remilling, the indemnification payment shall be the blanching cost, plus any temporary storage, the transportation costs from origin (whether handler or buyer premises) to point of blanching and on unsold lots from point of blanching to handler's premises and the indemnification value of the weight of reject peanuts removed from the lot. On lots which are custom blanched without remilling, the indemnification payment shall be determined in the same manner but it shall be reduced by 1½ percent of the indemnification value multiplied by the original weight. However, the 1½ percent deduction shall not apply to peanuts whose appropriate samples for pretesting, drawn and assayed in accordance with paragraph (c) of the "Outgoing Quality Regulation—1974 Crop Peanuts", were determined to be not indemnifiable as to aflatoxin. Moreover, no indemnification payments shall be paid on any lot of peanuts where the Committee determines that the custom blanched peanuts from such a lot which has been sold at a price lower than the indemnification value on the original red skin lot at the time the indemnification claim was filed with the Committee.

Claims for indemnification on 1974 crop peanuts may be filed by any handler sustaining a loss as result of a buyer withholding from human consumption a portion or all the product made from a lot of peanuts which has been determined to be unwholesome due to aflatoxin. The Committee shall pay, to the extent of the raw peanut equivalent value of the peanuts used in the product so withheld, such claims as it determines to be valid.

Payment shall be made to the handler claiming indemnification or receiving the rejected lot as soon as practicable after receipt by the Committee of such evidence of remilling or custom blanching and clearance of the lot for human consumption as the Committee may require and the delivery of the peanuts not cleared for human consumption to the delivery point designated by the Committee. If a suitable reduction in the aflatoxin content is not achieved on any lot which is remilled or custom blanched or both, the Committee shall declare the entire lot for indemnification. However, the Committee shall refuse to pay indemnification on any lot(s) where it has reason to believe that the rejection of the peanuts arises from failure of the handler to use reasonable measures to receive and withhold from milling for edible use those Segregation 3 peanuts tendered to him either directly by a producer or by a country buyer, commission buyer or other like person.

Remilling may occur on the premises of any handler signatory to the marketing agreement or at such other plant as the Committee may determine. However, if the Committee orders remilling of a lot which has been found to contain aflatoxin prior to shipment from the locality of original milling, the Committee shall not pay freight costs should the handler move said lot to another locality for remilling.

Claims for indemnification on peanuts of the 1974 crop shall be filed with the Committee at least 60 days prior to December 31, 1975.

Each handler shall include, directly or by reference, in his sales contract the following provisions:

Should buyer find peanuts subject to indemnification under this contract to be so high in aflatoxin as to provide possible cause for rejection, he shall promptly notify the seller and the Manager, Peanut Administrative Committee, Atlanta, Georgia. Upon a determination of the Peanut Administrative Committee, confirmed by the Agricultural Marketing Service, authorizing rejection, such peanuts, and title thereto, if passed to the buyer, shall be returned to the seller. Seller shall not be precluded from replacing such peanuts if he so elects.

Seller shall, prior to shipment of a lot of shelled peanuts covered by this sales contract, cause appropriate samples to be drawn by the Federal or Federal-State Inspection Service from such lot, shall cause the sample(s) to be sent to an AMS laboratory or if designated by the buyer, a laboratory listed on the most recent Committee list of approved laboratories to conduct such assay, for an aflatoxin assay and cause the laboratory, if other than the buyer's to send one copy of the results of the assay to the buyer. The laboratory costs shall be for the account of the buyer and buyer agrees to pay them when invoiced by the laboratory or, in the event the seller has paid them, by the seller.

Any handler who fails to include such provisions in his sales contract shall be ineligible for indemnification payments with respect to any claim filed with the Committee on 1974 crop peanuts covered by the sales contract.

In addition, should any handler enter into any oral or written sales contract which fixes the level of aflatoxin at which rejection may be made and hence conflicts with these terms and conditions, the handler doing so will not be eligible for indemnification payments with respect to any claim filed with the Committee on 1974 crop peanuts on or after the filing date of a claim under such contract, except upon the Committee's finding that acceptance of such contract was inadvertent; and for purposes of this provision a claim shall be deemed to be filed when notice of possible rejection is first given to the Committee.

Any handler who fails to conform to the requirements of paragraph (h) of the "Incoming Quality Regulation—1974 Crop Peanuts" shall be ineligible for any indemnification payments until such condition or conditions are corrected to the satisfaction of the Committee.

Categories eligible for indemnification are as follows:

Cleaned inshell peanuts—
(1) U.S. Jumbos
(2) U.S. Fancy Handpicks
(3) Valencia—Roasting Stock

U.S. Grade shelled peanuts—
(1) U.S. No. 1
(2) U.S. Splits
(3) U.S. Virginia Extra-Large
(4) U.S. Virginia Medium

Shelled peanuts "with splits"—
(1) Runners with splits which do not contain more than 15 percent splits or 3 percent whole kernels which will pass through a $\frac{15}{64}$ x ¾ slot screen.
(2) Spanish with splits which do not contain more than 15 percent splits or 2 percent whole kernels which will pass through a $\frac{15}{64}$ x ¾ slot screen.
(3) Virginias with splits which do not contain more than 15 percent splits or 3 percent whole kernels which will pass through a $\frac{15}{64}$ x 1 slot screen.

However, peanuts in any of the above categories shall not be eligible for indemnification if such peanuts: (1) were milled from seed peanut residuals as referred to in the last sentence of paragraph (e) of the Incoming Quality Regulation and paragraph (1) of the Outgoing Quality Regulation for 1974 Crop Peanuts; (2) failed the Outgoing Quality Regulation for 1974 Crop Peanuts due to excessive damage and minor defects and such peanuts were subsequently blanched to remove such excess damage and minor defects pursuant to paragraph (h) of such regulation; (3) when shipped for human consumption outlets contained more than a total of 1.25 percent unshelled peanuts and damaged kernels or a total of 2.00 percent unshelled peanuts, damaged kernels and minor defects; (4) were received or acquired from another handler pursuant to paragraph (1) of the Incoming Quality Regulation and were milled to meet requirements of the Outgoing Quality Regulation pursuant to paragraph (h) of such regulation.

The indemnification value for all categories of peanuts eligible for indemnification, except U.S. Virginia Extra-Large, shall be a base price of 24 cents per pound plus an increase of 7½ points for each $1.00 increase in the national average price of the 1974 price support on farmers stock peanuts over the 1973 national average support price. The value for U.S. Virginia Extra-Large shall be a base price of 26 cents per pound plus the same increase as allowed on other categories.

[FR Doc.74-14200 Filed 6-19-74;8:45 am]

[1] Inshell peanuts with not more than 25 percent having shells damaged by discoloration, which are cracked or broken, or both.

Forest Service

BARRY ARM NO. 1 TIMBER SALE

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the Barry Arm No. 1 Timber Sale, Report Number USDA-FS-DES(Adm)R10-74-08.

This environmental statement concerns a proposed timber sale involving the harvesting of 2,849 million board feet of timber.

This draft environmental statement was transmitted to CEQ on June 14, 1974.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agriculture Bldg., Room 3231
12th St. & Independence Ave. SW.
Washington, D.C. 20250

U.S. Department of Agriculture
Forest Service-Alaska Region
Federal Building
Juneau, Alaska 99801

Forest Supervisor, Chugach National Forest
121 W. Fireweed Lane, Suite 205
Anchorage, Alaska 99503

Forest Supervisor, Chatham Area
Tongass National Forest
Federal Building
Sitka, Alaska 99835

Forest Supervisor, Stikine Area
Tongass National Forest
Federal Building
Petersburg, Alaska 99833

Forest Supervisor, Ketchikan Area
Tongass National Forest
Federal Building, Room 313
Ketchikan, Alaska 99901

A limited number of single copies are available upon request to Clay G. Beal, Forest Supervisor, Chugach National Forest, 121 W. Fireweed Lane, Anchorage Alaska 99503.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

Comments are invited from the public and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Clay G. Beal, Forest Supervisor, Chugach National Forest, 121 W. Fireweed Lane, Anchorage, Alaska 99503. Comments must be received by August 13, 1974, in order to be considered in the preparation of the final environmental statement.

C. A. YATES,
Regional Forester, Alaska Region.

JUNE 13, 1974.

[FR Doc.74-14148 Filed 6-19-74;8:45 am]

KEOWEE PLANNING UNIT

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for the Keowee Unit, USDA-FS-R8-FES (Adm.)-74-54.

The environmental statement concerns the proposed management direction and resource allocation for a portion of the Sumter National Forest known as the Keowee Planning Unit.

This final environmental statement was transmitted to CEQ on June 12, 1974.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
So. Agriculture Bldg., Room 3230
12th St. & Independence Ave., SW
Washington, D.C. 20250

USDA, Forest Service
Southern Region
1720 Peachtree Road, NW
Atlanta, Georgia 30309

USDA, Forest Service
Andrew Pickens Ranger District
Star Rt.
Walhalla, South Carolina 29691

A limited number of single copies are available upon request to John V. Orr, Forest Supervisor, Francis Marion-Sumter National Forests, 1801 Assembly St., second floor, Columbia, South Carolina 29201.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ Guidelines.

DAVID F. JOLLY,
Regional Environmental Coordinator.

[FR Doc.74-14128 Filed 6-19-74;8:45 am]

VEGETATION MANAGEMENT USING SELECTIVE HERBICIDES ON THE MT. HOOD, ROGUE RIVER AND WILLAMETTE NATIONAL FORESTS, OREGON

Availibility of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for vegetation management using selective herbicides on the Mt. Hood, Rogue River and Willamette National Forests, Oregon, for the period January 1, 1974 through June 30, 1975. USDA-FS-FES-(Adm)-74-72.

The environmental statement concerns a proposed use of selective herbicides for vegetation management on three National Forests located in western Oregon. The proposed uses are for conifer crop tree release, site preparation prior to planting, utility and road right-of-way maintenance, range improvement, noxious weed control, and poison plant control.

This final environmental statement was transmitted to CEQ on July 12, 1974.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agriculture Bldg., Room 3231
12th & Independence Ave., S.W.
Washington, D.C. 20250

USDA, Forest Service
Pacific Northwest Region
319 S.W. Pine Street
Portland, Oregon 97204

Mt. Hood National Forest
2440 S.E. 195th
Portland, Oregon 97233

Rogue River National Forest
333 West Eighth
Federal Building and U.S. Post Office
Medford, Oregon 97501

Willamette National Forest
210 East 11th Avenue
Eugene, Oregon 97401

A limited number of single copies are available upon request to Regional Forester T. A. Schlapfer, Pacific Northwest Region, P.O. Box 3623, Portland, Oregon 97208.

Copies of the environmental statement have been sent to various Federal, state, and local agencies as outlined in the CEQ guidelines.

ROBERT B. TERRILL,
Acting Regional Forester, R-6.

JUNE 12, 1974.

[FR Doc.74-14121 Filed 6-19-74;8:45 am]

NORTH KAIBAB GRAZING ADVISORY BOARD

Notice of Meeting

The North Kaibab Grazing Advisory Board will meet at 1 p.m. August 9, 1974, in the North Kaibab Ranger District's Office, Fredonia, Arizona.

The following items will be discussed:

1. Range allotment management plans and on-the-ground accomplishment.
2. Proposals for enlargement of the Grand Canyon National Park.
3. Publication and public release of Advisory Board minutes.
4. Improvement maintenance.
5. Review of the long range North Kaibab District program of range work and other impacts on range management.
6. Revision of Charter and election procedures to correspond to the Consolidated District.
7. Business brought up by outside interest groups.
8. Advisory Board suggested topics (should be in by July 31, 1974).

The meeting will be open to the public. Persons who wish to attend should notify the District Ranger, North Kaibab Ranger District, P.O. Box 248, Fredonia, Arizona 86002, telephone 643-2407. Written statements may be filed with the committee before or after the meeting.

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Those attending may express their views when recognized by the Chairman.

Dated: June 14, 1974.

KEITH T. PEFFERLE,
Forest Supervisor.

[FR Doc.74-14177 Filed 6-19-74;8:45 am]

SHASTA-TRINITY NATIONAL FOREST

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the Timber Management Plan, Shasta-Trinity National Forest, California USDA-FS-R5-DES(Adm)-74-3.

The environmental statement concerns a proposed timber management plan for the management of the timber resources on the forest.

This draft environmental statement was transmitted to CEQ on June 13, 1974.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agriculture Bldg., Room 3230
12th St. & Independence Ave., SW.
Washington, D.C. 20250

USDA, Forest Service
630 Sansome Street, Rm. 531
San Francisco, California 94111

A limited number of single copies are available upon request to Regional Forester, Douglas R. Leisz, California Region, U.S. Forest Service, 630 Sansome Street, San Francisco, California 94111.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

Comments are invited from the public, and from state and local agencies which are authorized to develop and enforce environmental standards, and from Federal Agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Douglas R. Leisz, Regional Forester, 630 Sansome Street, San Francisco, California 94111. Comments must be received by August 13, 1974 in order to be considered in the preparation of the final environmental statement.

Dated: June 12, 1974.

T. W. KOSKELLA,
Acting Regional Forester.

[FR Doc.74-14147 Filed 6-19-74;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

MEMORIAL MEDICAL CENTER

Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, on or before July 10, 1974.

Amended regulations issued under cited Act, as published in the February 24, 1972 issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C. 20230.

Docket Number: 74-00465-33-90000. Applicant: Chatham County Hospital Authority, d/b/a Memorial Medical Center, Post Office Box 6688, Station C., Savannah, Georgia 31405. Article: EMI Scanner and Magnetic Tape System. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used to examine in minute detail the human brain and any pathological conditions which may involve the brain. Clinical research will be conducted to determine the specificity of the EMI brain scanning system in determining the various etiologies of brain pathology. The article will also be used in training radiology residents as well as ongoing programs for physicians in neurology, neurosurgery, internal medicine, psychiatry, pediatrics and general surgery. Application received by Commissioner of Customs: May 13, 1974.

Docket Number: 74-00483-33-10500. Applicant: Baylor College of Medicine, 1200 Moursund Avenue, Houston, TX. 77025. Article: Radiochromatogram Spark Chamber Imaging System. Manufacturer: Birchover Instruments, Ltd., United Kingdom. Intended use of article: The article is intended to be used in biochemical research related to cancer to detect on chromatograms minute amounts of radioactively labeled derivatives of nucleic acids (i.e. gene materials). The main objective of this research is to detect and characterize chemical difference between nucleic acids in normal and cancer cells which is necessary for rational treatment of human cancer. Application received by Commissioner of Customs: May 21, 1974.

Docket Number: 74-00484-75-52400. Applicant: The University of Wisconsin—Madison, 750 University Avenue, Madison, Wisconsin 53706. Article: Proto-Cleo Stellarator Plasma System. Manufacturer: Culham Laboratory, United Kingdom. Intended use of article: The article is intended to be used in the determination of the scientific feasibility of achieving the controlled nuclear fusion of deuterium-tritium plasmas in order to produce energy from the fusion of these ions into helium. The article will also be used in the following courses to provide a basis to advanced undergraduate and graduate students in the area of plasmas and controlled fusion, in order that they be able to conduct graduate research in this area:

(1) Introduction to Plasmas—ECE 525

(2) Waves Instabilities of Plasmas—ECE 724

(3) Plasma Kinetics and Radiation Processes—ECE 725

(4) Research or thesis—ECE 990.

Application received by Commissioner of Customs: May 21, 1974.

Docket Number: 74-00487-18-80050. Applicant: National Radio Astronomy Observatory, Associated Universities, Inc., 2015 Ivy Road, Room 104, Charlottesville, Va. 22903. Article: Antenna Coupling Waveguide components and accessories. Manufacturer: The Furakawa Electric Co., Ltd., Japan. Intended use of article: The article is intended to be used as part of the Very Large Array radio telescope to transmit radio wavelength radiation received from extraterrestrial objects to recording apparatus. The study of this radiation enables astronomers to study the sources of energy, origin, and evolution of the universe. Application received by Commissioner of Customs: May 22, 1974.

Docket Number: 74-00488-33-90000. Applicant: Harvard University, Department of Chemistry, 12 Oxford Street, Cambridge, Mass. 02138. Article: GX6 Rotating Anode X-ray Generator. Manufacturer: Elliott Automation Radar Systems, Ltd., United Kingdom. Intended use of article: The article is intended to be used for biological research on cell membranes and viruses, using x-ray diffraction as a method for probing their structure. Application received by Commissioner of Customs: May 22, 1974.

A. H. STUART,
Director, Special Import Programs Division.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

[FR Doc.74-14093 Filed 6-19-74;8:45 am]

UNIVERSITY OF IOWA

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 73-00315-90-30600. Applicant: University of Iowa, Hydraulic Research Institute, Hydraulic Laboratory, Iowa City, Iowa 52240. Article: Model 403 Low-speed probe 2.5 to 150 cm/sec and Model 405 signal cable assembly, 3 m long. Manufacturer: Novar Nixon Electronic Instrumentation, United Kingdom. Intended use of article: The article is intended to be used to measure, indicate, and record very low flow rates of water and other conductive fluids.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides the specification of operation over a range of flow velocities from a few centimeters per second (cm) to approximately 150 cm/s. The most closely comparable domestic instrument, flow velocity probe manufactured by Teledyne Gurley, Troy, New York, does not respond to the lower flow velocities on the order of a few centimeters per second. The National Bureau of Standards (NBS) advised in its memorandum dated May 7, 1974 that operation over a range of flow velocities from a few cm/s to approximately 150 cm/s is pertinent to the purposes for which the article is intended to be used. NBS also advised that it knows of no domestic instrument of equivalent scientific value to the foreign article for the applicant's intended use.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,
Director, Special Import Programs Division.

[FR Doc.74-14091 Filed 6-19-74;8:45 am]

UNIVERSITY CORPORATION OF ATMOSPHERIC RESEARCH

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 74-00287-98-20700. Applicant: University Corporation for Atmospheric Research, 1850 Table Mesa Drive, Boulder, Colorado 80302. Article: Germanium Photodiode-Preamplifier. Manufacturer: RCA Limited-Research Laboratories, Canada. Intended use of article: The foreign article is to be used in a solar polarimeter in an experiment designed to provide information on the magnetic field of the solar corona.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides a specification for minimum noise-equivalent power of 6×10^{-14} Watts-Hertz$^{1/2}$ (W·H$_z^{1/2}$) at 1074 Angstroms (Å) (modulation frequency 100 Hertz, 1 Hertz bandwidth, 5 millimeter (mm) diameter). The most closely comparable domestic instrument, the Pin-040-A device, manufactured by United Detector Technology, Inc., provides a significantly lower noise-equipment power of 5×10^{-13} W·H$_z^{1/2}$ under the same conditions. (The lower the negative power of ten the larger the noise equivalent power.) The National Bureau of Standards advised in its memorandum dated May 9, 1974 that the specification for minimum noise-equivalent power of the article is pertinent to the applicant's intended purposes.

NBS also advised that it knows of no domestic instrument of equivalent scientific value to the foreign article for the applicant's intended use.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,
Director, Special Import Programs Division.

[FR Doc.74-14092 Filed 6-19-74;8:45 am]

National Oceanic and Atmospheric Administration

COASTAL ZONE MANAGEMENT ADVISORY COMMITTEE

Notice of Public Meeting

Pursuant to section 10(a)(2) of 5 U.S.C. App. I (Supp. II, 1972), notice is hereby given of the meeting of the Coastal Zone Management Advisory Committee (the "Committee") on Thursday and Friday, July 11 and 12, 1974. The meeting will commence at 9:00 a.m. on each day at the Pfister Hotel and Tower, Wisconsin at Jefferson Street, Milwaukee, Wisconsin 53202. On July 11, the meeting will be held in the Henry VIII and Louis XIV Rooms and on July 12, in the Roosevelt and Kennedy Rooms.

Interested persons are invited to attend and participate in the meeting, subject to the procedures which follow. From approximately 11:30 a.m. until 12 noon on July 11, interested persons will be permitted to make oral statements to the Committee which are relevant to topics on the agenda. Depending on the level of interest expressed in making oral statements, the number of persons permitted to make oral statements that day may be limited to five, the length of oral statements may be limited to no more than five minutes, and preference may be given based upon the relevance of statements to items on the agenda; such decisions will be made by the Chairman in consultation with the Committee. Interested persons wishing to make oral statements must register on July 11, with the Executive Secretary between 8:30 a.m. and 9 a.m. in the meeting room and must provide their name, legal address, a list of any affiliations relevant to their intended topic(s), and a brief, written description of their topic(s). A written version of an oral statement or a written statement may be submitted to the Executive Secretary before or after the meeting, or may be mailed within five days to: Office of Coastal Zone Management, National Oceanic and Atmospheric Administration; 11400 Rockville Pike, Rockville, Maryland 20852; (Attn: Executive Secretary, CZM Advisory Committee). All statements received in typewritten form will be distributed to the Committee for consideration with the minutes of the meeting.

The items for Committee discussion at the meeting will include the following:

	JULY 11
9 a.m.	Call to Order and Announcements.
9:15 a.m.	Chairman's Report.
9:30 a.m.	Election of Vice Chairman.
9:45 a.m.	Substantive Topic No. 1—Review of Approaches to CZM Being Taken By Currently Funded States.
10:30 a.m.	Brief Recess.
10:45 a.m.	Continuation of Topic No. 1.
11:25 a.m.	Consideration of Proposed Oral Statements (if any).
11:30 a.m.	Oral Statements (if any) by Interested Persons.
12 noon	Recess for Lunch.
1:30 p.m.	Continuation of Topic No. 1.
3:15 p.m.	Brief Recess.
3:30 p.m.	Substantive Topic No. 2—Discussion of the Adequacy of the Present CZM Program. 1. Present Legislation 2. Adequacy of Guidelines, Rules and Regulations, and Administrative Procedures 3. Funding Levels 4. Possible Legislative Changes to Improve Effectiveness of the Program or Extend Dimensions of the Program 5. Other Aspects As Appropriate
4:30 p.m.	Adjourn.
	JULY 12
9 a.m.	Call to Order and Announcements.
9:15 a.m.	Continuation of Topic No. 2.
10:15 a.m.	Brief Recess.
10:30 a.m.	1. Environmental Impact Statement Procedures in the CZM Program. 2. Other Topics As Appropriate.
11:45 a.m.	Date, Location, and Agenda of Next Meeting.
12 noon	Adjourn.
1 p.m.	Field Trip Inspection for Members.

Dated: June 14, 1974.

[SEAL] T. P. GLEITER,
Assistant, Administrator for Administration, National Oceanic and Atmospheric Administration.

[FR Doc.74-14146 Filed 6-19-74;8:45 am]

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DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

ADVISORY COMMITTEES

Notice of Meetings

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776; 5 U.S.C. App.), the Food and Drug Administration announces the following public advisory committee meetings and other required information in accordance with provisions set forth in section 10(a) (1) and (2) of the act:

Committee name	Date, time, place	Type of meeting and contact person
1. Monitors Subcommittee and Diagnostic Devices Subcommittee of Panel on Review of Cardiovascular Devices.	July 8, 9:30 a.m., Room 1409, FB-8, 200 C St. SW., Washington, D.C.	Open 9:30 a.m. to 10:30 a.m., closed after 10:30 a.m. Glenn A. Rahmoeller (HFM-120), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-2376.

Purpose. Reviews and evaluates available data concerning safety, effectiveness, and reliability of cardiovascular devices currently in use.

Agenda. Open session: Comments and presentations by interested persons. Closed session: Review classifications for cardiovascular monitors and cardiovascular diagnostic devices and begin identification of safety and efficacy criteria for devices which are classified in the scientific review category.

Committee name	Date, time, place	Type of meeting and contact person
2. Panel on Review of Internal Analgesic Including Antirheumatic Drugs.	July 8, 9, and 10, 9 a.m., Sea Lodge, 8110 Camino Del Oro, La Jolla, Calif.	Open July 8, 9 a.m. to 10 a.m., closed July 8 after 10 a.m., closed July 9 and July 10. Lee Geismar, Room 10B-05, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

Purpose. Reviews and evaluates available information concerning safety and effectiveness of active ingredients of currently marketed nonprescription drug products containing internal analgesic agents.

Agenda. Open session: Comments and presentations by interested persons. Closed session: Continuing review of nonprescription internal analgesic drugs under investigation.

Committee name	Date, time, place	Type of meeting and contact person
3. Pediatric Panel of the Neuropharmacology Advisory Committee.	July 9, 11 a.m., Room 1813, FB-8, 200 C St. SW., Washington, D.C.	Open—Thomas A. Hayes, M.D. (HFD-120), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4020.

Purpose. Reviews and evaluates all available data concerning the safety and effectiveness of currently marketed and new prescription drug products proposed for marketing for use in the practice of neuropharmacology.

Agenda. Review of draft copy of pediatric drug trial guidelines and discussion of the design of future pediatric protocols.

Committee name	Date, time, place	Type of meeting and contact person
4. Panel on Review of Antiperspirant Drug Products.	July 9 and 10, 9 a.m., Conference Room C, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open July 9, 9 a.m. to 10 a.m., closed July 9 after 10 a.m., closed July 10. Lee Geismar, Room 10B-05, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

Purpose. Reviews and evaluates available data concerning the safety and effectiveness of active ingredients, and combinations thereof, of currently marketed nonprescription drug products for human use containing antiperspirant drug products, and adequacy of their labeling.

Agenda. Open session: Comments and presentations by interested persons. Closed session: Continuing review of the safety and efficacy of antiperspirant drug products.

Committee name	Date, time, place	Type of meeting and contact person
5. Panel on Review of Sedative, Tranquilizer, and Sleep Aid Drugs.	July 9 and 10, 9 a.m., Conference Room K, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open July 9, 9 a.m. to 10 a.m., closed July 9 after 10 a.m., closed July 10. Michael D. Kennedy, Room 10B-05, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

Purpose. Reviews and evaluates available information concerning safety and effectiveness of active ingredients of currently marketed nonprescription drug products containing sedative, tranquilizer, or sleep aid drugs.

Agenda. Open session: Comments and presentations by interested persons. Closed session: Continuing review of over-the-counter drug products under investigation.

Committee name	Date, time, place	Type of meeting and contact person
6. Panel on Review of Allergenic Extracts.	July 12 and 13, 9 a.m., Room 121, Bldg. 29, National Institutes of Health, 8600 Rockville Pike, Bethesda, Md.	Open July 12, 9 a.m. to 10 a.m., closed July 12 after 10 a.m., closed July 13. Clay Sisk, Room 220, Bldg. 29, 8600 Rockville Pike, Bethesda, Md. 20014, 301-496-2863.

Purpose. Reviews and evaluates available data concerning the safety, effectiveness, and adequacy of labeling of currently marketed biological products or materials, either singly or in combination, that are administered to man for the diagnosis, prevention, or treatment of allergies and allergic diseases.

Agenda. Open session: Discussion of the regulation of allergenic products by the Bureau of Biologics and comments and presentations by interested persons. Closed session: Preliminary review of certain allergenic extracts and panel deliberations on review criteria.

Committee name	Date, time, place	Type of meeting and contact person
7. Panel on Review of Orthopaedic Devices.	July 15, 9 a.m., Room 1409, FB-8, 200 C St. SW., Washington, D.C.	Open 9 a.m. to 10 a.m., closed after 10 a.m. James R. Veale (HFM-120), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-3550.

Purpose. Reviews and evaluates available data concerning safety, effectiveness, and reliability of orthopaedic devices currently in use.

Agenda. Open session: Comments and presentations by interested persons. Closed session: Continuation of review of previous classification results and identification of specific areas for standards for those devices classified as requiring standards.

Committee name	Date, time, place	Type of meeting and contact person
8. Panel on Review of Topical Analgesics.	July 17 and 18, 9 a.m., Conference Room C, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open July 17, 9 a.m. to 10 a.m., closed July 17 after 10 a.m., closed July 18. Lee Geismar, Room 10B-05, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

Purpose. Reviews and evaluates available data concerning the safety and effectiveness of active ingredients, and combinations thereof, of currently marketed nonprescription drug products containing topical analgesic agents, and the adequacy of their labeling.

Agenda. Open session: Comments and presentations by interested persons. Closed session: Continuing review of over-the-counter drug products under investigation.

Committee name	Date, time, place	Type of meeting and contact person
9. Panel on Review of Contraceptives and Other Vaginal Drug Products.	July 18 and 19, 9 a.m., Conference Room K, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open July 18, 9 a.m. to 10 a.m., closed July 18 after 10 a.m., closed July 19. Armond Welch, Room 10B-05, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

Purpose. Reviews and evaluates available information concerning the safety and effectiveness of active ingredients of currently marketed nonprescription drug products containing contraceptives and other vaginal drug products.

Agenda. Open session: Comments and presentations by interested persons. Closed session: Continuing review of over-the-counter drug products under investigation.

Committee name	Date, time, place	Type of meeting and contact person
10. Panel on Review of Laxative, Antidiarrheal, Emetic, and Antiemetic Drugs.	July 19 and 20, 9 a.m., Conference Room B, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open July 19, 9 a.m. to 10 a.m., closed July 19 after 10 a.m., closed July 20. John T. McElroy, Room 10B-05, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

Purpose. Reviews and evaluates available data concerning safety and effectiveness of active ingredients of currently marketed nonprescription drug products containing laxative, antidiarrheal, emetic, and antiemetic agents.

Agenda. Open session: Comments and presentations by interested persons. Closed session: Continuing review of the safety and efficacy of laxative, antidiarrheal, emetic, and antiemetic drug products.

Committee name	Date, time, place	Type of meeting and contact person
1. Controlled Substances Advisory Committee.	July 24 and 25, 9 a.m., Conference Room F, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open July 24, closed July 25. J. Stephen Kennedy, Ph. D., Room 10B-04, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-3504.

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Purpose. Advises the Commissioner on scientific and medical aspects of control of abusable substances.

Agenda. Open session: Discussion of propoxyphene, pentazocine, benzodiazepines, and preliminary discussion of testing procedures for predicting abuse potential or dependence liability of drugs. Closed session: Discussion and formulation of recommendations regarding possible regulatory actions involving the substances listed above. Discussion will include technical aspects of these drugs and judgments as to appropriate schedules of controls. Interested persons who may wish to present information to the committee are requested to contact Dr. Kennedy at least 10 days prior to the meeting and are requested to submit 15 copies of any written material for committee review.

Committee name	Date, time, place	Type of meeting and contact person
12. Panel on Review of Dentifrices and Dental Care Agents.	July 24 and 25, 9 a.m., Conference Room B, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open July 24, 9 a.m. to 10 a.m., closed July 24 after 10 a.m., closed July 25. Michael D. Kennedy, Room 10B-05, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

Purpose. Reviews and evaluates available information concerning safety and effectiveness of active ingredients of currently marketed nonprescription drug products containing dentifrices and dental care agents.

Agenda. Open session: Comments and presentations by interested persons. Closed session: Continuing review of over-the-counter drug products under investigation.

Committee name	Date, time, place	Type of meeting and contact person
13. Panel on Review of Vitamin, Mineral, and Hematinic Drug Products.	July 30 and 31, 9 a.m., Room 1409, FB-8, 200 C St. SW., Washington, D.C.	Open July 30, 9 a.m. to 10 a.m., closed July 30 after 10 a.m., closed July 31. Thomas DeCillis, Room 10B-05, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

Purpose. Reviews and evaluates available data concerning the safety and effectiveness of active ingredients, and combinations thereof, of currently marketed nonprescription vitamin, mineral, and hematinic drug products, and the adequacy of their labeling.

Agenda. Open session: Comments and presentations by interested persons. Closed session: Continuing review of over-the-counter drug products under investigation.

Committee name	Date, time, place	Type of meeting and contact person
14. Panel on Review of Cold, Cough, Allergy, Bronchodilator, and Antiasthmatic Drugs.	August 1 and 2, 9 a.m., Room 1409, FB-8, 200 C St. SW., Washington, D.C.	Open August 1, 9 a.m. to 10 a.m., closed August 1 after 10 a.m., closed August 2. Thomas DeCillis, Room 10B-05, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

Purpose. Reviews and evaluates available data concerning the safety and effectiveness of active ingredients of currently marketed nonprescription drug products containing cold, cough, allergy, bronchodilator, and antiasthmatic drugs products.

Agenda. Open session: Comments and presentations by interested persons. Closed session: Continued review of individual ingredients, proposed combination policy, and initial approach to draft of final report.

Agenda items are subject to change as priorities dictate.

During the open sessions shown above, interested persons may present relevant information or views orally to any committee for its consideration. Information or views submitted to any committee in writing before or during a meeting shall also be considered by the committee.

A list of committee members and summary minutes of meetings may be obtained from the contact person for the committee both for meetings open to the public and those meetings closed to the public in accordance with section 10(d) of the Federal Advisory Committee Act.

Most Food and Drug Administration advisory committees are created to advise the Commissioner of Food and Drugs on pending regulatory matters. Recommendations made by the committees on these matters are intended to result in action under the Federal Food, Drug, and Cosmetic Act, and these committees thus necessarily participate with the Commissioner in exercising his law enforcement responsibilities.

The Freedom of Information Act recognized that the premature disclosure of regulatory plans, or indeed internal discussions of alternative regulatory approaches to a specific problem, could have adverse effects upon both public and private interests. Congress recognized that such plans, even when finalized, may not be made fully available in advance of the effective date without damage to such interests, and therefore provided for this type of discussion to remain confidential. Thus, law enforcement activities have long been recognized as a legitimate subject for confidential consideration.

These committees often must consider trade secrets and other confidential information submitted by particular manufacturers which the Food and Drug Administration by law may not disclose, and which Congress has included within the exemptions from the Freedom of Information Act. Such information includes safety and effectiveness information, product formulation, and manufacturing methods and procedures, all of which are of substantial competitive importance.

In addition, to operate most effectively, the evaluation of specific drug or device products requires that members of committees considering such regulatory matters be free to engage in full and frank discussion. Members of committees have frequently agreed to serve and to provide their most candid advice on the understanding that the discussion would be private in nature. Many experts would be unwilling to engage in candid public discussion advocating regulatory action against a specific product. If the committees were not to engage in the deliberative portions of their work on a confidential basis, the consequent loss of frank and full discussion among committee members would severely hamper the value of these committees.

The Food and Drug Administration is relying heavily on the use of outside experts to assist in regulatory decisions. The Agency's regulatory actions uniquely affect the health and safety of every citizen, and it is imperative that the best advice be made available to it on a continuing basis in order that it may most effectively carry out its mission.

A determination to close part of an advisory committee meeting does not mean that the public should not have ready access to these advisory committees considering regulatory issues. A determination to close the meeting is subject to the following conditions: First, any interested person may submit written data or information to any committee, for its consideration. This information will be accepted and will be considered by the committee. Second, a portion of every committee meeting will be open to the public, so that interested persons may present any relevant information or views orally to the committee. The period for open discussion will be designated in any announcement of a committee meeting. Third, only the deliberative portion of a committee meeting, and the portion dealing with trade secret and confidential information, will be closed to the public. The portion of any meeting during which nonconfidential information is made available to the committee will be open for public participation. Fourth, after the committee makes its recommendations and the Commissioner either accepts or rejects them, the public and the individuals affected by the regulatory decision involved will have an opportunity to express their views on the decision. If the decision results in promulgation of a regulation, for example, the proposed regulation will be published for public comment. Closing a committee meeting for deliberations on regulatory matters will therefore in no way preclude public access to the committee itself or full public comment with respect to the decisions made based upon the committee's recommendation.

The Commissioner has been delegated the authority under section 10(d) of the Federal Advisory Committee Act to issue a determination in writing, containing the reasons therefor, that any advisory committee meeting is concerned with matters listed in 5 U.S.C. 552(b), which contains the exemptions from the public disclosure requirements of the Freedom of Information Act. Pursuant to this authority, the Commissioner hereby determines, for the reasons set out above, that the portions of the advisory committee meetings designated in this notice as closed to the public involve discussion of existing documents falling within one of the exemptions set forth in 5 U.S.C. 552(b), or matters that, if in writing, would fall within 5 U.S.C. 552(b), and that it is essential to close such portions of such meetings to protect the free exchange of internal views and to avoid undue interference with Agency and committee operations. This determination shall apply only to the designated portions of such meetings which relate to trade secrets and confidential information or to committee deliberations.

Dated: June 17, 1974.

SHERWIN GARDNER,
Acting Commissioner of Food and Drugs.

[FR Doc.74-14161 Filed 6-19-74;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration

[Docket No. NFD-210; FDAA-441-DR]

OKLAHOMA

Amendment to Notice of Major Disaster

Notice of Major Disaster for the State of Oklahoma, dated June 10, 1974, and amended June 12, 1974, is hereby further amended to include the following counties among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of June 10, 1974:

The Counties of:

Delaware Wagoner
Pottawatomie

Dated: June 13, 1974.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.74-14178 Filed 6-19-74;8:45 am]

ATOMIC ENERGY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON BABCOCK & WILCOX WATER REACTORS

Notice of Meeting

In accordance with the purposes of section 29 and 182b of the Atomic Energy Act (42 U.S.C. 2039, 2232b), the Advisory Committee on Reactor Safeguards' Subcommittee on Babcock and Wilcox Water Reactors will hold a meeting on July 5, 1974 in Room 1046 at 1717 H Street, NW., Washington, D.C. The purpose of this meeting will be to review various topics applicable to Babcock and Wilcox Company designed pressurized water reactors.

The following constitutes that portion of the Subcommittee's agenda for the above meeting which will be open to the public:

Friday, July 5, 1974, 9:00 a.m.–1:00 p.m. Review of various topics common to pressurized water reactors (Presentations by the AEC Regulatory Staff and B&W will be made and discussions with these groups will be held.)

In connection with the above agenda item, the Subcommittee will hold Executive Sessions, not open to the public, at approximately 8:30 a.m. and at the end of the day to consider matters relating to the above application. These sessions will involve an exchange of opinions and discussion of preliminary views and recommendations of Subcommittee Members and internal deliberations for the purpose of formulating recommendations to the ACRS.

In addition to the Executive Sessions, the Subcommittee will hold a closed session with representatives of the Regulatory Staff and Applicant for the purpose of discussing privileged information relating to plant design and corporate research.

I have determined, in accordance with subsection 10(d) of Pub. L. 92-463, that the above-noted Executive Sessions will consist of an exchange of opinions and formulation of recommendations, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b) and that a closed session will be held to discuss certain documents and information which are privileged and fall within exemption (4) of 5 U.S.C. 552(b). Further, any non-exempt material that will be discussed during the above closed sessions will be inextricably intertwined with exempt material, and no further separation of this material is considered practical. It is essential to close such portions of the meeting to protect the free interchange of internal views, to avoid undue interference with agency or Committee operation, and to avoid public disclosure of proprietary information.

Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda item may do so by mailing 25 copies thereof, postmarked no later than June 28, 1974 to the Executive Secretary, Advisory Committee on Reactor Safeguards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Such comments shall be based upon B&W topical reports and various other documents on file and available for public inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statement and its usefulness to the Subcommittee. To the extent that the time available for the meeting permits, the Subcommittee will receive oral statements during a period of no more than 30 minutes at an appropriate time, chosen by the Chairman of the Subcommittee, between the hours of 11:30 a.m. and 12:30 p.m. on July 5, 1974.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Subcommittee who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to whether the meeting has been cancelled or rescheduled and in regard to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on July 3, 1974 to the Office of the Executive Secretary of the Committee (telephone 301-973-5651) between 8:30 a.m. and 5:15 p.m., Eastern Daylight Time.

(e) Questions may be propounded only by members of the Subcommittee and its consultants.

(f) Seating for the public will be available on a first-come, first-served basis.

(g) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(h) Persons desiring to attend portions of the meeting where proprietary information is to be discussed may do so by providing to the Executive Secretary, Advisory Committee on Reactor Safeguards, 1717 H Street, NW., Washington, D.C. 20545, 7 days prior to the meeting, a copy of an executed agreement with the owner of the proprietary information to safeguard this material.

(i) A copy of the transcript of the open portion of the meeting will be available for inspection on or after July 9, 1974 at the Atomic Energy Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545. Copies of the transcript may be reproduced in the Public Document Room or may be obtained from Ace Federal Reporters, Inc., 415 Second Street, NE., Washington, D.C. 20002 (telephone 202-547-6222) upon payment of appropriate charges.

(j) On request, copies of the Minutes of the meeting will be made available for inspection at the Atomic Energy Commission's Public Document Room, 1717

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H Street, NW., Washington, D.C. 20545 after September 9, 1974. Copies may be obtained upon payment of appropriate charges.

JOHN C. RYAN,
Advisory Committee Management Officer.

[FR Doc.74-14211 Filed 6-19-74;8:45 am]

[Docket Nos. 50-440, 50-441]

CLEVELAND ELECTRIC ILLUMINATING CO., ET AL.

Notice and Order on Second Session of Evidentiary Hearing

In the matter of Cleveland Electric Illuminating Company, et al., (Perry Nuclear Power Plant Units 1 and 2).

Take notice that the Evidentiary Session in this proceeding on site suitability, and natural draft cooling alternative, will commence on July 1, 1974, at 10 a.m. local time at the Airport Holiday Inn, 16501 Brook Park Road, Cleveland, Ohio 44142.

It is so ordered.

Issued at Bethesda, Maryland, this 14th day of June 1974.

ATOMIC SAFETY AND LICENSING BOARD.
JOHN B. FARMAKIDES,
Chairman.

[FR Doc.74-14089 Filed 6-19-74;8:45 am]

[License No. 05-15863-01E]

UNITEC, INC.

Issuance of Byproduct Material License

Please take notice that the Atomic Energy Commission has, pursuant to § 32.26 of 10 CFR Part 32, issued License No. 05-15863-01E to Unitec Incorporated, 3993 South Mariposa Street, Englewood, Colorado 80110, which authorizes the distribution of Models UT-310, UT-310A, UT-310S, UT-310AS, UT-311, UT-312, and UT-314 fire detectors and Model UT-350 product indicating equipment to persons exempt from the requirements for a license pursuant to § 32.20 of 10 CFR Part 30.

1. The product indicating equipment is used to monitor the concentration of gases and/or particles in an enclosed area. The other devices are designed to detect incipient fires by responding to the products of combustion produced by thermal decomposition of building materials or contents prior to the appearance of visible smoke, flame, or appreciable heat. The sensitive element of each device is an ionization chamber in which air flowing into the chamber is made conductive by alpha particles emitted by americium 241.

2. The byproduct material incorporated in the devices is americium in the oxide form contained in foils manufactured by Nuclear Radiation Developments (Model A-001) or by Amersham/Searle (Model AMM W852). The nominal activity contained in a unit is 3.0 microcuries.

3. Each exempt unit will have a label identifying the manufacturer (Unitec, Incorporated) and the byproduct material (americium 241) contained in the unit and recommending that the unit be returned to Unitec, Incorporated, for repair or disposal.

A copy of the license and the license application containing additional information are available for public inspection at the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C.

For the Atomic Energy Commission.

Dated at Bethesda, Maryland, June 13, 1974.

BERNARD SINGER,
Chief, Materials Branch, Directorate of Licensing.

[FR Doc.74-14160 Filed 6-19-74;8:45 am]

URANIUM ENRICHMENT SERVICES

Termination Charges

The U.S. Atomic Energy Commission (AEC) hereby announces revisions to the notice entitled, "Uranium Enrichment Services: Termination Charges", as published in the FEDERAL REGISTER on February 1, 1974 (39 FR 4126) (referred to herein as the notice).

Paragraph 2 of the notice is deleted and the following paragraph 2 is inserted in lieu thereof:

2. The termination charge applicable to termination, in whole or part, of a Long-Term, Fixed-Commitment Agreement subsequent to the receipt of a construction permit for the facility designated therein and the termination charge applicable to termination, in whole or part, of a Short-Term, Fixed-Commitment Agreement shall be determined by applying to the terminated enriching services a unit charge or charges as provided in the following table:

For advance notice of termination [1]		Termination charge per kilogram unit of separative work terminated as percentage of applicable enriching service charge [2]
At least	But less than	
0 yr	1 yr	63.1
1 yr	2 yr	58.8
2 yr	3 yr	55.5
3 yr	4 yr	50.4
4 yr	5 yr	45.7
5 yr	6 yr	42.5
6 yr	7 yr	39.5
7 yr	8 yr	37.3
8 yr	9 yr	26.9
9 yr	10 yr	25.4

[1] For purposes of determining when enriching services would have been furnished but for such termination, enriching services scheduled to be delivered on a monthly basis shall be deemed to be scheduled for delivery on the 15th day of such months; and for services scheduled for delivery on a fiscal year basis, they shall be deemed to be scheduled for delivery on Jan. 1 of such fiscal years.

[2] For purposes of determining the applicable enriching services charge per kilogram units of separative work terminated which have not been scheduled for delivery on other than a fiscal year basis, such applicable charge shall be the average of the applicable charges scheduled to be effective during such fiscal year.

For advance notices of termination of 10 years or more, the applicable unit termination charge shall be 25.4 percent of the applicable enriching services charge divided by $(1.06)^n$ where n is the number of years in excess of 9 years, 11 months and 29 days for such notice of termination; provided, however, that if n has a fractional part it shall be rounded up to the next higher integer before being applied as an exponent.

Effective date: This notice is effective June 20, 1974.

Dated at Germantown, Md., this 17th day of June, 1974.

PAUL C. BENDER,
Secretary of the Commission.

[FR Doc.74-14209 Filed 6-19-74;8:45 am]

URANIUM HEXAFLUORIDE

Charges, Enriching Services, Specifications

The U.S. Atomic Energy Commission (AEC) hereby announces revisions to the notice entitled, "Uranium Hexafluoride: Base Charges, Use Charges, Special Charges, Table of Enriching Services, Specification and Packaging", as published in the FEDERAL REGISTER on November 29, 1967 (32 FR 16289), and as amended in 34 FR 14039, September 4, 1969, 35 FR 13457, August 25, 1970, 36 FR 4563, March 9, 1971, 36 FR 11877, June 22, 1971, 38 FR 4432, February 14, 1973, 38 FR 13593, May 25, 1973, 38 FR 21518, August 9, 1973, 38 FR 22908, August 27, 1973, and 38 FR 27962, October 10, 1973 (referred to herein as the notice).

Paragraph 3 of the notice is deleted and the following paragraph 3 is inserted in lieu thereof:

3. *Standard table of enriching services, charges per kilogram unit of separative work, base charges and standard processing loss.* (a) The AEC's Standard Table of Enriching Services is set forth in Table 1 of this notice.

(b) The charge per kilogram unit of separative work furnished pursuant to Requirements-type contracts is $47.80. The charge per kilogram unit of separative work furnished pursuant to other than Requirements-type contracts is $42.10. These charges, and successor charges determined in accordance with this sentence, shall be increased by 2 percent (rounded upward to the nearest $0.05) on January 1 and July 1 of each year with the first such increase to occur on July 1, 1975.

(c) The base charge ($/kgU) for uranium, enriched, or depleted in the isotope U^{235} and in the form of UF6, is determined by summing the number opposite the desired assay in the Feed Component column of Table 1 multiplied by $23.46 and the number opposite the desired assay in the Separative Work Component column of Table 1 multiplied by the then current charge per kilogram unit of separative work furnished pursuant to other than Requirements-type contracts. The calculated base charge is rounded up to the nearest $0.01. For assays not shown in Table 1, the Feed Component and Separative Work Component are first determined by linear interpolation before calculation of the base charge. Any resulting base charge less than $3.00 is increased to $3.00. The base charge for depleted uranium requested without a specification as to assay is $2.50. The assay furnished by the AEC in this case will normally be in the neighborhood of 0.20 wt. percent U^{235} of which large amounts are available.

(d) The standard processing loss factor to be applied to toll enricher's acquisition of tails material is 0.05 percent.

Effective date. This notice is effective December 18, 1974.

Dated at Germantown, Md., this 17th day of June 1974.

PAUL C. BENDER,
Secretary of the Commission.

[FR Doc.74-14210 Filed 6-19-74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

PENNSYLVANIA AIR QUALITY IMPLEMENTATION PLAN

Cancellation of Public Hearings

On May 31, 1972 (37 FR 10842), pursuant to section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved with specific exceptions, state plans for implementation of the national ambient air quality standards. On that date, the Governor of Pennsylvania was advised that in order to complete the requirements of § 51.13, a plan demonstrating the attainment and maintenance of the national secondary standard for particulate matter for the Metropolitan Philadelphia Interstate and the Southwest Pennsylvania Intrastate Air Quality Control Regions was to be submitted by July 31, 1973.

The State of Pennsylvania failed to submit the required plan by July 31, 1973. The Administrator, as required by section 110 of the Clean Air Act, proposed on February 22, 1974 (39 FR 6727) that the existing implementation plan for the Metropolitan Philadelphia Interstate Air Quality Control Region be approved as being adequate to attain the secondary particulate matter standard by July 1975, and that the existing plan for the Southwest Pennsylvania Intrastate Air Quality Control Region be disapproved as it relates to attainment of the secondary particulate matter standard. Concurrently, he proposed regulations to attain the secondary particulate matter standard in the Southwest Pennsylvania Intrastate Air Quality Control Region. He also proposed July 1978 as the attainment date for the secondary particulate matter standard in the Southwest Pennsylvania Intrastate Region.

On March 22, 1974 (39 FR 10917) the Administrator issued notice that a public hearing would be held on the proposal for the Southwest Pennsylvania Intrastate Air Quality Control Region in GSA Conference Room 2214, 1000 Liberty Avenue, Pittsburgh, Pennsylvania on Tuesday, April 30, 1974, at 10 a.m.

Based upon a review of public comments received and additional evaluation by EPA, the Administrator determined that further examination of this proposal should be made before a public hearing is held and the hearing scheduled for April 30, 1974, was therefore cancelled. Prior notice of this cancellation was given to parties who had requested time to appear and speak at the hearing. Attempts were made to publish this notice of cancellation in appropriate local newspapers but were unsuccessful due to a newspaper strike in the Allegheny County Area. Accordingly, this notice is issued to formally advise the public that the hearing scheduled for April 30, 1974 was cancelled pending the completion of said examination.

However, anyone still wishing to submit written comments on this proposal may do so. These comments should be submitted, preferably in triplicate, to the Regional Administrator, EPA, Region III, Curtis Building, Sixth and Walnut Streets, Philadelphia, Pennsylvania 19106. Comments received on or before July 5, 1974, will be considered.

Dated: June 13, 1974.

ROGER STRELOW,
Acting Assistant Administrator for Air and Waste Management.

[FR Doc.74-14123 Filed 6-19-74;8:45 am]

[OPP-32000/70]

RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 979), and its procedures for implementation. This policy provides that EPA will, upon receipt of every application, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by the applicant will be available for examination at the Environmental Protection Agency, Room EB-37, East Tower, 401 M Street SW., Washington, D.C. 20460.

On or before August 19, 1974, any person who (a) is or has been an applicant, (b) desires to assert a claim for compensation under section 3(c)(1)(D) against another applicant proposing to use supportive data previously submitted and approved, and (c) wishes to preserve his opportunity for determination of reasonable compensation by the Administrator must notify the Administrator and the applicant named in the FEDERAL REGISTER of his claim by certified mail. Every such claimant must include, at a minimum, the information listed in this interim policy published on November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy in regard to usage of existing supportive data for registration will be processed in accordance with existing procedures. Applications submitted under 2(c) will be held for the 60-day period before commencing processing. If claims are not received, the application will be processed in normal procedure. However, if claims are received within 60 days, the applicants against whom the particular claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after August 19, 1974.

APPLICATIONS RECEIVED

EPA File Symbol 241-EGI. American Cyanamid Company, Agricultural Division, P.O. Box 400, Princeton, New Jersey 08540. *Counter 15-G Soil Insecticide.* Active Ingredients: S[(tert-butylthio)methyl]0,0-diethyl phosphorodithioate 15.0 percent. Method of Support: Application proceeds under 2(a) of interim policy.

EPA File Symbol 241-EGT. American Cyanamid Company, Agricultural Division. *Warbex Famphur Dust Cattle Insecticide 1 percent.* Active Ingredients: O,O-dimethyl O - p - (dimethylsulfamoyl) phenyl phosphorothioate 1.0 percent. Method of Support: Application proceeds under 2(a) of interim policy.

EPA File Symbol 241-EGA. American Cyanamid Company, Agricultural Division. *Warbex Famphur Dust Concentrate, 25 percent for Formulation of Famphur Dust Cattle Insecticide 1 percent.* Active Ingredients: O,O - dimethyl O - p-(dimethylsulfamoyl) phenyl phosphorothioate 25.0 percent. Method of Support: Application proceeds under 2(a) of interim policy.

EPA File Symbol 5590-RLA. Aerosol Techniques, Incorporated, Old Gate Lane, Milford, Connecticut 06460. *Foam Household Cleaner with Ammonia Code No. 235-34E, Prevents Mold and Mildew, Kills Household Germs.* Active Ingredients: Triethanolamine Dodecylbenzenesulfonate 0.300 percent; Lauric diethanolamide 0.200 percent; o-Phenylphenol 0.100 percent; 4-Chloro-2-Cyclophentylphenol 0.080 percent. Method of Support: Application proceeds under 2(a) of interim policy.

EPA File Symbol 2914-UU. Calgon Commercial Division, 7501 Page Avenue, St. Louis, Missouri 63166. *CS-420 Wash Sanitizer.* Active Ingredients: Sodium dichloro-s-triazinetrione dihydrate 28 percent. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 100-LUU. Agricultural Division, CIBA-GEIGY Corporation, P.O. Box 11422, Greensboro, North Carolina 27409. *CIBA-GEIGY Technical Prometon-A Herbicide for Formulating Use.* Active Ingredients: Prometon: 2,4-*bis*(isopropylamino)-6-methoxy-s-triazine 97 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 100-LUG. Agricultural Division, CIBA-GEIGY Corporation, P.O. Box 11422, Greensboro, North Carolina 27409. *CIBA-GEIGY Technical Propazine-A Herbicide For Formulating Use.* Active Ingredients: Propazine: 2-choloro-4,6-*bis* (isopropylamino)-s-triazine 95 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 4600-EU. Clean Home Products, 2801-05 Locust Street, St. Louis, Missouri 63103. *Lemon Scent Perfumed Deodorant Block Deodorizes, Kills Moths, Helps Prevent Mildew Damage.* Active Ingredients: Paradicholorobenzene 99.75 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 34292-R. Dow Corning Corporation, South Saginaw Road, Midland, Michigan 48640. *Dow Corning X9-5700 Bacteriostat, Fungistat and Algistat.* Active Ingredients: 3-(trimethoxysilyl)-pro-

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pyldimethyloctadecyl ammonium chloride 50 percent. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 25581–L. G & G Chemical Co., Inc., 1550 Carroll Avenue, San Francisco, California 94124. *Formula 4028 Heavy-Duty Institutional Strength Cleaner, Disinfectant, Deordorizer, Fungicide, Virucide.* Active Ingredients: Octyl Decyl Dimethyl Ammonium Chloride 0.950 percent; Dioctyl Dimethyl Ammonium Chloride 0.475 percent; Didecyl Dimethyl Ammonium Chloride 0.475 percent; Tetrasodium Ethylenediamine Tetraacetate 1.000 percent; Trisodium Phosphate 2.000 percent. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 6175–O. Hart-Delta, Inc., 5055 Choctaw Drive, Baton Rouge, Louisiana 70805. *Yard & Kennel Dust Kills Fleas—Kills Ticks in Lawns, Kennels, Runs and Dog Bedding.* Active Ingredients: Carbaryl (1-naphthyl N-methylcarbamate) 5.00 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 5905–URU. Helena Chemical Company, 5100 Poplar Avenue, Memphis, Tennessee 38137. *Helena Brand 7.5 Lb. Methyl Parathion Emulsifiable Insecticide Concentrate.* Active Ingredients: O,O-dimethyl O-p-nitrophenyl phosphorothioate 73.6 percent; Xylene 15.2%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 2342–OGE. Kerr-McGee Chemical Corp., Kerr-McGee Center, Oklahoma City, Oklahoma 73125. *Fasco C–Z–M 15–22–15.* Active Ingredients: Copper as metallic from basic copper sulfate 15.2 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 30943–RT. Lea Chemicals, P.O. Box 868, Marianna, Florida 32446. *Lea Kill-Zem.* Active Ingredients: (5-Benzyl-3-furyl) methyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylate 0.200 percent; Related compounds 0.027 percent; Pyrethrins 0.150 percent; Piperonyl Butoxide technical 0.600 percent; Aromatic petroleum hydrocarbons 0.265 percent; Petroleum distillate 18.750 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 11411–R. Leslie's Pool Mart, Inc., 7756 Balboa Blvd., Van Nuys, California 91406. *Leslie's Chlor Brite New Fire Resistant Concentrated Pool Chlorine.* Active Ingredients: Sodium dichloro-s-triazinetrione Dihydrate 100 percent. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 6284–EO. Kiefer McNeil Division of McNeil Corporation, 999 Sweitzer Avenue, Akron, Ohio 44311. *Sunny Sol Brom-O-Ring Disinfectant, Bactericide, Algaecide.* Active Ingredients: 1,3,5-trichloro-s-triazine-2,4,6-trione 96 percent; Sodium Bromide 2 percent. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 8781–I. Metz Sales Co., 605 W. Allegheny St., Martinsburg, Pennsylvania 16662. *Metz Chlorine Sanitizer.* Active Ingredients: Sodium dichloro-s-triazinetrione dihydrate 25 percent. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 9855–GN. Mobil Chemical Company, Maintenance & Marine Coatings Department, P.O. Box 250, Edison, New Jersey 08817. *Mobil Marine Coating Vinyl Anti-Fouling Black Paint.* Active Ingredients: Tri-N-Butyltin Fluoride 17.2 percent; Bis(Tri-N-Butyltin) Oxide 4.0 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 5967–RGN. Moyer Chemical Company, 1310 Bayshore Highway, P.O. Box 945, San Jose, California 95108. *Keithane Dust No. 4.* Active Ingredients: 1,1 - bis(chlorophenyl) - 2,2,2, - trichloroethanol 4.0 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 5967–RQR. Moyer Chemical Company, 1310 Bayshore Highway, P.O. Box 945, San Jose, California 95108. *Malathion-Sulfur Dust No. 4–25.* Active Ingredients: Malathion 4.0 percent; Sulfur 25.0 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 5891–RO. Mt. Hood Chemical Corporation, 4444 N.W. Yeon Avenue, Portland, Oregon 97210. *Sani Det Sanitizer.* Active Ingredients: Sodium dichloro-s-triazinetrione dihydrate 5.60 percent; Sodium dodecylbenzene sulfonate 4.00 percent; Sodium metasilicate 5.00 percent. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 9864–A. O'Neill Brothers Chemical, Inc., 5129 Unruh Street, Philadelphia, Pennsylvania 19135. *O'Neill Hygi-San Detergent Sanitizer.* Active Ingredients: Sodium dichloro-s-triazinetrione dihydrate 5.6 percent; Sodium dodecylbenzene sulfonate 4.0 percent; Sodium Metasilicate 5.0 percent. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 9864–T. O'Neill Brothers Chemical, Inc., 5129 Unruh Street, Philadelphia, Pennsylvania 19135. *O'Neill Hygi-San Fabric and Diaper Sanitizer.* Active Ingredients: Sodium dichloro-s-triazinetrione dihydrate 18.0 percent; Sodium carbonate (anhydrous) 25.0 percent; Sodium dodecylbenzene sulfonate 2.4 percent. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 13680–RO. Ozark Chemical Company, P.O. Box 1384, Little Rock, Arkansas 72203. *Polyklor Detergent Sanitizer.* Active Ingredients: Sodium dichloro-s-triazinetrione dihydrate 5.6 percent; Sodium dodecylbenzene sulfonate 4.0 percent; Sodium Metasilicate 5.0 percent. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 13680–RI. Ozark Chemical Company, P.O. Box 1384, Little Rock, Arkansas 72203. *Microban Sanitizer.* Active Ingredients: Sodium dichloro-s-triazinetrione dihydrate 25 percent. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 4380–TG. Pacific Chemical Division Pace National Corp., 500 7th Avenue South, Kirkland, Washington 98033. *Iocide Germicide-Fungicide.* Active Ingredients: Nonylphenoxypolyethyleneoxyethanol-iodine complex 6.3 percent; Phosphoric acid 3.8 percent. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 9313–EE. Rose Chemical Products, Inc., 545 Stimmel Road, Columbus, Ohio 43223. *Chlor-Det Heavy-Duty Chlorinated Cleaner, Disinfectant and Sanitizer.* Active Ingredients: Sodium dichloro-s-triazinetrione, dihydrate; sodium metasilicate, anhydrous; sodium dodecylbenzenesulfonate 14.6 percent. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 11715–GN. Speer Products, Inc., 105 South Parkway West, Memphis, Tennessee 38109. *Magic Guard Disinfectant Spray.* Active Ingredients: n-Alkyl (60 percent C14, 30 percent C16, 5 percent C18) dimethyl benzyl ammonium chlorides 0.1 percent; n-Alkyl (68 percent C12, 32 percent C14) dimethyl ethylbenzyl ammonium chloride 0.1 percent; Isopropanol 53.0 percent; Essential Oil 0.5 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 33404–G. Stat Enterprises, Inc., 1865 New Highway, Farmingdale, New York 11735. *V. I. P. Insecticide.* Active Ingredients: Pyrethrins 0.1 percent; Piperonyl Butoxide, technical 1.0 percent; Petroleum distillate 0.4 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 3640–TU. Stearns Chemical Corp., 4200 Sycamore Avenue, Madison, Wisconsin 53704. *Banquet BFC–14 Powdered Chlorine Disinfectant and Germicide.* Active Ingredients: Sodium Dichloro-s-triazinetrione 14.5 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 1769–ELT. National Chemsearch, Division of USAchem, Inc., 2727 Chemsearch Blvd., Irving, Texas, 75062. *National Chemsearch Lemalene Air Sanitizer and Deodorant Spray.* Active Ingredients: Isopropyl Alcohol 27.30 percent; Triethylene Glycol 4.70 percent; Propylene Glycol 4.40 percent; Methyldodecylbenzyl Trimethyl Ammonium Chloride 0.16 percent; Methyldodecylxylylene bis (Trimethyl Ammonium Chloride) 0.04 percent; Essential Oils 0.50 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 1769–ELA. National Chemsearch, Division of USAchem Inc. *National Chemsearch RAP Wasp Spray.* Active Ingredients: Pyrethrins 0.15 percent; Technical Piperonyl Butoxide 0.37 percent; N-Octyl Bicycloheptene Dicarboximide 0.37 percent; Technical Chlordane 2.00 percent; Petroleum Distillates 14.43 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 1769–ELL. National Chemsearch, Division of USAchem Inc. *National Chemsearch Root Out.* Active Ingredients: Dichlobenil, 2,6-dichlorobenzonitrile 2.1 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 8405–O. Webco Chemical Corp., P.O. Box 368, Webster, Massachusetts 01570. *FS–104 Sanitizer.* Active Ingredients: Sodium dichloro-s-triazinetrione dihydrate 25 percent. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 682–IT. Woods Industries, Inc., dba Crop King Chemical, Box 1016, Yakima, Washington 98907. *Crop King Malathion 30 Dust Base.* Active Ingredients: Malathion (O,O-dimethyl dithiophosphate of diethyl mercaptosuccinate) 30 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 769–UUT. Woolfolk Chemical Works, Inc., P.O. Box 938, Ft. Valley, Georgia 31030. *Super-Tox Cotton Spray 4–3–1.* Active Ingredients: Toxaphene 37.04 percent; O-ethyl O-p-nitrophenyl phenylphosphonothioate 9.27 percent; O,O-dimethyl O-p-nitrophenyl phosphorothioate 27.78 percent; Aromatic petroleum derivative solvent 17.44 percent. Method of Support: Application proceeds under 2(c) of interim policy.

Dated: June 7, 1974.

JOHN B. RITCH, Jr.,
Director, Registration Division.

[FR Doc.74–13504 Filed 6–19–74;8:45 am]

RHODIA, INC.

Reextension of Temporary Tolerance

Rhodia, Inc., Chipman Division, 23 Belmont Drive, Somerset, NJ 08873, was granted a temporary tolerance for negligible residues of the herbicide asulam (methyl sulfanilylcarbamate) in or on sugarcane at 0.1 part per million on July 11, 1972, in connection with Pesticide Petition No. 2G1200 (notice was published in the FEDERAL REGISTER of July 18, 1972, (37 FR 14229)). The temporary tolerance expired July 11, 1973.

The firm received a 1-year extension of the temporary tolerance on July 24, 1973 (notice was published in the FEDERAL REGISTER of July 31, 1973 (38 FR 20290)).

The petitioner has requested a 1-year reextension of the temporary tolerance to obtain additional experimental data. It is concluded that such reextension of the temporary tolerance for negligible residues of the herbicide in or on sugarcane at 0.1 part per million will protect the public health. A condition under which this temporary tolerance is reextended is that the herbicide will be used in accordance with the temporary permits which are being issued concurrently and which provide for distribution under the Rhodia, Inc., name.

As extended, this temporary tolerance expires July 11, 1975. Residues remaining in or on the above raw agricultural commodity after expiration of this tolerance will not be considered actionable if the pesticide is legally applied during the term, and in accordance with provisions of the temporary permits/tolerance.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (39 FR 18805).

Dated: June 14, 1974.

HENRY J. KORP,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.74–14086 Filed 6–19–74;8:45 am]

FEDERAL DEPOSIT INSURANCE CORPORATION

NONMEMBER COMMERCIAL BANKS

Weekly Money Supply Reports

Notice is hereby given that the Board of Directors of the Federal Deposit Insurance Corporation has adopted a reporting program for a five-month test period applicable to each nonmember commercial bank which had more than $100 million in deposits at year-end 1973. The program requires each bank to submit to the Federal Deposit Insurance Corporation on each Thursday daily data for specified items, vault cash and cash items in process of collection for the seven calendar days ending on the Wednesday before. The first report for the week beginning June 20, 1974 is due on June 27, 1974 and the last weekly report is due on November 27, 1974. The Federal Deposit Insurance Corporation will provide the selected banks with forms to be used for this purpose. The reporting form, Report of Deposits and Vault Cash, FDIC 8020/42 (6–74), is submitted with this notice and is on file with the FEDERAL REGISTER.

The Federal Deposit Insurance Corporation shall provide aggregations of the weekly data, but not individual bank data, to the Federal Reserve System.

The Federal Deposit Insurance Corporation staff will analyze the value of such reports in improving the predictability of changes in the money supply. The results of such analysis will be made available to the Federal Reserve Board, and all other interested parties.

This reporting requirement is imposed pursuant to authority contained in paragraph (a) of section 7 of the Federal Deposit Insurance Act (12 U.S.C. 1817(a)).

By order of the Board of Directors, June 7, 1974.

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] ALAN R. MILLER,
Executive Secretary.

[FR Doc.74–14153 Filed 6–19–74;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. RP72–142]

CITIES SERVICE GAS CO.

Proposed Changes in FPC Gas Tariff

JUNE 13, 1974.

Take notice that Cities Service Gas Company (Company) on June 3, 1974, tendered for filing proposed changes in its FPC Gas Tariff, Second Revised Volume No. 1. The Company states that pursuant to the Purchased Gas Cost Rate Adjustment provision contained in Article 21, of its FPC Gas Tariff, it proposes to increase its rates effective July 23, 1974, to reflect increased purchased gas costs.

The Company states that the Eighth Revised Sheet PGA–1 included in Appendix A of its filing reflects a rate increase of 4.42¢ per Mcf. The Company further states that this 4.42¢ per Mcf increase in rates will produce an increase in the Company's jurisdictional revenues of $15,053,063 based on annual sale volumes for the twelve months ended April 22, 1974. According to the Company such 4.42¢ per Mcf increase reflects, among other supplier increases, pipeline supplier increases by Transwestern Pipeline Company (Transwestern) on July 11, 1974 and Oklahoma Natural Gas Gathering Corporation (ONGGC) on July 1, 1974.

In the event that the Commission does not permit the Eighth Revised Sheet PGA–1 in Appendix A to be effective, the Company, in the alternative, tendered for filing the Eighth Revised Sheet PGA–1 included in Appendix B reflecting an increase of 3.70¢ per Mcf. The Company states that this 3.70¢ per Mcf increase in rates will produce an increase in the Company's jurisdictional revenues of $13,600,980 based on annual sales volumes for the twelve months ended April 22, 1974. According to the Company such 3.70¢ per Mcf increase reflects the same increased supplier rates as the tariff sheet in Appendix A, with the exception of the pipeline supplier increases by Transwestern on July 11, 1974 and ONGGC on July 1, 1974, which have been deleted in calculating the 3.70¢ per Mcf increase.

The Company states that copies of its filing were served on all jurisdictional customers, interested state commissioners and all parties to the proceedings in Docket Nos. RP71–106 and RP72–142.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 24, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Persons presently parties to this proceeding need not file additional petitions to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–14102 Filed 6–19–74;8:45 am]

[Docket No. CI74–689]

CITIES SERVICE OIL CO.

Notice of Application

JUNE 13, 1974.

Take notice that on May 28, 1974, Cities Service Oil Company (Applicant), P.O. Box 300, Tulsa, Oklahoma 74102, filed in Docket No. CI74–689 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Texas Gas Transmission Corporation (Texas Gas) from Applicant's 25 percent interest in casinghead gas produced from Block 217 Field, Eugene Island Area, offshore Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell to Texas Gas from the subject acreage up to 1,000 Mcf of gas per day for a term of one year at 45.0 cents per Mcf at 15.025 psia, subject to upward and downward Btu adjustment from a base of 1,000 Btu per cubic foot, within the contemplation of section 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). The application indicates that Applicant made a sale of natural gas from October 21, 1973, until April 19, 1974, from the subject acreage to Texas Gas within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29).

Applicant states that although its April 25, 1974, contract with Texas Gas provides for a rate of 50.0 cents per Mcf at 15.025 psia for the subject sale, Appli-

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cant is willing to accept a certificate conditioned to a rate of 45.0 cents per Mcf. Applicant estimates monthly sales of 30,000 Mcf of gas.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 8, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-14109 Filed 6-19-74;8:45 am]

[Docket No. CP73-302]

COLUMBIA GAS TRANSMISSION CORP.

Crawford Underground Storage Project

JUNE 10, 1974.

Notice is hereby given in the above Docket, that on June 19, 1974, in accordance with § 2.28(b) of Commission Order No. 415-C, a draft environmental impact statement prepared by the Staff of the Federal Power Commission was made available for comments. This statement deals with the environmental impact of an application filed by Columbia Gas Transmission Corporation in Docket No. CP73-302 for a certificate of public convenience and necessity under section 7(c) of the Natural Gas Act requesting authorization for the development of a proposed underground gas storage field near Lancaster, Ohio. The proposal would include the drilling of 230 injection-withdrawal wells, construction of 137.0 miles of pipeline, and other miscellaneous appurtenant facilities.

This statement has been circulated for comments to Federal, State and local agencies, has been placed in the public files of the Commission, and is available for public inspection, both in the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C. 20426 and at its Regional Offices located in Room 1051, 610 South Canal Street, Chicago, Illinois 60606 and 26 Federal Plaza, 22nd Floor, New York, New York 10007. Copies are available in limited quantities from the Federal Power Commission's Office of Public Information, Washington, D.C. 20426.

The Commission has found that it is necessary and appropriate in the public interest to dispense with the 45 day time period for review and comment and herewith shortens the period to 30 days from the above date (June 19, 1974). This was done to afford the Commission the opportunity to decide, in as expeditious a manner as possible, if the merits of this application serve the public convenience and necessity.

Any person who wishes to do so may file comments on the draft statement for the Commission's consideration. All comments must be filed on or before July 19, 1974.

Any person who wishes to present evidence regarding environmental matters in this proceeding must file with the Commission a petition to intervene pursuant to § 1.8 of the Commission's rules of practice and procedures. Petitioners must also file timely comments on the draft statement in accordance with § 2.82 (c) of Order No. 415-C.

All petitions to intervene must be filed on or before July 19, 1974.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-14098 Filed 6-19-74;8:45 am]

[Docket No. RP72-89]

COLUMBIA GAS TRANSMISSION CORP.

Order Granting Motion to Extend Interim Curtailment Plan for Specific Time Period, Providing for Hearing and Establishing Procedures, and Permitting Interventions

JUNE 6, 1974.

On April 10, 1974, Columbia Gas Transmission Corporation (Columbia) filed a motion requesting the Commission to extend its interim curtailment plan, pendente lite, after June 30, 1974, together with certain implementing tariff sheets.[1] Columbia also filed tariff sheets containing the priority-of-service categories set forth in the Commission's Order No. 467-B,[2] with the exception of including firm industrial sales up to 300 Mcf per day in priority 2 as allowed by Opinion 647-A, along with end-use data to permit implementation of an Order 467-B curtailment procedure. Columbia requests the Commission to (1) extend its currently effective interim curtailment plan approved by the Commission's order issued September 29, 1972, pendente lite after the interim plan's expiration date of June 30, 1974, and (2) hold a hearing on the merits of a just and reasonable permanent curtailment plan.

In support of its motion, Columbia alleges, inter alia, that: (1) The extension of its interim curtailment plan will avert unreasonable disruption of customers' annual quantity entitlements and, to the extent possible, maintain the status quo; (2) the interim plan would be extended only for the amount of time required to complete an expedited hearing on a permanent curtailment plan for Columbia, which possibly could occur before expiration of the summer seasonal period commencing in April and extending through October, 1974, during which Columbia does not anticipate a need to curtail; (3) requiring Columbia to implement an Order No. 467-B curtailment plan prior to a hearing contravenes the Commission's pronouncements that such priority-of-service categories are not binding without proceedings upon specific pipelines; and (4) the interim plan conforms to the basic objective toward which the priorities-of-deliveries enumerated in Order No. 467-B are directed because firm, non-industrial high priority loads are protected.

Notice of Columbia's filing was published in the FEDERAL REGISTER (39 FR 14001), requiring that comments, protests and/or petitions to intervene be filed on or before April 29, 1974.[3] Timely notices of intervention or petitions for leave to intervene were filed by the following parties:

Mayor and City Council of Baltimore
Bethlehem Steel Corporation
City of Charlottesville, Virginia
Congoleum Industries, Inc.
Delta Natural Gas Company, Inc.
International Paper Company
J. M. Huber Corporation
Kaiser Aluminum & Chemical Corporation
Marvin Mandel, Governor of Maryland, and the State of Maryland
Maryland Group of Industrial Consumers of Natural Gas
Public Service Commission of Maryland
Westinghouse Electric Corporation

On May 13, 1974, Orange & Rockland Utilities, Inc. filed an untimely petition for leave to intervene. It states that a

[1] Columbia's FPC Gas Tariff, Original Volume No. 1: First Revised Sheet Nos. 19A, 28A, 28B, 47A, and 62C; Second Revised Sheet Nos. 18, 19, 20, 28, 29, 30, 33, 47, 62A, 62B, 91, 92, 93, and 94; and Third Revised Sheet Nos. 62 and 90. Except for two minor exceptions involving asserted inadvertencies concerning small customers' maximum monthly volumes, these tariff sheets are identical to those now in effect on the Columbia system.

[2] Columbia's FPC Gas Tariff, Original Volume No. 1: Original Sheet Nos. 95, 98, and 97; First Revised Sheet Nos. 19A, 28A, 28B, 31, 47A, and 62C; Second Revised Sheet Nos. 18, 19, 20, 28, 29, 30, 33, 47, 62A, 62B, 91, 92, 93, and 94; and Third Revised Sheet Nos. 62 and 90.

[3] The Commission Secretary's Notice issued April 19, 1974, postponed the due date for such filings from April 22, 1974, to April 29, 1974.

timely petition to intervene was not filed because of a mistaken belief that it was already a party herein.

Numerous comments were received in response to the Commission's Notice concerning Columbia's motion for extension of its interim plan and a comparative hearing upon the merits of that curtailment sequence vis-a-vis an Order 467-B curtailment procedure. The vast majority of the comments support Columbia's motion.

Most of Columbia's customers have shown a preference for continuation on July 1, 1974, of the interim curtailment plan which has been in effect on the Columbia system for nearly two years. A change to an Order 467-B type of curtailment procedure on that date would modify operations under the interim plan which are keyed to provisions such as the maximum monthly quantity entitlements applicable to the fiscal year November 1, 1973, through October 31, 1974.

The basic goal of Order No. 467-B and the primary concern of the few Columbia customers dissenting to extension of the interim plan revolve about the protection afforded deliveries to residential and small volume consumers. In this regard we note that Columbia's interim arrangement provides an exemption from pro rata curtailment if a customer's firm, non-industrial high priority usage is threatened thereby. Additionally, we note that Columbia does not contemplate a need to curtail before termination of the summer seasonal period on October 31, 1974. In these circumstances, we shall grant Columbia's motion for extension of its interim curtailment plan after June 30, 1974, but limit our authorization to the period commencing July 1, 1974, and ending April 30, 1975, or until the date of a final Commission order herein if such is issued sooner.

We believe that a hearing should be held herein to determine what permanent curtailment plan is appropriate for Columbia's system. Accordingly, we shall schedule hearing procedures pursuant to which Columbia may submit testimony and exhibits in support of its proposed curtailment program. Additionally, Columbia shall be required to submit testimony and exhibits on the Order No. 467-B curtailment plan and the implementation of that plan on its system. Following cross-examination of that evidence, the Presiding Administrative Law Judge shall determine what further submittals of testimony may be appropriate in the proceeding.

The Commission finds. (1) Good cause has been shown for our granting Columbia's motion for extension of its interim curtailment plan after June 30, 1974, for the period ending April 30, 1975, or the date of a final Commission decision herein, whichever is sooner.

(2) It is necessary and proper that the alternative tariff sheets set forth in footnote (2) above be held in abeyance, pending further motions for extension of Columbia's interim curtailment plan after April 30, 1975, and disposition of the issues raised in this proceeding.

(3) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of Columbia's proposed curtailment plan and that the issues in this proceeding be scheduled for hearing in accordance with the procedures hereinafter set forth.

(4) Although the petition of Orange & Rockland Utilities, Inc. was not timely filed, good cause exists for permitting its intervention.

(5) The participation of all of the above-named petitioners in this proceeding may be in the public interest.

The Commission orders. (A) The motion filed on April 10, 1974, by Columbia for extension of its interim curtailment plan after June 30, 1974, is hereby granted for the period ending April 30, 1975, or the date of a final Commission decision herein, whichever is sooner.

(B) Columbia's tariff sheets set forth in footnote (1) above are hereby accepted for filing to be effective for the period July 1, 1974, through April 30, 1975, or until the date of a final Commission order herein if such is issued sooner.

(C) The notice requirements of Section 154.22 of the Commission's regulations under the Natural Gas Act are hereby waived to permit the tariff sheets referred to in Paragraph (B) above to be effective July 1, 1974.

(D) The alternative tariff sheets set forth in footnote (2) above are to be held in abeyance, pending decision upon further motions or requests for extension of Columbia's interim curtailment procedures after April 30, 1975, and disposition of the issues raised in this proceeding.

(E) On or before June 25, 1974, Columbia shall file its case-in-chief providing evidentiary support for its position in regard to the issues herein which have been described heretofore in the recital above, and, as part of its case, it shall file evidence in the form of testimony and exhibits showing the impact on its customers of implementing its proposed curtailment plan and the impact on its customers of implementing end use curtailment priorities as set forth in Commission Order No. 467-B.

(F) Pursuant to the authority of the Natural Gas Act, particularly Sections 4 and 5 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act, a public hearing shall be held on July 9, 1974, at 10 a.m. (e.d.t.), in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C., on the lawfulness of Columbia's proposed curtailment procedures and the issues pertaining thereto as set forth in the recital above.

(G) A Presiding Administrative Law Judge, to be designated by the Chief Administrative Law Judge for that purpose [see Delegation of Authority, 18 CFR 3.5(d)], shall preside at the hearings in this proceeding and shall prescribe relevant procedural matters not herein provided, including an opportunity for the submission of answering or rebuttal testimony following cross-examination of the presentation hereinabove ordered.

(H) The above-named petitioners are hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission; *Provided*, however, That the participation of such intervenors shall be limited to matters affecting the rights and interests specifically set forth in their petitions to intervene; and *Provided*, further, That the admission of such intervenors shall not be construed as recognition that they might be aggrieved because of any order or orders issued by the Commission in this proceeding.

By the Commission.[4]

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74-14100 Filed 6-19-74;8:45 am]

[Docket Nos. RP73-86 and RP73-85]

COLUMBIA GAS TRANSMISSION CORP. AND COLUMBIA GULF TRANSMISSION CORP.

Order Granting Late Petitions to Intervene

JUNE 13, 1974.

On May 6, 1974 City of Cincinnati (Cincinnati) and Armco Steel Corporation (Armco) filed petitions to intervene out of time in the above captioned proceeding. Cincinnati and Armco each state that the late filing of their respective petitions to intervene was due to extraordinary circumstances and that they each have a direct and substantial interest in this proceeding.

The Commision finds. Participation by Cincinnati and Armco in this proceeding may be in the public interest and good cause exists to grant Cincinnati and Armco's late petitions to intervene.

The Commision orders. (A) Cincinnati and Armco are hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission; *Provided*, however, That the participation of these intervenors shall be limited to matters affecting rights and interests specifically set forth in their petitions to intervene, and; *Provided*, further, That the admission of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(B) The interventions granted herein shall not be the basis for delaying or deferring the pocedural schedule heretofore established for the orderly and expeditious disposition of this proceeding.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74-14111 Filed 6-19-74;8:45 am]

[4] Separate statements of Commissioners Smith, concurring, and Moody, concurring in part and dissenting in part, filed as part of the original document.

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[Docket No. ID-1735]

JOHN E. DOLAN

Notice of Initial Application

JUNE 13, 1974.

Take notice that on June 3, 1974, John E. Dolan (Applicant) filed an initial application with the Federal Power Commission, pursuant to section 305(b) of the Federal Power Act, to hold the following positions:

Director, Appalachian Power Company, Public Utility.
Director, Wheeling Electric Corporation, Public Utility.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 5, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-14106 Filed 6-19-74;8:45 am]

[Docket No. E-8769]

FLORIDA POWER AND LIGHT CO.

Filing of Rate Agreements

JUNE 13, 1974.

Take notice that on May 3, 1974, Florida Power and Light Company (FP&L) tendered for filing letters, to Florida Power Corporation, City of Fort Pierce, Orlando Utilities Commission, Tampa Electric Company and City of Vero Beach establishing the rate to be charged by FP&L to each of the above-named customers for emergency service. This filing supplements FP&L's August 2, 1972, filing with this Commission of agreements for service between FP&L and the above-named customers which did not contain any agreement as to the rate to be charged for this service.

FP&L requests an effective date of August 13, 1973. FP&L states that it is not possible to estimate transactions and revenues for the 12 month period following the proposed effective date and therefore requests waiver of the requirements of § 35.12(b)(1) of the Commission's regulations.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 21, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-14112 Filed 6-19-74;8:45 am]

[Terror Lake Project No. 2743]

KODIAK ELECTRIC ASSOCIATION, INC.

Application for Preliminary Permit (Unconstructed Project)

JUNE 13, 1974.

Public notice is given that application for a preliminary permit was filed March 25, 1974, under the Federal Power Act (16 U.S.C. §§ 791a-825r) by Kodiak Electric Association, Inc., Kodiak, Alaska (correspondence to: Leon H. Johnson, Manager, Kodiak Electric Association, Inc., Post Office Box 787, Kodiak, Alaska, 99615; Copy of correspondence to: Robert W. Retherford, Robert W. Retherford Associates, Post Office Box 6410, Anchorage, Alaska 99502) for proposed Project No. 2743, to be known as Terror Lake Hydroelectric Project. The proposed project would be on the Terror River, in the Borough of Kodiak Island (in the region of the City of Kodiak and town of Port Lions). The proposed project would affect lands of the United States, including parts of the Kodiak National Wildlife Refuge. The proposed development of the Terror Lake Hydroelectric Project contemplates: a rock-fill dam at the outlet of Terror Lake to provide a reservoir with maximum pool elevation of about 1365 feet first stage and 1385 feet elevation for the second stage development; a spillway through a rock cut near the lake outlet and provide it with a concrete weir; approximately 23,000 feet of minimum nine-foot diameter, unlined tunnel from Terror Lake to the surge tank site above Kizhuyak Valley; a diversion dam on Shot Gun Creek and a 2000-foot diversion tunnel to the Falls Creek drainage; a diversion dam and rock trap on Falls Creek and a 315-foot tunnel into the main power tunnel from Terror Lake to the Kizhuyak Valley; a surge tank at the downstream end of the power tunnel and a penstock to a powerhouse in the Kizhuyak Canyon at an elevation of 164 feet. Two 10,000 kW capacity generating units would be installed under the first stage development and a third 10,000 kW capacity generating unit added in the second stage of development; a diversion dam at the mouth of a small lake north of Mount Glotoff and divert this drainage in a ditch to the Terror River watershed; approximately 22 miles of 69 kV transmission line from the powerhouse to Kodiak and 14 miles of 25 kV distribution line to Port Lions, and a substation at Kodiak.

The application also sets forth an "Alternate Development" which proposes:

* * * a rock-fill dam at the outlet of Terror Lake to provide a reservoir with a maximum pool elevation of about 1310 feet; a spillway through a saddle 1200 feet south of the Lake outlet provided with a concrete weir; an intake structure and approximately 7000 feet of 4'-6" diameter steel pipe down the Terror River; a powerhouse on the north bank of the Terror River at approximate rivermile 6.8 and 600-foot elevation. Installation of two 6000 kW capacity generating units; approximately 27 miles of 69 kV transmission line from the powerhouse to Kodiak and approximately 12 miles of 25 kV distribution line from the Kizhuyak Valley to Port Lions. Construction of a substation in the Kizhuyak Valley and one in Kodiak; second stage development of the "Alternate Plan" would consist of diverting the water from the tailrace and the drainage below Terror Lake into a pipeline and convey it in approximately 7500 feet of 4'-6" diameter steel pipe downstream to a second powerhouse at approximate rivermile 5.0 and 370-foot elevation. Install one 2000 kW capacity generating unit. (All elevations U.S.G.S. datum.)

The Power to be developed would be used for public utility purposes.

No construction is authorized under a preliminary permit.

Any person desiring to be heard or to make protest with reference to said application should on or before August 14, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-14105 Filed 6-19-74;8:45 am]

[Docket No. CI74-672]

WYNN D. MILLER

Notice of Application

JUNE 6, 1974.

Take notice that on May 17, 1974, Wynn D. Miller (Applicant), 1111 NBC Building, San Antonio, Texas 78205, filed in Docket No. CI74-672 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to United Gas Pipe Line Company (United) from the S.W. Normanna Field, Bee County, Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that he commenced the sale of natural gas from the subject acreage to United on January 31, 1974, within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and proposes to continue said sale for one year from the end of the emergency period within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant proposes to sell all available gas from the subject acreage to United at 50.0 cents per Mcf at 14.65 psia. Estimated monthly sales are 11,440 Mcf of gas.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 28, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-14101 Filed 6-19-74;8:45 am]

[Project No. 1553]

THE NEW JERSEY ZINC CO.

Notice of Issuance of Annual License

JUNE 13, 1974.

On June 12, 1970, The New Jersey Zinc Company, Licensee for Fall Creek Hydroelectric Plant, Project No. 1553, located on Fall Creek in Eagle County, Colorado, filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (§§ 16.1-16.6).

The license for Project No. 1553 was issued effective June 28, 1950, for a period ending June 28, 1970. Since the original date of expiration, the project has been under annual license. In order to authorize the continued operation of the project pursuant to section 15 of the Act, pending completion of Licensee's application and Commission action thereon, it is appropriate and in the public interest to issue an annual license to The New Jersey Zinc Company for the continued operation and maintenance of Project No. 1553.

Take notice that an annual license is issued to The New Jersey Zinc Company (Licensee) under section 15 of the Federal Power Act for the period June 29, 1974, to June 28, 1975, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Fall Creek Hydroelectric Plant, Project No. 1553, subject to the terms and conditions of its license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-14104 Filed 6-19-74;8:45 am]

[Docket No. E-8375]

OTTER TAIL POWER CO.

Notice of Application

JUNE 13, 1974.

Take notice that on May 28, 1974, Otter Tail Power Company (Applicant), filed an Application pursuant to section 204 of the Federal Power Act seeking authorization for a Supplemental Order to increase the maximum amount of short-term borrowing which it may have outstanding at any one time from $25 million to $30 million. Applicant was authorized to issue short-term promissory notes in the aggregate principal amount of $25 million by Commission order dated October 16, 1973, in the above docket.

Applicant is incorporated under the laws of the State of Minnesota with its principal business office at Fergus Falls, Minnesota and is authorized to do business in the States of Minnesota, North Dakota and South Dakota.

Notes issued to Commercial banks and other institutional lenders will bear interest at a rate not to exceed ½ of 1 percent over the large business prime rate of interest charged by Commercial banks in the area in which the loan is made on 90 day loans to substantial and responsible commercial borrowers, and having a maturity of 12 months or less.

Notes issued in the form of commercial paper will be issued in principal amounts in excess of $50,000 and will have a maturity of not more than nine months and will not be extended or renewed and will not contain any provision for extension or renewal or automatic "roll-over." The commercial paper will be issued at rates not exceeding the discount rate prevailing at the date of issuance. The aggregate amount of commercial paper outstanding at any one time will not exceed $10,000,000 which is less than 25% of the Applicant's gross revenues during the twelve months of operation ended March 31, 1974.

Any person desiring to be heard or to make any protest with reference to said Application should file with the Federal Power Commission, Washington, D.C. 20426, on or before June 25, 1974, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing must file petitions to intervene in accordance with the Commission's rules. The Application is on file and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-14110 Filed 6-19-74;8:45 am]

[Docket No. E-8176]

SOUTHERN CALIFORNIA EDISON CO.

Notice Postponing Hearing

JUNE 13, 1974.

On May 29, 1974, a notice was issued extending the procedural dates in the above-designated matter. Due to a conflict in the schedule of the Administrative Law Judge, it is necessary to change the hearing date.

Upon consideration, notice is hereby given that the hearing in the above matter is postponed to July 23, 1974, at 10 a.m. e.d.t.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-14107 Filed 6-19-74;8:45 am]

[Rate Schedule Nos. 5, etc.]

TEXACO INC., ET AL.

Rate Change Filings Pursuant to Commission's Opinion No. 639

JUNE 13, 1974.

Take notice that the producers listed in the Appendix attached hereto have filed proposed increased rates to the applicable area new gas ceiling based on the interpretation of vintaging concepts set forth by the Commission in its Opinion No. 639, issued December 12, 1972.

The information relevant to each of these sales is listed in the Appendix.

Any person desiring to be heard or to make any protest with reference to said filings should on or before July 5, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

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Filing date	Producer	Rate schedule No.	Buyer	Area
May 20, 1974	Texaco, Inc., P.O. Box 52332, Houston, Tex. 77052.	5	Columbia Gas Transmission Corp.	South Louisiana.
May 28, 1974	Exxon Corp., P.O. Box 2180, Houston, Tex. 77001.	21	Mississippi River Transmission Corp.	Other Southwest.
June 3, 1974	Atlantic Richfield Co., P.O. Box 2819, Dallas, Tex. 75221.	360	Texas Eastern Transmission Corp.	Texas Gulf Coast.
June 3, 1974	....do....	506	....do....	Do.

[FR Doc.74-14113 Filed 6-19-74;8:45 am]

[Docket Nos. RP71-130 & RP72-58]

TEXAS EASTERN TRANSMISSION CORP.

Proposed Changes in FPC Gas Tariff

JUNE 12, 1974.

Public notice is hereby given that Texas Eastern Transmission Corporation (Texas Eastern), on May 28, 1974, tendered for filing proposed changes in its FPC Gas Tariff, Third Revised Volume No. 1, the following sheets:

Ninth Revised Sheet Nos. 13, 13A, 13B, 13C & 13D
Alternate First Revised Sheet Nos. 17 & 24
Alternate Second Revised Sheet No. 92N
Original Sheet No. 92Q

On May 10, 1974, the Commission issued an order rejecting Texas Eastern's proposed changes to § 12.4 of its FPC Gas Tariff, Third Revised Volume No. 1 for failure to comply with §§ 15.38(d) and 154.63(b)(2) of the regulations under the Natural Gas Act. The purpose of this filing is to refile tariff sheets to amend § 12.4 of the general terms and conditions of Texas Eastern's FPC Gas Tariff in accordance with the suggestion made in the Commission's Order issued May 10, 1974. The refiled tariff sheets provide for Texas Eastern to make demand charge adjustments during any month in which the curtailment of deliveries is due to a shortage of gas supply, and further provide for Texas Eastern to recover the amount of such demand charge adjustment by use of a deferred account to adjust demand and commodity charges.

Texas Eastern proposes that the sheets become effective on May 1, 1974.

Texas Eastern states that copies of the filing were served upon the company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8, 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 28, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-14108 Filed 6-19-74;8:45 am]

[Project No. 1759]

WISCONSIN MICHIGAN POWER CO.

Issuance of Annual License

JUNE 13, 1974.

On June 26, 1969, Wisconsin Michigan Power Company, Licensee for Twin Falls, Peavy Falls and Way Project No. 1759, located in Iron and Dickinson Counties, Michigan, and Florence County, Wisconsin, on the Michigamme and Menominee Rivers, filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (§§ 16.1-16.6). Licensee also made a supplemental filing pursuant to Commission Order No. 384 on February 27, 1970.

The license for Project No. 1759 was issued effective January 1, 1938, for a period ending June 30, 1970. Since the original date of expiration, the project has been under annual license. In order to authorize the continued operation of the project pursuant to section 15 of the Act pending completion of Licensee's application and Commission action thereon, it is appropriate and in the public interest to issue an annual license to Wisconsin Michigan Power Company for continued operation and maintenance of Project No. 1759.

Take notice that an annual license is issued to Wisconsin Michigan Power Company (Licensee) under section 15 of the Federal Power Act for the period July 1, 1974, to June 30, 1975, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Twin Falls, Peavy Falls and Way Project No. 1759, subject to the terms and conditions of its present license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-14103 Filed 6-19-74;8:45 am]

FEDERAL RESERVE SYSTEM

SOUTHEAST BANKING CORP.

Acquisition of Bank

Southeast Banking Corporation, Miami, Florida, has applied for the Board's approval under section 3(a)(2) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of Beach State Bank, Panama City Beach, Florida, and Panama City National Bank, Panama City, Florida. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received not later than July 8, 1974.

Board of Governors of the Federal Reserve System, June 12, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-14145 Filed 6-19-74;8:45 am]

GOVERNMENT PRINTING OFFICE

DEPOSITORY LIBRARY CONFERENCE

Meeting

The Depository Library Conference of the Public Printer will meet at 8:30 a.m. to 5 p.m. on July 6, 1974. Meeting place will be the Park-Sheraton Suite of the New York Sheraton Hotel, located on 7th Avenue and 56th Street, New York City.

The purpose of this meeting is to discuss the Depository Library Program.

The meeting will be open to the public. Any member of the public who wishes to attend shall notify Dr. Ralph McCoy, Chairman, 1902 Chautaugua, Carbondale, Illinois 62901.

General participation by members of the public, or questioning of Conference members or other participants shall be permitted with approval of the chairman.

Dated: June 18, 1974.

T. F. MCCORMICK,
Public Printer.

[FR Doc.74-14307 Filed 6-19-74;8:45 am]

NATIONAL ENDOWMENT FOR THE HUMANITIES

EDUCATION PANEL

Notice of Meeting

JUNE 17, 1974.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463) notice is hereby given that a meeting of the Education Panel will meet at Washington, D.C., on July 1 and 2, 1974.

The purpose of the meeting is to review Projects applications submitted to the National Endowment for the Humanities for grants to educational institutions and non-profit organizations.

Because the proposed meeting will consider financial information and personnel and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated August 13, 1973, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552(b) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. John W. Jordan, 806 15th Street, NW., Washington, D.C. 20506, or call area code 202-382-2031.

JOHN W. JORDAN,
Advisory Committee Management Officer.

[FR Doc.74-14154 Filed 6-19-74;8:45 am]

EDUCATION PANEL

Notice of Meeting

JUNE 19, 1974.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463) notice is hereby given that a meeting of the Education Panel will meet at Washington, D.C., on July 8 and 9, 1974.

The purpose of the meeting is to review Projects applications submitted to the National Endowment for the Humanities for grants to educational institutions and non-profit organizations.

Because the proposed meeting will consider financial information and personnel and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated August 13, 1973, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552(b) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. John W. Jordan, 806 15th Street, NW., Washington, D.C. 20506, or call area code 202-382-2031.

JOHN W. JORDAN,
Advisory Committee Management Officer.

[FR Doc.74-14155 Filed 6-19-74;8:45 am]

OFFICE OF FEDERAL CONTRACT COMPLIANCE

STATE OF ILLINOIS EQUAL EMPLOYMENT OPPORTUNITY REQUIREMENTS FOR FEDERAL ASSISTED CONSTRUCTION CONTRACTS

Notice of Hearing

A notice of hearing was published in the FEDERAL REGISTER on June 3, 1974 (39 FR 19543) announcing a hearing to commence on June 12, 1974, at 10 a.m., in Conference Room 642, 538 South Clark Street, Chicago, Illinois, to make proposed findings and a recommended decision to the Assistant Secretary of Labor for Employment Standards relevant to the issue of whether the rules and regulations for Public Contracts Prescribed by the Illinois Fair Employment Practices Commission are inconsistent with Executive Order 11246, as amended, or incompatible with the effective implementation of federal minority hiring and/or training plans (either voluntary or imposed) in operation in the State of Illinois. On June 10, 1974, the Illinois Fair Employment Practices Commission, the Building Construction Employers' Association of Chicago and the Office of the Solicitor, U.S. Department of Labor, agreed to postpone the aforementioned hearing until June 27, 1974. The parties also agreed to waive the time limitations prescribed in 41 CFR 60-1.4(b)(2) within which the Assistant Secretary must make a final decision.

Therefore, in accordance with 41 CFR 60-1.4(b)(2), an administrative law judge has been designated to conduct a hearing commencing on June 27, 1974, at 10:00 a.m. in Conference Room 721, Everett McKinley Dirksen Building, 219 South Dearborn Street, Chicago, Illinois, to make proposed findings and a recommended decision to the Assistant Secretary of Labor for Employment Standards upon the basis of the record before the administrative law judge. In accordance with 41 CFR 60-1.4(b)(2), evidence may be presented at the hearing relevant to the issue of whether the rules and regulations for Public Contracts Prescribed by the Illinois Fair Employment Practices Commission are inconsistent with Executive Order 11246, as amended, or incompatible with the effective implementation of federal minority hiring and/or training plans (either voluntary or imposed) in operation in the State of Illinois.

We have given the Building Construction Employers' Association of Chicago, and the Illinois Fair Employment Practices Commission notice of their opportunity to participate in the hearing by registered mail, return receipt requested. All other persons, organizations, and other entities affected by the OFCC Director's determination may attend and participate in the hearing. Each participant shall have the right to counsel and a fair opportunity to present his case, including such cross-examination as the administrative law judge may deem appropriate in the circumstances.

Interested persons, organizations, and other entities affected by the OFCC Director's determination wishing to participate in the hearing should so notify Mr. H. Stephen Gordon, Chief Administrative Law Judge, U.S. Department of Labor, 1111 20th Street, NW., Suite 720, Washington, D.C. 20036, by registered mail, return receipt requested, by the close of business, June 24, 1974. The notice of intention to participate (original and two copies) must state the name and address of the person to appear, and the approximate amount of time required for the presentation. In addition, to the extent practicable, the notice should also include, or be accompanied by, a general statement of the position to be taken with regard to the aforementioned Illinois rules and regulations for Public Contracts and of the evidence to be adduced in support of that position. The use of prepared statements by participants, subject to cross-examination, is authorized. All documents intended to be submitted for the record at the hearing should be submitted in duplicate.

Signed at Washington, D.C., this 17th day of June, 1974.

H. STEPHEN GORDON,
Chief Administrative Law Judge, U.S. Department of Labor.

[FR Doc.74-14198 Filed 6-19-74;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on June 17, 1974 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this Daily List may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529).

NEW FORMS

DEPARTMENT OF COMMERCE

Bureau of the Census, Public Assistance Recipients Study (1974), Form PAR-1, Single time, Sunderhauf/Peterson, Households.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Resources Administration:
Predictors of Successful Nursing Performance, Form ----, Single time, Strasser, Schools of nursing & employers of graduates.
An investigation into the Nature, Causes and Implications of the Future Role of Health Administrators, Form ----, Single time, Reese, Professional health services administration.

V 39 120 JUN 20 74 XUM

A study of the Career Development of Baccalaureate Health Administrators, Form ----, Annual, Collins, Graduates of undergraduate health administration programs.
Spanish-Surnamed Physicians Survey Form, Form ----, Single time, Sunderhauf, Spanish-surnamed physicians & medical students.
Relevance of Health Care Administration Curricula, Form ----, Single time, Planchon, Professional health service administration, program faculty.
Health Resources Administration Medical Economic Research Project, Form ----, Occasional, Wann/Planchon/Hulett, Sample of households in two locations.

TENNESSEE VALLEY AUTHORITY

Farmer Questionnaire—Vicinity of Proposed Nuclear Power Plant, Form ----, Single time, Lowry/Weiner, Farm operator within designated area.

REVISIONS

None.

EXTENSIONS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institutes of Health, Framingham Ophthalmology Study, Form ----, Single time, Lowry, Patients recruited under Framingham Heart Study.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Policy Development and Research, Housing Assistance Supply Experiment, Screening Survey, Form ----, Single time, Sunderhauf, Individuals.

DEPARTMENT OF JUSTICE

Departmental Registration Statement of Foreign Controlled Organizations Engaging in Political or Military Activities, Form OBD 117, Occasional, Lowry, Government agencies.

U.S. CIVIL SERVICE COMMISSION

Qualifications Statement for Management Internship, Form WA 29, Occasional, Evinger, Job applicants.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.74-14274 Filed 6-19-74;8:45 am]

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on June 14, 1974 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this Daily List may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529).

NEW FORMS

ENVIRONMENTAL PROTECTION AGENCY

Platinum, Palladium Lead Questionnaire, Form ----, Occasional, Wann/Caywood, Residents near freeways, Factory worker.
Polyvinyl Chloride and Vinyl Chloride Emission Survey Letter, Form ----, Single time, Lowry, Industrial plants manufacture, vinyl chloride and polyvinyl chloride.

FEDERAL ENERGY OFFICE

Project Conserve Questionnaire, Form ----, Single time, Weiner, Individuals.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Alcohol, Drug Abuse, and Mental Health Administration, Fiscal Management Controls Diagnostic Questionnaire for CMHC, Form ----, HRD/Lowry, Psychiatric facilities.
The Management of Group Practice Forms of Health Care Delivery, Form HRABHRD 0611, Occasional, Collins, Prepaid Medical groups, fee for service medical groups.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Resources Administration:
Applicant-Student Information System for Schools and Colleges of Optometry, Form HRABHRD 0425, Occasional, Reese, Applicants, students faculty, and administration of Optometry schools.
Analytic Study of Women in the Health Sector Labor Force, Form HRAOD 0610, Single time, Collins/Wann, Registered nurses, licensed practical nurses, dentists, dental hygienists.
Health Oriented Coding and Classification Systems Used in Federal and State Agencies, Form HRANCHS 0610, Single time, Peterson, Federal and State agencies collecting or involved with classification of morbidity.
Long Term Care Reimbursement Experiments-Evaluation of Experiments in Intermediate Care Facility, Home-maker, and Day Care Services, Sec. 222 P.L. 92-603, Form HRABHSR 0503, Occasional, HRD/Sunderhauf, Individuals.
Utilization of Physician's Assistants in Primary Care Mental Health, Form HRABHRD 0610, Occasional, Collins, Staff members and PA students of mental health institutes and clinics.
National Survey of Family Growth, Cycle II; Contract, Form HRANCHS 0606, Single time, Reese/Wann, Ever-married women 15 to 45 years of age.

REVISIONS

ENVIRONMENTAL PROTECTION AGENCY

Pesticide Episode Reporting Form, Forms EPA T31, EPA 8550-5, Occasional, Caywood, All state and Federal agencies involved in Pesticide accident surveillance system.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Housing Production and Mortgage Credit:
Mortgagee's Certification and Application for Interest Reduction Payments, Form FHA 3111, Monthly, CVA, Mortgagees.
Substantial Readiness for Occupancy Certification, Form FHA 3195, Occasional, CVA, Mortgagees.

EXTENSIONS

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service Regulations: Dairy Indemnity Program Form ----, Occasional, Evinger, Dairy producers.

ENVIRONMENTAL PROTECTION AGENCY

Interim Application for Ocean Disposal Permits, Form ----, Occasional, Evinger, Ocean dumpers.

FEDERAL RESERVE BOARD

Monthly Report on Maturities of Negotiable Time Certificates, Form FR 416b, Monthly, Evinger, Large banks.
Weekly Report of Loans and Securities, Form FR 644, Weekly, Evinger, Smaller member banks.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education: Lender's Application for Federal Loan Insurance Comprehensive Certificate, Form OE 1156-1, Annual, Evinger, Government agencies.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.74-14275 Filed 6-19-74;8:45 am]

POSTAL RATE COMMISSION

POSTAL FACILITIES

Notice of Visit

JUNE 18, 1974.

Notice is hereby given that employees of the Postal Rate Commission will be visiting Postal Service facilities at New York, New York, and Washington, D.C., on Monday, June 24, 1974, for the purpose of acquiring general background knowledge of postal operations.

No particular matter at issue in contested proceedings before the Commission nor the substantive merits of a matter that is likely to become a particular matter at issue in contested proceedings before the Commission will be discussed.

A report of the visit will be on file in the Commission's docket room.

By direction of the Commission.

JOSEPH A. FISHER,
Secretary.

[FR Doc.74-14308 Filed 6-19-74;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

CANADIAN JAVELIN, LTD.

Suspension of Trading

JUNE 14, 1974.

The common stock of Canadian Javelin, Ltd. being traded on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Canadian Javelin, Ltd. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from June 17, 1974 through June 26, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-14165 Filed 6-19-74;8:45 am]

[File No. 500-1]

CONTINENTAL VENDING MACHINE CORP.

Suspension of Trading

JUNE 13, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Continental Vending Machine Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from June 14, 1974 through June 23, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-14170 Filed 6-19-74;8:45 am]

[File No. 500-1]

FIRST WISCONSIN MORTGAGE TRUST

Suspension of Trading

JUNE 13, 1974.

The shares of beneficial interest of First Wisconsin Mortgage Trust being traded on the New York Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of First Wisconsin Mortgage Trust being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from 11:15 a.m. (e.d.t.) on June 13, 1974 continuing through June 22, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-14162 Filed 6-19-74;8:45 am]

[File No. 500-1]

FRANKLIN NATIONAL BANK

Suspension of Trading

JUNE 13, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the preferred stock of Franklin National Bank (New York, N.Y.) being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from June 14, 1974 through June 23, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-14169 Filed 6-19-74;8:45 am]

[File No. 500-1]

FRANKLIN NEW YORK CORP.

Suspension of Trading

JUNE 13, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common and preferred stock of Franklin New York Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from June 14, 1974 through June 23, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-14164 Filed 6-19-74;8:45 am]

MIDDLE SOUTH UTILITIES, INC., ET AL.

Post-Effective Amendment Regarding Proposed Sale and Leaseback of Oil Storage Facilities

JUNE 14, 1974.

In the Matter of Middle South Utilities, Inc., 280 Park Avenue, New York, New York 10017; System Fuels, Inc., 225 Baronne Street, New Orleans, Louisiana 70112; Louisiana Power & Light Company, 142 Delaronde Street, New Orleans, Louisiana 70174; Arkansas Power & Light Company, Mississippi Power & Light Company, and New Orleans Public Service Inc.

Notice is hereby given that System Fuels, Inc. ("SFI"), a jointly-owned nonutility subsidiary company of Arkansas Power & Light Company, Louisiana Power & Light Company ("LP&L"), Mississippi Power & Light Company and New Orleans Public Service, Inc., each an electric utility subsidiary company of Middle South Utilities, Inc. ("MSU"), a registered holding company, have jointly filed with this Commission a third post-effective amendment to their previous amended application-declaration in this proceeding, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 12(b) and 12(f) of the Act and Rule 45 promulgated thereunder as applicable to the following proposed transactions. All interested persons are referred to said post-effective amendment, which is summarized below, for a complete statement of the proposed transactions.

By Order dated December 17, 1973 (HCAR No. 18221), the Commission, among other things, authorized LP&L to sell to SFI certain oil storage facilities ("Equipment") consisting of two oil storage tanks (380,000 bbl. and 50,000 bbl. capacity, respectively), together with related docking, unloading, auxiliary and control equipment located at LP&L's Waterford Steam Electric Generating Station near Taft, Louisiana (the "Premises"), and to grant to SFI the necessary land rights for the operation and maintenance of the Equipment. It had been there indicated that, in lieu of direct purchase and ownership, SFI was studying the feasibility of leasing oil storage and handling facilities.

It is now proposed (i) that LP&L sell the Equipment and Premises to a non-affiliate and (ii) that SFI lease said properties under a long-term lease. To that end, it is proposed that LP&L, via a Conveyance, will sell, assign or convey the Equipment and Premises to Unilease No. 10, Inc. (herein referred to as "Unilease" or "Lessor"), a single-purpose subsidiary company of Equilease Corporation which in turn is a wholly-owned subsidiary company of ELTRA Corporation. Simultaneously, Unilease will lease the Equipment and Premises (and lease or assign the related land rights) to SFI. During the term of the lease ("Lease"), the Equipment will be operated by LP&L for SFI as heretofore authorized by said Order of December 17, 1973.

Unilease was organized as a Delaware corporation in 1973. It will engage solely in the business of owning and financing the Equipment and Premises. Neither Unilease, Equilease Corporation nor ELTRA Corporation is affiliated with any company in the Middle South Utilities System ("System").

The conveyance and financing. LP&L's book cost of the Equipment upon completion of construction thereof is estimated at $5,300,000, including interest during construction; and its allocated book cost of the Premises is $13,200. Conveyance of the Equipment and Premises to Unilease will be effected at LP&L's total book cost thereof; provided, however, that if said cost plus Unilease' "transaction costs" (estimated at $160,000) exceeds Unilease' "Maximum Commitment," stipulated as $5,267,606, SFI will pay the excess. Said "transaction costs" include counsel fees and expenses of Unilease and of the purchaser of Unilease' Note (see below); a placement fee of ½ of 1 percent of the principal amount of said Note; and a com-

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mitment fee of ½ of 1 percent per annum on the principal amount of the Note. Under certain conditions set forth in the Conveyance, LP&L will have the option of repurchasing the property. The property will be conveyed free and clear of all liens, including that of LP&L's Mortgage dated April 1, 1944 and supplements thereto.

Unilease will finance the foregoing acquistion (i) by the use of its own equity funds in the amount of approximately 29 percent of the cost of the Equipment and (ii) the balance by the issuance and sale of a long-term Note to The Philadelphia Saving Fund Society. Based upon a total cost equal to the Maximum Commitment, such Note will be in the principal amount of $3,740,000. The Note will issue upon commencement of the Lease; will bear interest at 8.05 percent per annum; will mature on January 1, 1994, i.e., 19½ years from date of issue, with principal and interest payable in 39 equal consecutive semi-annual installments commencing six months after the start of the Lease; and will be non-callable except under certain circumstances including termination of the Lease. The Note will be secured by an assignment of the Lease and payments thereunder, and by a mortgage ("Mortgage") on the Equipment and Premises. The Mortgage will be subject at all times to the Lease and the Conveyance.

The lease. The lease will be a net lease having a initial 20-year term wherein SFI will be responsible for, among other things, operation, maintenance, risk of loss, insurance and certain specified taxes. The Lease may terminate at any time during its initial term upon any Event of Loss, as defined in the Lease, which includes (a) actual or constructive total loss of the Equipment, (b) theft or destruction of the Equipment or (c) specified governmental actions or regulations of an adverse nature. Upon expiration of the initial term, (1) SFI may extend the Lease on a year-to-year basis at the then fair market rental value of the Equipment and Premises, or (2) LP&L or SFI may purchase the Equipment at its then fair market sales value, and reacquire the Premises for the original cost thereof to Unilease.

Rental payments by SFI under the Lease will be based on Lessor's cost of the Equipment and Premises (not exceeding said Maximum Commitment of $5,267,606). The rentals will be payable semi-annually in equal amounts computed by multiplying the Equipment component of Lessor's cost by a "rental rate" of 4.1190%; said rental rate is understood by SFI as being equivalent to a simple interest cost of 5.74 percent per annum. In addition, the rental payments will include an interest cost of 8.05 percent per annum on the cost ($13,200) of the Premises. The semi-annual rental rate of 4.1190 percent is predicated, among other things, on Lessor's realization of certain assumed tax benefits ("perquisites"). In the event that any of such prequisites are not realized (other than by amendment of the Internal Revenue Code after commencement of the Lease) the rental rate will be adjusted accordingly; provided, that is SFI's annual interest cost would thereby rise to a level exceeding 7 percent per annum, either SFI or LP&L will have the right to terminate the Lease by repurchase of the Equipment and Premises upon payment of a then applicable termination price computed as provided in the Lease, and the Note will be repaid out of such termination price.

Based on the terms of the Lease and the approximate cost of the leased facilities, SFI estimates that its annual rental payments will amount to approximately $437,000. SFI states that rental payments under the Lease are such that SFI will not acquire any equity in the Equipment. Consequently, SFI will account for the Lease as a lease and proposes to charge the Lease payments to rental expense.

In order to effectuate the proposed transactions MSU proposes to guarantee the performance by SFI of its obligations under the Lease without recourse to SFI first being required, and MSU will consent to the Lease assignment.

It is stated that no State commission, and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. Fees and expenses to be incurred directly by SFI, LP&L and MSU in connection with the proposed transactions (as distinct from amounts payable by SFI to cover the excess, if any, of the Lessor's costs over its Maximum Commitment as hereinbefore set forth) are estimated at $57,800 including counsel fees of $35,000, $19,500 and $2,500 for SFI, LP&L and MSU, respectively, and $500 for services rendered at cost by the System service company, Middle South Services, Inc.

Notice is further given that any interested person may, not later than July 11, 1974, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration as further amended by said post-effective amendment which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended by said post-effective amendment or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-14163 Filed 6-19-74;8:45 am]

[Release No. 34-10851]

REPORTING OF TRANSACTIONS IN LISTED SECURITIES

Exemptions Pursuant to Consolidated Tape Plan

Notice is hereby given that the Commission, acting pursuant to paragraph (h) of Rule 17a-15 (17 CFR 240.17a-15) under the Securities Exchange Act of 1934 (the "Rule"),[1] has exempted from the provisions thereof reporting in *all* listed securities which are not eligible for reporting pursuant to a consolidated tape plan declared effective by the Commission pursuant to the Rule.

Although Rule 17a-15 requires the consolidated reporting of transactions in all listed securities, the consolidated tape plan filed jointly by the New York, American, Midwest, Pacific and PBW Stock Exchanges and the National Association of Securities Dealers, Inc. (the "Joint Plan"), declared effective by the Commission as of May 17, 1974,[2] limits such consolidated reporting to a class of securities defined as "Eligible Securities."[3] The Commission approved this limitation in declaring the Joint Plan effective. In view of various exemption requests the Commission has received from certain national securities exchanges,[4] and in view of the unqualified requirement in Rule 17a-15 that transactions in all listed securities be reported on a consolidated basis, the Commission has determined to exempt from the consolidating reporting requirements of the Rule transactions in all listed securities which do not meet the eligibility criteria of Section VI of the Joint Plan declared effective by the Commission.

The Securities and Exchange Commission, having determined that it is not necessary in the public interest or for the protection of investors that listed securities not meeting the eligibility criteria of the consolidated tape plan declared effective by the Commission be subject to the provisions of Rule 17a-15, hereby exempts from the provisions of the Rule, pursuant to paragraph (h) thereof, all listed securities which do not meet the eligibility criteria of Section VI of the consolidated tape plan declared effective by the Commission.[5]

(Secs. 17(a), 23(a), 48 Stat. 897, 901, 49 Stat. 1379, 52 Stat. 1076 (15 U.S.C. 78q, 78w))

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

JUNE 13, 1974.

[FR Doc.74-14173 Filed 6-19-74;8:45 am]

[File No. 500-1]

ROYAL PROPERTIES INC.

Suspension of Trading

JUNE 14, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Royal Properties Incorporated being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from June 17, 1974 through June 26, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-14166 Filed 6-19-74;8:45 am]

[File No. 500-1]

SPORTSWORLD PROPERTIES, INC.

Suspension of Trading

JUNE 14, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Sportsworld Properties, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from June 14, 1974 through Midnight (e.d.t.) on June 23, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-14168 Filed 6-19-74;8:45 am]

[File No. 500-1]

STRATTON GROUP, LTD.

Suspension of Trading

JUNE 13, 1974.

The common stock of Stratton Group, Ltd. being traded on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Stratton Group, Ltd. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from June 14, 1974 through June 23, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-14171 Filed 6-19-74;8:45 am]

[File No. 500-1]

WINNER INDUSTRIES, INC.

Suspension of Trading

JUNE 14, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Winner Industries, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from June 17, 1974 through June 26, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-14167 Filed 6-19-74;8:45 am]

SMALL BUSINESS ADMINISTRATION

[Notice of Disaster Loan Area 1075]

ARKANSAS

Disaster Relief Loan Availability

As a result of the President's declaration of the State of Arkansas as a major disaster area following tornadoes beginning on or about June 6, 1974, applications for disaster relief loans will be accepted by the Small Business Administration from tornado victims in the following County: St. Francis, and adjacent affected areas. Adjacent areas include only counties within the State for which the declaration is made and do not extend beyond state lines.

Applications may be filed at the:

Small Business Administration
District Office
600 West Capital Avenue
Little Rock, Arkansas 72201

and at such temporary offices as are established. Such addresses will be announced locally.

Applications for disaster loans under this announcement must be filed not later than August 9, 1974.

Dated: June 12, 1974.

WILLIAM M. LENDMAN,
Acting Administrator.

[FR Doc.74-14135 Filed 6-19-74;8:45 am]

[Notice of Disaster Loan Area 1072]

ILLINOIS

Disaster Relief Loan Availability

As a result of the President's declaration of the State of Illinois as a major disaster area following heavy rains and flooding beginning on or about May 17, 1974, applications for disaster relief loans will be accepted by the Small Business Administration from victims in the following Counties: Adams, Brown, Bureau, Carroll, Clark, Coles, Cumberland, Edgar, Hancock, Jo Daviess, La Salle, Lee, Logan, McHenry, Macon, Mercer, Pike, Rock Island, Sangamon, Stephenson, Whiteside, and Winnebago, and adjacent affected areas. Adjacent areas include only counties within the State for which the declaration is made and do not extend beyond State lines.

Applications may be filed at the:

Small Business Administration
Regional Office
219 South Dearborn Street
Chicago, Illinois 60604

and at such temporary offices as are established. Such addresses will be announced locally.

Applications for disaster loans under this announcement must be filed not later than August 9, 1974.

Dated: June 12, 1974.

WILLIAM M. LENDMAN,
Acting Administrator.

[FR Doc.74-14132 Filed 6-19-74;8:45 am]

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[1] Paragraph (h) of Rule 17a-15 provides that the Commission may "exempt from the provisions of [the] Rule, either unconditionally or on specified terms and conditions, any exchange, association, broker, dealer, vendor or specified type of securities if the Commission determines that it is not necessary in the public interest or for the protection of investors that such exchange, association, broker, dealer, vendor or type of security be subject to the provisions of [the] Rule."

[2] Announced in Securities Exchange Act Release No. 10787 (May 10, 1974).

[3] Initially, Eligible Securities will include all securities presently listed on the New York Stock Exchange (the "NYSE") and the American Stock Exchange (the "Amex") and securities listed or admitted to unlisted trading privileges on other registered national securities exchanges if they substantially meet the listing standards of the NYSE or Amex. After the date "Phase II" commences, the term Eligible Securities will include any security which becomes listed and which, at the time of listing or commencement of trading, substantially meets the listing requirements of the NYSE or Amex, as they may be in effect at that time. Securities shall cease to be Eligible Securities whenever they do not substantially meet the listing criteria from time to time in effect for continued listing on the NYSE or Amex.

[4] Securities Exchange Act Release No. 10135 (May 4, 1973).

[5] Any future amendment to the eligibility criteria contained in such plan necessarily will effect a corresponding modification in the scope of this exemption.

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[License No. 02/02-0273]

INVERNESS CAPITAL CORP.

Filing of Application for Transfer of Control of Licensed Small Business Investment Company

Correction

In FR Doc. 74-13856 appearing on page 21092 in the issue for Tuesday, June 18, 1974, the closing date for receipt of comments was incorrectly stated as July 28, 1974. The correct closing date should read: "June 30, 1974."

[Notice of Disaster Loan Area 1071]

KANSAS

Disaster Relief Loan Availability

As a result of the President's declaration of the State of Kansas as a major disaster area following severe storms and flooding beginning on or about June 7, 1974, applications for disaster relief loans will be accepted by the Small Business Administration from disaster victims in the following County: Lyon, and adjacent affected areas. Adjacent areas include only counties within the State for which the declaration is made and do not extend beyond state lines.

Applications may be filed at the:

Small Business Administration
District Office
120 South Market Street
Wichita, Kansas 67202

and at such temporary offices as are established. Such addresses will be announced locally.

Applications for disaster loans under this announcement must be filed not later than August 9, 1974.

Dated: June 12, 1974.

WILLIAM M. LENDMAN,
Acting Administrator.

[FR Doc.74-14131 Filed 6-19-74;8:45 am]

[Notice of Disaster Loan Area 1074]

MINNESOTA

Disaster Relief Loan Availability

As a result of the President's declaration of the State of Minnesota as a major disaster area following heavy rains and flooding beginning on or about April 10, 1974, applications for disaster relief loans will be accepted by the Small Business Administration from flood victims in the following Counties: Kittson, Marshall, Norman, Red Lake and Roseau Counties, and adjacent affected areas. Adjacent areas include only counties within the State for which the declaration is made and do not extend beyond State lines.

Applications may be filed at the:

Small Business Administration
District Office
Plymouth Building
12 South Sixth Street
Minneapolis, Minnesota 55402

and at such temporary offices as are established. Such addresses will be announced locally.

Applications for disaster loans under this announcement must be filed not later than August 9, 1974.

Dated: June 12, 1974.

WILLIAM M. LENDMAN,
Acting Administrator.

[FR Doc.74-14136 Filed 6-19-74;8:45 am]

[Declaration of Disaster Loan Area 1073]

NEW YORK

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of May 1974, because of the effects of a certain disaster, damage resulted to property located in the State of New York;

Whereas, the Small Business Administration has investigated and received reports of other investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended:

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in Monroe and Orleans Counties, and adjacent affected areas (adjacent areas include only counties within the State for which the declaration is made and do not extend beyond state lines), suffered damage or destruction resulting from flooding which occurred during the period May 16-17, 1974.

Office:

Small Business Administration
District Office
Fayette and Salina Streets
Syracuse, New York 13202

2. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to August 12, 1974.

Dated: June 12, 1974.

LOUIS F. LAUN,
Acting Administrator.

[FR Doc.74-14133 Filed 6-19-74;8:45 am]

[Notice of Disaster Loan Area 1070]

OKLAHOMA

Disaster Relief Loan Availability

As a result of the President's declaration of the State of Oklahoma as a major disaster area following severe storms and flooding beginning on or about June 7, 1974, applications for disaster relief loans will be accepted by the Small Business Administration from disaster victims in the following Counties: Adair, Creek, Lincoln, Logan, Mayes, Oklahoma, Rogers, and Tulsa Counties, and adjacent affected areas. Adjacent areas include only counties within the State for which the declaration is made and do not extend beyond state lines.

Applications may be filed at the:

Small Business Administration
District Office
50 Penn Place, Suite 1640
Oklahoma City, Oklahoma 73118

and at such temporary offices as are established. Such addresses will be announced locally.

Applications for disaster loans under this announcement must be filed not later than August 9, 1974.

Dated: June 12, 1974.

WILLIAM M. LENDMAN,
Acting Administrator.

[FR Doc.74-14130 Filed 6-19-74;8:45 am]

TARIFF COMMISSION

[337-36]

DOXYCYCLINE

Notice of Withholding of Proceedings

As a matter of comity, the Tariff Commission is withholding further action in its proceedings in Investigation No. 337-36, Doxycycline, pending the outcome of the appeal now pending before the U.S. Circuit Court of Appeals, 8th Circuit, in the case of Pfizer v. International Rectifier, No. 74-1425. Pfizer is appealing a preliminary injunction of the District Court for the District of Minnesota enjoining Pfizer from participating in the Commission's investigation and ordering Pfizer to request permission from the Commission to withdraw its complaint. The hearing scheduled for July 9, 1974, and other proceedings in this investigation are, accordingly, postponed until the lapse of a reasonable period after the decision of the appellate court. Notice of the investigation, scope of investigation and hearing was published in the FEDERAL REGISTER on May 29, 1974 (39 FR 18723).

By order of the Commission.

Issued: June 14, 1974.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.74-14094 Filed 6-19-74;8:45 am]

[332-70]

TARIFF NOMENCLATURE

Notice of Hearings

The U.S. Tariff Commission hereby gives notice that preliminary drafts of the following chapters of the Tariff Schedules of the United States (TSUS) converted to the format of the Brussels Tariff Nomenclature (BTN):

Chapter 7: Edible vegetables and certain roots and tubers.
Chapter 8: Edible fruit and nuts.
Chapter 20: Preparations of vegetables, fruit, or other parts of plants; vegetable or fruit juices.
Chapter 88: Aircraft and spacecraft and parts thereof; parachutes; catapults and similar aircraft-launching gear; ground flying trainers.

are being released today and that public hearings thereon will begin at 10 a.m., p.d.t., on July 15, 1974, at the U.S. Court of Claims, Federal Office Building, 450 Golden Gate Avenue, San Francisco, California 94102. The purpose of this hearing is to obtain the comments and views of interested parties on the preliminary draft conversion.

Requests to appear at the hearings on these chapters must be filed in writing with the Secretary of the Commission not later than July 8, 1974. Parties who have properly entered an appearance by this date will be individually notified of the date on which they are scheduled to appear. Such notice will be sent as soon as possible after July 8, 1974. Any persons who fail to receive such notification by July 11, 1974, should immediately communicate with the Office of the Secretary of the Commission.

In its public notice issued March 8, 1974, regarding hearings on other chapters of the draft converted schedules (39 FR 9719 of March 13, 1974) interested parties were notified regarding the rules governing the conduct of the hearings, and the submission of written statements. The Commission's notice of March 8, 1974, applies to the hearings on the chapters being released today to the extent that it is applicable.

As each of the chapters is completed and released, copies thereof are made available for public inspection at the Offices of the Commission in Washington, D.C., and New York; at all field offices of the Department of Commerce; and at the offices of Regional and District Directors of Customs. The locations of these offices are listed in the notice of March 8, 1974.

By order of the Commission.

Issued: June 14, 1974.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.74-14095 Filed 6-19-74;8:45 am]

DEPARTMENT OF LABOR [1]

Occupational Safety and Health Administration

[V-74-33]

GRANITE CITY STEEL CO.

Notice of Application for Variance and Interim Order; Grant of Interim Order

I. *Notice of application.* Notice is hereby given that Granite City Steel Company, 20th & State Street, Granite City, Illinois 62040, has made application pursuant to section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1596; 29 U.S.C. 655), and 29 CFR 1905.11 for a variance, and interim order pending a decision on the application for a variance, from the standards prescribed in 29 CFR 1910.243(b)(1) which concerns guarding of pneumatic powered tools.

The address of the place of employment that will be affected by the application is as follows:

Granite City Steel Company
20th and State Street
Granite City, Illinois 62040

The applicant certifies that employees who would be affected by the variance have been notified of the application by giving a copy of it to their authorized employee representative, and by posting a copy at all places where notices to employees are normally posted. Employees have also been informed of their right to petition the Assistant Secretary for a hearing.

Regarding the merits of the application, the applicant contends that it is providing a place of employment as safe as that required by 29 CFR 1910.243(b)(1) which requires installation of a tool retainer on equipment which may otherwise eject a tool.

The applicant stated that its employees use pneumatic powered chisels using 85 psi to clean ingot molds and occasionally ingot stools. The molds range in size from 32" x 36" x 112" to 32" x 63" x 112" in overall dimensions. The chisels normally used are 48" x 108" in length.

Eighty-five to ninety-five percent of the cleaning work is done on the interiors of the molds with the sides of the molds serving as partitions. While the interiors are being cleaned the molds are arranged in a parallel alignment with the employees working in the same direction. This precludes an employee using a tool in the direction of a co-worker. A minimum of 8-10 feet is maintained between workers.

When the ingot stools and the outside of the molds are cleaned, or when a chisel shorter than 48" is used, the work is done by a single employee working in an area isolated from other employees.

A copy of the application will be made available for inspection and copying upon request at the Office of Compliance Programming, U.S. Department of Labor, 1726 M Street, NW., Room 210, Washington, D.C. 20210, and at the following Regional and Area Offices:

U.S. Department of Labor
Occupational Safety and Health Administration
300 South Wacker Drive
Room 1201
Chicago, Illinois 60606

U.S. Department of Labor
Occupational Safety and Health Administration
300 South Wacker Drive
Room 1200
Chicago, Illinois 60606

All interested persons, including employers and employees, who believe they would be affected by the grant or denial of the application for a variance are invited to submit written data, views and arguments relating to the pertinent application no later than July 22, 1974. In addition, employers and employees who believe they would be affected by a grant or denial of the variance may request a hearing on the application no later than July 22, 1974, in conformity with the requirements of 29 CFR 1905.15. Submission of written comments and requests for a hearing should be in quadruplicate, and must be addressed to the Office of Compliance Programming at the above address.

II. *Interim order.* It appears from the application for a variance and interim order that an interim order is necessary to prevent undue hardship to the applicant pending a decision on the variance. Therefore it is ordered, pursuant to the authority in section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970, and 29 CFR 1905.11(c) that Granite City Steel Company be, and it is hereby, authorized to use its pneumatic powered chisels without tool retainers provided that: (1) the molds are arranged in a parallel alignment while the interiors are being cleaned, and no employee uses the chisel in the direction of a co-worker; (2) work being done on the outside of a mold or a stool is performed by a single employee in an isolated area; and (3) all cleaning of molds and stools shall be done in areas separated from employees not engaged in this work by partitions or by distance adequate to insure safety.

Granite City Steel Company shall give notice of this interim order to employees affected thereby, by the same means required to be used to inform them of the application for a variance.

Effective date. This interim order shall be effective as of June 20, 1974, and shall

[1] An Office of Federal Contract Compliance document appears on page 22191 of this issue.

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remain in effect until a decision is rendered on the application for variance.

Signed at Washington, D.C., this 14th day of June 1974.

JOHN H. STENDER,
Assistant Secretary of Labor.

[FR Doc.74-14194 Filed 6-19-74;8:45 am]

[V-73-9]

MORRISON-QUIRK GRAIN CORP.

Grant of Variance

I. *Background.* Morrison-Quirk Grain Corporation, Box 609, Hastings, Nebraska 68901 made application pursuant to § 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1596; 29 U.S.C. 655), and 29 CFR 1905.11 for a variance, and for an interim order pending a decision on the application for a variance, from the safety standards prescribed in 29 CFR 1910.68(c) (1) (ii) (b) concerning the belt width of manlifts. The Facility affected by this application is Morrison-Quirk Grain Corporation, Box 609, Hastings, Nebraska 68901. Notice of the application, and of the granting of an interim order, was published in the FEDERAL REGISTER on February 8, 1973 (38 FR 3647). The notice invited interested persons, including affected employers and employees, to submit written data, views, and arguments regarding the grant or denial of the variance requested. In addition, affected employers and employees were notified of their right to request a hearing on the application for a variance. No written comments and no request for a hearing have been received.

II. *Facts.* The applicant has a manlift with a travel of 200 feet 10½ inches, and a belt width of 14 inches, rather than the 16 inch width required for belts with travel exceeding 150 feet, under 29 CFR 1910.68(c) (1) (ii) (b). The applicant has shown, with the results of tests conducted by an independent testing laboratory, that its present 14 inch wide belt has a minimum strength of 2,450 pounds per inch of width, or a total of 34,300 pounds for the entire width.

The applicant has also shown that its belt has a safety factor of over 8 to 1, which is a comparison of the 34,300 pounds minimum strength of the belt to a 4,060 pound weight on the belt. The 4,060 pound weight is derived by adding the total belt weight (1,260 pounds) to the total weight caused by 200 pounds being put on each of the manlifts 14 steps (2,800 pounds).

III. *Decision.* 29 CFR 1910.68(c) (1) (ii) (b) requires that the width of the manlift belt be not less than 16 inches for a travel exceeding 150 feet. This is intended to ensure sufficient belt strength so that there will be no danger of belt breakage.

The applicant's manlift belt travels 200 feet 10½ inches and has a minimum strength of 2,450 pounds per inch of width, equal to that required in Rule 200(c)(3) of ANSI A90.1-1969 for belts traveling in excess of 200 feet. In addition, the belt has a safety factor of over 8, which exceeds the safety factor of 6 required in Rule 206 of ANSI A90.1-1969.

Although the 14 inch belt meets the ANSI strength requirements of 2,450 pounds per square inch for belts traveling over 200 feet, it greatly exceeds the requirements of 1,800 pounds per square inch for those traveling 150-200 feet. This is taken into consideration since the travel on this manlift exceeds 200 feet by only 10½ inches. Additionally, the safety factor of 8 exceeds the ANSI requirement for a safety factor of 6. Therefore, it is decided that the applicant's 14 inch manlift belt results in employment and a place of employment as safe and healthful as would be created by the 16 inch belt required under 29 CFR 1910.68(c) (1) (ii) (b).

IV. *Order.* Pursuant to authority in § 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970, 29 CFR Part 1905, and in Secretary of Labor's Order No. 12-71 (36 FR 8754), it is ordered that Morrison-Quirk Grain Corporation be, and it is hereby, authorized to continue the use of the 14 inch wide manlift belt as described in its application, in lieu of complying with 29 CFR 1910.68(c) (1) (ii) (b).

As soon as possible, Morrison-Quirk Grain Corporation shall give notice to affected employees of the terms of this order by the same means required to be used to inform them of the application for variance.

Effective date. This order shall become effective on June 20, 1974, and shall remain in effect until modified or revoked in accordance with section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970.

Signed at Washington, D.C., this 14th day of June 1974.

JOHN H. STENDER,
Assistant Secretary of Labor.

[FR Doc.74-14193 Filed 6-19-74;8:45 am]

Wage and Hour Division

LEARNERS

Certificates Authorizing Employment At Special Minimum Wages

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), and Administrative Order No. 621 (36 FR 12819) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. For each certificate, the effective and expiration dates, number or proportion of learners and the principal product manufactured by the establishment are as indicated. Conditions on occupations, wage rates, and learning periods which are provided in certificates issued under the supplemental industry regulations cited in the captions below are as established in those regulations; such conditions in certificates not issued under the supplemental industry regulations are as listed.

The following certificates were issued under the apparel industry learner regulations (29 CFR 522.1 to 522.9, as amended and 522.20 to 522.25, as amended). The following normal labor turnover certificates authorize 10 percent of the total number of factory production workers except as otherwise indicated.

C & J Manufacturing Co., Eastman, Ga.; 1-24-74 to 1-23-75 (boys' shirts).

Chester Manufacturing Co., Henderson, Tenn.; 1-31-74 to 1-30-75 (juveniles' pants).

Clarkrange Industries, Inc., Clarkrange, Tenn.; 2-4-74 to 2-3-75 (women's and girls' pants).

Colshire Manufacturing Co., Inc., Morgantown, W. Va.; 2-12-74 to 2-11-75 (men's pajamas).

Connellsville Sportswear Co., Connellsville, Pa.; 2-11-74 to 2-10-75 (men's and boys' pants).

Corbin, Ltd., Huntington, W. Va.; 2-22-74 to 2-21-75 (men's pants).

Crystal Springs Shirt Corp., Crystal Springs, Miss.; 3-4-74 to 3-3-75 (boys' shirts).

Donlin Sportswear, Inc., New Tazewell, Tenn.; 1-27-74 to 1-26-75 (men's shirts).

Eastwill Sportswear Co., Inc., Greenwood, S.C.; 2-2-74 to 2-1-75 (men's and boys' shirts).

Eden Industries, Inc., Manchester, Tenn.; 3-19-74 to 3-18-75 (men's and boys' pajamas).

Edison Textiles, Inc., Edison, Ga.; 2-22-74 to 2-21-75 (infants' and girls' outerwear).

Edison Textiles, Inc., Fort Gaines, Ga.; 3-19-74 to 3-18-75; 10 learners (infants' and girls' slacks, shorts and sun suits).

Elder Manufacturing Co., McLeansboro, Ill.; 2-7-74 to 2-6-75 (men's and boys' shirts).

Eudora Garment Corp., Eudora, Ark.; 2-20-74 to 2-19-75 (washable service apparel).

Flushing Shirt Manufacturing Co., Grantsville, Md.; 1-18-74 to 1-17-75 (men's shirts).

Glamorise Foundations, Inc., Dermott, Ark.; 1-7-74 to 1-6-75 (brassieres).

The Jay Garment Co., Brookville, Ind.; 2-3-74 to 2-2-75 (men's and boys' pants).

The Jay Garment Co., Portland, Ind.; 2-5-74 to 2-4-75 (men's work clothing).

The Jay Garment Co., Clarksville, Tenn.; 2-22-74 to 2-21-75 (men's work clothing).

Princess Kent, Inc., Fort Kent, Maine; 1-15-74 to 1-14-75; 10 learners (children's nightwear).

Rosebud Manufacturing Co., Vidalia, Ga.; 2-1-74 to 1-31-75 (women's lingerie).

Salant & Salant, Lawrenceburg, Tenn.; 1-20-74 to 1-19-75 (men's and boys' shirts and outerwear jackets).

Salant & Salant, Loretto, Tenn.; 1-20-74 to 1-19-75 (men's and boys' pants).

Salant & Salant, Parsons, Tenn.; 1-16-74 to 1-15-75 (men's pants).

Somerville Manufacturing Co., Inc., Somerville, Tenn.; 3-10-74 to 3-9-75 (men's pants).

Soperton Manufacturing Co., Soperton, Ga.; 2-9-74 to 2-8-75 (men's shirts).

Stitchcraft, Inc., Athens, Ga.; 2-15-74 to 2-14-75; 10 learners (women's dresses).

Tennessee Overall Co., Inc., Tullahoma, Tenn.; 1-29-74 to 1-28-75 (men's pants).

Vernon Manufacturing Co., Inc., Vernon, Tex.; 12-31-73 to 12-30-74 (men's and boys' pants and shorts).

W.S.W. Co. of Sharon, Inc., Sharon, Tenn.; 3-19-74 to 3-19-75 (children's pajamas).

Wentworth Manufacturing Co., Lake City, S.C.; 3-5-74 to 3-4-75 (women's dresses).

Wilker Bros. Co., Inc., McKenzie, Tenn.; 1-17-74 to 1-16-15 (men's and boys' pajamas).

The following plant expansion certificate was issued authorizing the number of learners indicated.

Franklin Garment Co., Franklin, Va.; 2-11-74 to 8-10-74; 20 learners (children's dresses).

The following certificate was issued under the glove industry learner regulations (29 CFR 522.1 to 522.9, as amended and 522.60 to 522.65, as amended).

Mid West Glove Corp., Chillicothe, Mo.; 2-25-74 to 2-24-75; 10 percent of the total number of machine stitchers for normal labor turnover purposes (leather, leather palm and cotton work gloves).

The following learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number of learners authorized to be employed, are indicated.

D & D Fashions, Inc., Las Piedras, P.R.; 2-25-74 to 2-24-75; 12 learners for normal labor turnover purposes in the occupation of sewing machine operating for a learning period of 320 hours at the rate of $1.39 an hour (ladies' underwear and shifts).

Surtex-Division Stretch Wear Manufacturing Co., Inc., Coamo, P.R.; 3-11-74 to 3-10-75; 10 learners for normal labor turnover purposes in the occupation of sewing machine operating for a learning period of 480 hours at the rates of $1.28 an hour for the first 240 hours and $1.41 an hour for the remaining 240 hours (ladies' nylon dress gloves).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in 29 CFR, Part 528. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof on or before July 5, 1974.

Signed at Washington, D.C., this 12th day of June 1974.

ARTHUR H. KORN,
Authorized Representative of the Administrator.

[FR Doc.74-14195 Filed 6-19-74;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 533]

ASSIGNMENT OF HEARINGS

JUNE 17, 1974.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC-134599 Sub 100, Interstate Contract Carrier Corp., now assigned September 17, 1974, at Washington, D.C., is cancelled and the application is dismissed.

MC-113678 Sub-504, Curtis, Inc., now being assigned September 23, 1974, at Columbus, Ohio, in a hearing room to be later designated.

MC-139343 Sub 2, Mexicoach, Inc., now being assigned hearing September 12, 1974 (2 days), at Los Angeles, Calif., in a hearing room to be later designated.

MC-61592 Sub 312, Jenkins Truck Line, Inc., now being assigned hearing September 10, 1974 (2 days), at Los Angeles, Calif., in a hearing room to be later designated.

MC-113678 Sub 523, Curtis, Inc., now being assigned hearing September 16, 1974 (1 day), at Los Angeles, Calif., in a hearing room to be later designated.

MC-110420 Sub 694, Quality Carriers, Inc., now assigned July 23, 1974, will be held in Room 286 & Room 834, Tax Court, Everett McKinley Dirksen Bldg., 219 South Dearborn Street, Chicago, Ill.

MC-134599 Sub 98, Interstate Contract Carrier Corp., now assigned July 25, 1974, will be held in Room 1743, Tax Court, Everett McKinley Dirksen Bldg, 219 South Dearborn Street, Chicago, Ill.

FF-252 Sub 3, Chi-Can Freight Forwarding, LTD., now assigned July 29, 1974, will be held in Room 1743, Tax Court, Everett McKinley Dirksen Bldg, 219 South Dearborn Street, Chicago, Ill.

Finance Docket No. 27620, Maine Central Railroad Company v. Amoskeag Company, Frederick C. Dumaine and Dumaines; and Finance Docket No. 27620, Amoskeag Company—Control—Maine Central Railroad Company, now assigned July 1, 1974, at Washington, D.C., is postponed to July 22, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-C-8315, Larry A. Penner, dba Penner's Feed and Supply—Investigation of Operations, now being assigned hearing October 1, 1974 (2 days), at Kansas City, Mo., in a hearing room to be later designated.

MC 111231 Sub 183, Jones Truck Lines, Inc., now being assigned hearing October 3, 1974 (2 days), at Kansas City, Mo., in a hearing room to be later designated.

MC 124211 Sub 235, Hilt Truck Lines, Inc., now being assigned hearing October 7, 1974 (3 days), at Kansas City, Mo., in a hearing room to be later designated.

MC 128981 Sub 7, Land-Air Delivery, Inc., now being assigned hearing October 10, 1974 (2 days), at Kansas City, Mo., in a hearing room to be later designated.

MC-56640 Sub 31, Delta Lines, Inc., now being assigned hearing September 17, 1974 (9 days), at Los Angeles, Calif., in a hearing room to be later designated.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-14188 Filed 6-19-74;8:45 am]

[Rule 19; Ex Parte No. 241, Exemption No. 22]

ATCHISON, TOPEKA, AND SANTA FE RAILWAY COMPANY

Exemption Under Mandatory Car Service Rules

It appearing, That there are substantial movements of grain and grain products moving in plain, forty-foot, narow-door boxcars between points on the following railroads: [1]

[1] Union Pacific Railroad Company eliminated.

The Atchison, Topeka and Santa Fe Railway Company [2]
Burlington Northern Inc.[2]
Chicago, Rock Island and Pacific Railroad Company
Missouri Pacific Railroad Company
St. Louis-San Francisco Railway Company

and that unlimited exchange of such cars among these railroads will increase car utilization by reductions in switching and other movements of empty cars.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, plain boxcars described in the Official Railway Equipment Register, I.C.C. R.E.R. No. 391, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation XM, with inside length 44 ft. 6 in. or less and equipped with doors less than 9 feet wide owned by any of the aforementioned railroads and located empty on such lines, may be loaded with grain or grain products, as defined herein, to stations located on any of the aforementioned railroads. When so loaded, such cars shall be exempt from the provisions of Car Service Rules 1 and 2.

The term *grain and grain products* shall comprise the commodities specifically named in Lists 1, 2, 5, 6, 7, and 8 published in Western Trunk Lines Freight Tariff 330-U, ICC A-4797, issued by Fred Ofcky, supplements thereto, or consecutive issues thereof.

Effective: June 10, 1974.

Expires June 30, 1974.

Issued at Washington, D.C., June 10, 1974.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.74-14190 Filed 6-19-74;8:45 am]

[Rule 19; Ex Parte No. 241, Exemption No. 12]

ATLANTIC AND WESTERN RAILWAY, ET AL.

Exemption Under Mandatory Car Service Rules

It appearing, That the railroads named herein own numerous plain boxcars; that under present conditions, there is virtually no demand for these cars on the lines of the car owners; that return of these cars to the car owners would result in their being stored idle on these lines; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the car owners; and that compliance with Car Service Rules 1 and 2 prevents such use of plain boxcars owned by the railroads listed herein, resulting in unnecessary loss of utilization of such cars.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, plain boxcars described in the Official Railway Equipment Register, I.C.C. R.E.R. No. 391, issued by W. J. Trezise,

[2] The Atchison, Topeka and Santa Fe Railway Company and Burlington Northern Inc., added.

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or successive issues thereof, as having mechanical designation XM, and bearing reporting marks assigned to the railroads named below, shall be exempt from the provisions of Car Service Rules 1(a), 2(a), and 2(b).

Atlantic and Western Railway
Minneapolis, Northfield and Southern Railway[1]
Reporting marks: MNS
Pickens Railroad Company
PICK
Roscoe, Snyder and Pacific Railway Company
Reporting marks: PICK
Wellsville, Addison & Galeton Railroad Corporation
Reporting marks: WAG
Wellsville, Addison & Goleton Railroad Corporation
Reporting marks: RSP

Effective June 7, 1974, and continuing in effect until further order of this Commission.

Issued at Washington, D.C., June 7, 1974.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.74-14189 Filed 6-19-74;8:45 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 17, 1974.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1100.40) and filed on or before July 5, 1974.

FSA No. 42842—*Clay from Points in Georgia and South Carolina.* Filed by M. B. Hart, Jr., Agent (No. A6338), for interested rail carriers. Rates on clay, processed, in carloads, as described in the application, from Toomsboro, Georgia, also points in Georgia and South Carolina named in the application, to Texarkana, Arkansas, and Plaquemine, Louisiana.

Grounds for relief—Rate relationship.

Tariff—Supplement 17 to Southern Freight Association, Agent, tariff S/SW-921-D, I.C.C. No. S-1095. Rates are published to become effective on July 18, 1974.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-14186 Filed 6-19-74;8:45 am]

[1] Addition.

Office of Proceedings

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY—ELIMINATION OF GATEWAY APPLICATIONS

JUNE 17, 1974.

The following applications to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065(d)(2)), and notice thereof to all interested persons is hereby given as provided in such rules.

Carriers having a genuine interest in an application may file an original and three copies of verified statements in opposition with the Interstate Commerce Commission on or before July 22, 1974. (This procedure is outlined in the Commission's report and order in Gateway Elimination, 119 M.C.C. 530.) A copy of the verified statement in opposition must also be served upon applicant or its named representative. The verified statement should contain all the evidence upon which protestant relies in the application proceeding, including a detailed statement of protestant's interest in the proposal.

No. MC-106274 (Sub-No. 22 G), filed May 28, 1974. Applicant: RAEFORD TRUCKING COMPANY, P.O. Box 219, Sanford, N.C. 27330. Applicant's representative: EDWARD G. VILLALON, Suite 1032 Pennsylvania Bldg., Pennsylvania Ave., & 13th Street, NW. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Proposal 1: *Plywood*, from points in Chatham County, N.C., to points in South Carolina west of a line beginning at Interstate Highway 85 and the South Carolina-North Carolina State line to its junction with South Carolina Highway 34, thence along South Carolina Highway 34 to its junction with U.S. Highway 401, thence along U.S. Highway 401 to its junction with U.S. Highway 301, thence along U.S. Highway 301 to the South Carolina-Georgia State line (except Anderson and Greenville). The purpose of this filing is to eliminate the gateway of points in Sampson County, N.C. Proposal 2: *Lumber* (except plywood and veneer) from points in Pennsylvania on and west of a line beginning at the junction of the Pennsylvania-Maryland State line and U.S. Highway 219, thence along U.S. Highway 219 to its junction with Interstate Highway 80, thence along Interstate Highway 80 to the Pennsylvania-Ohio State line, to points in Henry County, Va. The purpose of this filing is to eliminate the gateway points in Caswell County, N.C. Proposal 3: *Lumber*, (except plywood and veneer) from points in Spartanburg County, S.C., to points in Pennsylvania west of a line beginning at the Pennsylvania-Maryland State line and extending along U.S. Highway 220 to its junction with Pennsylvania Highway 36, thence along Pennsylvania Highway 36 to its junction with U.S. Highway 219, thence along U.S. Highway 219 to its junction with Pennsylvania Highway 948, thence along Pennsylvania Highway 948 to its junction with U.S. Highway 6, thence along U.S. Highway 6 to its junction with U.S. Highway 62, thence along U.S. Highway 62 to the Pennsylvania-New York State line. The purpose of this filing is to eliminate the gateway of Raeford, N.C.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's *Gateway Elimination* Rules (49 CFR 1065(a)), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission *within 10 days* from the date of this publication. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will *not* operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC-2473 (Sub-No. E2), filed May 13, 1974. Applicant: BILLINGS TRANSFER CORP., INC., Green Needles Road, Lexington, N.C. 27292. Applicant's representative: Charles Ephraim, 1250 Connecticut Ave., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture, plywood, and cotton products*, (A) from points in Grayson, Carroll, Patrick, and Henry Counties, Va., points in Forsyth, Guilford, Davison, and Stokes Counties, N.C., and points in those parts of North Carolina, South Carolina, and Tennessee within 100 miles of Forsyth, Guilford, Davidson, and Stokes Counties, N.C. (except those points in North Carolina in and east of the counties of Person, Durham, Wake, Johnson, Sampson, Bladen, and Columbus), to Washington, D.C., Baltimore, Md., Wilmington, Del., points in New Jersey, points in that part of Pennsylvania on and south of U.S. Highway 22 from Easton to Harrisburg, and east of the Susquehanna River from Harrisburg to the Pennsylvania-Maryland State line, and New York, N.Y., and points in New York within 20 miles thereof; (B) from points in Person and Durham Counties, N.Y., to Wilmington, Del., points in New Jersey, points in that part of Pennsylvania on and south of U.S. Highway 22 from Easton to Harrisburg, and east of the Susquehanna River from Harrisburg to the Pennsylvania-Maryland State line, and New York, N.Y., and points in New York within 20 miles thereof;

(C) From points in Wake County, N.C., to points in New Jersey, points in that part of Pennsylvania on and south of U.S. Highway 22 from Easton to Harrisburg, and east of the Susquehanna River from Harrisburg, to the Pennsylvania-Maryland State line, and New York, N.Y., and points in New York within 20 miles thereof; (D) from points in Pittsylvania County, Va., to Baltimore, Md., Wilmington, Del., points in New Jersey, points in that part of Pennsylvania on and south of U.S. Highway 22 from Easton to Harrisburg and east of the Susquehanna River from Harrisburg, to the Pennsylvania-Maryland State line, and New York, N.Y., and points in New York within 20 miles thereof; (E) from points in those parts of Montgomery, Floyd, Pulaski, Bland, Wythe, Tazewell, Smyth, Washington, Russell, Dickenson, and Buchanan Counties, Va., within 100 miles of Forsyth, Guilford, Davidson, or Stokes Counties, N.C., to New York, N.Y., and points in New York within 20 miles thereof, and points in that part of New Jersey in and east of Passaic, Essex, Union, Somerset, Middlesex, Monmouth, and Ocean Counties; (F) from Richmond and Hopewell, Va., and points in that part of Virginia within 100 miles of Forsyth, Guilford, Davidson, or Stokes Counties, N.C., to points in South Carolina; (G) from Norfolk, Va., to points in South Carolina (except points in Horry, Dillon, Marlboro, and Georgetown Counties); (H) from points in that part of Tennessee within 100 miles of Forsyth, Guilford, Davidson, or Stokes Counties, N.C., to points in that part of South Carolina east of Chesterfield, Kershaw, Richland, Calhoun, Orangeburg, Bamberg, and Allendale Counties;

(I) From points in Avery, Watauga, Ashe, Alleghany, Surry, Stokes, Rockingham, Caswell, Orange, Alamance, Guilford, Chatham, Randolph, Montgomery, Stanley, Cabarrus, Iredell, Yadkin, Alexander, and Wilkes Counties, N.C., and points in those parts of Mitchell and Yancey Counties, N.C., within 100 miles of Forsyth, Guilford, Davidson, or Stokes Counties, N.C., to points in South Carolina; (J) from points in Durham, Person, Granville, Franklin, Vance and Warren Counties, N.C., and points in those parts of Halifax and Northampton Counties, N.C., within 100 miles of Forsyth, Guilford, Davidson, or Stokes Counties, N.C., to points in South Carolina (except points in Chesterfield, Marlboro, Darlington, Dillon, Florence, Marion, and Horry Counties); (K) from points in Nash and Johnston Counties, N.C., and points in those parts of Edgecombe, Wilson, and Wayne Counties, N.C., within 100 miles of Forsyth, Guilford, Davidson, or Stokes Counties, N.C., to points in that part of South Carolina, west of Lancaster, Kershaw, Sumter, Clarendon, Berkeley, Dorchester, and Colleton Counties; (L) from points and places in Wake County, N.C., to points in that part of South Carolina in and west of Cherokee, Union, Newberry, Lexington, Orangeburg, Dorchester, and Colleton Counties; (M) from points in Lee, Harnett, Cumberland, Hoke and Moore Counties, N.C., and points in those parts of Sampson and Duplin Counties, N.C., within 100 miles of Forsyth, Guilford, Davidson, or Stokes Counties, N.C., to points in that part of South Carolina in and west of Cherokee, Union, Newberry, Richland, Lexington, and Aiken Counties; (N) from points in Anson, Richmond, Scotland, and Robeson Counties, N.C., and points those parts of Bladen and Columbus Counties, N.C., within 100 miles of Forsyth, Guilford, Davidson, or Stokes Counties, N.C., to points in that part of South Carolina in and west of Cherokee; Spartanburg, Greenville, and Abbeville Counties; (O) from points in Caldwell, Catawba, Lincoln, Burke and McDowell Counties, N.C., and points in that part of Buncombe County, N.C., within 100 miles of Forsyth, Guilford, Davidson, or Stokes Counties, N.C., to points in that part of South Carolina in and east of Chesterfield, Kershaw, Sumter, Calhoun, Orangeburg, Barnwell, Allendale, Hampton, and Jasper Counties; (P) from points in Gaston, Cleveland, and Rutherford Counties, N.C., and points in those parts of Polk and Henderson Counties, N.C., within 100 miles of Forsyth, Guilford, Davidson, or Stokes Counties, N.C., to points in that part of South Carolina in and east of Chesterfield, Lee, Sumter, Clarendon, Berkeley, Dorchester, Colleton, Hampton, and Jasper Counties; and (Q) from points in Union and Mecklenburg Counties, N.C., to points in that part of South Carolina in and east of Marion, Horry, Georgetown, Berkeley, Orangeburg, Barnwell, Allendale, Hampton, and Jasper Counties. The purpose of this filing is to eliminate the gateway of points in Forsyth, Guilford, Davidson, and Stokes Counties, N.C., within 40 miles of Lexington, N.C., including Lexington, N.C.

No. MC-2473 (Sub-No. E3), filed May 13, 1974. Applicant: BILLINGS TRANSFER CORP., INC., Green Needles Road, Lexington, N.C. 27292. Applicant's representative: Charles Ephraim, 1250 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, plywood, and cotton products, from Baltimore, Md., New York, N.Y., and points in New York within 20 miles thereof, points in that part of Pennsylvania on and south of U.S. Highway 22 from Easton to Harrisburg, and east of the Susquehanna River from Harrisburg to the Pennsylvania-Maryland State line, and points in New Jersey, to points in South Carolina. The purpose of this filing is to eliminate the gateway of Lexington, N.C., and points within 20 miles thereof.

No. MC-14702 (Sub-No. E34), filed May 15, 1974. Applicant: OHIO FAST FREIGHT, INC., P.O. Box 808, Warren, Ohio 44482. Applicant's representative: James M. Holland (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum* (except that which because of size or weight requires the use of special equipment and except in bulk), between points in Trumbull and Mahoning Counties, Ohio, on the one hand, and, on the other, points in Alabama, Arkansas, Kansas, Louisiana, Oklahoma, Mississippi, Tennessee, Texas, points in Nebraska on and west of U.S. Highway 83, points in North Dakota on and west of North Dakota Highway 3, and points in South Dakota on and west of U.S. Highway 83. The purpose of this filing is to eliminate the gateways of (a) Warren, Ohio, and (b) the plantsite and warehouses of Alcan Aluminum Corporation at Fairmont, W. Va.

No. MC-34485 (Sub-No. E1), filed May 16, 1974. Applicant: CLARK & REID COMPANY, INC., P.O. Box 307, Burlington, Mass. 01803. Applicant's representative: Mr. Theodore Polydoroff, Ephraim and Clark, Suite 600, 1250 Conn. Ave., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (a) between points in Indiana, on the one hand, and, on the other, points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont; (b) between points in Indiana, on the one hand, and, on the other, points in Nassau, Hamilton, Schoharie, Sullivan, Putnam Rensselaer, Washington, Saratoga, Fulton, Essex, Rockland, Westchester, Suffolk, Orange, Duchess, Ulster, Warren, Clinton, Columbia Greene, Schenectady, Albany, Montgomery, Delaware, Otsego, Chenango, and Broome Counties, N.Y., and New York, N.Y.; (c) between points in Posey, Vanderburgh, Gibson, Warrick, Pike, Dubois, Spencer, Perry, and Crawford Counties, Ind., on the one hand, and, on the other, points in St. Lawrence, Franklin, Lewis, Herkimer, Oneida, Madison, Onondaga, Tioga, Tomkins, and Cortland Counties, N.Y.; (d) between points in Indiana, on the one hand, and, on the other, points in Philadelphia, Luzerne, Susquehanna, Northampton, Montgomery, Bucks, Delaware, Monroe, Carbon, Columbia, Wyoming, York, Berks, Lancaster, Chester, Lehigh, Schuylkill, Northumberland, Wayne, Pike, Lebanon, and Lackawanna Counties, Pa.; (e) between points in Bradford and Sullivan Counties, Pa., on the one hand, and, on the other, points in Sullivan, Vigo, Crawford, Dubois, Pike, Perry, Spencer, Warrick, Knox, Posey, Vanderburgh, Bigson, Vermillion, Morgan, Owen, Clay, Brown, Bartholomew, Jackson, Washington, Scott, Clark, Floyd, Harrison, Lawrence, Orange, Martin, Daviess, Monroe, Greene, Putnam, Parke, Montgomery, and Fountain Counties, Ind.; and (f) between points in New Jersey, on the one hand, and, on the other, points in Delaware, Maryland, Virginia, West Virginia, Kentucky, Ohio,

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Illionis, Michigan, Minnesota, Wisconsin, North Carolina, South Carolina, Georgia, Florida, and the District of Columbia. The purpose of this filing is to eliminate the gateways of (1) points in New Jersey for (a)–(e) above, and (2) points in Pennsylvania for (f) above.

No. MC–73165 (Sub-No. E3), filed May 14, 1974. Applicant: EAGLE MOTOR LINES INCORPORATED, P.O. Box 11086, Birmingham, Ala. 35202. Applicant's representative: Carl U. Hurst (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* (except those requiring special equipment), (1) from points in Mississippi on and south of U.S. Highway 80, points in Alabama, on and northeast of a line beginning at the Tennessee-Alabama State line and thence over Interstate Highway 65 to Birmingham, thence over U.S. Highway 280 to the Alabama-Georgia State line. (2) from points in Mississippi on and north of U.S. Highway 80 and on and south of U.S. Highway 82, and on and west of U.S. Highway 45–A and 45, points in Alabama on and east of U.S. Highway 431. (3) from points in Mississippi on and north of U.S. Highway 82, points in Alabama on and south of U.S. Highway 78, and on and east of a line beginning at the Alabama-Georgia State line, and thence over U.S. Highway 231 to Montgomery, and U.S. Highway 31 to Birmingham. (4) from points in Georgia, points in Alabama on and north of line beginning at the Alabama-Mississippi State line over U.S. Highway 82 to Birmingham and on and south of a line beginning at the Alabama-Mississippi State line over U.S. Highway 78 to Birmingham. (5) from points in Georgia on and north of U.S. Highway 78 and U.S. Highway 378, to points in Alabama on and west of a line beginning at the Alabama-Florida State line, thence over Alabama Highway 41 to Selma, thence over Alabama Highway 22 to Clanton, thence over Interstate Highway 65 to Birmingham, thence over U.S. Highway 78 to Alabama-Mississippi State line. (6) from points in Georgia on and south of U.S. Highway 82 and U.S. Highway 84, to points in Alabama on and north of a line beginning at the Alabama-Georgia State line, thence over U.S. Highway 411 to Birmingham, thence U.S. Highway 11 to Eutaw, thence Alabama Highway 14 to the Alabama-Mississippi State line. (7) from points in Tennessee on and east of Hatchie River and on and west of U.S. Highway 72, to points in Alabama on and south of U.S. Highway 80. The purpose of this filing is to eliminate the gateway of Birmingham, Ala.

No. MC–73165 (Sub-No. E5), filed May 14, 1974. Applicant: EAGLE MOTOR LINES INCORPORATED, P.O. Box 11086, Birmingham, Ala. 35202. Applicant's representative: Carl U. Hurst (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, (a) from points in Brooke, Marshall, and Cabell Counties, to points in Florida on, north, or west of a line beginning at St. Petersburg Beach, and extending along Florida Highway 263 to St. Petersburg, thence across Gandy Bridge to Tampa, thence along U.S. Highway 92 to Kissimmee, thence along U.S. Highway 441 to the Florida-Georgia State line, to that part of Mississippi on or south of U.S. Highway 82, and that part of Louisiana east of the Mississippi River. (b) from points in Brooke and Marshall Counties, W. Va. to points in Texas on or south of U.S. Highway 70.

(2) *Iron and steel articles*, as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (except commodities used in or in connection with the discovery, development, production, refining, manufacturing, processing, storage transmission, and distribution of natural gas and petroleum and their products and by-products), (a) from points in Wayne, Cabell, Brooke, and Marshall Counties, W. Va., to points in Arkansas on or south of U.S. Highway 64 and that part of Oklahoma on or south of a line beginning the Oklahoma-Arkansas State line near Fort Smith, Ark., and extending along Interstate Highway 40 to Oklahoma City, Okla., thence along U.S. Highway 270 to Elmwood, thence along Oklahoma Highway 3 to Guymon, and thence along U.S. Highway 64 to the Oklahoma-New Mexico State line.

(3) *Iron and steel articles*, as described in Appendix V to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 (except commodities which because of size or weight require the use of special equipment), (a) from points in Brooke and Marshall Counties, W. Va., to points in Mississippi, Arkansas, Florida, and that part of Tennessee on or south of a line beginning at Chattanooga, and extending along U.S. Highway 64 to Winchester, thence along Tennessee Highway 55 to Lynchburg, thence along Tennessee Highway 50 to junction U.S. Highway 64, thence along U.S. Highway 64 to Waynesboro, thence along Tennessee Highway 13 to Linden, thence along Tennessee Highway 20 to the Mississippi River near Heloise, Tennessee.

(4) *Iron and steel articles*, as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (except iron and steel buildings, complete, knocked down, or in sections), (a) from points in Brooke and Marshall Counties, W. Va., to points in Louisiana.

(5) *Iron and steel articles*, (a) from points in Wayne and Cabell Counties, W. Va., to points in Alabama; (b) from points in Wayne and Cabell Counties, W. Va., to points in Florida on, north, or west of a line beginning at St. Petersburg Beach, and extending along Florida Highway 263 to St. Petersburg, thence across Gandy Bridge to Tampa, thence along U.S. Highway 92 to Kissimmee, thence along U.S. Highway 441 to the Florida-Georgia State line, and that part of Mississippi on or south of U.S. Highway 82.

(6) *Iron and steel articles* (except commodities which because of size or weight require the use of special equipment), (a) from points in Wayne and Cabell Counties, W. Va., to points in Mississippi, Arkansas, Florida, Georgia, and that part of Tennessee west or south of the Tennessee River except points east of Tennessee Highway 70. The purpose of this filing is to eliminate the gateways of Birmingham, Ala. in proposal number 1a and 1b; Decatur, Ala., in proposal number 2; Florence, Ala. (to Mississippi, Arkansas, and Western Tennessee) and Bridgeport, Ala. (to central Tennessee and points in Florida) in proposal number 3; Birmingham, Ala., and points in Louisiana east of the Mississippi River in proposal number 4; and points in Alabama on the Tennessee River in proposal numbers 5a, 5b, and 6.

No. MC–73165 (Sub-No. E7), filed May 14, 1974. Applicant: EAGLE MOTOR LINES INCORPORATED, P.O. Box 11086, Birmingham, Ala. 35202. Applicant's representative: Carl U. Hurst (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel pipe, fittings, valves, hydrants, and gaskets* (except those requiring special equipment), (1) from points in Mississippi to points in North Carolina and South Carolina; (2) from points in Tennessee on and south of the Hatchie River to points in North Carolina and South Carolina; (3) from points in Tennessee on and west of U.S. Highway 45 and 45W, to points in North Carolina on and east of U.S. Highway 21, and points in South Carolina; and (4) from points in Tennessee on and west of a line beginning at the Tennessee-Alabama State line, thence over U.S. Highway 481 to Lewisburg, thence Tennessee Highway 50 to Centerville, thence Tennessee Highway 100 to Tennessee River, thence with Tennessee River, to Tennessee-Kentucky State line to points in North Carolina and South Carolina on and east of U.S. Highway 1. The purpose of this filing is to eliminate the gateway of Birmingham, Ala.

No. MC–114019 (Sub-No. E155), filed May 6, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Edible oils, and edible oil products* in containers, in vehicles equipped with mechanical refrigeration, and related advertising matters in mixed loads with the above specified commodities, from points in Illinois and Indiana to points in Connecticut, Delaware, Maine (except points in Aroostook, Penobscot, Piscataquis, and Waldo Counties), Maryland, Massachusetts, New Hampshire, New Jersey, Rhode Island, Vermont, those points in Virginia on and east of U.S. Highway 15, and the District of Columbia. The purpose of this filing is to eliminate the gateway of Columbus, Ohio.

No. MC–114019 (Sub-No. E160), filed May 8, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cocoa, chocolate and compounds thereof, and confectionery*, between Syracuse, Fulton, and Oswego, N.Y., on the one hand, and, on the other, Grand Rapids, Mich. The purpose of this filing is to eliminate the gateway of Detroit, Mich.

No. MC–114019 (Sub-No. E161), filed May 8, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grease and tallows* (animal), in bulk, in tank vehicles equipped with heating coils, (1) from all points in Wisconsin and those points in Iowa on and east of U.S. Highway 69, to all points in New York, Massachusetts, Connecticut, Rhode Island, New Jersey, that part of Pennsylvania, on and south of U.S. Highway 11, from the Ohio-Pennsylvania State line to Nanty Glo, and on and west of U.S. Highway 219 from Nanty Flo to the Pennsylvania-Maryland State line, Philadelphia, Pa., Wilmington, Del., Baltimore, Md., and the District of Columbia, (2) from points in Michigan on and south of Interstate Highway 96 to St. Joseph, Mo., Kansas City, Kans., Des Moines and Sioux City, Iowa, and Omaha, Nebr.

(3) from points in Van Buren, Cass, and Berrien Counties, Mich., to points in New York on and east of U.S. Highway 11, Massachusetts, Connecticut, Rhode Island, Philadelphia, Pa., Wilmington, Del., Baltimore, Md., and the District of Columbia; (4) from points in those Wisconsin counties in and east of Forest, Langlade, Shawano, Outagamie, Winnebago, Fond du Lac, Dodge, Jefferson, and Walworth, to St. Joseph, Mo.; (5) from points in Wisconsin on, north and east of U.S. Highway 51 beginning at the Illinois-Wisconsin State line, thence north along U.S. Highway 51 to junction U.S. Highway 14, thence north along U.S. Highway 14 to its junction with U.S. Highway 12, thence north along U.S. Highway 12 to the Wisconsin-Minnesota State line to St. Louis, Mo.; (6) from points in those countries in Wisconsin in and east of Forest, Langlade, Shawano, Waupaca, Winnebago, Fond du Lac, Dodge, Jefferson, and Walworth to Omaha, Nebr.; (7) from points in those counties in Wisconsin in and east of Forest, Langlade, Menomonee, Shawano, Waupaca, Fond du Lac, Dodge, Jefferson, and Walworth to Des Moines, Iowa; (8) from points in those counties in and east of Walworth, Waukesha, Washington, Sheboygan, Manitowoc, Kewaunee, and Door to Sioux City, Iowa; (9) from points in those counties in and east of Vilas, Oneida, Lincoln, Marathon, Portage, Waushara, Marquette, Columbia, Dane, and Green to Wichita, Kans.; (10) from points in those counties in Wisconsin in and east of Vilas, Oneida, Lincoln, Marathon, Portage, Waushara, Green Lake, Dodge, Jefferson, and Rock to Kansas City, Kans.; (11) from Cincinnati, Ohio, to Sioux City, Iowa, Wichita, Kans., and Des Moines, Iowa, and Omaha, Nebr. The purpose of this filing is to eliminate the gateway of Chicago, Ill., or Cleveland, Ohio.

No. MC–114019 (Sub-No. E163), filed May 7, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned foodstuffs and agricultural commodities* (except dairy products, as described in section B of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766), from points in the Lower Peninsula of Michigan (except points in Barrien, Cass, St. Joseph, Branch, Hillsdale, Lanawee, and Monroe Counties) to points in Hardin, Grayson, Edmonson, Barren, and Allen Counties, Ky., and points in Kentucky east thereof. The purpose of this filing is to eliminate the gateway of Decatur or Lawton, Mich.

No. MC–114019 (Sub-No. 166), filed May 6, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Edible packinghouse products and by-products*, (1) between Kansas City and Wichita, Kans., Kansas City, St. Joseph, and South St. Joseph, Mo.; Des Moines and Sioux City, Ia.; and Omaha and South Omaha, Nebr., on the one hand, and, on the other, points in Connecticut, Delaware, Maine, Maryland (except those on and west of U.S. Highway 15), Massachusetts, New Hampshire, Rhode Island, Vermont, New York; New Jersey, Pennsylvania, the District of Columbia, and that portion of Ohio on and north of U.S. Highway 30; (2) between St. Louis, Mo., on the one hand, and, on the other, points in Delaware, Maine, Maryland (except those on and west of U.S. Highway 15), Massachusetts, New Hampshire, Rhode Island, Vermont, New York, New Jersey, and points in Pennsylvania on and north of Interstate Highway 76 east to its junction with U.S. Highway 220, and U.S. Highway 220 south to the Pennsylvania-Maryland State line, and the District of Columbia. The purpose of this filing is to eliminate the gateway of Chicago, Ill., or Chicago and Youngstown, Ohio, or Pittsburgh, Pa.

No. MC–114019 (Sub-No. E167), filed May 6, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Milk*, fresh and processed, in containers, (1) from New York and Pennsylvania, and points in the New York, N.Y., and Philadelphia, Pa., commercial zone, as defined by the Commission to points in Kentucky and Tennessee; (2) from points in Illinois, Indiana, and that part of Ohio on and west of Ohio Highway 301, beginning at Lake Erie between Sheffield Lake and Avon Lake thence south to U.S. Highway 30, points on and south of U.S. Highway 30 to Canton, Ohio, and Interstate Highway 77, thence on and west of Interstate 77 to Marietta, Ohio, and the West Virginia State line and points in Maryland on and west of U.S. Highway 11, Delaware, Massachusetts, New Jersey, except those in New York, N.Y., and Philadelphia, Pa. commercial zone as defined by the Commission, and the District of Columbia. The purpose of this filing is to eliminate the gateway of Barnesville, Ohio.

No. MC–114019 (Sub-No. E168), filed May 6, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, in packages or containers, (1) from Cleveland and Toledo, Ohio; Chicago and Peoria, Ill., Detroit and Grand Rapids, Mich.; Ft. Wayne, Ind., and Madison, Wis., to points in Delaware, Maryland, Virginia, and the District of Columbia; (2) from Dayton and Columbus, Ohio, and Indianapolis, Ind., to points in Delaware, Maryland, and the District of Columbia. The purpose of this filing is to eliminate the gateway of Akron, Ohio.

No. MC–114019 (Sub-No. E169), filed May 6, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in New York (except Brockport, Brocton, Buffalo, Freeport, Geneva, LeRoy, Medina, Morton, Ontario, Ontario Center, Rochester, Sodus, Webster, and Westfield), those in Pennsylvania on and east of U.S. Highway 15 and those in New Jersey within 40 miles of City Hall, New York, N.Y., to points in Iowa, Nebraska (except Omaha), and Wisconsin, and to Kansas City, Kans., and Minneapolis and St. Paul, Minn. The purpose of this filing is to eliminate the gateway of Westfield, N.Y.

No. MC–114019 (Sub-No. E174), filed May 6, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods and agricultural commodities*, between points in Illinois and

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Indiana on and north of U.S. Highway 50, the Lower Peninsula of Michigan, those in Wisconsin on and south of Wisconsin Highway 64, St. Louis, Mo., Bellevue and Covington, Ky., on one hand, and, on the other, Sparrows Point and Baltimore, Md., New York, N.Y., and points within 30 miles of New York, N.Y., points in that part of New Jersey, Delaware, and Maryland, which are located within 30 miles of Philadelphia, Pa., points in that part of New York on and west of a line beginning at Windsor Beach, and extending to Rochester, thence along U.S. Highway 15 to Wayland, thence along New York Highway 245 to Dansville, thence along New York Highway 36 to junction New York Highway 21, thence along New York Highway 21 to Andover and thence along New York Highway 17 to the New York-Pennsylvania State line, and points in West Virginia and Pennsylvania. The purpose of this filing is to eliminate the gateway points in Ohio.

No. MC–114019 (Sub-No. E175), filed May 6, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Edible meats, meat products, and meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carriers Certificates*, 61 M.C.C. 209 and 766, from points in Illinois on and north of U.S. Highway 36 and those in Indiana on and north of Indiana Highway 26 from the Illinois-Indiana State line to its junction with U.S. Highway 31 from said junction to Indiana-Michigan State line, to points in Maine, New Hampshire, Massachusetts, Connecticut, Rhode Island, Vermont, New Jersey (except those in the New York, N.Y., and Philadelphia, Pa., commercial zone, as defined by the Commission), to Delaware, Maryland, and the District of Columbia. The purpose of this filing is to eliminate the gateway points in Elkhart County, Ind.

No. MC–114019 (Sub-No. E176), filed May 6, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned foods, and edible agricultural commodities* (other than frozen), from points in Ohio, Indiana, and those in the Lower Peninsula of Michigan, and those in Wisconsin on and south of Wisconsin Highway 64, and on and east of Wisconsin Highway 51, and those in Illinois on and east of Illinois Highway 26 from the Wisconsin-Illinois State line to its junction with Illinois Highway 29, thence Illinois Highway 29 from said junction of its junction with Illinois Highway 121, thence Illinois Highway 121 from said junction to its junction with U.S. Highway 51, thence U.S. Highway 51 from said junction and its junction with U.S. Highway 50, thence U.S. Highway 50 from said junction to the Illinois-Indiana State line, and Louisville, Bellevue, and Covington, Ky., and Pittsburgh, Pa., to Denver, Colo., and points in that part of Nebraska on and east of U.S. Highway 83 from the Kansas-Nebraska State line to North Platte, and on and south of U.S. Highway 30 from North Platte to the Missouri River, and points in that part of Kansas on and east of U.S. Highway 281, and points in Missouri from the Arkansas-Missouri State line to its junction with U.S. Highway 50, thence along U.S. Highway 50, to its junction with Missouri Highway 291, thence along Missouri Highway 291 from said junction to its junction with U.S. Highway 69, thence along U.S. Highway 69 from said junction to the Iowa-Missouri State line, and on and west of U.S. Highway 65, and points in that part of Iowa on and west of U.S. Highway 65 from Lineville to Iowa Falls, and on and south of U.S. Highway 20 from Iowa Falls, to Sioux City. The purpose of this filing is to eliminate the gateway of Morrison, Washington, or Effingham, Ill.

No. MC–114019 (Sub-No. E177), filed May 5, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Edible meats, meat products, and meat by-products and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from points in Illinois, Indiana, and those in Ohio on, north, and west of Interstate Highway 71 to points in Connecticut, Massachusetts, New Jersey (except those in the New York, N.Y., and Philadelphia, Pa., commercial zones), Rhode Island, Delaware, and the District of Columbia. The purpose of this filing is to eliminate the gateway of West Richfield, Ohio.

No. MC–114019 (Sub-No. E178) filed May 5, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Edible animal fats, animal oils, vegetable oils, and products and blends thereof*, in bulk, in tank vehicles, from points in Illinois, on and north of Illinois Highway 16, to points in Virginia, West Virginia, Maryland, and North Carolina. The purpose of this filing is to eliminate the gateway of Champaign, Ill.

No. MC–114019 (Sub-No. E179), filed May 5, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Illinois and points in Indiana on and west of U.S. Highway 41 to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey (except those in the New York, N.Y., and Philadelphia, Pa., commercial zones, as defined by the Commission), Rhode Island, Vermont, and the District of Columbia. The purpose of this filing is to eliminate the gateway of Lafayette, Ind.

No. MC–114019 (Sub-No. E180), filed May 5, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Edible meats, meat products and edible meat by-products and edible articles distributed by meat packinghouses*, as described in the Appendix to the Report in *Modification of Permits of Motor Contract Carriers of Packinghouse Products*, 46 M.C.C. 23, between points in Illinois, Indiana (except Mishawaka), and those in Ohio, on and north of U.S. Highways 30 and 305 and west of U.S. Highway 23, on the one hand, and, on the other, New Jersey, Rhode Island, Connecticut, and Massachusetts. The purpose of this filing is to eliminate the gateway of Youngstown, Ohio.

No. MC–114019 (Sub-No. E181), filed May 5, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Edible fish, fish scrap and fish compounds*, between points in Wisconsin (except those in Milwaukee, Kenosha, and Racine Counties), on the one hand, and, on the other, points in Indiana, Ohio, Pennsylvania, New York, West Virginia, those in New Jersey within 40 miles of City Hall, New York, N.Y., those in New Jersey, Delaware, and Maryland, which are within 30 miles of Philadelphia, Pa., and Sparrows Point and Baltimore, Md. The purpose of this filing is to eliminate the gateway of Lafayette, Ind.

No. MC–114019 (Sub-No. E182), filed May 5, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, edible meat by-products, and edible articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), (1) from points in Illinois, Indiana, and points in Ohio on, south, and west of U.S. Highway 422 to points in Connecticut, Delaware, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont, and the District of Columbia; (2) from points in Illinois and Indiana, and those in

Ohio, on and north of U.S. Highway 40 to points in Maryland (except points on and west of U.S. Highway 15). The purpose of this filing is to eliminate the gateway of Pittsburgh, Pa.

No. MC–114019 (Sub-No. E183), filed May 5, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except dry commodities, animal oils and vegetable oils), in bulk, in tank vehicles, from points in New York and Pennsylvania and points in New Jersey in the New York, N.Y., and Philadelphia, Pa., commercial zones to Grand Rapids, and Battle Creek, Mich. The purpose of this filing is to eliminate the gateway of Orrville, Ohio.

No. MC–114019 (Sub-No. E184), filed May 5, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, raw and manufactured, (1) between points in Illinois and Indiana, on the one hand, and, on the other, points in West Virginia, those in Connecticut within 30 miles of New York, N.Y., those in New Jersey within 40 miles of City Hall, New York, N.Y., those in New Jersey, Delaware, and Maryland, which are within 30 miles of Philadelphia, Pa., and Baltimore and Sparrows Point, Md.; (2) between points in New York and those in New Jersey within 40 miles of City Hall, New York, N.Y., on the one hand, and, on the other, points in West Virginia on and north of U.S. Highway 50 and on and west of Interstate Highway 79; (3) between points in Pennsylvania and those in New Jersey within the Philadelphia, Pa., commercial zone as defined by the Commission, on the one hand, and, on the other, points in West Virginia on and north of West Virginia Highway 89 and on and west of Interstate Highway 77 to its junction with U.S. Highway 119 and U.S. Highway 119 to the Kentucky-West Virginia State line. The purpose of this filing is to eliminate gateway points in Ohio.

No. MC–114019 (Sub-No. E185), filed May 5, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits and vegetables, frozen juices and concentrates and canned and preserved foodstuffs*, between Springdale, Ark., on the one hand, and, on the other, points in Pennsylvania (except Erie and N. East), and New York except those on and west of New York Highway 34, from the New York-Pennsylvania State line to junction New York Highway 38, and on and west of New York Highway 38 from said junction to Lake Ontario at or near Sterling, N.Y. The purpose of this filing is to eliminate the gateway of Erie, Pa., or Elmira, N.Y.

No. MC–114019 (Sub-No. E186), filed May 4, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wine*, in bulk, in tank vehicles, from points in Illinois to Westfield, N.Y. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC–114019 (Sub-No. E190), filed May 17, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen bakery products*, in vehicles equipped with mechanical refrigeration, from Grand Rapids, and Frankford, Mich., to points in West Virginia on and east of Interstate Highway 77 from the Ohio-West Virginia State line to its junction with U.S. Highway 21, thence on U.S. Highway 21 from said junction to the West Virginia-Virginia State line. The purpose of this filing is to eliminate the gateways of Glascow, Pa., and East Liverpool, Ohio.

No. MC–114019 (Sub-No. E191), filed May 17, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), from (1) points in that part of New York on and west of New York Highway 57 from Oswego to junction U.S. Highway 20, thence on and north of U.S. Highway 20 to Geneva, thence on and east of New York Highway 14 to junction New York Highway 96, and thence on and east and north of New York Highway 96 to Rochester, to points in West Virginia on and west of U.S. Highway 19, (2) from origin points described in (1) above (except Oswego), to points in West Virginia on and west of Interstate Highway 77, and (3) from Oswego, N.Y., to points in West Virginia on and west of U.S. Highway 19 and thence along U.S. Highway 19 south to its junction with Interstate Highway 77 and thence along Interstate 77 to the West Virginia-Virginia State line. The purpose of this filing is to eliminate the gateway of Cleveland, Ohio.

No. MC–114019 (Sub-No. E192), filed May 17, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods, and foods not frozen* when transported in the same vehicle with frozen foods, in vehicles equipped with mechanical refrigeration, from Chicago, Ill., to Nashville, Tenn. The purpose of this filing is to eliminate the gateway of Louisville, Ky.

No. MC–114019 (Sub-No. E193), filed May 17, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, in vehicles equipped with mechanical refrigeration, from Waseca, Minn., to points in Kentucky, the Lower Peninsula of Michigan, Ohio, West Virginia, Pennsylvania, New York, New Jersey, Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, Maryland, Delaware, and the District of Columbia. The purpose of this filing is to eliminate the gateway of Darien, Wis.

No. MC–114019 (Sub-No. E194), filed May 17, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits and frozen fruit juices*, from points in Van Buren, Berrien, Cass, Kalamazoo, and St. Joseph Counties, Mich., to points in New York and Pennsylvania, and those in New Jersey in the New York, N.Y., and Philadelphia, Pa., commercial zones as defined by the Commission. The purpose of this filing is to eliminate the gateway of Toledo, Ohio.

No. MC–114019 (Sub-No. E195), filed May 17, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides) from the plantsite of Oscar Mayer and Co., Inc., at Perry, Iowa, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Jersey, New York, New Hampshire, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, the District of Columbia, and those points in Kentucky on and east of Kentucky Highway 61. The purpose of this filing is to eliminate the gateway of Union City, Ohio.

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No. MC–114019 (Sub-No. E218), filed May 13, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glassware, glass containers, and accessories therefor, and paper cartons* used in the packing or shipping of glass articles, from points in West Virginia to points in Michigan and Illinois (except glassware and glass containers to Alton and Streator, Ill.). The purpose of this filing is to eliminate the gateway of Lancaster, Ohio.

No. MC–114019 (Sub-No. E219), filed May 12, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers and accessories therefor, and paper cartons* used in the packing or shipping of glass containers, from points in Ohio on and south of U.S. Highway 250 from the Ohio-West Virginia State line to its junction with Ohio Highway 39, thence on Ohio Highway 39 from said junction to its junction with U.S. Highway 30, thence on U.S. Highways 30 and 30N from said junction to the Indiana-Ohio State line, to points in New York (except points in the New York, N.Y., commercial zone, as defined by the Commission, Long Island of a line beginning at Windsor Beach, and that part of New York on and west and extending to Rochester, thence along U.S. Highway 15 to Wayland, thence along New York Highway 245, to Dansville, thence along New York Highway 36 to junction New York Highway 21, thence along New York Highway 21 to Andover, and thence along New York Highway 17 to the New York-Pennsylvania State line). The purpose of this filing is to eliminate the gateway of South Connellsville, Pa.

No. MC–114019 (Sub-No. E220), filed May 12, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting:

(1) *Asphalt*, liquid or solid; *Boards*, fibreboard and/or pulpboard, impregnated with asphalt, painted or not painted; *Board*, wall, fibreboard, pulpboard, or strawboard, not impregnated with asphalt; *Caps*, roofing, tin; *Cement*, roofing; *Clamps*, metal; *Coating* roof, having asbestos, pitch, tar or rosin base; *Creosote; Fasteners*, metal; *Felts*, building or roofing, saturated or unsaturated; *Insulating material*, asbestos or felt paper; *Nails; Paint*, asphaltum; *Paint*, coal tar; *Paper*, building, roofing, or sheathing, saturated, unsaturated; *Pitch*, roofing; *Roofing*, composition or prepared; *Siding*, asphalt; *Shingles*, asphalt, asbestos, or composition; *Sheathing; Straps*, tin, with fasteners; and *Tar*, roofing; from North Judson, Ind., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New Jersey, Delaware, and those in New York on and east, and south of U.S. Highway 11 from the Pennsylvania-New York State line to its junction with Interstate Highway 90, thence on Interstate Highway 90 to its junction with New York Highway 5, thence on New York Highway 5 to its junction with New York Highway 7, thence on New York Highway 7 to New York-Vermont State line.

(2) *Used skids, pallets and other materials* used in the packing and transportation of the commodities specified immediately above, from the destination points in the territories specified immediately above, to North Judson, Ind. The purpose of this filing is to eliminate the gateway points in Ohio and Sunbury, Pa.

No. MC–114019 (Sub-No. E221), filed May 12, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Floor tile*, from Hopetown, Ohio, to points in Illinois on and north of U.S. Highway 24 from the Indiana-Illinois State line, to Peoria, thence Illinois Highway 116 from Peoria to the Illinois-Iowa State line. The purpose of this filing is to eliminate the gateway of Whiting, Ind.

No. MC–114019 (Sub-No. E222), filed May 13, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, (1) from Sparrows Point and Baltimore, Md., New York and points within 30 miles of New York, N.Y., points in that part of New Jersey, Delaware, and Maryland which are located within 30 miles of Philadelphia, Pa., points in that part of New York, on and west of a line beginning at Windsor Beach, and extending to Rochester, thence along U.S. Highways 15 to Wayland, thence along New York Highway 245 to Dansville, thence along New York Highway 36 to junction New York Highway 21, thence along New York Highway 21 to Andover, and thence along New York Highway 17 to the New York-Pennsylvania State line, and points in West Virginia and Pennsylvania to points in that part of Illinois south of a line beginning at the Illinois-Indiana State line and extending along U.S. Highway 24 to junction U.S. Highway 150, and thence along U.S. Highway 150 to the Illinois-Iowa State line, and on and north of U.S. Highway 40, and St. Louis, Mo.; (2) from Sparrows Point and Baltimore, Md., points in that part of New Jersey, Delaware, and Maryland, which are located within 30 miles of Philadelphia, Pa., points in West Virginia and those in Pennsylvania on and east of U.S. Highway 119, and on and south of Interstate Highway 80 to that part of Indiana on and north of U.S. Highway 40, and south of U.S. Highway 24, and Milwaukee, Racine, and Beloit, Wis. The purpose of this filing is to eliminate the gateway of Hamilton, Ohio.

No. MC–114019 (Sub-No. E223), filed May 12, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (other than frozen), from points in New York and New Jersey within 40 miles of City Hall, New York, N.Y., to points in Iowa, Minnesota, Nebraska, North Dakota, and South Dakota. The purpose of this filing is to eliminate the gateways of Jersey City, N.J., and Rochester, N.Y.

No. MC–114019 (Sub-No. E224), filed May 12, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Felts and paper insulating materials*, from Alexandria and Richmond, Ind., and Aurora, Ill., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, and Delaware, restricted to the transportation of shipments moving from, to, or between building, roofing or insulating material manufacturing plants, or warehouses (or facilities) of such plants. The purpose of this filing is to eliminate the gateway points in Ohio and Sunbury, Pa.

No. MC–114019 (Sub-No. E225), filed May 12, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy, confectionery, and confectionery products*, from points in New York and New Jersey within 40 miles of City Hall, New York, N.Y., to St. Louis, Mo., and points in Iowa, Kentucky, Michigan, and Wisconsin. The purpose of this filing is to eliminate the gateways of Jersey City, N.J., and Duryea, Pa.

No. MC–114019 (Sub-No. E226), filed May 12, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from points in Minnesota on and south of U.S. Highway 14 to Sparrows Point and Baltimore, Md., New York, N.Y., and points within 30 miles of New York, N.Y., points in that part of New Jersey, Delaware, and Maryland, which are located within 30 miles of Philadelphia, Pa., points in that part of New York on and west of a line beginning at Windsdor Beach, and extending to Rochester, thence along U.S. Highway 15, to Wayland, thence along New York Highway 245 to Dansville, thence along New York Highway 36 to junction New York Highway 21, thence along New York Highway 21 to Andover, and thence along New York Highway 17 to the New York-Pennsylvania State line, and points in West Virginia and Pennsylvania. The purpose of this filing is to eliminate the gateway points in Ohio and Milwaukee, Wis.

No. MC–114019 (Sub-No. E227), filed May 12, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in New York and New Jersey within 40 miles of City Hall, New York, N.Y., to Bismarck, N. Dak., Salt Lake City, Utah, and points in Oregon and Washington. The purpose of this filing is to eliminate the gateways of Jersey City, N.J., and Cleveland, Ohio.

No. MC–114019 (Sub-No. E228), filed May 12, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Insulating materials, asbestos or felt paper*, in forms or shapes other than solid flat blocks, or solid flat sheets, from Alexandria and Richmond, Ind., to points in Nebraska, restricted to the transportation of shipments moving from, to or between building, roofing, or insulating material manufacturing plants, or warehouses (or facilities), of such plants. The purpose of this filing is to eliminate the gateway of Waukegan, Ill.

No. MC–117119 (Sub-No. E35), filed May 24, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and preserved foodstuffs* (except dairy products and commodities in bulk), from the plantsite and storage facilities of Pet, Inc., at or near Neosho, Mo., to points in Washington (except Grandview and Kennewick), Oregon, and Nevada. The purpose of this filing is to eliminate the gateway of Springdale, Ark.

No. MC–117119 (Sub-No. E39), filed May 24, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* (except dairy products and commodities in bulk), from Montezuma, Ga., to points in Idaho, Montana, Utah, and Wyoming. The purpose of this filing is to eliminate the gateway of Springdale, Ark.

No. MC–117119 (Sub-No. E40), filed May 24, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Montezuma, Ga., to points in Colorado. The purpose of this filing is to eliminate the gateway of Springdale, Ark.

No. MC–117119 (Sub-No. E41), filed May 24, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* (except dairy products and commodities in bulk), from Montezuma, Ga., to points in Washington (except Grandview and Kennewick), Nevada, and Oregon. The purpose of this filing is to eliminate the gateway of Springdale, Ark.

No. MC–117119 (Sub-No. E70), filed May 15, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned or preserved foodstuffs* (except commodities in bulk, in tank vehicles), from points in Ohio to points in Idaho, Kansas, Oregon, Utah, Montana, Washington, Wyoming, and points in that part of Nebraska west of Nebraska Highway 14. The purpose of this filing is to eliminate the gateway of California, Mo.

No. MC–117119 (Sub-No. E71), filed May 15, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from points in Indiana to points in Oklahoma and Texas (except points in Bowie, Orange, and Jefferson Counties). The purpose of this filing is to eliminate the gateways of Springdale, Ark., and Westville, Okla.

No. MC–117119 (Sub-No. E72), filed May 15, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in vehicles equipped with mechanical refrigeration from points in Indiana to points in Arizona, those in Texas on and south of a line beginning at the New Mexico-Texas State line and extending eastward along Texas Highway 116 to Lubbock, thence along U.S. Highway 84 to Post, thence eastward along U.S. Highway 380 to Greenville, thence along U.S. Highway 69 to Mineola, thence along U.S. Highway 80 to the Texas-Louisiana State line, those in California south of the northern boundaries of San Luis Obispo, Kern, and San Bernardino Counties, those in New Mexico on and south of a line beginning at the Texas-New Mexico state line and extending westward along U.S. Highway 380 to San Antonio, thence along U.S. Highway 85 to Socorro, thence westward along U.S. Highway 60 to the Arizona-New Mexico State line. The purpose of this filing is to eliminate the gateways of Blytheville, Ark. and Jackson, Tenn.

No. MC–117119 (Sub-No. E73), filed May 15, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in vehicles equipped with mechanical refrigeration, from points in the Lower Peninsula of Michigan south of Michigan Highway 55 to points in Texas on and south of a line beginning at the New Mexico-Texas State line and extending along Texas Highway 116 to Lubbock, thence along U.S. Highway 84 to Post, thence eastward along U.S. Highway 380 to Greenville, thence along U.S. Highway 69 to Mineola, thence along U.S. Highway 80 to the Texas-Louisiana State line, to points in New Mexico on and south of a line beginning at the Texas-New Mexico State line and extending westward along U.S. Highway 380 to San Antonio, thence U.S. Highway 85 to Socorro, thence along U.S. Highway 60 to the Arizona-New Mexico State line, to points in Arizona on and south of Interstate Highway 40, and points in California south of the northern boundaries of San Luis Obispo, Kern, and San Bernardino Counties. The purpose of this filing is to eliminate the gateways of Blytheville, Ark. and Jackson, Tenn.

No. MC–117119 (Sub-No. E74), filed May 15, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in vehicles equipped with mechanical refrigeration, from Louisville, Ky., to points in Arizona, California, New Mexico, and Texas (except points in Bowie County). The purpose of this filing is to eliminate the gateway of Blytheville, Ark. and Jackson, Tenn.

No. MC–117119 (Sub-No. E75), filed May 15, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicles, over irregular routes, transporting: *Foodstuffs*, in vehicles equipped with mechanical refrigeration, from points in Ohio to points in Arizona, points in that part of California on and south of Interstate Highway 80, points in Texas on and south of Interstate Highway 40, and points in New Mexico on and south of

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Interstate Highway 40 (except points in Quay and Guadalupe Counties). The purpose of this filing is to eliminate the gateways of Blytheville, Ark., and Jackson, Tenn.

No. MC–117119 (Sub-No. E76), filed May 15, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except dairy products and commodities in bulk), from points in Indiana on and south of Interstate Highway 74 to points in Washington (except Grandview and Kennewick), Oregon, and Nevada. The purpose of this filing is to eliminate the gateway of Springdale, Ark. (within the Fayetteville, Ark. commercial zone).

No. MC–117119 (Sub-No. E77), filed May 15, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except dairy products and commodities in bulk) from points in Indiana on and south of Interstate Highway 74 to points in Idaho and Utah. The purpose of this filing is to eliminate the gateway of Springdale, Ark. (within the Fayetteville, Ark., commercial zone).

No. MC–117119 (Sub-No. E79), filed May 15, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Ohio to points in Oklahoma and Texas. The purpose of this filing is to eliminate the gateway of Van Buren, Ark. (within the Fort Smith, Ark., commercial zone).

No. MC–117119 (Sub-No. E80), filed May 15, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from Chicago, Ill., to points in Arizona, California, New Mexico, and Reno, Carson City, and Las Vegas, Nev. The purpose of this filing is to eliminate the gateway of Siloam Springs, Ark.

No. MC–117119 (Sub-No. E82), filed May 15, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned or preserved foodstuffs* (except commodities in bulk, in tank vehicles), from Chicago, Ill., to points in Idaho, Oregon, Utah, Washington, and Kansas. The purpose of this filing is to eliminate the gateway of California, Mo.

No. MC–117119 (Sub-No. E35), filed May 15, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned or preserved foodstuffs* (except commodities in bulk, in tank vehicles), from Louisville, Ky., to points in Idaho, Kansas, Montana, Nebraska, Oregon, Utah, Washington, and Wyoming. The purpose of this filing is to eliminate the gateway of California, Mo.

No. MC–117119 (Sub-No. E84), filed May 15, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared and preserved foodstuffs*, in containers, from points in Green County, Mo., to points in Connecticut on and east of a line beginning at Clinton on Long Island Sound and proceeding northward along Connecticut Highway 81 to junction Connecticut Highway 9, thence along Connecticut Highway 9 to junction with Interstate Highway 91, thence northward along Interstate Highway 91 to the Connecticut-Massachusetts State line, to points in Massachusetts on and east of Interstate Highway 91, points in Rhode Island, points in Vermont (except points in Bennington and Windham Counties), points in New Hampshire and Maine. The purpose of this filing is to eliminate the gateway of Russellville, Ark.

No. MC–117119 (Sub-No. E86), filed May 15, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except dairy products, and commodities in bulk), from Chicago, Ill., to Reno, Carson City, and Las Vegas, Nev. The purpose of this filing is to eliminate the gateway of Springdale, Ark. (within the Fayetteville, Ark. commercial zone).

No. MC–117119 (Sub-No. E87), filed May 15, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in vehicles equipped with mechanical refrigeration, from Chicago, Ill., to points in Arizona on and south of a line beginning at the Arizona-New Mexico State line and westward along U.S. Highway 70 to Globe, thence westward along U.S. Highway 60 to the Arizona-California State line, points in California in Monterey, San Luis Obispo, Santa Barbara, Ventura, Los Angeles, Riverside, Orange, San Diego, Kings, Kern, and Tulare Counties, and points in Texas on and south of a line beginning at the Texas-Arkansas State line and extending alongside Interstate Highway 30 to Dallas, thence along U.S. Highway 80 to the Texas-New Mexico State line. The purpose of this filing is to eliminate the gateways of Blytheville, Ark. and Jackson, Tenn.

No. MC–117119 (Sub-No. E88), filed May 15, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from points in Green County, Mo., to points in Texas, New Mexico, Arizona, California, and Nevada, to points in Oklahoma on and south of Interstate Highway 40, and points in Louisiana, on, south and west of a line beginning at the Arkansas-Louisiana State line and proceeding southward along U.S. Highway 71 to junction with U.S. Highway 190, thence along U.S. Highway 190 to Baton Rouge, thence along U.S. Highway 61 to New Orleans, thence along Louisiana Highway 45 to the Intracoastal Waterway and Lafitte. The purpose of this filing is to eliminate the gateways of Fort Smith, Ark. and Spiro, Okla.

No. MC–117119 (Sub-No. E89), filed May 15, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from Chicago, Ill., to points in Oklahoma and Texas and points in Louisiana on and west of a line beginning at the Arkansas-Louisiana State line and extending southward along U.S. Highway 82 to Esther and thence along Louisiana Highway 333 to the Intracoastal Waterway. The purpose of this filing is to eliminate the gateways of Springdale, Ark. and Westville, Okla.

No. MC–117119 (Sub-No. E93), filed May 15, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from points in that part of Illinois on and south of a line beginning at the Missouri-Illinois State line at Alton and extending eastward along Illinois Highway 140 to junction Interstate Highway 70, thence along Interstate Highway 70 to the Illinois-Indiana State line (except Mound City) to points in Arizona, California, Nevada, and New Mexico. The purpose of this filing is to eliminate the gateway of Siloam Springs, Ark.

No. MC–117119 (Sub-No. E96), filed May 15, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except dairy products and commodities in bulk), from points in that part of Illinois on and south of a line beginning at the Missouri-Illinois State line at Alton and extending eastward along Illinois Highway 140 to junction Interstate Highway 70, thence along Interstate Highway 70 to the Illinois-Indiana State line (except Mound City) to points in Washington (except Grandview and Kennewick), Oregon, and Nevada. The purpose of this filing is to eliminate the gateway of Springdale, Ark.

No. MC–117119 (Sub-No. E98), filed May 15, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Green County, Mo., to points in Arizona, California, Nevada, and New Mexico. The purpose of this filing is to eliminate the gateway of Fort Smith, Ark.

No. MC–117119 (Sub-No. E99), filed May 15, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, and frozen vegetables*, from points in that part of Texas on and east of a line beginning at the Texas-Oklahoma State line and extending along Interstate Highway 35 to the junction Interstate Highway 35W, thence along Interstate Highway 35W to junction Interstate Highway 35, thence along Interstate Highway 35 to the U.S.-Mexico International Boundary line to points in South Dakota and North Dakota. The purpose of this filing is to eliminate the gateway of St. Joseph, Mo.

No. MC–117119 (Sub-No. E101), filed May 15, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from points in Ohio to points in Arizona, California, New Mexico, and Reno, Carson City, and Las Vegas, Nev. The purpose of this filing is to eliminate the gateway of Siloam Springs, Ark.

No. MC–118959 (Sub-No. E4), filed May 23, 1974. Applicant: JERRY LIPPS, INC., 130 S. Frederick St., Girardeau, Maine 65701. Applicant's representative: William P. Jackson, 919 Eighteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rubber* (except commodities in bulk), from Mayfield, Ky., to points in California. The purpose of this filing is to eliminate the gateway of Vicksburg, Miss.

No. MC–119443 (Sub-No. E2), filed May 31, 1974. Applicant: P. E. KRAMME, INC., Main St., Monroeville, N.J. Applicant's representative: Gerald A. Kramme (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chocolate, liquid chocolate coating, liquid chocolate liquor and liquid cocoa butter*, in bulk, in tank vehicles, from Lititz, Pa., to Cairo, Ill., to points in Maine, on and north of a line beginning at U.S.-Canada International Boundary line and U.S. Highway 2, thence west over U.S. Highway 2 to its junction with Maine Highway 212, thence over Maine Highway 212 to its junction with Maine Highway 11, thence north over Maine Highway 11 to the U.S.-Canada International Boundary line, points in Alabama, Florida, Louisiana, Mississippi, and points in those parts of Georgia, Kentucky, South Carolina, and Tennessee, on and south of a line beginning at the Atlantic Ocean on the North Carolina-South Carolina State lines, thence westward along the South Carolina State line to junction South Carolina Highway 410, thence over South Carolina Highway 410 to junction South Carolina Highway 9, thence over South Carolina Highway 9 to junction U.S. Highway 76, thence over U.S. Highway 76 to junction South Carolina Highway 41, thence north over South Carolina Highway 41 to junction South Carolina Highway 917, thence over South Carolina Highway 917 to junction South Carolina Highway 38, thence over South Carolina Highway 38 to junction South Carolina Highway 34, thence over South Carolina Highway 34 to junction U.S. Highway 52, thence over U.S. Highway 52 to junction U.S. Highway 15, thence south over U.S. Highway 15 to junction South Carolina Highway 151, thence over South Carolina Highway 151 to junction U.S. Highway 1, thence south over U.S. Highway 1 to junction South Carolina Highway 34, thence west over South Carolina 34 to junction U.S. Highway 21, thence south over U.S. Highway 21 to Blythewood, and junction unnumbered South Carolina Highway thence westward over unnumbered South Carolina Highway crossing U.S. 321 to junction South Carolina 215, thence north over South Carolina Highway 215 to junction South Carolina Highway 213, thence over South Carolina Highway 213 to junction U.S. Highway 176, thence over U.S. Highway 176 to junction South Carolina Highway 72, thence over South Carolina Highway 72 to junction Interstate Highway 26, thence over Interstate Highway 26 to junction U.S. Highway 276, thence over U.S. Highway 276 to Greenville, and junction South Carolina Highway 183, thence over South Carolina Highway 183 to junction U.S. Highway 76, thence over U.S. Highway 76 to Blairsville, Ga., and junction Georgia Highway 11, thence over Georgia Highway 11 to the North Carolina State line, thence along the North Carolina State line to the Tennessee State line, thence north along the Tennessee State line to junction U.S. Highway 64, thence over U.S. Highway 411 to junction Tennessee Highway 39, thence over Tennessee Highway 39 to junction Tennessee Highway 30, thence over Tennessee Highway 30 through Athens, Ga., to junction U.S. Highway 27, thence north over U.S. Highway 27 to junction Tennessee Highway 68, thence over Tennessee Highway 68 to junction U.S. Highway 127, thence over U.S. Highway 127 to junction Tennessee Highway 62, thence over Tennessee Highway 62 to junction U.S. Highway 70N, thence over U.S. Highway 70N to junction Tennessee Highway 84, thence over Tennessee Highway 84 to junction Tennessee Highway 85, thence over Tennessee Highway 85 to junction Tennessee Highway 80, thence south over Tennessee Highway 80 to junction Tennessee Highway 25, thence over Tennessee Highway 25 to junction Tennessee Highway 49, thence south over Tennessee Highway 49 to junction U.S. Highway 41, thence over U.S. Highway 41 to junction Tennessee Highway 76, thence over Tennessee Highway 76 to junction U.S. Highway Alternate 41, thence over U.S. Highway Alternate 41 to junction U.S. Highway 79 at Clarksville, thence over U.S. Highway 79 to junction Tennessee Highway 119, thence over Tennessee Highway 119 to junction Kentucky Highway 121, thence over Kentucky Highway 121 to junction Kentucky Highway 94, thence north over Kentucky Highway 94 to junction Kentucky Highway 80, thence over Kentucky Highway 80 to junction Kentucky Highway 962, thence over Kentucky Highway 962 to junction U.S. Highway 641, thence over U.S. Highway 641 to junction U.S. Highway 68, thence over U.S. Highway 68 to junction U.S. Highway 62, thence over U.S. Highway 62 to junction U.S. Highway 60, thence over U.S. Highway 60 to junction U.S. Highway 45, thence over U.S. Highway 45 to the Ohio River. The purpose of this filing is to eliminate the gateways of Camden, N.J., and Dover, Del.

No. MC–123639 (Sub-No. E1), filed May 14, 1974. Applicant: J. B. MONTGOMERY, INC., 5150 Brighton Blvd., Denver, Colo. 80216. Applicant's representative: John F. DeCock (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products, and articles distributed by meat-packing houses*, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank or hopper type vehicles), from Denver, Colorado, to points in that part of Illinois on and south of a line extending from a point on the Missouri-Illinois State line directly west of Springfield, Ill., through Springfield, to the Illinois-Indiana State line. The purpose of this filing is to eliminate the gateway of Emporia, Kansas.

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No. MC–123639 (Sub-No. E3), filed May 14, 1974. Applicant: J. B. MONTGOMERY, INC., 5150 Brighton Blvd., Denver, Colo. 80216. Applicant's representative: John F. DeCock (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products, and articles distributed by meat packing houses*, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 766, except commodities in bulk, in tank or hopper-type vehicles, from points in Iowa, Nebraska, that part of Colorado, on and east of U.S. Highway 87 from the Wyoming-Colorado State line to junction Colorado Highway 1 at or near Wellington, thence on and east of Colorado Highway 1 to junction U.S. Highway 87 at or near Denver, thence, on and east of U.S. Highway 87 to junction Colorado Highway 94 at or near Colorado Springs, and on and north of Colorado Highway 94 to junction U.S. Highway 40 near Aroya, thence on and north of U.S. Highway 40 to the Colorado-Kansas State line, those in that part of Illinois north of a line extending from a point on the Missouri-Illinois State line directly west of Springfield, Ill., through Springfield to the Illinois-Indiana State line and those in Kansas on and north of U.S. Highway 40 to points in that part of Arizona west of U.S. Highway 89 and south of U.S. Highway 66. The purpose of this filing is to eliminate the gateway of Denver, Colo.

No. MC–127196 (Sub-No. E2), filed May 17, 1974. Applicant: KLINE TRUCKING, INC., P.O. Box 355, Millville, Pa. 17846. Applicant's representative: James L. Kline (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials, supplies, and component parts* used in the manufacture and assembly of mobile homes, (1) from points in California to points in New Jersey, New York, Delaware, and Maryland; (2) from points in Idaho to points in New Jersey, Delaware, New York, and Maryland; (3) from points in Texas to points in New Jersey and Delaware; (4) from points in Louisiana to points in New Jersey and Delaware; (5) from points in Arkansas to points in New Jersey and Delaware; (6) from points in Kansas to points in New Jersey and Delaware; (7) from points in Missouri to points in New Jersey and Delaware; and (8) from points in Iowa to points in New Jersey and Delaware. The purpose of this filing is to eliminate the gateway of Millville, Pa.

No. MC–129631 (Sub-No. 43G), filed May 15, 1974. Applicant: PACK TRANSPORT, INC., 3975 South 300 West St., Salt Lake City, Utah 84107. Applicant's representative: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting:

(1) *Roofing and siding materials*, from points in Maricopa County, Ariz., to points in Wyoming. The purpose of this filing is to eliminate the gateways of points in Oneida County, Idaho and Ogden, Utah.

(2) *Roofing, siding, and insulation materials*, from points in Maricopa County, Ariz., to points in Box Elder, Cache, Davis (except Centerville), Morgan, Rich, Summit, Salt Lake, and Weber Counties, Utah. The purpose of this filing is to eliminate the gateway points in Oneida County, Idaho.

(3) *Building materials*, between points in Box Elder, Cache, Davis (except Centerville), Morgan, Rich, Summit, Salt Lake and Weber Counties, Utah, on the one hand, and, on the other, Baker, Oreg. The purpose of this filing is to eliminate the gateways points in Oneida County, Idaho.

(4) *Building materials*, from points in Box Elder, Cache, Davis (except Centerville), Morgan, Rich, Summit, Salt Lake, and Weber Counties, Utah, to points in Idaho south of Idaho County. The purpose of this filing is to eliminate the gateway of Baker, Oreg.

(5) *Building materials*, between Teton County, Wyoming, on the one hand, and, on the other, Box Elder, Cache, Davis (except Centerville), Morgan, Rich, Summit, Salt Lake, and Weber Counties, Utah. The purpose of this filing is to eliminate the gateways at Pocatello, Idaho, and Cache County, Utah.

(6) *Lumber and lumber mill products* (restricted to building materials), from points in Box Elder, Cache, Davis (except Centerville), Morgan, Rich, Summit, Salt Lake, and Weber Counties, Utah, to points in Idaho. The purpose of this filing is to eliminate the gateways points in Summit County, Utah, and Lincoln County, Wyo.

(7) *Lumber and lumber mill products*, from points in Oregon and Washington to points in Utah. The purpose of this filing is to eliminate the gateway points in Oneida County, Idaho, and Summit County, Utah.

(8) *Lumber and lumber mill products* (restricted to building materials), from points in Washington to points in Bannock, Bear Lake, Caribou, Franklin, and Oneida Counties, Idaho, and Blackfoot, Idaho Falls, Rigby, Rexburg, Spencer, Idaho and those points on Highway 91 within 15 miles of Idaho Falls, Idaho, and Smithfield, Logan, Ogden, and Salt Lake County, Utah. The purpose of this filing is to eliminate the gateway points in Oneida County, Idaho, and Cache County, Utah.

(9) *Lumber and lumber mill products* from points in Oregon and Washington to points in Arizona. The purpose of this filing is to eliminate the gateway points in Oneida County, Idaho.

(10) *Lumber and lumber mill products* from points in Montana to points in Idaho. The purpose of this filing is to eliminate the gateway points in Summit County, Utah, and Lincoln County, Wyo.

(11) *Lumber and lumber mill products* from points in Oregon and Washington to points in Wyoming. The purpose of this filing is to eliminate the gateways at Oneida County, Idaho, and Summit County, Utah.

(12) *Lumber and lumber mill products*, from points in Daggett, Rich, and Summit Counties, Utah, to points in Idaho.

The purpose of this filing is to eliminate the gateway points in Lincoln County, Wyo.

(13) *Lumber and lumber mill products*, from those points in Washington lying in or west of Klickitat, Skamania, Lewis, Pierce, King, Snohomish, Skagit, and Whatcomb Counties to points in Arizona and New Mexico. The purpose of this filing is to eliminate the gateway points in Utah.

(14) *Lumber and lumber mill products*, from those points in Washington lying in or west of Klickitat, Skamania, Lewis, Pierce, King, Snohomish, Skagit, and Whatcomb Counties to points in Idaho. The purpose of this filing is to eliminate the gateway of Baker, Oreg.

(15) *Lumber and lumber mill products* from points in Montana to points in Utah. The purpose of this filing is to eliminate the gateway points in Summit County, Utah.

(16) *Lumber and lumber mill products* from points in Idaho to points in Utah. The purpose of this filing is to eliminate the gateway points in Summit County, Utah.

(17) *Lumber and lumber mill products* from points in Idaho to points in Wyoming. The purpose of this filing is to eliminate the gateway points in Summit County, Utah.

(18) *Lumber and lumber mill products* (restricted to building materials), from points in Box Elder, Cache, Davis (except Centerville), Morgan, Rich, Summit, Salt Lake, and Weber Counties, Utah, to points in Wyoming. The purpose of this filing is to eliminate the gateway points in Summit County, Utah.

(19) *Building materials and machinery* between points in Box Elder, Cache, Davis (except Centerville), Morgan, Rich, Summit, Salt Lake, and Weber Counties, Utah, on the one hand, and, on the other, points in Bannock, Bear Lake, Caribou, Franklin, and Oneida Counties, Idaho. The purpose of this filing is to eliminate the gateway points in Cache County, Utah.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74–14192 Filed 6–19–74;8:45 am]

[Rule 19; Ex Parte No. 241, Exemption No. 77]

LEHIGH VALLEY RAILROAD CO.

Exemption Under Mandatory Car Service Rules

It appearing, That there is an emergency movement of military impedimenta from Kendala, New York, to Leland, North Carolina; that the originating carrier has insufficient system cars of suitable dimensions immediately available for loading with this traffic; that sufficient cars of other ownerships having suitable dimensions are available on the lines of the originating carrier and on its connections; and that compliance with Car Service Rules 1 and 2 would prevent the timely assembly and use of such cars.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, the Car Service Division of the Association of American Railroads is authorized to direct the movement to the Lehigh Valley Railroad Company, John F. Nash and Robert C. Haldeman, Trustees, the railroads designated by the Car Service Division are authorized to move to, and the Lehigh Valley Railroad Company, John F. Nash and Robert C. Haldeman, Trustees, is authorized to accept, assemble, and load not to exceed seventy-five (75) empty cars with military impedimenta from Kendala, New York, to Leland, North Carolina, regardless of the provisions of Car Service Rules 1(b), 2(c), 2(d), or 2(e).

Effective June 11, 1974.

Expires June 30, 1974.

Issued at Washington, D.C., June 11, 1974.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER, *Agent.*

[FR Doc.74–14185 Filed 6–19–74;8:45 am]

[Notice No. 106]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

JUNE 21, 1974.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before July 11, 1974. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–75104. By order of June 12, 1974, the Motor Carrier Board approved the transfer to Action Moving & Storage, Inc., Baltimore County, Md., of the operating rights in Certificate No. MC–133799 issued August 3, 1970, to Metropolitan Moving & Storage, Inc., Baltimore, Md., authorizing the transportation of used household goods, between Washington, D.C., and points in Maryland. Erwin B. Frenkil, 612 Court Square Building, Baltimore, Md. 21202, Attorney for transferee, and B. Marvin Potler, 1201 65th Street, Baltimore, Md. 21237, Representative for transferor.

No. MC–FC–75122. By order of June 11, 1974, the Motor Carrier Board approved the transfer to Robertson Foods Co., Inc., 10061 Redwood Highway, Wilderville, Oreg., of Certificates Nos. MC–133270 and MC–133270 (Sub. No. 2), issued September 17, 1969, and June 1, 1971, respectively, authorizing the transportation of meats, meat products and by-products, and dairy products from Portland and Eugene, Oreg., to points in seven named counties in Oregon, and from Eugene, Oreg., to points in five named counties in Oregon; and meats, meat products and by-products, dairy products, and articles distributed by meat packinghouses, and foodstuffs, other than those described above, from Seattle, Wash., to points in 12 named counties in Oregon, and from Portland, Oreg., to points in 19 named counties in Washington, respectively.

No. MC–FC–75180. By order of June 13, 1974, the Motor Carrier Board approved the transfer to L & L Express, Inc., Bloomfield, Conn., of the Certificate of Registration in No. MC–10501 (Sub-No. 2) issued May 12, 1964, to Krantz Express & Warehouse, Inc., East Hartford, Conn., evidencing the right to engage in transportation in interstate or foreign commerce corresponding in scope to Motor Common Carrier Certificate C–146 dated September 11, 1958, issued by the Public Utilities Commission of Connecticut. Henry D. Marcus, 60 Washington Street, Hartford, Conn. 06106, Representative for applicants.

No. MC–FC–75201. By order of June 13, 1974, the Motor Carrier Board approved the transfer to J. W. Athey, Sr. & J. W. Athey, Jr., a partnership, doing business as Athey Trucking, Stephens City, Va., of the operating rights in Certificate No. MC–35519 issued April 21, 1960, to George Russell Seal, Winchester, Va., authorizing the transportation of malt beverages from Baltimore, Md., to Winchester, Va., Frank B. Hand, Jr., P.O. Box 163, Berryville, Va. 22611, Attorney at Law.

No. MC–FC–75206. By order of June 13, 1974, the Motor Carrier Board approved the transfer to Louisiana-Pacific Trucking Company, Southern Division, a Division of Louisiana-Pacific Corporation, Carthage, Texas, of the operating rights in Permit No. MC–136749 (Sub-No. 1), issued May 9, 1973, to G. P. Bourrous Trucking Company, Inc., Diboll, Texas, authorizing the transportation of lumber from the plant site of Louisiana-Pacific Corporation near DeQuincy, La., to points in Texas.

Mike Cotten, P.O. Box 1148, Austin, Texas, Attorney for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74–14187 Filed 6–19–74;8:45 am]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

[Notice No. 48]

JUNE 14, 1974.

The following applications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972), states that there will be no significant effect on the quality of the human environment resulting from approval of its application), are governed by Special Rule 1100.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

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generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

No. MC 921 (Sub-No. 26), filed May 6, 1974. Applicant: DEAN TRUCK LINES, INC., P.O. Drawer 631, Fulton Drive, Corinth, Miss. 38834. Applicant's representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Avenue, Memphis, Tenn. 38137. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined in 17 M.C.C. 467, livestock, commodities in bulk, and articles which because of size or weight require special qeuipment), (1) Between Memphis, Tenn., and Hattiesburg, Miss.: From Memphis, Tenn., over Interstate Highway 55 to Jackson, Miss., thence over U.S. Highway 49 to Hattiesburg, Miss., and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with carrier's regular route operations; (2) Between Memphis, Tenn., and Meridian, Miss.: From Memphis, Tenn., over Interstate Highwy 55 to its junction with Mississippi Highway 35 near Vaiden, Miss., thence over Mississippi Highway 35 to its junction with Mississippi Highway 19 near Kosciusko, Miss., thence over Mississippi Highway 19 to Meridian, Miss., and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with carrier's regular route operations; (3) Between Memphis, Tenn., and Meridian, Miss.: From Memphis, Tenn. over Interstate Highway 55 to its junction with Interstate Highway 20 near Jackson, Miss., thence over Interstate Highway 20 to Meridian, Miss., and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with carrier's regular route operations; (4) Between Memphis, Tenn., and Laurel, Miss.: From Memphis, Tenn. over Interstate Highway 55 to its junction with U.S. Highway 49 near Jackson, Miss., thence over U.S. Highway 49 to its junction with U.S. Highway 84 near Collins, Miss., thence over U.S. Highway 84 to Laurel, Miss., and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with carrier's regular route operations;

(5) Between Meridian, Miss. and Nashville, Tenn.: From Meridian, Miss. over U.S. Highways 20 and 59 (and also U.S. Highway 11), to junction Interstate Highway 65 near Birmingham, Ala., thence over Interstate Highway 65, (and also U.S. Highway 31), to Nashville, Tenn., and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with carrier's regular route operations; (6) Between Tupelo, Miss., and Nashville, Tenn.: From Tupelo, Miss., over U.S. Highway 78 to its junction with Mississippi Highway 23 near Tremont, Miss., thence over Mississippi Highway 23 to the Mississippi-Alabama State Boundary Line, thence over Alabama Highway 24 to its junction with Interstate Highway 65 near Decatur, Ala., thence over Interstate Highway 65 (and also U.S. Highway 31), to Nashville, Tenn., and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with carrier's regular route operations; (7) Between Louisville, Ky., and junction U.S. Highway 31 West and Interstate Highway 65 near Uptown, Ky.: From Louisville, Ky., over U.S. Highway 31 West to its junction with Interstate Highway 65 near Uptown, Ky., and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with carrier's regular route operations; (8) Between Nashville, Tenn., and Memphis, Tenn.: From Nashville, Tenn., over Interstate Highway 40 to Memphis, Tenn., and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with carrier's regular route operations; and (9), Between Nashville, Tenn., and the junction of Tennessee Highways 22 and 100: From Nashville, Tenn., over Interstate Highway 40 to its junction with Tennessee Highway 22, thence over Tennessee Highway 22 to its junction with Tennessee Highway 100 at a point 16.8 miles northeast of Henderson, Tenn., and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with carrier's regular route operations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Memphis, Tenn., or Washington, D.C.

No. MC 1756 (Sub-No. 29), filed May 13, 1974. Applicant: PEOPLES EXPRESS CO., a Corporation, 497 Raymond Boulevard, Newark, N.J. 07105. Applicant's representative: Bert Collins, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty metal containers and container ends, materials, supplies, and equipment* used in the manufacture, sale and distribution of said commodities (except in bulk), from the plantsite or other facilities of Kaiser Aluminum and Chemical Corporation at Edison Township, N.J., to points in New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, the District of Columbia, and Vermont.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 1838 (Sub-No. 10), filed May 13, 1974. Applicant: ALEX C. SMITH, INC., 13557 Bloomingdale Road, Akron, N.Y. 14001. Applicant's representative: William J. Hirsch, Suite 1125, 43 Court Street, Buffalo, N.Y. 14202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except classes A and B explosives, articles of unusual value, household goods as defined by the Commission, commodities in bulk, and commodities which because of their size and weight require the use of special equipment), between points in Connecticut, Delaware, District of Columbia, Chicago, Ill., including the Chicago Commercial Zone as defined by the Commission, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia, under contract or contracts with Georgia-Pacific Corporation, restricted to the transportation of traffic originating at, or destined to, plantsites and warehouses of the Georgia-Pacific Corporation and/or subsidiaries thereof.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Buffalo, N.Y.

No. MC 2754 (Sub-No. 24), filed May 13, 1974. Applicant: NEUENDORF TRANSPORTATION CO., a Corporation, 121 South Stoughton Road, Madison, Wis. 53701. Applicant's representative: Robert E. Bryant (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs* (except commodities in bulk), from Plover, Wis., to points in Illinois, Indiana, Iowa, Michigan, Minnesota, and Wisconsin; and (2), *materials, equipment, and supplies* which are used or useful in the manufacture, sale, production, or distribution, or distribution of the commodities as described in (1) above, from points in Illinois, Indiana, Iowa, Michigan, Minnesota, and Wisconsin, to Plover, Wis.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill., or Milwaukee, Wis.

No. MC 6607 (Sub-No. 16) (Amendment), filed April 25, 1974, published in the FEDERAL REGISTER issue of May 31, 1974, and republished as amended this issue. Applicant: J. J. MINNEHAN, INC., P.O. Box 369, Rochingham Road, Bellows Falls, Vt. 05101. Applicant's representative: Frederick T. O'Sullivan, 622 Lowell Street, Peabody, Mass. 01960. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Water*, in bulk, in tank vehicles, (1) from Middleborough, Mass., to Goshen, N.Y.; and (2) from Westerly, R.I., to Groton, Conn., (1) and (2) above, under contract with Dairylea Co-Operative, Inc., Natural Spring Water Co., Inc., and General Dynamics Corp.

NOTE.—Common control and dual operations may be involved. The purpose of this republication is to amend the supporting shippers to include General Dynamics Corp. If a hearing is deemed necessary, the applicant requests it be held at Hartford, Conn.

No. MC 8535 (Sub-No. 47), filed May 13, 1974. Applicant: GEORGE TRANSFER AND RIGGING COMPANY, INC., Interstate 83 at Route 439, Parkton, Md. 21120. Applicant's representative: John Guandolo, 1000 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Activated carbon*, in containers, from Columbus, Ohio, to points in Washtenaw County, Mich.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 11220 (Sub-No. 139), filed May 13, 1974. Applicant: GORDONS TRANSPORTS, INC., 185 West McLemore Avenue, P.O. Box 59, Memphis, Tenn. 38101. Applicant's representative: W. F. Goodwin (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General Commodities* (except automobiles set up on wheels, dangerous explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between St. Louis, Mo., and Nashville, Tenn.: (1) From St. Louis over Interstate Highway 70 to East St. Louis, Ill., thence over Interstate Highway 64 to junction with U.S. Highway 41, thence over U.S. Highway 41 to Hopkinsville, Ky., thence over U.S. Highway 41 and/or Alternate U.S. Highway 41 to Nashville and return over the same route; (2) from St. Louis over U.S. Highway 460 to Crossville, Ill., thence over Illinois Highway 1 to junction with Interstate Highway 64 near Calvin, Ill., thence over Interstate Highway 64 to junction with U.S. Highway 41 thence over U.S. Highway 41 to Henderson, Ky., thence over the Pennyril Parkway to Hopkinsville, Ky., thence over Alternate U.S. Highway 41 and/or U.S. Highway 41 to Nashville and return over the same route; (3) (a) from St. Louis over Interstate Highway 70 to East St. Louis, Ill., thence over Interstate Highway 64 to Mt. Vernon, Ill., thence over Interstate Highway 57 to junction with Illinois Highway 148, thence over Illinois Highway 148 to junction with Illinois Highway 37, thence over Illinois Highway 37 to its junction with Illinois Highway 146 at West Vienna, Ill., thence over Illinois Highway 146 to junction with Interstate Highway 24 east of Vienna, Ill., thence over Interstate Highway 24 to junction with U.S. Highway 60 west of Paducah, Ky., thence over U.S. Highway 60 to Paducah, thence over U.S. Highway 68 to Hopkinsville, Ky., thence over Alternate U.S. Highway 41 and/or U.S. Highway 41 to Nashville, and return over the same route; and (b) from St. Louis over U.S. Highway 460 to Mt. Vernon, Ill., thence over the same route as (3)(a) above; and (4) from St. Louis to Mt. Vernon, Ill., as described in (3) (a) and (b) above, thence over Interstate Highway 57 to junction with Interstate Highway 24, thence over Interstate Highway 24 to Nashville and return over the same route; (1) through (4) above, serving no intermediate points and serving Nashville for purposes of joinder only, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Nashville, Tenn., St. Louis, Mo., or Memphis, Tenn.

No. MC 28088 (Sub-No. 10), filed May 16, 1974. Applicant: NORTH & SOUTH LINES, INC., 1610 S. Main Street, Harrisonburg, Va. 22801. Applicant's representative: John R. Sims, Jr., Suite 600, 1707 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Crozet, Va., to points in Connecticut, Delaware, Kentucky, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Tennessee, Vermont, and West Virginia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C., or Harrisonburg, Va.

No. MC-33641 (Sub-No. 115) (Correction), filed April 18, 1974, published in the FEDERAL REGISTER issue of May 23, 1974, and republished as corrected this issue. Applicant: IML FREIGHT, INC., 2175 South 3270 West, Salt Lake City, Utah 84110. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Denver, Colo., and Flagstaff, Ariz.: From Denver, Colo., over U.S. Highway 285, to Monte Vista, Colo., thence over U.S. Highway 160 to junction U.S. Highway 550 near Durango, Colo., thence over U.S. Highway 550 to Shiprock, N. Mex., thence over New Mexico and Arizona, Highway 504 to junction U.S. Highway 164, thence over U.S. Highway 164 to junction U.S. Highway 89, thence over U.S. Highway 89 to Flagstaff, Ariz., and return over the same route; (2) between Kansas City, Mo., and Flagstaff, Ariz.: From Kansas City, Mo., over U.S. Highway 50 (I–35) to junction Kansas Turnpike near Emporia, Kansas, thence over Kansas Turnpike (I–35) to junction U.S. Highway 54 near Wichita, Kansas, thence over U.S. Highway 54 to Tucumcari, N. Mex., thence over U.S. Highway 66 (I–40) to Flagstaff, Ariz., and return over the same route, (1) and (2) as alternate routes for operating conveniences only in connection with the carrier's regular route operations.

NOTE.—The purpose of this republication is to correct the territorial description in Route (2), which was previously published in error. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or Kansas City, Mo.

No. MC 39395 (Sub-No. 6) (Correction), filed April 18, 1974, published in FEDERAL REGISTER issue of May 31, 1974, and republished as corrected this issue. Applicant: NEHALEM VALLEY MOTOR FREIGHT, INC., 3641 NW. St. Helens Rd., Portland, Oreg. 97210. Applicant's representative: G. G. Gerdes (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, Classes A and B explosives, commodities in bulk, and those requiring special equipment), between Rainier, Oreg., on the one hand, and, on the other, Longview and Kelso, Wash., restricted against shipments originating at Reynolds Metals Company located at or near Longview, Wash.

NOTE.—The purpose of this republication is to indicate the correct restriction sought in this proceeding. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 44639 (Sub-No. 80), filed May 13, 1974. Applicant: L & M EXPRESS CO., INC., 220 Ridge Road, Lyndhurst, N.J. 07071. Applicant's representative: Herman B. J. Weckstein, One Woodbridge Center, Woodbridge, N.J. 07095. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel and materials and supplies* used in the manufacture of wearing apparel, between Farmville and Amelia, Va., on the one hand, and, on the other, the New York, N.Y., Commercial Zone.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 46267 (Sub-No. 9), filed May 10, 1974. Applicant: SCOTT FREIGHT SERVICE CORP., 4740 Industrial Road, Fort Wayne, Ind. 46825. Applicant's representative: Walter F. Jones, 601 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Fort Wayne, Ind., and Saint Joe, Ind.: From Fort Wayne over Indiana Highway 327 to junction Indiana Highway 4, thence over Indiana Highway 4 to junction County Highway 800, thence over County Highway 800 south to junction Indiana Highway 1, thence over Indiana Highway 1 to St. Joe, Ind., serving all intermediate points and the off-route points of Helmer and South Milford, Ind.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill., or Indianapolis, Ind.

No. MC 52752 (Sub-No. 22), filed May 10, 1974. Applicant: WESTERN TRANSPORTATION COMPANY, a Corpora-

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tion, 1300 West 35th Street, Chicago, Ill. 60609. Applicant's representative: Carl Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, and dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment), (1) between Elgin, Ill., and Independence, Iowa; from Elgin, Ill., over U.S. Highway 20 to Independence, Iowa, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with carrier's regular route operations; and (2) between the junction of Iowa Highway 92 and U.S. Highway 218 and the junction of Iowa Highway 92 and U.S. Highway 63 at Oskaloosa, Iowa: From the junction of Iowa Highway 92 and U.S. Highway 218 over Iowa Highway 92 to the junction of Iowa Highway 92 and U.S. Highway 63 at Oskaloosa, Iowa, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with carrier's regular route operations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 59806 (Sub-No. 4), filed May 10, 1974. Applicant: GROSS & HECHT TRUCKING, INC., Box 514, 35 Brunswick Avenue, Edison, N.J. 08817. Applicant's representative: A. David Milliner, 744 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, and in connection therewith, *equipment, materials, and supplies* used in the conduct of such business, (1) between points in Bergen, Essex, Hudson, Hunterdon, Middlesex, Monmouth, Morris, Ocean, Passaic, Somerset, Sussex, Union and Warren Counties, N.J., Bronx, Kings, Nassau, New York, Orange, Queens, Richmond, Rockland, Suffolk, Sullivan, Ulster, and Westchester Counties, N.Y., in nonradial movements; (2) between points in the above territory, on the one hand, and, on the other, Florence (Burlington County), N.J., Philadelphia, Dunmore and Scranton, Pa.; and (3) between points in the territorial description of (1) above, and Florence (Burlington), N.J., on the one hand, and, on the other, Albany, N.Y.; (1), (2), and (3) above, under a continuing contract or contracts with the Great Atlantic & Pacific Tea Company, Inc., of New York, N.Y.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 67450 (Sub-No. 48), filed May 6, 1974. Applicant: PETERLIN CARTAGE CO., a Corporation, 9651 South Ewing Avenue, Chicago, Ill. 60617. Applicant's representative: Joseph M. Scanlan, 111 West Washington Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Products of corn and products of soybeans and blends thereof*, in bulk, in tank trailer, from the plantsites and warehouse facilities of Archer Daniels Midland Company at or near Decatur, Ill., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 72243 (Sub-No. 38), filed May 13, 1974. Applicant: AETNA FREIGHT LINES, INC., 2507 Youngstown Road, P.O. Box 350, Warren, Ohio 44482. Applicant's representative: John P. Carlton, 903 Frank Nelson Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles*, from the plantsite and storage facilities of Connors Steel Company, located at or near Birmingham, Ala., to points in Alabama, Georgia, North Carolina, South Carolina, Tennessee, Kentucky, Arkansas, Louisiana, Missouri, Illinois, Indiana, Ohio, Oklahoma, Texas, and Virginia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Birmingham, Ala., or Washington, D.C.

No. MC 74321 (Sub-No. 98), filed May 10, 1974. Applicant: B. F. WALKER, INC., P.O. Box 17–B, Denver, Colo. 80217. Applicant's representative: J. Marshall Forsyth (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bituminous fibre pipe or conduit drain or sewer, and accessories thereto*, from the plant site of McGraw-Edison Company, located at or near Newark, Calif., to points in Nevada, Arizona, New Mexico, Utah, Colorado, Oregon, Washington, Idaho, Montana, Nebraska, Kansas, nd Oklahoma.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif., or Denver, Colo.

No. MC 76449 (Sub-No. 20), filed May 8, 1974. Applicant: NELSON'S EXPRESS, INC., 675 North Market Street, P.O. Box 312, Millersburg, Pa. 17061. Applicant's representative: John W. Frame, Box 626, 2207 Old Gettysburg Road, Camp Hill, Pa. 17011. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, livestock, high explosives, household goods as defined by the Commission, commodities requiring special equipment, and commodities in bulk): (1) Between Camp Hill, Pa., and the junction of Interstate Highway 81 and U.S. Highway 11, in Middlesex Township, Pa., serving all intermediate points: From Camp Hill, Pa., over U.S. Highway 11 to its junction with Interstate Highway 81, and return over the same route; and (2) Between Mechanicsburg, Pa., and Hogestown, Pa.; From Mechanicsburg over Pennsylvania Highway 114 to Hogestown and return over the same route.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa.

No. MC 94201 (Sub-No. 123), filed May 10, 1974. Applicant: BOWMAN TRANSPORTATION, INC., P.O. Box 17744, Atlanta, Ga. 30316. Applicant's representative: Maurice F. Bishop, 601–9 Frank Nelson Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cooking oils* (except in bulk), from the plantsite, warehouse and storage facilities of The Clorox Company at or near Atlanta, Ga., to points in Alabama, Florida, Mississippi and Tennessee.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C., or Atlanta, Ga.

No. MC–99780 (Sub-No. 37) (Correction), filed April 5, 1974, published in FEDERAL REGISTER issue of May 23, 1974, and republished as corrected this issue. Applicant: CHIPPER CARTAGE COMPANY, INC., 1327 NE. Bond Street, Peoria, Ill. 61603. Applicant's representative: John R. Zang (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen bakery goods, frozen prepared foods, frozen juices, frozen fruits and vegetables, frozen meats, fish, and poultry*, from the plantsite and facilities of Continental Freezers of Illinois, a division of F. H. Prince and Company, Inc., at Chicago, Ill., to points in Indiana, Illinois, Michigan, and Ohio, and to that portion of Iowa bounded by U.S. Route 63 on the west, and the State Boundary lines on the north, east and south including all of Waterloo, Cedar Falls, and Ottumwa, Iowa, and Louisville, Ky., restricted to the transportation of traffic originating at the above named origin and destined to the above named destinations.

NOTE.—The purpose of this republication is to indicate correct title assigned to the proceeding is MC–99780 (Sub-No. 37). If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC–100666 (Sub-No. 280) (Correction), filed April 15, 1974, published as MC 100667 (Sub-No. 280) in the FEDERAL REGISTER issue of May 31, 1974, and republished as corrected this issue. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Wilburn L. Williamson, Suite 280, National Foundation Life Bldg., 3535 NW. 58th, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Buildings*, complete, knocked down, or in sections; (2) *building sections and building panels;* (3) *parts and accessories* used in the installation thereof; and (4) *metal prefabricated structural components and panels*, from

Portland, Tenn., to points in the United States (except Alaska and Hawaii).

NOTE.—The purpose of this republication is to indicate the correct docket no. in MC 100666 (Sub-No. 280) assigned to this proceeding. If a hearing is deemed necessary, applicant requests it be held at (1) Nashville, Tenn.; (2) Memphis, Tenn.; (3) Washington, D.C.

No. MC–103051 (Sub-No. 312), filed May 6, 1974. Applicant: FLEET TRANSPORT COMPANY, INC., 934 44th Ave. North, Nashville, Tenn. 37209. Applicant's representative: Russell E. Stone (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sugar*, in bulk, in tank vehicles, from Belle Glade, Fla., to Atlanta, Ga.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Nashville, Tenn., or Atlanta, Ga.

No. MC–106603 (Sub-No. 133), filed May 10, 1974. Applicant: DIRECT TRANSIT LINES, INC., 200 Colrain Street SW., Grand Rapids, Mich. 49508. Applicant's representative: Martin J. Leavitt, 22375 Haggerty Road, P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles and building and construction materials* between Kokomo and Fort Wayne, Ind.; Joliet and Blue Island, Ill.; Columbus and Toledo, Ohio; and Detroit, Grand Rapids, and Lansing, Mich.; (2) *iron and steel articles and building and construction materials*, from Kokomo and Fort Wayne, Ill., Joliet and Blue Island, Ill.; Columbus and Toledo, Ohio; and Detroit, Grand Rapids, and Lansing, Mich., to points in Alabama, Illinois, Indiana, Iowa, Kentucky, Michigan, Mississippi, Missouri, Ohio, Pennsylvania, Tennessee, and Wisconsin; and (3) *materials, equipment, and supplies* used in the manufacture and distribution of iron and steel articles and building and construction materials from points in Alabama, Illinois, Indiana, Iowa, Kentucky, Michigan, Mississippi, Missouri, Ohio, Pennsylvania, Tennessee, and Wisconsin to Kokomo and Fort Wayne, Ind.; Joliet and Blue Island, Ill.; Columbus and Toledo, Ohio; and Detroit, Grand Rapids, and Lansing, Mich., restricted to shipments either orginating at or destined to the Continental Steel Corporation and/or its wholly-owned subsidiaries, Phoenix Manufacturing Co., Enterprise Wire Co., and the Hausman Corp.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 107403 (Sub-No. 898), filed May 13, 1974. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum fuels, oils, and waxes*, in bulk, (1) from Baytown, Tex., to points in the United States (except Alaska and Hawaii); and (2) from the plant site of Exxon Company, U.S.A., located at or near Baton Rouge, La., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 107403 (Sub-No. 899), filed May 6, 1974. Applicant: MATLACK, INC., Ten West Baltimore Avenue, Landsdowne, Pa. 19050. Applicant's representative: John Nelson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals and petroleum products*, in bulk, in tank vehicles, (1) from points in Chambers and Harris Counties, Tex., to points in the United States (except Alaska and Hawaii); and (2) from points in Cameron County, Tex., to points in the United States (except Alaska and Hawaii), restricted in (2) above to traffic originating in the Republic of Mexico.

NOTE.—Common control was approved in MC–F–10612. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 109449 (Sub-No. 18), filed May 13, 1974. Applicant: KUJAK BROS. TRANSFER, Inc., 352 Junction Street, Winona, Minn. 55987. Applicant's representative: Charles E. Nieman, 1110 Northwestern Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grains, grain products, animal and poultry feeds, and feed ingredients*, between Cochrane, Wis., on the one hand, and, on the other, points in Minnesota, Iowa, Missouri, Illinois, Indiana, Michigan, Ohio, Kentucky and Tennessee.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn., St. Paul, Minn., or Winona, Minn.

No. MC 110012 (Sub-No. 29), filed May 6, 1974. Applicant: G. B. C. INC., 707 North Liberty Hill Road, Morristown, Tenn. 37814. Applicant's representative: Robert E. Joyner, 2008 Clark Tower, 5100 Poplar Avenue, Memphis, Tenn. 38137. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Polyfoam, foam rubber, kapok, cotton waste, and batting, and vinyl cover*, from Morristown, Tenn., to points in the United States (except Tennessee, Alaska, and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Knoxville, Tenn., or Washington, D.C.

No. MC 110325 (Sub-No. 60) (Correction), filed April 15, 1974, published in the FEDERAL REGISTER issue of May 23, 1974, and republished as corrected this issue. Applicant: TRANSCON LINES, a Corporation, P.O. Box 92220, Los Angeles, Calif. 90009. Applicant's representative: Wentworth E. Griffin, 1221 Baltimore Avenue, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the warehouse site of Western Electric, located at or near Goddard, Kans., as an off-route point in connection with carrier's authorized regular-route operations at Wichita, Kans.

NOTE.—The purposes of this republication are to indicate the correct authority sought in this proceeding and delete the previous reference to common control. If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo., or Washington, D.C.

No. MC 110563 (Sub-No. 139), filed May 13, 1974. Applicant: COLDWAY FOOD EXPRESS, INC., P.O. Box 747, Ohio Building, Sidney, Ohio 45365. Applicant's representative: Joseph M. Scanlan, 111 West Washington, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Marysville, Pa., to points in Colorado, Illinois, Indiana, Iowa, Missouri, Kansas, Michigan, Nebraska, Oklahoma and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC–112304 (Sub-No. 80) (Correction), filed April 22, 1974, published in the FEDERAL REGISTER issue of May 31, 1974, and republished as corrected this issue. Applicant: ACE DORAN HAULING & RIGGIN CO., 1601 Blue Rock Street, Cincinnati, Ohio 45223. Applicant's representative: T. Collins (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers and trailer chassis* (except those designed to be drawn by passenger automobiles), *and trailer converter dollies*, (2) *waste and refuse handling equipment and systems*, (3) *motor vehicle bodies, containers, and motor vehicle body equipment and accessories*, and (4) *materials, supplies and parts* (except commodities in bulk) used in the manufacture, assembly, and servicing of commodities described in (1), (2), and (3) above, when moving in mixed shipments and in the same load with such commodities, (a) between Galion, Lima, Mount Vernon, and Winesburg, Ohio, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii); (b) between Macon, Ga., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii); (c) between Durant, Okla., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii); and (d) between Vineland, N.J., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. The purpose of this republication is to indicate that the commodities described in (1) through (4) above will be moved inclusively

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as described in (a) through (d) above. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C., or Columbus, Ohio.

No. MC 112713 (Sub-No. 169), filed May 9, 1974. Applicant: YELLOW FREIGHT SYSTEM, INC., 10990 Roe Avenue, P.O. Box 7270, Shawnee Mission, Kans. 66207. Applicant's representative: Axelrod, Goodman, Steiner & Bazelon, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between the junction of California Highways 99 and 152 and Sacramento, Calif., serving the junction of California Highway 99 and 152 for purposes of joinder only, and serving all intermediate and off-route points in Merced, Stanislaus, San Joaquin, and Sacramento Counties, Calif., and all points in Butte, Contra Costa, Solano, Sutter, Yolo, and Yuba Counties, Calif., as off-route points in connection with said regular route: From junction California Highways 99 and 152 over California Highway 99 (also now known as Temporary Interstate Highway 5, between Stockton and Sacramento), to Sacramento, and return over the same route.

NOTE.—Applicant is presently authorized to transport general commodities, with exceptions, over irregular routes, between points in Merced, Stanislaus, San Joaquin, Sacramento, Butte, Contra Costa, Solano, Sutter, Yolo, and Yuba Counties, Calif. The purpose of this application is to convert said irregular-route authority to regular-route authority. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo.

No. MC 112713 (Sub-No. 170), filed May 13, 1974. Applicant: YELLOW FREIGHT SYSTEM, INC., P.O. Box 7270, 10990 Roe Avenue, Shawnee Mission, Kans. 66207. Applicant's representative: John M. Records (same address as applicant). Authority sought to operate as a *common carrier*, over irregular routes, transporting: *Frozen pies*, from the plant site and warehouse facilities of Johnston's Pie Company, Division of Ward Foods, Inc., located at Torrance and Vernon, Calif., to Scott City and St. Louis, Mo.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 113828 (Sub-No. 219), filed April 29, 1974. Applicant: O'BOYLE TANK LINES, INCORPORATED, P.O. Box 30006, Washington, D.C. 20014. Applicant's representative: Michael A. Grimm (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid commodities*, in bulk, in tank vehicles, from the plantsites and facilities of Skyline Terminals, Inc., located at or near Baltimore, Md., to points in Delaware, Maryland, New Jersey, New York, Ohio, Pennsylvania, North Carolina, Virginia, West Virginia, and the District of Columbia, restricted to shipments having a prior movement by rail, water, or motor carrier, and destined to the above-named destinations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113861 (Sub-No. 58), filed May 3, 1974. Applicant: WOOTEN TRANSPORTS, INC., 153 Gaston Ave., Memphis, Tenn. 38106. Applicant's representative: James N. Clay, 2700 Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt*, in bulk, in tank vehicles, from Memphis, Tenn., to points in Alabama.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Memphis, Tenn.

No. MC 114273 (Sub-No. 184), filed May 6, 1974. Applicant: CEDAR RAPIDS STEEL TRANSPORTATION, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Robert E. Konchar, Suite 315 Commerce Exchange Building, 2720 First Avenue NE., Cedar Rapids, Iowa 52406. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel paving joint roadway*, from Maquoketa, Iowa, to points in Illinois, Indiana, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, Pennsylvania, Texas, West Virginia, and Wisconsin.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114533 (Sub-No. 299), filed May 3, 1974. Applicant: BANKERS DISPATCH CORPORATION, 4970 South Archer Avenue, Chicago, Ill. 60632. Applicant's representative: Warren W. Wallin, 330 S. Jefferson St., Chicago, Ill. 60606. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Audit media and other business records*, between Wheeling, Ill., on the one hand, and, on the other, Maryland Heights, Mo., and Warren, Livonia, Riverview, and Saginaw, Mich.

NOTE.—Applicant holds contract carrier authority in MC-128616 and subs thereunder, therefore, dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill., or Detroit, Mich.

No. MC 114604 (Sub-No. 25), filed May 15, 1974. Applicant: CAUDELL TRANSPORT, INC., State Farmers Market, Forest Park, Ga. 30050. Applicant's representative: K. Edward Wolcott, P.O. Box 872, Atlanta, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from points in Chattanooga, Tenn., to points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, and South Carolina.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Chattanooga, Tenn.

No. MC 115311 (Sub-No. 167), filed May 13, 1974. Applicant: J & M TRANSPORTATION CO., INC., P.O. Box 488, Milledgeville, Ga. 31061. Applicant's representative: Paul M. Daniell, P.O. Box 872, Atlanta, Ga. 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages and related advertising material* from Jacksonville, Fla., to points in Georgia, Alabama, Mississippi, Tennessee, South Carolina, and North Carolina; and (2) *materials and supplies* (except commodities in bulk) used in the production, manufacture, sale, and distribution of malt beverages, from points in Georgia, Alabama, Mississippi, Tennessee, South Carolina, and North Carolina, to Jacksonville, Fla.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla.

No. MC 115557 (Sub-No. 11), filed May 9, 1974. Applicant: CHARLES A. McCAULEY, 308 Leisure Way, New Bethlehem, Pa. 16242. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dynamic loud speakers and component parts, and magnetic materials, and magnets* for loud speakers between Punxsutawney and Du Bois, Pa., on the one hand, and, on the other, points in California; and (2) *dynamic loud speakers and component parts, and iron and steel stampings* used in the manufacture of loud speakers from Chicago, Ill., to points in California.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 115695 (Sub-No. 6), filed May 14, 1974. Applicant: SOUTHEAST TRANSPORT CORP., P.O. Box 13662, Savannah, Ga. 31406. Applicant's representative: Virgil H. Smith, 1587 Phoenix Boulevard, Suite 12, Atlanta, Ga. 30349. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the plantsite and warehouse facilities of Valiant Steel and Equipment, Inc., located in Chatham County, Ga., to points in Florida.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Savannah, Ga., or Atlanta, Ga.

No. MC 116077 (Sub-No. 353), filed May 13, 1974. Applicant: ROBERTSON TANK LINES, INC., 2000 West Loop South, Suite 1800, Houston, Tex. 77027. Applicant's representative: Pat H. Robertson, 500 West 16th Street, P.O. Box 1945, Austin, Tex. 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum fuels, oils, and waxes*, in bulk, (1) from Baytown, Tex., to points in the United States (except Alaska and Hawaii); and (2) from the plantsite of Exxon Company, U.S.A., located at or near Baton Rouge, La., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New Orleans, La., or Dallas, Tex.

No. MC 117647 (Sub-No. 6), filed May 10, 1974. Applicant: BILL J. ELKINS, Rural Route No. 4, Box 124, West Terre Haute, Ind. 47885. Applicant's representative: Mark Bell, 8403 North Michigan Road, Indianapolis, Ind. 46268. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coal tar and coal tar products*, (1) from the plant site of Western Tar Products Corp., located at or near Terre Haute, Ind., to points in Kentucky, Illinois, Iowa, Michigan, Missouri, Ohio, Tennessee, and Wisconsin; (2) from Cincinnati, Ohio; Granite City, and Chicago, Ill., to the plantsite of Western Tar Products Corp., located at or near Terre Haute, Ind.; (3), from Memphis, Tenn., to points in Indiana; and (4) from Jeffersonville, Ind., to points in Illinois, (1) through (4) above, inclusive, under a continuing contract or contracts with Western Tar Products.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Indianapolis, Ind.

No. MC 117940 (Sub-No. 129), filed May 9, 1974. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, Minn. 55359. Applicant's representative: Donald L. Stern, Suite 530, Univac Building, 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods and materials, supplies, equipment, and ingredients* used in the manufacturing, packaging, and distribution of frozen foods (except in bulk), between the plantsite and warehouse facilities of the Quaker Oats Company in or near Jackson, Tenn., on the one hand, and, on the other points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, Vermont, West Virginia, Wisconsin, and the District of Columbia, restricted to traffic originating at or destined to the plant or warehouse facilities of the Quaker Oats Company in or near Jackson, Tenn.

NOTE.—Applicant holds contract carrier authority in MC-114789 Sub-No. 1 and other subs, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Atlanta, Ga.

No. MC 118089 (Sub-No. 16), filed May 8, 1974. Applicant: ROBERT HEATH TRUCKING, INC., 2909 Avenue C, P.O. Box 2501, Lubbock, Tex. 79408. Applicant's representative: Charles J. Kimball, 2310 Colorado State Bank Building, 1600 Broadway, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, and articles* distributed by meat packinghouses, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides, and commodities in bulk, in tank vehicles), from the plantsite of and storage facilities utilized by American Beef Packers, Inc., at or near Cactus (Moore County), Tex., to points in Alabama, Arkansas, Arizona, California, Colorado, Connecticut, District of Columbia, Florida, Georgia, Idaho, Kansas, Louisiana, Maryland, Massachusetts, Montana, Nevada, New Jersey, New Mexico, New York, Oklahoma, Oregon, Pennsylvania, Rhode Island, Texas, Utah, Virginia, and Washington.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 119099 (Sub-No. 15), filed May 9, 1974. Applicant: BJORKLUND TRUCKING, INC., 1st Ave. NE. and 8th Street, Buffalo, Minn. 55313. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel wire and steel rod* (except commodities which because of size or weight require the use of special equipment or special handling), from the plantsite of Wire Sales Co., at Chicago, Ill., to points in Minnesota.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis-St. Paul, Minn.

No. MC-119099 (Sub-No. 16), filed April 25, 1974. Applicant: BJORKLUND TRUCKING, INC., First Avenue NE. and 8th Street, Buffalo, Minn. 55313. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat by-products and articles distributed by meat packinghouses* (except hides and commodities in bulk in tank vehicles), not for human consumption, from points in Minnesota, to points in Wisconsin and Illinois.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119641 (Sub-No. 123), filed May 7, 1974. Applicant: RINGLE EXPRESS, INC., 450 East Ninth Street, Fowler, Ind. 47944. Applicant's representative: Robert C. Smith, P.O. Box 2278, Colee Station, Ft. Lauderdale, Fla. 33303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements and parts* thereof (other than hand), from Griswold, Iowa, to points in the United States in and east of Wisconsin, Illinois, Kentucky, Tennessee, and Mississippi.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Chicago, Ill.

No. MC 119726 (Sub-No. 42), filed May 16, 1974. Applicant: N. A. B. TRUCKING CO., INC., 2502 West Howard Street, Indianapolis, Ind. 46221. Applicant's representative: James L. Beattey, 130 East Washington St., Suite 1000, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lawnmowers*, from Indianola, Miss., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Tennessee, North Carolina, South Carolina, Indiana, Illinois, Ohio, Michigan, Wisconsin, Iowa, Missouri, Texas, Oklahoma, Pennsylvania, Virginia, West Virginia, and Minnesota, and from Lawrenceburg, Tennessee, to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Indiana, Illinois, Ohio, Michigan, Wisconsin, Iowa, Missouri, Texas, Oklahoma, Pennsylvania, Virginia, West Virginia, and Minnesota, and (2) *lawn and garden tools*; from Statesville, N.C., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Tennessee, Mississippi, South Carolina, Indiana, Illinois, Michigan, Wisconsin, Iowa, Missouri, Texas, Oklahoma, Pennsylvania, Virginia, West Viriginia, and Minnesota.

NOTE.—If a hearing is deemed necessary, the applicant requires it be held at Kansas City, Mo.

No. MC 119988 (Sub-No. 63), filed April 29, 1974. Applicant: GREAT WESTERN TRUCKING CO., INC., Highway 103 East, P.O. Box 1384, Lufkin, Tex. 75901. Applicant's representative: Hugh T. Matthews, 630 Fidelity Union Tower, Dallas, Tex. 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs*, from the plantsite and storage facilities of Bama Food Products in Birmingham, Ala., to points in New Mexico, Colorado, Texas, Oklahoma, Kansas, Nebraska, South Dakota, North Dakota, Louisiana, Arkansas, Missouri, Iowa, Minnesota, Mississippi, Tennessee, Illinois, Wisconsin, Indiana, Michigan, Ohio, Kentucky, Georgia, Florida, South Carolina, North Carolina, Virginia, West Virginia, Maryland, Pennsylvania, New Jersey, New York, and Delaware; and (2) *materials, equipment and supplies* utilized in the manufacture and distribution of foodstuffs, from points in the destination states named in (1) above, to the plantsite and storage facilities of Bama Food Products in Birmingham, Ala., restricted to the transportation of traffic originating at or destined to the plantsite and/or storage facilities of Bama Food Products in Birmingham, Ala.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 120727 (Sub-No. 4), filed May 10, 1974. Applicant: GALLATIN-

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PORTLAND FREIGHT LINES, INC., P.O. Box 888, Gallatin, Tenn. 37066. Applicant's representative: Walter Harwood, P.O. Box 15214, Nashville, Tenn. 37215. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: (1) *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment): (a) Between Nashville, Tenn. and the Tennessee-Kentucky State Boundary line: From Nashville, Tenn. over U.S. Highway 31–W to the Tennessee-Kentucky State Boundary line, serving all intermediate points; (b) Between Mitchell, Tenn. and Portland, Tenn.: From Mitchell, Tenn. over Tennessee Highway 109 to Portland, Tenn., serving all intermediate points; (c) Between Nashville, Tenn. and Westmoreland, Tenn.: From Nashville, Tenn. over U.S. Highway 31–E to Westmoreland, Tenn., serving all intermediate points; (d) Between Westmoreland, Tenn. and the junction of Tennessee Highway 25 and U.S. Highway 31–W: From Westmoreland, Tenn. over Tennessee Highway 52 to its junction with Tennessee Highway 25, thence over Tennessee Highway 25 to its junction with U.S. Highway 31–W, and return over the same route, serving all intermediate points; (e) Between Gallatin, Tenn. and Portland, Tenn.: From Gallatin, Tenn. over Tennessee Highway 109 to Portland, Tenn., as an alternate route for operating convenience only;

(f) Between Gallatin, Tenn. and Nashville, Tenn.: From Gallatin, Tenn. over Tennessee Highway 109 to its junction with Interstate Highway 40, thence over Interstate Highway 40 to Nashville, Tenn., and return over the same route, as an alternate route for operating convenience only; (g) Between Gallatin, Tenn. and Castillian Springs, Tenn.: From Gallatin, Tenn. over Tennessee Highway 25 to Castillian Springs, Tenn., and return over the same route, serving all intermediate points, but performing no service at Castillian Springs; (h) Between Castillian Springs, Tenn., and Dixon Springs, Tenn.: From Castillian Springs, Tenn. over Tennessee Highway 25 to Dixon Springs, Tenn., serving all intermediate points, and serving Cato, Tenn., as an off-route point; (i) Between the junction of Tennessee Highway 25 and U.S. Highway 231 and Nashville, Tenn.: From junction of Tennessee Highway 25 and U.S. Highway 231 over U.S. Highway 231 to its junction with Interstate Highway 40, thence over Interstate Highway 40 to Nashville, Tenn., and return over the same route, as an alternate route for operating convenience only; and (2) *Printed matter and materials, supplies and equipment used in the maintenance and operation of printing plants* (except commodities in bulk, in tank vehicles), Between the plantsite of R. R. Donnelley & Son Company at Gallatin, Tenn. and the plantsite of R. R. Donnelley & Son Company at Glasgow, Ky.: From the plantsite of R. R. Donnelley & Son at Gallatin, Tenn. over U.S. Highway 31–E to the plantsite of R. R. Donnelley & Son Company at Glasgow, Ky.

NOTE.—Common control was approved in Docket No. MC–F–11212. Applicant states that the routes contained in (1) herein involve conversion of applicant's registered authority, and are included in MC–120727 (Sub-No. 3) pending before the Commission. If MC–120727 (Sub-No. 3) is granted, applicant states that said routes will be withdrawn from this application. Applicant seeks no duplicating authority. If a hearing is deemed necessary, the applicant requests it be held at Nashville, Tenn.

No. MC 123061 (Sub-No. 72), filed May 9, 1974. Applicant: LEATHAM BROTHERS, INC., 46 Orange Street, Salt Lake City, Utah 84104. Applicant's representative: Harry D. Pugsley, 315 East 2nd South (4th Floor), Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt and salt products* in containers, from Silsbee, Utah (near Wendover, Utah), to points in and north of San Benito, Monterey, Fresno and Inyo Counties, Calif.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 123294 (Sub-No. 31) (AMENDMENT), filed April 29, 1974, published in the FR issue of June 6, 1974, and republished as amended this issue. Applicant: WARSAW TRUCKING CO., INC., 1102 W. Winona Avenue, Warsaw, Ind. 46580. Applicant's representative: Martin J. Leavitt, P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dry animal and poultry feeds, dry animal and poultry mineral mixtures, animal and poultry tonics, animal and poultry medicines, animal and poultry insecticides, livestock and poultry feeders and equipment, and advertising matter and premiums* related to such commodities, from Quincy and Alpha, Ill., to points in Virginia, West Virginia, Georgia, Florida, Kentucky, Tennessee, Alabama, New York, New Jersey, Delaware, Maryland, and the District of Columbia; and (2) *materials, equipment and supplies* used in the manufacturing, sales and distribution of the above named commodities, from points in Virginia, West Virginia, Georgia, Florida, Kentucky, Tennessee, Alabama, New York, New Jersey, Delaware, Maryland, North Carolina, South Carolina, Pennsylvania, Michigan, Ohio, Indiana, and the District of Columbia, to Quincy and Alpha, Ill.

NOTE.—The purpose of this republication is to include North Carolina, South Carolina, Pennsylvania, Michigan, Ohio, and Indiana in the origin territory in (2) above. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 124306 (Sub-No. 15), filed May 6, 1974. Applicant: KENAN TRANSPORT COMPANY, a Corporation, P.O. Box No. 2934, Durham, N.C. 27705. Applicant's representative: Francis W. McInerny, 1000 Sixteenth Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank trucks, from Augusta, Ga., to points in North Carolina and South Carolina.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or Charleston, S.C.

No. MC 124774 (Sub-No. 91), filed May 13, 1974. Applicant: MIDWEST REFRIGERATED EXPRESS, INC., 4440 Buckingham Avenue, Omaha, Nebr. 68117. Applicant's representative: Clifford J. Foltz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides, and commodities in bulk, in tank vehicles), from the plantsite of and storage facilities utilized by American Beef Packers, Inc., at or near Cactus (Moore County), Tex., to points in Nebraska, Iowa, Illinois, Indiana, Michigan, Ohio, Kentucky, Maryland, District of Columbia, New Jersey, New York, Pennsylvania, Connecticut, Massachusetts, and Rhode Island, restricted to traffic originating at, and destined to, the named points.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 124796 (Sub-No. 115), filed May 13, 1974. Applicant: CONTINENTAL CONTRACT CARRIER, CORP., 15045 E. Salt Lake Avenue, P.O. Box 1257, City of Industry, Calif. 91749. Applicant's representative: William J. Monheim (same address as applicant) Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Automobile parts and accessories, automotive jacks, cranes (not self-propelled), hand, electric and pneumatic tools and advertising materials, premiums, racks, display cases and signs*, from Salt Lake City, Utah, to points in California, Idaho, Nevada, Oregon, and Washington; and *returned shipments* of the commodities described above, from points in California, Idaho, Nevada, Oregon, and Washington, to Salt Lake City, Utah, restricted to a transportation service to be performed under a continuing contract with Tenneco, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif., or Washington, D.C.

No. MC 124813 (Sub-No. 116), filed May 16, 1974. Applicant: UMTHUN TRUCKING CO., a Corporation, 910 South Jackson Street, Eagle Grove, Iowa 50533. Applicant's representative: William L. Fairbank, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bentonite, bentonite products, and foundry molding sand treating compound* (except in bulk), from the plantsite American Colloid Company, at Belle Fourche, S. Dak., to points in Iowa.

NOTE.—Applicant holds contract carrier authority in MC–118468 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 128030 (Sub-No. 67), filed May 2, 1974. Applicant: THE STOUT TRUCKING CO., INC., P.O. Box 177, Rural Route #1, Urbana, Ill. 61801. Applicant's representative: James F. Flanagan, 111 West Washington Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Louvers, dampers, enclosures, penthouses, unit housing panels, screening grilles, and drapery packets* used in heating, air conditioning, and environmental control systems, from points in Champaign, Ill., to points in Arkansas, Connecticut, Delaware, Idaho, Iowa, Kansas, Maine, Montana, Nevada, New Hampshire, New Jersey, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Utah, Vermont, Virginia, and Wyoming.

NOTE.—Applicant holds contract carrier authority in MC–5352, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Springfield or Chicago, Ill.

No. MC 128356 (Sub-No. 6), filed April 29, 1974. Applicant: DOWNINGTOWN TRAILER CARRIERS, INC., 640 West Boot Road, West Chester, Pa. 19380. Applicant's representative: Arnold Machles, Suite 1315, Two Center Plaza, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *New trailers* (except housetrailers and trailers designed to be drawn by passenger autos) *and parts thereof*, in truckaway service, in initial movements, from plants of Gindy Mfg. Corp., in Downingtown, Eagle, Honeybrook, and Lebanon, Pa., and Florence, N.J., to points in the United States including Alaska and Hawaii (except from Downingtown, Lebanon, Honeybrook, and Eagle, Pa., to points in New York, Ohio, West Virginia, North Carolina, Maryland, Delaware, New Jersey, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, and Illinois); and (2) *used trailers* (except housetrailers and trailers designed to be drawn by passenger autos) *and parts thereof*, in secondary movements, from points in the United States including Alaska and Hawaii, to the plants of Gindy Mfg. Corp. (except from those states specified in the exception in (1) above, to said plantsites of Gindy Mfg. Corp.).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 128608 (Sub-No. 7), filed May 7, 1974. Applicant: M. D. I. TRUCKING CORP., 307 Oliver Building, Pittsburgh, Pa. 15222. Applicant's representative: S. E. Wilmot, P.O. Box 328, Washington, Pa. 15301. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Metering, measuring, recording, and controlling devices and materials, supplies, and equipment used in the manufacture, repair, and distribution thereof*, between the plants of Rockwell International located at DuBois, Pa. and Uniontown, Pa., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii); and (2) *returned scrap devices*, from points in the United States (except Alaska and Hawaii), to recycling plants of Vulcan Detinning Co., Neville Island, Pa., and Roessing Bronze Co., Mars, Pa., under a continuing contract or contracts with Rockwell International of Pittsburgh, Pa.

NOTE.—If a hearing is deemed necessary applicant requests it be held at Pittsburgh, Pa. or Washington, D.C.

No. MC 129526 (Sub-No. 3), filed May 13, 1974. Applicant: FACTOR TRUCK SERVICE, INC., 2607 Old Rogers Road, Bristol, Pa. 19007. Applicant's representative: Robert B. Einhorn, 1540–PSFS Bldg., 12 S. 12th St., Philadelphia, Pa. 19107. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fluorescent lighting fixtures*, from Saddle Brook, N.J., to points in Wisconsin, Illinois, Kentucky, Tennessee, Mississippi, Michigan, Indiana, Alabama, Ohio, West Virginia, Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, Pennsylvania, Delaware, Maryland, District of Columbia, Virginia, North Carolina, South Carolina, Georgia, and Florida; (2) *Fluorescent lighting fixtures*, from Bristol, Pa., to points in Washington, Oregon, California, Idaho, Nevada, Montana, Wyoming, Utah, Arizona, Colorado, New Mexico, North Dakota, and South Dakota; (3) *Parts and accessories* of fluorescent lighting fixtures from Bristol, Pa., to points in the United States (except Alaska and Hawaii); (4) *Electrical transformers*, from Mendenhall, Miss., and Chicago, Ill., to Saddle Brook, N.J.; (5) *Electrical transformers*, from Madisonville, Ky., to Bristol, Pa.; and (6) *Plastic sheets and extrusions*, from Columbia, S.C., and Falsington, Pa., to Saddle Brook, N.J.; (1) through (6) above, under a continuing contract or contracts with Keystone Lighting Corp. and Robert Manufacturing Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 129635 (Sub-No. 3), filed May 10, 1974. Applicant: ROYAL'S MOTOR SERVICE, INC., 3316 East Jefferson, P.O. Box 1124, Grand Prairie, Tex. 75050. Applicant's representative: Joe G. Fender, 802 Houston First Savings Building, Houston, Tex. 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel reinforcing bars, smooth rounds and grinding balls*, from the plantsite and storage facilities of Border Steel Rolling Mills, Inc., located at El Paso, Tex., to points in Colorado, California, Arizona, New Mexico, Utah, Kansas, Oklahoma, Arkansas, Montana, Wyoming, and Nebraska, and (2) *materials, equipment and supplies* used in the manufacture of iron and steel reinforcing bars, smooth rounds, and grinding balls, from points in Colorado, California, Arizona, New Mexico, Utah, Kansas, Oklahoma, Arkansas, Montana, Wyoming, and Nebraska, to the plant and storage facilities of Border Steel Rolling Mills, Inc. at El Paso, Tex.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at El Paso, Tex., or Dallas, Tex.

No. MC 134400 (Sub-No. 10), filed April 19, 1974. Applicant: MILLER'S TRUCKING AND RENTAL, INC., 2760 Muscatine St., Dubuque, Iowa 52001. Applicant's representative: Carl E. Munson, 469 Fischer Building, Dubuque, Iowa 52001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages and accompanying advertising material*, (a) from Dubuque, Iowa, to points in Wisconsin, under contract with the Pickett Brewing Co., Dubuque, Iowa; (b) from Minneapolis and St. Paul, Minn. and St. Louis, Mo., to Dubuque, Iowa, under contract with Kirchoff Distributing Co., Dubuque, Iowa; (c) from Milwaukee, Wis., to Dubuque, Iowa, under contracts with Dubuque Holiday Sales, Inc. and Quality Beverages Inc., both of Dubuque, Iowa; (d) from points in Minneapolis, Minn., Milwaukee and Monroe, Wis., to Dubuque, Iowa, under contract with the Hunt Beverage Company, Dubuque, Iowa; (2) *metal cans and lids*, (a) from Rockford, Ill. to Dubuque, Iowa, under contract with the Pickett Brewing Co., Dubuque, Iowa and (b) from Mattoon, Ill., to Decorah and Dubuque, Iowa, under contract with the Coca-Cola Bottling Co., Dubuque, Iowa; and (3) *glass bottles*, from Sapulpa, Okla., to Dubuque, Iowa, under contract with the Coca-Cola Bottling Co., Dubuque, Iowa.

NOTE.—If a hearing is deemed necessary applicant requests it be held at Dubuque or Des Moines, Iowa.

No. MC 134548 (Sub-No. 5), filed May 13, 1974. Applicant: ZENITH TRANSPORT, LTD., 2040 Alpha Avenue, Burnaby 2 British Columbia, Canada. Applicant's representative: George R. LaBissoniere, 130 Andover Park East, Seattle, Wash. 98188. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood pulp*, in bales, from ports of entry on the International Boundary line between the United States and Canada at or near Blaine, Lynden, or Sumas, Wash., to Pomona, Calif., restricted to traffic having an immediately prior movement in foreign commerce.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 134922 (Sub-No. 81), filed May 6, 1974. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, Ark. 72118. Applicant's representative:

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L. C. Cypert (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electrical appliances, equipment and parts*, as defined by the Commission in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 283, and *materials* used in the manufacture thereof (except commodities in bulk and those requiring special equipment), between Americus, Ga., on the one hand, and, on the other, points in Nebraska, Kansas, Oklahoma, Texas, Minnesota, Iowa, Missouri, Arkansas, Louisina, Michigan, Indiana, Kentucky, Ohio, West Virginia, Maryland, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, and Delaware.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Little Rock, Ark.

No. MC–135152 (Sub-No. 14), filed May 13, 1974. Applicant: CASKET DISTRIBUTORS, INC., Rural Route No. 2, West Harrison, Ind. 45030. Applicant's representative: Jack B. Josselson, 700 Atlas Bank Building, Cincinnati, Ohio 45202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Uncrated caskets, caskets displays, funeral supplies, and crated caskets in mixed loads with crated caskets*, (1) from points in Randolph County, Ind., Los Angeles, Calif., Indianapolis, Ind., Prophetstown, Ill., Toledo, Ohio, Wythe County, Va., and Boyertown, Pa., to points in the United States (except Alaska and Hawaii); and (2) from Columbus, Ohio, to points in the United States (except Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, Wyoming, Alaska, and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC–135874 (Sub-No. 45), filed May 10, 1974. Applicant: LTL PERISHABLES, INC., 9949 J. Street, Omaha, Nebr. 68127. Applicant's representative: Donald L. Stern, 530 Univac Building, 730 W. Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, (1) from the plantsite and/or warehouse facilities of the Kitchens of Sara Lee, located at Chicago, and Deerfield, Ill., to points in Kansas, Missouri, Nebraska, Iowa, and South Dakota; and (2) from the plantsite and warehouse facilities of the Kitchens of Sara Lee, located at New Hampton, Iowa, to Deerfield, and Chicago, Ill., (1) and (2) above, restricted to traffic destined to the above named destination points.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC–136828 (Sub-No. 3), filed May 1, 1974. Applicant: COX & SHAY, INC., 301 E. Main Street, P.O. Box 352, Kilgore, Tex. 75662. Applicant's representative: Bernard H. English, 6270 Firth Road, Fort Worth, Tex. 76116. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials, and supplies* used in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines for the transportation of water and sewage including the stringing and picking up of pipe, (a) between points in Missouri, Texas, Oklahoma, Kansas, Iowa, Illinois, Indiana, and Ohio; (b) between points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Montana, Nebraska, New Hampshire, New Jersey, New Mexico, North Carolina, North Dakota, Rhode Island, South Carolina, South Dakota, Utah, Vermont, Virginia, Wisconsin, West Virginia, Wyoming, and the District of Columbia; (c) between points in Arizona, Idaho, Nevada, Oregon, and Washington; and (d) between points in Arizona, Idaho, Nevada, Oregon, and Washington, on the one hand, and, on the other, points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, West Virginia, Wisconsin, Wyoming, and the District of Columbia; (2) *steel and metal pipe, pipe fittings, paint, and tar*, to be used in the construction of pipe lines (except gas, gasoline and oil pipelines), from rail heads in New York, Pennsylvania, and Tennessee, to points in New York, Pennsylvania, and Tennessee; and

(3) *Machinery, equipment, materials, and supplies* used in or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and by-products, water, or sewage, (a) between points in Missouri, Texas, Oklahoma, Kansas, Iowa, Illinois, Indiana, and Ohio; (b) between points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Montana, Nebraska, New Hampshire, New Jersey, New Mexico, North Carolina, North Dakota, Rhode Island, South Carolina, South Dakota, Utah, Vermont, Virginia, Wisconsin, West Virginia, Wyoming, and the District of Columbia; (c) between points in Arizona, Idaho, Nevada, Oregon, and Washington, on the one hand, and, on the other points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, West Virginia, Wisconsin, Wyoming, and the District of Columbia, and (d) between points in Arizona, Idaho, Nevada, Oregon, and Washington.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Dallas, Tex., or Fort Worth, Tex.

No. MC 138741 (Sub-No. 9), filed May 9, 1974. Applicant: E. K. MOTOR SERVICE, INC., 2005 North Broadway, Joliet, Ill. 60435. Applicant's representative: Tom B. Kretsinger, Suite 910 Fairfax Bldg., 101 W. Eleventh Street, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brick and brick related masonry construction materials* (except commodities in bulk), (a) from Chattanooga, Johnson City, Kingsport, and Knoxville, Tenn., to points in Illinois, Indiana, Kentucky, and Wisconsin, (b) from Coral Ridge, Ky., to points in Illinois, Indiana, and Wisconsin, (c) from Mooresville, Ind., to points in Illinois, Kentucky, and Wisconsin, restricted to traffic originating at or destined to the plantsites and production and storage facilities of General Shale Products Corporation at or near the above named origin points.

NOTE.—Applicant holds contract carrier authority in MC–136340, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky. or Memphis, Tenn.

No. MC 139297 (Sub-No. 1) (CORRECTION), filed April 5, 1974, published in the FEDERAL REGISTER issue of May 16, 1974, and republished, as corrected this issue. Applicant: HAPPY HOUSE TRANSPORT, INC., 2703 West Dudley Street, Fresno, Calif. 93728. Applicant's representative: Michael J. Stecher, 140 Montgomery Street, San Francisco, Calif. 94104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Home decorations and accessories*, (1) from San Diego County, Calif., to points in San Diego County, Calif.; (2) from Sacramento, Calif., to points in Alameda, Contra Costa, Marin, Napa, San Mateo, Santa Clara, Sonoma, Yolo, Solano, San Francisco, San Joaquin, Sacramento, Placer, Sutter, El Dorado, Yuba, Butte, Colusa, Stanislaus, Humboldt, Shasta, Mendocino, Tehama, and Nevada Counties, Calif.; (3) from Los Angeles, Calif., to points in Los Angeles, Orange, and Ventura Counties, Calif.; (4) from Fresno, Calif., to points in Fresno, Stanislaus, Merced, Mariposa, Madera, Kings, Tulare, and Kern Counties, Calif.; (5) from Ben Lomond, Calif., to points in Monterey, Santa Cruz, and San Benito Counties, Calif.; and (6) from Ontario, Calif., to points in San Bernardino and Riverside Counties, Calif.; (1) through (6) above, inclusive, under contract with Home Interiors and Gifts, Inc.

NOTE.—The purpose of this republication is to correct the destination points named in (2) above, which was previously published in error. If a hearing is deemed necessary, the applicant requests it be held at San Francisco, or Fresno, Calif.

No. MC 139320 (Sub-No. 1), filed May 7, 1974. Applicant: SOUTHERN TOWING SERVICE, INC., doing business as, SOUTHERN TOWING SERVICE, 4325 West Wood Park Drive, P.O. Box 9189, Shreveport, La. 71109. Applicant's representative: Vernie N. Rollo (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked, disabled, abandoned, surrendered or repossessed vehicles* (except mobile homes & house-trailers designed to be drawn by passenger automobile) in truckaway service, by use of wrecker equipment, between points in Arkansas, Louisiana, Mississippi, Oklahoma, and Texas.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Shreveport, La., Baton Rouge, La., New Orleans, La., or Austin, Tex.

No. MC 139557 (Sub-No. 2), filed May 13, 1974. Applicant: ROBERT S. BROWN, doing business as BROWN TRUCKING, R.R. No. 6, Olney, Ill. 62450. Applicant's representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, Ill. 62701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Milk, buttermilk, flavored milk, cottage cheese, cheese, dips, butter, cream, ice cream mix, fruit, juices, sour cream, and dairy products*, as described in Section B of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in containers, in mechanically refrigerated vehicles, from Olney, Ill., to points in Indiana on and west of U.S. Highway No. 31, under contract or contracts with Prairie Farms Dairy, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or St. Louis, Mo.

No. MC–139725 (Sub-No. 1) (CORRECTION), filed April 22, 1974, published in the FR issue of May 23, 1974, and republished as corrected this issue. Applicant: DYOLL DELIVERY SERVICE, INC., P.O. Box 66, Netcong, N.J. 07857. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Components parts of special ordnance equipment, component parts of radar and underwater sound devices, component parts of missile, and missile handling equipment* for aircraft carriers, and *component parts of special machinery* manufactured to customer's specification, *pile hammers and parts, air and steam core drills and parts, and rough steel and iron castings* for such hammers and drills, between points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas, under continuing contract with MKT Division.

NOTE.—The purpose of this republication is to correct the territorial description. If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or Washington, D.C.

No. MC 139739 filed April 15, 1974. Applicant: JOHN G. DICKMAN AND WILLIAM D. CABRAL, a Partnership, doing business as DIAMOND FREIGHT LINES, Highway 99 and Woodward Road, Manteca, Calif. 95336. Applicant's representative: Dallas Mooney (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Glass*, automobile, cut to shape, from Lathrop, Calif., to Phoenix and Tucson, Ariz., under a continuing contract, or contracts, with Libbey-Owens-Ford Company of Lathrop, Calif.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either San Francisco or Los Angeles, Calif.

No. MC 139743 (Sub-No. 2), filed May 10, 1974. Applicant: GEORGIA CARPET EXPRESS, INC., Tibbs Road, P.O. Box 1680, Dalton, Ga. 30720. Applicant's representative: Archie B. Culbreth, Suite 246, 1252 West Peachtree St., NW., Atlanta, Ga. 30309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Carpets, carpeting and yarn*, from points in Walker, Whitfield, Bartow, Gordon, Murray, Pickens, Chattooga, Hall, Gilmer, and Colquitt Counties, Ga., to points in Washington, Oregon, Nevada, California, Idaho, Wyoming, Utah, Arizona, Montana, and points in Colorado, New Mexico, North Dakota and those in South Dakota on and west of U.S. Highway 85, under a continuing contract or contracts with E. T. Barwick Industries, Inc., Coronet Industries, Inc., Galaxy Carpet Mills, Inc., and Talston Corporation.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga.

No. MC 139759 (Sub-No. 2) (AMENDMENT), filed May 1, 1974, published in the FR issue of June 13, 1974, and republished, as amended this issue. Applicant: BENJAMIN FERNADEZ, doing business as, DIRECT COURIER, 2780 Jefferson Davis Highway, Arlington, Va. 22202. Applicant's representative: Gerald K. Gimmel, 303 N. Frederick Ave., Gaithersburg, Md. 20760. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sera, cell and tissue cultures, biological research products and equipment, chemicals, laboratory equipment and apparatus, medical reagents, plasma and live laboratory animals*, between points in the District of Columbia, and those in Frederick, Montgomery, and Howard Counties, Md., on the one hand, and, on the other, points in Maryland, Virginia, West Virginia, Pennsylvania, Delaware, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, and the District of Columbia, restricted to shipments weighing not in excess of 150 pounds from one consignor to one consignee in a given day.

NOTE.—The purpose of this republication is to indicate applicant's additional request to include Montgomery County, Md. in its radial territory request. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 139790 filed May 9, 1974. Applicant: D & T TRUCKING CO., INC., P.O. Box 2611, New Brighton, Minn. 55112. Applicant's representative: William J. Boyd, 29 South LaSalle Street, Suite 330, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Canned foodstuffs*, from Chicago, Ill., to points in North Dakota, South Dakota, points in Minnesota, on and west of a line beginning at the Minnesota-Iowa State Boundary line and extending northerly along Minnesota Highway 15 to St. Cloud, Minn., thence along Minnesota Highway 23 to Lake Superior at or near Duluth, Minn., those in Iowa on and west of U.S. Highway 69 and on and north of U.S. Highway 30, and those in that part of Nebraska on and north of U.S. Highway 20; and (2) *such commodities* as are used by producers of foods, from Chicago, Ill., to Worthington, Minn.

NOTE.—Applicant holds contract carrier authority in MC–117644 Sub-No. 8 and other subs, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill., or Minneapolis, Minn.

No. MC 139822 filed May 1, 1974. Applicant: FOOD CARRIER, INC., P.O. Box 4131, Savannah, Ga. 31407. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth Street, NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, and such other commodities* as are dealt in by wholesale and retail chain and grocery houses, and in connection therewith, *equipment, materials, and supplies* used in the conduct of such business, between the facilities of Savannah Foods and Industries, Inc., and its subsidiary TranSales Corporation, located in Chatham County, Ga., on the one hand, and, on the other, points in Alabama, Florida, Georgia, North Carolina, South Carolina, Tennessee, and Virginia, restricted against the transportation of shipments in vehicles equipped with mechanical refrigeration between points in Mobile County, Ala., on the one hand, and, on the other, points in Chatham County, Ga.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 139841 filed May 13, 1974. Applicant: DENVER TRANS-CORP., 801 East Seventeenth Avenue, Denver, Colo. 80218. Applicant's representative: Chester A. Zyblut, 1522 K Street, NW., Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods, and materials, supplies, equipment and ingredients* used in the manufacture, packaging and distribution of frozen foods, (a) between Denver, Colo., on the one hand, and, on the

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other, points in the United States (except Alaska and Hawaii); and (b) between the plant and warehouse facilities of The Quaker Oats Company at or near Jackson, Tenn., on the one hand, and, on the other, points in Arizona, Arkansas, California, Colorado, Idaho, Iowa, Kansas, Missouri, Montana, Nebraska, Nevada, New Mexico, Oklahoma, Oregon, Texas, Utah, and Washington, under continuing contracts with Aunt Martha's Foods, Inc., and The Quaker Oats Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 139855 filed May 3, 1974. Applicant: JOHN Q. HITE, JR., doing business as HITELAND FARMS, P.O. Box 196, Olmstead, Ky. 42265. Applicant's representative: Robert L. Baker, 618 Hamilton Bank Building, Nashville, Tenn. 37219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper, paper products, and related items*, (1) between Guthrie, Ky., on the one hand, and, on the other, points in Tennessee, Alabama, Ohio, Georgia, Arkansas, Mississippi, Indiana, Illinois, and Missouri; (2) between points in Randolph and Effingham Counties, Ill., on the one hand, and, on the other, points in Indiana and Ohio; and (3) between points in McCracken and Hancock Counties, Ky., on the one hand, and, on the other, points in Perry County, Ark., under continuing contracts with A-1 Corrugated Sheets, Inc., and Federal Paper Stock Co.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Nashville, Tenn.

No. MC 139857, filed May 14, 1974. Applicant: T-W TRANSPORT, INC., 2124 Waterworks Way, Spokane, Wash. 99220. Applicant's representative: George H. Hart, 1100 IBM Bldg., Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wine and malt beveages*, from points in Los Angeles, Orange, San Mateo, Santa Clara, Fresno, Madera, Alameda, Stanislaus, and Napa Counties, Calif., to points in Washington in and east of Okanogan, Chelan, Kittitas, Yakima, and Klickitat Counties, Wash. and points in Nez Perce, Latah, Benewah, Kootenai, Bonner, Boundary, Shoshone, Clearwater, Lewis, and Idaho Counties, Idaho.

NOTE.—Common control may be involved. Applicant seeks no duplicating authority. If a hearing is deemed necessary, the applicant requests it be held at Spokane, Wash., Seattle, Wash., or Portland, Oreg.

MOTOR CARRIER OF PASSENGER(S)

No. MC 98713 (Sub-No. 6), filed May 9, 1974. Applicant: ORANGE BELT STAGES, a Corporation, 525 E. Acequia Street, Visalia, Calif. 93277. Applicant's representative: F. S. Bayley, Chickering & Gregory, Suite 1200, 111 Sutter Street, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and groups of passengers and their baggage*, in charter operations, beginning and ending at points in Tulane, Kings, San Luis Obispo, Kern, and Fresno Counties, Calif., and extending to points in Washington, Oregon, Nevada, Utah, Arizona, and New Mexico.

NOTE.—By the instant application, applicant, seeks to convert its Certificate of Registration No. MC 98713 (Sub-No. 5) to a certificate of Public Convenience and Necessity. If a hearing is deemed necessary, the applicant requests it be held at Visalia, Calif., or Bakersfield, Calif.

No. MC 109802 (Sub-No. 33), filed March 25, 1974. Applicant: LAKELAND BUS LINES, INC., East Blackwell Street, Dover, N.J. 07801. Applicant's representative: Charles J. Williams, 47 Lincoln Park, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express*, in the same vehicle with passengers, between Netcong, N.J., and Hanover Township, N.J., serving all intermediate points: From Netcong over U.S. Highway 206 to its junction with New Jersey Highway 24, in the Borough of Chester, N.J., thence over New Jersey Highway 24 to Morristown, N.J., thence over city streets and access roads in Morristown, N.J., to its junction with Interstate Highway 287 in Morristown, N.J., thence over Interstate Highway 287 to its junction with New Jersey Highway 10 in Hanover Township, N.J., and return over the same route.

NOTE.—Common control may be involved. Applicant holds contract carrier authority in MC 129989 Sub 1, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Newark, N.J.

No. MC 118044 (Sub-No. 2), filed May 10, 1974. Applicant: KEESHIN CHARTER SERVICE, INC., 705 South Jefferson, Chicago, Ill. 60607. Applicant's representative: Arnold L. Burke, 127 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in charter operations, from points in Cook and Will Counties, Ill. and Lake County, Ind., to points in Mississippi, Alabama, Georgia, North Carolina, South Carolina, Florida, Maine, Vermont, Massachusetts, New Hampshire, Washington, Oregon, Idaho, California, Nevada, Utah, Arizona, Wyoming, Colorado, and New Mexico, and return.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 125115 (Sub-No. 5), filed May 10, 1974. Applicant: EL PASO LOS ANGELES LIMOUSINE EXPRESS, INC., 720 S. Oregon Street, El Paso, Tex. 79947. Applicant's representative: M. Ward Bailey, 2412 Continental Life Building, Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, limited to the transportation of no more than 33 passengers in any one vehicle, not including the driver thereof, in limousine service, Between El Paso, Tex. and Los Angeles, Calif.: From El Paso over Interstate Highway 10 to the junction of Interstate Highway 8, thence over Interstate Highway 8 to the junction of California Highway 98, thence over California Highway 98 to Calexico, Calif., thence over California Highway 86 to Indio, Calif., thence over Interstate Highway 10 to Los Angeles, and return over the same route, serving no intermediate points.

NOTE.—Applicant holds similar authority in Sub-4 transporting not more than 17 passengers; applicant merely seeks to extend the number of pasengers to 33, not including the driver. If a hearing is deemed necessary, the applicant requests it be held at El Paso, Tex.

No. MC 139807 filed May 6, 1974. Applicant: NAPA TRANSIT COMPANY, a Corporation, 1851 Soscol Avenue, Napa, Calif. 94558. Applicant's representative: Eldon M. Johnson, 650 California Street, Suite 2808, San Francisco, Calif. 94108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special and charter operations, in round-trip sightseeing or pleasure tours, beginning and ending at points in the counties of Marin, Napa, Solano, and Sonoma; points on State Highway 4 in Contra Costa County and points north of said Highway; and Walnut Creek, Calif.; and extending to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Napa or San Francisco, Calif.

FREIGHT FORWARDER APPLICATION(S)

No. FF-452 filed May 13, 1974. Applicant: SNAPPY DELIVERY INC., 1823 East Dakota, Pierre, S. Dak. 57501. Applicant's representative: Robert D. Hofer, 319 S. Coteau, Pierre, S. Dak. 57501. Authority sought to engage in operation, in interstate commerce, as a *freight forwarder*, through use of the facilities of common carriers by *motor vehicle*, in the transportation of *Used household goods*, between points in that part of South Dakota east of the Missouri River and Indian Reservations in South Dakota, including Cheyenne, Rosebud, Pine Ridge, Lower Brule, Crow Creek, and Standing Rock, restricted to the transportation of shipments having a prior or subsequent movements, in containers, beyond the points authorized, and further restricted to the performance of pickup and delivery service in connection with the packing, crating, and containerization or unpacking, uncrating, and decontainerization of such shipments.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Pierre, S. Dak.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-14076 Filed 6-19-74;8:45 am]

[Rule 19; Ex Parte No. 241, Exemption No. 76]

WESTERN MARYLAND RAILWAY COMPANY

Exemption Under Mandatory Car Service Rules

It appearing, That there is an emergency movement of military impedimenta from Culbertson, Pennsylvania, to Leland, North Carolina; that the originating carrier has insufficient system cars of suitable dimensions immediately available for loading with this traffic; that sufficient cars of other ownerships having suitable dimensions are available on the lines of the originating carrier and on its connections; and that compliance with Car Service Rules 1 and 2 would prevent the timely assembly and use of such cars.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, the Car Service Division of the Association of American Railroads is authorized to direct the movement to the Western Maryland Railway Company, the railroads designated by the Car Service Division are authorized to move to, and the Western Maryland Railway Company is authorized to accept, assemble, and load not to exceed two hundred (200) empty cars with military impedimenta from Culbertson, Pennsylvania, to Leland, North Carolina, regardless of the provisions of Car Service Rules 1(b), 2(c), 2(d), or 2(e).

Effective June 3, 1974.

Expires July 31, 1974.

Issued at Washington, D.C., June 3, 1974.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER, *Agent.*

[FR Doc.74-14191 Filed 6-19-74;8:45 am]

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PART II

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

■

EDUCATION PROGRAMS AND ACTIVITIES RECEIVING OR BENEFITING FROM FEDERAL FINANCIAL ASSISTANCE

Nondiscrimination on the Basis of Sex

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DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

[45 CFR Part 86]

EDUCATION PROGRAMS AND ACTIVITIES RECEIVING OR BENEFITING FROM FEDERAL FINANCIAL ASSISTANCE

Nondiscrimination on the Basis of Sex

The Office of Civil Rights of the Department of Health, Education, and Welfare proposes to add Part 86 to the Departmental Regulation to effectuate Title IX of the Education Amendments of 1972 (20 U.S.C. §§ 1681 *et seq.*), except sections 904 and 906 thereof (20 U.S.C. 1684 and 1686), with regard to Federal financial assistance administered by the Department. Title IX provides that "no person in the United States shall on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance," with certain exceptions. Title IX is similar to Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d *et seq.*) except that Title IX applies to discrimination based on sex, is limited to educational programs and activities, and includes employment.

Subpart A of these proposed regulations (§§ 86.1 through 86.9) includes definitions and provisions concerning: remedial and affirmative actions, required assurances, dissemination of information policies, and other general matters related to discrimination on the basis of sex. The Subpart also explains the effect of state or local laws and other requirements.

Subpart B (§§ 86.11 through 81.16) describes the educational institutions and other entities, whether public or private, which are covered in whole or in part by the proposed regulations. It also includes exemptions as to admissions for certain educational institutions, as set forth in the statute, but it should be noted that these exemptions are limited to admissions. This Subpart defines "admissions," and describes certain educational institutions which are eligible to submit transition plans designed to convert their single-sex admissions processes to nondiscriminatory processes over a stated period of time not to exceed seven years from the date of enactment of Title IX (i.e. by June 24, 1979).

Subpart C (§§ 86.21 through 86.23) sets forth the general and particular prohibitions with respect to nondiscrimination based on sex in admissions policies and admission preferences, including requirements concerning recruitment of students. The regulatory requirements regarding treatment of students and employment (Subparts D and E) are applicable to all educational institutions receiving Federal financial assistance, including those whose admissions are exempt under Subpart C.

Subpart D (§§ 86.31 through 86.38) sets forth the general rules with respect to prohibited discrimination in educational programs and activities. The specific subject matter covered in Subpart D includes discrimination on the basis of sex in academic research, extracurricular and other offerings, housing, facilities, access to programs and activities, financial and employment assistance to students, health and insurance benefits for students, physical education and instruction, athletics, and discrimination based on the marital or parental status of students.

Subpart E (§§ 86.41 through 86.51) sets forth the general rules with respect to employment in educational programs and activities. The specific subject matters covered are discrimination on the basis of sex in hiring and employment criteria, recruitment, compensation, job classification and structure, promotions and termination, fringe benefits and leave, advertising, pre-employment inquiries, and discrimination with respect to marital or parental status. It also includes provisions for exemptions where sex is a *bona fide* occupational qualification.

Subpart F (§§ 86.61 through 86.66) sets forth the procedures which would govern the implementation of the proposed regulations, including procedures for effecting compliance, conducting hearings, rendering decisions and issuing notices. It also includes provisions concerning the applicability of administrative and judicial review. Section 86.11, in Subpart A, provides that the regulations apply "to each education program or activity which receives or benefits from Federal financial assistance" administered by the Department. Under analogous cases involving constitutional prohibitions against racial discrimination, the courts have held that a school district's or college's education functions include any service, facility, activity or program which it operates or sponsors, including athletics and other extracurricular activities. These precedents have been followed with regard to sex discrimination; see Brenden v. Independent School District 742, 477 F. 2d 1292 (8th Cir. 1973).

Section 86.63(c), in Subpart F, provides, as Title IX requires in 20 U.S.C. 1682, that termination or refusal to grant or continue such assistance "shall be limited in its effect to the particular education program or activity" in which noncompliance has been found. The Secretary proposes to interpret section 86.63 (c) consistently with the interpretation of similar language contained in Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d–1). He proposes, therefore, that an education program or activity or part thereof operated by a recipient of Federal financial assistance administered by the Department will be subject to the requirements of this regulation if it receives or benefits from such assistance. This interpretation is consistent with the leading case interpreting the language contained in Title VI, which holds that Federal funds may be terminated under Title VI only upon a finding they "are administered in a discriminatory manner, or if they support a program which is infected by a discriminatory environment * * *" Board of Public Instruction of Taylor County, Florida v. Finch, 414 F. 2d 1068, 1078–79 (5th Cir. 1969).

A more detailed discussion of various sections in each of the Subparts of the proposed Title IX regulations is set forth in the following paragraphs. In certain cases, major issues and the reasons for the proposed decision are discussed.

Subpart A. Section 86.2 generally provides definitions. Of particular note is § 86.2(o) which provides that where an educational institution is composed of more than one school, department or college, admission to which is independent of admission to any other component, each such school, department or college is considered as a separate unit for the purposes of determining whether its admissions are covered by the regulation. Thus, if a private institution is composed of an undergraduate and a graduate college, admissions to the undergraduate college are exempt (see discussion under Subpart B below) but admissions to the graduate school are not.

Section 86.3(a) requires remedial action to overcome the effects of previous discrimination based on sex in a Federally assisted educational program or activity. Remedial action pursuant to § 86.3(a) is restricted to areas of a recipient's educational program or activity which are not exempt from coverage. Section 86.3(b) permits, but does not require, affirmative action to overcome the effects of conditions which have resulted in limited participation by members of either sex. The Department will not require imposition of quotas under either of these sections.

Section 86.4 requires each recipient of Federal financial assistance to submit to the Director an assurance that each of its educational programs and activities receiving or benefiting from such assistance will be conducted in compliance with the regulations.

Subpart B. Section 86.13 of the regulation provides that all public and private military schools that are recipients of Federal financial assistance, whether secondary or post-secondary, are exempt from coverage. Neither the statute nor the regulation applies to U.S. military and merchant marine academies since these schools are Federal entities rather than recipients of Federal assistance.

Section 86.12 provides that the regulation does not apply to religiously controlled institutions to the extent that such application would be inconsistent with the religious tenets of the controlling organization. An educational institution wishing to claim an exemption on the ground of religion must do so in writing to the Director when it files its assurance of compliance pursuant to § 86.4. The institution would be required to set forth the manner and extent to which application of the regulation would not be consistent with the religious tenets of its controlling organization.

The statute covers admissions only in certain institutions: vocational, professional, graduate, and public undergraduate institutions, except such of the latter as from their founding have been

traditionally and continually single-sex. The admissions policies of private undergraduate institutions are exempt. Under the statute and § 86.14, the admissions requirements do not apply, in general, to admissions to public or private preschool, elementary and second schools. Because the statute mandates such coverage as to vocational schools, however, admission to public or private vocational schools, whether at the junior high school, high school or post-secondary level, are covered by § 86.14(c) and must be nondiscriminatory. With respect to coverage of admissions to institutions of professional and vocational education, the Secretary has interpreted the statute as excluding admissions coverage of professional and vocational programs offered at private undergraduate schools. Thus, admission to programs leading to first degrees in fields such as teaching, engineering, and architecture at such private colleges will be exempt under § 86.14(d). While the admissions section of the statute might be read as including professional degrees wherever they are offered, the statute can also be read as stating, and the legislative history indicates, that admissions to private undergraduate schools were to be totally exempt.

The exemption in § 86.14(d) for admissions to public traditionally and continually single-sex undergraduate institutions will affect only a few institutions. Likewise, section 86.15 of the regulation, concerning transition by single-sex institutions whose admissions are covered by the statute into institutions with nondiscriminatory admissions practices, will affect relatively few institutions.

Subpart C. Subpart C prescribes (subject to the appropriate admissions exemptions) requirements for nondiscrimination in recruitment and admission of students to educational programs and activities. In addition to a general prohibition of discrimination in § 86.21(a), the regulations delineate, in § 86.21(b), specific prohibitions based on sex relating to such practices as ranking of applicants, application of quotas, and administration of tests or selection criteria. Use of tests for admission which are shown to have an adverse impact on members of one sex must be shown to predict validly the successful completion of the educational program or activity in question (§ 86.21(b)(2)). Further, in connection with this prohibition, § 86.22 of the regulation forbids a recipient from giving preference to applicants on the basis of their attendance at particular institutions if the preference results in discrimination on the basis of sex. Such preferences may be permissible under that section, however, if the granting institution can show that the pool of applicants eligible for such a preference includes roughly equivalent numbers of males and females, or if it can show that the total number of applicants eligible to receive the preference is insignificant in comparison to its total applicant pool.

Specific prohibitions in Subpart C also forbid applying rules concerning such matters as marital or parental status in a manner which discriminates in admissions on the basis of sex (§ 86.21(c)(1)). Section 86.21(c)(2) prohibits discrimination on the basis of pregnancy and related conditions, and § 86.21(c)(3) provides that recipients shall treat disabilities related to such conditions in the same manner and under the same policies as any other temporary disability or physical condition is treated.

The last section of Subpart C, § 86.23, requires generally that comparable efforts be made by educational institutions to recruit members of each sex. Additional recruitment efforts directed primarily toward members of one sex must be undertaken to remedy past discrimination (pursuant to § 86.3(a) in Subpart A), and such additional efforts may also be taken absent past discrimination in order to correct the effects of conditions which have had the effect of limiting the admissions of members of one sex, to the recipient's educational program or activity (pursuant to § 86.3(b)). Finally, a recipient may not, under § 86.23(b), recruit primarily or exclusively at institutions whose student bodies are exclusively or predominantly single-sex if the effect of such recruitment efforts is to discriminate on the basis of sex.

Subpart D. Subpart D concerns the prohibition of discrimination in treatment of students in educational programs and activities. Generally, § 86.31 (a) states that no person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any academic, extracurricular, research, occupational training, or other educational program or activity operated by a recipient and which receives or benefits from Federal financial assistance. This provision is followed by specific prohibitions in § 86.31(b) which include: discriminating on the basis of sex in the application of any rules of appearance, or in the application of rules of domicile and residency (as discussed below); and aiding or perpetuating sex discrimination by assisting any agency, organization or person which discriminates on the basis of sex in providing any aid, benefits, or services to students or employees. Section 86.31(a) does permit an institution to assist its students in seeking admission to an education program which discriminates, if that admissions discrimination would be permissible under Subpart C. For example, a public undergraduate institution may administer an exchange program with a private undergraduate institution which admits only students of one sex because Subpart C permits the private institution to have such an admissions policy.

Section 86.31(b)(6) forbids application by recipients of residency and domicile rules in a manner which discriminates on the basis of sex. For example, many educational institutions base their determinations of eligibility for in-state tuition on domicile; applicable state law may require a married woman to take the domicile of her husband as of the date of marriage, or further require a year of residency to demonstrate domicile. If a male student domiciled in State A marries a female student domiciled in State B, and they then move to State B where the woman continues in school and the man begins school, he may not be entitled to in-state tuition in State B until he has lived there for a year. Additionally, as the wife must take her husband's domicile, she will lose her in-state tuition eligibility. If, instead, the woman were from State A and the man from State B, both would have been entitled immediately to in-state tuition in State B. Application of such rules would be prohibited under § 86.31(b)(6). See Samuel v. University of Pittsburgh, et al., F. Supp. (W.D. Pa., No. 71–1202, April 10, 1974).

Section 86.31(b)(7) prohibits a recipient from assisting another party which discriminates on the basis of sex in serving students or employees of that recipient. This section might apply, for example, to financial support by the recipient to a community recreational group or to official institutional sanction of a professional or social organization. Among the criteria to be considered in each case are the substantiality of the relationship between the recipient subject to the regulation and the other party involved, including the financial support by the recipient, and whether the other party's activities relate so closely to the recipient's educational program or activity, or to students or employees in that program, that they fairly should be considered as activities of the recipient itself. (Under § 86.6(c), a recipient's obligations are not changed by membership in any league or other organization whose rules require or permit discrimination on the basis of sex.)

A recipient is required to develop and implement a procedure to ensure that the operator or sponsor of an educational program or activity not operated wholly by such recipient, in which the recipient assists participation by its students and employees, takes no action which the regulation would prohibit the recipient from taking. This requirement would apply, for example, to a college's responsibility to ensure nondiscrimination in teaching assignments of student teachers from its education school in schools not operated by the college. If the recipient finds that such discrimination is taking place and is unable to secure its prompt correction, it is required to end its connection with the operating or sponsoring entity (§ 86.31(c)).

With respect to housing, § 86.32 provides that a recipient may not discriminate in any aspect of the provision of housing except that, as provided in the statute, housing may be separate on the basis of sex. Thus, all rules, fees, and other requirements must not discriminate on the basis of sex, and the housing provided or otherwise made available (*e.g.* through listing) must be proportionate in quantity to the number of applicants for housing of each sex and comparable in quality and cost to the student. Moreover, a recipient must administer rules concerning off-campus housing (*e.g.* rules concerning which students

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may live off campus) without discrimination. To the extent that it approves, or assists students in obtaining, off-campus housing, it must take whatever steps it believes necessary to assure that the off-campus housing available to members of one sex, when compared to that available to members of the other sex, is proportionate in quantity to the numbers of applicants of each sex as well as comparable in quality and cost.

Separate toilet, locker room and shower facilities on the basis of sex may be provided, but such facilities as are provided must be comparable in quality and number for men and women (§ 86.33).

Section 86.34(a) covers access to course offerings and other aspects of a recipient's educational program or activity. No course offerings may be conducted separately on the basis of sex including health, physical education, industrial arts, business, vocational, technical, home economics, music, and adult education, and no student may be required to participate or be refused participation in any course offering on the basis of sex. Section 86.34(b) provides that local educational agencies, in which admission to individual schools are exempt, nevertheless may not discriminate in admissions to the vocational institutions (see Subpart B). In addition, they may not discriminate in admissions to any other school or educational unit which they operate (*e.g.* a special high school operated for boys) unless they otherwise make available to students of the sex excluded, pursuant to the same policies and criteria of admission, comparable courses, services and facilities. Section 86.34(d) requires use of nondiscriminatory appraisal and counseling materials.

The Department recognizes that sex stereotyping in curricula and educational materials is a serious problem to which Title IX could well apply, but the Department has concluded that specific regulatory provisions in this area would raise grave constitutional problems concerning the right of free speech under the First Amendment to the Constitution, and for that reason the Secretary has not covered this subject matter in the proposed regulation. The Department assumes that recipients will deal with this problem in the exercise of their general authority and control over curricula and course content. For its part, the Department will increase its efforts, through the Office of Education, to provide research, assistance and guidance to local education agencies in eliminating sex bias from curricula and educational materials.

Section 86.35 requires that provision of financial aid, assistance in making outside employment available to students, and employment of students by a recipient must be undertaken in a nondiscriminatory manner.

Section 86.35(a) prohibits different amounts and types of all forms of student financial aid to members of one sex. Section 86.35(a) prohibits a college or university subject to Title IX from assisting private fellowship or scholarship programs which are limited to members of one sex or for which members of each sex are selected separately. There may be appropriate remedial action in this area, including temporarily considering a student's sex in awarding financial aid. This section does not apply to a recipient's assisting in the administration of a scholarship or fellowship program established under a foreign will, trust or similar legal instrument, or by a foreign government, which differentiates between the sexes. The Secretary believes that the statute was not intended to cover such programs. The Secretary is aware of the problems raised by financial aid limited to members of one sex by a domestic bequest, deed of trust, or other instruments and invites comment in this area.

Under § 86.36, recipients may not discriminate in the provision of medical, hospital, accident, or life insurance benefits, services, policies or plans to any of their students, and recipients may not provide such benefits, service, policies or plans or otherwise discriminate, in any manner which would violate the employment sections of the regulation (Subpart E) if the action were to be taken with respect to employees. The section does not, however, prohibit recipients from providing any benefits or services which may be used by a different proportion of students of one sex than of the other, including but not limited to family planning services.

Section 86.37 provides generally that recipients may not apply rules concerning a student's actual or potential parental, family, or marital status in a discriminatory manner, and it provides specific prohibitions regarding discrimination against students on account of pregnancy, childbirth, or pregnancy-related disabilities. A student may not be excluded from regular classes because of pregnancy or related conditions unless she so requests or unless her physician certifies that a different arrangement is necessary. The regulation reflects the principle that disabilities related to pregnancy should be treated like any other disability.

Section 86.38 imposes requirements concerning physical education and athletic programs, which are integral parts of the educational processes of schools and colleges and are fully subject to the requirements of Title IX. See Brenden v. Independent School District 742, 477 F. 2d 1292, 1292–96 (8th Cir. 1973); compare Bucha v. Illinois High School Association, 351 F. Supp. 69 (N.D. Ill. 1972).

Section 86.38(a) provides that physical education classes and athletic programs must be operated without discrimination on the basis of sex. Such activities for which participation or selection is premised on factors other than skill may not be conducted separately on the basis of sex. Athletics for which selection is based on competitive skill may be provided through separate teams for males and females to the extent such teams comply with the requirements of §§ 86.38 (b) through (e), which are summarized below. (The award of scholarships for participation on a single sex team will not be interpreted as a single sex scholarship prohibited by § 86.35(a) so long as the recipient complies with the requirements of § 86.38, providing for equal opportunity in athletics.)

Recipients must determine in what sports students of both sexes desire to participate (§ 86.38(b)). Where athletic opportunities for students of one sex have previously been limited, a recipient must make affirmative efforts to inform students of that sex of the availability of equal opportunities for them, and to provide support and training to enable them to participate in those opportunities (§ 86.38(c)).

Section 86.38(d) requires that a recipient make affirmative efforts to provide athletic opportunities in such sports and through such teams as will most effectively equalize opportunities for members of both sexes, and in so doing consider the determinations of student interest made pursuant to § 86.38(b). The regulation does not require equal aggregate expenditures for athletics for members of each sex nor equal expenditures for each team (§ 86.38(e)).

Subpart E. Subpart E proposes requirements concerning employment which generally follow those of the Equal Employment Opportunity Commission (29 CFR Part 1604), and the Department of Labor's Office of Federal Contract Compliance (41 CFR Part 60). The EEOC administers Title VII of the Civil Rights Act of 1964, which prohibits employment discrimination, and the OFCC is responsible for the coordination of implementation of Executive Order 11246, as amended, which prohibits employment discrimination by Federal contractors. This Department is responsible for administration, pursuant to the OFCC regulations, of the Executive Order as to Federal contractors which are educational institutions. Virtually all recipients subject to Part 86 are also subject to Title VII, and many are also subject to the Executive Order. Where Subpart E of Title IX differs from either the Title VII regulations or those under Executive Order 11246, an employer who complies with this proposed regulation would also be complying with both Title VII and Executive Order, even where the latter provisions differ from each other, with the exception of fringe benefits as discussed in the following paragraph.

Section 86.46(b)(2) of Subpart E follows the Executive Order regulations in requiring that fringe benefit plans provide for either equal periodic benefits to members of each sex, or equal contributions by the employer for members of each sex (§ 86.36 imposes identical requirements for student benefit plans).

The Title VII regulation differs in that it prohibits payment of unequal periodic benefits on the basis of sex, and precludes employers from justifying unequal periodic benefits on the basis of differences in cost for males and for females. Assuming different life spans at particular ages between the sexes, and assuming equal contributions by all employees, Title VII implicitly requires payment of higher employer contributions for, and

the possibility of higher total benefits received by, women. (The Department of Labor is currently considering changes in the Executive Order regulations. One of the proposed changes would result in conforming the fringe benefit requirements with those in effect under Title VII. (See 38 FR 35336–28, December 27, 1973.)

The Secretary has considered a third alternative for possible adoption by the Department. That proposal would mandate the use of premium or rate tables which do not differentiate on the basis of sex, and would thus require both equal contributions and equal periodic benefits. The Secretary invites comment specifically on whether § 86.46(b)(2) should adopt the Executive Order approach, as it does presently, that of Title VII, or the third alternative as set forth above.

The regulation applies to part-time employees § 86.41(a)(2)). The Secretary will interpret the section concerning fringe benefits (§ 86.46) to require, where an institution's female permanent employees are disproportionately part-time or its permanent part-time employees are disproportionately female, and the institution does not provide its permanent part-time employees fringe benefits proportionate to those provided full-time employees, that the institution demonstrate that such a manner of providing fringe benefits does not discriminate on the basis of sex. "Permanent" would refer to any employee who is expected to work or has in fact worked at least one academic semester at half-time or half-time equivalent. The Secretary seeks comment on the implications of requiring all institutions to provide permanent part-time employees fringe benefits proportionate to those offered full-time employees, regardless of the relative composition of a particular institution's part-time and full-time work forces or of the ratio of part-time and full-time employment among its female employees.

The Secretary sees no reason for treating disabilities relating to pregnancy differently from other temporary disabilities in the context of educational institutions. Accordingly, § 86.47(b) reflects the more detailed Title VII regulation rather than the Executive Order regulation. Section 86.47(c) also follows the Title VII regulation in requiring not only that disabilities related to pregnancy must be considered a justification for leave, but that where an employer provides for temporary disabilities under its fringe benefit or leave plan, disabilities related to pregnancy must be treated in the same manner as any other temporary disability.

Section 86.47(e) provides that an employee may not be required to commence leave related to pregnancy so long as her physician certifies that she is capable of performing her duties, and that she must be allowed to resume work after such a leave no more than two weeks after her physician certifies that she is capable of doing so, or in the case of an employee who is a teacher, at the beginning of the first academic term after such certification is made. These rules are consistent with the recent holding of the Supreme Court in Cleveland Board of Education v. LaFleur, 94 S.Ct. 791 (1974).

Although LaFleur apparently permits an employer to require that every pregnant teacher commence leave "at some firm date during the last few weeks of pregnancy," *Id.* at 799, n. 13, there is no clear medical evidence as to what such date might be generally appropriate, and the Secretary believes individualized determinations based on the employee's own capacities should be required instead.

Section 86.50(a) departs from both the Title VII and the Executive Order regulations in prohibiting pre-employment inquiries as to an applicant's marital status, as such inquiries are frequently the predicate for discrimination against married women. Section 86.21(c)(4) contains a similar prohibition with regard to pre-admission inquiries. Section 86.51 follows the Title VII and Executive Order regulations in providing for consideration of sex in making employment decisions where sex is a "*bona fide* occupational qualification." (The Title VII exemption is provided for by the statute; the Executive Order exemption is intended simply to be consistent with that legislation.) Section 86.51 is included only for consistency with those regulations.

Subpart F. As noted above, Subpart F sets forth the procedures which would govern implementation of the proposed regulations. These procedures are in most respects similar to those contained in the Department's regulation implementing Title VI of the Civil Rights Act of 1964, 45 CFR Parts 80 and 81. Several of the provisions, however, are particularly noteworthy.

The provision for amicus participation under Title VI is contained in the procedural rather than the substantive regulation and may be found at 45 CFR 81.22. Amicus participation under Title IX will be included when procedural regulations are issued.

The Office for Civil Rights has previously distributed a Memorandum to Presidents of Institutions of Higher Education Participating in Federal Assistance Programs (August 1972), a Memorandum for Directors of Institutions of Vocational Education Participating in Federal Assistance Programs (May 1973), and a Memorandum for Chief State School Officers and Local School Superintendents (February 1973), all of which describe the basic applicability of Title IX, and the Office for Civil Rights and the Office of Education have jointly distributed a Memorandum for Presidents of Selected Institutions of Higher Education Participating in Federal Assistance Programs (May 1973), which describes the criteria and procedures under which certain formerly single-sex institutions may operate pursuant to a plan for transition to nondiscriminatory admissions. These documents are consistent, with certain minor exceptions, with the provisions of proposed Part 86 (the requirements of Part 86 which correspond to those of the Memorandum for Presidents of Selected Institutions are contained in §§ 86.15 and 86.16).

Persons who wish to submit comments, suggestions, or objections pertaining to these regulations may present their views, in writing, to the Director of the Office of Civil Rights of the Department of Health, Education, and Welfare, P.O. Box 2974, Washington, D.C. 20013. The Secretary believes that the comment period should extend for at least thirty days into the autumn academic semester, to enable academic institutions and student and faculty groups to formulate comments, and comments may therefore be submitted through October 15, 1974. Comments received in response to this notice will be available for public inspection in Room 3256, 330 Independence Avenue, SW., Washington, D.C. 20201, between 9 a.m. and 5:30 p.m., Monday through Friday (except Federal holidays) both before and after October 15, 1974, until the regulation is published in final form. Copies of representative comments received by the Director will also be made available for public inspection in the office of each Regional Director of the Office for Civil Rights during normal business hours before and after October 15, 1974. The Regional Directors and their offices are located as follows:

Region I—Mr. John G. Bynoe, RKO General Bldg., 5th Floor, Bulfinch Place, Boston, Massachusetts 02114.

Region II—Mr. Joel Barkan, 26 Federal Plaza, Rm. 3908, New York, New York 10007.

Region III—Mr. Dewey Dodds, Gateway Bldg., 3535 Market Street, Philadelphia, Pennsylvania 19101.

Region IV—Mr. William Thomas, 50 Seventh Street, NE, Rm. 404, Atlanta, Georgia 30323.

Region V—Mr. Kenneth A. Mines, 309 W. Jackson Blvd., 10th Floor, Chicago, Illinois 60606.

Region VI—Ms. Dorothy D. Stuck, 1114 Commerce Street, Dallas, Texas 75202.

Region VII—Mr. Taylor D. August, 12 Grand Bldg., 12th and Grand Avenue, Kansas City, Missouri 64106.

Region VIII—Mr. Gilbert D. Roman, Rm. 11037 Federal Bldg., 1961 Stout Street, Denver, Colorado 80202.

Region IX—Mr. Floyd L. Pierce, 760 Market Street, Rm. 700, San Francisco, California 94102.

Region X—Ms. Marlaina Kiner, 6101, Arcade Plaza Bldg., 1321 Second Avenue, Seattle, Washington 98101.

Comments received before October 15, 1974, will be considered before final action is taken on this proposal. Comments received after that date will be considered until the regulation is prepared in final form. The proposal may be changed in the light of the comments received. In the next several weeks, the Department will hold public forums in various cities to brief the public and media and to enter into a question and answer dialogue with the public about the proposed regulation. It is hoped that these forums will increase public awareness of the issues and assist interested citizens in developing formal comments, to be later submitted to the Department.

This Part 86 is proposed under the authority of section 902 of the Education Amendments of 1972 (20 U.S.C. 1682).

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In consideration of the foregoing, it is proposed to add Part 86 to Title 45 of the Code of Federal Regulations to read as set forth below.

Dated: June 14, 1974.

CASPAR W. WEINBERGER,
Secretary, Department of Health, Education, and Welfare.

PART 86—NONDISCRIMINATION ON THE BASIS OF SEX UNDER FEDERALLY ASSISTED EDUCATION PROGRAMS AND ACTIVITIES

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AUTHORITY: Section 902 of the Education Amendments of 1972, 86 Stat. 374; 20 U.S.C. 1682.

Subpart A—Introduction

§ 86.1 Purpose.

The purpose of this part is to effectuate title IX of the Education Amendments of 1972 (except sections 904 and 906 of those Amendments) which is designed to eliminate (with certain exceptions) discrimination on the basis of sex in any education program or activity receiving Federal financial assistance.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

§ 86.2 Definitions.

As used in this part, the term—

(a) *"Title IX"* means title IX of the Education Amendments of 1972, Pub. L. 92–318, 20 U.S.C. 1681 *et seq.*

(b) *"Department"* means the Department of Health, Education, and Welfare.

(c) *"Secretary"* means the Secretary of Health, Education, and Welfare.

(d) *"Director"* means the Director of the Office for Civil Rights of the Department.

(e) *"Reviewing Authority"* means that component of the Department delegated authority by the Secretary to appoint, and to review the decisions of, administrative law judges in cases arising under this part.

(f) *"Administrative law judge"* means a person appointed by the reviewing authority to preside over a hearing held under this part.

(g) *"Federal financial assistance"* means any of the following, when authorized or extended under a law administered by the Department:

(1) A grant or loan of Federal funds, including funds made available for:

(i) The acquisition, construction, renovation, restoration, or repair of a building or facility or any portion thereof; and

(ii) Scholarships, loans, grants, wages or other funds extended to any entity for payment to or on behalf of students admitted to that entity, or extended directly to such students for payment to that entity.

(2) A grant of Federal real or personal property or any interest therein, including surplus property, and the proceeds of the sale or transfer of such property, if the Federal share of the fair market value of the property is not, upon such sale or transfer, properly accounted for to the Federal Government.

(3) Provision of the services of Federal personnel.

(4) Sale or lease of Federal property or any interest therein at nominal consideration, or at consideration reduced for the purpose of assisting the recipient or in recognition of public interest to be served thereby, or permission to use Federal property or any interest therein without consideration.

(5) Any other contract, agreement, or arrangement which has as one of its purposes the provision of assistance to any education program or activity, except a contract of insurance or guaranty.

(h) *"Recipient"* means any State or political subdivision thereof, or any instrumentality of a State or political subdivision thereof, any public or private agency, institution, or organization, or other entity, or any person, to whom Federal financial assistance is extended directly or through another recipient and which operates an education program or activity which receives or benefits from such assistance, including any subunit, successor, assignee, or transferee thereof.

(i) *"Applicant"* means one who submits an application, request, or plan required to be approved by a Department official, or by a recipient, as a condition to becoming a recipient.

(j) *"Educational institution"* means a local educational agency as defined by section 801(f) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 881), a preschool, a private elementary or secondary school, or an applicant or recipient of the type defined by paragraph (k), (l), (m), or (n).

(k) *"Institution of graduate higher education"* means an institution which:

(1) Offers academic study beyond the bachelor of arts or bachelor of science degree, whether or not leading to a certificate of any higher degree in the liberal arts and sciences; or

(2) Awards any degree in a professional field beyond the first professional degree (regardless of whether the first professional degree in such field is awarded by an institution of undergraduate higher education or professional education); or

(3) Awards no degree and offers no further academic study, but operates ordinarily for the purpose of facilitating research by persons who have received the highest graduate degree in any field of study.

(l) *"Institution of undergraduate higher education"* means:

(1) An institution offering at least two but less than four years of college level study beyond the high school level, leading to a diploma or an associate degree, or wholly or principally creditable toward a baccalaureate degree; or

(2) An institution offering academic study leading to a baccalaureate degree; or

(3) an agency or body which certifies credentials or offers degrees, but which may or may not offer academic study.

(m) *"Institution of professional education"* means an institution (except an institution of undergraduate higher education) which offers a program of academic study that leads to a first professional degree in a field for which there is a national specialized accrediting agency recognized by the United States Commissioner of Education.

(n) *"Institution of vocational education"* means a school or institution (except an institution of professional or graduate or undergraduate higher education) which has as its primary purpose preparation of students to pursue a technical, skilled, or semi-skilled occupation or trade, or to pursue study in a technical field, whether or not the school or institution offers certificates, diplomas, or degrees and whether or not it offers full-time study.

(o) *"Administratively separate unit"* means a school, department or college of an educational institution (other than a local educational agency) admission to which is independent of admission to any other component of such institution.

(p) *"Admission"* means selection for part-time, full-time, special, associate, transfer, exchange, or any other enrollment, membership, or matriculation in or at an education program or activity operated by a recipient.

(q) *"Student"* means a person who has gained admission.

(r) *"Transition plan"* means a plan subject to the approval of the United States Commissioner of Education pursuant to section 901(a)(2) of the Education Amendments of 1972, under which an educational institution operates in making the transition from being an educational institution which admits only students of one sex to being one which admits students of both sexes without discrimination.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

§ 86.3 Remedial and affirmative actions.

(a) *Remedial action.* A recipient which has previously discriminated against persons on the basis of sex in an education program or activity shall take such remedial action as is necessary to overcome the effects of such previous discrimination.

(b) *Affirmative action.* In the absence of prior discrimination on the basis of sex in an education program or activity, a recipient may take affirmative action to overcome the effects of conditions which resulted in limited participation therein by persons of a particular sex.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

§ 86.4 Assurances required.

(a) *General.* Every application for Federal financial assistance for any education program or activity shall as condition of its approval contain or be accompanied by an assurance from the recipient, satisfactory to the Director, that each education program or activity operated by the recipient and to which this part applies will be operated in compliance with this part.

(b) *Duration of obligation.* (1) In the case of Federal financial assistance extended to provide real property or structures thereon, such assurance shall obligate the recipient or, in the case of a subsequent transfer, the transferee, for the period during which the real property or structures are used to provide an education program or activity.

(2) In the case of Federal financial assistance extended to provide personal property, such assurance shall obligate the recipient for the period during which it retains ownership or possession of the property.

(3) In all other cases such assurance shall obligate the recipient for the period during which Federal financial assistance is extended.

(c) *Form.* The Director will specify the form of the assurances required by paragraph (a) of this section and the extent to which such assurances will be required of the applicant's or recipient's subgrantees, contractors, subcontractors, transferees, or successors in interest.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

§ 86.5 Transfers of property.

If a recipient sells or otherwise transfers property financed in whole or in part with Federal financial assistance to a transferee which operates any education program or activity, and the Federal share of the fair market value of the property is not upon such sale or transfer properly accounted for to the Federal Government both the transferor and the transferee shall be deemed to be recipients, subject to the provisions of subpart B.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

§ 86.6 Effect of other requirements.

(a) *Effect of other Federal provisions.* The obligations imposed by this part are independent of obligations not to discriminate on the basis of sex imposed by Executive Order 11246, as amended; sections 799A and 845 of the Public Health Service Act (42 U.S.C. 295h–9 and 298b–2); title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e *et seq.*); the Equal Pay Act (29 U.S.C. 206 and 206(d)); and any other Act of Congress or Federal regulation.

(Secs. 901, 902, 905, Education Amendments of 1972, 86 Stat. 373, 374, 375; 20 U.S.C. 1681, 1682, 1685)

(b) *Effect of State or local law or other requirements.* The obligation to comply with this part is not obviated or alleviated by any State or local law or other requirement which would render any applicant or student ineligible, or limit the eligibility of any applicant or student, on the basis of sex, to practice any occupation or profession.

(c) *Effect of rules or regulations of private organizations.* The obligation to comply with this part is not obviated or alleviated by any rule or regulation of any organization, club, athletic or other league, or association which would render any applicant or student ineligible to participate, or limit the eligibility or participation of any applicant or student, on the basis of sex, in any education program or activity operated by a recipient and which receives or benefits from Federal financial assistance.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

§ 86.7 Effect of employment opportunities.

The obligation to comply with this part is not obviated or alleviated because employment opportunities in any occupation or profession are or may be more limited for members of one sex than for members of the other sex.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

§ 86.8 Designation of responsible employee.

Each recipient shall designate an employee to coordinate its efforts to comply with this part, including any investigation of any complaint communicated to such recipient alleging its noncompliance with this part or alleging any actions which would be prohibited by this part.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

§ 86.9 Dissemination of policy.

(a) *Notification of policy.* (1) Each recipient shall implement specific and continuing steps to notify applicants for admission or employment, students, employees, counselors of applicants for admission or employment, and other participants, beneficiaries, and other interested persons, that it does not discriminate on the basis of sex in the education programs or activities which it operates, and that it is required by title IX and this part not to discriminate in such manner. Such notification shall contain such information, and be made in such manner, as the Director finds necessary to apprise such persons of the protections against discrimination assured them by title IX and this part, but shall state at least that the requirement not to discriminate in education programs and activities extends to employment therein, and to admission thereto unless subpart C does not apply to the recipient, and that inquiries concerning the application of title IX and this part to such recipient may be referred to the employee designated pursuant to § 86.9, or to the Director.

(2) Each recipient shall make the initial notification required by paragraph (a)(1) within 90 days of the effective date of this part or of the date this part first applies to such recipient, whichever comes later, which notification shall include publication in: (i) local newspapers; (ii) newspapers and magazines operated by such recipient or by student, alumnae, or alumni groups for or in connection with such recipient; and (iii) memoranda or other written communications distributed to every student and employee of such recipient.

(b) *Publications.* (1) Each recipient shall prominently include a statement of the policy described in paragraph (a) of this section in each announcement, bulletin, catalog, or application form which it makes available to any person of a type described in paragraph (a) of this section, or which is otherwise used in connection with the recruitment of students or employees.

(2) A recipient shall not use or distribute a publication of the type described in this paragraph which suggests, by text or illustration, that such recipient treats applicants, students, or employees differently on the basis of sex except as such treatment is permitted by this part.

(c) *Distribution.* Each recipient shall distribute without discrimination on the basis of sex each publication described in paragraph (b) of this section, and shall apprise each of its admission and employment recruitment representatives of

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the policy of nondiscrimination described in paragraph (a) of this section, and require such representatives to adhere to such policy.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

Subpart B—Coverage

§ 86.11 Application.

Except as provided in this subpart, this Part 86 applies to every recipient and to each education program or activity operated by such recipient which receives or benefits from Federal financial assistance.

§ 86.12 Educational institutions controlled by religious organizations.

(a) *Application.* This part does not apply to an educational institution which is controlled by a religious organization to the extent application of this part would not be consistent with the religious tenets of such organization.

(b) *Exemption.* An education institution which wishes to claim the exemption set forth in paragraph (a) of this section, shall do so in writing to the Director when filing the assurance required by § 86.4, setting forth the extent of the requested exemption and enclosing a statement of the religious tenets under which the exemption is claimed and any other information which might aid the Director in determining whether the institution qualifies for such exemption.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

§ 86.13 Military and merchant marine educational institutions.

This part does not apply to an educational institution whose primary purpose is the training of individuals for a military service of the United States or for the merchant marine.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

§ 86.14 Admissions.

(a) *Administratively separate units.* For the purposes only of this section, §§ 86.15 and 86.16, and subpart C, each administratively separate unit shall be deemed to be an educational institution.

(b) *Application of subpart C.* Except as provided in paragraphs (c) and (d) of this section, subpart C applies to each recipient. A recipient to which subpart C applies shall not discriminate on the basis of sex in admission or recruitment in violation of that subpart.

(c) *Educational institutions.* Except as provided in paragraph (d) of this section as to recipients which are educational institutions, subpart C applies only to institutions of vocational education, professional education, graduate higher education, and public institutions of undergraduate higher education.

(d) *Public institutions of undergraduate higher education.* Subpart C does not apply to any public institution of undergraduate higher education which traditionally and continually from its establishment has had a policy of admitting only students of one sex.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

§ 86.15 Educational institutions eligible to submit transition plans.

(a) *Application.* This section applies to each educational institution to which subpart C applies which:

(1) Admitted only students of one sex as regular students as of June 23, 1972; or

(2) Admitted only students of one sex as regular students as of June 23, 1965, but thereafter admitted as regular students, students of the sex not admitted prior to June 23, 1965.

(b) *Provision for transition plans.* An educational institution to which this section applies shall not discriminate on the basis of sex in admission or recruitment in violation of subpart C unless it is carrying out a transition plan approved by the United States Commissioner of Education as described in § 86.16, which plan provides for the elimination of such discrimination by the earliest practicable date but in no event later than June 23, 1979.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

§ 86.16 Transition plans.

(a) *Submission of plans.* An institution to which § 86.15 applies and which is composed of more than one administratively separate unit may submit either a single transition plan applicable to all such units, or a separate transition plan applicable to each such unit.

(b) *Content of plans.* In order to be approved by the United States Commissioner of Education, a transition plan shall:

(1) State the name, address, and Federal Interagency Committee on Education (FICE) Code of the educational institution submitting such plan, the administratively separate units to which the plan is applicable, and the name, address, and telephone number of the person to whom questions concerning the plan may be addressed. The person who submits the plan shall be the chief administrator or president of the institution, or another individual legally authorized to bind the institution to all actions set forth in the plan.

(2) State whether the educational institution or administratively separate unit admits students of both sexes, as regular students, and if so, when it began to do so.

(3) Identify and describe with respect to the educational institution or administratively separate unit any obstacles to admitting students without discrimination on the basis of sex.

(4) Describe in detail the steps necessary to eliminate as soon as practicable each obstacle so identified and indicate the schedule for taking these steps and the individual directly responsible for their implementation.

(5) Include estimates of the number of students, by sex, expected to apply for, be admitted to, and enter each class during the period covered by the plan.

(c) *Nondiscrimination.* No policy or practice of a recipient to which § 86.15 applies shall result in treatment of applicants to or students of such recipient in violation of subpart C unless such treatment is necessitated by an obstacle identified in paragraph (b)(3) of this section and a schedule for eliminating that obstacle has been provided as required by paragraph (b)(4) of this section.

(d) *Effects of past exclusion.* To overcome the effects of past exclusion of students on the basis of sex, each educational institution to which § 86.15 applies shall include in its transition plan, and shall implement, specific steps designed to encourage individuals of the previously excluded sex to apply for admission to such institution. Such steps shall include instituting recruitment programs which emphasize the institution's commitment to enrolling students of the sex previously excluded.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

§§ 86.17–86.20 [Reserved]

Subpart C—Discrimination on the Basis of Sex in Admission and Recruitment Prohibited

§ 86.21 Admission.

(a) *General.* No person shall, on the basis of sex, be denied admission, or be subjected to discrimination in admission, by any recipient to which this subpart applies, except as provided in §§ 86.15 and 86.16.

(b) *Specific prohibitions.* (1) In determining whether a person satisfies any policy or criterion for admission, or in making any offer of admission, a recipient to which this subpart applies shall not:

(i) give preference to one person over another on the basis of sex, by ranking applicants separately on such basis, or otherwise;

(ii) apply numerical limitations upon the number or proportion of persons of either sex who may be admitted; or

(iii) otherwise treat one individual differently from another on the basis of sex.

(2) A recipient shall not administer or operate any test or other criterion for admission which adversely affects any person on the basis of sex unless use of such test or criterion is shown to predict validly successful completion of the education program or activity in question.

(c) *Prohibitions relating to marital or parental status.* In determining whether a person satisfies any policy or criterion for admmission, or in making any offer of admission, a recipient to which this subpart applies:

(1) shall not apply any rule concerning the actual or potential parental, family, or marital status of a student or applicant which treats persons differently on the basis of sex;

(2) shall not discriminate against or exclude any person on the basis of pregnancy, childbirth, miscarriage, abortion, or recovery therefrom, or establish or follow any rule or practice which so discriminates or excludes;

(3) shall treat disabilities related to pregnancy, childbirth, miscarriage, abortion, or recovery therefrom in the same manner and under the same policies as any other temporary disability or physical condition; and

(4) shall not make pre-admission inquiry as to the martial status of an applicant for admission, including whether such applicant is "Ms.," "Miss," or "Mrs." A recipient may make pre-admission inquiry as to the sex of an applicant for admission, but only if such inquiry is made equally of such applicants of both sexes and if the results of such inquiry are not used in connection with discrimination prohibited by this part.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

§ 86.22 Preference in admission.

A recipient to which this subpart applies shall not give preference to applicants for admission, on the basis of attendance at any educational institution or other school or entity which admits as students only or predominantly members of one sex, if the giving of such preference has the effect of discriminating on the basis of sex in violation of this subpart.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

§ 86.23 Recruitment.

(a) *Comparable recruitment.* A recipient to which this subpart applies shall make comparable efforts to recruit members of each sex, except that such recipient may be required to undertake additional recruitment efforts as remedial action pursuant to § 86.3(a), and may choose to undertake such efforts as affirmative action pursuant to § 86.3(b).

(b) *Recruitment at certain institutions.* A recipient to which this subpart applies shall not recruit primarily or exclusively at educational institutions, schools or entities which admit as students only or predominantly members of one sex, if such actions have the effect of discriminating on the basis of sex in violation of this subpart.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

§§ 86.24–86.30 [Reserved].

Subpart D—Discrimination on the Basis of Sex in Education Programs and Activities Prohibited

§ 86.31 Education programs and activities.

(a) *General.* Except as provided elsewhere in this part, no person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any academic, extracurricular, research, occupational training, or other education program or activity operated by a recipient which receives or benefits from Federal financial assistance. This supbart does not apply to actions of a recipient in connection with admission of its students to an education program or activity of (1) a recipient to which subpart C does not apply, or (2) an entity, not a recipient, to which subpart C would not apply if the entity were a recipient.

(b) *Specific prohibitions.* Except as provided in this subpart, in providing any aid, benefit, or service to a student a recipient shall not, on the basis of sex:

(1) Treat one person differently from another in determining whether such person satisfies any requirement or condition for the provision of such aid, benefit, or service;

(2) Provide different aid, benefits, or services or provide aid, benefits, or services in a different manner;

(3) Deny any person any such aid, benefit, or service;

(4) Subject any person to separate or different rules of behavior or other treatment;

(5) Discriminate against any person in the application of any rules of appearance;

(6) Apply any rule concerning the domicile or residence of a student or applicant;

(7) Aid or perpetuate discrimination against any person by assisting any agency, organization, or person which discriminates on the basis of sex in providing any aid, benefit or service to students or employees; or

(8) Otherwise limit any person in the enjoyment of any right, privilege, advantage, or opportunity.

(c) *Programs not operated by recipient.* (1) This paragraph applies to any recipient which requires participation by any applicant, student, or employee in any education program or activity not operated wholly by such recipient, or which facilitates, permits, or considers such participation as part of or equivalent to an education program or activity operated by such recipient, including participation in educational consortia and cooperative employment and student-teaching assignments.

(2) Such recipient:

(i) Shall develop and implement a procedure designed to ensure that the operator or sponsor of such other education program or activity takes no action affecting any applicant, student, or employee of such recipient which this part would prohibit such recipient from taking; and

(ii) Shall not facilitate, require, permit, or consider such participation if such action occurs.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

§ 86.32 Housing.

(a) *Generally.* A recipient shall not, on the basis of sex, apply different rules or regulations, impose different fees or requirements, or offer different services or benefits related to housing, except as provided in this section (including housing provided only to married students).

(b) *Housing provided by recipient.*

(1) A recipient may provide separate housing on the basis of sex.

(2) Housing provided by a recipient to students of one sex, when compared to that provided to students of the other sex, shall be as a whole:

(i) Proportionate in quantity to the number of students of that sex applying for such housing; and

(ii) Comparable in quality and cost to the student.

(c) *Other housing.* (1) A recipient shall not, on the basis of sex, administer different policies or practices concerning occupancy by its students of housing other than provided by such recipient.

(2) A recipient which, through solicitation, listing, approval of housing, or otherwise, assists any agency, organization, or person in making housing available to any of its students, shall take such action as may be necessary to ensure that such housing as is provided to students of one sex, when compared to that provided to students of the other sex, is as a whole: (i) proportionate in quantity and (ii) comparable in quality and cost to the student. A recipient may render such assistance to any agency, organization, or person which provides all or part of such housing to students only of one sex.

(Secs. 901, 902, 907, Education Amendments of 1972, 86 Stat. 373, 374, 375; 20 U.S.C. 1681, 1682, 1686)

§ 86.33 Comparable facilities.

A recipient may provide separate toilet, locker room, and shower facilities on the basis of sex, but such facilities provided for students of one sex shall be comparable to such facilities provided for students of the other sex.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374)

§ 86.34 Access to education program or activity.

(a) *Course offerings.* A recipient shall not provide any course or otherwise carry out any of its education program or activity separately on the basis of sex, or require or refuse participation therein by any of its students on such basis, including health, physical education, industrial, business, vocational, technical, home economics, music, and adult education courses.

(b) *Local educational agencies.* A recipient which is a local educational agency shall not, on the basis of sex, exclude any person from admission to:

(1) any institution of vocational education operated by such recipient; or

(2) any other school or educational unit operated by such recipient, unless such recipient otherwise make available to such person, pursuant to the same policies and criteria of admission, courses, services, and facilities comparable to each course, service, and facility offered in or through such schools.

(c) *Appraisal and counseling materials.* A recipient which uses testing or other materials for appraising or counseling students shall not use different materials for different students on the basis of their sex or use materials which permit or require different treatment of students on such basis.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

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§ 86.35 **Financial and employment assistance to students.**

(a) *Provision of financial assistance.* (1) In providing financial assistance to any of its students a recipient shall not:

(i) On the basis of sex provide different amounts or types of such assistance, limit eligibility for such assistance which is of any particular type or source, apply different criteria, or otherwise discriminate; or

(ii) through solicitation, listing, approval, provision of facilities, or other services assist any foundation, trust, agency, organization, or person which provides assistance to any of such recipient's students in a manner which discriminates on the basis of sex.

(2) This paragraph does not apply to assistance by a recipient in the administration of a scholarship, fellowship, or other financial assistance program which discriminates on the basis of sex and is established under a foreign will, trust, bequest, or similar legal instrument, or by a foreign government.

(b) *Assistance in making available employment.* A recipient which assists any agency, organization, or person in making employment available to any of its students:

(1) shall take such action as may be necessary to assure that such employment is made available without discrimination on the basis of sex; and

(2) shall not render such services to any agency, organization, or person which discriminates on the basis of sex in so making available such employment.

(c) *Employment of students.* A recipient which employs any of its students shall not do so in a manner which violates subpart E.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

(d) *Assistance related to athletics.* Notwithstanding the provisions of this section, separate financial assistance for members of each sex may be provided as part of separate athletic teams for members of each sex to the extent consistent with § 86.38.

§ 86.36 **Health and insurance benefits and services.**

In providing a medical, hospital, accident, or life insurance benefit, service, policy, or plan to any of its students, a recipient shall not discriminate on the basis of sex, or provide such benefit, service, policy, or plan in a manner which would violate subpart E if it were provided to employees of the recipient. This section shall not prohibit a recipient from providing any benefit or service which may be used by a different proportion of students of one sex than of the other, including family planning services.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

§ 86.37 **Marital or parental status.**

(a) *Status generally.* A recipient shall not apply any rule concerning a student's actual or potential parental, family, or marital status which treats students differently on the basis of sex.

(b) *Pregnancy and related conditions.* (1) A recipient shall not discriminate against any student, or exclude any student from its education program or activity, including any class or extra-curricular activity, on the basis of such student's pregnancy, childbirth, false pregnancy, miscarriage, abortion, or recovery therefrom, unless:

(i) The student requests voluntarily to participate in a different such program or activity; or

(ii) The student's physician certifies to the recipient that such different participation is necessary for her physical, mental, or emotional well being.

(2) A recipient shall treat disabilities related to pregnancy, childbirth, false pregnancy, miscarriage, abortion, or recovery therefrom in the same manner and under the same policies as any temporary disability in any medical or hospital benefit, service, plan, or policy which such recipient administers, operates, offers, or participates in with regard to students admitted to the entity.

(3) In the case of a recipient which does not maintain a temporary disability policy for its students, or in the case of a student who does not otherwise qualify for leave under such a policy, a recipient shall treat pregnancy as a justification for a leave of absence for a reasonable period of time, the conclusion of which the student shall be reinstated to her original status.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

§ 86.38 **Athletics.**

(a) *General.* No person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, be treated differently from another person or otherwise be discriminated against in any physical education or athletic program operated by a recipient, and no recipient shall provide any physical education or athletic program separately on such basis; provided, however, that a recipient may operate or sponsor separate teams for members of each sex where selection for such teams is based upon competitive skill.

(b) *Determination of student interest.* A recipient which operates or sponsors athletics shall determine at least annually, using a method to be selected by the recipient which is acceptable to the Director, in what sports members of each sex would desire to compete.

(c) *Affirmative efforts.* A recipient which operates or sponsors athletic activities shall, with regard to members of a sex for which athletic opportunities previously have been limited, make affirmative efforts to:

(1) Inform members of such sex of the availability for them of athletic opportunities equal to those available for members of the other sex and of the nature of those opportunities, and

(2) Provide support and training activities for members of such sex designed to improve and expand their capabilities and interests to participate in such opportunities.

(d) *Equal opportunity.* A recipient which operates or sponsors athletics shall make affirmative efforts to provide athletic opportunities in such sports and through such teams as will most effectively equalize such opportunities for members of both sexes, taking into consideration the determination made pursuant to paragraph (b) of this section.

(e) *Separate teams.* A recipient which operates or sponsors separate teams for members of each sex shall not discriminate on the basis of sex therein in the provision of necessary equipment or supplies for each team, or in any other manner.

(f) *Expenditures.* Nothing in this section shall be interpreted to require equal aggregate expenditures for athletics for members of each sex.

§§ 86.39–86.40 [Reserved]

Subpart E—Discrimination on the Basis of Sex in Employment in Education Programs and Activities Prohibited

§ 86.41 **Employment.**

(a) *General.* (1) No person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination in employment, or recruitment, consideration, or selection therefor, whether full-time or part-time, under any education program or activity operated by a recipient which receives or benefits from Federal financial assistance.

(2) A recipient shall make all employment decisions in any education program or activity operated by such recipient in a manner which furthers equal employment opportunity regardless of sex, and shall not limit, segregate, or classify applicants or employees in any way which could adversely affect any applicant's or employee's employment opportunities or status because of sex.

(3) A recipient shall not enter into any contractual or other relationship which directly or indirectly has the effect of subjecting individuals to discrimination prohibited by this subpart, including relationships with employment and referral agencies, with labor unions, and with organizations providing or administering fringe benefits to employees of the recipient.

(b) *Application.* The provisions of this subpart apply to:

(1) Recruitment, advertising, and the process of application for employment;

(2) Hiring, upgrading, promotion, consideration for and award of tenure, demotion, transfer, layoff, termination, right of return from layoff, and rehiring;

(3) Rates of pay or any other form of compensation, and changes in compensation;

(4) Job assignments, classifications and structure, including position descriptions, lines of progression, and seniority lists;

(5) The terms of any collective bargaining agreement;

(6) Granting and return from leaves of absence, pregnancy leave, leave for persons of either sex to care for children or dependents, or any other leave;

(7) Fringe benefits available by virtue of employment, whether or not administered by the recipient;

(8) Selection and financial support for training, including apprenticeship, professional meetings, conferences, and other related activities, selection for tuition assistance, selection for sabbaticals and leaves of absence to pursue training;

(9) Employer-sponsored activities, including social or recreational programs; and

(10) Any other term, condition, or privilege of employment.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

§ 86.42 **Employment criteria.**

A recipient shall not administer or operate any test or other criterion for any employment opportunity which adversely affects any person on the basis of sex unless:

(a) Use of such test or other criterion is shown to predict validly successful performance in the position in question; and

(b) Alternative tests or criteria for such purpose, which do not have such adverse effect, are shown to be unavailable.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

§ 86.43 **Recruitment.**

(a) *Comparable and affirmative recruiting.* If a recipient recruits applicants for employment, either generally or for particular positions, it shall make comparable efforts to recruit members of each sex in all such recruiting, except that a recipient shall make such affirmative attempts to recruit members of a sex which previously had limited employment participation as are necessary to overcome the effects of such limited participation.

(b) *Recruitment patterns.* A recipient shall not recruit primarily or exclusively at entities which furnish as applicants only or predominantly members of one sex if such actions have the effect of discriminating on the basis of sex in violation of this subpart.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

§ 86.44 **Compensation.**

A recipient shall not make or enforce any policy or practice which, on the basis of sex:

(a) Makes distinctions in rates of pay or other compensation;

(b) Requires any person to perform duties for which compensation is lower than that for performance in a different position:

(1) Entailing similar duties or,

(2) The position description for which is limited to similar duties; or

(c) Makes any person subject to a position description under which compensation is lower than that for performance;

(1) Under a different position description which is limited to similar duties, or

(2) In a different position entailing duties similar to those set forth in such position description.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

§ 86.45 **Job classification and structure.**

A recipient shall not:

(a) Classify a job as being for males or for females;

(b) Maintain or establish separate lines of progression, seniority lists, career ladders, or tenure systems based on sex; or

(c) Maintain or establish separate lines of progression, seniority systems, career ladders, or tenure systems for similar jobs, position descriptions, or job requirements which operate to classify persons on the basis of sex, unless sex is a bona-fide occupational qualification for the positions in question as set forth in § 86.51.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

§ 86.46 **Fringe benefits.**

(a) *"Fringe benefits" defined.* For purposes of this part, "fringe benefits" means any medical, hospital, accident, life insurance or retirement benefit, service, policy or plan, any profit-sharing or bonus plan, leave, and any other benefit or service of employment not subject to the provisions of § 86.44.

(b) *Prohibitions.* A recipient shall not: (1) discriminate on the basis of sex with regard to making fringe benefits available to employees or make fringe benefits available to spouses, families, or dependents of employees differently upon the basis of the employee's sex;

(2) Administer, operate, offer, or participate in a fringe benefit plan which does not provide either for equal periodic benefits for members of each sex, or for equal contributions to the plan by such recipient for members of each sex; and

(3) administer, operate, offer, or participate in a pension or retirement plan which establishes different optional or compulsory retirement ages based on sex or which otherwise discriminates in benefits on the basis of sex.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

§ 86.47 **Marital or parental status.**

(a) *General.* A recipient shall not apply any policy or take any employment action:

(1) concerning the potential marital, parental, or family status of an employee or applicant for employment which treats persons differently on the basis of sex; or

(2) which is based upon whether an employee or applicant for employment is the head of household or principal wage earner in such employee's or applicant's family unit.

(b) *Pregnancy.* A recipient shall not discriminate against or exclude from employment any employee or applicant for employment on the basis of pregnancy, or establish or follow any policy or practice which so discriminates or excludes. For the purpose of this subpart, "pregnancy" means the entire process of pregnancy, childbirth, and recovery therefrom, and includes false pregnancy, miscarriage, and abortion.

(c) *Pregnancy as a temporary disability.* A recipient shall treat disabilities caused or contributed to by pregnancy as temporary disabilities for all job-related purposes, including commencement, duration and extensions of leave, payment of disability income, accrual of seniority and any other benefit or service, and reinstatement, and under any fringe benefit offered to employees by virtue of employment.

(d) *Pregnancy leave.* In the case of a recipient which does not maintain a temporary disability policy for its employees, or in the case of an employee with insufficient leave or accrued employment time to qualify for leave under such a policy, a recipient shall treat pregnancy as a justification for a leave of absence without pay for a reasonable period of time, at the conclusion of which the employee shall be reinstated to her original job or to a comparable position, without decrease in rate of compensation or loss of promotional opportunities, or any other right or privilege of employment.

(e) *Inception of and return from pregnancy leave.* In complying with this section, a recipient shall not require any employee to:

(1) Begin leave related to pregnancy so long as the employee's physician certifies in writing that she is physically capable of performing her duties, provided that a pregnant employee shall notify her employer in writing of her expected date of delivery, at least 120 days prior to such date; or

(2) Return to her employment after a leave related to pregnancy later than two weeks after the employee's physician certifies in writing that she is physically capable of performing her duties, or in the case of any employee in a teaching position, later than the beginning of the first full academic term commencing after such certification is made.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

§ 86.48 **Effect of State or local law or other requirements.**

(a) *Prohibitory requirements.* The obligation to comply with this subpart is not obviated or alleviated by the existence of any State or local law or other requirement which imposes prohibitions or limits upon employment of members of one sex which are not imposed upon members of the other sex.

(b) *Benefits.* A recipient which provides any compensation, service, or benefit to members of one sex pursuant to a State or local law or other requirement shall provide the same compensation, service, or benefit to members of the other sex.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

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§ 86.49 Advertising.

A recipient shall not in any advertising related to employment indicate preference, limitation, specification, or discrimination based on sex unless sex is a bona-fide occupational qualification for the particular job in question.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

§ 86.50 Pre-employment inquiries.

(a) *Marital status.* A recipient shall not make pre-employment inquiry as to the marital status of an applicant for employment, including whether such applicant is "Ms., Miss, or Mrs."

(b) *Sex.* A recipient may make pre-employment inquiry as to the sex of an applicant for employment, but only if such inquiry is made equally of such applicants of both sexes and if the results of such inquiry are not used in connection with discrimination prohibited by this part.

§ 86.51 Sex as a bona-fide occupational qualification.

A recipient may take action otherwise prohibited by this subpart provided it is shown that sex is a bona-fide occupational qualification for that action, such that consideration of sex with regard to such action is essential to successful operation of the employment function concerned. A recipient shall not take action pursuant to this section which is based upon alleged comparative employment characteristics or stereotyped characterizations of one or the other sex, or upon preference based on sex of the recipient, employees, students, or other persons, but nothing contained in this section shall prevent a recipient from considering an employee's sex in relation to employment in a locker room, or toilet facility used only be members of one sex.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

§§ 86.52–86.60 [Reserved]

Subpart F—Procedures

§ 86.61 Compliance information.

(a) *Cooperation and assistance.* The Director will to the fullest extent practicable seek the cooperation of recipients in obtaining compliance with this part and will provide assistance and guidance to recipients to help them comply voluntarily with this part.

(b) *Compliance reports.* Each recipient shall keep such records and submit to the Director timely, complete and accurate compliance reports at such times, and in such form and containing such information, as the Director may determine to be necessary to enable him or her to ascertain whether the recipient has complied or is complying with this part. For example, recipients shall have available for the Department data showing the extent to which members of the different sexes are students, employees or other beneficiaries of or participants in federally-assisted education programs and activities. In the case of any such program or activity under which one recipient extends Federal financial assistance to any other recipient, such other recipient shall also submit such compliance reports to the primary recipient as may be necessary to enable the primary recipient to carry out its obligations under this part.

(c) *Access to sources of information.* Each recipient shall permit access by the Director during normal business hours to such of its books, records, accounts, and other sources of information, and its facilities, and shall permit the Director to make copies of any such written information, as may be pertinent to ascertain compliance with this part. Where any informaiton required of a recipient is in the exclusive possession of any other agency, institution or person and such agency, institution or person fails or refuses to furnish such information the recipient shall so certify in its report and shall set forth what efforts it has made to obtain the information. Asserted considerations of privacy or confidentiality may not operate to bar the Department from evaluating or seeking to enforce compliance with this part. Information of a confidential nature obtained in connection with compliance evaluation or enforcement will not be disclosed by the Department except where necessary in formal enforcement proceedings or where otherwise required by law.

(Sec. 902, Education Amendments of 1972, 86 Stat. 374; 20 U.S.C. 1682)

§ 86.62 Conduct of investigations.

(a) *Periodic compliance reviews.* The Director will from time to time review the practices of recipients to determine whether they are complying with this part.

(b) *Complaints.* Any person who believes himself or herself or any specific class of individuals to be subjected to discrimination prohibited by this part may be himself or herself or by a representative file with the Director a written complaint. A complaint must be filed not later than 180 days from the date of the alleged discrimination, unless the time for filing is extended by the Director, or unless the alleged discrimination took place after June 30, 1972, but prior to the effective date of this part. The Director shall notify each complainant promptly, in writing, that the complaint has been received.

(c) *Investigations.* The Director will make a prompt investigation whenever a compliance review, report, complaint, or any other information indicates a possible failure to comply with this part. The investigation will include, where appropriate, a review of the pertinent practices and policies of the recipient, the circumstances under which the possible noncompliance with this part occurred, and other factors relevant to a determination as to whether the recipient has failed to comply with this part.

(d) *Resolution of matters.* (1) If an investigation pursuant to paragraph (c) of this section indicates a failure to comply with this part, the Director will so inform the recipient and the complainant, if any, and the matter will be resolved by informal means whenever possible. If it has been determined that the matter cannot be resolved by informal means, action will be taken as provided for in § 86.63.

(2) If, after an investigation pursuant to paragraph (c) of this section, it appears that action pursuant to paragraph (d)(1) of this section is not warranted, the Director will so inform each complainant, in writing, and will give each complainant the opportunity to submit additional information, orally or in writing. Such information will be reviewed promptly and the Director will notify the complainant, in writing, of what action appears to be warranted in light of the information.

(3) If after an investigation pursuant to paragraph (c) of this section or after action required by paragraph (d)(2) of this section, it appears that action pursuant to paragraph (d)(1) of this section is not warranted, the Director will so inform the recipient and each complainant, in writing.

(e) *Intimidatory or retaliatory acts prohibited.* Each recipient shall permit the Director to interview any of its students or employees without a representative of such recipient being present. No recipient or other person shall intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by section 901 of the Education Amendments of 1972 or this part, or because he or she has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this part. The identity of complainants will be kept confidential by the Department except to the extent necessary to carry out the purposes of this part, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder, or where otherwise required by law.

(Sec. 902, Education Amendments of 1972, 86 Stat. 374, 20 U.S.C. 1682)

§ 86.63 Procedure for effecting compliance.

(a) *General.* If there appears to be a failure or threatened failure to comply with this part, and if the noncompliance or threatened noncompliance cannot be corrected by informal means, compliance with this part may be effected by the suspension or termination of or refusal to award or continue Federal financial assistance in accordance with the procedures of paragraph (c) of this section or by any other means authorized by law. Such other means may include, but are not limited to, (1) a referral to the Department of Justice with a recommendation that appropriate proceedings be brought to enforce any rights of the United States under any law of the United States, or any assurance or other contractual undertaking, and (2) any applicable proceeding under State or local law.

(b) *Noncompliance with § 86.4.* If an applicant or recipient fails or refuses to furnish an assurance required under § 86.4 or otherwise fails or refuses to

comply with a requirement imposed by or pursuant to that section, Federal financial assistance may be refused in accordance with the procedures of paragraph (c) of this section. The Department will not be required to provide assistance in such a case during the pendency of the administrative proceedings under such paragraph except that the Department will continue assistance during the pendency of such proceedings where such assistance is due and payable pursuant to an application therefor approved prior to the effective date of this part.

(c) *Termination of or refusal to grant or to continue Federal financial assistance.* No order suspending, terminating or refusing to award or continue Federal financial assistance will become effective until (1) the Director has advised the applicant or recipient of its failure to comply and has determined that compliance cannot be secured by voluntary means, (2) there has been a finding on the record, after opportunity for hearing, of a failure by the applicant or recipient to comply with a requirement imposed by or pursuant to this part, and (3) 30 days have expired after the Secretary has filed with the committee of the House and the committee of the Senate having legislative jurisdiction over the program involved, a full written report of the circumstances and the grounds for such action. Any action to suspend or terminate or to refuse to award or continue Federal financial assistance shall be limited to the particular political entity, or part thereof, or other applicant or recipient as to whom such a finding has been made and shall be limited in its effect to the particular education program or activity or part thereof in which such noncompliance has been so found.

(d) *Other means authorized by law* No action to effect compliance by any other means authorized by law will be taken until (1) the Director has determined that compliance cannot be secured by voluntary means, (2) the recipient or other person and the complainant, if any, has been notified of the recipient's failure to comply and of the action to be taken to effect compliance, and (3) the expiration of at least 10 days from the mailing of such notice to the recipient or other person. During this period of at least 10 days additional efforts will be made to persuade the recipient or other person to comply with this part and to take such corrective action as may be appropriate.

(Secs. 902, Education Amendments of 1972, 86 Stat. 374; 20 U.S.C. 1682)

§ 86.64 Hearings.

(a) *Opportunity for hearing.* Whenever an opportunity for a hearing is required by § 86.63(c), responsible notice will be given by registered or certified mail, return receipt requested, to each affected applicant or recipient. This notice will advise such applicant or recipient of the action proposed to be taken, the specific provision under which the proposed action against it is to be taken, and the matters of fact or law asserted as the basis for this action, and either (1) fix a date not less than 20 days after the date of such notice within which the applicant or recipient may request, by certified or registered mail addressed to the Director, that the matter be scheduled for hearing or (2) advise such applicant or recipient that the matter in question has been set down for hearing at a stated place and time. The time and place so fixed will be subject to change for cause. A copy of this notice will be mailed by certified mail, return receipt requested, to each individual complainant, and to each organization or group which has filed a complaint on behalf of one or more individuals pursuant to § 86.62(b), and each such complainant, organization, or group will be advised of the time and place of the hearing. An applicant or recipient may waive a hearing and submit written information and argument for the record. The failure of an applicant or recipient to request a hearing for which a date has been set shall be deemed to be a waiver of the right to a hearing under section 902 of the Education Amendments of 1972 and § 86.63 (c) of this regulation and consent to the making of a decision on the basis of such information as may be filed as the record.

(b) *Time and place of hearing.* Hearings will be held before an administrative law judge designated in accordance with 5 U.S.C. 3105 and 3344. Hearings will be held at the offices of the Department in Washington, D.C., at a time fixed by the Director unless the administrative law judge determines that the convenience of the applicant or recipient or of the Department requires that another place be selected.

(c) *Participation as amicus curiae.* Each individual complainant, and each organization or group which has filed a complaint on behalf of one or more individuals, may petition the administrative law judge for leave to participate as *amicus curiae*, by giving testimony, by filing a brief, or both, in a hearing held pursuant to paragraph (a) of this section in any matter concerning which such complainant, organization, or group, has filed a complaint pursuant to § 86.62(b). Such petition shall be made no more than 20 days after the date of the notice prescribed by paragraph (a) of this section. Leave to participate as *amicus curiae* shall be liberally granted.

(d) *Right to counsel.* In all proceedings under this section, the recipient shall have the right to be represented by counsel.

(e) *Procedures, evidence, and record.* (1) The hearing, decision, and any administrative review thereof shall be conducted in conformity with 5 U.S.C. 554–557 and in accordance with such rules of procedure as are proper (and not inconsistent with this section) relating to the conduct of the hearing, giving of notices subsequent to those provided for in paragraph (a) of this section, taking of testimony, exhibits, arguments and briefs, requests for findings, and other related matters. Both the Department and the recipient shall be entitled to introduce all relevant evidence on the issues as stated in the notice for hearing or as determined by the officer conducting the hearing at the outset of or during the hearing. Any person (other than a Government employee on official business) who, having been invited or requested to appear and testify as a witness on the Government's behalf, attends at a time and place scheduled for a hearing provided by this part, may be reimbursed for his or her travel and actual expenses of attendance in an amount not to exceed the amount payable under the standardized travel regulations to a Government employee traveling on official business.

(2) Technical rules of evidence shall not apply to hearings conducted pursuant to this part, but rules or principles designed to assure production of the most credible evidence available and to subject testimony to test by cross-examination shall be applied where reasonably necessary by the officer conducting the hearing. The hearing officer may exclude irrelevant, immaterial, or unduly repetitious evidence. All documents and other evidence offered or taken for the record shall be open to examination by the parties and opportunity shall be given to refute facts and arguments advanced on either side of the issues. A transcript shall be made of the oral evidence except to the extent the substance thereof is stipulated for the record. All decisions shall be based upon the hearing record and written findings shall be made.

(f) *Consolidated or joint hearings.* In cases in which the same or related facts are asserted to constitute noncompliance with this part with respect to two or more programs to which this part applies, or noncompliance with this part and the regulations of one or more other Federal departments or agencies issued under title IX, the Director may, by agreement with such other departments or agencies where applicable, provide for the conduct of consolidated or joint hearings, and for the application to such hearings of rules of procedures not inconsistent with this part. Final decisions in such cases, insofar as this regulation is concerned, shall be made in accordance with § 86.65.

(Sec. 902, Education Amendments of 1972, 86 Stat. 374; 20 U.S.C. 1682)

§ 86.65 Decisions and notices.

(a) *Decisions by administrative law judges.* Within 30 days after a hearing is held by an administrative law judge such administrative law judge shall either make an initial decision, if so authorized, or certify the entire record including his or her recommended findings and proposed decision to the reviewing authority for a final decision, and a copy of such initial decision or certification shall be mailed to the applicant or recipient and to the complainant, if any. Where the initial decision referred to in this paragraph or in paragraph (c) of this section is made by the administrative law judge, the applicant or recipient or the Department may within 20 days after is-

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suance of the initial decision, file with the reviewing authority exceptions to the initial decision, with his or her reasons therefor. Upon the filing of such exceptions the reviewing authority shall review the initial decision and issue its own decision including the reasons therefor. In the absence of exceptions the initial tions the reviewing authority shall recision, subject to the provisions of paragraph (c) of this section.

(b) *Decisions on record or review by the reviewing authority.* Whenever a record is certified to the reviewing authority for decision or it reviews the decision of an administrative law judge pursuant to paragraph (a) or (c) of this section, the applicant or recipient shall be given reasonable opportunity to file with it briefs or other written statements of its contentions, and a copy of the final decision of the reviewing authority shall be given in writing to the applicant or recipient and to the complainant, if any.

(c) *Decisions on record where a hearing is waived.* Whenever a hearing is waived pursuant to § 86.64(a) the reviewing authority shall make its final decision on the record or refer the matter to an administrative law judge for an initial decision to be made on the record. A copy of such decision shall be given in writing to the applicant or recipient, and to the complainant, if any.

(d) *Rulings required.* Each decision of an administrative law judge or reviewing authority shall set forth a ruling on each finding, conclusion, or exception presented, and shall identify the requirement or requirements imposed by or pursuant to this part with which it is found that the applicant or recipient has failed to comply.

(e) *Review in certain cases by the Secretary.* If the Secretary has not personally made the final decision referred to in paragraph (a), (b), or (c) of this section, a recipient or applicant or the Department may, within 30 days after issuance of the final decision by the reviewing authority, request the Secretary to review such decision. Such review is not a matter of right and will be granted only where the Secretary determines there are special and important reasons therefor. The Secretary's decision to undertake or not to undertake review will be communicated in writing, within 30 days after such request, to each party, including *amicus curiae*, if any. The Secretary may grant or deny such request, in whole or in part. He or she may also review such a decision upon his or her own motion in accordance with rules of procedure issued by the Director. The Secretary's decision to undertake such review will be communicated in writing within 30 days after the issuance of the reviewing authority's decision, to each party, including *amicus curiae*. Failure of an applicant or recipient to file an exception with the reviewing authority or to request review under this paragraph shall not be deemed a failure to exhaust administrative remedies for the purpose of obtaining judicial review.

(f) *Final agency action for purposes of judicial review.* (1) Except as provided in paragraph (f)(2) of this section, a decision under this section will become the final decision of the Department and will constitute final agency action within the meaning of section 704 of title 5 of the United States Code in the following manner:

(i) A decision by an administrative law judge pursuant to paragraph (a) will become final on the 21st day after such decision is made, unless prior to such day review by the reviewing authority has been requested.

(ii) A decision by the reviewing authority pursuant to paragraph (b) of this section will become final on the 31st day following its issuance unless review by the Secretary is requested prior to such day under paragraph (e) of this section, or unless the Secretary undertakes review on his or her own motion prior to such day under paragraph (e) of this section; or on the 31st day following a request that the Secretary review such decision under paragraph (e) of this section, unless the Secretary prior to such day grants such review.

(iii) A decision of the Secretary under paragraph (c) of this section will become final on the day following its issuance.

(2) A decision to terminate or to refuse to grant or continue Federal financial assistance, which would otherwise constitute the final decision of the Department and final agency action pursuant to paragraph (f)(1) of this section, shall not constitute such action until the Secretary transmits it as such to the appropriate Congressional committees with the report required under section 902 of the Education Amendments of 1972.

(g) *Content of orders.* The final decision may provide for suspension or termination of, or refusal to grant or continue Federal financial assistance, in whole or in part, to which this part applies, and may contain such terms, conditions, and other provisions as are consistent with and will effectuate the purposes of title IX and this part, including provisions designed to assure that no Federal financial assistance to which this part applies will thereafter be extended to the applicant or recipient determined by such decision to be in default in its performance of an assurance given by it pursuant to this part, or to have otherwise failed to comply with this part unless and until it corrects its noncompliance and satisfies the Director that it will fully comply with this part.

(h) *Post-termination proceedings.* (1) An applicant or recipient adversely affected by an order issued under paragraph (f) of this section shall be restored to full eligibility to receive Federal financial assistance if it satisfies the terms and conditions of that order for such eligibility or if it brings itself into compliance with this part and provides reasonable assurance that it will fully comply with this part.

(2) Any applicant or recipient adversely affected by an order entered pursuant to paragraph (g) of this section may at any time request the Director to restore fully its eligibility to receive Federal financial assistance. Any such request shall be supported by information showing that the applicant or recipient has met the requirements of paragraph (h)(1) of this section. If the Director determines that those requirements have been satisfied, he or she will restore such eligibility.

(3) If the Director denies any such request, the applicant or recipient may submit a request for a hearing in writing, specifying why it believes such official to have been in error. It shall thereupon be given an expeditious hearing, with a decision on the record, in accordance with rules of procedure issued by the Director. The applicant or recipient will be restored to such eligibility if it proves at such hearing that it satisfied the requirements of paragraph (h)(1) of this section. While proceedings under this paragraph are pending, the sanctions imposed by the order issued under paragraph (f) of this section shall remain in effect.

(4) The pendency of any proceeding under this paragraph shall not lift or stay the sanctions imposed by the order issued under paragraph (g) of this section.

(Sec. 902, Education Amendments of 1972, 86 Stat. 374; 20 U.S.C. 1682)

§ 86.66 Judicial review.

Action taken pursuant to section 902 of the Education Amendments of 1972 is subject to judicial review is provided in section 903 of the Amendments.

(Sec. 902, Education Amendments of 1972, 86 Stat. 374; 20 U.S.C. 1682)

[FR Doc.74-14197 Filed 6-19-74;8:45 am]

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Just Released

CODE OF FEDERAL REGULATIONS

(Revised as of April 1, 1974)

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Title 26—Internal Revenue Part 1 (§§ 1.301–1.400)	2.35
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[A Cumulative checklist of CFR issuances for 1974 appears in the first issue of the Federal Register each month under Title 1]

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PART I

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The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Executive Office of the President

Section 213.3303 is amended to show that one position of Staff Assistant to the Administrator is excepted under Schedule C.

Effective on June 21, 1974, § 213.3303 (k) (4) is added as set out below.

§ 213.3303 Executive Office of the President.

* * * * * *

(k) *Federal Energy Office.* * * *

(4) One Staff Assistant to the Administrator.

(5 U.S.C. secs. 3301, 3302; E.O. 10577, 3 CFR 1954–58 comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74–14214 Filed 6–20–74;8:45 am]

PART 213—EXCEPTED SERVICE

Department of the Air Force

Section 213.3309 is amended to show that one position of Secretary to the Deputy Assistant Secretary of the Air Force (Research and Development) is excepted under Schedule C.

Effective on June 21, 1974 § 213.3309 (a) (9) is added as set out below.

§ 213.3309 Department of Justice.

* * * * * *

(a) *Office of the Secretary.* * * *

(9) One Secretary to the Deputy Assistant Secretary of the Air Force (Research and Development).

* * * * * *

(5 U.S.C. secs. 3301, 3302; E.O. 10577, 3 CFR 1954–58 comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74–14212 Filed 6–20–74;8:45 am]

PART 213—EXCEPTED SERVICE

Export-Import Bank of the United States

Section 213.3342 is amended to show that one position of Secretary to the Special Assistant to the President and Chairman is excepted under Schedule C.

Effective on June 21, 1974, § 213.3342(1) is added as set out below.

§ 213.3342 Export-Import Bank of the United States.

* * * * * *

(l) One Secretary to the Special Assistant to the President and Chairman.

(5 U.S.C. secs. 3301, 3302; E.O. 10577, 3 CFR 1954–58 comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74–14213 Filed 6–20–74;8:45 am]

Title 7—Agriculture

CHAPTER II—FOOD AND NUTRITION SERVICE, DEPARTMENT OF AGRICULTURE

[Amdts. 18, 21]

PART 210—NATIONAL SCHOOL LUNCH PROGRAM

PART 220—SCHOOL BREAKFAST AND NONFOOD ASSISTANCE PROGRAMS AND STATE ADMINISTRATIVE EXPENSES

Miscellaneous Amendments

On March 22, 1974, there was published in the FEDERAL REGISTER (39 FR 10914), a notice of proposed rulemaking with proposed amendments to the regulations governing the National School Lunch Program and the School Breakfast and Nonfood Assistance Programs and State Administrative Expenses.

The amendments were proposed to improve the overall administration of these programs, particularly with respect to requirements for audits, filing of claims for joint program(s), and recordkeeping.

Comments were received from 37 individuals and organizations. Those comments and the sections on which they were made are discussed below:

1. *Sections 210.8(e) (13) (iii) and 220.7 (e) (12) (iii).* Opposition to the proposed cost allocation plan for indirect and joint costs was expressed by 34 respondents. After a careful review of these comments, the Department believes the objections are based on the erroneous assumption that such a plan is mandatory for program participation. The reference to a cost allocation plan for indirect and a share of joint costs was proposed to simplify and assist States in program recordkeeping for schools which are presently using or are considering the implementation of a joint accounting system. The approval of such a plan is left to the discretion of the State agency, or FNSRO where applicable. The Department did not intend to insist or mandate that such a plan be adopted. However, in view of the objections received, we have substantially modified the proposed language by deleting the references to a cost allocation plan, and deferring action thereon pending further review and discussion with the State agencies.

2. *Sections 210.14(b) and 220.24(g).* Two respondents expressed opposition to this provision. One respondent offered no reason for the objection; the other respondent stated that neither the Office of Audit nor any State audit staff should have the right to conduct audits except with the knowledge and consent of the State agency. With respect to this comment, these amendments make no change in the requirements in this area. The Office of Audit (formerly OIG) or its official representative has always had the right under the program regulations to conduct audits. In addition, it is the practice of OA to inform the State agency of its intention to conduct an audit. Therefore, no change has been made to these sections.

In addition, the Department has made minor technical changes which did not appear in proposed form. Because of a reorganization within the Department, the references to OIG, wherever they appear, are changed to OA (Office of Audit) or OI (Office of Investigation).

Accordingly, Parts 210 and 220 of Title 7, Code of Federal Regulations, are hereby amended as follows:

1. In § 210.2, paragraph (1) is revised and a new paragraph (1–1) is added as follows:

§ 210.2 Definitions.

* * * * * *

(1) "OA" means the Office of Audit of the Department.

(1–1) "OI" means the Office of Investigation of the Department.

* * * * * *

2. In § 210.8, paragraph (e) (13) (iii) is amended by revising the parenthetical statement to read as follows:

§ 210.8 Requirements for participation.

* * * * * *

(e) * * *

(13) * * *

(iii) * * * (Supported by invoices, receipts, or other evidence of expenditure, including any indirect costs which may be reported and a share of any joint costs).

* * * * * *

3. In § 210.8, paragraph (f) is amended by deleting the word "shall" whenever it appears and inserting the word "may" in lieu thereof.

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4. In § 210.11, paragraph (g)(2) is amended by adding the following proviso to the end thereof:

§ 210.11 Reimbursement payments.

* * * * * *

(g) * * *

(2) * * *, except that when the highest reduced price charge to children is decreased as a result of changes in per-lunch reimbursement and such decrease is sustained for the balance of the fiscal year, the decreased reduced price charge may be used in the calculation in lieu of the highest reduced price charge.

5. In § 210.14, all references to OIG in paragraph (h) are deleted and references to OI are substituted therefor; and paragraph (b) is revised to read as follows:

§ 210.14 Special responsibilities of State agencies.

* * * * * *

(b) *State-conducted audit programs.* (1) a State agency may submit for approval by the Department a plan whereby it will provide for the conduct of audits of the Program. State agencies shall request OA Regional Offices (32 FR 8822, as amended by 34 FR 2139) to assist in the development of these plans, which shall incorporate provisions for organization, financing, direction and coordination of the State audit functions. Audits performed under the plan may be conducted by the State agencies; by the State Auditor, Office of State Controller, or comparable State audit staff; or by Certified Public Accountants or State-licensed public accountants. All approved State audit plans shall be updated and be resubmitted for approval by the Department every third year from the anniversary date of the last such approval, except that any State agency plan approved prior to July 1, 1974, must be resubmitted for approval by the Department in accordance with this paragraph prior to July 1, 1975.

(2) An audit guide furnished by OA, and as amended by OA from time to time, shall be used in the State agency-sponsored audits of schools. The audits shall be performed in accordance with audit standards, guidelines and procedures prescribed by OA in the audit guide; and shall be reviewed by OA to the extent necessary to determine compliance therewith.

(3) While OA shall rely to the fullest extent feasible on State-conducted audits, it shall have the right, whenever considered necessary, to (i) make audits on a statewide basis, (ii) perform on-site test audits, and (iii) review audit reports and related working papers of audits performed by or for the State agencies. With respect to State-conducted audits, OA shall also have the rights available to it under the provisions of § 210.17.

* * * * * *

§ 210.17 [Amended]

6. In § 210.17, all references to OIG are deleted and references to OA are substituted therefor.

1. In § 220.2, paragraph (n) is revised and a new paragraph (n–1) is added as follows:

§ 220.2 Definitions.

* * * * * *

(n) "OA" means the Office of Audit of the Department.

(n–1) "OI" means the Office of Investigation of the Department.

* * * * * *

§ 220.6 [Amended]

2. In § 220.6, the word "needy" is deleted.

3. In § 220.7, paragraph (e)(12)(iii) is amended by revising the parenthetical statement to read as follows:

§ 220.7 Requirements for participation.

* * * * * *

(e) * * *

(12) * * *

(iii) * * * (Supported by invoices, receipts, or other evidence of expenditure, including any indirect costs which may be reported and a share of any joint costs):

* * * * * *

4. In § 220.7, paragraph (f) is amended by deleting the word "shall" wherever it appears and inserting the word "may" in lieu thereof.

5. In § 220.24, all references to OIG in paragraph (c) are deleted and references to OI are substituted therefor; and paragraph (g) is revised to read as follows:

§ 220.24 Special responsibilities of State agencies.

* * * * * *

(g) *State-conducted audit programs.* (1) A State agency may submit for approval by the Department a plan whereby it will provide for the conduct of audits of the programs covered by this part. State agencies shall request OA Regional Offices (32 FR 8822, as amended by 34 FR 2139) to assist in the development of these plans, which shall incorporate provisions for organization, financing, direction and coordination of the State audit functions. Audits performed under the plan may be conducted by the State agencies; by the State Auditor, Office of State Controller, or comparable State audit staff; or by Certified Public Accountants or State licensed public accountants. All approved State audit plans shall be updated and be resubmitted for approval by the Department every third year from the anniversary date of the last such approval, except that any State agency plan approved prior to July 1, 1974, must be resubmitted for approval by the Department in accordance with this paragraph prior to July 1, 1975.

(2) An audit guide furnished by OA, and as amended by OA from time to time, shall be used in the State agency-sponsored audits of schools. The audits shall be performed in accordance with audit standards, guidelines and procedures prescribed by OA in the audit guide; and shall be reviewed by OA to the extent necessary to determine compliance therewith.

(3) While OA shall rely to the fullest extent feasible on State-conducted audits, it shall have the right, whenever considered necessary, to (i) make audits on a statewide basis, (ii) perform on-site test audits, and (iii) review audit reports and related working papers of audits performed by or for the State agencies. With respect to State-conducted audits, OA shall also have the rights available to it under the provisions of § 220.26.

* * * * * *

§ 220.26 [Amended]

6. In § 220.26, all references to OIG are deleted and references to OA are substituted therefor.

NOTE: The reporting and/or recordkeeping requirements contained herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

(Catalog of Federal Domestic Assistance Program Nos. 10.553 and 10.555 National Archives Reference Services.)

Effective date. This amendment shall become effective July 1, 1974.

Dated: June 18, 1974.

JOHN DAMGARD,
Acting Assistant Secretary.

[FR Doc.74-14273 Filed 6-20-74;8:45 am]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Lemon Reg. 644]

PART 910—LEMONS IN CALIFORNIA AND ARIZONA

Limitation of Handling

This regulation fixes the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period June 23–29, 1974. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 910. The quantity of lemons so fixed was arrived at after consideration of the total available supply of lemons, the quantity of lemons currently available for market, the fresh market demand for lemons, lemon prices, and the relationship of season average returns to the parity price for lemons.

§ 910.944 Lemon Regulation 644.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and informaiton submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this section to limit the quantity of lemons that may be marketed during the ensuing week stems from the production and marketing situation confronting the lemon industry.

(i) The committee has submitted its recommendation with respect to the quantity of lemons it deems advisable to be handled during the ensuing week. Such recommendation resulted from consideration of the factors enumerated in the order. The committee further reports the demand for lemons continues sluggish and order business is off 20 percent so far this week. Average f.o.b. price was $6.17 per carton the week ended June 15, 1974, compared to $6.34 per carton the previous week. Track and rolling supplies at 185 cars were down 9 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the quantity of lemons which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on June 18, 1974.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period June 23, 1974, through June 29, 1974, is hereby fixed at 300,000 cartons.

(2) As used in this section, "handled", and "carton(s)" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended (7 U.S.C. 601–674))

Dated: June 20, 1974.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.74-14474 Filed 6-20-74;12:11 pm]

[Lime Reg. 5]

PART 911—LIMES GROWN IN FLORIDA

Limitation of Handling

This regulation fixes the quantity of Florida limes that may be shipped to fresh market during the weekly regulation period June 23–29, 1974. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 911. The quantity of limes so fixed was arrived at after consideration of the total available supply of Florida limes, the quantity currently available for market, lime prices, and the relationship of season average returns to the parity price for Florida limes.

§ 911.405 Lime Regulation 5.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 911, as amended (7 CFR Part 911; 37 FR 10497), regulating the handling of limes grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Florida Lime Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such limes, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this section to limit the quantity of limes that may be marketed during the ensuing week stems from the production and marketing situation confronting the Florida lime industry.

(i) The committee has submitted its recommendation with respect to the quantity of limes which it deems advisable to be handled during the succeeding week. Such recommendation results from consideration of the factors enumerated in the order. Shipping point prices for fresh market limes have fallen sharply during May. The committee further reports the fresh market demand for limes continues weak with restricted purchase activity by the retail trade. Fresh shipments for the weeks ended June 15, 1974 and June 8, 1974, were 20,822 bushels and 20,109 bushels, respectively.

(ii) Having considered the recommendation and information submitted by the committee, and other available information the Secretary finds that the quantity of limes which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Florida limes, and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such limes; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on June 18, 1974.

(b) *Order.* (1) The quantity of limes grown in Florida which may be handled during the period June 23, 1974, through June 29, 1974, is hereby fixed at 24,000 bushels.

(2) As used in this section, "handled" and "limes" have the same meaning as when used in said amended marketing agreement and order, and "bushel" means 55 pounds of limes.

(Secs. 1–19, 48 Stat. 31, as amended (7 U.S.C. 601–674))

Dated: June 19, 1974.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.74-14473 Filed 6-20-74;12:11 pm]

V391121 JUN 21 74 XUM

Title 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS; EXTRAORDINARY EMERGENCY REGULATION OF INTRASTATE ACTIVITIES

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Release of Areas Quarantined

This amendment excludes portions of Barranquitas, Comerio, Corozal, Naranjito, Aibonito, and Coamo Municipalities in the Commonwealth of Puerto Rico from the areas quarantined by the regulations in 9 CFR Part 76, as amended, because of hog cholera. Therefore, the restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas contained in 9 CFR Part 76, as amended, do not apply to the excluded areas, but the restrictions pertaining to the interstate movement of swine and swine products from nonquarantined areas contained in said Part 76 apply to the excluded areas. No areas in the Commonwealth of Puerto Rico remain under the quarantine.

Accordingly, 9 CFR Part 76, as amended, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respect:

In § 76.2, paragraph (e) (1) relating to the Commonwealth of Puerto Rico is deleted.

(Secs. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; secs. 1–4, 33 Stat. 1264, 1265, as amended; sec. 1, 75 Stat. 481; secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f; 37 F.R. 28464, 28477, 38 F.R. 19141)

Effective date. The foregoing amendment shall become effective June 17, 1974.

The amendment relieves restrictions no longer deemed necessary to prevent the spread of hog cholera and must be made effective promptly in order to be of maximum benefit to affected persons. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and unnecessary, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 17th day of June 1974.

PIERRE A. CHALOUX,
Acting Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.74–14298 Filed 6–20–74;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airworthiness Docket No. 74–WE–30–AD; Amdt. 39–1882]

PART 39—AIRWORTHINESS DIRECTIVES

AiResearch Model TFE731–2–1C and –2–2B

There has been a failure of the fuel control on an AiResearch Model TFE731–2–2B engine which was caused by the improper configuration of the fuel pump and results in engine flameout and prevents proper closure of the engine fuel shut-off valve. A corresponding configuration error in the Model TFE731–2–1C would cause continuous fuel heating and subsequent accelerated deterioration of the fuel system components. Since this condition is likely to exist or develop in other engines of the same type design, an airworthiness directive is being issued to require a visual inspection of the fuel pump assembly to verify that it has the correct fuel heater anti-ice valve configuration installed.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

AIRESEARCH MANUFACTURING CO., ARIZONA.—Applies to Model TFE731–2–1C and –2–2B engines installed in, but not limited to AMD Falcon 10 aircraft, certificated in all categories.

Compliance required within the next 50 hours time in service after the effective date of this AD, unless already accomplished, and prior to installing replacement fuel pump assemblies.

To detect the improper configuration of the fuel pump, accomplish the following:

(a) Inspect the fuel pump assembly in accordance with the instructions contained in AiResearch Service Bulletin TFE731–73–3004, dated June 14, 1974, or later FAA-approved revisions.

(b) Equivalent procedures may be approved by the Chief, Aircraft Engineering Division, FAA Western Region, upon submission of adequate substantiation data.

(c) Aircraft may be flown to a base for performance of maintenance required by this AD per FAR's 21.197 and 21.199.

This amendment becomes effective June 28, 1974.

(Secs. 313(a), 601, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Los Angeles, California on June 13, 1974.

JAMES V. NIELSEN,
Acting Director, FAA Western Region.

[FR Doc.74–14216 Filed 6–20–74;8:45 am]

[Airworthiness Docket No. 74–WE–29–AD; Amdt. 39–1881]

PART 39—AIRWORTHINESS DIRECTIVES

AiResearch TFE731–2–2B and –2–1C Engines

Pursuant to the authority delegated to me by the Administrator (31 FR 13697), an airworthiness directive was adopted June 4, 1974, and made effective immediately by telegram dated June 4, 1974, to all known United States operators or owners of aircraft incorporating AiResearch Model TFE731–2–2B and –2–1C engines. The airworthiness directive requires the replacement of the fuel pump assembly with an assembly incorporating an improved high pressure stage rotor within 25 hours time in service after receipt of the telegraphic AD.

The telegraphic AD was required because fatigue cracks have developed in the high pressure stage rotor which can cause failure of the fuel pump and result in engine flame out and complete power loss.

Since it was found that immediate corrective action was required, notice and public procedure thereon was impracticable and contrary to the public interest and good cause existed for making the airworthiness directive effective immediately to all known operators or owners of aircraft, certificated in all categories, incorporating AiResearch TFE731–2–2B and –2–1C engines. These conditions still exist and the airworthiness directive is hereby published in the FEDERAL REGISTER as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons.

AIRESEARCH MANUFACTURING CO. OF ARIZONA.—Applies to AiResearch Model TFE731–2–2B and –2–1C engines installed in, but not limited to, AMD Falcon 10 Aircraft certificated in all categories.

(A) Within 25 hours time in service after receipt of this telegram, unless already accomplished, replace the fuel pump assembly P/N 3070851 series in accordance with the instructions contained in AiResearch Service Bulletin Number TFE731–73–3003, dated May 22, 1974, or later FAA-approved revisions.

(B) Equivalent procedures may be approved by the Chief, Aircraft Engineering Division, FAA Western Region, upon submission of adequate substantiation data.

(C) Aircraft may be flown to a base for performance of maintenance required by this AD per FAR's 21.197 and 21.199.

This amendment becomes effective June 28, 1974, for all persons except those to whom it was made effective immediately by telegram dated June 4, 1974.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Los Angeles, California on June 13, 1974.

JAMES V. NIELSEN,
Acting Director, FAA Western Region.

[FR Doc.74–14217 Filed 6–20–74;8:45 am]

[Airspace Docket No. 73–SW–65]

PART 71—DESIGNATION OF FEDERAL AIRWAYS AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Additional Control Area

On February 6, 1974, a notice of proposed rule making (NPRM) was published in the FEDERAL REGISTER (39 FR 4667) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would establish as an additional control area that airspace at and above 1,200 feet above the surface between the Houston oceanic control boundary and the United States shoreline. The Notice proposed that this be accomplished by revocation of Control Areas 1215, 1216, 1226, and 1447, and the combining of the existing airspace within those control areas along with some uncontrolled airspace into a single additional control area.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. Two comments were received. One was from the Air Transport Association of America (ATA) endorsing the proposal. The other was from a private commenter of Fort Worth, Tex., who objected to the proposal on the basis that the action would discriminate in favor of helicopter traffic. His objection was based on the assumption that designation of controlled airspace with a floor of 1,200 feet would require all aircraft above 1,200 feet to operate under instrument flight rules regardless of weather conditions, thereby creating a congestion of aircraft operating under visual flight rules below 1,200 feet—too low to afford sufficient time to prepare for ditching. Actually, aircraft are not required to operate under instrument flight rules in controlled airspace as long as visibility is three miles or more and adequate cloud clearance is maintained. Since such weather conditions prevail most of the time, aircraft operating under visual flight rules in the proposed airspace can usually fly at medium or high altitudes if they desire.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., August 15, 1974, as hereinafter set forth.

Section 71.163 (39 FR 346) is amended as follows:

(a) Control 1215 is revoked.
(b) Control 1216 is revoked.
(c) Control 1226 is revoked.
(d) Control 1447 is revoked.
(e) Gulf of Mexico Control Area is added as follows:

That airspace extending upward from 1,200 feet MSL bounded by a line beginning at a point 3 nautical miles offshore at latitude 25°58'30" N., longitude 97°05'20" W., thence northward 3 nautical miles from and parallel to the shoreline to latitude 27°32'00" N., longitude 97°46'00" W., to latitude 27°43'00" N., longitude 93°45'30" W., to latitude 27°-35'00" N., longitude 93°43'00" W., thence west along the north boundary of the Miami and Houston Oceanic Control Area to latitude 26°09'00" N., longitude 96°00'00" W., to point of beginning; excluding that airspace east of Corpus Christi, Tex., beginning at a point 3 nautical miles offshore at latitude 27°49'00" N., thence to latitude 27°45'30" N., longitude 96°51'00" W., to latitude 27°28'20" N., longitude 96°45'30" W., to latitude 27°-14'30" N., longitude 96°55'30" W., to latitude 27°23'00" N., longitude 97°06'00" W., to a point 3 nautical miles offshore at latitude 27°11'20" N.

(Sec. 307(a), 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348(a), 1510); Executive Order 10854 (24 FR 9565); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Washington, D.C., on June 13, 1974.

RAYMOND M. MCINNIS,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.74–14263 Filed 6–20–74;8:45 am]

[Docket No. 13830; Amdt. 921]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAPs) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAPs for the changes and additions covered by this amendment are described in FAA Forms 3139, 8260–3, 8260–4, or 8260–5 and made a part of the public rule making dockets of the FAA in accordance with the procedures set forth in Amendment No. 97–696 (35 FR 5609).

SIAPs are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from the FAA Public Document Inspection Facility, HQ–405, 800 Independence Avenue SW., Washington, D.C. 20591 or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $150.00 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Additional copies mailed to the same address may be ordered for $30.00 each.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

1. Section 97.21 is amended by originating, amending, or canceling the following L/MF SIAPs, effective July 18, 1974:

Delta Junction, Alas.—Allen AAF, LFR–A, Amdt. 13, canceled

2. Section 97.23 is amended by originating, amending, or canceling the following VOR–VOR/DME SIAPs, effective August 1, 1974:

Aurora, Oreg.—Aurora State Arpt., VOR-VOR/DME–A, Orig.
Aurora, Oreg.—Aurora State Arpt., VORTAC–A, Amdt. 1, canceled
Nashville, Tenn.—Nashville Metropolitan Arpt., VOR/DME Rwy 2L, Amdt. 2
Nashville, Tenn.—Nashville Metropolitan Arpt., VOR/DME Rwy 13, Amdt. 4
Nashville, Tenn.—Nashville Metropolitan Arpt., VOR/DME Rwy 20R, Amdt. 2
Nashville, Tenn.—Nashville Metropolitan Arpt., VOR Rwy 31, Amdt. 22
Oneida, Tenn.—Scott Municipal Arpt., VOR/DME–A, Amdt. 1
Spartanburg, S.C.—Spartanburg-Downtown-Memorial Arpt., VOR/DME Rwy 35, Amdt. 4
Spartanburg, S.C.—Spartanburg-Downtown-Memorial Arpt., VOR Rwy 17, Amdt. 4

• • • effective June 27, 1974:

Spencer, Iowa—Spencer Municipal Arpt., VOR Rwy 11, Orig.
Spencer, Iowa—Spencer Municipal Arpt., VOR Rwy 29, Orig.

• • • effective June 10, 1974:

Kinston, N.C.—Stallings Field, VOR/DME Rwy 4, Amdt. 6

3. Section 97.25 is amended by originating, amending, or canceling the following SDF-LOC-LDA SIAPs, effective August 1, 1974:

Cleveland, Ohio—Cleveland Hopkins Int'l. Arpt., LOC (BC) Rwy 5R, Orig.
Nashville, Tenn.—Nashville Metropolitan Arpt., LOC (BC) Rwy 20R, Amdt. 12
Salinas, Calif.—Salinas Municipal, LOC/DME Rwy 31, Orig.

• • • effective July 18, 1974:

Ketchikan, Alas.—Ketchikan Arpt., LOC/DME Rwy. 11, Orig., canceled

• • • effective July 4, 1974:

DuBois, Pa.—DuBois-Jefferson Co. Arpt., LOC Rwy 25, Amdt. 3, canceled

• • • effective June 27, 1974:

Greensboro, N.C.—Greensboro-High Point Winston-Salem Regional Arpt., LOC Rwy 23, Orig.
Milwaukee, Wisc.—General Mitchell Field, LOC Rwy 19R, Amdt. 1, canceled
Norfolk, Va.—Norfolk Regional Arpt., LOC (BC) Rwy 23, Orig., canceled

4. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAPs, effective August 1, 1974:

Cleveland, Ohio—Cleveland Hopkins Int'l Arpt., NDB Rwy 5R/L, Amdt. 8.
Nashville, Tenn.—Nashville Metropolitan Arpt., NDB Rwy 2L, Amdt. 22.
Nashville, Tenn.—Nashville Metropolitan Arpt., NDB Rwy 20R, Amdt. 2.

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Spartanburg, S.C.—Spartanburg-Downtown Memorial Arpt., NDB–A, Amdt. 5.

• • • effective July 18, 1974:

Delta Junction, Alaska—Allen AAF, NDB–A, Orig.

• • • effective June 27, 1974:

Spencer, Iowa—Spencer Municipal Arpt., NDB (ADF)–1, Amdt. 2, canceled.
Spencer, Iowa—Spencer Municipal Arpt., NDB Rwy 29, Orig.

• • • effective June 10, 1974:

Kinston, N.C.—Stallings Field, NDB Rwy 4, Amdt. 3.

• • • effective June 5, 1974:

Lima, Ohio—Lima Arpt., NDB (ADF) Rwy 9, Amdt. 1, canceled.

5. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAPs, effective August 1, 1974:

Cleveland, Ohio—Cleveland Hopkins Int'l Arpt., ILS Rwy 5R, Amdt. 12, canceled.
Nashville, Tenn.—Nashville Metropolitan Arpt., ILS Rwy 2L, Amdt. 24.
Salinas, Calif.—Salinas Municipal Arpt., ILS/DME Rwy 31, Orig., canceled.

• • • effective July 18, 1974:

Ketchikan, Alaska—Ketchikan Arpt., ILS/DME–1, Rwy 11, Orig.

• • • effective July 4, 1974:

DuBois, Pa.—DuBois-Jefferson County Arpt., ILS Rwy 25, Orig.

• • • effective June 27, 1974:

Bremerton, Wash.—Kitsap County Arpt., ILS Rwy 19, Orig.
Chicago, Ill.—Chicago O'Hare Int'l Arpt., ILS Rwy 22L, Orig.
Milwaukee, Wis.—General Mitchell Field, ILS Rwy 19R, Orig.
Norfolk, Va.—Norfolk Regional Arpt., ILS Rwy 23, Orig.
Rochester, N.Y.—Rochester-Monroe County Arpt., ILS Rwy 22, Orig.

• • • effective June 10, 1974:

Kinston, N.C.—Stallings Field, ILS Rwy 4, Amdt. 2.

• • • effective June 5, 1974:

Tallahassee, Fla.—Tallahassee Municipal Arpt., ILS Rwy 36, Amdt. 14.

6. Section 97.31 is amended by originating, amending, or canceling the following RADAR SIAPs, effective August 1, 1974:

Nashville, Tenn.—Nashville Metropolitan Arpt., RADAR–1, Amdt. 14.

• • • effective June 27, 1974:

Milwaukee, Wis.—General Mitchell Field, RADAR–1, Amdt. 17.

7. Section 97.33 is amended by originating, amending, or canceling the following RNAV SIAPs, effective August 1, 1974:

Spartanburg, S.C.—Spartanburg-Downtown-Memorial Arpt., RNAV Rwy 4, Amdt. 1.

Corrections. In Docket No. 13757, Amendment 918, to Part 97 of the Federal Aviation Regulations, published in the FEDERAL REGISTER dated May 31, 1974, on page 19205, under Section 97.25, effective July 11, 1974—Change effective date of McComb, Miss.—McComb-Pike County Arpt., LOC (BC) Rwy 33, Orig., and LOC Rwy 15, Orig., to August 1, 1974.

In Docket Nr. 13762, Amendment 919, to Part 97 of the Federal Aviation Regulations, published in the FEDERAL REGISTER dated June 6, 1974, on page 20058, under Section 97.29, effective June 27, 1974—Destroy Greensboro, N.C.—Greensboro-High Point-Winston Salem Regional Arpt., ILS Rwy 23, Orig.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1948; 49 U.S.C. 1438, 1354, 1421, 1510; sec. 6(c) Department of Transportation Act, 49 U.S.C. 1655(c), 5 U.S.C. 552(a)(1))

Issued in Washington, D.C., on June 13, 1974.

JAMES M. VINES,
Chief, Aircraft Programs Division.

NOTE.—Incorporation by reference provisions in §§ 97.10 and 97.20 (35 FR 5610) approved by the Director of the Federal Register on May 12, 1969.

[FR Doc.74–14262 Filed 6–20–74;8:45 am]

[Docket No. 12600; Amdt. 101–4]

PART 101—MOORED BALLOONS, KITES, UNMANNED ROCKETS AND UNMANNED FREE BALLOONS

Objects Dropped from Certain Balloons, Kites, and Rockets

The purpose of these amendments to Part 101 of the Federal Aviation Regulations is to add a provision governing the dropping of objects under that Part and to make other minor amendments.

Notice 73–15 was published in the FEDERAL REGISTER on May 7, 1973 (38 FR 11354), stating that the Federal Aviation Administration was considering an amendment to Part 101 of the Federal Aviation Regulations to include a provision governing the dropping of objects from moored balloons, kites, unmanned rockets, and unmanned free balloons, similar to the provisions in § 91.13 governing the dropping of objects from piloted aircraft.

In addition, it was proposed to amend Part 101 by changing the reference to "night" and "day" to read in terms of "sunset" and "sunrise." It was also proposed to amend § 101.35(b) to make it clear that the visibility requirements of that paragraph apply to lights and do not apply to a balloon and to its attachments.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments.

One commentator suggested that the second sentence of the proposed amendment to § 101.7 be deleted since it was vague and unclear and tended to lessen the effect of the first sentence. The second sentence, as proposed, stated that "this section does not prohibit the dropping of any object if reasonable precautions are taken to avoid injury or damage to persons or property." The commentator stated that this language had the effect of diminishing the clear intent of the first sentence which stated that no person may allow "an object to be dropped • • • if such action creates a hazard to persons or property." The FAA agrees with this comment. This amendment omits the second sentence.

One commentator suggested that § 101.7 as written might preclude military air drops because of possible hazard to military property. The intent of this proposal was not to prevent a hazard to the property of the regulated person himself but rather to protect the property of other persons. Paragraph (b) of § 101.7, as added by this amendment, therefore, is reworded to specifically refer to hazards to "other persons, or to their property." This would further clarify the intent of the amendment to allow an operator to accept personal risk while limiting that right so as to prevent possible risk to others. At the same time paragraph (a) of § 101.7 is amended to be consistent with this amendment. This revision includes deletion of the reference to "aircraft," since aircraft are covered by the word "property."

(Secs. 307, 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348, 1354(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

In consideration of the foregoing, Part 101 of the Federal Aviation Regulations is amended as follows, effective August 20, 1974.

1. Section 101.7 is amended to read as follows:

§ 101.7 Hazardous operations.

(a) No person may operate any moored balloon, kite, unmanned rocket, or unmanned free balloon in a manner that creates a hazard to other persons, or their property.

(b) No person operating any moored balloon, kite, unmanned rocket, or unmanned free balloon may allow an object to be dropped therefrom, if such action creates a hazard to other persons or their property.

§ 101.17 [Amended]

2. Section 101.17(a) is amended by striking out the words "during the night" and inserting the words "between sunset and sunrise" in place thereof.

3. Section 101.17(b) is amended by striking out the words "by day" and inserting the words "between sunrise and sunset" in place thereof.

§ 101.23 [Amended]

4. Section 101.23(h) is amended by striking out the words "at night" and inserting the words "between sunset and sunrise" in place thereof.

5. Section 101.35(b) is amended to read as follows:

§ 101.35 Equipment and marking requirements.

• • • • • •

(b) No person may operate an unmanned free balloon below 60,000 feet standard pressure altitude between sunset and sunrise (as corrected to the altitude of operation) unless the balloon and its attachments and payload, whether or not they become separated during the operation, are equipped with lights that are visible for at least 5 miles and have a flash frequency of at least 40, and not more than 100, cycles per minute.

§ 101.35 [Amended]

6. Section 101.35(d) is amended by striking out the words "during the day" and inserting the words "between sunrise and sunset" in place thereof.

Issued in Washington, D.C., on June 13, 1974.

ALEXANDER P. BUTTERFIELD,
Administrator.

[FR Doc.74–14215 Filed 6–20–74;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 8911]

PART 13—PROHIBITED TRADE PRACTICES

Auslander Decorator Furniture, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.155 *Prices;* § 13.155–100 *Usual as reduced, special, etc.;* § 13.180 *Quantity;* 13.180–30 In stock; § 13.185 *Refunds, repairs, and replacements;* § 13.200 *Sample, offer or order conformance.* Subpart—Delaying or withholding corrections, adjustments or action owed: § 13.675 *Delaying or withholding corrections, adjustments or action owed;* § 13.677 *Delaying or failing to deliver goods.* Subpart—Failing to maintain records: § 13.1051 *Failing to maintain records;* 13.1051–20 Adequate. Subpart—Misrepresenting oneself and goods—Goods: § 13.1735 *Sample, offer, or order conformance.*—Prices: §13.1825 *Usual as reduced or to be increased.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1892 *Sales contract, right-to-cancel provision;* § 13.1895 *Scientific or other relevant facts.* Subpart—Offering unfair, improper and deceptive inducements to purchase or deal: § 13.2060 *Sample, offer, or order conformance.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Auslander Decorator Furniture, Inc., Hanover, Md., Docket 8911, Apr. 23, 1974]

In the Matter of Auslander Decorator Furniture, Inc., a Corporation Doing Business as A.D.F. Warehouse, and Maxwell Auslander, Sandra Tye, and Linda Decker, Individually, and as Officers of Said Corporation

Order requiring a Hanover, Md., seller and distributor of furniture and related products, among other things to cease failing to deliver ordered merchandise; delivering damaged or defective merchandise; failing to repair or replace damaged goods as advertised; misrepresenting the availability of merchandise in stock; misrepresenting prices as being "sale" prices unless such prices are reduced significantly to afford a meaningful savings over the regular selling prices; and failing to maintain records to substantiate savings claims. Further, respondent is required to refund all monies paid by customers if respondent fails to deliver merchandise within five (5) business days from an agreed-upon date of delivery.

The order and opinion denying motion for extension of time for filing of notice of intention to appeal and for filing appeal brief and final order and decision of the Commission, is as follows:

It is ordered, That respondents' Motion for Extension of Time for Filing of Notice of Intention to Appeal and for Filing of Appeal brief be, and it hereby is, denied.

It is further ordered, That the Initial Decision and Order of the Administrative Law Judge be, and hereby are, adopted as the Decision and Final Order of the Commission.

The order to cease and desist, including further order requiring report of compliance therewith, as set out in the initial decision is as follows:

It is further ordered, That respondents Auslander Decorator Furniture, Inc., a corporation, its successors and assigns, and its officers, and Maxwell Auslander, individually and as an officer of Auslander Decorator Furniture, Inc., and respondents' agents, representatives and employees, directly or through any corporation, subsidiary, division or any other device, in connection with the advertising, offering for sale, sale and distribution of furniture and other articles of merchandise, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

I. (1) Failing to state, in writing, on the face of all order forms and sales contracts executed by customers, and on all invoices covering the sale of merchandise to customers, in conspicuous language likely to be read and understood by the customer, the dates for delivery of such merchandise agreed to by respondents and their customers at the time of the execution of the order or contract or the date of sale, and that respondents will refund all monies paid by such customers in the event such delivery is not made within five (5) business days of the agreed delivery dates, unless such customers agree in writing to extensions of the delivery dates.

(2) Failing to deliver merchandise to customers within five (5) business days of the agreed delivery dates, or failing to refund immediately all monies paid by such customers in the event such delivery dates are not met by respondents, unless the customers agree, in writing, to extensions of the delivery dates.

(3) Misrepresenting orally or in writing, directly or by implication, the availability of merchandise in stock for delivery by specific dates.

(4) Selling merchandise to customers on the layaway plan, unless such merchandise is physically set aside, in storage, for delivery to such customers upon the completion of the layaway payments, in accordance with the provisions of subparagraphs (1) and (2) hereinabove.

(5) For a period of two (2) years from the effective date of this order, failing to maintain and produce for inspection and copying by the Federal Trade Commission upon ten (10) days' notice, adequate records (a) which disclose the history of all orders, sales and deliveries; and (b) from which it can be determined whether or not merchandise was available in stock for delivery as of specific dates.

II. (1) Using the words "sale", "sale price", "warehouse sale", "clearance sale", "savings", or "buy now and save", or any other word or words of similar import or meaning, unless the price of such merchandise being offered for sale constitutes a reduction, in an amount not so insignificant as to be meaningless, from the actual bona fide price at which such merchandise was sold or offered for sale to the public on a regular basis by respondents for a reasonably substantial period of time in the recent, regular course of their business.

(2) For a period of two (2) years from the effective date of this order, failing to maintain and produce for inspection and copying by the Federal Trade Commission upon ten (10) days' notice, adequate records (a) which disclose the facts upon which any savings claims, sale claims and other similar representations of the type described in subparagraph (1) hereinabove are based, and (b) from which the validity of any savings claims, sale claims and similar representations can be determined.

III. *It is further ordered,* That respondents shall:

(1) Inform, orally, all customers at the time of sale and provide in writing on the face of all order forms and sales contracts executed by customers, and on all invoices covering the sale of merchandise to customers, in conspicuous language likely to be read and understood by the customer, that the customer may cancel the contract with a refund of all monies theretofore paid to respondents by notification to respondents in writing within five (5) days from the date of actual delivery of the merchandise, where the merchandise delivered to a customer is defective or damaged, or is not identical to the merchandise ordered by the customer; *Provided, however,* That the provisions of this subparagraph shall not apply to merchandise sold "as is", such sales to be so designated specifically on the order forms, sales contracts and invoices utilized in connection with such sales transactions, nor to sales of merchandise to customers who have knowledge of damage to, or defects in, the particular merchandise and have given written consent to purchasing same in its stated condition.

(2) Refund immediately all monies to customers who have requested contract cancellation in accordance with the provisions of paragraph III(1) above; *Provided, however,* That, in lieu of making such a refund, respondents may, with the written consent of, and with no additional cost to, the customer, replace or

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repair defective or damaged merchandise, such replacement or repair to be fully, satisfactorily, and promptly performed. In such a case, the customer who consents to accept replacement or repair in lieu of a refund, may cancel the contract with a refund of all monies by notification to respondents in writing within five (5) days from the date of actual delivery of any replacement or repaired merchandise that is itself defective or damaged.

(3) For a period of two (2) years from the effective date of this order, maintain and produce for inspection and copying by the Federal Trade Commission upon ten (10) days' notice, adequate records to disclose the facts pertaining to the receipt, handling and disposition of each and every communication from a customer, oral or written, requesting contract cancellation, refund, replacement or repair.

IV. (1) *It is further ordered*, That respondents deliver a copy of this order to all present and future employees or other persons engaged in the preparation and placing of respondents' advertisements, and the offering for sale, or sale, of respondents' products, and secure from each such employee or other person a signed statement acknowledging receipt of said order.

(2) *It is further ordered*, That respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

(3) *It is further ordered*, that the individual respondent Maxwell Auslander promptly notify the Commission of the discontinuance of his present business or employment and of his affiliation with a new business or employment. Such notice shall include said respondent's current business address and a statement as to the nature of the business or employment in which he is engaged as well as a description of his duties and responsibilities.

(4) *It is further ordered*, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of this order.

(5) *It is further ordered*, That respondents shall, within sixty (60) days from the effective date of this order, notify the Commission in writing of the manner and form in which each has complied with this order.

(6) *It is further ordered*, That the complaint be, and it hereby is, dismissed as to respondents Sandra Tye and Linda Decker as individuals.

CHARLES A. TOBIN,
Secretary.

[FR Doc.74-14257 Filed 6-20-74;8:45 am]

Title 25—Indians

CHAPTER I—BUREAU OF INDIAN AFFAIRS, DEPARTMENT OF THE INTERIOR

SUBCHAPTER Q—OIL AND GAS

PART 183—LEASING OF OSAGE RESERVATION LANDS FOR OIL AND GAS MINING

Leasing Procedures and Operations

JUNE 17, 1974.

This notice is published in the exercise of rulemaking authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2 (32 FR 13938). The authority to issue regulations is vested in the Secretary of the Interior by 5 U.S.C. 301 and sections 463 and 465 of the Revised Statutes (25 U.S.C. 2, 9).

Beginning on page 12755 of the FEDERAL REGISTER of April 8, 1974 (39 FR 12755), there was published a notice of proposed rulemaking to revise Part 183 of Subchapter Q, Chapter I, Title 25 of the Code of Federal Regulations. The purpose of the proposed revision is to improve the management of the Osage oil and gas mineral estate. The revision was proposed pursuant to the authority contained in section 3 of the Act of June 28, 1906 (34 Stat. 539, 543).

The public was given until May 8, 1974, to submit written comments, suggestions, or objections regarding the proposed revision.

After consideration of all such relevant matter presented by interested persons, the revision as so proposed is hereby adopted with the following changes:

1. In § 183.2(a), the word "may" is changed to "shall".

2. At the end of § 183.9(a), the following sentence is added: "If a lessee holds both an oil lease and a gas lease covering the same acreage, such lessee is subject to provisions of this section as to both the oil lease and gas lease."

3. Subsection (4) *Value of gas* is deleted from § 183.11(b).

4. In the last sentence of § 183.14(a), the phrase "oil taken" is changed to read "oil and/or gas taken".

5. In the second sentence of § 183.19(a), the phrase "release operations" is changed to read "lease operations".

6. After the first sentence in § 183.19(b), the following sentence is added: "Commencement money will not be required for the drilling of a well which was drilled under the original lease contract."

7. In the second sentence of § 183.25(a), the words "after receiving notice," are changed to read "after receiving notice and cost of drilling,".

8. In the second sentence of § 183.25(b), the words "after receipt of notice," are changed to read "after receipt of notice and cost of drilling,".

9. The subheading "Effect of Regulations" and § 183.46 are deleted because § 183.46 is a repeat of § 183.5.

These regulations shall become effective on July 22, 1974.

MORRIS THOMPSON,
Commissioner of Indian Affairs.

Part 183 of Title 25 of the Code of Federal Regulations is revised to read as follows:

Sec.

183.1 Definitions.

LEASING PROCEDURE, RENTAL AND ROYALTY

183.2 Sale of leases.
183.3 Surrender of lease.
183.4 Form of payment.
183.5 Leases subject to current regulations.
183.6 Bonds.
183.7 Provisions of forms made a part of the regulations.
183.8 Corporation and corporate information.
183.9 Rental and drilling obligations.
183.10 Term of lease.
183.11 Royalty payments.
183.12 Government reserves right to purchase oil.
183.13 Time of royalty payments and reports.
183.14 Contracts and division orders.
183.15 Unit leases, assignments and related instruments.

OPERATIONS

183.16 Commencement of operations.
183.17 How to acquire permission to begin operations on a restricted homestead allotment.
183.18 Information to be given surface owners prior to commencement of drilling operations.
183.19 Use of surface of land.
183.20 Settlement of damages claimed.
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183.22 Prohibition of pollution.
183.23 Easements for wells off leased premises.
183.24 Lessee's use of water.
183.25 Gas well drilled by oil lessees and vice versa.
183.26 Determining cost of well.
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CESSATION OF OPERATORS

183.28 Shutdown, abandonment and plugging of wells.
183.29 Disposition of casings and other improvements.

REQUIREMENTS OF LESSEES

183.30 Lessees subject to Superintendent's orders; books and records open to inspection.
183.31 Lessee's process agents.
183.32 Well records and reports.
183.33 Line drilling.
183.34 Wells and tank batteries to be marked.
183.35 Formations to be protected.
183.36 Control devices.
183.37 Waste of oil and gas.
183.38 Measuring and storing oil.
183.39 Measurement of gas.
183.40 Use of gas for lifting oil.
183.41 Accidents to be reported.

PENALTIES

183.42 Penalty for violation of lease terms.
183.43 Penalties for violation of certain operating regulations.

APPEALS AND NOTICES

183.44 Hearings and appeals.
183.45 Notices.

AUTHORITY: Sec. 3, 34 Stat. 543. Interpret or apply secs. 1, 2, 45 Stat. 1478, 1479, unless otherwise noted.

§ 183.1 Definitions.

As used in this Part 183, terms shall have the meanings set forth in this section.

(a) "Secretary" means the Secretary of the Interior or his authorized representative acting under delegated authority.

(b) "Osage Tribal Council" means the duly elected governing body of the Osage Nation or Tribe of Indians of Oklahoma vested with authority to lease or take other actions on oil and gas mining pertaining to the Osage Mineral Estate.

(c) "Superintendent" means the Superintendent of the Osage Agency, Pawhuska, Oklahoma, or his authorized representative acting under delegated authority.

(d) "Oil lessee" means any person, firm, or corporation to whom an oil mining lease is made under the regulations in this part.

(e) "Gas lessee" means any person, firm, or corporation to whom a gas mining lease is made under the regulations in this part.

(f) "Oil and gas lessee" means any person, firm, or corporation to whom an oil and gas mining lease is made under the regulations in this part.

(g) "Primary term" means the basic period of time for which a lease is issued during which the lease contract may be kept in force by payment of rentals.

(h) "Major purchaser" means any one of the minimum number of purchasers taking 80 percent of the oil in the Kansas-Oklahoma area.

(i) "Casinghead gas" means gas produced from an oil well as a consequence of oil production from the same formation.

(j) "Natural gas" means any fluid, either combustible or noncombustible, recovered at the surface in the gaseous phase and/or hydrocarbons recovered at the surface as liquids which are the result of condensation caused by reduction of pressure and temperature of hydrocarbons originally existing in a reservoir in the gaseous phase.

LEASING PROCEDURE, RENTAL AND ROYALTY

§ 183.2 Sale of leases.

(a) Written application, together with any nomination fee, for tracts to be offered for lease shall be filed with the Superintendent.

(b) The Superintendent, with the consent of the Osage Tribal Council, shall publish notices for the sale of oil leases, gas leases, and oil and gas leases to the highest responsible bidder on specific tracts of the unleased Osage Mineral Estate. The Superintendent may require any bidder to submit satisfactory evidence of his good faith and ability to comply with all provisions of the notice of sale. Successful bidders must deposit with the Superintendent on day of sale a check or cash in an amount not less than 25 percent of the cash bonus offered as a guaranty of good faith. Any and all bids shall be subject to the acceptance of the Osage Tribal Council and approval of the Superintendent. Within 20 days after notification of being the successful bidder, said bidder must submit to the Superintendent the balance of the cash bonus, a $10 filing fee, and the lease in completed form. The Superintendent may extend the time for the completion and submission of the lease form, but no extension shall be granted for remitting the balance of moneys due. If the bidder fails to pay the full cash consideration within said period or fails to file the completed lease within said period or extension thereof, or if the lease is rejected through no fault of the Osage Tribal Council or the Superintendent, 25 percent of the cash bonus bid will be forfeited for the use and benefits of the Osage Tribe.

The Superintendent may reject a lease made on an accepted bid, upon evidence satisfactory to him of collusion, fraud, or other irregularity in connection with the notice of sale. The Superintendent may approve oil leases, gas leases, and oil and gas leases made by the Osage Tribal Council in conformity with the notice of sale, regulations in this part, bonds, and other instruments required.

(c) Each oil and/or gas lease and activities and installations associated therewith subject to these regulations shall be assessed and evaluated for its environmental impact prior to its approval by the Superintendent.

(d) Lessee shall accept a lease with the understanding that a mineral not covered by his lease may be leased separately.

(e) No lease, assignment thereof, or interest therein will be approved to any employee or employees of the Government and no such employee shall be permitted to acquire any interest in leases covering the Osage Mineral Estate by ownership of stock in corporations having leases or in any other manner.

§ 183.3 Surrender of lease.

Lessee may, with the approval of the Superintendent and payment of a one dollar filing fee, surrender all or any portion of any lease, have the lease cancelled as to the portion surrendered and be relieved from all subsequent obligations and liabilities. If the lease, or portion being surrendered, is owned in undivided interests by more than one party, then all parties shall join in the application for cancellation: *Provided*, That if this lease has been recorded, Lessee shall execute a release and record the same in the proper office. Such surrender shall not entitle Lessee to a refund of the unused portion of rental paid in lieu of development, nor shall it relieve Lessee and his sureties of any obligation and liability incurred prior to such surrender: *Provided further*, That when there is a partial surrender of any lease and the acreage to be retained is less than 160 acres or there is a surrender of a separate horizon, such surrender shall become effective only with the consent of the Osage Tribal Council and approval of the Superintendent.

§ 183.4 Form of payment.

Sums due under a lease contract and/or the regulations in this part shall be paid by cash or check made payable to the Bureau of Indian Affairs and delivered to the Osage Agency, Pawhuska, Oklahoma 74056. Such sums shall be a prior lien on all equipment and unsold oil on the leased premises.

§ 183.5 Leases subject to current regulations.

Leases issued pursuant to this part shall be subject to the current regulations of the Secretary, all of which are made a part of such leases: *Provided*, That no amendment or change of such regulations made after the approval of any lease shall operate to affect the term of the lease, rate of royalty, rental, or acreage unless agreed to by both parties and approved by the Superintendent.

§ 183.6 Bonds.

Lessees shall furnish with each lease a corporate surety bond acceptable to the Superintendent as follows:

(a) A bond on Form D shall be filed with each lease submitted for approval. Such bond shall be in the penal sum of not less than $1,000 for each quarter section or fractional quarter section covered by said lease: *Provided, however*, That one bond in the penal sum of not less than $15,000 may be filed on Form G covering all leases on the Osage Mineral Estate not in excess of 10,240 acres to which Lessee is or may become a party.

(b) In lieu of the bonds required under paragraph (a) of this section, a bond in the penal sum of $75,000 may be filed on Form 5–5438 for full nationwide coverage of all leases, without geographic or acreage limitation, to which the Lessee is or may become a party.

(c) A bond on Form H shall be filed in the penal sum of not less than $1,000 covering a lease acquired through assignment where the assignee does not have a collective bond, or the corporate surety does not execute its consent to remain bound under the original bond given to secure the faithful performance of the terms and conditions of the lease.

(d) The right is specifically reserved to increase the amount of bonds prescribed in paragraphs (a) and (c) of this section in any particular case when the Superintendent deems it proper. The nationwide bond may be increased at any time in the discretion of the Secretary.

§ 183.7 Provisions of forms made a part of the regulations.

Leases, assignments, and supporting instruments shall be in the form prescribed by the Secretary, and such forms

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are hereby made a part of the regulations.

§ 183.8 Corporation and corporate information.

(a) If the applicant for a lease is a corporation, it shall file evidence of authority of its officers to execute papers; and with its first application it shall also file a certified copy of its Articles of Incorporation and, if foreign to the State of Oklahoma, evidence showing compliance with the corporation laws thereof.

(b) Whenever deemed advisable the Superintendent may require a corporation to file any additional information necessary to carry out the purpose and intent of the regulations in this part, and such information shall be furnished within a reasonable time.

§ 183.9 Rental and drilling obligations.

(a) Oil leases, gas leases, and oil and gas leases. Unless Lessee shall complete and place on production a well producing and selling oil and/or gas in paying quantities on the land embraced within the lease within 12 months from the date of approval of the lease, or as otherwise provided in the lease terms, or 12 months from the date the Superintendent consents to drilling on any restricted homestead selection, the lease shall terminate unless rental at the rate of not less than $1 per acre for an oil or gas lease, or not less than $1.50 per acre for an oil and gas lease, shall be paid before the end of the first year of the lease. The lease may also be held for the remainder of its primary term without drilling upon payment of the specified rental annually in advance, commencing with the second lease year. The lease shall terminate as of the due date of the rental unless such rental shall be received by the Superintendent, or shall have been mailed as indicated by postmark on or before said date. The completion of a well producing in paying quantities shall, for so long as such production continues, relieve Lessee from any further payment of rental, except that should such production cease during the primary term the lease may be continued only during the remaining primary term of the lease by payment of advance rental which shall commence on the next anniversary date of the lease. Rental shall be paid on the basis of a full year and no refund will be made of advance rental paid in compliance with the regulations in this part: *Provided*, That the Superintendent in his discretion may order further development of any leased acreage or separate horizon if, in his opinion, a prudent operator would conduct further development. If Lessee refuses to comply, the refusal will be considered a violation of the lease terms and said lease shall be subject to cancellation as to the acreage or horizon, the further development of which was ordered: *Provided further*, That the Superintendent may impose restrictions as to time of drilling and rate of production from any well or wells when, in his judgment, such action may be necessary or proper for the protection of the natural resources of the leased land and the interests of the Osage Tribe. The Superintendent may consider, among other things, Federal and Oklahoma laws regulating either drilling or production. If a lessee holds both an oil lease and a gas lease covering the same acreage, such lessee is subject to the provisions of this section as to both the oil lease and the gas lease.

(b) The Superintendent may, with the consent of and under terms approved by the Osage Tribal Council, grant an extension of the primary term of a lease for a period not to exceed six months on which the actual drilling of a well shall have commenced within the term thereof or for the purpose of enabling Lessee to obtain a market for his oil and/or gas production.

§ 183.10 Term of lease.

Leases issued hereunder shall be for a 5-year primary term and so long thereafter as the minerals specified are produced in paying quantities unless a different primary term is established by the Osage Tribal Council, approved by the Superintendent, and so stated in the notice of sale of such lease or leases.

§ 183.11 Royalty payments.

(a) *Royalty on oil.* (1) Royalty rate. Lessee shall pay or cause to be paid to the Superintendent, as royalty, the sum of 16⅔ percent of the gross proceeds from sales after deducting the oil used by Lessee for development and operation purposes on the lease: *Provided*, That when the quantity of oil taken from all the producing wells on any quarter-section or fraction thereof, according to the public survey, during any calendar month is sufficient to average one hundred or more barrels per active producing well per day the royalty on such oil shall be 20 percent. The Osage Tribal Council may, upon presentation of justifiable economic evidence by Lessee, agree to a revised royalty rate, subject to approval by the Superintendent, applicable to additional oil produced from a lease or leases by secondary recovery methods, which rate shall not be less than 12½ percent of the gross proceeds from sale of oil produced by secondary recovery processes, other than gas injection, after deducting the oil used by Lessee for development and operating purposes on the lease or leases.

(2) Unless the Osage Tribal Council, with the approval of the Secretary, shall elect to take the royalty in kind, payment shall be made at the time of sale or removal of the oil, except where payments are made on division orders, and settlement shall be based on the actual selling price, or the highest posted or offered price by a major purchaser in the Kansas-Oklahoma area whichever is higher on the day of sale or removal. Where different prices are paid simultaneously for oil from a lease and the highest such price exceeds the higher of the aforementioned prices, then that price shall be the basis of royalty on all oil from said lease.

(3) Royalty in kind. Should Lessor, with the approval of the Secretary, elect to take the royalty in kind, Lessee shall furnish free storage for royalty oil for a period not to exceed 60 days from date of production after notice of such election.

(b) *Royalty on gas*—(1) *Oil lease.* All casinghead gas shall belong to the oil lessee subject to any rights under existing gas leases. All casinghead gas removed from the lease from which it is produced shall be metered unless otherwise approved by the Superintendent and subject to a royalty of 16⅔ percent of the market value of the gas and all products extracted therefrom, less a reasonable allowance for manufacture or processing. If oil lessee supplies casinghead gas produced from one lease for operation and/or development of other leases, either his or others, a royalty of 16⅔ percent shall be paid on the value of all casinghead gas so used. All casinghead gas not utilized by the oil lessee may, with the approval of the Superintendent, be utilized by the gas lessee, subject to the prescribed royalty of 16⅔ percent.

(2) *Gas lease.* Lessee shall pay a royalty of 16⅔ percent of the value of all natural gas and products extracted therefrom produced and sold from his lease. Natural gas used in the reasonable and prudent operation and development of said lease shall be exempted from royalty payment.

(3) *Oil and gas lease.* Lessee shall pay royalty as provided in (1) and (2) above.

(c) *Minimum royalty.* In no event shall the royalty paid from producing leases during any year be less than an amount equal to the annual rental specified for the lease. Any underpayment of minimum royalty shall be due and payable within 45 days following the end of the lease year. After the primary term, Lessee shall submit with his payment evidence that the lease is producing in paying quantities. The Superintendent is authorized to determine whether the lease is actually producing in paying quantities or has terminated for lack of such production. Payment for any underpayment not made within the time specified shall be subject to a late charge at the rate of not less than 1½ percent per month for each month or fraction thereof until paid.

§ 183.12 Government reserves right to purchase oil.

Any of the executive departments of the United States Government shall have the option to purchase all or any part of the oil produced from any lease at not less than the highest posted price as defined in § 183.11.

§ 183.13 Time of royalty payments and reports.

(a) Royalty payments due may be paid by either purchaser or Lessee. Unless otherwise provided by the Osage Tribal Council and approved by the Superintendent, all payments shall be due by the 25th day of each month and shall cover the preceding month. Failure to make such payments shall subject Lessee or purchaser, whoever is responsible for

royalty payment, to a late charge at the rate of not less than 1½ percent for each month or fraction thereof until paid.

(b) Lessee shall furnish certified monthly reports by the 25th of each following month covering all operations, whether there has been production or not, indicating therein the total amount of oil, natural gas, casinghead gas, and other products subject to royalty payment.

(c) Failure to remit payments or reports shall subject Lessee to further penalties as provided in §§ 183.42 and 183.43 and shall subject the division order to cancellation.

§ 183.14 Contracts and division orders.

(a) Lessee may enter into division orders or contracts with the purchasers of oil, gas, or derivatives therefrom which will provide for the purchaser to make payment of royalty in accordance with his lease: *Provided*, That such division orders or contracts shall not relieve Lessee from responsibility for the payment of the royalty should the purchaser fail to pay. No production shall be removed from the leased premises until a division order and/or contract and its terms are approved by the Superintendent: *Provided further*, That the Superintendent may grant temporary permission to run oil or gas from a lease pending the approval of a division order or contract. Lessee shall file a certified monthly report and pay royalty on the value of all oil and gas used off the premises for development and operating purposes. Lessee shall be responsible for the correct measurement and reporting of all oil and/or gas taken from the leased premises.

(b) Lessee shall require the purchaser of oil and/or gas from his lease or leases to furnish the Superintendent with a monthly statement of the gross barrels and/or gross Mcf sold not later than the 15th day of each month which shall cover the preceding month.

§ 183.15 Unit leases, assignments and related instruments.

(a) *Unitization of leases.* The Osage Tribal Council and Lessee or Lessees, may, with the approval of the Superintendent, unitize or merge, two or more oil or oil and gas leases into a unit or cooperative operating plan to promote the greatest ultimate recovery of oil and gas from a common source of supply or portion thereof embracing the lands covered by such lease or leases. The cooperative or unit agreement shall be subject to the regulations in this part and applicable laws governing the leasing of the Osage Mineral Estate. Any agreement between the parties in interest to terminate a unit or cooperative agreement as to all or any portion of the lands included shall be submitted to the Superintendent for his approval. Upon approval the leases included thereunder shall be restored to their original terms: *Provided*, That for the purpose of preventing waste and to promote the greatest ultimate recovery of oil and gas from a common source of supply or portion thereof, all oil leases, oil and gas leases, and gas leases issued heretofore and hereafter under the provisions of the regulations in this part shall be subject to any unit development plan affecting the leased lands that may be required by the Superintendent with the consent of the Osage Tribal Council, and which plan shall adequately protect the rights of all parties in interest including the Osage Mineral Estate.

(b) *Assignments.* Approved leases or any interest therein may be assigned or transferred only with the approval of the Superintendent. The assignee must be qualified to hold such lease under existing rules and regulations and shall furnish a satisfactory bond conditioned for the faithful performance of the covenants and conditions thereof. Lessee must assign either his entire interest in a lease or legal subdivision thereof, or an undivided interest in the whole lease: *Provided*, That when an assignment covers only a portion of a lease or covers interests in separate horizons such assignment shall be subject to both the consent of the Osage Tribal Council and approval of the Superintendent. If a lease is divided by the assignment of an entire interest in any part, each part shall be considered a separate lease and the assignee shall be bound to comply with all the terms and conditions of the original lease. A fully executed copy of the assignment shall be filed with the Superintendent within 30 days after the date of execution by all parties. If requested within the 30-day period, the Superintendent may grant an extension of 15 days. A filing fee of $10 shall accompany each assignment.

(c) *Overriding royalty.* Agreements creating overriding royalties or payments out of production shall not be considered as an interest in a lease as such term is used in paragraph (b) of this section. Agreements creating overriding royalties or payments out of production are hereby authorized and the approval of the Department of the Interior or any agency thereof shall not be required with respect thereto, but such agreements shall be subject to the condition that nothing in any such agreement shall be construed as modifying any of the obligations of Lessee under his lease and the regulations in this part. All such obligations are to remain in full force and effect, the same as if free of any such royalties or payments. The existence of agreements creating overriding royalties or payments out of production, whether or not actually paid, shall not be considered in justifying the shutdown or abandonment of any well. Agreements creating overriding royalties or payments out of production need not be filed with the Superintendent unless incorporated in assignments or instruments required to be filed pursuant to paragraph (b) of this section. An agreement creating overriding royalties or payment out of production shall be suspended when the working interest income per active producing well is equal to or less than the operational cost of the well, as determined by the Superintendent.

(d) *Drilling contracts.* The Superintendent is authorized to approve drilling contracts with a stipulation that such approval does not in any way bind the Department to approve subsequent assignments that may be provided for in said contracts. Approval merely authorizes entry on the lease for the purpose of development work.

OPERATIONS

§ 183.16 Commencement of operations.

(a) No operations shall be permitted upon any tract of land until a lease covering such tract shall have been approved by the Superintendent: *Provided*, That the Superintendent may grant authority to any party under such rules, consistent with the regulations in this part that he deems proper, to conduct geophysical and geological exploration work.

(b) Lessee shall submit applications on forms to be furnished by the Superintendent and secure his approval before:

(1) Well drilling, treating, or workover operations are started on the leased premises.

(2) Removing casing from any well.

(c) Lessee shall notify the Superintendent a reasonable time in advance of starting work, of intention to drill, redrill, deepen, plug, or abandon a well.

§ 183.17 How to acquire permission to begin operations on a restricted homestead allotment.

(a) Lessee may conduct operations within or upon a restricted homestead selection only with the written consent of the Superintendent.

(b) If the allottee is unwilling to permit operations on his homestead, the Superintendent will cause an examination of the premises to be made with the allottee and Lessee or his representative. Upon finding that the interests of the Osage Tribe require that the tract be developed, the Superintendent will endeavor to have the parties agree upon the terms under which operations on the homestead may be conducted.

(c) In the event the allottee and Lessee cannot reach an agreement, the matter shall be presented by all parties before the Osage Tribal Council, and the Council shall make its recommendations. Such recommendations shall be considered as final and binding upon the allottee and Lessee. A guardian may represent the allottee. Where no one is authorized or where no person is deemed by the Superintendent to be a proper party to speak for a person of unsound mind or feeble understanding, the Principal Chief of the Osage Tribe shall represent him.

(d) If the allottee or his representative does not appear before the Osage Tribal Council when notified by the Superintendent, or if the Council fails to act within 10 days after the matter is referred to it, the Superintendent may authorize Lessee to proceed with operations in conformity with the provisions of his lease and the regulations in this part.

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§ 183.18 Information to be given surface owners prior to commencement of drilling operations.

Except for the surveying and staking of a well, no operations of any kind shall commence until Lessee or his representative shall meet with the surface owner or his representative, if a resident of and present in Osage County, Oklahoma. At such meeting Lessee shall comply with the following requirements:

(a) Indicate the location of the well or wells to be drilled.

(b) Arrange for route of ingress and egress. Upon failure to agree on route of ingress and egress, said route shall be set by the Superintendent.

(c) Impart to said surface owners the name and address of the party or representative upon whom the surface owner shall serve any claim for damages which he may sustain from mineral development or operations, and as to the procedure for settlement thereof as provided in § 183.21.

(d) Where the drilling is to be on restricted land, Lessee in the manner provided above shall meet with the Superintendent.

(e) Where the surface owner or his representative is not a resident of or is not physically present in Osage County, then the Superintendent shall be so advised whereupon the Superintendent may authorize Lessee to proceed with operations: *Provided*, That in the event the Superintendent should so arrange with the surface owner or his tenant, Lessee or his representative within 5 days after receipt of notice from the Superintendent shall meet with the surface owner or his tenant on the leased premises and arrange for the procedure to follow as indicated in this section.

§ 183.19 Use of surface of land.

(a) Lessee or his authorized representative shall have the right to use so much of the surface of the land within the Osage Mineral Estate as may be reasonable for operations and marketing. This includes but is not limited to the right to lay and maintain pipelines, electric lines, pull rods, other appliances necessary for operations and marketing; the right-of-way for ingress and egress to any point of operation; and the right to use water for lease operations as set out in § 183.24. Lessee shall conduct his operations in a workmanlike manner, commit no waste and allow none to be committed upon the land, nor permit any nuisance to be maintained on the premises under his control.

(b) Before commencing a drilling operation, Lessee shall pay or tender to the surface owner commencement money in the amount of $25 per seismic shot hole and commencement money in the amount of $300 for each well, after which Lessee shall be entitled to immediate possession of the drilling site. Commencement money will not be required for the drilling of a well which was drilled under the original lease contract. A drilling site shall be held to the minimum area essential for operations and shall not exceed one and one-half acres in area unless authorized by the Superintendent. Commencement money shall be a credit toward the settlement of the total damages. Acceptance of commencement money by the surface owner does not in any way affect his right to compensation for damages as described in § 183.20, occasioned by the drilling and completion of the well for which it was paid. Since actual damage to the surface from operations cannot necessarily be ascertained prior to the completion of a well as a serviceable well or dry hole, a damage settlement covering the drilling operation need not be made until after completion of drilling operations.

(c) Where the surface is restricted land, commencement money shall be paid to the Superintendent for the landowner. All other surface owners shall be paid or tendered such commencement money direct. Where such surface owners are not residents of Osage County nor have a representative located therein, such payment shall be made or tendered to the last known address of the surface owner at least 5 days before commencing drilling operations on any well: *Provided*, That should Lessee be unable to reach the owner of the surface of the land for the purpose of tendering the commencement money or if the owner of the surface of the land shall refuse to accept the same, Lessee shall deposit such amount with the Superintendent by check payable to the Bureau of Indian Affairs. The Superintendent shall thereupon advise the owner of the surface of the land by mail at his last known address that the commencement money is being held for payment to him upon his written request.

(d) Lessee shall also pay fees for tank sites not exceeding 50 feet square at the rate of $40 per tank or other vessel: *Provided*, That no payment shall be due for a tank temporarily set on a well location site for drilling, completing, or testing. The sum to be paid for a tank occupying more than 50 feet square shall be agreed upon between the surface owner and Lessee or, on failure to agree, the same shall be fixed by arbitration as provided by § 183.21.

§ 183.20 Settlement of damages claimed.

(a) Lessee or geophysical permittee shall pay for all damages to growing crops, any improvements on the lands, and all other surface damages as may be occasioned by operations. Commencement money shall be a credit toward the settlement of the total damages occasioned by the drilling and completion of the well for which it was paid. Such damages shall be paid to the owner of the surface and by him apportioned among the parties interested in the surface, whether as owner, surface lessee, or otherwise, as the parties may mutually agree or as their interests may appear. If Lessee and surface owner are unable to agree concerning damages, the same shall be determined by arbitration. Nothing herein contained shall be construed to deny any party the right to file an action in a court of competent jurisdiction if he is dissatisfied with the amount of the award.

(b) Surface owners shall notify their lessees or tenants of the regulations in this part and of the necessary procedure to follow in all cases of alleged damages. If so authorized in writing, surface lessees or tenants may represent the surface owners.

(c) In the settlement of damages on restricted land all sums due and payable shall be paid to the Superintendent for credit to the account of the Indian entitled thereto.

(d) Any person, other than a surface lessee or an allottee or the heirs of a deceased allottee, claiming an interest in any leased tract or in damages thereto, must furnish to the Superintendent a statement in writing showing said claimed interest. Failure to furnish such statement shall constitute a waiver of notice and estop said person from claiming any part of such damages after the same shall have been disbursed.

§ 183.21 Procedure for settlement of damages claimed.

Where the surface owner or his lessee suffers damage due to the operation of any oil or gas lessee, the procedure for recovery shall be as follows:

(a) The party or parties aggrieved shall, as soon as possible after the discovery of any damages, serve written notice to Lessee or his representative as provided by § 183.18. Written notice shall contain the nature and location of the alleged damages, the date of occurrence, the names of the party or parties causing said damages, and the amount of damages. It is not intended by this requirement to limit the time within which action may be brought in the courts to less than the 90-day period allowed by section 2 of the Act of March 2, 1929 (45 Stat. 1478, 1479).

(b) If the alleged damages are not adjusted at the time of such notice, Lessee or his representative shall try to adjust the claim with the party or parties aggrieved within 20 days from receipt of the notice. If the claimant is the owner of restricted property and a settlement results, a copy of the settlement agreement shall be filed with the Superintendent. If the settlement agreement is approved by the Superintendent, payment shall be made to the Superintendent for the benefit of said claimant.

(c) If the parties fail to adjust the claim within the 20 days specified, then within 10 days thereafter each of the interested parties shall appoint an arbitrator who immediately upon their appointment shall agree upon a third arbitrator. If the two arbitrators shall fail to agree upon a third arbitrator within 10 days, they shall immediately notify the parties in interest. If said parties cannot agree upon a third arbitrator within 5 days after receipt of such notice, the Superintendent shall appoint the third arbitrator.

(d) As soon as the third arbitrator is appointed, the arbitrators shall meet; hear the evidence and arguments of the parties; and examine the lands, crops, improvements, or other property alleged to have been injured. Within 10 days they shall render their decision as to the amount of the damage due. The arbitrators shall be disinterested persons. The fees and expenses of the third arbitrator shall be borne equally by the claimant and Lessee. Each Lessee and claimant shall pay the fee and expenses for the arbitrator appointed by him.

(e) When an act of an oil or gas lessee or any of his employees results in injury to both the surface owner and his lessee, the parties aggrieved shall join in the appointment of an arbitrator. Where the injury complained of is chargeable to one or more oil or gas lessees, such lessees shall join in the appointment of an arbitrator.

(f) Any two of the arbitrators may make a decision as to the amount of damage due. The decision shall be in writing and forthwith shall be served upon the parties in interest. Each party shall have 90 days from the date the decision is served in which to file an action in a court of competent jurisdiction. If no such action is filed within said time and the award is against Lessee, he shall pay the same together with interest at the rate of 6 percent per annum from date of award, within 10 days after the expiration of said period for filing an action. If he fails to do so, in the discretion of the Superintendent, the Lessee shall be subject to a penalty of $10 per day for each day thereafter that he remains in default.

(g) Lessee shall file with the Superintendent a report on each settlement agreement, setting out the nature and location of the damage, date, and amount of the settlement, and any other pertinent information.

§ 183.22 Prohibition of pollution.

(a) All operators, contractors, drillers, service companies, pipe pulling and salvaging contractors, or other persons, shall at all times conduct their operations and drill, equip, operate, produce, plug and abandon all wells drilled for oil or gas, service wells or exploratory wells (including seismic, core and stratigraphic holes) in a manner that will prevent pollution and the migration of oil, gas, salt water or other substance from one stratum into another, including any fresh water bearing formation.

(b) Pits for drilling mud or deleterious substance used in the drilling, completion, recompletion, or workover of any well shall be constructed and maintained so as to prevent pollution of surface and subsurface fresh water. These pits shall be enclosed with a fence of at least four strands of barbed wire, or an approved substitute, stretched taut to adequately braced corner posts, unless the surface owner, user, or the Superintendent gives consent to the contrary. As soon as possible after completion of operations, pits shall be emptied and leveled unless otherwise requested by surface owner or user.

(c) Drilling pits shall be adequate to contain mud and other material extracted from wells and shall have adequate storage to maintain a supply of mud for use in emergencies.

(d) No earthen pit, except those used in the drilling, completion, recompletion or workover of a well, shall be constructed, enlarged, reconstructed or used without approval of the Superintendent. Unlined earthen pits shall not be used for the continued storage of salt water or other deleterious substances.

(e) B.S., salt water and other deleterious substances shall be contained in proper receptacles and not permitted to escape. Where existing lease facilities are inadequate for proper disposal of such substances, Lessee shall notify the Superintendent, who shall give instructions as to their disposal.

§ 183.23 Easements for wells off leased premises.

The Superintendent, with the consent of the Osage Tribal Council, may grant easements for wells off the leased premises to be used for waste or salt water disposal, water injection, water supply, or other necessary services. Rental payable to the Osage Tribe for such easements shall be an amount agreed to by Grantee and the Osage Tribal Council, subject to the approval of the Superintendent. Grantee shall be responsible for all damages resulting from the use of such wells and settlement therefor shall be made as provided in § 183.21.

§ 183.24 Lessee's use of water.

Lessee or his contractor may, with the approval of the Superintendent, use water from streams and natural water courses to the extent that same does not diminish the supply below the requirements of the surface owner from whose land the water is taken. Similarly, Lessee or his contractor may use water from reservoirs formed by the impoundment of water from such streams and natural water courses, provided such use does not exceed the quantity to which they originally would have been entitled had the reservoirs not been constructed. Lessee or his contractor may install necessary lines and other equipment within the Osage Mineral Estate to obtain such water. Any damage resulting from such installation shall be settled as provided in § 183.21.

§ 183.25 Gas well drilled by oil lessees and vice versa.

When an oil lessee in drilling a well encounters a formation or zone having indications of possible gas production, or the gas lessee in drilling a well encounters a formation or zone having indication of possible oil production, he shall immediately notify the other lessee and the Superintendent. Lessee drilling the well shall obtain all information which a prudent operator would normally obtain to evaluate the productive capability of such formation or zone.

(a) *Gas well to be turned over to gas lessee.* If the oil lessee drills a gas well, he shall, without removing from the well any of the casing or other equipment, immediately shut the well in and notify the gas lessee and the Superintendent. If the gas lessee does not, within 15 days after receiving notice and cost of drilling, elect to take over such well and reimburse the oil lessee the cost of drilling the same, including all damages paid and the cost in-place of casing, tubing, and other equipment, the oil lessee shall immediately confine the gas to the original stratum. The disposition of such well and the production therefrom shall then be subject to the approval of the Superintendent.

(b) *Oil well to be turned over to oil lessee.* If the gas lessee drills an oil well, he shall immediately, without removing from the well any of the casing or other equipment, notify the oil lessee and the Superintendent. If the oil lessee does not, within 15 days after receipt of notice and cost of drilling, elect to take over the well, he shall immediately notify the gas lessee, and the disposition of such well and the production therefrom shall be subject to the approval of the Superintendent. Should the oil lessee elect to take over the well, he shall pay the gas lessee the cost of drilling the same, including all damages paid and cost in-place of casing and other equipment.

(c) *Lands not leased.* If the gas lessee shall drill an oil well upon lands not leased for oil purposes or the oil lessee shall drill a gas well on lands not leased for gas purposes, the Superintendent may, until such time as said lands are leased, permit the lessee who drilled the well to operate and market the production therefrom. Where said lands are leased, the lessee who drilled and completed the well shall be reimbursed by the oil or gas lessee, as the case may be, the cost of drilling said well, including all damages paid and the cost in-place of casing and other equipment. If the lessee does not elect to take over said well as provided above, the disposition of such well and the production therefrom shall then be subject to the approval of the Superintendent.

§ 183.26 Determining cost of well.

The term "cost of drilling" as applied where one lessee takes over a well drilled by another, shall include all reasonable, usual, necessary, and proper expenditures. A list of expenses mentioned in this section shall be presented to proposed purchasing lessee within 10 days after the completion of the well. In the event of a disagreement between the parties as to the charges assessed against the well that is to be taken over, such charges shall be determined by the Superintendent.

§ 183.27 Gas for operating purposes and tribal use.

(a) *Gas to be furnished oil lessee.* Lessee of a producing gas lease shall furnish the oil lessee sufficient gas for operating purposes at a rate to be agreed upon, or on failure to agree the rate shall be determined by the Superintendent: *Provided*, That the oil lessee shall, at his own expense and risk, furnish and install the necessary connections to the

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gas lessee's well or pipeline. All such connections shall be reported in writing to the Superintendent.

(b) *Use of gas by Osage Tribe.* (1) Gas from any well or wells shall be furnished any Tribal-owned building or enterprise at a rate not to exceed the price less royalty being received or offered by a gas purchaser: *Provided*, That such requirement shall be subject to the determination by the Superintendent that gas in sufficient quantities is available above that needed for lease operation and that no waste would result. In the absence of a gas purchaser the rate to be paid by the Osage Tribe shall be determined by the Superintendent based on prices being paid by purchasers in the Osage Mineral Estate. The Osage Tribe is to furnish all necessary material and labor for such connection with Lessee's gas system. The use of such gas shall be at the risk of the Osage Tribe at all times.

(2) Any member of the Osage Tribe residing in Osage County and outside a corporate city is entitled to the use at his own expense of not to exceed 400,000 cubic feet of gas per calendar year for his principal residence at a rate not to exceed the amount paid by a gas purchaser plus 10 percent: *Provided*, That such requirement shall be subject to the determination by the Superintendent that gas in sufficient quantities is available above that needed for lease operation and that no waste would result. In the absence of a gas purchaser the amount to be paid by the Tribal member shall be determined by the Superintendent. Gas to Tribal members is not royalty free. The Tribal member is to furnish all necessary material and labor for such connection to Lessee's gas system, and shall maintain his own lines. The use of such gas shall be at the risk of the Tribal member at all times.

(3) Gas furnished by Lessee under paragraphs (b)(1) and (2) of this section may be terminated only with the approval of the Superintendent. Written application for termination must be made to the Superintendent showing justification.

CESSATION OF OPERATIONS

§ 183.28 Shutdown, abandonment, and plugging of wells.

No productive well shall be abandoned until its lack for further profitable production of oil and/or gas has been demonstrated to the satisfaction of the Superintendent. Lessee shall not shut down, abandon, or otherwise discontinue the operation or use of any well without the written approval of the Superintendent. All applications for such approval shall be submitted to the Superintendent on forms furnished by him.

(a) Application for authority to shut down or discontinue use or operation of a well shall set forth justification therefor and probable duration, the means by which the well bore is to be protected, and the contemplated eventual disposition of the well. The method of conditioning such well shall be subject to the approval of the Superintendent.

(b) Prior to permanent abandonment of any well, the oil lessee or the gas lessee, as the case may be, shall offer the well to the other for his recompletion or use under such terms as may be mutually agreed upon but not in conflict with the regulations. Failure of the Lessee receiving the offer to reply within 10 days after receipt thereof shall be deemed as rejection of the offer. If, after indicating acceptance, the two parties cannot agree on the terms of the offer within 30 days, the disposition of such well shall be determined by the Superintendent.

§ 183.29 Disposition of casings and other improvements.

(a) Upon termination of lease. Permanent improvements, unless otherwise provided by written agreement with the surface owner and filed with the Superintendent, shall remain a part of said land and become the property of the surface owner upon termination of the lease, other than by cancellation, excepting personal property which may include tools, tanks, pipelines, pumping and drilling equipment, derricks, engines, machinery, and the casings of all wells: *Provided*, That when any lease terminates all such personal property shall be removed within 90 days or such reasonable extension of time as may be granted by the Superintendent. Otherwise, the ownership of all casings shall revert to Lessor and all other personal property and permanent improvements to the surface owner. Nothing herein shall be construed to relieve Lessee of responsibility for removing any such personal property or permanent improvements from the premises if so required by the Superintendent and restoring the premises as near as practicable to its original state.

(b) Upon cancellation of lease. When there has been a cancellation for cause, Lessor shall be entitled and authorized to take immediate possession of the lease premises and all permanent improvements and all other equipment necessary for the operation of the lease.

(c) Wells to be abandoned shall be promptly plugged as prescribed by the Superintendent. Applications to plug shall include a statement affirming compliance with § 183.28(b) above and shall set forth reasons for plugging, a detailed statement of the proposed work including kind, location, and length of plugs (by depth), plans for mudding and cementing, testing, parting and removing casing, and any other pertinent information: *Provided*, That the Superintendent may give oral permission and instructions pending receipt of a written application to plug a newly drilled hole. Lessee shall remit a fee of $15 with each written application for authority to plug a well. This fee will be refunded if permission is not granted.

(d) Lessee shall plug and fill all dry or abandoned wells in a manner to confine the fluid in each formation bearing fresh water, oil, gas, salt water, and other minerals, and to protect it against invasion of fluids from other sources. Mud-laden fluid, cement, and other plugs shall be used to fill the hole from bottom to top: *Provided*, That if a satisfactory agreement is reached between Lessee and the surface owner, subject to the approval of the Superintendent, Lessee may condition the well for use as a fresh water well and shall so indicate on the plugging record. The manner in which plugging material shall be introduced and the type of material so used shall be subject to the approval of the Superintendent. Within 10 days after plugging, Lessee shall file with the Superintendent a complete report of the plugging of each well. When any well is plugged and abandoned, Lessee shall, within 90 days, clean up the premises around such well to the satisfaction of the Superintendent.

REQUIREMENTS OF LESSEES

§ 183.30 Lessees subject to Superintendent's orders; books and records open to inspection.

Lessee shall comply with all orders or instructions issued by the Superintendent. The Superintendent or his representative may enter upon the leased premises for the purpose of inspection. Lessee shall keep a full and correct account of all operations, receipts, and disbursements and make reports thereof, as required. Lessee's books and records shall be available to the Superintendent for inspection.

§ 183.31 Lessee's process agents.

(a) Before actual drilling or development operations are commenced on leased lands, Lessee or Assignee, if not a resident of the State of Oklahoma, shall appoint a local or resident representative within the State of Oklahoma on whom the Superintendent may serve notice or otherwise communicate in securing compliance with the regulations in this part, and shall notify the Superintendent of the name and post office address of the representative appointed.

(b) Where several parties own a lease jointly, one representative or agent shall be designated whose duties shall be to act for all parties concerned. Designation of such representative should be made by the party in charge of operations.

(c) In the event of the incapacity or absence from the State of Oklahoma of such designated local or resident representative, Lessee shall appoint a substitute to serve in his stead. In the absence of such representative or appointed substitute, any employee of Lessee upon the leased premises or person in charge of drilling or related operations thereon shall be considered the representative of Lessee for the purpose of service of orders or notices as herein provided.

§ 183.32 Well records and reports.

(a) Lessee shall keep accurate and complete records of the drilling, redrilling, deepening, repairing, treating, plugging, or abandonment of all wells. These records shall show all the formations penetrated, the content and character of oil, gas, or water in each formation, and the kind, weight, size, landed depth and cement record of casing used in drilling each well; the record of drill-stem and

other bottom hole pressure or fluid sample surveys, temperature surveys, directional surveys, and the like; the materials and procedure used in the treating or plugging of wells or in preparing them for temporary abandonment; and any other information obtained in the course of well operation.

(b) Lessee shall take such samples and make such tests and surveys as may be required by the Superintendent to determine conditions in the well or producing reservoir and to obtain information concerning formations drilled, and shall furnish reports thereof as required by the Superintendent.

(c) Within 10 days after completion of operations on any well, Lessee shall transmit to the Superintendent the applicable information on forms furnished by the Superintendent; a copy of electrical, mechanical or radioactive log, or other types of survey of the well bore; and core analysis obtained from the well. Lessee shall also submit other reports and records of operations as may be required and in the manner and form prescribed by the Superintendent.

(d) Lessee shall measure production of oil, gas, and water from individual wells at reasonably frequent intervals to the satisfaction of the Superintendent.

(e) Upon request and in the manner and form prescribed by the Superintendent, Lessee shall furnish a plat showing the location, designation, and status of all wells on the leased lands, together with such other pertinent information as the Superintendent may require.

§ 183.33 Line drilling.

Lessee shall not drill within 300 feet of boundary line of leased lands, nor locate any well or tank within 200 feet of any public highway, any established watering place, or any building used as a dwelling, granary, or barn, except with the written permission of the Superintendent.

§ 183.34 Wells and tank batteries to be marked.

Lessee shall clearly and permanently mark all wells and tank batteries in a conspicuous place with number, legal description and operator, as applicable, and shall take all necessary precautions to preserve these markings.

§ 183.35 Formations to be protected.

Lessee shall, to the satisfaction of the Superintendent, take all proper precautions and measures to prevent damage or pollution of oil, gas, fresh water, or other mineral bearing formations.

§ 183.36 Control devices.

In drilling operations in "wildcat" territory, or in fields where high pressures, lost circulation, or other conditions which could result in blowouts are believed to exist, Lessee shall have on such leased premises an approved gate valve or other controlling device installed and in proper working condition for use until the well is completed.

§ 183.37 Waste of oil and gas.

Lessee shall conduct all operations in a manner that will prevent waste of oil and gas, and shall not wastefully utilize oil or gas. The Superintendent shall have the authority to impose such requirements as he deems necessary to prevent waste of oil and gas and to promote the greatest ultimate recovery of oil and gas. Waste as applied herein includes, but is not limited to, the inefficient, excessive or improper use or dissipation of reservoir energy which would reasonably reduce or diminish the quantity of oil or gas that might ultimately be produced, or the unnecessary or excessive surface loss or destruction, without beneficial use, of oil and/or gas.

§ 183.38 Measuring and storing oil.

All production run from the lease shall be measured according to methods and devices approved by the Superintendent. Facilities suitable for containing and measuring accurately all crude oil produced from the wells shall be provided by Lessee and shall be located on the leasehold unless otherwise approved by the Superintendent. Lessee shall furnish to the Superintendent a copy of 100-percent capacity tank table for each tank. Meters and installations for measuring oil must be approved, and tests of their accuracy shall be made when directed by the Superintendent.

§ 183.39 Measurement of gas.

All gas, required to be measured, shall be measured by meter (preferably of the orifice meter type) unless otherwise agreed to by the Superintendent. All gas meters must be approved by the Superintendent and installed at the expense of Lessee or purchaser at such places as may be agreed to by the Superintendent. For computing the volume of all gas produced, sold or subject to royalty, the standard of pressure shall be 14.65 pounds to the square inch, and the standard of temperature shall be 60° F. All measurements of gas shall be adjusted by computation to these standards, regardless of the pressure and temperature at which the gas was actually measured, unless otherwise authorized in writing by the Superintendent.

§ 183.40 Use of gas for lifting oil.

Lessee shall not use natural gas from a distinct or separate stratum for the purpose of flowing or lifting the oil, except where said Lessee has an approved right to both the oil and the gas, and then only with the approval of the Superintendent of such use and of the manner of its use.

§ 183.41 Accidents to be reported.

Lessee shall make a complete report to the Superintendent of all accidents, fires, or acts of theft and vandalism occurring on the leased premises.

PENALTIES

§ 183.42 Penalty for violation of lease terms.

Violation of any of the terms or conditions of any lease or of the regulations in this part shall subject the lease to cancellation by the Superintendent, or Lessee to a fine of not more than $500 pe rday for each day of such violation or noncompliance with the orders of the Superintendent, or to both such fine and cancellation: *Provided*, That prior to the determination that a fine or cancellation of a lease will be imposed as provided for in this section, Lessee shall receive a 30-day notice with respect to the terms of the lease or of the regulations violated and, if he so requests, may receive a hearing before the Superintendent. Payment of penalties not received within 10 days after notice of final decision is given shall be subject to late charges at the rate of not less than 1½ percent per month for each month or fraction thereof until paid.

§ 183.43 Penalties for violation of certain operating regulations.

In lieu of the penalties provided under § 183.42, penalties may be imposed by the Superintendent for violation of certain sections of the regulations of this part as follows:

(a) For failure to obtain permission to start operations required by § 183.16(b), $10 per day until permission is obtained.

(b) For failure to file records required by § 183.32, $10 per day until compliance is met.

(c) For failure to mark wells and tank batteries as required by § 183.34, $50 for each well and tank battery.

(d) For failure to construct and maintain pits as required by § 183.22, $10 for each day after operations are commenced on any well until compliance is met.

(e) For failure to comply with § 183.36 regarding valve or other approved controlling device, $100.

(f) For failure to notify Superintendent before drilling, redrilling, deepening, plugging, or abandoning any well, as required by §§ 183.16(c) and 183.25, $200.

(g) For failure to properly care for and dispose of B.S. and salt water as provided in § 183.22, $100 per day and in the event of failure to comply within 5 days after notification by the Superintendent, $500 per day until compliance is met.

(h) For failure to file plugging reports as required by § 183.29 and for failure to file reports as required by § 183.13, $10 per day for each violation until compliance is met.

(i) For failure to perform or start an operation within 5 days after ordered by the Superintendent in writing under authority provided in this part, if said operation is thereafter performed by or through the Superintendent, the actual cost of performance thereof, plus 25 percent.

APPEALS AND NOTICES

§ 183.44 Hearings and appeals.

Any person, firm, or corporation aggrieved by any decision or order issued by or under authority of the Superintendent, pursuant to the regulations in this part, may file with the Superintendent at any time an application for modification or revocation of such decision or order. The Superintendent

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shall give notice of the time and place and conduct a hearing upon the application within 10 days after its receipt by him. If the applicant is not satisfied with the decision of the Superintendent, an appeal may be taken as provided in 25 CFR Part 2.

§ 183.45 Notices.

Whenever notice is provided for in the regulations in this part, the Superintendent may in his discretion increase the time allowed.

[FR Doc.74-14226 Filed 6-20-74;8:45 am]

Title 32—National Defense

CHAPTER VI—DEPARTMENT OF THE NAVY

SUBCHAPTER E—CLAIMS

PART 757—AFFIRMATIVE CLAIMS REGULATIONS

Medical Care Claims

On November 6, 1973, Chapter XXIV of the Manual of the Judge Advocate General was revised and the changes made thereto were promulgated within the naval service. Those revised portions of Chapter XXIV having general applicability and legal effect warrant a revision of Part 757 of Chapter VI of Title 32 of the Code of Federal Regulations. Accordingly, effective June 21, 1974, Part 757 of Chapter VI of Title 32 of the Code of Federal Regulations is amended as follows:

1. In § 757.2, paragraphs (c), (f) and (g) are revised, and paragraphs (h) and (i) are added to read as follows:

§ 757.2 Authority of the Judge Advocate General and JAG designees.

• • • • • •

(c) *Authority of other JAG designees.* All other JAG designees are authorized to (1) accept payment for the full amount of a claim and execute a release therefor, or (2) waive completely or compromise and execute a release of any claim not in excess of $10,000.

• • • • •

(f) *Potential Value of Claims.* When settlement, compromise or waiver is imminent and the final NAVJAG 5890/12 has not been filed, JAG designees are authorized to estimate the potential value of the claim and to take appropriate action if the potential value comes within their settlement authority.

(g) *Recomputation of Claims.* JAG designees are authorized to recompute the amount of claims reported on form NAVJAG 5890/12 in accordance with the standards of *Tolliver v. Shumate*, 151 W. Va. 105, 150 S.E.2d 579 (1966), and *United States v. Jones*, 264 F. Supp. 11 (1967). The information contained on form NAVJAG 5890/13, the particular practices of the hospital involved and the known facts of the case will be considered. Hospitalization periods may be subtracted from the claim when such hospitalization was unnecessary, (such as where a patient was given leave, liberty, or was awaiting assignment to new duties) or may be charged at the reduced rate of an outpatient visit for each day of hospitalization where medical treatment was actually rendered, but hospitalization in a civilian hospital would have been unnecessary or inappropriate. If, upon recomputation, the claim is within the authority of the JAG designee making such recomputation, the claim may be acted upon by that JAG designee.

(h) *Limitations.* The authority set forth in this section shall not be exercised in any case in which (1) the claim of the United States has been referred to the Department of Justice or (2) a suit has been instituted by the third party against the United States or against the individual who received or is receiving the medical care described above, and the suit arises out of the occurrence which gave rise to the third-party claim of the United States.

(i) *Restrictions on contact with Department of Justice and United States Attorneys.* JAG designees, except those serving in the Office of the Judge Advocate General, shall refrain from dealing directly with the Department of Justice or U.S. Attorneys except in those cases (1) where the Department of Justice or a U.S. Attorney has assumed cognizance over the case; (2) where circumstances dictate immediate action to protect the interests of the United States; or (3) where such action is authorized by the Judge Advocate General.

2. In § 757.3, paragraphs (a), (b), (d) and (f) (1) are revised to read as follows:

§ 757.3 Report of care and treatment.

(a) *NAVJAG Form 5890/12.* NAVJAG Form 5890/12 (*see* Appendix section A-24-d)[1] shall be used by all Navy medical facilities to report the value of medical care furnished to any patient (1) when a third-party may be legally liable for causing the injury or disease treated, or (2) when a Government claim is possible under workmen's compensation or under medical-payments insurance (*e.g.*, in all automobile accident cases).

(b) *Computations.* NAVJAG Form 5890/12 shall be computed by using the rates set out in Appendix A-24-c.[1] All computations by medical personnel and any necessary recomputations will be made pursuant to § 757.2(g).

• • • • •

(d) *Supplementary documents.* A narrative summary (Standard Form 502) should accompany the final NAVJAG Form 5890/12 in all cases involving inpatient care. In addition, when Government care exceeds $1,000, the hospital should also provide a completed NAVJAG Form 5890/13 (*see* Appendix A-24-f).[1] On this form, the determination of "patient status" may be based on local hospital usage. If the hospital prefers, it may furnish in lieu of NAVJAG Form 5890/13 a statement by the treating physician (normally on a locally-prepared form) giving the date that necessary inpatient treatment was essentially completed, and the number of outpatient treatments that would have been required if the patient had been discharged on that date. Report control symbol JAG 5890-10 is assigned to this report.

• • • • •

(f) (1) *U.S. Army:* Commanding general of the Army or comparable area commander in which the incident occurred;

• • • • •

3. In § 757.5, paragraphs (e), (f), and (g) are revised; and paragraph (h) is added to read as follows:

§ 757.5 Determination, assertion, and collection of claims.

• • • • •

(e) *Coordination with the injured party's claim.* (1) Every effort will be made to coordinate action to collect the claim of the United States with the injured party's action to collect his own claim for damages, in order that the injured party's recovery for his damages, other than the reasonable value of medical care furnished by the United States, is not prejudiced by the Government's claim.

(2) Attorneys representing an injured party may be authorized to assert the Government's claim as an item of special damages in their client's claim or suit. Any agreement to this effect will be in writing, and the agreement should expressly recognize the fact that counsel fees neither may be paid by the Government (5 U.S.C. 3106) nor computed on the basis of the Government's portion of the recovery.

(3) If the injured party, or his attorney or legal representative, fails or refuses to cooperate in the prosecution of the claim of the United States, independent collection action will be vigorously pursued.

(f) *Claims file.* In cases exceeding their settlement authority, or in other cases deemed appropriate, the action JAG designees shall take the action set forth in subsections a and b above, and shall forward the file to the Judge Advocate General for action. The claim file should contain the following information:

(1) The name, address, and occupation of each person determined to be a third party.

(2) In those cases where the third-party is a serviceman or an employee of the United States, a statement should be included regarding whether such person was acting within the scope of his official duties or employment at the time of the incident.

(3) The nature and extent of any insurance coverage of the third party with the name and address of the insurer.

(4) In vehicle accident cases where the third party is uninsured, a report as to whether any injured party, owner, driver, or passenger had uninsured-motorist coverage, whether such coverage was mandatorily offered by the insurer in accordance with a state requirement, and whether action has been taken under the financial-responsibility law of the situs.

[1] Filed as part of original document.

(5) Completed copies of NAVJAG Forms 5890/12 (or equivalent forms of the other services) and a statement whether there will be any permanent disability and the degree thereof. If such forms are not presently available, then a statement to the effect that the action JAG designee will request the appropriate medical facility to forward them directly to the Judge Advocate General should be included. It shall be the responsibility of the action JAG designee to ensure that all completed copies of NAVJAG Forms 5890/12 and authorizations made by district medical or dental officers for payment for civilian care are forwarded to the Judge Advocate General in those cases where the file has been forwarded to the Judge Advocate General for action.

(6) The original or copies of all bills or statements of cost incurred where treatment is furnished by civilian facilities.

(7) A statement regarding liability of the third party. (Where liability is questionable, a brief of the law of situs applicable should be included.)

(8) A statement as to whether a "Notice of Claim" (Standard Form 96) was sent to the third party; the name, address, and phone number of the injured party's attorney, if any; and a statement as to whether a suit has been or is likely to be instituted.

(9) A statement as to whether the injured party's attorney will protect the interests of the United States—*i.e.*, whether the Government's claim will be included in the injured party's demand or suit.

(10) A recommended disposition of the case.

(g) *Waiver and compromise requests.* In cases in which a compromise or a complete waiver of the Government's claim is requested, and the claim is beyond the settlement authority of the action JAG designee, the claims file shall be forwarded to the Judge Advocate General. In addition to the information required by paragraph (e) of this section, the file should also contain detailed information as to:

(1) The anticipated amount of the gross recovery.

(2) The degree and permanency of any disability and the extent to which the Government otherwise is obligated to compensate the injured party for such disability.

(3) Whether the injured party is entitled to continuing medical care at Government expense.

(4) Out of pocket expenses incurred or anticipated by the injured party, including litigation costs and counsel fees.

(5) The present and prospective assets, income, and obligations of the injured party.

(6) Any other information indicating that full collection of the Government's claim would work an undue hardship upon the injured party.

(h) *Payments.* Payments of claims should be made in the form of checks, drafts, or money orders payable to the collecting organization, such as "Commandant Twelfth Naval District" or "Commander, U.S. Naval Forces Marianas," and are to be forwarded for deposit by the disbursing officer serving the collecting organization. (These receipts are to be credited to appropriation accounts as designated by the Comptroller of the Navy.)

4. Section 757.8 is amended by revising the introductory and concluding text to read as follows:

§ 757.8 Statistical reports.

Action JAG designees shall forward monthly reports to the Judge Advocate General setting forth the following information:

• • • • • •

Report Symbol JAG-5800-11 is assigned for this reporting requirement.

5. Section 757.13 is revised to read as follows:

§ 757.13 Reference material.

The following aids and reference materials are contained in Appendix section A-24:

(a) A-24-a.[1] Executive Order 11060 of 7 November 1962, authorizing the Director of the Bureau of the Budget to establish rates and the Attorney General to prescribe regulations to carry out the purpose of the Medical Care Recovery Act;

(b) A-24-b.[1] Department of Justice Order Number 289-62 (as amended), pursuant to Executive Order 11060;

(c) A-24-c.[1] Bureau of the Budget Rate Schedules, pursuant to Executive Order 11060;

(d) A-24-d.[1] NAVJAG Form 5890/12, "Hospital and Medical Care 3rd Party Liability Case,"

(e) A-24-e.[1] Standard Form 96, "Notice of Claim."

(f) A-24-f.[1] NAVJAG Form 5890/13, "Supplemental Statement for Hospital and Medical Care Third Party Liability Case."

(g) A-24-g.[1] Department of the Navy Promissory Note.

(h) A-24-h.[1] Sample report on property damage claims.

6. Section 757.14 is revised to read as follows:

§ 757.14 Regulations concerning affirmative claims.

Property damage claims in favor of the United States shall be processed in accordance with the Federal Claims Collection Act (31 U.S.C. 952), as implemented by the "Joint Regulations of the General Accounting Office and Department of Justice on Federal Claims Collection Standards" (Subpart C of this Part). Department of Defense Directive 5515.11 of 10 December 1966 delegates to the Secretary of the Navy, and his designees, the authority granted to the Setected by the "Joint Regulations of the ignees, the authority granted to the Secretary of Defense under the Federal Claims Collection Act.

[1] Filed as part of original document.

7. In § 757.15, paragraph (a) (4) is revised to read as follows:

§ 757.15 Pursuit, settlement, and terminaion of claims.

(a) • • •

(4) Overseas commands with a Navy or Marine Corps judge advocate attached.

• • • • • •

8. A new paragraph (c) is added to § 757.16 to read as follows:

§ 757.16 Collection of claims.

• • • • •

(c) *Rental automobile deductible damage claims.* When a rental automobile is damaged while in the possession of service personnel or Government employees on official business and a part of the damages are paid or reimbursed by the Government in accordance with Joint Travel Regulations (Volume 1, paragraph M4405-1 and Volume 2, paragraph C6101-3) officers authorized to take collection action under this Part shall endeavor to collect the amount of the Government's loss from any third-parties liable in tort. Collection action should not be directed at the personnel who rented the damaged vehicles. Collection efforts may be discontinued or claims compromised in accordance with the guidelines of Subpart C of this Part.

9. Section 757.19 is revised to read as follows:

§ 757.19 Statute of limitations.

There is a 3-year statute of limitation on affirmative Government claims "founded upon a tort." 28 U.S.C. 2415(b). Uncollected affirmative claims should therefore be forwarded to the Judge Advocate General soon enough for timely referral to the Department of Justice. Any installment-payment agreement that will run beyond the statutory period should include a confess-judgment clause (*see* Appendix section A-24-g).[1]

10. Section 757.20 is revised to read as follows:

§ 757.20 Reports.

(a) The officers designated by § 757.15 (a) (2)-(4) shall make a quarterly report on property damage claims to the Judge Advocate General. The report should include the following figures:

(a) Number of claims asserted;

(b) Dollar amount of claims asserted;

(c) Number of claims collected:

(d) Dollar amount of claims collected.

Report control JAG 5890-3 is assigned to this report.

(Medical Care Recovery Act (42 U.S.C. 2651-53); Federal Claims Collection Act (31 U.S.C. 952))

H. B. ROBERTSON, JR.,
Rear Admiral, JAGC, U.S. Navy,
Acting Judge Advocate General.

JUNE 14, 1974.

[FR Doc.74-14227 Filed 6-20-74;8:45 am]

[1] Filed as part of the original document.

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CHAPTER VII—DEPARTMENT OF THE AIR FORCE

SUBCHAPTER L—STANDARDS OF CONDUCT

PART 920—STANDARDS OF CONDUCT

Part 920 is revised to authorize the acceptance of accommodation subsistence of services furnished in connection with official travel when authorized by the order issuing authority as being in the overall interest of the Government, to bring various references up to date, and to correct administrative errors.

Part 920, Subchapter L of Chapter VII of 32 CFR is amended as follows:

1. Section 920.0 is revised to read as follows:

§ 920.0 Purpose.

This part, in implementing Department of Defense Directive 5500.7, March 22, 1966 (32 CFR Part 40):

(a) Prescribes the standards of conduct relating to possible conflict between private interests and official duties required of all Air Force personnel, regardless of assignment. Close adherence to these principles will insure compliance with the high ethical standards demanded of all public servants. Violation of this part may be cause for appropriate disciplinary action which may be in addition to any penalty provided by law.

(b) Also further implements Executive Order 11222 of May 8, 1965, prescribing Standards of Ethical Conduct for Government officers and employees (3 CFR, 1964–1965, Comp., p. 306), and the Civil Service Commission Regulations of October 1, 1965 (5 CFR 735). It is in consonance with the Code of Ethics for Government Service contained in House Concurrent Resolution 175, 85th Congress, which applies to all Government personnel (see Subch. B, Part 40, App. A, Ch. 1 of this title).

(c) Includes standards of conduct based on the revisions of the conflict of interest laws enacted in 1962 (P.L. 87–777 and P.L. 87–849) (AFR 30–30, Attachment 3 (Digest of Conflict of Interest Laws))[1] (or see Subch. B, Part 40, App. a., Ch. 1 of this title).

(d) Part 806 of this chapter states the basic policies and instructions governing the disclosure of records and tells members of the public what they must do to inspect or obtain copies of the material referenced herein.

2. Section 920.5 is revised by adding a new paragraph (e) which reads as follows:

§ 920.5 Gratuities.

• • • • • •

(e) Procedures regarding acceptance of accommodations, subsistence, or services furnished in kind in connection with official travel, from other than Defense contractors, are contained in § 920.23(b)(14).

§ 920.8 [Amended]

3. Section 920.8 is amended by changing the references in the last sentence of paragraph (a) from "(See AFR 190–12 (Release of Information to the Public) and AFM 190–4 (Information Policies and Procedures) (Pt. 835 of this chapter).)" to read "(See AFR 190–12 (Release of Unclassified Information to the Public) and AFM 190–9 (Information Policies and Procedures) (Pt. 835 of this chapter).)".

§ 920.9 [Amended]

4. Section 920.9 is amended by:

(a) changing the reference at the end of paragraph (b) from "(10 U.S.C. 8635)" to "10 U.S.C. 974)". and

(b) deleting from the second sentence of paragraph (c) the following: "including teaching, lecturing, or writing for the purpose of the special preparation of a person or class of persons for an examination of the Commission or Board of Examiners for the Foreign Service,".

5. The introductory portion of § 920.10 is revised to read as follows:

§ 920.10 Gambling, betting, and lotteries.

Air Force personnel shall not participate while on Government-owned or leased property, or while on duty for the Government, in any gambling activity, including the operation of a gambling device, in conducting a lottery or pool, in a game of money or property, or in selling or purchasing a numbers slip or ticket. However, this section does not preclude activities:

• • • • • •

§ 920.13 [Amended]

6. Section 920.13 is amended by correcting the first sentence of paragraph (c) to read as follows: No one below the grade of Lieutenant Colonel or GS–13 (or comparable pay grade) will be required to submit a DD Form 1555; nor will any one whose basic duties are not within the provisions of this section and § 920.24 be required to submit a DD Form 1555.

§ 920.19 [Amended]

7. Section 920.19 is amended by correcting:

(a) the reference at the end of paragraph (e) from "(see U.S.C. 520)." to "(see 5 U.S.C. 520).", and

(b) the references at the end of paragraph (f) from "paragraphs 15, 16, and 17 (see U.S.C. 2105(d))." to "§§ 920.15, 920.16, and 920.17 (see 5 U.S.C. 2105 (d).)".

8. Paragraph (b)(1) of § 920.20 is revised to read as follows:

§ 920.20 General.

• • • • • •

(b) • • •

(1) As defined in AFRs 40–304 (Employment of Experts and Consultants) and 160–97 (Civilian National Consultants);

• • • • • •

§ 920.22 [Amended]

9. Section 920.22 is amended by correcting the reference in the last sentence of paragraph (g) from "(AFPCPAA)" to "(1143d ABSq)".

10. Section 920.23 is amended by revising paragraph (b)(14) to read as follows:

§ 920.23 Gratuities.

• • • • • •

(b) • • •

(14) The acceptance of accommodations, subsistence, or services furnished in kind in connection with official travel, from other than Defense contractors, when authorized by the order-issuing authority as in the overall Government interest. When accommodations, subsistence, or services in kind are furnished to DOD personnel by private sources, appropriate deductions shall be made in the travel, per diem, and other allowances otherwise payable to the personnel. DOD personnel may not accept personal reimbursement from a private source for expenses incident to official travel, unless authorized pursuant to 5 U.S.C. 4111 or other express statutory authority. Rather, any reimbursement must be made to the Government by check payable to the Treasurer of the United States; personnel will be reimbursed by the Government in accordance with regulations relating to reimbursement. In no case shall DOD personnel accept—either in kind or on a reimbursable basis—benefits which are under prudent standards extravagent or excessive in nature.

• • • • • •

(10 U.S.C. 8012)

By order of the Secretary of the Air Force.

STANLEY L. ROBERTS,
Colonel, USAF, Chief, Legislative Division, Office of The Judge Advocate General.

[FR Doc.74–14260 Filed 6–20–74;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER E—PESTICIDE PROGRAMS

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Certain Inert Ingredients in Pesticide Formulations

In response to the notice published in the FEDERAL REGISTER of April 22, 1974 (39 FR 14225), proposing (1) establishment of an exemption from tolerance requirements under provisions of section 408 of the Federal Food, Drug, and Cosmetic Act for 16 inert (or occasionally active) ingredients in pesticide formulations, (2) exemption from tolerance requirements for additional salts of an inert ingredient previously exempted from tolerance requirements, and (3) revision of the nomenclature and description of another previously exempted ingredient, no comments or requests for referral to an advisory committee were received.

It is concluded that the proposal should be adopted.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (39 FR 18805), § 180.1001 is amended by revising the items "*N,N*-bis[*a*-ethyl-*omega*-• • •" and "Sodium butyl naphthalenesulfonate • • •" in the table in paragraph (d) and by inserting new items in paragraphs (c) and (d), as follows:

§ 180.1001 Exemptions from the requirement of a tolerance.

• • • • • •

(c) • • •

Inert ingredients	Limits	Uses
• • •	• • •	• • •
Aluminum oxide		Diluent.
• • •	• • •	• • •
Sodium metasilicate		Surfactants, emulsifiers, wetting agents, dispersing agents, buffer.
• • •	• • •	• • •

(d) • • •

Inert ingredients	Limits	Uses
• • •	• • •	• • •
Acetophenone		Attractant.
• • •	• • •	• • •
Almond, bitter		Attractant.
• • •	• • •	• • •
N,N-Bis(2-[*omega*-hydroxypoly (oxyethylene)] ethyl) alkyl amines; the reaction product of one mole of *N,N*-bis(2-hydroxyethyl) alkylamine and three moles of ethylene oxide. The alkyl groups C_8-C_{18} are derived from tallow, soybean, or cottonseed acids.		Surfactants for preemergence use with herbicides on sugarcane only.
• • •	• • •	• • •
Carrageenan, conforming to Title 21, § 121.1066.	Not more than 0.15% of pesticide formulation.	Thickener and stabilizer for pesticide formulations applied to seeds before planting.
• • •	• • •	• • •
Cinnamon		Attractant.
Clove		Do.
Coffee		Do.
• • •	• • •	• • •
D & C Red No. 17, technical grade.	Not more than 0.001% of pesticide formulation.	Dye.
D & C Violet No. 2, technical grade.	Not more than 0.005% of pesticide formulation.	Do.
• • •	• • •	• • •
Fenugreek		Attractant.
• • •	• • •	• • •
Hydroxypropyl guar gum.		Thickener.
• • •	• • •	• • •
Inert ingredients	Limits	Uses
• • •	• • •	• • •
Octyl and decyl glucosides mixture with a mixture of octyl and decyl oligosaccharides and related reaction products (primarily n-decanol) produced as an aqueous-based liquid (68–72% solids) from the reaction of straight chain alcohols (C_8(45%), C_{10}(55%)) with anhydrous glucose.		Surfactants in methanearsonic acid formulations.
• • •	• • •	• • •
Polysorbate 60, conforming to Title 21, § 121.1030.		Surfactants, related adjuvants of surfactants.
• • •	• • •	• • •
Sodium mono-, di, and tributyl naphthalenesulfonates.		Surfactants, related adjuvants of surfactants.
• • •	• • •	• • •
Vanillin		Attractant.
• • •	• • •	• • •
Wintergreen oil		Do.
• • •	• • •	• • •

Any person who will be adversely affected by the foregoing order may at any time on or before July 17, 1974 file with the Hearing Clerk, Environmental Protection Agency, Room 1019E, 4th & M Streets, SW., Waterside Mall, Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on June 21, 1974.

(Sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e))

Dated: June 14, 1974.

HENRY J. KORP,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.74–14205 Filed 6–20–74;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 3—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 3–1—GENERAL

Organizational Changes

Chapter 3, Title 41, Code of Federal Regulations, is amended as set forth below. The purpose of this amendment is to update organizational changes resulting from the establishment of the Office of Grants and Procurement Management, and also provides for the new procedure relating to Certificate of Competency appeals as set forth in the Federal Procurement Regulations Amendment 119. It also provides for a class set-aside for small business for each proposed procurement for construction, repair, and alteration work in an estimated amount ranging from $2500 to $1,000,000.

It is the general policy of the Department of Health, Education, and Welfare to allow time for interested parties to take part in the rule making process. However, the amendment herein involves a change in internal administrative procedures. Therefore, the public rule making process is deemed unnecessary in this instance.

Subpart 3–1.7—Small Business Concerns

1. Sections 3–1.704 through 3–1.708–3 are hereby deleted and the following is substituted in lieu thereof:

§ 3–1.704 Agency program direction and operation.

§ 3–1.704–1 HEW headquarters.

The Office of Grants and Procurement Management, OASAM, is responsible for the general supervision of the HEW small business programs,[1] and representOffice of Grants and Procurement Management (OGPM), the Director of Business Affairs is responsible for developing and managing the HEW small business program, advising the Deputy Assistant Secretary for Grants and Procurement Management and other HEW officials on small business programs,[1] and representing HEW before other Government agencies on matters primarily affecting small business.

§ 3–1.704–2 Other procuring activities.

The head of the procuring activity (see § 3–75.101) or his designee shall appoint a qualified individual as a small business specialist, directly responsible to him, to serve as small business coordinator for the activity to provide a central point of contact to which small business concerns may direct inquiries concerning participation in the procurement program and small business matters. As deemed necessary, additional small business specialist shall be appointed in principal procurement offices. The principal small business specialist, through the appointing authority, shall be directly responsible to the Director of Business Affairs (OGPM) for policies, technical guidance and assistance and in the resolution of complex matters involving higher echelons and other Government agencies.

The small business specialist shall also perform such other functions as he is

[1] The Director of Business Affairs is not responsible for matters pertaining to the minority business programs of the Department.

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specifically directed to perform by this Subpart 3–1.7 and any additional functions which the head of the procuring activity may prescribe for the purpose of implementing the small business program. A copy of each appointment and termination of appointment of small business specialists shall be forwarded to the Director of Business Affairs, OGPM.

§ 3–1.704–3 Small business specialists.

The small business specialist appointed pursuant to § 3–1.704–2 shall perform the following duties as determined appropriate by the head of the procuring activity or his designee:

(a) Maintain a program designed to locate capable small business sources for current and future procurements, through SBA or other methods.

(b) Coordinate inquiries and requests for advice from small business concerns on procurement matters.

(c) Prior to issuance of solicitations (or contract modifications for additional supplies or services) in excess of $2,500, determine that small business concerns will receive adequate consideration including initiation of set-asides (see § 1–1.706). This determination may be made jointly with the contracting officer or may be in form of a recommendation to him. Disagreements between the small business specialist and the contracting officer on proposed set-aside actions shall be resolved by the head of the procuring activity or his designee, whose decision shall be final except in those cases where an SBA representative intervenes as an interested party (see §§ 1–1.706–2 and 3–1.706–2).

(d) Review procurement programs for possible breakout of items suitable for procurement from small business concerns.

(e) Advise small business concerns with respect to the financial assistance available under existing law and regulations and assist such concerns in applying for financial assistance, assuring that requests by small business concerns for proper assistance are not treated as a handicap in securing the award of contracts.

(f) Participate in determinations concerning responsibility of a prospective contractor (see § 1–1.310) whenever small business concerns are involved and shall provide advice to the contracting officer concerning responsibility determinations of small business concerns.

(g) Participate in the evaluation of a prime contractor's subcontracting program (see § 3–1.710).

(h) Assure that participation of small business concerns is accurately reported (see § 3–1.709).

(i) Make available to SBA copies of solicitations when so requested.

(j) Act as liaison between the contracting officer and SBA field offices and representatives in connection with set-asides, certificates of competency, and other matters in which the small business program may be involved. Procurements estimated to cost $100,000, or more, in which certificates of competency are requested, shall be reported to the Director of Business Affairs, OGPM. The report shall contain a description of the requirement, a list of the bidders or proposers, and the contract prices specified in the bids or proposals submitted and the reason for the proposed rejection of an otherwise acceptable small business bid or proposal. Pertinent dates such as the required date for the completion of the procurement, the date of the request for the certificate of competency, etc., shall also be furnished.

(k) In cooperation with the contracting officer and technical personnel, seek and develop information on the technical competence of small business concerns for research and development contracts. Regularly bring to the attention of the contracting officers and technical personnel descriptive data, brochures, and other information as to small business concerns that are apparently competent to perform research and development work in fields which the operating agency is interested in.

§ 3–1.704–4 Principal procurement officer.

The "principal procurement officer" of a procuring activity is that individual who is charged with overall responsibility for procurement including decisions regarding, and interpretations of, policy of the operating agency or other principal Departmental organizations (e.g. Director, Office of Contracts and Grants, HSA).

§ 3–1.705 Cooperation with the Small Business Administration.

§ 3–1.705–1 General.

All HEW procurement activities are responsible for consulting and cooperating with the SBA in carrying out the purposes of the Small Business Act.

§ 3–1.706 Procurement set-asides for small business.

§ 3–1.706–2 Review of SBA set-aside proposals.

(a) (1) The recommendation of the small business specialist that an individual procurement or class of procurements, or portion thereof, be set aside, shall be in writing, setting forth the rationale therefor. Upon receipt of such recommendation, the contracting officer shall promptly (i) concur in the recommendation, or (ii) disapprove, stating in writing his reasons for disapproval. If the contracting officer disapproves the recommendation of the small business specialist, the case shall be promptly referred to the SBA representative (if one is assigned and available) for his review. The SBA representative will either concur in the decision of the contracting officer or appeal the case to the head of the procuring activity (see § 1–1.706–2 (a)). No further appeal action will be taken by the small business specialist. If an SBA representative is not assigned or available, and the contracting officer notifies the small business specialist of his disagreement, the small business specialist may appeal, in writing, to the head of the procuring activity for decision. A memorandum of the decision of the head of the procuring activity shall be placed in the contract file. After receipt of a decision of the head of the procuring activity, which shall be final, and if the decision approves the action of the contracting officer, the small business specialist shall forward for information and management purposes complete documentation of the case to the Director of Business Affairs, OGPM. Documentation transmitted shall include as a minimum, (i) a copy of the IFB or RFP, (ii) a list of sources solicited, indicating if the invites is small or large business by SBA definition, (iii) copies of the reasons for or against set-aside submitted by the small business specialist and the contracting officer, (iv) a copy of the head of the procuring activity's decision, and (v) a complete abstract of bids or proposals received indicating the successful bidder together with any other material considered by the head of the procuring activity in arriving at his decision. The small business specialist's transmittal letter shall contain an affirmative statement that the enclosures constitute the complete file reviewed and considered by the head of the procuring activity in making his decision.

§ 3–1.706–3 Withdrawal or modification of set-asides.

(b) Concurrent with notification to the SBA representative or liaison, telephonic notification regarding all set-aside withdrawals will be furnished to the Director of Business Affairs in the Office of Grants and Procurement Management, OASAM.

§ 3–1.706–50 Small Business class set-aside for construction, repair and alteration work.

A class set-aside for small business is considered to have been made for each proposed procurement for construction, repair, and alteration work in an estimated amount ranging from $2,500 to $1,000,000. Accordingly, the contracting officer shall set aside for small business each such proposed procurement. If, in his judgment, the particular procurement falling within the dollar limits specified above is unsuitable for a set-aside for exclusive small business participation, the procedure set forth in § 3–1.706–3 shall apply. Proposed procurements for construction, repair, and alteration work in an estimated amount of more than $1,000,000 shall be processed on a case by case basis.

§ 3–1.708 Certificate of competency program.

§ 3–1.708–1 General.

SBA has statutory authority (15 U.S.C. 637(b)(7)) to certify the competency (responsibility) of any small business concern as to capacity and credit. "Capacity" means the overall ability of a prospective small business contractor to meet quality, quantity, and time requirements of a proposed contract and includes ability to perform, organization, experience, technical knowledge, skills, know-how, technical equipment and facilities.

§ 3–1.708–2 Applicability and procedure.

(a) If a bid or proposal of a small business concern is to be rejected solely because the contracting officer has determined the concern to be non-responsible as to capacity or credit, the matter shall be referred to the appropriate SBA field office having authority to process the referral in the geographical area where the small business concern is located. If required, guidance as to the location of the appropriate SBA field office may be obtained from the SBA representative assigned to the procurement office or the nearest SBA field office. Under no circumstances will a referral be made to the SBA prior to a determination by the contracting officer that a bid or proposal of the small business concern is responsive. Concurrent referrals of two or more bids or proposals, rejected because of lack of capacity or credit for a proposed award, shall not be made to SBA by the contracting officer. Final processing of a case, including possible issuance of a certificate of competency, must be completed by SBA on each referral before the contracting officer may proceed with an additional referral to SBA on the proposed award. The award shall be withheld pending either SBA issuance of a certificate of competency or the expiration of 15 working days after SBA is so notified, whichever is earlier, subject to the following:

(1) This procedure is not mandatory if the contracting officer certifies in writing that award must be made without delay and such certificate is approved by the principal procurement officer of the procuring activity (see § 3–1.704–4).

(2) A pre-award survey shall be made prior to a determination by a contracting officer that a small business concern is not responsible because of a lack of capacity or credit on a proposed award of more than $10,000.

(3) A determination by the contracting officer that a small business concern is not responsible for reasons *other than* deficiencies in capacity or credit shall be approved by the principal procurement officer of the procuring activity (see § 3–1.704–4).

(i) Prior to submission of the contracting officer's determination of non-responsibility to the principal procurement officer of the procuring activity for approval, the contracting officer shall transmit a copy of the documentation supporting the determination through the small business specialist to the SBA representative, or the nearest SBA regional office, as appropriate.

(ii) The SBA office receiving the documentation will within 5 working days after receipt of the documentation notify the contracting officer in writing whether SBA desires to submit contrary views concerning the determination.

(iii) If the contracting officer is not so notified, he may conclude that SBA has no objection to the determination and he may then submit it to the principal procurement officer of the procuring activity for approval.

(iv) If the contracting officer does not agree with the SBA position, he shall then forward the determination to the principal procurement officer of the procuring activity for resolution with an explicit indication of his views and the contrary SBA position. The decision of the principal procurement officer shall be final.

(v) The provisions of §§ 1–1.708–2(a)(1) and 3–1.708–2(a)(1) apply if the award must be made without delay. In such instances the determination of non-responsibility for reasons other than deficiencies in capacity or credit shall be submitted immediately to the principal procurement officer of the procuring activity for approval. In all other instances the provisions of §§ 1–1.708–2(a)(5) (i) through (v) and 3–1.708–2(a)(3) (i), (iii), and (iv) shall apply.

(vi) The Director of Business Affairs, OGPM, shall be informed promptly in writing of all cases where (*a*) a small business concern elects not to file an application for a certificate of competency, or (*b*) the SBA declines to issue a certificate of competency, or (*c*) the procurement officer reverses the pre-award survey negative finding.

In procurement where the highest competency obtainable or the best scientific approach is needed, as in certain negotiated procurements of research and development, highly complex equipment, or professional services, the certificate of competency procedure is not applicable to the selection of the source offering the highest competency obtainable or best scientific approach and, prior to award, the contracting officer determines that the concern is not responsible because of lack of capacity or credit, the certificate of competency procedure is applicable.

(b) (1) SBA field offices will notify the contracting officer of each case where they (i) plan to issue a certificate of competency, or (ii) are submitting the case to the SBA Central Office, Washington, D.C., for approval prior to issuance of a certificate of competency; and provide the contracting officer or his designated representative with a brief written statement citing the reasons for SBA's proposed affirmative action. Prior to final SBA field office action, the contracting officer will be afforded an opportunity to meet or communicate with SBA field office representatives and furnish to them new or additional information on the case. Copies of significant data developed by SBA that are pertinent to the case will be made available, upon request, to the contracting officer, or his representative, at such meeting or through correspondence. SBA case files may be examined at the meeting and pertinent notes taken by the contracting officer or his representative, but such files will not be released outside SBA.

(2) One of the following courses of action shall be taken subsequent to discussions of a meeting between representatives of the contracting officer and SBA field offices:

(i) If new and additional facts presented by the SBA field office representatives so warrant, the negative determination as to capacity or credit of the apparent low bidder or offeror shall be reversed, the referral to SBA shall be withdrawn, and the contract award shall be made without the necessity for issuance of a certificate of competency.

(ii) If agreement cannot be reached between the SBA field office and the contracting officer and substantial doubt still exists as to the ability (capacity or credit) of the contractor to perform, the contracting officer shall request the SBA field office to suspend action to permit referral of the case to the SBA Central Office, Washington, D.C. for review. Simultaneously, the contracting officer shall forward to the Director of Business Affairs, OGPM, through administrative channels on an expedited basis, a complete case file with a request that the case be considered for appeal to SBA, Washington, D.C. This file shall include the data specified in § 1–1.708–2(b), SBA's rationale for proposing affirmative COC action, and the contracting officer's comments thereon. If OGPM agrees with the recommended appeal action of the contracting officer, it will request in writing that the SBA Associate Administrator for Procurement and Management Assistance, Washington, D.C., review the proposed affirmative COC action of the SBA field office. If SBA, Washington, D.C. does not concur with the proposed affirmative COC action of its field office, it shall so inform the Director of Business Affairs, OGPM. If SBA, Washington, D.C. concurs with the affirmative COC action proposed by the SBA field office, it shall so inform the Director of Business Affairs, OGPM, giving reasons for its position. Thereafter and within 10 working days after receipt of written notification of SBA's proposed affirmative action, OGPM shall notify the SBA Central Office, Washington, D.C. whether a formal appeal will be made at the Central Office of SBA. The appeal shall then be presented within 10 working days after the SBA Central Office is notified that an appeal will be made or at such later date as may be agreed upon by SBA and the Director of Business Affairs, OGPM. Following the appeal, the SBA Associate Administrator shall make a determination relative to the COC action and his determination will be considered final.

(iii) If agreement cannot be reached between the contracting officer and the SBA field office, the contracting officer may conclude it would not be practicable to appeal the case to the Washington SBA level nor would it be appropriate to withdraw his request for certificate of competency action. In that case, the contracting officer shall inform the SBA field office that it must issue a certificate of competency as prerequisite to contract award. However, such action shall not be taken by the contracting officer without prior approval of the Director of Business Affairs, OGPM.

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§ 3–1.708–3 Conclusiveness of certificate of competency.

As provided in the Small Business Act (15 U.S.C. 637(b)(7)), procurement agencies are required to accept SBA certificates of competency as conclusive of a prospective contractor's responsibility as to capacity and credit. The SBA will make the following distribution of such certificates of competency:

(1) original to the cognizant HEW procurement office;

(2) carbon copy to the operating agency's headquarters procurement office.

Dated: June 17, 1974.

JOHN OTTINA,
Assistant Secretary for Administration and Management.

[FR Doc.74–14295 Filed 6–20–74;8:45 am]

Title 45—Public Welfare

CHAPTER II—SOCIAL AND REHABILITATION SERVICE (ASSISTANCE PROGRAMS), DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 233—COVERAGE AND CONDITIONS OF ELIGIBILITY IN FINANCIAL ASSISTANCE PROGRAMS

Recoupment of Overpayments and Correction of Underpayments

Part 233 of Chapter II, Title 45 of the Code of Federal Regulations is amended by revising § 233.20(a)(12) to comply with the Order dated April 11, 1974, of the United States District Court for the District of Columbia in National Welfare Rights Organization v. Weinberger (C.A. No. 1703–73). That Order declared the existing regulation appearing at 45 CFR 233.20(a)(12)(i) invalid and prohibited "recoupment from public assistance grants of prior overpayments when the recipient lacks income or resources available in the amount of the proposed reduction" except "where said overpayments were occasioned or caused by a recipient's willful withholding of information concerning his income and resources." The revised regulation set forth below complies with this Order. Moreover, the revised regulation requires the States to furnish examples of the most frequent situations in which such willful withholding might occur (though evidence presented by the recipient in those situations might negate any presumption of willfulness) and stresses that it is the obligation of the State agency to assure that recipients are aware of the information which must be reported.

Notice of proposed rulemaking has been dispensed with in order to meet the timetable required by the Order of the Court and avoid the substantial administrative inconvenience to the States which would result from the rescission of the previous recoupment regulation without its immediate replacement by a more limited one permitted by the District Court's Order.

Although normal rulemaking procedures have been dispensed with in order to have a continuous recoupment regulation, consideration will be given to any comments, suggestions, or objections thereto which are received in writing by the Administrator, Social and Rehabilitation Service, Department of Health, Education, and Welfare, Post Office Box 2382, Washington, D.C. 20013 on or before July 22, 1974. Comments received will be available for public inspection in Room 5324 of the Department's offices at 330 C Street, SW., Washington, D.C. on Monday through Friday of each week from 8:30 a.m. to 5 p.m. (area code 202/245–0950), and will be given the same consideration they would receive if this were a notice of proposed rulemaking.

Part 233, Chapter II, Title 45 of the Code of Federal Regulations is amended by revising § 233.20(a)(12) to read as set forth below:

§ 233.20 Need and amount of assistance.

(a) *Requirements for State plans.* * * *

* * * * * * *

(12) *Recoupment of overpayments and correction of underpayments.* Specify uniform Statewide policies for:

(i) Recoupment of overpayments of assistance, including certain overpayments resulting from assistance paid pending hearing decisions.

(*a*) The State may not recoup any overpayment previously made to a recipient:

(*1*) Unless the recipient has income or resources exclusive of the current assistance payment currently available in the amount by which the agency proposes to reduce payments: except that,

(2) Where such overpayments were occasioned or caused by the recipient's willful withholding of information concerning his income, resources or other circumstances which may affect the amount of payment, the State may recoup prior overpayments from current assistance grants irrespective of current income or resources.

(*b*) Withholding of information which is subject to the provisions of paragraph (a)(12)(i)(*a*)(2) of this section includes the following:

(*1*) Willful misstatements (either oral or written) made by a recipient in response to oral or written questions from the State agency concerning the recipient's income, resources or other circumstances which may affect the amount of payment. Such misstatements may include understatements of amounts of income or resources and omission of an entire category of income or resources;

(2) A willful failure by the recipient to report changes in income, resources or other circumstances which may affect the amount of payment, if the State agency has clearly notified the recipient of an obligation to report such changes. The recipient shall be given such notification periodically at times (not less frequently than semi-annually) and by methods which the State agency determines will effectively bring such reporting requirements to the recipient's attention;

(3) A willful failure by the recipient (*i*) to report receipt of a payment which the recipient knew represented an erroneous overpayment, or (*ii*) to notify the State agency of receipt of a check which exceeded the prior check by at least the amount which the State agency had previously notified the recipient (pursuant to the provisions of paragraph (a)(12)(i)(*c*)(*4*) of this section) might represent an overpayment and constitute a sum to which the recipient would not be entitled. In making a determination pursuant to this paragraph (a)(12)(i)(*b*)(*3*), all relevant circumstances including the amount by which the erroneous payment exceeded the previous payment shall be considered.

(c) Each periodic notification under paragraph (a)(12)(i)(*b*)(2) of this section shall:

(*1*) Include a reminder that it is the recipient's continuing obligation to furnish to the State agency accurate and timely information concerning changes in income, resources, or other circumstances which may affect the amount of payment, within a reasonable specified period after such change. The recipient may also be notified that a failure to so notify the State agency within the designated time period may constitute a willful withholding of such information and permit the State agency to recover any overpayment occasioned or caused by the willful withholding;

(2) Specifically and comprehensibly in simple phraseology indicate the type of information to be disclosed by the recipient. Examples shall be furnished

of the most frequent types of newly acquired income or resources (e.g., inheritance, wages from a part-time job);

(*3*) Require that, if there is any doubt whether a particular change in circumstances constitutes such reportable information, the recipient contact the State agency or a designated representative thereof within a reasonable specified period of time after such change in circumstances;

(*4*) If the State plan provides for recoupment in the circumstances described in paragraph (a)(12)(i)(*b*)(*3*)(*ii*) of this section, notify the recipient that if the check received exceeds the prior check by a specified amount (which amount may not be less than that which a reasonable man should have known was erroneous), this increased check may constitute a sum to which the recipient is not entitled. In such instances, the notification may require that the recipient notify the State agency or a designated representative thereof prior to the negotiation of such check, so that corrective action may be taken; the State agency shall respond to such notification within 24 hours. The recipient may also be notified that a failure to so notify the State agency within the designated time period may constitute a willful withholding of such information and permit the State agency to recover such overpayment.

(*d*) The State agency shall require periodic formal acknowledgement by recipients (on a form utilized for this purpose) that the reporting obligations of this paragraph had been brought to the recipient's attention and that they were understood.

(*e*) Any recoupment of overpayments made under circumstances other than those specified in paragraph (a)(12)(i)(*b*) of this section shall be limited to overpayments made during the 12 months preceding the month in which the overpayment was discovered.

(*f*) Any recoupment of overpayments permitted by paragraph (a)(12)(i)(*a*)(2) of this section may be made from available income and resources (including disregarded, set-aside or reserved items) or from current assistance payment or from both. If recoupments are made from current assistance payments, the State shall, on a case-by-case basis, limit the proportion of such payments that may be deducted in each case, so as not to cause undue hardship or recipients.

(*g*) The plan may provide for recoupment in all situations specified herein, or only in certain of the circumstances specified herein, and for waiver of the overpayment where the cost of collection would exceed the amount of the overpayment.

(*h*) Election by the State not to recoup overpayments shall not waive the provisions of §§ 205.40, and 205.41, or any other quality control requirement.

(ii) Prompt correction of underpayments to current recipients, resulting from administrative error where the State plan provides for recoupment of overpayments. Under this requirement:

(*a*) Retroactive corrective payment shall be made only for the 12 months preceding the month in which the underpayment is discovered;

(*b*) For purposes of determining continued eligibility and amount of assistance, such retroactive corrective payments shall not be considered as income or as a resource in the month paid nor in the next following month; and

(*c*) No retroactive payment need be made where the administrative cost would exceed the amount of the payment.

* * * * * * *

(Sec. 1102, 49 Stat. 647, (U.S.C. 1302).)

(Catalog of Federal Domestic Assistance Program No. 13.761, Public Assistance—Maintenance Assistance (State Aid).)

Effective date. The regulations in this section shall be effective July 10, 1974.

Dated: June 12, 1974.

JAMES S. DWIGHT, Jr.,
Administrator, Social and Rehabilitation Service.

Approved: June 19, 1974.

FRANK CARLUCCI,
Acting Secretary.

[FR Doc.74–14372 Filed 6–20–74;8:45 am]

PART 250—ADMINISTRATION OF MEDICAL ASSISTANCE PROGRAMS

Medicaid; Federal Matching for Mechanized Systems; Correction

FEDERAL REGISTER Document 74–11462, published at page 17762 in the issue dated Monday, May 20, 1974, is corrected by changing the reference to "paragraph (b)(1)(ii)(B) and (C)" in paragraph (b)(2)(ii) to read "paragraphs (b)(1)(ii)(B) through (D)".

Approved: June 17, 1974.

THOMAS S. MCFEE,
Deputy Assistant Secretary for Management Planning and Technology.

[FR Doc.74–14294 Filed 6–20–74;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 18262]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS: GENERAL RULES AND REGULATIONS

PART 89—PUBLIC SAFETY RADIO SERVICES

PART 91—INDUSTRIAL RADIO SERVICES

PART 93—LAND TRANSPORTATION RADIO SERVICES

Future Use of Certain Frequency Band; Order Setting Date for Filing Opposition

In the matter of an inquiry relative to the future use of the frequency band 806–960 MHz and amendment of Parts 2, 18, 21, 73, 74, 89, 91, and 93 of the Rules Relative to Operations in the Land Mobile Service Between 806 and 960 MHz, Docket No. 18262.

Order. 1. Informal request has been made to set a date for filing oppositions to petitions for reconsideration submitted in the above-captioned proceeding. The petitions in question are directed to the Commission's Second Report and Order in Docket No. 18262, 39 FR 16831 (May 10, 1974). These petitions were not all filed on the same date; consequently, under procedures established in the rules, the time for filing oppositions to these pleadings varies. For administrative reasons, it is desirable to have the filing date for all oppositions uniform; and the action, here, is taken for this purpose, in conformity with the mentioned request.

2. Accordingly, pursuant to the provisions of § 0.251(b) of the rules and regulations, the date for filing oppositions to the several petitions for reconsideration filed in this Docket is established as June 28, 1974.

Adopted: June 12, 1974.

Released: June 18, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] ASHTON R. HARDY,
General Counsel.

[FR Doc.74–14286 Filed 6–20–74;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Second Rev. S. O. 1112]

PART 1033—CAR SERVICE

Railroad Operating Regulations for Freight Car Movement

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C. on the 13th day of June 1974.

It appearing, that there are acute shortages of freight cars throughout the country; that certain carriers are unable to furnish an adequate supply of freight cars to shippers located on their lines; that these shortages of freight cars are impeding both the domestic and export movements of agricultural, mineral, forest, and manufactured products, and other commodities; and that the existing car service rules, regulations, and practices of the railroads are ineffective with respect to the use, supply, control, movement, distribution, exchange, interchange, and return of freight cars to meet the requirements of shippers. It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than thirty days' notice.

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It is ordered, That:

§ 1033.1112 Railroad operating regulations for freight car movement.

(a) Each common carrier by railroad subject to the Interstate Commerce Act shall observe, enforce, and obey the following rules, regulations, and practices with respect to its car service:

[2](1) *Application.* (i) The provisions of this order shall apply to intrastate, interstate, and foreign commerce.

(ii) This order shall apply to all loaded cars.

(iii) This order shall apply to all empty general service freight equipment cars described on pages 1119–1121, inclusive and listed in the Official Railway Equipment, Register ICC RER No. 391, issued by W. J. Trezise, or reissues thereof including cars bearing mechanical designations modified in the manner described in the various notes thereto. (See exceptions, paragraph (a) (1) (iv), (v), (vi) and (vii) of this section).

(iv) *Exception.* Cars of mechanical designation FL, SC, SM, ST, or NE.

(v) *Exception.* Empty cars of private ownership as defined in Service Order No. 1170, or revisions thereof.

(vi) *Exception.* Empty cars owned by The Alaska Railroad, while held in the State of Washington, pursuant to instructions of the car owner, are exempt from the provisions of this order.

(vii) *Exception.* Empty cars, described in part (iii) of this section, owned by and bearing the registered reporting marks assigned to the line holding the car, are exempt from the provisions of this order.

(viii) *Exception.* To alleviate hardships or inequities, exceptions to this order may be authorized to the carrier by the Railroad Service Board, Interstate Commerce Commission, Washington, D.C. Requests for such exceptions may be made only by carriers and shall be sent to W. H. Van Slyke, Chairman, Car Service Division, Association of American Railroads, Washington, D.C., for recording and submission to the Railroad Service Board, Interstate Commerce Commission, for consideration.

(ix) The mechanical designations of existing freight cars in paragraph (a) (1) (iii) of this section may not be changed to any mechanical designation other than those listed in paragraph (a) (1) (iii) of this section during the period this order is in effect.

(x) Actual placement means placing a car in an accessible position for loading or unloading, or placing on an industrial interchange track serving the consignor or consignee. If such placing is prevented by any cause attributable to consignor or consignee and car is placed on the private or other-than-public delivery tracks serving the consignor or consignee, it shall be considered constructively placed without notice.

(xi) Holidays shall be those listed in Item 25 of Agent B. B. Maurer's Tariff 4–J ICC H–59, naming Car Demurrage Rules and Charges, supplements thereto, or successive issues thereof.

[1](2) *Placing of cars.* (i) Loaded cars shall be actually or constructively placed within 24 hours, exclusive of Saturdays, Sundays, and holidays following arrival at destination, or after arrival at the yard from which cars are dispatched for actual placement.

(ii) Empty cars which after placement will be subject to demurrage storage or detention rules applicable to cars for loading, shall be actually placed or appropriate notice as required by applicable tariffs issued within 48 hours, exclusive of Saturdays, Sundays, and holidays, after arrival at the point where held.

(iii) When delivery of a car, either empty or loaded, consigned or ordered to an industrial interchange track or to an other-than-public-delivery track, cannot be made because of any condition attributable to the consignor or consignee, such car shall be held at destination or, if it cannot reasonably be accommodated there, at an available hold point; and constructive placement notice, shall be sent or given the consignor or consignee within 24 hours, exclusive of Saturdays, Sundays, and holidays, after arrival of car at destination or hold point.

(iv) Proper notice for cars placed on public delivery tracks shall be sent or given within 24 hours after placement, exclusive of Saturdays, Sundays, and holidays.

(v) Cars held at destination for accessorial terminal services described in the applicable tariffs, such as holding for orders or inspection, shall be placed on unloading, hold, or inspection tracks; and proper notice shall be given within 24 hours, exclusive of Saturdays, Sundays, and holidays, after arrival of car at destination or at hold point. Time and charges shall be computed following such notice and demurrage or detention charges assessed in accordance with provisions of governing tariffs.

(3) *Removal of cars.* (i) Empty cars must be removed from point of unloading or interchange tracks of industrial plants within 24 hours, exclusive of Sundays, and holidays, following unloading or release by consignee or shipper, unless such empty cars are ordered or appropriated by the shipper for reloading within such 24-hour period. Empty cars not ordered for loading at point where made empty must be forwarded or set aside for cleaning, repairs, or weighed, if to be weighed at that point, within 24 hours following removal of empty cars.

(ii) Outbound loaded freight cars must be removed from point of loading or interchange tracks of industrial plants within 24 hours, exclusive of Sundays, and holidays, following acceptance by carrier of the shipping instructions covering the cars. Such cars must be forwarded or set aside for repairs or weighed if to be weighed at that point, within 24 hours following release and removal.

(iii) Cars subject to paragraph (a) (3) (i) and (ii) of this section, not made accessible to the carrier, shall be subject to demurrage until such time as they become, and remain, accessible to the carrier.

(iv) Cars shall not be removed from point of unloading or from industrial interchange tracks, nor released from demurrage or detention status, until all bracing, blocking, dunnage, paper, residue of lading, debris, and other foreign matter directly related to the inbound load have been removed from the car in accordance with the requirements of Rules 14 and 27 of the Uniform Freight Classification, I.C.C. 7, issued by J. D. Sherson, supplements thereto, or reissues thereof.

Exception. Dunnage being returned to shipper under the provisions of the applicable tariffs may be left in cars released as empty, provided that proper shipping instructions are received by the carrier prior to 5 p.m., of the first day, which is not a Saturday, Sunday, or holiday, immediately following release of the car.

(4) *Forwarding of cars.* (i) Loaded cars and empty cars shall be forwarded within 24 hours, except cars described in paragraph (a) (4) (ii), (iii), or (iv) of this section, or cars described in paragraph (a) (2) (ii) of this section.

(ii) *Exception.* Loaded cars held subject to instructions of consignee, consignor, or other qualified owner of the freight contained therein, while subject to applicable tariffs.

(iii) *Exception.* Cars held for repairs, weighing, or cleaning. (See paragraph (a) (5) of this section.)

(iv) *Exception.* Cars held because no train or switch engine service is available between hold point and destination.

(5) *Cars Held for Repairs, Weighing, or Cleaning.* (i) Cars of system, foreign, or private ownership which are held for light repairs or cleaning shall be placed on repair or cleaning tracks not later than the first 7 a.m., exclusive of Sundays, and holidays, after time carded for repairs or cleaning. Light repairs or cleaning shall be accomplished within 24 hours, exclusive of Sundays, and holidays, after placement on repair or cleaning tracks; except that when necessary to order material from car owner to make the repairs to foreign or private cars held awaiting such material, repairs shall be completed within 24 hours, exclusive of Sundays, and holidays, after receipt of such material at the station at which the repair point is located.

(ii) Light repairs are defined as repairs requiring less than 20 man-hours by repair track forces to complete.

(iii) Cars which must be weighed shall be weighed and restenciled, if required, within 24 hours, exclusive of Sundays and holidays, after arrival at the point at which weighing is to be accomplished, or after request for weight is received, if weights are requested by shipper or by car owner.

(iv) Cars which have been repaired, cleaned or weighed shall become subject such to paragraphs 2, 3, or 4, of this section, as applicable, from the date such repairs, cleaning or weighing have been accomplished.

(6) *Movement of freight cars.* (i) No common carrier by railroad subject to the Interstate Commerce Act shall delay the movement of cars by holding such cars in yards, terminals, or sidings for the purpose of increasing the time in transit of such cars.

(ii) Cars shall not be set out between terminals except in cases of emergency.

(iii) Back-hauling cars for the purpose of increasing the time in transit is prohibited.

(iv) Through cars shall not be handled on local or way freight trains for the purpose of increasing the time in transit of such cars.

(v) The use by any common carrier by railroad, or the acceptance of instructions from the shipper, for the movement of cars over its line via any route other than its shortest available route or its usual and customary fast freight route from point of receipt of the car from consignor, or connecting line, to point of delivery to consignee, or to next connecting line, except for the purpose of according a lawfully established transit privilege (not including a diversion or reconsignment privilege) is hereby prohibited.

(b) *Rules and Regulations suspended.* The operation of all rules and regulations, insofar as they conflict with the provisions of this order, is hereby suspended.

(c) *Effective date.* This order shall become effective at 11:59 p.m., June 15, 1974.

(d) *Expiration date.* This order shall expire at 11:59 p.m., December 15, 1974, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15 and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies Secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911, 49 U.S.C. 1(10–17), 15(4), and 17(2).)

It is further ordered, That a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74–14300 Filed 6–20–74;8:45 am]

[1] Specific provisions applicable to cars assigned to the exclusive use of a shipper eliminated. Provisions of Demurrage Tariff 4–J, ICC H–59 apply to the extent applicable.

[2] Specific provisions applicable to cars assigned to the exclusive use of a shipper eliminated. Provisions of Demurrage Tariff 4–J, ICC H–59 apply to the extent applicable.

[S.O. 1187]

PART 1033—CAR SERVICE

Return of Trailers

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 12th day of June 1974.

It appearing, that an acute shortage of insulated trailers equipped with ventilating devices exsits on the lines of the Seaboard Coast Line Railroad Company for transporting melons and other perishable products requiring protection from heat; that shippers are being deprived of the insulated and ventilated trailers required to transport such perishable freight, thus creating spoilage of produce and great economic loss; that insulated, ventilated trailers, after being unloaded are being retained and appropriated for other services which do not result in their return to the major origin areas for perishable freight; that present regulations and practices with respect to the use, supply, control, movement, distribution, exchange, interchange, and return of insulated, ventilated trailers are ineffective. It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 1033.1187 Regulations for return of trailers.

(a) Each common carrier by railroad subject to the Interstate Commerce Act shall observe, enforce, and obey the following rules, regulations, and practices with respect to its car service:

(1) Return to Seaboard Coast Line Railroad Company (SCL) (see paragraph (a) (3) of this section), either empty via the reverse of the service route or direct as agreed to by the owner, or loaded to the SCL in the manner prescribed in paragraph (a) (2) of this section, all insulated, ventilated trailers owned or controlled by the following railroads and bearing any of the reporting marks designated:

Seaboard Coast Line Railroad Company;
Reporting marks: SBD, SBDZ, SCLZ
Series 2002–2060, 30104–30901, 702001–702034 and 703004–703150.
Reporting marks: RCLZ, RSBZ and RSCZ
Series 700000–709999 when subject to notes E(3), E(4), E(5), E(6) and E(7) on pages 98–109, inclusive of the Official Intermodal Equipment Register, ICC–O.I.E.R. No. 18, issued by R. G. Hilts, or successive issues thereof.

(2) Trailers described in paragraph (a) (1) of this section, located on lines other than the SCL (see paragraph (a) (3) of this section) may be loaded to any station on the lines of the SCL. If empty at a station on the lines of the SCL, such trailers shall be returned to the SCL at that station.

(3) For the purpose of this order the term Seaboard Coast Line Railroad Company (SCL) shall include the following railroads:

Fort Myers Southern Railroad Company;
Gainesville Midland Railroad Company;
Seaboard Coast Line Railroad Company;
Tampa Southern Railroad Company.

(b) For the purpose of improving car utilization and the efficiency of railroad operations, or alleviating inequities or hardships, modifications may be authorized by the Chief Transportation Officer of the SCL, or by R. D. Pfahler, Director, Bureau of Operations, Interstate Commerce Commission. Modifications authorized by the SCL must be confirmed in writing to W. H. Van Slyke, Chairman, Car Service Division, Association of American Railroads, Washington, D.C., for submission to, and approval by, R. D. Pfahler.

(c) No common carrier by railroad subject to the Interstate Commerce Act shall accept from shipper any loaded trailer, described in this order, contrary to the provisions of the order.

(d) *Application.* The provisions of this order shall apply to intrastate, interstate and foreign commerce.

(e) *Effective Date.* This order shall become effective at 12:01 a.m., June 15, 1974.

(f) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., July 31, 1974, unless otherwise modified, changed or suspended by order of this Commission.

(Secs. 1, 12, 15 and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies Secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2))

It is further ordered, That a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74–14303 Filed 6–20–74;8:45 am]

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proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rulemaking prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[9 CFR Part 92]

IMPORTATION OF BIRDS

Quarantine and Permit Requirements

Statement of considerations. The purposes of these proposed amendments are to provide for the quarantine of imported zoological birds in approved zoological parks and clarify the permit requirements for commercial birds as well as the authority of the Deputy Administrator in § 92.2(a) to allow imports, in specific cases, of any animals and products; and birds for research purposes only. Certain exotic, delicate, and endangered species of birds require special care, feeding, and proper environment. The required care, feeding, and environment can best be provided by professional staffs found only at such approved zoological parks.

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that, pursuant to section 2 of the Act of February 2, 1903, as amended, and sections 2, 3, 4, and 11 of the Act of July 2, 1962 (21 U.S.C. 111, 134a, 134b, 134c, and 134f), the Animal and Plant Health Inspection Service is considering amending 9 CFR Part 92 in the following respects:

1. In § 92.1 paragraphs (j)(2)(i) and (ii) would be amended and new paragraphs (j)(2)(iii), (iv) and (t) would be added to read:

§ 92.1 Definitions.

• • • • •

(j) • • •

(2) • • •

(i) *Pet birds.* Birds which are imported for the personal pleasure of their individual owners and are not intended for resale.

(ii) *Commercial birds.* Birds which are imported for resale, breeding, public display, or any other purpose, except pet birds or research birds.

(iii) *Zoological birds.* Birds intended for breeding or public display, for recreational or educational purposes, at a zoological park.

(iv) *Research birds.* Birds which are to be used for research purposes only.

• • • • •

(t) *Zoological Park.* A zoo, park, garden, or other place maintained for the exhibition of live animals, pigeons or birds, for the purpose of public recreation or education.

§ 92.2 [Amended]

2. In the proviso in § 92.2(a), the term "or birds," would be deleted and the term ", or birds" would be substituted therefor.

§ 92.4 Import permits for ruminants, swine, poultry, commercial birds, and animal semen.

3. § 92.4 would be amended in the following respects:

The heading of § 92.4 would be amended to read as set forth above.

In § 92.4(a)(1) in the first sentence, the term "commercial birds," would be added after the term "poultry,".

In § 92.4(a)(1) in the second sentence, a comma and the words "commercial birds," would be added after the word "animals" each time it appears.

In § 92.4(a)(1), the third sentence would be amended to read: "Additional information may be required in the form of certificates concerning specific diseases to which the animals or commercial birds are susceptible, as well as vaccinations or other precautionary treatments to which the animals, commercial birds, or animal semen have been subjected."

In § 92.4(a)(3), in the first sentence, the term "commercial birds," would be added after the term "poultry,"; and a comma and the term "commercial birds," would be added after the word "animals".

In § 92.4(b) in the third sentence, a comma and the term "commercial birds," would be added after the word "animals".

The fourth sentence in § 92.4(b) would be amended to read: "Ruminants, swine, poultry, commercial birds, and animal semen for which a permit is required by these regulations will not be eligible for entry if a permit has not been issued; if unaccompanied by such a permit; if shipment is from any port other than the one designated in the permit; if arrival in the United States is at any port other than the one designated in the permit; if the animals (including poultry), commercial birds, or semen offered for entry differ from those described in the permit; if the animals, commercial birds, or semen are not handled as outlined in the application for the permit and as specified in the permit issued; or in the case of ruminants and swine, if ruminants or swine other than those covered by import permits are aboard the transporting carrier."

4. In § 92.4(c)(1) the third sentence would be deleted.

5. In § 92.11 the present provisions in paragraph (e) would be amended by deleting the first word and substituting the following therefor: "Except as otherwise provided in paragraph (e)(2) of this section, each" and by designating such provisions as paragraph (e)(1) with the heading *"Commercial birds"*; and a new paragraph (e)(2) would be added as follows:

§ 92.11 Quarantine requirements.

• • • • •

(e) *Birds.* (1) *Commercial birds.* Except as otherwise provided in paragraph (e)(2) of this section • • •

• • • • •

(2) *Zoological birds.* (i) Each lot of zoological birds shall be offered for entry at one of the ports of entry listed in § 92.8(b) and if found free of evidence of communicable diseases of poultry upon inspection at the port of entry by the port veterinarian, may be transported by an approved means to a zoological park for quarantine in facilities at the park that have been approved by the Deputy Administrator, Veterinary Services, as provided in this section, prior to the issuance of the import permit under § 92.4. The importer shall notify the Deputy Administrator, Veterinary Services, in advance, of the means of transportation proposed to be used and approval will be given if the Deputy Administrator determines that such means of transportation may be used without risk of dissemination of livestock or poultry diseases. If any imported zoological bird is found during port of entry inspection to be infected with or exposed to a communicable disease of poultry, such bird shall be refused entry, or shall be disposed of otherwise, as directed by the Deputy Administrator, Veterinary Services, in accordance with section 2 of the Act of July 2, 1962 (21 U.S.C. 134a).

(ii) Each lot of zoological birds imported from any part of the world and so transported to a zoological park shall be quarantined for a minimum of 30 days and for such longer period as may be required by the Deputy Administrator in any specific case, on an "all-in, all-out" basis, in facilities approved under § 92.11(f) at the zoological park where they shall be isolated from any other birds, pigeons, or poultry and be under the supervision of a Veterinary Medical Officer of Veterinary Services. If, at the end of the quarantine period and the succeeding 60-day period, the imported zoological birds and all other birds, pigeons, and poultry in the zoological park are found free of evidence of communicable diseases of poultry, the imported zoological birds shall be released by the supervising Veterinary Medical Officer from such isolation quarantine. During the quarantine period, and the succeeding 60-day period, the operator of the zoological park shall comply with handling procedures (including inspection and testing) as provided in paragraph (f) of this section.

6. In § 92.11, subparagraph (f)(1) and subdivision (f)(2)(i) would be amended to read:

§ 92.11 Quarantine requirements.

• • • • •

(f) *Standards for approved quarantine facilities and handling procedures for importation of birds.* • • •

(1) *Supervision of the facility.* The quarantine facility shall be maintained under the supervision of a Veterinary Medical Officer of Veterinary Services.

(2) • • •

(i) *Location:* (A) Any port of entry quarantine facility shall be located: Within the immediate area of the port of entry to curtail to a minimum the possibility of introduction and dissemination of poultry diseases by the imported birds, while in transit from the point of entry to the quarantine facility; and at least one-half mile from any concentration of avian species, such as, but not limited to, poultry processing plants, poultry or bird farms, pigeon lofts, or other approved quarantine facilities. Factors such as prevailing winds, possible exposure to poultry or birds moving in local traffic, etc., shall be taken into consideration. If the quarantine facility consists of multiple units for handling separate lots of birds, the individual units shall be located at least one-half mile from each other with separate personnel working as handlers in each unit.

(B) Any zoological park quarantine facility shall be located within the confines of a zoological park that has outside boundaries located no less than one-half mile from any commercial concentration of avian species other than the resident bird population of the zoological park.

§ 92.11 [Amended]

7. Subdivision 92.11(f)(3)(ii)(D) would be amended by redesignating the present paragraph as (f)(3)(iii)(D)(*1*) and adding a new paragraph (f)(3)(ii)(D)(*2*) to read:

(2) If during the isolation quarantine for zoological birds and the succeeding 60-day period, any dead or apparently sick birds, pigeons, or poultry are found, the supervising Veterinary Medical Officer shall be notified immediately by a representative of the zoological park. Any dead birds, pigeons, or poultry shall be refrigerated at the zoological park. Sick or dead birds, pigeons, or poultry found during the period of isolation quarantine or the succeeding 60-day period at the zoological park shall be autopsied only by the direction of the supervising Veterinary Medical Officer. If any birds, pigeons or poultry at the zoological park are found during the period of isolation quarantine or the succeeding 60-day period, to be dead or infected with or exposed to any communicable disease of poultry, all birds, pigeons, and poultry in the zoological park shall be disposed of or otherwise handled as directed by the Deputy Administrator, Veterinary Services, as he considers necessary to prevent the spread of livestock or poultry diseases, and the entire facility or park shall be thoroughly cleaned and disinfected as directed by and under the supervision of a Veterinary Medical Officer.

8. Section 92.11 would be further amended by adding a new paragraph (f)(3)(ii)(G) to read:

(G) No birds, pigeons, or poultry shall be removed from the zoological park during the isolation quarantine period or the following 60-day period, except by permission of the supervising Veterinary Medical Officer.

Any person who wishes to submit written data, views, or arguments concerning the proposed amendments may do so by filing them with the Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Hyattsville, Maryland 20782, before July 22, 1974.

All written submissions made pursuant to this notice will be made available for public inspection at the Federal Building, Room 870, Hyattsville, Maryland, during regular business hours in a manner convenient to the public business (7 CFR 1.27(b)).

Comments submitted should bear a reference to the date and page number of this issue of the FEDERAL REGISTER.

Done at Washington, D.C., this 17th day of June 1974.

PIERRE A. CHALOUX,
Acting Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.74-14299 Filed 6-20-74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Airworthiness Docket No. 74-NW-14-AD]

BOEING MODEL 707/720 SERIES AIRPLANES

Proposed Airworthiness Directives

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Boeing Model 707/720 series airplanes. In-flight pitching oscillations have occurred on a Boeing 707 airplane and the possibility of the condition leading to such an occurrence may exist in other 707 and 720 airplanes. Flight tests have shown that when the airplane is in an abnormal nose-up, out of trim condition and the horizontal stabilizer to elevator contour mismatch is to one side of a previously approved tolerance, the pitching oscillations could be induced. Such may, in turn, lead to loss of control of the aircraft.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should identify the docket and be submitted in duplicate to the Federal Aviation Administration, Northwest Region, Airworthiness Rules Docket, FAA Building, Boeing Field, Seattle, Washington 98108. All communications received on or before August 1, 1974, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the rules docket for examination by interested persons.

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation regulations by adding the following new airworthiness directive:

BOEING: Applies to all Model 707/720 Series Airplanes Certificated in all categories.

Compliance required as indicated.

To prevent potential oscillatory longitudinal flight on Boeing Models 707/720 series airplanes, accomplish the following:

Within 1,000 hours time in service from the effective date of this airworthiness directive, unless already accomplished, inspect and adjust the horizontal stabilizer to elevator contour mismatch upper surfaces, in accordance with Boeing Service Bulletin No. 3151, or in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region.

NOTE: Boeing letter No. M-7020-301, dated June 7, 1974, will contain a preliminary copy of Service Bulletin No. 3151.

This amendment is proposed under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Seattle, Washington on June 11, 1974.

C. B. WALK, JR.,
Director, Northwest Region.

[FR Doc.74-14266 Filed 6-20-74;8:45 am]

[14 CFR Part 39]

[Airworthiness Docket No. 74-NW-11-AD]

BOEING MODEL 737 SERIES AIRPLANES

Proposed Airworthiness Directives

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Boeing Model 737 series airplanes. There have been failures of the outer flap inboard and outboard forward flap track support attach bolts that could result in the loss of the flap and consequent severe controllability problems. Since this condition is likely to exist or develop on other airplanes of the same type design, the proposed airworthiness directive would require inspection of these bolts and, as terminating action, the installation of larger, stainless steel bolts.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Northwest Region, Airworthiness Rules Docket, FAA Building, Boeing Field, Seattle, Washington 98108. All

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communications received on or before August 1, 1974, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the rules docket for examination by interested persons.

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

BOEING: Applies to Model 737 series airplanes as listed in the Effectivity Paragraph of Boeing Alert Service Bulletin 737–57–1079, Revision 1, or later FAA approved revisions, with more than 5,000 hours time in-service.

Compliance required as noted.

(A) Within the next 500 hours time in service after the effective date of this AD unless already accomplished within the last 500 hours time in service, and thereafter at intervals not to exceed 1,000 hours time in service from the last inspection, accomplish a torque check per (B) below.

(B) Torque check the 5/16 inch bolts that attach the forward support fitting of the inboard and outboard flap tracks of the outboard flap in accordance with Boeing Alert Service Bulletin 737–57–1079, Revision 1, or later FAA approved revisions, or in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region.

(C) Bolts which either fail or do not sustain the torque check shall be replaced before further flight. If the replaced bolt is a 5/16 inch bolt, prior to 5,000 hours time in service, and thereafter at intervals not to exceed 1,000 hours time in-service from the last inspection, accomplish a torque check per (B). If the bolt is replaced with 3/8 inch stainless steel bolt in accordance with paragraph (D), this is considered terminating action.

(D) Termination action for this Airworthiness Directive consists of bolt replacement with 3/8" diameter, stainless steel bolts, in accordance with Boeing Alert Service Bulletin 737–57–1079, Revision 1, or later FAA approved revisions, or in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region.

(E) Upon request by an operator, through an appropriate FAA maintenance inspector, subject to approval by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region, the repetitive inspection period herein may be adjusted for that operator if the request contains adequate substantiating data to justify the increase.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Seattle, Washington on June 11, 1974.

C. B. WALK, JR.,
Director, Northwest Region.

[FR Doc.74–14264 Filed 6–20–74;8:45 am]

[14 CFR Part 39]

[Airworthiness Docket No. 74–NW–12–AD]

BOEING MODEL 747 SERIES AIRPLANES

Proposed Airworthiness Directives

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Boeing Model 747 series airplanes. There have been cracks found in some torque tube crank assemblies in pasenger doors Nos. 2, 4 and 5 right- and left-hand on Boeing Model 747 series airplanes. Failure of one of these crank assemblies will not permit the door to be opened or closed. This precludes the use of the door in an emergency as an exit thereby providing an unacceptable level of safety. Since this condition is likely to exist or develop in other airplanes of the same type design, the proposed airworthiness directive would require repetitive inspections of crank assemblies until replaced with like parts of a different material. Boeing Service Bulletin 747–52–2090 was issued for inspection and repair of the crank assemblies. Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should identify the docket and be submitted in duplicate to the Federal Aviation Administration, Northwest Region, Airworthiness Rules Docket, FAA Building, Boeing Field, Seattle, Washington 98108.

All communications received on or before August 1, 1974, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the rules docket for examination by interested persons.

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

BOEING: Applies to Boeing Model 747 airplanes certificated in all categories, which are affected by Boeing Service Bulletin 747–52–2090.

Compliance required as indicated:

(A) Within the next 400 hours time in-service after the effective date of this AD, unless already accomplished in the last 1,200 hours time in-service, and at intervals thereafter not to exceed 1,600 hours time in-service, inspect the torque tube cranks, Part Numbers 65B05025–1 and –2, 69B02875–1 and –2, and 65B09704–1 on passenger doors Nos. 2, 4 and 5 right- and left-hand sides for cracks, using dye penetrant inspection procedures as noted in FAA-approved Boeing Service Bulletin 747–52–2090. If cracks are not found, apply LPS–3 and retorque cross bolts in accordance with Paragraph III, Part I of FAA-approved Boeing Service Bulletin 747–52–2090. If cracks are found, repair or replace in accordance with paragraph (B) below.

(B) Cracked parts may be repaired by installation of a saddle clamp in accordance with Paragraph III, Part II of FAA-approved Boeing Service Bulletin 747–52–2090, or FAA-approved revisions or in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region and shall be reinspected in accordance with FAA-approved Boeing Service Bulletin 747–52–2090, at intervals thereafter not to exceed 3,200 hours time in-service. As terminating action, cracked parts may be replaced with new parts in accordance with Paragraph III, Part III of FAA-approved Boeing Service Bulletin 747–52–2090, or FAA-approved revisions, or in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region.

(C) Upon request of the operator and FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA Northwest Region, the repetitive inspection intervals specified in this AD may be adjusted to permit compliance at an established inspection interval of the operator, if the request contains substantiating data to justify the adjustment.

This amendment is proposed under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Seattle, Washington on June 11, 1974.

C. B. WALK, JR.,
Director, Northwest Region.

[FR Doc.74–14265 Filed 6–20–74;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 74–WE–15]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation regulations that would alter the description of the Chandler, Arizona control zone.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace and Procedures Branch, Federal Aviation Administration, 15000 S. Aviation Boulevard, Lawndale, California 90261. All communications received on or before July 22, 1974 will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in acordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 15000 S. Aviation Boulevard, Lawndale, California 90261.

A shortage of qualified control tower and weather observer personnel precludes continued operation of the Chandler Control Zone during the currently published effective hours. Due to this situation, local flying is being adjusted to a more regular schedule consistent with available manpower. This will result in a small reduction of hours of operation of the control zone. To provide for this change in the most efficient manner and to allow for possible infrequent changes in the effective hours, the use of the NOTAM procedure is proposed.

In consideration of the foregoing, the FAA proposes the following airspace action.

In § 71.171 (39 FR 354) the description of the Chandler, Arizona control zone is amended in part as follows: In the text of the control zone description, delete all after "This control zone * * *" and substitute therefor "* * * is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual."

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended, (49 U.S.C. 1348(a)), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, California, on June 10, 1974.

ROBERT O. BLANCHARD,
Acting Director, Western Region.

[FR Doc.74–14267 Filed 6–20–74;8:45 am]

[14 CFR Part 121]

[Docket No. 13841; Notice No. 74–22]

AIRCRAFT SECURITY

Use of X-ray Devices

In response to a Court Order effective April 24, 1974, issued by the United States District Court for the District of Columbia (Civil Action No. 1967–73), and in accordance with related assurances and agreements, the Federal Aviation Administration is proposing to amend Part 121 of the Federal Aviation Regulations to provide for the use of X-ray devices to inspect carry-on baggage and other items in accordance with approved security programs required by § 121.538.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket and notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC–24, 800 Independence Avenue, S.W., Washington, D.C. 20591. All communications received on or before August 20, 1974, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Section 121.538 of the Federal Aviation Regulations requires Part 121 certificate holders to maintain and carry out, for scheduled operations, a security program that has been approved by the FAA. Due to the continuing menace of air piracy and other crimes aboard aircraft, and because of the serious nature of this threat to the safety of persons and property, the Administrator found that an emergency existed requiring immediate action with respect to safety in air transportation and air commerce. Accordingly, effective January 5, 1973, the FAA took emergency action in accordance with the provisions of § 121.538 to amend all security programs previously approved under that section and required the preboarding inspection of all carry-on baggage and items. The purpose of this inspection is to detect weapons, explosives, or other dangerous articles and prevent their being carried aboard the aircraft by passengers. To implement the required inspection of carry-on baggage and items, certain of the security programs approved for certificate holders currently provide for the use of X-ray devices for the inspection of carry-on baggage and items. However, the standards which form the basis of the FAA approval are not set forth in Part 121.

The Food and Drug Administration, Department of Health, Education, and Welfare has adopted performance standards for cabinet X-ray systems designed primarily for the inspection of carry-on baggage and items. Those standards were adopted by the Commissioner of Food and Drugs, following public rule-making proceedings pursuant to the Radiation Control for Health and Safety Act, 42 U.S.C. 263f, and are published in 21 CFR 1020.40 (39 FR 12985, April 10, 1974). The FAA believes those standards provide radiation safeguards that will ensure the protection of public health. Accordingly, to obtain FAA approval for use of an X-ray system to inspect carry-on baggage and items, it is proposed to amend Part 121 of the Federal Aviation Regulations and require the Part 121 certificate holder to show that the system meets the performance standards prescribed in 21 CFR 1020.40. In the interest of achieving a uniform standard of safety, the proposal would require an X-ray system to meet those performance standards regardless of the date the system was manufactured or assembled.

In addition, this proposal would also require the certificate holder to show that: (1) the results of a radiation survey confirm that the system, after being initially installed and each time it is moved to a new location, meets the performance standards in 21 CFR 1020.40 and that its operation in accordance with the procedures to be used will not adversely affect the safety of any person; (2) an appropriate program for initial and recurrent training of operators of the system has been established; (3) procedures have been established to ensure that each operator of the system will be provided with a personnel dosimeter, each dosimeter used will be evaluated every 30 days, and appropriate records of operator duty time and the results of dosimeter evaluations will be maintained by the certificate holder; and (4) the system has the capability of distinguishing an insulated 24-gauge solid copper wire.

The proposal would also prohibit a Part 121 certificate holder from using an X-ray system to inspect carry-on baggage and items for which there is in effect any defect notice or modification order issued by the Food and Drug Administration, Department of Health, Education, and Welfare, unless that Administration has advised the FAA that the defect or modification required is not such as to create a significant risk of injury, including genetic injury, to any person. Finally, the proposal would prohibit a certificate holder from using an X-ray system to inspect carry-on baggage or items, unless there is a sign posted in a conspicuous place which notifies passengers that such baggage and items are being inspected by an X-ray system and advises them to remove all X-ray and scientific film from their carry-on baggage and items before inspection. If the system being used exposes any carry-on baggage and items to more than one milliroentgen during the inspection, the sign would have to advise passengers to remove film of all kinds from their carry-on baggage and items before inspection.

In addition to comments regarding the specific amendment proposed, the FAA would appreciate receiving comments from interested persons in regard to the following issues:

(1) The adequacy of the existing federal safety and radiation emission standards governing the design, use, and operation of the X-ray baggage inspection systems. On this issue the FAA believes that the Food and Drug Administration of the Department of Health, Education, and Welfare has exercised its responsibility under the Radiation Control for Health and Safety Act by establishing federal regulatory standards for cabinet X-ray systems designated to inspect carry-on baggage. Comments on the adequacy of these standards will be considered by FAA and forwarded to FDA for its use and information.

(2) What training, if any, should be required for operators of and other persons assigned to work in the vicinity of the devices.

(3) Whether the FAA should establish mandatory hours-of-service regulations or other safety standards for operators of the system, and if so, what standards should be established.

(4) The environmental aspects of the use of X-ray baggage inspection systems. The FAA believes that the use of cabinet

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X-ray systems to inspect carry-on baggage will not have a significant impact on the human environment. A copy of the FAA's environmental analysis is available for review and comment. Copies may be obtained by writing to the Federal Aviation Administration, Civil Aviation Security Service, Attention: ACS-100, 800 Independence Avenue, SW., Washington, D.C. 20591.

(5) Whether in light of health, safety, environmental, and security considerations, the use of any X-ray system should be authorized as a substitute for physical search procedures for the inspection of carry-on baggage and items.

(6) Whether exposure to X-rays may harm photographic film, magnetic tape, medicines or other items which may be contained in carry-on baggage and items and, if so, what measures should be taken to eliminate or reduce such possible harm other than or in addition to those set out in this proposal.

It should be pointed out that any person who knows of the use of an X-ray system by a Part 121 certificate holder to inspect carry-on baggage or items that does not comply with that certificate holder's security program, as approved under § 121.538, may report the matter to any FAA regional or district office. The FAA will investigate each alleged violation reported and take appropriate administrative or enforcement action in accordance with the procedures set forth in 14 CFR Part 13. If deemed appropriate, the FAA may request advice and assistance from the Food and Drug Administration or any other government agency in the conduct of its investigation.

These amendments are proposed under the authority of sections 313(a), 601, and 604 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1424), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend Part 121 of the Federal Aviation Regulations by adding after § 121.538 a new § 121.538a to read as follows:

§ 121.538a Use of X-ray system.

(a) No certificate holder may use an X-ray system to inspect carry-on baggage or items unless specifically authorized under an approved security program required by § 121.538 or use such a system contrary to its approved security program. The Administrator authorizes a certificate holder to use an X-ray system for inspecting carry-on baggage or items, under an approved security program, if the certificate holder shows the following:

(1) The system meets the performance standards for cabinet X-ray systems designed primarily for the inspection of carry-on baggage issued by the Food and Drug Administration, Department of Health, Education, and Welfare and published in 21 CFR 1020.40 (39 FR 12985, April 10, 1974).

(2) The results of a radiation survey confirm that the system, after being initially installed and each time it is moved to a new location, meets the performance standards in 21 CFR 1020.40 and that its operation in accordance with the procedures to be used will not adversely affect the safety of any person.

(3) An appropriate program for initial and recurrent training of operators of the system has been established.

(4) Procedures have been established to ensure that each operator of the system will be provided with a personnel dosimeter, each dosimeter used will be evaluated every 30 days, and appropriate records of operator duty time and the results of dosimeter evaluations will be maintained by the certificate holder.

(5) The system has the capability of distinguishing an insulated 24-gauge solid copper wire.

(b) No certificate holder may use an X-ray system to inspect carry-on baggage or items for which there is in effect any notice or modification order issued by the Food and Drug Administration, Department of Health, Education, and Welfare, unless that Administration has advised the FAA that the defect or modification required is not such as to create a significant risk of injury, including genetic injury, to any person.

(c) No certificate holder may use an X-ray system to inspect carry-on baggage or items, unless a sign is posted in a conspicuous place which notifies passengers that such items are being inspected by an X-ray system and advises them to remove all X-ray and scientific film from their carry-on baggage and items before inspection. If the X-ray system exposes any carry-on baggage or item to more than one milliroentgen during the inspection, the certificate holder shall post a sign which advises passengers to remove film of all kinds from their carry-on baggage and items before inspection.

Issued in Washington, D.C., on June 19, 1974.

A. L. BUTLER,
Acting Director,
Civil Aviation Security Service.

[FR Doc.74-14382 Filed 6-20-74;8:45 am]

[14 CFR Part 39]

[Airworthiness Docket No. 74-SW-26]

BELL MODEL 206A AND 206B HELICOPTERS

Proposed Airworthiness Directive

Correction

In FR Doc. 74-13745, appearing at page 20994 of the issue for Monday, June 17, 1974, the eleventh line of the third paragraph is corrected by inserting the date "July 18, 1974" before the word "will".

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

[42 CFR Part 83]

OCCUPATIONAL SAFETY AND HEALTH; PERSONAL PROTECTIVE DEVICES

Notice of Public Hearing

On April 1, 1974, a notice of proposed rulemaking was published in the FEDERAL REGISTER (39 F.R. 11923) to amend Title 42, Code of Federal Regulations, by adding a new Part 83 to establish in the National Institute for Occupational Safety and Health a program for the certification of personal occupational protective devices (hats, eye and face protective devices, shoes, and gloves). Procedures and requirements for certification were also proposed. Interested persons were afforded a period of 30 days within which to submit comments which, by notice of May 1, was extended to 60 days (39 FR 15141).

A number of comments questioned the Institute's authority to conduct the program proposed by the regulations. Several persons also requested a public hearing as provided in section 6 of the Occupational Safety and Health Act (29 U.S.C. 665).

The recited authority for the proposed regulations is section 8(g)(2) which authorizes the Secretary to prescribe such rules as he deems necessary to carry out his responsibilities under the Act.

As recited in the preamble to the notice of rulemaking, these regulations would implement the responsibility set forth in section 22(c) of the Act which authorizes the Institute to develop and establish recommended occupational safety and health standards. The Institute intends, where appropriate, to recommend that certain devices be used for the personal protection of workers against various industrial hazards.

As a necessary adjunct to this type of recommendation, it is necessary to establish recommended standards for such personal protective devices. Under the proposed regulations, the Institute would establish a program to test devices which are submitted to it and to certify those devices which meet its recommended construction and performance standards and which are manufactured pursuant to an approved quality control plan. Certification by the Institute would mean that a particular device meets the standards recommended by the Institute for that device. Not only does the Institute regard section 22(c) as providing authority for the conduct of the proposed program, section 21(a)(2) directs that the Institute conduct programs on the use of adequate safety and health equipment. The proposed program would assist the Institute in determining whether devices designed to protect workers from specific industrial hazards are adequate.

Manufacturers would, of course, be under no obligation to submit their products for Institute testing and certification. It is anticipated, however, that Institute approval of a device will be an incentive to a manufacturer to participate in the program.

Nor would the regulation require that such certified equipment be used. Such a requirement can be imposed only if the Occupational Safety and Health Administration (OSHA) were to adopt, pursuant to section 6 of the Act, a standard requiring the use of devices certified by the Institute. Furthermore, the proposed adoption of such standard by OSHA would, unlike the proposed Part 83, be subject to the hearing provisions of section 6(b)(3) of the Act.

Although persons objecting to the proposed regulations are not, therefore, entitled to a hearing as a matter of right, in view of the large number of comments on the proposed rules and requests for a public hearing, notice is hereby given that the Department of Health, Education, and Welfare will hold a public hearing on July 18, 1974, beginning at 9:30 a.m. in Conference Room E (3rd floor) of the Department's Parklawn Building, 5600 Fishers Lane, Rockville, Maryland, for purpose of receiving relevant oral and written presentations on the following issues:

1. Whether the National Institute for Occupational Safety and Health (NIOSH) should establish the program proposed by the regulations.

2. Whether any of the provisions of the proposed Part 83 should be adopted, modified, or deleted.

Mr. Edward J. Baier, Deputy Director, NIOSH, is designated as Chairman of the hearing. A verbatim record of the proceedings will be maintained and all statements presented at the meeting, as well as the written comments previously submitted in response to the notice of proposed rulemaking, will be considered.

Any person who wishes to make a presentation at the hearing should forward written notification to the Deputy Director, National Institute for Occupational Safety and Health, Room 3-30 (Park Bldg.), 5600 Fishers Lane, Rockville, Maryland 20852, not later than seven days preceding the hearing, stating the time required for his or her presentation.

Dated: June 18, 1974.

MARCUS M. KEYS,
Director, National Institute for Occupational Safety and Health.

[FR Doc.74-14331 Filed 6-20-74;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing Production and Mortgage Credit

[24 CFR Part 275]

[Docket No. R-74-267]

LOW RENT PUBLIC HOUSING

Prototype Cost Limits; Montana

In the FEDERAL REGISTER issued for Friday, May 17, 1974 (39 FR 17678), prototype per unit cost schedules were published pursuant to section 15(5) of the Housing and Urban Development Act of 1937. Consideration of subsequent factual project cost data received from the Denver Regional Office (Region VIII) indicates that certain prototype per unit cost schedules should be revised for the State of Montana.

Inasmuch as the new prototype cost schedules cannot be utilized until the costs themselves become effective by publication in the FEDERAL REGISTER, continuity of contract approvals requires that this material be made effective as quickly as possible. At the same time, it is the Department's policy, 24 CFR Part 10, that regulatory provisions and requirements be published as a notice for comment and public procedure before becoming effective unless such notice is impracticable, unnecessary or contrary to the public interest. In this case, the Assistant Secretary has determined that it would be impracticable and contrary to the public interest to provide the customary 30-day comment period. However, the Department is allowing a shorter time in which comments may be submitted before the costs are made effective. Interested persons are invited to submit suggestions and data with respect to these proposed costs and all submittals received on or before July 5, 1974 will be considered before a final revision of the costs is adopted. Comments filed within that time will be without prejudice to the opportunity accorded all interested persons at any time to file information showing that a specific cost or costs may be inappropriate.

Written data, views or statements shall be filed with the Rules Docket Clerk, Office of General Counsel, Room 10245, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410. Copies of comments received will be available for examination during business hours at the above address.

Accordingly, it is proposed to amend 24 CFR Part 275 as follows:

1. On Page 17728 of the FEDERAL REGISTER for Friday, May 17, 1974, delete Anaconda, Montana. On Page 17729, delete Dillon, Glendive, Laurel and Libby, Montana. On Page 17730, delete Superior, Montana under Region VIII and substitute in lieu thereof and revised prototype per unit costs shown on the table set forth hereinafter, entitled Prototype Per Unit Cost Schedule.

(Section 7(d), Department of Housing and Urban Development Act, 42 U.S.C. 3535(d))

Proposed effective date: June 20, 1974.

SHELDON B. LUBAR,
Assistant Secretary-Commissioner.

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PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION VIII--CONTINUED							
MONTANA							
HELENA:							
DETACHED AND SEMIDETACHED	9,750	11,750	14,500	17,300	20,850	23,200	24,250
ROW DWELLINGS	9,350	11,150	13,850	16,580	19,950	22,100	23,150
WALKUP	8,800	11,100	14,050	16,550	19,150	21,200	22,100
ELEVATOR-STRUCTURE	15,300	17,750	22,550	-------	-------	-------	-------
BILLINGS:							
DETACHED AND SEMIDETACHED	9,500	11,450	14,150	16,900	20,250	22,500	23,600
ROW DWELLINGS	9,050	10,750	13,350	15,850	19,150	21,250	22,300
WALKUP	8,400	10,650	13,550	15,900	18,350	20,350	21,250
ELEVATOR-STRUCTURE	14,900	17,200	21,850	-------	-------	-------	-------
BOZEMAN:							
DETACHED AND SEMIDETACHED	9,950	11,950	14,750	17,600	21,150	23,600	24,650
ROW DWELLINGS	9,550	11,350	14,100	16,800	20,250	22,450	23,550
WALKUP	8,950	11,300	14,300	16,900	19,450	21,500	22,550
ELEVATOR-STRUCTURE	15,550	18,050	22,900	-------	-------	-------	-------
BUTTE:							
DETACHED AND SEMIDETACHED	10,150	12,200	15,050	17,900	21,550	24,000	25,150
ROW DWELLINGS	9,700	11,600	14,300	17,050	20,600	22,800	23,950
WALKUP	9,000	11,400	14,350	16,950	19,600	21,700	22,650
ELEVATOR-STRUCTURE	15,850	18,350	23,350	-------	-------	-------	-------
GLASGOW:							
DETACHED AND SEMIDETACHED	9,950	11,950	14,750	17,600	21,150	23,600	24,650
ROW DWELLINGS	9,550	11,350	14,100	16,800	20,250	22,450	23,550
WALKUP	8,950	11,300	14,300	16,900	19,450	21,500	22,550
ELEVATOR-STRUCTURE	15,550	18,050	22,900	-------	-------	-------	-------
GREAT FALLS:							
DETACHED AND SEMIDETACHED	10,250	12,250	15,150	18,100	21,700	24,200	25,300
ROW DWELLINGS	9,800	11,700	14,450	17,350	20,850	23,050	24,400
WALKUP	9,200	11,600	14,650	17,250	19,950	22,100	23,100
ELEVATOR-STRUCTURE	16,050	18,550	23,600	-------	-------	-------	-------
HAVRE:							
DETACHED AND SEMIDETACHED	9,950	11,950	14,750	17,600	21,150	23,600	24,650
ROW DWELLINGS	9,550	11,350	14,100	16,800	20,250	22,450	23,550
WALKUP	8,950	11,300	14,300	16,900	19,450	21,500	22,550
ELEVATOR-STRUCTURE	15,550	18,050	22,900	-------	-------	-------	-------
KALISPEL:							
DETACHED AND SEMIDETACHED	9,550	11,550	14,250	16,950	20,350	22,700	23,750
ROW DWELLINGS	9,150	10,950	13,550	16,200	19,450	21,600	22,650
WALKUP	8,650	10,950	13,800	16,300	18,750	20,800	21,750
ELEVATOR-STRUCTURE	15,000	17,400	22,100	-------	-------	-------	-------
MILES CITY:							
DETACHED AND SEMIDETACHED	9,950	11,950	14,750	17,600	21,150	23,600	24,650
ROW DWELLINGS	9,550	11,350	14,100	16,800	20,250	22,450	23,550
WALKUP	8,950	11,300	14,300	16,900	19,450	21,500	22,550
ELEVATOR-STRUCTURE	15,550	18,050	22,900	-------	-------	-------	-------
MISSOULA:							
DETACHED AND SEMIDETACHED	9,500	11,450	14,150	16,900	20,250	22,500	23,600
ROW DWELLINGS	9,050	10,750	13,350	15,850	19,150	21,250	22,300
WALKUP	8,400	10,650	13,550	15,900	18,350	20,350	21,250
ELEVATOR-STRUCTURE	14,900	17,200	21,850	-------	-------	-------	-------
RONAN:							
DETACHED AND SEMIDETACHED	13,850	16,650	20,600	24,500	29,450	32,900	34,400
ROW DWELLINGS	10,400	12,400	15,400	18,300	22,150	24,550	25,700
WALKUP	9,750	12,400	15,600	18,450	21,300	23,500	24,600
ELEVATOR-STRUCTURE	17,000	19,650	25,000	-------	-------	-------	-------
BROWNING:							
DETACHED AND SEMIDETACHED	13,850	16,650	20,600	24,500	29,450	32,900	34,400
ROW DWELLINGS	10,400	12,400	15,400	18,300	22,150	24,550	25,700
WALKUP	9,750	12,400	15,600	18,450	21,300	23,500	24,600
ELEVATOR-STRUCTURE	17,000	19,650	25,000	-------	-------	-------	-------
HARLEM:							
DETACHED AND SEMIDETACHED	13,850	16,650	20,600	24,500	29,450	32,900	34,400
ROW DWELLINGS	10,400	12,400	15,400	18,300	22,150	24,550	25,700
WALKUP	9,750	12,400	15,600	18,450	21,300	23,500	24,600
ELEVATOR-STRUCTURE	17,000	19,650	25,000	-------	-------	-------	-------
WOLF POINT:							
DETACHED AND SEMIDETACHED	13,900	16,750	20,600	24,600	29,500	32,950	34,500
ROW DWELLINGS	10,400	12,400	15,400	18,300	22,150	24,550	25,700
WALKUP	9,750	12,400	15,600	18,450	21,300	23,500	24,600
ELEVATOR-STRUCTURE	17,000	19,650	25,000	-------	-------	-------	-------
LODGE GRASS:							
DETACHED AND SEMIDETACHED	13,850	16,650	20,550	24,500	29,450	32,800	34,350
ROW DWELLINGS	10,400	12,400	15,400	18,300	22,150	24,550	25,700
WALKUP	9,750	12,400	15,600	18,450	21,300	23,500	24,600
ELEVATOR-STRUCTURE	17,000	19,650	25,000	-------	-------	-------	-------

[FR Doc.74-14202 Filed 6-20-74;8:45 am]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 288, 399]

[EDR-275; PSDR-41; Economic Regs., Policy Regs. Docket 26808]

AIR CARRIERS INVOLVED IN MILITARY TRANSPORTATION

Fuel Surcharge Rates and Procedures

June 17, 1974.

Notice is hereby given that the Civil Aeronautics Board proposes to amend Part 288 of its Economic Regulations and Part 399 of its Statements of General Policy (14 CFR Parts 288 and 399) with respect to certain foreign and overseas air transportation performed for the Department of Defense (DOD). The purpose of the proposed amendment is explained in the attached Explanatory Statement, and the proposed amendment is set forth in the proposed rule. As set out in the Explanatory Statement, the Board proposes to amend existing interim final rates which became effective on and after August 28, 1973,[1] and to revise the procedures used in determining fuel surcharges as a result of the revision of the interim final rates. The interim rates adopted are to be effective from the date of this notice, pending completion of a full-scale MAC rate review establishing final rates to be effective prospectively. The amendments are proposed under authority of sections 204, 403, and 416 of the Federal Aviation Act of 1958, as amended (72 Stat. 743, 758, and 771, as amended; 49 U.S.C. 1324, 1373, and 1386).

Interested persons may participate in the proposed rule making through submission of twelve (12) copies of written data, views or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant material in communications received on or before July 8, 1974, will be considered by the Board before taking final action on the proposed rule. Copies of such communication will be available for examination by interested persons in the Docket Section of the Board, Room 710, Universal Building, 1825 Connecticut Avenue, N.W., Washington, D.C. upon receipt thereof.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND, *Secretary.*

EXPLANATORY STATEMENT

By ER-819 and PS-53, adopted August 28, 1973, the Board amended Part 288 of its Economic Regulations and Part 399 of its Statements of General Policy (14 CFR Parts 288 and 399) by adopting minimum interim final rates for overseas and foreign air transportation services performed for the Military Airlift Command (MAC). No expiration date was fixed for these interim rates, which were based on reported results for the twelve months ended March 31, 1973, since a full-scale MAC rate review was also initiated at that time. The Board stated, however, that it would "continue to monitor recurring reports * * * and act expeditiously if further interim rate adjustments are in order."[1]

I. INTERIM FINAL RATE REVIEW—CALENDAR YEAR 1973

In conjunction with monitoring the adequacy of the interim final rates, recurrent quarterly reviews have been conducted as Form 243 reported data became available. In this connection, the results for the twelve months ended December 31, 1973, our latest review, are set out in the attached appendices. The methodology used in adjusting the Form 243 reported data for this review is consistent with the treatment applied in ER-819.

As set out in Appendix B,[1a] the adjusted returns on investment reported for calendar year 1973 were 5.39, 9.98 and —1.19 percent for the long-range, short-range Pacific inter-island, and short-range "all other" carriers, respectively. As outlined in Appendix A,[1a] the additional revenues required for the long-range carriers, which account for 92.5 percent of the international MAC charter services, to achieve the recognized level of return on investment[2] are $11.3 million.[3] The additional revenues required for the short-range Pacific inter-island and "all other" carriers, respectively are $0.1 and $0.3 million. The increases in the current base interim final rates necessary to provide these additional revenues are 8.70, 1.36 and 15.29 percent for the long-range, short-range Pacific inter-island and "all other" carriers, respectively. These increases are exclusive of any prospective fuel surcharge.

The Board is of the tentative opinion that without the proposed rate increases, the carriers would experience an undue financial burden. The interim final rate procedure was instituted for the purpose of maintaining the adequacy of existing rates so as to minimize retroactive rate adjustments following time-consuming full-scale MAC rate reviews.[4] The analysis discussed above clearly indicates the need for an adjustment to the current interim final rates. Accordingly, we are tentatively of the view that it is appropriate to revise the interim final rates if the financial position of the carriers participating in these services is to be maintained.

II. FUEL SURCHARGE PROCEDURES

ER-819 also established an escalator adjustment factor for changes in the price of fuels purchased from military sources. The price of fuel obtained from the military was in effect stabilized, thus eliminating the need for repetitive prospective rate adjustments for fluctuations in the price of military fuel supplied the carriers. We propose to continue this provision without change.

By ER-839, adopted March 8, 1974, the Board adopted a separate rate surcharge to compensate the carriers for increased commercial fuel prices.

By ER-860, adopted May 24, 1974, the fuel surcharge rate was increased to reflect commercial fuel costs as of February 1, 1974, and a procedure was provided whereby the surcharge rate would be automatically reopened monthly and retroactively adjusted. The base period for this fuel surcharge adjustment was again the twelve months ended September 30, 1973.

Under the amended interim final rates proposed herein, the commercial surcharge procedure will be maintained. The base period for surcharge adjustments subsequent to the date of this Notice will be calendar year 1973, in order to relate the fuel surcharge rate to the same base upon which the proposed rate amendments have been determined.[5]

For Category A and Z services, the proposed rules amend the current interim final rates consistent with the proposed one-way Category B rates. The commercial fuel surcharge rate and amendment procedures established for Category A services by ER-861, adopted June 11, 1974, will continue to apply to the interim final rates proposed herein.

PROPOSED RULES

It is proposed to amend Part 288 of the Economic Regulations and Part 399, Statements of General Policy (14 CFR Parts 288 and 399), as follows:

PART 288

1. Amend the table of rates in § 288.7 (a) (1) to read as follows:

§ 288.7 Reasonable level of compensation.

. . . . . .

(a) * * *

(1) Performed with turbine-powered aircraft.

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[1] ER-819, effective July 1, 1972.

[1] ER-819, p. 11.

[1a] Appendices A, B, and C filed as part of the original document.

[2] Based on return rates of 10.5 percent on owned investment and 4.5 percent on excess leased equipment.

[3] Compared with the revenues computed under the minimum rates established by ER-819.

[4] ER-819, p. 11.

[5] In the proposed rule, the fuel surcharge percentages have not been included. These percentages will be based upon the latest available commercial fuel price base at the time the final rules are adopted.

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Aircraft type	Passenger rates, per passenger-mile		Cargo, per ton-mile		Convertible rates [1]		Mixed passenger cargo rates, per revenue plane-mile [1]	
	Round trip	One way	Round trip	One way	Passenger leg, per passenger-mile	Cargo leg, per ton-mile	Round trip	One way
	Cents	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Dollars*	*Dollars*
Turboprops:								
CL-44	2.00	3.60	9.36	17.10				
L-382/L-100-10/20/30 [2]			10.05	19.4				
Regular turbojets	2.220	4.176	8.758	16.885	2.220	10.096		
Passengers-pallets:								
165 and 0							$3.662	$6.890
117 and 3							3.527	6.680
105 and 4							3.494	6.626
93 and 5							3.459	6.574
81 and 6							3.425	6.521
63 and 7							3.374	6.442
51 and 8							3.340	6.388
0 and 12							3.196	6.163
DC-8-61-63F	[3] 2.220	[3] 4.176	[3] 8.758	[3] 16.885	[3] 2.220	[3] 10.096		
Passengers-pallets:								
219 and 0							4.861	9.146
159 and 5							4.609	8.722
65 and 12							4.213	8.068
47 and 13							4.130	7.931
0 and 18							3.941	7.598
B-727 Pacific Interisland	[4] 2.757	[4] 5.265	14.534	28.924	2.757	17.441		
Passengers-pallets:								
105 and 0							2.894	5.527
61 and 2							2.778	5.308
50 and 3							2.749	5.359
46 and 4							2.739	5.347
0 and 7							2.616	5.206
B-727 All other	[4] 3.346	[4] 6.391	16.604	33.041	3.346	19.924		
Passengers-pallets:								
105 and 0							3.513	6.710
61 and 2							3.394	6.301
50 and 3							3.238	6.312
46 and 4							3.219	6.262
0 and 7							2.988	5.947

[1] Conversion charges for convertible flights or variable mixed flights shall be at the rate of $50 per seat changed on each segment.
[2] The rates for L-100-10/20/30 aircraft in Pacific Interisland services shall be the same as for the B-727.
[3] Also applies to wide-bodied (B-747 and DC-10) aircraft.
[4] Also applies to CV-990 aircraft.

* * * * * * *

2. Amend § 288.7(a)(1) by amending the second proviso of the paragraph following the tables and paragraph (d) (1) and (2) to read as follows:

§ 288.7 Reasonable level of compensation.

* * * * * * *

(a) * * *
(1) * * *

And, provided further, That (i) effective through _____, the total minimum compensation for transportation with regular turbojet, wide-body jet and DC-8F-61-63 aircraft, pursuant to the rates specified in paragraph (a)(1) of this section, shall be further increased by a surcharge of __ percent, and (ii) on and after _____, 1974, the total minimum compensation for transportation with regular turbojet, wide-body jet, and DC-8F-61-63 aircraft pursuant to the rates specified in paragraph (a)(1) of this section, shall include a temporary surcharge of __ percent, subject to amendment (upward or downward) upon final determination by the Board.

* * * * * * *

(d) For Category A transportation services performed on and after _____, 1974:

(1) Passengers, 4.176 cents per passenger-mile.

(2) Cargo, 16.885 cents per ton-mile. *Provided, however,* That (i) effective _____, through _____, the total minimum compensation for Category A transportation, pursuant to the rates specified above shall be increased by a surcharge of __ percent, and (ii) on and after _____, the total minimum compensation for Category A transportation, pursuant to the rates specified above shall include a temporary surcharge of __ percent, subject to amendment (upward or downward) upon final determination by the Board.

PART 399

Amend the first proviso paragraph in § 399.16(b) to read as follows:

§ 399.16 Military exemptions.

* * * * * * *

(b) The minimum charges considered fair and reasonable for the transportation of Category Z individually ticketed passengers in foreign and overseas transportation and in air transportation between the 48 contiguous states, on the one hand, and Hawaii or Alaska, on the other hand, effective on and after _____, 1974, will be 4.176 cents per passenger-mile applied to the shortest mileage between the commercial air carrier points as set forth in the current IATA Mileage Manual to compute point-to-point passenger fares: *Provided, however,* That effective _____, 1974, the total minimum compensation for Category Z transportation shall be increased by a surcharge of __ percent.

[FR Doc.74-14285 Filed 6-20-74;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 20083]

FM BROADCAST STATIONS

Proposed Table of Assignments, Valdosta, Ga., and Perry, Fla.

Notice of proposed rulemaking. In the matter of amendment of § 73.202(b), *Table of Assignments,* FM Broadcasts Stations. (Valdosta, Georgia and Perry, Florida), Docket No. 20083, RM-2175.

1. On April 4, 1973, EV-CO Broadcasters, Inc. (EV-CO), licensee of Class IV standard broadcast Station WVLD at Valdosta, Georgia, filed a petition with this Commission requesting the reassignment of FM Channel 240A from Perry, Florida, to Valdosta, Georgia, and the replacement of Channel 240A at Perry with Channel 288A. No other revisions in our FM Table of Assignments were proposed. No responses to the petition were filed.

2. Valdosta, Georgia (population 32,303),[1] is the seat of Lowndes County (population 55,112). There are four standard broadcast stations licensed in Valdosta: WGOV (licensed to WGOV, Inc.), WVLD (licensed to petitioner), WGAF (licensed to Valdosta Broadcasting Co.) and WJEM (licensed to Lowndes County Broadcasting Co.). The only station limited to daytime-only broadcasting is WJEM. At the present time there are two commercial FM assignments to the community, Channels 225 and 266. The former is licensed to WGOV, Inc., as WGOV-FM while the latter is licensed to Christian Radio Fellowship, Inc. as WAFT. There is also a noncommercial educational FM station there.

3. Taylor County, Florida, with 13,641 residents contains Perry which has a population of 7,701 citizens. The community has two standard broadcast stations: WPRY (licensed to WPRY Radio Broadcasters, Inc. as an unlimited-time station) and WGKR (licensed to K&R Broadcasters as a daytime-only station). The only FM assignment in Perry is Channel 240A for which there are no applications pending. EV-CO has proposed a replacement for Channel 240A at Perry (Channel 288A) in the event Channel 240A is reassigned from Perry to Valdosta and therefore the potential for broadcast service at Perry will remain the same if petitioner's request is adopted.

4. We are told that Valdosta (the ninth largest city in Georgia) is located at the intersection of Interstate Highway 75 and U.S. Highways 41, 84 and 221, i.e., it is 74 miles northeast of Tallahassee, Florida, 80 miles southeast of Albany, Georgia and 124 miles northwest of Jacksonville, Florida. Petitioner advises us that Valdosta and Lowndes County respectively have had a 5.2 percent gain and a 12.2 percent gain in population between 1960 and 1970. It goes on to state:

* * * The city serves an area consisting of eight Georgia and two Florida counties as a marketing and employment center. These counties have a total population of 120,759. The 1970 edition of Sales Management *Survey of Buying Power* estimates that Lowndes County's retail sales were in excess of 108 million dollars and that its wholesale sales exceeded 50 million dollars.

Although the original economy of the Valdosta area of Georgia was based primarily on agriculture and forest products the community's economy today contains a substantial sector of manufacturing, according to the petitioner. EV-CO states that since 1967 nineteen new industries employing 775 people and representing an annual payroll of $6,200,000 have located in Valdosta. The total manufacturing employed labor force is said to consist of 6,710 persons.

5. EV-CO informs us that to continue the rapid development of Valdosta, the Valdosta-Lowndes County Industrial Authority has thus far, at a cost of $590,000, constructed seven new industrial buildings for lease which are currently occupied. Moreover, according to the petitioner, industrial parks or zones are being developed (in the area surrounding Valdosta) on lines of three different railroads.

6. It is also stated that Valdosta State College (enrollment of over 4,000 students), a four-year co-educational liberal arts college within the university system of Georgia, meets the area's need for higher education; and that the county and city school systems have, in cooperation with local industry, developed a variety of forward looking vocational programs.

7. The petitioner further asserts that the South Georgia Medical Center, located at Valdosta by the City-County Hospital Authority, has 220 beds, is the largest medical facility in the 13 county area, and serves approximately 200,000 persons.

8. In a description of the competitive stance of the broadcast media in Valdosta EV-CO, licensee of WVLD, states that its service:

* * * is a Class IV standard broadcast station operating on 1450 kHz with a non-directional power of 1,000 watts day and 250 watts at night. During nighttime hours, WVLD's signal is limited to the area within six miles of its transmitter site. In contrast to this limited service area, WVLD's competitors operate facilities with 5,000 watts power full-time (WGAS [sic]) and 5 KW day, 1 KW night (WGOV) on the AM band, and 100 KW (WGOV-FM) and 30 KW (WAFT-FM) on the FM band. nI addition, daytime only Station WJEM provides services to a substantially larger area than that served by WVLD.

We are told that two of the existing stations (including WVLD) now provide Top 40 programming, two provide country and western music, one programs primarily to a Black audience and one to religious needs.

9. Petitioner is of the view that it will be better able to compete if it (as it has promised to do) constructs a maximum facility on Channel 240A (if it is assigned to Valdosta). It is suggested that such a facility would have far superior coverage, from a technical point of view, to WVLD in nighttime hours and that such a maximum facility Class A service would have substantially more coverage area than the average such facility because of the flat terrain in and around Valdosta. It also hopes to improve its competitive status by covering what it considers is a serious void in programming in Valdosta, i.e., it:

* * * plans to separately program the proposed FM facility with an adult music format which will permit the production of serious, in-depth public affairs programming which is not generally consistent with the popular music formats broadcast by the existing stations in the market * * *.

10. Our engineering examination indicates that the reassignment of Channel 240A from Perry to Valdosta will preclude assignment only in a small additional area, and that, only with respect to Channel 240A. Georgia communities with populations greater than 1,000 persons having no AM or FM broadcast stations or FM channel assignments, which are located within the affected area, are: Willacoochee (population 1,120) and Pearson (population 1,700), both in Atkinson County (population 5,879); Nicholls (population 1,150) in Coffee County (population 22,828); and Lakeland (population 2,569) in Lanier County (population 5,301).[2]

11. Although we believe that the petitioner has made a showing sufficient to warrant the issuance of a notice of proposed rule making, there are problems to which interested parties should address their comments in connection with the proposal. Thus, for example, according to our assignment criteria, a community the size of Valdosta (under 50,000 population) is not normally assigned more than two channels, whereas this proposal would assign a third. However, the criteria are guidelines; they are not rigid standards which may not be deviated from in appropriate situations. Additionally, if the proposed channel is assigned to Valdosta it would result in intermixture of classes of channels which the Commission does not normally favor. Yet, we have on occasion intermixed when, as here, there appears to be a party willing to apply for and operate on the Class A channel. Finally, as mentioned in paragraph 10, assignment of Channel 240A to Valdosta does have some preclusionary effect.

12. With the above material and public interest finding before us, we propose, for consideration, the following revisions in our FM Table of Assignments (§ 73.202 (b) of our rules) with respect to the cities listed below:

City	Channel No.	
	Present	Proposed
Valdosta, Ga	225, 266	225, 240A, 266
Perry, Fla	240A	288A

13. Authority for the action proposed herein is contained in sections 4(i), 303, 307(b) and 5(d)(1) of the Communications Act of 1934, as amended. It is also contained in § 0.281(b)(6) of the Commission's rules and regulations.

14. *Showings required.* Comments are invited on the proposals discussed and set forth above. Proponents of the proposed assignments are expected to file comments which discuss, at a minimum, the three problem areas set out in paragraph 11, *supra.* Proponents should also restate their present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

15. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding:

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered, if advanced in reply comments.

(b) With respect to petitions for rule making which conflict with the proposals in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given, as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision in this docket.

16. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules and regulations, interested parties may file comments on or before August 8, 1974, and reply comments on or before August 27, 1974. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings.

17. In accordance with the provisions of § 1.419 of the Commission's rules and

[1] All population statistics cited are from the 1970 U.S. Census unless otherwise specified.

[2] Douglas, Georgia which is located in Coffee County (respective populations 10,195 and 22,828), also is located in the precluded area. This community however, has two Class C FM assignments and three standard broadcast stations.

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regulations, an original and fourteen copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

18. All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C. (1919 M Street, NW.)

Adopted: June 13, 1974.

Released: June 18, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.74-14290 Filed 6-20-74;8:45 am]

[47 CFR Part 73]

[Docket No. 20033]

PROPOSED TABLE OF ASSIGNMENTS, TELEVISION STATIONS IN TEXAS

Order Extending Time for Filing Comments and Reply Comments

In the matter of amendment of § 73.606 (b), of the Commission's rules, *Table of Assignments*, Television Broadcast Stations (Monahans, Odessa, Texas), Docket No. 20033, RM-2200.

1. In response to a petition for rule making filed by Grayson Enterprises, Inc. (Grayson), the Commission, on April 19, 1974, issued a notice of proposed rule-making in the above-entitled matter. Publication in the FEDERAL REGISTER was given on May 2, 1974 (39 FR 15317). Comments and reply comments are presently due on June 14 and July 3, 1974, respectively.

2. On June 14, 1974, the law firm representing Grayson filed a request for a two-week extension of time, until June 28, 1974, in which to file comments in this proceeding. The request states that counsel in the office responsible for preparation of the comments was suddenly called out of the city and, because of a prescheduled vacation, will not return for ten days.

3. It appears that under the circumstances, the requested extension of time is warranted. *Accordingly, it is ordered*, That the dates for filing comments and reply comments in this proceeding is extended to and including June 28, and July 17, 1974, respectively.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules.

Adopted: June 14, 1974.

Released: June 17, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
HAROLD L. KASSENS,
Acting Chief, Broadcast Bureau.

[FR Doc.74-14289 Filed 6-20-74;8:45 am]

[47 CFR Part 97]

[Docket No. 19723; FCC 74-609]

RADIO AMATEUR CIVIL EMERGENCY SERVICE (RACES)

Notice of Proposed Rulemaking

1. Notice of proposed rulemaking is hereby given in the above captioned matter.

2. On April 18, 1973, the Commission adopted a Notice of Inquiry in the referenced Docket, FCC 73-40, 38 FR 10467 (April 27, 1973). The purpose of that Notice was to elicit comment on various questions pertaining to the Radio Amateur Civil Emergency Service (RACES). The Notice requested informed parties to comment on the general topics of the effectivenes of the present RACES program; the type of RACES program, if any, that should be continued; the objectives the RACES program should attempt to achieve; and how the services should be structured to achieve those objectives. Responses were received from the Secretary of Defense, civil defense agencies (99), individual amateur operators (20), and amateur organizations (9). Additionally, we have the Final Report of a management study of the emergency role of amateur radio in civil emergencies, performed by the System Development Corporation for the Defense Civil Preparedness Agency (DCPA), under Contract No. DAHC20-72-C-0243, as a source of information regarding RACES.

3. Our Notice was initiated in response to four petitions, RM-968, RM-1116, RM-1478, and RM-2032, proposing additional frequency allocations and privileges for RACES activities. Two new petitions, RM-2154 and RM-2168, also pertaining to RACES, are being added to this Docket. The former was filed by the Fort Worth and Tarrant County (Texas) Civil Defense, and the latter by the Office of Disaster Control and Civil Defense, Baltimore, Maryland. Both request more frequencies be allocated to RACES. Additionally, RM-2168 requests rule amendments to make Technician Class amateur operators also eligible for authorization to operate a RACES station.

4. In reply to our inquiry asking if RACES is an effective means of providing communication services during periods of local, regional, or national emergencies, most of the responses were in the affirmative. Examples were cited of RACES supplied communications during hurricanes, floods, etc. On the other hand, the findings of the DCPA study in this regard, provide a somewhat different perspective:

> Of the 46 states for which we have responses, 31 reported that RACES was useful to them. Of this number, approximately half reported simply that RACES provided them with emergency communications, primarily for backup purposes. Of the remainder, most, while recognizing the value of the emergency communications channels, also reported that the RACES volunteer operators, their technical skills, and their equipment were additional resources of value. The remaining 15 states expressed more or less negative attitudes toward RACES: 11 appeared to feel strongly that RACES, at least as presently structured, is of no value to them; two felt that RACES is of little value in a protracted emergency because of the necessity to rely on volunteers, who have their own jobs and families to provide for; and two reported some need for the RACES frequencies, but only in the hands of paid state personnel. Interestingly, of the 15 states expressing a negative attitude toward RACES, only three reported any recent use of the service. (The two states reporting use of RACES frequencies by paid personnel did not comment on their recent disaster experience.) Since only two states registering approval of RACES reported no recent use of RACES, it appears that the negative attitude has caused the disuse of the system. Local government acceptance of RACES is difficult to evaluate. Almost all jurisdictions that responded to our questionnaires and had operational RACES units found it a useful resource, a few emphasized the limitations currently imposed upon RACES. Those jurisdictions that responded and indicated that they did not have RACES units, were often vehement in their criticisms. These negative responses and the extent to which local RACES units are nonexistent throughout many states lead us to believe that, overall, RACES is not well accepted by local governments.

5. Our questions regarding the need for additional or different privileges drew numerous and diverse recommendations. In summary, the most often mentioned were:

A. Permit pre-tuned equipment to be operated by non-RACES personnel in Emergency Operation Centers.

B. Authorize all amateur privileges for RACES.

C. Authorize all amateur repeater frequencies for RACES.

D. Designate a specific frequency in each state for simplex communications.

E. Permit the use of fixed microwave equipment in a control link for a remotely controlled RACES station.

6. In reply to our inquiry as to the projected consequences, to both RACES and the Amateur Radio Service, if RACES were to be expanded, proponents for an expanded RACES argued RACES would function more effectively, and there would be no adverse impact upon the Amateur Radio Service. Others claimed the Amateur Radio Service would suffer from an expansion of RACES because other amateur activities would decline as RACES activities increased.

7. The major new item raised in the comments was that RACES should not be a part of the Amateur Radio Service. The comments argue that the presence of RACES radiocommunications on the amateur frequency bands is a violation of the International Radio Regulations, and that civil defense communications do not fall within the scope of the Amateur Service (A service of self-training, intercommunication and technical investigations carried on by amateurs, that is, by duly authorized persons interested in radio technique solely with a personal aim and without pecuniary interest[1]). They claim the definition of RACES (. . . under the direction of authorized local, regional or federal civil defense officials pursuant to an approved civil defense communications plan[2]) is in itself contradictory to the Basis and purpose of the Amateur Radio Service as stated in § 97.1.

8. We conclude that there does exist, at least in some regions and localities, a real need to organize the resources of amateurs into a service of the kind RACES is intended to provide. In general, we find the following comments from the American Radio Relay League (ARRL) to be appropriate:

> In some areas of the United States, RACES is highly and skillfully organized, with excellent capabilities for service during periods of local and, to a somewhat limited extent, regional emergencies. In other areas, RACES is nonexistent. Because each RACES organization is established and administered by local civil defense officials, RACES does not and probably cannot provide other than local and limited regional service. To provide a national service, RACES must be tied into some other amateur organization such as NTS[3] • • • one answer is clear. RACES should not be abandoned.

Whether this activity rightfully belongs, except for any emergency necessitating invoking of the President's War Emergency Powers, in the amateur frequency bands, depends upon the degree of compatibility that can be achieved with the fundamental purposes of the Amateur Radio Service. For instance, if a station or local governmental organization *needs the capability to conduct other than bona fide civil defense emergency communications*, then *RACES* and *amateur frequencies should not be used* as the resource. If RACES cannot function with only volunteer operators, it should not be a part of the Amateur Radio Service. On the other hand, if amateurs in their role of serving the public with a voluntary non-commercial communications service, particularly with respect to providing emergency communications, can assist with civil defense emergencies, then RACES does come within the scope of the Amateur Radio Service and should be continued.

9. As a general objective, we would like to make available all of the necessary resources of the Amateur Radio Service to civil defense efforts in times of real need. It is also our desire to minimize the additional administrative burdens now required to process applications for RACES authorizations. We believe both of these objectives can be accomplished by *greatly simplifying the rules* for the Radio Amateur Civil Emergency Service as set forth in the attached Appendix. We believe the comments submitted for our consideration by the ARRL to be consistent with our objectives:

> • • • the present licensing system can stand some improvement. Some on the temporary advisory committee and others submitting comments to the Communications Department have suggested (1) that only licensed amateur operators be permitted to operate in RACES, and (2) that station licenses be issued directly to the local or area civil defense director, the communications officer, or the radio officer, even though not a licensed amateur operator, similar to the issuance of station licenses for military recreation stations • • • With respect to operating "privileges" by various classes of amateur operators, many have suggested that Technician Class operators be permitted to hold station authorizations in RACES. In support, the argument has been made that the experience and discipline obtained by Technicians from the operation of and through repeaters above 146 MHz have provided a highly skilled corps of operators and a vast pool of excellent equipment fully capable of handling emergency communications and traffic • • •

10. We propose to make all licensed amateur radio operators and stations eligible for participation in RACES. The only additional requirement, over and above the possession of an amateur radio operator license, would be enrollment and registration in a civil defense organization, which would be a matter involving only the amateur operator and the organization. We would discontinue the requirements for RACES Communications Plans, FCC Certifications, and Authorizations (FCC Forms 481 and 482). Local, regional or state civil defense organizations desiring to avail themselves of the resources in the Amateur Radio Service for civil defense emergency communication purposes would be able to meet their needs without prior Commission authorization. Additionally, they could obtain one or more RACES station licenses for those locations where they need their own station for amateurs to operate. All amateur frequencies would normally be shared between RACES operations and all other amateur operations on a first come, first served basis. In the event of an emergency, exclusive frequencies can be specified as already provided in § 97.107. The frequency limitations now imposed upon RACES operations would only apply during any emergency situation which necessitates invoking the President's War Emergency Powers under the provisions of § 606 of the Communications Act of 1934, as amended. During such an emergency situation, all other amateur frequencies may be temporarily assigned to higher priority users by the President.

11. Under these proposals, all licensed amateurs would be eligible to participate in RACES including the additional 50,000 Technician Class licensees, to the full extent of their license class privileges. Although, RACES stations would be licensed to civil defense organizations, rather than to amateurs, only licensed amateurs could serve as control operators. These proposed amendments would make many new resources available for civil defense communications, and should greatly increase RACES effectiveness.

12. RACES stations could only be used for civil defense emergency communications, including real emergencies and up to one hour per week for drills and tests. If it is desired to use the same equipment for other types of amateur communication, it could also be licensed as an amateur radio station by a club or individual. With regard to call signs for RACES stations, we believe the comments of the ARRL to be appropriate:

> • • • Section 97.213 now provides for the assignment of "tactical or secret call signs by the Commission or by competent civil defense authority" and for their use if properly registered with the civil defense radio officer and, except in time of "actual or threatened conditions which appear to jeopardize the defense or security of the United States," if properly registered with the Commission. With the shift in the role of civil defense over the years, with less emphasis on enemy threats and attacks and more emphasis on natural and man caused disasters, the need for tactical and secret call signs has greatly diminished. Recognition of emergency operations and identifications of stations participating in RACES is most desirable, particularly if the self-policing practices of amateurs are to be effective in minimizing unintentional interference from nonparticipating stations. Inasmuch as most RACES communications are in voice, a simple means of identifying a station as engaged in RACES operations is desirable.

Therefore, we are proposing to assign the same distinctive two letter call sign prefix to all RACES stations to facilitate rapid identification as a RACES station, so as to help alert other amateurs of the presence of an emergency situation. Even RACES repeater stations, control stations, and auxiliary link stations would all have this same distinctive prefix, and would also have a distinctive suffix. For instance, all RACES stations could be assigned the same prefix WC. Additionally, a RACES repeater station could have a suffix beginning with the letter *R* (Example: WC4RAA). All other amateur radio stations would use their regular assigned call when participating in civil defense communication.

13. An application for a RACES station would be submitted on the FCC Form 610-B, in a fashion similar to an application for a military recreation station. The applicant could be any state, regional, or local civil defense organization. The application would be signed by the responsible civil defense official for that organization and countersigned by the responsible official for the governmental entity served by the organization. This should provide a far greater degree of flexibility for civil defense organizations wishing to use the services of RACES, and at the same time reduce our application processing workload.

14. The problem of remotely controlling a RACES station using the frequency band 220-225 MHz will be solved by this approach since other frequencies, such as 420-450 MHz, can be used during all but War Emergency Powers periods. The use

[1] Article 1, Terms and Definitions 78, Radio Regulations.

[2] Section 97.163(a), *Definitions*, Radio Amateur Civil Emergency Service.

[3] *National Traffic System:* An ARRL organization of amateur traffic networks designed to move messages through a planned series of relays and liaisons.

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of non-amateur facilities for remote control can be considered on a case-by-case basis similar to the use of a public telephone system in a wire line control link.

15. Authority for the proposed rule changes herein is contained in sections 4(i) and 303 of the Communications Act of 1934, as amended.

16. Pursuant to applicable procedures set forth in § 1.415 of the Commission's Rules, interested persons may file comments on or before September 25, 1974 and reply comments on or before October 10, 1974. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision on the rules which are proposed herein, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this Notice.

17. In accordance with the provision of § 1.419 of the Commission's rules and regulations, an original and 14 copies of all comments, pleadings, briefs, or other documents shall be furnished the Commission.

18. All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's public reference room at its headquarters in Washington, D.C. (1919 M Street, NW.).

Adopted: June 12, 1974.

Released: June 17, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

Subpart F—Radio Amateur Civil Emergency Service (RACES)

GENERAL

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STATION AUTHORIZATIONS

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Subpart F—Radio Amateur Civil Emergency Service (RACES)

GENERAL

§ 97.161 Basis and purpose.

The Radio Amateur Civil Emergency Service provides for amateur radio operation for civil defense communications purposes only, during periods of local, regional or national civil emergencies, including any emergency which may necessitate invoking of the President's War Emergency Powers under the provisions of § 606 of the Communications Act of 1934, as amended.

§ 97.163 Definitions.

For the purposes of this subpart, the following definitions are applicable:

(a) *Radio Amateur Civil Emergency Service.* A radiocommunication service conducted by volunteer licensed amateur radio operators, for providing emergency radiocommunications to local, regional, or state civil defense organizations.

(b) *RACES station.* An amateur radio station licensed to a civil defense organization, at a specific land location, for the purpose of providing the facilities for amateur radio operators to conduct amateur radiocommunications in the Radio Amateur Civil Emergency Service.

§ 97.165 Applicability of rules.

In all cases not specifically covered by the provisions contained in this subpart, amateur radio stations and RACES stations shall be governed by the provisions of the rules governing amateur radio stations and operators (Subparts A through E of this part).

STATION AUTHORIZATIONS

§ 97.169 Station license required.

No transmitting station shall be operated in the Radio Amateur Civil Emergency Service unless:

(a) The station is licensed as a RACES station by the Federal Communications Commission, or

(b) The station is an amateur radio station licensed by the Federal Communications Commission, and is certified by the responsible civil defense organization as registered with that organization.

§ 97.171 Eligibility for RACES station license.

A RACES station will only be licensed to a local, regional or state civil defense organization.

§ 97.173 Application for RACES station license.

(a) Each application for a RACES station license shall be made on the FCC Form 610–B.

(b) The application shall be signed by the civil defense official responsible for the coordination of all civil defense activities in the area concerned.

(c) The application shall be countersigned by the responsible official for the governmental entity served by the civil defense organization.

(d) If the application is for a RACES station to be in any special manner covered in § 97.41, all of the showings as specified in § 97.41 for non-RACES stations, shall also be submitted.

§ 97.175 Amateur radio station registration in civil defense organization.

No amateur radio station shall be operated in the Radio Amateur Civil Emergency Service unless it is certified as registered in a civil defense organization, by that organization.

OPERATING REQUIREMENTS

§ 97.177 Operator requirements.

No person shall be the control operator of a RACES station, or shall be the control operator of an amateur radio station conducting communications in the Radio Amateur Civil Emergency Service unless (a) that person holds a valid amateur radio operator license, and (b) that person is certified as enrolled in a civil defense organization, by that organization.

§ 97.179 Operator privileges.

Operator privileges in the Radio Amateur Civil Emergency Service are dependent upon, and identical to, those for the class of operator license held in the Amateur Radio Service.

§ 97.181 Availability of RACES station license and operator licenses.

(a) The original license of each RACES station, or a photocopy thereof, shall be attached to each transmitter of such station, and at each control point of such station. Whenever a photocopy of the RACES station license is utilized in compliance with this requirement, the original station license shall be available for inspection by any authorized Government official at all times while the station is being operated and at other times upon request made by an authorized representative of the Commission, except when such license has been filed with application for modification or renewal thereof, or has been mutilated, lost, or destroyed, and request has been made for a duplicate license in accordance with § 97.57.

(b) In addition to the operator license availability requirements of § 97.83, a photocopy of the control operator's amateur radio operator license shall be posted at a conspicuous place at the control point for the RACES station.

TECHNICAL REQUIREMENTS

§ 97.185 Frequencies available.

(a) All of the authorized frequencies and emissions allocated to the Amateur Radio Service are also available to the Radio Amateur Civil Emergency Service on a shared basis.

(b) In the event of any emergency which necessitates the invoking of the President's War Emergency Powers under the provisions of § 606 of the Communications Act of 1934, as amended, unless modified or otherwise directed, RACES stations and amateur radio stations participating in RACES will be limited in operation to the following:

FREQUENCY OR FREQUENCY BANDS

kHz	Limitations (see paragraph (c))
1800–1825	1
1975–2000	1
3515–3550	2, 4
3984–4000, 3997–	3
7097–7103	4
7103–7125	2, 4
7245–7255	2, 4
14047–14053	4
14220–14230	2, 4
21047–21053	4

MHz	Limitations (see paragraph (c))
28.55–26.75, 29.45–29.65, 50.35–50.75, 53.30	3
53.35–53.75	
145.17–145.71	
146.79–147.33	
220–225	

(c) Limitations:

(1) Use of frequencies in the band 1800–2000 kHz is subject to the priority of the Loran system of radionavigation in this band and to the geographical, frequency, emission, and power limitations contained in § 97.61 of the rules governing amateur radio stations and operators (Subparts A through E of this part).

(2) The availability of the frequency bands 3516–3550 kHz, 7103–7125 kHz, 7245–7247 kHz, 7253–7255 kHz, 14220–14222 kHz and 14228–14230 kHz for use during periods of actual civil defense emergency is limited to the initial 30 days of such emergency, unless otherwise ordered by the Commission.

(3) For use in emergency areas when required to make initial contact with military units; also, for communication with military stations on matters requiring coordination.

(4) For use by all authorized stations only in the continental United States, except that, the bands 7245–7255 and 14.220–14.230 kHz are also available in Alaska, Hawaii, Puerto Rico, and the Virgin Islands.

USE OF STATIONS

§ 97.189 Points of communications.

(a) RACES stations may only be used to communicate with:

(1) Other RACES stations.

(2) Amateur radio stations certified as being registered with a civil defense organization, by that organization.

(3) Stations in the Disaster Communications Service.

(4) Stations of the United States Government authorized by the responsible agency to exchange communications with RACES stations.

(5) Any other station in any other service regulated by the Federal Communications Commission, whenever such station is authorized by the Commission to exchange communications with stations in the Radio Amateur Civil Emergency Service.

(b) Amateur Radio Stations registered with a civil defense organization may only be used to communicate with:

(1) RACES stations licensed to the civil defense organizations with which the amateur radio station is registered.

(2) Any of the following stations upon authorization of the responsible civil defense official for the organization in which the amateur radio station is registered:

(i) Any RACES station licensed to other civil defense organizations.

(ii) Amateur radio stations registered with the same or another civil defense organization.

(iii) Stations in the Disaster Communications Service.

(iv) Stations of the United States Government authorized by the responsible agency to exchange communications with RACES stations.

(v) Any other station in any other service regulated by the Federal Communications Commission, whenever such station is authorized by the Commission to exchange communications with stations in the Radio Amateur Civil Emergency Service.

§ 97.191 Permissible communications.

All communications in the Radio Amateur Civil Emergency Service must be specifically authorized by the civil defense organization for the area served. Stations in this service may transmit only civil defense communications of the following types:

(a) Communications concerning impending or actual conditions jeopardizing the public safety, or affecting the national defense or security during periods of local, regional civil emergencies:

(1) Communications directly concerning the immediate safety of life or individuals, the immediate protection of property, maintenance of law and order, alleviation of human suffering and need, and the combating of armed attack or sabotage.

(2) Communications directly concerning the accumulation and dissemination of public information or instructions to the civilian population essential to the activities of the civil defense organization or that of other authorized governmental or relief agencies.

(b) Communications for training drills and tests necessary to insure the establishment and maintenance of orderly and efficient operation of the Radio Amateur Civil Emergency Service as ordered by the responsible civil defense organization served. Such tests and drills may not exceed a total time of one hour per week.

(c) Brief one way transmissions for the testing and adjustment of equipment.

§ 97.193 Limitations on the use of RACES stations.

(a) No station in the Radio Amateur Civil Emergency Service shall be used to transmit or to receive messages for hire, nor for communications for material compensation, direct or indirect, paid or promised.

(b) All messages which are transmitted in connection with drills and tests shall be clearly identified as such by use of the words "drill" or "test", as appropriate, in the body of the messages.

[FR Doc.74-14287 Filed 6-20-74;8:45 am]

FEDERAL HOME LOAN BANK BOARD

[No. 74–517]

[12 CFR Part 545]

FEDERAL SAVINGS AND LOAN SYSTEM

Statement of Policy Regarding Branch and Mobile Facilities

JUNE 5, 1974.

The Federal Home Loan Bank Board considers it desirable to propose amendments to its statement of policy on approval of applications by Federal savings and loan associations for branch offices and mobile facilities contained in § 556.5 (b)(3) of the rules and regulations for the Federal Savings and Loan System (12 CFR 556.5(b)(3)).

Section 556.5(b)(3) provides that it is the Board's general policy to consider an application by a Federal association for permission to establish or maintain a branch office or a mobile facility only when the proposed branch office or mobile facility is to be located within 100 miles of the association's home office. Section 556.5(b)(3) also sets forth certain exceptions to this general policy. Under subdivision (i) of § 556.5(b)(3), the Board will consider an application by a Federal association whose home office is located in Alaska, Hawaii, or Puerto Rico for permission to establish or maintain a branch office or mobile facility beyond 100 miles from the association's home office. The Board proposes to add the Virgin Islands to this list of jurisdictions.

Second, the Board proposes to permit consideration of applications by Federal associations for permission to establish branch offices or mobile facilities in a State without regard to the 100 mile geographical limitation if the Board determines that at the time the application is filed the total assets of Federal associations with home offices located in such State are 90 percent or more of the combined assets of all offices in such State of institutions insured by the Federal Savings and Loan Insurance Corporation and mutual savings banks insured by the Federal Deposit Insurance Corporation.

Presently, the Board will permit consideration of applications for permission to establish branch offices or mobile facilities without regard to the 100 mile geographic limitation if the Board determines that the State in which the home office of the applicant's Federal association is located permits State-chartered savings and loan associations, savings banks, or similar institutions or commercial banks to establish branch offices or mobile facilities beyond 100 miles from their home offices. The Board proposes to extend this exception to the 100 mile geographical limitation in two respects. The Board would permit consideration of applications for permission to establish branch offices or mobile facilities in a State without regard to the 100 mile geographical limitation if the Board determines that such State as a general policy permits (1) a bank holding company through acquisition of a *de novo* charter to have an office of a subsidiary insured by the Federal Deposit Insurance Corporation located more than 100 miles from the corporate headquarters of such holding company located in such State, or (2) a bank holding company or a savings and loan holding company subsidiary which is insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation to establish *de novo* branch offices or mobile facilities more than 100 miles from the corporate headquarters of such holding company located in such State.

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Accordingly, the Board hereby proposes to amend § 556.5(b)(3) to read as set forth below.

Interested persons are invited to submit written data, views and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 101 Indiana Avenue, NW., Washington, D.C., 20552 by July 15, 1974, as to whether this proposal should be adopted, rejected, or modified. Written material submitted will be available for public inspection at the above address unless confidential treatment is requested or the material would not be made available to the public or otherwise disclosed under § 505.6 of the General Regulations of the Federal Home Loan Bank Board (12 CFR 505.6).

§ 556.5 Establishment of Federal savings and loan associations and branch office and mobile facilities of such associations.

* * * * *

(b) *Policy on approval of branch office and mobile facilities.* * * *

(3) It is the Board's general policy to consider an application by such an association for permission to establish or maintain a branch office or mobile facility only when the proposed branch office or mobile facility is to be located within 100 miles of the association's home office unless (i) the association's home office is located in Alaska, Hawaii, Puerto Rico, or the Virgin Islands, (ii) such application is for permission to maintain, as a branch office, an existing home or branch office of an institution which is to be absorbed by merger or other approved acquisition, or (iii) such application is by a Federal association which has converted (or is in the process of converting) from a State-chartered association for permission to upgrade an office facility, which is located outside the State in which the applicant's home office is located but inside the applicant's regular lending area as prescribed in § 545.6-6 of this subchapter, to the status of a branch office located at or in the same vicinity as such existing office facility is located. However, the Board may permit consideration of applications for permission to establish branch offices or mobile facilities in a State without regard to the 100-mile geographical limitation contained in the preceding sentence if the Board determines that:

(*a*) Such State permits State-chartered savings and loan associations, savings banks, or similar institutions or commercial banks to establish branch offices or mobile facilities beyond 100 miles from their home offices;

(*b*) The total assets of Federal associations with home offices located in such State are 90 percent or more of the combined assets of all offices in such State of institutions insured by the Federal Savings and Loan Insurance Corporation and mutual savings banks insured by the Federal Deposit Insurance Corporation; or

(*c*) Such State as a general policy permits (*1*) a bank holding company through acquisition of a *de novo* charter to have an office of a subsidiary insured by the Federal Deposit Insurance Corporation located more than 100 miles from the corporate headquarters of such holding company located in such State or (*2*) a bank holding company or a savings and loan holding company subsidiary which is insured by the Federal Deposit Insurance Corporation or by the Federal Savings and Loan Insurance Corporation to establish *de novo* branch offices or mobile facilities more than 100 miles from the corporate headquarters of such holding company located in such State.

* * * * *

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943-48 Comp., p. 1071).

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, JR., *Assistant Secretary.*

[FR Doc.74-14293 Filed 6-20-74;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

[Public Notice CM-150]

GOVERNMENT ADVISORY COMMITTEE ON INTERNATIONAL BOOK AND LIBRARY PROGRAMS

Notice of Meeting

The Government Advisory Committee on International Book and Library Programs will meet in open session in Room 1207 in the Department of State, 2201 C Street, NW, Washington, D.C., from 9:30 a.m. to 4:30 p.m. on July 18, 1974.

The Committee will discuss U.S. Information Agency book exhibits abroad and the UNESCO seminar on promotion of reading habits.

For purposes of fulfilling building security requirements, anyone wishing to attend the meeting must advise the Executive Secretary by telephone in advance of the meeting. Telephone: 632-2841.

Dated: June 17, 1974.

CAROL M. OWENS, *Executive Secretary.*

[FR Doc.74-14259 Filed 6-20-74;8:45 am]

DEPARTMENT OF THE TREASURY

Office of the Secretary

NON-POWERED HAND TOOLS FROM JAPAN

Determination of Sales at Less Than Fair Value

JUNE 17, 1974.

Information was received on August 20, 1973, that non-powered hand tools from Japan were being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 *et seq.*) (referred to in this notice as "the Act").

A "Withholding of Appraisement Notice" issued by the Secretary of the Treasury was published in the FEDERAL REGISTER on March 25, 1974 (39 FR 11122).

I hereby determine that for the reasons stated below non-powered hand tools from Japan are being, or are likely to be, sold at less than fair value within the meaning of section 201(a) of the Act (19 U.S.C. 160(a)).

Statement of reasons on which this determination is based. The information before the U.S. Customs Service reveals that the proper basis of comparison for fair value purposes is between purchase price or exporter's sales price, as appropriate, and the adjusted home market price of such or similar merchandise.

Purchase price was calculated on the basis of either an ex-godown port of lading, Japan, unit price to the United States or a c.i.f. or C&F unit price to the United States, as appropriate, with deductions for inland freight, where the price was ex-godown port of lading, Japan, and with deductions for inland freight, ocean freight, insurance, clearance and brokerage charges, and discount, where appropriate, where the price was c.i.f. or C&F U.S. port of destination.

Exporter's sales price was calculated on the basis of the sales price by the United States importer to unrelated purchasers in the United States, with deductions for foreign inland freight, ocean freight, insurance, brokerage charges, U.S. duty, bank charges, U.S. inland freight, U.S. insurance, distributors discounts, cash discounts, and selling expenses.

Home market price was calculated on the basis of a weighted-average delivered price, with a deduction for inland freight. Adjustments were made for packing, interest, advertising, trade discounts, commission, differences in the merchandise compared, and for differences in the applicable rate of currency exchange, where appropriate.

Using the above criteria, purchase price and exporter's sales price were found to be lower than the adjusted home market price of such or similar merchandise.

The United States Tariff Commission is being advised of this determination.

This determination is being published pursuant to section 201(c) of the Act (19 U.S.C. 160(c)).

[SEAL] DAVID R. MACDONALD, *Assistant Secretary of the Treasury.*

[FR Doc.74-14208 Filed 6-20-74;8:45 am]

DEPARTMENT OF THE INTERIOR

Geological Survey

[Power Site Cancellation 326]

YUBA RIVER BASIN, CALIFORNIA

Cancellation of Power Site Classification; Correction

In FEDERAL REGISTER Document 74-12709 appearing on page 19791 in the issue of Tuesday, June 4, 1974, the first paragraph should be changed to read as follows:

Pursuant to authority under the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and 220 Departmental Manual 6.1, Power Site Classification 28 of April 22, 1922, is hereby cancelled to the extent that it affects the following described land:

Dated: June 14, 1974.

HENRY W. COULTER, *Acting Director.*

[FR Doc.74-14261 Filed 6-20-74;8:45 am]

Office of the Secretary

GARY E. ADAMS

Statement of Financial Interest

MAY 1, 1974.

Pursuant to section 302(a) of Executive Order 10647, the following information on a WOC appointee in the Department of the Interior is furnished for publication in the FEDERAL REGISTER:

NAME OF APPOINTEE

Gary E. Adams.

NAME OF EMPLOYING AGENCY

Department of the Interior.
Defense Electric Power Administration.

THE TITLE OF THE APPOINTEE'S POSITION

Deputy Director, DEPA Area 11.

THE NAME OF THE APPOINTEE'S PRIVATE EMPLOYER OR EMPLOYERS

Utah Power and Light Company.

The statement of "financial interests" for the above appointee is enclosed.

ROGERS C. B. MORTON, *Secretary of the Interior.*

APPOINTEE'S STATEMENT OF FINANCIAL INTERESTS

In accordance with the requirements of section 302(b) of Executive Order 10647, I am filing the following statement for publication in the FEDERAL REGISTER:

(1) Names of any corporations of which I am, or had been within 60 days preceding my appointment, on May 1, 1974, as Deputy Director, Area 11, Defense Electric Power Administration, an officer or director: None.

(2) Names of any corporations in which I own, or did own within 60 days preceding my appointment, any stocks, bonds, or other financial interests:

Utah Power & Light Co.—Stock & Other.

(3) Names of any partnerships in which I am associated, or had been associated within 60 days preceding my appointment: None.

(4) Names of any other businesses which I own, or owned within 60 days preceding my appointment: None.

Dated: May 28, 1974.

GARY E. ADAMS.

[FR Doc.74-14138 Filed 6-19-74;8:45 am]

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DEPARTMENT OF AGRICULTURE

Office of the Secretary

ADVISORY COMMITTEE ON STATE AND PRIVATE FORESTRY

Notice of Reestablishment

The Secretary of Agriculture proposes to re-establish the Advisory Committee on State and Private Forestry for a two-year period. The committee serves an important function by involving the public early in the process of cooperative forestry program formulation and policy development. It has strengthened and improved communication between the public and the Department on these matters. This committee meets at least annually to provide advice to the Department of Agriculture and the Forest Service on the protection, management, and development of the Nation's non-Federal forest land and resources. Committee members provide a valuable source of advice and counsel on national forestry needs and opportunities. Emphasis must be given to increasing the production from the Nation's State and private forests which are growing in importance as sources of meeting future timber, water, wildlife, and other public benefits.

The 15 members of the committee will be selected by the Secretary of Agriculture. They will represent a broad spectrum of geographic areas and interests, including conservation associations and organizations, consultant foresters, small and large forest industries, minority and women's groups, agriculture and forestry educators, and forest landowners.

Comments on re-establishing this committee should be submitted to John R. McGuire, Chief, Forest Service, U.S. Department of Agriculture, ATTN: 3000, 14th & Independence, SW, Washington, D.C. 20250, by July 8, 1974.

This notice is given in compliance with Public Law 92-463.

JOSEPH R. WRIGHT,
Assistant Secretary for Administration.

JUNE 14, 1974.

[FR Doc.74-14297 Filed 6-20-74;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

INDUSTRY POLICY ADVISORY COMMITTEE FOR MULTILATERAL TRADE NEGOTIATIONS

Cancellation of Meeting

A meeting of the Industry Policy Advisory Committee for Multilateral Trade Negotiations scheduled for 2 p.m., Tuesday, June 25, 1974, in Room 4830, U.S. Department of Commerce, 14th and E Streets, NW., Washington, D.C. has been cancelled. A notice of meeting was published in the issue of June 10, 1974 (39 FR 20406).

Dated: June 18, 1974.

FOREST E. ARNOLD,
Director, Office of International Trade Policy.

[FR Doc.74-14373 Filed 6-20-74;8:45 am]

National Oceanic and Atmospheric Administration

COOS BAY, OREGON, SOUTH SLOUGH

Availability of Final Environmental Impact Statement

The Department of Commerce wishes to advise of the release and availability of the Final Environmental Impact Statement for the Proposed Estuarine Sanctuary Grant Award for South Slough, Coos Bay, Oregon pursuant to section 312 of the Coastal Zone Management Act of 1972, Public Law 92-583. Interested parties may request copies from the:

Office of Coastal Zone Management
National Oceanic & Atmospheric Administration
U.S. Department of Commerce
Rockville, Maryland 20852
(301) 496-8821

Having found the proposed action favorable and having received a minimum of adverse comment on the proposed action, the Department has asked that the 30 day period for review of the final Statement be waived in order that action might be taken promptly.

T. P. GLEITER,
Assistant Administrator for Administration.

[FR Doc.74-14468 Filed 6-20-74;11:43 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

ASSISTANT SECRETARY FOR HEALTH

Statement of Organization, Functions, and Delegations of Authority

Notice is hereby given that the following delegations of authority have been made under Section 412 of P.L. 92-255, Drug Abuse Office and Treatment Act of 1972:

1. Delegation from the Secretary to the Assistant Secretary for Health of the authority and responsibility to supervise the operations related to the National Drug Abuse Training Center which was established by Public Law 92-255, Drug Abuse Office and Treatment Act of 1972. This authority was transferred to the Secretary by the Director, Special Action Office for Drug Abuse Prevention on December 28, 1973.

Section 412 of Public Law 92-255 requires that the authority and responsibility for supervising the operation of the National Drug Abuse Training Center be exercised by the National Institute on Drug Abuse. In accordance with the law, this authority shall be redelegated to the Director of the National Institute on Drug Abuse not later than December 31, 1974.

2. Delegation of the above authority from the Assistant Secretary for Health to the Administrator, Alcohol, Drug Abuse, and Mental Health Administration with the stipulation that Section 412 of Public Law 92-255 requires the authority and responsibility for supervising the operation of the National Drug Abuse Training Center be exercised by the National Institute on Drug Abuse. In accordance with the law, this authority shall be redelegated to the Director of the National Institute on Drug Abuse not later than December 31, 1974.

Dated June 17, 1974.

JOHN OTTINA,
Assistant Secretary for Administration and Management.

[FR Doc.74-14250 Filed 6-20-74;8:45 am]

Social Security Administration

ADVISORY COUNCIL ON SOCIAL SECURITY

Invitation for Comments, Views, or Suggestions

The Advisory Council on Social Security, established pursuant to section 706(a) of the Social Security Act as amended, is charged with conducting a review of the social security program. The Council's report is due by January 1, 1975.

In order to provide an opportunity for individuals and groups outside the Federal Government who wish to have their interest in the social security program taken into account by the Council, the Council invites the submission of written comments, views, or suggestions.

Responses will be brought to the attention of the Council in the order in which they are received. Because of the limited time available for the Council to complete its work, earlier responses are more likely to be afforded full review. Views should be submitted within 90 calendar days from the date of this notice.

Responses should be sent to John Trout, Executive Secretary, Advisory Council on Social Security, Room 440, Altmeyer Building, Social Security Administration, Baltimore, Maryland 21235.

(Catalog of Federal Domestic Assistance Program Numbers 13.800-13.807, Social Security Programs)

Dated: June 14, 1974.

JOHN TROUT,
Executive Secretary, Advisory Council on Social Security.

[FR Doc.74-14292 Filed 6-20-74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

NEW YORK FLIGHT SERVICE STATION/INTERNATIONAL FLIGHT SERVICE STATION, ISLIP MAC ARTHUR AIRPORT, ISLIP, N.Y.

Notice of Consolidation

Notice is hereby given that the International Flight Service Station at John F. Kennedy International Airport, Jamaica, New York, will be combined with the Flight Service Station at Islip MacArthur Airport, Islip, New York. It will be known as the New York Flight Service Station/International Flight Service Station and will be in operation 24 hours, daily. It will provide both domestic and international services to the aviation public. Consolidation will be effected on or about June 24, 1974. Communications to the new facility should be addressed as

New York Flight Service Station/International Flight Service Station
Department of Transportation
Federal Aviation Administration
Islip MacArthur Airport
Ronkonkoma, New York 11779

Issued in New York, N.Y., on May 16, 1974.

(Sec. 313(a), 72 Stat. 752; 49 U.S.C. 1354)

JAMES BISPO,
Acting Director, Eastern Region.

[FR Doc.74-14218 Filed 6-20-74;8:45 am]

ATOMIC ENERGY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON PILGRIM STATION, UNIT 1

Notice of Meeting

JUNE 19, 1974.

In accordance with the purposes of sections 29 and 182b of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the Advisory Committee on Reactor Safeguards' Subcommittee on Pilgrim Station, Unit 1 will hold a meeting on July 9, 1974 in Room 1046 at 1717 H Street, NW., Washington, D.C. The purpose of this meeting will be to develop information for consideration by the ACRS in its review of the significance of indicated discontinuities in nozzle-to-vessel welds on the reactor pressure vessel of this plant.

The following constitutes that portion of the Subcommittee's agenda for the above meeting which will be open to the public:

Tuesday, July 9, 1974, 11:30 a.m. until the conclusion of business. The Subcommittee will hear presentations by representatives of the Regulatory Staff and Boston Edison Company and will hold discussions with these groups pertinent to its review of matters related to indications of discontinuities in nozzle-to-vessel welds on the reactor pressure vessel of Pilgrim Station, Unit 1.

In connection with the above agenda item, the Subcommittee will hold Executive Sessions, not open to the public, at approximately 10:30 a.m. and at the end of the day to consider matters related to the above review. These sessions will involve an exchange of opinions and discussion of preliminary views and recommendations of Subcommittee Members and internal deliberations for the purpose of formulating recommendations to the ACRS.

In addition to the Executive Sessions, the Subcommittee may hold one or more closed sessions with respesentatives of the Regulatory Staff and Licensee for the purpose of discussing privileged information relating to the matters under review, if necessary.

I have determined, in accordance with Subsection 10(d) of Public Law 92-463, that the above-noted Executive Sessions will consist of an exchange of opinions and formulation of recommendations, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552 (b) and that closed sessions may be held, if necessary, to discuss certain documents and information which are privileged and fall within exemption (4) of 5 U.S.C. 552(b). Further, any non-exempt material that will be discussed during the above closed sessions will be inextricably intertwined with exempt material, and no further separation of this material is considered practical. It is essential to close such portions of the meeting to protect the free interchange of internal views, to avoid undue intereference with agency or Subcommittee operation, and to avoid public disclosure of proprietary information.

Practical considerations may dictate alterations in the above agenda or sched-

The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda item may do so by mailing 25 copies thereof, postmarked no later than July 2, 1974, to the Executive Secretary, Advisory Committee on Reactor Safeguards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Such comments shall be based upon the subject matter of the Licensee's letter of April 24, 1974 to the U.S. Atomic Energy Commission and related documents on file and available for public inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545 and at the Plymouth Public Library, North Street, Plymouth, Mass. 02360.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statement concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statement and its usefulness to the Subcommittee. To the extent that the time available for the meeting permits, the Subcommittee will receive oral statements during a period of no more than 30 minutes at an appropriate time, chosen by the Chairman of the Subcommittee, between the hours of 1:30 p.m. and 3:30 p.m. on July 9, 1974.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Subcommittee who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to whether the meeting has been cancelled or rescheduled and in regard to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on July 8, 1974, to the Office of the Executive Secretary of the Committee (telephone 301-973-5651) between 8:30 a.m. and 5:15 p.m., Eastern Daylight Time.

(e) Questions may be propounded only by members of the Subcommittee and its consultants.

(f) Seating for the public will be available on a first-come, first-served basis.

(g) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(h) Persons desiring to attend portions of the meeting where proprietary information is to be discussed may do so by providing to the Executive Secretary, Advisory Committee on Reactor Safeguards, 1717 H Street, NW., Washington, D.C. 20545, 7 days prior to the meeting, a copy of an executed agreement with the owner of the proprietary information to safeguard this material.

(i) A copy of the transcript of the open portion of the meeting will be available for inspection on or after July 10, 1974 at the Atomic Energy Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545, and within approximately nine days at the Plymouth Public Library, North Street, Plymouth, Massachusetts 02360. Copies of the transcript may be reproduced in the Public Document Room or may be obtained from Ace Federal Reporters, Inc., 415 Second Street, NE., Washington, D.C. 20002 (telephone 202-547-6222) upon payment of appropriate charges.

(j) On request, copies of the Minutes of the meeting will be made available for inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545 after September 9, 1974. Copies may be obtained upon payment of appropriate charges.

JOHN C. RYAN,
Advisory Committee Management Officer.

[FR Doc.74-14363 Filed 6-20-74;8:45 am]

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[Docket Nos. 50-466, 50-467]

HOUSTON LIGHTING & POWER CO.

Reconstitution of Board

In the matter of Houston Lighting & Power Co. (Allens Creek Nuclear Generating Station, Units 1 & 2).

By notice dated June 7, 1974, Frederic J. Coufal, Esq., was appointed Chairman of the Atomic Safety and Licensing Board established to consider the above applications in place of Elizabeth S. Bowers, Esq., who, because of schedule conflicts, was unable to continue in her duties as Chairman of this Board.

Michael Glaser, Esq., who was the originally designated Alternate Chairman, is unable, because of schedule conflicts, to continue service on this Board.

Dr. Stuart G. Forbes, who was the originally designated technical Alternate, has retired from the Atomic Safety and Licensing Board Panel.

Dated at Bethesda, Md. this 18th day of June 1974.

NATHANIEL H. GOODRICH,
Chairman, Atomic Safety and Licensing Board Panel.

[FR Doc.74-14224 Filed 6-20-74;8:45 am]

[Dockets Nos. 50-477A, 50-478A]

PUBLIC SERVICE ELECTRIC & GAS, ET AL.

Receipt of Attorney General's Advice and Time for Filing of Petitions to Intervene on Antitrust Matters

The Commission has received, pursuant to section 105c of the Atomic Energy Act of 1954, as amended a letter of advice from the Attorney General of the United States, dated June 7, 1974, a copy of which is attached as Appendix A.

Any person whose interest may be affected by this proceeding may, pursuant to § 2.714 of the Commission's rules of practice, 10 CFR Part 2, file a petition for leave to intervene and request a hearing on the antitrust aspects of the application. Petitions for leave to intervene and requests for hearing shall be filed by July 22, 1974, either (1) by delivery to the AEC Public Document Room at 1717 H Street, N.W., Washington, D.C., or (2) by mail or telegram addressed to the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attn: Chief, Public Proceedings Branch.

For the Atomic Energy Commission.

ABRAHAM BRAITMAN,
Chief, Office of Antitrust and Indemnity, Directorate of Licensing.

APPENDIX A

In the matter of Public Service Electric and Gas, Jersey Central Power and Light, and Atlantic City Electric Company; Atlantic Generating Station, Units 1 and 2 (Docket Nos. 50-477A and 50-478A).

JUNE 7, 1974.

Dear Mr. Shapar:

You have requested our advice pursuant to the provisions of section 105c of the Atomic Energy Act of 1954, as amended, in regard to the above-cited application.

THE FACILITY

Atlantic Generating Station is proposed to be two floating nuclear power plants located in the Atlantic Ocean 2.8 miles off the New Jersey coastline, each with a net electrical output of 1150 megawatts (mw). Unit No. 1 is scheduled to begin operation in 1980, with Unit No. 2 coming on line the following year. The total cost of this project is estimated at more than $1 billion. Public Service Electric and Gas (PSE&G) will have an eighty percent interest in the plant; the remaining twenty percent of ownership and output will be shared equally by Atlantic City Electric Company and Jersey Central Power and Light Company, a subsidiary of General Public Utilities. PSE&G will construct and operate the facility.

THE APPLICANTS

Public Service Electric and Gas. PSE&G, headquartered in Newark, New Jersey, is the largest utility in the State of New Jersey and one of the largest in the nation, with a 1973 peak load of 6816 mw. It provides retail electric service in 223 municipalities, which together have a population of nearly 5 million. PSE&G's dependable capacity as of November 1, 1973, exceeded 8300 mw, which allowed for the maintenance of a minimum reserve level of 20%. Its transmission system consists of 2200 miles of transmission lines and 13,000 miles of distribution line. PSE&G is the largest signatory to the PJM Interconnection Agreement, pursuant to which it is interconnected with Philadelphia Electric Company, Pennsylvania Power and Light, Jersey Central Power and Light, and Atlantic City Electric Company. The arrangements for system operations and for exchange of power among PJM companies are set forth in detail in the Federal Power Commission's *1970 National Power Survey*, Part II, pages II-1-77-81. PSE&G is also interconnected with Consolidated Edison of New York and Orange and Rockland Utilities, a New York corporation serving in New Jersey through its subsidiary, Rockland Electric Company.

PSE&G serves two cities at wholesale: South River with a population of 17,000 and Milltown with a population of 6,400. No rural electric cooperative serves in areas adjacent to those served by PSE&G.

While PSE&G has a total monopoly of generation and transmission in its area, we have no evidence that it has used its market power to discourage actual or potential competition. PSE&G and the Atlantic City Electric Company (ACEC) did conduct discussions concerning the possible merger of these two companies, but they have been discontinued. Subsequently, PSE&G offered ACEC an opportunity to participate in construction of this nuclear unit, which ACEC has accepted. PSE&G's two wholesale customers have expressed no interest in participating in this unit and have not advised the Department that there are any antitrust problems associated with the licensing of this unit.

Jersey Central Power and Light Company (JCP&L). Jersey Central Power and Light, headquartered in Morristown, New Jersey, is the second largest utility in the state with a 1973 peak load of 2456 mw and serving nearly 600,000 customers. It is a wholly owned subsidiary of General Public Utilities Corporation, a registered public utility holding company. The three GPU subsidiaries (JCP&L, Metropolitan Edison Company and Pennsylvania Electric Company) are closely interconnected and coordinated in operation. Indeed, for purposes of the PJM Interconnection, the GPU subsidiaries are treated as a single system. JCP&L, with a dependable capacity of 2284 mw and 714 miles of high-voltage and extra-high-voltage transmission, is interconnected with other members of the GPU system and other signatories to the PJM Interconnection. JCP&L serves at wholesale five municipalities and the Sussex Rural Electric Cooperative. Sussex is a member of Allegheny Electric Cooperative, a generation and transmission cooperative composed of Sussex, and thirteen distribution cooperatives operating in Pennsylvania. None of these entities are seeking participation in the Atlantic Generating Station. As we previously informed you in our letter to you dated September 29, 1971, Allegheny Electric Cooperative has sought participation in JCP&L's Forked River Unit. We have recently been assured by both counsel for JCP&L and Allegheny that agreement in principle has been reached which will allow Allegheny to purchase an undivided tenancy in common ownership participation share in the Forked River station, along with associated transmission backup and certain other services.

Atlantic City Electric Company. ACEC, with a peak load of 1097 mw, is the smallest of the three participants in this nuclear unit. It serves over 300,000 customers in southern New Jersey. ACEC is a member of the PJM Interconnection and, pursuant to this agreement, is interconnected with PSE&G, Philadelphia Electric Company, and Delmarva Power & Light Co. ACEC also sells emergency power and economy energy to the City of Vineland, a municipally owned system adjacent to ACEC's service area which generates its own power requirements. ACEC offered an ownership share in the Atlantic Generating Station to the City of Vineland, but because of legal limitations on the city's financing capability, Vineland could not accept the offer. ACEC has no full or partial requirements wholesale customers.

CONCLUSION

As noted above, Applicants are the dominant bulk power suppliers in the State of New Jersey. However, there is no evidence that any of the three Applicants are currently exercising their market power to the detriment of competition. The Department has no present reason to believe that the Commission's licensing of these nuclear units would create or maintain a situation inconsistent with the antitrust laws. A hearing on this application would appear to be unnecessary.

[FR Doc.74-14223 Filed 6-20-74;8:45 am]

[Dockets Nos. 50-338, 50-339]

VIRGINIA ELECTRIC AND POWER CO.

Prehearing Conference

In the matter of Virginia Electric and Power Co. (North Anna Power Station, Units 1 and 2).

The Prehearing Conference previously scheduled for this "Section B" proceeding will be held commencing at 9:30 a.m. local time on Tuesday, July 9, 1974, at the U.S. Tax Court, Courtroom #1, 1111 Constitution Avenue NW., Washington, D.C.

The cardinal objective of this conference will be to determine a final schedule for all procedural dates leading towards the resolution of issues and the final disposition of the proceeding.

It is so ordered.

Issued at Bethesda, Maryland, this 18th day of June 1974.

ATOMIC SAFETY AND LICENSING BOARD,
JOHN B. FARMAKIDES,
Chairman.

[FR Doc.74-14225 Filed 6-20-74;8:46 am]

CIVIL AERONAUTICS BOARD

[Docket 24283, etc.; Order 74-6-19]

AIR CARRIER REORGANIZATION INVESTIGATION

Diversified Business Activities; Correction

Adopted by the Civil Aeronautics Board at its Office in Washington, D.C., on the 4th day of June 1974.

The following change should be made in FR Doc. 74-13106, FEDERAL REGISTER, Vol. 39, page 20229, Column 1, paragraph 3, line 3, Friday, June 7, 1974:

On page 6, paragraph 1, line 2, the designation "Department of Transportation" should be revised to read "Department of Justice."

[SEAL] EDWIN Z. HOLLAND,
Secretary.

JUNE 11, 1974.

[FR Doc.74-14284 Filed 6-20-74;8:45 am]

[Docket No. 23080-2, Order 74-6-84]

PRIORITY AND NONPRIORITY DOMESTIC SERVICE MAIL RATES—PHASE 2

Order Reclassifying Stations

Issued under delegated authority, June 14, 1974.

Order 71-2-92, dated February 22, 1971, and effective March 6, 1971, classified the stations for the purposes of the multi-element service mail rate formulas applicable to the transportation of domestic priority and nonpriority mail. On May 16, 1974, the Board issued Order 74-5-82, directing all interested persons, and particularly the Postmaster General and all air carrier parties to this investigation to show cause why the Board should not put into effect the findings and conclusions concerning the reclassification of stations as proposed therein.

The time designated for filing notice of objection has elapsed and no notice of objection or answer to the order has been filed by any party.[1]

In view of the fact that no notice of objection or answer to the order has been filed by any party, all parties have waived the right to a hearing and all other procedural steps short of a decision by the Board establishing the classification of stations as proposed in Order 74-5-82.

Subsequent to the issuance of Order 74-5-82, we found that Class Y points Annette, Alaska; Caracas, Venezuela; Kingston, and Montego Bay, Jamaica; and Santo Domingo, Dominican Republic, had been inadvertently omitted from Appendix No. 2. We intend by this order to add these points to that appendix.

Accordingly, pursuant to authority duly delegated by the Board in its regulations, 14 CFR 385.16(c),

It is ordered, That:

1. Effective May 25, 1974, Orders E-25610, 70-4-9 and 74-1-89 be amended, respectively, to reflect the classification standards set out in Order 74-5-82;

2. Appendix No. 2, attached to Order 74-5-82, shall be amended by adding to the Class Y stations: Annette, Alaska; Caracas, Venezuela; Kingston, and Montego Bay, Jamaica; and Santo Domingo, Dominican Republic;

3. The stations included in each of the station classifications shall be as specified in Appendix No. 2 to Order 74-5-82, as amended, provided that any station not listed in the Appendix No. 2, as amended, shall be classified as a Class Z station;

4. Effective May 25, 1974, the Appendix to Order 71-2-92 shall be superseded by Appendix No. 2 attached to Order 74-5-82, as amended, which is incorporated by reference herein; and

5. This order be served upon all parties to Docket 23080-2.

Persons entitled to petition the Board for review of this order pursuant to the Board's Regulations 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review thereof is filed, or the Board gives notice that it will review this order on its own motion.

This order shall be published in the FEDERAL REGISTER.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-14282 Filed 6-20-74;8:45 am]

[Docket No. 23944]

SUPPLEMENTAL RENEWAL PROCEEDING

Notice of Postponement of Oral Argument

Upon consideration of the request of seven applicants and certain trunkline intervenors by letter dated June 13, 1974, the request of Bureau Counsel by letter dated June 14, 1974, and the opposition of Modern Air Transport, Inc., by letter dated June 17, 1974, notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that the oral argument in this proceeding, heretofore assigned to be held before the Board on July 11, 1974 (39 FR 20720, June 13, 1974), is postponed to September 18, 1974, at 10 a.m. (local time), in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

Dated at Washington, D.C., June 18, 1974.

[SEAL] RALPH L. WISER,
Chief Administrative Law Judge.

[FR Doc.74-14283 Filed 6-20-74;8:45 am]

[1] However, the National Air Transportation Associations (NATA) suggested that the Board include commuter air carrier traffic in the data base for determining the classification of stations. We believe the inclusion of such data is not administratively practical for this purpose, particularly since the benefits derived, if any, would be extremely minimal, and the current domestic service mail rates are established on a temporary basis.

CIVIL RIGHTS COMMISSION

DISTRICT OF COLUMBIA ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the District of Columbia Advisory Committee to this Commission will convene at 12 Noon on June 27, 1974, in Room 512 (Fifth Floor Conference Room), 1121 Vermont, NW, Washington, D.C. 20425.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Mid-Atlantic Regional Office of the Commission, Room 510, 2120 L Street, NW, Washington, D.C. 20425.

The purpose of this meeting shall be to conduct followup activities to the District of Columbia Advisory Committee's Seminar entitled "Overcoming Obstacles to Minority Enterprises."

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., June 17, 1974.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.74-14254 Filed 6-20-74;8:45 am]

OHIO STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Ohio State Advisory Committee (SAC) to this Commission will convene at 10 a.m. on June 29, 1974, in Sander Hall, University of Cincinnati, Cincinnati, Ohio 45221.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Midwestern Regional Office of the Commission, Room 1428, 219 South Dearborn Street, Chicago, Illinois 60604.

The purposes of this meeting shall be to (1) discuss plans for the release of the Ohio SAC prison report and (2) plan new projects to be undertaken by the Ohio SAC during FY 1975.

Dated at Washington, D.C., June 17, 1974.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.74-14253 Filed 6-20-74;8:45 am]

UTAH STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a fact-finding meeting of the Utah State Advisory Committee (SAC) to this Commission will convene at 8:30 a.m. on June 27, 1974, in the Moot Court Room, University of Utah, College of Law, Salt Lake City, Utah 84112.

Closed or executive SAC sessions may be held at such time and place as deemed necessary to discuss matters which may tend to defame, degrade, or incriminate individuals. Such sessions will not be open to the public.

The purpose of this meeting shall be to collect information concerning legal

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developments constituting a denial of the equal protection of the laws under the Constitution because of race, color, religion, sex, national origin, or in the administration of justice which affect persons residing in the State of Utah with special emphasis on credit availability to women in the State; to appraise denial of equal protection of the laws under the Constitution because of race, color, religion, sex, national origin, or in the administration of justice as these pertain to credit availability to women in the State of Utah; and to disseminate information with respect to denials of the equal protection of the laws because of race, color, religion, sex, national origin, or in the administration of justice with respect to credit availability to women in the State of Utah; and to related areas.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., June 17, 1974.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.74-14251 Filed 6-20-74;8:45 am]

UTAH STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Utah State Advisory Committee (SAC) to this Commission will convene at 7 p.m. on June 26, 1974, in the Governor's Board Room, Utah State Capitol Building, State Street, Salt Lake City, Utah 84114.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Mountain States Regional Office of the Commission, Room 216, 1926 Champa Street, Denver, Colorado 80202.

The purpose of this meeting shall be to finalize plans for the June 27 factfinding meeting on Credit Availability to Women.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., June 17, 1974.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.74-14252 Filed 6-20-74;8:45 am]

VIRGINIA STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Virginia State Advisory Committee (SAC) to this Commission will convene at 7 p.m. on June 27, 1974, at the John Marshall Hotel, Fifth and Franklin Streets, Richmond, Virginia 23213.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Mid-Atlantic Regional Office of the Commission, Room 510, 2120 L Street, NW., Washington, D.C. 20425.

The purpose of this meeting shall be to begin plans for followup activities to the Virginia SAC report on judicial selection in the State.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., June 17, 1974.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.74-14255 Filed 6-20-74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

ENVIRONMENTAL IMPACT STATEMENTS AND OTHER ACTIONS IMPACTING THE ENVIRONMENT

Availability of EPA Comments

Pursuant to the requirements of section 102(2)(C) of the National Environmental Policy Act of 1969, and section 309 of the Clean Air Act, as amended, the Environmental Protection Agency (EPA) has reviewed and commented in writing on Federal agency actions impacting the environment contained in the following appendices during the period of May 16, 1974 and May 31, 1974.

Appendix I contains a listing of draft environmental impact statements reviewed and commented upon in writing during this review period. The list includes the Federal agency responsible for the statement, the number and title of the statement, the classification of the nature of EPA's comments as defined in Appendix II, and the EPA source for copies of the comments as set forth in Appendix V.

Appendix II contains the definitions of the classifications of EPA's comments on the draft environmental impact statements as set forth in Appendix I.

Appendix III contains a listing of final environmental impact statements reviewed and commented upon in writing during this reviewing period. The listing will include the Federal agency responsible for the statement, the number and title of the statement, a summary of the nature of EPA's comments, and the EPA source for copies of the comments as set forth in Appendix V.

Appendix IV contains a listing of proposed Federal agency regulations, legislation proposed by Federal agencies, and any other proposed actions reviewed and commented upon in writing pursuant to section 309(a) of the Clean Air Act, as amended, during the referenced reviewing period. The listing includes the Federal agency responsible for the proposed action, the title of the action, a summary of the nature of EPA's comments, and the source for copies of the comments as set forth in Appendix V.

Appendix V contains a listing of the names and addresses of the sources for copies of EPA comments listed in Appendices I, III, and IV.

Copies of the EPA Manual setting forth the policies and procedures for EPA's review of agency actions may be obtained by writing the Public Inquiries Branch, Office of Public Affairs, Environmental Protection Agency, Washington, D.C. 20460. Copies of the draft and final environmental impact statements referenced herein are available from the originating Federal department or agency.

Dated: June 13, 1974.

SHELDON MEYERS,
Director,
Office of Federal Activities.

APPENDIX I.—*Draft environmental impact statements for which comments were issued between May 16, 1974, and May 31, 1974*

Identifying No.	Title	General nature of comments	Source for copies of comments
Department of Agriculture:			
D-AFS-61235-CA	Silver Basin winter sports development, Amador and El Dorado Counties, Calif.	ER-2	J
D-AFS-65063-OR	Timber management plan, Pinchot National Forest, Oreg.	LO-1	K
D-AFS-65005-MT	Cube Iron-Silcox planning unit, multiple-use plan, Montana.	ER-2	I
D-AFS-82086-MN	Cooperative spruce budworm suppression program, Minnesota.	LO-2	F
D-REA-06016-MS	Purvis generating plant units 1 and 2, 4 161 kV transmission lines, Lamar County, Purvis, Miss.	3	E
D-REA-06017-CO	Yampa projecct generating station, Colorado	ER-2	I
D-SCS-34110-AR	Cane Creek recreational development, R.C. & D. measure plan, Arkansas.	LO-2	G
D-SCS-36379-AR	Chicot watershed, Chicot County, Ark	ER-2	G
D-SCS-36305-OK	Lower Clear Boggy Creek watershed, Oklahoma	LO-1	G
Corps of Engineers:			
D-COE-07082-MN	Sherburne County, electrical generating plant, Minnesota.	ER-2	F
D-COE-32507-ME	Winter Harbor, small boat navigation project, Maine	LO-2	B
D-COE-34104-SC	Cooper River rediversion project, Charleston Harbor, S.C.	ER-2	E
D-COE-34114-TX	Aquilla Lake, Aquilla Creek, Tex	ER-2	G
D-COE-34116-OK	Operation and maintenance, Eufaia Lake, Canadian River, Okla.	LO-2	G
D-COE-34120-AR	Dierks Lake, Slaine River, Ark	LO-2	G
D-COE-35115-OO	Operation and maintenance, dredging Upper Mississippi River, 9-ft channel, Minnesota and Iowa.	ER-2	F/H
D-COE-35121-OO	Operation and maintenance, Mississippi River, 9-ft navigation channel, pool 11, Dubuque, Wis. and Iowa.	ER-3	F/H
D-COE-35122-OO	Operation and maintenance, Mississippi River, 9-ft navigation channel, pool 12, Bellevue, Ill. and Iowa.	ER-3	F/H
D-COE-35123-OO	Operation and maintenance, Mississippi River, 9-ft navigation channel, pool 13, Clinton, Ill. and Iowa.	ER-3	F/H
D-COE-35124-OO	Operation and maintenance, Mississippi River, 9-ft navigation channel, pool 14, La Clarie, Ill. and Iowa.	ER-3	F/H
D-COE-35125-OO	Operation and maintenance, Mississippi River, 9-ft navigation channel, pool 15, Davenport, Ill. and Iowa.	ER-3	F/H
D-COE-35126-OO	Operation and maintenance, Mississippi River, 9-ft navigation channel, pool 16, Illinois and Iowa.	ER-3	F/H
D-COE-35127-OO	Operation and maintenance, Mississippi River, 9-ft navigation channel, pool 17, Illinois and Iowa.	ER-3	F/H
D-COE-35128-OO	Operation and maintenance, Mississippi River, 9-ft navigation channel, pool 18, Iowa and Illinois.	ER-3	F/H
D-COE-35129-OO	Operation and maintenance, Mississippi River, 9-ft navigation channel, pool 19, Illinois and Iowa.	ER-3	F/H
D-COE-35130-OO	Operation and maintenance, Mississippi River, 9-ft navigation channel, pool 20, Missouri and Illinois.	ER-3	F/H
D-COE-35131-OO	Operation and maintenance, Mississippi River, 9-ft navigation channel, pool 21, Illinois and Iowa.	ER-3	F/H
D-COE-35132-OO	Operation and maintenance, Mississippi River, 9-ft navigation channel, pool 22, Missouri and Illinois.	ER-3	F/H
D-COE-35135-WA	Maintenance and dredging, Blair Waterway, dredge spoil disposal repair and extension of east training wall of Puyallup River, Wash.	LO-2	K
D-COE-35139-TX	Lake Lavon project, East Fork, Trinity River, Tex	LO-2	G
D-COE-36372-OH	Muskingum River basin study, Ohio	ER-2	F
D-COE-36377-CA	Fairfield vicinity streams project, Solano County, Calif.	ER-2	J
D-COE-36387-WV	East Lynn Lake project, East Fork of Twelvepole Creek, Twelvepole Creek Basin, Wayne County, W. Va.	LO-1	D
D-COE-36390-WA	Mill Creek project, Walla Walla, Wash	LO-1	K
D-COE-39096-ID	Blackfoot Reservoir modification, Blackfoot River, Idaho.	ER-1	K
D-COE-39105-OK	Operation and maintenance program, Fort Gibson Lake, Tenkiller Ferry Lake, Okla.	LO-2	G
Department of Commerce:			
DR-NOA-66060-OO	50 CFR 216—Marine mammals—incidental taking	3	A
Federal Power Commission:			
DS-FPC-03047-IA	Dallas center storage project, Iowa	LO-2	H
Department of Defense:			
D-USN-10040-WA	Trident support site, Bangor, Kitsap County, Wash	ER-2	K
Department of Housing and Urban Development:			
D-HUD-89140-CA	Yerba Buena Center urban renewal, San Francisco, Calif.	ER-2	J
Department of the Interior:			
D-NPS-61244-FL	Proposed wilderness plan, Everglades National Park, Fla.	LO-2	E
D-NPS-61245-KY	Mammoth Cave National Park, management, Kentucky.	LO-2	E
Interstate Commerce Commission:			
A-ICC-53032-OO	Ex parte 295, increased freight rates, recyclable commodities.	ER-2	A
Department of Transportation:			
D-FAA-61553-KY	Lebanon-Springfield Airport, Springfield, Ky	LO-2	E
D-FAA-61555-MI	Northeast, southwest runway, Mason County Airport, Mich.	LO-2	F
D-FHW-41464-NM	I-40 in Tijeras Canyon east of Albuquerque, Bernalillo County, N. Mex.	LO-2	G
D-FHW-42170-IL	I-55 Normal to Gardner, McLean, Livingston, and Grundy, Ill.	LO-2	F
DS-FHW-42177-KS	U.S. 36, Brown and Doniphan Counties, Kans	LO-1	H,
D-FHW-42186-WI	West County line to East County line road, STH 21, Juneau County, Wis.	LO-2	F

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Identifying No.	Title	General nature of comments	Source for copies of comments
D-FHW-42187-IA	Freeway 520, Delaware and Dubuque Counties, Iowa	LO-1	H
D-FHW-42189-ND	Project F-4-002(06)146, U.S. 2 & 83, Minot interchange, North Dakota.	ER-2	I
D-FHW-42207-OK	Cherokee Expressway U.S. 75 from Independence Street to Apache Street, Tulsa, Okla.	ER-2	G
D-FHW-42211-WI	Durand to Eau Clair Road State Highway 85, Dunn, Eau Clair County, Wis.	LO-2	F
D-FHW-42221-WA	U.S. 95 Bellgrove Geour d'Alene, Wash	ER-2	K
D-FHW-42222-AL	Colbert and Lawrence Counties, County line to Red Bank, Ala.	LO-2	E
D-FHW-42224-SC	Horry County Multi-lane widening of South Carolina Route 9, South Carolina.	LO-2	E
D-FHW-42225-AL	Project S-122-2, improvement U.S. 80 from Demopolis to Faundale, Marengo and Hale Counties, Ala.	LO-2	E
D-FHW-42237-MS	Lowndes, Clay, Monroe, Lee Counties, Corridor route, Columbus to Shannon, Miss.	LO-2	E
D-FAA-51851-FL	Bay County Airport, Panama City, Fla	LO-2	E

ERRATA.—The "general nature of comments" for the draft impact statement "D-AFS-65078-VA: Laurel Fork unit plan, George Washington and Monongahela National Forest, Va." is revised to read "LO-1" in lieu of "ER-2".

APPENDIX II—DEFINITION OF CODES FOR THE GENERAL NATURE OF EPA COMMENTS

ENVIRONMENTAL IMPACT OF THE ACTION

LO—*Lack of objection.* EPA has no objections to the proposed action as described in the draft impact statement; or suggests only minor changes in the proposed action.

ER—*Environmental reservations.* EPA has reservations concerning the environmental effects of certain aspects of the proposed action. EPA believes that further study of suggested alternatives or modifications is required and has asked the originating Federal agency to reassess these impacts.

EU—*Environmentally unsatisfactory.* EPA believes that the proposed action is unsatisfactory because of its potentially harmful effect on the environment. Furthermore, the Agency believes that the potential safeguards which might be utilized may not adequately protect the environment from hazards arising from this action. The Agency recommends that alternatives to the action be analyzed further (including the possibility of no action at all).

ADEQUACY OF THE IMPACT STATEMENT

Category 1—Adequate. The draft impact statement adequately sets forth the environmental impact of the proposed project or action as well as alternatives reasonably available to the project or action.

Category 2—Insufficient Information. EPA believes that the draft impact statement does not contain sufficient information to assess fully the environmental impact of the proposed project or action. However, from the information submitted, the Agency is able to make a preliminary determination of the impact on the environment. EPA has requested that the originator provide the information that was not included in the draft statement.

Category 3—Inadequate. EPA believes that the draft impact statement does not adequately assess the environmental impact of the proposed project or action, or that the statement inadequately analyzes reasonable available alternatives. The Agency has requested more information and analysis concerning the potential environmental hazards and has asked that substantial revision be made to the impact statement.

APPENDIX III.—*Final environmental impact statements for which comments were issued between May 16, 1974 and May 31, 1974*

Identifying No.	Title	General nature of comments	Source for copies of comments
Department of Agriculture:			
F-AFS-61174-AZ	Madera Canyon Planning Unit, Coronado National Forest, Ariz.	The final statement adequately assesses the environmental impact of the proposed action and responds to the various concerns raised with respect to the draft statement.	J
F-AFS-65063-CA	Stanislaus National Forest, timber management plan, California.	The final statement adequately assesses the environmental impact of the proposed action and responds to the various concerns raised with respect to the draft statement.	J
Corps of Engineers:			
FS-COE-30052-PA	Trexler Lake, Jordan Creek, Lehigh County, Pa.	EPA reserved comment until the USGS flow study is completed and recommended that the COE delay the project until the study is made available for our review.	D
FS-COE-36232-VA	Four Mile Run flood protection, Arlington County, Va.	EPA had no objections to the project as proposed.	D
Department of Interior:			
F-NPS-61134-CA	Proposed Wilderness, Point Reyes National Seashore, Calif.	EPA had no objections to the project as proposed	J
Tennessee Valley Authority:			
FS-TVA-34121-TN	Duck River project, Tennessee.	EPA took exception to the TVA's failure to address several issues raised by EPA on the draft statement. Overall water quality would be degraded for most parameters with the exception of turbidity and fecal coli counts at the dam, in the reservoir, and just below the dam. If, however, the project were operated so that temperature and oxygen requirements were met, it appears that water quality standards would not be violated by construction of this project.	E
Department of Transportation:			
F-FHW-41996-CA	Expressway construction, on Route 395, Inyo County, Calif.	The final statement adequately assesses the environmental impact of the proposed action and responds to the various concerns raised with respect to the draft statement.	J
F-FHW-42008-CA	State Route 99, SR 132 to 0.3 miles south of Pelandale Avenue, Stanislaus County, Calif.	The final statement adequately assesses the environmental impact of the proposed action and responds to the various concerns raised with respect to the draft statement.	J

Identifying No.	Title	General nature of comments	Source for copies of comments
F-FHW-42078-DE	Ruthby road maintenance, New Castle County, Del.	EPA has no objections to the project as proposed.	D
F-FHW-41881-AZ	McConnico-Kingman and Kingman interstate freeway, Mojave County, Ariz.	The final statement adequately assessed the environmental impact of the proposed action and responds to the various concerns raised with respect to the draft statement.	J
FS-FHW-41796-LA	State route 1 in White Castle, Iberville Parish, La.	EPA recommended that FHWA include other segments of highway under the air quality analysis to enable EPA to complete a thorough analysis of the air impacts.	G
FS-FHW-40191-LA	Air quality analysis, SR 312, Sunshine Bridge, St. James Parish, La.	EPA recommended that FHWA follow PPM 90-7 procedures for this supplement to the final statement.	G
FS-FHW-40824-IA	Freeway 520, Sioux City, Woodbury County, Iowa	EPA had no objections to the project as proposed.	H
F-FHW-41268-IL	U.S. 6 Illinois 47, city of Morris, Grundy County, Ill.	EPA had no objections to the project as proposed.	F

APPENDIX IV.—*Regulations, legislation and other Federal agency actions for which comments were issued between May 16, 1974 and May 31, 1974*

Identifying No.	Title	General nature of comments	Source for copies of comments
Federal Power Commission:			
R-FPC-99066-00	18 CFR part 35—filing of rate design information notice of proposed rulemaking.	EPA supports the proposed amendment as an initial step in the reconsideration and re-evaluation of the rationale underlying current rate designs. These designs now feature a decrease in cost per Btu as consumption increases, making it economical for consumers to use more electricity rather than less. The environmental impact of such a policy needs to receive closer attention, and we believe the proposed amendment will further that objective.	A
Department of Housing and Urban Development:			
R-HUD-86048-00	24 CFR part 50—protection and enhancement of environmental quality, proposed departmental policies, responsibilities, and procedures.	The EPA review reflected that the proposed regulations will provide an adequate framework for preparing and processing environmental impact statements. EPA, however, made several comments for consideration in order to strengthen the regulations.	A

APPENDIX V—SOURCE FOR COPIES OF EPA COMMENTS

A. Director, Office of Public Affairs
Environmental Protection Agency
401 M Street, S.W.
Washington, D.C. 20460

B. Director of Public Affairs
Region I
Room 2303
John F. Kennedy Federal Building
Boston, Massachusetts 02203

C. Director of Public Affairs
Region II
Environmental Protection Agency
Room 847
26 Federal Plaza
New York, New York 10007

D. Director of Public Affairs
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Environmental Protection Agency
Curtis Building, 6th and Walnut Streets
Philadelphia, Pennsylvania 19106

E. Director of Public Affairs
Region IV
Environmental Protection Agency
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1421 Peachtree Street, N.E.
Atlanta, Georgia 30309

F. Director of Public Affairs
Region V
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G. Director of Public Affairs
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Environmental Protection Agency
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H. Director of Public Affairs
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1735 Baltimore Street
Kansas City, Missouri 64108

I. Director of Public Affairs
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1660 Lincoln Street
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[FR Doc.74-14122 Filed 6-20-74;8:45 am]

[OPP-32000/71]

RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 979), and its procedures for

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implementation. This policy provides that EPA will, upon receipt of every application, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by the applicant will be available for examination at the Environmental Protection Agency, Room EB–37, East Tower, 401 M Street, S.W., Washington, D.C. 20460.

On or before August 20, 1974, any person who (a) is or has been an applicant, (b) desires to assert a claim for compensation under section 3(c)(1)(D) against another applicant proposing to use supportive data previously submitted and approved, and (c) wishes to preserve his opportunity for determination of reasonable compensation by the Administrator must notify the Administrator and the applicant named in the Federal Register of his claim by certified mail. Every such claimant must include, at a minimum, the information listed in this interim policy published on November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy in regard to usage of existing supportive data for registration will be processed in accordance with existing procedures. Applications submitted under 2(c) will be held for the 60-day period before commencing processing. If claims are not received, the application will be processed in normal procedure. However, if claims are received within 60 days, the applicants against whom the particular claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after August 20, 1974.

APPLICATIONS RECEIVED

EPA File Symbol 10369–U. Antech Chemical Inc., 146 So. Main Street, Middleton, Massachusetts 01949. *Shock King.* Active Ingredients: Sodium Hypochlorite 12.5%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 9582–U. Associated Chemicals Corp., 231 Oak St., Quincy, Illinois 62301. *Sana-Klean Disinfectant Toilet Bowl Cleaner.* Active Ingredients: Octyl decyl dimethyl ammonium chloride 1.250%; Dioctyl dimethyl ammonium chloride 0.625%; Didecyl dimethyl ammonium chloride 0.625%; Alkyl amino betaine 1.000%; Hydrogen chloride 8.000%. Method of Support: Application proceeds under 2(d) of interim policy.

EPA File Symbol 3833–ER. Barnett Chemical Products Company, Inc., c/o Delsea Sanitation Co., 24 South 41st Street, Camden, New Jersey 08105. *Barnett Brand ULV–10.* Active Ingredients: Pyrethrins 1.0%; Piperonyl Butoxide, Technical 5.0%; Petroleum Distillate 4.0%. Method of support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 11556–4. Chemagro Division of Baychem Corporation, Box 4913, Kansas City, Missouri 64120. *Chemagro Co-Ral Animal Insecticide 1% Shaker Can.* Active Ingredients: *O,O*-Diethyl *O*-(3-chloro-4-methyl -2 -oxo(2 *H*) -1-benzoypyran - 7-yl) phosphorothioate 1%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 3125–122. Chemagro Division of Baychem Corporation, Box 4913, Kansas City, Missouri 64120. *Baygon Spray Concentrate Insecticide.* Active Ingredients: o-Isopropoxyphenyl methylcarbamate 17.0%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 33464–R. A. Brown Exterminating Service and Supplies, 173 Utica Avenue, Brooklyn, New York 11213. *Brown's Stainless #319 Roach Spray.* Active Ingredients: Pyrethrins 0.5%; O,O,-Diethyl O-(2-isopropyl-6-methyl - 4 - pyrimidinyl) phosphorothiate 4.0%; Petroleum Distillate 15.5%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 7273–RUR. Crown Chemicals, 4995 N. Main St., Rockford, Illinois 61101. *Flora Tox 2,4-D Amine Weed Killer.* Active Ingredients: Dimethylamine Salt of 2,4-dichlorophenoxyacetic Acid 49.4%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 168–UOA. Wasatch Chemical Division, Entrada Industries, Inc. P.O. Box 6219, Salt Lake City, Utah 84106. *Morgso Zectran kills: Snails, Slugs, Lawn Moths, Pillbugs on Lawns, Turfs & Ground Covers.* Active Ingredients: 4-(dimethylamino) -3,5-xylyl methyl carbamate) 12.80%; Aromatic Petroleum Derivative Solven 10.00%; Petroleum Hydrocarbon Solvent 58.85%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 279–1707. FMC Corporation, Agricultural Chemical Division, 100 Niagara Street, Middleport, New York 14105. *Malathion Sevin 4–5 Dust Insecticide Code 30888.* Active Ingredients: Malathion 4.00%; Carbaryl (1-naphthyl N-methyl carbamate) 5.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 1990–364. Farmland Industries, Box 7305, Kansas City, Missouri 64116. *CO–OP Rabon Insecticide Livestock Dust.* Active Ingredients: 2-chloro-1-(2,4,5-trichlorophenyl) vinyl dimethyl phosphate 3.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 833–AI. Alex C. Fergusson Company, Spring Mill Drive, Frazer, Pennsylvania 19355. *Super Slash Concentrated Liquid Sanitizer-Detergent.* Active Ingredients: N-Alkyl (C14, C12, C16) Dimethyl Benzyl Ammonium Chlorides 5.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 729–LU. Gulf Oil Corporation, P.O. Box 1166, Pittsburgh, Pennsylvania 15230. *Gulf Spray Insect Repellent Formula 5.* Active Ingredients: N,N-diethyl-*m*-toluamide 6.65%; Other isomers 0.35%; *N*-octyl bicycloheptene dicarboximide 2.00%; 2,3:4,5-Bis(2-butylene) tetrahydro-2-furaldehyde 0.50%; Di-*n*-propyl isocinchomeronate 0.50%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 802–488. The Chas. H. Lilly Co., 109 S.E. Alder St., Portland, Oregon 97214. *Miller's Protect Roses—Flowers—Shrubs From Chewing and Sucking Insects.* Active Ingredients: Dimethyl (2,2,2-trichloro-1-hydroxy-ethyl) phosphonate 18.0%; S-[2-(ethyl-sulfinyl)ethyl] *O,O*-Dimethyl phosphorothioate 6.0%; Xylene 36.4%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 802–351. The Chas. H. Lilly Co. *Miller's Slug, Snail & Insect Killer Bait.* Active Ingredients: Metaldehyde 2.0%; Carbaryl (1-naphthyl N-methylcarbamate) 5.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. 802–1. The Chas. H. Lilly Co. *Miller's Liquid Lime Sulphur.* Active Ingredients: Calcium Polysulfide 29%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 11540–T. Micro-Gen Equipment Corporation, 8127 Vidor Drive, San Antonio, Texas 78216. *Micro-Gen BP–300 G Insecticide.* Active Ingredients: Pyrethrins 3.00%; Piperonyl butoxide, technical 6.00%; N-octyl bicycloheptene dicarboximide 10.00%; Petroleum distillate 61.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 5967–RNU. Moyer Chemical Company, P.O. Box 945, San Jose, California 95108. *Dox Bait No. 5.* Active Ingredients: O, O-dimethyl(2,2,2-trichloro-1-hydroxyethyl) phosphonate 5.0%. Method of Support. Application proceeds under 2(c) of interim policy.

EPA Reg. No. 655–361. Prentiss Drug & Chemical Co., Inc., 363 Seventh Avenue, New York, New York 10001. *Prentox HC Aerosol Concentrate—An Insecticide for Formulating Use.* Active Ingredients: Terpene Polychlorinates (66% Chlorine) 13.340%; Piperonyl Butoxide, Technical 5.330%; Pyrethrins 1.330%; Petroleum Distillates 76.501%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 655–337. Prentiss Drug & Chemical Co., Inc., 363 Seventh Avenue, New York, New York 10001. *Prentox Py-But-Carbamate Concentrate—An Insecticide Concentrate For Formulating Use.* Active Ingredients: o-Isopropoxyphenyl Methylcarbamate 10.00%; Pyrethrins 0.50%; Piperonyl Butoxide, Technical 4.00%; Petroleum Distillates 2.00%; 2-Butoxyethanol 82.86%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 5576–EO. Regal Supply & Chemical, P.O. Box 1955, El Paso, Texas 79950. *Extermo-Cide.* Active Ingredients: (5-benzyl-3-furyl) methyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylate 0.330%; Related Compounds 0.046%; Aromatic Petroleum Hydrocarbon 0.436%; Petroleum Distillate 99.175%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 1588–EI. Rochester Germicide Company, 333 Hollenbeck Street, P.O. Box 1515, Rochester, New York 14603. *Cinch Cleaner Disinfectant.* Active Ingredients: N-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) Dimethyl Benzyl Ammonium Chlorides 0.096%; N-Alkyl (68% C12, 32% C14) Dimethyl Ethylbenzyl Ammonium Chlorides 0.096%; Sodium Metasilicate 0.269%; Tetrasodium Ethylenediamine Tetraacetate 1.152%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 201–GAO. Shell Chemical Company, A Division of Shell Oil Company, Agricultural Division, Suite 200, 1025 Connecticut Avenue, N.W., Washington, D.C. 20036. *Vendex 50 Wettable Powder Miticide.* Active Ingredients: Hexakis (beta, beta - dimethylphenethyl) - distannoxane 50%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 25708–A. Shield Aerosol Company of California, P.O. Box F 486, Chino, California 91710. *Shield House Plant & Garden Spray.* Active Ingredients: Pyrethrins 0.036%; Piperonyl Butoxide, Technical 0.256%; Rotenone 0.128%; Other Cube Extractives 0.236%; Isothymoxychloroethyl Ether 0.313%; Petroleum Distillate 0.102%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 5657–G. Sobin Chemicals, Inc., Sobin Park, Boston, Massachusetts 02210. *Chloropicrin A Herbicide—Fungicide For Formulation Use.* Active Ingredients: Chloropicrin 99%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 476–1196. Stauffer Chemical Company, Labeling & Registration Dept., 1200 South 47th Street, Richmond, California 94804. *Eptam 6–E.* Active Ingredients: S-ethyl dipropylthiocarbamate 76.9%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 676–16. National Laboratories, Lehn & Fink Industrial Products Division of Sterling Drug Inc., 225 Summit Avenue, Montvale, New Jersey 07645. *Tergisyl Detergent/Disinfectant.* Active Ingredients: Potassium O-Benzyl-p-Chlorophenate 7.450%; Tetrasodium ethylene diamine tetraacetate 1.970%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 2724–ELA. Thuron Industries, Inc., 12200 Denton Drive, Dallas, Texas 75234. *Thuron Tick Kill Collar for Dogs.* Active Ingredients: o-Isopropoxyphenyl methylcarbamate 9.4%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 400–108. Uniroyal Chemical, Amity Road, Bethany, Connecticut 06525. *Kylar–85, A Plant Growth Regulant.* Active Ingredients: Succinic acid 2,2-dimethylhydrazide 85.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 1063–114. Valley Chemical Company, P.O. Box 1317, Greenville, Mississippi 38701. *Valco Brand Tox-A-Me 63 Combination Cotton Insecticide.* Active Ingredients: Toxaphene 53.15%; O,O-Dimethyl O-p-nitrophenyl thiophosphate 26.66%; Aromatic petroleum solvent 16.46%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 52–EGT. West Chemical Products, Inc., 42–16 West Street, New York, New York 11101. *Residol-Plus Pressurized Residual Spray Kills Cockroaches.* Active Ingredients: Petroleum Distillates 81.07%; o-Isopropoxyphenyl methylcarbamate 0.97%; Coconut Oil 0.49%. Method of Support: Application proceeds under 2(c) of interim policy.

Dated: June 7, 1974.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

[FR Doc.74–13595 Filed 6–20–74;8:45 am]

IDENTIFICATION OF PRODUCTS AS MAJOR SOURCES OF NOISE

Publication of Report

As specified in the Noise Control Act of 1972 (Public Law 92–574, 86 Stat. 1234), the first step toward promulgation of noise standards for new products is identification of those products that are major sources of noise. Section 5(b) of the Act provides as follows:

> The Administrator shall, after consultation with appropriate Federal agencies, compile and publish a report or series of reports (1) identifying products (or classes of products) which in his judgment are major sources of noise, and (2) giving information on techniques for control of noise from such products, including available data on the technology, costs, and alternative methods of noise control. The first such report shall be published not later than eighteen months after the date of enactment of this Act.

Accordingly, this report is the initial identification of those products which in the judgment of the Administrator are major sources of noise. Additional products will be identified as major sources of noise in other reports that will be issued from time to time. In future identification of products as major sources of noise, those products listed in Table 2 are presently considered the principal candidates. However, the specific regulation of products in accordance with the Act will be based on further developments in the knowledge of health effects, number of people affected, and consideration of cost and technology factors which have a bearing on the feasibility of controls.

The Act does not provide a mechanism by which the Administrator shall identify products which are a major source of noise nor is there any one universally accepted method to determine which noise sources pose the most serious threat to public health and welfare. In the absence of a standard approach, an effort has been made in the identification process to take into account the many factors affecting public health and welfare. Ultimately, however, the indentification of major noise sources must be partly subjective. At this point, reliance on judgment was necessary, with the recognition that other reasonable approaches might exist. The identification of major sources of noise under section 5 is in addition to the regulation of in-use interstate rail carriers and motor carriers under sections 17 and 18 of the Act. A Notice of Proposed Rule Making has been published for motor carrier regulations and similar action is proceeding with respect to rail carrier regulations.

Factors affecting public health and welfare. Many factors together determine whether the sound emitted by a product will have a serious adverse effect on public health and welfare. These factors include the frequency characteristics of the products operating, the length of time each product operates, the proximity of people to the products, the time of day or other situational variables, the presence of other noise sources, and the degree to which the people exposed to the product can control the product and/or its sound emission.

Many attempts have been made to combine these factors into quantitative measures of noise in a way that can be directly related to human response. At the present time, the A-weighted scale is widely used to convert the sound pressure at different frequencies into one indicator of loudness known as the sound level (dB(A)).

The accumulated evidence of research indicates that human response to sound (hearing loss and annoyance) is a function of exposure to sound energy (frequently represented by sound level). Hearing loss or annoyance may occur either due to exposure to high sound levels for short periods (impulses) or due to exposure to moderate sound levels over long periods of time.

Two cumulative equivalent sound level measures have been developed to indicate a long-term hazard to public health and welfare. The first measure is the equivalent sound level (Leq), which is the constant sound level (dB(A)) that in a given situation and time period would convey the same sound energy as does the actual time-varying sound; Leq is used to indicate a long-term hazard to hearing. A variation of Leq, the day-night sound level (Ldn) is the equivalent sound level during a 24 hour period with a 10 dB(A) penalty added to events occurring at night to account for the increased annoyance; Ldn is used to indicate long-term annoyance. These measures are not the most appropriate to indicate health and welfare effects due to high level noise of short duration.

In situations where the effects of noise exposure are well represented by Leq and Ldn, the problem of identifying the major source(s) of the noise still remains. This task is not difficult in a given situation, but it is very difficult to do for the nation as a whole, since in different situations and in different geographic areas of the country, different products are the major source(s) of noise.

Since public health and welfare deals with populations, noisy products must be compared through an analysis of the size of the population affected and the way it is affected by their noise emissions. However, even when this is done, it is difficult to compare annoyance to hearing loss or to determine whether severely annoying a few people is more serious from a public health and welfare standpoint than slightly annoying a vast number of people.

General agreement exists that incidence of hearing loss is a more severe health and welfare effect than annoyance. However, the varying situations in which these effects occur make this generalization difficult to apply. Human exposure to products whose noise emissions are capable of causing hearing loss or annoyance may occur in occupational, recreational, or residential settings and such exposure may be to a greater or lesser degree a matter of personal choice. Evidence exists that noise exposure capable of causing hearing loss may not be annoying if the person exposed has some measure of control over the source of the noise. To give a specific example, it is difficult to determine whether the potential hearing loss associated with the use of a recreational vehicle is worse from the standpoint of public health and welfare than the annoyance and interference with activities associated with freeway noise.

Another situation is the case of products used in occupational settings, since they may be designed to be compatible with OSHA noise standards. Even if a product meets OSHA requirements, it may still be a major source of noise and may ultimately be so identified. In many cases the same product may be both a source capable of producing hearing loss and causing community annoyance. This

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would simplify the identification dilemma except that efforts to quiet exterior (pæssby) noise on some products may actually intensify the sound level at the operator's ear.

Approach used by EPA to identify major sources of noise. In an effort to develop an EPA criteria for identifying products as major sources of noise, first priority has been given at this time to sources that contribute to community noise exposure. Community noise exposure is that exposure experienced by the community as a whole as a result of the operation of a product, as opposed to that exposure experienced by the users of the product. Ultimately, of course, noise that adversely affects public health and welfare in any setting must be controlled when this is technologically feasible and economically reasonable.

In this report, a two-step approach has been used to identify major sources of community noise. First, the Ldn index has been used to identify residential areas where a large number of people are exposed to high day-night sound levels. Then in these areas, major contributors to the cumulative day-night sound level have been identified as a major source of noise.

The day-night sound level (Ldn) has been specifically developed as a measure of community noise. Since it is a cumulative energy measure, it can be used to identify areas where noise sources operate continuously, or where sources operate intermittently but are present enough of the time to emit a great deal of sound energy in a 24 hour period.

A number of attempts have been made to estimate the daily exposure of people to various kinds of community noise. Table 1 summarizes the estimated number of people in residential areas subjected to urban traffic noise, aircraft noise, construction site noise, and freeway traffic noise at or above an outdoor Ldn of 60, 65, and 70 dBA.

EPA has identified an outdoor Ldn of 55 dBA as the day-night sound level requisite to protect the public from all long-term adverse public health and welfare effects in residential areas. Table 1 indicates that it will be necessary to quiet the major sources contributing to urban traffic noise, construction noise, freeway traffic noise, and aircraft noise if this level is to be achieved. In other situations, it will be necessary to quiet other products.

TABLE 1.—*Number of people subjected (millions)*

Outdoor L_{dn} level	Urban traffic noise	Aircraft noise	Construction site noise	Freeway noise
70 dB +	4-12	4-7	1-3	1-4
65 dB +	15-33	8-15	3-6	2-5
60 dB +	40-70	16-32	7-15	3-6

NOTE: Estimated number of people in residential areas subjected to noise of different kinds at or above specified day-night sound levels (outdoors).

Identification of major sources. Aircraft are a major source of noise and regulations for aircraft will be proposed to FAA as described in Section 7 of the Noise Control Act. Aircraft are, pursuant to section 3(3)(A), excluded as products under section 6 of the Act.

Section 6(a)(1)(C) sets out four categories of products that may be regulated by the Administrator for noise emissions:

(1) Construction equipment.

(2) Transportation equipment (including recreational vehicles and related equipment).

(3) Any motor or engine (including any equipment of which an engine or a motor is an integral part).

(4) Electrical or electronic equipment. Section 6(b) states that regulations may also be prescribed for products other than those indicated in section 6(a).

The newly-manufactured construction equipment and transportation equipment categories have been selected as first priority for regulatory attention because of the extensive community exposure to noise emanating from products in these categories.

Table 2 indicates both the typical sound level (dB(A)) associated with each product at fifty feet (Column 1) and the estimated total sound energy (Kwhr) emitted by all existing models of each product per day (Column 2). These measures are useful tools for evaluating the noise problem associated with the operation of certain products, but neither is sufficient to identify major sources because they do not take into account the situation in which the products operate.

TABLE 2

Transportation vehicles	Typical sound level dB(A) at 50 ft	Estimated total sound energy kWh/day
1. Trucks (medium and heavy over 10,000 No. GVWR)	84	5,800
2. Automobiles (sports, compacts)	75	1,150
3. Automobiles (passenger)	69	800
4. Trucks (light, pickup)	72	570
5. Motorcycles (highway)	82	325
6. Buses (city and school)	73	20
7. Buses (highway)	82	12
8. Snowmobiles	85	500
9. Motorcycle (off-road)	85	160

Construction equipment	Typical sound level dB(A) at 50 ft	Estimated total sound energy kWh/day
1. Dump truck	88	206
2. Portable air compressors	81	147
3. Concrete mixer (truck)	85	111
4. Jackhammer	88	84
5. Scraper	88	79
6. Dozer	87	78
7. Paver	89	75
8. Generator	76	46
9. Piledriver	101	62
10. Rock drill	98	53
11. Pump	76	47
12. Pneumatic tools	85	36
13. Backhoe	85	33

The sound level (dB(A)) at 50 feet is an indication of the perceived loudness at that distance from the product when it is operating. This measure suggests which products will be perceived as noisy by the community when they are operated alone. The daily total sound energy emission is useful because it is an aggregate measure that takes into account the sound energy emission rate of the product, the number of products operating, and the amount of time they are operated each day. Neither measure directly relates human exposure or response to the product's noise emissions; but when several products are operated in similar situations, these two measures serve to indicate which are the major sources of noise (i.e., it is possible to compare two pieces of construction equipment operating at the same site).

Transportation vehicles. Table 2 indicates that medium and heavy duty trucks contribute the most sound energy to the environment of any highway vehicle and that an individual truck will be perceived to be louder than most other transportation vehicles. These values are a composite of noise emitted in both urban traffic conditions and on freeways, and there can be little doubt that trucks are one of the major contributors to traffic noise.

Consequently, in accordance with section 5(b) of the Noise Control Act, this report identifies medium and heavy duty trucks having a gross vehicle weight rating (GVWR) in excess of 10,000 pounds as a major source of noise. GVWR means the value specified by the manufacturer as the loaded weight of a single vehicle.

Construction Equipment. Table 2 indicates that pile drivers and rock drills are perceived as the loudest pieces of construction equipment when they are operating, but the sound energy measure indicates that these products do not contribute as much sound energy to the environment as other products operating on construction sites. The fact that dump trucks, portable air compressors, and concrete mixers (trucks) have sound levels equal to or lower than other construction equipment, and higher total sound energy emissions means that these are the most widely used pieces of construction equipment.

A control technology report prepared for the Environmental Protection Agency on dump trucks and concrete mixers (Bolt, Beranek, and Newman, *Specialty Construction Trucks: Noise and Cost of Abatement*) indicates that their contribution to construction site noise is largely engine-related noise that will be controlled when these trucks meet the standards to be proposed for medium and heavy duty trucks. This leaves portable air compressors as the major source of sound energy and the most widely used product among pieces of construction equipment contributing to construction site noise.

Consequently, in accordance with section 5(b) of the Noise Control Act, this report identifies portable air compressors

rated above 75 cubic feet per minute as a major source of noise.

Preliminary information on the cost and technology of newly-manufactured medium and heavy duty trucks and portable air compressors is available for public inspection in the Environmental Protection Agency Freedom of Information Center, 401 M Street SW., Washington, D.C. Additional information, as prescribed in section 5(b)(2), will be published in advance of rulemaking.

This report on the Identification of Major Noise Sources is issued under the authority of section 5(b) of the Noise Control Act of 1972 (86 Stat. 1234, Public Law 92-574).

JOHN QUARLES,
Acting Administrator.

JUNE 19, 1974.

[FR Doc.74-14270 Filed 6-20-74;8:45 am]

SANDOZ-WANDER, INC.

Filing of Petition Regarding Pesticide Chemical

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 4F1506) has been filed by Sandoz-Wander, Inc., Post Office Box 1489, Homestead, FL 33030, proposing establishment of tolerances (40 CFR Part 180) for combined negligible residues of the herbicide norflurazon (4-chloro-5-(methylamino) - 2 - (α,α,α-trifluoro-*m*-tolyl) - 3(2*H*) - pyridazinone) and its desmethyl metabolite 4-chloro-5-(amino)-2-(α,α,α-trifluoro - *m* - tolyl) - 3(2*H*)-pyridazinone in or on the raw agricultural commodities cottonseed and cranberries at 0.1 part per million.

The analytical method proposed in the petition for determining residues of the herbicide is a gas chromatographic procedure using an electron-capture detector.

Dated: June 14, 1974.

JOHN B. RITCH, Jr.,
Director, Registration Division.

[FR Doc.74-14268 Filed 6-20-74;8:45 am]

TETRAETHYL PYROPHOSPHATE

Intent To Cancel Registration

This notice is a continuation of the Environmental Protection Agency's policy of cancelling the registered uses for pesticide chemicals where available data do not meet present-day requirements.

In the FEDERAL REGISTER of August 30, 1972 (37 FR 17554), an interim tolerance was established for residues of the insecticide tetraethyl pyrophosphate in or on the raw agricultural commodity hops at 0.01 part per million.

The data submitted to support establishment of a permanent tolerance for residues of tetraethyl pyrophosphate in or on hops have been evaluated and found inadequate, and the interim tolerance has been revoked (39 FR 13970; April 19, 1974).

Therefore, in accordance with the provisions of section 6 of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended by Public Law 92-516 (86 Stat. 984), products containing tetraethyl pyrophosphate which bear directions for use on hops and which are registered under the Federal Insecticide, Fungicide, and Rodenticide Act are no longer considered to be in compliance with provisions of said act. The registration of such products will be canceled effective 30 days following the publication of this notice or from receipt by the registrant of a copy of this notice, whichever is later, unless other procedure is invoked as provided in section 6.

Dated: June 14, 1974.

JOHN B. RITCH, Jr.,
Director, Registration Division.

[FR Doc.74-14269 Filed 6-20-74;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Report 705]

COMMON CARRIER SERVICES INFORMATION[1]

Domestic Public Radio Services Applications Accepted for Filing[2]

JUNE 17, 1974.

Pursuant to §§ 1.227(b)(3) and 21.30 be considered to be a newly filed application, in order to be considered with any domestic public radio services application appearing on the list below, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business on business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cut-off dates are set forth in the alternative—applications will be entitled to consideration with those listed below if filed by the end of the 60-day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

21387-C2-P-74, South Central Bell Tel. Co. (KKI448), C.P. to change antenna system at Loc. No. 1: 1.7 Miles NNE of Sweet Lake, Louisiana operating on 152.75 MHz (Base).

21537-C2-P-74, The Mountain States Tel. & Tel. Co. (KON914), C.P. to replace transmitter operating on test freq. 157.80 and 157.92 MHz located at 431 26th Street, Ogden, Utah.

21438-C2-P-74, The Pacific Telephone and Telegraph Company (KMA829), C.P. to replace base facilities operating at Loc. No. 2: 3848 7th Avenue, San Diego, California and Loc. No. 4: 8 Miles NE of San Diego Civic Center, Murray Lake Hill, California on freq. 152.51, 152.57, 152.63, 152.69 and 152.81; also to replace transmitters operating on test freq. 157.77, 157.83, 157.89, 157.95 and 158.07 MHz. at Loc. No. 2.

21539-C2-P-74, C & C Communications Company (NEW), C.P. for a new two-way station located at McFaden Park, Chehalis, Washington to operate on 152.21 MHz.

21450-C2-P-(2)-74, King Communications, Inc. Consent to Transfer of Control from Carl G. King, Sr., TRANSFEROR, to Carl G. King, Jr., TRANSFEREE, (KSV935—Carrollton Township, Michigan) (KQD810—Saginaw, Michigan).

21541-C2-P-74, C & C Communications Company (NEW), C.P. for a new one-way station located at McFaden Park, Chehalis, Washington to operate on 152.24 MHz.

21542-C2-P-74, General Telephone Company of Indiana, Inc. (KSJ815), C.P. to delete location No. 2: 3102 South Clinton Street, Fort Wayne, Indiana and Loc. No. 3: 4011 North Clinton Street, Fort Wayne, Indiana, also facilities operating at Loc. No. 1: 303 East Berry Street, Fort Wayne, Indiana on 35.22 MHz to be replaced by one-way facility 152.84 MHz at Loc. No. 1.

21543-C2-P-74, Gulf Central Communications & Electronics, Inc. (NEW), C.P. for a new one-way station located 5.8 miles Northwest of Kaplan, Louisiana to be operated on 158.70 MHz.

21544-C2-P-74, General Telephone Company of the Northwest, Inc. (NEW), C.P. for a new two-way station located 3.8 Miles S.E. of Moscow, Parsdise Ridge, Idaho to operate on 152.81 MHz.

21545-C2-P-74, The Medical Dental Bureau, Inc. (KLP512), C.P. for additional facilities located at Mabel Street, Youngstown, Ohio to be operated on 454.05 MHz, 454.150 MHz and 454.300 MHz.

21546-C2-P-74, Caprock Radio Dispatch (KKJ449), C.P. for an additional transmitter site 1200 Feet South of Summit and 500 Feet West of Aspen Street, SW., Roswell, New Mexico to operate on 454.125 MHz and 454.275 MHz.

21547-C2-P-74, Central Radio Telephone (NEW), C.P. for a new 1-way station to be located at 500 University Avenue, Palo Alto, California to operate on 152.24 and 158.70 MHz.

[1] All applications listed below are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations, and other requirements.

[2] The above alternative cut-off rules apply to those applications listed below as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio, and Local Television Transmission Services (part 21 of the rules).

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21548–C2–P–74, Blue Earth Valley Telephone Company (KBM521), C.P. for additional facilities at Rt. 169, 3.78 miles NW of Blue Earth, Minnesota to operate on freq. 152.60 MHz.

21549–C2–P–74, Radio Dispatch Company (NEW), C.P. for a new 2-way station located at Holiday Inn, 2210 Board Walk, Atlantic City, New Jersey to be operated on freq. 152.030 MHz, 152.060 MHz, 152.180 MHz.

21550–C2–P–74, Lebanon Mobilphone, Inc. (New), C.P. for a new 2-way station to be located at 2000' SE of Big Hill near Lebanon, Tennessee operating on 454.150 MHz.

21551–C2–P–74, Lebanon Mobilphone, Inc. (NEW), C.P. for a new 2-way station to be located at 2000' SE of Big Hill near Lebanon, Tennessee operating on 43.58 MHz.

Corrections

20192–C2–P–74, Airmail, Inc. (KIY779), Correct Public Notice to read: change freq. from 35.22 MHz to 152.24 MHz operating on Spivey Mountain, Ashville, North Carolina. All other particulars to remain as reported on Public Notice No. 663, dated August 27, 1973.

RURAL RADIO SERVICE

60291–C6–P/L–74, RCA Alaska Communications, Inc. (WGP70), C.P. and Lic. for additional facilities to change antenna system located on Hichenbrook Island, Boswell Bay, Alaska to operate on 73.0 MHz, 165.7 MHz, and 172.825 MHz.

60292–C6–P/L–74, RCA Alaska Communications, Inc. (New), C.P. and Lic. for a new inter-Office station to operate on 96.3 MHz, 82.4 MHz, 86.6 MHz, 164.3 MHz, 172.9 MHz, 169.3 MHz located at Duncan Canal (WACS) Alaska.

60293–C6–P/L–74, RCA Alaska Communications, Inc. (New), C.P. and Lic. for a new Inter-Office station operating on 93.1 MHz located at Hoonah (WACS) Alaska.

60294–C6–P/L–74, The Mountain States Telephone and Telegraph Company (New), C.P. and Lic. for a new Rural Subscriber station to be located 18.4 Miles East of Rawlins, Wyoming to operate on 158.07 MHz.

POINT TO POINT MICROWAVE RADIO SERVICE

4463–C1–P–74, John Walson d/b/a Service Electric Company. (KGH99), 1 Mile North of Delano, Pennsylvania. Lat. 40°51'00" N., Long. 76°04'48" W. C.P. to power split 6100V MHz, 6175V MHz, and 6250C MHz toward Bald Eagle Mtn., Pa. (NOTE.—Special Temporary Authority requested by Service Electric Company.)

4464–C1–MP–74, Easter Microwave, Inc. KEA64. 4 Miles SE of Cherry Valley, New York. Lat. 42°46'31" N., Long. 74°40'56" W. C.P. to add 6108.3H MHz toward Amsterdam, New York on azimuth 62°39'.

4465–C1–MP–74, Microwave Service Company of Florida, Inc. (KLH80), 2.5 Miles North of Tupelo, Mississippi. Lat. 34°19'24" N., Long. 88°42'39" W. C.P. to add 6301.0V MHz and 6360.3V MHz toward Saltillo, Mississippi.

4466–C1–MP–74. Same (KUV91), 0.5 Miles NW of West Point, Mississippi. Lat. 33°36'-44.5" N., Long. 88°39'42.6" W. C.P. to add 6301.0V MHz and 6360.3V MHz toward Woodland, Mississippi on azimuth 296°40'.

4467–C1–MP–74, Southern Pacific Communications Company (KEV27), Mod. of C.P. to change site location to Burlingame, California. Lat. 37°36'00" N., Long. 122°22'38" W. Change frequency to 5945.2H MHz toward Monte Bello Ridge, California.

4468–C1–MP–74. Same (WPF82), Mod. of C.P. to change point of communication to Burlingame, California. Change frequency to 6197.2H MHz toward Burlingame, California.

4469–C1–P–74, American Satellite Corporation (New), 2.0 Miles NW of Vernon, New Jersey. Lat. 41°13'24" N., Long. 74°30'06" W. C.P. for a new station on 10815H MHz and 11135H MHz toward Mtn. Lodge, New York.

4470–C1–P–74. Same (New), 1.5 Miles SE of Mountain Lodge, New York. Lat. 41°22'41" N., Long. 74°08'12" W. C.P. for a new station on 11425H MHz and 11665H MHz toward Vernon, New Jersey.

4471–C1–P–74, RCA Alaska Communications, Inc. (New), Boswell Bay, Alaska. Lat. 60°-25'04" N., Long. 146°09'08" W. C.P. for a new station on 930.0V MHz, 942.0H, toward Neklasson Lake, Alaska; 906.0V MHz, 918.0H MHz toward Cape Yakataga, Alaska.

4472–C1–P–74. Same (New), Ocean Cape, Alaska. Lat. 59°32'32" N., Long. 139°51'36" W. C.P. for a new station on 882.0V MHz, 894.0H toward Cape Yakatage, Alaska; 906.0H MHz, 918.0V MHz toward Hoonah, Alaska.

4473–C1–P–74. (Same) (New), Cape Yakataga, Alaska. Lat. 60°05'18" N., Long. 142°-29'51" W. C.P. for a new station on 786.0V MHz, 798.0H MHz toward Boswell Bay, Alaska; 762.0V MHz and 774.0H MHz toward Ocean Cape, Alaska.

4474–C1–P–74, RCA Alaska Communications, Inc. (New), Hoonah, Alaska. Lat. 58°07'40" N., Long. 135°25'49" W. C.P. for a new station on 786H MHz, 798V MHz toward Ocean Cape, Alaska; 774.0V MHz, 762.0H MHz 1 toward Duncan Canal, Alaska; 3730V MHz, 3810H MHz toward Lena Point, Alaska.

4475–C1–P–74. Same (New), Duncan Canal, Alaska. Lat. 56°45'14" N., Long. 133° 10'11" W. C.P. for a new station on 882.0H MHz, 984.0V MHz toward Hoonah, Alaska; 906.0V MHz, 918.0H MHz toward Smugglers Cove, Alaska.

4476–C1–P–74. Same (New), Smugglers Cove, Alaska. Lat. 55°05'09" N., Long. 131°35'18" W. C.P. for a new station on 786.0V MHz, 798.0H MHz toward Duncan Canal, Alaska; 3730V MHz, 3810V MHz toward Ketchikan, Alaska.

4477–C1–P–74, Michigan Bell Telephone Company (KQH43), Grand Ave., 5200' NW of Intersection of Hoban & Market Strs., Mackinac Island, Michigan. Lat. 45°51'21" N., Long. 84°38'14" W. C.P. to add 11245.0V MHz and 11565.0V MHz toward new point of communication at St. Ignace, Michigan.

4478–C1–P–74. Same (KQE78), 327 Paro Street, St. Ignace, Michigan. Lat. 45°51'14" N., Long. 84°42'56" W. C.P. to add point of communication and change frequency. Frequencies: 11115.0V MHz and 10795.0V MHz toward Mackinac Island, Michigan; 11155.0V MHz and 10835.0V MHz toward Allenville, Michigan.

4479–C1–P–74. Same (KQE80), 1606 Davitt Street, Sault Ste. Marie, Michigan. Lat. 46° 29'08" N., long. 84°21'25" W. C.P. to add 4150H MHz and 4070 H MHz toward new point of communication at Rudyard, Michigan.

4480–C1–P–74. Same (KQI63), 3 Miles E of Allenville, Michigan. Lat. 45°56'06" N., Long. 84°45'56" W. C.P. to add 11605.0V MHz and 11285.0V MHz toward St. Ignace, Michigan; add 3730V MHz and 3810V MHz toward new point of communication at Rudyard, Michigan.

4481–C1–P–74. Same (New), On Hantz Rd., 2 miles E. and 1 Mile S. of Rudyard, Michigan. Lat. 46°13'02" N., Long. 84°33'07" W. C.P. for a new station on 4090H MHz and 4170H MHz toward Allenville, Michigan; 3710V MHz and 3790V MHz toward S.S. Marie, Michigan.

4482–C1–P–74, General Telephone Company of Illinois (KSC68), 0.1 Mile W. of Jct. of U.S. Highway No. 66 & Illinois Hwy. No. 23. Pontiac, Illinois. Lat. 40°53'11" N., Long. 88°38'41" W. C.P. to add 6286.2V MHz and 10795.0H MHz toward new point of communication at Odell R2, Illinois.

4483–C1–P–74, The Mountain States Telephone and Telegraph Company (KPN83), Telegraph Pass, 12 Miles W. of Wellton, Arizona. Lat. 32°40'31" N., Long. 114°20'18" W. C.P. to change and add frequency; and add new point of communication. Frequencies 11405H MHz toward Yuma, Arizona; 11445H MHz toward Martinez Lake, Arizona; 11445V MHz toward Wellton, Arizona.

4484–C1–P–74, The Mountain States Telephone and Telegraph Company (KPV41), Martinez Lake, 19.5 miles NNE of Yuma, Arizona. Lat. 32°57'47" N., Long. 114°25'29" W. C.P. to change 6160.2 MHz to 10995H MHz toward Telegraph Pass, Arizona.

4485–C1–P–74, Same (KOV59), 285 Second Avenue, Yuma, Arizona. Lat. 32°43'18" N., Long. 114°37'16" W. C.P. to replace transmitter on 10955H MHz toward Telegraph Pass, Arizona.

4486–C1–P–74, Same (New), 100 South Helen Street, Wellton, Arizona. Lat. 32°40'21" N., Long. 114°08'36" W. C.P. for a new station on 10995V MHz toward Telegraph Pass, Arizona.

4487–C1–P–74, Pacific Telatronics, Inc. (New), Mt. Vaca, California. Lat. 38°23'48" N., Long. 122°06'00" W. C.P. for a new station on 11226.0H MHz and 11465.0H MHz toward Sacramento, California.

4488–C1–P–74, Western Maryland Communications, Inc. (KGO30), 3.2 miles E of Cumberland, Maryland. Lat. 39°37'35" N., Long. 78°42'33" W. C.P. to change point of communication from Irons Mtn., Maryland to Big Savage Mtn., Maryland on 5974.8V MHz and 6093.5V MHz.

Corrections

4253–C1–P–74, South Central Bell Telephone Company. Correct frequency to read 39330 GHz. (All other particulars same as reported in Public Notice No. 703 dated June 3, 1974.)

MULTIPOINT DISTRIBUTION SERVICE

Correction

The following information was erroneously omitted from Public Notice #702, dated May 28, 1974.

Informative

It appears that the following applications may be mutually exclusible subject to the Commission's Rules regarding ex parte presentations, reasons of potential electrical interference.

Virginia, Charlesville, Peninsula Broadcasting Corporation. 50042–C5–P–74, RCC of Virginia, Inc. 50156–C5–P–74.

Virginia, Roanoke, Peninsula Broadcasting Corporation. 50043–C5–P–74, RCC of Virginia, Inc. 50157–C5–P–74.

Digital Paging Systems, Inc. (New), Correct file no. to read 50041–C5–P–74.

Private Networks, Inc. (New), Correct file no. to read 50119–C5–P–74.

[FR Doc.74–14291 Filed 6–20–74;8:45 am]

[Dockets Nos. 19872, 19873; FCC 74R–225]

WESTERN CONNECTICUT BROADCASTING CO. (WSTC) AND RADIO STAMFORD, INC.

Memorandum Opinion and Order Enlarging Issues

In re applications of the Western Connecticut Broadcasting Company (WSTC) Stamford, Connecticut, Docket

No. 19872, File No. BR–1150, for renewal of license Radio Stamford, Inc., Stamford, Connecticut, Docket No. 19873, File No. BP–19162, for construction permit.

1. The above-captioned mutually exclusive applications for a standard broadcast station in Stamford, Connecticut, were designated for hearing by Commission Memorandum Opinion and Order, 44 FCC 2d 673, released November 21, 1973, 38 FR 32971, published November 29, 1973. The Review Board now has before it a petition to enlarge issues, filed January 21, 1974, by Radio Stamford, Inc. (Radio Stamford).[1] Petitioner requests the Board to enlarge the issues as follows:

(a) To determine whether the broadcast interests of Western Connecticut Broadcasting Company and the other media under common control of Kingsley Gillespie and Gillespie Brothers, Inc., constitute an undue concentration of control of the media of mass communication in Stamford, Greenwich, Darien and New Canaan, Connecticut.

(b) To determine the efforts made by Western Connecticut Broadcasting Company to ascertain community needs and interests of the area to be served and the means by which the applicant proposes to meet those needs and interests.

(c) To determine whether Western Connecticut Broadcasting Company has misrepresented its past performance and programming in Docket No. 19043 and its renewal applications.

(d) To determine the facts and circumstances surrounding the civil suit by George Waas, Michael Conetta, Ray Marlin Rothermel and Victor Rubell against The Western Connecticut Broadcasting Company in The Fairfield County (Connecticut) Court of Common Pleas, No. 95596.

(e) To determine the facts and circumstances surrounding the civil suit by Paul Kuczo, Jr. and John J. P. Nocerino against Western Connecticut Broadcasting Company, Kingsley Gillespie and Julian Schwartz, Civil Action No. B–623, in the United States District Court for the District of Connecticut.

(f) To detremine whether Western Connecticut Broadcasting Company has complied with Section 1.65 of the Commission's Rules regarding the reporting of civil suits, and the effect of such compliance or non-compliance upon the basic qualifications of the licensee.

(g) To determine whether Western Connecticut Broadcasting Company has followed a racially discriminatory policy in its overall programming practices.

(h) To determine whether Western Connecticut Broadcasting Company has made reasonable and good faith efforts to assure equal opportunities in its employment policies and practices in accordance with Section 73.125 of the Commission's Rules.

(i) To determine whether, in light of the evidence adduced pursuant to the foregoing issues, a grant of the Western Connecticut Broadcasting Company application would serve the public interest, convenience and necessity, or whether a comparative demerit or demerits should be assessed against Western Connecticut Broadcasting Company.

(j) To determine, pursuant to the standard comparative issue, the benefits and detriments to be derived from the proposed duplication of programming on WSTC and WSTC–FM, and whether a comparative demerit should be assessed against Western Connecticut Broadcasting Company.

The petition was filed late. However, Radio Stamford asserts that it worked diligently to prepare its petition to enlarge and that it was necessary to make several trips to Stamford to interview witnesses and to obtain supporting affidavits. Moreover, petitioner contends that substantial periods of counsel's time were required in the pretrial discovery procedures. Radio Stamford also contends that in any event the overwhelming public interest significance of the subject matter warrants the acceptance of its petition. The Broadcast Bureau, in its comments, takes the position that Radio Stamford has long been aware that its application would be designated for hearing with the mutually exclusive application of renewal of Station WSTC and that the delay in filing the petition is therefore unwarranted. The Board is satisfied that the nature of this case and the subject matter of the petition warrant the modest delay incurred by Radio Stamford in filing this petition.[2] Accordingly, the petition will be considered on its merits.

2. *Undue Concentration of Control of Mass Communications in Greater Stamford Area.* Radio Stamford contends that Western Connecticut Broadcasting Company (Western), the licensee of Station WSTC, is part of a newspaper-radio media monopoly in the greater Stamford area. In support of this contention, petitioner alleges: that Kingsley Gillespie is president, treasurer, director and 51.6% stockholder of Western; that Western is the licensee of Stations WSTC and WSTC–FM, the only broadcast stations in Stamford, Connecticut; that Gillespie Brothers, Inc. owns and publishes the *Stamford Advocate*, the only daily newspaper in Stamford; and that Kingsley Gillespie is president, treasurer and a director of Gillespie Brothers, Inc. Radio Stamford further alleges that Gillespie Brothers also publishes the *Greenwich Time*, a daily evening newspaper in the town of Greenwich, Connecticut, one of the communities served by WSTC. Moreover, Radio Stamford contends that Kingsley Gillespie has exercised his control over the mass media of communications in the Stamford area in a manner inconsistent with the public interest. More specifically, Stamford alleges that certain candidates for political office have been discriminated against by the Gillespie radio stations and newspapers, both as to news coverage and commercial advertising. To support these allegations, petitioner attaches the affidavits of six Stamford residents who contend that in one way or another the Gillespie controlled media has discriminated against them. Radio Stamford also contends that the Gillespie controlled media has unfairly dealt with the employees of Station WSTC, when they undertook to organize a labor union at WSTC. To support this contention, petitioner attaches affidavits of two former employees of the station. In view of the foregoing allegations, Stamford contends that the issues should be enlarged to determine whether the Gillespie controlled media of mass communications constitutes an undue concentration of control contrary to the public interest.

3. In opposition, Western and the Bureau argue that all of the allegations advanced by Radio Stamford can be considered under the diversification of media of mass communications criterion of the standard comparative issue, and that the Commission has specifically stated that *ad hoc* renewal proceedings are not the appropriate vehicle for restructuring broadcast ownership. Moreover, Western contends that any questions concerning Mr. Gillespie's ownership of radio stations in Stamford, Connecticut, were litigated in 1945 when he purchased Station WSTC. At that time the Commission found, after an evidentiary hearing, that the public interest would be served by a grant of his application to acquire WSTC, then the only broadcast station in Stamford. Western and the Bureau both contend that in renewal situations the mere concentration of control of media is not sufficient to warrant a disqualification issue. Rather, they argue, specific allegations of abuse are necessary to warrant the inclusion of such an issue. In this connection, Western argues that the specific allegations of abuse set forth by Radio Stamford constitute nothing more than a proper exercise of editorial judgment on the part of the management of WSTC and the *Stamford Advocate*.

4. The Review Board has considered the voluminous pleadings and affidavits in this matter and is persuaded that the factual showing made by Radio Stamford warrants the inclusion of a concentration of control issue. It is satisfied that common control of the only two radio stations and the only daily newspaper in Stamford, Connecticut, a city of over 100,000 persons is comparable to the factual situation which existed in Cheyenne, Wyoming, where the Commission designated a renewal application for

[1] Other related pleadings before the Board for consideration are: (a) opposition, filed March 11, 1974, by Western Connecticut Broadcasting Company; (b) comments, filed March 11, 1974, by Broadcast Bureau; (c) reply, filed April 17, 1974, by Radio Stamford and (d) reply, filed April 22, 1974, by Radio Stamford.

[2] See *The Western Connecticut Broadcasting Company (WSTC)*, FCC 74R–167, —— FCC 2d ——, 30 RR 2d 271.

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hearing under a concentration of control issue.[3] Moreover, the several affidavits submitted by Radio Stamford raise factual questions concerning the possibility of misuse by Western of its controlling position. While we agree with Western that differences as to editorial judgment should not form a basis for such an issue, the allegations set forth in the various affidavits raise a question as to whether the Gillespie controlled media may have been governed in its choice of news and its management of commercial advertising by something more than editorial judgment. Accordingly, an appropriate issue will be added. *Cf. Midwest Radio-Television, Inc.*, 16 FCC 2d 943 (1969); and *Chronicle Broadcasting Co.*, 16 FCC 2d 882, 15 RR 2d 993 (1969).

5. *Ascertainment of Community Needs Issue.* Radio Stamford contends that Western's survey of community needs and interests contains serious misrepresentations. Specifically, Radio Stamford alleges that Western's reporting of a response to one of its questionnaires made by Mr. Alphonsus J. Donahue, now a principal of Radio Stamford, was "slanted to avoid any reference to local media." In support of this allegation, it has attached the affidavit of Mr. Donahue which states that the response reported after his name in the column under "major problems" did not include a solution which he had suggested, namely that "problems should be thoroughly aired by all our news media. If any of the questions are [in] issue both sides of the problem should be explored with much closer scrutiny to the reports and statements of city officials." Mr. Donahue also avers that he is not a retired industrialist, as stated by Western, but president of Donahue Sales, a division of Textron. Petitioner also alleges that Western's failure to refer to slanted or distorted media and media monopoly as community problems indicates that Western either failed to adequately survey the community or ignored the results of its survey. In support of this allegation, Radio Stamford relies upon affidavits of Stamford principals: Mrs. Sylvia Dowling, Edmond Davis, Alphonsus J. Donahue, Henry Lee and William Brett. Each state that they interviewed community leaders and each includes one or more interview summary sheets which show that the person interviewed felt that some aspect of local news media coverage was a problem. Based on these allegations, Radio Stamford urges the Board to add a *Suburban* issue.

6. In opposition, Western points out that it carefully considered the response of Alphonsus J. Donahue and included the community problems noted by him in its list of major community problems. However, Western notes, Mr. Donahue's suggested solution was not included since WSTC had not undertaken to list solutions to the problems elicited. As to its description of Mr. Donahue as a retired industrialist, Western contends that it made an innocent error.

7. The requested issue will be denied. The fact that Mr. Donahue's suggested solution to a problem was not included in WSTC's exhibit does not warrant the conclusion that Western has slanted its exhibit or that it has not properly ascertained the needs and problems of its community. Nor do the affidavits of Radio Stamford's principals, with their several attachments, warrant the inclusion of the requested issue. The fact that several citizens of Stamford reported to Radio Stamford some problems with existing mass media and that this problem was not ascertained by WSTC in its exhibit does not, *per se*, raise substantive questions concerning Western's ascertainment survey.

8. *Misrepresentation Issues.* Radio Stamford argues that WSTC has failed to program as promised, and that it has seriously misrepresented its programs and operating policies both in its renewal application and before the Presiding Judge in the revocation proceeding. Petitioner sets forth twenty specific areas in which it contends Western misrepresented facts to the Commission. In support of those specific allegations, it relies upon a lengthy affidavit of Mrs. Sylvia Dowling, together with some fifteen exhibits. The Board has carefully considered the voluminous pleadings submitted both in support of and in opposition to this requested issue and is satisfied that the showing made by Radio Stamford does not warrant the inclusion of a misrepresentation issue. We shall not here undertake to treat in detail each of the specific allegations set forth by Radio Stamford. However, we note that in many instances the alleged misrepresentations are subject to varying interpretations. Some of the statements do not allege any facts that are indicative of misrepresentation. In many others, the supporting affidavits consist of conclusory statements of the affiants, which do not provide the specific factual basis for enlargement of the issues required by Section 1.229 of the Commission's Rules. To a large extent Radio Stamford's request for a misrepresentation issue is based upon a critical examination of the minute details of the record of WSTC's revocation hearing and its renewal application. The minor omissions and discrepancies discovered by petitioner clearly do not raise a substantial question of misrepresentation. Moreover, as noted by the Bureau and Western, to the extent that these matters have a bearing on WSTC's past operating record, they may be considered under the existing standard comparative issue. The requested misrepresentation issue will, therefore, be denied.

9. *Rule 1.65 Issue.* Radio Stamford asserts that WSTC failed to amend its renewal application to report four civil actions involving the station and its ownership. Specifically, Radio Stamford alleges that on or about November 4, 1970, a suit was filed against Connecticut Broadcasting Company by George Wass, Michael Cornetta, Ray Marling Rothermel and Victor Rubell alleging denial of accrued WSTC profit-sharing plan benefits; that on April 29, 1971, a suit was filed against Gillespie Brothers, Inc. and other defendents by Polycast Technology Corp. of Stamford, alleging a conspiracy to ruin Polycast's business; that in June, 1971, a suit was filed against Gillespie Brothers, Inc. by Paul R. Doddona, president of Polycast, alleging libel by the *Stamford Advocate;* and finally that on October 19, 1972, a suit was filed against Western Connecticut Broadcasting Company, Kingsley Gillespie and Julian Schwartz by Paul Kuczo, Jr. and John J. P. Nocerino alleging political censorship and discrimination by WSTC in election campaigns. Petitioner points out that none of these lawsuits were reported by WSTC in its renewal application or in subsequent amendments thereto. In its opposition, WSTC notes that the first three listed lawsuits were filed prior to the date of the filing of its last renewal application and that no information concerning these civil suits is elicited by the renewal application. Moreover, it contends that the civil suit filed by Kuczo and Nocerino is not required to be reported because it is a civil action based upon the same facts as were elicited by the Commission in the WSTC revocation proceeding.

10. The requested 1.65 issue will be denied. *Southern Broadcasting Co.*, 36 FCC 2d 461, 25 RR 2d 1138 (1972), relied on by petitioner to support its request, does not stand for the proposition that the civil actions cited by Radio Stamford should have been reported. The renewal application form, at section 1, paragraph 2, requires the reporting of suits in federal courts involving the monopolization of radio communication or the use of unfair competitive methods. None of the civil actions fall within this definition. An issue was added in the *Southern* case because the lawsuits concerned were based on antitrust allegations. Nor does the Kuczo-Nocerino civil action require reporting. Section 1.65 requires the applicant to advise the Commission of changes whenever the information in the application is no longer substantially accurate and complete in all significant respects.[4] Radio Stamford has made no showing that WSTC's renewal application is deficient in this regard. This is particularly true since the Commission in its designation Order specified that the record in the revocation proceeding could be considered in the present comparative hearing.[5]

11. *Racial Discrimination Issues.* Radio Stamford has requested an issue based on an alleged racially discriminatory policy in the programming practices of Station WSTC, and an issue to determine whether Western has made reasonable and good faith efforts to assure equal employment opportunities in accordance with section 73.125 of the Commission's Rules. To support these requests, Radio Stamford alleges that WSTC's only regular programming for the black minority was a program known as "Black Viewpoint", that this program was terminated early in 1972; and that it was not restored until after Radio Stamford filed its competing application in the fall of 1972. Moreover, petitioner alleges that "Black Viewpoint" did not in fact represent the point of view of the black people in Stamford, Connecticut. Furthermore, Radio Stamford alleges that the WSTC management continually harrassed the participants on "Black Viewpoint", threatened its cancellation and edited the program. Petitioner also notes that the producer of the program stated that he was not permitted to produce the program live and that frequently the program tapes were lost and the program not aired as scheduled. As further evidence of a racially discriminatory policy, Radio Stamford alleges that the National Association for the Advancement of Colored People worked out an arrangement with the station to carry a special memorial service for the late Martin Luther King, Jr., but that at the last moment the station refused to carry the program. In support of these allegations, Radio Stamford relies upon the affidavits of Edward White, a director of the West Main Street Community Center, a recreational and cultural center which provided the personnel and material for "Black Viewpoint"; Calvin Johnson, the moderator for "Black Viewpoint"; and Mrs. Eleanor Parks-Davis, President of the Stamford chapter of the National Association for the Advancement of Colored People. Radio Stamford also contends that WSTC does not comply with the Commission's Rules requiring equal employment opportunity for minority persons. To support this contention, it relies on the affidavit of Mrs. Parks-Davis to the effect that WSTC had at the time of the affidavit, no black employees. In addition, Joseph Franchina, formerly Acting Program Director attests that he was never instructed to encourage minority group applications and that, contrary to WSTC's representation in its renewal application that in the past year the station only had two job vacancies, there were in fact six employees hired by WSTC.

12. The allegations of White, Johnson, Parks-Davis and Franchina do not raise specific questions of fact concerning the programming policies and employment practices of WSTC which require addition of issues to this proceeding. See *Stone* v. *FCC*, 466 F. 2d 316 (D.C. Cir. 1972). A careful reading of the White and Johnson affidavits makes it quite clear that the affiants do not feel that they were given as much latitude to present the "black viewpoint" as they would have liked. On the other hand, the affiants have not alleged particular instances of censorship or even editorial supervision which would provide a basis for the requested issue. While the program "Black Viewpoint" was discontinued for a short time, it is now being carried by the Station. Moreover, Mrs. Parks-Davis concedes that, in addition to "Black Viewpoint", the station occasionally carries programming of interest to the black community. With respect to the Martin Luther King Memorial service, WSTC has responded that two services were discussed with Mrs. Parks-Davis and that one was carried live and the other was covered as local news. As to its hiring practices, Western responds that the principles stated in its application do in fact govern its hiring practices and that, as of the time its opposition was filed, it had two full time black employees and one part time black newsman. Western notes that 10 percent of its full time employees are black and 11.1 percent of its part time employees are black, while 7.3 percent of the population of Stamford is black.[6] Neither Mrs. Parks-Davis nor Franchina have cited any specific instances of racial discrimination in employment by Western. Petitioner's general assertions of discrimination do not, in light of Western's response, require a special issue. The questions raised regarding past programming, however, may be fully explored under the existing comparative issue.

13. Radio Stamford also contends that the merits of its independent AM proposal versus the duplicate AM–FM operation proposed by WSTC should be included in the existing comparative issue. While the Board is not aware of a situation where an applicant has contended that the public interest would be served by severing an AM station from a commonly owned FM station because the programming of one station is duplicated by the other, it is satisfied that the question can properly be explored under the existing comparative issue since such exploration is regularly permitted when one applicant for an FM station proposes substantial duplication of its AM programming and the other does not.

14. For the foregoing reasons the petition to enlarge issues filed by Radio Stamford on January 21, 1974 will be granted to the extent indicated herein and denied in all other respects.

15. *Accordingly, it is ordered,* That the petition to enlarge issues filed by Radio Stamford, Inc., on January 21, 1974 is granted to the extent indicated herein and denied in all other respects.

16. *It is further ordered,* That the issues in the above captioned proceeding are enlarged as follows:

To determine whether the broadcast interests of the Western Connecticut Broadcasting Company and the other media of communication controlled by Kingsley Gillespie and Gillespie Brothers, Inc. constitute an undue concentration of control of the media of mass communications in Stamford, Connecticut.

17. *It is further ordered,* That the burden of proceeding with the introduction of evidence under the issue added herein shall be on Radio Stamford, Inc., and the burden of proof shall be on the Western Connecticut Broadcasting Company.

Adopted: June 13, 1974.

Released: June 18, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.74-14288 Filed 6-20-74;8:45 am]

[3] *Frontier Broadcasting Company*, 31 FCC 2d 570, 18 RR 2d 521 (1970).

[4] Section 1.65 reads as follows:

Each applicant is responsible for the continuing accuracy and completeness of information furnished in a pending application or in Commission proceedings involving a pending applicaton. Whenever the information furnished in the pending application is no longer substantially accurate and complete in all significant respects the applicant shall as promptly as possible and in any event within 30 days, unless good cause is shown, amend or request the amendment of his application so as to furnish such additional or corrected information as may be appropriate.

[5] Nor has Radio Stamford justified its request that special issues to explore the facts concerning the above described lawsuits be included. To the extent that the facts underlying the above described lawsuits are relevant, they may be elicited under the concentration of control issue or as part of WSTC's past operations record under the comparative issue.

[6] In response to Franchina's allegation that Western's statement that "it had only two vacancies in the last year" was not true, Western states that the statement resulted from an error. Western alleges that the station in fact placed 13 persons, including both full and part time, on the payroll in 1971; that the tenure of many of these employees was quite short, a few days to a few months; and that one black person was employed in 1971 in a responsible position and even using the total of 13 as a base, 7.7% of the employees placed on the payroll in 1971 were black, Western notes.

FEDERAL POWER COMMISSION

[Docket No. E-8826]

AMERICAN ELECTRIC POWER SERVICE CORP.

Supplemental Agreement

JUNE 13, 1974.

Take notice that on June 3, 1974, American Electric Power Service Corporation on behalf of Ohio Power Company (Applicant) filed with the Federal Power Commission a third supplemental Agreement, dated April 1, 1974, supplementing the Interconnection Agreement between Applicant and Kentucky Utilities Company, dated January 17, 1950 and designated as Applicant's Rate Schedule FPC No. 22.

The application states that the third supplemental Agreement provides for an additional service—Emergency service—and is set forth in an attached Service Schedule D. Said service schedule indicates that emergency service is to be provided by either party to the other under stated conditions.

Kentucky Utilities Company has filed a Certificate of Concurrence in this matter.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 26,

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1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-14228 Filed 6-20-74;8:45 am]

[Docket No. RI74-248]

CALIFORNIA CO.

Petition for Special Relief

JUNE 14, 1974.

Take notice that on June 5, 1974, The California Company, a Division of Chevron Oil Company, (Petitioner), 1111 Tulane Avenue, New Orleans, Louisiana 70112, filed a petition for special relief in Docket No. RI74-248, seeking a rate above the applicable area ceiling under Opinion No. 595. Petitioner seeks a price of 22.584375 cents per Mcf, including tax reimbursement, in lieu of its current rate of 19.007125 cents per Mcf, for the sale of gas to Natural Gas Pipeline Company of America (Natural) under its FPC Gas Rate Schedule No. 62 from the Jack Casey No. 12 and the David Bazan No. 3 wells in the Sejita Yegua Field, Duval County, Texas. The petition is based upon the installation of compression facilities in an attempt to increase the quantities of gas available for delivery to Natural. Petitioner estimates that additional reserves of 670,000 Mcf will be recoverable due to the additional compression.

Any person desiring to be heard or to make any protest with reference to said petition should on or before July 8, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 74-14229 Filed 6-20-74;8:45 am]

[Docket Nos. CP66-112, etc.]

GREAT LAKES TRANSMISSION CO.

Petition to Amend

JUNE 14, 1974.

Take notice that on June 4, 1974, Great Lakes Gas Transmission Company (Great Lakes), One Woodward Avenue, Detroit, Michigan 48226, filed in Docket Nos. CP66-112, *et al.*, a petition to amend the orders issued in Docket Nos. CP66-112, CP70-20, and CP71-223 pursuant to section 3 of the Natural Gas Act authorizing the importation of natural gas from Canada to the United States by permitting Great Lakes to pay 105 percent of such rate to TransCanada Pipelines Limited (TransCanada) as may be authorized after hearings scheduled to be held on June 4, 1974, on TransCanada's Manitoba Rate Zone CD-75 Rate Schedule before the National Energy Board of Canada (NEB), all as more fully set forth in the petition to amend, which is on file with the Commission and open to public inspection.

By order issued on March 29, 1974, the Commission authorized Great Lakes to pay TransCanada 105 percent of the price per Mcf, computed at a load factor of 100 percent, paid by domestic Canadian customers for natural gas sold under TransCanada's Manitoba Rate Zone CD-75 Rate Schedule as effective April 1, 1974. However, said order further stated that in the event higher rates than those effective on April 1, 1974, shall be required, Great Lakes shall apply to the Commission for further amendment of the import authorizations.

Subsequently, Great Lakes filed an application for rehearing [1] of the order of March 29, 1974, in order to bring to the Commission's attention a proceeding before the NEB on a price increase for TransCanada's gas. After the application for rehearing was filed, the NEB proceeding was adjourned *sine die*. The Commission, therefore, dismissed the application in its order of May 10, 1974, in Docket Nos. G-18314, *et al.*, and CP66-110, *et al.* In dismissing, however, the Commission clarified its position on the issue of the need to file for amendments to the import authorizations in the event of a price increase for Canadian natural gas. The Commission stated that the filing should be made, preferably, immediately after the institution of any proceeding before the NEB which might result ultimately in a request by Great Lakes for an amended import authorization. Accordingly, Great Lakes states, it submits the instant petition.

Great Lakes states that the hearings scheduled for June 4, 1974, before the NEB are to deal principally with increased costs, increased rate of return and a change in the method of computing the rate base.[2] Great Lakes further states that the relevant effect of the proposal of TransCanada in the proceeding before the NEB is to increase the rate for TransCanada's sales to Petitioner to 37.00 cents per Mcf in Canadian currency (38.41 cents in American currency). The currently effective rate is 35.91 cents (Canadian) per Mcf (37.28 cents American).

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before July 8, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.[3]

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-14230 Filed 6-20-74;8:45 am]

[Docket No. CP74-299]

KANSAS-NEBRASKA NATURAL GAS CO., INC.

Notice of Application

JUNE 14, 1974.

Take notice that on May 21, 1974, Kansas-Nebraska Natural Gas Company, Inc. (Applicant), P.O. Box 608, Hastings, Nebraska 68901, filed in Docket No. CP74-299 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon certain facilities and service in Nebraska and Kansas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes, due to a continuing decline in its recoverable reserves, to abandon the sale and delivery of natural gas to the following five interruptible, electric power generating customers [1]:

Direct pipeline customers:

1. Central Nebraska Public Power and Irrigation District, Canaday power plant near Lexington, Nebraska.
2. The City of Grand Island power plant at Grand Island, Nebraska.
3. The City of Hastings power plant at Hastings, Nebraska.
4. The Central Kansas Power Company, Inc., Ross Beach power plant at Hill City, Kansas.

Customer of Applicant's distribution system in Scottsbluff, Nebraska:

5. Nebraska Public Power District, Bluffs power plant at Scottsbluff, Nebraska.

Based upon present and projected gas supply conditions, Applicant considers such abandonment in the best interests of its higher priority firm gas customers and in keeping with the Commission's end use policy.

Applicant plans to phase said customers off of natural gas beginning in 1975 by incremental annual reductions of 20 percent based on volumes delivered during the 12 months ended April 30, 1973, so that complete termination of interruptible service for boiler fuel use and abandonment of related facilities can be made effective by December 31, 1978. Thus, Applicant states, such customers would receive not more than 80 percent of said volume in 1975, 60 percent in 1976, 40 percent in 1977, and 20 percent in 1978. Applicant states that the proposed four-year phasing-off plan will provide a reasonable time for these five customers to make other provisions for their fuel requirements considering that these customers are interruptible and, therefore, have alternate fuel facilities presently installed. Applicant maintains that by phasing off said customers (which utilize approximately 13 percent of Applicant's total system requirements) Applicant can reduce the annual recoverable reserve replacement deficit and thereby extend Applicant's reserve life index by approximately 2.4 years.

Applicant proposes to abandon and remove certain facilities located at the delivery points as follows:

1. Central Nebraska Public Power and Irrigation District, Canaday power plant, Lexington, Nebraska: one meter station consisting of dual 8-inch orifice meter runs complete with meters, regulators, valves and instruments all enclosed in a steel building.

2. City of Grand Island, Nebraska, power plant: three meter stations consisting of two dual 8-inch orifice meter runs and one single 6-inch orifice meter run, each of which is complete with meters, regulators, valves and instruments enclosed in separate steel buildings, together with approximately 4,000 feet of 6-inch line beginning at a point on Applicant's transmission line in section 14-T11N-R9W, of Hall County, and running to the aforementioned meter stations on the City of Grand Island power plant's property.

3. City of Hastings, Nebraska, power plant: one meter station consisting of a single 8-inch meter run complete with meters, valves and instruments and one regulator station including regulator, valves and gauges.

4. Nebraska Public Power District, Bluffs power plant, Scottsbluff, Nebraska: one meter station consisting of a dual 6-inch and 8-inch meter runs complete with meters, regulators, valves and instruments.

5. Central Kansas Power Company, Inc., Ross Beach power plant, Hill City, Kansas: one meter and regulating station consisting of a single 8-inch meter run complete with meters, regulators, valves and instruments.

Applicant states that the abandonment and removal of facilities herein will not result in the termination of natural gas service to any of Applicant's other customers.

Applicant further proposes, in response to a request by Central Nebraska Public Power and Irrigation District (CNPPID), to continue to provide a minor quantity of natural gas to CNPPID at its Canaday plant near Lexington, Nebraska. Applicant states that such gas is to be provided for emergency plant startup and the maximum requirement should not exceed 4,000 Mcf per year. Applicant states that such special service would be interruptible, would have a lower priority than Applicant's firm residential and commercial gas service, and would be provided under Applicant's general service rate existing at the time such gas is delivered. Applicant proposes to install a positive displacement meter with appropriate regulator valves and gauges all enclosed in a protective structure in order to provide the gas requested by CNPPID.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 9, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-14231 Filed 6-20-74;8:45 am]

[Docket No. E-8750]

LOUISVILLE GAS & ELECTRIC CO.

Additional Delivery Point

JUNE 14, 1974.

Take notice that on April 29, 1974 Louisville Gas & Electric Company (Applicant) filed with the Federal Power Commission a letter agreement dated April 23, 1974, between itself and Kentucky Utilities Company confirming the establishment of a temporary additional delivery point under the Interconnection Agreement between those companies, dated July 22, 1966 and designated as Applicant's Rate Schedule FPC No. 20.

The temporary interconnection described in the letter agreement has been necessitated by the fact that a major effective interconnection was destroyed by tornado on April 3, 1974. The letter agreement states that temporary facilities were connected on April 11, 1974. Applicant requests, pursuant to § 35.11 of the Commission's regulations, that this rate schedule supplement become effective as of April 11, 1974, the date of connection.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 26, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-14232 Filed 6-20-74;8:45 am]

[Docket Nos. G-18314, CP66-121]

MIDWESTERN GAS TRANSMISSION CO.

Petition to Amend

JUNE 14, 1974.

Take notice that on June 5, 1974, Midwestern Gas Transmission Company (Midwestern), P.O. Box 2511, Houston, Texas 77001, filed in Docket Nos. G-18314 and CP66-121 a petition to amend the orders issued in said dockets pursuant to section 3 of the Natural Gas Act authorizing the importation of natural gas

[1] Midwestern Gas Transmission Company (Midwestern) filed jointly with Great Lakes said application for rehearing.

[2] TransCanada is requesting an increase in its rate of return from 9.5 percent to 10.159 percent, a change in the method of computing cost of service based on the devaluation of the American dollar, and permission to credit excess revenues from the 105 percent rate charged to Great Lakes and Midwestern to all its sales on a volumetric basis. TransCanada states in its application before the NEB that the sales in the test period as adjusted exceed the allocated cost for such sales to Great Lakes and Midwestern.

[3] Each of the customers utilizes natural gas for boiler fuel with a minimum daily requirement which exceeds 10,000 Mcf; and, accordingly, these customers are classified as Category 9 sales as defined by § 2.78(a) of the Commission's general policy and interpretations (18 CFR 2.78(a)).

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from Canada to the United States by permitting Midwestern to pay 105 percent of such rate to TransCanada Pipelines Limited (TransCanada) as may be authorized after hearings scheduled to be held on June 4, 1974, on TransCanada's Manitoba Rate Zone CD–75 Rate Schedule before the National Energy Board of Canada (NEB), all as more fully set forth in the petition to amend, which is on file with the Commission and open to public inspection.

By order issued on October 31, 1959, in Docket No. G–18314, Opinion No. 331 (22 FPC 775), the Commission authorized Midwestern to import 204,000 Mcf per day of natural gas from Canada at a point on the international boundary near Emerson, Manitoba. Said order was amended by Commission order in Opinion No. 469 (34 FPC 457) to allow maximum daily imports of 222,360 Mcf. In Docket No. CP66–121 Midwestern was authorized by Commission order issued on June 20, 1967, Opinion No. 521 (37 FPC 1070), to import an additional 116,332 Mcf per day. All the gas is purchased from TransCanada.

By order issued on March 29, 1974, the Commission amended the prior orders to authorize Midwestern to pay for the TransCanada gas at 105 percent of the price per Mcf paid by domestic Canadian customers, computed at a load factor of 100 percent. However, the March 29 order only provided for the 105 percent price under TransCanada's Manitoba Rate Zone CD–75 Rate Schedule as effective April 1, 1974, and further required Midwestern to apply to the Commission for additional amendments to the import authorizations should the price of Canadian gas increase.

Subsequently, Midwestern filed an application for rehearing[1] of the order of March 29, in order to bring to the Commission's attention a proceeding before the NEB on a price increase for TransCanada's gas. After the application for rehearing was filed, the NEB proceeding was adjourned *sine die*. The Commission, therefore, dismissed the application in its order of May 10, 1974, in Docket Nos. G–18314, *et al.*, and CP66–110, *et al.* In dismissing, however, the Commission clarified its position on the issue of the need to file for amendments to the import authorizations in the event of a price increase for Canadian natural gas. The Commission stated that the filing should be made, preferably, immediately after the institution of any proceeding before the NEB which might result ultimately in a request by Midwestern for an amended import authorization. Accordingly, Midwestern states, it submits the instant petition.

Midwestern has determined that the effect of the proposed rate increase scheduled for hearing on June 4, 1974, before the NEB will increase Midwestern's purchase gas cost from TransCanada by 1.14 cents per Mcf, with a total yearly increase, based on actual 1973 volumes received under the contracts in the instant dockets, of 1.3 million dollars.[2]

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before July 9, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–14233 Filed 6–20–74;8:45 am]

[1] Great Lakes Transmission Company (Great Lakes) filed jointly with Midwestern said application for rehearing. Great Lakes has submitted a petition to amend its authorizations in Docket Nos. CP66–112, *et al.*, to reflect any increase that might result from TransCanada's June 4, 1974, proceeding before the NEB.

[2] Midwestern states that the rate proceeding scheduled before the NEB on June 4, 1974, is Phase I of TransCanada's proposed rate increase. Midwestern expects that TransCanada will apply for an additional rate increase, labelled Phase II, in the latter part of 1974, to be effective in early 1975. The Phase II rate increase is calculated by Midwestern to be 6.70 cents per Mcf, with a total yearly increase, based on actual 1973 volumes received under the contracts in the instant dockets, of 7.8 million dollars.

[Project 1967]

NEKOOSA EDWARDS PAPER CO., INC.

Issuance of Annual License

JUNE 14, 1974.

On May 21, 1969, Nekoosa Edwards Paper Company, Inc., Licensee for Lower Paper Mill Development Project No. 1967, located in Portage County, Wisconsin, on the Wisconsin River filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (§§ 16.1–16.6). Licensee also made a supplemental filing pursuant to Commission Order No. 384 on September 2, 1970.

The license for Project No. 1967 was issued effective January 1, 1938, for a period ending June 30, 1970. Since the original date of expiration the project has been under annual license. In order to authorize the continued operation of the project pursuant to section 15 of the Act pending completion of Licensee's application and Commission action thereon, it is appropriate and in the public interest to issue an annual license to Nekoosa Edwards Paper Company Inc., for continued operation and maintenance of Project No. 1967.

Take notice that an annual license is issued to Nekoosa Edwards Paper Company Inc., (Licensee) under section 15 of the Federal Power Act for the period July 1, 1974, to June 30, 1975, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Lower Paper Mill Development Project No. 1967, subject to the terms and conditions of its license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–14234 Filed 6–20–74;8:45 am]

[Docket No. CP74–306]

PANHANDLE EASTERN PIPE LINE CO.

Notice of Application

JUNE 14, 1974.

Take notice that on May 30, 1974, Panhandle Eastern Pipe Line Company (Applicant), 3000 Bissonnet Avenue, Houston, Texas 77005, filed in Docket No. CP74–306 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing implementation of 1) a Gas Storage Agreement between Applicant and Michigan Consolidated Gas Company (Consolidated) and 2) Gas Storage and Transportation Agreements between Applicant and six of its existing customers,[1] all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant seeks authorization to implement agreements with certain of its customers which provide that during the period June 1 through October 31, 1974, such customers will direct that a portion of their monthly gas entitlement be transported by Applicant for storage and that, during the 1974–75 winter heating season, specified portions of such stored volumes will be redelivered by Applicant to such customers for use in their respective service areas as outlined below:

[1] Resale customers—Ohio Gas Company; Citizens Gas and Coke Utility. Non-resale customers—Johns-Manville Fiber Glass, Inc.; Battle Creek Gas Company; City of Bushnell, Illinois; Village of Morton, Illinois.

STORAGE SCHEDULES[1]

Month, 1974	Monthly stored volumes		Average daily stored volumes	
	For resale customers	For non-resale customers	For resale customers	For non-resale customers
June (M ft³)	75,000	60,000	2,500	2,000
July (M ft³)	15,000	93,000	484	3,000
August (M ft³)	30,000	93,000	968	3,000
September (M ft³)	30,000	90,000	1,000	3,000
October (M ft³)	0	0	0	0

REDELIVERY SCHEDULE

Month	Percentage of customer's total stored volumes
November 1974	[2]
December 1974	28
January 1975	20
February 1975	16
April 1975	[3]

[1] Subject to alteration by mutual agreement or if a gas supply deficiency curtailment is in effect on applicant's system pursuant to § 16.3 of applicant's FPC gas tariff, original volume No. 1.
[2] Not less than 18 percent nor more than 36 percent.
[3] Balance of percentage not taken in November.

For each Mcf of gas delivered into storage during any month in the summer period, each buyer shall pay to Applicant a storage and transportation charge of sixty cents plus: a) (in the case of resale customers) a commodity charge applicable to buyer under the terms of the contract. (Stored volumes shall not be utilized in the determination of the demand charge applicable to buyer's receipts of gas during said summer period), or b) (in the case of non-resale customers) the currently effective price for gas sold and delivered to buyer under the terms of the contract.

Applicant states that during the 1974 summer period, it will deliver to Consolidated, a total of 2,158,000 Mcf of natural gas (the Contract Quantity) at daily rates within the ability of Applicant to deliver and Consolidated to receive for storage. Consolidated anticipates that it will have the ability to receive a minimum daily summer period delivery volume of 15,000 Mcf and a maximum of 45,000 Mcf. Applicant states that such Contract Quantity may be augmented by up to 2,000,000 Mcf if Consolidated determines it has such additional storage capacity available to commit to Applicant for the 1974–75 winter period and if Applicant agrees to utilize it. The application indicates that such additional storage shall be delivered and received on a best efforts basis. The volumes of gas to be stored will be transported and delivered by Applicant to Consolidated at an existing measurement facility at the River Rouge Station in Melvindale, Michigan, for injection into Consolidated's underground storage fields.

Applicant further states that during the 1974–75 winter period Consolidated will redeliver either on a firm basis to Southeastern Michigan Gas Company (Southeastern) for the account of Applicant, at an existing interconnection which Consolidated maintains with Southeastern at Adair, Michigan, or by displacement at Consolidated's River Rouge Station, a volume of gas equivalent to the Contract Quantity. Applicant asserts that it will designate the daily rates of redelivery; provided, however, that Consolidated shall not be obligated to redeliver gas in any month in excess of the applicable daily quantity shown in the schedule set forth below:

Month	*Maximum Daily Quantity—Mcf*
November 1974	35,000
December 1974	30,000
January 1975	25,000
February 1975	20,000

Applicant states that in the event it designates less than one million Mcf of gas for redelivery in November 1974, Consolidated agrees to redeliver to Applicant in April 1975 a volume of gas equal to the difference between the volume designated by Applicant for delivery in November 1974 and one million Mcf; provided, however, that Consolidated shall not be obligated to redeliver to Applicant in April 1975 in excess of 0.6 million Mcf of gas during the month or 50,000 Mcf on any day. Applicant states that in the event Consolidated fails to redeliver during any month during the winter period the volume of gas which Applicant desires to take, Consolidated shall use its best efforts to make up all such deficiencies in redeliveries in accordance with Applicant's direction as to the delivery of such deficiency volumes, but in no event shall such deficiency volumes be delivered to Applicant later than April 30, 1975.

Applicant claims it will pay Consolidated 56 cents per Mcf for such storage service. However, Applicant states that gas taken in excess of 102 percent of the maximum daily quantity, or in excess of the Contract Quantity, without authorization from Consolidated, shall be considered unauthorized overrun gas subject to a penalty of $10.00 per Mcf.

Applicant states that no new facilities will be required to be installed to implement this storage project.

Applicant claims that because of the continuing decline in gas supply, which has not been offset by the addition of new supplies, the levels of curtailment on its system have deepened especially during the heating season. Applicant reasons, therefore, that approval and implementation of the services proposed herein will assist participating customers in meeting their winter season heating requirements at a minimum of cost to them.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 9, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–14235 Filed 6–20–74;8:45 am]

[Project 1881]

PENNSYLVANIA POWER & LIGHT CO.

Issuance of Annual License

JUNE 14, 1974.

On June 27, 1969, Pennsylvania Power & Light Company, Licensee for Holtwood Project No. 1881, located in York and Lancaster Counties, Pennsylvania, on the Susquehanna River, filed an application for a new license under Section 15 of the Federal Power Act and Commission Regulations thereunder (§§ 16.1–16.6). Licensee also made a supplemental filing pursuant to Commission Order No. 384 on February 27, 1970.

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The license for Project No. 1881 was issued effective January 1, 1938, for a period ending June 30, 1970. Since the original date of expiration, the project has been under annual license. In order to authorize the continued operation of the project pursuant to section 15 of the Act pending completion of Licensee's application and Commission action thereon, it is appropriate and in the public interest to issue an annual license to Pennsylvania Power & Light Company for continued operation and maintenance of Project No. 1881.

Take notice that an annual license is issued to Pennsylvania Power & Light Company (Licensee) under section 15 of the Federal Power Act for the period July 1, 1974, to June 30, 1975, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Holtwood Project No. 1881, subject to the terms and conditions of its license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-14236 Filed 6-20-74;8:45 am]

[Docket Nos. E-8586, E-8587]

PUBLIC SERVICE COMPANY OF INDIANA

Extension of Time and Postponement of Hearing

JUNE 14, 1974.

On May 24, 1974, Staff Counsel filed a motion for an extension of the procedural dates fixed by order issued March 7, 1974, in the above-designated matter. The motion states all of the parties concur in the motion. On May 30, 1974, the Indiana Municipal Electric Association, et al., filed a motion for a revision of Staff's request for an extension of the procedural dates. The motion states the parties have no objection.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff's Testimony, August 27, 1974.
Service of Intervenor's Testimony, September 24, 1974.
Service of Company's Rebuttal Testimony, October 15, 1974.
Hearing, October 22, 1974 (10 a.m. e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-14237 Filed 6-20-74;8:45 am]

[Docket No. RP73-47]

SEA ROBIN PIPE LINE CO.

Further Extension of Time and Postponement of Hearing

JUNE 14, 1974.

On June 10, 1974, Staff Counsel filed a motion to extend the procedural dates and to allow addition of supplementary testimony as agreed upon at the conference before the Administrative Law Judge. The motion states that there is no opposition to the revision of the procedural dates.

Upon consideration, notice is hereby given that the procedural dates are further modified as follows:

Service of Staff's Supplemental Testimony, June 18, 1974.
Service of Company's Rebuttal, July 2, 1974.
Hearing, July 16, 1974 (10 a.m., e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-14238 Filed 6-20-74;8:45 am]

[Docket No. RI74-249]

SOHIO PETROLEUM CO.

Petition for Special Relief

JUNE 14, 1974.

Take notice that on June 10, 1974, Sohio Petroleum Company, (Petitioner), 1100 Penn Tower, Oklahoma City, Oklahoma 73118, filed a petition for special relief in Docket No. RI74-249, seeking a rate above the applicable area ceiling under Opinion No. 598. Petitioner seeks a price of 31.0 cents per Mcf, exclusive of tax reimbursement, for the sale of gas to Transcontinental Gas Pipe Line Corporation (Transco) under its FPC Gas Rate Schedule No. 60 from the West Kaplan Field, Vermilion Parish, Louisiana. The petition is based upon the drilling of a new well as a replacement for a well which has stopped producing due to water encroachment. Petitioner estimates that an additional 1.486 Bcf of remaining recoverable reserves can be produced.

Any person desiring to be heard or to make any protest with reference to said petition should on or before July 9, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-14239 Filed 6-20-74;8:45 am]

[Docket No. RP74-73]

TENNESSEE GAS PIPELINE CO.

Filing of Proposed Research and Development Rate Adjustment Provision

JUNE 14, 1974.

Take notice that on June 7, 1974, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee) tendered for filing proposed changes to Ninth Revised Volume No. 1 of its FPC Gas Tariff, to be effective on April 11, 1974, consisting of the following tariff sheets:

Third Revised Sheet Nos. 12A and 12B
First Revised Sheet No. 213K
Original Sheet No. 213L
Second Substitute Original Sheet Nos. 213M and 213N

Tennessee states that the sole purpose of such revised tariff sheets is to include a research and development (R&D) rate adjustment provision in Tennessee's tariff applicable to jurisdictional gas sales and to make necessary conforming changes in the form of Tariff Sheet Nos. 12A and 12B. Tennessee further states that its proposed R&D rate adjustment provision is the same as that originally filed in this proceeding on March 11, 1974, except for the revisions necessary to conform to the Commission's order of April 10, 1974, rejecting the initial filing, and the order of May 30, 1974, denying Tennessee's application for rehearing. Tennessee further states the filing is made pursuant to the provision of the order of April 10, 1974, stating that the rejection of the initial filing is without prejudice to the resubmission by Tennessee of an R&D rate adjustment provision properly conforming to the requirements of § 154.38(d) (5) (b) of the Commission's regulations. Tennessee states that its instant filing is in full accord therewith.

Tennessee states that copies of its filing have been mailed to all of its affected customers and interested state commissions and all parties to this proceeding.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 28, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene; provided, however, that any person who has previously filed a petition to intervene in this proceeding is not required to file a further petition. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-14240 Filed 6-20-74;8:45 am]

[Docket No. RP74-73]

TENNESSEE GAS PIPELINE CO.

Proposed Substitute R&D Rate Adjustment

JUNE 14, 1974.

Take notice that on June 7, 1974, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee) tendered for filing proposed changes to Ninth Revised Volume No. 1 of its FPC Gas Tariff to be effective on July 1, 1974, consisting of Fourth Substitute Fourth Revised Sheet Nos. 12A and 12B.

Tennessee states that the sole purpose of Fourth Substitute Fourth Revised Sheet Nos. 12A and 12B is to reflect an R&D rate adjustment determined in accord with the revised R&D rate adjustment provision being filed simultaneously herewith to conform to the requirements of the Commission's orders of April 10, 1974 and May 30, 1974, in this proceeding. Such R&D rate adjustment is in lieu of that reflected on Second Substitute Fourth Revised Sheet Nos. 12A and 12B pursuant to the originally proposed R&D rate adjustment provision rejected by such order.

Tennessee requests a waiver of the Commission's Regulations and its R&D rate adjustment provision, in the interest of customer rate stability, to permit the refiled R&D rate adjustment to become effective on July 1, 1974, simultaneously with the other rate adjustments reflected in Tennessee's filing of May 16, 1974. Tennessee states that, alternatively, in the event that the Commission does not accept such R&D rate adjustment effective July 1, 1974, Tennessee relies on its alternative filing of Third Substitute Fourth Revised Sheet Nos. 12A and 12B in its filing of May 16 and 23, 1974, to become effective July 1, 1974, and requests that the Commission in that event accept Fourth Substitute Fourth Revised Sheet Nos. 12A and 12B with a designated effective date of August 1, 1974.

Tennessee states that copies of its filing have been mailed to all of its affected customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 28, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene; provided, however, that any person who has previously filed a petition to intervene in this proceeding is not required to file a further petition. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-14241 Filed 6-20-74;8:45 am]

[Docket No. CP74-303]

TENNESSEE GAS PIPELINE CO.

Notice of Application

JUNE 14, 1974.

Take notice that on May 23, 1974, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Applicant), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP74-303 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the delivery of natural gas in interstate commerce to Lowell Gas Company (Lowell) for a term ending no later than March 31, 1975, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant relates that on October 12, 1973, it commenced the banking of daily volumes of natural gas released by Consolidated Edison Company of New York, Inc., for delivery to Lowell during the 1973-74 winter season, but that due to the mild winter experienced by Lowell approximately 267,213 Mcf of banked gas remains undelivered. Applicant states that on March 14, 1974, it commenced, pursuant to Lowell's request, the further banking of said 267,213 Mcf of gas and the banking of additional volumes up to 1,232,787 Mcf of gas (for a total of banked gas limited to 1,500,000 Mcf) for Lowell within the contemplation of § 157.22 of the regulations under the Natural Gas Act (18 CFR 157.22) and/or 2.68 of the Commission's general policy and interpretations (18 CFR 2.68). Applicant states that such additional volumes will be made available by the reduction of interruptible sales which Lowell would otherwise make during the 1974 summer and the concomitant release to Applicant of the gas which Lowell purchases from Applicant. Applicant states that Lowell will pay Applicant the then effective Zone 6 commodity rate for each Mcf of gas accepted by Applicant for banking.

Applicant requests authorization to deliver the banked gas to Lowell in accordance with an agreement dated March 27, 1974, whereby Applicant will deliver to Lowell during the 1974-75 winter period, when in Applicant's sole opinion its operating conditions permit, daily volumes of gas as Lowell may request, not to exceed 30,000 Mcf per day. The application indicates that such daily volumes will be in excess of the maximum daily volumes that Lowell is otherwise entitled to receive from Applicant. Applicant states that Lowell will pay 95.61 cents per Mcf each month for the volumes of banked gas delivered by Applicant in that month; and in the event any banked gas remains undelivered as of April 1, 1975, Lowell will pay, during April 1975, 95.6 cents per Mcf for such remaining gas.

Applicant indicates that no additional facilities will be needed, nor will its ability to render presently authorized service to its other customers be affected by the service proposed herein.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 9, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-14242 Filed 6-20-74;8:45 am]

[Docket No. CP74-300]

TEXAS GAS TRANSMISSION CORP. AND TENNESSEE GAS PIPELINE CO.

Notice of Application

JUNE 13, 1974.

Take notice that on May 21, 1974, Texas Gas Transmission Corporation (Texas), P.O. Box 1160, Owensboro, Kentucky 42301, and Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP74-300 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange of natural gas between Applicants, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants seek authorization to exchange up to 25,000 Mcf of natural gas per day whereby Tennessee will deliver or cause to be delivered to Texas varying quantities of gas through the existing measurement facilities on Texas' Abbeyville 8-inch pipeline located in the vicinity of the Parcperdue Field, Vermilion and Lafayette Parishes, Louisiana, and at other existing delivery points mutually agreed upon by the parties. The application indicates that Texas will simultaneously redeliver or cause to be redelivered a total volume of natural gas equivalent to the total volume received from Tennessee. The application indicates said redeliveries will be made to Tennessee at the tailgate of the Shell Oil

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Company gasoline plant near Chalky, Cameron Parish, Louisiana, and/or at the tailgate of the Atlantic Richfield Company gasoline plant in Bayou Sale, St. Mary Parish, Louisiana, and/or at other existing delivery points mutually agreed upon by the parties. Imbalances in deliveries would be corrected as soon as possible.

Applicants state that the purpose of the proposed exchange is to eliminate the necessity for the construction of duplicative gathering facilities by Tennessee, thus making available to Tennessee's customers additional supplies of natural gas without the costs of such additional gathering facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 1, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-14243 Filed 6-20-74;8:45 am]

[Docket Nos. RP74-83, and RP74-20]

UNITED GAS PIPE LINE CO.

Order Accepting Proposed Tariff Sheets; Correction

JUNE 6, 1974.

In the Order Accepting Proposed Tariff Sheets For Filing, Suspending Rate Increase, Setting Matter For Hearing, Permitting Intervention And Consolidating Proceedings issued May 16, 1974 and published in the FEDERAL REGISTER on May 23, 1974 (39 FR 18157), Paragraph 5, lines 8 and 9 "Consolidated Natural Gas Service Company Inc." should be "Consolidated Gas Supply Corporation."

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-14244 Filed 6-20-74;8:45 am]

[Docket No. CP69-110]

UNITED GAS PIPE LINE CO.

Petition to Amend

JUNE 14, 1974.

Take notice that on May 30, 1974, United Gas Pipe Line Company (Petitioner), 1500 Southwest Tower, Houston, Texas 77002, filed in Docket No. CP69-110 a petition to amend the order issued in the subject docket on April 15, 1969 (41 FPC 485), pursuant to section 7(c) of the Natural Gas Act authorizing the transportation of gas by Petitioner for Western Gas Corporation (Western), successor in interest to Southern Gas Company (Southern), by authorizing an extension of term, a new price, and an emergency delivery point in Gregg County, Texas, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner is currently authorized in the subject docket to transport for Western, pursuant to an agreement between Petitioner and Southern dated August 21, 1968, volumes of natural gas from the outlet of Champlin Petroleum Corporation's gasoline plant located in Panola County, Texas, to a point at Petitioner's Longview Compressor Station located in Gregg County, Texas. Said agreement constitutes Rate Schedule X-25 of Petitioner's FPC Gas Tariff, Original Volume No. 2.

Petitioner seeks authorization to: (1) continue the transportation of gas under an extended term of the August 21, 1968, agreement (which expires by its own terms July 7, 1974) until July 1, 1975, and year to year thereafter; (2) establish a new price of 9.88 cents per Mcf of gas transported; (3) operate an emergency delivery point located at an existing tap at Station 171+55 on Petitioner's Carthage-Longview 20-inch line. Petitioner states that no new facilities are required to be constructed.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before July 5, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-14245 Filed 6-20-74;8:45 am]

[Docket No. RP74-85]

WESTERN GAS INTERSTATE CO.

Order Accepting for Filing and Suspending Proposed Rate Increase, Approving Proposed PGA Clause and Establishing Procedures

JUNE 14, 1974.

On April 24, 1974, Western Gas Interstate Company (Western) filed with the Commission a proposed change in rates for natural gas service rendered by its Southern Division System and its Northern Division Systems to customers served under Original Volume No. 1 of its FPC Gas Tariff. The proposed rate change would increase revenues from jurisdictional sales and service by $669,539 based for the twelve month period ended December 31, 1973, as adjusted.[1]

In support of its proposed rate increase, Western states that the major reason for the rate increase is due to increased purchased gas costs. Western requests an overall rate of return of 10.5 percent which would provide a 14.357 percent return on common equity; such common equity is 50.741 percent of total capitalization.

Western has also proposed to combine Rate Schedules G-1 and G-2 into Rate Schedule G-N, Northern Division. Consistent therewith, Western has filed revised tariff sheets which would cancel Rate Schedules I-1, I-2, I-3 and G-2.[2] Moreover, Western proposes to include a purchased gas adjustment clause (PGA clause) in its FPC Gas Tariff.[3]

Western proposes an effective date of June 15, 1974 for the proposed changes. Its proposed rate increase was noticed on May 7, 1974. No comments or petitions to intervene were received.

Our review of Western's filing indicates that the proposed rate increase may not be just and reasonable and may be unjust, unreasonable or unduly discriminatory. Accordingly, we shall suspend the revised tariff sheets which reflect the proposed increase for one day until June 16, 1974 and establish hearing procedures to determine the justness and reasonableness of the proposed changes in rates, terms and conditions contained therein.

Our review of Western's proposal to cancel Rate Schedules I-1, I-2, I-3 and G-7 and redesignate Rates Schedules G-1 and G-2 as Rate Schedule G-N and redesignate Rate Schedule G-3 as Rate Schedule G-S indicates that such proposal is reasonable and appropriate. Accordingly, we shall accept for filing the revised tariff sheets which would replace and cancel Rate Schedules I-1, I-2, I-3 and G-2 and make them effective subject to refund as of June 16, 1974.

Our review of Western's proposed PGA clause indicates that it conforms with § 154.38(d)(4) of the regulations except that it does not require Western to file an updated cost of service within 3 years of the effective date of the PGA clause as required by § 154.38(d)(4)(vi) of the regulations. Accordingly, we shall approve Western's PGA clause to become effective June 15, 1974, as proposed, and order that Western shall be made subject to § 154.38(d)(4)(vi) of the regulations.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed changes in rates and charges contained in the revised tariff sheets listed in Footnote 1 above and that such sheets be accepted for filing, suspend for one day and permitted to take effect June 16, 1974, subject to refund.

(2) Good cause exists to accept for filing the revised tariff sheets listed in Footnote 2 above which would replace and cancel Rate Schedules I-1, I-2, I-3 and G-2 to become effective June 16, 1974.

(3) Good cause exists to accept Western's PGA clause for filing and make it effective as hereinafter ordered and conditioned.

The Commission orders:

(A) Pending a hearing and a decision thereon, Western's proposed revised tariff sheets reflecting increased rates and charges and listed in Footnote 1 above are accepted for filing and suspended for one day and the use thereof deferred until June 16, 1974 or until such time as they are made effective in the manner provided by the Natural Gas Act.

(B) Pursuant to authority of the Natural Gas Act, particularly section 4 thereof, and the Commission's Rules of Practice and Procedure and the Regulations under the Natural Gas Act (18 CFR, Chapter I), a public hearing shall be held on September 16, 1974 at 10 a.m. in a hearing room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, concerning the lawfulness of Western's proposed rate increase, as reflected in the revised tariff sheets listed in Footnote 1 above.

(C) Western's proposed revised tariff sheets listed in Footnote 2 above which would replace and cancel Rate Schedules I-1, I-2, I-3, and G-2 are accepted for filing and made effective, subject to refund, June 16, 1974.

(D) The revised tariff sheets reflecting Western's proposed PGA clause are accepted for filing and made effective June 15, 1974, as proposed provided that Western shall be made subject to the requirements of § 154.38(d)(4)(vi) of the regulations.

(E) On or before August 1, 1974 the Commission staff shall serve its prepared testimony and exhibits concerning the proposed amendment. Any rebuttal evidence by the Company shall be served on or before August 30, 1974.

(F) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in the Commission's Rules of Practice and Procedure.

(G) The Secretary of the Commission shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74-14246 Filed 6-20-74;8:45 am]

[Project 1889]

WESTERN MASSACHUSETTS ELECTRIC CO.

Issuance of Annual License

JUNE 14, 1974.

On June 19, 1969, Western Massachusetts Electric Company, Licensee for Turners Falls & Cabot Project No. 1889, located in Windham County, Vermont, Franklin County, Massachusetts, and Cheshire County, New Hampshire, on the Connecticut River, filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (§§ 16.1-16.6). Licensee also made a supplemental filing pursuant to Commission Order No. 384 on February 18, 1970.

The license for Project No. 1889 was issued effective January 1, 1938, for a period ending June 30, 1970. Since the original date of expiration, the project has been under annual license. In order to authorize the continued operation of the project pursuant to section 15 of the Act pending completion of Licensee's application and Commission action thereon, it is appropriate and in the public interest to issue an annual license to Western Massachusetts Electric Company for continued operation and maintenance of Project No. 1889.

Take notice that an annual license is issued to Western Massachusetts Electric Company (Licensee) under Section 15 of the Federal Power Act for the period July 1, 1974, to June 30, 1975, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Turners Falls & Cabot Project No. 1889, subject to the terms and conditions of its present license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-14247 Filed 6-20-74;8:45 am]

[Dockets Nos. RI74-245, RI74-246]

CHAMPLIN PETROLEUM CO. AND PHILLIPS PETROLEUM CO.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

JUNE 6, 1974.

Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders: (A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR, Chapter I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column. Each of these supplements shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Commission. Each Respondent shall comply with the refunding procedure required by the Natural Gas Act and Section 154.102 of the Regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[1] Does not consolidate for hearing or dispose of the several matters herein.

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[1] First Revised Sheets Nos. 1, 4, 5, 6, 14, 15, 16 and Original Sheet No. 3A.

[2] First Revised Sheets Nos. 7, 9, 12 and 17.

[3] First Revised Sheet No. 33 and Original Sheet Nos. 33A, 33B and 33C.

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APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in docket No.
RI74-245..	Champlin Petroleum Co....	109	10	Mountain Fuel Supply Co. (Church Buttes Field, Sweetwater County, Wyo., Unita (Green River Basin) (Rocky Mountain Area).	$42,836	5- 7-74	.....	12- 1-74	[4] 26.5433	[1] [3] 27.6275	
RI74-246..	Phillips Petroleum Co.....	547	2	Colorado Interstate Gas Co. (South Patrick Draw Field, Sweetwater County, Wyo., Unita (Green River Basin) (Rocky Mountain Area).	99,591	5- 8-74	.....	11- 8-74	23.1572	[1] [3] 41.60	

* Unless otherwise stated, the pressure base is 14.65 lb/in²a.
[1] Includes a double amount of contractually due tax reimbursement.
[2] Includes upward Btu adjustment from a base of 1,050 Btu.
[3] Subject to upward or downward Btu adjustment from a base of 1,000 Btu.
[4] The pressure base is 15.025 lb/in²a.

The proposed rate increases of Champlin Petroleum Company and Phillips Petroleum Company exceed the applicable area ceiling rate as set forth in Opinion No. 658 and Order No. 435, and they are suspended for five months.

Champlin and Phillips in these filings include a double amount of the contractually due tax reimbursement so as to collect tax reimbursement on past production as well as on future production. They shall file rate decreases reflecting only contractually due tax reimbursement for future production after tax reimbursement on past production has been recovered.

[FR Doc.74-14114 Filed 6-20-74;8:45 am]

[Dockets Nos. RI74-251, etc.]

RATE CHANGES

Order Providing for Hearing and Suspension and Allowing To Become Effective Subject to Refund [1]

JUNE 13, 1974.

Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders: (A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR, Chapter I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column. Each of these supplements shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Commission. Each Respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[1] Does not consolidate for hearing or dispose of the several matters herein.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI74-251..	Aztec Oil & Gas Co.....	9	[1] 45	Southern Union Gathering Co. (San Juan County, N. Mex., San Juan Basin Subarea) (Rocky Mountain Area).	$20,650	5-13-74	.....	11-13-74	[2] 28.65	[3] 32.78	
	.....do.....		[4] 46	.....do.....	681,380	5-13-74	.....	11-13-74	[5] 30.09	[6] 34.43	
	.....do.....	32	[1] 7	.....do.....	197,280	5-13-74	.....	11-13-74	[2] 28.65	[3] 32.76	
	.....do.....		[4] 8	.....do.....	238,700	5-13-74	.....	11-13-74	[5] 30.09	[6] 34.43	
RI74-252..	Texaco, Inc.....	324	[7] 11	Southern Union Gathering Co. (Basin Dakota Field, San Juan County, N. Mex.) (Rocky Mountain Area).	.....	5-13-74	6-13-74	[9] Accepted			
	.....do.....		12	.....do.....	146,897	5-13-74	6-13-74	[9] Accepted	[8] 17.6314	[8] [11] [13] 30.0278	
					[10]					[8] [12] [14] 29.04	
	.....do.....		13	.....do.....	5,925	5-13-74	.....	[20]	[8] [15] 30.0278	[8] [16] 30.5278	
					[10]	5-13-74	.....	[20]	[8] [12] 29.04	[8] [14] [16] 34.485	
	.....do.....		14	.....do.....	3,721	5-13-74	.....	[20]	[8] [15] 30.5278	[8] [16] 30.8418	
					[10]	5-13-74	.....	[20]	[8] [18] 34.485	[8] [16] 34.8622	
RI74-253..	Mobil Oil Corp.....	484	5	Northwest Pipeline Corp. (Papoose Canyon Field, Dolores County, Colo., San Juan Basin Sub Area) (Rocky Mountain Area).	4,099	5-15-74	.....	7-27-74	25.5	26.0	RI74-76. RI73-303.
RI74-60...	Shell Oil Co.....	395	3	El Paso Natural Gas Co. (Bisti Field, San Juan County, N. Mex., San Juan Basin Sub Area) (Rocky Mountain Area).	341	5-17-74	.....	7- 2-74	28.5	28.8117	RI74-60.

* Unless otherwise stated, the pressure base is 15.025 lb/in²a.
[1] Pictured Cliffs Formation.
[2] Includes upward Btu adjustment for 1,150 Btu gas from a base of 1,050 Btu/ft³.
[3] Includes upward Btu adjustment for 1,150 Btu gas from a base of 1,000 Btu/ft³.
[4] Mesa Verde and Dakota Formations.
[5] Includes upward Btu adjustment for 1,209 Btu gas from a base of 1,050 Btu/ft³.
[6] Includes upward Btu adjustment for 1,208 Btu gas from a base of 1,000 Btu/ft³.
[7] Contract amendment dated Apr. 2, 1974.
[8] Includes upward Btu adjustment for 1,210 Btu gas from a base of 1,050 Btu/ft³.
[9] Includes upward Btu adjustment for 1,210 gas from a base of 1,000 Btu/ft³.
[10] No production.
[11] Base rate of 24.48 cents plus tax and Btu adjustment.
[12] Base rate of 24 cents plus Btu adjustment.
[13] Applicable to gas from wells commenced prior to Jan. 1, 1973.
[14] Applicable to gas from wells commenced on or after Jan. 1, 1973.
[15] Applicable to gas from wells commenced prior to June 1, 1970.
[16] Applicable to gas from wells commenced on or after June 1, 1970.
[17] Date last filed rate becomes effective subject to refund.
[18] Subject to upward and downward Btu adjustment from a base of 1,000 Btu.
[19] Accepted for filing as of the date set forth in the "Effective Date Unless Suspended" column.
[20] The proposed rate increase is suspended until Nov. 13, 1974, insofar as the sales are covered by Opinion No. 658 and is suspended until July 14, 1974, insofar as the sales are covered by Order No. 435.

The proposed rate increases of Texaco Inc. under Supplement Nos. 13 and 14 to its FPC Gas Rate Schedule No. 324 are suspended for five months insofar as the sales are covered by Opinion No. 658 and suspended for one day insofar as they are covered by Order No. 435.

The proposed rate increase of Mobil Oil Corporation exceeds the applicable area ceiling rate in Order No. 435, and is suspended for one day.

The proposed tax reimbursement increase of Shell Oil Company is suspended for one day from the proposed July 1, 1974 effective date in the existing suspension proceeding in Docket No. RI74-60.

The remaining proposed rate increases are suspended for five months since the proposed rates exceed the applicable area ceiling rate in Opinion No. 658.

[FR Doc.74-14099 Filed 6-20-74;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on June 18, 1974 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this Daily List may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529).

NEW FORMS

ACTION

Decline/De facto Questionnaire, Form ----, Quarterly, Lowry, Individuals.

DEPARTMENT OF COMMERCE

Bureau of Economic Analysis: Survey of U.S. Business Investments Abroad—1973, Form BE 10, Single time, Hulett, Foreign Investors.

FEDERAL ENERGY OFFICE

Notification of Adjustment in Base Period Volume for Unusual Growth, Form FEO 15A, Single time, Weiner, Suppliers of petroleum products.

Supplier Certification of Unusual Growth Adjustment, Form FEO 15, Occasional, Weiner, Suppliers of petroleum products.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Resources Administration:
Educating Future Health Care Administrators and Evaluation of Current Health Care Education Objectives, Form ----, Single time, Planchon, HCA programs, graduate students and alumni.

Social Security Administration:
Evaluation and Measurement System Supplemental Security Income Questionnaire, Form SSA 9750, Occasional, HRD/Sunderhauf, Individuals.

Departmental:
Instructions for Application for Federal Assistance, Form OS 24-74, Annual, Lowry, Indian tribal governments and private, non-profit agencies.

REVISIONS

DEPARTMENT OF AGRICULTURE

Statistical Reporting Service:
Hatchery and Broiler Chick Placement Survey, Form ----, Weekly, Lowry, Chicken Hatcheries.

EXTENSIONS

DEPARTMENT OF AGRICULTURE

Agricultural Research Service:
Food Facility Survey Form, Form TF 31, Occasional, Lowry, Wholesale food distributors and processors.

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Agricultural Stabilization and Conservation Service:
- Certification of Flue-Cured Tobacco Varieties Planted, Form MQ 32, Annual, Evinger, Operators of flue-cured tobacco farms.
- Uniform Rice Storage Agreement, Form CCC 26, Occasional, Evinger, Rice warehousemen.
- Bean Storage Agreement, Form CCC 28, Occasional, Evinger, Bean warehousemen.

Food and Nutrition Service:
- Requisition for Food Coupon Books, Forms FNS 260, 260–1, Occasional, Evinger, State agencies and project areas (shipping points).

DEPARTMENT OF LABOR

Manpower Administration:
- Individual Termination/Transfer Report, Form MA 102, Occasional, Evinger (x).
- Proposal and Contract for Federally Assisted On-the-Job Training, Form OJT 3 & 3A, Occasional, Evinger (x).
- MDTA Handbook, Chapter VII, Current Job Status, Form MA 103, Occasional, Evinger (x).
- BWTP Sponsors Activity Report, Form BWTP–9, Monthly, Evinger (x).
- Reporting on the Operation of Apprenticeship Information Centers, Form ES 239, Monthly, Evinger (x).
- OJT Progress and Compliance Report, Form OJT 4–MT4, Occasional, Evinger (x).
- Annual Distribution of Claimants by Earnings, Form ES 206, Annual, Evinger (x).
- ESARS Transition Activity Report, Form MA 5–20, Monthly, Evinger (x).
- Annual Manpower Planning Report, Form ____, Annual, Evinger (x).
- Monthly Status Report (PSC), Form MA 5–19, Monthly, Evinger (x).

PHILLIP D. LARSEN,
Budget and Management Office.

[FR Doc.74–14394 Filed 6–20–74;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500–1]

BBI, INC.

Suspension of Trading

JUNE 17, 1974.

The common stock of BBI, Inc., being traded on the American Stock Exchange and the Philadelphia-Baltimore-Washington Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of BBI, Inc., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from June 18, 1974 through June 27, 1974.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.74–14278 Filed 6–20–74;8:45 am]

[812–3595]

DANMONT CORP.

Filing of Application for Order Declaring Company Not An Investment Company or Exempting Company

JUNE 17, 1974.

Notice is hereby given that Danmont Corporation, 110 Wynn Drive, NW., Huntsville, Alabama 35806 ("Applicant"), a Delaware corporation, has filed an application pursuant to section 3(b)(2) of the Investment Company Act of 1940 ("Act") for an order of the Commission declaring that Applicant is primarily engaged in a business or businesses other than that of investing, reinvesting, owning, holding, or trading in securities and, therefore, is not an investment company within the meaning of the Act, or in the alternative, for an order under section 6(c) exempting it from all the provisions of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein which are summarized below.

Applicant was incorporated on January 20, 1971, as a wholly owned subsidiary of Danmont Corporation (formerly known as Astro-Space Corporation), a Nevada corporation ("Danmont Nevada") and, pursuant to an Agreement of Merger, acquired the assets and business of Danmont Nevada effective April 26, 1972. Prior to the merger, Applicant had not engaged in any business. Applicant owns 96 percent of the outstanding stock of Astro-Space Laboratories, Inc. ("Laboratories"), and since August 1967, Applicant and/or its predecessor has operated Laboratories. In April and May of 1969, Applicant acquired, pursuant to a cash tender offer, 68.7 percent of the outstanding stock of MSN Industries Ltd., a Canada corporation ("MSN"), formerly known as Mussens Limited, which, therefore, became a majority-owned operating subsidiary. During 1972, pursuant to an exchange offer, Applicant acquired an additional 28.3 percent of MSN, and thereby increased its percentage of ownership to 97 percent. On December 12, 1973, Applicant sold its 97 percent interest in MSN. Applicant owns 95 percent of the outstanding stock of Royal Medical Corporation ("Royal"), a former division of Laboratories which Applicant operates.

On October 31, 1970, Applicant's predecessor acquired 200,000 shares of common stock of The Jaeger Machine Company ("Jaeger"). Applicant asserts that such purchase was made for the purpose of acquiring control, and that Applicant is the largest single shareholder of Jaeger. The present Jaeger Board of Directors consists of ten members, five of whom are nominees of the Applicant. The application states that the only case in which Applicant acquired stock in a company other than for the purpose of operating such company, has been its acquisition of common stock of Trustee Life Insurance Company ("Trustee Life"), which sells insurance in Alabama. In December 1972, Applicant acquired and presently holds 30,800 shares of Trustee Life, which represents approximately 5.9 percent of Trustee Life's outstanding stock. Applicant alleges that its Trustee Life interest is its only holding acquired for "investment". MSN is engaged in the business of selling, leasing and servicing construction and mining equipment throughout eastern Canada and distributing parts for such equipment. Laboratories is engaged in the business of designing and manufacturing electronic and manufacturing equipment and components primarily for use in the aerospace industry. Royal is involved in research and development projects relating to medical diagnostic measuring instruments. Jaeger is engaged primarily in the manufacture of construction equipment. Applicant represents that it is involved in operating all but one of the businesses in which it holds a stock interest, and that it has never maintained any trading or other type of investment department and does not engage in securities trading.

Applicant's pro forma total assets (exclusive of Government securities and cash items) were $2,062,513 on an unconsolidated basis, including the Jaeger shares which are valued in conformity with section 2(a)(41) of the Act.

Section 3(a)(3) of the Act defines an investment company as any issuer which is engaged, or proposes to engage, in the business of investing, reinvesting, owning, holding, or trading in securities, and owns or proposes to acquire investment securities having a value exceeding 40 per centum of the value of such issuer's total assets (exclusive of Government securities and cash items) on an unconsolidated basis.

As a result of its disposition of the MSN shares, and depending on the value placed on Applicant's various assets, Applicant states that it inadvertently has come within the jurisdiction of the Act by being deemed to own investment securities (as defined in section 3(a)(3) of the Act), which may have a value exceeding 40 percent of Applicant's total assets (exclusive of Government securities and cash items) on an unconsolidated basis. On the basis of values determined in conformity with section 2(a)(41) of the Act, Applicant's investment securities represent approximately 66.3 percent of Applicant's total assets as aforesaid.

Section 3(b)(2) of the Act, however, excepts from the definition of an investment company any issuer which the Commission finds and by order declares to be primarily engaged in a business or businesses other than that of investing, reinvesting, owning, holding, or trading in securities, either directly or (a) through majority-owned subsidiaries or (b) through controlled companies conducting similar types of businesses.

Applicant contends that it is entitled to an order of the Commission under section 3(b)(2) of the Act, finding and declaring that Applicant is primarily engaged in a business or businesses other than that of investing, reinvesting, owning, holding, or trading in securities through majority-owned subsidiaries or through controlled companies conducting similar types of businesses, and that Applicant is not an investment company.

Applicant asserts that its history of development and its public statements demonstrate that, since its organization, Applicant has consistently conducted and represented itself as a company engaged in operating a business or businesses through majority-owned subsidiaries or controlled companies or both, and Applicant's shareholders have invested in Applicant on such basis. The absence of securities trading by Applicant, the fact that Applicant's "investment securities" in all but one case in its eight-year history were not acquired as investments, and the direct involvement of Applicant's officers in operations and expansion of operations and their lack of involvement in trading or investment activity on behalf of Applicant, further substantiate that Applicant is not engaged in the business of investing, reinvesting, owning, holding, or trading in securities. The acquisition by Applicant of slightly over 25 percent of the outstanding common stock of Jaeger, for the purpose of obtaining control of Jaeger and with a view toward combining Jaeger with Applicant, is consistent with Applicant's historical expansion of its operating activities and is further confirmation of the status of Applicant and its subsidiaries as an operating enterprise.

Applicant further contends that, as an alternative to an order under section 3(b)(2) of the Act, exemption of Applicant from all the provisions of the Act pursuant to section 6(c) thereof is consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Section 6(c) of the Act provides that the Commission may conditionally or unconditionally exempt any person or transaction from any provisions of the Act if such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than July 11, 1974 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit, or in the case of an attorney at law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in the matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.74–14280 Filed 6–20–74;8:45 am]

[812–3530]

INVERNESS GROWTH FUND, INC. AND INVERNESS FUND, INC.

Filing of Application for Exemption

JUNE 17, 1974.

Notice is hereby given that Inverness Growth Fund, Inc., 1880 Century Park East, Los Angeles, Calif. 90067 ("IGF") and Inverness Fund, Inc., 345 Park Avenue, New York, N.Y. 10022 ("IF"), ("Applicants"), both registered under the Investment Company Act of 1940 ("Act") as diversified, open-end management investment companies, have filed an application pursuant to section 17(b) of the Act for an order exempting from the provisions of section 17(a) of the Act the proposed sale by IF of substantially all of its assets to IGF in exchange for shares of common stock of IGF and pursuant to Section 6(c) for an order of exemption from the provisions of Rule 22c–1 under the Act permitting Applicants to determine net asset values for purposes of the exchange on the business day preceding the closing date of the proposed transaction. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

IGF, a Delaware corporation, employs as its investment adviser Inverness Counsel, Inc. (California) ("ICC"), a wholly-owned subsidiary of Inverness Counsel, Inc. ("IC"). IC, a wholly-owned subsidiary of Inverness Management Corporation ("IMC"), served as investment adviser to IF, a Maryland corporation, until May 31, 1973 when IC terminated the investment advisory agreement after determining that it could not advise IF on a profitable basis. The officers of IF, particularly one officer who is also an officer of IGF, have been supervising the investment portfolio of IF subject to the direction and control of IF's board of directors. One director and one officer of IF are directors and officers of IC. Five individuals who are either officers or directors of IMC, IC, or IGF own approximately 20% of the shares of IF.

IF and IGF have entered into an agreement dated August 13, 1973 and amended December 28, 1973 (the "Articles"), providing for the purchase by IGF of substantially all of the assets of IF in exchange for shares of IGF and the liquidation and subsequent dissolution of IF. It is a condition precedent to the obligation of each of the Applicants to affect the proposed transaction that an opinion of counsel be obtained to the effect that the proposed transaction will constitute a tax-free reorganization and that no gain or loss will be recognized by either of the Applicants or their shareholders as a result of the transaction. On February 22, 1974, the shareholders of IF approved the proposed transaction by the requisite majority of outstanding voting securities.

Prior to the closing date of the transaction ("Closing Date"), IF will distribute to its shareholders dividends consisting of all its undistributed earned income and realized capital gains. The number of shares to be issued by IGF to IF will be determined by dividing the total net asset value of IF by the net asset value per share of IGF. The total net asset value of IF and the net asset value per share of IGF will be determined at the same point in time at the close of business on the business day immediately preceding the Closing Date. Both IF and IGF follow the same procedures for determining the value of securities for purposes of computing net asset value. All IF shareholders will receive their pro rata share of the IGF shares to be issued upon liquidation of IF.

As of February 28, 1974, IGF and IF had, respectively, net assets of $5,172,949 and $177,285 and had net unrealized depreciation on the securities in their portfolios in the amounts of $829,713 and $20,589, respectively. Both IF and IGF currently have net realized losses. In addition, IF has tax loss carry forwards in the amounts of $63,964, $30,686, and $40,368 which may be utilized in 1974, 1975, and 1976, respectively. Applicants assert that it is problematical whether IGF will be able to benefit by the acquisition of realized losses in view of the uncertainty that IGF will be able to generate gains in sufficient amounts to offset the tax-loss carry forwards of IF and the current unrealized depreciation of securities of both IF and IGF. Accordingly, no adjustment in the bases of exchange will be made as a result of such tax losses or net unrealized depreciation. If the proposed transaction had been consummated on February 28, 1974, the shareholders of IF would have received approximately 3.3 percent of the shares of IGF.

SECTION 17(a)

Applicants state that, in view of the close affiliation between the managements of the Applicants, IC, and ICC, Applicants might be deemed to be under "common control" and each of the Applicants might be deemed an "affiliated person" of the other under the definition of "affiliated person" set forth in section 2(a)(3) of the Act.

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Section 17(a) of the Act, in pertinent part, provides that it is unlawful for any affiliated person of a registered investment company or any affiliated person of such a person knowingly to sell to or purchase from such registered investment company any security or other property except securities of which the investment company is the issuer. Pursuant to section 17(b) of the Act, the Commission, upon application, may grant an exemption from such prohibition after finding that the terms of the proposed transaction are fair and reasonable and do not involve overreaching on the part of any person concerned and that the proposed transaction is consistent with the policy of each registered investment company concerned and the general purposes of the Act.

Applicants represent that the terms of the proposed transaction are reasonable and fair and do not involve overreaching on the part of any person concerned. The shares of IGF will be issued to the shareholders of IF on the basis of the respective net asset values of each of the Applicants determined at the same point in time and in the same manner. It is stated that both IF and IGF have experienced substantial declines in aggregate net assets in recent years. IF currently has no investment adviser and its Board of Directors has determined that since IF can no longer operate economically as a registered investment company, the proposed transaction will be in the best interests of IF shareholders. The Board of Directors of IGF view the proposed transaction as a means of attaining new and additional investors which would allow IGF to function more economically. IMC has agreed to bear all the expenses of the proposed transaction which are estimated at $16,500.

Applicants submit that the proposed transaction is consistent with the policies of both IF and IGF and the general purposes of the Act. Applicants state that the investment policies and restrictions of IF and IGF are substantially similar. IF has an investment restriction on the purchase of restricted securities; IGF has no such restriction. It is stated in the February 28, 1974 prospectus of IGF that IGF has never held restricted securities in its portfolio and does not presently intend to purchase restricted securities. It is represented that the management of IGF will determine what securities, if any, in the IF portfolio are inconsistent with the investment policies of IGF and that these securities will be sold by IF prior to the Closing Date.

RULE 22c-1

Rule 22c-1 promulgated under section 22(c) of the Act provides, in pertinent part, that no registered investment company issuing any redeemable security, no person designated in such issuer's prospectus as authorized to consummate transactions in any such security, and no principal underwriter of, or dealer in, any such security shall sell, redeem, or repurchase any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security. Applicants state that the literal requirements of Rule 22c-1 may not be met by the proposed transaction if such rule is deemed to apply to transactions involving the exchange of stock for assets because the net asset values of IF and IGF for purposes of the exchange are to be determined as of the close of business on the business day immediately preceding the Closing Date.

Applicants state that the function of Rule 22c-1 is to prescribe the time for pricing redeemable securities on typical daily purchase and redemption transactions by investment companies and is not designed to cover the type of transaction contemplated by the Articles.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or conditionally exempt any person or transaction from any provision of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than July 12, 1974, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the addresses stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule O-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following July 12, 1974, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.74-14281 Filed 6-20-74;8:45 am]

[70-5512]

MICHIGAN CONSOLIDATED GAS CO.

Proposed Issue and Sale of First Mortgage Bonds at Competitive Bidding

JUNE 14, 1974.

Notice is hereby given that Michigan Consolidated Gas Co., One Woodward Avenue, Detroit, Mich. 48226 ("Michigan Consolidated"), a gas utility subsidiary company of American Natural Gas Co., a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Section 6(b) of the Act and Rule 50 thereunder as applicable to the proposed transaction. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transaction.

Michigan Consolidated proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, $40,000,000 principal amount of First Mortgage Bonds, -- percent Series due 1999. The interest rate (which will be a multiple of ⅛ of 1 percent) and the price, exclusive of accrued interest, (which will not be less than 98½ percent nor more than 101½ percent of the principal amount) will be determined by the competitive bidding. The bonds will be issued under an Indenture of Mortgage and Deed of Trust dated as of March 1, 1944, as heretofore supplemented and as to be further supplemented by a Twenty-second Supplemental Indenture to be dated as of July 15, 1974, between Michigan Consolidated and First National City Bank, as Trustee, and including a prohibition until August 1, 1979, against refunding the issue with funds borrowed at a lower cost of money.

It is stated that the net proceeds from the sale of the bonds will be used to retire all of Michigan Consolidated's then outstanding notes payable for interim financing, estimated to be $18,000,000, and to pay, in part, 1974 construction costs, estimated at $100,000,000. It is stated that additional funds required to finance Michigan Consolidated's 1974 construction will be obtained from its operations and from additional borrowings which will be the subject of a future application to the Commission.

The fees and expenses to be paid in connection with the proposed transaction are estimated at $177,000, including counsel fees of $32,500 and accounting fee of $10,500. The fee of counsel for the purchasers of the bonds is estimated at $15,000 and is to be paid by the successful bidders. It is stated that the issuance and sale of the bonds require authorization by the Michigan Public Service Commission and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than July 12, 1974, request in writing that a hearing

be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-14277 Filed 6-20-74;8:45 am]

[812-3612]

WCI COMMERCIAL CORP.

Filing of Application Pursuant for Order Exempting Company From All Provisions of the Act

JUNE 17, 1974.

Notice is hereby given that WCI Commercial Corp., c/o Warner Communication, Inc., 75 Rockefeller Plaza, New York, N.Y. 10019 ("Applicant"), a Delaware corporation, has filed an application pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act") for an order exempting Applicant from all provisions of the Act. All interested persons are referred to the application on file with the Commission for a complete statement of the representations contained therein which are summarized below.

The only securities of Applicant now outstanding are shares of its capital stock, all of which are owned by Warner Communications Inc. ("WCI"), a Delaware corporation, and a $30,000,000 note ("Note") held by Continental Illinois National Bank and Trust Co. of Chicago ("Continental"). The Note was issued on December 14, 1973, and will be repaid in three equal annual installments commencing December 31, 1980. Pursuant to the Loan Agreement with Continental, as amended, Applicant agreed to apply for exemption from all of the provisions of the Act.

WCI is primarily engaged directly or through wholly-owned subsidiaries in the entertainment/communications business (including the fields of recorded music and music publishing, motion pictures and television, cable television, and magazine and paperback publication and distribution). The investment securities owned by WCI and its subsidiaries, including Applicant, have a value substantially less than 40 percent of the value of WCI's total assets (exclusive of Government securities and cash items) on an unconsolidated basis.

The proceeds of the loans were intended to be used, and have been applied, for the purchase of outstanding securities of WCI, as well as for the repayment of short-term obligations of WCI (incurred, in part, for the purchase of other outstanding securities of WCI). WCI could have made the loan directly from Continental without any question arising under the Act. However, because of Continental's concern that Regulation U of the Board of Governors of the Federal Reserve System might apply to the proposed transaction, in view of certain covenants in the Loan Agreement, and in view of the intended use of proceeds, Applicant was organized as the legal vehicle for effecting the $30,000,000 loan, under the guaranty of WCI, and WCI contributed to Applicant a portfolio of marketable securities sufficient to satisfy the margin rules.

Under the Loan Agreement, Continental is regularly supplied with extensive financial information concerning both WCI and Applicant, sufficient to provide Continental with such information as it would reasonably require for an intimate knowledge of Applicant's financial and business status.

The Loan Agreement did not provide for subdivision of the Note into notes of smaller denomination transferable to third parties or for any registration of the Note, and, on December 12, 1973, the Commission staff advised that, on the basis of counsel's opinion that Applicant was excepted from the definition of investment company by section 3(b)(3) of the Act, the staff would not recommend any action to the Commission if the loan was effected and the Note issued, without registration of Applicant under the Act.

Continental is concerned that, unless exempted by the Commission under section 6(c) of the Act, Applicant may be considered to be an "investment company" as defined in section 3(a)(3) of the Act for the reasons that (i) Applicant is engaged in the business of owning or holding securities, and owns investment securities having a value exceeding 40 percent of the value of Applicant's total assets (exclusive of Government securities and cash items) on an unconsolidated basis; (ii) not all of its outstanding securities are owned by a "company excepted from the definition of investment company by paragraph (1) or (2) [Section 3(b)], i.e., a condition for an exception to investment company status contained in section 3(b)(3); and (iii) Continental wishes to be assured of its ability to transfer participations in the loan to a limited number of institutional investors, as described below, should Continental wish to make such a transfer in the future.

Applicant states that it is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act for the Commission to enter an order exempting Applicant from all provisions of the Act for the following reasons:

(1) WCI, the parent of Applicant, is not an investment company within the meaning of the Act, and could have borrowed the $30,000,000 directly from Continental without invoking the Act;

(2) All equity securities of Applicant are and will continue to be owned by its parent WCI;

(3) Applicant does not and will not engage in any activity or business other than (i) the ownership, acquisition or holding of securities primarily intended to satisfy the requirements of Regulation U, and the ownership, acquisition and holding of securities of WCI or its subsidiaries, (ii) the servicing of the loan, (iii) the making of loans to WCI, and (iv) the payment of dividends to WCI;

(4) There is and has been no holding out by WCI or by Applicant to WCI shareholders or to the general public that Applicant is an investment company. Applicant does not and will not offer any of its debt or equity securities to the general public. Applicant has engaged in no transactions with any person other than WCI, except for the Loan Agreement, purchases of Common Stock through brokers used by WCI to effect such purchases, and the private purchases of certain convertible debt securities of WCI. All such purchases were made in accordance with the terms of an exemption granted to WCI, pursuant to Rule 10b-6 under the Securities Exchange Act of 1934.

(5) The income of Applicant from investment securities (other than WCI securities) is less than 1 percent of the total revenues of WCI; assuming no change in Applicant's present portfolio of securities, Applicant's annualized income for the year ending December 31, 1974, will be approximately $4,720,000, excluding $268,000 in dividends to be received by Applicant from WCI and excluding $1,628,000 in interest to be received from WCI (such intercompany payments are eliminated in consolidation). Such $4,720,000 is equivalent to less than 1 percent of the aggregate ($565,111,000) of WCI's operating revenues for 1973 ($549,619,000) and its dividend, interest and other income for 1973 ($15,492,000). Thus, WCI's shareholders are not relying on Applicant's business activities in any substantial sense.

(6) If the Application is approved by the Commission and Continental decides to transfer any participations in the loan, it will limit such participants to not more than 10, each of which shall be an established financial institution

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(i.e., a major bank or insurance company) each of which shall have a participation of not less than $2,000,000. The participation of any such participant will not exceed 5 percent of its net worth, and the interest to be received in any fiscal year by any such participant on its participation will not exceed 2 percent of its total revenues for such fiscal year. Such participants would not further subdivide or issue participations in the loan.

(7) Continental receives, and any additional participants in the loan would be entitled to receive, all information necessary for an intimate knowledge of the financial and business status of Applicant and of WCI, and therefore do not need the protection of the Act.

Applicant has agreed, if the Commission grants the application, that the Commission's order may be issued subject to the following conditions:

(1) Applicant will

(a) Continue to be a wholly-owned subsidiary of WCI;

(b) file with the Commission, within 120 days after the close of each fiscal year of Applicant: (i) the material required by items 1.08 (except with respect to information relating to persons under common control with Applicant), 1.09, 1.10 and 1.11 of Form N–1R adopted by the Commission pursuant to Section 30 (a) of the Act; and (ii) an annual balance sheet, income and surplus statement and schedule of investments;

(c) file with the Commission within 30 days after the happening of the following events, information as to (i) any request to exchange any of its debt securities for smaller denominations, and (ii) any transfer of such securities, or securities issued in exchange therefor, and the name and address of each transferee, to the extent that such information shall be available to, or can reasonably be obtained by, Applicant; *provided, however,* that no filing shall be required if a request to exchange or a transfer is made by a bank, or its nominee, which holds such securities as trustee or agent, for the purpose of effecting transfers among the accounts of such bank and its nominee.

(2) Applicant will not sell or permit any transfer of any of its debt securities (other than the outstanding Note, or any subdivision or participation therein to the limited group of institutional investors as above set forth, and other than securities to WCI or its wholly-owned subsidiaries as defined in the Act) unless Applicant shall have first given written notice to the Commission describing the proposed issuance of such additional securities not less than 60 days prior to the date of such proposed issuance; subject, however, to the right of the Commission, upon request of Applicant, to decrease such number of days. Applicant further agrees that if the Commission shall, after receipt of such written notice, determine that a substantial question shall exist as to whether or not the exemption granted by the Order hereby requested shall continue and shall mail or otherwise give notice to that effect to Applicant at its address c/o Warner Communications Inc., 75 Rockefeller Plaza, New York, New York 10019 (or to such other address as Applicant may previously have specified in writing to the Commission), within 30 days after the receipt by the Commission of such written notice from Applicant, Applicant will not issue such additional debt securities except in accordance with appropriate Order of the Commission.

Notice is further given that any interested person may, not later than July 12, 1974, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following July 12, 1974, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.74–14279 Filed 6–20–74;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[V–74–34]

BUDD CO.

Notice of Application for Variance

Notice of application. Notice is hereby given that The Budd Co., 2155 West Big Beaver Rd., Troy, Mich., 48084, has made application pursuant to section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1596; 29 U.S.C. 655) and 29 CFR 1905.11 for a variance from the standards prescribed in 29 CFR 1910.252(a)(2)(v)(c)(*1*) which states that, "fuel-gas cylinders shall be placed with valve end up whenever they are in use."

The address of the place of employment that will be affected by the application is as follows:

The Budd Co.,
2450 Huntington Park Avenue,
Philadelphia, Pa. 19132

The applicant certifies that employees who would be affected by the variance have been notified of the application by giving a copy of it to their authorized employee representative, and by posting a copy of all places where notices to employees are normally posted. Employees have also been informed of their right to petition the Assistant Secretary for a hearing.

Regarding the merits of the application, the applicant contends that it is providing a place of employment as safe as that required by 29 CFR 1910.252(a)(2)(v)(c)(*1*) which requires that fuel-gas cylinders be placed with the valve end vertically upright. The applicant states that it uses approximately 40 acetylene cylinders securely mounted on an angle of 30° to 45° above the horizontal.

The applicant contends that, unlike liquid gas cylinders which may need to be kept with the valve end upright in the interest of safety, using acetylene cylinders in a horizontal position does not make the acetylene less stable or less safe than if it were used in a vertical position. The applicant cites the Compressed Gas Association Pamphlet G–1–1966 (p–2) in support of its position.

The applicant stated that it originally adopted its present mounting of acetylene cylinders for reasons of safety. Prior to 1957, the applicant used carts with cylinders mounted in a vertical or nearly vertical position. The applicant, however, experienced a number of accidents in which the rigs were being knocked over by moving trucks or material handling. For this reason, in 1958, the acetylene cylinders were mounted in newly designed rigs at an angle of 30° to 45° above the horizontal. Since that time the applicant states it has not experienced any accidents involving rigs being knocked over and subsequently damaged. The applicant alleges that this fact is due to the unusual stability of the new type of rig. The applicant further alleges that no hazards or accidents have been attributed to the fact that the acetylene cylinders were mounted on a 30° to 45° angle as opposed to a vertical or upright position.

The applicant contends that the escape of acetone has not been proven to be a safety hazard. However, the applicant states that it is interested in preventing the escape of large quantities of acetone from the cylinders because that event would ruin the quality of the welding work. The applicant alleges that it has several methods of detecting the escape of acetone. One is the odor of acetylene. A second is the color of the flame. A third is the poor quality of welding work which is being done.

The applicant contends that the procedure described above is as safe as the procedure required by 29 CFR 1910.252(a)(2)(v)(c)(*1*) from which the applicant is seeking a variance.

A copy of the application will be made available for inspection and copying upon request at the Office of Compliance Programming, U.S. Department of Labor, 1726 M Street NW., Room 210, Washington, D.C. 20210, and at the following Regional and Area Offices:

U.S. Department of Labor,
Occupational Safety and Health Administration,
15220 Gateway Center,
3535 Market Street,
Philadelphia, Pa. 19104

U.S. Department of Labor,
Occupational Safety and Health Administration,
300 South Wacker Drive, Room 1201,
Chicago, Ill. 60606

U.S. Department of Labor,
Occupational Safety and Health Administration,
William J. Green, Jr., Federal Bldg.,
600 Arch Street,
Philadelphia, Pa. 19106

U.S. Department of Labor,
Occupational Safety and Health Administration,
Michigan Theatre Bldg., Room 626,
220 Bagley Avenue, Detroit, Mich. 48226

All interested persons, including employers and employees, who believe they would be affected by the grant or denial of the application for a variance are invited to submit written data, views and arguments relating to the pertinent application no later than July 22, 1974. In addition, employers and employees who believe they would be affected by a grant or denial of the variance may request a hearing on the application no later than July 22, 1974, in conformity with the requirements of 29 CFR 1905.15. Submission of written comments and requests for a hearing should be in quadruplicate, and must be addressed to the Office of Compliance Programming at the above address.

Signed at Washington, D.C., this 13th day of June 1974.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.74–14276 Filed 6–20–74;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 534]

ASSIGNMENT OF HEARINGS

JUNE 18, 1974.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

W–1273, Aiple Towing Co., Inc., now assigned July 8, 1974 will be held in Room 1614, Court of Claims, Everett McKinley Dirksen Bldg., 219 South Dearborn Street, Chicago, Ill.

MC–135833 Sub 13, B & C Specialized Carriers, Inc., now being assigned hearing July 22, 1974 (2 days), in Room 672, 536 South Clark Street, Chicago, Ill.

MC–112822 Sub 293, Bray Lines Inc., is continued to July 23, 1974, in Room 672, 536 South Clark Street, Chicago, Ill.

MC–124211 Sub 234, Hilt Truck Lines, Inc., now being assigned hearing July 25, 1974 (2 days), in Room 672, 536 S. Clark Street, Chicago, Ill.

MC–105269 Sub 56, Graff Trucking Company, Inc., now being assigned hearing July 29, 1974 (2 days), in Room 672, 536 South Clark Street, Chicago, Ill.

MC–F–12034, United Trucking Co—Purchase—Dearmin Transfer, Inc., now being assigned hearing July 31, 1974 (3 days), in Room 672, 536 South Clark Street, Chicago, Ill.

MC–C–8041, Garrett Freight Lines, Inc., Et Al. v Puget Sound Truck Lines, Inc., now assigned July 16, 1974, at Olympia, Wash., is postponed indefinitely.

MC 139122 Sub-1, Jack G. Roberts, DBA Jack's Trucking Co., now being assigned October 1, 1974, at Jacksonville, Fla., in a hearing room to be later designated.

MC 124078 Sub-568, Schwerman Trucking Co., now being assigned October 3, 1974, at Jacksonville, Fla., in a hearing room to be later designated.

MC 105813 Sub-193, Belford Trucking Co., Inc., now being assigned October 7, 1974, at Miami, Fla., in a hearing room to be later designated.

MC–139504, Shea/Rustin Transport Co., now assigned June 27, 1974 at Atlanta, Ga., is cancelled and the application is dismissed.

MC 43963 (Sub-No. 3), Chief Truck Lines, Inc., now assigned July 8, 1974, at Chicago, Ill., will be held in Room 905A, 536 S. Clark Street.

MC–107515 Sub 881, Refrigerated Transport Co., Inc., now being assigned hearing September 10, 1974, (1 day), at Atlanta, Ga., in a hearing room to be later designated.

MC–C–8299, Atlanta Motor Lines, Inc., Et Al–V–Hennis Freight Lines Inc., now being assigned hearing September 11, 1974 (1 day) at Atlanta, Ga., in a hearing room to be later designated.

MC–109891 Sub 22, Infinger Transportation Co., Inc., Extension—Savannah, Ga., now being assigned hearing September 12, 1974, (2 days), at Atlanta, Ga., in a hearing room to be later designated.

MC–100666 Sub 259, Melton Truck Lines, Inc., now being assigned hearing September 18, 1974 (3 days), at Atlanta, Ga., in a hearing room to be later designated.

MC–C–8309, Atlanta Motor Lines, Inc., Et al–V–The Mason And Dixon Lines, now being assigned hearing September 17, 1974 (1 day), at Atlanta, Ga., in a hearing room to be later designated.

MC 83539 Sub 385, C & H Transportation Co., Inc., MC 83835 Sub 113, Wales Transportation, Inc., MC 106497 Sub 91, Parkhill Truck Company, now being assigned September 4, 1974 (3 days), at Dallas, Tex., in a hearing room to be later designated.

MC–C–8336, Holton Transfer & Storage Co., John F. Ivory Storage Co., Inc., Von Der Ahe Van Lines, Inc., and Engel Brothers, Inc.—Investigation of Operations, now being assigned hearing September 9, 1974 (1 day), at Dallas, Texas, in a hearing room to be later designated.

MC 35320 Sub 137, T.I.M.E.-DC, Inc., Extension-Alternate Route Over Interstate Highway 30, now being assigned hearing September 10, 1974 (2 days), at Dallas, Texas, in a hearing room to be later designated.

MC–F–12167, Tex-Pack Cartage Company of Dallas, dba Tex-Pack Express, Flim Transfer Company, Inc., News Flim Agency, Inc., Liberty Express, Inc., O & A Express, Inc., R. G. Dudley and C. C. Westfall (Mrs. Jewell Frances Westfall, Executrix), dba Mistletoe Transit Company, Morgan Express, Inc., Mistletoe Express, Service, dba Mistletoe Express, and Texas Tex-Pack Express, Inc.—Investigation of Pooling, MC–F–12166, Tex-Pack Cartage Company of Houston, dba Tex-Pack Express, Blue Bonnet Express, Inc., Film Transfer Company, Inc., Texas Tex-Pack Express, Inc., and Tex-Pack Cartage Company of Dallas, dba Tex-Pack Express—Investigation of Pooling, now being assigned September 12, 1974 (2 days), at Dallas, Tex., in a hearing room to be later designated.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74–14301 Filed 6–20–74;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

JUNE 18, 1974.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's *Gateway Elimination* Rules (49 CFR 1065(a)), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before July 5, 1974. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC–13179 (Sub-No. E1) (Correction), filed April 22, 1974, published in the FEDERAL REGISTER June 6, 1974. Applicant: R. C. WILLIAMS INC., W. 40 Highway, Russell, Kans. 67665. Applicant's representative: R. C. Williams (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Machinery, equipment, materials, and supplies used in the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum, and their products and by-products, between points in Texas on and north of U.S. (Highway 66, on the one hand, and, on the other, points in Colorado, Kansas, Nebraska, and Oklahoma.

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The purpose of this filing is to eliminate the gateway of points in Stevens, Haskell, Grant, Seward, Morton, Stanton, Finney, Kearney, Meade and Hamilton Counties, Kans., and Cimarron, Texas and Beaver Counties, Okla. The purpose of this correction is to reflect the correct docket number—previously published as No. MC–131179 (Sub-No. E1).

No. MC–14702 (Sub-No. E17), filed May 15, 1974. Applicant: OHIO FAST FREIGHT, INC., P.O. Box 808, Warren, Ohio 44482. Applicant's representative: James M. Holland (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum* (except that which because of size or weight requires the use of special equipment, and except in bulk), (a) between points in Maine, New Hampshire, Massachusetts, Rhode Island, Vermont, and points in Connecticut on and east of a line beginning at the Massachusetts-Connecticut State line, thence south along Interstate Highway 91 to its intersection with Connecticut Highway 9, thence along Connecticut Highway 9 to Long Island Sound, on the one hand, and, on the other, points in Arkansas, Kansas, Louisiana, Mississippi, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, Texas, points in Iowa on and west of U.S. Highway 69; points in Minnesota on, north, and west of a line beginning at the Minnesota-Wisconsin State line, thence west over U.S. Highway 12 to its intersection with Minnesota Highway 15, thence along Minnesota Highway 15 to the Minnesota Iowa State line; points in Kentucky on and west of a line beginning at the Indiana-Kentucky State line, thence south along Kentucky Highway 69 to its intersection with Kentucky Highway 85, thence along Kentucky Highway 85 to its intersection with Kentucky Highway 62, thence along Kentucky Highway 62 to its intersection with U.S. Highway 41, thence along U.S. Highway 41 to the Kentucky-Tennessee State line; points in Indiana on and south of a line beginning at the Indiana-Illinois State line, thence east along Indiana Highway 62 to its intersection with Indiana Highway 66, thence along Indiana Highway 66 to the Ohio River at Cannelton; points in Tennessee on and east of Interstate Highway 65; and (b) between points in Maine, New Hampshire, Vermont, and points in Massachusetts on and north of Massachusetts Highway 9, on the one hand, and, on the other, points in Alabama on and west of a line beginning at the Alabama-Tennessee State line, thence south along Interstate Highway 65 to its intersection with Alabama Highway 22, thence along Alabama Highway 22 to its intersection with Alabama Highway 41, thence along Alabama Highway 41 to its intersection with Interstate Highway 65, thence along Interstate Highway 65 to Mobile Bay. The purpose of this filing is to eliminate the gateways of (a) the plantsite and warehouses of Alcan Aluminum Corp. at Oswego, N.Y., and (b) the plantsite and warehouses of Alcan Aluminum Corp. at Fairmont, W. Va.

No. MC–14702 (Sub-No. E31), filed May 15, 1974. Applicant: OHIO FAST FREIGHT, INC., P.O. Box 808, Warren, Ohio 44482. Applicant's representative: James M. Holland (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron, steel, structural frame steel, iron or steel metal grading, mesh, panels, and partitions* (except commodities which because of size or weight require special equipment and commodities in bulk), between Buffalo and Rochester, N.Y., points in Erie, Crawford, Mercer, Venango, Lawrence, Beaver, Allegheny, Butler, Washington, and Greene Counties, Pa., on the one hand, and, on the other, points in Arizona, Colorado, Oklahoma, Texas, Kansas, Nebraska, Council Bluffs, Iowa, points in Minnesota located on and north of a line beginning at the Wisconsin-Minnesota State line, thence west and south along Minnesota Highway 97 to its intersection with Interstate Highway 35W, thence along Interstate Highway 35W to its intersection with U.S. Highway 10, thence along U.S. Highway 10 to its intersection with Minnesota Highway 25, thence along Minnesota Highway 25 to its intersection with U.S. Highway 12, thence along U.S. Highway 12 to to its intersection with U.S. Highway 71, thence along U.S. Highway 71 to the Iowa-Minnesota State line. The purpose of this filing is to eliminate the gateways of (a) Warren, Ohio, and (b) the facilities of the Keene Corporation at or near Vienna, W. Va.

No. MC–14702 (Sub-No. E32), filed May 15, 1974. Applicant: OHIO FAST FREIGHT, INC., P.O. Box 808, Warren, Ohio 44482. Applicant's representative: James M. Holland (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum* (except that which because of size or weight requires the use of special equipment), between points in New York on, east, and north of a line extending from the shore of Lake Ontario at Oswego, N.Y., south along New York Highway 104 to its intersection with New York Highway 38, thence along New York Highway 38 to its intersection with U.S. Highway 5, thence along U.S. Highway 5 to its intersection with U.S. Highway 20, thence along U.S. Highway 20 to the New York-Massachusetts State line, on the one hand, and, on the other, points in Alabama, Arkansas, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, points in Tennessee, on and west of U.S. Highway 127, points in Indiana on and south of U.S. Highway 150, and points in Illinois on and south of U.S. Highway 50. The purpose of this filing is to eliminate the gateways of (a) the plant site and warehouses of Alcan Aluminum Corporation at Fairmont, W. Va., and (b) the plantsite and warehouses of Alcan Aluminum Corporation at Fairmont, W. Va.

No. MC–14903 (Sub-No. E1), filed May 17, 1974. Applicant: FRY'S HORSE TRANSPORTATION, INC., 3740 Elm Street, Grove City, Ohio 43123. Applicant's representative: Beale Fry (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Horses*, other than ordinary horses, and in the same vehicle, therewith, *mascots, personal effects of attendants*, and *supplies and equipment* used in the care and exhibition of such horses, (1) between Vermont, on the one hand, and, on the other, points in Tennessee, Arkansas, Louisiana, Oklahoma, Texas, Nebraska, Florida, Indiana, and Illinois, (2) between points in Massachusetts, on the one hand, and, on the other, points in Michigan, Indiana, Illinois, Nebraska, Oklahoma, Texas, Arkansas, Louisiana, Tennessee, and Florida, (3) between points in Delaware, on the one hand, and, on the other, points in New York, Connecticut, New Hampshire, West Virginia, Ohio, Michigan, Indiana, Illinois, Kentucky, Tennessee, Arkansas, Louisiana, Oklahoma, Texas, Nebraska, and Florida, (4) between points in Virginia, on the one hand, and, on the other, points in Michigan, Indiana, Illinois, Louisiana, Nebraska, Oklahoma, Texas, and Arkansas, (5) between points in North Carolina, on the one hand, and, on the other, points in Michigan, Indiana, Illinois, Nebraska, Arkansas, Oklahoma, and Texas, (6) between points in Georgia, on the one hand, and, on the other, points in West Virginia, Ohio, Indiana, Illinois, Nebraska, Michigan, Pennsylvania, Maryland, New Jersey, New York, New Hampshire, and Rhode Island.

The purpose of this filing is to eliminate the gateways of: points in Kentucky in proposal numbers 1, 4, and 6; points in Kentucky and Ohio in proposal number 2; points in Pennsylvania in proposal number 3; and points in Kentucky and Arkansas in proposal number 5.

No. MC–30446 (Sub-No. E2), filed May 13, 1974. Applicant: BRUCE JOHNSON TRUCKING COMPANY, INC., 125 E. Craighead Road, Charlotte, N.C. 28205. Applicant's representative: Charles Ephraim, 1250 Connecticut Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, cement, commodities in bulk, and those requiring special equipment), between Charlotte, N.C., and points in North Carolina within 40 miles of Charlotte on the one hand, and, on the other, points in South Carolina east of U.S. Highway 1 (except Charleston). The purpose of this filing is to eliminate the gateways of York and Lancaster Counties, S.C.

No. MC–47171 (Sub-No. E1), filed April 26, 1974. Applicant: COOPER MOTOR LINES, INC., P.O. Box 4255, Greenville, S.C. 29608. Applicant's representative: Harris G. Andrew (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, in bulk, and those requiring special equipment), between points in South Carolina, on the one hand, and, on the other, points in Salem and Cumberland Counties, N.J., and points in that part of Pennsylvania east of the Susquehanna River. The purpose of this filing is to eliminate the gateway of Baltimore, Md.

No. MC–73165 (Sub-No. E4), filed May 14, 1974. Applicant: EAGLE MOTOR LINES INCORPORATED, P.O. Box 11086, Birmingham, Ala. 35203. Applicant's representative: Carl U. Hurst (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as descibed in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, (except iron and steel buildings, complete, knocked down, or in sections, and except commodities which because of size or weight require the use of special equipment), (1) between points in Louisiana (except points in West Feliciana Parish) on, west, or south of a line beginning at a point on the Mississippi-Louisiana State line and extending along U.S. Highway 61 to New Orleans, thence along U.S. Highway 90 to the Louisiana-Alabama State line, on the one hand, and, on the other, points in Mississippi, Tennessee, Alabama, Georgia, Florida, Maryland, Pennsylvania, New York, North Carolina, South Carolina, and points in Arkansas on or East of U.S. Highway 61, (2) between points in West Feliciana, Ascension, St. John the Baptist, and East Baton Rouge Parishes, Louisiana, and points in Livingston, Tangipahoa, and St. Tammany Parishes, on and south of a line beginning at a point on the Livingston Parish Line near Denham Springs, Louisiana, and extending along U.S. Highway 190 to Covington, thence along Louisiana Highway 36 to its junction with Louisiana Highway 41, thence along Louisiana Highway 41 to its junction with U.S. Highway 11, thence along U.S. Highway 11 to the Louisiana-Mississippi State line, on the one hand, and, on the other, points in Georgia, Tennessee, Maryland, Pennsylvania, New York, North Carolina, South Carolina, Alabama, Arkansas, Florida, and points in Mississippi on and north of U.S. Highway 82.

(3) Between points in Livingston, Tangipahoa, and St. Tammany Parishes, La., north of a line beginning at a point on the Livingston Parish Line near Denham Springs, and extending along U.S. Highway 190 to Covington, thence along Louisiana Highway 36 to its junction with Louisiana Highway 41, thence along U.S. Highway 41 to its junction with U.S. Highway 11, thence along U.S. Highway 11 to the Louisiana-Mississippi State line, and points in East Feliciana, St. Helena, and Washington Parishes, on the one hand, and, on the other, points in Georgia, Tennessee, Maryland, Pennsylvania, New York, North Carolina, South Carolina, Arkansas, Florida east of the Apalachicola River, and that part of Alabama on or east of a line beginning at the Alabama-Georgia State line thence extending along U.S. Highway 84 to Dothan, Ala., thence along U.S. Highway 431 to Abbeville, thence along Alabama Highway 10 to Clio, thence along Alabama Highway 51 to Midway, thence along U.S. Highway 82 to Union Springs, thence along U.S. Highway 29 to Tuskegee, thence along Alabama Highway 81 to Loachapoka, thence along Alabama Highway 14 to Wetumpka, thence along U.S. Highway 231 to Sylacauga, thence along U.S. Highway 280 to Birmingham, thence along U.S. Highway 31 to the Tennessee-Alabama State line.

(4) From points in Louisiana to points in Virginia, West Virginia, Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New Jersey, Delaware, the Lower Peninsula of Michigan, that part of Ohio south of a line beginning at the Ohio-Pennsylvania State line and extending along U.S. Highway 62 to Columbus, Ohio, thence along U.S. Highway 23 to Circleville, and thence along U.S. Highway 22 to Cincinnati, the Upper Peninsula of Michigan on or east of U.S. Highway 45, that part of Kentucky (except Louisville) on or east of a line beginning at Hawesville, Ky., thence along Kentucky Highway 69 to Fordsville, thence along Kentucky Highway 54 to Short Creek, thence along Kentucky Highway 79 to Caneyville, thence along Kentucky Highway 185 to Bowling Green, thence along U.S. Highway 31W to the Kentucky-Tennessee State line, and that part of Wisconsin on or east of a line beginning at Land O'Lakes, Wis., extending along U.S. Highway 45 to Monico, thence along Wisconsin Highway 32 to Gillett, thence along Wisconsin Highway 22 to Oconto, thence along U.S. Highway 41 to Pensaukee, (5) from points in Louisiana on or east of a line beginning at the Louisiana-Texas State line southwest of Many, and extending along Louisiana Highway 6 to Clarence, thence along U.S. Highway 84 to Joyce, thence along Louisiana Highway 34 to Monroe, and thence along U.S. Highway 165 to the Louisiana-Arkansas State line to points in Kentucky (except Louisville) on or east of U.S. Highway 431, and that part of Wisconsin on or east of a line beginning at Port Wing, Wis., and extending along Bayfield County Highway A to Iron River, thence along U.S. Highway 2 to its junction with U.S. Highway 63, thence along U.S. Highway 63 to Grandview, thence along Bayfield County Highway D to its junction with Bayfield County Highway M, thence along Bayfield County Highway M to Clam Lake, thence along Wisconsin Highway 77 to its junction with Wisconsin Highway 13, thence along Wisconsin Highway 13 to Ogema, thence along Wisconsin Highway 86 to Tomahawk, thence along U.S. Highway 51 to Wausau, thence along Wisconsin Highway 29 to its junction with Wisconsin Highway 49, thence along Wisconsin Highway 49 to its junction with Wisconsin Highway 175 near Lomira, thence along Wisconsin Highway 175 to Menomonee Falls, thence along Wisconsin Highway 100 to Bayside, and the Upper Peninsula of Michigan.

(6) From points in Louisiana on or east of a line beginning at the Louisiana-Texas State line near Burr Ferry, and extending along Louisiana Highway 8 to Sicily Island, thence along Louisiana Highway 15 to Clayton, thence along U.S. Highway 65 to Tallulah, thence along U.S. Highway 80 to Delta, to points in Kentucky (except Louisville), on or east of U.S. Highway 41, that part of Wisconsin on or east of a line beginning at Superior, Wisconsin, and extending along U.S. Highway 53 to Spooner, thence along U.S. Highway 63 to Turtle Lake, thence along Wisconsin Highway 79 to its junction with U.S. Highway 12, thence along U.S. Highway 12 to its junction with Interstate Highway 94 near Memomonie, thence along Interstate Highway 94 to Osseo, thence along Wisconsin Highway 27 to Westby, thence along U.S. Highway 14 to its junction with Wisconsin Highway 23 near Helena, thence along Wisconsin Highway 23 to Darlington, thence along Wisconsin Highway 81 to Monroe, thence along Wisconsin Highway 69 to the Wisconsin-Illinois State line, and that part of Illinois on or within an area bounded by a line beginning at the Illinois-Wisconsin State line near Oneco, Ill., thence along Illinois Highway 26 to Dixon, thence along U.S. Highway 52 to Mendota, thence along U.S. Highway 51 to its junction with U.S. Highway 6 near La Salle, thence along U.S. Highway 6 to Joliet, thence along Alternate U.S. Highway 66 to junction with U.S. Highway 66, thence along U.S. Highway 66 to Chicago (except points on U.S. Highway 6, Alternate U.S. Highway 66, or U.S. Highway 66).

(7) From points in Louisiana in, south, or east of West Feliciana, Pointe Coupee, St. Landry, Acadia, Jefferson Davis, and Calcasieu Parishes, to points in Kentucky (except Louisville) on or east of a line beginning at the Kentucky-Illinois State line and extending south along Kentucky Highway 109 to Clay, thence along Kentucky Highway 132 to Shady Grove, thence along Kentucky Highway 139 to the Kentucky-Tennessee State line, that part of Wisconsin on or east of a line beginning at Danbury, and extending along Wisconsin Highway 35 to its junction with Wisconsin Highway 46 near Milltown, thence along Wisconsin Highway 46 to its junction with U.S. Highway 63, thence along U.S. Highway 63 to the Wisconsin-Minnesota State line, that part of Iowa on or east of a line beginning at the Iowa-Minnesota State line near Burroak, and extending along U.S. Highway 52 to Luxemburg, thence along Iowa Highway 3 to Dubuque, and that part of Illinois on and

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east of a line beginning at East Dubuque, and extending along U.S. Highway 20 to Stockton, thence along Illinois Highway 78 to Mount Carroll, thence along Illinois Highway 88 to Peoria, thence along Interstate Highway 74 to its junction with Illinois Highway 121 southeast of Peoria, thence along Illinois Highway 121 to Greenup, thence along Illinois Highway 130 to Olney, thence along U.S. Highway 50 to the Illinois-Indiana State line (except points on and within that part of Illinois bounded by a line beginning at the Illinois-Indiana State line and extending west along U.S. Highway 36 to Decatur, thence north along U.S. Highway 51 to La Salle, thence east along U.S. Highway 6 to Joliet, thence north along Alternate U.S. Highway 66 to junction U.S. Highway 66, then along U.S. Highway 66 to Chicago, and thence south along the Illinois-Indiana State line to point of beginning).

(8) From points in Louisiana in or east of Iberia, Lafayette, St. Martin, Iberville, West Baton Rouge, East Baton Rouge, and East Feliciana Parishes, to points in Wisconsin, that part of Kentucky (except Louisville) in or east of Crittenden, Caldwell, and Trigg Counties, that part of Iowa on or east of U.S. Highway 218, and that part of Illinois on, north or east of a line beginning at Quincy, and extending along Illinois Highway 104 to its junction with Illinois Highway 29 near Taylorville, thence along Illinois Highway 29 to Pana, thence along U.S. Highway 51 to Centralia, thence along Illinois Highway 161 to junction with Illinois Highway 37, thence along Illinois Highway 37 to Mount Vernon, thence along Illinois Highway 15 to the Illinois-Indiana State line (except points on and within that part of Illinois bounded by a line beginning at the Illinois-Indiana State line and extending west along U.S. Highway 36 to Decatur, thence north along U.S. Highway 51 to La Salle, thence east along U.S. Highway 6 to Joliet, thence north along Alternate U.S. Highway 66 to junction U.S. Highway 66, thence along U.S. Highway 66 to Chicago, and thence south along the Illinois-Indiana State line to point of origin), and that part of Missouri on and north of a line beginning at a point on the Iowa-Missouri State line near Irema, Mo., thence along U.S. Highway 169 to Carmack, thence along U.S. Highway 136 to Bethany, thence along Missouri Highway 13 to Hamilton, thence along U.S. Highway 36 to Chillicothe, thence along U.S. Highway 65 to Marshall, thence along Missouri Highway 41 to junction U.S. Highway 40 near Boonville, thence along U.S. Highway 40 to Columbia, thence along U.S. Highway 63 to Jefferson City, thence along U.S. Highway 50 to Beaufort, thence along Missouri Highway 155 to junction Missouri Highway 8 near Potosi, thence along Missouri Highway 8 to Leading Ton, thence along U.S. Highway 67 to junction Missouri Highway 72 near Fredericktown, thence along Missouri Highway 72 to junction with Missouri Highway 34 near Jackson, thence along Missouri Highway 34 to Cape Girardeau.

(10) Between points in Terrebonne, LaFourche, St. James, Ascension, St. John the Baptist, St. Charles, Jefferson, Plaquemines, St. Bernard, Orleans, St. Mary, Part of St. Martin, Assumption, Iberville, Pointe Coupee, Concordia, Tensas, East Carroll Parishes, La., and points in Madison Parish, on or east of U.S. Highway 65, on the one hand, and, on the other, points in Arkansas, (11) between points in Iberia, Vermilion, La Fayette, St. Martin, Acadia, St. Landry, Madison, and Avoyelles Parishes, La., on the one hand, and, on the other, points in Arkansas (except points in Polk, Sevier, Howard, Little River, Hempstead, Miller, Lafayette, and Columbia Counties), (12) between points in Cameron, Jefferson Davis, Calcasieu, Allen, Evangeline, Rapides, La Salle, Catahoula, Franklin, and West Carroll Parishes, La., on the one hand, and, on the other, points in Arkansas on or north of a line beginning at the Louisiana-Arkansas State line and extending along U.S. Highway 65 to Pine Bluff, thence along U.S. Highway 270 to Y City, thence along U.S. Highway 71 to Fort Smith, (13) between points in Beauregard, Vernon, Sabine, Natchitoches, Grant, Caldwell, Winn, Ouachita, Richland, and Morehouse Parishes, La., on the one hand, and, on the other, points in Arkansas in and north of Phillips, Desha, Chicot, Monroe, Woodruff, Jackson, Independence, Cleburne, Stone, Searcy, and Boone Counties, (14) between points in Jackson, Ouachita, and Morehouse Parishes, La., on the one hand, and, on the other, points in Benton, Carroll, Washington, Madison, and Newton Counties, Ark.

(15) Between points in Texas, on the one hand, and, on the other, points in Georgia, Florida, North Carolina, South Carolina, Alabama, New York on or east of a line beginning at the New York-Pennsylvania State line near Corbettsville, and extending along New York Highway 7 to Schenectady, thence along New York Highway 50 to Saratoga Springs, thence along U.S. Highway 9 to the Canada-United States boundary line, Pennsylvania on or easts of Interstate Highway 81, Maryland on or east of U.S. Highway 522, Tennessee on or east of a line beginning at the Tennessee-Kentucky State line near Static, and extending along Tennessee Highway 42 to Sparta, thence along U.S. Highway 70s to McMinnville, thence along Tennessee Highway 55 to junction with Tennessee Highway 50 near Lynchburg, thence along Tennessee Highway 50 to junction with U.S. Highway 64, thence along U.S. Highway 64 to Fayetteville, thence along U.S. Highway 231 to the Tennessee-Alabama State line, and Mississippi on or east of a line beginning at the Mississippi-Tennessee State line and extending along U.S. Highway 45 to Tupelo, thence along Mississippi Highway 6 to Pontotoc, thence along Mississippi Highway 9 to Calhoun City, thence along Mississippi Highway 8 to Grenada, thence along Mississippi Highway 7 to Greenwood, thence along U.S. Highway 82 to Greenville.

(16) Between points in Texas on or south of a line beginning at Glenrio, and extending along U.S. Highway 66 to Amarillo, thence along U.S. Highway 287 to Decatur, thence along Texas Highway 24 to Greenville, thence along U.S. Highway 69 to Mineola, thence along U.S. Highway 80 to the Texas-Louisiana State line, on the one hand, and, on the other, points in Mississippi, Tennessee, New York on or east of a line beginning at Alexandria Bay, and extending along New York Highway 12 to Watertown, thence along Interstate Highway 81 to Cortland, thence along New York Highway 13 to Horseheads, thence along New York Highway 14 to the New York-Pennsylvania State line, Pennsylvania on or east of a line beginning at Lawrenceville, and extending along U.S. Highway 15 to Williamsport, thence along U.S. 220 to the Pennsylvania-Maryland State line, and Maryland, (17) between points in Texas on or south of a line beginning at Farwell, and extending along U.S. Highway 70 to the Texas-Oklahoma State line east of Vernon, on the one hand, and, on the other, points in New York and Pennsylvania, (18) between points in Texas on or south of a line running from the New Mexico-Texas State line along U.S. Highway 180 to Weatherford, and thence along U.S. Highway 80 to the Texas-Louisiana State line, on the one hand, and, on the other, points in Arkansas on or east of Interstate Highway 55, (19) between El Paso, Tex., and points in Texas on or south of a line beginning at Orange, and extending along Interstate Highway 10 to Houston, thence along U.S. Highway 59 to Laredo, on the one hand, and, on the other, points in Arkansas on or east of a line beginning at the Arkansas-Louisiana State line and extending along U.S. Highway 65 to Little Rock, and thence along U.S. Highway 67 to the Arkansas-Missouri State line,

(20) From points in Texas to points in Delaware, New Jersey, Connecticut, Vermont, Maine, Massachusetts, Rhode Island, New Hampshire, Virginia, points in West Virginia on or east of a line beginning at Williamson, and extending along U.S. Highway 119 to Logan, thence West Virginia Highway 10 to Pineville, thence along West Virginia Highway 16 to Beckley, thence along U.S. Highway 19 to junction U.S. Highway 60, thence along U.S. Highway 60 to Lewisburg, thence along U.S. Highway 219 to the West Virginia-Maryland State Line, Kentucky on or east of a line beginning at the Kentucky-Tennessee State line near Albany and extending along U.S. Highway 127 to Albany, thence along Kentucky Highway 90 to Burnside, thence along U.S. Highway 27 to Somerset, thence along U.S. Highway 80 to Manchester, thence along U.S. Highway 421 to Tyner, thence along Kentucky Highway 30 to Salyersville, Kentucky, thence along U.S. Highway 460 to Paintsville, and thence along Kentucky Highway 40 to the Kentucky-West Virginia State line, (21) from points in Texas on or south of a line beginning at Glenrio, and extending along U.S. Highway 66 to Amarillo, thence along U.S. Highway 287 to Decatur, thence along Texas Highway 24 to Greenville, thence along U.S. Highway 69 to Mineola, thence along U.S. Highway 80 to the Texas-Louisiana State line to points in West Virginia on, south, or east of a line beginning at Huntington, and extending along U.S. Highway 60 to Charleston, thence along U.S. Highway 119 to Weston, and thence along U.S. Highway 19 to the West Virginia-Pennsylvania State line, Kentucky beginning at the Kentucky-Tennessee State line, and extending along U.S. Highway 31E to Glasgow, thence along U.S. Highway 68 to Lexington, thence along U.S. Highway 60 to Ashland, (22) from points in Texas on or south of a line beginning at Farwell, and extending along U.S. Highway 70 to the Texas-Oklahoma State line east of Vernon, to points in West Virginia, Ohio south of a line beginning at the Ohio-Pennsylvania State line and extending along U.S. Highway 62 to Columbus, thence along U.S. Highway 23 to Circleville, and thence along U.S. Highway 22 to Cincinnati, and Kentucky (except Louisville) on or east of U.S. Highway 431.

(23) From points in Texas on or south of a line beginning at El Paso, and extending along U.S. Highway 80 to Pecos, thence along U.S. Highway 285 to Fort Stockton, thence along U.S. Highway 67 to San Angelo, thence along U.S. Highway 87 to Brady, thence along U.S. Highway 190 to Temple, Texas, thence along U.S. Highway 81 to Waco, and thence along U.S. Highway 84 to the Texas-Louisiana State line to points in the Lower Peninsula of Michigan, and Kentucky east of the Tennessee River (except Louisville), (24) from points in Texas on or south of a line beginning at the Texas-New Mexico State line and extending along Texas Highway 176 to Big Spring, thence along U.S. Highway 80 to the Texas-Louisiana State line to points in Michigan on or east of a line beginning at the Canada-United States boundary line, and extending along Interstate Highway 75 to Topinabee, thence along U.S. Highway 27 to the Michigan-Indiana State line, (25) from points in Orange and Jefferson Counties, Tex., to points in Kentucky (except Louisville), Wisconsin on or east of a line extending from Superior, along U.S. Highway 53 to La Crosse, and thence along U.S. Highway 61 to the Wisconsin-Illinois State line, Illinois on or east of a line extending from East Dubuque, along U.S. 20 to Freeport, thence along Illinois Highway 26 to Dixon, thence along U.S. Highway 52 to Mendota, thence along U.S. Highway 51 to Sandovel, thence along U.S. Highway 50 to the Illinois-Indiana State line (except points on and within that part of Illinois bounded by a line beginning at the Illinois-Indiana State line and extending west along U.S. Highway 36 to Decatur, thence north along U.S. Highway 51 to La Salle, thence east along U.S. Highway 6 to Joliet, thence north along Alternate U.S. Highway 66 to junction U.S. Highway 66, thence south along the Illinois-Indiana State line to point of beginning).

(26) From points in Hidalgo, Cameron, Kenedy, Kleberg, Nueces, and San Patricio Counties, Texas to points in Kentucky, (except Louisville), Wisconsin on or east of U.S. Highway 51, and Illinois on or east of U.S. Highway 51 (except points on and within that part of Illinois bounded by a line beginning at the Illinois-Indiana State line and extending west along U.S. Highway 36 to Decatur, thence north along U.S. Highway 51 to La Salle, thence east along U.S. Highway 6 to Joliet, thence north along Alternate U.S. Highway 66 to junction U.S. Highway 66, thence along U.S. Highway 66 to Chicago, and thence south along the Illinois-Indiana State line to point of origin).

The purpose of this filing is to eliminate the gateways of: In proposals number (1), (10), (11), (12), (13), (14), (18), and (19), points in Louisiana on the Mississippi River; in proposals number (2), (3), (4), (5), (6), (7), (8), and (9), points in Louisiana on the Mississippi River, or Pearl River, La., and Birmingham, Ala.; and in proposals number (15), (16), and (17) points in Louisiana on the Mississippi River and Birmingham, Ala.; and in proposals number (20), (21), (22), (23), (24), (25), and (26) points in Louisiana on the Mississippi River and Birmingham, Ala.

No. MC-73165 (Sub-No. E6), filed May 14, 1974. Applicant: EAGLE MOTOR LINES INCORPORATED, P.O. Box 11086, Birmingham, Ala. 35202. Applicant's representative: Carl U. Hurst (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Iron and steel articles, (1) from points in Alabama on and northeast of a line beginning at the Tennessee-Alabama State line and thence over Interstate Highway 65 to Birmingham, thence over U.S. Highway 280 to the Alabama-Georgia State line, to points in Mississippi on and south of U.S. Highway 80, (2) from points in Alabama on and east of U.S. Highway 431 from the Alabama-Tennessee State line to Phoenix City, Ala., to points in Mississippi on and north of U.S. Highway 80 and on and south of U.S. Highway 82, and on and west of U.S. Highway 45A and 45, (3) from points in Alabama on and south of U.S. Highway 78, and on and east of a line beginning at the Alabama-Georgia State line, thence over U.S. Highway 231 to Montgomery, and U.S. Highway 31 to Birmingham, to points in Mississippi on and north of U.S. Highway 82, (4) from points in Alabama on and north of a line beginning at Alabama-Mississippi State line over U.S. Highway 82 to Birmingham and on and south of a line beginning at the Alabama-Mississippi State line over U.S. Highway 78 to Birmingham, to points in Georgia, (5) from points in Alabama on and west of a line beginning at the Alabama-Florida State line, thence over Alabama Highway 41 to Selma thence Alabama Highway 22 to Clanton, thence over Interstate Highway 65 to Birmingham, thence over U.S. 78 to Alabama-Mississippi State line, to points in Georgia on and north of U.S. Highway 78 and U.S. Highway 378.

(6) From points in Alabama on and north of a line beginning at the Alabama-Georgia State line thence over U.S. Highway 411 to Birmingham, thence U.S. Highway 11 to Eutaw, thence Alabama Highway 14 to the Alabama-Mississippi State line, to points in Georgia on and south of U.S. Highway 82 and U.S. Highway 84, (7) from points in Alabama on and south of U.S. Highway 80, to points in Tennessee on and east of the Hatchie River and on and west of U.S. Highway 27, (8) from points in Alabama on and north of a line beginning at the Mississippi-Alabama State line, thence U.S. Highway 82 to Tuscaloosa, thence U.S. Highway 11 to Birmingham, thence U.S. Highway 78 to intersection with Alabama Highway 21, thence Alabama Highway 21 to Piedmont, thence U.S. Highway 278 to the Alabama-Georgia State line, to points in Florida on and east of Florida Highway 85 and on and north of a line beginning at St. Petersburg Beach, and extending along Florida Highway 263 to St. Petersburg, thence across Gandy Bridge to Tampa, thence along U.S. Highway 92 to Kissimmee, thence along U.S. Highway 192 to Melbourne, thence along unnumbered highway to the Atlantic Ocean, (9) from points in Alabama on and north of U.S. Highway 78 to points in Florida on and north of a line beginning at St. Petersburg Beach, and extending along Florida Highway 263 to St. Petersburg, thence across Gandy Bridge to Tampa, thence along U.S. Highway 92 to Kissimmee, thence along U.S. Highway 192 to Melbourne, thence along unnumbered highway to the Atlantic Ocean, (10) from points in Alabama on and north of U.S. Highway 78 to points in Louisiana east of the Mississippi River.

The purpose of this filing is to eliminate the gateway of Birmingham, Ala.

No. MC-73165 (Sub-No. E12), filed May 14, 1974. Applicant: EAGLE MOTOR LINES INCORPORATED, P.O. Box 11086, Birmingham, Ala. 35202. Applicant's representative: Carl U. Hurst (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting:

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(1) *Iron and steel electrical conduit and fittings and attachments* therefore (except those requiring special equipment), (a) from points in that part of Pennsylvania on and west of U.S. Highway 219 to points in Alabama, Florida, Louisiana, Mississippi, Tennessee, and points in that part of Georgia south of a line beginning at a point east of Savannah, on the Atlantic Coast and extending along U.S. Highway 80 to junction U.S. Highway 280, and thence along U.S. Highway 280 to the Georgia-Alabama State line.

(2) *Iron and steel conduit and pipe and fittings and attachments* for conduit and pipe (except those requiring special equipment), (a) from points in that part of Pennsylvania on and west of U.S. Highway 219 to points in Arkansas, Oklahoma, and Texas.

(3) *Iron and steel conduit and pipe and fittings and attachments* therefor (except commodities which because of size or weight require the use of special equipment), (a) from points in that part of Pennsylvania on and west of U.S. Highway 219 to points in New Mexico, Colorado, Wyoming, Montana, Idaho, Washington, Oregon, California, Nevada, Arizona, and Utah.

(4) *Iron and steel articles*, as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (except those requiring special equipment), (a) from points in that part of Pennsylvania on and west of U.S. Highway 219 to points in Arkansas, Oklahoma, Tennessee (except points east of Tennessee Highway 70), Alabama, Louisiana, Texas, Florida, Georgia, and Mississippi, and that part of Missouri on or south of a line beginning at the Kansas-Missouri State line near Amoret, and extending along Missouri Highway 52 to Eldon, thence along U.S. Highway 54 to Jefferson City, thence along U.S. Highway 50 to junction with Missouri Highway 47 near Union, Missouri, thence along Missouri Highway 47 to junction U.S. Highway 67 near Bonne Terre, and thence along U.S. Highway 67 to Crystal City; from points in Pennsylvania on and west of U.S. Highway 219 on and south of a line beginning at the Pennsylvania-New York State line near Fentonville, and extending along U.S. Highway 62 to the Pennsylvania-Ohio State line to points in Missouri on or south of a line beginning at St. Joseph, and extending along U.S. Highway 36 to Chillicothe, thence along U.S. Highway 65 to junction U.S. Highway 40, and thence along U.S. Highway 40 to St. Louis (except St. Louis, and points in the St. Louis, commercial zone as defined by the Commission); (c) from points in Pennsylvania on and west of U.S. Highway 219 and on and south of a line beginning at West Liberty, and extending along U.S. Highway 119 to Home, thence along Pennsylvania Highway 85 to junction U.S. Highway 422 near Kittanning, thence along U.S. Highway 422 to Butler, thence along Pennsylvania Highway 68 to the Pennsylvania-Ohio State line, and points in Beaver County, to points in Missouri on and south of U.S. Highway 36; (d) from points in Pennsylvania within an area on and west of U.S. Highway 219 and on and south of U.S. Highway 22 and points in Allegheny and Westmoreland Counties, to points in Missouri.

(5) *Iron and steel articles*, as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, consisting of contractors' equipment other than oil field equipment, structural steel, and iron or steel pipe which because of size or weight requires the use of special equipment (except those requiring special equipment), (a) from points in that part of Pennsylvania on and west of U.S. Highway 219 (except points west of U.S. Highway 62), to St. Louis and points in the St. Louis, commercial zone as defined by the Commission.

(6) *Iron and steel articles*, as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C 209, consisting of *equipment, materials and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *equipment, materials, and supplies* incidental to or used in the construction, development, operation, and maintenance of facilities for the discovery, mining and milling of lead, zinc, iron, coal and other minerals and *commodities* the transportation of which by reason of their size or weight require the use of special equipment or special handling (except those requiring special equipment), (a) from points in that part of Pennsylvania on and west of U.S. Highway 219 to points in Kansas, within 300 miles of Joplin, Mo., on or south of a line beginning at the Kansas-Missouri State line near Frontenac, Kans., and extending along U.S. Highway 160 to junction with Kansas Highway 96 near Cherryvale, and thence along Kansas Highway 96 to Kansas-Colorado State line; (b) from points in Pennsylvania on and west of U.S. Highway 219 and on and south of a line beginning at West Liberty, Pa., and extending along U.S. Highway 119 to Home, thence along Pennsylvania Highway 85 to junction U.S. Highway 422 near Kittanning, thence along U.S. Highway 422 to Butler, thence along Pennsylvania Highway 68 to the Pennsylvania-Ohio State line, and points in Beaver County, to points in Kansas, within 300 miles of Joplin, Mo., on or east of a line beginning at the Kansas-Nebraska State line near Norton, and extending along U.S. Highway 283 to Norton, thence along U.S. Highway 36 to Phillipsburg, thence along U.S. Highway 183 to junction Interstate Highway 70 near Hays, thence along Interstate Highway 70 to Salina, and thence along U.S. Highway 81 to the Kansas-Oklahoma State line; (c) from points in Pennsylvania within an area on and west of U.S. Highway 219 and on and south of U.S. Highway 22, and Allegheny and Westmoreland Counties, to points in Kansas on and east of a line beginning at the Kansas-Missouri State line near Fort Scott, and extending along U.S. Highway 54 to Iola, thence along U.S. Highway 169 to junction Kansas Highway 57 near Colony, thence along Kansas Highway 57 to junction Kansas Highway 18 near junction City, thence along Kansas Highway 18 to Luray, and thence along U.S. Highway 281 to the Kansas-Nebraska State line.

(7) *Reinforcing and structural steel*, as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (except those requiring special equipment), (a) from points in Pennsylvania within an area on and west of U.S. Highway 219, and on and south of U.S. Highway 22, and Allegheny and Westmoreland Counties, Pa., to points in Kansas on or south of a line beginning on the Kansas-Oklahoma State line near Arkansas City, and extending along Kansas Highway 15 to Wichita, thence along the Arkansas River to Great Bend, and thence along Kansas Highway 96 to the Kansas-Colorado State line.

(8) *Iron and steel articles*, as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, the transportation of which because of size, or weight require the use of special equipment (except pipe, pipeline material, machinery, equipment, and supplies incidental to and used in connection with the construction, dismantling, and repair of pipe lines, and those requiring special equipment), (a) from points in Pennsylvania on U.S. Highway 219 and that part of Pennsylvania within an area west of U.S. Highway 219 and on or south of a line beginning at Sandy, and extending along U.S. Highway 119 to Greensburg, thence along Pennsylvania Highway 136 to Washington, and thence along U.S. Highway 40 to the Pennsylvania-Ohio State line to points in Kentucky west of the Tennessee River. The purpose of this filing is to eliminate the gateways of: Glendale, W. Va., in proposals number 1(a), 2(a), and 3(a); points in Cabell County, W. Va., in proposals number 4(a), 4(b), 4(c), 4(d), 5(a), 6(a), 6(b), and 6(c); points in Cabell County, W. Va., Joplin, Mo., and Sand Springs, Okla., in proposal number 7(a); and points in Cabell County, W. Va., and Cape Girardeau, Mo., in proposal number 8(a).

No. MC-73165 (Sub-No. E14), filed May 14, 1974. Applicant: EAGLE MOTOR LINES INCORPORATED, P.O. Box 11086, Birmingham, Ala. 35202. Applicant's representative: Carl U. Hurst (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, and iron and steel articles* (except commodities which because of size or weight require special equipment), (1) from points in Mississippi on and south of a line beginning at the Mississippi-Arkansas State line, thence over Mississippi Highway 6 to Tupelo, thence over U.S. Highway 78 to the Mississippi-Alabama State line, to points in West Virginia; (2) from points in Mississippi, and points in Tennessee on and south of the Hatchie River, to points in West Virginia on and east of U.S. Highway 219.

The purpose of this filing is to eliminate the gateway of Birmingham, Ala.

No. MC-95540 (Sub-No. E56), filed April 15, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212-5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products*, and *meat byproducts*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from Dade City, Fla., to points in South Carolina on, west, and north of a line beginning at North Augusta and extending along U.S. Highway 78 to its junction with South Carolina Highway 215, thence along South Carolina Highway 215 to Kitchings Mill, thence along South Carolina Highway 394 to North, thence along U.S. Highway 178 to its junction with South Carolina Highway 172, thence along South Carolina Highway 172 to its junction with South Carolina Highway 6, thence along South Carolina Highway 6 to St. Matthews, thence along U.S. Highway 601 to junction with U.S. Highway 76/378, thence along U.S. Highway 76/378 to its junction with U.S. Highway 521, thence along U.S. Highway 521 to Sumter, thence along U.S. Highway 76 to its junction with U.S. Highway 301, thence along U.S. Highway 301 to the South Carolina-North Carolina State line.

The purpose of this filing is to eliminate the gateway of Tifton, Ga.

No. MC-95540 (Sub-No. E81), filed April 19, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212-5299, Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts*, as described in Sections A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from points in California on or south of a line beginning at Jenner and proceeding along California Highway 116 to Santa Rosa; thence along California Highway 12 to Glen Ellen; thence along unnumbered highway to Oakville; thence along California Highway 29 to Rutherford; thence along California Highway 128 to its junction with Interstate Highway 80; thence along Interstate Highway 80 to its junction with California Highway 16; thence along California Highway 16 to its junction with California Highway 49; thence along California Highway 49 to its junction with U.S. Highway 395, thence along U.S. Highway 395 to its junction with California Highway 168; thence along California Highway 168 to the California-Nevada State line, to points in Massachusetts. The purpose of this filing is to eliminate the gateway of Tifton, Ga.

No. MC-95540 (Sub-No. E91), filed April 19, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in California on, west, and south of a line beginning at San Francisco and extending along Interstate Highway 80 to its junction with California Highway 17; thence along California Highway 17 to its junction with Interstate Highway 580; thence along Interstate Highway 580 to its junction with California Highway 132; thence along California Highway 132 to its junction with Highway 99; thence along California Highway 99 to its junction with California Highway 58; thence along California Highway 58 to its junction with U.S. Highway 66; thence along U.S. Highway 66 to the Arizona-California State line to points in New York on and east of a line beginning at the United States-Canada International boundary line, and extending south along Interstate Highway 87 to its junction with New York Highway 23, thence along New York 23 to its junction with New York Highway 7; thence along New York Highway 7 to the New York-Pennsylvania State line. The purpose of this filing is to eliminate the gateway of Tifton, Ga.

No. MC-95540 (Sub-No. E108), filed May 19, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 6. M.C.C. 209 and 766 (except commodities in bluk, in tank vehicles), from points in California on, west, and south of a line beginning at Eureka and proceeding along U.S. Highway 101 to Santa Rosa, thence along California Highway 12 to Glen Ellen, thence along unnumbered highway to Oakville, thence along California Highway 29 to Rutherford, thence along California Highway 128 to its junction with Interstate Highway 80, thence along Interstate Highway 80 to its junction with California Highway 16, thence along California Highway 16 to its junction with California Highway 49, thence along California Highway 49 to its junction with U.S. Highway 120, thence along California Highway 120 to its junction with California Highway 395, thence along U.S. Highway 395 to its junction with California Highway 168, thence along California Highway 168 to the California-Nevada State line, to points in New Jersey on east, and south of a line beginning at the Pennsylvania-New Jersey State line and extending along New Jersey Highway 57 to its junction with U.S. Highway 46, thence along U.S. Highway 46 to its junction with Interstate Highway 80, thence along Interstate Highway 80 to the Hudson River. The purpose of this filing is to eliminate the gateway of Tifton, Ga.

No. MC-95540 (Sub-No. E110), filed April 19, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in California on, west, and south of a line beginning at Eureka and proceeding along U.S. Highway 101 to Santa Rosa, thence along California Highway 12 to Glen Ellen, thence along unnumbered highway to Oakville, thence along California Highway 29 to Rutherford, thence along California Highway 128 to its junction with Interstate Highway 80, thence along Interstate Highway 80 to its junction with California Highway 16, thence along California Highway 16 to its junction with California Highway 49, thence along California Highway 49 to its junction with California Highway 120, thence along California Highway 120 to its junction with U.S. Highway 395, thence along U.S. Highway 395 to its junction with California Highway 168, thence on California Highway 168 to the

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California-Nevada State line, to points in Connecticut.

The purpose of this filing is to eliminate the gateway of Tifton, Ga.

No. MC–95540 (Sub-No. E112), filed April 19, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in California on, west, and south of a line beginning at Eureka and proceeding along U.S. Highway 101 to Santa Rosa, thence along California Highway 12 to Glen Ellen, thence along unnumbered highway to Oakville, thence along California Highway 29 to Rutherford, thence along California Highway 128 to its junction with Interstate Highway 80, thence along Interstate Highway 80 to its junction with California Highway 16, thence along California Highway 16 to its junction with California Highway 49, thence along California Highway 49 to its junction with California Highway 120, thence along California Highway 120 to its junction with U.S. Highway 395, thence along U.S. Highway 395 to its junction with California Highway 168, thence on California Highway 168 to the California-Nevada State line, to points in New Jersey on, east and south of a line beginning at the Pennsylvania-New Jersey State line and extending along New Jersey Highway 57 to its junction with U.S. Highway 46, thence along U.S. Highway 49 to its junction with Interstate Highway 80, thence along Interstate Highway 80 to the Hudson River.

The purpose of this filing is to eliminate the gateway of Tifton, Ga.

No. MC–95540 (Sub-No. E114), filed April 19, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits* and *frozen vegetables*, from points in Florida on and east of U.S. Highway 319, to points in Tennessee.

The purpose of this filing is to eliminate the gateway of Tifton, Ga.

No. MC–95540 (Sub-No. E116), filed April 19, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products* and *meat byproducts*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from points in California on, west, and south of a line beginning at Jenner and proceeding along California Highway 116 to Santa Rosa, thence along California Highway 12 to Schellville, thence along California Highway 121 to Napa, thence along California Highway 29 to its junction with California Highway 12, thence along California Highway 12 to San Andreas, thence along California Highway 49 to its junction with California Highway 120; thence along California Highway 120 to its junction with U.S. Highway 395, thence along U.S. Highway 395 to its junction with California Highway 168, thence along California Highway 168 to the California-Nevada State line, to points in Massachusetts.

The purpose of this filing is to eliminate the gateway of Tifton, Ga.

No. MC–95540 (Sub-No. E118), filed April 19, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in California on and south of a line beginning at Jenner and proceeding along California State Highway 116 to Santa Rosa; thence along California Highway 12 to Glen Ellen; thence along unnumbered highway to Oakville; thence along California Highway 29 to Rutherford; thence along California Highway 128 to its junction with Interstate Highway 80; thence along Interstate Highway 80 to its junction with California Highway 16; thence along California Highway 16 to its junction with California Highway 49; thence along California Highway 49 to its junction with California Highway 120; thence along California Highway 120 to its junction with U.S. Highway 395; thence along U.S. Highway 395 to its junction with California Highway 168; thence along California Highway 168 to the California-Nevada State line, to points in Maryland on and east of U.S. Highway 11.

The purpose of this filing is to eliminate the gateway of Tifton, Ga.

No. MC–95540 (Sub-No. E133), filed April 22, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, and *meats, meat products*, and *meat byproducts*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from Buffalo, N.Y., to points in Louisiana on and south of a line beginning at the Texas-Louisiana State line, and extending along Interstate Highway 10, to Baton Rouge, thence along U.S. Highway 190 to its junction with U.S. Highway 51, thence along U.S. Highway 51 to its junction with Louisiana Highway 442, thence along Louisiana Highway 442 to its junction with Louisiana Highway 40, thence along Louisiana Highway 40 to its junction with Louisiana Highway 21, thence along Louisiana Highway 21 to Bogalusa, thence along Louisiana Highway 10 to the Louisiana-Mississippi State line.

The purpose of this filing is to eliminate the gateway of Tifton, Ga.

No. MC–95540 (Sub-No. E148), filed April 22, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned citrus products*, in mixed loads with citrus products, not canned and not frozen, in vehicles equipped with mechanical refrigeration, from points in Florida on and east of Florida Highway 85, to points in Colorado.

The purpose of this filing is to eliminate the gateway of Doraville, Ga.

No. MC–95540 (Sub-No. E155), filed April 22, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits*, and *frozen vegetables*, from points in Florida on and east of U.S. Highway 231, to points in Colorado.

The purpose of this filing is to eliminate the gateway of Tifton, Ga.

No MC–95540 (Sub-No. E216), filed April 28, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in California on and south of a line beginning at San Francisco and extending along Interstate Highway 80 to its junction with California Highway 17, thence along California Highway 17 to its junction with Interstate Highway 580, thence along Interstate Highway 580 to its junction with California Highway 132, thence along California Highway 132 to its junction with California Highway 99, thence along California Highway 99 to its junction with California Highway 58, thence along California Highway 58 to its junction with U.S. Highway 66, thence along U.S. Highway 66 to the Arizona-California State line, to points in New York on and east of the line beginning at the United States-Canada international boundary line, and extending along Interstate 87 to its junction of New York Highway 23, thence along New York Highway 7 to the New York-Pennsylvania State line.

The purpose of this filing is to eliminate the gateway of Tifton, Ga.

No. MC–95540 (Sub-No. E282), filed May 10, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Tifton, Ga., to points in Minnesota.

The purpose of this filing is to eliminate the gateway of points in Tennessee (except Memphis, Tenn., and points in the commercial zone thereof).

No. MC–95540 (Sub-No. E283), filed May 9, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen bakery products*, from St. Louis, Mo., to Birmingham, Ala.

The purpose of this filing is to eliminate the gateway of Florence, Ala.

No. MC–95540 (Sub-No. E290), filed May 9, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Buffalo, N.Y., to points in Colorado on and south of a line beginning at the Colorado-Utah State line and proceeding east along Interstate Highway 40 to its junction with U.S. Highway 34, thence along U.S. Highway 34 to the Colorado-Kansas State line.

The purpose of this filing is to eliminate the gateway of points in Tennessee (except Memphis, Tenn., and points in the commercial zone thereof).

No. MC–95540 (Sub-No. E291), filed May 9, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Tifton, Ga., to points in Minnesota.

The purpose of this filing is to eliminate the gateway of points in Tennessee (except Memphis, Tenn., and points in the commercial zone thereof).

No. MC–95540 (Sub-No. E319), filed May 15, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212–5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, and frozen vegetables*, from points in Pennsylvania, to points in Oklahoma west on and south of a line beginning at the Oklahoma-Arkansas State line and extending along Interstate Highway 40 to its junction with the Muskogee Turnpike, thence along the Muskogee Turnpike to Tulsa, thence along U.S. Highway 64 to Enid; thence along Oklahoma Highway 15 to Woodward; thence along U.S. Highway 183 to the Oklahoma-Kansas State line. The purpose of this filing is to eliminate the gateway of Florence, Ala.

No. MC–95540 (Sub-No. E325), filed May 15, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212–5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, and frozen vegetables*, from points in the Lower Peninsula of Michigan to points in California on and south of a line beginning at Santa Cruz, and proceeding along California Highway 1 to its junction with California Highway 152, thence along California Highway 152 to its junction with Interstate Highway 5, thence along Interstate Highway 5 to its junction with California Highway 140 to Merced, thence along California Highway 99 to Bakersfield, thence along California Highway 58 to Barstow, thence along Interstate Highway 15 to the California-Nevada State line. The purpose of this filing is to eliminate the gateway of Florence, Ala.

No. MC–95540 (Sub-No. E327), filed May 13, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212–5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the plantsite of Sea Pak Corporation on St. Simons Island, Ga., to points in Nevada. The purpose of this filing is to eliminate the gateway of points in Tennessee (except Memphis, Tenn., and points in the commercial zone thereof).

No. MC–95540 (Sub-No. E329), filed May 13, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212–5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, and frozen vegetables*, from points in Pennsylvania on and east of a line beginning at Erie, Pa., and extending south along Interstate Highway 79 to its junction with Pennsylvania Highway 285, thence along Pennsylvania Highway 285 to its junction with Pennsylvania Highway 322, thence along Pennsylvania Highway 322 to its junction with Pennsylvania Highway 38, thence along Pennsylvania Highway 38 to its junction with Pennsylvania Highway 268, thence along Pennsylvania Highway 268 to its junction with U.S. Highway 422, thence along U.S. Highway 422 to its junction with U.S. Highway 119, thence along U.S. Highway 119 to its junction with Pennsylvania Highway 56 to its junction with U.S. Highway 219, thence along U.S. Highway 219, excluding Somerset, to the Pennsylvania-Maryland State line, to Milwaukee, Wis. The purpose of this filing is to eliminate the gateway of points in New York.

No. MC–95540 (Sub-No. E330), filed May 13, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd., NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, and frozen vegetables*, from points in Pennsylvania, to points in Louisiana. The purpose of this filing is to eliminate the gateway of points in Georgia.

No. MC–95540 (Sub-No. E331), filed May 13, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212–5299 Roswell Rd., NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Erie and North East, Pa., to points in Arizona. The purpose of this filing is to eliminate the gateway of points in Georgia.

No. MC–95540 (Sub-No. E332), filed May 13, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212–5299 Roswell Rd., NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, and frozen vegetables*, from points in Arkansas, to points in Rhode Island. The purpose of this filing is to eleminate the gateway of points in New York.

No. MC–105984 (Sub-No. E2), filed May 5, 1974. Applicant: JOHN B. BARBOUR, JR., dba JOHN B. BARBOUR TRUCKING COMPANY, P.O. Box 577, Iowa Park, Texas 76367. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Bldg., Dallas, Texas 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, materials, supplies and equipment*, incidental to, or used in, the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, and *pipe, pipe line materials, machinery and equipment*, incidental to, or used in, the construction, repairing or dismantling of gas, gasoline and oil, pipelines (except the stringing and picking up of pipe in connection with main pipe lines); and (2) earth drilling machinery, and equipment, and machinery, equipment, materials, supplies and pipe, incidental to, used in, or in connection with (a) the

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transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment; (b) the completion of holes or wells drilled; (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites; and (d) the injection or removal of commodities to or from holes or wells, between Louisiana, on the one hand, and, on the other, points in Colorado. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC–110525 (Sub-No. E26), filed May 1, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, Transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension—Addyston*, 63 M.C.C. 677 (except liquefied petroleum gases), in bulk, in tank vehicles, from points in that part of California in and south of Inyo, Fresno, Madera, Mariposa, Stanislaus, San Joaquin, Contra Costa, and Marin Counties, Calif., to points in Rhode Island. The purpose of this filing is to eliminate the gateways of Houston, Tex., Baltimore, Md., and Newark, N.J.

No. MC–110525 (Sub-No. E27), filed May 1, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, as defined in *The Maxwell Co., Extension—Addyston*, 63 M.C.C. 677 (except liquid hydrogen, liquid oxygen, and liquid nitrogen), in bulk, in tank vehicles, from points in that part of California in and south of Santa Cruz, Santa Clara, Merced, Mariposa, Madera, and Mono Counties, to points in Vermont. The purpose of this filing is to eliminate the gateways of Houston, Tex., Pittsburgh, Pa., and Syracuse, N.Y.

No. MC–111812 (Sub-No. E1), filed May 10, 1974. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, S. Dak. 57101. Applicant's representative: R. H. Jinks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, packinghouse products, and commodities used by meat packinghouses* as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk and hides), from Sioux Falls, S. Dak., to points in Utah (except points in the counties of Rich, Summit, and Daggett). The purpose of this filing is to eliminate the gateway of Ocheyedan, Iowa, and points within 10 miles thereof.

No. MC–111812 (Sub-No. E2), filed May 10, 1974. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, S. Dak. 57101. Applicant's representative: R. H. Jinks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confections* (except in bulk), from the plantsites and warehouse facilities of R. M. Palmer Co., at or near West Reading, Pa., to Salt Lake City, Utah, and points in California and Arizona. The purpose of this filing is to eliminate the gateway of Sioux Falls, S. Dak.

No. MC–111812 (Sub-No. E3), filed May 10, 1974. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, S. Dak. 57101. Applicant's representative: R. H. Jinks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, packinghouse products, and commodities used by meat packinghouses*, as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk and hides), from Fargo and West Fargo, N. Dak., to points in California, Idaho, Montana (except points in Carter, Custer, Daniels, Dawson, Fallon, Garfield, McCone, Powder River, Prairie, Richland, Roosevelt, Rosebud, Sheridan, Treasure, Valley, and Wibaux Counties), Nevada, Oregon, Utah, and Washington. The purpose of this filing is to eliminate the gateway of Flom, Minn.

No. MC–111812 (Sub-No. E4), filed May 10, 1974. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, S. Dak. 57101. Applicant's representative: R. H. Jinks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, packinghouse products, and commodities used by meat packinghouses*, as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk and hides), from Omaha, Nebr., to points in California and Nevada. The purpose of this filing is to eliminate the gateway of Council Bluffs, Iowa.

No. MC–111812 (Sub-No. E5), filed May 8, 1974. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, S. Dak. 57101. Applicant's representative: R. H. Jinks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, packinghouse products, and commodities used by meat packinghouses*, as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk and hides), from Waterloo, Iowa, to Denver, Colo. The purpose of this filing is to eliminate the gateway of St. James, Minn.

No. MC–111812 (Sub-No. E6), filed May 8, 1974. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, S. Dak. 57101. Applicant's representative: R. H. Jinks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sugar and blends* thereof, in bulk, in tank vehicles, (1) from Chicago, Ill., and Madison, Wis., to points in Kentucky on and east of Kentucky Highway 81 from the Indiana-Kentucky State line to its junction with Kentucky Highway 85, thence Kentucky Highway 85 to its junction with U.S. Highway 41 to the Kentucky-Tennessee State line; points in Tennessee on and east of U.S. Highway 41 from the Kentucky-Tennessee State line to its junction with Tennessee Highway 13, thence Tennessee Highway 13 to the Tennessee-Mississippi State line; and those points in West Virginia on and south of U.S. Highway 33. (2) From Peoria, Ill., to points in Kentucky on and east of U.S. Highway 31W; those points in Tennessee on and east of U.S. Highways 31W and 31; and those points in West Virginia on and south of U.S. Highway 33. The purpose of this filing is to eliminate the gateway of Louisville, Ky.

No. MC–111812 (Sub-No. E7), filed May 13, 1974. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, S. Dak. 57101. Applicant's representative: R. H. Jinks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts* (except commodities in bulk, in tank vehicles), as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Scottsbluff, Nebr., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, the Lower Peninsula of Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia, and the District of Columbia. The purpose of this filing is to eliminate the gateway of Ottumwa, Iowa.

No. MC–111812 (Sub-No. E8), filed May 9, 1974. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, S. Dak. 57101. Applicant's representative: R. H. Jinks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat byproducts*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Waterloo, Iowa, to Denver, Colo. The purpose of this filing is to eliminate the gateway of St. James, Minn.

No. MC–111812 (Sub-No. E9), filed May 13, 1974. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, S. Dak. 57101. Applicant's representative: R. H. Jinks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh meats, packinghouse products, dairy products, eggs, and poultry*, from points in that part of Kansas on and east of U.S. Highway 81 (except Kansas City), to points in Montana, Washington, and that part of Oregon on and west of Interstate Highway 5, restricted against the transportation of hides and commodities in bulk. The purpose of this filing is to eliminate the gateway of Sioux City, Iowa.

No. MC–114019 (Sub-No. E159), filed May 8, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sugar and blends* thereof, in bulk, in tank vehicles, (1) from Chicago, Ill., and Madison, Wis., to points in Kentucky on and east of Kentucky Highway 81 from the Indiana-Kentucky State line to its junction with Kentucky Highway 85, thence Kentucky Highway 85 to its junction with U.S. Highway 41 to the Kentucky-Tennessee State line; points in Tennessee on and east of U.S. Highway 41 from the Kentucky-Tennessee State line to its junction with Tennessee Highway 13, thence Tennessee Highway 13 to the Tennessee-Mississippi State line; and those points in West Virginia on and south of U.S. Highway 33. (2) From Peoria, Ill., to points in Kentucky on and east of U.S. Highway 31W; those points in Tennessee on and east of U.S. Highways 31W and 31; and those points in West Virginia on and south of U.S. Highway 33. The purpose of this filing is to eliminate the gateway of Louisville, Ky.

No. MC–114019 (Sub-No. E188), filed May 17, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 in Mechanically refrigerated vehicles, from the plant site of Farmland Industries, Inc., near Garden City, Kans., to (1) points in Wisconsin, on and east of U.S. Highway 51 from the Wisconsin-Michigan State line to junction Wisconsin Highway 54, thence Wisconsin Highway 54 to junction Wisconsin Highway 13, thence Wisconsin Highway 13 to junction U.S. Highway 12, thence U.S. Highway 12 to junction U.S. Highway 14, thence U.S. Highway 14 to junction U.S. Highway 51, thence U.S. Highway 51 to the Wisconsin-Illinois State line, (2) Nashville, Tenn., (3) Louisville, Bellevue, and Covington, Ky., (4) points in Virginia, and (5) points in Kentucky on and east of U.S. Highway 127 from the Indiana-Kentucky State line to the junction of Kentucky Highway 70, thence Kentucky Highway 70 to the junction of U.S. Highway 27, thence along U.S. Highway 27 to the Kentucky-Tennessee State line. The authority described in (1) through (5) above, restricted to the transportation of shipments moving from, to, or between warehouses or other facilities of wholesale and retail food business houses. The purpose of this filing is to eliminate the gateway of Chicago, Ill., Evansville, Ind., Carbondale, Ill., or Union City, Ohio.

No. MC–114019 (Sub-No. E189), filed May 17, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Meats, meat products, meat byproducts, and articles distributed by meat packinghouses, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides), in mechanically refrigerated vehicles, from Columbus Junction, Iowa, to (1) points in Milwaukee County and points east of U.S. Highway 45 in Kenosha and Racine Counties, Wis.; (2) Bowling Green and Louisville, Ky., and Nashville, Tenn.; and (3) points in that part of Kentucky on and east of a line beginning at the junction of the Indiana-Kentucky State line and Kentucky Highway 55, thence along Kentucky Highway 55 to its junction with U.S. Highway 127, thence along U.S. Highway 127 to the Kentucky-Tennessee State line, restricted in (1) through (3) above to the transportation of shipments moving from, to, or between warehouses or other facilities of wholesale food business houses. The purpose of this filing is to eliminate the gateway of Peoria and Chicago, Ill., Jeffersonville, Ind., or Union City, Ohio.

No. MC–114019 (Sub-No. E197), filed May 17, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meats, meat and meat products not frozen*, when transported in the same vehicle with frozen foods, in vehicles equipped with mechanical refrigeration, from Fort Atkinson, Wis., to points in Pennsylvania, Nashville, Tenn., and Cleveland, Ohio, restricted to shipments moving from, to, or between warehouses or other facilities of wholesale food business houses. The purpose of this filing is to eliminate the gateway of Louisville, Ky., or Woodstock, Ill.

No. MC–114019 (Sub-No. E198), filed May 17, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and pelts, and commodities in bulk), from the plant sites and warehouse facilities of Swift and Company, located within the St. Louis, Mo.-East St. Louis, Ill., commercial zone, as defined by the Commission, to points in Wisconsin on and north of U.S. Highway 12, restricted to the transportation of shipments moving from, to, or between warehouses, and wholesale, retail, or chain outlets of food business houses, or when moving from, to, or between food processing plants, or warehouses or other facilities of such plants. The purpose of this filing is to eliminate the gateway of Hammond, Ind.

No. MC–114019 (Sub-No. E202), filed May 15, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, classes A and B explosives, livestock, commodities in bulk and commodities requiring special equipment), between points in West Virginia on and west of U.S. Highway 219 from the Maryland-West Virginia State line to its junction with West Virginia 32, thence West Virginia Highway 32 to its junction with U.S. Highway 33, thence U.S. Highway 33 to the West Virginia-Virginia State line, on the one hand, and, on the other, that part of New York on and west of a line beginning at Windsor Beach, and extending to Rochester, thence along U.S. Highway 15 to Wayland, thence along New York Highway 245 to Dansville, thence along New York Highway 36 to junction New York Highway 21, thence along New York Highway 17 to the New York-Pennsylvania State line. The purpose of this filing is to eliminate the gateway of East Liverpool, Ohio.

No. MC–114019 (Sub-No. E203), filed May 15, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, in vehicles equipped with mechanical refrigeration, from Louisville, Ky., to points in Wisconsin and Minnesota. The purpose of this filing is to eliminate the gateway of Lexington and Lafayette, Ind.

No. MC–114019 (Sub-No. E204), filed May 15, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, household goods, as defined by the Commission, classes A and B explosives, livestock, commodities in bulk, and commodities requiring special equipment), between points in that part of New York on and west of a line beginning at Windsor Beach, and extending to Rochester, thence along New York Highway 245 to Dansville, thence along New York Highway 36 to junction New York Highway 21, thence along New York Highway 21 to Andover, and thence along New York Highway 17 to the New York-Pennsylvania State line, on the one hand, and, on the other, points in West Virginia on and west of U.S. Highway 219 from the Maryland-West Virginia State line to junction West Virginia 32, thence West Virginia 32 to junction U.S. Highway 33, thence U.S. Highway 33

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to the West Virginia-Virginia State line. The purpose of this filing is to eliminate the gateway of East Liverpool, Ohio.

No. MC–114019 (Sub-No. E205), filed May 15, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Packinghouse products, by-products and packinghouse supplies*, as dealt in by chain grocery stores, between Louisville, Ky., on the one hand, and, on the other, Des Moines and Sioux City, Iowa, and Omaha and South Omaha, Nebr., restricted to the transportation of shipments moving from, to, or between warehouses, and other facilities of retail food business houses. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC–114019 (Sub-No. E206), filed May 15, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in containers, (1) from points on, east, and south of Ohio Highway 7, from Ohio-West Virginia State line to its junction with Interstate Highway 77, thence on Interstate Highway 77 to its junction with Ohio Highway 22, thence on Ohio Highway 22 to the Ohio-West Virginia State line to points in Arkansas, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, and points in Wisconsin, on, west and north of Wisconsin Highway 69 from the Illinois-Wisconsin State line to its junction with U.S. Highway 151, thence on U.S. Highway 151 to its junction with Wisconsin Highway 28, thence on Wisconsin Highway 28 to Lake Michigan, (2) from points in Ohio on, east, and south of Ohio Highway 26 from the Ohio-West Virginia State line to its junction with Ohio Highway 78, thence on Ohio Highway 78 to the Ohio-West Virginia State line to points in Illinois and Indiana, (3) from points in Pennsylvania on and east of Pennsylvania Highway 50 from the West Virginia State line to its junction with U.S. Highway 19, thence on U.S. Highway 19 to its junction with Pennsylvania Highway 28, thence on Pennsylvania Highway 28 to its junction with Pennsylvania Highway 949, thence on Pennsylvania Highway 949 to its junction with U.S. Highway 219, thence on U.S. Highway 219 to the Pennsylvania-New York State line to points in Indiana on and south of Interstate Highway 70 from the Indiana-Ohio State line to its junction with Interstate Highway 74, thence on Interstate Highway 74 to the Indiana-Illinois State line, and points in Illinois on and south of U.S. Highway 34,

(4) From points in West Virginia on, east, and north on U.S. Highway 33 from the Virginia-West Virginia State line to its junction with U.S. Highway 119, thence on U.S. Highway 119 to its junction with U.S. Highway 50, thence on U.S. Highway 50 to its junction with Alternate U.S. Highway 50, thence on Alternate U.S. Highway 50 to the West Virginia-Ohio State line to points in Arkansas, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin, (5) from points in that portion of New York bounded on the west by U.S. Highway 219 from Pennsylvania-New York State line to its junction with New York Highway 16, thence on New York Highway 16 to its junction with New York Highway 408, thence on New York Highway 408 to its junction with New York Highway 19, thence New York Highway 19 to Lake Ontario and bounded on the east by a line beginning at Windsor Beach, and extending to Rochester, thence along U.S. Highway 15 to Wayland, thence along New York Highway 245 to Dansville, thence along New York Highway 36 to junction New York Highway 21, thence along New York Highway 21 to Andover, and thence along New York Highway 17 to the New York-Pennsylvania State line, Sparrows Point and Baltimore, Md., New York, N.Y., and points within 30 miles of New York, N.Y., points in that part of New Jersey, Delaware, and Maryland, which are located within 30 miles of Philadelphia, Pa., points in Pennsylvania on and east of U.S. Highway 19 from the Pennsylvania-West Virginia State line to its junction with Pennsylvania Highway 8, thence on Pennsylvania Highway 8 to its junction with U.S. Highway 62, thence on U.S. Highway 62 to its junction with Pennsylvania Highway 59, thence on Pennsylvania Highway 59 to its junction with U.S. Highway 219, thence on U.S. Highway 219 to the New York-Pennsylvania State line, to points in Arkansas, Missouri, Kansas, and Nebraska, and points in Iowa on and south of U.S. Highway 34 from the Iowa-Illinois State line to its junction with U.S. Highway 63, thence on U.S. Highway 63 to the junction with Iowa Highway 163, thence on Iowa Highway 163 to its junction with Interstate Highway 80, thence on Interstate Highway 80 to its junction with U.S. Highway 59, thence on U.S. Highway 59 to its junction with Iowa Highway 141, thence on Iowa Highway 141 to its junction with Interstate Highway 29, thence on Interstate Highway 29 to the Iowa-South Dakota State line, and points in South Dakota on and west of U.S. Highway 77 from the Iowa-South Dakota State line to its junction with U.S. Highway 12, thence on U.S. Highway 12 to the North Dakota-South Dakota State line, and points in North Dakota on and west of U.S. Highway 81. The purpose of this filing is to eliminate the gateway of St. Marys, W. Va.

No. MC–114019 (Sub-No. E207), filed May 15, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Roofing, roofing cement, building, roofing and sheathing paper, building and roofing felt, nails, fasteners, asphalt, pitch, tar, shingles, and sidings*, from South Bend, Ind., to points in Nebraska, points in that part of Missouri, on, west, and south of a line beginning at the Iowa-Missouri State line extending south along Missouri Highway 15 to junction Missouri Highway 22, thence east along Missouri Highway 22 to junction Missouri Highway 19, thence south along Missouri Highway 19 to junction Missouri Highway 8, thence east along Missouri Highway 8 to junction U.S. Highway 67, thence south along U.S. Highway 67 to junction Missouri Highway 32, thence east along Missouri Highway 32 to the Missouri-Illinois State line, points in that part of Iowa, on, north and west of a line beginning at the Iowa-Missouri State line, extending north along Iowa Highway 15 to junction Iowa Highway 2, thence east along Iowa Highway 2 to junction Iowa Highway 1, thence north along Iowa Highway 1 to junction Iowa Highway 78, thence east along Iowa Highway 78 to the Illinois-Iowa State line.

(2) *Roofing, roofing cement, building, roofing and sheathing paper, building and roofing felt, nails, asphalt, pitch, tar, shingles, and sidings*, from South Bend, Ind., to points in that part of Missouri on, south, and east of a line beginning at the Iowa-Missouri State line, and extending south along Missouri Highway 15 to junction Missouri Highway 22, thence east along Missouri Highway 22 to junction Missouri Highway 19, thence south along Missouri Highway 19 to junction Missouri Highway 8, thence east along Missouri Highway 8 to junction U.S. Highway 67, thence south along U.S. Highway 67 to junction Missouri Highway 32, thence east along Missouri Highway 32 to the Missouri-Illinois State line (except Hannibal, and points in St. Louis County). The purpose of this filing is to eliminate the gateway of Waukegan or Wilmington, Ill.

No. MC–114019 (Sub-No. E209), filed May 15, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such materials, supplies, chemicals and machinery* as are used in the manufacture and distribution of heavy industrial chemicals (except drugs, medicine, and toilet preparations), from Sparrows Point and Baltimore, Md., New York, N.Y., and points within 30 miles of New York, N.Y., points in that part of New Jersey, Delaware, and Maryland, which are located within 30 miles of Philadelphia, Pa., points in that part of New York on and west of a line beginning at Windsor Beach, and extending to Rochester, thence along U.S. Highway 15 to Wayland, thence along New York Highway 245 to Dansville, thence along New York Highway 36 to junction New York Highway 21, thence along New York Highway 21 to Andover, and thence along New York Highway 17 to the New York-Pennsylvania State line, points in Pennsylvania on and east of U.S. Highway 19 from the Pennsylvania-West Virginia State line to its junction with Pennsylvania Highway 8, thence on Pennsylvania Highway 8 to its junction with U.S. Highway 62, thence on U.S. Highway 62 to its junction with Pennsylvania Highway 59, thence on Pennsylvania Highway 59 to its junction with U.S. Highway 219, thence on U.S. Highway 219 to the New York-Pennsylvania State line, points in Ohio on and south of U.S. Highway 30, points in Indiana on and south of U.S. Highway 30 from the Indiana-Ohio State line to its junction with U.S. Highway 41, thence on U.S. Highway 41 to its junction with Interstate Highway 74, thence on Interstate Highway 74 to the Indiana-Illinois State line, points in Illinois on and south of U.S. Highway 34, points in Iowa on and south of U.S. Highway 34 from the Iowa-Illinois State line to its junction with U.S. Highway 63, thence on U.S. Highway 63 to its junction with Iowa Highway 163, thence on Iowa Highway 163 to its junction with Interstate Highway 80, thence on Interstate Highway 80 to its junction with U.S. Highway 59, thence on U.S. Highway 59 to its junction with Iowa Highway 141, thence on Iowa Highway 141 to its junction with Interstate Highway 29, thence on Interstate Highway 29 to the Iowa-South Dakota State line, and points in South Dakota on and west of U.S. Highway 77 from the Iowa-South Dakota State line to its junction with U.S. Highway 12, thence on U.S. Highway 12 to the North Dakota-South Dakota State line, and points in North Dakota on and west of U.S. Highway 81. The purpose of this filing is to eliminate the gateway of Newark, N.J., and Lansing, Mich.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74–14306 Filed 6–20–74;8:45 am]

[Notice 107]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

JUNE 22, 1974.

Synopses of orders entered by Division 3 of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appears below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's General Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before July 22, 1974. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–74330. By order of June 11, 1974, Division 3, acting as an Appellate Division, approved the transfer to J. E. Lammert Transfer, Inc., Grand Island, Nebr., of the operating rights in Certificate No. MC–23864 issued December 19, 1950, to Donald W. Clarke, doing business as Red Cloud Transfer, Hastings, Nebr., authorizing the transportation of general commodities, with exceptions over regular routes, between specified points in Kansas and Nebraska. Kenneth F. Dudley, 611 Church St., Ottumwa, Iowa, representative for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74–14302 Filed 6–20–74;8:45 am]

[Notice 106]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

JUNE 22, 1974.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before July 12, 1974. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–74330. By order of June 11, 1974, the Motor Carrier Board, on reconsideration, approved the transfer to Dawn F. Karcher, Buckingham Township, Wayne County, Pa., of Certificate No. MC–117026 issued November 2, 1964, to Harold O. Karcher, Scott Township, Wayne County, Pa., authorizing the transportation of: Passengers and their baggage, in seasonal operations, during July and August of each year between specified areas in Pennsylvania and New York. David M. Boyd, Attorney, 926 Court St., Honesdale, Pa. 18431.

No. MC–FC–75145. By order of June 17, 1974, the Motor Carrier Board approved the transfer to Murrell's Welding Works, Inc., Levelland, Tex., of Certificate of Registration No. MC–96801 (Sub-No. 1) issued April 17, 1964, to J. W. Thrasher, doing business as Thrasher Trucking Company, Monahans, Tex., evidencing the authority to perform a transportation service in interstate or foreign commerce corresponding in scope to the intrastate authority in Specialized Motor Carrier's Permanent Certificate of Convenience and Necessity No. 5264, Docket No. 5264, dated August 15, 1957, issued by the Railroad Commission of Texas. John C. Sims, 1607 Broadway, Lubbock, Tex. 79401.

No. MC–FC–75194. By order entered June 17, 1974, the Motor Carrier Board approved the transfer to I.B.H. Transportation, Inc., Windham, N.H., of the operating rights set forth in Certificate No. MC–11698, issued July 24, 1962, as corrected September 7, 1962, to William F. Broderick, doing business as John W. Broderick Company, Allston, Mass., authorizing the transportation of accoustical tile, from Portsmouth, N.H., to Boston, Mass.; various specified commodities, from Boston, Mass., and points within 10 miles thereof, to points in Rhode Island, Connecticut, and specified points in New Hampshire; and household goods, between Boston, Mass., and points within 20 miles of Boston, on the one hand, and, on the other, points in New York, Rhode Island, New Hampshire, Connecticut, and New Jersey. John F. O'Donnell, Barrett and Barrett, 60 Adams St., P.O. Box 238, Milton, Mass. 02187, attorney for transferee, and George C. O'Brien, 15 Court Square, Boston, Mass. 02108, attorney for transferor.

No. MC–FC–75202. By order entered June 17, 1974, the Motor Carrier Board approved the transfer to Joseph F. Hughes, doing business as Mt. Ephraim Storage, Camden, N.J., of the operating rights set forth in Certificates Nos. MC–65398 (Sub-No. 1), MC–65398 (Sub-No. 2), and MC–65398 (Sub-No. 3), issued by the Commission January 18, 1966, January 18, 1966, and February 27, 1973, respectively, to Miller Brothers Moving & Storage, Inc., Riverside, N.J., authorizing the transportation of household goods as defined by the Commission, between Philadelphia, Pa., and points in Pennsylvania within 25 miles of Philadelphia, on the one hand, and, on the other, points in New York, New Jersey, and Delaware; household goods, between points in New Jersey, on the one hand, and, on the other, points in Connecticut, Massachusetts, Rhode Island, Maryland, Delaware, Pennsylvania, and the District of Columbia; and between Philadelphia, Pa., and points within 25 miles thereof, on the one hand, and, on the other, points in New York, New Jersey, and Delaware. Francis P. Desmond, 115 East Fifth St., Chester, Pa. 19013, attorney for applicants.

No. MC–FC–75205. By order of June 14, 1974, the Motor Carrier Board approved the transfer to Thomas O. Mattingly, doing business as Kootenai Motor Freight, Kalispell, Mont., of Certificate of Registration No. MC–120694 (Sub-No. 1) and MC–120694 (Sub-No. 2) issued August 13, 1964, and December 27, 1967, respectively to Dale A. Hudson, doing business as Kootenai Motor Freight, Eureka, Mont., evidencing a right to engage in transportation in interstate commerce as described in Certificate of Public Convenience and Necessity No. 2391 dated September 23, 1960, and September 11, 1967, issued by the Public Service Commission of the State of

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Montana. Charles L. Hash, P.O. Box 1178, Kalispell, Mont. 59901, attorney for applicants.

No. MC-FC-75207. By order of June 14, 1974, the Motor Carrier Board approved the transfer to Volunteer Express, Inc., Nashville, Tenn., of Certificate of Registration No. MC-121699 issued August 31, 1973, to Ned R. McWherter, doing business as Volunteer Trucking Company, Dresden, Tenn., evidencing a right to engage in transportation in interstate commerce as described in Certificate of Convenience and Necessity No. 3436 issued by the Tennessee Public Service Commission. Walter Harwood, P.O. Box 15214, Nashville, Tenn. 37215, attorney for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-14304 Filed 6-20-74;8:45 am]

R. D. PFAHLER AND LEWIS R. TEEPLE

Specification of Type of Rerouting Cases in Respect of Which Determinations May Be Made

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D.C., on the 22nd day of January 1974.

It appearing, that Item 4.4(z) of the Organization Minutes of the Commission (36 FR 6468), April 3, 1971, assigns to Division 3 the responsibilities pertaining to the use by the National Railroad Passenger Corporation (AMTRAK) of the tracks and other facilities of other railroads, including the power to deal with emergency requirements, as set forth in section 402(c) of the Rail Passenger Service Act of 1970, 45 U.S.C. 562 (c); and

It further appearing, that the exigencies of the situation may be such as to require determination and action by a single official and preclude the convening of the Division to receive and act on the application of AMTRAK, and good cause appearing therefor:

It is ordered, That R. D. Pfahler and/or Lewis R. Teeple, Agents, shall be delegated authority to make the determination as to whether an emergency requiring such action exists and to require a railroad immediately to make available tracks and other facilities to facilitate operations by AMTRAK for the duration of such emergency; and

It is further ordered, That this order shall be effective as of the date hereof.

By the Commission, Division 3.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-14305 Filed 6-20-74;8:45 am]

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FRIDAY, JUNE 21, 1974
WASHINGTON, D.C.
Volume 39 ■ Number 121
PART II

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

■

FOLLOW-THROUGH PROGRAM

No. 121—Pt. II——1

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Title 45—Public Welfare

CHAPTER I—OFFICE OF EDUCATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 158—FOLLOW THROUGH PROGRAM

Notice of proposed rule making was published in the FEDERAL REGISTER on March 5, 1974 (39 FR 8341), setting forth regulations for the Follow Through Program established by the section 222 (a) (2) of the Economic Opportunity Act of 1964, as amended, 42 U.S.C. 2809(a)(2). Pursuant to section 503 of the Education Amendments of 1972, a public hearing was held on March 28, 1974 in Washington, D.C. on the proposed regulations. In addition, approximately 800 written comments was received and considered.

In order that the Commissioner may timely award fiscal year 1974 grants for projects to be carried out in school year 1974–1975, the final regulation is not being published at this time pursuant to section 503 of the Education Amendments of 1972, but rather is being published as an interim final regulation applicable only to fiscal year 1974 grants for projects to be carried out in school year 1974–75. In the near future the Commissioner will in accordance with section 503 publish a document which will establish permanent final regulations for the Follow Through program.

A. EFFECT OF OFFICE OF EDUCATION GENERAL PROVISIONS REGULATION

The rules and standards set forth in these regulations are those which are unique to the Follow Through program. Other administrative requirements of a general nature which the Follow Through Program shares in common with other programs administered by the Commissioner of Education are covered in the overall Office of Education General Provisions Regulation, published in the FEDERAL REGISTER at 38 FR 30653 (November 6, 1973). (Reference is made in particular to the provisions of Parts 100a and 100c of Title 45 CFR, containing general provisions which are applicable to the Follow Through Program.)

B. SUMMARY OF COMMENTS; CHANGES IN THE REGULATIONS

The following comments were submitted to the Office of Education regarding the proposed regulations, either at the public hearing held on March 28, 1974, or in writing. After the summary of each comment, a response is set forth stating changes which have been made in the regulations, or the reasons why no change is deemed necessary. The comments are arranged in order of the sections of the interim final regulations. Where the section number in the interim final regulations differs from that in the proposed rule, the proposed section number is also identified.

1. Sections 158.1 and 158.13(a) *Phase out of Follow Through. Comment.* Virtually all the comments received expressed opposition to the characterization of Follow Through in § 158.1 of the proposed rule as "experimental," and expressed opposition to the contemplated phase-out of Follow Through as described in § 158.13(a) of the proposed rule. Some commenters urged that Follow Through be expanded to include higher grade levels and more projects.

Response. The language in § 158.13(a) requiring the phase-out of Follow Through has been deleted.

2. *Comment.* A commenter (referring particularly to §§ 158.1, 158.2, 158.11 and 158.13) questioned whether under the proposed regulations existing Subpart B grantees who are not local educational agencies could lose their grants to local educational agencies.

Response. The answer to this question is implicit in §§ 158.13(a) and 158.15 of the regulation, which provide that those applicants who have satisfactorily operated a Follow Through project during the current fiscal year, and demonstrate the capacity to continue to do so, will continue to receive grants. Those applicants who are not local educational agencies will, like all other applicants, continue to receive grants if they satisfy the criteria of § 158.15.

3. Section 158.22. *Comment:* A commenter suggested that the word "primary" in § 158.22(b)(3), and the word "all" in § 158.22(c) be emphasized for the purpose of stressing the importance of the type and extent of parental participation referred to in these sections.

Response. The commenter's suggestion has been adopted.

4. Section 158.51 *Comment:* A commenter suggested that a new subsection be added to § 158.51(a), separating and emphasizing the role of parents now contained in § 158.51(a)(2).

Response. The commenter's suggestion has been adopted.

C. OTHER CHANGES

1. Numerous typographical and technical corrections have been made.

2. Section 158.3(b) has been revised to clarify the requirement that sponsor grantees and local project grantees who are implementing the approaches of these respective sponsors are required to work together for the duration of the project grantee's participation in the program.

3. Section 158.13(b) of the proposed rule and the last sentence of § 158.13(c) of the proposed rule have been deleted as unnecessary; the subject matter covered by this material is contained in Part 100a of Title 45 CFR.

4. The form of § 158.15 has been generally revised so as to be more precise and so as to be more suitable for application to proposed projects which, as explained in § 158.13(a), will be solely continuations of former grants and will not be awarded on a competitive basis. Section 158.15(b)(2) of the notice of proposed rule making has been deleted because it is not suitable as a criterion for projects which are continuations of former grants. Section 158.15(b)(3)(iii) of the notice of proposed rule making has been deleted as being not susceptible of assessment based on an application. Section 158.15(c)(2) of the proposed rule has been deleted because it is covered by § 158.26(a) of the regulation. Sections 158.15(d)(3) and (g)(1) of the proposed rule have been consolidated into what is now § 158.15(n) of the regulation. Section 158.15(g)(2) of the proposed rule has been deleted because it is covered by § 158.64 of the regulation. The revision of § 158.15 imposes no requirements not contained in the notice of proposed rule making, nor is it considered to prejudice in any other way pending applications for grants.

5. The criterion in § 158.24(b)(4) of the proposed rule has been deleted because it deals with program operation rather than program effectiveness which is the subject of § 158.24(b). Sections 158.24(b)(6) and 158.24(b)(7) have been modified to state criteria which can be more readily assessed on the basis of a grant application, and which are within the scope of Follow Through.

6. The provision in § 158.28 concerning reduction of funds awarded to a local project grantee who is unable or unwilling to serve private school children has been revised. The previous requirement for pro rata reduction of a grant is considered unsatisfactory because experience in other education programs has shown that the cost of the Commissioner's arranging a separate grant or contract for private school children may cost more per private school child than if the same grantee or contractor serves both public and private school children.

7. Section 158.42(a) of the proposed rule has been deleted because the subject matter is covered by Part 100a of Title 45 CFR.

8. Section 158.51(c) of the proposed rule has been revised to make clear that the percent of funds appropriated for any fiscal year for the Follow Through program which are used for sponsor grants may vary, provided that the limitations of section 232(c) of the Economic Opportunity Act are observed.

9. Sections 158.52 (c) and (d) have been revised so as to delete certain criteria pertaining to sponsor grant applicants' organization and management. The deleted material is considered to be properly left to the discretion of the applicant.

10. Section 158.84 of the proposed rule has been deleted, because the subject matter of this section is covered by Part 100a of Title 45 CFR.

After consideration of all comments, Part 158 of Title 45 of the Code of Federal Regulations is revised as set forth below.

Effective date. Because this interim final regulation republishes without substantive change the notice of proposed rule making which was published in the FEDERAL REGISTER on March 5, 1974, it is in accordance with section 431(b) of the General Education Provisions Act (P.L. 91–230) effective immediately.

(Catalog of Federal Domestic Assistance No. 13.433, Follow Through Program)

Dated: May 23, 1974.

JOHN OTTINA,
U.S. Commissioner of Education.

Approved June 17, 1974.

CASPAR W. WEINBERGER,
Secretary of Health, Education, and Welfare.

Part 158 of Title 45 of the Code of Federal Regulations is revised to read as follows:

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AUTHORITY: Titles II and VI, P.L. 88–452, 78 Stat. 516, as amended by P.L. 90–222, 81 Stat. 690 (42 U.S.C. 2781 et seq., 2941 et seq.), except as otherwise noted.

Subpart A—Purpose and Definitions

§ 158.1 Program purpose.

The Follow Through Program implemented by these regulations is an experimental community action program designed to assist, in a research setting, the overall development of children enrolled in kindergarten through third grade from low-income families, and to amplify the educational gains made by such children in Head Start and other similar quality preschool programs by (a) implementing innovative educational approaches, (b) providing comprehensive services and special activities in the areas of physical and mental health, social services, nutrition, and such other areas which supplement basic services already available within the school system, (c) conducting the program in a context of effective community action and parental involvement, and (d) providing documentation on those models which are found to be effective.

(42 U.S.C. 2809(a)(2))

§ 158.2 Definitions.

As used in this part:

"Act" means the Economic Opportunity Act of 1964, P.L. 88–452, (42 U.S.C. 2701 et seq.) as amended.

"Early elementary grades" means kindergarten through grade 3 inclusive.

"Follow Through children" means all children in public or private school who have been enrolled in a Follow Through project in accordance with § 158.12.

"Follow Through parents" means all parents of children enrolled (or to be enrolled) in a Follow Through project, including the parents of private school children participating in the project.

"Head Start agency" means an organization funded in whole or in part by the Office of Child Development, DHEW, pursuant to section 222(a)(1) of the Act.

"Inservice training" means such specialized training as may be required or recommended for project staff during the course of employment in the Follow Through project.

"Local educational agency" means a public school board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts or counties as is recognized in a State as an administrative agency for its public elementary or secondary schools. The term also includes any other public institution or agency having administrative control and direction of a public elementary or secondary school.

"Low-income children" or "low-income persons" means children or persons from families whose annual income falls at or below the official poverty line as defined by the Office of Management and Budget and as revised periodically by the Department of Health, Education, and Welfare pursuant to section 625 of the Act.

"Paraprofessional" means a person who does not have a baccalaureate or equivalent degree of certification, but who directly assists persons in the performance of educational, social service, medical, or other duties of a professional nature in a Follow Through project, (e.g., teacher's aide, nurse's aide, or social worker aide).

"Preservice training" means workshops, courses, seminars, and other forms of specialized training which precede, and are required or recommended for, employment as a member of a Follow Through project staff.

"Project sponsor" means a college, university, regional education laboratory, or other agency, organization or institution which receives a grant or contract to undertake some or all of the activities listed in § 158.51 and which maintains a contractual relationship with one or more local Follow Through projects for the purpose of conducting such activities in conjunction with such projects.

"Project area" means the local community or the smaller geographic area within such community (defined by school attendance zones or other similar neighborhood boundaries) in which a Follow Through project operates.

"Project staff" means all persons who work (full time or part time) directly in the Follow Through project, either on public or private school premises, whether or not such persons are paid with funds made available under the Act.

"Rural" as applied to a geographic area, means an area which is not included within a Standard Metropolitan Statistical Area (as defined by the U.S. Bureau of Census) and which is not within or coterminous with a city, town, borough, or village or other subcounty political unit, the population of which exceeds 2,500.

"State educational agency" means the State board of education or other agency or officer primarily responsible for the State supervision of public elementary and secondary schools, or, if there is no such officer or agency, an officer or agency designated by the Governor or State law.

(42 U.S.C. 2809(a)(2))

§ 158.3 Planned variation.

(a) Follow Through grants are made to local educational agencies and other public or non-profit private agencies, organizations, or institutions in order to explore the effects of a number of promising approaches to the education of children from low-income families in the early elementary grades. Most grantees must agree to carry out the project in cooperation with project sponsors who have developed such approaches in affiliation with the U.S. Office of Education.

(b) In order to assess the effectiveness of each approach, evaluation data is being collected by the U.S. Office of Education. Because the collection of data will

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continue for a number of years, project and sponsor grantees are required to work together in the development and implementation of the sponsor's approach for the period of their participation in the Follow Through program.

(42 U.S.C. 2809(a)(2), 2825, 2995(a), 2995d)

Subpart B—Grants and Contracts for Local Follow Through Projects

Eligibility Requirements and Procedures

§ 158.11 Eligible applicants.

(a) Except as provided in paragraph (b) of this section, the Commissioner will provide financial assistance under this subpart, in the form of grants, only to local educational agencies.

(b) Whenever the Commissioner determines that (1) a local educational agency receiving assistance under paragraph (a) of this section is unable or unwilling to serve private school children as required by § 158.28 or (2) it is otherwise necessary in order to best fulfill the purposes of Follow Through as set forth in § 158.1, he may provide financial assistance to be used for this purpose to a Head Start agency or other public or appropriate non-profit private agency, organization, or institution.

(42 U.S.C. 2809(a)(2), 2949(2))

§ 158.12 Eligible children.

(a) *Low-income children.* Subject to the provisions of paragraph (b) of this section, only low-income children enrolled in the early elementary grades may participate in projects funded under this subpart. At least 50 percent of the children in each entering class shall be children who have previously participated in a full-year Head Start or similar quality preschool program and who were low-income children at the time of enrollment in such preschool program; except that the Commissioner may reduce this percentage requirement in special cases where he determines that its enforcement would prevent the most effective use of Follow Through funds (e.g., where the grantee is implementing a racial desegregation plan).

(b) *Non-low-income children.* If the Commissioner determines (1) that participation in the project of children from diverse socio-economic backgrounds would enhance the development of the low-income children to be served and would benefit the community in which the project is located, or (2) that such socio-economic diversity in a particular project will produce evidence concerning how best to fulfill the purposes of Follow Through as set forth in § 158.1, he may require or permit the inclusion of a specified percentage of children other than low-income children in the project. The inclusion of such other children in a project shall not in any case dilute or interfere with the services designed for low-income children. In order to prevent such dilution, families of such other children may be required to pay, or have payment made in their behalf from some other source, e.g., by the grantee, for all or part of the identifiable costs of the services such children receive, to the extent that the family's financial situation makes payment appropriate.

(c) *Procedures for selection.* Agencies proposing to operate or continue projects under this subpart shall establish procedures for identification and selection of eligible children which comply with the requirements of this section and shall set forth such procedures in the project proposal. Such procedures shall assure that every reasonable effort will be made (1) to serve first the poorest children enrolled under paragraph (a) of this section, and (2) to determine an equitable basis on which payment shall be made with respect to children enrolled under paragraph (b) of this section.

(d) *Records.* Each project shall maintain records establishing that its identification and selection of eligible children complied with the requirements in this section.

(42 U.S.C. 2809(a)(2))

§ 158.13 Selection of grantees and application procedures.

(a) In order to provide the necessary continuity for evaluation of the planned variation approaches provided for in § 158.3, grants will be given only to applicants who are successfully conducting Follow Through projects during the current fiscal year and who demonstrate the capability to continue to so operate projects in accordance with the planned variation approach.

(b) Project proposals will be reviewed by the Commissioner pursuant to § 100a.26 of this chapter, and negotiated in a process of consultation with the applicant and low-income parents of Follow Through children as needed.

(42 U.S.C. 2809(a)(2))

§ 158.14 Geographic allocation of funds.

(a) Of the funds to be distributed under this subpart, a maximum of 2 percent shall be allotted among Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Virgin Islands according to the relative numbers of low-income children between grades K–3 residing in each of these territories; the remainder shall be allotted among the States according to the relative numbers of low-income children in each State as compared to all States. In no event, however, may more than 12½ percent of the funds distributed under this subpart be used in any one State.

(b) Funds allocated under paragraph (a) of this section shall be distributed equitably between urban and rural areas in the United States and, to the extent practical, within each of the States. Such distribution shall be based upon a comparison of the number of low-income children living in urban areas to the number of such children living in rural areas.

(c) For the purposes of paragraph (a) of this section, the term "State" means a State, Puerto Rico, or the District of Columbia.

(42 U.S.C. 2812 (a), (b), 2833, (a)(b), 2949 (1), 2967)

§ 158.15 Criteria for refunding of projects.

The Commissioner shall, in accordance with the provisions of § 158.13(b), the allotments made under § 158.14, and the criteria set forth in § 100a.26(b) of this chapter, renew funding for projects under this subpart on the basis that the applicant has satisfactorily operated a federally-funded Follow Through project in the immediate prior year in accordance with the purposes of the program as set forth in § 158.1. In order to determine whether the applicant has satisfactorily operated a Follow Through project in the immediate prior year in accordance with the purposes of the program as set forth in § 158.1, the following criteria shall be used (each of the criteria shall be rated on the following scale: unsatisfactory, satisfactory, above average, outstanding):

(a) The proportion of children enrolled in the schools of the project who are low-income according to the official poverty line as defined by the Office of Management and Budget;

(b) The proportion of children enrolled in the schools of the project who are graduates of Head Start or similar preschool programs as required by § 158.12(a);

(c) The provision for parental and community involvement as required by § 158.26(b);

(d) The participation of Follow Through parents in the development and operation of the project as required by § 158.19 (a) and (b);

(e) The role of the Policy Advisory Committee in recommending the filling of staff positions as required by § 158.19 (d)(3);

(f) The extent to which the membership of the Policy Advisory Committee is composed of low-income parents elected by such parents as required by § 158.19(b);

(g) The extent to which the Policy Advisory Committee participates in the decision-making process in respect to important aspects of the project in accordance with § 158.19(d);

(h) The extent to which priority is given to low-income parents in the employment of nonprofessionals and paraprofessionals as required by § 158.20;

(i) If appropriate, the extent to which the supplementary training program is serving nonprofessional and paraprofessional staff of the project in accordance with § 158.26(g)(4);

(j) The role of the Career Development Committee as required by § 158.21(c);

(k) The provision for staff training as required by § 158.26(g);

(l) The extent to which the instructional component is implemented as required by § 158.26(a);

(m) The provision of comprehensive services as required by § 158.26:

(1) Nutrition;
(2) Medical and dental services;
(3) Social services;

(4) Psychological services;
(5) Career development;
(6) Coordination of comprehensive services.

(n) The utilization and/or the coordination of other resources and programs with the project in accordance with § 158.27; and

(o) The extent to which the evaluations conducted to date indicate program effectiveness as defined by the criteria described in § 158.24(b).

(42 U.S.C. 2809(a), 2942(n))

§ 158.16 Financial support of projects.

Project activities conducted under this subpart shall be supported through the following combination of resources: (a) the normal effort (in funds and services) which the grantee or contractor is required to maintain under § 158.67 and upon which the project builds, (b) the Federal funds appropriated under the Act and distributed under this subpart, and (c) the non-Federal contribution specified in § 158.64.

(42 U.S.C. 2809(a)(2), 2812 (c), (d)

Project Management

§ 158.18 Project coordinator.

(a) *Position.* Each grantee or contractor receiving funds under this subpart shall, with the approval of the Policy Advisory Committee described in § 158.19, appoint a project coordinator to be responsible for overall project management. The position of project coordinator shall be a full-time position, unless the Commissioner, in individual cases, specifies otherwise.

(b) *Duties.* The project coordinator's duties shall include: (1) supervising all project staff; (2) serving as liaison between the project and Federal, regional, State, and local agencies involved in the Follow Through program; (3) working with the program sponsor to implement the program approach selected; (4) attending all relevant Follow Through meetings, workshops, and training sessions sponsored by the Commissioner or by the project's program sponsor; (5) ensuring that project components and activities are interrelated so that children are not served in a fragmented manner; and (6) maintaining communication and cooperation among the program sponsor, Follow Through parents, Policy Advisory Committee members, project staff, administrative and other school staff, and the various community agencies and organizations which serve low-income persons.

(42 U.S.C. 2809 (a) (2))

§ 158.19 Policy Advisory Committee.

(a) *Purpose.* Each grantee or contractor shall, upon the identification of Follow Through project children, establish a Policy Advisory Committee, selected in accordance with paragraphs (b) and (c) of this section, to assist with the planning and operation of project activities and to actively participate in the decisionmaking process concerning such activities.

(b) *Membership.* (1) More than one-half of the Policy Advisory Committee members shall be low-income Follow Through parents who are elected (or re-elected) by such parents in elections held at least annually.

(2) The remaining members shall be chosen by the parent members, elected under paragraph (b)(1) of this section, from among the various persons and representatives of agencies and organizations in the community who have manifested concern in the interests of low-income persons.

(3) In no case shall an officer of the Policy Advisory Committee serve for more than two consecutive years in the same office.

(c) *Advisors.* At the request of the Policy Advisory Committee, elected or appointed officials and employees of the local educational agency (including project staff) in whose jurisdiction the project is located and any group contracted to work for such agency may serve in an advisory capacity to the Committee, but shall in no case have the right to vote.

(d) *Duties.* The Policy Advisory Committee's duties shall include: (1) developing by-laws which define the purposes and procedures of the Committee; (2) helping to develop all components of the project proposal and approving them in their final form; (3) assisting in the development of criteria for selection of professional staff and recommending the selection of such staff; (4) assisting in the development of criteria for the selection of nonprofessional and paraprofessional staff and exercising primary responsibility in recommending the selection of such staff; (5) exercising the primary role in developing criteria for selection and recruiting of eligible children which are required by § 158.12; (6) contributing to the continued effectiveness of the project coordinator; (7) establishing and operating a procedure of petition and discussion under which complaints of parents and other interested persons can be promptly and fairly considered; (8) mobilizing community resources and securing the active participation of Follow Through parents in the project.

(e) *Funding.* (1) In order to facilitate the functioning of the Policy Advisory Committee, (i) the committee shall at the beginning of each grant period submit a proposed budget of its projected operational costs to the grantee or contractor, and (ii) the grantee or contractor on the basis of such budget and the negotiations held pursuant to § 158.13 (b), and in accordance with local laws and regulations, shall at the beginning of each grant period allocate to the Committee a sum sufficient to allow it effectively to fulfill its responsibilities under paragraph (d) of this section.

(2) Funds allocated to the Policy Advisory Committee under paragraph (e) (1) of this section shall not be used for: (i) the purchase of classroom equipment, (ii) classroom instructional purposes, (iii) personal loans or expenditures.

(3) Policy Advisory Committee members may be compensated for attending a negotiation workshop, special conference or board of education meeting directly related to the Follow Through project at a rate not less than the Federal minimum wage nor more than the wages he would otherwise earn during such time, but in no event shall payments be made to members if no wages are actually lost.

(20 U.S.C. 1231d; 42 U.S.C. 2781(a)(4), 2809 (a)(2))

§ 158.20 Employment of low-income persons.

Whenever an opening exists in project staff positions for nonprofessionals or paraprofessionals, the grantee shall actively solicit applications from low-income persons and give preference to such persons in hiring. The highest priority shall be accorded to low-income persons who are parents of Follow Through children. The grantee shall establish hiring procedures which assure that the Policy Advisory Committee will be primarily responsible for recommending the filling of nonprofessional and paraprofessional positions in accordance with § 158.19 (d)(3).

(42 U.S.C. 2810)

§ 158.21 Career Development Committee.

(a) *Establishment.* Each grantee utilizing a significant number of low-income paraprofessional or nonprofessional employees or volunteers in the project shall establish a Career Development Committee to provide direction and initiative for the project training and career development program required under § 158.26(g). This committee shall operate under the general supervision of the Policy Committee.

(b) *Membership.* The members of the Career Development Committee shall be appointed by the Policy Advisory Committee from among the following groups in numbers adequate to assure their effective representation: (1) the low-income Follow Through parents, including low-income parent members of the Policy Advisory Committee, (2) paraprofessional and nonprofessionals working in the project, and (3) the professional members of the project staff.

(c) *Duties.* The Career Development Committee's duties shall include: (1) devising a career development plan which includes academic training that is responsive to the expressed needs of project paraprofessionals and nonprofessionals; (2) assisting the Policy Advisory Committee to fulfill its responsibilities under § 158.19(d)(3) for selecting paraprofessional and nonprofessional project staff; and (3) selecting paraprofessionals and nonprofessionals to participate in supplementary training programs

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which the Commissioner may from time to time sponsor.

(42 U.S.C. 2781(a)(4), 2810)

§ 158.22 Parent-implemented projects.

(a) *Eligible projects.* The Commissioner may designate certain of the projects funded under this subpart as parent-implemented projects. Both projects operated directly by nonprofit, private agencies or organizations constituted by parent groups to whom grants are awarded under § 158.11(b)(2) and projects operated by other grantees or contractors who delegate significant operating authority to a parent group are eligible for such a designation.

(b) *Functions of parents.* In a parent-implemented project, the parents (as defined in paragraph (c) of this section) shall assume at least the following functions in regard to project management: (1) All functions of the Policy Advisory Committee set forth in § 158.19(c); (2) all functions of the Career Development Committee set forth in § 158.21(c); (3) primary responsibility and authority for selecting the project coordinator and other project staff.

(c) *Definition.* For purposes of this section, "parents" means all parents of children enrolled or to be enrolled in the project or their duly elected representatives, except that, where the grantee is itself a parent group, it may choose to define "parents" to include the entire body of parents which it represents. In the latter case, the Follow Through parents shall be equitably represented on all boards or committees performing the functions specified in paragraph (b) of this section.

(42 U.S.C. 2781 (a)(4), 2809 (a)(2))

§ 158.23 Nepotism and conflict of interest.

(a) No person shall hold a Follow Through staff position supported in whole or in part with funds made available under the Act during any period of time in which:

(1) A member of his immediate family exercises supervisory authority over the Follow Through project or any portion thereof;

(2) He or a member of his immediate family serves on a board or committee of the grantee or contractor which has authority to order personnel actions affecting his job;

(3) He or a member of his immediate family serves on a board or committee which, either by rule or practice, regularly nominates, recommends, or screens candidates for staff positions in the Follow Through projects.

(b) For purposes of this section, the term "immediate family" means husband, wife, father, father-in-law, mother, mother-in-law, brother, brother-in-law, sister, sister-in-law, son, son-in-law, daughter, and daughter-in-law.

(42 U.S.C. 2809(a)(2))

§ 158.24 Evaluation of program effectiveness.

(a) *General.* Grantees shall participate to the extent requested by the Commissioner in periodic evaluations of the Follow Through Program. Grantees shall comply with all evaluation procedures that the Commissioner from time to time may require unless, after consultation with a particular grantee, he determines that compliance with one or more such procedures would not be in the best interest of the project. Such procedures shall include making available upon request any records or other information which may be reasonably necessary to the conduct of evaluation activities. General program evaluation data may be collected through testing of children, interviews, and questionnaires.

(b) *Evaluation criteria.* In the evaluations referred to in the preceding paragraph, program effectiveness will be evaluated on the basis of criteria established by the Commissioner, such as:

(1) Comparisons of cognitive and affective development of the children served with non-Follow Through children;

(2) Comparison of the cognitive and affective development of Follow Through children, who participated in Head Start and other quality preschool programs with the cognitive and affective development of Follow Through children who did not;

(3) Extent of parent involvement in the project, including participation in the decision-making process and participation in the classroom as paid employees or volunteers, and the effect of the project upon parental attitudes concerning the school and education in general;

(4) Extent of medical and dental care, of psychological services, and of social services available to low-income Follow Through children;

(5) Evidence of changes in school programs and in institutional rules and practices which increase the responsiveness of the educational system to low-income children and their parents;

(6) Evidence of positive changes in attitudes of program participants towards themselves and the community; and

(7) Evidence of coordination of community services (e.g., medical services) with the participating schools and their responsiveness to the needs of low-income persons.

(42 U.S.C. 2809(a)(2), 2826 (a), (b))

PROJECT IMPLEMENTATION

§ 158.25 Project design and development.

(a) *Services and activities.* Each Follow Through project assisted under this subpart shall be designed to fulfill the special purposes of Follow Through set forth in § 158.1 by providing services and activities which focus upon all aspects of child learning and development. The services and activities incorporated into the project proposal shall include all of the program components set forth in § 158.26.

(42 U.S.C. 2809(a)(2))

(b) *Coordination.* In designing and developing the project, the grantee (or contractor) shall provide for coordination among the various program components set forth in § 158.26 to prevent fragmentation of services, and for coordination of each such program component with related community agencies and resources to prevent duplication of existing services. Each program component shall be developed with the participation of (1) the Policy Advisory Committee established under § 158.19; (2) interested community agencies and organizations, including the Head Start agency; and (3) to the extent appropriate, the project's program sponsor.

(c) *Policy Advisory Committee approval.* No program proposal shall be approved or funded by the Commissioner without the prior approval of all program components by the Policy Advisory Committee, unless the Commissioner determines that the basis of the Committee's refusal to approve the proposal is inconsistent with these regulations.

(20 U.S.C. 1231d; 42 U.S.C. 2809(a)(2))

§ 158.26 Program components.

Unless the Commissioner in particular cases specifies otherwise, each Follow Through project shall include at least the following program components:

(a) An instructional component which, generally through association with a program sponsor, implements a particular innovative approach to the education and development of low-income children;

(b) A parent and community involvement component which actively involves parents and other interested persons in the community in all aspects of the project through such activities as (1) participation in the work of the Policy Advisory Committee and other parent groups; (2) participation in the classroom as observers or volunteers, or as paid employees under § 158.20; (3) regular home visits and other contacts initiated by project staff; and (4) participation in educational and community activities developed through other program components;

(c) A health component, developed with the direct assistance of health professionals, which responds to both short- and long-range needs by providing (1) screening, referral, and corrective treatment services for all low-income Follow Through children; (2) preventive activities such as health education for Follow Through children and their families; and (3) activities designed to encourage and improve related community health services and maximum opportunities for their continuation even after conclusion of the Follow Through project;

(d) A social services component designed to aid families of low-income Follow Through children in identifying and solving family problems and to assist in the development of more effective community social services for low-income families.

(e) A guidance and psychological services component which (to the extent consistent with the program approach of the project's program sponsor) utilizes trained psychological personnel to assist the psychological development of low-income Follow Through children through

(1) classroom observation followed by consultation with teachers, teacher aides, and other staff members; (2) staff development of pertinent Follow Through personnel; (3) work with Follow Through parents; and (4) testing and appropriate follow-up for Follow Through children where necessary.

(f) A nutrition component which provides for (1) a daily type-A lunch (as defined by the U.S. Department of Agriculture); (2) breakfast and snack where necessary; (3) nutrition education and counseling for Follow Through children and their parents; and (4) training in nutrition for Follow Through staff members;

(g) A training and career development component, developed with the assistance of the program sponsor, which includes (1) pre-service and in-service training for Follow Through staff members (including parent coordinators, social service aides, and other ancillary personnel); (2) appropriate orientation activities for non-Follow Through personnel with responsibilities relating to the Follow Through project; (3) establishment of a career development plan which provides for increases in both salary and job responsibility on the basis of job experience, academic background, and other relevant factors, and which is coordinated with education and supplementary training opportunities leading to career advancement; and (4) adult education and supplementary training (leading in general to college level degrees particularly in the field of early childhood education) for nonprofessional and paraprofessional project employees and, where possible, for classroom volunteers and observers. Participation in such programs shall not be made a condition of employment in a Follow Through project.

(20 U.S.C. 1231d; 42 U.S.C. 2809 (a)(2), 2810)

§ 158.27 Relation to other programs and projects.

Each grantee or contractor shall make a maximum effort to utilize the resources of, and coordinate the project with, other public and private programs and projects providing benefits which are or may be made available to the children to be served.

(42 U.S.C. 2976)

PARTICIPATION OF PRIVATE SCHOOL CHILDREN

§ 158.28 Numbers of private school children to be served.

(a) Local educational agencies receiving assistance under this subpart, and other agencies, organizations, and institutions receiving such assistance for projects in which one or more local educational agencies participate, shall serve public and private school children in equitable proportions. Such proportions shall approximate the relative proportions of low-income children enrolled at the entering grade level served by the project in the public and private schools in the local education agency's school district who are graduates of a full-year Head Start or similar quality pre-school program.

(b) If a grantee or contractor is unwilling or unable to serve public and private school children in equitable proportions as required by paragraph (a) of this section, the Commissioner may appropriately reduce the funds to which such grantee or contractor would otherwise be entitled and award another contract or grant under § 158.11(b) for the purpose of serving that proportion of private school children which such grantee or contractor would otherwise have served. In determining the amount to be withheld from the latter grantee or contractor, the Commissioner will take into account (1) the number of private school children who are excluded from effective participation in the Follow Through project, and who, except for such exclusion, might reasonably have been expected to participate; (2) the number of staff that would reasonably have been required to serve such children, and (3) the nature and extent of services being provided to public school children by the project from which private school children are excluded.

(42 U.S.C. 2809(a), 2809 (a)(2); 113 Cong. Rec. S14138-39, daily ed., October 4, 1967)

§ 158.29 Manner of service.

(a) Private school children may be served pursuant to § 158.28: (1) on public school premises through dual enrollment or shared-time programs; (2) on private school premises, in accordance with § 158.30, or (3) on a neutral site donated or rented for use in the project. If private school children are served under items (2) or (3) of this paragraph, they shall be concentrated in as few sites as possible, and such sites shall be located, to the extent practical, in a public school project area or in reasonable proximity thereto.

(b) The grantee or contractor shall involve private school officials and the parents of private school children in planning all phases of the project, including the selection of the method for serving private school children under paragraph (a) of this section and the selection of the program sponsor.

(c) Private school children shall participate to the maximum feasible extent in all phases of the project, and services provided for such children shall be comparable to those provided for public school children in terms of quality, scope, and opportunity.

(d) Any project to be carried out in public facilities and involving a joint participation of children enrolled in private schools and children enrolled in public schools shall include such provisions as are necessary to avoid classes which are separated by school enrollment or religious affiliation of the children.

(e) The applicant shall be required to inform the Commissioner of the number of private school children to be served and the manner in which and places at which they will be served. If the services differ in type or extent from those to be provided for public school children, the project application shall indicate how and why such services will differ. Letters from private school officials describing their participation in the planning of the project shall be attached to the project proposal.

(42 U.S.C. 2809(a), 2809(a)(2) 113 Cong. Rec. S14138-39 (daily ed, Oct. 4, 1967))

§ 158.30 Provision of services.

(a) Services shall be provided to private school children by the grantee or contractor, directly or through a third party contractor (other than the private school whose children are served). In providing such services, the grantee or contractor shall: (1) maintain custody of funds and exercise control over their expenditure, (2) retain title to equipment, textbooks, and other materials acquired with project funds or donated (by other than the private school) as a non-Federal contribution to the project, (3) ensure that project funds are not used to provide services for private school children which would, in the absence of the project, have been provided by the private school in which such children are enrolled and (4) ensure that none of the Follow Through services received by private school children in any way involve religious worship or instruction or religious proselytization.

(b) In complying with paragraph (a)(4) of this section, the grantee or contractor shall establish procedures for insuring compliance with the following requirements:

(1) Facilities renovated or rented for use in the project shall be devoid of sectarian or religious symbols, decoration, or other identification. Other facilities used primarily for the project shall, to the maximum feasible extent, also be devoid of sectarian or religious symbols, decoration, or other identification;

(2) Textbooks and other instructional materials used in the project shall be only those which are used in, or approved by an appropriate State or local educational agency or authority for use in, the public schools, or which have been specifically recommended by the program sponsor; and

(3) Project funds shall not be used to pay the salaries of teachers or other employees of a private sectarian school.

(c) The grantee or contractor shall describe in the project proposal the method by which it will provide services to private school children in compliance with the requirements of this section.

(42 U.S.C. 2809(a), 2809(a)(2); 113 Cong. Rec. S14138-39 (daily ed. Oct. 4, 1967))

Subpart C—Grants and Contracts for Technical Assistance

§ 158.41 Grants and contracts with State educational agencies for technical assistance and leadership.

The Commissioner may provide financial assistance, in the form of grants, to State educational agencies to enable them to provide technical assistance to

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local Follow Through projects and otherwise exercise leadership in regard to Follow Through activities in the State. Activities undertaken with such assistance may include, but need not be limited to, familiarizing State educational agency personnel with the Follow Through program and with the projects in their States through on-site visits and other means; promoting the coordination of Follow Through with other State and local programs having similar objectives; assisting local projects to identify and make maximum use of available public and private resources which can contribute to the development of comprehensive projects; assisting local projects to improve school-community relationships; assisting local projects to evaluate project activities and to disseminate information regarding project activities and their evaluation; and assisting local projects with staff training and development programs.

(42 U.S.C. 2823, 2824)

§ 158.42 Criteria for approval and funding of grants.

(a) *Level of funding.* The applications from State educational agencies under this section to enable them to provide technical assistance to local Follow Through projects and otherwise exercise leadership in regard to Follow Through activities in their States shall be for an amount not to exceed an amount of funds representing a total of (1) $4,000; which is the base rate; (2) $2,000 for each Follow Through project expected to be in operation during the period for which the application is being made; and (3) an amount arrived at by the application of the OMB–poverty index to each State.

(b) *Application approval criteria.* The Commissioner will select and fund projects eligible for assistance under this section (subject to the provisions of paragraphs (a) and (b) of this section in accordance with the following criteria:

(1) *Programmatic.* (Unsatisfactory, satisfactory, above average, outstanding)

(i) The extent to which the State educational agency has shown or will show familiarity with the Follow Through program and the projects in its State through site visits and other means;

(ii) the extent to which the State educational agency will promote coordination of Follow Through with other State and local programs having similar objectives;

(iii) the extent to which the State educational agency will assist local projects in identifying and making the maximum use of available public and private resources which can contribute to the development of comprehensive projects;

(iv) the extent to which the State educational agency will assist local projects in improving parent-school-community relationships;

(v) the extent to which the State educational agency will assist local projects in evaluating project activities and dissemination information regarding project activities and their evaluation;

(vi) the extent to which the State educational agency will assist local projects with staff training and development programs.

(2) *Organizational.* (Unsatisfactory, satisfactory, above average, outstanding). The extent to which the staffing for administering the grant is adequate to carry out the objectives.

(3) *Management.* (Unsatisfactory, satisfactory, above average, outstanding). The extent to which the State educational agency will seek information from the local project sites to meet their project needs for technical assistance.

(42 U.S.C. 2823, 2824)

§ 158.43 Joint applications for technical assistance grants and contracts.

In order to more effectively carry out the purpose of this subpart, applicants which are eligible to receive a technical assistance grant under § 158.41 may submit applications which either in whole or in part envision a joint technical assistance program undertaken in cooperation with other eligible agencies pursuant to § 100a.19 of this chapter. Such joint applications shall clearly delineate the responsibilities of each separate agency in administering the program, and a separate grant will be awarded to each agency to administer its portion of the joint program. No agency receiving funds under this section may be the fiscal or administrative agent for a technical assistance grant or contract for another such agency.

(42 U.S.C. 2823, 2824)

Subpart D—Grants and Contracts for Research and Demonstration

§ 158.51 Eligible projects.

(a) *Activities.* The Commissioner may provide financial assistance, in the form of grants or contracts, to public and private agencies, organizations, and institutions for the purpose of developing and implementing approaches to the education and development of disadvantaged children, which approaches can serve as models for use in Follow Through and similar programs. Activities undertaken with such assistance may include:

(1) the implementation of classroom instructional techniques and approaches;

(2) the implementation of methods for enlisting and utilizing the parents of disadvantaged children in the educational process;

(3) the implementation of methods for enlisting and utilizing members of the community (other than the parents referred to in paragraph (a) (2) of this section) in the educational process;

(4) the development and application of methods for the evaluation of educational programs designed for disadvantaged children, and for the use and dissemination of information derived from such evaluation; and

(5) the development of techniques for, and the provision of, specialized training for teachers and other personnel (both professional and nonprofessional) involved in the education of low-income children.

(42 U.S.C. 2825(a), 2942)

(b) *Special problems.* In addition to the assistance provided under paragraph (a) of this section, the Commissioner may also, where he has determined that projects of the type funded under paragraph (a) of this section can benefit therefrom, make grants or contracts for research pertaining to special problems encountered in the education of disadvantaged children.

(42 U.S.C. 2825(a))

(c) *Priorities.* (1) The Commissioner in agreement with the Director of the Office of Economic Opportunity shall determine at the beginning of each fiscal year what per centum of the amount appropriated for Follow Through for such fiscal year shall be used for the purpose of this subpart. Such determination shall conform to the requirements of section 232(c) of the Act.

(2) Priority for funding under paragraph (a) of this section will be given to applicants that are or will be serving, pursuant to § 158.26, as program sponsors for one or more local projects funded under Subpart B of this part.

(3) Pilot or demonstration projects being commenced for the first time will be considered by the Commissioner only if submitted for approval of the appropriate local agency or governing body serving the area in which the project is to be conducted, in accordance with section 232(d) of the Act.

(42 U.S.C. 2825(c), 2825(d))

§ 158.52 Funding criteria.

The Commissioner shall select and fund sponsors from among those eligible for assistance under paragraphs (a) or (b) of § 158.51 in accordance with the following criteria (subject to the priorities established by paragraph (c) of § 158.51; each of the criteria shall be rated on the following scale: unsatisfactory, satisfactory, above average, outstanding):

(a) the extent to which the proposal utilizes knowledge gained from relevant educational research, including that funded under § 158.51(b);

(b) the educational significance of the approach in terms of its potential impact upon the education of low-income children and the potential of the sponsor's educational approach and methodologies for general adaptability to other programs;

(c) the extent to which the evaluations conducted to date indicate program effectiveness as defined by § 158.24(b);

(d) the extent to which the objectives of the educational approach are clearly stated;

(e) the extent to which the strategies for achieving the objectives are clearly delineated in the following areas:

(1) Physical facilities and equipment
(2) staffing requirements
(3) classroom management
(4) instructional techniques
(5) instructional materials;

(f) the extent to which parents are involved in activities directed toward the achievement of sponsor goals;

(g) the extent to which the sponsor provides for the training of:

(1) administrators
(2) teachers
(3) teacher aides and other paraprofessionals
(4) parents
(5) others;

(h) the extent to which the sponsor provides for the evaluation of the effectiveness of the educational approach;

(i) staffing pattern and percent of time allocated;

(j) qualifications of key personnel;

(k) the extent to which indicators of effective management are present including:

(1) Internal reporting system
(2) Methods of dissemination of information;

(l) the extent to which the sponsor provides for the monitoring of projects.

(42 U.S.C. 2825(a), 2942(n))

Subpart E—Federal Financial Participation

§ 158.63 Federal share of expenditures.

The Federal share of expenditures incurred under Follow Through grants and contracts made pursuant to this part, up to the total specified in the award document, shall be:

(a) for local projects under Subpart B of this part, the difference between the non-Federal share required by § 158.64 and total expenditures;

(b) for technical assistance and training under Subparts B, C and D of this part, 100 percent of expenditures; and

(c) for research and demonstration programs under Subpart D of this part, 100 percent of expenditures.

(42 U.S.C. 2809(a)(2), 2812(c), 2823, 2824, 2825)

§ 158.64 Non-Federal share.

Subject to the provisions of § 158.63 the grantee or contractor shall share part of the costs of a Follow Through project funded under Subpart B of this part. Such share (hereinafter, "non-Federal share") shall be an amount equal to not more than: (a) 25 percent of the approved cost of the project if the project comprises one grade level; (b) 20 per centum of such cost if the project comprises two grade levels, (c) 16 per centum of such cost if the project comprises three grade levels, and (d) 14 per centum of such cost if the project comprises four or more grade levels. Once the project has reached its highest grade level (at least four grades, unless no kindergarten is in operation in the school district) and has operated at that level for a period of two project years, the non-Federal share shall increase again up to the maximum 25 per centum, rising in the same increments (one per year) in which it decreased to its lowest point. Criteria and procedures for the allowability and evaluation of cash and in-kind contributions in satisfying the non-Federal share are set forth in Subpart H of Part 100a of this chapter.

(42 U.S.C. 2812(c))

§ 158.65 Waiver of non-Federal share.

(a) *Eligibility.* (1) The Commissioner may reduce the non-Federal share required of a grantee or contractor by § 158.64 under any of the following circumstances:

(i) if the annual per capita income of the county in which the Follow Through project is located is less than $1,000, by an amount up to 100 per centum of the required non-Federal share;

(ii) if the annual per capita income of the county in which the project is located is $1,000 or more but less than $1,250, by an amount not in excess of the 50 per centum of the required non-Federal share;

(iii) if the grantee or contractor can demonstrate, using the most reliable available data, that the annual per capita income of the political subdivision of the county in which the project is located, or of the project area, is less than the annual per capita income of the county and that the annual per capita income of the political subdivision or project area is within the dollar limitations in either paragraph (a) (1)(i) or (1)(ii) of this section, by the amount specified therein;

(iv) if, in the case of a project serving migratory children or Indian children residing on reservations, the annual per capita income of the group or groups served is within the dollar limitations in either paragraph (a)(1)(i) or (1)(ii) of this section, by the amount specified therein.

(2) The Commissioner may also make an appropriate reduction in the non-Federal share required of a grantee or contractor if it is demonstrated to his satisfaction that:

(i) there has occurred a simultaneous increase in both the percentage of non-Federal share and the overall costs of the Follow Through project, such as occasioned by a rise in per capita income beyond the limits prescribed in paragraphs (a)(1)(i) and (a)(1)(ii) of this section during a period in which there has been a significant increase in the number of children served; or

(ii) the financial or human resources which would otherwise be available for use in the Follow Through project have been significantly reduced by natural disaster or other unusual circumstances affecting the project area or the larger community in which it is located.

(b) *Application for waiver.* A grantee or contractor that is unable to contribute the full amount of its required non-Federal share, after having made every reasonable effort to do so, may request a reduction of its non-Federal share pursuant to paragraph (a) of this section. Such request shall be submitted in writing with the project proposal or such time thereafter as the grantee or contractor determines that it is unable to provide the entire non-Federal share, and shall describe:

(1) the circumstances which justify a reduction of the non-Federal share under paragraph (a) of this section;

(2) the source or sources of the information on per capita income (if such information is relied upon in the request);

(3) the effort which the grantee or contractor has made to provide its non-Federal share; and

(4) the amount of the non-Federal share which the grantee or contractor is able to provide and the extent to which this contribution is in kind.

(c) *Period of waiver.* The Commissioner shall not approve the reduction of non-Federal share for any period in excess of one year, but may renew such approval upon resubmission of a written request that complies with paragraph (b) of this section.

(42 U.S.C. 2812(c))

§ 158.66 Use of funds for sectarian purposes.

Funds appropriated under the Act and distributed under this part shall not be used for any purpose which involves religious worship or instruction or religious proselytization.

(42 U.S.C. 2809(a))

§ 158.67 Maintenance of effort.

Services and activities provided with funds made available under Subpart B of these regulations shall be in addition to, and not in substitution for, services and activities previously provided without Federal assistance. Funds or other resources devoted to programs designed to meet the needs of the poor within the community may not be diminished in order to provide any contribution required by § 158.64.

(42 U.S.C. 2812(d), 2836(5))

§ 158.68 Salary and wage limitations and reporting requirements.

(a) *Limitations.* To the extent paid from Federal funds or matching non-Federal funds, salaries and wages of persons engaged in activities funded under this part shall be subject to the following limitations:

(1) The rate of compensation shall not be less than the prevailing Federal minimum wage rate specified in section 6 (a) (1) of the Fair Labor Standards Act of 1938, nor more than the average rate paid to a substantial number of the persons providing substantially comparable services in the community where the project is located or, if higher, the average rate paid for such services in the area of the employee's immediately preceding employment.

(2) The rate of compensation shall not exceed $15,000 per year (and no non-Federal funds paid to a person at a rate in excess of $15,000 per year shall be considered as non-Federal share under § 158.64) unless the grantee or contractor obtains a specific exception from this requirement upon application to the Commissioner. Such an exception may be granted only where application of the limitation would greatly impair the recruitment of qualified project personnel either because (i) the prevailing local salary level for persons whose skills are required exceeds $15,000, or (ii) the local scarcity of persons with professional and other highly specialized skills required for the project makes it necessary to recruit such persons from other communities where the relevant salary levels are above $15,000.

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(3) Unless otherwise specifically approved by the Commissioner, the rate of compensation of any person being paid more than $6,000 per year shall not exceed by more than 20 per centum that person's rate of compensation in his immediately preceding employment.

(42 U.S.C. 2836(2), 2951(a), (c))

(b) *Records.* The grantee or contractor shall (1) maintain records adequate to demonstrate compliance with the limitations in paragraph (a) of this section, and (2) submit to the Commissioner on or before July 15 of each year the names of all persons covered by paragraph (a) of this section who, as of June 30 of that year, were receiving a salary of $10,000 or more per year, together with the total annual salary paid to each such person and the amount of that salary provided from funds made available under the Act.

(42 U.S.C. 2951)

Subpart F—General Provisions

§ 158.81 Certification of accounting system adequacy.

The requirements of this subpart, as they pertain to the Follow Through program, supersede and are in lieu of the requirements of Subpart O of Part 100a of this chapter.

(a) *Requirements.* Each grantee or contractor receiving funds under this part, and each subcontractor performing services for such grantee or contractor, shall utilize an accounting system with internal controls adequate to (1) safeguard its assets, (2) check the accuracy and reliability of the accounting data, (3) promote operating efficiency, and (4) encourage compliance with prescribed management policies and any additional fiscal responsibility or accounting requirements which the Commissioner may establish.

(b) *Certification.* Prior to receiving funds under this part for any fiscal year, each grantee or contractor shall submit to the Commissioner a statement certifying that it, and any intended subcontractor, has established an accounting system which fulfills the requirements of paragraph (a) of this section. Such statement shall be submitted by a certified public financial officer responsible for providing required financial services to the agency.

(42 U.S.C. 2835(a))

§ 158.82 Preliminary audit survey.

(a) *When required.* Each grantee or contractor that (1) is receiving financial assistance under this part for the first time, (2) has made significant changes in its accounting system since it last received financial assistance under the Act or this part, or (3) is otherwise directed to do so by the Commissioner, shall arrange for a preliminary audit survey and submit a report of such survey to the Commissioner within three months following the effective date of the grant or contract. The survey shall be conducted by, and the report signed by a certified public acountant or other duly licensed public accountant, or if the grantee or contractor is a local educational agency or other public agency, by the appropriate public financial officer who accepts responsibility for providing audit services to such grantee or contractor.

(b) *Scope of survey.* The preliminary audit survey shall be a review and evaluation of the adequacy, under the standards set forth in § 158.81(a), of the grantee's or contractor's accounting system and the accounting sytem of any subcontractor performing services for such grantee or contractor. In addition to the investigations normally required under generally accepted audit standards, the survey shall include examination of (1) the training and experience of the grantee's or contractor's acounting personnel, (2) the procedures adopted to identify and control the use of equipment purchased with funds provided under this part, and (3) the procedures for evaluation and recording of the non-Federal share contributions required by § 158.64.

(c) *Appraisal of accounting system.* The report of the preliminary audit survey shall contain the auditor's appraisal of the grantee's or contractor's accounting system based upon a review conducted in accordance with paragraph (b) of this section, a specification of the reasons for all weaknesses uncovered, and recommendations for corrective action. The Commissioner will review each report in accordance with the provisions of section 243(b) of the Act.

(42 U.S.C. 2835(b))

§ 158.83 Annual audit.

(a) Each grantee and contractor shall arrange for an annual financial audit of its grant or contract to be performed by one of same types of persons authorized under § 158.82 to conduct the preliminary audit survey. Where the grantee or contractor regularly schedules an annual audit of other activities which it conducts, the audit required by this section may be conducted simultaneously with such regular audit. A copy of the audit report (or section of the report relevant to Follow Through) shall be submitted to the Commissioner by September 30 of each year for which funds are received under this part or within 60 days of the audit's completion, whichever is earlier.

(b) The annual audit shall be a complete examination of all accounts and supporting documents (of the grantee or contractor as well as any subcontractor) pertaining to the receipt and disbursement of funds under these regulations. Such audit shall be conducted in accordance with generally accepted audit standards and with specific reference to the regulations contained in this part, the project proposal and budget, and other laws and documents governing the use of Follow Through funds. In addition to verifying that Follow Through funds were properly expended and accounted for, the audit shall also verify that the non-Federal share required by § 158.64 was contributed to the project and that all in-kind contributions were fairly evaluated.

(c) The audit report shall be certified by the auditor and shall include the auditor's statement concerning receipts and disbursements of both Follow Through funds and non-Federal share contributions, as well as a summary of audit findings and explanation of all items questioned by the auditor. The Commissioner will review each report in accordance with the provisions of section 243(c) of the Act.

(42 U.S.C. 2835(c))

§ 158.84 Suspension, termination, and refusal to refund.

(a) (1) Assistance under the program may be terminated in whole or in part if the Commissioner determines after affording the recipient reasonable notice and an opportunity for a full and fair hearing, that the recipient has failed to carry out its approved project proposal in accordance with the applicable law and the terms of such assistance or has otherwise failed to comply with any law, regulation, assurance, term or condition applicable to the program. Assistance under this program may be suspended during the pendency of a termination proceeding initiated pursuant to this paragraph but only in emergency situations, e.g., where there is evidence of flagrant misuse of funds by the recipient, or evidence of unauthorized activity by the recipient which poses a threat of harm to children participating in the program.

(2) Proceedings with respect to the termination of a grant shall be initiated by the mailing to the recipient of a notice by certified mail, return receipt requested, informing the recipient of the Government's request for termination and the specific grounds therefor, together with information regarding the time, place, and nature of the hearing to be held and such other information with respect to the conduct of such proceedings as the Commissioner may determine. If the Commissioner determines for the reason specified in subparagraph (1) that suspension of assistance during the pendency of such proceedings is necessary, he shall afford the recipient reasonable notice of such determination. Such notice shall: (i) inform the recipient of such determination, (ii) advise the recipient of the effective date of such suspension (which will be no earlier than the date of such notice), and (iii) offer the recipient an opportnity to show cause why such action should not be taken.

(3) A notice of suspension of assistance shall advise the recipient, in addition to the matters described in paragraph (a)(2) of this section, that any new expenditures or obligations made or incurred in connection with the program during the period of the suspension will not be recognized by the Government in the event the assistance is ultimately terminated. Expenditures to fulfill legally enforceable commitment

made prior to the notice of suspension, in good faith and in accordance with the recipient's approved program or project, and not in anticipation of suspension or termination, shall not be considered new expenditures.

(4) Termination of assistance shall be effected by the delivery to the recipient of a final order of termination, signed by the Commissioner or his designee, or where the recipient invokes the procedures available under paragraph (b)(2) of this section, upon an initial decision of a hearing examiner becoming final without appeal to or review by the Commissioner. If an initial decision of the hearing examiner is appealed to or reviewed by the Commissioner pursuant to paragraph (b)(2) of this section, then termination of assistance shall be effective upon a decision by the Commissioner holding that such termination is appropriate.

(5) In the event assistance is terminated under this section, financial obligations incurred by the recipient prior to the effective date of such termination will be allowable to the extent they would have been allowable had such assistance not been terminated, except that no obligations incurred during the period in which such assistance was suspended pursuant to paragraph (a)(1) of this section and no obligations incurred in anticipation of suspension or termination will be allowed. Within 60 days of the effective date of termination of assistance under this section, the recipient shall furnish an itemized accounting of funds expended, obligated, and remaining. Within 30 days of a request therefor, the recipient shall remit to the Government any amounts found due.

(b)(1) If the recipient requests an opportunity to show cause why a suspension of assistance pursuant to paragraph (a)(1) of this section should not be continued or imposed, the Commissioner will, within 7 days after receiving such request, hold an informal meeting for such purpose.

(2) Hearings respecting the termination of assistance pursuant to this section shall be conducted pursuant to the provisions of the Administrative Procedure Act (5 U.S.C. 554–557). Proposed findings of fact, conclusions of law, and briefs will be submitted to the presiding officer within 20 days of the conclusion of the hearing.

(3) The initial decision of a hearing examiner regarding the termination of a grant under the program shall become the decision of the Commissioner without further proceedings unless there is an appeal to, or review on motion of, the Commissioner made in writing no later than 15 days after receipt by the party requesting such appeal or review of the decision of the hearing examiner. A request for appeal or review under this section shall be accompanied by exception to the hearing examiner's decision, proposed findings, supporting reasons and briefs. The adverse party shall submit its reply no later than 15 days after the submission of such request for appeal or review. The Commissioner shall issue a final decision in the case of such appeal or review no later than 30 days after the final submission of the above materials by the parties. The Commissioner may delegate his functions under this subparagraph to an appellate review council established and appointed by him.

(c) The procedures established by this section shall not preclude the Commissioner from pursuing any other remedies authorized by law. Proceedings pursuant to Part 80 of this title with respect to the eligibility of an applicant for assistance under Title VI of the Civil Rights Act (42 U.S.C. 2000d) shall be governed by the regulations in that part and Part 81.

(d) The Commissioner will not refuse to renew funding of projects pursuant to § 158.15(i), unless the grantee or contractor has been given reasonable notice and opportunity to show cause why such action should not be taken.

(42 U.S.C. 2944(2), (3))

[FR Doc.74–14296 Filed 6–20–74;8:45 am]

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federal register

FRIDAY, JUNE 21, 1974
WASHINGTON, D.C.
Volume 39 ■ Number 121

PART III

FEDERAL ENERGY OFFICE

REFINERS' BUY-SELL LIST

Crude Oil Allocation; Correction

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FEDERAL ENERGY OFFICE

REFINERS BUY-SELL LIST

Crude Oil Allocation; Correction

On June 5, 1974, the Federal Energy Office issued a crude oil allocation notice setting forth the list of refiner-sellers and refiner-buyers in accordance with the provisions of 10 CFR 211.65(e) (39 FR 20276, June 7, 1974). Subsequent to the issuance of that notice, errors which primarily resulted from insufficient information having been requested of refiners by the FEO were discovered in the computation of the buy-sell list. Such errors were of sufficient magnitude to warrant a complete recalculation and reissuance of a corrected buy-sell list. This notice hereby publishes as an Appendix the corrected amounts of the obligations of refiner-sellers and of the purchase opportunities of refiner-buyers, which supersede such amounts as set forth in the buy-sell list issued on June 5, 1974.

Due to the republication of the buy-sell list, the FEO is also extending the date by which transactions made to comply with the crude oil allocation program must be reported to the FEO. Although § 211.65(f) requires that each transaction must be reported within fifteen days of the publication of the buy-sell list, this date is being extended an additional fifteen days for the June 1 to August 31, 1974 allocation quarter so that a refiner will be allowed to complete whatever additional transactions are necessary under the revised list. Therefore, refiners will now have 30 days from June 7, 1974 to report transactions made to comply with the program.

The corrected buy-sell list is applicable for the period June 1 to August 31, 1974. The provisions of 10 CFR 211, Subpart C, apply to all transactions made under the buy-sell list.

The buy-sell list covers PAD districts I through V, and amounts shown are in barrels of 42 gallons each, for the specified period. Pursuant to § 211.65(d), refiner-sellers are required to offer the amount of crude oil listed by their names for sale to refiner-buyers. Pursuant to § 211.65(a), refiner-buyers have the opportunity to purchase crude oil up to the amounts listed by their names.

If a sale is not agreed upon within 30 days after June 7, 1974, under the procedures of 10 CFR Part 211, Subpart C, applicable to transactions under the buy-sell list, a refiner-buyer that has not been able to negotiate a contract to purchase crude oil may request FEO to direct one or more refiner-sellers to sell a suitable type of crude oil to such refiner-buyer. Such a request must be made within 45 days after June 7, 1974. Upon such request, FEO may direct one or more refiner-sellers which have not sold their allocation quarter quantity to sell crude oil to the refiner-buyer. If the refiner-buyer declines to purchase the crude oil specified by FEO, the rights of that refiner-buyer to purchase that volume of crude oil are forfeited during this allocation quarter, provided that the refiner-seller or refiner-sellers in question, have fully complied with the provisions of Subpart C. Refiner-buyers making such request must provide the FEO with the following information:

1. Name of the refiner-buyer and of the person authorized to act for the refiner-buyer in buy-sell transactions.

2. Names and locations of the refineries for which crude oil is sought, the amount of crude oil sought for each refinery, and the technical specification range of crude oil which can be processed in each refinery.

3. Names and locations of all refiner-sellers from whom crude oil has been sought under this program and the volume and specification of the crude oil sought from each.

4. Statement of any restrictions, limitations or constraints on the refiner-buyer's purchasing crude oil with particular respect to manner or time of deliveries and price.

5. The response of each refiner-seller to whom a request to purchase crude oil has been made, and the name and telephone number of the individual contacted at each such refiner-seller.

6. Such other pertinent information as FEO may request. When a refiner-seller is directed by FEO to sell crude oil to a refiner-buyer, it is expected that every reasonable effort will be made to consummate a transaction. Upon either termination of negotiations or consummation of a transaction, FEO shall be advised of the outcome by both parties.

Each refiner-buyer and refiner-seller will report the details of each transaction under this program to FEO on Form 903 (rev.).

Refiners wishing to include new refining capacity, as defined in 10 CFR 211.62, in the allocation quarter commencing September 1, 1974, must apply to the FEO for certification of that capacity no later than July 3, 1974.

All reports and applications made under this notice should be addressed to:

Fuel Manager (Crude Oil, Refinery Mix and Petrochemical Feedstocks), P.O. Box 2885, Washington, D.C. 20013.

Issued in Washington, D.C., June 18, 1974.

WILLIAM N. WALKER,
General Counsel,
Federal Energy Office.

APPENDIX

The list of refiner-sellers and refiner-buyers for the period June 1, 1974 through August 31, 1974, is as follows. The list sets forth the identity of each refiner-seller and refiner-buyer, the fixed percentage share of each refiner-seller, and the volumes of crude oil (reflecting all adjustments required under § 211.65) that each such refiner-seller or refiner-buyer is either obligated to offer for sale or is eligible to purchase, as the case may be.

FEDERAL ENERGY OFFICE

CRUDE OIL ALLOCATION PROGRAM FOR THE PERIOD JUNE–AUGUST 1974

Sales

	Share	*Barrels*
Amoco Oil Co	0.099	7,684,923
Atlantic Richfield	.072	5,286,360
Cities Service Oil	.023	2,453,865
Continental Oil Co	.034	3,689,454
Exxon Corp	.112	8,712,975
Getty Oil-Eastern OP	.020	2,738,171
Gulf Oil Corp	.066	9,406,298
Marathon Oil Co	.022	1,153,062
Mobil Oil Corp	.089	6,533,389
Phillips Petroleum	.039	2,351,168
Shell Oil Co	.107	9,714,977
Socal/Chevron	.096	6,313,765
Sun Oil Co	.052	5,084,665
Texaco, Inc	.107	6,907,846
Union Oil Co. of California	.043	5,362,325
Total sales	----	83,393,243

Purchases

	Barrels
Allied Materials Co	136,102
Amerada Hess Corp	7,278,902
American Petrofina	1,988,625
Apco Oil Corp	0
Arizona Fuels Corp	966,250
Ashland Oil Inc	5,357,625
Bay Refining	12,860
Bayou State Oil Corp	32,000
Beacon Oil Co	0
C & H Refining	27,100
Calumet Industries	10,850
Canal Refining Co	0
Caribou Four Corners	0
Champlin Petroleum	1,758,812
Charter Oil Co	965,000
Claiborne Gas Co	0
Clark Oil & Refining	192,849
Coastal States Gas	5,905,750
Commonwealth Oil Refining	3,786,750
CRA-Farmland Industries, Inc	1,711,750
Cross Oil and Refining-Arkansas	0
Crown Central Petro	1,276,000
Crown Refining Co	792,500
Crystal Oil Refining	512,900
Crystal Refining Co	295,958
Delta Refining Co	1,481,822
Diamond Shamrock Corp	0
Dingman Oil and Refining Co	0
Dorchester Gas	0
Eddy Refining Co	0
Edgington Oil Co	416,325
Edgington Oxnard Refining	9,000
Evangeline Refining	80,000
Famariss Oil Corp	943,514
Farmers Union Exchange	1,203,971
Fletcher Oil and Refining	203,658
Flint Chemical Corp	0
Gary Operating Co	270,013
Gladieux Refinery	52,000
Golden Eagle Refining Co	587,250
Good Hope Refineries	179,000
Guam Oil and Refining	24,500
Hirl	861,716
Howell Corp	1,299,875
Hunt Oil Co	0
Husky Oil Co	1,734,000
Indiana Farm Bureau	367,600
J & W Refining Inc	479,500
Kentucky Oil-Refining Co	0
Kerr McGee Corp	1,715,766
Koch Refining Co	471,284
La Gloria Oil-Gas Co	587,000
Lakeside Refining Co	53,000
Laketon Asphalt Refining	82,000
Little America Refining	403,500
Lunday Thagard Oil	4,507
Macmillan Refining Oil Co	0
Marion Corp	0
Mid America Refining	7,361
Mid-Tex Refinery	244,022
Midland Coop Inc	602,775
Mohawk Petroleum Co	229,378
Monsanto Co	327,200
Morrison Petroleum	0
Mountaineer Refinery	3,700
Murphy Oil Corp	2,701,867
National Coop Refining	947,401
National Oil Recovery	238,847
Navajo Refining Co	267,963
Newhall Refining Co	373,486
North American Petro	92,493
Northland Oil and Refining	398,078
Oil Shale Corp	1,177,208
OKC Corp	0
Oriental Refining Co	0
Pasco Inc	0
Pennzoil Co	108,000
Pioneer Refining	35,000
Plateau Inc	0
Powerine Oil Co	1,014,589
Pride Refining Inc	807,527
Quaker State Oil Refining	0
Road Oil Sales Inc	9,655
Rock Island Refining	151,875
Sage Creek Refining Co	32,700
San Joaquin Refining	788,983
Seminole Asphalt Refining	259,500
Somerset Refinery	0
Sound Refining Inc	14,625
South Hampton	151,000
Southland Oil Co	250,247
Southwestern Refining Co	0
Standard Oil of Ohio	13,984,915
Sunland Refining Co	624,750
Tenneco Oil Co	1,836,882
Tesoro Petroleum Co	667,723
Texas Asphalt and Refining	261,694
Texas City Refining	3,662,125
Texas Fuel and Asphalt	91,595
The Refinery Corp	388,610
Thriftway Co	0
Thunderbird Resource	252,016
Tonkawa Refining Co	52,992
Total Leonard Inc	336,500
Union Texas Petro	0
United Refining Co	806,497
U.S. Oil Refining Co	371,214
Vickers Petroleum Co	621,500
Vulcan Asphalt Refining	231,250
Warrior Asphalt Corp	132,750
West Coast Oil Co	105,750
Winston Refining Co	0
Wireback Oil Co	7,788
Witco Chemical Corp	905,362
Wood County Refining	31,767
Yetter Oil Co	1,000
Young Refining Corp	263,698
Total purchases	83,393,242

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PART IV

DEPARTMENT OF LABOR

Employment Standards Administration

■

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions, Modifications, and Supersedeas Decisions

No. 121—Pt. IV——1

V 39 121 JUN 21 74 XUM

DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determinations, Modifications, and Supersedeas Decisions

General wage determination decisions. General Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General Wage Determination Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with an modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and supersedeas decisions to general wage determination decisions. Modifications and Supersedeas Decisions to General Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedeas Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing General Wage Determination Decisions, as hertby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedeas Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule-making procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Wage Determination Decision.

New General Wage Determination Decisions:

Kentucky	AQ–4126.
Texas	AQ–112, AQ–113, AQ–114, AQ–115.

Modifications to general wage determination decisions. The numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State.

Florida:	
AQ–4055	Jan. 25, 1974
AQ–4071	Feb. 15, 1974
Georgia:	
AQ–4106	May 3, 1974
Idaho:	
AQ–1110	May 31, 1974
Maryland:	
AQ–2100; AQ–2101	April 19, 1974
Nebraska:	
AQ–65	Dec. 14, 1973
Nevada:	
AQ–1060	Feb. 8, 1974
AQ–1081; AQ–1082; AQ–1083	Feb. 15, 1974
New York:	
AQ–2112	May 3, 1974
Pennsylvania:	
AP–489	Mar. 9, 1973
AQ–2011	Aug. 17, 1973
AQ–2058	Mar. 8, 1974
AQ–2059	Feb. 15, 1974
AQ–2060	Mar. 8, 1974
AQ–2061; AQ–2062	Feb. 15, 1974
Washington, D.C.:	
AQ–2110; AQ–2111	May 3, 1974

Supersedeas decisions to general wage determination decisions. The numbers of the decisions being superseded and their dates of publication in the FEDERAL REGISTER are listed with each State. Supersedeas Decision numbers are in parentheses following the number of the decisions being superseded.

Colorado:	
AQ–1104(AQ–1116); AQ–1105(AQ–1115); AQ–1106 (AQ–1117); AQ–1107 (AQ–118)	May 10, 1974
Louisiana:	
AP–317(AQ–116)	Aug. 25, 1972
Nebraska:	
AQ–80(AQ–119)	Feb. 15, 1974
Texas:	
AM–11,423(AQ–117)	June 9, 1972
AQ–100(AQ–116)	Apr. 5, 1974

Signed at Washington, D.C., this 14th day of June 1974.

RAY J. DOLAN,
Assistant Administrator,
Wage and Hour Division.

NEW DECISION

STATE: Kentucky
DECISION NUMBER: AQ-4126
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

COUNTY: Hall
DATE: Date of Publication

7-HY-1

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Bricklayers	$6.90					
Carpenters	4.23	.35	1%		½ of 1%	
Cement Masons	6.50					
Electricians	0.20	.35	1%		½ of 1%	
Glaziers	4.70					
Laborers:						
Laborers	2.50					
Air Tool Operators	3.25					
Mason Tenders	3.00					
Plasterers' Tenders	3.00					
Painters, Brush	4.99	.25	.35		.02	
Pipefitters	8.70					
Plasterers	6.43	.25	.35		.02	
Plumbers	8.70					
Roofers						
Roofers	5.24					
Kettlemen	4.45					
Sheet Metal Workers	8.83	.65	.25		.05	
Soft Floor Layers	4.75					
Terrazzo Workers	5.00					
Tile Setters	5.00					
Truck Drivers	2.75					
Backhoe Operator	5.47					

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NEW DECISION

STATE: Texas COUNTY: Gregg
DECISION NO.: AQ-112 DATE: Date of Publication
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories). (See General Wage Determination AQ-118 for Paving & Utilities Incidental to Building Construction)

	Basic Hourly Rates	Fringe Benefit Payments			
		H & W	Pensions	Vacation	App. Tr.
BRICKLAYERS	$6.70				
CARPENTERS:					
Carpenters	6.05				1/4%
Millwrights	7.55				1/4%
CEMENT MASONS	5.04				
ELECTRICIANS	7.10		1%		1/4%
IRONWORKERS	4.50				
LABORERS	3.02				
PAINTERS, BRUSH	5.50				
PLUMBERS & PIPEFITTERS	7.60				.06
ROOFERS	4.56				
SHEET METAL WORKERS	7.245	.35	.25		.03
TILE SETTERS	4.79				
TRUCK DRIVERS	3.125				
POWER EQUIPMENT OPERATORS:					
Backhoes	4.00				
Bulldozers	4.25				
Cherry pickers	4.50				
Cranes	4.00				
Graders	4.50				
Loaders	3.95				
Rollers	3.75				
Scrapers	4.28				
Tractors	3.50				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

NEW DECISION

STATE: Texas COUNTY: Webb
DECISION NO.: AQ-113 DATE: Date of Publication
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefit Payments			
		H & W	Pensions	Vacation	App. Tr.
AIR CONDITIONING MECHANIC	$4.45				
BRICKLAYERS	4.85				
CARPENTERS	3.70				
CEMENT MASONS	3.20				
ELECTRICIANS	4.20				
GLAZIERS	3.14				
IRONWORKERS	2.60				
LABORERS:					
Laborers	2.00				
Asphalt rakers	2.25				
Mason tenders	2.70				
PAINTERS, BRUSH	4.30				
PLUMBERS & PIPEFITTERS	4.35				
ROOFERS:					
Roofers	4.00				
Kettlemen	2.90				
SHEET METAL WORKERS	4.33				
SOFT FLOOR LAYERS	4.30				
TRUCK DRIVERS	2.00				
POWER EQUIPMENT OPERATORS:					
Asphalt finishers	2.50				
Backhoes	2.50				
Bulldozers	2.50				
Cranes	2.70				
Front end loaders	2.50				
Motor graders	2.75				
Rollers	2.40				
Scrapers	3.00				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

NEW DECISION

STATE: Texas
DECISION NO.: AQ-116
DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

COUNTY: Wichita
DATE: Date of publication

	Basic Hourly Rate	Fringe Benefits Payments				
		H & W	Pension	Vacation	Apr. Tr.	
BRICKLAYERS	$7.00					
CARPENTERS	5.65					
CEMENT MASONS	4.50					
ELECTRICIANS	5.55					
LABORERS:						
	3.00					
Mason tenders	3.55					
PAINTERS, BRUSH	4.32					
PLUMBERS & PIPEFITTERS	5.55					
ROOFERS	4.00					
SHEET METAL WORKERS	5.30					
SOFT FLOOR LAYERS	5.00					

DECISION NO. AQ-116

INCIDENTAL PAVING & UTILITIES & SITE PREPARATION

	Basic Hourly Rate	Fringe Benefits Payments				
		H & W	Pension	Vacation	Apr. Tr.	
Asphalt Raterman	$3.35					
Asphalt Raker	3.70					
Batching Plant Seleman	4.00					
Carpenter	3.90					
Carpenter Helper	3.75					
Concrete Finisher (Paving)	4.25					
Concrete Finisher Helper (Paving)	3.45					
Concrete Finisher (Structures)	4.30					
Electrician	6.35					
Form Builder (Structures)	4.45					
Form Builder Helper (Structures)	3.45					
Form Liner (Paving and Curb)	3.85					
Form Setter (Paving and Curb)	3.80					
Form Setter (Structures)	4.55					
Form Setter Helper (Structures)	3.50					
Laborer, Common	2.90					
Laborer, Utility Man	2.95					
Manhole Builder, Brick	3.25					
Mechanic	3.75					
Mechanic Helper	3.60					
Oiler	3.55					
Serviceman	3.45					
Pipelayer	2.80					
Powderman	3.75					
Reinforcing Steel Setter (Structures)	4.00					
Sign Erector	3.60					
Sign Erector Helper	2.50					
Spreader Box Man	3.55					
Swamper	2.60					
Power Equipment Operators:						
Asphalt Distributor	3.80					
Asphalt Paving Machine	4.20					
Bulldozer, 150 HP and Laser	3.75					
Bulldozer, over 15 HP	3.95					
Concrete Paving Finishing Machine	3.10					
Crane, Clamshell, Backhoe, Dertick, Dragline, Shovel (less than 1½ CY)	4.00					
Crane, Clamshell, Backhoe, Dertick, Dragline, Shovel (1½ CY & over)	4.55					
Crusher, or Screening Plant Operator	3.75					

DECISION NO. AQ-116

INCIDENTAL PAVING & UTILITIES & SITE PREPARATION

	Basic Hourly Rate	Fringe Benefits Payments				
		H & W	Pension	Vacation	Apr. Tr.	
Power Equipment Operators (Cont'd):						
Front End Loader (2½ CY and Less)	$3.35					
Front End Loader (Over 2½ CY)	4.05					
Motor Grader Operator, Fine Grade	4.55					
Motor Grader Operator	4.20					
Roller, Steel Wheel (Plant-Mix Pavements)	3.40					
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	3.00					
Roller, Pneumatic (Self-Propelled)	2.95					
Scrapers (17 CY and Less)	3.40					
Scrapers (Over 17 CY)	3.95					
Tractor (Crawler Type) 150 HP and Less	2.90					
Tractor (Crawler Type) over 150 HP	3.50					
Tractor (Pneumatic) 80 HP and Less	2.85					
Tractor (Pneumatic) over 80 HP	3.00					
Traveling Mixer	3.70					
Wagon Drill, Boring Machine or Pole Hole Driller Operator	3.15					
Truck Drivers:						
Single Axle, Light	2.85					
Single Axle, Heavy	3.00					
Tandem Axle or Semitrailer	2.50					
Weighman (Truck Scales)	2.65					
Welder	4.55					

NEW DECISION

STATE: Texas
DECISION NO.: AQ-115
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories). (See General Wage Determination AQ-118 for Paving & Utilities Incidental to Building Construction)

COUNTY: Wichita
DATE: Date of Publication

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$7.98	.30	.51		.025
BOILERMAKERS	7.00	.30	.76		.02
BRICKLAYERS-STONEMASONS	7.65		.20		.05
CARPENTERS:					
Carpenters	6.85	.30	.30		.07
Millwrights	8.09	.30	.30		.07
CEMENT MASONS	6.20				
ELECTRICIANS:					
Electricians	7.325	.20	1%		1/4%
Cable splicers	7.575	.20	1%		1/4%
ELEVATOR CONSTRUCTORS	7.20	.345	.23	2%+a+b	.015
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.345	.23	2%+a+b	.015
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	4.00				
IRONWORKERS:					
Structural; Ornamental; Reinforcing	6.38	.40	.50		.10
Ironworkers on jobs 30 miles or more from the city of Wichita Falls	6.505	.40	.50		.10
LABORERS:					
General laborers	3.875	.275	.10		
Pipelayer (concrete & clay); Power buggy operator; Gunite mixer; Cement work mixer; Power tool operator; Bell hole man (piers)	4.00	.275	.10		
Mason tender; Mason mortar mixer; Plasterer tender; Hod carrier; Plasterer mortar mixer	4.125	.275	.10		
Gunnite over 1½" thick; Nozzleman & machine operator	4.125	.275	.10		
Powderman, blaster	4.375	.275	.10		
LATHERS	7.25				.01
MARBLE SETTERS	3.90				
PAINTERS:					
Brush	3.50				
Spray	4.00				

DECISION NO. AQ-115

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PLASTERERS	$7.25				.01
PLUMBERS-PIPEFITTERS:					
Zone 1 - Within 25 miles of Wichita Falls city limits	7.05	.25	.35		.02
Zone 2 - Between 25 and 40 miles of Wichita Falls city limits	7.30	.25	.35		.02
Zone 3 - Between 40 and 70 miles of Wichita Falls city limits	7.45	.25	.35		.02
Zone 4 - Between 70 and 100 miles of Wichita Falls city limits	7.60	.25	.35		.02
Zone 5 - Over 100 miles of Wichita Falls city limits	7.75	.25	.35		.02
ROOFERS	4.00				
SHEET METAL WORKERS	7.19				.01
TERRAZZO WORKERS	4.10				
TILE SETTERS	3.50				
TRUCK DRIVERS	2.25				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

FOOTNOTES:
a - 1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rate.
b - Paid Holidays - A through F.

PAID HOLIDAYS:
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

LINE CONSTRUCTION:				
Lineman	8.53	1%		1/2%
Cable splicer	9.38	1%		1/2%
Lineman operator	8.53	1%		1/2%
Groundman, 1st 6 months	5.12	1%		1/2%
Groundman, 2nd 6 months	5.54	1%		1/2%
Groundman, 1 year & over	5.97	1%		1/2%

DECISION NO. AQ-115

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS:					
Group 1	$5.18	.30	.50		.10
Group 2	6.08	.30	.50		.10
Group 3	6.48	.30	.50		.10

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS

GROUP 1 - Oiler-Fireman
GROUP 2 - Air Compressors, Pumps, Welding Machines, Throttle Valves, Light Plants; Conveyor; Wagon Drill; Elevators Building; Form Graders; Hoist, Single Drum; Ford Tractor including blade and mower on rear; Mixers less than 14 cubic feet; Screening Plants; Crushing Plants; Fork Lifts (short, under 25 feet); Concrete Pumps (all types); Bobcat type equipment; Ford tractor or like with any attachments (except blade and mower on rear); All other equipment of similar nature coming under the Light Equipment Class, when power operated
GROUP 3 - Drilling Machines (all types); Scoopmobiles; Hoists, two drums or more; Forklifts (over 25 ft); Winch Truck; Six Wheel Truck, when used continuously for 5 days; Mixermobile; Locomotives; Mixers, 14 cubic feet or over; Blade graders, self-propelled; Cableways; Cranes - Power operated (to 100 feet of boom); Derricks, power operated (all types); Gradall; Hy-Ho; Hop-To; Paving Mixer (all types); Pile Drivers; Mobile Concrete Mixers over 14 cu. ft.; Bulldozers, Loaders, Tractovators; Scrapers and Pulls; Welders; Trenching Machines; Roller, ten tons or over; Air compressors, Pumps, Welding Machines and Light Plants; Air Compressor & Air Tugger; Boilers, two or more fired by one man; Heavy duty Mechanic; All other equipment of similar nature coming under the Heavy Equipment Class, when power operated

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AQ-4055 - Mod. #2 (39 FR 3388 - January 25, 1974) Escambia, Okaloosa, Santa Rosa, and Walton Counties, Florida.					
Change:					
Electricians:					
Electricians	7.15	.25	1%		½ of 1%
Cable Splicers	7.40	.25	1%		½ of 1%
Mine Construction:					
Linemen; Heavy Equipment Operator	7.15	.25	1%		½ of 1%
DECISION #AQ-4071 - Mod. #1 (39 FR 5973 - February 15, 1974) Duval County, Florida					
Change:					
Asbestos Workers	7.88	.30	.30		.02
Ironworkers:					
Structural	7.75	.47	.50		
Ornamental	7.75	.47	.50		
Reinforcing	7.75	.47	.50		
Plasterers	6.81	.25	.30		.02
Plumbers:					
Plumbers	8.30	.40	.45		.06
Steamfitters	8.30	.40	.45		.06
Sheet metal workers	7.33	.35	.25	.70	.025
DECISION #AQ-4106 - Mod. #2 (39 FR 1560! - May 3, 1974) Richmond County, Georgia					
CHANGE:					
Electricians	6.96	.30	.07		½ of 1%

DECISION NO AQ-1110 - Mod. #1 (39 FR 19414 - May 31, 1974) Statewide, Idaho

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Change:					
Ironworkers (Ornamental-Structural-Reinforcing) Adams (North of the Weiser-Gibbonsville line), Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lemhi (North of the Weiser-Gibbonsville line), Lewis, Nez Perce, Shoshone, Valley (North of the Weiser-Gibbonsville line), Washington (North of the Weiser-Gibbonsville line) Counties	$7.95	.48	.80		.05
Remaining Counties and Adams, Lemhi, Valley and Washington Counties South of the Weiser-Gibbonsville line	7.34	.50	.65		.01

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AQ-2100 - Mod. #2 (39 FR 14148 - April 19, 1974) Baltimore City and Baltimore County, Maryland					
CHANGE:					
Abestos workers	$7.65	.60	.75		.02
Lead Burners	9.25	.35		c	.01
Sprinkler Fitters:					
Excluding Baltimore City	9.25	.50	.70		.08
Roofers:					
Roofers, damp & waterproof workers	6.40	.35	.40		.05
Slate & tile; asbestos and asphalt shingle	6.85	.35	.40		.05
Precast slab & wood block layer	7.40	.35	.40		.05
OMIT:					
Roofers:					
Mopmen	6.00	.35	.30		
Sheeter	6.35	.35	.30		
DECISION #AQ-2101 - Mod. #2 (39 FR 14150 - April 19, 1974) Anne Arundel County, Maryland					
CHANGE: Building & Heavy Construction!					
Abestos workers	7.65	.60	.75		.02
Cement Masons:					
The D.C. Training School	9.90	.335	.35		.07
Lead burners	9.25	.35		c	.01
Roofers:					
Roofers, damp & waterproof workers	6.40	.35	.40		.05
Slate & tile; abestos and asphalt shingle	6.85	.35	.40		.05
Precast slab and wood block layers	7.40	.35	.40		.05
Sprinkler fitters	9.25	.50	.70		.08
Truck Drivers:					
Goose-necks, drop frame trailers	7.35	.50	.30	d+e	
All "A" Frames, winch trucks, fork lift and trilers	7.15	.50	.30	d+e	
Flat-beds and pick-ups	6.70	.50	.30	d+e	
Helpers	6.40	.50	.30	d+e	
Mixers with agitator of 12 yds. capacity	5.05	.50	.30	d+e	
Mixers with agitator over 12 yds. capacity	5.48	.50	.30	d+e	
Euclid wagons and dumpsters	5.97	.50	.30	d+e	
Dump trucks	5.66	.50	.30	d+e	
OMIT:					
Roofers:					
Mopmen	6.00	.35	.30		
Sheeter	6.35	.35	.30		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AQ-65 - MOD. #1 (38 FR 34597 - December 14, 1973) Lancaster County, Nebraska					
CHANGE:					
BUILDING CONSTRUCTION					
Bricklayers; Stonemasons	$7.70	.30	.20		
CEMENT MASONS:					
Cement masons	7.125	.30	.20		
Swing stage	7.375	.30	.20		
Plasterers	7.475	.30	.20		
ROOFERS:					
Composition	6.15				
Slate and tile	6.40				
OMIT:					
SITE PREPARATION, EXCAVATING AND INCIDENTAL PAVING SCHEDULE					
ADD:					
SITE PREPARATION, EXCAVATING AND INDICENTAL PAVING SCHEDULE (BELOW)					
SITE PREPARATION, EXCAVATING AND INCIDENTAL PAVING					
Carpenter	4.60				
Carpenter Helper	3.65				
Cement Finisher	4.30				
Concrete Saw Operator	3.50				
Form Setter (road)	4.40				
Form Setter (structures)	3.50				
Laborer	3.10				
Manhole Builder	3.45				
Painter	3.30				
Pile Driver Leadsman	3.25				
Power Equipment Operators:					
All Purpose Spreader	3.80				
Asphalt Distributor	3.80				
Asphalt Distributor Helper	3.25				
Asphalt Heaterman	3.50				
Asphalt Paving Machine	4.45				
Asphalt Paving Machine Screedman	3.60				

Decision #AQ-65

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	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
SITE PREPARATION, EXCAVATING AND INCIDENTAL PAVING CONT'D					
POWER EQUIPMENT OPERATORS CONT'D					
Stationary Pl.(base or stabilization)	$3.80				
Stationary Pl.(asphalt or concrete)	4.40				
Beginner Operator	3.80				
Bulldozer:					
Less than 115 Drawbar H.P.	4.25				
115 Drawbar H.P. and over	4.55				
Cement Handler	3.35				
Clamshell, Dragline, Backhoe, Crane, Pile Driver or Shovel	4.70				
Concrete Mixer	3.30				
Concrete Paver	4.15				
Slip Form Paver	4.55				
Conveyor	3.30				
Crusher (incl. those with integral screening plant)	4.35				
Dredge Pump Under 10"	3.65				
Dredge Pump 10" and over	4.15				
Fireman (boiler)	3.50				
Front End Loader:					
3½ cu. yds. or less	4.10				
Over 3½ cu. yds.	4.30				
Mechanic	4.70				
Mechanic Helper	4.00				
Motor Grader	4.55				
Oiler or Greaser	3.80				
Roller, Self-Propelled (hot mix)	4.10				
Roller or Compactor, Self-Propelled (other)	4.00				
Scraper Under 16 cu. yds.	4.30				
Scraper 16 cu. yds. and over	4.55				
Power Grade Machine (trimmer)	4.50				
Tractor:					
Farm Type (towing)	3.50				
Farm Type (with attachments)	3.80				
Less than 115 Drawbar H.P.	4.25				
115 Drawbar H.P. and over	4.35				
Traveling Plant (stabilization)	4.30				
Traveling Plant Helper (stabilization)	3.65				
Concrete Finishing Machine and Spreader	4.50				

Decision #AQ-65

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	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
SITE PREPARATION, EXCAVATING AND INCIDENTAL PAVING CONT'D					
POWER EQUIPMENT OPERATORS CONT'D					
Trenching Machine	$3.85				
Truck Driver:					
Single Axle	3.20				
Tandem Axle	3.45				
Semi-Trailer	3.75				
Transit Mix	3.75				
Lowboy	3.75				
Welder	4.50				

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
DECISION #AQ-1080 - Mod. #1 (39 FR 5131 - February 8, 1974) Statewide, Nevada					
Change:					
Painters:					
(Remaining portion of Nye County and all the remaining Counties except Lake Tahoe Area):					
Brush	$8.30	.50	.20		
Paperhangers; Spray; Structural Steel; Swing Stage; Sandblaster; Tapers	8.55	.50	.20		
Lake Tahoe Area:					
Brush	8.30	.50	.20		
Paperhangers; Spray; Structural Stael; Swing Stage; Sandblasters, Tapers	8.55	.50	.20		
Soft Floor Layers	8.45	.50	.20		
DECISION #AQ-1081 - Mod. #1 (39 FR 5992 - February 15, 1974) Clark (excluding the Nevada Test Site) County, Nevada					
Change:					
Carpenters:					
Carpenters	7.46	.45	.60	.80	.10
Hardwood floor layers; Patent Scaffold Erectors; Power Saw Operators	7.61	.45	.60	.80	.10
Piledrivermen	7.66	.45	.60	.80	.10
Millwrights	7.76	.45	.60	.80	.10
DECISION #AQ-1082 - Mod. #1 (39 FR 5996 - February 15, 1974) Washoe County, Nevada					
Change:					
Painters:					
Brush	8.30	.50	.20		
Paperhangers; Spray; Structural Steel; Swing Stage; Sandblasters; Tapers	8.55	.50	.20		
Soft Floor Layers	8.45	.50	.20		

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
DECISION #AQ-1083 - Mod. #1 (39 FR 6001 - February 13, 1974) Clark and Southern Half of Nye (The Nevada Test Site including The Tonopah Test Range) Counties, Nevada					
Change:					
Cement Masons:					
Cement Masons	$6.90	.50		1.60	.08
Floor Finishing Machine	7.15	.50		1.60	.08
DECISION NO. AQ-2,112 Mod. #1 (39 FR 15673 - May 3, 1974) Suffolk County, New York					
Change:					
Remainder of County:					
Cement masons	8.50	1.005	1.005+j		.04

FOOTNOTE:
j. Employer contributes $.50 per hour to an annuity fund.

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Decision #AP-489 - Mod. #5 (38 FR - 6622 - March 9, 1973) Adams, Berks, Bradford, Carbon, Columbia, Cumberland, Dauphin, Juniata, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Lycoming, Monroe, Montour, Northampton, Northumberland, Perry, Pike, Schuylkill, Snyder, Sullivan, Susquehanna, Tioga, Union, Wayne, Wyoming and York Counties, Pennsylvania						
Changes: Power Equipment Operators: Heavy Construction						
Group I	$10.19	4.6%	9.5%	a	1.2%	
Group II	9.90	4.6%	9.5%	a	1.2%	
Group III	9.02	4.6%	9.5%	a	1.2%	
Group IV	8.25	4.6%	9.5%	a	1.2%	
Group V	7.77	4.6%	9.5%	a	1.2%	
Group VI	6.85	4.6%	9.5%	a	1.2%	
Truck Drivers:						
Class I	6.57					
Class II	6.64					
Class III	7.13					
Decision #AQ-2058 - Mod. #1 (39 FR - 9410 - March 8, 1974) Armstrong, Blair, Crawford, Indiana, Venango, Warren, & McKean Counties, Pennsylvania						
Changes: Power Equipment Operators Schedule (See Below)						
Decision #AQ-2059 - Mod. #1 (39 FR - 6004 - February 15, 1974) Allegheny & Beaver Counties, Pennsylvania						
Changes: Power Equipment Operators Schedule (See Below)						
Add: Plumbers: Allegheny County	9.11	.60	.625		.125	

PA-2-PEO-2-3- J (1-2)

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	
POWER EQUIPMENT OPERATORS:						
Austin Western or Similar (25 ton & over) Austin Western or Similar (under 25 ton) Autograder (C.M.I. & similar) Backfiller, Backhoe - 360° Swing, Cableway, Caisson Drill (Similar to Hugh Williams) Central Mix Plant, Cooling Plant, Concrete Paving Mixer, Cranes, Cranes (Tower - Stationary-Climbing Tower Crane) Derrick, Derrick Boat, Dragline, Dredge, Dredge Hydraulic (1 Leverman - 1 Oiler - Apprentice) Elevating Grader, Franki Pile Machine, Gradall (Remote control or otherwise) Grader (Power-Fine Grade) Guard Rail Post Driver (Truck Mtd.) Guard Rail Post Driver (Skid Type) (Self Propelled - Arrow or similar) Helicopter (over 1500 lb. lift) Helicopter (under 1500 lb. lift) Hilift (4cy. and over) Hoists 2 Drums or more (in one unit) Kocal, Koering Skooper, Lead Mechanic, Locomotive (std. Guage) Mix Mobile, Mix Mobile (with self loading Attachment) Mucking Machine (Tunnel) Pile Driver Machine, Pipe Extrusion Machine, Presplitter Drill (Self Contained) Quad Nine, Refrigeration Plant (Soil stabilization) Scraper (Multi-bowl) Shovel - Power, Slip Form Paver C.M.I. and similar) Trenching Machine (30,000 lb. and over) Trenching Machine (under 30,000 lb.) Tunnel Machine (Mark XXI Jarva or similar) Whirley	$8.88	.50	.50		.09	
Asphalt Paving Machine (Spreader) Asphalt Plant Operator, Athey Loader, Auger (Tractor Mtd.) Auger (Truck Mtd.) Backhoe (Rear Pivotal Swing) (180° Swing) Boring Machine, Cable Placer or Layer, Compactor with blade, Concrete Batch Plant (Electronically Synchronized) Concrete Belt Placer (C.M.I. and Similar) Concrete Mixer (over 1 cy.) Concrete Pump, Core Drill (Truck or skid Mtd. - similar to Penn Drill) Dozer, Euclid Loader, Grader - Power, Grease Unit Operator (Head) Hilift (under 4 cy.) Job Work Boat (Powered)						

PA-2-PEO-2-3- J (2-2)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	
Jumbo Operator, Locomotive (narrow guage) Mechanic, Minor Equipment Operator (Accumulative four units) Mucking Machine, Over-head Crane, Roller-power-asphalt, Ross Carrier, Scraper, Side Boom or tractor mounted boom, stone Crusher (Screening-Washing Plants) Stone Spreader (Self-propelled Truck Mounted Drill (Davey or similar) Welder and Repairman, Well Point Pump Operator	$8.62	.50	.50		.09	
Compactors/Rollers (Static or Vibratory) (Self-propelled) Minor Equipment Operator (Two to three units) Soil Stabilizer Machine, Tire Repairman Tube Finisher (C.M.I. or similar) Well Driller and Horizontal	6.26	.50	.50		.09	
Ballast Regulator, Compressor, Concrete Finishing Machine and Spreader, Concrete Mixer (1 cy. and under with Skip) Concrete Saw (Ridden or self-propelled) Conveyor, Curb Builder (Self-propelled) Elevator (Material hauling only) Forklift (Ridden or self-propelled) Form line Machine, Generator, Grout Pump, Heater (Mechanical) Hoist (single drum) Ladavator, Light Plant, Mulching Machine, Pavement Breaker (self-propelled or ridden) Personnel Boat (Powered) Pulverizer, Pumps, Seeding Machine, Spray Cure Machine (Power driven) Subgrader, Tie Puller, Tie Tamper (Multi-head) Tractor-snaking and hauling, Tuggar, Welding Machine (Gas or Diesel) Winch or Hydraulic Boom Truck (when hoisting and placing)	5.81	.50	.50		.09	
Deck Hand, Farm Tractor, Fireman on Boiler, Mechanic's Helper, Oiler, Power Broom, Side Delivery Shoulder Spreader	5.66	.50	.50		.09	

Decision # AQ-2011 - Mod. #2 (22341 - August 17, 1973) Bucks, Chester, Delaware, Montgomery & Philadelphia Counties, Pennsylvania	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Changes: Power Equipment Operators: Heavy Construction						
Group I	$10.50	4.6%	9.5%	a	1.2%	
Group II	10.24	4.6%	9.5%	a	1.2%	
Group III	9.37	4.6%	9.5%	a	1.2%	
Group IV	9.15	4.6%	9.5%	a	1.2%	
Group V	8.85	4.6%	9.5%	a	1.2%	
Group VI	8.67	4.6%	9.5%	a	1.2%	
Group VII	8.15	4.6%	9.5%	a	1.2%	
Group VIII	7.41	4.6%	9.5%	a	1.2%	
Power Equipment Operators: Highway Construction						
Group I	10.25	4.6%	9.5%	a	1.2%	
Group II	10.03	4.6%	9.5%	a	1.2%	
Group III	9.40	4.6%	9.5%	a	1.2%	
Group IV	8.88	4.6%	9.5%	a	1.2%	
Group V	8.51	4.6%	9.5%	a	1.2%	
Group VI	8.15	4.6%	9.5%	a	1.2%	
Group VII	7.41	4.6%	9.5%	a	1.2%	

Decision #AQ-2060 - Mod. # 1
(39 FR 9410 - March 8, 1974)
Bedford, Cameron, Clarion, Clinton, Elk, Franklin, Forest, Fulton, Huntingdon, Mifflin & Potter Counties, Pennsylvania

MODIFICATIONS P. 13

Change:

PA-5-PEO-2-3-G (1-2)

HEAVY AND HIGHWAY CONSTRUCTION POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
Austin-Western or similar (25 ton & over) Austin-Western or similar (under 25 ton) autograder (C.M.I. & similar) backfiller, backhoe - 360° swing, cableway, caisson drill (similar to Hugh Williams) central mix plant, cooling plant, concrete paving mixer, cranes, cranes (tower-stationary-climbing tower crane) derrick, derrick boat dragline, dredge, dredge hydraulic (1 leverman - 1 oiler - 1 apprentice) elevating grader, franki pile machine, gradall (remote control or otherwise) grader (power - fine grade) guard rail post driver (truck Mtd.) guard rail post driver (skid type) (self-propelled-Arrow or similar) helicopter (over 1500-lb. lift) Helicopter (under 1500 lb. lift) hi-lift (4 cy. and over) hoist 2 drums or more (in one unit) kocal, koering skooper, lead mechanic, locomotive (std. guage) mix mobile, mix mobile (with self-loading attachment) mucking machine (tunnel) pile driver machine, pipe extrusion machine, presplitter drill (self-contained) quad nine, refrigeration plant (soil stabilization) scraper (multi-bowl) shovel - power, slip form paver (C.M.I. and similar) trenching machine (30,000 lbs. and over) trenching machine (under 30,000 lbs.) tunnel machine (Mark XXI Jarva or similar) Whirley	$8.59	.50	.50		.09	
Asphalt paving Machine (Spreader) asphalt plant op., athey loader auger (tractor Mtd.) auger (truck Mtd.) backhoe (rear pivotal swing) (180° swing) boring machine, cable placer or layer, compactor with blade, concrete batch plant (electronically synchronized) concrete belt placer (C.M.I. and similar) concrete mixer (over 1 cy.) concrete pump, core drill (truck or skid Mtd. - similar to Penn drill) dozer, euclid loader, grader-power, grease unit operator (head) hi-lift (under 4 cy.) job work boat (powered), jumbo operator, locomotive (narrow guage)						

Decision AQ-2060 (Mod. #1, Cont'd)

MODIFICATIONS P. 14

PA-5-PEO-2-3-G (2-2)

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
mechanic, minor equipment operator (accumulative four units) mucking machine, over-head crane, roller - power - asphalt-ross carrier scraper side boom or tractor mounted boom stone crusher (screening - washing plants) stone spreader (self-propelled) truck mounted drill (Davey or similar) welder and repairman, well point pump operator	8.31	.50	.50		.09	
Compactors/Rollers (static or vibratory (self-Propelled) minor equipment operator (two to three units) soil stabilizer machine, tire repairman, tube finisher (C.M.I. or similar) well driller and horizontal	5.97	.50	.50		.09	
Ballast regulator, compressor, concrete finishing machine and spreader, concrete mixer (1 cy. and under with skip Concrete saw (ridden or self-propelled elevator (material hauling only) forklift (ridden or self-propelled) form line machine, generator, crout pump, heater (mechanical) hoist (single drum ledevator, light plant, mulching machine, pavement breaker (self-propelled or ridden) personnel boat (powered) pulverizer, pumps, seeding machine, spray cure machine (power driven) subgrader tie puller, tie tamper (multihead) tractor - sanking and hauling, tugger welding machine (gas or diesel) winch or hydraulic boom truck (when hoisting and placing)	5.48	.50	.50		.09	
Deck hand, farm tractor, fireman oil boiler, mechanic's helper, oiler, power broom, side delivery shoulder spreader	5.37	.50	.50		.09	

MODIFICATIONS P. 15

Decision #AQ-2061 - Mod. #3
(39 FR 6008 - February 15, 1974)
Centre, Clearfield, Jefferson and Greene Counties, Pennsylvania

Change:
Power Equipment Operators Schedule (See Below)

Decision # AQ-2062 - Mod. # 2
(39 FR - 6011 - February 15, 1974)
Butler, Cambria, Erie, Fayette, Lawrence, Mercer, Washington, Weatmoreland & Somerset Counties, Pennsylvania

Change:
Power Equipment Operators Schedule (See Below)

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others

DECISION NOS. AQ-2061 (Mod. #3, Cont'd); AQ-2062 (Mod. #2, Cont'd)

MODIFICATIONS P. 16

PA-2-PEO-2-3- J (1-2)

HEAVY & HIGHWAY CONSTRUCTION POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Austin Western or Similar (25 ton & over) Austin Western or Similar (under 25 ton) Autograder (C.M.I. & similar) Backfiller, Backhoe - 360° Swing, Cableway, Caisson Drill (Similar to Hugh Williams) Central Mix Plant, Cooling Plant, Concrete Paving Mixer, Cranes, Cranes (Tower - Stationary-Climbing Tower Crane) Derrick, Derrick Boat, Dragline, Dredge, Dredge Hydraulic (1 Leverman - 1 Oiler - Apprentice) Elevating Grader, Franki Pile Machine, Gradall (Remote control or otherwise) Grader (Power-Fine Grade) Guard Rail Post Driver (Truck Mtd.) Guard Rail Post Driver (Skid Type) (Self Propelled - Arrow or similar) Helicopter (over 1500 lb. lift) Helicopter (under 1500 lb. lift) Hilift (4cy. and over) Hoists 2 Drums or more (in one unit) Kocal, Koering Skooper, Lead Mechanic, Locomotive (std. Guage) Mix Mobile, Mix Mobile (with self loading Attachment) Mucking Machine (Tunnel) Pile Driver Machine, Pipe Extrusion Machine, Presplitter Drill (Self Contained) Quad Nine, Refrigeration Plant (Soil stabilization) Scraper (Multi-bowl) Shovel - Power, Slip Form Paver C.M.I. and similar) Trenching Machine (30,000 lb. and over) Trenching Machine (under 30,000 lb.) Tunnel Machine (Mark XXI Jarva or similar) Whirley	$8.88	.50	.50		.09
Asphalt Paving Machine (Spreader) Asphalt Plant Operator, Athey Loader, Auger (Tractor Mtd,) Auger (Truck Mtd.) Backhoe (Rear Pivotal Swing) (180° Swing) Boring Machine, Cable Placer or Layer, Compactor with blade, Concrete Batch Plant (Electronically Synchronized) Concrete Belt Placer (C.M.I. and Similar) Concrete Mixer (over 1 cy.) Concrete Pump, Core Drill (Truck or skid Mtd. - similar to Penn Drill) Dozer, Euclid Loader, Grader - Power, Grease Unit Operator (Head) Hilift (under 4 cy,) Job Work Boat (Powered)					

DECISION NOS. AQ-2061 (Mod. #3, Cont'd); AQ-2062 (Mod. #2, Cont'd)

PA-2-PEO-2-3- J (2-2)

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Jumbo Operator, Locomotive (narrow guage) Mechanic, Minor Equipment Operator (Accumulative four units) Mucking Machine, Over-head Crane, Roller-power-asphalt, Ross Carrier, Scraper, Side Boom or tractor mounted boom, stone Crusher (Screening-Washing Plants) Stone Spreader (Self-propelled Truck Mounted Drill (Davey or similar) Welder and Repairman, Well Point Pump Operator	$8.62	.50	.50		.09
Compactors/Rollers (Stetic or Vibratory) (Self-propelled) Minor Equipment Operator (Two to three units) Soil Stabilizer Machine, Tire Repairman Tube Finisher (C.M.I. or similar) Wall Driller and Horizontal	6.26	.50	.50		.09
Ballest Regulator, Compressor, Concrete Finishing Machine and Spreader, Concrete Mixer (1 cy. and under with Skip) Concrete Saw (Ridden or self-propelled) Conveyor, Curb Builder (Self-propelled) Elevator (Material hauling only) Forklift (Ridden or self-propelled) Form line Machine, Generator, Grout Pump, Heater (Mechanical) Hoist (single drum) Ladavator, Light Plant, Mulching Machine, Pavement Breaker (self-propelled or ridden) Personnel Boat (Powered) Pulverizer, Pumps, Seeding Machine, Spray Cure Machine (Power driven) Subgrader, Tie Puller, Tie Tamper (Multi-head) Tractor-snaking and hauling, Tugger, Welding Machine (Gas or Diesel) Winch or Hydraulic Boom Truck (when hoisting and placing)	5.81	.50	.50		.09
Deck Hand, Farm Tractor, Fireman on Boiler, Mechanic's Helper, Oiler, Power Broom, Side Delivery Shoulder Spreader	5.66	.50	.50		.09

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AQ-2110 - Mod. #3 (39 FR 15689 - May 3, 1974) Washington, D. C.						
Change:						
Lead Burners	$9.25	.35		c	.01	
Carpet Layers	6.07	.30			.05	
Ironworkers, reinforcing (building construction & sewer & water lines)	8.35	.35	.35		.03	
DECISION #AQ-2111 - Mod. #3 (39 FR 15641 - May 3, 1974) Montgomery and Prince Georges Counties, Maryland; Arlington and Fairfax Counties, the City of Alexandria and Dulles International Airport, Virginia						
Change:						
Lead Burners	9.25	.35		o	.01	
Carpet Layers	6.07	.30			.05	
Ironworkers, reinforcing	8.35	.35	.35		.03	

SUPERSEDEAS DECISION

STATE: Colorado COUNTY: Statewide
DECISION NUMBER: AQ-1115 DATE: Date of Publication
Supersedes Decision No. AQ-1105 dated May 10, 1974, in 39 FR 16997
DESCRIPTION OF WORK: Highway Construction

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
CARPENTERS	$6.57	.45	.45	.30	.04
CEMENT MASONS:					
Denver Metropolitan Area	6.32	.42	1.10	.30	.07
Outside Denver Metropolitan Area	6.22	.42	1.10	.30	.07
ELECTRICIANS:					
Adams, Arapahoe, Boulder, Clear Creek, Denver, Douglas, Eagle, Gilpin, Grand, Jackson, Jefferson, Lake, Larimer, Logan, Morgan, Phillips, Sedgwick, Summit, Washington, Weld, and Yuma Counties					
Electricians	9.04	.65	1%+.25		
Cable Splicers	9.29	.65	1%+.25		
Delta, Dolores, Garfield, Gunnison, Hinsdale, La Plata, Mesa, Moffat, Montezuma, Montrose, Ouray, Pitkins, Rio Blanco, Routt, San Juan and San Miguel Counties					
Electricians	8.15	.32	1%		3/10%
Cable Splicers	8.40	.32	1%		3/10%
Archuleta, Baca, Bent, Chaffee, Crowley, Custer, Fremont, Huerfano, Kiowa, Las Animas, Mineral, Otero, Prowers, Pueblo, and Rio Grande Counties					
Zone 1 (within 12 miles of Pueblo Main P. O.)					
Electricians	8.50	.32	1%+.25		1/10%
Cable Splicers	9.30	.32	1%+.25		1/10%
Zone 2 (12 to 20 miles from Pueblo Main P. O.) and (0 to 12 miles from P. O. in Canon City)					
Electricians	8.90	.32	1%+.25		1/10%
Cable Splicers	9.70	.32	1%+.25		1/10%
Zone 3 (20 to 40 miles from Pueblo Main P. O.)					
Electricians	9.25	.32	1%+.25		1/10%
Cable Splicers	10.05	.32	1%+.25		1/10%

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ELECTRICIANS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Zone 4 (40 miles and over from Pueblo Main P. O.)					
Electricians	$ 10.00	.32	1% + .25		1/10%
Cable Splicers	10.80	.32	1% + .25		1/10%
Electricians on electrical contracts less than $5,000 in Zones 3 and 4	6.16	.32	1% + .25		1/10%
ELECTRICIANS: Cheyenne, Elbert, El Paso, Kit Carson, Lincoln, Park and Teller Counties					
Electricians	8.32	.32	1% + .25		.01
IRONWORKERS	8.40	.55	.80		.06
PAINTERS: Adams, Arapahoe, Boulder, Clear Creek, Delta, Denver, Douglas, Eagle, Elbert, Garfield, Gilpin, Grand, Gunnison, Jackson, Jefferson, Lake, Larimer, Logan, Mesa, Moffat, Montrose, Morgan, Park (Northern half), Phillips, Pitkin, Rio Blanco, Routt, Sedgwick, Summit, Washington and Weld Counties					
Brush	7.76	.45	.30		.03
Spray, Swing Stage	8.25	.45	.30		.03
Baca, Bent, Crowley, Custer, Huerfano, Kiowa, Las Animas, Otero, Prowers and Pueblo Cos.					
Brush	5.53	.30			.02
Structural Steel; Spray	6.03	.30			.02
Spray Steel	6.53	.30			.02
Archuleta, Chaffee, Cheyenne, Dolores, El Paso, Fremont, Gunnison, Hinsdale, Kit Carson, La Plata, Lincoln, Mineral, Montezuma, Ouray, Park (Southern half), Rio Grande, Saguache, San Juan, San Miguel and Teller Counties					
Brush	6.50	.45	.20		.02
Spray, Structural Steel	7.05	.45	.20		.02
Steel Spray	7.50	.45	.20		.02
PILEDRIVERMEN	6.82	.45	.45	.30	.04

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TRUCK DRIVERS

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
PICKUPS; Helpers; Scalemen; Checkers; Spotters; Dumpmen	$5.50	.35	.25	.10	
DUMP TRUCKS, to and including 6 cu. yds.; Sweeper; Flatrack, single axle; Liquid and bulk tankers, single axle; Warehousemen; Washers; Greasermen; Servicemen; Ambulance drivers, if used	5.60	.35	.25	.10	
DUMP TRUCKS, over 6 cu. yds. to and including 12 cu. yds.; Flatrack tandem axle; Battery men; Mechanic helpers; Material checkers; Cardex men; Expeditors; Men haul shuttle truck or bus	5.70	.35	.25	.10	
STRADDLE TRUCK; Lumber carrier; Liquid and bulk tankers, tandem axle	5.75	.35	.25	.10	
FORK LIFT, Fuel truck; Grease truck; Combination fuel and grease; Tiremen	5.80	.35	.25	.10	
DUMP TRUCKS, over 12 cu. yds., to including 19 cu. yds.; Distributor; Cement mixer; Agitator truck to and including 10 cu. yds.; Liquid and bulk tankers, semi or combination	5.85	.35	.25	.10	
MULTI-PURPOSE TRUCK - Specialty and hoisting	5.90	.35	.25	.10	
HIGH BOY; Lowboy; Floats; Semi; Cab operated distributor-Semi; Liquid and bulk tankers, euclid, electric or similar; Dumptor, Youngbuggy, Jumbo and similar type equipment	5.95	.35	.25	.10	
MECHANICS	6.00	.35	.25	.10	

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
DUMP TRUCKS, over 19 cu. yds. to and including 29 cu. yds.; Truck driver snow plow	$6.05	.35	.25	.10	
CEMENT MIXER, Agitator over 10 cu. yds. to and including 15 cu. yds.	6.10	.35	.25	.10	
DUMP TRUCKS, over 29 cu. yds. to and including 39 cu. yds.; Heavy duty diesel mechanics; Body men; Welders or combination men	6.20	.35	.25	.10	
CEMENT MIXER, Agitator over 15 cu. yds.	6.35	.35	.25	.10	
DUMP TRUCKS, over 39 cu. yds. to and including 54 cu. yds.	6.50	.35	.25	.10	
DUMP TRUCKS, over 54 cu. yds. to and including 79 cu. yds.	6.60	.35	.25	.10	
DUMP TRUCKS, over 79 cu. yds. to and including 104 cu. yds.	6.80	.35	.25	.10	
DUMP TRUCKS, over 104 cu. yds.	7.00	.35	.25	.10	

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	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
LABORERS:					
Group 1	$4.80	.42	.45		.07
Group 2	4.85	.42	.45		.07
Group 3	4.93	.42	.45		.07
Group 4	4.95	.42	.45		.07
Group 5	4.97	.42	.45		.07
Group 6	5.08	.42	.45		.07
Group 7	5.18	.42	.45		.07
Group 8	5.25	.42	.45		.07
Group 9	5.38	.42	.45		.07
Group 10	5.43	.42	.45		.07
(Pipelines)					
All mainline sewers; Water mains; Gas, oil or any product pipeline; Pend stocks; Siphones or drainage lines; Pipe plants and yards not in connection with highway construction.					
Group 1	4.80	.42	.45		.07
Group 2	4.85	.42	.45		.07
Group 3	5.02	.42	.45		.07
Group 4	5.04	.42	.45		.07
Group 5	5.13	.42	.45		.07
Group 5-A	5.18	.42	.45		.07
Group 6	5.25	.42	.45		.07
LABORERS (Tunnels)					
Group 1	4.80	.42	.45		.07
Group 2	5.40	.42	.45		.07
Group 3	5.50	.42	.45		.07
Group 4	5.58	.42	.45		.07
Group 5	5.65	.42	.45		.07
Group 6	5.80	.42	.45		.07
(SHAFTS, RAISES, MISSILE SILOS & ALL UNDERGROUND WORK OTHER THAN TUNNELS)					
Group 1	5.50	.42	.45		.07
Group 2	5.65	.42	.45		.07
Group 3	5.75	.42	.45		.07
Group 4	5.93	.42	.45		.07
Group 5	6.03	.42	.45		.07
Group 6	6.08	.42	.45		.07

POWER EQUIPMENT OPERATORS

(Other than for work in Tunnels, Shafts and Raises)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Group 1	$6.05	.37	.55	.30	.03
Group 2	6.40	.37	.55	.30	.03
Group 3	6.75	.37	.55	.30	.03
Group 4	6.90	.37	.55	.30	.03
Group 5	7.05	.37	.55	.30	.03
Group 6	7.20	.37	.55	.30	.03
(For work in Tunnels, Shafts, and Raises)					
Brakeman	6.20	.37	.55	.30	.03
Motorman	6.55	.37	.55	.30	.03
Compressor (900 CFM and over), serving tunnels, shafts and raises	6.65	.37	.55	.30	.03
Air tractors; Grout machine; Gunnite machine; Jumbo form; Mechanic; Welder	6.90	.37	.55	.30	.03
Concrete placement pumps 8" and over discharge; Mechanic-welder (heavy duty); Mucking machine and front end loaders underground; Slusher	7.05	.37	.55	.30	.03
Mole	7.45	.37	.55	.30	.03

Line Construction - Colorado	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Cable Splicer	$ 8.98	.35	1%		3/4%
Lineman Cableman	8.43	.35	1%		3/4%
Journeyman Lineman	8.37	.35	1%		3/4%
Line Equipment Operator	7.12	.35	1%		3/4%
Line Equipment Maintenance Man	7.12	.35	1%		3/4%
Groundmen	5.87	.35	1%		3/4%

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GROUP 1: Minimum laborer, including caissons to 8', carrying reinforcing rods; Work on cross culverts, connections and side drains in connection with highway work, whether corrugated metal or concrete pipe; Fence erectors; Metal Mesh; Dowel bars; Tie bars and chairs in concrete paving; Nursery man incl. seading; mulching and planting of trees, shrubs and flowers; Stake chaser; Gabion baskets and Teno mattresses

GROUP 2: Chuck tenders; Nippers, core and diamond drill helpers; Powderman helpers

GROUP 3: Hot asphalt laborer; Rakers; Box-tenders; Asphalt curb machines; Potmen (not mechanical)

GROUP 4: Multi-plate culvert pipe; Air, gas and electric tools operators; Barco hammers; Spaders; Electric hammers; Air tampers; Cutting torches on demolition work; Caissons 8' to 12'; Cofferdams; Power operated concrete buggies; Operators of concrete saws on pavement (other than gang saws); Timber and chain saws; Stresser or stretcherman on post tension or pre-stressed concrete on or off jobsite; Tool room man and checkers; Cement finisher helper; Sandblaster helper; Concrete processing material monitor; Spotters; Signalmen; Dumpmen; Transverse concrete conveyor operator, mechanical grouters; Boring machines (air hydraulic); Automatic concrete power curbing machine; Jackhammer; Vibrators; Paving breakers; Frostproofing

GROUP 5: Any laborers performing bridge work over 40' above the ground or above a floor and working from a bos'n chair, swinging stage, life belt or block and tackle

GROUP 6: Gunniting and shotcrete helpers; Caissons over 12'; Cofferdams; Timbermen; Underpinning and shoring; Form setters and/or stringman on roads, highways, streets and airport runways; Distributor; Placing and hooking of landing mats; Bull float (hand operated) and center expansion machines; Sandblasters; Grade checkers if required by employer

GROUP 7: Powdermen and blasters; Gunnite nozzlemen; Shotcrete operator

GROUP 8: Pipelayer on truck pipe lines in connection with highway work

GROUP 9: Wagon drills and air tracks; Jackhammer operators in caissons over 12'; Bellers and stemmen; Licensed powdermen; Diamond and core drills powered by air

GROUP 10: Any work, other than on bridges, performed by laborers working from a bos'n chair, swinging stage, life belt or block and tackle as a safety requirement

LABORERS (Pipelines)

All mainline sewers; Water mains; Gas, oil or any product pipelines; Penstocks; Siphons or drainage lines; Pipe plants and yards not in connection with highway construction.

GROUP 1: Pipe plants and yards; Stringing of pipe or skids; Handling and signaling on line work

GROUP 2: Potman (not mechanical); Pipewrapper, Dopers, Jeep Holiday Detector Men, Bandage makers, Powdermen helpers

GROUP 3: Laborers working in trenches on all pipelines; Sewer, water, gas, oil, telephone conduit, pen stock, siphons, drainage lines, caulkers, yarners, fine gradere, air, gas, electric and hydraulic tools, boring machines, hydraulic jacks, drills, tampers, etc.

GROUP 4: Sandblaster, powdermen and blasters, wiping of joint concrete pipe, inside and out; Labor, applicable to pipe coating or wrapping, plants and yards; Enamelers of pipe, inside and out

GROUP 5: (Relining Pipe)
Relining Pipe

GROUP 5-A: Mixer man

GROUP 6: Pipelayer

LABORERS (TUNNELS):

Group 1: Outside laborers

Group 2: Minimum tunnel labor, dry house man

Group 3: Cable or hose tenders, chuck tenders, concrete laborers, dumpman, whirley pumps operators

Group 4: Helpers on shotcrete, gunniting and sandblasting; Helpers, core and diamond drills; Pot tender

Group 5: Cement finisher helper, applying of concrete processing materials

Group 6: Collapsible form movers and setters, miners, machinemen and bit grinders, nippers, powdermen and blasters, reinforcing steel setters, timbermen (steel or wood tunnel support, incl. the placement of sheeting when required) and all cutting and welding that is incidental to the miner's work; Tunnel liner plate setters; Vibrator men, internal and external; Unloading, stopping and starting of Moran Agitator Cars; Diamond and core drills; Cement finisher (underground); Shotcrete operator; Gunnite nozzleman; Sandblaster; Pump concrete placement men

(SHAFTS, RAISES, MISSILE SILOS AND ALL UNDERGROUND WORK OTHER THAN TUNNELS)

Group 1: Laborers, Topmen, Bottommen, and Cagers

Group 2: Chucktenders, Concrete laborers, Whirley pumps operators

Group 3: Helpers on shotcrete, gunniting and sandblasting; Helpers on core and diamond drills; Pot tenders; Cement finisher helpers; Applying of concrete processing material

Group 4: Collapsible form movers and setters, miners, machinemen and bit grinders, nippers, powdermen and blasters, reinforcing steel setters, timbermen (steel or wood tunnel support, incl. the placement of sheeting when required); All cutting and welding that is incidental to the miner's work; Liner plate setters; Vibrator men, internal and external

Group 5: Diamond and core drill; Cement finisher (underground); Gunnite nozzlemen; Shotcrete operators; Sandblasters and pump concrete placement men

Group 6: Any employee performing work under ground from a bos'n chair, swinging stage, life belt or block and tackle

POWER EQUIPMENT OPERATORS
(Other than for work in Tunnels, Shafts and Raises)

Group 1: Asphalt screed; Brakeman; Drill operator, smaller than William MF and similar; Helper to heavy duty mechanic and/or Welder; Tractor operator (under 70 HP), with or without attachments; Oiler

Group 2: Air compressor; Ditch witch trenching machine and similar; Equipment lubricating and service engineer; Fork lift; Haulage motorman; Operators of five or more light plants, welding machines, compressors 360 C.F.M. or less, pumps, generators; Pugmill operator; Pugmill; Pumps; Portable screening plant with or without a spray bar; Screening plants - with classifier; Self-propelled rollers - 5 tons & under; Vacuum well point system

Group 3: Asphalt plant; Backfiller; Bituminous spreader or laydown machine; Cableway signalman; Caissons drill; (William MF, similar and larger; C.M.I. and similar; Concrete finish machine; Concrete gang saws on concrete paving; Concrete mixer (less than 1 yd.); Concrete placement pumps (under 8 in.); Conveyor (handling building materials); Distributors, bituminous surfaces; Drill, (diamond or core); Drills rigs (rotary, churn or cable tool); Elevating graders; Engineer fireman; Fireman or tank heater, Road; Grout machine; Gunnite machine; Hoists (1 drum); Loader (Barber Greene, etc.); Loader (up to and including 6 cu. yds.); Machine doctor mechanic; Motor grader (blade); Road stabilization machine; Roller-self-propelled-all types over 5 tons; Sandblasting machine; Single unit portable crusher-with or without washer; Tile tamper, Wheel mounted; Tractor (70 h.p. & over) (with or without attachments); Trenching machine; Welder; Winch op., on truck; Concrete batching plants

Group 4: Concrete mixer (over 1 cu. yd.); Concrete paver 34 E or similar; Concrete placement pumps (8 in. and over); Crane (50 tons and under); Hoists (2 drums); Loader - over 6 cu. yds.; Mechanic-Welder (heavy duty); Mixer-mobile; Multiple unit portable crusher - with or without washer; Pile driver; Fireman; Cable-operated crane, truck mounted, 25 tons and over; Cable operated power shovels, dragline; Clamshell, and backhoes (5 cu. yds. and under); Hydraulic backhoe, 1 1/2 cu. yds. and over); Special utility operator; Self-propelled hydrocrane, Tractor with side boom; Truck mounted hydrocrane; Scraper-single bowl under 40 cu. yds.

Group 5: Crane operator - over 50 tons; Derrick; Electric rail type tower crane; Hoist (3 drum or more); Cable-operated power shovels, draglines, clamshells and backhoes (over 5 cu. yds.); Quad nine and similar push unit; Scraper-all tandem bowls; Scraper-single bowl including pups 40 cu. yd. and over

Group 6: Cableway; Crawler or truck mounted tower crane; Wheel excavator; Climbing tower crane

SUPERSEDEAS DECISION

STATE: Colorado COUNTY: El Paso
DECISION NUMBER: AQ-1116 DATE: Date of Publication
Supersedes Decision No. AQ-1104 dated May 10, 1974, in 39 FR 16991
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories) and heavy construction

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$ 8.47	.33	.72		
BOILERMAKERS	8.35	.60	1.00		.02
BRICKLAYERS; Stonemasons	8.12	.30	.50		.02
CARPENTERS:					
Zone I (0-30 miles from nearest basing point)	6.87	.45	.45	.30	.04
Zone II (30-60 miles from nearest basing point)	7.12	.45	.45	.30	.04
Zone III (60 miles and over from nearest basing point)	7.37	.45	.45	.30	.04
Millwrights	7.24	.45	.40	.40	.04
CEMENT MASONS:					
Cement masons Working with composition materials and color; Working on scaffold, swing stage or temporary platform over 25' or above permanent floor, roof or solidly planked opening; All power troweling, floating or floor grinding machines	7.15	.30	.50	.60	.03
ELECTRICIANS	8.32	.32	1% + .25		.01
ELEVATOR CONSTRUCTORS	7.76	.345	.23	2% + a	
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.345	.23	2% + a	
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	8.04				
IRONWORKERS	8.40	.55	.80		.06
MARBLE SETTERS	7.14	.30	.50		
PAINTERS:					
Brush and roller; Tapers; Texture	6.50	.45	.20		.02
Paperhangers; Spray; Steel	7.05	.45	.20		.02
PLASTERERS	8.19			.50	.01
PLUMBERS; Pipefitters	7.33	.50	.50	1.17	.05
ROOFERS	7.58				
SHEET METAL WORKERS	8.47	.30	.65		.07
SOFT FLOOR LAYERS	6.60	.35	.30	.25	.03
SPRINKLER FITTERS	9.25	.50	.70		.08
TERRAZZO WORKERS	7.60	.53	.40	.25	
TILE SETTERS	7.14	.30	.50		

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FOOTNOTE:

• Employer contributes 4% basic hourly rate for over 5 years' service; 2% basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. Six Paid Holidays: A through F.

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LABORERS:					
General laborers	$ 4.75	.37	.40		.05
Underpinning and shoring 0' to 8' below working surface	4.75	.37	.40		.05
Underpinning and shoring 8' below working surface to any depth below working surface; Power tool operators or all mechanical, air, gas and electrical tools, incl. self-propelled buggies and cement finisher tenders; Pipelayers; Gunnite nozzlemen and sandblasters	5.03	.37	.40		.05
Laborers, preparing and placing of stone or any other aggregate in a sand bed to be used as exposed face of tiltup panels	5.05	.37	.40		.05
Jackhammer operator; Underpinning and shoring over 12' below working surface; Bellers and steemers on caisson work	5.30	.37	.40		.05
Mason tenders, brick and plaster	5.35	.37	.40		.05
HEAVY CONSTRUCTION					
CARPENTERS	$ 6.57	.45	.45	.30	.04
UNDERGROUND CARPENTERS Working on creosoted material; High work 40' above ground or floor on exposed scaffold or boatswains chair; Piledriving; Sawmen continuously assigned to 1 1/2 HP saws at jobsite	6.72	.45	.45	.30	.04
CEMENT MASONS: (Construction - outside Denver Metropolitan Area)	6.22	.42	1.10	.30	.07
CEMENT MASONS: (Construction (Denver Metropolitan Area)	6.32	.42	1.10	.30	.07

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TRUCK DRIVERS

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PICKUPS; Helpers; Scalemen; Checkers; Spotters; Dumpmen	$5.50	.35	.25	.10	
DUMP TRUCKS, to and including 6 cu. yds.; Sweeper; Flatrack, single axle; Liquid and bulk tankers, single axle; Warehousemen; Washers; Greasermen; Servicemen; Ambulance drivers, if used	5.60	.35	.25	.10	
DUMP TRUCKS, over 6 cu. yds. to and including 12 cu. yds.; Flatrack tandem axle; Battery men; Mechanic helpers; Material checkers; Cardex men; Expeditors; Man haul shuttle truck or bus	5.70	.35	.25	.10	
STRADDLE TRUCK; Lumber carrier; Liquid and bulk tankers, tandem axle	5.75	.35	.25	.10	
FORK LIFT, Fuel truck; Grease truck; Combination fuel and grease; Tiremen	5.80	.35	.25	.10	
DUMP TRUCKS, over 12 cu. yds., to including 19 cu. yds.; Distributor; Cement mixer; Agitator truck to and including 10 cu. yds.; Liquid and bulk tankers, semi or combination	5.85	.35	.25	.10	
MULTI-PURPOSE TRUCK - Specialty and hoisting	5.90	.35	.25	.10	
HIGH BOY; Lowboy; Floats; Semi; Cab operated distributor-Semi; Liquid and bulk tankers, euclid, electric or similar; Dumptor, Youngbuggy, Jumbo and similar type equipment	5.95	.35	.25	.10	
MECHANICS	6.00	.35	.25	.10	

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DUMP TRUCKS, over 19 cu. yds. to and including 29 cu. yds.; Truck driver snow plow	$6.05	.35	.25	.10	
CEMENT MIXER, Agitator over 10 cu. yds. to and including 15 cu. yds.	6.10	.35	.25	.10	
DUMP TRUCKS, over 29 cu. yds. to and including 39 cu. yds.; Heavy duty diesel mechanics; Body men; Welders or combination men	6.20	.35	.25	.10	
CEMENT MIXER, Agitator over 15 cu. yds.	6.35	.35	.25	.10	
DUMP TRUCKS, over 39 cu. yds. to and including 54 cu. yds.	6.50	.35	.25	.10	
DUMP TRUCKS, over 54 cu. yds. to and including 79 cu. yds.	6.60	.35	.25	.10	
DUMP TRUCKS, over 79 cu. yds. to and including 104 cu. yds.	6.80	.35	.25	.10	
DUMP TRUCKS, over 104 cu. yds.	7.00	.35	.25	.10	

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LABORERS: (Heavy Construction)					
Group 1	$4.80	.42	.45		.07
Group 2	4.85	.42	.45		.07
Group 3	4.93	.42	.45		.07
Group 4	4.95	.42	.45		.07
Group 5	4.97	.42	.45		.07
Group 6	5.08	.42	.45		.07
Group 7	5.18	.42	.45		.07
Group 8	5.25	.42	.45		.07
Group 9	5.38	.42	.45		.07
Group 10	5.43	.42	.45		.07
(Pipelines)					
All mainline sewers; Water mains; Gas, oil or any product pipeline; Pend stocks; Siphones or drainage lines; Pipe plants and yards not in connection with highway construction.					
Group 1	4.80	.42	.45		.07
Group 2	4.85	.42	.45		.07
Group 3	5.02	.42	.45		.07
Group 4	5.04	.42	.45		.07
Group 5	5.13	.42	.45		.07
Group 5-A	5.18	.42	.45		.07
Group 6	5.25	.42	.45		.07
LABORERS (Tunnels)					
Group 1	4.80	.42	.45		.07
Group 2	5.40	.42	.45		.07
Group 3	5.50	.42	.45		.07
Group 4	5.58	.42	.45		.07
Group 5	5.65	.42	.45		.07
Group 6	5.80	.42	.45		.07
(SHAFTS, RAISES, MISSILE SILOS & ALL UNDERGROUND WORK OTHER THAN TUNNELS)					
Group 1	5.50	.42	.45		.07
Group 2	5.65	.42	.45		.07
Group 3	5.75	.42	.45		.07
Group 4	5.93	.42	.45		.07
Group 5	6.03	.42	.45		.07
Group 6	6.08	.42	.45		.07

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS (Other than for work in Tunnels, Shafts and Raises)					
Group 1	$6.05	.37	.55	.30	.03
Group 2	6.40	.37	.55	.30	.03
Group 3	6.75	.37	.55	.30	.03
Group 4	6.90	.37	.55	.30	.03
Group 5	7.05	.37	.55	.30	.03
Group 6	7.20	.37	.55	.30	.03
(For work in Tunnels, Shafts, and Raises)					
Brakeman	6.20	.37	.55	.30	.03
Motorman	6.55	.37	.55	.30	.03
Compressor (900 CFM and over), serving tunnels, shafts and raises	6.65	.37	.55	.30	.03
Air tractors; Grout machine; Gunnite machine; Jumbo form; Mechanic; Welder	6.90	.37	.55	.30	.03
Concrete placement pumps 8" and over discharge; Mechanic-welder (heavy duty); Mucking machine and front end loaders underground; Slusher	7.05	.37	.55	.30	.03
Mole	7.45	.37	.55	.30	.03

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Line Construction - Colorado					
Cable Splicer	$ 8.98	.35	1%		3/4%
Lineman Cableman	8.43	.35	1%		3/4%
Journeyman Lineman	8.37	.35	1%		3/4%
Line Equipment Operator	7.12	.35	1%		3/4%
Line Equipment Maintenance Man	7.12	.35	1%		3/4%
Groundman	5.87	.35	1%		3/4%

LABORERS (Heavy Construction)

GROUP 1: Minimum laborer, including caissons to 8', carrying reinforcing rods; Work on cross culverts, connections and side drains in connection with highway work, whether corrugated metal or concrete pipe; Fence erectors; Metal Mesh; Dowel bars; Tie bars and chairs in concrete paving; Nursery man incl. seeding; mulching and planting of trees, shrubs and flowers; Stake chaser; Gabion baskets and Teno mattresses

GROUP 2: Chuck tenders; Nippers, core and diamond drill helpers; Powderman helpers

GROUP 3: Hot asphalt laborer; Rakers; Box-tenders; Asphalt curb machines; Potmen (not mechanical)

GROUP 4: Multi-plate culvert pipe; Air, gas and electric tools operators; Barco hammers; Spaders; Electric hammers; Air tampers; Cutting torches on demolition work; Caissons 8' to 12'; Cofferdams; Power operated concrete buggies; Operators of concrete saws on pavement (other than gang saws); Timber and chain saws; Stresser or stretcherman on post tension or pre-stressed concrete on or off jobsite; Tool room man and checkers; Cement finisher helper; Sandblaster helper; Concrete processing material monitor; Spotters; Signalmen; Dumpmen; Transverse concrete conveyor operator, mechanical grouters; Boring machines (air hydraulic); Automatic concrete power curbing machine; Jackhammer; Vibrators; Paving breakers; Frostproofing

GROUP 5: Any laborers performing bridge work over 40' above the ground or above a floor and working from a bos'n chair, swinging stage, life belt or block and tackle

GROUP 6: Gunniting and shotcrete helpers; Caissons over 12'; Cofferdams; Timbermen; Underpinning and shoring; Form setters and/or stringman on roads, highways, streets and airport runways; Distributor; Placing and hooking of landing mats; Bull float (hand operated) and center expansion machines; Sandblasters; Grade checkers if required by employer

GROUP 7: Powdermen and blasters; Gunnite nozzlemen; Shotcrete operator

GROUP 8: Pipelayer on truck pipe lines in connection with highway work

GROUP 9: Wagon drills and air tracks; Jackhammer operators in caissons over 12'; Bellers and stemmen; Licensed powdermen; Dismond and core drills powered by air

GROUP 10: Any work, other than on bridges, performed by laborers working from a bos'n chair, swinging stage, life belt or block and tackle as a safety requirement

LABORERS (Pipelines)

All mainline sewers; Water mains; Gas, oil or any product pipelines; Panstocks; Siphons or drainage lines; Pipe plants and yards not in connection with highway construction.

GROUP 1: Pipe plants and yards; Stringing of pipe or skids; Handling and signaling on line work

GROUP 2: Potman (not mechanical); Pipewrapper, Dopers, Jeep Holiday Detector Men, Bandage makers, Powdermen helpers

GROUP 3: Laborers working in trenches on all pipelines; Sewer, water, gas, oil, telephone conduit, pen stock, siphons, drainage lines, caulkers, yarners, fine graders, air, gas, electric and hydraulic tools, boring machines, hydraulic jacks, drills, tampers, etc.

GROUP 4: Sandblaster, powdermen and blasters, wiping of joint concrete pipe, inside and out; Labor, applicable to pipe coating or wrapping, plants and yards; Enamelers of pipe, inside and out

GROUP 5: (Relining Pipe)
Relining Pipe

GROUP 5-A: Mixer man

GROUP 6: Pipelayer

LABORERS (TUNNELS):

Group 1: Outside laborers

Group 2: Minimum tunnel labor, dry house men

Group 3: Cable or hose tenders, chuck tenders, concrete laborers, dumpman, whirley pumps operators

Group 4: Helpers on shotcrete, gunniting and sandblasting; Helpers, core and diamond drills; Pot tender

Group 5: Cement finisher helper, applying of concrete processing materials

Group 6: Collapsible form movers and setters, miners, machinemen and bit grinders, nippers, powdermen and blasters, reinforcing steel setters, timbermen (steel or wood tunnel support, incl. the placement of sheeting when required) and all cutting and welding that is incidentel to the miner's work; Tunnel liner plate setters; Vibrator men, internal and external; Unloading, stopping and starting of Moran Agitator Cars; Diamond and core drills; Cement finisher (underground); Shotcrete operator; Gunnite nozzlemen; Sandblaster; Pump concrete placement men

(SHAFTS, RAISES, MISSILE SILOS AND ALL UNDERGROUND WORK OTHER THAN TUNNELS)

Group 1: Laborers, Topmen, Bottommen, and Cagers

Group 2: Chucktenders, Concrete laborers, Whirley pumps operators

Group 3: Helpers on shotcrete, gunniting and sandblasting; Helpers on core and diamond drills; Pot tenders; Cement finisher helpers; Applying of concrete processing material

Group 4: Collapsible form movers and setters, miners, machinemen and bit grinders, nippers, powdermen and blasters, reinforcing steel setters, timbermen (steel or wood tunnel support, incl. the placement of sheeting when required); All cutting and welding that is incidental to the miner's work; Liner plate setters; Vibrator men, internal and external

Group 5: Diamond and core drill; Cement finisher (underground); Gunnite nozzlemen; Shotcrete operators; Sandblasters and pump concrete placement men

Group 6: Any employee performing work under ground from a bos'n chair, swinging stage, life belt or block and tackle

POWER EQUIPMENT OPERATORS
(Other than for work in Tunnels, Shafts and Raises)

Group 1: Asphalt screed; Brakeman; Drill operator, smaller than William MF and similar; Helper to heavy duty mechanic and/or Welder; Tractor operator (under 70 HP), with or without attachments; Oiler

Group 2: Air compressor; Ditch witch trenching machine and similar; Equipment lubricating and service engineer; Fork lift; Haulage motorman; Operators of five or more light plants, welding machines, compressors 360 C.F.M. or less, pumps, generators; Pugmill operator; Pugmill; Pumps; Portable screening plant with or without a spray bar; Screening plants - with classifier; Self-propelled rollers - 5 tons & under; Vacuum well point system

Group 3: Asphalt plant; Backfiller; Bituminous spreader or laydown machine; Cableway signalman; Caissons drill; (William MF, similar and larger; C.M.I. and similar; Concrete finish machine; Concrete gang saws on concrete paving; Concrete mixer (less than 1 yd.); Concrete placement pumps (under 8 in.); Conveyor (handling building materials); Distributors, bituminous surfaces; Drill, (diamond or core); Drills rigs (rotary, churn or cable tool); Elevating graders; Engineer fireman; Firemen or tank heater, Road; Grout machine; Gunnite machine; Hoists (1 drum); Loader (Barber Greene, etc.); Loader (up to and including 6 cu. yds.); Machine doctor mechanic; Motor grader (blade); Road stabilization machine; Roller-self-propelled-all types over 5 tons; Sandblasting machine; Single unit portable crusher-with or without washer; Tile tamper, Wheel mounted; Tractor (70 h.p. & over) (with or without attachments); Trenching machine; Welder; Winch op., on truck; Concrete batching plants

Group 4: Concrete mixer (over 1 cu. yd.); Concrete paver 34 E or similar; Concrete placement pumps (8 in. and over); Crane (50 tons and under); Hoists (2 drums); Loader - over 6 cu. yds.; Mechanic-Welder (heavy duty); Mixer-mobile; Multiple unit portable crusher - with or without washer; Pile driver; Fireman; Cable-operated crane, truck mounted, 25 tons and over; Cable operated power shovels, dragline; Clamshell, and backhoes (5 cu. yds. and under); Hydraulic backhoes, 1' 1/2 cu. yds. and over); Special utility operator; Self-propelled hydrocrane, Tractor with side boom; Truck mounted hydrocrane; Scraper-single bowl under 40 cu. yds.

Group 5: Crane operator - over 50 tons; Derrick; Electric rail type tower crane; Hoist (3 drum or more); Cable-operated power shovels, draglines, clamshells and backhoes (over 5 cu. yds.); Quad nine and similar push unit; Scraper-all tandem bowls; Scraper-single bowl including pups 40 cu. yd. and over

Group 6: Cableway; Crawler or truck mounted tower crane; Wheel excavator; Climbing tower crane

SUPERSEDEAS DECISION

STATE: Colorado
COUNTIES: Las Animas and Pueblo
DECISION NUMBER: AQ-1117
DATE: Date of Publication
Supersedes Decision No. AQ-1106 dated May 10, 1974 in 39 FR 17003
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories) and heavy construction.

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$ 8.47	.33	.72		
BOILERMAKERS	8.35	.60	1.00		.02
BRICKLAYERS	8.67	.30	.50		.04
CARPENTERS	6.87	.45	.45	.30	.04
CEMENT MASONS	6.65	.44	1.10	.60	.07
ELECTRICIANS:					
Zone I (0-12 miles from Post Office)					
Electricians	8.50	.32	1% + .25		1/10%
Cable splicers	9.35	.32	1% + .25		1/10%
Zone II (12-20 miles from Post Office)					
Electricians	8.90	.32	1% + .25		1/10%
Cable splicers	9.75	.32	1% + .25		1/10%
Zone III (20-40 miles from Post Office)					
Electricians	9.25	.32	1% + .25		1/10%
Cable splicers	10.10	.32	1% + .25		1/10%
Zone IV (Over 40 miles from Post Office)					
Electricians	10.00	.32	1% + .25		1/10%
Cable splicers	10.85	.32	1% + .25		1/10%
Electrical contracts less than $5,000 in Zones III and IV	6.16	.32	1% + .25		1/10%
ELEVATOR CONSTRUCTORS	7.76	.345	.23	2% + a	
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.345	.23	2% + a	
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	8.04				
IRONWORKERS:					
Structural; Ornamental and Reinforcing	8.40	.55	.80		.06
MARBLE & TILE SETTERS, Terrazzo Workers	7.60	.53	.40	.25	
PAINTERS:					
Brush	5.53	.30			.02
Structural steel; Spray	6.03	.30			.02
Spray steel	6.53	.30			.02

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
PLASTERERS	8.69				.01
PLUMBERS:					
Zone I (0-15 miles from P. O.)	8.50	.50	.50		.05
Zone II (15-20 miles from P. O.)	9.07	.50	.50		.05
Zone III (20-40 miles from P. O.)	9.25	.50	.50		.05
Zone IV (Over 40 miles from P. O.)	9.875	.50	.50		.05
ROOFERS	7.58				
SHEET METAL WORKERS	8.47	.30	.65		.07
SOFT FLOOR LAYERS (Las Animas Co.)	7.10	.35	.45	.30	.05
SPRINKLER FITTERS	9.25	.50	.70		.08
SOFT FLOOR LAYERS (Pueblo Co.)	6.40		.30		

FOOTNOTE:
a. Employer contributes 4% of basic hourly rate for over 5 years' service and 2% of basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. 6 Paid Holidays.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

LINE CONSTRUCTION - COLORADO					
Cable Splicer	8.98	.35	1%		3/4%
Lineman Cableman	8.43	.35	1%		3/4%
Journeyman Lineman	8.37	.35	1%		3/4%
Line Equipment operator	7.12	.35	1%		3/4%
Line Equipment Maintenance Man	7.12	.35	1%		3/4%
Groundmen	5.87	.35	1%		3/4%

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
LABORERS:					
General laborers	$ 4.75	.37	.40		.05
Underpinning and shoring 0' to 8' below working surface	4.75	.37	.40		.05
Underpinning and shoring 8' below working surface to any depth below working surface; Power tool operators or all mechanical, air, gas and electrical tools, incl. self-propelled buggies and cement finisher tenders; Pipelayers; Gunnite nozzlemen and sandblasters	5.03	.37	.40		.05
Laborers, preparing and placing of stone or any other aggregate in a sand bed to be used as exposed face of tiltup panels	5.05	.37	.40		.05
Jackhammer operator; Underpinning and shoring over 12' below working surface; Ballers and steemmers on caisson work	5.30	.37	.40		.05
Mason tenders, brick and plaster	5.35	.37	.40		.05
HEAVY AND HIGHWAY CONSTRUCTION					
CARPENTERS	$ 6.57	.45	.45	.30	.04
UNDERGROUND CARPENTERS	6.72	.45	.45	.30	.04
Working on creosoted material; High work 40' above ground or floor on exposed scaffold or boatswains chair; Piledriving; Sawmen continuously assigned to 1 1/2 HP saws at jobsite	6.82	.45	.45	.30	.04
CEMENT MASONS: (Construction - outside Denver Metropolitan Area)	6.22	.42	1.10	.30	.07
CEMENT MASONS: (Construction (Denver Metropolitan Area)	6.32	.42	1.10	.30	.07

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
PICKUPS; Helpers; Scalemen; Checkers; Spotters; Dumpmen	$5.50	.35	.25	.10	
DUMP TRUCKS, to and including 6 cu. yds.; Sweeper; Flatrack, single axle; Liquid and bulk tankers, single axle; Warehousemen; Washers; Greasermen; Servicemen; Ambulance drivers, if used	5.60	.35	.25	.10	
DUMP TRUCKS, over 6 cu. yds. to and including 12 cu. yds.; Flatrack tandem axle; Battery men; Mechanic helpers; Material checkers; Cardex men; Expeditors; Man haul shuttle truck or bus	5.70	.35	.25	.10	
STRADDLE TRUCK; Lumber carrier; Liquid and bulk tankers, tandem axle	5.75	.35	.25	.10	
FORK LIFT, Fuel truck; Grease truck; Combination fuel and grease; Tiremen	5.80	.35	.25	.10	
DUMP TRUCKS, over 12 cu. yds., to including 19 cu. yds.; Distributor; Cement mixer; Agitator truck to and including 10 cu. yds.; Liquid and bulk tankers, semi or combination	5.85	.35	.25	.10	
MULTI-PURPOSE TRUCK - Specialty and hoisting	5.90	.35	.25	.10	
HIGH BOY; Lowboy; Floats; Semi; Cab operated distributor-Semi; Liquid and bulk tankers, euclid, electric or similar; Dumptor, Youngbuggy, Jumbo and similar type equipment	5.95	.35	.25	.10	
MECHANICS	6.00	.35	.25	.10	

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
DUMP TRUCKS, over 19 cu. yds. to and including 29 cu. yds.; Truck driver snow plow	$6.05	.35	.25	.10	
CEMENT MIXER, Agitator over 10 cu. yds. to and including 15 cu. yds.	6.10	.35	.25	.10	
DUMP TRUCKS, over 29 cu. yds. to and including 39 cu. yds.; Heavy duty diesel mechanics; Body men; Welders or combination men	6.20	.35	.25	.10	
CEMENT MIXER, Agitator over 15 cu. yds.	6.35	.35	.25	.10	
DUMP TRUCKS, over 39 cu. yds. to and including 54 cu. yds.	6.50	.35	.25	.10	
DUMP TRUCKS, over 54 cu. yds. to and including 79 cu. yds.	6.60	.35	.25	.10	
DUMP TRUCKS, over 79 cu. yds. to and including 104 cu. yds.	6.80	.35	.25	.10	
DUMP TRUCKS, over 104 cu. yds.	7.00	.35	.25	.10	

LABORERS: (Heavy Construction)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
Group 1	$4.80	.42	.45		.07
Group 2	4.85	.42	.45		.07
Group 3	4.93	.42	.45		.07
Group 4	4.95	.42	.45		.07
Group 5	4.97	.42	.45		.07
Group 6	5.08	.42	.45		.07
Group 7	5.18	.42	.45		.07
Group 8	5.25	.42	.45		.07
Group 9	5.38	.42	.45		.07
Group 10	5.43	.42	.45		.07
(Pipelines)					
All mainline sewers; Water mains; Gas, oil or any product pipeline; Pend stocks; Siphones or drainage lines; Pipe plants and yards not in connection with highway construction.					
Group 1	4.80	.42	.45		.07
Group 2	4.85	.42	.45		.07
Group 3	5.02	.42	.45		.07
Group 4	5.04	.42	.45		.07
Group 5	5.13	.42	.45		.07
Group 5-A	5.18	.42	.45		.07
Group 6	5.25	.42	.45		.07
LABORERS (Tunnels)					
Group 1	4.80	.42	.45		.07
Group 2	5.40	.42	.45		.07
Group 3	5.50	.42	.45		.07
Group 4	5.58	.42	.45		.07
Group 5	5.65	.42	.45		.07
Group 6	5.80	.42	.45		.07
(SHAFTS, RAISES, MISSILE SILOS & ALL UNDERGROUND WORK OTHER THAN TUNNELS)					
Group 1	5.50	.42	.45		.07
Group 2	5.65	.42	.45		.07
Group 3	5.75	.42	.45		.07
Group 4	5.93	.42	.45		.07
Group 5	6.03	.42	.45		.07
Group 6	6.08	.42	.45		.07

POWER EQUIPMENT OPERATORS
(Other than for work in Tunnels, Shafts and Raises)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Group 1	$6.05	.37	.55	.30	.03
Group 2	6.40	.37	.55	.30	.03
Group 3	6.75	.37	.55	.30	.03
Group 4	6.90	.37	.55	.30	.03
Group 5	7.05	.37	.55	.30	.03
Group 6	7.20	.37	.55	.30	.03
(For work in Tunnels, Shafts, and Raises)					
Brakeman	6.20	.37	.55	.30	.03
Motorman	6.55	.37	.55	.30	.03
Compressor (900 CFM and over), serving tunnels, shafts and raises	6.65	.37	.55	.30	.03
Air tractors; Grout machine; Gunnite machine; Jumbo form; Mechanic; Welder	6.90	.37	.55	.30	.03
Concrete placement pumps 8" and over discharge; Mechanic-welder (heavy duty); Mucking machine and front end loaders underground; Slusher	7.05	.37	.55	.30	.03
Mole	7.45	.37	.55	.30	.03

GROUP 1: Minimum laborer, including caissons to 8', carrying reinforcing rods; Work on cross culverts, connections and side drains in connection with highway work, whether corrugated metal or concrete pipe; Fence erectors; Metal Mesh; Dowel bars; Tie bars and chairs in concrete paving; Nursery man incl. seeding; mulching and planting of trees, shrubs and flowers; Stake chaser; Gabion baskets and Teno mattresses

GROUP 2: Chuck tenders; Nippers, core and diamond drill helpers; Powderman helpers

GROUP 3: Hot asphalt laborer; Rakers; Box-tenders; Asphalt curb machines; Potmen (not mechanical)

GROUP 4: Multi-plate culvert pipe; Air, gas and electric tools operators; Barco hammers; Spaders; Electric hammers; Air tampers; Cutting torches on demolition work; Caissons 8' to 12'; Cofferdams; Power operated concrete buggies; Operators of concrete saws on pavement (other than gang saws); Timber and chain saws; Stresser or stretcherman on post tension or pre-stressed concrete on or off jobsite; Tool room man and checkers; Cement finisher helper; Sandblaster helper; Concrete processing material monitor; Spotters; Signalmen; Dumpmen; Transverse concrete conveyor operator, mechanical grouters; Boring machines (air hydraulic); Automatic concrete power curbing machine; Jackhammer; Vibrators; Paving breakers; Frostproofing

GROUP 5: Any laborers performing bridge work over 40' above the ground or above a floor and working from a bos'n chair, swinging stage, life belt or block and tackle

GROUP 6: Gunniting and shotcrete helpers; Caissons over 12'; Cofferdams; Timbermen; Underpinning and shoring; Form setters and/or stringman on roads, highways, streets and airport runways; Distributor; Placing and hooking of landing mats; Bull float (hand operated) and center expansion machines; Sandblasters; Grade checkers if required by employer

GROUP 7: Powdermen and blasters; Gunnite nozzlemen; Shotcrete operator

GROUP 8: Pipelayer on truck pipe lines in connection with highway work

GROUP 9: Wagon drills and air tracks; Jackhammer operators in caissons over 12'; Bellers and stemmen; Licensed powdermen; Diamond and core drills powered by air

GROUP 10: Any work, other than on bridges, performed by laborers working from a bos'n chair, swinging stage, life belt or block and tackle as a safety requirement

LABORERS (Pipelines)

All mainline sewers; Water mains; Gas, oil or any product pipelines; Penstocks; Siphons or drainage lines; Pipe plants and yards not in connection with highway construction.

GROUP 1: Pipe plants and yards; Stringing of pipe or skids; Handling and signaling on line work

GROUP 2: Potman (not mechanical); Pipewrapper, Dopers, Jeep Holiday Detector Men, Bandage makers, Powdermen helpers

GROUP 3: Laborers working in trenches on all pipelines; Sewer, water, gas, oil, telephone conduit, pen stock, siphons, drainage lines, caulkers, yarners, fine graders, air, gas, electric and hydraulic tools, boring machines, hydraulic jacks, drills, tampers, etc.

GROUP 4: Sandblaster, powdermen and blasters, wiping of joint concrete pipe, inside and out; Labor, applicable to pipe coating or wrapping, plants and yards; Enamelers of pipe, inside and out

GROUP 5: (Relining Pipe)
Relining Pipe

GROUP 5-A: Mixer men

GROUP 6: Pipelayer

LABORERS (TUNNELS):

Group 1: Outside laborers

Group 2: Miniscm tunnel labor, dry house man

Group 3: Cable or hose tenders, chuck tenders, concrete laborers, dumpman, whirley pumps operators

Group 4: Helpers on shotcrete, gunniting and sandblasting; Helpers, core and diamond drills; Pot tender

Group 5: Cement finisher helper, applying of concrete processing materials

Group 6: Collapsible form movers and setters, miners, machinemen and bit grinders, nippers, powdermen and blasters, reinforcing steel setters, timbermen (steel or wood tunnel support, incl. the placement of sheeting when required) and all cutting and welding that is incidental to the miner's work; Tunnel liner plate setters; Vibrator men, internal and external; Unloading, stopping and starting of Moran Agitator Cars; Diamond and core drills; Cement finisher (underground); Shotcrete operator; Gunnite nozzlemen; Sandblaster; Pump concrete placement men

(SHAFTS, RAISES, MISSILE SILOS AND ALL UNDERGROUND WORK OTHER THAN TUNNELS)

Group 1: Laborers, Topmen, Bottommen, and Cagers

Group 2: Chucktenders, Concrete laborers, Whirley pumps operators

Group 3: Helpers on shotcrete, gunniting and sandblasting; Helpers on core and diamond drills; Pot tenders; Cement finisher helpers; Applying of concrete processing material

Group 4: Collapsible form movers and setters, miners, machinemen and bit grinders, nippers, powdermen and blasters, reinforcing steel setters, timbermen (steel or wood tunnel support, incl. the placement of sheeting when required); All cutting and welding that is incidental to the miner's work; Liner plate setters; Vibrator men, internal and external

Group 5: Diamond and core drill; Cement finisher (underground); Gunnite nozzlemen; Shotcrete operators; Sandblasters and pump concrete placement men

Group 6: Any employee performing work under ground from a bos'n chair, swinging stage, life belt or block and tackle

POWER EQUIPMENT OPERATORS
(Other than for work in Tunnels, Shafts and Raises)

Group 1: Asphalt screed; Brakeman; Drill operator, smaller than William MF and similar; Helper to heavy duty mechanic and/or Welder; Tractor operator (under 70 HP), with or without attachments; Oiler

Group 2: Air compressor; Ditch witch trenching machine and similar; Equipment lubricating and service engineer; Fork lift; Haulage motorman; Operators of five or more light plants, welding machines, compressors 360 C.F.M. or less, pumps, generators; Pugmill operator; Pugmill; Pumps; Portable screening plant with or without a spray bar; Screening plants - with classifier; Self-propelled rollers - 5 tons & under; Vacuum well point system

Group 3: Asphalt plant; Backfiller; Bituminous spreader or laydown machine; Cableway signalman; Caissons drill; (William MF, similar and larger; C.M.I. and similar; Concrete finish machine; Concrete gang saws on concrete paving; Concrete mixer (less than 1 yd.); Concrete placement pumps (under 8 in.); Conveyor (handling building materials); Distributors, bituminous surfaces; Drill, (diamond or core); Drills rigs (rotary, churn or cable tool); Elevating gradera; Engineer fireman; Fireman or tank heater, Road; Grout machine; Gunnite machine; Hoists (1 drum); Loader (Barber Greene, etc.); Loader (up to and including 6 cu. yds.); Machine doctor mechanic; Motor grader (blade); Road stabilization machine; Roller-self-propelled-all types over 5 tons; Sandblasting machine; Single unit portable crusher-with or without washer; Tile tamper, Wheel mounted; Tractor (70 h.p. & over) (with or without attachments); Trenching machine; Welder; Winch op., on truck; Concrete batching plants

Group 4: Concrete mixer (over 1 cu. yd.); Concrete paver 34 E or similar; Concrete placement pumps (8 in. and over); Crane (50 tons and under); Hoists (2 drums); Loader - over 6 cu. yds.; Mechanic-Welder (heavy duty); Mixer-mobile; Multiple unit portable crusher - with or without washer; Pile driver; Fireman; Cable-operated crane, truck mounted, 25 tons and over; Cable operated power shovels, dragline; Clamshell, and backhoes (5 cu. yds. and under); Hydraulic backhoes, 1 1/2 cu. yds. and over); Special utility operator; Self-propelled hydrocrane; Tractor with side boom; Truck mounted hydrocrane; Scraper-single bowl under 40 cu. yds.

Group 5: Crane operator - over 50 tons; Derrick; Electric rail type tower crane; Hoist (3 drum or more); Cable-operated power shovels, draglines, clamshells and backhoes (over 5 cu. yds.); Quad nine and similar push unit; Scraper-all tandem bowls; Scraper-single bowl including pups 40 cu. yd. and over

Group 6: Cableway; Crawler or truck mounted tower crane; Wheel excavator; Climbing tower crane

SUPERSEDEAS DECISION

STATE: Colorado COUNTIES: Garfield, Gunnison, Mesa, Montrose and Pitkin

DECISION NUMBER: AQ-1118 DATE: Date of Publication

Supersedes Decision No. AQ-1107 dated May 10, 1974, in 39 FR 17009

DESCTIPTION OF WORK: Building Construction (excluding single faimly homes and garden type apartments up to and including 4 stories) and heavy construction.

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$8.47	.33	.72		
BOILERMAKERS	8.35	.60	1.00		.02
BRICKLAYERS; Stonemasons:					
Mesa, Montrose, Garfield, Gunnison Counties	7.45	.45	.60	.25	.05
Pitkin County	7.45	.45	.60	.25	.05
CARPENTERS:					
P. O. basing points in the Cities of Leadville, Fort Collins, Glenwood Springs, Grand Junction, Gunnison and Montrose					
Zone I (0-30 miles from nearest basing point)	6.87	.45	.45	.30	.04
Zone II (30-60 miles from nearest basing point)	7.12	.45	.45	.30	.04
Zone III (60 miles and over from nearest basing point)	7.37	.45	.45	.30	.04
CEMENT MASONS:					
Cement Masons	6.65	.44	1.10	.60	.07
Working with composition materials and color; Working on scaffold, swing stage or temporary platform over 25'; Power troweling and floor grinding machine	6.90	.44	1.10	.60	.07
ELECTRICIANS:					
Electricians	8.15	.32	1%		3/10%
Cable Splicers	8.40	.32	1%		3/10%
ELEVATOR CONSTRUCTORS	7.76	.345	.23	2%+a	
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.345	.23	2%+a	
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	8.04				
IRONWORKERS:					
Structural; Ornamental and Reinforcing	8.40	.55	.60		.06
MILLWRIGHTS	7.24	.45	.40	.40	.04

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
PAINTERS:					
Brush and roller	$7.76	.45	.30		.03
Drywall finisher; Paperhangers	7.96	.45	.30		.03
Spray; Swing stage	8.24	.45	.30		.03
PLUMBERS	7.55	.50	.45	1.00	.10
ROOFERS	7.58				
SHEET METAL WORKERS	8.47	.30	.65		.07
SOFT FLOOR LAYERS	7.10	.35	.45	.30	.05
SPRINKLER FITTERS	9.25	.50	.70		.08

FOOTNOTE:
a. Employer contributes 4% of basic hourly rate for over 5 years' service and 2% of basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. 6 Paid Holidays: A through F.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

LINE CONSTRUCTION- Colorado

Cable Splicer	$8.98	.35	1%	3/4%
Lineman Cableman	8.43	.35	1%	3/4%
Journeyman Lineman	8.37	.35	1%	3/4%
Line Equipment Operator	7.12	.35	1%	3/4%
Line Equipment Maintenance Man	7.12	.35	1%	3/4%
Groundmen	5.87	.35	1%	3/4%

BUILDING CONSTRUCTION

LABORERS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
General laborers	$4.75	.37	.40		.05
Underpinning and shoring 0' to 8' below working surface	4.75	.37	.40		.05
Underpinning and shoring 8' below working surface to any depth below working surface; Power tool operators or all mechancial, air, gas and electrical tools, incl. self-propelled buggies and cement finisher tenders; Pipelayers; Gunnite nozzlemen and sandblasters	5.03	.37	.40		.05
Laborers, preparing and placing of stone or any other aggregate in a sand bed to be used as exposed face of tiltup panels	5.05	.37	.40		.05
Jackhammer operator; Underpinning and shoring over 12' below working surface; Bellers and stemmers on caisson work	5.30	.37	.40		.05
Mason tenders, brick and plaster	5.35	.37	.40		.05
HEAVY CONSTRUCTION					
Carpenters	6.57	.45	.45	.30	.04
Underground Carpenters Working on creosoted material; High work 40' above ground or floor on exposed scaffold or boatswains chair; Piledriving; Sawmen continuously assigned to 1½ HP saws at jobsite	6.72	.45	.45	.30	.04
Cement Masons: (Construction - outside Denver Metropolitan Area)	6.82	.45	.45	.30	.04
Cement Masons: (Construction- Denver Metropolitan Area)	6.22	.42	1.10	.30	.07
	6.32	.42	1.10	.30	.07

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
PICKUPS; Helpers; Scalemen; Checkers; Spotters; Dumpmen	$5.50	.35	.25	.10	
DUMP TRUCKS, to and including 6 cu. yds.; Sweeper; Flatrack, single axle; Liquid and bulk tankers, single axle; Warehousemen; Washers; Greasermen; Servicemen; Ambulance drivers, if used	5.60	.35	.25	.10	
DUMP TRUCKS, over 6 cu. yds. to and including 12 cu. yds.; Flatrack tandem axle; Battery men; Mechanic helpers; Material checkers; Cardex men; Expeditors; Man haul shuttle truck or bus	5.70	.35	.25	.10	
STRADDLE TRUCK; Lumber carrier; Liquid and bulk tankers, tandem axle	5.75	.35	.25	.10	
FORK LIFT, Fuel truck; Grease truck; Combination fuel and grease; Tiremen	5.80	.35	.25	.10	
DUMP TRUCKS, over 12 cu. yds., to including 19 cu. yds.; Distributor; Cement mixer; Agitator truck to and including 10 cu. yds.; Liquid and bulk tankers, semi or combination	5.85	.35	.25	.10	
MULTI-PURPOSE TRUCK - Specialty and hoisting	5.90	.35	.25	.10	
HIGH BOY; Lowboy; Floats; Semi; Cab operated distributor-Semi; Liquid and bulk tankers, euclid, electric or similar: Dumptor, Youngbuggy, Jumbo and similar type equipment	5.95	.35	.25	.10	
MECHANICS	6.00	.35	.25	.10	

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
DUMP TRUCKS, over 19 cu. yds. to and including 29 cu. yds.; Truck driver snow plow	$6.05	.35	.25	.10	
CEMENT MIXER, Agitator over 10 cu. yds. to and including 15 cu. yds.	6.10	.35	.25	.10	
DUMP TRUCKS, over 29 cu. yds. to and including 39 cu. yds.; Heavy duty diesel mechanics; Body men; Welders or combination men	6.20	.35	.25	.10	
CEMENT MIXER, Agitator over 15 cu. yds.	6.35	.35	.25	.10	
DUMP TRUCKS, over 39 cu. yds. to and including 54 cu. yds.	6.50	.35	.25	.10	
DUMP TRUCKS, over 54 cu. yds. to and including 79 cu. yds.	6.60	.35	.25	.10	
DUMP TRUCKS, over 79 cu. yds. to and including 104 cu. yds.	6.80	.35	.25	.10	
DUMP TRUCKS, over 104 cu. yds.	7.00	.35	.25	.10	

LABORERS (Heavy Construction)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Group 1	$4.80	.42	.45		.07
Group 2	4.85	.42	.45		.07
Group 3	4.93	.42	.45		.07
Group 4	4.95	.42	.45		.07
Group 5	4.97	.42	.45		.07
Group 6	5.08	.42	.45		.07
Group 7	5.18	.42	.45		.07
Group 8	5.25	.42	.45		.07
Group 9	5.38	.42	.45		.07
Group 10	5.43	.42	.45		.07
(Pipelines)					
All mainline sewers; Water mains; Gas, oil or any product pipeline; Pond stocks; Siphons or drainage lines; Pipe plants and yards not in connection with highway construction.					
Group 1	4.80	.42	.45		.07
Group 2	4.85	.42	.45		.07
Group 3	5.02	.42	.45		.07
Group 4	5.04	.42	.45		.07
Group 5	5.13	.42	.45		.07
Group 5-A	5.18	.42	.45		.07
Group 6	5.25	.42	.45		.07
LABORERS (Tunnels)					
Group 1	4.80	.42	.45		.07
Group 2	5.40	.42	.45		.07
Group 3	5.50	.42	.45		.07
Group 4	5.58	.42	.45		.07
Group 5	5.65	.42	.45		.07
Group 6	5.80	.42	.45		.07
(SHAFTS, RAISES, MISSILE SILOS & ALL UNDERGROUND WORK OTHER THAN TUNNELS)					
Group 1	5.50	.42	.45		.07
Group 2	5.65	.42	.45		.07
Group 3	5.75	.42	.45		.07
Group 4	5.93	.42	.45		.07
Group 5	6.03	.42	.45		.07
Group 6	6.06	.42	.45		.07

POWER EQUIPMENT OPERATORS
(Other than for work in Tunnels, Shafts and Raises)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Group 1	$6.05	.37	.55	.30	.03
Group 2	6.40	.37	.55	.30	.03
Group 3	6.75	.37	.55	.30	.03
Group 4	6.90	.37	.55	.30	.03
Group 5	7.05	.37	.55	.30	.03
Group 6	7.20	.37	.55	.30	.03
(For work in Tunnels, Shafts, and Raises)					
Brakeman	6.20	.37	.55	.30	.03
Motorman	6.55	.37	.55	.30	.03
Compressor (900 CFM and over), serving tunnels, shafts and raises	6.65	.37	.55	.30	.03
Air tractors; Crout machine; Gunnite machine; Jumbo form; Mechanic; Welder	6.90	.37	.55	.30	.03
Concrete placement pumps 8" and over discharge; Mechanic-welder (heavy duty); Mucking machine and front end loaders underground; Slusher	7.05	.37	.55	.30	.03
Mole	7.45	.37	.55	.30	.03

LABORERS (Heavy Construction)

GROUP 1: Minimum laborer, including caissons to 8', carrying reinforcing rods; Work on cross culverts, connections and side drains in connection with highway work, whether corrugated metal or concrete pipe; Fence erectors; Metal Mesh; Dowel bars; Tie bars and chairs in concrete paving; Nursery man incl. seeding; mulching and planting of trees, shrubs and flowers; Stake chaser; Gabion baskets and Teno mattresses

GROUP 2: Chuck tenders; Nippers, core and diamond drill helpers; Powderman helpers

GROUP 3: Hot asphalt laborer; Rakers; Box-tenders; Asphalt curb machines; Potmen (not mechanical)

GROUP 4: Multi-plate culvert pipe; Air, gas and electric tools operators; Barco hammers; Spaders; Electric hammers; Air tampers; Cutting torches on demolition work; Caissons 8' to 12'; Cofferdams; Power operated concrete buggies; Operators of concrete saws on pavement (other than gang saws); Timber and chain saws; Stresser or stretcherman on post tension or pre-stressed concrete on or off jobsite; Tool room man and checkers; Cement finisher helper; Sandblaster helper; Concrete processing material monitor; Spotters; Signalmen; Dumpmen; Transverse concrete conveyor operator, mechanical grouters; Boring machines (air hydraulic); Automatic concrete power curbing machine; Jackhammer; Vibrators; Paving breakers; Frostproofing

GROUP 5: Any laborers performing bridge work over 40' above the ground or above a floor and working from a bos'n chair, swinging stage, life belt or block and tackle

GROUP 6: Gunniting and shotcrete helpers; Caissons over 12'; Cofferdams; Timbermen; Underpinning and shoring; Form setters and/or stringman on roads, highways, streets and airport runways; Distributor; Placing and hooking of landing mats; Bull float (hand operated) and center expansion machines; Sandblasters; Grace checkers if required by employer

GROUP 7: Powdermen and blasters; Gunnite nozzlemen; Shotcrete operator

GROUP 8: Pipelayer on truck pipe lines in connection with highway work

GROUP 9: Wagon drills and air tracks; Jackhammer operators in caissons over 12'; Bellers and stemmen; Licensed powdermen; Diamond and core drills powered by air

GROUP 10: Any work, other than on bridges, performed by laborers working from a bos'n chair, swinging stage, life belt or block and tackle as a safety requirement

LABORERS (Pipelines)

All mainline sewers; Water mains; Gas, oil or any product pipelines; Penstocks; Siphons or drainage lines; Pipe plants and yards not in connection with highway construction.

GROUP 1: Pipe plants and yards; Stringing of pipe or skids; Handling and signaling on line work

GROUP 2: Potman (not mechanical); Pipewrapper, Dopers, Jeep Holiday Detector Men, Bandage makers, Powdermen helpers

GROUP 3: Laborers working in trenches on all pipelines; Sewer, water, gas, oil, telephone conduit, pen stock, siphons, drainage lines, caulkers, yarners, fine graders, air, gas, electric and hydraulic tools, boring machines, hydraulic jacks, drills, tampers, etc.

GROUP 4: Sandblaster, powdermen and blasters, wiping of joint concrete pipe, inside and out; Labor, applicable to pipe coating or wrapping, plants and yards; Enamelers of pipe, inside and out

GROUP 5: (Relining Pipe)
Relining Pipe

GROUP 5-A: Mixer man

GROUP 6: Pipelayer

LABORERS (TUNNELS):

Group 1: Outside laborers

Group 2: Minimum tunnel labor, dry house man

Group 3: Cable or hose tenders, chuck tenders, concrete laborers, dumpman, whirley pumps operators

Group 4: Helpers on shotcrete, gunniting and sandblasting; Helpers, core and diamond drills; Pot tender

Group 5: Cement finisher helper, applying of concrete processing materials

Group 6: Collapsible form movers and setters, miners, machinemen and bit grinders, nippers, powdermen and blasters, reinforcing steel setters, timbermen (steel or wood tunnel support, incl. the placement of sheeting when required) and all cutting and welding that is incidental to the miner's work; Tunnel liner plate setters; Vibrator men, internal and external; Unloading, stopping and starting of Moran Agitator Cars; Diamond and core drills; Cement finisher (underground); Shotcrete operator; Gunnite nozzlemen; Sandblaster; Pump concrete placement men

(SHAFTS, RAISES, MISSILE SILOS AND ALL UNDERGROUND WORK OTHER THAN TUNNELS)

Group 1: Laborers, Topmen, Bottommen, and Cagers

Group 2: Chucktenders, Concrete laborers, Whirley pumps operators

Group 3: Helpers on shotcrete, gunniting and sandblasting; Helpers on core and diamond drills; Pot tenders; Cement finisher helpers; Applying of concrete processing materfal

Group 4: Collapsible form movers and setters, miners, machinemen and bit grinders, nippers, powdermen and blasters, reinforcing steel setters, timbermen (steel or wood tunnel support, incl. the placement of sheeting when required); All cutting and welding that is incidental to the miner's work; Liner plate setters; Vibrator men, internal and external

Group 5: Diamond and core drill; Cement finisher (underground); Gunnite nozzlemen; Shotcrete operators; Sandblasters and pump concrete placemeat men

Group 6: Any employee performing work under ground from a bos'n chair, swinging stage, life belt or block and tackle

POWER EQUIPMENT OPERATORS
(Other than for work in Tunnels, Shafts and Raises)

Group 1: Asphalt screed; Brakeman; Drill operator, smaller than William MF and similar; Helper to heavy duty mechanic and/or Welder; Tractor operator (under 70 HP), with or without attachments; Oiler

Group 2: Air compressor; Ditch witch trenching machine and similar; Equipment lubricating and service engineer; Fork lift; Haulage motorman; Operators of five or more light plants, welding machines, compressors 360 C.F.M. or less, pumps, generators; Pugmill operator; Pugmill; Pumps; Portable screening plant with or without a spray bar; Screening plants - with classifier; Self-propelled rollers - 5 tons & under; Vacuum well point system

Group 3: Asphalt plant; Backfiller; Bituminous spreader or laydown machine; Cableway signalman; Caissons drill; (William MF, similar and larger; C.M.I. and similar; Concrete finish machine; Concrete gang saws on concrete paving; Concrete mixer (less than 1 yd.); Concrete placement pumps (under 8 in.); Conveyor (handling building materials); Distributors, bituminous surfaces; Drill, (diamond or core); Drills rigs (rotary, churn or cable tool); Elevating graders; Engineer fireman; Fireman or tank heater, Road; Grout machine; Gunnite machine; Hoists (1 drum); Loader (Barber Greene, etc.); Loader (up to and including 6 cu. yds.); Machine doctor mechanic; Motor grader (blade); Road stabilization machine; Roller-self-propelled-all types over 5 tons; Sandblasting machine; Single unit portable crusher-with or without washer; Tile tamper, Wheel mounted; Tractor (70 h.p. & over) (with or without attachments); Trenching machine; Welder; Winch op., on truck; Concrete batching plants

Group 4: Concrete mixer (over 1 cu. yd.); Concrete paver 34 E or similar; Concrete placement pumps (8 in. and over); Crane (50 tons and under); Hoists (2 drums); Loader - over 6 cu. yds.; Mechanic-Welder (heavy duty); Mixer-mobile; Multiple unit portable crusher - with or without washer; Pile driver; Fireman; Cable-operated crane, truck mounted, 25 tons and over; Cable operated power shovels, dragline; Clamshell, and backhoes (5 cu. yds. and under); Hydraulic backhoes, 1 1/2 cu. yds. and over); Special utility operator; Self-propelled hydrocrane, Tractor with side boom; Truck mounted hydrocrane; Scraper-single bowl under 40 cu. yds.

Group 5: Crane operator - over 50 tons; Derrick; Electric rail type tower crane; Hoist (3 drum or more); Cable-operated power shovels, draglines, clamshells and backhoes (over 5 cu. yds.); Quad nine and similar push unit; Scraper-all tandem bowls; Scraper-single bowl including pups 40 cu. yd. and over

Group 6: Cableway; Crawler or truck mounted tower crane; Wheel excavator; Climbing tower crane

SUPERSEDEAS DECISION

STATE: Louisiana PARISH: Ouachita
DECISION NO.: AQ-116 DATE: Date of Publication
Supersedes Decision No. AP-317, dated August 25, 1972 in 37 FR 17305.
DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
BRICKLAYERS	$6.32				
CARPENTERS	5.28				
CEMENT MASONS	6.00				
ELECTRICIANS	6.27				
IRONWORKERS	5.50				
LABORERS	2.50				
PAINTERS, BRUSH	4.00				
PLUMBERS & PIPEFITTERS	5.70				
ROOFERS	6.00				
SHEET METAL WORKERS	3.50				
AIR CONDITIONING MECHANICS	4.00				
TRUCK DRIVERS	2.75				
POWER EQUIPMENT OPERATORS:					
Backhoes	4.00				
Tractors	4.00				

SUPERSEDEAS DECISION

STATE: Nebraska COUNTIES: Statewide (Except Douglas and Sarpy)

DECISION NUMBER: AQ-119 DATE: Date of Publication

Supersedes Decision No. AQ-80 dated February 15, 1974 in 39 FR 5990

DESCRIPTION OF WORK: Construction, alteration and repair of streets, roads, highways (excluding bridges across navigable waterways), runways, and water and sewer utilities.

2-NEB-2-3F

Statewide (except Cass, Douglas, Sarpy, Washington, and that portion of Saunders County, East of highway 109)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Carpenter	$4.60				
Carpenter Helper	3.65				
Cement Finisher	4.30				
Concrete Saw Operator	3.50				
Form Setter (road)	4.40				
Form Setter (structures)	3.50				
Laborer	3.10				
Manhole Builder	3.45				
Painter	3.30				
Pile Driver Leadsman	3.25				
Power Equipment Operators:					
All Purpose Spreader	3.80				
Asphalt Distributor	3.80				
Asphalt Distributor Helper	3.25				
Asphalt Hesterman	3.50				
Asphalt Paving Machine	4.45				
Asphalt Paving Machine Screedman	3.60				
Stationary Pl.(base or stabilization)	3.80				
Stationary Pl.(asphalt or concrete)	4.40				
Beginner Operator	3.80				
Bulldozer:					
Less than 115 Drawbar H.P.	4.25				
115 Drawbar H.P. and over	4.55				
Cement Handler	3.35				
Clamshell, Dragline, Backhoe, Crane, Pile Driver or Shovel	4.70				
Concrete Mixer	3.30				
Concrete Paver	4.15				
Slip Form Paver	4.55				
Concrete Finishing Machine and Spreader	4.50				
Conveyor	3.30				
Crusher (incl. those with integral screening plant)	4.35				
Dredge Pump Under 10"	3.65				
Dredge Pump 10" and over	4.15				
Fireman (boiler)	3.50				
Front End Loader:					
3½ cu. yds. or less	4.10				
Over 3½ cu. yds.	4.30				
Mechanic	4.70				
Mechanic Helper	4.00				
Motor Grader	4.55				
Oiler or Greaser	3.80				
Roller, Self-Propelled (hot mix)	4.10				
Roller or Compactor, Self-Propelled (other)	4.00				

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2-NEB-2-3F

Statewide (except Cass, Douglas, Sarpy, Washington, and that portion of Saunders County, East of Highway 109)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Power Equipment Operators (Cont'd)					
Scraper Under 16 cu. yds.	$4.30				
Scraper 16 cu. yds. and over	4.55				
Power Grade Machine (trimmer)	4.50				
Tractor:					
Farm Type (towing)	3.50				
Farm Type (with attachments)	3.80				
Less than 115 Drawbar H.P.	4.25				
115 Drawbar H.P. and over	4.35				
Traveling Plant (stabilization)	4.30				
Traveling Plant Helper (stabilization)	3.65				
Trenching Machine	3.85				
Truck Driver:					
Single Axle	3.20				
Tandem Axle	3.45				
Semi-Trailer	3.75				
Transit Mix	3.75				
Lowboy	3.75				
Welder	4.50				

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Cass, Washington, and that portion of Saunders County, East of Highway 109	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
CARPENTERS:						
Carpenters	7.01	.25	.25	.20	.02	
Piledrivermen	7.135	.25	.25	.20	.02	
CEMENT FINISHER	7.03	.25	.25			
IRONWORKERS: Reinforcing and Structural	6.78	.20	.20			
LABORERS:						
Common Laborer	5.25	.25	.25	.10	.03	
Towboat & Dredge Deckhands	5.35	.25	.25	.10	.03	
Form Setter Helpers	5.45	.25	.25	.10	.03	
Rakers & Screedmen on Asphalt Work; Mortar Mixers; Chain Saw Operator	5.43	.25	.25	.10	.03	
Pipelayers; Concrete Saw Operator	5.50	.25	.25	.10	.03	
Form Setters & Precast Manhole Setters Inlet Builders & Manhole Setters	5.88	.25	.25	.10	.03	
POWER EQUIPMENT OPERATORS:						
Oiler; Greaser; Mechanic's Helper; Spread Oiler (less than one year's experience)	5.18	.25	.20			
Oiler Driver	5.23	.25	.20			
Tractor under 35 HP; Welding Machine; Spray Machine; Form Trencher; Belt Machine; Air Compressors; Pumps	5.88	.25	.20			
Spread Oiler (after one year's experience in classification)	5.88	.25	.20			
Concrete Mixer; Concrete Pump; Hydro-Hammer	5.78	.25	.20			
Concrete Spreader; Concrete Finishing Machine; Bulldozer; Traxcavator; Roller; Fork Lift; Winch Truck; One Drum Hoist; Oil Distributor; Asphalt Roller	6.08	.25	.20			
Blade (Patrol); Scraper over 35 HP; Tournapull over 35 HP; DW-21 over 35 HP; DW-10	6.23	.25	.20			
Two Drum Hoist; Trenching Machine; Paving Mixer; Pile Driver; Heavy Duty Mechanic & Welder; Shovel; Dragline; Clamshell; Orange Peel; Backhoe; Derrick; Crane; Locomotive; Fireman (on boilers); Laydown Machine; Two-Drum Winch Truck; Side Boom Cat; Pug Mill Operator on Asphalt Plat; Leverman on Dredge; Tugboat Operator; Gradall Operator; Rotary Well Drilling Operator; Hydrocrane Operator; Cleveland-type back Filler Operator; Self-propelled Spreader Vibrator Operator; Slip Form Power Operator; Engineer on Dredge	6.38	.25	.20			

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Cass, Washington, and that portion of Saunders County, East of Highway 109	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
TRUCK DRIVERS:						
Single Axle Trucks	$5.96	.25	.25			
Tandem Axle Trucks; Power Lift Form Trucks; Euclid Trucks & Spreader Trucks	6.02	.25	.25			
Lowboys & Tractor-Trailers	6.15	.25	.25			
Lumber Carrier	6.32	.25	.25			

SUPERSEDEAS DECISION

STATE: Texas
DECISION NO.: AQ-117
Supersedes Decision No. AM-11,423, dated June 9, 1972, in 37 FR 11617.
DESCRIPTION OF WORK: Residential construction consisting of single family homes and Garden type apartments up to and including 4 stories.

COUNTY: Tarrant
DATE: Date of Publication

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Apr. Tr.
AIR CONDITIONING & HEATING MECHANIC	$4.68				
BRICKLAYERS	6.00				
CARPENTERS	4.50				
CEMENT MASONS	4.50				
ELECTRICIANS	4.50				
INSWORKERS, REINFORCING	3.00				
LABORERS:					
Laborers	2.50				
Mason tenders	4.13				
Plasterers' tenders	5.30				
LATHERS	8.06	.25			.04
PAINTERS, BRUSH	4.68				
PLASTERERS	8.335				.01
PLUMBERS & PIPEFITTERS	4.75				
ROOFERS	3.50				
SHEET METAL WORKERS	3.00				
SOFT FLOOR LAYERS	4.50				
TILE SETTERS	5.00				
TILE SETTERS' HELPERS	3.50				
TRUCK DRIVERS	2.50				
POWER EQUIPMENT OPERATORS:					
Backhoes	3.50				
Fork lifts	3.50				
Loaders	3.66				
Motor Graders	3.60				

STATE: Texas
DECISION NO.: AQ-118
Supersedes Decision No. AQ-100, dated April 5, 1974, in 39 FR 12663.
DESCRIPTION OF WORK: See Area Covered by Various Zones.

SUPERSEDEAS DECISION

COUNTY: Scurrelle (excluding Dallas-Fort Worth National Airport)
DATE: Date of Publication

	ZONE 1	ZONE 2	ZONE 3	ZONE 4	ZONE 5
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Air Tool Man	$ -	$2.60	$2.50	$2.75	$2.25
Asphalt Raketeman	3.35	2.75	2.95	2.50	2.75
Asphalt Raker	3.70	3.10	3.25	2.60	2.75
Asphalt Shoveler	-	2.25	2.50	2.25	-
Batching Plant Scaleman	4.00	2.95	3.35	3.35	3.25
Batchboard Setter	-	-	-	-	3.50
Carpenter	3.95	3.25	3.50	3.65	3.45
Carpenter Helper	3.75	2.85	2.90	2.10	2.50
Concrete Finisher (Paving)	4.25	-	3.50	3.55	3.75
Concrete Finisher Helper (Paving)	3.45	-	-	3.15	2.75
Concrete Finisher (Structures)	4.30	3.50	3.50	2.95	3.00
Concrete Finisher Helper (Structures)	-	3.25	3.00	2.50	2.70
Concrete Rubber	-	-	-	3.00	2.50
Electrician	6.35	6.15	-	5.25	6.35
Electrician Helper	-	3.20	-	3.50	-
Fireman	-	-	-	-	2.85
Flagman	-	-	-	-	-
Form Builder (Structures)	4.45	3.25	3.60	2.90	3.75
Form Builder Helper (Structures)	3.45	2.80	2.90	2.25	2.80
Form Liner (Paving and Curb)	3.85	-	-	-	-
Form Setter (Paving and Curb)	3.80	-	2.75	2.50	-
Form Setter Helper (Paving and Curb)	-	-	2.75	2.50	-
Form Setter (Structures)	4.55	3.50	3.60	3.00	3.00
Form Setter Helper (Structures)	3.50	2.65	2.75	2.50	2.75
Laborer, Common	2.50	2.25	2.00	2.00	2.00
Laborer, Utility Man	2.95	2.50	2.75	2.15	2.50
Manhole Builder, Brick	3.25	-	-	2.75	2.75
Mechanic	3.75	3.75	3.25	3.35	3.55
Mechanic Helper	3.60	3.00	3.00	2.40	2.75
Oiler	3.55	3.00	2.75	2.00	2.60
Safetyman	3.45	3.00	3.00	2.90	2.70
Painter (Structures)	-	-	-	3.00	-
Painter Helper (Structures)	-	-	-	-	-
Pipelayer	2.80	-	2.95	2.85	2.75
Pipelayer Helper	-	-	-	2.00	2.35
Powderman	3.75	4.00	3.50	3.25	3.00
Powderman Helper	-	-	2.50	3.00	2.50

	ZONE 1	ZONE 2	ZONE 3	ZONE 4	ZONE 5
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Reinforcing Steel Setter (Paving)	$ -	$ -	$ -	$ -	$ -
Reinforcing Steel Setter (Structures)	4.00	3.80	3.65	2.60	3.25
Reinforcing Steel Setter Helper	-	-	-	-	3.25
Steel Worker (Structural)	-	-	-	-	2.75
Steel Worker Helper (Structural)	3.60	3.25	-	-	-
High Reactor	2.90	-	-	-	-
High Reactor Helper	3.55	3.00	2.60	-	2.75
Spreader Box Man	2.60	2.60	-	2.00	-
Swamper					
Power Equipment Operators:					
Asphalt Distributor	3.80	3.10	2.75	3.00	3.00
Asphalt Paving Machine	4.20	3.25	3.25	3.00	3.15
Broom or Sweeper Operator	-	2.50	2.50	-	2.40
Bulldozer, 150 HP and Less	3.75	3.00	3.00	3.00	3.25
Bulldozer, over 150 HP	3.95	3.50	3.50	3.25	3.50
Concrete Paving Cutting Machine	-	-	-	-	-
Concrete Paving Finishing Machine	3.10	-	-	3.75	-
Concrete Paving Form Grader	-	-	-	-	-
Concrete Paving Gang Vibrator	-	-	-	-	-
Concrete Paving Mixer	-	-	-	-	-
Concrete Paving Saw	-	-	-	-	-
Concrete Paving Spreader	-	-	-	-	-
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ CY)	4.00	3.50	3.50	3.30	3.25
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY & Over)	4.55	4.00	4.00	3.75	3.85
Crusher or Screening Plant Operator	3.75	3.40	3.05	3.00	3.15
Form Loader	-	-	-	-	-
Foundation Drill Operator (Crawler Mounted)	-	-	-	-	4.00
Foundation Drill Operator (Truck Mounted)	-	4.75	4.05	-	4.25
Foundation Drill Operator Helper	-	3.25	3.20	-	3.10
Front End Loader (2½ CY and Less)	3.55	3.00	3.00	3.00	3.00
Front End Loader (Over 2½ CY)	4.05	3.50	3.25	3.40	3.25
Mixer (Over 16 CP)	-	-	-	-	-
Mixer (16 CP and Less)	-	-	-	-	-
Motor Grader Operator, Fine Grade	4.55	4.10	3.75	3.75	4.00
Motor Grader Operator	4.20	3.65	3.50	3.50	3.50
Roller, Steel Wheel (Plant-Mix Pavements)	3.40	2.73	3.00	2.75	2.35
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	3.00	2.85	2.50	2.25	2.50

	ZONE 1 Basic Hourly Rates	ZONE 2 Basic Hourly Rates	ZONE 3 Basic Hourly Rates	ZONE 4 Basic Hourly Rates	ZONE 5 Basic Hourly Rates
Power Equipment Operators (Cont'd):					
Roller, Pneumatic (Self-Propelled)	$2.95	$2.65	$2.50	$2.25	$2.50
Scrapers (17 CY and Less)	3.40	3.00	3.00	3.00	3.00
Scrapers (Over 17 CY)	3.95	3.50	3.25	3.25	3.25
Side Boom	-	-	-	3.10	-
Tractor (Crawler Type) 150 HP and Less	2.90	2.75	2.75	-	2.50
Tractor (Crawler Type) over 150 HP	3.50	3.40	3.50	2.75	2.90
Tractor (Pneumatic) 80 HP and Less	2.85	2.65	2.50	2.25	2.25
Tractor (Pneumatic) over 80 HP	3.00	3.00	3.00	2.50	2.50
Traveling Mixer	3.70	3.80	2.30	-	-
Trenching Machine, Light	-	-	-	-	3.25
Trenching Machine, Heavy	-	-	-	-	-
Wagon Drill, Boring Machine or Post Hole Driller Operator	3.15	3.35	3.00	3.00	2.75
Truck Drivers:					
Single Axle, Light	2.85	2.50	2.50	2.25	2.25
Single Axle, Heavy	3.00	2.75	2.50	2.50	2.50
Tandem Axle or Semitrailer	2.50	2.25	2.50	2.25	2.50
Lowboy-Float	-	-	3.00	3.00	-
Transit-Mix	-	-	2.50	2.50	-
Winch	-	2.50	-	-	-
Vibrator Man (Hand Type)	-	-	-	-	-
Weighman (Truck Scales)	2.65	2.30	2.25	3.20	-
Welder	4.35	3.80	3.40	3.35	4.00
Welder Helper	-	-	-	2.50	3.00

	ZONE 6 Basic Hourly Rates	ZONE 7 Basic Hourly Rates	ZONE 8 Basic Hourly Rates	ZONE 9 Basic Hourly Rates	ZONE 10 Basic Hourly Rates
Air Tool Man	$ -	$2.50	$2.70	$2.80	$ -
Asphalt Hesterman	3.00	2.85	2.60	2.75	-
Asphalt Raker	2.80	3.00	3.00	3.20	3.60
Asphalt Shoveler	-	2.50	-	-	2.65
Batching Plant Scaleman	-	3.33	3.33	-	3.75
Batterboard Setter	-	7.20	-	-	-
Carpenter	2.75	3.50	3.50	3.55	4.00
Carpenter Helper	2.25	2.50	2.35	2.60	2.75

	ZONE 6 Basic Hourly Rates	ZONE 7 Basic Hourly Rates	ZONE 8 Basic Hourly Rates	ZONE 9 Basic Hourly Rates	ZONE 10 Basic Hourly Rates
Concrete Finisher (Paving)	$2.55	$4.15	$4.00	$3.85	$4.00
Concrete Finisher Helper (Paving)	-	-	-	2.90	3.25
Concrete Finisher (Structures)	3.10	3.30	3.50	3.60	4.00
Concrete Finisher Helper (Structures)	2.25	2.75	2.50	2.50	2.75
Concrete Rubber	-	-	2.75	3.10	2.90
Electrician	6.15	6.35	6.35	5.00	6.35
Electrician Helper	3.25	-	-	-	5.00
Fireman	-	-	-	-	-
Flagman	-	-	3.00	-	-
Form Builder (Structures)	3.50	3.50	3.50	3.85	3.75
Form Builder Helper (Structures)	2.30	2.75	2.50	3.00	2.50
Form Liner (Paving and Curb)	3.00	3.70	-	-	4.15
Form Setter (Paving and Curb)	3.25	2.80	-	3.20	3.75
Form Setter Helper (Paving and Curb)	2.75	2.25	-	-	3.00
Form Setter (Structures)	3.50	3.40	3.35	3.50	3.70
Form Setter Helper (Structures)	2.75	2.50	2.75	2.50	3.00
Laborer, Common	2.10	2.00	2.00	2.25	2.50
Laborer, Utility Man	2.65	2.65	2.25	2.50	2.60
Manhole Builder, Brick	3.00	-	-	-	-
Mechanic	3.55	3.75	3.50	4.00	3.90
Mechanic Helper	3.00	3.10	2.50	3.00	3.50
Oiler	2.50	2.50	2.50	3.25	3.15
Serviceman	-	-	3.00	3.25	-
Painter (Structures)	-	-	5.00	-	-
Painter Helper (Structures)	-	-	-	-	-
Piledriverman	3.60	-	-	-	-
Pipelayer	2.50	2.40	2.90	3.25	3.75
Pipelayer Helper	-	-	2.30	2.50	-
Powderman	-	-	3.10	3.25	3.80
Powderman Helper	-	-	-	-	-
Reinforcing Steel Setter (Paving)	-	3.15	-	3.75	2.50
Reinforcing Steel Setter (Structures)	3.00	3.30	3.50	3.65	4.00
Reinforcing Steel Setter Helper	2.50	2.75	2.75	2.50	2.50
Steel Worker (Structural)	-	-	-	3.75	-
Steel Worker Helper (Structural)	-	-	-	2.75	-
Sign Erector	-	-	-	3.00	3.50
Sign Erector Helper	-	-	-	2.75	2.75
Spreader Box Man	3.00	2.75	3.00	3.25	3.25
Swamper	-	-	-	-	-
Power Equipment Operators:					
Asphalt Distributor	3.00	3.00	3.10	3.50	3.50
Asphalt Paving Machine	3.50	3.50	3.25	-	3.55
Broom or Sweeper Operator	-	-	-	-	-

	ZONE 6 Basic Hourly Rates	ZONE 7 Basic Hourly Rates	ZONE 8 Basic Hourly Rates	ZONE 9 Basic Hourly Rates	ZONE 10 Basic Hourly Rates
Power Equipment Operators (Cont'd):					
Bulldozer, 150 HP and Less	$3.00	$3.00	$3.00	$3.50	$3.50
Bulldozer, over 150 HP	3.25	3.50	3.25	3.70	3.75
Concrete Paving Curing Machine	-	-	-	-	4.00
Concrete Paving Finishing Machine	-	-	-	-	4.00
Concrete Paving Form Grader	-	-	-	-	-
Concrete Paving Gang Vibrator	-	-	-	-	4.15
Concrete Paving Mixer	-	-	-	-	4.50
Concrete Paving Saw	-	2.50	2.75	2.75	-
Concrete Paving Spreader	-	3.95	-	-	4.15
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (Less than 1½ CY)	3.00	3.00	3.50	3.50	3.75
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY & Over)	3.75	4.00	4.00	4.10	4.00
Crusher or Screening Plant Operator	-	-	3.00	3.50	-
Form Loader	-	-	-	-	3.75
Foundation Drill Operator (Crawler Mounted)	-	-	3.50	-	-
Foundation Drill Operator (Truck Mounted)	-	3.25	4.75	3.75	4.35
Foundation Drill Operator Helper	-	-	-	-	-
Front End Loader (2½ CY and Less)	3.00	2.80	3.00	3.25	3.25
Front End Loader (Over 2½ CY)	3.50	3.50	3.45	3.50	3.75
Mixer (Over 16 CF)	-	-	-	-	-
Mixer (16 CF and Less)	-	-	-	-	-
Motor Grader Operator, Fine Grade	3.75	4.00	4.00	4.00	4.00
Motor Grader Operator	3.00	3.50	3.50	3.75	3.75
Roller, Steel Wheel (Plant-Mix Pavements)	2.50	3.00	2.70	2.90	3.60
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	2.55	2.45	2.50	2.50	3.20
Roller, Pneumatic (Self-Propelled)	2.40	2.35	2.50	2.50	2.70
Scrapers (17 CY and Less)	3.00	2.90	3.00	3.25	3.50
Scrapers (Over 17 CY)	3.25	3.25	3.50	3.50	3.75
Side Boom	-	-	-	4.00	-
Tractor (Crawler Type) 150 HP and Less)	2.60	2.50	2.50	3.00	3.25
Tractor (Crawler Type) over 150 HP	2.75	2.85	3.00	3.25	3.50
Tractor (Pneumatic) 80 HP and Less	-	2.25	2.25	2.60	-
Tractor (Pneumatic) over 80 HP	2.85	2.50	2.75	3.10	3.50
Traveling Mixer	3.00	2.45	2.75	-	3.35
Trenching Machine, Light	3.90	-	3.25	3.10	-
Trenching Machine, Heavy	-	-	-	-	-

	ZONE 6 Basic Hourly Rates	ZONE 7 Basic Hourly Rates	ZONE 8 Basic Hourly Rates	ZONE 9 Basic Hourly Rates	ZONE 10 Basic Hourly Rates
Power Equipment Operators (Cont'd):					
Wagon Drill, Boring Machine or Post Hole Driller Operator	$ -	$ -	$3.00	$3.00	$3.20
Truck Drivers:					
Single Axle, Light	2.15	2.20	2.00	2.50	2.75
Single Axle, Heavy	2.00	2.45	2.50	2.50	2.75
Tandem Axle or Semitrailer	2.00	2.50	2.50	2.50	3.00
Lowboy-Float	-	-	-	-	-
Transit-Mix	-	-	-	-	-
Winch	-	3.25	-	-	3.25
Vibrator Man (Hand Type)	-	-	-	-	-
Weighman (Truck Scales)	2.05	-	2.00	2.25	-
Welder	3.50	-	4.25	3.50	-
Welder Helper	-	-	-	-	-

	ZONE 11 Basic Hourly Rates	ZONE 12 Basic Hourly Rates	ZONE 13 Basic Hourly Rates	ZONE 14 Basic Hourly Rates	ZONE 15 Basic Hourly Rates
Air Tool Man	$2.75	$2.85	$ -	$ -	$ -
Asphalt Hesterman	-	2.75	3.10	3.00	-
Asphalt Raker	3.45	3.40	3.25	3.00	3.00
Asphalt Shoveler	-	2.40	2.75	-	-
Batching Plant Scaleman	3.25	2.70	2.35	2.65	3.50
Batterboard Setter	3.25	3.10	3.10	-	3.25
Carpenter	4.00	3.50	3.50	3.65	4.00
Carpenter Helper	3.00	3.25	2.25	2.95	3.25
Concrete Finisher (Paving)	4.00	4.00	-	-	4.25
Concrete Finisher Helper (Paving)	3.25	3.25	-	-	3.00
Concrete Finisher (Structures)	4.00	3.50	3.55	3.55	4.00
Concrete Finisher Helper (Structures)	3.00	3.00	2.75	2.75	3.00
Concrete Rubber	-	-	-	-	3.50
Electrician	5.80	5.75	5.25	-	6.35
Electrician Helper	-	-	-	-	-
Fireman	-	-	-	3.00	-
Flagman	-	-	-	-	-
Form Builder (Structures)	4.00	3.50	3.50	4.00	3.75
Form Builder Helper (Structures)	3.25	-	2.25	2.75	2.75
Form Liner (Paving and Curb)	4.00	4.00	-	3.55	4.25

	ZONE 11	ZONE 12	ZONE 13	ZONE 14	ZONE 15
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Form Setter (Paving and Curb)	$3.60	$3.75	$ -	$ -	$3.80
Form Setter (Structures)	3.00	-	-	-	3.00
Form Setter Helper (Paving and Curb)	3.50	3.75	3.60	3.35	4.00
Form Setter (Structures)	3.00	3.25	2.25	2.85	3.00
Laborer, Common	2.25	2.35	2.25	2.80	2.75
Laborer, Utility Man	2.50	2.85	2.50	2.80	2.75
Manhole Builder, Brick	-	-	-	-	3.90
Mechanic	3.90	3.75	4.00	3.50	4.30
Mechanic Helper	3.00	2.90	3.00	2.50	3.75
Oiler	3.00	2.75	2.90	2.80	3.25
Serviceman	3.50	2.75	-	-	4.65
Painter (Structures)	3.75	-	-	-	3.00
Painter Helper (Structures)	-	-	-	-	4.68
Pipelayer (Structures)	3.40	3.00	-	-	3.60
Pipelayer	-	2.50	-	-	2.75
Pipelayer Helper	3.85	-	-	-	-
Powderman	-	-	-	-	-
Powderman Helper	-	-	-	-	3.40
Reinforcing Steel Setter (Paving)	2.90	3.25	-	-	-
Reinforcing Steel Setter (Structures)	2.75	3.00	3.50	-	3.75
Reinforcing Steel Setter Helper	2.90	-	2.25	-	2.60
Steel Worker (Structural)	-	-	4.10	-	4.00
Steel Worker Helper (Structural)	3.25	-	-	-	-
Sign Erector	-	-	-	-	-
Sign Erector Helper	-	-	-	-	-
Sprayer	-	-	-	-	-
Sweeper	-	-	-	-	-
Power Equipment Operators:					
Asphalt Distributor	3.25	3.00	3.25	2.75	3.25
Asphalt Paving Machine	3.55	3.45	3.50	3.00	4.00
Broom or Sweeper Operator	-	-	2.50	2.35	3.10
Bulldozer, 150 HP and Less	3.25	-	3.50	3.00	3.75
Bulldozer, over 150 HP	4.00	3.50	3.75	3.50	4.00
Concrete Paving Cutting Machine	-	-	-	-	3.50
Concrete Paving Finishing Machine	3.50	4.00	-	-	3.25
Concrete Paving Form Grader	-	-	-	-	3.00
Concrete Paving Gang Vibrator	-	-	-	-	4.25
Concrete Paving Mixer	3.00	3.50	-	-	-
Concrete Paving Saw	3.90	4.00	-	-	3.25
Concrete Paving Spreader	-	-	-	-	3.15
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (Less than 1½ CY)	3.50	3.50	3.75	3.50	3.75

	ZONE 11	ZONE 12	ZONE 13	ZONE 14	ZONE 15
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Power Equipment Operators (Cont'd):					
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY and over)	94.00	94.00	94.00	94.00	94.50
Crusher or Screening Plant Operator	3.25	-	-	-	3.50
Form Loader	-	-	-	-	-
Foundation Drill Operator (Crawler Mounted)	-	-	-	-	4.00
Foundation Drill Operator (Truck Mounted)	4.50	4.50	4.25	5.00	-
Foundation Drill Operator Helper	3.50	3.20	3.00	3.75	-
Front End Loader (2½ CY and Less)	3.25	3.00	3.00	3.50	3.50
Front End Loader (Over 2½ CY)	3.75	3.50	3.70	3.50	4.00
Hitzer (Over 16 CF)	3.75	-	-	-	-
Hitzer (16 CF and Less)	-	-	-	-	2.60
Motor Grader Operator, Fine Grade	4.00	4.00	4.00	4.00	4.25
Motor Grader Operator	3.75	3.50	3.75	3.50	3.75
Roller, Steel Wheel (Plant-Mix Pavements)	3.25	3.25	3.00	3.00	3.50
Roller, Steel Wheel (Other-Plat Wheel or Tamping)	2.80	2.50	2.80	2.50	3.50
Roller, Pneumatic (Self-Propelled)	3.00	2.50	2.75	2.50	3.00
Scrapers (17 CY and Less)	3.50	3.25	3.00	3.00	3.25
Scrapers (Over 17 CY)	3.70	3.50	3.50	3.50	3.75
Slide Boom	-	-	-	-	3.75
Tractor (Crawler Type) 150 HP and Less	3.15	3.00	2.95	-	3.00
Tractor (Crawler Type) over 150 HP	3.90	3.25	4.00	3.50	3.50
Tractor (Pneumatic) 80 HP and Less	2.75	2.60	2.75	2.50	2.95
Tractor (Pneumatic) over 80 HP	3.00	3.00	3.50	2.85	3.00
Trenching Machine, Light	3.50	3.00	3.00	2.50	2.75
Trenching Machine, Heavy	3.90	-	-	-	4.50
Wagon Drill, Boring Machine or Poor Hole Driller Operator	4.00	-	-	-	4.50
Truck Drivers:	3.35	-	-	3.25	-
Single Axle, Light	2.95	2.50	2.25	2.30	2.50
Single Axle, Heavy	3.00	2.50	2.50	2.35	2.75
Tandem Axle or Semitrailer	3.00	3.00	2.65	2.65	2.75
Cowboy-Float	-	-	4.10	2.35	3.75
Transit-Mix	-	-	-	-	3.15
Winch	-	-	-	-	-
Vibrator Man (Hand Type)	-	-	2.25	-	-
Weighman (Truck Scales)	-	2.65	-	-	-

	ZONE 11	ZONE 12	ZONE 13	ZONE 14	ZONE 15
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Painter Helper (Structures)	$ -	$ -	$ -	$ -	$3.30
Piledriverman	3.50	-	-	-	-
Pipelayer	3.50	-	-	-	-
Pipelayer Helper	-	-	-	-	-
Powderman	-	-	-	-	-
Powderman Helper	-	-	-	-	-
Reinforcing Steel Setter (Paving)	-	-	-	-	-
Reinforcing Steel Setter (Structures)	4.00	-	-	-	-
Reinforcing Steel Setter Helper	-	-	-	-	-
Steel Worker Helper (Structural)	-	-	-	-	-
Sign Erector	-	-	-	-	-
Sign Erector Helper	-	-	-	-	-
Sprayer	3.25	-	-	-	-
Sweeper	-	-	-	-	-
Power Equipment Operators:					
Asphalt Distributor	3.50	-	-	-	-
Asphalt Paving Machine	4.00	-	-	-	-
Broom or Sweeper Operator	2.75	-	-	-	-
Bulldozer, 150 HP and Less	3.85	-	-	-	-
Bulldozer, over 150 HP	4.25	-	-	-	-
Concrete Paving Cutting Machine	-	-	-	-	-
Concrete Paving Finishing Machine	-	-	-	-	-
Concrete Paving Form Grader	-	-	-	-	-
Concrete Paving Gang Vibrator	-	-	-	-	-
Concrete Paving Mixer	-	-	-	-	-
Concrete Paving Spreader	-	-	-	-	-
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY and Over)	4.50	-	-	-	-
Crusher or Screening Plant Operator	-	-	-	-	-
Form Loader	-	-	-	-	-
Foundation Drill Operator (Crawler Mounted)	-	-	-	-	-
Foundation Drill Operator (Truck Mounted)	-	-	-	-	-
Foundation Drill Operator Helper	3.40	-	-	-	-
Front End Loader (2½ CY and Less)	4.00	-	-	-	-
Front End Loader (Over 2½ CY)	-	-	-	-	-
Hitzer (Over 16 CF)	-	-	-	-	-
Hitzer (16 CF and Less)	-	-	-	-	-

	ZONE 16				
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Power Equipment Operators (Cont'd):					
Motor Grader Operator, Fine Grade	$4.75				
Motor Grader Operator	4.00				
Roller, Steel Wheel (Plant-Mix Pavements)	3.70				
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	4.00				
Roller, Pneumatic (Self-Propelled)	3.25				
Scrapers (17 CY and Less)	3.25				
Scrapers (Over 17 CY)	3.75				
Side Boom	-				
Tractor (Crawler Type) 150 HP and Less	3.50				
Tractor (Crawler Type) over 150 HP	-				
Tractor (Pneumatic) 80 HP and Less	3.00				
Tractor (Pneumatic) over 80 HP	-				
Traveling Mixer	-				
Trenching Machine, Light	-				
Trenching Machine, Heavy	-				
Wagon Drill, Boring Machine or Post Hole Driller Operator	-				
Truck Drivers:					
Single Axle, Light	2.75				
Single Axle, Heavy	-				
Tandem Axle or Semitrailer	2.50				
Lowboy-Float	4.25				
Transit-Mix	-				
Winch	-				
Vibrator Man (Hand Type)	-				
Weighman (Truck Scales)	-				
Welder	4.00				
Welder Helper	-				

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AREA COVERED BY VARIOUS ZONES

ZONE 1 - Archer, Armstrong, Baylor, Briscoe, Carmon, Castro, Childress, Clay, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hall, Hansford, Hardeman, Hartley, Hemphill, Hutchinson, Lipscomb, Montague, Moore, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, Swisher, Wheeler, Wichita & Wilbarger Counties

DESCRIPTION OF WORK: Streets, Highways, Runways, Water & Sewer Lines, Floodwater Retarding Structures and Paving & Utilities Incidental to General Building Construction. This wage determination does not apply to any residential construction (single family homes and garden type apartments up to and including 4 stories).

ZONE 2 - Bailey, Borden, Cochran, Cottle, Crosby, Dawson, Dickens, Fisher, Floyd, Foard, Gaines, Garza, Hale, Haskell, Hockley, Jones, Kent, King, Knox, Lamb, Lubbock, Lynn, Motley, Scurry, Shackelford, Stephens, Stonewall, Terry, Throckmorton, Yoakum & Young Counties

DESCRIPTION OF WORK: Streets, Highways, Runways, Water & Sewer Lines, Floodwater Retarding Structures and Paving & Utilities Incidental to General Building Construction. This wage determination does not apply to any residential construction (single family homes and garden type apartments up to and including 4 stories).

ZONE 3 - Andrews, Brown, Callahan, Coke, Coleman, Comanche, Concho, Crane, Crockett, Eastland, Ector, Erath, Glasscock, Howard, Irion, Kimble, Loving, Martin, McCulloch, Menard, Midland, Mills, Mitchell, Nolan, Reagan, Runnels, San Saba, Schleicher, Sterling, Sutton, Taylor, Tom Green, Upton, Ward & Winkler Counties

DESCRIPTION OF WORK: Streets, Highways, Runways, Water & Sewer Lines, Floodwater Retarding Structures, and Paving & Utilities Incidental to General Building Construction. This wage determination does not apply to any residential construction (single family homes and garden type apartments up to and including 4 stories).

ZONE 4 - Brewster, Culberson, El Paso, Hudspeth, Jeff Davis, Pecos, Presidio, Reeves & Terrell Counties

DESCRIPTION OF WORK: Streets, Highways, Runways, Water & Sewer Lines, Paving Incidental to General Building Construction and Utilities Incidental to General Building Construction (excluding El Paso County)*. This wage determination does not apply to any residential construction (single family homes and garden type apartments up to and including 4 stories).

*El Paso County for the exclusion of Utilities Incidental to General Building Construction only

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ZONE 5 - Atascosa, Bandera, Bexar, Comal, Dimmit, Edwards, Frio, Guadalupe, Kendall, Kerr, Kinney, LaSalle, Maverick, McMullen, Medina, Real, Uvalde, Val Verde, Wilson & Zavala Counties

DESCRIPTION OF WORK: Streets, Highways, Runways, Water & Sewer Lines, Floodwater Retarding Structures and Paving & Utilities Incidental to General Building Construction. This wage determination does not apply to any residential construction (single family homes and garden type apartments up to and including 4 stories).

ZONE 6 - Brooks, Cameron, Duval, Hidalgo, Jim Hogg, Kenedy, Starr, Webb, Willacy & Zapata Counties

DESCRIPTION OF WORK: Streets, Highways, Runways, Water & Sewer Lines, Floodwater Retarding Structures, Incidental Shore Work and Paving & Utilities Incidental to General Building Construction. This wage determination does not apply to any residential construction (single family homes and garden type apartments up to and including 4 stories).

ZONE 7 - Aransas, Bee, Calhoun, DeWitt, Goliad, Jackson, Jim Wells, Karnes, Kleberg, Lavaca, Live Oak, Nueces, Refugio, San Patricio & Victoria Counties

DESCRIPTION OF WORK: Streets, Highways, Runways, Water & Sewer Lines, Floodwater Retarding Structures, Incidental Shore Work and Paving & Utilities Incidental to General Building Construction. This wage determination does not apply to any residential construction (single family homes and garden type apartments up to and including 4 stories).

ZONE 8 - Austin, Bastrop, Blanco, Burnet, Caldwell, Colorado, Fayette, Gillespie, Gonzales, Hays, Lee, Llano, Mason, Travis & Williamson Counties

DESCRIPTION OF WORK: Streets, Highways, Runways, Water & Sewer Lines, Floodwater Retarding Structures and Paving & Utilities Incidental to General Building Construction. This wage determination does not apply to any residential construction (single family homes and garden type apartments up to and including 4 stories).

ZONE 9 - Bell, Bosque, Coryell, Falls, Freestone, Hamilton, Hill, Lampasas, Limestone, McLennan & Navarro Counties

DESCRIPTION OF WORK: Streets, Highways, Runways, Water & Sewer Lines, Floodwater Retarding Structures and Paving & Utilities Incidental to General Building Construction (excluding Bell & Coryell Counties)*. This wage determination does not apply to any residential construction (single family homes and garden type apartments up to and including 4 stories).

*Bell & Coryell Counties for the exclusion of Paving & Utilities Incidental to General Building Construction only

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ZONE 10 - Cooke, Denton, Hood, Jack, Johnson, Palo Pinto, Parker, Somervell, Tarrant & Wise Counties

DESCRIPTION OF WORK: Streets, Highways, Runways, Water & Sewer Lines (excluding work performed on the site of water or sewage treatment facilities), Floodwater Retarding Structures, Paving Incidental to General Building Construction and Utilities Incidental to General Building Construction (excluding Tarrant County)*. This wage determination does not apply to any residential construction (single family homes and garden type apartments up to and including 4 stories).

*Tarrant County for the exclusion of Utilities Incidental to General Building Construction only

ZONE 11 - Collin, Dallas, Ellis, Grayson & Rockwall Counties

DESCRIPTION OF WORK: Streets, Highways, Runways, Water & Sewer Lines (excluding work performed on the site of water or sewage treatment facilities), Floodwater Retarding Structures and Paving & Utilities Incidental to General Building Construction. This wage determination does not apply to any residential construction (single family homes and garden type apartments up to and including 4 stories).

ZONE 12 - Bowie, Camp, Cass, Delta, Fannin, Franklin, Gregg, Harrison, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Rains, Red River, Rusk, Smith, Titus, Upshur, Van Zandt & Wood Counties

DESCRIPTION OF WORK: Streets, Highways, Runways, Water & Sewer Lines, Floodwater Retarding Structures and Paving & Utilities Incidental to General Building Construction. This wage determination does not apply to any residential construction (single family homes and garden type apartments up to and including 4 stories).

ZONE 13 - Anderson, Angeline, Cherokee, Henderson, Houston, Jasper, Nacogdoches, Newton, Panola, Polk, Sabine, San Augustine, San Jacinto, Shelby, Trinity & Tyler Counties

DESCRIPTION OF WORK: Streets, Highways, Runways, Water & Sewer Lines, Floodwater Retarding Structures, Incidental Shore Work and Paving & Utilities Incidental to General Building Construction. This wage determination does not apply to any residential construction (single family homes and garden type apartments up to and including 4 stories).

ZONE 14 - Brazos, Burleson, Grimes, Leon, Madison, Milam, Robertson, Walker & Washington Counties

DESCRIPTION OF WORK: Streets, Highways, Runways, Water & Sewer Lines, Floodwater Retarding Structures and Paving & Utilities Incidental to General Building Construction. This wage determination does not apply to any residential construction (single family homes and garden type apartments up to and including 4 stories).

ZONE 15 - Brazoria, Fort Bend, Galveston, Harris, Matagorda, Montgomery, Waller & Wharton Counties

DESCRIPTION OF WORK: Streets, Highways, Runways, Water & Sewer Lines, Floodwater Retarding Structures, Incidental Shore Work and Paving & Utilities Incidental to General Building Construction (excluding Galveston Island)*. This wage determination does not apply to any residential construction (single family homes and garden type apartments up to and including 4 stories).

*Galveston Island for the exclusion of Paving & Utilities Incidental to General Building Construction

ZONE 16 - Chambers, Hardin, Jefferson, Liberty & Orange Counties

DESCRIPTION OF WORK: Streets, Highways, Runways, Water & Sewer Lines (excluding Jefferson & Orange Counties)*, Floodwater Retarding Structures (excluding Jefferson & Orange Counties)*, Incidental Shore Work (excluding Jefferson & Orange Counties)* and Paving & Utilities Incidental to General Building Construction (excluding Jefferson & Orange Counties)*. This wage determination does not apply to any residential construction (single family homes and garden type apartments up to and including 4 stories).

*Jefferson & Orange Counties for the exclusion of Water & Sewer Lines, Floodwater Retarding Structures, Incidental Shore Work and Paving & Utilities Incidental to General Building Construction only

[FR Doc.74-14038 Filed 6-20-74;8:45 am]

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(Revised as of April 1, 1974)

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rules and regulations

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The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 20—Employees' Benefits

CHAPTER III—SOCIAL SECURITY ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[Regulations No. 5, further amended]

PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED

Subpart D—Principles of Reimbursement for Provider Costs and for Services by Hospital-Based Physicians; Appeals by Providers

LIMITATIONS ON COVERAGE OF COSTS UNDER MEDICARE

Correction

In FR Doc. 74-12867 appearing at page 20164 in the issue for Thursday, June 6, 1974, in § 405.461(b)(3)(i) on page 20166, the word "Producer," should read "Provider's".

Title 7—Agriculture

CHAPTER XVII—RURAL ELECTRIFICATION ADMINISTRATION

PART 1701—PUBLIC INFORMATION

Appendix A—REA Bulletins

Part 1701, Title 7, is hereby amended to include revisions to the Appendix A listing and summary descriptions of REA Bulletins providing the program policies, procedures, and requirements of the Agency. In major part, they reflect revised REA Bulletins issued after prior publication in the FEDERAL REGISTER to secure public comment and participation under proposed rulemaking procedures. Where comments or suggestions were received on the revised REA Bulletins included in this update of Appendix A, they have been incorporated in the bulletins as issued, with two exceptions. The exceptions involved comments received on the proposed revision of REA Bulletin 20-21:320-21, National Environmental Policy Act. One commentor requested that REA be responsible for publishing environmental notices in local newspapers, and another requested that the newspaper or newspapers selected for publication of environmental notices should not simply be a newspaper of general circulation in the county or counties in which the construction is located and in which the applicant's headquarters is located, but should be published in the county or counties as well. After careful consideration of these requests, REA found it necessary to reaffirm: (1) That it is preferable to have the REA borrower, whose management is familiar with local conditions, responsible for publishing environmental notices in local newspapers rather than REA; and (2) that publishing the notices in a newspaper or newspapers of general circulation in the counties involved is adequate to ensure that the public is informed on the matter.

The following revised listings and summary descriptions of REA bulletins are replacements and deletions, as specified, of listings in Appendix A to Part 1701 (36 FR 19075).

APPENDIX A—REA BULLETINS

JOINT RURAL ELECTRIFICATION AND TELEPHONE PROGRAM BULLETINS

REA bulletin number and date of last issuance	*Description of content*
20-21:320-21; May 1974 (replacing June 1971).	Policy and procedure concerning the implementation of the National Environmental Policy Act as it relates to the REA program.

RURAL ELECTRIFICATION PROGRAM BULLETINS

40-7; October 1973 (replacing January 1962).	The National Electrical Safety Code and REA construction requirements with respect thereto.
61-3; June 1967 (deletion)----------	Remove from appendix A. April 1974 revision removed this bulletin from rulemaking category.
100-4; May 1974 (replacing April 1972).	The policy of REA with respect to corrective action to be taken by borrowers where problems may endanger the effective operation of their systems and the security of REA loans.
105-5; November 1972 (replacing July 1971).	Guidelines for the preparation of long-range financial forecasts by electric distribution borrowers.
120-1; March 1974 (replacing October 1970).	The policy and procedure of REA with respect to the development, approval, and use of power requirement studies.

RURAL TELEPHONE PROGRAM BULLETINS

345-13; April 1974 (replacing July 1971).	Specification of REA for telephone cable for aerial and underground duct applications.
345-23; October 1973 (replacing January 1967).	Specification of REA for building-out capacitors.
345-27; February 1974 (replacing February 1963).	Specification of REA for D-66/H88 junction impedance compensators.
345-55; December 1973 (replacing April 1969).	Specification of REA for central office loop extenders and loop extender voice frequency repeater combinations.
381-2; April 1974 (replacing October 1970).	Information regarding Telephone System Construction Contract (Labor and Materials) REA Form 511.
383-2; March 1968 (deletion)----------	Remove from appendix A. Bulletin canceled as obsolete.
384-3; October 1973 (replaces February 1967).	The procedure of REA for the use of central office equipment contracts and specifications for telephone borrowers.

Dated: June 17, 1974.

DAVID A. HAMIL,
Administrator.

[FR Doc.74-14343 Filed 6-21-74;8:45 am]

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Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 74-EA-38]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE AND REPORTING POINTS

Alteration of Control Zone and Transition Area

The Federal Aviation Administration is amending §§ 71.171 and 71.181 of Part 71 of the Federal Aviation regulations so as to alter the Calverton, N.Y., Control Zone (39 FR 365) and Transition Area (39 FR 463).

A review of the airspace requirements for the Peconic River Plant (Grumman) Airport, Calverton, N.Y., indicates that we will require minor alterations of the control zone and 700 foot floor transition area to provide controlled airspace for IFR departures and IFR arrivals in consonance with Terminal Instrument Procedures (TERPs). The rule will also change the name of the airport in the airspace description.

In view of the fact that the changes are of a minor and editorial nature, notice and public procedure hereon are unnecessary.

In view of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t. August 15, 1974, as follows:

1. Amend § 71.171 of Part 71, so as to delete the description of the Calverton, N.Y. Control Zone and by substituting the following in lieu thereof:

CALVERTON, N.Y.

Within a 5-mile radius of Peconic River Plant (Grumman) Airport, Calverton, N.Y. This control zone shall be effective from 0800 hours local time to sunset, Monday through Saturday.

2. Amend § 71.171 of Part 71, so as to alter the description of the Calverton, N.Y. 700 foot floor transition area by deleting, "8-mile radius of Peconic Airport" and by substituting therefor, "8.5 mile radius of Peconic River Plant (Grumman) Airport.".

(Sec. 307(a), Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Jamaica, N.Y., on June 3, 1974.

JAMES BISPO,
Deputy Director, Eastern Region.

[FR Doc.74-14369 Filed 6-21-74;8:45 am]

[Airspace Docket No. 74-SW-17]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation regulations is to alter the Stephenville, Tex., transition area.

On April 26, 1974, a notice of proposed rulemaking was published in the FEDERAL REGISTER (39 FR 14727) stating the Federal Aviation Administration proposed to alter the Stephenville, Tex., 700-foot transition area.

Interested persons were afforded an opportunity to participate in the rulemaking through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation regulations is amended, effective 0901 G.m.t., August 15, 1974, as hereinafter set forth.

In § 71.181 (39 FR 440), the Stephenville, Tex., transition area is amended to read:

STEPHENVILLE, TEX.

That airspace extending upward from 700 feet AGL within a 5-mile radius of Clark Field, Tex. (latitude 32°13'00" N., longitude 98°10'42" W.); within 3 miles each side of the Acton, Tex., VORTAC 244° radial extending from the 5-mole radius area to)37 ing from the 5-mile radius area to 27 miles from the VORTAC; and within 3 miles each side of the 139° bearing from the Stephenville, Tex., RBN (latitude 32°13'00" N., longitude 98°10'42" W.) extending from the 5-mile radius area to 8 miles southeast of the RBN.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Fort Worth, Tex., on June 4, 1974.

ALBERT H. THURBURN,
Acting Director, Southwest Region.

[FR Doc.74-14370 Filed 6-21-74;8:45 am]

[Airspace Docket No. 74-EA-39]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE AND REPORTING POINTS

Alteration of Transition Area

The Federal Aviation Administration is amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Red Hook, N.Y., Transition Area (39 FR 575).

The prescribed VOR Rwy 1 instrument approach procedure for Skypark Airport, Red Hook, N.Y., has been revised and requires alteration of the transition area.

Since the amended description encompasses a smaller transition area, the amendment is less restrictive and therefore notice and public procedure thereon are unnecessary.

In view of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective June 24, 1974.

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by deleting the description of the Red Hook, N.Y. transition area and by substituting the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within a 9-mile radius of the center 41°59'12" N., 73°50'12" W., of Skypark Airport, extending clockwise from a 012° bearing to a 130° bearing from the airport; within an 8-mile radius of the center of the airport, extending clockwise from a 130° bearing to a 168° bearing from the airport; within a 6.5-mile radius of the center of the airport, extending clockwise from a 168° bearing to a 232° bearing from the airport; within a 5-mile radius of the center of the airport, extending clockwise from a 232° bearing to a 309° bearing from the airport; within a 5.5-mile radius of the center of the airport, extending clockwise from a 309° bearing to a 012° bearing from the airport and within 3 miles each side of the Kingston, N.Y. VORTAC 358° radial, extending from the 8-mile radius area and 6.5-mile radius area to 10.5 miles north of the Kingston, N.Y. VORTAC.

(Sec. 307(a), Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Jamaica, N.Y., on June 4, 1974.

JAMES BISPO,
Deputy Director, Eastern Region.

[FR Doc.74-14368 Filed 6-21-74;8:45 am]

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER B—PROCEDURAL REGULATIONS

[Reg. PR-139, Amdt. 21]

PART 302—RULES OF PRACTICE IN ECONOMIC PROCEEDINGS

Provisions for Transcripts of Hearings

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., June 18, 1974.

By OR-84, issued contemporaneously herewith, the Board has adopted rules reflecting the changes in its arrangements with respect to transcripts of proceedings, in general. For the reasons there set forth, we are also amending the provisions in our Rules of Practice relating to transcripts of hearings, in particular.

Since this regulation is a rule of agency organization and practice, the Board finds that notice and public procedure hereon are unnecessary and that it may become effective immediately.

Accordingly, the Civil Aeronautics Board hereby amends Part 302 of its procedural regulations (14 CFR Part 302) effective June 18, 1974, as follows:

Amend § 302.24 to read as follows:

§ 302.24 Hearings.

* * * * *

(k) *Transcripts of hearings.* (1) Hearings shall be recorded and transcribed, under supervision of the administrative law judge, by the reporting firm with which the Board currently has a contract, pursuant to section 11 of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770, 5 U.S.C. App. I). Copies of the transcript shall be supplied to the parties to the proceeding by said reporting firm, at the contract price for copies.

(2) The administrative law judge shall determine whether "ordinary transcript" or "daily transcript" (as those terms are defined in the contract) will be necessary and required for the proper conduct of the proceeding and the Board will pay

the reporting firm the full cost of reporting its proceedings at the contract price for such type of transcript. If the administrative law judge has determined that ordinary transcript is adequate, and has notified the parties of such determination (in the notice of hearings, or otherwise), then any party may request reconsideration of such determination and that daily transcript be required. In determining what is necessary and required for the proper conduct of the proceeding, the administrative law judge shall consider, among other things: (i) The nature of the proceeding itself; (ii) the Board's needs as well as the reasonable needs of the parties; and (iii) the requirements of a fair hearing.

(3) If the administrative law judge has determined that ordinary transcript is adequate, or, upon reconsideration, has adhered to such determination, then any party may request the reporting firm to provide daily transcript. In that case, pursuant to its contract with the Board, the reporting firm will be obligated to furnish to the Board daily transcript upon the agreement by the requesting party to pay to the reporting firm an amount equal to the difference between the contract prices for ordinary transcript and daily transcript, provided that the requesting party makes such agreement with the reporting firm at least twenty-four (24) hours in advance of the date for which such transcript is requested.

(4) Any party may obtain from the Director, Office of Facilities and Operations, the name and address of the private reporting company with which the Board currently has a contract for transcripts and copies, as well as the contract prices then in effect for such services.

(5) Copies of transcripts ordered by parties other than the Board shall be prepared for delivery to the requesting person at the reporting firm's place of business, within the stated time for the type of transcript ordered. The requesting party and the reporting firm may agree upon some other form or means of delivery (mail, messenger, etc.) and the reporting firm may charge for such special service, provided that such charge shall not exceed the reasonable cost of such service.

* * * * *

(Sec. 204(a), Federal Aviation Act of 1958, as amended, 72 Stat. 743 (49 U.S.C. 1324); Pub. L. 92-463, 86 Stat. 770, 5 U.S.C. App. I))

Effective: June 18, 1974.

Adopted: June 18, 1974.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-14398 Filed 6-21-74;8:45 am]

SUBCHAPTER E—ORGANIZATION REGULATIONS

[Reg. OR-84, Amdt. 17]

PART 389—FEES AND CHARGES FOR SPECIAL SERVICES

Charges for Transcripts of Proceedings

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., June 18, 1974.

Prior to the enactment of section 11 of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770, 5 U.S.C. App. I) the Board, like many agencies, had followed a practice on transcripts, under which a private reporting company would furnish transcripts to the agency, without charge, and derive its revenues solely from the sale of transcript copies to private parties and other interested persons. Under that statute, however, Federal agencies have been required to pay for transcripts of their proceedings, and transcript copies must be made available "to any person, at actual cost of duplication."

The purpose of this amendment is to reflect the new arrangements which the Board has made with respect to transcripts of its proceedings, in implementation of the statutory directive. The arrangements are set forth, and will continue to be set forth, in such contract as the Board has made with a private reporting firm and include specified prices for "daily transcripts" and "ordinary transcripts," as well as a price for copies of transcript which has been agreed upon as representing the "actual costs of duplication," as those terms are defined in said contract.

Since this regulation is a rule of agency organization and practice, the Board finds that notice and public procedure hereon are unnecessary and that it may become effective immediately.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 389 of the organization regulations (14 CFR Part 389) effective June 18, 1974, as follows:

1. Section 389.17 is revised to read as follows:

§ 389.17 Transcripts of proceedings.

Transcripts of testimony and oral argument are furnished to the Board by a non-Government contractor for any proceeding in which the presiding officer has determined that such transcript should be made, and copies thereof may be purchased directly from the reporting firm, at prices and upon other terms and conditions specified in the contract made between the Board and the reporting firm, and currently in effect, pursuant to section 11 of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770, 5 U.S.C. App. I). Any person may obtain from the Director, Office of Facilities and Operations, the name and address of the reporting firm with which the Board currently has such contract, as well as the contract prices then in effect for the various types of transcript and copying services covered by such contract.

(Sec. 204(a), Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324; Pub. L. 92-463, 86 Stat. 770, 5 U.S.C. App. I))

Effective: June 18, 1974.

Adopted: June 18, 1974.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-14397 Filed 6-21-74;8:45 am]

Title 18—Conservation of Power and Water Resources

CHAPTER I—FEDERAL POWER COMMISSION

[Docket No. R-424—Order No. 505]

SUBCHAPTER C—ACCOUNTS, FEDERAL POWER ACT

UNIFORM SYSTEM OF ACCOUNTS AND ANNUAL REPORT FORMS NO. 1 AND NO. 2

Accumulated Deferred Investment Tax Credit; Correction

MAY 29, 1974.

The following corrections are made to FR Doc. 74-3742 issued February 11, 1974, and published at 39 FR 6093, on February 19, 1974:

PART 101—UNIFORM SYSTEM OF ACCOUNTS PRESCRIBED FOR CLASS A AND CLASS B PUBLIC UTILITIES AND LICENSEES

1. Paragraphs A. and B. of Account 255 (39 FR 6096) are revised to read as follows.

255 Accumulated deferred investment tax credits.

A. This account shall be credited with all investment tax credits deferred by companies which have elected to follow deferral accounting, partial or full, rather than recognizing in the income statement the total benefits of the tax credit as realized. After such election, a company may not transfer amounts from this account, except as authorized herein and in accounts 411.4, Investment Tax Credit Adjustments, Utility Operations, 411.5, Investment Tax Credit Adjustments, Nonutility Operations, and 420, Investment Tax Credits, or with approval of the Commission.

B. Where the company's accounting provides that investment tax credits are to be passed on to customers, this account shall be debited and account 411.4 credited with a proportionate amount determined in relation to the average useful life of electric utility property to which the tax credits relate or such lesser period of time as allowed by a regulatory agency having rate jurisdiction. If, however, the deferral procedure provides that investment tax credits are not to be passed on to customers, the proportionate restorations to income shall be credited to account 420.

* * * * *

PART 104—UNIFORM SYSTEM OF ACCOUNTS FOR CLASS C PUBLIC UTILITIES AND LICENSEES

2. Paragraphs A. and B. of Account 255 (39 FR 6099) are revised to read as follow.

255 Accumulated deferred investment tax credits.

A. This account shall be credited with all investment tax credits deferred by companies which have elected to follow deferral accounting, partial or full, rather than recognizing in the income statement the total benefits of the tax credit as realized. After such election,

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a company may not transfer amounts from this account, except as authorized herein and in accounts 411.4, Investment Tax Credit Adjustments, Utility Operations, 411.5, Investment Tax Credit Adjustments, Nonutility Operations, and 420, Investment Tax Credits, or with approval of the Commission.

B. Where the company's accounting provides that investment tax credits are to be passed on to customers, this account shall be debited and account 411.4 credited with a proportionate amount determined in relation to the average useful life of electric utility property to which the tax credits relate or such lesser period of time as allowed by a regulatory agency having rate jurisdiction. If, however, the deferral procedure provides that investment tax credits are not to be passed on the customers, the proportionate restoration to income shall be credited to account 420.

* * * * *

PART 201—UNIFORM SYSTEM OF ACCOUNTS PRESCRIBED FOR CLASS A AND CLASS B NATURAL GAS COMPANIES

* * * * *

3. Paragraphs A. and B. of Account 255 (39 FR 6102) are revised to read as follows.

255 Accumulated deferred investment tax credits.

A. This account shall be credited with all investment tax credits deferred by companies which have elected to follow deferral accounting, partial or full, rather than recognizing in the income statement the total benefits of the tax credit as realized. After such election, a company may not transfer amounts from this account, except as authorized herein and in accounts 411.4, Investment Tax Credit Adjustments, Utility Operations, 411.5, Investment Tax Credit Adjustments, Nonutility Operations, and 420, Investment Tax Credits, or with approval of the Commission.

B. Where the company's accounting provides that investment tax credits are to be passed on to customers, this account shall be debited and account 411.4 credited with a proportionate amount determined in relation to the average useful life of electric utility property to which the tax credits relate or such lesser period of time as allowed by a regulatory agency having rate jurisdiction. If, however, the deferral procedure provides that investment tax credits are not to be passed on to customers the proportionate restorations to income shall be credited to account 420.

* * * * *

PART 204—UNIFORM SYSTEM OF ACCOUNTS PRESCRIBED FOR CLASS C AND CLASS D NATURAL GAS COMPANIES

4. Paragraphs A. and B. of Account 255 (39 FR 6105) are revised to read as follows:

255 Accumulated deferred investment tax credits.

A. This account shall be credited with all investment tax credits deferred by companies which have elected to follow deferral accounting, partial or full, rather than recognizing in the income statement the total benefits of the tax credit as realized. After such election, a company may not transfer amounts from this account, except as authorized herein and in accounts 411.4, Investment Tax Credit Adjustments, Utility Operations, 411.5, Investment Tax Credit Adjustments, Nonutility Operations, and 420, Investment Tax Credits, or with approval of the Commission.

B. Where the company's accounting provides that investment tax credits are to be passed on to customers, this account shall be debited and account 411.4 credited with a proportionate amount determined in relation to the average useful life of electric utility property to which the tax credits relate or such lesser period of time as allowed by a regulatory agency having rate jurisdiction. If, however, the deferral procedure provides that investment tax credits are not to be passed on to customers, the proportionate restorations to income shall be credited to account 420.

* * * * *

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-13417 Filed 6-21-74;8:45 am]

Title 23—Highways

CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER G—ENGINEERING AND TRAFFIC OPERATIONS

PART 633—REQUIRED CONTRACT PROVISIONS

Subpart B—[Reserved]

Subpart C—Direct Federal Construction Contracts

Policy and Procedure Memorandum 40-5, which has for many years contained the FHWA-required contract provisions for Federal projects, has been incorporated in the Federal-Aid Highway Program Manual. Portions of the Manual addition are hereby published.

General notice of proposed rulemaking is not required inasmuch as the material published relates to benefits or contracts pursuant to 5 U.S.C. 553(a)(2). The regulations will become effective on the date of issuance set forth below.

Issued on June 14, 1974.

NORBERT T. TIEMANN,
Federal Highway Administrator.

Part 633 is added consisting at this time of Subpart C; Subpart B is reserved.

PART 633—REQUIRED CONTRACT PROVISIONS

Subpart B—[Reserved]

Subpart C—Direct Federal Construction Contracts

Sec.
633.301 Purpose.
633.302 Applicability.
Appendix A Continuation of Standard Form 19-A Labor Standards Provisions

AUTHORITY: 23 U.S.C. 315; 49 CFR 1.48(b)(35).

Subpart B—[Reserved]

Subpart C—Direct Federal Construction Contracts

§ 633.301 Purpose.

To prescribe for direct Federal highway construction contracts, provisions covering employment, safety, specific equal employment opportunity responsibilities and false statements concerning highway projects.

§ 633.302 Applicability.

(a) The form "Continuation of Standard Form 19-A, Labor Standards Provisions" (Appendix A) shall be made a part of all highway construction contracts under the direct supervision of the Federal Highway Administration. The form shall be incorporated in each highway construction contract as a continuation of Standard Form 19-A, Labor Standards Provisions and the clauses set forth in paragraph 7 of Appendix A shall be included in all subcontracts.

(b) Such additional labor standards provisions as hometown or imposed equal employment opportunity plans shall be added at the end of the form.

Effective date. The regulations in this subpart will take effect on June 14, 1974.

APPENDIX A

CONTINUATION OF STANDARD FORM 19-A
LABOR STANDARDS PROVISIONS

(DOT/FHWA 3-74)

1. Weekly statement

The contractor and each subcontractor shall furnish each week a statement with respect to the wages paid each of his employees engaged on work covered by the Copeland Act Regulations, 29 CFR, Part 3, and by 29 CFR, Part 5, during the preceding weekly payroll period. The statement shall be executed by the contractor or subcontractor or by an authorized officer or employee of the contractor or subcontractor who supervises the payment of wages. The statement shall be on U.S. Department of Labor Form WH 348, "Statement of Compliance," or on an identical form on the back of U.S. Department of Labor Form WH 347, "Payroll (For Contractor's Optional Use)," or on any form with identical wording. Copies of these forms may be purchased from the Government Printing Office.

2. Employment practices

a. The wages of labor shall be paid in legal tender of the United States, except that this condition will be considered satisfied if payment is made by a negotiable check, on a solvent bank, which may be cashed readily by the employee in the local community for the full amount, without discount or collection charges of any kind. Where checks are used for payment, the contractor and each subcontractor shall make all necessary arrangements for them to be cashed and shall give information to their employees regarding such arrangements.

b. No fee of any kind shall be asked or accepted by the contractor, or any of his agents or subcontractors, from any person as a condition of employment on the project.

c. No laborers or mechanics shall be charged for any tools used in performing their duties unless prior permission to make payroll deductions for such charges has been granted by the Secretary of Labor in accordance with Section 3.6 of the Copeland Act Regulations.

d. Every employee on the work covered by this contract shall be permitted to lodge, board, and trade where and with whom he elects and neither the contractor, his subcontractors, nor his employees shall directly or indirectly require as a condition of employment that an employee shall lodge, board or trade at a particular place or with a particular person.

e. No charge shall be made for any transportation furnished by the contractor, or his subcontractors to any person employed on the work.

f. No individual shall be employed as a laborer or mechanic on this contract except on a wage basis, but this shall not be construed to prohibit the rental of teams, trucks, or other equipment from individuals.

g. Each employee's social security number must be shown on the first payroll on which his name appears.

3. Payment of excess wages

While the wage rates shown in the wage determination decision are the minimum hourly rates required by the contract to be paid during its life, it is the responsibility of bidders to inform themselves as to the local labor conditions, such as the length of workday and workweek, overtime compensation, health and welfare contributions, labor supply, and prospective changes or adjustment of wage rates. No increase in the contract price shall be allowed or authorized on account of the payment of wage rates in excess of those listed herein.

4. Safety

It is a condition of this contract, and shall be made a condition of each subcontract entered into pursuant to this contract, that the contractor and any subcontractor shall not require any individual employed in performance of the contract to work in surroundings or under working conditions which are unsanitary, hazardous, or dangerous to his health or safety, as determined under construction safety and health standards (Title 29, Code of Federal Regulations, Part 1926, as revised from time to time) promulgated by the United States Secretary of Labor, in accordance with Section 107 of the Contract Work Hours and Safety Standards Act.

5. False statements concerning highway projects

In order to assure high quality and durable construction in conformity with approved plans and specifications and a high degree of reliability on statements and representations made by engineers, contractors, suppliers, and workers on Federal highway projects, it is essential that all persons concerned with the project perform their functions as carefully, thoroughly, and honestly as possible. Willful falsification, distortion, or misrepresentation with respect to any facts related to the project is a violation of Federal law. To prevent any misunderstanding regarding the seriousness of these and similar acts, the contractor shall post the Notice, Form PR-1022 on each Federal highway project in one or more places where it is readily available to all personnel concerned with the project.

6. Specific equal employment opportunity responsibilities

a. *General*

(1) Equal employment opportunity requirements not to discriminate and to take affirmative action to assure equal employment opportunity as required by Executive Order 11246 and Executive Order 11375 are set forth in SF 23-A, General Provisions and in these Provisions. The requirements set forth in these Provisions shall constitute the specific affirmative action requirements for project activities under this contract and supplement the equal employment opportunity requirements set forth in the General Provisions.

(2) The contractor will work with the Federal Government in carrying out equal employment opportunity obligations and in their review of his activities under the contract.

(3) The prime contractor, and all subcontractors (not including material suppliers), holding subcontracts of $10,000 or more, will comply with the minimum equal employment opportunity requirements set forth in the balance of this clause 6.

b. *Equal Employment Opportunity Policy*

The contractor will accept as his operating policy the following statement which is designed to further the provision of equal employment opportunity to all persons without regard to their race, color, religion, sex, or national origin, and to promote the full realization of equal employment opportunity through a positive continuing program:

It is the policy of this Company to assure that applicants are employed, and that employees are treated during employment, without regard to their race, religion, sex, color, or national origin. Such action shall include: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship, preapprenticeship, and/or on-the-job training.

c. *Equal Employment Opportunity Officer*

The contractor will designate and make known to the contracting officer an equal employment opportunity officer (hereinafter referred to as the EEO Officer) who must be capable of effectively administering and promoting an active contractor program of equal employment opportunity and who must be assigned adequate authority and responsibility to do so.

d. *Dissemination of Policy*

(1) All members of the contractor's staff who are authorized to hire, supervise, promote, and discharge employees, or who recommend such action, or who are substantially involved in such action, will be made fully cognizant of, and will implement, the contractor's equal employment opportunity policy and contractual responsibilities. To insure that the above agreement will be met, the following actions will be taken as a minimum:

(a) Periodic meetings of supervisory and personnel office employees will be conducted before the start of work and then not less often than once every six months, at which time the contractor's equal employment opportunity policy and its implementation will be reviewed and explained. The meetings will be conducted by the EEO Officer or other knowledgeable company official.

(b) All new supervisory or personnel office employees will be given a thorough indoctrination by the EEO Officer or other knowledgeable company official covering all major aspects of the contractor's equal employment opportunity obligations within thirty days following their reporting for duty with the contractor.

(c) The EEO Officer or appropriate company official will instruct all employees engaged in the direct recruitment of employees for the project relative to the methods followed by the contractor in locating and hiring minority group employees.

(2) In order to make the contractor's equal employment opportunity policy known to all employees, prospective employees and potential sources of employees, i.e., schools, employment agencies, labor unions (where appropriate), college placement officer, etc., the contractor will take the following actions:

(a) Notices and posters setting forth the contractor's equal employment opportunity policy will be placed in areas readily accessible to employees, applicants for employment and potential employees.

(b) The contractor's equal employment opportunity policy and the procedures to implement such policy will be brought to the attention of employees by means of meetings, employee handbooks, or other appropriate means.

e. *Recruitment*

(1) When advertising for employees, the contractor will include in all advertisements for employees the notation: "An Equal Opportunity Employer." He will insert all such advertisements in newspapers, or other publications, having a large circulation among minority groups in the area from which the project work force would normally be derived.

(2) The contractor will, unless precluded by a valid bargaining agreement, conduct systematic and direct recruitment through public and private employee referral sources likely to yield qualified minority group applicants, including, but not limited to, State employment agencies, schools, colleges and minority group organizations. To meet this requirement, the contractor will, through his EEO Officer, identify sources of potential minority group employees, and establish with such identified sources procedures whereby minority group applicants may be referred to the contractor for employment consideration.

(3) The contractor will encourage his present employees to refer minority group applicants for employment by posting appropriate notices or bulletins in areas accessible to all such employees. In addition, information and procedures with regard to referring minority group applicants will be discussed with employees.

f. *Personnel Actions*

(1) Wages, working conditions, and employee benefits shall be established and administered, and personnel actions of every type, including hiring, upgrading, promotion, transfer, demotion, layoff, and termination, shall be taken without regard to race, color, religion, sex, or national origin. The following procedures shall be followed:

(a) The contractor will conduct periodic inspections of project sites to insure that working conditions and employee facilities do not indicate discriminatory treatment of project site personnel.

(b) The contractor will periodically evaluate the spread of wages paid within each classification to determine any evidence of discriminatory wage practices.

(c) The contractor will periodically review selected personnel actions in depth to determine whether there is evidence of discrimination. Where evidence is found, the contractor will promptly take corrective action. If the review indicates that the discrimination may extend beyond the actions reviewed, such corrective action shall include all affected persons.

(d) The contractor will investigate all complaints of alleged discrimination made to the contractor in connection with his obligations under this contract, will attempt to resolve such complaints, and will take appropriate corrective action. If the investigation indicates that the discrimination may affect persons other than the complainant, such corrective action shall include such other persons. Upon completion of each investigation the contractor will inform every complainant of all of his avenues of appeal.

g. *Training and Promotion*

(1) The contractor will assist in locating, qualifying and increasing the skills of minority group employees and applicants, for employment.

(2) Consistent with his manpower requirements and as permissible under Federal and

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State regulations, the contractor will make full use of training programs, i.e., preapprenticeship apprenticeship, and/or on-the-job training programs for the geographical area of contract performance.

(3) The contractor will advise employees and applicants for employment of available training programs and entrance requirements for each.

(4) The contractor will periodically review the training and promotion potential of minority group employees and will encourage eligible employees to apply for such training and promotion.

h. *Unions.* If the contractor relies in whole or in part upon unions as a source of his work force, he will use his best efforts to obtain the cooperation of such unions to increase minority group opportunities within the unions, and to effect referrals by such unions of minority group employees. Actions by the contractor, either directly or through a contractor's association acting as his agent, will include the procedures set forth below:

(1) Use his best efforts to develop, in cooperation with the unions, joint training programs aimed toward qualifying more minority group members for membership in the unions and increasing the skills of minority group employees so that they may qualify for higher paying employment.

(2) Use his best efforts to incorporate an equal employment opportunity clause into all union agreements to the end that such unions will be contractually bound to refer applicants without regard to their race, color, religion, sex, or national origin.

(3) In the event a union is unable to refer applicants as requested by the contractor within the time limit set forth in the union agreement, the contractor will, through his recruitment procedures, fill the employment vacancies without regard to race, color, religion, sex, or national origin, making full efforts to obtain qualified minority group persons.

i. *Subcontracting*

(1) The contractor will use his best efforts to utilize minority group subcontractors or subcontractors with meaningful minority group representation among their employees.

(2) The contractor will use his best efforts to assure subcontractor compliance with their equal employment opportunity obligations.

j. *Records and Reports*

(1) The contractor will keep such records as are necessary to determine compliance with the contractor's equal employment opportunity obligations. The records kept by the contractor will be designed to indicate:

(a) The number of minority and nonminority group members employed in each work classification on the project.

(b) The progress and efforts being made in cooperation with unions to increase minority group employment opportunities (applicable only to contractors who rely in whole or in part on unions, as a source of their work force).

(c) The progress and efforts being made in locating, hiring, training, qualifying, and upgrading minority group employees.

(d) The progress and efforts being made in securing the services of minority group subcontractors or subcontractors with meaningful minority group representation among their employees.

(2) All such records must be retained for a period of three years following completion of the contract work and shall be available at reasonable times and places for inspection by the contracting officer or his authorized representative.

(3) The contractor will submit to the Federal Highway Administration a monthly report for the first three months after construction begins, and thereafter upon request, for the duration of the project, indicating the number of minority and nonminority group employees currently engaged in each work classification required by the contract work. This information is to be reported on Form PR-1391.

7. Subcontracts

The contractor shall include, verbatim, clauses 1, 2, 4, 5 and 6 of this continuation sheet in each of his subcontracts, except that Clause 6 will not be required for subcontracts less than $10,000. In addition, the contractor shall include a clause requiring each subcontractor to include these clauses in any lower tier subcontracts.

[FR Doc.74-14349 Filed 6-21-74;8:45 am]

Title 32—National Defense

CHAPTER VI—DEPARTMENT OF THE NAVY

SUBCHAPTER E—CLAIMS

PART 751—NAVY PERSONNEL CLAIMS

Miscellaneous Amendments

On November 6, 1973, Chapter XXI of the Manual of the Judge Advocate General was revised and the changes made thereto were promulgated within the naval service. Those revised portions of Chapter XXI having general applicability and legal effect warrant a revision of Part 751 of Chapter VI of Title 32 of the Code of Federal Regulations. Accordingly, effective June 21, 1974, Part 751 of Chapter VI of Title 32 of the Code of Federal Regulations is revised to read as follows:

1. The table of contents is amended by revising the heading of § 751.21 and by adding a new § 751.30 to read as follows:

* * * * *

Sec.
751.21 Recovery action in transportation and storage losses.
751.30 Personnel claims adjudicating authorities.

AUTHORITY: 31 U.S.C. 240–243.

2. Paragraphs (h), (i), (j)(2) and (k) of § 751.3 are revised to read as follows:

§ 751.3 Claims payable.

* * * * *

(h) *Money deposited for safekeeping, transmittal, or other authorized disposition.* Claims for loss of personal funds which were accepted by naval personnel, military or civilian, acting with the authority of the commanding officer, for safekeeping, deposit, transmittal, or other authorized disposition, are payable where the funds were neither applied as directed by the owner nor returned to him.

(i) *Motor vehicles.* Motor vehicle claims are payable when not precluded by § 751.4(i).

(j) * * *

(2) Claims for loss of, or damage to, house trailers and their contents while on Government property and payable under paragraph (a)(3) of this section for loss of, or damage, to house trailers and their contents arising incident to shipment are payable under paragraph (b)(1) of this section: *Provided,* That, when transported by other than the service member or an agent or agency of the Government, the carrier must have operating rights approved by the Interstate Commerce Commission if in interstate commerce, or under applicable State regulations when the shipment is within a single State.

* * * * *

(k) Theft from the person of the claimant is reimbursable if it is established that the theft occurred by use of force, violence, or threat to do bodily harm, or by snatching or pickpocketing, and at the time of theft the claimant was either on a military installation, utilizing a recreational facility operated or sponsored by the Department of Defense or any agency thereof, or in the performance of official duty. The theft must have been reported to appropriate police authorities immediately, or as soon as practicable, and it must have been reasonable for the claimant to have had on his person the quality and the quantity of the property allegedly stolen.

* * * * *

3. Section 751.4 (f), (l), (o), (r), and (r)(2) are revised to read as follows:

§ 751.4 Claims not payable.

* * * * *

(f) *Articles being worn.* Articles being worn, except under the circumstances described in § 751.3 (c), (d), (e), and (k) above.

* * * * *

(l) *Motor vehicles.* Motor vehicle claims for collison damage are not payable under this chapter, but may be paid by a military department under the Military Claims Act (Subpart C of Part 750 of this chapter) caused by a member of employee of that department.

* * * * *

(o) *Negligence of claimant.* Claims for lost or damaged personal property caused in whole or in part as a result of any negligence or wrongful act of the claimant, or any agent or employee of the claimant acting within the scope of employment. Negligence may be defined as failure to exercise that degree of care which a reasonable and prudent person would have exercised under the same or similar circumstances.

* * * * *

(r) *Theft.* In all cases where a claim is made for articles lost by theft, the claim is not payable unless evidence clearly establishes:

* * * * *

(2) The existence of a larceny, robbery, burglary, or housebreaking.

* * * * *

4. Section 751.8 (c), (d), (e), and (f) are revised to read as follows:

§ 751.8 Demand on carrier, contractor and/or insurer.

* * * * *

(c) *Nontemporary storage warehousemen.* Whenever property is damaged, lost, or destroyed while being stored under a basic agreement between the Government and the warehouseman, the owner or claims investigating officer will file a written claim for reimbursement with the warehouseman in accordance with the terms of the applicable storage agreement.

(d) *Pack-and-crate contractors.* When loss or damage is the result of improper packing or crating, the claims-investigating officer will prepare and forward to the origin Navy Personal Property Office the fully documented claim against the packing-and-crating contractor including the following information:

(1) The applicable paragraph number of MILSTD 212 and a written explanation of the deficiency;

(2) When available, photographs of the damage and of the external shipping container;

(3) A statement describing the external condition of the shipping container, i.e., any evidence of rough handling;

(4) A statement indicating whether or not there is any evidence of water damage to the external shipping container;

(5) A statement indicating whether cartons, crates, etc. were properly packed in the external shipping container and whether sufficient stuffing was added to prevent shifting of articles or packages inside the box as required by MIL–STD 212.

The origin Navy Personal Property Office will file the claim with the contractor and pursue it to settlement. If the origin transportation office was a non-Navy activity, the claims investigating officer will pursue the claim against the packand-crate contractor.

(e) *Insurer.* Whenever the property which is damaged, lost or destroyed incident to the claimant's service is insured in whole or in part, the claimant must make demand in writing against the insurer for reimbursement under the terms and conditions of the insurance coverage. Such demand should be made within the time limit provided in the policy and prior to the filing of the concurrent claim against the Government as provided in § 751.9.

(f) *Failure to make demand on carrier, contractor, or insurer.* Failure to make demand or cooperate in preparing the Navy's demand on a carrier, contractor, or insurer, or to make all reasonable efforts to collect the amount recoverable from the carrier, contractor, or insurer, may result in reducing the amount recoverable from the Government by the maximum amount which would have been recoverable from the carrier, contractor, or insurer, had the claim been timely made or diligently prosecuted. However, no deduction will be made where the circumstances of the claimant's service preclude seasonable filing and prosecution of a claim or the evidence indicates that a demand was impracticable or would have been unavailing.

* * * * *

5. Section 751.16(a) is revised to read as follows:

§ 751.16 Form of claim.

(a) The claim will be submitted by presenting a detailed statement in triplicate, signed by or on behalf of the claimant, on DD Form 1842 (see Appendix section A–21–c)[1] with DD Form 1845 attached (see Appendix section A–21–d).[1] If the claims investigating officer desires a copy of the adjudicated claim returned to his office for use in adjusting recoveries later received from carriers, contractors or insurers, a fourth copy of the claims form clearly marked for this purpose must be included. If DD Forms 1842 and 1845 are not available, any writing will be accepted and considered if it asserts a demand for a specific sum and substantially describes the facts necessary to support a claim cognizable under these regulations. Attention is directed to the following section which outlines the specific evidence required for particular classes of claims. Careful compliance with these requirements by the claimant in the preparation of his claim will substantially expedite adjudication, thus avoiding delays occasioned by the need of the adjudicating authority to obtain additional evidence from the claimant.

* * * * *

6. Section 751.21(f) is revised to read as follows:

§ 751.21 Recovery action in transportation and storage losses.

* * * * *

(f) *Unjustified denials by the carrier, contractor or insurer*—(1) *Government bill of lading carriers*—(i) *Action by the claims investigating officer.* If a Government bill-of-lading carrier or its insurer has refused to acknowledge or respond to a claim within a reasonable time (normally 30 days if applicable regulations or agreements do not specify another time limit), if the claims investigating officer considers a valid claim to have been denied or no adequate settlement offered, or if there has been a delay in settlement of a claim beyond 120 days, then, in addition to initiation of administrative action as appropriate under Interstate Commerce Commission Regulations, military tender of service, or other applicable regulation or agreement, the matter shall be referred to the adjudicating authority who paid the claim. The referral shall contain a statement of the facts, copies of pertinent correspondence and documents, and the claims investigating officer's opinion as to liability. A copy of the referral letter with enclosures will be sent to the origin-transportation officer. The carrier should be notified of this action by a copy of the referral or by separate correspondence.

(ii) *Action by the adjudicating authority.* The adjudicating authority shall review the entire file and shall make a final demand on the carrier when liability is clear. The final demand shall set forth the exact amount of liability, in view of the supporting evidence, owed by the carrier under the terms of the Government bill of lading, the basis for the determination of the amount demanded, and notification that the demand is a final demand and that the file will be forwarded for involuntary collection by withholding amounts due from the Navy if payment is not received within 30 days. If, after 30 days from the date of the final demand, reimbursement from the carrier has not been received, the case file should be forwarded to the Navy Regional Finance Center, Code FF20, Washington, D.C. 20371, requesting that the amount demanded by the final demand be setoff against subsequent Government bill of lading earnings. The amount of withholding requested must be the amount of the final demand. If the amount of the final demand is in error, a new 30-day final demand must be made. In general, a carrier should not be permitted to continue negotiations after a final demand has been made. If a misunderstanding between the claims investigating officer and the carrier is obvious from the file, negotiation prior to a final demand may be desirable. Under normal circumstances, however, if the claims investigating officer and the carrier have been unable to reach agreement, a final-demand amount should be determined and a final demand made. The carrier should not be permitted to further delay payment of his legal liability by meaningless negotiation.

(2) *Nontemporary storage warehousemen.*—(i) *Action by the claims investigating officer.* If a nontemporary warehouseman or his insurer has refused to acknowledge or respond to a claim within a reasonable time, if the claims investigating officer considered a valid claim. The referral shall contain a statesettlement offered, or if there has been a delay in settlement of a claim beyond 120 days, the matter shall be referred to the adjudicating authority who paid the claim. The referral hall contain a statement of the facts, copies of pertinent correspondence and documents, and the claims investigating officer's opinion as to liability. The warehouseman should be notified of this action by a copy of the referral letter or by separate correspondence.

(ii) *Action by the adjudicating authority.* The adjudicating authority shall review the entire file and shall make a further demand on the warehouseman or his insurer when liability seems clear. If recovery is not effected within 30 days from this demand, or negotiations likely to result in an adequate recovery are not underway at that time, the file will be forwarded to the appropriate area Military Traffic Management and Terminal Service (MTMTS) Headquarters for a final determination of liability by the officer administering the warehouseman's basic agreement.

(3) *Pack - and - crate contractors.* When the origin-Navy-personnel-property office, or the destination claims investigating officer on a shipment originating at a non-Navy transportation office fails to receive adequate response

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or recovery from a pack-and-crate contractor within 60 days or when a claim is denied by the contractor without sufficient justification, the matter should be referred immediately to the officer administering the contract under which the services were performed. In the case of a shipment originating at a non-Navy transportation office, the referral should be made via the origin transportation office. Each referral will include a full statement, with supporting evidence, substantiating that the contractor's denial of the claim is unjustified or that the settlement offer is inadequate. Due to the relatively short duration of pack-and-crate contracts, it is desirable to expedite processing of unjustified denials.

(4) *Other carriers, contractors, or insurers.* Unjustified denial by other carriers, contractors or insurers will be referred by the claims investigating officer to the adjudicating authority. The adjudicating authority will review the entire file and shall make a further demand on the carrier, contractor, or insurer when liability seems clear. If recovery is not received within 30 days from the date of this demand, or negotiations likely to result in an adequate recovery are not underway at that time, the file will be forwarded to the Judge Advocate General for additional recovery action.

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7. Section 751.22(b) is revised to read as follows:

§ 751.22 Preparation of claims investigating officer's report.

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(b) *Regular claims procedure.* The claims investigating officer's report shall include a statement of all additional facts and circumstances not pointed out by the claimant, including any facts overlooked or incorrectly stated by the claimant in his statement of the facts and circumstances of the incident, and specific recommendations regarding any items for which reimbursement in an amount less than the full amount claimed, less normal depreciation, if applicable, is recommended due to preexisting damage, inflated estimates of repair, economically repairable property claimed as beyond repair, salvage value of property, or other factors. Specific recommendations shall also include designation of those repair and replacement costs for which written estimates have been waived in accordance with § 751.17 (b) and an explanation of any unusual circumstances justifying nonroutine processing of the claim. Any convenient format can be used for the written report as long as all relevant information is included. Appendix section A–21–g[1] shows a sample report. The claims investigating officer will complete and sign part III of DD Form 1842 (see Appendix section A–21c(2))[1] when investigation of the claim is complete. Report control symbol JAG 5890–2 is assigned to this report.

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8. Section 751.24 (a), (d), and (g) are revised to read as follows:

§ 751.24 Adjudicating authority.

(a) *Claims by Navy personnel.* The following persons are authorized to adjudicate and authorize payment of personnel claims up to $10,000.00:

(1) The Judge Advocate General

(2) The Deputy Judge Advocate General

(3) Any Assistant Judge Advocate General

(4) The Deputy Assistant Judge Advocate General (Litigation and Claims)

(5) Director, Litigation and Claims Division

(6) Head, Personnel Claims Branch, Litigation and Claims Division

(7) Head, Operational Claims and Litigation Branch

(8) Commandants of Naval Districts and their Staff Judge Advocates

(9) Officers in Charge of the Naval Legal Service Offices and Staff Judge Advocates attached to Naval Legal Service Offices when designated by the office in charge.

(10) Naval Supply Center, Oakland, California Staff Judge Advocate ($5,000)

(11) Other Navy Judge Advocates when designated by the Judge Advocate General

In addition to the above, all Navy judge advocates are hereby designated and authorized to adjudicate and authorize payment of claims up to $1,000 filed under this part. Any naval officer, when personally designated by the Judge Advocate General, is authorized to adjudicate and authorize payment of claims up to $500 filed under this part. Exercise of adjudicating authority is conditioned upon receipt of funding authority and accounting data from the Judge Advocate General, Washington, D.C. 20370. Appendix A–21–l[1] lists those commands currently authorized to adjudicate personnel claims.

• • • • •

(d) *Partial payments when hardship exists.* Every instance of loss or damage cognizable under this chapter can be expected to cause some degrees of inconvenience to the claimant and/or his family. When the magnitude of the loss or damage is such that the claimant needs funds to feed, clothe or house himself or his family properly, the adjudicating authority may authorize a partial payment of an appropriate amount, normally one-half of the estimted total payment. Each authorization of partial payment must be accompanied by:

• • • • •

(g) *Reports.* Commands adjudicating personnel claims shall forward backlog reports to the Judge Advocate General on the last day of any calendar month when the number of personnel claims pending adjudication on that date exceeds one-third of the number of claims adjudicated during the reporting month. The report will contain the number and dollar amount of claims received for adjudication during the month, the number and dollar value of claims allowed, the number of claims denied, the number of claims forwarded to a higher authority for adjudication, and the number of claims pending as of the reporting date. The report should contain relevant information relating to the cause for the backlog of claims pending adjudication. This report is in addition to normal accounting reports required to control claims allotments. Adjudicating authorities will maintain in their files data for the current and preceding fiscal year. Report Control Symbol JAC 5890–5 is assigned to this report.

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9. Section 751.28(b) is revised to read as follows:

§ 751.28 Reconsideration.

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(b) If an adjudicating authority does not grant the relief requested, or otherwise resolve the claim to the satisfaction of the claimant, the request for reconsideration shall be forwarded, together with the entire file and the adjudicating authority's recommendation, to the nearest appropriate $10,000 authority for final disposition. Final reconsideration of claims originally adjudicated by adjudicating authorities authorized to pay claims up to $10,000 will be made by the Judge Advocate General.

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10. Add new § 751.30 to read as follows:

§ 751.30 Personnel claims adjudicating authorities.

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$10,000 authority [1]	Geographical area [1]	$1,000 authority
COMNAVDISTWASH	NDW plus Maryland	NAS BRUNSWICK.
COMONE	1 ND less Rhode Island	
OINC, NAVLEGSVCOFF, NEWPORT.	Rhode Island and New London	
COMTHREE	3 ND less New London	
COMFOUR	4 ND	NAS LAKEHURST, NAVSTA PHILA, NAVHOSP PHILA;
COMFIVE	5 ND less Maryland, plus activities under area coordination of COMNAVAIRLANT;	NAVSTA KEFLAVIK, NAS BERMUDA;
COMSIX	6 ND less Jacksonville, Key West, Pensacola, and Memphis areas;	NSC CHARLESTON;
COMTACTICALAIRLANT	Jacksonville area, 6 ND	NTC ORLANDO, NAVSTA MAYPORT, NAS ALBANY NAS GLYNCO.

[1] Filed as part of the original document.

$10,000 authority [1]	Geographical area [1]	$1,000 authority
COMNAVBASE, KEY WEST	Key West area, 6 ND	CBC GULFPORT, NAS PENSACOLA, NAS MERIDIAN.
OINC, NAVLEGSVCOFF, PENSACOLA.	Pensacola area, 6 ND	
CNTECHTRA	Memphis area, 6 ND	
COMEIGHT	New Orleans area, 8 ND	
OINC, NAVLEGSVCOFF, CORPUS CHRISTI.	8 ND less New Orleans area	NAS KINGSVILLE, NAS CHASE FIELD.
COMNINE	9 ND	
COMTEN	10 ND less Guantanamo Bay area, plus Bahama Islands and Caribbean area.	
COMNAVBASE GUANTANAMO BAY.	Guantanamo Bay area	
COMELEVEN	11 ND less Los Angeles/Point Mugu areas.	
COMNAVBASE LOS ANGELES.	Los Angeles/Point Mugu areas	NSC, OAKLAND ($5,000 authority), NAS LEMOORE, NAVPGSCOL MONTEREY.
COMTWELVE	12 ND	NAVSTA ADAK, NAS WHIDBEY, NSC BREMERTON.
COMTHIRTEEN	13 ND	NSC HAWAII.
COMFOURTEEN	14 ND	
COMFIFTEEN	15 ND, plus South America and Central America.	
COMNAVACTS UNITED KINGDOM.	United Kingdom and Germany	NAVSECGRUACT EDZELL COMSUBRON 14.
COMFAIR MEDITERRANEAN NAVSUPPACT NAPLES.	Europe and Africa, less United Kingdom, Germany, Spain, Portugal, and Morocco.	COMMIDEASTFOR.
COMNAVACTS SPAIN	Spain, Portugal, and Morocco	NAVTRACOM MOROCCO.
COMNAVFORJAPAN	Japan less Sasebo, plus Okinawa and Korea.	FLEACT RYUKYUS.
COMFLEACTS SASEBO	Sasebo area	NAVCOMSTA Harold E. Holt.
COMNAVMARIANAS	Marianas Islands, Australia, New Zealand, Antarctica, and South Pacific area.	
COMNAVBASE SUBIC BAY	Asia and Far East less Japan, Korea, Okinawa, Marianas Islands, Australia, New Zealand, Antarctica, South Pacific area, and Vietnam.	HEDSUPPACT TAIPEI.

[1] The geographical areas listed delineate areas of primary responsibility only and are not limitations of adjudicating authority. It is policy to effect adjudication in the most efficient and expeditious manner possible regardless of geographical boundaries.

H. B. ROBERTSON, Jr.,
Rear Admiral, JAGC, U.S. Navy, Acting Judge Advocate General.

JUNE 17, 1974.

[FR Doc.74-14345 Filed 6-21-74;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER E—PESTICIDE PROGRAMS

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Naled

A petition (1F1078) was filed by Chevron Chemical Co., 940 Hensley Street, Richmond, CA 94804, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a), proposing the establishment of tolerances for combined residues of the insecticide naled (1,2-dibromo-2,2-dichloroethyl dimethyl phosphate) and its conversion product 2,2-dichlorovinyl dimethyl phosphate, expressed as naled, in or on the raw agricultural commodities pea vines at 1 part per million; and beans, peas, and soybeans (each in succulent form), hops, and safflower seed at 0.5 part per million.

Subsequently, the petitioner withdrew the request for tolerances for residues in or on pea vines and soybeans.

Based on consideration given the data submitted in the petition and other relevant material, it is concluded that:

1. The insecticide is useful for the purpose for which the tolerances are being established.

2. There is no reasonable expectation of residues in eggs, meat, milk, or poultry, and § 180.6(a)(3) applies.

3. The tolerances established by this order will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (39 FR 18805), § 180.215 is amended by revising the paragraph "0.5 part per million * * *" to read as follows:

§ 180.215 Naled; tolerances for residues.

• • • • • •

0.5 part per million in or on beans (succulent), cucumbers, eggplants, hops, melons, mushrooms, peas (succulent), peppers, pumpkins, rice, safflower seed, summer squash, tomatoes, and winter squash.

• • • • • •

Any person who will be adversely affected by the foregoing order may at any time on or before July 24, 1974, file with the Hearing Clerk, Environmental Protection Agency, Room 1019E, 4th & M Streets, SW., Waterside Mall, Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective June 24, 1974.

(Sec. 408(d)(2), 68 Stat. 512; (21 U.S.C. 346a(d)(2)))

Dated: June 19, 1974.

HENRY J. KORP,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.74-14436 Filed 6-21-74;8:45 am]

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Methidathion

A petition (PP 3F1323) was filed by CIBA-GEIGY Corp., P.O. Box 1142, Greensboro, NC 27409, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a), proposing establishment of tolerances for residues of the insecticide methidathion (*0,0*-dimethyl phosphorodithioate, *S*-ester with 4-(mercaptomethyl)-2-methoxy-Δ^2-1,3,4-thiadiazolin-5-one) in or on the raw agricultural commodities potatoes and tomatoes at 0.1 part per million.

Subsequently, the petitioner amended the petition by proposing a tolerance for residues of methidathion in or on potatoes at 0.2 part per million and by withdrawing the tolerance request for residues in or on tomatoes.

Based on consideration given the data submitted in the petition and other relevant material, it is concluded that:

1. The insecticide is useful for the purpose for which the tolerance is being established.

2. There is no reasonable expectation of residues in eggs, meat, milk, or poultry, and § 180.6(a)(3) applies.

3. The tolerance established by this order will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act. (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (39 FR 18805), § 180.298 is amended by revising the paragraph "0.2 part per million * * *" to read as follows:

§ 180.298 Methidathion; tolerances for residues.

• • • • • •

0.2 part per million in or on cottonseed and potatoes.

• • • • • •

Any person who will be adversely affected by the foregoing order may at any time on or before July 24, 1974, file with the Hearing Clerk, Environmental Protection Agency, Room 1019E, 4th & M Streets, SW., Waterside Mall, Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall

V 39 122 JUN 24 74 XUM

show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective June 24, 1974.

(Sec. 408(d)(2), 68 Stat. 512; (21 U.S.C. 346a(d)(2)))

Dated: June 19, 1974.

HENRY J. KORP,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.74-14435 Filed 6-21-74;8:45 am]

Title 45—Public Welfare

CHAPTER I—OFFICE OF EDUCATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 186—INDIAN ELEMENTARY AND SECONDARY SCHOOL ASSISTANCE ACT

Educational Agencies

On pages 9842 and 9843 of the FEDERAL REGISTER of March 14, 1974, there was published a notice of proposed rulemaking to issue regulations prescribing certain policies and requirements for criteria in determining priorities for eligible projects. Interested persons were given 30 days in which to submit written comments, suggestions, or objections regarding the proposed regulations.

Summary of comments. The following comments were submitted to the Office of Education regarding the proposed rulemaking. After the summary of each comment, a response is set forth stating reasons why no change is deemed necessary.

1. *Comment.* A commenter suggested that the definition of "nonlocal educational agency," as defined in 45 CFR 186.2, be modified to include Indian children in urban communities.

Response. Because the definition of nonlocal educational agency conforms closely with the enabling statute and because inclusion of the suggested change would raise questions of exceeding Congressional intent, no change is deemed necessary.

2. *Comment.* A commenter has suggested revision of the nonlocal educational agency definition to include alternative school situations.

Response. Since the statute does not mention the alternative school as an eligible institution, this office cannot incorporate an additional criterion which is not contemplated within the scope of the statute. Therefore, we recommend no change. If an applicant wishes to qualify as a nonlocal educational agency, the definition set forth in 45 CFR 186.2 will control as regards eligibility.

3. *Comment.* A commenter suggests that "non-profit institution" and "organization" be added to § 186.32(a)(1).

Response. The definition of nonlocal educational agency found in § 186.2 is incorporated by reference in paragraph (a), and thereby implicitly includes nonprofit institutions and organizations as entities which must be representative and responsible to the Indian community. As a consequence of this incorporation, no change is warranted.

In light of the above comments and responses, the proposed regulations are hereby adopted without change and are set forth below.

Effective date. These regulations shall be effective June 24, 1974.

Date: May 31, 1974.

JOHN OTTINA,
U.S. Commissioner of Education.

Approved: June 18, 1974.

CASPAR W. WEINBERGER,
Secretary of Health, Education, and Welfare.

(Catalog of Federal Domestic Assistance Program No. 13.534, Indian Elementary and Secondary School Assistance Act (Pub. L. 81-874, Title III, as added by Title IV, Part A, of the Education Amendments of 1972, 86 Stat. 334, (20 U.S.C. 241aa-241ff))

Part 186 is amended as set forth below:

§ 186.22 [Deleted]

(1) § 186.22 is deleted; and (2) Subpart D is added as follows.

Subpart D—Nonlocal Educational Agencies

Sec.
186.31 Eligibility; purpose.
186.32 Eligibility factors.
186.33 Criteria for selection of applications.

AUTHORITY: Pub. L. 81-874, Title III, as added by Title IV, Part A, Education Amendments of 1972, 86 Stat. 334 (20 U.S.C. 241aa-241ff).

Subpart D—Nonlocal Educational Agencies

§ 186.31 Eligibility; purpose.

(a) The Commissioner may, in accordance with section 303(b) of the Act (as defined in § 186.2), provide financial assistance to schools on or near reservations which are: (1) Nonlocal educational agencies (as defined in § 186.2) or (2) local educational agencies (i) which have been local educational agencies for less than three years, and (ii) which enroll a substantial proportion of Indian children, and (3) which best satisfy the selection criteria set forth in § 186.33.

(b) Assistance under this subpart is to be used for the purpose of developing and carrying out, in such agencies, elementary and secondary school programs specially designed to meet the special educational needs of Indian students.

(c) Assistance may be made available under this subpart to meet the costs incurred in connection with the establishment of such agencies.

(20 U.S.C. 241bb(b); S. Rept. 92-346, 92d Cong., 1st Sess. 1971, p. 99)

§ 186.32 Eligibility factors.

(a) *Eligibility of nonlocal educational agencies.* In determining whether an applicant is a nonlocal educational agency (as defined in § 186.2), eligible to apply for assistance under this subpart, the Commissioner shall consider such factors as the following:

(1) Whether the governing body of the school or school system was selected by, is representative of, and is solely responsible to the Indian tribe or community which that school or school system serves; and

(2) Whether the governing body derives authority from such community to carry out such functions as:

(i) Employing, managing, and terminating personnel;

(ii) Developing and revising curricula;

(iii) Establishing attendance, academic, and other relevant standards;

(iv) Developing and approving budgets;

(v) Establishing operational policies; and

(vi) Raising funds.

(b) *Applications of nonlocal educational agencies.* To assist the Commissioner in making eligibility determinations regarding nonlocal educational agencies, an application shall contain:

(1) Adequate documentation of the authority to carry out the functions contained in paragraph (a) of this section such as:

(i) Incorporation certificate or other organizational charter;

(ii) By-laws or charter;

(iii) Contract or other agreement to administer the school or school system;

(iv) A certified description of the duties of the governing body; and

(2) A description of the policies under which the governing body carries out the functions described in paragraph (a) of this section.

(c) *Applications of local educational agencies.* To assist the Commissioner in making eligibility determinations regarding local educational agencies, an application shall contain certified documentation of the date on which that agency was established as a local educational agency.

(20 U.S.C. 241bb(b))

§ 186.33 Criteria for selection of applications.

(a) In considering whether to approve applications, and in determining the amount of the awards under approved applications, the Commissioner will take into account, in addition to criteria contained in 45 CFR 100a.26(b), criteria such as the following:

(1) The number of Indian children enrolled in the agency applying for assistance, and the number that would be involved in the proposed program or project;

(2) The degree to which costs for which assistance is sought are connected to start up costs incurred in the establishment of community control of a

school or school system or of a new local educational agency;

(3) The degree to which the program or project to be assisted addresses the particular educational and cultural needs of Indian children;

(4) The degree to which the proposed program or project offers activities and services not previously available to Indian children in sufficient quantity or quality;

(5) The adequacy of planning to provide significant long-term improvement of educational opportunities for the Indian children to be served by the school system;

(6) The degree to which the proposed program or project is related to the educational plan and priorities of the Indian community to be served; and

(7) Whether the application satisfies appropriate requirements of Subpart B of this Part.

(b) Applications submitted under this subpart must satisfy the following requirements of Subpart B of this Part:

(1) Sections 186.11 and 186.12, dealing with required contents of applications;

(2) Section 186.13(b), requiring utilization of the best available talents and resources (including persons from the Indian community);

(3) Sections 186.13(c)(1) and 186.17, requiring an assurance that the proposed program or project will be developed, operated and evaluated in open consultation with the Indian community, including at least one public hearing at which all interested community members will have an opportunity to understand the program and to offer recommendations thereon; and

(4) Section 186.14, describing appropriate subjects for discussion at the public hearing required in paragraph (b)(3) of this section.

(c) Applications submitted under this subpart are not required to satisfy the provisions in §§ 186.13(c)(2) and 186.15-186.17 of subpart B of this Part relating to the nomination, selection, and functions of a Parent Committee.

(20 U.S.C. 241dd(b)(2))

[FR Doc.74-14336 Filed 6-21-74;8:45 am]

Title 46—Shipping

CHAPTER II—MARITIME ADMINISTRATION DEPARTMENT OF COMMERCE

SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES

PART 221—DOCUMENTATION, TRANSFER OR CHARTER OF VESSELS

Charges for Processing Certain Applications

A notice of proposed rule making with regard to 46 CFR 221.14 was published in the FEDERAL REGISTER on March 12, 1974 (39 FR 9544). Section 221.14 sets forth the charges for processing applications for the required approval by the Maritime Administration of transfers of vessels owned by United States citizens or documented under the laws of the United States, or shipyards, drydocks, shipbuilding or ship-repairing plants or facilities to persons who are not citizens of the United States.

The proposed rule making would revise § 221.14 by: (1) Increasing the charges to reflect the increased costs of processing the applications; and (2) inserting in paragraph (a) a new subparagraph (7) that requires charges to accompany the applications for appointment of a qualified bank or trust company to act as trustee for an indebtedness that is secured by a mortgage on a vessel, or on a vessel under construction, or a shipyard, dry dock, shipbuilding or ship-repairing plant or facility.

No written objections have been received, and the proposed amendment to § 221.14 is hereby adopted without change as set forth below:

§ 221.14 Charges for processing certain applications.

(a) An application for approval of any of the following actions pursuant to sections 9 or 37 or both of the Shipping Act, 1916, as amended, shall be accompanied by a fee in the sum as set forth below:

(1) Vessel construction for, and sale and delivery to, an alien, and transfer to foreign registry:	
(i) Vessel of 5,000 gross tons and over	$200
(ii) Vessel of over 1,000 gross tons but less than 5000 gross tons	100
(iii) Vessel of 1,000 gross tons and under	50
(2) Mortgage of a vessel or of interest in a vessel to an alien	50
(3) Charter of a vessel to an alien	50
(4) Sale or transfer to an alien of a shipyard, drydock, ship building or ship repairing plant or facility, or any interest therein, having a capacity to accommodate:	
(i) Vessels of 5,000 gross tons and over	200
(ii) Vessels of over 1,000 gross tons but less than 5,000 gross tons	100
(iii) Vessels of 1,000 gross tons and under	50
(5) Sale or transfer of stock in a corporation organized under the laws of the United States, or of any State, territory, district, or possession thereof, and owning any vessel, shipyard, drydock, or ship building or ship repairing plant or facility, if by such sale or transfer the controlling interest or a majority of the voting power of the corporation is vested in, or for the benefit of, any person not a citizen of the United States	50
(6) Departure of a vessel from the United States if the vessel was built in the United States and never cleared for a foreign port, and if no transfer to foreign ownership or registry is involved	25
(7) Appointment of a qualified bank or trust company to act as trustee for an indebtedness secured by a mortgage on a vessel, or on a vessel under construction, or on a shipyard, drydock, or ship building or ship repairing plant or facility	50

(b) An application for approval of any of the following actions pursuant to certain Maritime Administration contracts covering vessels transferred to a foreign ownership or registry or both shall be accompanied by a fee in the sum as set forth below:

(1) Transfer of ownership or registry of a vessel or both	$200
(2) Sale or transfer to an alien of stock in the foreign corporate owner of a vessel	50
(3) Charter of a vessel to an alien	50

(c) An application for modification of any approval covered by paragraph (a) or (b) of this section shall be accompanied by the fee established for the original application.

(d) All fees set forth in this section will be retained to recover the cost of processing the applications.

(e) Application forms as required by this section may be obtained from and shall be submitted to: Foreign Transfer Branch, Office of Domestic Shipping, Maritime Administration, Washington, D.C. 20230.

(Sec. 43, Shipping Act, 1916, as amended (75 Stat. 776, 46 U.S.C. 841a), Reorganization Plan No. 21 of 1950 (64 Stat. 1273) and Reorganization Plan No. 7 of 1961 (75 Stat. 1840) as amended by P.L. 91-469 (84 Stat. 1036), Department of Commerce Order 10-8 (38 FR 19707, July 23, 1973))

Effective date. This amendment to 46 CFR 221.14 is effective on July 1, 1974.

Dated: June 18, 1974.

By Order of the Assistant Secretary of Commerce for Maritime Affairs.

AARON SILVERMAN,
Assistant Secretary.

[FR Doc.74-14425 Filed 6-21-74;8:45 am]

Title 49—Transportation

CHAPTER I—DEPARTMENT OF TRANSPORTATION

SUBCHAPTER A—HAZARDOUS MATERIALS REGULATIONS BOARD

[Docket No. HM-105; Amdt. No. 173-80]

PART 173—SHIPPERS

Tank Car Utilization

In Docket No. HM-105; Amendment No. 173-80, published April 30, 1974 (39 FR 15034) § 173.119(e)(2) was amended. One of the changes resulted in no longer authorizing the use of Department of Transportation specification 111A100W3 tank cars for flammable liquids that are subject to § 173.119 and have a vapor pressure exceeding 16 pounds per square inch absolute, at 100° F. but not exceeding 27 p.s.i.a.

This change was brought to the attention of the Hazardous Materials Regulations Board ("the Board") by Celtran, Incorporated which petitioned that the DOT-111A100W3 be reinstated as an authorized packaging for these flammable liquids. The petitioner stated:

It appears that this specification was erroneously omitted from the subject docket, in as much as the basic difference between the 111A100W1 and the 111A100W3 is that the 111A100W3 is insulated. [The 111A100W1 specification tank car is presently authorized for these liquids.] Also no mention was made in the preamble that it was the Board's intention to eliminate this specification car from the regulations.

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The petitioner is correct. The Board omitted the entry in error.

Accordingly, § 173.119, paragraph (e)(2) is hereby amended by adding "111A100W3" following the 111A60W1 entry.

This amendment is effective September 30, 1974.

(Transportation of Explosives Act (18 U.S.C. 831–835); sec. 6, Department of Transportation Act; (49 U.S.C. 1655))

Issued in Washington, D.C. on June 14, 1974.

JOHN W. INGRAM,
Board Member,
Federal Railroad Administration.

[FR Doc.74–14313 Filed 6–21–74;8:45 am]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Second Rev. S. O. No. 1117–A]

PART 1033—CAR SERVICE

Substitution of Hopper Cars for Covered Hopper Cars or Boxcars

At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 18th day of June 1974.

Upon further consideration of Second Revised Service Order No. 1117 (38 FR 7332, 19126, 31309 and 39 FR 13158), and good cause appearing therefor:

It is ordered, That:

§ 1033.1117 S.O. 1117 (*Substitution of hopper cars for covered hopper cars or boxcars*) be, and it is hereby, vacated and set aside.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; (49 U.S.C. 1, 12, 15, and 17(2)). Interprets or applies Secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; (49 U.S.C. 1(10–17), 15(4), and 17(2)))

It is further ordered, That this order shall become effective at 11:59 p.m., June 19, 1974; that copies of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74–14430 Filed 6–21–74;8:45 am]

SUBCHAPTER B—PRACTICES AND PROCEDURE

PART 1100—GENERAL RULES OF PRACTICE

Evidence; Objections To (Rule 87)

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 15th day of May, 1974.

It is ordered, That § 1100.87 of the Commission general rules of practice be amended by adding the following language after the last sentence of § 1100.87.

§ 1100.87 Evidence; objections to. (Rule 87)

• • • Rulings of the presiding officer may not be appealed during the hearing except where such ruling (a) may result in substantial detriment to the public interest or undue prejudice to any party, and the presiding officer so finds, (b) denies or terminates any person's participation, (c) grants a request for the inspection of documents not ordinarily available for public inspection, (d) overrules an objection based on privilege, the result of which ruling is to require the presentation of testimony or documents, or (e) for some other reason might, in the opinion of the presiding officer, result in substantial irreparable harm.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74–14429 Filed 6–21–74;8:45 am]

Title 13—Business Credit and Assistance

CHAPTER III—ECONOMIC DEVELOPMENT ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 311—NONDISCRIMINATION

Subpart E—Minority Representation and Employment on Public Planning Organizations

Part 311 of 13 CFR Chapter III is hereby amended.

In that the material contained herein is a matter relating to the grant and loan program of the Economic Development Administration, the relevant provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking and opportunity for public participation are inapplicable.

Sections 311.63 and 311.71 are amended to read as follows:

§ 311.63 Implementing procedures.

(a) • • •

(1) The following guidelines are established as a model procedure to assure that, after June 1, 1971, new planning and development organizations seeking final EDA approval of an application for initial funding or a request for district designation shall provide minorities the opportunity to select their own representatives. Where in the opinion of the Assistant Secretary it is necessary to extend the period of time available to fulfill these requirements, compliance with the provisions of this section may be delayed to a date certain after approval.

• • • • • •

§ 311.71 Submission of affirmative action program.

(a) Each organization established after June 1, 1971, shall submit its affirmative action program with the application for funding, or in case funds are not requested, as part of the OEDP. Where in the opinion of the Assistant Secretary it is necessary to extend the period of time available to fulfill these requirements, compliance with the provisions of this section may be delayed to a date certain after approval.

• • • • • •

(Sec. 701, Public Law 89–136 (August 26, 1965); 42 U.S.C. 3211; 79 Stat. 570 and Department of Commerce Organization Order 10–4 (April 1, 1970))

Effective date. These amendments become effective on June 20, 1974.

Dated: June 19, 1974.

WILLIAM W. BLUNT, JR.,
Assistant Secretary
for Economic Development.

[FR Doc.74–14528 Filed 6–21–74;8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rulemaking prior to the adoption of the final rules.

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 16]

INJURIOUS WILDLIFE

Notice of Hearing

On December 20, 1973, a notice of proposed rulemaking was published in the FEDERAL REGISTER (38 FR 34970) which proposed regulations affecting injurious wildlife. This proposal included a list of low risk wildlife, importation restrictions, and permit requirements. It was stated that public hearings would be held prior to final rulemaking and after the issuance of a draft Environment Impact Statement (EIS) on the proposal. A notice of the availability of the draft EIS was published in the FEDERAL REGISTER on June 5, 1974 (39 FR 19969). Hearings will be held in Washington, D.C., Miami, Florida, and San Francisco, California, as originally proposed. In addition, requests and petitions have been received for a hearing in Kansas City, Missouri. Due to the interest shown, an additional hearing will be held in Kansas City. The dates, times, and places of the hearings are as follows:

Date: August 5, 1974.
Place: Auditorium, Department of the Interior, 18th and C Sts, NW., Washington, D.C.
Time: 9:00 a.m.–4:00 p.m.

Date: August 5, 1974.
Place: Miami-Dade Community College, North Campus, Ten Players' Theater, 1130 NW. 27th Ave., Miami, Florida.
Time: 9:00 a.m.–5:00 p.m.

Date: August 6, 1974.
Place: Crown Center Hotel, Centennial B Room, 1 Pershing Road, Kansas City, Missouri.
Time: 9:00 a.m.–5:00 p.m.

Date: August 9, 1974.
Place: Auditorium, Veteran's Memorial Building, Van Ness and McCallister, San Francisco, California.
Time: 9:00 a.m.–5:00 p.m.

The EIS for this proposal is available for public inspection during normal business hours at the Bureau of Sport Fisheries and Wildlife office in Suite 600, 1612 K Street NW., Washington, D.C., and at the regional offices at the following locations:

Regional Director
Bureau of Sport Fisheries and Wildlife
P.O. Box 3737
Portland, Oregon 97208

Regional Director
Bureau of Sport Fisheries and Wildlife
P.O. Box 1306
Albuquerque, New Mexico 87103

Regional Director
Bureau of Sport Fisheries and Wildlife
Federal Building, Fort Snelling
Twin Cities, Minnesota 55111

Regional Director
Bureau of Sport Fisheries and Wildlife
17 Executive Park Drive NE
Atlanta, Georgia 30323

Regional Director
Bureau of Sport Fisheries and Wildlife
U.S. Post Office and Courthouse
Boston, Massachusetts 02109

Regional Director
Bureau of Sport Fisheries and Wildlife
P.O. Box 25486
Denver Federal Center
Denver, Colorado 80225

Alaska Area Director
Bureau of Sport Fisheries and Wildlife
813 D Street
Anchorage, Alaska 99501

Persons wishing to make an oral presentation or submit their views in writing at any of these hearings should file a notice to this effect with the Director, Bureau of Sport Fisheries and Wildlife, Department of the Interior, 19th & C Sts., NW., Washington, D.C. 20240, on or before July 22, 1974. This notice is published under the authority of the Lacey Act (18 U.S.C. 42).

Dated: June 18, 1974.

KEITH M. SCHREINER,
Acting Director, Bureau of Sport Fisheries and Wildlife.

[FR Doc.74–14311 Filed 6–21–74;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 958]

ONIONS GROWN IN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREGON

Proposed Handling Regulation

This proposal, designed to promote orderly marketing of Idaho-Eastern Oregon onions, would require minimum quality standards and inspection of fresh market shipments to keep low quality onions from being shipped to consumers.

Consideration is being given to the issuance of the handling regulation, hereinafter set forth, which was recommended by the Idaho-Eastern Oregon Onion Committee, established pursuant to Marketing Agreement No. 130 and Order No. 958, both as amended (7 CFR Part 958), regulating the handling of onions grown in the production area defined therein. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

The recommendations of the committee reflect its appraisal of the composition of the 1974 crop of Idaho-Eastern Oregon onions and the marketing prospects for this season and are consistent with the marketing policy it adopted. Harvesting of onions is expected to begin about mid-July.

The grade, size and quality requirements provided herein are necessary to prevent onions of poor quality or less desirable sizes from being distributed in fresh market channels. They will also provide consumers with good quality onions consistent with the overall quality of the crop, and maximize returns to producers for the preferred quality and sizes. The requirements with respect to special purpose shipments for other than fresh market use are designed to meet the different requirements for such outlets.

All persons who desire to submit written data, views, or arguments in connection with this proposal shall file the same with the Hearing Clerk, Room 112A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than July 9, 1974. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

§ 958.319 Handling regulation.

During the period July 17, 1974, through April 30, 1975, no person may handle any lot of yellow or white varieties of onions unless such onions are at least "moderately cured," as defined in paragraph (f) of this section, and meet the requirements of paragraphs (a) and (b) of this section, or unless such onions are handled in accordance with paragraphs (c), (d), or (e) of this section.

(a) *Grade, size, and pack requirements*—(1) *Yellow varieties.* U.S. No. 1, 2¼ inches minimum diameter or larger; or U.S. No. 1, 1½ inches minimum to 2¼ inches maximum diameter, if packed separately; or U.S. No. 2 grade, 3 inches minimum diameter, if not more than 30 percent of the lot is comprised of onions of U.S. No. 1 quality.

(2) *White varieties.* U.S. No. 1, 1½ inches minimum diameter or larger; or U.S. No. 2, if not more than 30 percent of the lot is comprised of onions of U.S. No. 1 quality, 1½ inches minimum diameter; or U.S. No. 2, 1 inch minimum to 2 inches maximum diameter if packed separately.

(b) *Inspection.* No handler may handle any onions regulated hereunder unless such onions are inspected by the Federal-State Inspection Service and are covered by a valid applicable inspection certificate, except when relieved of such requirement pursuant to paragraphs (c) and (e) of this section.

(c) *Special purpose shipments.* The minimum grade, size, quality and inspection requirements of this section shall

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not be applicable to shipments of onions for any of the following purposes.

(1) Planting;
(2) Livestock feed;
(3) Charity;
(4) Dehydration;
(5) Canning; and
(6) Freezing.

(d) *Safeguards.* Each handler making shipments of onions for dehydration, canning, or freezing pursuant to paragraph (c) of this section shall:

(1) First apply to the committee for and obtain a Certificate of Privilege to make such shipments;

(2) Prepare, on forms furnished by the committee, a report in quadruplicate on each individual shipment to such outlets authorized in paragraph (c) of this section;

(3) Bill or consign each shipment directly to the applicable processor; and

(4) Forward one copy of such report to the committee office and two copies to the processor for signing and returning one copy to the committee office. Failure of the handler or processor to report such shipments by promptly signing and returning the applicable report to the committee office shall be cause for cancellation of such handler's Certificate of Privilege and/or the processor's eligibility to receive further shipments pursuant to Certificate of Privilege. Upon cancellation of any such Certificate of Privilege the handler may appeal to the committee for reconsideration.

(e) *Minimum quantity exception.* Each handler may ship up to, but not to exceed, 1 ton of onions each day without regard to the inspection and assessment requirements of this part, if such onions meet minimum grade, size, and quality requirements of this section. This exception shall not apply to any portion of a shipment that exceeds 1 ton of onions.

(f) *Definitions.* The terms "U.S. No. 1" and "U.S. No. 2" have the same meaning as when used in the United States Standards for Grades of Onions (§§ 51.2830–51.2854 of this title; 36 FR 19243, except for sizes and grades regulated). The term "moderately cured" means the onions are mature and are more nearly well cured than fairly well cured. Other terms used in this section have the same meaning as when used in Marketing Agreement No. 130 and this part.

Dated: June 19, 1974.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.74–14424 Filed 6–21–74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

[20 CFR Part 401]

[Reg. No. 1]

DISCLOSURE OF OFFICIAL RECORDS AND INFORMATION

Notification to Immigration and Naturalization Service

Notice is hereby given, pursuant to the Administrative Procedure Act (5 U.S.C. 553), that the amendment to the regulation set forth in tentative form is proposed by the Commissioner of Social Security, with the approval of the Secretary of Health, Education, and Welfare. The proposed amendment authorizes the Social Security Administration to notify the Immigration and Naturalization Service when an alien fails, after a reasonable period of time, to produce appropriate Immigration and Naturalization Service documents or produces invalid or expired documents to establish his alien status in applying for a social security number for any purpose, when an alien applies for a social security number to be used for employment purposes and cannot or does not establish that he is permitted to work in the United States, and when earnings are reported to the record of an alien who has been assigned a social security number to be used only for nonwork purposes.

This authorization conforms Regulation No. 1 to the amendments to Regulations No. 22 (20 CFR Part 422) published in the FEDERAL REGISTER of March 19, 1974 (39 FR 10238). The amendments to Regulations No. 22 provide for such disclosure and also provide that an alien applicant for a social security number will be advised in advance that such notice will be given to the Immigration and Naturalization Service. The proposed amendment to Regulation No. 1 thus implements in part that portion of section 137 of the Social Security Amendments of 1972 (Pub. L. 92–603) which directs the Secretary to require applicants for social security numbers to furnish evidence to establish their age, citizenship or alien status, and true identity.

Prior to the final adoption of the proposed amendment to the regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in triplicate to the Commissioner of Social Security, Department of Health, Education, and Welfare Building, Fourth and Independence Avenue SW., Washington, D.C. 20201, on or before July 24, 1974.

Copies of all comments received in response to this notice will be available for public inspection during regular business hours at the Washington Inquiries Section, Office of Public Affairs, Social Security Administration, Department of Health, Education, and Welfare, North Building, Room 4146, 330 Independence Avenue SW., Washington, D.C. 20201.

The proposed amendment to the regulation is to be issued under the authority contained in sections 205 and 1102, 53 Stat. 1368, as amended, and 49 Stat. 647, as amended; 42 U.S.C. 405 and 1302.

(Catalog of Federal Domestic Assistance Program Nos. 13.800–13.807, Social Security)

Dated: May 23, 1974.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: June 17, 1974.

CASPAR W. WEINBERGER,
Secretary of Health, Education, and Welfare.

Part 401 of Chapter III of Title 20 of the Code of Federal Regulations is amended to add paragraph (x) to § 401.3 to read as follows:

§ 401.3 Information which may be disclosed and to whom.

Disclosure of any such file, record, report, or other paper, or information, is hereby authorized in the following cases and for the following purposes:

* * * * *

(x) Under the conditions of § 422.107 of this chapter, regarding the issuance of social security numbers, notice will be given to the Immigration and Naturalization Service:

(1) When an alien applicant for a social security number has offered invalid or expired immigration documents as evidence of his alien status (see § 422.107(d) (4) of this chapter);

(2) When an alien applicant for a social security number has failed to furnish, after a reasonable time, satisfactory evidence of his alien status (see § 422.107(d) (3) of this chapter);

(3) When an alien applicant requests a social security number for employment purposes and produces immigration documents indicating that he is not permitted to work in this country (see § 422.107(d) (1) of this chapter); or

(4) When earnings have been reported to the earnings record of an alien who is not permitted to work in this country and who was issued a social security number solely for nonwork purposes (see § 422.107(d) (1), and (2) of this chapter).

[FR Doc.74–14337 Filed 6–21–74;8:45 am]

ATOMIC ENERGY COMMISSION

[10 CFR Part 20]

STANDARDS FOR PROTECTION AGAINST RADIATION

Concentration Value for Radon-222 Daughters and Its Use When Uranium Ore Dust Is Present

The Atomic Energy Commission has under consideration amendments of its regulations in 10 CFR Part 20, "Standards for Protection Against Radiation," which would establish an occupational concentration value for radon–222 daughters in air in Table I of Appendix B and delete the value for radon-222. The limit for radon would be replaced by a limit on radon daughters because the daughters are the major health hazard. The change would have the effect of limiting the exposure permitted from radon daughters to 4 "working level months" per year as was recommended by the Environmental Protection Agency for the uranium mining industry (36 FR 12921). The proposed value is about one-third of that in the current paragraph (b) of § 20.5. The proposed amendment would require a determination of radon-222 daughter concentrations where uranium ore is processed prior to separation of the uranium from the ore in addition to the present requirement for a determination of the uranium concentration.

In Appendix B of Part 20 the current occupational concentration value for radon-222 in air is 10^{-7} microcuries per milliliter. The short-lived daughters of radon are not now listed in the appendix.

This is because the value for radon-222 was established on the basis of the assumption that its daughters would be present in equilibrium quantities or that expected departures from equilibrium would not have a major effect on the results, and thus that the single value for radon-222 could be used for control of both the radon and its daughters. Specifically, it has been assumed that when 10^{-7} microcurie/ml of radon-222 was present, up to 10^{-7} microcurie/ml of polonium-218, 10^{-7} microcurie/ml of lead-214, 10^{-7} microcurie/ml of bismuth-214, and 10^{-7} microcurie/ml of polonium-214 would also be present and that they did not have to be separately considered.

Expressed in terms of "working levels," the concentration unit used by the EPA, radon daughter concentrations in equilibrium with 10^{-7} microcurie/ml of radon-222 are equal to one "working level." A "working level" is defined as any combination of radon daughters in one liter of air, without regard to the degree of equilibrium, that will result in the ultimate emission of 1.3×10^5 MeV of alpha particle energy. A concentration of 10^{-7} microcurie/ml of each of the short-lived radon daughters will release that quantity of alpha particle energy in one liter of air. Exposure to this concentration for forty hours a week for one year results in an exposure of 12 "working level months" for that year. The EPA recommends a limit of 4 "working level months" per year for the uranium mining industry. Therefore, in adopting the EPA recommendation AEC would reduce the exposure to radon daughters that it now allows to approximately one-third of the present level. Such a reduction would be in conformance with the concentration value recommended by the International Commission on Radiological Protection since 1959. Their Publication 2, "Report of Committee II on Permissible Dose for Internal Radiation," recommends a limit on radon-222 of 3×10^{-8} microcurie/ml where its daughters "are assumed present to the extent they occur in unfiltered air." The ICRP reaffirmed this value in 1964 in its Publication 6, "Recommendations of the International Commission on Radiological Protection." The National Council on Radiation Protection and Measurements has also recommended a limit on radon-222 of 3×10^{-8} microcurie/ml where its daughters "are assumed present to the extent they occur in unfiltered air." Their recommendation is contained in National Bureau of Standards Handbook 69 (1959).

A simple reduction of the concentration value for radon–222 from 10^{-7} microcurie/ml to 3×10^{-8} microcurie/ml to meet the EPA standard has been considered but rejected. The EPA standard is directly based on radon daughter concentrations. This is desirable because the daughters themselves, and not the radon–222, are generally the primary health hazard. Also the use of radon daughter measurements as a basis requires no assumptions about the degree of disequilibrium. It is suggested, therefore, that since the daughters themselves are the primary potential health hazard, the value in Table I of Appendix B should be expressed directly in terms of radon daughter concentrations.

The possibility of expressing the radon daughter concentrations in terms of "working levels" was also considered but rejected. All concentrations in Appendix B are currently expressed in terms of "microcurie/ml." It is believed that to introduce a new unit applicable to only one nuclide would make the regulations more complex and unnecessarily difficult to understand. It would also make the rules for mixtures in the Note to Appendix B more difficult to use. Also records, normally kept in terms of "microcurie/ml," would be more difficult to keep and to understand.

It was therefore decided that the limit on radon daughters should be expressed in terms of microcurie/ml of daughters. Furthermore, since alpha particles are the primary potential hazard, it was considered desirable to express the limits on daughter concentrations in terms of the alpha activity only.

The daughters which emit alphas are polonium-218 (radium A) and polonium-214 (radium C'). The current value in Appendix B for occupational exposure to radon-222 is 10^{-7} microcurie/ml. This permits up to 10^{-7} microcurie/ml of alpha emitting polonium-218 and 10^{-7} microcurie/ml of alpha emitting polonium-214 to be present. The total alpha activity from radon daughters permitted under the present requirement would therefore be 2×10^{-7} microcurie/ml. The proposed value for daughter alpha activity is 7×10^{-8} microcurie/ml, effectively one-third of the present value.

This value would appear in a new line in Appendix B which would be called "Rn-222 daughters." It would have a single entry. The value of 7×10^{-8} microcurie/ml would appear in Column 1, Table I, the occupational airborne value. It would replace the value of 1×10^{-7} now in Column 1, Table I on the line for Rn-222.

A new footnote 4 to Appendix B would note that the new value is the *alpha* activity. It would also give alpha activities at times subsequent to the collection of a 5 minute sample. The values were taken from data given in American National Standard N13.8–1973, "Radiation Protection in Uranium Mines." (Note that Appendix B currently has two footnotes and a Note with five paragraphs.)

While the proposed value for radon-222 daughters is not necessarily identical with a value of one-third working level, in actual practice it will not differ markedly. "Working levels" are usually measured by counting the alpha activity deposited on a filter following a five minute collection period. The new footnote 4 allows the same procedure, and the activities in footnote 4 corresponding to a daughter alpha activity of 7×10^{-8} microcurie/ml are the same as those for one-third "working level" in American National Standard N13.8–1973.

The proposed value of 7×10^{-8} μCi/ml alpha activity in Table I of Appendix B is not always equal to one-third "working level." When there is disequilibrium, the proposed value is more restrictive than one-third "working level." For example, when the relative activities of radium A, radium B, and radium C (or radium C') are 1:0.45:0.35, 7×10^{-8} microcurie/ml of alpha activity is equal to 0.24 "working levels" rather than 0.33.

Under nonequilibrium conditions the value of 7×10^{-8} microcurie/ml is always conservative. However, the possible overestimation of the radon daughter hazard is considered acceptable, particularly since it may be avoided by the use of the new footnote 4.

In one way this proposed rule change is more stringent than the EPA recommendation. The EPA specified limit on exposure to radon, 4 "working level months" per year, would permit annual averaging of exposures. The Atomic Energy Commission presently limits averaging to a one-week period and is considering a change to quarterly averaging of airborne exposures to concentrations of radioactive materials.

Quarterly averaging should not be sufficiently more stringent than annual averaging; it is thus not significantly different from the EPA recommendation.

Since paragraph (b) of § 20.5, which now relates observed alpha activity to a radon-222 concentration of 10^{-7} microcurie/ml, would no longer be needed for occupational exposures, the paragraph would be deleted. However, a similar table to apply to the Table II value (unrestricted area) in Appendix B for radon-222 of 3×10^{-9} microcurie/ml would be added as a footnote 3 to Appendix B. The values in the table in footnote 3 would also be based on the data in the American National Standard N13.8–1973, as are the values in the proposed new footnote 4.

The letter "S", denoting a soluble compound, would be deleted for the radon-222 and radon-222 daughter entries in Appendix B. Radon daughters are most harmful when they exist as isolated atoms, unattached to larger particles. The concept of solubility has little meaning for such unattached atoms.

Additionally, paragraph 4 of the Note to Appendix B of Part 20, which now specifies limits on concentrations of uranium ore dust in air prior to chemical processing, would be revised to make the given concentrations applicable to uranium and its daughters except radon-222 daughters. An independent value would be applicable to the radon daughters. When the Note to Appendix B was originally written, it was thought that exposures to radon-222 daughters would be insignificant in comparison with exposures to uranium-238, thorium-230, and radium-226. However, radon-222 daughter concentrations can be significant in some instances and should be considered separately. Also, the word "separation" would be substituted for "processing" to define more precisely under what circumstances the Note is applicable.

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The Commission has determined that an environmental impact statement pursuant to the National Environmental Policy Act of 1969 need not be prepared in connection with the promulgation of these regulations because they will not significantly affect the quality of the human environment. An environmental impact appraisal setting forth the basis for that determination is available for public inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C. Single copies of the environmental impact appraisal may be obtained by writing the Occupational Health Standards Branch, Directorate of Regulatory Standards, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Pursuant to the Atomic Energy Act of 1954, as amended, and section 553 of title 5 of the United States Code, notice is hereby given that adoption of the following amendments of 10 CFR Part 20 is contemplated. All interested persons who desire to submit written comments or suggestions for consideration in connection with the proposed amendments should send them to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff by August 23, 1974. Copies of the comments on the proposed amendments may be examined at the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C.

§ 20.5 [Amended]

1. Paragraph (b) of § 20.5 is deleted.

APPENDIX B

2. In Appendix B of Part 20, in the line for "Isotope" Rn 222 listed under the "Element" Radon (86) the value in Table I and the symbol "S" are deleted, and a new line for radon-222 daughters is added beneath the Rn 222 line. The two lines would now read as follows:

Isotope	Table I		Table II	
	Column 1 air μCi/ml	Column 2 water μCi/ml	Column 1 air μCi/ml	Column 2 water μCi/ml
Rn 222 [1]			3×10^{-4}	
Rn 222 daughters [2]	7×10^{-8}			

[1] Radon daughters are assumed present. The short lived daughter activity concentrations in the following table may be assumed equivalent to an air concentration of 3×10^{-4} microcuries of radon-222 per milliliter of air.

[2] Rn-222 daughter alpha activity only. This instantaneous value will overestimate the hazard when the daughter concentrations are not in equilibrium. The overestimate may be avoided by allowing the daughter activity to decay for 40 minutes or longer and using the table below. The short lived daughter activity concentrations in the following table may be assumed equivalent to an air concentration of 7×10^{-8} microcuries of alpha activity of radon-222 daughters per milliliter of air.

3. A new footnote 3 is added to Appendix B of Part 20 to read as follows:

Time after a 5-minute collection period	Radon daughter alpha activity collected per milliliter of air	
	Microcuries/ml	Total alpha disintegrations per minute per ml
40 minutes	2.2×10^{-9}	0.005
60	1.7×10^{-9}	.0037
90	$.9\times10^{-9}$	.002

4. A new footnote 4 is added to Appendix B of Part 20 to read as follows:

Time after a 5-minute collection period	Radon daughter alpha activity collected per milliliter of air	
	Microcuries/ml	Total alpha disintegrations per minute per ml
40 minutes	2.2×10^{-8}	0.05
60	1.7×10^{-8}	.037
90	$.9\times10^{-8}$	.02

5. The first sentence of paragraph 4 of the Note to Appendix B of Part 20 is revised to read as follows:

NOTE: • • •

• • • • • •

4. If the mixture of radionuclides consists of uranium and its daughters in ore dust prior to chemical separation of the uranium from the ore, the values specified below may be used for uranium and its daughters, except for the short-lived daughters of radon-222, those through polonium-214, instead of those from paragraphs 1, 2, or 3 above.

• • • • • •

(Sec. 161, Pub. Law 83-703, 68 Stat. 948; (42 U.S.C. 2201))

Dated at Germantown, Md. this 15th day of June 1974.

For the Atomic Energy Commission.

PAUL C. BENDER,
Secretary of the Commission.

[FR Doc.74-14387 Filed 6-21-74;8:45 am]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 207, 208, 212, 214, 217, 241, 249, 369, 389]

[EDR-276; SPDR-37; ODR-8; Docket No. 26810]

CHARTER FLIGHTS

Notice of Proposed Rulemaking

Notice is hereby given that the Civil Aeronautics Board has under consideration the adoption of a new Part 369 of its Special Regulations establishing a new class of charter designated as a "Special Event Charter." Under consideration also are implementing amendments to Parts 207, 208, 212, 214, 217, 241, and 249 of the Economic Regulations and Part 389 of the Organization Regulations. The principal features of the proposals are described in the Explanatory Statement, and the proposed amendments are set forth in the Proposed Rules. The amendments are proposed under the authority of sections 101(3), 204(a), 401, 402, 407, 416(a), and 1001 of the Federal Aviation Act of 1958, as amended, 72 Stat. 737 (as amended), 743, 754 (as amended), 757, 766, 771, and 788; 49 U.S.C. 1301, 1324, 1371, 1372, 1377, 1386, and 1481.

Interested persons may participate in the proposed rule making through submission of twelve (12) copies of written data, views or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant material in initial comment received on or before July 25, 1974, and reply comments received on or before August 9, 1974, will be considered by the Board before taking final action on the proposed rules. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 710 Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C., upon receipt thereof.

Those persons planning to file comments or responsive comments who wish to be served with such comments filed by others, and are willing to undertake to serve their comments on others, shall file with the Docket Section at the above address by July 5, 1974, a request to be placed on the Service List in Docket No. 26810. The Service List will be prepared by the Docket Section and sent to the persons named thereon. The persons on the Service List are to serve each other with their comments or responsive comments at the time of filing.

A list of all persons filing comments will be prepared by the Docket Section and sent to the persons named thereon. Responsive comments may be filed by any person by August 9, 1974, and comments so filed will be considered by the Board. In addition to those on the Service List who filed comments, persons filing responsive comments should also serve any person whose comment is dealt with in their responsive comment.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

EXPLANATORY STATEMENT

As is well known, the Board has on a number of occasions expressed its dissatisfaction with the "prior affinity" type of charter, on the grounds that such charters are discriminatory and that the affinity rules have proven extremely difficult to enforce.[1] Nevertheless, despite the introduction of new types of charters not requiring prior affinity among members of a charter group,[2]

[1] See, e.g., SPDR-33, September 4, 1973, Docket 25854.

[2] E.g., Inclusive Tour Charters (ITC's) under Part 378 and Travel Group Charters (TGC's) under Part 372a of the Special Regulations.

prior affinity charters still constitute the predominant charter category operated. The reduction or elimination of reliance on affinity charters is dependent on the development of viable alternative types of charters. Accordingly, as an additional alternative to prior affinity charters, we are here proposing the adoption of rules governing a new category of charter to be known as "Special Event Charters" (SEC).

The concept of a charter limited to a group of persons having the common purpose of attending a particular event is not new. For example, several years ago eight supplemental air carriers included in a petition for rule making a proposal for instituting proceedings to amend the charter rules pertaining to supplemental carriers to permit special event or "Rose Bowl" type charters.[3] Rulemaking proceedings on this proposal were not instituted because of basic difficulties with the rule proposed. For example, "Special Event" was not defined and no safeguards were provided against the possibilities of abuse by persons using a special event charter for point-to-point air transportation unconnected with the ostensible purpose of the charter. In sum, the rules proposed by the supplemental carriers would have only added to the enforcement problems the Board was confronting with respect to the prior affinity rules.

Notwithstanding the defects of the rules as then proposed, we believe that there can be little doubt that a group of persons sharing the common interest and purpose of attending a particular event is per se charterworthy in concept, and that a charter composed of such a group is distinguishable from individually ticketed services. In our judgment there is also a need for SEC's which is not met by other types of charters or individually ticketed services. Prior affinity charters are not usable by a large segment of the public for attendance at a special event. The ITC rules with their three-stop requirements are not applicable to attendance at a single special event. The more recent TGC rules cannot be used for the many special events which are announced shortly before they take place.

In addition, the public need for SEC's is illustrated by developments which have recently taken place abroad. Austria, France, Germany, and the United Kingdom have adopted "special event charter" rules. Canada has a "pro rata common purpose" charter for special events. And the European Civil Aviation Conference (ECAC) has recommended to its Member States that "special event charters" be allowed on an ad hoc basis where such charters could not be operated as "Advance Booking Charters" (ABC's).

The evident legitimacy of and need for SEC's warrant, in our opinion, the adoption of the rules proposed herein. These rules, in sum, will provide adequate assurance that SEC's will not be used as a substitute for point-to-point air transportation and will insure protection to the public in their dealings with charter organizers.

The basic plan of the rules is similar to other special charter rules in that the charter organizer would be deemed an indirect air carrier and, in view of the need for SEC's described above, the Board finds that it is in the public interest to relieve charter organizers from provisions of the Act to the extent set forth in § 369.21 of the rule. Both U.S. direct carriers holding certificates and foreign direct carriers holding permits would be authorized to perform SEC's, and split charters would be permitted. Accordingly, we are also proposing authorizing and implementing amendments to the basic charter regulations applicable to the direct carriers (Parts 207, 208, 212, and 214 and implementing amendments are also proposed for Parts 217 (Reporting Data Pertaining to Civil Aircraft Charters Performed by Foreign Air Carriers), Part 241 (Uniform System of Accounts and Reports for Certificated Air Carriers), Part 249 (Preservation of Air Carrier Accounts, Records and Memoranda), and Part 389 (Fees and Charges for Special Services).[4]

Most of the proposed provisions of the new part have been adopted from pertinent provisions of other special charter rules, and we shall generally confine the discussion below to features peculiar to SEC's.

1. *Definition of "Special Event".* The definition of "special event" in § 369.2 requires that the event be specific and significant. Although not a condition, the definition also provides that a special event may be of a sporting social, religious, educational, cultural, or political nature. A special event would not be restricted to events of the nature described, but the provision is intended to indicate generally the types of events which would be embraced in the SEC concept.

The definition of "special event" contains three conditions. First, the event must not extend over ten days in duration. This condition is designed to assure that an event continuing over a protracted period, such as a world's fair, is not used as a pretext for accommodating on SEC's persons whose purpose is solely to be transported to and from the place where such an event is held and with no intent to attend the event. The condition is considered necessary to prevent SEC's from being used for point-to-point air transportation. However, SEC's to events of a continuing nature could be granted by waiver under § 369.3 where, for example, it is shown that there is little or no likelihood that persons on a contemplated SEC will deliberately fail to attend the event or otherwise use an SEC for point-to-point air transportation. It is also to be noted that TGC's are ordinarily available with respect to events of a continuing nature.

Second, the event must not be created for the primary purpose of generating air travel or promoting tourism; and third, it must not be sponsored by a direct air carrier, charter organizer, or any person engaged in the business of providing accommodations for tourists. These conditions are designed to discourage SEC's from being used for events "manufactured" by persons with an economic interest in promoting travel or tourism to the place where the event would take place. In other words, the conditions would tend to ensure that the event which provides the legal basis for charter is not merely a pretext for the furnishing of charter transportation for purposes unrelated to the event.

2. *General conditions and limitations.* General conditions and limitations on SEC's are set forth in Subpart B of the proposed new part. Section 369.10 provides that a charter organizer shall be an independent principal and not the agent for direct air carriers. This provision, which would insure the independence of charter organizers from direct air carriers, is similar to requirements in the ITC and TGC rules.[5] The passenger, seat, and group limitations of § 369.11 and the intermingling restriction of § 369.12 have been adopted from other special character rules,[6] and need no discussion here.

Section 369.13 (Air transportation limitations) is intended to assure that air transportation on SEC's is not used for a purpose other than to transport charter participants to and from the place where a special event is to take place. Specifically, the charter must be on a round-trip basis; air transportation shall be provided only to and from the city or metropolitan area in which the special event takes place and/or to and from the airport located closest to the event; and open jaw or circle trips are not permitted. To further ensure that SEC's are not used for point-to-point air transportation, § 369.14(a) requires a maximum duration between the day the departing flight takes off for the destination and the day the returning flight lands at the originating point of ten days except for North American charters, for which the maximum duration shall be seven days. And § 369.14(b) provides that the departing flight shall arrive at the destination no earlier than 36 hours prior to the commencement of the special event and the returning flight shall take off no later than 36 hours after the termination of the event.

Section 369.15 (Charter price per passenger) would normally require a

[3] Docket 21255. To the extent indicated herein the proposal is granted and is otherwise denied.

[4] The amendments to Part 389 would also delete reference to Part 378a, Bulk Inclusive Tours by Tour Operators. In effect, this part has expired by its terms. (See § 378a.4.)

[5] Section 378.2(b)(8) and 372a.10(a).

[6] See, e.g. Sections 372a.10(b), 372a.10(b), 372a.17 and 378.2(b)(5).

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charter participant to purchase an all-inclusive package trip, and is an additional provision to minimize the use of SEC's for point-to-point air transportation. It provides that the charter price per passenger includes charges for (a) air transportation; (b) all necessary ground transportation at the destination; (c) hotel accommodations; (d) the price of a ticket and any other event-related fee necessary for admission to the event; (e) any other ground services and accommodations, at the option of the charter organizer; and (f) compensation to the charter organizer. However, when the flight arrives at the destination and departs on the return leg on the same day, the charter price need not include the charges described in § 369.15 (b) or (c).

3. *Requirements applicable to charter organizer.* Subpart C of the proposed new part sets forth the requirements applicable to the charter organizer. Section 369.20 provides that a charter organizer shall not be the sponsor of a special event, nor an employee of, or affiliated with, such sponsor, nor shall a charter organizer receive direct or indirect compensation from the sponsor for arranging charter flights to the special event. As noted above, the definition of "special event" requires that it not be sponsored by a charter organizer, and the provision here that a charter organizer shall not be the sponsor of a special event merely emphasizes the point. However, the provision goes further to insulate a charter organizer from the sponsor of a special event. The purpose, of course, is to preclude charter organizers from having an interest in promoting travel or tourism to a place where a special event is to take place which is not related to transportation for the specific purpose of attending a special event.

Other provisions of Subpart C are patterned after pertinent provisions of other special charter rules, but we take note of the following.

There are no restrictions as to the scope of advertising and solicitation, and solicitation of the general public is permitted. Nevertheless, § 369.26 (Solicitation and advertising) includes a prohibition that a charter organizer shall not sell or offer to sell, solicit, or advertise a charter or charters until and unless a Statement of Authorization to conduct such a charter or charters has been issued to the direct air carrier as provided in § 369.40.

Section 369.28 (Surety bond and depository agreement) contains provisions peculiar to SEC's. Section 369.28(a) would require a bond in an amount not less than the charter price for the air transportation. Section 369.28(b)(1) provides that, in lieu of such a surety bond, if the charter involves air transportation only, a bond is required in the amount of $5,000 per round-trip charter flight, up to a maximum of $50,000 for a series of more than 10 or more round-trip charter flights; but if the charter involves ground accommodations or services in addition to transportation,[1] a bond is required in the amount of $10,000 per round-trip charter flight, up to a maximum of $100,000 for a series of 10 or more round-trip charter flights. Where the bond requirements of § 369.28(b)(1) are opted for, § 369.28(b)(2), would require the same type of depository agreement provided in Part 378.

4. *Requirements applicable to direct air carriers.* Requirements applicable to direct air carriers are contained in Subpart D of the proposed Part 369. The most significant feature of this Subpart is the prior approval requirement. We believe that, at least initially, a prior approval requirement is necessary to insure that SEC operations are consistent with the definition of "special event" and to monitor the activities of charter organizers.

Accordingly, § 369.40 prohibits a direct air carrier from operating SEC's unless specific authority in the form of a Statement of Authorization to operate such charters has been issued by the Board. And § 369.41 sets forth the requirements governing applications for a Statement of Authorization. The remaining provisions of this subpart are adapted from other special charter regulations and are believed self-explanatory.

5. *Post-charter trip reporting.* Subpart E contains post-charter trip reporting requirements. It has been adapted from § 378.20, and is self-explanatory.

It is proposed to adopt a new Part 369 of the Special Regulations and to amend Parts 207, 208, 212, 214, 217, 241 and 249 of the Economic Regulations and Part 389 of the Organization Regulations, as follows:

PART 207—CHARTER TRIPS AND SPECIAL SERVICES

1. Amend § 207.11 by adding new paragraphs (b)(9) (c)(7) to read as follows:

§ 207.11 Charter flight limitations.

* * * * * * *

(b) * * *

(9) By a special event charter organizer as defined in Part 369 of this chapter, or

(c) * * *

(7) By a special event charter organizer as defined in Part 369 of this chapter: *Provided*, That with respect to paragraph (c) of this section each person engaging less than the entire capacity of an aircraft shall contract and pay for 40 or more seats: *And provided further*, That paragraph (c) shall not be construed to apply to movements of property.

[1] Section 369.2 ("Definitions") provides that the term "ground accommodations or services" includes, but is not limited to, provision of hotel accommodations, ground transportation at the destination, and admission to a special event through the furnishing of a ticket or other document necessary to enable a charter participant to attend the event. As indicated earlier, a charter involving air transportation only would be relatively rare.

PART 208—TERMS, CONDITIONS AND LIMITATIONS OF CERTIFICATES TO ENGAGE IN SUPPLEMENTAL AIR TRANSPORTATION

2. Amend § 208.6 by adding new paragraphs (b)(8) and (c)(7) to read as follows:

§ 208.6 Charter flight limitations.

Charter flights in air transportation performed by supplemental air carriers shall be limited to the following:

* * * * * * *

(b) * * *

(8) By a special event charter organizer as defined in Part 369 of this chapter.

(c) * * *

(7) By a special event charter organizer as defined in Part 369 of this chapter. *Provided*, That with respect to paragraph (c) of this section each person engaging less than the entire capacity of an aircraft shall contract and pay for 40 or more seats: *And provided further*, That paragraph (c) shall not be construed to apply to movements of property.

PART 212—CHARTER TRIPS BY FOREIGN AIR CARRIERS

3. Amend § 212.8 by adding new paragraphs (a)(9) and (b)(7) to read as follows:

§ 212.8 Charter flight limitations.

(a) * * *

(9) By a special event charter organizer as defined in Part 369 of this chapter.

(b) * * *

(7) By a special event charter organizer as defined in Part 369 of this chapter: *Provided*, That with respect to paragraph (b) of this section each person engaging less than the entire capacity of an aircraft shall contract and pay for 40 or more seats: *And provided further*, That paragraph (b) shall not be construed to apply to movements of property.

PART 214—TERMS, CONDITIONS AND LIMITATIONS OF FOREIGN AIR CARRIER PERMITS AUTHORIZING CHARTER TRANSPORTATION ONLY

4. Amend § 214.7 by adding new paragraphs (a)(6) and (b)(6) to read as follows:

§ 214.7 Charter-flight limitations.

(a) * * *

(6) By a special event charter organizer as defined in Part 369 of this chapter.

(b) * * *

(6) By a special event charter organizer as defined in Part 369 of this chapter: *Provided*, That paragraph (b) of this section shall not apply with respect to any foreign air carrier to the extent that its permit authorizes it to engage in "planeload" charter foreign air transportation of persons: *Provided further*, That with respect to paragraph (b) of this section each person engaging

less than the entire capacity of the aircraft shall contract any pay for 40 or more seats.

PART 217—REPORTING DATE PERTAINING TO CIVIL AIRCRAFT CHARTERS PERFORMED BY FOREIGN AIR CARRIERS

5. Amend § 217.6 by adding new paragraph (b)(10) to read as follows:

§ 217.6 Reporting instructions.

* * * * * * *

(b) * * *

(10) Special event charter, as defined in Part 369 of this chapter (Board's Special Regulations).

PART 241—UNIFORM SYSTEM OF ACCOUNTS AND REPORTS FOR CERTIFIED AIR CARRIERS

6. Amend Schedule T-6—Summary of Civil Aircraft Charters in Section 25—Traffic and Capacity Elements, by adding a new paragraph (c)(9) to read as follows:

Schedule T-6—Summary of civil aircraft charters

* * * * * * *

(c) * * *

(9) Special event charter, as defined in Part 369 of the Board's Special Regulations.

7. Amend Schedule T-6—Summary of Civil Aircraft Charters in Section 35—Traffic and Capacity Elements, by adding a new paragraph (b)(9) to read as follows:

Schedule T-6—Summary of civil aircraft charters

* * * * * * *

(b) * * *

(9) Special event charter, as defined in Part 369 of the Board's Special Regulation.

PART 249—PRESERVATION OF AIR CARRIER ACCOUNTS, RECORDS AND MEMORANDA

8. Amend § 249.2 by inserting in alphabetical order a new definition of "special event charter organizer" to read as follows:

§ 249.2 Definitions.

* * * * * * *

"Special event charter organizer" means (1) any citizen of the United States, as defined in section 101(13) of the Act (other than a direct air carrier) who is authorized under Part 369 to engage in the formation of groups for transportation on special event charters in accordance with the provisions of Part 369; or (2) any person not a citizen of the United States, as defined in section 101(13) of the Act (other than a direct foreign air carrier) who is engaged in the formation of groups for transportation on special event charters which originate in the United States in accordance with the provisions of Part 369, and who holds a permit issued pursuant to section 402 of the Act authorizing such transportation.

* * * * * * *

9. Amend § 249.9 by revising the heading and adding a new paragraph (e) to read as follows:

§ 249.9 Period of preservation of records by tour operators, study group charters, overseas military personnel charter operators, travel group charter organizers, and special event charter organizers.

* * * * * * *

(e) Every special event charter organizer (as defined in § 249.2) conducting a special event charter pursuant to Part 369 of this chapter shall retain for two years after completion of a charter or a series of charters true copies of the following documents at its principal or general office in the United States and shall make them available upon request by an authorized representative of the Board:

(1) All receipts and statements of travel agents, and all other documents which evidence or reflect deposits made by each charter participant;

(2) All receipts and statements of travel agents, and all other documents which evidence or reflect commissions received, paid to, or deducted by travel agents in connection with the charter or series of charters; and

(3) All statements, invoices, bills, and receipts from suppliers for furnishing of goods or services in connection with the charter or series of charters.

10. Adopt a new Part 369 of the Special Regulations to read as follows:

PART 369—SPECIAL EVENT CHARTERS

Subpart A—General Provisions

Sec.
369.1 Applicability.
369.2 Definitions.
369.3 Waivers.
369.4 Enforcement.

Subpart B—General Conditions and Limitations

369.10 Charter organizer an independent principal.
369.11 Passenger, seat, and group limitations.
369.12 No intermingling of passengers.
369.13 Air transportation limitations.
369.14 Duration.
369.15 Charter price per passenger.
369.16 Payment to direct air carrier(s).
369.17 Unused space.

Subpart C—Requirements Applicable to Charter Organizers

369.20 Charter organizer distinct from event sponsor.
369.21 Exemption.
369.22 Approval of certain interlocking relationships.
369.23 Effect of exemption on antitrust laws.
369.24 Jurisdiction over foreign charter organizers.
369.25 Suspension of exemption authority.
369.26 Solicitation and advertising.
369.27 Contract between charter organizer and charter participants.
369.28 Surety bond and depository agreement.
369.29 Disbursements from depository account.
369.30 Reporting requirements.
369.31 Discrimination.
369.32 Methods of Competition.
369.33 Record retention.

Subpart D—Requirements Applicable to Direct Air Carriers

Sec.
369.40 Statement of authorization.
369.41 Application for statement of authorization.
369.42 Charter contract.
369.43 Tariffs to be filed for charter trips.
369.44 No commissions to be paid.

Subpart E—Post-Charter Trip Reporting Requirements

369.50 Post-charter trip reporting.

Subpart A—General Provisions

§ 369.1 Applicability.

This part establish the terms and conditions governing the furnishing of special event charters in air transportation by direct air carriers and foreign air carriers and by special event charter organizers. This part also relieves such charter organizers (other than foreign charter organizers) from various provisions of Title IV of the Federal Aviation Act of 1958, as amended, for the purpose of enabling them to provide special event charters utilizing aircraft chartered from such direct carriers. It also contains a limited declination of exercise of jurisdiction over foreign charter organizers. The provisions of this regulation shall not be construed as limiting any other authority to engage in air transportation issued by the Board. Nothing contained in this part shall be construed as repealing or amending any provisions of any of the Board's regulations, unless the context so requires.

§ 369.2 Definitions.

As used in this part, unless the context otherwise requires—

"Charter" means a special event charter.

"Charter organizer" means a special event charter organizer.

"Charter participant" means a member of a group consisting solely of persons having the common purpose of attending a special event who are assembled by a charter organizer to participate as a single unit in a special event charter.

"Direct air carrier" means (1) an air carrier holding a certificate of public convenience and necessity issued pursuant to Section 401 of the Act, or (2) a foreign air carrier which holds a permit issued under Section 402 of the Act.

"Foreign charter organizer" means any person not a citizen of the United States, as defined in section 101(13) of the Act (other than a direct foreign air carrier) who is (1) engaged in the formation of groups for transportation on special event charters which originate in a foreign country and over whom the Board has declined to exercise its jurisdiction, or (2) engaged in the formation of groups for transportation on special event charters which originate in the United States and who holds a permit issued pursuant to section 402 of the Act authorizing such transportation.

"Ground accommodations and services" include, but are not limited to, the provision of hotel accommodations, ground transportation at the destination, and admission to a special event through

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the furnishing of a ticket or other document necessary to enable a charter participant to attend the event.

"North American charter" means a special event charter between a point or points in any State of the United States, the District of Columbia, Puerto Rico, or the U.S. Virgin Islands, on the one hand, and a point or points in any other State of the United States or in Canada, Mexico, or the "Islands of the Caribbean" (as defined in Part 207 (14 CFR Part 207)), on the other hand.

"Person" means any individual, firm, association, partnership or corporation.

"Special event" means a specific, significant event, including events of a sporting, social, religious, educational, cultural, or political nature, (1) which does not extend over ten (10) days in duration, (2) which is not created for the primary purpose of generating air travel or promoting tourism, and (3) which is not sponsored by a direct air carrier, charter organizer, or any person engaged in the travel business or in the business of providing accommodations for tourists.

"Special event charter" means a round-trip charter to be performed by one or more direct air carriers, which is arranged and sponsored by a charter organizer for a group having the common purpose of attending a special event, and which meets the requirements set forth in Subpart B of this part.

"Special event charter organizer" means (1) any citizen of the United States, as defined in section 101(13) of the Act (other than a direct air carrier), who is authorized hereunder to engage in the formation of groups for transportation on special event charters in accordance with the provisions of this part; or (2) a foreign special event charter organizer.

§ 369.3 Waivers.

A waiver of any of the provisions of this part may be granted by the Board upon its own initiative, or upon the joint submission by a direct air carrier and a charter organizer of a written request therefor not less than 30 days prior to the flight to which it relates, provided that such a waiver is in the public interest and it appears to the Board that special or unusual circumstances warrant a departure from the provisions set forth herein. Notwithstanding the foregoing, waiver applications filed less than 30 days prior to a flight may be accepted by the Board in emergency situations in which the circumstances warranting a waiver did not exist 30 days before the flight.

§ 369.4 Enforcement.

In case of any violation of the provisions of the Act, or of this part, or any other rule, regulation or order issued under the Act, the violator may be subject to a proceeding pursuant to sections 1002 and 1007 of the Act before the Board or a U.S. District Court, as the case may be, to compel compliance therewith, to civil penalties pursuant to the provisions of section 901(a) of the Act, or to criminal penalties pursuant to the provisions of section 902(a) of the Act; or other lawful sanctions.

Subpart B—General Conditions and Limitations

§ 369.10 Charter organizer and independent principal.

The charter trip shall be arranged and sold by a charter organizer as an independent principal with respect to the air transportation included in the charter and not as an agent for a direct air carrier.

§ 369.11 Passenger, seat, and group limitations.

(a) Passengers transported pursuant to a special event charter shall consist solely of charter participants.

(b) The charter contract must be for 40 or more seats.

(c) An aircraft under charter to one charter organizer may carry any number of charter groups, provided that each of the groups consists of 40 or more charter participants.

§ 369.12 No intermingling of passengers.

One-way passengers shall not be carried, there shall be no intermingling of passengers, and each planeload group, or less than planeload group, shall move together as a group in both directions, except under emergency conditions provided for in the basic charter regulations applicable to the direct air carrier under Part 207, 208, 212, or 214 of this chapter.

§ 369.13 Air transportation limitations.

(a) The charter must be on a round-trip basis, but the departing flight and the returning flight need not be performed by the same direct air carrier.

(b) Air transportation shall be provided only to and from the city or metropolitan area in which the special event takes place and/or to and from the airport located closest to the event. Open jaw or circle trips are not permitted.

§ 369.14 Duration.

(a) There shall be a maximum duration between the day the departing flight takes off for the destination and the day the returning flight lands at the originating point of ten (10) days, except for North American charters, for which the maximum duration shall be seven (7) days.

(b) The departing flight shall arrive at the destination no earlier than 36 hours prior to the commencement of the special event and the returning flight shall take off no later than 36 hours after the termination of the event.

§ 369.15 Charter price per passenger.

The charter price per passenger shall include charges for:

(a) Air transportation;

(b) All necessary ground transportation at the destination (e.g., from and to the airport and to and from the site of the event);

(c) Hotel accommodations commencing on the day the flight arrives at the destination and ending on the day the flight departs on the return leg;

(d) The price of a ticket and any other fee necessary for admission to the event;

(e) Any other ground services and accommodations provided at the option of the charter organizer; and

(f) Compensation to the charter organizer: *Provided, however,* That when the flight arrives at the destination and departs on the return leg on the same day, the charter price need not include the charges described in paragraphs (b) or (c) of this section.

§ 369.16 Payment to direct air carrier(s).

The direct air carrier shall be paid in full for the cost of the round-trip charter transportation prior to the scheduled date of flight departure, as provided in the basic charter regulations applicable to the direct air carriers under Parts 207, 208, 212, or 214 of this chapter.

§ 369.17 Unused space.

Nothing contained in this part shall preclude a charter organizer from utilizing any unused space on an aircraft chartered by it for a special event charter for the transportation, on a free or reduced basis, of such charter organizer's employees, directors, and officers, and the parents and immediate families of such persons, subject to the provisions of Part 223 of this chapter.

Subpart C—Requirements Applicable To Charter Organizers

§ 369.20 Charter organizer distinct from event sponsor.

A charter organizer shall not be the sponsor of a special event, nor an employee of, or affiliated with, such sponsor, nor shall a charter organizer receive direct or indirect compensation from the sponsor for arranging a charter flight to the special event.

§ 369.21 Exemption.

Subject to the provisions of this part and the conditions imposed herein, charter organizers (other than foreign charter organizers) are hereby relieved from the following provisions of Title IV of the Federal Aviation Act of 1958, as amended, to the extent necessary to permit them to organize and arrange special event charters:

Section 401.
Section 403.
Section 404(a), except the requirement to provide adequate service in connection with special event charters operated hereunder.
Section 405(b).
Sections 407 (b) and (c).
Sections 408(a) and 409, except control or interlocking relationships with direct air carriers.
Section 412.

§ 369.22 Approval of certain interlocking relationships.

To the extent that any officer or director of a charter organizer would be in violation of any of the provisions of sections 409(a) (3) and (6) of the Act by participating in interlocking relationships covered by the exemption granted by § 369.21, such participation is hereby approved by the Board.

§ 369.23 Effect of exemption on antitrust laws.

The relief granted by §§ 369.21 and 369.22 from sections 408, 409 and 412 of the Act shall not constitute an order under such sections within the meaning of section 414 of the Act and shall not confer any immunity or relief from operation of the "antitrust laws" or any other statute (except the Act) with respect to any transaction, interlocking relationship, or agreement otherwise within the purview of such sections.

§ 369.24 Jurisdiction over foreign charter organizers.

The Board declines to exercise its jurisdiction over foreign charter organizers with respect to special event charters which originate in a foreign country. The Board reserves the right to exercise its jurisdiction over any foreign charter organizer at any time if it finds that such action is in the public interest.

§ 369.25 Suspension of exemption authority.

The Board reserves the power to suspend the exemption authority of any charter organizer, without hearing, if it finds that such action is necessary in order to protect the rights of the traveling public.

§ 369.26 Solicitation and advertising.

(a) A charter organizer shall not sell or offer to sell, solicit or advertise a charter or charters until and unless a Statement of Authorization to conduct such charter or charters has been issued to the direct air carrier, as provided in § 369.40.

(b) All sales, advertising and solicitation materials employed by the charter organizer shall state the name of the direct air carrier or carriers utilized.

(c) If the charter involves ground accommodations and services in addition to air transportation, advertising by charter organizers of charter trip prices shall be limited to the total trip price without a breakdown into component parts, except that additional charges for optional services or facilities may be reflected.

(d) When the combined surety bond-depository agreement, as provided in § 369.28(b), is used in connection with a special event charter, a statement as to whom checks and money orders are to be made payable, as provided in § 369.27 (k), shall be placed in all solicitation material, reservation coupons, etc.

§ 369.27 Contract between charter organizer and charter participants.

Where each charter participant receives, or is eligible to receive, the same ground accommodations, the contract between the charter organizer and the charter participants shall be the same. Contracts between charter organizers and charter participants shall include provisions specifically stating:

(a) Method of payment, e.g., installment payments;

(b) That trip health and accident insurance is available and that upon request the charter organizer will furnish details thereof;

(c) The right to refunds in the event of the charter's cancellation and the procedure for obtaining such refunds;

(d) The right to refunds in the event of the participant's change of plans and the procedure for obtaining such refunds;

(e) The right to refunds in the event of change in itinerary and the procedure for obtaining such refunds;

(f) The dollar amounts of the direct air carrier's liability limitations for participants' baggage, as set forth in the direct air carrier's tariffs;

(g) Aircraft-equipment substitutions;

(h) The name and address of the surety company issuing the surety bond;

(i) That the charter organizer is the principal and is responsible to the participants in making arrangements for all services and accommodations offered in connection with the charter: *Provided, however,* That this requirement shall not preclude the charter organizer from expressly providing in such contract that, in the absence of negligence on the part of the charter organizer, he is not responsible for personal injury or property damage arising out of the act or negligence of any direct air carrier, hotel or other person rendering any of the services being offered in connection with such charter;

(j) That unless the charter participant files a claim with the charter organizer or, if he is unavailable, with the surety, within sixty (60) days after termination of the charter, the surety shall be released from all liability under the bond to such participant (see § 369.28(d));

(k) That, when the combined surety bond-depository agreement, as provided in § 369.28(b) is used in connection with the charter, all checks and money orders must be made payable to the escrow account at the depository bank (identifying bank) or, when the charter trip is sold to the participant by a retail travel agent, checks and money orders may be made payable to the agent, who must in turn make his check payable to the escrow account at the depository bank.

§ 369.28 Surety bond and depository agreement.

(a) Except as provided in paragraph (b) of this section, a charter organizer (other than a foreign charter organizer over whom the Board has declined to exercise jurisdiction) shall furnish a bond in an amount of not less than the charter price for the air transportation to be furnished in connection with a charter or series of charters: *Provided, however,* That the liability of the surety to any charter participant shall not exceed the amounts paid by such charter participant to the charter organizer with respect to the charter.

(b) In lieu of furnishing a surety bond as provided in paragraph (a) of this section, the direct air carrier(s) and the charter organizer (other than a foreign charter organizer over whom the Board has declined to exercise jurisdiction) may elect to comply with the requirements of paragraph (b)(1) and (b)(2) of this section as follows:

(1) A surety bond in the following minimum amounts: (i) If the charter is for air transportation only, a bond in the amount of $5,000 per round-trip charter flight, up to a maximum of $50,000 for a series of 10 or more round-trip charter flights; or (ii) if the charter involves ground accommodations and services in addition to air transportation, a bond in the amount of $10,000 per round-trip charter flight, up to a maximum of $100,000 for a series of 10 or more round-trip charter flights: *Provided, however,* That the liability of the surety to any charter participant shall not exceed the amounts paid by such charter participant with respect to the charter; and

(2) The direct air carrier and charter organizer shall enter into an agreement with a designated bank, the terms of which shall provide that all deposits by charter participants paid to charter organizers and their retail travel agents shall be deposited with and maintained by the bank subject to the following conditions:

(i) On sales made to charter participants by charter organizers the participant shall pay by check or money order payable to the bank; on sales made to charter participants by retail travel agents, the retail travel agent may deduct his commission and remit the balance to the designated bank by check or money order: *Provided,* That the travel agent agrees in writing with the charter organizer that, if the charter is canceled, the travel agent shall remit to the bank the full amount of commission previously deducted or received within 10 days after receipt of notification of cancellation of the charter;

(ii) The bank shall pay the direct air carrier the charter price for the transportation not earlier than 60 days (including day of departure) prior to the scheduled day of departure of the originating or returning flight, upon certification of the departure date by the direct air carrier: *Provided,* That, in the case of a round-trip charter contract to be performed by one carrier, the total round-trip charter price shall be paid to the carrier not earlier than 60 days prior to the scheduled day of departure of the originating flight;

(iii) The bank shall reimburse the charter organizer for refunds made by the latter to the charter participants upon written notification from the charter organizer;

(iv) If the charter organizer or the direct air carrier notifies the bank that a tour has been canceled, the bank shall make applicable refunds directly to the charter participants;

(v) After the charter price has been paid in full to the direct air carrier, the

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bank shall pay funds from the account directly to the hotels, sightseeing enterprises, or other persons or companies furnishing ground accommodations or services in connection with the charter or series of charters upon presentation to the bank of vendors' bills and upon certification by the charter organizer of the amounts payable for such ground accommodations or services and the persons or companies to whom payment is to be made: *Provided, however,* That the total amounts paid by the bank pursuant to paragraph (b)(2)(ii) and (b)(2)(v) of this section shall not exceed 80 percent of the total deposits received by the bank less any refunds made to charter participants pursuant to paragraphs (b)(2)(iii) and (b)(2)(iv) of this section;

(vi) As used in this section, the term "bank" includes a bank, savings and loan association, or other financial institution insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation;

(vii) The bank shall maintain a separate accounting for each tour;

(viii) Notwithstanding any provisions above, the amount of total deposits required to be maintained in the depository account of the bank may be reduced by one or both of the following: the amount of any surety bond in the form prescribed herein in excess of the minimum bond required by paragraph (b)(1) of this section; an escrow with the designated bank of Federal, State, or municipal bonds or other negotiable securities which are publicly traded on a securities exchange: *Provided,* That such other securities shall be substituted for cash in an amount no greater than 80 percent of their market value at time of deposit in escrow with the bank: *And provided, further,* That should the valuation of such other securities decrease in an amount in excess of 20 percent of the valuation at time of original deposit, additional securities shall be placed in escrow so as to compensate for such decrease in value below 20 percent;

(ix) Except as provided in paragraphs (b)(2)(ii), (iii), (iv), (v), and (viii) of this section, the bank shall not pay out any funds from the account prior to two banking days after completion of each charter, when the balance in the account shall be paid to the charter organizer, upon certification of the completion date by the direct air carrier.

(c) The bond required under paragraphs (a) and (b) of this section shall insure the financial responsibility of the charter organizer and the supplying of the transportation and all other accommodations, services, and facilities in accordance with the contract between the charter organizer and the charter participants, and shall be in the form attached hereto as Appendix A. Such bond shall be issued by a bonding or surety company (1) whose surety bonds are accepted by the Interstate Commerce Commission under 49 CFR 1084.6; or (2) which is listed in Best's Insurance Reports (Fire and Casualty) with a general policyholders' rating of "A" or better. The bonding or surety company shall be one legally authorized to issue bonds of that type in the State in which the charter trip originates. For purposes of this section, the term "State" includes any territory or possession of the United States, or the District of Columbia. The bond shall be specifically identified by the issuing surety with a company bond numbering system so that the Board may identify the bond with the specific charter or charters to which it relates: *Provided, however,* That these data may be set forth in an addendum attached to the bond which addendum must be signed by the charter organizer and the surety company. It shall be effective on or before the date the application for a Statement of Authorization is filed with the Board by the direct air carrier pursuant to § 369.41. If the bond does not comply with the requirements of this section, or for any reason fails to provide satisfactory or adequate protection for the public, the Board will notify the direct air carrier and the charter organizer by registered of certified mail, stating the deficiencies of the bond. Unless such deficiencies are corrected within the time set forth in such notification, the subject charter or charters shall in no event be operated.

(d) The bond required by this section shall provide that unless the charter participant files a claim with the charter organizer, or, if he is unavailable, with the surety, within sixty (60) days after termination of the charter, the surety shall be released from all liability under the bond to such charter participant. The contract between the charter organizer and the charter participant shall contain notice of this provision.

§ 369.29 Disbursements from depository account.

No charter organizer shall cause its agents or the depository bank to make disbursements or payments from charter-participant deposits except in accordance with the provisions of this part.

§ 369.30 Reporting requirements.

If a charter organizer relies upon the bond-depository option of § 369.28(b) for compliance with the requirements of that section, the following monthly reports shall be filed with the Board's Bureau of Operating Rights (Supplementary Services Division) not later than the 10th day of the month succeeding the reporting period: (a) By the depository bank, showing separately for each charter, identified by departure date, the total amount of deposits received and disbursed during the reporting period and the balance in the depository account at the end of the reporting period; and (b) by the charter organizer, showing separately for each charter, identified by departure date, the total amount of customer deposits received by him or his agents, the amount of commissions repaid by said agents to the depository account, and the amount of refunds made by the charter organizer or the bank to charter participants: *Provided,* That the depository bank may, in lieu of paragraph (a) of this section, elect to file a duplicate monthly statement of the same type it provides to depositors showing the information as specified in paragraph (a) of this section. When so selected, the reporting period for the charter organizer in paragraph (b) of this section shall correspond to the reporting period of the bank. The term "bank" shall have the meaning set forth in § 369.28(b)(2)(vi). The reports shall be certified by the officer in charge of the bank's or the charter organizer's accounts, and the certification shall be in the following form:

I, the undersigned _____
(Title of officer in charge of accounts)
of the _____
(Full name of reporting company)
do certify that this report and all supporting documents which, are submitted herewith, filed for the above indicated period, have been prepared by me or under my direction; that I have carefully examined them and declare that, to the best of my knowledge and belief, the information contained therein is complete and accurate.

_____
(Signature)

_____
(Bank or Charter Organizer's Post office Address)

Date _____, 19____

§ 369.31 Discrimination.

No charter organizer shall make, give, or cause any undue or unreasonable preference or advantage to any particular person, port, locality, or description of traffic in air transportation in any respect whatsoever, or subject any particular person, port, locality or description of traffic in air transportation to any unjust discrimination or any undue or unreasonable prejudice or disadvantage in any respect whatsoever.

§ 369.32 Methods of competition.

No charter organizer shall engage in unfair or deceptive practices or unfair methods of competition in air transportation or the sale thereof.

§ 369.33 Record retention.

(a) Every charter organizer conducting a charter pursuant to this part shall retain for two years after completion of a charter or series of charters true copies of the following documents at its principal or general office in the United States:

(1) All receipts and statements of travel agents, and all other documents which evidence or reflect deposits made by each charter participant;

(2) All receipts and statements of travel agents, and all other documents which evidence or reflect commissions received by, paid to, or deducted by travel agents in connection with the charter or series of charters; and

(3) All statements, invoices, bills, and receipts from suppliers or furnishers of goods or services in connection with the charter or series of charters.

(b) Every charter organizer shall make the documents listed in this section available in the United States upon request by an authorized representative of

the Board and shall permit such representative to make such notes and copies thereof as he deems appropriate.

Subpart D—Requirements Applicable To Direct Air Carriers

§ 369.40 Statement of authorization.

A direct air carrier shall not operate a special event charter or charters unless specific authority in the form of a Statement of Authorization to operate such charter or charters has been issued by the Board.

§ 369.41 Application for statement of authorization.

(a) Application for a Statement of Authorization shall be submitted by the direct air carrier or carriers in the form attached hereto as Appendix B, addressed to the attention of the Director, Bureau of Operating Rights. If a series of charters is to be operated for one charter organizer pursuant to one charter contract, the application may cover the entire series.

(b) The application shall be filed at least 30 days before commencement of the charter or series of charters. Late filing of the application will not be permitted except for good cause shown.

(c) The application shall be filed in triplicate and shall include two copies of the following:

(1) The charter contract between the direct air carrier and the charter organizer;

(2) The contract between the charter organizer and the charter participants;

(3) Samples of solicitation material proposed to be used by the charter organizer; and

(4) The charter organizer's surety bond (an original bond and a copy thereof) and, where applicable, the depository agreement with a bank, as provided in § 369.28(b)(2).

§ 369.42 Charter contract.

(a) The charter contract between the charter organizer and the direct air carrier shall evidence a binding commitment on the part of the latter to furnish the air transportation required for the charter or charters covered by the contract.

(b) If air transportation is provided by more than one direct air carrier, there shall be a single charter contract to which the charter organizer and all such direct air carriers (acting jointly and severally) shall be parties.

§ 369.43 Tariffs to be filed for charter trips.

No direct air carrier shall perform any charter trips pursuant to this part unless such air carrier shall have on file with the Board a currently effective tariff showing all rates, fares and charges for such charter trips.

§ 369.44 No commissions to be paid.

No commissions, fees, or other compensation shall be paid by the direct air carrier to the charter organizer or any other person in connection with a charter trip.

Subpart E—Post-Charter Trip Reporting Requirements

§ 369.50 Post-charter trip reporting.

(a) Not later than 30 days following the completion of the charter(s), the direct air carrier and charter organizer shall jointly file with the Board (Supplementary Services Division, Bureau of Operating Rights) a post-charter trip report in the form attached hereto as Appendix C. To the extent that the operations differed from those described in the application for a Statement of Authorization submitted under § 369.41, such differences shall be fully detailed including the reasons therefor: *Provided, however,* That any such explanation shall not of itself operate as authority for an excuse for any such deviation.

(b) The direct air carrier shall promptly notify the Board regarding any charters for which a Statement of Authorization has been issued and which are later canceled.

APPENDIX A

SPECIAL EVENT CHARTER ORGANIZER'S SURETY BOND UNDER PART 369 OF THE SPECIAL REGULATIONS OF THE CIVIL AERONAUTICS BOARD (14 CFR PART 369)

KNOW ALL MEN BY THESE PRESENTS, that we _____ of _____,
(Name of special event charter organizer) (City)
_____ as PRINCIPAL (hereinafter called
(State)
Principal), and _____ a corporation
(Name of Surety)
created and existing under the Laws of the State of _____ as SURETY (hereinafter
(State)
called Surety) are held and firmly bound unto the United States of America in the sum of _____ for which payment, well
(see § 369.28 of Part 369)
and truly to be made, we bind ourselves and our heirs, executors, administrators, successors, and assigns, jointly and severally, firmly by these presents.

Whereas, the Principal intends to become a special event charter organizer pursuant to the provisions of Part 369 of the Board's Special Regulations and other rules and regulations of the Board relating to insurance or other security for the protection of special event charter participants, and has elected to file with the Civil Aeronautics Board such a bond as will insure financial responsibility with respect to all monies received from charter participants for services in connection with a special event charter to be operated subject to Part 369 of the Board's Special Regulations in accordance with contracts, agreements, or arrangements therefor, and

Whereas, this bond is written to assure compliance by the Principal as an authorized special event charter organizer with Part 369 of the Board's Special Regulations, and other rules and regulations of the Board relating to insurance or other security for the protection of charter participants, and shall inure to the benefit of any and all charter participants to whom the Principal may be held legally liable for any of the damages herein described.

Now, therefore, the condition of this obligation is such that if the Principal shall pay or cause to be paid to charter participants any sum or sums for which the Principal may be held legally liable by reason of the Principal's failure faithfully to perform, fulfill, and carry out all contracts, agreements, and arrangements made by the Principal while this bond is in effect with respect to the receipt of monies from charter participants and the proper disbursement thereof pursuant to and in accordance with the provisions of Part 369 of the Board's Special Regulations, then this obligation shall be void, otherwise to remain in full force and effect.

The liability of the Surety with respect to any charter participant shall not exceed the charter price (as defined in Part 369 of the Board's Special Regulations) paid by or on behalf of such participant.

The liability of the Surety shall not be discharged by any payment or succession of payments hereunder, unless and until such payment or payments shall amount in the aggregate to the penalty of the bond, but in no event shall the Surety's obligation hereunder exceed the amount of said penalty. The Surety agrees to furnish written notice to the Civil Aeronautics Board forthwith of all suits filed, judgments rendered, and payments made by said surety under this bond.

The bond shall cover the following charters: [1]

Surety company's bond No.	Dates of flight (departure and return)	Places of flight (departure and return)

This bond is effective the _____ day of _____, 19____, 12:01 a.m., local time at the address of the principal as stated herein and shall continue in force until terminated as hereafter provided. The Principal or the Surety may at any time terminate this bond by written notice to the Civil Aeronautics Board at its office in Washington, D.C., such termination to become effective thirty (30) days after actual receipt of said notice by the Board. The Surety shall not be liable hereunder for the payment of any of the damages hereinbefore described which arise as the result of any contracts, agreements, undertakings, or arrangements for the supplying of transportation and other services made by the Principal to the date such termination becomes effective. Liability of the Surety under this bond shall in all events be limited only to a charter participant or charter participants who shall within sixty (60) days after the termination of the particular charter described herein give written notice of claim to the charter organizer or, if he is unavailable, to the Surety, and all liability on this bond shall automatically terminate sixty (60) days after the termination date of the particular special event charter covered by this bond except for claims filed within the time provided herein.

In witness whereof, the said Principal and Surety have executed this instrument on the _____ day of _____, 19____.

PRINCIPAL

Name _____
By _____
(Signature and Title)
Witness _____

SURETY

Name _____ (SEAL)
By _____
(Signature and Title)
Witness _____

Only corporations may qualify to act as surety and they must meet the requirements set forth in § 369.28(b) of Part 369.

[1] These data may be supplied in an addendum attached to the bond. See § 369.28 (c) *supra.*

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APPENDIX B

CAB Form ----

UNITED STATES OF AMERICA CIVIL AERONAUTICS BOARD

APPLICATION FOR STATEMENT OF AUTHORIZATION FOR A SPECIAL EVENT CHARTER

LEAVE THIS SPACE BLANK

(see instructions on Page 3)

To: Civil Aeronautics Board,
Attention: Director, Bureau of Operating Rights, Washington, D.C. 20428.

Application is made for authorization to conduct special event charter flight under provisions of the applicant's certificate or permit and the Board's Special Regulation Part 369.

1. Name of Applicant Air Carrier:
   Nationality:
2. Send Authorization to:
   Name:
   Address:
3. Name of Charter Organizer:
   Address:
4. Name of Event Sponsor:
   Address:
5. Dates and Times of Proposed Flight(s):
   Departure:
   Return:
6. Routing of Flight(s):
7. Comprehensive Description of Event
8. Aircraft Type and Seating Capacity: ----
9. Total Air Charter Price: ----------
10. Total Cost of Event-related Charges to Organizer: ----------
11. Organizer's Compensation per passenger: ----------
12. Minimum Price per Passenger: ----------
13. For Foreign Air Carriers Only: Does the nation which is the domicile of the applicant grant to United States carriers a charter privilege similar to that requested herein? ----------; if so, has the fact of such reciprocity been established with the Civil Aeronautics Board? ----------; if not, documentation to establish such reciprocity should be attached hereto.

	Yes	No	Not applicable
14. Attachments included in duplicates:			
Air charter contract			
Proposed solicitation material			
Contract between charter organizer and charter passengers			
Surety bond (include an original copy)			
Depository agreement			
15. Filing fee			

CERTIFICATION

I hereby certify that the charter flight(s) for which authority is sought herein conforms to the requirements of Special Regulation Part 369, and that the air charter price conforms to the applicable tariff on file with the Civil Aeronautics Board.

Date ---------- (Signature and title of authorized carrier official) ----------

INSTRUCTIONS

1. Prepare an original and two copies of this application (CAB Form ------). If extra space is needed to complete an item, continue on a separate sheet of paper.

2. Send the application to: "Civil Aeronautics Board, Attention: Director, Bureau of Operating Rights, Washington, D.C. 20428" in time to be received at least 30 days in advance of commencement of the proposed operation. Applications received less than 30 days prior to the flight departure will be rejected, unless good cause for lateness is shown and a waiver of Part 369 is granted.

APPENDIX C

POST-SPECIAL EVENT CHARTER TRIP REPORT

SEC. No. ----------

1. No. of charters operated----------
2. No. of charters not operated ----------
3. Specifically identify those charters not operated.
4. Reason(s) charter(s) not operated.
5. If charter(s) not operated, did prospective charter participants receive full refunds?
6. Whether charter(s) actually performed were operated substantially different (*e.g.*, dates, points served, charter price, etc.) from their description in the application for a Statement of Authorization and, if so, the reasons therefor.
7. Total number of charter participants carried on the charter(s) ----------

---------- Signature of direct air carrier

---------- Signature of charter organizer

PART 389—FEES AND CHARGES FOR SPECIAL SERVICES

11. Amend § 389.25 by revising paragraphs (h), (j) and (m) to read as follows:

§ 389.25 Schedule of filing and license fees.

* * * * *

(h) *Exemptions from section 401, waivers of Parts 207, 208, 369, 372, 372a, 373 and 378, and special operating authorizations.* The filing fee for an application (1) for an exemption under section 416(b) or section 101(3) of the Act from the provisions of section 401 of the Act (except an application dealing with a specific number of charters) or (2) for a waiver of Parts 207, 208, 369, 372, 372a, 373 or 378 (except an application dealing with a specific number of charters), or (3) for a special operating authorization under section 417 of the Act, is $300.

* * * * *

(j) *Exemptions or waivers for the performance of a specific number of charters.* The filing fee for an exemption under section 416(b) or section 101(3) of the Act from the provisions of section 401 of the Act, or a request for a waiver of Parts 207, 208, 369, 372, 372a, 373, or 378, for the performance of a specific number of charters (one-way or round-trip) is $100 plus $10 for each charter (one-way or round-trip) described, subject to a maximum fee of $300.

* * * * *

(m) *Special event charters.* The filing fee for an application for a Statement of Authorization filed pursuant to § 369.41 of this chapter is $50.

[FR Doc.74-14399 Filed 6-21-74;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 20081; RM-2201]

FM BROADCAST STATIONS

Table of Assignments; Proposed Amendment

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations, (Endicott, New York).

1. The Commission, by the Chief, Broadcast Bureau, has before it a petition for rulemaking filed by January Enterprises, Inc. (January), seeking amendment of rule § 73.202(b), the FM Table of Assignments. Specifically, January seeks substitution of Class B Channel 289 for Channel 288A as the only assignment at Endicott, New York. January is currently the licensee of Endicott stations WENE(AM) and WMRV(FM) which operates on Channel 288A.

2. January states that Endicott (population 16,556) is part of a four community cluster in Broome County (population 221,815) located along a ten mile section of N.Y. Route 17, approximately 7 miles north of the New York-Pennsylvania border. The other three communities are Binghamton (population 64,123), Johnson City (population 18,025), and Endwell (population 15,999). These four communities are considered part of the same Standard Metropolitan Statistical Area.

3. At the present time, commercial aural radio service is furnished to this area by four unlimited-time AM stations (WENE–Class III, WKOP–Class III, WNBF–Class III, and WUNI–Class II) and three FM stations (WKOP–FM, WQYT, and WMRV). WMRV(FM) and WENE(AM) are, as previously noted, assigned to Endicott, while the remaining stations are authorized to Binghamton.

4. January contends that the proposed change would produce two desirable end results. First, it would permit WMRV to upgrade its present facilities to those of a maximum Class B station with no short spacing, no preclusionary effects, and no other changes in the FM Table of Assignments. This, then, would result in a more efficient use of the spectrum permitting WMRV to extend its coverage (using the Commission's 1 mV/m guideline) to include nearly 140,000 persons who are presently unable to receive it. Second, it would eliminate an intermixture of FM assignments in the same vicinity and would, therefore, enable WMRV to compete equally with the two Binghamton FM stations which operate on Class B channels. In this respect January states it competes at a disadvantage for the area's revenues because its "low power signal" not only does not extend as far into the outlying areas, but even within the metropolitan area, its signal may not be received on inexpensive home receivers and car radios. Thus, it states, WMRV has lost money by not being able to compete with the other FM stations on an equal basis.

5. Petitioner's preclusion study establishes that the proposed substitution of Channel 289 for 288A would have no preclusionary effect on the seven adjacent channels involved. Channel 289 is available for assignment in a restricted area which includes the four communities mentioned previously, i.e., Binghamton, Johnson City, Endwell, and Endicott.

6. From the information available, we believe January has demonstrated the merits and feasibility of substituting Channel 289 for 288A in Endicott and that the public interest, necessity and convenience might be served. Weighing heavily in our decision is (1) the fact that no co-channel or adjacent channel preclusion occurs and (2) such a substitution will permit WMRV to offer its FM service to approximately 140,000 additional persons without any concomitant increase in spectrum occupation.

7. In view of the foregoing, and pursuant to authority found in sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules and regulations, it is proposed to amend § 73.202(b) of the Commission's rules and regulations, the FM Table of Assignments, as follows:

City	Channel No.	
	Present	Proposed
Endicott, N.Y.	288A	289

8. *Showings required.* Comments are invited upon the proposal referred to above. In this connection, January should indicate its continuing interest in the proposal, and it and other interested parties are invited to provide useful data on any relevant aspects of the case.

9. *Cut-off procedures.* The following procedures will govern:

(a) Counterproposals advanced in this proceeding itself will be considered if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments.

(b) With respect to petitions for rule making which conflict with the proposal in this Notice, they will be considered as comments in this proceeding, and Public Notice to that effect will be given as long as they are filed before the date for initial comments herein. If filed later than that, they will not be considered in connection with the decision herein.

10. January has requested a Show Cause Order be issued to specify the use of Channel 289 by Station WMRV. Because the petitioner is the licensee of the station concerned, however, we view the Order request as consent to the proposed modification. Therefore, it is unnecessary for the Commission to issue an order to show why its license should not be modified to specify operation on Channel 289 if that channel is substituted for Channel 288A at Endicott, New York.

11. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules and regulations, interested parties may file comments on or before August 8, 1974, and reply comments on or before August 27, 1974. All submissions by parties shall be made in written comments, reply comments, or other appropriate pleadings.

12. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and 14 copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission. All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its Headquarters, 1919 M Street, NW, Washington, D.C. 20554.

Adopted: June 12, 1974.

Released: June 14, 1974.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.74-14329 Filed 6-21-74;8:45 am]

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notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

AREA DIRECTORS, ET AL.

Delegation of Authority

JUNE 17, 1974.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2 (32 FR 13938).

This delegation is issued under the authority delegated to the Commissioner by the Secretary in section 25 of Secretary's Order 2508 (10 BIAM 2.1).

Section 3.1 of Part 10 of the Bureau of Indian Affairs Manual (10 BIAM 3.1) was published on page 21284 of the August 7, 1973, FEDERAL REGISTER (38 FR 21284).

It is being amended to reflect a recent organization title change. The title "Director of Southeastern Agencies" was changed to "Area Director, Eastern Area Office." Therefore, the delegation to this position is covered by using the general term "Area Directors" in 10 BIAM 3.1. It is also being amended because 43 CFR 2.6 was redesignated as 43 CFR 2.7 by a document published on page 26594 of the December 14, 1972, FEDERAL REGISTER (37 FR 26594).

As amended, 10 BIAM 3.1 reads as follows:

3.1 *Authorities from the Commissioner.* The authorities of the Secretary of the Interior delegated to the Commissioner in Secretary's Order 2508 (10 BIAM 2.1), 25 CFR, 43 CFR 2.7, and 43 CFR 417.5 are hereby redelegated to the Area Directors and the Project Officer, Joint Use Administrative Office.

This redelegation also includes future authorities of the Secretary of the Interior to the Commissioner which:

A. Do not by their own terms disallow exercise by officials below the Commissioner;

B. Are not within the generally applicable exceptions in section 3.3 below; or

C. Are not expressly excluded, by additional provisions to this chapter, from being exercised by officials below the Commissioner.

MORRIS THOMPSON,
Commissioner of Indian Affairs.

[FR Doc.74-14354 Filed 6-21-74;8:45 am]

Bureau of Land Management

[New Mexico 21670, 21685 and 21686]

NEW MEXICO

Notice of Applications

JUNE 13, 1974.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for three 4½-inch natural gas pipelines right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 27 N., R. 7 W.,
Sec. 4, SE¼NE¼, SW¼;
Sec. 26, W½NE¼, SE¼NE¼.

These pipelines will convey natural gas across 0.422 miles of national resource land in Rio Arriba County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, 3550 Pan American Freeway, NE, Albuquerque, NM 87107.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.74-14338 Filed 6-21-74;8:45 am]

[New Mexico 21671]

NEW MEXICO

Notice of Application

JUNE 13, 1974.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for a 2⅜ inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 28 N., R. 6 W.,
Sec. 35, NW¼SW¼.

This pipeline will convey natural gas across .026 miles of national resource land in Rio Arriba County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, 3550 Pan American Freeway, NE, Albuquerque, NM 87107.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.74-14339 Filed 6-21-74;8:45 am]

[New Mexico 20258]

NEW MEXICO

Notice of Application

JUNE 14, 1974.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Southern Union Gas Company has applied for 6 and 8 inch natural gas pipelines right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 18 S., R. 27 E.,
Sec. 3, S½N½;
Sec. 4, Lots 9, 10, 11 and 12;
Sec. 5, S½N½;
Sec. 6, E½SE¼;
Sec. 7, E½NE¼.

These pipelines will convey natural gas across 3.894 miles of national resource land in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico 88201.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 74-14340 Filed 6-21-74;8:45 am]

[New Mexico 20180]

NEW MEXICO

Notice of Application

JUNE 13, 1974.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Phillips Petroleum Company has applied for a 4½-inch natural gas and oil pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 18 S., R. 32 E.,
Sec. 22, NE¼SW¼, N½SE¼ and SE¼SE¼;
Sec. 23, S½SW¼.

This pipeline will convey oil and gas across 1.092 miles of national resource land in Lea County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico 88201.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.74-14341 Filed 6-21-74;8:45 am]

[New Mexico 21674]

NEW MEXICO

Notice of Application

JUNE 13, 1974.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for a 4½-inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 24 S., R. 27 E.,
Sec. 7, NE¼SW¼.

This pipeline will convey natural gas across .044 mile of national resource land in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico 88201.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.74-14342 Filed 6-21-74;8:45 am]

[Utah 26199]

UTAH

Closure Order on Discharge of Firearms

JUNE 14, 1974.

Notice is hereby given that the national resource lands (public lands) described below, at the Simpson Springs Campground, Topaz Mountain Rockhound area and Geode Beds Rockhound area are closed to the discharge of firearms to protect the public safety, in accordance with the provisions of 43 CFR, §§ 6010.4 and 6010.5 and 24.3. This closure order does not restrict the carrying of firearms.

SALT LAKE MERIDIAN, UTAH

SIMPSON SPRINGS CAMPGROUND

T. 9 S., R. 8 W.,
Sec. 17, W½W½;
Sec. 18, All.

TOPAZ MTN. ROCKHOUND AREA

T. 13 S., R. 11 W.,
Sec. 8, S½SE¼;
Sec. 9, S½S½;
Sec. 10, SE¼;
Sec. 15, E½;
Sec. 17, E½;
Sec. 20, E½NE¼;
Sec. 21, N½;
Sec. 22, NW¼;

GEODE BEDS ROCKHOUND AREA

T. 11 S., R. 12 W.,
Sec. 1, All;
Sec. 12, N½.

The areas described aggregate approximately 3,476 acres in Juab and Toole counties.

Simpson Springs Campground is the site of developed Bureau of Land Management camping facility. The area receives heavy concentrated recreation use. Discharge of firearms is a continuing threat to recreationists camped in the area.

Topaz Mountain is the site of a designated Bureau of Land Management rockhounding area. The site receives concentrated recreation use. Many people camp at dispersed undeveloped sites in the area. Discharge and target shooting is a direct threat to public safety.

The Geode Beds are a designated Bureau of Land Management rockhounding area. The site receives heavy concentrated recreation use. Many people camp in the area. Discharge of firearms constitutes a direct threat to public safety.

The restriction on the use of firearms was one of the management proposals discussed at public meetings held by the Bureau of Land Management. Recent complaints from the visiting public has led to this closure.

All three areas will be signed and patrolled to advertise and enforce this closure. Maps of the closed areas are available at the Salt Lake District Office, 1750 South Redwood Road, Salt Lake City, Utah, and in the BLM State Office, Room 8103, Federal Building, 125 South State Street, Salt Lake City, Utah 84138.

GARY F. GEORGE,
Acting State Director, Bureau of Land Management.

[FR Doc.74-14353 Filed 6-21-74;8:45 am]

Fish and Wildlife Service

ENDANGERED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant: Eloise C. Berchtold, 601 Lane Road, Woodland, Washington 98674.

Mr. C. R. Ravin
Chief, Division of Law Enforcement
United States Department of the Interior
Fish and Wildlife Service
Bureau of Sport Fisheries and Wildlife
Washington, D.C. 20240

APRIL 23, 1974.

Dear Mr. Ravin: About two weeks ago I telephoned your department concerning my obtaining a permit to transport my trained wild animals which include two tigers and a leopard. Currently, and for the past twenty-two years, I am traveling with a circus training and performing with wild animals including tigers, lions, leopards, bears, and elephants. During this time I did spend four years at the Toledo Zoo, Toledo, Ohio presenting my own show and hope to again settle down in one of the many beautiful animal drive through parks sometime in the future with my animals. As is the case now however, I understand that I fall under the new regulations concerning transporting endangered species across state lines and Mr. Crabb mailed to me a form letter, FSF/LE-ENF 7-02 April 10, 1974, plus the Friday, January 4, 1974 FEDERAL REGISTER of the Department of the Interior, Volume 39, Number 3, Part 111 and a copy of the Public Law 93-205, 93rd Congress, S. 1983, December 28, 1973. I have studied these and am applying for my permit in accordance with these regulations.

Section 13.12(a)

1. Eloise C. Berchtold, 601 Lane Rd., Woodland, Washington 98674, the telephone number 206-225-6335.

2. Individual, born December 30, 1935, height 5'9", weight 147 lbs., color of hair blond, color of eyes grey, sex female. Independent contractor self-employed.

3. Individual.

4. Travel throughout the United States and Canada with permanent base in Woodland, Washington.

5. Endangered Wildlife permit—Zoological, educational, scientific, or propagation—17.23.

Section 17.23(a)

1. Bengal tigers-panthera tigris-two, 12½ yrs. old, females Indian spotted leopard-panthera pardus-one, 3 yrs. old, female.

2. The tigers have been in my possession since their birth at the Toledo Zoo, Toledo, Ohio and I have owned the leopard since September, 1972—she was born in the Salt Lake City Zoo. I do not want to import animals from their native habitat.

3. I believe that wild animal training is an art of its own when properly and humanely practiced and serves to demonstrate to the public the high degree of intelligence of these animals and thereby earns respect and admiration for these wonderful animals called "dumb" by many and perhaps the majority of people. I do not feel it warrants importing them but do feel it is justified when surplus captive born animals are used and gives these otherwise bored and cage bound animals something to do and take pride in as when properly trained they show great pride in their work. I hope to eventually settle in one of the large animal parks and attain a higher degree of training with the animals. If I am permitted to buy and transport a male tiger I would like to breed my tigers and raise more.

4. My present business involves a joint venture with H. Morgan Berry from who I am buying nine elephants. I rent his 80 acre farm on which there is a large barn for housing and training the animals. As I am registered with the United States Department of Agriculture as an exhibitor of wild animals this premises has been inspected and approved by them. The address of this farm is 601 Lane Rd., Woodland, Washington 98674.

5. The tigers and leopard were born in captivity in zoos.

6. I have no wish to import wild animals.

7. No imports.

Section 13.12 continued:

6. No imports.

7. I hereby certify that I have read and am familiar with the regulations contained in Title 50, Part 13, of the Code of Federal Regulations and the other applicable parts in Subchapter B of Chapter I of Title 50, and I further certify that the information submitted in this application for a permit is complete and accurate to the best of my knowledge and belief. I understand that any false statement

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hereon may subject me to the criminal penalties of 18 U.S.C. 1001.

8. The desired effective date of the permit would be as soon as the permit is granted with the possibility of renewing it before its expiration.

9. April 23, 1974.

10. Eloise Berchtold.

11. In addition to the above animals for which I am applying for the permit I also have nine elephants, nine bears, three African lions, one aoudad, one baboon and various domestic animals. I graduated from high school at 15 and have earned my living training wild animals ever since then. I enclose a few pictures to show the excellent condition of these animals and hope that your department shall see fit to help maintain the fine tradition of the American circuses which provide some of the finest wholesome family entertainment in this country.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Bureau's office in Suite 600, 1612 K Street NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FSF/LE), Bureau of Sport Fisheries and Wildlife, Washington, D.C. 20240. All relevant comments received no later than July 23, 1974, will be considered.

Dated: June 18, 1974.

KEITH M. SCHREINER,
Acting Director, Bureau of Sport Fisheries and Wildlife.

[FR Doc.74-14312 Filed 6-21-74;8:45 am]

Geological Survey

BURNS CREEK-THIRTEEN MILE CREEK, MONTANA

Known Leasing Area (Coal)

Pursuant to authority contained in the Act of March 3, 1879 (43 U.S.C. 31), as supplemented by Reorganization Plan No. 3 of 1950 (43 U.S.C. 1451, note), and 203 Departmental Manual 1, and Secretary's Order No. 2948, Federal lands within the State of Montana have been classified as subject to the competitive coal leasing provisions of the Mineral Leasing Act of February 25, 1920, as amended (30 U.S.C. 201). The name of the area, effective date, and total acreage involved are as follows:

(26) MONTANA

Burns Creek-Thirteen Mile Creek (Montana) Known Leasing Area (Coal); January 29, 1974, 197,355 acres.

A diagram showing the boundaries of the area classified for competitive leasing has been filed with the appropriate land office of the Bureau of Land Management. Copies of the diagram and the land description may be obtained from the Regional Conservation Manager, U.S. Geological Survey, Building 25, Denver Federal Center, Denver, Colorado 80225.

Dated: June 14, 1974.

W. A. RADLINSKI,
Acting Director.

[FR Doc.74-14392 Filed 6-21-74;8:45 am]

Office of the Secretary

[INT DES 74-60]

CABEZA PRIETA, ARIZONA; PROPOSED WILDERNESS AREA

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, Pub. L. 91-190, the Department of the Interior has prepared a draft environmental statement for the Proposed Cabeza Prieta Wilderness Area, Arizona, and invites written comments within 45 days of this notice.

The proposal recommends that approximately 833,500 acres of the Cabeza Prieta Game Range and adjacent lands in Yuma and Pima Counties, Arizona, be designated as wilderness within the National Wilderness Preservation System.

Copies of the draft statement are available for inspection at the following locations:

Bureau of Sport Fisheries and Wildlife
Box 1306
Alburquerque, New Mexico 87103

Pima Association of Governments
Pima County Governmental Center
Administration Building
Tucson, Arizona 85703

Headquarters
Box AP
Blythe, California 92225

Bureau of Sport Fisheries and Wildlife
Office of Environmental Coordination
Department of the Interior
18th and "C" Streets, NW., Room 2246
Washington, D.C. 20240

Single copies may be obtained by writing the Chief, Office of Environmental Coordination, Bureau of Sport Fisheries and Wildlife, Department of the Interior, Washington, D.C. 20240. Comments concerning the proposed action should also be addressed to the Chief, Office of Environmental Coordination. Please refer to the statement number above.

Dated: June 17, 1974.

STANLEY D. DOREMUS,
Deputy Assistant Secretary of the Interior.

[FR Doc.74-14346 Filed 6-21-74;8:45 am]

National Park Service

GULF ISLANDS NATIONAL SEASHORE ADVISORY COMMISSION

Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Gulf Islands National Seashore Advisory Commission will be held at 10 a.m., e.s.t., on July 9, 1974, at the Rodeway Inn, 1500 Government Street, Mobile, Alabama.

The purpose of the Gulf Islands National Seashore Advisory Commission meeting is to discuss land status and development for Gulf Islands National Seashore and to facilitate the solicitation of advice or other counsel from members of the public on problems and programs pertinent to the Gulf Islands National Seashore.

Members of the Advisory Commission are as follows:

Mr. J. Earle Bowden (Chairman)
Gulfport, Mississippi

Mr. Gordon D. Allen
Gulfport, Mississippi

Lt. Col. Lloyd J. Caillevet
Biloxi, Mississippi

Mr. John R. Cox
Destin, Florida

Mr. Robert D. Cramer
Pensacola, Florida

Mr. Donald E. Danly
Pensacola, Florida

Mr. Paul Frank
Gulfport, Mississippi

Mr. E. B. Jones
Pensacola, Florida

Mr. J. K. Lemon
Ocean Springs, Mississippi

Honorable H. Bryant Liggett
Pensacola, Florida

Mr. Nicholas A. Mavar, Jr.
Biloxi, Mississippi

Mr. Charles E. Moes
Gulf Breeze, Florida

Mr. Duncan Moran
Ocean Springs, Mississippi

Mr. Dee Parkton
Crestview, Florida

Mr. Davage Runnells, Jr.
Destin, Florida

Lt. Col. Mercer Richard Smith (Ret)
Gulf Breeze, Florida

Mr. James Stevens
Gulfport, Mississippi

Mr. G. Earl Wallis
Milton, Florida

Mr. E. P. Wilkes
Biloxi, Mississippi

Dr. J. Kinabrew Williams, Jr.
Pascagoula, Mississippi

Mrs. Erica Woolley
Pensacola, Florida

The meeting will be open to the public. However, facilities and space for accommodating members of the public are limited, and persons will be accommodated on a first-come first-served basis. Any member of the public may file with the Commission a written statement concerning the matters to be discussed.

Persons wishing further information concerning this meeting or who wish to submit written statements, may contact Paul C. Swartz, Chief, Cooperative Activities Division, Southeast Region, National Park Service, at Area Code 404, 526-7560. Minutes of the meeting will be available for public inspection four weeks after the meeting at the office of the Southeast Region, 3401 Whipple Ave., Atlanta, Georgia.

Dated: June 12, 1974.

DAVID D. THOMPSON, Jr.,
Regional Director, Southeast Region.

[FR Doc.74-14314 Filed 6-21-74;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[Marketing Agreement 146]

PEANUT ADMINISTRATIVE COMMITTEE

Budget of Expenses and Rate of Assessment for 1974 Crop Year

Pursuant to Marketing Agreement 146, regulating the quality of domestically produced peanuts (30 FR 9402), and

upon recommendation of the Peanut Administrative Committee established pursuant to such agreement and other information, it is hereby found and determined that the expenses of said Committee and the rate of assessment applicable to peanuts produced in 1974 and for the crop year beginning July 1, 1974, shall be as follows:

(a) *Administrative expenses.* The budget of expenses for the Committee for the crop year beginning July 1, 1974, shall be in the total amount of $330,000, such amount being reasonable and likely to be incurred for the maintenance and functioning of the Committee, and for such purposes as the Secretary may, pursuant to the provisions of the marketing agreement, determined to be appropriate.

(b) *Indemnification expenses.* Expenses of the Committee for indemnification payments, pursuant to the Terms and Conditions of Indemnification Applicable to 1974 Crop Peanuts, effective July 1, 1974, are estimated at, but may exceed $3.5 million, such amount being reasonable and likely to be incurred.

(c) *Rate of assessment.* Each handler shall pay to the Peanut Administrative Committee, in accordance with section 48 of the marketing agreement, an assessment of the rate of $1.55 per net ton of farmers stock peanuts received or acquired other than those described in section 31 (c) and (d) ($0.30 for administrative expenses and $1.25 for indemnification expenses).

(d) *Indemnification reserve.* Monetary additions to the indemnification reserve, established in the 1965 crop year pursuant to section 48 of the marketing agreement, shall continue. That portion of the total assessment funds accrued from the $1.25 rate and not expended in providing indemnification on 1974 crop peanuts shall be placed in such reserve and shall be available to pay indemnification expenses on subsequent crops.

The expenses and rate of assessment are, under the agreement, on a crop year basis and will automatically be applicable to all assessable peanuts from the beginning of such crop year. The handlers of peanuts who will be affected hereby have signed the marketing agreement authorizing approval of expenses that may be incurred and the imposition of assessments, they are represented on the Committee which has submitted the recommendation with respect to such expenses and assessment for approval; and handlers have had knowledge of the foregoing in their recent industry-wide discussions and will be afforded maximum time to plan their operations accordingly.

Dated: June 19, 1974.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division.

[FR Doc.74-14335 Filed 6-21-74;8:45 am]

Forest Service

CALIFORNIA ADVISORY COMMITTEE TO THE U.S. FOREST SERVICE

Notice of Meeting

The California Advisory Committee to the U.S. Forest Service will hold a field meeting on July 18 and 19, on the Tahoe National Forest.

Discussions will consider current status of land use planning on the Tahoe National Forest and other related issues.

Public participation is invited, and written statements are welcome, before or after the meeting, by contacting the Regional Forester, U.S. Forest Service, 630 Sansome Street, San Francisco, California 94111—Telephone (415) 556-4310. Oral statements can be made by making arrangements with the chairman in advance.

DOUGLAS R. LEISZ,
Regional Forester.

JUNE 14, 1974.

[FR Doc.74-14351 Filed 6-21-74;8:45 am]

Soil Conservation Service

RABON CREEK WATERSHED PROJECT, SOUTH CAROLINA

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Soil Conservation Service, U.S. Department of Agriculture, has prepared a draft environmental statement for the Rabon Creek Watershed Project, Laurens and Greenville Counties, South Carolina, USDA-SCS-ES-WS-(ADM)-74-28(D).

The environmental statement concerns a plan for watershed protection, flood prevention, municipal and industrial water supply, and recreation. The planned works of improvement include conservation land treatment, two floodwater retarding structures, one multiple purpose structure for flood prevention, recreation, and water supply storage, and a recreational development. A total of 1,555 acres of land will be used for pool areas, dams, and borrow areas in project installation. Land inundated by the project will total 693 acres with 10.2 miles of flowing streams inundated. The recreational development will require an additional 361 acres and will provide 49,000 visitor-days of recreation annually.

A limited supply of copies is available at the following location to fill single copy requests:

Soil Conservation Service, USDA, 901 Sumter Street, Columbia, South Carolina 29201

Copies of the draft environmental statement have been sent for comment to various federal, state, and local agencies as outlined in the Council on Environmental Quality Guidelines. Comments are also invited from others having knowledge of or special expertise on environmental impacts.

Comments concerning the proposed action or requests for additional information should be addressed to George E. Huey, State Conservationist, Soil Conservation Service, 901 Sumter Street, Columbia, South Carolina 29201.

Comments must be received on or before August 20, 1974, in order to be considered in the preparation of the final environmental statement.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

Dated: June 14, 1974.

WILLIAM B. DAVEY,
Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.74-14350 Filed 6-21-74;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

BOSTON UNIVERSITY, SCHOOL OF MEDICINE

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 74-00332-33-46040. Applicant: Boston University School of Medicine, 80 East Concord Street, Boston, Massachusetts 02118. Article: Electron Microscope, Model Corinth 275. Manufacturer: AEI Scientific Apparatus, United Kingdom. Intended use of article: The article is intended to be used to examine ultrathin section of materials from the brain and inner ear. It will serve as the electron microscope used to study the process of aging in the nervous system and will be employed in three subprojects: (1) Age-related changes in the auditory cortex, (2) aging in the olfactory-bulb, and (3) aging in the microcirculation of the auditory system.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the article was ordered (August 7, 1972).

Reasons: The foreign article provides a viewing image which is open and available for measurement or tracing by direct methods. The most closely comparable domestic instrument available at the time the article was ordered was the Model EMU-4C electron microscope supplied by the Adam David Company. The Model EMU-4C does not provide a viewing image which is open and available for measurement or tracing by direct methods. The Department of Health, Education, and Welfare (HEW) advised in its memorandum dated May 23, 1974 that the capability to provide a viewing image which is open and available for measurement or tracing by direct methods is pertinent to the applicant's study of the auditory cortex and olfactory bulb changes as a function of age. HEW also advised that domestic

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instruments do not provide the capability found pertinent.

We find, therefore, that the Model EMU–4C was not of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used at the time the article was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.74–14333 Filed 6–21–74;8:45 am]

VANDERBILT UNIVERSITY

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 74–00346–33–30950. Applicant: Vanderbilt University, Purchasing Department, 201 26th Avenue South, Nashville, Tenn. 37235. Article: High Vacuum Freeze Etch Unit BAF 300. Manufacturer: Balzers, AG, Switzerland. Intended use of article: The article is intended to be used for studies of DNA, particularly in the condensed state where the molecules, or parts of molecules, are closely packed in a way that is thought to resemble the structure of chromosomes or to provide evidence on the physical relations relating to the structure of chromosomes. The article will also be used to individually instruct students in the use of the equipment in the following courses: Molecular Biology 298, Molecular Biology 390, Molecular Biology 369 and Molecular Biology Ph. D. Dissertation Research.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article has the capability to fracture a sample in vacuum and immediately electron beam coat the surface with tantalum or tungsten. The article also has the capability to monitor the deposition rate in order to achieve the correct deposited thickness on a sample. The Department of Health, Education, and Welfare (HEW) advised in its memorandum dated May 24, 1974 that the capabilities described above are pertinent to the applicant's study of the extended and condensed state of DNA and the structure of chromosomes. HEW also advised that it knows of no domestic instruments, or combinations thereof, of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.74–14332 Filed 6–21–74;8:45 am]

National Oceanic and Atmospheric Administration

NATIONAL MARINE FISHERIES SERVICE

Atlantic Bluefin Tuna Study and Certain Other Actions

As a result of concern for the overall welfare of Atlantic bluefin tuna stocks arising from preliminary investigations by its scientists as well as statements of concern received from citizens and organizations, the National Marine Fisheries Service of the National Oceanic and Atmospheric Administration is initiating certain actions with respect to these stocks. Consequently, pursuant to certain legislative authorities (Fish and Wildlife Act of 1956, as amended, 17 U.S.C. 742a–742d, and 742e–742k, the Marine Migratory Sport Fish Act, 16 U.S.C. 760c–760g) the National Marine Fisheries Service in cooperation with Canada, certain states and commercial and recreational fishing groups, has commenced a comprehensive scientific study of the Atlantic bluefin tuna stocks (*Thunnus thynnus thynnus*) found adjacent to the Atlantic coast of the United States, in order to determine (a) the status of the stocks, (b) the effects of fishing thereon, and (c) a suitable management program. In connection with this study the National Marine Fisheries Service has taken the following action:

1. Met with appropriate officials of the Government of Canada for the purpose of developing an international research program and discussing conservation measures for 1974, including a voluntary management program and specific action with respect to the breeding stocks of "giant" bluefin tunas;

2. Conferred with appropriate officials of involved coastal states and with representatives of organizations concerned with conservation of the Atlantic bluefin tuna regarding the voluntary management program which is described herein; and

3. Prepared voluntary guidelines for those persons subject to the jurisdiction of the United States while fishing for Atlantic bluefin tuna relating to, among other things, conservation measures required to maintain the bluefin tuna stocks and permit an equitable division of harvest between the United States recreational and commercial fishermen, with a view to preserving recreational opportunities for marine anglers and maintaining a viable commercial industry.

As a result, in part, of the foregoing actions:

(A) The Canadian Government indicated an intention to impose restrictions on commercial and recreational fishermen subject to its jurisdiction for the 1974 bluefin tuna season which would include, among other things, a limitation on the number of fish to be taken in the Gulf of St. Lawrence and in certain other areas on the Canadian Atlantic coast.

(B) The National Marine Fisheries Service is hereby requesting that certain commercial and recreational fishing groups and individuals subject to the jurisdiction of the United States, adhere to the following proposed guidelines in regard to the 1974 bluefin tuna season in the Western Atlantic:

(i) In the waters off the United States from Cape Cod north:

(a) Commercial seiners be restricted to a total catch of 225 tons of bluefin tuna;

(b) All other fishing vessels using other types of gear and selling their catch be restricted to 250 tons of bluefin tuna; and

(c) Recreational fishermen, i.e., those not selling their catch, be restricted to tagging and releasing their catches.

(ii) In the waters off the mid-Atlantic coastal States of the United States south of Cape Cod:

(a) Commercial seiners be restricted to a total catch of 1,200 tons of bluefin tuna;

(b) Recreational fishermen be limited to a catch of one fish per day per angler; and

(c) Bluefin tuna taken by both commercial and recreational fishermen in this geographical area should not exceed 115 lbs. in weight, or be less than 14 lbs. in weight.

Based upon the data compiled under (D) below and his estimate of additional quantities of bluefin tuna expected to be caught, the Director shall announce in the FEDERAL REGISTER the date(s) that the quotas referred to in (i) (a), (i) (b), and (ii) (a) will be reached.

(C) The National Marine Fisheries Service has requested or will request certain coastal States, to the extent of their available legislative authorities, to regulate the bluefin tuna fishery within their jurisdiction in accordance with the guidelines set forth in (B) (i) and (B) (ii).

(D) The National Marine Fisheries Service is arranging, with the cooperation of the commercial fishing industry, for scientific observers to be placed on board all United States seiners to gather data on the age, growth, fecundity and other biological factors with respect to bluefin tuna taken during their fishing operations in the geographical areas referred to in (B) (i) and (B) (ii) above. Data will also be compiled with respect to the landings of bluefin tuna at certain ports.

The proposed guidelines and studies are designed to provide the scientific information necessary to determine accurately the status of bluefin tuna stocks and will form a basis for the development of an improved management program for the bluefin stocks in future years. The present voluntary restrictions on catch are intended to prevent a deterioration of the bluefin tuna stocks while the situation is under study.

Any person desiring to submit factual material relevant to the study of the status of bluefin tuna stocks or desiring to comment on the proposed guidelines may do so by writing to the Regional Director, National Marine Fisheries Service, Gloucester, Massachusetts 01930 on or before July 9, 1974.

Done at Washington, D.C., this 19th day of June, 1974.

ROBERT W. SCHONING,
Director, National Marine Fisheries Service.

[FR Doc.74–14390 Filed 6–21–74;8:45 am]

Office of the Secretary

CTAB PANEL ON PROJECT INDEPENDENCE BLUEPRINT

Notice of Establishment

In accordance with the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I Supp II, 1972) and Office of Management and Budget Circular A–63 of March 1974, and after consultation with OMB, the Secretary of Commerce has determined that the establishment of the Commerce Technical Advisory Board (CTAB) Panel on Project Independence Blueprint is in the public interest in connection with the performance of duties imposed on the Department by law.

The Panel, established at the request of the Office of Coal Research of the Department of the Interior, will provide the Secretary with an independent assessment of the feasibility of the proposed actions and policies derived from the Project Independence Blueprint analyses. It will represent a central input of private sector views on governmental policies designed to expand the domestic supply of energy sources in the United States. Special emphasis will be placed on the extent of feasibility of expansion of the synthetic fuel industries and the effect of such expansion on the nation.

The Panel will consist of approximately 20 members, expert in the field of energy supply and industrial consumption. It will report and be responsible to the Assistant Secretary for Science and Technology. The Panel will function solely as an advisory body, and in compliance with the provisions of the Federal Advisory Committee Act and the Office of Management and Budget Circular A–63.

Because of the short time available to review the Project Independence material and the complexity of the tasks to be performed by the Panel, the Office of Management and Budget has authorized filing of the Charter for the Panel seven days after publication of this notice (July 1, 1974).

Dated: June 20, 1974.

HENRY B. TURNER,
Assistant Secretary for Administration.

[FR Doc.74–14552 Filed 6–21–74;11:04 am]

CTAB PANEL ON PROJECT INDEPENDENCE BLUEPRINT

Notice of Meetings

The first meeting of the Department of Commerce Technical Advisory Board (CTAB) Panel on Project Independence Blueprint will be held on Wednesday, July 10, 1974 from 9:30 a.m. to 5:00 p.m. in Room 4833, Commerce Building, 14th and Constitution Avenue NW., Washington, D.C.

The Panel was established to provide an independent assessment of the feasibility of the actions and policies resulting from the Project Independence studies. The Panel will represent a central input of private sector views concerning governmental policy decisions designed to expand the domestic supply of energy sources. Special emphasis will be placed on the feasibility of expansion of the synthetic fuel industries and the effect of such expansion on the nation.

Tentative agenda items include:

1. General discussion on future direction and activities of the Panel
2. General discussion of background data and information on domestic energy supply
3. General discussion of Project Independence Blueprint objectives and data.

Subsequent meetings will be held at the same place and time on July 16, 17, 18, 23, 24, 25, 30 and 31 and on August 1.

A limited number of seats will be available to the press and to the public. The public will be permitted to file written statements or inquiries with the Chairman before or after each meeting.

Persons desiring further information on the Panel or on individual meetings should contact Mr. Frank Castellon, Room 3877, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C.; telephone (202) 967–3668.

Dated: June 20, 1974.

HENRY B. TURNER,
Assistant Secretary for Administration.

[FR Doc.74–14553 Filed 6–21–74;11:04 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

ASSISTANT SECRETARY FOR HEALTH, ET AL.

Delegations of Authority

Notice is hereby given that the following delegation and redelegations of authority have been made under the Emergency Medical Services Systems Act of 1973 (Public Law 93–154).

1. Delegation from the Secretary to the Assistant Secretary for Health to perform, pursuant to Section 1208, all of the authorities vested in the Secretary of Health, Education, and Welfare by the Emergency Medical Services Systems Act of 1973 (Public Law 93–154), except for Section 1209, relating to the establishment of the Interagency Committee on Emergency Medical Services.

These authorities may be redelegated.

2. Redelegation from the Assistant Secretary for Health to the officials noted below to exercise the following authorities under the Emergency Medical Services Systems Act (Public Law 93–154) which were delegated to the Assistant Secretary for Health by the Secretary. The citations below refer to sections of the Public Health Service Act as amended by Public Law 93–154:

a. To the Regional Health Administrators:

(1) Authority under section 776 for grants and contracts to eligible entitities to assist in meeting the cost of training programs in emergency medical services systems.

(2) Authority under section 1202 for grants to and contracts with eligible entitities for feasibility studies and planning of emergency medical services systems.

(3) Authority under section 1203 for grants to and contracts with eligible entities for establishing an initial operation of emergency medical services systems.

(4) Authority under section 1204 for grants to and contracts with eligible entities for expansion and improvement of emergency medical services systems.

(5) Authority under section 1206, general provisions, for grants and contracts for emergency medical services systems, as related to redelegations 2a(1) through 2a(4) above.

These authorities may not be redelegated.

b. To the Administrator, Health Resources Administration:

(1) Authority for the administration of training programs under section 776 including grants and contracts with eligible entities for projects of National significance to assist in meeting the cost of training in emergency medical services systems.

(2) Authority under section 1205 for grants to and contracts with eligible entities for the support of research in emergency medical techniques, methods, devices, and delivery.

These authorities may be redelegated.

c. To the Administrator, Health Services Administration, authorities under section 1208 regarding the administration of the emergency medical services systems programs.

These authorities may not be redelegated.

Dated: June 17, 1974.

JOHN OTTINA,
Assistant Secretary for Administration and Management.

[FR Doc.74–14389 Filed 6–21–74;8:45 am]

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FOOD AND DRUG ADMINISTRATION

Statement of Organization, Functions, and Delegations of Authority; Correction

The following list of Food and Drug Administration Offices (Exhibit X6-1) was inadvertently omitted as an attachment to the Organization Statement headed as above, when it was published on May 29, 1974 at 39 FR 18696.

Dated: June 17, 1974.

THOMAS S. MCFEE,
Deputy Assistant Secretary for Management Planning and Technology.

EXHIBIT X6-1.—*Food and Drug Administration—permanent offices*

State	City	Type of office	Address	ZIP code
Arkansas	Jefferson	National Center for Toxicological Research.		72079
California	Los Angeles	District Office	1521 West Pico Blvd	90015
	San Francisco	Field/District Office	Room 518, 50 Fulton St	94102
Colorado	Denver	do	Room 513, 20th and California Sts	80202
Georgia	Atlanta	do	60 8th Street NE	30309
Illinois	Chicago	do	Room 1222, 433 West Van Buren St.	60607
Louisiana	New Orleans	District Office	Room 222, 423 Canal St	70130
Maryland	Baltimore	do	900 Madison Ave	21201
	Rockville	Headquarters	5600 Fishers Lane	20852
Massachusetts	Boston	Field/District Office	585 Commercial St	02109
	Winchester	Winchester Engineering and Analytical Center.	109 Holton St	01890
Michigan	Detroit	District Office	1560 East Jefferson Ave	48207
Minnesota	Minneapolis	District Office and Minneapolis Center for Microbiological Investigations.	240 Hennepin Ave do	55401 55401
Missouri	Kansas City	Field/District Office	1009 Cherry St	64106
	St. Louis	National Center for Drug Analysis	1114 Market St	63101
New Jersey	Newark	District Office	Room 831, 970 Broad St	07102
New York	Brooklyn	Field/District Office	850 Third Ave	11232
	Buffalo	District Office	599 Delaware Ave	14202
Ohio	Cincinnati	District Office and Cincinnati Research Laboratories.	1141 Central Parkway 1090 Tusculum Ave	45202 45226
Pennsylvania	Philadelphia	Field/District Office	Room 1204, 2d and Chestnut Sts	19106
Puerto Rico	San Juan	District Office	P.O. Box 4427, Old San Juan Station.	00905
Texas	Dallas	Field/District Office	3032 Bryan St	75204
Washington	Seattle	do	Room 5003, 901 1st Ave	98104

[FR Doc.74-14388 Filed 6-21-74;8:45 am]

Social Security Administration

NURSE ANESTHETIST COMMITTEE AND HOME HEALTH CARE COMMITTEE OF THE HEALTH INSURANCE BENEFITS ADVISORY COUNCIL

Notice of Public Meetings

Notice is hereby given, pursuant to Public Law 92-463, of the meeting of two Committees of the Health Insurance Benefits Advisory Council (HIBAC), which was established pursuant to section 1867 of the Social Security Act, as amended, to advise the Secretary of Health, Education, and Welfare on Medicare and Medicaid matters.

The Nurse Anesthetist Committee of HIBAC, which is studying the potential role of nurse anesthetists as recognized providers of services under Medicare, will meet on Thursday, July 11, 1974, at 9:30 a.m. in Room 4137 of the Department of Health, Education, and Welfare's North Building, Third and C Streets, SW., Washington, D.C.

The Home Health Care Committee of HIBAC, which is studying the possibility of broadening the coverage of home health services under Medicare, will meet on Friday, July 12, 1974, at 9:30 a.m., also in Room 4137 of the North Building.

Both of these meetings are open to the public.

Further information on the Committees may be obtained from Mr. Max Perlman, Executive Secretary, Health Insurance Benefits Advisory Council, Room 585, East Building, Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland 21235, telephone 301-594-9134. Members of the public planning to attend either of these meetings are asked to notify the Executive Secretary to ensure adequate seating.

(Catalog of Federal Domestic Assistance Program Numbers: 13.800, Health Insurance for the Aged-Hospital Insurance; 13.801, Health Insurance for the Aged-Supplementary Medical Insurance; 13.714, Medical Assistance Program.)

Dated: June 19, 1974.

MAX PERLMAN,
Executive Secretary, Health Insurance Benefits Advisory Council.

[FR Doc.74-14432 Filed 6-21-74;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration

ILLINOIS

[FDAA-438-DR; Docket No. NFD-211]

Amendment to Notice of Major Disaster

Notice of Major Disaster for the State of Illinois, dated June 10, 1974, and amended June 13, 1974, is hereby further amended to include the following counties among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of June 10, 1974:

The counties of:

Cass	Mason
De Kalb	Ogle
Fulton	Schuyler

Dated: June 18, 1974.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.74-14400 Filed 6-21-74;8:45 am]

ATOMIC ENERGY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS; SUBCOMMITTEE ON REGULATORY GUIDES

Meeting

JUNE 19, 1974.

In accordance with the purposes of sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), the Advisory Committee on Reactor Safeguards' Subcommittee on Regulatory Guides will hold a meeting at 6 p.m. on July 10, 1974 in Room 1046 at 1717 H Street, NW., Washington, D.C. This meeting will be closed to the public.

The Subcommittee will meet in closed session with the AEC Regulatory Staff to discuss a working paper on quality assurance requirements for the installation, inspection, and testing of structural concrete and structural steel during the construction phase of a nuclear power plant. In connection with this matter, the Subcommittee may hold Executive sessions, not open to the public, prior to and at the conclusion of the meeting with the AEC Regulatory Staff, to exchange opinions and formulate recommendations to the ACRS.

I have determined, in accordance with subsection 10(d) of Public Law 92-463, that the closed session will consist of a discussion of a Regulatory Staff working paper which falls within exemption (5) of 5 U.S.C. 552(b); and the Executive sessions will consist of exchanges of opinions and formulation of recommendations, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b). Any non-exempt material that may be presented during this meeting will be inextricably intertwined with such exempt material and no separation of exempt and non-exempt material is considered practical. It is essential to close this meeting to protect the free interchange of internal views and to avoid undue interference with Subcommittee and agency operation.

JOHN C. RYAN,
Advisory Committee Management Officer.

[FR Doc.74-14385 Filed 6-21-74;8:45 am]

[Construction Permit Nos. 81 and 82]

CONSUMERS POWER CO.

Notice and Order for Commencement of Evidentiary Hearing

In the matter of Consumers Power Company (Midland Plant, Units 1 and 2).

Please take notice that evidentiary hearing in the above-captioned show cause proceeding will commence at 9:30 a.m. on Tuesday, July 16, 1974, in the Main Banquet Room, Holiday Inn, 1500 West Wackerly Road, Midland, Michigan.

At the commencement of the hearing, interested persons will be afforded an opportunity to make a limited appearance pursuant to 10 CFR 2.715 (§ 2.715 of the Commission's rules of practice). Persons desiring to make a limited appearance will be given ten (10) minutes to do so.

It is so ordered.

ATOMIC SAFETY AND LICENSING BOARD,
MICHAEL L. GLASER,
Chairman.

[FR Doc.74-14380 Filed 6-21-74;8:45 am]

HIGH ENERGY PHYSICS ADVISORY PANEL

Meeting

JUNE 19, 1974.

On July 18-19, 1974, there will be a meeting of the High Energy Physics Advisory Panel at the AEC Headquarters, Germantown, Maryland, in the Auditorium. Below is that portion of the agenda for this meeting which will be open to the public. Practical considerations may require changes in the agenda or schedule.

THURSDAY, JULY 18, 1974

10:30 a.m.	Report of Subpanel on Response of High Energy Physics to the Challenges of the Energy Crisis; J. Sandweiss; Discussion.
11:30 a.m.	Report of Subpanel on Health of High Energy Physics—D. Cline; Discussion.
12:30 p.m.	Lunch.
1:30 p.m.	Report of Subpanel on Future High Energy Physics Facilities—V. F. Weisskopf; Discussion.
6:30 p.m.	Adjourn.

FRIDAY, JULY 19, 1974

8:30 a.m.	Discussion of ZGS Study—J. Teem, R. Drew and R. Walker.
12:00 Noon	Lunch.

In addition to the above items, the Panel plans to hold two (2) executive sessions. The first is scheduled on Thursday morning prior to the beginning of the open session, and the second will be on Friday afternoon. I have determined, in accordance with subsection 10(d) of Public Law 92-463 that these executive sessions will consist of an exchange of opinions and formulation of recommendations, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b). It is essential to close these portions of the meeting to protect the free interchange of internal views and to avoid interference with Agency or Committee operation.

The Chairman is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business.

With respect to public participation in agenda items scheduled above, the following requirements shall apply:

(a) Persons wishing to submit written statements on those agenda items may do so by mailing 25 copies thereof, postmarked, if possible, no later than July 8, 1974, to the Executive Secretary, High Energy Advisory Panel, Dr. Raymond L. Fricken, Division of Physical Research, Washington, D.C. 20545. Minutes of the meeting will be kept open for 30 days for receipt of written statements for the record.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement, and shall set forth reasons justifying the need for such oral statements and their usefulness to the Panel. To the extend that the time available for the meeting permits, the Panel will receive oral statements during a period of not more than 30 minutes at an appropriate time, chosen by the Chairman.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Panel, who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call to the office of the Executive Secretary of the Panel. His telephone number is Area Code 301-973-3624.

(e) Questions at the meeting may be asked only by members of the Adivosry Panel.

(f) Seating for the public will be made available on a first-come, first-served basis.

(g) Copies of minutes of public sessions will be made available for copying, following their acceptance by the Panel at its next meeting, in accordance with the Federal Advisory Committee Act, at the Atomic Energy Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., upon payment of all charges required by law.

JOHN C. RYAN,
Advisory Committee Management Office.

[FR Doc.74-14384 Filed 6-21-74;8:45 am]

[Docket Nos. 50-461 and 50-462]

ILLINOIS POWER CO.

Availability of Draft Environmental Statement

Pursuant to the National Environmental Policy Act of 1969 and the U.S. Atomic Energy Commission's regulations mental Policy Act of 1969 and the U.S.

Pursuant to the National Environmental Policy Act of 1969 and the U.S. Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that a Draft Environmental Statement prepared by the Commission's Directorate of Licensing related to the proposed Clinton Power Station, Units 1 and 2, to be constructed by the Illinois Power Company in Harp Township, DeWitt County, Illinois, is available for inspection by the public in the Commission's Public Document Room at 1717 H Street, NW, Washington, D.C., and in the Vespasian Warner Public Library, 120 West Johnson Street, Clinton, Illinois 61727. The Draft Environmental Statement is also being made available at the Illinois State Clearinghouse, Room 103 State Capitol, Springfield, Illinois 62706. Copies of the Commission's Draft Environmental Statement may be obtained by request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing. The Environmental Report, as supplemented, submitted by Illinois Power Company, is also available for public inspection at the above-designated locations. Notice of availability of the Applicant's Environmental Report was published in the FEDERAL REGISTER on December 14, 1973 (38 FR 34483).

Pursuant to 10 CFR Part 50, Appendix D, interested persons may submit comments on the Applicant's Environmental Report, as supplemented, and the Draft Environmental Statement for the Commission's consideration. Federal and State agencies are being provided with copies of the Applicant's Environmental Report and the Draft Environmental Statement (local agencies may obtain these documents upon request). Comments are due by August 12, 1974. Comments by Federal, State and local officials, or other persons received by the Commission will be made available for public inspection at the Commission's Public Document Room in Washington, D.C. and at the Vespasian Warner Public Library, 120 West Johnson Street, Clinton, Illinois. Upon consideration of comments submitted with respect to the Draft Environmental Statement, the Regulatory staff will prepare a Final Environmental Statement. Notice of the availability of which will be published in the FEDERAL REGISTER.

Comments on the Draft Environmental Statement from interested members of the public should be addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Bethesda, Maryland, this 19th day of June, 1974.

For the Atomic Energy Commission.

B. J. YOUNGBLOOD,
Chief, Environmental Projects Branch 3, Directorate of Licensing.

[FR Doc.74-14386 Filed 6-21-74;8:45 am]

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[Docket Nos. 50-461 and 50-462]

ILLINOIS POWER CO.

Notice of Reconstitution of Board

In the matter of Illinois Power Company (Clinton Power Station).

Dr. William E. Martin was a member of the Atomic Safety and Licensing Board established to consider the above applications. Because of scheduling conflicts, Dr. Martin is unable to continue as a member of this Board.

Accordingly, Dr. J. Venn Leeds, Jr., whose address is Richardson College of Rice University, P.O. Box 941, Houston, Texas 77001, is appointed a member of this Board. Reconstitution of the Board in this manner is in accordance with § 2.721 of the rules of practice, as amended.

Dated at Bethesda, Md., this 18th day of June 1974.

NATHANIEL H. GOODRICH,
Chairman, Atomic Safety and Licensing Board Panel.

[FR Doc.74-14379 Filed 6-21-74;8:45 am]

[Docket No. 50-410]

NIAGARA MOHAWK POWER CORPORATION (NINE MILE POINT, UNIT NO. 2)

Assignment of Members of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority in 10 CFR 2.787 (a), the Chairman of the Atomic Safety and Licensing Appeal Panel has assigned the following panel members to serve as the Atomic Safety and Licensing Appeal Board for this proceeding:

William C. Parler, Chairman
Dr. W. Reed Johnson, Member
Richard S. Salzman, Member

Dated: June 18, 1974.

MARGARET E. DU FLO,
Secretary to the Appeal Board.

[FR Doc.74-14376 Filed 6-21-74;8:45 am]

[Docket No. 50-201]

NUCLEAR FUEL SERVICES, INC.

Notice of Reconstitution of Board

In the matter of Nuclear Fuel Services, Inc. (West Valley Reprocessing Plant).

Dr. William E. Martin was a member of the Atomic Safety and Licensing Board established to consider the above application. Because of scheduling conflicts, Dr. Martin is unable to continue as a member of this Board.

Accordingly, Dr. Frederick P. Cowan, whose address is 22 Browns Lane, Bellport, New York 11713, is appointed a member of this Board. Reconstitution of the Board in this manner is in accordance with § 2.721 of the rules of practice, as amended.

Dated at Bethesda, Md., this 18th day of June 1974.

NATHANIEL H. GOODRICH,
Chairman, Atomic Safety and Licensing Board Panel.

[FR Doc.74-14378 Filed 6-21-74;8:45 am]

[Docket Nos. 50-448 and 50-449]

POTOMAC ELECTRIC POWER CO.

Notice of Oral Argument

In the matter of Potomac Electric Power Company (Douglas Point Nuclear Generating Station, Units 1 and 2).

Notice is hereby given that, in accordance with the Atomic Safety and Licensing Appeal Board's Order of June 14, 1974, oral argument involving application of the Commission's new regulation for evaluating the environmental effects of the uranium fuel-cycle (39 F.R. 14188, 14191, April 22, 1974) to this licensing proceeding has been calendared for 10 a.m. on Friday, June 28, 1974 in the hearing room of the Appeal Panel located on the fifth floor of East West Towers Buildings, 4350 East-West Highway, Bethesda, Maryland.

For the Atomic Safety and Licensing Appeal Board.

MARGARET E. DU FLO,
Secretary to the Appeal Board.

JUNE 18, 1974.

[FR Doc.74-14381 Filed 6-21-74;8:45 am]

[Docket No. 50-396]

UNIVERSITY OF VIRGINIA

Notice of Proposed Issuance of Facility Operating License

Notice is hereby given that the Atomic Energy Commission ("the Commission") is considering the issuance of a facility operating license to the University of Virginia that would authorize the University to possess, use and operate the low power Cooperatively Assembled Virginia Low-Intensity Educational Reactor (CAVALIER) for educational and training purposes. The CAVALIER, located on the University's campus in Charlottesville, Virginia, will operate at steady state power levels not in excess of 100 watts (thermal).

The Commission will consider the issuance of the facility operating license upon: (1) a finding by the Commission that the application complies with the requirements of the Atomic Energy Act of 1954, as amended ("the Act"), and the Commission's regulations in 10 CFR Chapter I, (2) a finding that the facility authorized has been constructed in conformity with Construction Permit No. CPRR-115, and will operate in conformity with the application, provisions of the Act and of the rules and regulations of the Commission, and (3) the completion of a favorable Safety Evaluation on the application by the Commission's Directorate of Licensing.

On or before July 24, 1974, the applicant may file a request for a hearing and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's "Rules of Practice" in 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this facility operating license, see the application for license and the Safety Analysis Report dated September 21, 1973, and supplements dated November 26 and December 7, 1973, February 11 and April 23, 1974, which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. The license, Technical Specifications and the Safety Evaluation by the Directorate of Licensing will be made available for inspection at the above location when completed.

A copy of the application and, when available, the license, Technical Specifications and the Safety Evaluation may be obtained by request to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Bethesda, Maryland, this 17th day of June.

For the Atomic Energy Commission.

ROBERT A. PURPLE,
Chief, Operating Reactors Branch #1, Directorate of Licensing.

[FR Doc.74-14375 Filed 6-21-74;8:45 am]

[Docket Nos. 50-338 and 50-339]

VIRGINIA ELECTRIC AND POWER CO.

Notice of Reconstitution of Board

In the matter of Virginia Electric and Power Company (North Anna Power Station Units 1 and 2).

Dr. Emil T. Chanlett was a member of the Atomic Safety and Licensing Board established to consider the above applications. Dr. Chanlett is not available for service on this Board.

Accordingly, Mr. Lester Kornblith, Jr., whose address is Atomic Safety and Licensing Board Panel, U.S. Atomic Energy Commission, Washington, D.C. 20545, is appointed a member of this Board. Reconstitution of the Board in this manner is in accordance with § 2.721 of the rules of practice, as amended.

Dated at Bethesda, Md., this 18th day of June 1974.

NATHANIEL H. GOODRICH,
Chairman, Atomic Safety and Licensing Board Panel.

[FR Doc.74-14377 Filed 6-21-74;8:45 am]

CIVIL AERONAUTICS BOARD

[Order 74-6-89, Dockets 26463 and 26603]

AMERICAN AIRLINES, INC., ET AL.

Puerto Rico/Virgin Islands Freight Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 18th day of June, 1974.

In the matter of increased freight rates and charges between points in the U.S. and points in Puerto Rico/Virgin Islands proposed by American Airlines, Inc., Eastern Airlines, Inc., and Pan American World Airways, Inc.

By Order 74-2-128, adopted February 28, 1974, the Board suspended and instituted an investigation, Docket 26463,[1] of certain increased freight rates and charges proposed between points in the U.S. and San Juan by American Airlines, Inc. (American), Eastern Air Lines, Inc. (Eastern), and Pan American World Airways, Inc. (Pan American), the last marked to become effective March 1. By document filed March 20, Pan American submitted a motion for leave to file an otherwise unauthorized document, a late-filed petition requesting that the Board reconsider the foregoing order, and permit Pan American's increased rates to become effective.[2]

In support of its motion, Pan American asserts that it miscalculated the dates in the proceeding, and thus filed the petition late, and that the untimeliness would neither prejudice any party nor give Pan American any special advantage. In view of all relevant circumstances, the Board has decided to grant the motion to accept the petition for reconsideration, and to reconsider Order 74-2-128 on its merits.

In support of that petition, the carrier asserts, inter alia, that (1) the rates for weight-breaks which were to have been cancelled are in reality paper rates, and that, during the past several years, neither Pan American nor the carriers participating in the joint carriage have had local rates at those weight-breaks; (2) prior to the establishment of through joint rates, Pan American combined local rates, which were higher than both the present and proposed joint rates: (a) joint rates necessarily involve more costly interline operations, and must be prorated between two carriers; and (b) under the Board's view, Pan American has adequately justified a rate increase for carrying local traffic the 1,040 miles between San Juan and Miami—therefore, when that cargo originates off-line and is transferred to Pan American at Miami, the same cost justification for the same 1,040-mile transportation is equally valid; and (3) Airlift International, Inc. (Airlift) was permitted to effect both cancellations of high weight-breaks and increases in the U.S.-San Juan market in January 1974 in Order 74-1-155.

The first of Pan American's arguments, that the weight-breaks proposed to be canceled were paper rates, was not clearly indicated by the carrier in its original justification of its tariff proposal. In that statement, the carrier asserted that "a minimal number of shipments are made at these weight-breaks and their cancellation will provide an incentive to shippers to utilize the lower container and pallet rates." Assuming that the fact is that essentially no traffic is moving at those weight-breaks, we shall lift the suspension of the cancellation thereof and permit such cancellation subject to the investigation in Docket 26603.

In its second major argument, Pan American requests reconsideration of the Board's suspension of the longer-haul rates. It apparently contends that, because its own local rates, such as Miami-San Juan, have been found consistent with costs by the Board, the carrier should be permitted to receive the same revenues from that movement when it is part of an interline movement. The Board cannot conclude that this is the criterion to be utilized in reconsidering its decision suspending the rates referred to by Pan American. In this regard, in Order 74-2-128, supra, the Board found that the rates suspended, covering hauls of 2,200 miles or more, appeared excessive in relation to costs available to the Board. Pan American in its petition submitted no data to contravert the costs utilized in that order, and we will, without prejudice to the decision that we may reach in Docket 26603, the Puerto Rico/Virgin Islands Freight Rates investigation, rely upon such costs in considering the petition for reconsideration. Further, we do not consider Pan American's local rates between Miami and San Juan as the appropriate criterion of the level of its share of the long haul-rates in issue, *e.g.*, Los Angeles-San Juan. In this connection, the carrier's share of the latter rates would seem to depend upon interline agreements with other carriers, and the divisions of these rates are not in issue at this time.

In view of the foregoing and all other relevant factors on reconsideration of Order 74-2-128, the Board will vacate its suspension of Pan American's cancellation of weight-breaks at the 5,000- and 10,000-pound rates previously proposed. In all other respects, however, the carrier's request for vacation of the suspensions in Order 74-2-128 will be denied.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof,

It is ordered that:

1. Pan American World Airways, Inc.'s motion for leave to file an otherwise unauthorized document is granted;

2. Pan American World Airways, Inc.'s petition for the Board to reconsider Order 74-2-128 is granted;

3. Upon reconsideration of Order 74-2-128, the suspension of Pan American World Airways, Inc.'s cancellation of weight-breaks at 5,000 and 10,000 pounds is vacated. In all other respects, the request for vacation of the suspensions in Order 74-2-128 is denied; and

4. Copies of this order shall be filed with the tariffs and served upon all parties to Docket 26603.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-14395 Filed 6-21-74;8:45 am]

[Order 74-6-91; Docket 26675]

AIR FRANCE, ET AL.

Order Dismissing Complaint

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 18th day of June, 1974.

In the matter of high weightbreak specific commodity rates proposed by Air France, KLM Royal Dutch Airlines, Sabena Belgian World Airlines, Seaboard World Airline, Inc., and Swiss Air Transport Company.

By a complaint filed May 8, 1974, Pan American World Airways, Inc. (Pan American) requests suspension and investigation of tariff revisions for transatlantic high weightbreak (15,000 and 30,000 kg.) specific commodity rates[1] filed by Air France, KLM Royal Dutch Airlines (KLM), Sabena Belgian World Airlines (Sabena), Seaboard World Airlines, Inc. (Seaboard) and the Swiss Air Transport Company (Swissair).[2] An answer supporting the complaint has been filed by Trans World Airlines, Inc. (TWA), and answers opposing the complaint have been filed by Swissair, Sabena and Seaboard.

The Swissair tariff revisions were rejected by the Board's Tariffs Section on May 21, 1974, and accordingly the only substantive portions of the complaint and answers remaining deal with rates to/from France and Belgium. Specifically, these include bulk and container rates for 15,000 kg. shipments, and container rates for 30,000 kg. shipments.[3]

In support of its complaint, Pan American contends that the new rates were not contained in the IATA North Atlantic Cargo Rate Agreement approved by the Board in Order 74-4-6 (which included 30,000 kg. bulk commodity rates); that acceptance of these new, reduced specific commodity rates represents abandonment of the progress achieved by the above-mentioned agreement in reducing the disparity between general and specific commodity rates;

[1] By Order 74-4-76, April 12, 1974, the Board instituted an investigation of all freight rates between points in the United States, on the one hand, and points in Puerto Rico and the Virgin Islands, on the other, entitled *Puerto Rico/Virgin Islands Freight Rates*, Docket 26603. The investigation instituted in Docket 26463 was consolidated into the latter investigation.

[2] The Board's Regulation, 14 CFR 302.37, provides that a petition for reconsideration of an interlocutory order is due within 10 days after service. Pan American's petition was due March 11, but was not received until March 20.

[1] The proposal includes rates for a broad spectrum of specific commodities between the United States, on the one hand, and France, Belgium and Switzerland, on the other.

[2] Air Tariffs Corp. Agent, Tariffs C.A.B. Nos. 26 and 37; and Swiss Air Transport Company, Tariff C.A.B. No. 35. The revisions here at issue were published for effectiveness May 31, 1974.

[3] The rates are outlined in the appendix filed as part of the original document.

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and that the rates are uneconomic on their face and should be suspended.[4]

In answer to the complaint, Seaboard asserts that the proposed rates for France and Belgium merely maintain the previously existing relationship with 30,000 kg. bulk specific commodity rates, which are now being increased pursuant to the IATA agreement approved by the Board. Additionally, Seaboard alleges in support of the 30,000 kg. container rates, that lower handling costs for unitized shipments would result in a $1,218 profit per flight on the basis of the costs cited in Pan American's complaint.[5]

Upon full consideration of the complaint, the answers and all other relevant matters, the Board has determined to dismiss the complaint. The Board has dismissed previous Pan American complaints[6] against the protested rates for France and Belgium, which have since been increased to compensate for escalating fuel prices, on the grounds that the rates did not appear to be uneconomic, diversionary or dilutionary. The presently proposed rates involve further increases to maintain existing differentials between these rates and the 30,000 kg. bulk commodity rates included in the Board-approved IATA agreement to which Pan American is a party, and the complainant has presented no arguments not previously disposed of in the orders dismissing its previous complaints.[7] Although the protested rates are not included in the agreement, they were widely discussed at the IATA conferences which promulgated the agreement, and the minutes of the conferences make it clear that continued availability of these government-ordered 15,000 kg. rates and unitized 30,000 kg. rates was a condition insisted on by several carriers.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof,

It is ordered that:

The complaint of Pan American World Airways, Inc. in Docket 26675 be and hereby is dismissed.

This order will be published in the FEDERAL REGISTER.

[4] Here Pan American states that its current transatlantic costs in scheduled freighter service are $5.16/mile, or $18,766 New York-Paris. The proposed container rates would yield only $18,000, resulting in a $766 loss. However, even this loss is understated, Pan American alleges, since only 13 igloos, or 23,000 kgs. at average density can be accommodated on a single flight. Therefore the revenue is only $13,800, for a loss of over $5,000 on a single flight.

[5] Seaboard also expresses surprise that Pan American cannot accommodate 13 pallets with a total weight of 30,000 kgs.—or an average weight of 5100 lbs./pallet—on one flight.

[6] By Orders 73-3-77 (March 21, 1973) and 73-5-136 (May 30, 1973).

[7] Suspension as requested would result in a continuance of the lower rates in effect immediately prior to the filing of the new tariff.

By the Civil Aeronautics Board:

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-14396 Filed 6-21-74;8:45 am]

CIVIL SERVICE COMMISSION

EMPLOYEE ADVISORY COMMITTEE ON HEALTH BENEFITS

Meeting

Notice is hereby given pursuant to P.L. 92-463, that the Employee Advisory Committee on Health Benefits, established by section 8911 of title 5, United States Code, which advises the Commission regarding matters of concern to employees under the Federal Employees Health Benefits Program, will meet on Monday, July 15, 1974, at 9:30 a.m. in Room 1304, Civil Service Commission Building, 1900 E Street NW., Washington, D.C.

Agenda items are as follows:

1. Legislative proposal to defer the January 1, 1975, effective date of section 210 of Public Law 92-603 (the Social Security Amendments of 1972), which mandates an adjustment of benefits and premiums for Federal employees and annuitants under the Federal Employees Health Benefits law who are also entitled to benefits under Medicare.

2. The Bureau's report on Comparison of Federal Employees Health Benefits with those offered by a sampling of large private and public employers.

3. Annual Report of Financial and Statistical Data for Fiscal Year Ended June 30, 1973, on the Federal Employees Health Benefits Program.

4. Trends in health care costs for the past two years and future cost implications.

5. Progress report on the implementation of the provision of Public Law 93-246, which allows annuitants who are enrolled, or are eligible to enroll, in the Retired Federal Employees Health Benefits Program to elect to be covered under the Federal Employees Health Benefits Program.

The meeting on the above agenda items is open to the public. At this time, the Bureau knows of no other substantive matters to be considered at the meeting. Any interested person may attend, appear before the committee, or file statements on the agenda items or on such other matters which, at the discretion of the Chairman, may properly come before the committee. Statements, if in written form, may be filed in advance of or at the meeting or, if oral, at the time and in the manner permitted by the Chairman.

Further information concerning this meeting may be obtained from Mr. Robert W. Tolson, Room 4351, Civil Service Commission Building, telephone 202-632-9677. Members of the public planning to attend the meeting are asked to notify Mr. Tolson to ensure adequate seating.

Dated: June 17, 1974.

THOMAS A. TINSLEY,
Director, Bureau of Retirement, Insurance and Occupational Health.

[FR Doc.74-14393 Filed 6-21-74;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN MEXICO

JUNE 19, 1974.

On August 26, 1971, there was published in the FEDERAL REGISTER (36 FR 16957) a letter dated August 23, 1971 from the Chairman, President's Cabinet Textile Advisory Committee, to the Commissioner of Customs, prohibiting entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products produced or manufactured in Mexico and exported from Mexico for which the Government of Mexico had not issued a visa. One of the requirements is that each visa include the signature of an official authorized to issue visas. The Government of Mexico has requested that Gabriel Zorrilla Martinez, Jorge Orvananos Lascurain, and Arturo Galindo Munoz be authorized to issue visas replacing Jose Arango Rojas, Daniel Basulto Verduzco, and Hermenegildo Delgado Cardena. This list of officials was previously amended on August 23, 1972 (37 FR 17507) and February 27, 1974 (39 FR 8375).

Accordingly, there is published below a letter of June 19, 1974 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs further amending the directive of August 23, 1971, effective as soon as possible. Facsimiles of the signatures of the three newly-designated officials are filed as part of the original document with the Office of the Federal Register. A complete list of Mexican officials currently designated to issue visas is published as an enclosure to the letter to the Commissioner of Customs.

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20229.

JUNE 19, 1974.

DEAR MR. COMMISSIONER: This directive further amends, but does not cancel, the directive of August 23, 1971 from the Chairman, President's Cabinet Textile Advisory Committee, that directed you to prohibit under certain specified conditions entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 1 through 64, produced or manufactured in Mexico, for which the Government of Mexico had not issued an appropriate visa. One of the requirements is that each visa include the signature of a Mexican official authorized to issue visas. This list of signatures was previously amended by directives of August 23, 1972 and February 27, 1974.

Under the provisions of the Bilateral Cotton Textile Agreement of June 29, 1971 between the Governments of the United States and Mexico and in accordance with the procedures of Executive Order 11651 of March 3, 1972, the directive of August 23, 1971 is further amended, effective as soon as possible, to authorize Gabriel Zorrilla Martinez, Jorge Orvananos Lascurain and Arturo Galindo Munoz to issue visas in place of Jose Arango Rojas, Daniel Basulto Verduzco and Hermenegildo Delgado Cardena, who will no longer sign. A complete list of Mexican officials currently authorized to issue visas is enclosed.

The actions taken with respect to the Government of Mexico and with respect to imports of cotton textiles and cotton textile products from Mexico have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the Federal Register.

Sincerely,

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

OFFICIALS AUTHORIZED BY THE GOVERNMENT OF MEXICO TO ISSUE VISAS

J. Guillermo Becker A.
Antonio Benitez Espindola
Jorge Orvananos Lascurain
Gabriel Zorrilla Martinez
Melquisedec Jimenez Mendez
Arturo Galindo Munoz
Cesar Franco Porras
Pablo H. Quiroga-Garza
Raymundo Apodaca Sanchez
Guillermo Ramos Uriarte
Juventino Martinez Velez

[FR Doc.74-14423 Filed 6-21-74;8:45 am]

COMMISSION ON CIVIL RIGHTS

SEX DISCRIMINATION

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Civil Rights Act of 1957, 71 Stat. 634, as amended, that a public hearing of the U.S. Commission on Civil Rights will commence on July 25, 1974, in Room 1220 of the Everett Dirksen Federal Building, 219 South Dearborn Street, Chicago, Illinois, and that an Executive Session will be held on July 24, 1974.

The purpose of the hearing is to collect information concerning legal developments constituting a denial of equal protection of the laws under the Constitution because of sex which affect the economic status of women, particularly concerning employment; to appraise the laws and policies of the Federal Government with respect to denials of equal protection of the laws under the Constitution because of sex which affect the economic status of women, particularly concerning employment; and to disseminate information with respect to denials of equal protection of the laws because of sex in the area of employment.

Dated at Washington, D.C., June 20, 1974.

ARTHUR S. FLEMMING,
Chairman.

[FR Doc.74-14491 Filed 6-21-74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[OPP-32000/72]

NOTICE OF RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

Data To Be Considered In Support of Applications

On November 19, 1973, the Environmental Protection Agency published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 979), and its procedures for implementation. This policy provides that EPA will, upon receipt of every application, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by the applicant will be available for examination at the Environmental Protection Agency, Room EB-37, East Tower, 401 M Street, SW., Washington, D.C. 20460.

On or before August 23, 1974, any person who (a) is or has been an applicant, (b) desires to assert a claim for compensation under section 3(c)(1)(D) against another applicant proposing to use supportive data previously submitted and approved, and (c) wishes to preserve his opportunity for determination of reasonable compensation by the Administrator must notify the Administrator and the applicant named in the FEDERAL REGISTER of his claim by certified mail. Every such claimant must include, at a minimum, the information listed in this interim policy published on November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy in regard to usage of existing supportive data for registration will be processed in accordance with existing procedures. Applications submitted under 2(c) will be held for the 60-day period before commencing processing. If claims are not received, the application will be processed in normal procedure. However, if claims are received within 60 days, the applicants against whom the particular claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after this 60-day period.

APPLICATIONS RECEIVED

EPA File Symbol 34430-R. Agro Phosphate Co., Inc., P.O. Box 4309, Yuma, Arizona 85364. *Agro Phosphate Sevimol 4 Carbaryl Insecticide.* Active Ingredients: Carbaryl (1-naphthyl methylcarbamate) 40.38%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 5481-123. Amvac Chemical Corporation, 4100 East Washington Boulevard, Los Angeles, California 90023. *Durham Malathion EM 8.* Active Ingredients: Malathion (O,O-Dimethyl Dithiophosphate of Diethyl Mercaptosuccinate) 82.0%; Aromatic Petroleum Derivative Solvents 3.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 12016-T. Anderson-Stolz Corp., 1727-33 Walnut St., Kansas City, Missouri 64108. *Sol-Vet 426.* Active Ingredients: Disodium cyanodithioimidocarbonate 3.18%; Ethylenediamine 1.20%; Potassium N-methyldithiocarbamate 4.37%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 6125-RA. Bixon Chemical Company, Division of ASL Enterprises, Inc., 50-19 97 Place, Corona, New York 11368. *Pyrenone General Purpose Aqueous Insecticide.* Active Ingredients: Pyrethrins 0.1%; Piperonyl Butoxide, technical 1.0%; Petroleum distillate 0.4%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 1833-U. Brilco Laboratories, 1551 63rd Street, Brooklyn, New York 11219. *Brilco Residual Emulsifiable Insecticide Concentrate.* Active Ingredients: Pyrethrins 0.50%; Piperonyl Butoxide, technical 1.00%; N-octyl bicycloheptene dicarboximide 1.50%; Chlorpyrifos [(O,O-diethyl O-) (3,5,6-trichloro-2-pyridyl) phosphorothioate] 2.53%; Aromatic petroleum distillate 1.42%; Petroleum distillate 87.88%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 1448-LG. Buckman Laboratories, Inc., 1256 N. McLean Blvd., Memphis, Tennessee 38108. *BL Busan 881M.* Active Ingredients: Disodium cyanodithioimidocarbonate 14.7%; Potassium N-methyldithiocarbamate 20.3%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 1409-UA. Chemwane, Champion International, Industrial Chemical Products, 2305 Superior Ave., Kalamazoo, Michigan 49003. *SSC-909 Sap Stain Control Concentrate.* Active Ingredients: Pentachlorophenol 27.3%; Tetrachlorophenol 3.7%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 100-LGI. Home and Garden Products, Agricultural Division, CIBA-GEIGY Corporation, P.O. Box 11422, Greensboro, North Carolina 27409. *Spectracide Garden Insect Dust.* Active Ingredients: O,O-diethyl O-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate 4%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 9640-RA. Vulcan Laboratories, Division of Clow Corporation, 408 Auburn Avenue, Pontiac, Michigan 48058. *Microbiocide N.* Active Ingredients: Disodium cyanodithioimidocarbonate 3.18%; Ethylenediamine 1.20%; Potassium N-methyldithiocarbamate 4.37%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 9640-RI. Vulcan Laboratories, Division of Clow Corporation. *Microbiocide 1393.* Active Ingredients: Disodium cyanodithioimidocarbonate 12.7%; Ethylenediamine 4.8%; Potassium N-methyldithiocarbamate 17.5%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 9640-RT. Vulcan Laboratories, Division of Clow Corporation. *Microbiocide 1392.* Active Ingredients: Disodium cyanodithioimidocarbonate 6.35%; Ethylenediamine 2.40%; Potassium N-methyldithiocarbamate 8.75%. Method of Support: Application proceeds under 2(b) of interim policy.

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EPA File Symbol 4582-AE. Colgate-Palmolive Company, 300 Park Avenue, New York, New York 10022. *Floor 'N More Germicidal Cleaner.* Active Ingredients: Sodium xylene sulfonate 7.50%; Sodium o-benzyl-p-chlorophenate 6.60%; N-Hydroxyethyl ethylenediaminetriacetic acid, disodium salt 4.07%; Sodium Dodecylbenzene sulfonate 4.00%; N-Hydroxyethyl ethylenediaminetriacetic acid trisodium salt 0.65%. Method of Support: Application proceeds under 2(a) of interim policy.

EPA File Symbol 10806-GA. Contact Industries, Inc., 850 So. Oyster Bay Rd., Hicksville, New York 11801. *Contact Super Slay Wasp and Hornet Spray.* Active Ingredients: Pyrethrins 0.10%; Piperonyl butoxide, technical 0.20%; N-octyl bicycloheptene dicarboximide 0.33%; *o*-Isopropoxyphenyl Methylcarbamate 0.50%; Petroleum distillate 3.87%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 10806-GT. Contact Industries, Inc., 850 So. Oyster Bay Rd., Hicksville, New York 11801. *Contact Residual Liquid Insecticide.* Active Ingredients: Pyrethrins 0.050%; Piperonyl butoxide, technical 0.100%; N-octyl bicycloheptene dicarboximide 0.166%; Chlorpyrifos [O,O-diethyl O-(3,5,6-trichloro-2-pyridyl) phosphorothioate] 0.500%; Aromatic petroleum distillate 0.290%; Petroleum distillate 98.894%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 34282-E. Dickler Chemical Laboratories, Inc., P.O. Box 19536, Philadelphia, Pennsylvania 19124. *Quat-Klean, Cleaner-Disinfectant - Deodorizer-Fungicide-Virucide.* Active Ingredients: Didecyl dimethyl ammonium chloride 2.5%; Tetrasodium ethylenediamine tetraacetate 2.0%; Sodium carbonate 1.5%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 34282-G. Dickler Chemical Laboratories, Inc. *Minto-Dis, Cleaner-Disinfectant-Deodorizer-Fungicide.* Active Ingredients: Didecyl dimethyl ammonium chloride 4.5%; Tetrasodium ethylenediamine tetraacetate 2.0%; Sodium carbonate 1.0%; Sodium metasilicate, anhydrous 0.5%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 34282-R. Dickler Chemical Laboratories, Inc. *Pine-Dis, Cleaner-Disinfectant-Deodorizer-Fungicide.* Active Ingredients: Didecyl dimethyl ammonium chloride 4.25%; Tetrasodium ethylenediamine tetraacetate 1.60%; Sodium carbonate 2.00%; Sodium metasilicate, anhydrous 0.50%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 33914-R. Dixie Agricultural Chemical Company, P.O. Box 1227, Eustis, Florida 32726. *Dixie AG Diazinon 4 EC Insecticide.* Active Ingredients: O,O-diethyl O-(2-isopropyl-6-methyl-4 pyrimidinyl) phosphorothioate 48.00%; Xylene 38.88%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 32972-G. Ecolochem, P.O. Box 844, 1265 Burlington Street, Opa-Locka, Florida 33054. *DCA-20.* Active Ingredients: Disodium cyanodithioimidocarbonate 3.63%; Ethylenediamine 1.37%; Potassium *N*-methyldithiocarbamate 5.00%, method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 3770-GRN. Economy Products Company, Inc., P.O. Box 427, Shenandoah, Iowa 51601. *Garden Bug Dust.* Active Ingredients: Manganese Ethylene Bisdithiocarbamate 5.00%; Methoxychlor, technical 3.00%; Rotenone 0.75%; Other Cube Resins 1.50%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 270-RNR. Farnam Companies, Inc., P.O. Box 21447, Omaha, Nebraska 68112. *Farnam "New Dimension" Fly Killer.* Active Ingredients: Erythrosin B Dye 0.20%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 8540-RA. Garratt-Callahan Co., 111 Rollins Rd., Millbrae, California 94030. *Garratt-Callahan Formula 36-A Water Treatment Microbiocide.* Active Ingredients: Sodium dichloro-S-triazinetrione dihydrate 26.5%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 8540-RL. Garratt-Callahan Co., 111 Rollins Rd., Millbrae, California 94030. *Garratt-Callahan Formula 34-A Water Treatment Microbiocide.* Active Ingredients: N-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chloride 12.5%; Isopropyl alcohol 5.0%; Bis (tri-n-butyltin) oxide 2.5%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 10183-EE. Haviland Products, 421 Ann Street, N.W., Grand Rapids, Michigan 49504. *Concentrated Algaecide.* Active Ingredients: Poly[oxyethylene(dimethyliminio)-ethylene (dimethylimino)-ethylene dichloride] 50.0%. Method of Support: Application proceeds under 2(b)- of interim policy.

EPA File Symbol 10183-EG. Haviland Products. *Algaecide.* Active Ingredients: Poly-[oxyethylene (dimethyliminio) ethylene-(dimethyliminio) ethylene dichloride] 10.0%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 10183-ER. Haviland Products. *Winterizer.* Active Ingredients: Poly[oxyethylene (dimethyliminio) ethylene-(dimethyliminio)ethylene dichloride] 10.0%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 5905-URI. Helena Chemical Company, Clark Tower, 5100 Poplar Ave., Suite 2900, Memphis, Tennessee 38137. *Helena End-O-Sulfan 3 E.C. (Insecticide).* Active Ingredients: Endosulfan (Hexachlorohexahydromethano - 2,4,3-benzodioxathiepin oxide) 33.70%; Xylene base aromatic petroleum solvent 60.50%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 9594-RG. Intercontinental Chemical Corporation, P.O. Box 15318, Sacramento, California 95813. *ICC Concentrated Spray Emulsifiable Concentrate.* Active Ingredients: Pyrethrins 1.0%; Piperonyl Butoxide, Technical 10.0%; Petroleum Distillate 79.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 9594-RG. Intercontinental Inc., The Dune Company, P.O. Box 458, Calipatria, California 92233. *Prokil Methomyl Cryolite 2-50 Dust.* Active Ingredients: Methomyl (S-methyl-N-[(methylcarbamoyl) oxy] Trioacetimidate) 1.8%; Sodium Fluoaluminate 46.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 10163-AL. Jessen & Co., Inc., The Dune Company. *Prokil Methomyl B.T. 2-2 Dust.* Active Ingredients: Methomyl S-methyl-n-[(methylcarbamoyl) oxy] thioacetimidate 2.00%; BT—A pure culture containing ½-billion viable spores of the microorganism Bacillus thuringiensis Berliner per gram of product. Each milligram of dust contains 330 international units of activity—0.05%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 10163-AG. Jessen & Co., Inc., The Dune Company. *Prokil Methomyl 2 Dust.* Active Ingredients: Methomyl S-methyl - n - [(methylcarbamoyl)oxy] thioacetimidate 2%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 7675-4. Lithium Corporation of America, P.O. Box 795, Bessemer City, North Carolina 28016. *Lithcos Lithium Hypochlorite Dry Chlorine Sanitizer.* Active Ingredients: Lithium Hypochlorite 29%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 2881-LI. Lystads, Incorporated, 901 University Ave., Grand Forks, North Dakota 58201. *Lystads Sanitize II, Disinfectant, Sanitizer, Deodorizer.* Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 5%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 5%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 2881-LO. Lystads, Incorporated. *Lystads Surcide I, Concentrated Detergent, Sanitizier, Fungicide, Disinfectant, Deodorizer.* Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 4.5%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 4.5%; Tetrasodium ethylenediamine tetraacetate 2.0%; Sodium Carbonate 4.0%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 2881-LT. Lystads, Incorporated. *Lystads Sursan II, Cleaner, Disinfectant, Deodorizer, Fungicide.* Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 2.25%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 2.25%; Sodium Carbonate 3.00%; Tetrasodium ethylenediamine tetraacetate 1.00%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 27581-E. Midland Research Laboratories, Inc., 8429 Quivira Road, Lenexa, Kansas 66215. *Chem-I-Cal 605.* Active Ingredients: Poly[oxyethylene(dimethyliminio)ethylene (dimethyliminio) ethylene dichloride] 15.0%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 10465-L. Mineral Research and Development Corporation, P.O. Box 911, Charlotte, North Carolina 28231. *Podox-C-WP, A Dry Wettable Powder Fungicide for Aid in Reduction of Peanut Pod Rot Diseases.* Active Ingredients: Copper, metallic (from Copper Ammonium Carbonate) 12.25%; Captan-N-[(trichloromethyl) thio]-4 cyclohexene-1,2-discarboximide 40.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 2675-RE. National Purity Soap & Chemical Company, 110 Fifth Avenue S.E., Minneapolis, Minnesota 55414. *Quanasco 100 Liquid Detergent Sanitizer.* Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethly benzyl ammonium chlordies 2.25%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 2.25%; Sodium Carbonate 3.00%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 2675-RG. National Purity Soap & Chemical Company. *N.P.S. Sanitizing Agent II.* Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 5%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 5%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 2675-RN. National Purity Soap & Chemical Company. *Aseptic—Clean II.* Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 4.5%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 4.5%; Tetrasodium ethylenediamine tetraacetate 2.0%; Sodium Carbonate 4.0%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 2675-RR. National Purity Soap & Chemical Company. *National-Purity Liquid Dairy Sanitizer.* Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 5.0%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 5.0%; Phosphoric Acid 30.0%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 7001-ROR. Occidental Chemical Company, P.O. Box 198, Lathrop, California 95330. *Best Rat-A-Phide Zinc Phosphide Rat Bait.* Active Ingredients: Zinc Phosphide 1.88%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 9123-RL. Magnolia Fertilizer Co., Division Pace National Corp., 500 7th Ave., South, Kirkland, Washington 98033. *Weed and Feed Fertilizer 10-3-6.* Active Ingredients: Technical chlordane 0.60%; 2,4-dichlorophenoxyacetic acid 0.50%; Silvex (2-(2,4,5-trichlorophenoxy) propionic acid) 0.15%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 1007-TO. Chemicals Division, Pfizer, Inc., 235 East 42nd Street, New York, New York 10017. *Terramycin Tree Injection Formula, For Control of Pear Decline.* Active Ingredients: oxytetracycline Hydrochloride 21.6%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA Reg. No. 359-620. Chipman Division of Rhodia Inc., 23 Belmont Dr., Somerset, New Jersey 08873. *Zolone EC for the Control of Insect Pets and Spider Mites, Product No. 3485.* Active Ingredients: Phosalone [O,O-diethyl S-[(6-chloro-2-oxo benzoxazolin-3-yl) methyl] phosphorodithioate] 34.4%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No., 359-626. Chipman Division of Rhodia Inc., 23 Belmont Dr., Somerset, New Jersey 08873. *Zolone WP, Product No. 3486.* Active Ingredients: Phosalone [O,O-diethyl S-[(6-chloro-2-oxo benzoxazolin-3-yl) methyl] phosphorodithioate] 25.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 523-IE. Roberts Laboratories, 4995 North Main Street, Rockford, Illinois 61101. *Dairy Room & Food Plant Insecticide Concentrate.* Active Ingredients: Pyrethrins 10.00%; Piperonyl Butoxide 50.00%; Petroleum Distillate 40.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 523-IG. Roberts Laboratories. *Roach & Ant Insecticide Manufacturing Concentrate.* Active Ingredients: O,O-diethyl O-(2 - isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate 34.50%; Pyrethrins 5.00%; Technical piperonyl butoxide (equivalent to .209% (butylcarbityl) (6-propylpiperonyl) ether and .052% other related compounds) 25.00%; Petroleum Distillate 26.50%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 523-IN. Robert Laboratories. *Total Insecticide Manufacturing Concentrate.* Active Ingredients: Pyrethrins 2.374%; Piperonyl Butoxide 11.870%; Petroleum Distillate 85.756%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 523-IR. Roberts Laboratories. *Vapona Farm & Home Insecticide Concentrate.* Active Ingredients: 2,2-dichlorovinyl dimethyl phosphate 27.64%; Related Compounds 6.84%; Pyrethrins 6.89%; Technical Piperonyl Butoxide 27.59%; Petroleum Distillate 27.59%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 201-318. Shell Chemical Company, Suite 300, 1700 K Street, N.W., Washington, D.C. 20006. *RAVAP Backrubber Solution Ready-To-Use Insecticide.* Active Ingredients: 2 - chloro-1-(2,4,5-trichlorophenyl) vinyl dimethyl phosphate 1.00%; 2,2 - dichlorovinyl dimethyl phosphate 0.23%; Related Compounds 0.02%; Petroleum hydrocarbons 97.68%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 3640-TA. Stearns Chemical Corporation, 4200 Sycamore Ave., Madison, Wisconsin 53704. *Sanitergent Mark III Detergent Sanitizer.* Active Ingredients: Sodium Carbonate 22.0%; Trisodium Phosphate 55.8%; Sodium Hypochlorite 3.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 6516-RA. Steri-Tized Inc., White Street, Buchanan, New York 10511. *Steri-Tized 504.* Active Ingredients: Didecyl dimethyl ammonium chloride 50%. Method of Support: Application proceeds under 2 (c) of interim policy.

EPA File Symbol 6516-RT. Steri-Tized Inc., White Street, Buchanan, New York 10511. *Steri-Tized 300 Laundry Bacteriostat-Sanitizer.* Active Ingredients: Octyl decyl dimethyl ammonium chloride 25.0%; Dioctyl dimethyl ammonium chloride 12.5%; Didecyl dimethyl ammonium chloride 12.5%; Isopropyl alcohol 20.0%. Method of Support: Application proceeds under 2 (c) of interim policy.

EPA File Symbol 1148-EU. Leffingwell Chemical Company, Division Thompson-Hayward Chemical Co., 111 S. Berry St., Berea, California 92621. *Leffingwell Uni-Par.* Active Ingredients: Petroleum Oil 98.0%. Method of Support: Application proceeds under 2 (c) of interim policy.

EPA File Symbol 148-RRTR. Thompson-Hayward Chemical Company, 5200 Speaker Road, Kansas City, Kansas 66106. *T-H Pyrtox WE-100 Emulsifiable Concentrate, A Food Industry Insect Spray.* Active Ingredients: Pyrethrins 1.0%; Piperonyl Butoxide, Technical 10.0%; Petroleum Distillate 75.15%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 34285-R. Union Chemical & Oil Company, 3211 South Wood Street, Chicago, Illinois 60608. *Peercol Algaecide Liquid.* Active Ingredients: Poly[oxyethylene (dimethyliminio) ethylene (dimethyliminio)ethylene dichloride] 15.0%. Method of Support: Application proceeds under 2 (b) of interim policy.

EPA File Symbol 400-RRG. Uniroyal Chemical—Division of Uniroyal, Inc., Amity Road, Bethany, Connecticut 06525. *Vitavax-17 Flowable Fungicide.* Active Ingredients: Carboxin (5,6-dihydro-2-methyl-1,4-oxathiin - 3 - carboxanilide) 17.1%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 876-EGU. Velsicol Chemical Corporation, 341 East Ohio Street, Chicago, Illinois 60611. *Velsicol Barricade.* Active Ingredients: O,O-Dimethyl O-p-nitrophenyl phosphonothioate 31.6%; O-Ethyl O-p-nitrophenyl phenylphosphonothioate 31.6%; Aromatic petroleum solvent 27.4%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 876-ERL. Velsicol Chemical Corporation, 341 East Ohio Street, Chicago, Illinois 60611. *Velsicol 2,4-D Amine Herbicide.* Active Ingredients: Dimethylamine Salt of 2,4-Dichlorophenoxy-acetic Acid 49.5%. Method of Support: Application proceeds under 2(c) of interim policy.

Dated: June 11, 1974.

JOHN B. RITCH, JR.,
Director, Registration Division.

[FR Doc.74-13841 Filed 6-21-74;8:45 am]

CHEVRON CHEMICAL CO.

Notice of Establishment of Temporary Tolerance

Chevron Chemical Co., 940 Hensley Street, Richmond, CA 94804, submitted a petition (PP 4G1438) requesting establishment of a temporary tolerance of 2,000 parts per million for residues of formaldehyde in or on corn grain intended for use as animal feed only resulting from postharvest application of the fungicide which is a mixture of methylene bispropionate and oxy(bismethylene) bispropionate.

It has been determined that such a temporary tolerance will protect the public health. It is therefore established on condition that the fungicide be used in accordance with the temporary permit being issued concurrently and which provides for distribution under the Crevron Chemical Co. name.

This temporary tolerance expires June 19, 1975. Residues remaining in or on the above raw agricultural commodity after expiration of this tolerance will not be considered actionable if the pesticide is legally applied during the term, and in accordance with provisions of the temporary permit/tolerance.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (39 FR 18805).

Dated: June 19, 1974.

HENRY J. KORP,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.74-14437 Filed 6-21-74;8:45 am]

MONSANTO CO.

Notice of Establishment of Temporary Tolerances

Monsanto Co., 800 N. Lindbergh Boulevard, St. Louis, MO 63166, submitted a petition (PP 4G1444) requesting establishment of temporary tolerances for combined negligible residues of the herbicide glyphosate (*N*-phosphonomethyl)-glycine) and its metabolite aminomethylphosphonic acid in or on corn grain including popcorn, fresh corn including sweet corn (kernels plus cob with husk removed), soybeans, wheat grain, and wheat forage and straw at 0.1 part per million.

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It has been determined that these temporary tolerances will protect the public health. They are therefore established on condition that the herbicide be used in accordance with the temporary permit being issued concurrently and which provides for distribution under the Monsanto Co. name.

These temporary tolerances expire June 19, 1975. Residues remaining in or on the above raw agricultural commodities after expiration of these tolerances will not be considered actionable if the pesticide is legally applied during the term and in accordance with provisions of the temporary permit/tolerances.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (39 FR 18805).

Dated: June 19, 1974.

HENRY J. KORP,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.74-14438 Filed 6-21-74;8:45 am]

PRESIDENT'S AIR QUALITY ADVISORY BOARD

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given that a meeting of the President's Air Quality Advisory Board will be held at Seattle, Washington, beginning at 9 a.m. on July 16, 1974, and ending at noon on July 19, 1974.

The primary purpose of this meeting will be to discuss new perspectives on public attitudes and land use as they relate to air quality. One day will be spent as observers to the Spokane Expo 74 with its Environmental Theme and Symposium II, "International Accomplishments to Date: Reason for Hope."

The meeting will be open to the public. Any member of the public wishing to attend or submit a written statement should contact the Executive Secretary, Mr. Robert Perman, U.S. Environmental Protection Agency, Washington, D.C. 20460. The telephone number is (202) 755-0450.

ROGER STRELOW,
Acting Assistant Administrator for Air and Waste Management.

JUNE 19, 1974.

[FR Doc.74-14439 Filed 6-21-74;8:45 am]

PRESIDENT'S WATER POLLUTION CONTROL ADVISORY BOARD

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given that a meeting of the President's Water Pollution Control Advisory Board will be held at Seattle, Washington, beginning at 9 a.m. on July 16, 1974, in the Hilton Hotel, and ending at noon on July 19, 1974.

The purpose of this meeting will be to develop new perspectives on a broad range of issues that may affect water quality planning and pollution control efforts across the nation.

The meeting will be open to the public. Any member of the public wishing to attend or submit a paper should contact the Executive Secretary, Mr. Robert F. Powell, U.S. Environmental Protection Agency, Washington, D.C. 20460. The telephone number is (202) 755-0320.

JAMES L. AGEE,
Acting Assistant Administrator for Water and Hazardous Materials.

JUNE 20, 1974.

[FR Doc.74-14531 Filed 6-21-74;8:45 am]

FEDERAL MARITIME COMMISSION

CONTINENTAL NORTH ATLANTIC WESTBOUND FREIGHT CONFERENCE

Modification of Agreement

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126, or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before July 15, 1974. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Howard A. Levy, Esq.
Suite 631
17 Battery Place
New York, New York 10004

Agreement No. 8210-26 among the members of the above-named Conference deletes Zeebrugge, Belgium from the schedule of Benelux ports between which cargo may be transferred at carrier's expense.

By Order of the Federal Maritime Commission.

Dated: June 19, 1974.

FRANCIS E. HURNEY,
Secretary.

[FR Doc.74-14402 Filed 6-21-74;8:45 am]

FARRELL LINES INC., ET AL.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before July 15, 1974. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

FARRELL LINES INCORPORATED
AND
JOHN T. RENNIE & SONS (PTY) LTD.
AS MANAGERS

GREEN R LINE—GROUP OF COASTERS

Notice of agreement filed by:

Hans Unterwiener, Manager
Freight Documentation and Inward Freight
Farrell Lines Incorporated
One Whitehall Street
New York, New York 10004

Agreement No. 10134 is a transshipment agreement between the two carriers listed above pertaining to the through movement of all cargo between Mocambique ports and U.S. Atlantic ports with transshipment at Durban, South Africa.

By Order of the Federal Maritime Commission.

Dated: June 19, 1974.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74-14403 Filed 6-21-74;8:45 am]

NORTH ATLANTIC BALTIC FREIGHT CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before July 15, 1974. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Howard A. Levy, Esq.
Suite 631
17 Battery Place
New York, New York 10004

Agreement No. 7670-11, among the members of the North Atlantic Baltic Freight Conference, is an application for unlimited approval of the Conference's inland authority.

By Order of the Federal Maritime Commission.

Dated: June 19, 1974.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74-14401 Filed 6-21-74;8 am]

FEDERAL POWER COMMISSION

[Dockets Nos. RI74-254, RI73-308, and RI74-165]

MOBIL OIL CORP., AND SHELL OIL CO.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject To Refund [1]

JUNE 14, 1974.

Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders: (A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto [18 CFR, Chapter I], and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column. Each of these supplements shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Commission. Each Respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf*		Rate in effect subject to refund in docket Nos.
									Rate in effect	Proposed increased rate	
RI74-254	Mobil Oil Corp	500	1	Northern Natural Gas Co. (Gomez (Ellenburger) Field, Pecos County, Tex.) (Permian Basin).	$41,610	5-15-74		11-15-74	35.0	[1] 45.0	
RI73-308	Shell Oil Co	253	1 to 12	El Paso Natural Gas Co. (Los Mendanos (James Ranch) Field, Eddy County, N. Mex.) (Permian Basin).	4,989	5-17-74		[2] 7-2-74	28.0	28.3063 [3]	RI73-308.
RI74-165	do		1 to 14	do	5,167	5-17-74		[4] 8-18-74	[5] 29.0	29.3172	RI74-165.

* Unless otherwise stated, the pressure base is 14.65 lb/in²a.
[1] Subject to Btu adjustment.
[2] Not used.
[3] Suspended in Docket No. RI74-165.
[4] Date last filed rate becomes effective subject to refund.
[5] Suspended subject to the existing suspension proceeding in Docket No. RI73-308 to be effective subject to refund as of July 2, 1974.
[6] Suspended subject to the existing suspension proceeding in Docket No. RI74-165 to be effective subject to refund as of Aug. 18, 1974.

The proposed rate increase of Mobil is suspended for five months, since it exceeds the applicable area ceiling set forth in Opinion No. 662. Good cause has not been shown for granting Mobil's request for a one day suspension.

The proposed rate increases of Shell reflect the increase in the New Mexico Severance Tax from 2.5 per cent to 3.75 per cent which becomes effective July 1, 1974. The proposed rate increases are suspended until July 2, 1974, and August 18, 1974, respectively, in the existing suspension proceedings involving Shell's underlying rates, one of which is in effect subject to refund, while the other is under suspension.

[FR Doc.74-14248 Filed 6-21-74;8:45 am]

BARBER OIL EXPLORATION, INC., ET AL.

[Docket Nos. CI74-199, CI74-209, and CI74-277]

Order Remanding Proceeding and Setting Date for Hearing

JUNE 17, 1974.

This case is before us on exceptions filed by Barber Oil Exploration, Inc. (Barber), Florida Gas Exploration Company (Florida Gas), Florida Gas Transmission Company (Transmission), Mapco, Inc. (Mapco), and brief opposing exceptions filed by Staff to an initial decision issued April 11, 1974, by Administrative Law Judge Israel Convisser. These proceedings involve three applications filed by Barber, Florida Gas and Mapco under the optional procedure established in Order No. 455 to sell natural gas to Transmission from leasehold acreage in Montegut Field, Terrebonne Parish, Louisiana. The contract provides for an initial sales price of 45.0 cents per Mcf at 14.65 psia with annual rate escalations of one cent per Mcf and full reimbursement of new or increased taxes. It is subject to cancellation if certificate authorization is not obtained by September 21, 1974. For the

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reasons stated herein, we remand the case to the Judge.

The Administrative Law Judge denied the applicants' request for certification on the basis of their failure to submit evidence showing special circumstances. Actual project costs were not submitted into evidence in this proceeding. We have recently remanded two proceedings[1] under the optional procedure for further hearings to give all an opportunity to present evidence on this matter. In cases we have set for hearing, we specifically directed the parties to present such evidence.[2]

Actual project costs are relevant to the issues involved here. Accordingly, without in any way passing upon the issues now before us, we shall remand the case for further hearings to give all parties an opportunity to present evidence on this matter so that the record will be complete. The Administrative Law Judge should render his initial decision upon the whole record, as originally made and as supplemented as a result of this remand.

In Order No. 455, Statement of Policy Relating To Optional Procedure For Certificating New Producer Sales of Natural Gas, 48 FPC 218 (18 CFR 2.75) issued August 3, 1972, we stated (*id.* 229):

> We believe that each contract filed under the alternative procedure must be considered on the merits of the terms and provisions within each contract. There certainly must be some evidentiary basis proffered by the seller-applicant upon which we can judge whether the contract rate is just and reasonable. We will, absent a showing of special circumstance, accept as conclusive the cost findings embodied in our area rate decisions, as such may be supplemented from time to time by appropriate Commission order.

Of course, the "evidentiary basis proffered by the seller-applicant" must begin with cost evidence. Cost evidence is the keystone of the concept of "just and reasonable", and about which the evidence to be proffered must be constructed. "City of Detroit v. F.P.C.", 230 F.2d 810, 818 (1955), cert. denied, 352 U.S. 829 (1956). It follows then, that the seller-applicant should introduce relevant evidence of the cost of the particular project for which certification is sought. Such evidence shall be deemed to constitute the "special circumstance" to be considered together with all other material evidence which would support a finding of a just and reasonable rate in excess of the applicable area rate.

For the applicant to carry its burden of proof as to the justness and reasonableness of the proposed rate, it must establish, by credible and relevant evidence, (1) the direct and indirect costs, including the cost of capital funds to be invested, reasonably anticipated in connection with the drilling program on the leases dedicated herein; (2) the reserves reasonably anticipated as recoverable; and (3) the deliverability reasonably anticipated.

The Commission finds:

It is necessary and in the public interest that the above-docketed proceeding be remanded and set for further hearings.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, 7, 14 and 16 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), Docket Nos. CI74–199, CI74–209, and CI74–277 are remanded for the purpose of further hearings and disposition.

(B) A public hearing on the issues herein shall be held commencing on July 29, 1974, 10 a.m. e.d.t., in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426.

(C) Applicants and any intervenor supporting the application shall file their direct testimony and evidence on or before July 1, 1974. All testimony and evidence shall be served upon the Presiding Judge, the Commission Staff, and all parties to this proceeding.

(D) The Commission Staff, and any intervenor opposing the applications, shall file their direct testimony and evidence on or before July 8, 1974. All testimony and evidence shall be served upon the Presiding Judge, and all other parties to this proceeding.

(E) All rebuttal testimony and evidence shall be served on or before July 15, 1974. All parties submitting rebuttal testimony and evidence shall serve such testimony upon the Presiding Judge, the Commission Staff, and all other parties to the proceeding.

By the Commission.[3]

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.74–14323 Filed 6–21–74;8:45 am]

[Docket Nos. CI74–495 and CI74–629]

CNG PRODUCING CO.

Order Consolidating Proceedings

JUNE 17, 1974.

By order issued May 15, 1974, the Commission set for hearing an application filed by CNG Producing Company (CNG) pursuant to § 2.75[1] of the Commission's General Policy Statements. The gas is to be sold from onshore Louisiana to Consolidated Gas Supply Corporation (Consolidated), which is an affiliate of CNG. An intervention was granted to the American Public Gas Association (APGA) and a notice of intervention and request for hearing was received from the Public Service Commission of the State of New York (PSCNY). The hearing was set to commence on June 13, 1974.

On April 30, 1974, CNG filed in Docket No. CI74–629 another application pursuant to § 2.75 for sales to Consolidated from East Cameron Block 118, offshore Louisiana, at an initial rate of 45.0 cents per Mcf, with 1 cent per Mcf annual escalation, Btu adjustment, and tax reimbursement. A notice of application in Docket No. CI74–629 was issued on May 28, 1974, and the period for protest or petition to intervene expires on June 17, 1974.

By motion filed May 24, 1974, CNG moved to consolidate Docket Nos. CI74–495 and CI74–629 for hearing and disposition and to change the procedural dates set forth in the May 15, 1974 order. No party in Docket No. CI74–495 expressed opposition to this proposal.[2] In support of consolidation, movant noted that both applications involved the same seller and purchaser, the same initial rate and escalations, and similar contract provisions, and that consolidation will save duplication of effort by all parties and promote sound administrative practice.

Good cause exists for the consolidation of Docket Nos. CI74–495 and CI74–629 for purposes of hearing and disposition. APGA and PSCNY, who are parties in Docket No. CI74–495, are also deemed to be parties to Docket No. CI74–629 without further action. All other provisions and findings, including the discussion of the evidentiary standard under § 2.75 contained in the May 15, 1974 order, are incorporated herein and made applicable to this consolidated proceeding.

The Commission finds:

It is necessary and in the public interest that Docket No. CI74–629 be consolidated for hearing and disposition with the application filed in Docket No. CI74–495.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, 7, 14 and 16 thereof, the Commission's rules of practice and procedure, and the Regulations under the Natural Gas Act (18 CFR Ch. 1), Docket Nos. CI74–495 and CI74–629 are consolidated for hearing and disposition.

(B) A public hearing on the issues presented by the application herein shall be held commencing on September 4, 1974, 10 a.m. e.d.t. in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426.

(C) A Presiding Law Judge to be designated by the Chief Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding pursuant to the Commission's rules of practice and procedure.

(D) CNG and any intervenor supporting the applications shall file their direct testimony and evidence on or before June 25, 1974. All testimony and evidence shall be served upon the Presiding Judge, the Commission Staff, and all parties to these proceedings.

(E) The Commission Staff and any intervenor opposing the applications shall file their direct testimony and evidence on or before July 25, 1974. All testimony and evidence shall be served upon the Presiding Judge, and all other parties to these proceeding.

(F) All rebuttal testimony and evidence shall be served on or before August 13, 1974. All parties submitting rebuttal testimony and evidence shall serve such testimony upon the Presiding Judge, the Commission Staff, and all other parties to these proceedings.

(G) The contract between CNG and Consolidated dated April 24, 1974 is accepted for filing as of the date of initial delivery and designated as CNG Producing Company F.P.C. Gas Rate Schedule No. 2.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.74–14318 Filed 6–21–74;8:45 am]

[Docket Nos. CP71–290 and CP73–283]

CONSOLIDATED SYSTEM LNG CO.

Order Scheduling Formal Hearing

JUNE 17, 1974.

By Opinion No. 622–A, issued October 5, 1972, we reopened the record of the proceedings in Docket No. CP71–290 for the receipt of additional evidence relating to the route of the pipeline Consolidated System LNG Company (Consolidated LNG) proposes in that docket to build between Loudoun, Virginia and Leidy, Pennsylvania.

Docket No. CP73–283 involves, inter alia, a proposal by Consolidated LNG to build a compressor station along the Loudoun-Leidy pipeline. By order issued December 28, 1973 we consolidated the reopened proceedings in Docket No. CP71–290 with that portion of Docket No. CP73–283 that relates to the location of the proposed compressor. On February 26, 1974, the Commission Staff issued and circulated its preliminary Draft Environmental Impact Statement (DEIS) relating to the proposed pipeline route and compressor site. Comments on the DEIS are due by June 14, 1974.

In anticipation of the issuance of Staff's final DEIS, and to facilitate the expeditious disposition of the above-named dockets, we shall here schedule a formal hearing to address the outstanding environmental issues raised therein. The Staff shall be prepared at such hearing to offer its final DEIS into evidence, and to present such witnesses as may be appropriate. The Presiding Administrative Law Judge shall set dates for the filing of answering and rebuttal testimony, if any, after the direct presentation of Staff, the Applicant, and any intervenors supporting the Applicant.

The Commission finds:

(1) It is necessary and appropriate in the public interest that formal hearing be scheduled in the above-docketed proceedings.

The Commission orders:

(A) Pursuant to section 7 of the Natural Gas Act, the Regulations under the Natural Gas Act, and the Commission's Rules of Practice and Procedure, a formal hearing shall be convened in the above-named proceedings in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C., on July 15, 1974 concerning the environmental issues remaining in the proceedings. The Chief Administrative Law Judge will designate an appropriate officer of the Commission to preside at the formal hearing of these matters, pursuant to the Commission's rules of practice and procedure.

(B) The Commission Staff's final environmental impact statement and any testimony in support thereof, and the direct case of the Applicant and any intervenors in support of the Applicant, shall be filed and served on all parties on or before July 1, 1974. The Presiding Administrative Law Judge shall fix dates for the filing and cross-examination of answering testimony if any, following the direct presentation of Staff, Applicant, and supporting intervenors.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.74–14321 Filed 6–21–74;8:45 am]

[Docket No. RP74–57]

EL PASO NATURAL GAS CO.

Notice of Tariff Filing

JUNE 17, 1974.

Take notice that on June 10, 1974, El Paso Natural Gas Company ("El Paso") filed, pursuant to Part 154 of the Commission's Regulations Under the Natural Gas Act, certain revised substitute and alternate tariff sheets to its FPC Gas Tariff, providing proposed adjustments to its rates contained on the tariff sheets submitted in the notice of change in rates filed at Docket No. RP74–57 on January 10, 1974, and currently under suspension until July 10, 1974.

El Paso states that the rates set forth on the tendered tariff sheets differ from the rates which were suspended in Docket No. RP74–57 in that: (1) The suspended rates have been adjusted to include the net increase in rates of 2.71¢ per Mcf authorized in El Paso's notice of change in rates filed February 14, 1974, at Docket Nos. RP72–155 and RP73–104, pursuant to the purchased gas cost adjustment provisions ("PGAC") applicable to El Paso's said tariff and placed into effect on April 2, 1974; (2) the suspended rates in Docket No. RP74–57 applicable to El Paso's Rate Schedules G and G–X have been restructured in accordance with the principles enunciated by the Commission in "United Gas Pipeline Company", Opinion No. 671 and (3) contingency is provided so that the suspended rates can be appropriately adjusted if, by July 10, 1974, certain uncertificated facilities, the cost of which have been included in the determination of the suspended rates, have not been certificated.

In the event that the said adjustments, described above, in suspended rates contained on the tendered tariff sheets described in the filing are not permitted to become effective on July 10, 1974, El Paso has also submitted alternate tariff sheets containing the suspended rates as proposed in El Paso's notice of change filed at Docket No. RP74–57 and suspended until July 10, 1974, adjusted only to add the 2.71¢ per Mcf PGAC adjustment described above.

The filing states that El Paso has concurrently filed its motion to place into effect on July 10, 1974, the end of the suspension period in Docket No. RP74–57, increased rates in Docket No. RP74–57[1] and that such motion is consistent with the request made by the instant tender.

El Paso has requested that the Commission grant such waiver of its Regulations Under the Natural Gas Act as may be necessary in order to effectuate the instant filing.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 28, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH. F. PLUMB, *Secretary.*

[FR Doc.74–14317 Filed 6–21–74;8:45 am]

[Docket No. RI74–194]

KWB OIL PROPERTY MANAGEMENT, INC.

Order Fixing Date for Prehearing Conference on Petition for Special Relief

JUNE 17, 1974.

On March 22, 1974, KWB Oil Property Management, Inc. (KWB) filed a petition for special relief pursuant to section 4 of the Natural Gas Act[1] and § 2.76 of the Commission's general Policy and Interpretations (hereinafter "§ 2.76").[2]

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[1] Rodman Corporation, Docket No. CI73–694, issued May 15, 1974, and Pennzoil Company, et al., Docket No. CI74–264, et al., issued.

[2] CNG Producing Company, Docket No. CI74–495, Texas Eastern Exploration Company, Docket No. CI74–530, and N.C. Perryman and J. A. Wallender, Docket No. CI74–362.

[2] Commissioners Brooke and Moody, dissenting, filed as part of the original document.

[3] 18 CFR 2.75.

[1] The procedural dates in Docket No. CI74–495 were changed by notice issued May 29, 1974.

[1] 15 U.S.C. 717, et seq.

[2] Order Promulgating Policy With Respect To Sales Where Reduced Pressures, Need For Reconditioning, Deeper Drilling, Or Other Factors Make Further Production Uneconomical At Existing Prices, Order No. 481, Docket No. R–459, 49 FPC 992 (issued April 12, 1973), 18 CFR 2.76.

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KWB seeks to increase its rate from the 15.0 cents per Mcf which it is presently collecting from the purchaser, Cities Service Gas Company (Cities) for sales from two wells located in the North Hardtner Field, Barber County, Kansas, to the requested rate of 40.0 cents per Mcf.[2] The proposed rate is contractually authorized by a recent amendment to a 1965 KWB—Cities contract. The amendment provides for the 40.0 cents per Mcf rate to finance installation and operation of certain water pumping equipment intended to prolong the productive life of the two wells.

Notice of KWB's petition was issued April 8, 1974 and published in the FEDERAL REGISTER April 12, 1974, 39 FR 13316. Cities Service filed a petition to intervene in support of the petition April 29, 1974.

In support of its petition, KWB states that if the relief request is granted, it will be able to continue production from its V. L. Cook 1–A Well for five years and the McCracken No. 1 Well for six years. KWB avers that an additional 237,300 Mcf of gas will be recovered if the remedial work, including water pumping equipment, is accomplished.

An examination of the petition and the data in support thereof raises a question of whether there is sufficient basis for us to find that the proposed rate is just and reasonable. Therefore, we deem it necessary that a hearing be held in this matter to determine what relief, if any, should be granted under § 2.76.

Upon consideration of the record, when completed, the Administrative Law Judge should enter findings as to the just and reasonable rate level to be applied to KWB's sales to Cities Service from the subject wells, if he determines that the existing area rate does not permit development of the available reserves. We so require because we do not perceive that KWB's petition should be viewed as proposing a choice between a 40.0 cents per Mcf rate and the area rate; rather, we view the petition as one seeking the determination of that rate, up to and including the contractual maximum, which is just and reasonable under the circumstances.

The Commission finds:

It is necessary and in the public interest that the above-docketed proceeding be set for hearing.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, a public hearing shall be held concerning the issues presented herein.

(B) On or before July 1, 1974, KWB shall file its direct testimony and evidence in support of its petition. All testimony and evidence filed herein shall be served upon the Presiding Administrative Law Judge, Commission Staff, and all other parties to the proceeding.

(C) On July 15, 1974, a prehearing conference shall be held in accordance with § 1.18 of the rules of practice and procedure to resolve the issues herein in a hearing room of the Federal Power Commission, Washington, D.C. at 10 a.m.

(D) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose shall convene the prehearing conference in the proceeding.

(E) This Administrative Law Judge may in his discretion grant recesses from time to time if he deems a settlement or submission of the issues upon stipulated facts to be possible. If no stipulation or settlement can be reached by the parties hereto after reasonable time and provision has been made for the same, the Presiding Administrative Law Judge shall establish the time for the commencement of hearing and shall prescribe relevant procedural matters not herein provided.

By the Commission.[4]

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.74–14324 Filed 6–21–74;8:45 am]

[2] The applicable Hugoton-Anadarko area rate is 18.5 cents per Mcf, as determined by Opinion No. 586.

[4] Commissioner Moody's concurring statement filed as part of the original document. Appendix A is filed as part of the original document.

PENNZOIL CO.

[Docket No. CI74–253]

Order Remanding Proceeding and Setting Date for Hearing

JUNE 17, 1974.

This case is before us on exceptions filed by Pennzoil Company (Pennzoil) and Transwestern Pipeline Company (Transwestern) and brief opposing exceptions filed by Staff to an initial decision issued April 17, 1974, by Administrative Law Judge Samuel Kanell. This proceeding involves an application filed by Pennzoil under the optional procedure established in Order No. 455 to sell natural gas to Transwestern from the South Carlsbad area, Eddy County, New Mexico. By amendment to the 1969 contract, the parties agreed that in consideration for Pennzoil undertaking additional drilling, Transwestern would pay Pennzoil an initial price of 53.0 cents per Mcf at 14.65 psia, subject to Btu adjustment upward from 1050 and downward from 1,000, with an annual escalation charge of one cent per Mcf and tax reimbursement of 87.5 percent of any additional taxes. For the reasons stated herein, we remand the case to the Judge.

The Administrative Law Judge concluded that a departure from the cost findings in the Permian II proceeding, Docket No. AR70–1[1] was justified. He based his finding of special circumstances on the evidence establishing that the current national cost of finding and producing gas exceeded the area rate prescribed by the Commission. He denied the application without prejudice to Pennzoil filing amendment providing for a rate of 47.85 cents per Mcf. In calculating the current cost of producing nonassociated gas pursuant to the Staff methodology, the Judge employed the Applicant's productivity factor of 450 Mcf/ft., citing the recent trend of declining productivity.

Actual project costs were not submitted into evidence in this proceeding. We have recently remanded two proceedings[3] under the optional procedure for further hearings to give all an opportunity to present evidence on this matter. In cases we have set for hearing, we specifically directed the parties to present such evidence.[4]

Actual project costs are relevant to the issues involved here.[5] Accordingly, without in any way passing upon the issues now before us, we shall remand the case for further hearings to give all parties an opportunity to present evidence on this matter so that the record will be complete. The Administrative Law Judge should render his initial decision upon the whole record, as originally made and as supplemented as a result of this remand.

In Order No. 455, Statement of Policy Relating To Optional Procedure For Certificating New Producer Sales Of Natural Gas, 48 FPC 218 (18 CFR 2.75) issued August 3, 1972, we stated (Id. 229):

> We believe that each contract filed under the alternative procedure must be considered on the merits of the terms and provisions within each contract. There certainly must be some evidentiary basis proffered by the seller-applicant upon which we can judge whether the contract rate is just and reasonable. We will, absent a showing of special circumstance, accept as conclusive the cost findings embodied in our area rate decisions, as such may be supplemented from time to time by appropriate Commission order.

Of course, the "evidentiary basis proffered by the seller-applicant" must begin with cost evidence. Cost evidence is the keystone of the concept of "just and reasonable", and about which the evidence to be proffered must be constructed, "City of Detroit v. F.P.C.", 230 F. 2d 810, 818 (1955), cert. denied, 352 U.S. 829 (1956). It follows then, that the seller-applicant should introduce relevant evidence of the cost of the particular project for which certification is sought. Such evidence shall be deemed to constitute the "special circumstance" to be considered together with all other material evidence which would support a finding of a just and reasonable rate in excess of the applicable area rate.

For the applicant to carry its burden of proof as to the justness and reasonableness of the proposed rate, it must establish, by credible and relevant evidence, (1) the direct and indirect costs, including the cost of capital funds to be

[1] Opinion No. 662, issued August 7, 1973.

[3] Rodman Corporation, Docket No. CI73–694, issued May 15, 1974, and Pennzoil Company, et al., Docket No. CI74–264, et al., issued.

[4] CNG Producing Company, Docket No. CI74–495, Texas Eastern Exploration Company, Docket No. CI74–530, and N. C. Perryman and J. A. Wallender, Docket No. CI74–362.

invested, reasonably anticipated in connection with the drilling program on the leases dedicated herein; (2) the reserves reasonably anticipated as recoverable; and (3) the deliverability reasonably anticipated.

The Commission finds:

It is necessary and in the public interest that the above-docketed proceeding be remanded and set for further hearings.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, 7, 14 and 16 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), Docket No. CI74–253 is remanded for the purpose of further hearings and disposition.

(B) A public hearing on the issues herein shall be held commencing on July 30, 1974, 10 a.m. (e.d.t.) in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426.

(C) Applicant and any intervenor supporting the application shall file their direct testimony and evidence on or before June 28, 1974. All testimony and evidence shall be served upon the Presiding Judge, the Commission Staff, and all parties to this proceeding.

(D) The Commission Staff, and any intervenor opposing the application, shall file their direct testimony and evidence on or before July 12, 1974. All testimony and evidence shall be served upon the Presiding Judge, and all other parties to this proceeding.

(E) All rebuttal testimony and evidence shall be served on or before July 19, 1974. All parties submitting rebuttal testimony and evidence shall serve such testimony upon the Presiding Judge, the Commission Staff, and all other parties to the proceeding.

By the Commission.[4]

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.74–14322 Filed 6–21–74;8:45 am]

[5] Commissioner Moody's concurring statement filed as part of the original document. Appendix A is filed as part of the original document.

[Docket No. RI74–250]

RAGARS OIL & GAS CO.

Notice of Petition for Special Relief

JUNE 17, 1974

JUNE 17, 1974.

Take notice that on June 12, 1974, Ragars Oil & Gas Company (Petitioner), P.O. Drawer 2030, Alice, Texas 78332, filed a petition for special relief in Docket No. RI74–250, pursuant to Order No. 481. Petitioner seeks an increase to 55 cents per Mcf for the sale of gas to United Gas Pipe Line Company from the Cabeza Creek Area, Goliad, DeWitt and Karnes Counties, Texas. The petition is based upon the reworking of certain wells, and the installation of compressor facilities. Petitioner estimates the recoverable reserves to be 5,000,000 Mcf or more if compression is added and the wells reworked.

Any person desiring to be heard or to make any protest with reference to said petition should on or before July 3, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.74–14326 Filed 6–21–74;8:45 am]

[4] Commissioners Brooke and Moody, dissenting statement filed as part of the original document.

[Docket No. CP74–304]

SECRETARY OF THE ARMY AND CITIES SERVICE GAS CO.

Notice of Application

JUNE 17, 1974.

Take notice that on May 28, 1974, the Secretary of the Army (Applicant), The Pentagon, Room 3E718, Washington, D.C. 20310, filed in Docket No. CP74–304 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Cities Service Gas Company (Respondent) to sell and deliver to Applicant at its Ft. Leavenworth facilities natural gas for resale and distribution, all as more fully set forth in the appendices hereto and in the application which is on file with the Commission and open to public inspection.

Applicant states that he is presently engaged in the distribution, sale and resale of natural gas within the boundaries of the military reservation known as Ft. Leavenworth, Kansas. Applicant requests that the Commission direct Respondent to sell and deliver to Applicant at an interconnection of Applicant's distribution system at Ft. Leavenworth with the Respondent's main transmission pipeline, which transverses Ft. Leavenworth, the following estimated volumes of natural gas (see Appendix 1 filed as part of the original document):

Fiscal year	Maximum day (thousand cubic feet)	Annual (thousand cubic feet)
1974	6,187	121,131
1975	6,200	117,799
1976	6,200	113,873

Applicant seeks gas service at the applicable Federal Power Commission jurisdictional rate for firm and interruptible municipal service as set forth in Respondent's FPC Gas Tariff, Rate Schedules F2 and C2, respectively.

Applicant states that Ft. Leavenworth is presently receiving natural gas from Respondent pursuant to a certificate issued in Docket No. G–298 and that Applicant is solely dependent upon Respondent for Ft. Leavenworth's entire gas supply. Applicant states further that it is currently providing natural gas and all other utility service to Army components at Ft. Leavenworth, Kansas, and that it also resells gas to customers such as defense family housing and the local Leavenworth school district (see Appendix 2 filed as part of the original document).

Applicant states that the pipeline and transmission facilities of Respondent provide the only feasible jurisdictional source of natural gas supply for Applicant. Applicant believes that the Respondent has sufficient capacity and supply available in its system to enable it to meet Applicant's natural gas requirements. Applicant believes, further, that the sale and delivery of such volumes of gas to Applicant will neither impair the ability of Respondent to render adequate service to other customers on its system nor subject it to any undue burden. Applicant maintains that the extension of gas service to Ft. Leavenworth as requested in the instant application would be in the national defense interests and the community interest of the residents of Ft. Leavenworth.

Applicant states that no extensions or improvement of Applicant's facilities is required to enable Applicant to engage in the local distribution of natural gas.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 8, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 156.9). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.74–14328 Filed 6–21–74;8:45 am]

[Docket No. E–8818]

UNION ELECTRIC CO.

Notice of Letter Agreement

JUNE 17, 1974.

Take notice that on May 28, 1974, Union Electric Company filed a letter agreement, dated May 13, 1974, with the Federal Power Commission between Missouri Utilities Company (MU) and Applicant. Said Agreement establishes additional interconnection points under

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Electric Service Agreement between the parties, dated July 8, 1955, and formalizes a portion of the Letter of Intent on file with the Commission as Supplement No. 5 to Rate Schedule FPC No. 85.

The instant Agreement provides that Applicant will construct a new substation to be located at a point where Applicant's existing 345 kv Shawnee-Lutesville line intersects with MU's existing 115 kv line which extends from Viaduct Substation to Miner Substation. MU has agreed to reinsulate to 161 kv that portion of its Viaduct-Miner line extending between Miner and the new substation and will disconnect such line between the new substation and Viaduct. Furthermore, MU will also construct a 161 kv line from Applicant's new substation to a tap on MU's existing 161 kv Cape-Hoddard line. In addition, by June 1, 1976, MU has agreed to reinsulate for 161 kv operation that portion of its Viaduct-Miner line which extends from the new substation to MU's Viaduct Substation.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 24, 1974 file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-14319 Filed 6-21-74;8:45 am]

[Docket Nos. RP71-29, RP71-120, and RP74-37-11]

UNITED GAS PIPE LINE CO. AND MISSISSIPPI CHEMICAL CORP.

Order Setting Matter for Hearing, Consolidating Procedures, Granting Extraordinary Relief Pendente Lite, Prescribing Procedures, and Granting Intervention

JUNE 17, 1974.

Mississippi Chemical Corporation (MCC) filed on May 9, 1974, in Docket No. RP74-37-11, a petition for permanent and interim extraordinary relief from the curtailment provisions of its sole supplier of natural gas, United Gas Pipe Line Company (United). MCC seeks an order directing United to deliver to MCC at its Pascagoula, Mississippi, fertilizer manufacturing plant 21,906 Mcf of natural gas per day. MCC states that it requires these gas volumes on a permanent basis in order to be able to continue its fertilizer manufacturing operations by the use of natural gas as a feedstock, for which no other raw material may be substituted, and as a process fuel, for which there is no alternate fuel. MCC states that in order to forestall irreparable injury to MCC its farmer-owners, and the national food supply, it requests that interim relief be granted during the pendency of the above petition.

MCC's contract with United, which is in effect through 1982, provides for the firm delivery of 22,000 Mcf of natural gas a day. MCC's base volume under United's curtailment program is 19,653 Mcf per day during the winter period, and 18,493 for the summer period. MCC indicates that under United's currently effective curtailment program, it is receiving natural gas for its feedstock requirements but claims that its process gas needs are being curtailed in a significant daily amount. It further states that natural gas curtailment translates directly into reduced fertilizer production since no alternate fuel capability is possible.

MCC also claims that the base volumes prescribed by United, which are based on historical deliveries for the 1969-70 winter and 1970 summer periods do not accurately represent MCC's current needs. In this same connection, MCC alleges that the base volumes do not reflect periods of non-operation, such as for scheduled and unexpected plant outages, and do not account for the fact that the 1969-70 period was one of unusually low activity in the chemical fertilizer industry since MCC used less gas and produced less ammonia than in prior years.

MCC avers specifically that it will continue to suffer irreparable injury if its request is not granted since each day's diminution of fertilizer production is lost forever, and MCC does not have the capacity to make up this lost production at either another time or another place. MCC concludes that the injury to its farmer-owners is likewise severe and that the irreparable injury to the nation is also real and equally as certain. In this regard, MCC cites the current national shortage of chemical fertilizers and U.S. Senate Resolution 289 wherein the Senate requested this Commission and other governmental agencies to make natural gas available for the production of chemical fertilizers.

Pursuant to the notice of the instant petition, issued May 20, 1974, petitions to intervene have been timely filed by Texas Gas Transmission Corporation, (Texas Gas) General Motors Corporation (GM), and United. Texas Gas and GM take no position on any aspect of MCC's request. United, who takes no position as to the need for relief at the present time, states that if relief is granted it would object to providing relief in excess of existing base volumes, which volumes United characterizes as "growth". United also believes that any relief should be limited to October 31, 1974, at which time request for further relief would be renewed by MCC.

The Commission finds:

(1) Good cause exists to set for formal hearing the application for extraordinary relief.

(2) Based on the facts presented in the petition, relief up to the base volume allocation should be granted on an interim basis pending hearing, and subject to a payback if later determined to be appropriate.

(3) That part of the petition which relates to an amendment of base volumes, is an appropriate matter for resolution in the remanded curtailment proceedings in Docket Nos. RP71-29 and RP71-120.

(4) Participation of the above-named petitioners for intervention may be in the public interest.

The Commission orders:

(A) The application for extraordinary relief filed in Docket No. RP74-37-11 is hereby set for hearing.

(B) Pursuant to the authority contained in and subject to the authority conferred upon the Federal Power Commission by the Natural Gas Act, including particularly sections 7, 15, and 16, and the Commission's rules and regulations under that Act, a public hearing shall be held commencing July 16, 1974, at 10 a.m. e.d.t. at a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, concerning whether extraordinary relief up to the base volume should be granted on a permanent basis.

(C) Petitioner MCC and all other parties shall file their testimony on or before July 5, 1974.

(D) That part of the MCC petition for extraordinary relief which relates to amendment of base volumes is consolidated with the remanded curtailment proceedings in Docket Nos. RP71-29 and RP71-120.

(E) Interim extraordinary relief up to the base volume allocation is granted subject to the above-stated conditions.

(F) The above-named petitioners are hereby permitted to become interveners in these proceedings subject to the rules and regulations of the Commission; *Provided, however,* That the participation of such interveners shall be limited to matters affecting asserted rights and interests as specifically set forth in the petitions to intervene; and, *Provided, further,* That the admission of such interveners shall not be construed as recognition by the Commission that they might be aggrieved because of any order of the Commission entered in these proceedings.

By the Commission.[1]

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74-14316 Filed 6-21-74;8:45 am]

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[1] Commissioner Springer, dissenting statement filed as part of the original document.

[Docket No. E-7160]

UNITED STATES DEPARTMENT OF THE INTERIOR ET AL.

Order Extending Confirmation and Approval of Rates and Charges

JUNE 17, 1974.

The Secretary of the Interior (Secretary), acting on behalf of Southeastern Power Administration (SEPA) and pursuant to section 5 of the Flood Control Act of 1944 (Act), 58 Stat. 887,890, on March 11, 1974 filed a request in Docket No. E-7160 for an extension of the Commission's confirmation and approval of SEPA's Wholesale Power Rate Schedules G-A-1 (Revised), G-A-2, ALA-1 (Revised), SC-1 (Revised), SC-2, CAR-1 (Revised), and CAR-2 (Revised) for the sale at wholesale of electric power and energy generated at the Allatoona, Buford, Clark Hill, Walter F. George, Hartwell, and Millers Ferry Projects, which are Federal reservoir projects variously located in the States of Alabama, Georgia, and South Carolina. The Commission, by order issued June 29, 1970, in this docket (43 FPC 970), approved such rate schedules, except Rate Schedule G-A-1 (Revised), for the period ending June 20, 1974. Rate Schedule G-A-1 (Revised) was approved for the period ending June 20, 1974 by Commission order issued September 10, 1970 in this docket (44 FPC 743). Approval of all the aforementioned rate schedules is now requested by the Secretary for the additional period of one year beginning June 20, 1974.

Rate Schedule G-A-1 (Revised) is available to public bodies and cooperatives (preference customers) in Alabama and Georgia. It is applicable to (1) power and energy generated at the Allatoona, Buford, Clark Hill, Walter F. George, Hartwell, and Millers Ferry Projects, and (2) deficiency energy purchased by SEPA from Alabama Power Company (Alabama Power) and Georgia Power Company (Georgia Power) for resale. Deliveries of power and energy sold by SEPA under this rate schedule are accomplished by means of the electric transmission systems of Alabama Power and Georgia Power, which wheel the power and energy to preference customers for the account of SEPA.

Rate Schedule G-A-2 is available to Alabama Power and Georgia Power. It is applicable to capacity and energy generated at the Allatoona, Bufford, Clark Hill, Walter F. George, Hartwell, and Millers Ferry Projects and delivered at the project bus bar.

Rate Schedule ALA-1 (Revised) is available to Alabama Electric Cooperative, Inc. It is applicable to power and accompanying energy generated at the Walter F. George Project and delivered at the project bus bar.

Rate Schedule SC-1 (Revised) is available to South Carolina Public Service Authority (South Carolina Authority). It is applicable to power and accompanying energy generated at the Clark Hill Project and delivered at the project bus bar.

Rate Schedule SC-2 is available to any of the following entities whose power and energy requirements, or a portion thereof, SEPA contracts to supply by delivery over South Carolina Authority's electric facilities: (1) Any municipality or county located wholly or partly within South Carolina Authority's service area which owns an electric transmission or distribution system and seeks to purchase capacity and energy from SEPA for resale to consumers; (2) Central Electric Cooperative, Inc. (Central); (3) any electric cooperative not a member of Central, but operating under the laws of the State of South Carolina wholly or partly within South Carolina Authority's service area and seeking to purchase capacity and energy from SEPA for resale to consumers. This rate schedule is applicable to power and accompanying energy generated at the Clark Hill Project.

Rate Schedule CAR-1 (Revised) is available to preference customers in North Carolina and South Carolina. It is applicable to power and accompanying energy generated at the Clark Hill and Hartwell Projects. Deliveries of power and energy sold by SEPA under this rate schedule are accomplished by means of the electric transmission system of Duke Power Company (Duke), which wheels power and energy to preference customers for the account of SEPA.

Rate Schedule CAR-2 (Revised) is available to Duke. It is applicable to capacity and energy generated at the Clark Hill and Hartwell Projects and delivered at the project bus bar.

SEPA's rates and charges, as set forth in the subject rate schedules, are generally as follows: The rates for capacity and energy sold at the bus bar of any project are $0.90 per kw per month for capacity and 2.65 mills per kwh for energy. The rates for capacity and energy wheeled and delivered to preference customers are $0.90 per kw per month for capacity and 3.25 mills per kwh for energy. The rate for dump energy, which may be purchased under Rate Schedules G-A-2, ALA-1 (Revised), SC-1 (Revised) and CAR-2 (Revised), is 2 mills per kwh, except that under Rate Schedule G-A-2 the charge is equal to 80 percent of the calculated saving in the cost of fuel but not to exceed 2 mills per kwh.

The Secretary represents, in substance, that the requested extension of approval of SEPA's rate schedules is necessary for SEPA to make new marketing arrangements and prepare new rate schedules which will provide for the disposal of the output of three Federal reservoir projects now under construction as well as the output of the six constructed projects named above which are in operation. The new projects are the West Point Project, which is scheduled to commence commercial operation in the summer of 1974, and the Jones Bluff and Carters Projects, which are scheduled to commence commercial operation in the spring of 1975.[1]

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[1] The West Point Project is located in Georgia and Alabama, the Jones Bluff Project is located in Alabama, and the Carters Project is located in Georgia.

In support of the proposed extension of approval of SEPA's rate schedules, the Secretary indicates that they are expected to produce revenues adequate to repay all costs associated with the generation and transmission of the power and energy which is sold by SEPA from the six constructed projects, including the amortization of the total capital investment in the electric facilities of each project within 50 years from the date on which such project commenced commercial operation. The rate schedules are, therefore, expected to satisfy the payout requirements of the Act during the extension period.

Written notice of the Secretary's request for an extension of the Commission's approval of SEPA's rate schedules, as described above, was sent to Alabama Electric Cooperative, Inc., Central, South Carolina Authority, Alabama Power, Georgia Power, Duke, various State officials, and other interested persons. Notice of the request was also published in the FEDERAL REGISTER on April 12, 1974 (39 FR 13318), stating that any person desiring to make comments or suggestions for the Commission's consideration with respect to said rate schedules should submit the same in writing on or before April 26, 1974 to the Federal Power Commission, Washington, D.C. 20426. Subsequently, the time within which to submit comments or suggestions was extended to and including May 6, 1974 at the request of the City of Alachua, Florida and certain other cities (39 F.R. 17473). No comments or suggestions have been received.

The Commission finds:

The extension of approval of SEPA's rates and charges, as hereinafter provided, will not be inconsistent with the provisions of the Flood Control Act of 1944.

The Commission orders:

The confirmation and approval of SEPA's rates and charges for the sale of electric power and energy from the Allatoona, Buford, Clark Hill, Walter F. George, Hartwell, and Millers Ferry Projects, under Wholesale Power Rate Schedules G-A-1 (Revised), G-A-2, ALA-1 (Revised), SC-1 (Revised), SC-2, CAR-1 (Revised) and CAR-2 (Revised), all as set forth in the Commission's orders of June 29 and September 10, 1970, referred to above, are hereby extended for the period ending not later than June 20, 1975.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74-14327 Filed 6-21-74;8:45 am]

[Project No. 1968]

WISCONSIN PUBLIC SERVICE CORP.

Notice of Issuance of Annual License

JUNE 17, 1974.

On June 27, 1969, Wisconsin Public Service Corporation, Licensee for Hat Rapids Project No. 1968, located in Oneida County, Wisconsin, on the Wisconsin

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River filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (§§ 16.1–16.6). Licensee also made a supplemental filing pursuant to Commission Order No. 384 on February 26, 1970.

The license for Project No. 1968 was issued effective January 1, 1938, for a period ending June 30, 1970. Since the original date of expiration, the project has been under annual license. In order to authorize the continued operation of the project pursuant to section 15 of the Act pending completion of Licensee's application and Commission action thereon, it is appropriate and in the public interest to issue an annual license to Wisconsin Public Service Corporation for continued operation and maintenance of Project No. 1968.

Take notice that an annual license is issued to Wisconsin Public Service Corporation (Licensee) under section 15 of the Federal Power Act for the period July 1, 1974, to June 30, 1975, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Hat Rapids Project No. 1968, subject to the terms and conditions of its license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–14325 Filed 6–21–74;8:45 am]

[Docket No. E–8137]

BOSTON EDISON CO.

Order Permitting Late Intervention

JUNE 18, 1974.

On May 28, 1974, Fitchburg Gas and Electric Light Company (Fitchburg), filed an untimely petition to intervene in the above-captioned proceeding. Fitchburg alleges that it has a substantial interest in this proceeding and will not be adequately represented by existing parties.

Because of the potential effect this proceeding may have on Fitchburg, we shall allow it to intervene out of time.

The Commission finds:

The participation of Fitchburg may be in the public interest.

The Commission orders:

(A) Fitchburg is permitted to intervene in this proceeding subject to the rules and regulations of the Commission and the hearing procedures set forth in the Commission order of May 9, 1974: provided, however, that participation of said intervenor shall be limited to matters affecting asserted rights and interests specifically set forth in their petition to intervene, and provided, further, the admission of such intervenor shall not be construed as recognition by the Commission that they might be aggrieved by any order or orders entered in this proceeding.

(B) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74–14409 Filed 6–21–74;8:45 am]

[Project No. 2110]

CONSOLIDATED WATER POWER CO.

Notice of Issuance of Annual License

JUNE 17, 1974.

On February 10, 1969, Consolidated Water Power Company, Licensee for Stevens Point Project No. 2110, located in Portage County, Wisconsin, on the Wisconsin River, filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (Sections 16.1–16.6). Licensee also made a supplemental filing pursuant to Commission Order No. 384 on February 27, 1970.

The license for Project No. 2110 was issued effective January 1, 1938, for a period ending June 30, 1970. Since the original date of expiration, the project has been under annual license. In order to authorize the continued operation of the project pursuant to section 15 of the Act pending completion of Licensee's application the Commission action thereon, it is appropriate and in the public interest to issue an annual license to Consolidated Water Power Company for continued operation and maintenance of Project No. 2110.

Take notice that an annual license is issued to Consolidated Water Power Company (Licensee) under section 15 of the Federal Power Act for the period of July 1, 1974, to June 30, 1975, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Stevens Point Project No. 2110, subject to the terms and conditions of its license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–14411 Filed 6–21–74;8:45 am]

[Project No. 2192]

CONSOLIDATED WATER POWER CO.

Notice of Issuance of Annual License

JUNE 18, 1974.

On February 10, 1969, Consolidated Water Power Company, Licensee for Biron Project No. 2192, located in Wood and Portage Counties, Wisconsin, on the Wisconsin River, filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (§§ 16.1–16.6). Licensee also made a supplemental filing pursuant to Commission Order No. 384 on February 27, 1970.

The license for Project No. 2192 was issued effective January 1, 1938 for a period ending June 30, 1970. Since the original date of expiration, the project has been under annual license. In order to authorize the continued operation of the project pursuant to section 15 of the Act pending completion of licensee's application and Commission action thereon, it is appropriate and in the public interest to issue an annual license to Consolidated Water Power Company for continued operation and maintenance of Project No. 2192.

Take notice that an annual license is issued to Consolidated Water Power Company (Licensee) under section 15 of the Federal Power Act for the period July 1, 1974 to June 30, 1975, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Biron Project No. 2192 subject to the terms and conditions of its license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–14421 Filed 6–21–74;8:45 am]

[Docket No. CI73–742]

CONTINENTAL OIL CO.

Notice of Petition to Amend

JUNE 18, 1974.

Take notice that on June 3, 1974, Continental Oil Company (Petitioner), P.O. Box 2197, Houston, Texas 77001, filed in Docket No. CI73–742 a petition to amend the order of the Commission issued in said docket on June 8, 1973, pursuant to section 7(c) of the Natural Gas Act granting a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Transwestern Pipeline Company (Transwestern) from the Bone Springs Formation, Bell Lake Area, Lea County, New Mexico, by permitting said sale to continue for an additional year, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

The order of June 8, 1973, authorized Petitioner to sell to Transwestern natural gas from the subject acreage for one year ending June 8, 1974, at a rate of 40.0 cents per Mcf at 14.65 psia, subject to upward and downward Btu adjustment from a base of 1,000 Btu per cubic foot of natural gas, within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70).

Petitioner requests the Commission to amend said order to authorize said sale of up to 5,000 Mcf of gas per day from the subject acreage to Transwestern for an additional one-year period. Petitioner's amended contract with Transwestern provides that the price for such sale shall remain at 40.0 cents per Mcf. Petitioner states that current sales volumes average approximately 150 Mcf per day. The petition indicates that in the absence of Commission action on the instant petition by June 8, Petitioner, in order to avoid flaring of casinghead gas or shutting in the oil and gas production, contemplates commencing deliveries of gas under § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29).

Any person desiring to be heard of to make any protest with reference to said petition to amend should on or before July 10, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–14405 Filed 6–21–74;8:45 am]

[Docket No. CI74–628]

JAMES M. FORGOTSON, SR.

Order Granting Intervention, Prescribing Procedures, and Setting Formal Hearing Date

JUNE 18, 1974.

On May 6, 1974, James M. Forgotson, Sr. (Applicant) filed in Docket No. CI74–628, an application requesting issuance of a limited term certificate of public convenience and necessity with pregranted abandonment authority, pursuant to section 7(c) of the Natural Gas Act (Act) and the Commission's Regulations thereunder, for the sale of gas to United Gas Pipe Line Company (United) from the Tatum, SW/Hosston-Cotton Valley Field, Rusk County, Texas.

Applicant proposes to sell to United up to 10,000 Mcf daily for six months at a rate of 55.0 cents per Mcf (14.65 psia) plus 4.125 cents tax reimbursement, subject to upward Btu adjustment from 1,050 and downward from a 1,000 Btu base.

Applicant is presently selling gas to United from the subject acreage, at 43.0 cents per Mcf pursuant to a certificate of public convenience and necessity issued by the Commission in Docket No. CI73–851 on August 23, 1973. The authorization for the sale expires on August 23, 1974.

A petition to intervene in support of the application was filed by United on May 24, 1974. In support of its petition United states that it is presently curtailing deliveries to its customers; and that although the gas involved herein will not eliminate the need to curtail deliveries, it will have a direct relationship on the amount of gas United will have available for delivery to its customers.

We take note that the Commission in a recent order recognized that an emergency exists on United's system. See Basin Operating Co., Ltd., ____ FPC ____, Docket No. CI74–459 issued April 30, 1974. We conclude, therefore, that there is an emergency on United's system which would warrant the issuance of a certificate if the price conforms to the public convenience and necessity.

The subject application was filed under Order No. 431[1] and therefore requires evidence to be submitted by the pipeline in the hearing hereinafter ordered (to the extent not hereinabove found to exist) (1) that is has an emergency need for such supply; (2) that it has made every reasonable effort to fill its storage field during the storage injection season; and (3) that, if curtailment is necessary on its system it has filed a plan pursuant to Section 4 of the Natural Gas Act. The proposed sale represents a sizable volume of gas potentially available to the interstate market and due to the nation's present shortfall of natural gas supplies, it is of critical importance that emergency supplies of gas be made available to interstate pipelines that show a need for such short-term supplies in order to avoid disruption of service to their customers. While the need for such supplies is manifest where the shortfall of supplies renders service on a pipeline's system potentially unreliable, we nevertheless must meet our statutory obligations and determine whether the proposed rate to be paid for such supply is required by the public convenience and necessity criteria of the Act. Atlantic Refining Company v. Public Service Commission of New York, 360 U.S. 378 (1960). We will therefore set this matter for hearing to establish an evidentiary record on the issues heretofore discussed. In that hearing, the record should contain evidence on whether the rate to be paid is "no higher than necessary to elicit the supply of gas" into the interstate market [Nueces Industrial Gas Company, 45 FPC 1224, 1227, (1971)] and whether that rate is in line with the prevailing intrastate market (Atlantic Richfield Company, ____FPC____, Docket No. C173–691, order issued August 30, 1973, and ____FPC____, order granting rehearing issued October 10, 1973). The normal market price for this supply cannot be established merely on the basis of prices agreed to by affiliates. The price evidence must be based on arm's-length negotiations and competitive bidding through non-affiliated entities.

The Commission finds:

(1) It is necessary and proper and in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the issues in this proceeding be scheduled for hearing in accordance with the procedures set forth below.

[1] Section 2.70 of the Commission's general policy and interpretations.

(2) The participation of United Gas Pipe Line Company may be in the public interest.

The Commission orders:

(A) The application for a limited term certificate for the sale of natural gas filed in Docket No. CI74–628 is hereby set for hearing.

(B) The above-named party is hereby permitted to intervene in this proceeding, subject to the Rules and Regulations of the Commission; provided, however, that the participation of such intervenor shall be limited to matters affecting asserted rights and interests as specifically set forth in said petition for leave to intervene; and provided, further, that the admission of said intervenor shall not be construed as recognition by the Commission that it might be aggrieved by any order or orders of the Commission entered in this proceeding.

(C) Pursuant to the authority of the Natural Gas Act, particularly sections 7 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act, a public hearing shall be held on August 8, 1974, at 10 a.m. in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, concerning the issue of whether a certificate of public convenience and necessity should be granted as requested by the applicant.

(D) On or before July 18, 1974, James M. Forgotson, and any supporting party shall file with the Commission, and upon all parties, including Commission Staff Counsel, their testimony and exhibits in support of the instant application.

(E) An Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose [see Delegation of Authority, (18 CFR 3.5 (d))], shall preside at the hearings in this proceeding and shall prescribe relevant procedural matters not herein provided.

By the Commission.

Commissioner Smith, concurring, issued a separate statement which is filed as part of the original document.

Commissioner Moody, dissenting, issued a separate statement which is filed as part of the original document.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74–14407 Filed 6–21–74;8:45 am]

[Docket No. E–8835]

GULF STATES UTILITIES CO.

Notice of Change in Metering Points

JUNE 18, 1974.

Take notice that on June 6, 1974, Gulf States Utilities Company (Gulf States) tendered for filing a change in metering points under its Electric Service Agreement with Cajun Electric Power Cooperative, Inc., designated FPC Rate Schedule No. 104. According to Gulf States, the change involves a new metering point of service on the West Side of

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New Roads, Louisiana at Louisiana Highway numbers 1 and 3115.

Gulf States states that the in service date is projected to be July 1, 1974.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 1, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-14418 Filed 6-21-74;8:45 am]

[Docket No. E-8494]

MINNESOTA POWER & LIGHT CO.

Order Denying Application for Rehearing

JUNE 17, 1974.

On November 16, 1973, Minnesota Power & Light Company (MP&L) tendered for filing proposed changes in its rates and charges to twenty-one wholesale customers. By order of February 15, 1974, the Commission suspended the proposed increase for the full statutory period, permitted intervention, and established hearing procedures. The Commission also assigned January 18, 1974, as the effective date for MP&L's proposed changes.

On March 8, 1974, Village of Hibbing, City of Two Harbors and City of Virginia (Cities) requested the Commission to issue an order rejecting the rates filed by MP&L applicable to service for other than Firm Power to Cities.

By order of April 29, 1974, the Commission amended its order of February 15, 1974, so as to confine the hearing therein established pursuant to section 205 of the Federal Power Act to the propriety of MP&L's proposed increase but only as such proposed increase would effect the provisions relating to Firm Power in Cities' contracts.

On May 28, 1974, MP&L filed an Application for Rehearing of the April 29, 1974, order. MP&L's Application alleges that we misinterpreted the provisions of its contract with Cities; that the language in the Cities' contracts was similar to that approved by the Supreme Court as permitting unilateral rate change filings in United Gas Pipe Line Company v. Memphis Light, Gas and Water Division, et al., 385 U.S. 105 (1959).

We have not taken issue with the language of the contracts as it relates to the Memphis ruling. The contracts with Cities do provide for unilateral rate changes. The question is to which services under the contracts do the provisions for unilateral change apply.

The contracts of each of the Cities are similar, for each the only reference to unilateral change appears under Firm Power Section 4.04, Article IV, as follows:

4.04 Firm Power Schedule of Rates. Firm power shall be available from Company at the rates and under the terms and conditions set forth herein and in the applicable rate schedule attached hereto and made a part hereof and marked as Exhibit C, or other superseding rate schedules effective as hereinafter provided. This agreement and all the rates and charges herein are subject to approval, amendment and change by any and all state or Federal regulatory bodies having jurisdiction thereof. Both Company and Customer reserve the right to seek amendments, changes, increases or decreases in the rates and charges set forth herein, in accordance with law, from any State or Federal regulatory body having jurisdiction thereof.

Section 4.05, Excess Capacity, 4.06, Spinning Reserve, 4.07, Economy Energy, and 4.08, Emergency Energy and Scheduled Outage Energy, contain no provision for the unilateral change of rates or terms and conditions of service. Nor does Section 4.11, Billing, which is generally applicable to all of the services provided for in Article IV, contain a provision for unilateral change.

It is MP&L's contention that the insertion of the provision for unilateral rate change within the Firm Power Section of the contracts makes the provision applicable to all categories of service provided in the contracts. To reach such a conclusion would be to distort the language of the contract and the apparent intent of the parties. We shall, therefore, deny MP&L's Application.

The Commission finds:

MP&L's Application for Rehearing filed on May 28, 1974, raises no facts or points of law which would provide an appropriate basis for modification of the Commission's Order of April 29, 1974.

The Commission orders:

(A) MP&L's Application for Rehearing filed May 28, 1974, is denied.

(B) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74-14408 Filed 6-21-74;8:45 am]

[Project No. 1855]

NEW ENGLAND POWER CO.

Notice of Issuance of Annual License

JUNE 18, 1974.

On June 23, 1969, New England Power Company, Licensee for Bellows Falls Project No. 1855, located in Windham and Windsor Counties, Vermont, and Cheshire and Sullivan Counties, New Hampshire, on the Connecticut River, filed an application for a new license under section 15 of the Federal Power Act and Commission Regulations thereunder (Sections 16.1–16.6). Licensee also made a supplemental filing pursuant to Commission Order No. 384 on February 24, 1970.

The license for Project No. 1855 was issued effective January 1, 1938, for a period ending June 30, 1970. Since the original date of expiration, the project has been under annual license. In order to authorize the continued operation of the project pursuant to section 15 of the Act pending completion of Licensee's application and Commission action thereon, it is appropriate and in the public interest to issue an annual license to New England Power Company for continued operation and maintenance of Project No. 1855.

Take notice that an annual license is issued to New England Power Company (Licensee) under Section 15 of the Federal Power Act for the period July 1, 1974, to June 30, 1975, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Bellows Falls Project No. 1855, subject to the terms and conditions of its present license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-14414 Filed 6-21-74;8:45 am]

[Project No. 1904]

NEW ENGLAND POWER CO.

Notice of Issuance of Annual License

JUNE 18, 1974.

On June 23, 1969, New England Power Company, Licensee for Vernon Project No. 1904, located in Cheshire County, New Hampshire and Windham County, Vermont, near Hinsdale, Chesterfield, Westmoreland and Walpole, New Hampshire and Vernon, Brattleboro, Dummerston, Putney and Westminster, Vermont, on the Connecticut River, filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (Sections 16.1–16.6). Licensee also made a supplemental filing pursuant to Commission Order No. 384 on February 24, 1970.

The license for Project No. 1904 was issued effective January 1, 1938, for a period ending June 30, 1970. Since the original date of expiration the project has been under annual license. In order to authorize the continued operation of the project pursuant to Section 15 of the Act pending completion of Licensee's application and Commission action thereon, it is appropriate and in the public interest to issue an annual license to New England Power Company for continued operation and maintenance of Project No. 1904.

Take notice that an annual license is issued to New England Power Company (Licensee) under section 15 of the Federal Power Act for the period July 1, 1974, to June 30, 1975, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for

the continued operation and maintenance of the Vernon Project No. 1904, subject to the terms and conditions of its license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-14416 Filed 6-21-74;8:45 am]

[Docket No. E-8217]

NEW ENGLAND POWER SERVICE COMPANY AND BOSTON EDISON CO.

Transmission Agreements for Filing, Investigation, Granting Waiver of Notice Requirements and Consolidating Proceedings

JUNE 17, 1974.

On May 21, 1973, New England Power Service Company (New England) filed a joint application on behalf of itself and Boston Edison Company (Edison) requesting the approval of contract providing for transmission services by Applicants to Fitchburg Gas and Electric Light Company (Fitchburg),[1] contract dated July 14, 1972, and to Public Service Company of New Hampshire (PSNH),[2] contract dated September 21, 1972.

In Docket No. E-8137, Fitchburg executed a system power contract, dated May 1, 1972, with Edison for the purchase of system power beginning with the date of commercial operation of Pilgrim Unit No. 1 and ending on September 30, 1981. Furthermore, in Docket No. E-8139, PSNH executed a system power contract, dated September 21, 1972, with Edison for the purchase of system power commencing with the date of commercial operation of Pilgrim Unit No. 1 and terminating on April 30, 1974.[3] Applicants state that the application in this docket provides for the transmission of aforementioned power to Fitchburg and PSNH because Edison's system is not contiguous with either of the proposed buyers and is interconnected with said buyers through the system of New England.

The proposed Transmission Agreement dated September 21, 1972, among Edison, New England and PSNH provides for Edison and New England to deliver the "Public Service Quota" to PSNH. The "Public Service Quota" is comprised of the following:

60-MW—From the first day of commercial operation of Edison's Pilgrim Unit No. 1 through October 31, 1972;

100-MW—From November 1, 1972 through April 30, 1973;

40-MW—From November 1, 1973 through April 30, 1974.

The proposed transmission contract dated July 14, 1972, among Edison, New England and Fitchburg provides for Edison and New England to deliver the "Fitchburg Quota" which is comprised of the following:

40-MW—From the first day of commercial operation of Edison's Pilgrim Unit No. 1 through September 30, 1981.

Finally, Applicants request a waiver of the 30 day prior notice requirement in this docket to permit an effective date of December 9, 1972, the date on which the Pilgrim Unit No. 1 began commercial operations.

The filing of May 21, 1973, was noticed on June 19, 1973, setting July 9, 1973, as the due date for responses. No comments, protests, or petition to intervene have been received.

Since the transmission contract dated September 21, 1972, with PSNH has expired, no useful purpose would be served by instituting an investigation thereof under section 206 of the Federal Power Act. However, our review of the transmission agreement with Fitchburg indicates, inter alia, that the proposed transmission charge, over-all return and the cost basis of the rate may be excessive and therefore the proposed rate may be excessive and therefore the proposed rate may be unjust, unreasonable, unduly discriminatory or preferential or otherwise unlawful. Accordingly, we shall institute an investigation under section 206 of the Federal Power Act to determine the justness and reasonableness of the filed rate schedules Boston Edison Company, Rate Schedule FPC No. 74 and New England Power Company Rate Schedule FPC No. 262. Furthermore, our review of the filing indicates that a waiver of the 30 day notice requirement of § 35.3 of the Commission's regulations is appropriate. Accordingly, we shall accept the proposed rate schedules for filing, to become effective as of December 9, 1972, the requested effective date.

Finally, we note that in related case in Docket No. E-8137, the Commission in an order issued May 9, 1974, instituted an investigation under section 206 of the Federal Power Act with respect to the contract between Fitchburg and Edison for the sale of the system power which is the subject of the transmission contract between Edison, New England and Fitchburg. Since the contracts in both proceedings are directly related, common issues of law and fact are raised. Accordingly, we will order consolidation of these dockets. Consistent with this action we will amend our order of May 9, 1974, in Docket No. E-8137 to provide dates for service of evidence and hearing consistent with this order.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the Federal Power Act that an investigation be instituted under section 206 thereof concerning the lawfulness of Applicant's proposed transmission contract with Fitchburg designated as Boston Edison Company, Rate Schedule FPC No. 74 and New England Power Company, Rate Schedule FPC No. 262.

(2) The Commission finds good cause to allow Applicants' requested waiver of the 30 day notice requirement to permit an effective date of December 9, 1972.

(3) Good cause exists for consolidation of Docket Nos. E-8217 and E-8137.

(4) Consistent with our action consolidating Docket Nos. E-8217 and E-8137, the procedural dates set forth in our May 9, 1974 order in Docket No. E-8137 should be amended as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Federal Power Act, particularly section 206 thereof, and the Commission's rules and regulations and the regulations under the Federal Power Act (18 CFR Chapter I), a public hearing shall be held on September 17, 1974, at 10 a.m., e.d.t. in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, concerning the lawfulness of New England's and Edison's proposed rates to Fitchburg.

(B) Edison and New England shall serve its prepared testimony and exhibits on or before July 18, 1974. The Commission Staff shall serve its prepared testimony and exhibits on or before August 16, 1974. Any rebuttal evidence by Edison shall be served on or before September 6, 1974.

(C) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in the Commission's rules of practice and procedure.

(D) Nothing contained herein should be construed as limiting the rights of the parties to this proceeding regarding the convening of conferences or offers of settlement pursuant to § 1.18 of the Commission's rules of practice and procedure.

(E) Edison's and New England's proposed transmission agreements with PSNH and Fitchburg, filed on May 21, 1973, in Docket No. E-8217, are hereby accepted for filing to be effective on December 9, 1972, subject to the terms and conditions of this order.

(F) Docket Nos. E-8137 and E-8217 are hereby consolidated and set for hearing in accordance with the schedule established in ordering paragraph (A) hereof.

(G) The procedural dates in Docket No. E-8137, as set for in our order of May 9, 1974, are hereby amended in accordance with the service dates set forth in ordering paragraph (B) hereof.

(H) Waiver of the notice requirements under § 35.3 of the Commission's regulations to permit an effective date of December 9, 1972, is hereby granted.

[1] Designated as Boston Edison Company, Rate Schedule FPC No. 74 and New England Power Company, Rate Schedule FPC No. 262.

[2] Designated as Boston Edison Company, Rate Schedule FPC No. 73 and New England Power Company, Rate Schedule FPC No. 261.

[3] See Boston Edison Company, Docket Nos. E-8137 and E-8139, Order Accepting Initial Rate Schedules, Initiating An Investigation Under Section 206 of The Federal Power Act, And Granting Waiver Of The Notice Requirements, issued May 9, 1974.

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(I) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74-14406 Filed 6-21-74;8:45 am]

[Docket Nos. CI74-264 and CI74-408]

PENNZOIL COMPANY AND ANADARKO PRODUCTION CO.

Notice of Extension of Time and Postponement of Hearing

JUNE 18, 1974.

On June 7, 1974, the Pennzoil Company filed a motion to postpone the procedural dates fixed by order issued May 31, 1974 in the above-designated matter. The motion states that neither interveners nor Staff Counsel opposed the motion.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of evidence by Pennzoil and supporting interveners, July 5, 1974.
Service of evidence by Staff and opposing interveners, July 19, 1974.
Service of rebuttal testimony and evidence, July 30, 1974.
Hearing, August 6, 1974 (10 a.m. e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-14419 Filed 6-21-74;8:45 am]

[Docket No. RP73-49]

SOUTH GEORGIA NATURAL GAS CO.

Notice of Revision to Tariff

JUNE 18, 1974.

Take notice that on June 10, 1974, South Georgia Natural Gas Company (South Georgia) tendered for filing as part of Original Volume No. 1 to its FPC Gas Tariff the following revised tariff sheets:

Seventh Revised Sheet No. 3A
Thirty-Second Revised Sheet No. 5
Thirty-First Revised Sheet No. 6
Twenty-Third Revised Sheet No. 9
Twenty-Second Revised Sheet No. 11
Twenty-Sixth Revised Sheet No. 12B

South Georgia states that the above sheets represent a rate change under its PGA clause, such clause approved to become effective April 14, 1973, by Commission Order in FPC Docket No. RP73-49 issued April 13, 1973. The company further states that it proposes to increase its rates $102,321 for the purpose of tracking a rate increase filing by Southern Natural Gas Company (Southern) on June 7, 1974, which would increase South Georgia's cost of gas $173,225 annually. An effective date of July 22, 1974 is requested.

South Georgia has requested waiver of the forty-five (45) day notice requirement as set forth in section 14.2(e) of the general terms and conditions of South Georgia's FPC Gas Tariff. South Georgia states that knowledge of Southern's filing, which South Georgia proposes to track, was not known to South Georgia until June 7, 1974 making it impossible for South Georgia to comply with the forty-five (45) day notice requirement.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 2, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-14420 Filed 6-21-74;8:45 am]

[Project No. 2161]

ST. REGIS PAPER CO.

Notice of Issuance of Annual License

JUNE 18, 1974.

On March 12, 1969, St. Regis Paper Company, Licensee for Rhinelander Project No. 2161, located in Oneida County, Wisconsin, on the Wisconsin River, filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (Sections 16.1–16.6). Licensee also made a supplemental filing pursuant to Commission Order No. 384 on February 27, 1970.

The License for Project No. 2161 was issued effective January 1, 1938 for a period ending June 30, 1970. Since the original date of expiration, the project has been under annual license. In order to authorize the continued operation of the project pursuant to section 15 of the Act pending completion of licensee's application and Commission action thereon, it is appropriate and in the public interest to issue an annual license to St. Regis Paper Company for continued operation and maintenance of Project No. 2161.

Take notice that an annual license is issued to St. Regis Paper Company (Licensee) under section 15 of the Federal Power Act for the period July 1, 1974 to June 30, 1975, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Rhinelander Project No. 2161, subject to the terms and conditions of its license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-14417 Filed 6-21-74;8:45 am]

[Docket No. CP74-313]

TEXAS GAS TRANSMISSION CORP.

Notice of Application

JUNE 18, 1974.

Take notice that on June 4, 1974, Texas Gas Transmission Corporation (Applicant), 3800 Frederica Street, Owensboro, Kentucky 42301, filed in Docket No. CP74-313 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing retention in place and the operation of certain natural gas facilities in Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that pursuant to § 157.22 of the Commission's regulations under the Natural Gas Act (18 CFR 157.-22), it constructed and placed into actual operation 2.48 miles of 4-inch pipeline and one meter station in the East Angelita Area, San Patricio County, Texas, in order to permit Applicant to receive natural gas from Union Oil Company of California (Union) under a new sale presently pending authorization in Docket No. CI74-573[1] and from Applicant-owned reserves also located in the East Angelita Area.

Applicant states that Union had dedicated approximately 298,000 Mcf of natural gas to Applicant over a three-year period and that Applicant and Union as co-owners of certain leases in the East Angelita Area own approximately 199,000 Mcf of natural gas reserves. The application indicates that these reserves are being added to Applicant's general system supply.

Applicant states that the cost of the facilities proposed to be retained is $142,000, which was financed from cash on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 10, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject

[1] The initial price of gas which Applicant will purchase from Union under the proposed sale is 70 cents per Mcf, tax inclusive, plus tax reimbursement to Union of ¾ of any increased taxes levied after January 29, 1974. Deliveries are estimated to be 1,800 Mcf per day over the three-year contract term.

to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-14410 Filed 6-21-74;8:45 am]

[Docket No. CP72-182]

TEXAS GAS TRANSMISSION CORP. AND TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Petition to Amend

JUNE 18, 1974.

Take notice that on June 4, 1974, Texas Gas Transmission Corporation (Texas Gas), 3800 Frederica Street, Owensboro, Kentucky 42301, and Transcontinental Gas Pipe Line Corporation (Transco), P.O. Box 1396, Houston, Texas 77001, filed in Docket No. CP72-182 a petition to amend the Commission's order issued pursuant to section 7(c) of the Natural Gas Act on June 27, 1972 (47 FPC 1621), as amended February 7, 1974 (51 FPC ____), in the instant docket by authorizing Petitioners to add two additional points of delivery by Texas Gas to Transco and to add an additional balancing point between Petitioners, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

The order of June 27, 1972, authorized Petitioners to construct and operate certain facilities in the Simon Pass Field, and the Dog Lake Field, located in St. Martin and Terrebonne Parishes, Louisiana, respectively, and to exchange and deliver natural gas pursuant to an exchange agreement between the parties. By order issued February 7, 1974, Petitioners were authorized to expand such exchange arrangements by the addition of exchange points in the Church Point Field, Acadia Parish, Louisiana, and Block 100, Eugene Island Area, offshore Louisiana.

Petitioners now propose to augment existing exchange arrangements pursuant to a letter agreement dated April 18, 1974, which provides for the addition of two additional points of delivery by Texas Gas to Transco and for an additional balancing point between Petitioners. Petitioners state that under said agreememnt Texas Gas will deliver or cause to be deliverd up to 5,000 Mcf of natural gas per day to Transco at an interconnection of Petitioner's facilities in San Patricio County, Texas, and up to 1,000 Mcf of gas per day at a point on Transco's pipeline in the Tigre Lagoon Field, Vermilion Parish, Louisiana, and that all volumes of natural gas exchanged between Petitioners can be balanced in addition to the presently certificated Dog Lake interconnection at an existing interconnection between the Petitioners near Eunice, Louisiana.

Petitioners additionally propose that certain charges set forth in April 18, 1974, agreement, be paid between Petitioners for the transportation of gas by one Petitioner for the other. The petition states that such charges are based on a negotiated charge of 2 cents per Mcf at 15.025 psia per hundred mile of haul by each Petitioner.

Petitioners assert that the proposed revisions to existing exchange arrangements will permit Texas Gas to receive into its system at the lowest possible cost to it gas from: (1) a presently certificated sale by Union Oil Company of California (Union) to Texas Gas in the Tigre Lagoon Field, (2) a new sale by Union from the East Angelita Area, San Patricio County presently pending authorization in Docket No. CI74-573, and (3) company-owned reserves of Texas Gas also located in the East Angelita Area of San Patricio County. The petition indicates that deliveries at the East Angelita and Eunice exchange points were commenced by Petitioners on April 5, 1974, pursuant to § 157.22 of the Commission's regulations under the Natural Gas Act (18 CFR 157.22). Texas Gas has filed in Docket No. CP74-182 for certificate authorization to retain said facilities in order to deliver the West Angelita gas reserves of Texas Gas and Union to Transco for exchange.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before July 10, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-14404 Filed 6-21-74;8:45 am]

[Project No. 1957]

WISCONSIN PUBLIC SERVICE CORP.

Notice of Issuance of Annual License

JUNE 18, 1974.

On June 27, 1969, Wisconsin Public Service Corporation, Licensee for Otter Rapids Project No. 1957, located in Vilas County, Wisconsin, on the Wisconsin River, filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (Sections 16.1–16.6). Licensee also made a supplemental filing pursuant to Commission Order No. 384 on February 26, 1970.

The license for Project No. 1957 was issued effective January 1, 1938, for a period ending June 30, 1970. Since the original date of expiration, the project has been under annual license. In order to authorize the continued operation of the project pursuant to section 15 of the Act pending completion of Licensee's application and Commission action thereon, it is appropriate and in the public interest to issue an annual license to Wisconsin Public Service Corporation for continued operation and maintenance of Project No. 1957.

Take notice that an annual license is issued to Wisconsin Public Service Corporation (Licensee) under section 15 of the Federal Power Act for the period July 1, 1974, to June 30, 1975, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Otter Rapids Project No. 1957, subject to the terms and conditions of its license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-14415 Filed 6-21-74;8:45 am]

[Project No. 1989]

WISCONSIN PUBLIC SERVICE CORP.

Notice of Issuance of Annual License

JUNE 17, 1974.

On June 27, 1969, Wisconsin Public Service Corporation, Licensee for Merrill Project No. 1989, located in the City of Merrill, Lincoln County, Wisconsin, on the Wisconsin River filed an application for a new license under section 15 of the Federal Power Act and the Commission regulations thereunder (Sections 16.1–16.6). Licensee also made a supplemental filing pursuant to Commission Order No. 384 on February 25, 1970.

The license for Project No. 1989 was issued effective January 1, 1938, for a period ending June 30, 1970. Since the original date of expiration, the project has been under annual license. In order to authorize the continued operation of the project pursuant to section 15 of the Act pending completion of Licensee's application and Commission action thereon, it is appropriate and in the public interest to issue an annual license to Wisconsin

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Public Service Corporation for continued operation and maintenance of Project No. 1989.

Take notice that an annual license is issued to Wisconsin Public Service Corporation (Licensee) under Section 15 of the Federal Power Act for the period July 1, 1974, to June 30, 1975, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Merrill Project No. 1989, subject to the terms and conditions of its license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-14413 Filed 6-21-74;8:45 am]

[Project No. 1999]

WISCONSIN PUBLIC SERVICE CORP.

Notice of Issuance of Annual License

JUNE 17, 1974.

On June 27, 1969, Wisconsin Public Service Corporation, Licensee for Wausau Project No. 1999, located in the City of Wausau, Marathon County, Wisconsin, on the Wisconsin River, filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (§§ 16.1-16.6). Licensee also made a supplemental filing pursuant to Commission Order No. 384 on February 26, 1970.

The license for Project No. 1999 was issued effective January 1, 1938, for a period ending June 30, 1970. Since the original date of expiration, the project has been under annual license. In order to authorize the continued operation of the project pursuant to Section 15 of the Act pending completion of Licensee's application and Commission action thereon, it is appropriate and in the public interest to issue an annual license to Wisconsin Public Service Corporation for continued operation and maintenance of Project No. 1999.

Take notice that an annual license is issued to Wisconsin Public Service Corporation (Licensee) under section 15 of the Federal Power Act for the period July 1, 1974, to June 30, 1975, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Wausau Project No. 1999, subject to the terms and conditions of its license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-14412 Filed 6-21-74;8:45 am]

FEDERAL RESERVE SYSTEM

AMERICAN BANCORP, INC.

Order Approving Formation of Bank Holding Company

American Bancorp, Inc., Reading, Pennsylvania, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through acquisition of all of the voting shares of the successor by merger to American Bank and Trust Co. of Pa. ("Bank"), Reading, Pennsylvania. The bank into which Bank is to be merged has no significance except as a means to facilitate the acquisition of the voting shares of Bank. Accordingly, the proposed acquisition of shares of the successor organization is treated herein as the proposed acquisition of the shares of Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and none has been received. The Board has considered the application in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant is a newly-formed company organized for the purpose of acquiring Bank. Bank has deposits of approximately $745 million and operates a total of 40 offices operating in seven local markets.[1] (All banking data are as of June 30, 1973.) The transaction represents a reorganization whereby the present shareholders will change their direct ownership of Bank to indirect ownership through Applicant. Accordingly, the Board concludes that consummation of the proposal would have no adverse effects on existing or potential competition. Therefore, the Board concludes that competitive considerations are consistent with approval of the application.

The financial and managerial resources and future prospects of Applicant initially will be wholly dependent upon those of Bank which are satisfactory and consistent with approval of the application. There is no evidence in the record that the banking needs of the communities to be served are not being adequately met at present. However, as a result of the flexibility afforded by the holding company structure resulting from the proposal, Applicant and Bank should be better able to expand and improve their services. Hence, considerations relating to the convenience and needs of the communities to be served are consistent with approval.

Bank, under the authority of Pennsylvania law, operates two wholly-owned nonbanking subsidiaries that engage in activities at locations at which the bank may engage in such activities. Applicant's indirect acquisition of these subsidiaries (which engage in commercial finance activities and the holding of bank premises and properties acquired by Bank as a result of default on loans it has made) do not require approval of the Board, under the provisions of section 4(c)(5) and section 4(c)(1)(A) and (D) of the Act. Bank also owns Berks Title Insurance Company, a title insurance subsidiary which operates offices in Pennsylvania, Delaware, and Virginia. In addition Berks Title Insurance Company maintains nonexclusive agents in the District of Columbia, Florida, North Carolina, and West Virginia, and maintains both exclusive and non-exclusive agents in Maryland, New Jersey, and Ohio. It appears that Bank, under applicable State law, could itself directly perform these activities at such locations. Berks Title Insurance Company would be considered an operations subsidiary of Bank if Bank were a State member bank (Interpretations, paragraph 4215, 12 CFR 250.141). Accordingly, pursuant to section 4(c)(5) of the Act and § 225.4(e) of Regulation Y, such activities do not require the approval of the Board.[2] On this basis, the Board concludes that consummation of the proposed transaction is in the public interest and that the appication should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three month after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Philadelphia pursuant to delegated authority.

By order of the Board of Governors,[3] effective June 17, 1974.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.74-14355 Filed 6-21-74;8:45 am]

BANKERS TRUST NEW YORK CORP.

Order Approving Acquisition of California Bankers Trust Company

Bankers Trust New York Corporation, New York City, New York, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y, to acquire all of the voting shares of California Bankers Trust Company, Los Angeles, California ("Company"), a company that engages in the functions that may be carried on by a trust company in the manner authorized by State law, so long as the institution does not both accept demand deposits and make commercial loans. Such activity has been determined by the Board to be closely related to banking (12 CFR 225.4(a)(4)).[1]

[1] The local markets are the Reading, Philadelphia, Allentown-Bethlehem-Easton, Lancaster, Lebanon, Pottsville, and Hazleton banking markets.

[2] See Order of September 4, 1973, approving application of Piedmont Financial Services, lic interest and that the application a bank holding company, 1973 *Federal Reserve Bulletin* 766.

[3] Voting for this action: Chairman Burns and Governors Mitchell, Brimmer, Sheehan, Bucher, Holland, and Wallich.

[1] By action taken on May 22, 1974, the Board of Governors amended its regulation relating to trust company activities of bank holding companies in order to clarify the scope of deposit-taking and lending activities permissible for such companies. The amendment supersedes the existing regulation and becomes effective on June 24, 1974.

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (39 FR 14253). The time for filing comments and views has expired, and the Board has considered the application and all comments received in the light of the public interest factors set forth in section 4(c)(8) of the Act (12 U.S.C. 1843(c)).

Applicant, the fifth largest bank holding company in New York, controls nine banks with aggregate deposits of $8.9 billion, representing about 8 percent of the total deposits in commercial banks in the State.[2] Applicant's lead bank, Bankers Trust Company ("BTC"), New York, New York, with aggregate deposits of $8.3 billion, provides wholesale banking services on a local, national and international level and retail banking services in the metropolitan New York market through a total of 86 offices. Through subsidiaries, Applicant is also engaged in nonbanking activities including mortgage banking, leasing and data processing companies.

Company, which administers total trust assets of approximately $90 million, has its only office in Los Angeles. Company primarily serves Los Angeles County, from which it obtains in excess of 80 percent of its annual trust receipts; the remainder are derived from the neighboring counties of Orange, Kern, and Ventura. Company holds less than 1 percent of the aggregate trust assets held by commercial banks and trust companies with offices in Los Angeles County and ranks 16th among the 27 institutions offering fiduciary services in that area. Company is engaged solely in performing trust activities; acting as trustee for pension and profit sharing plans, trustee for personal trusts, executor of estates, investment advisor and custodian, and agent for corporate accounts. The five largest trust institutions in the market control in excess of 80 percent of total trust assets in the market.

Six of Applicant's subsidiary banks engage in trust activities; five offer trust services solely within their respective banking markets. Only BTC derives any trust business from outside its local banking market and from Company's service area. Although the volume of business which BTC derives from Los Angeles exceeds that of Company, the proposed acquisition would not eliminate any significant competition. BTC does not solicit personal trust business in Company's service area, but has a small amount of such business which is apparently derived from former New York residents who have moved into Company's service area. Most of BTC's trust business in Company's service area involves large corporate and employee benefit trust accounts and the assets of each such account in excess of $10 million. Accounts of this size are beyond Company's present capabilities. In view of Company's small size, the fact that it does not operate in New York and the fact that BTC does not compete for personal trust business in Los Angeles, there does not appear to be any significant existing competition between Company and Applicant or any of its subsidiaries.

Although there is the possibility of future competition developing between Applicant and Company and although Applicant has the resources to enter the market through de novo expansion, the elimination of future competition is not considered to be significant in light of the large number of existing competitors and Company's relatively small share of the market. In addition, other independent trust companies remain as potential entry vehicles for unrepresented holding companies, and affiliation with Applicant will enable Company to compete more effectively with the large institutions presently dominating the market. The Board concludes that no significant existing or potential competition would be eliminated upon approval of this application.

Upon consummation of this proposal, Applicant has committed to inject at least $2 million in additional capital into Company, thereby significantly strengthening Company's financial resources. In addition, affiliation with Applicant will provide Company with access to Applicant's computer personnel and facilities, securities marketing expertise and investment research studies. There is no evidence in the record indicating that consummation of the proposed transaction would result in any undue concentration of resources, unfair competition, conflicts of interests, unsound banking practices or other adverse effects on the public interest.

Based upon the foregoing and other considerations reflected in the record, the Board has determined that the balance of the public interest factors the Board is required to consider under section 4(c)(8) is favorable. Accordingly, the application is hereby approved. This determination is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

The transaction shall be made not later than three months after the effective date of this Order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of New York.

[2] All banking data are as of June 30, 1973, and reflect bank holding company formations and acquisitions approved by the Board through May 31, 1974.

[3] Voting for this action: Chairman Burns and Governors Mitchell, Brimmer, Sheehan, Bucher, Holland, and Wallich.

By order of the Board of Governors,[3] effective June 17, 1974.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.74-14356 Filed 6-21-74;8:45 am]

CAROLINA BANCORP, INC.

Proposed Acquisition of Finance Company

Carolina BanCorp, Inc., Sanford, North Carolina, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire voting shares of National Finance Company, Inc., Rockingham, North Carolina. Notice of the application was published on May 22, 1974, in newspapers of general circulation in the following locations: Clinton, Dunn, Durham, Erwin, Fuquay Varina, Laurinburg, Oxford, Raeford, and Robersonville, North Carolina.

Applicant states that the proposed subsidiary would engage in activities of consumer finance, dealer financing, and as sales agent for accident and health and credit life insurance on loans made at the aforementioned locations. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence that persons requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Richmond.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than July 16, 1974.

Board of Governors of the Federal Reserve System, June 18, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-14357 Filed 6-21-74;8:45 am]

CENTRAL STATES BANCOR, INC.

Formation of Bank Holding Company

Central States Bancor, Inc., Des Moines, Iowa, has applied for the Board's

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approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 90 percent or more of the voting shares of Capital City State Bank, Des Moines, Iowa. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than July 2, 1974.

Board of Governors of the Federal Reserve System, June 13, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-14358 Filed 6-21-74;8:45 am]

FEDERAL OPEN MARKET COMMITTEE

Domestic Policy Directive of March 18–19, 1974

In accordance with § 271.5 of its rules regarding availability of information, there is set forth below the Committee's Domestic Policy Directive issued at its meeting held on March 18–19, 1974.[1]

The information reviewed at this meeting suggests that real output of goods and services is declining in the current quarter, mainly because of the oil situation, and that prices are continuing to rise rapidly. In February industrial production and manufacturing employment declined again, while total nonfarm payroll employment recovered, and the unemployment rate was unchanged at 5.2 percent. Prices of farm and food products and industrial commodities increased sharply, although less so than in the preceding 2 months. Increases in wage rates appear to have moderated in recent months.

After depreciating during the first 3 weeks of February, the dollar has since shown little net change against leading foreign currencies. The U.S. trade surplus remained large in January, despite a further sharp rise in the cost of petroleum imports.

The narrowly defined money stock, after having declined in January, increased sharply in February and early March. Broader measures of the money stock rose substantially in February, as net inflows of consumer-type time deposits remained relatively strong. Business short-term borrowing at banks and in the open market has continued at a rapid pace. Following earlier declines, both short- and long-term market interest rates have risen appreciably in recent weeks.

In light of the foregoing developments, it is the policy of the Federal Open Market Committee to foster financial conditions conducive to resisting inflationary pressures, supporting a resumption of real economic growth, and maintaining equilibrium in the country's balance of payments.

To implement this policy, while taking account of international and domestic financial market developments, including the prospective Treasury financing, the Committee seeks to achieve bank reserve and money market conditions that would moderate growth in monetary aggregates over the months ahead.

By order of the Federal Open Market Committee, June 17, 1974.

ARTHUR L. BROIDA,
Secretary.

[FR Doc.74-14359 Filed 6-21-74;8:45 am]

FIRST CITY BANCORPORATION OF TEXAS, INC.

Acquisition of Bank

First City Bancorporation of Texas, Inc., Houston, Texas, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 762.4 voting shares of Citizens State Bank, Sealy, Texas, which acquisition will maintain and will not increase Applicant's percentage ownership of Citizens State Bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than July 2, 1974.

Board of Governors of the Federal Reserve System, June 13, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-14360 Filed 6-21-74;8:45 am]

GAMBLE-SKOGMO, INC.

Nonbanking Activities

Gamble-Skogmo, Inc., Minneapolis, Minnesota, has applied, pursuant to section 4(d) of the Bank Holding Company Act (12 U.S.C. 1843(d)), for an exemption from the provisions of the Act limiting the nonbanking activities of a bank holding company. Applicant controls Gambles Continental State Bank, St. Paul, Minnesota.

Under section 4(d), the exemption may be granted "(1) to avoid disrupting business relationships that have existed over a long period of years without adversely affecting the banks or communities involved, or (2) to avoid forced sales of small locally owned banks to purchasers not similarly representative of community interests, or (3) to allow retention of banks that are so small in relation to the holding company's total interests and so small in relation to the banking market to be served as to minimize the likelihood that the bank's powers to grant or deny credit may be influenced by a desire to further the holding company's other interests."

Interested persons may express their views on this matter. The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any request for a hearing on this matter should be accompanied by a statement summarizing the evidence the person requesting the hearing propoes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

Any views or requests for a hearing should be submitted in writing and received by the Secertary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than July 15, 1974.

Board of Governors of the Federal Reserve Sytem, June 17, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-14361 Filed 6-21-74;8:45 am]

GREATER JERSEY BANCORP.

Order Approving Acquisition of Bank

Greater Jersey Bancorp., Clifton, New Jersey, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)), to acquire 100 percent of the voting share (less directors' qualifying shares) of the successor by merger to Plaza National Bank, Secaucus, New Jersey ("Bank"). The bank into which Bank is to be merged has no significance except as a means to facilitate the acquisition of the voting shares of Bank. Accordingly, the proposed acquisition of shares of the successor organization is treated herein as the proposed acquisition of the shares of Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the seventh largest banking organization in New Jersey, controls two banks with aggregate deposits of approximately $671 million, representing 3.3 percent of the total deposits in commercial banks in the State.[1] Acquisition of Bank would increase Applicant's share of State deposits by one-tenth of one percent and would not significantly increase the concentration of banking resources in the State. Upon consummation of the proposed acquisition, Applicant would become the sixth largest banking organization in New Jersey.

Bank holds deposits of approximately $26 million and operates each of its three offices in eastern Hudson County, New Jersey. The relevant geographic market for the analysis of the competitive effects of the proposed acquisition is the Metropolitan New York banking market.[2] In this market, Applicant's subsidiary banks and Bank control an insignificant share of total deposits and, upon consummation of the proposal, Applicant would still control less than one-tenth of one percent of total market deposits in commercial banks. Applicant's banking subsidiary closest to Bank (New Jersey Bank, N.A.) has an office situated four miles away from an office of Bank. However, neither institution derives an appreciable amount of deposits or loans from the service area of the other. As a result, there appears to be no meaningful competition existing between Applicant and Bank. Moreover, it is unlikely that consummation of the proposal would foreclose the development of significant potential competition. The city of Secaucus, Bank's home office location, is closed to branching until 1977 and its population to banking office ratio is almost one-half the State average. The remaining communities in eastern Hudson County have experienced a population decline since 1950 and the communities' median family incomes are below the State average. Thus, it appears unlikely that Applicant would enter Bank's service area either by branching or de novo. Accordingly, the Board concludes that the proposed transaction would not have a significantly adverse effect on competition in any relevant area and that competitive considerations are consistent with approval of the application.

Considerations relating to the financial and managerial resources of Applicant, its subsidiaries, and Bank are considered satisfactory and the future prospects for each appear favorable. Thus, the banking factors are consistent with approval of the application. Although there is no evidence in the record to indicate that the major banking needs of the area are not currently being met, Applicant proposes to introduce trust services, line-of-credit check with free checking accounts, 24-hour automated teller services and data processing services; as well as provide its expertise in construction lending and international banking. The expansion and improvements in these Bank's services should benefit the residents of the area. Therefore, the considerations relating to the convenience and needs of the communities to be served lend some weight toward approval of the application. Accordingly, it is the Board's judgment that consummation of the proposed acquisition is in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of New York, pursuant to delegated authority.

By order of the Board of Governors,[3] effective June 14, 1974.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.74-14362 Filed 6-21-74;8:45 am]

INDEPENDENT BANKSHARES CORP.

Acquisition of Bank

Independent Bankshares Corporation, San Rafael, California, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to Bank of Lake County, Lakeport, California. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of San Francisco. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than July 15, 1974.

Board of Governors of the Federal Reserve System, June 14, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-14363 Filed 6-21-74;8:45 am]

TCG CORP.

Formation of Bank Holding Company

TCG Corporation, Atlanta, Georgia, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of all of the voting shares (less directors' qualifying shares) of the successor by merger to Trust Company of Georgia, Atlanta, Georgia. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received not later than July 11, 1974.

Board of Governors of the Federal Reserve System, June 13, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-14364 Filed 6-21-74;8:45 am]

TENNESSEE VALLEY BANCORP, INC.

Order Approving Acquisition of Bank

Tennessee Valley Bancorp, Inc., Nashville, Tennessee, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 90 percent or more of the voting shares of the successor by merger to The Union Bank, McEwen, Tennessee ("Bank").

The bank into which Bank will merge has no significance except as a means of acquiring the voting shares of Bank. Accordingly, the proposed acquisition of the shares of the successor organization is treated herein as the proposed acquisition of the shares of Bank.

Notice of the application affording opportunity for interested persons to submit comments and views has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and this Federal Reserve Bank has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the fourth largest banking organization in Tennessee, controls seven banks (existing and approved) which have deposits of $829.7 million or 7.8 percent of deposits in all commercial banks of the State. (All banking data are as of June 30, 1973, and reflect acquisitions and formations approved by the Board through May 1, 1974). Acquisition of Bank, having deposits of $10.4 million would increase Applicant's share of Tennessee commercial bank deposits by less than one percent and would not change Applicant's rank in size. No undue concentration of banking resources in Tennessee would result.

Applicant is seeking to make its initial entry into the Humphreys County banking market which is located in the western portion of Tennessee. The two banks in the market hold $22.9 million in deposits. Applicant, in acquiring Bank, will control the smaller of these banks, with deposits of $10.4 million or 45.4 percent of total commercial bank deposits in the market.

Applicant's closest subsidiary bank is the Camden, Tennessee, office of Commerce Union Bank, Nashville, Tennessee,

[1] The Record of Policy Actions of the Committee for the meeting of March 18–19, 1974, is filed as part of the original document. Copies are available on request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

[1] Applicant's ranking among the State's banking organizations is based on deposit data of June 30, 1973. All other banking data are as of December 31, 1973 and reflect bank holding company formations and acquisitions approved by the Board through April 30, 1974.

[2] The Metropolitan New York banking market is approximated by the five boroughs of New York City and Nassau, Westchester, Putnam, Rockland and western Suffolk Counties in New York State; northern Bergen and eastern Hudson Counties in New Jersey; and southwestern Fairfield County in Connecticut.

[3] Voting for this action: Chairman Burns and Governors Mitchell, Sheehan, Bucher, and Holland. Absent and not voting: Governors Brimmer and Wallich.

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located 19 miles west of Bank and in an adjoining market. No competition currently exists between Applicant's present subsidiaries and Bank, and it is not likely that significant future competition would develop between them because of the natural barrier presented by the Tennessee River between Bank and Camden, and Tennessee's laws restricting branching to the county in which the main office is located. The acquisition would have no adverse competitive effects.

Financial and managerial resources and prospects of Applicant, its subsidiaries and Bank are considered to be generally satisfactory in light of Applicant's commitment to increase equity capital in Bank; future prospects appear favorable. The proposed affiliation with Applicant will enable Bank to improve the quality of the banking services it is currently providing as well as to provide, as needed, other banking services not presently available, such as factoring and investment management services. Considerations relating to convenience and needs of the community to be served lend some weight toward approval of the application. It is this Federal Reserve Bank's judgment that consummation of the proposed transaction would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after that date, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Federal Reserve Bank of Atlanta acting under delegated authority for the Board of Governors of the Federal Reserve System, effective June 11, 1974.

[SEAL] KYLE K. FOSSUM,
First Vice President.

[FR Doc.74-14365 Filed 6-21-74;8:45 am]

TEXAS COMMERCE BANCSHARES, INC.

Order Approving Acquisition of Bank

Texas Commerce Bancshares, Inc., Houston, Texas, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares, less directors' qualifying shares, of the successor by merger to Guaranty National Bank and Trust of Corpus Christi, Corpus Christi, Texas ("Bank"). The Bank into which Bank is to be merged has no significance except as a means to facilitate acquisition of the voting shares of Bank. Accordingly, the proposed acquisition of the successor organization is treated herein as the proposed acquisition of the shares of Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and none have been timely received. The Federal Reserve Bank of Dallas, acting pursuant to delegated authority for the Board, has considered the application in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the fourth largest multibank holding company in Texas, presently controls fifteen banks with aggregate deposits of approximately $1,787 million, representing 5.14 percent of the total commercial bank deposits in Texas.[1] Approval of the present acquisition would not produce a significant increase in the concentration of banking resources in Texas.

Bank is situated in Corpus Christi, Texas, within the banking market area approximated by the Corpus Christi SMSA. Bank has deposits of $28.7 million, representing a 4.6 percent share of market deposits, and is the fourth largest of 26 banks in the market. Approval of the application would have no adverse effect on competition. The proposed transaction represents Applicant's initial entry into the market, and Applicant's nearest subsidiary is located in Houston some 210 miles to the northeast. There is no substantial existing competition between Bank and any of Applicant's banking subsidiaries, nor is there a reasonable probability of such substantial competition developing in the future, in view of the distances involved and Texas' prohibition of branch banking. Removal of Bank as an independent bank or as a potential vehicle for entry into the market would not have an adverse effect on potential competition in view of the existence of several remaining banks which could serve as means of entry for other holding companies, Bank's relatively small size, and the low degree of concentration of deposits in the market.

The financial and managerial resources and future prospects of Applicant, its subsidiaries, and Bank are regarded as generally satisfactory and consistent with approval. Although there is no evidence in the record that the major banking needs of the community are not adequately being served, considerations related to the convenience and needs of the community to be served lend weight toward approval. The relationship between Applicant and Bank will result in Bank's increased ability to compete more effectively for construction and real estate loans and to strengthen international banking, trust and investment services offered to Bank's customers. It is the judgment of the Federal Reserve Bank of Dallas that the proposed acquisition is in the public interest and that the application should be approved.

On the basis of the record as summarized above, the Federal Reserve Bank of Dallas approves the application, provided that the transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Dallas pursuant to delegated authority.

By order of the Federal Reserve Bank of Dallas, acting pursuant to delegated authority for the Board of Governors of the Federal Reserve System, effective June 11, 1974.

[SEAL] ROBERT H. BOYKIN,
Secretary.

[FR Doc.74-14366 Filed 6-21-74;8:45 am]

[1] All deposit figures are as of June 30, 1973, and bank holding company statistics reflect holding company formations and acquisitions approved by the Board of Governors to the date of March 1, 1974. Subsequent to the latter date the Board, on May 15, 1974, approved Applicant's proposed acquisition of Southeast Bank, Houston, Texas. Additionally, on May 22, 1974, the Federal Reserve Bank of Dallas, acting pursuant to delegated authority for the Board, approved Applicant's proposed acquisition of Westwood Commerce Bank, Houston, Texas, a proposed new bank.

UNITED BANKS OF WISCONSIN, INC.

Acquisition of Bank

United Banks of Wisconsin, Inc., Madison, Wisconsin, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of Prairie State Bank, Sun Prairie, Wisconsin. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than July 15, 1974.

Board of Governors of the Federal Reserve System, June 14, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-14367 Filed 6-21-74;8:45 am]

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

PECCO COAL CO., INC.

Applications for Renewal Permits, Electric Face Equipment Standard; Notice of Opportunity for Public Hearing

Applications for Renewal Permits for Noncompliance with the Electric Face Equipment Standard prescribed by the Federal Coal Mine Health and Safety Act of 1969 have been received for items of equipment in underground coal mines as follows:

ICP Docket No. 4193-000, PECCO COAL COMPANY, INC.
Mine No. 4, Mine ID No. 15 04236 0
Belfry, Kentucky.
ICP Permit No. 4193-001 (Joy Cutting Machine, Ser. No. 97),
ICP Permit No. 4193-003 (Porter Battery Lizard, Ser. No. 12).

In accordance with the provisions of 30 CFR 504.7(b), notice is hereby given that requests for public hearing as to an application for a renewal permit may be filed within 15 days after publication of this notice. Requests for public hearing must be filed in accordance with 30 CFR Part 505 (35 FR 11296, July 15, 1970), as amended, copies of which may be obtained from the Panel upon request.

A copy of each application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Room 800, 1730 K Street NW., Washington, D.C. 20006.

GEORGE A. HORNBECK,
Chairman,
Interim Compliance Panel.

JUNE 18, 1974.

[FR Doc.74-14315 Filed 6-21-74;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 74-38]

APPLIED MAGNETICS CORP.

Notice of Intent to Grant Exclusive Patent License

Notice is hereby given of intent to grant to Applied Magnetics Corporation, Goleta, California, an exclusive, revocable license to practice the invention described in U.S. Patent No. 3,666,631 for "Bacteria Contamination Monitor", issued on May 30, 1972 to the Administrator of the National Aeronautics and Space Administration on behalf of the United States of America. The proposed exclusive license will be for a limited number of years and will contain appropriate terms and conditions to be negotiated in accordance with the NASA Patent Licensing Regulations, 14 CFR 1245.2, as revised April 1, 1972. NASA will grant the exclusive license unless, on or before August 23, 1974, the Chairman, Inventions and Contributions Board, NASA, Washington, DC, 20546, receives in writing any of the following, together with supporting documentation: (i) a statement from any person setting forth reasons why it would not be in the best interest of the United States to grant the proposed exclusive license; or (ii) an application for a nonexclusive license under such invention, in accordance with § 1245.206(b) in which applicant states that he has already brought or is likely to bring the invention to practical application within a reasonable period. The Board will review all written responses to the Notice and then recommend to the Administrator whether to grant the exclusive license.

Dated: June 14, 1974.

R. TIERNEY JOHNSON,
General Counsel.

[FR Doc.74-14374 Filed 6-21-74;8:45 am]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

EXPANSION ARTS ADVISORY PANEL

Notice of Meeting

Pursuant to sec. 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that a meeting of the Expansion Arts Advisory Panel to the National Council on the Arts will be held at 9:00 a.m. on July 1, 9:00 a.m. July 2, and 9:00 a.m. July 3, 1974, in the Puerto Rico Sheraton in San Juan, Puerto Rico.

A portion of this meeting will be open to the public on July 1 and 2 from 9 a.m. to 1 p.m. on a space available basis. Accommodations are limited. During the open session reports on Expansion Arts Film, Tour-Events, an open policy discussion, and other program development reports will be discussed.

The remaining sessions of this meeting, July 1, July 2, from 1 to 5:30 p.m., and July 3, 1974, are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of January 10, 1973, these sessions, which involve matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552(b) (4) and (5)), will not be open to the public.

Further information with reference to this meeting can be obtained from Mrs. Luna Diamond, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 382-5871.

EDWARD M. WOLFE,
Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.

[FR Doc.74-14347 Filed 6-21-74;8:45 am]

LITERATURE ADVISORY PANEL

Notice of Meeting

Pursuant to Sec. 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that a closed meeting of the Literature Advisory Panel to the National Endowment for the Arts will be held at 9:00 a.m. on July 9, 1974, in the St. Moritz Hotel in New York City.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of January 10, 1973, this meeting, which involves matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552(b) (4), (5), and (6)), will not be open to the public.

Further information with reference to this meeting can be obtained from Mrs. Luna Diamond, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 382-5871.

EDWARD M. WOLFE,
Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.

[FR Doc.74-14348 Filed 6-21-74;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on June 19, 1974 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this Daily List may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529).

NEW FORMS

FEDERAL ENERGY OFFICE

Refiner-Importer Report of Sales of Motor Gasoline: Form ----, Single time, Weiner, Petroleum refining Cos. and Petroleum importers.

GENERAL SERVICES ADMINISTRATION

Bidder's Mailing List Application: Form GSA R4-1616, Annual, Lowry, Prospective bidders in Region 4.
Bidder's Mailing List Review: Form R4-1618, Annual, Lowry, Prospective construction contractors.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education: Program Operations Report, Veterans' Cost-of-Instruction Payments to Institutions (Sec. 420, Title IV-A, P.L. 90-320, as Amended), Form OE 360-2, Annual, Lowry, Postsecondary institutions.

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DEPARTMENT OF THE INTERIOR

National Park Service: Roadside Questionnaire(s), Great Smoky Mountains National Park Visitor Survey, Form ____, Single time, Planchon, Visitors to Great Smoky Mountains National Park.

REVISIONS

VETERANS ADMINISTRATION

Conversion Information: Form FL 29-165, Occasional, Caywood, Insured veterans.

EXTENSIONS

ACTION

ACTION Request for Information: Form A-16, Semiannual, Evinger, Individuals.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.74-14470 Filed 6-21-74;8:45 am]

SMALL BUSINESS ADMINISTRATION

[License No. 05/05-0099]

NORTH STAR VENTURES, INC.

Filing of Application for Approval of Conflict of Interest Transaction

Notice is hereby given that North Star Ventures, Inc. (North Star), 2300 Northwestern Financial Center. 7900 Xerxes Avenue, S., Minneapolis, Minnesota 55431, a Federal licensee under the Small Business Investment Act of 1958, as amended (Act), has filed an application pursuant to section 107.1004 of the regulations governing small business investment companies (13 CFR 107.1004 (1974)), for an exemption from the provisions of the conflict of interest regulation.

The exemption, if granted, will permit North Star to purchase from Mr. Gerald Rauenhorst $200,000 of the $485,000 of Four-Phase Systems, Inc., 9 percent convertible subordinated notes, due December 1, 1983, currently held by Mr. Rauenhorst. Mr. Rauenhorst is the president, director and sole shareholder of North Star.

Information provided by the applicant in connection with this application indicates that:

1. In November, 1973, Mr. Rauenhorst made a commitment to purchase $285,000 of a proposed offering of 9 percent Convertible Subordinated Notes, due December 1, 1983, of Four-Phase Systems, Inc. This offering was initially made known to Mr. Rauenhorst through a small business investment company (SBIC).

2. Prior to the December 11, 1973, closing date, Mr. Rauenhorst was advised that he would be able to purchase notes in the amount of $285,000 as he had tentatively committed. At the same time, Mr. Rauenhorst was advised that one or more of the prospective SBIC participants in the current offering and the underwriters were seeking investors to take additional Notes.

3. Knowing that the preparation of an application for the formation and licensing of an SBIC (North Star) was in process and that certain qualified investments made in anticipation of the actual licensing of an SBIC might be considered as qualified capital of the new SBIC, Mr. Rauenhorst agreed to increase his commitment by $200,000.

4. On December 11, 1973, the closing date, Mr. Rauenhorst acquired $485,000 of the Four-Phase Systems, Inc. 9 percent Convertible Subordinated Notes, due December 1, 1983.

5. The applicant was assured that the borrower was a qualified SBIC borrower, and Mr. Rauenhorst's increased commitment was made to assure adequate funds to the borrower and in anticipation of it being transferred to the applicant when licensed.

Pursuant to paragraphs (a) and (b) of the definition of "Associate of a Licensee" in section 107.3 of the regulations, Mr. Rauenhorst is considered to be an associate of North Star. As such, the transaction will require an exemption pursuant to section 107.1004(b) (4) of the regulations.

Notice is hereby given that any person may, no later than fifteen (15) days from the date of the publication of this notice, submit to the Small Business Administration (SBA), in writing, relevant comments on the proposed transaction. Any such communications should be addressed to: Associate Administrator for Finance and Investment, Small Business Administration, 1441 "L" Street NW., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in Minneapolis, Minnesota.

Dated: June 13, 1974.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.74-14344 Filed 6-21-74;8:45 am]

INTERSTATE COMMERCE COMMISSION

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateways

JUNE 19, 1974.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065(a)), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before July 5, 1974. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC-730 (Sub-No. E59), filed May 30, 1974. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., P.O. Box 638, Oakland, Calif. 94612. Applicant's representative: R. N. Cooledge (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, and acids, in bulk, in tank vehicles, from Henderson, Nev., to points in Texas (except points in El Paso, Hudspeth, Culberson, Jeff Davis, and Presidio Counties). The purpose of this filing is to eliminate the gateway of points in Utah.

No. MC-5470 (Sub-No. E2), filed May 30, 1974. Applicant: TAJON, INC., R.D. 5, Box 146, Mercer, Pa. 16137. Applicant's representative: Mr. Patrick McEligat, Rea, Cross & Knebel, 700 World Center Building, 918 Sixteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ferro alloys*, in bulk, in dump vehicles, from Calvert City, Ky., to points in North Carolina on and east of U.S. Highway 52. The purpose of this filing is to eliminate the gateway of Alloy, W. Va.

No. MC-16682 (Sub-No. E2), (CORRECTION), filed May 13, 1974, published in the FEDERAL REGISTER June 10, 1974. Applicant: MURAL TRANSPORT INC., 2900 Review Avenue, Long Island City, N.Y. 11101. Applicant's representative: Robert L. Shapiro (same as above). This letter-notice was previously published as No. MC-16682 (Sub-No. E1). The authority sought remains as previously published. The purpose of this correction is to set forth the correct "E" number.

No. MC-51146 (Sub-No. E2) (CORRECTION), filed April 23, 1974, published in the FEDERAL REGISTER May 28, 1974. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, Wis. 54306. Applicant's representative: D. F. Martin (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting:

In proposal 8-B:

Paper and paper products (except commodities in bulk), from points in Wood, Portage, Marathon, Lincoln, and Oneida Counties, Wis., to points in Washington, Oregon, California, Nevada, Idaho, Utah, Arizona, Montana, Wyoming, Colorado, and New Mexico. The purpose of this corrected notice is to indicate that "*New Mexico*" and not "*Mexico*" was intended as a destination. The purpose of this filing is to eliminate the gateway of Marshfield, Wis.

In proposal 34:

Paper and paper products (except commodities in bulk), from Plymouth, N.C., to points in Washington, Oregon, California, Nevada, Arizona, Utah, Idaho, Montana, Wyoming, Colorado, New Mexico, North Dakota, South Dakota, Nebraska, Kansas, points in Texas on and west of a line extending from the Oklahoma-Texas State line southwest along U.S. Highway 377 to Del Rio, and thence west from Del Rio over un-numbered highway to the Mexican-United States International Boundary line, Oklahoma (except points south and east of a line commencing at the Texas-Oklahoma State line and extending

northeast along U.S. Highway 69 to the intersection of Interstate Highway 40, thence east along Interstate Highway 40 to the Oklahoma-Arkansas State line), Arkansas (except points east of a line commencing at the Oklahoma-Arkansas State line east along U.S. Highway 271 to the intersection of U.S. Highway 71, thence north along U.S. Highway 71 to the Arkansas-Missouri State line), and Missouri (except points east of a line commencing at the Arkansas-Missouri State line and thence north along U.S. Highway 67 to the intersection of U.S. Highway 50 Bypass, thence east on U.S. Highway 50 Bypass to the Mississippi River), shipments of pulpboard and fibreboard limited to movements in mixed loads with the commodities described above. The purpose of this corrected notice is to indicate the sought destination points in Texas. The purpose of this filing is to eliminate the gateway of Muncie, Ind.

In proposal 42:

(a) *Plywood and plywood products and plywood and plywood products combined with veneer and plastics, paneling, doors, and composition wood and composition wood products*, as are manufactured or distributed by manufacturers or converters of cellulose materials and products, and paper products from Marshfield, Wis., to points in Washington, Oregon, California, Idaho, Nevada, Utah, Colorado, Arizona, New Mexico, Montana (except points east of a line commencing at the Canadian-United States International Boundary line and extending south along Montana Highway 233, to the interesection of U.S. Highway 87, thence south along U.S. Highway 87 to the Montana-Wyoming State line), and Wyoming (except points east of U.S. Highway 87). (b) *Materials and supplies* used in the manufacture and distribution of the commodities described in (a) above, from points in the destination territory in (a) above to Marshfield, Wis. The purpose of this corrected notice is to show the complete commodity description. The purpose of this filing is to eliminate the gateway of Green Bay, Wis.

In proposal 46:

Paper and paper products (except commodities in bulk), from the plant and warehouse sites of the Weyerhaeuser Company, Crocker Technical Papers, Inc., and James River-Fitchburg, Inc. at Fitchburg, Mass., to points in Kentucky and Tennessee (except Memphis and points in its commercial zone as defined by the Commission), restricted against the transportation of pulpboard, pulpboard products, and waste paper to points in Kentucky.

In proposal 47:

Paper and paper products (except commodities in bulk), from the plant and warehouse sites of Weyerhaeuser Company, Miquon, Pa., and the Weyerhaeuser Company, Crocker Technical Papers, Inc., and James River-Fitchburg, Inc., at Fitchburg, Mass., to points in and west of North Dakota, South Dakota, Nebraska, Arkansas, and Mississippi.

In proposal 48:

Paper fiber shipping containers, from the plant and warehouse sites of the Weyerhaeuser Company at Delair and Barrington, N.J., to points in and west of North Dakota, South Dakota, Nebraska, Missouri, Arkansas, and Mississippi. The purpose of these corrected notices in proposals 46, 47, and 48 is to show the name change of some of the origin plants. The purpose of this filing of proposal 46 is to eliminate the gateway of Gallipolis, Ohio, and proposals 47 and 48, the gateway of Muncie, Ind.

No. MC-93980 (Sub-No. E1), (CORRECTION), filed April 22, 1974, published in the FEDERAL REGISTER June 10, 1974. Applicant: VANCE TRUCKING CO., INC., P.O. Box 1119, Henderson, N.C. 27536. Applicant's representative: N. P. Strause (same as above). This letter-notice was previously published as No. MC-93980 (Sub-No. E7). The authority sought remains as previously published. The purpose of this correction is to set forth the correct "E" number.

No. MC-111302 (Sub-No. E1), filed May 23, 1974. Applicant: HIGHWAY TRANSPORT, INC., P.O. Box 10470, Knoxville, Tenn. 37919. Applicant's representative: Clyde Carver (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except phosphatic food supplements), in bulk, in tank vehicles, from Tampa, Fla., to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Mississippi, Missouri, Ohio, Wisconsin, Kansas, Nebraska, and West Virginia (except Parkersburg, W. Va.). The purpose of this filing is to eliminate the gateway of Knoxville, Tenn.

No. MC-111545 (Sub-No. E4), filed May 19, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, because of size or weight, requires the use of special equipment (except such commodities to be used in, or in connection with, main or trunk pipelines), between points in Arizona, on the one hand, and, on the other, points in Missouri. The purpose of this filing is to eliminate the gateway of Kansas City, Mo.

No. MC-111545 (Sub-No. E5), filed May 19, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, because of size or weight, requires the use of special equipment, between points in the Lower Peninsula of Michigan, on the one hand, and, on the other, points in Nebraska. The purpose of this filing is to eliminate the gateway of Davenport, Iowa.

No. MC-111545 (Sub-No. E6), filed May 19, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* (except knitting machines and commodities to be used in, or in connection with, main or trunk pipelines), the transportation of which, because of size or weight, requires the use of special equipment, between points in Arizona, on the one hand, and, on the other, points in North Carolina. The purpose of this filing is to eliminate the gateways of Fort Scott, Kans., and Charlotte, N.C.

No. MC-111545 (Sub-No. E7), filed May 19, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* (except commodities used in, or in connection with, main or trunk pipelines), the transportation of which, because of size and weight, requires the use of special equipment, between points in Ohio, on the one hand, and, on the other, points in Utah. The purpose of this filing is to eliminate the gateways of Keokuk, Iowa, and Kansas City, Mo.

No. MC-111545 (Sub-No. E8), filed May 19, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, because of size or weight, requires the use of special equipment, from points in Indiana to points in New Mexico. The purpose of this filing is to eliminate the gateways of Keokuk, Iowa, and Kansas City, Mo.

No. MC-111545 (Sub-No. E9), filed May 19, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* (except knitting machines), the transportation of which, because of size or weight, requires the use of special equipment, between points in Texas, on the one hand, and, on the other, points in Vermont. The purpose of this filing is to eliminate the gateways of (1) McAlester or Hugo, Okla., and (2) Rome or Ringgold, Ga.

No. MC-111545 (Sub-No. E10), filed May 19, 1974. Applicant: HOME

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TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, because of size or weight, requires the use of special equipment, between points in Arkansas, on the one hand, and, on the other, points in Minnesota. The purpose of this filing is to eliminate the gateway of Centerville, Iowa.

No. MC–111545 (Sub-No. E11), filed May 19, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, because of size or weight, requires the use of special equipment (except agricultural machinery and implements, other than hand, as defined by the Commission), between the District of Columbia, on the one hand, and, on the other, points in Florida. The purpose of this filing is to eliminate the gateway of Florence, S.C.

No. MC–111545 (Sub-No. E13), filed May 19, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* (except knitting machines and commodities to be used in, or in connection with, main or trunk pipelines), the transportation of which, because of size or weight, requires the use of special equipment, between the District of Columbia, on the one hand, and, on the other, points in Utah. The purpose of this filing is to eliminate the gateways of Ringgold, Ga., and Fort Scott, Kans.

No. MC–111545 (Sub-No. E14), filed May 19, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* (except knitting machines), the transportation of which, because of size or weight, requires the use of special equipment, between the District of Columbia, on the one hand, and, on the other, points in Texas. The purpose of this filing is to eliminate the gateways of Ringgold, Ga., and Hugo, Okla.

No. MC–111545 (Sub-No. E15), filed May 19, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* (except knitting machines), the transportation of which, because of size or weight, requires the use of special equipment, between the District of Columbia, on the one hand, and, on the other, points in Kansas and Oklahoma. The purpose of this filing is to eliminate the gateway of Ringgold, Ga.

No. MC–111545 (Sub-No. E16), filed May 19, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* (except knitting machines), the transportation of which, because of size or weight, requires the use of special equipment, from the District of Columbia to points in New Mexico. The purpose of this filing is to eliminate the gateways of Ringgold, Ga., and Hugo, Okla.

No. MC–111545 (Sub-No. E17), filed May 19, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* (except knitting machines), the transportation of which, because of size or weight, requires the use of special equipment, between points in Delaware, on the one hand, and, on the other, points in Kansas and Oklahoma. The purpose of this filing is to eliminate the gateway of Ringgold, Ga.

No. MC–111545 (Sub-No. E18), filed May 19, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* (except knitting machines), the transportation of which, because of size or weight, requires the use of special equipment, between points in Delaware, on the one hand, and, on the other, points in Oklahoma and Kansas. The purpose of this filing is to eliminate the gateway of Ringgold, Ga.

No. MC–111545 (Sub-No. E19), filed May 19, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* (except knitting machines), the transportation of which, because of size or weight, requires the use of special equipment, between the District of Columbia, on the one hand, and, on the other, points in Minnesota. The purpose of this filing is to eliminate the gateway of Ringgold, Ga.

No. MC–111545 (Sub-No. E20), filed May 19, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* (except knitting machines), the transportation of which, because of size or weight, requires the use of special equipment, between the District of Columbia, on the one hand, and, on the other, points in Pennsylvania. The purpose of this filing is to eliminate the gateway of Ringgold, Ga.

No. MC–111545 (Sub-No. E21), filed May 19, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* (except knitting machines), the transportation of which, because of size or weight, requires the use of special equipment, between points in Arkansas, on the one hand, and, on the other, points in Kansas and Oklahoma. The purpose of this filing is to eliminate the gateway of Ringgold, Ga.

No. MC–111545 (Sub-No. E22), filed May 19, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* (except knitting machines), the transportation of which, because of size or weight, requires the use of special equipment, between the District of Columbia, on the one hand, and, on the other, points in Kansas and Oklahoma. The purpose of this filing is to eliminate the gateway of Ringgold, Ga.

No. MC–111545 (Sub-No. E23), filed May 19, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* (except knitting machines), the transportation of which, because of size or weight, requires the use of special equipment, between the District of Columbia, on the one hand, and, on the other, points in Oklahoma and Kansas. The purpose of this filing is to eliminate the gateway of Ringgold, Ga.

No. MC–111545 (Sub-No. E16), filed May 19, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* (except knitting machines), the transportation of which, because of size or weight, requires the use of special equipment, from the District of Columbia to points in New Mexico. The purpose of this filing is to eliminate the gateways of Ringgold, Ga., and Hugo, Okla.

No. MC–111545 (Sub-No. E17), filed May 19, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* (except knitting machines), the transportation of which, because of size or weight, requires the use of special equipment, between points in Delaware, on the one hand, and, on the other, points in Kansas and Oklahoma. The purpose of this filing is to eliminate the gateway of Ringgold, Ga.

No. MC–111545 (Sub-No. E18), filed May 19, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* (except knitting machines), the transportation of which, because of size or weight, requires the use of special equipment, between points in Delaware, on the one hand, and, on the other, points in Texas. The purpose of this filing is to eliminate the gateways of Ringgold, Ga., and Hugo, Okla.

No. MC–114019 (Sub-No. E211), filed May 15, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, class A and B explosives, household goods as defined by the Commission, commodities in bulk and those injurious or contaminating to other lading); (1) between points in West Virginia on and west of a line extending from Interstate Highway 77 at the West Virginia-Ohio State line to its junction with U.S. Highway 119 and U.S. Highway 119 to the West Virginia-Kentucky State line, on the one hand, and, on the other, points in Pennsylvania; (2) between points in West Virginia on and north of a line extending from West Virginia 69 at the West Virginia-Pennsylvania State line to its junction with West Virginia Highway 7 and West Virginia Highway 7 to the West Virginia-Ohio State line, and points on and west of West Virginia Highway 18 from the West Virginia-Ohio State line to its junction with U.S. Highway 50, on the one hand, and, on the other, to points in Pennsylvania on and east of U.S. Highway 219 extending from the Maryland-Pennsylvania State line near Salisbury, to Ebensburg, thence on and north of U.S. Highway 422 extending from Ebensburg to Portersville, thence on and east of U.S. Highway 19 extending from Portersville to Mercer, and thence on and north of U.S. Highway 62 extending from Mercer to the Pennsylvania-Ohio State line. The purpose of this filing is to eliminate the gateway of Lansing (Belmont County), Ohio.

No. MC–114019 (Sub-No. E212), filed May 15, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles, lanterns, lamp burners, metal tubes, and bottle caps*, (1) from Sparrows Point and Baltimore, Md., New York, N.Y., and points within 30 miles of New York, N.Y., points in that part of New Jersey, Delaware, and Maryland, which are located within 30 miles of Philadelphia, Pa., points in that part of New York on and west of a line beginning at Windsdor Beach, and extending to Rochester, thence along U.S. Highway 15 to Wayland, thence along New York Highway 245 to Dansville, thence along New York Highway 36 to junction New York Highway 21, thence along New York Highway 17 to the New York-Pennsylvania State line, to points in Pennsylvania, on and east of U.S. Highway 219 to its junction with Interstate Highway 80 and points on and south of Interstate Highway 80 to the Pennsylvania-Ohio border; (2) from points in West Virginia on and east of a line extending from U.S. Highway 250 to the Pennsylvania-West Virginia State line, south to its junction with U.S. Highway 19 and U.S. Highway 19 south to its junction with U.S. Highway 60 and U.S. Highway 60 south to the West Virginia-Virginia State line to Ft. Wayne, Auburn, and Huntington, Ind.; (3) from West Virginia points on and east of U.S. Highway 250 to its junction with U.S. Highway 33 and U.S. Highway 33 to the West Virginia-Virginia State line, to Louisville, Ky. The purpose of this filing is to eliminate the gateway of East Liverpool, Ohio.

No. MC–114019 (Sub-No. E213), filed May 15, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, in vehicles equipped with mechanical refrigeration, from Chicago, Ill., points in Indiana on and south of Indiana Highway 14, those in Ohio, Pennsylvania, West Virginia, and New York, and those in New Jersey in the New York, N.Y., and Philadelphia, Pa., commercial zone, as defined by the Commission to points in Minnesota. The purpose of this filing is to eliminate the gateway of Lafayette, Ind.

No. MC–114019 (Sub-No. E214), filed May 13, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt*, liquid or solid; *Boards*, fibreboard and/or pulpboard, impregnated with asphalt, painted or not painted; *Board*, wall, fibreboard, pulpboard, or strawboard, not impregnated with asphalt; *Caps*, roofing, tin; *Cement*, roofing; *Clamps*, metal; *Coating*, roof, having asbestos, pitch, tar, or rosin base; *Creosote; Fasteners*, metal; *Felts*, building or roofing, saturated or unsaturated; *Insulating material*, asbestos or felt paper; *Nails; Paint*, asphaltum; *Paint*, coat tar; *Paper*, building, roofing, or sheathing, saturated, unsaturated; *Pitch*, roofing; *Roofing*, composition or prepared; *Siding*, asphalt; *Shingles*, asphalt, asbestos, or composition; *Sheathing; Straps*, tin, with fasteners; *Tar*, roofing; from Sunbury, Pa., to points in Wisconsin, Iowa, Missouri, Illinois, points in Kentucky on and west of Kentucky State Highway 11, beginning at the Ohio-Kentucky State line to its junction with Kentucky State Highway 15, thence on and west of Kentucky State Highway 15, to its junction with Kentucky State Highway 160, thence on and west of Kentucky State Highway 160 to the Kentucky-Tennessee State line, and points in Indiana on and south of Interstate Highway 70, beginning at the Ohio-Indiana State line to its junction with U.S. Highway 35, thence on and south of U.S. Highway 35 to its junction with Indiana Highway 28, thence on and south of Indiana Highway 28, to its junction with Interstate Highway 65, thence on and west of Interstate Highway 65 to its junction with U.S. Highway 30 and points on and south of U.S. Highway 30 to the Illinois-Indiana State line. The purpose of this filing is to eliminate the gateway of Lockland, Ohio.

No. MC–114019 (Sub-No. E215), filed May 13, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Floor tile and materials and accessories* used in the installation of floor tile when moving with shipments of floor tile; (1) from Sparrows Point and Baltimore, Md., New York, N.Y., and points within 30 miles of New York, N.Y., points in that part of New Jersey, Delaware, and Maryland which are located within 30 miles of Philadelphia, Pa., points in that part of New York on and west of a line beginning at Windsdor Beach, and extending to Rochester, thence along U.S. Highway 15 to Wayland, thence along New York Highway 245 to Dansville, thence along New York Highway 36 to junction New York Highway 21, thence along New York Highway 21 to Andover, and thence along New York Highway 17 to the New York-Pennsylvania State line, and points in Pennsylvania to those points in Illinois and Indiana (except Indianapolis), which are on and south of U.S. Highway 40, and those in Kentucky (except Louisville and Lexington), which are on and west of Interstate Highway 75 and points in Tennessee on and west of Interstate Highway 65; (2) from points in West Virginia on and north of U.S. Highway 33 to points in Michigan, Indiana (except Indianapolis and points within its commercial zone) and points in Illinois, on and south of U.S. Highway 40. The purpose of this filing is to eliminate the gateway of Hopetown, Ohio.

No. MC–114019 (Sub-No. E229), filed May 12, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen bakery products*, from points in New York and New Jersey within 40 miles of City Hall, New York, N.Y., to points in Kentucky and West Virginia. The purpose of this filing is to eliminate the gateway of Jersey City, N.J., and points in Adams or Franklin Counties, Pa.

No. MC–114019 (Sub-No. E233), filed May 17, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60624. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Frozen fruits and frozen fruit juices*, in vehicles equipped with mechanical refrigeration, from points in Van Buren, Berrien, Cass, Kalamazoo, and St. Joseph Counties, Mich., to points in Oregon and Washington on and west of Interstate Highway 5. The purpose of this filing is to eliminate the gateway of Cleveland, Ohio.

No. MC–114019 (Sub-No. E234), filed May 22, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Citric acid*, in drums and packages, from Fieldsboro, N.J., to points in Iowa, Wisconsin, Minnesota, North Dakota, South Dakota, Nebraska, Colorado, and Wyoming; Bowling Green, Ky.; Nashville, Tenn., points in Delaware, Henry, Madison, Randolph and Wayne Counties, Ind., and points in Van Wert, Allen, Mercer, Auglaize, Shelby, Darke, Miami, Preble, Montgomery, Butler, Warren, Hamilton, and Clermont Counties, Ohio, restricted to shipments moving from, to or between warehouses, and wholesale, retail, or chain outlets of food business houses, or when moving from, to, or between food processing, plants, or warehouse or other facilities of such plants. The purpose of this filing is to eliminate the gateway of Utica and Chicago, Ill., Witta, Jeffersonville, and Boundry City, Ind.

No. MC–114019 (Sub-No. E235), filed May 20, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Packinghouse products and by-products*, between Kansas City and Wichita, Kans., Kansas City, St. Joseph, South St. Joseph, and St. Louis, Mo., Des Moines and Sioux City, Iowa, and Omaha and South Omaha, Nebr., on the one hand, and, on the other, points in New York, New Jersey, Rhode Island, Connecticut, and Massachusetts. The purpose of this filing is to eliminate the gateways of Chicago, Ill., and Cleveland, Ohio.

No. MC–114019 (Sub-No. E236), filed May 20, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, dairy products*, and *edible articles distributed by meat packinghouses*, as described in Sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209, in mechanically refrigerated vehicles, from Cedar Rapids, Iowa, to points in Maine, New Hampshire, Vermont, Rhode Island, Virginia, West Virginia, Kentucky on and east of Kentucky Highway 55 from the Indiana-Kentucky State line over Kentucky Highway 55 to the junction of U.S. Highway 127, thence over U.S. Highway 127 to the Kentucky-Tennessee State line, and Columbus, Cincinnati, Dayton, Mansfield, Massillon, Akron, Canton, Wooster, Ashland, Galion, Lima, Findlay, Toledo, Sandusky, Lorain, Elyria, Avon, Cleveland, Marion, and Bryan, Ohio. The purpose of this filing is to eliminate the gateway of Defiance or Union City, Ohio.

No. MC–114019 (Sub-No. E237), filed May 20, 1974. Applicant: MIDWEST

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EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: (1) *Meats, meat products, meat by-products, dairy products*, and *edible articles distributed by meat packinghouses* as defined by the Commission, from St. Louis, Mo., to points in Pennsylvania (except points on and south of U.S. Highway 22, and on and west of U.S. Highway 219 and Philadelphia and Scranton); and (2) *Meats, meat products, meat by-products*, and *articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides in commodities in bulk), from St. Louis, Mo., to points in Maine, New Hampshire, Vermont, Delaware (except Wilmington), Maryland (except Baltimore and points on and west of U.S. Highway 15), and points in Virginia on and east of U.S. Highway 250 from the West Virignia-Virginia State line to junction U.S. Highway 15, thence U.S. Highway 15 to the Virginia-North Carolina State line. The purpose of this filing is to eliminate the gateway of Pittsburgh, Pa.

No. MC–114019 (Sub-No. E238), filed May 20, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asbestos*, scrap; *asphalt*, liquid or solid, in packages; *automobile body panels*, fibreboard, not covered, with cut-outs, or of shape other than rectangular, painted or not painted, loaded on platforms or wooden skids; *blocks*, mastic (asphalt flooring, compound); *board*, fibreboard and pulpboard (impregnated with asphalt), in rectangular shapes, without cut-outs painted or not painted, loaded on wooden platform or wooden skids; *boards*, asphalt composition, paving, or flooring; *boards*, wall, asbestos; *board*, wall, fibreboard, pulpboard, or strawboard; *burlap*, bituminized, in packages; *caps*, roofing, tin, in packages; *carpet lining*, paper, including felt paper palin, other than indented; *cement*, asbestos, in packages; *cement*, composition or asbestos; *cement*, furnace, in packages; *cement*, tile, liquid; *cement*, roofing, in packages; *cement*, magnesia; *clamps*, metal in packages; *clips*, metal; *cloth*, cotton, saturated with asbestos; *coating*, roof, having asbestos, pitch tar or rosin base, in packages; *conduits*, bituminized fibre; *creosote*, in packages; *eave filler strips*, asphalt composition; *fasteners*, metal, in packages; *felt*, building or roofing, saturated, or unsaturated; *felts*, paper fabrics saturated, and/or coated; *flashing blocks*, asphalt composition; *insulating material*, asbestos, or felt paper, in forms or shapes other than solid flat blocks or solid flat sheets; *millboard*, asbestos, in packages; *mineral wool* (rock or slag wool), metal reinforced, in packages; *mineral wool* (rock or slag wool), plain saturated, with or without paper backs, in batts or other than batts, in packages; *mortar or cement*, high temperature bonding, N.O.I. in packages; *nails*, in packages; *packing*, asbestos, braid or wick, in packages; *paint*, asphaltum, in packages; *paint*, coal tar, in packages; *paper*, asbestos, and/or other than asbestos, building roofing or sheathing, plain or saturated; *paper*, building, roofing or sheathing saturated or unsaturated; *paving joints*, expansion (asphalt or asphalt base); *paving joints*, expansion, (rubber composition); *pipe*, cement, containing asbestos fibre; *pitch*, roofing, in packages; *planks*, asphalt composition, paving or flooring; *ridge rolls*, asbestos, in packages; *roofing*, composition or prepared; *roofing*, or sheathing, asbestos hard, corrugated; *sheathing*, asbestos, hard flat, ornamented or not ornamented, polished or shaped, with or without fibre-board center or back, and/or air-cell paper center; *shingles*, asbestos, hard, (artificial stone shingles or slate), in bundles; *shingles*, asbestos; *shingles*, asphalt asbestos or composition; *sheathing; shorts*, asbestos; *siding*, asbestos; *siding*, asphalt; *slabs*, concrete, building of roofing; *straps*, tin, with fasteners, in packages; *tar*, roofing, in packages; *tile*, asphalt, composition, floor; and *wood preservatives*, in packages, from Chicago Heights, Ill. to points in Colorado, Kansas, North Dakota, South Dakota, points in Nebraska (except those in Dodge, Saunders, Washington, Douglas, and Sarpy Counties) points in that part of Minnesota, on and north of a line beginning at the Iowa-Minnesota State line and extending north along Minnesota Highway 15 to junction Minnesota Highway 60, thence east along Minnesota Highway 60 to Minnesota Highway 58, thence north along Minnesota Highway 58 to Redwing, Minn., and to points in Kentucky and Tennessee. The purpose of this filing is to eliminate the gateway of North Judson, Ind.

No. MC–114019 (Sub-No. E239), filed May 20, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Asphalt and composition roofing products, composition boards and insulating materials* (except commodities in bulk) from Edgewater and Carteret, N.J.; Pittston, Pa., the plantsite and facilities of Celotex Corporation at or near Philadelphia and Sunbury, Pa., and New York, N.Y., to points in Colorado, North Dakota, South Dakota, Nebraska, Kansas, Minnesota, Iowa, Wisconsin, and Missouri, restricted to the transportation of traffic moving in mixed loads with the commodities and from the named origins. (2) *Composition boards*, from Deposit, N.Y. to points in Colorado, North Dakota, South Dakota, Nebraska, Kansas, Minnesota, Iowa, Wisconsin, and Missouri. The purpose of this filing is to eliminate the gateway of North Judson, Ind.

No. MC–114019 (Sub-No. E240), filed May 20, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, as classified in the appendix to the report in *Modification of Permits of Motor Contract Carriers of Packinghouse Products*, 46 M.C.C. 23, between points in Minnesota and those in Missouri on and west of U.S. Highway 54 from the Illinois-Missouri State line to Jefferson City, thence U.S. Highway 63 to the Missouri-Arkansas State line on the one hand, and, on the other, points in New York, New Jersey, Rhode Island, Connecticut, and Massachusetts, restricted to the transportation of shipments moving from, to, or between food-processing plants, or warehouses or other facilities of such plants. The purpose of this filing is to eliminate the gateway of Muscatine, Iowa.

No. MC–114019 (Sub-No. E241), filed May 20, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt*, liquid or solid; *Boards*, fibreboard and/or pulpboard, impregnated with asphalt, painted or not painted; *Board*, wall, fibreboard, pulpboard, or strawboard, not impregnated with asphalt; *Caps*, roofing, tin; *Cement*, roofing; *Clamps*, metal; *Coating*, roof, having asbestos, pitch, tar, or rosin base; *Creosote; Fasteners*, metal; *Felts*, building or roofing, saturated or unsaturated; *Insulating materials*, asbestos or felt paper; *Nails; Paint*, asphaltum; *Paint*, coal tar; *Paper*, building, roofing, or sheathing, saturated, unsaturated; *Pitch*, roofing; *Roofing*, composition or prepared; *Siding*, asphalt; *Shingles*, asphalt, asbestos, or composition; *Sheathing; Straps*, tin, with fasteners; and *Tar*, roofing; from Chicago Heights, Ill., to points in Maine, Vermont, New Hampshire, Massachusetts, Rhode Island, New Jersey, Delaware, points in that part of New York, on and east of a line beginning at the New York-Pennsylvania State line, thence north along New York Highway 14 to junction New York Highway 13, thence north along New York Highway 13 to junction U.S. Highway 11, thence north along U.S. Highway 11, to New York Highway 13, thence west along New York Highway 13 to Port Ontario, points in that part of Maryland, Virginia, and North Carolina, on and east of a line beginning at the Pennsylvania-Maryland State line and extending south along U.S. Highway 81 to junction U.S. Highway 70, thence south along U.S. Highway 70 to junction U.S. Highway 15, thence south along U.S. Highway 15 to junction U.S. Highway 17, thence south along U.S. Highway 17 to junction U.S. Highway 95, thence south along U.S. Highway 95 to junction North Carolina Highway 58, thence south along North Carolina Highway 58 to Onslow Bay, and the District of Columbia. The purpose of this filing is to eliminate the gateway points in Ohio, and Sunbury, Pa.

No. MC–114019 (Sub-No. E242), filed May 20, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles*, distributed by meat packinghouses as classified in the appendix to the report in *Modification of Permit of Motor Contract Carriers of Packinghouse Products*, 46 M.C.C. 23, between points in New York, Rhode Island, Connecticut, and Massachusetts, on the one hand, and, on the other, points in West Virginia in and west of Hancock, Brooke, Ohio, Marshall, Wetzel, Doddridge, Gilmer, Broxton, Clay, Kanawha, Boone, Logan, and Mingo Counties. The purpose of this filing is to eliminate the gateway of Youngstown, Ohio.

No. MC–114019 (Sub-No. E244), filed May 12, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, in vehicles equipped with mechanical refrigeration, from points in New York and New Jersey within 40 miles of City Hall, New York, N.Y., to points in Michigan and Kentucky, and those in West Virginia on and west of Interstate Highway 77 to its junction with U.S. Highway 119 and U.S. Highway 119 to the West Virginia-Kentucky State line. The purpose of this filing is to eliminate the gateways of Jersey City, N.J., and Pittsburgh, Pa.

No. MC–114019 (Sub-No. E247), filed May 17, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides), in mechanically refrigerated vehicles, from the plant site of Missouri Beef Packers, Inc., at or near Phelps City, Mo., to points in Kentucky on and east of Kentucky Highway 61. The purpose of this filing is to eliminate the gateway of Union City, Ohio.

No. MC–114019 (Sub-No. E248), filed May 13, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods, and foods not frozen* when transported in the same vehicle with frozen foods, in vehicles equipped with mechanical refrigeration, from Cleveland, Ohio, to Nashville, Tenn., restricted to the transportation of shipments moving from, to, or between warehouses or other facilities of wholesale food business houses. The purpose of this filing is to eliminate the gateway of Louisville, Ky.

No. MC–114019 (Sub-No. E249), filed May 13, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glassware and paper cartons* used in the packing and shipping of glass containers, from Sparrows Point and Baltimore, Md., New York, N.Y., and points within 30 miles of New York, N.Y., points in that part of New Jersey, Delaware, and Maryland, which are located within 30 miles of Philadelphia, Pa., and points in West Virginia, on and north of U.S. Highway 50, and Pennsylvania on and south of U.S. Highway 22 to points in Indiana, the Lower Peninsula of Michigan, and those points in Kentucky on and west of Interstate Highway 65, points in Missouri, Wisconsin, Illinois, and Iowa. The purpose of this filing is to eliminate the gateways of Zanesville, Ohio, and Richmond, Ind.

No. MC–114019 (Sub-No. E250), filed May 13, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods, and foods not frozen* when transported in the same vehicle with frozen foods, in vehicles equipped with mechanical refrigeration, from Sparrows Point and Baltimore, Md., points in Connecticut, within 30 miles of New York, N.Y., those in New Jersey within 40 miles of City Hall, New York, N.Y., points in that part of New Jersey, Delaware, and Maryland, within 30 miles of Philadelphia, Pa., and those in West Virginia to points in Iowa, Nebraska, South Dakota, and North Dakota. The purpose of this filing is to eliminate the gateway points in Ohio and Chicago, Ill.

No. MC–117119 (Sub-No. E38), filed May 24, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *Frozen foods*, from points in California north of the southern boundaries of Santa Cruz, Santa Clara, Merced, Mariposa, Tuolumne, and Mono Counties to Fort Smith, Little Rock, and Russellville, Ark., points in that part of Arkansas on and north of Interstate Highway 40, and Memphis, Tenn. The purpose of this filing is to eliminate the gateway of Franklin, Idaho.

No. MC–117119 (Sub-No. E37), filed May 24, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in that part of California north of the southern boundaries of Santa Cruz, Santa Clara, Merced, Mariposa, Tuolumne, and Mono Counties to points in Kansas and Missouri. The purpose of this filing is to eliminate the gateway of Franklin, Idaho.

No. MC–117119 (Sub-No. E90), filed May 15, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, and *edible* articles distributed by meat packinghouses, as described in Sections A and C of Appendix I to the report in *Descriptions In Motor Carrier Certificates*, 61 M.C.C. 209 and 766, and dairy products (except commodities in bulk, in tank vehicles), in vehicles equipped with mechanical refrigeration, (a) from points in Kenosha, Racine, Milwaukee, Waukesha, Washington, Ozaukee, Sheboygan, Manitowoc, Brown, and Kewaunee Counties, Wis., to points in Texas on and south of a line beginning at the Arkansas-Texas State line at Texarkana and extending along Interstate Highway 30 to Dallas, thence along U.S. Highway 80 to Fort Worth, thence along U.S. Highway 180 to the New Mexico-Texas State line, to points in New Mexico on and south of a line beginning at the New Mexico-Texas State line, to points in New Mexico on and south of a line beginning at the New Mexico-Texas State line and extending along U.S. Highway 82 to Las Cruces thence along U.S. Highway 70–80 to the Arizona-New Mexico State line, to points in Cochise, Pima, and Yuma Counties, Ariz., and to points in Imperial, San Diego, Riverside, Orange, and Los Angeles Counties, Calif.; (b) from points in Walworth, Rock, Green, Dane, Jefferson, Calumet, Dodge, Columbia, Fond du Lac, Winnebago, Outagamie, and Green Lake Counties, Wisconsin to points in Texas on, south and east of a line beginning at the Arkansas-Texas State line at Texarkana and extending along Interstate Highway 30 to Dallas, thence along U.S. Highway 80 to Pecos, thence along Texas Highway 17 to Marfa, thence along U.S. Highway 67 to Presidio and the United States-Mexico International Boundary line. The purpose of this filing is to eliminate the gateway of Blytheville, Ark., and Jackson, Tenn.

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No. MC–117119 (Sub-No. E91), filed May 15, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Illinois on and south of a line beginning at the Missouri-Illinois State line at Alton and extending eastward along Illinois Highway 140 to junction Interstate Highway 70, thence along Interstate Highway 70 to the Illinois-Indiana State line (except Mound City) to points in Arizona, California, Nevada, and New Mexico. The purpose of this filing is to eliminate the gateway of Springdale, Ark.

No. MC–117119 (Sub-No. E94), filed May 15, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned or preserved foodstuffs*, from points in that part of Illinois on and south of a line beginning at the Missouri-Illinois State line at Alton and extending eastward along Illinois Highway 140 to junction Interstate Highway 70, thence along Interstate Highway 70 to the Illinois-Indiana State line (except Mound City) to points in Idaho, Oregon, Utah, Washington, Montana, Wyoming, Nebraska, and Kansas (except points in Cherokee County). The purpose of this filing is to eliminate the gateway of California, Mo.

No. MC–117119 (Sub-No. E95), filed May 15, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except dairy products, and except commodities in bulk, in tank vehicles), from points in Illinois on and south of a line beginning at the Missouri-Illinois State line at Alton and extending eastward along Illinois State Highway 140 to junction Interstate Highway 70, thence along Interstate Highway 70 to the Illinois-Indiana State line (except Mound City) to points in Idaho and Utah. The purpose of his filing is to eliminate the gateway of Springdale, Ark.

No. MC–117119 (Sub-No. E102), filed May 15, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Lower Peninsula of Michigan to points in Arizona, California, New Mexico, and Las Vegas, Reno, and Carson City, Nev. The purpose of this filing is to eliminate the gateway of Fayetteville, Ark.

No. MC–117119 (Sub-No. E103), filed May 15, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from East St. Louis, Ill., to points in Arizona, California, Nevada, and New Mexico. The purpose of this filing is to eliminate the gateway of Springdale, Ark.

No. MC–117119 (Sub-No. E105), filed May 15, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from East St. Louis, Ill., to points in Texas and points in that part of Oklahoma south and west of a line beginning at the Arkansas-Oklahoma State line and extending westward along Oklahoma Highway 33 to junction U.S. Highway 177, thence along U.S. Highway 177 to the Oklahoma-Kansas State line. The purpose of this filing is to eliminate the gateway of Van Buren, Ark.

No. MC–117119 (Sub-No. E106), filed May 15, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in the Lower Peninsula of Michigan to points in Oklahoma and Texas. The purpose of this filing is to eliminate the gateway of Van Buren, Ark. (within the Fort Smith, Ark., commercial zone).

No. MC–117119 (Sub-No. E107), filed May 15, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from points in the lower Peninsula of Michigan to points in Arizona, California, New Mexico, and to Reno, Carson City, and Las Vegas, Nev. The purpose of this filing is to eliminate the gateway of Siloam Springs, Ark.

No. MC–117119 (Sub-No. E108), filed May 15, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from East St. Louis, Ill., to points in Arizona, California, New Mexico, and Nevada. The purpose of this filing is to eliminate the gateway of Springdale, Ark.

No. MC–117119 (Sub-No. E109), filed May 15, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, (a) from points in Oklahoma and south of a line begining at the Missouri-Illinois State line at Alton and extending eastward along Illinois State Highway 140 to junction with Interstate Highway 70, thence along Interstate Highway 70 to the Illinois-Indiana State line (except Mound City) to points in Oklahoma and to points in Texas on and west of a line beginning at the Oklahoma-Texas State line and extending southward along U.S. Highway 75 to Huntsville, thence along Texas Highway 30 to Navosota, thence along Texas Highway 6 to Hempstead, thence along Texas Highway 159 to Bellville, thence along Texas Highway 36 to junction with Texas Highway 60, thence along Texas Highway 60 to Matagorda, thence along Texas Farm Road 2031 to the Gulf of Mexico; (b) from points in Illinois on and south of a line beginning at the Missouri-Illinois State line at Alton and extending eastward along Illinois State Highway 140 to junction with Interstate Highway 70, thence along Interstate Highway 70 to the Illinois-Indiana State line (except points in Madison, St. Claire, Monroe, Randolph, Jackson, Union, Alexander, Perry, Pulaski, Johnson, Massac, Pope, Hardin, Williamson, Saline, Gallatin, Franklin, Hamilton, White, Washington, Clinton, Mt. Vernon, Wayne, Edwards, and Wabash Counties, to points in Texas east of a line beginning at the Oklahoma-Texas State line and extending southward along U.S. Highway 75 to Huntsville, thence along Texas Highway 30 to Navosota, thence along Texas Highway 6 to Hempstead, thence along Texas Highway 159 to Bellville, thence along Texas Highway 36 to junction with Texas Highway 60, thence along Texas Highway 60 to Matagorda, thence along Texas Farm Road 2031 to the Gulf of Mexico. The purpose of this filing is to eliminate the gateways of Springdale, Ark., and Westville, Okla.

No. MC–117119 (Sub-No. E110), filed May 15, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in that part of Iowa on and west of U.S. Highway 169 to points in Alabama. The purpose of this filing is to eliminate the gateway of Little Rock, Ark.

No. MC–117119 (Sub-No. E111), filed May 15, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned or preserved foodstuffs*, from points in Grant, Crawford, Vernon, La Crosse, Trempealeau, Buffalo, Eau Claire, Pepin, Pierce, Dunn, St. Croix, Chippewa, Polk, Barron, Burnett, Washburn, Douglas, Rusk, Sawyer, Bayfield, Ashland, and Price Counties, Wis., to points in Georgia. The purpose of this filing is to eliminate the gateway of Hoxie, Ark.

No. MC–117119 (Sub-No. E112), filed May 15, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Cleveland, Ohio to points in Colorado (except points in Sedgewick, Phillips, Logan, Yuma, Washington, Morgan, Weld, Adams, and Arapahoe Counties). The purpose of this filing is to eliminate the gateway of Fayetteville, Ark.

No. MC–117119 (Sub-No. E113), filed May 15, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Chicago, Ill., to Jackson, Tenn. The purpose of this filing is to eliminate the gateway of Blytheville, Ark.

No. MC–117119 (Sub-No. E114), filed May 15, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Cleveland, Ohio to points in Oklahoma and Texas. The purpose of this filing is to eliminate the gateway of Van Buren, Ark. (within the Fort Smith, Ark. commercial zone).

No. MC–117119 (Sub-No. E115), filed May 15, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *Common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* (except frozen meats), from Omaha, Nebraska to points in Delaware, New Jersey, Maryland, and the District of Columbia, points in Adams, York, Lancaster, Dauphin, Lebanon, Chester, Delaware, Philadelphia, Bucks, Montgomery, Berks, Schuylkill, Lehigh, Northampton, Carbon, Luzerne, Monroe, Lackawanna, Pike, and Wayne Counties, Pa., and points in Richmond, Kings, New York, Queens, Nassau, Suffolk, Westchester, Rockland, Orange, Putnam, Ulster, Dutchess, Greene, Schenectady, Columbia, Albany, Rensselaer, Saratoga, Washington, Warren, Essex, and Clinton Counties, N.Y. The purpose of this filing is to eliminate the gateways of St. Joseph, Mo., Rulo, Nebr., and Kansas City, Mo.

No. MC–117119 (Sub-No. E116), filed May 15, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared and preserved foodstuffs*, in containers, from the plantsites and storage facilities of Jeno's Inc., at Duluth, Minn., to points in Georgia and Florida. The purpose of this filing is to eliminate the gateway of Hoxie, Ark.

No. MC–117119 (Sub-No. E117), filed May 15, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Peoria, Streaton, Washington, Morton, and Eureka, Ill., to points in Arizona, California, New Mexico, and Reno, Carson City, and Las Vegas, Nev. The purpose of this filing is to eliminate the gateway of Fayetteville, Ark.

No. MC–117119 (Sub-No. E119), filed May 15, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, (a) From points in Illinois north of a line beginning at the Missouri-Illinois State line at Alton and extending eastward along Illinois Highway 140 to junction with Interstate Highway 70, thence along Interstate Highway 70 to the Illinois-Indiana State line (except Blue Island, Chicago, Eola, Eureka, Gibson City, Hoopeston, Peoria, Rossville, Streator, South Holland, and Washington) to points in Arizona, New Mexico, and to points in California on and south of Interstate Highway 80 (except points in Nevada, Placer, El Dorado, Alpine, Amador, Calaveras, Sacramento, San Joaquin, Solano, and Contra Costa Counties); (b) from points in Illinois north of a line beginning at the Missouri-Illinois State line at Alton and extending eastward along Illinois State Highway 140 to junction with Interstate Highway 70, thence along Interstate Highway 70 to the Illinois-Indiana State line (except Blue Island, Chicago, Eola, Eureka, Gibson City, Hoopeston, Peoria, Rossville and Washington and points in Jo Daviess, Stephenson, Winnebago, Boone, De Kalb, Ogle, Carroll, Whiteside, Lee, Rock Island, Henry, Bureau, La Salle, Putnam Marshall, Stark, Peoria, Knox, Warren, Henderson, Hancock, McDonough, and Fulton Counties) to Reno, Carson City, and Las Vegas, Nevada and points in California north of Interstate Highway 80 (except points in Modoc, Lassen, and Plumas Counties). The purpose of this filing is to eliminate the gateway of Springdale, Ark.

No. MC–117119 (Sub-No. E120), filed May 15, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Illinois north of a line beginning at the Missouri-Illinois State line at Alton and extending eastward along Illinois Highway 140 to junction with Interstate Highway 70, thence along Interstate Highway 70 to the Illinois-Indiana State line (except Blue Island, Chicago, Eola, Eureka, Gibson City, Hoopeston, Peoria, Rossville, Streator, South Holland, and Washington) to points in Oklahoma (except points in Cimarron, Texas, Beaver, Harper, and Ellis Counties) and to points in Texas on and south of Interstate Highway 40, restricted against the transportation of frozen foods from points in Madison, Jersey, Calhoun, Greene, Pike, Adams, Hancock, Henderson, Mercer, and Warren Counties, Ill., to points in Ottawa, Delaware, Mayes, Craig, Nowata, Rogers, Washington, and Tulsa Counties, Okla. The purpose of this filing is to eliminate the gateway of Van Buren, Ark.

No. MC–117119 (Sub-No. E121), filed May 15, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, (a) From points in Illinois north of a line beginning at the Missouri-Illinois State line at Alton and extending eastward along Illinois Highway 140 to junction with Interstate Highway 70; thence along Interstate Highway 70 to the Illinois-Indiana State line to points in Arizona, New Mexico, and to points in California on and south of Interstate Highway 80 (except points in Nevada, Placer, El Dorado, Alpine, Amador, Calaveras, Sacramento, San Joaquin, Solano, and Contra Costa Counties), (b) From points in Illinois north of a line beginning at the Missouri-Illinois State line at Alton and extending eastward along Illinois Highway 140 to junction with Interstate Highway 70, thence along Interstate Highway 70 to the Illinois-Indiana State line (except points in Jo Daviess, Stephenson, Winnebago, Boone, DeKalb, Ogle, Carroll, Whiteside, Lee, Rock Island, Henry, Bureau, LaSalle, Putman, Marshall, Stark, Knox, Warren, Henderson, Hancock, McDonough, and Fulton Counties) to Reno, Carson City, and Las Vegas, Nevada and points in California north of Interstate Highway 80 (except points in Modoc, Lassen, and Plumas Counties). The purpose of this filing is to eliminate the gateway of Siloam Springs, Ark.

No. MC–117119 (Sub-No. E123), filed May 15, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned or preserved foodstuffs*, (a) from points in Illinois north of a line beginning at the Missouri-Illinois State line at Alton and

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extending westward along Illinois Highway 140 to junction with Interstate Highway 70, thence along Interstate Highway 70 to the Illinois-Indiana State line (except points in Jo Daviess, Stephenson, and Carroll Counties) to points in Idaho, Oregon, Utah, Washington, and Kansas; (b) from points in Jo Daviess, Stephenson, and Carroll Counties, Ill., to points in Utah, Oregon, points in Washington on and west of Interstate Highway 5 and to points in Kansas (except points in Cheyenne, Rawlins, Sherman, and Thomas Counties). The purpose of this filing is to eliminate the gateway of California, Mo.

No. MC–117119 (Sub-No. E125), filed May 15, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except dairy products, and commodities in bulk), from points in Illinois north of a line beginning at the Illinois-Missouri State line at Alton and extending along Illinois Highway 140 to junction with Interstate Highway 70, thence eastward along Interstate Highway 70 to the Illinois-Indiana State line and on and south of a line beginning at the Illinois-Missouri State line at Pike and extending along U.S. Highway 54 to junction with U.S. Highway 36, thence eastward along U.S. Highway 36 to Decatur, thence along Illinois State Highway 47 and Interstate Highway 72 to Champaign, thence along U.S. Highway 150 to the Illinois-Indiana State line, to points in Oregon, points in Washington on and west of Interstate Highway 5, and Reno, Carson City, and Las Vegas, Nevada. The purpose of this filing is to eliminate the gateway of Springdale, Ark.

No. MC–117119 (Sub-No. E126), filed May 15, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, (a) from points in Houston, Fillmore, Mower, Freeborn, Winona, Olmsted, Dodge, and Steele Counties, Minn., to points in Washington, Oregon, and Idaho. (b) from points in Goodhue and Dakota Counties and Minneapolis and St. Paul, Minn., to points in Oregon, and points in Owyhee, Ada, Canyon, Elmore, Gooding, Twin Falls, Cassia, Jerome, Minidoka, Power, Oneida, Bannock, Bingham, Bonneville, Fremont, Madison, Teton, Payette, and Gem Counties, Idaho. The purpose of this filing is to eliminate the gateway of Hastings, Nebr.

No. MC–117119 (Sub-No. E127), filed May 15, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from Fort Smith, Ark., to points in Oklahoma, Louisiana, and Texas. The purpose of this filing is to eliminate the gateway of Spiro, Okla.

No. MC–117119 (Sub-No. E128), filed May 15, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from Springdale, Lowell, and Johnson, Ark., to points in Texas, Louisiana, and Oklahoma (except points in Ottawa, Delaware, Mayes, Craig, Nowata, Rogers, Tulsa, and Washington Counties). The purpose of this filing is to eliminate the gateway of Westville, Okla.

No. MC–117119 (Sub-No. E129), filed May 8, 1974. Applicant: WILLIS SHAW FROZEN FOOD, P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, in vehicles equipped with mechanical refrigeration, from Athens, Ala., and Bells, Humboldt, and Jackson, Tenn., to points in Colorado. The purpose of this filing is to eliminate the gateway of Springdale, Ark., and Westville, Okla.

No. MC–117119 (Sub-No. E130), filed May 8, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen bakery goods*, from Chicago and Deerfield, Ill., to points in Arkansas and Tennessee. The purpose of this filing is to eliminate the gateway of LaPorte, Ind.

No. MC–117119 (Sub-No. E136), filed May 8, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meat and frozen dairy products* (except commodities in bulk, in tank vehicles), from points in Wisconsin to points in Oklahoma east of Oklahoma Highway 34 and points in Texas on and south of U.S. Highway 66. The purpose of this filing is to eliminate the gateway of Van Buren, Ark.

No. MC–117119 (Sub-No. E137), filed May 8, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meat and frozen dairy products* (except commodities in bulk, in tank vehicles), from points in Wisconsin to points in New Mexico, Arizona, California, Colorado, Utah, and Nevada. The purpose of this filing is to eliminate the gateway of St. Joseph, Mo.

No. MC–117119 (Sub-No. E138), filed May 8, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meat and frozen dairy products*, from points in Wisconsin on and south of Wisconsin Highway 29 to points in Washington, Oregon, and Idaho. The purpose of this filing is to eliminate the gateway of Hastings, Nebr.

No. MC–117119 Sub-No. E139), filed May 8, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Belvedere, Ill., to points in Arizona, California, New Mexico, and Las Vegas, Nev. The purpose of this filing is to eliminate the gateway of Fayetteville, Ark.

No. MC–117119 (Sub-No. E161), filed May 8, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Crozet, Va., to points in Arizona, California, Wyoming, Nevada, New Mexico, and Utah. The purpose of this filing is to eliminate the gateway of St. Joseph, Mo.

No. MC–118755 (Sub-No. E1), filed May 3, 1974. Applicant: S. S. CIEUTAT dba CIEUTAT PRODUCE CO., Riverdale, Ga. Applicant's representative: Monty Schumacher, Suite 310, Bankers Fidelity Life Building, 2045 Peachtree Road NE., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, (a) from Miami and Port Everglades, Fla., to Birmingham, Montgomery, and Tuscaloosa, Ala., Knoxville, Nashville, and Morristown, Tenn., and Greenville, S.C.; (b) from Tampa, Fla., to Birmingham, Ala., Morristown, Tenn., and Greenville, S.C.; (c) from Mobile, Ala., to Chattanooga, and Morristown, Tenn.; (d) from New Orleans, La., to Columbia, S.C., and Chattanooga, Tenn.; (e) from Charleston, S.C., to Mobile and Montgomery, Ala., and Chattanooga and Nashville, Tenn.; (f) from Gulfport, Miss., to Chattanooga, Morristown, and Knoxville, Tenn., and Columbia, S.C. The purpose of this filing is to eliminate the gateway of Atlanta, Ga.

No. MC–123639 (Sub-No. E4), filed May 14, 1974. Applicant: J. B. MONTGOMERY, INC., 5150 Brighton Blvd., Denver, Colo. 80216. Applicant's representative: John F. DeCock, (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products* and *meat by-products*, and *articles distributed by meat-packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, except commodities in bulk, in tank or hopper-type vehicles, from points in that part of Kansas south of U.S. Highway 40, and on and north of Kansas Highway 68 from the Kansas-Missouri State line near Louisburg, to junction U.S. Highway 50 at Ottawa, thence on and north of U.S. Highway 50 to junction Kansas Highway 150 near Elmdale, thence on and north of Kansas Highway 150 to junction U.S. Highway 56, thence on and north of U.S. Highway 56 to Great Bend, thence on and north of Kansas Highway 96 to the Kansas-Colorado State line, to points in Arizona except points in that part of Arizona on and east of U.S. Highway 89 and north of U.S. Highway 66, and that part of Arizona east of Arizona Highway 87 from Winslow to Mesa, thence east of Arizona Highway 93 to Casa Grande, thence east of unnumbered highway from Casa Grande to Quijotoa, thence south of Arizona Highway 86 to junction Arizona Highway 85, thence east of Arizona Highway 85 to the United States-Mexico International Boundary line. The purpose of this filing is to eliminate the gateway of Denver, Colo.

No. MC–123639 (Sub-No. E5), filed May 14, 1974. Applicant: J. B. MONTGOMERY, INC., 5150 Brighton Blvd., Denver, Colo. 80216. Applicant's representative: John F. DeCock (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products and vegetable food products*, from points in Iowa, Nebraska, those in that part of Illinois north of a line extending from a point on the Missouri-Illinois State line directly west of Springfield, Ill., through Springfield to the Illinois-Indiana State line, and those in Kansas on and north of U.S. Highway 40 to points in Arizona. The purpose of this filing is to eliminate the gateway of Denver, Colo.

No. MC–123639 (Sub-No. E6), filed May 14, 1974. Applicant: J. B. MONTGOMERY, INC., 5150 Brighton Blvd., Denver, Colo. 80216. Applicant's representative: John F. DeCock (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, except commodities in bulk, in tank or hopper-type vehicles, from Scottsbluff, Nebr., to points in that part of Illinois on and east of U.S. Highway 51 from the Illinois-Wisconsin State line near South Beloit, Ill., to Bloomington, thence on and north of Illinois Highway 9 to the Illinois-Indiana State line. The purpose of this filing is to eliminate the gateway of points in that part of Illinois located in the Gary, Ind., commercial zone.

No. MC–123639 (Sub-No. E7), filed May 14, 1974. Applicant: J. B. MONTGOMERY, INC., 5150 Brighton Blvd., Denver, Colo. Applicant's representative: John F. DeCock (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Packinghouse products and dairy products*, except commodities in bulk, in tank or hopper-type vehicles, from points in Iowa, Nebraska, that part of Colorado on, north, and east of a line along, U.S. Highway 34 from the Colorado-Kansas State line to junction U.S. Highway 6 at Fort Morgan, thence along U.S. Highway 6 to Denver, thence along Colorado Highway 1 to junction U.S. Highway 87 at or near Wellington, thence along U.S. Highway 87 to the Wyoming-Colorado State line, that part of Illinois north of a line extending from a point on the Missouri-Illinois State line directly west of Springfield, through Springfield, to the Illinois-Indiana State line, and that part of Kansas on and north of U.S. Highway 36 east of a line along U.S. Highway 81 from the Kansas-Oklahoma State line to Wichita, thence along Kansas Highway 96 to Hutchinson, thence along Kansas Highway 61 to junction U.S. Highway 81 near McPherson, thence along U.S. Highway 81 to junction U.S. Highway 36 near Belleville to Colorado Springs, Colo. The purpose of this filing is to eliminate the gateway of Denver. Colo.

No. MC–123639 (Sub-No. E8), filed May 14, 1974. Applicant: J. B. MONTGOMERY, INC., 5150 Brighton Blvd., Denver, Colo. 80216. Applicant's representative: John F. DeCock (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Packinghouse products and dairy products*, except commodities in bulk, in tank or hopper-type vehicles, from points in Iowa, Nebraska, that part of Colorado on, north, and east of a line along U.S. Highway 34 from the Colorado-Kansas State line to junction U.S. Highway 6 at Ft. Morgan, thence along U.S. Highway 6 to Denver, thence along Colorado Highway 1 to junction U.S. Highway 87 at or near Wellington, thence along U.S. Highway 87 to the Wyoming-Colorado State line, that part of Illinois north of a line extending from a point on the Missouri-Illinois State line, directly west of Springfield, through Springfield to the Illinois-Indiana State line, and that part of Kansas on, north, and east of a line along U.S. Highway 40 from the Kansas-Missouri State line to Topeka, thence along U.S. Highway 24 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction U.S. Highway 36, thence along U.S. Highway 36 to the Kansas-Colorado State line, to Pueblo, Colo. The purpose of this filing is to eliminate the gateway of Denver, Colo.

No. MC–123639 (Sub-No. E9), filed May 14, 1974. Applicant: J. B. MONTGOMERY, INC., 5150 Brighton Blvd., Denver, Colo. 80216. Applicant's representative: John F. DeCock (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides, dry acids and chemicals, in bulk, and liquid commodities, in bulk, in tank vehicles), from the plant site of storage facilities of Griffith Provision Company, Inc., at or near Downs, Kans., to points in California, Idaho, Oregon, Utah, and Washington. The purpose of this filing is to eliminate the gateway of Minden, Nebr.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74–14431 Filed 6–21–74;8:45 am]

[Notice No. 87]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JUNE 14, 1974.

The following are notices of filing of application; except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC–67 (49 CFR 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 409 (Sub-No. 54 TA), filed June 6, 1974. Applicant: SCHROETLIN TANK LINE, INC., Mlg.: P.O. Box 511, Off Saunders Ave. & Highway 6, Sutton, Nebr. 68979. Applicant's representative: Patrick E. Quinn, 605 South 14th Street, Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid feed and feed supplements*, from Blair, Nebr., to points in Iowa, Illinois, Missouri, Kansas, Minnesota, Wisconsin, North Dakota,

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South Dakota, Colorado, Wyoming, Oklahoma, and Ports of Entry on the Boundary between the United States and Canada located in North Dakota and Minnesota, for 180 days. SUPPORTING SHIPPER: R. H. Ifft, Regional Manager, Ruminant Nitrogen Products Company, 128 South 17th St., Box 450, Blair, Nebr. 68008. SEND PROTESTS TO: Max H. Johnston, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 320 Federal Building & Court House, Lincoln, Nebr. 68508.

No. MC 22229 (Sub-No. 86 TA), filed June 7, 1974. Applicant: TERMINAL TRANSPORT CO., INC., 248 Chester Avenue, SE., Atlanta, Ga. 30316. Applicant's representative: Harold H. Clokey, 1740 The Equitable Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods and materials, supplies, equipment and ingredients* used in the manufacturing, packaging and distribution of frozen foods (except in bulk), between the plant and warehouse facilities of the Quaker Oats Company in or near Jackson, Tenn., on the one hand, and, on the other, points in Alabama, Florida, Georgia, Illinois, Indiana, Kentucky, Massachusetts, Michigan, Missouri, and Ohio, restricted to traffic originating at or destined to the plant or warehouse facilities of the Quaker Oats Company in or near Jackson, Tenn., for 180 days.

NOTE: Applicant states that it will tack with Docket No. MC 22229. SUPPORTING SHIPPER: The Quaker Oats Company, Merchandise Mart Plaza, Chicago, Ill. 60654. SEND PROTESTS TO: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1252 W. Peachtree St., NW., Room 309, Atlanta, Ga. 30309.

No. MC 41404 (Sub-No. TA), filed May 31, 1974. Applicant: ARGO-COLLIER TRUCK LINES CORPORATION, P.O. Box 440, Fulton Highway, Martin, Tenn. 38237. Applicant's representative: Mark L. Horne, P.O. Box 440, Fulton Highway, Martin, Tenn. 38237. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, and agricultural commodities* exempt from economic regulation under Section 203(b)(6) of the Act, when transported in mixed shipments with bananas, from Mobile, Ala., to points in Alabama, Arizona, Arkansas, Georgia, Iowa, Kansas, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, South Dakota, and Tennessee, restricted to the transportation of traffic having an immediate prior move by water, for 180 days. SUPPORTING SHIPPER: Del Monte Banana Company, 1201 Brickell Avenue, Miami, Fla. 33101. SEND PROTESTS TO: District Supervisor Floyd A. Johnson, Interstate Commerce Commission, Bureau of Operations, 435 Federal Office Building, 167 North Main Street, Memphis, Tenn. 38103.

No. MC 59531 (Sub-No. 97 TA), filed June 6, 1974. Applicant: AUTO CONVOY CO., 3020 South Haskell Avenue, Dallas, Tex. 75223. Applicant's representative: Walter N. Bieneman, 100 West Long Lake Road, Suite 102, Bloomfield Hills, Mich. 48013. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles, trucks, and buses* as described in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, in secondary movements, in truckaway service, from the import facilities of Volkswagen of America, Inc., at Houston, Tex., to points in Colorado and Wyoming, for 180 days. SUPPORTING SHIPPER: Volkswagen of America, Inc., South Central Region, 10443 Gulfdale Drive, P.O. Box 2207, San Antonio, Tex. 78298. SEND PROTESTS TO: District Supervisor Gerald T. Holland, Interstate Commerce Commission, Bureau of Operations, 1100 Commerce Street, Room 13C12, Dallas, Tex. 75202.

No. MC 95540 (Sub-No. 902 TA), filed June 7, 1974. Applicant: WATKINS MOTOR LINES, INC., 1940 Monroe Road, Atlanta, Ga. 30342. Applicant's representative: Jerome F. Marks, P.O. Box 1636, Atlanta, Ga. 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plantsite of and storage facilities utilized by American Beef Packers, Inc., at or near Cactus, Tex. (Moore County), to points in Colorado, North Dakota, South Dakota, Nebraska, Kansas, Missouri, Iowa, Minnesota, Wisconsin, Illinois, Indiana, Kentucky, Michigan, and Ohio, restricted to traffic originating at and destined to the named points, for 180 days. SUPPORTING SHIPPER(S): American Beef Packers, Inc., 7000 W. Center Road, Omaha, Nebr. SEND PROTESTS TO: William L. Scroggs, District Supervisor, 1252 West Peachtree Street NW., Room 309, Atlanta, Ga. 30309.

No. MC 106674 (Sub-No. 136 TA), filed June 4, 1974. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, Ind. 47977. Applicant's representative: Jerry L. Johnson (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime*, in bulk, from the plantsite and facilities of Ashgrove Cement Company at or near Springfield, Mo., to the plantsite of the Johns-Manville Products Corporation at Richmond, Ind., for 180 days. SUPPORTING SHIPPER: Johns-Manville Products Corp., Waukegan, Ill. 60085. SEND PROTESTS TO: J. H. Gray, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 345 W. Wayne St., Room 204, Ft. Wayne, Ind. 46802.

No. MC 107403 (Sub-No. 902 TA), filed June 7, 1974. Applicant: MATLACK, INC., Ten W. Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor fuel antiknock compound*, from: Baton Rouge, La. to Seattle, Wash., for 180 days. SUPPORTING SHIPPER: J. E. Helseth, Manager International Transportation, Ethyl Corporation, 451 Florida, Baton Rouge, La. 70801. SEND PROTESTS TO: Ros A. Davis, District Supervisor, Interstate Commerce Commission, Federal Bldg., 600 Arch Street, Room 3238, Philadelphia, Pa. 19106.

No. MC 107839 (Sub-No. 156 TA) (AMENDMENT), filed April 19, 1974, published in the FEDERAL REGISTER issue of April 26, 1974, and republished as amended this issue. Applicant: DENVER-ALBUQUERQUE MOTOR TRANSPORT, INC., 2121 East 67th Avenue, Denver, Colo. 80216. Applicant's representative: Edward T. Lyons, Jr., 1600 Lincoln Center Building, Denver, Colo. 80203.

NOTE.—The purpose of this republication is to add the state of South Carolina, as a destination point, which was omitted in previous publication. The rest of the application will remain as published in the FEDERAL REGISTER.

No. MC 109689 (Sub-No. 270 TA), filed June 6, 1974. Applicant: W. S. HATCH CO., 643 South 800 West, Woods Cross, Utah 84087. Applicant's representative: Mark K. Boyle, 345 South State Street, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulfuric acid*, from San Manuel, Ariz., to points in Colorado, New Mexico, and Texas, for 180 days. SUPPORTING SHIPPERS: Newmont Mining Corporation, 300 Park Avenue, New York, N.Y. (Mark E. Emerson, Minerals & Transport Economist) and Phillips Petroleum Company, 66 Bovet Road, San Mateo, Calif. 94402 (Charles G. Adler, Assistant Regional District Director). SEND PROTESTS TO: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 125 South State Street, 5301 Federal Building, Salt Lake City, Utah 84138.

No. MC 109689 (Sub-No. 271 TA), filed June 6, 1974. Applicant: W. S. HATCH CO., 643 South 800 West, Woods Cross, Utah 84087. Applicant's representative: Mark K. Boyle, 345 South State Street, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulfuric acid*, from San Manuel, Ariz., to points in California, Nevada, and Utah, for 180 days. SUPPORTING SHIPPERS: Phillips Petroleum Company, 66 Bovet Road, San Mateo, Calif. 94402 (Charles G. Adler, Assistant Regional District Director) and Newmont Mining Corporation, 300 Park Avenue, New York, N.Y. (Mark E. Emerson, Minerals and Transport Economist). SEND PROTESTS TO: District Supervisor Lyle D. Helfer, Interstate

Commerce Commission, Bureau of Operations, 5301 Federal Building, 125 South State Street, Salt Lake City, Utah 84138.

No. MC 109689 (Sub-No. 272 TA), filed June 6, 1974. Applicant: W. S. HATCH CO., 643 South 800 West, Woods Cross, Utah 84087. Applicant's representative: Mark K. Boyle, 345 South State Street, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk (except petro chemicals and sulfuric acid), from points in Pima and Maricopa Counties, Ariz., to points in Nevada and Utah, for 180 days. SUPPORTING SHIPPERS: Kerley Chemical Corporation of Arizona, 2801 West Osborn Road, Phoenix, Ariz. 85017 (F. L. Blake, Jr., Operations, Manager) and Chemical Distributors, doing business as, Arizona Agro-Chemical Company, 2602 South 24th Street, Phoenix, Ariz. 85034 (F. G. Stork, Traffic Manager). SEND PROTESTS TO: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 5301 Federal Building, 125 South State Street, Salt Lake City, Utah 84138.

No. MC 109689 (Sub-No. 273 TA), filed June 6, 1974. Applicant: W. S. HATCH CO., Off.: 643 South 800 West Woods Cross, Utah 84087. Applicant's representative: Mark K. Boyle, 345 South State Street, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Industrial chemicals and feed supplements*, in bulk (except petrochemicals, paint, lacquer thinner, varnish, turpentine, phosphoric acid and sulfuric acid), from points in Pima and Maricopa Counties, Ariz., to points in California, for 180 days. SUPPORTING SHIPPERS: Kerley Chemical Corporation of Arizona, 2801 West Osborn Road, Phoenix, Ariz. 85017 (F. L. Blake, Jr., Operations Manager); Chemical Distributors, doing business as, Arizona Agro-Chemical Company, 2602 South 24th Street, Phoenix, Ariz. 85034. SEND PROTESTS TO: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 5301 Federal Building, 125 South State Street, Salt Lake City, Utah 84138.

No. MC 111729 (Sub-No. 444 TA), filed June 5, 1974. Applicant: PUROLATOR COURIER CORP., 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: John M. Delany (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *ophthalmic goods, and business papers and records related thereto*, between Hobart, Ind., on the one hand, and, on the other, Battle Creek, Benton Harbor, Buchanan, Cassopolis, Kalamazoo, Niles, St. Joseph, and Three Rivers, Mich.; Calumet City, Dolton, Lansing, Mendelein, South Chicago and South Holland, Ill.; (2) *business papers, records, audit and accounting media of all kinds*, between Cleveland, Ohio, on the one hand, and, on the other, Sharon and Lower Burrell, Pa.; and (3) *government documents, bid sheets, proposals and business papers, records, audit and accounting media of all kinds*, (a) between Bethlehem, Pa., on the one hand, and, on the other, Oakland, Salisbury, Hagerstown, Cumberland and Westminster, Md.; and (b) between Bethlehem and Philadelphia, Pa., on traffic having a prior or subsequent movement by air, for 180 days. SUPPORTING SHIPPERS: Uniroyal Tire and Auto Service, 3333 Fannin Street, Houston, Tex., Don A. Ray, Regional Manager; Urban Research & Development Corp., Dodson Building, 528 North New Street, Bethlehem, Pa. 18018; Collie Optical Laboratory, Inc., 101 E. 3rd Street, Hobart, Ind. 46342, Richard F. Kruse, Vice President. SEND PROTESTS TO: Anthony D. Giaimo, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 26 Federal Plaza, Rm. 1807, New York, N.Y. 10007.

No. MC 112617 (Sub-No. 317 TA), filed June 5, 1974. Applicant: LIQUID TRANSPORTERS, INC., P.O. Box 21395. Louisville, Ky. 40221. Applicant's representative: Bruce H. Kraemer (same address as applicant). Authority sougt to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bituminous materials*, in bulk, in tank vehicles, from Louisville, Ky., to points in Indiana, for 180 days. SUPPORTING SHIPPER: Dee D. Armstrong, Head Distribution, Chevron Asphalt Company, P.O. Box 38014, Cincinnati, Ohio 45238. SEND PROTESTS TO: Wayne L. Merilatt, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 426 Post Office Building, Louisville, Ky. 40202.

No. MC 112854 (Sub-No. 34 TA), filed June 5, 1974. Applicant: HOLLEBRAND TRUCKING, INC., P.O. Box 164, Ontario Center, N.Y. 14520. Applicant's representative: S. Michael Richards, 44 North Avenue, Webster, N.Y. 14580. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Manufactured dairy products and fresh salads*, (1) from Binghamton, N.Y., to Richmond and Norfolk, Va.; Charlotte and Raleigh, N.C.; Charleston and Columbia, S.C.; Atlanta, Statesboro, Thomasville and Valdosta, Ga. and (2) from LaFargeville, Arkport and Binghamton, N.Y., to points in Florida (except as presently authorized), for 180 days. SUPPORTING SHIPPER: Crowley Foods, Inc., Binghamton, N.Y. SEND PROTESTS TO: Morris H. Gross, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 104, 301 Erie Blvd., West, Syracuse, N.Y. 13202.

No. MC 114969 (Sub-No. 47 TA), filed May 31, 1974. Applicant: PROPANE TRANSPORT, INC., P.O. Box 232, 1734 State Route 131, Milford, Ohio 45150. Applicant's representative: James M. Roudebush (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum crude oil*, in bulk, in tank vehicles, from points in Scott and Morgan Counties, Tenn., to Ashland Pipe Line Company's facilities at or near Ravenna, Estill County, Falcon in Magoffin County, and Lebanon Junction, Bullitt County, Ky., for 180 days. SUPPORTING SHIPPER: Ashland Oil, Inc., Box 391, Ashland, Ky. 41101. SEND PROTESTS TO: Paul J. Lowry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5514-B Federal Building, 550 Main Street, Cincinnati, Ohio 45202.

No. MC 115496 (Sub-No. 25 TA), filed June 7, 1974. Applicant: LUMBER TRANSPORT, INC., P.O. Box 111, Cochran, Ga. 31014. Applicant's representative: Virgil H. Smith, 1587 Phoenix Blvd., Suite 12, Atlanta, Ga. 30349. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from the plantsite and warehouses of Building Products Division of Gilman Paper Company at Laurens and Pierce Counties, Ga., to points in Alabama, Mississippi, North Carolina, South Carolina, Virginia, and Tennessee (Shelby County only), for 180 days. SUPPORTING SHIPPER: Building Products, Division Gilman Paper Company, P.O. Box 520, St. Marys, Ga. 31558. SEND PROTESTS TO: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Buerau of Operations, 1252 West Peachtree Street NW., Room 309, Atlanta, Ga. 30309.

No. MC 115762 (Sub-No. 6 TA), filed June 6, 1974. Applicant: KENTUCKY WESTERN TRUCK LINES, INC., P.O. Box 623, Hopkinsville, Ky. 42240. Applicant's representative: Richard D. Gleaves, 601 Stahlman Building, Nashville, Tenn. 37201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ties* (crossties, switch ties and railroad ties), treated and untreated, between the following points and their commercial zones, on the one hand: Puryear, Paris, McKenzie, Huntingdon, Lexington, Jackson, Henderson, Savannah, Selmer, and Bolivar, Tenn., and Corinth, Miss., and its commercial zone; and, on the other hand, Carbondale, Ill., and its commercial zone, for 180 days. SUPPORTING SHIPPER: Mr. Clinton E. Appleby, Assistant Manager Traffic Services, Koppers Company, Inc., 350 Koppers Building, Pittsburgh, Pa. 15219. SEND PROTESTS TO: District Supervisor Wayne L. Merilatt, Interstate Commerce Commission, Bureau of Operations, 426 Post Office Building, Louisville, Ky. 40202.

No. MC 117068 (Sub-No. 30 TA), filed June 7, 1974. Applicant: MIDWEST HARVESTORE TRANSPORT, INC., 2118 17th Avenue NW., Rochester, Minn. 55901. Applicant's representative: Paul F. Sullivan, 711 Washington Bldg., 15th and New York Ave., NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle,

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over irregular routes, transporting: *Feedlot flooring*, from Girard, Ohio, to points in Minnesota, Iowa, Nebraska, Illinois, Wisconsin, South Dakota, and North Dakota, for 180 days. SUPPORTING SHIPPER: Pal, Inc., P.O. Box 75, Sioux Falls, S. Dak. 57101. SEND PROTESTS TO: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building & U.S. Court House, 110 S. 4th Street, Minneapolis, Minn. 55401.

No. MC 119639 (Sub-No. 14TA), filed June 6, 1974. Applicant: INCO EXPRESS, INC., 3600 South 124th, Seattle, Wash. 98168. Applicant's representative: Victor Di Pietro, 3600 South 124th, Seattle, Wash. 98168. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cloth or fabric coated with plastic, and liquid plastic, in containers*, from Saugus, Los Angeles County, Calif., to ports of entry on the International Boundary Line between the United States and Canada at or near Blaine and Sumas, Wash., restricted to transportation having a subsequent movement in foreign commerce, for 180 days. SUPPORTING SHIPPER: E. I. Du Pont De Nemours & Company, 1007 Market St., Wilmington, Del. SEND PROTESTS TO: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 6049 Federal Office Bldg., Seattle, Wash. 98104.

No. MC–119669 (Sub-No. 49 TA), filed May 30, 1974. Applicant: TEMPCO TRANSPORTATION, INC., 546 South 31A, P.O. Box 886, Columbus, Ind. 47201. Applicant's representative: Jack H. Blanshan, 29 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, and agricultural commodities* exempt from economic regulation under Section 203(b)(6) of the Act, when transported in mixed loads with bananas, from Mobile, Ala., to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, Tennessee, and Wisconsin, restricted to the transportation of traffic having an immediate prior move by water, for 180 days. SUPPORTING SHIPPER: Del Monte Banana Company, 1201 Brickell Avenue, Miami, Fla. 33101. SEND PROTESTS TO: James W. Habermehl, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 802 Century Bldg., 36 S. Penn. St., Indianapolis, Ind. 46204.

No. MC–120543 (Sub-No. 76 TA), filed June 7, 1974. Applicant: FLORIDA REFRIGERATED SERVICE, INC., 1405 U.S. Highway, Dade City, Fla. 33525. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Road NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Imported coffee*, in vehicles equipped with mechanical refrigerations, from Miami, Fla., to Los Angeles and its commercial zone, and points in the Los Angeles Harbor Zone as defined by the Commission, and San Francisco and Oakland, Calif., and their commercial zones, for 180 days. SUPPORTING SHIPPER: Econocaribe Consolidators, Inc., 2929 NW. 73rd St., Miami, Fla. 33147. SEND PROTESTS TO: District Supervisor G. H. Fauss, Jr., Interstate Commerce Commission, Bureau of Operations, Box 35008, 400 W. Bay Street, Jacksonville, Fla. 32202.

No. MC–123099 (Sub-No. 7 TA), filed June 7, 1974. Applicant: HOWARD ANDERSON, doing business as ANDERSON'S TRUCKING COMPANY, R.D. 4, Box 11, Wellsboro, Pa. 16901. Applicant's representative: S. Michael Richards, 44 North Avenue, Webster, N.Y. 14580. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, from Rochester, N.Y., to points in Columbia, Snyder, Schuylkill, Montour, Union, and Susquehanna Counties, Pa., for 180 days. SUPPORTING SHIPPER: B. K. Norris, 216 Erie Street, Susquehanna, Pa. 18847, and Durdach Bros., Inc., Paxinos, Pa. SEND PROTESTS TO: Paul J. Kenworthy, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 309 U.S. Post Office Building, Scranton, Pa. 18503.

No. MC–124170 (Sub-No. 36 TA), filed June 7, 1974. Applicant: FROSTWAYS, INC., 3900 Orleans, Detroit, Mich. 48207. Applicant's representative: William J. Boyd, 2900 South LaSalle St., Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas and agricultural commodities* exempt from economic regulations under Section 203(b)(6) of the Act, when transported in mixed loads with bananas, from Mobile, Ala., to points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maine, Massachusetts, Maryland, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia, for 180 days. SUPPORTING SHIPPER: Del Monte Banana Company, 1201 Brickell Avenue, Miami, Fla. 33101. SEND PROTESTS TO: Melvin F. Kirsch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1110 Broderick Tower, 10 Witherell Avenue, Detroit, Mich. 48226.

No. MC 128220 (Sub-No. 11 TA), filed June 7, 1974. Applicant: RALPH LATHAM, doing business as LATHAM TRUCKING COMPANY, P.O. Box 508, Burnside, Ky. 42519. Applicant's representative: John M. Nader, P.O. Box 4, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Charcoal, charcoal briquettes, vermiculite, hickory chips, fireplace logs, lighter fluid and spices and sauces* used in outdoor cooking, from the plant site and storage facilities of Kingsford Charcoal, at Burnside, Ky., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont, for 180 days. SUPPORTING SHIPPER: Levern N. Forseth, Traffic Manager, Kingsford, Company, P.O. Box 1033, Louisville, Ky. 40201. SEND PROTESTS TO: R. W. Schneiter, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 222 Bakhaus Building, 1500 West Main Street, Lexington, Ky. 40505.

No. MC 129282 (Sub-No. 21 TA), filed June 5, 1974. Applicant: BERRY TRANSPORTATION, INC., P.O. Box 2147, Longview, Tex. 75601. Applicant's representative: Fred S. Berry, P.O. Box 2147, Longview, Tex. 75601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and materials and supplies* used in the manufacture and distribution thereof, from Galveston, Tex., and New Orleans, La., to points in Arkansas, Louisiana, and Mississippi.

NOTE.—Carrier does not intend to tack authority, for 180 days. SUPPORTING SHIPPER: Falstaff Brewing Corp., 5050 Oakland Avenue, St. Louis, Mo. 63166. SEND PROTESTS TO: District Supervisor Gerald T. Holland, Interstate Commerce Commission, 1100 Commerce Street, Room 13C12, Dallas, Tex. 75202.

No. MC 133119 (Sub-No. 50 TA) (AMENDMENT), filed April 4, 1974, published in the FEDERAL REGISTER issue of April 19, 1974, and republished as amended this issue. Applicant: HEYL TRUCK LINES, INC., 235 Mill Street, P.O. Box 206, Akron, Iowa 51001. Applicant's representatives: Roger Heyl (same address as above) and A. J. Swanson, 521 So. 14 Street (P.O. Box 81849), Lincoln, Nebr. 68501.

NOTE.—The purpose of this republication is to add the state of North Dakota, as a destination point, which was omitted in previous publication. The rest of the application will remain as published in the FEDERAL REGISTER.

No. MC 133574 (Sub-No. 17 TA), filed June 5, 1974. Applicant: TREK EXPRESS LTD., a Corporation, 6036 Metcalf Lane, Shawnee Mission, Kans. 66202. Applicant's representative: Bill Clark, 6025 Metcalf Lane, Shawnee Mission, Kans. 66202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas and agricultural commodities* exempt from economic regulation under Section 203(b)(6) of the Act, when transported in mixed loads with bananas, from Mobile, Ala., to points in California, Colorado, Illinois, Iowa, Kansas, Minnesota, Missouri, North Dakota, Nebraska, Oklahoma, Oregon, South Dakota, Washington, and Wisconsin, restricted to traffic having an immediate prior move by water, for 180 days. SUPPORTING SHIPPER: Del Monte Banana Company, 1201 Brickell Ave., Miami, Fla. 33101. SEND PROTESTS TO: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 135007 (Sub-No. 42 TA), filed June 7, 1974. Applicant: AMERICAN TRANSPORT, INC., 7850 "F" Street, Omaha, Nebr. 68127. Applicant's representative: Frederick J. Coffman, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Carpet padding* and *materials and supplies* used in the installation thereof (except commodities in bulk), from Grafton, W. Va. and Dyersburg Tenn., to points in Arizona, Arkansas, California, Colorado, Idaho, Iowa, Kansas, Louisiana, Missouri, Montana, Nebraska, Nevada, New Mexico, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming, under continuing contract with William Volker and Company for 180 days. SUPPORTING SHIPPER: William Volker & Company, W. P. Tarter, Vice President–Transportation, 945 California, Burlingame, Calif. 94010. SEND PROTESTS TO: Carroll Russell, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Suite 620, Union Pacific Plaza Building, 110 North 14th Street, Omaha, Nebr. 68102.

No. MC 138065 (Sub-No. 3 TA), filed June 5, 1974. Applicant: LOUIS BOLOGNA, doing business as LOU BOLE CARPET CARRIERS, 230 Green Street, Brooklyn, N.Y. 11222. Applicant's representative: Michael R. Werner, 2 West 45th Street, New York, N.Y. 10036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Floor covering and materials, supplies and equipment used in the installation thereof* (except commodities in bulk), between New York, N.Y., on the one hand, and, on the other, points in Westchester County, N.Y., for 180 days. RESTRICTION: The operations herein are restricted to inside deliveries. SUPPORTING SHIPPERS: Saxony Carpet Co., Inc. 979 3rd Avenue, New York, N.Y. 10022; Kenmore, 979 3rd Avenue, New York, N.Y. 10022; Rosecore Carpet Co., Inc., 979 3rd Avenue, New York, N.Y. 10022; Stark Carpet Corp., 979 3rd Avenue, New York, N.Y. 10022. SEND PROTESTS TO: Marvin Kampel, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, Rm. 1807, New York, N.Y. 10007.

No. MC 139193 (Sub-No. 10 TA), filed June 5, 1974. Applicant: ROBERTS & OAKE, INC., 208 South LaSalle St., Chicago, Ill. 60604. Applicant's representative: Jacob P. Billig, 1126 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products and meat by-products*, as defined by the Commission in Sections A, B, and C of Appendix I to the *report in Descriptions in Motor Certificates*, 61 M.C.C. 209 and 766 (except hides and liquid commodities in bulk), (2) *such commodities* as are used by meat packers in the conduct of their business: between the plantsite and storage facilities of John Morrell & Co., Sioux Falls, S. Dak., and points in Illinois and Wisconsin, restricted to traffic transported under contracts with John Morrell & Co., for 180 days. SUPPORTING SHIPPER: Robert L. Lee, Manager, Rates & Services, John Morrell & Company, 208 South LaSalle St., Chicago, Ill. 60604. SEND PROTESTS TO: William J. Gray, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 139624 (Sub-No. 2 TA), filed June 7, 1974. Applicant: J. J. MINNEHAN, INC., P.O. Box 369, Rockingham Road, Bellows Falls, Vt. 05101. Applicant's representative: Frederick T. O'Sullivan, 622 Lowell Street, Peabody, Mass. 01960. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Water*, in bulk, in tank vehicles, from Westerly, R.I., to Groton, Conn., for 180 days. SUPPORTING SHIPPER: General Dynamics Corporation, Electric Boat Division, Eastern Point Road, Groton, Conn. 06340. SEND PROTESTS TO: District Supervisor Paul D. Collins, Interstate Commerce Commission, Bureau of Operations, P.O. Box 548, Montpelier, Vt. 05602.

No. MC 139801 (Sub-No. 1 TA), filed June 7, 1974. Applicant: GARRETT RV TRANSPORT, INC., 301 S. Lake Lamond, Longview, Tex. 75601. Applicant's representative: Austin L. Hatchell, 1102 Perry Brooks Bldg., Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *recreational camping trailer* (excluding mobile homes), in truckaway service only, (1) from Grapevine, Tex., to points in Arkansas, Colorado, Kansas, Louisiana, Mississippi, Missouri, Nebraska, New Mexico, Oklahoma, and Tennessee; (2) from Longview, Tex., to points in Alabama, Arkansas, Colorado, Florida, Georgia, Kansas, Louisiana, Mississippi, Missouri, New Mexico, Oklahoma, and Tennessee; and (3) from Waco, Tex., to points in Arkansas, Colorado, Kansas, Louisiana, Mississippi, Missouri, New Mexico, Oklahoma, and Tennessee, for 180 days. Note: Applicant does not intend to tack authority. SUPPORTING SHIPPER: Terry Industries of Texas, Inc., 2901 E. Industrial Road, P.O. Box 1607, Waco, Tex. 76703. SEND PROTESTS TO: District Supervisor Gerald T. Holland, Interstate Commerce Commission, Bureau of Operations, 1100 Commerce Street, Room 13C12, Dallas, Tex. 75202.

WATER CARRIER APPLICATION

No. W–497 (Sub-No. 10 TA), filed June 5, 1974. Applicant: UNITED STATES LINES, INC., One Broadway, New York, N.Y. 10004. Applicant's representative: Stuart R. Breidbart (same address as applicant). Authority sought to operate as a *common carrier*, by water, transporting: *Passengers and commodities generally*, between the Atlantic Port of Savannah, Ga. and the Pacific coast ports of Los Angeles Harbor and San Francisco, Calif., by regular service in the intercoastal trade via the Panama Canal, for 180 days. SUPPORTING SHIPPERS: There are approximately 13 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. SEND PROTESTS TO: Paul W. Assenza, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-14428 Filed 6-21-74;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

JUNE 19, 1974.

An application, as summarized below has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with rule 40 of the general rules of practice (49 CFR 1100.40) and filed on or before July 9, 1974.

AGGREGATE-OF-INTERMEDIATES

FSA No. 42843—*Hydrochloric (Muriatic) Acid and Manganese Ore from and to Points in Texas.* Filed by Southwestern Freight Bureau, Agent, (No. B–470), for interested rail carriers. Rates on acid, hydrochloric (muriatic), in tank-car loads, and manganese ore, in carloads, as described in the application, from, to and between points in Texas, over interstate routes through adjoining states.

Grounds for relief—Maintenance of depressed rates published to meet intrastate competition without use of such rates as factors in constructing combination rates.

Tariff—Supplement 52 to Southwestern Freight Bureau, Agent, tariff 87–J (TLFB Series), I.C.C. No. 1159. Rates are published to become effective on July 17, 1974.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-14427 Filed 6-21-74;8:45 am]

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[Notice 535]

ASSIGNMENT OF HEARINGS

JUNE 19, 1974.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after June 24, 1974.

No. 35976, Commutation Fares, Hudson Transit Lines, Inc., now assigned July 15, 1974, at New York, N.Y., is postponed to September 9, 1974, in Room E-2222, 26 Federal Plaza, New York, New York.

MC-2229 Sub 179, Red Ball Motor Freight, Inc., now assigned July 8, 1974, at Denver, Colo., will be held at the Continental Denver Hotel, Valley Highway and Speer Blvd., instead of in Room 595, Federal Courthouse, 1927 Stout Street.

MC-128383 Sub-44, Pinto Trucking Service, Inc., now assigned July 17, 1974, at Washington, D.C., is postponed indefinitely.

MC-1672 Sub-81, Ashworth Transfer, Inc., and MC-125433 Sub-41, F-B Truck Line Company, now assigned July 15, 1974 at San Francisco, Calif., will be continued to July 22, 1974, at the Airport Marina Hotel, 8601 Lincoln Blvd., Los Angeles, California.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-14426 Filed 6-21-74;8:45 am]

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PART II



DEPARTMENT OF LABOR

Occupational Safety and Health Administration

■

CONSTRUCTION SAFETY AND HEALTH REGULATIONS

No. 122—Pt. II——1

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Title 29—Labor

CHAPTER XVII—OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR

PART 1926—OCCUPATIONAL SAFETY AND HEALTH REGULATIONS FOR CONSTRUCTION

Pursuant to authority in sections 6 and 8(g) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1593, 1600 (29 U.S.C. 655, 657)), in Secretary of Labor's Order No. 12–71 (36 FR 8754), and in Section 107 of the Contract Work Hours and Safety Standards Act, as amended (83 Stat. 96; 40 U.S.C. 333), Part 1926 of Title 29 Code of Federal Regulations is hereby republished in its entirety. The purpose of this republication is to update the present occupational safety and health standards for construction by incorporating all changes made up to June 3, 1974, and thereby improve their usefulness and facilitate their enforcement.

Since this republication does not make any substantive change in the standards, it is not necessary to provide notice of proposed rulemaking, opportunity for public participation therein, nor any delay in the effective date under either section 6(b) of the Williams-Steiger Occupational Safety and Health Act of 1970 or 5 U.S.C. 553. For the same reason, good cause is found for not following the regular procedure for rulemaking and for making this republication effective immediately.

Signed at Washington, D.C. this 28th day of May, 1974.

JOHN STENDER,
Assistant Secretary of Labor.

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Appendix I.

AUTHORITY: Sec. 1, 83 Stat. 96, 97, adding sec. 107 to Pub. L. 87-581, 76 Stat. 357; (40 U.S.C. 333).

SOURCE: 37 FR 22503 and 37 FR 27599, Dec. 16, 1972, unless otherwise noted.

Subpart A—General

§ 1926.1 Purpose and scope.

(a) This part sets forth the safety and health standards promulgated by the Secretary of Labor under section 107 of the Contract Work Hours and Safety Standards Act. The standards are published in Subpart C of this part and following subparts.

(b) Subpart B of this part contains statements of general policy and interpretations of section 107 of the Contract Work Hours and Safety Standards Act having general applicability.

§ 1926.2 Variances from safety and health standards.

(a) Variances from standards which are, or may be, published in this part may be granted under the same circumstances whereunder variances may be granted under section 6(b)(A) or 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970 (29 U.S.C. 65). The procedures for the granting of variances and for related relief under this part are those published in Part 1905 of this title.

(b) Any requests for variances under this section shall also be considered requests for variances under the Williams-Steiger Occupational Safety and Health Act of 1970, and any requests for variances under Williams-Steiger Occupational Safety and Health Act with respect to construction safety or health standards shall be considered to be also variances under the Construction Safety Act. Any variance from a construction safety or health standard which is contained in this part and which is incorporated by reference in Part 1910 of this title shall be deemed a variance from the standard under both the Construction Safety Act and the Williams-Steiger Occupational Safety and Health Act of 1970.

§ 1926.3 Inspections—right of entry.

(a) It shall be a condition of each contract which is subject to section 107 of the Contract Work Hours and Safety Standards Act that the Secretary of Labor or any authorized representative shall have a right of entry to any site of contract performance for the following purposes:

(1) To inspect or investigate the matter of compliance with the safety and health standards contained in Subpart C of this part and following subparts; and

(2) To carry out the duties of the Secretary under section 107(b) of the Act.

(b) For the purpose of carrying out his investigative duties under the Act, the Secretary of Labor may, by agreement, use with or without reimbursement the services, personnel, and facilities of any State or Federal agency. Any agreements with States under this section shall be similar to those provided for under the Walsh-Healey Public Contracts Act under 41 CFR Part 50-205.

§ 1926.4 Rules of practice for administrative adjudications for enforcement of safety and health standards.

(a) The rules of practice for administrative adjudications for the enforcement of the safety and health standards contained in Subpart C of this part and the following subparts shall be the same as those published in Part 6 of this title with respect to safety and health violations of the Service Contract Act of 1965 (69 Stat. 1035), except as provided in paragraph (b) of this section.

(b) In the case of debarment, the findings required by section 107(d) of the Act shall be made by the hearing examiner or the Assistant Secretary of Labor for Occupational Safety and Health, as the case may be. Whenever, as provided in section 107(d)(2), a contractor requests termination of debarment before the end of the 3-year period prescribed in that section, the request shall be filed in writing with the Assistant Secretary of Labor for Occupational Safety and Health who shall publish a notice in the FEDERAL REGISTER that the request has been received and afford interested persons an opportunity to be heard upon the request, and thereafter the provisions of Part 6 of this title shall apply with respect to prehearing conferences, hearings and related matters, and decisions and orders.

Subpart B—General Interpretations

§ 1926.10 Scope of subpart.

(a) This subpart contains the general rules of the Secretary of Labor interpreting and applying the construction safety and health provisions of section 107 of the Contract Work Hours and Safety Standards Act (83 Stat. 96). Section 107 requires as a condition of each contract which is entered into under legislation subject to Reorganization Plan Number 14 of 1950 (64 Stat. 1267), and which is for construction, alteration, and/or repair, including painting and decorating, that no contractor or subcontractor contracting for any part of the contract work shall require any laborer or mechanic employed in the performance of the contract to work in surroundings or under working conditions which are unsanitary, hazardous, or dangerous to his health or safety, as determined under construction safety and health standards promulgated by the Secretary by regulation.

§ 1926.11 Coverage under section 103 of the act distinguished.

(a) *Coverage under section 103.* It is important to note that the coverage of section 107 differs from that for the overtime requirements of the Contract Work Hours and Safety Standards Act. The application of the overtime requirements is governed by section 103, which, subject to specific exemptions, includes (1) Federal contracts requiring or involving the employment of laborers or mechanics (thus including, but not limited to, contracts for construction), and (2) contracts assisted in whole or in part by Federal loans, grants, or guarantees under any statute "providing wage standards for such work." The statutes "providing wage standards for such work" include statutes for construction which require the payment of minimum wages in accordance with prevailing wage findings by the Secretary of Labor in accordance with the Davis-Bacon Act. A provision to section 103 excludes from the overtime requirements work where the Federal assistance is only in the form of a loan guarantee or insurance.

(b) *Coverage under section 107.* To be covered by section 107 of the Contract Work Hours and Safety Standards Act, a contract must be one which (1) is entered into under a statute that is subject to Reorganization Plan No. 14 of 1950 (64 Stat. 1267); and (2) is for "construction, alteration, and/or repair, including painting and decorating."

§ 1926.12 Reorganization Plan No. 14 of 1950.

(a) *General provisions.* Reorganization Plan No. 14 of 1950 relates to the prescribing by the Secretary of Labor of "appropriate standards, regulations, and procedures" with respect to the enforcement of labor standards under Federal and federally assisted contracts which are subject to various statutes subject to the Plan. The rules of the Secretary of Labor implementing the Plan are published in Part 5 of this title. Briefly, the statutes subject to the Plan include the Davis-Bacon Act, including its extension to Federal-aid highway legislation subject to 23 U.S.C. 113, and other statutes subject to the Plan by its original terms, statutes by which the Plan is expressly applied, such as the Contract Work Hours Standards Act by virtue of section 104(d) thereof.

(b) *The Plan.* (1) The statutes subject to Reorganization Plan No. 14 of 1950 are cited and briefly described in the remaining subparagraphs of this paragraph. These descriptions are general in nature and not intended to convey the full scope of the work to be performed under each statute. The individual statutes should be resorted to for a more detailed scope of the work.

(2) *Federal-Aid Highway Acts.* The provisions codified in 23 U.S.C. 113 apply to the initial construction, reconstruction, or improvement work performed by contractors or subcontractors on highway projects on the Federal-aid systems, the primary and secondary, as well as their extensions in urban areas, and the Interstate System, authorized under the highway laws providing for the expenditure of Federal funds upon the Federal-aid system. As cited in 41 Op. A.G. 488, 496, the Attorney General ruled that the Federal-Aid Highway Acts are subject to Reorganization Plan No. 14 of 1950.

(3) *National Housing Act (12 U.S.C. 1713, 1715a, 1715e, 1715k, 1715l(d) (3) and (4), 1715v, 1715w, 1715x, 1743, 1747, 1748, 1748h-2, 1750g, 1715l(h) (1), 1715z (j) (1), 1715z-1, 1715y(d), Subchapter 1x-A and 1x-B, 1715z-7).* This act covers construction which is financed with assistance by the Federal Government through programs of loan and mortgage insurance for the following purposes:

(i) Rental Housing—Section 1713 provides mortgage and insurance on rental housing of eight or more units and on mobile-home courts.

(ii) Section 1715a—Repealed.

(iii) Cooperative Housing—Section 1715e authorizes mortgage insurance on cooperative housing of five or more units as well as supplementary loans for improvement of repair or resale of memberships.

(iv) Urban Renewal Housing—Section 1715k provides mortgage insurance on single family or multifamily housing in approved urban renewal areas.

(v) Low or Moderate Income Housing—Section 1715L(d) (3) and (4) insures mortgages on low-cost single family or multifamily housing.

(vi) Housing for Elderly—Section 1715v provides mortgage insurance on rental housing for elderly or handicapped persons.

(vii) Nursing Homes—Section 1715w authorizes mortgage insurance on nursing home facilities and major equipment.

(viii) Experimental Housing—Section 1715x provides mortgage insurance on single family or multifamily housing with experimental design of materials.

(ix) War Housing Insurance—Section 1743 not active.

(x) Yield Insurance—Section 1747 insures investment returns on multifamily housing.

(xi) Armed Services Housing—Section 1748b to assist in relieving acute shortage and urgent need for family housing at or in areas adjacent to military installations.

(xii) Defense Housing for Impacted Areas—Section 1748h-2 provides mortgage insurance on single family or multifamily housing for sale or rent primarily to military or civilian personnel of the Armed Services, National Aeronautics and Space Administration, or Atomic Energy Commission.

(xiii) Defense Rental Housing—Section 1750g provides for mortgage insurance in critical defense housing areas.

(xiv) Rehabilitation—Section 1715L(h)(1) provides mortgage insurance for nonprofit organizations to finance the purchase and rehabilitation of deteriorating or substandard housing for subsequent resale to low-income home purchasers. There must be located on the property five or more single family dwellings of detached, semidetached, or row construction.

(xv) Homeowner Assistance—Section 1715Z(j)(1) authorizes mortgage insurance to nonprofit organizations or public bodies or agencies executed to finance sale of individual dwellings to lower income individuals or families. Also includes the rehabilitation of such housing if it is deteriorating or substandard for subsequent resale to lower income home purchasers.

(xvi) Rental Housing Assistance—Section 1715Z-1 authorizes mortgage insurance and interest reduction payments on behalf of owners of rental housing projects designed for occupancy by lower income families. Payments are also authorized for certain State or locally aided projects.

(xvii) Condominium Housing—Section 1715y(d) provides mortgage insurance on property purchased for the development of building sites. This includes waterlines and water supply installations, sewer lines and sewage disposal installations, steam, gas, and electrical lines and installations, roads, streets, curbs, gutters, sidewalks, storm drainage facilities, and other installations or work.

(xviii) Group Medical Practice Facilities—Subchapter LX-B authorizes mortgage insurance for the financing of construction and equipment, of facilities for group practice of medicine, optometry, or dentistry.

(xix) Nonprofit Hospitals—1715z-7 authorizes mortgage insurance to cover new and rehabilitated hospitals, including initial equipment.

(4) *Hospital Survey and Construction Act, as amended by the Hospital and Medical Facilities Amendments of 1964 (42 U.S.C. 291e).* The provisions of this Act cover construction contracts made by State or local authorities or private institutions under Federal grant-in-aid programs for the construction of hospitals and other medical facilities.

(5) *Federal Airport Act (49 U.S.C. 1114(b)).* The act provides grant-in-aid funds for airport construction limited to general site preparation runways, taxiways, aprons, lighting appurtenant thereto, and fire, rescue, and maintenance buildings. The act excludes construction intended for use as a public parking facility for passenger automobiles and the cost of construction of any part of an airport building except such of those buildings or parts of buildings to house facilities or activities directly related to the safety of persons at the airport.

(6) *Housing Act of 1949 (42 U.S.C. 1459).* Construction contracts awarded by local authorities financed with the assistance of loans and grants from the Federal Government. The construction programs are for slum clearance and urban renewal which includes rehabilitation grants, neighborhood development programs, neighborhood renewal plans, community renewal, demolition projects, and assistance for blighted areas. See the Housing Act of 1964, No. 21 below, concerning financial assistance for low-rent housing for domestic farm labor.

(7) *School Survey and Construction Act of 1950 (20 U.S.C. 636).* This act provides for a Federal grant-in-aid program to assist in the construction of schools in federally affected areas.

(8) *Defense Housing & Community Facilities & Services Act of 1951 (42 U.S.C. 1592i).* Inactive Program.

(9) *United States Housing Act of 1937 (42 U.S.C. 1416).* This statute covers the construction of low-rent public housing and slum clearance projects awarded by local authorities. These projects are financed with the assistance of loans and grants from the Federal Government. The slum clearance is the demolition and removal of buildings from any slum area to be used for a low-rent housing project.

(10) *Federal Civil Defense Act of 1950 (50 U.S.C. App. 2281).* This act provides for Federal assistance to the several States and their political subdivisions in the field of civil defense which includes procurement, construction, leasing, or renovating of materials and facilities.

(11) *Delaware River Basin Compact (sec. 15.1, 75 Stat. 714).* This joint resolution creates, by intergovernmental compact between the United States, Delaware, New Jersey, New York, and Pennsylvania, a regional agency for plan-

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ning, conservation, utilization, development, management and control of the water and related sources of the Delaware River.

(12) *Cooperative Research Act (20 U.S.C. 332a(c))*. This act provides Federal grants to a university, college, or other appropriate public or nonprofit private agency or institution for part or all of the cost of constructing a facility for research or for research and related purposes. Research and related purposes means research, research training, surveys, or demonstrations in the field of education, or the dissemination of information derived therefrom, or all of such activities, including (but without limitation) experimental schools, except that such term does not include research, research training, surveys, or demonstrations in the field of sectarian instruction or the dissemination of information derived therefrom. Construction includes new buildings, and the acquisition, expansion, remodeling, replacement, and alteration of existing buildings and the equipping of new buildings and existing buildings.

(13) *Health Professions Educational Assistance Act of 1963 (42 U.S.C. 292d (c)(4), 293a(c)(5))*. The provisions of this act provide for grants to assist public and nonprofit medical, dental, and similar schools for the construction, expansion, or renovation of teaching facilities.

(14) *Mental Retardation Facilities Construction Act (42 U.S.C. 295(a)(2)(D), 2662(5), 2675(a)(5))*. This act authorizes Federal financial assistance in the construction of centers for research on mental retardation and related aspects of human development, of university-affiliated facilities for the mentally retarded and of facilities for the mentally retarded.

(15) *Community Mental Health Centers Act (42 U.S.C. 2685(a)(5))*. This act authorizes Federal grants for the construction of public and other nonprofit community mental health centers.

(16) *Higher Education Facilities Act of 1963 (20 U.S.C. 753)*. This act authorizes the grant or loan of Federal funds to assist public and other nonprofit institutions of higher education in financing the construction, rehabilitation, or improvement of academic and related facilities in undergraduate and graduate schools.

(17) *Vocational Educational Act of 1963 (20 U.S.C. 35f)*. This act provides for Federal grants to the various States for construction of area vocational education school facilities.

(18) *Library Services and Construction Act (20 U.S.C. 355e(a)(4))*. This act provides for Federal assistance to the various States for the construction of public libraries.

(19) *Urban Mass Transportation Act of 1954 (49 U.S.C. 1609)*. This act provides for grants and loans to assist States and local public bodies and agencies thereof in financing the acquisition, construction, reconstruction, and improvement of facilities and equipment for use, by operation or lease or otherwise, in mass transportation service in urban areas and in coordinating such service with highway and other transportation in such areas.

(20) *Economic Opportunity Act of 1964 (42 U.S.C. 2947)*. This act covers construction which is financed with assistance of the Federal Government for the following purposes:

(i) Authorizes Federal assistance for construction of projects, buildings and works which will provide young men and women in rural and urban residential centers with education, vocational training, and useful work experience (Title I).

(ii) Authorizes financial assistance for construction work planned and carried out at the community level for anti-poverty programs (Title II):

(a) Authorizes loans to low income rural families by assisting them to acquire or improve real estate or reduce encumbrances or erect improvements thereon, and to participate in cooperative associations and/or to finance non-agricultural enterprises which will enable such families to supplement their income (Title III);

(b) Authorizes loans to local cooperative associations furnishing essential processing, purchasing, or marketing services, supplies, or facilities predominantly to low-income rural families (Title III);

(c) Authorizes financial assistance to States, political subdivisions of States, public and nonprofit agencies, institutions, organizations, farm associations, or individuals in establishing housing, sanitation, education, and child day-care programs for migrants and other seasonally employed agricultural employees and their families (Title III).

(iii) Authorizes loans or guarantees loans to small businesses for construction work (Title IV).

(iv) Authorizes the payment of the cost of experimental, pilot, or demonstration projects to foster State programs providing construction work experience or training for unemployed fathers and needy people (Title V).

(21) *Housing Act of 1964 (42 U.S.C. 1486(f); 42 U.S.C. 1452b(e))*. Provides financial assistance for low-rent housing for domestic farm labor. The Act further provides for loans, through public or private agencies, where feasible, to owners or tenants of property in urban renewal areas to finance rehabilitation required to conform the property to applicable code requirements or carry out the objectives of the urban renewal plan for the area.

(22) *The Commercial Fisheries Research and Development Act of 1964 (16 U.S.C. 779e(b))*. This act authorizes financial assistance to State agencies for construction projects designed for the research and development of the commercial fisheries resources of the Nation.

(23) *The Nurse Training Act of 1964 (42 U.S.C. 296a(b)(5))*. This act provides for grants to assist in the construction of new facilities for collegiate, associate degree, and diploma schools of nursing, or replacement or rehabilitation of existing facilities of such schools.

(24) *Elementary and Secondary Education Act of 1965 (20 U.S.C. 241i, 848)*. The purpose of the act is to provide financial assistance to local educational agencies serving areas with concentrations of children from low-income families for construction in connection with the expansion or improvement of their educational programs.

(25) *Federal Water Pollution Control Act, as amended by the Water Quality Act of 1965 (3 U.S.C. 466e(g))*. Provides for financial assistance to States or municipalities for construction of facilities in connection with the prevention and control of water pollution. This includes projects that will control the discharge into any waters of untreated or inadequately treated sewage.

(26) *Appalachian Regional Development Act of 1965 (40 U.S.C. App. 402)*. Authorizes Federal assistance in the construction of an Appalachian development highway system; construction of multi-county demonstration health facilities, hospitals, regional health, diagnostic and treatment centers, and other facilities for health; seal and fill voids in abandoned mines and to rehabilitate strip mine areas; construction of school facilities for vocational education; and to assist in construction of sewage treatment works.

(27) *National Technical Institute for the Deaf Act (20 U.S.C. 684(b)(5))*. Provides for financial assistance for institutions of higher education for the establishment, construction, including equipment and operation, of a National Institution for the Deaf.

(28) *Housing Act of 1959 (12 U.S.C. 1701(q)(c)(3))*. This act authorizes loans to nonprofit corporations to be used for the construction of housing and related facilities for elderly families. Also, the provisions of the act provide for rehabilitation, alteration, conversion or improvement of existing structures which are otherwise inadequate for proposed dwellings used by such families.

(29) *College Housing Act of 1950, as amended (12 U.S.C. 1749a(f))*. This act provides for Federal loans to assist educational institutions in providing housing and other educational facilities for students and faculties.

(30) *Housing and Urban Development Act of 1965 (42 U.S.C. 1500c-3, 3107)*. This act provides for Federal assistance for the following purposes:

(i) Grants to States and local public bodies to assist in any construction work to be carried out under the open-space land and urban beautification provisions contained therein. It provides for parks and recreation areas, conservation of land and other natural resources, and historical and scenic purposes.

(ii) Grants to local public bodies and agencies to finance specific projects for basic public water facilities (including works for the storage, treatment, purification, and distribution of water), and for basic public sewer facilities (other than "treatment works" as defined in the Federal Water Pollution Control Act).

(iii) Grants to any local public body or agency to assist in financing neighborhood facilities. These facilities must be necessary for carrying out a program of health, recreational, social, or similar community service and located so as to be available for the use of the area's low or moderate income residents.

(31) *National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 954(k))*. The act establishes the "National Foundation on the Arts and the Humanities" which may provide matching grants to groups (nonprofit organizations and State and other public organizations) and to individuals engaged in creative and performing arts for the entire range of artistic activity, including construction of necessary facilities.

(32) *Public Works and Economic Development Act of 1965 (42 U.S.C. 3222)*. This act provides for Federal assistance for the following purposes:

(i) Grants for the acquisition or development of land or improvements for public works or development facility usage in redevelopment areas. It authorizes loans to assist in financing the purchase or development of land for public works which will assist in the creation of long-term employment opportunities in the area.

(ii) Loans for the purchase or development of land and facilities (including machinery and equipment) for industrial or commercial usage within redevelopment areas; guarantee of loans for working capital made to private borrowers by private lending institutions in connection with direct loan projects; and to contract to pay to, or on behalf of, business entities locating in redevelopment areas, a portion of the interest costs which they incur in financing their expansions from private sources.

(iii) Loans and grants to create economic development centers within designated county economic development districts.

(33) *High-Speed Ground Transportation Study (40 U.S.C. 1636(b))*. This act provides for financial assistance for construction activities in connection with research and development of different forms of high-speed ground transportation and demonstration projects relating to intercity rail passenger service.

(34) *Heart Disease, Cancer and Stroke Amendments of 1965 (42 U.S.C. 299(b)(4))*. This act provides for grants to public or nonprofit private universities, medical schools, research institutions, hospitals, and other public and nonprofit agencies and institutions, or associations thereof to assist in construction and equipment of facilities in connection with research, training, demonstration of patient care, diagnostic and treatment related to heart disease, cancer, stroke, and other major diseases.

(35) *Mental Retardation Facilities and Community Mental Health Centers Construction Act Amendments of 1965 (20 U.S.C. 618(g))*. These provisions provide for grants to institutions of higher education for construction of facilities for research or for research and related purposes relating to education for mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, crippled, or other health impaired children who by reason thereof require special education.

(36) *Vocational Rehabilitation Act Amendments of 1965 (29 U.S.C. 41a(b)(4))*. This act authorizes grants to assist in meeting the costs of construction of public or other nonprofit workshops and rehabilitation facilities.

(37) *Clean Air and Solid Waste Disposal Acts (42 U.S.C. 3256)*. This act provides for financial assistance to public (Federal, State, interstate, or local) authorities, agencies, and institutions, private agencies and institutions, and individuals in the construction of facilities for solid-waste disposal. The term construction includes the installation of initial equipment.

(38) *Medical Library Assistance Act of 1965 (42 U.S.C. 280b-3(b)(3))*. This act provides for grants to public or private non-profit agencies or institutions for the cost of construction of medical library facilities.

(39) *Veterans Nursing Home Care Act (38 U.S.C. 5035(a)(8))*. The construction industry health and safety standards do not apply to this act since it is not subject to Reorganization Plan No. 14 of 1950.

(40) *National Capital Transportation Act of 1965 (40 U.S.C. 682(b)(4))*. This act provides for Federal assistance to the National Capital Transportation Agency for construction of a rail rapid transit system and related facilities for the Nation's Capital.

(41) *Alaska Centennial—1967 (80 Stat. 82)*. The program under this legislation has expired.

(42) *Model Secondary School for the Deaf Act (80 Stat. 1028)*. This act provides for funds to establish and operate, including construction and initial equipment of new buildings, expansion, remodeling, and alteration of existing buildings and equipment thereof, a model secondary school for the deaf to serve the residents of the District of Columbia and nearby States.

(43) *Allied Health Professions Personnel Training Act of 1966 (42 U.S.C. 295h(b)(2)(E))*. This act provides for grants to assist in the construction of new facilities for training centers for allied health professions, or replacement or rehabilitation of existing facilities for such centers.

(44) *Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3310; 12 U.S.C. 1715c; 42 U.S.C. 1416)*. This act provides for Federal assistance for the following purposes:

(i) Grants to assist in the construction, rehabilitation, alteration, or repair of residential property only if such residential use for eight or more families to enable city demonstration agencies to carry out comprehensive city demonstration programs (42 U.S.C. 3310).

(ii) Amends the National Housing Act (12 U.S.C. 1715c) and the Housing Act of 1937 (42 U.S.C. 1416). See these acts for coverage.

(45) *Air Quality Act of 1967 (42 U.S.C. 1857f-3)*. This act provides for Federal assistance to public or nonprofit agencies, institutions, and organizations and to individuals, and contracts with public or private agencies, institutions, or persons for construction of research and development facilities and demonstration plants relating to the application of preventing or controlling discharges into the air of various types of pollutants.

(46) *Elementary and Secondary Education Amendments of 1967 (Title VII—Bilingual Education Act) (20 U.S.C. 880b-6)*. This act provides for Federal assistance to local educational agencies or to an institution of higher education applying jointly with a local educational agency for minor remodeling projects in connection with bilingual education programs to meet the special needs of children with limited English-speaking ability in the United States.

(47) *Vocational Rehabilitation Amendments of 1967 (29 U.S.C. 42a(c)(3))*. This act authorizes Federal assistance to any public or nonprofit private agency or organization for the construction of a center for vocational rehabilitation of handicapped individuals who are both deaf and blind which shall be known as the National Center for Deaf-Blind Youths and Adults. Construction includes new buildings and expansion, remodeling, alteration and renovation of existing buildings, and initial equipment of such new, newly acquired, expanded, remodeled, altered, or renovated buildings.

(48) *National Visitor Center Facilities Act of 1968 (40 U.S.C. 808)*. This act authorizes agreements and leases with the owner of property in the District of Columbia known as Union Station for the use of all or a part of such property for a national visitor center to be known as the National Visitor Center. The agreements and leases shall provide for such alterations of the Union Station Building as necessary to provide adequate facilities for visitors. They also provide for the construction of a parking facility, including necessary approaches and ramps.

(49) *Juvenile Delinquency Prevention and Control Act of 1968 (42 U.S.C. 3843)*. This act provides for Federal grants to State, county, municipal, or other public agency or combination thereof for the construction of facilities to be used in connection with rehabilitation services for the diagnosis, treatment, and rehabilitation of delinquent youths and youths in danger of becoming delinquent.

(50) *Housing and Urban Development Act of 1968 (including New Communities Act of 1968) (42 U.S.C. 3909)*. This act provides for Federal assistance for the following purposes:

(i) Guarantees, and commitments to guarantee, the bonds, debentures, notes, and other obligations issued by new community developers to help finance new community development projects.

(ii) Amends section 212(a) of the National Housing Act, adding section 236 for "Rental Housing for Lower Income Families" and section 242 "Mortgage Insurance for Nonprofit Hospitals" thereto.

(51) *Public Health Service Act Amendment (Alcoholic and Narcotic Addict Rehabilitation Amendments of 1968) (42*

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U.S.C. 2681, et seq.). This act provides for grants to a public and nonprofit private agency or organization for construction projects consisting of any facilities (including post-hospitalization treatment facilities for the prevention and treatment of alcoholism or treatment of narcotic addicts.)

(52) *Vocational Education Amendments of 1968 (20 U.S.C. 1246)*. This act provides for grants to States for the construction of area vocational education school facilities. The act further provides grants to public educational agencies, organizations, or institutions for construction of residential schools to provide vocational education for the purpose of demonstrating the feasibility and desirability of such schools. The act still further provides grants to State boards, to colleges and universities, to public educational agencies, organizations or institutions to reduce the cost of borrowing funds for the construction of residential schools and dormitories.

(53) *Postal Reorganization Act (39 U.S.C. 410(d)(2))*. This Act provides for construction, modification, alteration, repair, and other improvements of postal facilities located in leased buildings.

(54) *Airport and Airway Development Act of 1970 (Public Law 91-258, section 52(b)(7))*. This Act provides for Federal financial assistance to States and localities for the construction, improvement, or repair of public airports.

(55) (i) *Public Law 91-230*. This Act provides for federal financial assistance to institutions of higher learning for the construction of a National Center on Educational Media and Materials for the Handicapped. The program under this statute expires on July 1, 1971. Public Law 91-230, section 662(1).

(ii) *Education of the Handicapped Act (20 U.S.C. 12326, 1404(a))*. This Act provides for financial assistance to States for construction, expansion, remodeling, or alteration of facilities for the education of handicapped children at the preschool, elementary school, and secondary school levels.

(56) *Housing and Urban Development Act of 1970 (Public Law 91-609, section 707(b))*. This Act provides for grants to States and local public agencies to help finance the development of open-space or other land in urban areas for open-space uses. This Act becomes effective on July 1, 1971.

(57) *Developmental Disabilities Services and Facilities Construction Amendments of 1970 (Public Law 91-517, section 135(a)(5))*. This Act authorizes grants to States for construction of facilities for the provision of services to persons with developmental disabilities who are unable to pay for such services.

(58) *Rail Passenger Service Act of 1970 (Public Law 91-518, section 405(d))*. This statute provides that the National Railroad Passenger Corporation may construct physical facilities necessary to intercity rail passenger operations within the basic national rail passenger system designated by the Secretary of Transportation.

(c) *VA and FHA housing*. In the course of the legislative development of section 107, it was recognized that section 107 would not apply to housing construction for which insurance was issued by the Federal Housing Authority and Veterans' Administration for individual home ownership. Concerning construction under the National Housing Act, Reorganization Plan No. 14 of 1950 applies to construction which is subject to the minimum wage requirements of section 212(a) thereof (12 U.S.C. 1715c).

§ 1926.13 Interpretation of statutory terms.

(a) The terms "construction," "alteration," and "repair" used in section 107 of the Act are also used in section 1 of the Davis-Bacon Act (40 U.S.C. 276a), providing minimum wage protection on Federal construction contracts, and section 1 of the Miller Act (40 U.S.C. 270a), providing performance and payment bond protection on Federal construction contracts. Similarly, the terms "contractor" and "subcontractor" are used in those statutes, as well as in Copeland (Anti-Kickback) Act (40 U.S.C. 276c) and the Contract Work Hours and Safety Standards Act itself, which apply concurrently with the Miller Act and the Davis-Bacon Act on Federal construction contracts and also apply to most federally assisted construction contracts. The use of the same or identical terms in these statutes which apply concurrently with section 107 of the Act have considerable precedential value in ascertaining the coverage of section 107.

(b) It should be noted that section 1 of the Davis-Bacon Act limits minimum wage protection to laborers and mechanics "employed directly" upon the "site of the work." There is no comparable limitation in section 107 of the Act. Section 107 expressly requires as a self-executing condition of each covered contract that no contractor or subcontractor shall require "any laborer or mechanic employed in the performance of the contract to work in surroundings or under working conditions which are unsanitary, hazardous, or dangerous to his health or safety" as these health and safety standards are applied in the rules of the Secretary of Labor.

(c) The term "subcontractor" under section 107 is considered to mean a person who agrees to perform any part of the labor or material requirements of a contract for construction, alteration or repair. Cf. MacEvoy Co. v. United States, 322 U.S. 102, 108-9 (1944). A person who undertakes to perform a portion of a contract involving the furnishing of supplies or materials will be considered a "subcontractor" under this part and section 107 if the work in question involves the performance of construction work and is to be performed: (1) Directly on or near the construction site, or (2) by the employer for the specific project on a customized basis. Thus, a supplier of materials which will become an integral part of the construction is a "subcontractor" if the supplier fabricates or assembles the goods or materials in question specifically for the construction project and the work involved may be said to be construction activity. If the goods or materials in question are ordinarily sold to other customers from regular inventory, the supplier is not a "subcontractor." Generally, the furnishing of prestressed concrete beams and prestressed structural steel would be considered manufacturing; therefore a supplier of such materials would not be considered a "subcontractor." An example of material supplied "for the specific project on a customized basis" as that phrase is used in this section would be ventilating ducts, fabricated in a shop away from the construction jobsite and specifically cut for the project according to design specifications. On the other hand, if a contractor buys standard size nails from a foundry, the foundry would not be a covered "subcontractor." Ordinarily a contract for the supplying of construction equipment to a contractor would not, in and of itself, be considered a "subcontractor" for purposes of this part.

§ 1926.14 Federal contract for "mixed" types of performance.

(a) It is the intent of the Congress to provide safety and health protection of Federal, federally financed, or federally assisted construction. See, for example, H. Report. No. 91-241, 91st Cong., first session, p. 1 (1969). Thus, it is clear that when a Federal contract calls for mixed types of performance, such as both manufacturing and construction, section 107 would apply to the construction. By its express terms, section 107 applies to a contract which is "for construction, alteration, and/or repair." Such a contract is not required to be exclusively for such services. The application of the section is not limited to contracts which permit an overall characterization as "construction contracts." The text of section 107 is not so limited.

(b) When the mixed types of performances include both construction and manufacturing, see also § 1926.15(b) concerning the relationship between the Walsh-Healey Public Contracts Act and section 107.

§ 1926.15 Relationship to the Service Contract Act; Walsh-Healey Public Contracts Act.

(a) A contract for "construction" is one for nonpersonal service. See, e.g., 41 CFR 1-1.208. Section 2(e) of the Service Contract Act of 1965 requires as a condition of every Federal contract (and bid specification therefor) exceeding $2,500, the "principal purpose" of which is to furnish services to the United States through the use of "service employees," that certain safety and health standards be met. See 29 CFR Part 1925, which contains the Department rules concerning these standards. Section 7 of the Service Contract Act provides that the Act shall not apply to "any contract of the United States or District of Columbia for construction, alteration, and/or repair, including painting and decorating of public buildings or public works." It is clear from the legislative history of section 107 that no gaps in coverage between the two statutes are intended.

(b) The Walsh-Healey Public Contracts Act requires that contracts entered into by any Federal agency for the manufacture or furnishing of materials, supplies, articles, and equipment in any amount exceeding $10,000 must contain, among other provisions, a requirement that "no part of such contract will be performed nor will any of the materials, supplies, articles or equipment to be manufactured or furnished under said contract be manufactured or fabricated in any plants, factories, buildings, or surroundings or under working conditions which are unsanitary or hazardous or dangerous to the health and safety of employees engaged in the performance of said contract." The rules of the Secretary concerning these standards are published in 41 CFR Part 50-204, and express the Secretary of Labor's interpretation and application of section 1(c) of the Walsh-Healey Public Contracts Act to certain particular working conditions. None of the described working conditions are intended to deal with construction activities, although such activities may conceivably be a part of a contract which is subject to the Walsh-Healey Public Contracts Act. Nevertheless, such activities remain subject to the general statutory duty prescribed by section 1(c). Section 103(b) of the Contract Work Hours and Safety Standards Act provides, among other things, that the Act shall not apply to any work required to be done in accordance with the provisions of the Walsh-Healey Public Contracts Act.

§ 1926.16 Rules of construction.

(a) The prime contractor and any subcontractors may make their own arrangements with respect to obligations which might be more appropriately treated on a jobsite basis rather than individually. Thus, for example, the prime contractor and his subcontractors may wish to make an express agreement that the prime contractor or one of the subcontractors will provide all required first-aid or toilet facilities, thus relieving the subcontractors from the actual, but not any legal, responsibility (or, as the case may be, relieving the other subcontractors from this responsibility). In no case shall the prime contractor be relieved of overall responsibility for compliance with the requirements of this part for all work to be performed under the contract.

(b) By contracting for full performance of a contract subject to section 107 of the Act, the prime contractor assumes all obligations prescribed as employer obligations under the standards contained in this part, whether or not he subcontracts any part of the work.

(c) To the extent that a subcontractor of any tier agrees to perform any part of the contract, he also assumes responsibility for complying with the standards in this part with respect to that part. Thus, the prime contractor assumes the entire responsibility under the contract and the subcontractor assumes responsibility with respect to his portion of the work. With respect to subcontracted work, the prime contractor and any subcontractor or subcontractors shall be deemed to have joint responsibility.

(d) Where joint responsibility exists, both the prime contractor and his subcontractor or subcontractors, regardless of tier, shall be considered subject to the enforcement provisions of the Act.

Subpart C—General Safety and Health Provisions

§ 1926.20 General safety and health provisions.

(a) *Contractor requirements*. (1) Section 107 of the Act requires that it shall be a condition of each contract which is entered into under legislation subject to Reorganization Plan Number 14 of 1950 (64 Stat. 1267), as defined in § 1926.12, and is for construction, alteration, and/or repair, including painting and decorating, that no contractor or subcontractor for any part of the contract work shall require any laborer or mechanic employed in the performance of the contract to work in surroundings or under working conditions which are unsanitary, hazardous, or dangerous to his health or safety.

(b) *Accident prevention responsibilities*. (1) It shall be the responsibility of the employer to initiate and maintain such programs as may be necessary to comply with this part.

(2) Such programs shall provide for frequent and regular inspections of the job sites, materials, and equipment to be made by competent persons designated by the employers.

(3) The use of any machinery, tool, material, or equipment which is not in compliance with any applicable requirement of this part is prohibited. Such machine, tool, material, or equipment shall either be identified as unsafe by tagging or locking the controls to render them inoperable or shall be physically removed from its place of operation.

(4) The employer shall permit only those employees qualified by training or experience to operate equipment and machinery.

§ 1926.21 Safety training and education.

(a) *General requirements*. The Secretary shall, pursuant to section 107(f) of the Act, establish and supervise programs for the education and training of employers and employees in the recognition, avoidance and prevention of unsafe conditions in employments covered by the act.

(b) *Employer responsibility*. (1) The employer should avail himself of the safety and health training programs the Secretary provides.

(2) The employer shall instruct each employee in the recognition and avoidance of unsafe conditions and the regulations applicable to his work environment to control or eliminate any hazards or other exposure to illness or injury.

(3) Employees required to handle or use poisons, caustics, and other harmful substances shall be instructed regarding the safe handling and use, and be made aware of the potential hazards, personal hygiene, and personal protective measures required.

(4) In job site areas where harmful plants or animals are present, employees who may be exposed shall be instructed regarding the potential hazards, and how to avoid injury, and the first aid procedures to be used in the event of injury.

(5) Employees required to handle or use flammable liquids, gases, or toxic materials shall be instructed in the safe handling and use of these materials and made aware of the specific requirements contained in Subparts D, F, and other applicable subparts of this part.

(6) (i) All employees required to enter into confined or enclosed spaces shall be instructed as to the nature of the hazards involved, the necessary precautions to be taken, and in the use of protective and emergency equipment required. The employer shall comply with any specific regulations that apply to work in dangerous or potentially dangerous areas.

(ii) For purposes of paragraph (b)(6)(i) of this section, "confined or enclosed space" means any space having a limited means of egress, which is subject to the accumulation of toxic or flammable contaminants or has an oxygen deficient atmosphere. Confined or enclosed spaces include, but are not limited to, storage tanks, process vessels, bins, boilers, ventilation or exhaust ducts, sewers, underground utility vaults, tunnels, pipelines, and open top spaces more than 4 feet in depth such as pits, tubs, vaults, and vessels.

§ 1926.22 Recording and reporting of injuries. [Reserved]

§ 1926.23 First aid and medical attention.

First aid services and provisions for medical care shall be made available by the employer for every employee covered by these regulations. Regulations prescribing specific requirements for first aid, medical attention, and emergency facilities are contained in Subpart D of this part.

§ 1926.24 Fire protection and prevention.

The employer shall be responsible for the development and maintenance of an effective fire protection and prevention program at the job site throughout all phases of the construction, repair, alteration, or demolition work. The employer shall ensure the availability of the fire protection and suppression equipment required by Subpart F of this part.

§ 1926.25 Housekeeping.

(a) During the course of construction, alteration, or repairs, form and scrap lumber with protruding nails, and all other debris, shall be kept cleared from work areas, passageways, and stairs, in and around buildings or other structures.

(b) Combustible scrap and debris shall be removed at regular intervals during the course of construction. Safe means shall be provided to facilitate such removal.

(c) Containers shall be provided for the collection and separation of waste, trash, oily and used rags, and other refuse. Containers used for garbage and

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other oily, flammable, or hazardous wastes, such as caustics, acids, harmful dusts, etc. shall be equipped with covers. Garbage and other waste shall be disposed of at frequent and regular intervals.

§ 1926.26 Illumination.

Construction areas, aisles, stairs, ramps, runways, corridors, offices, shops, and storage areas where work is in progress shall be lighted with either natural or artificial illumination. The minimum illumination requirements for work areas are contained in Subpart D of this part.

§ 1926.27 Sanitation.

Health and sanitation requirements for drinking water are contained in Subpart D of this part.

§ 1926.28 Personal protective equipment.

(a) The employer is responsible for requiring the wearing of appropriate personal protective equipment in all operations where there is an exposure to hazardous conditions or where this part indicates the need for using such equipment to reduce the hazards to the employees.

(b) Regulations governing the use, selection, and maintenance of personal protective and lifesaving equipment are described under Subpart E of this part.

§ 1926.29 Acceptable certifications.

(a) *Pressure vessels.* Current and valid certification by an insurance company or regulatory authority shall be deemed as acceptable evidence of safe installation, inspection, and testing of pressure vessels provided by the employer.

(b) *Boilers.* Boilers provided by the employer shall be deemed to be in compliance with the requirements of this part when evidence of current and valid certification by an insurance company or regulatory authority attesting to the safe installation, inspection, and testing is presented.

(c) *Other requirements.* Regulations prescribing specific requirements for other types of pressure vessels and similar equipment are contained in Subparts F and O of this part.

§ 1926.30 Shipbuilding and ship repairing.

(a) *General.* Shipbuilding, ship repairing, alterations, and maintenance performed on ships under Government contract, except naval ship construction, is work subject to the Act.

(b) *Applicable safety and health standards.* For the purpose of work carried out under this section, the safety and health regulations promulgated by the Secretary of Labor shall apply: Part 1915 of this title, Safety and Health Regulations for Ship Repairing, and Part 1916 of this title, Safety and Health Regulations for Shipbuilding.

§ 1926.31 Incorporation by reference.

(a) The specifications, standards and codes of agencies of the U.S. Government and organizations which are not agencies of the U.S. Government, to the extent they are legally incorporated by reference in this part, have the same force and effect as other standards in this part. The locations where these specifications, standards, and codes may be examined are as follows:

(1) Offices of the Occupational Safety and Health Administration, U.S. Department of Labor, Railway Labor Building, Washington, DC 20210.

(2) The Regional and Field Offices of the Occupational Safety and Health Administration which are listed in the U.S. Government Manual 1973–74, at page 323.

(b) Any changes in the specifications, standards and codes incorporated by reference in this part and an official historic file of such changes are available at the offices referred to in paragraph (a) of this section. All questions as to the applicability of such changes should also be referred to these offices.

§ 1926.32 Definitions.

The following definitions shall apply in the application of the regulations in this part:

(a) "Act" means section 107 of the Contract Work Hours and Safety Standards Act, commonly known as the Construction Safety Act (86 Stat. 96; 40 U.S.C. 333).

(b) "ANSI" means American National Standards Institute.

(c) "Approved" means sanctioned, endorsed, accredited, certified, or accepted as satisfactory by a duly constituted and nationally recognized authority or agency.

(d) "Authorized person" means a person approved or assigned by the employer to perform a specific type of duty or duties or to be at a specific location or locations at the jobsite.

(e) "Administration" means the Occupational Safety and Health Administration.

(f) "Competent person" means one who is capable of identifying existing and predictable hazards in the surroundings or working conditions which are unsanitary, hazardous, or dangerous to employees, and who has authorization to take prompt corrective measures to eliminate them.

(g) "Defect" means any characteristic or condition which tends to weaken or reduce the strength of the tool, object, or structure of which it is a part.

(h) "Designated person" means "authorized person" as defined in paragraph (d) of this section.

(i) "Employee" means every laborer or mechanic under the Act regardless of the contractual relationship which may be alleged to exist between the laborer and mechanic and the contractor or subcontractor who engaged him. "Laborer and mechanic" are not defined in the Act, but the identical terms are used in the Davis-Bacon Act (40 U.S.C. 276a), which provides for minimum wage protection on Federal and federally assisted construction contracts. The use of the same term in a statute which often applies concurrently with section 107 of the Act has considerable precedential value in ascertaining the meaning of "laborer and mechanic" as used in the Act. "Laborer" generally means one who performs manual labor or who labors at an occupation requiring physical strength; "mechanic" generally means a worker skilled with tools. See 18 Comp. Gen. 341.

(j) "Employer" means contractor or subcontractor within the meaning of the Act and of this part.

(k) "Hazardous substance" means a substance which, by reason of being explosive, flammable, poisonous, corrosive, oxidizing, irritating, or otherwise harmful, is likely to cause death or injury.

(l) "Qualified" means one who, by possession of a recognized degree, certificate, or professional standing, or who by extensive knowledge, training, and experience, has successfully demonstrated his ability to solve or resolve problems relating to the subject matter, the work, or the project.

(m) "Safety factor" means the ratio of the ultimate breaking strength of a member or piece of material or equipment to the actual working stress or safe load when in use.

(n) "Secretary" means the Secretary of Labor.

(o) "SAE" means Society of Automotive Engineers.

(p) "Shall" means mandatory.

(q) "Should" means recommended.

(r) "Suitable" means that which fits, and has the qualities or qualifications to meet a given purpose, occasion, condition, function, or circumstance.

Subpart D—Occupational Health and Environmental Controls

§ 1926.50 Medical services and first aid.

(a) The employer shall insure the availability of medical personnel for advice and consultation on matters of occupational health.

(b) Provisions shall be made prior to commencement of the project for prompt medical attention in case of serious injury.

(c) In the absence of an infirmary, clinic, hospital, or physician, that is reasonably accessible in terms of time and distance to the worksite, which is available for the treatment of injured employees, a person who has a valid certificate in first-aid training from the U.S. Bureau of Mines, the American Red Cross, or equivalent training that can be verified by documentary evidence, shall be available at the worksite to render first aid.

(d) (1) First-aid supplies approved by the consulting physician shall be easily accessible when required.

(2) The first-aid kit shall consist of materials approved by the consulting physician in a weatherproof container with individual sealed packages for each type of item. The contents of the first-aid kit shall be checked by the employer before being sent out on each job and at least weekly on each job to ensure that the expended items are replaced.

(e) Proper equipment for prompt transportation of the injured person to a physician or hospital, or a communication system for contacting necessary ambulance service, shall be provided.

(f) The telephone numbers of the physicians, hospitals, or ambulances shall be conspicuously posted.

§ 1926.51 Sanitation.

(a) *Potable water.* (1) An adequate supply of potable water shall be provided in all places of employment.

(2) Portable containers used to dispense drinking water shall be capable of being tightly closed, and equipped with a tap. Water shall not be dipped from containers.

(3) Any container used to distribute drinking water shall be clearly marked as to the nature of its contents and not used for any other purpose.

(4) The common drinking cup is prohibited.

(5) Where single service cups (to be used but once) are supplied, both a sanitary container for the unused cups and a receptacle for disposing of the used cups shall be provided.

(b) *Nonpotable water.* (1) Outlets for nonpotable water, such as water for industrial or firefighting purposes only, shall be identified by signs meeting the requirements of Subpart G of this part, to indicate clearly that the water is unsafe and is not to be used for drinking, washing, or cooking purposes.

(2) There shall be no cross-connection, open or potential, between a system furnishing potable water and a system furnishing nonpotable water.

(c) *Toilets at construction jobsites.* (1) Toilets shall be provided for employees according to the following table:

TABLE D–1

Number of employees	Minimum number of facilities
20 or less	1.
20 or more	1 toilet seat and 1 urinal per 40 workers.
200 or more	1 toilet seat and 1 urinal per 50 workers.

(2) Under temporary field conditions, provisions shall be made to assure not less than one toilet facility is available.

(3) Job sites, not provided with a sanitary sewer, shall be provided with one of the following toilet facilities unless prohibited by local codes:

(i) Privies (where their use will not contaminate ground or surface water);

(ii) Chemical toilets;

(iii) Recirculating toilets;

(iv) Combustion toilets.

(4) The requirements of this paragraph (c) for sanitation facilities shall not apply to mobile crews having transportation readily available to nearby toilet facilities.

(d) *Food handling.* All employees' food service facilities and operations shall meet the applicable laws, ordinances, and regulations of the jurisdictions in which they are located.

(e) *Temporary sleeping quarters.* When temporary sleeping quarters are provided, they shall be heated, ventilated, and lighted.

(f) *Washing facilities.* The employer shall provide adequate washing facilities for employees engaged in the application of paints, coating, herbicides, or insecticides, or in other operations where contaminants may be harmful to the employees. Such facilities shall be in near proximity to the worksite and shall be so equipped as to enable employees to remove such substances.

(g) [Revoked]

§ 1926.52 Occupational noise exposure.

(a) Protection against the effects of noise exposure shall be provided when the sound levels exceed those shown in ured on the A-scale of a standard sound Table D–2 of this section when measlevel meter at slow response.

(b) When employees are subjected to sound levels exceeding those listed in Table D–2 of this section, feasible administrative or engineering controls shall be utilized. If such controls fail to reduce sound levels within the levels of the table, personal protective equipment as required in Subpart E, shall be provided and used to reduce sound levels within the levels of the table.

(c) If the variations in noise level involve maxima at intervals of 1 second or less, it is to be considered continuous.

(d) (1) In all cases where the sound levels exceed the values shown herein, a continuing, effective hearing conservation program shall be administered.

TABLE D–2—PERMISSIBLE NOISE EXPOSURES

Duration per day, hours:	Sound level dBA slow response
8	90
6	92
4	95
3	97
2	100
1½	102
1	105
½	110
¼ or less	115

(2) (i) When the daily noise exposure is composed of two or more periods of noise exposure of different levels, their combined effect should be considered, rather than the individual effect of each. Exposure to different levels for various periods of time shall be computed according to the formula set forth in subdivision (ii) of this subparagraph.

(ii)

$$F_e = \frac{T_1}{L_1} + \frac{T_2}{L_2} + \cdots + \frac{T_n}{L_n}$$

where:

F_e = The equivalent noise exposure factor.
T = The period of noise exposure at any essentially constant level.
L = The duration of the permissible noise exposure at the constant level (from Table D–2).

If the value of F_e exceeds unity (1) the exposure exceeds permissible levels.

(iii) A sample computation showing an application of the formula in subdivision (ii) of this paragraph is as follows. An employee is exposed at these levels for these periods:

110 dbA ¼ hour.
100 dbA ½ hour.
90 dbA 1½ hours.

$$F_e = \frac{¼}{½} + \frac{½}{2} + \frac{1½}{8}$$

$F_e = 0.500 + 0.25 + 0.188$
$F_e = 0.938$

Since the value of F_e does not exceed unity, the exposure is within permissible limits.

(e) Exposure to impulsive or impact noise should not exceed 140 dB peak sound pressure level.

§ 1926.53 Ionizing radiation.

(a) In construction and related activities involving the use of sources of ionizing radiation, the pertinent provisions of the Atomic Energy Commission's Standards for Protection Against Radiation (10 CFR Part 20), relating to protection against occupational radiation exposure, shall apply.

(b) Any activity which involves the use of radioactive materials or X-rays, whether or not under license from the Atomic Energy Commission, shall be performed by competent persons specially trained in the proper and safe operation of such equipment. In the case of materials used under Commission license, only persons actually licensed, or competent persons under direction and supervision of the licensee, shall perform such work.

§ 1926.54 Nonionizing radiation.

(a) Only qualified and trained employees shall be assigned to install, adjust, and operate laser equipment.

(b) Proof of qualification of the laser equipment operator shall be available and in possession of the operator at all times.

(c) Employees, when working in areas in which a potential exposure to direct or reflected laser light greater than 0.005 watts (5 milliwatts) exists, shall be provided with antilaser eye protection devices as specified in Subpart E of this part.

(d) Areas in which lasers are used shall be posted with standard laser warning placards.

(e) Beam shutters or caps shall be utilized, or the laser turned off, when laser transmission is not actually required. When the laser is left unattended for a substantial period of time, such as during lunch hour, overnight, or at change of shifts, the laser shall be turned off.

(f) Only mechanical or electronic means shall be used as a detector for guiding the internal alignment of the laser.

(g) The laser beam shall not be directed at employees.

(h) When it is raining or snowing, or when there is dust or fog in the air, the operation of laser systems shall be prohibited where practicable; in any event, employees shall be kept out of range of the area of source and target during such weather conditions.

(i) Laser equipment shall bear a label to indicate maximum output.

(j) Employees shall not be exposed to light intensities above:

(1) Direct staring: 1 micro-watt per square centimeter;

(2) Incidental observing: 1 milliwatt per square centimeter;

(3) Diffused reflected light: 2½ watts per square centimeter.

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(k) Laser unit in operation should be set up above the heads of the employees, when possible.

(l) Employees shall not be exposed to microwave power densities in excess of 10 milliwatts per square centimeter.

§ 1926.55 Gases, vapors, fumes, dusts, and mists.

(a) Exposure of employees to inhalation, ingestion, skin absorption, or contact with any material or substance at a concentration above those specified in the "Threshold Limit Values of Airborne Contaminants for 1970" of the American Conference of Governmental Industrial Hygienists, shall be avoided.

(b) To achieve compliance with paragraph (a) of this section, administrative or engineering controls must first be implemented whenever feasible. When such controls are not feasible to achieve full compliance, protective equipment or other protective measures shall be used to keep the exposure of employees to air contaminants within the limits prescribed in this section. Any equipment and technical measures used for this purpose must first be approved for each particular use by a competent industrial hygienist or other technically qualified person. Whenever respirators are used, their use shall comply with § 1926.103.

(c) Paragraphs (a) and (b) of this section do not apply to the exposure of employees to airborne asbestos dust. Whenever any employee is exposed to airborne asbestos dust, the requirements of § 1910.93a of this title shall apply.

§ 1926.56 Illumination.

(a) *General.* Construction areas, ramps, runways, corridors, offices, shops, and storage areas shall be lighted to not less than the minimum illumination intensities listed in Table D–3 while any work is in progress:

TABLE D–3—MINIMUM ILLUMINATION INTENSITIES IN FOOT-CANDLES

Foot-candles:	*Area or operation*
5	General construction area lighting.
3	General construction areas, concrete placement, excavation and waste areas, accessways, active storage areas, loading platforms, refueling, and field maintenance areas.
5	Indoors: warehouses, corridors, hallways, and exitways.
5	Tunnels, shafts, and general underground work areas: (Exception: minimum of 10 foot-candles is required at tunnel and shaft heading during drilling, mucking, and scaling. Bureau of Mines approved cap lights shall be acceptable for use in the tunnel heading.)
10	General construction plant and shops (e.g., batch plants, screening plants, mechanical and electrical equipment rooms, carpenter shops, rigging lofts and active storerooms, barracks or living quarters, locker or dressing rooms, mess halls, and indoor toilets and workrooms).
30	First aid stations, infirmaries, and offices.

(b) *Other areas.* For areas or operations not covered above, refer to the American National Standard A11.1–1965, R1970, Practice for Industrial Lighting, for recommended values of illumination.

§ 1926.57 Ventilation.

(a) *General.* Whenever hazardous substances such as dusts, fumes, mists, vapors, or gases exist or are produced in the course of construction work, their concentrations shall not exceed the limits specified in § 1926.55(a). When ventilation is used as an engineering control method, the system shall be installed and operated according to the requirements of this section.

(b) *Local exhaust ventilation.* Local exhaust ventilation when used as described in (a) shall be designed to prevent dispersion into the air of dusts, fumes, mists, vapors, and gases in concentrations causing harmful exposure. Such exhaust systems shall be so designed that dusts, fumes, mists, vapors, or gases are not drawn through the work area of employees.

(c) *Design and operation.* Exhaust fans, jets, ducts, hoods, separators, and all necessary appurtenances, including refuse receptacles, shall be so designed, constructed, maintained and operated as to ensure the required protection by maintaining a volume and velocity of exhaust air sufficient to gather dusts, fumes, vapors, or gases from said equipment or process, and to convey them to suitable points of safe disposal, thereby preventing their dispersion in harmful quantities into the atmosphere where employees work.

(d) *Duration of operations.* (1) The exhaust system shall be in operation continually during all operations which it is designed to serve. If the employee remains in the contaminated zone, the system shall continue to operate after the cessation of said operations, the length of time to depend upon the individual circumstances and effectiveness of the general ventilation system.

(2) Since dust capable of causing disability is, according to the best medical opinion, of microscopic size, tending to remain for hours in suspension in still air, it is essential that the exhaust system be continued in operation for a time after the work process or equipment served by the same shall have ceased, in order to ensure the removal of the harmful elements to the required extent. For the same reason, employees wearing respiratory equipment should not remove same immediately until the atmosphere seems clear.

(e) *Disposal of exhaust materials.* The air outlet from every dust separator, and the dusts, fumes, mists, vapors, or gases collected by an exhaust or ventilating system shall discharge to the outside atmosphere. Collecting systems which return air to work area may be used if concentrations which accumulate in the work area air do not result in harmful exposure to employees. Dust and refuse discharged from an exhaust system shall be disposed of in such a manner that it will not result in harmful exposure to employees.

Subpart E—Personal Protective and Life Saving Equipment

§ 1926.100 Head protection.

(a) Employees working in areas where there is a possible danger of head injury from impact, or from falling or flying objects, or from electrical shock and burns, shall be protected by protective helmets.

(b) Helmets for the protection of employees against impact and penetration of falling and flying objects shall meet the specifications contained in American National Standards Institute, Z89.1–1969, Safety Requirements for Industrial Head Protection.

(c) Helmets for the head protection of employees exposed to high voltage electrical shock and burns shall meet the specifications contained in American National Standards Institute, Z89.2–1971.

§ 1926.101 Hearing protection.

(a) Wherever it is not feasible to reduce the noise levels or duration of exposures to those specified in Table D–2, Permissible Noise Exposures, in § 1926.52, ear protective devices shall be provided and used.

(b) Ear protective devices inserted in the ear shall be fitted or determined individually by competent persons.

(c) Plain cotton is not an acceptable protective device.

§ 1926.102 Eye and face protection.

(a) *General.* (1) Employees shall be provided with eye and face protection equipment when machines or operations present potential eye or face injury from physical, chemical, or radiation agents.

(2) Eye and face protection equipment required by this Part shall meet the requirements specified in American National Standards Institute, Z87.1–1968, Practice for Occupational and Educational Eye and Face Protection.

(3) Employees whose vision requires the use of corrective lenses in spectacles, when required by this regulation to wear eye protection, shall be protected by goggles or spectacles of one of the following types:

(i) Spectacles whose protective lenses provide optical correction;

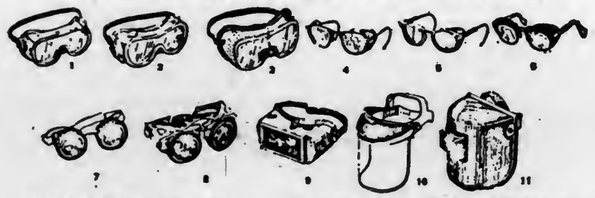
(ii) Goggles that can be worn over corrective spectacles without disturbing the adjustment of the spectacles;

(iii) Goggles that incorporate corrective lenses mounted behind the protective lenses.

(4) Face and eye protection equipment shall be kept clean and in good repair. The use of this type equipment with structural or optical defects shall be prohibited.

(5) Table E–1 shall be used as a guide in the selection of face and eye protection for the hazards and operations noted.

TABLE E–1—EYE AND FACE PROTECTOR SELECTION GUIDE



1. GOGGLES, Flexible Fitting, Regular Ventilation
2. GOGGLES, Flexible Fitting, Hooded Ventilation
3. GOGGLES, Cushioned Fitting, Rigid Body
*4. SPECTACLES, Metal Frame, with Sideshields
*5. SPECTACLES, Plastic Frame, with Sideshields
*6. SPECTACLES, Metal-Plastic Frame, with Sideshields
** 7. WELDING GOGGLES, Eyecup Type, Tinted Lenses (Illustrated)
7A. CHIPPING GOGGLES, Eyecup Type, Clear Safety Lenses (Not Illustrated)
** 8. WELDING GOGGLES, Coverspec Type Tinted Lenses (Illustrated)
8A. CHIPPING GOGGLES, Coverspec Type, Clear Safety Lenses (Not Illustrated)
** 9. WELDING GOGGLES, Coverspec Type, Tinted Plate Lens
10. FACE SHIELD (Available with Plastic or Mesh Window)
**11. WELDING HELMETS

APPLICATIONS

OPERATION	HAZARDS	RECOMMENDED PROTECTORS (Bold Type Numbers Signify Preferred Protection)
ACETYLENE-BURNING ACETYLENE-CUTTING ACETYLENE-WELDING	SPARKS, HARMFUL RAYS, MOLTEN METAL, FLYING PARTICLES	**7, 8, 9**
CHEMICAL HANDLING	SPLASH, ACID BURNS, FUMES	2, 10 (For severe exposure add 10 over 2)
CHIPPING	FLYING PARTICLES	1, 3, 4, 5, 6, 7A, 8A
ELECTRIC (ARC) WELDING	SPARKS, INTENSE RAYS, MOLTEN METAL	**9, 11** (11 in combination with 4, 5, 6, in tinted lenses, advisable)
FURNACE OPERATIONS	GLARE, HEAT, MOLTEN METAL	7, 8, 9 (For severe exposure add 10)
GRINDING—LIGHT	FLYING PARTICLES	1, 2, 4, 5, 6, 10
GRINDING—HEAVY	FLYING PARTICLES	1, 3, 7A, 8A (For severe exposure add 10)
LABORATORY	CHEMICAL SPLASH, GLASS BREAKAGE	2 (10 when in combination with 4, 5, 6)
MACHINING	FLYING PARTICLES	1, 3, 4, 5, 6, 10
MOLTEN METALS	HEAT, GLARE, SPARKS, SPLASH	7, 8 (10 in combination with 4, 5, 6, in tinted lenses)
SPOT WELDING	FLYING PARTICLES, SPARKS	1, 3, 4, 5, 6, 10

*Non-side shield spectacles are available for limited hazard use requiring only frontal protection.

**See Table E–2, in paragraph (b) of this section, Filter Lens Shade Numbers for Protection Against Radiant Energy.

(b) *Protection against radiant energy*—(1) *Selection of shade numbers for welding filter.* Table E–2 shall be used as a guide for the selection of the proper shade numbers of filter lenses or plates used in welding. Shades more dense than those listed may be used to suit the individual's needs.

TABLE E–2—FILTER LENS SHADE NUMBERS FOR PROTECTION AGAINST RADIANT ENERGY

Welding operation	*Shade number*
Shielded metal-arc welding 1/16-, 5/32-, 1/8-, 5/32-inch diameter electrodes	10
Gas-shielded arc welding (nonferrous) 1/16-, 5/32-, 1/8-, 5/32-inch diameter electrodes	11
Gas-shielded arc welding (ferrous) 1/16-, 5/32-, 1/8-, 5/32-inch diameter electrodes	12
Shielded metal-arc welding 5/16-, 3/8-, 1/4-inch diameter electrodes	12
5/16-, 3/8-inch diameter electrodes	14
Atomic hydrogen welding	10–14
Carbon-arc welding	14
Soldering	2
Torch brazing	3 or 4
Light cutting, up to 1 inch	3 or 4
Medium cutting, 1 inch to 6 inches	4 or 5
Heavy cutting, over 6 inches	5 or 6
Gas welding (light), up to 1/8-inch	4 or 5
Gas welding (medium), 1/8-inch to 1/2-inch	5 or 6
Gas welding (heavy), over 1/2-inch	6 or 8

(2) *Laser protection.* (i) Employees whose occupation or assignment requires exposure to laser beams shall be furnished suitable laser safety goggles which will protect for the specific wavelength of the laser and be of optical density (O.D.) adequate for the energy involved. Table E–3 lists the maximum power or energy density for which adequate protection is afforded by glasses of optical densities from 5 through 8.

TABLE E–3—SELECTING LASER SAFETY GLASS

INTENSITY	ATTENUATION	
CW maximum power density (watts/cm²)	Optical density (O.D.)	Attenuation factor
10^{-3}	5	10^5
10^{-1}	6	10^6
1.0	7	10^7
10.0	8	10^8

Output levels falling between lines in this table shall require the higher optical density.

(ii) All protective goggles shall bear a label identifying the following data:

(*a*) The laser wavelengths for which use is intended;

(*b*) The optical density of those wavelengths;

(*c*) The visible light transmission.

§ 1926.103 Respiratory protection.

(a) *General.* (1) In emergencies, or when controls required by Subpart D of this part either fail or are inadequate to prevent harmful exposure to employees, appropriate respiratory protective devices shall be provided by the employer and shall be used.

(2) Respiratory protective devices shall be approved by the U.S. Bureau of Mines or acceptable to the U.S. Department of Labor for the specific contaminant to which the employee is exposed.

(b) *Respirator selection.* (1) The chemical and physical properties of the contaminant, as well as the toxicity and concentration of the hazardous material, shall be considered in selecting the proper respirators.

(2) The nature and extent of the hazard, work requirements, and conditions, as well as the limitations and characteristics of the available respirators, shall also be factors considered in making the proper selection.

(3) The following table lists the types of respirators required for protection in dangerous atmospheres:

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TABLE E-4.—SELECTION OF RESPIRATORS

Hazard	Respirator (See Note)
Oxygen deficiency	Self-contained breathing apparatus. Hose mask with blower. Combination air-line respirator with auxiliary self-contained air supply or an air-storage receiver with alarm.
Gas and vapor contaminants immediately dangerous to life and health.	Self-contained breathing apparatus. Hose mask with blower. Air-purifying, full facepiece respirator with chemical canister (gas mask). Self-rescue mouthpiece respirator (for escape only). Combination air-line respirator with auxiliary self-contained air supply or an air-storage receiver with alarm.
Not immediately dangerous to life and health.	Air-line respirator. Hose mask without blower. Air-purifying, half-mask or mouthpiece respirator with chemical cartridge.
Particulate contaminants immediately dangerous to life and health.	Self-contained breathing apparatus. Hose mask with blower. Air-purifying, full facepiece respirator with appropriate filter. Self-rescue mouthpiece respirator (for escape only). Combination air-line respirator with auxiliary self-contained air supply or an air-storage receiver with alarm.
Not immediately dangerous to life and health.	Air-purifying, half-mask or mouthpiece respirator with filter pad or cartridge. Air-line respirator. Air-line abrasive-blasting respirator. Hose-mask without blower.
Combination gas, vapor, and particulate contaminants immediately dangerous to life and health.	Self-contained breathing apparatus. Hose mask with blower. Air-purifying, full facepiece respirator with chemical canister and appropriate filter (gas mask with filter). Self-rescue mouthpiece respirator (for escape only). Combination air-line respirator with auxiliary self-contained air supply or an air-storage receiver with alarm.
Not immediately dangerous to life and health.	Air-line respirator. Hose mask without blower. Air-purifying, half-mask or mouthpiece respirator with chemical cartridge and appropriate filter.

NOTE: For the purpose of this part, "immediately dangerous to life and health" is defined as a condition that either poses an immediate threat to life and health or an immediate threat of severe exposure to contaminants, such as radioactive materials, which are likely to have adverse delayed effect ron health.

(c) *Selection, issuance, use and care of respirators.* (1) Employees required to use respiratory protective equipment approved for use in atmospheres immediately dangerous to life shall be thoroughly trained in its use. Employees required to use other types of respiratory protective equipment shall be instructed in the use and limitations of such equipment.

(2) Respiratory protective equipment shall be inspected regularly and maintained in good condition. Gas mask canisters and chemical cartridges shall be replaced as necessary so as to provide complete protection. Mechanical filters shall be cleaned or replaced as necessary so as to avoid undue resistance to breathing.

(3) Respiratory protective equipment which has been previously used shall be cleaned and disinfected before it is issued by the employer to another employee. Emergency rescue equipment shall be cleaned and disinfected immediately after each use.

§ 1926.104 Safety belts, lifelines, and lanyards.

(a) Lifelines, safety belts, and lanyards shall be used only for employee safeguarding. Any lifeline, safety belt, or lanyard actually subjected to in-service loading, as distinguished from static load testing, shall be immediately removed from service and shall not be used again for employee safeguarding.

(b) Lifelines shall be secured above the point of operation to an anchorage or structural member capable of supporting a minimum dead weight of 5,400 pounds.

(c) Lifelines used on rock-scaling operations, or in areas where the lifeline may be subjected to cutting or abrasion, shall be a minimum of ⅞-inch wire core manila rope. For all other lifeline applications, a minimum of ¾-inch manila or equivalent, with a minimum breaking strength of 5,400 pounds, shall be used.

(d) Safety belt lanyard shall be a minimum of ½-inch nylon, or equivalent, with a maximum length to provide for a fall of no greater than 6 feet. The rope shall have a nominal breaking strength of 5,400 pounds.

(e) All safety belt and lanyard hardware shall be drop forged or pressed steel, cadmium plated in accordance with type 1, Class B plating specified in Federal Specification QQ–P–416. Surface shall be smooth and free of sharp edges.

(f) All safety belt and lanyard hardware, except rivets, shall be capable of withstanding a tensile loading of 4,000 pounds without cracking, breaking, or taking a permanent deformation.

§ 1926.105 Safety nets.

(a) Safety nets shall be provided when workplaces are more than 25 feet above the ground or water surface, or other surfaces where the use of ladders, scaffolds, catch platforms, temporary floors, safety lines, or safety belts is impractical.

(b) Where safety net protection is required by this part, operations shall not be undertaken until the net is in place and has been tested.

(c) (1) Nets shall extend 8 feet beyond the edge of the work surface where employees are exposed and shall be installed as close under the work surface as practical but in no case more than 25 feet below such work surface. Nets shall be hung with sufficient clearance to prevent user's contact with the surfaces or structures below. Such clearances shall be determined by impact load testing.

(2) It is intended that only one level of nets be required for bridge construction.

(d) The mesh size of nets shall not exceed 6 inches by 6 inches. All new nets shall meet accepted performance standards of 17,500 foot-pounds minimum impact resistance as determined and certified by the manufacturers, and shall bear a label of proof test. Edge ropes shall provide a minimum breaking strength of 5,000 pounds.

(e) Forged steel safety hooks or shackles shall be used to fasten the net to its supports.

(f) Connections between net panels shall develop the full strength of the net.

§ 1926.106 Working over or near water.

(a) Employees working over or near water, where the danger of drowning exists, shall be provided with U.S. Coast Guard-approved life jacket or buoyant work vests.

(b) Prior to and after each use, the buoyant work vests or life preservers shall be inspected for defects which would alter their strength or buoyancy. Defective units shall not be used.

(c) Ring buoys with at least 90 feet of line shall be provided and readily available for emergency rescue operations. Distance between ring buoys shall not exceed 200 feet.

(d) At least one lifesaving skiff shall be immediately available at locations where employees are working over or adjacent to water.

§ 1926.107 Definitions applicable to this subpart.

(a) "Contaminant" means any material which by reason of its action upon, within, or to a person is likely to cause physical harm.

(b) "Lanyard" means a rope, suitable for supporting one person. One end is fastened to a safety belt or harness and the other end is secured to a substantial object or a safety line.

(c) "Lifeline" means a rope, suitable for supporting one person, to which a lanyard or safety belt (or harness) is attached.

(d) "O.D." means optical density and refers to the light refractive characteristics of a lens.

(e) "Radiant energy" means energy that travels outward in all directions from its sources.

(f) "Safety belt" means a device, usually worn around the waist which, by reason of its attachment to a lanyard and lifeline or a structure, will prevent a worker from falling.

Subpart F—Fire Protection and Prevention

§ 1926.150 Fire protection.

(a) *General requirements.* (1) The employer shall be responsible for the development of a fire protection program to be followed throughout all phases of the construction and demolition work, and he shall provide for the firefighting equipment as specified in this subpart. As fire hazards occur, there shall be no delay in providing the necessary equipment.

(2) Access to all available firefighting equipment shall be maintained at all times.

(3) All firefighting equipment, provided by the employer, shall be conspicuously located.

(4) All firefighting equipment shall be periodically inspected and maintained in operating condition. Defective equipment shall be immediately replaced.

(5) As warranted by the project, the employer shall provide a trained and equipped firefighting organization (Fire Brigade) to assure adequate protection to life.

(b) *Water supply.* (1) A temporary or permanent water-supply, of sufficient volume, duration, and pressure, required to properly operate the firefighting equipment shall be made available as soon as combustible materials accumulate.

(2) Where underground water mains are to be provided, they shall be installed, completed, and made available for use as soon as practicable.

(c) *Portable firefighting equipment*—(1) *Fire extinguishers and small hose lines.* (i) A fire extinguisher, rated not less than 2A, shall be provided for each 3,000 square feet of the protected building area, or major fraction thereof. Travel distance from any point of the protected area to the nearest fire extinguisher shall not exceed 100 feet.

(ii) One 55-gallon open drum of water with two fire pails may be substituted for a fire extinguisher having a 2A rating.

(iii) A ½-inch diameter garden-type hose line, not to exceed 100 feet in length and equipped with a nozzle, may be substituted for a 2A-rated fire extinguisher, provided it is capable of discharging a minimum of 5 gallons per minute with a minimum hose stream range of 30 feet horizontally. The garden-type hose lines shall be mounted on conventional racks or reels. The number and location of hose racks or reels shall be such that at least one hose stream can be applied to all points in the area.

(iv) One or more fire extinguishers, rated not less than 2A, shall be provided on each floor. In multistory buildings, at least one fire extinguisher shall be located adjacent to stairway.

(v) Extinguishers and water drums, subject to freezing, shall be protected from freezing.

(vi) A fire extinguisher, rated not less than 10B, shall be provided within 50 feet of wherever more than 5 gallons of flammable or combustible liquids or 5 pounds of flammable gas are being used on the jobsite. This requirement does not apply to the integral fuel tanks of motor vehicles.

(vii) Carbon tetrachloride and other toxic vaporizing liquid fire extinguishers are prohibited.

(viii) Portable fire extinguishers shall be inspected periodically and maintained in accordance with Maintenance and Use of Portable Fire Extinguishers, NFPA No. 10A–1970.

(ix) Fire extinguishers which have been listed or approved by a nationally recognized testing laboratory, shall be used to meet the requirements of this subpart.

(x) Table F–1 may be used as a guide for selecting the appropriate portable fire extinguishers.

Table F-1 FIRE EXTINGUISHERS DATA

	WATER TYPE				FOAM	CARBON DIOXIDE	DRY CHEMICAL			
							SODIUM OR POTASSIUM BICARBONATE		MULTI-PURPOSE ABC	
CLASS A FIRES (WOOD, PAPER, TRASH, FLAMMABLE SOLIDS)	YES	YES	YES	YES	YES	NO	NO	NO	YES	YES
CLASS B FIRES (FLAMMABLE LIQUIDS, GREASE, ETC.)	NO	NO	NO	NO	YES	YES	YES	YES	YES	YES
CLASS C FIRES (ELECTRICAL EQUIPMENT)	NO	NO	NO	NO	NO	YES	YES	YES	YES	YES
CLASS D FIRES (COMBUSTIBLE METALS)	SPECIAL EXTINGUISHING AGENTS APPROVED BY RECOGNIZED TESTING LABORATORIES									
METHOD OF OPERATION	PULL PIN—SQUEEZE HANDLE	TWIST UPPER RING—SQUEEZE HANDLE	PUMP HANDLE	TWIST UPPER RING	TWIST UPPER RING	PULL PIN—SQUEEZE LEVER	PUNCTURE CARTRIDGE—SQUEEZE LEVER	PULL PIN—SQUEEZE HANDLE	PULL PIN—SQUEEZE TO RAISE HANDLE	PUNCTURE CARTRIDGE—SQUEEZE LEVER
RANGE	30'–40'	30'–40'	30'–40'	30'–40'	20'–40'	3'–8'	5'–20'	5'–20'	5'–20'	5'–20'
MAINTENANCE	CHECK PIN, PRESSURE GAUGE MONTHLY	RECHARGE CARTRIDGE—RECHARGE AFTER USE—RECHARGE ANNUALLY	DISCHARGE AND FILL WITH WATER ANNUALLY	RECHARGE ANNUALLY	DISCHARGE ANNUALLY—RECHARGE ANNUALLY	RECHARGE ANNUALLY	RECHARGE CARTRIDGE—CHECK CONDITION OF DRY CHEMICAL ANNUALLY	CHECK PIN, PRESSURE GAUGE AND CONDITION OF DRY CHEMICAL ANNUALLY	RECHARGE CARTRIDGE—CHECK CONDITION OF DRY CHEMICAL ANNUALLY	RECHARGE CARTRIDGE—CHECK CONDITION OF DRY CHEMICAL ANNUALLY

(2) *Fire hose and connections.* (i) One hundred feet, or less, of 1½-inch hose, with a nozzle capable of discharging water at 25 gallons or more per minute, may be substituted for a fire extinguisher rated not more than 2A in the designated area provided that the hose line can reach all points in the area.

(ii) If fire hose connections are not compatible with local firefighting equipment, the contractor shall provide adapters, or equivalent, to permit connections.

(iii) During demolition involving combustible materials, charged hose lines, supplied by hydrants, water tank trucks with pumps, or equivalent, shall be made available.

(d) *Fixed firefighting equipment*—(1) *Sprinkler protection.* (i) If the facility being constructed includes the installation of automatic sprinkler protection, the installation shall closely follow the construction and be placed in service as soon as applicable laws permit following completion of each story.

(ii) During demolition or alterations, existing automatic sprinkler installations shall be retained in service as long as reasonable. The operation of sprinkler control valves shall be permitted only by properly authorized persons. Modification of sprinkler systems to permit alterations or additional demolition should be expedited so that the automatic protection may be returned to service as quickly as possible. Sprinkler control valves shall be checked daily at close of work to ascertain that the protection is in service.

(2) *Standpipes.* In all structures in which standpipes are required, or where standpipes exist in structures being altered, they shall be brought up as soon as applicable laws permit, and shall be maintained as construction progresses in such a manner that they are always ready for fire protection use. The standpipes shall be provided with Siamese fire department connections on the outside of the structure, at the street level, which shall be conspicuously marked. There shall be at least one standard hose outlet at each floor.

(e) *Fire alarm devices.* (1) An alarm system, e.g., telephone system, siren, etc., shall be established by the employer whereby employees on the site and the local fire department can be alerted for an emergency.

(2) The alarm code and reporting instructions shall be conspicuously posted at phones and at employee entrances.

(f) *Fire cutoffs.* (1) Fire walls and exit stairways, required for the completed buildings, shall be given construction priority. Fire doors, with automatic closing devices, shall be hung on openings as soon as practicable.

(2) Fire cutoffs shall be retained in buildings undergoing alterations or demolition until operations necessitate their removal.

§ 1926.151 Fire prevention.

(a) *Ignition hazards.* (1) Electrical wiring and equipment for light, heat, or power purposes shall be installed in compliance with the requirements of the National Electrical Code, NFPA 70–1971; ANSI C1–1971 (Rev. of 1968), and the requirements of Subpart K of this part.

(2) Internal combustion engine powered equipment shall be so located that the exhausts are well away from combustible materials. When the exhausts are piped to outside the building under construction, a clearance of at least 6 inches shall be maintained between such piping and combustible material.

(3) Smoking shall be prohibited at or in the vicinity of operations which constitute a fire hazard, and shall be conspicuously posted: "No Smoking or Open Flame."

(4) Portable battery powered lighting equipment, used in connection with the storage, handling, or use of flammable gases or liquids, shall be of the type approved for the hazardous locations.

(5) The nozzle of air, inert gas, and steam lines or hoses, when used in the cleaning or ventilation of tanks and vessels that contain hazardous concentrations of flammable gases or vapors, shall be bonded to the tank or vessel

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shell. Bonding devices shall not be attached or detached in hazardous concentrations of flammable gases or vapors.

(b) *Temporary buildings.* (1) No temporary building shall be erected where it will adversely affect any means of exit.

(2) Temporary buildings, when located within another building or structure, shall be of either noncombustible construction or of combustible construction having a fire resistance of not less than 1 hour.

(3) Temporary buildings, located other than inside another building and not used for the storage, handling, or use of flammable or combustible liquids, flammable gases, explosives, or blasting agents, or similar hazardous occupancies, shall be located at a distance of not less than 10 feet from another building or structure. Groups of temporary buildings, not exceeding 2,000 square feet in aggregate, shall, for the purposes of this part, be considered a single temporary building.

(c) *Open yard storage.* (1) Combustible materials shall be piled with due regard to the stability of piles and in no case higher than 20 feet.

(2) Driveways between and around combustible storage piles shall be at least 15 feet wide and maintained free from accumulation of rubbish, equipment, or other articles or materials. Driveways shall be so spaced that a maximum grid system unit of 50 feet by 150 feet is produced.

(3) The entire storage site shall be kept free from accumulation of unnecessary combustible materials. Weeds and grass shall be kept down and a regular procedure provided for the periodic cleanup of the entire area.

(4) When there is a danger of an underground fire, that land shall not be used for combustible or flammable storage.

(5) Method of piling shall be solid wherever possible and in orderly and regular piles. No combustible material shall be stored outdoors within 10 feet of a building or structure.

(6) Portable fire extinguishing equipment, suitable for the fire hazard involved, shall be provided at convenient, conspicuously accessible locations in the yard area. Portable fire extinguishers, rated not less than 2A, shall be placed so that maximum travel distance to the nearest unit shall not exceed 100 feet.

(d) *Indoor storage.* (1) Storage shall not obstruct, or adversely affect, means of exit.

(2) All materials shall be stored, handled, and piled with due regard to their fire characteristics.

(3) Noncompatible materials, which may create a fire hazard, shall be segregated by a barrier having a fire resistance of at least 1 hour.

(4) Material shall be piled to minimize the spread of fire internally and to permit convenient access for firefighting. Stable piling shall be maintained at all times. Aisle space shall be maintained to safely accommodate the widest vehicle that may be used within the building for firefighting purposes.

(5) Clearance of at least 36 inches shall be maintained between the top level of the stored material and the sprinkler deflectors.

(6) Clearance shall be maintained around lights and heating units to prevent ignition of combustible materials.

(7) A clearance of 24 inches shall be maintained around the path of travel of fire doors unless a barricade is provided, in which case no clearance is needed. Material shall not be stored within 36 inches of a fire door opening.

§ 1926.152 Flammable and combustible liquids.

(a) *General requirements.* (1) Only approved containers and portable tanks shall be used for storage and handling of flammable and combustible liquids. Approved metal safety cans shall be used for the handling and use of flammable liquids in quantities greater than one gallon, except that this shall not apply to those flammable liquid materials which are highly viscid (extremely hard to pour), which may be used and handled in original shipping containers. For quantities of one gallon or less, only the original container or approved metal safety cans shall be used for storage, use, and handling of flammable liquids.

(2) Flammable or combustible liquids shall not be stored in areas used for exits, stairways, or normally used for the safe passage of people.

(b) *Indoor storage of flammable and combustible liquids.* (1) No more than 25 gallons of flammable or combustible liquids shall be stored in a room outside of an approved storage cabinet. For storage of liquefied petroleum gas, see § 1926.153.

(2) Quantities of flammable and combustible liquid in excess of 25 gallons shall be stored in an acceptable or approved cabinet meeting the following requirements:

(i) Acceptable wooden storage cabinets shall be constructed in the following manner, or equivalent: The bottom, sides, and top shall be constructed of an exterior grade of plywood at least 1 inch in thickness, which shall not break down or delaminate under standard fire test conditions. All joints shall be rabbeted and shall be fastened in two directions with flathead wood screws. When more than one door is used, there shall be a rabbeted overlap of not less than 1 inch. Steel hinges shall be mounted in such a manner as to not lose their holding capacity due to loosening or burning out of the screws when subjected to fire. Such cabinets shall be painted inside and out with fire retardant paint.

(ii) Approved metal storage cabinets will be acceptable.

(iii) Cabinets shall be labeled in conspicuous lettering, "Flammable—Keep Fire Away."

(3) Not more than 60 gallons of flammable or 120 gallons of combustible liquids shall be stored in any one storage cabinet. Not more than three such cabinets may be located in a single storage area. Quantities in excess of this shall be stored in an inside storage room.

(4) (i) Inside storage rooms shall be constructed to meet the required fire-resistive rating for their use. Such construction shall comply with the test specifications set forth in Standard Methods of Fire Test of Building Construction and Material, NFPA 251–1969.

(ii) Where an automatic extinguishing system is provided, the system shall be designed and installed in an approved manner. Openings to other rooms or buildings shall be provided with noncombustible liquid-tight raised sills or ramps at least 4 inches in height, or the floor in the storage area shall be at least 4 inches below the surrounding floor. Openings shall be provided with approved self-closing fire doors. The room shall be liquid-tight where the walls join the floor. A permissible alternate to the sill or ramp is an open-grated trench, inside of the room, which drains to a safe location. Where other portions of the building or other buildings are exposed, windows shall be protected as set forth in the Standard for Fire Doors and Windows, NFPA No. 80–1970, for Class E or F openings. Wood of at least 1-inch nominal thickness may be used for shelving, racks, dunnage, scuffboards, floor overlay, and similar installations.

(iii) Materials which will react with water and create a fire hazard shall not be stored in the same room with flammable or combustible liquids.

(iv) Storage in inside storage rooms shall comply with Table F–2 following:

TABLE F-2

Fire protection provided	Fire resistance	Maximum size	Total allowable quantities gals./sq. ft./floor area
Yes	2 hrs.	500 sq. ft.	20
No	2 hrs.	500 sq. ft.	4
Yes	1 hr.	150 sq. ft.	5
No	1 hr.	150 sq. ft.	2

NOTE: Fire protection system shall be sprinkler, water spray, carbon dioxide or other system approved by a nationally recognized testing laboratory for this purpose.

(v) Electrical wiring and equipment located in inside storage rooms shall be approved for Class 1, Division 1, Hazardous Locations. For definition of Class 1, Division 1, Hazardous Locations, see § 1926.404.

(vi) Every inside storage room shall be provided with either a gravity or a mechanical exhausting system. Such system shall commence not more than 12 inches above the floor and be designed to provide for a complete change of air within the room at least 6 times per hour. If a mechanical exhausting system is used, it shall be controlled by a switch located outside of the door. The ventilating equipment and any lighting fixtures shall be operated by the same switch. An electric pilot light shall be installed adjacent to the switch if flammable liquids are dispensed within the room. Where gravity ventilation is provided, the fresh air intake, as well as the exhausting outlet from the room, shall be on the exterior of the building in which the room is located.

(vii) In every inside storage room there shall be maintained one clear aisle at least 3 feet wide. Containers over 30 gallons capacity shall not be stacked one upon the other.

(viii) Flammable and combustible liquids in excess of that permitted in inside storage rooms shall be stored outside of buildings in accordance with paragraph (c) of this section.

(c) *Storage outside buildings.* (1) Storage of containers (not more than 60 gallons each) shall not exceed 1,100 gallons in any one pile or area. Piles or groups of containers shall be separated by a 5-foot clearance. Piles or groups of containers shall not be nearer than 20 feet to a building.

(2) Within 200 feet of each pile of containers, there shall be a 12-foot-wide access way to permit approach of fire control apparatus.

(3) The storage area shall be graded in a manner to divert possible spills away from buildings or other exposures, or shall be surrounded by a curb or earth dike at least 12 inches high. When curbs or dikes are used, provisions shall be made for draining off accumulations of ground or rain water, or spills of flammable or combustible liquids. Drains shall terminate at a safe location and shall be accessible to operation under fire conditions.

(4) Outdoor portable tank storage: (i) Portable tanks shall not be nearer than 20 feet from any building. Two or more portable tanks, grouped together, having a combined capacity in excess of 2,200 gallons, shall be separated by a 5-foot-clear area. Individual portable tanks exceeding 1,100 gallons shall be separated by a 5-foot-clear area.

(ii) Within 200 feet of each portable tank, there shall be a 12-foot-wide access way to permit approach of fire control apparatus.

(5) Storage areas shall be kept free of weeds, debris, and other combustible material not necessary to the storage.

(6) Portable tanks, not exceeding 660 gallons, shall be provided with emergency venting and other devices, as required by chapters III and IV of NFPA 30–1969, The Flammable and Combustible Liquids Code.

(7) Portable tanks, in excess of 660 gallons, shall have emergency venting and other devices, as required by chapters II and III of The Flammable and Combustible Liquids Code, NFPA 30–1969.

(d) *Fire control for flammable or combustible liquid storage.* (1) At least one portable fire extinguisher, having a rating of not less than 20–B units, shall be located outside of, but not more than 10 feet from, the door opening into any room used for storage of more than 60 gallons of flammable or combustible liquids.

(2) At least one portable fire extinguisher having a rating of not less than 20–B units shall be located not less than 25 feet, nor more than 75 feet, from any flammable liquid storage area located outside.

(3) When sprinklers are provided, they shall be installed in accordance with the Standard for the Installation of Sprinkler Systems, NFPA 13–1969.

(4) At least one portable fire extinguisher having a rating of not less than 20–B:C units shall be provided on all tank trucks or other vehicles used for transporting and/or dispensing flammable or combustible liquids.

(e) *Dispensing liquids.* (1) Areas in which flammable or combustible liquids are transferred at one time, in quantities greater than 5 gallons from one tank or container to another tank or container, shall be separated from other operations by 25-feet distance or by construction having a fire resistance of at least 1 hour. Drainage or other means shall be provided to control spills. Adequate natural or mechanical ventilation shall be provided to maintain the concentration of flammable vapor at or below 10 percent of the lower flammable limit.

(2) Transfer of flammable liquids from one container to another shall be done only when containers are electrically interconnected (bonded).

(3) Flammable or combustible liquids shall be drawn from or transferred into vessels, containers, or tanks within a building or outside only through a closed piping system, from safety cans, by means of a device drawing through the top, or from a container, or portable tanks, by gravity or pump, through an approved self-closing valve. Transferring by means of air pressure on the container or portable tanks is prohibited.

(4) The dispensing units shall be protected against collision damage.

(5) Dispensing devices and nozzles for flammable liquids shall be of an approved type.

(f) *Handling liquids at point of final use.* (1) Flammable liquids shall be kept in closed containers when not actually in use.

(2) Leakage or spillage of flammable or combustible liquids shall be disposed of promptly and safely.

(3) Flammable liquids may be used only where there are no open flames or other sources of ignition within 50 feet of the operation, unless conditions warrant greater clearance.

(g) *Service and refueling areas.* (1) Flammable or combustible liquids shall be stored in approved closed containers, in tanks located underground, or in aboveground portable tanks.

(2) The tank trucks shall comply with the requirements covered in the Standard for Tank Vehicles for Flammable and Combustible Liquids, NFPA No. 385–1966.

(3) The dispensing hose shall be an approved type.

(4) The dispensing nozzle shall be an approved automatic-closing type without a latch-open device.

(5) Underground tanks shall not be abandoned.

(6) Clearly identified and easily accessible switch(es) shall be provided at a location remote from dispensing devices to shut off the power to all dispensing devices in the event of an emergency.

(7) (i) Heating equipment of an approved type may be installed in the lubrication or service area where there is no dispensing or transferring of flammable liquids, provided the bottom of the heating unit is at least 18 inches above the floor and is protected from physical damage.

(ii) Heating equipment installed in lubrication or service areas, where flammable liquids are dispensed, shall be of an approved type for garages, and shall be installed at least 8 feet above the floor.

(8) There shall be no smoking or open flames in the areas used for fueling, servicing fuel systems for internal combustion engines, receiving or dispensing of flammable or combustible liquids.

(9) Conspicuous and legible signs prohibiting smoking shall be posted.

(10) The motors of all equipment being fueled shall be shut off during the fueling operation.

(11) Each service or fueling area shall be provided with at least one fire extinguisher having a rating of not less than 20–B:C located so that an extinguisher will be within 75 feet of each pump, dispenser, underground fill pipe opening, and lubrication or service area.

§ 1926.153 Liquefied petroleum gas (LP-Gas).

(a) *Approval of equipment and systems.* (1) Each system shall have containers, valves, connectors, manifold valve assemblies, and regulators of an approved type.

(2) All cylinders shall meet the Department of Transportation specification identification requirements published in 49 CFR Part 178, Shipping Container Specifications.

(b) *Welding on LP-Gas containers.* Welding is prohibited on containers.

(c) *Container valves and container accessories.* (1) Valves, fittings, and accessories connected directly to the container, including primary shut off valves, shall have a rated working pressure of at least 250 p.s.i.g. and shall be of material and design suitable for LP-Gas service.

(2) Connections to containers, except safety relief connections, liquid level gauging devices, and plugged openings, shall have shutoff valves located as close to the container as practicable.

(d) *Safety devices.* (1) Every container and every vaporizer shall be provided with one or more approved safety relief valves or devices. These valves shall be arranged to afford free vent to the outer air with discharge not less than 5 feet horizontally away from any opening into a building which is below such discharge.

(2) Shutoff valves shall not be installed between the safety relief device and the container, or the equipment or piping to which the safety relief device is connected, except that a shutoff valve may be used where the arrangement of this valve is such that full required capacity flow through the safety relief device is always afforded.

(3) Container safety relief devices and regulator relief vents shall be located not less than 5 feet in any direction from air openings into sealed combustion system appliances or mechanical ventilation air intakes.

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(e) *Dispensing.* (1) Filling of fuel containers for trucks or motor vehicles from bulk storage containers shall be performed not less than 10 feet from the nearest masonry-walled building, or not less than 25 feet from the nearest building or other construction and, in any event, not less than 25 feet from any building opening.

(2) Filling of portable containers or containers mounted on skids from storage containers shall be performed not less than 50 feet from the nearest building.

(f) *Requirements for appliances.* (1) LP-Gas consuming appliances shall be approved types.

(2) Any appliance that was originally manufactured for operation with a gaseous fuel other than LP-Gas, and is in good condition, may be used with LP-Gas only after it is properly converted, adapted, and tested for performance with LP-Gas before the appliance is placed in use.

(g) *Containers and regulating equipment installed outside of buildings or structures.* Containers shall be upright upon firm foundations or otherwise firmly secured. The possible effect on the outlet piping of settling shall be guarded against by a flexible connection or special fitting.

(h) *Containers and equipment used inside of buildings or structures.* (1) When operational requirements make portable use of containers necessary, and their location outside of buildings or structures is impracticable, containers and equipment shall be permitted to be used inside of buildings or structures in accordance with subparagraphs (2) through (11) of this paragraph.

(2) "Containers in use" means connected for use.

(3) Systems utilizing containers having a water capacity greater than 2½ pounds (nominal 1 pound LP-Gas capacity) shall be equipped with excess flow valves. Such excess flow valves shall be either integral with the container valves or in the connections to the container valve outlets.

(4) Regulators shall be either directly connected to the container valves or to manifolds connected to the container valves. The regulator shall be suitable for use with LP-Gas. Manifolds and fittings connecting containers to pressure regulator inlets shall be designed for at least 250 p.s.i.g. service pressure.

(5) Valves on containers having water capacity greater than 50 pounds (nominal 20 pounds LP-Gas capacity) shall be protected from damage while in use or storage.

(6) Aluminum piping or tubing shall not be used.

(7) Hose shall be designed for a working pressure of at least 250 p.s.i.g. Design, construction, and performance of hose, and hose connections shall have their suitability determined by listing by a nationally recognized testing agency. The hose length shall be as short as practicable. Hoses shall be long enough to permit compliance with spacing provisions of subparagraphs (1)–(13) of this paragraph, without kinking or straining, or causing hose to be so close to a burner as to be damaged by heat.

(8) Portable heaters, including salamanders, shall be equipped with an approved automatic device to shut off the flow of gas to the main burner, and pilot if used, in the event of flame failure. Such heaters, having inputs above 50,000 B.t.u. per hour, shall be equipped with either a pilot, which must be lighted and proved before the main burner can be turned on, or an electrical ignition system.

NOTE: The provisions of this subparagraph do not apply to portable heaters under 7,500 B.t.u. per hour input when used with containers having a maximum water capacity of 2½ pounds.

(9) Container valves, connectors, regulators, manifolds, piping, and tubing shall not be used as structural supports for heaters.

(10) Containers, regulating equipment, manifolds, pipe, tubing, and hose shall be located to minimize exposure to high temperatures or physical damage.

(11) Containers having a water capacity greater than 2½ pounds (nominal 1 pound LP-Gas capacity) connected for use shall stand on a firm and substantially level surface and, when necessary, shall be secured in an upright position.

(12) The maximum water capacity of individual containers shall be 245 pounds (nominal 100 pounds LP-Gas capacity).

(13) For temporary heating, heaters (other than integral heater-container units) shall be located at least 6 feet from any LP-Gas container. This shall not prohibit the use of heaters specifically designed for attachment to the container or to a supporting standard, provided they are designed and installed so as to prevent direct or radiant heat application from the heater onto the containers. Blower and radiant type heaters shall not be directed toward any LP-Gas container within 20 feet.

(14) If two or more heater-container units, of either the integral or nonintegral type, are located in an unpartitioned area on the same floor, the container or containers of each unit shall be separated from the container or containers of any other unit by at least 20 feet.

(15) When heaters are connected to containers for use in an unpartitioned area on the same floor, the total water capacity of containers, manifolded together for connection to a heater or heaters, shall not be greater than 735 pounds (nominal 300 pounds LP-Gas capacity). Such manifolds shall be separated by at least 20 feet.

(16) Storage of containers awaiting use shall be in accordance with paragraphs (j) and (k) of this section.

(i) *Multiple container systems.* (1) Valves in the assembly of multiple container systems shall be arranged so that replacement of containers can be made without shutting off the flow of gas in the system. This provision is not to be construed as requiring an automatic changeover device.

(2) Heaters shall be equipped with an approved regulator in the supply line between the fuel cylinder and the heater unit. Cylinder connectors shall be provided with an excess flow valve to minimize the flow of gas in the event the fuel line becomes ruptured.

(3) Regulators and low-pressure relief devices shall be rigidly attached to the cylinder valves, cylinders, supporting standards, the building walls, or otherwise rigidly secured, and shall be so installed or protected from the elements.

(j) *Storage of LPG containers.* Storage of LPG within buildings is prohibited.

(k) *Storage outside of buildings.* (1) Storage outside of buildings, for containers awaiting use, shall be located from the nearest building or group of buildings, in accordance with the following:

TABLE F-3

Quantity of LP-Gas stored:	Distance (feet)
500 lbs. or less	0
501 to 6,000 lbs	10
6,001 to 10,000 lbs	20
Over 10,000 lbs	25

(2) Containers shall be in a suitable ventilated enclosure or otherwise protected against tampering.

(l) *Fire protection.* Storage locations shall be provided with at least one approved portable fire extinguisher having a rating of not less than 20-B:C.

§ 1926.154 Temporary heating devices.

(a) *Ventilation.* (1) Fresh air shall be supplied in sufficient quantities to maintain the health and safety of workmen. Where natural means of fresh air supply is inadequate, mechanical ventilation shall be provided.

(2) When heaters are used in confined spaces, special care shall be taken to provide sufficient ventilation in order to ensure proper combustion, maintain the health and safety of workmen, and limit temperature rise in the area.

(b) *Clearance and mounting.* (1) Temporary heating devices shall be installed to provide clearance to combustible material not less than the amount shown in Table F-4.

(2) Temporary heating devices, which are listed for installation with lesser clearances than specified in Table F-4, may be installed in accordance with their approval.

TABLE F-4

Heating appliances	Minimum clearance, (inches)		
	Sides	Rear	Chimney connector
Room heater, circulating type	12	12	18
Room heater, radiant type	36	36	18

(3) Heaters not suitable for use on wood floors shall not be set directly upon them or other combustible materials. When such heaters are used, they shall rest on suitable heat insulating material or at least 1-inch concrete, or equivalent. The insulating material shall extend beyond the heater 2 feet or more in all directions.

(4) Heaters used in the vicinity of combustible tarpaulins, canvas, or similar coverings shall be located at least 10 feet from the coverings. The coverings shall be securely fastened to prevent ignition or upsetting of the heater due to wind action on the covering or other material.

(c) *Stability.* Heaters, when in use, shall be set horizontally level, unless otherwise permitted by the manufacturer's markings.

(d) *Solid fuel salamanders.* Solid fuel salamanders are prohibited in buildings and on scaffolds.

(e) *Oil-fired heaters.* (1) Flammable liquid-fired heaters shall be equipped with a primary safety control to stop the flow of fuel in the event of flame failure. Barometric or gravity oil feed shall not be considered a primary safety control.

(2) Heaters designed for barometric or gravity oil feed shall be used only with the integral tanks.

(3) [Revoked]

(4) Heaters specifically designed and approved for use with separate supply tanks may be directly connected for gravity feed, or an automatic pump, from a supply tank.

§ 1926.155 Definitions applicable to this subpart.

(a) "Approved", for the purpose of this subpart, means equipment that has been listed or approved by a nationally recognized testing laboratory such as Factory Mutual Engineering Corp., or Underwriters' Laboratories, Inc., or Federal agencies such as Bureau of Mines, or U.S. Coast Guard, which issue approvals for such equipment.

(b) "Closed container" means a container so sealed by means of a lid or other device that neither liquid nor vapor will escape from it at ordinary temperatures.

(c) "Combustible liquids" mean any liquid having a flash point at or above 140° F. (60° C.), and below 200° F. (93.4° C.).

(d) "Combustion" means any chemical process that involves oxidation sufficient to produce light or heat.

(e) "Fire brigade" means an organized group of employees that are knowledgeable, trained, and skilled in the safe evacuation of employees during emergency situations and in assisting in fire fighting operations.

(f) "Fire resistance" means so resistant to fire that, for specified time and under conditions of a standard heat intensity, it will not fail structurally and will not permit the side away from the fire to become hotter than a specified temperature. For purposes of this part, fire resistance shall be determined by the Standard Methods of Fire Tests of Building Construction and Materials, NFPA 251–1969.

(g) "Flammable" means capable of being easily ignited, burning intensely, or having a rapid rate of flame spread.

(h) "Flammable liquids" means any liquid having a flash point below 140° F. and having a vapor pressure not exceeding 40 pounds per square inch (absolute) at 100° F.

(i) "Flash point" of the liquid means the temperature at which it gives off vapor sufficient to form an ignitable mixture with the air near the surface of the liquid or within the vessel used as determined by appropriate test procedure and apparatus as specified below.

(1) The flash point of liquids having a viscosity less than 45 Saybolt Universal Second(s) at 100° F. (37.8° C.) and a flash point below 175° F. (79.4° C.) shall be determined in accordance with the Standard Method of Test for Flash Point by the Tag Closed Tester, ASTM D-56–69.

(2) The flash point of liquids having a viscosity of 45 Saybolt Universal Second(s) or more at 175° F. (79.4° C.) or higher shall be determined in accordance with the Standard Method of Test for Flash Point by the Pensky Martens Closed Tester, ASTM D–93–69.

(j) "Liquefied petroleum gases," "LPG" and "LP Gas" mean and include any material which is composed predominantly of any of the following hydrocarbons, or mixtures of them, such as propane, propylene, butane (normal butane or iso-butane), and butylenes.

(k) "Portable tank" means a closed container having a liquid capacity more than 60 U.S. gallons, and not intended for fixed installation.

(l) "Safety can" means an approved closed container, of not more than 5 gallons capacity, having a flash-arresting screen, spring-closing lid and spout cover and so designed that it will safely relieve internal pressure when subjected to fire exposure.

(m) "Vapor pressure" means the pressure, measured in pounds per square inch (absolute), exerted by a volatile liquid as determined by the "Standard Method of Test for Vapor Pressure of Petroleum Products (Reid Method)." (ASTM D-323-58).

Subpart G—Signs, Signals, and Barricades

§ 1926.200 Accident prevention signs and tags.

(a) *General.* Signs and symbols required by this subpart shall be visible at all times when work is being performed, and shall be removed or covered promptly when the hazards no longer exist.

(b) *Danger signs.* (1) Danger signs (see Figure G-1) shall be used only where an immediate hazard exists.

(2) Danger signs shall have red as the predominating color for the upper panel; black outline on the borders; and a white lower panel for additional sign wording.

(c) *Caution signs.* (1) Caution signs (see Figure G-2) shall be used only to warn against potential hazards or to caution against unsafe practices.

(2) Caution signs shall have yellow as the predominating color; black upper panel and borders; yellow lettering of "caution" on the black panel; and the lower yellow panel for additional sign wording. Black lettering shall be used for additional wording.

Figure G-1



Figure G-2



(d) *Exit signs.* Exit signs, when required, shall be lettered in legible red letters, not less than 6 inches high, on a white field and the principal stroke of the letters shall be at least three-fourths inch in width.

(e) *Safety instruction signs.* Safety instruction signs, when used, shall be white with green upper panel with white letters to convey the principal message. Any additional wording on the sign shall be black letters on the white background.

(f) *Directional signs.* Directional signs, other than automotive traffic signs specified in paragraph (g) of this section, shall be white with a black panel and a white directional symbol. Any additional wording on the sign shall be black letters on the white background.

(g) *Traffic signs.* (1) Construction areas shall be posted with legible traffic signs at points of hazard.

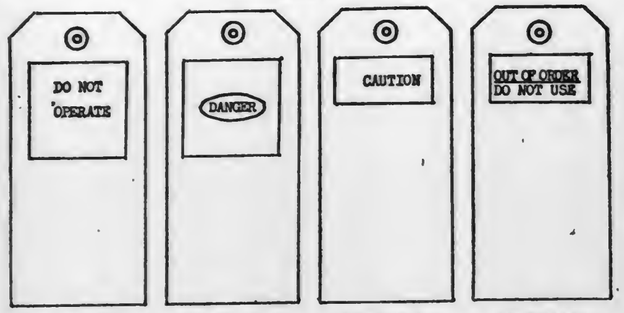
(2) All traffic control signs or devices used for protection of construction workmen shall conform to American National Standards Institute D6.1–1971, Manual on Uniform Traffic Control Devices for Streets and Highways.

(h) *Accident prevention tags.* (1) Accident prevention tags shall be used as a temporary means of warning employees of an existing hazard, such as defective tools, equipment, etc. They shall not be used in place of, or as a substitute for, accident prevention signs.

(2) Specifications for accident prevention tags similar to those in Table G-1 shall apply.

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Table G-1



White tag - White letters on red square

White tag - White letters on red oval with a black square

Yellow tag - Yellow letters on a black background

White tag - White letters on black background

Basic Stock (Background)	Safety Colors (Ink)	Copy Specification (Letters)
White	Red	Do Not Operate
White	Black and Red	Danger
Yellow	Black	Caution
White	Black	Out of Order Do Not Use

(i) *Additional rules.* American National Standards Institute (ANSI) Z35.1–1968, Specifications for Accident Prevention Signs, and Z35.2–1968, Specifications for Accident Prevention Tags, contain rules which are additional to the rules prescribed in this section. The employer shall comply with ANSI Z35.1–1968 and Z35.2–1968 with respect to rules not specifically prescribed in this subpart.

§ 1926.201 Signaling.

(a) *Flagmen.* (1) When operations are such that signs, signals, and barricades do not provide the necessary protection on or adjacent to a highway or street, flagmen or other appropriate traffic controls shall be provided.

(2) Signaling directions by flagmen shall conform to American National Standards Institute D6.1–1971, Manual on Uniform Traffic Control Devices for Streets and Highways.

(3) Hand signaling by flagmen shall be by use of red flags at least 18 inches square or sign paddles, and in periods of darkness, red lights.

(4) Flagmen shall be provided with and shall wear a red or orange warning garment while flagging. Warning garments worn at night shall be of reflectorized material.

(b) *Crane and hoist signals.* Regulations for crane and hoist signaling will be found in applicable American National Standards Institute standards.

§ 1926.202 Barricades.

Barricades for protection of employees shall conform to the portions of the American National Standards Institute D6.1–1971, Manual on Uniform Traffic Control Devices for Streets and Highways, relating to barricades.

§ 1926.203 Definitions applicable to this Subpart.

(a) "Barricade" means an obstruction to deter the passage of persons or vehicles.

(b) "Signs" are the warnings of hazard, temporarily or permanently affixed or placed, at locations where hazards exist.

(c) "Signals" are moving signs, provided by workers, such as flagmen, or by devices, such as flashing lights, to warn of possible or existing hazards.

(d) "Tags" are temporary signs, usually attached to a piece of equipment or part of a structure, to warn of existing or immediate hazards.

Subpart H—Materials Handling, Storage, Use, and Disposal

§ 1926.250 General requirements for storage.

(a) *General.* (1) All materials stored in tiers shall be stacked, racked, blocked, interlocked, or otherwise secured to prevent sliding, falling or collapse.

(2) Maximum safe load limits of floors within buildings and structures, in pounds per square foot, shall be conspicuously posted in all storage areas, except for floor or slab on grade. Maximum safe loads shall not be exceeded.

(3) Aisles and passageways shall be kept clear to provide for the free and safe movement of material handling equipment or employees. Such areas shall be kept in good repair.

(4) When a difference in road or working levels exist, means such as ramps, blocking, or grading shall be used to ensure the safe movement of vehicles between the two levels.

(b) *Material storage.* (1) Material stored inside buildings under construction shall not be placed within 6 feet of any hoistway or inside floor openings, nor within 10 feet of an exterior wall which does not extend above the top of the material stored.

(2) Employees required to work on stored material in silos, hoppers, tanks, and similar storage areas shall be equipped with lifelines and safety belts meeting the requirements of Subpart E of this part.

(3) Noncompatible materials shall be segregated in storage.

(4) Bagged materials shall be stacked by stepping back the layers and cross-keying the bags at least every 10 bags high.

(5) Materials shall not be stored on scaffolds or runways in excess of supplies needed for immediate operations.

(6) Brick stacks shall not be more than 7 feet in height. When a loose brick stack reaches a height of 4 feet, it shall be tapered back 2 inches in every foot of height above the 4-foot level.

(7) When masonry blocks are stacked higher than 6 feet, the stack shall be tapered back one-half block per tier above the 6-foot level.

(8) Lumber:

(i) Used lumber shall have all nails withdrawn before stacking.

(ii) Lumber shall be stacked on level and solidly supported sills.

(iii) Lumber shall be so stacked as to be stable and self-supporting.

(iv) Lumber piles shall not exceed 20 feet in height provided that lumber to be handled manually shall not be stacked more than 16 feet high.

(9) Structural steel, poles, pipe, bar stock, and other cylindrical materials, unless racked, shall be stacked and blocked so as to prevent spreading or tilting.

§ 1926.251 Rigging equipment for material handling.

(a) *General.* (1) Rigging equipment for material handling shall be inspected prior to use on each shift and as necessary during its use to ensure that it is safe. Defective rigging equipment shall be removed from service.

(2) Rigging equipment shall not be loaded in excess of its recommended safe working load, as prescribed in Tables H–1 through H–20 in this subpart, following § 1926.252(e) for the specific equipment.

(3) Rigging equipment, when not in use, shall be removed from the immediate work area so as not to present a hazard to employees.

(4) Special custom design grabs, hooks, clamps, or other lifting accessories, for such units as modular panels, prefabricated structures and similar materials, shall be marked to indicate the safe working loads and shall be proof-tested prior to use to 125 percent of their rated load.

(b) *Alloy steel chains.* (1) Welded alloy steel chain slings shall have permanently affixed durable identification stating size, grade, rated capacity, and sling manufacturer.

(2) Hooks, rings, oblong links, pear-shaped links, welded or mechanical coupling links, or other attachments, when used with alloy steel chains, shall have a rated capacity at least equal to that of the chain.

(3) Job or shop hooks and links, or makeshift fasteners, formed from bolts, rods, etc., or other such attachments, shall not be used.

(4) Rated capacity (working load limit) for alloy steel chain slings shall conform to the values shown in Table H–1.

(5) Whenever wear at any point of any chain link exceeds that shown in Table H–2, the assembly shall be removed from service.

(c) *Wire rope.* (1) Tables H–3 through H–14 shall be used to determine the safe working loads of various sizes and classifications of improved plow steel wire rope and wire rope slings with various types of terminals. For sizes, classifications, and grades not included in these tables, the safe working load recommended by the manufacturer for specific, identifiable products shall be followed, provided that a safety factor of not less than 5 is maintained.

(2) Protruding ends of strands in splices on slings and bridles shall be covered or blunted.

(3) Wire rope shall not be secured by knots, except on haul back lines on scrapers.

(4) The following limitations shall apply to the use of wire rope:

(i) An eye splice made in any wire rope shall have not less than three full tucks. However, this requirement shall not operate to preclude the use of another form of splice or connection which can be shown to be as efficient and which is not otherwise prohibited.

(ii) Except for eye splices in the ends of wires and for endless rope slings, each wire rope used in hoisting or lowering, or in pulling loads, shall consist of one continuous piece without knot or splice.

(iii) Eyes in wire rope bridles, slings, or bull wires shall not be formed by wire rope clips or knots.

(iv) Wire rope shall not be used if, in any length of eight diameters, the total number of visible broken wires exceeds 10 percent of the total number of wires, or if the rope shows other signs of excessive wear, corrosion, or defect.

(5) When U-bolt wire rope clips are used to form eyes, Table H–20 shall be used to determine the number and spacing of clips.

(i) When used for eye splices, the U-bolt shall be applied so that the "U" section is in contact with the dead end of the rope.

(d) *Natural rope, and synthetic fiber*—(1) *General.* When using natural or synthetic fiber rope slings, Tables H–15, 16, 17, and 18 shall apply.

(2) All splices in rope slings provided by the employer shall be made in accordance with fiber rope manufacturers recommendations.

(i) In manila rope, eye splices shall contain at least three full tucks, and short splices shall contain at least six full tucks (three on each side of the centerline of the splice).

(ii) In layed synthetic fiber rope, eye splices shall contain at least four full tucks, and short splices shall contain at least eight full tucks (four on each side of the centerline of the splice).

(iii) Strand end tails shall not be trimmed short (flush with the surface of the rope) immediately adjacent to the full tucks. This precaution applies to both eye and short splices and all types of fiber rope. For fiber ropes under 1-inch diameter, the tails shall project at least six rope diameters beyond the last full tuck. For fiber ropes 1-inch diameter and larger, the tails shall project at least 6 inches beyond the last full tuck. In applications where the projecting tails may be objectionable, the tails shall be tapered and spliced into the body of the rope using at least two additional tucks (which will require a tail length of approximately six rope diameters beyond the last full tuck).

(iv) For all eye splices, the eye shall be sufficiently large to provide an included angle of not greater than 60° at the splice when the eye is placed over the load or support.

(v) Knots shall not be used in lieu of splices.

(e) *Synthetic webbing (nylon, polyester, and polypropylene).* (1) The employer shall have each synthetic web sling marked or coded to show:

(i) Name or trademark of manufacturer.

(ii) Rated capacities for the type of hitch.

(iii) Type of material.

(2) Rated capacity shall not be exceeded.

(f) *Shackles and hooks.* (1) Table H–19 shall be used to determine the safe working loads of various sizes of shackles, except that higher safe working loads are permissible when recommended by the manufacturer for specific, identifiable products, provided that a safety factor of not less than 5 is maintained.

(2) The manufacturer's recommendations shall be followed in determining the safe working loads of the various sizes and types of specific and identifiable hooks. All hooks for which no applicable manufacturer's recommendations are available shall be tested to twice the intended safe working load before they are initially put into use. The employer shall maintain a record of the dates and results of such tests.

§ 1926.252 Disposal of waste materials.

(a) Whenever materials are dropped more than 20 feet to any point lying outside the exterior walls of the building, an enclosed chute of wood, or equivalent material, shall be used. For the purpose of this paragraph, an enclosed chute is a slide, closed in on all sides, through which material is moved from a high place to a lower one.

(b) When debris is dropped through holes in the floor without the use of chutes, the area onto which the material is dropped shall be completely enclosed with barricades not less than 42 inches high and not less than 6 feet back from the projected edge of the opening above. Signs warning of the hazard of falling materials shall be posted at each level. Removal shall not be permitted in this lower area until debris handling ceases above.

(c) All scrap lumber, waste material, and rubbish shall be removed from the immediate work area as the work progresses.

(d) Disposal of waste material or debris by burning shall comply with local fire regulations.

(e) All solvent waste, oily rags, and flammable liquids shall be kept in fire resistant covered containers until removed from worksite.

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Table H-1
RATED CAPACITY (WORKING LOAD LIMIT), FOR ALLOY STEEL CHAIN SLINGS*
RATED CAPACITY (WORKING LOAD LIMIT), POUNDS

Chain Size, Inches	Single Branch Sling — 90 degree Loading	Double Sling Vertical Angle (1) 30 degree	45 degree	60 degree	Triple and Quadruple Sling Vertical Angle (1) 30 degree	45 degree	60 degree
		Horizontal Angle (2) 60 degree	45 degree	30 degree	Horizontal Angle (2) 60 degree	45 degree	30 degree
1/4	3,250	5,560	4,550	3,350	8,400	6,800	4,900
3/8	6,600	11,400	9,300	6,600	17,000	14,000	9,900
1/2	11,250	19,500	15,900	11,250	29,000	24,000	17,000
5/8	16,500	28,500	23,300	16,500	43,000	35,000	24,500
3/4	23,000	39,800	32,500	23,000	59,500	48,500	34,500
7/8	28,750	49,800	40,600	28,750	74,500	61,000	43,000
1	38,750	67,100	54,800	38,750	101,000	82,000	58,000
1-1/8	44,500	77,000	63,000	44,500	115,500	94,500	66,500
1-1/4	57,500	99,500	81,000	57,500	149,000	121,500	86,000
1-3/8	67,000	116,000	94,000	67,000	174,000	141,000	100,500
1-1/2	80,000	138,000	112,500	80,000	207,000	169,000	119,500
1-3/4	100,000	172,000	140,000	100,000	258,000	210,000	150,000

(1) Rating of multileg slings adjusted for angle of loading measured as the included angle between the inclined leg and the vertical.

(2) Rating of multileg slings adjusted for angle of loading between the inclined leg and the horizontal plane of the load.

*Other grades of proof tested steel chain include Proof Coil, BBB Coil and Hi-Test Chain. These grades are not recommended for overhead lifting and therefore are not covered by this code.

TABLE H-2—MAXIMUM ALLOWABLE WEAR AT ANY POINT OF LINK

Chain size (inches)	Maximum allowable wear (inch)	Chain size (inches)	Maximum allowable wear (inch)
¼	3/64	⅞	11/64
5/16	5/64	1	3/16
⅜	7/64	1⅛	13/64
½	9/64	1¼	7/32
5/8	3/32	1⅜	15/64
¾	11/64	1½	1/4
		1¾	19/64

Table H-3
RATED CAPACITIES FOR SINGLE LEG SLINGS
6 x 19 AND 6 x 37 CLASSIFICATION IMPROVED PLOW STEEL GRADE ROPE
WITH FIBER CORE (FC)

Rope Dia (Inches)	Constr	Rated Capacities, Tons (2,000 lb) Vertical HT	MS	S	Choker HT	MS	S	Vertical Basket* HT	MS	S
1/4	6 x 19	0.49	0.51	0.55	0.37	0.38	0.41	0.99	1.0	1.1
5/16	6 x 19	0.76	0.79	0.85	0.57	0.59	0.64	1.5	1.6	1.7
3/8	6 x 19	1.1	1.1	1.2	0.80	0.85	0.91	2.1	2.2	2.4
7/16	6 x 19	1.4	1.5	1.6	1.1	1.1	1.2	2.9	3.0	3.3
1/2	6 x 19	1.8	2.0	2.1	1.4	1.5	1.6	3.7	3.9	4.3
9/16	6 x 19	2.3	2.5	2.7	1.7	1.9	2.0	4.6	5.0	5.4
5/8	6 x 19	2.8	3.1	3.3	2.1	2.3	2.5	5.6	6.2	6.7
3/4	6 x 19	3.9	4.4	4.8	2.9	3.3	3.6	7.8	8.8	9.5
7/8	6 x 19	5.1	5.9	6.4	3.9	4.5	4.8	10.0	12.0	13.0
1	6 x 19	6.7	7.7	8.4	5.0	5.8	6.3	13.0	15.0	17.0
1-1/8	6 x 19	8.4	9.5	10.0	6.3	7.1	7.9	17.0	19.0	21.0
1-1/4	6 x 37	9.8	11.0	12.0	7.4	8.3	9.2	20.0	22.0	25.0
1-3/8	6 x 37	12.0	13.0	15.0	8.9	10.0	11.0	24.0	27.0	30.0
1-1/2	6 x 37	14.0	16.0	17.0	10.0	12.0	13.0	28.0	32.0	35.0
1-5/8	6 x 37	16.0	18.0	21.0	12.0	14.0	15.0	33.0	37.0	41.0
1-3/4	6 x 37	19.0	21.0	24.0	14.0	16.0	18.0	38.0	43.0	48.0
2	6 x 37	25.0	28.0	31.0	18.0	21.0	23.0	49.0	55.0	62.0

HT = Hand Tucked Splice and Hidden Tuck Splice
For hidden tuck splice (IWRC) use values in HT columns.
MS = Mechanical Splice
S = Swaged or Zinc Poured Socket
*These values only apply when the D/d ratio for HT slings is 10 or greater, and for MS and S slings is 20 or greater where:
D = Diameter of curvature around which the body of the sling is bent.
d = Diameter of rope.

Table H-4
RATED CAPACITIES FOR SINGLE LEG SLINGS
6 x 19 AND 6 x 37 CLASSIFICATION IMPROVED PLOW STEEL GRADE ROPE
WITH INDEPENDENT WIRE ROPE CORE (IWRC)

Rope Dia (Inches)	Constr	Rated Capacities, Tons (2,000 lb) Vertical HT	MS	S	Choker HT	MS	S	Vertical Basket* HT	MS	S
1/4	6 x 19	0.53	0.56	0.59	0.40	0.42	0.44	1.0	1.1	1.2
5/16	6 x 19	0.81	0.87	0.92	0.61	0.65	0.69	1.6	1.7	1.8
3/8	6 x 19	1.1	1.2	1.3	0.86	0.93	0.98	2.3	2.5	2.6
7/16	6 x 19	1.5	1.7	1.8	1.2	1.3	1.3	3.1	3.4	3.5
1/2	6 x 19	2.0	2.2	2.3	1.5	1.6	1.7	3.9	4.4	4.6
9/16	6 x 19	2.5	2.7	2.9	1.8	2.1	2.2	4.9	5.5	5.8
5/8	6 x 19	3.0	3.4	3.6	2.2	2.5	2.7	6.0	6.8	7.2
3/4	6 x 19	4.2	4.9	5.1	3.1	3.6	3.8	8.4	9.7	10.0
7/8	6 x 19	5.5	6.6	6.9	4.1	4.9	5.2	11.0	13.0	14.0
1	6 x 19	7.2	8.5	9.0	5.4	6.4	6.7	14.0	17.0	18.0
1-1/8	6 x 19	9.0	10.0	11.0	6.8	7.8	8.5	18.0	21.0	23.0
1-1/4	6 x 37	10.0	12.0	13.0	7.9	9.2	9.9	21.0	24.0	26.0
1-3/8	6 x 37	13.0	15.0	16.0	9.6	11.0	12.0	25.0	29.0	32.0
1-1/2	6 x 37	15.0	17.0	19.0	11.0	13.0	14.0	30.0	35.0	38.0
1-5/8	6 x 37	18.0	20.0	22.0	13.0	15.0	17.0	35.0	41.0	44.0
1-3/4	6 x 37	20.0	24.0	26.0	15.0	18.0	19.0	41.0	47.0	51.0
2	6 x 37	26.0	30.0	33.0	20.0	23.0	25.0	53.0	61.0	66.0

HT = Hand Tucked Splice
For hidden tuck splice (IWRC) use Table H-3 values in HT column.
MS = Mechanical Splice.
S = Swaged or Zinc Poured Socket.
*These values only apply when the D/d ratio for HT slings is 10 or greater, and for MS and S Slings is 20 or greater where:
D = Diameter of curvature around which the body of the sling is bent.
d = Diameter of rope.

Table H-5
RATED CAPACITIES FOR SINGLE LEG SLINGS
CABLE LAID ROPE — MECHANICAL SPLICE ONLY
7 x 7 x 7 & 7 x 7 x 19 CONSTRUCTIONS GALVANIZED AIRCRAFT GRADE ROPE
7 x 6 x 19 IWRC CONSTRUCTION IMPROVED PLOW STEEL GRADE ROPE

Rope Dia (Inches)	Constr	Rated Capacities, Tons (2,000 lb) Vertical	Choker	Vertical Basket*
1/4	7 x 7 x 7	0.50	0.38	1.0
3/8	7 x 7 x 7	1.1	0.81	2.2
1/2	7 x 7 x 7	1.8	1.4	3.7
5/8	7 x 7 x 7	2.8	2.1	5.5
3/4	7 x 7 x 7	3.8	2.9	7.6
5/8	7 x 7 x 19	2.9	2.2	5.8
3/4	7 x 7 x 19	4.1	3.0	8.1
7/8	7 x 7 x 19	5.4	4.0	11.0
1	7 x 7 x 19	6.9	5.1	14.0
1-1/8	7 x 7 x 19	8.2	6.2	16.0
1-1/4	7 x 7 x 19	9.9	7.4	20.0
3/4	7 x 6 x 19 IWRC	3.8	2.8	7.6
7/8	7 x 6 x 19 IWRC	5.0	3.8	10.0
1	7 x 6 x 19 IWRC	6.4	4.8	13.0
1-1/8	7 x 6 x 19 IWRC	7.7	5.8	15.0
1-1/4	7 x 6 x 19 IWRC	9.2	6.9	18.0
1-5/16	7 x 6 x 19 IWRC	10.0	7.5	20.0
1-3/8	7 x 6 x 19 IWRC	11.0	8.2	22.0
1-1/2	7 x 6 x 19 IWRC	13.0	9.6	26.0

*These values only apply when the D/d ratio is 10 or greater where:
D = Diameter of curvature around which the body of the sling is bent.
d = Diameter of rope.

Table H-6
RATED CAPACITIES FOR SINGLE LEG SLINGS
8-PART AND 6-PART BRAIDED ROPE
6 x 7 AND 6 x 19 CONSTRUCTION IMPROVED PLOW STEEL GRADE ROPE
7 x 7 CONSTRUCTION GALVANIZED AIRCRAFT GRADE ROPE

Component Ropes Diameter (Inches)	Constr	Rated Capacities, Tons (2,000 lb) Vertical 8-Part	6-Part	Choker 8-Part	6-Part	Basket Vertical to 30 degree* 8-Part	6-Part
3/32	6 x 7	0.42	0.32	0.32	0.24	0.74	0.55
1/8	6 x 7	0.76	0.57	0.57	0.42	1.3	0.98
3/16	6 x 7	1.7	1.3	1.3	0.94	2.9	2.2
3/32	7 x 7	0.51	0.39	0.38	0.29	0.89	0.67
1/8	7 x 7	0.95	0.71	0.71	0.53	1.6	1.2
3/16	7 x 7	2.1	1.5	1.5	1.2	3.6	2.7
3/16	6 x 19	1.7	1.3	1.3	0.98	3.0	2.2
1/4	6 x 19	3.1	2.3	2.3	1.7	5.3	4.0
5/16	6 x 19	4.8	3.6	3.6	2.7	8.3	6.2
3/8	6 x 19	6.8	5.1	5.1	3.8	12.0	8.9
7/16	6 x 19	9.3	6.9	6.9	5.2	16.0	12.0
1/2	6 x 19	12.0	9.0	9.0	6.7	21.0	15.0
9/16	6 x 19	15.0	11.0	11.0	8.5	26.0	20.0
5/8	6 x 19	19.0	14.0	14.0	10.0	32.0	24.0
3/4	6 x 19	27.0	20.0	20.0	15.0	46.0	35.0
7/8	6 x 19	36.0	27.0	27.0	20.0	62.0	47.0
1	6 x 19	47.0	35.0	35.0	26.0	81.0	61.0

*These values only apply when the D/d ratio is 20 or greater where:
D = Diameter of curvature around which the body of the sling is bent.
d = Diameter of component rope.

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Table H-7
RATED CAPACITIES FOR 2-LEG & 3-LEG BRIDLE SLINGS
6 x 19 AND 6 x 37 CLASSIFICATION IMPROVED PLOW STEEL GRADE ROPE
WITH FIBER CORE (FC)

Rope		Rated Capacities, Tons (2,000 lb)											
		2-Leg Bridle Slings						3-Leg Bridle Slings					
		Vert 30 degree Horz 60 degree		45 degree Angle		Vert 60 degree Horz 30 degree		Vert 30 degree Horz 60 degree		45 degree Angle		Vert 60 degree Horz 30 degree	
Dia (Inches)	Constr	HT	MS	HT	MS	HT	MS	HT	MS	HT	MS	HT	MS
1/4	6 x 19	0.85	0.88	0.70	0.72	0.49	0.51	1.3	1.3	1.0	1.1	0.74	0.7
5/16	6 x 19	1.3	1.4	1.1	1.1	0.76	0.79	2.0	2.0	1.6	1.7	1.1	1.2
3/8	6 x 19	1.8	1.9	1.5	1.6	1.1	1.1	2.8	2.9	2.3	2.4	1.6	1.7
7/16	6 x 19	2.5	2.6	2.0	2.2	1.4	1.5	3.7	4.0	3.0	3.2	2.1	2.3
1/2	6 x 19	3.2	3.4	2.6	2.8	1.8	2.0	4.8	5.1	3.9	4.2	2.8	3.0
9/16	6 x 19	4.0	4.3	3.2	3.5	2.3	2.5	6.0	6.5	4.9	5.3	3.4	3.7
5/8	6 x 19	4.8	5.3	4.0	4.4	2.8	3.1	7.3	8.0	5.9	6.5	4.2	4.6
3/4	6 x 19	6.8	7.6	5.5	6.2	3.9	4.4	10.0	11.0	8.3	9.3	5.8	6.6
7/8	6 x 19	8.9	10.0	7.3	8.4	5.1	5.9	13.0	15.0	11.0	13.0	7.7	8.9
1	6 x 19	11.0	13.0	9.4	11.0	6.7	7.7	17.0	20.0	14.0	16.0	10.0	11.0
1-1/8	6 x 19	14.0	16.0	12.0	13.0	8.4	9.5	22.0	24.0	18.0	20.0	13.0	14.0
1-1/4	6 x 37	17.0	19.0	14.0	16.0	9.8	11.0	25.0	29.0	21.0	23.0	15.0	17.0
1-3/8	6 x 37	20.0	23.0	17.0	19.0	12.0	13.0	31.0	35.0	25.0	28.0	18.0	20.0
1-1/2	6 x 37	24.0	27.0	20.0	22.0	14.0	16.0	36.0	41.0	30.0	33.0	21.0	24.0
1-5/8	6 x 37	28.0	32.0	23.0	26.0	16.0	18.0	43.0	48.0	35.0	39.0	25.0	28.0
1-3/4	6 x 37	33.0	37.0	27.0	30.0	19.0	21.0	49.0	56.0	40.0	45.0	28.0	32.0
2	6 x 37	43.0	48.0	35.0	39.0	25.0	28.0	64.0	72.0	52.0	59.0	37.0	41.0

HT = Hand Tucked Splice.
MS = Mechanical Splice

Table H-8
RATED CAPACITIES FOR 2-LEG & 3-LEG BRIDLE SLINGS
6 x 19 and 6 x 37 CLASSIFICATION IMPROVED PLOW STEEL GRADE ROPE
WITH INDEPENDENT WIRE ROPE CORE (IWRC)

Rope		Rated Capacities, Tons (2,000 lb)											
		2-Leg Bridle Sling						3-Leg Bridle Sling					
		Vert 30 degree Horz 60 degree		45 degree Angle		Vert 60 degree Horz 30 degree		Vert 30 degree Horz 60 degree		45 degree Angle		Vert 60 degree Horz 30 degree	
Dia (Inches)	Constr	HT	MS	HT	MS	HT	MS	HT	MS	HT	MS	HT	MS
1/4	6 x 19	0.92	0.97	0.75	0.79	0.53	0.56	1.4	1.4	1.1	1.2	0.79	0.84
5/16	6 x 19	1.4	1.5	1.1	1.2	1.81	0.87	2.1	2.3	1.7	1.8	1.2	1.3
3/8	6 x 19	2.0	2.1	1.6	1.8	1.1	1.2	3.0	3.2	2.4	2.6	1.7	1.9
7/16	6 x 19	2.7	2.9	2.2	2.4	1.5	1.7	4.0	4.4	3.3	3.6	2.3	2.5
1/2	6 x 19	3.4	3.8	2.8	3.1	2.0	2.2	5.1	5.7	4.2	4.6	3.0	3.3
9/16	6 x 19	4.3	4.8	3.5	3.9	2.5	2.7	6.4	7.1	5.2	5.8	3.7	4.1
5/8	6 x 19	5.2	5.9	4.2	4.8	3.0	3.4	7.8	8.8	6.4	7.2	4.5	5.1
3/4	6 x 19	7.3	8.4	5.9	6.9	4.2	4.9	11.0	13.0	8.9	10.0	6.3	7.3
7/8	6 x 19	9.6	11.0	7.8	9.3	5.5	6.6	14.0	17.0	12.0	14.0	8.3	9.9
1	6 x 19	12.0	15.0	10.0	12.0	7.2	8.5	19.0	22.0	15.0	18.0	11.0	13.0
1-1/8	6 x 19	16.0	16.0	13.0	15.0	9.0	10.0	23.0	27.0	19.0	22.0	13.0	16.0
1-1/4	6 x 37	18.0	21.0	15.0	17.0	10.0	12.0	27.0	32.0	22.0	26.0	16.0	18.0
1-3/8	6 x 37	22.0	25.0	18.0	21.0	13.0	15.0	33.0	38.0	27.0	31.0	19.0	22.0
1-1/2	6 x 37	26.0	30.0	21.0	25.0	15.0	17.0	39.0	45.0	32.0	37.0	23.0	26.0
1-5/8	6 x 37	31.0	35.0	25.0	29.0	18.0	20.0	46.0	53.0	38.0	43.0	27.0	31.0
1-3/4	6 x 37	35.0	41.0	29.0	33.0	20.0	24.0	53.0	61.0	43.0	50.0	31.0	35.0
2	6 x 37	46.0	53.0	37.0	43.0	26.0	30.0	68.0	79.0	56.0	65.0	40.0	46.0

HT = Hand Tucked Splice
MS = Mechanical Splice

Table H-9
RATED CAPACITIES FOR 2-LEG & 3-LEG BRIDLE SLINGS
CABLE LAID ROPE – MECHANICAL SPLICE ONLY
7 x 7 x 7 AND 7 x 7 x 19 CONSTRUCTIONS GALVANIZED AIRCRAFT GRADE ROPE
7 x 6 x 19 IWRC CONSTRUCTION IMPROVED PLOW STEEL GRADE ROPE

Rope		Rated Capacities, Tons (2,000 lb)					
		2-Leg Bridle Sling			3-Leg Bridle Sling		
Dia (Inches)	Constr	Vert 30 deg Horz 60 deg	45 degree Angle	Vert 60 deg Horz 30 deg	Vert 30 deg Horz 60 deg	45 degree Angle	Vert 60 deg Horz 30 deg
1/4	7 x 7 x 7	0.87	0.71	0.50	1.3	1.1	0.75
3/8	7 x 7 x 7	1.9	1.5	1.1	2.8	2.3	1.6
1/2	7 x 7 x 7	3.2	2.6	1.8	4.8	3.9	2.8
5/8	7 x 7 x 7	4.8	3.9	2.8	7.2	5.9	4.2
3/4	7 x 7 x 7	6.6	5.4	3.8	9.9	8.1	5.7
5/8	7 x 7 x 19	5.0	4.1	2.9	7.5	6.1	4.3
3/4	7 x 7 x 19	7.0	5.7	4.1	10.0	8.6	6.1
7/8	7 x 7 x 19	9.3	7.6	5.4	14.0	11.0	8.1
1	7 x 7 x 19	12.0	9.7	6.9	18.0	14.0	10.0
1-1/8	7 x 7 x 19	14.0	12.0	8.2	21.0	17.0	12.0
1-1/4	7 x 7 x 19	17.0	14.0	9.9	26.0	21.0	15.0
3/4	7x6x19 IWRC	6.6	5.4	3.8	9.9	8.0	5.7
7/8	7x6x19 IWRC	8.7	7.1	5.0	13.0	11.0	7.5
1	7x6x19 IWRC	11.0	9.0	6.4	17.0	13.0	9.6
1-1/8	7x6x19 IWRC	13.0	11.0	7.7	20.0	16.0	11.0
1-1/4	7x6x19 IWRC	16.0	13.0	9.2	24.0	20.0	14.0
1-5/16	7x6x19 IWRC	17.0	14.0	10.0	26.0	21.0	15.0
1-3/8	7x6x19 IWRC	19.0	15.0	11.0	28.0	23.0	16.0
1-1/2	7x6x19 IWRC	22.0	18.0	13.0	33.0	27.0	19.0

Table H-10
RATED CAPACITIES FOR 2-LEG AND 3-LEG BRIDLE SLINGS
8-PART AND 6-PART BRAIDED ROPE
6 x 7 AND 6 x 19 CONSTRUCTION IMPROVED PLOW STEEL GRADE ROPE
7 x 7 CONSTRUCTION GALVANIZED AIRCRAFT GRADE ROPE

Component Rope		Rated Capacities, Tons (2,000 lb)											
		2-Leg Bridle Slings						3-Leg Bridle Slings					
		Vert 30 degree Horz 60 degree		45 degree Angle		Vert 60 degree Horz 30 degree		Vert 30 degree Horz 60 degree		45 degree Angle		Vert 60 degree Horz 30 degree	
Dia (Inches)	Constr	8-Part	6-Part	8-Part	6-Part	8-Part	6-Part	8-Part	6-Part	8-Part	6-Part	8-Part	6-Part
3/32	6 x 7	0.74	0.55	0.60	0.45	0.42	0.32	1.1	0.83	0.90	0.68	0.64	0.48
1/8	6 x 7	1.3	0.98	1.1	0.80	0.76	0.57	2.0	1.5	1.6	1.2	1.1	0.85
3/16	6 x 7	2.9	2.2	2.4	1.8	1.7	1.3	4.4	3.3	3.6	2.7	2.8	1.9
3/32	7 x 7	0.89	0.67	0.72	0.55	0.51	0.39	1.3	1.0	1.1	0.82	0.77	0.58
1/8	7 x 7	1.6	1.2	1.3	1.0	0.95	0.71	2.5	1.8	2.0	1.5	1.4	1.1
3/16	7 x 7	3.6	2.7	2.9	2.2	2.1	1.5	5.4	4.0	4.4	3.3	3.1	2.3
3/16	6 x 19	3.0	2.2	2.4	1.8	1.7	1.3	4.3	3.4	3.7	2.6	2.6	1.9
1/4	6 x 19	5.3	4.0	4.3	3.2	3.1	2.3	8.0	6.0	6.5	4.9	4.6	3.4
5/16	6 x 19	8.5	6.2	6.7	5.0	4.8	3.6	12.0	9.3	10.0	7.6	7.1	5.4
3/8	6 x 19	12.0	8.9	9.7	7.2	6.8	5.1	18.0	13.0	14.0	11.0	10.0	7.7
7/16	6 x 19	16.0	12.0	13.0	9.8	9.3	6.9	24.0	18.0	20.0	15.0	14.0	10.0
1/2	6 x 19	21.0	15.0	17.0	12.0	12.0	9.0	31.0	23.0	25.0	19.0	18.0	13.0
9/16	6 x 19	26.0	20.0	21.0	16.0	15.0	11.0	39.0	29.0	32.0	24.0	23.0	17.0
5/8	6 x 19	32.0	24.0	26.0	20.0	19.0	14.0	48.0	36.0	40.0	30.0	28.0	21.0
3/4	6 x 19	46.0	35.0	38.0	28.0	27.0	20.0	69.0	52.0	56.0	42.0	40.0	30.0
7/8	6 x 19	62.0	47.0	51.0	38.0	36.0	27.0	94.0	70.0	76.0	57.0	54.0	40.0
1	6 x 19	81.0	61.0	66.0	50.0	47.0	35.0	122.0	91.0	98.0	74.0	70.0	53.0

Table H-11
RATED CAPACITIES FOR STRAND LAID GROMMET – HAND TUCKED
IMPROVED PLOW STEEL GRADE ROPE

ROPE BODY		RATED CAPACITIES, TONS (2,000 lb)		
Dia (Inches)	Constr	Vertical	Choker	Vertical Basket*
1/4	7 x 19	0.85	0.64	1.7
5/16	7 x 19	1.3	1.0	2.6
3/8	7 x 19	1.9	1.4	3.8
7/16	7 x 19	2.6	1.9	5.2
1/2	7 x 19	3.3	2.6	6.7
9/16	7 x 19	4.2	3.1	8.4
5/8	7 x 19	5.2	3.9	10.00
3/4	7 x 19	7.4	5.6	15.0
7/8	7 x 19	10.0	7.5	20.0
1	7 x 19	13.0	9.7	26.0
1-1/8	7 x 19	16.0	12.0	32.0
1-1/4	7 x 37	18.0	14.0	37.0
1-3/8	7 x 37	22.0	16.0	44.0
1-1/2	7 x 37	26.0	19.0	52.0

* These values only apply when the D/d ratio is 5 or greater where:
D = Diameter of curvature around which rope is bent.
d = Diameter of rope body.

Table H-12
RATED CAPACITIES FOR CABLE LAID GROMMET – HAND TUCKED
7 x 6 x 7 AND 7 x 6 x 19 CONSTRUCTIONS IMPROVED PLOW STEEL GRADE ROPE
7 x 7 x 7 CONSTRUCTION GALVANIZED AIRCRAFT GRADE ROPE

CABLE BODY		RATED CAPACITIES, TONS (2,000 lb)		
Dia (Inches)	Constr	Vertical	Choker	Vertical Basket*
3/8	7 x 6 x 7	1.3	0.98	2.5
9/16	7 x 6 x 7	2.8	2.1	5.6
5/8	7 x 6 x 7	3.8	2.8	7.6
3/8	7 x 7 x 7	1.6	1.2	3.2
9/16	7 x 7 x 7	3.5	2.6	6.9
5/8	7 x 7 x 7	4.5	3.4	9.0
5/8	7 x 6 x 19	3.9	3.0	7.9
3/4	7 x 6 x 19	5.1	3.8	10.0
15/16	7 x 6 x 19	7.9	5.9	16.0
1-1/8	7 x 6 x 19	11.0	8.4	22.0
1-5/16	7 x 6 x 19	15.0	11.0	30.0
1-1/2	7 x 6 x 19	19.0	14.0	39.0
1-11/16	7 x 6 x 19	24.0	18.0	49.0
1-7/8	7 x 6 x 19	30.0	22.0	60.0
2-1/4	7 x 6 x 19	42.0	31.0	84.0
2-5/8	7 x 6 x 19	56.0	42.0	112.0

* These values only apply when the D/d ratio is 5 or greater where:
D = Diameter of curvature around which cable body is bent.
d = Diameter of cable body.

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Table H-13
RATED CAPACITIES FOR STRAND LAID ENDLESS SLINGS-MECHANICAL JOINT IMPROVED PLOW STEEL GRADE ROPE

ROPE BODY		RATED CAPACITIES, TONS (2,000 lb)		
Dia (Inches)	Constr	Vertical	Choker	Vertical Basket*
1/4	6 x 19 IWRC	0.92	0.69	1.8
3/8	6 x 19 IWRC	2.0	1.5	4.1
1/2	6 x 19 IWRC	3.6	2.7	7.2
5/8	6 x 19 IWRC	5.6	4.2	11.0
3/4	6 x 19 IWRC	8.0	6.0	16.0
7/8	6 x 19 IWRC	11.0	8.1	21.0
1	6 x 19 IWRC	14.0	10.0	28.0
1-1/8	6 x 19 IWRC	18.0	13.0	35.0
1-1/4	6 x 37 IWRC	21.0	15.0	41.0
1-3/8	6 x 37 IWRC	25.0	19.0	50.0
1-1/2	6 x 37 IWRC	29.0	22.0	59.0

* These values only apply when the D/d ratio is 5 or greater where:
D = Diameter of curvature around which rope is bent.
d = Diameter of rope body.

Table H-14
RATED CAPACITIES FOR CABLE LAID ENDLESS SLINGS-MECHANICAL JOINT 7 x 7 x 7 AND 7 x 7 x 19 CONSTRUCTIONS GALVANIZED AIRCRAFT GRADE ROPE 7 x 6 x 19 IWRC CONSTRUCTION IMPROVED PLOW STEEL GRADE ROPE

CABLE BODY		RATED CAPACITIES, TONS (2,000 lb)		
Dia (Inches)	Constr	Vertical	Choker	Vertical Basket*
1/4	7 x 7 x 7	0.83	0.62	1.6
3/8	7 x 7 x 7	1.8	1.3	3.5
1/2	7 x 7 x 7	3.0	2.3	6.1
5/8	7 x 7 x 7	4.5	3.4	9.1
3/4	7 x 7 x 7	6.3	4.7	12.0
5/8	7 x 7 x 19	4.7	3.5	9.5
3/4	7 x 7 x 19	6.7	5.0	13.0
7/8	7 x 7 x 19	8.9	6.6	18.0
1	7 x 7 x 19	11.0	8.5	22.0
1-1/8	7 x 7 x 19	14.0	10.0	28.0
1-1/4	7 x 7 x 19	17.0	12.0	33.0
3/4	7 x 6 x 19 IWRC	6.2	4.7	12.0
7/8	7 x 6 x 19 IWRC	8.3	6.2	16.0
1	7 x 6 x 19 IWRC	10.0	7.9	21.0
1-1/8	7 x 6 x 19 IWRC	13.0	9.7	24.0
1-1/4	7 x 6 x 19 IWRC	16.0	12.0	31.0
1-3/8	7 x 6 x 19 IWRC	18.0	14.0	37.0
1-1/2	7 x 6 x 19 IWRC	22.0	16.0	43.0

* These values only apply when the D/d value is 5 or greater where:
D = Diameter of curvature around which cable body is bent.
d = Diameter of cable body.

Table H-15
MANILA ROPE SLINGS

ROPE DIAMETER Nominal In Inches	Nominal Weight Per 100 ft In Pounds	Minimum Breaking Strength In Pounds	RATED CAPACITY IN POUNDS (Safety Factor = 5)											
			EYE AND EYE SLING						ENDLESS SLING					
			VERTICAL HITCH	CHOKER HITCH	BASKET HITCH				VERTICAL HITCH	CHOKER HITCH	BASKET HITCH			
					Angle of Rope to Horizontal						Angle of Rope to Horizontal			
					90 deg	60 deg	45 deg	30 deg			90 deg	60 deg	45 deg	30 deg
					Angle of Rope to Vertical						Angle of Rope to Vertical			
					0 deg	30 deg	45 deg	60 deg			0 deg	30 deg	45 deg	60 deg
1/2	7.5	2,650	550	250	1,100	900	750	550	950	500	1,900	1,700	1,400	950
9/16	10.4	3,450	700	350	1,400	1,200	1,000	700	1,200	600	2,500	2,200	1,800	1,200
5/8	13.3	4,400	900	450	1,800	1,500	1,200	900	1,600	800	3,200	2,700	2,200	1,600
3/4	16.7	5,400	1,100	550	2,200	1,900	1,500	1,100	2,000	950	3,900	3,400	2,800	2,000
13/16	19.5	6,500	1,300	650	2,600	2,300	1,800	1,300	2,300	1,200	4,700	4,100	3,300	2,300
7/8	22.5	7,700	1,500	750	3,100	2,700	2,200	1,500	2,800	1,400	5,600	4,800	3,900	2,800
1	27.0	9,000	1,800	900	3,600	3,100	2,600	1,800	3,200	1,600	6,500	5,600	4,600	3,200
1 1/16	31.3	10,500	2,100	1,100	4,200	3,600	3,000	2,100	3,800	1,900	7,600	6,600	5,400	3,800
1 1/8	36.0	12,000	2,400	1,200	4,800	4,200	3,400	2,400	4,300	2,200	8,600	7,500	6,100	4,300
1 1/4	41.7	13,500	2,700	1,400	5,400	4,700	3,800	2,700	4,900	2,400	9,700	8,400	6,900	4,900
1 5/16	47.9	15,000	3,000	1,500	6,000	5,200	4,300	3,000	5,400	2,700	11,000	9,400	7,700	5,400
1 1/2	59.9	18,500	3,700	1,850	7,400	6,400	5,200	3,700	6,700	3,300	13,500	11,500	9,400	6,700
1 5/8	74.6	22,500	4,500	2,300	9,000	7,800	6,400	4,500	8,100	4,100	16,000	14,000	11,500	8,000
1 3/4	89.3	26,500	5,300	2,700	10,500	9,200	7,500	5,300	9,500	4,800	19,000	16,500	13,500	9,500
2	107.5	31,000	6,200	3,100	12,500	10,500	8,800	6,200	11,000	5,800	22,500	19,500	16,000	11,000
2 1/3	125.0	36,000	7,200	3,600	14,500	12,500	10,000	7,200	13,000	6,500	26,000	22,500	18,500	13,000
2 1/4	146.0	41,000	8,200	4,100	16,500	14,000	11,500	8,200	15,000	7,400	29,500	25,500	21,000	15,000
2 1/2	166.7	46,500	9,300	4,700	18,500	16,000	13,000	9,300	16,500	8,400	33,500	29,000	23,500	16,500
2 5/8	190.8	52,000	10,500	5,200	21,000	18,000	14,500	10,500	18,500	9,500	37,500	32,500	26,500	18,500

Table H-16
NYLON ROPE SLINGS

ROPE DIAMETER Nominal In Inches	Nominal Weight Per 100 ft In Pounds	Minimum Breaking Strength In Pounds	RATED CAPACITY IN POUNDS (Safety Factor = 9)											
			EYE AND EYE SLING						ENDLESS SLING					
			VERTICAL HITCH	CHOKER HITCH	BASKET HITCH				VERTICAL HITCH	CHOKER HITCH	BASKET HITCH			
					Angle of Rope to Horizontal						Angle of Rope to Horizontal			
					90 deg	60 deg	45 deg	30 deg			90 deg	60 deg	45 deg	30 deg
					Angle of Rope to Vertical						Angle of Rope to Vertical			
					0 deg	30 deg	45 deg	60 deg			0 deg	30 deg	45 deg	60 deg
1/2	6.5	6,080	700	350	1,400	1,200	950	700	1,200	600	2,400	2,100	1,700	1,200
9/16	8.3	7,600	850	400	1,700	1,500	1,200	850	1,500	750	3,000	2,600	2,200	1,500
5/8	10.5	9,880	1,100	550	2,200	1,900	1,600	1,100	2,000	1,000	4,000	3,400	2,800	2,000
3/4	14.5	13,490	1,500	750	3,000	2,600	2,100	1,500	2,700	1,400	5,400	4,700	3,800	2,700
13/16	17.0	16,150	1,800	900	3,600	3,100	2,600	1,800	3,200	1,600	6,400	5,600	4,600	3,200
7/8	20.0	19,000	2,100	1,100	4,200	3,700	3,000	2,100	3,800	1,900	7,600	6,600	5,400	3,800
1	26.0	23,750	2,600	1,300	5,300	4,600	3,700	2,600	4,800	2,400	9,500	8,200	6,700	4,800
1 1/16	29.0	27,360	3,000	1,500	6,100	5,300	4,300	3,000	5,500	2,700	11,000	9,500	7,700	5,500
1 1/8	34.0	31,350	3,500	1,700	7,000	6,000	5,000	3,500	6,300	3,100	12,500	11,000	8,900	6,300
1 1/4	40.0	35,625	4,000	2,000	7,900	6,900	5,600	4,000	7,100	3,600	14,500	12,500	10,000	7,100
1 5/16	45.0	40,850	4,500	2,300	9,100	7,900	6,400	4,500	8,200	4,100	16,500	14,000	12,000	8,200
1 1/2	55.0	50,350	5,600	2,800	11,000	9,700	7,900	5,600	10,000	5,000	20,000	17,500	14,000	10,000
1 5/8	68.0	61,750	6,900	3,400	13,500	12,000	9,700	6,900	12,500	6,200	24,500	21,500	17,500	12,500
1 3/4	83.0	74,100	8,200	4,100	16,500	14,500	11,500	8,200	15,000	7,400	29,500	27,500	21,000	15,000
2	95.0	87,400	9,700	4,900	19,500	17,000	13,500	9,700	17,500	8,700	35,000	30,500	24,500	17,500
2 1/8	109.0	100,700	11,000	5,600	22,500	19,500	16,000	11,000	20,000	10,000	40,500	35,000	28,500	20,000
2 1/4	129.0	118,750	13,000	6,600	26,500	23,000	18,500	13,000	24,000	12,000	47,500	41,000	33,500	24,000
2 1/2	149.0	132,000	15,000	7,400	29,500	25,500	21,000	15,000	26,500	13,500	53,000	46,000	37,500	26,500
2 5/8	169.0	153,900	17,100	8,600	34,000	29,500	24,000	17,000	31,000	15,500	61,500	53,500	43,500	31,000

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Table H-17
POLYESTER ROPE SLINGS

ROPE DIAMETER Nominal In Inches	Nominal Weight Per 100 ft In Pounds	Minimum Breaking Strength In Pounds	RATED CAPACITY IN POUNDS (Safety Factor = 9)											
			EYE AND EYE SLING						ENDLESS SLING					
			VERTICAL HITCH	CHOKER HITCH	BASKET HITCH				VERTICAL HITCH	CHOKER HITCH	BASKET HITCH			
					Angle of Rope to Horizontal						Angle of Rope to Horizontal			
					90 deg	60 deg	45 deg	30 deg			90 deg	60 deg	45 deg	30 deg
					Angle of Rope to Vertical						Angle of Rope to Vertical			
					0 deg	30 deg	45 deg	60 deg			0 deg	30 deg	45 deg	60 deg
1/2	8.0	6,080	700	350	1,400	1,200	950	700	1,200	600	2,400	2,100	1,700	1,200
9/16	10.2	7,600	850	400	1,700	1,500	1,200	850	1,500	750	3,000	2,600	2,200	1,500
5/8	13.0	9,500	1,100	550	2,100	1,800	1,500	1,100	1,900	950	3,800	3,300	2,700	1,900
3/4	17.5	11,875	1,300	650	2,600	2,300	1,900	1,300	2,400	1,200	4,800	4,100	3,400	2,400
13/16	21.0	14,725	1,600	800	3,300	2,800	2,300	1,600	2,900	1,500	5,900	5,100	4,200	2,900
7/8	25.0	17,100	1,900	950	3,800	3,300	2,700	1,900	3,400	1,700	6,800	5,900	4,800	3,400
1	30.5	20,900	2,300	1,200	4,600	4,000	3,300	2,300	4,200	2,100	8,400	7,200	5,900	4,200
1 1/16	34.5	24,225	2,700	1,300	5,400	4,700	3,800	2,700	4,800	2,400	9,700	8,400	6,900	4,800
1 1/8	40.0	28,025	3,100	1,600	6,200	5,400	4,400	3,100	5,600	2,800	11,000	9,700	7,900	5,600
1 1/4	46.3	31,540	3,500	1,800	7,000	6,100	5,000	3,500	6,300	3,200	12,500	11,000	8,900	6,300
1 5/16	52.5	35,625	4,000	2,000	7,900	6,900	5,600	4,000	7,100	3,600	14,500	12,500	10,000	7,100
1 1/2	66.8	44,460	4,900	2,500	9,900	8,600	7,000	4,900	8,900	4,400	18,000	15,500	12,500	8,900
1 5/8	82.0	54,150	6,000	3,000	12,000	10,400	8,500	6,000	11,000	5,400	21,500	19,000	15,500	11,000
1 3/4	98.0	64,410	7,200	3,600	14,500	12,500	10,000	7,200	13,000	6,400	26,000	22,500	18,000	13,000
2	118.0	76,000	8,400	4,200	17,000	14,500	12,000	8,400	15,000	7,600	30,500	26,500	21,500	15,000
2 1/8	135.0	87,400	9,700	4,900	19,500	17,000	13,500	9,700	17,500	8,700	35,000	30,500	24,500	17,500
2 1/4	157.0	101,650	11,500	5,700	22,500	19,500	16,000	11,500	20,500	10,000	40,500	35,000	29,000	20,500
2 1/2	181.0	115,900	13,000	6,400	26,000	22,500	18,000	13,000	23,000	11,500	46,500	40,000	33,000	23,000
2 5/8	205.0	130,150	14,500	7,200	29,000	25,000	20,500	14,500	26,000	13,000	52,000	45,000	37,000	26,000

Table H-18
POLYPROPYLENE ROPE SLINGS

ROPE DIAMETER Nominal In Inches	Nominal Weight Per 100 ft In Pounds	Minimum Breaking Strength In Pounds	RATED CAPACITY IN POUNDS (Safety Factor = 6)											
			EYE AND EYE SLING						ENDLESS SLING					
			VERTICAL HITCH	CHOKER HITCH	BASKET HITCH				VERTICAL HITCH	CHOKER HITCH	BASKET HITCH			
					Angle of Rope to Horizontal						Angle of Rope to Horizontal			
					90 deg	60 deg	45 deg	30 deg			90 deg	60 deg	45 deg	30 deg
					Angle of Rope to Vertical						Angle of Rope to Vertical			
					0 deg	30 deg	45 deg	60 deg			0 deg	30 deg	45 deg	60 deg
1/2	4.7	3,990	650	350	1,300	1,200	950	650	1,200	600	2,400	2,100	1,700	1,200
9/16	6.1	4,845	800	400	1,600	1,400	1,100	800	1,500	750	2,900	2,500	2,100	1,500
5/8	7.5	5,890	1,000	500	2,000	1,700	1,400	1,000	1,800	900	3,500	3,100	2,500	1,800
3/4	10.7	8,075	1,300	700	2,700	2,300	1,900	1,300	2,400	1,200	4,900	4,200	3,400	2,400
13/16	12.7	9,405	1,600	800	3,100	2,700	2,200	1,600	2,800	1,400	5,600	4,900	4,000	2,800
7/8	15.0	10,925	1,800	900	3,600	3,200	2,600	1,800	3,300	1,600	6,600	5,700	4,600	3,300
1	18.0	13,300	2,200	1,100	4,400	3,800	3,100	2,200	4,000	2,000	8,000	6,900	5,600	4,000
1 1/16	20.4	15,200	2,500	1,300	5,100	4,400	3,600	2,500	4,600	2,300	9,100	7,900	6,500	4,600
1 1/8	23.7	17,385	2,900	1,500	5,800	5,000	4,100	2,900	5,200	2,600	10,500	9,000	7,400	5,200
1 1/4	27.0	19,950	3,300	1,700	6,700	5,800	4,700	3,300	6,000	3,000	12,000	10,500	8,500	6,000
1 5/16	30.5	22,325	3,700	1,900	7,400	6,400	5,300	3,700	6,700	3,400	13,500	11,500	9,500	6,700
1 1/2	38.5	28,215	4,700	2,400	9,400	8,100	6,700	4,700	8,500	4,200	17,000	14,500	12,000	8,500
1 5/8	47.5	34,200	5,700	2,900	11,500	9,900	8,100	5,700	10,500	5,100	20,500	18,000	14,500	10,500
1 3/4	57.0	40,850	6,800	3,400	13,500	12,000	9,600	6,800	12,500	6,100	24,500	21,000	17,500	12,500
2	69.0	49,400	8,200	4,100	16,500	14,500	11,500	8,200	15,000	7,400	29,500	25,500	21,000	15,000
2 1/8	80.0	57,950	9,700	4,800	19,500	16,500	13,500	9,700	17,500	8,700	35,000	30,100	24,500	17,500
2 1/4	92.0	65,550	11,000	5,500	22,000	19,000	15,500	11,000	19,500	9,900	39,500	34,000	28,000	19,500
2 1/2	107.0	76,000	12,500	6,300	25,500	22,000	18,000	12,500	23,000	11,500	45,500	39,500	32,500	23,000
2 5/8	120.0	85,500	14,500	7,100	29,500	24,500	20,000	14,500	25,500	13,000	51,500	44,500	36,500	25,500

TABLE H-19—SAFE WORKING LOADS FOR SHACKLES
[In tons of 2000 pounds]

Material size (inches)	Pin diameter (inches)	Safe working load
1/4	3/8	1.4
5/16	1/2	2.2
3/8	5/8	3.3
1/2	3/4	4.3
5/8	1	6.6
3/4	1 1/4	9.7
7/8	1 3/4	13.2
1	1 3/4	17.0
1 1/4	2 1/2	25.5
1 1/2	2 1/2	34.0
2	3 1/4	51.2

TABLE H-20—NUMBER AND SPACING OF U-BOLT WIRE ROPE CLIPS

Improved plow steel, rope diameter inches	Number of clips		Minimum spacing (inches)
	Drop forged	Other material	
1/4	3	4	3
5/16	3	4	3 1/2
3/8	4	5	4 1/2
7/16	4	5	5 1/4
1/2	5	6	6
9/16	6	6	6 1/2
5/8	6	7	7 1/2
3/4	7	7	8 1/4
7/8	7	8	9

Subpart I—Tools—Hand and Power

§ 1926.300 General requirements.

(a) *Condition of tools.* All hand and power tools and similar equipment, whether furnished by the employer or the employee, shall be maintained in a safe condition.

(b) *Guarding.* (1) When power operated tools are designed to accommodate guards, they shall be equipped with such guards when in use.

(2) Belts, gears, shafts, pulleys, sprockets, spindles, drums, fly wheels, chains, or other reciprocating, rotating or moving parts of equipment shall be guarded if such parts are exposed to contact by employees or otherwise create a hazard. Guarding shall meet the requirements as set forth in American National Standards Institute, B15.1–1953 (R1958), Safety Code for Mechanical Power-Transmission Apparatus.

(c) *Personal protective equipment.* Employees using hand and power tools and exposed to the hazard of falling, flying, abrasive, and splashing objects, or exposed to harmful dusts, fumes, mists, vapors, or gases shall be provided with the particular personal protective equipment necessary to protect them from the hazard. All personal protective equipment shall meet the requirements and be maintained according to Subparts D and E of this part.

(d) *Switches.* (1) All hand-held powered platen sanders, grinders with wheels 2-inch diameter or less, routers, planers, laminate trimmers, nibblers, shears, scroll saws, and jigsaws with blade shanks one-fourth of an inch wide or less may be equipped with only a positive "on-off" control.

(2) All hand-held powered drills, tappers, fastener drivers, horizontal, vertical, and angle grinders with wheels greater than 2 inches in diameter, disc sanders, belt sanders, reciprocating saws, saber saws, and other similar operating powered tools shall be equipped with a momentary contact "on-off" control and may have a lock-on control provided that turnoff can be accomplished by a single motion of the same finger or fingers that turn it on.

(3) All other hand-held powered tools, such as circular saws, chain saws, and percussion tools without positive accessory holding means, shall be equipped with a constant pressure switch that will shut off the power when the pressure is released.

(4) The requirements of this paragraph shall become effective on July 15, 1972.

(5) Exception: This paragraph does not apply to concrete vibrators, concrete breakers, powered tampers, jack hammers, rock drills, and similar hand operated power tools.

§ 1926.301 Hand tools.

(a) Employers shall not issue or permit the use of unsafe hand tools.

(b) Wrenches, including adjustable, pipe, end, and socket wrenches shall not be used when jaws are sprung to the point that slippage occurs.

(c) Impact tools, such as drift pins, wedges, and chisels, shall be kept free of mushroomed heads.

(d) The wooden handles of tools shall be kept free of splinters or cracks and shall be kept tight in the tool.

§ 1926.302 Power-operated hand tools.

(a) *Electric power-operated tools.* (1) Electric power operated tools shall either be of the approved double-insulated type or grounded in accordance with Subpart K of this part.

(2) The use of electric cords for hoisting or lowering tools shall not be permitted.

(b) *Pneumatic power tools.* (1) Pneumatic power tools shall be secured to the hose or whip by some positive means to prevent the tool from becoming accidentally disconnected.

(2) Safety clips or retainers shall be securely installed and maintained on pneumatic impact (percussion) tools to prevent attachments from being accidentally expelled.

(3) All pneumatically driven nailers, staplers, and other similar equipment provided with automatic fastener feed, which operate at more than 100 p.s.i. pressure at the tool shall have a safety device on the muzzle to prevent the tool from ejecting fasteners, unless the muzzle is in contact with the work surface.

(4) Compressed air shall not be used for cleaning purposes except where reduced to less than 30 p.s.i. and then only with effective chip guarding and personal protective equipment which meets the requirements of Subpart E of this part. The 30 p.s.i. requirement does not apply for concrete form, mill scale and similar cleaning purposes.

(5) The manufacturer's safe operating pressure for hoses, pipes, valves, filters, and other fittings shall not be exceeded.

(6) The use of hoses for hoisting or lowering tools shall not be permitted.

(7) All hoses exceeding ½-inch inside diameter shall have a safety device at the source of supply or branch line to reduce pressure in case of hose failure.

(8) Airless spray guns of the type which atomize paints and fluids at high pressures (1,000 pounds or more per square inch) shall be equipped with automatic or visible manual safety devices which will prevent pulling of the trigger to prevent release of the paint or fluid until the safety device is manually released.

(9) In lieu of the above, a diffuser nut which will prevent high pressure, high velocity release, while the nozzle tip is removed, plus a nozzle tip guard which will prevent the tip from coming into contact with the operator, or other equivalent protection, shall be provided.

(c) *Fuel powered tools.* (1) All fuel powered tools shall be stopped while being refueled, serviced, or maintained, and fuel shall be transported, handled, and stored in accordance with Subpart F of this part.

(2) When fuel powered tools are used in enclosed spaces, the applicable requirements for concentrations of toxic gases and use of personal protective equipment, as outlined in Subparts D and E of this part, shall apply.

(d) *Hydraulic power tools.* (1) The fluid used in hydraulic powered tools shall be fire-resistant fluids approved under Schedule 30 of the U.S. Bureau of Mines, Department of the Interior, and shall retain its operating characteristics at the most extreme temperatures to which it will be exposed.

(2) The manufacturer's safe operating pressures for hoses, valves, pipes, filters, and other fittings shall not be exceeded.

(e) *Powder-actuated tools.* (1) Only employees who have been trained in the operation of the particular tool in use shall be allowed to operate a powder-actuated tool.

(2) The tool shall be tested each day before loading to see that safety devices are in proper working condition. The method of testing shall be in accordance with the manufacturer's recommended procedure.

(3) Any tool found not in proper working order, or that develops a defect during use, shall be immediately removed from service and not used until properly repaired.

(4) Personal protective equipment shall be in accordance with Subpart E of this part.

(5) Tools shall not be loaded until just prior to the intended firing time. Neither loaded nor empty tools are to be pointed at any employees. Hands shall be kept clear of the open barrel end.

(6) Loaded tools shall not be left unattended.

(7) Fasteners shall not be driven into very hard or brittle materials including, but not limited to, cast iron, glazed tile, surface-hardened steel, glass block, live rock, face brick, or hollow tile.

(8) Driving into materials easily penetrated shall be avoided unless such materials are backed by a substance that

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will prevent the pin or fastener from passing completely through and creating a flying missile hazard on the other side.

(9) No fastener shall be driven into a spalled area caused by an unsatisfactory fastening.

(10) Tools shall not be used in an explosive or flammable atmosphere.

(11) All tools shall be used with the correct shield, guard, or attachment recommended by the manufacturer.

(12) Powder-actuated tools used by employees shall meet all other applicable requirements of American National Standards Institute, A10.3–1970, Safety Requirements for Explosive-Actuated Fastening Tools.

§ 1926.303 Abrasive wheels and tools.

(a) *Power.* All grinding machines shall be supplied with sufficient power to maintain the spindle speed at safe levels under all conditions of normal operation.

(b) *Guarding.* Grinding machines shall be equipped with safety guards in conformance with the requirements of American National Standards Institute, B7.1–1970, Safety Code for the Use, Care and Protection of Abrasive Wheels, and paragraph (d) of this section.

(c) *Use of abrasive wheels.* (1) Floor stand and bench mounted abrasive wheels, used for external grinding, shall be provided with safety guards (protection hoods). The maximum angular exposure of the grinding wheel periphery and sides shall be not more than 90°, except that when work requires contact with the wheel below the horizontal plane of the spindle, the angular exposure shall not exceed 125°. In either case, the exposure shall begin not more than 65° above the horizontal plane of the spindle. Safety guards shall be strong enough to withstand the effect of a bursting wheel.

(2) Floor and bench-mounted grinders shall be provided with work rests which are rigidly supported and readily adjustable. Such work rests shall be kept at a distance not to exceed one-eighth inch from the surface of the wheel.

(3) Cup type wheels used for external grinding shall be protected by either a revolving cup guard or a band type guard in accordance with the provisions of the American National Standards Institute, B7.1–1970 Safety Code for the Use, Care, and Protection of Abrasive Wheels. All other portable abrasive wheels used for external grinding, shall be provided with safety guards (protection hoods) meeting the requirements of subparagraph (5) of this paragraph, except as follows:

(i) When the work location makes it impossible, a wheel equipped with safety flanges, as described in paragraph (c) (6) of this section, shall be used;

(ii) When wheels 2 inches or less in diameter which are securely mounted on the end of a steel mandrel are used.

(4) Portable abrasive wheels used for internal grinding shall be provided with safety flanges (protection flanges) meeting the requirements of subparagraph (6) of this paragraph, except as follows:

(i) When wheels 2 inches or less in diameter which are securely mounted on the end of a steel mandrel are used;

(ii) If the wheel is entirely within the work being ground while in use.

(5) When safety guards are required, they shall be so mounted as to maintain proper alignment with the wheel, and the guard and its fastenings shall be of sufficient strength to retain fragments of the wheel in case of accidental breakage. The maximum angular exposure of the grinding wheel periphery and sides shall not exceed 180°.

(6) When safety flanges are required, they shall be used only with wheels designed to fit the flanges. Only safety flanges, of a type and design and properly assembled so as to ensure that the pieces of the wheel will be retained in case of accidental breakage, shall be used.

(7) All abrasive wheels shall be closely inspected and ring-tested before mounting to ensure that they are free from cracks or defects.

(8) Grinding wheels shall fit freely on the spindle and shall not be forced on. The spindle nut shall be tightened only enough to hold the wheel in place.

(9) All employees using abrasive wheels shall be protected by eye protection equipment in accordance with the requirements of Subpart E of this part, except when adequate eye protection is afforded by eye shields which are permanently attached to the bench or floor stand.

(d) *Other requirements.* All abrasive wheels and tools used by employees shall meet other applicable requirements of American National Standards Institute, B7.1–1970, Safety Code for the Use, Care and Protection of Abrasive Wheels.

§ 1926.304 Woodworking tools.

(a) *Disconnect switches.* All fixed power driven woodworking tools shall be provided with a disconnect switch that can either be locked or tagged in the off position.

(b) *Speeds.* The operating speed shall be etched or otherwise permanently marked on all circular saws over 20 inches in diameter or operating at over 10,000 peripheral feet per minute. Any saw so marked shall not be operated at a speed other than that marked on the blade. When a marked saw is retensioned for a different speed, the marking shall be corrected to show the new speed.

(c) *Self-feed.* Automatic feeding devices shall be installed on machines whenever the nature of the work will permit. Feeder attachments shall have the feed rolls or other moving parts covered or guarded so as to protect the operator from hazardous points.

(d) *Guarding.* All portable, power-driven circular saws shall be equipped with guards above and below the base plate or shoe. The upper guard shall cover the saw to the depth of the teeth, except for the minimum arc required to permit the base to be tilted for bevel cuts. The lower guard shall cover the saw to the depth of the teeth, except for the minimum arc required to allow proper retraction and contact with the work. When the tool is withdrawn from the work, the lower guard shall automatically and instantly return to the covering position.

(e) *Personal protective equipment.* All personal protective equipment provided for use shall conform to Subpart E of this part.

(f) *Other requirements.* All woodworking tools and machinery shall meet other applicable requirements of American National Standards Institute, 01.1–1961, Safety Code for Woodworking Machinery.

§ 1926.305 Jacks—lever and ratchet, screw, and hydraulic.

(a) *General requirements.* (1) The manufacturer's rated capacity shall be legibly marked on all jacks and shall not be exceeded.

(2) All jacks shall have a positive stop to prevent overtravel.

(b) *Lift slab construction.* (1) Hydraulic jacks used in lift slab construction shall have a safety device which will cause the jacks to support the load in any position in the event the jack malfunctions.

(2) If lift slabs are automatically controlled, a device shall be installed which will stop the operation when the ½-inch leveling tolerance is exceeded.

(c) *Blocking.* When it is necessary to provide a firm foundation, the base of the jack shall be blocked or cribbed. Where there is a possibility of slippage of the metal cap of the jack, a wood block shall be placed between the cap and the load.

Subpart J—Welding and Cutting

§ 1926.350 Gas welding and cutting.

(a) *Transporting, moving, and storing compressed gas cylinders.* (1) Valve protection caps shall be in place and secured.

(2) When cylinders are hoisted, they shall be secured on a cradle, slingboard, or pallet. They shall not be hoisted or transported by means of magnets or choker slings.

(3) Cylinders shall be moved by tilting and rolling them on their bottom edges. They shall not be intentionally dropped, struck, or permitted to strike each other violently.

(4) When cylinders are transported by powered vehicles, they shall be secured in a vertical position.

(5) Valve protection caps shall not be used for lifting cylinders from one vertical position to another. Bars shall not be used under valves or valve protection caps to pry cylinders loose when frozen. Warm, not boiling, water shall be used to thaw cylinders loose.

(6) Unless cylinders are firmly secured on a special carrier intended for this purpose, regulators shall be removed and valve protection caps put in place before cylinders are moved.

(7) A suitable cylinder truck, chain, or other steadying device shall be used to keep cylinders from being knocked over while in use.

(8) When work is finished, when cylinders are empty, or when cylinders are moved at any time, the cylinder valve shall be closed.

(9) Compressed gas cylinders shall be secured in an upright position at all times except, if necessary, for short periods of time while cylinders are actually being hoisted or carried.

(b) *Placing cylinders.* (1) Cylinders shall be kept far enough away from the actual welding or cutting operation so that sparks, hot slag, or flame will not reach them. When this is impractical, fire resistant shields shall be provided.

(2) Cylinders shall be placed where they cannot become part of an electrical circuit. Electrodes shall not be struck against a cylinder to strike an arc.

(3) Fuel gas cylinders shall be placed with valve end up whenever they are in use. They shall not be placed in a location where they would be subject to open flame, hot metal, or other sources of artificial heat.

(4) Cylinders containing oxygen or acetylene or other fuel gas shall not be taken into confined spaces.

(c) *Treatment of cylinders.* (1) Cylinders, whether full or empty, shall not be used as rollers or supports.

(2) No person other than the gas supplier shall attempt to mix gases in a cylinder. No one except the owner of the cylinder or person authorized by him, shall refill a cylinder. No one shall use a cylinder's contents for purposes other than those intended by the supplier. All cylinders used shall meet the Department of Transportation requirements published in 49 CFR Part 178, Subpart C, Specification for Cylinders.

(3) No damaged or defective cylinder shall be used.

(d) *Use of fuel gas.* The employer shall thoroughly instruct employees in the safe use of fuel gas, as follows:

(1) Before a regulator to a cylinder valve is connected, the valve shall be opened slightly and closed immediately. (This action is generally termed "cracking" and is intended to clear the valve of dust or dirt that might otherwise enter the regulator.) The person cracking the valve shall stand to one side of the outlet, not in front of it. The valve of a fuel gas cylinder shall not be cracked where the gas would reach welding work, sparks, flame, or other possible sources of ignition.

(2) The cylinder valve shall always be opened slowly to prevent damage to the regulator. For quick closing, valves on fuel gas cylinders shall not be opened more than 1½ turns. When a special wrench is required, it shall be left in position on the stem of the valve while the cylinder is in use so that the fuel gas flow can be shut off quickly in case of an emergency. In the case of manifolded or coupled cylinders, at least one such wrench shall always be available for immediate use. Nothing shall be placed on top of a fuel gas cylinder, when in use, which may damage the safety device or interfere with the quick closing of the valve.

(3) Fuel gas shall not be used from cylinders through torches or other devices which are equipped with shutoff valves without reducing the pressure through a suitable regulator attached to the cylinder valve or manifold.

(4) Before a regulator is removed from a cylinder valve, the cylinder valve shall always be closed and the gas released from the regulator.

(5) If, when the valve on a fuel gas cylinder is opened, there is found to be a leak around the valve stem, the valve shall be closed and the gland nut tightened. If this action does not stop the leak, the use of the cylinder shall be discontinued, and it shall be properly tagged and removed from the work area. In the event that fuel gas should leak from the cylinder valve, rather than from the valve stem, and the gas cannot be shut off, the cylinder shall be properly tagged and removed from the work area. If a regulator attached to a cylinder valve will effectively stop a leak through the valve seat, the cylinder need not be removed from the work area.

(6) If a leak should develop at a fuse plug or other safety device, the cylinder shall be removed from the work area.

(e) *Fuel gas and oxygen manifolds.* (1) Fuel gas and oxygen manifolds shall bear the name of the substance they contain in letters at least 1-inch high which shall be either painted on the manifold or on a sign permanently attached to it.

(2) Fuel gas and oxygen manifolds shall be placed in safe, well ventilated, and accessible locations. They shall not be located within enclosed spaces.

(3) Manifold hose connections, including both ends of the supply hose that lead to the manifold, shall be such that the hose cannot be interchanged between fuel gas and oxygen manifolds and supply header connections. Adapters shall not be used to permit the interchange of hose. Hose connections shall be kept free of grease and oil.

(4) When not in use, manifold and header hose connections shall be capped.

(5) Nothing shall be placed on top of a manifold, when in use, which will damage the manifold or interfere with the quick closing of the valves.

(f) *Hose.* (1) Fuel gas hose and oxygen hose shall be easily distinguishable from each other. The contrast may be made by different colors or by surface characteristics readily distinguishable by the sense of touch. Oxygen and fuel gas hoses shall not be interchangeable. A single hose having more than one gas passage shall not be used.

(2) When parallel sections of oxygen and fuel gas hose are taped together, not more than 4 inches out of 12 inches shall be covered by tape.

(3) All hose in use, carrying acetylene, oxygen, natural or manufactured fuel gas, or any gas or substance which may ignite or enter into combustion, or be in any way harmful to employees, shall be inspected at the beginning of each working shift. Defective hose shall be removed from service.

(4) Hose which has been subject to flashback, or which shows evidence of severe wear or damage, shall be tested to twice the normal pressure to which it is subject, but in no case less than 300 p.s.i. Defective hose, or hose in doubtful condition, shall not be used.

(5) Hose couplings shall be of the type that cannot be unlocked or disconnected by means of a straight pull without rotary motion.

(6) Boxes used for the storage of gas hose shall be ventilated.

(7) Hoses, cables, and other equipment shall be kept clear of passageways, ladders and stairs.

(g) *Torches.* (1) Clogged torch tip openings shall be cleaned with suitable cleaning wires, drills, or other devices designed for such purpose.

(2) Torches in use shall be inspected at the beginning of each working shift for leaking shutoff valves, hose couplings, and tip connections. Defective torches shall not be used.

(3) Torches shall be lighted by friction lighters or other approved devices, and not by matches or from hot work.

(h) *Regulators and gauges.* Oxygen and fuel gas pressure regulators, including their related gauges, shall be in proper working order while in use.

(i) *Oil and grease hazards.* Oxygen cylinders and fittings shall be kept away from oil or grease. Cylinders, cylinder caps and valves, couplings, regulators, hose, and apparatus shall be kept free from oil or greasy substances and shall not be handled with oily hands or gloves. Oxygen shall not be directed at oily surfaces, greasy clothes, or within a fuel oil or other storage tank or vessel.

(j) *Additional rules.* For additional details not covered in this subpart, applicable technical portions of American National Standards Institute, Z49.1–1967, Safety in Welding and Cutting, shall apply.

§ 1926.351 Arc welding and cutting.

(a) *Manual electrode holders.* (1) Only manual electrode holders which are specifically designed for arc welding and cutting, and are of a capacity capable of safely handling the maximum rated current required by the electrodes, shall be used.

(2) Any current-carrying parts passing through the portion of the holder which the arc welder or cutter grips in his hand, and the outer surfaces of the jaws of the holder, shall be fully insulated against the maximum voltage encountered to ground.

(b) *Welding cables and connectors.* (1) All arc welding and cutting cables shall be of the completely insulated, flexible type, capable of handling the maximum current requirements of the work in progress, taking into account the duty cycle under which the arc welder or cutter is working.

(2) Only cable free from repair or splices for a minimum distance of 10 feet from the cable end to which the electrode holder is connected shall be used, except that cables with standard insulated connectors or with splices whose insulating quality is equal to that of the cable are permitted.

(3) When it becomes necessary to connect or splice lengths of cable one to another, substantial insulated connectors of a capacity at least equivalent to that of the cable shall be used. If connections are effected by means of cable lugs, they shall be securely fastened together to give good electrical contact, and the exposed

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metal parts of the lugs shall be completely insulated.

(4) Cables in need of repair shall not be used. When a cable, other than the cable lead referred to in subparagraph (2) of this paragraph, becomes worn to the extent of exposing bare conductors, the portion thus exposed shall be protected by means of rubber and friction tape or other equivalent insulation.

(c) *Ground returns and machine grounding.* (1) A ground return cable shall have a safe current carrying capacity equal to or exceeding the specified maximum output capacity of the arc welding or cutting unit which it services. When a single ground return cable services more than one unit, its safe current-carrying capacity shall equal or exceed the total specified maximum output capacities of all the units which it services.

(2) Pipelines containing gases or flammable liquids, or conduits containing electrical circuits, shall not be used as a ground return. For welding on natural gas pipelines, the technical portions of regulations issued by the Department of Transportation, Office of Pipeline Safety, 49 CFR Part 192, Minimum Federal Safety Standards for Gas Pipelines, shall apply.

(3) When a structure or pipeline is employed as a ground return circuit, it shall be determined that the required electrical contact exists at all joints. The generation of an arc, sparks, or heat at any point shall cause rejection of the structures as a ground circuit.

(4) When a structure or pipeline is continuously employed as a ground return circuit, all joints shall be bonded, and periodic inspections shall be conducted to ensure that no condition of electrolysis or fire hazard exists by virtue of such use.

(5) The frames of all arc welding and cutting machines shall be grounded either through a third wire in the cable containing the circuit conductor or through a separate wire which is grounded at the source of the current. Grounding circuits, other than by means of the structure, shall be checked to ensure that the circuit between the ground and the grounded power conductor has resistance low enough to permit sufficient current to flow to cause the fuse or circuit breaker to interrupt the current.

(6) All ground connections shall be inspected to ensure that they are mechanically strong and electrically adequate for the required current.

(d) *Operating instructions.* Employers shall instruct employees in the safe means of arc welding and cutting as follows:

(1) When electrode holders are to be left unattended, the electrodes shall be removed and the holders shall be so placed or protected that they cannot make electrical contact with employees or conducting objects.

(2) Hot electrode holders shall not be dipped in water; to do so may expose the arc welder or cutter to electric shock.

(3) When the arc welder or cutter has occasion to leave his work or to stop work for any appreciable length of time, or when the arc welding or cutting machine is to be moved, the power supply switch to the equipment shall be opened.

(4) Any faulty or defective equipment shall be reported to the supervisor.

(5) Other requirements, as outlined in Article 630, National Electrical Code, NFPA 70–1971; ANSI C1–1971 (Rev. of 1968), Electric Welders, shall be used when applicable.

(e) *Shielding.* Whenever practicable, all arc welding and cutting operations shall be shielded by noncombustible or flameproof screens which will protect employees and other persons working in the vicinity from the direct rays of the arc.

§ 1926.352 Fire prevention.

(a) When practical, objects to be welded, cut, or heated shall be moved to a designated safe location or, if the objects to be welded, cut, or heated cannot be readily moved, all movable fire hazards in the vicinity shall be taken to a safe place, or otherwise protected.

(b) If the object to be welded, cut, or heated cannot be moved and if all the fire hazards cannot be removed, positive means shall be taken to confine the heat, sparks, and slag, and to protect the immovable fire hazards from them.

(c) No welding, cutting, or heating shall be done where the application of flammable paints, or the presence of other flammable compounds, or heavy dust concentrations creates a hazard.

(d) Suitable fire extinguishing equipment shall be immediately available in the work area and shall be maintained in a state of readiness for instant use.

(e) When the welding, cutting, or heating operation is such that normal fire prevention precautions are not sufficient, additional personnel shall be assigned to guard against fire while the actual welding, cutting, or heating operation is being performed, and for a sufficient period of time after completion of the work to ensure that no possibility of fire exists. Such personnel shall be instructed as to the specific anticipated fire hazards and how the firefighting equipment provided is to be used.

(f) When welding, cutting, or heating is performed on walls, floors, and ceilings, since direct penetration of sparks or heat transfer may introduce a fire hazard to an adjacent area, the same precautions shall be taken on the opposite side as are taken on the side on which the welding is being performed.

(g) For the elimination of possible fire in enclosed spaces as a result of gas escaping through leaking or improperly closed torch valves, the gas supply to the torch shall be positively shut off at some point outside the enclosed space whenever the torch is not to be used or whenever the torch is left unattended for a substantial period of time, such as during the lunch period. Overnight and at the change of shifts, the torch and hose shall be removed from the confined space. Open end fuel gas and oxygen hoses shall be immediately removed from enclosed spaces when they are disconnected from the torch or other gas-consuming device.

(h) Except when the contents are being removed or transferred, drums, pails, and other containers, which contain or have contained flammable liquids, shall be kept closed. Empty containers shall be removed to a safe area apart from hot work operations or open flames.

(i) Drums, containers, or hollow structures which have contained toxic or flammable substances shall, before welding, cutting, or heating is undertaken on them, either be filled with water or thoroughly cleaned of such substances and ventilated and tested. For welding, cutting and heating on steel pipelines containing natural gas, the pertinent portions of regulations issued by the Department of Transportation, Office of Pipeline Safety, 49 CFR Part 192, Minimum Federal Safety Standards for Gas Pipelines, shall apply.

(j) Before heat is applied to a drum, container, or hollow structure, a vent or opening shall be provided for the release of any built-up pressure during the application of heat.

§ 1926.353 Ventilation and protection in welding, cutting, and heating.

(a) *Mechanical ventilation.* For purposes of this section, mechanical ventilation shall meet the following requirements:

(1) Mechanical ventilation shall consist of either general mechanical ventilation systems or local exhaust systems.

(2) General mechanical ventilation shall be of sufficient capacity and so arranged as to produce the number of air changes necessary to maintain welding fumes and smoke within safe limits, as defined in Subpart D of this part.

(3) Local exhaust ventilation shall consist of freely movable hoods intended to be placed by the welder or burner as close as practicable to the work. This system shall be of sufficient capacity and so arranged as to remove fumes and smoke at the source and keep the concentration of them in the breathing zone within safe limits as defined in Subpart D of this part.

(4) Contaminated air exhausted from a working space shall be discharged into the open air or otherwise clear of the source of intake air.

(5) All air replacing that withdrawn shall be clean and respirable.

(6) Oxygen shall not be used for ventilation purposes, comfort cooling, blowing dust from clothing, or for cleaning the work area.

(b) *Welding, cutting, and heating in confined spaces.* (1) Except as provided in paragraph (b)(2) of this section, and paragraph (c)(2) of this section, either general mechanical or local exhaust ventilation meeting the requirements of paragraph (a) of this section shall be provided whenever welding, cutting, or heating is performed in a confined space.

(2) When sufficient ventilation cannot be obtained without blocking the means of access, employees in the confined space shall be protected by air line respirators in accordance with the requirements of Subpart E of this part, and an employee on the outside of such a confined space shall be assigned to maintain communication with those working within it and to aid them in an emergency.

(c) *Welding, cutting, or heating of metals of toxic significance.* (1) Welding, cutting, or heating in any enclosed spaces involving the metals specified in this subparagraph shall be performed with either general mechanical or local exhaust ventilation meeting the requirements of paragraph (a) of this section:

(i) Zinc-bearing base or filler metals or metals coated with zinc-bearing materials;

(ii) Lead base metals;

(iii) Cadmium-bearing filler materials;

(iv) Chromium-bearing metals or metals coated with chromium-bearing materials.

(2) Welding, cutting, or heating in any enclosed spaces involving the metals specified in this subparagraph shall be performed with local exhaust ventilation in accordance with the requirements of paragraph (a) of this section, or employees shall be protected by air line respirators in accordance with the requirements of Subpart E of this part:

(i) Metals containing lead, other than as an impurity, or metals coated with lead-bearing materials;

(ii) Cadmium-bearing or cadmium-coated base metals;

(iii) Metals coated with mercury-bearing metals;

(iv) Beryllium-containing base or filler metals. Because of its high toxicity, work involving beryllium shall be done with both local exhaust ventilation and air line respirators.

(3) Employees performing such operations in the open air shall be protected by filter-type respirators in accordance with the requirements of Subpart E of this part, except that employees performing such operations on beryllium-containing base or filler metals shall be protected by air line respirators in accordance with the requirements of Subpart E of this part.

(4) Other employees exposed to the same atmosphere as the welders or burners shall be protected in the same manner as the welder or burner.

(d) *Inert-gas metal-arc welding.* (1) Since the inert-gas metal-arc welding process involves the production of ultraviolet radiation of intensities of 5 to 30 times that produced during shielded metal-arc welding, the decomposition of chlorinated solvents by ultraviolet rays, and the liberation of toxic fumes and gases, employees shall not be permitted to engage in, or be exposed to the process until the following special precautions have been taken:

(i) The use of chlorinated solvents shall be kept at least 200 feet, unless shielded, from the exposed arc, and surfaces prepared with chlorinated solvents shall be thoroughly dry before welding is permitted on such surfaces.

(ii) Employees in the area not protected from the arc by screening shall be protected by filter lenses meeting the requirements of Subpart E of this part. When two or more welders are exposed to each other's arc, filter lens goggles of a suitable type, meeting the requirements of Subpart E of this part, shall be worn under welding helmets. Hand shields to protect the welder against flashes and radiant energy shall be used when either the helmet is lifted or the shield is removed.

(iii) Welders and other employees who are exposed to radiation shall be suitably protected so that the skin is covered completely to prevent burns and other damage by ultraviolet rays. Welding helmets and hand shields shall be free of leaks and openings, and free of highly reflective surfaces.

(iv) When inert-gas metal-arc welding is being performed on stainless steel, the requirements of paragraph (c)(2) of this section shall be met to protect against dangerous concentrations of nitrogen dioxide.

(e) *General welding, cutting, and heating.* (1) Welding, cutting, and heating, not involving conditions or materials described in paragraph (b), (c), or (d) of this section, may normally be done without mechanical ventilation or respiratory protective equipment, but where, because of unusual physical or atmospheric conditions, an unsafe accumulation of contaminants exists, suitable mechanical ventilation or respiratory protective equipment shall be provided.

(2) Employees performing any type of welding, cutting, or heating shall be protected by suitable eye protective equipment in accordance with the requirements of Subpart E of this part.

§ 1926.354 Welding, cutting, and heating in way of preservative coatings.

(a) Before welding, cutting, or heating is commenced on any surface covered by a preservative coating whose flammability is not known, a test shall be made by a competent person to determine its flammability. Preservative coatings shall be considered to be highly flammable when scrapings burn with extreme rapidity.

(b) Precautions shall be taken to prevent ignition of highly flammable hardened preservative coatings. When coatings are determined to be highly flammable, they shall be stripped from the area to be heated to prevent ignition.

(c) Protection against toxic preservative coatings: (1) In enclosed spaces, all surfaces covered with toxic preservatives shall be stripped of all toxic coatings for a distance of at least 4 inches from the area of heat application, or the employees shall be protected by air line respirators, meeting the requirements of Subpart E of this part.

(2) In the open air, employees shall be protected by a respirator, in accordance with requirements of Subpart E of this part.

(d) The preservative coatings shall be removed a sufficient distance from the area to be heated to ensure that the temperature of the unstripped metal will not be appreciably raised. Artificial cooling of the metal surrounding the heating area may be used to limit the size of the area required to be cleaned.

Subpart K—Electrical

§ 1926.400 General requirements.

(a) All electrical work, installation, and wire capacities shall be in accordance with the pertinent provisions of the National Electrical Code, NFPA 70–1971; ANSI C1–1971 (Rev. of C1–1968), unless otherwise provided by regulations of this part.

(b) *Applicability.* These regulations apply only to electrical installations used on the jobsite, both temporary and permanent. For power distribution and transmission lines, see Subpart V of this part.

(c) *Protection of employees.* (1) No employer shall permit an employee to work in such proximity to any part of an electric power circuit that he may contact the same in the course of his work unless the employee is protected against electric shock by deenergizing the circuit and grounding it or by guarding it by effective insulation or other means. In work areas where the exact location of underground electric power lines is unknown, workmen using jack-hammers, bars, or other hand tools which may contact a line shall be provided with insulated protective gloves.

(2) Before work is begun the employer shall ascertain by inquiry or direct observation, or by instruments, whether any part of an electric power circuit, exposed or concealed, is so located that the performance of the work may bring any person, tool, or machine into physical or electrical contact therewith. The employer shall post and maintain proper warning signs where such a circuit exists. He shall advise his employees of the location of such lines, the hazards involved and the protective measures to be taken.

(d) *Passageways and open spaces.* Suitable barriers or other means shall be provided to ensure that workspace for electrical equipment will not be used as a passageway during periods when energized parts of electrical equipment are exposed.

(e) *Workspace around equipment.* Sufficient space shall be provided and maintained in the area of electrical equipment to permit ready and safe operation and maintenance of such equipment. When parts are exposed, the minimum clearance for the workspace shall be not less than 6¼ feet high, nor less than a radius of 3 feet wide, and there shall be clearance sufficient to permit at least a 90° opening of all doors or hinged panels. All working clearances shall be maintained in accordance with Article 110–16, National Electrical Code, NFPA 70–1971; ANSI C1–1971 (Rev. of C1–1968).

(f) *Load ratings.* In existing installations no changes in circuit protection shall be made to increase the load in excess of the load rating of the circuit wiring, as specified in National Electric wiring, as specified in National Electric Code, NFPA 70–1971; ANSI C1–1971 (Rev. of C1–1968), Article 310.

(g) *Lockout and tagging of circuits.* (1) Equipment or circuits that are deenergized shall be rendered inoperative

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and have tags attached at all points where such equipment or circuits can be energized.

(2) Controls that are to be deactivated during the course of work on energized or deenergized equipment or circuits shall be tagged.

(3) Tags shall be placed to identify plainly the equipment or circuits being worked on.

(h) Notwithstanding any other provisions of this part, the effective date of the requirement in section 210–7 of the National Electrical Code, that all 15- and 20-ampere receptacle outlets on single-phase circuits for construction sites shall have approved ground-fault circuit protection for personnel, is postponed pending reconsideration of the requirement.

§ 1926.401 Grounding and bonding.

(a) *Portable and/or cord and plug-connected equipment.* (1) The noncurrent-carrying metal parts of portable and/or plug-connected equipment shall be grounded.

(2) Portable tools and appliances protected by an approved system of double insulation, or its equivalent, need not be grounded. Where such an approved system is employed, the equipment shall be distinctively marked.

(b) *Fixed equipment.* Exposed noncurrent-carrying metal parts of fixed electrical equipment, including motors, generators, frames and tracks of electrically operated cranes, electrically driven machinery, etc., shall be grounded.

(c) *Effective grounding.* The path from circuits, equipment, structures, and conduit or enclosures to ground shall be permanent and continuous; have ample carrying capacity to conduct safely the currents liable to be imposed on it; and have impedance sufficiently low to limit the potential above ground and to result in the operation of the overcurrent devices in the circuit.

(d) *Ground resistance.* Driven rod electrodes shall, where practicable, have a resistance to ground not to exceed 25 ohms. Where the resistance is not as low as 25 ohms, two or more electrodes connected in parallel shall be used.

(e) *Testing of grounds.* Grounding circuits shall be checked to ensure that the circuit between the ground and the grounded power conductor has a resistance which is low enough to permit sufficient current to flow to cause the fuse or circuit breaker to interrupt the current.

(f) *Extension cords.* Extension cords used with portable electric tools and appliances shall be of three-wire type.

(g) *Bonding.* (1) Conductors used for bonding and grounding stationary and moveable equipment shall be of ample size to carry the anticipated current.

(2) When attaching bonding and grounding clamps or clips, a secure and positive metal-to-metal contact shall be made. Such attachments shall be made before closures are opened and material movements are started and shall not be broken until after material movements are stopped and closures are made.

(h) *Temporary wiring.* All temporary wiring shall be effectively grounded in accordance with the National Electrical Code, NFPA 70–1971; ANSI C1–1971 (Rev. of C1–1968), Articles 305 and 310.

(i) *Construction site.* Precautions shall be taken to make any necessary open wiring inaccessible to unauthorized personnel.

(j) *Temporary lighting.* (1) Temporary lights shall be equipped with guards to prevent accidental contact with the bulb, except that guards are not required when the construction of the reflector is such that the bulb is deeply recessed.

(2) Temporary lights shall be equipped with heavy duty electric cords with connections and insulation maintained in safe condition. Temporary lights shall not be suspended by their electric cords unless cords and lights are designed for this means of suspension. Splices shall have insulation equal to that of the cable.

(3) Working spaces, walkways, and similar locations shall be kept clear of cords so as not to create a hazard to employees.

(4) Portable electric lighting used in moist and/or other hazardous locations, as for example, drums, tanks, and vessels shall be operated at a maximum of 12 volts.

§ 1926.402 Equipment installation and maintenance.

(a) *Flexible cable and cords.* (1) Receptacles for attachment plugs shall be of approved, concealed contact type with a contact for extending ground continuity and shall be so designed and constructed that the plug may be pulled out without leaving any live parts exposed to accidental contact.

(2) Where different voltages, frequencies, or types of current (a.c. or d.c.) are to be supplied by portable cords, receptacles shall be of such design that attachment plugs used on such circuits are not interchangeable.

(3) Attachment plugs or other connectors supplying equipment at more than 300 volts shall be of the skirted type or otherwise so designed that arcs will be confined.

(4) Attachment plugs for use in work areas shall be so constructed that they will endure rough use and be equipped with a suitable cord grip to prevent strain on the terminal screws.

(5) Flexible cord shall be used only in continuous lengths without splice, except suitable molded or vulcanized splices may be used where properly made, and the insulation shall be equal to the cable being spliced and wire connections soldered.

(6) Trailing cables shall be protected from damage.

(7) Splices in trailing cable shall be mechanically strong components and insulated to retain the mechanical and dielectric strength of the original cable.

(8) Cable passing through work areas shall be covered or elevated to protect it from damage which would create a hazard to employees.

(9) Handlamps of the portable type shall be of the molded composition or other type approved for the purpose. Brass-shell, paper-lined lampholders shall not be used. Handlamps shall be equipped with a handle and a substantial guard over the bulb and attached to the lampholder or the handle.

(10) Worn or frayed electric cables shall not be used.

(11) Extension cords shall be protected against accidental damage as may be caused by traffic, sharp corners, or projections and pinching in doors or elsewhere.

(12) Extension cords shall not be fastened with staples, hung from nails, or suspended by wire.

(b) *Overcurrent protection.* (1) Overcurrent protection shall be provided by fuses or circuit breakers for each feeder and branch circuit, and shall be based on the current-carrying capacity of the conductors supplied and the power load being used.

(2) No overcurrent device shall be placed in any permanently grounded conductor, except where the overcurrent device simultaneously opens all conductors of the circuit or for motor running protection.

(3) When fuses are installed or removed with one or both terminals energized, special tools insulated for the voltage shall be used.

(c) *Switches, circuit breakers, and disconnecting means.* (1) Each disconnecting means for motors and appliances, and each service feeder or branch circuit at the point where it originates, shall be legibly marked to indicate its purpose unless located and arranged so the purpose is evident.

(2) Disconnecting means shall be located or shielded so that employees will not be injured.

(3) Boxes for disconnecting means shall be securely and rigidly fastened to the surface upon which they are mounted and fitted with covers.

(4) Boxes and disconnecting means installed in damp or wet locations shall be waterproof to the extent that water does not enter or accumulate.

(d) *Transformers.* (1) Energized transformers and other related electrically energized equipment over 150 volts to ground shall be protected so as to prevent accidental contact with any person. Protection shall be provided by individual integrated housing or by an enclosure, such as an electrical substation fence, which accommodates a group of such equipment. Metallic enclosures shall be grounded.

(2) Access to energized equipment covered by paragraph (d)(1) of this section shall be secured by lock or other fasteners requiring the use of tools to open them.

(3) Signs indicating danger and prohibiting unauthorized access shall be conspicuously displayed on the housing or other enclosure around the equipment.

(4) Transformers mounted on utility poles at a height of more than 12 feet from the ground are exempt from the requirements of this paragraph.

(e) *Welding and cutting equipment.* Welding and cutting equipment shall meet the requirements specified in Subparts F and J of this part.

§ 1926.403 Battery rooms and battery charging.

(a) *General requirements.* (1) Batteries of the nonseal type shall be located in enclosures with outside vents or in well ventilated rooms, so arranged as to prevent the escape of fumes, gases, or electrolyte spray into other areas.

(2) Ventilation shall be provided to ensure diffusion of the gases from the battery to prevent the accumulation of an explosive mixture.

(3) Racks and trays shall be substantial and treated to be resistant to the electrolyte.

(4) Floors shall be of acid resistant construction or be protected from acid accumulations.

(5) Face shields, aprons, and rubber gloves shall be provided for workmen handling acids or batteries.

(6) Facilities for quick drenching of the eyes and body shall be provided within 25 feet of the work area for emergency use.

(7) Facilities shall be provided for flushing and neutralizing spilled electrolyte, for fire protection, for protecting charging apparatus from damage by trucks, and for adequate ventilation for dispersal of fumes from gassing batteries.

(b) *Charging.* (1) Battery charging installations shall be located in areas designated for that purpose.

(2) When charging batteries, the vent caps shall be kept in place to avoid electrolyte spray. Care shall be taken to assure that vent caps are functioning.

§ 1926.404 Hazardous locations.

(a) General: For the purpose of this section, hazardous locations are defined as follows:

(1) Class I Locations—Class I Locations are those in which flammable gases or vapors are or may be present in quantities sufficient to produce explosive or ignitable mixtures.

(2) Class II Locations—Class II Locations are those which are hazardous because of the presence of combustible dust.

(3) Class III Locations—Class III Locations are those which are hazardous because of the presence of easily ignitable fibers or flyings, but in which such fibers or flyings are not likely to be in suspension in air in quantities sufficient to produce ignitable mixtures.

(4) See the National Electrical Code, NFPA 70–1971; ANSI C1–1971 (Rev. of C1–1968) for further definition of divisions 1 and 2 for each class.

(b) All components and utilization equipment used in a hazardous location shall be chosen from among those listed by a nationally recognized testing laboratory, such as Underwriters' Laboratories, Inc., or Factory Mutual Engineering Corp., except custom-made components and utilization equipment.

(c) Equipment approved for a specific hazardous location shall not be installed or intermixed with equipment approved for another specific hazardous location.

(d) Employer shall ensure that all wiring components and utilization equipment are maintained as vapor, dust, or fiber tight as contemplated by their approvals. There shall be no loose or missing screws, gaskets, threaded connections, or other impairments to this tight condition.

§ 1926.405 Definitions applicable to this subpart.

(a) The definition of "approved" as set forth in § 1910.308(d) of this chapter shall apply.

(b) "Bonding jumper"—a conductor to assure the required electrical conductivity between metal parts required to be electrically connected.

(c) "Branch circuits"—that portion of a wiring system extending beyond the final overcurrent device protecting the circuit. (A device not approved for branch circuit protection, such as thermal cutout or motor overload protective device, is not considered as the overcurrent device protecting the circuit.)

(d) "Circuit breaker"—a device designed to open and close a circuit by manual means, and to open the circuit automatically on a predetermined overload of current, without injury to itself when properly applied within its rating.

(e) "Exposed" (as applied to live parts)—means that a live part can be inadvertently touched or approached nearer than a safe distance by a person. This term applies to parts not suitably guarded, isolated, or insulated.

(f) "Ground"—a conducting connection, whether intentional or accidental, between an electrical circuit or equipment and earth, or to some conducting body which serves in place of the earth.

(g) "Grounded"—connected to earth or to some conducting body which serves in place of the earth.

(h) "Hazard" is considered to include casualty, fire, and shock when applicable.

(i) "Isolated" means not readily accessible to person unless special means of access are used.

(j) "Raceway"—any channel for loosely holding wires or cables in interior work which is designed expressly and used solely for this purpose. Raceways may be of metal, wood, or insulating material, and the term includes wood and metal moldings consisting of a backing and capping, and also metal ducts into which wires are to be pulled.

(k) "Shock hazard"—considered to exist at an accessible part in a circuit between the part and ground, or other accessible parts if the potential is more than 42.4 volts peak and the current through a 1,500-ohm load is more than 5 milliamperes.

(l) "Weatherproof"—so constructed or protected that exposure to the weather shall not interfere with successful operation.

Subpart L—Ladders and Scaffolding

§ 1926.450 Ladders.

(a) *General requirements.* (1) Except where either permanent or temporary stairways or suitable ramps or runways are provided, ladders described in this subpart shall be used to give safe access to all elevations.

(2) The use of ladders with broken or missing rungs or steps, broken or split side rails, or other faulty or defective construction is prohibited. When ladders with such defects are discovered, they shall be immediately withdrawn from service. Inspection of metal ladders shall include checking for corrosion of interiors of open end hollow rungs.

(3) Manufactured portable wood ladders provided by the employer shall be in accordance with the provisions of the American National Standards Institute, A 14.1–1968, Safety Code for Portable Wood Ladders.

(4) Portable metal ladders shall be of strength equivalent to that of wood ladders. Manufactured portable metal ladders provided by the employer shall be in accordance with the provisions of the American National Standards Institute, A 14.2–1956, Safety Code for Portable Metal Ladders.

(5) Fixed ladders shall be in accordance with the provisions of the American National Standards Institute, A 14.3–1956, Safety Code for Fixed Ladders.

(6) Portable ladder feet shall be placed on a substantial base, and the area around the top and bottom of the ladder shall be kept clear.

(7) Portable ladders shall be used at such a pitch that the horizontal distance from the top support to the foot of the ladder is about one-quarter of the working length of the ladder (the length along the ladder between the foot and the top support). Ladders shall not be used in a horizontal position as platforms, runways, or scaffolds.

(8) Ladders shall not be placed in passageways, doorways, driveways, or any location where they may be displaced by activities being conducted on any other work, unless protected by barricades or guards.

(9) The side rails shall extend not less than 36 inches above the landing. When this is not practical, grab rails, which provide a secure grip for an employee moving to or from the point of access, shall be installed.

(10) Portable ladders in use shall be tied, blocked, or otherwise secured to prevent their being displaced.

(11) Portable metal ladders shall not be used for electrical work or where they may contact electrical conductors.

(b) *Job-made ladders.* (1) Job-made ladders shall be constructed for intended use. If a ladder is to provide the only means of access or exit from a working area for 25 or more employees, or simultaneous two-way traffic is expected, a double cleat ladder shall be installed.

(2) Double cleat ladders shall not exceed 24 feet in length.

(3) Single cleat ladders shall not exceed 30 feet in length between supports (base and top landing). If ladders are to connect different landings, or if the length required exceeds this maximum length, two or more separate ladders

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shall be used, offset with a platform between each ladder. Guardrails and toeboards shall be erected on the exposed sides of the platforms. (See § 1926.451 (a)(5).)

(4) The width of single cleat ladders shall be at least 15 inches, but not more than 20 inches, between rails at the top.

(5) Side rails shall be parallel or flared top to bottom by not more than one-quarter of an inch for each 2 feet of length.

(6) Wood side rails of ladders having cleats shall be not less than 1½ inches thick and 3½ inches deep (2 inches by 4 inches nominal) when made of Group 2 or Group 3 woods (see Table L–1). Wood side rails of Group 4 woods (see Table L–1) may be used in the same cross-section of dimensions for cleat ladders up to 20 feet in length.

TABLE L–1

AVERAGE DENSITIES OF VARIOUS SPECIES OF WOOD FOR USE IN LADDERS

Species	Density (lbs./ft.³)	Species	Density (lbs./ft.³)
GROUP 1			
White ash	41	Hard maple	42
Beech	43	Red maple	36
Birch	44	Red oak	43
Rock elm	43	White oak	46
Hickory	50	Pecan	46
Locust	47	Persimmon	50
GROUP 2			
Douglas fir (coast region)	34	Southern yellow pine	37
Western larch	38		
GROUP 3			
Red alder	28	Gum	34
Oregon ash	38	West Coast hemlock	30
Pumpkin ash	37	Magnolia	35
Alaska cedar	31	Oregon maple	34
Port Orford cedar	30	Norway pine	31
Cucumber	34	Poplar	28
Cypress	32	Redwood	25
Soft elm	36	Eastern spruce	26
Douglas fir (Rocky Mountain type)	30	Sitka spruce	26
Noble fir	27	Sycamore	35
		Tamarack	37
		Tupelo	35
GROUP 4			
Aspen	27	Eastern hemlock	28
Basswood	25	Holly	30
Buckeye	25	Soft maple	33
Butternut	27	Lodgepole pine	29
Incense cedar	25	Idaho white pine	28
Western red cedar	23	Northern white pine	25
Black cottonwood	24	Ponderosa pine	28
White fir	26	Sugar pine	26
Hackberry	37		

(7) It is preferable that side rails be continuous. If splicing is necessary to attain the required length, however, the splice must develop the full strength of a continuous side rail of the same length.

(8) 2-inch by 4-inch lumber shall be used for side rails of single cleat ladders up to 16 feet long; 3-inch by 6-inch lumber shall be used for single cleat ladders from 16 to 30 feet in length.

(9) 2-inch by 4-inch lumber shall be used for side and middle rails of double cleat ladders up to 12 feet in length; 2-inch by 6-inch lumber for double cleat ladders from 12 to 24 feet in length.

(10) Wood cleats shall have the following minimum dimensions when made of Group 1 woods (see Table L–1):

TABLE L–2

Length of cleat (inches)	Thickness (inches)	Width (inches)
Up to and including 20	¾	3
Over 20 and up to and including 30	¾	3½

(11) Cleats may be made of species of any other group of wood (see Table L–1) provided equal or greater strength is maintained.

(12) Cleats shall be inset into the edges of the side rails one-half inch, or filler blocks shall be used on the rails between the cleats. The cleats shall be secured to each rail with three 10d common wire nails or other fasteners of equivalent strength. Cleats shall be uniformly spaced, 12 inches top-to-top.

§ 1926.451 Scaffolding.

(a) *General requirements.* (1) Scaffolds shall be erected in accordance with requirements of this section.

(2) The footing or anchorage for scaffolds shall be sound, rigid, and capable of carrying the maximum intended load without settling or displacement. Unstable objects such as barrels, boxes, loose brick, or concrete blocks, shall not be used to support scaffolds or planks.

(3) No scaffold shall be erected, moved, dismantled, or altered except under the supervision of competent persons.

(4) Guardrails and toeboards shall be installed on all open sides and ends of platforms more than 10 feet above the ground or floor, except needle beam scaffolds and floats (see paragraphs (p) and (w) of this section). Scaffolds 4 feet to 10 feet in height, having a minimum horizontal dimension in either direction of less than 45 inches, shall have standard guardrails installed on all open sides and ends of the platform.

(5) Guardrails shall be 2 x 4 inches, or the equivalent, approximately 42 inches high, with a midrail, when required. Supports shall be at intervals not to exceed 8 feet. Toeboards shall be a minimum of 4 inches in height.

(6) Where persons are required to work or pass under the scaffold, scaffolds shall be provided with a screen between the toeboard and the guardrail, extending along the entire opening, consisting of No. 18 gauge U.S. Standard wire ½-inch mesh, or the equivalent.

(7) Scaffolds and their components shall be capable of supporting without failure at least 4 times the maximum intended load.

(8) Any scaffold including accessories such as braces, brackets, trusses, screw legs, ladders, etc. damaged or weakened from any cause shall be immediately repaired or replaced.

(9) All load-carrying timber members of scaffold framing shall be a minimum of 1,500 fiber (Stress Grade) construction grade lumber. All dimensions are nominal sizes as provided in the American Lumber Standards, except that where rough sizes are noted, only rough or undressed lumber of the size specified will satisfy minimum requirements.

(10) All planking shall be Scaffold Grades, or equivalent, as recognized by approved grading rules for the species of wood used. The maximum permissible spans for 2- x 10-inch or wider planks shall be as shown in the following:

TABLE L–3

MATERIAL

	Full thickness undressed lumber			Nominal thickness lumber[1]	
Working load (p.s.f.)	25	50	75	25	50
Permissible span (ft.)	10	8	6	8	6

[1] Nominal thickness lumber not recommended for heavy duty use.

(11) The maximum permissible span for 1¼- x 9-inch or wider plank of full thickness shall be 4 feet with medium duty loading of 50 p.s.f.

(12) All planking of platforms shall be overlapped (minimum 12 inches), or secured from movement.

(13) An access ladder or equivalent safe access shall be provided.

(14) Scaffold planks shall extend over their end supports not less than 6 inches nor more than 12 inches.

(15) The poles, legs, or uprights of scaffolds shall be plumb, and securely and rigidly braced to prevent swaying and displacement.

(16) Overhead protection shall be provided for men on a scaffold exposed to overhead hazards.

(17) Slippery conditions on scaffolds shall be eliminated as soon as possible after they occur.

(18) No welding, burning, riveting, or open flame work shall be performed on any staging suspended by means of fiber or synthetic rope. Only treated or protected fiber or synthetic ropes shall be used for or near any work involving the use of corrosive substances or chemicals. Specific requirements for boatswain's chairs and float or ship scaffolds are contained in paragraphs (l) and (w) of this section.

(19) Wire, synthetic, or fiber rope used for scaffold suspension shall be capable of supporting at least 6 times the rated load.

(20) The use of shore or lean-to scaffolds is prohibited.

(21) Lumber sizes, when used in this subpart, refer to nominal sizes except where otherwise stated.

(b) *Wood pole scaffolds.* (1) Scaffold poles shall bear on a foundation of sufficient size and strength to spread the load from the pole over a sufficient area to prevent settlement. All poles shall be set plumb.

(2) Where wood poles are spliced, the ends shall be squared and the upper section shall rest squarely on the lower section. Wood splice plates shall be provided on at least two adjacent sides and shall be not less than 4 feet in length, overlapping the abutted ends equally, and have the same width and not less than the cross-sectional area of the pole. Splice plates or other materials of equivalent strength may be used.

(3) Independent pole scaffolds shall be set as near to the wall of the building as practicable.

(4) All pole scaffolds shall be securely guyed or tied to the building or structure. Where the height or length exceeds 25 feet, the scaffold shall be secured at intervals not greater than 25 feet vertically and horizontally.

(5) Putlogs or bearers shall be set with their greater dimension vertical, long enough to project over the ledgers of the inner and outer rows of poles at least 3 inches for proper support.

(6) Every wooden putlog on single pole scaffolds shall be reinforced with a ⅛- x 2-inch steel strip, or equivalent, secured to its lower edge throughout its entire length.

(7) Ledgers shall be long enough to extend over two pole spaces. Ledgers shall not be spliced between the poles. Ledgers shall be reinforced by bearing blocks securely nailed to the side of the pole to form a support for the ledger.

(8) Diagonal bracing shall be provided to prevent the poles from moving in a direction parallel with the wall of the building, or from buckling.

(9) Cross bracing shall be provided between the inner and outer sets of poles in independent pole scaffolds. The free ends of pole scaffolds shall be cross braced.

(10) Full diagonal face bracing shall be erected across the entire face of pole scaffolds in both directions. The braces shall be spliced at the poles. The inner row of poles on medium and heavy duty scaffolds shall be braced in a similar manner.

(11) Platform planks shall be laid with their edges close together so the platform will be tight with no spaces through which tools or fragments of material can fall.

(12) Where planking is lapped, each plank shall lap its end supports at least 12 inches. Where the ends of planks abut each other to form a flush floor, the butt joint shall be at the centerline of a pole. The abutted ends shall rest on separate bearers. Intermediate beams shall be provided where necessary to prevent dislodgment of planks due to deflection, and the ends shall be secured to prevent their dislodgment.

(13) When a scaffold materially changes its direction, the platform planks shall be laid to prevent tipping. The planks that meet the corner putlog at an angle shall be laid first, extending over the diagonally placed putlog far enough to have a good safe bearing, but not far enough to involve any danger from tipping. The planking running in the opposite direction at an angle shall be laid so as to extend over and rest on the first layer of planking.

(14) When moving platforms to the next level, the old platform shall be left undisturbed until the new putlogs or bearers have been set in place, ready to receive the platform planks.

(15) Guardrails, made of lumber not less than 2 x 4 inches (or other material providing equivalent protection), approximately 42 inches high, with a midrail of 1 x 6 inch lumber (or other material providing equivalent protection), and toeboards, shall be installed at all open sides and ends on all scaffolds more than 10 feet above the ground or floor. Toeboards shall be a minimum of 4 inches in height. Wire mesh shall be installed in accordance with paragraph (a)(6) of this section, when required.

(16) All wood pole scaffolds 60 feet or less in height shall be constructed and erected in accordance with Tables L–4 to 10. If they are over 60 feet in height, they shall be designed by a qualified engineer competent in this field, and it shall be constructed and erected in accordance with such design.

TABLE L–4—MINIMUM NOMINAL SIZE AND MAXIMUM SPACING OF MEMBERS OF SINGLE POLE SCAFFOLDS, LIGHT DUTY

	Maximum height of scaffold	
	20 ft.	60 ft.
Uniformly distributed load	Not to exceed 25 p.s.f.	
Poles or uprights	2 x 4 in.	4 x 4 in.
Pole spacing (longitudinal)	6 ft. 0 in.	10 ft. 0 in.
Maximum width of scaffold	5 ft. 0 in.	5 ft. 0 in.
Bearers or putlogs to 3 ft. 0 in. width	2 x 4 in.	2 x 4 in.
Bearers or putlogs to 5 ft. 0 in. width	2 x 6 in. or 3 x 4 in.	2 x 6 in. or 3 x 4 in. (rough).
Ledgers	1 x 4 in.	1¼ x 9 in.
Planking	1¼ x 9 in. (rough)	2 x 10 in.
Vertical spacing of horizontal members	7 ft. 0 in.	9 ft. 0 in.
Bracing, horizontal and diagonal	1 x 4 in.	1 x 4 in.
Tie-ins	1 x 4 in.	1 x 4 in.
Toeboards	4 in. high (minimum)	4 in. high (minimum).
Guardrail	2 x 4 in.	2 x 4 in.

All members except planking are used on edge.

TABLE L–5—MINIMUM NOMINAL SIZE AND MAXIMUM SPACING OF MEMBERS OF SINGLE POLE SCAFFOLDS—MEDIUM DUTY

Uniformly distributed load.	Not to exceed 50 p.s.f.
Maximum height of scaffold.	60 ft.
Poles or uprights	4 x 4 in.
Pole spacing (longitudinal).	8 ft. 0 in.
Maximum width of scaffold.	5 ft. 0 in.
Bearers or putlogs	2 x 10 in. or 3 x 4 in.
Spacing of bearers or putlogs.	8 ft. 0 in.
Ledgers	2 x 10 in.
Vertical spacing of horizontal members.	7 ft. 0 in.
Bracing, horisontal	1 x 6 in. or 1¼ x 4 in.
Bracing, diagonal	1 x 4 in.
Tie-ins	1 x 4 in.
Planking	2 x 10 in.
Toeboards	4-in. high (minimum).
Guardrail	2 x 4 in.

All members except planking are used on edge.

TABLE L–6—MINIMUM NOMINAL SIZE AND MAXIMUM SPACING OF MEMBERS OF SINGLE POLE SCAFFOLDS—HEAVY DUTY

Uniformly distributed load.	Not to exceed 75 p.s.f.
Maximum height of scaffold.	60 ft.
Poles or uprights	4 x 6 in.
Pole spacing (longitudinal).	6 ft. 0 in.
Maximum width of scaffold.	5 ft. 0 in.
Bearers or putlogs	2 x 10 in. or 3 x 5 in.
Spacing of bearers or putlog.	6 ft. 0 in.
Ledgers	2 x 10 in.
Vertical spacing of horizontal members.	6 ft. 6 in.
Bracing, horizontal and diagonal.	2 x 4 in.
Tie-ins	1 x 4 in.
Planking	2 x 10 in.
Toeboards	4-in. high (minimum).
Guardrail	2 x 4 in.

All members except planking are used on edge.

TABLE L–7—MINIMUM NOMINAL SIZE AND MAXIMUM SPACING OF MEMBERS OF INDEPENDENT POLE SCAFFOLD LIGHT DUTY

	Maximum height of scaffold	
	20 ft.	60 ft.
Uniformly distributed load	Not to exceed 25 p.s.f.	
Poles or uprights	2 x 4 in.	4 x 4 in.
Pole spacing (longitudinal)	6 ft. 0 in.	10 ft. 0 in.
Pole spacing (transverse)	6 ft. 0 in.	10 ft. 0 in.
Ledgers	1¼ x 4 in.	1¼ x 9 in.
Bearers to 3 ft. 0 in. span	2 x 4 in.	2 x 4 in.
Bearers to 10 ft. 0 in. span	2 x 6 in. or 3 x 4 in.	2 x 10 (rough) or 3 x 8 n
Planking	1¼ x 9 in.	2 x 10 in.
Vertical spacing of horizontal members	7 ft. 0 in.	7 ft. 0 in.
Bracing, horizontal and diagonal	1 x 4 in.	1 x 4 in.
Tie-ins	4 in. high	4 in. high (minimum).
Toeboards	2 x 4 in.	2 x 4 in.
Guardrail		

All members except planking are used on edge.

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TABLE L–8—MINIMUM NOMINAL SIZE AND MAXIMUM SPACING OF MEMBERS OF INDEPENDENT POLE SCAFFOLDS—MEDIUM DUTY

Uniformly distributed load.	Not to exceed 50 p.s.f.
Maximum height of scaffold.	60 ft.
Poles or uprights	4 x 4 in.
Pole spacing (longitudinal).	8 ft. 0 in.
Pole spacing (transverse).	8 ft. 0 in.
Ledgers	2 x 10 in.
Vertical spacing of horizontal members.	6 ft. 0 in.
Spacing of bearers	8 ft. 0 in.
Bearers	2 x 10 in.
Bracing, horizontal	1 x 6 in. or 1¼ x 4 in.
Bracing, diagonal	1 x 4 in.
Tie-ins	1 x 4 in.
Planking	2 x 10 in.
Toeboards	4-in. high (minimum).
Guardrail	2 x 4 in.

All members except planking are used on edge.

TABLE L–9—MINIMUM NOMINAL SIZE AND MAXIMUM SPACING OF MEMBERS OF INDEPENDENT POLE SCAFFOLDS—HEAVY DUTY

Uniformly distributed load.	Not to exceed 75 p.s.f.
Maximum height of scaffold.	60 ft.
Poles or uprights	4 x 4 in.
Pole spacing (longitudinal).	6 ft. 0 in.
Pole spacing (transverse).	8 ft. 0 in.
Ledgers	2 x 10 in.
Vertical spacing of horizontal members.	6 ft. 0 in.
Bearers	2 x 10 in. (rough).
Bracing, horizontal and diagonal.	2 x 4 in.
Tie-ins	1 x 4 in.
Planking	2 x 10 in.
Toeboards	4-in. high (minimum).
Guardrail	2 x 4 in.

All members except planking are used on edge.

(c) *Tube and coupler scaffolds.* (1) A light duty tube and coupler scaffold shall have all posts, bearers, runners, and bracing of nominal 2-inch O.D. steel tubing. The posts shall be spaced no more than 6 feet apart by 10 feet along the length of the scaffold. Other structural metals when used must be designed to carry an equivalent load. No dissimilar metals shall be used together.

(2) A medium duty tube and coupler scaffold shall have all posts, runners, and bracing of nominal 2-inch O.D. steel tubing. Posts spaced not more than 6 feet apart by 8 feet along the length of the scaffold shall have bearers of nominal 2½-inch O.D. steel tubing. Posts spaced not more than 5 feet apart by 8 feet along the length of the scaffold shall have bearers of nominal 2-inch O.D. steel tubing. Other structural metals, when used, must be designed to carry an equivalent load. No dissimilar metals shall be used together.

(3) A heavy duty tube and coupler scaffold shall have all posts, runners, and bracing of nominal 2-inch O.D. steel tubing, with the posts spaced not more than 6 feet by 6 feet-6 inches. Other structural metals, when used, must be designed to carry an equivalent load. No dissimilar metals shall be used together.

(4) Tube and coupler scaffolds shall be limited in heights and working levels to those permitted in Tables L–10, 11, and 12. Drawings and specifications of all tube and coupler scaffolds above the limitations in Tables L–10, 11, and 12 shall be designed by a qualified engineer competent in this field.

(5) All tube and coupler scaffolds shall be constructed and erected to support four times the maximum intended loads, as set forth in Tables L–10, 11, and 12, or as set forth in the specifications by a licensed professional engineer competent in this field.

TABLE L–10—TUBE AND COUPLER SCAFFOLDS LIGHT DUTY

Uniformly distributed load	Not to exceed 25 p.s.f.
Post spacing (longitudinal)	10 ft. 0 in.
Post spacing (transverse)	6 ft. 0 in.

Working levels	Additional planked levels	Maximum height
1	8	125 ft.
2	4	125 ft.
3	0	91 ft. 0 in.

TABLE L–11—TUBE AND COUPLER SCAFFOLDS MEDIUM DUTY

Uniformly distributed load	Not to exceed 50 p.s.f.
Post spacing (longitudinal)	8 ft. 0 in.
Post spacing (transverse)	6 ft. 0 in.

Working levels	Additional planked levels	Maximum height
1	6	125 ft.
2	0	78 ft. 0 in.

TABLE L–12—TUBE AND COUPLER SCAFFOLDS HEAVY DUTY

Uniformly distributed load	Not to exceed 75 p.s.f.
Post spacing (longitudinal)	6 ft. 6 in.
Post spacing (traverse)	6 ft. 0 in.

Working levels	Additional planked levels	Maximum height
1	6	125 ft.

(6) Posts shall be accurately spaced, erected on suitable bases, and maintained plumb.

(7) Runners shall be erected along the length of the scaffold, located on both the inside and the outside posts at even height. Runners shall be interlocked to the inside and the outside posts at even heights. Runners shall be interlocked to form continuous lengths and coupled to each post. The bottom runners shall be located as close to the base as possible. Runners shall be placed not more than 6 feet-6 inches on centers.

(8) Bearers shall be installed transversely between posts and shall be securely coupled to the posts bearing on the runner coupler. When coupled directly to the runners, the coupler must be kept as close to the posts as possible.

(9) Bearers shall be at least 4 inches but not more than 12 inches longer than the post spacing or runner spacing.

(10) Cross bracing shall be installed across the width of the scaffold at least every third set of posts horizontally and every fourth runner vertically. Such bracing shall extend diagonally from the inner and outer runners upward to the next outer and inner runners.

(11) Longitudinal diagonal bracing on the inner and outer rows of poles shall be installed at approximately a 45° angle from near the base of the first outer post upward to the extreme top of the scaffold. Where the longitudinal length of the scaffold permits, such bracing shall be duplicated beginning at every fifth post. In a similar manner, longitudinal diagonal bracing shall also be installed from the last post extending back and upward toward the first post. Where conditions preclude the attachment of this bracing to the posts, it may be attached to the runners.

(12) The entire scaffold shall be tied to and securely braced against the building at intervals not to exceed 30 feet horizontally and 26 feet vertically.

(13) Guardrails, made of lumber not less than 2 x 4 inches (or other material providing equivalent protection), approximately 42 inches high, with a midrail of 1 x 6 inch lumber (or other material providing equivalent protection), and toeboard shall be installed at all open sides and ends on all scaffolds more than 10 feet above the ground or floor. Toeboards shall be a minimum of 4 inches in height. Wire mesh shall be installed in accordance with paragraph (a)(6) of this section.

(d) *Tubular welded frame scaffolds.* (1) Metal tubular frame scaffolds, including accessories such as braces, brackets, trusses, screw legs, ladders, etc., shall be designed, constructed, and erected to safely support four times the maximum rated load.

(2) Spacing of panels or frames shall be consistent with the loads imposed.

(3) Scaffolds shall be properly braced by cross bracing or diagonal braces, or both, for securing vertical members together laterally, and the cross braces shall be of such length as will automatically square and aline vertical members so that the erected scaffold is always plumb, square, and rigid. All brace connections shall be made secure.

(4) Scaffold legs shall be set on adjustable bases or plain bases placed on mud sills or other foundations adequate to support the maximum rated load.

(5) The frames shall be placed one on top of the other with coupling or stacking pins to provide proper vertical alinement of the legs.

(6) Where uplift may occur, panels shall be locked together vertically by pins or other equivalent suitable means.

(7) To prevent movement, the scaffold shall be secured to the building or structure at intervals not to exceed 30 feet horizontally and 26 feet vertically.

(8) Maximum permissible spans or planking shall be in conformity with paragraph (a)(10), of this section.

(9) Drawings and specifications for all frame scaffolds over 125 feet in height above the base plates shall be designed by a registered professional engineer.

(10) Guardrails made of lumber, not less than 2 x 4 inches (or other material providing equivalent protection), and approximately 42 inches high, with a midrail of 1 x 6 inch lumber (or other material providing equivalent protection), and toeboards, shall be installed at all open sides and ends on all scaffolds more than 10 feet above the ground or floor. Toeboards shall be a minimum of 4 inches in height. Wire mesh shall be installed in accordance with paragraph (a)(6) of this section.

(e) *Manually propelled mobile scaffolds.* (1) When free-standing mobile scaffold towers are used, the height shall not exceed four times the minimum base dimension.

(2) Casters shall be properly designed for strength and dimensions to support four times the maximum intended load. All casters shall be provided with a positive locking device to hold the scaffold in position.

(3) Scaffolds shall be properly braced by cross bracing and horizontal bracing conforming with paragraph (d)(3) of this section.

(4) Platforms shall be tightly planked for the full width of the scaffold except for necessary entrance opening. Platforms shall be secured in place.

(5) A ladder or stairway shall be provided for proper access and exit and shall be affixed or built into the scaffold and so located that when in use it will not have a tendency to tip the scaffold. A landing platform must be provided at intervals not to exceed 35 feet.

(6) The force necessary to move the mobile scaffold shall be applied near or as close to the base as practicable and provision shall be made to stabilize the tower during movement from one location to another. Scaffolds shall only be moved on level floors, free of obstructions and openings.

(7) The employer shall not allow employees to ride on manually propelled scaffolds unless the following conditions exist:

(i) The floor or surface is within 3° of level, and free from pits, holes, or obstructions;

(ii) The minimum dimension of the scaffold base when ready for rolling, is at least one-half of the height. Outriggers, if used, shall be installed on both sides of staging;

(iii) The wheels are equipped with rubber or similar resilient tires;

(iv) All tools and materials are secured or removed from the platform before the mobile scaffold is moved.

(8) Scaffolds in use by any persons shall rest upon a suitable footing and shall stand plumb. The casters or wheels shall be locked to prevent any movement.

(9) Mobile scaffolds constructed of metal members shall also conform to applicable provisions of paragraphs (b), (c), or (d) of this section, depending on the material of which they are constructed.

(10) Guardrails made of lumber, not less than 2 x 4 inches (or other material providing equivalent protection), approximately 42 inches high, with a midrail, of 1 x 6 inch lumber (or other material providing equivalent protection), and toeboards, shall be installed at all open sides and ends on all scaffolds more than 10 feet above the ground or floor. Toeboards shall be a minimum of 4 inches in height. Wire mesh shall be installed in accordance with paragraph (a)(6) of this section.

(f) *Elevating and rotating work platforms.* Applicable requirements of American National Standards Institute A92.2–1969, Vehicle Mounted Elevating and Rotating Work Platforms, shall be complied with for such equipment, as required by the provisions of § 1926.556.

(g) *Outrigger scaffolds.* (1) Outrigger beams shall extend not more than 6 feet beyond the face of the building. The inboard end of outrigger beams, measured from the fulcrum point to anchorage point, shall be not less than 1½ times the outboard end in length. The beams shall rest on edge, the sides shall be plumb, and the edges shall be horizontal. The fulcrum point of the beam shall rest on a secure bearing at least 6 inches in each horizontal dimension. The beam shall be secured in place against movement and shall be securely braced at the fulcrum point against tipping.

(2) The inboard ends of outrigger beams shall be securely anchored either by means of struts bearing against sills in contact with the overhead beams or ceiling, or by means of tension members secured to the floor joists underfoot, or by both if necessary. The inboard ends of outrigger beams shall be secured against tipping and the entire supporting structure shall be securely braced in both directions to prevent any horizontal movement.

(3) Unless outrigger scaffolds are designed by a registered professional engineer competent in this field, they shall be constructed and erected in accordance with Table L–13. Outrigger scaffolds, designed by a registered professional engineer, shall be constructed and erected in accordance with such design.

TABLE L–13—MINIMUM NOMINAL SIZE AND MAXIMUM SPACING OF MEMBERS OF OUTRIGGER SCAFFOLDS

Maximum scaffold load.	Light duty 25 p.s.f.	Medium duty 50 p.s.f.
Outrigger size	2 x 10 in.	3 x 10 in.
Maximum outrigger spacing.	10 ft. 0 in.	6 ft. 0 in.
Planking	2 x 10 in.	2 x 10 in.
Guardrail	2 x 4 in.	2 x 4 in.
Guardrail uprights	2 x 4 in.	2 x 4 in.
Toeboards	4 in. (minimum).	4 in. (minimum).

(4) Planking shall be laid tight and shall extend to within 3 inches of the building wall. Planking shall be secured to the beams.

(5) Guardrails made of lumber, not less than 2 x 4 inches (or other material providing equivalent protection), approximately 42 inches high, with a midrail of 1 x 6 inch lumber (or other material providing equivalent protection), and toeboards, shall be installed at all open sides and ends on all scaffolds more than 10 feet above the ground or floor. Toeboards shall be a minimum of 4 inches in height. Wire mesh shall be installed in accordance with paragraph (a)(6) of this section.

(h) *Masons' adjustable multiple-point suspension scaffolds.* (1) The scaffold shall be capable of sustaining a working load of 50 pounds per square foot and shall not be loaded in excess of that figure.

(2) The scaffold shall be provided with hoisting machines that meet the requirements of Underwriters' Laboratories or Factory Mutual Engineering Corporation.

(3) The platform shall be supported by wire ropes, capable of supporting at least 6 times the intended load, suspended from overhead outrigger beams.

(4) The scaffold outrigger beams shall consist of structural metal securely fastened or anchored to the frame or floor system of the building or structure.

(5) Each outrigger beam shall be equivalent in strength to at least a standard 7-inch, 15.3-pound steel I-beam, at least 15 feet long, and shall not project more than 6 feet 6 inches beyond the bearing point.

(6) Where the overhang exceeds 6 feet 6 inches, outrigger beams shall be composed of stronger beams or multiple beams and be installed under the supervision of a competent person.

(7) All outrigger beams shall be set and maintained with their webs in a vertical position.

(8) A stop bolt shall be placed at each end of every outrigger beam.

(9) The outrigger beam shall rest on suitable wood bearing blocks.

(10) The free end of the suspension wire ropes shall be equipped with proper size thimbles and secured by splicing or other equivalent means. The running ends shall be securely attached to the hoisting drum and at least four turns of wire rope shall at all times remain on the drum. The use of fiber rope is prohibited.

(11) Where a single outrigger beam is used, the steel shackles or clevises with which the wire ropes are attached to the outrigger beams shall be placed directly over the hoisting drums.

(12) The scaffold platform shall be equivalent in strength to at least 2-inch planking. (For maximum planking spans, see paragraph (a)(11) of this section.)

(13) When employees are at work on the scaffold and an overhead hazard exists, overhead protection shall be provided on the scaffold, not more than 9 feet above the platform, consisting of 2-inch planking, or material of equivalent strength, laid tight, and extending not less than the width of the scaffold.

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(14) Each scaffold shall be installed or relocated under the supervision of a competent person.

(15) Guardrails made of lumber, not less than 2 x 4 inches (or other material providing equivalent protection), approximately 42 inches high, with a midrail, and toeboards, shall be installed at all open sides and ends on all scaffolds more than 10 feet above the ground or floor. Toeboards shall be a minimum of 4 inches in height. Wire mesh shall be installed in accordance with paragraph (a)(6) of this section.

(i) (*Swinging scaffolds*) *two-point suspension.* (1) Two-point suspension scaffold platforms shall be not less than 20 inches nor more than 36 inches wide overall. The platform shall be securely fastened to the hangers by U-bolts or by other equivalent means.

(2) The hangers of two-point suspension scaffolds shall be made of mild steel, or other equivalent materials, having a cross-sectional area capable of sustaining 4 times the maximum rated load, and shall be designed with a support for guardrail, intermediate rail, and toeboard.

(3) When hoisting machines are used on two-point suspension scaffolds, such machines shall be of a design tested and approved by Underwriters' Laboratories or Factory Mutual Engineering Corporation.

(4) The roof irons or hooks shall be of mild steel, or other equivalent material, of proper size and design, securely installed and anchored. Tiebacks of ¾-inch manila rope, or the equivalent, shall serve as a secondary means of anchorage, installed at right angles to the face of the building, whenever possible, and secured to a structurally sound portion of the building.

(5) Two-point suspension scaffolds shall be suspended by wire, synthetic, or fiber ropes capable of supporting at least 6 times the rated load. All other components shall be capable of supporting at least four times the rated load.

(6) The sheaves of all blocks, consisting of at least one double and one single block, shall fit the size and type of rope used.

(7) All wire ropes, fiber and synthetic ropes, slings, hangers, platforms, and other supporting parts shall be inspected before every installation. Periodic inspections shall be made while the scaffold is in use.

(8) On suspension scaffolds designed for a working load of 500 pounds, no more than two men shall be permitted to work at one time. On suspension scaffolds with a working load of 750 pounds, no more than three men shall be permitted to work at one time. Each employee shall be protected by an approved safety life belt attached to a lifeline. The lifeline shall be securely attached to substantial members of the structure (not scaffold), or to securely rigged lines, which will safely suspend the employee in case of a fall. In order to keep the lifeline continuously attached, with a minimum of slack, to a fixed structure, the attachment point of the lifeline shall be appropriately changed as the work progresses.

(9) Two-point suspension scaffolds shall be securely lashed to the building or structure to prevent them from swaying. Window cleaners' anchors shall not be used for this purpose.

(10) The platform of every two-point suspension scaffold shall be one of the following types:

(i) *Ladder-type platforms.* The side stringer shall be of clear straight-grained spruce or materials of equivalent strength and durability. The rungs shall be of straight-grained oak, ash, or hickory, at least 1⅛ inch in diameter, with ⅞-inch tenons mortised into the side stringers at least seven-eighths inch. The stringers shall be tied together with tie rods not less than one-quarter inch in diameter, passing through the stringers and riveted up tight against washers on both ends. The flooring strips shall be spaced not more than five-eighths inch apart except at the side rails where the space may be 1 inch. Ladder-type platforms shall be constructed in accordance with Table L–14.

TABLE L–14—SCHEDULE FOR LADDER-TYPE PLATFORMS

	Length of platform (feet)				
	12	14 and 16	18 and 20	22 and 24	28 and 30
Side Stringers, minimum cross section (finished sizes):					
At ends (inches)	1¾ x 2¾	1¾ x 2¾	1¾ x 3	1¾ x 3	1¾ x 3½
At middle (inches)	3¼ x 3¾	1¾ x 3¾	3¼ x 4	1¾ x 4¼	1¾ x 5
Reinforcing strip (minimum)	A ⅛x1½-inch steel reinforcing strip or its equivalent shall be attached to the side or underside, full length.				
Rungs	Rungs shall be 1⅛-inches minimum diameter with at least ⅞-inch diameter tenons, and the maximum spacing shall be 12 inches center to center.				
Tie rods:					
Number (minimum)	3	4	4	5	6
Diameter (minimum	¼ in.	½ in.	⅝ in.	⅝ in.	¾ in.
Flooring, minimum finished size (inches)	⅞x2¾	⅞x2¾	⅞x2¾	⅞x2¾	⅞x2¾

(ii) *Plank-type platforms.* Plank-type platforms shall be composed of not less than nominal 2- x 10-inch unspliced planks, properly cleated together on the underside, starting 6 inches from each end; intervals in between shall not exceed 4 feet. The plank-type platform shall not extend beyond the hangers more than 12 inches. A bar or other effective means shall be securely fastened to the platform at each end to prevent its slipping off the hanger. The span between hangers for plank-type platforms shall not exceed 8 feet.

(iii) *Beam-type platforms.* Beam platforms shall have side stringers of lumber not less than 2 x 6 inches set on edge. The span between hangers shall not exceed 12 feet when beam platforms are used. The flooring shall be supported on 2- x 6-inch cross beams, laid flat and set into the upper edge of the stringers with a snug fit, at intervals of not more than 4 feet, securely nailed in place. The flooring shall be of 1- x 6-inch material properly nailed. Floor boards shall not be spaced more than one-half inch apart.

(iv) *Light metal-type platforms,* when used, shall be tested and listed according to Underwriters' Laboratories or Factory Mutual Engineering Corporation.

(11) Guardrails made of lumber, not less than 2 x 4 inches (or other material providing equivalent protection), approximately 42 inches high, with a midrail, and toeboards, shall be installed at all open sides and ends on all scaffolds more than 10 feet above the ground or floor. Toeboards shall be a minimum of 4 inches in height. Wire mesh shall be installed in accordance with paragraph (a)(6) of this section.

(j) *Stone setters' adjustable multiple-point suspension scaffolds.* (1) The scaffold shall be capable of sustaining a working load of 25 pounds per square foot and shall not be overloaded. Scaffolds shall not be used for storage of stone or other heavy materials.

(2) When used, the hoisting machine and its supports shall be of a type tested and listed by Underwriters' Laboratories or Factory Mutual Engineering Corporation.

(3) The platform shall be securely fastened to the hangers by U-bolts or other equivalent means. (For materials and spans, see subdivision (ii) of paragraph (i)(10), Plank-Type Platforms, and Table L–14 of this section.)

(4) The scaffold unit shall be suspended from metal outriggers, iron brackets, wire rope slings, or iron hooks.

(5) Outriggers, when used, shall be set with their webs in a vertical position, securely anchored to the building or structure and provided with stop bolts at each end.

(6) The scaffold shall be supported by wire rope capable of supporting at least 6 times the rated load. All other components shall be capable of supporting at least 4 times the rated load.

(7) The free ends of the suspension wire ropes shall be equipped with proper size thimbles, secured by splicing or other equivalent means. The running ends shall be securely attached to the hoisting drum and at least four turns of wire rope shall remain at the drum at all times.

(8) When two or more scaffolds are used on a building or structure, they shall not be bridged one to the other, but shall be maintained at even height with platforms abutting closely.

(9) Guardrails made of lumber, not less than 2 x 4 inches (or other material providing equivalent protection), approximately 42 inches high, with a midrail, and toeboards, shall be installed at all open sides and ends on all scaffolds more than 10 feet above the ground or floor. Toeboards shall be a minimum of

4 inches in height. Wire mesh shall be installed in accordance with paragraph (a)(6) of this section.

(k) *Single-point adjustable suspension scaffolds.* (1) The scaffolding, including power units or manually operated winches, shall be of a type tested and listed by Underwriters' Laboratories or Factory Mutual Engineering Corporation.

(2) The power units may be either electrically or air motor driven.

(3) All power-operated gears and brakes shall be enclosed.

(4) In addition to the normal operating brake, all power-driven units shall have an emergency brake which engages automatically when the normal speed of descent is exceeded.

(5) The hoisting machines, cables, and equipment shall be regularly serviced and inspected.

(6) The units may be combined to form a two-point suspension scaffold. Such scaffold shall then comply with paragraph (i) of this section.

(7) The supporting cable shall be vertical for its entire length, and the basket shall not be swayed nor the cable fixed to any intermediate points to change the original path of travel.

(8) Suspension methods shall conform to applicable provisions of paragraphs (h) and (i) of this section.

(9) Guards, midrails, and toeboards shall completely enclose the cage or basket. Guardrails shall be no less than 2 x 4 inches or the equivalent, approximately 42 inches above the platform. Midrails shall be 1 x 6 inches or the equivalent, installed equidistant between the guardrail and the platform. Toeboards shall be a minimum of 4 inches in height.

(10) For additional details not covered in this paragraph, applicable technical portions of American National Standards Institute, A120.1–1970, Power-Operated Devices for Exterior Building Maintenance Powered Platforms, shall be used.

(l) *Boatswain's chairs.* (1) The chair seat shall not be less than 12 x 24 inches, and 1-inch thickness. The seat shall be reinforced on the underside by cleats securely fastened to prevent the board from splitting.

(2) The two fiber rope seat slings shall be of ⅝-inch diameter, reeved through the four seat holes so as to cross each other on the underside of the seat.

(3) Seat slings shall be of at least ⅝-inch wire rope when an employee is conducting a heat-producing process, such as gas or arc welding.

(4) The employee shall be protected by a safety belt and lifeline in accordance with § 1926.104. The attachment point of the lifeline to the structure shall be appropriately changed as the work progresses.

(5) The tackle shall consist of correct size ball bearing or bushed blocks and properly spliced ⅝-inch diameter first-grade manila rope, or equivalent.

(6) The roof irons, hooks, or the object to which the tackle is anchored, shall be securely installed. Tiebacks, when used, shall be installed at right angles to the face of the building and securely fastened.

(m) *Carpenters' bracket scaffolds.* (1) the brackets shall consist of a triangular wood frame not less than 2 x 3 inches in cross section, or of metal of equivalent strength. Each member shall be properly fitted and securely joined.

(2) Each bracket shall be attached to the structure by means of one of the following:

(i) A bolt, no less than five-eighths inch in diameter, which shall extend through to the inside of the building wall;

(ii) A metal stud attachment device;

(iii) Welding to steel tanks;

(iv) Hooking over a well-secured and adequately strong supporting member.

(3) The brackets shall be spaced no more than 8 feet apart.

(4) No more than two employees shall occupy any given 8 feet of a bracket scaffold at any one time. Tools and materials shall not exceed 75 pounds in addition to the occupancy.

(5) The platform shall consist of not less than two 2- x 10-inch nominal size planks extending not more than 12 inches or less than 6 inches beyond each end support.

(6) Guardrails made of lumber, not less than 2 x 4 inches (or other material providing equivalent protection), approximately 42 inches high, with a midrail, of 1 x 6 inch lumber (or other material providing equivalent protection), and toeboards, shall be installed at all open sides and ends on all scaffolds more than 10 feet above the ground or floor. Toeboards shall be a minimum of 4 inches in height. Wire mesh shall be installed in accordance with paragraph (a)(6) of this section.

(n) *Bricklayers' square scaffolds.* (1) The squares shall not exceed 5 feet in width and 5 feet in height.

(2) Members shall be not less than those specified in Table L–15.

TABLE L–15—MINIMUM DIMENSIONS FOR BRICKLAYERS' SQUARE SCAFFOLD MEMBERS

Members	Dimensions
Bearers or horizontal members	2 x 6 in.
Legs	2 x 6 in.
Braces at corners	1 x 6 in.
Braces diagonally from center frame.	1 x 8 in.

(3) The squares shall be reinforced on both sides of each corner with 1- x 6-inch gusset pieces. They shall also have diagonal braces 1 x 8 inches on both sides running from center to center of each member, or other means to secure equivalent strength and rigidity.

(4) The squares shall be set not more than 5 feet apart for medium duty scaffolds, and not more than 8 feet apart for light duty scaffolds. Bracing, 1 x 8 inches, extending from the bottom of each square to the top of the next square, shall be provided on both front and rear sides of the scaffold.

(5) Platform planks shall be at least 2- x 10-inch nominal size. The ends of the planks shall overlap the bearers of the squares and each plank shall be supported by not less than three squares.

(6) Bricklayers' square scaffolds shall not exceed three tiers in height and shall be so constructed and arranged that one square shall rest directly above the other. The upper tiers shall stand on a continuous row of planks laid across the next lower tier and be nailed down or otherwise secured to prevent displacement.

(7) Scaffolds shall be level and set upon a firm foundation.

(o) *Horse scaffolds.* (1) Horse scaffolds shall not be constructed or arranged more than two tiers or 10 feet in height.

(2) The members of the horses shall be not less than those specified in Table L–16.

TABLE L–16—MINIMUM DIMENSIONS FOR HORSE SCAFFOLD MEMBERS

Members	Dimensions
Horizontal members or bearers.	3 x 4 in.
Legs	1¼ x 4½ in.
Longitudinal brace between legs.	1 x 6 in.
Gusset brace at top of legs	1 x 8 in.
Half diagonal braces	1¼ x 4½ in.

(3) Horses shall be spaced not more than 5 feet for medium duty and not more than 8 feet for light duty.

(4) When arranged in tiers, each horse shall be placed directly over the horse in the tier below.

(5) On all scaffolds arranged in tiers, the legs shall be nailed down or otherwise secured to the planks to prevent displacement or thrust and each tier shall be substantially cross braced.

(6) Horses or parts which have become weak or defective shall not be used.

(7) Guardrails made of lumber, not less than 2 x 4 inches (or other material providing equivalent protection), approximately 42 inches high, with a midrail, of 1 x 6 inch lumber (or other material providing equivalent protection), and toeboards, shall be installed at all open sides and ends on all scaffolds more than 10 feet above the ground or floor. Toeboards shall be a minimum of 4 inches in height. Wire mesh shall be installed in accordance with paragraph (a)(6) of this section.

(p) *Needle beam scaffold.* (1) Wood needle beams shall be not less than 4 x 6 inches in size, with the greater dimension placed in a vertical direction. Metal beams or the equivalent, conforming to paragraphs (a) (8) and (10) of this section, may be used and shall not be altered or moved horizontally while they are in use.

(2) Ropes or hangers shall be provided for supports. The span between supports on the needle beam shall not exceed 10 feet for 4- x 6-inch timbers. Rope supports shall be equivalent in strength to 1-inch diameter first-grade manila rope.

(3) The ropes shall be attached to the needle beams by a scaffold hitch or a properly made eye splice. The loose end of the rope shall be tied by a bowline knot or by a round turn and a half hitch.

(4) The scaffold hitch shall be arranged so as to prevent the needle beam from rolling or becoming otherwise displaced.

(5) The platform span between the needle beams shall not exceed 8 feet

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when using 2-inch scaffold plank. For spans greater than 8 feet, platforms shall be designed based on design requirements for the special span. The overhang of each end of the platform planks shall be not less than 6 inches and not more than 12 inches.

(6) When needle beam scaffolds are used, the planks shall be secured against slipping.

(7) All unattached tools, bolts, and nuts used on needle beam scaffolds shall be kept in suitable containers, properly secured.

(8) One end of a needle beam scaffold may be supported by a permanent structural member conforming to paragraphs (a) (8) and (10) of this section.

(9) Each employee working on a needle beam scaffold shall be protected by a safety belt and lifeline in accordance with § 1926.104.

(q) *Plasterers', decorators', and large area scaffolds.* (1) Plasterers', lathers', and ceiling workers' inside scaffolds shall be constructed in accordance with the general requirements set forth for independent wood pole scaffolds. (See paragraph (b) and Tables L–7, 8, and 9 of this section.)

(2) All platform planks shall be laid with the edges close together.

(3) When independent pole scaffold platforms are erected in sections, such sections shall be provided with connecting runways equipped with substantial guardrails.

(4) Guardrails made of lumber, not less than 2 x 4 inches (or other material providing equivalent protection), approximately 42 inches high, with a midrail of 1 x 6 inch lumber (or other material providing equivalent protection), and toeboards, shall be installed on all open sides and ends on all scaffolds more than 10 feet above the ground or floor. Toeboards shall be a minimum of 4 inches in height. Wire mesh shall be installed in accordance with paragraph (a)(6) of this section.

(r) *Interior hung scaffolds.* (1) An interior hung scaffold shall be hung or suspended from the roof structure or ceiling beams.

(2) The suspending wire or fiber rope shall be capable of supporting at least 6 times the rated load. The rope shall be wrapped at least twice around the supporting members and twice around the bearers of the scaffold, with each end of the wire rope secured by at least three standard wire-rope clips properly installed.

(3) For hanging wood scaffolds, the following minimum nominal size material shall be used:

(i) Supporting bearers 2 x 10 inches on edge;

(ii) Planking 2 x 10 inches, with maximum span 7 feet for heavy duty and 10 feet for light duty or medium duty.

(4) Steel tube and coupler members may be used for hanging scaffolds with both types of scaffold designed to sustain a uniform distributed working load up to heavy duty scaffold loads with a safety factor of four.

(5) Guardrails made of lumber, not less than 2 x 4 inches (or other material providing equivalent protection), approximately 42 inches high, with a midrail of 1 x 6 inch lumber (or other material providing equivalent protection), and toeboards, shall be installed at all open sides and ends on all scaffolds more than 10 feet above the ground or floor. Toeboards shall be a minimum of 4 inches in height. Wire mesh shall be installed in accordance with paragraph (a)(6) of this section.

(s) *Ladder jack scaffolds.* (1) All ladder jack scaffolds shall be limited to light duty and shall not exceed a height of 20 feet above the floor or ground.

(2) All ladders used in connection with ladder jack scaffolds shall be heavy-duty ladders and shall be designed and constructed in accordance with American National Standards Institute A 14.1–1968, Safety Code for Portable Wood Ladders, and A 14.2–1968, Safety Code for Portable Metal Ladders. Cleated ladders shall not be used for this purpose.

(3) The ladder jack shall be so designed and constructed that it will bear on the side rails in addition to the ladder rungs, or if bearing on rungs only, the bearing area shall be at least 10 inches on each rung.

(4) Ladders used in conjunction with ladder jacks shall be so placed, fastened, held, or equipped with devices so as to prevent slipping.

(5) The wood platform planks shall be not less than 2 inches nominal in thickness. Both metal and wood platform planks shall overlap the bearing surface not less than 12 inches. The span between supports for wood shall not exceed 8 feet. Platform width shall be not less than 18 inches.

(6) Not more than two employees shall occupy any given 8 feet of any ladder jack scaffold at any one time.

(t) *Window jack scaffolds.* (1) Window jack scaffolds shall be used only for the purpose of working at the window opening through which the jack is placed.

(2) Window jacks shall not be used to support planks placed between one window jack and another or for other elements of scaffolding.

(3) Window jack scaffolds shall be provided with guardrails unless safety belts with lifelines are attached and provided for employee.

(4) Not more than one employee shall occupy a window jack scaffold at any one time.

(u) *Roofing brackets.* (1) Roofing brackets shall be constructed to fit the pitch of the roof.

(2) Brackets shall be secured in place by nailing in addition to the pointed metal projections. When it is impractical to nail brackets, rope supports shall be used. When rope supports are used, they shall consist of first-grade manila of at least ¾-inch diameter, or equivalent.

(3) A catch platform shall be installed below the working area of roofs more than 16 feet from the ground to eaves with a slope greater than 4 inches in 12 inches without a parapet. In width, the platform shall extend 2 feet beyond the protection of the eaves and shall be provided with a guardrail, midrail, and toeboard. This provision shall not apply where employees engaged in work upon such roofs are protected by a safety belt attached to a lifeline.

(v) *Crawling boards or chicken ladders.* (1) Crawling boards shall be not less than 10 inches wide and 1 inch thick, having cleats 1 x 1½ inches. The cleats shall be equal in length to the width of the board and spaced at equal intervals not to exceed 24 inches. Nails shall be driven through and clinched on the underside. The crawling board shall extend from the ridge pole to the eaves when used in connection with roof construction, repair, or maintenance.

(2) A firmly fastened lifeline of at least ¾-inch diameter rope, or equivalent, shall be strung beside each crawling board for a handhold.

(3) Crawling boards shall be secured to the roof by means of adequate ridge hooks or other effective means.

(w) *Float or ship scaffolds.* (1) Float or ship scaffolds shall not be used to support more than three men and a few light tools, such as those needed for riveting, bolting, and welding. They shall be constructed as designed in paragraph (w) (2) through (6) of this section unless substitute designs and materials provide equivalent strength, stability, and safety.

(2) The platform shall be not less than 3 feet wide and 6 feet long, made of ¾-inch plywood, equivalent to American Plywood Association Grade B–B, Group I, Exterior, or other similar material.

(3) Under the platform, there shall be two supporting bearers made from 2- x 4-inch, or 1- x 10-inch rough, "selected lumber," or better. They shall be free of knots or other flaws and project 6 inches beyond the platform on both sides. The ends of the platform shall extend 6 inches beyond the outer edges of the bearers. Each bearer shall be securely fastened to the platform.

(4) An edging of wood not less than ¾ x 1½ inches or equivalent shall be placed around all sides of the platform to prevent tools from rolling off.

(5) Supporting ropes shall be 1-inch diameter manila rope or equivalent, free from deterioration, chemical damage, flaws, or other imperfections. Rope connections shall be such that the platform cannot shift or slip. If two ropes are used with each float, they shall be arranged so as to provide four ends which are to be securely fastened to an overhead support. Each of the two supporting ropes shall be hitched around one end of bearer and pass under the platforms to the other end of the bearer where it is hitched again, leaving sufficient rope at each end for the supporting ties.

(6) Each employee shall be protected by an approved safety lifebelt and lifeline, in accordance with § 1926.104.

(x) *Form scaffolds.* (1) Form scaffolds shall be constructed of wood or other suitable materials, such as steel or aluminum members of known strength characteristics. All scaffolds shall be designed and erected with a minimum safety factor of 4, computed on the basis of the maximum rated load.

(2) All scaffold planking shall be a minimum of 2- x 10-inch nominal Scaffold Grade, as recognized by approved grading rules for the species of lumber

used, or equivalent material. Maximum permissible spans shall not exceed 8 feet on centers for 2- x 10-inch nominal planking. Scaffold planks shall be either nailed or bolted to the ledgers or of such length that they overlap the ledgers at least 6 inches. Unsupported projecting ends of scaffolding planks shall be limited to a maximum overhang of 12 inches.

(3) Scaffolds shall not be loaded in excess of the working load for which they were designed.

(4) Figure-four form scaffolds: (i) Figure-four scaffolds are intended for light duty and shall not be used to support loads exceeding 25 pounds per square foot unless specifically designed for heavier loading. For minimum design criteria, see Table L–17.

TABLE L–17—MINIMUM DESIGN CRITERIA FOR FIGURE-FOUR FORM SCAFFOLDS

Members	*Dimensions*
Uprights	2 x 4 in. or 2 x 6 in.
Outriggers ledgers (two).	1 x 6 in.
Braces	1 x 6 in.
Guardrails	2 x 4 in.
Guardrail height	Approximately 42 in.
Intermediate guardrails.	1 x 6 in.
Toeboards	4 in. (minimum).
Maximum length of ledgers.	3 ft. 6 in. (unsupported).
Planking	2 x 10 in.
Upright spacing	8 ft. 0 in. (on centers).

(ii) Figure-four form scaffold frames shall be spaced not more than 8 feet on centers and constructed from sound lumber, as follows: The outrigger ledger shall consist of two pieces of 1- x 6-inch or heavier material nailed on opposite sides of the vertical form support. Ledgers shall project not more than 3 feet 6 inches from the outside of the form support and shall be substantially braced and secured to prevent tipping or turning. The knee or angle brace shall intersect the ledger at least 3 feet from the form at an angle of approximately 45°, and the lower end shall be nailed to a vertical support. The platform shall consist of two or more 2- x 10-inch planks, which shall be of such length that they extend at least 6 inches beyond ledgers at each end unless secured to the ledgers. When planks are secured to the ledgers (nailed or bolted), a wood filler strip shall be used between the ledgers. Unsupported projecting ends of planks shall be limited to an overhang of 12 inches.

(5) Metal bracket form scaffolds: (i) Metal brackets or scaffold jacks which are an integral part of the form shall be securely bolted or welded to the form. Folding type brackets shall be either bolted or secured with a locking-type pin when extended for use.

(ii) "Clip-on" or "hook-over" brackets may be used, provided the form walers are bolted to the form or secured by snap ties or shea-bolt extending through the form and securely anchored.

(iii) Metal brackets shall be spaced not more than 8 feet on centers.

(iv) Scaffold planks shall be either bolted to the metal brackets or of such length that they overlap the brackets at each end by at least 6 inches. Unsupported projecting ends of scaffold planks shall be limited to a maximum overhang of 12 inches.

(v) Metal bracket form scaffolds shall be equipped with wood guardrails, intermediate rails, toeboards, and scaffold planks meeting the minimum dimensions shown in Table L–18. (Metal may be substituted for wood, providing it affords equivalent or greater design strength.)

TABLE L–18—MINIMUM DESIGN CRITERIA FOR METAL BRACKET FORM SCAFFOLDS

Members	*Dimensions*
Uprights	2 x 4 in.
Guardrails	2 x 4 in.
Guardrail height	Approximately 42 in.
Intermediate guardrails.	1 x 6 in.
Toeboards	4 in. (minimum).
Planking	2 x 9 in.

(6) Wooden bracket form scaffolds: (i) Wooden bracket form scaffolds shall be an integral part of the form panel. The minimum design criteria set forth herein and in Table L–19 cover scaffolding intended for light duty and shall not be used to support loads exceeding 25 pounds per square foot, unless specifically designed for heavier loading.

(ii) Scaffold planks shall be either nailed or bolted to the ledgers or of such length that they overlap the ledgers at each end by at least 6 inches. Unsupported projecting ends of scaffold planks shall be limited to a maximum overhang of 12 inches.

TABLE L–19—MINIMUM DESIGN CRITERIA FOR WOODEN BRACKET FORM SCAFFOLDS

Members	*Dimensions*
Uprights	2 x 4 in. or 2 x 6 in.
Support ledgers	2 x 6 in.
Maximum scaffold width.	3 ft. 6 in.
Braces	1 x 6 in.
Guardrails	2 x 4 in.
Guardrail height	Approximately 42 in.
Intermediate guardrails.	1 x 6 in.
Toeboards	4 in. (minimum).
Upright spacing	8 ft. 0 in. (on centers).

(iii) Guardrails and toeboards shall be installed on all open sides and ends of platforms and scaffolding over 10 feet above floor or ground. Guardrails shall be made of lumber 2 x 4 inch nominal dimension (or other material providing equivalent protection), approximately 42 inches high, supported at intervals not to exceed 8 feet. Guardrails shall be equipped with midrails constructed of 1 x 6 inch nominal lumber (or other material providing equivalent protection). Toeboards shall extend not less than 4 inches above the scaffold plank.

(y) *Pump jack scaffolds.* (1) Pump jack scaffolds shall:

(i) Not carry a working load exceeding 500 pounds; and

(ii) Be capable of supporting without failure at least four times the maximum intended load.

(iii) The manufactured components shall not be loaded in excess of the manufacturer's recommended limits.

(2) Pump jack brackets, braces, and accessories shall be fabricated from metal plates and angles. Each pump jack bracket shall have two positive gripping mechanisms to prevent any failure or slippage.

(3) The platform bracket shall be fully decked and the planking secured. Planking, or equivalent, shall conform with paragraph (a) of this section.

(4) (i) When wood scaffold planks are used as platforms, poles used for pump jacks shall not be spaced more than 10 feet center to center. When fabricated platforms are used that fully comply with all other provisions of this paragraph (y), pole spacing may exceed 10 feet center to center.

(ii) Poles shall not exceed 30 feet in height.

(iii) Poles shall be secured to the work wall by rigid triangular bracing, or equivalent, at the bottom, top, and other points as necessary, to provide a maximum vertical spacing of not more than 10 feet between braces. Each brace shall be capable of supporting a minimum of 225 pounds tension or compression.

(iv) For the pump jack bracket to pass bracing already installed, an extra brace shall be used approximately 4 feet above the one to be passed until the original brace is reinstalled.

(5) All poles shall bear on mud sills or other adequate firm foundations.

(6) Pole lumber shall be two 2 x 4's, of Douglas fir, or equivalent, straight-grained, clear, free of cross-grain, shakes, large loose or dead knots, and other defects which might impair strength.

(7) When poles are constructed of two continuous lengths, they shall be two by fours, spiked together with the seam parallel to the bracket, and with 10d common nails, no more than 12 inches center to center, staggered uniformly from opposite outside edges.

(8) If two by fours are spliced to make up the pole, the splices shall be so constructed as to develop the full strength of the member.

(9) A ladder, in accordance with § 1926.450, shall be provided for access to the platform during use.

(10) Not more than two persons shall be permitted at one time upon a pump jack scaffold between any two supports.

(11) Pump jacks scaffolds shall be provided with standard guardrails as defined in § 1926.451(a)(15), but no guardrail is required where safety belts with lifelines are provided for employees.

(12) When a work bench is used at an approximate height of 42 inches, the top guardrail may be eliminated, if the work bench is fully decked, the planking secured, and is capable of withstanding 200 pounds pressure in any direction.

(13) Employees shall not be permitted to use a work bench as a scaffold platform.

§ 1926.452 Definitions applicable to this subpart.

(a) "Ladders"—(1) "Cleats"—Ladder crosspieces of rectangular cross section placed on edge on which a person may step in ascending or descending.

(2) "Single cleat ladder"—One which consists of a pair of side rails, usually parallel, but with flared side rails permissible, connected together with cleats that are joined to the side rails at regular intervals.

(3) "Double cleat ladder"—One that is similar to a single cleat ladder, but is

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wider, with an additional center rail which will allow for two-way traffic for workmen in ascending and descending.

(b) "Scaffolding"—(1) "Bearer"—A horizontal member of a scaffold upon which the platform rests and which may be supported by ledgers.

(2) "Boatswain's chair"—A seat supported by slings attached to a suspended rope, designed to accommodate one workman in a sitting position.

(3) "Brace"—A tie that holds one scaffold member in a fixed position with respect to another member.

(4) "Bricklayers' square scaffold"—A scaffold composed of framed wood squares which support a platform, limited to light and medium duty.

(5) "Carpenters' bracket scaffold"—A scaffold consisting of wood or metal brackets supporting a platform.

(6) "Coupler"—A device for locking together the component parts of a tubular metal scaffold. (The material used for the couplers shall be of a structural type, such as a drop-forged steel, malleable iron, or structural grade aluminum.)

(7) "Crawling board or chicken ladder"—A plank with cleats spaced and secured at equal intervals, for use by a worker on roofs, not designed to carry any material.

(8) "Double pole or independent pole scaffold"—A scaffold supported from the base by a double row of uprights, independent of support from the walls and constructed of uprights, ledgers, horizontal platform bearers, and diagonal bracing.

(9) "Float or ship scaffold"—A scaffold hung from overhead supports by means of ropes and consisting of a substantial platform having diagonal bracing underneath, resting upon and securely fastened to two parallel plank bearers at right angles to the span.

(10) "Guardrail"—A rail secured to uprights and erected along the exposed sides and ends of platforms.

(11) "Heavy duty scaffold"—A scaffold designed and constructed to carry a working load not to exceed 75 pounds per square foot.

(12) "Horse scaffold"—A scaffold for light or medium duty, composed of horses supporting a work platform.

(13) "Interior hung scaffold"—A scaffold suspended from the ceiling or roof structure.

(14) "Ladder jack scaffold"—A light duty scaffold supported by brackets attached to ladders.

(15) "Ledgers (stringer)"—A horizontal scaffold member which extends from post to post and which supports the putlogs or bearers forming a tie between the posts.

(16) "Light duty scaffold"—A scaffold designed and constructed to carry a working load not to exceed 25 pounds per square foot.

(17) "Manually propelled mobile scaffold"—A portable rolling scaffold supported by casters.

(18) "Masons' adjustable multiple-point suspension scaffold"—A scaffold having a continuous platform supported by bearers suspended by wire rope from overhead supports, so arranged and operated as to permit the raising or lowering of the platform to desired working positions.

(19) "Maximum rated load"—The total of all loads including the working load, the weight of the scaffold, and such other loads as may be reasonably anticipated.

(20) "Medium duty scaffold"—A scaffold designed and constructed to carry a working load not to exceed 50 pounds per square foot.

(21) "Midrail"—A rail approximately midway between the guardrail and platform, secured to the uprights erected along the exposed sides and ends of platforms.

(22) "Needle beam scaffold"—A light duty scaffold consisting of needle beams supporting a platform.

(23) "Outrigger scaffold"—A scaffold supported by outriggers or thrustouts projecting beyond the wall or face of the building or structure, the inboard ends of which are secured inside of such building or structure.

(24) "Putlog"—A scaffold member upon which the platform rests.

(25) "Roofing or bearer bracket"—A bracket used in slope roof construction, having provisions for fastening to the roof or supported by ropes fastened over the ridge and secured to some suitable object.

(26) "Runner"—The lengthwise horizontal bracing or bearing members or both.

(27) "Scaffold"—Any temporary elevated platform and its supporting structure used for supporting workmen or materials, or both.

(28) "Single-point adjustable suspension scaffold"—A manually or power-operated unit designed for light duty use, supported by a single wire rope from an overhead support so arranged and operated as to permit the raising or lowering of platform to desired working positions.

(29) "Single-pole scaffold"—Platforms resting on putlogs or cross beams, the outside ends of which are supported on ledgers secured to a single row of posts or uprights, and the inner ends of which are supported on or in a wall.

(30) "Stone setters' adjustable multiple-point suspension scaffold"—A swinging type scaffold having a platform supported by hangers suspended at four points so as to permit the raising or lowering of the platform to the desired working position by the use of hoisting machines.

(31) "Toeboard"—A barrier secured along the sides and ends of a platform to guard against the falling of material.

(32) "Tube and coupler scaffold"—An assembly consisting of tubing which serves as posts, bearers, braces, ties, and runners, a base supporting the posts, and special couplers which serve to connect the uprights and to join the various members.

(33) "Tubular welded frame scaffold"—A sectional panel or frame metal scaffold substantially built up of prefabricated welded sections which consists of posts and horizontal bearer with intermediate members.

(34) "Two-point suspension scaffold (swinging scaffold)"—A scaffold, the platform of which is supported by hangers (stirrups) at two points, suspended from overhead supports so as to permit the raising or lowering of the platform to the desired working position by tackle or hoisting machines.

(35) "Window jack scaffold"—A scaffold, the platform of which is supported by a bracket or jack which projects through a window opening.

(36) "Working load"—Load imposed by men, materials, and equipment.

Subpart M—Floor and Wall Openings, and Stairways

§ 1926.500 Guardrails, handrails, and covers.

(a) *General provision.* This subpart shall apply to temporary or emergency conditions where there is danger of employees or materials falling through floor, roof, or wall openings, or from stairways or runways.

(b) *Guarding of floor openings and floor holes.* (1) Floor openings shall be guarded by a standard railing and toeboards or cover, as specified in paragraph (f) of this section. In general, the railing shall be provided on all exposed sides, except at entrances to stairways.

(2) Ladderway floor openings or platforms shall be guarded by standard railings with standard toeboards on all exposed sides, except at entrance to opening, with the passage through the railing either provided with a swinging gate or so offset that a person cannot walk directly into the opening.

(3) Hatchways and chute floor openings shall be guarded by one of the following:

(i) Hinged covers of standard strength and construction and a standard railing with only one exposed side. When the opening is not in use, the cover shall be closed or the exposed side shall be guarded at both top and intermediate positions by removable standard railings;

(ii) A removable standard railing with toe board on not more than two sides of the opening and fixed standard railings with toeboards on all other exposed sides. The removable railing shall be kept in place when the opening is not in use and should preferably be hinged or otherwise mounted so as to be conveniently replaceable.

(4) Wherever there is danger of falling through a skylight opening, it shall be guarded by a fixed standard railing on all exposed sides or a cover capable of sustaining the weight of a 200-pound person.

(5) Pits and trap-door floor openings shall be guarded by floor opening covers of standard strength and construction. While the cover is not in place, the pit or trap openings shall be protected on all exposed sides by removable standard railings.

(6) Manhole floor openings shall be guarded by standard covers which need not be hinged in place. While the cover is not in place, the manhole opening shall be protected by standard railings.

(7) Temporary floor openings shall have standard railings.

(8) Floor holes, into which persons can accidentally walk, shall be guarded by either a standard railing with standard toeboard on all exposed sides, or a floor hole cover of standard strength and construction that is secured against accidental displacement. While the cover is not in place, the floor hole shall be protected by a standard railing.

(9) Where doors or gates open directly on a stairway, a platform shall be provided, and the swing of the door shall not reduce the effective width of the platform to less than 20 inches.

(c) *Guarding of wall openings.* (1) Wall openings, from which there is a drop of more than 4 feet, and the bottom of the opening is less than 3 feet above the working surface, shall be guarded as follows:

(i) When the height and placement of the opening in relation to the working surface is such that either a standard rail or intermediate rail will effectively reduce the danger of falling, one or both shall be provided;

(ii) The bottom of a wall opening, which is less than 4 inches above the working surface, regardless of width, shall be protected by a standard toeboard or an enclosing screen either of solid construction or as specified in paragraph (f) (7) (ii) of this section.

(2) An extension platform outside a wall opening onto which materials can be hoisted for handling shall have side rails or equivalent guards of standard specifications. One side of an extension platform may have removable railings in order to facilitate handling materials.

(3) When a chute is attached to an opening, the provisions of paragraph (c) (1) of this section shall apply, except that a toeboard is not required.

(d) *Guarding of open-sided floors, platforms, and runways.* (1) Every open-sided floor or platform 6 feet or more above adjacent floor or ground level shall be guarded by a standard railing, or the equivalent, as specified in paragraph (f) (1) of this section, on all open sides, except where there is entrance to a ramp, stairway, or fixed ladder. The railing shall be provided with a standard toeboard wherever, beneath the open sides, persons can pass, or there is moving machinery, or there is equipment with which falling materials could create a hazard.

(2) Runways shall be guarded by a standard railing, or the equivalent, as specified in paragraph (f) of this section, on all open sides, 4 feet or more above floor or ground level. Wherever tools, machine parts, or materials are likely to be used on the runway, a toeboard shall also be provided on each exposed side.

(3) Runways used exclusively for special purposes may have the railing on one side omitted where operating conditions necessitate such omission, providing the falling hazard is minimized by using a runway not less than 18 inches wide.

(4) Where employees entering upon runways become thereby exposed to machinery, electrical equipment, or other danger not a falling hazard, additional guarding shall be provided.

(5) Regardless of height, open-sided floors, walkways, platforms, or runways above or adjacent to dangerous equipment, pickling or galvanizing tanks, degreasing units, and similar hazards shall be guarded with a standard railing and toeboard.

(e) *Stairway railings and guards.* (1) Every flight of stairs having four or more risers shall be equipped with standard stair railings or standard handrails as specified below, the width of the stair to be measured clear of all obstructions except handrails:

(i) On stairways less than 44 inches wide having both sides enclosed, at least one handrail, preferably on the right side descending;

(ii) On stairways less than 44 inches wide having one side open, at least one stair railing on the open side;

(iii) On stairways less than 44 inches wide having both sides open, one stair railing on each side;

(iv) On stairways more than 44 inches wide but less than 88 inches wide, one handrail on each enclosed side and one stair railing on each open side;

(v) On stairways 88 or more inches wide, one handrail on each enclosed side, one stair railing on each open side, and one intermediate stair railing located approximately midway of the width.

(2) Winding stairs shall be equipped with a handrail offset to prevent walking on all portions of the treads having width less than 6 inches.

(f) *Standard specifications.* (1) A standard railing shall consist of top rail, intermediate rail, toeboard, and posts, and shall have a vertical height of approximately 42 inches from upper surface of top rail to floor, platform, runway, or ramp level. The top rail shall be smooth-surfaced throughout the length of the railing. The intermediate rail shall be halfway between the top rail and the floor, platform, runway, or ramp. The ends of the rails shall not overhang the terminal posts except where such overhang does not constitute a projection hazard. Minimum requirements for standard railings under various types of construction are specified in the following paragraphs:

(i) For wood railings, the posts shall be of at least 2-inch by 4-inch stock spaced not to exceed 8 feet; the toprail shall be of at least 2-inch by 4-inch stock; the intermediate rail shall be of at least 1-inch by 6-inch stock.

(ii) For pipe railings, posts and top and intermediate railings shall be at least 1½ inches nominal diameter with posts spaced not more than 8 feet on centers.

(iii) For structural steel railings, posts and top and intermediate rails shall be of 2-inch by 2-inch by ⅜-inch angles or other metal shapes of equivalent bending strength, with posts spaced not more than 8 feet on centers.

(iv) The anchoring of posts and framing of members for railings of all types shall be of such construction that the completed structure shall be capable of withstanding a load of at least 200 pounds applied in any direction at any point on the top rail, with a minimum of deflection.

(v) Railings receiving heavy stresses from employees trucking or handling materials shall be provided additional strength by the use of heavier stock, closer spacing of posts, bracing, or by other means.

(vi) Other types, sizes, and arrangements of railing construction are acceptable, provided they meet the following conditions:

(a) A smooth-surfaced top rail at a height above floor, platform, runway, or ramp level of approximately 42 inches;

(b) A strength to withstand at least the minimum requirement of 200 pounds top rail pressure with a minimum of deflection;

(c) Protection between top rail and floor, platform, runway, ramp, or stair treads, equivalent at least to that afforded by a standard intermediate rail;

(d) Elimination of overhang of rail ends unless such overhang does not constitute a hazard.

(2) A stair railing shall be of construction similar to a standard railing, but the vertical height shall be not more than 34 inches nor less than 30 inches from upper surface of top rail to surface of tread in line with face of riser at forward edge of tread.

(3) (i) A standard toeboard shall be 4 inches minimum in vertical height from its top edge to the level of the floor, platform, runway, or ramp. It shall be securely fastened in place and have not more than ¼-inch clearance above floor level. It may be made of any substantial material, either solid, or with openings not over 1 inch in greatest dimension.

(ii) Where material is piled to such height that a standard toeboard does not provide protection, paneling or screening from floor to intermediate rail or to top rail shall be provided.

(4) (i) A standard handrail shall be of construction similar to a standard railing except that it is mounted on a wall or partition, and does not include an intermediate rail. It shall have a smooth surface along the top and both sides of the handrail. The handrail shall have an adequate handhold for any one grasping it to avoid falling. Ends of the handrail shall be constructed so as not to constitute a projection hazard.

(ii) The height of handrails shall be not more than 34 inches nor less than 30 inches from upper surface of handrail to surface of tread, in line with face of riser or to surface of ramp.

(iii) All handrails and railings shall be provided with a clearance of approximately 3 inches between the handrail or railing and any other object.

(5) Floor opening covers shall be of any material that meets the following strength requirements:

(i) Conduits, trenches, and manhole covers and their supports, when located in roadways, and vehicular aisles, shall be designed to carry a truck rear-axle load of at least 2 times the maximum intended load;

(ii) The floor opening cover shall be capable of supporting the maximum intended load and so installed as to prevent accidental displacement.

(6) Skylight openings that create a falling hazard shall be guarded with a standard railing, or covered in accord-

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ance with paragraph (f)(5)(ii) of this section.

(7) Wall opening protection shall meet the following requirements:

(i) Barriers shall be of such construction and mounting that, when in place at the opening, the barrier is capable of withstanding a load of at least 200 pounds applied in any direction (except upward), with a minimum of deflection at any point on the top rail or corresponding member.

(ii) Screens shall be of such construction and mounting that they are capable of withstanding a load of at least 200 pounds applied horizontally at any point on the near side of the screen. They may be of solid construction, of grill work with openings not more than 8 inches long, or of slat work with openings not more than 4 inches wide with length unrestricted.

§ 1926.501 Stairways.

(a) On all structures, two or more floors (20 feet or over) in height, stairways, ladders, or ramps shall be provided for employees during the construction period.

(b) Stairway railings and guardrails shall meet the requirements of § 1926.500 (e) and (f).

(c) All parts of stairways shall be free of hazardous projections, such as protruding nails.

(d) Debris, and other loose materials, shall not be allowed on or under stairways.

(e) Slippery conditions on stairways shall be eliminated as soon as possible after they occur.

(f) Permanent steel or other metal stairways, and landings with hollow pan-type treads that are to be filled with concrete or other materials, when used during construction, shall be filled to the level of the nosing with solid material. The requirement shall not apply during the period of actual construction of the stairways themselves.

(g) Wooden treads for temporary service shall be full width.

(h) Metal landings shall be secured in place before filling.

(i) Temporary stairs shall have a landing not less than 30 inches in the direction of travel at every 12 feet of vertical rise.

(j) Stairs shall be installed at angles to the horizontal of between 30° and 50°.

(k) Rise height and tread width shall be uniform throughout any flight of stairs including any foundation structure used as one or more treads of the stairs.

(l) All stairs shall be lighted in accordance with Subpart D of this part.

(m) Spiral stairways shall not be permitted except for special limited usage and secondary access situations where it is not practical to provide a conventional stairway.

§ 1926.502 Definitions applicable to this subpart.

(a) "Floor hole"—An opening measuring less than 12 inches but more than 1 inch in its least dimension in any floor, roof, or platform through which materials but not persons may fall, such as a belt hold, pipe opening, or slot opening.

(b) "Floor opening"—An opening measuring 12 inches or more in its least dimension in any floor, roof, or platform through which persons may fall.

(c) "Handrail"—A bar or pipe supported on brackets from a wall or partition, as on a stairway or ramp, to furnish persons with a handhold in case of tripping.

(d) "Nose, nosing"—That portion of a tread projecting beyond the face of the riser immediately below.

(e) "Platform"—A working space for persons, elevated above the surrounding floor or ground, such as a balcony or platform for the operation of machinery and equipment.

(f) "Runway"—A passageway for persons, elevated above the surrounding floor or ground level, such as a footwalk along shafting or a walkway between buildings.

(g) "Rise"—The vertical distance from the top of a tread to the top of the next higher tread.

(h) "Stair platform"—An extended step or landing breaking a continuous run of stairs.

(i) "Stair railing"—A vertical barrier erected along exposed sides of a stairway to prevent falls of persons.

(j) "Stairs, stairways"—A series of steps leading from one level or floor to another, or leading to platforms, pits, boiler rooms, crossovers, or around machinery, tanks, and other equipment that are used more or less continuously or routinely by employees or only occasionally by specific individuals. For the purpose of this subpart, a series of steps and landings having three or more rises constitutes stairs or stairway.

(k) "Standard railing"—A vertical barrier erected along exposed edges of a floor opening, wall opening, ramp, platform, or runway to prevent falls of persons.

(l) "Standard strength and construction"—Any construction of railings, covers, or other guards that meets the requirements of this subpart.

(m) "Toeboard"—A vertical barrier at floor level erected along exposed edges of a floor opening, wall opening, platform, runway, or ramp to prevent falls of materials.

(n) "Tread width"—The horizontal distance from front to back of tread, including nosing, when used.

(o) "Wall opening"—An opening at least 30 inches high and 18 inches wide, in any wall or partition, through which persons may fall, such as a yard-arm doorway or chute opening.

Subpart N—Cranes, Derricks, Hoists, Elevators, and Conveyors

§ 1926.550 Cranes and derricks.

(a) *General requirements.* (1) The employer shall comply with the manufacturer's specifications and limitations applicable to the operation of any and all cranes and derricks. Where manufacturer's specifications are not available, the limitations assigned to the equipment shall be based on the determinations of a qualified engineer competent in this field and such determinations will be appropriately documented and recorded. Attachments used with cranes shall not exceed the capacity, rating, or scope recommended by the manufacturer.

(2) Rated load capacities, and recommended operating speeds, special hazard warnings, or instruction, shall be conspicuously posted on all equipment. Instructions or warnings shall be visible to the operator while he is at his control station.

(3) [Revoked]

(4) Hand signals to crane and derrick operators shall be those prescribed by the applicable ANSI standard for the type of crane in use. An illustration of the signals shall be posted at the job site.

(5) The employer shall designate a competent person who shall inspect all machinery and equipment prior to each use, and during use, to make sure it is in safe operating condition. Any deficiencies shall be repaired, or defective parts replaced, before continued use.

(6) A thorough, annual inspection of the hoisting machinery shall be made by a competent person, or by a government or private agency recognized by the U.S. Department of Labor. The employer shall maintain a record of the dates and results of inspections for each hoisting machine and piece of equipment.

(7) Wire rope shall be taken out of service when any of the following conditions exist:

(i) In running ropes, six randomly distributed broken wires in one lay or three broken wires in one strand in one lay;

(ii) Wear of one-third the original diameter of outside individual wires. Kinking, crushing, bird caging, or any other damage resulting in distortion of the rope structure;

(iii) Evidence of any heat damage from any cause;

(iv) Reductions from nominal diameter of more than one-sixty-fourth inch for diameters up to and including five-sixteenths inch, one-thirty-second inch for diameters three-eighths inch to and including one-half inch, three-sixty-fourths inch for diameters nine-sixteenths inch to and including three-fourths inch, one-sixteenth inch for diameters seven-eighths inch to 1⅛ inches inclusive, three-thirty-seconds inch for diameters 1¼ to 1½ inches inclusive;

(v) In standing ropes, more than two broken wires in one lay in sections beyond end connections or more than one broken wire at an end connection.

(vi) Wire rope safety factors shall be in accordance with American National Standards Institute B 30.5–1968 or SAE J959–1966.

(8) Belts, gears, shafts, pulleys, sprockets, spindles, drums, fly wheels, chains, or other reciprocating, rotating, or other moving parts or equipment shall be guarded if such parts are exposed to contact by employees, or otherwise create a hazard. Guarding shall meet the requirements of the American National Standards Institute B 15.1–1958 Rev., Safety Code for Mechanical Power Transmission Apparatus.

(9) Accessible areas within the swing radius of the rear of the rotating superstructure of the crane, either permanently or temporarily mounted, shall be barricaded in such a manner as to prevent an employee from being struck or crushed by the crane.

(10) All exhaust pipes shall be guarded or insulated in areas where contact by employees is possible in the performance of normal duties.

(11) Whenever internal combustion engine powered equipment exhausts in enclosed spaces, tests shall be made and recorded to see that employees are not exposed to unsafe concentrations of toxic gases or oxygen deficient atmospheres.

(12) All windows in cabs shall be of safety glass, or equivalent, that introduces no visible distortion that will interfere with the safe operation of the machine.

(13) (i) Where necessary for rigging or service requirements, a ladder, or steps, shall be provided to give access to a cab roof.

(ii) Guardrails, handholds, and steps shall be provided on cranes for easy access to the car and cab, conforming to American National Standards Institute B30.5.

(iii) Platforms and walkways shall have anti-skid surfaces.

(14) Fuel tank filler pipe shall be located in such a position, or protected in such manner, as to not allow spill or overflow to run onto the engine, exhaust, or electrical equipment of any machine being fueled.

(i) An accessible fire extinguisher of 5BC rating, or higher, shall be available at all operator stations or cabs of equipment.

(ii) All fuels shall be transported, stored, and handled to meet the rules of Subpart F of this part. When fuel is transported by vehicles on public highways, Department of Transportation rules contained in 49 CFR Parts 177 and 393 concerning such vehicular transportation are considered applicable.

(15) Except where electrical distribution and transmission lines have been deenergized and visibly grounded at point of work or where insulating barriers, not a part of or an attachment to the equipment or machinery, have been erected to prevent physical contact with the lines, equipment or machines shall be operated proximate to power lines only in accordance with the following:

(i) For lines rated 50 kV. or below, minimum clearance between the lines and any part of the crane or load shall be 10 feet;

(ii) For lines rated over 50 kV., minimum clearance between the lines and any part of the crane or load shall be 10 feet plus 0.4 inch for each 1 kV. over 50 kV., or twice the length of the line insulator, but never less than 10 feet;

(iii) In transit with no load and boom lowered, the equipment clearance shall be a minimum of 4 feet for voltages less than 50 kV., and 10 feet for voltages over 50 kV. up to and including 345 kV., and 16 feet for voltages up to and including 750 kV.

(iv) A person shall be designated to observe clearance of the equipment and give timely warning for all operations where it is difficult for the operator to maintain the desired clearance by visual means;

(v) Cage-type boom guards, insulating links, or proximity warning devices may be used on cranes, but the use of such devices shall not alter the requirements of any other regulation of this part even if such device is required by law or regulation;

(vi) Any overhead wire shall be considered to be an energized line unless and until the person owning such line or the electrical utility authorities indicate that it is not an energized line and it has been visibly grounded;

(vii) Prior to work near transmitter towers where an electrical charge can be induced in the equipment or materials being handled, the transmitter shall be de-energized or tests shall be made to determine if electrical charge is induced on the crane. The following precautions shall be taken when necessary to dissipate induced voltages:

(*a*) The equipment shall be provided with an electrical ground directly to the upper rotating structure supporting the boom; and

(*b*) Ground jumper cables shall be attached to materials being handled by boom equipment when electrical charge is induced while working near energized transmitters. Crews shall be provided with nonconductive poles having large alligator clips or other similar protection to attach the ground cable to the load.

(c) Combustible and flammable materials shall be removed from the immediate area prior to operations.

(16) No modifications or additions which affect the capacity or safe operation of the equipment shall be made by the employer without the manufacturer's written approval. If such modifications or changes are made, the capacity, operation, and maintenance instruction plates, tags, or decals, shall be changed accordingly. In no case shall the original safety factor of the equipment be reduced.

(17) The employer shall comply with Power Crane and Shovel Association Mobile Hydraulic Crane Standard No. 2.

(18) Sideboom cranes mounted on wheel or crawler tractors shall meet the requirements of SAE J743a–1964.

(b) *Crawler, locomotive, and truck cranes.* (1) All jibs shall have positive stops to prevent their movement of more than 5° above the straight line of the jib and boom on conventional type crane booms. The use of cable type belly slings does not constitute compliance with this rule.

(2) All crawler, truck, or locomotive cranes in use shall meet the applicable requirements for design, inspection, construction, testing, maintenance and operation as prescribed in the ANSI B30.5–1968, Safety Code for Crawler, Locomotive and Truck Cranes.

(c) *Hammerhead tower cranes.* (1) Adequate clearance shall be maintained between moving and rotating structures of the crane and fixed objects to allow the passage of employees without harm.

(2) Employees required to perform duties on the horizontal boom of hammerhead tower cranes shall be protected against falling by guardrails or by safety belts and lanyards attached to lifelines in conformance with Subpart E of this part.

(3) Buffers shall be provided at both ends of travel of the trolley.

(4) Cranes mounted on rail tracks shall be equipped with limit switches limiting the travel of the crane on the track and stops or buffers at each end of the tracks.

(5) All hammerhead tower cranes in use shall meet the applicable requirements for design, construction, installation, testing, maintenance, inspection, and operation as prescribed by the manufacturer.

(d) *Overhead and gantry cranes.* (1) The rated load of the crane shall be plainly marked on each side of the crane, and if the crane has more than one hoisting unit, each hoist shall have its rated load marked on it or its load block, and this marking shall be clearly legible from the ground or floor.

(2) Bridge trucks shall be equipped with sweeps which extend below the top of the rail and project in front of the truck wheels.

(3) Except for floor-operated cranes, a gong or other effective audible warning signal shall be provided for each crane equipped with a power traveling mechanism.

(4) All overhead and gantry cranes in use shall meet the applicable requirements for design, construction, installation, testing, maintenance, and operation as prescribed in the ANSI B30.2.0–1967, Safety Code for Overhead and Gantry Cranes.

(e) *Derricks.* All derricks in use shall meet the applicable requirements for design, construction, installation, inspection, testing, maintenance, and operation as prescribed in American National Standards Institute B30.6–1969, Safety Code for Derricks.

(f) *Floating cranes and derricks.*—(1) *Mobile cranes mounted on barges.* (i) When a mobile crane is mounted on a barge, the rated load of the crane shall not exceed the original capacity specified by the manufacturer.

(ii) A load rating chart, with clearly legible letters and figures, shall be provided with each crane, and securely fixed at a location easily visible to the operator.

(iii) When load ratings are reduced to stay within the limits for list of the barge with a crane mounted on it, a new load rating chart shall be provided.

(iv) Mobile cranes on barges shall be positively secured.

(2) *Permanently mounted floating cranes and derricks.* (i) When cranes and derricks are permanently installed on a barge, the capacity and limitations of use shall be based on competent design criteria.

(ii) A load rating chart with clearly legible letters and figures shall be provided and securely fixed at a location easily visible to the operator.

(iii) Floating cranes and floating derricks in use shall meet the applicable requirements for design, construction, installation, testing, maintenance, inspection, and operation as prescribed by the manufacturer.

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(3) *Protection of employees working on barges.* The employer shall comply with the applicable requirements for protection of employees working onboard marine vessels specified in § 1926.605.

§ 1926.551 Helicopters.

(a) *Helicopter regulations.* Helicopter cranes shall be expected to comply with any applicable regulations of the Federal Aviation Administration.

(b) *Briefing.* Prior to each day's operation a briefing shall be conducted. This briefing shall set forth the plan of operation for the pilot and ground personnel.

(c) *Slings and tag lines.* Load shall be properly slung. Tag lines shall be of a length that will not permit their being drawn up into rotors. Pressed sleeve, swedged eyes, or equivalent means shall be used for all freely suspended loads to prevent hand splices from spinning open or cable clamps from loosening.

(d) *Cargo hooks.* All electrically operated cargo hooks shall have the electrical activating device so designed and installed as to prevent inadvertent operation. In addition, these cargo hooks shall be equipped with an emergency mechanical control for releasing the load. The hooks shall be tested prior to each day's operation to determine that the release functions properly, both electrically and mechanically.

(e) *Personal protective equipment.* (1) Personal protective equipment for employees receiving the load shall consist of complete eye protection and hard hats secured by chinstraps.

(2) Loose-fitting clothing likely to flap in the downwash, and thus be snagged on hoist line, shall not be worn.

(f) *Loose gear and objects.* Every practical precaution shall be taken to provide for the protection of the employees from flying objects in the rotor downwash. All loose gear within 100 feet of the place of lifting the load, depositing the load, and all other areas susceptible to rotor downwash shall be secured or removed.

(g) *Housekeeping.* Good housekeeping shall be maintained in all helicopter loading and unloading areas.

(h) *Operator responsibility.* The helicopter operator shall be responsible for size, weight, and manner in which loads are connected to the helicopter. If, for any reason, the helicopter operator believes the lift cannot be made safely, the lift shall not be made.

(i) *Hooking and unhooking loads.* When employees are required to perform work under hovering craft, a safe means of access shall be provided for employees to reach the hoist line hook and engage or disengage cargo slings. Employees shall not perform work under hovering craft except when necessary to hook or unhook loads.

(j) *Static charge.* Static charge on the suspended load shall be dissipated with a grounding device before ground personnel touch the suspended load, or protective rubber gloves shall be worn by all ground personnel touching the suspended load.

(k) *Weight limitation.* The weight of an external load shall not exceed the manufacturer's rating.

(l) *Ground lines.* Hoist wires or other gear, except for pulling lines or conductors that are allowed to "pay out" from a container or roll off a reel, shall not be attached to any fixed ground structure, or allowed to foul on any fixed structure.

(m) *Visibility.* When visibility is reduced by dust or other conditions, ground personnel shall exercise special caution to keep clear of main and stabilizing rotors. Precautions shall also be taken by the employer to eliminate as far as practical reduced visibility.

(n) *Signal systems.* Signal systems between aircrew and ground personnel shall be understood and checked in advance of hoisting the load. This applies to either radio or hand signal systems. Hand signals shall be as shown in Figure N–1.

(o) *Approach distance.* No unauthorized person shall be allowed to approach within 50 feet of the helicopter when the rotor blades are turning.

(p) *Approaching helicopter.* Whenever approaching or leaving a helicopter with blades rotating, all employees shall remain in full view of the pilot and keep in a crouched position. Employees shall avoid the area from the cockpit or cabin rearward unless authorized by the helicopter operator to work there.

(q) *Personnel.* Sufficient ground personnel shall be provided when required for safe helicopter loading and unloading operations.

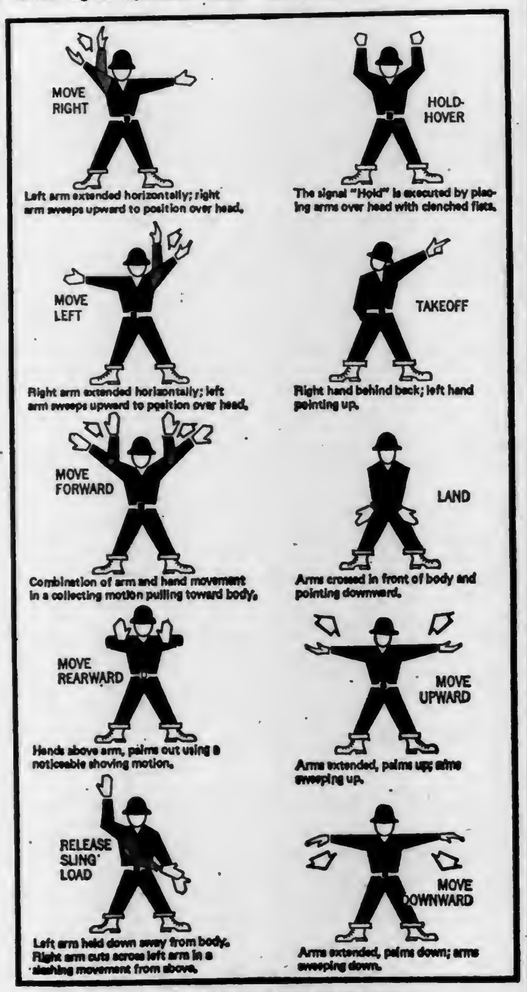


FIGURE N-1 HELICOPTER HAND SIGNAL

(r) *Communications.* There shall be constant reliable communication between the pilot, and a designated employee of the ground crew who acts as a signalman during the period of loading and unloading. This signalman shall be distinctly recognizable from other ground personnel.

(s) *Fires.* Open fires shall not be permitted in an area that could result in such fires being spread by the rotor downwash.

§ 1926.552 Material hoists, personnel hoists, and elevators.

(a) *General requirements.* (1) The employer shall comply with the manufacturer's specifications and limitations applicable to the operation of all hoists and elevators. Where manufacturer's specifications are not available, the limitations assigned to the equipment shall be based on the determinations of a professional engineer competent in the field.

(2) Rated load capacities, recommended operating speeds, and special hazard warnings or instructions shall be posted on cars and platforms.

(3) Wire rope shall be removed from service when any of the following conditions exists:

(i) In hoisting ropes, six randomly distributed broken wires in one rope lay or three broken wires in one strand in one rope lay;

(ii) Abrasion, scrubbing, flattening, or peening, causing loss of more than one-third of the original diameter of the outside wires;

(iii) Evidence of any heat damage resulting from a torch or any damage caused by contact with electrical wires;

(iv) Reduction from nominal diameter of more than three sixty-fourths inch for diameters up to and including three-fourths inch; one-sixteenth inch for diameters seven-eighths to 1⅛ inches; and three thirty-seconds inch for diameters 1¼ to 1½ inches.

(4) Hoisting ropes shall be installed in accordance with the wire rope manufacturer's recommendations.

(5) The installation of live booms on hoists is prohibited.

(6) The use of endless belt-type manlifts on construction shall be prohibited.

(b) *Material hoists.* (1) (i) Operating rules shall be established and posted at the operator's station of the hoist. Such rules shall include signal system and allowable line speed for various loads. Rules and notices shall be posted on the car frame or crosshead in a conspicuous location, including the statement "No Riders Allowed."

(ii) No person shall be allowed to ride on material hoists except for the purposes of inspection and maintenance.

(2) All entrances of the hoistways shall be protected by substantial gates or bars which shall guard the full width of the landing entrance. All hoistway entrance bars and gates shall be painted with diagonal contrasting colors, such as black and yellow stripes.

(i) Bars shall be not less than 2- by 4-inch wooden bars or the equivalent, located 2 feet from the hoistway line. Bars shall be located not less than 36 inches nor more than 42 inches above the floor.

(ii) Gates or bars protecting the entrances to hoistways shall be equipped with a latching device.

(3) Overhead protective covering of 2-inch planking, ¾-inch plywood, or other solid material of equivalent strength, shall be provided on the top of every material hoist cage or platform.

(4) The operator's station of a hoisting machine shall be provided with overhead protection equivalent to tight planking not less than 2 inches thick. The support for the overhead protection shall be of equal strength.

(5) Hoist towers may be used with or without an enclosure on all sides. However, whichever alternative is chosen, the following applicable conditions shall be met:

(i) When a hoist tower is enclosed, it shall be enclosed on all sides for its entire height with a screen enclosure of ½-inch mesh, No. 18 U.S. gauge wire or equivalent, except for landing access.

(ii) When a hoist tower is not enclosed, the hoist platform or car shall be totally enclosed (caged) on all sides for the full height between the floor and the overhead protective covering with ½-inch mesh of No. 14 U.S. gauge wire or equivalent. The hoist platform enclosure shall include the required gates for loading and unloading. A 6-foot high enclosure shall be provided on the unused sides of the hoist tower at ground level.

(6) Car arresting devices shall be installed to function in case of rope failure.

(7) All material hoist towers shall be designed by a licensed professional engineer.

(8) All material hoists shall conform to the requirements of ANSI A10.5–1969, Safety Requirements for Material Hoists.

(c) *Personnel hoists.* (1) Hoist towers outside the structure shall be enclosed for the full height on the side or sides used for entrance and exit to the structure. At the lowest landing, the enclosure on the sides not used for exit or entrance to the structure shall be enclosed to a height of at least 10 feet. Other sides of the tower adjacent to floors or scaffold platforms shall be enclosed to a height of 10 feet above the level of such floors or scaffolds.

(2) Towers inside of structures shall be enclosed on all four sides throughout the full height.

(3) Towers shall be anchored to the structure at intervals not exceeding 25 feet. In addition to tie-ins, a series of guys shall be installed. Where tie-ins are not practical the tower shall be anchored by means of guys made of wire rope at least one-half inch in diameter, securely fastened to anchorage to ensure stability.

(4) Hoistway doors or gates shall be not less than 6 feet 6 inches high and shall be provided with mechanical locks which cannot be operated from the landing side, and shall be accessible only to persons on the car.

(5) Cars shall be permanently enclosed on all sides and the top, except sides used for entrance and exit which have car gates or doors.

(6) A door or gate shall be provided at each entrance to the car which shall protect the full width and height of the car entrance opening.

(7) Overhead protective covering of 2-inch planking, ¾-inch plywood or other solid material of equivalent strength shall be provided on the top of every personnel hoist.

(8) Doors or gates shall be provided with electric contacts which do not allow movement of the hoist when door or gate is open.

(9) Safeties shall be capable of stopping and holding the car and rated load when traveling at governor tripping speed.

(10) Cars shall be provided with a capacity and data plate secured in a conspicuous place on the car or crosshead.

(11) Internal combustion engines shall not be permitted for direct drive.

(12) Normal and final terminal stopping devices shall be provided.

(13) An emergency stop switch shall be provided in the car and marked "Stop."

(14) Ropes: (i) The minimum number of hoisting ropes used shall be three for traction hoists and two for drum-type hoists.

(ii) The minimum diameter of hoisting and counterweight wire ropes shall be ½-inch.

(iii) Safety factors:

MINIMUM FACTORS OF SAFETY FOR SUSPENSION WIRE ROPES

Rope speed in feet per minute:	*Minimum factor of safety*
50	7.60
75	7.75
100	7.95
125	8.10
150	8.25
175	8.40
200	8.60
225	8.75
250	8.90
300	9.20
350	9.50
400	9.75
450	10.00
500	10.25
550	10.45
600	10.70

(15) Following assembly and erection of hoists, and before being put in service, an inspection and test of all functions and safety devices shall be made under the supervision of a competent person. A similar inspection and test is required following major alteration of an existing installation. All hoists shall be inspected and tested at not more than 3-month intervals. Records shall be maintained and kept on file for the duration of the job.

(16) All personnel hoists used by employees shall be constructed of materials and components which meet the specifications for materials, construction, safety devices, assembly, and structural integrity as stated in the American National Standard A10.4–1963, Safety Requirements for Workmen's Hoists. The requirements of this subparagraph (16)

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do not apply to cantilever type personnel hoists.

(17) (i) Personnel hoists used in bridge tower construction shall be approved by a registered professional engineer and erected under the supervision of a qualified engineer competent in this field.

(ii) When a hoist tower is not enclosed, the hoist platform or car shall be totally enclosed (caged) on all sides for the full height between the floor and the overhead protective covering with ¾-inch mesh of No. 14 U.S. gauge wire or equivalent. The hoist platform enclosure shall include the required gates for loading and unloading.

(iii) These hoists shall be inspected and maintained on a weekly basis. Whenever the hoisting equipment is exposed to winds exceeding 35 miles per hour it shall be inspected and put in operable condition before reuse.

(iv) Wire rope shall be taken out of service when any of the following conditions exist:

(a) In running ropes, six randomly distributed broken wires in one lay or three broken wires in one strand in one lay;

(b) Wear of one-third the original diameter of outside individual wires. Kinking, crushing, bird caging, or any other damage resulting in distortion of the rope structure;

(c) Evidence of any heat damage from any cause;

(d) Reductions from nominal diameter of more than three-sixty-fourths inch for diameters to and including three-fourths inch, one sixteenth inch for diameters seven-eighths inch to 1⅛ inches inclusive, three-thirty-seconds inch for diameters 1¼ to 1½ inches inclusive;

(e) In standing ropes, more than two broken wires in one lay in sections beyond end connections or more than one broken wire at an end connection.

(d) Permanent elevators under the care and custody of the employer and used by employees for work covered by this Act shall comply with the requirements of American National Standards Institute A17.1–1965 with addenda A17.1a–1967, A17.1b–1968, A17.1c–1969, A17.1d–1970, and inspected in accordance with A17.2–1960 with addenda A17.2a–1965, A17.2b–1967.

§ 1926.553 Base-mounted drum hoists.

(a) *General requirements.* (1) Exposed moving parts such as gears, projecting screws, setscrews, chain, cables, chain sprockets, and reciprocating or rotating parts, which constitute a hazard, shall be guarded.

(2) All controls used during the normal operation cycle shall be located within easy reach of the operator's station.

(3) Electric motor operated hoists shall be provided with:

(i) A device to disconnect all motors from the line upon power failure and not permit any motor to be restarted until the controller handle is brought to the "off" position;

(ii) Where applicable, an overspeed preventive device;

(iii) A means whereby remotely operated hoists stop when any control is ineffective.

(4) All base-mounted drum hoists in use shall meet the applicable requirements for design, construction, installation, testing, inspection, maintenance, and operations, as prescribed by the manufacturer.

(b) *Specific requirements.* [Reserved]

§ 1926.554 Overhead hoists.

(a) *General requirements.* (1) The safe working load of the overhead hoist, as determined by the manufacturer, shall be indicated on the hoist, and this safe working load shall not be exceeded.

(2) The supporting structure to which the hoist is attached shall have a safe working load equal to that of the hoist.

(3) The support shall be arranged so as to provide for free movement of the hoist and shall not restrict the hoist from lining itself up with the load.

(4) The hoist shall be installed only in locations that will permit the operator to stand clear of the load at all times.

(5) Air hoists shall be connected to an air supply of sufficient capacity and pressure to safely operate the hoist. All air hoses supplying air shall be positively connected to prevent their becoming disconnected during use.

(6) All overhead hoists in use shall meet the applicable requirements for construction, design, installation, testing, inspection, maintenance, and operation, as prescribed by the manufacturer.

(b) *Specific requirements.* [Reserved]

§ 1926.555 Conveyors.

(a) *General requirements.* (1) Means for stopping the motor or engine shall be provided at the operator's station. Conveyor systems shall be equipped with an audible warning signal to be sounded immediately before starting up the conveyor.

(2) If the operator's station is at a remote point, similar provisions for stopping the motor or engine shall be provided at the motor or engine location.

(3) Emergency stop switches shall be arranged so that the conveyor cannot be started again until the actuating stop switch has been reset to running or "On" position.

(4) Screw conveyors shall be guarded to prevent employee contact with turning flights.

(5) Where a conveyor passes over work areas, aisles, or thoroughfares, suitable guards shall be provided to protect employees required to work below the conveyors.

(6) All crossovers, aisles, and passageways shall be conspicuously marked by suitable signs, as required by Subpart G of this part.

(7) Conveyors shall be locked out or otherwise rendered inoperable, and tagged out with a "Do Not Operate" tag during repairs and when operation is hazardous to employees performing maintenance work.

(8) All conveyors in use shall meet the applicable requirements for design, construction, inspection, testing, maintenance, and operation, as prescribed in the ANSI B20.1–1957, Safety Code for Conveyors, Cableways, and Related Equipment.

§ 1926.556 Aerial lifts.

(a) *General requirements.* (1) Unless otherwise provided in this section, aerial lifts acquired for use on or after the effective date of this section shall be designed and constructed in conformance with the applicable requirements of the American National Standard for "Vehicle Mounted Elevating and Rotating Work Platforms," ANSI A92.2–1969, including appendix. Aerial lifts acquired before the effective date of this section, which do not meet the requirements of ANSI A92.2–1969, may not be used after January 1, 1976, unless they shall have been modified so as to conform with the applicable design and construction requirements of ANSI A92.2–1969. Aerial lifts include the following types of vehicle-mounted aerial devices used to elevate personnel to jobsites above ground: (i) Extensible boom platforms, (ii) aerial ladders, (iii) articulating boom platforms, (iv) vertical towers, and (v) a combination of any of the above. Aerial equipment may be made of metal, wood, fiberglass reinforced plastic (FRP), or other material; may be powered or manually operated; and are deemed to be aerial lifts whether or not they are capable of rotating about a substantially vertical axis.

(2) Aerial lifts may be "field modified" for uses other than those intended by the manufacturer provided the modification has been certified in writing by the manufacturer or by any other equivalent entity, such as a nationally recognized testing laboratory, to be in conformity with all applicable provisions of ANSI A92.2–1969 and this section and to be at least as safe as the equipment was before modification.

(b) *Specific requirements*—(1) *Ladder trucks and tower trucks.* Aerial ladders shall be secured in the lower traveling position by the locking device on top of the truck cab, and the manually operated device at the base of the ladder before the truck is moved for highway travel.

(2) *Extensible and articulating boom platforms.* (i) Lift controls shall be tested each day prior to use to determine that such controls are in safe working condition.

(ii) Only authorized persons shall operate an aerial lift.

(iii) Belting off to an adjacent pole, structure, or equipment while working from an aerial lift shall not be permitted.

(iv) Employees shall always stand firmly on the floor of the basket, and shall not sit or climb on the edge of the basket or use planks, ladders, or other devices for a work position.

(v) A body belt shall be worn and a lanyard attached to the boom or basket when working from an aerial lift.

(vi) Boom and basket load limits specified by the manufacturer shall not be exceeded.

(vii) The brakes shall be set and when outriggers are used, they shall be positioned on pads or a solid surface. Wheel chocks shall be installed before using an aerial lift on an incline, provided they can be safely installed.

(viii) An aerial lift truck shall not be moved when the boom is elevated in a working position with men in the basket, except for equipment which is specifically designed for this type of operation in accordance with the provisions of subparagraphs (1) and (2) of paragraph (a) of this section.

(ix) Articulating boom and extensible boom platforms, primarily designed as personnel carriers, shall have both platform (upper) and lower controls. Upper controls shall be in or beside the platform within easy reach of the operator. Lower controls shall provide for overriding the upper controls. Controls shall be plainly marked as to their function. Lower level controls shall not be operated unless permission has been obtained from the employee in the lift, except in case of emergency.

(x) Climbers shall not be worn while performing work from an aerial lift.

(xi) The insulated portion of an aerial lift shall not be altered in any manner that might reduce its insulating value.

(xii) Before moving an aerial lift for travel, the boom(s) shall be inspected to see that it is properly cradled and outriggers are in stowed position except as provided in subdivision (viii) of this subparagraph.

(3) *Electrical tests.* All electrical tests shall conform to the requirements of ANSI A92.2–1969 section 5. However equivalent d.c. voltage tests may be used in lieu of the a.c. voltage specified in A92.2–1969; d.c. voltage tests which are approved by the equipment manufacturer or equivalent entity shall be considered an equivalent test for the purpose of this subparagraph (3).

(4) *Bursting safety factor.* The provisions of the American National Standards Institute standard ANSI A92.2–1969, section 4.9 Bursting Safety Factor shall apply to all critical hydraulic and pneumatic components. Critical components are those in which a failure would result in a free fall or free rotation of the boom. All noncritical components shall have a bursting safety factor of at least 2 to 1.

(5) *Welding standards.* All welding shall conform to the following standards as applicable:

(i) Standard Qualification Procedure, AWS B3.0–41.

(ii) Recommended Practices for Automotive Welding Design, AWS D8.4–61.

(iii) Standard Qualification of Welding Procedures and Welders for Piping and Tubing, AWS D10.9–69.

(iv) Specifications for Welding Highway and Railway Bridges, AWS D2.0–69.

Subpart O—Motor Vehicles, Mechanized Equipment, and Marine Operations

§ 1926.600 Equipment.

(a) *General requirements.* (1) All equipment left unattended at night, adjacent to a highway in normal use, or adjacent to construction areas where work is in progress, shall have appropriate lights or reflectors, or barricades equipped with appropriate lights or reflectors, to identify the location of the equipment.

(2) A safety tire rack, cage, or equivalent protection shall be provided and used when inflating, mounting, or dismounting tires installed on split rims, or rims equipped with locking rings or similar devices.

(3) (i) Heavy machinery, equipment, or parts thereof, which are suspended or held aloft by use of slings, hoists, or jacks shall be substantially blocked or cribbed to prevent falling or shifting before employees are permitted to work under or between them. Bulldozer and scraper blades, end-loader buckets, dump bodies, and similar equipment, shall be either fully lowered or blocked when being repaired or when not in use. All controls shall be in a neutral position, with the motors stopped and brakes set, unless work being performed requires otherwise.

(ii) Whenever the equipment is parked, the parking brake shall be set. Equipment parked on inclines shall have the wheels chocked and the parking brake set.

(4) The use, care and charging of all batteries shall conform to the requirements of Subpart K of this part.

(5) All cab glass shall be safety glass, or equivalent, that introduces no visible distortion affecting the safe operation of any machine covered by this subpart.

(6) All equipment covered by this subpart shall comply with the requirements of § 1518.550(a)(15) when working or being moved in the vicinity of power lines or energized transmitters.

(b) *Specific requirements.* [Reserved]

§ 1926.601 Motor vehicles.

(a) *Coverage.* Motor vehicles as covered by this part are those vehicles that operate within an off-highway jobsite, not open to public traffic. The requirements of this section do not apply to equipment for which rules are prescribed in § 1926.602.

(b) *General requirements.* (1) All vehicles shall have a service brake system, an emergency brake system, and a parking brake system. These systems may use common components, and shall be maintained in operable condition.

(2) (i) Whenever visibility conditions warrant additional light, all vehicles, or combinations of vehicles, in use shall be equipped with at least two headlights and two taillights in operable condition.

(ii) All vehicles, or combination of vehicles, shall have brake lights in operable condition regardless of light conditions.

(3) All vehicles shall be equipped with an adequate audible warning device at the operator's station and in an operable condition.

(4) No employer shall use any motor vehicle equipment having an obstructed view to the rear unless:

(i) The vehicle has a reverse signal alarm audible above the surrounding noise level or:

(ii) The vehicle is backed up only when an observer signals that it is safe to do so.

(5) All vehicles with cabs shall be equipped with windshields and powered wipers. Cracked and broken glass shall be replaced. Vehicles operating in areas or under conditions that cause fogging or frosting of the windshields shall be equipped with operable defogging or defrosting devices.

(6) All haulage vehicles, whose pay load is loaded by means of cranes, power shovels, loaders, or similar equipment, shall have a cab shield and/or canopy adequate to protect the operator from shifting or falling materials.

(7) Tools and material shall be secured to prevent movement when transported in the same compartment with employees.

(8) Vehicles used to transport employees shall have seats firmly secured and adequate for the number of employees to be carried.

(9) Seat belts and anchorages meeting the requirements of 49 CFR Part 571 (Department of Transportation, Federal Motor Vehicle Safety Standards) shall be installed in all motor vehicles.

(10) Trucks with dump bodies shall be equipped with positive means of support, permanently attached, and capable of being locked in position to prevent accidental lowering of the body while maintenance or inspection work is being done.

(11) Operating levers controlling hoisting or dumping devices on haulage bodies shall be equipped with a latch or other device which will prevent accidental starting or tripping of the mechanism.

(12) Trip handles for tailgates of dump trucks shall be so arranged that, in dumping, the operator will be in the clear.

(13) (i) All rubber-tired motor vehicle equipment manufactured on or after May 1, 1972, shall be equipped with fenders. All rubber-tired motor vehicle equipment manufactured before May 1, 1972, shall be equipped with fenders not later than May 1, 1973.

(ii) Mud flaps may be used in lieu of fenders whenever motor vehicle equipment is not designed for fenders.

(14) All vehicles in use shall be checked at the beginning of each shift to assure that the following parts, equipment, and accessories are in safe operating condition and free of apparent damage that could cause failure while in use: service brakes, including trailer brake connections; parking system (hand brake); emergency stopping system (brakes); tires; horn; steering mechanism; coupling devices; seat belts; operating controls; and safety devices. All defects shall be corrected before the vehicle is placed in service. These requirements also apply to equipment such as lights, reflectors, windshield

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wipers, defrosters, fire extinguishers, etc., where such equipment is necessary.

§ 1926.602 Material handling equipment.

(a) *Earthmoving equipment; General* (1) These rules apply to the following types of earthmoving equipment: scrapers, loaders, crawler or wheel tractors, bulldozers, off-highway trucks, graders, agricultural and industrial tractors, and similar equipment. The promulgation of specific rules for compactors and rubber-tired "skid-steer" equipment is reserved pending consideration of standards currently being developed.

(2) *Seat belts.* (i) Seat belts shall be provided on all equipment covered by this section and shall meet the requirements of the Society of Automotive Engineers, J386–1969, Seat Belts for Construction Equipment. Seat belts for agricultural and light industrial tractors shall meet the seat belt requirements of Society of Automotive Engineers J333a–1970, Operator Protection for Agricultural and Light Industrial Tractors.

(ii) Seat belts need not be provided for equipment which is designed only for standup operation.

(iii) Seat belts need not be provided for equipment which does not have rollover protective structure (ROPS) or adequate canopy protection.

(3) *Access roadways and grades.* (i) No employer shall move or cause to be moved construction equipment or vehicles upon any access roadway or grade unless the access roadway or grade is constructed and maintained to accommodate safely the movement of the equipment and vehicles involved.

(ii) Every emergency access ramp and berm used by an employer shall be constructed to restrain and control runaway vehicles.

(4) *Brakes.* All earthmoving equipment mentioned in this § 1926.602(a) shall have a service braking system capable of stopping and holding the equipment fully loaded, as specified in Society of Automotive Engineers SAE–J237, Loader Dozer–1971, J236, Graders–1971, and J319b, Scrapers–1971. Brake systems for self-propelled rubber-tired off-highway equipment manufactured after January 1, 1972 shall meet the applicable minimum performance criteria set forth in the following Society of Automotive Engineers Recommended Practices:

Self-Propelled Scrapers --	SAE J319b–1971
Self-Propelled Graders ---	SAE J236–1971
Trucks and Wagons ---	SAE J166–1971
Front End Loaders and Dozers -----	SAE J237–1971

(5) *Fenders.* Pneumatic-tired earthmoving haulage equipment (trucks, scrapers, tractors, and trailing units) whose maximum speed exceeds 15 miles per hour, shall be equipped with fenders on all wheels to meet the requirements of Society of Automotive Engineers SAE J321a–1970, Fenders for Pneumatic-Tired Earthmoving Haulage Equipment. An employer may, of course, at any time seek to show under § 1926.2, that the uncovered wheels present no hazard to personnel from flying materials.

(6) *Rollover protective structures (ROPS).* See Subpart W of this part for requirements for rollover protective structures and overhead protection.

(7) *Rollover protective structures for off-highway trucks.* The promulgation of standards for rollover protective structures for off-highway trucks is reserved pending further study and development.

(8) *Specific effective dates—brakes and fenders.* (i) Equipment mentioned in paragraph (a) (4) and (5) of this section, and manufactured after January 1, 1972, which is used by any employer after that date, shall comply with the applicable rules prescribed therein concerning brakes and fenders. Equipment mentioned in paragraph (a) (4) and (5) of this section, and manufactured before January 1, 1972, which is used by any employer after that date, shall meet the applicable rules prescribed herein not later than June 30, 1973. It should be noted that, as permitted under § 1926.2, employers may request variations from the applicable brakes and fender standards required by this subpart. Employers wishing to seek variations from the applicable brakes and fenders rules may submit any requests for variations after the publication of this document in the FEDERAL REGISTER. Any statements intending to meet the requirements of § 1926.2(b)(4), should specify how the variation would protect the safety of the employees by providing for any compensating restrictions on the operation of equipment.

(ii) Notwithstanding the provisions of paragraphs (a)(5) and (a)(8)(i) of this section, the requirement that fenders be installed on pneumatic-tired earthmoving haulage equipment, is suspended pending reconsideration of the requirement.

(9) *Audible alarms.* (i) All bidirectional machines, such as rollers, compacters, front-end loaders, bulldozers, and similar equipment, shall be equipped with a horn, distinguishable from the surrounding noise level, which shall be operated as needed when the machine is moving in either direction. The horn shall be maintained in an operative condition.

(ii) No employer shall permit earthmoving or compacting equipment which has an obstructed view to the rear to be used in reverse gear unless the equipment has in operation a reverse signal alarm distinguishable from the surrounding noise level or an employee signals that it is safe to do so.

(10) *Scissor points.* Scissor points on all front-end loaders, which constitute a hazard to the operator during normal operation, shall be guarded.

(b) *Excavating and other equipment.* (1) Tractors covered in paragraph (a) of this section shall have seat belts as required for the operators when seated in the normal seating arrangement for tractor operation, even though backhoes, breakers, or other similar attachments are used on these machines for excavating or other work.

(2) For the purposes of this subpart and of Subpart N of this part, the nomenclatures and descriptions for measurement of dimensions of machinery and attachments shall be as described in Society of Automotive Engineers 1970 Handbook, pages 1088 through 1103.

(3) The safety requirements, ratios, or limitations applicable to machines or attachment usage covered in Power Crane and Shovel Associations Standards No. 1 and No. 2 of 1968, and No. 3 of 1969, shall be complied with, and shall apply to cranes, machines, and attachments under this part.

(c) *Lifting and hauling equipment (other than equipment covered under Subpart N of this part).* (1) Industrial trucks shall meet the requirements of § 1926.600 and the following:

(i) Lift trucks, stackers, etc., shall have the rated capacity clearly posted on the vehicle so as to be clearly visible to the operator. When auxiliary removable counterweights are provided by the manufacturer, corresponding alternate rated capacities also shall be clearly shown on the vehicle. These ratings shall not be exceeded.

(ii) No modifications or additions which affect the capacity or safe operation of the equipment shall be made without the manufacturer's written approval. If such modifications or changes are made, the capacity, operation, and maintenance instruction plates, tags, or decals shall be changed accordingly. In no case shall the original safety factor of the equipment be reduced.

(iii) If a load is lifted by two or more trucks working in unison, the proportion of the total load carried by any one truck shall not exceed its capacity.

(iv) Steering or spinner knobs shall not be attached to the steering wheel unless the steering mechanism is of a type that prevents road reactions from causing the steering handwheel to spin. The steering knob shall be mounted within the periphery of the wheel.

(v) All high lift rider industrial trucks shall be equipped with overhead guards which meet the configuration and structural requirements as defined in paragraph 421 of American National Standards Institute B56.1–1969, Safety Standards for Powered Industrial Trucks.

(vi) All industrial trucks in use shall meet the applicable requirements of design, construction, stability, inspection, testing, maintenance, and operation, as defined in American National Standards Institute B56.1–1969, Safety Standards for Powered Industrial Trucks.

(Sec. 6, Pub. L. 91–596, 84 Stat. 1593 (29 U.S.C. 655)) [37 FR 27503, Dec. 16, 1972, as amended at 38 FR 16856, June 27, 1973]

§ 1926.603 Pile driving equipment.

(a) *General requirements.* (1) Boilers and piping systems which are a part of, or used with, pile driving equipment shall meet the applicable requirements of the American Society of Mechanical Engineers, Power Boilers (section I).

(2) All pressure vessels which are a part of, or used with, pile driving equipment shall meet the applicable requirements of the American Society of Mechanical Engineers, Pressure Vessels (section VIII).

(3) Overhead protection, which will not obscure the vision of the operator and which meets the requirements of Subpart N of this part, shall be provided. Protection shall be the equivalent of 2-inch planking or other solid material of equivalent strength.

(4) Stop blocks shall be provided for the leads to prevent the hammer from being raised against the head block.

(5) A blocking device, capable of safely supporting the weight of the hammer, shall be provided for placement in the leads under the hammer at all times while employees are working under the hammer.

(6) Guards shall be provided across the top of the head block to prevent the cable from jumping out of the sheaves.

(7) When the leads must be inclined in the driving of batter piles, provisions shall be made to stabilize the leads.

(8) Fixed leads shall be provided with ladder, and adequate rings, or similar attachment points, so that the loft worker may engage his safety belt lanyard to the leads. If the leads are provided with loft platform(s), such platform(s) shall be protected by standard guardrails.

(9) Steam hose leading to a steam hammer or jet pipe shall be securely attached to the hammer with an adequate length of at least ¼-inch diameter chain or cable to prevent whipping in the event the joint at the hammer is broken. Air hammer hoses shall be provided with the same protection as required for steam lines.

(10) Safety chains, or equivalent means, shall be provided for each hose connection to prevent the line from thrashing around in case the coupling becomes disconnected.

(11) Steam line controls shall consist of two shutoff valves, one of which shall be a quick-acting lever type within easy reach of the hammer operator.

(12) Guys, outriggers, thrustouts, or counterbalances shall be provided as necessary to maintain stability of pile driver rigs.

(b) *Pile driving from barges and floats.* Barges or floats supporting pile driving operations shall meet the applicable requirements of § 1926.605.

(c) *Pile driving equipment.* (1) Engineers and winchmen shall accept signals only from the designated signalmen.

(2) All employees shall be kept clear when piling is being hoisted into the leads.

(3) When piles are being driven in an excavated pit, the walls of the pit shall be sloped to the angle of repose or sheetpiled and braced.

(4) When steel tube piles are being "blown out", employees shall be kept well beyond the range of falling materials.

(5) When it is necessary to cut off the tops of driven piles, pile driving operations shall be suspended except where the cutting operations are located at least twice the length of the longest pile from the driver.

(6) When driving jacked piles, all access pits shall be provided with ladders and bulkheaded curbs to prevent material from falling into the pit.

§ 1926.604 Site clearing.

(a) *General requirements.* (1) Employees engaged in site clearing shall be protected from hazards of irritant and toxic plants and suitably instructed in the first aid treatment available.

(2) All equipment used in site clearing operations shall be equipped with rollover guards meeting the requirements of this subpart. In addition, rider-operated equipment shall be equipped with an overhead and rear canopy guard meeting the following requirements:

(i) The overhead covering on this canopy structure shall be of not less than ½-inch steel plate or ¼-inch woven wire mesh with openings no greater than 1 inch, or equivalent.

(ii) The opening in the rear of the canopy structure shall be covered with not less than ¼-inch woven wire mesh with openings no greater than 1 inch.

(b) *Specific requirements.* [Reserved]

§ 1926.605 Marine operations and equipment.

(a) *Material handling operations.* (1) Operations fitting the definition of "material handling" shall be performed in conformance with applicable requirements of Part 1918, "Safety and Health Regulations for Longshoring" of this chapter. The term "longshoring operations" means the loading, unloading, moving, or handling of construction materials, equipment and supplies, etc. into, in, on, or out of any vessel from a fixed structure or shore-to-vessel, vessel-to-shore or fixed structure or vessel-to-vessel.

(b) *Access to barges.* (1) Ramps for access of vehicles to or between barges shall be of adequate strength, provided with side boards, well maintained, and properly secured.

(2) Unless employees can step safely to or from the wharf, float, barge, or river towboat, either a ramp, meeting the requirements of subparagraph (1) of this paragraph, or a safe walkway, shall be provided.

(3) Jacob's ladders shall be of the double rung or flat tread type. They shall be well maintained and properly secured.

(4) A Jacob's ladder shall either hang without slack from its lashings or be pulled up entirely.

(5) When the upper end of the means of access rests on or is flush with the top of the bulwark, substantial steps, properly secured and equipped with at least one substantial hand rail approximately 33 inches in height, shall be provided between the top of the bulwark and the deck.

(6) Obstructions shall not be laid on or across the gangway.

(7) The means of access shall be adequately illuminated for its full length.

(8) Unless the structure makes it impossible, the means of access shall be so located that the load will not pass over employees.

(c) *Working surfaces of barges.* (1) Employees shall not be permitted to walk along the sides of covered lighters or barges with coamings more than 5 feet high, unless there is a 3-foot clear walkway, or a grab rail, or a taut handline is provided.

(2) Decks and other working surfaces shall be maintained in a safe condition.

(3) Employees shall not be permitted to pass fore and aft, over, or around deckloads, unless there is a safe passage.

(4) Employees shall not be permitted to walk over deckloads from rail to coaming unless there is a safe passage. If it is necessary to stand at the outboard or inboard edge of the deckload where less than 24 inches of bulwark, rail, coaming, or other protection exists, all employees shall be provided with a suitable means of protection against falling from the deckload.

(d) *First-aid and lifesaving equipment.* (1) Provisions for rendering first aid and medical assistance shall be in accordance with Subpart D of this part.

(2) The employer shall ensure that there is in the vicinity of each barge in use at least one U.S. Coast Guard-approved 30-inch lifering with not less than 90 feet of line attached, and at least one portable or permanent ladder which will reach the top of the apron to the surface of the water. If the above equipment is not available at the pier, the employer shall furnish it during the time that he is working the barge.

(3) Employees walking or working on the unguarded decks of barges shall be protected with U.S. Coast Guard-approved work vests or buoyant vests.

(e) *Diving operations.* [Reserved]

§ 1926.606 Definitions applicable to this subpart.

(a) "Apron"—The area along the waterfront edge of the pier or wharf.

(b) "Bulwark"—The side of a ship above the upper deck.

(c) "Coaming"—The raised frame, as around a hatchway in the deck, to keep out water.

(d) "Jacob's ladder"—A marine ladder of rope or chain with wooden or metal rungs.

(e) "Rail", for the purpose of § 1926.605, means a light structure serving as a guard at the outer edge of a ship's deck.

Subpart P—Excavations, Trenching, and Shoring

§ 1926.650 General protection requirements.

(a) Walkways, runways, and sidewalks shall be kept clear of excavated material or other obstructions and no sidewalks shall be undermined unless shored to carry a minimum live load of one hundred and twenty-five (125) pounds per square foot.

(b) If planks are used for raised walkways, runways, or sidewalks, they shall be laid parallel to the length of the walk and fastened together against displacement.

(c) Planks shall be uniform in thickness and all exposed ends shall be pro-

vided with beveled cleats to prevent tripping.

(d) Raised walkways, runways, and sidewalks shall be provided with plank steps on strong stringers. Ramps, used in lieu of steps, shall be provided with cleats to insure a safe walking surface.

(e) All employees shall be protected with personal protective equipment for the protection of the head, eyes, respiratory organs, hands, feet, and other parts of the body as set forth in Subpart E of this part.

(f) Employees exposed to vehicular traffic shall be provided with and shall be instructed to wear warning vests marked with or made of reflectorized or high visibility material.

(g) Employees subjected to hazardous dusts, gases, fumes, mists, or atmospheres deficient in oxygen, shall be protected with approved respiratory protection as set forth in Subpart D of this part.

(h) No person shall be permitted under loads handled by power shovels, derricks, or hoists. To avoid any spillage employees shall be required to stand away from any vehicle being loaded.

(i) Daily inspections of excavations shall be made by a competent person. If evidence of possible cave-ins or slides is apparent, all work in the excavation shall cease until the necessary precautions have been taken to safeguard the employees.

§ 1926.651 Specific excavation requirements.

(a) Prior to opening an excavation, effort shall be made to determine whether underground installations; i.e., sewer, telephone, water, fuel, electric lines, etc., will be encountered, and if so, where such underground installations are located. When the excavation approaches the estimated location of such an installation, the exact location shall be determined and when it is uncovered, proper supports shall be provided for the existing installation. Utility companies shall be contacted and advised of proposed work prior to the start of actual excavation.

(b) Trees, boulders, and other surface encumbrances, located so as to create a hazard to employees involved in excavation work or in the vicinity thereof at any time during operations, shall be removed or made safe before excavating is begun.

(c) The walls and faces of all excavations in which employees are exposed to danger from moving ground shall be guarded by a shoring system, sloping of the ground, or some other equivalent means.

(d) Excavations shall be inspected by a competent person after every rainstorm or other hazard-increasing occurrence, and the protection against slides and cave-ins shall be increased if necessary.

(e) The determination of the angle of repose and design of the supporting system shall be based on careful evaluation of pertinent factors such as: Depth of cut; possible variation in water content of the material while the excavation is open; anticipated changes in materials from exposure to air, sun, water, or freezing; loading imposed by structures, equipment, overlying material, or stored material; and vibration from equipment, blasting, traffic, or other sources.

(f) Supporting systems; i.e., piling, cribbing, shoring, etc., shall be designed by a qualified person and meet accepted engineering requirements. When tie rods are used to restrain the top of sheeting or other retaining systems, the rods shall be securely anchored well back of the angle of repose. When tight sheeting or sheet piling is used, full loading due to ground water table shall be assumed, unless prevented by weep holes or drains or other means. Additional stringers, ties, and bracing shall be provided to allow for any necessary temporary removal of individual supports.

(g) All slopes shall be excavated to at least the angle of repose except for areas where solid rock allows for line drilling or presplitting.

(h) The angle of repose shall be flattened when an excavation has water conditions, silty materials, loose boulders, and areas where erosion, deep frost action, and slide planes appear.

(i) (1) In excavations which employees may be required to enter, excavated or other material shall be effectively stored and retained at least 2 feet or more from the edge of the excavation.

(2) As an alternative to the clearance prescribed in subparagraph (1) of this paragraph, the employer may use effective barriers or other effective retaining devices in lieu thereof in order to prevent excavated or other materials from falling into the excavation.

(j) Sides, slopes, and faces of all excavations shall meet accepted engineering requirements by scaling, benching, barricading, rock bolting, wire meshing, or other equally effective means. Special attention shall be given to slopes which may be adversely affected by weather or moisture content.

(k) Support systems shall be planned and designed by a qualified person when excavation is in excess of 20 feet in depth, adjacent to structures or improvements, or subject to vibration or ground water.

(l) Materials used for sheeting, sheet piling, cribbing, bracing, shoring, and underpinning shall be in good serviceable condition, and timbers shall be sound, free from large or loose knots, and of proper dimensions.

(m) Special precautions shall be taken in sloping or shoring the sides of excavations adjacent to a previously backfilled excavation or a fill, particularly when the separation is less than the depth of the excavation. Particular attention also shall be paid to joints and seams of material comprising a face and the slope of such seams and joints.

(n) Except in hard rock, excavations below the level of the base of footing of any foundation or retaining wall shall not be permitted, unless the wall is underpinned and all other precautions taken to insure the stability of the adjacent walls for the protection of employees involved in excavation work or in the vicinity thereof.

(o) If the stability of adjoining buildings or walls is endangered by excavations, shoring, bracing, or underpinning shall be provided as necessary to insure their safety. Such shoring, bracing, or underpinning shall be inspected daily or more often, as conditions warrant, by a competent person and the protection effectively maintained.

(p) Diversion ditches, dikes, or other suitable means shall be used to prevent surface water from entering an excavation and to provide adequate drainage of the area adjacent to the excavation. Water shall not be allowed to accumulate in an excavation.

(q) If it is necessary to place or operate power shovels, derricks, trucks, materials, or other heavy objects on a level above and near an excavation, the side of the excavation shall be sheet-piled, shored, and braced as necessary to resist the extra pressure due to such superimposed loads.

(r) Blasting and the use of explosives shall be performed in accordance with Subpart U of this part.

(s) When mobile equipment is utilized or allowed adjacent to excavations, substantial stop logs or barricades shall be installed. If possible, the grade should be away from the excavation.

(t) Adequate barrier physical protection shall be provided at all remotely located excavations. All wells, pits, shafts, etc., shall be barricaded or covered. Upon completion of exploration and similar operations, temporary wells, pits, shafts, etc., shall be backfilled.

(u) If possible, dust conditions shall be kept to a minimum by the use of water, salt, calcium chloride, oil, or other means.

(v) In locations where oxygen deficiency or gaseous conditions are possible, air in the excavation shall be tested. Controls, as set forth in Subparts D and E of this part, shall be established to assure acceptable atmospheric conditions. When flammable gases are present, adequate ventilation shall be provided or sources of ignition shall be eliminated. Attended emergency rescue equipment, such as breathing apparatus, a safety harness and line, basket stretcher, etc., shall be readily available where adverse atmospheric conditions may exist or develop in an excavation.

(w) Where employees or equipment are required or permitted to cross over excavations, walkways or bridges with standard guardrails shall be provided.

(x) Where ramps are used for employees or equipment, they shall be designed and constructed by qualified persons in accordance with accepted engineering requirements.

(y) All ladders used on excavation operations shall be in accordance with the requirements of Subpart L of this part.

§ 1926.652 Specific trenching requirements.

(a) Banks more than 5 feet high shall be shored, laid back to a stable slope, or some other equivalent means of protection shall be provided where employees may be exposed to moving ground or cave-ins. Refer to Table P-1 as a guide in sloping of banks. Trenches less than 5 feet in depth shall also be effectively protected when examination of the ground

indicates hazardous ground movement may be expected.

(b) Sides of trenches in unstable or soft material, 5 feet or more in depth, shall be shored, sheeted, braced, sloped, or otherwise supported by means of sufficient strength to protect the employees working within them. See Tables P-1, P-2 (following paragraph (g) of this section).

(c) Sides of trenches in hard or compact soil, including embankments, shall be shored or otherwise supported when the trench is more than 5 feet in depth and 8 feet or more in length. In lieu of shoring, the sides of the trench above the 5-foot level may be sloped to preclude collapse, but shall not be steeper than a 1-foot rise to each ½-foot horizontal. When the outside diameter of a pipe is greater than 6 feet, a bench of 4-foot minimum shall be provided at the toe of the sloped portion.

(d) Materials used for sheeting and sheet piling, bracing, shoring, and underpinning, shall be in good serviceable condition, and timbers used shall be sound and free from large or loose knots, and shall be designed and installed so as to be effective to the bottom of the excavation.

(e) Additional precautions by way of shoring and bracing shall be taken to prevent slides or cave-ins when excavations or trenches are made in locations adjacent to backfilled excavations, or where excavations are subjected to vibrations from railroad or highway traffic, the operation of machinery, or any other source.

(f) Employees entering bell-bottom pier holes shall be protected by the installation of a removable-type casing of sufficient strength to resist shifting of the surrounding earth. Such temporary protection shall be provided for the full depth of that part of each pier hole which is above the bell. A lifeline, suitable for instant rescue and securely fastened to a shoulder harness, shall be worn by each employee entering the shafts. This lifeline shall be individually manned and separate from any line used to remove materials excavated from the bell footing.

(g) (1) Minimum requirements for trench timbering shall be in accordance with Table P-2.

(2) Braces and diagonal shores in a wood shoring system shall not be subjected to compressive stress in excess of values given by the following formula:

$$S = 1300 - \frac{20L}{D}$$

$$\text{Maximum ratio } \frac{L}{D} = 50$$

Where:
L=Length, unsupported, in inches.
D=Least side of the timber in inches.
S=Allowable stress in pounds per square inch of cross-section.

Table P - 1

APPROXIMATE ANGLE OF REPOSE
FOR SLOPING OF SIDES OF EXCAVATIONS

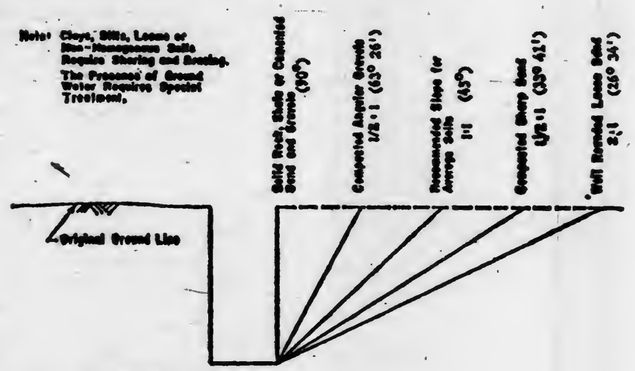


TABLE P-2

TRENCH SHORING—MINIMUM REQUIREMENTS

Depth of trench	Kind or condition of earth	Size and spacing of members										
		Uprights		Stringers		Cross braces[1]				Maximum spacing		
						Width of trench						
		Minimum dimension	Maximum spacing	Minimum dimension	Maximum spacing	Up to 3 feet	3 to 6 feet	6 to 9 feet	9 to 12 feet	12 to 15 feet	Vertical	Horizontal
Feet		Inches	Feet	Inches	Feet	Inches	Inches	Inches	Inches	Inches	Feet	Feet
5 to 10	Hard, compact	3 x 4 or 2 x 6	6			2 x 6	4 x 4	4 x 6	6 x 6	6 x 8	4	6
	Likely to crack	3 x 4 or 2 x 6	3	4 x 6	4	2 x 6	4 x 4	4 x 6	6 x 6	6 x 8	4	6
	Soft, sandy, or filled	3 x 4 or 2 x 6	Close sheeting	4 x 6	4	4 x 4	4 x 6	6 x 6	6 x 6	8 x 8	4	6
	Hydrostatic pressure	3 x 4 or 2 x 6	Close sheeting	6 x 8	4	4 x 4	4 x 6	6 x 6	6 x 6	8 x 8	4	6
10 to 15	Hard	3 x 4 or 2 x 6	4	4 x 6	4	4 x 4	4 x 6	6 x 6	6 x 6	8 x 8	4	6
	Likely to crack	3 x 4 or 2 x 6	2	4 x 6	4	4 x 4	4 x 6	6 x 6	6 x 6	6 x 8		6
	Soft, sandy, or filled	3 x 4 or 2 x 6	Close sheeting	4 x 6	4	4 x 4	6 x 6	6 x 8	8 x 8	8 x 10	4	6
	Hydrostatic pressure	8 x 6	Close sheeting	8 x 10	4	4 x 6	6 x 6	6 x 8	8 x 8	8 x 10	4	6
15 to 20	All kinds or conditions	3 x 6	Close sheeting	4 x 12	4	4 x 12	6 x 8	6 x 8	6 x 10	10 x 10	4	6
Over 20	All kinds or conditions	3 x 4	Close sheeting	6 x 8	4	4 x 12	8 x 8	8 x 10	10 x 10	10 x 12	4	6

[1] Trench jacks may be used in lieu of, or in combination with, cross braces.
Shoring is not required in solid rock, hard shale, or hard slag.
Where desirable, steel sheet piling and bracing of equal strength may be substituted for wood.

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(h) When employees are required to be in trenches 4 feet deep or more, an adequate means of exit, such as a ladder or steps, shall be provided and located so as to require no more than 25 feet of lateral travel.

(i) Bracing or shoring of trenches shall be carried along with the excavation.

(j) Cross braces or trench jacks shall be placed in true horizontal position, be spaced vertically, and be secured to prevent sliding, falling, or kickouts.

(k) Portable trench boxes or sliding trench shields may be used for the protection of personnel in lieu of a shoring system or sloping. Where such trench boxes or shields are used, they shall be designed, constructed, and maintained in a manner which will provide protection equal to or greater than the sheeting or shoring required for the trench.

(l) Backfilling and removal of trench supports shall progress together from the bottom of the trench. Jacks or braces shall be released slowly and, in unstable soil, ropes shall be used to pull out the jacks or braces from above after employees have cleared the trench.

§ 1926.653 Definitions applicable to this subpart.

(a) "Accepted engineering requirements (or practices)"—Those requirements or practices which are compatible with standards required by a registered architect, a registered professional engineer, or other duly licensed or recognized authority.

(b) "Angle of repose"—The greatest angle above the horizontal plane at which a material will lie without sliding.

(c) "Bank"—A mass of soil rising above a digging level.

(d) "Belled excavation"—A part of a shaft or footing excavation, usually near the bottom and bell-shaped; i.e., an enlargement of the cross section above.

(e) "Braces (trench)"—The horizontal members of the shoring system whose ends bear against the uprights or stringers.

(f) "Excavation"—Any manmade cavity or depression in the earth's surface, including its sides, walls, or faces, formed by earth removal and producing unsupported earth conditions by reasons of the excavation. If installed forms or similar structures reduce the depth-to-width relationship, an excavation may become a trench.

(g) "Faces"—See paragraph (k) of this section.

(h) "Hard compact soil"—All earth materials not classified as running or unstable.

(i) "Kickouts"—Accidental release or failure of a shore or brace.

(j) "Sheet pile"—A pile, or sheeting, that may form one of a continuous interlocking line, or a row of timber, concrete, or steel piles, driven in close contact to provide a tight wall to resist the lateral pressure of water, adjacent earth, or other materials.

(k) "Sides", "Walls", or "Faces"—The vertical or inclined earth surfaces formed as a result of excavation work.

(l) "Slope"—The angle with the horizontal at which a particular earth material will stand indefinitely without movement.

(m) "Stringers" (wales)—The horizontal members of a shoring system whose sides bear against the uprights or earth.

(n) "Trench"—A narrow excavation made below the surface of the ground. In general, the depth is greater than the width, but the width of a trench is not greater than 15 feet.

(o) "Trench jack"—Screw or hydraulic type jacks used as cross bracing in a trench shoring system.

(p) "Trench shield"—A shoring system composed of steel plates and bracing, welded or bolted together, which support the walls of a trench from the ground level to the trench bottom and which can be moved along as work progresses.

(q) "Unstable soil"—Earth material, other than running, that because of its nature or the influence of related conditions, cannot be depended upon to remain in place without extra support, such as would be furnished by a system of shoring.

(r) "Uprights"—The vertical members of a shoring system.

(s) "Wales"—See paragraph (m) of this section.

(t) "Walls"—See paragraph (k) of this section.

Subpart Q—Concrete, Concrete Forms, and Shoring

§ 1926.700 General provisions.

(a) *General.* All equipment and materials used in concrete construction and masonry work shall meet the applicable requirements for design, construction, inspection, testing, maintenance and operations as prescribed in ANSI A10.9–1970, Safety Requirements for Concrete Construction and Masonry Work.

(b) *Reinforcing steel.* (1) Employees working more than 6 feet above any adjacent working surfaces, placing and tying reinforcing steel in walls, piers, columns, etc., shall be provided with a safety belt, or equivalent device, in accordance with Subpart E of this part.

(2) Employees shall not be permitted to work above vertically protruding reinforcing steel unless it has been protected to eliminate the hazard of impalement.

(3) Guying: Reinforcing steel for walls, piers, columns, and similar vertical structures shall be guyed and supported to prevent collapse.

(4) Wire mesh rolls: Wire mesh rolls shall be secured at each end to prevent dangerous recoiling action.

(c) *Bulk concrete handling.* Bulk storage bins, containers, or silos shall have conical or tapered bottoms with mechanical or pneumatic means of starting the flow of material.

(d) *Concrete placement*—(1) *Concrete mixers.* Concrete mixers equipped with 1-yard or larger loading skips shall be equipped with a mechanical device to clear the skip of material.

(2) *Guardrails.* Mixers of 1-yard capacity or greater shall be equipped with protective guardrails installed on each side of the skip.

(3) *Bull floats.* Handles on bull floats, used where they may contact energized electrical conductors, shall be constructed of nonconductive material, or insulated with a nonconductive sheath whose electrical and mechanical characteristics provide the equivalent protection of a handle constructed of nonconductive material.

(4) *Powered concrete trowels.* Powered and rotating-type concrete troweling machines that are manually guided shall be equipped with a control switch that will automatically shut off the power whenever the operator removes his hands from the equipment handles.

(5) *Concrete buggies.* Handles of buggies shall not extend beyond the wheels on either side of the buggy. Installation of knuckle guards on buggy handles is recommended.

(6) *Pumpcrete systems.* Pumpcrete or similar systems using discharge pipes shall be provided with pipe supports designed for 100 percent overload. Compressed air hose in such systems shall be provided with positive fail-safe joint connectors to prevent separation of sections when pressurized.

(7) *Concrete buckets.* (i) Concrete buckets equipped with hydraulic or pneumatically operated gates shall have positive safety latches or similar safety devices installed to prevent aggregate and loose material from accumulating on the top and sides of the bucket.

(ii) Riding of concrete buckets for any purpose shall be prohibited, and vibrator crews shall be kept out from under concrete buckets suspended from cranes or cableways.

(8) When discharging on a slope, the wheels of ready-mix trucks shall be blocked and the brakes set to prevent movement.

(9) Nozzlemen applying a cement, sand, and water mixture through a pneumatic hose shall be required to wear protective head and face equipment, as prescribed in Subpart E of this part.

(e) *Vertical shoring*—(1) *General requirements.* (i) When temporary storage of reinforcing rods, material, or equipment on top of formwork becomes necessary, these areas shall be strengthened to meet the intended loads.

(ii) The sills for shoring shall be sound, rigid, and capable of carrying the maximum intended load.

(iii) All shoring equipment shall be inspected prior to erection to determine that it is as specified in the shoring layout. Any equipment found to be damaged shall not be used for shoring.

(iv) Erected shoring equipment shall be inspected immediately prior to, during, and immediately after the placement of concrete. Any shoring equipment that is found to be damaged or weakened shall be immediately reinforced or reshored.

(v) Reshoring shall be provided when necessary to safely support slabs and beams after stripping, or where such members are subjected to superimposed loads due to construction work done.

(2) *Tubular welded frame shoring.* (i) Metal tubular frames used for shoring shall not be loaded beyond the safe working load recommended by the manufacturer.

(ii) All locking devices on frames and braces shall be in good working order; coupling pins shall align the frame or panel legs; pivoted cross braces shall have their center pivot in place; and all components shall be in a condition similar to that of original manufacture.

(iii) When checking the erected shoring frames with the shoring layout, the spacing between towers and cross brace spacing shall not exceed that shown on the layout, and all locking devices shall be in the closed position.

(iv) Devices for attaching the external lateral stability bracing shall be securely fastened to the legs of the shoring frames.

(v) All baseplates, shore heads, extension devices, or adjustment screws shall be in firm contact with the footing sill and the form.

§ 1926.701 Forms and shoring.

(a) *General provisions.* (1) Formwork and shoring shall be designed, erected, supported, braced, and maintained so that it will safely support all vertical and lateral loads that may be imposed upon it during placement of concrete.

(2) Drawings or plans showing the jack layout, formwork, shoring, working decks, and scaffolding, shall be available at the jobsite.

(3) Stripped forms and shoring shall be removed and stockpiled promptly after stripping, in all areas in which persons are required to work or pass. Protruding nails, wire ties, and other form accessories not necessary to subsequent work shall be pulled, cut, or other means taken to eliminate the hazard.

(4) Imposition of any construction loads on the partially completed structure shall not be permitted unless such loading has been considered in the design and approved by the engineer-architect.

(b) *Vertical slip forms.* (1) The steel rods or pipe on which the jacks climb or by which the forms are lifted shall be specifically designed for the purpose. Such rods shall be adequately braced where not encased in concrete.

(2) Jacks and vertical supports shall be positioned in such a manner that the vertical loads are distributed equally and do not exceed the capacity of the jacks.

(3) The jacks or other lifting devices shall be provided with mechanical dogs or other automatic holding devices to provide protection in case of failure of the power supply or the lifting mechanism.

(4) Lifting shall proceed steadily and uniformly and shall not exceed the predetermined safe rate of lift.

(5) Lateral and diagonal bracing of the forms shall be provided to prevent excessive distortion of the structure during the jacking operation.

(6) During jacking operations, the form structure shall be maintained in line and plumb.

(7) All vertical lift forms shall be provided with scaffolding or work platforms completely encircling the area of placement.

(c) *Tube and coupler shoring.* (1) Couplers (clamps) shall not be used if they are deformed, broken, or have defective or missing threads on bolts, or other defects.

(2) The material used for the couplers (clamps) shall be of a structural type such as drop-forged steel, malleable iron, or structural grade aluminum. Gray cast iron shall not be used.

(3) When checking the erected shoring towers with the shoring layout, the spacing between posts shall not exceed that shown on the layout, and all interlocking of tubular members and tightness of couples shall be checked.

(4) All baseplates, shore heads, extension devices, or adjustment screws shall be in firm contact with the footing sill and the form material and shall be snug against the posts.

(d) *Single post shores.* (1) For stability, single post shores shall be horizontally braced in both the longitudinal and transverse directions, and diagonal bracing shall also be installed. Such bracing shall be installed as the shores are being erected.

(2) All baseplates or shore heads of single post shores shall be in firm contact with the footing sill and the form materials.

(3) Whenever single post shores are used in more than one tier, the layout shall be designed and inspected by a structural engineer.

(4) When formwork is at an angle, or sloping, or when the surface shored is sloping, the shoring shall be designed for such loading.

(5) Adjustment of single post shores to raise formwork shall not be made after concrete is in place.

(6) Fabricated single post shores shall not be used if heavily rusted, bent, dented, rewelded, or having broken weldments or other defects. If they contain timber, they shall not be used if timber is split, cut, has sections removed, is rotted, or otherwise structurally damaged.

(7) All timber and adjusting devices to be used for adjustable timber single post shores shall be inspected before erection.

(8) Timber shall not be used if it is split, cut, has sections removed, is rotted, or is otherwise structurally damaged.

(9) Adjusting devices shall not be used if heavily rusted, bent, dented, rewelded, or having broken weldments or other defects.

(10) All nails used to secure bracing or adjustable timber single post shores shall be driven home and the point of the nail bent over if possible.

§ 1926.702 Definitions applicable to this subpart.

(a) "Bull float"—A tool used to spread out and smooth the concrete.

(b) "Formwork" or "falsework"—The total system of support for freshly placed concrete, including the mold or sheathing which contacts the concrete as well as all supporting members, hardware, and necessary bracing.

(c) "Guy"—A line that steadies a high piece or structure by pulling against an off-center load.

(d) "Shore"—A supporting member that resists a compressive force imposed by a load.

(e) "Vertical slip forms"—Forms which are jacked vertically and continuously during placing of the concrete.

Subpart R—Steel Erection

§ 1926.750 Flooring requirements.

(a) *Permanent flooring—skeleton steel construction in tiered buildings.* (1) The permanent floors shall be installed as the erection of structural members progresses, and there shall be not more than eight stories between the erection floor and the uppermost permanent floor, except where the structural integrity is maintained as a result of the design.

(2) At no time shall there be more than four floors or 48 feet of unfinished bolting or welding above the foundation or uppermost permanently secured floor.

(b) *Temporary flooring—skeleton steel construction in tiered buildings.* (1) (i) The derrick or erection floor shall be solidly planked or decked over its entire surface except for access openings. Planking or decking of equivalent strength, shall be of proper thickness to carry the working load. Planking shall be not less than 2 inches thick full size undressed, and shall be laid tight and secured to prevent movement.

(ii) On buildings or structures not adaptable to temporary floors, and where scaffolds are not used, safety nets shall be installed and maintained whenever the potential fall distance exceeds two stories or 25 feet. The nets shall be hung with sufficient clearance to prevent contacts with the surface of structures below.

(iii) Floor periphery—safety railing. A safety railing of ½-inch wire rope or equal shall be installed, approximately 42 inches high, around the periphery of all temporary-planked or temporary metal-decked floors of tier buildings and other multifloored structures during structural steel assembly.

(2) Where erection is being done by means of a crane operating on the ground, a tight and substantial floor shall be maintained within two stories or 25 feet, whichever is less, below and directly under that portion of each tier of beams on which bolting, riveting, welding, or painting is being done.

(c) *Flooring—other construction.* (1) In the erection of a building having double wood floor construction, the rough flooring shall be completed as the building progresses, including the tier below the one on which floor joists are being installed.

(2) For single wood floor or other flooring systems, the floor immediately below the story where the floor joists are being installed shall be kept planked or decked over.

§ 1926.751 Structural steel assembly.

(a) During the final placing of solid web structural members, the load shall not be released from the hoisting line

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until the members are secured with not less than two bolts, or the equivalent at each connection and drawn up wrench tight.

(b) Open web steel joists shall not be placed on any structural steel framework unless such framework is safely bolted or welded.

(c) (1) In steel framing, where bar joists are utilized, and columns are not framed in at least two directions with structural steel members, a bar joist shall be field-bolted at columns to provide lateral stability during construction.

(2) Where longspan joists or trusses, 40 feet or longer, are used, a center row of bolted bridging shall be installed to provide lateral stability during construction prior to slacking of hoisting line.

(3) No load shall be placed on open web steel joists until these security requirements are met.

(d) Tag lines shall be used for controlling loads.

§ 1926.752 Bolting, riveting, fitting-up, and plumbing-up.

(a) *General requirements.* (1) Containers shall be provided for storing or carrying rivets, bolts, and drift pins, and secured against accidental displacement when aloft.

(2) Pneumatic hand tools shall be disconnected from the power source, and pressure in hose lines shall be released, before any adjustments or repairs are made.

(3) Air line hose sections shall be tied together except when quick disconnect couplers are used to join sections.

(4) Eye protection shall be provided in accordance with Subpart E of this part.

(b) *Bolting.* (1) When bolts or drift pins are being knocked out, means shall be provided to keep them from falling.

(2) Impact wrenches shall be provided with a locking device for retaining the socket.

(c) *Riveting.* (1) Riveting shall not be done in the vicinity of combustible material unless precautions are taken to prevent fire.

(2) When rivet heads are knocked off, or backed out, means shall be provided to keep them from falling.

(3) A safety wire shall be properly installed on the snap and on the handle of the pneumatic riveting hammer and shall be used at all times. The wire size shall be not less than No. 9 (B&S gauge), leaving the handle and annealed No. 14 on the snap, or equivalent.

(d) *Plumbing-up.* (1) Connections of the equipment used in plumbing-up shall be properly secured.

(2) The turnbuckles shall be secured to prevent unwinding while under stress.

(3) Plumbing-up guys related equipment shall be placed so that employees can get at the connection points.

(4) Plumbing-up guys shall be removed only under the supervision of a competent person.

(e) Wood planking shall be of proper thickness to carry the working load, but shall be not less than 2 inches thick full size undressed, exterior grade plywood, at least ¾-inch thick, or equivalent material.

(f) Metal decking of sufficient strength shall be laid tight and secured to prevent movement.

(g) Planks shall overlap the bearing on each end by a minimum of 12 inches.

(h) Wire mesh, exterior plywood, or equivalent, shall be used around columns where planks do not fit tightly.

(i) Provisions shall be made to secure temporary flooring against displacement.

(j) All unused openings in floors, temporary or permanent, shall be completely planked over or guarded in accordance with Subpart M of this part.

(k) Employees shall be provided with safety belts in accordance with § 1926.104 when they are working on float scaffolds.

Subpart S—Tunnels and Shafts, Caissons, Cofferdams, and Compressed Air

§ 1926.800 Tunnels and shafts.

(a) *General.* (1) The specific requirements of this Subpart S, Tunnels, Shafts, Caissons, Cofferdams, and Compressed Air, shall be complied with as well as the applicable provisions of all other subparts of this part.

(2) Safe means of access shall be provided and maintained to all working places.

(3) When ladders and stairways are provided in shafts and steep inclines, they shall meet the requirements of Subparts L and M of this part.

(4) Access to unattended underground openings shall be restricted by gates or doors. Unused chutes, manways, or other openings shall be tightly covered, bulkheaded, or fenced off and posted. Conduits, trenches, and manholes shall meet the requirements of Subparts M and P of this part.

(5) Subsidence areas that present hazards shall be fenced and posted.

(6) Each operation shall have a check-in and check-out system that will provide positive identification of every employee underground. An accurate record and location of the employees shall be kept on the surface.

(b) *Emergency provisions.* (1) Evacuation plans and procedures shall be developed and made known to the employees.

(2) Emergency hoisting facilities shall be readily available at shafts more than 50 feet in depth, unless hoisting facilities are provided that are independent of electrical power failures. A boatswain's chair shall meet the requirements of Subpart L of this part.

(3) Bureau of Mines approved self-rescuers shall be available near the advancing face to equip each face employee. Such equipment shall be on the haulage equipment and in other areas where employees might be trapped by smoke or gas, and shall be maintained in good condition.

(4) Telephone or other signal communication shall be provided between the work face and the tunnel portal, and such systems shall be independent of the tunnel power supply.

(c) *Air Quality and Ventilation*—(1) *Air quality and quantity.* (i) Instruments shall be provided to test the atmosphere quantitatively for carbon monoxide, nitrogen dioxide, flammable or toxic gases, dusts, mists, and fumes that occur in the tunnel or shaft. Tests shall be conducted as frequently as necessary to assure that the required quality and quantity of air is maintained. A record of all tests shall be maintained and be kept available.

(ii) Field-type oxygen analyzers, or other suitable devices, shall be used to test for oxygen deficiency.

(iii) Respirators shall not be substituted for environmental control measures. However, where environmental controls have not yet been developed, or when necessary by the nature of the work involved (for example, welding, sand blasting, lead burning), an employee may work for short periods of time in concentrations of airborne contaminants which exceed the limit of permissible excursions referred to in subdivisions (iv) and (v) of this subparagraph, if such employee wears a respiratory protective device approved by the Bureau of Mines as protection against the particular hazards involved.

(iv) The exposure to airborne contaminants of an employee working in a tunnel or shaft shall not exceed the threshold limit values adopted by the American Conference of Governmental Industrial Hygienists, as set forth and explained in the 1970 edition of "Threshold Limit Values of Airborne Contaminants."

(v) Employees shall be withdrawn from areas in which there is a concentration of an airborne contaminant which exceeds the threshold limit value listed for that contaminant.

(vi) Atmospheres in all active areas shall contain at least 20 percent oxygen.

(2) *Ventilation.* (i) Tunnels shall be provided with mechanically induced primary ventilation in all work areas. The direction of airflow shall be reversible.

(ii) Ventilation doors, not operated mechanically, shall be designed and installed so that they are self-closing and will remain closed regardless of the direction of the air movement.

(iii) When there has been a failure of ventilation, and ventilation has been restored in a reasonable time, all places where flammable gas may have accumulated shall be examined by a competent person and determined to be free of flammable gas before power is restored and work resumed.

(iv) When the main fan or fans have been shut down with all employees out of the adit, tunnel or shaft, no employee, other than those qualified to examine the adit, tunnel, or shaft, or other authorized employee, shall go underground until the fans have been started, the work areas examined for gas and other hazards, and declared safe.

(v) The supply of fresh air shall not be less than 200 cubic feet per minute for each employee underground. The linear velocity of the air flow in the tunnel bore shall not be less than 30 feet per minute

in those tunnels where blasting or rock drilling is conducted or where there are other conditions that are likely to produce dusts, fumes, vapors, or gases in harmful quantities.

(vi) If 1.5 percent or higher concentration of flammable gas is detected in air returning from an underground working place or places, the employees shall be withdrawn and the power cut off to the portion of the area endangered by such flammable gas until the concentration of such gas is reduced to 1 percent or less.

(vii) Internal combustion engines other than mobile diesel shall not be used underground. Mobile diesel-powered equipment used underground shall be certified by the Bureau of Mines, U.S. Department of the Interior according to the Bureau of Mines publication "Mechanical Equipment for Mines—tests for permissibility and suitability, Part 32, Mobile Diesel Power Equipment for Non-Coal Mines, Schedule 24" of March 23, 1965.

(d) *Illumination.* (1) Sufficient lighting shall be provided, in accordance with the requirements of Table D-3 of Subpart D of this part, to permit safe operations at the face as well as in the general tunnel or shaft area and at the employees' workplace.

(e) *Fire prevention and control*—(1) *General.* (i) The requirements for fire prevention and protection specified in Subpart F of this part shall be complied with in all tunnel and shaft operations.

(ii) Signs warning against smoking and open flames shall be posted so that they can be readily seen in areas or places where fire or explosion hazards exist.

(iii) The carrying of matches, lighters, or other flame-producing smoking materials shall be prohibited in all underground operations where fire or explosion hazards exist.

(iv) Not more than a 1 day's supply of diesel fuel shall be stored underground.

(v) Gasoline or liquefied petroleum gases shall not be taken, stored, or used underground.

(vi) Oil, grease, or fuel stored underground shall be kept in tightly sealed containers in fire-resistant areas, at safe distances from explosives magazines, electrical installations, and shaft stations.

(vii) Air that has passed through underground oil or fuel-storage areas shall not be used to ventilate working areas.

(viii) Approved fire-resistant hydraulic fluids shall be used in hydraulically actuated underground machinery and equipment.

(ix) Fires shall not be built underground.

(x) Noncombustible barriers shall be installed below welding or burning operations in or over a shaft or raise.

(xi) Fire extinguishers or equivalent protection shall be provided at the head and tail pulleys of underground belt conveyors and at 300-foot intervals along the belt line.

(xii) At tunnel operations, employing 25 or more employees at one time underground at least two rescue crews (10 employees divided between shifts) shall be trained annually in rescue procedures, in the use, care, and limitations of oxygen breathing apparatus, and the use and maintenance of firefighting equipment. Not less than one crew (5 employees) shall be trained at smaller operations.

(f) *Personal protective equipment.* Protective clothing or equipment shall be worn as specified in Subparts D and E of this part.

(g) *Noise.* (1) Permissible noise exposures shall conform to those specified in Subpart D of this part.

(h) *Ground support*—(1) *Tunnel portal area.* Portals shall be protected and supported where loose soil or rock or fractured material is encountered.

(2) *Tunnel area.* (i) The employer shall examine and test the roof, face, and walls of the work area at the start of each shift and frequently thereafter.

(ii) Loose ground shall be taken down or supported. Ground conditions along haulage ways and travelways shall be examined periodically and scaled or supported as necessary.

(iii) Torque meters and torque wrenches shall be available at tunnels where rock bolts are used for ground support. Frequent tests shall be made to determine if bolts meet the required torque. The test frequency shall be determined by rock conditions and distance from vibration sources.

(iv) Damaged or dislodged tunnel supports, whether steel sets or timber, shall be repaired or replaced. New supports shall be installed whenever possible before removing the damaged supports.

(v) All sets, including horseshoe-shaped or arched rib steel sets, shall be designed and installed so that the bottoms will have required anchorage to prevent pressures from pushing them inward into the excavation. Lateral bracing shall be provided between sets to further stabilize the support.

(3) *Shafts.* (i) Small diameter shafts, which employees are required to enter, shall be provided with a steel casing, concrete pipe, timber, or other material of required strength to support the surrounding earth.

(ii) The casing and bracing shall be provided the full depth of the shaft, or at least 5 feet into solid rock if possible, and shall extend at least 1 foot above ground level.

(iii) All walls or shafts over 5 feet in depth shall be retained with lagging, spiling, or casing.

(iv) In shafts, the employer shall inspect the walls, ladders, timbers, blocking, and wedges of the last set to determine if they have loosened following blasting operations. Where found unsafe, corrections shall be made before shift operations are started.

(v) Safety belts shall be worn on skips and platforms used in shafts by crews when the skip or cage does not occlude the opening to within 1 foot of the sides of the shaft, unless guardrails or cages are provided.

(i) *Drilling.* (1) Equipment that is to be used during a shift shall be inspected each shift by a competent person. Equipment defects affecting safety shall be corrected before the equipment is used.

(2) The drilling area shall be inspected for hazards before starting the drilling operation.

(3) Employees shall not be allowed on a drill mast while the drill bit is in operation.

(4) When a drill is being moved from one drilling area to another, drill steel, tools, and other equipment shall be secured, and the mast placed in a safe position.

(5) Receptacles or racks shall be provided for drill steel stored on jumbos.

(6) Before drilling cycle is started, warning shall be given to men working below jumbo decks.

(7) Drills on columns shall be anchored firmly before drilling is started and shall be retightened frequently thereafter.

(8) The employer shall provide mechanical means for lifting drills, roof bolts, mine straps, and other unwieldy heavy material to the top decks of jumbos over 10 feet in height.

(9) The employer shall provide stair access to jumbo decks wide enough to accomodate two persons if the deck is over 10 feet in height.

(10) On jumbo decks over 10 feet in height, guardrails which are removable (pipe in sockets with chain handrail), or equal, shall be provided on all sides and back platforms.

(11) Scaling bars shall be in good condition at all times, and blunted and severely worn bars shall not be used.

(12) When jumbos are being moved, riders will not be allowed on the jumbo unless they are assisting the driver.

(13) Before commencing the drill cycle, the face and lifters shall be examined for misfires (residual explosives) and, if found, they shall be removed before drilling commences at the face. Lifters shall not be drilled through blasted rock (muck) or water.

(14) Air lines that are buried in the invert shall be identified by signs posted nearby, warning all personnel.

(j) *Blasting.* All blasting and explosives-handling operations shall be conducted in compliance with Subpart U of this part.

(k) *Haulage.* (1) Equipment that is to be used during a shift shall be inspected by a competent person each shift. Equipment defects affecting safety shall be corrected before the equipment is used.

(2) Powered mobile equipment shall be provided with adequate brakes.

(3) Powered mobile haulage equipment shall be provided with audible warning devices. Lights shall be provided at both ends.

(4) Cab windows shall be of safety glass, or equivalent, in good condition, and shall be kept clean.

(5) Adequate backstops or brakes shall be installed on inclined conveyor drive units to prevent conveyors from running in reverse and creating a hazard to employees.

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(6) No employee shall be permitted to ride a power-driven chain, belt, or bucket conveyor, unless the conveyor is specifically designed for the transportation of employees.

(7) The employer shall not permit employees to ride in dippers, shovel buckets, forks, clamshells, or in the beds of dump trucks, or on haulage equipment not specifically designed or adapted for the transportation of employees.

(8) Electrically powered mobile equipment shall not be left unattended unless the master switch is in the off position, all operating controls are in the neutral position, and the brakes are set, or other equivalent precautions are taken against rolling.

(9) When dumping cars by hand, the car dumps shall be provided with tie-down chains or bumper blocks to prevent cars from overturning.

(10) Rocker-bottom or bottom-dump cars shall be equipped with positive locking devices.

(11) Equipment which is to be hauled shall be so loaded and protected as to prevent sliding or spillage.

(12) Parked railcars shall be blocked securely.

(13) Berms, bumper blocks, safety hooks, or similar means shall be provided to prevent overtravel and overturning at dumping locations.

(14) Where necessary, bumper blocks, or the equivalent, shall be provided at all track dead ends.

(15) Supplies, materials, and tools, other than small handtools, shall not be transported with employees in mantrip cars.

(l) *Electrical equipment.* (1) Electrical equipment shall conform to the requirements of Subpart K of this part.

(2) Powerlines shall be well separated or insulated from waterlines, telephone lines, and airlines.

(3) Oil-filled transformers shall not be used underground unless they are located in a fire-resistant enclosure and surrounded by a dike to contain the contents of the transformers in event of a rupture.

(m) *Hoisting.* (1) Hoisting machines, either powered or hand operated, shall be worm-geared or powered both ways. The design must be such that when the power is stopped, the load cannot move.

(2) Controls for powered hoists shall be of the deadman type with a nonlocking switch or control.

(3) A device to shut off the power shall be installed ahead of the operating control.

(4) Hand-operated release mechanisms, which can permit the load to descend faster than the speed rating, shall not be used.

(5) Hoist machines with cast metal parts shall not be used.

(6) Every hoist shall be tested with twice the maximum load before being put into operation, and annually thereafter.

(7) All anchorages of hoists shall be inspected at the beginning of each shift.

(8) An enclosed covered metal cage shall be used to raise and lower persons in the shaft. The cage shall be designed with a safety factor of 4 and shall be load-tested prior to use. The exterior of the cage shall be free of projections or sharp corners. Only closed shackles shall be used in the cage rigging.

(9) If the cage is equipped with a door, a positive locking device shall be installed to prevent the door from opening accidentally while the cage is being lowered or raised while hoisting or lowering employees.

§ 1926.801 Caissons.

(a) Wherever, in caisson work in which compressed air is used, and the working chamber is less than 11 feet in length, and when such caissons are at any time suspended or hung while work is in progress so that the bottom of the excavation is more than 9 feet below the deck of the working chamber, a shield shall be erected therein for the protection of the employees.

(b) Shafts shall be subjected to a hydrostatic or air-pressure test, at which pressure they shall be tight. The shaft shall be stamped on the outside shell about 12 inches from each flange to show the pressure to which they have been subjected.

(c) Whenever a shaft is used, it shall be provided, where space permits, with a safe, proper, and suitable staircase for its entire length, including landing platforms, not more than 20 feet apart. Where this is impracticable, suitable ladders shall be installed with landing platforms located about 20 feet apart to break the climb.

(d) All caissons having a diameter or side greater than 10 feet shall be provided with a man lock and shaft for the exclusive use of employees.

(e) In addition to the gauge in the locks, an accurate gauge shall be maintained on the outer and inner side of each bulkhead. These gauges shall be accessible at all times and kept in accurate working order.

(f) In caisson operations where employees are exposed to compressed air working environments, the requirements contained in § 1926.803 shall be complied with.

§ 1926.802 Cofferdams.

(a) If overtopping of the cofferdam by high waters is possible, means shall be provided for controlled flooding of the work area.

(b) Warning signals for evacuation of employees in case of emergency shall be developed and posted.

(c) Cofferdam walkways, bridges, or ramps with at least two means of rapid exit shall be provided with guardrails as specified in Subpart M of this part.

(d) Cofferdams located close to navigable shipping channels shall be protected from vessels in transit, where possible.

§ 1926.803 Compressed air.

(a) *General provisions.* (1) There shall be present, at all times, at least one competent person designated by and representing the employer, who shall be familiar with this subpart in all respects, and responsible for full compliance with these and other applicable subparts.

(2) Every employee shall be instructed in the rules and regulations which concern his safety or the safety of others.

(b) *Medical attendance, examination, and regulations.* (1) There shall be retained one or more licensed physicians familiar with and experienced in the physical requirements and the medical aspects of compressed air work and the treatment of decompression illness. He shall be available at all times while work is in progress in order to provide medical supervision of employees employed in compressed air work. He shall himself be physically qualified and be willing to enter a pressurized environment.

(2) No employee shall be permitted to enter a compressed air environment until he has been examined by the physician and reported by him to be physically qualified to engage in such work.

(3) In the event an employee is absent from work for 10 days, or is absent due to sickness or injury, he shall not resume work until he is reexamined by the physician, and his physical condition reported, as provided in this paragraph, to be such as to permit him to work in compressed air.

(4) After an employee has been employed continuously in compressed air for a period designated by the physician, but not to exceed 1 year, he shall be reexamined by the physician to determine if he is still physically qualified to engage in compressed air work.

(5) Such physician shall at all times keep a complete and full record of examinations made by him. The physician shall also keep an accurate record of any decompression illness or other illness or injury incapacitating any employee for work, and of all loss of life that occurs in the operation of a tunnel, caisson, or other compartment in which compressed air is used.

(6) Records shall be available for the inspection of the Secretary or his representatives, and a copy thereof shall be forwarded to OSHA within 48 hours following the occurrence of the accident, death, injury, or decompression illness. It shall state as fully as possible the cause of said death or decompression illness, and the place where the injured or sick employee was taken, and such other relative information as may be required by the Secretary.

(7) A fully equipped first aid station shall be provided at each tunnel project regardless of the number of persons employed. An ambulance or transportation suitable for a litter case shall be at each project.

(8) Where tunnels are being excavated from portals more than 5 road miles apart, a first aid station and transportation facilities shall be provided at each portal.

(9) A medical lock shall be established and maintained in immediate working order whenever air pressure in the working chamber is increased above the normal atmosphere.

(10) The medical lock shall:

(i) Have at least 6 feet of clear headroom at the center, and be subdivided into not less than two compartments;

(ii) Be readily accessible to employees working under compressed air;

(iii) Be kept ready for immediate use for at least 5 hours subsequent to the emergence of any employee from the working chamber;

(iv) Be properly heated, lighted and ventilated;

(v) Be maintained in a sanitary condition;

(vi) Have a nonshatterable port through which the occupant(s) may be kept under constant observation;

(vii) Be designed for a working pressure of 75 p.s.i.g.

(viii) Be equipped with internal controls which may be overridden by external controls;

(ix) Be provided with air pressure gauges to show the air pressure within each compartment to observers inside and outside the medical lock.

(x) Be equipped with a manual type sprinkler system that can be activated inside the lock or by the outside lock tender.

(xi) Be provided with oxygen lines and fittings leading into external tanks. The lines shall be fitted with check valves to prevent reverse flow. The oxygen system inside the chamber shall be of a closed circuit design and be so designed as to automatically shut off the oxygen supply whenever the fire system is activated.

(xii) Be in constant charge of an attendant under the direct control of the retained physician. The attendant shall be trained in the use of the lock and suitably instructed regarding steps to be taken in the treatment of employee exhibiting symptoms compatible with a diagnosis of decompression illness;

(xiii) Be adjacent to an adequate emergency medical facility;

(xiv) The medical facility shall be equipped with demand-type oxygen inhalation equipment approved by the U.S. Bureau of Mines;

(xv) Be capable of being maintained at a temperature, in use, not to exceed 90° F. nor be less than 70° F.; and

(xvi) Be provided with sources of air, free of oil and carbon monoxide, for normal and emergency use, which are capable of raising the air pressure in the lock from 0 to 75 p.s.i.g. in 5 minutes.

(11) Identification badges shall be furnished to all employees, indicating that the wearer is a compressed air worker. A permanent record shall be kept of all identification badges issued. The badge shall give the employee's name, address of the medical lock, the telephone number of the licensed physician for the compressed air project, and contain instructions that in case of emergency of unknown or doubtful cause or illness, the wearer shall be rushed to the medical lock. The badge shall be worn at all times—off the job, as well as on the job.

(c) *Telephone and signal communication.* (1) Effective and reliable means of communication, such as bells, whistles, or telephones, shall be maintained at all times between all the following locations:

(i) The working chamber face;

(ii) The working chamber side of the man lock near the door;

(iii) The interior of the man lock;

(iv) Lock attendant's station;

(v) The compressor plant;

(vi) The first-aid station;

(vii) The emergency lock (if one is required); and

(viii) The special decompression chamber (if one is required).

(d) *Signs and records.* (1) The time of decompression shall be posted in each man lock as follows:

TIME OF DECOMPRESSION FOR THIS LOCK

------ pounds to ------ pounds in ------ minutes.

------ pounds to ------ pounds in ------ minutes.

(Signed by) ----------
(Superintendent)

This form shall be posted in the Man Lock at all times.

(2) Any code of signals used shall be conspicuously posted near workplace entrances and such other locations as may be necessary to bring them to the attention of all employees concerned.

(3) For each 8-hour shift, a record of employees employed under air pressure shall be kept by an employee who shall remain outside the lock near the entrance. This record shall show the period each employee spends in the air chamber and the time taken from decompression. A copy shall be submitted to the appointed physician after each shift.

(e) *Compression.* (1) Every employee going under air pressure for the first time shall be instructed on how to avoid excessive discomfort.

(2) During the compression of employees, the pressure shall not be increased to more than 3 p.s.i.g. within the first minute. The pressure shall be held at 3 p.s.i.g. and again at 7 p.s.i.g. sufficiently long to determine if any employees are experiencing discomfort.

(3) After the first minute the pressure shall be raised uniformly and at a rate not to exceed 10 p.s.i. per minute.

(4) If any employee complains of discomfort, the pressure shall be held to determine if the symptoms are relieved. If, after 5 minutes the discomfort does not disappear, the lock attendant shall gradually reduce the pressure until the employee signals that the discomfort has ceased. If he does not indicate that the discomfort has disappeared, the lock attendant shall reduce the pressure to atmospheric and the employee shall be released from the lock.

(5) No employee shall be subjected to pressure exceeding 50 pounds per square inch except in emergency.

(f) *Decompression.* (1) Decompression to normal condition shall be in accordance with the Decompression Tables in Appendix A of this subpart.

(2) In the event it is necessary for an employee to be in compressed air more than once in a 24-hour period, the appointed physician shall be responsible for the establishment of methods and procedures of decompression applicable to repetitive exposures.

(3) If decanting is necessary, the appointed physician shall establish procedures before any employee is permitted to be decompressed by decanting methods. The period of time that the employees spend at atmospheric pressure between the decompression following the shift and recompression shall not exceed 5 minutes.

(g) *Man locks and special decompression chambers.*—(1) *Man locks.* (i) Except in emergency, no employees employed in compressed air shall be permitted to pass from the working chamber to atmospheric pressure until after decompression, in accordance with the procedures in this subpart.

(ii) The lock attendant in charge of a man lock shall be under the direct supervision of the appointed physician. He shall be stationed at the lock controls on the free air side during the period of compression and decompression and shall remain at the lock control station whenever there are men in the working chamber or in the man lock.

(iii) Except where air pressure in the working chamber is below 12 p.s.i.g., each man lock shall be equipped with automatic controls which, through taped programs, cams, or similar apparatus, shall automatically regulate decompressions. It shall also be equipped with manual controls to permit the lock attendant to override the automatic mechanism in the event of an emergency, as provided in subdivision (viii) of this subparagraph.

(iv) A manual control, which can be used in the event of an emergency, shall be placed inside the man lock.

(v) A clock, thermometer, and continuous recording pressure gauge with a 4-hour graph shall be installed outside of each man lock and shall be changed prior to each shift's decompression. The chart shall be of sufficient size to register a legible record of variations in pressure within the man lock and shall be visible to the lock attendant. A copy of each graph shall be submitted to the appointed physician after each shift. In addition, a pressure gauge, clock, and thermometer shall also be installed in each man lock. Additional fittings shall be provided so that test gauges may be attached whenever necessary.

(vi) Except where air pressure is below 12 p.s.i.g. and there is no danger of rapid flooding, all caissons having a working area greater than 150 square feet, and each bulkhead in tunnels of 14 feet or more in diameter, or equivalent area, shall have at least two locks in perfect working condition, one of which shall be used exclusively as a man lock, the other, as a materials lock.

(vii) Where only a combination man-and-materials lock is required, this single lock shall be of sufficient capacity to hold the employees constituting two successive shifts.

(viii) Emergency locks shall be large enough to hold an entire heading shift and a limit maintained of 12 p.s.i.g. There shall be a chamber available for

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oxygen decompression therapy to 28 p.s.i.g.

(ix) The man lock shall be large enough so that those using it are not compelled to be in a cramped position, and shall not have less than 5 feet clear head room at the center and a minimum of 30 cubic feet of air space per occupant.

(x) Locks on caissons shall be so located that the bottom door shall be not less than 3 feet above the water level surrounding the caisson on the outside. (The water level, where it is affected by tides, is construed to mean high tide.)

(xi) In addition to the pressure gauge in the locks, an accurate pressure gauge shall be maintained on the outer and inner side of each bulkhead. These gauges shall be accessible at all times and shall be kept in accurate working order.

(xii) Man locks shall have an observation port at least 4 inches in diameter located in such a position that all occupants of the man lock may be observed from the working chamber and from the free air side of the lock.

(xiii) Adequate ventilation in the lock shall be provided.

(xiv) Man locks shall be maintained at a minimum temperature of 70° F.

(xv) When locks are not in use and employees are in the working chamber, lock doors shall be kept open to the working chamber, where practicable.

(xvi) Provision shall be made to allow for rescue parties to enter the tunnel if the working force is disabled.

(xvii) A special decompression chamber of sufficient size to accommodate the entire force of employees being decompressed at the end of a shift shall be provided whenever the regularly established working period requires a total time of decompression exceeding 75 minutes.

(2) *Special decompression chamber.* (i) The headroom in the special decompression chamber shall be not less than a minimum 7 feet and the cubical content shall provide at least 50 cubic feet of airspace for each employee. For each occupant, there shall be provided 4 square feet of free walking area and 3 square feet of seating space, exclusive of area required for lavatory and toilet facilities. The rated capacity shall be based on the stated minimum space per employee and shall be posted at the chamber entrance. The posted capacity shall not be exceeded, except in case of emergency.

(ii) Each special decompression chamber shall be equipped with the following:

(*a*) A clock or clocks suitably placed so that the attendant and the chamber occupants can readily ascertain the time;

(*b*) Pressure gauges which will indicate to the attendants and to the chamber occupants the pressure in the chamber;

(*c*) Valves to enable the attendant to control the supply and discharge of compressed air into and from the chamber;

(*d*) Valves and pipes, in connection with the air supply and exhaust, arranged so that the chamber pressure can be controlled from within and without;

(*e*) Effective means of oral intercommunication between the attendant, occupants of the chamber, and the air compressor plant; and

(*f*) An observation port at the entrance to permit observation of the chamber occupants.

(iii) Seating facilities in special decompression chambers shall be so arranged as to permit a normal sitting posture without cramping. Seating space, not less than 18 inches by 24 inches wide, shall be provided per occupant.

(iv) Adequate toilet and washing facilities, in a screened or enclosed recess, shall be provided. Toilet bowls shall have a built-in protector on the rim so that an air space is created when the seat lid is closed.

(v) Fresh and pure drinking water shall be available. This may be accomplished by either piping water into the special decompression chamber and providing drinking fountains, or by providing individual canteens, or by some other sanitary means. Community drinking vessels are prohibited.

(vi) No refuse or discarded material of any kind shall be permitted to accumulate, and the chamber shall be kept clean.

(vii) Unless the special decompression chamber is serving as the man lock to atmospheric pressure, the special decompression chamber shall be situated, where practicable, adjacent to the man lock on the atmospheric pressure side of the bulkhead. A passageway shall be provided, connecting the special chamber with the man lock, to permit employees in the process of decompression to move from the man lock to the special chamber without a reduction in the ambient pressure from that designated for the next stage of decompression. The passageway shall be so arranged as to not interfere with the normal operation of the man lock, nor with the release of the occupants of the special chamber to atmospheric pressure upon the completion of the decompression procedure.

(h) *Compressor plant and air supply.* (1) At all times there shall be a thoroughly experienced, competent, and reliable person on duty at the air control valves as a gauge tender who shall regulate the pressure in the working areas. During tunneling operations, one gauge tender may regulate the pressure in not more than two headings: *Provided*, That the gauge and controls are all in one location. In caisson work, there shall be a gauge tender for each caisson.

(2) The low air compressor plant shall be of sufficient capacity to not only permit the work to be done safely, but shall also provide a margin to meet emergencies and repairs.

(3) Low air compressor units shall have at least two independent and separate sources of power supply and each shall be capable of operating the entire low air plant and its accessory systems.

(4) The capacity, arrangement, and number of compressors shall be sufficient to maintain the necessary pressure without overloading the equipment and to assure maintenance of such pressure in the working chamber during periods of breakdown, repair, or emergency.

(5) Switching from one independent source of power supply to the other shall be done periodically to ensure the workability of the apparatus in an emergency.

(6) Duplicate low-pressure air feedlines and regulating valves shall be provided between the source of air supply and a point beyond the locks with one of the lines extending to within 100 feet of the working face.

(7) All high- and low-pressure air supply lines shall be equipped with check valves.

(8) Low-pressure air shall be regulated automatically. In addition, manually operated valves shall be provided for emergency conditions.

(9) The air intakes for all air compressors shall be located at a place where fumes, exhaust gases, and other air contaminants will be at a minimum.

(10) Gauges indicating the pressure in the working chamber shall be installed in the compressor building, the lock attendant's station, and at the employer's field office.

(i) *Ventilation and air quality.* (1) Exhaust valves and exhaust pipes shall be provided and operated so that the working chamber shall be well ventilated, and there shall be no pockets of dead air. Outlets may be required at intermediate points along the main low-pressure air supply line to the heading to eliminate such pockets of dead air. Ventilating air shall be not less than 30 cubic feet per minute.

(2) The air in the workplace shall be analyzed by the employer not less than once each shift, and records of such tests shall be kept on file at the place where the work is in progress. The test results shall be within the threshold limit values specified in Subpart D of this part, for hazardous gases, and within 10 percent of the lower explosive limit of flammable gases. If these limits are not met, immediate action to correct the situation shall be taken by the employer.

(3) The temperature of all working chambers which are subjected to air pressure shall, by means of after-coolers or other suitable devices, be maintained at a temperature not to exceed 85° F.

(4) Forced ventilation shall be provided during decompression. During the entire decompression period, forced ventilation through chemical or mechanical air purifying devices that will ensure a source of fresh air shall be provided.

(5) Whenever heat-producing machines (moles, shields) are used in compressed air tunnel operations, a positive means of removing the heat build-up at the heading shall be provided.

(j) *Electricity.* (1) All lighting in compressed-air chambers shall be by electricity exclusively, and two independent electric-lighting systems with independent sources of supply shall be used. The emergency source shall be

arranged to become automatically operative in the event of failure of the regularly used source.

(2) The minimum intensity of light on any walkway, ladder, stairway, or working level shall be not less than 10 foot-candles, and in all workplaces the lighting shall at all times be such as to enable employees to see clearly.

(3) All electrical equipment, and wiring for light and power circuits, shall comply with requirements of the National Electrical Code, ANSI C1–1971 (Rev. of 1968) for use in damp, hazardous, high temperature, and compressed air environments.

(4) External parts of lighting fixtures and all other electrical equipment, when within 8 feet of the floor, shall be constructed of noncombustible, nonabsorptive, insulating materials, except that metal may be used if it is effectively grounded.

(5) Portable lamps shall be equipped with noncombustible, nonabsorptive, insulating sockets, approved handles, basket guards, and approved cords.

(6) The use of worn or defective portable and pendant conductors is prohibited.

(k) *Sanitation.* (1) Sanitary, heated, lighted, and ventilated dressing rooms and drying rooms shall be provided for all employees engaged in compressed air work. Such rooms shall contain suitable benches and lockers. Bathing accommodations (showers at the ratio of one to 10 employees per shift), equipped with running hot and cold water, and suitable and adequate toilet accommodations, shall be provided. One toilet for each 15 employees, or fractional part thereof, shall be provided.

(2) When the toilet bowl is shut by a cover, there should be an air space so that the bowl or bucket does not implode when pressure is increased.

(3) All parts of caissons and other working compartments shall be kept in a sanitary condition.

(l) *Fire prevention and protection.* (1) Firefighting equipment shall be available at all times and shall be maintained in working condition.

(2) While welding or flame-cutting is being done in compressed air, a firewatch with a fire hose or approved extinguisher shall stand by until such operation is completed.

(3) Shafts and caissons containing flammable material of any kind, either above or below ground, shall be provided with a waterline and a fire hose connected thereto, so arranged that all points of the shaft or caisson are within reach of the hose stream.

(4) Fire hose shall be at least 1½ inches in nominal diameter; the water pressure shall at all times be adequate for efficient operation of the type of nozzle used; and the water supply shall be such as to ensure an uninterrupted flow. Fire hose, when not in use, shall be located or guarded to prevent injury thereto.

(5) The power house, compressor house, and all buildings housing ventilating equipment, shall be provided with at least one hose connection in the waterline, with a fire hose connected thereto. A fire hose shall be maintained within reach of structures of wood over or near shafts.

(6) Tunnels shall be provided with a 2-inch minimum diameter waterline extending into the working chamber and to within 100 feet of the working face. Such line shall have hose outlets with 100 feet of fire hose attached and maintained as follows: One at the working face; one immediately inside of the bulkhead of the working chamber; and one immediately outside such bulkhead. In addition, hose outlets shall be provided at 200-foot intervals throughout the length of the tunnel, and 100 feet of fire hose shall be attached to the outlet nearest to any location where flammable material is being kept or stored or where any flame is being used.

(7) In addition to fire hose protection required by this subpart, on every floor of every building not under compressed air, but used in connection with the compressed air work, there shall be provided at least one approved fire extinguisher of the proper type for the hazard involved. At least two approved fire extinguishers shall be provided in the working chamber as follows: One at the working face and one immediately inside the bulkhead (pressure side). Extinguishers in the working chamber shall use water as the primary extinguishing agent and shall not use any extinguishing agent which could be harmful to the employees in the working chamber. The fire extinguisher shall be protected from damage.

(8) Highly combustible materials shall not be used or stored in the working chamber. Wood, paper, and similar combustible material shall not be used in the working chamber in quantities which could cause a fire hazard. The compressor building shall be constructed of noncombustible material.

(9) Man locks shall be equipped with a manual type fire extinguisher system that can be activated inside the man lock and also by the outside lock attendant. In addition, a fire hose and portable fire extinguisher shall be provided inside and outside the man lock. The portable fire extinguisher shall be the dry chemical type.

(10) Equipment, fixtures, and furniture in man locks and special decompression chambers shall be constructed of noncombustible materials. Bedding, etc., shall be chemically treated so as to be fire resistant.

(11) Head frames shall be constructed of structural steel or open frame-work fireproofed timber. Head houses and other temporary surface buildings or structures within 100 feet of the shaft, caisson, or tunnel opening shall be built of fire-resistant materials.

(12) No oil, gasoline, or other combustible material shall be stored within 100 feet of any shaft, caisson, or tunnel opening, except that oils may be stored in suitable tanks in isolated fireproof buildings, provided such buildings are not less than 50 feet from any shaft, caisson, or tunnel opening, or any building directly connected thereto.

(13) Positive means shall be taken to prevent leaking flammable liquids from flowing into the areas specifically mentioned in the preceding paragraph.

(14) All explosives used in connection with compressed air work shall be selected, stored, transported, and used as specified in Subpart U of this part.

(m) *Bulkheads and safety screens.* (1) Intermediate bulkheads with locks, or intermediate safety screens or both, are required where there is the danger of rapid flooding.

(2) In tunnels 16 feet or more in diameter, hanging walkways shall be provided from the face to the man lock as high in the tunnel as practicable, with at least 6 feet of head room. Walkways shall be constructed of noncombustible material. Standard railings shall be securely installed throughout the length of all walkways on open sides in accordance with Subpart M of this part. Where walkways are ramped under safety screens, the walkway surface shall be skidproofed by cleats or by equivalent means.

(3) Bulkheads used to contain compressed air shall be tested, where practicable, to prove their ability to resist the highest air pressure which may be expected to be used.

§ 1926.804 Definitions applicable to this subpart.

(a) "Bulkhead"—An airtight structure separating the working chamber from free air or from another chamber under a lesser pressure than the working pressure.

(b) "Caisson"—A wood, steel, concrete or reinforced concrete, air- and watertight chamber in which it is possible for men to work under air pressure greater than atmospheric pressure to excavate material below water level.

(c) "Decanting"—A method used for decompressing under emergency circumstances. In this procedure, the employees are brought to atmospheric pressure with a very high gas tension in the tissues and then immediately recompressed in a second and separate chamber or lock.

(d) "Emergency locks"—A lock designed to hold and permit the quick passage of an entire shift of employees.

(e) "High air"—Air pressure used to supply power to pneumatic tools and devices.

(f) "Low air"—Air supplied to pressurize working chambers and locks.

(g) "Man lock"—A chamber through which men pass from one air pressure environment into another.

(h) "Materials lock"—A chamber through which materials and equipment pass from one air pressure environment into another.

(i) "Medical lock"—A special chamber in which employees are treated for decompression illness. It may also be used in preemployment physical examinations to determine the adaptability of the prospective employee to changes in pressure.

(j) "Normal condition"—One during which exposure to compressed air is limited to a single continuous working period followed by a single decompression in any given 24-hour period; the total time of exposure to compressed air

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during the single continuous working period is not interrupted by exposure to normal atmospheric pressure, and a second exposure to compressed air does not occur until at least 12 consecutive hours of exposure to normal atmospheric pressure has elapsed since the employee has been under pressure.

(k) "Pressure"—A force acting on a unit area. Usually shown as pounds per square inch. (p.s.i.)

(l) "Absolute pressure" (p.s.i.a.)—The sum of the atmospheric pressure and gauge pressure (p.s.i.g.).

(m) "Atmospheric pressure"—The pressure of air at sea level, usually 14.7 p.s.i.a. (1 atmosphere), or 0 p.s.i.g.

(n) "Gauge pressure" (p.s.i.g.)—Pressure measured by a gauge and indicating the pressure exceeding atmospheric.

(o) "Safety screen"—An air- and water-tight diaphragm placed across the upper part of a compressed air tunnel between the face and bulkhead, in order to prevent flooding the crown of the tunnel between the safety screen and the bulkhead, thus providing a safe means of refuge and exit from a flooding or flooded tunnel.

(p) "Special decompression chamber"—A chamber to provide greater comfort for employees when the total decompression time exceeds 75 minutes.

(q) "Working chamber"—The space or compartment under air pressure in which the work is being done.

APPENDIX A

DECOMPRESSION TABLES

1. *Explanation.* The decompression tables are computed for working chamber pressures from 0 to 14 pounds, and from 14 to 50 pounds per square inch gauge inclusive by 2-pound increments and for exposure times for each pressure extending from one-half to over 8 hours inclusive. Decompressions will be conducted by two or more stages with a maximum of four stages, the latter for a working chamber pressure of 40 pounds per square inch gauge or over.

Stage 1 consists of a reduction in ambient pressure ranging from 10 to a maximum of 16 pounds per square inch, but in no instance will the pressure be reduced below 4 pounds at the end of stage 1. This reduction in pressure in stage 1 will always take place at a rate not greater than 5 pounds per minute.

Further reduction in pressure will take place during stage 2 and subsequent stages as required at a slower rate, but in no event at a rate greater than 1 pound per minute.

Decompression Table No. 1 indicates in the body of the table the total decompression time in minutes for various combinations of working chamber pressure and exposure time.

Decompression Table No. 2 indicates for the same various combinations of working chamber pressure and exposure time the following:

a. The number of stages required;

b. The reduction in pressure and the terminal pressure for each required stage;

c. The time in minutes through which the reduction in pressure is accomplished for each required stage;

d. The pressure reduction rate in minutes per pound for each required stage;

IMPORTANT NOTE: The Pressure Reduction in Each Stage is Accomplished at a Uniform Rate. Do Not Interpolate Between Values Shown on the Tables. Use the Next Higher Value of Working Chamber Pressure or Exposure Time Should the Actual Working Chamber Pressure or the Actual Exposure Time, Respectively, Fall Between Those for Which Calculated Values Are Shown in the Body of the Tables.

Examples:

Example No. 1:
4 hours working period at 20 pounds gauge.
Decompression Table No. 1:
20 pounds for 4 hours, total decompression time. — 48 minutes.
Decompression Table No. 2:
Stage 1: Reduce pressure from 20 pounds to 4 pounds at the uniform rate of 5 pounds per minute.
Elapsed time stage 1: $\frac{16}{5}$ — 3 minutes.
Stage 2 (final stage): Reduce pressure at a uniform rate from 4 pounds to 0-pound gage over a period of 40 minutes.
Rate—0.10 pound per minute or 10 minutes per pound.
Stage 2 (final) elapsed time. — 40 minutes.
Total time. — 48 minutes.

Example No. 2:
5-hour working period at 24 pounds gage.
Decompression Table No. 1:
24 pounds for 5 hours, total decompression time. — 117 minutes.
Decompression Table No. 2:
Stage 1: Reduce pressure from 24 pounds to 8 pounds at the uniform rate of 5 pounds per minute.
Elapsed time stage 1: $\frac{16}{5}$ — 3 minutes.
Stage 2: Reduce pressure at a uniform rate from 8 pounds to 4 pounds over a period of 4 minutes. Rate, 1 pound per minute elapsed time, stage 2. — 4 minutes.
Transfer men to special decompression chamber maintaining the 4-pound pressure during the transfer operation.
Stage 3 (final stage): In the special decompression chamber, reduce the pressure at a uniform rate from 4 pounds to 0-pound gage over a period of 110 minutes. Rate, 0.037 pound per minute or 27.5 minutes per pound. Stage 3 (final) elapsed time. — 110 minutes.
Total time. — 117 minutes.

DECOMPRESSION TABLE NO. 1—TOTAL DECOMPRESSION TIME

Work pressure p.s.i.g.	Working period hours: ½	1	1½	2	3	4	5	6	7	8	Over 8
0-12	3	3	3	3	3	3	3	3	3	3	3
14	6	6	6	6	6	6	6	6	6	6	6
16	7	7	7	7	7	7	17	28	48	63	63
18	7	7	7	8	11	17	28	48	73	73	87
20	7	7	8	16	18	48	48	63	73	88	113
22	8	8	16	24	28	48	63	73	88	103	133
24	11	12	23	27	42	92	117	122	127	127	151
26	12	14	23	34	48	104	128	141	142	142	163
28	13	20	24	48	63	127	142	152	152	165	183
30	17	23	32	48	63	136	142	152	152	166	204
32	18	23	43	48	73	136	152	152	152	213	226
34	21	30	48	48	73	151	178	188	188	188	248
36	24	44	48	113	178	178	188	188	188	188	273
38	28	48	73	128	178	178	203	203	203	203	278
40	21	48	94	148	188	213	228	228	228	228	288
42	37	48	107	144	188	213	228	228	228	228	293
44	43	64	118	154	190	224	234	234	234	238	293
46	44	74	130	171	214	244	258	258	258	258	318
48	21	88	144	200	238	258	258	258	258	319	.....
50	36	94	144	200	240	270	288	288	288	.....	.....

DECOMPRESSION TABLE NO. 2

(Do not interpolate, use next higher value for conditions not computed.)

Working chamber pressure P.s.i.g.	Working period Hours	Decompression data: Stage No.	Pressure reduction P.s.i.g. From	To	Time in stage Minutes	Pressure reduction rate Min./Pound	Total time decompress Minutes
14	½	1	14	4	2	0.20	6
		2	4	0	4	1.00	6
	1	1	14	4	2	0.20	6
		2	4	0	4	1.00	6
	1½	1	14	4	2	0.20	6
		2	4	0	4	1.00	6
	2	1	14	4	2	0.20	6
		2	4	0	4	1.00	6
	3	1	14	4	2	0.20	6
		2	4	0	4	1.00	6
	4	1	14	4	2	0.20	6
		2	4	0	4	1.00	6
	5	1	14	4	2	0.20	6
		2	4	0	4	1.00	6
	6	1	14	4	2	0.20	6
		2	4	0	4	1.00	6
	7	1	14	4	2	0.20	6
		2	4	0	4	1.00	6
	8	1	14	4	2	0.20	6
		2	4	0	4	1.00	6
	Over 8	1	14	4	2	0.20	6
		2	4	0	4	1.00	6

DECOMPRESSION TABLE NO. 2—Continued

Working chamber pressure P.s.i.g.	Working period Hours	Decompression data: Stage No.	Pressure reduction P.s.i.g. From	To	Time in stage Minutes	Pressure reduction rate Min./Pound	Total time decompress Minutes
16	½	1	16	4	3	0.20	7
		2	4	0	4	1.00	7
	1	1	16	4	3	0.20	7
		2	4	0	4	1.00	7
	1½	1	16	4	3	0.20	7
		2	4	0	4	1.00	7
	2	1	16	4	3	0.20	7
		2	4	0	4	1.00	7
	3	1	16	4	3	0.20	7
		2	4	0	4	1.00	7
	4	1	16	4	3	0.20	7
		2	4	0	4	1.00	7
	5	1	16	4	3	0.20	7
		2	4	0	4	1.00	7
	6	1	16	4	3	0.20	7
		2	4	0	4	1.00	7
	7	1	16	4	3	0.20	7
		2	4	0	4	1.00	7
	8	1	16	4	3	0.20	7
		2	4	0	4	1.00	7
	Over 8	1	16	4	3	0.20	7
		2	4	0	4	1.00	7
18	½	1	18	4	3	0.20	7
		2	4	0	4	1.00	7
	1	1	18	4	3	0.20	7
		2	4	0	4	1.00	7
	1½	1	18	4	3	0.20	7
		2	4	0	4	1.00	7
	2	1	18	4	3	0.20	7
		2	4	0	4	1.00	7
	3	1	18	4	3	0.20	7
		2	4	0	4	1.00	7
	4	1	18	4	3	0.20	7
		2	4	0	4	1.00	7
	5	1	18	4	3	0.20	7
		2	4	0	4	1.00	7
	6	1	18	4	3	0.20	7
		2	4	0	4	1.00	7
	7	1	18	4	3	0.20	7
		2	4	0	4	1.00	7
	8	1	18	4	3	0.20	7
		2	4	0	4	1.00	7
	Over 8	1	18	4	3	0.20	7
		2	4	0	4	1.00	7
20	½	1	20	4	3	0.20	7
		2	4	0	4	1.00	7
	1	1	20	4	3	0.20	7
		2	4	0	4	1.00	7
	1½	1	20	4	3	0.20	7
		2	4	0	4	1.00	7
	2	1	20	4	3	0.20	7
		2	4	0	4	1.00	7
	3	1	20	4	3	0.20	7
		2	4	0	4	1.00	7
	4	1	20	4	3	0.20	7
		2	4	0	4	1.00	7
	5	1	20	4	3	0.20	7
		2	4	0	4	1.00	7
	6	1	20	4	3	0.20	7
		2	4	0	4	1.00	7
	7	1	20	4	3	0.20	7
		2	4	0	4	1.00	7
	8	1	20	4	3	0.20	7
		2	4	0	4	1.00	7
	Over 8	1	20	4	3	0.20	7
		2	4	0	4	1.00	7
22	½	1	22	4	3	0.20	8
		2	4	0	4	1.00	8
	1	1	22	4	3	0.20	8
		2	4	0	4	1.00	8
	1½	1	22	4	3	0.20	8
		2	4	0	4	1.00	8
	2	1	22	4	3	0.20	8
		2	4	0	4	1.00	8
	3	1	22	4	3	0.20	8
		2	4	0	4	1.00	8
	4	1	22	4	3	0.20	8
		2	4	0	4	1.00	8
	5	1	22	4	3	0.20	8
		2	4	0	4	1.00	8
	6	1	22	4	3	0.20	8
		2	4	0	4	1.00	8
	7	1	22	4	3	0.20	8
		2	4	0	4	1.00	8
	8	1	22	4	3	0.20	8
		2	4	0	4	1.00	8
	Over 8	1	22	4	3	0.20	8
		2	4	0	4	1.00	8
24	½	1	24	4	3	0.20	8
		2	4	0	4	1.00	8
	1	1	24	4	3	0.20	8
		2	4	0	4	1.00	8
	1½	1	24	4	3	0.20	8
		2	4	0	4	1.00	8
	2	1	24	4	3	0.20	8
		2	4	0	4	1.00	8
	3	1	24	4	3	0.20	8
		2	4	0	4	1.00	8
	4	1	24	4	3	0.20	8
		2	4	0	4	1.00	8
	5	1	24	4	3	0.20	8
		2	4	0	4	1.00	8
	6	1	24	4	3	0.20	8
		2	4	0	4	1.00	8
	7	1	24	4	3	0.20	8
		2	4	0	4	1.00	8
	8	1	24	4	3	0.20	8
		2	4	0	4	1.00	8
	Over 8	1	24	4	3	0.20	8
		2	4	0	4	1.00	8
26	½	1	26	4	3	0.20	8
		2	4	0	4	1.00	8
	1	1	26	4	3	0.20	8
		2	4	0	4	1.00	8
	1½	1	26	4	3	0.20	8
		2	4	0	4	1.00	8
	2	1	26	4	3	0.20	8
		2	4	0	4	1.00	8
	3	1	26	4	3	0.20	8
		2	4	0	4	1.00	8
	4	1	26	4	3	0.20	8
		2	4	0	4	1.00	8
	5	1	26	4	3	0.20	8
		2	4	0	4	1.00	8
	6	1	26	4	3	0.20	8
		2	4	0	4	1.00	8
	7	1	26	4	3	0.20	8
		2	4	0	4	1.00	8
	8	1	26	4	3	0.20	8
		2	4	0	4	1.00	8
	Over 8	1	26	4	3	0.20	8
		2	4	0	4	1.00	8

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DECOMPRESSION TABLE NO. 2—Continued

Working chamber pressure P.s.i.g.	Working period Hours	Stage No.	Pressure reduction P.s.i.g. From	Pressure reduction P.s.i.g. To	Time in stage Minutes	Pressure reduction rate Min./Pound	Total time decompress Minutes
36	1½	1	36	30	3	0.30	
		2	30	4	7.60	63	
		3	4	0	1.88		
2		1	36	30	3	0.30	
		2	30	4	2.80	113	
		3	4	0	17.60		
3		1	36	30	3	0.30	
		2	30	4	3.25	170	
		3	4	0	26.75		
4		1	36	30	3	0.30	
		2	30	4	4.06	196	
		3	4	0	32.60		
5		1	36	30	3	0.30	
		2	30	4	5.63	223	
		3	4	0	32.60		
6		1	36	30	3	0.30	
		2	30	4	6.25	238	
		3	4	0	32.60		
7		1	36	30	3	0.30	
		2	30	4	6.88	243	
		3	4	0	32.60		
8		1	36	30	3	0.30	
		2	30	4	7.60	243	
		3	4	0	32.60		
Over 8		1	36	30	3	0.30	
		2	30	4	8.75	273	
		3	4	0	32.60		
38	1½	1	36	30	3	0.30	
		2	30	4	1.60	23	
		3	4	0	6.00		
1		1	36	30	3	0.30	
		2	30	4	1.00	49	
		3	4	0	6.00		
1½		1	36	30	3	0.30	
		2	30	4	8.34	73	
		3	4	0	6.00		
2		1	36	30	3	0.30	
		2	30	4	1.88	128	
		3	4	0	16.83		
3		1	36	30	3	0.30	
		2	30	4	2.19	178	
		3	4	0	23.36		
4		1	36	30	3	0.30	
		2	30	4	3.12	303	
		3	4	0	26.00		
5		1	36	30	3	0.30	
		2	30	4	3.44	223	
		3	4	0	27.60		
6		1	36	30	3	0.30	
		2	30	4	4.38	285	
		3	4	0	27.60		
7		1	36	30	3	0.30	
		2	30	4	8.22	228	
		3	4	0	27.60		
8		1	36	30	3	0.30	
		2	30	4	6.88	263	
		3	4	0	27.60		
Over 8		1	36	30	3	0.30	
		2	30	4	11.25	278	
		3	4	0	32.60		
40	1½	1	36	30	3	0.30	
		2	30	4	1.00	81	
		3	4	0	2.00		
1		1	36	30	3	0.30	
		2	30	4	1.00	49	
		3	4	0	6.00		
1½		1	36	30	3	0.30	
		2	30	4	1.25	84	
		3	4	0	11.25		

DECOMPRESSION TABLE NO. 2—Continued

Working chamber pressure P.s.i.g.	Working period Hours	Stage No.	Pressure reduction P.s.i.g. From	Pressure reduction P.s.i.g. To	Time in stage Minutes	Pressure reduction rate Min./Pound	Total time decompress Minutes
42	½	1	40	24	3	0.30	
		2	24	0	6.00	36	
		3	4	0	0.30		
1		1	40	24	3	0.30	
		2	24	4	2.80	66	
		3	4	0	16.00		
1½		1	40	24	3	0.30	
		2	24	4	3.75	102	
		3	4	0	16.00		
2		1	40	24	3	0.30	
		2	24	4	4.69	144	
		3	4	0	23.75		
3		1	40	24	3	0.30	
		2	24	4	8.34	189	
		3	4	0	30.00		
4		1	40	24	3	0.30	
		2	24	4	1.06	218	
		3	4	0	32.60		
5		1	40	24	3	0.30	
		2	24	4	1.69	263	
		3	4	0	32.60		
6		1	40	24	3	0.30	
		2	24	4	1.88	260	
		3	4	0	32.60		
7		1	40	24	3	0.30	
		2	24	4	1.88	263	
		3	4	0	32.60		
8		1	40	24	3	0.30	
		2	24	4	2.19	263	
		3	4	0	32.60		
Over 8		1	40	24	3	0.30	
		2	24	4	6.67	268	
		3	4	0	32.60		

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DECOMPRESSION TABLE NO. 2—Continued

Working chamber pressure P.s.i.g.	Working period Hours	Stage No.	Pressure reduction P.s.i.g. From	Pressure reduction P.s.i.g. To	Time in stage Minutes	Pressure reduction rate Min./Pound	Total time decompress Minutes
40	2	1	40	24	3	0.30	
		2	24	4	26.75	143	
		3	4	0	0.30		
3		1	40	24	3	0.30	
		2	24	4	7.60	183	
		3	4	0	30.00		
4		1	40	24	3	0.30	
		2	24	4	2.81	218	
		3	4	0	32.60		
5		1	40	24	3	0.30	
		2	24	4	5.63	223	
		3	4	0	32.60		
6		1	40	24	3	0.30	
		2	24	4	6.25	238	
		3	4	0	32.60		
7		1	40	24	3	0.30	
		2	24	4	6.88	243	
		3	4	0	32.60		
8		1	40	24	3	0.30	
		2	24	4	7.60	243	
		3	4	0	32.60		
Over 8		1	40	24	3	0.30	
		2	24	4	8.75	273	
		3	4	0	32.60		
42	½	1	42	26	3	0.30	
		2	26	10	6.00	37	
		3	10	4	0.30		
1		1	42	26	3	0.30	
		2	26	10	1.00	57	
		3	10	4	0.30		
1½		1	42	26	3	0.30	
		2	26	10	1.00	66	
		3	10	4	0.30		
2		1	42	26	3	0.30	
		2	26	10	1.00	102	
		3	10	4	0.30		
3		1	42	26	3	0.30	
		2	26	10	1.00	144	
		3	10	4	0.30		
4		1	42	26	3	0.30	
		2	26	10	1.00	189	
		3	10	4	0.30		
5		1	42	26	3	0.30	
		2	26	10	1.00	218	
		3	10	4	0.30		
6		1	42	26	3	0.30	
		2	26	10	1.00	246	
		3	10	4	0.30		
7		1	42	26	3	0.30	
		2	26	10	1.00	260	
		3	10	4	0.30		
8		1	42	26	3	0.30	
		2	26	10	1.00	263	
		3	10	4	0.30		
Over 8		1	42	26	3	0.30	
		2	26	10	2.19	268	
		3	10	4	0.30		

DECOMPRESSION TABLE NO. 2—Continued

Working chamber pressure P.s.i.g.	Working period Hours	Stage No.	Pressure reduction P.s.i.g. From	Pressure reduction P.s.i.g. To	Time in stage Minutes	Pressure reduction rate Min./Pound	Total time decompress Minutes
32	¼	1	32	16	3	0.30	
		2	16	0	1.00	16	
		3	4	0	0.30		
1		1	32	16	3	0.30	
		2	16	4	1.00	36	
		3	4	0	6.00		
1¼		1	32	16	3	0.30	
		2	16	4	1.25	43	
		3	4	0	8.00		
1½		1	32	16	3	0.30	
		2	16	4	1.50	66	
		3	4	0	10.00		
2		1	32	16	3	0.30	
		2	16	4	1.83	86	
		3	4	0	12.00		
2½		1	32	16	3	0.30	
		2	16	4	2.13	106	
		3	4	0	14.00		
3		1	32	16	3	0.30	
		2	16	4	2.44	126	
		3	4	0	16.00		
3½		1	32	16	3	0.30	
		2	16	4	2.75	146	
		3	4	0	18.00		
4		1	32	16	3	0.30	
		2	16	4	3.06	166	
		3	4	0	20.00		
4½		1	32	16	3	0.30	
		2	16	4	3.38	186	
		3	4	0	22.00		
5		1	32	16	3	0.30	
		2	16	4	3.69	206	
		3	4	0	24.00		
5½		1	32	16	3	0.30	
		2	16	4	4.00	226	
		3	4	0	26.00		
6		1	32	16	3	0.30	
		2	16	4	4.31	246	
		3	4	0	28.00		
6½		1	32	16	3	0.30	
		2	16	4	4.63	266	
		3	4	0	30.00		
7		1	32	16	3	0.30	
		2	16	4	4.94	286	
		3	4	0	32.00		
7½		1	32	16	3	0.30	
		2	16	4	5.25	306	
		3	4	0	34.00		
8		1	32	16	3	0.30	
		2	16	4	5.56	326	
		3	4	0	36.00		
Over 8		1	32	16	3	0.30	
		2	16	4	5.88	346	
		3	4	0	38.00		
34	¼	1	34	18	3	0.30	
		2	18	4	1.00	21	
		3	4	0	6.00		
½		1	34	18	3	0.30	
		2	18	4	1.00	30	
		3	4	0	8.00		
¾		1	34	18	3	0.30	
		2	18	4	1.00	46	
		3	4	0	10.00		
1		1	34	18	3	0.30	
		2	18	4	1.00	66	
		3	4	0	12.00		
1¼		1	34	18	3	0.30	
		2	18	4	1.00	86	
		3	4	0	14.00		
1½		1	34	18	3	0.30	
		2	18	4	1.00	106	
		3	4	0	16.00		
2		1	34	18	3	0.30	
		2	18	4	1.00	126	
		3	4	0	18.00		
2½		1	34	18	3	0.30	
		2	18	4	1.00	146	
		3	4	0	20.00		
3		1	34	18	3	0.30	
		2	18	4	1.00	166	
		3	4	0	22.00		
3½		1	34	18	3	0.30	
		2	18	4	1.00	186	
		3	4	0	24.00		
4		1	34	18	3	0.30	
		2	18	4	1.00	206	
		3	4	0	26.00		
4½		1	34	18	3	0.30	
		2	18	4	1.00	226	
		3	4	0	28.00		
5		1	34	18	3	0.30	
		2	18	4	1.00	246	
		3	4	0	30.00		
5½		1	34	18	3	0.30	
		2	18	4	1.00	266	
		3	4	0	32.00		
6		1	34	18	3	0.30	
		2	18	4	1.00	286	
		3	4	0	34.00		
6½		1	34	18	3	0.30	
		2	18	4	1.00	306	
		3	4	0	36.00		
7		1	34	18	3	0.30	
		2	18	4	1.00	326	
		3	4	0	38.00		
Over 8		1	34	18	3	0.30	
		2	18	4	1.00	346	
		3	4	0	40.00		

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DECOMPRESSION TABLE NO. 2—Continued

Working chamber pressure P.s.i.g.	Working period Hours	Stage No.	Pressure reduction P.s.i.g. From	Pressure reduction P.s.i.g. To	Time in stage Minutes	Pressure reduction rate Min./Pound	Total time decompress Minutes
34	¼	1	34	18	3	0.30	
		2	18	4	1.00	21	
		3	4	0	6.00		
½		1	34	18	3	0.30	
		2	18	4	1.00	30	
		3	4	0	8.00		
¾		1	34	18	3	0.30	
		2	18	4	1.00	46	
		3	4	0	10.00		
1		1	34	18	3	0.30	
		2	18	4	1.00	66	
		3	4	0	12.00		
1¼		1	34	18	3	0.30	
		2	18	4	1.00	86	
		3	4	0	14.00		
1½		1	34	18	3	0.30	
		2	18	4	1.00	106	
		3	4	0	16.00		
2		1	34	18	3	0.30	
		2	18	4	1.00	126	
		3	4	0	18.00		
2½		1	34	18	3	0.30	
		2	18	4	1.00	146	
		3	4	0	20.00		
3		1	34	18	3	0.30	
		2	18	4	1.00	166	
		3	4	0	22.00		
3½		1	34	18	3	0.30	
		2	18	4	1.00	186	
		3	4	0	24.00		
4		1	34	18	3	0.30	
		2	18	4	1.00	206	
		3	4	0	26.00		
4½		1	34	18	3	0.30	
		2	18	4	1.00	226	
		3	4	0	28.00		
5		1	34	18	3	0.30	
		2	18	4	1.00	246	
		3	4	0	30.00		
5½		1	34	18	3	0.30	
		2	18	4	1.00	266	
		3	4	0	32.00		
6		1	34	18	3	0.30	
		2	18	4	1.00	286	
		3	4	0	34.00		
6½		1	34	18	3	0.30	
		2	18	4	1.00	306	
		3	4	0	36.00		
7		1	34	18	3	0.30	
		2	18	4	1.00	326	
		3	4	0	38.00		
Over 8		1	34	18	3	0.30	
		2	18	4	1.00	346	
		3	4	0	40.00		
36	¼	1	36	20	3	0.30	
		2	20	4	1.00	24	
		3	4	0	6.00		
½		1	36	20	3	0.30	
		2	20	4	1.00	36	
		3	4	0	8.00		
¾		1	36	20	3	0.30	
		2	20	4	1.00	49	
		3	4	0	10.00		
1		1	36	20	3	0.30	
		2	20	4	1.00	64	
		3	4	0	12.00		
1¼		1	36	20	3	0.30	
		2	20	4	1.00	84	
		3	4	0	14.00		
1½		1	36	20	3	0.30	
		2	20	4	1.00	104	
		3	4	0	16.00		
2		1	36	20	3	0.30	
		2	20	4	1.00	124	
		3	4	0	18.00		
2½		1	36	20	3	0.30	
		2	20	4	1.00	144	
		3	4	0	20.00		
3		1	36	20	3	0.30	
		2	20	4	1.00	164	
		3	4	0	22.00		
3½		1	36	20	3	0.30	
		2	20	4	1.00	184	
		3	4	0	24.00		
4		1	36	20	3	0.30	
		2	20	4	1.00	204	
		3	4	0	26.00		
4½		1	36	20	3	0.30	
		2	20	4	1.00	224	
		3	4	0	28.00		
5		1	36	20	3	0.30	
		2	20	4	1.00	244	
		3	4	0	30.00		
5½		1	36	20	3	0.30	
		2	20	4	1.00	264	
		3	4	0	32.00		

DECOMPRESSION TABLE NO. 2—Continued

Working chamber pressure P.s.i.g.	Working period Hours	Stage No.	Decompression data: Pressure reduction P.s.i.g. From	To	Time in stage Minutes	Pressure reduction rate Min/Pound	Total time decompress Minutes
46	6	1	46	30	3	0.20	289
		2	30	14	15	1.00	
		3	14	4	120	12.00	
		4	4	0	3	32.50	
	8	1	46	30	3	0.20	274
		2	30	14	15	1.00	
		3	14	4	135	13.50	
		4	4	0	3	32.50	
	7	1	46	30	3	0.20	289
		2	30	14	16	1.00	
		3	14	4	140	14.00	
		4	4	0	3	32.50	
	8	1	46	30	3	0.20	289
		2	30	14	16	1.00	
		3	14	4	150	15.00	
		4	4	0	3	32.50	
	Over 8	1	46	30	3	0.20	318
		2	30	14	25	1.66	
		3	14	4	160	16.00	
		4	4	0	3	32.50	
48	1½	1	48	32	3	0.20	41
		2	32	16	3	0.20	
		3	16	4	25	1.66	
		4	4	0	3	6.50	
	1	1	48	32	3	0.20	69
		2	32	16	3	0.20	
		3	16	4	60	7.50	
		4	4	0	3	32.50	
	1½	1	48	32	3	0.20	144
		2	32	16	3	0.20	
		3	16	4	90	11.25	
		4	4	0	3	32.50	
	2	1	48	32	3	0.20	189
		2	32	16	3	0.20	
		3	16	4	120	15.00	
		4	4	0	3	32.50	
	3	1	48	32	3	0.20	229
		2	32	16	3	0.20	
		3	16	4	150	18.75	
		4	4	0	3	32.50	
	4	1	48	32	3	0.20	269
		2	32	16	3	0.20	
		3	16	4	180	22.50	
		4	4	0	3	32.50	
	5	1	48	32	3	0.20	269
		2	32	16	3	0.20	
		3	16	4	180	22.50	
		4	4	0	3	32.50	
	6	1	48	32	3	0.20	269
		2	32	16	3	0.20	
		3	16	4	180	22.50	
		4	4	0	3	32.50	
	7	1	48	32	3	0.20	269
		2	32	16	3	0.20	
		3	16	4	180	22.50	
		4	4	0	3	32.50	
	8	1	48	32	3	0.20	269
		2	32	16	3	0.20	
		3	16	4	180	22.50	
		4	4	0	3	32.50	
	Over 8	1	48	32	3	0.20	318
		2	32	16	3	0.20	
		3	16	4	210	26.25	
		4	4	0	3	32.50	
50	1½	1	50	34	3	0.20	41
		2	34	18	3	0.20	
		3	18	4	25	1.66	
		4	4	0	3	6.50	
	1	1	50	34	3	0.20	69
		2	34	18	3	0.20	
		3	18	4	60	7.50	
		4	4	0	3	32.50	
	1½	1	50	34	3	0.20	144
		2	34	18	3	0.20	
		3	18	4	90	11.25	
		4	4	0	3	32.50	
	2	1	50	34	3	0.20	189
		2	34	18	3	0.20	
		3	18	4	120	15.00	
		4	4	0	3	32.50	
	3	1	50	34	3	0.20	229
		2	34	18	3	0.20	
		3	18	4	150	18.75	
		4	4	0	3	32.50	
	4	1	50	34	3	0.20	269
		2	34	18	3	0.20	
		3	18	4	180	22.50	
		4	4	0	3	32.50	
	5	1	50	34	3	0.20	269
		2	34	18	3	0.20	
		3	18	4	180	22.50	
		4	4	0	3	32.50	
	6	1	50	34	3	0.20	269
		2	34	18	3	0.20	
		3	18	4	180	22.50	
		4	4	0	3	32.50	
	7	1	50	34	3	0.20	269
		2	34	18	3	0.20	
		3	18	4	180	22.50	
		4	4	0	3	32.50	
	8	1	50	34	3	0.20	269
		2	34	18	3	0.20	
		3	18	4	180	22.50	
		4	4	0	3	32.50	
	Over 8	1	50	34	3	0.20	318
		2	34	18	3	0.20	
		3	18	4	210	26.25	
		4	4	0	3	32.50	
52	1½	1	52	36	3	0.20	41
		2	36	20	3	0.20	
		3	20	4	25	1.66	
		4	4	0	3	6.50	
	1	1	52	36	3	0.20	69
		2	36	20	3	0.20	
		3	20	4	60	7.50	
		4	4	0	3	32.50	
	1½	1	52	36	3	0.20	144
		2	36	20	3	0.20	
		3	20	4	90	11.25	
		4	4	0	3	32.50	
	2	1	52	36	3	0.20	189
		2	36	20	3	0.20	
		3	20	4	120	15.00	
		4	4	0	3	32.50	
	3	1	52	36	3	0.20	229
		2	36	20	3	0.20	
		3	20	4	150	18.75	
		4	4	0	3	32.50	
	4	1	52	36	3	0.20	269
		2	36	20	3	0.20	
		3	20	4	180	22.50	
		4	4	0	3	32.50	
	5	1	52	36	3	0.20	269
		2	36	20	3	0.20	
		3	20	4	180	22.50	
		4	4	0	3	32.50	
	6	1	52	36	3	0.20	269
		2	36	20	3	0.20	
		3	20	4	180	22.50	
		4	4	0	3	32.50	
	7	1	52	36	3	0.20	269
		2	36	20	3	0.20	
		3	20	4	180	22.50	
		4	4	0	3	32.50	
	8	1	52	36	3	0.20	269
		2	36	20	3	0.20	
		3	20	4	180	22.50	
		4	4	0	3	32.50	
	Over 8	1	52	36	3	0.20	318
		2	36	20	3	0.20	
		3	20	4	210	26.25	
		4	4	0	3	32.50	
54	1½	1	54	38	3	0.20	41
		2	38	22	3	0.20	
		3	22	4	25	1.66	
		4	4	0	3	6.50	
	1	1	54	38	3	0.20	69
		2	38	22	3	0.20	
		3	22	4	60	7.50	
		4	4	0	3	32.50	
	1½	1	54	38	3	0.20	144
		2	38	22	3	0.20	
		3	22	4	90	11.25	
		4	4	0	3	32.50	
	2	1	54	38	3	0.20	189
		2	38	22	3	0.20	
		3	22	4	120	15.00	
		4	4	0	3	32.50	
	3	1	54	38	3	0.20	229
		2	38	22	3	0.20	
		3	22	4	150	18.75	
		4	4	0	3	32.50	
	4	1	54	38	3	0.20	269
		2	38	22	3	0.20	
		3	22	4	180	22.50	
		4	4	0	3	32.50	
	5	1	54	38	3	0.20	269
		2	38	22	3	0.20	
		3	22	4	180	22.50	
		4	4	0	3	32.50	
	6	1	54	38	3	0.20	269
		2	38	22	3	0.20	
		3	22	4	180	22.50	
		4	4	0	3	32.50	
	7	1	54	38	3	0.20	269
		2	38	22	3	0.20	
		3	22	4	180	22.50	
		4	4	0	3	32.50	
	8	1	54	38	3	0.20	269
		2	38	22	3	0.20	
		3	22	4	180	22.50	
		4	4	0	3	32.50	
	Over 8	1	54	38	3	0.20	318
		2	38	22	3	0.20	
		3	22	4	210	26.25	
		4	4	0	3	32.50	
56	1½	1	56	40	3	0.20	41
		2	40	24	3	0.20	
		3	24	4	25	1.66	
		4	4	0	3	6.50	
	1	1	56	40	3	0.20	69
		2	40	24	3	0.20	
		3	24	4	60	7.50	
		4	4	0	3	32.50	
	1½	1	56	40	3	0.20	144
		2	40	24	3	0.20	
		3	24	4	90	11.25	
		4	4	0	3	32.50	
	2	1	56	40	3	0.20	189
		2	40	24	3	0.20	
		3	24	4	120	15.00	
		4	4	0	3	32.50	
	3	1	56	40	3	0.20	229
		2	40	24	3	0.20	
		3	24	4	150	18.75	
		4	4	0	3	32.50	
	4	1	56	40	3	0.20	269
		2	40	24	3	0.20	
		3	24	4	180	22.50	
		4	4	0	3	32.50	
	5	1	56	40	3	0.20	269
		2	40	24	3	0.20	
		3	24	4	180	22.50	
		4	4	0	3	32.50	
	6	1	56	40	3	0.20	269
		2	40	24	3	0.20	
		3	24	4	180	22.50	
		4	4	0	3	32.50	
	7	1	56	40	3	0.20	269
		2	40	24	3	0.20	
		3	24	4	180	22.50	
		4	4	0	3	32.50	
	8	1	56	40	3	0.20	269
		2	40	24	3	0.20	
		3	24	4	180	22.50	
		4	4	0	3	32.50	
	Over 8	1	56	40	3	0.20	318
		2	40	24	3	0.20	
		3	24	4	210	26.25	
		4	4	0	3	32.50	
58	1½	1	58	42	3	0.20	41
		2	42	26	3	0.20	
		3	26	4	25	1.66	
		4	4	0	3	6.50	
	1	1	58	42	3	0.20	69
		2	42	26	3	0.20	
		3	26	4	60	7.50	
		4	4	0	3	32.50	
	1½	1	58	42	3	0.20	144
		2	42	26	3	0.20	
		3	26	4	90	11.25	
		4	4	0	3	32.50	
	2	1	58	42	3	0.20	189
		2	42	26	3	0.20	
		3	26	4	120	15.00	
		4	4	0	3	32.50	
	3	1	58	42	3	0.20	229
		2	42	26	3	0.20	
		3	26	4	150	18.75	
		4	4	0	3	32.50	
	4	1	58	42	3	0.20	269
		2	42	26	3	0.20	
		3	26	4	180	22.50	
		4	4	0	3	32.50	
	5	1	58	42	3	0.20	269
		2	42	26	3	0.20	
		3	26	4	180	22.50	
		4	4	0	3	32.50	
	6	1	58	42	3	0.20	269
		2	42	26	3	0.20	
		3	26	4	180	22.50	
		4	4	0	3	32.50	
	7	1	58	42	3	0.20	269
		2	42	26	3	0.20	
		3	26	4	180	22.50	
		4	4	0	3	32.50	
	8	1	58	42	3	0.20	269
		2	42	26	3	0.20	
		3	26	4	180	22.50	
		4	4	0	3	32.50	
	Over 8	1	58	42	3	0.20	318
		2	42	26	3	0.20	
		3	26	4	210	26.25	
		4	4	0	3	32.50	
60	1½	1	60	44	3	0.20	41
		2	44	28	3	0.20	
		3	28	4	25	1.66	
		4	4	0	3	6.50	
	1	1	60	44	3	0.20	69
		2	44	28	3	0.20	
		3	28	4	60	7.50	
		4	4	0	3	32.50	
	1½	1	60	44	3	0.20	144
		2	44	28	3	0.20	
		3	28	4	90	11.25	
		4	4	0	3	32.50	
	2	1	60	44	3	0.20	189
		2	44	28	3	0.20	
		3	28	4	120	15.00	
		4	4	0	3	32.50	
	3	1	60	44	3	0.20	229
		2	44	28	3	0.20	
		3	28	4	150	18.75	
		4	4	0	3	32.50	
	4	1	60	44	3	0.20	269
		2	44	28	3	0.20	
		3	28	4	180	22.50	
		4	4	0	3	32.50	
	5	1	60	44	3	0.20	269
		2	44	28	3	0.20	
		3	28	4	180	22.50	
		4	4	0	3	32.50	
	6	1	60	44	3	0.20	269
		2	44	28	3	0.20	
		3	28	4	180	22.50	
		4	4	0	3	32.50	
	7	1	60	44	3	0.20	269
		2	44	28	3	0.20	
		3	28	4	180	22.50	
		4	4	0	3	32.50	
	8	1	60	44	3	0.20	269
		2	44	28	3	0.20	
		3	28	4	180	22.50	
		4	4	0	3	32.50	
	Over 8	1	60	44	3	0.20	318
		2	44	28	3	0.20	
		3	28	4	210	26.25	
		4	4	0	3	32.50	

DECOMPRESSION TABLE NO. 2—Continued

Working chamber pressure P.s.i.g.	Working period Hours	Stage No.	Decompression data: Pressure reduction P.s.i.g. From	To	Time in stage Minutes	Pressure reduction rate Min/Pound	Total time decompress Minutes
60	1½	1	60	50	3	0.20	
		2	50	34	15	1.00	
		3	34	18	16	1.00	
		4	18	4	55	3.93	
		5	4	0	90	22.50	164
	2	1	60	50	3	0.20	
		2	50	34	16	1.00	
		3	34	18	16	1.00	
		4	18	4	70	5.00	
		5	4	0	120	30.00	209
	3	1	60	50	3	0.20	
		2	50	34	16	1.00	
		3	34	18	16	1.00	
		4	18	4	100	7.15	
		5	4	0	130	32.50	249
	4	1	60	50	3	0.20	
		2	50	34	3	0.20	
		3	34	18	16	1.00	
		4	18	4	130	8.58	
		5	4	0	130	32.50	279
	5	1	60	50	3	0.20	
		2	50	34	3	0.20	
		3	34	18	16	1.00	
		4	18	4	160	11.42	
		5	4	0	130	32.50	309
	6	1	60	50	3	0.20	
		2	50	34	16	1.00	
		3	34	18	180	12.85	
		4	4	0	130	32.50	329

Subpart T—Demolition

§ 1926.850 Preparatory operations.

(a) Prior to permitting employees to start demolition operations, an engineering survey shall be made, by a competent person, of the structure to determine the condition of the framing, floors, and walls, and possibility of unplanned collapse of any portion of the structure. Any adjacent structure where employees may be exposed shall also be similarly checked. The employer shall have in writing evidence that such a survey has been performed.

(b) When employees are required to work within a structure to be demolished which has been damaged by fire, flood, explosion, or other cause, the walls or floor shall be shored or braced.

(c) All electric, gas, water, steam, sewer, and other service lines shall be shut off, capped, or otherwise controlled, outside the building line before demolition work is started. In each case, any utility company which is involved shall be notified in advance.

(d) If it is necessary to maintain any power, water or other utilities during demolition, such lines shall be temporarily relocated, as necessary, and protected.

(e) It shall also be determined if any type of hazardous chemicals, gases, explosives, flammable materials, or similarly dangerous substances have been used in any pipes, tanks, or other equipment on the property. When the presence of any such substances is apparent or suspected, testing and purging shall be performed and the hazard eliminated before demolition is started.

(f) Where a hazard exists from fragmentation of glass, such hazards shall be removed.

(g) Where a hazard exists to employees falling through wall openings, the opening shall be protected to a height of approximately 42 inches.

(h) When debris is dropped through holes in the floor without the use of chutes, the area onto which the material is dropped shall be completely enclosed with barricades not less than 42 inches high and not less than 6 feet back from the projected edge of the opening above. Signs, warning of the hazard of falling materials, shall be posted at each level. Removal shall not be permitted in this lower area until debris handling ceases above.

(i) All floor openings, not used as material drops, shall be covered over with material substantial enough to support the weight of any load which may be imposed. Such material shall be properly secured to prevent its accidental movement.

(j) Except for the cutting of holes in floors for chutes, holes through which to drop materials, preparation of storage space, and similar necessary preparatory work, the demolition of exterior walls and floor construction shall begin at the top of the structure and proceed downward. Each story of exterior wall and floor construction shall be removed and dropped into the storage space before commencing the removal of exterior walls and floors in the story next below.

(k) Employee entrances to multistory structures being demolished shall be completely protected by sidewalk sheds or canopies, or both, providing protection from the face of the building for a minimum of 8 feet. All such canopies shall be at least 2 feet wider than the building entrances or openings (1 foot wider on each side thereof), and shall be capable of sustaining a load of 150 pounds per square foot.

§ 1926.851 Stairs, passageways, and ladders.

(a) Only those stairways, passageways, and ladders, designated as means of access to the structure of a building, shall be used. Other access ways shall be entirely closed at all times.

(b) All stairs, passageways, ladders and incidental equipment thereto, which are covered by this section, shall be periodically inspected and maintained in a clean safe condition.

(c) In a multistory building, when a stairwell is being used, it shall be properly illuminated by either natural or artificial means, and completely and substantially covered over at a point not less than two floors below the floor on which work is being performed, and access to the floor where the work is in progress shall be through a properly lighted, protected, and separate passageway.

§ 1926.852 Chutes.

(a) No material shall be dropped to any point lying outside the exterior walls of the structure unless the area is effectively protected.

(b) All materials chutes, or sections thereof, at an angle of more than 45° from the horizontal, shall be entirely enclosed, except for openings equipped with closures at or about floor level for the insertion of materials. The openings shall not exceed 48 inches in height measured along the wall of the chute. At all stories below the top floor, such openings shall be kept closed when not in use.

(c) A substantial gate shall be installed in each chute at or near the discharge end. A competent employee shall be assigned to control the operation of the gate, and the backing and loading of trucks.

(d) When operations are not in progress, the area surrounding the discharge end of a chute shall be securely closed off.

(e) Any chute opening, into which workmen dump debris, shall be protected by a substantial guardrail approximately 42 inches above the floor or other surface on which the men stand to dump the material. Any space between the chute and the edge of openings in the floors through which it passes shall be solidly covered over.

(f) Where the material is dumped from mechanical equipment or wheelbarrows, a securely attached toeboard or bumper, not less than 4 inches thick and 6 inches high, shall be provided at each chute opening.

(g) Chutes shall be designed and constructed of such strength as to eliminate failure due to impact of materials or debris loaded therein.

§ 1926.853 Removal of materials through floor openings.

Any openings cut in a floor for the disposal of materials shall be no larger in size than 25 percent of the aggregate of the total floor area, unless the lateral supports of the removed flooring remain in place. Floors weakened or otherwise made unsafe by demolition operations shall be shored to carry safely the intended imposed load from demolition operations.

§ 1926.854 Removal of walls, masonry sections, and chimneys.

(a) Masonry walls, or other sections of masonry, shall not be permitted to fall upon the floors of the building in such masses as to exceed the safe carrying capacities of the floors.

(b) No wall section, which is more than one story in height, shall be permitted to stand alone without lateral bracing, unless such wall was originally designed and constructed to stand without such lateral support, and is in a con-

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dition safe enough to be self-supporting. All walls shall be left in a stable condition at the end of each shift.

(c) Employees shall not be permitted to work on the top of a wall when weather conditions constitute a hazard.

(d) Structural or load-supporting members on any floor shall not be cut or removed until all stories above such a floor have been demolished and removed. This provision shall not prohibit the cutting of floor beams for the disposal of materials or for the installation of equipment, provided that the requirements of §§ 1926.853 and 1926.855 are met.

(e) Floor openings within 10 feet of any wall being demolished shall be planked solid, except when employees are kept out of the area below.

(f) In buildings of "skeleton-steel" construction, the steel framing may be left in place during the demolition of masonry. Where this is done, all steel beams, girders, and similar structural supports shall be cleared of all loose material as the masonry demolition progresses downward.

(g) Walkways or ladders shall be provided to enable employees to safely reach or leave any scaffold or wall.

(h) Walls, which serve as retaining walls to support earth or adjoining structures, shall not be demolished until such earth has been properly braced or adjoining structures have been properly underpinned.

(i) Walls, which are to serve as retaining walls against which debris will be piled, shall not be so used unless capable of safely supporting the imposed load.

§ 1926.855 Manual removal of floors.

(a) Openings cut in a floor shall extend the full span of the arch between supports.

(b) Before demolishing any floor arch, debris and other material shall be removed from such arch and other adjacent floor area. Planks not less than 2 inches by 10 inches in cross section, full size undressed, shall be provided for, and shall be used by employees to stand on while breaking down floor arches between beams. Such planks shall be so located as to provide a safe support for the workmen should the arch between the beams collapse. The open space between planks shall not exceed 16 inches.

(c) Safe walkways, not less than 18 inches wide, formed of planks not less than 2 inches thick if wood, or of equivalent strength if metal, shall be provided and used by workmen when necessary to enable them to reach any point without walking upon exposed beams.

(d) Stringers of ample strength shall be installed to support the flooring planks, and the ends of such stringers shall be supported by floor beams or girders, and not by floor arches alone.

(e) Planks shall be laid together over solid bearings with the ends overlapping at least 1 foot.

(f) When floor arches are being removed, employees shall not be allowed in the area directly underneath, and such an area shall be barricaded to prevent access to it.

(g) Demolition of floor arches shall not be started until they, and the surrounding floor area for a distance of 20 feet, have been cleared of debris and any other unnecessary materials.

§ 1926.856 Removal of walls, floors, and material with equipment.

(a) Mechanical equipment shall not be used on floors or working surfaces unless such floors or surfaces are of sufficient strength to support the imposed load.

(b) Floor openings shall have curbs or stop-logs to prevent equipment from running over the edge.

(c) Mechanical equipment used shall meet the requirements specified in Subparts N and O of this part.

§ 1926.857 Storage.

(a) The storage of waste material and debris on any floor shall not exceed the allowable floor loads.

(b) In buildings having wooden floor construction, the flooring boards may be removed from not more than one floor above grade to provide storage space for debris, provided falling material is not permitted to endanger the stability of the structure.

(c) When wood floor beams serve to brace interior walls or free-standing exterior walls, such beams shall be left in place until other equivalent support can be installed to replace them.

(d) Floor arches, to an elevation of not more than 25 feet above grade, may be removed to provide storage area for debris: *Provided*, That such removal does not endanger the stability of the structure.

(e) Storage space into which material is dumped shall be blocked off, except for openings necessary for the removal of material. Such openings shall be kept closed at all times when material is not being removed.

§ 1926.858 Removal of steel construction.

(a) When floor arches have been removed, planking in accordance with § 1926.855(b) shall be provided for the workers engaged in raising the steel framing.

(b) Cranes, derricks, and other hoisting equipment used shall meet the requirements specified in Subpart N of this part.

(c) Steel construction shall be dismantled column length by column length, and tier by tier (columns may be in two-story lengths).

(d) Any structural member being dismembered shall not be overstressed.

§ 1926.859 Mechanical demolition.

(a) No workers shall be permitted in any area, which can be adversely affected by demolition operations, when balling or clamming is being performed. Only those workers necessary for the performance of the operations shall be permitted in this area at any other time.

(b) The weight of the demolition ball shall not exceed 50 percent of the crane's rated load, based on the length of the boom and the maximum angle of operation at which the demolition ball will be used, or it shall not exceed 25 percent of the nominal breaking strength of the line by which it is suspended, whichever results in a lesser value.

(c) The crane boom and loadline shall be as short as possible.

(d) The ball shall be attached to the loadline with a swivel-type connection to prevent twisting of the loadline, and shall be attached by positive means in such manner that the weight cannot become accidentally disconnected.

(e) When pulling over walls or portions thereof, all steel members affected shall have been previously cut free.

(f) All roof cornices or other such ornamental stonework shall be removed prior to pulling walls over.

(g) During demolition, continuing inspections by a competent person shall be made as the work progresses to detect hazards resulting from weakened or deteriorated floors, or walls, or loosened material. No employee shall be permitted to work where such hazards exist until they are corrected by shoring, bracing, or other effective means.

§ 1926.860 Selective demolition by explosives.

Selective demolition by explosives shall be conducted in accordance with the applicable sections of Subpart U of this part.

Subpart U—Blasting and the Use of Explosives

§ 1926.900 General provisions.

(a) The employer shall permit only authorized and qualified persons to handle and use explosives.

(b) Smoking, firearms, matches, open flame lamps, and other fires, flame or heat producing devices and sparks shall be prohibited in or near explosive magazines or while explosives are being handled, transported or used.

(c) No person shall be allowed to handle or use explosives while under the influence of intoxicating liquors, narcotics, or other dangerous drugs.

(d) All explosives shall be accounted for at all times. Explosives not being used shall be kept in a locked magazine, unavailable to persons not authorized to handle them. The employer shall maintain an inventory and use record of all explosives. Appropriate authorities shall be notified of any loss, theft, or unauthorized entry into a magazine.

(e) No explosives or blasting agents shall be abandoned.

(f) No fire shall be fought where the fire is in imminent danger of contact with explosives. All employees shall be removed to a safe area and the fire area guarded against intruders.

(g) Original containers, or Class II magazines, shall be used for taking detonators and other explosives from storage magazines to the blasting area.

(h) When blasting is done in congested areas or in proximity to a structure, railway, or highway, or any other installation that may be damaged, the blaster shall take special precautions in the loading, delaying, initiation, and confinement of each blast with mats or other methods so as to control the throw of fragments, and thus prevent bodily injury to employees.

(i) Employees authorized to prepare explosive charges or conduct blasting operations shall use every reasonable precaution including, but not limited to, visual and audible warning signals, flags, or barricades, to ensure employee safety.

(j) Insofar as possible, blasting operations above ground shall be conducted between sunup and sundown.

(k) Due precautions shall be taken to prevent accidental discharge of electric blasting caps from current induced by radar, radio transmitters, lightning, adjacent powerlines, dust storms, or other sources of extraneous electricity. These precautions shall include:

(1) Detonators shall be short-circuited in holes which have been primed and shunted until wired into the blasting circuit.

(2) The suspension of all blasting operations and removal of persons from the blasting area during the approach and progress of an electric storm;

(3) (i) The prominent display of adequate signs, warning against the use of mobile radio transmitters, on all roads within 1,000 feet of blasting operations. Whenever adherence to the 1,000-foot distance would create an operational handicap, a competent person shall be consulted to evaluate the particular situation, and alternative provisions may be made which are adequately designed to prevent any premature firing of electric blasting caps. A description of any such alternatives shall be reduced to writing and shall be certified as meeting the purposes of this subdivision by the competent person consulted. The description shall be maintained at the construction site during the duration of the work, and shall be available for inspection by representatives of the Secretary of Labor.

(ii) Specimens of signs which would meet the requirements of paragraph (k)(3) of this section are the following:



About 48" x 48"



About 42" x 36"

(4) Ensuring that mobile radio transmitters which are less than 100 feet away from electric blasting caps, in other than original containers, shall be de-energized and effectively locked;

(5) Compliance with the recommendations of The Institute of the Makers of Explosives with regard to blasting in the vicinity of radio transmitters as stipulated in Radio Frequency Energy—A Potential Hazard in the Use of Electric Blasting Caps, IME Publication No. 20, March 1971.

(l) Empty boxes and paper and fiber packing materials, which have previously contained high explosives, shall not be used again for any purpose, but shall be destroyed by burning at an approved location.

(m) Explosives, blasting agents, and blasting supplies that are obviously deteriorated or damaged shall not be used.

(n) Delivery and issue of explosives shall only be made by and to authorized persons and into authorized magazines or approved temporary storage or handling areas.

(o) Blasting operations in the proximity of overhead power lines, communication lines, utility services, or other services and structures shall not be carried on until the operators and/or owners have been notified and measures for safe control have been taken.

(p) The use of black powder shall be prohibited.

(q) All loading and firing shall be directed and supervised by competent persons thoroughly experienced in this field.

(r) All blasts shall be fired electrically with an electric blasting machine or properly designed electric power source, except as provided in § 1926.906 (a) and (r).

§ 1926.901 Blaster qualifications.

(a) A blaster shall be able to understand and give written and oral orders.

(b) A blaster shall be in good physical condition and not be addicted to narcotics, intoxicants, or similar types of drugs.

(c) A blaster shall be qualified, by reason of training, knowledge, or experience, in the field of transporting, storing, handling, and use of explosives, and have a working knowledge of State and local laws and regulations which pertain to explosives.

(d) Blasters shall be required to furnish satisfactory evidence of competency in handling explosives and performing in a safe manner the type of blasting that will be required.

(e) The blaster shall be knowledgeable and competent in the use of each type of blasting method used.

§ 1926.902 Surface transportation of explosives.

(a) Transportation of explosives shall meet the provisions of Department of Transportation regulations contained in 14 CFR Part 103, Air Transportation; 46 CFR Parts 146–149, Water Carriers; 49 CFR Parts 171–179, Highways and Railways; 49 CFR Part 180, Pipelines; and 49 CFR Parts 390–397, Motor Carriers.

(b) Motor vehicles or conveyances transporting explosives shall only be driven by, and be in the charge of, a licensed driver who is physically fit. He shall be familiar with the local, State, and Federal regulation governing the transportation of explosives.

(c) No person shall smoke, or carry matches or any other flame-producing device, nor shall firearms or loaded cartridges be carried while in or near a motor vehicle or conveyance transporting explosives.

(d) Explosives, blasting agents, and blasting supplies shall not be transported with other materials or cargoes. Blasting caps (including electric) shall not be transported in the same vehicle with other explosives.

(e) Vehicles used for transporting explosives shall be strong enough to carry the load without difficulty, and shall be in good mechanical condition.

(f) When explosives are transported by a vehicle with an open body, a Class II magazine or original manufacturer's container shall be securely mounted on the bed to contain the cargo.

(g) All vehicles used for the transportation of explosives shall have tight floors and any exposed spark-producing metal on the inside of the body shall be covered with wood, or other nonsparking material, to prevent contact with containers of explosives.

(h) Every motor vehicle or conveyance used for transporting explosives shall be marked or placarded on both sides, the front, and the rear with the word "Explosives" in red letters, not less than 4 inches in height, on white background. In addition to such marking or placarding, the motor vehicle or conveyance may display, in such a manner that it will be readily visible from all directions, a red flag 18 inches by 30 inches, with the word "Explosives" painted, stamped, or sewed thereon, in white letters, at least 6 inches in height.

(i) Each vehicle used for transportation of explosives shall be equipped with a fully charged fire extinguisher, in good condition. An Underwriters Laboratory-approved extinguisher of not less than 10-ABC rating will meet the minimum requirement. The driver shall be trained in the use of the extinguisher on his vehicle.

(j) Motor vehicles or conveyances carrying explosives, blasting agents, or blasting supplies, shall not be taken inside a garage or shop for repairs or servicing.

(k) No motor vehicle transporting explosives shall be left unattended.

§ 1926.903 Underground transportation of explosives.

(a) All explosives or blasting agents in transit underground shall be taken to the place of use or storage without delay.

(b) The quantity of explosives or blasting agents taken to an underground loading area shall not exceed the amount estimated to be necessary for the blast.

(c) Explosives in transit shall not be left unattended.

(d) The hoist operator shall be notified before explosives or blasting agents are transported in a shaft conveyance.

(e) Trucks used for the transportation of explosives underground shall have the electrical system checked weekly to detect any failures which may constitute an electrical hazard. A written record of such inspections shall be kept on file.

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(f) The installation of auxiliary lights on truck beds, which are powered by the truck's electrical system, shall be prohibited.

(g) Explosives and blasting agents shall be hoisted, lowered, or conveyed in a powder car. No other materials, supplies, or equipment shall be transported in the same conveyance at the same time.

(h) No one, except the operator, his helper, and the powderman, shall be permitted to ride on a conveyance transporting explosives and blasting agents.

(i) No person shall ride in any shaft conveyance transporting explosives and blasting agents.

(j) No explosives or blasting agents shall be transported on any locomotive. At least two car lengths shall separate the locomotive from the powder car.

(k) No explosives or blasting agents shall be transported on a man haul trip.

(l) The car or conveyance containing explosives or blasting agents shall be pulled, not pushed, whenever possible.

(m) The powder car or conveyance especially built for the purpose of transporting explosives or blasting agents shall bear a reflectorized sign on each side with the word "Explosives" in letters, not less than 4 inches in height; upon a background of sharply contrasting color.

(n) Compartments for transporting detonators and explosives in the same car or conveyance shall be physically separated by a distance of 24 inches or by a solid partition at least 6 inches thick.

(o) Detonators and other explosives shall not be transported at the same time in any shaft conveyance.

(p) Explosives, blasting agents, or blasting supplies shall not be transported with other materials.

(q) Explosives or blasting agents, not in original containers, shall be placed in a suitable container when transported manually.

(r) Detonators, primers, and other explosives shall be carried in separate containers when transported manually.

§ 1926.904 Storage of explosives and blasting agents.

(a) Explosives and related materials shall be stored in approved facilities required under the applicable provisions of the Internal Revenue Service regulations contained in 26 CFR 181, Commerce in Explosives.

(b) Blasting caps, electric blasting caps, detonating primers, and primed cartridges shall not be stored in the same magazine with other explosives or blasting agents.

(c) Smoking and open flames shall not be permitted within 50 feet of explosives and detonator storage magazine.

(d) No explosives or blasting agents shall be permanently stored in any underground operation until the operation has been developed to the point where at least two modes of exit have been provided.

(e) Permanent underground storage magazines shall be at least 300 feet from any shaft, adit, or active underground working area.

(f) Permanent underground magazines containing detonators shall not be located closer than 50 feet to any magazine containing other explosives or blasting agents.

§ 1926.905 Loading of explosives or blasting agents.

(a) Procedures that permit safe and efficient loading shall be established before loading is started.

(b) All drill holes shall be sufficiently large to admit freely the insertion of the cartridges of explosives.

(c) Tamping shall be done only with wood rods or plastic tamping poles without exposed metal parts, but nonsparking metal connectors may be used for jointed poles. Violent tamping shall be avoided. The primer shall never be tamped.

(d) No holes shall be loaded except those to be fired in the next round of blasting. After loading, all remaining explosives and detonators shall be immediately returned to an authorized magazine.

(e) Drilling shall not be started until all remaining butts of old holes are examined for unexploded charges, and if any are found, they shall be refired before work proceeds.

(f) No person shall be allowed to deepen drill holes which have contained explosives or blasting agents.

(g) No explosives or blasting agents shall be left unattended at the blast site.

(h) Machines and all tools not used for loading explosives into bore holes shall be removed from the immediate location of holes before explosives are delivered. Equipment shall not be operated within 50 feet of loaded holes.

(i) No activity of any nature other than that which is required for loading holes with explosives shall be permitted in a blast area.

(j) Powerlines and portable electric cables for equipment being used shall be kept a safe distance from explosives or blasting agents being loaded into drill holes. Cables in the proximity of the blast area shall be deenergized and locked out by the blaster.

(k) Holes shall be checked prior to loading to determine depth and conditions. Where a hole has been loaded with explosives but the explosives have failed to detonate, there shall be no drilling within 50 feet of the hole.

(l) When loading a long line of holes with more than one loading crew, the crews shall be separated by practical distance consistent with efficient operation and supervision of crews.

(m) No explosive shall be loaded or used underground in the presence of combustible gases or combustible dusts.

(n) No explosives other than those in Fume Class 1, as set forth by the Institute of Makers of Explosives, shall be used; however, explosives complying with the requirements of Fume Class 2 and Fume Class 3 may be used if adequate ventilation has been provided.

(o) All blast holes in open work shall be stemmed to the collar or to a point which will confine the charge.

(p) Warning signs, indicating a blast area, shall be maintained at all approaches to the blast area. The warning sign lettering shall not be less than 4 inches in height on a contrasting background.

(q) A bore hole shall never be sprung when it is adjacent to or near a hole that is loaded. Flashlight batteries shall not be used for springing holes.

(r) Drill holes which have been sprung or chambered, and which are not water-filled, shall be allowed to cool before explosives are loaded.

(s) No loaded holes shall be left unattended or unprotected.

(t) The blaster shall keep an accurate, up-to-date record of explosives, blasting agents, and blasting supplies used in a blast and shall keep an accurate running inventory of all explosives and blasting agents stored on the operation.

§ 1926.906 Initiation of explosive charges—electric blasting.

(a) Electric blasting caps shall not be used where sources of extraneous electricity make the use of electric blasting caps dangerous. Blasting cap leg wires shall be kept short-circuited (shunted) until they are connected into the circuit for firing.

(b) Before adopting any system of electrical firing, the blaster shall conduct a thorough survey for extraneous currents, and all dangerous currents shall be eliminated before any holes are loaded.

(c) In any single blast using electric blasting caps, all caps shall be of the same style or function, and of the same manufacture.

(d) Electric blasting shall be carried out by using blasting circuits or power circuits in accordance with the electric blasting cap manufacturer's recommendations, or an approved contractor or his designated representative.

(e) When firing a circuit of electric blasting caps, care must be exercised to ensure that an adequate quantity of delivered current is available, in accordance with the manufacturer's recommendations.

(f) Connecting wires and lead wires shall be insulated single solid wires of sufficient current-carrying capacity.

(g) Bus wires shall be solid single wires of sufficient current-carrying capacity.

(h) When firing electrically, the insulation on all firing lines shall be adequate and in good condition.

(i) A power circuit used for firing electric blasting caps shall not be grounded.

(j) In underground operations when firing from a power circuit, a safety switch shall be placed in the permanent firing line at intervals. This switch shall be made so it can be locked only in the "Off" position and shall be provided with a short-circuiting arrangement of the firing lines to the cap circuit.

(k) In underground operations there shall be a "lightning" gap of at least 5 feet in the firing system ahead of the main firing switch; that is, between this switch and the source of power. This gap shall be bridged by a flexible jumper cord just before firing the blast.

(l) When firing from a power circuit, the firing switch shall be locked in the open or "Off" position at all times, except when firing. It shall be so designed that the firing lines to the cap circuit are automatically short-circuited when the switch is in the "Off" position. Keys to this switch shall be entrusted only to the blaster.

(m) Blasting machines shall be in good condition and the efficiency of the machine shall be tested periodically to make certain that it can deliver power at its rated capacity.

(n) When firing with blasting machines, the connections shall be made as recommended by the manufacturer of the electric blasting caps used.

(o) The number of electric blasting caps connected to a blasting machine shall not be in excess of its rated capacity. Furthermore, in primary blasting, a series circuit shall contain no more caps than the limits recommended by the manufacturer of the electric blasting caps in use.

(p) The blaster shall be in charge of the blasting machines, and no other person shall connect the leading wires to the machine.

(q) Blasters, when testing circuits to charged holes, shall use only blasting galvanometers equipped with a silver chloride cell especially designed for this purpose.

(r) Whenever the possibility exists that a leading line or blasting wire might be thrown over a live powerline by the force of an explosion, care shall be taken to see that the total length of wires are kept too short to hit the lines, or that the wires are securely anchored to the ground. If neither of these requirements can be satisfied, a nonelectric system shall be used.

(s) In electrical firing, only the man making leading wire connections shall fire the shot. All connections shall be made from the bore hole back to the source of firing current, and the leading wires shall remain shorted and not be connected to the blasting machine or other source of current until the charge is to be fired.

(t) After firing an electric blast from a blasting machine, the leading wires shall be immediately disconnected from the machine and short-circuited.

§ 1926.907 Use of safety fuse.

(a) Safety fuse shall only be used where sources of extraneous electricity make the use of electric blasting caps dangerous. The use of a fuse that has been hammered or injured in any way shall be forbidden.

(b) The hanging of a fuse on nails or other projections which will cause a sharp bend to be formed in the fuse is prohibited.

(c) Before capping safety fuse, a short length shall be cut from the end of the supply reel so as to assure a fresh cut end in each blasting cap.

(d) Only a cap crimper of approved design shall be used for attaching blasting caps to safety fuse. Crimpers shall be kept in good repair and accessible for use.

(e) No unused cap or short capped fuse shall be placed in any hole to be blasted; such unused detonators shall be removed from the working place and destroyed.

(f) No fuse shall be capped, or primers made up, in any magazine or near any possible source of ignition.

(g) No one shall be permitted to carry detonators or primers of any kind on his person.

(h) The minimum length of safety fuse to be used in blasting shall be as required by State law, but shall not be less than 30 inches.

(i) At least two men shall be present when multiple cap and fuse blasting is done by hand lighting methods.

(j) Not more than 12 fuses shall be lighted by each blaster when hand lighting devices are used. However, when two or more safety fuses in a group are lighted as one by means of igniter cord, or other similar fuse-lighting devices, they may be considered as one fuse.

(k) The so-called "drop fuse" method of dropping or pushing a primer or any explosive with a lighted fuse attached is forbidden.

(l) Cap and fuse shall not be used for firing mudcap charges unless charges are separated sufficiently to prevent one charge from dislodging other shots in the blast.

(m) When blasting with safety fuses, consideration shall be given to the length and burning rate of the fuse. Sufficient time, with a margin of safety, shall always be provided for the blaster to reach a place of safety.

§ 1926.908 Use of detonating cord.

(a) Care shall be taken to select a detonating cord consistent with the type and physical condition of the bore hole and stemming and the type of explosives used.

(b) Detonating cord shall be handled and used with the same respect and care given other explosives.

(c) The line of detonating cord extending out of a bore hole or from a charge shall be cut from the supply spool before loading the remainder of the bore hole or placing additional charges.

(d) Detonating cord shall be handled and used with care to avoid damaging or severing the cord during and after loading and hooking-up.

(e) Detonating cord connections shall be competent and positive in accordance with approved and recommended methods. Knot-type or other cord-to-cord connections shall be made only with detonating cord in which the explosive core is dry.

(f) All detonating cord trunklines and branchlines shall be free of loops, sharp kinks, or angles that direct the cord back toward the oncoming line of detonation.

(g) All detonating cord connections shall be inspected before firing the blast.

(h) When detonating cord millisecond-delay connectors or short-interval-delay electric blasting caps are used with detonating cord, the practice shall conform strictly to the manufacturer's recommendations.

(i) When connecting a blasting cap or an electric blasting cap to detonating cord, the cap shall be taped or otherwise attached securely along the side or the end of the detonating cord, with the end of the cap containing the explosive charge pointed in the direction in which the detonation is to proceed.

(j) Detonators for firing the trunkline shall not be brought to the loading area nor attached to the detonating cord until everything else is in readiness for the blast.

§ 1926.909 Firing the blast.

(a) A code of blasting signals equivalent to Table U–1, shall be posted on one or more conspicuous places at the operation, and all employees shall be required to familiarize themselves with the code and conform to it. Danger signs shall be placed at suitable locations.

(b) Before a blast is fired, a loud warning signal shall be given by the blaster in charge, who has made certain that all surplus explosives are in a safe place and all employees, vehicles, and equipment are at a safe distance, or under sufficient cover.

(c) Flagmen shall be safely stationed on highways which pass through the danger zone so as to stop traffic during blasting operations.

(d) It shall be the duty of the blaster to fix the time of blasting.

(e) Before firing an underground blast, warning shall be given, and all possible entries into the blasting area, and any entrances to any working place where a drift, raise, or other opening is about to hole through, shall be carefully guarded. The blaster shall make sure that all employees are out of the blast area before firing a blast.

TABLE U–1

WARNING SIGNAL—A 1-minute series of long blasts 5 minutes prior to blast signal.
BLAST SIGNAL—A series of short blasts 1 minute prior to the shot.
ALL CLEAR SIGNAL—A prolonged blast following the inspection of blast area.

§ 1926.910 Inspection after blasting.

(a) Immediately after the blast has been fired, the firing line shall be disconnected from the blasting machine, or where power switches are used, they shall be locked open or in the off position.

(b) Sufficient time shall be allowed, not less than 15 minutes in tunnels, for the smoke and fumes to leave the blasted area before returning to the shot. An inspection of the area and the surrounding rubble shall be made by the blaster to determine if all charges have been exploded before employees are allowed to return to the operation, and in tunnels, after the muck pile has been wetted down.

§ 1926.911 Misfires.

(a) If a misfire is found, the blaster shall provide proper safeguards for ex-

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cluding all employees from the danger zone.

(b) No other work shall be done except that necessary to remove the hazard of the misfire and only those employees necessary to do the work shall remain in the danger zone.

(c) No attempt shall be made to extract explosives from any charged or misfired hole; a new primer shall be put in and the hole reblasted. If refiring of the misfired hole presents a hazard, the explosives may be removed by washing out with water or, where the misfire is under water, blown out with air.

(d) If there are any misfires while using cap and fuse, all employees shall remain away from the charge for at least 1 hour. Misfires shall be handled under the direction of the person in charge of the blasting. All wires shall be carefully traced and a search made for unexploded charges.

(e) No drilling, digging, or picking shall be permitted until all missed holes have been detonated or the authorized representative has approved that work can proceed.

§ 1926.912 Underwater blasting.

(a) A blaster shall conduct all blasting operations, and no shot shall be fired without his approval.

(b) Loading tubes and casings of dissimilar metals shall not be used because of possible electric transient currents from galvanic action of the metals and water.

(c) Only water-resistant blasting caps and detonating cords shall be used for all marine blasting. Loading shall be done through a nonsparking metal loading tube when tube is necessary.

(d) No blast shall be fired while any vessel under way is closer than 1,500 feet to the blasting area. Those on board vessels or craft moored or anchored within 1,500 feet shall be notified before a blast is fired.

(e) No blast shall be fired while any swimming or diving operations are in progress in the vicinity of the blasting area. If such operations are in progress, signals and arrangements shall be agreed upon to assure that no blast shall be fired while any person is in the water.

(f) Blasting flags shall be displayed.

(g) The storage and handling of explosives aboard vessels used in underwater blasting operations shall be according to provisions outlined herein on handling and storing explosives.

(h) When more than one charge is placed under water, a float device shall be attached to an element of each charge in such manner that it will be released by the firing. Misfires shall be handled in accordance with the requirements of § 1926.911.

§ 1926.913 Blasting in excavation work under compressed air.

(a) Detonators and explosives shall not be stored or kept in tunnels, shafts, or caissons. Detonators and explosives for each round shall be taken directly from the magazines to the blasting zone and immediately loaded. Detonators and explosives left over after loading a round shall be removed from the working chamber before the connecting wires are connected up.

(b) When detonators or explosives are bought into an air lock, no employee except the powderman, blaster, lock tender and the employees necessary for carrying, shall be permitted to enter the air lock. No other material, supplies, or equipment shall be locked through with the explosives.

(c) Detonators and explosives shall be taken separately into pressure working chambers.

(d) The blaster or powderman shall be responsible for the receipt, unloading, storage, and on-site transportation of explosives and detonators.

(e) All metal pipes, rails, air locks, and steel tunnel lining shall be electrically bonded together and grounded at or near the portal or shaft, and such pipes and rails shall be cross-bonded together at not less than 1,000-foot intervals throughout the length of the tunnel. In addition, each low air supply pipe shall be grounded at its delivery end.

(f) The explosives suitable for use in wet holes shall be water-resistant and shall be Fume Class 1.

(g) When tunnel excavation in rock face is approaching mixed face, and when tunnel excavation is in mixed face, blasting shall be performed with light charges and with light burden on each hole. Advance drilling shall be performed as tunnel excavation in rock face approaches mixed face, to determine the general nature and extent of rock cover and the remaining distance ahead to soft ground as excavation advances.

§ 1926.914 Definitions applicable to this subpart.

(a) "American Table of Distances" (also known as Quantity Distance Tables) means American Table of Distances for Storage of Explosives as revised and approved by the Institute of the Makers of Explosives, June 5, 1964.

(b) "Approved storage facility"—A facility for the storage of explosive materials conforming to the requirements of this part and covered by a license or permit issued under authority of the Internal Revenue Service. (See 26 CFR Part 181).

(c) "Blast area"—The area in which explosives loading and blasting operations are being conducted.

(d) "Blaster"—The person or persons authorized to use explosives for blasting purposes and meeting the qualifications contained in § 1926.901.

(e) "Blasting agent"—A blasting agent is any material or mixture consisting of a fuel and oxidizer used for blasting, but not classified an explosive and in which none of the ingredients is classified as an explosive provided the furnished (mixed) product cannot be detonated with a No. 8 test blasting cap when confined. A common blasting agent presently in use is a mixture of ammonium nitrate (NH_4NO_3) and carbonaceous combustibles, such as fuel oil or coal, and may either be procured, premixed and packaged from explosives companies or mixed in the field.

(f) "Blasting cap"—A metallic tube closed at one end, containing a charge of one or more detonating compounds, and designed for and capable of detonation from the sparks or flame from a safety fuse inserted and crimped into the open end.

(g) "Block holing"—The breaking of boulders by firing a charge of explosives that has been loaded in a drill hole.

(h) "Conveyance"—Any unit for transporting explosives or blasting agents, including but not limited to trucks, trailers, rail cars, barges, and vessels.

(i) "Detonating cord"—A flexible cord containing a center core of high explosives which when detonated, will have sufficient strength to detonate other cap-sensitive explosives with which it is in contact.

(j) "Detonator"—Blasting caps, electric blasting caps, delay electric blasting caps, and nonelectric delay blasting caps.

(k) "Electric blasting cap"—A blasting cap designed for and capable of detonation by means of an electric current.

(l) "Electric blasting circuitry"—

(1) Bus wire. An expendable wire, used in parallel or series, in parallel circuits, to which are connected the leg wires of electric blasting caps.

(2) Connecting wire. An insulated expendable wire used between electric blasting caps and the leading wires or between the bus wire and the leading wires.

(3) Leading wire. An insulated wire used between the electric power source and the electric blasting cap circuit.

(4) Permanent blasting wire. A permanently mounted insulated wire used between the electric power source and the electric blasting cap circuit.

(m) "Electric delay blasting caps"—Caps designed to detonate at a predetermined period of time after energy is applied to the ignition system.

(n) "Explosives"—(1) Any chemical compound, mixture, or device, the primary or common purpose of which is to function by explosion; that is, with substantially instantaneous release of gas and heat, unless such compound, mixture or device is otherwise specifically classified by the U.S. Department of Transportation.

(2) All material which is classified as Class A, Class B, and Class C explosives by the U.S. Department of Transportation.

(3) Classification of explosives by the U.S. Department of Transportation is as follows:

Class A Explosives. Possessing detonating hazard, such as dynamite, nitroglycerin, picric acid, lead azide, fulminate of mercury, black powder, blasting caps, and detonating primers.

Class B Explosives. Possessing flammable hazard, such as propellant explosives, including some smokeless propellants.

Class C Explosives. Include certain types of manufactured articles which contain Class A or Class B explosives, or both, as components, but in restricted quantities.

(o) "Fuse lighters"—Special devices for the purpose of igniting safety fuse.

(p) "Magazine"—Any building or structure, other than an explosives manufacturing building, used for the storage of explosives.

(q) "Misfire"—An explosive charge which failed to detonate.

(r) "Mud-capping" (sometimes known as bulldozing, adobe blasting, or dobying). The blasting of boulders by placing a quantity of explosives against a rock, boulder, or other object without confining the explosives in a drill hole.

(s) "Nonelectric delay blasting cap"—A blasting cap with an integral delay element in conjunction with and capable of being detonated by a detonation impulse or signal from miniaturized detonating cord.

(t) "Primary blasting"—The blasting operation by which the original rock formation is dislodged from its natural location.

(u) "Primer"—A cartridge or container of explosives into which a detonator or detonating cord is inserted or attached.

(v) "Safety fuse"—A flexible cord containing an internal burning medium by which fire is conveyed at a continuous and uniform rate for the purpose of firing blasting caps.

(w) "Secondary blasting"—The reduction of oversize material by the use of explosives to the dimension required for handling, including mudcapping and blockholing.

(x) "Stemming"—A suitable inert incombustible material or device used to confine or separate explosives in a drill hole, or to cover explosives in mudcapping.

(y) "Springing"—The creation of a pocket in the bottom of a drill hole by the use of a moderate quantity of explosives in order that larger quantities or explosives may be inserted therein.

(z) "Water gels, or slurry explosives"—A wide variety of materials used for blasting. They all contain substantial proportions of water and high proportions of ammonium nitrate, some of which is in solution in the water. Two broad classes of water gels are: (1) Those which are sensitized by a material classed as an explosive, such as TNT or smokeless powder, and (2) those which contain no ingredient classified as an explosive; these are sensitized with metals such as aluminum or with other fuels. Water gels may be premixed at an explosives plant or mixed at the site immediately before delivery into the bore hole.

Subpart V—Power Transmission and Distribution

§ 1926.950 General requirements.

(a) *Application.* The occupational safety and health standards contained in this Subpart V shall apply to the construction of electric transmission and distribution lines and equipment.

(1) As used in this Subpart V the term "construction" includes the erection of new electric transmission and distribution lines and equipment, and the alteration, conversion, and improvement of existing electric transmission and distribution lines and equipment.

(2) Existing electric transmission and distribution lines and electrical equipment need not be modified to conform to the requirements of applicable standards in this Subpart V, until such work as described in subparagraph (1) of this paragraph is to be performed on such lines or equipment.

(3) The standards set forth in this Subpart V provide minimum requirements for safety and health. Employers may require adherence to additional standards which are not in conflict with the standards contained in this Subpart V.

(b) *Initial inspections, tests, or determinations.* (1) Existing conditions shall be determined before starting work, by an inspection or a test. Such conditions shall include, but not be limited to, energized lines and equipment, conditions of poles, and the location of circuits and equipment, including power and communication lines, CATV and fire alarm circuits.

(2) Electric equipment and lines shall be considered energized until determined to be deenergized by tests or other appropriate methods or means.

(3) Operating voltage of equipment and lines shall be determined before working on or near energized parts.

(c) *Clearances.* The provisions of subparagraph (1) or (2) of this paragraph shall be observed.

(1) No employee shall be permitted to approach or take any conductive object without an approved insulating handle closer to exposed energized parts than shown in Table V–1, unless:

(i) The employee is insulated or guarded from the energized part (gloves or gloves with sleeves rated for the voltage involved shall be considered insulation of the employee from the energized part), or

(ii) The energized part is insulated or guarded from him and any other conductive object at a different potential, or

(iii) The employee is isolated, insulated, or guarded from any other conductive object(s), as during live-line bare-hand work.

(2) (i) The minimum working distance and minimum clear hot stick distances stated in Table V–1 shall not be violated. The minimum clear hot stick distance is that for the use of live-line tools held by linemen when performing live-line work.

(ii) Conductor support tools, such as link sticks, strain carriers, and insulator cradles, may be used: *Provided*, That the clear insulation is at least as long as the insulator string or the minimum distance specified in Table V–1 for the operating voltage.

Table V–1

ALTERNATING CURRENT—MINIMUM DISTANCES

Voltage range (phase to phase) kilovolt	Minimum working and clear hot stick distance
2.1 to 15	2 ft. 0 in.
15.1 to 35	2 ft. 4 in.
35.1 to 46	2 ft. 6 in.
46.1 to 72.5	3 ft. 0 in.
72.6 to 121	3 ft. 4 in.
138 to 145	3 ft. 6 in.
161 to 169	3 ft. 8 in.
230 to 242	5 ft. 0 in.
345 to 362	[1] 7 ft. 0 in.
500 to 552	[1] 11 ft. 0 in.
700 to 765	[1] 15 ft. 0 in.

[1] NOTE: For 345–362 kv., 500–552 kv., and 700–765 kv., the minimum working distance and the minimum clear hot stick distance may be reduced provided that such distances are not less than the shortest distance between the energized part and a grounded surface.

(d) *Deenergizing lines and equipment.* (1) When deenergizing lines and equipment operated in excess of 600 volts, and the means of disconnecting from electric energy is not visibly open or visibly locked out, the provisions of subdivisions (i) through (vii) of this subparagraph shall be complied with:

(i) The particular section of line or equipment to be deenergized shall be clearly identified, and it shall be isolated from all sources of voltage.

(ii) Notification and assurance from the designated employee shall be obtained that:

(*a*) All switches and disconnectors through which electric energy may be supplied to the particular section of line or equipment to be worked have been deenergized;

(*b*) All switches and disconnectors are plainly tagged indicating that men are at work;

(c) And that where design of such switches and disconnectors permits, they have been rendered inoperable.

(iii) After all designated switches and disconnectors have been opened, rendered inoperable, and tagged, visual inspection or tests shall be conducted to insure that equipment or lines have been deenergized.

(iv) Protective grounds shall be applied on the disconnected lines or equipment to be worked on.

(v) Guards or barriers shall be erected as necessary to adjacent energized lines.

(vi) When more than one independent crew requires the same line or equipment to be deenergized, a prominent tag for each such independent crew shall be placed on the line or equipment by the designated employee in charge.

(vii) Upon completion of work on deenergized lines or equipment, each designated employee in charge shall determine that all employees in his crew are clear, that protective grounds installed by his crew have been removed, and he shall report to the designated authority that all tags protecting his crew may be removed.

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(2) When a crew working on a line or equipment can clearly see that the means of disconnecting from electric energy are visibly open or visibly locked-out, the provisions of subdivisions (i), and (ii) of this subparagraph shall apply:

(i) Guards or barriers shall be erected as necessary to adjacent energized lines.

(ii) Upon completion of work on deenergized lines or equipment, each designated employee in charge shall determine that all employees in his crew are clear, that protective grounds installed by his crew have been removed, and he shall report to the designated authority that all tags protecting his crew may be removed.

(e) *Emergency procedures and first aid.* (1) The employer shall provide training or require that his employees are knowledgeable and proficient in:

(i) Procedures involving emergency situations, and

(ii) First-aid fundamentals including resuscitation.

(2) In lieu of paragraph (e)(1) of this section the employer may comply with the provisions of § 1926.50(c) regarding first-aid requirements.

(f) *Night work.* When working at night, spotlights or portable lights for emergency lighting shall be provided as needed to perform the work safely.

(g) *Work near and over water.* When crews are engaged in work over or near water and when danger of drowning exists, suitable protection shall be provided as stated in § 1926.104, or § 1926.105, or § 1926.106.

(h) *Sanitation facilities.* The requirements of § 1926.51 of Subpart D of this part shall be complied with for sanitation facilities.

(i) *Hydraulic fluids.* All hydraulic fluids used for the insulated sections of derrick trucks, aerial lifts, and hydraulic tools which are used on or around energized lines and equipment shall be of the insulating type. The requirements for fire resistant fluids of § 1926.302(d)(1) do not apply to hydraulic tools covered by this paragraph.

§ 1926.951 Tools and protective equipment.

(a) *Protective equipment.* (1) (i) Rubber protective equipment shall be in accordance with the provisions of the American National Standards Institute (ANSI), ANSI J6 series, as follows:

Item	Standard
Rubber insulating gloves	J6.6–1971.
Rubber matting for use around electric apparatus.	J6.7–1935 (R1971).
Rubber insulating blankets	J6.4–1971.
Rubber insulating hoods	J6.2–1950 (R1971).
Rubber insulating line hose	J6.1–1950 (R1971).
Rubber insulating sleeves	J6.5–1971.

(ii) Rubber protective equipment shall be visually inspected prior to use.

(iii) In addition, an "air" test shall be performed for rubber gloves prior to use.

(iv) Protective equipment of material other than rubber shall provide equal or better electrical and mechanical protection.

(2) Protective hats shall be in accordance with the provisions of ANSI Z89.2–1971 Industrial Protective Helmets for Electrical Workers, Class B, and shall be worn at the jobsite by employees who are exposed to the hazards of falling objects, electric shock, or burns.

(b) *Personal climbing equipment.* (1) Body belts with straps or lanyards shall be worn to protect employees working at elevated locations on poles, towers, or other structures except where such use creates a greater hazard to the safety of the employees, in which case other safeguards shall be employed.

(2) Body belts and safety straps shall meet the requirements of § 1926.959. In addition to being used as an employee safeguarding item, body belts with approved tool loops may be used for the purpose of holding tools. Body belts shall be free from additional metal hooks and tool loops other than those permitted in § 1926.959.

(3) Body belts and straps shall be inspected before use each day to determine that they are in safe working condition.

(4) (i) Life lines and lanyards shall comply with the provisions of § 1926.104.

(ii) Safety lines are not intended to be subjected to shock loading and are used for emergency rescue such as lowering a man to the ground. Such safety lines shall be a minimum of one-half-inch diameter and three or four strand first-grade manila or its equivalent in strength (2,650 lb.) and durability.

(5) Defective ropes shall be replaced.

(c) *Ladders.* (1) Portable metal or conductive ladders shall not be used near energized lines or equipment except as may be necessary in specialized work such as in high voltage substations where nonconductive ladders might present a greater hazard than conductive ladders. Conductive or metal ladders shall be prominently marked as conductive and all necessary precautions shall be taken when used in specialized work.

(2) Hook or other type ladders used in structures shall be positively secured to prevent the ladder from being accidentally displaced.

(d) *Live-line tools.* (1) Only live-line tool poles having a manufacturer's certification to withstand the following minimum tests shall be used:

(i) 100,000 volts per foot of length for 5 minutes when the tool is made of fiberglass; or

(ii) 75,000 volts per foot of length for 3 minutes when the tool is made of wood; or

(iii) Other tests equivalent to paragraph (d) (i) or (ii) of this section as appropriate.

(2) All live-line tools shall be visually inspected before use each day. Tools to be used shall be wiped clean and if any hazardous defects are indicated such tools shall be removed from service.

(e) *Measuring tapes or measuring ropes.* Measuring tapes or measuring ropes which are metal or contain conductive strands shall not be used when working on or near energized parts.

(f) *Handtools.* (1) Switches for all powered hand tools shall comply with § 1926.300(d).

(2) All portable electric handtools shall:

(i) Be equipped with three-wire cord having the ground wire permanently connected to the tool frame and means for grounding the other end; or

(ii) Be of the double insulated type and permanently labeled as "Double Insulated"; or

(iii) Be connected to the power supply by means of an isolating transformer, or other isolated power supply.

(3) All hydraulic tools which are used on or around energized lines or equipment shall use nonconducting hoses having adequate strength for the normal operating pressures. It should be noted that the provisions of § 1926.302(d)(2) shall also apply.

(4) All pneumatic tools which are used on or around energized lines or equipment shall:

(i) Have nonconducting hoses having adequate strength for the normal operating pressures, and

(ii) Have an accumulator on the compressor to collect moisture.

§ 1926.952 Mechanical equipment.

(a) *General.* (1) Visual inspections shall be made of the equipment to determine that it is in good condition each day the equipment is to be used.

(2) Tests shall be made at the beginning of each shift during which the equipment is to be used to determine that the brakes and operating systems are in proper working condition.

(3) No employer shall use any motor vehicle equipment having an obstructed view to the rear unless:

(i) The vehicle has a reverse signal alarm audible above the surrounding noise level or:

(ii) The vehicle is backed up only when an observer signals that it is safe to do so.

(b) *Aerial lifts.* (1) The provisions of § 1926.556, Subpart N of this part, shall apply to the utilization of aerial lifts.

(2) When working near energized lines or equipment, aerial lift trucks shall be grounded or barricaded and considered as energized equipment, or the aerial lift truck shall be insulated for the work being performed.

(3) Equipment or material shall not be passed between a pole or structure and an aerial lift while an employee working from the basket is within reaching distance of energized conductors or equipment that are not covered with insulating protective equipment.

(c) *Derrick trucks, cranes and other lifting equipment.* (1) All derrick trucks, cranes and other lifting equipment shall comply with Subpart N and O of this part except:

(i) As stated in § 1926.550(a)(15) (i) and (ii) relating to clearance (for clearances in this subpart see Table V–1) and

(ii) Derrick truck (electric line trucks) shall not be required to comply with § 1926.550 (a)(7)(vi), (a)(17), (b)(2), and (e).

(2) With the exception of equipment certified for work on the proper voltage, mechanical equipment shall not be operated closer to any energized line or equipment than the clearances set forth in § 1926.950(c) unless:

(i) An insulated barrier is installed between the energized part and the mechanical equipment, or

(ii) The mechanical equipment is grounded, or

(iii) The mechanical equipment is insulated, or

(iv) The mechanical equipment is considered as energized.

§ 1926.953 Material handling.

(a) *Unloading.* Prior to unloading steel, poles, cross arms and similar material, the load shall be thoroughly examined to ascertain if the load has shifted, binders or stakes have broken or the load is otherwise hazardous to employees.

(b) *Pole hauling.* (1) During pole hauling operations, all loads shall be secured to prevent displacement and a red flag shall be displayed at the trailing end of the longest pole.

(2) Precautions shall be exercised to prevent blocking of roadways or endangering other traffic.

(3) When hauling poles during the hours of darkness, illuminated warning devices shall be attached to the trailing end of the longest pole.

(c) *Storage.* (1) No materials or equipment shall be stored under energized bus, energized lines, or near energized equipment, if it is practical to store them elsewhere.

(2) When materials or equipment are stored under energized lines or near energized equipment, applicable clearances shall be maintained as stated in Table V–1; and extraordinary caution shall be exercised when moving materials near such energized equipment.

(d) *Tag line.* Where hazards to employees exist tag lines or other suitable devices shall be used to control loads being handled by hoisting equipment.

(e) *Oil filled equipment.* During construction or repair of oil filled equipment the oil may be stored in temporary containers other than these required in § 1926.152, such as pillow tanks.

(f) *Framing.* During framing operations, employees shall not work under a pole or a structure suspended by a crane, A-frame or similar equipment unless the pole or structure is adequately supported.

(g) *Attaching the load.* The hoist rope shall not be wrapped around the load. This provision shall not apply to electric construction crews when setting or removing poles.

§ 1926.954 Grounding for protection of employees.

(a) *General.* All conductors and equipment shall be treated as energized until tested or otherwise determined to be deenergized or until grounded.

(b) *New construction.* New lines or equipment may be considered deenergized and worked as such where:

(1) The lines or equipment are grounded, or

(2) The hazard of induced voltages is not present, and adequate clearances or other means are implemented to prevent contact with energized lines or equipment and the new lines or equipment.

(c) *Communication conductors.* Bare wire communication conductors on power poles or structures shall be treated as energized lines unless protected by insulating materials.

(d) *Voltage testing.* Deenergized conductors and equipment which are to be grounded shall be tested for voltage. Results of this voltage test shall determine the subsequent procedures as required in § 1926.950(d).

(e) *Attaching grounds.* (1) When attaching grounds, the ground end shall be attached first, and the other end shall be attached and removed by means of insulated tools or other suitable devices.

(2) When removing grounds, the grounding device shall first be removed from the line or equipment using insulating tools or other suitable devices.

(f) Grounds shall be placed between work location and all sources of energy and as close as practicable to the work location, or grounds shall be placed at the work location. If work is to be performed at more than one location in a line section, the line section must be grounded and short circuited at one location in the line section and the conductor to be worked on shall be grounded at each work location. The minimum distance shown in Table V–1 shall be maintained from ungrounded conductors at the work location. Where the making of a ground is impracticable, or the conditions resulting therefrom would be more hazardous than working on the lines or equipment without grounding, the grounds may be omitted and the line or equipment worked as energized.

(g) *Testing without grounds.* Grounds may be temporarily removed only when necessary for test purposes and extreme caution shall be exercised during the test procedures.

(h) *Grounding electrode.* When grounding electrodes are utilized, such electrodes shall have a resistance to ground low enough to remove the danger of harm to personnel or permit prompt operation of protective devices.

(i) *Grounding to tower.* Grounding to tower shall be made with a tower clamp capable of conducting the anticipated fault current.

(j) *Ground lead.* A ground lead, to be attached to either a tower ground or driven ground, shall be capable of conducting the anticipated fault current and shall have a minimum conductance of No. 2 AWG copper.

§ 1926.955 Overhead lines.

(a) *Overhead lines.* (1) When working on or with overhead lines the provisions of paragraph (a) (2) through (8) of this section shall be complied with in addition to other applicable provisions of this subpart.

(2) Prior to climbing poles; ladders, scaffolds, or other elevated structures, an inspection shall be made to determine that the structures are capable of sustaining the additional or unbalanced stresses to which they will be subjected.

(3) Where poles or structures may be unsafe for climbing, they shall not be climbed until made safe by guying, bracing, or other adequate means.

(4) Before installing or removing wire or cable, strains to which poles and structures will be subjected shall be considered and necessary action taken to prevent failure of supporting structures.

(5) (i) When setting, moving, or removing poles using cranes, derricks, gin poles, A-frames, or other mechanized equipment near energized lines or equipment, precautions shall be taken to avoid contact with energized lines or equipment, except in bare-hand live-line work, or where barriers or protective devices are used.

(ii) Equipment and machinery operating adjacent to energized lines or equipment shall comply with § 1926.952(c)(2).

(6) (i) Unless using suitable protective equipment for the voltage involved, employees standing on the ground shall avoid contacting equipment or machinery working adjacent to energized lines or equipment.

(ii) Lifting equipment shall be bonded to an effective ground or it shall be considered energized and barricaded when utilized near energized equipment or lines.

(7) Pole holes shall not be left unattended or unguarded in areas where employees are currently working.

(8) Tag lines shall be of a nonconductive type when used near energized lines.

(b) *Metal tower construction.* (1) When working in unstable material the excavation for pad- or pile-type footings in excess of 5 feet deep shall be either sloped to the angle of repose as required in § 1926.652 or shored if entry is required. Ladders shall be provided for access to pad- or pile-type footing excavations in excess of 4 feet.

(2) When working in unstable material provision shall be made for cleaning out auger-type footings without requiring an employee to enter the footing unless shoring is used to protect the employee.

(3) (i) A designated employee shall be used in directing mobile equipment adjacent to footing excavations.

(ii) No one shall be permitted to remain in the footing while equipment is being spotted for placement.

(iii) Where necessary to assure the stability of mobile equipment the location of use for such equipment shall be graded and leveled.

(4) (i) Tower assembly shall be carried out with a minimum exposure of employees to falling objects when working at two or more levels on a tower.

(ii) Guy lines shall be used as necessary to maintain sections or parts of sections in position and to reduce the possibility of tipping.

(iii) Members and sections being assembled shall be adequately supported.

(5) When assembling and erecting towers the provisions of paragraph (b) (1), (ii) and (iii) of this section shall be complied with:

(i) The construction of transmission towers and the erecting of poles, hoisting machinery, site preparation machinery, and other types of construction machinery shall conform to the applicable requirements of this part.

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(ii) No one shall be permitted under a tower which is in the process of erection or assembly, except as may be required to guide and secure the section being set.

(iii) When erecting towers using hoisting equipment adjacent to energized transmission lines, the lines shall be deenergized when practical. If the lines are not deenergized, extraordinary caution shall be exercised to maintain the minimum clearance distances required by § 1926.950(c), including Table V–1.

(6) (i) Erection cranes shall be set on firm level foundations and when the cranes are so equipped outriggers shall be used.

(ii) Tag lines shall be utilized to maintain control of tower sections being raised and positioned, except where the use of such lines would create a greater hazard.

(iii) The loadline shall not be detached from a tower section until the section is adequately secured.

(iv) Except during emergency restoration procedures erection shall be discontinued in the event of high wind or other adverse weather conditions which would make the work hazardous.

(v) Equipment and rigging shall be regularly inspected and maintained in safe operating condition.

(7) Adequate traffic control shall be maintained when crossing highways and railways with equipment as required by the provisions of § 1926.200(g) (1) and (2).

(8) A designated employee shall be utilized to determine that required clearance is maintained in moving equipment under or near energized lines.

(c) *Stringing or removing deenergized conductors.* (1) When stringing or removing deenergized conductors, the provisions of subparagraph (2) through (12) of this paragraph shall be complied with.

(2) Prior to stringing operations a briefing shall be held setting forth the plan of operation and specifying the type of equipment to be used, grounding devices and procedures to be followed, crossover methods to be employed, and the clearance authorization required.

(3) Where there is a possibility of the conductor accidentally contacting an energized circuit or receiving a dangerous induced voltage buildup, to further protect the employee from the hazards of the conductor, the conductor being installed or removed shall be grounded or provisions made to insulate or isolate the employee.

(4) (i) If the existing line is deenergized, proper clearance authorization shall be secured and the line grounded on both sides of the crossover or, the line being strung or removed shall be considered and worked as energized.

(ii) When crossing over energized conductors in excess of 600 volts, rope nets or guard structures shall be installed unless provision is made to isolate or insulate the workman or the energized conductor. Where practical the automatic reclosing feature of the circuit interrupting device shall be made inoperative. In addition, the line being strung shall be grounded on either side of the crossover or considered and worked as energized.

(5) Conductors being strung in or removed shall be kept under positive control by the use of adequate tension reels, guard structures, tielines, or other means to prevent accidental contact with energized circuits.

(6) Guard structure members shall be sound and of adequate dimension and strength, and adequately supported.

(7) (i) Catch-off anchors, rigging, and hoists shall be of ample capacity to prevent loss of the lines.

(ii) The manufacturer's load rating shall not be exceeded for stringing lines, pulling lines, sock connections, and all load-bearing hardware and accessories.

(iii) Pulling lines and accessories shall be inspected regularly and replaced or repaired when damaged or when dependability is doubtful. The provisions of § 1926.251(c)(4)(ii) (concerning splices) shall not apply.

(8) Conductor grips shall not be used on wire rope unless designed for this application.

(9) While the conductor or pulling line is being pulled (in motion) employees shall not be permitted directly under overhead operations, nor shall any employee be permitted on the crossarm.

(10) A transmission clipping crew shall have a minimum of two structures clipped in between the crew and the conductor being sagged. When working on bare conductors, clipping and tying crews shall work between grounds at all times. The grounds shall remain intact until the conductors are clipped in, except on dead end structures.

(11) (i) Except during emergency restoration procedures, work from structures shall be discontinued when adverse weather (such as high wind or ice on structures) makes the work hazardous.

(ii) Stringing and clipping operations shall be discontinued during the progress of an electrical storm in the immediate vicinity.

(12) (i) Reel handling equipment, including pulling and braking machines, shall have ample capacity, operate smoothly, and be leveled and aligned in accordance with the manufacturer's operating instructions.

(ii) Reliable communications between the reel tender and pulling rig operator shall be provided.

(iii) Each pull shall be snubbed or dead ended at both ends before subsequent pulls.

(d) *Stringing adjacent to energized lines.* (1) Prior to stringing parallel to an existing energized transmission line a competent determination shall be made to ascertain whether dangerous induced voltage buildups will occur, particularly during switching and ground fault conditions. When there is a possibility that such dangerous induced voltage may exist the employer shall comply with the provisions of paragraph (d)(2) through (9) of this section in addition to the provisions of paragraph (c) of this § 1926.955, unless the line is worked as energized.

(2) When stringing adjacent to energized lines the tension stringing method or other methods which preclude unintentional contact between the lines being pulled and any employee shall be used.

(3) All pulling and tensioning equipment shall be isolated, insulated, or effectively grounded.

(4) A ground shall be installed between the tensioning reel setup and the first structure in order to ground each bare conductor, subconductor, and overhead ground conductor during stringing operations.

(5) During stringing operations, each bare conductor, subconductor, and overhead ground conductor shall be grounded at the first tower adjacent to both the tensioning and pulling setup and in increments so that no point is more than 2 miles from a ground.

(i) The grounds shall be left in place until conductor installation is completed.

(ii) Such grounds shall be removed as the last phase of aerial cleanup.

(iii) Except for moving type grounds, the grounds shall be placed and removed with a hot stick.

(6) Conductors, subconductors, and overhead ground conductors shall be grounded at all dead-end or catch-off points.

(7) A ground shall be located at each side and within 10 feet of working areas where conductors, subconductors, or overhead ground conductors are being spliced at ground level. The two ends to be spliced shall be bonded to each other. It is recommended that splicing be carried out on either an insulated platform or on a conductive metallic grounding mat bonded to both grounds. When a grounding mat is used, it is recommended that the grounding mat be roped off and an insulated walkway provided for access to the mat.

(8) (i) All conductors, subconductors, and overhead ground conductors shall be bonded to the tower at any isolated tower where it may be necessary to complete work on the transmission line.

(ii) Work on dead-end towers shall require grounding on all deenergized lines.

(iii) Grounds may be removed as soon as the work is completed: *Provided*, That the line is not left open circuited at the isolated tower at which work is being completed.

(9) When performing work from the structures, clipping crews and all others working on conductors, subconductors, or overhead ground conductors shall be protected by individual grounds installed at every work location.

(e) *Live-line bare-hand work.* In addition to any other applicable standards contained elsewhere in this subpart all live-line bare-hand work shall be performed in accordance with the following requirements.

(1) Employees shall be instructed and trained in the live-line bare-hand technique and the safety requirements pertinent thereto before being permitted to use the technique on energized circuits.

(2) Before using the live-line bare-hand technique on energized high-voltage conductors or parts, a check shall be made of:

(i) The voltage rating of the circuit on which the work is to be performed;

(ii) The clearances to ground of lines and other energized parts on which work is to be performed; and

(iii) The voltage limitations of the aerial-lift equipment intended to be used.

(3) Only equipment designed, tested, and intended for live-line bare-hand work shall be used.

(4) All work shall be personally supervised by a person trained and qualified to perform live-line bare-hand work.

(5) The automatic reclosing feature of circuit interrupting devices shall be made inoperative where practical before working on any energized line or equipment.

(6) Work shall not be performed during the progress of an electrical storm in the immediate vicinity.

(7) A conductive bucket liner or other suitable conductive device shall be provided for bonding the insulated aerial device to the energized line or equipment.

(i) The employee shall be connected to the bucket liner by use of conductive shoes, leg clips, or other suitable means.

(ii) Where necessary, adequate electrostatic shielding for the voltage being worked or conductive clothing shall be provided.

(8) Only tools and equipment intended for live-line bare-hand work shall be used, and such tools and equipment shall be kept clean and dry.

(9) Before the boom is elevated, the outriggers on the aerial truck shall be extended and adjusted to stabilize the truck and the body of the truck shall be bonded to an effective ground, or barricaded and considered as energized equipment.

(10) Before moving the aerial lift into the work position, all controls (ground level and bucket) shall be checked and tested to determine that they are in proper working condition.

(11) Arm current tests shall be made before starting work each day, each time during the day when higher voltage is going to be worked and when changed conditions indicate a need for additional tests. Aerial buckets used for bare-hand live-line work shall be subjected to an arm current test. This test shall consist of placing the bucket in contact with an energized source equal to the voltage to be worked upon for a minimum time of three (3) minutes. The leakage current shall not exceed 1 microampere per kilovolt of nominal line-to-line voltage. Work operations shall be suspended immediately upon any indication of a malfunction in the equipment.

(12) All aerial lifts to be used for live-line bare-hand work shall have dual controls (lower and upper) as required by paragraph (e)(i) and (ii) of this section.

(i) The upper controls shall be within easy reach of the employee in the basket. If a two basket type lift is used access to the controls shall be within easy reach from either basket.

(ii) The lower set of controls shall be located near base of the boom that will permit over-ride operation of equipment at any time.

(13) Ground level lift control shall not be operated unless permission has been obtained from the employee in lift, except in case of emergency.

(14) Before the employee contacts the energized part to be worked on, the conductive bucket liner shall be bonded to the energized conductor by means of a positive connection which shall remain attached to the energized conductor until the work on the energized circuit is completed.

(15) The minimum clearance distances for live-line bare-hand work shall be as specified in Table V–2. These minimum clearance distances shall be maintained from all grounded objects and from lines and equipment at a different potential than that to which the insulated aerial device is bonded unless such grounded objects or other lines and equipment are covered by insulated guards. These distances shall be maintained when approaching, leaving, and when bonded to the energized circuit.

TABLE V–2

MINIMUM CLEARANCE DISTANCES FOR LIVE-LINE BARE-HAND WORK (ALTERNATING CURRENT)

Voltage range (phase-to-phase) kilovolts	Distance in feet and inches for maximum voltage	
	Phase to ground	Phase to phase
2.1–15	2'0"	2'0"
15.1–36	2'6"	2'6"
36.1–46	2'6"	2'6"
46.1–72.5	3'0"	3'0"
72.6–121	3'4"	4'0"
138–145	3'6"	5'0"
161–169	3'6"	5'0"
230–242	5'0"	8'4"
345–362	[1] 7'0"	[1] 13'4"
500–552	[1] 11'0"	[1] 20'0"
700–765	[1] 15'0"	[1] 31'0"

[1] NOTE: For 345–362kv., 500–552kv., and 700–765kv., the minimum clearance distance may be reduced provided the distances are not made less than the shortest distance between the energized part and a grounded surface.

(16) When approaching, leaving, or bonding to an energized circuit the minimum distances in Table V–2 shall be maintained between all parts of the insulated boom assembly and any grounded parts (including the lower arm or portions of the truck).

(17) When positioning the bucket alongside an energized bushing or insulator string, the minimum line-to-ground clearances of Table V–2 must be maintained between all parts of the bucket and the grounded end of the bushing or insulator string.

(18) (i) The use of handlines between buckets, booms, and the ground is prohibited.

(ii) No conductive materials over 36 inches long shall be placed in the bucket, except for appropriate length jumpers, armor rods, and tools.

(iii) Nonconductive-type handlines may be used from line to ground when not supported from the bucket.

(19) The bucket and upper insulated boom shall not be overstressed by attempting to lift or support weights in excess of the manufacturer's rating.

(20) (i) A minimum clearance table (as shown in table V–2) shall be printed on a plate of durable nonconductive material, and mounted in the buckets or its vicinity so as to be visible to the operator of the boom.

(ii) It is recommended that insulated measuring sticks be used to verify clearance distances.

§ 1926.956 Underground lines.

(a) *Guarding and ventilating street opening used for access to underground lines or equipment.* (1) Appropriate warning signs shall be promptly placed when covers of manholes, handholes, or vaults are removed. What is an appropriate warning sign is dependent upon the nature and location of the hazards involved.

(2) Before an employee enters a street opening, such as a manhole or an unvented vault, it shall be promptly protected with a barrier, temporary cover, or other suitable guard.

(3) When work is to be performed in a manhole or unvented vault:

(i) No entry shall be permitted unless forced ventilation is provided or the atmosphere is found to be safe by testing for oxygen deficiency and the presence of explosive gases or fumes;

(ii) Where unsafe conditions are detected, by testing or other means, the work area shall be ventilated and otherwise made safe before entry;

(iii) Provisions shall be made for an adequate continuous supply of air.

(b) *Work in manholes.* (1) While work is being performed in manholes, an employee shall be available in the immediate vicinity to render emergency assistance as may be required. This shall not preclude the employee in the immediate vicinity from occasionally entering a manhole to provide assistance, other than emergency. This requirement does not preclude a qualified employee, working alone, from entering for brief periods of time, a manhole where energized cables or equipment are in service, for the purpose of inspection, housekeeping, taking readings, or similar work if such work can be performed safely.

(2) When open flames must be used or smoking is permitted in manholes, extra precautions shall be taken to provide adequate ventilation.

(3) Before using open flames in a manhole or excavation in an area where combustible gases or liquids may be present, such as near a gasoline service station, the atmosphere of the manhole or excavation shall be tested and found safe or cleared of the combustible gases or liquids.

(c) *Trenching and excavating.* (1) During excavation or trenching, in order to prevent the exposure of employees to the hazards created by damage to dangerous underground facilities, efforts shall be made to determine the location of such facilities and work conducted in a manner designed to avoid damage.

(2) Trenching and excavation operations shall comply with §§ 1926.651 and 1926.652.

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(3) When underground facilities are exposed (electric, gas, water, telephone, etc.) they shall be protected as necessary to avoid damage.

(4) Where multiple cables exist in an excavation, cables other than the one being worked on shall be protected as necessary.

(5) When multiple cables exist in an excavation, the cable to be worked on shall be identified by electrical means unless its identity is obvious by reason of distinctive appearance.

(6) Before cutting into a cable or opening a splice, the cable shall be identified and verified to be the proper cable.

(7) When working on buried cable or on cable in manholes, metallic sheath continuity shall be maintained by bonding across the opening or by equivalent means.

§ 1926.957 Construction in energized substations.

(a) *Work near energized equipment facilities.* (1) When construction work is performed in an energized substation, authorization shall be obtained from the designated, authorized person before work is started.

(2) When work is to be done in an energized substation, the following shall be determined:

(i) What facilities are energized, and

(ii) What protective equipment and precautions are necessary for the safety of personnel.

(3) Extraordinary caution shall be exercised in the handling of busbars, tower steel, materials, and equipment in the vicinity of energized facilities. The requirements set forth in § 1926.950(c), shall be complied with.

(b) *Deenergized equipment or lines.* When it is necessary to deenergize equipment or lines for protection of employees, the requirements of § 1926.950(d) shall be complied with.

(c) *Barricades and barriers.* (1) Barricades or barriers shall be installed to prevent accidental contact with energized lines or equipment.

(2) Where appropriate, signs indicating the hazard shall be posted near the barricade or barrier. These signs shall comply with § 1926.200.

(d) *Control panels.* (1) Work on or adjacent to energized control panels shall be performed by designated employees.

(2) Precaution shall be taken to prevent accidental operation of relays or other protective devices due to jarring, vibration, or improper wiring.

(e) *Mechanized equipment.* (1) Use of vehicles, gin poles, cranes, and other equipment in restricted or hazardous areas shall at all times be controlled by designated employees.

(2) All mobile cranes and derricks shall be effectively grounded when being moved or operated in close proximity to energized lines or equipment, or the equipment shall be considered energized.

(3) Fenders shall not be required for lowboys used for transporting large electrical equipment, transformers, or breakers.

(f) *Storage.* The storage requirements of § 1926.953(c) shall be complied with.

(g) *Substation fences.* (1) When a substation fence must be expanded or removed for construction purposes, a temporary fence affording similar protection, when the site is unattended, shall be provided. Adequate interconnection with ground shall be maintained between temporary fence and permanent fence.

(2) All gates to all unattended substations shall be locked, except when work is in progress.

(h) *Footing excavation.* (1) Excavation for auger, pad and piling type footings for structures and towers shall require the same precautions as for metal tower construction (see § 1926.955(b)(1)).

(2) No employee shall be permitted to enter an unsupported auger-type excavation in unstable material for any purpose. Necessary clean-out in such cases shall be accomplished without entry.

§ 1926.958 External load helicopters.

In all operations performed using a rotorcraft for moving or placing external loads, the provisions of § 1926.551 of Subpart N of this part shall be complied with.

§ 1926.959 Lineman's body belts, safety straps, and lanyards.

(a) *General requirements.* The requirements of paragraphs (a) and (b) of this section shall be complied with for all lineman's body belts, safety straps and lanyards acquired for use after the effective date of this subpart.

(1) Hardware for lineman's body belts, safety straps, and lanyards shall be drop forged or pressed steel and have a corrosive resistive finish tested to American Society for Testing and Materials B117–64 (50-hour test). Surfaces shall be smooth and free of sharp edges.

. . . . . .

(2) All buckles shall withstand a 2,000-pound tensile test with a maximum permanent deformation no greater than one sixty-fourth inch.

(3) D rings shall withstand a 5,000-pound tensile test without failure. Failure of a D ring shall be considered cracking or breaking.

(4) Snaphooks shall withstand a 5,000-pound tensile test without failure. Failure of a snaphook shall be distortion sufficient to release the keeper.

(b) *Specific requirements.* (1) (i) All fabric used for safety straps shall withstand an A.C. dielectric test of not less than 25,000 volts per foot "dry" for 3 minutes, without visible deterioration.

(ii) All fabric and leather used shall be tested for leakage current and shall not exceed 1 milliampere when a potention of 3,000 volts is applied to the electrodes positioned 12 inches apart.

(iii) Direct current tests may be permitted in lieu of alternating current tests.

(2) The cushion part of the body belt shall:

(i) Contain no exposed rivets on the inside;

(ii) Be at least three (3) inches in width;

(iii) Be at least five thirty-seconds (5/32) inch thick, if made of leather; and

(iv) Have pocket tabs that extended at least 1½ inches down and three (3) inches back of the inside of circle of each D ring for riveting on plier or tool pockets. On shifting D belts, this measurement for pocket tabs shall be taken when the D ring section is centered.

(3) A maximum of four (4) tool loops shall be so situated on the body belt that four (4) inches of the body belt in the center of the back, measuring from D ring to D ring, shall be free of tool loops, and any other attachments.

(4) Suitable copper, steel, or equivalent liners shall be used around bar of D rings to prevent wear between these members and the leather or fabric enclosing them.

(5) All stitching shall be of a minimum 42-pound weight nylon or equivalent thread and shall be lock stitched. Stitching parallel to an edge shall not be less than three-sixteenths (3/16) inch from edge of narrowest member caught by the thread. The use of cross stitching on leather is prohibited.

(6) The keeper of snaphooks shall have a spring tension that will not allow the keeper to begin to open with a weight of 2½ pounds or less, but the keeper of snaphooks shall begin to open with a weight of four (4) pounds, when the weight is supported on the keeper against the end of the nose.

(7) Testing of lineman's safety straps, body belts and lanyards shall be in accordance with the following procedure:

(i) Attach one end of the safety strap or lanyard to a rigid support, the other end shall be attached to a 250-pound canvas bag of sand:

(ii) Allow the 250-pound canvas bag of sand to free fall 4 feet for (safety strap test) and 6 feet for (lanyard test); in each case stopping the fall of the 250-pound bag:

(iii) Failure of the strap or lanyard shall be indicated by any breakage, or slippage sufficient to permit the bag to fall free of the strap or lanyard. The entire "body belt assembly" shall be tested using one D ring. A safety strap or lanyard shall be used that is capable of passing the "impact loading test" and attached as required in subdivision (i) of this subparagraph. The body belt shall be secured to the 250-pound bag of sand at a point to simulate the waist of a man and allowed to drop as stated in subdivision (ii) of this subparagraph. Failure of the body belt shall be indicated by any breakage, or slippage sufficient to permit the bag to fall free of the body belt.

§ 1926.960 Definition applicable to this subpart.

(a) *Alive or live (energized).* The term means electrically connected to a source of potential difference, or electrically charged so as to have a potential significantly different from that of the earth in the vicinity. The term "live" is sometimes used in place of the term "current-carrying," where the intent is clear, to avoid repetition of the longer term.

(b) *Automatic circuit recloser.* The term means a self-controlled device for automatically interrupting and reclosing an alternating current circuit with a predetermined sequence of opening and reclosing followed by resetting, hold closed, or lockout operation.

(c) *Barrier.* The term means a physical obstruction which is intended to prevent contact with energized lines or equipment.

(d) *Barricade.* The term means a physical obstruction such as tapes, screens, or cones intended to warn and limit access to a hazardous area.

(e) *Bond.* The term means an electrical connection from one conductive element to another for the purpose of minimizing potential differences or providing suitable conductivity for fault current or for mitigation of leakage current and electrolytic action.

(f) *Bushing.* The term means an insulating structure including a through conductor, or providing a passageway for such a conductor, with provision for mounting on a barrier, conducting or otherwise, for the purpose of insulating the conductor from the barrier and conducting current from one side of the barrier to the other.

(g) *Cable.* The term means a conductor with insulation, or a stranded conductor with or without insulation and other coverings (single-conductor cable) or a combination of conductors insulated from one another (multiple-conductor cable).

(h) *Cable sheath.* The term means a protective covering applied to cables.

NOTE: A cable sheath may consist of multiple layers of which one or more is conductive.

(i) *Circuit.* The term means a conductor or system of conductors through which an electric current is intended to flow.

(j) *Communication lines.* The term means the conductors and their supporting or containing structures which are used for public or private signal or communication service, and which operate at potentials not exceeding 400 volts to ground or 750 volts between any two points of the circuit, and the transmitted power of which does not exceed 150 watts. When operating at less than 150 volts no limit is placed on the capacity of the system.

NOTE: Telephone, telegraph, railroad signal, data, clock, fire, police-alarm, community television antenna, and other systems conforming with the above are included. Lines used for signaling purposes, but not included under the above definition, are considered as supply lines of the same voltage and are to be so run.

(k) *Conductor.* The term means a material, usually in the form of a wire, cable, or bus bar suitable for carrying an electric current.

(l) *Conductor shielding.* The term means an envelope which encloses the conductor of a cable and provides an equipotential surface in contact with the cable insulation.

(m) *Current-carrying part.* The term means a conducting part intended to be connected in an electric circuit to a source of voltage. Non-current-carrying parts are those not intended to be so connected.

(n) *Dead (deenergized).* The term means free from any electrical connection to a source of potential difference and from electrical charges: Not having a potential difference from that of earth.

NOTE: The term is used only with reference to current-carrying parts which are sometimes alive (energized).

(o) *Designated employee.* The term means a qualified person delegated to perform specific duties under the conditions existing.

(p) *Effectively grounded.* The term means intentionally connected to earth through a ground connection or connections of sufficiently low impedance and having sufficient current-carrying capacity to prevent the buildup of voltages which may result in undue hazard to connected equipment or to persons.

(q) *Electric line trucks.* The term means a truck used to transport men, tools, and material, and to serve as a traveling workshop for electric power line construction and maintenance work. It is sometimes equipped with a boom and auxiliary equipment for setting poles, digging holes, and elevating material or men.

(r) *Enclosed.* The term means surrounded by a case, cage, or fence, which will protect the contained equipment and prevent accidental contact of a person with live parts.

(s) *Equipment.* This is a general term which includes fittings, devices, appliances, fixtures, apparatus, and the like, used as part of, or in connection with, an electrical power transmission and distribution system, or communication systems.

(t) *Exposed.* The term means not isolated or guarded.

(u) *Electric supply lines.* The term means those conductors used to transmit electric energy and their necessary supporting or containing structures. Signal lines of more than 400 volts to ground are always supply lines within the meaning of the rules, and those of less than 400 volts to ground may be considered as supply lines, if so run and operated throughout.

(v) *Guarded.* The term means protected by personnel, covered, fenced, or enclosed by means of suitable casings, barrier rails, screens mats, platforms, or other suitable devices in accordance with standard barricading techniques designed to prevent dangerous approach or contact by persons or objects.

NOTE: Wires, which are insulated but not otherwise protected, are not considered as guarded.

(w) *Ground. (Reference).* The term means that conductive body, usually earth, to which an electric potential is referenced.

(x) *Ground (as a noun).* The term means a conductive connection whether intentional or accidental, by which an electric circuit or equipment is connected to reference ground.

(y) *Ground (as a verb).* The term means the connecting or establishment of a connection, whether by intention or accident of an electric circuit or equipment to reference ground.

(z) *Grounding electrode (ground electrode).* The term grounding electrode means a conductor embedded in the earth, used for maintaining ground potential on conductors connected to it, and for dissipating into the earth current conducted to it.

(aa) *Grounding electrode resistance.* The term means the resistance of the grounding electrode to earth.

(bb) *Grounding electrode conductor (grounding conductor).* The term means a conductor used to connect equipment or the grounded circuit of a wiring system to a grounding electrode.

(cc) *Grounded conductor.* The term means a system or circuit conductor which is intentionally grounded.

(dd) *Grounded system.* The term means a system of conductors in which at least one conductor or point (usually the middle wire, or neutral point of transformer or generator windings) is intentionally grounded, either solidly or through a current-limiting device (not a current-interrupting device).

(ee) *Hotline tools and ropes.* The term means those tools and ropes which are especially designed for work on energized high voltage lines and equipment. Insulated aerial equipment especially designed for work on energized high voltage lines and equipment shall be considered hot line.

(ff) *Insulated.* The term means separated from other conducting surfaces by a dielectric substance (including air space) offering a high resistance to the passage of current.

NOTE: When any object is said to be insulated, it is understood to be insulated in suitable manner for the conditions to which it is subjected. Otherwise, it is within the purpose of this subpart, uninsulated. Insulating covering of conductors is one means of making the conductor insulated.

(gg) *Insulation (as applied to cable).* The term means that which is relied upon to insulate the conductor from other conductors or conducting parts or from ground.

(hh) *Insulation shielding.* The term means an envelope which encloses the insulation of a cable and provides an equipotential surface in contact with cable insulation.

(ii) *Isolated.* The term means an object that is not readily accessible to persons unless special means of access are used.

(jj) *Manhole.* The term means a subsurface enclosure which personnel may enter and which is used for the purpose of installing, operating, and maintaining equipment and/or cable.

(kk) *Pulling tension.* The term means the longitudinal force exerted on a cable during installation.

(ll) *Qualified person.* The term means a person who by reason of experience or training is familiar with the operation to be performed and the hazards involved.

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(mm) *Switch.* The term means a device for opening and closing or changing the connection of a circuit. In these rules, a switch is understood to be manually operable, unless otherwise stated.

(nn) *Tag.* The term means a system or method of identifying circuits, systems or equipment for the purpose of alerting persons that the circuit, system or equipment is being worked on.

(oo) *Unstable material.* The term means earth material, other than running, that because of its nature or the influence of related conditions, cannot be depended upon to remain in place without extra support, such as would be furnished by a system of shoring.

(pp) *Vault.* The term means an enclosure above or below ground which personnel may enter and is used for the purpose of installing, operating, and/or maintaining equipment and/or cable.

(qq) *Voltage.* The term means the effective (rms) potential difference between any two conductors or between a conductor and ground. Voltages are expressed in nominal values. The nominal voltage of a system or circuit is the value assigned to a system or circuit of a given voltage class for the purpose of convenient designation. The operating voltage of the system may vary above or below this value.

(rr) *Voltage of an effectively grounded circuit.* The term means the voltage between any conductor and ground unless otherwise indicated.

(ss) *Voltage of a circuit not effectively grounded.* The term means the voltage between any two conductors. If one circuit is directly connected to and supplied from another circuit of higher voltage (as in the case of an autotransformer), both are considered as of the higher voltage, unless the circuit of lower voltage is effectively grounded, in which case its voltage is not determined by the circuit of higher voltage. Direct connection implies electric connection as distinguished from connection merely through electromagnetic or electrostatic induction.

Subpart W—Rollover Protective Structures; Overhead Protection

§ 1926.1000 Rollover protective structures (ROPS) for material handling equipment.

(a) *Coverage.* (1) This section applies to the following types of material handling equipment: To all rubber-tired, self-propelled scrapers, rubber-tired front-end loaders, rubber-tired dozers, wheel-type agricultural and industrial tractors, crawler tractors, crawler-type loaders, and motor graders, with or without attachments, that are used in construction work. This requirement does not apply to sideboom pipelaying tractors.

(2) The promulgation of specific standards for rollover protective structures for compactors and rubber-tired skid-steer equipment is reserved pending consideration of standards currently being developed.

(b) *Equipment manufactured on or after September 1, 1972.* Material handling machinery described in paragraph (a) of this section and manufactured on or after September 1, 1972, shall be equipped with rollover protective structures which meet the minimum performance standards prescribed in §§ 1926.1001 and 1926.1002, as applicable.

(c) *Equipment manufactured before September 1, 1972.* (1) All material handling equipment described in paragraph (a) of this section and manufactured or placed in service (owned or operated by the employer) prior to September 1, 1972, shall be fitted with rollover protective structures no later than the dates listed below:

(i) Machines manufactured on or after January 1, 1972, shall be fitted no later than April 1, 1973.

(ii) Machines manufactured between July 1, 1971, and December 31, 1971, shall be fitted no later than July 1, 1973.

(iii) Machines manufactured between July 1, 1970, and June 30, 1971, shall be fitted no later than January 1, 1974.

(iv) Machines manufactured between July 1, 1969, and June 30, 1970, shall be fitted no later than July 1, 1974.

(v) Machines manufactured before July 1, 1969: Reserved pending further study, development, and review.

(2) Rollover protective structures and supporting attachment shall meet the minimum performance criteria detailed in §§ 1926.1001 and 1926.1002, as applicable or shall be designed, fabricated, and installed in a manner which will support, based on the ultimate strength of the metal, at least two times the weight of the prime mover applied at the point of impact.

(i) The design objective shall be to minimize the likelihood of a complete overturn and thereby minimize the possibility of the operator being crushed as a result of a rollover or upset.

(ii) The design shall provide a vertical clearance of at least 52 inches from the work deck to the ROPS at the point of ingress or egress.

(d) *Remounting.* ROPS removed for any reason, shall be remounted with equal quality, or better, bolts or welding as required for the original mounting.

(e) *Labeling.* Each ROPS shall have the following information permanently affixed to the structure:

(1) Manufacturer or fabricator's name and address;

(2) ROPS model number, if any;

(3) Machine make, model, or series number that the structure is designed to fit.

(f) *Machines meeting certain existing governmental requirements.* Any machine in use, equipped with rollover protective structures, shall be deemed in compliance with this section if it meets the rollover protective structure requirements of the State of California, the U.S. Army Corps of Engineers, or the Bureau of Reclamation of the U.S. Department of the Interior in effect on April 5, 1972. The requirements in effect are:

(1) State of California: Construction Safety Orders, issued by the Department of Industrial Relations pursuant to Division 5, Labor Code, § 6312, State of California.

(2) U.S. Army Corps of Engineers: General Safety Requirements, EM-385-1-1 (March 1967).

(3) Bureau of Reclamation, U.S. Department of the Interior: Safety and Health Regulations for Construction, Part II (September 1971).

§ 1926.1001 Minimum performance criteria for rollover protective structures for designated scrapers, loaders, dozers, graders, and crawler tractors.

(a) *General.* This section prescribes minimum performance criteria for rollover protective structures (ROPS) for rubber-tired self-propelled scrapers; rubber-tired front-end loaders and rubber-tired dozers; crawler tractors, and crawler-type loaders, and motor graders. The vehicle and ROPS as a system shall have the structural characteristics prescribed in paragraph (f) of this section for each type of machine described in this paragraph.

(b) The static laboratory test prescribed herein will determine the adequacy of the structures used to protect the operator under the following conditions:

(1) For rubber-tired self-propelled scrapers, rubber-tired front-end loaders, and rubber-tired dozers: Operating between 0 and 10 miles per hour over hard clay where rollover would be limited to a maximum roll angle of 360° down a slope of 30° maximum.

(2) For motor graders: Operating between 0 and 10 miles per hour over hard clay where rollover would be limited to 360° down a slope of 30° maximum.

(3) For crawler tractors and crawler-type loaders: Operating between 0 and 10 miles per hour over hard clay where rollover would be limited to a maximum roll angle of 360° down a slope of 45°.

(c) *Facilities and apparatus.* (1) The following material is necessary:

(i) Material, equipment, and tiedown means adequate to insure that the ROPS and its vehicle frame absorb the applied energy.

(ii) Equipment necessary to measure and apply loads to the ROPS. Adequate means to measure deflections and lengths should also be provided.

(iii) Recommended, but not mandatory, types of test setups are illustrated in Figure W-1 for all types of equipment to which this section applies; and in Figure W-2 for rubber-tired self-propelled scrapers; Figure W-3 for rubber-tired front-end loaders, rubber-tired dozers, and motor graders; and Figure W-4 for crawler tractors and crawler-type loaders.

(2) Table W-1 contains a listing of the required apparatus for all types of equipment described in paragraph (a) of this section.

TABLE W-1

Means to measure	*Accuracy*
Deflection of ROPS, inches.	±5% of deflection measured.
Vehicle weight, pounds.	±5% of the weight measured.
Force applied to frame, pounds.	±5% of force measured.
Dimensions of critical zone, inches.	±0.5 in.

(d) *Vehicle condition.* The ROPS to be tested must be attached to the vehicle structure in the same manner as it will be attached during vehicle use. A totally assembled vehicle is not required. However, the vehicle structure and frame which support the ROPS must represent the actual vehicle installation. All normally detachable windows, panels, or nonstructural fittings shall be removed so that they do not contribute to the strength of the ROPS.

(e) *Test procedure.* The test procedure shall include the following, in the sequence indicated:

(1) Energy absorbing capabilities of ROPS shall be verified when loaded laterally by incrementally applying a distributed load to the longitudinal outside top member of the ROPS, as shown in Figure W-1, W-2, or W-3, as applicable. The distributed load must be applied so as to result in approximately uniform deflection of the ROPS. The load increments should correspond with approximately 0.5 in. ROPS deflection increment in the direction of the load application, measured at the ROPS top edge. Should the operator's seat be offcenter, the load shall be applied on the offcenter side. For each applied load increment, the total load (lb.) versus corresponding deflection (in.) shall be plotted, and the area under the load-deflection curve shall be calculated. This area is equal to the energy (in.-lb.) absorbed by the ROPS. For a typical load-deflection curve and calculation method, see Figure W-5.

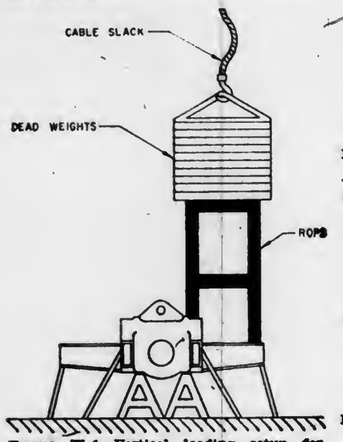


FIGURE W-1—Vertical loading setup for all types of equipment described in § 1518.1001(a).

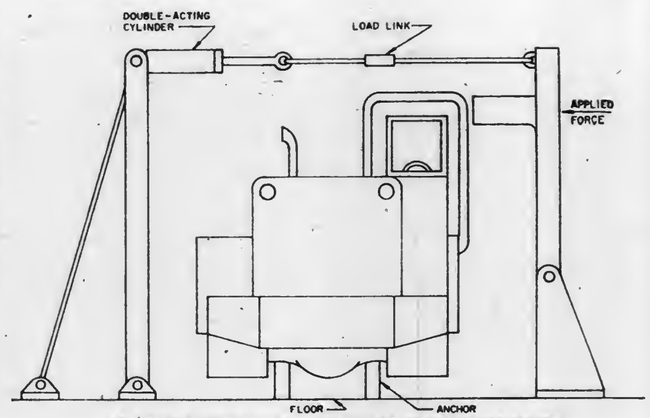


FIGURE W-2—Test setup for rubber-tired self-propelled scrapers.

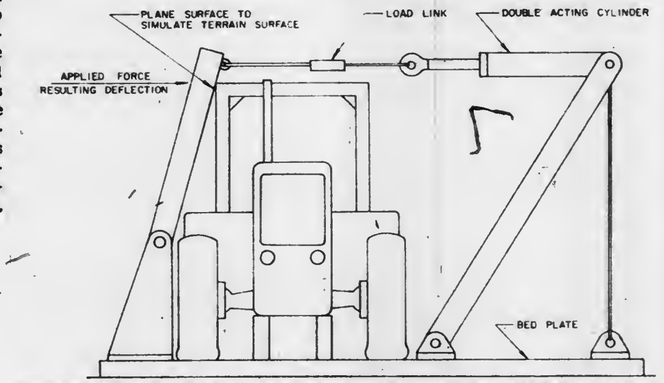


FIGURE W-3—Test setup for rubber-tired front-end loaders, rubber-tired dozers, and motor graders.

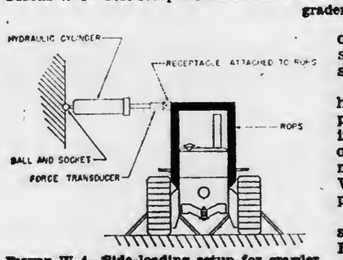


FIGURE W-4—Side-loading setup for crawler tractors and crawler loaders.

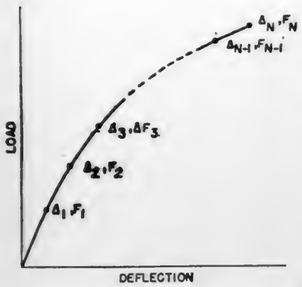
Incremental loading shall be continued until the ROPS has absorbed the amount of energy and the minimum applied load specified under paragraph (f) of this section has been reached or surpassed.

(2) To cover the possibility of the vehicle coming to rest on its top, the support capability shall be verified by applying a distributed vertical load to the top of the ROPS so as to result in approximately uniform deflection (see Figure W-1). The load magnitude is specified in paragraph (f) (2) (iii) of this section.

(3) The low temperature impact strength of the material used in the ROPS shall be verified by suitable material tests or material certification (see paragraph (f) (2) (iv) of this section).

(f) *Performance requirements.*—(1) *General performance requirements.* (i)

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Δ-TOTAL DEFLECTION
F-FORCE APPLIED

$$\text{AREA} = \frac{\Delta_1 F_1}{2} + (\Delta_2 - \Delta_1)\frac{F_1 + F_2}{2} + (\Delta_3 - \Delta_2)\frac{F_2 + F_3}{2} + \cdots + (\Delta_N - \Delta_{N-1})\frac{F_{N-1} + F_N}{2}$$

FIGURE W-5—Determination of energy area under force deflection curve for all types of ROPS equipment defined in § 1926.1001.

No repairs or straightening of any member shall be carried out between each prescribed test.

(ii) During each test, no part of the ROPS shall enter the critical zone as detailed in SAE J397 (1969). Deformation of the ROPS shall not allow the plane of the ground to enter this zone.

(2) *Specific performance requirements.* (i) The energy requirement for purposes of meeting the requirements of paragraph (e)(1) of this section is to be determined by referring to the plot of the energy versus weight of vehicle (see Figure W-6 for rubber-tired self-propelled scrapers; Figure W-7 for rubber-tired front-end loaders and rubber-tired dozers; Figure W-8 for crawler tractors and crawler-type loaders; and Figure W-9 for motor graders). For purposes of this section, force and weight are measured as pounds (lb.); energy (U) is measured as inch-pounds.

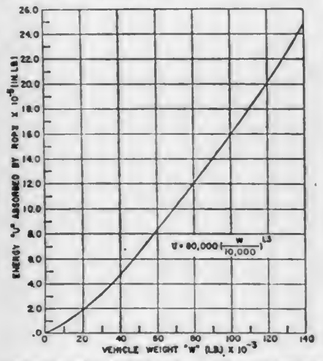


FIGURE W-6—Energy absorbed versus vehicle weight.

(ii) The applied load must attain at least a value which is determined by multiplying the vehicle weight by the corresponding factor shown in Figure W-10 for rubber-tired self-propelled scrapers; in Figure W-11 for rubber-tired front-end loaders and rubber-tired dozers; in Figure W-12 for crawler tractors and crawler-type loaders; and in Figure W-13 for motor graders.

(iii) The load magnitude for purposes of compliance with paragraph (e)(2) of this section is equal to the vehicle weight. The test of load magnitude shall only be made after the requirements of subparagraph (2)(i) of this paragraph are met.

(iv) Material used in the ROPS must have the capability of performing at zero

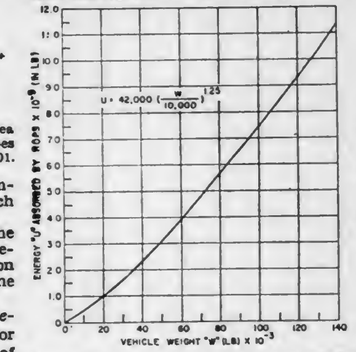


FIGURE W-7—Energy absorbed versus vehicle weight.

degrees Fahrenheit, or exhibit Charpy V notch impact strength of 8 foot-pounds at minus 20° Fahrenheit. This is a standard Charpy specimen as described in American Society of Testing and Materials A 370, Methods and Definitions for Mechanical Testing of Steel Products (available at each Regional Office of the Occupational Safety and Health Administration). The purpose of this requirement is to reduce the tendency of brittle fracture associated with dynamic loading, low temperature operation, and

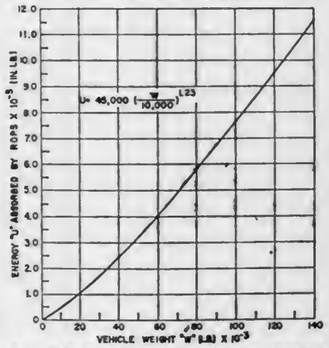


FIGURE W-8—Energy absorbed versus vehicle weight.

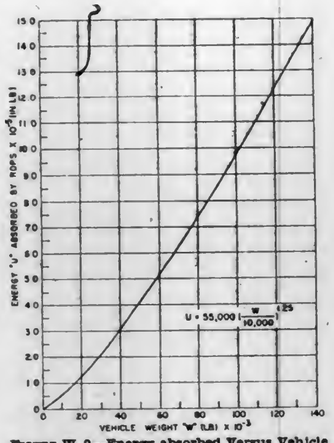


FIGURE W-9—Energy absorbed Versus Vehicle Weight.

stress raisers which cannot be entirely avoided on welded structures.

(g) *Definitions.* For purposes of this section, "vehicle weight" means the manufacturer's maximum weight of the prime mover for rubber-tired self-propelled scrapers. For other types of equip-

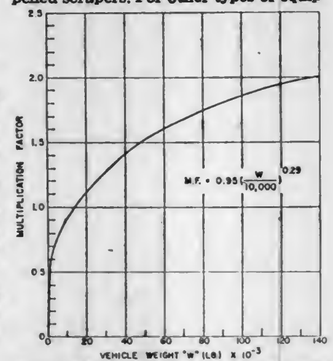


FIGURE W-10—Minimum horizontal load factor for self-propelled scrapers.

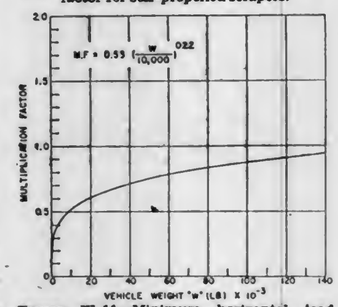


FIGURE W-11—Minimum horizontal load factor for rubber-tired loaders and dozers.

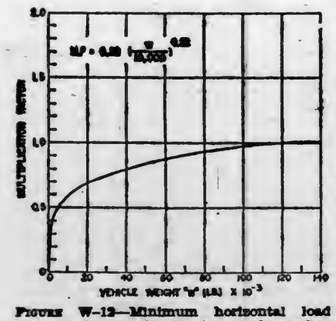


FIGURE W-12—Minimum horizontal load factor for crawler tractors and crawler-type loaders.

ment to which this section applies, "vehicle weight" means the manufacturer's maximum recommended weight of the vehicle plus the heaviest attachment.

(h) *Source of standard.* This standard is derived from, and restates, the following Society of Automotive Engineers Recommended Practices: SAE J320a, Minimum Performance Criteria for Roll-Over Protective Structure for Rubber-Tired, Self-Propelled Scrapers; SAE J394, Minimum Performance Criteria for Roll-Over Protective Structure for Rubber-Tired Front End Loaders and Rubber-Tired Dozers; SAE J395, Minimum Performance Criteria for Roll-Over Protective Structure for Crawler Tractors and Crawler-Type Loaders; and SAE

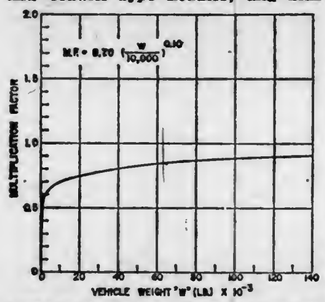


FIGURE W-13—Minimum horizontal load factor for motor graders.

J396, Minimum Performance Criteria for Roll-Over Protective Structure for Motor Graders. These recommended practices shall be resorted to in the event that questions of interpretation arise. The recommended practices appear in the 1971 SAE Handbook, which may be examined in each of the Regional Offices of the Occupational Safety and Health Administration.

§ 1926.1002 Protective frame (ROPS) test procedures and performance requirements for wheel-type agricultural and industrial tractors used in construction.

(a) *General.* (1) The purpose of this section is to set forth requirements for frames for the protection of operators of wheel type agricultural and industrial tractors to minimize the possibility of operator injury resulting from accidental upsets during normal operation. With respect to agricultural and industrial tractors, the provisions of §§ 1026.1001 and 1926.1003 for rubber-tired dozers and rubber-tired loaders may be utilized in lieu of the requirements of this section.

(2) The protective frame which is the subject of this standard is a structure mounted to the tractor that extends above the operator's seat and conforms generally to Figure W-14.

(3) If an overhead weather shield is attached to the protective frame, it may be in place during tests: *Provided*, That it does not contribute to the strength of the protective frame. If such an overhead weather shield is attached, it must meet the requirements of paragraph (i) of this section.

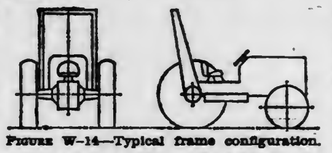


FIGURE W-14—Typical frame configuration.

(4) For overhead protection requirements, see § 1926.1003.

(5) If protective enclosures are used on wheel-type agricultural and industrial tractors, they shall meet the requirements of Society of Automotive Engineers Standard J168 (July 1970), Protective Enclosures, Test Procedures, and Performance Requirements. This standard appears in the 1971 SAE Handbook and may be examined in each Regional Office of the Occupational Safety and Health Administration.

(b) *Applicability.* The requirements of this section apply to wheel-type agricultural tractors used in construction work and to wheel-type industrial tractors used in construction work. See paragraph (j) of this section for definitions of agricultural tractors and industrial tractors.

(c) *Performance requirements.* (1) Either a laboratory test or a field test is required in order to determine the performance requirements set forth in paragraph (c)(1) of this section.

(2) A laboratory test may be either static or dynamic. The laboratory test must be under conditions of repeatable and controlled loading in order to permit analysis of the protective frame.

(3) A field upset test, if used, shall be conducted under reasonably controlled conditions, both rearward and sideways, to verify the effectiveness of the protective frame under actual dynamic conditions.

(d) *Test procedures—general.* (1) The tractor used shall be the tractor with the greatest weight on which the protective frame is to be used.

(2) A new protective frame and mounting connections of the same design shall be used for each test procedure.

(3) Instantaneous and permanent frame deformation shall be measured and recorded for each segment of the test.

(4) Dimensions relative to the seat shall be determined with the seat unloaded and adjusted to its highest and most rearward latched position provided for a seated operator.

(5) If the seat is offset, the frame loading shall be on the side with the least space between the centerline of the seat and the upright.

(6) The low temperature impact strength of the material used in the protective structure shall be verified by suitable material tests or material certifications in accordance with § 1926.1001 (f)(2)(iv).

(e) *Test procedure for vehicle overturn.*—(1) *Vehicle weight.* The weight of the tractor, for purposes of this section, includes the protective frame, all fuels, and other components required for normal use of the tractor. Ballast must be added if necessary to achieve a minimum total weight of 130 lb. (59 kg.) per maximum power takeoff horsepower at rated engine speed. The weight of the front end must be at least 33 lb. (15 kg.) per maximum power takeoff horsepower. In case power takeoff horsepower is unavailable, 95 percent of net engine flywheel horsepower shall be used.

(2) Agricultural tractors shall be tested at the weight set forth in paragraph (e)(1) of this section.

(3) Industrial tractors shall be tested with items of integral or mounted equipment and ballast that are sold as standard equipment or approved by the vehicle manufacturer for use with the vehicle where the protective frame is expected to provide protection for the operator with such equipment installed. The total vehicle weight and front end weight as tested shall not be less than the weights established in paragraph (e)(1) of this section.

(4) The test shall be conducted on a dry, firm soil bank as illustrated in Figure W-15. The soil in the impact area shall have an average cone index in the 0-6 in. (153 mm.) layer not less than 150 according to American Society of Agricultural Engineers Recommendation ASAE R313, Soil Cone Penetrometer (available in each Regional Office of the Occupational Safety and Health Administration). The path of travel of the vehicle shall be 12°±2° to the top edge of the bank.

(5) The upper edge of the bank shall be equipped with an 18 in. (457 mm.) high ramp as described in Figure W-15 to assist in tipping the vehicle.

(6) The front and rear wheel tread settings, where adjustable, shall be at the position nearest to halfway between the minimum and maximum settings obtainable on the vehicle. Where only two settings are obtainable, the minimum setting shall be used.

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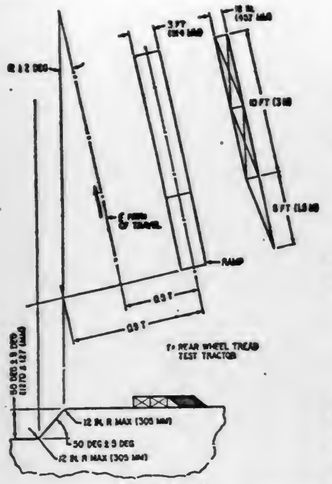


FIGURE W–15.

(7) *Vehicle Overturn Test—Sideways and Rearward.* (i) The tractor shall be driven under its own power along the specified path of travel at a minimum speed of 10 m.p.h. (16 km./hr.) or maximum vehicle speed if under 10 m.p.h. (16 km./hr.) up the ramp as described in subparagraph (5) of this paragraph to induce sideways overturn.

(ii) Rear upset shall be induced by engine power with the tractor operating in gear to obtain 3–5 m.p.h. (4.8–8 km./hr.) at maximum governed engine r.p.m. preferably by driving forward directly up a minimum slope of two vertical to one horizontal. The engine clutch may be used to aid in inducing the upset.

(f) *Other test procedures.* When the field upset test is not used to determine ROPS performance, either the static test or the dynamic test, contained in paragraph (g) or (h) of this section, shall be made.

(g) *Static test*—(1) *Test conditions.* (i) The laboratory mounting base shall include that part of the tractor chassis to which the protective frame is attached including the mounting parts.

(ii) The protective frame shall be instrumented with the necessary equipment to obtain the required load deflection data at the locations and directions specified in Figures W–16, W–17, and W–18.

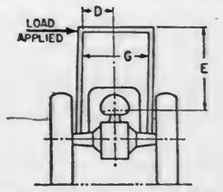


FIGURE W–16—Side load application.

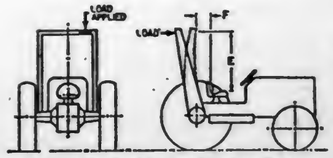


FIGURE W–17—Rear load application.

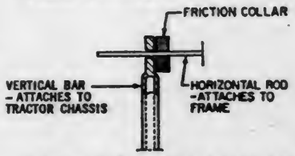


FIGURE W–18—Method of measuring instantaneous deflection.

(iii) The protective frame and mounting connections shall be instrumented with the necessary recording equipment to obtain the required load-deflection data to be used in calculating FSB (see paragraph (j)(3) of this section). The gauges shall be placed on mounting connections before the installation load is applied.

(2) *Test procedure.* (i) The side load application shall be at the upper extremity of the frame upright at a 90° angle to the centerline of the vehicle. The side load "L" shall be applied according to Figure W–16. "L" and "D" shall be recorded simultaneously. The test shall be stopped when:

(a) The strain energy absorbed by the frame is equal to the required input energy (E_{i_s}) or

(b) Deflection of the frame exceeds the allowable deflection, or

(c) The frame load limit occurs before the allowable deflection is reached in the side load.

(ii) The L–D diagram, as shown by means of a typical example in Figure W–19, shall be constructed, using the data obtained in accordance with paragraph (g)(2)(i) of this section.

(iii) The modified L_m–D_m diagram shall be constructed according to paragraph (g)(2)(ii) of this section and according to Figure W–20. The strain energy absorbed by the frame (E_m) shall then be determined.

(iv) E_{i_s}, FER, and FSB shall be calculated.

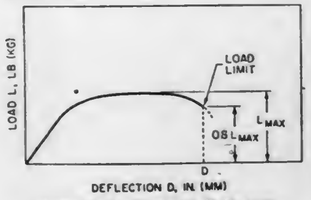


FIGURE W–19—Typical L–D diagram.

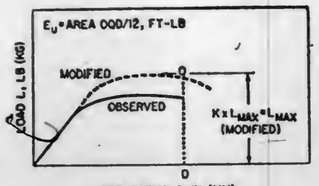


FIGURE W–20—Typical modified L_m–D_m diagram.

(v) The test procedure shall be repeated on the same frame utilizing L (rear input; see FIGURE W–16) and E_{i_r}. Rear load application shall be uniformly distributed along a maximum projected dimension of 27 in. (686 mm.) and a maximum area of 160 sq. in. (1,032 sq. cm.) normal to the direction of load application. The load shall be applied to the upper extremity of the frame at the point which is midway between the centerline of the seat and the inside of the frame upright.

(h) *Dynamic test*—(1) *Test conditions.* (i) The protective frame and tractor shall meet the requirements of paragraphs (e) (2) or (3) of this section, as appropriate.

(ii) The dynamic loading shall be produced by use of a 4,410 lb. (2,000 kg.) weight acting as a pendulum. The impact face of the weight shall be 27 plus or minus 1 in. by 27 plus or minus 1 in. (686+ or −25 mm.) and shall be constructed so that its center of gravity is within 1 in. (25.4 mm.) of its geometric center. The weight shall be suspended from a pivot point 18–22 ft. (5.5–6.7 m.) above the point of impact on the frame and shall be conveniently and safely adjustable for height. (See Figure W–21.)

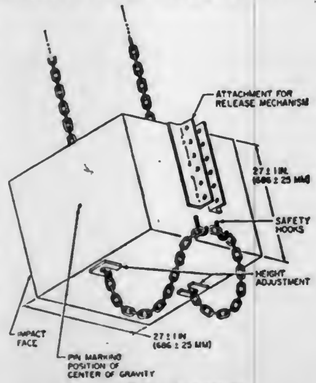


FIGURE W–21—Pendulum.

(iii) For each phase of testing, the tractor shall be restrained from moving when the dynamic load is applied. The restraining members shall be of 0.5–0.63 in. (12.5–16 mm.) steel cable and points of attaching restraining members shall be located an appropriate distance behind the rear axle and in front of the front axle to provide a 15°–30° angle between a restraining cable and the horizontal. The restraining member shall either be in the plane in which the center gravity of the pendulum will swing or more than one restraining cable shall give a resultant force in this plane. (See Figure W–22.)

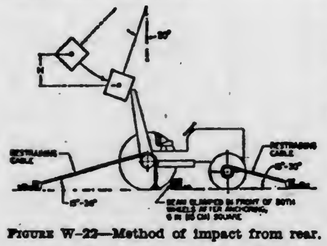


FIGURE W–22—Method of impact from rear.

(iv) The wheel tread setting shall comply with the requirements of paragraph (e)(6) of this section. The tires shall have no liquid ballast and shall be inflated to the maximum operating pressure recommended by the tire manufacturer. With specified tire inflation, the restraining cables shall be tightened to provide tire deflection of 6–8 percent of nominal tire section width. After the vehicle is properly restrained, a wooden beam 6 x 6 in. (15 x 15 cm.) shall be driven tightly against the appropriate wheels and clamped. For the test to the side, an additional wooden beam shall be placed as a prop against the wheel nearest the operator's station and shall be secured to the floor so that it is held tightly against the wheel rim during impact. The length of this beam shall be chosen so that when it is positioned against the wheel rim, it is at an angle of 25°–40° to the horizontal. It shall have a length 20–25 times its depth and a width two to three times its depth. (See Figures W–22 and W–23.)

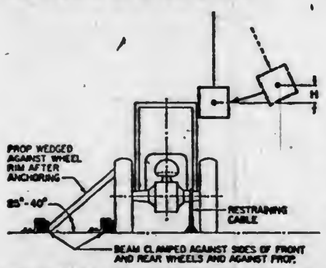


FIGURE W–23—Method of impact from side.

(v) Means shall be provided indicating the maximum instantaneous deflection along the line of impact. A simple friction device is illustrated in Figure W–23.

(vi) No repair or adjustments may be carried out during the test.

(vii) If any cables, props, or blocking shift or break during the test, the test shall be repeated.

(2) *Test procedure*—(i) *General.* The frame shall be evaluated by imposing dynamic loading to rear followed by a load to the side on the same frame. The pendulum dropped from the height (see definition "H" in paragraph (j)(3) of this section) imposes the dynamic load. The position of the pendulum shall be so selected that the initial point of impact on the frame shall be in line with the arc of travel of the center of gravity of the pendulum. A quick release mechanism should be used but, if used, shall not influence the attitude of the block.

(ii) *Impact at rear.* The tractor shall be properly restrained according to subparagraphs (1) (iii) and (iv) of this paragraph. The tractor shall be positioned with respect to the pivot point of the pendulum such that the pendulum is 20° from the vertical prior to impact, as shown in Figure W–22. The impact shall be applied to the upper extremity of the frame at the point which is midway between the centerline of the seat and the inside of the frame upright of a new frame.

(iii) *Impact at side.* The block and restraining shall conform to subparagraphs (1) (iii) and (iv) of this paragraph. The point of impact shall be that structural member of the protective frame likely to hit the ground first in a sideways accidental upset. The side impact shall be applied to the side opposite that used for rear impact.

(i) *Performance requirements*—(1) *General.* (i) The frame, overhead weather shield, fenders, or other parts in the operator area may be deformed but shall not shatter or leave sharp edges exposed to the operator, or violate dimensions as shown in Figures W–16 and W–17 as follows:

D=2 in. (51 mm.) inside of frame upright to vertical centerline of seat.
E=30 in. (762 mm.).
F=Not less than 0 in. and not more than 12 in. (305 mm.), measured at centerline front of seat backrest to crossbar along the line of load application as shown in Figure W–17.
G=24 in. (610 mm.).

(ii) The material and design combination used in the protective structure must be such that the structure can meet all prescribed performance tests at zero degrees Fahrenheit in accordance with § 1926.1001(f)(2)(iv).

(2) *Vehicle overturn performance requirements.* The requirements of this paragraph (i) must be met in both side and rear overturns.

(3) *Static test performance requirements.* Design factors shall be incorporated in each design to withstand an overturn test as prescribed in this paragraph (i). The structural requirements will be generally met if FER is greater than 1 and FSB is greater than K–1 in both side and rear loadings.

(4) *Dynamic test performance requirements.* Design factors shall be incorporated in each design to withstand the overturn test prescribed in this paragraph (i). The structural requirements will be generally met if the dimensions in this paragraph (i) are adhered to in both side and rear loads.

(j) *Definitions applicable to this section.* (1) SAE J333a, Operator Protection for Wheel-Type Agricultural and Industrial Tractors (July 1970) defines "agricultural tractor" as a "wheel-type vehicle of more than 20 engine horsepower designed to furnish the power to pull, carry, propel, or drive implements that are designed for agricultural usage." Since this Part 1926 applies only to construction work, the following definition of "agricultural tractor" is adopted for purposes of this subpart: "Agricultural tractor" means a wheel-type vehicle of more than 20 engine horsepower, used in construction work, which is designed to furnish the power to pull, propel, or drive implements.

(2) "Industrial tractor" means that class of wheeled type tractor of more than 20 engine horsepower (other than rubber-tired loaders and dozers described in § 1926.1001), used in operations such as landscaping, construction services, loading, digging, grounds keeping, and highway maintenance.

(3) The following symbols, terms, and explanations apply to this section:

E_{i_s}=Energy input to be absorbed during side loading. E_{i_s}=726+0.4 W ft.-lb. (E'_{i_s}=100+0.12 W', m.-kg.).
E_{i_r}=Energy input to be absorbed during rear loading. E_{i_r}=0.47 W ft.-lb. (E'_{i_r}=0.14 W', m.-kg.).
W=Tractor weight as prescribed in § 1926.1002 (e) (1) and (e) (3), in lb. (W', kg.).
L=Static load, lb. (kg.).
D=Deflection under L, in. (mm.).
L–D=Static load-deflection diagram.
L_m–D_m=Modified static load-deflection diagram (Figure W–20). To account for increase in strength due to increase in strain rate, raise L in plastic range to L x K.
K=Increase in yield strength induced by higher rate of loading (1.3 for hot rolled low carbon steel 1010–1030). Low carbon is preferable; however, if higher carbon or other material is used, K must be determined in the laboratory. Refer to Charles H. Norris, et al., Structural Design for Dynamic Loads (1959), p. 3.
L_{max}=Maximum observed static load.
Load Limit=Point on L–D curve where observed static load is 0.8 L_{max} (refer to Figure W–19).
E_m=Strain energy absorbed by the frame, ft.-lb. (m.-kg.) area under L_m–D_m curve.
FER=Factor of energy ratio, FER=E_m/E_{i_s}; also=E_m/E_{i_r}.
P_b=Maximum observed force in mounting connection under static load, L, lb. (kg.).
FSB=Design margin for mounting connection FSB=(P_m/P_b)−1.
H=Vertical height of lift of 4,410 lb. (2,000 kg.) weight, in. (H', mm.). The weight shall be pulled back so that the height of its center of gravity above the point of impact is defined as follows: H=4.92 +0.00190 W or (H'=125+0.107 W') (Figure W–24).

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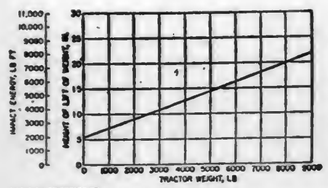


FIGURE W-24—Impact energy and corresponding lift height of 4,410 lb. (2,000 kg.) weight.

(k) *Source of standard.* The standard in this section is derived from, and restates, Society of Automotive Engineers Standard J334a (July 1970), Protective Frame Test Procedures and Performance Requirements. This standard shall be resorted to in the event that questions of interpretation arise. The standard appears in the 1971 SAE Handbook, which may be examined in each of the Regional Offices of the Occupational Safety and Health Administration.

§ 1926.1003 Overhead protection for operators of agricultural and industrial tractors.

(a) *General* — (1) *Purpose.* When overhead protection is provided on wheel-type agricultural and industrial tractors, the overhead protection shall be designed and installed according to the requirements contained in this section. The provisions of § 1926.1001 for rubber-tired dozers and rubber-tired loaders may be used in lieu of the standards contained in this section. The purpose of the standard is to minimize the possibility of operator injury resulting from overhead hazards such as flying and falling objects, and at the same time to minimize the possibility of operator injury from the cover itself in the event of accidental upset.

(2) *Applicability.* This standard applies to wheel-type agricultural tractors used in construction work and to wheel-type industrial tractors used in construction work. See § 1926.1002 (b) and (j). In the case of machines to which § 1926.604 (relating to site clearing) also applies, the overhead protection may be either the type of protection provided in § 1926.604 or the type of protection provided by this section.

(b) *Overhead protection.* When overhead protection is installed on wheel-type agricultural or industrial tractors used in construction work, it shall meet the requirements of this paragraph. The overhead protection may be constructed of a solid material. If grid or mesh is used, the largest permissible opening shall be such that the maximum circle which can be inscribed between the elements of the grid or mesh is 1.5 in. (38 mm.) in diameter. The overhead protection shall not be installed in such a way as to become a hazard in the case of upset.

(c) *Test procedures—general.* (1) The requirements of § 1926.1002 (d), (e), and (f) shall be met.

(2) Static and dynamic rear load application shall be uniformly distributed along a maximum projected dimension of 27 in. (686 mm.) and a maximum area of 160 in.² (1,032 cm.²) normal to the direction of load application. The load shall be applied to the upper extremity of the frame at the point which is midway between the centerline of the seat and the inside of the frame upright.

(3) The static and dynamic side load application shall be uniformly distributed along a maximum projected dimension of 27 in. (686 mm.) and a maximum area of 160 in.² (1,032 cm.²) normal to the direction of load application. The direction of load application is the same as in § 1926.1002 (g) and (h). To simulate the characteristics of the structure during an upset, the center of load application may be located from a point 24 in. (610 mm.) (K) forward to 12 in. (305 mm.) (L) rearward of the front of the seat backrest to best utilize the structural strength. See Figure W-25.

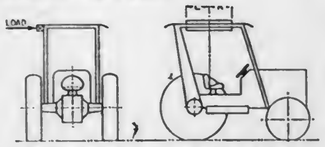


FIGURE W-25—Location for side load.

(d) *Drop test procedures.* (1) The same frame shall be subjected to the drop test following either the static or dynamic test.

(2) A solid steel sphere or material of equivalent spherical dimension weighing 100 lb. (45.4 kg.) shall be dropped once from a height 10 ft. (3,048 mm.) above the overhead cover.

(3) The point of impact shall be on the overhead cover at a point within the zone of protection as shown in Figure W-26, which is furthest removed from major structural members.

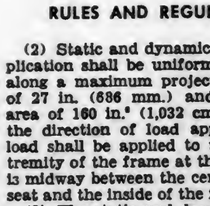


FIGURE W-26—Zone of protection for drop test.

(e) *Crush test procedure.* (1) The same frame shall be subjected to the crush test following the drop test and static or dynamic test.

(2) The test load shall be applied as shown in Figure W-27 with the seat positioned as specified in § 1926.1002(d)(4). Loading cylinders shall be pivotally mounted at both ends. Loads applied by each cylinder shall be equal within 2 percent, and the sum of the loads of the two cylinders shall be two times the tractor weight as set forth in § 1926.1002(e)(1). The maximum width of the beam illustrated in Figure W-27 shall be 6 in. (152 mm.).

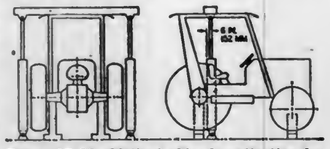


FIGURE W-27—Method of load application for crush test.

(f) *Performance requirements*—(1) *General.* The performance requirements set forth in § 1926.1002(l) (2), (3), and (4) shall be met.

(2) *Drop test performance requirements.* (i) Instantaneous deformation due to impact of the sphere shall not enter the protected zone as illustrated in Figures W-25, W-26, and W-28.

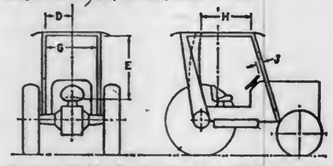


FIGURE W-28—Protected zone during crush and drop tests.

(ii) In addition to the dimensions set forth in § 1926.1002(l)(1)(i), the following dimensions apply to Figure W-28:

H=17.5 in. (444 mm.)
J=2 in. (50.8 mm.) measured from the outer periphery of the steering wheel.

(3) *Crush test performance requirements.* The protected zone as described in Figure W-28 must not be violated.

(g) *Source of standard.* This standard is derived from, and restates, the portions of Society of Automotive Engineers Standard J167 which pertain to overhead protection requirements. The full title of the SAE standard is: Protective Frame with Overhead Protection—Test Procedures and Performance Requirements. The SAE standard shall be resorted to in the event that questions of interpretation arise. The SAE standard appears in the 1971 SAE Handbook, which may be examined in each of the Regional Offices of the Occupational Safety and Health Administration.

Subpart X—Effective Dates

§ 1926.1050 Effective dates (general).

Except where different effective dates are specifically provided in § 1926.1051, the safety and health standards published in Subparts C through U of this part shall become effective on April 24, 1971, for all Federal and federally assisted advertised contracts subject thereto which are advertised after that date and on April 27, 1971, for all such negotiated contracts for which negotiations begin after that date.

§ 1926.1051 Effective dates (specific).

(a) With respect to standards concerning brakes and fenders prescribed in § 1926.602, the rules contained therein specify the applicable effective dates.

(b) (1) To the extent that the standards in this part apply to light residential construction, their application is delayed until September 27, 1971, whereupon the standards shall apply to contracts subject to the Contract Work Hours and Safety Standards Act which are advertised on or after that date and to such contracts which may be negotiated when the negotiations commence on or after that date.

(2) For the purpose of this paragraph, the term "light residential construction" is limited to the construction of homes and apartments which do not exceed three stories in height, and which do not have an elevator.

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PART III

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

■

MARINE MAMMAL PROTECTION ACT

Report of Secretary of Commerce

CORRECTED PAGE NUMBERS

This Part III was numbered incorrectly as originally published. This reprint contains the full text with the correct page numbers.

No. 122—Pt. III——1

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

MARINE MAMMAL PROTECTION ACT

Report of the Secretary of Commerce

Section 103(f) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361, 86 Stat. 1027 (1972)) states that "Within six months after the effective date of this Act (December 21, 1972) and every twelve months thereafter, the Secretary shall report to the public through publication in the FEDERAL REGISTER and to the Congress on the current status of all marine mammal species and population stocks subject to the provisions of this Act. His report shall describe those actions taken and those measures believed necessary, including where appropriate, the issuance of permits pursuant to this title to assure the well-being of such marine mammals."

Section 3(12)(A) of the Act limits the responsibility of the Department of Commerce to those mammals which are members of the order Cetacea (whales and porpoises) and members, other than walruses, of the order Pinnipedia (seals and sea lions). Accordingly, there is published herewith the report of the Secretary of Commerce for the period June 22, 1973, to April 30, 1974, on the administration of the Act with regard to those mammals.

Issued at Washington, D.C., and dated June 18, 1974.

FREDERICK B. DENT,
Secretary of Commerce.

ADMINISTRATION OF THE MARINE MAMMAL PROTECTION ACT OF 1972; JUNE 22, 1973, TO APRIL 30, 1974

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Prepared by The National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Washington, D.C. 20235, June, 1974.

ADMINISTRATION OF THE MARINE MAMMAL PROTECTION ACT OF 1972; JUNE 22, 1973, TO APRIL 30, 1974

Introduction—*Authority for the report and administration of the Act.* This report is made pursuant to requirements of section 103 (f) of the Marine Mammal Protection Act of 1972 (86 Stat. 1027; hereinafter, the "Act"). It covers the period from June 22, 1973, through April 30, 1974, and is prepared in three parts: The first deals with actions taken to assure the well-being of marine mammals; the second defines the current status of the stocks of marine mammals for which the Secretary of Commerce has responsibility; and the third part contains the appendices. This is the second such report—the first report covered the period from December 21, 1972, through June 21, 1973, was submitted to Congress as required by the Act on July 27, 1973, and to the public on August 1, 1973, (38 FR 20564).

The Act, with certain exceptions, places an immediate moratorium on the taking and importation of all marine mammals and marine mammal products. It makes the Secretary of Commerce responsible for protecting whales, porpoises, seals, and sea lions, and the Secretary of the Interior responsible for all other marine mammals, specifically sea otters, walruses, polar bears, and manatees. On November 30, 1972, the Secretary of Commerce delegated authority for the functions prescribed by the Act to the Administrator of the National Oceanic and Atmospheric Administration (NOAA). On February 9, 1973, the Administrator delegated this authority to the Director, National Marine Fisheries Service (NMFS).

Regulations promulgated or proposed. On August 16, 1973, a notice of proposed rulemaking Governing the Taking and Importing of Marine Mammals, as required by section 112 of the Marine Mammal Protection Act of 1972, was published by NOAA/NMFS in the FEDERAL REGISTER (38 FR 22133). Publication was accompanied by a statement that written comments, views or objections to those proposed regulations could be submitted to the Director, NMFS, during the 45-day period ending October 1, 1973. Final Regulations (Appendix A) were published in the FEDERAL REGISTER on January 15, 1974, and became effective the same date (39 FR 1851). These superseded the Interim Regulations Governing the Taking and Importing of Marine Mammals, which were published in the FEDERAL REGISTER on December 21, 1972, and became effective the same date (37 FR 28177); they also reflected the 22 comments on the published proposed rulemaking of August 16, 1973; they corrected certain technical errors and omissions; they deleted reference to regulations implementing the economic hardship provision of the Act, which expired October 21, 1973; and they effected additional changes in the definitions and the prohibitions as a result of the enactment of the Endangered Species Act of 1973 (PL 93-205).

On April 23, 1974, an amendment to the final regulations (Appendix B) was published in the FEDERAL REGISTER (39 FR 14348). It was the intention of NOAA/NMFS to clarify, through that amendment, the procedures to be followed in submitting applications for scientific research and public display permits.

The Marine Mammal Protection Act of 1972 contains specific provisions concerning the incidental take of marine mammals in connection with commercial fishing operations. Section 101(a)(2) of the Act excludes commercial fishermen from permit requirements to take marine mammals in their operations until October 20, 1974. They are, however, subject to interim regulations promulgated under section 111.

Interim regulations under section 111 were proposed on November 12, 1973, (38 FR 31180), (Appendix C) to require tuna purse seiners engaged in the catching and landing of yellowfin tuna to equip their nets with a 2-inch stretch mesh porpoise safety panel, to close hand-hold areas, to tighten cockline hangings, and to use backdown or other release procedures until all live marine mammals are released. These interim regulations were adopted on January 22, 1974, (39 FR 2481), to be effective April 1, 1974, (Appendix D). A shortage of nylon netting brought about by the petroleum shortage delayed implementation of the panel regulation until June 1, 1974. A statement to that effect was published in the FEDERAL REGISTER on March 13, 1974 (39 FR 9684).

Proposed regulations were published April 5, 1974, (39 FR 12356), to implement a general permit system for commercial fishermen, to become effective October 21, 1974, (Appendix E). The proposed regulations were framed around the type of gear utilized by fishermen (five categories) and requiring certificates of inclusion under general permits for each type of gear. The five categories of gear proposed were towed or dragged gear; encircling gear, tuna purse-seining; encircling gear, seining other than tuna; stationary gear; and other gear. Fishermen who do not encounter marine mammals or can avoid taking them do not require permits.

An environmental impact statement was deemed necessary for the promulgation of regulations designed to grant permits to tuna fishermen for the taking of porpoise incidental to the course of their fishing operations. Accordingly a draft environmental impact statment (DEIS) was prepared and issued on April 5, 1974.

Public hearings on the proposed regulations and on the DEIS were held to give interested persons an opportunity to place their views on the record. Hearings on the DEIS will be held in Washington, D.C. on May 7, 1974, and at Terminal Island, California, on May 9, 1974. A formal hearing on the proposed regulations as required by the Act will be held in Seattle, Washington, on May 15, 1974. A decision on these regulations is due on or about June 30, 1974.

Legal actions brought against the Federal Government. During the term covered by this report, three legal actions related to the administration of the Act by the Department of Commerce were filed in the United States District Court for the District of Columbia. These were:

Project Jonah, et al. v. Dent, et al. Filed on June 21, 1973, this action sought to compel the defendants (1) to promulgate interim regulations under section 111 of the Act to reduce the hazards to marine mammals incident to commercial fishing operations, and (2) to prepare and file a report on the current status of all marine mammals subject to the Act as required by section 103(f) of the Act. The suit was dismissed due to mootness on February 4, 1974, reflecting the fact that the regulations and report in question were promulgated and filed as required by the Act.

Fund for Animals, et al. v. Dent. Filed on September 13, 1973, this action sought to enjoin the granting of an economic hardship exemption to the Fouke Company of Greenville, South Carolina, to authorize its importation of fur sealskins from the Republic of South Africa. The plaintiffs requested that the suit be dismissed on September 21, 1973, after the judge had ruled that, among other things, the Secretary was not arbitrary or capricious in issuing the Letter of Exemption.

Friends of Animals, Inc., et al. v. Joseph Blum, et al. Filed on April 15, 1974, this action would in effect require the court to interpret the provision of the Act which prohibits the importation of marine mammals which were "nursing at the time of taking." A judicial decision has not been rendered on the merits of the action.

Impact of Endangered Species Act of 1973 on Marine Mammal Protection Act Administration. The enactment of the Endangered Species Act of 1973 on December 28, 1973, had the following effects on the Marine Mammal Protection Act of 1972:

(a) Amended the references to the Endangered Species Conservation Act of 1969—

(1) By striking out "Endangered Species Conservation Act of 1969" in section 3(1)(B) thereof and inserting in lieu thereof the following: "Endangered Species Act of 1973";

(2) By striking out "pursuant to the Endangered Species Conservation Act of 1969" in section 101(a)(3)(B) thereof and inserting in lieu thereof the following: "or threatened species pursuant to the Endangered Species Act of 1973";

(3) By striking out "endangered under the Endangered Species Conservation Act of 1969" in section 102(b)(3) thereof and inserting in lieu thereof the following: "an endangered species pursuant to the Endangered Species Act of 1973"; and

(4) By striking out "of the Interior such revisions of the Endangered Species List, authorized by the Endangered Species Conservation Act of 1969," in section 202(a)(6) thereof and inserting in lieu thereof the following: "such revisions of the endangered species list and threatened species list published pursuant to section 4(c)(1) of the Endangered Species Act of 1973."

(b) Stated that except as otherwise provided for in the Endangered Species Act of 1973, no provision of the Endangered Species Act of 1973 shall take precedence over any more restrictive conflicting provision of the Marine Mammal Protection Act of 1972.

Congressional oversight hearings. Concerned with the details of the administration of the Act, the Subcommittee on Fisheries and Wildlife Conservation and the Environment of the House Committee on Merchant Marine and Fisheries held oversight hearings at La Jolla, California, and at Anchorage, Alaska, in August 1973, and at Washington, D.C. in January 1974. Testifying at the January hearings, Robert W. Schoning, Director of the NMFS, reported on the progress and problems experienced during the first fifteen months of the administration of the Act.

Marine Mammal Commission. On May 14, 1973, President Nixon announced the appointment of the three-man Marine Mammal Commission provided for under the Act. The Commissioners appointed were;

Victor B. Scheffer, Bellevue, Washington, a marine mammal biologist retired from the United States Fish and Wildlife Service. He serves as Chairman.

A. Starker Leopold, Professor of Zoology, University of California at Berkeley.

John Ryther, Chairman, Department of Biology, Woods Hole Oceanographic Institution, Falmouth, Massachusetts. Mr. Ryther resigned shortly after his appointment. A replacement has not been appointed.

On August 6, 1973, the Marine Mammal Commission announced the appointment of the Committee of Scientific Advisors. The Committee members appointed were:

Dr. George A. Bartholomew
Department of Biology
University of California
Los Angeles, CA 90024

Dr. Douglas G. Chapman
College of Fisheries
University of Washington
Seattle, WA 98195

Dr. Kenneth S. Norris
Division of Natural Sciences
University of California
Santa Cruz, CA 95060

Mr. William E. Schevill
Museum Comparative Zoology
Harvard University
Cambridge, MA 02138

Dr. Jesse R. White
11025 SW 173d Terrace
Miami, FL 33157

Mr. John L. Burns
Alaska Department of Fish & Game
P.O. Box 80746
College, AK 99701

Mr. Jack W. Lentfer
U.S. Bureau of Sport Fisheries & Wildlife
813 D Street
Anchorage, AK 99501

Dr. G. Carleton Ray
Department of Pathobiology
Johns Hopkins University
615 N. Wolfe Street
Baltimore, MD 21205

Dr. Donald B. Siniff
Department of Ecology & Behavioral Biology
University of Minnesota
St. Paul, MN 55101

Title II of the Act which established the Marine Mammal Commission and Committee of Scientific Advisors prescribes extensive consultation roles for the Commission and the Committee with the Secretaries of Commerce and the Interior.

The Commission, not funded until November 1973, nevertheless was consulted as fully as possible in the interim before funding. The Committee of Scientific Advisers first met on January 18 and 19, 1974, to study the review procedures and pending applications. Following the establishment and staffing of Commission offices, the full consultative role prescribed by the Act was implemented. Interface with the Commission is now possible on a daily basis, and formal review of permit applications is accomplished through established procedures. Two other major areas have been the subject of consultation with the Commission in addition to reviewing permit applications—the importation of South African fur sealskins, and commercial fishing operations involving the incidental taking of marine mammals.

PART I. ACTIONS TAKEN TO ASSURE THE WELL-BEING OF MARINE MAMMALS

Economic hardship exemptions. Section 101(c) of the Act and § 216.13 of the interim regulations permitted the Secretary of Commerce to grant relief until midnight, October 20, 1973, by exempting from the moratorium those persons who could demonstrate undue economic hardship. Of the 60 applications submitted for undue economic hardship exemptions, 23 were approved—14 exemptions for the purposes of scientific research, 7 for public display, and 1 each for personal subsistence and importation of sealskins for commercial use. Of the 37 remaining applications, 21 were denied, 13 were withdrawn, and no action was taken on 3 because the applications were incomplete. Appendix F contains an analysis of the economic hardship exemption applications, including the final disposition of each application and the number of marine mammals involved.

Public display and scientific research permits. Section 101(a)(1) of the Act and § 216.31 of the regulations governing the taking and importing of marine mammals authorize the NMFS Director to issue permits to take and import mammals or marine mammal products for scientific research and public display. The criteria to be used by the Director in determining whether to issue a scientific research permit include consideration as to whether the proposed taking or importation is consistent with the policies and purposes of the Act; and whether the granting of the permit is required to further a bona fide, necessary, and/or desirable scientific purpose, taking into account the benefits to the population stock and the marine ecosystem which can be derived from the contemplated scientific research. In determining whether to issue a public display permit, the Director, shall consider—among other criteria—whether the proposed taking or importation is consistent with the policies and purposes of the Act; whether a substantial public benefit will be gained from the display contemplated, taking into account the manner of the display and the anticipated audience as well as the effect of the proposed taking or importation on the population stocks of the marine mammal in question and the marine ecosystem; and the applicant's qualifications for the proper care and maintenance of the marine mammal,

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and the adequacy of his facilities. Although the Act declares a moratorium on the taking of marine mammals, the Act clearly intended that research on marine mammals be continued and that public displays (where the health and well-being of the species involved are maintained) be allowed. Permits, however, may be granted only after a review by the Marine Mammal Commission and the Committee of Scientific Advisors.

As of April 30, 1974, 92 applications for scientific research and public display permits have been submitted to the Director, including 41 for scientific research and 51 for public display. Forty-five of these applications, certified as being complete, have been forwarded to the Marine Mammal Commission for consideration. The Commission has submitted recommendations on 31 of them. Twenty applications have been approved, two denied, three referred to the appropriate States (under the provisions of section 109 of the Act), and one withdrawn. Nine applications are awaiting final determination, 13 are pending before the Marine Mammal Commission, 11 are complete and being prepared for submission to the Marine Mammal Commission, 7 are being held pending resolution of administrative policy or legal questions, and 25 applicants have not yet submitted complete applications. In addition, an interagency Letter of Agreement was signed to allow the Smithsonian Institution to collect and utilize certain dead marine mammals (whales, porpoise, seals, and sea lions) for scientific research. Table 1 provides a summary of the applications received and number of animals involved. Tables 2 and 3 provide a breakdown of the number of each species of marine mammal involved in the permit applications. The three applications refered to the appropriate States involved beached and stranded marine mammals. Under section 109(a)(4) of the Act and § 216.22 of the regulations, an employee of a State or local government official is permitted to take possession of beached marine mammals, and the State is permitted to place marine mammals in captivity until such time as they can be returned to their natural habitat.

Although the Act does not require public hearings as a condition to the granting of permits, the regulations provide for such hearings at the discretion of the Secretary. In determining whether to hold a public hearing, the Secretary may consider such factors as (a) whether any interested person has requested a public hearing on such application during the time period set for public comment on the application, (b) the views of the Marine Mammal Commission on the desirability of holding a public hearing, (c) the nature of the application and the number of animals and the species involved, (d) the extent to which a public hearing would facilitate the processing of the application, and (e) applications that have unique aspects which require a major policy decision prior to making a determination on the permit application.

Public hearings were held on four public display applications and one scientific research application. In addition to the specific public display permit application under consideration, one hearing involved the general topic of permitting marine mammals to be taken for use in traveling marine mammal exhibits shown at circuses, carnivals, fairs, schools, and shopping centers. A second hearing, involving a major policy decision, was held to consider the applications of two foreign display facilities and the general topic of permitting marine mammals to be taken for display purposes outside the jurisdiction of the United States. The two other hearings involved the taking of a large number of marine mammals for the purposes of research, and the taking of four killer whales, the latter a subject of great regional interest and controversy.

Hearings are usually held in the geographic area in which an applicant does business or the location of prominent public interest, and a transcript of the hearing is made for the official record. When hearings were necessary, notices of receipt of applications and notice of the hearing were published in the FEDERAL REGISTER, and public comments were solicited.

In addition to public hearings, meetings were held periodically with many interested national conservation groups, including a consortium of environmentalists and others, to explain the problems involved in implementation of the Act as well as proposed solutions. Notices on all policy determinations on permits (Appendix G) and final actions taken thereon, were published in the FEDERAL REGISTER. Records of the four hearings on permit applications are available for inspection at NMFS headquarters in Washington, D.C.

The regulations provide for the charging of a fee to cover the costs of the issuing of a permit. Public display permit holders are assessed a fee of $200 and scientific research permit holders are assessed a fee of $25.00. Such fees are waived for Federal agencies to which permits are issued. A total of $1,100 has been collected from permit holders, which fees are deposited in miscellaneous receipts of the U.S. Treasury.

SYNOPSIS OF PERMIT APPLICATIONS (AS OF APRIL 30, 1974)

Applications received	Scientific research	Public display	Total
Number of applications submitted	[1] 41	51	92
Number of animals requested (total)	[1] 9,866	519	10,415
Of these:			
To be taken and released	8,658	0	8,658
For captive maintenance	127	469	596
To be taken dead	126	50	176
To be killed in taking	935	0	935
To be killed in captivity	20	0	20
Action taken:			
Number of applications withdrawn	0	1	1
Number of applications referred to States	2	1	3
Number of applications handled through interagency agreement	1	0	1
Number of applications denied	2	0	2
Number of applications approved	10	10	20
Number of animals approved (total)	623	83	706
Of these:			
For captive maintenance	94	83	177
To be taken and released	483	0	483
To be taken dead	46	0	46
To be killed in taking	0	0	0
To be killed in captivity	0	0	0

[1] Included in the application totals above are 18 applications for "research of opportunity" on dead, beached, or stranded animals, or other research projects in which no numbers of animals are specified. The total number of animals requested, therefore, does not include the animals that would be taken under these applications.

TABLE 2.—*Number of cetaceans requested under permit applications (as of April 30, 1974)*

Common name	Scientific name	Requested: Taken and kept alive	Taken and released	Taken dead	Total	MMC [1]	Granted: Taken and kept alive	Taken and released	Taken dead	Total
Gray whale	*Eschrichtius robustus*		5	1	6	6		5		5
Minke whale	*Balaenoptera acutorostra*			3	3	3				
Rough-toothed dolphin	*Steno bredanensis*	7			7	7	7			7
Atlantic bottlenosed dolphin	*Tursiops truncatus*	147	26		173	57	46			46
Pacific bottlenosed dolphin	*Tursiops gilli*	22		3	25	11	8			8
Risso's dolphin	*Grampus griseus*	2			2	2				
Pacific white-sided dolphin	*Lagenorhynchus obliquidens*	16	175	3	194	104		97		97
Dusky dolphin	*Lagenorhynchus obscurus*		11		11	11		11		11
Atlantic white-sided dolphin	*Lagenorhynchus acutus*	4			4	4				
Spinner dolphin	*Stenella longirostris*	17			17	17	11			11
Spotted dolphin	*Stenella attenuata*				3	3				
Common dolphin	*Delphinus delphis*	3	110	3	116	116	3	110		113
Northern right-whale dolphin	*Lissodelphis borealis*	2		3	5	3				
Pygmy killer whale	*Feresa attenuata*	4			4	4				
False killer whale	*Pseudorca crassidens*	5			5	3	3			3
Pilot whale	*Globicephala macrorhyncha*	16	20	3	39	28	5	20		25
Killer whale	*Orcinus orca*	6		3	9	7				
Harbor porpoise	*Phocoena phocoena*			3	3	3				
Dall's porpoise	*Phocoenoides dalli*			3	3	3				
Belukha (beluga) whale	*Delphinapterus leucas*			16	16	15				
Pygmy sperm whale	*Kogia breviceps*			3	3	3				
Arch-beaked whale	*Mesoplodon carlhubbsi*			3	3	3				
Goose-beaked whale	*Ziphius cavirostris*	2			2	2				
Total		253	347	52	652	401	85	243		326

[1] These figures indicate the number of each species requested in applications which have been forwarded to the Marine Mammal Commission.

TABLE 3.—*Number of pinnipeds requested under permit applications (as of April 30, 1974)*

Common name	Scientific name	Requested: Taken and kept alive	Taken and released	Taken dead	Total	MMC [1]	Granted: Taken and kept alive	Taken and released	Taken dead	Total
South American sea lion	*Otaria flavescens*	5			5	5	5			5
California sea lion	*Zalophus californianus*	281	30	83	344	122	57			57
Steller sea lion	*Eumetopias jubatus*		3,000	163	3,163	3				
Northern fur seal	*Callorhinus ursinus*			2	2	2				
Pacific harbor seal	*Phoca vitulina richardi*	30	680	498	1,212	236	7	20		27
Ice-breeding harbor seal	*Phoca vitulina largha*		300	30	330					
Atlantic harbor seal	*Phoca vitulina vitulina*	1			1	1				
Northwest Atlantic harbor seal	*Phoca vitulina concolor*	25	25		50	13	1			1
Ringed seal	*Pusa hispida*			95	95	25			25	25
Gray seal	*Halichoerus grypus*	28			28	24	22			22
Ribbon seal	*Histriophoca fasciata*			40	40					
Bearded seal	*Erignathus barbatus*			50	50	10			10	10
Hawaiian monk seal	*Monachus schauinslandi*	2			2	1				
Crabeater seal	*Lobodon carcinophagus*		300	30	330	330			6	6
Ross seal	*Ommatophoca rossi*		100	9	109	109			1	1
Leopard seal	*Hydrurga leptonyx*	2	100	25	127	126	2		2	4
Weddell seal	*Leptonychotes weddelli*		3,596	50	3,646	3,646		220	2	222
Northern elephant seal	*Mirounga angustirostris*	10		1	11	11				
Southern fur seal	*Arctocephalus australis*		100	8	108	108				
Southern elephant seal	*Mirounga leonina*		100	8	108	108				
Total		383	8,311	1,060	9,768	4,899	94	240	46	380

[1] These figures indicate the number of each species requested in applications which have been forwarded to the Marine Mammal Commission.

Applications for waiver of the moratorium. Section 101(c) of the Act provides, during the first year following enactment, for the granting of an undue economic hardship exemption from the importation restrictions imposed by the Act. The Fouke Company, Greenville, South Carolina, applied for permission to import 70,000 raw sealskins, and received a letter of exemption on the basis of undue economic hardship. The exemption allowed the importation of up to 50,500 raw skins from the southern fur seal from South Africa. The proposed action was the subject of an environmental impact statement. The granting of the permit was challenged in a court action to obtain a restraining order to preclude importation. The court denied the plaintiff's request for a temporary restraining order and 42,075 skins were imported. Due to transportation problems and the October 21, 1973, expiration date of the exemption, the remaining 8,425 skins could not be imported.

An application for waiver of the moratorium to allow the continued importation of sealskins from South Africa by the Fouke Company is under consideration. A DEIS was issued on April 18, 1974. A representative of the NMFS visited South Africa in September 1973 followed by a two-man team in March 1974 to review the program to determine whether it is adequate to meet the purposes and intent of the Act. A third visit will be made in July 1974 to review harvesting procedures.

Under the provisions of section 109 (a)(2) of the Act, and § 216.4(b) of the regulations promulgated thereunder, any State may adopt laws or regulations relating to the taking or protection of any species or population stock of marine mammals if the Secretary determines, after review by law, that such laws or regulations will be consistent with the provisions of the Act and the regulations. For a State to adopt laws or regulations relating to the management of marine mammals, the Secretary must waive the application of Section 101 of the Act (i.e., the moratorium provision).

The State of Alaska has applied to the Secretary to have the marine mammal regulations of the Alaska Department of Fish and Game declared consistent with the Act and regulations and to allow the State to resume management of sea lions, phocid (hair) seals, and belukha whales. A similar request has been made of the Secretary of the Interior with respect to management of walrus, sea otter, and polar bear. The NMFS and the Bureau of Sport Fisheries and Wildlife (Interior) have formed

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a joint working group to review the State regulations and prepare a working paper leading to a DEIS. The DEIS will discuss the impact on the environment of all takings of marine mammals from waters off Alaska, the alternative approaches to management of these mammals, and the short-term versus long-term use and productivity of the environment (waters off Alaska).

Although representatives of Washington, Oregon, and California have discussed possible return of management of certain marine mammals to their respective jurisdictions, no formal requests for waivers have been received from States other than Alaska.

Research programs—Tuna/porpoise research and development. The marine mammal program at the NMFS Southwest Fisheries Center (SWFC) is concerned with oceanic porpoise populations and their relation to the tuna fishery. The major objectives of the program are to carry out NMFS responsibilities in response to the Marine Mammal Protection Act of 1972, especially in respect to sections 101(a)(2), 103(b), (d) and 111, and to contribute to the long-term maintenance of the tuna fishing industry through conservation of the sea's natural resources.

Program design has been guided by the general philosophy, priorities, and organizational structure outlined in the "Report of the NOAA Tuna-Porpoise Review Committee" of September 1972. Accordingly, the first task is to reduce the porpoise mortality and serious injury rate that is incidental to tuna purse seining as rapidly as possible, the secondary goals are (1) to generate baseline biological data on porpoise populations in the eastern tropical Pacific, and (2) to establish the status of these populations. The two major components of the NMFS program are gear dynamics and development, and biology and stock assessment. (The Committee of Scientific Advisors has been requested to prepare a detailed estimate of the numbers of mammals killed or seriously injured under existing commercial fishing technology.)

All facets of the research program have been developed in close cooperation with other involved groups such as the tuna industry and the Departmental Porpoise Review Committee. As noted above, the first planning for research organization was based on findings of the Tuna-Porpoise Review Committee, composed of a cross-section of persons from industry, government, and universities. The gear dynamics and development program, although managed from the Southwest Fisheries Center at La Jolla, California, is essentially based on the input and expertise of specialists from the Northwest Fisheries Center (NWFC) at Seattle, Washington. Contracts have been let to experts at the University of California at Santa Cruz and San Diego, and the Naval Undersea Center, San Diego, to conduct behavioral and acoustical studies to determine the feasibility of aerial assessment. Workshops at quarterly or more frequent intervals have been held at the SWFC with industry, state, and university participants for the purpose of reviewing the existing program and for eliciting opinions concerning the proposed programs.

Analysis of historical data indicates that a high incidence of porpoise mortality occurred during a small percentage of hauls, most generally at times when the cork lines of a purse seine have come together and the net has "collapsed." The gear dynamics and development program is investigating other gear malfunctions such as net roll-up equipment failures that result in time delays, and unfavorable environmental conditions.

Short-time remedies must require minimum modification to take advantage of existing equipment and limited training when they are used. Suggested solutions are the use of anti-torque cable as a purse line to reduce net roll-ups; use of speed boats as tugs to hold nets open at the time of incipient collapse; and current indicators and related devices to aid in the most advantageous placement of nets relative to wind and current.

The techniques discussed were developed on two experimental cruises in Pacific waters. Preliminary results of recent testing and evaluation on the fishing grounds are highly encouraging.

Extensive porpoise kills can occur when large numbers of tunas and porpoise are captured and crowded together in the net. To alleviate this condition, a modified tuna purse seine has been designed and built. This net is approximately the same length as the seines now in use, but lighter webbing tapered to a greater depth is used to provide an increased area which can safely contain large catches of fish and porpoises. A porpoise safety panel with smaller-than-normal mesh, (1½-inch stretch mesh) is provided in the backdown area of the net. In the "backdown" procedure, maneuvering of the vessel causes the section at the back of the pursed net to dip beneath the surface of the water, allowing porpoises to escape. Tests of the new net on the fishing grounds resulted in a very low porpoise kill recorded in 24 successful sets in which 500 tons of tuna were caught.

At a series of workshops sponsored by the American Tuna Boat Association in San Diego, industry representatives and fishermen have participated in discussions and consultations about the gear program, and have collaborated in conducting fishing tests and evaluations of corrective techniques. Reduction in kill rates of porpoises achieved to date are due largely to innovations developed by the fishermen and to their increased efforts to "backdown" and rescue all possible animals. NMFS gear research has, however, progressed to the point where methods and techniques considered to hold high potential such as those described above, can contribute to further reductions in porpoise mortality.

For descriptive purposes the biology and stock assessment program that the Fisheries Service is pursuing can be divided into four functionally related parts encompassing observers, basic biology, stock assessment and population dynamics, and assessment surveys.

The observer program so far has provided most of the vital information on porpoise-tuna interactions. Under the provisions of the Marine Mammal Act of 1972, NMFS observers who go to sea aboard U.S. tuna purse seiners count porpoises killed during the fishing operations and record data relative to these mortalities, make detailed observations of the rescue operations during each tuna set, collect specimens and samples to be used for life history studies and stock assessment, and make other observations on cetaceans and birds. A statistical evaluation indicated that 25 to 38 trips would be necessary during 1974 to obtain valid information. Previously, observer trips had been negotiated on an individual basis. For the 1974 season, however, the fleet was stratified into five size-age classes and the numbers of trips in each class apportioned on the basis of their past relative importance in the fishery. Twenty-two observer trips were made during the 1973 fishing season.

Boats to carry the observers were selected by means of a random drawing. Industry cooperation in placing observers on these specific boats has been excellent, and apparently will provide data on approximately 1,000 sets on porpoises, representing about 15 to 20 percent of all such sets made by U.S. purse seiners operating in 1974 in the Inter-American Tropical Tuna Commission Yellowfin Regulatory Area of the eastern Pacific.

The observer trips yield relatively precise information on the numbers of porpoises killed in making these sets.

The trend of all indices of fleet performance (kill per set, kill per ton of yellowfin tuna, percentage kill of porpoises captured in the net, and the proportion of sets that resulted in high kill) continues downward, indicating improvement. The significance of this trend is presently being assessed.

Basic biological work is essentially a continuation of existing studies of taxonomy, geographic distribution, growth, reproductive rates, and the major causes of natural mortality among delphinid species of the eastern tropical Pacific. The essential data are obtained from specimens and samples resulting from commercial tuna fishing and constitute the greatest mass of information that has yet been gathered on oceanic porpoises. Results of the work will contribute to population dynamics models. When work on the species of primary importance, the spotted porpoise (*Stenella attenuata*), is near completion, emphasis will shift to the spinner porpoise (*Stenella longirostris*). Several scientific manuscripts have recently been finished that treat such subjects as gestation period and fetal growth, age determination, length-weight relationships, geographical variation, a comparative study of stomach contents of porpoises and tunas, and the ecological relationships among birds, porpoises, and tuna. Further data inputs have been provided by the aerial and ship surveys conducted in early 1974. Porpoise stock assessment studies are designed to reveal: Current status of spotted porpoise stocks; projections of these stocks under present procedures used in the tuna fishery; and projections of the stocks under alternative management strategies and proposed changes in gear technology. Additional studies will extend these considerations to the spinner porpoise and the white-belly porpoise.

Heretofore most of the data on the density and distribution of eastern tropical Pacific porpoises has been obtained in conjunction with commercial fishing. Because the data thus obtained tends to be limited to areas of high porpoise density, it is essential that surveys also be made from platforms that traverse predetermined ocean tracks across the Commission Yellowfin Regulatory Area. A feasibility study completed under contract to the University of California (San Diego) indicated that while a high-altitude, long-range, aerial photo-reconnaissance may have been possible, the costs would have been far beyond program resources. Instead, a combined ship-aerial assessment survey was conducted in January-February 1974. A twin-engined, amphibious aircraft carrying four NMFS observers flew at low altitudes over section of the tuna fishing area seaward to about 500 miles while a research ship with three NMFS observers aboard used tuna scouting techniques to cover sections more distant from land.

The results of these surveys are now being analyzed to produce density estimations of porpoise stocks in conjunction with observations made routinely by the porpoise observers aboard the fishing vessels. Other indices such as quantifiable evidence of changes in porpoise behavior and catch per unit of effort are being examined.

In summary, the major products of the porpoise research program through 1974 will include the following:

1. Fishing methods and gear that can reduce the incidental porpoise mortality in the U.S. tuna purse seine fishery and are exportable to foreign fleets.
2. Estimates by species of the distribution, densities, and subdivisions of the porpoise populations vulnerable to the tuna fishery in the eastern tropical Pacific.
3. An assessment, by species, of the impact of projected mortality levels on the porpoise stocks.
4. Final estimates, by species, of the numbers of porpoises killed in 1970, 1971, 1972, and 1973.
5. Preliminary estimates, by species, of the numbers of porpoises killed in 1974.

Coordinated Pribilof Island-Bering Sea research. The research control area study on St. George Island (Pribilof Islands, Alaska) is designed to investigate the relationship between survival and abundance and to further investigate the parameters determining present population levels of the northern fur seals on the Pribilof Islands. The study was deemed necessary when management procedures, initiated in 1956, did not produce an anticipated increase in harvestable 3–4 year old male fur seals. All commercial sealing was halted on St. George in 1973, and the island seal population was set aside to serve as a "natural" unharvested population (control area) to compare with the population of St. Paul Island, which is harvested annually.

Under a general research plan, the St. George study is estimated to require a minimum of at least 10 years. During the first few years, the major research effort will be directed toward testing field methods and acquiring baseline data on the fur seal populations and their interactions with other marine resources. In subsequent years the herds will be monitored to determine density-dependent changes in the population and to investigate the effects of management through comparison with the harvested populations on St. Paul Island.

In later stages, the study will involve intensive investigation of the long-term effects of no commercial harvest on the St. George population. Supportive studies will be made of fisheries in the Bering Sea, and fur seal metabolism, physiology, and disease as those factors affect survival rates.

The program consists of coordinated land and pelagic studies. Land research activities concentrate primarily on comparative studies of the unharvested and harvested populations and include documentation of population abundance and composition, changes in growth and reproductive rates, behavior, density-dependent behavioral modifications, changes in sex ratio, and determination of factors affecting survival rates.

Pelagic studies include identification of major offshore feeding areas and prey species as well as investigations of the feeding behavior of lactating females at sea by means of radio or sonic tags, and analysis of food chain dynamics. The same females will also be observed on land.

Accomplishments. (June 22, 1973, through April 30, 1974). To date, 675 fur seals have been collected within a 20- to 100-mile radius of the Pribilof Islands. The purpose of this collection was to locate major feeding areas, determine food species, and increase the information base for determining age-specific pregnancy and ovulation rates.

Major food species were determined to be walleye pollock, squid, deep-sea smelt, and Greenland turbot.

Preliminary behavioral observations and baseline counts were made from an observation tower constructed on St. George Island and from observation blinds during the first season of the harvest ban on the island. The 1973 pup population was estimated at approximately 60,500, and 5,000 pups were marked.

Initial studies were conducted on holding fur seals in temporary captivity for studies on reproductive rates. Captive animals were observed to breed in captivity.

Five hundred females were marked for further behavioral observations. Aerial photographic records were made for definition of rookery areas. Japanese and Canadian scientists accepted invitations to collaborate in radio-telemetry and pelagic studies.

Law enforcement. The NMFS Marine Mammal enforcement activities have been strengthened by the recruitment of additional enforcement personnel in the Washington and regional office. This increase in personnel has enabled the NMFS to make a more adequate and timely response to such problems as reports of alleged violations, inspection of importations of marine mammals and marine mammal products, and monitoring capture activities by permit holders. Approximately one-fourth of the time spent by the NMFS in enforcement and surveillance activities is directly related to marine mammals.

During fiscal year 1974, the NMFS entered into cooperative enforcement agreements with 10 States along the Pacific, Atlantic, and Gulf coasts. Cooperative enforcement agreements with Alaska, Washington, Oregon, California, South Carolina, Georgia, Florida, Alabama, Mississippi, and Louisiana now afford enforcement services which assist and complement NMFS efforts at a total monthly cost of approximately $37,000. The determination of contract expense depends primarily upon the degree of State effort employed in supplementing NMFS enforcement capability to a level deemed sufficient for purposes of the Act.

Essentially, these cooperative agreements provide for enforcement of provisions of the Act by designated State officers, utilizing State equipment, and working within State jurisdiction. Acting as Federal law enforcement agents under provisions of the agreements, State Officers are charged with enforcement of (a) the moratorium on the taking of marine mammals; (b) the prohibition against the possession, transportation, sale, or the offering for sale of illegally taken marine mammals or marine mammal products; and (c) the terms and conditions of letters of exemption or permits issued by the NMFS Director.

In addition to the direct enforcement activities required of the states, the agreements require State Officers to notify NMFS enforcement agents or agents of other Federal agencies of the disposition of beached or stranded marine mammals. During an 8-month period in 1973, 833 separate incidents were reported, including beachings, strandings, reports of suspected violations, monitoring of holding facilities, and other activities requiring official action by a State under terms of enforcement agreements.

Reporting procedures have been developed and implemented which provide the information necessary for review and assessment by NMFS of State performance under terms of the agreements as provided by the Act. These evaluations are used to determine potential problem areas, effectiveness of programs, and future objectives of NMFS-State cooperative enforcement programs.

Some specific examples of enforcement actions carried out by State and NMFS enforcement personnel include:

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Investigations of numerous complaints alleging violations of the Marine Mammal Protection Act resulted in the referral of 21 cases for administrative or judicial action within the period covered by this report.

Three cases involving the possession of sealskins contrary to Act provisions, and another concerning the taking and possession of a Minke whale skeleton were completed in the Northeast Region.

The ownership of six porpoises seized by NMFS enforcement agents in the Southeast Region, was transferred to the Service as a result of administrative action in four cases. The disposition of one other civil action and one criminal charge are pending.

In the Southwest Region, two cases were initiated under Marine Mammal Act provisions: In the Northwest Region, three cases involving the taking and possession of harbor seals and one concerning the possession of a sea lion hide were successfully concluded.

Five cases, three concerning the harassment of marine mammals by commercial fishermen, and two concerning the taking and possession of harbor seals in violation of Act provisions, were completed by administrative action in the Alaska Region.

The NMFS held individual and informal meetings with several State agencies regarding enforcement of the Act. Such meetings were held throughout the year as the need occurred. Other town-hall type meetings were held with the fishing industry and the local citizenry. Information on the Act, including how it would affect the industry, was presented.

A cooperative agreement between NMFS and Bureau of Sport Fisheries pertaining to enforcement of the Act has been proposed and it is presently awaiting acceptance by BSF&W. The agreement will provide an exchange of authority, allowing one agency to enforce the law and regulations that are the responsibility of the other.

A verbal agreement reached with the U.S. Customs Service last year continues in effect. This agreement provides for Customs personnel to make the initial interception of contraband products. Once so identified, the Customs Service alerts NMFS, which follows through and initiates proceedings against any person or item identified as in violation. Items held up by Customs and subsequently found to be lawful imports are passed for importation.

Inquiries have been made of the Department of Agriculture to identify areas of mutual concern relative to management and enforcement of the Act. Further negotiations will deal with cooperative arrangements concerning captive animals, their condition, and the suitability of their confinement conditions.

International program. As required in section 108(a)(6) of the Act, a separate report (39 FR 12051) was presented to Congress by the Secretary of Commerce detailing the implementation of the international program under the Act from October 21, 1972, to October 19, 1973.

At the Annual Meeting of the Inter-American Tropical Tuna Commission (IATTC) in Washington, D.C., November 12–16, 1973, the U.S. Delegation distributed copies of the proposed interim regulations for U.S. tuna fishermen designed to reduce the incidental take of marine mammals. The main points in the regulations, including the embargo provisions, were outlined. Also, the Director of Investigations of the IATTC informed the member nations that the United States has formally requested him, by letter, to make recommendations to all Commission members regarding the use of fishing methods and gear which the available research indicates is effective in reducing incidental marine mammal mortality and serious injury rate. When the regulations come into effect, foreign nations must certify that species of fish being imported have been taken with fishing technology which does not result in serious injury or death to marine mammals in excess of U.S. standards.

The NMFS marine mammal expert who visited South Africa in September 1973 to observe the harvest of Cape fur seals reported that the major sites for harvesting of South African fur seals are in South West Africa (Namibia). Discussions with the Department of State have resulted in the conclusion that a bilateral international agreement on the conservation of South African fur seals is, therefore, not possible. The Department of State advised that any agreement with South Africa relating to fur seals would be in violation of the U.N. Security Council Resolution 301 which ". . . calls upon all States . . . to abstain from entering into treaty relations with South Africa in all cases in which the Government of South Africa purports to act on behalf of or concerning Namibia."

A meeting was held with Soviet marine mammal scientists in Washington, D.C., in December 1973, to discuss coordination of marine mammal research efforts by United States and Soviet Scientists. Tentative agreements reached were that (1) scientific data and statistics would be exchanged, (2) scientists studying certain species of marine mammals would visit their counterparts in the other nation, and (3) U.S. scientists would participate in a Soviet whale tagging and research cruise in the Pacific in the fall of 1974. Species particularly mentioned for exchange of data and program coordination are gray and bowhead whales, various species of ice seals, belukha (beluga) whales and northern sea lions.

NOAA–NMFS is cooperating with the National Science Foundation in preparation of an Environmental Impact Statement for the Convention on the Conservation of Antarctic Seals. Once the procedures connected with this Statement have been completed, and if the Convention is found acceptable, the Convention will be sent to the U.S. Senate for ratification. A recent survey of the nations that participated in the negotiating conference shows that all twelve have signed the Convention, South Africa and Norway have ratified it, and four others, including the United States, have plans for ratification by the end of this year.

Continuing international efforts to improve the scientific information base included a four-nation joint cruise for marking and sighting of large whales in the Indian Ocean. Results of the research are not yet available, but a total of 472 large whales, including Minke, and 109 smaller cetaceans were sighted. A total of 167 large whales, mostly sperm, were marked. Diving and respiratory behavior also were studied.

The Sub-Committee on Small Cetaceans of the Scientific Committee of the International Whaling Commission (IWC) met in Montreal, Canada, April 1–12, 1974. Several U.S. marine mammalogists participated in this meeting and presented papers. The Canadian Government convened the meeting and will publish, with support from other countries, more than 40 scientific papers given at the meeting. The papers will be made available to the Scientific Committee of the IWC in June 1974.

Scientific activities of the Food and Agriculture Organization (FAO) in regard to marine mammals are progressing. The first meeting of the large whale group of the FAO Advisory Committee on Marine Resources Research (ACMRR) Working Party on Marine Mammals will be held in Morges, Switzerland, during the second week of May 1974. The report of this independent group will be available to the IWC Scientific Committee.

Part II. Current Status of the Stocks of Marine Mammals

Introduction. Of the approximately 104 species of marine mammals throughout the world, status reports have been prepared for 66 species which are of primary concern to the United States and are the responsibility of the Secretary of Commerce under the terms of the Marine Mammal Protection Act. The Act requires a report not only on the status of each marine mammal species, but also on the population stocks. The population stocks of only a few marine mammals have been delineated and the effort needed to obtain information on most population stocks is beyond the scope of research being carried out at the present time.

Information about each spices is summarized under six major headings. They are distribution and migration, abundance and trends, general biology, ecological problems, allocation problems, and current research. Selected references are listed at the end of each species discussion. Summary information on existing protective regulations for marine mammals is also included.

References are not cited in the report except for the paragraph on abundance and trends. Because of the importance of data on abundance and trends, information in this section is cited and citations are given in the list of references. Data on the abundance of marine mammals are difficult and costly to obtain. With the exception of a few species which have been commercially exploited, such as large whales and fur seals in the North Pacific Ocean, abundance data are usually inadequate for management purposes.

A list of scientists who have assisted either by providing information or reviewing the status reports is included in the report. Revised status reports were prepared for those species for which new information has become available since the July 1973 report to Congress. Such revised reports are indicated within the species list by an asterisk.(*)

Species List

Pinnipedia
- **Zalophus californianus* (California sea lion).
- **Eumetopias jubatus* (northern sea lion).
- *Arctocephalus australis* (South American fur seal).
- **Arctocephalus pusillus* (South African fur seal).
- *Arctocephalus townsendi* (Guadalupe fur seal).
- **Callorhinus ursinus* (northern fur seal).
- **Phoca vitulina* (harbor seal).
- **Pusa hispida* (ringed seal).
- *Halichoerus grypus* (gray seal).
- *Histriophoca fasciata* (ribbon seal).
- **Pagophilus groenlandicus* (harp seal).
- *Erignathus barbatus* (bearded seal).
- *Monachus tropicalis* (Caribbean monk seal).
- *Monachus schauinslandi* (Hawaiian monk seal).
- *Lobodon carcinophagus* (crabeater seal).
- **Ommatophoca rossi* (Ross seal).
- *Hydrurga leptonyx* (leopard seal).
- *Leptonychotes weddelli* (Weddell seal).
- **Cystophora cristata* (hooded seal).
- *Mirounga leonina* (southern elephant seal).
- **Mirounga angustirostris* (northern elephant seal).

Mysticeti
- *Balaena glacialis* (black right whale).
- **Balaena mysticetus* (bowhead whale).
- *Eschrichtius robustus* (gray whale).
- **Balaenoptera acutorostrata* (minke whale).
- *Balaenoptera edeni* (Bryde's whale).
- **Balaenoptera borealis* (sei whale).
- *Balaenoptera musculus* (blue whale).
- **Balaenoptera physalus* (fin whale).
- *Megaptera novaeangliae* (humpback whale).

Odontoceti
- *Steno bredanensis* (rough-toothed dolphin).
- **Tursiops truncatus* (bottlenosed dolphin).
- *Grampus griseus* (Risso's dolphin).
- *Lagenorhynchus albirostris* (white-beaked dolphin).
- *Lagenorhynchus acutus* (Atlantic white-sided dolphin).
- *Lagenorhynchus obliquidens* (Pacific white-sided dolphin).
- *Lagenodelphis hosei* (Sarawak dolphin).
- *Stenella attenuata, frontalis, graffmani,* and *dubia* (spotted dolphin).
- *Stenella plagiodon* (Atlantic spotted dolphin).
- *Stenella longirostris* (spinner dolphin).
- *Stenella coeruleoalba* (striped dolphin).
- *Delphinus delphis* (common dolphin).
- **Lissodelphis borealis* (northern right whale dolphin).
- *Peponocephala electra* (broad-beaked dolphin).
- *Feresa attenuata* (pygmy killer whale).
- *Pseudorca crassidens* (false killer whale).
- *Globicephala melaena* (common pilot whale).
- **Globicephala macrorhyncha* (short-finned pilot whale).
- **Orcinus orca* (killer whale).
- *Phocoena sinus* and *Phocoena phocoena* (harbor porpoise).
- *Phocoenoides dalli* (Dall porpoise).
- **Delphinapterus leucas* (beluga) (belukha).
- *Monodon monoceros* (narwhal).
- **Physeter catodon* (sperm whale).
- **Kogia breviceps* (pygmy sperm whale).
- **Kogia simus* (dwarf sperm whale).
- *Mesoplodon bidens* (North sea beaked whale).
- *Mesoplodon europaeus* (Antillean beaked whale).
- *Mesoplodon mirus* (True's beaked whale).
- *Mesoplodon stejnegeri* (Bering Sea beaked whale).
- *Mesoplodon carlhubbsi* (Arch-beaked whale).
- *Mesoplodon ginkgodens* (Ginko-toothed whale).
- *Mesoplodon densirostris* (dense-beaked whale).
- *Ziphius cavirostris* (goose-beaked whale).
- *Berardius bairdi* (giant bottlenose whale).
- *Hyperoodon ampullatus* (North Atlantic bottle-nose whale).

California Sea Lion

(*Zalophus californianus californianus*)

Distribution and migration. This subspecies of the California sea lion ranges along the west coast of Mexico from about lat. 21° N to southern British Columbia, Canada. The California sea lion breeds on some Gulf of California islands northward to San Miguel Island, California, in lat. 34° N. Many adult and subadult males move northward along the California, Oregon, Washington, and British Columbia coasts after the breeding season. Feral animals in the southeastern U.S. (including the Gulf of Mexico) which have escaped from captivity are reported, but there is yet no evidence for breeding (Caldwell, D.K., pers. comm., 1974).

Another subspecies occurs on the Galapagos Islands, and still another, formerly found in Japanese waters, is now extinct.

Abundance and trends. The California Department of Fish and Game censuses indicate that the California sea lion population reached a low level in the early 1930's in California waters, then made a steady recovery and apparently leveled off about 1961 with little variation in the counts since then (Ripley, Cox, and Baxter, 1962; Carlisle and Aplin, 1971). Rice, Kenyon, and Lluch (1965) counted 16,150 California sea lions on Guadalupe, San Benito, and Cedros Islands, Mexico, in January and February 1965. Orr, Schonewald, and Kenyon (1970) counted this species in the Gulf of California between 1960 and 1968, and in April 1966 made what is the most accurate total counts (5,411) obtained on six islands in these waters. Odell (1971) obtained minimum counts of 34,382 California sea lions on all Channel Islands in June 1964. Carlisle and Aplin (1966) obtained a total count in California of 22,000 animals in 1965, using aerial photography. In United States waters, Peterson and LeBoeuf (1969) estimated that 40,000 animals were ashore on San Nicolas and San Miguel Islands during the 1967 and 1968 breeding seasons. The preceding figures indicate a total population of about 60,000, with near 20,000 animals in Mexico and 40,000 in the United States.

Mate (pers. comm.) states that the California sea lion population in Oregon numbered about 2,500 in 1968, 1969, and 1970. As many as 1,000 animals migrated through Oregon to the north during these years.

In 1972, Bigg (1973) counted 430 California sea lions in Barkley Sound off Vancouver Island on 25 February. At the same time, 35 on Race Rocks off Victoria, B.C., and 10 in Dodds Narrows (lat. 49° 07' N.) near Nanaimo, B.C., were counted.

Before passage of the Marine Mammal Protection Act by the U.S. Congress, California sea lions were taken by permit each year for sale to zoos, oceanaria and circuses. Daugherty (1972) states that 400 of these animals were taken in 1969 and 580 in 1970.

General Biology. The adult male grows to 2.1 m and 273 kg; the adult female to 1.8 m and 91 kg. Most of the pups are born in June and are about 0.8 m long and 5.4 to 6.4 kg in weight. The females usually breed 15 to 30 days after parturition and the mother and pup may remain together the first year. The males establish and defend breeding territories on land; the females move about freely. On San Nicolas Island, the pupping season begins about 15 May and lasts about 5 weeks, with the peak during the first week in June.

During the past two or three years an increase in premature births and in the mortality rate of subadults and young adults apparently has occurred. Three potential causes have been isolated: (1) Chemical residues (polychlorinated biphenyls, DDT and metabolices); (2) a bacterium (*Leptospira*); and (3) a virus.

The greatest single cause of death in wild and captive animals is lungworm. Animals in captivity have also died from pleuropneumonia, pneumonia, and enteric infections, diseases which may also occur in wild populations.

Ecological problems. California sea lions because of industrial and land development and possible harassment have practically abandoned certain hauling grounds and rookeries. Although most major populations are now located on sites not easily reached by the public, a few areas such as Monterey Bay breakwater in Monterey, California, are used extensively as hauling grounds by California sea lions and are visited frequently by tour boats.

Allocation problems. A history of conflict exists between people for and against complete protection of this species. Some fishermen want the number of California sea lions to be controlled. California sea lions are probably the most widely sought-after species of eared seals in the world for public display. Some conservation groups would like complete protection for the California sea lion.

Current research. The following organizations are conducting research on the California sea lion: Biological Sonar Laboratory, Fremont, California; University of California, Santa Cruz, California; University of California, Berkeley, California; California Academy of Science,

* Status of Stocks revised as of April 30, 1974.

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San Francisco, California; Humboldt State College, Arcata, California; and Fisheries Research Board of Canada, Nanaimo. The National Marine Fisheries Service conducts research on this species incidental to a fur seal project on San Miguel Island off California.

REFERENCES

Bigg, Michael A. 1973. Census of California sea lions on southern Vancouver Island, British Columbia. J. Mammal. 54: 285–287.

Bonnot, P. 1951. The sea lions, seals, and sea otters of the California coast. Calif. Fish Game, 37: 371–389.

California Department of Fish and Game. 1971. California's living marine resources and their utilization, Herbert W. Frey (ed.). Calif. Dept. Fish Game, 148 p.

Carlisle, J. G., and J. A. Aplin. 1966. Sea lions census for 1965 including counts of other California pinnipeds. Calif. Fish Game, 52: 119–120.

1971. Sea lion census for 1970, including counts of other California pinnipeds. Calif. Fish Game, 57:124–126.

Daugherty, Anita E. 1972. Marine mammals of California, 2d rev. Calif. Dept. Fish Game, Sacramento, 90 p.

DeLong, R. L., W. G. Gilmartin, and J. G. Simpson. 1973. Environmental pollutant residues in parturient California sea lions: premature vs normal Science (in press).

LeBoeuf, B. J., and M. L. Bonnell. 1971. DDT in California sea lions. Nature 234: 108–110.

Mate, Bruce R. In press. Annual migrations of the sea lions *Eumetopias jubatus* and *Zalophus californianus* along the Oregon coast. In Symposium on the biology of the seal, Guelph, Ontario, August 14–17, 1972.

Odell, D. K. 1971. Censuses of pinnipeds breeding on the California Channel Islands. J. Mammal. 52: 187–190.

1972. Studies on the biology of the California sea lion and the northern elephant seal on San Nicolas Island, California. Ph. D. thesis, Univ. Calif, Los Angeles, 168 p.

Orr, R. T., J. Schonewald, and K. W. Kenyon. 1970. The California sea lion: skull growth and a comparison of two populations. Proc. Calif. Acad. Sci., 4th Series, 37(11): 381–394.

Peterson, R. S., and G. A. Bartholomew. 1967. The natural history and behavior of the California sea lion. Amer. Soc. Mammal. Spec. Publ. No. 1, 79 p.

Peterson, R. S., and B. J. LeBoeuf. 1969. Population studies of seals and sea lions. Trans. 34th N. Amer. Wildl. Nat. Res. Conf., p. 74–79.

Rice, D. W., K. W. Kenyon, and D. Lluch-B. 1965. Pinniped populations at Islas Guadalupe, San Benito, and Cedros, Baja California in 1965. Trans. San Diego Soc. Nat. His. 14(7): 73–84.

Ripley, W. E., K. W. Cox, and J. L. Baxter. 1962. California sea lion census for 1958, 1960, and 1961. Calif. Fish Game, 48: 228–231.

NORTHERN (STELLER) SEA LION

(*Eumetopias jubatus*)

Distribution and migration. The northern sea lion is found in continental shelf water from the Sea of Japan and northern Honshu, Japan, northward around the North Pacific Ocean rim to the Okhotsk and Bering Seas and southward to the California Channel Islands. Some seasonal movements occur in parts of its range. Examples of such movements are differences in the winter and summer distribution of these animals in the Bering Sea, and the post-breeding movements in central California.

Abundance and trends. Kenyon and Rice (1961) estimated the world population at between 240,000 and 300,000 in 1961. No published estimates of the total population have been made since that time. Alaska has 202 known rookeries and hauling grounds. The Alaskan population has increased considerably since the early 1900's and now exceeds 200,000 and may be near maximum levels in many areas (Alaska Department of Fish and Game, 1973). Since 1964, several thousand pups have been harvested annually in Alaska until 1973 when the Marine Mammal Protection Act became effective; 6,546 were taken in 1972.

Kenyon and Scheffer (1962) made six aerial and one surface survey along the Washington coast between 1949 and 1959 and stated that the population did not exceed 500. Pearson and Verts (1970) estimated the Oregon population at 1,076. The California Department of Fish and Game makes periodic aerial censuses of sea lions in California. Carlisle and Aplin (1971) have given the following figures for sea lions in California north of Pt. Conception: (1958) 7,053; (1961) 6,675; (1965) 4,998; (1969) 7,156; and (1970) 5,189. They consider these to be northern sea lions, although small numbers of California sea lions are known to occur north of Pt. Conception at the time the census is made.

The northern sea lion ranges to the Channel Islands group south of Pt. Conception. In the Channel Islands, the population peaked at about 2,000 in the late 1930's and has declined since (Bartholomew, 1967). In 1972, the San Miguel Island population was estimated by De Long (pers. comm.) at 30 to 35 plus a few pups.

General Biology. The adult males grow to 3.0 m in length and over 900 kg in weight. The adult females reach 2.0 m and almost 300 kg. Newborn pups weigh 16 to 23 kg. The pup sheds its dark chocolate birthcoat for the tan adult pelage in the autumn of birth. Males may mature sexually by age 5 years, but hold breeding territories first at age 7 or 8. Females can first produce young at age 5 or 6, and breed 10–14 days after parturition. Some pups remain with their mothers the first year. The adult male maintains a territory 40 to 60 days, and the female is aggressive towards other females for several days after her pup is born. Northern sea lions favor isolated locations with some shelter, free access to the sea, and freedom from human harassment. Colonies may become established on rock outcrops, boulder, cobblestone, and coarse sand beaches. The northern sea lion feeds on a variety of fish and cephalopods.

Ecological problems. Northern sea lions in some areas may compete with other pinnipeds for rookery and hauling ground space. Excessive disturbance by humans of sea lions on their rookeries and hauling grounds has caused the animals to abandon these areas.

Allocation problems. Northern sea lions have damaged gear and destroyed fish in the halibut longline, salmon purse seine, gillnet, and troll fisheries. In recent months, the Alaska Department of Fish and Game has received increasing numbers of gear damage complaints from fishermen with respect to the northern sea lion (J. Vania, pers. comm., 1974). The species has also destroyed herring in herring pots and has been accused of biting and sinking inflated plastic buoys used to mark crab pots. This species has considerable esthetic and recreational value.

Current research. This species has its center of abundance in Alaska where the Alaska Department of Fish and Game's management and research investigations have been directed primarily at determining abundance and distribution, and the effects of harvesting operations on rookery populations. The University of California, Santa Cruz, is also conducting research on the species off California.

REFERENCES

Alaska Department of Fish and Game. 1973. Alaska's wildlife and habitat. Van Cleve Printing, Anchorage, 143 p.

Bartholomew, G. A. 1967. Seal and sea lion populations of the California islands. P. 29–244 *In* Philbrick, R. N. (ed.)), Proc. Symp. on the biology of the California islands. Santa Barbara Botanic Garden.

Bonnot, Paul. 1929. Report on the seals and sea lions of California, 1928. Calif. Fish Game, Fish Bull. 14, 62 p.

Carlisle, John G., and J. A. Aplin. 1971. Sea lion census for 1970, including counts of other California pinnipeds. Calif. Fish Game, 57(2): 124–126.

Fiscus, C. H., and G. A. Baines. 1966. Food and feeding behavior of Steller and California sea lions. J. Mammal. 47: 195–200.

Gentry, R. L. 1968. Censuses of Steller sea lions Año Nuevo Island during 1967–1968. P. 23–25 *In* Peterson, R. L. (ed.) Año Nuevo Reports, 2, Univ. of Calif., Santa Cruz.

Gentry, R. L. 1970. Social behavior of the Stellar sea lion. Ph. D. thesis, Univ. Calif., Santa Cruz, 113 p.

Kenyon, K. W., and D. W. Rice. 1961. Abundance and distribution of the Steller sea lion. J. Mammal. 42: 223–234.

Kenyon, K. W., and V. B. Scheffer. 1962. Wildlife surveys along the northwest coast of Washington. Murrelet, 42: 1–9.

Mate, B. R. 1973a. Population kinetics and related ecology of pinnipeds along the Oregon coast. Ph. D. thesis, Univ. Oreg. Eugene, 92 p.

1973b. Annual migrations of the sea lions *Eumetopias jubatus* and *Zalophus californianus* along the Oregon coast. Proc. Symp. on the Biology of the Seal, Guelph, Ontario, Canada.

Mathisen, O. A., R. T. Baade, and R. J. Lopp. 1962. Breeding habits, growth and stomach contents of the Steller sea lion in Alaska. J. Mammal. 43: 469–477.

Nishiwaki, M., and F. Nagasaki. 1960. Seals of the Japanese coastal waters. Mammalia, 24: 459–467.

Orr, R. T., and T. C. Poulter. 1965. The pinniped population of Año Nuevo Island, California. Proc. Calif. Acad. Sci. 32: 377–404.

Pearson, J. P., and B. J. Verts. 1970. Abundance and distribution of harbor seals and northern sea lions in Oregon. Murrelet, 51: 1–5.

Pike, G. C., and I. B. MacAskie. 1969. Marine mammals of British Columbia. Fish. Res. Bd. Can. Bull. 171, 54 p.

Sandegren, F. E. 1970. Breeding and maternal behavior of the Steller sea lion (*Eumetopias jubata*) in Alaska. MS thesis, Univ. Alaska, Fairbanks, 138 p.

Smith, I. D. 1972. Sea lions wintering along the outer coast of Vancouver Island. J. Fish. Res. Bd. Can. 29: 1764–1766.

Spalding, D. J. 1964. Comparative feeding habits of the fur seal, sea lion, and harbour seal on the British Columbia coast. Fish. Res. Bd. Can., Bull. 146, 52 p.

SOUTH AMERICAN FUR SEAL

(*Arctocephalus australis*)

Distribution and migration. Two major populations of the South American fur seal, identifiable only by size, are found, one on the Falkland Islands (Islas Malvinas) and the other on coastal Uruguayan Islands. Minor populations of this species occur in Argentina, Chile, and Peru. The adults are on the Uruguayan breeding grounds in November and December, and offshore up to 200 miles east on the edge of the continental platform during the austral winter. An extreme northern record for the South American fur seal was of one identified at Rio de Janeiro, Brazil.

Abundance and trends. In 1972, the Uruguayan population was estimated at 252,000. This population grew from an estimated 129,000 in 1960 to an estimated 174,000 in 1965. Other populations are also increasing. Information on abundance and trends was furnished by Isaias Ximénez, Uruguayan Government biologist.

General biology. Adult males on the Falkland Islands grow to 159 kg, whereas those in Uruguay reach only 136 kg; the females weigh 33–48 kg. Males are polygamous and establish territories in early November. Most of the pregnant females arrive on the rookeries in mid-November, and form small harems of about six animals. Within 6–7 days, each female bears a single pup and breeds 2–3 days later. The pup is usually weaned by July, although some may nurse for nearly a year. Most males first breed at age 7 and the females at age 3. Uterine implantation of the blastocyst probably occurs in March. Gestation, including the period of delayed implantation, lasts nearly one year. Most of the animals leave the rookeries during the austral winter. On the rookeries, the fur seals are in close contact with South American sea lions, *Otaria flavescens*. Main causes of death in order of importance are from sporadic storms, which wash large numbers of pups out to sea; the seven-gilled shark; and probably the killer whale, which is common around the larger rookeries. The South American fur seal has 10 species of endoparasites, but no heart or lung worms. Nasal mites infest this species.

Ecological problems. Offshore oil wells are planned in the near future which may result in an ecological hazard.

Allocation problems. The species has esthetic, educational, and economic values. The Government of Uruguay annually harvests male fur seals on the islands. The harvest in 1972 was 11,000 and in 1973 will be 12,500.

Current research. Long-term research on this species is carried out by the Governments of Uruguay and Argentina. In addition, short-term projects are carried out by the Natural History Museum of Montevideo and the Smithsonian Institution.

REFERENCES

Peso Blanco, J. del. 1911. Focas, de la Republica o del Uruguay. Granada, Spain, 27 p.

Perez-Fontana, H. 1943. Informe sobre la industria lobera (ciento diez años de explotación de la industria lobera en nuestro pais). Informe sobre la industria pesquera nacional, 1943, publicado por el Servicio Oceanográfico y de Pesca. Montevideo y Cia., 70 p.

Smith, Hugh M. 1927. The Uruguayan fur-seal islands. Zoologica 9(6): 271–294.

Vaz Ferreira, Raul. 1950. Observaciones sobre la Isla de Lobos. Revista de la Facultad de Humanidades y Ciencias. Montevideo, Uruguay, 5: 145–176.

1956. Etologia terrestre de *Arctocephalus australis* (Zimmermann) ("lobo fino") en las Islas Uruguayas. Servicio Oceanográfico y de Pesca, Trabajos sobre Islas de Lobos y lobos marinos, 2: 1–22.

Vaz Ferreira, Raul, and Blanca Sierra de Soriano. 1961. Division functional del habitat terrestre y estructura de las agregaciones sociales de *Arctocephalus australis* (Zimmermann), estudio grafico. Rev. Fac. Hum. Cienc. 19: 253–260.

Ximénez, Isaías. 1963. Frecuencia y fluctuaciones estacionales en lar poblacion de *Arctocephalus australis* en algunas zonas de la Isla de Lobos. Rev. Inst. Invest. Pesq. 1(2): 141–158.

In press. Nota preliminar sobre la replobiación de *Arctocephalus australis* en la Isla Rasa en las proximidades de Cabo Polonio. Trabajos V Congs. Latinoamericano de Zool., Montevideo.

SOUTH AFRICAN (CAPE) FUR SEAL

(*Arctocephalus pusillus*)

Distribution and migration. The South African fur seal breeds on the mainland and coastal islands of southern Africa from Cape Cross (South West Africa) to Algoa Bay (South Africa). This species shows no definite seasonal migration, but disperses widely while feeding. A marked adult was seen in deep-sea trawling grounds 450 miles from its birthplace. Young seals in their first year (November to October) frequent protected bays and areas near their places of birth.

Abundance and trends. No current data are available on the total South African fur seal population, however, Rand (1972) estimates about 19,500 mature territorial males and about 273,000 mature females on mainland and island rookeries. Commercial sealing now appears to be keeping the population fairly stable (op. cit.). First year pups (about 9 months) and a small (unknown) number of second year animals of either sex are harvested in the winter (June–September), although all cow seals are protected (op. cit.). In 1950, the winter harvest totaled 27,289 pups and has increased to 76,694 in 1971 (Laws, in press). The summer kill of surplus adult males (October–December) has declined from 3,000 in the early 1950's to 812 in 1969 (Rand, 1972).

General biology. The adult males weigh 204.2–317.6 kg and grow to 2.3 m long; females weigh 90.7–113.4 kg and are 1.5–1.8 m. long. In late October, when most of the older pups are weaned, the first adult males come ashore to establish territories and harems; pregnant females arrive about a week later. In November and early December, the female bears a single pup (twins are rare), mates 5–6 days later, then leaves its pup for the first time and feeds for 1–2 days at sea. Subsequent nursing-feeding cycles extend to 4–5 days on land and 7–10 days at sea. Implantation of the blastocyst in the uterus is delayed until April or May. Thus, gestation is 7–8 months, but may be longer for some females that mate for the first time in their second year. At birth the pup is about 0.76 m long and averages 6.4 kg. Food consists of fish, cephalopods, and various small crustaceans.

The South African fur seal has stomach nematodes, a cestode and an acanthocephalan in the intestine, mites in the nasal cavity and pulmonary tubes, and an ectoparasitic louse.

Ecological problems. Sharks and killer whales are natural predators.

Allocation problems. Local fishermen engage in scattered and illegal killing of seals, contending that the animals interfere with their expanding purse-seine fishery. Seals occasionally feed on fish protruding through the meshes of otter trawl nets or taken by line fisheries.

Current research. A marking program on some rookeries is carried out by the South and South West African governments to measure herd size, annual recruitment, natural and harvest mortality, and movements.

REFERENCES

Best, Peter B. 1973. Seals and sealing in South Africa and South West Africa. 14 processed pp.+appendix. Statement at the application of the Fouke Company for exemption from the Marine Mammal Protection Act.

Franca, Pedro da. 1967. Sur la presence d'*Arctocephalus pusillus* (Schreber) (Otariidae) et de *Mirounga leonina* (Linne) (Phocidae) au sud de l'Angola. Mammalia 31(1): 50–54.

King, Judith E. 1964. Seals of the world. Brit. Mus. (Nat. Hist.), London, 154 p.

Laws, R. M. (In press.) The current status of seals in the Southern Hemi-

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sphere. IUCN/SSC Working Group of Threatened and Depleted Seals of the World, Guelph, Ontario, August 1972.

Rand, R. W. 1955. Reproduction in the female cape fur seal, *Arctocephalus pusillus* (Schreber). Proc. Zool. Soc. London, 124: 717–740.

1959. The Cape fur seal (*Arctocephalus pusillus*). Distribution, abundance and feeding habits off the southwestern coast of the Cape Province. Div. Sea Fish. Invest. Rep. 34, p. 1–75.

1967. The Cape fur-seal (*Arctocephalus pusillus*). 3. General behaviour on land and at sea. Div. Sea Fish. Invest. Rep. 60, 39 p.

1972. Conservation of Cape fur seals. Text of a lecture delivered to Wildlife Society, Transvaal Branch, 7 Nov. 1972 at Johannesburg.

1972. The Cape fur seal (*Arctocephalus pusillus*). 4. Estimates of population size. Div. Sea Fish. Invest. Rep. 89, 28 p.

Visser, John. 1967. Catching South African fur seals. Zoonooz, 40(2): 15–19.

Guadalupe Fur Seal

(Arctocephalus townsendi)

Distribution and migration. This distribution of *A. townsendi* in the 18th and 19th centuries is unknown. The Guadalupe fur seal was believed extinct during two periods (1895–1926; 1928–49). One adult male was observed on San Nicholas Island in 1949, and breeding animals were rediscovered at Guadalupe Island in 1954. Subsequently, individual animals have been reported at Cedros Island, Baja California, and others have been sighted on San Miguel Island each year since 1968.

Abundance and trends. The last Guadalupe fur seal was commercially harvested from the islands of southern California and Baja California in 1894. The populations of Guadalupe for seals on the Guadalupe and San Benito Islands apparently once numbered in the thousands. Rice et al. (1965) counted 285 of these mammals on Guadalupe Island and suggested that the population was growing rapidly and may contain as many as 600 animals, including those in the water.

General biology. Biological information on this species is scarce. No specimens have been collected since their recent rediscovery. The males are almost 1.8 m long. Males appear somewhat smaller and females considerably larger than *Callorhinus ursinus*. *A townsendi* can be separated from *C. ursinus* by its narrow, pointed muzzle and the extension of pelage beyond the wrist onto the dorsum of the forefilipper. It is separated from *Zalophus californianus* by its distinctive underfur.

The pups are born in June and July. Although breeding has not been observed, a post partum estrus probably occurs, which would extend the breeding period into August. The adult males establish territories in isolated caves that have access to the sea or among large boulders close to the splash zone. Single or small groups of breeding territories are distributed along 20 km of the eastern shoreline of Guadalupe Island. The harems contain 1–10 females.

The feeding habits of *A. townsendi* are unknown. The adult males apparently spend considerable time at sea; all sightings at other islands have occurred during the nonbreeding season. The females may not migrate long distances from Guadalupe Island.

Ecological problems. Increasing numbers of human visitors to Guadalupe Island are subjecting the animals to more disturbance. Plans exist to develop the island for the tourist trade. Such development would increase disturbance and could reduce the amount of available breeding habitat for fur seals. Because they breed only on Guadalupe Island, the seals need complete protection from undue disturbance and habitat modification.

Allocation problems. None known.

Current research. The University of California makes periodic censuses of this species.

REFERENCES

Hubbs, Carl L. 1956. Back from oblivion; Guadalupe fur seal: still a living species. Pac. Disc. 9(6): 14–21.

Peterson, R. S., C. L. Hubbs, R. L. Gentry, and R. L. DeLong. 1968. The Guadalupe fur seal; habitat, behavior, population size, and field identification. J. Mammal. 49: 665–675.

Peterson, R. S., and Donald H. Ramsey, 1969. Reproductive behavior of the Guadalupe fur seal. Proc. Biol. Sonar and Diving Mammal Conf., Stanford Res. Inst., p. 35–42.

Repenning, Charles A., R. S. Peterson, and C. L. Hubbs. 1971. Contributions to the systematics of the southern fur seal, with particular reference to the Juan Fernandez and Guadalupe species. Antarctic Pinnipedia, Antarctic Res. Ser. 18: 1–34.

Rice, D. W., K. W. Kenyon, and D. Lluch-B. 1965. Pinniped populations at Islas Guadalupe, San Benito, and Cedros, Baja California, in 1965. Trans. San Diego Soc. Nat. Hist. 14(7): 73–84.

Scheffer, V. B. 1958. Seals, sea lions, and walruses: a review of the Pinnipedia. Stanford Univ. Press, 179 p.+32 pls.

Northern Fur Seal

(Callorhinus ursinus)

Distribution and migration. Most of the animals are on their breeding grounds from May through November to bear young and to breed. They otherwise are found at sea along the Continental Shelf from the Bering Sea south along both sides of the North Pacific Ocean to latitude 32° N. Some intermingling of eastern and western Pacific populations occurs at sea and on land, primarily among males younger than age 6 years.

Abundance and trends. Beginning in 1956, a program of reducing the population of Pribilof Islands fur seals was begun with the expectation that the rate of survival would improve (Roppel et al., 1963) and result in an increased yield of pelts. By 1968, it had become evident that the herd had been reduced to a level somewhat below that of maximum sustainable yield, and that an increase in the number of pups born was desirable. Thus, no female fur seals have been harvested in the Pribilof Islands since 1968 with the expectation that the population would increase. However, less than average survival of several year classes, the cause of which is not understood, has prevented the expected increase. In 1973 the number of pups born was estimated to be 381,000 (unpublished data, Marine Mammal Division), and in the past the maximum yield of furs was produced when about 400,000 pups were born. In the 1969–72 period when no females were commercially harvested on the Pribilof Islands, an average of about 37,500 males were taken. In 1973, 28,457 males were harvested on St. Paul Island; fur seals were not harvested on St. George Island in 1973.

Apparently the Commander Islands fur seals have not become reestablished on a considerable portion of their original rookery area. Consequently, this population should increase to a higher level. It is likely that the Robben Island population is near the maximum. Johnson (1972) estimates the abundance of northern fur seals by breeding islands, as follows:

Location of fur seal rookeries	*Estimated number of northern fur seals (in thousands)*
Pribil of Islands	1,200
San Miguel Island	<1
Commander Islands	265
Robben Island	165
Kuril Islands	15
Total	1,645

General biology. The adult male weighs 227–318 kg, and the female 36–59 kg. Newborn pups average 4.5 (female) to 5.4 kg (male). The male is polygamous and establishes his territory in late May and early June. Most of the pregnant females arrive on the rookeries in late June and early July, when they form harems of 1–100 animals. Within 3 days of her arrival, the female bears a single pup (twins are rare), breeds 2 days later, then begins nursing-feeding cycles of 2 days on land and about 8 days at sea within a 200-mile radius. Implantation of the blastocyst is delayed until November. Most of the males first breed at age 10, and few live longer than 15 years. Immature fur seals arrive in descending order of age, the males beginning in mid-June and the females in late July. Some 1-year-olds haul out in September and October, but most fur seals return first at age 2. Most of the animals have left the rookeries by December. The adult males winter in northern waters, pregnant females usually migrate as far south as southern California, and young animals of both sexes are found throughout that range.

The main causes of death among pups on the rookeries are, in order of importance: Emaciation-malnutrition syndrome, hookworm disease, bacterial infections, injuries, and perinatal hemorrhagic syndrome. Pathogenic bacteria thus far isolated include: *Clostridium perfringens, Proteus mirabilis, Salmonella enteriditis*, and *Leptospira* sp. A paittacosis group virus has been reported, but the clinical syndrome caused by the

agent has not been described. Three other virus isolates from diseased fur seal pups are presently being characterized.

The fur seal has filariid worms, stomach ascarids, intestinal flukes, cestodes, hookworms, and acanthocephalans, and nasal mites, but no heart or lung worms. Hookworms and sucking lice parasitize the newborn.

Ecological problems. Northern fur seals concentrate within their body tissues contaminants such as pesticides and heavy metals. For example, mercury compounds have been found in fur seal liver, large quantities of which have been eaten by residents of the Pribilof Islands. No evidence exists that consumption of fur seal liver has been a health hazard, but following the discovery of mercury in this organ, little liver has been eaten by the people. The effect of contaminants on the health of fur seals is unknown.

Allocation problems. In the North Pacific Ocean and Bering Sea, fur seal and commercial fisheries may be in competition for the same species of fish. Harvesting of fur seals on the Pribilof Islands has been criticized in recent years by animal protection organizations that would prefer esthetic and educational rather than economic use of the resource.

Current research. Long-term research is financed and carried out by the Governments of Japan, Canada, the U.S.S.R., and the United States. Short-term projects are frequently carried out on the Pribilof Islands by university professors or graduate students.

In 1973 St. George Island was designated by the North Pacific Fur Seal Commission as an area of intensive research where no commercial harvest would take place for some period of years. An expanded research program on St. George Island and in the Bering Sea was started in 1973.

REFERENCES

Anas, R. 1970. Mercury found in fur seals. Comm. Fish. Rev. 32(12): 3.

Anas, R. E., and A. J. Wilson, Jr. 1970. Organochlorine pesticides in nursing fur seal pups. Pest. Monit. J. 4(3): 114–115.

Chapman, D. G. 1964. A critical study of Pribilof fur seal population estimates. U.S. Fish Wildl. Serv., Fish. Bull. 63(3): 657–669.

Johnson, A. M. In Press. The status of northern fur seal poplations. *In* Symposium on the Biology of the Seal, Guelph, Ontario, August 14–17, 1972.

Kenyon, K. W., V. B. Scheffer, and D. G. Chapman. 1954. A population study of the Alaska fur seal herd. U.S. Fish Wildl. Serv., Spec. Sci. Rep. Wildl. 12, 77 p.

Keyes, M. C. 1965. Pathology of the northern fur seal. J. Amer. Vet. Med. Ass. 147(10); 1090–1095.

, North Pacific Fur Seal Commission. 1965. North Pacific Fur Seal Commission Report on Investigations from 1958 to 1961. Kenkyusha Co., Tokyo, 183 p.

1969. North Pacific Fur Seal Commission Report on Investigations from 1964 to 1966. Kenkyusha Co., Tokyo, 161 p.

Roppel, A. Y., A. M. Johnson, R. D. Bauer, D. G. Chapman, and F. Wilke. 1963. Fur seal investigations, Pribilof Islands, Alaska. U.S. Fish Wildl. Serv., Spec. Sci. Rep. Fish. 454, 6+101 p.

Harbor Seal

(Phoca vitulina)

Distribution and migration. The harbor seal is found in the North Atlantic Ocean from the ice pack south to France and Georgia and in North Pacific Ocean waters from the Arctic Ocean south to Baja California and southern Japan and Korea. Populations that breed on the ice in the Bering and Okhotsk Seas are distinct from those that breed on land. *P. v. largha*, the ice-inhabiting form, lives in the seasonal pack ice in winter and spring, bearing and nurturing its pup there, and moves toward the coast when the ice retreats. The costal forms (*P. v. richardii* and *P. v. kurilensis* in the North Pacific; *P. v. vitulina* and *P. v. concolor* in the North Atlantic) are more sedentary. The harbor seal is the predominant near-shore seal in ice free waters north of 35° N. latitude.

Abundance and trends. Overall, the world population of harbor seals appears to be high and stable. About 750,000 are present in the North Pacific area (Alaska Department of Fish and Game, 1973; Bigg, 1969; Chapskii, 1966) and about 150,000 in the European North Atlantic region (Chapskii, 1966).

General biology. Harbor seals of all subspecies are of medium size; large adults of both sexes are from 160 to 180 cm long and weigh from 130 to 150 kg. Pups weigh from 9 to 12 kg and are about 80 to 90 cm long at birth. Adults of the ice-inhabiting form pair in March for the duration of the breeding season, and a white-coated pup is born to each pair, on the ice, usually in March or April. Adults of the coastal form congregate on islets and bear dark-coated pups, usually in May to July. The pups of each form nurse 4 to 6 weeks, in which time the weight is more than doubled. Males of both forms become sexually mature at 4 to 5 years of age; females at 3 or 4 years. Breeding is annual, and the period of pregnancy (including delayed implantation) is about 10.5 months. Maximum longevity is at least 35 years. Adults of both forms are gregarious outside the breeding season. The diet of the harbor seal, which varies according to season and location of specific populations, includes primarily pelagic, demersal, and anadromous fishes, cephalopods, and crustaceans. Almost all of the adult seals have anisakid round worms and corynosomid acanthocephalans, and, occasionally, high infestations of anopluran lice. The latter seem associated with filarial heart worms and may be vectors. Toxoplasma has been reported in captive animals, but its presence in wild seals is not verified.

Ecological problems. In some parts of its range, the harbor seal contributes to high worm infections in fish, notably codfish. This animal is extremely sensitive to disturbance, and may leave an area temporarily or even permanently after continual harassment by people, equipment, or aircraft. Contamination of the environment with pesticides, heavy metals, and other contaminants may be a problem for the land-breeding harbor seal because it frequently inhabits the relatively closed waters of bays and estuaries where these contaminants are likely to concentrate.

Allocation problems. These seals damage commercial fishing gear and compete with man for such fish as herring, smelt, whitefish, and salmon.

According to the Alaska Department of Fish and Game, hunting and the harvest of the harbor seal by Indians, Aleuts, and Eskimos have declined markedly during the past year because of a reduced market for salable products from these species. In southeastern Alaska, the decreased harvest has resulted in additional conflicts between the habor seal and the fishermen.

Current research. Ongoing research in California, Washington, British Columbia, Alaska, the U.S.S.R., and Japan is aimed toward the identification of North Pacific populations and describing their distribution and movements, reproductive biology, feeding habits, growth, physiology, and ecology.

REFERENCES

Alaska Department of Fish and Game. 1972. Testimony presented to Senate Subcommittee on Oceans and Atmosphere. Nome, Alaska, May 11, 12, and 13, 1972. Serial No. 92–56, U.S. Gov. Print. Off., Wash. D.C.

1973. Marine mammal status reports. Unpublished, Juneau, Alaska.

Bigg, M. A. 1969. The harbour seal in British Columbia. Fish. Res. Bd. Can., Bull. 172, 33 p.

Bishop, R. H. 1967. Reproduction, age determination, and behavior of the harbor seal, *Phoca vitulina* L., in the Gulf of Alaska. M.S. thesis, Univ. Alaska, 121 p.

Bonner, W. N. 1972. The grey seal and common seal in European waters. Oceanogr. Mar. Biol. Ann. Rev., 10: 461–507.

Burns, J. J. 1970. Remarks on the distribution and natural history of pagophilic pinnipeds in the Bering and Chukchi Seas. J. Mammal. 51: 445–454.

Burns, J. J., and F. H. Fay. 1972. Comparative biology of Bering Sea harbor seal populations. Paper presented at 23d Alaska Sci. Conf., Fairbanks, AK, Aug. 1972.

Bychkov, V. A. 1971. Pinnipeds of the USSR P. 59–74 *In* Shaposhnikov, L. K. (ed.), Review of the status of USSR Pinnipedia conservation. Min. Sel. Khoz. SSSR, Tsent. Lab. Okhr. Prir, Moscow. Transl. IPST 650946.

Chapskii, K. K. 1966. Sovremennoe sostoyanie i zadachi vosstanovleniya resursov morskogo zveroboinogo promysla (Present state and tasks of the restoration of resources of marine trapping). Tezisy 3-go Vses. Soveshch. po Izuch. Morsk. Mlek., Moskva-Leningrad, "Nauka."

Galster, W., and J. Burns. 1972. Accumulation of pesticides in Alaskan ma-

V 39 122 JUN 24 74 XUM

rine mammals. Paper presented at 23d Alaska Sci. Conf., Fairbanks, AK, Aug. 1972.

Mansfield, A. W. 1967. Distribution of the harbor seal, *Phoca vitulina* Linnaeus, in Canadian arctic waters J. Mammal. 48: 249–257.

Naito, Y., and M. Nishiwaki. 1972. The growth of two species of the habour seal in the adjacent waters of Hokkaido. Sci. Rep. Whales Res. Inst., 24: 127–145.

Ringed Seal

(*Pusa hispida*)

Distribution and migration. The ringed seal is circumarctic in distribution in the ice pack. In the North Pacific Ocean it is found in the Bering, Chukchi, and Okhotsk Seas and in the permanent ice pack of the Polar Basin. In winter, most ringed seals occupy areas of land-fast ice, but nonbreeding adults and juveniles may be found wherever ice occurs. Apparently, animals wintering in the Bering and Chukchi Seas move northward in spring as the ice recedes and southward in autumn as it advances again, whereas those in the Canadian Arctic may reside year-round in the same locality. In western Alaska, the ringed seal is the dominant near-shore seal during months when sea ice is present and is replaced by the harbor seal during ice-free months. A small proportion of the population, mainly juveniles, remains in ice-free areas of the Bering Sea during summer.

Abundance and trends. Counts of ringed seals on land-fast ice along the northern coast of Alaska made in 1970 (Burns and Harbo, 1972) indicated that the density of resident animals varies from 5.36 per square mile in the Chukchi Sea between Point Lay and Wainwright, to 1.06 per square mile in the Beaufort Sea between Oliktok and Flaxman Island. Overall, the population in the Bering and Chukchi Seas appears high and is probably stable. Estimates of population size made by the Soviets are difficult to evaluate because they recognize three subspecies with overlapping ranges. The Soviets estimate that the total population of *P. hispida* is 5 to 6 million (Chapskii, 1966); *P. h. hispida* (North Atlantic and Arctic Oceans) at 2,500,000; *P. h. kraschenikovi* (western Bering Sea) at 12,000 (Shustov, 1969); and *P. h. ochotensis* (Okhotsk Sea) at 800,000 to 1,000,000 animals (Fedoseev, 1969, from Bychkov, 1971). The Alaska Department of Fish and Game (1973) estimates the Bering-Chukchi Seas population at about 250,000 ringed seals. The total U.S.-U.S.S.R. harvest is estimated at 12,000 to 16,000 seals annually in the Bering and Chukchi Seas. Almost all of these seals are taken by shore-based hunters because the animals are not numerous in areas where Soviet sealing vessels operate.

General Biology. The ringed seal is the smallest of the northern seals. The adults of both sexes grow to about 125 cm and 66 kg. A few individuals, usually females, become much larger. The animals undergo marked seasonal changes in weight, being heaviest in mid- to late winter. The pups are born with white coats from March to early April in a birth lair within an ice pressure ridge or under drifted snow. Newborn animals are 55 to 65 cm long and weigh about 4.0 kg. The weight of the pup is tripled during a 4- to 6-week nursing period. Males become sexually mature at 6 to 8 years of age, females at 5 to 7 years. The ringed seal breeds annually, has a 10.5-month period of pregnancy (including delayed implantation), and is probably monogamous. Maximum longevity exceeds 35 years. Ringed seals tend to be solitary but congregate in areas favorable for feeding, along extensive tide cracks in land-fast ice, and during seasonal migrations. The diet of these seals varies considerably, depending on their location and water depth. In western Alaska, this mammal feeds mainly on mysids, amphipods, euphausids, shrimps, saffron cod, polar cod, and sculpin.

These animals commonly have internal parasites, including round worms, acanthocephalans, and anopluran lice.

Ecological problems. None known.

Allocation problems. According to the Alaska Department of Fish and Game, hunting and the harvest of the ringed seal by Indians, Aleuts, and Eskimos have declined markedly during the past year because of a reduced market for salable products from these species.

Current research. The State of Alaska monitors the Eskimo harvest and conducts some biological research in conjuction with other programs. Canada conducts research on the ringed seal.

References

Alaska Department of Fish and Game. 1973. Marine mammal status reports. Unpublished report, Juneau, AK.

Burns, J. J. 1970. Remarks on the distribution and natural history of pagophilic pinnipeds in the Bering and Chukchi Seas. J. Mammal. 51: 445–454.

Burns, J. J., and S. J. Harbo, Jr. 1972. An aerial census of ringed seals, northern coast of Alaska. Arctic, 25: 279–290.

Bychkov, V. A. 1971. Pinnipeds of the USSR. P. 59–74 *In* Shaposhnikov, L. I. (ed.), Review of the status of USSR Pinnipedia conservation. Min. Sel. Khoz. SSSR, Tsent. Lab. Okhr. Prir, Moscow. Transl. IPST 650946.

Chapskii, K. K. 1966. [Present state and tasks of the restoration of resources of marine trapping.] Tezisy 3-Go Vsesoyuznogo Soveshchaniya po izucheniyu morskikh mlekopitayushchikh. Moscow, "Nauka."

Fay, F. H. 1973. The role of ice in the ecology of marine mammals of the Bering Sea. Paper presented at International Symposium for Bering Sea Study, 30 Jan.-4 Feb. 1972, Hakodate, Japan. (In press.)

Johnson, M. L., C. H. Fiscus, B. T. Ostenson, and M. L. Barbour. 1966. Marine mammals. P. 877–924 *In* Wilimovsky, N. J., and J. N. Wolfe (eds.), Environment of the Cape Thompson Region, Alaska. U.S. Atomic Energy Comm., Oak Ridge, Tenn.

McLaren, I. A. 1958. The biology of the ringed seal (*Phoca hispida* Schreber) in the eastern Canadian arctic. Fish. Res. Bd. Can. Bull. 118, 97 p.

Tikhomirov, E. A. 1966. On the reproduction of the seals belonging to the family Phocidae in the North Pacific. Zool. Zhur. 45(2): 275–281. (Transl. by George Tschulkow-Roux, Auke Bay Biol. Lab., Juneau, AK.)

Gray Seal

(*Halichoerus grypus*)

Distribution and migration. The gray seal inhabits the North Atlantic Ocean, with major populations in eastern Canada, Iceland, and northwestern Europe. Dispersion, particularly by pups, from the Canadian breeding colonies in late spring and summer presumably accounts for most of the gray seals seen scattered along the coast of Maine. The tendency for adults to disperse is far less, although they at times make pronounced local movements. One animal tagged in eastern Canada was recently taken off western Norway.

Abundance and trends. The world population is estimated at 50,000 to 60,000 animals, with about two-thirds of these animals in the British Isles (Bonner, 1972). All populations have been increasing until recently, but now appear to be stabilizing (op. cit.). A small colony of 10–15 animals was recently discovered on Muskeget Island, Massachusetts.

General biology. The average length of adult males is 2.4 m and of females, 2.0 m. The average weight and length of the newborn pups are 13.6 kg and 0.9 m, respectively. Pups of the Canadian and Baltic populations are born mostly in February, whereas those in Britain are born mostly in September–October. At birth the pups are covered with a white natal coat, which is replaced by one of stiff hair with a distinctive pattern after 3 to 4 weeks. The pups are weaned in about 3 weeks, at which time mating occurs. The adult seals feed chiefly on skates, mackerel, flounders, cod, hake, and herring; and occasionally salmon, smelt, haddock, sea bass, dogfish, squid, and crustaceans.

Ecological problems. People occasionally harass the animals and use them for target practice.

Allocation problems. In eastern Europe they compete for commercial fishes and destroy fishing gear, and in Canada, the gray seal is an important predator of inshore herring taken commercially.

Current research. Research on biology, ecology, and populations continues by Canadian and British Governments and private groups. Some work is also being carried out by the University of Massachusetts on Muskeget Island and by the State of Maine.

References

Andrews, J. C., and P. R. Mott. 1967. Gray seals at Nantucket, Massachusetts. J. Mammal. 48: 657–658.

Backhouse, K. M., and H. R. Hewer. 1957. A note on spring pupping in the grey seal (*Halichoerus grypus* Fab.). Proc. Zool. Soc. London, 128(4): 593–594, 1 pl.

Bonner, W. N. 1972. The grey seal and common seal in European waters. Oceanogr. Mar. Biol. Ann. Rev., 10: 461–507.

Cameron, A. W. 1967. Breeding behavior in a colony of western Atlantic gray seals. Can. J. Zool., 45: 161–173.

Dubrovskii, A. N. 1937. On the biology of the grey seal (*Halichoerus grypus* Fabr.). Priroda, Leningrad, No. 2, p. 107, Feb.

Mansfield, A. W. 1963. Seals of arctic and eastern Canada. Fish. Res. Bd. Can. Bull. No. 137.

1966. The grey seal in eastern Canada waters. Can. Audubon, 28: 161–166.

Smith, E. A. 1966. A review of the world's grey seal population. J. Zool., 150: 463–489.

Ribbon Seal

(*Histriophoca fasciata*)

Distribution and migration. Geographically, the ribbon seal is separable into the Okhotsk and Bering-Chukchi Seas populations, and interchanges between these two groups are not known to occur. In the latter group, the center of abundance is in the central Bering Sea. The ribbon seal bears and nurtures its pup on the sea ice. During winter and spring, the entire population is concentrated along the southern edge of the seasonal ice pack. Only a few ribbon seals remain with the ice edge as it retreats northward through Bering Strait. In summer and autumn, ribbon seals are believed to be pelagic, mainly in the ice-free Bering Sea.

Abundance and trends. The population of ribbon seals is relatively low and has been markedly reduced by commercial sealers of the Soviet Union during the last 10 years (Alaska Department of Fish and Game, 1973). U.S. citizens harvest very few ribbon seals. The Alaska Department of Fish and Game (1973) estimates that the population probably does not exceed 100,000 animals, and Soviet estimates indicate a population of 80,000 to 90,000. Commercial hunting by the USSR has reduced the population of these seals, but measures have been taken to limit the annual harvest. In Alaska, the harvest is usually less than 250 per year.

General biology. Adults of both sexes average 155 cm in length and 80 kg in weight. A very large 23-year-old female obtained in March was carrying a near-term fetus. This seal was 179.7 cm long with a girth of 114.3 cm, a blubber thickness of 6.1 cm, and a weight of 148.2 kg. Pups are born as whitecoats from late March to mid-April and average about 10.0 kg and 80 cm. The pup nurses for about 4 weeks, in which time its weight is tripled. Males become sexually mature between 3 and 5 years of age; females between 2 and 4. The species breeds annually, and pregnancy (including delayed implantation) probably lasts 10.5 months. Maximum longevity is estimated at 26 years. The diet of these seals during late winter and early spring (in the ice edge zone) includes mainly pelagic and demersal fishes, cephalopods, and small crustaceans.

Ribbon seals host anisakid round worms in the stomach and corynosomid acanthocephalans in the intestine.

Ecological problems. None known.

Allocation problems. None known.

References

Alaska Department of Fish and Game. 1973. Marine mammals status report. Unpublished report, Juneau, AK.

Burns, J. J. 1969. Marine mammal report. Fed. Aid Segment Report, vol. X. Unpublished, Alaska Dept. Fish Game, Juneau, AK. 25 p.

1970. Remarks on the distribution and natural history of pagophilic pinnipeds in the Bering and Chukchi Seas. J. Mammal. 51: 445–454.

Bychkov, V. A. 1971. Pinnipeds of the USSR. P. 59–74 *In* Shaposhnikov, L. K. (ed.), Review of the status of USSR Pinnipedia conservation. Min. Sel. Khoz. SSSR, Tsent. Lab. Okhr. Prir, Moscow. Transl. IPST 650946.

Fay, F. H. 1973. The role of ice in the ecology of marine mammals of the Bering Sea. Paper presented at International Symposium for Bering Sea Study, 30 Jan.–4 Feb. 1972, Hakodate, Japan. (In press.)

Tikhomirov, E. A. 1966. On the reproduction of the seals belonging to the family Phocidae in the North Pacific. Zool. Zhur. 45(2): 275–281. (Transl. by George Tschiukow-Roux, Auke Bay Biol. Lab., Juneau, AK.)

Harp Seal

(*Pagophilus groenlandicus*)

Distribution and migration. The harp seal occurs in pack ice in the North Atlantic Ocean from Europe to eastern Canada. In the spring, it migrates south for breeding to the White Sea, to the Greenland Sea north of 73° N, and to southern Labrador, northeastern Newfoundland, and the Gulf of St. Lawrence.

Abundance and trends. Three breeding stocks of harp seals are known, the eastern (White Sea), central (Norwegian Sea around Jan Mayen Island), and western (Newfoundland). The latter is divided into two substocks, one east of Belle Isle on winter pack ice drifting southward—the "Front," and the other in the southern Gulf of St. Lawrence on winter ice formed *in situ*—the "Gulf." Sergeant (1973) estimates the total eastern Canadian population at 1.3 million. The number of pups born decreased from about 400,000 in 1960 to 300,000 in 1970. The population size in 1970 was less than that giving maximum production, and estimates indicated the 1970 catch was well in excess of the sustainable yield (International Commission for the Northwest Atlantic Fisheries. 1971. Redbook, Part I, Standing Committee on Research and Statistics Proceedings, annual meeting). According to Bychkov (1971), harp seal stocks of the northeastern Atlantic and Arctic Oceans (White Sea, Jan Mayen Island, and Newfoundland populations) numbered 3.0–3.5 million in the mid-20th century. Bychkov (1971) also stated that the White Sea population totaled 3.0–3.5 million animals in 1926–28 and only 400,000 in the 1960's.

In 1971 the International Commission for the Northwest Atlantic Fisheries banned seal hunting in the Gulf of St. Lawrence from large vessels and from aircraft and set a quota of 150,000 harp seals for the hunt off Newfoundland and Labrador by Canadian and Norwegian nationals.

General biology. The adults grow to about 1.8 m and 180 kg; newborn pups are about 0.6 m long and weigh 4.5 kg. The pups are born from late January to early April, and are nursed for 10–12 days. Molting is complete at 4 weeks. The females mature at age 4–6 years and bear a single pup annually after a gestation of about 7½ months. Maximum life span is about 30 years. Pups feed primarily on small pelagic crustaceans and small fish, and in addition as adults on capelin, herring, and haddock.

Ecological problems. One species of helminth affecting the harp seal also is found in the muscles of ground fish, particularly cod, necessitating expensive removal by hand.

Allocation problems. The harp seal may eventually conflict with man over capelin stocks as this fishery expands.

Current research. Canadian, Danish, Norwegian, and Soviet Government scientists are studying the population of harp seals. At the University of Guelph, scientists are studying the biology of this mammal.

References

Bychkov, V. A. 1971. Pinnipeds of the USSR. P. 59–74 *In* Shaposhnikov, L. K. (ed.), Review of the status of USSR Pinnipedia conservation. Min. Sel. Khoz. SSSR, Tsent. Lab. Okh. Prir., Moscow, 128 p. IPST 650946, 1972.

Fisher, H. D. 1952. Harp seals of the Northwest Atlantic Fish. Res. Bd. Can. Gen. Ser. No. 20.

1954. Studies on reproduction in the harp seal *Phoca groenlandica* Erxleben in the northwest Atlantic. Ph. D. thesis. 133 p.

Sergeant, D. E. 1973. Feeding, growth, and productivity of Northwest Atlantic harp seal (*Pagophilus groenlandicus*). J. Fish. Res. Bd. Can. 30: 17–29.

Sivertsen, E. 1941. On the biology of the harp seal. Hvalråd. Skr. 26: 10+166 p., 11 pls.

Bearded Seal

(*Erignathus barbatus*)

Distribution and migration. The bearded seal is found in the North Pacific region in the Bering, Okhotsk, and northern Japan Sea and is circumpolar in the Arctic Ocean. In winter and spring it is found from the southern edge of the seasonal ice pack, north to permanent ice, wherever areas of broken, moving ice exists. During summer and autumn, it occurs along the edge of the permanent polar ice of the Arctic Ocean. Marked seasonal migrations are associated with the advance and retreat of the seasonal

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ice. The bearded seal is usually solitary, though very loose aggregations are sometimes observed during the breeding season. It does not normally come ashore.

Abundance and trends. All populations seem to be at high levels and relatively stable. A Soviet estimate places the population at 450,000 animals in the East-Siberian, Chukchi, Bering, Okhotsk, and Japan Seas (Bychkov, 1971). The Alaska Department of Fish and Game estimates a population of 300,000 animals in the Bering, Chukchi, East-Siberian, and Beaufort Seas (Alaska Department of Fish and Game, 1973). The combined U.S. and Soviet harvest in the Bering and Chukchi Seas is 8,000 to 10,000 seals per year, well within the biological productivity of this species. Hunting loss, however, is high (op. cit.).

General biology: The bearded seal is the largest phocid of the western arctic and subarctic. Some adult females are slightly larger than adult males. Large adults attain a winter weight in excess of 340 kg. From June through September the adults weigh from 215 to 240 kg and average 236 cm in length. The female bears a single pup, usually during late April or early May, which weighs about 31 kg and is 132 cm long. The pup's weight is tripled by the end of the 12- to 18-day nursing period. Most adult females breed within 2 weeks of weaning their pup. The period of pregnancy is 10.5 months, including 2.5 months of delayed implantation. Some females ovulate at age 3 years, but reproductive maturity is not attained until they are 5 or 6 years old. The males become sexually mature at 6 or 7 years. An estimated 85% of the adult females become pregnant each year. The bearded seal consumes several species of invertebrates, principally crabs, shrimp, clams, and amphipods, and some demersal fishes.

Most bearded seals, other than nursing pups, are heavily parasitized by anisakid round worms in the stomach, acanthocephalans and diphyllobothriid cestodes in the intestine, and anopluran lice on the skin.

Ecological problems. The bearded seal is the final host for anisakid worms that infect fishes, but this problem is unimportant in Alaska at present. About 1% of these animals harbor *Trichinella spiralis*, the cause of trichinosis in man.

Allocation problems. None known. Bearded seals consume commercial important pandalid and crangonid shrimps and lithode crabs; however, they do not compete directly for commercial fishes, nor do they damage fishing gear.

Current research. None known.

REFERENCES

Alaska Department of Fish and Game. 1973. Marine mammal status reports. Unpublished report, Juneau, AK.

Burns, J. J. 1967. The Pacific bearded seal. Alaska Dept. Fish Game, Juneau, 66 p.

1970. Remarks on the distribution and natural history of pagophilic pinnipeds in the Bering and Chukchi Seas. J. Mammal. 51: 445–454.

Bychkov, V. A. 1971. Pinnipeds of the USSR. P. 59–74 *In* Shaposhnikov, L. K. (ed.), Review of the status of USSR Pinnipedia conservation. Min. Sel. Khoz. SSSR, Tsent. Lab. Okhr. Prir, Moscow. Transl. IPST 650946.

Fay, F. H. 1973. The role of ice in the ecology of marine mammals of the Bering Sea. Paper presented at International Symposium for Bering Sea Study, 30 Jan.-4 Feb. 1972, Hokodate, Japan. (In press.)

McLaren, I. A. 1958. Some aspects of growth and reproduction of the bearded seal, *Erignathus barbatus* (Erxleben). J. Fish. Res. Bd. Can., 15: 219–227.

Caribbean Monk Seal

(*Monachus tropicalis*)

The Caribbean monk seal is classified as endangered in the Red Book of the International Union for the Conservation of Nature. From 17 to 29 March 1973, the Bureau of Sport Fisheries and Wildlife, Department of the Interior, conducted an aerial survey of this species' former habitat in the Gulf of Mexico and Caribbean Sea. The conclusion was that the Caribbean monk seal is now extinct.

It formerly inhabited shores and islands of the Greater Antilles, Bahamas, Yucatan Peninsula, and Florida Keys. It was reported in Jamaican waters as late as 1952. A single pup was born, probably in alternate years. The adults grew to 2.4 m in length. The color was a uniform brownish gray above; the underparts were pale yellow or yellowish white. Monk seals were vulnerable to hunters because they were sluggish, unwary, and not easily alarmed.

REFERENCES

Allen, G. M. 1942. Extinct and vanishing mammals of the western hemisphere with the marine species of all the oceans. New York, Amer. Comm. Int. Wild Life Prot., Spec. Publ. 11, 620 p.

Elliott, H. W. 1884. The monk-seal of the West Indies (*Monachus tropicalis*, Gray). Science, iii, p. 752.

Gilmore, R. M. 1959. Is the West Indian seal extinct? Sea Frontiers, 5(4): 225–236.

Gunter, G. 1947. Sight records of the West Indian seal, *Monachus tropicalis* (Gray), from the Texas coast. J. Mammal. 28: 289–290.

King, Judith. 1956. The monk seals (genus *Monachus*). Bull. Brit. Mus. (Nat. Hist.) Zool. 3(5): 201–256.

Rice, D. W. The Caribbean monk seal, a review prepared for the Survival Service Commission of the International Union for the Conservation of Nature. In press.

Ward, L. 1887. (*Monachus tropicalis*). Notes of its life-history. Amer. Natur. xxi, p. 254–264.

Hawaiian Monk Seal

(*Monachus schauinslandi*)

Distribution and migration. The Hawaiian monk seal breeds only on French Frigate Shoals, Laysan Island, Lisianski Island, Pearl and Hermes Reef, and Midway and Kure Atolls of the Leeward Hawaiian Islands. The first four of these islands are within the Hawaiian Islands National Wildlife Refuge (HINWR). Rarely do individuals wander southeastward to the main Hawaiian Islands. The species is not known to have a migratory pattern.

Abundance and trends. The total population was estimated at 1,350 in 1958 (Rice, 1960). It is classified as rare by the Office of Rare and Endangered Species, Bureau of Sport Fisheries and Wildlife, and International Union for Conservation of Nature and Natural Resources. Counts in the 1960's and 1970's suggest that the population is declining (Kenyon, 1972).

General biology. An adult female measured 2.3 m and her estimated weight was 273 kg. On the average, females outweigh adult males. A typical male is about 2.1 m long and weighs about 173 kg. The newborn pups weigh 16–17 kg. The weights of six yearlings averaged 45 kg. Pups are born from late December to July, with the peak in April and May. Spewings found on haul-out areas included the remains of reef and bottom fishes, eels, and cephalopods.

Ecological problems. Harassment of the monk seal by humans and dogs on Midway and Kure Atolls may be causing a problem by preventing these animals from using sheltered dry pupping areas. Sharks are a serious predator.

Allocation problems. None known.

Current research. The HINW Refuge Manager, Bureau of Sport Fisheries and Wildlife, has a pup tagging and recovery program in progress. The Refuge Manager also makes counts of animals on the beaches of the HINWR, usually in the spring and again in late summer. No studies or observations of the small populations on Midway and Kure, under U.S. Navy and U.S. Coast Guard control, are being made.

REFERENCES

Kenyon, K. W. 1972. Man versus the monk seal. J. Mammal. 53: 687–696.

Kenyon, K. W. In press. The Hawaiian monk seal, a review. IUCN, Survival Service Commission.

Kenyon, K. W., and D. W. Rice. 1959. Life history of the Hawaiian monk seal. Pac. Sci. 13: 215–252.

King, J. E. 1956. The monk seals (genus *Monachus*). Bull. Brit. Mus. (Nat. Hist.), 3(5): 210–256, 8 pls.

Rice, D. W. 1960. Population dynamics of the Hawaiian monk seal. J. Mammal. 41: 376–385.

1964. The Hawaiian monk seal, rare mammal survies in Leeward Islands. Natur. Hist. 73(2): 48–55.

Scheffer, V. B. 1958. Seals, sea lions, and walruses; a review of the Pinnipedia. Standford Univ. Press, 179 p.+32 pls.

Crabeater Seal

(*Lobodon carcinophagus*)

Distribution and migration. The species is circumpolar and abundant in pack ice of the southern oceans. It is found as a straggler in New Zealand, Australia, Tasmania, and South America. It moves toward the coasts in summer and away from land in the winter.

Abundance and trends. The crabeater seal is the most abundant species of seal in the Antarctic, with population estimates ranging from 2 to 5 million (Scheffer, 1958) to 50–75 million (Erickson, et al., 1971). Laws (in press) believes that the latter estimate is unreliable, but that earlier estimates were too conservative.

General biology. Adult males grow to 260 kg in weight and 2.6 m in length. Some females may be larger than males. Little information is available on breeding habits; mating has not been observed but sperm are present in the testes of males in October and November. Pups are born in the spring (mid-September to early November), and are about 1.4 m long. These seals molt in January and February, while partly fasting. Food is mainly euphausids. Many individuals carry scars, possibly from leopard seal or killer whale attacks.

The species has lice on skin, roundworms in the stomach, and, rarely, tapeworms in the intestine.

Ecological problems. None known.

Allocation problems. None known.

Current research. The University of Minnesota is studying population dynamics of Antarctic seals; the University of Idaho is studying abundance, distribution, and reproductive biology; and the University of Oklahoma is studying anatomy, histology, and neuroanatomy.

REFERENCES

Bertram, G. C. L. 1940. The biology of the Weddell and crabeater seal. Sci. Rep. Brit. Graham Land Exped. 1934–37, 1: 1–139.

Eklund, C., and E. A. Atwood. 1962. A population study of Antarctic seals. J. Mammal. 43: 229–238.

Erickson, A. W., D. B. Siniff, D. R. Cline, and R. J. Hofman, 1971. Distributional ecology of Antarctic seals. P. 55–75 *In* Symposium on Antarctic Ice and Water Masses, Tokyo, Japan, 19 Sept. 1970, Sir George Deacon (ed.).

Laws, R. M. In press. The current status of seals in the Southern Hemisphere. IUCN/SSC Working Group on Threatened and Depleted Seals of the World. Guelph, Ontario, August 1972.

Laws, R. M., and R. J. F. Taylor. 1957. A mass dying crabeater seals, *Lobodon carcinophagus* (Gray). Proc. Zool. Soc. London, 129: 315–324.

Oritsland, Torger. 1970. Biology and population dynamics of Antarctic seals. P. 361–366 *In* Holdgate, M. W. (ed.), Antarctic Ecology 1: 1–604.

1970. Sealing and seal research in the southwest Atlantic September-October 1964. P. 367–376 *In* Holdgate, M. R. (ed.) Antarctic Ecology 1: 1–604.

Scheffer, V. B. 1958. Seals, sea lions, and walrus; a review of the Pinnipedia. Stanford Univ. Press, 179 p.+32 pls.

Seals, U.S., A. W. Erickson, D. B. Siniff, and R. J. Hofman. 1971. Biochemical, population genetic, phylogenetic and cytological studies of Antarctic seal species. P. 77–95 *In* Symposium on Antarctic Ice and Water Masses, Tokyo, Japan, 19 Sept. 1970, Sir George Deacon (ed.),

Siniff, D. B., D. R. Cline, and A. W. Erickson. 1970. Population densities of seals in the Weddell Sea, Antarctic, in 1968. P. 377–394 *In* Holdgate, M. W. (ed.), Antarctic Ecology, 1, Academic Press, London.

Ross Seal

(*Ommatophoca rossi*)

Distribution and migration. The species is circumpolar in heavy pack ice of the Antarctic Ocean.

Abundance and trends. The Ross seal is usually solitary. Scheffer (1958) lists the population at 20,000–50,000 but more recently Hofman et al. (in press) have estimated a population in excess of 100,000.

General biology. The adults reach a length of about 2.4 m. The animal is plump, with a short, wide head, a small mouth, and small teeth. The vocalizations of this mammal are striking and account for the common name "singing seal." Little is known of its reproduction and newborn pups have never been seen. The male matures at 3–4 years, and the female at 2–7 years. Breeding probably takes place in November and molting probably in January and February. Food consists primarily of fish and cephalopods. These animals may live up to 12 years.

Roundworms are found in the stomach, tapeworms in the intestine, and lice on the skin.

Ecological problems. None known.

Allocation problems. None known.

Current research. The University of Minnesota is studying the population dynamics of Antarctic seals; the University of Idaho is studying abundance, distribution, and reproductive biology; and the University of Oklahoma is studying anatomy, histology, and neuroanatomy.

REFERENCES

Eklund, D., and E. A. Atwood. 1962. A population study of Antarctic seals. J. Mammal. 43: 229–238.

Erickson, A. W., D. B. Siniff, D. R. Cline, and R. J. Hofman. 1971. Distributional ecology of Antarctic seals. P. 55–75. *In* Symposium on Antarctic Ice and Water Masses, Tokyo, Japan, 19 Sept. 1970, Sir George Deacon (ed.).

Hofman, R. J., A. W. Erickson, and D. B. Siniff. 1972. The Ross seal: a review. IUCN Publications, New Series, Suppl. paper No. 39, p. 129–139. Seals. Proc. of a working meeting of seal specialists, Univ. of Guelph, Guelph, Ontario.

King, J. E. 1964. Seals of the world. Brit. Mus. (Nat. Hist.), London, 154 p.

Laws, R. M. 1964. Comparative biology of Antarctic seals. P. 445–457. *In* Carrick, R., M. Holdgate, and J. Prevost (eds.), Biologie Antarctique-Antarctic Biology, Hermann, Paris.

Øritsland, T. 1970. Biology and population dynamics of Antarctic seals. P. 361–366. *In* Holdgate, M. W. (ed.), Antarctic ecology, 1.

Scheffer, V. B. 1958. Seals, sea lions, and walrus; a review of the Pinnipedia. Stanford Univ. Press, 179 p.+32 pls.

Leopard Seal

(*Hydrurga leptonyx*)

Distribution and migration. Leopard seals are circumpolar in Antarctic pack ice and in southern temperate regions and subantarctic islands in the winter. They are occasionally seen off the southern tips of New Zealand, Australia, South America, and South Africa.

Abundance and trends. The leopard seal is a solitary animal. Scheffer (1958) estimated the population at 200-300 thousand. More recently (1972), Laws (in press) estimated the population at 250,000 to 500,000.

General biology. The adult males grow to 3.0 m in length and 450 kg in weight; adult females reach 3.3 m in length and 500 kg in weight. Leopard seals have a long slim body, large head, and wide gape. Males are sexually matured at 3–7 years and females at 2–6 years. The mating period is probably in November. Newborn pups are 1.6 m long and weigh 29.5 kg. Lactation lasts about 2 months. The seals molt during January and February. Their food consists of fish, euphausids, squids, penguins, whale carcasses, and pups of other seals.

Leopard seals suffer from diseased teeth, tumors, bony nodules in nasal passages, and stomach carcinomas.

Ecological problems. None known.

Allocation problems. None known.

Current research. The University of Minnesota is studying population dynamics of Antarctic seals; the University of Idaho is studying abundance, distribution, and reproductive biology; and the University of Oklahoma is studying anatomy, histology, and neuroanatomy.

REFERENCES

Eklund, C., and E. A. Atwood. 1962. A population study of Antarctic seals. J. Mammal. 43: 229–238.

Erickson, A. W., D. B. Siniff, D. R. Cline, and R. J. Hofman. 1971. Distributional ecology of Antarctic seals. P. 55–75 *In* Symposium on Antarctic Ice and Water Masses, Tokyo, Japan, 19 Sept. 1970, Sir George Deacon (ed.).

Laws, R. M. 1964. Comparative biology of Antarctic seals. P. 445–457 *In* Carrick, R., M. Holdgate, and J. Prevost (eds.), Biologie Antarctique-Antarctic Biology, Herman, Paris.

In press. The current status of seals in the Southern Hemisphere. IUCN/SSC Working Group of Threatened and Depleted Seals of the World, Guelph, Ontario, August 1972.

Øritsland, Torger. 1970. Biology and population dynamics of Antarctic seals. P. 361–366 *In* Holdgate, M. W. (ed.), Antarctic ecology, 1.

Scheffer, V. B. 1958. Seals, sea lions, and walruses; a review of the Pinnipedia. Stanford Univ. Press, 179 p.+32 pls.

Seal, U. S., A. W. Erickson, D. B. Siniff, and R. J. Hofman, 1971. Biochemical, population genetic, phylogenetic and cytological studies of Antarctic seal species. P. 77–95 *In* Symposium on Antarctic Ice and Water Masses, Tokyo, Japan, 19 Sept. 1970, Sir George Deacon (ed.).

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WEDDELL SEAL

(*Leptonychotes weddelli*)

Distribution and migration. This species is circumpolar in fast ice around Antarctica, occasionally reaching as far north as Uruguay (lat. 35° S). It is littoral in distribution and nonmigratory. Because of its occurrence near scientific stations it is the best known of the Antarctic seals.

Abundance and trends. The population was estimated at 800,000 by Scheffer (1958), and Laws (in press) estimates present total population at 250,000 to 500,000.

General biology. Adult males grow to 2.7 m in length and females are slightly larger; up to 2.9 m in length. Males reach sexual maturity at 6–8 years and females at 3 years. The average age of breeding females is 9 years. They give birth from September to early November on fast ice, usually close to the Antarctic continent. Pregnancy lasts 9 to 10 months. Newborn pups are 1.5 m long, weigh 29 kg, and have permanent dentition. Lactation lasts 6–7 weeks and pups are weaned at 6 weeks. The females protect their pups and are aggressive toward intruders. This species feeds primarily on fish and cephalopods.

Wounds inflicted on this mammal heal slowly, and festering sores are common. Kidney stones and uterine fibroids have been found. Weddell seals are heavily infested with tapeworms, trematodes, and roundworms internally, and lice externally. Tooth wear associated with maintaining breathing holes may be a mortality factor.

Ecological problems. None known.

Allocation problems. None known.

Current research. The University of Minnesota is studying population dynamics of Antarctic seals; the University of Idaho is studying abundance, distribution, and reproductive biology; and the University of Oklahoma is studying anatomy, histology, and neuroanatomy.

REFERENCES

Bertram, G. C. L. 1940. The biology of the Weddell and crabeater seals. Sci. Rep. Brit. Graham Land Exped. 1934–37, 1: 1–139.

Dearborn, J. H. 1965. Food of Weddell seals at McMurdo Sound, Antarctica. J. Mammal. 46: 37–43.

Eklund, C., and E. A. Atwood. 1962. A population study of Antarctic seals. J. Mammal. 43: 229–238.

Erickson, A. W., D. B. Siniff, D. R. Cline, and R. J. Hofman. 1971. Distributional ecology of Antarctic seals. P. 55–75 *In* Symposium on Antarctic Ice and Water Masses, Tokyo, Japan, 19 Sept. 1970, Sir George Deacon (ed.).

Kaufmann, G., D. Siniff, and R. Reichle. 1972. Colony behavior of Weddell seals, *Leptonychotes weddelli*, at Hutton Cliffs, Antarctica. *In* Symposium on the biology of the seal, Guelph Ontario, August 14–17, 1972.

Laws, R. M. In press. The current status of seals in the Southern Hemisphere. IUCN/SSC Working Group on Threatened and Depleted Seals of the World. Guelph, Ontario, August 1972.

Mansfield, A. W. 1958. The breeding behavior and reproductive cycle of the Weddell seal (*Leptonychotes weddelli* Lesson). Falkland Islands Dep. Surv., Sci. Rep. 18: 1–41.

Scheffer, V. B. 1958. Seals, sea lions, and walruses; a review of the Pinnipedia. Stanford Univ. Press, 179 p.+32 pls.

Siniff, D. B., D. R. Cline, and A. W. Erickson, 1970. Population densities of seals in the Weddell Sea, Antarctic, in 1968. P. 377–394 *In* Holdgate, M. W. (ed.), Antarctic Ecology 1: 1–604.

Siniff, D. B., J. R. Tester, and V. B. Kuechle. 1971. Some observations on the activity patterns of Weddell seals as recorded by telemetry. P. 173–180 *In* Burt, W. H. (ed.), Antarctic Pinnipedia, Antarctic Research Series, 18.

Stirling, I. 1971. Population dynamics of the Weddell seal (*Leptonychotes weddelli*) in McMurdo Sound, Antarctica, 1966–68. P. 141–167 *In* Burt, W. H. (ed.), Antarctic Pinnipedia, Antarctic Research Series, 18.

HOODED SEAL

(*Cystophora Cristata*)

Distribution and migration. The hooded seal occurs mainly in the east Greenland pack ice from Bear Island and Spitzbergen to Jan Mayen, Iceland, and Denmark Strait. It also occurs off southern Greenland, southeastern Labrador, and the Gulf of St. Lawrence. Stragglers appear on the American coast as far south as Cape Kennedy, Florida, along the Canadian Arctic coast as far west as Hershel Island, and on the European coast as far south as the Bay of Biscay, France. Hooded seals prefer deep water and thick, drifting ice floes.

Abundance and trends. Hooded seals of all ages are harvested commercially when the animals are congregated for molting. According to Scheffer (1958), the herds in the middle of the 20th century were estimated at 300,000 to 500,000 and according to Chapskii (1966) 500,000. Sergeant (1965) states that the catch rate of hooded seals has been high. The average annual kill from the Jan Mayen Island herd declined from about 53,000 (1949–53) to about 40,000 (1959–63) (Popov, 1967).

General biology. Adult males grow to 2.7–3.0 m and 408 kg; females are slightly smaller. Hooded seals are solitary, but form widely scattered family groups during the breeding season in March. The pups are born from the end of March to the first part of April, are 1.1 m long and weigh 23 kg, and have an exceptionally beautiful silver-gray coat. They are nursed about 2 weeks. Both sexes mature at age 4–6 years and have a maximum life span of about 30 years. The adults mate when the lactation period ends and return to sea, leaving the pups on the ice where they remain an additional 2 weeks before following the adults. According to King (1964) hooded seals feed on octopus, squid, rosefish, herring, capelin, cod, shrimp, mussels, and starfish.

Ecological problems. None known.

Allocation problems. None known.

Current research. Research on the hooded seal is carried out by the Fisheries Research Board of Canada, Denmark (Grønlands Fiskeriundersøgelser), Norway (Fiskeridirektorates Havforskningings Institutt), and the Soviet Union (VNIRO).

REFERENCES

King, J. E. 1964. Seals of the world. Brit. Mus. (Nat. Hist.) London, 154 p.

Mansfield, A. W. 1967. Seals of arctic and eastern Canada, 2d ed. (revised). Fish. Res. Bd. Can. Bull. 137, 30 p.

Popov, L. A. 1967. Modern marine animal hunting industry of the North Atlantic Seas. Problemy Severa (11): 160–165.

Rasmussen, B. 1960. On klappmyssbestanden i det nordlige Atlanterhav [On the stock of hood seals in the north Atlantic], Fisken og Havet (Bergen), No. 1, 23 p. Fish. Res. Bd. Can. Transl. Series No. 387.

1962. Klappmyssen aldersfordeling i Danmarkstredet. Fiskets Gang (Bergen), No. 5.

Scheffer, V. B. 1958. Seals, sea lions, and walruses; a review of the Pinnipedia. Stanford Univ. Press, Stanford, Calif.

Sergeant, D. E. 1965. Exploitation and conservation of harp and hood seals. Polar Record 12(80): 541–551.

SOUTHERN ELEPHANT SEAL

(*Mirounga leonina*)

Distribution and migration. The southern elephant seal is circumpolar on subantarctic islands, south to the ice edge at lat. 78° S. It breeds on the continental coast of Argentina, and on subantarctic islands.

Abundance and trends. The population of the southern elephant seal has been estimated at 600,000±100,000 (Laws, in press). This species was once sought for its oil. It was nearly extinct by 1900, but since that time regulations have allowed the herds to increase. At South Georgia the average annual kill between 1952 and 1964 was 6,000 animals. There has been no commercial sealing there since 1964, although licenses to harvest these animals have been offered (Laws, in press).

General biology. The southern elephant seal is the largest pinniped. Males grow to 5.5–6.1 m in length and 3,628 kg in weight; females reach 3.1–3.7 m and 907 kg. Males are sexually mature at 4 years, and hold harems at 5–7 years in utilized populations. The females mature at age 2 years and bear single pups at age 3. In unutilized populations, the females mature at age 3–6 years, but the males do not reach harem status until 12 years old. Most harems contain 20 to 40 females, but up to 100 have been counted. The pups are born in October, about 1 week after the females haul out, are 1.2 m long, weigh 36 kg, and nurse about 23 days. The females mate about 18 days after their pups are born. The females live about 12 years and the males up to 20. The leopard seal and killer whale are natural enemies of the southern elephant seal.

Ecological problems. None known.

Allocation problems. According to Laws (in press) the southern elephant seal may become threatened because they compete with Soviet fishermen for commercial species of fish.

Current research. The University of Minnesota makes incidental observations of this mammal while studying the Antarctic seal species.

REFERENCES

Cline, D. R., A. W. Erickson, and R. J. Hofman. 1970. Elephant seal in the Weddell Sea. J. Mammal. 51: 204.

King, J. E. 1964, Seals of the world. Brit. Mus. (Nat. Hist.), London, 154 p.

Laws, R. M. 1953. The elephant seal (*Mirounga leonina*, Linn.). I. Age and growth. Falkland Islands Dep. Surv. Sci. Rep. 8, 62 p.

1956. The elephant seal (*Mirounga leonina*, Linn.). II. General social, and reproductive behaviour. Falkland Islands Dep. Surv. Sci. Rep. 13, 88 p.

1956. The elephant seal (*Mirounga leonina*, Linn.). III. The physiology of reproduction. Falkland Islands Dep. Surv. Sci. Rep. 15, 66 p.

1960. The southern elephant seal (*Mirounga leonina*, Linn.) at South Georgia. Norsk Hvalfangst-Tid. 49(10; 11): 466–476; 520–542.

In press. The current status of seals in the Southern Hemisphere. IUCN/SSC Working Group on Threatened and Depleted Seals of the World. Guelph, Ontario, August 1972.

NORTHERN ELEPHANT

(*Mirounga angustirostris*)

Distribution and migration. This species originally occupied rookeries and hauling grounds on the mainland and islands from Cabo San Lazaro, Baja California, northward to Pt. Reyes, just north of San Francisco. Nonbreeding animals range at least as far north as southeastern Alaska.

Abundance and trends. By 1890 the population had been reduced to 100 or fewer animals found only on Guadalupe Island, but this number increased to an estimated 15,000 animals by 1960 (Bartholomew and Hubbs, 1960). Peterson and LeBoeuf (1969) estimated a population of about 30,000 in 1969. This species has reoccupied most or all of its historic rookeries and hauling grounds. The first birth of a pup on the Farallon Islands (northern limit of the historic breeding range) was observed on 21 January 1972 by David Ainsley, a biologist from the Pt. Reyes Bird Observatory (San Francisco Chronicle, 25 January 1972).

The California Department of Fish and Game has counted elephant seals during sea lion census in early June since 1965 (Carlisle and Aplin, 1971). Carlise (1973) has counted *Mirounga* on San Miguel Island each year from 1965 through 1973 except 1966. Recent California counts do not indicate any trend in abundance.

Odell (1972) believes that the San Nicolas Island population is increasing. The largest California population of *Mirounga* is found on San Miguel Island, where 3,137 were counted 26 February 1972 by Johnson and DeLong (pers. comm.). Carlisle (1973) counted 3,600 in 1973.

General biology. The adult males usually arrive first on the rookeries in November, followed by the pregnant females in December. Dominant adult males occupy choice locations within the breeding colonies and do most of the mating. The female usually bears a single pup about 7 days after her arrival and weans it about a month later. The female is bred during her last few days ashore. Maximum lengths are about 5 m for adult males and 3.3 m for adult females. Newborn pups are about 1.2 m in length. Little information on the feeding habits of *Mirounga* are available. The stomach of one elephant seal contained seven ratfish, one 66.0 cm California dogfish shark, one swell or puffer shark, three skates, and four squids. The species apparently can feed at considerable depths, as indicated by prey species and the fact that three young *Mirounga* were taken on hooks set in about 100 fathoms.

Ecological problems. Oil from the Santa Barbara spill of 28 January 1969 coated about 100 elephant seal pups ashore on one area of San Miguel Island. The pups had been weaned and apparently suffered no ill effects.

Allocation problems. None known.

Current research. Scientists from the University of California at Santa Cruz, Calif., are studying this species.

REFERENCES

Anthony, A. W. 1925. Expedition to Guadalupe Island, Mexico in 1922. Calif. Acad. Sci., fourth series, 14(13): 277–320.

Bartholomew, G. A. 1952. Reproductive and social behavior of the northern elephant seal. Univ. Calif. Publ. Zool. 47 (15): 369–471, pls. 38–57, 2 figs.

1967. Seal and sea lion populations of the California islands. P. 229–244 *In* Philbrick, R. N. (ed.) Proceedings of the Symposium on the Biology of the California Islands, Santa Barbara Botanic Garden.

Bartholomew, G. A., and C. L. Hubbs. 1960. Population growth and seasonal movements of the northern elephant seal, *Mirounga angustirostris*. Mammalia 24: 313–324.

Carlisle, John G., Jr. 1973. The census of northern elephant seals on San Miguel Island, 1965–73. Calif. Fish Game, 59(4): 311–313.

Carlisle, John G., and J. A. Aplin. 1971. Sea lion census for 1970, including counts of other California pinnipeds. Calif. Fish Game, 57: 124–126.

Daugherty, Anita E. 1965. Marine mammals of California. Calif. Dept. Fish Game, Sacramento, Calif. 86 p.

Huey, L. M. 1930. Capture of an elephant seal off San Diego, Calif., with notes on stomach contents. J. Mammal. 11: 229–230.

King, J. E. 1964. Seals of the world. Brit. Mus. (Nat. Hist.), London, 154 p.

LeBoeuf, Burney J. 1972. Sexual behavior in the northern elephant seal, *Mirounga angustirostris*. Behavior 41(1–2): 1–26.

Odell, Daniel K. 1972. Studies on the biology of the California sea lion and the northern elephant seal on San Nicolas Island, Calif. Ph. D. thesis, Univ. Calif., Los Angeles, 168 p.

Peterson, R. S., and B. J. LeBoeuf. 1969. Population study of seals and sea lions. Trans. 34th N. Amer. Wildl. Nat. Res. Conf., p. 74–79.

Radford, K. W., R. T. Orr, and C. L. Hubbs. 1965. Reestablishment of the northern elephant seal (*Mirounga angustirostris*) off central California. Proc. Calif. Acad. Sci. 4th series, 31(22): 601–612, 6 figs.

Rice, D. W., K. W. Kenyon, and D. Lluch-B. 1965. Pinniped populations at Islas Guadalupe, San Benito, and Cedros, Baja California, in 1965. Trans. San Diego Soc. Nat. Hist. 14(7): 73–84.

Scammon, C. M. 1874. The marine mammals of the northwestern coast of North America, John H. Carmany and Co., San Francisco, Calif. 319 p.

Scheffer, V. B. 1964. Deep diving of elephant seals. Murrelet 45(1): 9.

Townsend, C. H. 1912. The northern elephant seal. Zoologica, 1: 159–173.

BLACK RIGHT WHALE

(*Balaena glacialis*)

Distribution and migration. This right whale inhabits all temperate waters of the world. It migrates between summering grounds in cool temperate waters and wintering grounds in warm temperate waters; the wintering grounds are mostly along continental coasts or around islands.

Three geographically isolated populations are recognized, one in the North Pacific Ocean, another in the North Atlantic Ocean, and a third in the Southern Hemisphere.

In the eastern North Pacific Ocean, the right whale ranges from Bristol Bay and the Gulf of Alaska south to 50° N latitude during the summer, and from Oregon south to central Baja California during the winter.

In the western North Atlantic Ocean, it ranges from Labrador south to the Bay of Fundy during the summer, and Massachusetts south to Florida and Bermuda during the winter.

Abundance and trends. The right whale was originally very abundant, but heavy exploitation, mostly during the 19th century, reduced all populations nearly to extinction by the turn of the century. At least some local stocks have increased in recent years. Present numbers are: North Pacific Ocean—about 250 (Wada, 1972); North Atlantic Ocean—no estimate; Southern Hemisphere—about 4,300 (Masaki, 1972).

General biology. The black right whale is a heavy-bodied animal up to 18.0 m long and is characterized by lack of a dorsal fin and by a large head with a narrow arched rostrum. It feeds mainly on copepods. The reproductive biology is poorly known. Body length at sexual maturity is about 15.2 m in males and 15.8

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m in females. Mating and calving occur in the winter, so the gestation period is probably about 1 year. The female probably bears a calf only once every 2 (or more) years.

Ecological problems. None known.

Allocation problems. None known.

Current research. Research on the black right whale is being carried out by the South African Division of Sea Fisheries and off Argentina by a joint project of the National Geographic Society and the New York Zoological Society.

REFERENCES

Delyamure, S. L. 1955. Helminthofauna of marine mammals. Akad. Nauk SSSR (Transl. by IPST, Jerusalem, 1968).

Masaki, Y. 1972. Estimation of abundance of whales by means of whale sighting in the Antarctic. Unpublished report submitted to Scientific Committee, International Whaling Commission.

Omura, H., S. Ohsumi, T. Nemoto, K. Nasu, and T. Kasuya. 1969. Black right whales in the North Pacific. Sci. Rep. Whales Res. Inst. 21: 1–78.

Wada, S. 1972. The ninth memorandum on the stock assessment of whales in the North Pacific. Unpublished report submitted to Scientific Committee, International Whaling Commission.

BOWHEAD WHALE

(*Balaena mysticetus*)

Distribution and migration. The bowhead whale inhabits arctic and subarctic waters in four principal areas: (1) From Spitzbergen west to east Greenland; (2) in Davis Strait, Baffin Bay, James Bay, and adjacent waters; (3) in the Bering, Chukchi, Beaufort, and East Siberian Seas; and (4) in the Okhotsk Sea. They migrate with ice movements.

Abundance and trends. All bowhead whale populations were decimated by the end of the 19th century because of the great value of this species for oil and baleen (Tomilin, 1957). No commercial whaling for bowheads has taken place since about 1915. Eskimos in several arctic coastal villages of Alaska continue to hunt these whales which are an important part in the subsistence economy of the villages. In the last two decades the take of bowhead whales by Eskimos in Alaska has varied between 1 (1959) and 37 (1972) (Maher and Willimovsky, 1963; Durham, unpublished records). Much of this variation in take is because of variation in hunting conditions, although in recent years an increase in hunting intensity may have taken place. Bowhead whales are taken only occasionally by U.S.S.R. nationals (Zemsky, 1973, pers. comm.). The bowhead whale population of Canada and the Bering, Chukchi, and East Siberian Seas appears to be increasing (Mansfield, 1971; Burns, pers. comm.).

General biology. The bowhead whale grows to 18 m in length. Sexual maturity is reached at 11.6 m and 12.2 m in males and females, respectively. Mating probably occurs in early April or earlier. Gestation lasts 12-13 months, with a single calf (3-4.5 m long) born in April–May. The calf is weaned at 6 months. The reproductive cycle is apparently 2 years. These whales travel singly, in pairs, or threes during the spring. In autumn they are generally scattered, but may occur in groups of up to 50. They feed mainly on euphausids and other krill, but occasionally on bottom-dwelling invertebrates.

Ecological problem. The north-slope oil project might alter the inshore southward migration should fall steamer and barge traffic increase to force the whales farther offshore.

Allocation problems. Some conflict of interest may exist between people who would like complete protection for bowhead whales and Eskimos who hunt these whales. An undetermined number of bowhead whales struck are lost due to the method of eskimo hunting.

Current research. The University of Southern California has been under contract to the National Marine Fisheries Service (Seattle) to gather biological data on bowhead whales in 1973. In the spring of 1973 a group of scientists from U.S. and Canadian universities attempted to record underwater sounds of the bowhead whale. The Fisheries Research Board of Canada makes annual surveys from planes of bowhead whales in Canadian waters.

REFERENCES

Breummer, Fred. 1971. Whalers of the north. Beaver, 302(3): 44–55.

Davidson, Art. No date. Eskimo hunting of bowhead whales. Rural Alaska Comm. Action Program, Anchorage, AK. 37 p.

Mansfield, A. W. 1971. Occurrence of the bowhead or Greenland right whale (*Balaena mysticetus*) in Canadian arctic waters. J. Fish. Res. Bd. Can. 28: 1873–1875.

Maher, W. J., and N. J. Willimovsky. 1963. Annual catch of bowhead whales by Eskimos at Pt. Barrow, Alaska, 1928–1960. J. Mammal. 44: 16–20.

Scammon, C. M. 1874. Marine mammals of the north-western coast of North America: together with an account of the American whale fishery. J. H. Carmany and Co., San Francisco, 319 p.

Sonnenfeld, J. 1960. Changes in an Eskimo hunting technology, an introduction to implement geography. Ass. Amer. Geogr. Ann. 50(2): 172–

Tomilin, A. G. 1957. Zveril SSSR 1 prilezhashchikh stran. Tom 9. Kitoobraznye. (Mammals of the U.S.S.R. and adjacent countries. Vol. IX. Cetacea.) Moscow, Akad. Nauk. SSSR, 756 p. (Transl. by IPST, Jerusalem, 1967, xxii+717 p.)

GRAY WHALE

(*Eschrichtius robustus*)

Distribution and migration. The gray whale is now restricted to the North Pacific Ocean, although it once occurred in the North Atlantic Ocean.

Two geographically isolated populations are recognized: (1) The eastern Pacific ("California") stock, which spends the summer in the Chukchi, western Beaufort, and northern Bering Seas (and rarely along the coast as far south as central California), and migrates to the west coast of Baja California and the southern Gulf of California for the winter; and (2) the western Pacific Ocean ("Korean") stock, which spends the summer in the northern Sea of Okhotsk and migrates to the sountern coast of Korea for the winter.

Abundance and trends. Eastern North Pacific Ocean—contrary to earlier published estimates, the original population was almost certainly less than 15,000 (Henderson, 1972). During the late 18th and early 19th centuries the population was greatly reduced. Since complete protection was given the stock in 1947, the population has increased to about 11,000 and has remained stable since 1967 (Rice and Wolman, 1971). In 1972, 181 gray whales were killed in subsistence fishery on the Chukotski Peninsula in Siberia (Zemsky, 1973, pers. comm.), and in some years one to three gray whales are taken by Eskimos in Alaska.

Western North Pacific Ocean—in 1910, the population probably numbered between 1,000 and 1,500. It now appears to be extinct.

General biology. The gray whale is identified by its mottled gray color and low hump in place of a dorsal fin. It feeds on benthic amphipods and other benthic invertebrates on the summering grounds, and fasts during migrations and on wintering grounds. Sexual maturity is attained at age of 5 to 11 years, at a mean body length of 11.0 m for males and 11.6 m for females. The mating season is in late November and early December while the animals are on their southward migration. The calf is born following a 13-month gestation period after the pregnant females have arrived in certain shallow lagoons on the west coast of Baja California. The female bears a calf only once every 2 or more years. The calves average about 5.0 m long at birth and are weaned 7 months later when they about 8.0 m long.

Ecological problems. The gray whale is now valuable as a tourist attraction, and it supports a rapidly increasing cruise-boat industry, including ½-day cruises off San Diego and Los Angeles, and week-long cruises from these ports to Scammon's Lagoon. These activities have generated a problem of increasing harassment of the whales. In 1972, the Mexican Government declared Scammon's Lagoon a whale refuge, so the activities of the cruise boats are now partly regulated.

Current research. Studies on gray whales are being conducted by the National Marine Fisheries Service and the Soviet Union's Far Eastern Institute of Marine Fisheries and Oceanography.

REFERENCES

Henderson, D. A. 1972. Men and whales at Scammon's Lagoon. Dawson's Book Shop, Los Angeles, 313 p.

Rice, D. W., and A. A. Wolman. 1971. Life history and ecology of the gray whale (*Eschrichtius robustus*). Amer. Soc. Mammal. Spec. Publ. 3: 1–142.

Wolman, A. A., and A. J. Wilson, Jr. 1970. Occurrence of pesticides in whales. Pest. Monit. J., 4(1): 8–10.

MINKE WHALE

(*Balaenoptera acutorostrata*)

Distribution and migration. The minke whale inhabits all oceans of the world, except in equatorial regions, and ranges into the polar pack ice zones in the Northern and Southern Hemispheres. It makes extensive seasonal migrations between high-latitude summering grounds and low-latitude wintering grounds.

At least three geographically isolated populations are recognized, one in the North Pacific Ocean, another in the North Atlantic Ocean, and a third in the Southern Hemisphere. The affinities of the minke whale stocks in the northern Indian Ocean are unknown.

In the eastern North Pacific Ocean, the minke whale ranges from the Chukchi Sea south to northern Baja California during the summer, and from central California south to the Islas Revillagigedo off central Mexico during the winter.

In the western North Atlantic Ocean, it ranges from Baffin Bay south to Chesapeake Bay during the summer, and from the eastern Gulf of Mexico and northeastern Florida to the Bahamas during the winter.

Abundance and trends. The minke whale has long been an important species in the "small whale" fisheries of the world. In 1972, catches were: Norway—2,650; Iceland—35; Greenland—145; Newfoundland—97; Japan—341; Brazil—702; Korea—no data; South Africa—135. During the 1972–73 season, 5,743 minke whales were taken in the Antarctic. In the 1972–73 season, Japan sent two factory ships to the Antarctic specifically for minke whales. No estimates are available of the abundance of this species in the North Pacific or North Atlantic. In the Southern Hemisphere the present population, which is virtually unexploited, numbers at least 200,000 (International Whaling Commission, 1973).

General biology. The minke whale is the smallest member of the genus *Balaenoptera*, not exceeding 10 m in length in the Northern Hemisphere. The northern animals are distinguished by a white band on the flipper; individuals from the Southern Hemisphere average about a meter longer, and usually lack the white length of 7.0 m in males and 7.9 m in flipper band. The minke whale feeds some small fishes. In the Northern Hemisphere, it attains sexual maturity at an age of 7 to 8 years and an average body females. The female bears a calf only once every 2 years (rather than annually, as once believed). During the summer, pregnant females migrate to much higher latitudes than do the lactating and immature females.

Ecological problems. None known.

Allocation problems. None known.

Current research. Research on minke whales is being conducted by the Japanese Far Seas Fisheries Research Laboratory, the South African Division of Sea Fisheries, and the Norwegian State Institute for Whale Research.

REFERENCES

International Whaling Commission, Scientific Committee. 1973. Report of the Scientific Committee. Rep. Int. Comm. Whaling, 23 [in press].

Jonsgård, Å. 1951. Studies on the little piked whale or minke whale (*Balaenoptera acutorostrata* Lacépède). Norsk Hvalfangst-Tid. 40(5): 209–232.

1962. Population studies on the minke whale *Baldenoptera acutorostrata* Lacépède, p. 158–167 *In* LeCren, E. D., and M. W. Holdgate (eds.), The exploitation of natural animal populations. Blackwell Sci. Publ., Oxford.

Ohsumi, S., Y. Masaki, and A. Kawamura. 1970. Stocks of the Antarctic minke whale. Sci. Rep. Whales Res. Inst. 22: 75–126.

Omura, H., and H. Sakiura. 1956. Studies on the little piked whale from the coast of Japan. Sci. Rep. Whales Res. Inst., 11: 1–39.

Sergeant, D. 1963. Minke whales, *Balaenoptera acutorostrata* Lacépède, of the western North Atlantic. J. Fish. Res. Bd. Can. 20: 1489–1504.

BRYDE'S WHALE

(*Balaenoptera edeni*)

Distribution and migration. The Bryde's whale is found in tropical and warm temperate coastal waters around the world. In the western Atlantic Ocean, it ranges from the Gulf of Mexico south to Cabo Frio, Brazil, and in the eastern Atlantic Ocean from Morocco south to the Cape of Good Hope. In the Indian Ocean, it ranges from the Cape of Good Hope north to the Persian Gulf, east to the Gulf of Martaban, Burma, and thence south to Shark Bay, Western Australia. In the western Pacific Ocean, it is distributed from northern Hokkaido, Japan, south to Victoria, Australia, and North Island, New Zealand; in the eastern Pacific Ocean, it ranges from central Baja California, Mexico, south to Iquique, Chile.

At least some of the temperate zone populations (Japan, South Africa) make limited seasonal migrations. The tropical populations may be sedentary.

Abundance and trends. The Bryde's whale is of minor importance in the modern whaling industry. Until recently, only a few of these animals were taken by shore stations in Japan, South Africa, and rarely elsewhere. Since 1970, however, increasing numbers have been harvested by Soviet and Japanese pelagic expeditions in the western North Pacific Ocean, as these expeditions have shifted operations more to the south. The population in the western North Pacific Ocean (the only one that has been exploited significantly) numbers between 5,000 and 18,000, and is probably above the level needed for a maximum sustainable yield (Ohsumi, Shimadzu, and Doi, 1971). Estimates of populations elsewhere in the world have not been made.

General biology. The Bryde's whale is very similar in appearance to the sei whale, and the two species were formerly confused. The Bryde's whale is slightly smaller—usually less than 13.5 m long; its throat grooves extend posteriorly beyond the umbilicus, and it has a pair of lateral ridges on top of its snout, one on each side of the median ridge. The fringe on its baleen plates is much coarser than that of the sei whale. If feeds mainly on small schooling fishes, and also takes some euphausiids and other crustaceans. Males attain sexual maturity at an average length of 12.2 m and females at 12.5 m. The mating and calving season is usually during the winter, but in some areas—South Africa, for example—they breed year-round. The gestation period is about 1 year. The female does not bear a calf 2 years in succession.

Ecological problems. None known.

Allocation problems. None known.

Current research. Research on the Bryde's whale is being conducted by the South African Division of Sea Fisheries and the Japanese Far Seas Fisheries Research Laboratory.

REFERENCES

Ohsumi, S., Y. Shimadzu, and T. Doi. 1971. The seventh memorandum on the results of Japanese stock assessment of whales in the North Pacific. Rep. Int. Comm. Whaling, 21: 76–89.

Omura, H. 1959. Bryde's whale from the coast of Japan. Sci. Rep. Whales Res. Inst. 14: 1–33.

1962. Further information on Bryde's whale from the coast of Japan. Sci. Rep. Whales Res. Inst. 16: 7–18.

SEI WHALE

(*Balaenoptera borealis*)

Distribution and migration. The sei whale is nearly world wide in distribution. In the eastern North Pacific, it summers from California to the Gulf of Alaska and Aleutian Islands; in the North Atlantic, from New England and the British Isles to the Arctic Ocean. In winters at low latitudes. In the Southern Hemisphere this species summers in all oceans from 30° S latitude and southward, and in winter it is generally found north of 40° S latitude.

Abundance and trends. Information in this section is from the annual reports of the International Whaling Commission (1972, in press) and from recent reports of the Bureau of International Whaling Statistics. Stock sizes available for commercial harvest are estimated to be about 80,000 in the southern oceans and 33,000 to 37,000 in the North Pacific Ocean. Definitive stock estimates of this species in the North Atlantic are not available, though a tentative estimate for the population off Nova Scotia is 1,570. In addition, all stocks contain unknown numbers of sei whales younger than those utilized commercially because a minimum length restriction prevents the taking of these animals and development of population data on this segment of the herd. The sei whale is the second most valuable baleen whale, and populations appear to be near the level of maximum sustainable yield. Catches of sei whales in recent seasons have been:

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Season	North Pacific	North Atlantic	Southern oceans (south of 40° S.) [1]	Southern land stations [2]
1969	5,158	222	5,857	[3] 824
1970	4,504	551	6,153	138
1971	2,993	475	5,452	446
1972	2,327	315	3,864	9

[1] Southern oceans catches are for the seasons 1969–70, 1970–71, 1971–72, 1972–73, respectively.
[2] No information from Brazil and Chile in 1969.

General biology. The species resembles the fin whale but is slightly smaller, with less white underneath, and a large dorsal fin. In the far north of the northern hemisphere it feeds mostly on copepods. The diet is much more varied in lower latitudes—including euphausiids, copepods, sauries, anchovies, herring, sardines, and jack mackerel. Sei whales usually travel in small pods of 2–5. They attain sexual maturity at 6–12 years of age, at a body length of about 13.1 m (males) and 13.7 m (females). Females bear calves every 2 or 3 years. The mating and calving season occurs in winter in the respective hemispheres. Gestation lasts 1 year, and the calf is weaned when about 7 months old.

Seven percent of the sei whales taken off California have been infected with a unique disease that causes progressive shedding of the baleen plates and their replacement by an abnormal papilloma-like growth.

Ecological problems. None known.

Allocation problems. None known.

Current research. The National Marine Fisheries Service will share in population and biological studies of this species. Other organizations carrying out research on this species are the Japanese Whale Research Institute and Japanese Far Seas Fisheries Research Laboratory (North Pacific and Antarctic), Fisheries Research Board of Canada (North Atlantic), Norwegian State Institute for Whale Research (Antarctic), British National Institute of Oceanography (South Africa and Antarctic), South African Division of Sea Fisheries (South Africa), and Soviet All-Union Research Institute of Marine Fisheries and Oceanography.

REFERENCES

Bannister, J. L., and R. Gambell. 1965. The succession and abundance of fin, sei, and other whales off Durban Norsk Hvalfangst Tid., 54(3): 45–60.

Bureau of International Whaling Statistics. 1972. International Whaling Statistics. Vol. 69. 47 p.

1971. International Whaling Statistics. Vol. 67. 42 p.

1970. International Whaling Statistics. Vol. 65. 50 p.

Gambell, R. 1968. Seasonal cycles and reproduction in sei whales of the Southern Hemisphere. Disc. Rep. 35: 31–134.

International Commission on Whaling. In press. Twenty-third report of the Commission.

1972. Twenty-second report of the Commission.

Klumov, S. K. 1961. Plankton and the feeding of the whalebone whales (Mystacoceti). Geiken Tsushin, 129(1962): 1–12.

Matthews, L. H. 1938. The sei whale, *Balaenoptera borealis*. Disc. Rep. 17: 183–290.

Omura, H., and T. Nemoto. 1955. Sei whales in the adjacent waters of Japan. Sci. Rep. Whales Res. Inst. 10: 79–87.

FIN WHALE

(*Balaenoptera physalus*)

Distribution and migration. The fin whale is nearly world wide in distribution. In the eastern North Pacific it summers from California into the Chukchi Sea, and in the North Atlantic from Cape Cod and Spain into the Arctic Ocean. The fin whale migrates to more southern latitudes in winter. In the Southern Hemisphere it is generally found at latitude 40°–60° south in summer and from 20°–40° south in winter.

Abundance and trends. Information in this section is from the annual reports of the International Whaling Commission (1972, in press) and from the reports of the Bureau of International Whaling Statistics, Sandefjord. Stock sizes available for commercial harvest are estimated at about 80,000 in the Southern Hemisphere, 10,000 to 13,000 in the North Pacific, and about 7,000 in the Northwest Atlantic and possibly in the Northeast Atlantic. In addition, all stocks contain unknown numbers of whales younger than those utilized commercially because a minimum length restriction on the catch prevents the taking of these animals and development of population data on this segment of the herd. Recent catches from the stocks have been:

Season	North Pacific	North Atlantic	Southern oceans [1]	Southern land stations [2]
1969	1,276	800	3,002	224
1970	1,012	911	2,890	132
1971	802	668	2,083	40
1972	758	508	1,761	51

[1] Southern ocean catches are for the seasons 1969–70, 1970–71, 1971–72, 1972–73, respectively.
[2] No information from Brazil and Chile.

The fin whale is commercially the most valuable baleen whale. Stocks in the North Pacific and southern oceans are below maximum sustainable yield levels.

General biology. This species is second in size only to the blue whale; in the Northern Hemisphere it grows to at least 23.2 m and is distinguished by a gray back, white beely, and well-developed dorsal fin. Fin whales feed mostly on euphausiids, but often eat fish—especially anchovies in the North Pacific and capelin in the North Atlantic. They usually travel in small pods of 2–5 animals. Fin whales are sexually mature at 6–12 years, and at a body length of about 17.7 m (males) and 18.3 m (females). Females bear calves every 2–3 years. The mating and calving season occurs in winter in respective hemispheres. Gestation lasts 1 year and the calf is weaned at about age 7 months.

Ecological problems. None known.

Allocation problems. None known.

Current research. The National Marine Fisheries Service plans to share in population and biological studies of this species. Other organizations carrying out research on this species are the Japanese Whales Research Institute and Japanese Far Seas Fisheries Research Laboratory (North Pacific and Antarctic), Fisheries Research Board of Canada (North Atlantic), British National Institute of Oceanography (South Africa and Antarctic), South African Division of Sea Fisheries (South Africa), and Soviet All-Union Research Institute of Marine Fisheries and Oceanography (North Pacific and Antarctic).

REFERENCES

Bureau of International Whaling Statistics. 1972. International Whaling Statistics. Vol. 69 47 p.

1971. International Whaling Statistics. Vol. 67. 42 p.

1970. International Whaling Statistics. Vol. 65. 50 p.

International Commission on Whaling. (In press). Twenty-third report of the Commission.

1972. Twenty-second report of the Commission.

Jonsgard, A. 1966. Biology of the North Atlantic fin whale *Balaenoptera physalus* (L.): taxonomy, distribution, migration, and food. Hvalradets Skr. 49: 1–62.

Laws, R. M. 1961. Reproduction, growth, and age of southern fin whales. Disc. Rep. 31: 327–486.

Mitchell, Edward. (In press). Present status of Northwest Atlantic and other whale stocks. IBP Conference on the Biology of Whales.

Ohsumi, S., M. Nishiwaki, and T. Hibiya. 1958. Growth of fin whale in the northern Pacific. Sci. Rep. Whales Res. Inst. 13: 97–133.

Osterberg, C., W. Pearcy, and N. Kujala. 1964. Gamma emitters in a fin whale. Nature, 204(4962): 1006–1007.

BLUE WHALE

(*Balaenoptera musculus*)

Distribution and migration. The blue whale is found throughout all oceans from the equator to the polar pack ice zones in the Northern and Southern Hemispheres. It makes seasonal migrations between rather restricted high-latitude summering grounds and low-latitude wintering grounds.

At least three geographically isolated populations are recognized, one in the North Pacific Ocean, another in the North Atlantic Ocean, and a third in the Southern Hemisphere. Each population is probably comprised of several more or less discrete stocks. The "pygmy blue whale" of the southern Indian Ocean is morphologically distinct from the stocks which spend the summer in Antarctic waters. The affinities of the blue whale populations in the Arabian Sea and Bay of Bengal are unknown.

In the eastern North Pacific Ocean, blue whales range from the Aleutian Islands and Gulf of Alaska south to central California during the summer, and from central Baja California south to southern Sinaloa, Mexico, during the winter.

In the western North Atlantic Ocean, they range from Davis Strait south to the Gulf of St. Lawrence during the summer (the winter range of this stock remains unknown).

Abundance and trends. During the first half of the 20th century, the blue whale was one of the most important cetaceans to the whaling industry, but it is now so rare that it will require probably half a century of complete protection to restore the stocks to a significant level. In the North Pacific Ocean the population, which once numbered about 5,000, now contains about 1,500 individuals (Ohsumi and Wada, 1972). This species apparently has been slowly increasing since 1966, the year it was first given complete protection.

The population in the western North Atlantic (off eastern Canada), which originally numbered about 1,100, is now much less (Allen, 1970). Estimates of the eastern North Atlantic population have not been made.

The Southern Hemisphere population originally numbered about 200,000 (Chapman, Allen, and Holt, 1964), but was severely depleted before complete protection was given the stock in 1965. Gulland (1972) states that the most likely recent history of blue whale numbers would be a catchable stock of some 4,000 whales in 1963, which has increased to some 6,000 (at about 4 to 5 percent per year) plus a similar number of blue pygmy whales.

General biology. The blue whale is the largest mammal that ever lived on earth, reaching a known length of 29 m and a weight of 136 tons. It is distinguished from the fin whale by its mottled blue-gray color dorsally and ventrally, its smaller dorsal fin, its broad flat snout, and its black baleen plates. Blue whales feed exclusively on euphausiids during the summer, and fast during the winter. They become sexually mature at an average age of about 10 years, when males of the Antarctic stocks average 22.5 m and females 24.0 m; blue whales of the Northern Hemisphere average about 1 m shorter, whereas the "pygmy" blue whales of the southern Indian Ocean average about 2 m less in length. Every 2 or 3 years during the winter months the female gives birth to a calf after a 12-month gestation period. At birth the calf is about 7 m long; when weaned 8 months later it is about 15 m long.

Ecological problems. None known.

Allocation problems. None known.

Current research. Observers aboard whaling and research vessels record sightings of blue whales and routinely report them to the International Whaling Commission.

REFERENCES

Allen, K. R. 1970. A note on baleen whale stocks of the north west Atlantic. Rep. Int. Comm. Whaling, 20: 112–113.

Chapman, D. G., K. R. Allen, and S. J. Holt. 1964. Reports of the Committee of Three Scientists on the special scientific investigation of the Antarctic whale stocks. Rep. Int. Comm. Whaling, 14:32–106.

Gulland, John. 1972. Future of the blue whale. New Scientist, 27 April, p. 198–199.

Jonsgård, Å. 1955. The stocks of blue whales (*Balaenoptera musculus*) in the North Atlantic Ocean and adjacent Arctic waters. Norsk Hvalfangst-Tid. 44(9): 505–519.

Mackintosh, N. A., and J. F. G. Wheeler. 1929. Southern blue and fin whales. Disc. Rep. 1: 257–540, 19 pls, 157 figs.

Ohsumi, S., and S. Wada. 1972. Stock assessment of blue whales in the North Pacific. Unpublished report submitted to Scientific Committee, International Whaling Commission.

HUMPBACK WHALE

(*Megaptera novaeangliae*)

Distribution and migration. The humpback whale is found in almost all oceans from tropical waters to the edge of, but not into, the polar pack ice zones in the Northern and Southern Hemispheres. It makes extensive seasonal migrations between higher latitude summering grounds and low-latitude wintering grounds—the latter along continental coasts or around islands.

Three geographically isolated populations are recognized, one in the North Pacific Ocean, another in the North Atlantic Ocean, and a third in the Southern Hemisphere. Each population is comprised of several almost entirely discrete stocks.

In the eastern North Pacific Ocean, the humpback whale ranges from the Chukchi Sea south to southern California during the summer, and from southern California south to the Islas Revillagigedo and Jalisco, Mexico, and also around the Hawaiian Islands, during the winter.

In the western North Atlantic Ocean it ranges from Disco Bay in western Greenland south to Massachusetts during the summer, and from Hispaniola and Puerto Rico south to Trinidad during the winter.

Abundance and trends. The humpback whale was important, especially to shore stations, during the first half of the 20th century. Now, however, this mammal is so scarce that it will require a half century of complete protection for it to increase to a significant level. A few are killed in subsistence fisheries in Greenland, the Lesser Antilles, and the Tonga Islands. It has a minor value as a tourist attraction in Hawaii and southeastern Alaska. The original population size of the North Pacific Ocean is unknown, but is now severely depleted to about 1,200 individuals (Wada, 1972). The animals have apparently not increased since complete protection was given the species in 1966.

The original population size of the North Atlantic Ocean is unknown, and the western North Atlantic Ocean stock is now reduced to less than 1,000 animals (Allen, 1970). A small increase may have occurred in recent years. Estimates of the eastern North Atlantic Ocean population have not been made.

The original population of the Southern Hemisphere, which probably numbered about 100,000, now contains about 3,000 individuals (Chapman, in press; Masaki, 1972). The stock has apparently not increased since complete protection was given the species in 1964.

General biology. The humpback whale is much more heavily bodied than members of the genus *Balaenoptera*, and is characterized by its extremely long flippers. It feeds mainly on euphausiids, but also eats anchovies and sardines when available. The species attains sexual maturity at an age of 6 to 12 years, when males average 11.6 m long and females 11.9 m. The mating and calving season is from October to March in the Northern Hemisphere, and April to September in the Southern Hemisphere. The gestation period is 12 to 13 months and the calf nurses for about 11 months. The female rarely bears a calf 2 years in succession.

The humpback whale is heavily infested with three species of ectocommensal barnacles and with whale lice.

Ecological problems. None known.

Allocation problems. None at present.

Current research. Observers aboard research vessels and foreign whaling ships record sightings of humpback whales and routinely report them to the International Whaling Commission.

REFERENCES

Allen, K. R. 1970. A note on baleen whale stocks of the northwest Atlantic. Rep. Int. Comm. Whaling, 20: 112–113.

Chapman, D. G. In press. Status of research and baleen whale stocks in the Antarctic. Presented at IBP Conference on the Biology of Whales, Luray, Virginia, June 1971.

Chittleborough, R. G. 1965. Dynamics of two populations of the humpback whale, *Megaptera novaeangliae* (Borowski). Austr. J. Mar. Freshw. Res. 16: 33–128.

Masaki, Y. 1972. Estimation of abundance of whales by means of whale sighting in the Antarctic. Unpublished report submitted to Scientific Committee, International Whaling Commission.

Nishiwaki, M. 1959. Humpback whales in Ryukyuan waters. Sci. Rep. Whales Res. Inst. 14: 49–87.

Wada, S. 1972. The ninth memorandum on the stock assessment of whales in the North Pacific. Unpublished report submitted to Scientific Committee, International Whaling Commission.

ROUGH-TOOTHED DOLPHIN

(*steno bredanensis*)

Distribution and migration. The rough-toothed dophin inhabits tropical and warm temperate seas. It ranges in the western Atlantic Ocean from Virginia south. In the North Pacific Ocean it ranges north to southern Japan (35° N) where it is rare, and to the Hawaiian Islands where it is fairly common. It is unknown from the eastern North Pacific except for one stranding near San Francisco.

Abundance and trends. The rough-toothed dolphin is uncommon but not rare throughout most of its range. It is

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seldom caught in the Japanese dolphin fishery (Ohsumi, 1972), and has been recorded on a few occasions in the eastern tropical Pacific tuna fishery (NOAA, 1972).

General biology. This dolphin grows to about 2.4 m. Little is known of its biology or habits. Circular scars on its skin suggest that this species feeds on large squid.

Ecological problems. None known.

Allocation problems. None known.

Current research. The Oceanic Institute of Hawaii is studying this species in the wild.

REFERENCES

NOAA. 1972. Observation on the status of stocks and a recommended program to reduce the incidental kill of porpoise taken in the eastern tropical Pacific tuna seine fishery. Report of the NOAA tuna-porpoise review Committee. 63 p.

Norris, K. S., and J. H. Prescott. 1961. Observations on Pacific Cetaceans of California and Mexican waters. Univ. of Calif. Publications in Zoology. Univ. of Calif. Press, Berkeley and Los Angeles. 63:4, 291–402, pl. 27–41, 12 figs. in text.

Ohsumi, S. 1972. Catch of marine Mammals, mainly of small cateceans by local fisheries along the coast of Japan. Bull. of Far Seas Fish. Res. Lab. No. 7: 137–166.

Pryor, K. W., R. Haag, and J. O'Reilly. 1969. The creative porpoise: training for novel behavior. J. Exp. Anal. Behav. 12(4): 653–661.

BOTTLENOSED DOLPHIN

(*Tursiops truncatus*)

Distribution and migration. The bottlenosed dolphin is widely distributed in temperate and tropical waters, but strays into much colder latitudes. In the western Atlantic Ocean, it ranges from southern Greenland and Canada to Patagonia, but is best known from New England southward through the West Indies and Caribbean. In the eastern Atlantic, it is found from the northeast Scandinavian coast to South Africa. In the eastern Pacific Ocean, its northern limit is probably Oregon, and it ranges south to Chile. In the western Pacific, it is found north to Japan and south to Australia and New Zealand. Its Pacific range includes the Hawaiian Islands, where it is said to be common. Nominal species have been named from the tropical Indo-Pacific (*T. aduncus*), and the northern Gulf of California and waters along the west coast of Baja California and southern California (*T. gilli*). The geographical ranges and characters delimiting these named forms are still poorly defined. The Small Cetaceans Subcommittee of the International Whaling Commission, commenting on the taxonomy of *Tursiops*, indicated that while "the necessary taxonomic work has not yet been done, it seems likely that there is only one species of *Tursiops*, with sharply-defined geographical races varying in body size and tooth size and distributed differentially relative to sea temperature and depth. There is great need to gather materials that will allow definitive examination of the nominal species *T. aduncus*, *T. gilli* and *T. nunanu*, and materials from as many other populations as possible. These names are currently used by some workers." Limited and subjective data suggest that populations are localized within about a 100-mile radius and that this species does not make long migrations.

Abundance and trends. In North Carolina, from 500 to 1,500 animals were killed annually by the early 20th century (Townsend, 1914). A few bottlenosed dolphins are now taken for food in small open-boat pilot whale fisheries in the Lesser Antilles (St. Vincent, St. Lucia, Dominica) and some are harvested by Venezuelan fishermen. Several hundred bottlenosed dolphins are taken each year off Florida, Mississippi, and Texas for display in marine aquariums and for research. Some of these animals are shipped alive to Hawaii, California, and Europe. Trends are based on subjective data, but it is believed that local populations of the southeastern United States are not now being reduced by these activities (D. K. Caldwell, pers. comm.).

General biology. Bottlenosed dolphins are 1.1 m long at birth and grow to 3.6 m in length and 650 kg in weight. Captive animals have become sexually mature at 6 years, but recent evidence suggests that this species normally breeds at about 12 years. Gestation lasts about one year, and calves may nurse for 1.5 to 2 years, although they begin to take solid food at age 6 months. Breeding apparently occurs throughout the year, but the fact that most of the young are born during a certain time of year suggests that breeding, as well as calving, takes place in the spring and summer. This dolphin is likely to be seen in bays and lagoons, sometimes venturing far up large rivers. These dolphins are usually found close to shore and near islands, but some populations live well beyond the continental shelf. Bottlenosed dolphins are often seen in large loose schools of several hundred animals, which appear to consist of aggregations of small groups of no more than a dozen individuals. Humpback and right whales traveling along the Atlantic coast of Florida are almost always accompanied by bottlenosed dolphins. Bottlenosed dolphins feed on several species of fish, squid, and a few crustaceans. Bottlenosed dolphins have been trained to dive to a depth of about 305 m, from where they have returned within a few minutes. The estimated life span for this species is about 30 years, but it may be longer. Bottlenosed dolphins are extremely social and quick to learn a show routine or experimental procedure. They have been credited with a high order of intelligence, which has not been demonstrated experimentally.

Ecological problems. None known.

Allocation problems. Bottlenosed dolphins have been accused of harassing fishing efforts by biting fish and shrimp nets and some fishermen attempt to drive them away. Some fishermen consider this dolphin a threat to their activities. Bottlenosed dolphins are occasionally trapped accidentally in commercial fishing gear. In this way, a small number are lost in the eastern Pacific tuna seine fishery. The effect on the population of taking these animals off the southeast United States for display and research is not understood and could become a problem.

Current research. Several agencies and institutions conduct or support research on the bottlenosed dolphin. Included are the Office of Naval Research, National Institutes of Health, and the National Science Foundation. The University of Florida concentrates its research on general life history, intraspecies communication, and ecological studies. The Florida State Museum is studying systematics. Research in physiology, echolocation, anatomy, life history and the behavior of captive and wild individuals has been done at the Naval Undersea Centers in San Diego and Hawaii. Studies on vision are being carried out by scientists from the University of Miami. The Dolfinarium at Harderwijk, Netherlands, has recently conducted studies of the physiology and handling of these animals.

REFERENCES

Andersen, Harald T. (ed.). 1969. The biology of marine mammals. Academic Press, New York, 511 p.

Caldwell, David K., and Melba C. Caldwell. 1972. The world of the bottlenosed dolphin. J. B. Lippincott Co., Philadelphia, 157 p.

Norris, Kenneth S. (ed.) 1966. Whales, dolphins, and porpoises. Univ. California Press, Berkeley, 789 p.

Ridgway, Sam H. (ed.). 1972. Mammals of the sea: biology and medicine. Charles C. Thomas, Springfield, Ill. 812 p.

Townsend, C. H. 1914. The porpoise in captivity. Zoologica, 1(16): 289–299.

RISSO'S DOLPHIN, GRAMPUS

(*Grampus griseus*)

Distribution and migration. The Risso's dolphin ranges through all temperate and tropical seas. In western North America its northern limit is British Columbia, and it is sighted during the winter in central California. In the eastern United States it ranges from Massachusetts south. Strandings in Britain are most common during the summer. The species probably migrates to higher latitudes in warmer months.

Abundance and trends. Risso's dolphin was described in 1894 as "abundant" near Monterey Bay, California (Daugherty, A. E., 1972). The species is uncommon but not rare throughout most of its range. Over 200 of these animals were sighted in one group during 1972 off the Washington coast (Fiscus, Unpublished field notes, 1972).

General biology. Risso's dolphin grows to 3.6–4.0 m. Its skin commonly has long, narrow, white marks believed to be scars caused by others of the same species. Solitary animals or schools of 12 or less are generally observed. This species is frolicsome, and sometimes leaps clear of the water. Known foods are almost exclusively cephalopods.

Ecological problems. None known.

Allocation problems. None known.

Current research. None.

REFERENCES

Daugherty, Anita E. 1972. Marine mammals of California. State of Calif. Res. Agency, Dept. Fish and Game. 91 pp.

Orr, R. T. 1966. Risso's dolphin on the Pacific coast of North America, J. Mamm. 47: 341–343.

Tomilin, A. G. 1957. Zverii SSSR i prilezhashchikh stran. Tom 9. Kitoobraznye. (Mammals of the U.S.S.R. and adjacent countries. Vol. IX. Cetacea.) Moscow, Akad. Nauk. SSSR, 756 p. (Transl. by IPST, Jerusalem, 1967, xxii+717 p.)

WHITE-BEAKED DOLPHIN

(*Lagenorhynchus albirostris*)

Distribution and migration. The white-beaked dolphin inhabits the coastal waters of the North Atlantic Ocean from the Barents Sea and Davis Strait to France and Massachusetts. It is most common in the North Sea from the east coast of the United Kingdom to the Faroe Islands, and may winter in the southerly parts of the North Atlantic Ocean. It appears in Davis Strait in the spring and summer after the beluga and narwhal migrate north and leaves in autumn sometimes as late as November. It apparently ranges farther north into Arctic waters than its relative the white-sided dolphin.

Abundance and trends. This species is one of the more abundant of North Atlantic toothed whales. Schools of as many as 1,500 have been reported from the coast of Norway where it is attracted by herring (Fraser 1949).

Tomilin (1957) reports schools of several hundred and states that this species is taken commercially in Norway, but gives no statistics on the catch. He also mentions that it was once taken commercially in Davis Strait.

General biology. This gregarious species grows to 3.0 m; the calves are as long as 1.2 m when born. The mating period is long, but limited to the warmer half of the year. Most of the calves are born during midsummer. Food is mainly fish such as herring, cod, whiting, and capelin, but also crustaceans and mollusks such as hermit crabs, whelks, and squids.

Ecological problems. Strandings of schools of up to 30 animals have been reported.

Allocation problems. None known.

Current research. None.

REFERENCES

Fraser, F. C. 1949. Whales and dolphins. Part II *In* Fraser, Field book 349, pls. 6–8. G.

J. R. Norman and F. C. of giant fishes. P. 201–Putnam's Sons, New York.

Morzer Bruyns, Capt. W. F. J. 1971. Field Guide of Whales and Dolphins Amsterdam, Uitgeverij tor/N.V. Uitgeverij v.h.c. a. mees. p. 258.

Nishiwaki, M. 1972. General Biology Chap. 1, p. 1–204. IN: Mammals of the sea, Biology and medicine. Ed. S. H. Ridgeway. Charles Thomas, Springfield, Ill.

Tomilin, A. G. 1957. Zverii SSSR i prilezhashehikh stran. Tom. 9. Kitoobrazyne. (Mammals of the U.S.S.R. and adjacent countries. Vol. IX. Cetacea.) Moscow, Akad. Nauk. SSSR, 756 pp. (Transl. by IPST, Jerusalem, 1967, xxii+717 pp.)

Van Bree, P. J. H. 1970. Uber Weisschnauz-delphine (*Lagenorhynchus albirostris*) von den deiitschen Nordseekusten. Natur. and Museum 100(6): 264–268.

ATLANTIC WHITE-SIDED DOLPHIN

(*Lagenorhynchus acutus*)

Distribution and migration. The Atlantic white-sided dolphin ranges the coastal waters of the North Atlantic Ocean from the Barents Sea and Davis Strait south to France and Cape Cod.

Abundance and trends. The status of this species is unknown. According to Tomilin (1957), "this dolphin is taken only in summer in the waters of Norway: the animals are trapped in the fjords, which they enter in vast schools pursuing herring. The take may reach 1,500 individuals at a time."

General biology. This species grows to 3.0 m. The young are born mostly in midsummer and are about 1.0 m in length. It feeds mostly on pelagic and benthopelagic fish such as mackerel, salmonids, and herring, and some crustaceans and molluscs such as *Pagurus* and *Buccinum*. Schools in excess of 1,000 animals have been reported while they were feeding; groups of 10 to 50 are normally seen.

Ecological problems. Stranded schools of up to 30 have been reported.

Allocation problems. None known.

Current research. None.

REFERENCES

Tomilin, A. G. 1957 Zverii SSSR i prilezhashchikh stran. Tom 9. Kittobrazyne. (Mammals of the U.S.S.R. and adjacent countries. Vol. IX. Cetacea.) Moscow, Akad. Nauk, SSSR, 756 p. Transl. by IPST, Jerusalem, 1967, xxii+717 p.

Utrecht, W. L. van and A. M. Husson. 1968. Strandingen van Cetacea in het Voorjaar van 1967 op de Nederlandse Kusten. Lutra 10: 7–17, p. 2–4.

PACIFIC WHITE-SIDED DOLPHIN

(*Lagenorhynchus obliquidens*)

Distribution and migration. The Pacific white-sided dolphin ranges the northern North Pacific from the coast of Japan and Baja California northward. It is found year round off California and Washington and in Alaska and Kurile Island waters during the summer, but has not been reported from the Bering Sea. It frequents the waters of the continental shelf and slope but on occasion has been sighted in large schools in offshore waters.

Abundance and trends. Norris and Prescott (1961) report the species as common off southern California in inshore waters in winter and spring and offshore in summer and fall. According to sighting reports in the National Marine Fisheries Service files, Seattle, and by Pike and MacAskie (1969), this species may be the most abundant dolphin north of southern California. No estimate of the size of the population along the west coast of North America has been made.

Nishiwaki (1972) estimates the population in Japanese waters to be between 30 and 50 thousand. Klumov (1959) reports that the Pacific white-sided dolphin is one of the two most numerous dolphins found in the late summer and fall in the Kurile Islands area, and forms schools of up to several thousand animals.

A few of these animals are taken for display in ocean aquaria.

General biology. This species grows to 2.3 m, and weighs up to 181 kg. A male 1.2 m in length with milk in its stomach was taken off Washington. It probably breeds in late spring to autumn, with a gestation period of 10–12 months. Schools of thousands are seen, often together with common and right-whale dolphins. It is active day and night, frolics, follows ships, dashes across ships' bows, and occasionally jumps clear of the surface. It adapts well to captivity. This dolphin feeds primarily on cephalopods and small fish such as herring, sardine, anchovy, and saury.

Ecological problems. None known.

Allocation problems. None known.

Current research. None.

REFERENCES

Klumov, S. K. 1959. Commercial dolphins of the far east. Pac. Sci. Res. Inst. of Fish. Econ. Oceanogr. (TINRO) Izv. Vol. XLVII. Transl. by L. V. Sagen, 1962.

Nishiwaki, N. 1972. General Biology. Chap. I. pp. 1–204. *In* Mammals of the sea, biology and Medicine (ed.) S. H. Ridgeway.

Norris, K. S., and J. H. Prescott. 1961. Observations on Pacific cetaceans of California. and Mexican waters. U. Calif. Publ. Zool. 63(4): 291–402.

Pike, G. C. and I. B. MacAskie. 1969. Marine mammals of British Columbia Fish. Res, Bd. of Can. Bull. 171. p. 54.

Scheffer, V. B. 1950. The striped dolphin, *Lagenorhynchus obliquidens* Gill, 1865, on the coast of North America. Am. Midl. Nat. 44: 750–758.

Tomilin, A. G. 1957. Zverii SSSR i prilezhashchikh stran. Tom 9. Kitoobraznye. (Mammals of the U.S.S.R. and adjacent countries. Vol. IX Cetacea.) Moscow, Akad. Nauk. SSSR, 756 p. (Transl. by IPST, Jerusalem, 1967, xxii+717 p.)

SARAWAK DOLPHIN

(*Lagenodelphis hosei*)

Distribution and migration. Only a single specimen of the Sarawak dolphin, from Borneo, was known to science until 25 of the mammals were taken in a tuna purse seine in the eastern tropical Pacific. Since then, it has been recorded from several widely separated localities in the Pacific and Indian Oceans: Durban, South Africa; near Sydney, Australia; Tokyo, Japan; and the Central Pacific south of Hawaii.

Abundance and trends. The animal is rare in collections and presumably not common in its habitat (Perrin et al., 1973).

General biology. Length at birth is approximately 1 m, and the adults are

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about 2.5 m long. This dolphin feeds on deep living fishes and squids.

Ecological problems. None known.

Allocation problems. Loss of Sarawak dolphins in the tuna fishery is minor in terms of absolute numbers, but may be significant considering the apparent extreme rarity of the animal. Twenty-nine of thirty-four identified specimens have been taken in tuna seines.

Current research. None.

REFERENCES

Fraser, F. C. 1956. A new Sarawak dolphin. Sarawak Mus. J. 7: 478–503.

Perrin, W. F., P. B. Best, W. H. Dawbin, K. C. Balcomb, R. Gambel, and G. J. B. Ross. 1973. Rediscovery of Fraser's dolphin. Sarawak Mus. J. 7: 478–503. 241(5388) : 345–350.

SPOTTED DOLPHIN

(*Stennella attenuata*)

(*S. frontalis*)

(*S. graffmani*)

(*S. dubia*)

Distribution and migration. Knowledge of the spotted dolphins is scanty, and their taxonomy is confused, but two species probably exist. The taxonomy used here is provisional. One form is confined to warm waters of the Atlantic and probably is *Stenella plagiodon* Cope. This species, the Atlantic spotted dolphin, is discussed in a separate status report. The other apparent species occurs in all tropical waters of the world, including the Atlantic Ocean, and has been identified as belonging to the four above-listed nominal species. Taxonomists do not agree on the taxonomy. The two apparent species are different in basic color pattern but both have spots.

The spotted dolphin occurs in the Gulf Stream adjacent to the U.S. east coast and in the Gulf of Mexico. Nothing is known of its migrations. It has not been recorded from the U.S. Pacific Coast, but it is the primary cetacean species involved in the tuna fishery in the eastern tropical Pacific, from Cabo San Lucas to Peru and west to approximately long. 145° W. It occurs around the Hawaiian Islands and in the U.S. Trust Territory. The maximum recorded movement of a single animal is 1,300 miles (2,080 km) in 236 days.

Abundance and trends. Population estimates and trends in abundance are not available for these species.

General biology. Length at birth of the race involved in the tuna fishery is about 0.8 m. Adults of the various races are 1.6–2.6 m long. Considerable geographic variations exist in external size and shape, coloration, and skeletal structure, with pronounced differences between coastal and offshore subspecies in the eastern Pacific. It feeds on small mesopelagic and epipelagic fishes and squids. In the eastern tropical Pacific, this species commonly associates with the spinner porpoise in mixed aggregations of up to several thousand animals.

Ecological problems. None known.

Allocation problems. Because of their association with yellowfin tuna, many of these mammals are taken incidentally during tuna harvesting operations by fishermen from Canada, France, Japan, Mexico, Panama, United States, and other countries in coastal and international waters in the eastern tropical Pacific (ETP).

Current research. The National Marine Fisheries Service and the tuna industry are assessing the effects of fishing mortality and improving rescue methods and gear to eliminate losses associated with the tuna harvest. Other research includes systematic and ecological studies by P. J. H. van Bree at the Zoological Museum in Amsterdam, W. Dawbin at Sydney University, and E. D. Mitchell at the Arctic Biological Station of the Fisheries Research Board of Canada in Ste. Anne de Bellevue, Quebec.

REFERENCES

Best, P. B. 1969. A dolphin (*Stenella attenuata*) from Durban, South Africa. Ann. S. Afr. Mus. 52(5) : 121–135.

Caldwell, D. K., M. C. Caldwell, W. F. Rathjen, and J. R. Sullivan. 1971. Cetaceans from the Lesser Antillean Island of St. Vincent. Fish. Bull. 69(2) : 303–312.

Fraser, F. C. 1950. Description of a dolphin *Stenella frontalis* (Cuvier) from the coast of French Equatorial Africa. Atlantide-Report No. 1, Scientific Results of the Danish Expedition to the coasts of tropical West Africa 1945–1946. Danish Press, Copenhagen, 83 p.

Green, R. E., W. F. Perrin, and B. Petrich. 1971. The American tuna purse seine fishery. *In* Modern fishing gear of the world. Vol. 3. United Nations FAO, Fishing Books, Ltd., London, 537 p.

Mizue, K., and K. Yoshida. 1962. Studies on the little toothed whales in the West Sea area of Kyusyu. IX. About *Prodelphinus* sp., so-called "Madara Iruka" in Japan caught at Ariko wa in Goto Is., Nagasaki Pref. Bull. Fac. Fish. Nagasaki Univ. 13: 1–8.

National Oceanic and Atmospheric Administration. 1972. Report of the NOAA Tuna-Porpoise Review Committee. Processed report, 63 p.

Nishiwaki, M. 1966. A discussion of rarities among the smaller cetaceans caught in Japanese waters. P. 192–202 *In* Norris, K. S., (ed.), Whales, dolphins, and porpoises. Univ. Calif. Press, Berkeley and Los Angeles, 789 p.

Perrin, W. F. 1969. Using porpoise to catch tuna. World Fishing, 18(6) : 42–45.

1970. Color pattern of the eastern Pacific spotted porpoise *Stenella graffmani* Lonnberg (Cetacea, Delphinidae). Zoologica 54(4) : 135–152.

1972. Variation and taxonomy of spotted and spinner porpoises of the eastern tropical Pacific and Hawaii. Ph. D. dissertation, Univ. of Calif., Los Angeles, xxvi+590 p.

Schmidly, D. J., M. B. Beleau, and H. Hildebran. 1972. First record of Cuvier's dolphin from the Gulf of Mexico with comments on the taxonomic status of *Stenella frontalis*. J. Mammal. 53: 625–628.

ATLANTIC SPOTTED DOLPHIN

(*Stenella plagiodon*)

Distribution and migration. The Atlantic spotted dolphin (exact taxonomic position not yet known) is probably confined to tropical and subtropical waters of the Atlantic Ocean. It occurs on the U.S. Gulf coast and off the east coast in Gulf Stream waters, and may be restricted to continental waters, being replaced in the West Indies by some other species in this genus (probably *Stenella frontalis*). Seasonal inshore-offshore migrations occur in Florida waters, and perhaps elsewhere in the Gulf of Mexico, with animals moving close to shore in late spring.

Abundance and trends. Population estimates have not been made for this species. The only known fishery for the species has taken 12 or fewer animals per year for display, however, these animals do not easily withstand handling and captivity. Thus, an increased fishery for display animals is not likely.

General biology. The newborn are about 0.8 m long, and the adults reach 2.0–2.2 m in length. Little is known of the life history of this species. Except for the annual spring migrations to near shore, this species is considered a mammal of the outer continental shelf or adjacent high seas. Spotted dolphins appear to feed primarily on squid in the wild, but they readily adapt to a fish diet in captivity. Newborn and young animals are not spotted, but progress through a series of color changes until the adults become spotted all over except for the ventral surface near the belly. This species is subject to infestations externally by barnacles and whale lice, internally by trematodes in the stomach, liver, and pancreas, and nematodes in the lungs and stomach. In captivity and in cold weather, these animals easily contract pneumonia.

Ecological problems. Little is known about the ecology of this dolphin, but because it normally lives well offshore, it seems likely that it is affected little by man.

Allocation problems. None known.

Current research. Some information on this species has been gathered incidental to studies by the Office of Naval Research on the bottlenosed dolphin. Most of the recent research has been on various aspects of sound production by this species. However, David K. and Melba C. Caldwell have long been gathering general biological information at the Marine Mammal Center of the Communication Sciences Laboratory of the University of Florida located at Marineland, Florida (near St. Augustine).

REFERENCES

Cadenat, J. 1959. Rapport sur les petits Cetaces ouest-africains. Resultats des recherches entreprises sur ces animaux jusqu'au mois de mars 1959. Bull. I.F.A.N., Ser A, 21(4) : 1367–1409, pls. I–XXXI.

Caldwell, David K., and Melba C. Caldwell. 1966. Observations on the distribution, coloration, behavior and audible sound production of the spotted dolphin, *Stenella plagiodon* (Cope). Los Angeles County Mus., Cont. in Sci., 104: 1–28.

Caldwell, David K., and Melba C. Caldwell. 1971. Underwater pulsed sounds produced by captive spotted dolphins, *Stenella plagiodon*. Cetology, 1: 1–7.

Caldwell, Melba C., David K. Caldwell, and J. Frank Miller. 1973. Statistical evidence for individual signature whistles in the spotted dolphin, *Stenella plagiodon*. Cetology, in press.

Caldwell, Melba C., Nicholas R. Hall, and David K. Caldwell. 1971. Ability of an Atlantic bottlenosed dolphin to discriminate between, and potentially identify to individual, the whistles of another species, the spotted dolphin. Cetology, 6: 1–6.

Perrin, W. F. 1972. Variation and taxonomy of spotted and spinner porpoises of the eastern tropical Pacific and Hawaii. Ph. D. dissertation, Univ. Calif., Los Angeles, xxvi+590 p.

Zam, Stephen G., David K. Caldwell, and Melba C. Caldwell. 1971. Some endoparasites from small odontocete cetaceans collected in Florida and Georgia. Cetology, 2: 1–11.

SPINNER DOLPHIN

(*Stenella longirostris*)

Distribution and migration. The spinner dolphin inhabits tropical inshore and offshore waters around the world. It has been recorded from the Gulf of Mexico, around the Hawaiian and Line Islands, and U.S. Trust Territory, but not from the U.S. Pacific Coast. It is involved in the U.S. tuna fishery in the eastern tropical Pacific, from Cabo San Lucas to Peru and west to about long. 145° W. Little is known of its migrations. The maximum recorded movement of a single animal is 280 miles (448 km) in 396 days.

Abundance and trends. Population estimates and trends in abundance are not available for this species.

General biology. Length at birth is approximately 0.8 m, and the adults grow to 1.5–2.2 m. Pronounced geographical variations exist in external size and shape, coloration, and skeletal structure. In the eastern tropical Pacific, it commonly associates with the spotted porpoise in mixed aggregations of up to several thousand animals. The spinner dolphin feeds on small pelagic fishes and squids.

Ecological problems. None known.

Allocation problems. Because of its association with yellowfin tuna, this species is taken incidentally by fishermen from Canada, France, Japan, Mexico, Panama, United States, and other countries in coastal and international waters of the eastern tropical Pacific.

Current research. The National Marine Fisheries Service and the tuna fishing industry are assessing the effects of fishing mortality and improving rescue methods and gear to eliminate losses associated with the tuna harvest. Other research includes systematics and ecological studies by P. J. H. van Bree at the Zoological Museum in Amsterdam, W. Dawbin at Sydney University, and E. D. Mitchell at the Arctic Biological Station of the Fisheries Research Board of Canada in Ste. Anne de Bellevue, Quebec; and ethological studies by K. S. Norris at the University of California at Santa Cruz.

REFERENCES

Bree, P. J. H. van. 1971. On skulls of *Stenella longirostris* (Gray, 1828) from the eastern Atlantic. (Notes on Cetacea, Delphinoidea IV.) Beaufortia 19: 99–105.

Fitch, J. E., and R. L. Brownell, Jr. 1968. Fish otoliths in cetacean stomachs and their importance in interpreting feeding habits. J. Fish. Res. Bd. Can. 25(12) : 2561–2574.

Green, R. E., W. F. Perrin, and B. Petrich. 1971. The American tuna purse seine fishery. *In* Modern fishing gear of the world. Vol. 3. United Nations FAO, Fishing Books, Ltd., London, 537 p.

Hester, F. J., J. R. Hunter, and R. R. Whitney. 1963. Jumping and spinning behavior in the spinner porpoise. J. Mammal. 44: 586–588.

Mizue, K., K. Yoshida, and S. Sonoda. 1964. Studies on the little toothed whales in the West Sea area of Kyusyu. X. About *Prodelphinus* sp. so-called "Hashinaga Iruka" in Japan caught in the sea area around Goto Is., Nagasaki Pref. Bull. Fac. Fish. Nagasaki Univ. 17: 10–24.

Morris, R. A., and L. S. Mowbray. 1966. An unusual barnacle attachment on the teeth of the Hawaiian spinning dolphin. Norsk Hvalfangst-Tid. 55(1) : 15–16.

National Oceanic and Atmospheric Administration. 1972. Report of the NOAA Tuna-Porpoise Review Committee. Processed report, 63 p.

Perrin, W. F. 1969. Using porpoise to catch tuna. World Fishing, 18(6) : 42–45.

1972. Color patterns of spinner porpoises (*Stenella* cf. *S. longirostris*) of the eastern Pacific and Hawaii, with comments on delphinid pigmentation. Fish. Bull. 70: 983–1003.

1972. Variation and taxonomy of spotted and spinner porpoises of the eastern tropical Pacific and Hawaii. Ph.D. dissertation, Univ. of Calif., Los Angeles, xxvi+590 p.

Perrin, W. F., and E. L. Roberts. 1972. Organ weights of noncaptive porpoise (*Stenella* spp.). Southern Calif. Acad. Sci. Bull. 71: 19–32.

Perrin, W. F., and J. R. Hunter. 1972. Escape behavior of the Hawaiian spinner porpoise (*Stenella* cf. *S. longirostris*). Fish. Bull. 70: 59–60.

STRIPED DOLPHIN

(*Stenella coeruleoalba*)

Distribution and migration. The striped dolphin inhabits temperate and tropical waters around the world, and has been recorded from both U.S. coasts. Nothing is known about the movements of striped dolphins in waters contiguous to the United States.

Abundance and trends. Population estimates and information on trends are not available for the U.S. or eastern tropical Pacific populations. The Japanese currently take about 5,000 striped dolphins per year (Kasuya, 1972).

General biology. Biological studies have been carried out on the population off Japan. The mean length of the newborn is 1 m, and the gestation period is 12 months long. The mean age at sexual maturity in males and females is 9 years, at 2.2 and 2.1 m, respectively. Lactation lasts about 18 months, and the mean length of the reproductive cycle is about 3 years. Schools of striped dolphins segregate somewhat by age and sex.

Ecological problems. None known.

Allocation problems. The striped dolphin is involved in the tuna fishery to a very minor extent; schools of this mammal apparently do not usually associate with the tuna.

Current research. A federal program of research recently begun by Japan is expected to yield an estimate of population size in the northwestern Pacific Ocean.

REFERENCES

Fraser, F. C., and B. A. Noble. 1970. Variation of pigmentation pattern in Meyen's dolphin, *Stenella coeruleoalba* (Meyen). P. 147–164 *In* Pilleri, G. (ed.), Investigations on Cetacea, Vol. II, Bentelli, Berne, 296 p.

Girh, M., and G. Pilleri. 1969. On the anatomy and biometry of *Stenella styx* Gray and *Delphinus delphis* L. (Cetacea, Delphinidae) of the western Mediterranean. P. 15–65 *In* Pilleri, G. (ed.), Investigations on Cetacea. Vol. I, Bentelli, Berne, 219 p.

Hubbs, C. L., W. F. Perrin, and K. C. Balcomb. 1973. *Stenella coeruleoalba* (sic) based on the age determination by means of dentinal growth layers. Sci. Rep. Whales Res. Inst. 24: 57–79.

COMMON DOLPHIN, SADDLEBACK DOLPHIN (ATLANTIC COAST), WHITEBELLY PORPOISE (PACIFIC COAST)

(*Delphinus delphis*)

Distribution and migration. This species is world wide in distribution in temperate to tropical waters of from 12°–28° C. There may be more than one species, recognizable differences do exist between populations. In the Northwestern Atlantic Ocean, this mammal ranges from Newfoundland to the Caribbean Sea. In the northeastern Pacific Ocean, the primary distribution of this species is from the California-Oregon border to Costa Rica, but one stranded animal was found in British Columbia. Large populations occur off southern California (Santa Barbara to San Diego), the west coast of Baja California, Mexico (Cedros Island to Cape San Lucas), and Costa Rica. A relatively large population also occurs in, and may be resident of, the Gulf of California. In southern California waters *Delphinus* is present throughout the year but is most abundant from August to

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January. A decrease in herd size during the spring and summer may be due primarily to the animals breaking up into small subgroups of 50 to 200 animals, and a general movement offshore and north.

Abundance and trends. The common dolphin is probably the most widespread and abundant delphinid. Herds of several thousand individuals have been reported. This species has been utilized in the Black, Mediterranean, and South China Seas, and off the east coast of Japan. Sleptsov (1940) estimated the Black Sea catch at 110,000 to 120,000 per year. Based on data from aerial surveys, Evans (pers. comm.) estimates a population of 10,000–15,000 in the limited area of the southern California continental borderland. The species has been displayed at Marineland of the Pacific and has been used in experiments and field studies by the National Marine Fisheries Service and the Department of the Navy.

General biology. The males grow to 2.6 m and are an average of 14 cm longer than females. The average individual of the northeastern Pacific Ocean is larger than that of the Black and Mediterranean Seas. The largest known specimen from the Black Sea was 212 cm, however, a male 259 cm long was taken from the northeastern Pacific Ocean. Males and females may segregate between mating seasons, especially when the latter are nursing calves or about to bear their young. The gestation period lasts 10–11 months with a post-parturition estrus. The young are 75–85 cm at birth. The young dolphin is weaned at about age 5–6 months (110–120 cm overall length), but may stay with the female up to 1 year. In the northeastern Pacific Ocean, this species appears to have two mating seasons (January–April and August–November), and two calving seasons (March–May and August–October). Herds containing 2,000 to 5,000 dolphins may form, but they appear to be made up of subgroups of 50 to 200 animals. This species is seldom found inside the 100-fathom line, but it frequents sea mounts, escarpments, and other prominent offshore features. The animal makes most of its dives in excess of 10 fathoms after sunset. The deepest dive recorded is 140 fathoms, but the average dive is to 30 fathoms. During feeding the animal usually stays under water for 2–3 minutes, but dives of 5 minutes have been recorded. This species is one of the fastest swimming cetaceans and has been clocked at a burst speed of 25–26 knots. Normal cruising speed is about 4–5 knots, with herds moving 40–50 nautical miles in 24 hours. It feeds mainly on anchovy, sprat, pelagic pipefish, and cephalopods in the Black Sea; whiting, horse mackerel, sardine, and hake in the Atlantic Ocean; and anchovy, myctophids, hake, and cephalopods in the northeastern Pacific Ocean.

Skin parasites are rare, but barnacles sometimes attach themselves to the trailing edge of the tail flukes. Remoras are also found on *Delphinus*, especially in tropical waters. Endoparasites include trematodes in the bile ducts, liver, intestine, and stomach; cestodes in the intestine, blubber, and mesentery; nematodes in the intestine, lungs, nasal sacs, and middle ear cavity; and acanthocephalans in the intestine. The brains of 12 stranded specimens contained flukes and their eggs, which in most cases had caused abscesses and lesions.

Ecological problems. Large sharks and the killer whale are the only known natural predators.

Allocation problems. Because the northern anchovy and squid constitute the bulk of this mammal's diet in the northeastern Pacific Ocean, a substantial increase in the fishery for these resources could have a noticeable effect on the porpoise populations. *Delphinus* is the third most important species of porpoise taken incidentally in the eastern tropical Pacific tuna purse seine fishery. Mexican tuna purse seiners fishing for skipjack in the eastern tropical Pacific and the Gulf of California account for an unknown amount of incidental catch.

Current research. The National Marine Fisheries Service and the tuna fishing industry are assessing the effects of fishing mortality and improving rescue methods and gear to eliminate losses associated with the tuna harvest. Studies of behavior, distribution, and abundance have been conducted by the Naval Undersea Center, San Diego, California, since 1968. This research will terminate at the end of FY '73.

REFERENCES

Evans, W. E. 1971. Orientation behavior of *Delphinus:* radio telemetric studies. Ann. N.Y. Acad. Sci. 188: 142–162.

Gihr, M., and G. Pilleri. 1969. On the anatomy and biometry of *Stenella styx* Gray and *Delphinus delphis* L. (Cetacea, Delphinidae) of the Western Mediterranean. P. 15–65 *In* Pilleri, G. (ed.), Investigations on Cetacea, Vol. I, Berne, Switzerland, 219 p.

National Oceanic and Atmospheric Administration. 1972. Report of the NOAA Tuna-Porpoise Review Committee. Processed report, 63 p.

Norris, K. S., and J. H. Prescott. 1961. Observations on Pacific cetaceans of Californian and Mexican waters. Univ. Calif. Publ. Zool., 63(4): 291–402.

Sleptsov, M. M. 1940. Determination of the age of *Delphinus delphis* L. Bull. Soc. Nat. Moscow, S. Biologique, 49(2): 43–61. Fish. Res. Bd. Can. Transl. No. 46, 1957.

Tomilin, A. G. 1948. On the biology and physiology of the Black Sea dolphin. Zool. Zhur., 27(1): 53–64.

NORTHERN RIGHT WHALE DOLPHIN

(*Lissodelphis borealis*)

Distribution and migration. Little is known about the distribution of the northern right whale dolphin other than that it inhabits temperate waters of the North Pacific Ocean.

In the western North Pacific Ocean, the northern right whale dolphin is found from Cape Inubo, Japan, north as far as Etorofu and Paramushir Islands, from where it apparently migrates southward in autumn or winter to near the southern Kurils and is common, at least seasonally, in the northern Sea of Japan.

In the eastern North Pacific, this species has been reported from 30° to 50° north latitudes, though mostly from California. It occurs in the southern California continental borderland only from October or November to about April.

Though it is also oceanic, the right whale dolphin has been observed most frequently along the continental slope and near such features as sea mounts and banks. It has been seen close to the California Channel Islands and the mainland coast near San Diego and Palos Verdes. Two sightings and one specimen from the central Pacific suggest that the species may be continually distributed across the temperate North Pacific.

Abundance and trends. Groups of 200 are most common, but herds of an estimated size from 300 to 1,000 off Japan and up to 2,000 off southern California have been seen. Although the species was once thought to be uncommon, aerial surveys have revealed that it is abundant off the Pacific Coast of North America (Leatherwood, pers. comm.). This species is reportedly common in the northern Sea of Japan (Okada and Hanaoka, 1940), where it is harvested.

General biology. Newborn animals are about 0.6 m in length and grow to 3.1 m. The species is gregarious and is frequently reported in close association with the white-sided dolphin, with which it shares an extensive common range.

Right whale dolphins may reach speeds in excess of 25 knots in bursts. One entire herd averaged over 15 knots for 30 minutes while attempting escape from a helicopter. When approached, the animals may move away quietly or in a series of low angle leaps, each covering as much as 7 m. Individuals that are widely scattered when approached, bunch together tightly while fleeing from the cause of their disturbance.

Food is primarily squid, but also miscellaneous fishes, including myctophids and engraulids.

Parasites include trematodes and cestodes.

Ecological problems. If migrations are food dependent, decimation of food supplies in the southern end of its range could adversely affect the species.

Allocation problems. None known.

Current research. The only research known is an unfunded examination of all museum materials, collection of beached specimens, and survey of literature being conducted by J. S. Leatherwood, NUC, San Diego, R. F. Green, Ventura College, California, and W. A. Walker, Palos Verdes, California.

REFERENCES

Brownell, R. L. 1964. Observations of odontocetes in cental California waters. Norsk Hvalfangst-Tid. 3: 60–66.

Fiscus, C. H., and K. Niggol, 1965. Observations of cetaceans off California, Oregon, and Washington. U.S. Fish Wildl. Service, Spec. Sci. Rep. Fish. 408, 27 p.

Nishiwaki, M. 1972. General biology: Cetacea. *In* Mammals of the sea, biology and medicine, Sam H. Ridgway (ed.). Charles C. Thomas, Springfield.

Norris, K. S., and J. H. Prescott, 1963. Observations of Pacific cetaceans in California and Mexican waters. Univ. California Pub. Zool. 63: 291–402.

Okada, Y., and T. Hanaoka. 1940. A study of Japanese Delphinidae. Sci. Rep. Tokyo Bunrika Daijaku 4(77): 285–306.

Tomilin, A. G. 1957. Mammals of the USSR and adjacent countries. Vol. 9. Cetacea. Izd. Akad. Nauk SSSR. Moskva. Transl. IPST, Jerusalem, 1967.

BROAD-BEAKED DOLPHIN

(*Peponocephala electra*)

Distribution and migration. *Peponocephala* inhabits the tropical Atlantic, Indian, and Pacific Oceans.

Abundance and trends. The status of this species is unknown, except that it is apparently rare (Nishiwaki and Norris, 1966).

General biology. Unknown.

Ecological problems. None known.

Allocation problems. None known.

Current research. None.

REFERENCES

Nishiwaki, M., and K. S. Norris. 1966. A new genus *Peponocephala* for the odontocete cetacean species *Electra electra*. Sci. Rep. Whales Res. Inst. 20: 95–100.

PYGMY KILLER WHALE

(*Feresa attenuata*)

Distribution and migration. The pygmy killer whale probably inhabits most tropical waters.

Abundance and trends. The status of this species is unknown except that it is apparently rare (Caldwell and Caldwell, 1971). The species has been captured for exhibit in the oceanariums of Hawaii and Japan.

General biology. The adults reach about 2.4 m. In appearance they resemble a small false killer whale. They are aggressive in captivity.

Ecological problems. None known.

Allocation problems. This species has been reported taken incidentally to a very minor extent in the yellowfin tuna fishery in the eastern tropical Pacific.

Current research. None.

REFERENCES

Best, P. B. 1970. Records of pygmy killer whale, *Feresa attenuata*, from southern Africa, with notes on behavior in captivity. Ann. S. Afr. Mus. 57(1): 1–14, 9 pls.

Caldwell, David K., and Melba C. Caldwell. 1971. The pygmy killer whale, *Feresa attenuata*, in the western Atlantic, with a summary of world records. J. Mammal. 52: 206–209.

Nishiwaki, M., T. Kasuya, T. Kamiya, T. Tobayama, and M. Nakajima. 1965. *Feresa attenuata* captured at the Pacific Coast of Japan in 1963. Sci. Rep. Whales Res. Inst. 19: 65–90.

Perrin, W. F., and C. L. Hubbs. 1969. Observations on a young pygmy killer whale (*Feresa attenuata* Gray) from the eastern tropical Pacific Ocean. Trans. San Diego Soc. Nat. Hist. 15(18): 297–308.

FALSE KILLER WHALE

(*Pseudorca crassidens*)

Distribution and migration. The false killer whale ranges through all temperate and tropical seas. It is an oceanic form, found on the Atlantic side of the United States from North Carolina south, and on the Pacific side from the Aleutian Islands south.

Abundance and trends. This species is uncommon throughout most of its range. It is seldom caught in the Japanese small whale fishery but is common on the Pacific side of Honshu (Ohsumi, 1972).

General biology. The males grow to 6.1 m and the females to 4.9 m; adult animals weigh up to 1,360 kg. Mating appears to be over a protracted period, with young born at about 1.8 m. False killer whales are found in schools of both sexes and all ages. They have been seen eating dolphinfish (mahi-mahi) off Hawaii.

Ecological problems. Schools of up to 835 of these animals have stranded.

Allocation problems. The Japanese state that a toothed whale (shachi), which may or may not be the false killer whale, does much damage to their longline tuna industry by feeding on hooked fish.

Current research. None.

REFERENCES

Bullis, H. R. and J. C. Moore. 1956. Two occurrences of false killer whales, and a summary of American records. Am. Mus. Nov. 1756: 1–5.

Mizue, K., A. Takemura, and K. Nakasai. 1969. Studies on the little-toothed whales in the West Sea area of Kyushu. XVI. Underwater sound of the false killer whale. Bull. Facult. Fish., Nagasaki. Univ. 28: 19–29.

Ohsumi, S. 1972. Catch of marine mammals, mainly of small cetaceans, by local fisheries along the coast of Japan. Bull. Far Seas Fish. Res. Lab. No. 7, 137–166.

Yamaguchi, Y. 1964. On the predation of tuna longline catches by the smaller toothed whales [Shachi] Maguro Gyogyo [Tuna Fishing] 27: 59–73. (Transl. by T. Otsu, NMFS, Hawaii, June 1972.)

COMMON PILOT WHALE, POTHEAD, BLACKFISH

(*Globicephala melaena*)

Distribution and migration. This pilot whale inhabits the North Atlantic Ocean south to Virginia and the Mediterranean. It is a schooling mammal and appears regularly off the Canadian and United States coasts. It generally favors pelagic regions, but often moves close to shore in search of food.

Abundance and trends. The status of this species is unknown. A total of 3,000 to 4,000 was killed annually in local Newfoundland fisheries up to the early 1950's (Sergeant, 1962), but only a few have been taken in recent years. About 177,000 were taken in the Faroe Islands from 1584 to 1883 (Tomilin, 1957) and several hundred per year are still being harvested there and in Norway.

General biology. The adults grow to about 6.5 m; females are usually mature at age 6 to 7 years and males at about age 12. Calves are about 1.8 m long at birth, in July to August, although full-term fetuses have been found year round. Cows probably bear calves every 3 years, the gestation period is about 16 months, and lactation lasts about 2 years. Pilot whales are gregarious, and occur in schools of hundreds and thousands. They have a distinct social organization, however, the sex ratio is not always equal in stranded groups. They are believed polygamous by some, with bachelor males sometimes forming separate schools. They travel in tight schools when not feeding, and disperse into scattered groups when on feeding grounds. Captive pilot whales feed at night and sleep days. They have a top swimming speed of over 25 mph, and a longevity of about 50 years. They feed almost exclusively on squids, but also eat small fish such as clupeids and gadids. Sergeant estimates food intake per year at about 11.5 times the weight of the animal.

Ecological problems. Whole schools sometimes strand.

Allocation problems. None known.

Current research. None.

REFERENCES

Sergeant, D. E. 1962. The biology of the pilot or pothead whale *Globicephala melaena* (Traill) in Newfoundland waters. Bull. Fish. Res. Bd. Can. 132: 1–84.

Tomilin, A. G. 1957. [Mammals of the U.S.S.R. and adjacent countries. Vol. 9 Cetacea] Izdatel. Akad. Nauk. SSSR. IPST Transl. No. 1124. 1967.

SHORT-FINNED PILOT WHALE

(*Globicephala macrorhyncha*)

Distribution and migration. In the North Atlantic Ocean, this pilot whale ranges north to New Jersey and Madiera. In the North Pacific Ocean it is found from Japan and the Aleutian Islands south to at least northern Brazil and Dakar, Senegal, and probably Peru. It is an oceanic species with a very wide range. Schools of pilot whales appear regularly off U.S. coasts. It generally favors offshore waters, but often moves close to land in search of food. Greatest numbers are seen in the eastern North Pacific in winter, fewer in summer.

Abundance and trends. The status of this species is unknown except that it is fairly abundant around the California Channel Islands (Norris and Prescott, 1961). The population of pilot whales around the Channel Islands has been fished for live specimens to supply U.S. oceanaria since about 1955. Many pilot whales are taken in the Japanese small-whale fishery. This species is also taken in the lesser Antilles.

General biology. The adults grow to 4.6–6.7 m. Little work has been done on this species, but indications are that the general biology is similar to *G. melaena*.

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Ecological problems. Schools of this species often strand.

Allocation problems. None known.

Current research. The taxonomy of Pacific *Globicephala* is being studied by R. L. Brownell and D. K. Caldwell in the United States, and T. Kasuya and M. Nishiwaki in Japan. The U.S. Navy is studying the behavior and distribution of the pilot whale.

REFERENCES

Bree, P. J. H. van. 1971. On *Globicephala sieboldi* Gray, 1846, and other species of pilot whale (Notes on Cetacea, Delphinoidea III). Beaufortia, 19(249): 79–87.

Norris, Kenneth S., and John H. Prescott. 1961. Observations of Pacific cetaceans of Californian and Mexican waters. Univ. Calif. Publ. Zool. 63: 291–402.

Tomlin, A. G. 1957. [Mammals of the U.S.S.R. and adjacent countries. Vol. 9. Cetacea.] Izdatel. Akad. Nauk. SSSR. IPST Transl. No. 1124, 1967.

KILLER WHALE

(*Orcinus orca*)

Distribution and migration. The killer whale is worldwide and ranges north and south to polar ice. It is more common in cooler waters, and in more productive coastal areas. The Strait of Georgia in British Columbia, Prince William Sound in Alaska, and Puget Sound in Washington State are areas of concentration. Migratory habits are probably dependent on food supply, and killer whales are most numerous in Puget Sound in November and late summer. In Japan, most of these mammals are taken from April to November, with the greatest number from August to November. In the Norway fishery, killer whales seem dependent on distribution and migration of herring, capelin, and cod.

Abundance and trends. Authoritative estimates of the world population are not available. A limited cooperative effort of the Fisheries Research Board of Canada and the Washington State Department of Game primarily in the inside waters of Washington and British Columbia gave counts of 459 killer whales in 1971, 255 in 1972, and 249 in 1973. About 66 individuals have been removed from inside waters of British Columbia and northern Washington State during the past 7 years for display by marine aquariums. An additional nine were killed during U.S. capture operations, mostly during the early years. The number of killer whales killed in Canadian capture operations is not known. The Japanese fishery took 567 killer whales from the Okhotsk Sea to south of Japan from 1948 to 1957. Norwegians harvested 1,417 in the northeastern North Atlantic between 1938 and 1967.

General biology. Females grow to 7.0 m and males to 8.2 m. Males weigh up to about 8,000 kg, with about 4,000 kg the apparent limit for females. An adult male dorsal fin may be 1.8 m high, considerably higher than that of the female Breeding appears to occur year-round although it may peak in May to July; gestation lasts 13 to 16 months. Newborn calves are about 2.4 m long and weigh about 180 kg. In the Northern Hemisphere births occur mostly in autumn. Killer whales usually are found in groups of about 10 to 100 or even more. The males are probably polygamous. Killer whales hunt successfully in packs, but there are no records of attacks on people. The stomach contents of 364 killer whales taken off Japan from 1948 to 1957 included (in order of occurrence): fish (mostly cod, flatfish, and sardines), squid, octopus, dolphins, whales, and seals. Salmon constituted 1.6% of all stomach contents. Soviets in the Kurils recorded "fish and squid" but no marine mammal remains in 10 animals. Of 10 killer whales examined by the National Marine Fisheries Service, Seattle, 6 adult males had only marine mammal remains except for 1 squid; 1 adult female and 1 immature male had only fish remains.

The most common diseases are those caused by wearing of tooth crowns and denudation of the pulp cavity, which results in abscesses. Other diseases include bony outgrowths and bone tumors. Parasites include nematodes, cestodes, and trematodes. One Puget Sound killer whale stomach contained 5,000 nematodes.

Ecological problems. This species has no natural enemies except man. Stranding probably is the greatest nonhuman hazard.

Allocation problems. Public interest in killer whales was stimulated by the first live capture in 1964 in British Columbia. Growing public interest is increasing in killer whales as a recreational resource, especially in Puget Sound. The animals are commercially valuable in the United States for display in oceanariums. U.S., Japanese, and Canadian fishermen contend that the whales cause gear damage and interfere with salmon and tuna longline fisheries. Many consider killer whales an important predator of salmon and herring; others defend them as the natural enemy of other fish eaters, including harbor seals and sea lions. Some sport salmon fishermen claim their presence spoils fishing.

Current research. The National Marine Fisheries Service and the Fisheries Research Board of Canada are studying killer whale distribution in western U.S. and Canadian waters.

REFERENCES

Jonsgard, A., and P. B. Lyshoel. 1970. A contribution to the knowledge of the biology of the killer whale *Orcinus orca* (L.). Nytt Magasin for Zool. 18: 41–48.

Nishiwaki, M., and C. Handa. 1958. Killer whales caught in the coastal waters off Japan for recent 10 years. Sci. Rep. Whales Res. Inst. 13: 85–96.

Rice, D. W. 1968. Stomach contents and feeding behavior of killer whales in the eastern North Pacific. Norsk Hvalfangst-Tid. 57: 35–38.

HARBOR PORPOISE

(*Phocoena sinus* and *Phocoena phocoena*)

Distribution and migration. There are four recognized species of harbor porpoise, but only the two found in the waters of the Northern Hemisphere are discussed here. One species, *Phocoena sinus*, is apparently restricted in range to the Gulf of California. *P. phocoena* is circumpolar in distribution in ice-free seas, ranging south in the Atlantic Ocean to the Delaware River and the Mediterranean Sea. In the Pacific Ocean it is found south to Japan and southern California, although it is not abundant south of San Francisco.

The harbor porpoise is an inshore species, frequenting coastal waters, the mouths of large rivers, harbors, and bays, and sometimes ascending freshwater streams.

Abundance and trends. The harbor porpoise is especially abundant in the waters of Washington (Scheffer and Slipp, 1948) and western Canada (Pike and MacAskie, 1969). Tomlin (1957) reports single catches of 2,000 to 2,500 harbor porpoises at the time they migrate between the Sea of Azov and the Black Sea.

Mohl-Hansen (1954) reporting on biological investigations of the harbor porpoise in Danish waters examined 188 harbor porpoises in 1941–42, 230 in 1942–43, and 212 in 1943–44, so at least those numbers were commercially harvested in Denmark during those years. He also states that these harbor porpoises were from the Baltic Sea populations.

General biology. This species grows to 1.8 m, and weighs up to 72 kg. The females are sexually mature at about age 3–4 years. Newborn calves are half the length of the mother. They breed annually during late spring and summer. The gestation period is 10–11 months, and the calves nurse up to 8 months. Harbor porpoises travel in pairs and schools of up to 200 or more, especially on the feeding grounds. This species is less playful than most dolphins or porpoises; they seldom jump out of the water, and usually ignore passing boats. Schools containing all "bachelors" are common; the females stay in groups of mixed sex. Usually they swim just below the surface, rising about 4 times per minute to breathe when not feeding. They feed mainly on bottom fishes such as cod, herring fry, flounder, and occasionally on invertebrates such as squids, clams, and crustaceans.

Ecological problems. These animals occasionally strand for unknown reasons, and because of their feeding habits, a few tend to get trapped in fishermen's nets.

Allocation problems. None known.

Current research. None.

REFERENCES

Fisher, H. D., and R. J. Harrison. 1970. Reproduction in the common porpoise (*Phocoena phocoena*) of the North Atlantic. J. Zool. 161: 471–486.

Mohl-Hansen, U. 1954. Investigations on reproduction and growth of the porpoise (*Phocaena phocaena* (L.)) from the Baltic. Vidensk. Medd. fra Dansk Naturh., Foren., 116: 369–396.

Norris, K. S., and W. N. McFarland. 1958. A new harbor porpoise of the genus *Phocoena* from the Gulf of California. J. Mammal. 39: 22–39.

Pike, G. C., and I. B. MacAskie. 1969. Marine mammals of British Columbia. Fish. Res. Bd. Can. Bull. 171, 54 p.

Scheffer, V. B., and J. W. Slipp. 1948. The whales and dolphins of Washington State with a key to the cetaceans of the west coast of North America. Amer. Midl. Natur., 39(2): 257–337.

Tomilin, A. G. 1957. Zveril SSSR 1 prilezhashchikh stran. Tom 9. Kitoobraznye. (Mammals of the U.S.S.R. and adjacent countries. Vol. IX. Cetacea.) Moscow, Akad. Nauk, SSSR, 756 p. Transl. by IPST, Jerusalem, 1967, xxii+717 p.

DALL PORPOISE

(*Phocoenoides dalli*)

Distribution and migration. The Dall porpoise inhabits the North Pacific Ocean from Japan and southern California to the Bering and Okhotsk Seas. It appears to migrate twice yearly off the coasts of Japan and California, and may move inshore in winter and offshore in summer. The Dall porpoise is a regular winter visitor to southern California, and has been observed in the Channel Islands area from October to summer. It has been seen off San Francisco Bay from March to October, off Monterey Bay throughout the year, and may be present year round where food is adequate.

Abundance and trends. The Dall porpoise is one of the most abundant small cetaceans found in Alaskan inside waters (U.S. Forest Service) and in British Columbia waters (Pike and MacAskie, 1969). It is commonly seen off northern California (W. J. Houck, pers. comm.). Mizue and Yoshida (1965) report an annual accidental catch of more than 10,000 Dall porpoise in the Japanese high seas salmon gillnet fishery in the northern North Pacific and Bering Sea west of 175° W longitude. They also state that the Dall porpoise is abundant east of 175° W longitude but that the Japanese fishing fleet does not operate east of the boundary. The Marine Mammal Division has many records of Dall porpoise ranging from the Bering Sea and the eastern Aleutian Islands south to latitude 34° in California waters (MMD files, Marine mammal observations, 1958–72).

General biology. The Dall porpoise grows to about 2.2 m and a weight of about 218 kg. It and the killer whale have the most conspicuous color patterns among cetaceans. Calves are born in the spring and summer, and young are observed in August. These animals are usually found in groups of 2 to 20, but occasionally 200 or more are seen on favorable feeding grounds. It plays in the bow waves of ships, and is among the swiftest of all marine mammals. This mammal consumes squid and such fish as saury, hake, herring, jack mackerel, and bathypelagic and deep-water benthic fish.

Ecological problems. None known.

Allocation problems. None known.

Current research. W. J. Houck is studying *P. dalli* and *P. truei* at Humboldt State College in California, and M. Nishiwaki is studying these species in Japan. G. V. Morejohn is studying feeding habits, migration, behavior, and morphology of the species at the Moss Landing Marine Station, California.

REFERENCES

Mizue, K., and K. Yoshida. 1965. On the porpoises caught by the salmon fishing gill-net in Bering Sea and the North Pacific Ocean. Bull. Facult. Fish. Nagasaki Univ. 19: 1–36.

Mizue, K., K. Yoshida, and A. Takemura. 1966. On the ecology of the Dall's porpoise in Bering Sea and the North Pacific Ocean. Bull. Facult. Fish., Nagasaki Univ. 21: 1–21.

Pike, G. C., and I. B. MacAskie. 1969. Marine mammals of British Columbia. Fish. Res. Bd. Can. Bull. 171, 54 p.

U.S. Forest Service. 1972. Marine mammal observations in southeastern Alaska and Prince William Sound. Unpublished field records.

BELUGA (BELUKHA), WHITE WHALE

(*Delphinapterus leucas*)

Distribution and migration. The beluga inhabits the Arctic Ocean and adjacent seas, including the Okhotsk and Bering Seas, Cook Inlet, Hudson Bay, and Gulf of St. Lawrence. Belugas ascend several hundred miles up the larger rivers of Siberia and Alaska. Populations of white whales from different areas show marked size differences throughout the Arctic. Three races are recognized: *dorofeevi* from the Okhotsk Sea; *marisalbi* in the Barents and White Seas; and *leucas* in the rest of the range. In the Pacific belugas are common along the Alaska coast as far south as Bristol Bay and an apparently separate population is found in Cook Inlet.

Abundance and trends. In Alaska belugas have been used as a source of muktuk, meat, and oil for both people and dogs by residents of villages on the Bering Sea and Arctic Ocean coasts and along rivers that belugas periodically ascend. Belugas also provide a significant amount of fresh and preserved food for native peoples in the Mackenzie River delta region and Baffin Island, where beluga hunting is culturally and economically important (Brodie, pers. comm.). In recent years the demand for beluga products has been reduced in the Arctic. Lensink (1961) estimated an annual harvest of 400 to 500 belugas in Alaska. In Bristol Bay only a few belugas are now taken, and the estimated annual harvests of the Bering Sea–Arctic Ocean coasts is 150 to 300 (Alaska Department of Fish and Game, 1973). The Cook inlet, Alaska, population is estimated at 300 to 500. In Bristol Bay the population is estimated at 1,000 to 1,500 and is considered stable. The size of the beluga population in Alaska north of Bristol Bay is unknown, but is much greater than that residing in Bristol Bay (op. cit.). Sergeant (1962) states that from 1948 to 1960 the catch of belugas in the Canadian arctic averaged 1,200 annually. The present catch in Canada averages 500 animals per year (Brodie, pers. comm.). In the late 1950's the annual catch of belugas averaged 3,000–4,000 in the U.S.S.R., 500–800 in Greenland, and 100–200 from Spitsbergen (Kleinberg et al., 1964).

General biology. Males grow to 4.6 m and the females to 4.0 m in the Beaufort Sea, and to 5.2 m and 4.6 m, respectively, in the Soviet arctic. The beluga is polygamous, breeds in the spring, has a gestation period of 13–14 months, and newborn are about 1.5 m in length. Lactation lasts about 2 years, resulting in a 3-year reproductive cycle. They are gregarious and travel in groups of 2 or 3 to hundreds. Belugas feed from midwater to the bottom, with a diet including fish such as salmon, capelin, cisco, pike, char, cod, squid, crustaceans, and nereid worms. They frequently occur in shallow areas with a bottom of mud, sand, and stones. The beluga produces high-pitched whistles and squeals, ticking and clucking sounds, and have been given the name "sea-canary." Animals break the ice with their backs to reach air for breathing.

Parasites include nematodes in the respiratory organs, ears, circulatory system, intestine, and urogenital system; trematodes are found in the intestine, as well as cestodes and acanthocephalans. Helminths are apparently one cause of mortality.

Ecological problems. Known natural enemies include the killer whale and polar bear.

Allocation problems. These mammals take salmon at the mouths of large Alaskan rivers, and are important predators of salmon smolt in Bristol Bay, Alaska. Recorded killer whale sounds have been used experimentally to prevent beluga predation in the Kvichak River.

Current research. Research on the beluga is being conducted by the Fisheries Research Board of Canada.

REFERENCES

Alaska Department of Fish and Game. 1973. Marine mammal status reports. Unpublished, Juneau, AK.

Brodie, P. F. 1971. A reconsideration of aspects of growth, reproduction, and behavior of the white whale (*Delphinapterus leucas*), with reference to the Cumberland Sound, Baffin Island, population. J. Fish. Res. Bd. Can. 28(9): 1309–1318.

Fish, J. F., and J. S. Vania. 1971. Killer whale, *Orcinus orca*, sounds repel white whales, *Delphinapterus leucas*. Fish. Bull. 69: 531–536.

Kleinenberg, S. E., A. V. Yablokov, B. M. Bel'kovich, and M. N. Tarasevich. 1964. Beluga (*Delphinapterus leucas*) investigation of the species. Akad. Nauk SSSR. Transl. by IPST, Jerusalem, 1969.

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Klinkhart, E. G. 1966. The beluga whale in Alaska. Unpublished report, Alaska Department of Fish and Game, Juneau, AK.

Sergeant, D. E. 1962. The biology and hunting of beluga or white whales in the Canadian arctic. Fish. Res. Bd. Can. Circ. 8, 13 p.

Sergeant, D. E., and P. F. Brodie. 1969. Body size in white whales, *Delphinapterus leucas*. J. Fish. Res. Bd. Can. 26: 2561–2580.

NARWHAL

(*Monodon monoceros*)

Distribution and migration. The narwhal is the most northern cetacean and occurs in north polar seas, including the entire Arctic Ocean, but is mainly found in the North Atlantic Ocean region. It is most common in northwestern Greenland and the eastern Canadian arctic, particularly Jones and Lancaster Sounds, the north and east coasts of Baffin Island, Repulse Bay, and occasionally in northern Foxe Basin and Hudson Strait. Narwhals also occur near Franz Josef Land and Novaya Zemlya. They are rare in the Laptev, East Siberian, Chukchi, and Beaufort Seas.

Abundance and trends. The Canadian population is estimated at about 10,000, with smaller numbers in northwestern Greenland (Mansfield, pers. comm.). Numbers elsewhere are unknown. Extremely rare occurrences in Great Britain (4) and Holland (1) are documented. Narwhals are hunted in Greenland and the eastern Canadian arctic for dog food, muktuk, sinew, and ivory.

General biology. Narwals grow to 4.6 m in length and adult males to 1,550 kg. The young are born in May and June at about 1.5 m in length. Males have a tusk (canine tooth) which is usually the left one and occasionally both. Sometimes females also have a tusk. The tusk grows as a spiraled rod to 2.0 m in length, and distinguishes narwhals from all other whales. Gestation appears to last about 14 months, since well-developed fetuses are present in July and August. Usually only one calf is produced. Narwhals are gregarious, forming schools of up to one or two thousand, made up of small groups of up to about 20 (Mansfield, pers. comm.). Speculations on the tusk function are numerous and the tusk may only be a secondary sexual characteristic. Food of the narwhal consist mainly of cephalopods, polar cod, and Greenland turbot.

Ectoparasitic whale lice occur in cuts, skinfolds, and around the base of the tusk. Endoparasitic nematodes occur occasionally in the stomach, and frequently in basicranial sinuses.

Ecological problems. Narwhals are occasionally trapped in large numbers by rapid freeze-up. In such situations, Greenlanders may kill entire groups of these mammals. Although it is not adapted to drift ice areas, the killer whale probably occurs there and may be a natural enemy of the narwhal.

Allocation problems. None known.

Current research. The narwhal is being studied by the Fisheries Research Board of Canada.

REFERENCES

Bruemmer, F. 1969. The sea unicorn (Narwhal). Audubon 71(6): 58–63.

Peterson, R. L. 1966. The mammals of eastern Canada. Oxford Univ. Press, Toronto, 465 p.

Tomilin, A. G. 1957. Zveril SSSR i prilezhashchikh stran. Tom 9. Kitoobraznye. (Mammals of the U.S.S.R. and adjacent countries. Vol. IX. Cetacea.) Moscow, Akad. Nauk SSSR, 756 p. (Transl. by IPST, Jerusalem, 1967, xxii+717 p.).

Vibe, C. 1950. The narwhal. P. 77–84 *In* The marine mammals and marine fauna in the Thule District (Northwest Greenland) with observations on ice conditions in 1939–41. Medd. om Grønland 150(6): 1–116.

SPERM WHALE

(*Physeter catodon*)

Distribution and migration. The sperm whale is nearly world wide in distribution except for the pack ice of the polar regions. Females and immature animals are generally found between 40° S and 50° N latitudes. Sperm whales appear to migrate north during the northern summer and south during the northern winter. In the North Pacific, male sperm whales are found as far north as the Bering and Okhotsk Seas; in the North Atlantic they move into Davis Strait and near Spitzbergen.

Abundance and trends. Information on this section is from the annual reports of the International Whaling Commission (1972, In press) and from recent reports of the Bureau of International Whaling Statistics. Stocks available for commercial harvest are estimated at about 70,000 males and 184,000 females for the North Pacific and 128,000 males and 295,000 females for the southern oceans. Estimates of the number of immature animals are not available. The Northwest Atlantic has an estimated total stock of all ages of about 22,000. The sperm whale is currently the most important species of the world whaling industry. Stocks in most areas are above maximum sustainable yield levels.

Catches of sperm whales in recent seasons have been:

Season/North Pacific	Atlantic	Southern oceans, pelagic[1]	Southern land stations
1969:			
11,329 males	[2] 640	5,390	4,611
3,605 females			
1970:			
11,236 males	649	5,891	4,135
3,579 females			
1971:			
8,295 males	558	7,335	4,406
2,595 females			
1972:			
4,082 males	117	8,172	2,659
2,291 females			

[1] Southern oceans catches are for the seasons 1969–70, 1970–71, 1971–72, 1972–73, respectively.
[2] All catch data except North Pacific include males and females.

General biology. The sperm whale's large squarish head is distinctive because it bears a tank-like "case" containing spermaceti. The lower jaw is long and narrow, and has about 25 pairs of teeth. Females reach 11.6 m in body length, males 16.8 m. This species dives to at least about 1,000 m, can remain submerged for about an hour, and feeds mainly on large squid. It also consumes significant quantities of octopuses and demersal and mesopelagic fishes. Females and juveniles of both sexes form schools of 10–50 animals, averaging about 25. Younger, sexually mature males (ca. 11.0–13.4 m, age 15–25 years) form "bachelor" schools usually containing not more than 10 animals. Older males (13.7 m, 22–27 years) are usually solitary except when with schools of females for breeding for about 5 months in the spring and early summer. The females mature sexually at about age 8 to 11 years when body length is about 8.5 to 9.1 m, physically at 25 to 30 years and a body length of 11.0 m. Males are not sexually mature until about 19 years and 11.9 m, and are not "socially" mature until about age 25 years. Growth of males continues until they are 45 to 60 years old, and about 15.5 m long. The female bears a calf (about 4.0 m) once every 3 to 5 years. Gestation lasts 14–15 months, and the calf nurses 1–2 years and is weaned at about 6.7 m long.

Ecological problems. None known.

Allocation problems. None known.

Current research. The National Marine Fisheries Service is studying the life history of the sperm whale. Other organizations carrying out research on this species are the Japanese Whales Research Institute and Japanese Far Seas Fisheries Research Laboratory (North Pacific and Antarctic), Fisheries Research Board of Canada (North Atlantic), British National Institute of Oceanography (South Africa and western South America), South African Division of Sea Fisheries (South Africa), Australian Commonwealth Scientific and Industrial Research Organization (Australia), the University of Chile (Chile), the Marine Institute of Peru (Peru), and the Marine Department of New Zealand (New Zealand).

REFERENCES

Berzin, A. A. 1971. Kashalot. Izdatel'stvo. Pishchevaya Promyshlennost, Moscow. 368 p.

Best, P. B. 1967. The sperm whale (*Physeter catodon*) off the west coast of South Africa. 1. Ovarian changes and their significance. Invest. Rep. Div. Sea Fish. S. Afr. 61: 1–27.

1968. The sperm whale (*Physeter catodon*) off the west coast of South Africa. 2. Reproduction in the female. Invest. Rep. Div. Sea Fish. S. Afr. 66: 1–32.

1969. The sperm whale (*Physeter catodon*) off the west coast of South Africa. 3. Reproduction in the male. Invest. Rep. Div. Sea Fish. S. Afr. 72 1–20.

1969. The sperm whale (*Physeter catodon*) off the west coast of South Africa. 4. Distribution and movements. Invest. Rep. Div. Sea Fish. S. Afr. 78: 1–12.

1970. The sperm whale (*Physeter catodon*) off the west coast of South Africa. 5. Age, growth and mortality. Invest. Rep. Div. Sea Fish. S. Afr. 79: 1–27.

Bureau of International Whaling Statistics. 1972. International Whaling Statistics. Vol. 69, 47 p.

1971. International Whaling Statistics. Vol. 67. 42 p.

1970. International Whaling Statistics. Vol. 65. 50 p.

International Commission on Whaling. In press. Twenty-third report of the Commission.

International Commission on Whaling, Scientific Committee. 1971. Report of the special meeting on sperm whale biology and stock assessments, pp. 40–50. In Intl. Comm. Whaling, 21st. Rep. Comm., London.

Gamble, R. 1972. Sperm whales off Durban. Disc. Rep. 35: 199–358.

Ohsumi, S. 1965. Reproduction of the sperm whale in the Northwest Pacific. Sci. Rep. Whales Res. Inst. 19: 1–35.

PYGMY SPERM WHALE

(*Kogia breviceps*)

Distribution and migration. The pygmy sperm whale occurs in all the warmer seas of the world. In the Pacific Ocean it ranges north to Washington and Japan; in the Atlantic Ocean it ranges north to Nova Scotia and the Netherlands.

Abundance and trends. The status of this species is unknown other than the fact that it is apparently rather rare. There are many more records of stranding than there are for *Kogia simus*, the dwarf sperm whale (C. O. Handley, Jr., pers. comm.). This species is occasionally taken in the Japanese small-whale fishery (Yamada, 1954).

General biology. Adult pygmy sperm whales are 2.7 to 3.4 m long. Their dorsal fin is low and posterior to the center of the back. This species was long confused with the dwarf sperm whale, and the following composite statement is based on both species. They are usually solitary or in small pods. They feed mostly on squid but also take pelagic crustaceans such as shrimps and giant mysids. Females simultaneously pregnant and lactating have been found, suggesting that they may bear a calf 2 years in succession.

Parasites include tapeworm cysts in the blubber, roundworms in the stomach, and giant kidney worms.

Ecological problems. None known.

Allocation problems. None known.

Current research. D. K. Caldwell and M. C. Caldwell have been gathering data on the life history in Florida (D. K. Caldwell, pers. comm., 1974). D. K. Caldwell, M. C. Caldwell, and C. O. Handley, Jr. have been working on the distribution (seasonal as well as geographical) in southeastern U.S. (Caldwell, pers. comm., 1974).

REFERENCES

Allen, G. M. 1941. Pygmy sperm whale in the Atlantic. Zool. Ser. Field Mus. Nat. Hist., 27: 17–36.

Handley, C. O., Jr. 1966. A synopsis of the genus *Kogia* (pygmy sperm whales). P. 62–69 *In* K. S. Norris (ed.), Whales, dolphins, and porpoises. Univ. Calif. Press, Berkeley and Los Angeles.

Yamada, M. 1954. Some remarks on the pygmy sperm whale, *Kogia*. Sci. Rep. Whales Res. Inst., 9: 37–58.

DWARF SPERM WHALE

(*Kogia simus*)

Distribution and migration. The dwarf sperm whale apparently has a discontinuous distribution around the world. It has been found in the seas adjacent to South Africa, India, Ceylon, Japan, Hawaii, South Australia, and the west and east coasts of the United States. On the west coast it has been recorded only from Cabo San Lazaro, Baja California, and San Luis Obispo County, California. On the east coast it ranges from Cape Henry, Virginia, south and west to Texas.

Abundance and trends. The status of this species is unknown other than the fact that it is apparently rather rare over much of its range. However, it strands rather frequently on the southeast coast of the United States and is taken in the Japanese small-whale fishery (Yamada, 1954).

General biology. Adult dwarf sperm whales are 2.1 to 2.7 m long. Their dorsal fin is high and near the center of the back. This species was long confused with the pygmy sperm whale, and the following is a composite statement based on both species. They are usually solitary or in small pods. They feed mostly on squid but also take pelagic crustaceans such as shrimps and giant mysids. Females simultaneously pregnant and lactating have been found, suggesting that they may bear a calf 2 years in succession.

Parasites include tapeworm cysts in the blubber, roundworms in the stomach, and giant kidney worms.

Ecological problems. None known.

Allocation problems. None known.

Current research. D. K. Caldwell and M. C. Caldwell have been gathering data on the life history in Florida (D. K. Caldwell, pers. comm., 1974). D. K. Caldwell, M. C. Caldwell, and C. O. Handley, Jr. have been working on the distribution (seasonal as well as geographical) in southeastern U.S. (Caldwell, pers. comm., 1974).

REFERENCES

Handley, C. O., Jr. 1966. A synopsis of the genus *Kogia* (pygmy sperm whales). P. 62–69 *In* K. S. Norris (ed.) Whales, dolphins, and porpoises. Univ. Calif. Press, Berkeley and Los Angeles.

Yamada, M. 1954. Some remarks on the pygmy sperm whale, *Kogia*. Sci. Rep. Whales Res. Inst. 9: 37–58.

NORTH SEA BEAKED WHALE

(*Mesoplodon bidens*)

Distribution and migration. The North Sea beaked whale ranges mostly from the western Baltic Sea and central Norway south to the Bay of Biscay. It has been recorded in the western North Atlantic Ocean from Newfoundland and Massachusetts. Its migrations are unknown.

Abundance and trends. The status of this species is unknown, except that it is apparently rare (More, 1966).

General biology. This species is the only one of its genus for which even rudimentary life history data are available. These beaked whales attain a maximum length of 5.5 m for males and 4.9 m for females. Mating and birth usually take place in late winter and spring. The gestation period is about 1 year. At birth the calf is between 1.8 and 2.1 m long, nurses for about 1 year, and at weaning is probably about 3.0 m long.

Ecological problems. None known.

Allocation problems. None known.

Current research. None.

REFERENCES

Jonsgård, Å., and P. Høidal. 1957. Strandings of Sowerby's whale *Mesoplodon bidens* on the west coast of Norway. Norsk Hvalfangst-Tid., 46(9):507–512.

Kükenthal, W. 1914. Zur Kentniss des *Mesoplodon bidens* (Sowerby). Jenaische Z. Naturwiss., 51: 93–122.

Moore, J. C. 1966. Diagnoses and distribution of beaked whales of the genus *Mesoplodon* known from North American waters. P. 32–61 *In* K. S. Norris (ed.), Whales, dolphins, and porpoises. Univ. Calif. Press, Berkeley and Los Angeles.

Nishiwaki, M., and N. Oguro. 1972. Catch of the Cuvier's beaked whales off Japan in recent years. Sci. Rep. Whales Res. Inst., 24: 35–41.

Omura, H., K. Fujino, and S. Kimura. 1955. Beaked whale *Berardius bairdi* of Japan, with notes on *Ziphius cavirostris*. Sci. Rep. Whales Res. Inst. 10: 89–132.

ANTILLEAN BEAKED WHALE

(*Mesoplodon europaeus*)

Distribution and migration. The Antillean beaked whale ranges from Trinidad, Jamaica, and the Gulf of Mexico, north to Long Island, New York. One record for the English Channel has been obtained. Its migrations are unknown.

Abundance and trends. The status of this species is unknown, except that it is apparently rare (Moore, 1966).

General biology. These whales are known mostly from stranded individuals, which suggest that they are usually solitary. Otherwise, nothing is known of their biology.

Ecological problems. None known.

Allocation problems. None known.

Current research. None.

REFERENCES

Moore, J. C. 1966. Diagnoses and distributions of beaked whales of the genus *Mesoplodon* known from North American waters. P. 32–61 *In* K. S. Norris (ed.), Whales, dolphins, and porpoises. Univ. Calif. Press, Berkeley and Los Angeles.

TRUE'S BEAKED WHALE

(*Mesoplodon mirus*)

Distribution and migration. The True's beaked whale has been found in the western North Atlantic Ocean from Nova Scotia south to northern Florida, and in the eastern North Atlantic Ocean from the Outer Hebrides south along the west

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coast of Ireland. There is another population off the coast of South Africa. Its migrations are unknown.

Abundance and trends. The status of this species is unknown, except that it is apparently rare (Moore, 1966; 1968).

General biology. These whales are known mostly from stranded individuals, which suggest that they are usually solitary. Otherwise, nothing is known of their biology.

Ecological problems. None known.
Allocation problems. None known.
Current research. None.

REFERENCES

Moore, J. C. 1966. Diagnoses and distributions of beaked whales of the genus *Mesoplodon* known from North American waters. P. 32–61 *In* K. S. Norris (ed.), Whales, dolphins, and porpoises. Univ. Calif. Press, Berkeley and Los Angeles.

1968. Relationships among the living genera of beaked whales with classifications, diagnoses and keys. Fieldiana: Zoology, 53(4): 209–298.

BERING SEA BEAKED WHALE

(*Mesoplodon stejnegeri*)

Distribution and migration. The Bering Sea beaked whale is endemic to the North Pacific Ocean. It ranges from the Commander and Pribilof Islands, Bristol Bay, and the northern Gulf of Alaska south to the Sea of Japan on the western side and Oregon on the eastern side. Its migrations are unknown.

Abundance and trends. The status of this species is unkown, except that it is apparently rare (Moore, 1966; 1968).

General biology. These whales are known mostly from stranded individuals, which suggest that they are usually solitary. Otherwise, nothing is known of their biology.

Ecological problems. None known.
Allocation problems. None known.
Current research. None.

REFERENCES

Moore, J. C. 1963. Recognizing certain species of beaked whales of the Pacific Ocean. Amer. Midl. Natur. 70(2): 396–428.

1966. Diagnoses and distributions of beaked whales of the genus *Mesoplodon* known from North American waters. P. 32–61 *In* K. S. Norris (ed.), Whales, dolphins, and porpoises. Univ. Calif. Press, Berkeley and Los Angeles.

1968. Relationships among living genera of beaked whales with classifications, diagnoses and keys. Fieldiana: Zoology, 53(4): 209–298.

Nishimura, S., and M. Nishiwaki. 1964. Records of the beaked whale *Mesoplodon* from the Japan Sea. Publ. Seto Mar. Biol. Lab., 12(4): 323–334.

ARCH-BEAKED WHALE

(*Mesoplodon carlhubbsi*)

Distribution and migration. The arch-beaked whale has been recorded only in the North Pacific Ocean, from the Sanriku coast of Hokkaido on the western side and from British Columbia south to southern California on the eastern side. Its migrations are unknown.

Abundance and trends. The status of this species is unknown, except that it is apparently rare (Moore, 1966; 1968).

General biology. These whales are known mostly from stranded individuals, which suggest that they are usually solitary. Otherwise, nothing is known of their biology.

Ecological problems. None known.
Allocation problems. None known.
Current research. None.

REFERENCES

Moore, J. C. 1963. Recognizing certain species of beaked whales of the Pacific Ocean. Amer. Midl. Natur. 70(2): 396–428.

1966. Diagnoses and distributions of beaked whales of the genus *Mesoplodon* known from North American waters. P. 32–61 *In* K. S. Norris (ed.), Whales, dolphins, and porpoises. Univ. Calif. Press, Berkeley and Los Angeles.

1968. Relationships among living genera of beaked whales with classifications, diagnoses and keys. Fieldiana: Zoology, 53(4): 209–298.

Nishimura, S., and M. Nishiwaki. 1964. Records of the beaked whale *Mesoplodon* from the Japan Sea. Publ. Seto Mar. Biol. Lab., 12(4): 323–334.

GINKGO-TOOTHED WHALE

(*Mesoplodon ginkgodens*)

Distribution and migration. The ginkgo-toothed whale has been recorded from Ceylon, in the western North Pacific Ocean from Taiwan to the Sanriku coast of Hokkaido, and in the eastern North Pacific Ocean at Del Mar in southern California. Its migrations are unknown.

Abundance and trends. The status of this species is unknown, except that it may not be so rare in the western part of the North Pacific as once thought (Nishiwaki et al., 1972).

General biology. These whales are known mostly from stranded individuals, which suggest that they are usually solitary. Otherwise, nothing is known of their biology.

Ecological problems. None known.
Allocation problems. None known.
Current research. None. Present knowledge is based on opportunistic examination of specimens.

REFERENCES

Moore, J. C., and R. M. Gilmore. 1965. A beaked whale new to the western hemisphere. Nature, 205(4977): 1239–1240.

Nishiwaki, M., and T. Kamiya. 1958. A beaked whale stranded at Ōiso Beach, Japan. Sci. Rep. Whales Res. Inst., 13: 53–83.

Nishiwaki, M., T. Kasuya, K. Kureha, and N. Ogaro. 1972. Further comments on *Mesoplodon ginkgodens*. Sci. Rep. Whales Res. Inst. 24: 43–56.

DENSE-BEAKED WHALE

(*Mesoplodon densirostris*)

Distribution and migration. The dense-beaked whale is widely, but perhaps discontinuously, distributed in tropical and warm temperate waters around the world. In the North Pacific Ocean it has been recorded from Taiwan, Japan, and Midway Island. In the North Atlantic Ocean it has been recorded from Nova Scotia south to the Bahamas on the western side, and from Madeira on the eastern side.

Abundance and trends. The status of this species is unkown, except that it is apparently rare (Besharse, 1971; Moore, 1966).

General biology. These whales are known mostly from stranded individuals, which suggest that they are usually solitary. Otherwise, nothing is known of their biology.

Ecological problems. None known.
Allocation problems. None known.
Current research. None.

REFERENCES

Besharse, J. C. 1971. Maturity and sexual dimorphism in the skull, mandible, and teeth of the beaked whale, *Mesoplodon densirostris*. J. Mammal. 52: 297–315.

Moore, J. C. 1966. Diagnoses and distributions of beaked whales of the genus *Mesoplodon* known from North American waters. P. 32–61 *In* K. S. Norris (ed.), Whales, dolphins, and porpoises. Univ. Calif. Press, Berkeley and Los Angeles.

GOOSE-BEAKED WHALE

(*Ziphius cavirostris*)

Distribution and migration. The goose-beaked whale is found in all oceans except Arctic and Antarctic waters. In the North Pacific Ocean it ranges north to Hokkaido, the Commander and Aleutian Islands, and the Queen Charlotte Islands. In the North Atlantic Ocean it ranges north to Cape Cod, Massachusetts, on the western side and the Shetland and Orkney Islands on the eastern side. Its migrations are not understood.

Abundance and trends. The status of this species is unknown. The goose-beaked whale is the most frequently observed ziphiid, at least in the eastern North Pacific Ocean, and throughout its range has been found stranded far more often than any other species of the family (Mitchell, 1968). Between 13 and 16 goose-beaked whales have been taken annually in the Japanese small-whale fishery during the past 5 years (Nishiwaki and Oguro, 1972).

General biology. The goose-beaked whale is distinguishable from other ziphiids by its relatively short beak, the dorsal profile of which forms an almost straight line with the steeply sloping forehead, and by its brown coloration; older males have snow-white heads. The maximum body length in both sexes is about 7.0 m. These whales usually travel in tight schools of up to about 10 individuals, but old males are often solitary. Their main foods are squids and deep-water fishes. Sexual maturity is attained at a length of about 5.5 m in both sexes.

Ecological problems. None known.
Allocation problems. None known.
Current research. Research on this species has been conducted incidentally to other studies in Japan by the Whales Research Institute and the Ocean Research Institute.

REFERENCES

Mitchell, E. 1968. Northeast Pacific stranding distribution and seasonality of Cuvier's beaked whale *Ziphius cavirostris*. Can. J. Zool., 46: 265–279.

GIANT BOTTLENOSE WHALE

(*Berardius bairdi*)

Distribution and migration. The giant bottlenose whale is endemic to the North Pacific Ocean, where it ranges from St. Matthew Island in the Bering Sea south to central Honshu on the western side and southern California on the eastern side. Its migrations are poorly known.

Abundance and trends. The status of this species is unknown except that it is uncommon but not rare. According to information taken from the Bureau of International Whaling Statistics, between 100 and 400 giant bottlenose whales have been taken annually in the Japanese small-whale fishery during the past 20 years.

General biology. This species is the largest of the beaked whales. Males attain a maximum length of 11.9 m and females 12.8 m. Their long narrow beak, bulging forehead, and size distinguish them from other species of beaked whales in the North Pacific Ocean. They usually travel in tight schools of up to 30 individuals. Their main foods are deep-water fishes and squids. Males attain sexual maturity at a length of about 10.0 m, and females at about 10.3 m. Sexual maturity is not attained earlier than age 3 years, and probably much later. Mating takes place mostly in February, and calves are born in December.

Ecological problems. None known.
Allocation problems. None known.
Current research. Research on this species has been conducted incidentally to other studies in Japan by the Whales Research Institute and the Ocean Research Institute; in California by the National Marine Fisheries Service; and in British Columbia by the Fisheries Research Board of Canada.

REFERENCES

Betesheva, E. I. 1960. Pitanie kashalota (*Physeter catodon* L.) i berardiusa (*Berardius bairdi* Stejneger) v raione Kuril'skoi gryady. Trudy Vses. Gidrobiol. Obshch. 10: 227–234.

Bureau of International Whaling Statistics 1952–1972. International Whaling Statistics.

Nishiwaki, M., and N. Oguro. 1971. Baird's beaked whales caught on the coast of Japan in recent 10 years. Sci. Rep. Whales Res. Inst., 23: 111–122.

Omura, H., K. Fujino, and S. Kimura. 1955. Beaked whales *Berardius Bairdi* of Japan, with notes on *Ziphius cavirostris*. Sci. Rep. Whales Res. Inst., 10: 89–132.

NORTH ATLANTIC BOTTLENOSE WHALE

(*Hyperoodon ampullatus*)

Distribution and migration. This species of bottlenose whale is endemic to the colder waters of the North Atlantic Ocean. On the western side it ranges from Davis Strait south to Rhode Island; on the eastern side it ranges from Novaya Zemlya south to the Azores and English Channel. It migrates south in the autumn and north in the spring.

Abundance and trends. The status of this species is unknown, except that it is fairly common in at least parts of its range. According to records from International Whaling Statistics, between 260 and 700 of these animals have been taken annually throughout the North Atlantic Ocean by the Norwegian small-whale fishery. A few individuals are sometimes taken by whalers operating from Nova Scotia and the Faeroe Islands.

General biology. The bottlenose whale is easily recognized by a conspicuous beak that is sharply demarked from the high bulging forehead which, in old males, becomes almost vertical and flattened in front and slightly overhangs the base of the beak. Bottlenose whales are black when young, turn brown when adult, and almost yellow with a white head when very old. Males attain a maximum length of 10.7 m, and females 9.7 m. They usually travel in small herds of 4 to 10, but the adult males are often by themselves. Their food appears to be mainly squids. Females attain sexual maturity when about 6.5 m long. The calves are born from early spring to early summer.

Ecological problems. None known.
Allocation problems. None known.
Current research. This species is being studied by the Statens Institutt for Hvalforskning, Oslo, Norway.

REFERENCES

Bureau of International Whaling Statistics. 1936–1972. International Whaling Statistics.

Gray, D. 1882. Notes on the characters and habits of the bottlenose whale (*Hyperoodon rostratus*). Proc. Zool. Soc., London, 1882: 726–731.

Jonsgård. Å 1952. Om' botflenosen (*Hyperoodon rostrata*) og spekkhoggern (*Orcinus orca*). Fauna (1): 1–18.

Murray, J., and J. Hjort. 1912. The depths of the ocean. McMillan and Co., London. 821 p.

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MARINE MAMMAL LAWS

Each marine mammal of U.S. concern is protected by one or more U.S. laws or acts, and the conservation of some species is at least partially assured by international treaty or law. A summary of the various laws, conventions, and commissions designed and enacted to protect marine mammals follows:

1. *Marine Mammal Protection Act of 1972.* A U.S. federal law that prohibits U.S. citizens from taking, harassing, or importing any marine mammal or its by-products into the United States, except when authorized to do so by special permit. Indians, Eskimos, and Aleuts of the North Pacific and Arctic Oceans can take

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marine mammals for subsistence, and for creating and selling handicraft items and clothing as long as the stocks can support the harvest.

2. *Endangered Species Act of 1973.* This U.S. federal law, which became effective on December 28, 1973, provides for the protective measures and procedures necessary to bring endangered and threatened species to the point at which such species are no longer in danger of extinction. The protective measures include, among other things, prohibition of capturing or killing, or engaging in interstate or foreign commerce in any endangered species of fish and wildlife, except as authorized by a special permit. Certain types of taking for subsistence purposes in Alaska are also allowed. The Act also provides for implementation of the Convention on International Trade in Endangered Species of Wild Fauna and Flora.

3. *International Whaling Convention.* The International Whaling Commission (IWC) was established under a convention signed in Washington, D.C. in December 1946. The membership includes all countries that catch significant numbers of whales except Spain, Portugal, Chile, Peru, and Brazil. The IWC is responsible for whale conservation worldwide. Since 1964, the IWC has acted to bring world whaling under control by prohibiting worldwide the taking of some species, sharply reducing the authorized catches of species in certain areas, establishing catch quotas by species, and implementing an international observer plan for policing quotas and regulations at land stations and on factory ships. The IWC appears to be extending its authority to cover all cetaceans and to implement regulations for threatened species. The IWC now regulates the harvest of fin, sei, Bryde's, minke, and sperm whales. A subcommittee of the IWC has been established on small cetaceans to review problems and improve data collection. The gray, bowhead, right, blue, and humpback whales are completely protected, except for some hunting by aboriginals.

4. *Convention on International Trade in Endangered Species of Wild Fauna and Flora.* When this convention becomes effective, it will provide additional protection for the following species: Appendix I—gray, blue, humpback, bowhead, and right whales, northern elephant seal, Ganges River dolphin, Caribbean and Mediterranean monk seals, dugong, and West Indian and South American manatees; Appendix II—southern fur seal, Galapagos fur seal, Juan Fernandez fur seal, southern elephant seal, dugong (Australian), and West African manatee.

5. *Interim Convention on North Pacific Fur Seals.* This Convention prohibits most citizens of Japan, Canada, the U.S.S.R., and the United States from taking northern fur seals. The exceptions are aboriginal Indians, Aleuts, and Eskimos, who may take them only at sea and by primitive methods. The Convention also provides for intensive research on this species by the four countries. The economic utilization of northern fur seals on their breeding grounds is conducted by the respective governments and is regulated on a scientific basis.

6. *International Convention for the Northwest Atlantic Fisheries.* Under terms of a Convention signed in 1949, ICNAF is responsible for the investigation, protection, and conservation of the fisheries of the Northwest Atlantic in order to make possible the maintenance of a maximum sustained catch from these fisheries. The harp seal harvest is regulated by ICNAF, which imposes quotas for the taking of these mammals.

7. *International Convention for the Conservation of Antarctic Seals, 1972.* The purpose of this Convention is to safeguard all species of Antarctic seals and to ensure that, if commercial sealing begins on floating ice of the Southern Ocean, the killing of certain species will be prohibited and the taking of other species will be subject to strict limitations. Measures adopted under the Antarctic Treaty of 1959 provide only for the protection of seals and other animals around the shoreline of the Antarctic Continent, but not on floating ice. The Convention of 1972 may be applicable to any or all of the following seals: Southern elephant, leopard, Weddell, crabeater, Ross, and southern fur seals.

8. *Canadian-Norwegian Agreement on Sealing.* On 22 December 1971, these two governments ratified an agreement on sealing and the conservation of seal stocks in the Northwest Atlantic. The agreement applies to the harp seal, but provision is made for extension to hooded and bearded seals and to the walrus.

9. *Miscellaneous regulations and agreements of some U.S. interest.*—a. *Harp seal.* The U.S.S.R. and Norway signed an agreement in 1958 entitled "Preservation of seals in the Greenland Sea." The agreement provides for the regulation of harp seal catches by these two nations. The U.S.S.R., however, has not hunted harp seals since 1965.

b. *Gray seal.* The U.S.S.R. has prohibited (since 1970) the hunting of gray seals for sport and by amateurs, but permits the taking of these animals for subsistence. Canada uses an 1886 law for authority in regulating the take of gray seals. England has prohibited the hunting of gray seals on the Farne Islands since 1932 and on Orkney Island since 1923. Norway has forbidden hunting at Sör Trondelag (since 1923). Finland and Sweden offer bonuses for gray seals taken.

c. *Hooded seal.* Canada and Norway prohibit the taking of hooded seals near Newfoundland before 10 March, near Jan Mayen Island before 13 March, in Denmark Strait from 15 June to 15 July, and in northern waters from 20 March to 5 May. The U.S.S.R. and Norway in 1958 agreed to prohibit the harvest of hooded seals near Jan Mayen Island before 13 March, and banned hunting in Denmark Strait.

d. *Beaded seal.* The U.S.S.R. has, since 1970, banned the commercial hunting of bearded seals from vessels, and regulates the take of this species by aborigines and the harvest from shore by others.

e. *Ribbon seal.* Since the 1960's, the U.S.S.R. has forbidden the hunting of ribbon seals at sea from 1 March to 1 September, and in 1970 stopped hunting by "amateurs."

f. *Ringed seal.* The U.S.S.R. banned sport hunting of *Pusa hispida hispida* beginning in 1970. Sport hunting of another subspecies (apparently accepted by the U.S.S.R. as *P. h. krascheninikovi*) was also banned by the U.S.S.R. in that year, local harvests were regulated, and hunting of the subspecies between 1 March and 1 September was prohibited. The U.S.S.R. has also, since 1970, prevented commercial hunting of *P. h. ochotensis* from vessels, and regulated the take of this subspecies by aborigines and the harvest from shore by others.

g. *Harbor seal.—Ice-dwelling populations.* The U.S.S.R. has prohibited sport hunting of these populations of the harbor seal since 1970, protects its rookeries from harassment and pollution, and regulates the harvest.

Land-dwelling populations. The U.S.S.R. has prohibited the sport hunting of these populations since 1970, and regulates the take of harbor seals from the White and Barents Seas.

h. *Northern sea lion.* The U.S.S.R. regulates the harvest of northern sea lions and protects its rookeries from harassment.

i. *Walrus.* In 1958, the U.S.S.R. and Norway agreed to ban the hunting of walrus except to satisfy local needs and those of expeditions.

j. *Guadalupe fur seal.* Mexico has safeguarded the breeding grounds of the Guadalupe fur seal on the Guadalupe Islands by making this island a wildlife refuge.

k. *South American fur seal.* The Uruguayan and Argentinian Governments protect the South American fur seal on land and out to 200 miles at sea. In addition, the Uruguayan Government regulates the harvest by protecting all female seals except the 1-year-olds, controlling take of pups by seasonal restrictions, and imposing quotas in some instances.

l. *South African fur seal.* The harvest of South African fur seals is largely a state enterprise in South Africa, however, the system includes one of control and leasing of rookeries to private contractors. The South West African Administration has not entered the harvesting business, but licenses private firms, restricts gear to be used, establishes closed seasons, and places limits on sex and condition of catch.

m. *Narwhal.* Canada allows its Eskimos to take five narwhals annually for personal use and issues permits to capture this mammal for exhibition.

n. *Killer whale.* Canada allows this species to be taken under a permit system.

PART III—APPENDICES

APPENDIX A—Final Regulations Governing the Taking and Importing of Marine Mammals: FEDERAL REGISTER reference, 39 FR 1851.

APPENDIX B—Amendment to the Final Regulations Governing the Taking and Importing of Marine Mammals: FEDERAL REGISTER reference, 39 FR 14348.

APPENDIX C—Proposed Rules—Incidental Taking in the Course of Tuna Purse-Seining Operations: FEDERAL REGISTER reference, 38 FR 31180.

APPENDIX D—Interim Rules—Incidental Taking in the Course of Tuna Purse-Seining Operations: FEDERAL REGISTER reference, 39 FR 2481.

APPENDIX E—Proposed Rules—Incidental Taking in the Course of Commercial Fishing Operations.

APPENDIX F—Analysis of Economic Hardship Exemption Applications.

APPENDIX G—FEDERAL REGISTER Notices: FEDERAL REGISTER references, 39 FR 26622; 38 FR 26623; 38 FR 28581; 38 FR 30901; and 38 FR 33784.

APPENDIX F.—*Analysis of the economic hardship exemptions requested and actions taken*

Applications received	Scientific research	Public display	Products [1]	Total
Number of applications submitted	19	22	19	60
Number of animals requested (total)	649	226	125,716	126,591
Of these:				
To be maintained in captivity	22	226	506	754
To be taken and released	105	0	0	105
To be taken dead	76	0	70,000	70,076
To be killed in taking	424	0	55,210	55,634
To be killed in captivity	22	0	0	22
Action taken:				
Number of applications denied	0	6	15	21
Number of applications withdrawn	4	8	1	13
Number of applications—no action	1	1	1	3
Number of applications approved	14	7	2	23
Number of animals approved (total)	489	116	50,580	51,185
Of these:				
To be maintained in captivity	8	116	0	124
To be taken and released	96	0	0	96
To be taken dead	26	0	50,500	50,526
To be killed in taking	349	0	80	429
To be killed in captivity	10	0	0	10
Number of animals taken under exemption (total)	169	48	42,075	42,292
Of these:				
To be maintained in captivity	2	48	0	50
To be taken and released	12	0	0	12
To be taken dead	31	0	42,075	42,106
To be killed in taking	122	0	0	122
To be killed in captivity	2	0	0	2

[1] This category involves commercial or personal use of marine mammals and marine mammal products.

NUMBER OF MARINE MAMMALS INVOLVED IN ECONOMIC HARDSHIP EXEMPTIONS

Common name	Scientific name	Requested					
		Taken and kept alive	Taken and released	Taken dead	Total	Total granted	Total taken
South American sea lion	*Otaria flavicens*	4			4	65	45
California sea lion	*Zalophus californianus*	591	2	79	672	24	
Steller sea lion	*Eumetopias jubatus*	4		22,020	22,024	50,500	42,075
South African fur seal	*Arctocephalus pusillus*			70,000	70,000	12	
Northern fur seal	*Callorhinus ursinus*	3	9		12	196	116
Pacific harbor seal	*Phoca vitulina richardii*	31	50	150	231	25	5
Northwest Atlantic harbor seal	*Phoca vitulina concolor*	12	20		32	155	1
Ice-breeding harbor seal	*Phoca vitulina largha*	5		20,260	20,265	3,097	1
Ringed seal	*Pusa hispidus*	7		3,090	3,097	3	2
Gray seal	*Halichoerus grypus*	7			7	27	
Ribbon seal	*Histriophoca fasciata*	2		25	27	10,000	
Harp seal	*Pagophilus groenlandicus*			10,000	10,000	38	8
Bearded seal	*Erignathus barbatus*	8		30	38	5	
Northern elephant seal	*Mirounga angustirostris*	5			5	3	3
Gray whale	*Eschrichtius robustus*		3		3	54	20
Atlantic bottlenosed dolphin	*Tursiops truncatus*	54			54	255	
Pacific white-sided dolphin	*Lagenorhynchus obliquidens*	6	6		12	12	6
Dusky dolphin	*Lagenorhynchus obscurus*		15		15	15	4
Spinner dolphin	*Stenella longirostris*	7			7		
False killer whale	*Pseudorca crassidens*	1			1	1	
Pilot whale	*Globicephala macrorhyncha*	12			12	11	
Killer whale	*Orcinus orca*	13			13	4	1
Harbor porpoise	*Phocoena phocoena*			30	30		
Belukha whale	*Delphinapterus leucas*	4		25	29	4	4
Beaked whale	*Tarmacetus Sp.*			1	1	1	1
Total		776	105	125,710	126,591	51,207	42,292

SUMMARY OF ACTIONS TAKEN ON UNDUE ECONOMIC HARDSHIP EXEMPTIONS AS OF OCT. 21, 1973

Scientific research applications:	*Action taken*
Norris, University of California	Approved.
Winn, University of Rhode Island	Do.
Paulbitski, California State University	Do.
Richardson, Maine Department of Marine Resources	Do.
Buhler and Mate, Oregon State University	Do.
Handley, Smithsonian Institution	Do.
Stone, University of Texas	Do.
Hall, University of California	Do.
Knudtson and Loughlin, California State University	Do.
Newby, University of Washington	Withdrawn.
Elsner, Scripps Institute of Oceanography	Approved.
Vedros, Naval Biomedical Research Laboratory	Do.
Brooks, Alaska Department of Fish and Game	Do.
Galster, University of Alaska	Withdrawn.
Miller, University of Alaska	Do.
Wuersig, State University of New York	Approved.
Underwood, Naval Arctic Research Laboratory	No Action.
South, University of Missouri	Withdrawn.
Kooyman, Scripps Institute of Oceanography	Approved.
Public display applications:	
Sea World, Inc., San Diego, Calif	Approved.
Seattle Marine Aquarium, Seattle, Wash	Withdrawn.
Gulfarium, Fort Walton Beach, Fla	Denied.
Sea-Arama Marineworld, Galveston, Tex	Approved.
Black Hills Marineland, Inc., Rapid City, S. Dak	Do.
Japanese Village, Buena Park, Calif	Denied.
Detroit Zoological Park, Detroit, Mich	Withdrawn.
San Diego Zoological Gardens, San Diego, Calif	Approved.
Mystic Marinelife Aquarium, Mystic, Conn	Do.
Henry Doorly Zoo, Omaha, Nebr	Do.
Fort Wayne Children's Zoological Gardens, Fort Wayne, Ind	Withdrawn.
Quinlan Marine Attractions, Lincolnton, N.C	Do.
The Aquarium, Depoe Bay, Oreg	Denied.

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Scientific research applications:

Bob's Seafood, Morro Bay, Calif	Action taken Withdrawn.
Gianfuretto Salvadori, Dover, Pa	Denied.
Undersea Gardens, Marina del Rey, Calif	Do.
Aqualand, Inc., Bar Harbor, Maine	Withdrawn.
Theater of the Sea, Inc., Islamorada, Fla	No Action.
Homosassa Springs, Inc., Homosassa Springs, Fla	Withdrawn.
Louis Scarpuzzi Enterprises, Inc., Fort Myers, Fla	Approved.
Sea Life, Inc., Waimanalo, Hawaii	Withdrawn.
Dianna Wilson Allen, Donna Tex	Denied.

Personal and/or commercial use applications:

Sea Lions International, Santa Barbara, Calif	Action taken Denied.
Bergner International, New York, N.Y	Withdrawn.
Alaska Research Co., Seward, Alaska	Denied.
Frontier Tanning Co., Anchorage, Alaska	Do.
Global Sea Lions, Inc., Santa - Barbara, Calif	Do.
Roy C. Randall, Port Williams, Alaska	Do.
William Nietupski, Kodiak, Alaska	Do.
Andrew Nault, Kodiak, Alaska	Do.
Jerry Richmond, Old Harbor, Alaska	Do.
Kenneth Sellers, Anchorage, Alaska	Do.

Personal and/or commercial use applications:

Joe D. Mankins, Port Heiden, Alaska	Action taken Do.
Jeff Graham, Port Heiden, Alaska	Do.
Fred A. Kings, Anchorage, Alaska	Do.
Keith C. Koontz, Savoonga, St. Lawrence Island Alaska	Approved.
Roscoe Harrell, Whittier, Alaska	Denied.
David Andrews, Kodiak, Alaska	Do.
Frontier Tanning Co., Anchorage, Alaska	Do.
The Fouke Co., Greenville, S.C	Approved.
Pleasant Point Passamaquoddy Tribal Council, Perry, Maine	No Action.

[FR Doc.74-14256 Filed 6-21-74;8:45 am]

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federal register

June 25, 1974—Pages 22933–23031

TUESDAY, JUNE 25, 1974

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PAGINATION ERROR

Part III document (FR Doc. No. 74–14256) in the issue of Monday, June 24, 1974, should be renumbered from pages 23896–23932 to pages 22896–22932, respectively. A reprint of the Part III with correct pagination will be separately distributed. Today's issue begins with page 22933.

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(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

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This list includes only rules that were published in the FEDERAL REGISTER after October 1, 1972.

page no. and date

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12351; 4–5–74; 12867; 4–9–74

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rules and regulations

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The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 7—Agriculture

CHAPTER I—AGRICULTURAL MARKETING SERVICE (STANDARDS, INSPECTIONS MARKETING PRACTICES), DEPARTMENT OF AGRICULTURE

PART 28—COTTON CLASSING, TESTING, AND STANDARDS

American Upland Cotton, Revision of Grade Standards

Under authority contained in section 10 of the United States Cotton Standards Act (7 U.S.C. 61), the Agricultural Marketing Service hereby amends some of the Official Cotton Standards of the United States for the Grade of American Upland Cotton. These standards may also be termed and referred to as the Universal Standards for American Cotton.

Statement of consideration. A notice of proposed rulemaking to revise some of the Official Cotton Standards of the United States for the Grade of American Upland Cotton published in the FEDERAL REGISTER of April 23, 1974 (39 FR 14350). These proposed revisions in standards were presented at the Universal Cotton Standards Conference held at Memphis, Tennessee on May 14–15, 1974. Representatives from cotton producers, ginners, exchanges, shippers, manufacturers, and overseas signatories to the Universal Cotton Standards Agreement presented views on the proposed revisions. After considerable discussion the Agricultural Marketing Service suggested modifications to some of the proposals contained in the notice of proposed rulemaking and a general consensus was reached that a second proposal would be made to:

1. Revoke the descriptive standard for Strict Good Middling (White) cotton.
2. Revoke the descriptive standard for Good Middling Tinged cotton.
3. Change the physical standard for Strict Middling Tinged cotton to a descriptive standard.
4. Revoke the descriptive standard for Good Middling Yellow Stained cotton.

A second notice of proposed rulemaking incorporating these changes was published in the FEDERAL REGISTER of May 30, 1974 (39 FR 18795). No objections were received to the proposed changes in standards contained in the second notice of proposed rulemaking. In order to effectuate these changes in 7 CFR Part 28, Subpart C, is amended as follows:

§ 28.401 [Revoked]

1. Revoke the descriptive standard for Strict Good Middling (White) cotton, § 28.401.

§ 28.440 [Revoked]

2. Revoke the descriptive standard for Good Middling Tinged cotton, § 28.440.

3. Change the physical standard for Strict Middling Tinged cotton, § 28.441, to a descriptive standard which would read as follows:

§ 28.441 Strict Middling Tinged.

Strict Middling Tinged is American upland cotton which in color, leaf, and preparation is better than Middling Tinged.

§ 28.450 [Revoked]

4. Revoke the descriptive standard for Good Middling Yellow Stained cotton, § 28.450.

(Sec. 10, 42 Stat. 1519, 7 U.S.C. 61. Interpret or apply section 6, 42 Stat. 1518, as amended (7 U.S.C. 56); sec. 4854, 68A Stat. 580, (26 U.S.C. 4854))

Effective date. These revisions in standards are effective July 1, 1975.

Dated: June 20, 1974.

E. L. PETERSON,
Administrator,
Agricultural Marketing Service.

[FR Doc.74-14524 Filed 6-24-74;8:45 am]

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

United States Standards for Grades of Canned Applesauce

The United States Standards for Grades of Canned Applesauce (7 CFR 52.331 to 52.349) are hereby amended pursuant to the authority of the Agricultural Marketing Act of 1946 (Sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1624).

NOTE: Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

Statement of consideration leading to the amendment. The Standards of Identity and Standard of Fill for Canned Applesauce promulgated under the Federal Food, Drug, and Cosmetic Act (21 CFR 27.80 and 27.81, respectively) were recently amended to become effective May 6, 1974, in consideration of the proposed International Standards for Canned Applesauce. The amendments involved the following:

(1) Changing the generic name from which the product is prepared from "Pyrus malus" to "Malus domestica Borkhausen;"

(2) To permit the use of artificial flavorings, heretofore excluded in Federal Food and Drug Standards of Identity;

(3) Adding the word "carbohydrate" to the optional ingredients of nutritive sweeteners;

(4) Adding a metric measure to the requirement of fill for small glass containers, expressed previously only in fluid ounces and

(5) Adding a sampling and acceptance procedure for determination of compliance with requirements for fill of container.

The United States Standards for Grades of Canned Applesauce are amended to include all of these changes except the sampling and acceptance procedure for determination of compliance with requirements for fill of container. A similar procedure containing the same AQL's is contained in USDA's Regulations Governing Inspection of Processed Fruits, Vegetables and Related Products and need not be included in the grade standards for canned applesauce. These changes will bring the U.S. Standards for Grades of Canned Applesauce in line with the Federal Food and Drug Standards of Identity and the proposed international standards for this product.

It is hereby found that it is unnecessary and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, or postpone the effective date beyond the date of publication hereof in the FEDERAL REGISTER (5 U.S.C. 1000–1011) in that:

(1) The amendments do not require any changes in packing procedures;

(2) There are no changes in the requirements for the different quality levels;

(3) The public has already had opportunity to comment on the changes when the Food and Drug Administration published them as proposed rulemaking in the FEDERAL REGISTER of May 10, 1973 (38 FR 12234); and

(4) It is in the interest of the public and the industry to make these amendments effective at the earliest possible date so that the USDA grade standards will be in line with the Federal Food and Drug Standards of Identity.

The amendments are as follows:

(1) Section 52.331 Product description is changed in its entirety to read as follows:

§ 52.331 Product description.

"Canned applesauce" is the product represented as defined in the standards of identity for canned applesauce (21 CFR 27.80) issued pursuant to the Federal Food, Drug, and Cosmetic Act.

(2) Section 52.333 (b) is changed to read as follows:

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§ 52.333 Flavor types.

• • • • •

(b) *Flavored.* Flavored canned applesauce is the product in which the flavor is derived substantially from an added flavoring ingredient, including artificial flavorings.

• • • • •

§ 52.334 [Amended]

(3) In § 52.334 (a) and (b), insert the word "carbohydrate" between the words "nutritive" and "sweeteners."

§ 52.337 [Amended]

(4) In § 52.337 immediately following the phrase, "except that in the case of glass containers having a total capacity of 6½ fluid ounces or less," insert in parentheses "(192 ml.)."

Effective date. These amendments shall become effective June 25, 1974.

Dated: June 20, 1974.

E. L. PETERSON,
Administrator,
Agricultural Marketing Service.

[FR Doc.74-14525 Filed 6-24-74;8:45 am]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Lime Reg. 4, Amdt. 1]

PART 911—LIMES GROWN IN FLORIDA

Limitation of Handling

This regulation increases the quantity of Florida limes that may be shipped to fresh market during the weekly regulation period June 16, 1974 to June 22, 1974. The quantity that may be shipped is increased due to improved market conditions for Florida limes. The regulation and this amendment are issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 911.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 911, as amended (7 CFR Part 911; 37 FR 10497), regulating the handling of limes grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Florida Lime Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such limes, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for an increase in the quantity of limes available for handling during the current week results from changes that have taken place in the marketing situation since the issuance of Lime Regulation 4 (39 FR 20800). The marketing picture now indicates that there is a greater demand for limes than existed when the regulation was made effective. Therefore, in order to provide an opportunity for handlers to handle a sufficient volume of limes to fill the current market demand thereby making a greater quantity of limes available to meet such increased demand, the regulation should be amended, as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of limes grown in Florida.

(b) *Order, as amended.* Paragraph (b) (1) of § 911.404 (Lime Regulation 4, 39 FR 20800) is hereby amended to read as follows: "The quantity of limes grown in Florida which may be handled during the period June 16, 1974 through June 22, 1974, is hereby fixed at 22,000 bushels".

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 20, 1974.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.74-14523 Filed 6-24-74;8:45 am]

[Nectarine Reg. 5, Amdt. 1]

PART 916—NECTARINES GROWN IN CALIFORNIA

Grades and Sizes Requirements

This amended regulation, issued pursuant to the Marketing Agreement and Order 916 (7 CFR Part 916), continues the currently effective nectarine grade and size regulation to include all nectarine shipments during the 1974 season. The present regulation is effective through July 6, 1974. This regulation prescribes a minimum grade for all California nectarines of U.S. No. 1 Grade with additional tolerances for light colored smooth scars, form not considered serious, and fairly smooth or smooth russeting for two specified varieties. Minimum sizes are established for certain specified varieties. It is designed to provide markets with an ample supply of desirable fruit in the interest of consumers and producers. The said marketing agreement and order are effective pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

Notice was published in the FEDERAL REGISTER issue of May 30, 1974 (39 FR 18795), that the Department was giving consideration to a proposal to amend § 916.347 (Nectarine Regulation 5; FR 17831) effective pursuant to the marketing agreement, as amended, and Order No. 916, as amended (7 CFR 916), regulating the handling of nectarines grown in California to continue the effective period of regulation to include all nectarine shipments for the 1974 season. This notice allowed interested persons until June 15, 1974, to submit data, views, or arguments for consideration relative to such proposed extension. None were received.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the recommendation and information submitted by the Nectarine Administrative Committee, established under the said amended marketing agreement and order, and other available information, it is hereby found that the limitation of handling of such nectarines, as hereinafter provided, will tend to effectuate the declared policy of the act.

It is hereby further found that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of such nectarines are currently in progress and this amendment should be applicable to all nectarine shipments occurring during the effective period specified herein in order to effectuate the declared policy of the act; (2) the amendment is the same as that specified in the notice; and (3) compliance with this amended regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

Order. Section 916.347 Nectarine Regulation 5 is amended by revising subparagraphs (1), (2), (3), (4), (5), and (6) of paragraph (a) to read as follows:

§ 916.347 Nectarine Regulation 5.

(a) *Order.* (1) During the period May 22, 1974, through May 31, 1975, no handler shall handle any packages or container of any variety of nectarines unless such nectarines grade at least U.S. No. 1: *Provided,* That nectarines 2 inches in diameter or smaller, or 4 x 4 size or smaller, shall not have fairly light colored, fairly smooth scars which exceed the aggregate area of a circle ⅜ inch in diameter, and nectarines larger than 2 inches in diameter, or larger than 4 x 4 size, shall not have fairly light colored, fairly smooth scars which exceed an aggregate area of a circle ½ inch in diameter: *Provided further,* That additional tolerance of 25 percent shall be permitted for fruit that is not well formed but not badly misshapen: *Provided further,* That 25 percent of the surface of each fruit of the Sun Free and Golden Grand varieties may be affected by fairly smooth or smooth russeting.

(2) During the period May 22, 1974, through May 31, 1975, no handler may handle any package or container of May Red variety nectarines unless:

• • • • •

(3) During the period May 22, 1974, through May 31, 1975, no handler shall handle any package or container of Arm King, Crimson Gold, Mayfair, or Zee Gold variety nectarines unless:

• • • • •

(4) During the period May 22, 1974, through May 31, 1975, no handler shall handle any package or container of June Belle, June Grand, May Grand, Red June, Spring Grand, Sunbright, Sun King, or Sunrise variety nectarines unless:

• • • • •

(5) During the period May 22, 1974, through May 31, 1975, no handler shall handle any package or container of Early Sun Grand, Grandandy, Independence, Moon Grand, Star Grand I, Star Grand II, Sun Flame, Summer Grand, Sun Grand, or Rose variety nectarines unless:

• • • • •

(6) During the period May 22, 1974, through May 31, 1975, no handler shall handle any package or container of Autumn Grand, Clinton-Strawberry, Fantasia, Flame Kist, Flavor Top, Gold King, Granderli, Grand Prize, Harry Grand, Hi-Red, Late Le Grand, Le Grand, Niagara Grand, Red Grand, Regal Grand, Richard's Grand, Royal Grand, September Grand, or Sun Free variety nectarines unless:

• • • • •

(Secs. 1–19, 48 Stat. 31, as amended (7 U.S.C. 601–674))

Dated: June 19, 1974.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.74-14479 Filed 6-24-74;8:45 am]

CHAPTER XI—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; MISCELLANEOUS COMMODITIES), DEPARTMENT OF AGRICULTURE

PART 1201—TYPE 62, SHADE-GROWN CIGAR-LEAF TOBACCO GROWN IN DESIGNATED PRODUCTION AREA OF FLORIDA AND GEORGIA

Adoption of Suspension of Certain Provisions

Notice was published in the FEDERAL REGISTER issue of May 28, 1974 (39 FR 18463), that the Department is considering the suspension of certain provisions of the order regulating the handling of Type 62 shade-grown cigar-leaf tobacco grown in the designated production area of Florida and Georgia for the fiscal period ending January 31, 1975.

The provision to be suspended is as follows:

§ 1201.53 Initial regulation fixing number of leaves that may be handled.

Commencing with the fiscal period ending on January 31, 1963, and continuing until such time as suspended, modified, or terminated pursuant to this part: (a) The maximum number of leaves primed for any tobacco plant during a fiscal period that are eligible for handling is fixed at 18 plus the additional number of leaves provided in § 1201.55(b)(2); and (b) the maximum number of leaves primed from all tobacco plants during such fiscal period that may be handled is fixed at the number of tobacco leaves equal to 18 multiplied by the total number of tobacco plants grown during such fiscal period.

[27 FR 4763, May 19, 1962]

The Control Committee has requested this suspension because substantially reduced plantings will not meet the expected demand. The suspension of the provisions in § 1201.53 eliminates the need to count leaves and provides needed flexibility among growers.

Interested persons desiring to submit written data, views, or arguments in connection with this suspension were given until May 31, 1974, to respond. No comments were received and the proposed suspension is adopted without change.

Effective date. These regulations shall become effective June 25, 1974.

Done at Washington, D.C., this 19th day of June 1974.

E. L. PETERSON,
Administrator,
Agricultural Marketing Service.

[FR Doc.74-14476 Filed 6-24-74;8:45 am]

PART 1201—TYPE 62 SHADE-GROWN CIGAR-LEAF TOBACCO GROWN IN DESIGNATED PRODUCTION AREA OF FLORIDA AND GEORGIA

Limitation of Handling

Notice was published in the FEDERAL REGISTER issue of May 28, 1974 (39 FR 18463) that the Secretary was considering an amendment to the Control Committee rules and regulations which are issued pursuant to Order No. 195 (7 CFR Part 1201), regulating the handling of Type 62 Shade-Grown Cigar-Leaf Tobacco Grown in Designated Area of Georgia and Florida.

Expenses in the amount of $1,500 were requested for the period ending January 31, 1975. An assessment of 60 cents per 1,000 pounds of tobacco for each eligible handler would be necessary to provide the funds to meet the expenses.

Interested persons desiring to submit written data, views, or arguments in connection with this amendment were given until May 31, 1974, to do so. No comments were received. The Department finds that such expenses are necessary and likely to be incurred and the proposed amendment is adopted without change.

Effective date. These regulations shall become effective June 25, 1974.

Done at Washington, D.C., this 19th day of June 1974.

E. L. PETERSON,
Administrator,
Agricultural Marketing Service.

[FR Doc.74-14477 Filed 6-24-74;8:45 am]

PART 1207—POTATO RESEARCH AND PROMOTION PLAN

Expenses and Rate of Assessment

Notice was published in the May 28, 1974, issue of the FEDERAL REGISTER (39 FR 18463) regarding proposed expenses and rate of assessment of the National Potato Promotion Board for the 1974–75 fiscal period. The budget of $1,968,937 and assessment rate of one cent per hundredweight, as hereinafter set forth, were unanimously recommended by the National Potato Promotion Board, established pursuant to the Potato Research and Promotion Plan (7 CFR Part 1207; 37 FR 5003). This nationwide research and promotion program is effective under the Potato Research and Promotion Act (7 U.S.C. 2611–2627).

The notice afforded interested persons opportunity to submit written data, views, or comments with respect to the proposal not later than June 12, 1974. None was received.

After consideration of all relevant matter, including that in the notice, it is hereby found that the expenses and rate of assessment will tend to effectuate the declared policy of the act.

It is hereby found that good cause exists for not postponing the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that the relevant provisions of this part require that the rate of assessment for a particular fiscal period shall apply to all assessable potatoes from the beginning of such period.

The expenses and rate of assessment are as follows:

§ 1207.403 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred during the fiscal period beginning July 1, 1974, and ending June 30, 1975, by the National Potato Promotion Board for its maintenance and functioning, and for such purposes as the Secretary determines to be appropriate will amount to $1,968,937.

(b) The rate of assessment to be paid by each designated handler in accordance with the provisions of the plan shall be 1 cent ($0.01) per hundredweight of assessable potatoes handled by him as the designated handler thereof during said fiscal period.

(c) Unexpended income in excess of expenses for the fiscal period may be carried over as an operating monetary reserve.

(d) Terms used in this section have the same meaning as when used in the Potato Research and Promotion Plan.

(Title III of Pub. L. 91-670; 84 Stat. 2041; (7 U.S.C. 2611–2627).)

Dated June 19, 1974, to become effective July 1, 1974.

JOHN C. BLUM,
Associate Administrator.

[FR Doc.74-14477 Filed 6-24-74;8:45 am]

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Title 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS; EXTRAORDINARY EMERGENCY REGULATION OF INTRASTATE ACTIVITIES

PART 73—SCABIES IN CATTLE

Areas Quarantined

This amendment quarantines portions of Gage and Saline Counties in Nebraska because of the existence of cattle scabies. The restrictions pertaining to the interstate movement of cattle from quarantined areas as contained in 9 CFR Part 73, as amended, will apply to the areas quarantined.

Accordingly, Part 73, Title 9, Code of Federal Regulations, as amended, restricting the interstate movement of cattle because of scabies is hereby amended as follows:

In § 73.1a, paragraph (b) relating to Nebraska is amended to read:

§ 73.1a Notice of quarantine.

• • • • •

(b) Notice is hereby given that cattle in certain portions of Nebraska are affected with scabies, a contagious, infectious, and communicable disease; and, therefore, the following areas in such State are hereby quarantined because of said disease:

(1) That portion of Douglas County comprised of sec. 36, T. 14–15 N., R. 9–10 E.

(2) The premises of Hammond Farms in Otoe Precinct of Otoe County comprised of sec. 20, T. 7 N., R. 14 E.

(3) That portion of Gage County, Lincoln Precinct comprised of sec. 29, T. 3. N., R. 5 E., and Grant Precinct comprised of sec. 2, T. 5 N., R. 5 E.

(4) That portion of Saline County, De Witt Precinct, comprised of sec. 34, T. 5 N., R. 4 E.

• • • • •

(Secs. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; secs. 1–4, 33 Stat. 1264, 1265, as amended; secs. 3 and 11, 76 Stat. 130, 132; (21 U.S.C. 111–113, 115, 117, 120, 121, 123–126, 134b, 134f); 37 FR 28464, 28477; 38 FR 19141.)

Effective date. The foregoing amendment shall become effective June 20, 1974.

The amendment imposes certain further restrictions necessary to prevent the interstate spread of cattle scabies and must be made effective immediately to accomplish its purpose in the public interest. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 20th day of June 1974.

PIERRE A. CHALOUX,
Acting Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.74–14519 Filed 6–24–74;8:45 am]

PART 82—EXOTIC NEWCASTLE DISEASE; AND PSITTACOSIS OR ORNITHOSIS IN POULTRY

Area Released From Quarantine

This amendment excludes a portion of Hidalgo county in Texas from the areas quarantined because of exotic Newcastle disease under the regulations in 9 CFR Part 82, as amended. Therefore, the restrictions pertaining to the Interstate movement of poultry, mynah and psittacine birds, and birds of all other species under any form of confinement, and their carcasses and parts thereof, and certain other articles from quarantined areas, as contained in 9 CFR Part 82, as amended, will not apply to the excluded area.

Accordingly, Part 82, Title 9, Code of Federal Regulations, is hereby amended in the following respect:

In § 82.3, in paragraph (a) (1) relating to the State of Texas, subdivision (v) relating to Hidalgo County is deleted.

(Secs. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; secs. 1–4, 33 Stat. 1264, 1265, as amended; secs. 3 and 11, 76 Stat. 130, 132; (21 U.S.C. 111–113, 115, 117, 120, 123–126, 134b, 134f); 37 FR 28464, 28477; 38 FR 19141.)

Effective date. The foregoing amendment shall become effective June 19, 1974.

The amendment relieves certain restrictions no longer deemed necessary to prevent the spread of exotic Newcastle disease, and must be made effective immediately to be of maximum benefit to affected persons. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and unnecessary, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 19th day of June 1974.

PIERRE A. CHALOUX,
Acting Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.74–14518 Filed 6–24–74;8:45 am]

SUBCHAPTER D—EXPORTATION AND IMPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

PART 97—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Commuted Traveltime Allowances

The purpose of these amendments is to establish commuted traveltime periods as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which an employee of Veterinary Services performs overtime or holiday duty when such travel is performed solely on account of overtime or holiday duty. Such establishment depends upon facts within the knowledge of the Animal and Plant Health Inspection Service.

Therefore, pursuant to the authority conferred upon the Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service by § 97.1 of the regulations concerning overtime services relating to imports and exports (9 CFR 97.1), administrative instructions 9 CFR 97.2 (1974 ed.), as amended January 4, 1974 (39 FR 999) January 18, 1974 (39 FR 2265), March 18, 1974 (39 FR 10115), April 4, 1974 (39 FR 12252), and June 5, 1974 (39 FR 19940), prescribing the commuted traveltime that shall be included in each period of overtime or holiday duty, are hereby amended by adding to or deleting from the respective lists therein as follows:

OUTSIDE METROPOLITAN AREA

ONE HOUR

Add: Bangor, Maine (served from Carmel, Maine).

TWO HOURS

Add: Peabody, Massachusetts (served from Lowell, Massachusetts).
Delete: Bridgeport, Connecticut (served from Milford, Connecticut).
Delete: New Bedford, Massachusetts (served from Warren, Rhode Island).
Delete: New Haven, Connecticut (served from Milford, Connecticut).
Delete: Providence, Rhode Island (served from Warren, Rhode Island).

THREE HOURS

Add: Bangor, Maine (served from Augusta, Maine).
Delete: Bradley International Airport (served from Middletown, Connecticut).
Delete: Peabody, Massachusetts (served from Boston, Massachusetts).

FOUR HOURS

Delete: Bradley International Airport (served from Milford, Connecticut).
Delete: Groton, Connecticut (served from Milford, Connecticut).
Delete: New Bedford, Massachusetts (served from Boston, Massachusetts).
Delete: New London, Connecticut (served from Milford, Connecticut).
Delete: Providence, Rhode Island (served from Boston, Massachusetts).

(64 Stat. 561; 7 U.S.C. 2260)

Effective date. The foregoing amendments shall become effective June 25, 1974.

It is to the benefit of the public that these instructions be made effective at the earliest practicable date. It does not appear that public participation in this rulemaking proceeding would made additional relevant information available to the Department.

Accordingly, pursuant to 5 U.S.C. 553, it is found upon good cause that notice and public procedure on these instructions are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 19th day of June 1974.

PIERRE A. CHALOUX,
Acting Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.74–14520 Filed 6–24–74;8:45 am]

Title 12—Banks and Banking

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

SUBCHAPTER F—REGULATIONS FOR SAVINGS AND LOAN HOLDING COMPANIES

[No. 74–515]

PART 584—REGULATED ACTIVITIES

Activities of Multiple Savings and Loan Holding Companies

JUNE 5, 1974.

The Federal Home Loan Bank Board, as the operating head of the Federal Savings and Loan Insurance Corporation, by Resolution No. 74–61, dated January 30, 1974, proposed to amend Part 584 of the regulations for Savings and Loan Holding Companies (12 CFR Part 584) for the purposes described herein. Notice of such proposed rulemaking was duly published in the FEDERAL REGISTER on February 20, 1974 (39 FR 6538), with an invitation for interested persons to submit written comments by March 22, 1974.

On the basis of its consideration of all relevant material presented by interested persons and otherwise available, the Board considers it desirable to adopt the proposed amendments with the changes discussed herein and one other amendment discussed herein. Accordingly, the Board hereby amends said Part 584 by adding a new § 584.2–1 thereto, immediately following § 584.2 thereof, to read as set forth below, effective July 26, 1974. The Board also hereby amends Part 584 by adding a new subdivision (2) to § 584.6(c) thereof to read as set forth below, effective June 25, 1974.

By said Resolution No. 74–61, the Board, pursuant to section 408(c)(2)(F) of the National Housing Act, as amended, proposed to prescribe by regulation—new § 584.2–1—"preapproved" services and activities for multiple savings and loan holding companies and their non-insured subsidiaries other than service corporations and the procedures for entering into those services and activities. Section 584.2–1 is adopted as proposed with two changes.

Some of the comments received by the Board expressed concern as to whether the provisions of proposed § 584.2–1 would permit multiple holding companies and their non-insured subsidiaries other than service corporations to invest in various types of government securities. In order to clarify this question and in order to provide that such investments may be made without regard to the other provisions of § 584.2–1, the following sentence is added at the end of paragraph (a) of § 584.2–1:

Notwithstanding and without regard to any other provision of this section other than this sentence, a multiple holding company and any non-insured subsidiary thereof other than a service corporation may invest in the types of securities specified in §§ 523.10, 545.9 and 545.9–3 of this chapter without regard to any limitation therein relating to amount or maturity.

Paragraph (b)(1)(i) of proposed § 584.2–1 would have "preapproved" originating, purchasing, selling and servicing "loans, and participation interests in loans, secured by first liens on real estate, including brokerage and warehousing of such real estate loans". Upon further consideration the Board has revised this provision to delete the first lien requirement. The final regulation "preapproves" for multiple holding companies and their non-insured subsidiaries other than service corporations originating, purchasing, selling and servicing "loans, and participation interests in loans, on a prudent basis and secured by real estate, including brokerage and warehousing of such real estate loans, except that such a company or subsidiary shall not invest in a loan secured by real estate as to which a subsidiary insured institution of such company has a security interest".

Upon consideration of a petition received by the Board after the adoption of said Resolution No. 74–61 the Board also hereby adds a new subdivision (2) to § 584.6(c) which is related to holding company indebtedness. Said subdivision (2) approves without application the issuance, sale, renewal or guarantee of any debt security, or the assumption of any debt incurred "in connection with the issuance of any policy or contract of insurance in the ordinary course of business by a savings and loan holding company's subsidiary insurance company which is authorized to do business subject to regulation by appropriate State authorities".

Since the above amendment to § 584.6(c) relieves restriction, the Board hereby finds that notice and public procedure with respect to said amendment is unnecessary under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b); and since publication of said amendment for the 30 day period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date thereof would, in the opinion of the Board, likewise be unnecessary for the same reason, the Board hereby provides that the above amendment to § 584.6(c) will become effective as hereinbefore set forth. The Board also hereby provides that the above amendment adding a new § 584.2–1 to Part 584 will also become effective as hereinbefore set forth.

§ 584.2–1 Services and activities of multiple savings and loan holding companies.

(a) *General.* For the purposes of § 584.2(b)(6), the Corporation hereby prescribes for multiple savings and loan holding companies, or subsidiaries thereof which are neither insured institutions nor service corporation subsidiaries of subsidiary insured institutions, services and activities which are deemed for such purposes to be a proper incident to the operations of insured institutions and not detrimental to the interests of savings account holders therein. Services and activities of service corporation subsidiaries of multiple savings and loan holding company subsidiary insured institutions are prescribed by § 584.2(c). Notwithstanding and without regard to any other provision of this section other than this sentence, a multiple savings and loan holding company and any non-insured subsidiary thereof, other than a service corporation, may invest in the types of securities specified in §§ 523.10, 545.9, and 545.9–3 of this chapter without regard to any limitation therein relating to amount or maturity.

(b) *Prescribed services and activities.* Subject to the provisions of paragraph (c) of this section, a multiple savings and loan holding company or a subsidiary thereof which is neither an insured institution nor a service corporation of a subsidiary insured institution may furnish or perform the following services and engage in the following activities to the extent that it has legal power to do so:

(1) Originating, purchasing, selling and servicing any of the following:

(i) Loans, and participation interests in loans, on a prudent basis and secured by real estate, including brokerage and warehousing of such real estate loans, except that such a company or subsidiary shall not invest in a loan secured by real estate as to which a subsidiary insured institution of such company has a security interest;

(ii) Mobile home chattel paper (written evidence of both a monetary obligation and a security interest of first priority in one or more mobile homes, and any equipment installed or to be installed therein), including brokerage and warehousing of such chattel paper;

(iii) Loans, with or without security, for the altering, repairing, improving, equipping or furnishing of any residential real estate; and

(iv) Educational loans;

(2) Subject to the provisions of § 584.3, furnishing or performing clerical, accounting and internal audit services primarily for its affiliates;

(3) Subject to the provisions of § 584.3, furnishing or performing the following

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services primarily for its affiliates, and for any insured institution and service corporation subsidiary thereof, and for other multiple holding companies and affiliates thereof:

(i) Data processing;

(ii) Credit information, appraisals, construction loan inspections, and abstracting;

(iii) Development and administration of personnel benefit programs, including life insurance, health insurance, and pension or retirement plans;

(iv) Research, studies, and surveys;

(v) Purchase of office supplies, furniture and equipment;

(vi) Development and operation of storage facilities for microfilm or other duplicate records; and

(vii) Advertising and other services to procure and retain both savings accounts and loans;

(4) Acquisition of unimproved real estate lots, and acquisition of other unimproved real estate for the purpose of prompt development and subdivision, for (i) construction of improvements, (ii) resale to others for such construction, or (iii) use as mobile home sites;

(5) Development, subdivision and construction of improvements on real estate acquired pursuant to subparagraph (4) of this paragraph (b), for sale or rental;

(6) Acquisition of improved real estate and mobile homes to be held for rental;

(7) Acquisition of improved real estate for remodeling, rehabilitation, modernization, renovation, or demolition and rebuilding for sale or for rental;

(8) Maintenance and management of improved real estate; and

(9) Underwriting or reinsuring contracts of credit life or credit health and accident insurance in connection with extensions of credit by the savings and loan holding company or any of its subsidiaries, or extensions of credit by any insured institution or service corporation subsidiary thereof, or any other multiple savings and loan holding company or subsidiary thereof.

(c) *Procedures for commencing services or activities.* (1) Before a multiple savings and loan holding company or a subsidiary thereof may commence performing or engaging in a service or activity prescribed by paragraph (b) of this section, either de novo or by an acquisition of a going concern, it shall file a notice of intent to do so in a form prescribed by the Corporation. The original and one copy of such notice shall be filed with the Director, Holding Companies Section, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, and two copies of such notice shall be sent to the Supervisory Agent. The activity or service may be commenced unless before the close of the calendar-day period stipulated in the next sentence, the Corporation finds that the service or activity proposed would not be, in the circumstances, a proper incident to the operations of insured institutions or would be detrimental to the interests of savings account holders therein. The period shall be 30 calendar days after the date of receipt of such notice, in the case of a de novo entry, and 60 calendar days after the date of receipt of such notice, in the case of an acquisition of a going concern. The Director may extend the appropriate calendar-day period for a period not to exceed 15 calendar days on the basis of the circumstances in a particular case. The Director or Supervisory Agent may request additional information from such holding company or subsidiary after receipt of notice, but the Corporation need not consider additional information forthcoming from the holding company or subsidiary as a result of such a request which is received by the Director less than 10 calendar days before the end of the original or extended calendar-day period. The Director may permit such holding company or subsidiary to commence the activity at an earlier date on the basis of the circumstances in a particular case.

(2) The Corporation may require a multiple savings and loan holding company or subsidiary thereof which has commenced a service or activity pursuant to this section to modify or terminate, in whole or in part, such service or activity as the Corporation finds necessary in order to ensure compliance with the provisions and purposes of this part and of section 408 of the National Housing Act, as amended, or to prevent evasions thereof.

(3) Except as may be otherwise provided in a resolution by or on behalf of the Corporation in a particular case, a service or activity commenced pursuant to this section shall not be altered in any material respect from that described in the notice filed under subparagraph (1) of this paragraph (c), unless before making such alteration notice of intent to do so is filed in compliance with the appropriate procedures of said subparagraph (1).

§ 584.6 Holding company indebtedness.

* * * * * * *

(c) *Exemptions from computation of 15 percent limitation.* The Corporation, without limitation upon and in addition to the exemption contained in paragraph (a)(2) of this section, hereby approves without application the issuance, sale, renewal or guarantee of any debt security, or the assumption of any debt incurred:

* * * * * * *

(2) In connection with the issuance of any policy or contract of insurance in the ordinary course of business by a savings and loan holding company's subsidiary insurance company which is authorized to do business subject to regulation by appropriate State authorities.

* * * * * * *

(Sec. 402, 48 Stat. 1256, as amended, sec. 408, 48 Stat. 1261, as added by 73 Stat. 691, as amended; (12 U.S.C. 1725, 1730a), Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, Jr.,
Assistant Secretary.

[FR Doc.74–14529 Filed 6–24–74;8:45 am]

Title 13—Business Credit and Assistance

CHAPTER I—SMALL BUSINESS ADMINISTRATION

[Rev. 12, Amdt. 11]

PART 121—SMALL BUSINESS SIZE STANDARDS

Effective Date of Size Determinations

It always has been the position of the Small Business Administration that a size determination made under delegated authority by a Small Business Administration regional director (or any other person with delegated authority) becomes immediately effective and remains in full force and effect unless it is reversed by the Small Business Size Appeals Board. Recently it was argued that, because § 121.3–4 of Part 121 of Chapter I of Title 13 of the Code of Federal Regulations provides that "Such [a] determination shall be final unless appealed * * *.", the filing of an appeal from such a determination stays the effect of the determination until the appeal has been decided. However, in Decision No. B–178701 dated December 28, 1973, the Comptroller General of the United States ruled otherwise. In order to clarify this issue, Part 121 of Chapter I of Title 13 of the Code of Federal Regulations is hereby amended by revising the third sentence of § 121.3–4 to read as follows:

§ 121.3–4 Size determinations.

* * * Such determination shall become effective immediately and shall remain in full force and effect unless and until reversed by the Small Business Size Appeals Board pursuant to § 121.3–6. * * *

Since this amendment makes no substantive change, it is being adopted without recourse to public rulemaking.

(Catalog of Federal Domestic Assistance Program Nos. 59.001 through 59.018)

Effective date: June 25, 1974.

Dated: June 6, 1974.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.74–14496 Filed 6–24–74;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 74–WA–12]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Additional Control Area

On May 13, 1974, a notice of proposed rulemaking (NPRM) was published in the FEDERAL REGISTER (39 FR 17108) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would expand the additional control area in the vicinity of Sault Ste. Marie, Mich.

Interested persons were afforded an opportunity to participate in the proposed rulemaking through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., August 15, 1974, as hereinafter set forth.

Section 71.163 (39 FR 346) is amended as follows:

In Sault Ste. Marie, Mich., "The airspace within Canada is excluded." is deleted and "Also that airspace extending upward from 1,200 feet AGL in an area bounded by a line beginning at Lat. 46°48'45" N., Long. 84°33'00" W., to Lat. 46°33'00" N., Long. 85°01'40" W., to Lat. 47°00'00" N., Long. 86°25'30" W., to Lat. 47°19'40" N., Long. 86°10'10" W., thence to the point of beginning. The airspace within Canada is excluded." is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958, (49 U.S.C. 1348(a)); and sec. 6(c), Department of Transportation Act, (49 U.S.C. 1655 (c))).

Issued in Washington, D.C., on June 19, 1974.

CHARLES H. NEWPOL,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.74–14445 Filed 6–24–74;8:45 am]

[Airspace Docket No. 74–GL–1]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On page 7593 of the FEDERAL REGISTER dated February 27, 1974, the Federal Aviation Administration published a notice of proposed rulemaking which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Macomb, Illinois.

Interested persons were given 30 days to submit written comments, suggestions or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., August 15, 1974.

(Sec. 307(a), Federal Aviation Act of 1958, (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Des Plaines, Ill. on June 5, 1974.

R. O. ZIEGLER,
Acting Director, Great Lakes Region.

In § 71.181 (39 FR 440), the following transition area is amended to read:

MACOMB, ILL.

That airspace extending upward from 700 feet above the surface within a 6 mile radius of Macomb Municipal Airport (latitude 40°31'11" N.; longitude 90°39'17" W.); and within 3 miles each side of the 084° bearing from Macomb Municipal Airport extending from the 6 mile radius area to 8 miles east of the airport.

[FR Doc.74–14446 Filed 6–24–74;8:45 am]

[Airspace Docket No. 74–SO–44]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On May 2, 1974, a notice of proposed rulemaking was published in the FEDERAL REGISTER (39 FR 15308), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Milton, Fla., transition area.

Interested persons were afforded an opportunity to participate in the rulemaking through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., August 15, 1974, as hereinafter set forth.

In § 71.181 (39 FR 440), the Milton, Fla. transition area is amended as follows:

All after "northwest of the TACAN," is deleted and "* * * and within a 5-mile radius of OLF Santa Rosa (Navy), Milton, Fla. (latitude 30°36'00" N., longitude 86°56'00" W.) * * *" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on June 13, 1974.

DUANE W. FREER,
Acting Director, Southern Region.

[FR Doc.74–14447 Filed 6–24–74;8:45 am]

[Airspace Docket No. 74–SO–48]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On May 10, 1974, a notice of proposed rulemaking was published in the FEDERAL REGISTER (39 FR 16901), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Tifton, Ga., transition area.

Interested persons were afforded an opportunity to participate in the rulemaking through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., August 15, 1974, as hereinafter set forth.

In § 71.181 (39 FR 440), the Tifton, Ga., transition area is amended as follows:

"* * * long. 86°29'06" W.) * * *" is deleted and "* * * long. 86°29'06" W.); within a 5-mile radius of Eaglehead Airport (lat. 31°23'00" N., longitude 83°36'00" W.) * * *" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in East Point, Ga., on June 13, 1974.

DUANE W. FREER,
Acting Director, Southern Region.

[FR Doc.74–14448 Filed 6–24–74;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER C—DRUGS

PART 135—NEW ANIMAL DRUGS

PART 135e—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Clopidol, Roxarsone, Bacitracin Methylene Disalicylate

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (41–541V) filed by The Dow Chemical Co., P.O. Box 1706, Midland, MI 48640, proposing safe and effective use of premixes containing clopidol, roxarsone, and bacitracin methylene disalicylate for manufacture of broiler chicken feeds. The supplemental application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), Parts 135 and 135e are amended as follows:

1. In § 135.501(c) by changing the address of code No. 012 as follows:

§ 135.501 Names, addresses and code numbers of sponsors of approved applications.

* * * * * * *

(c) * * *

Code No.	*Firm name and address*
*	* * * * *
012	The Dow Chemical Co., P.O. Box 1706, Midland, MI 48640.
*	* * * * *

2. In § 135e.46 by revising paragraph (b)(1) and adding a new paragraph (b)(3) as follows:

§ 135e.46 Clopidol

* * * * * * *

(b) *Approvals.* (1) Premix level of clopidol 25% granted to code No. 012 of § 135.501(c) of this chapter.

* * * * * * *

(3) Premix levels, combinations of clopidol 25%, roxarsone 10%, and bacitracin methylene disalicylate, 4, 10, 15 or 25 grams per pound, granted to No. 012 of § 135.501(c) of this chapter.

* * * * * * *

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Effective date. This order shall be effective June 25, 1974.

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i))

Dated: June 18, 1974.

FRED J. KINGMA,
Acting Director, Bureau of Veterinary Medicine.

[FR Doc.74-14482 Filed 6-24-74;8:45 am]

PART 135a—NEW ANIMAL DRUGS FOR OPHTHALMIC AND TOPICAL USE

N-(Mercaptomethyl) Phthalimide S-(O,O-dimthyl Phosphorodithioate)

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (44-757V) filed by Stauffer Chemical Co., 1200 South 47th St., Richmond, CA 94804, proposing safe and effective use of *N*-(mercaptomethyl) phthalimide *S*-(*O*, *O*-dimethyl phosphorodithioate) for control of lice on beef cattle. The supplemental application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 135a is amended in § 135a.14 by revising paragraph (c)(1) to read as follows:

§ 135a.14 *N*-(Mercaptomethyl) phthalimide *S*-(*O*,*O*-dimethyl phosphorodithioate) emulsifiable liquid.

• • • • • •

(c) *Conditions of use.* (1) It is used for control of cattle grubs, lice, and horn flies by spray application as follows: One volume is diluted with 49 volumes of water and sprayed on cattle at the rate of about 1 gallon of the diluted spray per adult animal, wetting the skin sufficiently so that the material will run off the animal, with lesser amounts used on younger animals. Repeat spray treatment as necessary but no more often than once every 7 days for control of horn flies. For control of cattle grubs and lice by a pour-on application as follows: One volume of the product is diluted with two volumes of water and applied to cattle at the rate of 1 fluid ounce of the freshly diluted mixture per 100 pounds of body weight (to a maximum of 8 ounces per head) down the centerline of each animal's back. For optimum grub control, cattle should be treated as soon as possible after the heel fly season and before the grub larvae reach the gullet or spinal canal. A single spray or pour-on treatment will control cattle grubs and biting and sucking lice.

• • • • • •

Effective date. This order shall be effective on June 25, 1974.

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i))

Dated: June 18, 1974.

FRED J. KINGMA,
Acting Director, Bureau of Veterinary Medicine.

[FR Doc.74-14484 Filed 6-24-74;8:45 am]

PART 135b—NEW ANIMAL DRUGS FOR IMPLATATION OR INJECTION

Sodium Thiamylal for Injection, Veterinary

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (39-483V) filed by Philips Roxane, Inc., 2621 North Belt Highway, St. Joseph, MO 64502, proposing revised labeling reflecting revised specifications for sodium thiamylal for injection. The supplemental application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), § 135b.39 is amended by revising paragraph (a)(1) to read as follows:

§ 135b.39 Sodium thiamylal for injection, veterinary.

(a)(1) *Specifications.* Sodium thiamylal for injection, veterinary, is a sterile dry powder containing a mixture of sodium thiamylal and anhydrous sodium carbonate. It is contained in vials with directions for adding the necessary amount of water for injection or of sodium chloride for injection in order to produce a 0.5 to 4.0 percent solution of sodium thiamylal.

• • • • • •

Effective date. This order shall be effective on June 25, 1974.

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i))

Dated: June 18, 1974.

FRED J. KINGMA,
Acting Director, Bureau of Veterinary Medicine.

[FR Doc.74-14483 Filed 6-24-74;8:45 am]

PART 135e—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Monensin; Monensin Sodium

The Commissioner of Food and Drugs has evaluated a new animal drug application (93-532V) filed by Agricultural Processing Corp., Salem, VA 24153, proposing safe and effective use of a premix containing monensin sodium in manufacturing chicken feeds. The application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), § 135e.50 is amended by revising paragraph (b) to read as follows:

§ 135e.50 Monensin; monensin sodium.

• • • • • •

(b) *Approvals.* Premix levels of monensic acid activity from monensin or monensin sodum granted to firms as sponsor(s) and identified by code numbers in § 135.501(c) of this chapter for the specific usage indicated in paragraph (f) of this section:

(1) 44 or 45 grams per lb. to 014; item 1.

(2) 44 grams per lb. with 18 grams per lb. of 3-nitro-4-hydroxyphenylarsonic acid to 014; item 2.

(3) 110 grams per lb. to 014; items 3 and 5.

(4) 110 grams per lb. with 45 grams per lb. of 3-nitro-4-hydroxyphenylarsonic acid to 014; item 4.

(5) 303.5 grams per ton with 0.0138 percent 3-nitro-4-hydroxyphenylarsonic acid to 006; item 4.

(6) 11.786 grams per lb. with 1.063 percent 3-nitro-4-hydroxyphenylarsonic acid, 22 grams per lb. with 1.98 percent 3-nitro-4-hydroxyphenylarsonic acid to 110; item 4.

(7) 14.67 grams per lb. to 110; item 3.

• • • • • •

Effective date. This order shall be effective on June 25, 1974.

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i))

Dated: June 18, 1974.

FRED J. KINGMA,
Acting Director, Bureau of Veterinary Medicine.

[FR Doc.74-14485 Filed 6-24-74;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Particulate Control Strategy for Hawaii

On January 19, 1972 the Governor of Hawaii requested in a letter to the Administrator an 18-month extension of the deadline for submittal of a control strategy for attaining the National Secondary Standard for Particulate Matter. On March 16, 1972 the Administrator in accord with § 51.31 of Chapter I, Title 40 CFR granted this time extension of 18 months.

On August 15, 1973 the Governor submitted to the EPA Region IX Office the control strategy developed by the State during this 18-month time extension. Notice of receipt of the submittal and of 30-day public comment period was published by the Administrator on November 12, 1973 (38 FR 31183).

The control strategy consists of emission limitations for process industries, incinerators and bagasse combustion, prohibition of open burning except agricultural, and a permit system for such agricultural burning. It is based on air quality obtained during 1972 rather than the 1971 data used in the original plan submittal, and is also based on a revision of the emission inventory originally used for plan development. The emission inventory was revised to reflect recalculation of particulate matter emissions attributed to agricultural burning due to the development of new emission factors for sugar cane and pineapple field burning.

July 31, 1975 is specified as the date by which the State will achieve compliance with the standard, and the strategy is demonstrated mathematically as being adequate to achieve the standard by that date.

No public comment was received on this control strategy during the public comment period. The agency review is complete and the submittal has been found to meet all applicable requirements of 40 CFR Part 51.

Accordingly, 40 CFR Part 52 is being amended to reflect approval of the Control Strategy to attain the National Secondary Standard for Particulate Matter submitted by the State of Hawaii.

(42 U.S.C. 1857c-5)

Dated: June 18, 1974.

JOHN QUARLES,
Acting Administrator.

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart M—Hawaii

1. In § 52.620, paragraph (c) is revised to read as follows:

§ 52.620 Identification of plan.

• • • • • •

(c) Supplemental information was submitted on:

(1) April 4, 1972, May 15, 1973, and April 25, 1974, by the Department of Health and,

(2) May 8, May 22, June 15, November 21, 1972, and August 15, 1973.

§ 52.628 [Amended]

2. In § 52.628, the attainment date table is amended by replacing the letter "b", which indicates that an 18-month extension has been granted to submit the control strategy to attain the national secondary standard for particulate matter, with the letter "a", indicating an attainment date of July 1975, and by revoking footnote "b".

[FR Doc.74-14533 Filed 6-24-74;8:45 am]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Maryland and Virginia State Implementation Plans

On May 31, 1972 (37 FR 10842), pursuant to section 110 of the Clean Air Act and 40 CFR 51, Requirements for Preparation, Adoption, and Submittal of Implementation Plans, the Administrator granted the States of Maryland and Virginia 18-month extensions for submission of plans to attain and maintain the national secondary ambient air quality standard. Maryland was granted an extension for sulfur oxides in the Metropolitan Baltimore Intrastate Region and Virginia was granted an extension for particulate matter in the State Capital Intrastate Region.

The required plans were submitted on July 31, 1973, by the Governor of Maryland and on August 20, 1973, by the Governor of Virginia. On September 18, 1973 (38 FR 26151), and November 14, 1973 (38 FR 31455), the plans were published as proposed rulemaking and opportunity was provided for the public to comment on the approvability of the plans. No comments were received.

The Maryland plan does not alter the present emission limitations for sulfur oxides. The plan demonstrates that implementation and enforcement of existing Maryland regulations in the Metropolitan Baltimore Intrastate Region will be sufficient to achieve the national secondary ambient air quality standard for sulfur oxides by 1975.

The Virginia plan does not alter the present emission limitations for particulate matter. The report entitled "Technical Services Support for Virginia State Capital AQCR" was also submitted to demonstrate that implementation and enforcement of existing Virginia regulations in the State Capital Intrastate Region will be sufficient to achieve the secondary standards for particulate matter by 1975.

The plans to attain and maintain the national secondary ambient air quality standard for sulfur oxides in the Metropolitan Baltimore Intrastate Region and for particulate matter in the State Capital Intrastate Region meet the requirements of section 110(a)(2)(A)–(H) of the Clean Air Act and 40 CFR 51, and are hereby approved.

(42 U.S.C. 1857c-5)

Dated: June 18, 1974.

JOHN QUARLES,
Acting Administrator.

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart V—Maryland

1. Section 52.1070 is amended by revising paragraph (c) to read as follows:

§ 52.1070 Identification of plan.

• • • • • •

(c) Supplemental information was submitted on:

(1) February 25, March 3, March 7, April 4, April 28, and May 8, 1972, by the Maryland Bureau of Air Quality Control, and

(2) July 27, 1972, by the Maryland Department of Natural Resources, and

(3) April 16, May 5, June 15, June 22, June 28, Jul 9, and July 31, 1973.

§ 52.1078 [Amended]

2. In § 52.1078, the attainment date table is amended by replacing the letter "b" for attainment of the national secondary standard for sulfur oxides in the Metropolitan Baltimore Intrastate region by the letter "a", and footnote "b" is revoked.

Subpart VV—Virginia

3. Section 52.2420 is amended by revising paragraph (c) to read as follows:

§ 52.2420 Identification of plan.

• • • • • •

(c) Supplemental information was submitted on:

(1) May 4, 1972, by the Virginia Air Pollution Control Board, and

(2) June 30 and July 26, 1972, and

(3) April 11, May 30, July 9, July 11, August 20, and December 6, 1973.

§ 52.2429 [Amended]

4. In § 52.2429, the attainment date table is amended by replacing the letter "b" for attainment of the national secondary standard for particulate matter in the State Capital Intrastate region by the letter "a", and footnote "b" is revoked.

[FR Doc.74-14534 Filed 6-24-74;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 101—FEDERAL PROPERTY MANAGEMENT REGULATIONS

SUBCHAPTER H—UTILIZATION AND DISPOSAL

[FPMR Amdt. H-85]

PART 101-47—UTILIZATION AND DISPOSAL OF REAL PROPERTY

Subpart 101-47.2—Utilization of Excess Real Property

SURPLUS DETERMINATIONS

JUNE 18, 1974.

The President in a memorandum to the heads of departments and agencies dated April 19, 1974, concerning energy self-sufficiency, directed the Administrator of General Services and the Administrator of the Federal Energy Administration to make arrangements to ensure that energy site needs are considered with other competing needs in the disposal of surplus real property under existing laws and regulations. To implement the Presidential directive, § 101-47.204-1 is amended to provide that the Administrator of the Federal Energy Administration will be notified when real property is determined surplus and advised of any known interest in the property for its use or development for energy facilities. Appropriate steps will be taken to ensure that energy site needs are considered along with other competing needs in the disposal of surplus real property since such property may become available for such use under section 203(e)(3)(G) or (H) of the Federal Property and Administrative Services Act of 1949, as amended.

Section 101-47.204-1 is amended as follows:

§ 101-47.204-1 Reported property.

• • • • • •

(a) The holding agency, the Secretary of Health, Education, and Welfare, and the Secretary of the Interior will be notified of the date upon which determination as surplus becomes effective. The Secretary of Housing and Urban Development also will be so notified but only regarding those properties that HUD identifies as having potential for housing and for related public, commercial, or industrial facilities under section 414 of the Housing and Urban Development Act of 1969, as amended. (See § 101-47.203-5.) Any Federal agency that has identified a property as being required for replacement housing for displaced persons under section 218 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 also will be notified of the date upon which determination as

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surplus becomes effective. The Administrator of the Federal Energy Administration also will be notified when real property is determined surplus and advised of any known interest in the property for its use or development for energy facilities. Appropriate steps will be taken to ensure that energy site needs are considered along with other competing needs in the disposal of surplus real property since such property may become available for such use under section 203(e)(3)(G) or (H) of the Federal Property and Administrative Services Act of 1949, as amended.

(b) The notices to the Secretary of Health, Education, and Welfare, the Secretary of the Interior, and the Administrator of the Federal Energy Administration will be sent to the offices designated by them to serve the area in which the property is located. The notices to the Secretary of Housing and Urban Development will be sent to the central office of HUD. The notices to the Federal agencies having a requirement pursuant to section 218 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 will be sent to the office making the request unless another office is designated.

* * * * * *

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c)) (Catalog of Federal Domestic Assistance Program No. 39.002, Disposal of Federal Surplus Real Property.)

Effective date. This amendment is effective June 25, 1974.

Dated: June 18, 1974.

ARTHUR F. SAMPSON,
Administrator of General Services.

[FR Doc.74-14493 Filed 6-24-74;8:45 am]

Title 46—Shipping

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 73-172]

MARINE PORTABLE TANKS

The purpose of these amendments to the Coast Guard regulations is to add requirements for the approval and use of a new type of portable tank for carrying dangerous articles. These amendments include operating requirements for the filling and discharging of portable tanks on board vessels and for equipment used in the filling and discharging of portable tanks. These amendments are established for vessel safety.

Present Coast Guard regulations concerning portable tanks include the following:

1. Subparts 30.01, 70.05, and 90.05 presently authorize the carriage of certain combustible liquids in portable tanks that conform to Subpart 98.35 on board cargo and miscellaneous and passenger vessels. Subpart 98.35 contains construction and operating requirements for such portable tanks.

2. Subpart 90.05 authorizes the carriage on board cargo vessels of certain inflammable and combustible liquids in special design portable tanks approved and authorized by the Commandant. There are no construction or operating requirements for such special design portable tanks in the Coast Guard regulations.

3. Subparts 30.01 and 90.05 authorize the carriage of certain inflammable liquids in portable tanks in accordance with Part 146 on board cargo vessels. Part 146 authorizes the carriage of these inflammable liquids in portable tanks that meet various Department of Transportation specifications in Part 178 of Title 49. Such portable tanks are not required to be designed to be filled or discharged while on board vessels.

Because of the limited purpose of each of the presently authorized portable tanks, the National Offshore Industry Advisory Committee submitted proposed regulations to the Coast Guard that would provide for the carriage of combustible liquids, inflammable liquids, corrosives, and other dangerous articles in portable tanks that can be not only on and off loaded when full or empty but also filled or emptied while on board a vessel.

The regulations were proposed in the December 5, 1973, issue of the FEDERAL REGISTER (38 FR 33494). Interested persons were given 47 days in which to submit written comments and were also given an opportunity to make oral comments at a public hearing held on January 15, 1974 in New Orleans, La. More than 70 written and oral comments were received concerning the proposal.

These amendments are based on that notice and in general are as follows:

Subchapter F is amended to add new Part 64 containing design, construction, stamping, testing, approval and periodic inspection requirements for the new portable tank for marine service, and design, construction, and inspection requirements for associated piping and equipment used in filling and discharging the tank.

Part 98 of Subchapter I is amended to add new Subpart 98.30 containing rules for the handling, stowage, and safe transportation of portable tanks, approved under Part 64.

Parts 30, 70, and 90 are amended to identify the cargoes which are allowed to be carried in portable tanks approved under Part 64.

Discussion of specific comments and changes follows.

PART 64

The portion of proposed Part 64 that received the most comments was the general requirements of Subpart A. These comments expressed a concern that the proposed tank requirements for marine service affect portable tanks carried by water, railway, and highway modes of transportation, the specifications for which are contained in 49 CFR Part 178. In general, the comments suggested that the proposed requirements for portable tanks for marine service be distinguished by adding to the Subpart heading that the regulations concern tanks designed to be carried by vessels. Accordingly, the title of Part 64 is changed to "Marine Portable Tanks (MPT)", and the designation "MPT" is used in the text of the regulations when reference is made to a marine portable tank.

In addition, proposed Part 64 is renumbered to allow for future amendments and addition.

Section 64.1 The minimum service temperature of 0° F. in the proposed § 64.1 was questioned and concern was expressed as to whether or not a tank may be carried on a vessel when the atmospheric temperature is 0° F. or below. It should be noted that the minimum service temperature requirement in the proposal concerns temperatures due to refrigerated service and is not concerned with atmospheric conditions. Since the Coast Guard determined that clarification of the requirement was not needed, no change was made to the minimum service temperature.

Section 64.2 It was pointed out that the proposed definition in § 64.2(a) did not apply to an MPT that is capable of being lifted on board a vessel in a filled condition. In order to avoid any confusion, the proposed definition is changed from the notice to clarify that the requirements apply to an MPT that is capable of being lifted onto and off of a vessel in a filled and in an empty condition. This definition is renumbered § 64.5(a).

The proposed definition of "start-to-discharge pressure" in § 64.2(e) was eliminated because it is not a term generally used in the United States for relief devices and it created confusion. The term "set pressure" is substituted in the text of the regulations without definition because it is a recognized term used by United States relief valve manufacturers.

The dynamic loading conditions proposed in § 64.2(g) are consistent with IMCO design requirements for marine portable tanks contained in section 13 of the International Maritime Dangerous Goods Code. Because of this conformance to international standards, all requests for modification of the dynamic loading conditions were rejected. Section 64.2(g) is renumbered § 64.5(f).

Section 64.7. The allowable stress in proposed § 64.7 was questioned. In consideration of the comments, the section is rewritten to clarify the intent. The section as rewritten provides the allowable stress for the tank at design conditions and at test pressure. Section 64.7 is renumbered § 64.13.

Section 64.10. The purpose of the requirements in proposed § 64.10 was questioned. The external pressure requirements in § 64.10 are design requirements and not test requirements. The purpose of the requirements is to have the tank designed for an external pressure in accordance with Division 1 of Section VIII of the ASME Code, 1974 edition. The external pressure limit specified in § 64.10(a) is for a tank not required to have a vacuum breaker and in § 64.10(b) for a tank required to have a vacuum breaker. No further clarification is considered necessary by the Coast Guard in § 64.10. Section 64.10 is renumbered § 64.19.

Section 64.14. The purpose of proposed § 64.14 was questioned. The purpose of requiring the tank base to be as wide and as long as the tank is to provide for the support, securing, and mechanical protection of the tank while it is on a vessel. The Coast Guard considers this requirement to be essential for the support, securing and mechanical protection of the tank and no change is made. Section 64.14 is renumbered § 64.27.

Section 64.15. A comment was received concerning whether or not tank saddles must be attached to the MPT. Saddles are usually a part of a portable tank. In those limited number of cases where the saddles are not attached to the MPT, the Commandant may give special consideration to the portable tank design under 46 CFR 50.20-30. Since Subchapter F, in which Part 64 will be published, contains procedures for the acceptance of equivalents, no further changes are considered necessary. Section 64.15 is renumbered § 64.29.

Section 64.19. The meaning of the word "guard" in proposed § 64.19 caused some confusion. Tank valves and fittings can be placed to take advantage of the protection provided by the tank structure. In order to clarify the intent of the requirement, § 64.19 is changed to specify that the tank, tank saddle, or framework may function as a guard. Section 64.19 is renumbered § 64.37.

Section 64.20. The meaning of the word "locking" in proposed § 64.20 elicited some response. The intent of the regulation is to prevent the unintentional opening of a filling or discharge valve. This may be done by placing the valve in an enclosure that is secured by fitting the valve handwheel with a securing lever, or by a seal. The Coast Guard did not intend to require a padlock or a similar lock to be fitted to the valve. To clarify the intent of the regulations, the word "securing" is substituted for the word "locking". Section 64.20 is renumbered § 64.39.

Section 64.23. It was suggested that proposed 64.23 be rewritten to include the devices used to secure "intermodal" portable tanks on trucks. The suggestion was not adopted because such securing devices are not used in marine transportation. Section 64.23 is renumbered § 64.45.

Section 64.24. A request to include fusible elements in proposed § 64.24 as a type of pressure relief devices for an MPT was considered but not adopted by the Coast Guard because a fusible element senses temperature and does not sense pressure. Section 64.24 is renumbered § 64.47.

Section 64.31. The proposed requirement in § 64.31 that a spring loaded pressure relief valve must be set at a nominal pressure of 125 percent of the maximum allowable working pressure elicited comments. This requirement is accepted by IMCO and the Coast Guard for portable tanks where total containment of the cargo is considered necessary to the safety of the vessel. Accordingly, no change was made to § 64.31. Section 64.31 is renumbered § 64.59.

Table 1. Several comments pointed out that the values for the required minimum emergency venting capacity in Table 1 were less than the values that would be obtained by the calculation of "Q" in the formula. Table 1 is corrected.

Subpart E. Commenters had many suggestions for the time intervals for periodic inspections contained in Subpart E and other aspects of the inspection requirements. The periodic inspection intervals for an MPT are consistent with IMCO recommendations.

Some concern was expressed as to how the tanks could be inspected on board an inspected drilling vessel that might be drilling for six years. During this time an MPT aboard such a vessel would require at least five inspections of the pressure and vacuum relief devices, two visual inspections, and one hydrostatic test. It was the intention of the proposed regulations that the periodic inspections may be performed by the owner or his designated representative. For clarification, proposed §§ 64.40, 64.41, 64.42, and 64.43 have been changed to provide that the inspector may be the owner or his representative. Sections 64.40, 64.41, 64.42, and 64.43 are renumbered §§ 64.77, 64.79, 64.81, and 64.83, respectively.

Section 64.43. The use of water in the hydrostatic tests instead of an inflammable, a combustible, or a corrosive liquid raised some questions. The reasons why this test must be performed with water instead of a liquid or a dangerous article is because the Coast Guard is concerned for the safety of the testing personnel.

Other questions directed to § 64.43 concerned the removal of tank insulation during routine inspection. Tank insulation does not have to be removed for a hydrostatic test; however, if the tank is in questionable condition, the inspector must remove the insulation to determine the condition of the tank. For clarification, § 64.43(a)(4) has been changed by replacing the words "by the inspector" with the words "for the inspection". Section 64.43 is renumbered § 64.83.

PART 98

The use in proposed Part 98 of the phrase "dangerous article" created some confusion. This phrase is used in 46 U.S.C. 170 and is denoted to include inflammable and corosive liquids. In 46 CFR 146.03-8, "dangerous article" is defined as including inflammable and corrosive liquids. Since the MPT is designed and constructed to carry inflammable and corrosive liquids, the term "dangerous article" has been retained for consistency with the law and current regulations.

Subpart 98.30. Some commenters felt that transferring to or from portable tanks should be restricted to those tanks carried on vessels in the offshore industry because there is no need to pump from container ships. The Coast Guard recognizes that the need to transfer to or from portable tanks on container ships is very limited compared to the need on vessels in the offshore industry; however, no substantial reason could be found to prohibit transferring to or from portable tank on a containership. Accordingly, the proposal is not changed.

Subpart 98.30 is renumbered to allow for future amendments and additions.

Section 98.30-7. The proposed requirement in § 98.30-7 drew some response. Those who commented questioned the "open deck" stowage limitation for portable tanks because IMCO permits "below deck" stowage. The Coast Guard recognizes that IMCO standards allow below deck stowage of a few cargoes in portable tanks, but these standards impose many additional vessel operating requirements. By requiring "open deck" stowage for these cargoes, the necessary safety requirements are provided with a minimum of operating restriction. Accordingly, no change is made to § 98.30-7, except to renumber as § 98.30-9.

Section 98.30-11. Some commenters, in discussing the requirements for the qualifications of a person in charge of a transfer operation, pointed out that an operator is not required to have knowledge of such operation. The Coast Guard recognizes that an operator of an inspected vessel may not be qualified to supervise the transfer of a dangerous article or a combustible liquid. Accordingly, § 98.30-11(d) is clarified by requiring that the person in charge of the transfer of dangerous articles or combustible liquids be a person who holds a valid tankerman's endorsement on his merchant mariner's document that is obtained as required in 46 CFR Subpart 12.20. Section 98.30-11 is renumbered § 98.30-17.

Subpart 98.35. Some commenters asked the Coast Guard to retain the standards in Subpart 98.35 for portable tanks constructed on or after October 1, 1974. The proposal was not changed because the Coast Guard has determined that Subpart 98.35 standards do not meet IMCO standards, and is, therefore, considered by the Coast Guard to be outmoded. Subpart 98.35 standards do not provide for total containment of the product being carried which is now considered necessary for the overall safety of the vessel.

In consideration of the foregoing, the proposed regulations are hereby adopted subject to the changes and corrections discussed in the preceding paragraphs. Accordingly, Chapter I of Title 46 of the Code of Federal Regulations is amended as follows:

SUBCHAPTER D—TANK VESSELS

PART 30—GENERAL PROVISIONS

1. By revising the authority citation of Part 30 to read as follows:

AUTHORITY: Sec. 201, 86 Stat. 427 (46 U.S.C. 391a), R.S. 4472, as amended (46 U.S.C. 170); Sec. 6(b)(1), 80 Stat. 937 (49 U.S.C. 1655(b)(1); 49 CFR 1.46(b) and (o)(4), unless otherwise noted.

2. By amending § 30.01-5 by revising paragraphs (a)(1)(i) and (ii), (a)(2)(i) and (ii), and (a)(3)(i), and by add-

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ing paragraphs (a) (3) (ii) and (iii) to read as follows:

§ 30.01–5 Application of regulations—TB/ALL.

(a) * * *

(1) * * *

(i) Grade E in an integral tank, in a portable tank approved under Subpart 98.35 of this chapter, or in a marine portable tank approved under Part 64 of this chapter.

(ii) Grade D in a portable tank in accordance with Part 146 of this chapter.

(2) * * *

(i) Grades D and E in an integral tank, in a portable tank approved under Subpart 98.35 of this chapter, or in a marine portable tank approved under Part 64 of this chapter.

(ii) Dangerous articles in a portable tank in accordance with Part 146 of this chapter, or in a marine portable tank approved for the article under Part 64 of this chapter.

(3) * * *

(i) Grades B and lower in a fixed independent or an integral tank authorized by the Commandant.

(ii) Grades D and E in a portable tank approved under Subpart 98.35 of this chapter, or in a marine portable tank approved under Part 64 of this chapter.

(iii) Dangerous articles in a portable tank in accordance with Part 146 of this chapter, or a marine portable tank approved for the article under Part 64 of this chapter.

* * * * *

SUBCHAPTER F—MARINE ENGINEERING

PART 64—MARINE PORTABLE TANKS (MPT)

3. By amending Subchapter F by adding Part 64 to read as follows:

Subpart A—General

Sec.
64.1 Purpose.
64.3 Applicability.
64.5 Definitions.
64.7 Plan approval for an MPT.
64.9 Dangerous articles for which tanks may be approved.

Subpart B—Standards for an MPT

64.11 MPT design.
64.13 Allowable stress; tank.
64.15 Allowable stress; framework.
64.17 Minimum tank thickness.
64.19 External pressure.
64.21 Material.
64.23 Gasket and lining.
64.25 Cross section.
64.27 Base.
64.29 Tank saddles.
64.31 Inspection opening.
64.33 Pipe connection.
64.35 Bottom filling or discharge connection.
64.37 Valve and fitting guard.
64.39 Valve securing device.
64.41 Stop valve closure.
64.43 Lifting fittings.
64.45 Securing devices.
64.47 Type of relief devices.
64.49 Labeling openings.
64.51 Tank parts marking.
64.53 Metal information plate.
64.55 Relief device location.

Subpart C—Standard for Pressure Relief Device

64.57 Pressure relief device acceptance.
64.59 Spring loaded pressure relief valve.
64.61 Rupture disc.
64.63 Minimum emergency venting capacity.
64.65 Vacuum relief device.
64.67 Shutoff valve.
64.69 Location of the pressure relief device.
64.71 Marking of pressure relief devices.

Subpart D—Shop Inspection

64.73 Request for shop inspection.
64.75 Stamping.

Subpart E—Periodic Inspections and Tests

64.77 Inspection and test.
64.79 Inspection of pressure and vacuum relief device.
64.81 30-month inspection of an MPT.
64.83 Hydrostatic test.
64.85 Portable tanks constructed before October 1, 1974.

Subpart F—Cargo Handling System

64.87 Purpose.
64.89 Cargo pump unit.
64.91 Relief valve for the cargo pump discharge.
64.93 Pump Controls.
64.95 Piping.
64.97 Cargo hose.

AUTHORITY: R.S. 4472, as amended (46 U.S.C. 170), sec. 201, 86 Stat. 427 (46 U.S.C. 391a), sec. 6(b)(1), 80 Stat. 937 (49 U.S.C. 1655(b)(1)); 49 CFR 1.46(b) and (o)(4).

Subpart A—General

§ 64.1 Purpose.

This part contains—

(a) The requirements for the design, construction, testing, and stamping requirements of marine portable tanks which are authorized to be carried under §§ 30.01–5, 70.05–30, and 90.05–35 of this chapter;

(b) The design and construction requirements for cargo handling systems that are used in conjunction with these tanks; and

(c) The requirements for the periodic inspection required in § 98.30 for these tanks and portable tanks approved under Subpart 98.35, which are authorized to be carried on vessels under §§ 30.01–5, 70.05–30, and 90.05–35 of this chapter.

§ 64.3 Applicability.

(a) To be approved under this part, a marine portable tank must meet the requirements in this part and have a minimum service temperature of 0° F or more; and

(b) Contain more than 110 U.S. gallons of a liquid cargo that has a vapor pressure of 43 pounds per square inch absolute (psia) or less at a temperature of 122° F.

§ 64.5 Definitions.

As used in this part:

(a) "Marine portable tank" or "MPT" means a liquid carrying tank that—

(1) Is designed to be carried on board a vessel;

(2) Can be lifted onto and off of a vessel in a filled or in an empty condition, or filled and discharged while on board a vessel; and

(3) Is not permanently attached to a vessel.

(b) "Tank" means the pressure vessel and the associated fittings of an MPT that come in contact with the product being carried.

(c) "Total containment pressure" means the minimum pressure for total product containment under normal operating conditions at a gauge pressure consisting of the absolute vapor pressure of the product at 122° F added to the dynamic pressure, based on the tank dimensions and the location of the relief devices, of not less than 5 pounds per square inch gauge (psig) at the top of the tank in the operating position.

(d) "Maximum allowable working pressure" means the maximum gauge pressure at the top of the tank in the operating position at 122° F, equal to or greater than the total containment pressure, as defined in paragraph (c) of this section. The maximum allowable working pressure is used in the calculation of the minimum thickness of each element of the tank, excluding the allowance for corrosion and the thickness required for loadings other than pressure, as provided for in Division 1 of Section VIII of the ASME Code, 1974 Edition.

(e) "Test pressure" means a hydrostatic pressure of at least one and one-half times the maximum allowable working pressure.

(f) "Dynamic loading conditions" means the following:

(1) A loading in the vertical down direction equal to 2 times the weight of the tank and the heaviest product carried.

(2) A loading in the transverse direction equal to the weight of the tank and the heaviest product carried.

(3) A loading in the longitudinal direction equal to the weight of the tank and the heaviest product carried.

(g) "Owner" means the person, corporation, company, partnership, or organization in which is vested the ownership, dominion, or title of a portable tank.

§ 64.7 Plan approval for an MPT.

(a) Each owner or manufacturer who desires an MPT and pressure relief devices on the tank to be approved by the Coast Guard must submit the following information in accordance with the procedures contained in § 50.20–5 of this chapter:

(1) The calculations for each pressure containment component including the working pressure, the hydrostatic test pressure, and the pressure relief device setting.

(2) The joint design and method of attachment of each pressure containment component.

(3) The design calculations and method of attachment of the foundations and supports.

(4) A listing of material meeting the requirements of Division 1 of Section VIII of the ASME Code, 1974 edition.

(5) A diagrammatic arrangement drawing of the assembled MPT that shows the location of each internal and external component.

(b) In addition to the requirement contained in paragraph (a) of this section, each owner or manufacturer who desires a cargo handling system to be tested and inspected must submit information to the U.S. Coast Guard in accordance with the requirements in § 56.01–10 of this chapter.

§ 64.9 Dangerous articles for which tanks may be approved.

Portable tanks may be approved for the following dangerous articles under this part:

(a) Acetone.
(b) Alcohol.
(c) Ethyl methyl acetone.
(d) Toluol (toluene).
(e) Xylol (xylene).
(f) Benzene (benzol).
(g) Gasoline.
(h) Hydrochloric—hydrofluoric acid mixtures containing not more than 2 percent hydrofluoric acid.
(i) Sulfuric acid of concentrations 65.25 percent or greater: *Provided*, The corrosive effect on steel measured at 100° F is not greater than that of 65.25 percent sulfuric acid.
(j) Sulfuric acid concentration not to exceed 51 percent, if the tank is rubber-lined.

Subpart B—Standards for an MPT

§ 64.11 MPT design.

An MPT must be designed—

(a) In accordance with Division 1 of Section VIII of the ASME Code, 1974 edition, and this subpart;

(b) With a maximum gross weight of 55,000 pounds;

(c) With a maximum allowable working pressure of at least 20 pounds per square inch gauge (psig) but not more than 48 psig; and

(d) To withstand dynamic loading conditions applied simultaneously.

§ 64.13 Allowable stress; tank.

(a) The calculated stress in the tank under design conditions, including dynamic loading conditions applied simultaneously, must not exceed the allowable stress listed in Division 1 of Section VIII of the ASME Code, 1974 edition, for a design temperature of 122° F.

(b) The calculated stress in the tank at test pressure must not exceed 75 percent of the minimum yield stress,[1] or 37.5 percent of the minimum tensile stress[1] of the material, whichever is less.

§ 64.15 Allowable stress; framework.

The calculated stress for the framework must be 80 percent or less of the minimum yield stress of the framework material under the dynamic loading conditions that are applied simultaneously.

§ 64.17 Minimum tank thickness.

(a) Except as allowed in paragraph (b) of this section, a tank with a diameter of—

(1) 6 feet or less must have a shell and head of 3/16 inch thickness or more; or

(2) More than 6 feet must have a shell and head of 1/4 inch thickness or more.

(b) If the tank has additional framework to guard against accidental puncturing of the tank, the shell and head thickness must be 1/8 inch or more.

§ 64.19 External pressure.

(a) A tank without a vacuum breaker must be designed to withstand an external pressure of 7½ psig or more.

(b) A tank with a vacuum breaker must be designed to withstand an external pressure of 3 psig or more.

§ 64.21 Material.

The material for a tank must meet the requirements in Division 1 of Section VIII of the ASME Code, 1974 edition.

§ 64.23 Gasket and lining.

Each gasket and lining must be made of material that is—

(a) Chemically compatible with the product for which the tank is approved; and

(b) Resistant to deterioration from the product for which the tank is approved.

§ 64.25 Cross section.

A tank must have a cross section design that is—

(a) Circular; or

(b) Other than circular and stress analyzed experimentally by the method contained in UG–101 of the ASME Code, 1974 edition.

§ 64.27 Base.

The base of an MPT must be as wide and as long as the tank.

§ 64.29 Tank saddles.

If a tank is not completely supported by a framework, it must be supported by two or more external saddles, each of which extends to 120 degrees or more of the shell circumference.

§ 64.31 Inspection opening.

An MPT must have an inspection opening that is designed in accordance with Division 1 of Section VIII of the ASME Code, 1974 edition.

§ 64.33 Pipe connection.

Each pipe connection that is not a pressure relief device must be fitted with a manually operated stop valve or closure located as close to the tank as practicable.

§ 64.35 Bottom filling or discharge connection.

If an MPT is designed with a filling or discharge connection in the bottom, the connection must be fitted with a bolted blank flange, threaded cap, or similar device to protect against leakage of the product, and a manually operated valve that is located—

(a) Inside the tank and operated outside the tank; or

(b) Outside the tank but as close to it as practicable.

§ 64.37 Valve and fitting guard.

Each valve and fitting must be protected from mechanical damage by—

(a) The tank;
(b) A tank saddle;
(c) The framework; or
(d) A guard.

§ 64.39 Valve securing device.

Each filling and discharge valve must have a securing device to prevent unintentional opening.

§ 64.41 Stop valve closure.

A stop valve that operates by a screwed spindle must close in a clockwise direction.

§ 64.43 Lifting fittings.

Each MPT must have attached lifting fittings so that the tank remains horizontal and stable while being moved.

§ 64.45 Securing devices.

An MPT or its framework must have sufficient number of positive action securing devices, including hooks, lugs, or padeyes, to attach the unit to the vessel so that—

(a) The stress does not exceed the standard contained in § 64.15; and

(b) Additional lashing is not needed.

§ 64.47 Type of relief devices.

(a) An MPT with an internal capacity of more than 550 U.S. gallons must have one or more spring loaded relief valves. In addition, a rupture disc may be attached.

(b) An MPT with an internal capacity of 550 U.S. gallons or less must have a rupture disc or a spring loaded relief valve.

§ 64.49 Labeling openings.

Each opening of a tank must be labeled to identify the function such as "suction", "discharge", "heating coil".

§ 64.51 Tank parts marking.

Any part of a tank furnished by an outside supplier may not be used in a tank unless it bears—

(a) The Coast Guard symbol;
(b) The Marine Inspection Office identification letters;
(c) The word "Part";
(d) The manufacturer's name and serial number; and
(e) The design pressure.

§ 64.53 Metal information plate.

(a) A corrosion resistant metal plate, containing the information in paragraph (b) of this section, must be permanently attached to the tank.

(b) Each metal information plate required in paragraph (a) of this section must have the following information completed in legible letters that are 5/16 inch in height or more:

(1) Owner's name.
(2) Manufacturer's name.
(3) Date of manufacture.
(4) Tank serial number.
(5) Maximum allowable working pressure in psig.
(6) Test pressure in psig.
(7) External pressure in psig rating.
(8) Total capacity in gallons.
(9) Maximum net weight in tons.
(10) Maximum gross weight in tons.
(11) Percent ullage at 122° F.
(12) Hydrostatic test date.

§ 64.55 Relief device location.

A pressure relief device must be located on an MPT in a place that—

[1] Listed in Division 1 of Section VIII of the ASME Code, 1974 edition.

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(a) Is the highest practical point of the tank; and

(b) Allows direct communication with the vapor space.

Subpart C—Pressure Vacuum Relief Devices

§ 64.57 Pressure relief device acceptance.

A pressure relief device must be—

(a) From a supplier [3] accepted under Chapter I of Title 46, Code of Federal Regulations; or

(b) Accepted by the Coast Guard in accordance with the procedures in § 50.25–10 of this chapter.

§ 64.59 Spring loaded pressure relief valve.

A spring loaded pressure relief valve must—

(a) Be set at a nominal pressure of 125 percent of the maximum allowable working pressure;

(b) Have a minimum normal venting capacity that is sufficient to prevent the tank pressure from exceeding 137.5 percent of the maximum allowable working pressure;

(c) Close after discharge of a pressure not lower than 115 percent of the maximum allowable working pressure; and

(d) If closed, remain closed at any pressure less than 115 percent of the maximum allowable working pressure.

§ 64.61 Rupture disc.

If a rupture disc is the only pressure relief device on the tank, the rupture disc must—

(a) Rupture at a pressure of 125 percent of the maximum allowable working pressure; and

(b) Have a minimum normal venting capacity that is sufficient to prevent the tank pressure from exceeding 137.5 percent of the maximum allowable working pressure.

§ 64.63 Minimum emergency venting capacity.

(a) The total emergency venting capacity (Q) of the relief devices of an uninsulated MPT must be in accordance with Table 1 or the following formula based upon the pressure relief device operating at a pressure not to exceed the test pressure:

$$Q=\frac{633{,}000(A)^{0.82}}{LC}\sqrt{\frac{ZT}{M}}$$

where:

Q=Minimum required rate of discharge in cubic feet per minute of free air at standard conditions (60° F and 14.7 psia).

M=Molecular weight of the product, or 86.7.

T=Temperature, degrees Rankine (460° + temperature in degrees F of gas at relieving temperature), or 710° Rankine.

A=Total external surface area of the tank compartment in square feet.

L=Latent heat of the product being vaporized at relieving conditions in Btu per pound, or 144 Btu per pound.

Z=Compressibility factor of the gas at relieving conditions, or 1.0.

C=Constant based on relation of specific heats, in accordance with Appendix J of Division 1 of Section VIII of the ASME Code, 1974 edition, or 315.

(b) The total emergency venting capacity (Q) of an insulated portable tank may have a reduction if—

(1) It is shown to the Coast Guard that the insulation reduces the heat transmission to the tank;

(2) The present reduction of the emergency venting capacity (Q) is limited to the percent reduction of the heat transmission to the tank or 50 percent, whichever is less; and

(3) The insulation is sheathed.

TABLE 1.—*Minimum emergency venting capacity in cubic feet: free air/hour (14.7 lb/in²a and 60° F)*

Exposed area square feet [1]	Cubic feet free air per hour	Exposed area square feet [1]	Cubic feet free air per hour
20	27,600	275	287,000
30	38,600	300	296,000
40	48,600	350	320,500
50	58,600	400	322,100
60	67,700	450	353,000
70	77,000	500	391,000
80	85,500	550	417,500
90	94,300	600	450,000
100	104,000	650	479,000
120	121,000	700	512,000
140	136,200	750	540,000
160	152,100	800	560,000
180	168,300	850	597,000
200	184,000	900	621,000
225	199,000	950	656,000
250	219,500	1,000	685,000

[1] Interpolate for intermediate sizes.

§ 64.65 Vacuum relief device.

A vacuum relief device must—

(a) Open at an external pressure not less than 3 psig; and

(b) Have an opening with a cross section of 0.44 square inches or more.

§ 64.67 Shutoff valve.

A shutoff valve may not be located—

(a) Between the tank opening and pressure relief device; or

(b) On the discharge side of the pressure relief device.

§ 64.69 Location of the pressure relief device.

A pressure relief device must be—

(a) Accessible for inspection and repair before stowage of the tank; and

(b) Attached so that escaping gas does not impinge on the tank or framework.

§ 64.71 Marking of pressure relief devices.

A pressure relief device must be plainly and permanently marked with the—

(a) Set pressure rating;

(b) Rated flow capacity expressed as cubic feet of standard air (60° F. 14.7 psia) per minute and the pressure at which the flow capacity is determined;

(c) Manufacturer's name and identifying number; and

(d) Pipe size of inlet.

Subpart D—Shop Inspection

§ 64.73 Request for shop inspection.

(a) After the information required in § 64.7 is approved by the Coast Guard, the manufacturer must request a shop inspection and hydrostatic test for each MPT from the cognizant Officer in Charge, Marine Inspection.

(b) If a shop inspection and hydrostatic test for an MPT can not be performed within a reasonable time, the Officer in Charge, Marine Inspection may accept the manufacturer's certification that the MPT meets the requirements in Subpart B of this part. However, this MPT must pass a hydrostatic test in the presence of a Coast Guard inspector before it may be stamped in accordance with § 64.75.

§ 64.75 Stamping.

If an MPT conforms to the approved plan and passes a hydrostatic test required in § 54.10–10 of this chapter, a Coast Guard inspector stamps on the metal information plate required in § 64.53 the—

(a) Coast Guard symbol, in accordance with § 50.10–25 of this chapter; and

(b) Coast Guard number, in accordance with § 50.10–30 of this chapter.

Subpart E—Periodic Inspections and Tests

§ 64.77 Inspection and test.

For the handling and stowage requirements in § 98.30–3 of this chapter, each portable tank must pass the following inspections and tests conducted by the owner or his representative:

(a) Pressure relief and vacuum relief devices must be inspected one time or more during each 12 month period of service in accordance with § 64.79.

(b) An MPT must be inspected during the 30 months before any month in which it is in service in accordance with § 64.81.

(c) An MPT must pass a hydrostatic test in accordance with § 64.83 during the 60 months before any month in which it is in service.

(d) After each welded repair, an MPT must pass a hydrostatic test in accordance with § 64.83.

§ 64.79 Inspection of pressure and vacuum relief device.

(a) The inspection of the pressure and vacuum relief device required in § 64.77(a) must include—

(1) Disassembling;

(2) A visual inspection for defective parts; and

(3) A test of the accuracy of the pressure setting.

(b) If the pressure and vacuum relief valve passes the inspection required in paragraph (a) of this section, the owner or his representative may attach to the device a metal tag containing the date of the inspection.

§ 64.81 30-month inspection of an MPT.

(a) The 30-month inspection of an MPT required in § 64.77(b) must include—

(1) An internal and external examination for—

(i) Corrosion;

(ii) Cracking of base material; and

(iii) Weld defects; and

(2) A visual inspection for defective parts and a manual operation of the gauging device, remote operating mechanism, and each valve, except the pressure relief device.

(b) If the tank passes the inspection required in paragraph (a) of this section, the owner or his representative may stencil the date of the inspection on the MPT near the metal identification plate that is required in § 64.53 in durable and legible letters that are 1¼ inch in height or larger.

§ 64.83 Hydrostatic test.

(a) The hydrostatic test required in § 64.77(c) includes—

(1) Closing each manhole and other openings by normal means of closure;

(2) Using wrenches or other tools that are used during normal operations to close the manhole and other openings;

(3) Using the same type of gaskets as used in service;

(4) If required for the inspection, removing tank insulation;

(5) Filling the tank with water and pressurizing to the test pressure indicated on the metal identification plate without leaking; and

(6) If fitted with an internal heating coil, the heating coil passing a hydrostatic test at a pressure of 200 psig or more or 50 percent or more above the rated pressure of the coil, whichever is greater.

(b) If the tank passes the hydrostatic test required in paragraph (a) of this section, the owner or his representative may stamp the date of the test and his initials on the metal identification plate required in § 64.53.

§ 64.85 Portable tanks constructed before October 1, 1974.

(a) If a portable tank is constructed, maintained, marked, and inspected in accordance with Subpart 98.35 of this chapter, it may carry combustible liquids until October 1, 1984.

(b) If a portable tank does not meet the requirements in paragraph (a) of this section or the requirements in this part, it may carry a dangerous article or combustible liquid until October 1, 1977 if—

(1) The owner, lessee, charterer, or person in charge submits in accordance with § 50.20–5 of this chapter—

(i) The date and place of manufacture;

(ii) The portable tank's serial number;

(iii) The design drawing and calculation;

(iv) The type, manufacturer, and setting of each relief device;

(v) The dangerous article or combustible liquid proposed to be carried in the portable tank; and

(vi) A history of the portable tank's service; and

(2) The information submitted in accordance with paragraph (b)(1) of this section, is accepted by the Coast Guard;

(3) The portable tank passes a Coast Guard inspection to determine conformance with the accepted information; and

(4) The Coast Guard notifies the owner in writing that the portable tank is accepted and may continue in service until October 1, 1977. If allowed to remain in service, the owner may complete and mark on the accepted portable tank in letters 3 inches in height or larger:

LIMITED FOR
(*dangerous article or combustible liquid accepted for carriage*)
UNTIL October 1, 1977

(c) An appeal from the decision required in paragraph (b)(2) of this section may be made in accordance with § 50.20–40 of this chapter.

Subpart F—Cargo Handling System

§ 64.87 Purpose.

Each cargo handling system required to meet § 98.30–25 of this chapter must meet the requirements of this subpart.

§ 64.89 Cargo pump unit.

(a) A cargo pump unit that fills or discharges a portable tank must be—

(1) Constructed of materials that are compatible with the product to be pumped; and

(2) Designed to be compatible with the hazard associated with the product to be pumped.

(b) The cargo pump power unit must be—

(1) Diesel;

(2) Hydraulic;

(3) Pneumatic; or

(4) Electric.

(c) The starting system for a cargo pump power unit must be designed to be compatible with the hazard associated with the product to be pumped.

(d) A diesel engine that is used to drive a cargo pump must have a spark arrestor on the exhaust system.

§ 64.91 Relief valve for the cargo pump discharge.

The cargo pump discharge must have a relief valve that is—

(a) Fitted between the cargo pump discharge and the shut-off valve, with the relief valve discharge piped back to the cargo pump suction or returned to the tank; and

(b) Set at the maximum design pressure of the piping and discharge hose, or less.

§ 64.93 Pump controls.

(a) A pressure gauge must be installed—

(1) On the pump discharge;

(2) Near the pump controls; and

(3) Visible to the operator.

(b) A pump must have a remote, quick acting, manual shutdown that is conspicuously labeled and located in an easily accessible area away from the pump. The quick acting, manual shutdown for remote operation must provide a means of stopping the pump power unit.

§ 64.95 Piping.

(a) Piping, valves, flanges, and fittings used in the pumping system must be designed in accordance with Part 56 of this chapter.

(b) A cargo loading and discharge header or manifold must—

(1) Have stop valves to prevent cargo leakage; and

(2) Be visible to the operator at the cargo pump controls.

(c) Each pipe and valve in the pumping system that has an open end must have a plug or cap to prevent leakage.

(d) Each hose connection must be threaded or flanged except for a quick connect coupling that may be specifically accepted by the U.S. Coast Guard in accordance with the procedures in § 50.25–15 of this chapter.

(e) A non-return valve must be in the pump discharge if a backflow condition may occur during pumping.

(f) Any non-metallic flexible hose that is used in the piping system must comply with § 56.60–25(c) of this chapter.

§ 64.97 Cargo hose.

Each hose assembly, consisting of couplings and a hose that has an inside diameter—

(a) Larger than three inches, must meet the requirements in 33 CFR 154.500; or

(b) Three inches or less, must be designed to withstand the pressure of the shutoff head of the cargo pump or pump discharge relief valve setting, but not less than 100 pounds per square inch.

SUBCHAPTER H—PASSENGER VESSELS

PART 70—GENERAL PROVISIONS

4. By revising § 70.05–30(a)(1) and (2) to read as follows:

§ 70.05–30 Combustible liquid cargo in bulk.

(a) • • •

(1) Grade E in an integral tank, in a portable tank approved under Subpart 98.35 of this chapter, or in a marine portable tank approved under Part 64 of this chapter.

(2) Grade D in a portable tank in accordance with Part 146 of this chapter.

SUBCHAPTER I—CARGO AND MISCELLANEOUS VESSELS

PART 90—GENERAL PROVISIONS

5. By amending § 90.05–35 by revoking and reserving paragraph (a)(1)(iii) and by revising paragraphs (a)(1)(i) and (ii) and (a)(2)(i), and by adding paragraphs (a)(2)(ii) and (a)(2)(iii) to read as follows:

§ 90.05–35 Flammable and combustible liquid cargo in bulk.

(a) • • •

(1) • • •

(i) Grades D and E in an integral tank, in a portable tank approved under Subpart 98.35 of this chapter, or in a marine portable tank approved under Part 64 of this chapter.

(ii) Dangerous articles in a portable tank in accordance with Part 146 of this chapter, or in a marine portable tank approved for the article under Part 64 of this chapter.

(iii) [Reserved]

(2) • • •

(i) Grades B and lower in a fixed independent or an integral tank authorized by the Commandant.

[3] Accepted suppliers are listed in CG–190, *Equipment List*.

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(ii) Grades D and E in a portable tank approved under Subpart 98.35 of this chapter, or in a marine portable tank approved under Part 64 of this chapter.

(iii) Dangerous articles in a portable tank in accordance with Part 146 of this chapter, or in a marine portable tank approved for the article under Part 64 of this chapter.

PART 98—SPECIAL CONSTRUCTION, ARRANGEMENT, AND OTHER PROVISIONS FOR CERTAIN DANGEROUS CARGOES IN BULK

6. By amending Part 98 by adding a new Subpart 98.30 to read as follows:

Subpart 98.30—Handling and Stowage of Portable Tanks

Sec.

98.30-1 Applicability.
98.30-3 Vessels carrying portable tanks.
98.30-5 Lifting a portable tank.
98.30-7 Smoking.
98.30-9 Portable tank stowage.
98.30-11 Cargo pumps.
98.30-13 Ground connection.
98.30-15 Leakage containment.
98.30-17 Qualifications of person in charge.
98.30-19 Supervision by person in charge.
98.30-21 Inspection prior to transfer.
98.30-23 Requirements for transfer; general.
98.30-25 Requirements for transfer; cargo handling system.
98.30-27 Connections.
98.30-29 Piping incompatible products.
98.30-31 Conditions for pumping.
98.30-33 Warning signals.
98.30-35 Warning sign at gangway.
98.30-37 Firefighting requirements.
98.30-39 Alternate fire extinguishing system.

AUTHORITY: R.S. 4472, as amended (46 U.S.C. 170), Sec. 201, 86 Stat. 427 (46 U.S.C. 391a), sec. 6(b)(1), 80 Stat. 937 (49 U.S.C. 1655(b)(1)); 49 CFR 1.46(b) and (o)(4).

Subpart 98.3—Handling and Stowage of Portable Tanks

§ 98.30-1 Applicability.

This subpart prescribes regulations for the loading, carrying, handling and stowing, and transfer of products to or from portable tanks—

(a) Designed, constructed, and marked in accordance with the requirements in Part 64 of this chapter which are authorized to be carried on board vessels under §§ 30.01-5, 70.05-30, and 90.05-35 of this chapter; and

(b) Constructed, marked, and maintained in accordance with the requirements in Subpart 98.35 of this chapter, which are authorized to be carried on board vessels under §§ 30.01-5, 70.05-30, and 90.05-35 of this chapter.

§ 98.30-3 Vessels carrying portable tanks.

Except to complete a voyage, no person may operate a vessel to which this subpart applies unless each portable tank on board—

(a) Contains the information required in—

(1) Section 64.53(b) of this chapter and—

(i) An inspection date that is within 12 months before the month during which the vessel is operated. The inspection date must be on a metal tag in accordance with § 64.80(b) of this chapter;

(ii) An inspection date that is within 30 months before the month during which the vessel is operated. The inspection date must be stenciled in accordance with § 64.81(b) of this chapter; and

(iii) A hydrostatic test date that is within 60 months before the month during which the vessel is operated. The inspection date must be stenciled in accordance with § 64.83(b) of this chapter;

(2) Section 64.85(b) of this chapter; or

(3) Section 64.85(a) of this chapter including a periodic test and inspection date that is within 48 months before the month during which the vessel is operated. The inspection date must be stamped in accordance with § 98.35-15(a), and

(b) Is approved for the carriage of the following combustible liquids or dangerous articles:

(1) Grade D.
(2) Grade E.
(3) Acetone.
(4) Alcohol.
(5) Ethyl methyl acetone.
(6) Toluol (toluene).
(7) Xylol (xylene).
(8) Benzene (benzol).
(9) Gasoline.
(10) Hydrochloric—hydrofluoric acid mixtures containing not more than 2 percent hydrofluoric acid.
(11) Sulfuric acid of concentrations 65.25 percent or greater provided the corrosive effect on steel measured at 100° F is not greater than that of 65.25 percent sulfuric acid.
(12) Sulfuric acid concentration not to exceed 51 percent, if the tank is rubber-lined.

§ 98.30-5 Lifting a portable tank.

No person may lift a portable tank with another portable tank.

§ 98.30-7 Smoking.

No person may smoke within 50 feet of a portable tank on the deck on which the tank is stowed.

§ 98.30-9 Portable tank stowage.

(a) No person may operate a vessel to which this subpart applies unless each portable tank is stowed on an open deck.

(b) No person may stow a portable tank—

(1) In the vicinity of another tank that contains a chemically incompatible product; and

(2) Unless all electrical equipment is explosion-proof or intrinsically safe, as defined in § 111.80-5 of this chapter, in the area of the tank and its associated equipment that is—

(i) Within 10 feet in any horizontal direction; and

(ii) Within 8 feet above the deck.

§ 98.30-11 Cargo pumps.

No person may operate a cargo pump to transfer a product to or from a portable tank unless the pump is installed—

(a) Above deck; or

(b) Below deck, in conformance with Subpart 32.60 of this chapter.

§ 98.30-13 Ground connection.

No person may transfer an inflammable or combustible product to or from a vessel unless—

(a) The portable tank and its pumping equipment is electrically grounded to the hull of the vessel; and

(b) The vessel is electrically grounded to an offshore platform, shore piping, or another vessel by a—

(1) Cargo hose constructed with an integral grounding wire if the end connections are used for electrical continuity; or

(2) Separate grounding that is maintained until the cargo hose is disconnected and drained.

§ 98.30-15 Leakage containment.

(a) No person may transfer a product to or from a vessel unless there is a container or enclosed deck area that meets the requirements of this section under or around each transfer connection area.

(b) Each container or enclosed deck area must hold, in all conditions of vessel list or trim to be encountered during the transferring operation, 5 gallons or more and must have a means of draining or removing any leakage without mixing incompatible products or discharging into the water.

§ 98.30-17 Qualifications of person in charge.

No person may serve, and the operator of a vessel may not use the services of a person, as a person in charge of the transfer of a product to and from a portable tank unless—

(a) On self-propelled tank vessels, he holds a valid license authorizing service on inspected vessels as a master, mate, pilot, or engineer;

(b) For tank barges, he holds a valid license authorizing service on inspected vessels as a master, mate, engineer, or is a tankerman certificated for the grade of cargo carried;

(c) For vessels other than tank vessels that are required by this chapter to have a licensed officer on board, he holds a valid license as a master, mate, pilot, or engineer;

(d) For other inspected vessels not specified in paragraphs (a), (b), and (c) of this section he holds a valid tankerman's endorsement on a merchant mariner's document; or

(e) For foreign vessels he holds a license or certificate authorizing service on that vessel as a master, mate, pilot, engineer, or operator.

§ 98.30-19 Supervision by person in charge.

(a) No person may connect, top off, disconnect, or engage in any other critical product transfer operation unless the person in charge designated in § 98.30-17, personally supervises the operation.

(b) No person may start the flow of a product to or from a portable tank unless instructed to do so by the person in charge.

(c) No person may transfer a product to or from a portable tank unless the person in charge is in the immediate vicinity of the transfer operation and immediately available to the person transferring the product.

§ 98.30-21 Inspection prior to transfer.

No person may transfer to or from a portable tank a product with a flashpoint of less than 300° F unless the person in charge of the transfer determines that—

(a) Each warning signal and sign required in §§ 98.30-33 and 98.30-35 is displayed;

(b) No repair work in the vicinity of any portable tank is done without permission of the person in charge of the transfer operation; and

(c) Riveting, welding, burning, or a similar operation is not done in the vicinity of a portable tank unless an inspection by the person in charge of the transfer ensures that the operation can be done safely.

§ 98.30-23 Requirements for transfer; general.

No person may transfer a product to or from a portable tank unless—

(a) The vessel's moorings are strong enough to hold in all expected conditions of surge, current, and weather and are long enough to allow adjustment for changes in draft, drift, and tide during the transfer operation;

(b) Transfer hoses or loading arms are long enough to allow the vessel to move the limits of its mooring without placing strain on the hose, loading arm, or transfer piping system;

(c) Each transfer hose is supported in a manner that prevents strain on its coupling;

(d) Each part of the transfer system necessary to allow the flow of the product is lined up for the transfer;

(e) Each transfer hose has no loose covers, kinks, bulges, soft spots, and no gouges, cuts, or slashes that penetrate the hose reinforcement;

(f) Each coupling meets the requirements of § 98.30-27;

(g) Each scupper or drain in a discharge containment system is closed;

(h) The person in charge of the transfer operations on the transferring vessel or facility and the person in charge of the transfer operations on the receiving vessel or facility have held a conference, to ensure that each person in charge understands—

(1) The identity of the product to be transferred;

(2) The sequence of transfer operations;

(3) The transfer rate;

(4) The name or title and location of each person participating in the transfer operation;

(5) Particulars of the transferring and receiving systems;

(6) Critical stages of the transfer operations;

(7) Federal, state, and local rules that apply to the transfer of dangerous articles and combustible liquids;

(8) Emergency procedures;

(9) Discharge containment procedures;

(10) Discharge reporting procedures;

(11) Watch or shift arrangement; and

(12) Transfer shutdown procedures;

(i) The person in charge of the transfer operations on the transferring vessel or facility and the person in charge of transfer operations on the receiving vessel or facility agree to begin the transfer operations; and

(j) Each person in charge required in this subpart is present.

§ 98.30-25 Requirements for transfer; cargo handling system.

No person may transfer a product to or from a portable tank unless the cargo handling system meets the requirements in Subpart F of Part 64 of this chapter.

§ 98.30-27 Connections.

(a) Each person who makes a connection for a transfer operation shall—

(1) Use suitable material in joints and couplings to make a tight seal;

(2) Use a bolt in at least every other hole and in no case less than four bolts in each temporary connection utilizing an American National Standards Institute (ANSI) standard flange coupling;

(3) Use a bolt in each hole of couplings other than ANSI standard flange couplings;

(4) Use a bolt in each hole of each permanently connected flange coupling;

(5) Use bolts of the same size in each bolted coupling; and

(6) Tighten each bolt and nut uniformly to distribute the load.

(b) No person who makes a connection for a transfer operation may use any bolt that shows signs of strain or is elongated or deteriorated.

(c) No person may use a connection for transfer operations unless it is—

(1) A bolted or full threaded connection; or

(2) A quick-connect coupling accepted by the Coast Guard.

§ 98.30-29 Piping incompatible products.

No person may pipe a portable tank with another tank that contains a chemically incompatible product.

§ 98.30-31 Conditions for pumping.

No person may start pumping a product to or from a portable tank or if started, continue to pump if—

(a) There is an electrical storm;

(b) A fire occurs—

(1) On the deck;

(2) On the vessel;

(3) In the vicinity; or

(c) The cargo hose ruptures or leaks.

§ 98.30-33 Warning signals.

(a) If the vessel is moored, no person may transfer to or from a portable tank a product with a flashpoint of less than 300° F unless the person in charge displays a—

(1) Red flag by day; and

(2) Red electric lantern by night.

(b) If the vessel is at anchor, no person may transfer to or from a portable tank a product with a flashpoint of less than 300° F unless the person in charge displays a red flag.

(c) The signal required in paragraphs (a) and (b) of this section must be visible on all sides of the vessel.

§ 98.30-35 Warning sign at gangway.

If a vessel is moored, no person may transfer to or from a portable tank a product with a flashpoint of less than 300° F unless the person in charge displays at each gangway or access that is open for use a warning placard containing the following in letters 2 inches in height or larger:

WARNING

No open lights

No smoking

§ 98.30-37 Firefighting requirements.

No person may lift a portable tank on or off a vessel, or transfer a product with a flashpoint of less than 300° F to or from a portable tank unless—

(a) Water pressure is maintained on the firemain;

(b) Firehoses, fitted with a Coast Guard approved combination nozzle, are attached to each fire hydrant in the vicinity of the portable tanks;

(c) Except as provided in § 98.30-39, fire extinguishers of a dry chemical type are—

(1) Located to protect the deck area 10 feet in any horizontal direction from each portable tank and its associated cargo handling system;

(2) Coast Guard approved; and

(3) Capable of covering the deck area without being moved;

(d) In a deck area of 500 square feet or less, there are 2 or more dry chemical fire extinguishers of 300 pounds or more total capacity of extinguishing agent; and

(e) In a deck area of more than 500 square feet, there are 3 or more dry chemical fire extinguishers of 450 pounds or more total capacity of extinguishing agent.

§ 98.30-39 Alternate fire extinguishing system.

An alternative to the fire extinguishing system required in § 98.30-37(c) may be approved in accordance with procedures contained in Subpart 90.15 of this chapter.

7. By revising the heading of Subpart 98.35 to read as follows:

Subpart 98.35—Portable Tanks Constructed Before October 1, 1974 That Carry Combustible Liquids

8. By amending § 98.35-1 by striking in paragraph (c) the reference "98.35-35", by revising the first sentence of paragraph (a), and adding paragraph (f), to read as follows:

§ 98.35-1 Scope.

(a) This subpart contains the requirements for the construction, testing, loading, and discharging of a portable tank for the carriage of combustible liquids that is constructed before October 1, 1974. • • •

• • • • • •

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(f) Each portable tank constructed and maintained in accordance with the requirements contained in this Subpart may continue in service until October 1, 1984.

§§ 98.35–3 and 98.35–10 [Amended]

9. By amending § 98.35–3(a) by adding the words ", constructed before October 1, 1974," to follow the words "portable tanks".

10. By revoking and reserving § 98.35–10(e).

11. By revising § 98.35–25 to read as follows:

§ 98.35–25 Handling and stowage.

Each portable tank must be handled and stowed in accordance with the requirements contained in Subpart 98.30 of this part.

12. By revising § 98.35–30 to read as follows:

§ 98.35–30 Firefighting requirements.

The firefighting requirements are contained in §§ 98.30–37 and 98.30–39.

§§ 98.35–35 and 98.35–40 [Reserved]

13. By revoking and reserving §§ 98.35–35 and 98.35–40.

(R.S. 4472, as amended (46 U.S.C. 170), sec. 201, 86 Stat. 427 (46 U.S.C. 391a), Sec. 6(b)(1), 80 Stat. 937 (49 U.S.C. 1655(b)(1)); 49 CFR 1.46(b) and (c)(4))

Effective date. These amendments shall become effective on October 1, 1974.

Dated: June 19, 1974.

O. W. SILER,
Admiral, U.S. Coast Guard,
Commandant.

[FR Doc.74–14486 Filed 6–24–74;8:45 am]

CHAPTER IV—FEDERAL MARITIME COMMISSION

SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES

[Exemption Applications No. 15, No. 16, No. 17]

PART 531—PUBLICATION, POSTING, AND FILING OF FREIGHT RATES AND CHARGES IN THE DOMESTIC OFFSHORE TRADE

Exemption for Carriage of Miscellaneous Cargoes Between Ports

Applications for amendments to and extension of the currently existing exemptions from the Intercoastal Shipping Act, 1933, and the Shipping Act, 1916, and regulations applicable thereto, for miscellaneous cargoes transported between all ports in the contiguous continental United States (except ports in the Mississippi River System above Baton Rouge, Louisiana) on the one hand, and, on the other, the Arctic Coast of Alaska between Beechey Point, Tigvariak Island (Prudhoe Bay) via the Gulf of Alaska, the Bering Sea and the Arctic Ocean were published in the FEDERAL REGISTER on April 15 and May 7, 1974.

The applicants request that the present exemption be amended immediately to include all ports in the contiguous continental United States (not including the Mississippi River System above Baton Rouge, Louisiana). The exemption, as amended, will eliminate the current "liquid in bulk" restriction applicable to Puget Sound Tug and Barge Company in connection with Houston, Texas. It is further requested by the applicants that the exemption, as amended, be extended for an additional three-year period terminating with December 31, 1977.

The effect of such exemption would be a continuation of authority to provide transportation by barge to the area involved with freedom from tariff filing requirements and regulation with respect to the reasonableness of rates.

Protests were received from the City of Long Beach, the Port of Oakland and Sea-Land Service, Inc. A satisfactory revision to the proposed exemption has eliminated the basis for protests as far as the City of Long Beach and the Port of Oakland are concerned.

The protest filed by Sea-Land Service, Inc. was received relative to the granting of the application. Sea-Land is concerned because it operates a land/water route between Seattle and Prudhoe Bay which may be competitive with the barge route for which exemption is sought. Sea-Land operates under joint through rates filed with a different regulatory agency over which this Commission has no effective control. It is not a direct vessel service such as proposed here and the cargo handled by Sea-Land is apparently limited, by the nature of Sea-Land's service, to containerizable cargoes. The barge service involved here is concerned primarily with bulk cargoes which do not lend themselves to containerization. The requirements of the shippers using the barge transportation appear to be radically different from the requirements of shippers who would choose to use the combination sea/water route of Sea-Land. Consequently, we do not think that the competition is significant. Sea-Land has not shown that the proposed exemption would be detrimental to the commerce nor that it would substantially impair effective regulation by the Commission or be unjustly discriminatory. If Sea-Land chooses to initiate a direct vessel service, such as has been proposed in this application, and the conditions are similar to the conditions set forth in the instant application, its application will expeditiously be handled and considered.

In April 1972, the Commission exempted for three years (the Commission granted yearly exemptions for the years 1970 and 1971), to and including December 31, 1974, the carriage of miscellaneous cargoes between Seattle, Washington and Houston, Texas, on the one hand, and Beechey Point and Tigvariak Island (Prudhoe Bay) via the Gulf of Alaska, the Bering Sea and the Arctic Ocean, on the other. The exemption applies specifically to Alaska Barge & Transport, Inc., Foss Alaska Line, Inc., Foss Launch & Tug Co., and Puget Sound Tug and Barge Company, except that it does not apply to liquid, in bulk, from or to Houston via Puget Sound Tug and Barge Company. The aforementioned carriers have now petitioned the Commission for an extension of the exemption to and including December 31, 1977 and have requested that the exemption be amended to (1) eliminate the bulk liquid exception from Houston; and (2) include all contiguous continental United States Ports (excluding ports in Mississippi River System above Baton Rouge, Louisiana) for the 1974 season.

The conditions under which the original exemptions were granted have not materially changed. Continuation of the exemptions, as amended, limited to an annual basis, will not substantially impair effective regulation by the Federal Maritime Commission, be unjustly discriminatory or be detrimental to commerce. Therefore, pursuant to section 4 of the Administrative Procedure Act, 5 U.S.C. 553 and sections 35 and 43 of the Shipping Act, 1916, 46 U.S.C. 833(a) and 841(a); Part 531 of Title 46 CFR is amended as follows:

Section 531.26 is amended by revising paragraph (c) to read as follows:

§ 531.26 Exemptions.

* * * * *

(c) The provisions of the Intercoastal Shipping Act, 1933 and the Shipping Act, 1916, as amended, shall not apply to direct transportation by water between ports in the contiguous continental United States (excluding ports in the Mississippi River System above Baton Rouge, Louisiana) and Prudhoe Bay, Alaska of miscellaneous cargoes (including liquid in bulk) provided by Foss Launch & Tug Co., Foss Alaska Line, Inc., Puget Sound Tug & Barge Company, and Alaska Barge & Transport, Inc. for a period commencing with the publication of this exemption in the FEDERAL REGISTER and ending with December 31, 1975. Any exemption granted to a specific carrier is applicable only to the so specified carrier and may not be used by another carrier, either by merger, change of name or adoption by another carrier. These exemptions will be subject to the submission of the following information 30 days after each voyage begins:

(1) Each contract of carriage entered intot beween the carriers and shippers, indicating the services provided by the carriers and the charges assessed;

(2) If not included in the contract furnished under subparagraph (1) of this paragraph, any contractual arrangements and charges therefor, for other services to shippers, such as storage, warehousing, handling charges, or any other special services provided to the shippers in connection with the movement of this cargo;

(3) To the extent not included in subparagraphs (1) and (2) of this paragraph, any contractual arrangements for liability for loss or damage and responsibility for insurance coverage;

(4) An identification of all commodities carried, the tonnage for each commodity, and the names of shippers of each such commodity; and

(5) An indication of the amount of barge space contracted to each shipper, i.e., was the shipper chartered the full reach of a barge or merely part capacity of a barge.

* * * * *

Effective date. The exemption granted herein supersedes and takes the place of the currently effective exemption and shall become effective on June 25, 1974.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74–14527 Filed 6–24–74;8:45 am]

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proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rulemaking prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 51]

MECHANICALLY HARVESTED AMERICAN (EASTERN TYPE) GRAPES FOR PROCESSING

Proposed United States for Grades

Notice is hereby given that the United States Department of Agriculture is considering the issuance of United States Standards for Grades of Mechanically Harvested American (Eastern Type) Grapes for Processing.[1] These grade standards are issued under authority of the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended; 7 U.S.C. 1621–1627), which provides for the issuance of official U.S. grades to designate different levels of quality for the voluntary use of producers, buyers and consumers. Official grading services are also provided under this act upon request of any financially interested party and upon payment of a fee to cover the cost of such services.

All persons who desire to submit written data, views or arguments for consideration in connection with the proposal should file the same, in duplicate, not later than December 30, 1974, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, where they will be available for public review during official hours of business (7 CFR 1.27 (b)).

Statement of considerations leading to the proposed issuance of the grade standards. Mechanical harvesting of grapes began in New York State in the middle 1960's. Since that time, growers in the principal producing States of New York, Pennsylvania, Michigan, Ohio, Arkansas and Washington have turned increasingly to mechanical harvesting because of every increasing labor problems and costs of hand picking. Currently more than ninety percent of the crop is machine harvested.

The United States Standards for American (Eastern Type) Bunched Grapes for Processing and Freezing provide that quality determination be made on a bunch basis and since machine harvesting results in shattered berries, i.e. berries completely removed from the bunch, the application of these standards would result in the entire crop failing to meet any grade.

In 1968 the U.S. Department of Agriculture, in cooperation with the States of New York and Pennsylvania, instituted a program whereby the grapes could be inspected before harvest. This was known as "Vineyard Grapemobile Inspection". It marked the first time that the Inspection Service had ever made quality determination of any product before harvest. This program offered many advantages to the grape industry. The most important being advance information as to quality and soluble solids before the product was brought to the plant. These advantages were soon nullified by the prohibitive cost of this program to the industry.

In 1969 the National Grape Cooperative Association, Inc. (Welch Foods, Inc.) requested that USDA develop standards for machine harvested grapes for processing. A study, in cooperation with National Grape and the Pennsylvania Federal-State Inspection Service, was started in 1969 at Welch Foods' Northeast, Pennsylvania plant. This study focused on determining the quality factors involved in mechanically harvested grapes. Harvesting, bulk bin handling and sampling practices were also studied. Part of the study was devoted to testing to establish a procedure for accurately determining the percentage of soluble solids in a load, soluble solids being the principal factor in determining the price the grower receives for his grapes. This study was the first step towards the development of standards that would be applicable to machine harvested grapes.

During subsequent harvesting seasons other studies were conducted in New York State, Arkansas, Michigan, and Washington State. In these studies various aspects of sampling and inspection were tried and either accepted as practical, rejected as unfeasible or modified.

In June of 1973 a study draft based on data compiled from the studies was prepared. This draft was used by Welch Foods, Inc. as the basis for contract specifications for the 1973 season. Data were collected in the five major growing areas during that season and was used in setting the tolerance levels in the proposed standards. In order to provide the industry ample time to study and apply these proposed standards, the period for submission of written comments will extend through the 1974 harvest season.

The proposed standards would provide the grape industry with standards specifically designed for machine harvested grapes. They contain two grades setting minimum soluble solids requirements and tolerances for various quality factors.

The proposed standards are as follows:

Subpart—United States Standards for Grades of Mechanically Harvested American (Eastern Type) Grapes for Processing

GENERAL

Sec.
51.2150 General.

GRADES

51.2151 U.S. No. 1.
51.2152 U.S. No. 2.

TOLERANCES

51.2153 Tolerances.

DEFINITIONS

51.2154 Mature.
51.2155 Fairly well matured.
51.2156 Foreign material.
51.2157 Damage.
51.2158 Serious damage.
51.2159 Classification of defects.

AUTHORITY: Secs. 203, 205, 60 Stat. 1087, as amended, 1090 as amended; 7 U.S.C. 1622, 1624.

GENERAL

§ 51.2150 General.

(a) These standards apply to American (Eastern Type) grapes which have been machine harvested and are to be processed.

(b) The grade of a lot of mechanically harvested grapes shall be determined on the basis of a composite sample drawn from bulk containers in the lot.

GRADES

§ 51.2151 U.S. No. 1.

"U.S. No. 1" consists of grapes and juice which meet the following requirements:

(a) Basic requirements:
(1) Mature; and,
(2) Showing similar varietal characteristics.
(b) Free from:
(1) Decay;
(2) Visible mold;
(3) Immature berries;
(4) Sunburn;
(5) Freezing;
(6) Attached insect or insect injury; and,
(7) Foreign material.
(c) Free from damage by any cause. (See § 51.2158)
(d) For tolerances. (See § 51.2153)

§ 51.2152 U.S. No. 2.

"U.S. No. 2" consists of grapes and juice which meet the requirements of the U.S. No. 1 grade except:

(a) Berries shall be at least fairly well matured; and,
(b) Increased tolerances for defects. (See § 51.2153.)

TOLERANCES

§ 51.2153 Tolerances.

(a) No tolerance is provided in these standards for grapes which fail to meet the maturity requirement for the specified grade.

(b) In order to allow for variations incident to proper culture, harvesting and handling in each of the foregoing grades, tolerances, by weight, other than for maturity, are set forth in Table I.

TABLE I

	U.S. No. 1 percent (by weight)	U.S. No. 2 percent (by weight)
A. Total defects	10	10
1. Serious damage (included in "A")	6	6
(a) Berries affected by mold or decay (included in "1")	3	3
(b) Berry moth, other injury or attached insects (included in "1")	½ of 1	1
B. Foreign material	3	4
1. Leaves, petioles or other plant parts (included in "B")	3	4
2. Other foreign material (included in "B")	½ of 1	½ of 1

DEFINITIONS

§ 51.2154 Mature.

"Mature" means that representative samples of grapes and juice from bulk containers in a lot shall test not less than 15.5 percent soluble solids, as determined by an approved hand refractometer.

§ 51.2155 Fairly well matured.

"Fairly well matured" means that representative samples of grapes and juice from bulk containers in a lot shall test not less than 14.5 percent soluble solids, as determined by an approved hand refractometer.

§ 51.2156 Foreign material.

"Foreign material" means sticks, stones, leaves, petioles or other plant parts or other extraneous material.

§ 51.2157 Damage.

"Damage" means any specific defect described in § 51.2159, Table II; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which materially detracts from the processing quality of the grapes.

§ 51.2158 Serious Damage.

"Serious damage" means any specific defect described in § 51.2159, Table II; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which seriously detracts from the processing quality of the grapes.

§ 51.2159 Classification of defects.

TABLE II

Defects	Damage	Serious damage
Dried berries	When berries are dry and shriveled to the extent that practically no moisture is present within the berries.	
Pulp discoloration	When darker than plate 10.0 R 6/4 in the Munsell Book of Color.	When darker than plate 7.5 RP 3/4 in the Munsell Book of Color.
Sunburn	See serious damage	When sunken, discolored and dried area caused by sunburn affects the skin or flesh of the grape.
Decay or mold	do	Any visible decay or mold on the grape skin or penetrating the flesh.
Insects or insect injury	do	Any insect injury penetrating the flesh or any insect attached to the grape.
Immature berries	do	When berries are hard and green and generally small.

Dated: June 19, 1974.

E. L. PETERSON,
Administrator,
Agricultural Marketing Service.

[FR Doc.74-14478 Filed 6-24-74;8:45 am]

[7 CFR Part 52]

FROZEN BROCCOLI

Proposed United States Standards for Grades

Notice is hereby given that the United States Department of Agriculure is considering the revision of the United States Standards for Grades of Frozen Broccoli (7 CFR, 52.631–52.642). This grade standard is issued under authority of the Agricultural Marketing Act of 1946 (Sec. 205, 60 Stat. 1090, as amended, 7 U.S.C. 1624) which provides for the issuance of official U.S. grade standards to designate different levels of quality for the voluntary use of producers, buyers, and consumers. Official grading services are also provided under this act upon request of the applicant and upon payment of a fee to cover the cost of such service.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposal should file the same, in duplicate, not later than November 30, 1974, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250. All written submissions made pursuant to this notice will be available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

NOTE: Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act, or with applicable State laws and regulations.

Statement of consideration leading to the proposed revision. The American Frozen Food Institute formally requested the Department to revise the grade standards for frozen broccoli to convert them to attributes type standards.

Experience with the frozen asparagus grade standard, which was converted to the attributes approach effective April 8, 1970, indicated this statistical approach has proved satisfactory.

During a portion of the 1973 frozen broccoli season, a preliminary study was conducted in cooperation with the broccoli freezing industry to determine the applicability of the attributes approach for this product.

Incorporating the attributes approach in standards means these rules are followed:

(1) Any deviation from a specific requirement for any of the quality factors is a defect;

(2) Each defect is classified as to its relative severity as minor, major, severe, or critical;

(3) A standard sample unit size is provided for the various styles regardless of container size;

(4) Allowances for the various defect classifications are set to specific Acceptable Quality Levels (AQL's) based on this sample unit size;

(5) Allowances are cumulative for the sample instead of on an individual sample unit basis;

(6) Defects are counted and tallied according to class, thereby eliminating the need for calculating percentages;

(7) The scoring system is eliminated. Acceptance or rejection would be on a "go" or "no go" basis for each grade classification; and

(8) Specific requirements for compliance with a particular style are provided.

In response to the request of the American Frozen Food Institute to revise the frozen broccoli standards and in consideration of the favorable results of the aforementioned study and in recognition of the Institute's request for a more statistically sound approach to standardization, the Department herein proposes to revise the current frozen broccoli standards which have been in effect since April 14, 1962.

The USDA Photo-Guides illustrating various degrees of development and trim referenced in the proposal will be available for review in all the USDA Processed Products Inspection offices during the period of the proposal.

The proposed revision is as follows:

PRODUCT DESCRIPTION, STYLES, AND STYLE COMPLIANCE

Sec.
52.631 Product description.
52.632 Styles.
52.633 Style classification and compliance.

DEFINITIONS OF TERMS

52.634 Definitions of terms.

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug and Cosmetic Act or with applicable State laws and regulations.

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SAMPLE UNIT SIZES

52.635 Sample unit sizes.

GRADES, FACTORS OF QUALITY, AND GRADE COMPLIANCE

52.636 Grades.
52.637 Factors of quality and grade compliance.

SAMPLE SIZES, METHOD OF ANALYSIS, AND LOT COMPLIANCE

52.638 Sample sizes.
52.639 Determining proportions of head material and leaf material.
52.640 Lot acceptance for style.
52.641 Lot acceptance for quality.

TALLY SHEET

52.642 Tally sheet.

AUTHORITY: Agricultural Marketing Act of 1946, Sec. 205, 60 Stat. 1090, as amended (7 U.S.C. 1624)

PRODUCT DESCRIPTION, STYLES, AND STYLE COMPLIANCE

§ 52.631 Product description.

"Frozen broccoli" is the product prepared from the fresh, clean, sound stalks or shoots of the broccoli plant (Brassica olerocea [Italica group]) by trimming, washing, blanching, sorting, and properly draining. The product is frozen in accordance with good commercial practice and maintained at temperatures necessary for preservation of the product.

§ 52.632 Styles of frozen broccoli.

(a) "Spears" or "stalks" consist of the head and adjoining portions of the stem, with or without attached leaves, ranging from not less than 3½ inches to not more than 6 inches in length. Such spears or stalks may be cut longitudinally.

(b) "Short spears" or "florets" consist of the head and adjoining portions of the stem, with or without attached leaves, ranging in length from not less than 1 inch to less than 3½ inches and weigh more than 0.2 ounce. Such short spears or florets may be cut longitudinally.

(c) "Cuts" consist of spears or stalks cut into portions ranging from ¾ inch or more but not more than 2 inches in length. This style contains not less than 25 percent, by weight, of head material and not more than 25 percent, by weight, of leaf material.

(d) "Chopped" consists of spears or stalks cut into portions predominately less than ¾ inch in length. This style contains not less than 25 percent, by weight, of head material and not more than 25 percent, by weight, of leaf material.

(e) "Pieces" consist of cut or chopped portions of spears or stalks not more than 2 inches in length which do not meet the requirements for "cuts" or "chopped" style.

§ 52.633 Style classification compliance.

(a) *General.* For the purpose of determining compliance with the requirements for the various style classifications, the following are considered as minor length defects and shall not exceed the acceptance numbers in Table I, II, or III, as applicable, for the style.

(1) "Spears" or "stalks"—units longer than 6⅛ inches, or units shorter than 3⅜ inches.

(2) "Short spears" or "florets"—units longer than 3⅝ inches, or units shorter than ⅞ inch.

(3) "Cuts"—units less than ½ inch, or more than 2 inches in the longest dimension.

(4) "Chopped"—units more than ¾ inch in the longest dimension.

(b) For the styles of cuts and chopped, shattered head material and pieces of leaves are not considered as length defects.

TABLE I.—*Spears; short spears, tolerances for style compliance*

Number of sample units	Number of units	Maximum number defects permitted [1]
1	50	9
2	100	15
3	150	21
4	200	27
5	250	33
6	300	38
7	350	44
8	400	50
9	450	55
10	500	62
11	550	66
12	600	72
13	650	77
14	700	83
15	750	88
16	800	95
17	850	99
18	900	105
19	950	110
20	1,000	115
21	1,050	121
22	1,100	126
23	1,150	132
24	1,200	137

[1] Minor—AL value=11, AQL=10.0.

TABLE II.—*Cuts, tolerances for style compliance*

Number of sample units	Weight of product (ounces)	Maximum number defects permitted [1]
1	10	16
2	20	28
3	30	41
4	40	53
5	50	65
6	60	77
7	70	88
8	80	100
9	90	112
10	100	124
11	110	135
12	120	147
13	130	158
14	140	170
15	150	181
16	160	193
17	170	204
18	180	215
19	190	227
20	200	238
21	210	249

[1] Minor—AL value=20, AQL=18.0. Based on an estimated count of 6 per ounce of product exclusive of chaff.

TABLE III.—*Chopped, tolerances for style compliance*

Number of sample units	Weight of product (ounces)	Maximum number defects permitted [1]
1	10	23
2	20	43
3	30	62
4	40	81
5	50	99
6	60	118
7	70	136
8	80	154
9	90	172
10	100	191
11	110	209
12	120	226
13	130	244
14	140	262
15	150	280
16	160	298
17	170	316
18	180	334
19	190	351
20	200	369
21	210	387

[1] Minor—AL value=28, AQL=8.5. Based on an estimated count of 20 per ounce of product exclusive of chaff.

DEFINITION OF TERMS

§ 52.634 Definition of terms.

(a) Absolute limit (AL): Limit for maximum number of defects permitted in a sample unit.

(b) Acceptable Quality Level (AQL): Acceptable Quality Level (AQL) is the maximum percent defective, or the maximum number of defects per hundred units, that, for purposes of sampling inspection, can be considered satisfactory as a process average.

(c) Blemished: A unit of broccoli that is blemished by pathological injury, hollow stems, pithy stems, insect injury, or discolored by other means to the extent that the appearance or eating quality is adversely affected:

(1) Not more than slightly;

(2) Materially; or

(3) Seriously.

(d) Broken in the styles of spears or short spears means any broken or detached portions, other than loose leaves or portions thereof, which weigh more than 0.2 ounce and are definitely not intact units.

(e) Color. (1) *Good color.* The outside of the stalk is a bright, distinct green. The top of the head is a bright, distinct green and may show a slight purplish cast. Such color may also include lighter colored areas on the outside of the head typical of young and tender broccoli.

(2) *Reasonably good color.* The outside of the stalk may be dull and may possess a slight brownish, yellowish, or grayish cast. The head may be dull and possess a slight brownish, grayish, or yellowish cast and/or yellow buds due to flowering or small orange or yellowish-orange buds that do not seriously affect the color appearance.

(3) *Poor color.* The presence of yellow buds due to flowering or small orange or yellowish-orange buds and/or any brownish, grayish, or yellowish casts that seriously affect the color appearance of the broccoli unit.

(f) Damage: A spear or short spear on which the head is damaged by mechanical injury, other than "broken," to the extent that the appearance or eating quality is materially affected.

(g) Defect: Any specifically defined variation from a particular requirement. "Defects" are classified as "minor," "major," "severe," or "critical."

(h) Detached fragments: In the styles of spears and short spears a detached fragment is any small piece or detached portion other than loose leaves or portions thereof, which weigh 0.2 ounce or less.

(i) Development:

(1) *Well developed*—(i) *Spears and short spears.* (*a*) The spreading of the branching bud clusters which comprise the head of the unit does not materially affect the appearance of the unit; and

(*b*) The broccoli is in the early stage of maturity such that the individual buds and the immediate stems supporting the individual buds form a compact bud cluster, as illustrated by USDA Photo-Guides for Evaluating Maturity and Development in Frozen Broccoli Nos. 1, 2, and 3.

(ii) *All styles.* The individual buds are all practically closed and are not more than slightly enlarged.

(2) *Reasonably well developed*—(i) *Spears and short spears.* (*a*) The spreading of the branching bud clusters which comprise the head of the unit does not seriously affect the appearance of the unit; and

(*b*) The broccoli is in the intermediate stage of maturity such that the individual buds and the immediate stems supporting the individual buds form a reasonably compact bud cluster, as illustrated by USDA Photo-Guides for Evaluating Maturity and Development in Frozen Broccoli Nos. 4, 5, 6, 7, and 8.

(ii) *All styles.* The individual buds are not more than moderately enlarged and practically none of the individual buds are in the flowered stage.

(3) *Poorly developed*—(i) *Spears and short spears.* (*a*) The branching bud clusters which comprise the head of the unit may be spread to the extent that the appearance of the unit is seriously affected; and

(*b*) The broccoli is in the advanced stage of maturity such that the individual buds and the immediate stems supporting the individual buds form a loosely structured bud cluster.

(ii) *All styles.* The individual buds are in the flowered stage or are more than moderately enlarged with or without reaching the flowered stage.

(j) *Deviant.* As applied to these standards, "deviant" means a sample unit which fails the requirements for one or more of the prerequisite quality factors specified in § 52.636 by not more than one grade below the intended grade.

(k) *Diameter.* The diameter of a spear is the greatest dimension at approximate right angles to the longitudinal axis of the spear approximately 1 inch from the base end.

(l) Extraneous vegetable material:

(1) *Class 1.* Tender, green blades of grass or weeds or leaves which are harmless.

(2) *Class 2.* Coarse blades of grass or weeds or leaves which may or may not be tender or green and which are harmless.

(m) Fiber. Fiber that is developed near the outside portion of the broccoli stem that is tough and/or woody.

(n) Flavor and odor:

(1) *Good flavor and odor.* The product has a good characteristic flavor and odor and is free from objectionable flavors or objectionable odors of any kind.

(2) *Fairly good flavor and odor.* The product may be lacking in good flavor and odor but is free from objectionable flavors or objectionable odors of any kind.

(o) Head material: "Head material" in the styles of cuts and chopped consists of buds or bud clusters whether or not attached to a portion of a spear and includes the fine stem material to which buds or bud clusters are attached to the main stem.

(p) Leaf material: "Leaf material" in the styles of cuts, chopped, and pieces means any portion of a leaf whether or not attached to a portion of a spear.

(q) Loose leaves or pieces of leaves: Broccoli leaves or pieces of leaves in the styles of spears and short spears not attached to a unit.

(r) Sample: The number of sample units to be used for inspection.

(s) Sample unit: The amount of product specified to be used for inspection. It may be:

(1) The entire contents of a container; or

(2) A portion of the contents of a container; or

(3) A combination of the entire or partial contents of two or more containers; or

(4) A portion of unpacked product.

(t) Trim:

(1) "Well trimmed" (spears; short spears only) means that the appearance of the unit is not materially affected by the presence of attached leaves or pieces of leaves and not more than slightly affected by ragged or partial removal of leaves or small side shoots, or by poor cutting of the stem, as illustrated by USDA Photo-Guides for Illustrating Trimming in Frozen Broccoli.

(2) "Reasonably well trimmed" (spears; short spears only) means that the appearance of the unit is not seriously affected by the presence of attached leaves or pieces of leaves and not materially affected by ragged or partial removal of leaves or small side shoots or by poor cutting of the stem as illustrated by USDA Photo-Guides for Illustrating Trimming in Frozen Broccoli.

(3) "Poorly trimmed" (spears; short spears only) means that the appearance of the unit is seriously affected by the presence of attached leaves or pieces of leaves, by ragged or partial removal of leaves or small side shoots, or by poor cutting of the stem as illustrated by USDA Photo-Guides for Illustrating Trimming in Frozen Broccoli.

(u) Unit: Any individual portion of broccoli other than loose leaves or individual buds.

SAMPLE UNIT SIZES

§ 52.635 Sample unit sizes.

(a) For head material and leaf material.

(1) Cuts—10 ounces (283 grams) of product.

(2) Chopped—1¾ ounces (50 grams) of product.

(b) For style (other than head material and leaf material) and quality factors.

(1) Spears; short spears—50 units.

(2) Cuts; chopped; pieces—10 ounces (283 grams) of product.

Broken, crushed, or similarly damaged portions of units of product in the styles of spears and short spears are reassembled and included in the count as whole units. Head and leaf material in the styles of cuts and chopped, loose leaves or pieces in the styles of spears and short spears, and extraneous material in all product styles associated with the sample unit are part of the standard sample unit size. They are not included in the count of spears and short spears but are included in the weight of cut and chopped broccoli; "associated" means in the same container when the container is one of several used to compose the sample unit and all of the product in it is included in the standard sample unit size. When only a portion of the last one of several containers is included in the standard sample unit size, all of the pieces and extraneous material in the container are considered associated with the portion taken as a sample unit if such portion is 50 percent or more of the contents of the container. None of the pieces and extraneous material are taken if less than 50 percent of the contents is used as a sample unit. If all of a standard sample unit includes only a portion of the contents on one container, the "associated" material is that material in physical juxtaposition to the representative portion of product taken from the contents.

GRADES, FACTORS OF QUALITY, AND GRADE COMPLIANCE

§ 52.636 Grades.

(a) U.S. Grade A (or U.S. Fancy) is the quality of frozen broccoli that:

(1) Meets the following prerequisites (with deviants as specified in § 52.641 (a));

(i) Has similar varietal characteristics;

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(ii) Has a good flavor and odor;
(iii) Is practically free from grit or silt;
(iv) Has a good, bright, overall color appearance;
(v) With respect to the styles of cuts, chopped, and pieces; has individual buds that are at least reasonably well developed; and
(2) Meets requirements for the various quality factors in Table V, VI, or VII as applicable for the style.

(b) U.S. Grade B (or U.S. Extra Standard) is the quality of frozen broccoli that:
(1) Meets the following prerequisites (with deviants as specified in § 52.641 (a)):
(i) Has similar varietal characteristics;
(ii) Has at least a fairly good flavor and odor;
(iii) Has no more than a trace of grit or silt;
(iv) Has at least a reasonably good overall color appearance which may be slightly dull;
(v) With respect to the styles of cuts, chopped, or pieces; may have poorly developed buds that do not materially affect the appearance of the product; and
(2) Meets requirements for the various quality factors in Table V, VI, or VII as applicable for the style.

(c) Substandard is the quality of frozen broccoli that fails to meet the requirements for U.S. Grade B.

TABLE IV—*Classification of Defects*

Quality factor	Defect	Classification			
		Minor	Major	Severe	Critical
Color	Spears and short spears: Reasonably good (in grade A only)		×		
	Poor			×	
Uniformity of size	Spears: Length variation—greater than ¾ in		×		
	Diameter variation—greater than ¾ in	×			
	Short spears: Weight variation—largest unit is 4 times or more greater than smallest unit	×			
Detached fragments	Spears and short spears: Each 1.0 oz. or fraction thereof in increments of at least 0.5 oz.		×		
Loose leaves and pieces of leaves	Spears and short spears: Each 0.5 oz. or fraction thereof in increments of at least 0.2 oz.	×			
Broken	Spears and short spears	×			
Damage	Mechanical or other means	×			
Blemished	Units adversely affected:				
	More than slightly	×			
	Materially		×		
	Seriously			×	
Trim	Spears and short spears:				
	Reasonably well (in grade A only)	×			
	Poorly:				
	In grade A		×		
	In grade B	×			
Development	Spears and short spears:				
	Reasonably well in (grade A only)	×			
	Poorly		×		
Fiber	All styles:				
	Not woody		×		
	Woody			×	
Harmless extraneous material	Spears and short spears:				
	Class 1 (each piece)			×	
	Class 2 (each piece)				×
	Cuts, chopped, pieces:				
	Class 1—each 1 in. or fraction thereof			×	
	Class 2—each 1 in. or fraction thereof				×

TABLE V.—*Grade compliance; spears; short spears*

	Grade A				Grade B			
AQL	20.0	6.5	0.65	0.30	25.0	10.0	2.5	0.65
Absolute limit (AL)	20.0	9.0	3	2	24.0	12.0	5.0	3

Number of sample units	Number of short spears	Grade A: Total[1]	Major	Severe	Critical	Grade B: Total[1]	Major	Severe	Critical
1	50	15	6	1	0	18	9	5	1
2	100	27	11	2	1	33	15	5	2
3	150	39	15	3	1	46	21	7	3
4	200	50	19	3	2	62	27	9	3
5	250	62	23	4	2	75	33	10	4
6	300	73	27	4	3	89	39	12	4
7	350	84	31	5	3	103	45	14	5
8	400	95	34	5	3	116	50	15	5
9	450	105	38	6	3	130	56	17	6
10	500	116	42	6	4	143	62	18	6
11	550	127	46	7	4	157	67	20	7
12	600	138	49	7	4	170	73	21	7
13	650	149	53	8	4	183	78	23	8
14	700	159	57	8	5	197	84	24	8
15	750	170	60	9	5	210	89	26	9
16	800	181	64	9	5	223	95	27	9
17	850	191	67	10	5	236	100	29	10
18	900	202	71	10	6	250	105	30	10
19	950	213	75	10	6	263	111	32	10
20	1,000	223	78	11	6	276	116	33	11
21	1,050	234	82	11	6	289	122	35	11

[1] Total equals minor plus major plus severe plus critical.

§ 52.637 Factors of quality and grade compliance.

(a) The grade of a lot of frozen broccoli is based on compliance with the prerequisites specified in § 52.636 and with requirements for the following quality factors:
(1) Color;
(2) Uniformity of size;
(3) Detached fragments;
(4) Loose leaves or pieces of leaves;
(5) Damaged; broken; blemished;
(6) Trimming, with respect to the styles of spears and short spears;
(7) Development;
(8) Fiber; and
(9) Harmless extraneous material.

TABLE VI—*Grade Compliance; Cuts; Pieces*

	Grade A				Grade B			
AQL[1]	8.5	2.0	0.65	0.30	20.0	4.5	1.0	0.65
Absolute limit (AL)	18.	5.	3	2	34.0	11.0	5.0	4

Number of sample units	Weight of product (ounces)	Grade A: Total[1]	Major	Severe	Critical	Grade B: Total[1]	Major	Severe	Critical
1	10	13	4	2	1	27	8	3	2
2	20	24	7	3	2	50	14	4	3
3	30	34	10	4	3	73	20	6	4
4	40	44	13	5	3	95	25	7	5
5	50	53	15	6	4	116	30	9	6
6	60	63	18	7	4	138	36	10	7
7	70	72	20	8	5	159	41	11	8
8	80	81	23	9	5	181	46	13	9
9	90	91	25	10	6	202	51	14	10
10	100	100	27	11	6	223	56	15	11
11	110	109	30	12	6	244	61	17	12
12	120	119	32	12	7	266	66	18	12
13	130	128	34	13	7	287	71	19	13
14	140	137	37	14	8	308	76	20	14
15	150	146	39	15	8	329	81	21	15
16	160	155	41	16	9	349	86	23	16
17	170	164	44	17	9	370	91	24	17
18	180	173	46	17	9	390	96	25	17
19	190	182	48	18	10	412	101	26	18
20	200	191	50	19	10	433	105	27	19
21	210	200	53	20	11	454	110	29	20

[1] Total equals minor plus major plus severe plus critical.
[2] Based on an estimated count of 6 per ounce of product exclusive of chaff.

TABLE VII—Grade compliance: chopped

	Grade A				Grade B			
AQL[1]	5.0	1.5	0.65	0.30	10.0	3.0	1.0	0.65
Absolute limit (AL)	12.0	6.0	4	2	20.0	9.0	5.0	4

Number of sample units	Weight of product	Grade A: Total[1]	Major	Severe	Critical	Grade B: Total[1]	Major	Severe	Critical
1	10	9	4	2	1	15	6	3	2
2	20	15	6	3	2	27	10	4	3
3	30	21	8	4	3	39	14	6	4
4	40	27	10	5	3	50	18	7	5
5	50	33	12	6	4	62	21	9	6
6	60	39	14	7	4	73	25	10	7
7	70	45	16	8	5	84	29	11	8
8	80	50	18	9	5	95	32	13	9
9	90	56	20	10	6	105	36	14	10
10	100	62	21	11	6	116	39	15	11
11	110	67	23	12	6	127	42	17	12
12	120	73	25	12	7	138	46	18	12
13	130	78	27	13	7	149	49	19	13
14	140	84	29	14	8	159	53	20	14
15	150	89	30	15	8	170	56	21	15
16	160	95	32	16	9	181	59	23	16
17	170	100	34	17	9	191	63	24	17
18	180	105	36	17	9	202	66	25	17
19	190	111	37	18	10	213	69	26	18
20	200	116	39	19	10	223	73	27	19
21	210	122	41	20	11	234	76	29	20

[1] Total equals minor plus major plus severe plus critical.
[2] Based on an estimated count of 20 per ounce of product exclusive of chaff.

LOT COMPLIANCE

§ 52.638 Sample size.

(a) *Lot Inspection.* The sample size to determine compliance with requirements for style in the case of spears and short spears, and for prerequisites specified in § 52.636 and other quality factors, shall be as specified in the sampling plans in the "Regulations Governing Inspection of Processed Fruits and Vegetables and Related Products" (§ 52.1–52.83).

(b) *On-Line Inspection*—(1) *Normal production rate.* The sample size to determine compliance with requirements for style in the case of spears and short spears and for prerequisites specified in § 52.636 and other quality factors, is based on a sampling frequency of one sample unit approximately every 45 minutes during production, but in no case shall be less than three sample units.

(2) *Slow production rate.* When the production rate is the equivalent of approximately 400 cases or less (up to one pound containers—24 per case) in a basic grading period, the sample size to determine compliance with requirements for style in the case of spears and short spears and for prerequisites specified in § 52.636 and other quality factors is based on a sampling frequency of one sample unit approximately every two hours during production, but in no case shall be less than three sample units.

(c) *Deviants.* The acceptance numbers for deviants specified in the sampling plans cited in paragraph (a) of this section applies only to the prerequisite factors specified for the grade in § 52.636. They do not apply to the quality factors covered by the sampling plans in § 52.637.

§ 52.639 Determining proportions of head material and leaf material.

(a) *Method.* The percent, by weight, of head material, loose leaves or portions thereof in cut and chopped broccoli may be determined as follows:
(1) *Equipment needed.* (i) 250 ml beaker.
(ii) Gram scale, or other suitable scale graduated to 0.1 ounce.
(iii) Laboratory tweezers, scalpel, or other instrument suitable for separating the stem material, leaf material, and head material.
(iv) Flat grading tray.
(2) *Procedure.* (i) Thoroughly mix sample unit to be tested if sample unit is not the entire contents of the container.
(ii) Weigh approximately 50 grams (1.76 ounces) in the case of chopped product in a previously tared 250 ml beaker.
(iii) In the case of cut style weigh 283.5 grams (10 ounces) of product in a suitable previously tared container.
(iv) Spread the weighed product out on a flat grading tray.
(v) Separate the stem material from the head and leaf material; weigh the stem material, and record.
(vi) Separate the leaf material from the head material; weigh each separately and record.
(vii) The weight of the head material divided by the sum of the weights of the stem, head, and leaf materials multiplied by 100 is the percent, by weight, of head material.
(viii) The weight of leaf material divided by the sum of the weights of the stem, head, and leaf materials multiplied by 100 is the percent, by weight, of leaf material.

§ 52.640 Lot acceptance for style.

(a) *Spears; short spears.* A lot of frozen broccoli is considered as meeting the style requirements for spears or short spears, as applicable, if the defects permitted and the AL value specified in Table I are not exceeded.

(b) *Cuts; chopped.* (1) A lot of frozen broccoli is considered as meeting the style requirements for cuts or chopped for head material and leaf material; *Provided*, That:
(i) The average of all the sample units in the sample does not exceed 25 percent, by weight, of leaf material; and
(ii) The average of all the sample units in the sample is not less than 25 percent, by weight, of head material; and
(iii) No single sample unit contains less than 15 percent, by weight, of head material, or more than 25 percent, by weight, of leaf material.
(2) Length: The AL values and/or the cumulative acceptance numbers for the defects permitted, specified in Table II or III as applicable, are not exceeded.

§ 52.641 Lot acceptance for quality.

A lot of frozen broccoli is considered as meeting the requirements for quality if:
(a) The number of deviants for the prerequisites specified for the applicable grade in § 52.636 does not exceed the acceptance number specified in the sampling plans in the "Regulations Governing Inspection of Processed Fruits and

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Vegetables and Related Products" (§§ 52.1–52.83); and

(b) The AL values and/or the cumulative acceptance numbers for the defects permitted for the applicable defects classifications specified in Tables V, VI, and VII are not exceeded.

TALLY SHEET

§ 52.642 Tally sheet.

Defect tally for frozen broccoli

Number, size, and kind of container
Label
Container mark
Net weight
Sample unit No.
Prerequisite grade
Reason downgraded

Defect	Minor	Major	Severe	Critical	Minor	Major	Severe	Critical
Color								
Uniformity of size								
Detached fragments								
Leaves, loose and pieces								
Damage: Broken								
Blemished								
Mechanical & other								
Trimming: Reasonably well								
Poorly								
Development: Reasonably well								
Poorly								
Fiber								
Harmless extraneous material								
Total (each class)								
Cumulative total (each class)								
Total (all classes)								
Cumulative total (all classes)								
Style								
Total								
Cumulative total								

Dated: June 14, 1974.

Administrator, Agricultural Marketing Service.
E. L. PETERSON,

[FR Doc.74-14249 Filed 6-24-74;8:45 am]

[7 CFR Part 980]

ONION IMPORTS

Proposed Establishment of Minimum Quality Requirements

This proposal would establish minimum quality requirements for imported onions.

Notice is hereby given of proposed grade, size, and maturity requirements to be made applicable to the importation of onions into the United States pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.). The import regulation would be based on, and comply with, regulations to be made effective under the Federal marketing order for onions grown in certain designated counties in Idaho, and Malheur County, Oregon.

Consideration will be given to any written data, views, or arguments pertaining to the proposal which are filed in quadruplicate with the Hearing Clerk, Room 112-A, United States Department of Agriculture, Washington, D.C. 20250, not later than July 11, 1974. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)). The proposal is as follows:

§ 980.113 Onion import regulation.

Except as otherwise provided herein, during the period beginning July 18, 1974, and continuing through April 30, 1975, no person may import onions of the yellow or white varieties unless such onions are inspected and meet the requirements of this section.

(a) *Grade, size and maturity requirements.*—(1) *Yellow varieties.* U.S. No. 2, or better grade, 1½ inches minimum diameter.

(2) *White varieties.* U.S. No. 2, or better grade, 1 inch minimum diameter.

(3) *Yellow and white varieties.* At least "moderately cured."

(b) *Condition.* Due consideration shall be given to the time required for transportation and entry of onions into the United States. Onions with transit time from country of origin to entry into the United States of ten or more days may be entered if they meet an average tolerance for decay of not more than 5 percent, provided they meet the other requirements of this section.

(c) *Minimum quantity.* Any importation which in the aggregate does not exceed 100 pounds in any day, may be imported without regard to provisions of this section.

(d) *Plant quarantine.* Provisions of this section shall not supersede the restrictions or prohibitions on onions under the Plant Quarantine Act of 1912.

(e) *Designation of governmental inspection service.* The Federal or the Federal-State Inspection Service, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, and the Fruit and Vegetable Division, Production and Marketing Branch, Canada Department of Agriculture, are designated as governmental inspection services for certifying the grade, size, quality and maturity of onions that are imported into the United States under the provisions of Section 8e of the act.

(f) *Inspection and official inspection certificates.* (1) An official inspection certificate certifying the onions meet the United States import requirements for onions under section 8e (7 U.S.C. 608e-1), issued by a designated governmental inspection service and applicable to a specific lot is required on all imports of onions.

(2) Inspection and certification by the Federal or Federal-State Inspection Service will be available and performed in accordance with the rules and regulations governing certification of fresh fruits, vegetables and other products (Part 51 of this title). Each lot shall be made available and accessible for inspection as provided therein. Cost of inspection and certification shall be borne by the applicant.

(3) Since inspectors may not be stationed in the immediate vicinity of some smaller ports of entry, importers of onions should make advance arrangements for inspection by ascertaining whether or not there is an inspector located at their particular port of entry. For all ports of entry where an inspection office is not located, each importer must give the specified advance notice to the applicable office listed below prior to the time the onions will be imported.

Ports	Office	Advance notice
All Texas points	L. M. Denbo, P.O. Box 107, San Juan, Tex. 78589 (Phone 512-787-4091 or 6881).	1 day.
All Arizona points	B. O. Morgan, P.O. Box 1614, Nogales, Ariz. 85621 (Phone 602-287-2902).	Do.
All California points	D. P. Thompson, 784 South Central Ave., Room 266, Los Angeles, Calif. 90021 (Phone 213-622-8756).	2 days.
All Hawaii points	Stevenson Ching, P.O. Box 5425, Pawaa Substation, 1428 South King St., Honolulu, Hawaii 96814 (Phone 808-941-3071).	1 day.
All Puerto Rico points	Darrell G. McNeal, P.O. Box 10163, Santurce, P.R. 00908 (Phone 809-783-2230 or 4116).	2 days.
New York City	Frank J. McNeal, Room 28A Hunts Point Market, Bronx, N.Y. 10474 (Phone 212-991-7609 or 7668).	1 day.
New Orleans	Pascal J. Lamarca, 5027 Federal Office Bldg., 701 Loyola Ave., New Orleans, La. 70113 (Phone 504-827-6741 or 6742).	Do.
All Florida points	Hubert S. Flynt, P.O. Box 20194, Orlando, Fla. 32814 (Phone 305-894-5111).	Do.
All other points	D. S. Matheson, Fruit and Vegetable Division, AMS, Washington, D.C. 20250 (Phone 202-447-5870).	3 days.

(4) Inspection certificates shall cover only the quantity of onions that is being imported at a particular port of entry by a particular importer.

(5) In the event the required inspection is performed prior to the arrival of the onions at the port of entry, the inspection certificate that is issued must show that the inspection was performed at the time of loading such onions for direct transportation to the United States; and if transportation is by water, the certificate must show that the inspection was performed at the time of loading onto the vessel.

(6) Each inspection certificate issued with respect to any onions to be imported into the United States shall set forth, among other things:

(i) The date and place of inspection;

(ii) The name of the shipper, or applicant;

(iii) The commodity inspected;

(iv) The quantity of the commodity covered by the certificate;

(v) The principal identifying marks on the containers;

(vi) The railroad car initials and number, the truck and trailer license number, the name of the vessel, or other identification of the shipment; and

(vii) The following statement, if the facts warrant: Meets import requirements of 7 U.S.C. 608e-1.

(g) *Reconditioning prior to importation.* Nothing contained in this part shall be deemed to preclude any importer from reconditioning prior to importation any shipment of onions for the purpose of making it eligible for importation.

(h) *Definitions.* For the purpose of this section, "Onions" means all varieties of Allium cepa marketed dry, except dehydrated, canned and frozen onions, onion sets, green onions, and pickling onions. The term "moderately cured" means the onions are mature and are more nearly well cured than fairly well cured. "Importation" means release from custody of the United States Bureau of Customs.

Dated: June 19, 1974.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.74-14521 Filed 6-24-74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 124]

[CGD 73-253 P]

EXPLOSIVES OR CERTAIN SPECIFIED DANGEROUS CARGOES

Proposed Advance Notice of Arrival of Laden Vessels

The Coast Guard is considering amending the list of dangerous cargoes involving particular hazards.

Section 124.14(b)(1) lists those dangerous cargoes which are considered to involve particular hazards when transported on vessels or handled on waterfront facilities in bulk quantities. Newly developed chemicals and increased knowledge of the characteristics of previously existing chemicals indicate a need for revising the present list of cargoes of particular hazard.

Interested persons may participate in this proposed rulemaking by submitting written data, views or arguments to the Coast Guard (G-CMC/82) Washington, DC 20590. Each person submitting comments should identify the notice number (CGD 73-253 P), any specific wording recommended, reasons for any recommended change, and the name, address, and organization, if any, of the commenter. All comments received by August 8, 1974, will be fully considered and evaluated before final action is taken on this proposal.

Copies of all written communications received will be available for examination by interested persons in Room 7315, 400 Seventh Street SW., Washington, D.C. The proposal may be changed in light of the comments received.

In consideration of the foregoing, it is proposed to amend Part 124 of Title 33 of the Code of Federal Regulations by revising § 124.14(b)(1) to read as follows:

§ 124.14 Advance notice of arrival of vessel laden with explosives or certain specified dangerous cargoes.

• • • • • •

(b)(1) A dangerous cargo considered to involve a particular hazard, when transported in bulk quantities on board vessels, or when handled in bulk quantities on waterfront facilities, is any commodity which by virtue of its properties would create an unusual hazard if released. The commodities subject to this section are:

Acetaldehyde
Acetone Cyanohydrin
Acrolein
Acrylonitrile
Allyl chloride
Ammonia, anhydrous
Butadiene
Butane
Butene
Butylene Oxide
Carbon Disulfide
Chlorine
Chlorosulfonic Acid
Dimethylamine
Epichlorohydrin
Ethane
Ethylene
Ethylene Oxide
Ethylenimine
Ethyl Ether
Hydrofluoric Acid, aqueous (70 percent)
Hydrogen Chloride, anhydrous
Hydrogen Fluoride, anhydrous
Methane
Methyl Acetylene, Propadiene Mixture, stabilized
Methyl Bromide
Methyl Chloride
Motor Fuel Antiknock Compounds containing Lead Alkyls
Oleum
Phosphorus, elemental
Propane
Propylene
Propylene Oxide
Sulfur Dioxide
Toluene Diisocyanate
Vinyl Chloride

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(5 U.S.C. 191, 49 USC 1655 (b); E.O. 10173, 10277, 10352; 49 CFR 1.46(b))

Dated: June 11, 1974.

R. I. PRICE,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.74-14487 Filed 6-24-74;8:45 am]

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 74-NW-12]

CONTROL ZONE

Proposed Alteration

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Astoria, Oregon, Control Zone.

Interested persons may participate in the proposed rule making by submitting

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such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Operations Procedures and Airspace Branch, Northwest Region, Federal Aviation Administration, FAA Building, Boeing Field, Seattle, Washington 98108. All communications received on or before July 25, 1974, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Northwest Region, Federal Aviation Administration, FAA Building, Boeing Field, Seattle, Washington 98108.

A review of the Astoria, Oregon, Control Zone airspace disclosed that additional controlled airspace is needed to contain the Clatsop County Airport VOR Rwy 13 Instrument Approach Procedure.

In consideration of the foregoing, the FAA proposes to amend Part 71 of the Federal Aviation Regulations as follows:

In § 71.171 (39 FR 354) the description of the Astoria, Oregon, Control Zone would be amended to read:

ASTORIA, OREG.

Within a 5-mile radius of Clatsop County Airport, Astoria, Oreg. (Latitude 46°09'25" N., Longitude 123°52'38" W.), within 2 miles each side of the Astoria VOR 268° radial, extending from the 5-mile radius zone to 8 miles W of the VOR, and within 4.5 miles each side of the Astoria VOR 309° radial, extending from the 5-mile radius zone to 16 miles NW of the VOR.

This amendment is proposed under the authority of sec. 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Seattle, Wash., on June 13, 1974.

C. B. WALK, JR.,
Director, Northwest Region.

[FR Doc.74-14450 Filed 6-24-74;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 74-WE-16]

CONTROL ZONE

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Victorville, California control zone.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace and Procedures Branch, Federal Aviation Administration, 15000 S. Aviation Boulevard, Lawndale, California 90261. All communications received on or before July 25, 1974 will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 15000 S. Aviation Boulevard, Lawndale, California 90261.

The Department of the Air Force has revised two instrument approach procedures for George AFB (TACAN RWY 16—HI-TACAN RWY 16). A small control zone extension is required to provide controlled airspace for aircraft executing the prescribed procedures while operating below 1,000 feet above the surface.

In consideration of the foregoing, the FAA proposes the following airspace action.

In § 71.171 (39 FR 354), the description of the Victorville, Calif. control zone as amended by (39 FR 18424) is further amended to read as follows:

VICTORVILLE, CALIF.

Within a 5-mile radius of George AFB, Victorville, Calif. (latitude 34°35'45" N., longitude 117°22'55" W.), and within 2 miles each side of the 005° radial of the George TACAN (latitude 34°35'40" N., longitude 117°23'20" W.) extending from the 5-mile radius zone to 9 miles north of the TACAN. This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, Calif. on June 13, 1974.

JAMES V. NIELSEN,
Acting Director, Western Region.

[FR Doc.74-14449 Filed 6-24-74;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 74-GL-10]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition area at Madison, Wisconsin.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before July 25, 1974 will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

A new public instrument approach procedure has been developed for the Morey Airport, Middleton, Wisconsin. Accordingly, it is necessary to alter the Madison, Wisconsin transition area to adequately protect the aircraft executing the new approach procedure.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (39 FR 440) the following transition area is amended:

MADISON, WISCONSIN

Add "and within a seven mile radius of the Morey Airport (latitude 43°07'00" N., longitude 89°32'00" W.).

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of sec. 6(c) of the Department of Transportation (49 U.S.C. 1655(c)).

Issued in Des Plaines, Ill., on May 31, 1974.

R. O. ZIEGLER,
Acting Director, Great Lakes Region.

[FR Doc.74-14451 Filed 6-24-74;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 74-SO-60]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Perry, Fla., transition area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, P.O. Box 20636, Atlanta, Ga. 30320. All communications received on or before July 25, 1974 will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 645, 3400 Whipple Street, East Point, Ga.

The Perry transition area would be designated as:

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Perry-Foley Airport (Lat. 30°04'00" N., Long. 83°34'43" W.).

The proposed designation is required to provide controlled airspace protection for IFR operations at Perry-Foley Airport. A prescribed instrument approach to this airport, utilizing the Foley (private) Nondirectional Radio Beacon, is proposed in conjunction with the designation of this transition area.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655 (c)).

Issued in East Point, Ga., on June 13, 1974.

DUANE W. FREER,
Acting Director, Southern Region.

[FR Doc.74-14452 Filed 6-24-74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 120]

COLORADO RIVER SYSTEM

Salinity Control Policy and Standards Procedures

Correction

In FR Doc. 74-13683 appearing at page 20703 in the issue of Thursday, June 13, 1974, insert the following after the second line of § 120.5(d): "ministrator established procedures for".

[40 CFR Part 227]

OCEAN DUMPING

Proposed Designation of Site

Section 102(c) of the Marine Protection, Research, and Sanctuaries Act of 1972 (Pub. L. 92-532) gives the Administrator of the Environmental Protection Agency the authority to designate sites where ocean dumping may be permitted. The EPA ocean dumping regulations (40 CFR Ch. I, Subchapter H, § 220.4(d)) state that ocean dumping sites will be designated by publication in this part.

The Regional Administrator of EPA Region VI has recommended the designation of a new site in the Gulf of Mexico for the disposal of wastes from the DuPont plant at Belle, West Virginia. A baseline survey of the site will be conducted prior to using it for ocean waste disposal, and a monitoring program of the impact of the wastes on the site will be initiated as soon as dumping begins.

The area proposed is in the southeastern part of the Gulf of Mexico approximately 200 statute miles from the nearest land in water approximately 1,600 fathoms deep. On June 7, 1974 (39 FR 20206) EPA published an interim dump site regulation designating the site for use effective immediately. That interim regulation is being withdrawn and the site in question is being published as proposed rulemaking.

The site is proposed for interim use until an environmental impact statement is prepared and the site is formally approved for continuing use or withdrawn from use. Management authority for the site will be delegated to the Regional Administrator of Region VI, providing however, that the site may not be used for the disposal of wastes other than those from the DuPont plant at Belle, West Virginia, without the prior approval of the Deputy Assistant Administrator for Water Program Operations.

Interested persons may participate in this rulemaking by submitting written comments in triplicate to the Environmental Protection Agency, WH-448, Room 731E, Waterside Mall, 401 M Street SW., Washington, D.C. 20460, Attention: Chief, Marine Protection Branch.

A copy of all public comments will be available for inspection and copying at the EPA Information Center, Room 227, West Tower, Waterside Mall, 401 M Street SW., Washington, D.C. 20460. The EPA information regulation, 40 CFR Part 2, provides that a reasonable fee may be charged for copying.

All comments received on or before July 25, 1974 will be considered.

Dated: June 21, 1974.

JOHN QUARLES,
Acting Administrator.

Part 227, Ocean Dumping, Subchapter H, Chapter I of Title 40 CFR is (1) Amended by withdrawing from the list of approved interim ocean dumping sites (38 FR 12875-77; 39 FR 20206) the area bounded by the following coordinates:

26 degrees, 50 minutes North latitude
27 degrees, 10 minutes North latitude
86 degrees, 50 minutes West longitude
87 degrees, 10 minutes West longitude

(hereinafter the "Southeast Gulf Dump Site"); and

(2) Proposed to be amended by designation of the Southeast Gulf Dump Site.

[FR Doc.74-14656 Filed 6-24-74;10:05 am]

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notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

REGIONAL ADVISORY COMMITTEE ON BANKING POLICIES AND PRACTICES OF THE TWELFTH NATIONAL BANK REGION

Notice of Closed Meeting

Pursuant to section 10(a)(2) of the Federal Adivsory Committee Act (Pub. L. 92–463), notice is hereby given that a closed meeting of the Comptroller of the Currency's Regional Advisory Committee on Banking Policies and Practices of the Twelfth National Bank Region will be held at the Santa Fe Hilton, Santa Fe, New Mexico on Friday, June 28, 1974, beginning at 9 p.m.

The purpose of this meeting is to assist the Regional Administrator and Comptroller of the Currency in a continuing review of bank regulations and policies. The meeting will also apprise agency officials of current conditions and problems banks are experiencing in the Twelfth Region.

It is hereby determined pursuant to section 10(d) of Pub. L. 92–463 that the meeting is concerned with matters listed in section 552(b) of Title 5 of the United States Code and particularly with exceptions (3), (4) and (8) thereof, and is therefore exempt from the provisions of section 10 (a)(1) and (a)(3) of the Act (Pub. L. 92–463) relating to open meetings and public participation therein.

Dated: June 20, 1974.

[SEAL] JAMES E. SMITH,
Comptroller of the Currency.

[FR Doc.74–14512 Filed 6–24–74;8:45 am]

Office of the Secretary

[T.D. 74–175; T.D.O. 165, Rev. Amdt. 8]

COMMISSIONER OF CUSTOMS

Delegation Order Amended as It Relates to Waivers of Navigation Laws

By virtue of the authority vested in the Secretary of the Treasury by Reorganization Plan No. 26 of 1950 (3 CFR, 1949–1953 Comp. p. 1017) and pursuant to authorization provided by Treasury Department Order No. 190, Revision 9 (38 FR 17517): *It is hereby ordered*, That Treasury Department Order No. 165, Revised, dated November 2, 1954, (T.D. 53654; 19 FR 7241), as amended, is further amended by adding a new subparagraph (k) to read as follows:

(k) Any decision as to whether to waive compliance with the navigation laws pursuant to the Act of December 27, 1950, 64 Stat. 1120 (46 U.S.C. Chapter 1 Note), shall be made by the Secretary of the Treasury, except that the Commissioner of Customs shall waive compliance with such laws upon the request of the Secretary of Defense to the extent deemed necessary in the interest of national defense by the Secretary of Defense.

Dated: June 14, 1974.

[SEAL] DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.74–14511 Filed 6–24–74;8:45 am]

DEPARTMENT OF DEFENSE

Corps of Engineers

ADVISORY COMMITTEE FOR NATIONAL DREDGING STUDY

Notice of Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463) notice is hereby given of the eleventh meeting of the Advisory Committee for National Dredging Study to be held 16, 17, and 18 July 1974. The meeting will begin at 9:30 a.m. in Room 1E235, Forrestal Building, Washington, D.C.

The purpose of the meeting is to have the Committee review the first completed part (Bidding and Estimating Procedures) of the three part National Dredging Study prepared by the Contractor, Arthur D. Little, Inc. and to develop the tentative recommendations for consideration by the Director of Civil Works, U.S. Army, Corps of Engineers.

Within the facilities available (about 25 persons) the meeting will be open to observers. However, the purpose of the meeting is not compatible with participation in the proceedings by the observers. Any member of the public who wishes to do so will be permitted to file a written statement with the Committee before or after the meeting.

Inquiries may be addressed to the Designated Federal Representative, Mr. Eugene B. Conner, DAEN–CWO–M, Office Chief of Engineers, U.S. Army, Washington. D.C. 20314.

Dated: June 20, 1974.

For the Chief of Engineers.

JOHN V. PARISH, Jr.,
Colonel, Corps of Engineers,
Executive Director of Civil Works.

[FR Doc.74–14490 Filed 6–24–74;8:45 am]

DEPARTMENT OF JUSTICE

ACTION TO ENJOIN DISCHARGE OF POLLUTANTS

Notice of Proposed Consent Judgment

In accordance with Departmental Policy, 28 CFR 50.7, 38 FR 19029, a notice is hereby given that on June 14, 1974, a proposed consent decree in "State Water Control Board, et al., Plaintiffs, United States of America, Intervenor-Plaintiff" v. "Washington Suburban Sanitary Commission, et al." was lodged with the United States District Court for the District of Columbia. The proposed decree requires the jurisdictions of Metropolitan Washington to limit the sewage flows from the jurisdictions to the Blue Plains Treatment Plant to quantities which can be treated adequately by the plant.

The Department of Justice will receive on or before July 25, 1974, written comments relating to the proposed judgment. Comments should be addressed to the Assistant Attorney General for the Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and refer to "State Water Control Board et al., Plaintiffs, United States of America, Intervenor-Plaintiff v. Washington Suburban Sanitary Commission, et al.", D.J. Ref. 90–5–1–1–353.

The proposed consent decree may be examined at the Region III Office of the Environmental Protection Agency, 6th and Walnut Streets, Philadelphia, Pennsylvania; The Clerk of the District Court, District of Columbia, Washington, D.C.; and the Pollution Control Section, Land and Natural Resources Division, Department of Justice, Room 2623, Department of Justice Building, Ninth Street and Pennsylvania Avenue, Northwest, Washington, D.C. A copy of the proposed consent judgment may be obtained in person or by mail from the Pollution Control Section. In requesting a copy, please enclose a check in the amount of $3.50 (10 cents per page reproduction charge) payable to the Treasurer of the United States.

WALLACE H. JOHNSON,
Assistant Attorney General,
Land and Natural Resources Division.

[FR Doc.74–14494 Filed 6–24–74;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

NEVADA

Proposed Withdrawal and Reservation of Lands

JUNE 17, 1974.

The Forest Service, U.S. Department of Agriculture has filed the above application for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, but not the mining and mineral leasing laws.

The applicant desires the lands for inclusion in the Humboldt National Forest.

On or before July 25, 1974, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Room 3008 Federal Building, 300 Booth Street, Reno, Nevada 89502.

The Department's regulations (43 CFR 2351.4(c)), provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place which will be announced.

The lands involved in the application are:

MOUNT DIABLO MERIDIAN, NEVADA

T. 43 N., R. 52 E.,
Sec. 1, lots 1, 2, 3, 4, S½N½, N½SW¼, SE¼SW¼, SE¼;
Sec. 12, N½NE¼.
T. 44 N., R. 52 E.,
Sec. 19, NE¼NE¼, S½NE¼, SE¼SW¼, SE¼;
Sec. 20, all;
Sec. 30, E½;
Sec. 31, NE¼.
T. 41 N., R. 54 E.,
Sec. 17, W½W½.
T. 43 N., R. 54 E.,
Sec. 33, N½S½.
T. 28 N., R. 56 E., partially unsurveyed,
Sec. 13, E½;
Sec. 24, E½;
Sec. 26, SE¼;
Sec. 35, E½.
T. 25 N., R. 57 E.,
Sec. 3, lots 2, 3, 4, SW¼NE¼, S½NW¼, SW¼, NW¼SE¼, S½SE¼;
Sec. 10, all.
T. 26 N., R. 57 E., partially unsurveyed,
Sec. 15, SE¼;
Sec. 22, NE¼, W½SE¼, NE¼SE¼;
Sec. 27, W½NE¼, SW¼, W½SE¼;
Sec. 34, W½.
T. 27 N., R. 57 E., partially unsurveyed,
Sec. 12, E½;
Sec. 13, E½;
Sec. 24, NE¼;
Sec. 25, lots 1, 3, W½NE¼NW¼NE¼, SE¼NE¼NW¼NE¼, W½NW¼NE¼, SE¼NW¼NE¼, SW¼SE¼;
Sec. 36, NW¼NE¼.
T. 31 N., R. 57 E.,
Sec. 33, NE¼NE¼, S½NE¼, SE¼.
T. 28 N., R. 58 E., partially unsurveyed,
Sec. 4, W½SW¼;
Sec. 5, W½NE¼, SE¼;
Sec. 8, E½;
Sec. 9, W½NW¼, NW¼SW¼;
Sec. 17, NE¼, N½SE¼, SW¼SE¼;
Sec. 20, W½NE¼, NW¼SE¼;
Sec. 29, W½;
Sec. 30, SE¼;
Sec. 31, NE¼, E½SE¼;
Sec. 32, W½.
T. 29 N., R. 58 E., partially unsurveyed,
Sec. 3, NE¼, SW¼;
Sec. 10, NW¼, W½SW¼;
Sec. 16, NE¼, W½SE¼;
Sec. 21, W½NE¼, W½;
Sec. 28, W½NW¼;
Sec. 29, NE¼, NE¼SE¼, W½SE¼;
Sec. 32, W½E½.
T. 30 N., R. 58 E.,
Sec. 13, SE¼;
Sec. 24, lots 1, 2, 3, E½NE¼, SW¼, NE¼SE¼;
Sec. 25, W½NW¼;
Sec. 26, lots 1, 2, 3, 4, 5, W½NE¼, NW¼, N½SW¼, NW¼SE¼;
Sec. 35, lots 2, 3, 4, 5, 7, 8, W½SW¼.
T. 30 N., R. 59 E., partially unsurveyed,
Sec. 7, NE¼, N½SE¼, SW¼SE¼;
Sec. 18, lot 4, W½NE¼; NW¼, N½SW¼, SE¼SW¼, W½SE¼;
Sec. 19, lots 1, 2, 3, E½NW¼.
T. 31 N., R. 59 E.,
Sec. 32, lots 2, 3, 4, 5, 7, 8.
T. 36 N., R. 61 E.,
Sec. 2, lots 1, 2, 7, 8, S½NE¼, N½NE¼SE¼, NE¼NW¼SE¼.

Aggregating approximately 13,900 acres of which 298.51 acres are privately owned.

WILLIAM J. MALENCIK,
Chief,
Division of Technical Services.

[FR Doc.74–14466 Filed 6–24–74;8:45 am]

[OR 12170 (Wash)]

WASHINGTON

Proposed Withdrawal and Reservation of Lands

JUNE 14, 1974.

The Department of Agriculture, on behalf of the Forest Service, has filed application, OR 12170 (Wash), for withdrawal of the national forest lands described below, from all forms of appropriation under the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, subject to valid existing rights.

The applicant desires the land for public recreation areas and sites.

All persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing no later than July 20, 1974, to the undersigned officer of the Bureau of Land Management, Department of the Interior, P.O. Box 2965 (729 NE Oregon St.), Portland, Oregon 97208.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination by the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

WILLAMETTE MERIDIAN

PROTRACTED DESCRIPTION; GIFFORD PINCHOT NATIONAL FOREST

Big Creek Falls Management Unit

T. 7 N., R. 7 E., W.M.,
Sec. 14, W½W½NE¼, NW¼.

Curley Creek Campground

T. 7 N., R. 7 E.,
Sec. 29, SE¼.

Lewis River Management Unit

T. 8 N., R. 7 E.,
Sec. 24, NE¼SE¼, S½SE¼;
Sec. 25, N½NE¼, SW¼NE¼, NW¼, W½SW¼.
T. 8 N., R. 7½ E.,
Sec. 13, E½SE¼;
Sec. 24, NE¼, SE¼NW¼, SW¼ N½SE¼, SW¼SE¼;
Sec. 25, W½NW¼.
T. 8 N., R. 8 E.,
Sec. 18, SW¼, W½SE¼;
Sec. 19, NW¼NW¼,NE¼SE¼;.

Midway Management Unit

T. 9 N., R. 9 E.,
Sec. 12, S½SW¼;
Sec. 13, E½, N½NW¼.
T. 9 N., R. 10 E.,
Sec. 3, E½SW¼, W½SE¼;
Sec. 5, W½E½, W½;
Sec. 6, NE¼, S½;
Sec. 7, N½N½, SE¼NE¼, E½SE¼;
Sec. 8, W½E½, W½;
Sec. 18, W½W½.
T. 10 N., R. 10 E.,
Sec. 33, S½N½, S½;
Sec. 34, SW¼NE¼, S½NW¼.

The areas described aggregate approximately 4,920 acres in Skamania County, Washington.

VIRGIL O. SEISER,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc.74–14492 Filed 6–24–74;8:45 am]

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DEPARTMENT OF COMMERCE

Domestic and International Business Administration

COMPUTER SYSTEMS TECHNICAL ADVISORY COMMITTEE

Notice of Meeting

The Computer Systems Technical Advisory Committee of the U.S. Department of Commerce will meet July 9, 1974, at 9:30 a.m. in Room 4833 of the Main Commerce Building, 14th and Constitution Avenue NW., Washington, D.C.

Members advise the Office of Export Administration, Bureau of East-West Trade, with respect to questions involving technical matters, worldwide availability and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to computer systems, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls.

Agenda items are as follows:

1. Opening remarks by the Chairman.
2. Presentation of papers or comments by the public.
3. Report on the Computer Peripherals, Components and Related Test Equipment Technical Advisory Committee.
4. Discussion of technology content and interchange panel.
5. Report on the work program.
6. Executive Session:

a. Continuation of report on the Computer Peripherals, Components and Related Test Equipment Technical Advisory Committee.

b. Continuation of discussion of technology content and interchange panel.

c. Discussion of, and preparation of working papers on, the work program:

(1) Foreign availability.
(2) Performance characteristics.
(3) Safeguards.

The public will be permitted to attend the discussion of agenda items 1–5, and a limited number of seats—approximately 15—will be available to the public for these agenda items. To the extent time permits, members of the public may present oral statements to the committee. Interested persons are also invited to file written statements with the committee.

With respect to agenda item (6), "Executive Session," the Assistant Secretary of Commerce for Administration, on May 16, 1974, determined, pursuant to section 10(d) of Pub. L. 92–463, that this agenda item should be exempt from the provision of section 10(a)(1) and (a)(3), relating to open meetings and public participation therein, because the meeting will be concerned with matters listed in 5 USC 552(b)(1).

Further information may be obtained from Charles C. Swanson, Director, Operations Division, Office of Export Administration, Room 1620, U.S. Department of Commerce, Washington, D.C. 20230 (A/C 202–967–4196).

Minutes of those portions of the meeting which are open to the public will be available 30 days from the date of the meeting upon written request addressed to: Central Reference and Records Inspection Facility, U.S. Department of Commerce, Washington, D.C. 20230.

Dated: June 21, 1974.

RAUER H. MEYER,
Director, Office of Export Administration, Bureau of East-West Trade, U.S. Department of Commerce.

[FR Doc.74–15648 Filed 6–24–74;8:45 am]

Office of the Secretary

ACTIVITIES OF ADVISORY COMMITTEES

Public Availability of Reports on Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. II 1972) and OMB Circular A–63 of March 27, 1974, those advisory committees of the Department of Commerce which held closed or partially closed meetings in 1973 have prepared reports on the activities of these meetings. Copies of the reports have been filed and are available for public inspection at two locations:

Library of Congress, Microform Reading Room
Room MB–140B, Main Building
10 First Street, SE.
Washington, D.C.

Department of Commerce
Central Reference and Records Inspection Facility
Room 7043, Main Commerce Building
14th Street and Constitution Ave., NW.
Washington, D.C.

The names of the subject committees are listed below.

Advisory Board to the U.S. Merchant Marine Academy
Computer Peripherals, Components and Related Test Equipment Technical Advisory Committee
- Computer Related Test Equipment Subgroup, and
- Memory Equipment Subgroup of the Computer Peripherals, Components and Related Test Equipment Technical Advisory Committee

Computer Systems Technical Advisory Committee
- Performance Characteristics and Performance Measurements Subgroup, and
- Safeguard Subgroup of the Computer Systems Technical Advisory Committee

Marine Fisheries Advisory Committee
National Advisory Committee on Oceans and Atmosphere
Numerically Controlled Machine Tool Technical Advisory Committee
Sea Grant Advisory Panel
Semiconductor Manufacturing and Test Equipment Technical Advisory Committee
Semiconductor Technical Advisory Committee
Telecommunications Equipment Technical Advisory Committee
- PCM Transmission Equipment Subgroup, and
- Processors for Electronic Switching Subgroup of the Telecommunications Equipment Technical Advisory Committee

Travel Advisory Board

HENRY B. TURNER,
Assistant Secretary for Administration.

JUNE 5, 1974.

[FR Doc.74–14444 Filed 6–24–74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institute for Occupational Safety and Health

GAS DETECTOR TUBE UNITS

Applications for Certification

In the FEDERAL REGISTER of May 8, 1973 (38 FR 11458), the Department adopted regulations which set forth the requirements and procedures for the evaluation and certification of gas detector tube units (42 CFR Part 84). In accordance with § 84.3(a) of the regulations, notice is hereby given that the National Institute for Occupational Safety and Health will accept applications for certification of gas detector tube units pursuant to the following schedule:

Gas	Dates for submittal	Test standard
1. Mercury (Hg).	July 1 to July 30, 1974	0.05 mg/m³.
2. Nitric Oxide (NO).	Sept. 1 to Sept. 30, 1974	25 ppm.
3. Phosgene (COCl₂).	Aug. 1 to Aug. 31, 1974	.1 ppm.

All applications and any questions concerning the certification program should be submitted to the Institute's Testing and Certification Laboratory, 944 Chestnut Ridge Road, Morgantown, W. Va. 26505.

Dated: June 19, 1974.

JACK BUTLER,
Acting Director, National Institute for Occupational Safety and Health.

[FR Doc.74–14472 Filed 6–24–74;8:45 am]

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

CHEVROLET AND BUICK CARBURETORS

Public Proceeding Regarding Defect Investigation

On June 5, 1974 (39 FR 19975), the NHTSA published notice of a public proceeding regarding the above captioned matter, to be held on July 9, 1974. Interested persons were invited to participate through written or oral presentations. Persons wishing to make oral presentations are requested to notify Mrs. Nancy Martus, Office of Defects Investigation, National Highway Traffic Safety

Administration, Washington, D.C. 20590, Tel. (202) 426–2850, before the close of business on July 5, 1974.

(Sec. 113, Pub. L. 89–563, 80 Stat. 718 (15 U.S.C. 1402), delegations of authority at 49 CFR 1.51 and 49 CFR 501.8)

Issued on June 19, 1974.

ROBERT L. CARTER,
Associate Administrator, Motor Vehicle Programs.

[FR Doc.74–14510 Filed 6–24–74;8:45 am]

ATOMIC ENERGY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS

Notice of Meeting

JUNE 20, 1974.

In accordance with the purposes of sections 29 and 182 b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the Advisory Committee on Reactor Safeguards will hold a meeting on July 11–13, 1974, in Room 1046, 1717 H Street, NW., Washington, D.C.

The following constitutes that portion of the Committee's agenda for the above meeting which will be open to the public:

THURSDAY, JULY 11, 1974

11 a.m.–12 a.m.—*Presentation by M. Levenson—Electric Power Research Institute (EPRI).* To hear presentation and hold discussions regarding EPRI reactor safety research program.

1 p.m.–3:30 p.m.—*Babcock and Wilcox Company Water Cooled Power Reactors Using the B&W 17x17 Fuel Element.* The Committee will review the proposed design of the B&W Nuclear Steam Supply System (Belefonte Nuclear Plant, Surry Power Station Units 3 & 4 and the Greenwood Energy Center Units 2 & 3) that will make use of the B&W 17x17 fuel element. This will include presentations by and discussions with representatives of the AEC Regulatory Staff and the Babcock and Wilcox Company. This session will include closed portions, if required, to discuss proprietary information related to the design, fabrication, or operation of the plant, its systems, or components. Closed portions will also be held, if required, for Committee deliberative sessions.

The Committee will review the application

3:30 p.m.–5p.m.—*Belefonte Nuclear Plant.* for a Construction Permit for this facility. This will include presentations by and discussions with representatives of the AEC Regulatory Staff and the Tennessee Valley Authority. This will include closed portions if required to discuss security plans for this facility; to discuss the design, construction, and operation of the plant, its systems, or components; and for Committee deliberative sessions.

5 p.m.–6:30 p.m.—*Surry Power Station Units 3 and 4.* The Committee will review the appplication for a Construction Permit for this facility. This will include presentations by and discussions with representatives of the AEC Regulatory Staff and the Virginia Electric Power Company. This will include closed portions, if required to discuss security plans for this facility; to discuss the design, construction, and operation of the plant, its systems, or components; and for Committee deliberative sessions.

FRIDAY, JULY 12, 1974

9:30 a.m.–11 a.m.—Meeting with representatives of the AEC Regulatory Staff to hear presentations and discuss matters relating to reactor operating experience and current licensing activity, including the following:

Quad Cities Station Unit 2—Feedwater Valve Failure

Bolting Deficiencies in Nuclear Facilities

11 a.m.–12:30 p.m.—*Pilgrim Nuclear Power Station.* The Committee will consider the results of reactor pressure vessel inspection at this facility. This will include presentations by and discussions with representatives of the AEC Regulatory Staff and the Boston Edison Company. This will include closed portions, if necessary, to discuss proprietary information related to the design, construction and operation of the reactor pressure vessel.

It should be noted that, in addition to the closed portions of the agenda items noted above, the Committee will hold other sessions not open to the public under the authority of section 10(d) of Pub. L. 92–463 (the Federal Advisory Committee Act), to consider the above applications and other matters. I have determined in accordance with subsection 10(d) of Pub. L. 92–463 that it is necessary to close such portions of the meeting to protect proprietary data (5 U.S.C. 552(b)(4)), and to protect the free interchange of internal views to avoid undue interference with agency or Committee operation (5 U.S.C. 552(b)(5)). Any non-exempt material that may be discussed during the closed portions of the meeting will be inextricably intertwined with discussion of exempt material and no further separation is practical. Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman of the Committee is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda items may do so by mailing 25 copies thereof, postmarked no later than July 3, 1974, to the Executive Secretary, Advisory Committee on Reactor Safeguards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Such written comments shall be based on documents related to the agenda items noted above, and related documents on file and available for public inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545, and as follows:

Belefonte Nuclear Plant, Units 1 and 2
Scottsboro Public Library
1002 South Broad Street
Scottsboro, Alabama 35768

Surry Power Station, Units 3 and 4
Swem College
College of William and Mary
Williamsburg, Virginia 23185

Greenwood, Units 2 and 3
St. Clair County Library
210 McMorran Boulevard
Port Huron, Michigan 48060

Pilgrim Nuclear Power Station
Plymouth Public Library
North Street
Plymouth, Massachusetts 02360

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statement and its usefulness to the Committee. To the extent that the time available for the meeting permits, the Committee will receive oral statements during a period of no more than 30 minutes at an appropriate time, chosen by the Chairman of the Committee.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Committee, who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to whether the meeting or portions of the meeting have been canceled or rescheduled, and in regard to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on July 10, 1974, to the Office of the Executive Secretary of the Committee (telephone: 301–973–5651) between 8:30 a.m. and 5:15 p.m. eastern daylight saving time.

(e) Questions may be propounded only by members of the Committee and its consultants.

(f) The use of still, movie, and television cameras, the physical installation and presence of which will not interfere with the course of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(g) Persons desiring to attend portions of the meeting where proprietary information is being discussed may do so by providing to the Executive Secretary 7 days prior to the meeting, a copy of an executed agreement with the owner of the proprietary information to safeguard this material.

(h) A copy of the transcript of the open portions of the meeting will be available for inspection during the following workday at the Atomic Energy Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. On request, copies of the minutes of the meeting will be made available for inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., on or after September 11, 1974. Copies may be obtained upon payment of appropriate charges.

JOHN C. RYAN,
Advisory Committee Management Officer.

[FR Doc.74–14489 Filed 6–24–74;8:45 am]

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REGULATORY GUIDES

Issuance and Availability

The Atomic Energy Commission has issued two revised guides in its Regulatory Guide series. This series has been developed to describe and make available to the public methods acceptable to the AEC Regulatory staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

The revised guides are in Division 1, "Power Reactor Guides." Regulatory Guide 1.3 (Revision 2), "Assumptions Used for Evaluating the Potential Radiological Consequences of a Loss-of-Coolant Accident for Boiling Water Reactors," and Regulatory Guide 1.4 (Revision 2), "Assumptions Used for Evaluating the Potential Radiological Consequences of a Loss-of-Coolant Accident for Pressurized Water Reactors," are revisions of Regulatory Guides 1.3 and 1.4 respectively. The guides were revised to indicate the acceptable procedure of using 150 rem thyroid and 20 rem whole body dose during the construction permit stage review.

Regulatory Guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Comments and suggestions in connection with (1) items for inclusion in guides currently being developed (listed below) or (2) improvements in any published guides are encouraged and should be sent to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff. Requests for single copies of the issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides should be made in writing to the Director of Regulatory Standards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Telephone requests cannot be accommodated. Regulatory Guides are not copyrighted and Commission approval is not required to reproduce them.

Other Division 1 Regulatory Guides currently being developed include the following:

Tornado Design Classification
Availability of Electric Power Sources
Requirements for Instrumentation to Assess Nuclear Power Plant Conditions During and Following an Accident for Water-Cooled Reactors
Shared Emergency and Shutdown Power Systems at Multi-Unit Sites
Isolation of Low Pressure Systems Connected to the Reactor Coolant Pressure Boundary
Requirements for Collection, Storage, and Maintenance of Nuclear Power Plant Quality Assurance Records
Requirements for Assessing Ability of Material Underneath Nuclear Power Plant Foundations to Withstand Safe Shutdown Earthquake
Fire Protection Criteria for Nuclear Power Plants
Protective Coatings for Light Water Nuclear Reactor Containment Facilities
Inservice Surveillance of Grouted Prestressing Tendons
Seismic Input Motion to Uncoupled Structural Model
Primary Reactor Containment (Concrete) Design and Analysis
Quality Assurance Requirements for Installation, Inspection, and Testing of Mechanical Equipment and Systems
Quality Assurance Requirements for Installation, Inspection and Testing of Structural Concrete and Structural Steel
Fracture Toughness Requirements for Vessels Under Overstress Conditions
Material Limitations for Component Supports
Protection Against Postulated Events and Accidents Outside of Containment
Requirements for Auditing of Quality Assurance Programs for Nuclear Power Plants
Assumptions Used for Evaluating the Potential Radiological Consequences of a Gas Holdup Tank Failure in a Boiling Water Reactor
Quality Assurance Requirements for Procurement of Equipment, Materials, and Services
Quality Assurance Requirements for Lifting Equipment
Maintenance and Testing of Batteries
Qualification of Class I Electrical Equipment
Type Tests for Class IE Cables, Connections, and Field Splices for Nuclear Power Plants
Seismic Qualification of Class I Electric Equipment
Fracture Toughness Requirements for Materials for Class 2 and 3 Components
Maintenance of Water Purity in PWR Secondary Systems
Main Steam Line Sealing System Design Guidelines for Boiling Water Reactors
Criteria for Heat-up and Cool-down Procedures
Effects of Residual Elements on Predicted Radiation Damage
Inservice Inspection and Testing of Steam Generators Tubing
Component Design Criteria for Elevated Temperature Reactors
Preoperational Testing of Emergency Core Cooling Systems for Pressurized Water Reactors
Fuel Oil Supplies for Standby Diesel-Generators
Assumptions Used for Evaluating the Habitability of a Nuclear Power Plant Control Room During a Postulated Toxic Chemical Release
Assumptions Used for Evaluating the Potential Radiological Consequences of a Liquid Radioactive Waste System Accident
Code Case Acceptability for ASME Section III Materials
Sumps for Emergency Core Cooling and Containment Spray Systems
Surveillance and Examination and Testing of Irradiated Fuel Rods
Elevated Temperature Inservice Surveillance Tests for HTGR Plants
Design Load Combinations for Component Supports
Termination of Nuclear Reactor Operating Licenses
Preoperational Testing of Instrument Air Systems
Requirements for Containment Isolation
Probable Maximum Storm Surge Flooding on Lakes and Sea Shores
Requirements for Concrete Reactor Vessels and Containments (ASME Section III Division 2)
Instrument Span and Trip Setting
Failed Fuel Detection System for Nuclear Power Plants
Code Case Acceptability—ASME Section III Design and Fabrication
Code Case Acceptability—ASME Section III Nonmetallic Materials
Design, Qualification Test and Installation Requirements for Class 2 and 3 Safety-Related Pumps
Seismic Response Combination of Modes and Spatial Components Analysis of Seismic Recorded Data
Protection of Nuclear Power Plant Control Room Operators Against an Onsite Chlorine Release
Self-Operated and Power Operated Safety-Related Valves Functional Specification
Nuclear Power Plant Environmental Characteristics for Designated Sites
Evaluation of Explosions Postulated to Occur on Transportation Routes Near Nuclear Power Plant Sites

(5 U.S.C. 522(a))

Dated at Rockville, Md., this 17th day of June, 1974.

For the Atomic Energy Commission.

LESTER ROGERS,
Director of Regulatory Standards.

[FR Doc.74-14469 Filed 6-24-74;8:45 am]

[Docket No. 50-271]

VERMONT YANKEE NUCLEAR POWER CORP.

Modification of License

I. Vermont Yankee Nuclear Power Corporation, Turnpike Road, Route 9, Westboro, Massachusetts 01581 (the licensee) is the holder of License No. DPR-28, which authorizes full-power operation (1593 Mwt) of the Vermont Yankee Nuclear Power Station (the facility) located on the Connecticut River near Vernon, Vermont. The operating license was amended on October 12, 1972, to authorize full-power operation.[1]

II. Section 3.7.A of the Technical Specifications, which are a part of License No. DPR-28, provides for the operation of Vermont Yankee in an inerted mode, i.e., the containment atmosphere during power operation is inerted with nitrogen gas. Subsection 3.7.A.7.a permits a limited exception to the inerting requirement. Specifically it states that:

After completion of the startup test program and demonstration of plant electrical output, the primary containment atmosphere shall be reduced to less than 4 percent oxygen with nitrogen gas during reactor power operation with reactor coolant pressure above 90 psig * * * [emphasis added]

The Regulatory staff (staff) has reviewed the basis for the above-quoted limited exception in the Technical Specifications from the requirement to operate Vermont Yankee in an inerted mode, and the staff has concluded that the protection of the health and safety of the public requires that further power operation of Vermont Yankee be permitted only with an inert containment atmosphere. The bases for this conclusion are set forth in the staff's safety evaluation in support of this Order entitled, "Safety Evaluation by the Directorate of Licensing Supporting Amendment No. 7 to License No. DPR-28," dated June 19, 1974. Said safety evaluation is hereby incorporated by reference and made a part of this Order.

The Commission's Advisory Committee on Reactor Safeguards (ACRS) has reviewed the general question of whether the Vermont Yankee Nuclear Power Station operating license should be amended to permit operation without inerting of the containment. The ACRS stated in its June 12, 1974, report to Dr. Ray that "at this time, the Committee believes that there is insufficient new information to warrant relaxation of its earlier recommendation that inerting be employed."

Although this order becomes effective immediately upon issuance, the licensee has indicated that it does not have an adequate supply of nitrogen at the site to inert the containment atmosphere. The procurement of the necessary nitrogen by the licensee will take some time, and, therefore, the licensee will be allowed twenty (20) days to complete the inerting operation.

III. In view of the foregoing, the Director of Regulation finds that an amendment to the Technical Specifications of Facility License No. DPR-28 by issuing Amendment No. 7 to the license incorporating Change No. 18 is required, and that the public health, safety and interest require that the amendment be immediately effective upon issuance.

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, the Commission's rules and regulations of 10 CFR Parts 2 and 50, and the license: *it is ordered*, That: A. The Technical Specifications of Facility License No. DPR-28 are amended by issuing Amendment No. 7 to the license incorporating Change No. 18 which revises subsection 3.7.A.7.a of Limiting Conditions for Operation to read as follows:

a. The primary containment atmosphere shall be reduced to less than 4 percent oxygen with nitrogen gas during reactor power operation with reactor coolant pressure above 90 psig, except as specified in Specification 3.7.A.7.b.

B. This order shall become immediately effective upon issuance.

C. The company will be allowed twenty (20) days from the date of issuance of this order to complete the inerting operation.

D. Within twenty (20) days of the date of issuance of this order, the licensee may file a request for a hearing with respect to this order. Within the same twenty (20) day period, any other person whose interest may be affected may file a request for a hearing with respect to this order. If a request for a hearing is filed within the time prescribed herein, the Commission will issue a notice of hearing or an appropriate order. A request for a hearing must be filed with the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff. A copy of the request for a hearing should also be sent to the Chief Hearing Counsel, Office of the General Counsel, Regulation, U.S. Atomic Energy Commission, Washington, D.C. 20545.

For further details with respect to this order, see (1) Facility Operating License No. DPR-28, as amended, and the Technical Specifications § 3.7 of the Limiting Conditions of Operation) contained in Appendix A thereto, (2) the change (No. 18) to the Technical Specifications as incorporated by Amendment No. 7 to the license, (3) the concurrently issued Safety Evaluation by the Regulatory staff, and (4) the report of the Advisory Committee on Reactor Safeguards dated June 12, 1974.

All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Brooks Memorial Library at 224 Main Street, Brattleboro, Vermont 05301.

A single copy of each of items (2), (3), and (4) may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing—Regulation.

Dated at Bethesda, Md., this 19th day of June 1974.

For the Atomic Energy Commission.

JOHN F. O'LEARY,
Director of Licensing.

[FR Doc.74-14467 Filed 6-21-74;8:45 am]

[1] On April 16, 1974, the Commission's Atomic Safety and Licensing Appeal Board issued a "Memorandum and Order" (ALAB-194), as a result of its review of the Atomic Safety and Licensing Board's Initial Decision dated February 27, 1973 (RAI-73-2) on the issue of inerting the facility containment atmosphere with nitrogen to protect against possible consequences of post-accident hydrogen combustion. This Memorandum and Order directed that the record be reopened for further consideration of the inerting question. In addition, the Order required that pending the outcome of further proceedings, the containment atmosphere should be deinerted unless staff was able to make a showing that there was justification for a stay from the deinerting requirement. On April 30, 1974, in response to the Memorandum and Order, staff submitted a brief with accompanying affidavits showing why the Board's Order with respect to deinerting should be stayed. On May 2, 1974, the Board issued another Memorandum and Order which, among other things, granted the stay for such time after May 17, 1974, as the Board may require to issue its decision on the request for a longer stay. The stay is still in effect.

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON THE FAST FLUX TEST FACILITY

Notice of Meeting

In accordance with the purposes of Sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), the Advisory Committee on Reactor Safeguards' Fast Flux Test Facility (FFTF) Subcommittee will hold a meeting on July 19, 1974 in the auditorium of the Federal Building at 125 Jadwin Avenue, Richland, Washington, for the purpose of obtaining information to aid the continuing ACRS review of the project.

The following constitutes that portion of the Subcommittee's agenda for the above meeting which will be open to the public:

Friday, July 19, 1974, 8:30 a.m. until the conclusion of business. The Subcommittee will hear presentations by representatives of the AEC Regulatory Staff and the AEC Division of Reactor Research and Development and its contractors and will hold discussions with these participants regarding matters pertinent to the current status of the FFTF project and related research, development and analytical programs and plans and schedules for future work required to accomplish the objectives of the Commission for the construction and operation of this facility.

In connection with the above agenda item, the Subcommittee may hold Executive Sessions, not open to the public, at 8 a.m. on July 19 and at the end of the day to consider matters relating to the above project. These sessions will involve discussion of preliminary views and will consist of an exchange of opinions and recommendations of Subcommittee members and consultants and internal deliberations for the purpose of formulating recommendations to the ACRS.

I have determined, in accordance with subsection 10(d) of Pub. L. 92-463, that the above-noted Executive Sessions will consist of an exchange of opinions and formulation of recommendations, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b). Further, any non-exempt material that will be discussed during the above closed sessions will be inextricably intertwined with exempt material, and no further separation of this material is considered practical. It is essential to close such portions of the meeting to protect the free interchange of internal views and to avoid undue interference with agency or Subcommittee operation.

Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirements shall apply.

(a) Persons wishing to submit written statements regarding the agenda item may do so by mailing 25 copies thereof, postmarked no later than July 12, 1974 to the Executive Secretary, Advisory Committee on Reactor Safeguards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Such comments shall be based upon documents related to the Fast Flux Test Facility on file and available for public inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make an oral statement concerning the written statement. Such

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requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statement and its usefulness to the Subcommittee. To the extent that the time available for the meeting permits, the Subcommittee will receive oral statements during a period or no more than 30 minutes at an appropriate time, chosen by the Chairman of the Subcommittee, between the hours of 9:30 a.m. and 12 noon on July 19, 1974.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Subcommittee who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to whether the meeting has been cancelled or rescheduled and in regard to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on July 18, 1974, to the Office of the Executive Secretary of the Committee (telephone 301–973–5651) between 8:30 a.m. and 5:15 p.m., E.d.t.

(e) Questions may be propounded only by members of the Subcommittee and its consultants.

(f) Seating for the public will be available on a first-come, first-served basis.

(g) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(h) A copy of the transcript of the open portion of the meeting will be available for inspection on or after July 22, 1974 at the Atomic Energy Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545. Copies of the transcript may be reproduced in the Public Document Room or may be obtained from Ace Federal Reporters, Inc., 415 Second Street NE., Washington, D.C. 20002 (telephone 202–547–6222) upon payment of appropriate charges.

(i) On request, copies of the Minutes of the meeting will be made available for inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545 after September 19, 1974. Copies may be obtained upon payment of appropriate charges.

JOHN C. RYAN,
Advisory,
Committee Management Officer.

[FR Doc.74–14660 Filed 6–24–74;10:24 am]

[Docket No. 50–271]

VERMONT YANKEE NUCLEAR POWER CORP.

Notice of Hearing

On June 19, 1974, the Director of Licensing issued an "Order for Modification of License" which would modify Subsection 3.7.A.7.a of the Technical Specifications of Facility License No. DPR–28. (See 39 FR 22972, June 25, 1974.) That order is directly related to the subject matter of this proceeding.

Notice is hereby given that the Atomic Safety and Licensing Appeal Board, pursuant to 10 CFR 2.717(b), will hold a hearing to consider, inter alia, whether the subject order should be modified for the purposes of this proceeding. The hearing will commence at 9:30 a.m., on July 1, 1974, in the Appeal Panel hearing room, fifth floor, East West Towers Building, 4350 East-West Highway, Bethesda, Maryland.

For the Atomic Safety and Licensing Appeal Board.

MARGARET E. DU FLO,
Secretary to the
Appeal Board.

JUNE 21, 1974.

[FR Doc.74–14659 Filed 6–24–74;10:34 am]

CIVIL AERONAUTICS BOARD

[Docket No. 23080–2; Order 74–6–95]

PRIORITY AND NONPRIORITY DOMESTIC SERVICE MAIL RATES—PHASE 2

Order to Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 20th day of June 1974.

By Order 73–12–70, dated December 19, 1973, the Board, in Phase 1 of this proceeding (Docket 23080–1), established final domestic service mail rates for certain routes served by 28 air taxi operators and commuter air carriers and Pacific Southwest Airlines, Inc., for the period December 12, 1970, through March 27, 1973, and terminated the investigation in Docket 23080–1. This leaves the domestic service mail rates for the air taxi/commuter operators and Pacific Southwest Airlines, Inc., open for the period on and after March 28, 1973.

By Order 74–1–89, dated January 16, 1974, the Board, in Phase 2 of this proceeding (Docket 23080–2), established temporary domestic service mail rates for the certificated air carrier parties to this investigation for sack mail and for standard and daylight container mail, container minimum charge weights, and pickup and delivery rates, effective on and after March 28, 1973. By this order the Board proposes to establish temporary domestic service mail rates for the air taxi/commuter operators and Pacific Southwest Airlines, Inc., for the same period. After the formal proceeding in this docket is completed, pursuant to section 298.21(f) of the Board's Economic regulations (14 CFR 298.21(f)), any adjustment of the final service mail rates established in this proceeding or any new rates for air taxi/commuter operators will be established by contract between the operators and the Postal Service under the Postal Reorganization Act, and particularly sections 5402(b) and 5402(c) thereof.

On the basis of the foregoing, the Board proposes to issue an order adopting the following findings and conclusions:

1. On and after March 28, 1973, the fair and reasonable temporary rates of compensation to be paid by the Postmaster General for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, to Air East, Inc., Air Indies Corporation, Air Midwest, Inc., Air North, Inc., Air South, Inc., Air Wisconsin, Inc., Apache Airlines, Inc., Cascade Airways, Inc., Commuter Airlines, Inc., Crown Airways, Inc., Executive Airlines, Inc., Fischer Bros. Aviation, Inc., Florida Air Taxi, Georgia Air, Inc., Henson Aviation, Inc., Hub Airlines, Inc., Imperial Airways, Inc., Mississippi Valley Airways, Inc., Northern Airlines, Inc., Pacific Southwest Airlines, Inc., Pilgrim Aviation and Airlines, Inc., Pocono Air Lines, Inc., Puerto Rico International Airlines, Inc., Shawnee Airlines, Inc., Southeast Airlines, Inc., Trans Central Airlines, Travel-Air Aviation, Inc., Vercoa Air Service, Inc., and Wright Air Lines, Inc., over their routes specified in Orders 70–4–98, 70–8–43, 70–9–161, 71–3–65, 70–10–111, 70–5–16, 69–7–73, 69–8–121, 70–5–73, 69–12–18, 70–10–25, 71–8–25, 70–6–107, 71–3–35, 71–7–180, 70–1–21, 69–3–72, 69–7–72, 69–10–42, 70–1–71, 70–2–117, 70–4–145, 71–2–66, 69–7–3, E–26998, 69–8–96, E–26189, 69–6–16, 70–7–43, 71–2–73, 70–3–146, 70–7–45, 70–11–1, 69–6–131, 70–4–143, 69–11–26, 71–4–105, 68–9–21, 70–10–2, 69–6–41, E–26701, 69–6–139, 69–9–121, 68–10–11, and 71–6–14, and subject to the conditions in those orders, orders, are the rates established by Order 74–1–89, dated January 16, 1974.

2. The temporary service mail rates established herein shall be paid in their entirety by the Postmaster General and shall be subject to retroactive adjustment to March 28, 1973, as may be required by the order establishing final service mail rates in Docket 23080–2.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and the regulations promulgated in 14 CFR Part 302:

It is ordered, That:

1. All interested persons, and particularly Air East, Inc., Air Indies Corporation, Air Midwest, Inc., Air North, Inc., Air South, Inc., Air Wisconsin, Inc., Apache Airlines, Inc., Cascade Airways, Inc., Commuter Airlines, Inc., Crown Airways, Inc., Executive Airlines, Inc., Fischer Bros. Aviation, Inc., Florida Air Taxi, Georgia Air, Inc., Henson Aviation, Inc., Hub Airlines, Inc., Imperial Airways, Inc., Mississippi Valley Airways, Inc., Northern Airlines, Inc., Pacific Southwest Airlines, Inc., Pilgrim Aviation and Airlines, Inc., Pocono Air Lines, Inc., Puerto Rico International Air Lines, Inc., Shawnee Airlines, Inc., Southeast Airlines, Inc., Trans Central Airlines, Travel-Air Aviation, Inc., Vercoa Air Service, Inc., Wright Air Lines, Inc., and the Postmaster General are directed to show cause why the Board should not adopt the foregoing findings and conclusions and fix, determine, and publish the temporary rates and charges specified herein pending the fixing of final rates and charges in this investigation;

2. Further procedures herein shall be in accordance with the rules of practice, 14 CFR Part 302, and if there is any objection to the rates and charges or to the other findings and conclusions proposed herein, notice thereof shall be filed within 8 days, and, if notice is filed, written answer and supporting documents shall be filed within 15 days, after the date of service of this order;

3. If notice of objection is not filed within 8 days, or if notice is filed and answer is not filed within 15 days after service of this order, or if an answer timely filed raises no material issue of fact, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of an order fixing temporary service mail rates, minimum container charges, and pickup and delivery charges, and the Board may enter an order incorporating the findings and conclusions proposed herein and fixing and determining the temporary rates and charges herein specified;

4. If notice of objection and answer are filed presenting issues for hearing, issues going to the establishment of the fair and reasonable temporary rates and charges herein shall be limited to those specifically raised by such answers except as otherwise provided in 14 CFR 302.307; and

5. This order shall be served upon the parties enumerated in paragraph 1 above.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74–14508 Filed 6–24–74;8:45 am]

COMMITTEE FOR PURCHASE OF PRODUCTS AND SERVICES OF THE BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST 1974

Deletion From Procurement List

Notice of proposed deletion from Procurement List 1974, November 29, 1973 (38 FR 33038) was published in the FEDERAL REGISTER on April 25, 1974 (39 FR 14626).

Pursuant to the above notice the following commodity is deleted from Procurement List 1974.

COMMODITY

CLASS 8415

Strap, Chin
8415–360–0232

By the Committee.

C. W. FLETCHER,
Executive Director.

[FR Doc.74–14478 Filed 6–24–74;8:45 am]

PROCUREMENT LIST 1974

Notice of Proposed Additions

Notice is hereby given pursuant to section 2(a)(2) of Pub. L. 92–28; 85 Stat. 79, of the proposed additions of the following commodities to Procurement List 1974, November 29, 1973 (38 FR 33038).

COMMODITIES

CLASS 6532

Smock, Man's, Dental, Operating
6532–159–4881
6532–926–9964
6532–926–9975
6532–926–9976

Comments and views regarding these proposed additions may be filed with the Committee not later than July 25, 1974. Communications should be addressed to the Executive Director, Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped, 2009 Fourteenth Street North, Suite 610, Arlington, Virginia 22201.

By the Committee.

C. W. FLETCHER,
Executive Director.

[FR Doc.74–14500 Filed 6–24–74;8:45 am]

PROCUREMENT LIST 1974

Notice of Proposed Additions

Notice is hereby given pursuant to section 2(a)(2) of Pub. L. 92–28; 85 Stat. 79, of the proposed addition of the following commodities to Procurement List 1974, November 29, 1973 (38 FR 33038).

COMMODITIES

CLASS 7510

Pad, Typewriter
7510–257–2576
7510–530–6412
7510–849–1137

CLASS 7920

Brush, Kitchen
7920–061–0038

Brush, Aircraft
7920–051–4384

CLASS 8405

Cover, Service Cap
8405–965–1548

Comments and views regarding these proposed additions may be filed with the Committee not later than July 25, 1974. Communications should be addressed to the Executive Director, Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped, 2009 Fourteenth Street North, Suite 610, Arlington, Virginia 22201.

By the Committee.

C. W. FLETCHER,
Executive Director.

[FR Doc.74–14499 Filed 6–24–74;8:45 am]

PROCUREMENT LIST 1974

Notice of Proposed Addition

Notice is hereby given pursuant to section 2(a)(2) of Pub. L. 92–28; 85 Stat. 79, of the proposed addition of the following service to Procurement List 1974, November 29, 1973 (38 FR 33038).

SERVICE

INDUSTRIAL CLASS 7641

Furniture Rehabilitation
Elelson Air Force Base, Alaska and
Fairbanks, Alaska (including Fort Wainwright)

Comments and views regarding this proposed addition may be filed with the Committee not later than July 25, 1974. Communications should be addressed to the Executive Director, Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped, 2009 Fourteenth Street North, Suite 610, Arlington, Virginia 22201.

By the Committee.

C. W. FLETCHER,
Executive Director.

[FR Doc.74–14497 Filed 6–24–74;8:45 am]

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENTS

Notice of Receipt

Environmental impact statements received by the Council on Environmental Quality from June 10 through June 14, 1974. The date of receipt for each statement is noted in the summary. Under Council Guidelines, the minimum period for public review and comment on draft environmental impact statements is forty-five (45) days from this FEDERAL REGISTER notice of availability. (August 5, 1974)

Copies of individual statements are available for review from the originating agency. Back copies will also be available from a commercial source, the Environmental Law Institute, of Washington, D.C.

ATOMIC ENERGY COMMISSION

Contact: For Non-Regulatory Matters: Mr. W. Herbert Pennington, Office of Assistant General Manager, E–201, AEC, Washington, D.C. 20545, 301–973–4241. For Regulatory Matters: Mr. A. Giambusso, Deputy Director for Reactor Projects, Directorate of Licensing, P–722, AEC, Washington, D.C. 20545, 301–973–7373.

Draft

Pilgrim Nuclear Station, Units 2 and 3, Massachusetts, July 12: Proposed is the issuance of construction permits to the Boston Edison Company for two new units at its Pilgrim Nuclear Station. Each of the units will employ a pressurized water reactor with a thermal output of 3466 MWt; net electrical output will be 1180MW. Cooling water will be drawn from Cape Cod Bay at 800,000 gpm/unit, and passed back through an open-channel surface jet discharge. About 3.5 acres of irish moss (5% of the vicinity's harvestable area) will be lost. A maximum of 0.02% of the Cape Cod plankton population will be killed each day from the combined operational impacts of Units 1, 2, and 3. (ELR Order No. 40969.)

Final

Bellefonte Nuclear Power Plant, Jackson County, Ala., June 12: The statement refers to the proposed issuance of construction permits to the Tennessee Valley Authority for the two unit Bellefonte Nuclear Plant. The identical pressurized water reactors will produce 3600 MWt each, with steam turbine

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generators converting the heat to 1221 MWe (net); future power levels of 3760 MWt and 1269 MWe (net) are anticipated. Cooling water will be obtained from the Tennessee River and circulated through two natural draft towers. Fifteen hundred acres of agricultural and forested land will be committed to the project site. Comments made by: HUD, USDA, HEW, USCG, DOC, DOI, TVA, EPA, FPC, COE, State and local agencies. (ELR Order No. 40966.)

DEPARTMENT OF AGRICULTURE

Contact: Dr. Fred H. Tschirley, Acting Coordinator, Environmental Quality Activities, Office of the Secretary, U.S. Department of Agriculture, Room 331-E, Administration Building, Washington, D.C. 20250, 202-447-3965.

FOREST SERVICE

Draft

Timber Management Plan, Kistachie National Forest, several counties, Louisiana, June 12: Proposed is the implementation of a 10-year timber management Plan for the Kistachie National Forest. The plan proposes even-aged forest management for general use, with provisions for modified silvicultural systems for special purposes. The estimated annual yield is 91.6 million board feet of sawtimber and 148.1 thousand cords of small roundwood products from an annual average cut area of 32,081 acres. There will be impact from the timber cutting, as well as from related road construction (60 pages). (ELR Order No. 40963.)

Final

Timber Sales, Sierra National Forest, Fresno County, Calif., June 10: Proposed is the continued preparation of the Home Camp, Line Creek, Billy Creek, and Bear Creek Timber Sales, to be advertised and awarded to the highest bidder. The 8,115 acre Study Area is located within the 23,020 acre Kaiser inventoried roadless area of the Sierra National Forest. There will be soil erosion, water sedimentation, noise and air pollution from logging activities. There is potential for stimulation of development of private property in Line Creek Basin (275 pages). Comments made by: USDA, COE, DOI, DOT, EPA, State and local agencies and concerned citizens. (ELR Order No. 40942.)

SOIL CONSERVATION SERVICE

Final

Lower Clear Boggy Creek Watershed Protection, Oklahoma, July 6: Proposed is a project that is planned for watershed protection and flood control on the Lower Clear Boggy Creek Watershed. Project measures will include 28 floodwater retarding structures, 2.0± miles of stream channel work, and conservation land treatment measures. Adverse impact will include the inundation of 20 miles of stream fishery and 1,067 acres of wildlife habitat; ten farm operations and one dwelling will be displaced by project measures (34 pages). Comments made by: COE, HEW, DOI, EPA, State agencies. (ELR Order No. 40947.)

Paluxy River Watershed Project, Erath, Hood, and Somervell Counties, Texas, June 10: The proposal is for a watershed protection, flood prevention project, which would include land treatment on 55,279 acres of grassland and cropland, and construction of 23 floodwater retarding structures and 3 multiple-purpose structures. Approximately 4,105 acres will be committed to project structures; 2,842 acres will be occasionally inundated; vegetation will be temporarily cleared on 359 acres and permanently cleared on 904 acres (77 pages). Comments made by: COE, HEW, DOI, DOT, EPA, State agencies. (ELR Order No. 40946.)

DEPARTMENT OF DEFENSE

ARMY CORPS

Contact: Mr. Francis X. Kelly, Director, Office of Public Affairs, Attn: DAEN-PAP, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue, SW., Washington, D.C. 20314, 202-693-7168.

Draft

Libby Dam and Lake Koocanusa, Kootenai River, Lincoln County, Mont., June 10: The Libby Additional Units and Reregulating Dam project in Lincoln County would consist of the installation of 4 additional 105-megawatt generators and turbines at the main Libby Dam plus construction of a regulating dam, reservoir and control works on the Kootenai River 10 miles downstream. Adverse impacts include the inundation of 10 miles of the free-flowing Kootenai River, inundation of 1,000 acres of bottom and forest land, relocation of Rte. 37, excavation and transport of 9.0 million cu. yds. of earth materials, loss of fish and wildlife, and the displacement of 70 families (Seattle District). (ELR Order No. 40943.)

Wallkill River Flood Control Project, New York and New Jersey, July 10: The proposed action is Congressional authorization of a flood control project in the "Black Dirt" area of the Wallkill River, Orange County, N.Y. The purpose of the plan under consideration is to reduce flood damages to farming in the "Black Dirt" Area of the Wallkill River Basin. Adverse impacts include turbidity during construction, reduction of the value of the streams for aquatic life, and the loss of some farmland (New York District). (ELR Order No. 40948.)

San Juan Harbor, Puerto Rico, June 10: The statement refers to consideration of a plan to deepen, widen, and possibly realine and extend San Juan Harbor navigation channels, turning basins, maneuvering areas, and anchorages, creation of a new anchorage and cruiseship basin and incorporation of Sabana approach channel into the authorized Federal project. Adverse impacts include the destruction of benthic organisms, temporary increased turbidity and some localized increased toxicity. (ELR Order No. 40949.)

Draft

Channel to Port Bolivar, Maintenance Dredging, Galveston County, Tex., June 13: The statement refers to the maintenance of the existing Federal navigation project in Galveston County by periodic removal of shoaled materials. Maintenance will be accomplished by hydraulic pipeline dredges, and dredged materials will be disposed of in an open water area near the project. Adverse impacts include the loss of some marine habitat, and increased turbidity during dredging (Galveston District). (ELR Order No. 40975.)

GENERAL SERVICES ADMINISTRATION

Contact: Mr. Andrew E. Kauders, Executive Director of Environmental Affairs, General Services Administration, 18th and F Streets, NW., Washington, D.C. 20405, 202-343-4161.

Draft

Peace Arch and Pacific Highway Border Stations, Whatcom County, Wash., June 10: Proposed is the construction of two new border stations in order to replace two existing, inadequate facilities. The major environmental impacts will result from heavy vehicular traffic routed through the stations over I 5 and State Highway 543 from Canada. (ELR Order No. 40944.)

DEPARTMENT OF HUD

Contact: Mr. Richard H. Broun, Acting Director, Office of Community and Environmental Standards, Room 7206, 451 7th Street, SW., Washington, D.C. 20410, 202-755-5980.

Draft

"The Seasons", Washington, D.C. District of Columbia, July 11: Proposed is the construction of a ten story highrise apartment building at 1755 Que St. NW, Washington; Federal insurance has been applied for under Section 221(d)(4) of the National Housing Act. There will be visual impact from the project. The project may adversely affect (by blocking sun and air) adjacent Victorian-era townhouses (33 pages). (ELR Order No. 40952.)

Water Mill Lane Project, Long Island, Nassau County, N.Y., June 12: Proposed is HUD approval of "Turnkey" housing projects involving the construction of a maximum of 72 units of low income housing on 3.7 acres of a 5 acre site. Adverse impact could result from the project's proximity to a line of the Long Island railroad, and the Udall Cove salt water marshland (112 pages). (ELR Order No. 40960.)

NATIONAL CAPITAL PLANNING COMMISSION

Contact: Mr. Donald F. Bozarth, Director of Current Planning and Programming, Washington, D.C. 20576, 202-382-1471.

Final

H Street Urban Renewal Area, District of Columbia, July 11: The statement refers to the adopted and approved actions for the First and Third Action Years of the D.C. Neighborhood Development Program for the H Street Urban Renewal Area. Included are: the designation of 1,326 acres for acquisition, clearance, and redevelopment; the designation of 1.95 acres for acquisition, clearance and development for the expansion of existing school facilities; and the designation of 12.54 acres containing 334 buildings in the H Street Urban Renewal Plan. Comments made by: EPA, DOC, local agencies. (ELR Order No. 40954.)

Shaw School Urban Renewal Area, District of Columbia, July 11: The statement refers to the adopted and approved actions for the First, Second, and Third Action Years of the D.C. Neighborhood Development Program for the Shaw School Urban Renewal Area. Included are: designation of 35.49 acres for acquisition, clearance, and residential redevelopment; the designation of 7.44 acres for acquisition, clearance, and public institutional and open space redevelopment; the designation of 4.45 acres for acquisition, clearance, and commercial redevelopment; the designation of 27.7 acres containing 739 buildings for rehabilitation; and the designation of 4.85 acres for clearance only. Comments made by: EPA, DOC, local agencies. (ELR Order No. 40955.)

Downtown Urban Renewal Area, District of Columbia, July 11: The statement refers to the adopted and approved actions for the First and Third Action Years of the D.C. Neighborhood Development Program for the Downtown Urban Renewal Area. Included are: the designation of 1.91 acres along 7th Street in Squares 425 and 426 for acquisition and clearance, and future use for Federal City College; the designation of 5.3 acres in Square 515 for acquisition, clearance, and residential and commercial redevelopment; and the designation of 2.60 acres in Square 449 for acquisition, clearance, and anticipated future residential development. Comments made by: EPA, DOC, local agencies. (ELR Order No. 40956.)

DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 7260, Department of the Interior, Washington, D.C. 20240, 202-343-3891.

BUREAU OF OUTDOOR RECREATION

Draft

Mercer Slough, Bellevue, Wash., June 10: Proposed is the granting of $1,495,711 to the City of Bellevue, through the State of Washington, for the acquisition of 181 acres of land in the Mercer Slough. The land, to be acquired in two stages, would be used for extensive recreation and outdoor education purposes. Adverse impact will include the displacement of 19 families (53 pages). (ELR Order No. 40945.)

NATIONAL PARK SERVICE

Final

Ross Lake National Recreational Area, Wash., July 12: Proposed is the expansion and improvement of the Diablo Lake Resort and the development of recreational facilities in the resort area at Ross Lake National Recreation Area. There will be adverse impact from increased visitation, including that to the relatively undisturbed Deer Creek Valley. Comments made by: HEW, HUD, EPA, DOI, DOT, state and local agencies. (ELR Order No. 40961.)

Yellowstone Master Plan, Wyo., July 12: The statement refers to a proposed master plan for future management activity in Yellowstone National Park. Included are proposals to minimize visitor impact and to provide a quality park experience. There will be adverse impact from visitor use and road construction (two volumes). Comments made by: USDA, DOI, EPA, agencies of Wyoming and Idaho. (ELR Order No. 40958.)

LABOR DEPARTMENT

Draft

Proposed Regulation of Vinyl Chloride, June 11: Proposed is the establishment by the Occupational Safety and Health Administration of a standard of "no detectable level" for vinyl chloride in order to protect employees potentially exposed to vinyl chloride from its health hazards, particularly liver angiosarcoma. Possible adverse impacts of the action will include increased capital expenses for manufacturers, overall reduced productivity, and substitution of scarce raw materials for vinyl chloride. (ELR Order No. 40957.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Quality, 400 7th Street SW., Washington, D.C. 20590, 202-426-4357.

FEDERAL AVIATION ADMINISTRATION

Draft

Michigan Regional Airport, South Bend, St. Joseph County, Ind., June 12: The project consists of acquiring in fee simple and clearing 1.3 acres in the clear zone area west of Runway 9/27; obtaining easements over 11.7 acres in the approach path of Runway 9; acquiring easements over 202 acres at a later date extending 2 runways; relocating the localizer unit of the Instrument Landing System; and replacing high intensity runway lights on a runway. Adverse impacts include the loss of some wildlife, the closing of a section of Butternut Road, and increased air and noise pollution. (ELR Order No. 40964.)

FEDERAL HIGHWAY ADMINISTRATION

Draft

Tenth Street Improvements, Bartholomew Co., Bartholomew County, Ind., June 12: The statement refers to the proposed improvement to Tenth Street in Columbus from Central Avenue east to U.S. 31, including extensions of Eighth Street and Taylor Road. The total project length is approximately 2 miles. Adverse impacts are the disruption of 23 acres of land and the displacement of 15 families. (54 pages). (ELR Order No. 40959.)

Kansas Rte. 6, Kansas City, Kans., July 11: The statement refers to the proposed construction of 0.948 mile of Kansas Rte. 6 from I-635 to the Fairfax Industrial District, all in Kansas City, Kansas. Included will be right of way acquisition, grading, bridges, fencing, seeding and high type pavement. Adverse impacts include, the relocation of some residents, increased noise lveels, and inconveniences normally associated with construction (69 pages). (ELR Order No. 40953.)

North-South Arterial, Ulster County, N.Y., June 12: The statement refers to the construction of 2.48 miles of arterial highway through the City of Kingston and into the Towns of Esopus and Ulster. Adverse impacts include increased air and noise pollution and the displacement of 60 families and 4 businesses. A 4(f) determination must be made concerning Ferry Street Park, Murray Street Playground, Kingman Pond Skating Area, and Kingston National Little Field. (ELR Order No. 40968.)

Final

Sawmill Creek Road, Sitka, Alaska, July 13: The statement refers to the improvement of the Sawmill Creek Road in the town of Sitka. The project requires the improvement of the existing roadway surface with some reconstruction and modifications in various sections to eliminate existing and potential accident locations. Adverse impacts are: increases in air and noise pollution levels during construction; sedimentation and spillage in Thimbleberry Creek and the proximal waters during construction; and loss of vegetation and slopes. (103 pages). Comments made by: USDA, HUD, EPA, State agencies. (ELR Order No. 40971.)

I-40, Kingman, Mohave County, Ariz., June 13: Proposed is the construction of two new segments of 4-lane I-40 to the north and west of the City of Kingman. An unspecified amount of land will be committed to right-of-way (211 pages). Comments made by: EPA, DOI, State and local agencies. (ELR Order No. 40972.)

South Bend Bypass-(US 20), St. Joseph County, Indiana, June 13: The statement refers to the proposed construction of a segment of the U.S. 20 expressway to bypass South Bend, Mishawaka, Osceola and Elkhart. Project length is approximately six miles. Five families will be displaced. Temporary increases in noise levels and air and water pollution will occur (24 pages). Comments made by: DOT, DOI, USDA, EPA, State and local agencies. (ELR Order No. 40973.)

U.S. 64 Rocky Mount Bypass (2), Nash and Edgecombe Counties, N.C., June 10: This revised final involves the construction of a four-lane divided freeway from US 64 west of Rocky Mount to US 64 east of Rocky Mount. The project length is 4.5 miles. The new road will pass through an area of possible archaeological importance and will involve the relocation of 60 families and 5 businesses (68 pages). Comments made by: USDA, COE, EPA, GSA, HUD, DOI, State and local agencies. (ELR Order No. 40951.)

Mission St.-S.E. Bellevue St., Salem, Marion County, Oreg., June 10: The proposed project involves the reconstruction of the 12th St.-13th St. connector between Mission and Bellevue Streets. Total length of the project is 1,300 ft. The facility will result in increased noise and air pollution levels (78 pages). Comments made by: USDA, DOI, COE, EPA, State agencies. (ELR Order No. 40950.)

Tennessee State Rte. 42, Algood, Putnam County, Tenn., June 13: The project involves the relocation of State Route 42 to serve as a bypass around Algood. The length of the project is approximately 2.0 miles. Adverse impacts include the relocation of 3 families, loss of wildlife habitat for small game, and increased noise and air pollution. Comments made by: DOI, HUD, EPA, HEW, TVA, DOT, USDA, COE. (ELR Order No. 40970.)

I 45, Harris County, Tex., June 13: The project consists of improvements to approximately 4.7 miles of I-45, a controlled access freeway in the City of Houston, Harris County. Adverse impact of the project includes the displacement of 150 families and 30 businesses and there will be an increase in noise pollution. Comments made by: HEW, HUD, COE, USDA, DOI, EPA, local agencies. (ELR Order No. 40974.)

U.S. WATER RESOURCES COUNCIL

Contact: Mr. Don Maughan, Director, 2120 L Street, NW., 8th Floor, Washington, D.C. 20037, 202-254-6303.

Draft

North Atlantic Regional Water Resources Study, June 10: The statement analyzes the North Atlantic Regional (NAR) Water Resources Study, which is a framework program emphasizing the estimation of broad-scale demands and supplies of water resource system outputs. The principal objectives of the NAR Study are to estimate the supply and demand for the river networks; and to identify priority areas for investment and management plans and for research. The NAR includes the District of Columbia, Maine, New Hampshire, Vermont, New York, Massachusetts, Connecticut, Rhode Island, Pennsylvania, New Jersey, Delaware, Maryland, West Virginia, and Virginia. (ELR Order No. 40940.)

GARY L. WIDMAN,
General Counsel.

[FR Doc.74-14522 Filed 6-24-74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

ASTON MARTIN LAGONDA, INC.

Granting of 1975 Suspension

In the May 23, 1974, FEDERAL REGISTER (39 FR 18135), notice was given of application by Aston Martin Lagonda, Inc. for a one year suspension of the 1975 light duty vehicle exhaust emission standards. Pursuant to procedures set forth in that notice, Aston Martin's application was made available for public review and comment to determine whether or not, on the basis of public comments received, a useful purpose would be served by conducting a public hearing. The application was also reviewed by EPA to determine whether Aston Martin has made all good faith efforts to meet the statutory standards.

I have determined that Aston Martin has demonstrated all good faith efforts to

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meet the standards. Since no public comments have been received, I have determined that no useful purpose would be served by conducting a public hearing on the application.

I hereby grant to Aston Martin the requested one-year suspension of the 1975 light duty vehicle emission standards as allowed by section 202(b)(5)(D) of the Clean Air Act. Aston Martin will be required to meet the interim standards set forth at 38 FR 17441 (July 2, 1973) for all 1975 model year vehicles sold in the United States.

Dated: June 18, 1974.

JOHN QUARLES,
Acting Administrator.

[FR Doc.74-14532 Filed 6-24-74;8:45 am]

[OPP-50005]

IDAHO DEPARTMENT OF AGRICULTURE

Issuance of Experimental Use Permit for Predator Control (Coyotes)

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 983), the Idaho State Department of Agriculture applied to the Environmental Protection Agency (EPA) for an experimental use permit. This permit (No. 34272-EXP-1G) is hereby issued in accordance with 40 CFR 162.19 as promulgated in the FEDERAL REGISTER on January 31, 1974 (39 FR 3939) and allows the shipment and use of sodium cyanide in the sodium cyanide spring-loaded ejector mechanism (SCSLEM) for control of predation by coyotes. The SCSLEM is to be used only in an experimental program approved by the EPA in 10 approved counties in the State of Idaho only, under the supervision and control of approved SCSLEM applicators as designated by the Idaho State Department of Agriculture.

This program began on May 24, 1974, and will expire on June 30, 1975. However, it may be revoked at any time for violation of the terms thereof, or to avoid deleterious effects on the environment.

EPA invites interested persons to submit written comments with reference to this notice to the FEDERAL REGISTER Section, Technical Services Division (WH-569), Office of Pesticide Programs, Environmental Protection Agency, 401 M Street, SW., Room EB-1, Washington, D.C. 20460. Three copies of the comments must be submitted to facilitate the work of EPA and others interested in inspecting them. The comments must be received on or before July 25, 1974, and should bear the notation OPP-50005. All written comments filed pursuant to this notice will be available for public inspection in the Office of the Federal Register Section from 8:30 a.m. to 4 p.m., Monday through Friday.

The application, the permit issued and the label and directions for use of sodium cyanide in the SCSLEM are available for public inspection at the Environmental Protection Agency, Room EB-37, East Tower, 401 M Street, SW., Washington, D.C.

PROGRAM FOR THE EXPERIMENTAL USE OF THE SODIUM CYANIDE SPRING LOADED EJECTOR MECHANISM (SCSLEM) FOR PREDATOR CONTROL IN THE STATE OF IDAHO

I. *Purpose.* Sodium cyanide will be used in the spring loaded ejector mechanism in an experimental program. This experimental program is designed to measure the usefulness of this tool as a method of reducing domestic livestock and wild animal losses due to predation by coyotes. This program will also evaluate the effect of the method on nontarget species.

II. *Objectives.* A. Determine the effectiveness of the SCSLEM in preventing or reducing livestock and wild animal losses when used alone and in conjunction with trapping, denning, shooting and aerial hunting.

B. Determine the most effective placement location of the SCSLEM for taking coyotes.

C. Determine the influence of climatic conditions upon the effectiveness of the SCSLEM.

D. Determine the cost of controlling coyotes by using the SCSLEM in comparison to alternative control methods of trapping, denning, shooting, and aerial hunting.

E. Determine the effects of the use of the SCSLEM in coyote control with regard to human safety.

F. Determine the economic benefits derived from the use of the SCSLEM to livestock producers.

G. Determine the selectivity of the SCSLEM when used to control coyotes.

H. Determine the amount of coyote control that can be achieved through the use of the SCSLEM without causing "unreasonable adverse effects" on the environment.

I. Determine the effectiveness of the use of the SCSLEM in comparison to the control of coyotes by trapping, denning, shooting, and aerial hunting.

III. *Control—A. Program Coordinator.* The program will be directed by Dr. Robert Simmons, DVM, Idaho State Sheep Commission, Idaho State Department of Agriculture.

B. *Distribution.* The office of the Sheep Commission will control the distribution of the SCSLEM and capsules. This office will be the only distribution point in the State of Idaho. The SCSLEM and capaules will only be sold to approved applicators.

C. *Applicators.* Applicators of the SCSLEM will be selected ranchers in the six designated areas of the experimental program. These applicators will be required to successfully complete the training program conducted by the U.S. Bureau of Sport Fisheries and Wildlife, Department of the Interior.

IV. *Procedures for implementation—A. Training program for applicators.* The training program will include information necessary for the applicator to understand the nature of the chemical and the mechanism, the techniques of selection of placement sites, actual setting of the mechanism, visitation periods, record keeping and reporting, legal responsibility, and proper storage of the chemical capsule and mechanism when not in use. Special emphasis will be given to environmental and human safety precautions to be observed when using the SCSLEM.

B. *Purchase of SCSLEMs.* SCSLEMs will be purchased by the Sheep Commission from the M-44 Safety Predator Control Company, Midland, Texas.

C. *Distribution of SCSLEMs.* Each approved applicator will be issued SCSLEMs by the Sheep Commission to be used only within assigned experimental areas during the program. Additional SCSLEMs will be provided only after initial supplies are accounted for through proper reporting procedures. No explosive devices will be permitted.

The antidote, amyl nitrite capsules, must be available for the applicators. Each applicator must be advised of the antidote.

D. *Recordkeeping.* A record of each applicator who obtains the chemical capsules and/or devise will be kept. These records will include:

1. Name of the approved applicator.
2. Location and/or address of ranch or farm headquarters.
3. The number of devices and capsules purchased.
4. A signed agreement to comply with the terms of the damage assessment reporting system and the conditions of the experimental program.

E. *Data reporting.* Each applicator must submit the following information to the Sheep Commission at least once each month or when he purchases additional capsules and/or devices, whichever comes first.

1. Name of ranch or farm and name of owner.
2. Type of ranch or farm operation (range, feeder, etc.).
3. Name of applicator of SCSLEM.
4. Number of SCSLEMs in use each month and a map showing the layout of devices in each area. The map should be of sufficient detail so that a person unfamiliar with the placement of the SCSLEM will be able to locate them.
5. Number of capsules used in each device at each location each month.
6. Number of coyote and nontarget animals taken by species at each device location each month.
7. Number of discharges at each device location each month which results in no animal recovery.
8. Number of livestock losses to coyotes in 1973 (need only be included in first monthly report).
9. Number of livestock losses to coyotes each month of SCSLEM use.
10. Number and type of livestock on hand at time of first purchase.
11. Specifics on accidents involving humans.
12. Number and type of livestock losses in experimental and control areas:
    a. To coyotes;
    b. To other known causes;
    c. To unknown causes.

F. Devices and capsules will be available only to and be used only by approved applicators. These applicators may purchase the capsules and devices only from the approved distribution point. Capsules may be purchased by applicators for use in devices already owned, provided the device owners agreed to abide by the conditions of the experimental use program and reporting system. Permission must be granted at time of purchase to allow representatives of the State Agency, or its representatives, EPA, and U.S. Bureau of Sport Fisheries and Wildlife to enter upon the property where the device is to be used for the purpose of monitoring all aspects of the experimental program. Inspection may be made at the convenience of the Agencies. Any person (supervisor, applicator, or other person) found to be using the device improperly will have his certification as an approved applicator revoked and will be denied further use of the device and capsules by the State Agency or the EPA and be subject to appropriate civil and criminal penalties.

V. *Data summarization and analysis.* A. The Idaho Sheep Commission will be responsible for collecting, summarizing and computing data in cooperation with the University of Idaho. Quarterly reports shall be sent to the Division of Hazardous Materials Control (EPA Region 10), Seattle, Washington. The data from control areas will consist of livestock losses due to coyote predation, losses due to other or unknown causes, and coyote kills due to other control methods, such as trapping, snaring, shooting, and denning.

A precensus of livestock to be protected and the index of coyote populations both in the control areas and in those districts in the SCSLEM use program must be conducted prior to the introduction of SCSLEM use. This information will be provided as indicated in paragraph B of this section.

A postcensus of livestock populations and the index of coyote populations will be conducted in both areas at the completion of this program.

B. Census and loss data will be supplied by the U.S. Bureau of Sport Fisheries and Wildlife. This data will give the number of sheep in each area and number lost to predators in 1973 (the only full year when the SCSLEM or similar devices were not in use) as compared to losses in 1974. This information is to be obtained by polling of producers.

C. This program will begin May 24, 1974, and will end June 30, 1975. No mechanisms or capsules may be distributed after June 30, 1975. All unused capsules must be returned to distribution points before July 15, 1975. Final data summaries and analyses must be submitted to the Registration Division of the Environmental Protection Agency, Washington, D.C., by September 15, 1975.

D. Use of the SCSLEM will not be permitted where use of the mechanism will harm endangered or threatened species that may be attracted to the SCSLEM.

VI. *Experimental program.* A. This program will be conducted on deeded property belonging to the following approved applicators who operate tin the following counties or portions of counties:

Bill Walters—Idaho County
Soulen Livestock, Little Livestock—Washington, Payette, and Gem County
Vanderford Inc.—Bingham and Power County
Hatch Livestock—Bear Lake County
Siddoway Sheep Co.—Fremont and Jefferson County
Whittaker Livestock—Lemhi County

1. Approximately 100 devices and 500 capsules will be permitted to be purchased and set in each district by the approved applicators.

2. All expenses incurred in purchasing and placement of the mechanisms and sodium cyanide capsules will be the responsibility of the qualified applicators.

3. Control areas have been selected where SCSLEMs will not be used, but nonchemical control methods such as trapping, snaring, shooting and denning will be employed. These areas are adjacent to and similar to certain of the SCSLEM use areas and will be used to collect comparative data. These areas are:

1. Idaho County—Riggins to Allison Creek, North side of Salmon River on the Mickey Carson Range.

2. Washington County—along Sturgil Creek on east side of Snake River on Soulen Livestock Range.

3. Bingham County—in the Sterling area on the Stroschein Range.

4. Jefferson County—on the U.S. Sheep Experimental Station.

B. *Work to be accomplished.* 1. Training of approved applicators.

2. Establish a distribution point and methods of the distribution of the mechanisms and antidote to approved applicators.

3. Collection of program data from approved applicators.

4. Establishment of activities needed for monitoring and surveillance of all aspects of the experimental program by the Idaho Sheep Commission and EPA.

5. Establishment of a method to evaluate selectivity of the SCSLEMs.

6. Establishment of a method to evaluate the program as a mechanism for measuring efficacy of the SCSLEMs in order to meet the program objectives.

7. Coordination of the program work and objectives in order to use the data already being collected and generated by predator control of the Department of Interior's Bureau of Sport Fisheries and Wildlife, the U.S. Department of Agriculture's W-123 Predator Control Research Committee, and the U.S.D.A. Economic Research Service's study on the economic aspects of the livestock industry and predator control.

8. Establishment of a method for an economic analysis of coyote control with the SCSLEMs.

9. Establishment of methods to census the livestock and the coyote in the SCSLEM use areas where no SCSLEMs are used.

10. Collection of monthly program data from SCSLEM use areas and control areas where no SCSLEMs are in use.

11. Submission of all data to the Idaho Sheep Commission for summarization, analysis and distribution to the Environmental Protection Agency.

Dated: June 20, 1974.

JAMES L. AGEE,
Acting Assistant Administrator for Water and Hazardous Materials.

[FR Doc.74-14530 Filed 6-24-74;8:45 am]

[OPP-32000/73]

NOTICE OF RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION DATA TO BE CONSIDERED IN SUPPORT OF APPLICATIONS

On November 19, 1973, the Environmental Protection Agency published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of Section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 979), and its procedures for implementation. This policy provides that EPA will, upon receipt of every application, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by the applicant will be available for examination at the Environmental Protection Agency, Room EB-37, East Tower, 401 M Street, SW., Washington, D.C. 20460.

On or before August 26, 1974, any person who (a) is or has been an applicant, (b) desires to assert a claim for compensation under section 3(c)(1)(D) against another applicant proposing to use supportive data previously submitted and approved, and (c) wishes to preserve his opportunity for determination of reasonable compensation by the Administrator must notify the Administrator and the applicant named in the FEDERAL REGISTER of his claim by certified mail. Every such claimant must include, at a minimum, the information listed in this interim policy published on November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy in regard to usage of existing supportive data for registration will be processed in accordance with existing procedures. Applications submitted under 2(c) will be held for the 60-day period before commencing processing. If claims are not received, the application will be processed in normal procedure. However, if claims are received within 60 days, the applicants against whom the particular claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after August 26, 1974.

APPLICATIONS RECEIVED

EPA File Symbol 14651-RN. Agricultural Enterprises, Inc., 933 West 6th St., Fremont, Nebraska 68025. *Agri-Team Insecticide Spray.* Active Ingredients: Dimethyl Phosphate of Alpha-Methylbenzyl 3-Hydroxy-Cis-Crotonate 1.00%; 2,2-Dichlorovinyl Dimethyl Phosphate 0.23%; Related Compounds 0.02%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 14651-O. Agricultural Enterprises, Inc., 933 West 6th St., Fremont, Nebraska 68025. *Agri-Cid Emulsifiable Insecticide.* Active Ingredients: Dimethyl phosphate of alpha-methylbenzyl 3-hydroxy-cis-crotonate 14.4%; Petroleum hydrocarbons 72.3%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 255-RGR. American Fluoride Corporation, 17 Huntington Place, New Rochelle, New York 10801. *A F C 1-2-3 Fogging Concentrate.* Active Ingredients: Petroleum Distillate 94.00%; N-octyl bicycloheptene dicarboximide 3.00%; Technical piperonyl butoxide 2.00%; Pyrethrins 1.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 5481-RTU. Amvac Chemical Corp., 4100 E. Washington Blvd., Los Angeles, California 90023. *Alco Ice-Sickle De-Weeds Ice Plant.* Active Ingredients: Magnesium Chloride Hexahydrate $MgCl_2$-$6H_2O$ 59.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 3876-RRL. Betz Laboratories, Inc., 4636 Somerton Road, Trevose, Pennsylvania 19047. *Betz Slimicide DE-598.* Active Ingredients: Sodium pentachlorophenate 25%; 4-chloro-2-cyclopentyl phenol 7%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 3876-RRU. Betz Laboratories, Inc. *Betz Slimicide DE-598.* Active Ingredients: Sodium pentachlorophenate 22%; 2,3,4,6-tetrachlorophenol 3%; 4-chloro-2-cyclopentylphenol 7%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 3876-RRG. Betz Laboratories, Inc. *Betz Slime-Trol DP-364.* Active Ingredients: β-Bromo β-Nitrostyrene 10.0%; Isooctyl Phenyl Polyethoxy Ethanol 5.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 9601-T. Chardon Laboratories, Inc., 545 Stimmel Road, Columbus, Ohio 43223. *Slimex D.* Active Ingredients: Disodium cyanodithioimidocarbonate 4.23%; Ethylenediamine 1.60%; Potassium N-methyldithiocarbamate 5.83%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 9404-UR. Chase & Company, P.O. Box 1697, Sanford, Florida 32771. *Sunniland 10% Chlordane Dust Insecticide.* Active Ingredients: Technical Chlordane 10.00%. Method of Support: Appli-

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cation proceeds under 2(c) of interim policy.

EPA File Symbol 11598–EI. Connecticut Aerosols Inc., 85 Furniture Row, Milford, Connecticut 06460. *King Ant & Roach Spray.* Active Ingredients: Pyrethrins 0.052%; Piperonyl Butoxide, Technical 0.260%; Chlorpyrifos [O,O-diethyl O-diethyl O-(3,5,6 - trichloro-2-pyridyl) phosphorothioate] 0.500%; Petroleum Distillate 98.736%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 33834–R. Ecological and Specialty Products, Inc., 111 Fifth Avenue, Paterson, New Jersey 07524. *Action Creosote Oil Preserves Lumber.* Active Ingredients: Coal Tar Distillates 86%; Coal Tar Acids 6%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 33834–E. Ecological and Specialty Products, Inc., 111 Fifth Avenue, Paterson, New Jersey 07524. *Action Creosote Oil Compound Preserves Lumber.* Active Ingredients: Creosote Oil (Coal Tar Distillates, Coal Tar Acids) 50%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 12130–GA. Farm Chemicals, Inc., P.O. Box 456, Aberdeen, North Carolina 28315. *4-2-1 Tox-Ethyl Methyl.* Active Ingredients: Toxaphene 33.36%; Parathion (O,O-diethyl O-p-nitrophenyl phosphorothioate 16.68%; O,O-dimethyl O-p-nitrophenyl thiophosphate 8.34%; Xylene 36.82%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 12130–GT. Farm Chemicals, Inc. *6–1½ Tox-Methyl.* Active Ingredients: Toxaphene (Technical Chlorinated Camphene Chlorine Content 67% to 69%) 55.07%; O,O-Dimethyl O-p-nitrophenyl thiophosphate 13.77%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 12130–GO. Farm Chemicals, Inc. *Mal-Methyl 3–3.* Active Ingredients: Malathion (O,O-dimethyl dithiophosphate of diethyl mercaptosuccinate) 32.18%; O,O-dimethyl O-p-nitrophenyl thiophosphate 32.18%; Xylene 30.64%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 12130–UN. Farm Chemicals, Inc. *6-2-1 Tox-Ethyl Methyl.* Active Ingredients: Toxaphene 53.28%; Parathion (O,O-diethyl O-p-nitrophenyl phosphorothiate 17.75%; O-O-dimethyl O-p-nitrophenyl thiophosphate 8.88%; Xylene 15.09%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 12130–GL. Farm Chemicals, Inc. *5-2-1 Tox-Ethyl Methyl.* Active Ingredients: Toxaphene 46.41%; Parathion (O,O-diethyl O-p-nitrophenyl phosphorothioate 18.51%; O,O-dimethyl O-p-nitrophenyl thiophosphate 9.28%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 654–RRE. Federal Chemical Company, Inc., 2630 Winthrop Ave., Indianapolis, Indiana 46205. *Arab Wasp and Hornet Spray.* Active Ingredients: O-isopropoxyphenyl methylcarbamate 0.500%; 2-Butoxyethanol 4.500%; 2,2-dichlorovinyl dimethyl phosphate (DDVP) 0.325%; Related Compounds 0.025%; Petroleum distillate 64.615%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 22558–U. First U.S. Chemical, 1915 Lausanne, Memphis, Tennessee 38117. *Microbicide 10.* Active Ingredients: Disodium cyanodithioimidocarbonate 3.18%; Ethylenediamine 1.20%; Potassium N-methyldithiocarbamate 4.37%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA Reg. No. 279–126. FMC Corporation, Agricultural Chemical Division, 100 Niagara Street, Middleport, New York 14105. *Kolodust Fungicide-Insecticide.* Active Ingredients: Sulphur 84.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 25581–I. G & G Chemical Co., Inc., 1550 Carroll Ave., San Francisco, California 94124. *Formula 4031 Concentrated Detergent, Sanitizer, Fungicide, Disinfectant, Deodorizer.* Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 6.25%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 6.25%; Tetrasodium ethylenediamine tetraacetate 3.60%; Sodium Carbonate 3.00%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 25581–T. G & G Chemical Co., Inc. *Concentrated Swimming Pool Algaecide Formula 4032.* Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 5%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 5%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 25581–A. G & G Chemical Co., Inc. *Formula 4033, Disinfectant, Sanitizer, Deodorizer.* Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 5%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 5%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 2496–RU. The General Pest Control Co., 3561 West 105th St., Cleveland, Ohio 44111. *Velsinol M.* Active Ingredients: Pyrethrins 0.050%; Piperonyl Butoxide 0.125%; Malathion 2.000%; Aliphatic Petroleum Solvent 97.825%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 31970–RL. Haynes Chemical Company, P.O. Box 30, East Grand Forks, Minnesota 56721. *TOX.* Active Ingredients: Toxaphene (Technical Chlorinated Camphene) 59.5%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 5905–URO. Helena Chemical Company, Clark Tower, Suite 2900, 5100 Poplar Ave., Memphis, Tennessee 38137. *Helena Dimethoate 25 Systemic Insecticide.* Active Ingredients: Dimethoate (O,O-dimethyl S-(N-methylcarbamoylmethyl) phosphorodithioate) 25.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 266–GG. SwimChem Products, A Division of Hill Brothers Chemical Company, 15017 E. Clark Ave., City of Industry, California 91745. *SwimChem Hi-Tabs Stabilized Chlorine Tablets.* Active Ingredients: Trichloro-s-Triazinetrione 100%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 266–GE. SwimChem Products, A Division of Hill Brothers Chemical Company, 15017 E. Clark Ave., City of Industry, California 91745. *Hi-Chem Floating Chlorinator.* Active Ingredients: Trichloro-s-Triazinetrione 100%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 1239–GT. Industrial Chemical Laboratories, Inc., 1015 North Fourteenth Street, Omaha, Nebraska 68102. *Karpet Kleen, The Carpet Sanitizer.* Active Ingredients: Sodium-o-phenylphenate tetrahydrate 1.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 12459–E. Robert P. Knisely Co., 17126 Detroit Ave., Cleveland, Ohio 44107. *Microbiocide R.* Active Ingredients: Disodium cyanodithioimidocarbonate 6.35%; Ethylenediamine 2.40%; Potassium N-methyldithiocarbamate 8.75%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 2342–OGI. Kerr-McGee Chemical Corp., Kerr-McGee Center, Oklahoma City, Oklahoma 73125. *Fasco Diazinon Bait-2.* Active Ingredients: O,O-diethyl O-(2-isopropyl-4-methyl-6-pyrimidinyl) phosphorothioate 2.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 2342–OGA. Kerr-McGee Chemical Corp. *Fasco Terpene Parathion 4–1 EC.* Active Ingredients: Toxaphene 41.67%; Parathion (O,O-Diethyl-O,p-nitrophenyl phosphorothioate) 10.42%; Xylene 42.75%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 2342–OGO. Kerr-McGee Chemical Corp. *Fasco Endrin-Methyl Parathion 16–16.* Active Ingredients: Endrin 18.3%; O,O-dimethyl O-p-nitrophenyl phosphorothioate 18.3%; Xylene 55.7%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 10631–U. Los Angeles Seed Co., Inc., 736 Merchant Street, Los Angeles, California 90021. *Angel City Tomato & Vegetable Insect Spray.* Active Ingredients: Pyrethrins 0.030%; Piperonyl Butoxide, Technical 0.160%; Rotenone 0.128%; Other Cube Resins 0.238%; Petroleum Distillate 0.120%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 1021–RGRO. McLaughlin Gormley King Company, 8810 Tenth Avenue N., Minneapolis, Minnesota 55427. *Pyrocide Intermediate 7223.* Active Ingredients: Pyrethrins 1.43%; Piperonyl butoxide technical 2.86%; N-octyl bicycloheptene dicarboximide 4.78%; Chlorpyrifos [O,O-diethyl O-(3,5,6-trichloro-2-pyridyl) phosphorothioate] 14.29%; Petroleum distillate 24.83%; Aromatic petroleum distillate 8.01%. Method of Support. Application proceeds under 2(c) of interim policy.

EPA File Symbol 34284–R. Mid-American Chemical, Inc., 215 S. Compress Street, Oklahoma City, Oklahoma 73125. *X-It Algae Concentrate.* Active Ingredients: Poly[oxyethylene (dimethyliminio) ethylene (dimethyliminio) ethylene dichloride] 40.0%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 34284–G. Mid-America Chemical, Inc. *Tower-Cide NF.* Active Ingredients: Poly[oxyethylene(dimethyliminio) ethylene (dimethyliminio) ethylene dichloride] 10.0%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 34284–E. Mid-America Chemical, Inc. *X-It Algae.* Active Ingredients: Poly[oxyethylene(dimethyliminio) ethylene(dimethyliminio)ethylene dichloride] 10.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 8637–I. Mitco, Inc., 1601 Steele Ave., S.W., Grand Rapids, Michigan 49502. *Mitco CC–14–L Algaecide.* Active Ingredients: Disodium cyanodithioimidocarbonate 3.18%; Ethylenediamine 1.20%; Potassium N-methyldithiocarbamate 4.37%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 5967–RGG. Moyer Chemical Company, P.O. Box 945, San Jose, California 95108. *Dipel Dust No. 110.* Active Ingredients: Bacillus Thuringiensis, Berliner Potency of 240 International Units per mg. (at least 0.38 billion viable spores per gm.) 0.048%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 5967–REA. Moyer Chemical Company. *Moyer Chlordane Spray 8E.* Active Ingredients: Technical Chlordane 72.0%; Xylene 20.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 5967–RGI. Moyer Chemical Company. *Moyer Maximul.* Active Ingredients: Petroleum Oil 80.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 6830–IL. Octagon Process Inc., 696 River Road, Edgewater, New Jersey 07020. *Wood Preservative: Water-Repellent TT–W–572B Composition A.* Active Ingredients: Pentachlorophenol 5.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 1839–TR. Onyx Chemical Company, 190 Warren Street, Jersey City, New Jersey 07302. *Onyx BTC–E 8248–80% Concentrated Germicide.* Active Ingredients: n-Alkyl (C14 60%, C16 30%, C12 5%, C18 5%) Dimethyl Benzyl Ammonium Chlorides 80.0%; Ethyl Alcohol 20.0%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 1839–TN. Onyx Chemical Company. *Onyx BTC–E 2125–80% Concentrated Germicide.* Active Ingredients: n-Alkyl (C14 60%, C16 30%, C12 5%, C18 5%) Dimethyl Benzyl Ammonium Chlorides 40.0%; n-Alkyl (C12 50%, C14 30%, C16 17%, C18 3%) Dimethyl Ethylbenzyl Ammonium Chlorides 40.0%; Ethyl Alcohol 20.0%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 1839–AO. Onyx Chemical Company. *Onyx BTC–E 2125M–80, Dual-Quat 80% Concentrated Germicide.* Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 40%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 40%; Ethyl Alcohol 10%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 1839–AI. Onyx Chemical Company. *Onyx BTC–E–8358 Concentrated Germicide.* Active Ingredients: n-Alkyl (C12 40%, C14 50%, C16 10%) Dimethyl Benzyl Ammonium Chlorides 80%; Ethyl Alcohol 20%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA Reg. No. 3635–191. Oxford Chemicals, P.O. Box 80202, Atlanta, Georgia 30341. *Oxford Micro-Sep Concentrated Detergent, Sanitizer, Fungicide, Disinfectant, Deodorizer.* Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 6.25%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 6.25%; Tetrasodium ethylenediamine tetraacetate 3.60%; Sodium Sesquicarbonate 3.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 3635–ROL. Oxford Chemicals. *Oxford 2525.* Active Ingredients: (5-Benzyl - 3 - furyl) methyl 2,2-dimethyl-3-(2 - methylpropenyl (cyclopropanecarboxylate 0.25%; Related compounds 0.034%; d-trans Allethrin (allyl homolog of Cinerin I) 0.250%; Related compounds 0.019%; Aromatic petroleum hydrocarbons 0.331%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 3635–ROG. Oxford Chemicals. *Oxford 2515 Insecticide.* Active Ingredients: (5-Benzyl-3-furyl) methyl 2,2-dimethyl - 3-(2-methylpropenyl) cyclopropanecarboxylate 0.250%; Related compounds 0.034%; Pyrethrins 0.150%; Piperonyl butoxide technical 0.600%; Aromatic petroleum hydrocarbons 0.331%; Petroleum distillate 98.625%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 8728–T. Precision Chemicals, Inc., 2190 DeFoor Hills Road, NW., Atlanta, Georgia 30325. *Precision CL–211.* Active Ingredients: Disodium cyanodithioimidocarbonate 3.18%; Ethylenediamine 1.20%; Potassium N-methyldithiocarbamate 4.37%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA Reg. No. 655–316. Prentiss Drug & Chemical Co., Inc., 363 Seventh Avenue, New York, New York 10001. *Prentox Pyronyl 6–15–15, An Insecticide for Formulating Use.* Active Ingredients: Pyrethrins 6.0%; Piperonyl Butoxide, Technical 15.0%; N-octyl bicycloheptene dicardoximide 15.0%; Petroleum Distillates 64.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 655–312. Prentiss Drug & Chemical Co., Inc. *Prentox Pyronyl 10–2.5 Concentrate, An Insecticide for Formulating Use.* Active Ingredients: Petroleum Distillates 87.50%; Piperonyl Butoxide, Technical 10.00%; Pyrethrins 2.50%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 655–308. Prentiss Drug & Chemical Co., Inc. *Prentox Pyrethrum Extract "25", An Insecticide for Formulating Use.* Active Ingredients: Pyrethrins 25%; Petroleum Distillates 75%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 655–303. Prentiss Drug & Chemical Co., Inc. *Prentox Pyronyl Special Concentrate 5–20–18, An Insecticide for Formulating Use.* Active Ingredients: Pyrethrins 5.00%; Piperonyl Butoxide, Technical 20.00%; N-octyl bicycloheptene dicarboximide 18.00%; Petroleum Distillates 57.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 655–302. Prentiss Drug & Chemical Co., Inc. *Prentox Pyrethrum Extract 10%, An Insecticide for Formulating Use.* Active Ingredients: Pyrethrins 10.00%; Petroleum Distillates 90.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 829–EGT. Southern Agricultural Insecticides, Inc., P.O. Box 218, Palmetto, Florida 33561. *S A Brand 5 0 Diazinon 14G Granular Insecticide.* Active Ingredients: O,O-diethyl O-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate 14.0%. Method of Support. Application proceeds under 2(c) of interim policy.

EPA File Symbol 11715–GE. Speer Products, Inc., P.O. Box 9383, Memphis, Tennessee 38109. *Speer Total Release Aerosol Containing Vapona and Baygon.* Active Ingredients: 2,2-dichlorovinyl dimethyl phosphate 6.50%; Related compounds 0.50%; o - Isopropoxyphenyl methylacarbamate 1.00%; Petroleum distillate 5.00%; Xylene 2.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 998–RRR. Superior Chemical Products Inc., 3942 Frankford Avenue, Philadelphia, Pennsylvania 19124. *Pyrethrins 6% Concentrate for Manufacturing Purposes Only.* Active Ingredients: Pyrethrins 6%; Deodorized Kerosene 70%; Petroleum Distillate 24%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 9861–U. Technical Specialties Corporation, 114 South Columbia Drive, Decatur, Georgia 30030. *TSC 908.* Active Ingredients: Disodium cyanodithioimidocarbonate 3.18%; Ethylenediamine 1.20%; Potassium N-methyldithiocarbamate 4.37%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 33722–RN. Tex-Ag Company, Inc., P.O. Box 633, Mission, Texas 78572. *Methyl Parathion 7.2 Lb.* Active Ingredients: O-O-dimethyl O-p-nitrophenyl phosphorothioate 71.92%; Xylene range aromatic solvent 21.08%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 2724–ELO. Thuron Industries, Inc., 12200 Denton Drive, Dallas, Texas 75234. *Golden Malrin RF–57 Sugar Bait.* Active Ingredients: 2,2-Dichlorovinyl dimethyl phosphate 0.050%; Related compounds 0.004%; Z-9-tricosene 0.125%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 2724–ELT. Thuron Industries, Inc. *Golden Malrin RF–56 Sugar Bait.* Active Ingredients: 2,2-Dichlorovinyl dimethyl phosphate 0.500%; Related compounds 0.038%; Z-9-tricosene 0.125%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 2724–ELI. Thuron Industries, Inc. *Golden Malrin RF–56 Sugar Bait.* Active Ingredients: o-Isopropoxyphenyl methylcarbamate 0.125%; (Z)-9-Tricosene 0.04%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 12355–RE. Timco Livestock Products, 521 State Street, Amarillo, Texas 79105. *Ready To Use Premixed Insecticide No. 633.* Active Ingredients: Malathion 2.0%; Neutral Base Oil 98.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 12355–RG. Timco Livestock Products, 521 State Street, Amarillo, Texas 79105. *Ready To Use Premixed Insecticide No. 633.* Active Ingredients: Dimethyl Phosphate of Alpha-Methylbenzyl 3-Hydroxy-Cis-Crotonate 1.00%; 2,2-Dichlorovinyl Dimethyl Phosphate 0.23%; Related Compounds 0.02%; Neutral Base Oil 98.52%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 2829–RRN. Ventron Corporation, Congress Street, Beverly, Massachusetts 01915. *Vinyzene BP–5–2MEK.* Active Ingredients: 10.10'—oxybisphenoxarsine 2.0%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 2829–RNO. Ventron Corporation, Congress Street, Beverly, Massachusetts 01915. *Vinyzene BP–5–2MS.* Active Ingredients: 10.10'—oxybisphenoxarsine 2.0%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 9782–UL. Woodbury Chemical Company of Homestead, P.O. Box 4319, Princeton, Florida 33030. *Cythion Insecticide.* Active Ingredients: Malathion (O,O-dimethyl dithiophosphate of diethyl mercaptosuccinate) 95%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 9782–UU. Woodbury Chemical Company of Homestead. *BHC Liquid.* Active Ingredients: Gamma Isomer of Benzene Hexachloride 11.50%; Other Isomers of Benzene Hexachloride 17.73%; Xylene Range Aromatic Hyrocarbon Solvent 66.80%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 9782–UR. Woodbury Chemical Company of Homestead. *Avitrol FC Corn Chops-99 for the Management of Nuisance and Depredatory Birds.* Active Ingredients: 4-Aminopyridine 0.03%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 9782–UE. Woodbury Chemical Company of Homestead. *Avitrol Whole Corn–15 for the Control of Feral Pigeons.* Active Ingredients: 4-Aminopyridine 0.02%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 9782–UN. Woodbury Chemical Company of Homestead. *Avitrol Whole Corn–15 for the Control of Feral Pigeons.* Active Ingredients: 4-Aminopyridine 0.03%. Method of Support: Application proceeds under 2(c) of interim policy.

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EPA File Symbol 9784-UG. Woodbury Chemical Company of Homestead. *Pyrethrum Powder.* Active Ingredients: Pyrethrins 1.3%. Method of Support: Application proceeds under 2(c) of interim policy.

Dated: June 12, 1974.

JOHN B. RITCH, Jr.,
Director, Registration Division.

[FR Doc.74-13986 Filed 6-24-74;8:45 am]

FEDERAL MARITIME COMMISSION

CITY OF OAKLAND AND UNITED STATES LINES, INC.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before July 5, 1974. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. J. Kerwin Rooney
Port Attorney
Port of Oakland
66 Jack London Square
P.O. Box 2064
Oakland, California 94607

Agreement No. T-2758-B-1, between the City of Oakland (City) and United States Lines, Inc. USL) modifies the basic agreement between the parties which provides for the lease to USL of two container cranes owned by City and located in the Middle Harbor Terminal Area on the Oakland Inner Harbor. The purpose of this modification is to remove language from the original agreement that relates to a "crane operators charge" assessed against secondary users of these cranes. References made to other charges for such secondary use will remain unchanged.

Dated: June 20, 1974.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74-14526 Filed 6-24-74;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. G-14203, etc.]

CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY

Notice of Applications and Petitions [1]

JUNE 17, 1974.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before July 5, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
G-14203 C 5-30-74	Union Oil Co. of California, P.O. Box 7600, Los Angeles, Calif. 90051.	Transcontinental Gas Pipe Line Co., Block 76 Field, Vermilion Area, offshore Louisiana.	[2] 26.0	15.025
G-14203 D 5-30-74	Union Oil Co. of California	do	(3)	
C174-528 C 5-28-74	Exxon Corp., P.O. Box 2180, Houston, Tex. 77001.	El Paso Natural Gas Co., Sand Hills Field, Crane County, Tex.	[4] [5] 36.5	14.65
C174-624 (C164-672) F 4-26-74	Petroleum Corp. of Texas (successor to Cities Service Oil Co.), P.O. Box 911, Breckenridge, Tex. 76024.	Northern Natural Gas Co., acreage in Meade County, Kans.	17.0	14.65
C174-677 (C172-660) F 5-20-74	Exxon Corp. (successor to Helmerich & Payne, Inc.).	Michigan Wisconsin Pipe Line Co., Cree Flowers Field, Roberts County, Tex.	[6] 21.5	14.65
C174-678 (C172-733) F 5-20-74	Exxon Corp. (successor to American Natural Gas Production Co.).	do	[6] 21.5	14.65
C174-681 (C163-1390) B 5-22-74	Sun Oil Co., P.O. Box 2880, Dallas, Tex. 75221.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Chalkley, northwest field, Calcasieu Parish, La.	(7)	
C174-682 (G-6293) F 5-20-74	Hi-Gar Petro, Inc. (successor to J.M. Huber Corp.), 1145 North Prospect, Liberal, Kans. 67901.	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., Greenwood Field, Morton County, Kans.	[8] 18.5	14.65
C174-683 (G-11511) F 5-20-74	Hi-Gar Petro, Inc. (successor to Clinton Oil Co.).	do	[8] 17.5	14.65
C174-683 A 5-22-74	The Superior Oil Co., P.O. Box 1521, Houston, Tex. 77001.	Texas Eastern Transmission Corp., Bayou Latenache Field, Point Coupee Parish, La.	[8] 45.0	15.025
C174-684 A 5-23-74	Atlantic Richfield Co., P.O. Box 2819, Dallas, Tex. 75221.	El Paso Natural Gas Co., Langlie-Mattix Field, Lea County, N. Mex.	35.0	14.65
C174-685 (C871-516) B 5-16-74	Bel Oil Corp. (operator) et al., Lake Charles, La. 70601.	Texas Gas Transmission Corp., Oberlin Field, Allen Parish, La.	(9)	
C174-686 (C168-1161) F 5-17-74	J. Peter Grace (successor to T. F. Hodge), 114 Avenue of the Americas, New York, N.Y. 10036.	Arkansas Louisiana Gas Co., North Drummond Field, Garfield and Major Counties, Okla.	[10] 15.04	14.65
C174-691 A 5-30-74	Marathon Oil Co., 539 South Main St., Findlay, Ohio 45840.	Texas Eastern Transmission Corp., East Cameron Area, Block 321, offshore Louisiana.	[11] 60.0	15.025

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.
See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
C174-692 (C872-213) D 5-22-74	Nemours Corp., 1203 Mid South Towers, Shreveport, La. 71101.	Arkansas Louisiana Gas Co., Carthage Field, Panola County, Tex.	(7)	
C174-696 A 5-28-74	Amerada Hess Corp., P.O. Box 2040, Tulsa, Okla. 74102.	Texas Eastern Transmission Corp., Block 821 Field, East Cameron Area, offshore Louisiana.	[8] 60.0	15.025

[1] Subject to downward Btu adjustment.
[2] Nonproductive.
[3] Amendment to a pending application.
[4] Subject to upward and downward Btu adjustment; estimated upward adjustment is 4.9 cents per Mcf. Price includes 1.5 cents for gathering.
[5] Applicant is willing to accept a certificate conditioned in accordance with opinion No. 662.
[6] Subject to npward and downward Btu adjustment; estimated upward ajustment is 3.70 cents per Mcf.
[7] Deliveries of gas have ceased and leases have terminated.
[8] Subject to upward and downward Btu adjustment.
[9] Depleted.
[10] Subject to a deduction for compression by buyer.
[11] Applicant is willing to accept a certificate in accordance with opinion No. 598.

[FR Doc.74-14320 Filed 6-24-74;8:45 am]

[Docket Nos. RI74-255 etc.]

JURISDICTIONAL SALES OF NATURAL GAS

Proposed Changes in Rates and Charges

JUNE 18, 1974.

In the matter of an order providing for hearing on and suspension of proposed changes in rates, and allowing rate changes to become effective subject to refund.[1]

Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth in Appendix A below.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds. It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use deferred as ordered below.

The Commission orders. (A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column. Each of these supplements shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Commission. Each Respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf[6] Rate in effect	Cents per Mcf[6] Proposed increased rate	Rate in effect subject to refund in dockets Nos.
	Shell Oil Co.	334	[1] 11	El Paso Natural Gas Co. (JM, et al., Fields, Crockett, Terrell and Val Verde Counties, Tex.) (Permian Basin).	----------	5-26-74	6-28-74	[7] Accepted	----------	----------	
RI74-255	do		[1] 12	do	(8)	5-28-74	----------	11-28-74	[9] 23.0	46.1725	
	The Superior Oil Co	138	2-8	Transwestern Pipeline Co. (Bell Lake Unit, Lea County, N. Mex.) (Permian Basin).	$91	5-24-74	7- 1-74	[7] Accepted	22.86	23.1132	
RI74-183	do		[5] 1-9	do	426	5-22-74	----------	[10] 9- 1-74	22.86	23.8769	RI74-183.
RI70-790	Gulf Oil Corp.	213	1-11	Transwestern Pipeline Co. (Atoka Penn Field, Eddy County, N. Mex.) (Permian Basin).	381	5-21-74	----------	7- 2-74	27.3309	27.6353	RI70-790.
RI70-790	do	215	1-11	Transwestern Pipeline Co. (White City Penn Field, Eddy County, N. Mex.) (Permian Basin).	4,240	5-21-74	----------	7- 2-74	27.3309	27.6353	RI70-790.

[6] Unless otherwise stated, the pressure base is 14.65 psia.
[7] Contract agreement.
[8] Subject to quality adjustments pursuant to opinion No. 662.
[9] Not known.
[10] Applicable only to deliveries made pursuant to supplement No. 11.
[11] Correction to a prior increase to 23.8769 cents per Mcf suspended in docket No. RI74-183.
[12] Date last filed rate becomes effective subject to refund in docket No. R-74-183.
[13] Accepted to become effective as of the date set forth in the "Effective date unless suspended" column.

The proposed rate increases of The Superior Oil Company and Gulf Oil Corporation reflect partial reimbursement for the 1.25 percent increase in the New Mexico severence tax which will become effective July 1, 1974. One of the tax increases does not exceed the applicable area ceiling under Opinion No. 662 and it is accepted. The other tax increases exceed the applicable ceiling under Opinion No. 662 and are suspended in the existing suspension proceeding for one day until July 2, 1974, or until the expiration of the suspension period for the underlying rate, whichever is later.

The proposed renegotiated rate increase of Shell Oil Company is suspended for five months since the proposed rate exceeds the applicable area ceiling rate in Opinion No. 662.

[FR Doc.74-14422 Filed 6-24-74;8:45 am]

[Docket No. CP74-307]

FLORIDA GAS TRANSMISSION CO. AND SOUTHERN NATURAL GAS CO.

Notice of Application

JUNE 19, 1974.

Take notice that on May 30, 1974, Florida Gas Transmission Company (Florida), P.O. Box 44, Winter Park, Florida 32789, and Southern Natural Gas Company (Southern), P.O. Box 2563, Birmingham, Alabama 35202, filed in Docket No. CP74-307 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas in Escambia County, Alabama, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Florida and Southern seek authorization for the transportation by Southern of up to a maximum volume of 2,000 Mcf of natural gas per day from the point of receipt in Escambia County, Alabama, to the redelivery point in Escambia County, Alabama, a distance of approximately three miles, where such volumes of gas will be delivered to Florida by means of existing delivery facilities. Southern and Florida state that pursuant to the Transportation Agreement between the two parties dated May 10, 1974, which provides for a term of 20 years, delivery of gas produced by Exxon Company, U.S.A.,

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for the account of Florida will be made into Southern's 10-inch Escambia Creek Field Line at the tailgate of the Mallard Exploration Company plant and Southern will redeliver, on a daily basis, an equal volume of gas to Florida at the point of the existing connection between the Escambia Creek Field Line and Florida's main pipeline. Southern and Florida state that no new facilities will be required to accomplish the proposed transportation. Southern and Florida further state that Florida will not pay any transportation charge to Southern for this transportation service.

Southern and Florida anticipate that the proposed transportation of gas will be commenced on or about May 22, 1974, pursuant to the provisions of § 157.22 of the regulations under the Natural Gas Act (18 CFR 157.22).

Any person desiring to be heard or to make any protest with reference to said application should on or before July 12, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-14453 Filed 6-24-74;8:45 am]

[Docket No. CP73-295]

LACLEDE GAS CO., ET AL.

Petition To Amend

JUNE 19, 1974.

In the matter of Laclede Gas Co., Illinois Power Co., Mississippi River Transmission Corp., Natural Gas Pipeline Co. of America.

Take notice that on May 30, 1974, Laclede Gas Company (Laclede), 720 Olive Street, St. Louis, Missouri 63101, Illinois Power Company (IPC), 500 South 27th Street, Decatur, Illinois 62525, Mississippi River Transmission Corporation (Mississippi), 9900 Clayton Road, St. Louis, Missouri 63124, and Natural Gas Pipeline Company of America (Natural), 122 South Michigan Avenue, Chicago, Illinois 60603 (Petitioners) filed in Docket No. CP73-295 a petition to amend the order of the Commission issued in the subject docket on July 16, 1973 (50 FPC —), pursuant to section 7(c) of the Natural Gas Act by authorizing a one year extension of the term of that order, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioners were authorized in the subject docket to exchange up to 10,000 Mcf of natural gas per day for one year until April 15, 1974, to permit the testing of potential storage reservoirs in the Stubblefield Storage Area, Bond County, Illinois. Petitioners now claim that despite disappointing first year test results, Laclede's geologists are still not satisfied that the Stubblefield Area lacks sufficient delivery capacity to be of use. Petitioners state that a conclusive determination of overall feasibility necessitates the testing and development of the North Beaver Creek reservoir, which is immediately adjacent to Stubblefield. Petitioners comtemplate that, upon completion of this program, a reliable overall evaluation as to Laclede's proposed storage operations in Bond County, Illinois, will be possible. Laclede proposes to begin immediate preparations for initial injection tests in the North Beaver Creek reservoir but anticipates no withdrawals for the 1974–75 winter season.

Petitioners request the Commission to extend until April 15, 1975, the authorizations contained in the aforementioned July 16, 1973, order, modified only to reduce the injection, transportation and exchange volume to 5,000 Mcf per day and to include injection into the North Beaver Creek reservoir.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before July 10, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-14454 Filed 6-24-74;8:45 am]

[Docket No. ID-1612]

LEONARD A. O'CONNOR

Supplemental Application

JUNE 19, 1974.

Take notice that on June 10, 1974, Leonard A. O'Connor (Applicant) filed a supplemental application with the Federal Power Commission, pursuant to section 305(b) of the Federal Power Act, to hold the following positions:

Treasurer, Holyoke Water Power Company, Public Utility.
Treasurer, Holyoke Power and Electric Company, Public Utility.

By Commission order issued March 31, 1970, Applicant was authorized to hold the following positions:

Treasurer, The Connecticut Light and Power Company, Public Utility.
Treasurer, The Hartford Electric Light Company, Public Utility.
Treasurer, Western Massachusetts Electric Company, Public Utility.

Holyoke Water Power Company is a Massachusetts corporation engaged principally in the manufacture, purchase, transmission, distribution and sale of electricity to industrial, municipal and wholesale customers in the Cities of Holyoke and Chicopee and the Town of South Hadley in western Massachusetts.

Holyoke Power and Electric Company is a wholly-owned subsidiary of Holyoke Water Power Company, which conducts certain of that Company's electric operations.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 12, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-14455 Filed 6-24-74;8:45 am]

[Docket No. CI74-492]

LONE STAR PRODUCING CO.

Extension of Time and Postponement of Hearing

JUNE 19, 1974.

On June 7, 1974, Staff Counsel filed a motion for an extension of the procedural dates fixed by order issued May 21, 1974 in the above-designated matter. The motion states that no party objects to the motion.

Upon consideration, notice is hereby given that the procedural dates in the above matter be modified as follows:

Service of direct case by Lone Star and interveners, June 21, 1974.
Service of direct testimony by Staff and interveners opposing, July 5, 1974.
Service of rebuttal evidence, July 11, 1974.
Hearing, July 11, 1974 (10 a.m. e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-14456 Filed 6-24-74;8:45 am]

[Docket No. RP71-107; Phase I]

NORTHERN NATURAL GAS CO.

Extension of Time

JUNE 18, 1974.

On June 11, 1974, Northern Natural Gas Company filed a motion for an extension of the briefing schedule fixed by order issued May 30, 1974, in the above-designated matter. The motion states that the parties filing briefs in the Court of Appeals had no objection to the requested extension of time.

Upon consideration, notice is hereby given that the briefing dates in the above matter are modified as follows:

Northern and any supporting party, June 27, 1974.
Answering briefs, July 29, 1974.
Reply briefs, August 12, 1974.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-14457 Filed 6-24-74;8:45 am]

[Project No. 175]

PACIFIC GAS AND ELECTRIC CO.

Issuance of Annual License

JUNE 19, 1974.

On June 29, 1970, Pacific Gas and Electric Company, Licensee for Balch Project No. 175, located in Fresno County, near the city of Fresno, in Sequoia and Sierra National Forests, filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (§§ 16.1–16.6).

The license for Project No. 175 was issued effective July 28, 1922, for a period ending July 27, 1972. In order to authorize the continued operation of the project pursuant to section 15 of the Act pending completion of Licensee's application and Commission action thereon, it is appropriate and in the public interest to issue an annual license to Pacific Gas and Electric Company for continued operation and maintenance of Project No. 175.

Take notice that an annual license is issued to Pacific Gas and Electric Company (Licensee) under section 15 of the Federal Power Act for the period July 28, 1974, to July 27, 1975, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Balch Project No. 175, subject to the terms and conditions of its license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-14458 Filed 6-24-74;8:45 am]

[Project No. 344]

SOUTHERN CALIFORNIA EDISON CO.

Issuance of Annual License

JUNE 18, 1974.

On April 20, 1970, Southern California Edison Company, Licensee for San Gorgonio No. 1 and 2 Project No. 344, located in the counties of Riverside and San Bernardino, California, on the east and south forks of the Whitewater and San Gorgonio Rivers near the cities of Yucaipa and Banning, filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (§§ 16.1–16.6).

The license for San Gorgonio No. 1 and No. 2 Project No. 344 was issued effective April 27, 1923, for a period ending April 26, 1973. In order to authorize the continued operation of the project pursuant to section 15 of the Act pending completion of Licensee's application and Commission action thereon, it is appropriate and in the public interest to issue an annual license to Southern California Edison Company for continued operation and maintenance of Project No. 344.

Take notice that an annual license is issued to Southern California Edison Company (Licensee) under section 15 of the Federal Power Act for the period April 27, 1974, to April 26, 1975, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the San Gorgonio No. 1 and No. 2 Project 344, subject to the terms and conditions of its present license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-14459 Filed 6-24-74; 8:45 am]

[Docket No. CP74-311]

SOUTHERN NATURAL GAS CO.

Notice of Application

JUNE 19, 1974.

Take notice that on May 31, 1974, Southern Natural Gas Company (Applicant), P.O. Box 2563, Birmingham, Alabama 35202, filed in Docket No. CP74-311 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon service to Atlantic Creosoting Company, Inc. (Atlantic), and facilities related to that service located on Applicant's Savannah branch line in Chatham County, Georgia, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to abandon the delivery of natural gas to Atlantic as a result of the cancellation by Atlantic of the contract of sale between the two parties. The application indicates that since Atlantic is no longer equipped to burn natural gas, the service which Applicant proposes to abandon was discontinued to Atlantic on April 4, 1974. Applicant also proposes to abandon the metering and regulating facilities related to said service. Applicant states that no service is being rendered by means of the facilities proposed to be abandoned.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 12, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-14460 Filed 6-24-74;8:45 am]

[Docket No. CI74-222]

TENNECO OIL CO.

Extension of Time and Postponement of Hearing

JUNE 18, 1974.

On June 12, 1974, Tenneco Oil Company filed a motion to reschedule the procedural dates fixed by order issued May 15, 1974, in the above-designated matter. The motion states that neither staff nor intervenors oppose this motion.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

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Service of evidence by Tenneco, July 2, 1974.
Service of evidence by interveners and staff, July 12, 1974.
Service of rebuttal evidence by Tenneco, July 23, 1974.
Hearing, July 30, 1974 (10 a.m. e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-14461 Filed 6-24-74;8:45 am]

[Docket No. CP74-308]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Application

JUNE 19, 1974.

Take notice that on May 31, 1974, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 1396, Houston, Texas 77001, filed in Docket No. CP 74-308 an application pursuant to section 7(c) of the Natural Gas Act, as implemented by § 157.7(b) of the regulations thereunder (18 CFR 157.7(b)), for a certificate of public convenience and necessity authorizing the construction during the 12-month period commencing August 12, 1974, and operation of certain natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in contracting for and connecting to its pipeline system supplies of natural gas in various producing areas generally coextensive with said system.

Applicant states that the total cost of the proposed facilities will not exceed $7,000,000, with no single onshore project to exceed $1,000,000, and no single offshore project to exceed $1,750,000. Applicant states that the proposed facilities will be financed initially from temporary bank loans and internal funds, with permanent financing to be arranged as part of an overall financing program.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 12, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-14462 Filed 6-24-74;8:45 am]

[Docket No. CI74-690]

TRIBAL OIL CO., ET AL.

Notice of Application

JUNE 19, 1974.

Take notice that on May 28, 1974, Tribal Oil Company (Operator), et al. (Applicant), P.O. Box 52343, Lafayette, Louisiana 70501, filed in Docket No. CI74-690 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Trunkline Gas Company (Trunkline) from the Oretta Field Area, Beauregard Parish, Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell to Trunkline an estimated 30,000 Mcf of natural gas per month for one year from the Oretta Field Area at a rate of 45.0 cents per Mcf at 15.025 psia, subject to upward Btu adjustment from a base of 1,050 Btu per cubic foot and downward Btu adjustment from a base of 1,000 Btu per cubic foot, within the contemplation of section 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70). Applicant states that it intends to commence the sale of natural gas within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29).

Any person desiring to be heard or to make any protest with reference to said application should on or before July 12, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party if any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-14464 Filed 6-24-74;8:45 am]

[Project No. 20]

UTAH POWER AND LIGHT CO.

Issuance of Annual License

JUNE 19, 1974.

On June 26, 1970, Utah Power and Light Company, Licensee for Soda Project No. 20, located on the Bear River in Caribou County, Idaho, filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder §§ 16.1–16.6).

The license for Soda Project No. 20, was issued effective July 5, 1923, for a period ending July 4, 1973. In order to authorize the continued operation of the project pursuant to section 15 of the Act pending completion of Licensee's application and Commission action thereon, it is appropriate and in the public interest to issue an annual license to Utah Power and Light Company for continued operation and maintenance of Soda Project No. 20.

Take notice that an annual license is issued to Utah Power and Light Company (Licensee) under section 15 of the Federal Power Act for the period July 5, 1974, to July 4, 1975, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Soda Project No. 20 subject to the terms and conditions of its license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-14466 Filed 6-24-74;8:45 am]

FEDERAL RESERVE SYSTEM

MERCANTILE NATIONAL CORP.

Formation of Bank Holding Company

Mercantile National Corporation, Dallas, Texas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 100 percent of the voting shares (less directors' qualifying shares) of Mercantile National Bank at Dallas, Dallas, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received not later than July 15, 1974.

Board of Governors of the Federal Reserve System, June 17, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-14495 Filed 6-24-74;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 74-39]

THERM-X-GLOW, LTD.

Intent To Grant Exclusive Patent License

Notice is hereby given of intent to grant to Therm-X-Glow, Ltd., Bourne, Massachusetts, an exclusive, revocable license to practice the invention described in U.S. Patent No. 3,152,344 for "Life Preserver", issued on October 13, 1964, to the Administrator of the National Aeronautics and Space Administration on behalf of the United States of America. The proposed exclusive license will be for a limited number of years and will contain appropriate terms and conditions to be negotiated in accordance with the NASA Patent Licensing Regulations, 14 CFR 1245.2, as revised April 1, 1972. NASA will grant the exclusive license unless, within 30 days of this Notice, the Chairman, Inventions and Contributions Board, NASA, Washington, DC, 20546, receives in writing any of the following, together with supporting documentation: (i) A statement from any person setting forth reasons why it would not be in the best interest of the United States to grant the proposed exclusive license; or (ii) an application for a nonexclusive license under such invention, in accordance with § 1245.206(b) in which applicant states that he has already brought or is likely to bring the invention to practical application within a reasonable period. The Board will review all written responses to the Notice and then recommend to the Administrator whether to grant the exclusive license.

Dated: June 14, 1974.

R. TENNEY JOHNSON,
General Counsel.

[FR Doc.74-14486 Filed 6-24-74;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

BUSINESS ADVISORY COUNCIL ON FEDERAL REPORTS

Notice of Extension

Determination pursuant to Executive Order 11769 (Advisory Committee Management) and Pub. L. 92-463 (Federal Advisory Committee Act).

In the determination order of the Director of the Bureau of the Budget, dated June 29, 1962, it was determined that the formation and continued use of the Advisory Council on Federal Reports (now Business Advisory Council on Federal Reports) as an advisory committee to the Bureau of the Budget (now Office of Management and Budget) was in the public interest.

There has been no significant change in the facts relied upon to support the above mentioned determination order. The need for the Business Advisory Council continues. Therefore, and for the reasons set forth in that order, it is hereby determined that it would be in the public interest to extend the life of the Business Advisory Council on Federal Reports.

The Business Advisory Council on Federal Reports is hereby extended until June 30, 1976. The authority to make determinations as to the formation and utilization of advisory committees and panels of the Business Advisory Council is hereby delegated to the Deputy Associate Director for Statistical Policy. That authority may be redelegated. All other terms and conditions of the above mentioned determination order remain in effect.

Dated: June 13, 1974.

ROY L. ASH,
Director.

[FR Doc.74-14471 Filed 6-24-74;8:45 am]

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on June 20, 1974 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this Daily List may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, (202-395-4529).

NEW FORMS

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration, Foreign Investment Survey in U.S. Fishing Industry, Form NOAA 88-85T, Single time, Hulett, Processing and wholesaling firms.

DEPARTMENT OF DEFENSE

Defense Civil Preparedness Agency, Critical Resources Survey Form, Form DCPA 914, Single time, NSD/Sheftel, Local CD Directors & other Govt. officials.

DEPARTMENT OF THE INTERIOR

National Park Service, Study of Fire Island Exempted Communities, Form ——, Single time, Caywood, Households on Fire Island National Seashore.

REVISIONS

FEDERAL ENERGY OFFICE

Producers and Wholesale Purchaser-Resellers Monthly Report, Form FEO 100A, Monthly, Weiner, Refiners-Importers suppliers & certain resellers of propane and butane.

FEDERAL ENERGY OFFICE

Storage Operators Monthly Report, Form 103B, Monthly, Weiner, Operators of propane/Butane Storage facilities.

EXTENSIONS

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service:
Harvest and Storage of Hay for Emergency Use, Form ASCS 99, Occasional, Evinger, Farm producers desiring to release stored hay.
Request to Graze or Harvest Hay, Form ASCS 100, Occasional, Evinger, Farm producers desiring to graze & harvest hay from CAP and CCP acreage.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration:
Authorization to Release Notice of Determination and Request for Medical Information, Form OA-D 439, Occasional, Evinger (x).
Without Fault Questionnaire, Form SSA 634, Occasional, Evinger (x).
Partnership Questionnaire, Form SSA 7104, Annual, Evinger (x).
Payment Record Transmittal, Form SSA 1606, Weekly, Evinger (x).
Modification of Existing Hospital Cost Reimbursement Forms, Form SSA 1992, Annual, Evinger (x).

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.74-14583 Filed 6-24-74;8:45 am]

POSTAL SERVICE

INCREASE IN CERTAIN TEMPORARY POSTAGE RATES

Effective Date

On September 25, 1973, the United States Postal Service requested the Postal Rate Commission to submit to the Governors of the Postal Service a recommended decision on changes in rates of postage and fees for postal services pursuant to chapter 36 of title 39, United States Code.

By notice published in the daily issue of the FEDERAL REGISTER on October 19, 1973 (38 FR 29198), the Postal Service announced that, should the Postal Rate Commission not transmit its recommended decision to the Governors of the Postal Service within 90 days after submission of the Postal Service's request (September 25, 1973), the Postal Service

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intended to place in effect specified temporary changes in rates of postage and fees for postal services under the authority of 39 U.S.C. 3641. The Postal Service further announced that, if permanent rates were not recommended by the Commission prior to July 6, 1974, further temporary changes would be implemented in rates for classes of mail or kinds of mailers referred to in 39 U.S.C. 3626.

Notice is hereby given that, effective 12:01 a.m. on July 6, 1974, the third step of phased postage rate increases will be placed in effect at temporary rate levels for the following classes of mail: Second-class; controlled circulation; third-class bulk mail for qualified non-profit organizations; special fourth-class and library fourth-class. This action represents the next step of scheduled rate increases for the designated classifications of mail to be phased in over a period of 5 or 10 years, depending on the particular mail classification involved. The applicable authority and procedures are set forth in the notice in the FEDERAL REGISTER of October 19, 1973, (38 FR 29198).

The rates of postage to be established, effective 12:01 a.m. on July 6, 1974, are set forth in column (3) of the schedule published below, except that, should S. 411 as passed by the Senate on May 9, 1974, be enacted prior to July 6, 1974, the rates of postage will be as set forth in column (4) of the schedule.

(39 U.S.C. 101(d), 401, 403, 404, 3621–3641; 84 Stat. 719)

ROGER P. CRAIG,
Deputy General Counsel.

Schedule of phased postage-rate increases, July 6, 1974

Mail class (1)	Postage rate unit (2)	Temporary rates (cents)[1] (3)	Temporary rates (cents) (4)
Second class:			
In-county:			
Pound rate matter	Pound	1.6	1.6
Per-piece charge	Piece	.4	.3
Per-copy charge	Copy	1.4 or 2.4	1.3 or 2.3
Outside county:			
Nonprofit:			
Nonadvertising	Pound	3.1	2.9
Advertising:[2]			
Zones:			
1 and 2	do	5.2	5.1
3	do	6.0	5.8
4	do	7.5	7.3
5	do	9.2	8.9
6	do	10.1	9.9
7	do	10.8	10.4
8	do	11.4	11.0
Per-piece charge	Piece	.6	.4
Classroom:			
Nonadvertising	Pound	2.7	2.6
Advertising:			
Zones:			
1 and 2	do	3.9	4.0
3	do	4.8	4.7
4	do	6.0	6.1
5	do	7.5	7.6
6	do	9.1	9.2
7	do	10.1	10.2
8	do	11.9	11.8
Per-piece charge	Piece	.4	.4
Regular rate:			
Nonadvertising	Pound	5.9	5.4
Advertising:			
Zones:			
1 and 2 (Science of Agriculture)	do	5.4	5.2
1 and 2	do	7.7	7.3
3	do	8.6	8.2
4	do	10.3	10.0
5	do	12.3	12.1
6	do	14.5	14.2
7	do	16.1	15.7
8	do	18.4	18.1
Per-piece charge[3]	Piece	1.6	1.1
Per piece[4]	do	.6	.4
Controlled circulation:			
Per pound	Pound	16.0	16.0
Minimum per piece	Minimum per piece	4.9	4.6
Third class:			
Nonprofit bulk rate:			
Circulars:			
Per pound	Pound	12.0	11.0
Minimum per piece	Piece	1.9	1.8
Book, catalogs, etc.:			
Per pound	Pound	9.0	9.0
Minimum per piece	Minimum per piece	1.9	1.8
Fourth class:			
Special rate:			
Per pound	Pound	20.0	18.0
Each additional	Each additional pound	3.0	3.0
Library rate:			
Per pound	Pound	8.0	7.0
Each additional	Each additional pound	3.0	3.0

[1] Same as step 3 of table B, attachment B, USPS request of Sept. 25, 1973, filed in docket No. R74-1.
[2] Not applicable to publications containing 10 percent or less advertising content.
[3] Publications mailing 5,000 or more copies per issue outside county of publication.
[4] Publications mailing fewer than 5,000 copies per issue outside county of publication.

[FR Doc.74-14371 Filed 6-24-74;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

CHICAGO BOARD OPTIONS EXCHANGE, INC.

Delayed Effectiveness to Option Plan Amendments

Notice is hereby given that the Chicago Board Options Exchange, Inc., (CBOE) has filed an amendment to certain of its proposed changes to its Option Plan filed pursuant to Rule 9b–1 (17 CFR 240.9b–1) delaying their effectiveness. CBOE's amendment delays the effectiveness of these proposed amendments until the Commission may allow their effectiveness or shall disapprove the change in whole or in part as being inconsistent with the public interest or the protection of investors.

The following proposed changes were originally noticed on May 9, 1974 at 39 FR 16521. The proposed amendment to Rule 101(c) of its Clearing Corporation would eliminate the requirement that Clearing Banks be located in Chicago, Illinois.

The proposed amendment to Rule 204 of the Clearing Corporation would designate the copy of any item delivered by the Clearing Corporation to a Clearing Member's lock box in Chicago as the original and definitive copy of that item.

The proposed amendment to Rule 903 of the Clearing Corporation would expressly require Clearing Members delivering and receiving underlying securities in jurisdictions other than Illinois to pay any applicable stock transfer or other taxes imposed by the jurisdiction where delivery takes place, to hold the Clearing Corporation harmless in respect of such taxes, and to furnish to the Clearing Corporation on request evidence as to the payment thereof.

In addition the following changes were noticed April 17, 1974 at 39 FR 13815.

The proposed guideline under Rule 6.42 would change the expression of bids and offers for series trading below $2 from eighths to sixteenths. Proposed Rule 6.54 would establish cabinet trading for closing transactions only at a price of $1 per contract. The rationale for these changes is discussed in the following paragraphs.

Proposed guideline .01 under Rule 6.42 reflects the Floor Procedure Committee's determination that continuity is improved and more meaningful bids and offers obtained where quotations may be made in sixteenths for series trading under $2.

Proposed Rule 6.54 would establish a procedure for all persons trading on the Exchange to liquidate a position in options at the fixed price of $1 per contract. This will enable persons to close out essentially worthless positions in situations where they otherwise would not do so, even at a price of 1/16 (per unit of underlying stock, or $6.25 per contract). All trades under this rule would be reported to the Exchange at the close of each business day and would be reported on the CBOE tape prior to the opening the following morning. On such trades the commission would be as mutually agreed, under Rules 14.2 and 14.5. This proposed rule would not prohibit members from executing transactions off the Exchange pursuant to Rule 6.49.

All interested persons are invited to submit their views and comments on the proposed amendments to CBOE's plan either before or after it has become effective. Written statements of views and comments should be addressed to the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to file number 132–37784. The proposed amendments including the reasons for such amendments are, and all such comments will be, available for public inspection at the Public Reference Room of the Securities and Exchange Commission at 1100 L Street, NW., Washington, D.C.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

JUNE 13, 1974.

[FR Doc.74-14507 Filed 6-24-74;8:45 am]

CHICAGO BOARD OPTIONS EXCHANGE, INC.

Proposed Amendments to Option Plan

Notice is hereby given that the Chicago Board Options Exchange, Inc. (CBOE) has filed amendments to certain of its proposed changes to its Option Plan filed pursuant to Rule 9b–1 (17 CFR 240.9b–1).

In general the proposed amendments to the proposed changes originally filed are intended to assure the presence of continuous, competitive market-making on the CBOE floor. In addition the amendments are intended to assure that market makers assume the affirmative market-making obligation whenever they enter a trading crowd for a class of options in which they hold Supplemental appointments.

The original proposed changes were noticed on March 13, 1974 at 39 FR 10671. The CBOE filed an amendment to these changes, noticed on April 22, 1974 at 39 FR 14259, delaying their effectiveness until the Commission may allow their effectiveness or shall disapprove the change in whole or in part as being inconsistent with the public interest or the protection of investors.

All interested persons are invited to submit their views and comments on the proposed amendments to CBOE's plan either before or after it has become effective. Written statements of views and comments should be addressed to the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to file number 132–37784. The proposed amendments are, and all such comments will be, available for public inspection at the Public Reference Room of the Securities and Exchange Commission at 1100 L Street, NW., Washington, D.C.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

JUNE 13, 1974.

[FR Doc.74-14506 Filed 6-24-74;8:45 am]

[812–3649]

SOURCE CAPITAL, INC.

Filing of Application for an Order Exempting A Proposed Transaction

JUNE 18, 1974.

Notice is hereby given that Source Capital, Inc., 1888 Century Park East, Los Angeles, California 90067 ("Applicant"), registered under the Investment Company Act of 1940 ("Act") as a closed-end, diversified, management investment company, has filed an application pursuant to section 17(b) of the Act for an order of the Commission exempting from the provisions of section 17(a) of the Act the proposed purchase by Arnav Industries, Inc. ("Arnav") of 180,000 shares of its Common Stock upon the tender of such shares by the Applicant. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Since December 1968, Applicant has owned 180,000 shares or approximately 15 percent of the Common Stock of Arnav plus a Warrant initially entitling Applicant to purchase an additional 121,500 shares at exercise prices ranging from $15 to $18 per share. The shares owned by Applicant may be deemed to be restricted securities since they were acquired in a transaction not involving a public offering and were not the subject of an effective registration statement under the Securities Act of 1933. On June 3, 1974, Applicant received by mail an Invitation for Tenders of up to 250,000 shares of Common Stock of Arnav (the "Tender Offer"). Pursuant to the terms of the Tender Offer which expires on June 20, 1974 (the "Expiration Date"), Arnav will purchase all shares tendered up to 180,000 and, at its option, may purchase all or any additional shares up to a maximum of 250,000. If fewer than all shares tendered are purchased, the shares purchased will be purchased on a pro rata basis. Arnav has reserved the right to extend the Tender Offer beyond the Expiration Date. If the Tender Offer is extended, all shares tendered prior to the Expiration Date will be purchased and shares tendered during the extension period will be purchased on a pro rata basis. In no event will more than 250,000 shares be purchased pursuant to the Tender Offer. The purchase price will be $3.50 per share. Applicant desires to tender its 180,000 shares pursuant to the Tender Offer.

Prior to the receipt of the Tender Offer, Applicant and Arnav had entered into negotiations looking toward the purchase by Arnav of the 180,000 shares held by Applicant at a price of $3.50 per share. No agreement was reached as a result of those negotiations which included the purchase of the Warrant. On May 28, 1974, the highest bid in the over-the-counter market for Arnav Common Stock was $3.00 per share. The price range for Arnav Common Stock since January 1, 1973, has fluctuated from a high of $4.25 during the first quarter of 1973 to a low of $2.50 during the second quarter of 1974 up through May 28.

Applicant states that, since it owns approximately 15 percent of the outstanding voting securities of Arnav, Applicant and Arnav might be deemed to be affiliated persons of each other within the definition of "affiliated person" set forth in section 2(a)(3) of the Act. Section 17(a) of the Act provides, in pertinent part, that it is unlawful for any affiliated person of a registered investment company knowingly to sell to or purchase from such registered investment company any security or other property except securities of which the investment company is the issuer. Pursuant to section 17(b) of the Act, the Commission, upon application, may grant an exemption from such prohibition after finding that the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned and that the proposed transaction is consistent with the policy of each registered investment company concerned and the general purposes of the Act.

Applicant submits that the terms of the proposed transaction are reasonable and fair and do not involve overreaching on the part of any person concerned since the price to be received by Applicant is the same price which will be received by all other shareholders of Arnav who tender their shares pursuant to the Tender Offer. Applicant asserts that the price of $3.50 per share is fair and reasonable in view of the price range of Arnav Common Stock over the past few years. It is stated that, in view of the relatively thin market for Arnav Common Stock, it would be practically impossible for Applicant to dispose of its holdings without further depressing the market price of the stock. Applicant believes that the market will continue to place a low value on the shares of Arnav and that, in view of the large block of restricted shares held by Applicant, it is not likely that such shares could be sold at any price approximating a market price at the time of such a sale. Applicant asserts that the Tender Offer represents an advantageous opportunity for its shareholders since, in Applicant's view, the funds to be received pursuant to the Tender Offer can be invested more favorably elsewhere. Applicant submits that the proposed transaction is consistent with its policies and the general purposes of the Act.

Notice is further given that any interested person may, not later than July 15, 1974, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing)

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upon Applicant at the address stated above. Proof of such service (by affidavit, or, in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following July 15, 1974, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74–14505 Filed 6–24–74;8:45 am]

[File No. 500–1]

WESTGATE CALIFORNIA CORP.

Notice of Suspension of Trading

JUNE 18, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock (class A and B), the cumulative preferred stock (5 percent and 6 percent, the 6 percent subordinated debentures due 1979 and the 6½ percent convertible subordinated debentures due 1987 being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from June 19, 1974 through June 28, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74–14504 Filed 6–24–74;8:45 am]

SUSQUEHANNA RIVER BASIN COMMISSION

REVIEW OF PROJECTS

Public Hearing

JUNE 18, 1974.

Notice is hereby given that the Susquehanna River Basin Commission will hold a public hearing on Thursday, July 11, 1974, at the Sheraton-Harrisburg Inn, off I–83 at Exit 18–A in New Cumberland, Pennsylvania. The hearing will begin at 2:30 p.m. The purpose of the hearing is to receive public comment and reaction to the Commission's proposed rules and regulations for review of projects.

The proposed rules and regulations for review of projects set forth the purposes of review by the Commission, the scope of review, and the application and public hearing procedures. Commission review of Federal, State, local and private sector proposals is provided for in the Susquehanna River Basin Compact § 3.10. In general this section provides review authority over projects that may result in a significant interstate effect on the water resources of the basin and projects that would affect immediate and long-range alternatives for the management, development, conservation or utilization of the basin's water resources.

Copies of the proposed rules and regulations for review of projects may be obtained by writing to the Susquehanna River Basin Commission, 5012 Lenker Street, Mechanicsburg, Pennsylvania 17055.

All persons wishing to testify are requested to notify the Commission in writing as early as possible.

ROBERT J. BIELO,
Executive Director.

[FR Doc.74–14465 Filed 6–24–74;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 536]

ASSIGNMENT OF HEARINGS

JUNE 20, 1974.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after June 25, 1974.

MC 107295 Sub-664, Pre-Fab Transit Co., is continued to September 23, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

AB 1 Sub 17, Chicago and North Western Transportation Company Abandonment Between Janesville and Fort Atkinson, in Rock and Jefferson Counties, Wisconsin, AB 1 Sub 17, Chicago and North Western Transportation Company Abandonment Between Beloit and Evansville, also Between Afton and Janesville, all in Rock County, Wisconsin, now being assigned hearing July 29, 1974 (1 week), in the City Council Chambers, 2nd Floor, Municipal Service Center, 220 W. Grand Avenue, Beloit, Wisconsin.

W–381 Sub 18, Federal Barge Lines, Inc., now being assigned continued hearing July 31, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 130228, Moreno Tours, Inc., now being assigned hearing, September 9, 1974 (2 days), at New York, N.Y., in a hearing room to be later designated.

MC 130216, Il Progresso Italo-Americano Publishing Co., Inc., now being assigned hearing September 11, 1974 (3 days), at New York, N.Y., in a hearing room to be later designated.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74–14516 Filed 6–24–74;8:45 am]

[Special Permission No. 74–2525]

EMERGENCY FUEL SURCHARGE FOR LINE-HAUL TRANSPORTATION CHARGES AND OTHER CHARGES—MOTOR COMMON CARRIERS

Petition To Base Surcharge on Distance

JUNE 19, 1974.

Notice is hereby given that on June 4, 1974, the National Small Shipments Traffic Conference, Drug and Toilet Preparation Traffic Conference, and Eastern Industrial Traffic League jointly filed a petition for issuance of a new fuel surcharge.

In support, petitioners allege that fuel costs are incurred on a mileage basis rather than on a basis related to freight charges. Consequently, according to petitioners, to place the surcharge on an equitable basis it should be related to distance. Petitioners calculate that motor carriers generally have incurred increased fuel costs averaging 4 cents per mile. If a surcharge based on freight charges is to be continued, petitioners urge that it be reduced to 1 percent on less-than-truckload traffic, while retaining the 6 percent maximum on truckload traffic.

Any person interested in the matter which is the subject of the petition and who wishes to participate actively in any further proceedings shall notify this Commission, by filing with the Interstate Commerce Commission, Office of Proceedings, Room 5342, 12th Street and Constitution Avenue NW., Washington, D.C. 20423, on or before July 15, 1974, an original and one copy of a statement of his intention to participate. Thereafter, the nature of further proceedings, if any, will be designated. The petition and statements of intent to participate, if any, will be available for public inspection at the offices of the Commission during regular business hours. Petitioners have served their petition on all parties to docket Ex Parte No. MC–92, Investigation of Impact of Rising Costs on Motor Common Carriers.

A copy of this notice will be served upon petitioners and upon each party to this proceeding and to the proceeding in Ex Parte No. MC–92, and notice of the filing of the petition will be given to the general public by depositing a copy of this notice in the Office of the Secretary of the Commission at Washington, D.C. 20423, and by delivering a copy to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74–14517 Filed 6–24–74;8:45 am]

[Notice 109]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before July 16, 1974. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–75130. By order of June 18, 1974 the Motor Carrier Board approved the transfer to Abraham Dadian, 79 North Street, Laconia, New Hampshire 03246 of Certificate No. MC–76814 issued March 22, 1973, to Richard Willey, doing business as E. J. Pelletier and Son Movers, Laconia, N.H., authorizing the transportation such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses from railroads and rail sidings in Laconia, N.H., to Wells River and White River Junction, Vt.; and from Laconia, N.H., to points in five named counties in New Hampshire; and household goods between points in Belknap County, N.H., on the one hand, and, on the other, points in Vermont, Massachusetts, Rhode Island, Connecticut, Maine, and New York.

No. MC–FC–75138. By order of June 14, 1974, the Motor Carrier Board approved the transfer of Western Tex-Pack, Inc., Stamford, Tex., of that portion of the Certificates of Registration in Nos. MC–120309 (Sub-No. 1) and MC–120309 (Sub-No. 3) issued May 13, 1964, and September 4, 1973, respectively, to R. G. Dudley and C. C. Westfall, a partnership, doing business as Mistletoe Transit Company, Lubbock, Tex., evidencing the right to engage in transportation in interstate or foreign commerce corresponding to the following grant of authority in certificate No. 3037 issued by the Railroad Commission of Texas: (1) newspapers and motion picture films only, from Dallas to Girard; from Wichita Falls to Haskell, and from Anson to Roby, serving all intermediate points, except those between Dallas, Fort Worth, and Throckmorton; motion picture films, equipment, advertising and supplies and newspapers between Dallas and Fort Worth, on the one hand, and, on the other, Lake Worth Theatre near Fort Worth, Azle; Springtown, Lueders; and Benjamin, restricted against originating shipments at Dallas destined for Fort Worth and intermediate points, or vice versa; and (2) motion picture films, theatre equipment, supplies and advertising, magazines, and newspapers, unrestricted as to weight, to, from and between all points on the following routes and serving all intermediate points: (a) U.S. Highway 80, State Highway 183 and Interstate 20 between Dallas and Fort Worth; (b) Interstate 35–W and U.S. Highway 81 between Fort Worth and Itasca; (c) F.M. Road 66 and 934 between Itasca and Osceola; (d) State Highway 171 between Osceola and Cleburne; (e) State Highway 174 between Burleson and Cleburne; (f) U.S. Highway 67 between Cleburne and its junction with State Highway 220, thence over State Highway 220 to Hico; (g) U.S. Highway 281 between Hico and Hamilton; (h) State Highway 36 between Hamilton and Gatesville; (i) U.S. Highway 84 between Gatesville and McGregor; (j) State Highway 317 between McGregor and Valley Mills; (k) State Highway 6 between Valley Mills and Meridian; and (l) State Highway 144 between Meridian and Glen Rose serving all intermediate points; and (3) general commodities, restricted against the transportation of packages weighing in the aggregate more than 100 pounds from one consignor at one location to one consignee at one location on any one day, from, to and between all points between Dallas and Fort Worth; between Fort Worth and Jacksboro; between Jacksboro and Rule; between Wichita Falls and Abilene; between Munday and Knox City; between Benjamin and Rule; between Anson and Aspermont; between Anson and Roby; between Roby and Rotan; between Rotan and the junction of U.S. Highway 277 and State Highway 92 near Stamford; between Aspermont and Girard; between Aspermont and Albany; between Fort Worth and Itasca; between Itasca and Osceola; between Burleson and Cleburne; between Cleburne and Hico; between Hico and Hamilton; between Hamilton and Gatesville; between Gatesville and McGregor; between McGregor and Valley Mills, and between Meridian and Glen Rose, over specified routes. Austin L. Hatchell, 1102 Perry Brooks Building, Austin, Tex. 78701, attorney for applicants.

No. MC–FC–75139. By order of June 14, 1974, the Motor Carrier Board approved the transfer to R. G. Dudley, doing business as Mistletoe Transit Company, Lubbock, Tex., of that portion of the Certificates of Registration in Nos. MC–120309 (Sub-No. 1) and MC–120309 (Sub-No. 3) issued May 13, 1964, and September 4, 1973, respectively, to R. G. Dudley and C. C. Westfall, a partnership, doing business as Mistletoe Transit Company, Lubbock, Tex., evidencing a right to engage in transportation in interstate or foreign commerce corresponding to the following intrastate authority granted in certificate No. 3037 by the Railroad Commission of Texas: (1) Newspapers, moving picture films, (a) between Dallas and Dickens, without service to any intermediate point, and (b) between Fort Worth and Spur and thence to Lubbock, serving no intermediate points between Fort Worth and Spur, but serving Stamford and Girard for interlining purposes, and serving all intermediate points between Spur and Lubbock; motion picture films, equipment, advertising and supplies and newspapers, between Dallas and Fort Worth, on the one hand, and, on the other, Petersburg, Olton, Dimmitt, and Hereford; and magazines from Dallas to Lubbock, serving no intermediate point; (2) general commodities, to, from and between all points along the routes indicated hereafter, subject to the restriction that no service shall be provided in the transportation of packages or articles weighing in the aggregate more than 100 pounds from one consignor at one location to one consignee at one location on any one day, (a) U.S. Highway 80, Interstate 10, State Highways 114, 121, and 183 between Dallas and Fort Worth, thence over State Highway 99 and U.S. Highway 82 between Fort Worth and the intersection of U.S. Highway 82 with F. M. Road 143, east of Guthrie, without service to any intermediate point between Dallas and such intersection; (b) U.S. Highway 80, Interstate 10, U.S. Highway 180, State Highway 6, U.S. Highway 380 and State Highway 70 between Dallas and Spur, without service to any intermediate point except for the purpose of interlining with other carriers at Stamford and Girard; (c) State Highway 283 between Quanah and Crowell; (d) State Highway 70 between Spur and Turkey; (e) U.S. Highways 70 and 62 between Vernon and Earth; (f) U.S. Highways 82 and 62 between Dickens and Lubbock; (g) State Highway 86 between Turkey and Tulia; (h) U.S. Highway 87 between Lubbock and Amarillo; (i) U.S. Highway 385 between Springlake and Hereford; (j) U.S. Highway 62 between Floydada and Ralls; (k) F. M. Road 54 between its junction with U.S. Highway 62 and its junction with U.S. Highway 87; and (l) U.S. Highways 62 and 83 between Childress and Paducah, serving all intermediate points. Austin L. Hatchell, 1102 Perry Brooks Building, Austin, Tex. 78701, attorney for applicants.

No. MC–FC–75191. By order of June 18, 1974 the Motor Carrier Board approved the transfer to Frank Wolfe's Bonded Warehouse, Inc., Greenville, Tex., of Permit No. MC–136638 Sub 1 and Certifigate No. MC–104558 issued June 6, 1973, and June 18, 1973, respectively, to Mrs. Willie Harris Wolfe, doing business as Frank Wolfe's Bonded Warehouse, Greenville, Tex., authorizing the transportation of telephone equipment, materials, and supplies between Greenville, Tex., on the one hand, and, on the other, points in 11 named counties in Texas; and household goods from, to, and between points in named counties in Texas and points in Louisiana, Oklahoma, Arkansas, and Kansas, respectively. Paul D. Angenend, Esq., P.O. Box 2207, Austin, Tex. 76767.

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No. MC–FC–75198. By order entered June 18, 1974 the Motor Carrier Board approved the transfer to Louis Szepesi, doing business as Stratford Freight Company, Stratford, Conn., of that portion of the operating rights set forth in Certificate No. MC–66669, issued November 26, 1940, to Sofield Transfer Co., Inc., Newark, N.J., authorizing the transportation of general commodities, with the usual exceptions, between points in the New York, N.Y. Commercial Zone, as defined by the Commission in 1 M.C.C. 665, on the one hand, and, on the other, points in Fairfield County, Conn. Thomas W. Murrett, 342 N. Main St., P.O. Box 17067, West Hartford, Conn. 06117, attorney for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74–14514 Filed 6–24–74;8:45 am]

[Notice 4]

TEMPORARY AUTHORITY TERMINATION

The temporary authorities granted in the dockets listed below have expired as a result of final action either granting or denying the issuance of a Certificate or Permit in a corresponding application for permanent authority, on the date indicated below:

Temporary authority application	Final action or certificate or permit	Date of action
No. MC–110563 (Sub-No. 78)	No. MC–110563 (Sub-No. 75)	Mar. 22, 1974
No. MC–110563 (Sub-No. 78)	No. MC–110563 (Sub-No. 81)	Apr. 2, 1973
No. MC–112854 (Sub-No. 29)	No. MC–112854 (Sub-No. 29)	Aug. 1, 1973
No. MC–113024 (Sub-No. 98)	No. MC–113024 (Sub-No. 112)	Aug. 31, 1973
No. MC–113843 (Sub-No. 188)	No. MC–113843 (Sub-No. 179)	Aug. 13, 1973
No. MC–113855 (Sub-No. 259)	No. MC–113855 (Sub-No. 260)	Aug. 31, 1973
No. MC–114725 (Sub-No. 51)	No. MC–114725 (Sub-No. 53)	Do.
No. MC–115311 (Sub-No. 117)	No. MC–115311 (Sub-No. 130)	Aug. 20, 1973
No. MC–115667 (Sub-No. 6)	No. MC–115667 (Sub-No. 5)	May 10, 1974
No. MC–115814 (Sub-No. 8)	No. MC–115814 (Sub-No. 9)	Aug. 28, 1973
No. MC–116273 (Sub-No. 155)	No. MC–116273 (Sub-No. 157)	Aug. 16, 1973
No. MC–116273 (Sub-No. 159)	No. MC–116273 (Sub-No. 157)	Do.
No. MC–116273 (Sub-No. 161)	No. MC–116273 (Sub-No. 157)	Do.
No. MC–116632 (Sub-No. 14)	No. MC–116632 (Sub-No. 15)	Aug. 23, 1973
No. MC–116645 (Sub-No. 14)	No. MC–116645 (Sub-No. 15)	Aug. 25, 1973
No. MC–117639 (Sub-No. 5)	No. MC–117639 (Sub-No. 6)	Aug. 27, 1973
No. MC–117686 (Sub-No. 136)	No. MC–117686 (Sub-No. 137)	Aug. 31, 1973
No. MC–117765 (Sub-No. 125)	No. MC–117765 (Sub-No. 126)	Aug. 21, 1973
No. MC–117765 (Sub-No. 144)	No. MC–117765 (Sub-No. 123)	Aug. 14, 1973
No. MC–117883 (Sub-No. 165)	No. MC–117883 (Sub-No. 166)	Aug. 27, 1973
No. MC–118270 (Sub-No. 6)	No. MC–118270 (Sub-No. 7)	Aug. 28, 1973
No. MC–119435 (Sub-No. 2)	No. MC–119435 (Sub-No. 3)	Aug. 23, 1973
No. MC–135212 (Sub-No. 1)	No. MC–135212 (Sub-No. 2)	Jan. 23, 1974
No. MC–138409 (Sub-No. 1)	No. MC–138409 (Sub-No. 2)	Mar. 8, 1974

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74–14515 Filed 6–24–74;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

JUNE 20, 1974.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's *Gateway Elimination* Rules (49 CFR 1065(a)), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before July 5, 1974. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will *not* operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC–1380 (Sub-No. E1), filed May 13, 1974. Applicant: COLONIAL MOTOR FREIGHT LINE, INC., P.O. Box 5468, High Point, N.C. 27262. Applicant's representative: Max H. Towery (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious to or contaminating to other lading), between points in that part of Virginia bounded by a line beginning at the North Carolina-Virginia State line, thence along U.S. Highway 21 to Wytheville, thence along U.S. Highway 11 to the North Carolina-Virginia State line at Bristol, on the one hand, and, on the other, points in that part of North Carolina east of a line formed by a circle of 150 miles radius having Charlotte, N.C., as its center, between the junction of U.S. Highway 15 and the North Carolina-Virginia State line on the north, and Little River Inlet on or south. The purpose of this filing is to eliminate the gateways of Raleigh and Charlotte, N.C.

No. MC–1380 (Sub-No. E2), filed May 13, 1974. Applicant: COLONIAL MOTOR FREIGHT LINE, INC., P.O. Box 5468, High Point, N.C. 27262. Applicant's representative: Max H. Towery (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious to or contaminating to other lading), between Charlotte, N.C., on the one hand, and, on the other, points in that part of North Carolina in and east of Vance, Warren, Nash, Wilson, Wayne, Dupin, and Onslow Counties. The purpose of this filing is to eliminate the gateway of Raleigh, N.C.

No. MC–8768 (Sub-No. E1), filed May 8, 1974. Applicant: SECURITY VAN LINES, INC., P.O. Box 830–100 West Airline Hwy., Kenner, Louisiana 70062. Applicant's representative: Donald Goldwasser (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Proposal (1): *Household goods*, as defined by the Commission, (a) between points in California, on the one hand, and, on the other, points in Maine, New Hampshire, Massachusetts, Connecticut, and Rhode Island, (b) between points in Oregon, on the one hand, and on the other, points in Rhode Island, Connecticut, and Massachusetts. The purpose of this filing is to eliminate the gateway points in Georgia. Proposal (2): *Household goods*, as defined by the Commission, between points in New Mexico, on the one hand, and, on the other, points in New York, Georgia, and Louisiana, and the District of Columbia. The purpose of this filing is to eliminate the gateway of Electra, Texas. Proposal (3): *Household goods*, as defined by the Commission, between points in Louisiana, on the one hand, and, on the other, points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island and Vermont. The purpose of this filing is to eliminate the gateway points in New York. Proposal (4): *Household goods*, as defined by the Commission, between points in Alabama, Mississippi, and Texas, on the one hand, and, on the other, points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont. The purpose of this filing is to eliminate the gateway points in New York. Proposal (5): *Household goods*, as defined by the Commission, between points in Arizona, on the one hand, and, on the other, points in Massachusetts. The purpose of this filing is to eliminate the gateway points in Georgia.

No. MC–25798 (Sub-No. E5), (CORRECTION), filed April 15, 1974, published in the FEDERAL REGISTER May 16, 1974. Applicant: CLAY HYDER TRUCKING LINES, INC., P.O. Box 1186, Auburndale, Fla. 33823. Applicant's representative: Tony G. Russell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen food products* in containers, in vehicles, equipped for temperature control, from Charleston, S.C., to points in Tennessee, Rhode Island, Massachusetts, Pennsylvania, on and west of a line beginning at the intersection of the Pennsylvania-Maryland State line and U.S. Highway 15, thence

along U.S. Highway 15 to its intersection with U.S. Highway 11, thence north on U.S. Highway 11 to its intersection with Interstate Highway 80, thence along Interstate Hightway 80 to its intersection with Interstate Highway 81, thence north on Interstate Highway 81 to the Pennsylvania-NewYork State line; New York on, west, and north of a line beginning at the New York-New Jersey State line and U.S. Highway 209, thence along U.S. Highway 209 to its intersection with Interstate Highway 87, thence north on Interstate Highway 87 to its intersection with Interstate Highway 90, thence east on Interstate Highway 90 to the New York-Massachusetts State line; Connecticut on and east of a line beginning at the Atlantic Ocean and Connecticut Highway 85 thence along Connecticut Highway 85 to its intersection with Connecticut Highway 2, thence north on Connecticut Highway 2 to its intersection with Connecticut Highway 3, thence along Connecticut Highway 3 to its intersection with Interstate Highway 91, thence north on Interstate Highway 91 to the Connecticut-Massachusetts State line. The purpose of this filing is to eliminate the gateway of Hendersonville, N.C. The purpose of this correction is to clarify the destination territory of Pennsylvania.

No. MC–25798 (Sub-No. E11), (CORRECTION) filed April 18, 1974, published in the FEDERAL REGISTER May 17, 1974. Applicant: CLAY HYDER TRUCKING LINE, INC., P.O. Box 1186, Auburndale, Fla. 33823. Applicant's representative: Tony G. Russell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen vegetables*, from points in Michigan, Minnesota, Ohio, West Virginia, Wisconsin, Kentucky (when from points in Kentucky west of a line beginning at the Kentucky-Tennessee State line and Kentucky Highway 61 to Elizabethtown, thence north along U.S. Highway 31W to its intersection with U.S. Highway 60, thence west on U.S. Highway 60 to its intersection with Kentucky Highway 79, thence north on Kentucky Highway 79 to the Kentucky-Indiana State line to points in Florida east and southeast of the eastern boundary of Jefferson County), Illinois (when from points in Illinois southeast of a line beginning at the Illinois-Indiana State line to its intersection with U.S. Highway 40, thence west on U.S. Highway 40 to the Illinois-Missouri State line to points in Florida east and southeast of the eastern boundary of Jefferson County), Indiana (when from points in Posey, Vanderburg, Warrick, Spencer, Perry, Dubuis, Gibson, and Pike Counties to points in Florida east and southeast of the eastern boundary of Jefferson County), to points in Florida. The purpose of this filing is to eliminate the gateway of Hendersonville, N.C. The purpose of this correction is to correctly describe the origin and destination territories involved herein.

No. MC–25798 (Sub-No. E15), (CORRECTION), filed April 28, 1974, published in the FEDERAL REGISTER May 9, 1974. Applicant: CLAY HYDER TRUCKING LINES, INC., P.O. Box 1186, Auburndale, Fla. 33823. Applicant's representative: Tony G. Russell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen vegetables*, from points in Florida to points in Michigan, Minnesota, Ohio, West Virginia, Wisconsin, Illinois (when from points in Florida west of the eastern boundary of Jefferson County, and destined to points in Illinois, applicable only to points in Illinois on and north of U.S. Highway 460 beginning at the Illinois-Indiana State line to its intersection with U.S. Highway 40, thence west on U.S. Highway 40 to the Illinois-Missouri State line), Indiana (when from points in Florida west of the eastern boundary of Jefferson County and destined to points in Indiana, not applicable to points in Posey, Vanderburgh, Warrick, Spencer, Perry, Dubois, Gibson and Pike Counties), Kentucky (when from points in Florida west of the eastern boundary of Jefferson County and destined to points in Kentucky, applicable only to points east of Kentucky Highway 61, beginning at the Kentucky-Tennessee State line to Elizabethtown, thence north along U.S. Highway 31W to its intersection with U.S. Highway 60, thence west on U.S. Highway 60 to its intersection with Kentucky Highway 79, thence north on Kentucky Highway 79 to the Kentucky-Indiana State line). The purpose of this filing is to eliminate the gateway of Hendersonville, N.C. The purpose of this correction is to correctly describe the origin and destination territories of Illinois, Indiana, and Kentucky.

No. MC–25798 (Sub-No. E16), (CORRECTION), filed April 28, 1974, published in the FEDERAL REGISTER May 14, 1974. Applicant: CLAY HYDER TRUCKING LINES, INC., P.O. Box 1186, Auburndale, Fla. 33823. Applicant's representative: Tony G. Russell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen vegetables* in containers, from points in Florida to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, District of Columbia, Tennessee on and east of U.S. Highway 411 beginning at the Tennessee-Georgia State line to its intersection with U.S. Highway 129, thence north on U.S. Highway 129 to Knoxville, Tenn., thence north on Interstate Highway 75 to the Tennessee-Kentucky State line, Virginia (when from points in Florida east of U.S. Highway 441 and north of Florida Highway 50, beginning at the Florida-Georgia State line on U.S. Highway 441 and south to Orlando, thence east on Florida Highway 50 to the Atlantic Ocean not applicable to points in Virginia east of Interstate Highway 95). The purpose of this filing is to eliminate the gateway of Hendersonville, N.C. The purpose of this correction is to correctly describe the destination territory of Virginia.

No. MC–25798 (Sub-No. E22), filed May 2, 1974. Applicant: CLAY HYDER TRUCKING LINES, INC., P.O. Box 1186, Auburndale, Fla., 33823. Applicant's representative: Tony G. Russell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meats and frozen meat products*, in containers, in vehicles equipped for temperature control, (1) from points in Texas on, south, and west of U.S. Highway 10 beginning at the Texas-Louisiana State line to its intersection with U.S. Highway 290, thence west on U.S. Highway 290, to its intersection with U.S. Highway 87, thence along U.S. Highway 87, to its intersection with U.S. Highway 287, thence along U.S. Highway 287 to the Texas-Oklahoma State line, to points in Tennessee on and east of Interstate Highway 75 beginning at the Tennessee-Kentucky State line to its intersection with U.S. Highway 129, thence along U.S. Highway 129 to the Tennessee-North Carolina State line. The purpose of this filing is to eliminate the gateway of Hendersonville, N.C.

No. MC–25798 (Sub-No. E31), filed May 30, 1974. Applicant: CLAY HYDER TRUCKING LINES, INC., P.O. Box 1186, Auburndale, Fla., 33823. Applicant's representative: Tony G. Russell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chocolate, chocolate syrup, cocoa and chocolate coating compounds* from Jersey City, N.J., to points in Colorado, Kansas, Nebraska; points in North Dakota on and west of U.S. Highway 281; South Dakota, on, south, and west of U.S. Highway 14, beginning at the South Dakota-Minnesota State line, and west along U.S. Highway 14 to its intersection with U.S. Highway 81; thence along U.S. Highway 81, to the South Dakota-North Dakota State line, and to points in Iowa on, south, and west of Iowa Highway 15 beginning at the Iowa-Missouri State line to Iowa Highway 2; thence along Iowa Highway 2 to U.S. Highway 63; thence along U.S. Highway 63, to Iowa Highway 163; thence along Iowa Highway 163 to Interstate 80; thence along Interstate 80 to U.S. Highway 169; thence along U.S. Highway 169 to U.S. Highway 30; thence along U.S. Highway 30 to U.S. Highway 59; thence along U.S. Highway 59 to Iowa Highway 3; thence along Iowa Highway 3 to U.S. Highway 59; thence along U.S. Highway 59 to the Iowa-Minnesota State line. The purpose of this filing is to eliminate the gateway of California, Mo.

No. MC–25798 (Sub-No. E32), filed May 30, 1974. Applicant: CLAY HYDER TRUCKING LINES, INC., P.O. Box 1186, Auburndale, Fla. 33823. Applicant's representative: Tony G. Russell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over

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irregular routes, transporting: *Frozen meat products*, in containers, in vehicles equipped for temperature control, from the plantsites and warehouses of Sterling Colorado Beef Packers at or near Sterling, Colo. and the plantsites and warehouses of American Beef Packers, Inc., at or near Fort Morgan, Colo., to the District of Columbia and points in Virginia on and east of U.S. Highway 19, and on and south of U.S. Highway 50; Delaware on and south of Delaware Highway 8, and points in Maryland on and south of U.S. Highway 1 beginning at Washington, D.C.; thence along U.S. Highway 1 to Maryland Highway 2; thence along Maryland Highway 2, to U.S. Highway 301; thence along U.S. Highway 301 to Maryland Highway 300; thence along Maryland Highway 300 to the Maryland-Delaware State line. The purpose of this filing is to eliminate the gateway of Hendersonville, N.C.

No. MC–26739 (Sub-No. E1), filed May 10, 1974. Applicant: CROUCH BROTHERS, INC., P.O. Box 1059, St. Joseph, Missouri 64502. Applicant's representative: Sheldon Silverman, Suite 550, 1819 H Street, NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requring special equipment, and those injurious or contaminating to other lading), (A) (1) between points in Scott, Muscatine, Washington, Louisa, Des Moines, Lee, Henry, Jefferson, Van Buren, Wapello, Davis, Appanoose, Wayne, Decatur, Ringgold, and Taylor Counties, Iowa, on the one hand, and, on the other, points in, west, and south of Valentine, Blaine, Loup, Valley, Greely, Nance, Merrick, Polk, Seward, Lancaster, Otoe, Nemaha, and Richardson Counties, Nebr.; (2) between points in, south, and east of Allamakee, Fayette, Bremer, Black Hawk, Brundy, Marshall, Story, Dallas, Adair, Adams, and Taylor Counties Iowa, on the one hand, and, on the other, points located in and south of Scotts Bluff, Morrill, Garden, Arthur, McPherson, Logan, Lincoln, Dawson, Buffalo, Hall, Hamilton, York, Seward, Lancaster and Otoe Counties Nebr.; (3) between points located in and south of Dubuque, Delaware, Linn, Benton, Poweshiek, Jasper, Polk, Warren, Madison, Adair Adams, and Taylor Counties, Iowa, on the one hand, and, on the other, points in and south of Sioux, Dawes, Box Butte, Morrill, Garden, Grant, Arthur, McPherson, Logan, Custer, Sherman, Howard, Hall, Hamilton, York, Seward, Lancaster, and Otoe Counties, Nebr.; (4) between points in and south of Louisa, Washington, Keokuk, Mahaska, Monroe, Wayne, Decatur, and Ringgold Counties, Iowa, on the one hand, and, on the other, points in Nebraska; and (5) between points in and east of Kossuth, Humbolt, Webster, Calhoun, Greene, Guthrie, Adair, Adams, and Taylor Counties, Iowa, on the one hand, and, on the other, points in Scottsbluff, Kimball, Cheyenne, Deuel, Keith, Perkins, Chase, Dundy, Hayes, Hitchcock, Red Willow, Furnas, Harlan, Franklin, Webster, Nuckolls, Thayer Jefferson, Gage, Johnson, Nemaha, Pawnee, and Richardson Counties, Nebr.; (Pickering, Mo.) *;

(B) (1) Between points in and east of Rossuth, Humbolt, Webster, Calhoun, Greene, Guthrie, Cass, Montgomery, and Fremont Counties, Iowa, on the one hand, and, on the other, points in Kansas, and (2) between points in and east of Seaward, Meade, Clark, Comanche, Barber, Harper, Sumner, Sedgwick, Butler, Chase, Lyon, Osage, Shawnee, Jackson, and Brown Counties, Kansas, on the one hand, and, on the other, points in Iowa (Maryville Junction, Mo.) *; (C) (1) between points in Douglas, Wyandotte, Johnson, Franklin, Miami, Anderson, Linn, Allen, Bourbon, Neosho, Crawford, Labette and Cherokee Counties, Kansas, on the one hand, and, on the other, points in Nebraska; (2) between points in Stevens, Seward, Meade, Clark, Kiowa, and Comanche Counties, Kansas, on the one hand, and, on the other, points in Burt, Washington, Douglas, and Sarpy Counties, Nebr., and (3) between points in Woodson, Wilson, Montgomery, and Chautauqua Counties, Kansas, on the one hand, and, on the other, points in and north of Perkins, Lincoln, Custer, Sherman, Howard, Nance, Boone, Madison, Stanton, Cuming, and Burt Counties, Nebr.; (Maryville, Junction, Mo.) *; (D) bewteen points in and west of Brown, Nemaha, Marshall, Washington, Clay, Dickerson, Marion, Harvey, Sedgwick, and Sumner Counties, Kansas, on the one hand, and, on the other, points in and north of Pike, Scott, Morgan, Sangamon, Christian, Macon, Moultrie, Coles, and Edgar Counties, Ill., (2) between points in and west of Brown, Nemaha, Marshall, Washington, Republic, Cloud, Mitchell, Osborne, Ellis, Rush, Ness, Hodgeman, Ford, and Meade Counties, Kansas, on the one hand, and, on the other, points in Illinois, and (3) between points in and north of Hancock, McDonough, Fulton, Mason, Tazewell, McLean, Champaign, and Vermilion Counties, Ill., on the one hand, and, on the other, points in Kansas, restricted in (D) (1), (2) and (3) against service at Springfield, Ill. (Maryville Junction, Mo.) *;

(E) (1) Between points, in and west of Washington, Cloud, Mitchell, Osborne, Ellis, News, Hodgeman, Ford, and Clark Counties, Kansas, on the one hand, and, on the other, points in and north of Buchanan, Clinton, Caldwell, Livingston, Linn, Macon, Monroe, Audrain, Montgomery, Warren, St. Charles and St. Louis Counties, Mo., (2) between points in Smith, Phillips, Norton, Decatur, Rawlins, Thomas, Sherman, and Cheyenne Counties, Kansas, on the one hand, and, on the other, points in Missouri, and (3) between points in and west of Doniphan, Atchison, Jackson, Pottawatomie, Wabaunsee, Lyon, Greenwood, Elk, and Cowley Counties, Kansas, on the one hand, and, on the other, points in and North of Nodaway, Gentry, Harrison, Grundy, Linn, Macon, Shelby, and Marion Counties, Mo. (Maryville Junction, Mo.); (F) (1) between points, in, west, and south of Mercer, Henry, Bureau La Salle, Kendall, Du Page, and Cook Counties, Ill., on the one hand, and, on the other, points in and west of Cherry, Brown, Loup, Garfield, Greeley, Nance, Merrick, Polk, Butler, Saunders and Douglas Counties, Nebr., (2) between points in and south of Henderson, Warren, Knox, Stark, Marshall, Putnam, Woodford, Livingston, and Kankakee Counties, Ill., on the one hand, and, on the other, points in Nebraska, and (3) between points in, south, and west of Dawes, Box Butte, Morrill, Garden, Grant, Hooker, Thomas, Custer, Sherman, Howard, Merrick, Hamilton, York, Seward, Lancaster, Otoe, Nemaha, and Richardson Counties, Nebr., on the one hand, and, on the other, points in Illinois, restricted in (F), (1), (2), and (3) against service at Springfield, Ill., (Pickering, Mo.) *:

(G) (1) Between points in and south of Calhoun, Greene, Macoupin, Montgomery, Shelby, Moultrie, Piatt, Champaign, and Vermilion Counties, Ill., on the one hand, and, on the other (a) points in Woodbury, Monona, Harrison, Shelby, Pottawattamie, Cass, Adair, Mills, Montgomery, Adams, Union, Fremont, Page, Taylor, and Ringgold Counties, Iowa, and (b) points in Atchison, Nodaway, Worth, Gentry, Andrew, and Holt Counties, Mo., (2) between points in and south of Randolph, Washington, Clinton, Fayette, Effingham, Cumberland, Coles, Douglas, Champaign, and Vermilion Counties, Ill., on the one hand, and, on the other (a) points in Atchison, Holt, Andrew, Nodaway, Gentry, and Worth Counties, Mo., and (b) points in and south of Woodbury, Monona, Shelby, Cass, Adams, Union and Ringgold Counties, Iowa, (3) between points in Montgomery, Shelby, Christian, Sangamon, Morgan, Scott, Cass, and Menard Counties, Ill., on the one hand, and, on the other, (a) points in Atchinson, Holt, and Nodaway Counties, Mo., and (b) points in and south of Pottawattamie, Cass, Adams, and Taylor Counties, Iowa, (4) between points in Kandakee, Iroquis, Vermilion, Champaign, Piatt, Ford, De Witt, McLean, Livingston, Woodford, Tazewell, and Peoria Counties, Ill., on the one hand, and, on the other (a) points in Atchison, Nodaway, Worth, Harrison, Gentry, De Kalb, Andrew, Holt, Buchanan, Clinton, Clay, and Platte Counties, Mo., and (b) points in Pottawattamie, Mills, Montgomery, Adams, Fremont, Page and Taylor Counties, Iowa, (5) between points in Lake, McHenry, De Kalb, Kane, Du Page, Cook, Will, Kendall, Grundy, and La Salle Counties, Ill., on the one hand, and, on the other (a) points in Mills, Montgomery, Fremont, Page, and Taylor Counties, Iowa, and (b) points in west, and north of Harrison, Daviess, Caldwell, Clinton, Clay, and Platte Counties, Mo., and (6) between points in Boone, De Kalb, Lee, Oele, Winnebago, Stephenson, Jo Daviess, Carroll, and Whiteside Counties, Ill., on the one hand, and, on the other, (a) points in Mills, Montgomery, Fremont, Page, and Taylor Counties, Iowa, and (b) points located in Atchison, Holt, Nodaway, Andrew, De Kalb, Caldwell, Clinton, Buchanan, Platte, Clay, and Jackson Counties, Mo., restricted in (G) (1) through (6) against service at Springfield, Ill., (Maryville Junction, Mo.) *; and (H) between St. Paul, Minn., on the one hand, and, on the other, points in Otoe, Johnson, Nemaha, Pawnee and Richardson Counties, Nebr., Fremont, Page, and Taylor Counties, Iowa; points in that part of Missouri in and west of Worth, Gentry, Daviess,, Livingston, Carroll, Saline, Pettis, Morgan, Camden, Laclede, Texas, Howell, and Oregon Counties, and all points in Kansas (Estherville, Iowa, and Maryville Junction and Pickering, Mo.) *. The carrier shall not pursuant to any irregular route authority contained herein transport shipments moving between any points authorized in No. MC–26739 (Sub-No. E64 paragraph (B)) to be served by it in regular-route operations. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC–61592 (Sub-No. E8), filed June 3, 1974. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 697, Jeffersonville, Indiana 47130. Applicant's representative: Bob Jenkins (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements* and *parts* and *attachments* thereto (except those commodities the transportation of which because of size or weight require the use of special equipment and farm tractors), from the plant site of Midland Manufacturing Company, Inc., at or near Electric Mills, Miss., to points in Montana and Washington. The purpose of this filing is to eliminate the gateways of Memphis, Tenn. and Port Washington, Wis.

No. MC–64932 (Sub-No. E8), filed May 10, 1974. Applicant: ROGERS CARTAGE CO., 10735 So. Cicero Avenue, Oak Lawn, Ill. 60453. Applicant's representative: W. F. Farrell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Peoria, Ill., to points in California. The purpose of this filing is to eliminate the gateway of the plantsite of Baird Chemical Industries, Inc., at or near Mapleton, Ill.

No. MC–64932 (Sub-No. E9), filed May 10, 1974. Applicant: ROGERS CARTAGE, CO., 10735 So. Cicero Avenue, Oak Lawn, Ill. 60453. Applicant's representative: W. F. Farrell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from St. Louis, Mo., to points in California. The purpose of this filing is to eliminate the gateway of the plantsite of Baird Chemical Industries, Inc., at or near Mapleton, Ill.

No. MC–64932 (Sub-No. E10), filed May 10, 1974. Applicant: ROGERS CARTAGE CO., 10735 So. Cicero Avenue, Oak Lawn, Ill. 60453. Applicant's representative: W. F. Farrell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank and hopper vehicles from points in the Chicago, Ill., Commercial Zone, as defined by the Commission, to points in Alabama, Kansas, Nebraska, North Carolina, Oklahoma, and Texas. The purpose of this filing is to eliminate the gateway of Chicago Heights, Ill.

No. MC–64932 (Sub-No. E11), filed May 10, 1974. Applicant: ROGERS CARTAGE CO., 10735 So. Cicero Avenue, Oak Lawn, Ill. 60453. Applicant's representative: W. F. Farrell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank and hopper vehicles, from Cleveland, Ohio to points in Kansas, Nebraska, Oklahoma, and Texas. The purpose of this filing is to eliminate the gateway of Chicago Heights, Ill.

No. MC–64932 (Sub-No. E12), filed May 10, 1974. Applicant: ROGERS CARTAGE CO., 10735 So. Cicero Avenue, Oak Lawn, Ill. 60453. Applicant's representative: W. F. Farrell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank and hopper vehicles, from Louisville, Ky., to points in Nebraska. The purpose of this filing is to eliminate the gateway of Chicago Heights, Ill.

No. MC–64932 (Sub-No. E13), filed May 10, 1974. Applicant: ROGERS CARTAGE CO., 10735 So. Cicero Avenue, Oak Lawn, Ill. 60453. Applicant's representative: W. F. Farrell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank and hopper vehicles, from Detroit, Mich., to points in Nebraska, Oklahoma and Texas. The purpose of this filing is to eliminate the gateway of Chicago Heights, Ill.

No. MC–64932 (Sub-No. E14), filed May 10, 1974. Applicant: ROGERS CARTAGE CO., 10735 So. Cicero Avenue, Oak Lawn, Ill. 60453. Applicant's representative: W. F. Farrell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, from Peoria, Ill., to points in Nebraska. The purpose of this filing is to eliminate the gateway of Pike County, Mo.

No. MC–64932 (Sub-No. E15), filed May 10, 1974. Applicant: ROGERS CARTAGE CO., 10735 So. Cicero Avenue, Oak Lawn, Ill. 60453. Applicant's representative: W. F. Farrell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from St. Louis, Mo., to points in Nebraska. The purpose of this filing is to eliminate the gateway of Pike County, Mo.

No. MC–73165 (Sub-No. E13), filed May 14, 1974. Applicant: EAGLE MOTOR LINES INCORPORATED, P.O. Box 11086, Birmingham, Ala. 35202. Applicant's representative: Carl U. Hurst (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cotton gin machinery and cotton gin machinery parts* (except those requiring special equipment), from points in Georgia, and points in Tennessee on and east of U.S. Highway 231, to points in Texas. The purpose of this filing is to eliminate the gateway of Birmingham, Ala.

No. MC–73165 (Sub-No. E15), filed May 14, 1974. Applicant: EAGLE MOTOR LINES INCORPORATED, P.O. Box 11086, Birmingham, Ala. 35202. Applicant's representative: Carl U. Hurst (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fibre pipe and fibre pipe fittings, iron and steel, and iron and steel articles* (except those requiring special equipment) and restricted against the transportation of commodities used in or in connection with the discovery, development, production, refining, manufacturing, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, (1) points in Georgia to points in Arkansas and Oklahoma, (2) points in Tennessee on and east of Interstate Highway 75 to points in Arkansas on and south of Interstate Highway 40, and points in Oklahoma. The purpose of this filing is to eliminate the gateway of Birmingham, Ala.

No. MC–83539 (Sub-No. E1) (CORRECTION), filed May 3, 1974, published in the FEDERAL REGISTER May 31, 1974. Applicant: C & H TRANSPORTATION CO., INC., 2010 W. Commerce St., P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Kenneth Weeks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Machinery, equipment, materials*, and *supplies*, used in, or in connection with (1) the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, or (2) the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, restricted in (2) above to pipelines used for the transmission of natural gas and petroleum and their products and by-products, and further restricted against the stringing or picking up of pipe in connection with main or trunk pipelines; (B) *Commodities* other than those specified in (A) above, the transportation of which because of size or weight, requires the use of special equipment, and *parts* thereof; and (C) *Self-propelled articles*, each weighing 15,000 pounds or more, and *related ma-*

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chinery, tools, parts and supplies, moving in connection therewith, restricted to commodities which are transported on trailers, between points in Alaska, on the one hand, and, on the other, points in Alabama (point in Kansas*), Florida, Georgia (points in Kansas, Arkansas or Texas*), Mississippi (points in Arkansas*), North Carolina, and Tennessee (points in Kansas or Arkansas*); (D) (1) *Commodities*, the transportation of which, because of size or weight, requires the use of special equipment, and (2) *related machinery parts*, and *related contractor's materials and supplies* when their transportation is incidental to the transportation of those commodities specified in (D)(1) above, restricted against the transportation of those commodities specified in A (1) and (2) above, and those commodities specified in (C) above, between points in Alaska, on the one hand, and, on the other, points in California (points in Oregon*);

(E) *Commodities*, the transportation of which, because of size or weight, requires the use of special equipment, and those commodities specified in (C) above between points in Alaska, on the one hand, and, on the other, points in Connecticut, Deleware, Massachusetts, Rhode Island, and the District of Columbia (Philadelphia, Pa.*); (F) Those *commodities* specified in (C) and (E) above, and *related machinery parts, and related contractor's materials and supplies*, when their transportation is incidental to the transportation of those commodities specified in (E) above, between points in Alaska, on the one hand, and, on the other, points in Maryland (points in Pennsylvania*), and Idaho (those points in Montana west of a line extending north and south through Dupuyer and Butte, Mont.*); (G) *Heavy machinery, heavy machinery parts, and commodities other than heavy machinery*, the transportation of which, because of size or weight, requires the use of special equipment, and *parts* of such commodities when moving in connection therewith and those commodities specified in (C) above, between points in Alaska, on the one hand, and, on the other, points in Indiana and Kentucky (points in Illinois*); (H) Those *commodities* specified in (C) and (F) above (except aircraft and missiles, and parts thereof), between points in Alaska, on the one hand, and, on the other, points in South Carolina (points in Kansas or Arkansas, and points in North Carolina or Georgia*); (I) *Machinery*, the transportation of which, because of size or weight, requires the use of special equipment, and those commodities specified in (C) above between points in Alaska, on the one hand, and, on the other, points in Vermont (points in New York within 50 miles of East Port Chester, Conn., and East Port Chester, Conn., and Worcester, Mass.*); and (J) Those *commodities* specified in (C) and (F) above, between points in Alaska, on the one hand, and, on the other, points in Virginia and West Virginia (points in Kansas and points within a 50-mle radius of Nashville, Tenn.*). The purpose of this filing is to eliminate those gateways in parenthesis indicated by asterisks above. The purpose of this correction is to set forth the commodity listed in (C) above.

No. MC–88368 (Sub-No. E1), filed May 15, 1974. Applicant: CARTWRIGHT VAN LINES, INC., 1109 Cartwright Ave., Grandview, Mo. 64030. Applicant's representative: Theodore Polydoroff, Suite 600, 1250 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* (1) from points in Alabama to points in Colorado (points in Mississippi and Kansas)*, Connecticut (Harlan, Ky., points in Jefferson County, Ohio, and Philadelphia, Pa.)*, Idaho (points in Mississippi, Kansas, Colorado, Butte, Mont., and points within 125 miles thereof)*, Illinois (points in Mississippi and Missouri)*, Iowa (points in Alabama, Mississippi, and Missouri)*, Kansas (points in Mississippi)*, Maine (points in Harlan County, Ky., Jefferson County, Ohio, and Philadelphia, Pa.)*, Montana (points in Mississippi, Kansas, and Colorado)*, Michigan (points in Harlan County, Ky.)*, Nebraska (points in Mississippi, Kansas, and Missouri)*, New Hampshire (points in Harlan County, Ky., Jefferson County, Ohio, and Philadelphia, Pa.)*, New Jersey (points in Harlan County, Ky., Jefferson County, Ohio, and Philadelphia, Pa.)*, New Mexico (points in Arkansas and Canadian County, Okla.)*, New York (points in Harlan County, Ky., Jefferson County, Ohio, and Philadelphia, Pa.)*, Ohio (points in Harlan County, Ky.)*, Oklahoma (points in Arkansas, Mississippi, and Missouri)*, Oregon (points in Mississippi, Kansas, and Colorado)*, Pennsylvania (points in Harlan County, Ky., and Jefferson County, Ohio)*, Rhode Island (points in Harlan County, Ky., Jefferson County, Ohio, Philadelphia, Pa., Boston, Mass., and points within 25 miles thereof)*, South Dakota (points in Mississippi, Missouri, Harlan, Ky., and points with 15 miles of Harlan)*, Utah (points in Mississippi, Kansas, Colorado, and Montana)*, Vermont (points in Harlan County, Ky., Jefferson County, Ohio, Philadelphia, Pa., Boston, Mass., and points within 25 miles thereof)*, Virginia (points in Harlan County, Ky.)*, Washington (points in Mississippi, Kansas, and Colorado)*, West Virginia (points in Harlan County, Ky.)*, Wisconsin (points in Mississippi, Missouri, and Bloomington, Ill., and points within 25 miles thereof)*, Wyoming (points in Mississippi, Newton, Kans., and points within 15 miles thereof, and points in Kimball, Banner, and Cheyenne Counties, Nebr.)*, and points in Tennessee in and west of Macon, Trousdale, Wilson, Rutherford, Bedford, Moore, and Lincoln Counties, Tenn. (points in Alabama)*;

(2) From points in Montgomery, Lee, Russell, Bullock, Barbour, Crenshaw, Pike, Covington, Coffee, Butler, Geneva, Dale, Houston, Henry, Macon, Lauderdale, Colbert, Jackson, and Dekalb Counties, Ala., to points in Arkansas on and north of U.S. Highway 64 (Florence, Sheffield, and Tuscumbia, Ala., and points in Missouri, and Mississippi)*; (3) from points in Mobile, Baldwin, Washington, Escambia, Conecuh, Monroe, Clark, Choctow, Wilson, and Sumter Counties, Ala., to points in Mississippi County, Ark. (Florence, Sheffield, and Tuscumbia, Ala., and points in Mississippi and Missouri)*; (4) from points in Alabama on and north of U.S. Highway 78 to points in California on and north of Interstate Highway 80 (points in Mississippi, Kansas, Colorado, and Washington)*; (5) from points in and south of Pickens, Tuscaloosa, Bibb, Chilton, Coosa, Tallapoosa Counties, Ala., within 100 miles of Birmingham, Ala., not including Montgomery, Ala., to points in Berkeley, Dorchester, Colleton, Hampton, Jasper, Beaufort, and Charleston Counties, S.C. (Valdosta, Ga.)*; (6) from points in Madison, Jackson, Marshall, Morgan, and Limestone Counties, Ala., to points in McLennan, Falls, Coryell, Limestone, Bosque, Hamilton, and Burnett Counties, Tex. (points in Mississippi, Missouri, and Oklahoma)*. The purpose of this filing is to eliminate the gateways marked with asterisks above.

No. MC–95540 (Sub-No. E70), filed April 18, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from Jacksonville, Fla., to points in Ohio. The purpose of this filing is to eliminate the gateway of Tifton, Ga.

No. MC–95540 (Sub-No. E92), filed April 19, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in California on and south of a line beginning at San Francisco, and extending along Interstate Highway 80 to Sacramento, thence along U.S. Highway 50 to the California-Nevada State line, to points in Massachusetts on and east of U.S. Highway 5. The purpose of this filing is to eliminate the gateway of Tifton, Ga.

No. MC–95540 (Sub-No. E102), filed April 19, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from points in California on, west, and south of a line beginning at Eureka and proceeding along U.S. Highway 101 to Santa Rosa, thence along California Highway 12 to Glen Ellen, thence along an unnumbered highway to Oakville, thence along California Highway 29 to Rutherford, thence along California Highway 128 to its junction with Interstate Highway 80, thence along Interstate Highway 80 to its junction with California Highway 16, thence along California Highway 16 to its junction with California Highway 49, thence along California Highway 49 to its junction with California Highway 120, thence along California Highway 120 to its junction with U.S. Highway 395, thence along U.S. Highway 395 to its junction with California Highway 168, thence along California Highway 168 to the California-Nevada State line, to points in Connecticut. The purpose of this filing is to eliminate the gateway of Tifton, Ga.

No. MC–95540 (Sub-No. E318), filed May 15, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd., NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in California, to points in Virginia (except Richmond and Norfolk). The purpose of this filing is to eliminate the gateway of Florence, Ala.

No. MC–95540 (Sub-No. E320), filed May 15, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd., NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, and frozen vegetables*, from points in Pennsylvania, to points in Arkansas. The purpose of this filing is to eliminate the gateway of Florence, Ala.

No. MC–95540 (Sub-No. E321), filed May 15, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd., NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen nutria meat*, from points in Louisiana on and east of a line beginning at the Arkansas-Louisiana State line and extending along Louisiana Highway 275 to Oakland; thence along Louisiana Highway 549 to its junction with Louisiana Highway 2; thence along Louisiana Highway 2 to its junction with Louisiana Highway 143; thence along Louisiana Highway 143 to its junction with U.S. Highway 80; thence along U.S. Highway 80 to Monroe; thence along U.S. Highway 165 to its junction with Louisiana Highway 559; thence along Louisiana Highway 559 to its junction with Louisiana Highway 124; thence along Louisiana Highway 124 to Jonesville; thence along the Black River to the confluence of the Atchafalaya and Black Rivers, thence along the Atchafalaya River to Simmesport, thence along Louisiana Highway 105 to Krotz Springs; thence along the Atchafalaya River to Grand Lake; thence along the eastern banks of the Grand Lake to Atchafalaya Bay, to Denver, Colo. The purpose of this filing is to eliminate the gateway of Omaha, Nebr.

No. MC–95540 (Sub-No. E322), filed May 15, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212 5299 Roswell Rd., NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Tifton, Ga., to points in Montana. The purpose of this filing is to eliminate the gateway of points in Tennessee (except Memphis, Tenn., and points in the commercial zone thereof).

No. MC–95540 (Sub-No. E323), filed May 15, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Tifton, Ga., to points in Oregon. The purpose of this filing is to eliminate the gateway of points in Tennessee (except Memphis, Tenn., and points in the commercial zone thereof).

No. MC–955040 (Sub-No. E326), filed May 13, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* (except in bulk, in tank vehicles), from Buffalo, N.Y., to points in New Mexico, on, west, and south of a line beginning at the New Mexico-Texas State line, and extending along U.S. Highway 66 to its junction with New Mexico Highway 104, thence along New Mexico Highway 104 to Las Vegas, thence along Interstate Highway 25 to its junction with U.S. Highway 285, thence along U.S. Highway 285 to its junction with New Mexico Highway 4, thence along New Mexico Highway 4 to its junction with New Mexico Highway 126, thence along New Mexico Highway 126 to its junction with New Mexico Highway 44 thence on New Mexico Highway 44 to the New Mexico-Colorado State line. The purpose of this filing is to eliminate the gateway of points in Tennessee (except Memphis, Tenn., and points in the commercial zone thereof).

No. MC–95540 (Sub-No. E328), filed May 13, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, and frozen vegetables*, from points in Pennsylvania on and east of a line beginning at the Pennsylvania-Ohio State line, thence along Pennsylvania Highway 58 to Mercer; thence along Pennsylvania Highway 19 to but excluding Pittsburgh, thence along Pennsylvania Highway 51 to but excluding Uniontown, thence along Pennsylvania Highway 40 to the Pennsylvania-West Virginia State line. The purpose of this filing is to eliminate the gateway of points in New York.

No. MC–95540 (Sub-No. E333), filed May 13, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, and frozen vegetables*, from points in Pennsylvania, to points in Arizona, California, and New Mexico. The purpose of this filing is to eliminate the gateway of points in Tennessee (except Memphis and points in the commercial zone thereof).

No. MC–95540 (Sub-No. E334), filed May 13, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, and frozen vegetables*, from points in Pennsylvania on and east of a line beginning at the Pennsylvania-West Virginia State line and extending along U.S. Highway 119 to its junction with Interstate Highway 80, thence along Interstate Highway 80 to Pennsylvania Highway 153, thence along Pennsylvania Highway 153 to its junction with Pennsylvania Highway 555, thence along Pennsylvania Highway 555 to its junction with Pennsylvania Highway 120, thence along Pennsylvania Highway 120 to its junction with Pennsylvania Highway 155, thence along Pennsylvania Highway 155 to Port Allegany, thence along U.S. Highway 6 to Coudersport, thence along Pennsylvania Highway 44 to its junction with Pennsylvania Highway 49, thence along Pennsylvania Highway 49 to its junction with Pennsylvania Highway 449, thence along Pennsylvania Highway 499 to the Pennsylvania-New York State line, to points in Mississippi on and south of Interstate Highway 20. The purpose of this filing is to eliminate the gateway of Tifton, Ga.

No. MC–95540 (Sub-No. E335), filed May 13, 1974. Applicant: WATKINS

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MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, and frozen vegetables*, from points in New Jersey, on and south of a line beginning at Jersey City and extending along U.S. Highway 1 to its junction with New Jersey Highway 7, thence along New Jersey Highway 7 to its junction with New Jersey Highway 10, thence along New Jersey Highway 10 to its junction with Interstate Highway 80, thence along Interstate Highway 80 to Netcong, thence along U.S. Highway 46 to the Delaware River at Manunkachunk, to points in Mississippi on and south of U.S. Highway 78. The purpose of this filing is to eliminate the gateway of Tifton, Ga.

No. MC–105984 (Sub-No. E12), filed May 5, 1974. Applicant: JOHN B. BARBOUR, JR., dba JOHN B. BARBOUR TRUCKING COMPANY, P.O. Box 577, Iowa Park, Tex. 76367. Applicant's representative: James M. Hightower, 136 Wynnewood Professional Bldg., Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, materials, supplies and equipment*, incidental to, or used in, the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum and *pipe, pipe line materials, machinery and equipment*, incidental to, or used in, the construction, repairing, or dismantling of gas, gasoline and oil, pipelines (except the stringing and picking up of pipe in connection with main pipelines); and (2) *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies*, and *pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment; (b) the completion of holes or wells drilled; (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites; and (d) the injection or removal of commodities to or from holes or injection or removal of commodities to or from holes or wells, between Socorro and Torrance Counties, N. Mex., on the one hand, and, on the other, Park County, Wyo. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC–107295 (Sub-No. E27), filed May 13, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel building panels*, from the plantsite of H. H. Robertson Company at Connersville, Ind., to points in Arizona, California, Nevada, Idaho, Oregon, Utah, and Washington. The purpose of this filing is to eliminate the gateway of Galesburg Ill.

No. MC–107295 (Sub-No. E30), filed May 13, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board*, from Carteret, N.J., to points in (1) Arizona and California (Truman, Ark.)*, and (2) Idaho, Nevada, Oregon, Utah, and Washington (Kalamazoo, Mich.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC–107295 (Sub-No. E34), filed May 13, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fencing*, from the plantsite and storage facilities of Robertson Fence Co., at Mt. Sterling, Ohio, to points in Mississippi, North Dakota, and South Dakota. The purpose of this filing is to eliminate the gateway of Kokomo, Ind.

No. MC–107295 (Sub-No. E35), filed May 13, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing*, from Marrero, La. to points in (1) Nebraska (Fort Dodge, Iowa)*, and (2) Minnesota, North Dakota, Pennsylvania, and South Dakota (Paris, Ill.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC–107295 (Sub-No. E36), filed May 13, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fencing*, from La Grange, Tex., to points in (1) Ohio (Crawfordsville, Ind.)*, and (2) New York, Pennsylvania, and West Virginia (Kokomo, Ind.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC–107295 (Sub-No. E45), filed May 9, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing*, from points in Henry County, Tenn., to points in Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington. The purpose of this filing is to eliminate the gateway of Paris, Ill.

No. MC–107295 (Sub-No. E48), filed May 9, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing*, from Edgewater, N.J., to points in Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington. The purpose of this filing is to eliminate the gateway of Paris, Ill.

No. MC–107295 (Sub-No. E50), filed May 9, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing materials*, from Sunbury, Pa., to points in Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington. The purpose of this filing is to eliminate the gateway of Paris, Ill.

No. MC–107295 (Sub-No. E118), (CORRECTION), filed May 13, 1974, published in the FEDERAL REGISTER June 7, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mortar cement, and carpet and linoleum paste cement* (except in bulk), from the plant and warehouse facilities of C. E. Kaiser Company at Houston, Tex., to points in Maine, New Hampshire, and Vermont. The purpose of this filing is to eliminate the gateway of New Philadelphia, Ohio. The purpose of this correction is to set forth the correct "E" number—previously published as E1.

No. MC–111545 (Sub-No. E19), filed May 19, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* (except knitting machines), the transportation of which, because of size or weight, requires the use of special equipment, between points in that part of Alabama within 175 miles of Chattanooga, Tenn., on the one hand, and, on the other, points in Wyoming. The purpose of this filing is to eliminate the gateways of Piedmont, Ala., and Cairo, Ill.

No. MC–111545 (Sub-No. E31), filed May 19, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Commodities* (except knitting machines and commodities to be used in, or in connection with, main or trunk pipelines), the transportation of which, because of size or weight, requires the use of special equipment, between points

in Arizona, on the one hand, and, on the other, points in Georgia. The purpose of this filing is to eliminate the gateways of Fort Scott, Kans., and Ringgold, Ga.

No. MC–111545 (Sub-No. E40), filed May 23, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Commodities* (except knitting machines), the transportation of which, because of size or weight, requires the use of special equipment, between points in Marion, Sequatchie, Hamilton, Bradley, and Polk Counties, Tennessee, on the one hand, and, on the other, points in Indiana. The purpose of this filing is to eliminate the gateway of Ringgold, Ga.

No. MC–111545 (Sub-No. E42), filed May 23, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, because of size or weight, requires the use of special equipment, between points in that part of Alabama within 175 miles of Chattanooga, Tenn., and on and south of a line beginning at the Alabama-Mississippi State line, thence along U.S. Highway 278 to Guin, thence along U.S. Highway 78 to Jasper, thence along Alabama Highway 69 to Cullman, thence along U.S. Highway 278 to the Alabama-Georgia State line on the one hand, and, on the other, points in that part of Missouri on and north of a line beginning at the Mississippi River, thence along Missouri Highway 32 to Farmington, thence along U.S. Highway 67 to junction Missouri Highway 72, thence along Missouri Highway 72 to Ironton, thence along Missouri Highway 21 to junction Missouri Highway 32; thence along Missouri Highway 32 to Licking, thence along U.S. Highway 63 to Cabool, thence along U.S. Highway 60 to the Missouri-Oklahoma State line. The purpose of this filing is to eliminate the gateway of Cedartown, Ga.

No. MC–111545 (Sub-No. E47), filed May 27, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heavy machinery and air compressors*, the transportation of which, because of size or weight, requires the use of special equipment, from points in Michigan, New York, Ohio, and West Virginia to points in that part of Alabama on and south of a line beginning at the Alabama-Georgia State line, thence along U.S. Highway 80 to Montgomery, thence along U.S. Highway 82 to the Alabama-Mississippi State line. The purpose of this filing is to eliminate the gateways of Atlanta, Ga., and Asheville, N.C.

No. MC–111545 (Sub-No. E48), filed May 27, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426 Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heavy machinery and air compressors*, the transportation of which, because of size or weight, requires the use of special equipment, from points in Connecticut, Delaware, Maine, Massachusetts, New Hampshire, and Rhode Island to points in that part of Tennessee west of the Tennessee River, and points in that part of Alabama on and south of a line beginning at the Alabama-Georgia State line, thence along U.S. Highway 80 to Montgomery, thence along U.S. Highway 82 to the Alabama-Mississippi State line. The purpose of this filing is to eliminate the gateway of Ringgold, Ga.

No. MC–111545 (Sub-No. E49), filed May 27, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heavy machinery and air compressors*, the transportation of which, because of size or weight, requires the use of special equipment, from points in Maryland and Vermont, to points in that part of Alabama on and south of a line beginning at the Alabama-Georgia State Line, thence along U.S. Highway 80 to Montgomery, thence U.S. Highway 82 to the Alabama-Mississippi State line, and points in that part of Tennessee on and west of a line beginning at the Tennessee-Mississippi State line, thence along U.S. Highway 45 to Fairview, thence along U.S. Highway 45W to the Tennessee-Kentucky State line. The purpose of this filing is to eliminate the gateway of Atlanta, Ga.

No. MC–111545 (Sub-No. E51), filed May 27, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heavy machinery and air compressors*, the transportation of which, because of size or weight, requires the use of special equipment, from points in that part of South Carolina on and north of a line beginning at the South Carolina-Georgia State line, thence along South Carolina Highway 72 to Clinton, thence along U.S. Highway 76 to Marion, thence U.S. Highway 501 to Myrtle Beach, to points in that part of Alabama on and south of a line beginning at the Alabama-Georgia State line, thence along U.S. Highway 80 to Montgomery, thence along U.S. Highway 82 to the Alabama-Mississippi State line. The purpose of this filing is to eliminate the gateways of Atlanta, Ga., and Anderson, S.C.

No. MC–112822 (Sub-No. E101), filed May 17, 1974. Applicant: BRAY LINES, INC., P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Petroleum products*, in containers, from Beaumont, Texas, to points in that part of Kansas on, north, and east of a line beginning at the Colorado-Kansas State line and extending along U.S. Highway 50 to Dodge City, thence along U.S. Highway 283 to the Kansas-Oklahoma State line. The purpose of this filing is to eliminate the gateways of (1) points in Missouri south of U.S. Highway 36 and west of a line beginning at Macon, Missouri and extending along U.S. Highway 63 to Jefferson City, Missouri, thence along U.S. Highway 54 to Camdenton, Missouri, thence along Missouri Highway 5 to Lebanon, Missouri, thence along U.S. Highway 66 to Springfield, Missouri, and thence along U.S. Highway 65 to the Missouri-Arkansas State line; and (2) points in Kansas east of U.S. Highway 81 and south of a line beginning at McPherson, Kansas, and extending along U.S. Highway 56 (formerly U.S. Highway 50N) to junction U.S. Highway 59, thence along U.S. Highway 59 to Lawrence, Kansas, and thence along U.S. Highway 40 to the Kansas-Missouri State line. The purpose of this filing is to eliminate the gateways of (1) points in Missouri south of U.S. Highway 36 and west of a line beginning at Macon, Missouri, and extending along U.S. Highway 63 to Jefferson City, Missouri, thence along U.S. Highway 54 to Camdenton, Missouri, thence along Missouri Highway 5 to Lebanon, Missouri, thence along U.S. Highway 66 to Springfield, Missouri, and thence along U.S. Highway 65 to the Missouri-Arkansas State line and (2) points in Kansas east of U.S. Highway 81 and south of a line beginning at McPherson, Kansas, and extending along U.S. Highway 56 (formerly U.S. Highway 50N) to junction U.S. Highway 59, thence along U.S. Highway 59 to Lawrence,

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Kansas, and thence along U.S. Highway 40 to the Kansas-Missouri State line.

No. MC–113843 (Sub-No. E57), filed May 5, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared foodstuffs* (except in bulk and except frozen foods), in vehicles equipped with mechanical refrigeration, from the plantsite and warehouses of the Pillsbury Company at or near East Greenville, Pa., to points in Illinois and Michigan, that portion of Kentucky on and west of a line beginning at the Kentucky-Tennessee State line at or near Providence, thence over Interstate Highway 65 to its junction with U.S. Highway 231, thence over U.S. Highway 231, to the Kentucky-Indiana State line, and that portion of Indiana on, north, and west of a line beginning at the Indiana-Ohio State line at or near Edgerton, thence over Indiana Highway 14 to its intersection with Interstate Highway 69, thence over Interstate Highway 69 to its intersection with Indiana Highway 32, thence over Indiana Highway 32 to its intersection with U.S. Highway 41, thence south over U.S. Highway 41 to the Ohio River and the Indiana-Kentucky State line. The purpose of this filing is to eliminate the gateway of Holley, N.Y.

No. MC–114019 (Sub-No. E231), filed May 17, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except hides and commodities in bulk), from the plant site and storage facilities utilized by American Beef Packers, Inc., in Pottawattamie County, Iowa, to points in Connecticut and Vermont, restricted to traffic originating at the above-described origin. The purpose of this filing is to eliminate the gateway of Pittsburgh, Pa.

No. MC–117119 (Sub-No. E124, filed May 15, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except dairy products, and commodities in bulk), from Peoria, Streator, Washington, Morton, and Eureka, Ill., to Reno, Carson City, and Las Vegas, Nev., and points in Oregon on and west of Interstate Highway 5. The purpose of this filing is to eliminate the gateway of Springdale, Ark. (a point within the Fayetteville, Ark., commercial zone).

No. MC–117119 (Sub-No. E131), filed May 8, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen bakery goods*, from Chicago and Deerfield, Ill., to points in Mississippi, Louisiana, and Alabama. The purpose of this filing is to eliminate the gateway of La Porte, Ind.

No. MC–117119 (Sub-No. E133), filed May 8, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared foodstuffs*, in vehicles equipped with mechanical refrigeration (except commodities in bulk, in tank vehicles), from the plant site and warehouse facilities utilized by the Pillsbury Company at New Albany, Ind., and Louisville, Ky., to points in Arizona, California, New Mexico, Texas, and Oklahoma City, Okla. The purpose of this filing is to eliminate the gateway of Jackson, Tenn.

No. MC–117119 (Sub-No. E135), filed May 8, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared foodstuffs* (except dairy products and commodities in bulk), in vehicles equipped with mechanical refrigeration, from the plantsite and warehouse facilities utilized by the Pillsbury Company at New Albany, Ind., and Louisville, Ky., to points in Washington (except Grandview and Kennewick), Oregon, and Nevada. The purpose of this filing is to eliminate the gateway of Springdale, Ark.

No. MC–117119 (Sub-No. E141), filed May 8, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, in containers, from Belvidere, Ill., to points in Florida. The purpose of this filing is to eliminate the gateway of Hoxie, Ark.

No. MC–117119 (Sub-No. E143), filed May 8, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from LaPorte, Ind., to points in Arizona, California, New Mexico, and to Reno, Carson City, and Las Vegas, Nev. The purpose of this filing is to eliminate the gateway of Fayetteville, Ark.

No. MC–117119 (Sub-No. E144), filed May 8, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from LaPorte, Ind., to points in Oklahoma and Texas. The purpose of this filing is to eliminate the gateway of Van Buren, Ark.

No. MC–117119 (Sub-No. E145), filed May 8, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen bakery products*, from Traverse City, Mich., to points in Arizona, California, Colorado, Idaho, Nevada, Nebraska, New Mexico, Oregon, Utah, and Washington. The purpose of this filing is to eliminate the gateway of St. Joseph, Mo.

No. MC–117119 (Sub-No. E146), filed May 8, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen bakery products* (except commodities in bulk, in tank vehicles), from Traverse City, Mich., to points in Kansas and points in Nebraska west of Nebraska Highway 14. The purpose of this filing is to eliminate the gateway of California, Mo.

No. MC–117119 (Sub-No. E147), filed May 8, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* (except in bulk), from Lawton, Mich., to points in Arizona, California, Colorado, Nevada, and New Mexico. The purpose of this filing is to eliminate the gateway of St. Joseph, Mo.

No. MC–117119 (Sub-No. E148), filed May 8, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen products* (except in bulk), from Lawton, Mich., to points in Kansas, Oregon, and Washington, and points in that part of Nebraska west of Nebraska Highway 14. The purpose of this filing is to eliminate the gateway of California, Mo.

No. MC–117119 (Sub-No. E150), filed May 8, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* (except commodities in bulk, in tank vehicles), from Detroit, Mich., to points in Kansas and points in that part of Nebraska west of Nebraska Highway

14. The purpose of this filing is to eliminate the gateway of California, Mo.

No. MC–117119 (Sub-No. E154), filed May 8, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Deerfield, Ill., to points in Oklahoma and Texas. The purpose of this filing is to eliminate the gateway of Van Buren, Ark.

No. MC–117119 (Sub-No. E155), filed May 8, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Chicago, Ill., to points in Oklahoma and Texas. The purpose of this filing is to eliminate the gateway of Van Buren, Ark. (a point within the Fort Smith, Ark., commercial zone).

No. MC–123639 (Sub-No. E17), filed May 14, 1974. Applicant: J. B. MONTGOMERY, INC., 5150 Brighton Blvd., Denver, Colo. 80216. Applicant's representative: John F. DeCock (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products* (except commodities in bulk, in tank or hopper type vehicles), from Chicago, Ill., to points in New Mexico and points in Los Animas, Baca, Huerfano, Otero, Bent, Prowers, Pueblo, El Paso, Douglas, Jefferson, Boulder, and Larimer Counties, Colo. The purpose of this filing is to eliminate the gateway of Hillsboro, Kans.

No. MC–123639 (Sub-No. E18), filed May 14, 1974. Applicant: J. B. MONTGOMERY, INC., 5150 Brighton Blvd., Denver, Colo. 80216. Applicant's representative: John F. DeCock (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, from Hutchinson, Wichita, and Hillsboro, Kans., to points in Arizona. The purpose of this filing is to eliminate the gateway of Trinidad, Ohio.

No. MC–123639 (Sub-No. E19), filed May 14, 1974. Applicant: J. B. MONTGOMERY, INC., 5150 Brighton Blvd., Denver, Colo. 80216. Applicant's representative: John F. DeCock (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses* (except hides and commodities in bulk, in tank vehicles), as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766, from the plant site of Armour and Company near Sterling, Ill., to points in that part of Colorado south and west of a line along U.S. Highway 36 from the Colorado-Kansas State line to junction U.S. Highway 85 at Denver, thence along U.S. Highway 85 to junction U.S. Highway 34 at Greeley, thence along U.S. Highway 34 to junction U.S. Highway 287 at Loveland, thence along U.S. Highway 287 to the Colorado-Wyoming state line. The purpose of this filing is to eliminate the gateway of Emporia, Kans.

No. MC–127196 (Sub-No. E5), filed May 17, 1974. Applicant: KLINE TRUCKING, INC., P.O. Box 355, Millville, Pa. 17846. Applicant's representative: James L. Kline (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials, supplies, and component parts* used in the manufacture and assembly of mobile homes, (1) between points in New Jersey, on the one hand, and, on the other, points in Ohio (service is not authorized from points in Bergen, Essex, Hudson, and Union Counties, N.J., points in that part of Passaic and Morris Counties, N.J., south and east of U.S. Highway 202, points in that part of Middlesex County, N.J., north of the Raritan River, and the plant site of Flint-Kote Company in Camden, N.J., to points in Ohio); (2) between points in New Jersey, on the one hand, and, on the other, points in Michigan (service is not authorized from points in Bergen, Essex, Hudson, and Union Counties, N.J., points in that part of Passaic and Morris Counties, N.J., south and east of U.S. Highway 202, points in that part of Middlesex County, N.J., north of the Raritan River, and the plant site of Flint-Kote Company in Camden, N.J., to points in Michigan); (3) from points in New Jersey (except points in Bergen, Essex, Hudson, and Union Counties, points in that part of Passaic and Morris Counties south and east of U.S. Highway 202, points in that part of Middlesex County north of the Raritan River, and the plant site of Flint-Kote Company in Camden), to points in that part of Pennsylvania west of a line beginning at the New York-Pennsylvania state line, thence along U.S. Highway 219 to junction Pennsylvania Highway 153, thence along Pennsylvania Highway 153 to junction U.S. Highway 322, thence along U.S. Highway 322 to junction Pennsylvania Highway 350 at Philipsburg, thence along Pennsylvania Highway 350 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction U.S. Highway 22, thence along U.S. Highway 22 to the Pennsylvania-Ohio state line; (4) from points in that part of New Jersey south of a line beginning at the Pennsylvania-New Jersey state line, thence along U.S. Highway 202 to junction U.S. Highway 287 near Somerville, thence along U.S. Highway 287 to the Delaware River at Lambertville, thence along the Delaware River to the New Jersey state line and the Atlantic Ocean, to points in that part of New York, west of New York Highway 14. The purpose of this filing is to eliminate the gateway of Millville, Pa.

No. MC–127196 (Sub-No. E6), filed May 17, 1974. Applicant: KLINE TRUCKING, INC., P.O. Box 355, Millville, Pa. 17846. Applicant's representative: James L. Kline (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials, supplies, and component parts* used in the manufacture and assembly of motor homes, (1) between points in that part of Pennsylvania east of a line beginning at the New York-Pennsylvania State line, thence along U.S. Highway 15 to the Susquehanna River at Williamsport, thence along the Susquehanna River to the Pennsylvania-Maryland State line, on the one hand, and, on the other, points in that part of Indiana west of a line beginning at the Indiana-Kentucky State line, thence along U.S. Highway 65 to junction U.S. Highway 31 at Indianapolis, thence along U.S. Highway 31 to the Michigan-Indiana State line; (2) between points in that part of New York east of a line beginning at the New York-Pennsylvania State line, thence along New York Highway 14 to junction New York Highway 13 near Horseheads, thence along New York Highway 13 to junction U.S. Highway 81, thence along U.S. Highway 81 to the International Boundary line between the United States and Canada, on the one hand, and, on the other, points in that part of Ohio south of U.S. Highway 70 (service is not authorized from New York, N.Y., to points in Ohio); (3) from points in North Carolina to points in that part of Pennsylvania north and east of a line beginning at the New York-Pennsylvania State line, thence along Pennsylvania Highway 449 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Pennsylvania Highway 144 at Galeton, thence along Pennsylvania Highway 144 to junction Pennsylvania Highway 44 at Carter Camp, thence along Pennsylvania Highway 44 to junction U.S. Highway 15 near Allenwood, thence along U.S. Highway 15 to junction U.S. Highway 80 near Whitedeer, thence along U.S. Highway 80 to the Pennsylvania-New Jersey State line; (4) from points in that part of West Virginia south of Marshall County, to points in that part of New York east of a line beginning at the New York-Pennsylvania State line, thence along U.S. Highway 15 to the Susquehanna River at Williamsport, thence along the Susquehanna River to the Pennsylvania-Maryland State line, on the one hand, and, on the other, points in that part of Indiana west of a line beginning at the Indiana-Kentucky State line, thence along U.S. Highway 65 to junction U.S. Highway 31 at Indianapolis, thence along U.S. Highway 31 to the Michigan-Indiana State line; (2) between points in that part of New York east of a line beginning at the New York-Pennsylvania State line, thence along New York Highway 14 to junction New York Highway 13 near Horseheads, thence along New York Highway 13 to junction U.S. Highway 81, thence along U.S. Highway 81 to the International Boundary line between the United States and Canada, on the one hand, and, on the other, points in that part of Ohio south of U.S. Highway 70 (service is not authorized from New York, N.Y., to points in Ohio); (3) from points in North Carolina to points in that part of Pennsylvania north and east of a line beginning at the New York-Pennsylvania State line, thence along Pennsylvania Highway 449 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Pennsylvania Highway 144 at Galeton, thence along Pennsylvania Highway 144 to junction Pennsylvania Highway 44 at Carter Camp, thence along Pennsylvania Highway 44 to junction U.S. Highway 15 near Allenwood, thence along U.S. Highway 15 to junction U.S. Highway 80 near Whitedeer, thence along U.S. Highway 80 to the Pennsylvania-New Jersey State line; (4) from points in that part of West Virginia south of Marshall County, to points in that part of New York east of a line beginning at the New York-Pennsylvania State line, thence along New York Highway 14 to junction New York Highway 13 near Horseheads, thence along New York Highway 13 to junction U.S. Highway 81, thence along U.S. Highway 81 to the International Boundary line between the United States and Canada; (5) from points in that part of West Virginia south of Marshall County and west of Morgan County to points in that part of Pennsylvania north and east of a line beginning at the New York-Pennsylvania State line, thence along Pennsylvania Highway 14 to junction U.S. Highway 15 at Trout Run, thence over U.S. Highway 15 to junction U.S. Highway 80 at Whitedeer, thence along U.S. Highway 80 to the Pennsylvania-New Jersey State line; (6) from points in Virginia (except points in Accomack and Northampton Counties), to points in that part of Pennsylvania north and east of a line

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beginning at the New York-Pennsylvania State line, thence along U.S. Highway 15 to junction U.S. Highway 220 near Williamsport, thence along U.S. Highway 220 to junction Pennsylvania Highway 147 near Muncy, thence along Pennsylvania Highway 147 to junction Pennsylvania Highway 54, thence along Pennsylvania Highway 54 to junction Pennsylvania Highway 44 near Tasbotville, thence along Pennsylvania Highway 44 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction U.S. Highway 6 near Scranton, thence along U.S. Highway 6 to junction Pennsylvania Highway 191, thence along Pennsylvania Highway 191 to the New York-Pennsylvania State line. The purpose of this filing is to eliminate the gateway of Millville, Pa.

No. MC-128746 (Sub-No. E1) (CORRECTION), filed May 12, 1974, published in the FEDERAL REGISTER May 31, 1974. Applicant: D'AGATA NATIONAL TRUCKING CO., 3240 South 61st Street, Philadelphia, Pa. 19153. Applicant's representative: Alan Kahn, 2 Penn Center Plaza, Suite 1620, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (7) *Malt beverages*, from New York, N.Y., and Newark and East Orange, N.J., to Wilmington, Del., Bethesda, Claiborne, Cambridge, and Salisbury, Md., and points in Maryland on U.S. Highway 40 between the Maryland-Delaware State line, and Baltimore, Md., including Baltimore and points in New Jersey on and south of a line extending from the Delaware River over New Jersey Highway 73 to junction of U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 9, thence south along U.S. Highway 9 to junction New Jersey Highway 52, thence along New Jersey Highway 52 to the Atlantic Ocean; *Empty malt beverage containers*, from the above-specified destination points to the above-specified origin points. The purpose of this filing is to eliminate the gateway of Philadelphia, Pa. (16) *Malt beverages*, in containers, from Willimansett, Mass., to Wilmington, Del., Bethesda, Claiborne, Cambridge, and Salisbury, Md., and points in Maryland on U.S. Highway 40 between the Maryland-Delaware State line and Baltimore, Md. (including Baltimore), and points in that part of New Jersey on and south of a line beginning at the Delaware River, near Burlington, N.J., and extending along New Jersey Highway 528 to junction U.S. Highway 206, thence along U.S. Highway 206 to junction New Jersey Highway 530, thence along New Jersey Highway 530 to junction New Jersey Highway 70, thence along New Jersey Highway 70 to junction at New Jersey Highway 88, thence along New Jersey Highway 88 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of Philadelphia, Pa. The purpose of this correction is to (a) correctly describe the sought destination territory in New Jersey in (7), and (b) to correctly identify the gateway to be eliminated as Philadelphia, Pa., in (16).

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary*.

[FR Doc.74-14513 Filed 6-24-74;8:45 am]

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PART II

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

■

DEFENSE MATERIALS SYSTEM AND DEFENSE PRIORITIES SYSTEM

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Title 32A—National Defense, Appendix

CHAPTER VI—DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION, DEPARTMENT OF COMMERCE

[DMS Reg. 1, as revised July 1, 1974]

DMS REG. 1—BASIC RULES OF THE DEFENSE MATERIALS SYSTEM

On October 1, 1973, a notice of proposed rulemaking was published in the FEDERAL REGISTER (38 FR 27252) proposing to revise DMS Regulation 1. All comments received in response to the proposal were given due consideration.

As a result of comments received and as a result of further agency review, the following changes are made:

1. Section 8(f) has been broadened to provide that nondiscrimination in prices and terms shall apply to all types of mandatory acceptance orders rather than only to rated orders, and to make the nondiscrimination provision applicable both before and after acceptance.

2. Section 9(f) which permitted the placement of oral orders has been deleted as unnecessary, since it required a confirming written order complying with the provisions of the section.

3. Section 12(a) which permitted combination of ACM orders and non-ACM orders under certain conditions has been revised to prohibit such combination.

4. Section 21 now includes an express provision permitting appeals from adverse agency decisions to the Appeals Board for the Department of Commerce.

5. In Schedule II the Defense Supply Agency has been added as a Sub-Claimant Agency of the Department of Defense.

6. The Bureau of Domestic Commerce (BDC) has been substituted for the references to the Bureau of Competitive Assessment and Business Policy (BCABP) throughout the regulation. These substitutions were made because the name of the agency was changed from BCABP to BDC subsequent to publication on October 1, 1973, of the notice of proposed rulemaking.

7. A number of other modifications have been made in the regulation and its schedules which are mainly clarifications or modifications of an editorial or technical nature.

This revised regulation (including its five Schedules and two Directions) is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this revised regulation, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

DMS Regulation 1 in 32A CFR Chapter VI is revised to read as follows:

DMS REG. 1—BASIC RULES OF THE DEFENSE MATERIALS SYSTEM

Sec.

1. What this regulation does.
2. Definitions.
3. Requirements and related procedures.
4. Allotment and self-authorization procedures.
5. Types of authorized controlled material orders and preferential status.
6. Directives and preferential status.
7. Mandatory use of program determination, allotment, self-authorization, and rating authority.
8. Self-authorization procedure for Class A and Class B products.
9. Statements and certifications to accompany ACM orders and rated orders for Class A and Class B products.
10. Elements of ACM orders.
11. Limitations on use of self-authorization.
12. Combination of orders and minimum quantities.
13. Restrictions on placing ACM orders and on use of controlled materials.
14. Rated orders and ratings.
15. Transition provisions for acquisition of controlled materials.
16. Intracompany deliveries.
17. Delivery for unlawful purposes prohibited.
18. Applicability of regulations and orders.
19. Protection against claims for damages.
20. Records and reports.
21. Requests for adjustment or exception and appeals.
22. Communications.
23. Violations.

Schedule

I. Controlled Materials.
II. Authorized Program Identifications and Claimant and Sub-Claimant Agencies.
III. Mill Lead Times.
IV. Minimum Mill Quantities.
V. Form for Statement of Controlled Material Requirements for Class A products.

Direction [1]

1. Self-authorization procedure for MRO needed to fill mandatory acceptance orders.
2. Controlled materials producers and distributors.

AUTHORITY: Defense Production Act of 1950, as amended (64 Stat. 816; 50 U.S.C. App. 2061 et seq.); Executive Order 10480, as amended, 18 FR 4939, 6201, 19 FR 3807, 7249, 21 FR 1673, 23 FR 5061, 6971, 24 FR 3779, 27 FR 9683, 11447, 3 CFR 1949–1953 Comp., p. 919; Executive Order 11725, 38 FR 17175; DMO 8400.1, 32A CFR 15; Department of Commerce Organization Orders 10–3, 38 FR 33624, and 40–1, 39 FR 1871; Department of Commerce, Domestic and International Business Administration Organization and Function Orders 41–1, as amended, 39 FR 2780, 39 FR 18490; 45–1, 39 FR 18488; 45–2, 39 FR 18489; Department of Commerce Organization Order 20–11, 32 FR 10825.

Section 1. What this regulation does.

(a) This regulation is a major revision and simplification of the Defense Materials System and supersedes DMS Reg. 1 of December 1, 1959 (including its Schedules, Directions and Amendments issued prior to the effective date of this regulation). DMS not only helps to keep current defense, atomic energy, and space programs (collectively referred to as "defense programs") on schedule but also provides an established operating mechanism that can be expanded or converted if the need arises. This regulation complements and is being issued concurrently with a major revision of Defense Priorities System Regulation 1.

(b) Defense contractors and their suppliers should thoroughly familiarize themselves with the provisions of DPS Reg. 1 and with the provisions of this regulation which define their rights and obligations and set forth the basic rules of the Defense Materials System. One of the principal differences between DPS and DMS, which complement each other, is that the former relates primarily to products and materials other than controlled materials while the latter relates primarily to controlled materials (steel, copper, aluminum, and nickel alloys).

(c) Persons engaged in production, construction, or research and development for defense programs are required to follow all the applicable rules of this revised regulation. Proper identification of delivery orders placed for products and materials needed to fill defense orders and contracts is particularly important. The rule for mandatory identification of orders is an essential part of both the Defense Materials System and the Defense Priorities System. It avoids delays which could adversely affect timely completion of defense programs by requiring preferential delivery against properly identified orders and by furnishing a mechanism for expediting assistance where needed.

(d) The changes effected by this revised regulation are comprehensive in scope and include, but are not limited to:

(1) Under the former DMS Reg. 1 allotments of controlled materials were made by the Office of Emergency Preparedness to Claimant Agencies which then made allotments to Allotting Agencies. The latter, in turn, made allotments to prime consumers producing Class A products. This revised regulation provides for controlled material authorizations by the General Services Administration to Claimant Agencies and for allotments by Claimant Agencies to Sub-Claimant Agencies (a new term which replaces the former designation of "Allotting Agencies"). However, in the interest of simplification, allotments to prime consumers no longer will be made. All defense contractors and subcontractors in all degrees of remoteness under DMS are now self-authorizing consumers but may be requested, as heretofore, to submit statements of controlled material requirements for Class A products (although they will not receive allotments). Section 15 of this regulation explains the status of outstanding allotments.

(2) The definitions of Class A product and Class B product have been modified. The principal effect of these modifications is to make the definitions self-contained so that defense contractors and subcontractors under DMS may determine which are Class A and Class B products without reference to any other separate publication.

(3) Self-authorizing consumers (producers of Class A and Class B products) are now required, with certain exceptions, to use their inventory first in filling rated orders.

(4) The revised regulation expressly prohibits discrimination against mandatory acceptance orders with respect to prices and terms of sale.

[1] Directions 1 and 2 contained in FR Docs. 74–13165 and 74–13167 published at pages ------ and ------ of this issue.

(5) An express provision authorizing appeals from adverse decisions has been incorporated in the revised regulation.

(6) Modifications have been made in Schedules I through V and in Directions 1 and 2. These modifications are principally, but not entirely, technical and procedural rather than substantive. Former Direction 2 (Small Order Procedure for Allotting Agencies) has been eliminated and former Direction 3 (Controlled Materials Producers and Distributors) has been renumbered as Direction 2.

(7) Numerous other changes, simplifications, and consolidations have been effected in this revised regulation, the full text of which (including its Schedules I through V and Directions 1 and 2) should be studied carefully by defense contractors and their suppliers.

Sec. 2. Definitions.

As used in this regulation:

(a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, and includes any agency of the United States Government or any other government.

(b) "BDC" means the Bureau of Domestic Commerce, Domestic and International Business Administration, United States Department of Commerce.

(c) "GSA" means the General Services Administration of the United States Government.

(d) "Controlled material" means domestic and imported steel, copper, aluminum, and nickel alloys, in the forms and shapes specified in Schedule I of this regulation, whether new, remelted, rerolled, or redrawn.

(e) "Claimant Agency" means the Department of Defense, the Atomic Energy Commission, BDC, or any other Government agency or subdivision thereof designated as such by GSA for submission to it of controlled material program requirements. Schedule II of this regulation lists the Claimant Agencies.

(f) "Sub-Claimant Agency" means any Government agency or subdivision thereof designated as such by GSA for submission of controlled material program requirements to a Claimant Agency. Schedule II of this regulation lists the Sub-Claimant Agencies.

(g) "Authorized program" means a military, atomic energy, or other program specifically approved by GSA and which is subject to any regulation or order of BDC.

(h) "Program determination" means an authorization by GSA of the amount and kind of controlled materials which may be procured or used by or for a Claimant Agency, or which may be allotted by a Claimant Agency to a Sub-Claimant Agency, for authorized programs during specified periods of time.

(i) "Allotment" means an authorization by a Claimant Agency of the amount and kind of controlled materials which may be procured or used by or for a Sub-Claimant Agency for authorized programs during specified periods of time.

(j) "Set-aside" means the amount and kind of any product or material, including controlled materials, which a person is required to reserve for filling mandatory acceptance orders during specified periods of time, as prescribed by BDC.

(k) "Self-authorizing consumer" means any person who receives authority to obtain controlled material by self-authorization pursuant to the provisions of this regulation. A self-authorizing consumer for a construction project may designate another person to act as the self-authorizing consumer for him.

(l) "Class A product" means any product containing controlled material made to special specifications for authorized programs and which is not itself a controlled material. It also includes a construction project or research and development which requires for its completion any controlled material or Class A product.

(m) "Class B product" means any product containing controlled material which is not made to special specifications for authorized programs (usually civilian-type products) and which is not itself a controlled material. It also includes a service which requires for its completion any controlled material.

(n) "Delivery order" means any purchase order, contract, shipping or other instruction calling for delivery of any material or product, or performance of construction or service, on a particular date or dates or within specified periods of time.

(o) "Authorized controlled material order" (ACM order) means any delivery order for any controlled material (as distinct from a product containing controlled material) bearing an authorized program identification, the calendar quarter in which delivery is required, and the certification required by this regulation or any other applicable regulation or order of BDC. The term "ACM order" shall have the same meaning as "authorized controlled material order."

(p) "Rated order" means any delivery order for any product, service, or material other than controlled material bearing an authorized rating and the certification required by this regulation, DPS Reg. 1, or any other applicable regulation or order of BDC.

(q) "Mandatory acceptance order" means a rated order, an ACM order, or any other delivery order which a person is required to accept pursuant to any regulation or order of BDC, or pursuant to a specific authorization or directive of BDC.

(r) "Controlled materials distributor" means (1) a distributor of steel controlled materials as defined in DMS Order 1, (2) a distributor of nickel alloy controlled materials as defined in DMS Order 2, (3) a distributor of aluminum controlled materials as defined in DMS Order 3, or (4) a distributor of copper controlled materials as defined in DMS Order 4.

(s) "Construction" means the erection of any building, structure, or project, or addition or extension thereto, or alteration thereof, through the incorporation-in-place on the site of materials or products which are to be an integral and permanent part of the building, structure, or project, but it does not include maintenance and repair.

(t) "Construction project" means a construction plan contemplated for execution, irrespective of the time when it is to be put into effect in full or in part, involving all or portions of a single building or structure, or involving two or more buildings or structures, or portions thereof, which are physically contiguous, or are parts of an integrated design or plan, so that each is an element of a single operation. In addition, a construction project also means a type of construction which is not a building or structure, but which requires a construction operation for its completion, such as a freight yard, airport runway, or oil refinery.

Sec. 3. Requirements and related procedures.

(a) Claimant Agencies will submit controlled material requirements for authorized programs to GSA in accordance with procedures prescribed by GSA.

(b) Sub-Claimant Agencies will submit controlled material requirements for authorized programs to Claimant Agencies in accordance with procedures prescribed by GSA or Claimant Agencies.

(c) GSA will issue program determinations to each Claimant Agency.

(d) Each Claimant Agency, pursuant to program determinations, will make allotments to Sub-Claimant Agencies.

(e) BDC may establish set-asides, in support of program determinations, for acceptance of ACM orders by controlled materials producers and distributors.

(f) Any self-authorizing consumer, upon the request of a Claimant or Sub-Claimant Agency for whom he is a supplier, must submit a statement of controlled material requirements for Class A products for authorized programs of such agency. This information must be submitted to the requesting agency on Form DMS–4A (production or research and development), Form DMS–4C (construction) or other prescribed forms.

(g) Any self-authorizing consumer, upon the request of another self-authorizing consumer for whom he is a supplier, must submit a statement of his controlled material requirements to fill a rated order for Class A products for authorized programs. This information must be submitted to the requesting consumer on Form DMS–6 (contained in Schedule V of this regulation) in accordance with the instructions stated therein.

Sec. 4. Allotment and self-authorization procedures.

(a) An allotment must be identified by the appropriate program identification (as listed in Schedule II of this regulation) and shall specify the quantities and kinds of controlled materials authorized for delivery in specified periods of time. Unless otherwise prescribed by BDC, allotments shall be made in the following terms, in each case without further breakdown:

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(1) Carbon steel (including wrought iron).
(2) Alloy steel (except stainless steel).
(3) Stainless steel.
(4) Copper and copper-base alloy brass mill products.
(5) Copper wire mill products.
(6) Copper and copper-base alloy foundry products and powder.
(7) Aluminum.
(8) Nickel alloys.

(b) A person who receives a rated order for a Class A product or a Class B product is a self-authorizing consumer and must obtain his requirements of controlled materials and other products and materials under the provisions of section 8 of this regulation.

Sec. 5. Types of authorized controlled material orders and preferential status.

(a) Two types of ACM orders are authorized, an ACM order and an ACM–DX order. ACM orders must contain the appropriate program identification and the calendar quarter in which delivery is required; for example, A–6–4Q74. ACM–DX orders must contain the appropriate program identification and the calendar quarter in which delivery is required, followed by the suffix DX; for example, A–6–4Q74–DX. Schedule II of this regulation contains a list of authorized program identifications.

(b) In addition to the requirements of paragraph (a) of this section, all ACM orders and all ACM–DX orders must contain the date or dates on which delivery is required and must be certified as provided in section 9 of this regulation.

(c) All ACM orders shall have equal preferential status and shall take precedence over orders previously or subsequently received which do not bear a program identification. All ACM–DX orders shall have equal preferential status and shall take precedence over ACM orders previously or subsequently received and over orders previously or subsequently received which do not bear a program identification.

Sec. 6. Directives and preferential status.

(a) A person shall comply with each directive issued to him by BDC. A recipient of a directive from BDC shall not use such directive to obtain any products, materials, or services from a supplier by placing a mandatory acceptance order, unless expressly authorized in the directive.

(b) Directives issued by BDC shall take precedence over ACM–DX orders, ACM orders, other orders for controlled materials, DX rated orders, DO rated orders, and unrated orders previously or subsequently received, unless a contrary instruction appears in the directive.

Sec. 7. Mandatory use of program determination, allotment, self-authorization, and rating authority.

(a) Each Claimant and Sub-Claimant Agency must use its program determination, allotment and rating authority, as appropriate, in acquiring controlled materials and other products and materials needed for completion of authorized programs, including inventory replacement in accordance with section 8 of this regulation.

(b) Each person who has received a rated order for a Class A or a Class B product must acquire controlled materials and other products and materials to fill such order or to replace in inventory products and materials used to fill such order by self-authorization, pursuant to section 8 of this regulation.

(c) The mandatory provisions of this section need not be followed in the case of any individual delivery order of $500 or less.

Sec. 8. Self-authorization procedure for Class A and Class B products.

(a) A producer of Class A or Class B products who has accepted a rated order for such products is a self-authorizing consumer.

(b) A self-authorizing consumer must use the program identification indicated on his rated order in placing ACM orders to obtain controlled materials needed to fill such order or to replace in inventory controlled materials used to fill such rated order. However, with respect to inventory replacement of controlled materials, he shall place such ACM orders only in the calendar month in which such materials were taken from inventory or in the immediately succeeding two calendar months. If it is impracticable for him to determine the exact requirements of controlled materials needed to fill a rated order for Class A or Class B products, he must place ACM orders for delivery of an amount not exceeding his best estimates of such products and materials needed to fill such rated order.

(c) A self-authorizing consumer must use the rating indicated on his rated order in obtaining products and materials other than controlled materials needed to fill such order or to replace in inventory products and materials used to fill such rated order. However, with respect to inventory replacement of products and materials other than controlled materials, he shall place rated orders only in the calendar month in which such products and materials were taken from inventory or in the immediately succeeding two calendar months. If it is impracticable for him to determine the exact requirements of products and materials other than controlled materials needed to fill a rated order for Class A or Class B products, he must place rated orders for delivery of an amount not exceeding his best estimates of such products and materials needed to fill such rated order.

(d) If the requirement that he use the program identifications or ratings indicated on his customers' rated orders is impracticable because they are varied or numerous, a self-authorizing consumer may use the program identification or rating B–5 in lieu thereof.

(e) A self-authorizing consumer shall fill a rated order with products and materials from his inventory (to the extent that he has such products and materials in inventory) and replace such products and materials in accordance with the provisions of this or any other applicable regulation or order of BDC. However, if the requirement that he use products and materials from inventory would stop or interrupt his operations during the next 60 days in a way which would cause a substantial loss of total production or a substantial delay in his operations, he need not do so.

(f) No person shall discriminate against mandatory acceptance orders by imposing higher prices or by imposing different terms and conditions for such orders than for generally comparable orders which are not mandatory acceptance orders, or in any other manner.

Sec. 9. Statements and certifications to accompany ACM orders and rated orders for Class A and Class B products.

(a) Each Claimant Agency, Sub-Claimant Agency and self-authorizing consumer placing a rated order for a Class A or a Class B product or placing an ACM order must, in addition to indicating the appropriate rating or program identification and delivery date or dates on such order, furnish his supplier with a statement reading substantially as follows:

> You are required to follow the provisions of DMS Reg. 1 and of all other applicable regulations and orders of BDC in obtaining controlled materials and other products and materials needed to fill this order.

This statement must appear on the order or on a separate piece of paper attached to the order.

(b) Unless another form of certification is specifically prescribed by an applicable regulation or order of BDC, every rated order must contain the certification prescribed in DPS Reg. 1 or the following certification:

> Certified for national defense use under DMS Reg. 1

and shall be signed as provided in paragraph (e) of this section. This certification accompanying a rated order shall have the same effect as a certification under DPS Reg. 1.

(c) Unless another form of certification is specifically prescribed by an applicable regulation or order of BDC, every ACM order must contain the following certification:

> Certified for national defense use under DMS Reg. 1.

and shall be signed as provided in paragraph (e) of this section.

(d) The certifications provided for in paragraphs (b) and (c) of this section shall constitute a representation to the supplier and to BDC that subject to the criminal penalties provided in applicable United States statutes, (1) the amount ordered by the purchaser is within the amount needed by him to fill the related mandatory acceptance order accepted by him and (2) the purchaser is expressly authorized by BDC, or by any applicable regulation or order of BDC, to place such mandatory acceptance order.

(e) A certification on an ACM order or a rated order must be signed by a responsible individual who is duly authorized in writing to sign for that purpose. The signature must be either by hand or in the form of a facsimile reproduction of a handwritten signature. If a facsimile signature is used, the individual who uses it must be duly authorized in writing to use it for this purpose by the person whose signature it is, and a written record of the authorization must be retained on file. A certification may be authenticated by a method other than a signature or a facsimile signature, such as by automatic data processing transmission, in which case a record must be maintained by the user describing the manner in which the authentication is transmitted and the manner in which the authentication is authorized.

Sec. 10. Elements of ACM orders.

(a) A delivery order placed with a controlled materials producer or a controlled materials distributor for a controlled material is an ACM order only if it is specifically designated as an authorized controlled material order by any regulation or order of BDC; or if it complies with this section and contains (1) the appropriate program identification and the calendar quarter in which delivery is required, (2) the date or dates on which delivery is required, and (3) the certification specified in section 9(c) of this regulation. As an example, an ACM order calling for delivery in the fourth quarter of 1974 placed pursuant to a rated order bearing the program identification A–6, must contain the following: A–6–4Q74 and, in addition, the delivery date or dates and certification.

(b) Each person who has accepted a DX rated order must use an ACM–DX order to obtain controlled materials to fill such DX rated order or to replace in inventory controlled materials used to fill such order. An ACM–DX order shall be identified as prescribed in section 5 of this regulation. No person shall use an ACM–DX order except as provided in this regulation or in any other regulation or order of BDC. An ACM–DX order shall have priority in acceptance or delivery over other ACM orderr as provided in this regulation, in Direction 2 to this regulation, or in any other regulation or order of BDC.

(c) An ACM order must be in sufficient detail to permit entry on mill schedules and must be received by the controlled materials producer at such time in advance of the month of required shipment as is specified in Schedule III of this regulation (except for ACM–DX orders as provided in Direction 2 to this regulation) or at the earliest subsequent date that the controlled materials producer may find it practicable to accept the same.

Sec. 11. Limitations on use of self-authorization.

(a) Each person who has accepted a rated order for a Class A or a Class B product must acquire controlled materials and other products and materials to fill such order or to replace in inventory products and materials used to fill such order by self-authorization, pursuant to section 8 of this regulation.

(b) Products and materials which may be obtained by a person pursuant to the self-authorization provisions of this regulation to fill a rated order shall include only:

(1) (i) Those which will be physically incorporated into the product or material covered by the rated order and the portion of such products and materials normally consumed or converted into scrap or by-products in the course of processing.

(ii) Chemicals used directly in production to fill the rated order.

(iii) Products and materials used for packaging or containers required to make delivery against the rated order.

They shall not include:

(2) (i) Products and materials for plant improvement, expansion or construction unless they will be physically incorporated into a construction project covered by a rated order.

(ii) Production equipment or products and materials to be used for the manufacture of production equipment.

(iii) Maintenance, repair and operating supplies (MRO). Direction 1 to this regulation provides a separate self-authorization procedure to obtain MRO needed to fill mandatory acceptance orders.

(c) In the event a person is not permitted to place a mandatory acceptance order because of the restrictions prescribed in paragraph (b) of this section, and he needs special priorities authorization, he shall apply for such authorization in accordance with section 11 of DPS Reg. 1.

(d) In the event a person has placed a mandatory acceptance order and needs expediting assistance to obtain timely delivery, or if he cannot find a supplier who will accept a mandatory acceptance order he attempts to place, he shall apply for assistance in accordance with section 12 of DPS Reg. 1.

(e) A person shall not place a mandatory acceptance order for products or materials in anticipation of receipt by him of a mandatory acceptance order.

Sec. 12. Combination of orders and minimum quantities.

(a) No person shall combine an ACM order with an order which is not an ACM order. If the quantity needed to fill an ACM order is less than the minimum mill quantity specified in Schedule IV of this regulation, and is not procurable from a distributor, then an ACM order shall be placed for such minimum mill quantity.

(b) ACM orders identified by different program identifications may be combined if the portion covered by each is specifically identified by the appropriate program identification, unless the program identification B–5 is used as provided in section 8(d) of this regulation. In addition, if the quantity of controlled material needed to fill rated orders is less than the minimum mill quantity specified in Schedule IV of this regulation, and is not procurable from a distributor, an ACM order shall be placed for such minimum mill quantity, using the program identification B–5. However, no person shall place separate ACM orders solely for the purpose of obtaining minimum mill quantities to fill such separate orders.

Sec. 13. Restrictions on placing ACM orders and on use of controlled materials.

(a) No person shall place an ACM order unless he is entitled to do so. No person shall place an ACM order calling for delivery of any controlled material in a greater amount (except as provided in section 12 of this regulation) or on an earlier date than required to fill his rated orders.

(b) Each person who has obtained controlled materials pursuant to an ACM order in accordance with this or any other regulation or order of BDC shall use such materials only (1) to fill rated orders, or (2) to replace in inventory controlled materials used to fill any such rated orders (in accordance with section 8 of this regulation). If he cannot use the controlled materials for any such purpose, he may use them to fill unrated orders or dispose of them, unless otherwise ordered or directed in writing by BDC.

Sec. 14. Rated orders and ratings.

(a) The detailed rules for designation and use of rated orders and ratings are contained in DPS Reg. 1 which should be studied carefully by persons who receive rated orders and by persons who place rated orders.

(b) As provided in DPS Reg. 1 ratings must contain the prefix DO or DX, as the case may be, followed by the appropriate program identification. Schedule II of this regulation and Schedule I of DPS Reg. 1 contain a list of authorized program identifications. Rated orders must show the rating authorized; for example DO–A–6, the date or dates on which delivery is required and must be certified as provided in section 9 of this regulation or section 8 of DPS Reg. 1.

Sec. 15. Transition provisions for acquisition of controlled materials.

(a) Nothing in this revised regulation shall be construed to cancel outstanding allotments of controlled materials for whatever purpose received. A person who has received an allotment and who may obtain controlled materials for the same purpose by self-authorization pursuant to this regulation, shall use either the allotment or self-authorization to obtain controlled materials for such purpose: *Provided*, That he shall not use the allotment or self-authorization to obtain more controlled materials than needed.

(b) The changes made in Schedule I (Controlled Materials), Schedule III (Mill Lead Times), and Schedule IV (Minimum Mill Quantities) of this revised regulation shall not be construed to affect outstanding orders placed pursuant to any regulation or order of BDC.

Sec. 16. Intracompany deliveries.

The provisions of this regulation apply not only to deliveries to other persons, including affiliates and subsidiaries, but also to deliveries from one branch, division or section of a single enterprise to another branch, division or section of the same or any other enterprise under common ownership or control.

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Sec. 17. Delivery for unlawful purposes prohibited.

No person shall deliver any product or material which he knows or has reason to believe will be accepted, redelivered, held or used in violation of any regulation or order of BDC.

Sec. 18. Applicability of regulations and orders.

(a) All regulations and orders of BDC, unless specifically stated otherwise in such regulations and orders, shall apply to transactions in any state, territory, or possession of the United States and the District of Columbia.

(b) All regulations and orders of BDC shall apply to all subsequent transactions even though they are covered by contracts previously entered into.

(c) Nothing in this regulation shall be construed to relieve any person from complying with all other applicable regulations and orders of BDC. In case compliance by any person with the provisions of any such regulation or order would prevent fulfillment of a mandatory acceptance order, he shall immediately report the matter to BDC which will thereupon take such action as is deemed appropriate, but unless and until otherwise expressly authorized or directed by BDC, such person shall comply with the provisions of such regulation or order.

(d) This regulation complements DPS Reg. 1. Defense contractors and their suppliers should be thoroughly familiar with both this regulation and DPS Reg. 1.

Sec. 19. Protection against claims for damages.

No person shall be held liable for damages or penalties for any act or failure to act resulting directly or indirectly from compliance with any BDC regulation, order, direction, directive or other written instruction, notwithstanding that any such regulation, order, direction, directive or other written instruction shall thereafter be declared by judicial or other competent authority to be invalid.

Sec. 20. Records and reports.

(a) Each person participating in any transaction covered by this regulation shall make, and preserve for at least three years thereafter, accurate and complete records thereof. Such records shall include all rated orders, ACM orders and directives received by such person, copies of all rated orders and ACM orders placed by such person, records of purchases, receipts, inventories, production, use, sales, and deliveries of all materials acquired, sold or delivered pursuant to mandatory acceptance orders. Records shall be maintained in sufficient detail to permit the determination, upon examination or audit, whether or not each transaction complies with the provisions of this regulation or any other applicable regulation or order of BDC. However, this regulation does not specify any particular accounting method or system to be used. Records may be retained in the form of microfilm or other record-keeping systems which provide the information contained in the original records.

(b) All records required by this regulation shall be made available for inspection and audit by duly authorized representatives of BDC at the usual place of business of the person involved.

(c) Persons subject to this regulation shall develop and maintain such records and submit such reports to BDC as it shall require, subject to the terms of the Federal Reports Act of 1942 (44 U.S.C. 3501–3511).

Sec. 21. Requests for adjustment or exception and appeals.

(a) Any person subject to any provision of this regulation may submit a request for adjustment or exception to BDC upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. The submission of a request for adjustment or exception shall not relieve any person of his obligation to comply with any such provision. In examining requests for adjustment or exception claiming that the public interest is prejudiced by the application of any provision of this regulation, consideration will be given to the requirements of public health and safety, civil defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, by letter in triplicate, addressed as provided in section 22(a) of this regulation, and shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

(b) Any person may appeal to the Appeals Board for the Department of Commerce from an adverse decision against him by BDC pursuant to this regulation. Each appeal shall be submitted to the Appeals Board not later than 45 days after receipt by the appellant of an adverse decision and shall be in writing, by letter in triplicate, addressed as provided in section 22(b) of this regulation, and shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor. In addition, one copy of such letter shall be furnished to BDC by the appellant, addressed as provided in section 22(a) of this regulation. The decision of the Appeals Board shall be final within the Department and shall be provided in writing to the appellant and to BDC.

Sec. 22. Communications.

(a) All communications concerning this regulation or requests for adjustment or exception pursuant to section 21(a) of this regulation shall be addressed to the Bureau of Domestic Commerce, U.S. Department of Commerce, Washington, D.C. 20230, Ref: DMS Reg. 1.

(b) All appeals pursuant to section 21(b) of this regulation shall be addressed to the Appeals Board, U.S. Department of Commerce, Washington, D.C. 20230, Ref: DMS Reg. 1.

Sec. 23. Violations.

(a) Any person who willfully violates any provision of this regulation, or who willfully furnishes false information or conceals any material fact in the course of operation under this regulation, is guilty of a crime and upon conviction may be punished by fine or imprisonment or both.

(b) Violation of any provision of this regulation may subject any person committing or participating in such violation to administrative action to suspend his privilege of making or receiving deliveries of products or materials, or using products, materials, or facilities. In addition to such administrative action, an injunction and order may be obtained from a court of appropriate jurisdiction prohibiting any such violation and enforcing compliance with the provisions hereof.

(c) For the purpose of any administrative action or civil proceeding for the enforcement of this regulation or any criminal prosecution for violation of this regulation, the terms "authorized controlled material order," "ACM order," "rated order," "rating" and "certification" shall be deemed to include every purported authorized controlled material order, ACM order, rated order, rating and certification whether or not such order, rating or certification shall have been authorized as provided in this regulation and irrespective of the form of such order, rating, or certification.

This revised regulation shall take effect July 1, 1974.

DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION, BUREAU OF DOMESTIC COMMERCE

JOHN M. DUNN,
Deputy Assistant Secretary for Domestic and International Business.

SCHEDULE I TO DMS REG. 1
CONTROLLED MATERIALS

(See sections 2(d) and 15(b))

CARBON STEEL (INCLUDING WROUGHT IRON)[1]
(a) Bar, bar shapes.
Includes:
Bar, hot-rolled, stock for projectile and shell bodies.[2]
Bar, hot-rolled, other (including light shapes).
Bar, reinforcing (straight lengths—as rolled).
Bar, cold finished.
(b) Sheet, strip (uncoated and coated).
Includes:
Sheet, hot-rolled.
Sheet, cold-rolled.
Sheet, galvanized.
Sheet, all other coated.
Sheet, enameling.
Roofing, galvanized, corrugated, V-crimped channel drains.
Ridge roll, valley, and flashing.
Siding, corrugated and brick.
Strip, hot-rolled.
Strip, cold-rolled.
Strip, galvanized.
Electrical sheet and strip.
Tin mill black plate.
Tin plate, hot-dipped.
Ternes, special coated manufacturing.
Tin plate, electrolytic.
Electrolytic chromium coated steel.

See footnotes at end of schedule.

(c) Plate.[3]
(d) Structural shapes,[4] piling.
(e) Pipe, tubing—seamless and welded.[5]
Includes:
Standard pipe (including type of couplings furnished by mill).[6]
Oil country goods (casing, tubing and drill pipe, including type of couplings furnished by mill).
Line pipe (including type of couplings furnished by mill).
Pressure tubing.
Mechanical tubing.
(f) Wire, wire products.
Includes:
Wire-drawn.
Nails—bright steel wire, steel cut, galvanized, cement-coated, and painted.
Spikes and brads—steel wire, galvanized, and cement-coated.
Staples, bright and galvanized (farm and poultry).
Wire rope and strand.
Welded wire mesh and woven wire netting.
Barbed and twisted wire.
Wire fence, woven and welded (farm and poultry).
Bale ties.
Coiled automatic baler wire.
(g) Tool steel (all forms including die blocks and tool steel forgings).
(h) Other mill forms and products (excluding castings and forgings).
Includes:
Ingots.
Billets, for shell body stock only.[7]
Billets, for shell component parts and rockets.
Blooms, slabs, other billets, tube rounds, sheet bars.
Skelp.
Wire rod.
Rails.
Joint bars (track).
Tie plates (track).
Track spikes.
Wheels, rolled or forged (railroad).
Axles (railroad).

ALLOY STEEL[8] (EXCEPT STAINLESS STEEL[9])

(a) Bar, bar shapes.
Includes:
Bar, hot-rolled stock for projectile and shell bodies.
Bar, hot-rolled, other (including light shapes).
Bar, cold-finished.
(b) Sheet, strip.
Includes:
Sheet, hot-rolled.
Sheet, cold-rolled.
Sheet, galvanized.
Strip, hot-rolled.
Strip, cold-rolled.
(c) Plate.[10]
Includes:
Rolled armor.
Other.
(d) Structural shapes.[4]
(e) Pipe, tubing—seamless and welded.[5]
Includes:
Oil-country goods.
Pressure tubing.
Mechanical tubing.
(f) Wire.
(g) Tool steel (all forms including die blocks and tool steel forgings).
(h) Other mill forms and products (excluding castings and forgings).
Includes:
Ingots.
Billets, projectile and shell stock.
Blooms, slabs, other billets, tube rounds, sheet bars.
Wire rods.
Rails.
Wheels, rolled or forged (railroad).
Axles (railroad).

STAINLESS STEEL[9]

(a) Bar, bar shapes.
Includes:
Bar, hot-rolled (including light shapes).
Bar, cold-finished.
(b) Sheet, strip.
Includes:
Sheet, hot-rolled.
Sheet, cold-rolled.
Strip, hot-rolled.
Strip, cold-rolled.
(c) Plate.[11]
(d) Structural shapes.[4]
(e) Pipe, tubing—seamless and welded.[5]
Includes:
Pipe.
Pressure tubing.
Mechanical tubing.
(f) Wire, wire products.
Includes:
Wire, drawn.
Wire rope and strand.
(g) Other mill forms and products (excluding castings and forgings).
Includes:
Ingots.
Blooms, slabs, billets, tube rounds.
Sheet bars, wire rods.

COPPER AND COPPER-BASE ALLOY BRASS MILL PRODUCTS[12]

Copper (unalloyed):
(a) Bar, shapes, wire (except electrical wire).
(b) Rod.
(c) Sheet, plate, 24 inches wide and over.
(d) Rolls and strip up to 24 inches in width.
(e) Pipe, tube (seamless).
Copper-base alloy:[13]
(a) Bar, wire, shapes.
(b) Free cutting brass rod.
(c) Other rod.
(d) Sheet, and plate 24 inches wide and over.
(e) Rolls and strip up to 24 inches in width.
(f) Military ammunition cups and discs.
(g) Circles.
(h) Pipe, tube (seamless).

COPPER WIRE MILL PRODUCTS

All copper wire and cable for electrical conduction, including but not limited to:
Bare and tinned.
Weatherproof.
Magnet wire.
Insulated building wire.
Paper and lead power cable.
Paper and pulp telephone cable.
Plastic insulated telephone cable.
Asbestos cable.
Portable and flexible cord and cable.
Communication wire and cable.
Shipboard cable.
Automotive and aircraft wire and cable.
Insulated power cable.
Signal and control cable.
Coaxial cable.
Copper-clad steel wire containing over 20 percent copper by weight regardless of end use.
Copper-clad aluminum wire containing over 20 percent copper by weight regardless of end use.

COPPER AND COPPER-BASE ALLOY FOUNDRY PRODUCTS AND POWDER

Includes:
Copper, brass, and bronze castings.[14]
Copper, brass, and bronze powder (including copper powder, granular and flake, and copper-base alloy powder, granular and flake).

ALUMINUM

Rolled bar, rod, structural shapes, and bare wire.
Aluminum conductor steel reinforced (ACSR) and bare aluminum cable.
Insulated or covered wire or cable.
Extruded bar, rod, shapes, and tube (extruded, drawn and welded tube).
Sheet and plate.
Ingot, granular or shot, and molten metal.
Foil.
Powder, flake, paste.

NICKEL ALLOYS[15]

Ingots, blooms, slabs, and billets.
Plate, sheet, strip, and foil.
Rods, bars (including anode bars), pipe, tubing, and shapes.
Wire and wire rod.
Powder.

FOOTNOTES

[1] For the purpose of this schedule "carbon steel (including wrought iron)" means any steel customarily so classified and also includes: (1) Ingot iron; (2) all grades of electrical sheet and strip; (3) high-strength low-alloy steels; (4) clad and coated carbon steels not included with alloy steels: e.g., galvanized, tin, terne, copper (excluding copper wire mill products) or aluminum clad and/or coated carbon steels; and (5) leaded carbon steels. "High-strength low-alloy steels" means only the proprietary grades promoted and sold for this purpose, and Navy high-tensile steel grade HT Specification Mil-S-16113 (Ships).

[2] Includes projectile body stock, sizes under 2⅞ inches.

[3] Carbon plate not only includes the following specifications, but also floor plates of any thickness:
0.180 inch or thicker, over 48 inches wide.
0.230 inch or thicker, over 8 inches wide.
7.63 pounds per square foot or heavier, over 48 inches wide.
9.62 pounds per square foot or heavier, over 8 inches wide.

[4] "Structural shapes" means rolled flanged sections having at least one dimension of their cross section 3 inches or greater, commonly referred to as angles, channels, beams, and wide flange sections.

[5] Steel pipe or tubing exceeding 36 inches O.D. is not a controlled material, but is a Class A product.

[6] Standard pipe includes the following:
Ammonia pipe.
Bedstead tubing.
Driven well pipe.
Drive pipe.
Dry kiln pipe.
Dry pipe for locomotives.
English gas and steam pipe.
Fence pipe.
Furniture pipe.
Ice machine pipe.
Mechanical service pipe.
Nipple pipe.
Pipe for piling.
Pipe for plating and enameling.
Pump pipe.
Signal pipe.
Standard pipe coupling.
Structural pipe.
Turbine pump pipe.
Water main pipe.
Water well casing.
Water well reamed and drifted pipe.

[7] Includes only projectile body stock, sizes 2⅞ inches and larger, rounds, and round-cornered squares.

[8] For purposes of this schedule "alloy steel" means steel containing 50 percent or more of iron or steel and any one or more of the following elements in the following amounts: manganese, maximum of range in excess of 1.65 percent; silicon, maximum of range in excess of 0.60 percent (excepting electrical sheet and strip); copper, maximum of range in excess of 0.60 percent; aluminum, boron, chromium (less than 10 percent), cobalt, columbium, molybdenum, nickel, tantalum, titanium, tungsten, vanadium, zirconium, or any other alloying elements in any amount specified or known to

See footnotes at end of schedule.

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FOOTNOTES—Continued

have been added to obtain a desired alloying effect. Clad steels which have an alloy steel base or carbon steel base for which nickel and/or chromium is contained in the coating or cladding material (e.g., inconel, monel, or stainless) are alloy steels.

[9] "Stainless steel" means heat- and corrosion-resisting steel containing 50 percent or more of iron or steel and 10 percent or more of chromium whether with or without nickel, molybdenum, or other elements.

[10] Alloy steel plate includes the following specifications:

0.180 inch or thicker, over 48 inches wide.

0.230 inch or thicker, over 8 inches wide.

7.53 pounds per square foot or heavier, over 48 inches wide.

9.62 pounds per square foot or heavier, over 8 inches wide.

[11] Stainless steel plates include the following size specifications: 3/16 inch (0.1875) or thicker, over 10 inches wide.

[12] Includes anodes—rolled, forged, or sheared from cathodes.

[13] "Copper-base alloy" means any alloy in the composition of which the percentage of copper metal equals or exceeds 40 percent by weight of the metallic content of the alloy. It does not include alloyed gold produced in accordance with U.S. Commercial Standard CS 67–38.

[14] Cast copper and copper-base alloy shapes or forms suitable for ultimate use without remelting, rolling, drawing, extruding, or forging. (The process of casting includes the removal of gates, risers, and sprues, and sandblasting, tumbling, and dipping, but does not include any further machining or processing. For centrifugal castings the process includes the removal of the rough cut in the inner and/or outer diameter before delivery to a customer.) Castings include anodes cast in a foundry or by an ingot maker.

[15] "Nickel alloys" means those alloys for which the specified nickel content is 5 percent or more up to and including pure nickel, and which do not contain as much as 50 percent of iron or steel, nor as much as 40 percent of copper, nor as much as 50 percent of aluminum. It does not include primary nickel in the forms of electrolytic cathodes, pigs, rondelles, cubes, pellets, shot, oxide (including sintered oxide), salts, or chemicals; nor does it include primary nickel in the form of ingots used for remelting or powder derived directly from ore concentrates; nor does it include ferronickel.

SCHEDULE II TO DMS REG. 1

AUTHORIZED PROGRAM IDENTIFICATIONS AND CLAIMANT AND SUB-CLAIMANT AGENCIES

(See sections 2(e), 2(f), 4(a), 5(a), and 14(b))

The program identifications listed in this schedule have equal preferential status and are the only ones authorized under the Defense Materials System and the Defense Priorities System and must be used in accordance with this regulation, DPS Reg. 1 and other applicable regulations and orders of BDC.

The identifications are not listed in alphabetical or numerical sequence but are grouped by Claimant Agencies and Sub-Claimant Agencies. Within each group, the Claimant and Sub-Claimant Agencies listed in Column 3 are authorized to employ the program identifications listed in Column 1 for purposes of placement by them and their suppliers of ACM orders and rated orders in support of the programs listed in Column 2.

The full names of the Claimant Agencies and Sub-Claimant Agencies shown by initials in Column 3 are:

AEC—Atomic Energy Commission.
BDC—Bureau of Domestic Commerce.
CIA—Central Intelligence Agency.
FAA—Federal Aviation Administration.
NASA—National Aeronautics and Space Administration.

Column 1 Program Identification	Column 2 Program	Column 3 Claimant Agency	Column 3 Sub-Claimant Agency
	For Department of Defense and associated programs:		
A-1	Aircraft	Department of Defense.	Army. Navy (including Coast Guard). Air Force. Defense Supply Agency. CIA. FAA. NASA.
A-2	Missiles		
A-3	Ships		
A-4	Tank—Automotive		
A-5	Weapons		
A-6	Ammunition		
A-7	Electronic and communications equipment		
B-1	Military building supplies		
B-8	Production equipment (for defense contractor's account)		
B-9	Production equipment (Government owned)		
C-2	Department of Defense construction		
C-3	Maintenance, repair and operating supplies (MRO) for Department of Defense facilities.		
C-8	Controlled materials for Defense Industrial Supply Center (DISC).		
C-9	Miscellaneous		
	For Atomic Energy Commission programs:		
E-1	Construction	AEC.	
E-2	Operations—including maintenance, repair, and operating supplies (MRO).		
E-3	Privately owned facilities		
	For other Defense, Atomic Energy, and related programs:		
B-5	Certain self-authorizing consumers (see sec. 8(d) of DMS Reg. 1).	BDC.	
C-4	Certain munitions items purchased by friendly foreign governments through domestic commercial channels for export.		
C-5	Canadian Military Programs		
C-6	Certain direct defense needs of friendly foreign governments other than Canada.		
D-1	Controlled Materials Producers		
D-2[1]	Approved state and local civil defense programs		
D-3	Further Converters (Steel)		
D-4	Private domestic production		
D-5	Private domestic construction		
D-6	Canadian production and construction		
D-7	Friendly foreign nations (other than Canada) production and construction.		
D-8	Distributors of controlled materials		
D-9	Maintenance, Repair and Operating Supplies (MRO) (see Dir. 1 to DMS Reg. 1).		
E-4	Canadian Atomic Energy Program		
K-1	General Services Administration's Supply Distribution Facility Program.		
AM	Aluminum Controlled Materials Producers		
AM-9000	Aluminum Controlled Materials Distributors		
FC	Further Converters (steel and nickel alloys)		

[1] State and local governments will be authorized to use the program identification D-2 only upon application to the Defense Civil Preparedness Agency of the Department of Defense, sponsorship by the Office of the Assistant Secretary of Defense (Installations and Logistics) and specific approval by BDC.

SCHEDULE III TO DMS REG. 1—MILL LEAD TIMES

(See sections 10(c) and 15(b))

Name of Product[1]	Minimum number of days in advance of first day of month in which shipment is required: Steel: Carbon	Steel: High-strength low-alloy	Steel: Stainless	Steel: Alloy[2]	Aluminum, copper, and nickel alloys
Steel:					
Bar, bar shapes (including light shapes):					
Bar, hot-rolled stock for projectile and shell bodies	45	75		[3] 75	
Bar, hot-rolled, other (including light shapes)	[3] 45	[3] 75	90	[3] 75	
Bar, reinforcing (straight lengths—as rolled)	45			75	
Bar, cold-finished	[3] 75	[3] 105	105	[3] 105	
Sheet, strip (uncoated and coated):					
Sheet, hot-rolled	45	75	90	75	
Sheet, cold-rolled	45	75	105	90	
Sheet, galvanized	45				
Sheet, all other coated	45				
Sheet, enameling	45				
Roofing, galvanized, corrugated, V-crimped channel drains	45				
Ridge roll, valley, and flashing	45				
Siding, corrugated and brick	45				
Strip, hot-rolled	45	75	90	75	
Strip, cold-rolled	[3] 45	75	105	90	
Strip, galvanized	45				
Electrical sheet and strip	(4)				
Tin mill black plate	45				
Tin plate, hot-dipped	45				
Terne, special coated manufacturing	45				
Tin plate, electrolytic	45				
Electrolytic chromium coated steel	45				

SCHEDULE III TO DMS REG. 1—MILL LEAD TIMES—Continued

Name of Product[1]	Minimum number of days in advance of first day of month in which shipment is required: Steel: Carbon	Steel: High-strength low-alloy	Steel: Stainless	Steel: Alloy[2]	Aluminum, copper, and nickel alloys
Steel—Continued					
Plate	[3] 45	[3] 75	90	[3] [5] 75	
Structural shapes, piling	45	[3] 75	[6] 150	90	
Pipe, tubing—seamless and welded:					
Standard pipe (including couplings furnished by mill)	45		120		
Oil-country goods (casing, tubing and drill pipe, including type of couplings furnished by mill)	45			60	
Line pipe (including couplings furnished by mill)	45	75			
Pressure tubing	[7] 60		120	120	
Mechanical tubing	[7] 60		120	120	
Wire, wire products:					
Wire, drawn	45	75	90	75	
Nails-bright steel wire, steel cut, galvanized, cement-coated, and painted	45				
Spikes and brads-steel wire, galvanized, and cement coated	45				
Staples, bright and galvanized (farm and poultry)	45				
Wire rope and strand	45		105		
Welded wire mesh and woven wire netting	45				
Barbed and twisted wire	45				
Wire fence, woven and welded (farm and poultry)	45				
Bale ties	45				
Coiled automatic baler wire	45				
Tool steel (all forms including die blocks and tool steel forgings)	[6] 60			[6] 90	
Other mill forms and products (excluding castings and forgings):					
Ingots	45	75	75	75	
Billets, projectile and shell stock	45	75		75	
Blooms, slabs, other billets, tube rounds, sheet bars	45	75	75	75	
Skelp	45				
Wire rod	45	75	90	75	
Rails	45			90	
Joint bars (track)	45				
Tie plates (track)	45				
Track spikes	45				
Wheels, rolled or forged (railroad)	45			90	
Axles (railroad)	45			90	
Copper and copper-base alloy brass mill products:					
Copper (unalloyed):					
Bar, shapes, wire (except electrical wire)					45
Rod					45
Sheet, plate, 24 inches wide and over					45
Rolls and strip up to 24 inches in width					45
Pipe, tube (seamless)					45
Copper-base alloy:					
Bar, wire, shapes					[10] 45
Free cutting brass rod					[10] 45
Other rod					[10] 45
Sheet, and plate 24 inches wide and over					[10] 45
Rolls and strip up to 24 inches in width					[10] 45
Military ammunition cups and discs					[10] 45
Circles					[10] 45
Pipe, tube (seamless)					[10] 45
Copper wire mill products:					
Copper wire and cable:					
Bare and tinned					35
Weatherproof					35
Magnet wire					35
Insulated building wire					35
Paper and lead power cable					60
Paper and pulp telephone cable					45
Plastic insulated telephone cable					45
Asbestos cable					60
Portable and flexible cord and cable					45

See footnotes at end of table.

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SCHEDULE III TO DMS REG. 1—MILL LEAD TIMES—Continued

Name of Product [1]	Minimum number of days in advance of first day of month in which shipment is required				
	Steel				Aluminum, copper, and nickel alloys
	Carbon	High-strength low-alloy	Stainless	Alloy [2]	
Copper wire mill products—Continued					
Copper wire and cable—Continued					
Communication wire and cable					60
Shipboard cable					60
Automotive and aircraft wire and cable					45
Insulated power cable					60
Signal and control cable					60
Coaxial cable					45
Copper-clad steel wire containing over 20 percent copper by weight regardless of end use					35
Copper-clad aluminum wire containing over 20 percent copper by weight regardless of end use					45
Copper and copper-base alloy foundry products and powder:					[4] [11] 14
Copper, brass, and bronze castings					
Copper, brass, and bronze powder (including copper powder, granular and flake, and copper-base alloy powder, granular and flake)					30
Aluminum:					
Rolled bar, rod, structural shapes, and bare wire					60
Aluminum conductor steel reinforced (ACSR) and bare aluminum cable					60
Insulated or covered wire or cable					60
Extruded bar, rod, shapes, and tube (extruded, drawn and welded tube)					60
Sheet and plate					60
Ingot, granular or shot					[10]
Molten metal					60
Foil					60
Powder, flake, paste					
Nickel Alloys:					
Rods and bars (except anode bars):					
Hot-rolled					90
Forging quality					106
Cold-finished					120
Sheet and strip:					
Hot-rolled					90
Cold-rolled					120
Foil					120
Plate					90
Pipe, tubing					120
Wire					120
Other mill forms:					
Ingots					75
Blooms, slabs, billets					75
Wire rod					90
Powder					90
Shapes and forms not listed above (including anode bars)					[13]

[1] See definitions contained in footnotes to Schedule I of this regulation.
[2] For clad products, add 45 days to lead time indicated.
[3] If annealed or heat-treated, add an additional 15 days.
[4] For electrical sheet and strip, use this table:

Grade	Lead time	Definition
Low	45	AISI M47, M45, M43, M36.
Medium	45	AISI M27, M22, M19.
High	60	AISI M15 and oriented.

[5] Rolled armor plate is subject to negotiation between mill and its customer. If no acceptable arrangements are worked out, BDC should be notified.
[6] Applies to special rolled shapes including angles and channels.
[7] For welded tubing or high carbon spring steel strip, 75 days.
[8] If cold-finished, add an additional 15 days.
[9] Lead time applies to unmachined castings after approval of patterns for production.
[10] For refractory alloys, 60 days.
[11] Small simple castings to fit 12x16 inch flask, 7 days.
[12] By negotiation between mill and its customer. If no acceptable arrangements are worked out, BDC should be notified.

SCHEDULE IV TO DMS REG. 1—MINIMUM MILL QUANTITIES

(See sections 12(a) and 15 (b))

Name of product [1]	Minimum quantity for each size and grade of any item for mill shipment at any one time to any one destination		
	Steel [2]		Aluminum, copper, and nickel alloys (pounds)
	Carbon	Alloy	
Steel:			
Bar, bar shapes (including light shapes):			
Bar, hot-rolled stock for projectile and shell bodies	[3]	[3]	
Bar, hot-rolled, other (including light shapes):			
Round bars up to and including 3 inches, and squares, hexagons, half rounds, ovals, etc., of approximately equivalent section area—net tons	5	[3]	
Round and square bars over 3 inches to, but not including, 8 inches—net tons	15	[3]	
Bar-size shapes (angles, tees, channels, and zees under 3 inches)—net tons	5	[3]	
Bar, reinforcing (straight lengths, as rolled)—do	5		
Bar, cold-finished—do	5	[3]	
Sheet, strip (uncoated and coated):			
Sheet, hot-rolled—do	5	[3]	
Sheet, cold-rolled—do	5	[3]	
Sheet, galvanized	[3]		
Sheet, all other coated—net tons	5		
Sheet, enameling—do	5		
Roofing, galvanized, corrugated, V-crimped channel drains	[3]		
Ridge roll, valley, and flashing	[3]		
Siding, corrugated and brick	[3]		
Strip, hot-rolled	[3]	[3]	
Strip, cold-rolled	[3]	[3]	
Strip, galvanized	[3]		
Electrical sheet and strip—net tons	5		
Tin mill black plate—pounds	5,000		
Tin plate, hot-dipped—do	5,000		
Ternes, special coated manufacturing—do	5,000		
Tin plate, electrolytic—do	5,000		
Electrolytic chromium coated steel	[3]		
Plate:			
Rolled armor	[3]	[3]	
Continuous strip mill production—net tons	10	[3]	
Sheared, universal, or bar mill production—do	3	[3]	
Structural shapes, piling	[3]	[3]	
Pipe, tubing:			
Standard pipe (including couplings furnished by mill)	[4]	[4]	
Oil-country goods (casings, tubular goods, couplings furnished by mill)	[4]	[4]	
Line pipe (including couplings furnished by mill)	[4]	[4]	
Pressure and mechanical tubing (seamless and welded):			
Seamless cold-drawn (O.D. in inches):			
Up to ¾, inclusive—feet	1,000	1,000	
Over ¾ to 1½, inclusive—do	800	800	
Over 1½ to 3, inclusive—do	600	600	
Over 3 to 6, inclusive—do	400	400	
Over 6—do	250	250	
Seamless hot-rolled	[4]	[4]	
Welded	[4]	[4]	
Wire, wire products:			
Wire, drawn	[4]	[4]	
Nails—bright steel wire, steel cut, galvanized, cement-coated, and painted—net tons	[5] 5		
Spikes and brads—steel wire, galvanized, cement-coated—do	[5] 5		
Staples, bright and galvanized (farm and poultry)—do	[5] 5		
Wire rope and strand	[3]		
Welded wire mesh	[3]		
Woven wire netting—net tons	[5] 5		
Barbed and twisted wire—do	[5] 5		
Wire fence, woven and welded (farm and poultry)—do	[5] 5		
Bale ties—do	[5] 5		
Coiled automatic baler wire—do	[5] 5		
Tool steel (all forms including die blocks and tool steel forgings)—pounds	500	500	
Other mill forms and products (excluding castings and forgings):			
Ingots—net tons	[5] 25	[7]	
Billets, projectile and shell stock	[8]	[3]	
Blooms, slabs, other billets, tube rounds, sheet bars—net tons	[5] 25	[3]	
Skelp—do	25	[3]	
Wire rod	[3]	[3]	
Rails and track accessories	[3]	[3]	
Wheels, rolled or forged (railroad)	[3]	[3]	
Axles (railroad)	[3]	[3]	
Copper and copper-base alloy brass mill products:			
Copper (Unalloyed):			
Bar, shapes, wire (except electrical wire)			500
Rod			1,000
Sheet, plate, 24 inches wide and over			2,000
Rolls and strip up to 24 inches in width			1,000
Pipe, tube (seamless)			1,000
Copper-base alloy:			
Bar, wire, shapes			500
Free cutting brass rod			2,000
Other rod			500
Sheet, and plate 24 inches wide and over			2,000
Rolls and strip up to 24 inches in width			2,000
Military ammunition cups and discs			500
Circles			1,000
Pipe, tube (seamless)			1,000

See footnotes at end of table.

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SCHEDULE IV TO DMS REG. 1—Continued

Name of product [1]	Minimum quantity for each size and grade of any item for mill shipment at any one time to any one destination		
	Steel [2]		Aluminum, copper, and nickel alloys [3] (pounds)
	Carbon	Alloy	
Copper wire mill products			(4)(5)
Aluminum:			
Rolled bar, rod, structural shapes, and bare wire			(5)
Aluminum conductor steel reinforced (ACSR) and bare aluminum cable			(5)
Insulated or covered wire or cable			(5)
Extruded bar, rod, shapes, and tube (extruded, drawn and welded tube)			(5)
Sheet and plate			(5)
Ingot, granular or shot, and molten metal			(5)
Foil			(5)
Powder, flake, paste			(5)
Nickel alloys:			
Rods and bars (except anode bars):			
Hot-rolled			(5)
Forging quality			(5)
Cold-finished			(5)
Sheet and strip:			
Hot-rolled			(5)
Cold-rolled			(5)
Foil			(5)
Plate			(5)
Pipe, tubing			(5)
Wire			(5)
Other mill forms:			
Ingots			(5)
Blooms, slabs, billets			(5)
Wire rod			(5)
Powder			(5)
Shapes and forms not listed above (including anode bars)			(5)

[1] See definitions contained in footnotes to Schedule I of this regulation.
[2] All stainless steel products are by negotiation. If no acceptable arrangements are worked out, BDC should be notified.
[3] By negotiation between mill and its customer. If no acceptable arrangements are worked out, BDC should be notified.
[4] Published carload minimum (mixed sizes and grades).
[5] Quantity refers to any assortment of wire merchant trade products.
[6] For forging quality, product of one heat.
[7] Product of one heat.
[8] Standard package quantities as published by each mill.
[9] Standard minimum quantities as established by each mill.

SCHEDULE V TO DMS REG. 1—FORM FOR STATEMENT OF CONTROLLED MATERIAL REQUIREMENTS FOR CLASS A PRODUCTS

(See section 3(g))

OFFICE OF MANAGEMENT AND BUDGET APPROVAL NO. 41-R1979

Form DMS-6

U.S. DEPARTMENT OF COMMERCE, BUREAU OF DOMESTIC COMMERCE

Statement of Controlled Material Requirements for Class A Products

INSTRUCTIONS: Submit to requesting customer the number of copies he requests and retain one (1) copy. Read the detailed instructions below before filling out this form.

2. RETURN TO: (Name and address of requesting customer—Street, City, State, ZIP)

1. FROM: (Name and address of company submitting statement—Street, City, State, ZIP)

2. Name and title of person to communicate with regarding this statement

4. Description of Class A Product. (Give name and description of product or item covered by this statement)

5. Quantity of listed controlled materials required to produce _____ unit(s) of the product or item described in block 4.

Column 1 Controlled material	Column 2 Unit of measure	Column 3 Quantity
Carbon steel (including wrought iron)	Short tons	
Alloy steel (except stainless steel)	do	
Stainless steel	Pounds	
Copper and copper-base alloy brass mill products	do	
Copper wire mill products	do	
Copper and copper-base alloy foundry products and powder	do	
Aluminum	do	
Nickel alloys	do	

6. *Detailed Instructions*

a. *Who may use this form.* Any person who needs information regarding the controlled material requirements for the production of Class A products being supplied to him to fill rated orders may use this Form DMS-6, or a facsimile thereof, to request his suppliers of Class A products to submit such requirements information to him. This form may be duplicated in any quantity necessary. The requesting person must fill in the name and address of his company in Block 3 and enter a description of the Class A product for which the information is requested in Block 4. He should also send his supplier, with copies of the form, a letter describing the information he desires, the number of copies he needs, and the time when they should be submitted to him. He should also refer to Section 3 of DMS Reg. 1 as his authority for using this form.

In addition to the eight categories of controlled materials printed in Block 5, the requesting person may ask for further breakdown of the printed controlled materials categories. In no case should the further breakdown requested be in any greater detail than the listing on Form DMS-4S. Such further breakdown, if requested, shall be supplied on Form DMS-4S and shall show only the total requirements which coincide with those requirements shown in Form DMS-6. Unless otherwise requested, such total requirements shall be listed in Column (e), the "Total" column, of Form DMS-4S and the quarterly requirements columns shall remain blank.

b. *Who must submit this form.* Any producer of Class A products who is requested by his customer to supply the information called for on this form must submit it in accordance with Section 3(g) of DMS Reg. 1 and his customer's request.

c. *How to fill out this form.* A producer of Class A products who has been requested by his customer to submit this form must include the following information:

(1) Enter name and address of submitting company in Block 1.

(2) Enter name and title of employee of submitting company to whom communications should be addressed regarding the information submitted on this form.

(3) Enter on top line of Block 5, in the blank space, the number of units of the Class A product identified in Block 4 covered by the quantity of materials shown in Column 3 of Block 5. Enter in Column 3 of Block 5 the quantity of each of the controlled materials listed in Column 1 required to produce the number of units of the Class A product described in Block 4 indicated on top line of Block 5. The quantities entered in Column 3 of Block 5 must include the following:

(i) The quantities of the controlled materials listed in Column 1 needed by the submitting producer for incorporation in the Class A product described in Block 4.

(ii) The quantities of controlled materials listed in Column 1 required for incorporation in any Class A products (components or subassemblies) which are produced by suppliers in all degrees of remoteness for incorporation in the Class A product produced by him described in Block 4.

(iii) The quantities of controlled materials listed in Column 1 needed for packaging or containers required to make delivery of the Class A product described in Block 4.

7. CERTIFICATION: The undersigned company and the official executing this certification on its behalf hereby certify that the information contained in this report is correct and complete to the best of their knowledge and belief.

_____ (Company name)

By _____ (Signature of authorized official)

_____ (Title)

_____ (Date)

[FR Doc.74-13164 Filed 6-24-74;8:45 am]

[DMS Reg. 1, Direction 1, as revised July 1, 1974]

DMS REG. 1—BASIC RULES OF THE DEFENSE MATERIALS SYSTEM

Direction 1—Self-Authorization Procedure for MRO Needed To Fill Mandatory Acceptance Orders

On October 1, 1973, a notice of proposed rulemaking was published in the FEDERAL REGISTER (38 FR 27262) proposing to revise Direction 1 to DMS Regulation 1. All comments received in response to the proposal were given due consideration.

As a result of comments received and as a result of further agency review, the following changes are made:

1. The Bureau of Domestic Commerce (BDC) has been substituted for the references to the Bureau of Competitive Assessment and Business Policy (BCABP) throughout the direction. These substitutions were made because the name of the agency was changed from BCABP to BDC subsequent to publication on October 1, 1973, of the notice of proposed rulemaking.

2. A few modifications which are mainly clarifications or modifications of an editorial or technical nature.

This revised direction is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this revised direction, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

DMS Regulation 1, Direction 1, in 32A CFR Chapter VI is revised to read as follows:

DMS REG. 1—BASIC RULES OF THE DEFENSE MATERIALS SYSTEM

Direction 1—Self-Authorization Procedure for MRO Needed To Fill Mandatory Acceptance Orders

Sec.
1. What this direction does.
2. Definitions.
3. Procurement of products and materials for MRO.
4. Applicability of other regulations and orders.
5. Small order exception.

AUTHORITY: Defense Production Act of 1950, as amended (64 Stat. 816; 50 U.S.C. App. 2061 et seq.); Executive Order 10480, as amended, 18 FR 4939, 6201, 19 FR 3807, 7249, 21 FR 1673, 23 FR 5061, 6971, 24 FR 3779, 27 FR 9683, 11447, 3 CFR 1949-1953 Comp., p. 919; Executive Order 11725, 38 FR 17175; DMO 8400.1, 32A CFR 15; Department of Commerce Organization Orders 10-3, 38 FR 33624, and 40-1, 39 FR 1871; Department of Commerce, Domestic and International Business Administration Organization and Function Orders 41-1, as amended, 39 FR 2780, 39 FR 18490; 45-1, 39 FR 18488, 45-2, 39 FR 18489; Department of Commerce Organization Order 20-11, 32 FR 10825.

Section 1. What this direction does.

This revised direction establishes a self-authorization procedure by which a person who is unable to fill a mandatory acceptance order because of inability to obtain materials for maintenance, repair, and operating supplies and installation (referred to collectively as "MRO") is required to use ACM orders and rated orders to obtain MRO. Suppliers of such MRO items obtain products and materials needed for their production under the provisions of DPS Reg. 1, DMS Reg. 1 or other appropriate regulation or order of BDC.

Sec. 2. Definitions.

As used in this direction:

(a) "Maintenance" means the minimum upkeep necessary to continue any plant, facility, or equipment in sound working condition. "Repair" means, with respect to any person, the restoration of any plant, facility, or equipment to sound working condition when it has been rendered unsafe or unfit for service by wear and tear, damage, failure of parts, or the like, where such repair is not capitalized according to his established accounting practice. Neither "maintenance" nor "repair" includes the replacement of any plant, facility, or equipment; nor does it include the improvement of any plant, facility, or equipment by replacing material which is still in sound working condition with material of a new or different kind, quality, or design.

(b) "Operating supplies" means any kind of material carried by a person as operating supplies according to his established accounting practice. It includes expendable tools, jigs, dies, and fixtures used on production equipment, regardless of the accounting practice of the person. It also includes items, such as hand tools, purchased by an employer for sale to his employees solely for use in his business if such items would have constituted operating supplies had they been issued to employees without charge.

(c) "Installation" means the setting up or relocation of machinery, fixtures, or equipment in position for service and connection thereof to existing service facilities.

(d) "MRO" means materials for maintenance, repair, and operating supplies, and for installation. Materials produced or obtained for sale to other persons or for installation upon or attachment to the property of another person, and materials required for the production of such materials are not "MRO" as to the producer or supplier.

(e) "Established accounting practice" means, in the case of a person in operation on or before December 31, 1973, the accounting practice in use by such person on that date or on the last day of his operation prior thereto. In the case of a person whose operation begins after December 31, 1973, the term means the accounting practice established by him in such operation.

(f) "Mandatory acceptance order" means a rated order, an ACM order, or any other delivery order which a person is required to accept pursuant to any regulation or order of BDC, or pursuant to a specific authorization or directive of BDC.

(g) "ACM-DX order" means an authorized controlled material order identified by the suffix "DX" as provided in section 5 of DMS Reg. 1.

Sec. 3. Procurement of products and materials for MRO.

(a) If inability to obtain MRO would result in failure by a person to fill a mandatory acceptance order he must obtain such MRO as follows:

(1) In obtaining controlled materials needed for such MRO he must place ACM orders in accordance with the provisions of DMS Reg. 1 and must indicate thereon the program identification D-9 and the calendar quarter in which delivery of the controlled materials is required: *Provided*, That if the inability to obtain such controlled materials would result in failure to fill a DX rated order or an ACM-DX order he must identify his ACM orders with the suffix DX, in addition to the program identification D-9 and the quarterly identification.

(2) In obtaining products and materials other than controlled materials needed for such MRO he must place rated orders in accordance with the provisions of DPS Reg. 1 and must indicate thereon the rating DO-D-9: *Provided*, That if the inability to obtain such products and materials would result in failure to fill a DX rated order or an ACM-DX order he must use the rating DX-D-9.

(b) In no event shall a person use the provisions of this direction to acquire products and materials in a greater amount or on an earlier date than required to provide the MRO necessary to enable him to fill his mandatory acceptance orders.

Sec. 4. Applicability of other regulations and orders.

(a) Any person who is entitled to obtain MRO for a particular purpose under any other regulation, order, or direction of BDC, shall not use the procedures of this direction to obtain MRO for such purpose.

(b) Nothing in this direction shall be construed to relieve any person from complying with all other applicable regulations and orders of BDC. The provisions of DMS Reg. 1 regarding authorized controlled material orders, and the provisions of DPS Reg. 1 regarding rated orders, except as otherwise provided in this direction, shall apply to operations under this direction.

Sec. 5. Small order exception.

The provisions of this direction requiring persons to use ratings and program identifications need not be followed in the case of any individual delivery order of $500 or less.

This revised direction shall take effect July 1, 1974.

DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION, BUREAU OF DOMESTIC COMMERCE

JOHN M. DUNN,
Deputy Assistant Secretary for Domestic and International Business.

[FR Doc.74-13165 Filed 6-24-74;8:45 am]

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[DMS Reg. 1, Direction 2—Revocation]

DMS REG. 1—BASIC RULES OF THE DEFENSE MATERIALS SYSTEM

Revocation of Direction 2

Direction 2 (Small Order Procedure for Allotting Agencies) of December 1, 1959 (32A CFR 134 (1973)) to DMS Regulation 1 is hereby revoked.

This revocation does not relieve any person of any obligation or liability incurred under said direction, nor deprive any person of any rights received or accrued under said direction prior to the effective date of this revocation.

(Sec. 704, Defense Production Act of 1950, as amended, 50 U.S.C. App. 2154)

This revocation shall take effect July 1, 1974.

DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION, BUREAU OF DOMESTIC COMMERCE

JOHN M. DUNN,
Deputy Assistant Secretary for Domestic and International Business.

[FR Doc.74-13166 Filed 6-24-74;8:45 am]

[DMS Reg. 1, Direction 2 (formerly Direction 3), as revised July 1, 1974]

DMS REG. 1—BASIC RULES OF THE DEFENSE MATERIALS SYSTEM

Direction 2—Controlled Materials Producers and Distributors

On October 1, 1973, a notice of proposed rulemaking was published in the FEDERAL REGISTER (38 FR 27262) proposing to revise Direction 2 (formerly Direction 3) to DMS Regulation 1. All comments received in response to the proposal were given due consideration.

As a result of comments received and as a result of further agency review, the following changes are made:

1. Sections 3(b) and 5(c) now include express provisions permitting producers and distributors to reject ACM orders, other than ACM–DX orders, when the applicable set-aside has been reached or would be exceeded by acceptance.

2. The Bureau of Domestic Commerce (BDC) has been substituted for the references to the Bureau of Competitive Assessment and Business Policy (BCABP) throughout the direction. These substitutions were made because the name of the agency was changed from BCABP to BDC subsequent to publication on October 1, 1973, of the notice of proposed rulemaking.

3. A few modifications which are mainly clarifications or modifications of an editorial or technical nature.

This revised direction is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this revised direction there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

DMS Regulation 1, Direction 2 (formerly Direction 3), in 32A CFR Chapter VI is revised to read as follows:

DMS REG. 1—BASIC RULES OF THE DEFENSE MATERIALS SYSTEM

Direction 2—Controlled Materials Producers and Distributors

Sec.
1. What this direction does.
2. Definitions.
3. Rules applicable to controlled materials producers.
4. Production requirements of controlled materials producers.
5. Rules applicable to controlled materials distributors.
6. Small order exception.

AUTHORITY: Defense Production Act of 1950, as amended (64 Stat. 816; 50 U.S.C. App. 2061 et seq.); Executive Order 10480, as amended, 18 FR 4939, 6201, 19 FR 3807, 7249, 21 FR 1673, 23 FR 5061, 6971, 24 FR 3779, 27 FR 9683, 11447, 3 CFR 1949–1953 Comp., p. 919; Executive Order 11725, 38 FR 17175; DMO 8400.1, 32A CFR 15; Department of Commerce Organization Orders 10–3, 38 FR 33624, and 40–1, 39 FR 1871; Department of Commerce, Domestic and International Business Administration Organization and Function Orders 41–1, as amended, 39 FR 2780, 39 FR 18490; 45–1, 39 FR 18488; 45–2, 39 FR 18489; Department of Commerce Organization Order 20–11, 32 FR 10825.

Section 1. What this direction does.

This revised direction (formerly Direction 3 to DMS Reg. 1) sets forth certain rules governing operations of controlled materials producers and distributors under the Defense Materials System. These rules are supplementary to the provisions of DMS Order 1 (steel), DMS Order 2 (nickel alloys), DMS Order 3 (aluminum), and DMS Order 4 (copper).

Sec. 2. Definitions.

As used in this direction:

(a) "Mandatory acceptance order" means an ACM order or any other delivery order for controlled materials which a person is required to accept pursuant to any regulation or order of BDC, or pursuant to a specific authorization or directive of BDC.

(b) "Lead time" means the period of time in advance of the month of required shipment for controlled materials as specified in Schedule III of DMS Reg. 1.

(c) "Set-aside" means the amount and kind of any controlled material which a person is required to reserve for filling mandatory acceptance orders during specified periods of time, as prescribed by BDC.

(d) "ACM–DX order" means an authorized controlled material order identified by the suffix "DX" as provided in section 5 of DMS Reg. 1.

(e) "Production material" means, with respect to any controlled materials producer, any products or materials (including controlled materials) which will be physically incorporated into controlled materials which he produces and the portion of such products and materials normally consumed or converted into scrap or by-products in the course of processing. It also includes chemicals used directly in the production of the materials he produces, and products and materials used for packaging or containers required to make delivery of the materials he produces. It does not include products and materials for plant improvement, expansion or construction, production equipment, or maintenance, repair and operating supplies (MRO).

Sec. 3. Rules applicable to controlled materials producers.

(a) Each controlled materials producer must comply with such production and other directives as may be issued from time to time by BDC and with the provisions of all applicable regulations and orders of BDC.

(b) A controlled materials producer must accept all mandatory acceptance orders; however, he may reject ACM orders in the following cases, but he shall not discriminate among customers in rejecting or accepting such orders:

(1) If the order is received after commencement of the applicable lead time: *Provided*, That an ACM–DX order must be accepted without regard to lead time unless it is impracticable for him to make delivery within the required delivery month in which event he must accept such order for the earliest practicable delivery date.

(2) If the order is one for less than the minimum mill quantity specified in Schedule IV of DMS Reg. 1.

(3) If the person seeking to place the order is unwilling or unable to meet such producer's regularly established prices and terms of sale or payment.

(4) If the applicable set-aside has been reached or would be exceeded by acceptance, except that an ACM–DX order must be accepted without regard to such set-aside.

(5) If the order need not be accepted under the provisions of DMS Order 1 (steel), DMS Order 2 (nickel alloys), DMS Order 3 (aluminum), DMS Order 4 (copper) or of any other applicable regulation or order of BDC: *Provided*, That acceptance by a controlled materials producer prior to the date he opens his order books of (a) an ACM order directly from the Department of Defense or the Atomic Energy Commission or (b) an ACM–DX order, shall not effect an opening of his books so as to require acceptance of other ACM orders.

(c) A controlled materials producer who receives an ACM order must transmit written notification to the person who tendered such order of its acceptance or rejection within ten consecutive calendar days after its receipt, except that in the case of an ACM–DX order such notification must be transmitted within five consecutive calendar days after its receipt.

(d) A controlled materials producer must make shipment on each ACM order as close to the requested delivery date as is practicable. If a producer, after accepting an ACM order finds that, due to contingencies which he could not reasonably have foreseen, he is obliged to postpone the shipment date, he must promptly advise his customer of the approximate date when shipment can be made, and keep his customer advised of any changes in that date. Shipment of any such carry-over order must be scheduled and made in preference to any order originally scheduled for a later date. When the new date for shipment on a carry-over order falls within a later quarter than that indicated on the original order, the producer must make shipment on the basis of the original order even if that order shows a quarterly identification earlier than the one in which shipment is actually made.

Sec. 4 Production requirements of controlled materials producers.

(a) Except as provided in paragraph (b) of this section, a controlled materials producer must use the program identification D–1 and indicate the calendar quarter in which delivery is required in obtaining production materials consisting of controlled materials needed to fill mandatory acceptance orders or to replace in inventory such production materials which he has used to fill such orders: *Provided*, That instead of using the program identification D–1, (1) a steel controlled materials producer must obtain steel controlled materials in accordance with DMS Order 1, (2) a nickel alloy controlled materials producer must obtain nickel alloy controlled materials in accordance with DMS Order 2, (3) an aluminum controlled materials producer must obtain aluminum controlled materials in accordance with DMS Order 3, and (4) a copper controlled materials producer must obtain copper controlled materials in accordance with DMS Order 4.

(b) Notwithstanding the provisions of any other regulation or order of BDC, a controlled materials producer who requires controlled materials to fill an ACM–DX order or to replace in inventory controlled materials used to fill an ACM–DX order must, in addition to complying with the provisions of paragraph (a) of this section, indicate the suffix DX on his delivery orders for such controlled materials.

(c) Except as provided in paragraph (d) of this section, a controlled materials producer must use the rating DO–D–1 in obtaining production materials other than controlled materials needed to fill mandatory acceptance orders or to replace in inventory such production materials used by him to fill such orders.

(d) Notwithstanding the provisions of any other regulation or order of BDC, a controlled materials producer who requires production materials other than controlled materials to fill an ACM–DX order or to replace in inventory such production materials used to fill an ACM–DX order must use the rating DX–D–1 on his delivery orders for such production materials.

(e) A controlled materials producer may combine his requirements of controlled materials needed to fill mandatory acceptance orders in one or more ACM orders. He may also combine his requirements for other production materials needed to fill mandatory acceptance orders in one or more rated orders.

(f) Persons obtaining controlled materials or products and materials other than controlled materials to replace in inventory materials used to fill mandatory acceptance orders pursuant to the provisions of this section shall place ACM orders or rated orders, as appropriate, for such inventory replacement, only in the calendar month in which such products or materials were taken from inventory to fill such mandatory acceptance orders, or in the immediately succeeding two calendar months.

Sec. 5. Rules applicable to controlled materials distributors.

(a) Each controlled materials distributor must comply with such directives as may be issued from time to time by BDC and with the provisions of all applicable regulations and orders of BDC.

(b) An ACM order placed with a controlled materials distributor shall be considered as calling for immediate delivery unless such order specifically provides otherwise.

(c) A controlled materials distributor must accept all mandatory acceptance orders; however, he may reject ACM orders in the following cases, but he shall not discriminate among customers in rejecting or accepting such orders:

(1) If the order is not for immediate delivery.

(2) If he does not have the material ordered in his stock, unless he knows that such material is in transit to him.

(3) If the person seeking to place the order is unwilling or unable to meet such distributor's regularly established prices and terms of sale or payment.

(4) If the applicable set-aside has been reached or would be exceeded by acceptance, except that an ACM–DX order must be accepted without regard to such set-aside.

(5) If the order need not be accepted under the provisions of DMS Order 1 (steel), DMS Order 2 (nickel alloys), DMS Order 3 (aluminum), DMS Order 4 (copper) or of any other applicable regulation or order of BDC.

(d) Except as provided in paragraph (e) of this section, a controlled materials distributor must obtain controlled materials needed to fill mandatory acceptance orders or to replace in inventory controlled materials used to fill such orders in accordance with the provisions of DMS Order 1 (steel), DMS Order 2 (nickel alloys), DMS Order 3 (aluminum), and DMS Order 4 (copper).

(e) Notwithstanding the provisions of any other regulation or order of BDC, a controlled materials distributor who requires controlled materials to fill an ACM–DX order or to replace in inventory controlled materials used to fill an ACM–DX order must, in addition to complying with the provisions of paragraph (d) of this section, indicate the suffix DX on his delivery orders for such controlled materials.

Sec. 6. Small order exception.

The provisions of this direction requiring controlled materials producers and distributors to use ratings and program identifications need not be followed in the case of any individual delivery order of $500 or less.

This revised direction shall take effect July 1, 1974.

DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION, BUREAU OF DOMESTIC COMMERCE

JOHN M. DUNN,
Deputy Assistant Secretary for Domestic and International Business.

[FR Doc.74-13167 Filed 6-24-74;8:45 am]

[DPS Reg. 1, as revised July 1, 1974]

DPS REG. 1—BASIC RULES OF THE DEFENSE PRIORITIES SYSTEM

On October 1, 1973, a notice of proposed rulemaking was published in the FEDERAL REGISTER (38 FR 27264) proposing to revise DPS Regulation 1. All comments received in response to the proposal were given due consideration.

As a result of comments received and as a result of further agency review, the following changes are made:

1. Section 7(f) has been broadened to provide that nondiscrimination in prices and terms shall apply to all types of mandatory acceptance orders rather than only to rated orders, and to make the nondiscrimination provision applicable both before and after acceptance.

2. Section 8(f) which permitted the placement of oral orders has been deleted as unnecessary, since it required a confirming written order complying with the provisions of the section.

3. Section 14(a) which permitted combination of rated orders and unrated orders under certain conditions has been revised to prohibit such combination.

4. Section 17(d), which permitted rejection of a rated order by a supplier if he does not expect to be able to meet the requested delivery date, has been revised to delete the option to reject and now provides that he shall inform the customer of the earliest possible delivery date and offer to accept the order on the basis of that date.

5. Section 18 now includes express provisions permitting suppliers to reject rated orders, other than DX rated orders, (a) received after commencement of the applicable lead time, or (b) when the applicable set-aside has been reached or would be exceeded by acceptance.

6. Section 26 now includes an express provision permitting appeals from adverse agency decisions to the Appeals Board for the Department of Commerce.

7. In Schedule I the Defense Supply Agency (Department of Defense) has been added as a Defense Agency.

8. Schedule II has been substantially revised. Domestic refined copper and wood pulp are now subject to ratings by virtue of Amendment 7 (of February 4, 1974) to DPS Reg. 1 which was issued subsequent to publication on October 1, 1973, of the notice of proposed rulemaking. (Amendment 7 is superseded by this revised regulation.) Three interagency agreements dealing with priorities and allocations responsibilities were issued subsequent to publication on October 1, 1973, of the notice of proposed rulemaking. References to these agreements

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have been included in footnote 1 to Schedule II. A number of other changes, principally of an editorial or clarifying nature, have been made in Schedule II.

9. The Bureau of Domestic Commerce (BDC) has been substituted for the references to the Bureau of Competitive Assessment and Business Policy (BCABP) throughout the regulation. These substitutions were made because the name of the agency was changed from BCABP to BDC subsequent to publication on October 1, 1973, of the notice of proposed rulemaking.

10. A number of other modifications have been made in the regulation, and its schedules which are mainly clarifications or modifications of an editorial or technical nature.

This revised regulation (including its two Schedules) is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this revised regulation, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

DPS Regulation 1 in 32A CFR Chapter VI is revised to read as follows:

DPS REG. 1—BASIC RULES OF THE DEFENSE PRIORITIES SYSTEM

Sec.

1. What this regulation does.
2. Definitions.
3. General provisions.
4. Types of ratings and preferential status.
5. Directives and preferential status.
6. Mandatory use of ratings.
7. Self-authorization procedure for rated orders.
8. Statements and certifications to accompany rated orders.
9. Delivery, acceptance, and performance dates for rated orders.
10. Limitations on use of self-authorization.
11. Special priorities authorizations.
12. Expediting assistance and assistance in placing mandatory acceptance orders.
13. Use of ratings to obtain services.
14. Combination of orders and minimum quantities.
15. Restrictions on placing rated orders and on use of materials.
16. Sequence of filling rated orders.
17. Rules for acceptance of rated orders.
18. Rules for rejection of rated orders.
19. How changes in orders affect ratings.
20. Cancellation of ratings.
21. Intracompany deliveries.
22. Delivery for unlawful purposes prohibited.
23. Applicability of regulations and orders.
24. Protection against claims for damages.
25. Records and reports.
26. Requests for adjustment or exception and appeals.
27. Communications.
28. Violations.

Schedule

I. Authorized Program Identifications and Defense Agencies.

II. Materials and Services Not Subject to BDC Rating Authority.

AUTHORITY: Defense Production Act of 1950, as amended (64 Stat. 816; 50 U.S.C. App. 2061 et seq.); Executive Order 10480, as amended, 18 FR 4939, 6201, 19 FR 3807, 7249, 21 FR 1673, 23 FR 5061, 6971, 24 FR 3779, 27 FR 9683, 11447, 3 CFR 1949–1953 Comp., p. 919; Executive Order 11725, 38 FR 17175; DMO 8400.1, 32A CFR 15; Department of Commerce Organization Orders 10–3, 38 FR 33624, and 40–1, 39 FR 1871; Department of Commerce, Domestic and International Business Administration Organization and Function Orders 41–1, as amended, 39 FR 2780; 39 FR 18490; 45–1, 39 FR 18488; 45–2, 39 FR 18489; Department of Commerce Organization Order 20–11, 32 FR 10825.

Section 1. What this regulation does.

(a) This regulation is a major revision and simplification of the Defense Priorities System and supersedes DPS Reg. 1 of March 23, 1953 (including its List A, Directions, Amendments, and published Interpretations issued prior to the effective date of this regulation). DPS not only helps to keep current defense, atomic energy, and space programs (collectively referred to as "defense programs") on schedule but also provides an established operating mechanism that can be expanded or converted if the need arises. This regulation complements and is being issued concurrently with a major revision of Defense Materials System Regulation 1.

(b) Defense contractors and their suppliers should thoroughly familiarize themselves with the provisions of DMS Reg. 1 and with the provisions of this regulation which define their rights and obligations and set forth the basic rules of the Defense Priorities System. One of the principal differences between DMS and DPS, which complement each other, is that the former relates primarily to controlled materials (steel, copper, aluminum, and nickel alloys) while the latter relates primarily to products and materials other than controlled materials.

(c) Persons engaged in production, construction or research and development for defense programs are required to follow all the applicable rules of this revised regulation. Proper identification of delivery orders placed for products and materials needed to fill defense orders and contracts is particularly important. The rule for mandatory identification of orders is an essential part of both the Defense Priorities System and the Defense Materials System. It avoids delays which could adversely affect timely completion of defense programs by requiring preferential delivery against properly identified orders and by furnishing a mechanism for expediting assistance where needed.

(d) The changes effected by this revised regulation are essentially simplifications of a procedural or technical type but they do include some substantive changes:

(1) Defense contractors are now required, with certain exceptions, to use their inventory first in filling rated orders.

(2) The revised regulation expressly prohibits discrimination against mandatory acceptance orders with respect to prices and terms of sale.

(3) An express provision authorizing appeals from adverse decisions has been incorporated in the revised regulation.

(4) A new Schedule I has been added to the revised regulation. It lists Authorized Program Identifications and Defense Agencies.

(5) A new schedule II has been added to the regulation. It supersedes and revises the former List A to DPS Reg. 1 and lists Materials and Services Not Subject to BDC Rating Authority.

(6) Direction 2 (Limitation on Use of Ratings to Obtain Nickel), Direction 3 (Notice of Acceptance or Rejection of DX Rated Orders and of Delayed Shipment of Certain DO Rated Orders) and Direction 4 (Establishment of a Lead Time for the Placement of Rated Orders for the Delivery of Nickel and Ferronickel) to DPS Reg. 1 are being revoked. The substance of former Direction 4, however, has been revised and is being issued concurrently with this regulation as DPS Order 2 (Nickel).

(7) Numerous other changes, simplifications and consolidations have been effected in this revised regulation, the full text of which (including its Schedules I and II) should be studied carefully by defense contractors and their suppliers.

Sec. 2. Definitions.

As used in this regulation:

(a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, and includes any agency of the United States Government or any other government.

(b) "BDC" means the Bureau of Domestic Commerce, Domestic and International Business Administration, United States Department of Commerce.

(c) "GSA" means the General Services Administration of the United States Government.

(d) "Material" means any raw, in-process, or manufactured commodity, equipment, component, accessory, part, assembly, or product of any kind.

(e) "Controlled material" means domestic and imported steel, copper, aluminum, and nickel alloys, in the forms and shapes specified in Schedule I of DMS Reg. 1, whether new, remelted, rerolled, or redrawn.

(f) "Maintenance, repair and operating supplies" (MRO) means materials for maintenance, repair and operating supplies, and for installation, as defined in Direction 1 to DMS Reg. 1.

(g) "Production equipment" means any item used in producing materials or furnishing services which is carried by a person as capital equipment according to his established accounting practice.

(h) "Established accounting practice" means, in the case of a person in operation on or before December 31, 1973, the accounting practice in use by such person on that date or on the last day of his operation prior thereto. In the case of a person whose operation begins after December 31, 1973, the term means the accounting practice established by him in such operation.

(i) "Defense Agency" means a defense or defense-supporting department or agency including the Department of Defense, the Atomic Energy Commission, BDC, or any other Government agency or subdivision thereof designated as such by GSA for the purposes of this regulation or any other regulation or order of BDC. Schedule I of this regulation lists the Defense Agencies.

(j) "Authorized program" means a military, atomic energy, or other program specifically approved by GSA and which is subject to any regulation or order of BDC.

(k) "Set-aside" means the amount of any product or material, including controlled materials, which a person is required to reserve for filling mandatory acceptance orders during specified periods of time, as prescribed by BDC.

(l) "Self-authorizing consumer" means any person who receives authority for procurement by self-authorization pursuant to the provisions of this regulation.

(m) "Delivery order" means any purchase order, contract, shipping, or other instruction calling for delivery of any material or product, or performance of construction or service, on a particular date or dates or within specified periods of time.

(n) "Rated order" means any delivery order for any product, service, or material other than controlled material bearing an authorized rating and the certification required by this regulation or any other applicable regulation or order of BDC.

(o) "Authorized controlled material order" (ACM order) means any delivery order for any controlled material (as distinct from a product containing controlled material) bearing an authorized program identification, the calendar quarter in which delivery is required, and the certification required by DMS Reg. 1 or any other applicable regulation or order of BDC. The term "ACM order" shall have the same meaning as "authorized controlled material order."

(p) "Mandatory acceptance order" means a rated order, an ACM order, or any other delivery order which a person is required to accept pursuant to any regulation or order of BDC, or pursuant to a specific authorization or directive of BDC.

(q) "Directive" means an official action taken in writing by BDC which requires a named person to take an action or refrain from taking an action in accordance with its provisions.

Sec. 3. General provisions.

(a) Defense Agencies shall place rated orders for products and materials other than controlled materials needed for authorized programs, as provided in section 6 of this regulation.

(b) BDC may establish set-asides for acceptance of rated orders by producers of certain products and materials, other than controlled materials, needed for authorized programs. Set-asides for controlled materials are established by BDC pursuant to DMS Reg. 1 and other applicable regulations and orders of BDC.

(c) A person who receives a rated order from a Defense Agency or any other customer, or who is authorized by BDC or another Defense Agency to use ratings, is a self-authorizing consumer and must obtain his requirements to fill such order in accordance with paragraph (d) of this section.

(d) In filling rated orders, a self-authorizing consumer must obtain (1) his requirements for controlled materials in accordance with the provisions of DMS Reg. 1 and (2) his requirements for products and materials other than controlled materials in accordance with the provisions of this regulation.

(e) Ratings shall have no effect on delivery orders for controlled materials which shall be procured by the placement of authorized controlled material (ACM) orders pursuant to DMS Reg. 1 and other applicable regulations and orders of BDC.

Sec. 4. Types of ratings and preferential status.

(a) Two types of ratings are authorized, a DO rating and a DX rating. Ratings must contain the prefix DO or DX, as the case may be, followed by the appropriate program identification. Schedule I of this regulation contains a list of authorized program identifications.

(b) Rated orders must show the rating authorized; for example, DO–A–6, the date or dates on which delivery is required and must be certified as provided in section 8 of this regulation.

(c) All DO rated orders shall have equal preferential status and shall take precedence over unrated orders previously or subsequently received. All DX rated orders shall have equal preferential status and shall take precedence over DO rated orders and unrated orders previously or subsequently received.

Sec. 5. Directives and preferential status.

(a) A person shall comply with each directive issued to him by BDC. A recipient of a directive from BDC shall not use such directive to obtain any products, materials, or services from a supplier by placing a mandatory acceptance order, unless expressly authorized in the directive.

(b) Directives issued by BDC shall take precedence over DX rated orders, DO rated orders and unrated orders previously or subsequently received, unless a contrary instruction appears in the directive.

Sec. 6. Mandatory use of ratings.

(a) Each Defense Agency must use its rating authority in acquiring products, materials, and services needed for completion of authorized programs, including inventory replacement in accordance with section 7 of this regulation. Authorizations by BDC to Defense Agencies to use ratings, whether by delegation, regulation, order or otherwise, shall not include authority to use DX ratings unless expressly so stated therein.

(b) Each person who has received a rated order must acquire products, materials, and services to fill such order or to replace in inventory products and materials used to fill such order by self-authorization, pursuant to section 7 of this regulation.

(c) The mandatory provisions of this section need not be followed in the case of any individual delivery order of $500 or less.

Sec. 7. Self-authorization procedure for rated orders.

(a) A person who has accepted a rated order is a self-authorizing consumer.

(b) A self-authorizing consumer must use the program identification indicated on his rated order in placing ACM orders to obtain controlled materials needed to fill such order or to replace in inventory controlled materials used to fill such rated order in accordance with the provisions of DMS Reg. 1.

(c) A self-authorizing consumer must use the rating indicated on his rated order in obtaining services and products and materials other than controlled materials needed to fill such order or to replace in inventory products and materials used to fill such rated order. However, with respect to inventory replacement of products and materials other than controlled materials, he shall place rated orders only in the calendar month in which such products and materials were taken from inventory or in the immediately succeeding two calendar months. If it is impracticable for him to determine the exact requirements for products and materials other than controlled materials needed to fill a rated order, he must place rated orders for an amount not exceeding his best estimates of such products and materials needed to fill such rated order.

(d) If the requirement that he use the program identifications indicated on his customers' rated orders is impracticable because they are varied or numerous, a self-authorizing consumer may use the program identification B–5 in lieu thereof.

(e) A self-authorizing consumer shall fill a rated order with products and materials from his inventory (to the extent that he has such products and materials in inventory) and replace such products and materials in accordance with this or any other applicable regulation or order of BDC. However, if the requirement that he use products and materials from inventory would stop or interrupt his operations during the next 60 days in a way which would cause a substantial loss of total production or a substantial delay in his operations, he need not do so.

(f) No person shall discriminate against mandatory acceptance orders by imposing higher prices or by imposing different terms and conditions for such orders than for generally comparable orders which are not mandatory acceptance orders, or in any other manner.

Sec. 8. Statements and certifications to accompany rated orders.

(a) Each Defense Agency and self-authorizing consumer placing a rated order must, in addition to indicating the appropriate rating and delivery date or dates on such order, furnish his supplier with a statement reading substantially as follows:

You are required to follow the provisions of DPS Reg. 1 and of all other applicable regulations and orders of BDC in obtaining products, materials, and services needed to fill this order.

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This statement must appear on the order or on a separate piece of paper attached to the order.

(b) Unless another form of certification is specifically prescribed by an applicable regulation or order of BDC, every rated order must contain the certification prescribed in DMS Reg. 1 or the following certification:

Certified for national defense use under DPS Reg. 1.

and shall be signed as provided in paragraph (e) of this section. This certification accompanying a rated order shall have the same effect as a certification under DMS Reg. 1.

(c) Unless another form of certification is specifically prescribed by an applicable regulation or order of BDC, every authorized controlled material (ACM) order must contain the following certification:

Certified for national defense use under DMS Reg. 1.

and shall be signed as provided in paragraph (e) of this section.

(d) The certifications provided for in paragraphs (b) and (c) of this section shall constitute a representation to the supplier and to BDC that subject to the criminal penalties provided in applicable United States statutes, (1) the amount ordered by the purchaser is within the amount needed by him to fill the related mandatory acceptance order accepted by him and (2) the purchaser is expressly authorized by BDC, or by any applicable regulation or order of BDC, to place such mandatory acceptance order.

(e) A certification on a rated order or an ACM order must be signed by a responsible individual who is duly authorized in writing to sign for that purpose. The signature must be either by hand or in the form of a facsimile reproduction of a handwritten signature. If a facsimile signature is used, the individual who uses it must be duly authorized in writing to use it for this purpose by the person whose signature it is, and a written record of the authorization must be retained on file. A certification may be authenticated by a method other than a signature or a facsimile signature, such as by automatic data processing transmission, in which case a record must be maintained by the user describing the manner in which the authentication is transmitted and the manner in which the authentication is authorized.

Sec. 9. Delivery, acceptance, and performance dates for rated orders.

(a) Any order which fails to specify a delivery date or dates shall not be treated as a rated order. The words "immediately" or "as soon as possible" shall not constitute a delivery date. However, a person shall accept a so-called "requirements contract" bearing a rating which contains no specific delivery date or dates but which provides for the furnishing of materials, products, or services from time to time or within a stated period against specific purchase orders or "calls." Such specific purchase orders or "calls" shall be deemed rated as of the date of their placement by the purchaser and not as of the date of the original "requirements contract."

(b) A person who receives a DO rated order must transmit notification to the person who tendered such order of its acceptance or rejection within ten consecutive calendar days after its receipt. In the case of a DX rated order such notification must be transmitted within five consecutive calendar days after its receipt.

(c) A person who has accepted a rated order must make shipment on such order as close to the requested delivery date as is practicable. If a person, after accepting a rated order, finds that due to contingencies which he could not reasonably have foreseen, he is obliged to postpone the shipment date, he must promptly notify his customer of the approximate date when shipment can be made, of any subsequent changes in that date, and of the reasons for the delay. Such notification must be transmitted in writing within five consecutive calendar days after occurrence of the event causing the delay.

Sec. 10. Limitations on use of self-authorization.

(a) Each person who has accepted a rated order must acquire products, materials, and services to fill such order or to replace in inventory products and materials used to fill such order by self-authorization, pursuant to section 7 of this regulation.

(b) Ratings shall not be used and shall have no effect on orders for (1) controlled materials and (2) products, materials, and services listed in Schedule II of this regulation. Controlled materials shall be procured in accordance with the provisions of DMS Reg. 1.

(c) Products and materials which may be obtained by a person pursuant to the self-authorization provisions of this regulation to fill a rated order shall include only:

(1) (i) Those which will be physically incorporated into the product or material covered by the rated order and the portion of such products and materials normally consumed or converted into scrap or by-products in the course of processing.

(ii) Chemicals used directly in production to fill the rated orders.

(iii) Products and materials used for packaging or containers required to make delivery against the rated order.

They shall not include:

(2) (i) Products and materials for plant improvement, expansion or construction, unless they will be physically incorporated into a construction project covered by a rated order.

(ii) Production equipment or products and materials to be used for the manufacture of production equipment.

(iii) Maintenance, repair and operating supplies (MRO). Direction 1 to DMS Reg. 1 provides a separate self-authorization procedure to obtain MRO needed to fill mandatory acceptance orders.

(d) In the event a person is not permitted to place a mandatory acceptance order because of the restrictions prescribed in paragraph (c) of this section, and he needs special priorities authorization, he shall apply for such an authorization in accordance with section 11 of this regulation.

(e) In the event a person has placed a mandatory acceptance order and needs expediting assistance to obtain timely delivery, or if he cannot find a supplier who will accept a mandatory acceptance order he attempts to place, he shall apply for assistance in accordance with section 12 of this regulation.

(f) A person shall not place a mandatory acceptance order for products, materials, or services in anticipation of receipt by him of a mandatory acceptance order.

Sec. 11. Special priorities authorizations.

(a) If inability to obtain production equipment or any other product, material, or facility because of the restrictions prescribed in section 10(c) of this regulation would result in failure by a person to fill a mandatory acceptance order, he shall request special priorities authorization from the appropriate Defense Agency specified in Schedule I of this regulation. In such cases the person requesting special priorities authorization shall submit his request on the appropriate form prescribed by the applicable Defense Agency.

(b) In any case where use of a rating is specifically authorized for the procurement of production equipment pursuant to paragraph (a) of this section, the rating may be used either to purchase such equipment or to lease such equipment. However, in the latter case, the equipment may be leased only from a person engaged in the business of leasing such equipment, or from a person willing to lease rather than sell.

Sec. 12. Expediting assistance and assistance in placing mandatory acceptance orders.

(a) If a person has placed a mandatory acceptance order and needs expediting assistance to obtain timely delivery, he shall request expediting assistance from the appropriate Defense Agency specified in Schedule I of this regulation. Such request shall be submitted on DPS Form 138 (DPSF-138) which may be obtained from U.S. Department of Commerce District Offices or from the Bureau of Domestic Commerce, U.S. Department of Commerce, Washington, D.C. 20230.

(b) If a person cannot find a supplier who will accept a mandatory acceptance order he attempts to place, he shall request assistance in placing such order from the appropriate Defense Agency specified in Schedule I of this regulation. Such request shall be submitted on DPS Form 138 (DPSF-138) which may be obtained from U.S. Department of Commerce District Offices or from the Bureau of Domestic Commerce, U.S. Department of Commerce, Washington, D.C. 20230.

Sec. 13. Use of ratings to obtain services.

(a) Each person who requires services to fill a rated order shall use the rating

that accompanied such order in placing a rated order to obtain the required services with a person customarily engaged in supplying such services. The person receiving a rated order for services shall use the rating he has received to obtain products, materials, and services he needs to fill the rated order for services.

(b) The provisions of this section do not apply to the furnishing of personal or professional services nor to contracts of employment.

(c) Ratings shall have no effect in obtaining services listed in Schedule II of this regulation.

Sec. 14. Combination of orders and minimum quantities.

(a) No person shall combine a rated order with an unrated order. If the quantity needed to fill a rated order is less than the minimum commercially procurable quantity of a product or material, then a rated order shall be placed for such minimum commercially procurable quantity.

(b) Rated orders identified by different ratings may be combined if the portion covered by each is specifically identified by the appropriate rating, unless the program identification B-5 is used as provided in section 7(d) of this regulation. In addition, if the quantity of a product or material needed to fill rated orders is less than the minimum commercially procurable quantity, a rated order shall be placed for such minimum commercially procurable quantity, using the program identification B-5. However, no person shall place separate rated orders solely for the purpose of obtaining minimum commercially procurable quantities to fill such separate orders.

Sec. 15. Restrictions on placing rated orders and on use of materials.

(a) No person shall place a rated order unless he is entitled to do so. No person shall place a rated order calling for delivery of any product or material in a greater amount (except as provided in section 14 of this regulation) or on an earlier date than required to fill his rated orders.

(b) Each person who has obtained products or materials pursuant to a rated order in accordance with this or any other regulation or order of BDC shall use such products or materials only (1) to fill rated orders, or (2) to replace in inventory products or materials used to fill any such rated orders (in accordance with section 7 of this regulation). If he cannot use the products or materials for any such purpose, he may use them to fill unrated orders or dispose of them, unless otherwise ordered or directed in writing by BDC.

Sec. 16. Sequence of filling rated orders.

A person who has accepted rated orders must schedule his operations, if possible, to fill each rated order by the required delivery or performance date, regardless of the sequence in which the orders were received. If this is not possible, he must give precedence as follows:

(a) DX rated orders take precedence over DO rated orders and unrated orders, and DO rated orders take precedence over unrated orders.

(b) As between conflicting rated orders of equal priority status, precedence shall be given to the order which was received first.

(c) As between conflicting rated orders of equal priority status received on the same day, precedence shall be given to the order which has the earliest required delivery or performance date.

Sec. 17. Rules for acceptance of rated orders.

(a) Every rated order must be accepted and filled regardless of existing contracts and orders except as provided in this section or in section 18. "Existing contracts and orders" include not only ordinary contracts but other arrangements achieving substantially the same results, and may concern the use of facilities rather than the material produced.

(b) A person shall not accept a DO rated order for delivery on a date which would interfere with delivery of any previously accepted DO or DX rated order.

(c) A DX rated order must be accepted without regard to the effect of such acceptance on the filling of DO rated or unrated orders: *Provided*, That a person shall not accept a DX rated order for delivery on a date which would interfere with delivery of any previously accepted DX rated order.

(d) A person shall not accept a rated order for delivery on a specific date unless he expects to be able to fill the order by that date. If he cannot meet the requested delivery date he shall promptly inform the customer of the earliest possible delivery date and offer to accept the order on the basis of that date.

(e) An unrated order may be converted into a rated order by written notification to the supplier that such order shall be treated as a rated order, if the person originally placing the order is authorized to use a rating and if he complies with the provisions of this regulation relating to placement of rated orders. In such event the order shall be deemed a rated order as of the date the rating and certification are received by the supplier.

Sec. 18. Rules for rejection of rated orders.

(a) A supplier may reject a rated order in the following cases, but he shall not discriminate among customers in rejecting or accepting rated orders:

(1) If the person seeking to place the order is unwilling or unable to meet the supplier's regularly established terms of sale or payment.

(2) If the order is for a product or material not usually made or supplied or for a service not usually performed.

(3) If the order is tendered to a person for a product or material which he produces or acquires only for his own use, and he has not filled any orders for that product or material within the past two years.

(4) If the order is for a product or material produced by the person tendering the rated order or for a service performed by the person tendering the rated order.

(5) If the order is received after commencement of the applicable lead time as prescribed by BDC: *Provided*, That a DX rated order must be accepted without regard to lead time, unless it is impracticable for him to make delivery within the required delivery month, in which event he must accept such order for the earliest practicable delivery date.

(6) If the applicable set-aside has been reached or would be exceeded by acceptance, except that a DX rated order must be accepted without regard to such set-aside.

(7) If acceptance or performance of the order would violate any other regulation or order of BDC.

(b) Any person who refuses to accept a rated order shall, upon written request of the person tendering the order, promptly give his reasons in writing for the refusal.

Sec. 19. How changes in orders affect ratings.

(a) Except as otherwise provided in this section, when a customer makes a change in a rated order which interferes with the supplier's production schedule, the rating is cancelled and the order shall be deemed newly rated on the date the supplier receives notification of the change.

(b) A change in shipping destination does not constitute cancellation of the rating.

(c) A reduction in the total amount of the order does not constitute a cancellation of the rating: *Provided*, That if the amount is reduced below the minimum quantity that the supplier normally accepts, and the customer is unwilling to agree to that minimum quantity, the supplier may consider that the rating is cancelled.

(d) An increase in the total amount of the order which can be filled with negligible interference with the supplier's production for previously accepted rated orders shall not constitute a cancellation of the rating: *Provided*, That if the acceptance of the larger order would result in substantial interference with the supplier's production, the amount of the increase shall be treated as a rated order as of the date of receipt of notification of such increase by the supplier.

(e) A change in the delivery date does not constitute cancellation of the rating: *Provided*, That if the change interferes with timely delivery on any other rated order it shall constitute a cancellation of the original rating and the order shall be deemed rated as of the date of receipt by the supplier of notification of the changed delivery date.

(f) A minor variation in size, design, or capacity which can be effected by the supplier without interference with other rated orders does not constitute a cancellation of the rating.

(g) A change which is agreed upon between the supplier and the customer

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and which does not interfere with other rated orders does not constitute a cancellation of the rating.

(h) The application of a DX rating to an order bearing a DO rating shall give the order, as of the date of application of the DX rating, the preferential status accorded to DX orders under the provisions of this regulation.

Sec. 20. Cancellation of ratings.

(a) If a rating is revoked or invalidated by any regulation, order, or directive of BDC, such rating shall be cancelled in accordance with the provisions of such regulation, order, or directive.

(b) A rating shall also be cancelled because of contract termination on the part of a Defense Agency, determination by a person that he did not properly use a rating, or determination by a person that he no longer needs the product, material, or service for which he used the rating.

(c) When a rating is cancelled, the person who used the rating shall promptly inform his supplier in writing that the rating is cancelled and that his order is no longer to be treated as a rated order.

Sec. 21. Intracompany deliveries.

The provisions of this regulation apply not only to deliveries to other persons, including affiliates and subsidiaries, but also to deliveries from one branch, division, or section of a single enterprise to another branch, division, or section of the same or any other enterprise under common ownership or control.

Sec. 22. Delivery for unlawful purposes prohibited.

No person shall deliver any product or material which he knows or has reason to believe will be accepted, redelivered, held, or used in violation of any regulation or order of BDC.

Sec. 23. Applicability of regulations and orders.

(a) All regulations and orders of BDC, unless specifically stated otherwise in such regulations and orders, shall apply to transactions in any state, territory, or possession of the United States and the District of Columbia.

(b) All regulations and orders of BDC shall apply to all subsequent transactions even though they are covered by contracts previously entered into.

(c) Nothing in this regulation shall be construed to relieve any person from complying with all other applicable regulations and orders of BDC. In case compliance by any person with the provisions of any such regulation or order would prevent fulfillment of a mandatory acceptance order, he shall immediately report the matter to BDC which will thereupon take such action as is deemed appropriate, but unless and until otherwise expressly authorized or directed by BDC, such person shall comply with the provisions of such regulation or order.

(d) This regulation complements DMS Reg. 1. Defense contractors and their suppliers should be thoroughly familiar with both this regulation and DMS Reg. 1.

Sec. 24. Protection against claims for damages.

No person shall be held liable for damages or penalties for any act or failure to act resulting directly or indirectly from compliance with any BDC regulation, order, direction, directive, or other written instruction, notwithstanding that any such regulation, order, direction, directive, or other written instruction shall thereafter be declared by judicial or other competent authority to be invalid.

Sec. 25. Records and reports.

(a) Each person participating in any transaction covered by this regulation shall make, and preserve for at least three years thereafter, accurate and complete records thereof. Such records shall include all rated orders, ACM orders, and directives received by such person, copies of all rated orders and ACM orders placed by such person, records of purchases, receipts, inventories, production, use, sales, and deliveries of all materials acquired, sold or delivered pursuant to mandatory acceptance orders. Records shall be maintained in sufficient detail to permit the determination, upon examination or audit, whether or not each transaction complies with the provisions of this regulation or any other applicable regulation or order of BDC. However, this regulation does not specify any particular accounting method or system to be used. Records may be retained in the form of microfilm or other record-keeping systems which provide the information contained in the original records.

(b) All records required by this regulation shall be made available for inspection and audit by duly authorized representatives of BDC at the usual place of business of the person involved.

(c) Persons subject to this regulation shall develop and maintain such records and submit such reports to BDC as it shall require, subject to the terms of the Federal Reports Act of 1942 (44 U.S.C. 3501–3511).

Sec. 26. Requests for adjustment or exception and appeals.

(a) Any person subject to any provision of this regulation may submit a request for adjustment or exception to BDC upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. The submission of a request for adjustment or exception shall not relieve any person of his obligation to comply with any such provision. In examining requests for adjustment or exception claiming that the public interest is prejudiced by the application of any provision of this regulation, consideration will be given to the requirements of public health and safety, civil defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, by letter in triplicate, addressed as provided in section 27(a) of this regulation, and shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

(b) Any person may appeal to the Appeals Board for the Department of Commerce from an adverse decision against him by BDC pursuant to this regulation. Each appeal shall be submitted to the Appeals Board not later than 45 days after receipt by the appellant of an adverse decision and shall be in writing, by letter in triplicate, addressed as provided in section 27(b) of this regulation, and shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor. In addition, one copy of such letter shall be furnished to BDC by the appellant, addressed as provided in section 27(a) of this regulation. The decision of the Appeals Board shall be final within the Department and shall be provided in writing to the appellant and to BDC.

Sec. 27. Communications.

(a) All communications concerning this regulation or requests for adjustment or exception pursuant to section 26(a) of this regulation shall be addressed to the Bureau of Domestic Commerce, U.S. Department of Commerce, Washington, D.C. 20230, Ref: DPS Reg. 1.

(b) All appeals pursuant to section 26(b) of this regulation shall be addressed to the Appeals Board, U.S. Department of Commerce, Washington, D.C. 20230, Ref: DPS Reg. 1.

Sec. 28. Violations.

(a) Any person who willfully violates any provision of this regulation, or who willfully furnishes false information or conceals any material fact in the course of operation under this regulation, is guilty of a crime and upon conviction may be punished by fine or imprisonment, or both.

(b) Violation of any provision of this regulation may subject any person committing or participating in such violation to administrative action to suspend his privilege of making or receiving deliveries of products or materials, or using products, materials, or facilities. In addition to such administrative action, an injunction and order may be obtained from a court of appropriate jurisdiction prohibiting any such violation and enforcing compliance with the provisions hereof.

(c) For the purposes of any administrative action or civil proceeding for the enforcement of this regulation or any criminal prosecution for violation of this regulation, the terms "rated order," "rating," "authorized controlled material order," "ACM order" and "certification" shall be deemed to include every purported rated order, rating, authorized controlled material order, ACM order and certification whether or not such order, rating or certification shall have been authorized as provided in this regulation and irrespective of the form of such order, rating or certification.

This revised regulation shall take effect July 1, 1974.

DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION, BUREAU OF DOMESTIC COMMERCE

JOHN M. DUNN,
Deputy Assistant Secretary for Domestic and International Business.

SCHEDULE I TO DPS REG. 1—AUTHORIZED PROGRAM IDENTIFICATIONS AND DEFENSE AGENCIES

(See sections 2(l), 4(a), 11(a), 12(a), and 12(b))

The program identifications listed in this schedule have equal preferential status and are the only ones authorized under the Defense Priorities System and the Defense Materials System and must be used in accordance with this regulation, DMS Reg. 1 and other applicable regulations and orders of BDC.

The identifications are not listed in alphabetical or numerical sequence but are grouped by Defense Agencies. Within each group, the Defense Agencies listed in Column 3 are authorized to employ the program identifications listed in Column 1 for purposes of placement by them and their suppliers of rated orders and ACM orders in support of the programs listed in Column 2.

The full names of the Defense Agencies shown by initials in Column 3 are:

AEC—Atomic Energy Commission.
BDC—Bureau of Domestic Commerce.
CIA—Central Intelligence Agency.
FAA—Federal Aviation Administration.
NASA—National Aeronautics and Space Administration.

Column 1 Program Identification	Column 2 Program	Column 3 Defense Agency
	For Department of Defense and associated programs:	
A-1	Aircraft	Department of Defense: Army. Navy (including Coast Guard). Air Force. Defense Supply Agency.
A-2	Missiles	
A-3	Ships	
A-4	Tank—Automotive	
A-5	Weapons	
A-6	Ammunition	
A-7	Electronic and communications equipment	
B-1	Military building supplies	
B-8	Production equipment (for defense contractor's account)	
B-9	Production equipment (Government owned)	
C-2	Department of Defense construction	Associated Agencies of Department of Defense: CIA. FAA. NASA.
C-3	Maintenance, repair and operating supplies (MRO) for Department of Defense facilities.	
C-8	Controlled materials for Defense Industrial Supply Center (DISC)	
C-9	Miscellaneous	
	For Atomic Energy Commission programs:	
E-1	Construction	AEC.
E-2	Operations—including maintenance, repair, and operating supplies (MRO).	
E-3	Privately owned facilities	
	For other Defense, Atomic Energy and related programs:	
B-5	Certain self-authorizing consumers (see sec. 7(d) of DPS Reg. 1)	BDC.
C-4	Certain munitions items purchased by friendly foreign governments through domestic commercial channels for export.	
C-5	Canadian military programs	
C-6	Certain direct defense needs of friendly foreign governments other than Canada.	
D-1	Controlled materials producers	
D-2[1]	Approved State and local civil defense programs	
D-3	Further converters (steel)	
D-4	Private domestic production	
D-5	Private domestic construction	
D-6	Canadian production and construction	
D-7	Friendly foreign nations (other than Canada) production and construction.	
D-8	Distributors of controlled materials	
D-9	Maintenance, repair, and operating supplies (MRO) (see Dir. 1 to DMS Reg. 1).	
E-4	Canadian atomic energy program	
K-1	General Services Administration's supply distribution facility program.	
AM	Aluminum controlled materials producers	
AM-9000	Aluminum controlled materials distributors	
FC	Further converters (steel and nickel alloys)	

[1] State and local governments will be authorized to use the program identification D-2 only upon application to the Defense Civil Preparedness Agency of the Department of Defense, sponsorship by the Office of the Assistant Secretary of Defense (Installations and Logistics) and specific approval by BDC.

SCHEDULE II TO DPS REG. 1—MATERIALS AND SERVICES NOT SUBJECT TO BDC RATING AUTHORITY

(See sections 10(b) and 13(c))

PART A

The following items under the jurisdiction of BDC are presently not subject to any ratings issued by or under authority of BDC (but are subject to directives issued by or under authority of BDC) and therefore such ratings shall not be effective to obtain any of them: [1]

[1] The following delegations and agreements, as the same may from time to time be amended, revoked, or superseded, further delineate jurisdictional responsibilities for the exercise of priorities and allocations powers:

(1) Memorandum of Agreement between the Department of the Interior and the Department of Commerce with respect to the production and/or distribution of designated products and equipment, including chemicals, associated with the output of petroleum and gas, effective October 30, 1973 (38 FR 30896).

(2) Defense Solid Fuels Administration (DSFA) Delegation 1 to the Secretary of Commerce with respect to the distribution of coal chemicals produced as by-products of coke made from coal, effective May 15, 1951 (16 FR 4590). The DSFA was abolished in 1954 and its responsibilities within the Department of the Interior have been transferred to the Office of the Assistant Secretary for Energy and Minerals, Department of the Interior.

(3) Delegation of Authority from the Secretary of Commerce to the Secretary of the Interior of priorities and allocations powers with respect to certain minerals facilities and materials, effective January 26, 1967 (32 FR 2462).

(4) Memorandum of Agreement between the Department of Agriculture and the Department of Commerce with respect to the scope of allocation and priority responsibilities in connection with foods which have industrial uses, effective December 5, 1973 (38 FR 33504).

(5) Memorandum of Understanding and Agreement between the Agricultural Stabilization and Conservation Service, Department of Agriculture, and the Bureau of Competitive Assessment and Business Policy, Department of Commerce, with respect to the scope of the term "farm equipment," effective December 5, 1973 (38 FR 33506). The responsibilities of the Bureau of Competitive Assessment and Business Policy have been transferred to the Bureau of Domestic Commerce (BDC), Department of Commerce.

Communications services.
Copper raw materials as that term is defined in DMS Order 4 (formerly Order M–11A), except intermediate shapes (as defined in that order), and except refined copper (as defined in that order but limited to such refined copper made from ores mined in the continental United States).
Crushed stone.
Gravel.
Sand.
Scrap.
Slag.
Steam heat, central.
Waste paper.

PART B

Certain items are not under the jurisdiction of BDC and are not subject to any ratings or directives issued by or under authority of BDC and therefore such ratings or directives shall not be effective to obtain any of them. These items, by virtue of Executive Order 10480, as amended, Defense Mobilization Order 8400.1, as amended, and other authorities, delegations and agreements, as the same may from time to time be amended, revoked, or superseded, generally include: [1]

(a) Petroleum, gas, solid fuels, and electric power (under jurisdiction of Secretary of the Interior).

(b) Food and the domestic distribution of farm equipment and commercial fertilizer (under jurisdiction of Secretary of Agriculture).

(c) Domestic transportation, storage, and port facilities, or the use thereof, but excluding air transport, coastwise, intercoastal, and overseas shipping (under jurisdiction of a designated Commissioner of the Interstate Commerce Commission).

(d) Radioisotopes, stable isotopes, source, and fissionable materials, produced by Gov-

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ernment-owned plants or facilities operated by or for the Atomic Energy Commission (under jurisdiction of the Atomic Energy Commission).

[FR Doc.74-13168 Filed 6-24-74;8:45 am]

[DPS Reg. 1, Interpretations 1, 2, and 3 and Directions 2, 3, and 4—Revocation]

DPS REG. 1—BASIC RULES OF THE DEFENSE PRIORITIES SYSTEM

Revocation of Interpretations 1, 2, and 3 and Directions 2, 3, and 4

Interpretation 1 (Certain Containers, Packaging, and Chemicals) of February 27, 1951 (32A CFR 173 (1973)), Interpretation 2 (Signature for Certification on Purchase or Delivery Orders) of December 19, 1951 (32A CFR 173 (1973)), Interpretation 3 (Use of DO Rating for the Lease of Machinery or Equipment) of June 10, 1952 (32A CFR 174 (1973)), Direction 2 (Limitation on Use of Ratings to Obtain Nickel) of June 29, 1956, as amended by Amendment 1 of May 9, 1958 (32A CFR 174 (1973)), Direction 3 (Notice of Acceptance or Rejection of DX Rated Orders and of Delayed Shipment of Certain DO Rated Orders) of January 18, 1957 (32A CFR 175 (1973)) and Direction 4 (Establishment of a Lead Time for the Placement of Rated Orders for the Delivery of Nickel and Ferronickel) of August 15, 1967 (32A CFR 176 (1973)) to DPS Regulation 1 are hereby revoked.

This revocation does not relieve any person of any obligation or liability incurred under said interpretations and directions, nor deprive any person of any rights received or accrued under said interpretations and directions prior to the effective date of this revocation.

(Sec. 704, Defense Production Act of 1950, as amended, 50 U.S.C. App. 2154)

This revocation shall take effect July 1, 1974.

DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION, BUREAU OF DOMESTIC COMMERCE

JOHN M. DUNN,
Deputy Assistant Secretary for Domestic and International Business.

[FR Doc.74-13169 Filed 6-24-74;8:45 am]

[DPS Order 1, as revised July 1, 1974]

DPS ORDER 1—METALWORKING MACHINES

On October 1, 1973, a notice of proposed rulemaking was published in the FEDERAL REGISTER (38 FR 27270) proposing to revise DPS Order 1. All comments received in response to the proposal were given due consideration.

As a result of comments received and as a result of further agency review, the following changes are made:

1. Section 9 now includes an express provision permitting appeals from adverse agency decisions to the Appeals Board for the Department of Commerce.

2. The Bureau of Domestic Commerce (BDC) has been substituted for the references to the Bureau of Competitive Assessment and Business Policy (BCABP) throughout the order. These substitutions were made because the name of the agency was changed from BCABP to BDC subsequent to publication on October 1, 1973, of the notice of proposed rulemaking.

3. A few editorial or technical modifications.

This revised order (including its Schedule I) is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this revised order, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

DPS Order 1 in 32A CFR Chapter VI is revised to read as follows:

DPS ORDER 1—METALWORKING MACHINES

Sec.
1. What this order does.
2. Definitions.
3. Limitation for acceptance of rated orders.
4. Lead time for acceptance of rated orders.
5. Information to be furnished on rated orders.
6. Directives.
7. Effect of this order on DPS Reg. 1 and on outstanding orders.
8. Records and reports.
9. Requests for adjustment or exception and appeals.
10. Communications.
11. Violations.

Schedule

I. Types of Metalworking Machines Covered by this Order.

AUTHORITY: Defense Production Act of 1950, as amended (64 Stat. 816; 50 U.S.C. App. 2061 et seq.); Executive Order 10480, as amended, 18 FR 4939, 6201, 19 FR 3807, 7249, 21 FR 1673, 23 FR 5061, 6971, 24 FR 3779, 27 FR 9683, 11447, 3 CFR 1949-1953 Comp., p. 919; Executive Order 11725, 38 FR 17175; DMO 8400.1, 32A CFR 15; Department of Commerce Organization Orders 10-3, 38 FR 33624, and 40-1, 39 FR 1871; Department of Commerce, Domestic and International Business Administration Organization and Function Orders 41-1, as amended, 39 FR 2780, 39 FR 18490; 45-1, 39 FR 18488, 45-2, 39 FR 18489; Department of Commerce Organization Order 20-11, 32 FR 10625.

Section 1. What this order does.

(a) This order limits to 60 percent of a producer's scheduled monthly production of a metalworking machine the required acceptance by him of rated orders (other than DX rated orders and directives issued by BDC) calling for delivery in such month. It also specifies information which must be shown on rated orders for metalworking machines and provides that rated orders (other than DX rated orders and directives issued by BDC) need not be accepted unless received by a producer not less than three months prior to the beginning of the month in which delivery is called for in such order.

(b) This order is a revision of DPS Order 1 (formerly Order M-41), as amended May 24, 1963. The principal changes are in the definition of metalworking machine and in Schedule I (formerly Exhibit A) to the order.

Sec. 2. Definitions.

As used in this order:

(a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, and includes any agency of the United States Government or of any other government.

(b) "BDC" means the Bureau of Domestic Commerce, Domestic and International Business Administration, United States Department of Commerce.

(c) "Metalworking machine" means any:

(1) Metal Cutting type machine which is a new, power driven, complete machine not supported in the hands of an operator when in use, that shapes metal by cutting, or the use of electrical techniques.

(2) Metal Forming type machine which is a new, power driven, complete machine not supported in the hands of an operator when in use, that presses, forges, hammers, extrudes, shears, bends, die casts, or otherwise forms metal into shape.

(3) It includes only a machine described in paragraphs (c)(1) and (2) of this section, which has a producer's list price of $1,000 or more for the basic machine itself and which is shown in Schedule I of this order.

(4) The producer's list price for the basic machine itself means the sale price at which the producer's catalog or other price publication lists the basic machine, exclusive of the motor, motor drive, or any attachments therefor, unless the motor, motor drive, or attachments are initially built into the basic machine itself, as an integral part thereof, in which case the producer's list price for the basic machine shall be the sale price at which the producer lists the machine as an assembled unit. The term "metalworking machine" includes all accessories, attachments, and numerical controls covered by the original purchase order which are required to be delivered with the basic machine to make it usable in production for the purposes intended. It does not include replacements, spare parts or equipment, or extra tooling.

(d) "Producer" means any person engaged in the manufacture and production of one or more metalworking machines.

(e) "Size" includes all of those dimensions or variations of a particular type of metalworking machine which can be used interchangeably for production purposes. Size classification shall be that used by each producer on the effective date of this revised order, unless he is hereafter authorized to use a different classification. Producers may apply for such authorization by letter addressed as provided in section 10(a) of this order.

Sec. 3. Limitation for acceptance of rated orders.

Unless specifically directed by BDC, no producer shall be required to accept rated orders (other than DX rated orders) calling for delivery in any month of a total quantity of any size of metalworking machine in excess of 60 percent of his scheduled production of that size of that machine for that month: *Provided*, That within his scheduled production of any size of metalworking machine for any month a producer must accept any DX rated order calling for delivery of any such size of metalworking machine during any month even though the specified 60 percent has been, or will be, exceeded by such acceptance.

Sec. 4. Lead time for acceptance of rated orders.

(a) Unless specifically directed by BDC, a producer need not accept a rated order (other than a DX rated order) for a metalworking machine which he receives less than three months prior to the beginning of the month in which delivery is called for in such order.

(b) A DX rated order must be accepted without regard to the lead time provided in paragraph (a) of this section unless it is impracticable for the producer to make delivery within the required delivery month, in which event he must accept such DX rated order for the earliest practicable delivery date.

Sec. 5. Information to be furnished on rated orders.

A purchaser must, on each rated order, indicate specifications, including size or other descriptions, of the metalworking machine or machines being ordered in sufficient detail to enable the producer to place the same on his production schedule and must indicate the required delivery date thereof. These requirements are in addition to those provided in DPS Reg. 1 for the placement of rated orders.

Sec. 6. Directives.

Where necessary to assure required deliveries of rated orders, BDC may direct or change any schedule of production or delivery of metalworking machines, may allocate any rated order for metalworking machines from one producer to another producer, and may divert or otherwise direct the delivery of any metalworking machine to fill a rated order.

Sec. 7. Effect of this order on DPS Reg. 1 and on outstanding orders.

(a) To the extent that this order is in conflict with DPS Reg. 1, the provisions of this order shall control. In all other respects DPS Reg. 1 shall continue in full force and effect.

(b) Nothing in this amended order shall be construed to affect outstanding rated orders placed pursuant to any regulation or order of BDC.

Sec. 8. Records and reports.

(a) Each person participating in any transaction covered by this order shall make, and preserve for at least three years thereafter, accurate and complete records thereof. Such records shall include all rated orders and directives received by such person and monthly records of production, production schedules, and deliveries of metalworking machines. Records shall be maintained in sufficient detail to permit the determination, after audit, whether or not each transaction complies with the provisions of this order or any other applicable regulation or order of BDC. However, this order does not specify any particular accounting method or system to be used. Records may be retained in the form of microfilm or other record-keeping systems which provide the information contained in the original records.

(b) All records required by this order shall be made available for inspection and audit by duly authorized representatives of BDC at the usual place of business of the person involved.

(c) Persons subject to this order shall develop and maintain such records and submit such reports to BDC as it shall require, subject to the terms of the Federal Reports Act of 1942 (44 U.S.C. 3501-3511).

Sec. 9. Requests for adjustment or exception and appeals.

(a) Any person subject to any provision of this order may submit a request for adjustment or exception to BDC upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. The submission of a request for adjustment or exception shall not relieve any person of his obligation to comply with any such provision. In examining requests for adjustment or exception claiming that the public interest is prejudiced by any provision of this order, consideration will be given to the requirements of public health and safety, civil defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, by letter in triplicate, addressed as provided in section 10(a) of this order, and shall set forth all pertinent facts and the nature of the relief sought and shall state the justification therefor.

(b) Any person may appeal to the Appeals Board for the Department of Commerce from an adverse decision against him by BDC pursuant to this order. Each appeal shall be submitted to the Appeals Board not later than 45 days after receipt by the appellant of an adverse decision and shall be in writing, by letter in triplicate, addressed as provided in section 10(b) of this order, and shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor. In addition, one copy of such letter shall be furnished to BDC by the appellant, addressed as provided in section 10(a) of this order. The decision of the Appeals Board shall be final within the Department and shall be provided in writing to the appellant and to BDC.

Sec. 10. Communications.

(a) All communications concerning this order, applications pursuant to section 2(e) of this order, or requests for adjustment or exception pursuant to section 9(a) of this order shall be addressed to the Bureau of Domestic Commerce, U.S. Department of Commerce, Washington, D.C. 20230, Ref: DPS Order 1.

(b) All appeals pursuant to section 9(b) of this order shall be addressed to the Appeals Board, U.S. Department of Commerce, Washington, D.C. 20230, Ref: DPS Order 1.

Sec. 11. Violations.

(a) Any person who willfully violates any provision of this order, or who willfully furnishes false information or conceals any material fact in the course of operation under this order, is guilty of a crime and upon conviction may be punished by fine or imprisonment, or both.

(b) Violation of any provision of this order may subject any person committing or participating in such violation to administrative action to suspend his privilege of making or receiving deliveries of products or materials, or using products, materials or facilities. In addition to such administrative action, an injunction and order may be obtained from a court of appropriate jurisdiction prohibiting any such violation and enforcing compliance with the provisions hereof.

This revised order shall take effect July 1, 1974.

DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION, BUREAU OF DOMESTIC COMMERCE

JOHN M. DUNN,
Deputy Assistant Secretary for Domestic and International Business.

SCHEDULE I TO DPS ORDER 1—TYPES OF METALWORKING MACHINES COVERED BY THIS ORDER (SEE SECTION 2(c))

Bending and Forming Machines.
Boring Machines.
Broaching Machines.
Drilling and Tapping Machines.
Electrical Discharge, Ultrasonic and Chemical Erosion Machines.
Forging Machinery and Hammers.
Gear Cutting and Finishing Machines.
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Hydraulic and Pneumatic Presses, Power Driven.
Lathes.
Machining Centers and Way-Type Machines.
Manual Presses.
Mechanical Presses, Power Driven.
Milling Machines.
Miscellaneous Machine Tools.
Miscellaneous Secondary Metal Forming and Cutting Machines.
Planers and Shapers.
Punching and Shearing Machines.
Riveting Machines.
Saws and Filing Machines.
Wire and Metal Ribbon Forming Machinery.

[FR Doc.74-13170 Filed 6-24-74;8:45 am]

[DPS Order 2 of July 1, 1974]

DPS ORDER 2—NICKEL

On October 1, 1973, a notice of proposed rulemaking was published in the FEDERAL REGISTER (38 FR 27271) proposing to issue DPS Order 2. All comments

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received in response to the proposal were given due consideration.

As a result of comments received and as a result of further agency review, the following changes are made:

1. Section 7 now includes an express provision permitting appeals from adverse agency decisions to the Appeals Board for the Department of Commerce.

2. The Bureau of Domestic Commerce (BDC) has been substituted for the references to the Bureau of Competitive Assessment and Business Policy (BCABP) throughout the order. These substitutions were made because the name of the agency was changed from BCABP to BDC subsequent to publication on October 1, 1973, of the notice of proposed rulemaking.

3. A few editorial or technical modifications.

This order is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this order, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

32A CFR Chapter VI is amended by adding a new order, DPS Order 2, to read as follows:

DPS ORDER 2—NICKEL

Sec.
1. What this order does.
2. Definitions.
3. Lead time requirements for acceptance of rated orders for nickel.
4. Directives.
5. Effect of this order on DPS Reg. 1.
6. Records and reports.
7. Requests for adjustment or exception and appeals.
8. Communications.
9. Violations.

AUTHORITY: Defense Production Act of 1950, as amended (64 Stat. 818; 50 U.S.C. App. 2061 et seq.); Executive Order 10480, as amended, 18 FR 4939, 6201, 19 FR 3807, 7249, 21 FR 1673, 23 FR 5061, 6971, 24 FR 3779, 27 FR 9683, 11447, 3 CFR 1949–1953 Comp., p. 919; Executive Order 11725, 38 FR 17175; DMO 8400.1, 32A CFR 15; Department of Commerce Organization Orders 10–3, 38 FR 33624, and 40–1, 39 FR 1871; Department of Commerce, Domestic and International Business Administration Organization and Function Orders 41–1, as amended, 39 FR 2780, 39 FR 18490; 45–1, 39 FR 18488; 45–2, 39 FR 18489; and Department of Commerce Organization Order 20–11, 32 FR 10825.

Section 1. What this order does.

(a) This order permits producers and distributors of nickel to reject rated orders for nickel (other than DX rated orders and directives issued by BDC) which are received by them less than 10 days before the month in which delivery is requested. It also provides that producers and distributors of nickel shall comply with directives, including those which require the set-aside of an individual producer's or distributor's supply of nickel for acceptance of rated orders during specified periods of time.

(b) This order is a revision of, and supersedes, former Direction 4 of August 15, 1967 (Establishment of a Lead Time for the Placement of Rated Orders for Nickel and Ferronickel) to DPS Reg. 1 of March 23, 1953, as amended.

Sec. 2. Definitions.

As used in this order:

(a) "Person" means any individual, corporation, partnership, association or any other organized group of persons, and includes any agency of the United States Government or any other government.

(b) "BDC" means the Bureau of Domestic Commerce, Domestic and International Business Administration, United States Department of Commerce.

(c) "Nickel" means primary nickel in the following forms and shapes:

Electrolytic cathodes.
Pigs.
Rondelles.
Cubes.
Pellets.
Shot.
Oxide (including sintered oxide).
Salts.
Chemicals.
Ingots (used for remelting).
Powder (derived directly from ore concentrates).
Ferronickel.

(d) "Producer" means a person engaged in making and refining nickel and supplying such nickel to distributors or consumers.

(e) "Distributor" means a person, including a warehouseman, jobber, dealer, retailer, or importer who sells and furnishes nickel to consumers.

Sec. 3. Lead time requirements for acceptance of rated orders for nickel.

Notwithstanding the provisions of any regulation or order of BDC, a producer or distributor need not accept a rated order for nickel which he receives less than ten consecutive calendar days before the beginning of the month in which delivery is called for in such order: *Provided*, That this limitation shall not apply to DX rated orders nor to directives issued by BDC.

Sec. 4. Directives.

A producer or distributor shall comply with each directive which may be issued to him by BDC. Such directives may relate, but are not limited, to the set-aside of a portion of an individual producer's or distributor's production or supply of nickel for the acceptance of rated orders during specified periods of time.

Sec. 5. Effect of this order on DPS Reg. 1.

To the extent that this order is in conflict with DPS Reg. 1, the provisions of this order shall control. In all other respects DPS Reg. 1 shall continue in full force and effect.

Sec. 6. Records and reports.

(a) Each person participating in any transaction covered by this order shall make, and preserve for at least three years thereafter, accurate and complete records thereof. Such records shall be maintained in sufficient detail to permit the determination, upon examination or audit, whether or not each transaction complies with the provisions of this order or any other applicable regulation or order of BDC. However, this order does not specify any particular accounting method or system to be used. Records may be retained in the form of microfilm or other record-keeping systems which provide the information contained in the original records.

(b) All records required by this order shall be made available for inspection and audit by duly authorized representatives of BDC at the usual place of business of the person involved.

(c) Persons subject to this order shall develop and maintain such records and submit such reports to BDC as it shall require, subject to the terms of the Federal Reports Act of 1942 (44 U.S.C. 3501–3511).

Sec. 7. Requests for adjustment or exception and appeals.

(a) Any person subject to any provision of this order may submit a request for adjustment or exception to BDC upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. The submission of a request for adjustment or exception shall not relieve any person of his obligation to comply with any such provision. In examining requests for adjustment or exception claiming that the public interest is prejudiced by any provision of this order, consideration will be given to the requirements of public health and safety, civil defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, by letter in triplicate, addressed as provided in section 8(a) of this order, and shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

(b) Any person may appeal to the Appeals Board for the Department of Commerce from an adverse decision against him by BDC pursuant to this order. Each appeal shall be submitted to the Appeals Board not later than 45 days after receipt by the appellant of an adverse decision and shall be in writing, by letter in triplicate, addressed as provided in section 8(b) of this order, and shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor. In addition, one copy of such letter shall be furnished to BDC by the appellant, addressed as provided in section 8(a) of this order. The decision of the Appeals Board shall be final within the Department and shall be provided in writing to the appellant and to BDC.

Sec. 8. Communications.

(a) All communications concerning this order or requests for adjustment or exception pursuant to section 7(a) of this order shall be addressed to the Bureau of Domestic Commerce, U.S. Department of Commerce, Washington, D.C. 20230, Ref: DPS Order 2.

(b) All appeals pursuant to section 7(b) of this order shall be addressed to the Appeals Board, U.S. Department of Commerce, Washington, D.C. 20230, Ref: DPS Order 2.

Sec. 9. Violations.

(a) Any person who willfully violates any provision of this order, or who willfully furnishes false information or conceals any material fact in the course of operation under this order, is guilty of a crime and upon conviction may be punished by fine or imprisonment, or both.

(b) Violation of any provision of this order may subject any person committing or participating in such violation to administrative action to suspend his privilege of making or receiving deliveries of products or materials, or using products, materials or facilities. In addition to such administrative action, an injunction and order may be obtained from a court of appropriate jurisdiction prohibiting any such violation and enforcing compliance with the provisions hereof.

This order shall take effect July 1, 1974.

DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION, BUREAU OF DOMESTIC COMMERCE

JOHN M. DUNN,
Deputy Assistant Secretary for Domestic and International Business.

[FR Doc.74-13171 Filed 6-24-74;8:45 am]

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Weekly List of Public Laws

This is a listing of public bills enacted by Congress and approved by the President, together with the law number, the date of approval, and the U.S. Statutes citation. Subsequent lists will appear every Wednesday in the FEDERAL REGISTER and copies of the laws may be obtained from the U.S. Government Printing Office.

Note.—No acts approved by the President were received by the Office of the Federal Register from Friday, June 14 to Friday June 21, 1974.

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rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 1—General Provisions

CHAPTER III—ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

PART 305—RECOMMENDATIONS OF THE ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

PART 310—MISCELLANEOUS STATEMENTS

The Administrative Conference of the United States was established by 5 U.S.C. 571–576 to study the efficiency, adequacy and fairness of the administrative procedure used by administrative agencies in carrying out administrative programs, and to make recommendations for improvement to administrative agencies, collectively or individually, to the President, Congress, and the Judicial Conference of the United States (5 U.S.C. 574(1)).

The Administrative Conference of the United States at its Eleventh Plenary Session held May 30–31, 1974, adopted four Recommendations and one formal Statement. Recommendation 74–1 proposes an amendment to the Administrative Procedure Act, 5 U.S.C. 555, 556, to make agency subpenas available to the parties in all cases of formal rulemaking or formal adjudication. Recommendation 74–2 makes a series of proposals regarding agency procedures for discretionary distribution of Federal assistance. Recommendation 74–3 is addressed to the procedures of the Department of the Interior in disposing of mining claims on public lands. Recommendation 74–4 seeks to clarify the standards for judicial review of the factual basis and rationality of agency rules of general applicability. The Conference also adopted a statement amending its previous statement (38 FR 16841) regarding Resolution No. 8 of the American Bar Association's resolutions proposing amendments to the Administrative Procedure Act.

Part 305 of Title 1, Chapter III, CFR, is amended to read as follows:

1. The table of contents is amended by adding the following sections:

Sec.

305.74–1 Subpena Power in Formal Rulemaking and Formal Adjudication (Recommendation No. 74–1).

305.74–2 Procedures for Discretionary Distribution of Federal Assistance (Recommendation No. 74–2).

305.74–3 Procedures of the Department of the Interior with Respect to Mining Claims on Public Lands (Recommendation 74–3).

305.74–4 Preenforcement Judicial Review of Rules of General Applicability (Recommendation 74–4).

2. The following sections are added as follows:

§ 305.74–1 Subpena power in formal rulemaking and formal adjudication (Recommendation No. 74–1).

The present recommendation implements, and somewhat expands, the statement of principle adopted by the Conference in June 1973 with respect to the American Bar Association's Resolution No. 10 concerning proposed amendments to the Administrative Procedure Act. It speaks only to the issue of subpena authority in formal proceedings under the Administrative Procedure Act, and does not reflect any judgment as to the need for general or specific grants of subpena authority in other situations.

RECOMMENDATION

The Administrative Procedure Act should be amended (1) to make agency subpenas available in all agency proceedings, both rulemaking and adjudication, which are subject to sections 556 and 557 of title 5, United States Code, and (2) to make clear that the power to issue subpenas in such proceedings shall be delegated to presiding officers.

We propose the following amendments to implement this recommendation:

1. Amend section 555(d) of title 5, United States Code to read as follows:

(d) Agency subpenas authorized by law shall be issued to a party on request and, when required by rules of procedure, on a statement or showing of general relevance and reasonable scope of the evidence sought. Each agency shall designate by rule the officers, who shall include the presiding officer in all proceedings subject to section 556 of this title, authorized to sign and issue subpenas. On contest, the court shall sustain the subpena or similar process or demand to the extent that it is found to be in accordance with law. In a proceeding for enforcement, the court shall issue an order requiring the appearance of the witness or the production of the evidence or data within a reasonable time under penalty of punishment for contempt in case of contumacious failure to comply.

2. Amend section 556 of title 5, United States Code to add the words "subpena authority;" in the heading after the words "powers and duties;", to delete the words "authorized by law" in subparagraph (c)(2), to redesignate subsections (d) and (e) as (e) and (f) respectively, and to add the following subsection (d):

(d) In any proceeding subject to the provisions of this section, the agency is authorized to require by subpena any person to appear and testify or to appear and produce books, papers, documents or tangible things, or both, at a hearing or deposition at any designated place. Subpenas shall be issued and enforced in accordance with the procedures set forth in section 555(d) of this title. In case of failure or refusal of any person to obey a subpena, the agency, through the Attorney General unless otherwise authorized by law, may invoke the aid of the district court of the United States for any district in which such person is found or resides or transacts business in requiring the attendance and testimony of such person and the production by him of books, papers, documents or tangible things. The authority granted by this subsection is in addition to and not in limitation of any other statutory authority for the issuance of agency subpenas and for the judicial enforcement thereof.

§ 305.74–2 Procedures for discretionary distribution of Federal assistance (Recommendation No. 74–2).

(a) The provision of assistance by the Government has a major impact upon the general public, as well as upon those who seek aid and those who particularly benefit from it. As with any other governmental activity of similar importance, in dispensing assistance agencies should not be free to act completely within their own discretion, *ad hoc*, unguided by standards and insulated from the complaints of those who dispute the propriety of agency decisions. Such unchannelled discretion not only creates the occasion for arbitrary action, but also prevents the agencies from giving their programs the effective policy direction essential for the achievement of statutory aims.

(b) This Recommendation calls upon each agency which has discretion in the distribution of assistance under a domestic program to identify publicly the specific results it expects the assistance to achieve; to develop criteria based on that formulation for awarding aid; and to utilize public procedures for developing and enforcing the program's criteria and other requirements. The adoption of these measures has advantages for all concerned. For the agencies, it promotes the rationality of decision-making by creating a stimulus towards analysis and specification of program aims. Applicants and recipients benefit from more consistent and predictable assistance terms, and from the open opportunity to seek an award. The affected public can monitor compliance in a way that promotes program purposes. And agency actions become more comprehensible to all involved.

(c) The Conference has previously adopted two recommendations directed to particular categories of assistance programs covered by the present Recom-

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mendation and urging, with respect to those categories, some of the same measures here proposed. Moreover, those earlier recommendations, since they were more narrowly focused, set forth procedures in addition to those here proposed, useful for the particular types of assistance programs they covered. Recommendation 71-4, dealing only with discretionary grant programs, urges, as does the present Recommendation, the development of criteria by rulemaking and sets forth particularized public notice and applicant notification procedures appropriate for that type of Federal assistance. Similarly, Recommendation 71-9, directed only to grant-in-aid programs, describes in some detail complaint procedures and information systems particularly applicable to that type of Federal assistance. The present Recommendation is not meant to supersede those earlier proposals; but where it suggests additional procedures not there described, it is intended to supplement them.

RECOMMENDATION

A. *Scope of the Recommendation.* In its broadest sense, Federal assistance includes any expenditure made by the Government to provide goods or services to the public, whatever the form of transfer; thus it includes money grants and benefits, in-kind aid, financing, insurance, and the permitted use of public goods. This Recommendation is directed to domestic programs for the provision of all forms of assistance except services (where personnel considerations must be given special account). Since, however, the purpose of the Recommendation is to regularize agency exercise of discretion in the distribution of assistance, its provisions do not apply to programs in which no such discretion exists (e.g., "benefit" and "formula" programs in which aid is distributed on the basis of statutory entitlement); nor do they apply to contractual agreements covered by the Government's procurement regulations and its system of award and dispute procedures.

B. *Articulation of Objectives, Criteria and Requirements*—1. *Statement of Objectives and Criteria.* Each agency that has discretionary authority to determine the recipients under an assistance program, and the terms, amounts and purposes of awards, should publicly state the specific results which it expects the assistance to achieve. The agency should also identify any major technical obstacles hindering the achievement of these objectives, describe its strategy for overcoming them and make this statement public where doing so would not frustrate accomplishment of the program's goals. On the basis of such formulation, the agency should articulate the criteria guiding its actions in making awards. Periodically, the agency should review the adequacy of its program objectives and assistance criteria in light of the results achieved and changes in the public need.

2. *Nature of Assistance Criteria.* To ensure performance-related, impartial choice in selection of recipients, whenever possible the agency's assistance criteria should provide for the award of aid either on an entitlement basis, to all who meet specified requirements, or on a competitive basis, to those who best satisfy stated selection factors. While considerable judgment may be left to the decision-maker in their application, the criteria should provide sufficient guidance to enable determinations to be made on a rational and justifiable basis.

In research, demonstration, developmental and other experimental programs, however, an agency will not always be able to specify its assistance criteria fully because of uncertainty about the results to be sought and the means of their achievement. To a corresponding degree, the choice of a recipient will involve greater judgment and in many instances subjective choice. Nevertheless, at each stage of program development, the agency should refine its selection basis and provide as equal an opportunity to compete as it can.

3. *Requirements imposed on recipients.* The agency should state clearly any specific results it expects the recipient to achieve. Where possible it should promulgate these and any other requirements it imposes on the operation or fiscal administration of assisted programs in the form of generally applicable rules, in preference to attaching such requirements as special conditions to particular assistance agreements.

4. *Degree of Specificity.* Agencies should state their objectives, criteria and requirements with as much specificity as practicable, and with clear indication of their purpose. Since, however, flexibility in the actual operation of assistance programs is useful, and diversity of approach often necessary, requirements relating to the manner of operation of recipients should be only as detailed and specific as is necessary to realize the program objective.

5. *Procedures for Development.* Agencies should develop their assistance criteria and generally applicable requirements through a procedure involving public participation, by following the notice and comment provisions of the Administrative Procedure Act, 5 U.S.C. 553.

C. *Complaint Procedures*—1. *Establishment of Complaint Procedures.* Agencies benefit by encouraging affected persons to report instances in which, in their belief, Federal standards (including the criteria for distribution of aid and any statutory or regulatory requirements) are not being observed in program administration. Such reports provide a source of information concerning operational problems and successes, supplementing whatever audits and field inspections the agency may conduct. Assertions that standards are being disregarded are indicative of program problems that the Federal agency must solve, by revising its own operations, by invoking sanctions for non-compliance or by re-examining the adequacy and appropriateness of the requirements themselves. Consequently, assistance agencies should make procedures available by which persons may formally report that Federal standards intended to benefit or protect them are being violated.

2. *Nature of Procedures.* Agencies should permit dissatisfied persons a suitable opportunity to submit information and argument in support of their assertions. The agency should specify the complaint procedure or procedures applicable to each of the programs it administers.

D. *Application to Delegated Programs.* In some programs, assistance recipients have been delegated an administrative role like that of Federal agencies in discretionary programs: the delegate-recipient agency dispenses assistance and exercises some discretionary power to decide who will receive aid, in what amounts, on what terms, and for what purposes. An example is the role of community action agencies under the Economic Opportunity Act, 42 U.S.C. 2701, et seq. In such programs, if it has the power to do so, the Federal agency should direct such recipients to observe Part B of this Recommendation, and to adopt procedures in accordance with Part C for receiving reports alleging violation by the recipient of its own established objectives, criteria and requirements. Reports alleging that the recipient's objectives, criteria and requirements do not accord with Federal standards should be entertained at the Federal agency level.

EDITORIAL NOTE: The following separate statement is published pursuant to the requirements of 5 U.S.C. 575(a)(1).

SEPARATE STATEMENT OF MALCOLM S. MASON

Although this is an important Recommendation which takes a broad and sound view of the need for structured administration and discretion in an area where structure is largely absent, it is not sound in its present form as applied to new and creative programs.

If this Recommendation in its present form had been adopted ten years ago and had been honored, there would have been no Head Start. Programs that require decisive action and the unleashing of enthusiasms that have been suppressed, of courage hidden in unexpected places, would be talked to death, analyzed to death, bureaucratized to death.

As applied to that kind of program, this Recommendation, instead of promoting rationality of decision making, would promote rationalization and jargonization of decision making. By creating painful consequences for those who may have the right goals and the right approach but have articulated them less self-defensively than others, they would not counteract, they would encourage, the tendency to avoid risks inherent in making decisions.

In the case of Head Start, which I take only as an example sufficiently familiar to be recognized, those who thought they were improving cognitive achievement as a primary objective and those who recognized that as a spurious goal but felt they were achieving family solidarity and dignity, through participation in the children's education, as a primary objective, and several other factions, would have debated endlessly and the program would never have started. Because, under this Recommendation, a stated objective carries consequences, they would have been forced to fight on the statement of objectives or to compromise and water down the program.

The Recommendation should have been adopted only after excluding expressly the Head Start kind of program and only after deleting the gratuitously inappropriate reference under Part D to the Community Action Program as one that should specifically be subject to this Recommendation. The Conference should have explicitly undertaken, and I hope it will now undertake, separate fresh thought to the kind and extent of structural discretion that is appropriate for the sort of program typified by Head Start.

§ 305.74-3 Procedures of the Department of the Interior with respect to mining claims on public lands (Recommendation No. 74-3).

(a) Although largely unknown to lawyers outside the West, the Department of the Interior's disposition of mining claims on public lands is a significant field of Federal administrative activity and an important element in planning rational use of the public lands.

(b) The procedures for establishing or "locating" mining claims are set out by the General Mining Law of 1872, which has not been significantly amended since its passage. A claim is located by marking the corners of the acreage claimed, posting a notice on the land, and, if state law requires, performing specified work. Notice is then filed in the county courthouse. No valuable mineral need have been found, nor is the prospector under any obligation to reveal what mineral he believes to be present in order to exclude possible rivals from the land. A valid possessory interest is acquired against the United States, however, only if a "valuable" mineral deposit has been "discovered." If certain formalities are then complied with, the prospector may convert this possessory interest into full title, or "patent," for a modest sum; the possessory interest in a demonstrably valid claim is so secure, however, that such purchases are rarely sought. Claims are neither registered with the Federal Government nor paid for unless a patent is sought; nor need any discovery of valuable mineral be formally recorded anywhere in advance of a possible application for patent.

(c) In the view of the Department of the Interior, a claim may be valid even if inactive; all claims are regarded as potential clouds on the Government's title. Thus, when a dam is to be built or a National Park secured, obtaining clear title to the land requires the Government to identify claims for which patent applications have not been made. This currently requires Bureau of Land Management employees to make a painstaking search of disorganized and ancient county records for each possibly valid claim and for evidence for its descent. Part A of the present recommendation urges the elimination of this wasteful and uncertain system by establishment of a registration process, and suggests interim measures which the Department may take until that legislation is enacted.

(d) Once the identity of existing claimants is known, the present system provides for testing the validity of their claims by formal administrative adjudications in which, although the burden of persuasion is upon the claimant, the Government must first establish prima facie that no "discovery" of any "valuable" mineral has been made. It must do this without the benefit of subpena power, or even of any requirement that the claimant define his claim (*e.g.*, by stating the nature of the minerals discovered) before the Government puts on its case. The practical effect of these hearing procedures is that a mineral examiner must be sent to inspect every claim that may be asserted. Adjudication is performed by administrative law judges in the Department's Office of Hearings and Appeals, subject to de novo review by the Board of Land Appeals in the same Office. Although the Department has full rulemaking authority, it has typically used case adjudication to develop positions on such central issues as what constitutes the "discovery" necessary to render a claim valid against the Government. To the extent cases are decided on the basis of interpretations or policy that a court would find within the Secretary's discretion, the Department's Office of Hearings and Appeals exercises important policy-making functions; yet at present no provision is made for Secretarial review of its conclusions. Judicial review of these adjudicatory determinations can be obtained only in United States District Court, in accordance with the so-called "nonstatutory review" provisions of 5 U.S.C. 703. The "substantial evidence" standards of 5 U.S.C. 706(2)(E) is of course applicable, but some confusion remains as a result of early cases treating the Department's findings of fact as near-conclusive. Part B of the present Recommendation seeks to rationalize the Department's adjudicatory system by providing fairer and more efficient hearing procedures, bringing the Department's case law more closely within a unified policy-making structure, and establishing judicial review provisions in appellate rather than trial-level federal courts, with explicit affirmation of the APA standard of review.

(e) Although not required to do so by statute, the Department of the Interior commendably makes use of notice-and-comment rulemaking procedure, both for adoption of regulations to be codified in the Code of Federal Regulations and for actions withdrawing public lands from use under the various public land laws, including the mining laws. Public participation in such rulemaking, however, is substantially impaired by the lack of ready access to geologic data and other Government-developed data and views relating to rulemaking proposals. Moreover, other information important to the public, pertaining to matters of law, policy, procedure and Departmental organization, is not available as readily, or in as comprehensible a form, as it should be. Part C of the present Recommendation suggests requirements to render the Department's rulemaking process more effective and to facilitate citizen receipt of needed information.

RECOMMENDATION

A. *Identification of Claims.* 1. Whether it is achieved separately or in conjunction with more general mining law reform, mandatory Federal registration of claims and records of required assessment work is important for sound management of the public domain. The Congress should enact legislation to impose that requirement; and the Department should consider whether it may impose such a requirement under its existing rulemaking powers and management authority over the public lands.

2. Pending the implementation of mandatory registration procedures, the Department should afford facilities for voluntary federal registration of claims by persons who wish to be assured personal notice of governmental actions possibly affecting their interests. Moreover, when clear title must be established for particular tracts of public domain during this period, fairness permits and efficiency demands that the Department adopt procedures which require the unknown owners of the claims, or the holders of unknown claims, to identify themselves and their claims before any more formal government action can be called for. Procedures for identifying claims, modeled on those specified in the Multiple Mineral Use Act of 1954 and the Surface Resources Act of 1955, should include the following:

(a) The search for claims and claimants should be limited to what can be readily discovered by visual inspection of the land, by limited inquiry in the vicinity, by listing in tract indexes, and by reference to the Department's own records and knowledge.

(b) Personal notice should be given only to those claimants thus discovered; otherwise, notice may be effected by posting the land and by appropriate publication.

(c) All persons wishing to assert the validity of claims affecting the lands in question should be required to file verified statements with the Department precisely identifying themselves, their claims, and other parties in interest.

(d) Claims not asserted within a reasonable period of time should be deemed abandoned.

B. Hearing and Review Procedures. 1. The Department should by rule require that once the Government initiates proproceedings to determine the validity of mining claims located on particular tracts of public land, claimants must specify all matters necessary to establish this validity—in particular, what discovery of valuable mineral is claimed, with suporting geological and economic information. Until such matters are specified, the claimant has not established a basis for a fact-finding hearing; failure to make adequate specification should

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subject the claim to summary judgment declaring its invalidity. In the administration of this rule, the Department should take measures to protect the interests of smaller prospectors, acting in good faith, who may not be financially able to provide full technical data regarding their claims. Such measures might include joint inspection and assay using government experts (once the nature and points of discovery asserted are identified and adequately defined), and reliance upon the resulting reports as adequate to support summary judgment in accordance with their conclusions of fact.

2. Because the nature and quality of his claim is a matter uniquely within his knowledge, the claimant should be made to bear the burden of going forward as well as the burden of proof in any fact-finding hearings. Moreover, the Department should make clear by rule that where such hearings prove brief and the issues of fact or law involved prove simple, the presiding administrative law judge has the authority to decide the case immediately from the bench upon conclusion of the hearing and receipt of argument, without need to await the transcript or written briefs.

3. Effectively conferring final decision-making authority upon the Board of Land Appeals risks a bifurcation of the Department's policymaking function. The Department should adopt measures that will reconcile the appropriate adjudicative role of the Board with the Secretary's policymaking responsibility.

4. The Congress should enact legislation which would help to bring the adjudicative procedures of the Department into line with usual administrative practice:

(a) By conferring on the Bureau of Land Management discovery authority commensurate with that enjoyed by most federal agencies; and

(b) By explicitly providing for review of the final agency decision in adjudicated cases in the appropriate Court of Appeals under the Administrative Procedure Act, with "substantial evidence" review of findings of fact.

C. *Rulemaking Procedures — Public Information.* 1. The Department's rulemaking procedures should be improved and the availability of its information to the public increased by various means, including:

(a) Adoption of procedures providing interested parties adequate opportunity to inspect and to comment upon geologic data and other Government-developed data or views relating to a pending rulemaking proposal and otherwise available under the Freedom of Information Act, 5 U.S.C. 552. This may require extension of the ordinary comment period.

(b) Reduction of the number and complexity of law-sources which must be consulted to determine governing law and authority within the Department. Matters substantially affecting the public, but now incorporated in staff manuals or other internal documents, should be included in the published regulations, and policies generated through the adjudicatory process should be codified in regulations periodically. In addition, the Bureau of Land Management should publish regularly, in the Code of Federal Regulations and in pamphlet form, a full and current description of its central and field organization, showing lines of authority, and a full and current description of its operating procedures for dealing with mining matters, including the full requirements for patent applications.

§ 305.74–4 Preenforcement judicial review of rules of general applicability (Recommendation No. 74–4).

(a) With increasing frequency, rules of general applicability adopted by agencies informally pursuant to 5 U.S.C. section 553 are being reviewed by the courts directly, before they are applied to particular persons in adjudicative proceedings. Such review may be by courts of appeals under statutes, mostly older statutes, providing generally for judicial review of orders of specific agencies, or under recent statutes providing specifically for the direct review of rules issued by new agencies or by newly created authority. The district courts also review rules directly in the exercise of their power under the Administrative Procedure Act to review agency action not otherwise reviewable.

(b) The trend toward immediate review of agency rules has been accompanied by confusion over the appropriate scope and standard of review. In particular, conceptual and practical difficulties have arisen from the use by Congress and the courts of phrases such as "hearing," "record" and "substantial evidence on the record as a whole," traditionally associated with review of orders entered after a formal evidentiary hearing, in the new and different context of preenforcement review of agency rules adopted informally.

(c) This recommendation, addressed to Congress, the Judicial Conference and the agencies, seeks to dispel the confusion by (1) stating what administrative materials should be included in the record on review and (2) clarifying the standards for reviewing the adequacy of the factual basis and rationality of rules. The recommendation accepts the present pattern of preenforcement review of rules and does not call for either more or less of such review. Nor does it suggest that any particular procedures should be followed by agencies in adopting rules.

RECOMMENDATION

1. In the absence of a specific statutory requirement to the contrary, the following are the administrative materials that should be before a court for its use in evaluating, on preenforcement judicial review, the factual basis for rules adopted pursuant to informal procedures prescribed in 5 U.S.C. section 553: (1) the notice of proposed rulemaking and any documents referred to therein; (2) comments and other documents submitted by interested persons; (3) any transcripts of oral presentations made in the course of the rulemaking; (4) factual information not included in the foregoing that was considered by the authority responsible for promulgation of the rule or that is proffered by the agency as pertinent to the rule; (5) reports of any advisory committees; and (6) the agency's concise general statement or final order and any documents referred to therein.* References to the "record" or "whole record" in statutes pertaining to judicial review of rules adopted under section 553 should be construed as references to the foregoing in the absence of a legislative intent to the contrary. The Conference does not assume that the reviewing court should invariably be confined to the foregoing materials in evaluating the factual basis for the rule.

2. The term "substantial evidence on the record as a whole," or comparable language, in statutes authorizing judicial review should not, in and of itself, be taken by agencies or courts as implying that any particular procedures must be followed by the agency whose actions are subject to the statute and, in particular, should not be taken as a legislative prescription that in rulemaking agencies must follow procedures in addition to those specified in 5 U.S.C. section 553.

3. The appropriate standard for determining whether a rule of general applicability adopted after informal rulemaking rests on an adequate foundation is stated in 5 U.S.C. section 706(2)(A), which provides that a reviewing court must set aside action found to be "arbitrary, capricious [or] an abuse of discretion." Where such a rule is attacked on the ground that an asserted factual basis does not support it or that a necessary factual foundation is lacking, this standard requires a reviewing court to decide, in light of the information before it (including the administrative materials described in paragraph 1), whether the agency's conclusions concerning the significance of factual information can be said to be rationally supported.

4. Statutes providing for judicial review of rules adopted after informal rulemaking should refer only to the standards for review of such rules set forth in 5 U.S.C. 706, including the "arbitrary, capricious, [or] abuse of discretion" standard of section 706(2)(A) (but not including the "substantial evidence" standard of section 706(2)(E), which by its terms is inapplicable to such rules). Properly applied, those standards are adequate to ensure appropriate judicial scrutiny of rules adopted informally. Judicial review statutes that speak in terms of review according to the standard of "substantial evidence" should be construed as establishing a standard of review over informal rulemaking comparable to that set forth in section 706(2)(A), unless a contrary intent clearly appears.

*The court may of course limit its consideration to those materials that parties cite. Whether the agency may withhold from the parties to the judicial review proceeding or the court on the ground of confidentiality any materials otherwise called for is left by the recommendation to be decided under existing law.

EDITORIAL NOTE: The following separate statement is published pursuant to the requirements of 5 U.S.C. 575(a)(1).

SEPARATE STATEMENT OF MALCOLM S. MASON

The debate on this Recommendation demonstrates that there are large differences of fundamental approach on many interrelated underlying issues. Under these circumstances, Professor Verkuil's paper, the Committee study, and the Conference debate have served a useful purpose in calling attention, in this influential forum, to the need for further thought on these matters. They do not, however, lay a rational foundation for a specific, formal, intricately constructed Recommendation, which purports to carry the authority of the Administrative Conference. Here the real disagreements have been hidden by the parliamentary process; that can only be harmful. This kind of rush to recommend is something I think the Conference should scrupulously avoid.

3. In 1 CFR 310.2 the paragraph headed "Resolution No. 8" is revised to read as follows:

Resolution No. 8.

The general language of Resolution No. 8 raises a number of considerations, which the Conference speaks to as follows:

a. The Conference agrees that the presiding officer should have substantial authority in the conduct of adjudicatory proceedings. It has already recommended that agencies be authorized, at their discretion, to accord administrative finality to the decisions of administrative law judges (Recommendation 68–6). We endorse the ABA proposal insofar as it would achieve that result.

b. Where final decision is to be made by the agency itself, an intermediate decision to which the parties may file exceptions serves to narrow and focus the issues, whether of fact, law or policy. Moreover, where the case significantly involves questions of fact that hinge upon credibility and demeanor, an intermediate decision by the presiding officer is the only means of obtaining a judgment on these factors. Accordingly, it is ordinarily highly desirable that there be an intermediate decision, even when there is no disputed issue of fact.

c. In all cases of formal adjudication other than initial licensing, both of the foregoing reasons usually apply with full force, and an intermediate decision by the administrative law judge should, as under present law, be required absent unanimous waiver by the parties.

d. In ratemaking, initial licensing and rulemaking, fact issues turning upon credibility and demeanor are not often central. Since the need for expedition may outweigh the value of an intermediate decision in some such proceedings, agencies should be authorized to omit the intermediate decision, either on a case-by-case basis or by a determination applicable to a specifically defined category of proceedings. In other such proceedings it may be useful for the agency to supply for party comments its own tentative decision or the recommended decision of a responsible agency employee other than the presiding administrative law judge.

(5 U.S.C. 571–576)

Dated: June 18, 1974.

RICHARD K. BERG,
Executive Secretary.

[FR Doc.74–14647 Filed 6–25–74;8:45 am]

Title 7—Agriculture

CHAPTER IV—FEDERAL CROP INSURANCE CORPORATION, DEPARTMENT OF AGRICULTURE

PART 409—ARIZONA-DESERT VALLEY CITRUS CROP INSURANCE

Subpart—Regulations for the 1974 and Succeeding Crop Years

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, the Arizona-Desert Valley Citrus Crop Insurance Regulations for the 1967 and Succeeding Crop Years, as amended, which shall remain in full force and effect for the 1973 crop year, are hereby superseded for the 1974 and succeeding crop years by the regulations set forth below. The provisions of this subpart shall apply in counties in Arizona and in the Desert Valley, consisting of Imperial County, California, and that portion of Riverside County, California, lying east of a line drawn due north and south through the post office in the town of White Water, California, until amended or superseded, to all continuous citrus crop insurance contracts as they relate to the 1974 and succeeding crop years.

Sec.
409.30 Availability of Arizona-Desert Valley citrus crop insurance.
409.31 Premium rates and amounts of insurance.
409.32 Application for insurance.
409.33 Public notice of indemnities paid.
409.34 Creditors.
409.35 The application and the policy.

AUTHORITY: Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516.

§ 409.30 Availability of Arizona-Desert Valley citrus crop insurance.

Citrus crop insurance shall be offered for the 1974 and succeeding crop years under the provisions of §§ 409.30 through 409.35 in counties in Arizona and the Desert Valley within limits prescribed by and in accordance with the provisions of the Federal Crop Insurance Act, as amended. The counties shall be designated by the Manager of the Corporation from a list of counties approved by the Board of Directors of the Corporation for citrus crop insurance. The counties designated by the Manager shall be published by appendix to this section.

§ 409.31 Premium rates and amounts of insurance.

(a) The Manager shall establish premium rates and the amounts of insurance per standard box which shall be shown on the county actuarial table on file in the office for the county. Such premium rates and amounts of insurance may be changed from year to year.

(b) The following shall apply to the transfer of any premium reduction earned under the provisions of section 7 of the Application and Policy set forth in § 409.35 if the insured is a partnership, corporation, or any other joint enterprise and there is no break in continuity of participation. Upon dissolution of such enterprise, such premium reduction may be credited to the contract of any member or stockholder thereof if the Corporation determines such person is operating only land formerly operated by the dissolved enterprise. Upon formation of a joint enterprise, the smallest premium reduction (zero if none), which the Corporation determines would have been applicable to any insurable acreage brought into the enterprise if the enterprise had not been formed, may be credited to the joint enterprise contract.

§ 409.32 Application for insurance.

Application for insurance may be submitted as provided in § 409.35 at the office for the county for the Corporation. The Corporation reserves the right to discontinue the taking of applications in any county upon its determination that the insurance risk involved is excessive prior to the closing date for the filing of applications. Such closing date shall be the September 30 immediately preceding the beginning of the crop year. The Corporation further reserves the right to reject any application or to exclude any definitely identified acreage for any crop year of the contract if upon inspection it deems the risk on such acreage is excessive. If any such acreage is to be excluded, the insured shall be notified of such exclusion before insurance attaches for the crop year for which the acerage is to be excluded. The Manager of the Corporation is authorized in any crop year to extend the closing date for acceptance of applications in any county by publishing a notice in the FEDERAL REGISTER, upon his determination that no adverse selectivity exists: *Provided, however,* That if adverse conditions should develop during such period the Corporation will immediately discontinue the acceptance of applications.

§ 409.33 Public notice of indemnities paid.

The Corporation shall provide for posting annually in each county at the county courthouse a listing of the indemnities paid in the county.

§ 409.34 Creditors.

An interest of a person other than the insured in an insured crop existing by virtue of a lien, mortgage, garnishment, levy, execution, bankruptcy, or any involuntary transfer shall not entitle the holder of the interest to any benefit under the contract other than as provided in the Application and Policy set forth in § 409.35.

§ 409.35 The application and the policy.

The provisions of the application and policy for Arizona-Desert Valley Citrus

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Crop Insurance for the 1974 and Succeeding Crop Years are as follows:

Application and Policy
Form FCI-812—Arizona-Desert Valley Citrus

UNITED STATES DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

APPLICATION AND POLICY FOR ARIZONA-DESERT VALLEY CITRUS CROP INSURANCE

(For 19__ and Succeeding Crop Years)

(Name of Insured)	(Contract Number)
	(County) (State)
(Address of Insured) (Zip Code)	(Identification Number)

1. The undersigned applicant (herein called the "insured"), subject to the applicable provisions of the regulations of the Federal Crop Insurance Corporation (herein called the "Corporation"), hereby applies to the Corporation for insurance on his interest as a producer in citrus crops of the insurable types elected below (hereinafter called "the insured crop") located in the above-identified county (hereinafter called "the county"). The amounts of insurance per box and the premium rates for each crop year are shown by types on the county actuarial table (hereinafter called "the actuarial table"). The applicant hereby elects to insure the type(s) of citrus encircled below:

Type:	Kinds
I	Navel Oranges.
II	Orlando Tangelos and Sweet Oranges.
III	Valencia Oranges.
IV	Grapefruit.
V	Lemons.
VI	Kinnow Mandarins and Minneola Tangelos.

This application, when executed by a person as an individual, shall not cover his interest in a crop produced by a partnership, or other entity.

2. *Cause of loss insured against.* The insurance provided is against unavoidable loss resulting from freeze occurring within the insurance period to citrus setting from the annual bloom occurring in the calendar year in which the insurance period begins.

3. *Insured crop.* Application for insurance may be made with respect to all types of citrus or with respect to any one or more types of citrus, as defined in Section 22 hereof, produced by the insured on trees that have reached at least the sixth growing season after being set out, except that the insured may, subject to approval of the Corporation, elect to insure or exclude from insurance for any crop year any definitely described and designated insurable acreage having a potential of less than 150 standard field boxes per acre. Acreage so excluded with approval of the Corporation shall be disregarded for all purposes of this contract for the crop year involved. If the insured fails to report, elect and designate any defined acreage, the Corporation will disregard such acreage if the minimum potential is not produced. However, if the production meets the minimum, the Corporation shall determine the percent of damage on all of the insurable acreage for the unit, but will not permit the percent of damage for the insurance unit to be increased by reason of the use of such undesignated acreage. The potential to be used to determine the percent of damage under Section 14 shall never be less than 150 standard field boxes per acre.

Except as otherwise provided herein, the insured acreage for each crop year shall be all that acreage in the county of the citrus type(s) for which the insured has applied for insurance, which is shown as insurable acreage on the actuarial table and not excluded otherwise because of risk, and in which the insured has an interest on the date insurance attaches.

4. *Supplements to application showing identification of groves, kinds, types of citrus, acres, age of trees, estimated production in standard field boxes, and interest.* The insured shall file a supplement, on a form prescribed by the Corporation, which shall be a part of this application. The insured shall show on such supplement the location of acreage, kinds, types of citrus, acres, age of trees, estimated production in boxes of citrus, and his interest therein. Such information may be revised by the insured before insurance attaches for any crop year, by giving notice in writing to the Corporation's office for the county.

Any acceptable revision shall be a part of the contract, in lieu of any supplement previously filed, and shall be considered as the basis for continuation of insurance from year to year, subject to revision as provided herein. The Corporation reserves the right to determine the production in boxes under the contract, or on any unit, and the insured's interest therein. The production in boxes and the interest therein shall be the boxes and interest reported by the insured or as determined by the Corporation.

5. *The contract.* Upon acceptance of this application by the Corporation, the contract shall be in effect for the crop year specified above and shall continue for each succeeding crop year until cancelled or terminated in accordance with the applicable provisions of the contract. This application and policy, and amendments thereto, if any, and the actuarial tables for each crop year shall constitute the contract for citrus insurance. Any changes made in the contract shall not affect the continuity from year to year.

6. *Insurance period.* For each crop year insurance shall attach on October 1, except that for the first crop year if the application is submitted to the office for the county after September 30 and is accepted by the Corporation, insurance shall attach on the tenth day after the submission of the application, and as to any portion of the citrus crop shall cease upon harvest or on January 31 for Types I, II, and V and on March 31 for Types III, IV, and VI of the following calendar year, whichever occurs first.

7. *Annual premium and amount of insurance.* (a) The annual premium for any crop year shall be considered as earned on the date insurance attaches and shall be determined by multiplying the higher of the estimated production reported by the insured for that crop year for the unit or 150 boxes per acre by the applicable amount of insurance per box and this result by the applicable premium rate and insured interest and when applicable, applying the discount provided in this section. There will be no revision in premium if the actual production differs from the estimated production applicable for the crop year as provided in Section 4 above.

(b) The total annual premium for the insured crop on all insurance units shall be reduced as follows for consecutive years of insurance, without a loss for which an indemnity was paid on any unit immediately preceding the crop year for which the reduction is applicable (eliminating any year in which a premium was not earned): 5 percent after 1 and 2 consecutive years without a loss, 10 percent after 3 and 4 years, 15 percent after 5 years, 20 percent after 6 years, and 25 percent after 7 or more years.

If an insured has a loss on a crop for which an indemnity is paid, the number of such consecutive years of insurance on such crop without a loss for which an indemnity was paid shall be reduced by 3 years, except, that, where the insured has 7 or more such years, a reduction to four shall be made and where the insured has three or less such years, a reduction to zero shall be made.

If there is no break in continuity of participation, any premium reduction earned hereunder shall be transferred to (1) the contract of the insured's estate or surviving spouse in case of the death of the insured, (2) the contract of the person who succeeds the insured as the insured's transferee in operating only the same farm or farms, if the Corporation finds that such transferee has previously actively participated in the farming operation involved, or (3) the contract of the same insured who stops farming in one county and starts farming in another county.

(c) The amount of insurance for any crop year for any unit shall be determined by multiplying the estimated production in boxes for the unit for that crop year as reported by the insured or as determined by the Corporation, whichever is smaller, by the applicable amount of insurance per box and multiplying the product thereof by the insured's interest: *Provided, however,* that for any unit the amount of insurance for any crop year shall not exceed the product of the insured acreage thereon, and the maximum amount of insurance per acre shown on the actuarial table for such crop year and the insured's interest and the amount of insurance per acre shall not be based on less than 150 standard field boxes per acre.

8. *Premium note.* In consideration hereof, the insured promises to pay to the order of the Federal Crop Insurance Corporation each crop year of the contract the annual premium and further agrees that as to any amount thereof not paid by September 30 of the crop year in which earned, it shall be increased by 10 percent. It is further agreed that any amount due the Corporation by the insured may be deducted from any indemnity payable to the insured and when not prohibited by law, from any loan or payment otherwise due the insured under any program administered by the U.S. Department of Agriculture.

(Code No.)	(Witness to Signature)
(Signature of Applicant)	(Date) 19__

9. *Recommended for acceptance by:*

(Corporation Representative)	(Date) 19__

10.

ADDRESS OF OFFICE FOR COUNTY
PHONE:

LOCATION OF HEADQUARTERS
PHONE:

11. *Life of contract.* This contract is noncancellable the first corp year and shall continue in effect for each succeeding crop year until either the insured or the Corporation cancels the contract by giving written notice to the other by the July 31 immediately preceding the crop year for which the cancellation is to become effective. If, however, any acreage is excluded from insurance under the contract by the Corporation because of the risk involved after the July 15 immediately preceding the beginning of the crop year for which such exclusion is to become effective, the insured shall have the right to cancel the contract within 15 days after notice thereof is mailed to the insured by the Corporation. If the premium is not paid by the September 30 of the crop year in which the premium was earned, the contract shall terminate for nonpayment of premium effective beginning with the next crop year.

12. *Contract changes.* After the first crop year the Corporation reserves the right to amend or change the terms of this contract from year to year. Any such amendment or change shall be mailed to the insured or made available at the office for the county by the July 15 immediately preceding the beginning of the crop year for which such amendment or change is to become effective. Acceptance of such amendment or change will be conclusively presumed in the absence of any notice from the insured to cancel the contract as provided in Section 11 hereof.

13. *Notice of damage or loss.* (a) It shall be a condition precedent to payment of any indemnity on any unit hereunder that the insured report each damage to the insured crop from freeze to the office for the county immediately after such damage becomes apparent, giving the date of such damage. If not reported within seven days after such damage becomes apparent the Corporation reserves the right to reject any claim arising out of such damage on the unit if it determines that it has been prejudiced by such failure to report or by failure to give notice as required in subsection (b) of this section. Notwithstanding any other provision of this section to the contrary, no insured damage shall be deemed to have occurred on any acreage damage by freeze unless a notice of the damage thereon is given to the office for the county within 30 days after the applicable calendar date for the end of the insurance period.

(b) If damage occurs within the seven-day period before the beginning of harvest, or during harvest, and a loss is to be claimed, notice shall be given immediately. The insured shall not harvest any citrus on any acreage damaged by freeze until the Corporation has inspected such damage.

14. *Amount of loss and proof of loss.* (a) Any claim for loss on any unit shall be submitted to the Corporation on a form prescribed by the Corporation within 60 days after harvest of the insured crop is completed on the unit but not later than the applicable date set forth below of the calendar year following the calendar year in which insurance attached:

Type of citrus:	Date
I, II, and V	Apr. 30.
III, IV, and VI	Sept. 30.

The Corporation reserves the right to provide additional time if it determines that circumstances beyond the control of either party prevent compliance with this provision.

(b) Losses shall be adjusted separately for each unit. The amount of loss with respect to any unit shall be determined by multiplying the amount of insurance (determined in accordance with subsection 7(c)) by the average percent of damage (determined in accordance with subsection (c) of this section) in excess of 10 percent.

(c) The average percent of damage to the insured crop on any unit shall be the ratio of the number of standard field boxes of the crop lost as a result of freeze to the total number of standard field boxes which would have been produced had no loss occurred (herein called the "potential"). The potential shall not be less than 150 standard field boxes per acre and shall include (1) citrus picked before the freeze damage occurred, (2) citrus remaining on the trees after the freeze damage occurred, (3) citrus lost from freeze, and (4) any other citrus not included in items (1) through (3), including citrus lost from causes not insured against other than normal dropping, "rots," and "splits." Citrus lost as a result of freeze shall be citrus to which damage from freeze is serious (as defined in the laws of the state in which the county is geographically located) as determined by the Corporation and such determination shall be limited to the actual citrus lost shown by cuts of representative samples of fruit made in the grove regardless of whether or not damaged fruit can be separated from undamaged fruit without cutting: Except, That the Corporation shall consider (1) any fruit which is or could be packed as fresh fruit as being undamaged, (2) any fruit on the ground as a result of freeze which is not marketed as being damaged the greater of 70 percent or the percent of damage determined from cuts made in the grove of representative samples of fruit, and (3) any portion of the insured crop which is harvested prior to inspection by the Corporation as undamaged fruit.

A final grove inspection to determine the extent of serious freeze damage to fruit unharvested at the end of the insurance period shall be made within 30 days after the end of the insurance period or as soon thereafter as possible. The Corporation reserves the right to delay the final determination of the average percent of damage and the settlement of any loss until the insured makes available to it complete records of the marketing of the insured crop for the crop year. It shall be a condition precedent to payment of any claim that the insured furnish any production records and any other information required by the Corporation regarding the manner and extent of damage, including authorizing the Corporation to examine and obtain any records pertaining to the production and/or marketing of the crop insured under this contract from the packinghouse and the Navel Orange, Valencia Orange, Grapefruit and Lemon Administrative Committees established under orders issued by the U.S. Department of Agriculture (7 CFR 907.1 *et seq.*, 908.1 *et seq.*, 909.1 *et seq.*, and 910.1 *et seq.*) pursuant to the Agricultural Marketing Agreement Act of 1937, as amended.

(d) If the Corporation determines that frost protection equipment was not properly utilized or was improperly reported the indemnity otherwise computed for the unit shall be reduced by the percentage of premium reduction given for frost protection equipment. It is the responsibility of the insured to provide the Corporation a record by dates showing each use of frost protection equipment including the starting and ending times for the period of use.

(e) In the event that any claim for indemnity under the provisions of the contract is denied by the Corporation, an action on such claim may be brought against the Corporation under the provisions of 7 U.S.C. 1508(c): *Provided,* That the same is brought within one year after the date notice of denial of the claim is mailed to and received by the insured.

15. *Payment of indemnity.* (a) Any indemnity will be paid within 30 days after a claim for loss is approved by the Corporation: *Provided,* That in no event shall the Corporation be liable for interest or damages in connection with any claim for indemnity, whether such claim be approved or disapproved by the Corporation.

(b) If the insured is an entity other than an individual and is dissolved or is an individual who dies or is judicially declared incompetent before insurance attaches in any crop year, the contract shall terminate as of the date of dissolution, death, or judicial declaration, but if such an event occurs after insurance attaches in any crop year the contract shall terminate at the end of such crop year and any indemnity payable shall be paid to the person(s) the Corporation determines to be beneficially entitled thereto.

(c) For the purposes of subsection (b) hereof, death of a partner in a partnership shall dissolve the partnership unless the partnership agreement provides otherwise. If two or more persons having a joint interest are insured jointly, death of one of the parties shall dissolve the joint entity.

16. *Insured interest.* For the purpose of determining the amount of indemnity the interest insured shall not exceed the interest of the insured at the time of damage, as determined by the Corporation.

17. *Abandonment of crop.* There shall be no abandonment of the insured crop or portion thereof to the Corporation.

18. *Misrepresentation and fraud.* The Corporation may void the contract without affecting the insured's liability for premiums or waiving any right or remedy including the right to collect any unpaid premiums if at any time, either before or after any loss, the insured has concealed or misrepresented any material fact or committed any fraud relating to the contract, and such voidance shall be effective as of the beginning of the crop year with respect to the crop on which any such act or omission occurred.

19. *Collateral assignment—Transfer of interest.* The right to an indemnity in any crop year may be assigned by the insured only as security upon prior approval of the Corporation. If the insured transfers his interest in the insured crop in any crop year he may, upon prior approval of the Corporation, transfer his right to an indemnity for such crop year with respect to the transferred interest in the insured crop. Any assignment or transfer shall be made on assignment or transfer forms prescribed by the Corporation and shall be subject to all the terms set forth thereon and to the terms hereof.

20. *Subrogation.* The insured (including his assignee or transferee) assigns to the Corporation all rights of recovery against any person for loss or damage to the extent that payment hereunder is made and shall execute all papers required and take appropriate action to secure such rights.

21. *Forms.* Copies of forms referred to in the contract are available at the office for the county.

22. *Meaning of terms.* For purposes of insurance on citrus the terms:

(a) "County actuarial table" means the actuarial forms and related material (including the crop insurance maps where applicable) which are approved by the Corporation which are on file for public inspection in the office for the county and which show the applicable amounts of insurance per box, premium rates, the maximum amount of insurance per acre, and related information with respect to citrus crop insurance for the crop year in the county.

(b) "Office for the county" means the Corporation's office serving the county shown in this application and policy, or such office as may be designated by the Corporation from time to time, and may serve more than one county.

(c) "County" means the area shown on (c) "County" means the area shown on the actuarial table which may include insurable acreage located in a local producing area bordering on the county.

(d) "Crop year" means the period beginning October 1 and extending through September 30 of the following calendar year and shall be designated by reference to the calendar year in which the insurance period begins.

(e) "Harvest" means any severance of citrus fruit from the tree either by pulling or picking, or picking the marketable fruit from the ground.

(f) "Insurance unit" means all insurable acreage in the county of any one of the six citrus types (see (h) below), (1) in which type of citrus the insured has 100 percent interest on the date insurance attaches for the crop year, or (2) in which type of citrus

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two or more persons have 100 percent interest on the date insurance attaches for the crop year excluding any other acreage of such type of citrus in which such persons do not have 100 percent interest in such citrus on such date.

(g) "Producer" means a person who has a share, or has the entire interest, in the insured crop at the time insurance attaches.

(h) "Type of citrus" means any one of the six types as follows: Type I Navel oranges; Type II Orlando Tangelos and Sweet oranges; Type III Valencia oranges; Type IV Grapefruit; Type V lemons; and Type VI Kinnow Mandarins and Minneola Tangelos.

(i) "Box" or "Standard field box" means a standard citrus field picking box as prescribed in the Agricultural Code of California.

NOTE: The reporting requirements contained herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

It is desirable that these regulations become effective in 1974. Notice of changes must be given Arizona-Desert Valley citrus insureds by July 15, 1974, and applications for insurance will be taken in the near future. It would therefore be impossible to follow both the procedures for notice and public participation prescribed by 5 U.S.C. 553 (b) and (c) prior to the adoption of this amendment and to comply with the contractual provisions with respect to filing such changes in time to be effective for the 1974 crop year.

Under the circumstances, the Board of Directors found that it would be impracticable and contrary to the public interest to follow the procedure for notice and public participation prescribed by 5 U.S.C. 553 (b) and (c), as directed by the Secretary of Agriculture in a Statement of Policy, executed July 20, 1971 (36 FR 13804), prior to its adoption. Accordingly, said regulations were adopted by the Board of Directors on June 6, 1974.

[SEAL] LLOYD E. JONES,
Secretary,
Federal Crop Insurance Corporation.

Approved on June 21, 1974.

EARL L. BUTZ,
Secretary.

[FR Doc.74-14645 Filed 6-25-74;8:45 am]

CHAPTER X—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; MILK), DEPARTMENT OF AGRICULTURE

[Milk Order No. 131]

PART 1131—MILK IN THE CENTRAL ARIZONA MARKETING AREA

Order Suspending Certain Provisions

This order of suspension is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and of the order regulating the handling of milk in the Central Arizona marketing area.

Notice of proposed rulemaking was published in the FEDERAL REGISTER (39 FR 20212) concerning a proposed suspension of certain provisions of the order. Interested persons were afforded opportunity to file written data, views, and arguments thereon.

After consideration of all relevant material, including the proposal set forth in the aforesaid notice, data, views, and arguments filed thereon, and other available information, it is hereby found and determined that for the months of June and July 1974, the following provisions of the order do not tend to effectuate the declared policy of the Act:

1. Subparagraph (1) of § 1131.13(c) in its entirety.

Statement of consideration. The suspension will remove the provision, for June and July 1974, that not more than eight days' production of any producer may be diverted to a nonpool plant from a pool plant during the month.

The suspension was requested by a cooperative association that not only supplies the market with a substantial part of its needs, but also handles much of the reserve supply of milk for fluid use.

The basis for the request was that a temporary increase in milk production, coupled with a decline in Class I sales will make it necessary for the pool plant of the association to receive and manufacture more milk in June and July than had reasonably been anticipated. Accordingly, the plant will not meet the pooling requirements of the order for those months.

The plant could operate on a nonpool basis for June and July, but the cooperative would have to divert more than eight days' production of its producers. Without the suspension, substantial quantities of milk regularly associated with the pool during the past fall and winter would be excluded from the pool.

In views, data, and arguments filed by six producers, the proposed suspension was opposed vigorously. The producers argued that the milk production increase is not temporary, as claimed by the petitioner cooperative association, but is the result of an active policy of the association to increase milk production. In their view, the policy of the association is resulting in excessive quantities of surplus milk, the burden of which must be shared by all producers including themselves.

The six producers argued that total Class I sales for the market for the year ending April 30, 1974, were one-half million pounds per month greater than for the preceeding year. In their view, the decline in Class I sales, as purported by the petitioner cooperative association, is not applicable for the market as a whole.

The objecting producers argued further that the milk the cooperative associated with the pool last fall and winter included increased production that only decreased the proportion of milk used in Class I and lowered the uniform price to all producers.

For the foregoing principal reasons, the six producers requested that the suspension be denied pending a full hearing of all producers in the Central Arizona marketing area. In their view, the suspension requested by the petitioner reflects deeper marketing problems that are not amenable to solution by temporary suspension action.

The arguments made by the six producers are cogent and received very serious consideration as applying to questions of long-range marketing considerations for the Central Arizona marketing area. A hearing to consider all aspects of current and emerging marketing conditions may very well be appropriate, and the petitioner cooperative association recognized this in its petition. However, it is not possible to complete a hearing proceeding in the time frame considered herein. It is noted, for future consideration, that the proposed suspension was requested pending a study of the need to amend, on the basis of a public hearing, the applicable and appropriate provisions of the order.

The fact remains that the petitioner cooperative association supplies the bulk of the milk for fluid use in the Central Arizona marketing area and similarly handles a large portion of the reserve supply for the market. Prospectively, for June and July 1974, the relationship of member milk receipts to milk sales to handlers will result in the association plant losing pool status under the order. This would result in the depooling of a substantial quantity of milk that has regularly been associated with the fluid milk needs of the market. Such result can only contribute to disorderly marketing conditions for the Central Arizona area.

It is concluded that the suspension provided herein for the months of June and July 1974 will assure the continued orderly disposition of milk for the market.

It is hereby found and determined that thirty days' notice of the effective date hereof is impractical, unnecessary and contrary to the public interest in that:

(a) This suspension is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area;

(b) This suspension does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) Notice of proposed rulemaking was given interested parties and they were afforded opportunity to file written data, views or arguments concerning this suspension.

Therefore, good cause exists for making this order effective June 26, 1974.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended for the months of June and July 1974.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Effective date: June 26, 1974.

Signed at Washington, D.C., on June 21, 1974.

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc.74-14644 Filed 6-25-74;8:45 am]

Title 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER D—EXPORTATION AND IMPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

PART 92—IMPORTATION OF CERTAIN ANIMALS AND POULTRY AND CERTAIN ANIMAL AND POULTRY PRODUCTS; INSPECTION AND OTHER REQUIREMENTS FOR CERTAIN MEANS OF CONVEYANCE AND SHIPPING CONTAINERS THEREON

Requirements for Use of Import Quarantine Facilities

Statement of considerations. On March 27, 1974, there was published in the FEDERAL REGISTER (39 FR 11295-11296), a proposed amendment to include provisions in the regulations in 9 CFR Part 92 which would insure receipt of funds due the Department for services rendered while animals offered for entry are in quarantine.

The proposed amendment would require: (1) That the importer arrange for transportation of shipments from the port of arrival to the quarantine facility; (2) that the use of non-Federal quarantine facilities be approved by the Deputy Administrator prior to the issuance of the required import permit; (3) that requests for inspection and other services be made in writing, and that a waiver of all claims against the United States and Veterinary Services or any employee of Veterinary Services for damages which may arise be signed by the importer; (4) that payment for services received by the importer at rates prescribed by the Deputy Administrator be made by certified check or money order prior to release of the animals from quarantine; and (5) would provide that the Deputy Administrator may refuse entry or otherwise dispose of animals when the importer fails to pay for services received. Such animals may be sold at public sale after completion of the quarantine period to recover payment for services received while in quarantine, proceeds of sale in excess of funds due the Federal Government to be held in a special deposit account for a period of six months pending claim by the owner.

A period of 30 days was allowed for submission of comments by interested persons. Only one comment was received from the public, and it endorsed the amendment as proposed.

After due consideration of all relevant information and the one comment submitted in connection with such notice, the proposal is hereby adopted without change.

Accordingly, § 92.12 of Part 92, Title 9, Code of Federal Regulations is amended to read:

§ 92.12 Feed and attendants for animals in quarantine.

(a) *Ports where quarantine facilities not maintained by Veterinary Services.* The importer, or his agent, of animals subject to quarantine under the regulations in this part shall arrange for acceptable transportation to the non-Governmental quarantine facility and for the care, feed, and handling of the animals from the time of unloading at the quarantine port to the time of release from quarantine. Such arrangements shall be agreed to in advance by the Deputy Administrator, Veterinary Services. All expenses resulting therefrom or incident thereto shall be the responsibility of the importer; Veterinary Services assumes no responsibility with respect thereto. The quarantine facility must be suitable for the quarantine of such animals and must be approved by the Deputy Administrator, Veterinary Services prior to the issuance of any import permit. The facilities occupied by animals should be kept clean and sanitary to the satisfaction of the inspector assigned to supervise the quarantine. If for any cause the care, feed, or handling of animals, or the sanitation of the facilities, is neglected, in the opinion of the inspector assigned to supervise the quarantine, such services may be furnished by Veterinary Services in the same manner as though arrangements had been made for such services as provided by paragraph (b) of this section, and/or the animals may be disposed of as the Deputy Administrator, Veterinary Services, may direct, including sale in accordance with the procedure described in paragraph (b) of this section. The importer, or his agent, shall request in writing such inspection and other services as may be required, and shall waive all claim against the United States and Veterinary Services or any employee of Veterinary Services for damages which may arise from such services. The Deputy Administrator, Veterinary Services, may prescribe reasonable rates for the services provided under this paragraph. When it is found necessary to extend the usual minimum quarantine period, the importer, or his agent, shall be so advised in writing and shall pay for such additional quarantine and other services required. Payment for all services received by the importer, or his agent, in connection with each separate lot of animals shall be made by certified check or U.S. money order prior to release of the animals. If such payment is not made, the animals may be sold in accordance with the procedure described in paragraph (b) of this section, or otherwise disposed of as directed by the Deputy Administrator, Veterinary Services.

(b) *Ports where quarantine facilities maintained by Veterinary Services.* The importer, or his agent, of animals subject to quarantine under the regulations in this part shall arrange for acceptable transportation to the quarantine facility, and for the care, feed, and handling of the animals from the time they arrive at the quarantine port to the time of release from quarantine. Such arrangements shall be agreed to in advance by the Deputy Administrator, Veterinary Services. The importer or his agent shall request in writing such inspection and other services as may be required, and shall waive all claim against the United States and Veterinary Services or any employee of Veterinary Services, for damages which may arise from such services. All expenses resulting therefrom or incident thereto shall be the responsibility of the importer; Veterinary Services assumes no responsibility with respect thereto. The Deputy Administrator, Veterinary Services may prescribe reasonable rates for the services provided under this paragraph. When it is found necessary to extend the usual minimum quarantine period, the importer, or his agent, shall be so advised in writing and shall pay for such additional quarantine and other services required. Payment for services received by the importer, or his agent, in connection with each separate lot of animals shall be made by certified check or U.S. money order prior to release of the animals. If such payment is not made, the animals may be sold in accordance with the procedure described in paragraph (b) of this section, or otherwise disposed of as directed by the Deputy Administrator, Veterinary Services. When payment is not made and the animals are to be sold to recover payment for services received, the importer, or his agent, will be notified by the inspector that if said charges are not immediately paid or satisfactory arrangements made for payment, the animals will be sold at public sale to pay the expense of care, feed, and handling during that period. The sale will be held after the expiration of the quarantine period, at such time and place as may be designated by the General Services Administration or other designated selling agent. The proceeds of the sale, after deducting the charges for care, feed, and handling of the animals and other expenses, including the expense of the sale, shall be held in a Special Deposit Account in the United States Treasury for 6 months from the date of sale. If not claimed by the importer, or his agent, within 6 months from the date of sale, the amount so held shall be transferred from the Special Deposit Account to the General Fund Account in the United States Treasury.

(c) Amounts collected from the importer, or his agent, for service rendered shall be deposited so as to be available for defraying the expenses involved in this service.

(Sec. 6, 26 Stat. 416, as amended; sec. 2, 32 Stat. 792, as amended; secs. 2, 3, 4, and 11, 76 Stat. 129, 130, 132; 21 U.S.C. 104, 111, 134a, 134b, 134c, 134f; 37 FR 28464, 28477; 38 FR 19141)

Effective date: The foregoing amendment shall become effective June 26, 1974.

The amendment provides for prompt collection of quarantine fees incurred by importers of animals and is necessary to provide for the most efficient use of the limited quarantine facilities available. It is desirable and in the public interest that the amendment be made effective as soon as possible.

Accordingly, in accordance with 5 U.S.C. 553(d)(3), good cause is found for making this amendment effective less

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than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 20th day of June 1974.

PIERRE A. CHALOUX,
Acting Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.74-14557 Filed 6-25-74;8:45 am]

SUBCHAPTER I—ACCREDITATION OF VETERINARIANS AND SUSPENSION OR REVOCATION OF SUCH ACCREDITATION

PART 160—DEFINITION OF TERMS

PART 161—REQUIREMENTS AND STANDARDS FOR ACCREDITED VETERINARIANS AND SUSPENSION OF REVOCATION OF SUCH ACCREDITATION

Revision of Standards and Definition of Terms

Statement of considerations. On March 7, 1974, there was published in the FEDERAL REGISTER (39 FR 8938–8939), proposed amendments to the regulations in 9 CFR, Parts 160 and 161 which would (1) redefine the term "accredited veterinarian" to permit such person to perform functions under the Horse Protection Act of 1970, (2) clarify the Standards for Accredited Veterinarians, including standards which prohibit the unauthorized use and/or distribution of biologics, drugs, or chemicals, (3) provide for the automatic termination of accerditation in a given State when an accredited veterinarian's license to practice veterinary medicine in that State is terminated, (4) provide for the automatic termination of accreditation when a veterinarian is convicted of a crime related to the Standards for Accredited Veterinarians, and (5) establish a minimum period of revocation of one year.

A period of 30 days was allowed for submission of comments. Three written comments were received in response to the proposal. Two comments suggested that standard (1) in § 161.2 be made more clear. After due consideration it was decided that standard (1) could not be made more clear and still allow for the addition of new products as disease eradication programs change with progress. The third comment suggested that standard (g) be changed to require cleaning and disinfecting before proceeding to another premises rather than when proceeding from an infected premises because the status of the premises left may be unknown at the time.

After due consideration of all relevant material, including that submitted in connection with such notice, the proposal is hereby adopted without substantive changes, except that standard (g) in § 161.2 is changed to require cleaning and disinfection before proceeding from any premises to another premises.

Accordingly, Part 160, Title 9, Code of Federal Regulations is hereby amended to read as follows:

§ 160.1 Definitions.

For the purposes of this subchapter the following words, phrases, names, and terms shall be construed, respectively, to mean:

(a) *"Service."* The Veterinary Services, Animal and Plant Health Inspection Service, U.S. Department of Agriculture.

(b) *"Deputy Administrator."* The Deputy Administrator for the Service or his representative to whom authority has heretofore been delegated or may hereafter be delegated to act in his stead.

(c) *"State."* Any State, Territory, the District of Columbia or the Commonwealth of Puerto Rico.

(d) *"Accredited Veterinarian."*[1] A veterinarian approved by the Deputy Administrator in accordance with the provisions of Part 161 of this subchapter to perform functions specified in Part 11 of Subchapter A, and Subchapters B, C, and D of this Chapter, and to perform functions required by cooperative State-Federal disease control and eradication programs.

(e) *"Veterinarian-in-Charge."* The veterinary official of the Service who is assigned by the Deputy Administrator to supervise and perform the official work of the Service in the State where the veterinarian concerned is accredited or wishes to be accredited.

(f) *"State Animal Health Official."* The State Animal Health Official who is responsible for the livestock and poultry disease control and eradication programs of the State in which the veterinarian is accredited or wishes to be accredited.

(g) *"Official certificate, form, record, report, tag, band, brand, or other identification."* Means any certificate, form, record, report, tag, band, brand, or other identification, prescribed by statute or regulations issued by the Secretary of Agriculture of the United States or State Animal Health Official, for issuance by an accredited veterinarian performing official functions under this subchapter.

Accordingly, Part 161, Title 9, Code of Federal Regulations is hereby amended to read as follows:

Sec.

161.1 Requirements for accreditation.
161.2 Standards for accredited veterinarians.
161.3 Suspension or revocaiton of veterinary accreditation.

AUTHORITY: 23 Stat. 32 as amended; 26 Stat. 417; 32 Stat. 791, 792, as amended; 33 Stat. 1265, as amended; 41 Stat. 699; 58 Stat. 734, as amended; 65 Stat. 693; 76 Stat. 130, 132; 84 Stat. 1406; 15 U.S.C. 1828; 21 U.S.C. 105, 111–114, 114a, 114a–1, 116, 120, 121, 125, 134b and 134f.

§ 161.1 Requirements for accreditation.

(a) The Deputy Administrator is hereby authorized to accredit a veterinarian when he determines that such veterinarian (1) is a graduate of a college of veterinary medicine; (2) is licensed to practice veterinary medicine in the State in which he wishes to be accredited; (3) has made formal application for accreditation on Form 1–36A, "Application for Veterinary Accreditation"; (4) has passed an examination administered by the Service; and (5) has been jointly recommended by the State Animal Health Official and the Veterinarian-in-Charge for the State in which the veterinarian is licensed and wishes to be accredited.

(b) The Deputy Administrator is hereby authorized to reaccredit a veterinarian whose accreditation has been revoked when he determines, after the order of revocation has been in effect for not less than one year, that such veterinarian (1) is licensed to practice veterinary medicine in the State in which he wishes to be accredited; (2) has made formal application for accreditation on Form I–36A, "Application for Veterinary Accreditation"; (3) has been jointly recommended by the State Animal Health Official and the Veterinarian-in-Charge for the State in which the veterinarian is licensed and wishes to be accredited; and (4) such veterinarian has furnished adequate assurance that he will faithfully fulfill the duties of an accredited veterinarian in the future.

§ 161.2 Standards for accredited veterinarians.

An accredited veterinarian shall perform official duties subject to the supervision and direction of the Veterinarian-in-Charge and the State Animal Health Official and shall observe the following specific standards:

(a) An accredited veterinarian shall not issue a certificate, form, record or report which reflects the results of any inspection, test, vaccination or treatment performed by him, with respect to any animal or poultry, unless he has personally inspected each animal, bird, or flock in such a manner as to detect abnormalities, such as, but not limited to, locomotion, body excretion, respiration, and skin conditions. An accredited veterinarian shall thoroughly examine each animal, bird, or flock showing abnormalities, in order to determine whether or not there is the presence or absence of a communicable disease, or in the case of a horse being examined under Part 11 of Subchapter A, whether or not it complies with such regulations and the provisions of the Horse Protection Act of 1970, and any legislation amendatory thereof.

(b) An accredited veterinarian shall not sign any certificate, form, record or report, or permit such a certificate, form, record, or report to be used until, and unless, he has ascertained that it has been accurately and fully completed clearly identifying the animal(s) or bird(s) to which it applies and showing the results of the inspection, test, or vaccination, etc., he has conducted, except as provided in paragraph (c) of this section. The accredited veterinarian shall distribute copies of certificates, forms, records, and reports, according to instructions issued to him by the Veterinarian-in-Charge or the State Animal Health Official.

(c) An accredited veterinarian shall not issue or sign any certificate, form, or report which reflects the results of any inspection, test, vaccination, or treatment, perfromed by another accredited veterinarian, unless the certificate, form, or report indicates that the inspection, test, vaccination, or treatment was performed by the other veterinarian; identifies the name of such other veterinarian; and includes the date and the place where such inspection, test, or vaccination was performed.

(d) An accredited veterinarian shall perform official tests, inspections, treatments, and vaccinations and shall submit specimens to designated laboratories in accordance with Federal and State regulations and instructions issued to the accredited veterinarian by the Veterinarian-in-Charge or the State Animal Health Official, or both.

(e) An accredited veteranarian shall identify reactor animals by branding and tagging or such other method as may be prescribed in instructions issued to him by the Veterinarian-in-Charge or the State Animal Health Official, or both.

(f) An accredited veterinarian shall immediately report all diagnosed or suspected cases of diseases of livestock, birds, or poultry named in § 71.3(a) and (b) of Part 71, Subchapter C of this Chapter, to the Veterinarian-in-Charge or the State Animal Health Official, or both. An accredited veterinarian designated to examine and observe horses at shows and exhibitions shall complete the form provided on all horses which he considers are sored and shall promptly report each horse considered by him to be sored to the Veterinarian-in-Charge for the State in which the horse show or exhibition is held in accordance with the Horse Protection Act of 1970, or any legislation amendatory thereto, and the regulations as promulgated in Part 11, Subchapter A of this Chapter.

(g) An accredited veterinarian shall take such measures as are necessary to prevent the spread of communicable diseases of livestock or poultry. Such measures shall include, but are not limited to, the use of sanitized instruments to collect specimens from, or to administer vaccines to such individual animals, birds, or poultry, and the cleaning and disinfecting of footwear, restraining chutes, and other equipment before proceeding to another premises.

(h) An accredited veterinarian shall keep himself currently informed on Federal and State regulations governing the movement of animals and poultry, and on procedures applicable to disease control and eradication programs, including emergency programs, and on regulations under the Horse Protection Act of 1970, and any legislation amendatory thereof. He shall carry out all of his responsibilities under the applicable Federal programs and cooperative programs in accordance with such regulations and instructions issued to him by the Veterinarian-in-Charge or the State Animal Health Official, or both.

(i) An accredited veterinarian shall not use or dispense in any manner, any drug, chemical, vaccine or serum, or other biological product authorized, for use under any Federal regulation or cooperative disease eradication program, without authorization from the Service or in contravention of any Federal or State statute or regulation, or instruction.

(j) An accredited veterinarian shall be responsible for proper use of all certificates, forms, records, reports, tags, brands, bands, or other identification used in his work as an accredited veterinarian and shall take proper precautions to prevent misuse thereof. He shall immediately report to the Veterinarian-in-Charge or State Animal Health Official the loss, theft, or deliberate or accidental misuse of any such certificate, form, record, report, tag, band, brand, or other identification. He shall not permit any certificate, form, record, report, tag, band, brand, or other identification, to be kept in the custody of anyone but himself prior to official use.

(k) An accredited veterinarian designated under the regulations issued pursuant to the Horse Protection Act of 1970, and any legislation amendatory thereof (Part 11, Subchapter A, 9 CFR), for the purpose of determining whether horses are in compliance with said Act, and any legislation amendatory thereof, and said regulations, shall thoroughly examine each horse in a professionally acceptable manner, in accordance with any instructions given by the Veterinarian-in-Charge, to determine whether or not each horse is in compliance with said Act, and any legislation amendatory thereof, and said regulations.

§ 161.3 Suspension or revocation of veterinary accreditation.

(a) The Deputy Administrator is authorized to suspend for a given period of time, or to revoke, the accreditation of a veterinarian when he determines that the accredited veterinarian has not complied with the "Standards for Accredited Veterinarians" as set forth in § 161.2, or in lieu thereof to issue a written notice of warning to the accredited veterinarian when the Deputy Administrator determines a notice of warning will be adequate to attain compliance with the Standards.

(b) Accreditation in a given State shall be automatically terminated when an accredited veterinarian's license to practice veterinary medicine in that State is terminated.

(c) Accreditation shall be automatically revoked when an accredited veterinarian is convicted of a crime in either State or Federal court, if such conviction is based on the performance or nonperformance of any act required of him in his capacity as an accredited veterinarian.

(d) Any suspension or revocation of accreditation for failure to comply with the Standards shall be applicable in all States in which the veterinarian is accredited.

Effective date. The foregoing amendments shall become effective June 26, 1974.

These amendments clarify and bring up to date the standards for accredited veterinarians under the regulations of Parts 160 and 161. These amendments should be made effective promptly to be of maximum benefit to persons and programs affected. It does not appear that further public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that further notice and other public procedure with respect to the amendments are impracticable and unnecessary and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 20th day of June 1974.

PIERRE A. CHALOUX,
Acting Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.74-14558 Filed 6-25-74;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION

[Docket No. 74–GL–8; Amdt. 39–1883]

PART 39—AIRWORTHINESS DIRECTIVE

Hartzell Propellers

There has been a report of a separation of a blade at the 15 inch station of a Hartzell propeller. The cause of the failure is believed to originate from stress corrosion cracking which subsequently developed into a fatigue type fracture. Since this condition may exist or develop in other blades of a similar design, an airworthiness directive is being issued to require inspection of the hard alloy type blades on certain Hartzell propellers.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

HARTZELL PROPELLERS: Applies to Hartzell T10173H( )-( ), T10176H( )-( ), T10178H( )-( ) and T10282H( )-( ) hard alloy type blades installed on but not limited to Model HC–B3TN–2( ), HC–B3TN–3( ), HC–B3TN–5( ), HC–B3TN–7( ), HC–B3TF–7( ), HC–B4TN–3( ) and HC–B4TN–5( ) propellers which are used on United Aircraft of Canada Limited PT–6A–( ) and AiResearch TPE 331–( ) series engines. These propellers are installed on but not limited to Swearingen SA–226 Series, Short SC–7 Series 3, and de Havilland DHC–6 300 type aircraft.

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[1] The provisions of Part 11 of Subchapter A, and Subchapters B, C, and D of this chapter authorize Federal and State veterinarians and accredited veterinarians to perform specified functions. Full-time Federal (including military and State employed veterinarians are authorized to perform such functions, pursuant to delegation of authority or cooperative agreements without specific accreditation under the provisions of this subchapter.

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Compliance required as indicated, unless already accomplished. Propellers with more than 1000 hours in service, excepting those with replacement blades having less than 1000 hours in service, as of the effective date of this Airworthiness Directive are excluded. Also, the following propellers having the serial numbers listed below are excluded:

Propeller model	*Serial No.*
HC–B3TN–2 --	AG–275 and above.
HC–B3TN–3 --	BU–4624 and above.
HC–B3TN–5 --	BV–2210, BV–2213, BV–2214, BV–2216 and above.
HC–B3TN–7 --	CV–7 and above.
HC–B3TF–7 --	EX–3 and above.
HC–B4TN–3 --	EA–255 and above.
HC–B4TN–5 --	CD–62 and above.

To detect blade cracks and prevent possible blade failures, accomplish the following:

(a) Propellers with less than 950 hours in service since new as of the effective date of this Airworthiness Directive must be inspected in accordance with paragraph (e), within the next 50 hours time in service.

(b) Propellers with 950 hours in service, but not more than 1000 hours in service as of the effective date of this Airworthiness Directive must be inspected in accordance with paragraph (e) prior to the accumulation of 1000 hours in service.

(c) Propellers whose total hours in service are unknown will be assumed to have less than 950 hours in service since new and thus must be inspected in accordance with the requirements of paragraph (a).

(d) In the event propellers with more than 1000 hours in service are equipped with replacement blades which have less than 1000 hours in service, such propeller blades must be inspected in accordance with the requirements of paragraphs (a) or (b), as applicable contingent upon the time in service of the replacement blades.

(e) Inspect blades for cracks or defects in accordance with Hartzell Bulletin No. 105 dated May 22, 1974, or later Federal Aviation Administration approved revision, or an equivalent procedure approved by the Chief, Engineering and Manufacturing Branch, Great Lakes Region. Replace any cracked or defective blades before further flight with blades to which this Airworthiness Directive does not apply, or have been inspected in accordance with this Airworthiness Directive and found satisfactory.

(f) Upon request of the operator a Federal Aviation Administration Maintenance Inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, Federal Aviation Administration Great Lakes Region, may adjust the compliance time specified in paragraph (b), if the request contains substantiating data to justify the adjustment for that operator.

This amendment becomes effective as of July 2, 1974.

This amendment is made under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Des Plaines, Illinois on June 18, 1974.

JOHN M. CYROCKI,
Director, Great Lakes Region.

[FR Doc.74–14574 Filed 6–25–74;8:45 am]

[Airspace Docket No. 74–SO–50]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of VOR Federal Airway

The purpose of this amendment to Part 71 of the Federal aviation regulations is to amend the description of V–278 between Monticello, Ark., and Greenwood, Miss., to include Greenville, Miss. Since the present centerline of V–278 overlies the Greenville VOR, the realignment will be negligible.

The Federal Aviation Administration plans to initiate approach control service at the Greenville Airport in the near future and this realignment would aid traffic flow and air traffic control procedures in the Greenville terminal area.

Since this amendment makes only a slight change to the airway alignment, it is minor in nature and one upon which the public would not have particular reason to comment, and notice and public procedure thereon are unnecessary. This amendment could become effective upon publication in the Federal Register, but to provide sufficient time for the alteration to be placed on aeronautical charts, it will become effective more than 30 days after publication.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t., September 12, 1974, as hereinafter set forth.

§ 71.123 (39 FR 307) is amended as follows:

In V–278, "Monticello, Ark.; Greenwood, Miss.;" is deleted and "Monticello, Ark.; Greenville, Miss.; Greenwood, Miss.;" is substituted therefor.

This amendment is made under the authority of sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on June 20, 1974.

CHARLES H. NEWPOL,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.74–14576 Filed 6–25–74;8:45 am]

[Airspace Docket No. 74–WE–12]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Areas

The purpose of this amendment to Part 73 of the Federal aviation regulations is to change the using agency for Restricted Areas R–2516 Naval Missile Facility Point Arguello, Calif., R–2517 Naval Missile Facility Point Arguello, Calif., R–2534A Point Arguello, Calif., and R–2534B Point Arguello, Calif.

These changes will update the identity of the military organization for which the restricted areas are designated.

Since designation of a different using agency is a minor amendment upon which the public is not particularly interested, notice and public procedure thereon are unnecessary. However, as it is essential that the current using agency of the restricted areas be identified, good cause exists for making this amendment effective immediately.

In consideration of the foregoing, Part 73 of the Federal aviation regulations is amended, effective on June 26, 1974, as hereinafter set forth.

1. In § 73.25 (39 FR 653)

a. The Using agency for R–2516 Naval Missile Facility, Point Arguello, Calif., is changed to read as follows:

Using agency. HQ, Space and Missile Test Center, (SAMTEC)/ROSF, Vandenberg AFB, Calif.

b. The using agency for R–2517 Naval Missile Facility Point Arguello, Calif., is changed to read as follows:

Using agency. HQ, Space and Missile Test Center, (SAMTEC)/ROSF, Vandenberg AFB, Calif.

c. The Using agency for R–2534A Point Arguello, Calif., is changed to read as follows:

Using agency. HQ, Space and Missile Test Center, (SAMTEC)/ROSF, Vandenberg AFB, Calif.

d. The Using agency for R–2534B Point Arguello, Calif., is changed to read as follows:

Using agency. HQ, Space and Missile Test Center, (SAMTEC)/ROSF, Vandenberg AFB, Calif.

This amendment is made under the authority of sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on June 20, 1974.

CHARLES H. NEWPOL,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.74–14575 Filed 6–25–74;8:45 am]

[Docket No. 13842; Amdt. No. 922]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Recent Changes and Additions

This amendment to Part 97 of the Federal aviation regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAPs) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAPs for the changes and additions covered by this amendment are described in FAA Forms 3139, 8260–3, 8260–4, or 8260–5 and made a part of the public rule making dockets of the FAA in accordance with the procedures set forth in Amendment No. 97–696 (35 FR 5609).

SIAPs are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from the FAA Public Document Inspection Facility, HQ–405, 800 Independence Avenue, SW., Washington, D.C. 20591 or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $150 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Additional copies mailed to the same address may be ordered for $30 each.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

1. Section 97.23 is amended by originating, amending, or canceling the following VOR–VOR/DME SIAPs, effective August 8, 1974:

Atlanta, Ga.—The William B. Hartsfield Atlanta Int'l. Arpt., VOR Rwy 26, Amdt. 8.
Bay City, Mich.—James Clements Municipal Arpt., VOR–A, Amdt. 2.
Lake Charles, La.—Lake Charles Municipal Arpt., VOR–A, Amdt. 9.
Lake Charles, La.—Lake Charles Municipal Arpt., VORTAC–B, Amdt. 4.
Lancaster, Pa.—Lancaster Arpt., VOR Rwy 31, Amdt. 7.
Monroe, N.C.—Monroe Arpt., VOR–A, Amdt. 4.
Monroe, N.C.—Monroe Arpt., VOR/DME–B, Amdt. 2.
Pine Bluff, Ark.—Grider Field, VOR Rwy 17, Amdt. 13.

2. Section 97.25 is amended by originating, amending, or canceling the following SDF–LOC–LDA SIAPs, effective August 8, 1974:

Lake Charles, La.—Lake Charles Municipal Arpt., LOC (BC) Rwy 33, Amdt. 10.

• • • effective July 18, 1974:

Homer, Alas.—Homer Arpt., LOC/DME Rwy 3, Orig.

• • • effective July 11, 1974:

Cape Girardeau, Mo.—Cape Girardeau Municipal Arpt., LOC Rwy 10, Orig., canceled.

3. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAPs, effective August 15, 1974:

Clinton, Mo.—Clinton Memorial Arpt., NDB Rwy 22, Orig.

• • • effective August 8, 1974:

Atlanta, Ga.—The William B. Hartsfield Atlanta Int'l. Arpt., NDB Rwy 8, Amdt. 37.
Cable, Wisc.—Cable Union Arpt., NDB–A, Amdt. 2.
Lake Charles, La.—Lake Charles Municipal Arpt., NDB Rwy 15, Amdt. 13.
Louisville, Ky.—Standiford Field, NDB Rwy 1, Orig.

• • • effective July 18, 1974:

Deadhorse, Alas.—Deadhorse Arpt., NDB–A, Orig.
Deadhorse, Alas.—Deadhorse Arpt., NDB Rwy 4, Amdt. 3, canceled.
Deadhorse, Alas.—Deadhorse Arpt., NDB Rwy 22, Amdt. 3, canceled.
Sac City, Iowa—Sac City Municipal Arpt., NDB Rwy 32, Orig.

4. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAPs, effective August 8, 1974:

Lake Charles, La.—Lake Charles Municipal Arpt., ILS Rwy 15, Amdt. 13.
Louisville, Ky.—Standiford Field, ILS Rwy 1, Amdt. 2.

• • • effective July 11, 1974:

Cape Girardeau, Mo.—Cape Girardeau Municipal Arpt., ILS Rwy 10, Orig. Oklahoma City, Okla.—Wiley Post Arpt., ILS Rwy 17L, Orig.

5. Section 97.31 is amended by originating, amending, or canceling the following RADAR SIAPs, effective August 8, 1974:

Destin, Fla.—Destin-Ft. Walton Beach Arpt., RADAR–1, Amdt. 4.

6. Section 97.33 is amended by originating, amending or canceling the following RNAV SIAPs, effective August 8, 1974:

Pittsburgh, Pa.—Greater Pittsburgh Int'l. Arpt., RNAV Rwy 32, Amdt. 1, canceled.

These amendments are made effective under the authority of secs. 307, 313, 601, 1110, Federal Aviation Act of 1948; 49 U.S.C. 1438, 1354, 1421, 1510, sec. 6(c) Department of Transportation Act, 49 U.S.C. 1655(c) and 5 U.S.C. 552(a)(1).

Issued in Washington, D.C. on June 20, 1974.

JAMES M. VINES,
Chief, Aircraft Programs Division.

NOTE.—Incorporation by reference provisions in §§ 97.10 and 97.20 approved by the Director of the Federal Register on May 12, 1969 (35 FR 5610).

[FR Doc.74–14573 Filed 6–25–74;8:45 am]

Title 20—Employees' Benefits

CHAPTER III—SOCIAL SECURITY ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[Regulations No. 16]

PART 416—SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED

Amount of Benefits

On January 29, 1974, there was published in the FEDERAL REGISTER (39 FR 3684) a notice of proposed rule making with proposed amendments to the regulations adding new Subpart D to Regulations No. 16. Proposed Subpart D provides general information and basic guidelines for establishing the amount of supplemental security income benefits to be paid under various conditions of eligibility and the method of computing payments under such conditions for aged, blind, or disabled individuals under title XVI of the Social Security Act, as amended by section 301 of the Social Security Amendments of 1972 (Pub. L. 92–603) enacted October 30, 1972, Public Law 93–66, enacted July 9, 1973, and Pub. L. 93–233, enacted December 31, 1973.

Interested parties were given 30 days within which to submit data, views, or arguments with regard to the proposed amendments. No formal comments have been received. Accordingly, the proposed amendments are hereby adopted without substantive change and are set forth below. Two editorial changes have been made for the sake of clarity.

(Secs. 1611 and 1612 of the Social Security Act, as amended, secs. 210 and 211 of Pub. L. 93–66, as amended, sec. 4 of Pub. L. 93–233, 86 Stat. 1466–1469, 87 Stat. 154, 87 Stat. 953; 42 U.S.C. 1382 and 1382a.)

Effective Date: These regulations shall be effective June 26, 1974.

(Catalog of Federal Domestic Assistance Program No. 13.807, Supplemental Security Income Program.)

Dated: May 23, 1974.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: June 20, 1974.

FRANK CARLUCCI,
Acting Secretary of Health, Education, and Welfare.

Part 416 of Chapter III of Title 20 of the Code of Federal Regulations is amended by adding thereto a new Subpart D to read as follows:

Subpart D—Amount of Benefits

Sec.	
416.401	Scope of subpart.
416.410	Amount of benefits; eligible individual.
416.412	Amount of benefits; eligible couple.
416.413	Amount of benefits; qualified individual.
416.420	Determination of benefit; general.
416.422	Determination of benefit; application filed in second or third month of quarter.
416.424	Change in eligibility status within a quarter involving an individual; eligibility exists in all months of the quarter.
416.426	Change in eligibility status within a quarter involving an individual; ineligibility occurs within the quarter.
416.428	Eligible individual without an eligible spouse has an essential person in his home.
416.430	Eligible individual with eligible spouse; essential person(s) present.

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Sec.
416.432 Change in eligibility status within a quarter involving a couple; eligibility exists in all months of the quarter.
416.435 Change in eligibility status within a quarter involving a couple; ineligibility occurs within the quarter.

AUTHORITY: Secs. 1611 and 1612, secs. 210, and 211, Pub. L. 93–66, as amended, 86 Stat. 1466–1469, 87 Stat. 154 (42 U.S.C. 1382 and 1382a).

Subpart D—Amount of Benefits

§ 416.401 Scope of subpart.

This Subpart D sets forth basic guidelines for establishing the amount of monthly benefits payable to an eligible individual or couple (as defined in § 416.120(c)(5)). This subpart does not contain provisions with respect to establishing the amount of State supplementary payments payable in accordance with an agreement entered into between a State and the Administration under the provisions of Subpart T of this part. Provisions with respect to determination and payment of State supplementary payments under such agreements will be administered by the Administration in accordance with the terms set forth in such agreements.

§ 416.410 Amount of benefits; eligible individual.

The benefit under this part for an eligible individual who does not have an eligible spouse, who is not in an institution (see § 416.231), who is not living in the household of another under the conditions set forth in § 416.1125(b), and who is not a qualified individual (as defined in § 416.242); shall be payable at the rate of $1,680 per year ($420 per quarter, $140 per month) for the period ending June 30, 1974, and at the rate of $1,752 per year ($438 per quarter, $146 per month) for the remainder of 1974 and any calendar year thereafter, reduced by the amount of such individual's income not excluded pursuant to Subpart K of this part.

§ 416.412 Amount of benefits; eligible couple.

The benefit under this part for an eligible couple neither of whom is in an institution nor is living in the household of another under the conditions set forth in § 416.1125(b), nor is a qualified individual (as defined in § 416.242), shall be payable at the rate of $2,520 per year ($630 per quarter, $210 per month) for the period ending June 30, 1974, and at the rate of $2,628 per year ($657 per quarter, $219 per month) for the remainder of 1974 and any calendar year thereafter, reduced by the amount of income not excluded pursuant to Subpart K of this part, of such individual and spouse. (See § 416.502.)

§ 416.413 Amount of benefits; qualified individual.

A qualified individual (as defined in § 416.242) will receive in addition to the amount specified in § 416.410 or § 416.412, as applicable, $70 per month for the period ending June 30, 1974, and $73 per month thereafter, for each essential person (as defined in § 416.243) living in his household. (See §§ 416.531 and 416.532.)

§ 416.420 Determination of benefits; general.

Except as otherwise stated in this subpart, benefits shall be determined for each calendar quarter (see § 416.221). The amount of the monthly payment will be computed by dividing the applicable quarterly benefit rate (see §§ 416.231(a)(2), 416.410, 416.412, and 416.1125) reduced by the amount of income not excluded pursuant to Subpart K of this part, by the months of eligibility in the quarter.

§ 416.422 Determination of benefits; application filed in second or third month of quarter.

When the initial application is filed in the second or third month of a calendar quarter, benefits shall be determined for the month of application and the succeeding month, if any, in such quarter. In determining the payment amount in any month in such quarter, only income received in such month will be counted.

§ 416.424 Change in eligibility status within a quarter involving an individual; eligibility exists in all months of the quarter.

A redetermination of payment amount shall be made in any case where there is a basic change in eligibility status (which includes but is not limited to entering or leaving an institution or living in the household of another) without loss of eligibility within a quarter. The quarterly rate of payment shall be set to reflect the eligibility status of the recipient for each month of the quarter. In setting the rate of payment for each month, amounts consistent with §§ 416.231(a)(2), 416.410, and 416.1125, as applicable, will be used. One-third (⅓) of the total quarterly countable income shall be used to reduce the rate of payment applicable for each month of the quarter.

§ 416.426 Change in eligibility status within a quarter involving an individual; ineligibility occurs within the quarter.

When ineligibility occurs (see Subpart M of this part) in one (1) or two (2) months of a quarter, the quarterly rate of payment shall be set to reflect the status of the recipient for each month of eligibility in the quarter. In setting the rate of payment for these months, amounts consistent with §§ 416.231(a)(2), 416.410, 416.1125, as applicable, will be used. However, no amount is assigned to any month of ineligibility. The total countable income (see § 416.1115) for all months in the quarter is divided by three. One-third (⅓) of the total quarterly countable income shall be used to reduce the rate of payment applicable for each month of the quarter.

§ 416.428 Eligible individual without an eligible spouse has an essential person in his home.

When an eligible individual without an eligible spouse has an essential person (as defined in § 416.243) in his home, the amount by which his rate of payment is increased is determined in accordance with §§ 416.531 and 416.532. The essential person's income is deemed to be that of the eligible individual, and the provisions of §§ 416.401–416.426 will apply in determining the benefit of such eligible individual.

§ 416.430 Eligible individual with eligible spouse; essential person(s) present.

When an eligible individual with an eligible spouse (living together) have an essential person (§ 416.243) living in their home, or when both such persons each has an essential person, the increase in the rate of payment is determined in accordance with §§ 416.531 and 416.532. The income of the essential person(s) is included in the income of the couple and the payment due will be equally divided between each member of the eligible couple. When the eligible couple is living apart, the increase in the rate of payment attributable to the essential person(s) shall be added only to the payment of the individual with whom the essential person is living, after such payment amount is determined without regard to such essential person. Any income deemed from the essential person to such individual shall then be deducted from that increased payment amount.

§ 416.432 Change in eligibility status within a quarter involving a couple; eligibility exists in all months of the quarter.

When there is a change in status within a quarter, involving only the living arrangements (e.g., institutionalization or living in the household of another) of one or both members of an eligible couple, payments will be redetermined as in § 416.424, with payment rates and payment amounts consistent with §§ 416.231(a)(2), 416.412, and 416.1125, as applicable. Where the change of status involves the formation or dissolution of an eligible couple (e.g., marriage, divorce, living apart more than 6 months), a redetermination of payment amount shall be made for the months subsequent to the month of such formation or dissolution of the couple in accordance with the following rules:

(a) When one member of a couple lives in the household of another and receives support and maintenance from that person, and the other member of the couple is neither in the household of another receiving support and maintenance, nor in an institution and subject to payment reduction for Medicaid support (§ 416.231), the rate of payment for the couple shall be consistent with § 416.412. The payment amount to the member of the couple living in the household of another shall be one-third of the amount of the monthly payment due the couple minus the value of support and maintenance received (see § 416.1125). The payment amount to the other member of the couple shall be two-thirds of the amount of the monthly payment due the couple.

(b) When one member of a couple is in an institution and subject to payment reduction for Medicaid (§ 416.231), the rate of payment for the couple shall be consistent with §§ 416.410 and 416.231(a)(2)(i). No more than $25 per month shall be paid to such member of the couple so institutionalized. The difference between the rate of payment for the couple and the amount paid to the institutionalized individual will be paid to the member of the couple who is not so institutionalized.

(c) When one member of a couple is in an institution and subject to payment reduction for Medicaid (§ 416.231), and the other member of the couple is living in the household of another and receiving support and maintenance from that person, the rate of payment for such couple shall be $1,420 per year ($355 per quarter, $118.34 per month) for the period ending June 30, 1974, and at the rate of $1,468 per year ($367 per quarter, $122.34 per month) for the remainder of 1974 and any calendar year thereafter. These amounts are based on the sum of $25 and the reduction of the rate of payment for an individual by one-third (⅓). This rate of payment shall then be reduced by the amount of income not excluded pursuant to Subpart K of this part, of such individual and spouse, and paid in accordance with § 416.502. As in paragraph (b) of this section, no more than $25 shall be paid to the institutionalized member of the couple.

(d) When there is a dissolution of an eligible couple and each member of the couple becomes an eligible individual for one (1) or two (2) months of the quarter, the payment amount for each person shall be computed individually for such months. This shall be done by determining the applicable rate of payment for an eligible individual with no eligible spouse (see § 416.410) and the number of months for which this rate applies. The total countable income of the eligible individual for the month(s) after the month of dissolution of couple status is subtracted from the combined rate of payment for the month(s) involved. This countable income is determined by taking the actual income received and subtracting either one-third (if 1 month is involved) or two-thirds (if 2 months are involved) of the appropriate quarterly income exclusions. The result after subtraction is the monthly payment amount (or twice the monthly payment amount which must be divided by two where 2 months are involved).

(e) If the dissolution of the couple also includes a living arrangement change (institutionalization, household of another) which is effective in one or both months of the new computation period, the payment shall be computed in accordance with paragraph (d) of this section, taking into consideration the new living arrangement in determining the rate of payment.

(f) When two eligible individuals become an eligible couple within a quarter, the payment for the month(s) subsequent to the change in status shall be computed under this new eligibility status in the same manner as described in paragraphs (d) and (e) of this section.

§ 416.435 Change in eligibility status within a quarter involving a couple; ineligibility occurs within the quarter.

When ineligibility occurs in one (1) or two (2) months of a quarter for both members of an eligible couple, their payment shall be redetermined as in § 416.426 with payment rates and amounts set in accordance with §§ 416.231(a)(2), 416.412, and 416.1125, as applicable. Where one member of an eligible couple becomes ineligible for one (1) or two (2) months of a quarter, the remaining member of the couple assumes the eligibility status as an eligible individual without an eligible spouse for such months: *Provided*, That such individual meets the requirements of section 1611(a)(1) of the Act with respect to income and resources; and, that individual's payments for those months shall be redetermined in accordance with either § 416.430 or § 416.432, whichever is applicable.

[FR Doc.74–14582 Filed 6–25–74;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER A—GENERAL

PART 8—COLOR ADDITIVES

Listing of Color Additives for Cosmetic Use Exempt From Certification; Disodium EDTA-Copper; Correction

In FR Doc. 74–10823, appearing on page 16884 of the issue of Friday, May 10, 1974, make the following changes:

1. In the first paragraph, the figures in the third line should read "8C0069".

2. In paragraph (b), the last paragraph in the table should read "Arsenic (as As), not more than 3 parts per million".

SUBCHAPTER C—DRUGS

PART 135e—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Monensin

The Commissioner of Food and Drugs has evaluated supplemental new animal drug applications (38–878V, 41–500V) filed by Elanco Products Co., Indianapolis, IN 46206, proposing safe and effective use of premixes containing 45 grams of monensin per pound for the manufacture of broiler chicken feeds, and for a range of monensin and monensin sodium in broiler chicken feeds from 90 to 110 grams per ton. These supplemental applications are approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347, 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), § 135e.50 is amended by revising paragraph (b)(1) and by revising the text under the second column for items 1 through 4 in the table in paragraph (f) to read as follows:

§ 135e.50 Monensin; monensin sodium.

* * * * * *

(b) *Approvals* (1) Premix levels of 44 and 45 grams per pound of monensic acid activity from monensin have been granted; for the sponsor see Code No. 014 in § 135.501(c) of this chapter.

* * * * * *

(f) * * *

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
1. Monensin	90–110 (as monensic acid activity).			* * *	* * *
2. Monensin	do	* * *	* * *	* * *	* * *
3. Monensin sodium	do	* * *	* * *	* * *	* * *
4. Monensin sodium	do	* * *	* * *	* * *	* * *

Effective date: This order shall be effective June 26, 1974.

(Sec. 512(i), 82 Stat. 347, 21 U.S.C. 360b(i).)

Dated: June 18, 1974.

FRED J. KINGMA,
Acting Director, Bureau of Veterinary Medicine.

[FR Doc.74–14481 Filed 6–25–74;8:45 am]

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Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI 298]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the fourth column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
Alabama	Jackson	Scottsboro, city of	June 26, 1974. Emergency.	May 10, 1974		
California	San Luis Obispo	Unincorporated areas	do	Jan. 9, 1974		
Idaho	Shoshone	Kellogg, city of	do	Mar. 15, 1974		
Illinois	Boone	Belvidere, city of	do			
Louisiana	Bossier Parish	Bossier, city of	do	Mar. 8, 1974		
Do	Vermilion Parish	Erath, town of	do			
Massachusetts	Essex	Methuen, town	do	May 31, 1974		
New York	Ulster	Gardiner, town of	do			
Do	Westchester	Tarrytown, village of	do			
North Dakota	Cass	Mapleton, city of	do			
Virginia	Dickenson	Hays, town of	Feb. 28, 1971. Emergency. Jan. 15, 1972. Suspension. June 21, 1974. Reinstated.			
West Virginia	Barbour	Philippi, city of	June 26, 1974. Emergency.	Feb. 1, 1974		
Wisconsin	Iowa	Avoca, village of	do	Jan. 9, 1974		

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408–410, Pub. L. 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: June 18, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74–14501 Filed 6–25–74;8:45 am]

[Docket No. FI 299]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the fourth column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
Florida	Marion	Unincorporated areas	June 25, 1974. Emergency.			
Idaho	Bingham	do	do			
Illinois	Cook	Matteson, village of	do	Apr. 12, 1974		
Do	Randolph	Prairie Du Rocher, village of	do	Nov. 22, 1973		
Maine	Penobscot	Old Town, city of	do			
Massachusetts	Worchester	West Brookfield, town of	do			
Minnesota	Pennington	Unincorporated areas	do			
Do	Pope	do	do			
Missouri	Francois	Farmington, city of	do	Mar. 1, 1974		
Montana	Flathead	Columbia Falls, city of	do	Feb. 8, 1974		
Oregon	Clackamas	Sandy, city of	do	Apr. 12, 1974		
Texas	Gillespie	Fredericksburg, city of	do	do		
Washington	King	Des Moines, city of	do			
Wisconsin	Clark	Unincorporated areas	do			

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408–410, Pub. L. 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: June 18, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74–14502 Filed 6–25–74;8:45 am]

Title 28—Judicial Administration

CHAPTER I—DEPARTMENT OF JUSTICE

PART 50—STATEMENTS OF POLICY

This statement sets forth a change in policy by the Federal Bureau of Investigation concerning the exchange of identification records for employment and licensing purposes. By virtue of the authority delegated by the Attorney General of the United States to the Director of the Federal Bureau of Investigation, 28 CFR 0.85(j), Part 50 of Chapter I of Title 28, Code of Federal Regulations, is amended by adding the following new section 50.12 immediately after section 50.11:

§ 50.12 Exchange of FBI Identification Records.

(a) The Federal Bureau of Investigation, hereinafter referred to as the FBI, is authorized to expend funds for the exchange of identification records with officials of federally chartered or insured banking institutions and with officials of state and local governments for purposes of employment and licensing, pursuant to section 201 of Pub. L. 92–544 (86 Stat. 1115). Heretofore, the FBI has disseminated identification records containing arrest information maintained by the FBI Identification Division, with and without dispositional information, pertaining to particular individuals upon requests of institutions and agencies authorized to receive such data under provisions of Pub. L. 92–544 (86 Stat. 1115).

(b) The Director of the FBI is authorized by 28 CFR 0.85(j) to approve procedures relating to the exchange of identification records to federally chartered or insured banking institutions and to officials of state and local governments for purposes of employment and licensing. Under this authority, effective July 1, 1974, the FBI Identification Division will not include arrest data more than one year old not accompanied by dispositions in identification records exchanged with banking institutions and state and local agencies for employment and licensing purposes. The one-year provision will provide the time necessary for the adjudication of most offenses. This procedural change in policy is being placed in effect to reduce possible denials of employment opportunities or licensing privileges to individuals as a result of the dissemination of identification records not containing final dispositional data concerning criminal charges brought against such individuals.

(c) There will be no change in FBI Identification Division procedures for dissemination of all arrest information, with and without dispositional data, for law enforcement purposes and to agencies of the Federal Government as currently authorized by 28 U.S.C. 534.

Dated: June 20, 1974.

CLARENCE M. KELLEY,
Director, Federal Bureau of Investigation.

[FR Doc. 74–14550 Filed 6–25–74;8:45 am]

Title 36—Parks, Forests, and Public Property

CHAPTER II—FOREST SERVICE, DEPARTMENT OF AGRICULTURE

PART 200—ORGANIZATION, FUNCTIONS, AND PROCEDURES

Unit Consolidation and General Updating

Subpart A of Part 200, Title 36, Code of Federal Regulations, is revised to reflect consolidation of 10 Forest Supervisor headquarters into four, several corrections, and general updating.

Subpart A—Organization

§ 200.1 Central organization.

(a) *Central office.* The central office of the Forest Service is in Washington, D.C., in the South Agriculture Building. It consists of the Office of the Chief and Associate Chief, and a Deputy Chief for each of the following five activities: Programs and Legislation, National Forest System, Research, State and Private Forestry, and Administration. All communications should be addressed to the Forest Service, Department of Agriculture, 12th Street and Independence Avenue, SW., Washington, D.C. 20250.

(b) *Chief of the Forest Service.* The Chief of the Forest Service, under the direction of the Secretary of Agriculture, administers the formulation, direction, and execution of Forest Service policies, programs, and activities.

(c) *Major activities.* The major activities of the Forest Service are as follows:

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(1) *Programs and legislation.* Overall planning of Forest Service programs, policy formulation and analysis, legislative development, reporting and liaison, and environmental coordination.

(2) *National Forest System.* Management of the lands and natural resources of the National Forest System under the multiple use-sustained yield principle. This System includes 155 proclaimed National Forests (administered as 125 units), 19 National Grasslands, Purchase Units, Land Utilization Projects, Research and Experimental Areas, and other areas. National Recreation Areas, Wilderness Areas, and other formally designated areas are administered as part of the National Forest System. Management includes planning, coordinating, and directing programs for timber, ranger, watershed, wildlife, fire lands, recreation, and engineering.

(3) *Research.* Plan, coordinate, and direct research programs to learn how man can best use and protect the plant, animal, soil, water, and esthetic resources of nonagricultural rural and exurban lands for his well-being and enjoyment. These programs include research on timber management, forest products and engineering, forest economics and marketing, watersheds, wildlife and fish habitat, range, recreation and other environmental concerns, forest insects and disease, forest fire and atmospheric science. Plans and directs international forestry activities and disseminates forestry research information throughout the world.

(4) *State and private forestry.* Coordinate and provide leadership for intergovernmental resource programs for technical and financial assistance to improve and protect State and privately owned forest resources and urban and community forestry. Carries out this action through cooperative forestry, flood prevention and river basin programs, cooperative forest fire and pest control, cooperative tree planting, and overall Forest Service participation in rural development and environmental concern, including civil defense and other emergency activities.

(5) *Administration.* Provide support for Forest Service programs through management improvement, budgeting and finance, administrative services, personnel management, information and education, manpower and youth conservation, antipoverty programs, communication and electronics, management information system, inspections and external audits, and coordination of civil rights activities.

§ 200.2 Field organization.

The field organization of the Forest Service consists of regions, stations, and areas as described below:

(a) *Regions of the National Forest System.* For the purpose of managing the lands administered by the Forest Service, the United States is divided into nine geographic regions of the National Forest System. Each region has a headquarters office and is supervised by a Regional Forester who is responsible to the Chief for the activities assigned to his region. Within each region are located national forests and other lands of the Forest Service.

(1) *National forests.* Each forest has a headquarters office and is supervised by a Forest Supervisor who is responsible to the Regional Forester. Each forest is divided into ranger districts.

(2) *Ranger districts.* Each district may include a portion of a national forest, a national grassland or portion thereof, a national recreation area, a wilderness or primitive area, and other lands administered by the Forest Service. Each district has a headquarters office and is supervised by a District Ranger who is responsible to the Forest Supervisor.

(b) *Experiment stations for forest and range research.* To facilitate forestry research in the field, the United States is divided into eight geographic regions referred to as experiment stations. Each station has a headquarters office and a Director who is responsible to the Chief for all research activities assigned to his station. The Forest Products Laboratory and Institute of Tropical Forestry are additional research organizations headed by Directors. Each experiment station has research project locations and laboratories dispersed within the geographic boundaries of experiment stations.

(1) *Laboratories.* Research activities are in 82 locations, including 47 modern research laboratories.

(2) *Field facilities.* Within experiment stations there are 96 experimental forests and ranges and 101 research natural areas.

(c) *Areas for State and private forestry cooperation.* Field-level cooperation between the Forest Service, States, and the private sector on forestry activities is accomplished within two geographic areas in the Eastern United States, and within the national forest regions in the Western United States. Each of the two Eastern areas has a headquarters office and is supervised by an Area Director, who is responsible to the Chief for the activities assigned to his Area. Regional Foresters in Western Regions 1 through 6 and 10 are responsible for State and private forestry activities within their regions.

(d) *Field addresses.* The addresses of Regional Foresters, Experiment Station Directors, and Area Directors are given below. Under each Regional Office address is a list of National Forests by States with locations of Forest Supervisor headquarters. Headquarters locations for Ranger Districts, National Grasslands, and National Recreation Areas are not listed but may be obtained from Forest Supervisors.

NATIONAL FORESTS BY REGION

REGION 1, NORTHERN REGION

Regional Forester, Federal Building, Missoula, MT 59801

State in which forest is located	National Forest	Headquarters of supervisor
Idaho	Clearwater	Orofino.
	Kaniksu-Coeur d'Alene-St. Joe	Coeur d'Alene.
	Nez Perce	Grangeville.
Montana	Beaverhead	Dillon.
	Bitterroot	Hamilton.
	Custer	Billings.
	Deerlodge	Butte.
	Flathead	Kalispell.
	Gallatin	Bozeman.
	Helena	Helena.
	Kootenai	Libby.
	Lewis and Clark	Great Falls.
	Lolo	Missoula.
Washington	Colville	Colville.

REGION 2, ROCKY MOUNTAIN REGION

Regional Forester, Federal Center, Building 85, Denver, CO 80225

State in which forest is located	National Forest	Headquarters of supervisor
Colorado	Arapaho	Golden.
	Grand Mesa-Uncompahgre	Delta.
	Gunnison	Gunnison.
	Pike	Colorado Springs.
	Rio Grande	Monte Vista.
	Roosevelt	Fort Collins.
	Routt	Steamboat Springs.
	San Isabel	Pueblo.
	San Juan	Durango.
	White River	Glenwood Springs.
Nebraska	Nebraska-Samuel R. McKelvie	Chadron.
South Dakota	Black Hills	Custer.
Wyoming	Bighorn	Sheridan.
	Medicine Bow	Laramie.
	Shoshone	Cody.

REGION 3, SOUTHWESTERN REGION

Regional Forester, 517 Gold Avenue SW., Albuquerque, NM 87101

State in which forest is located	National Forest	Headquarters of supervisor
Arizona	Coconino	Flagstaff.
	Coronado	Tucson.
	Kaibab	Williams.
	Prescott	Prescott.
	Sitgreaves-Apache (Ariz. portion)	Springerville.
	Tonto	Phoenix.
New Mexico	Carson	Taos.
	Cibola	Albuquerque.
	Apache (N.M. portion)-Gila	Silver City.
	Lincoln	Alamogordo.
	Santa Fe	Santa Fe.

REGION 4, INTERMOUNTAIN REGION

Regional Forester, 324 25th Street, Ogden, UT 84401

State in which forest is located	National forest	Headquarters of supervisor
Idaho	Boise	Boise.
	Caribou	Pocatello.
	Challis	Challis.
	Payette	McCall.
	Salmon	Salmon.
	Sawtooth	Twin Falls.
	Targhee	St. Anthony.
Nevada	Humboldt	Elko.
	Toiyabe	Reno.
Utah	Ashley	Vernal.
	Cache	Logan.
	Dixie	Cedar City.
	Fishlake	Richfield.
	Manti-LaSal	Price.
	Uinta	Provo.
	Wasatch	Salt Lake City.
Wyoming	Teton	Jackson.
	Bridger	Kemmerer.

REGION 5, CALIFORNIA REGION

Regional Forester, 630 Sansome Street, San Francisco, CA 94111

State in which forest is located	National Forest	Headquarters of supervisor
California	Angeles	Pasadena.
	Calaveras Bigtree	Sonora.
	Cleveland	San Diego.
	Eldorado	Placerville.
	Inyo	Bishop.
	Klamath	Yreka.
	Lassen	Susanville.
	Los Padres	Goleta.
	Mendocino	Willows.
	Modoc	Alturas.
	Plumas	Quincy.
	San Bernardino	San Bernadino.
	Sequoia	Porterville.
	Shasta-Trinity	Redding.
	Sierra	Fresno.
	Six Rivers	Eureka.
	Stanislaus	Sonora.
	Tahoe	Nevada City.

REGION 6, PACIFIC NORTHWEST REGION

Regional Forester, 319 Southwest Pine Street, Portland, OR 97208 (P.O. Box 3623)

State in which forest is located	National forest	Headquarters of supervisor
Oregon	Deschutes	Bend.
	Fremont	Lakeview.
	Malheur	John Day.
	Mount Hood	Portland.
	Ochoco	Prineville.
	Rogue River	Medford.
	Siskiyou	Grants Pass.
	Siuslaw	Corvallis.
	Umatilla	Pendleton.
	Umpqua	Roseburg.
	Wallowa-Whitman	Baker.
	Willamette	Eugene.
	Winema	Klamath Falls.
Washington	Gifford Pinchot	Vancouver.
	Okanogan	Okanogan.
	Olympic	Olympia.
	Mt. Baker-Snoqualmie	Seattle.
	Wenatchee	Wenatchee.

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REGION 8, SOUTHERN REGION

Regional Forester, 1720 Peachtree Road, NW., Atlanta, GA 30309

State in which forest is located	National forest	Headquarters of supervisor
Alabama	National Forests in Alabama—(William B. Bankhead, Conecuh, Talladega, Tuskegee).	Montgomery.
Arkansas	Ouachita	Hot Springs.
	Ozark-St. Francis	Russellville.
Florida	National Forests in Fla.—(Apalachicola, Ocala, Osceola)	Tallahassee.
Georgia	Chattahoochee-Oconee	Gainesville.
Kentucky	Daniel Boone	Winchester.
Louisiana	Kisatchie	Pineville.
Mississippi	National Forests in Mississippi—(Bienville, Delta, De-Soto, Holly Springs, Homochitto, Tombigbee).	Jackson.
North Carolina	National Forests in North Carolina—(Croatan, Nantahala, Pisgah, Uwharrie).	Asheville.
South Carolina	Francis Marion and Sumter	Columbia.
Tennessee	Cherokee	Cleveland.
Texas	National Forests in Texas—(Angelina, Davy Crockett, Sabine, Sam Houston).	Lufkin.
Virginia	George Washington	Harrisonburg.
	Jefferson	Roanoke.

REGION 9, EASTERN REGION

Regional Forester, 633 West Wisconsin Avenue, Milwaukee, WI 53203

State in which forest is located	National Forest	Headquarters of supervisor
Illinois	Shawnee	Harrisburg.
Indiana and Ohio	Wayne-Hoosier	Bedford, IN.
Michigan	Hiawatha	Escanaba.
	Huron-Manistee	Cadillac.
	Ottawa	Ironwood.
Minnesota	Chippewa	Cass Lake.
Missouri	National Forests in Missouri—(Clark, Mark Twain)	Rolla.
New Hampshire and Maine	White Mountain	Laconia, N.H.
Pennsylvania	Allegheny	Warren.
Vermont	Green Mountain	Rutland.
West Virginia	Monongahela	Elkins.
Wisconsin	Chequamegon	Park Falls.
	Nicolet	Rhinelander.

REGION 10, ALASKA REGION

Regional Forester, Federal Office Building, P.O. Box 1628, Juneau, AK 99801

State in which forest is located	National Forest	Headquarters of supervisor
Alaska	Chugach	Anchorage.
	Tongass:	
	Chatham Area	Sitka.
	Ketchikan Area	Ketchikan.
	Stikine Area	Petersburg.

FOREST AND RANGE EXPERIMENT STATIONS

NAME OF STATION AND HEADQUARTERS OF DIRECTOR

Intermountain, 507 25th Street, Ogden, UT 84401.
North Central-Forest Service, Folwell Avenue, St. Paul, Minn. 55101.
Northeastern, 6816 Market Street, Upper Darby, PA 19082.
Pacific Northwest, 809 Northeast Sixth Avenue, P.O. Box 3141, Portland, OR 97208.
Pacific Southwest, 1960 Addison Street, P.O. Box 245, Berkeley, CA 94701.
Rocky Mountain, 240 West Prospect Street, Fort Collins, CO 80521.
Southeastern-Post Office Building, P.O. Box 2570, Asheville, NC 28802.
Southern-Federal Building, 701 Loyola Avenue, New Orleans, LA 70113.
Institute of Tropical Forestry, University of Puerto Rico, Agricultural Experiment Station Grounds, P.O. Box AQ, Rio Piedras, PR 00928.
Forest Products Laboratory, Post Office Box 5130, North Walnut Street, Madison, WI 53705.

STATE AND PRIVATE FORESTRY AREAS

Director, Northeastern Area, 6816 Market Street, Upper Darby, PA 19082.
Director, Southeastern Area, 1720 Peachtree Road NW., Atlanta, GA 30309.

NOTE: In Regions 1 through 6 and 10, State and private forestry activities are directed from Regional headquarters.

(Sec. 552, 81 Stat. 54; 5 U.S.C. 552)

JOHN R. MCGUIRE,
Chief, Forest Service.

June 19, 1974.

[FR Doc.74-14480 Filed 6-25-74;8:45 am]

Title 42—Public Health

CHAPTER I—PUBLIC HEALTH SERVICE, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 101—PROFESSIONAL STANDARDS REVIEW

Area Designations

In FR Doc. 74-5867 appearing at page 10206 in the issue for Monday, March 18, 1974, make the following changes:

1. In § 101.7, in the group of cities listed in Area XXI, delete "Temple City."

2. In § 101.36, Area XVI should list "Suffolk" instead of "Bronx", and Area XVII should list "Bronx" instead of "Suffolk."

3. In § 101.37, in the group of counties listed in Area I, delete "Alexander."

Dated: June 20, 1974.

THOMAS S. MCFEE,
Deputy Assistant Secretary for Management Planning and Technology.

[FR Doc.74-14581 Filed 6-25-74;8:45 am]

Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5423]

[Anchorage 8406]

ALASKA

Partial Revocation of Public Land Order No. 5403

By virtue of the authority vested in the Secretary of the Interior by the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. 1610 (1970 Supp. II), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), it is hereby ordered as follows:

Paragraph 6 of Public Land Order No. 5403 of January 7, 1974, which appeared in the January 11, 1974, issue of the FEDERAL REGISTER, 39 FR 1592, is hereby revoked. The lands referred to in the subject paragraph had previously been conveyed to the State of Alaska.

JACK O. HORTON,
Assistant Secretary of the Interior.

JUNE 20, 1974.

[FR Doc.74-14546 Filed 6-25-74;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

[Rev. Order No. 126, Amdt. No. 1; Rev. S. O. No. 994]

PART 1033—CAR SERVICE

Penn Central, et al.; Rerouting Traffic

To all railroads. Upon further consideration of Revised I.C.C. Order No. 126 (Penn Central, George P. Baker, Robert W. Blanchette, and Richard C. Bond, Trustees) and good cause appearing therefor:

It is ordered, That: Revised I.C.C. Order No. 126 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

§ 1033.994 Service Order No. 994.

* * * * *

(g) *Expiration date.* This order shall expire at 11:59 p.m., July 15, 1974, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., June 15, 1974, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agents of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., June 11, 1974.

INTERSTATE COMMERCE COMMISSION,
[SEAL] LEWIS R. TEEPLE,
Agent.

[FR Doc.74-14631; Filed 6-25-74;8:45 am]

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proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rulemaking prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 948]

IRISH POTATOES GROWN IN COLORADO

Proposed Handling Standards

This proposal, designed to promote orderly marketing of Colorado Area No. 3 potatoes, would impose minimum quality standards and would require inspection of fresh shipments to keep low quality potatoes from being shipped to consumers.

Consideration is being given to the issuance of a handling regulation, hereinafter set forth, which was recommended by the Area Committee for Area No. 3, Colorado, established pursuant to Marketing Agreement No. 97 and Order No. 948, both as amended (7 CFR Part 948). This marketing order program regulates the handling of Irish potatoes grown in the State of Colorado and is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

The recommendations of the committee reflect its appraisal of the composition of the 1974 crop in Area No. 3 and of the marketing prospects for this season. Harvesting is expected to begin on or about August 1 so the regulation should become effective on that date. The grade, size, and maturity requirements proposed herein would be necessary to prevent potatoes of lesser maturities, less desirable sizes, or low quality from being distributed in fresh market channels. They would also provide consumers with good quality potatoes consistent with the overall quality of the crop.

Exceptions would be provided to certain of these requirements to recognize special situations in which such requirements would be inappropriate or unreasonable.

Potatoes for prepeeling would be handled without regard to maturity requirements since skinning of such potatoes would be of no consequence.

Shipments would be permitted to certain special purpose outlets without regard to the grade, size, maturity and inspection requirements, provided that safeguards were met to prevent such potatoes from reaching unauthorized outlets. Certified seed would be exempted because requirements for this outlet differ greatly from those for fresh market. Shipments for use as livestock feed would likewise be exempt. Since no purpose would be served by regulating potatoes used for charity purposes, such shipments would be exempt. Exemption of potatoes for most processing uses is mandatory under the legislative authority for this part and therefore shipments to processing outlets would be exempt.

All persons who desire to submit written data, views, or arguments in connection with this proposal may file the same, in four copies, with the Hearing Clerk, Room 112-A, United States Department of Agriculture, Washington, D.C. 20250, not later than July , 1974. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)). The proposed regulation is as follows:

§ 948.371 Handling regulation.

During the period August 1, 1974, through June 30, 1975, no person shall handle any lot of potatoes grown in Area No. 3 unless such potatoes meet the requirements of paragraphs (a), (b) and (c) of this section, or unless such potatoes are handled in accordance with paragraphs (d), (e), or (f) of this section.

(a) *Grade and size requirements—All varieties.* U.S. No. 2, or better grade, 1⅞ inches minimum diameter or 4 ounces minimum weight, except Size B may be handled if U.S. No. 1, or better grade.

(b) *Maturity (skinning) requirements—All varieties.* For U.S. No. 2 grade, not more than "moderately skinned," and for all other grades, not more than "slightly skinned."

(c) *Inspection.* (1) No handler shall handle any potatoes for which inspection is required unless an appropriate inspection certificate has been issued with respect thereto and the certificate is valid at the time of shipment. For purpose of operation under this part it is hereby determined pursuant to paragraph (d) of § 948.40, that each inspection certificate shall be valid for a period not to exceed 5 days following the date of inspection as shown on the inspection certificate.

(2) No handler may transport or cause the transportation by motor vehicle of any shipment of potatoes for which an inspection certificate is required unless each shipment is accompanied by a copy of the inspection certificate applicable thereto and the copy is made available for examination at any time upon request.

(d) *Special purpose shipments.* (1) The grade, size, maturity and inspection requirements of paragraphs (a), (b) and (c) of this section shall not be applicable to shipments of potatoes for:

(i) Livestock feed;

(ii) Charity;

(iii) Canning, freezing, and "other processing" as hereinafter defined; and

(iv) Certified seed potatoes (§ 948.6)

(2) The maturity requirements set forth in paragraph (b) of this section shall not be applicable to shipments of potatoes for prepeeling.

(e) *Safeguards.* Each handler making shipments of potatoes pursuant to paragraph (d) of this section shall,

(1) Prior to shipment, apply for and obtain a Certificate of Privilege from the committee.

(2) Furnish the committee such reports and documents as required, including certification by the buyer or receiver on the use of such potatoes, and

(3) Bill each shipment directly to the applicable buyer or receiver.

(f) *Minimum quantity.* For purposes of regulation under this part, each person may handle up to but not to exceed 1,000 pounds of potatoes per day without regard to the requirements of paragraphs (a) and (b) of this section, but this exception shall not apply to any shipment of over 1,000 pounds of potatoes.

(g) *Definitions.* The terms "U.S. No. 1," "U.S. No. 2," "Size B," "moderately skinned" and "slightly skinned," shall have the same meaning as when used in the United States Standards for Grades of Potatoes (§§ 51.1540–51.1566 of this title, as amended, effective September 1, 1971) including the tolerances set forth therein. The term "prepeeling" means potatoes which are clean, sound, fresh tubers prepared commercially in a prepeeling plant by washing, removal of the outer skin or peel, trimming, and sorting preparatory to sale in one or more of the styles of peeled potatoes described in § 52.2422 (United States Standards for Grades of Peeled Potatoes, §§ 52.2421–52.2433 of this title). The term "other processing" has the same meaning as the term appearing in the act and includes, but is not restricted to, potatoes for dehydration, chips, shoestrings, starch, and flour. It includes only that preparation of potatoes for market which involves the application of heat or cold to such an extent that the natural form or stability of the commodity undergoes a substantial change. The act of peeling, cooling, slicing, or dicing, or the application of material to prevent oxidation does not constitute "other processing."

(h) *Applicability to imports.* Pursuant to § 8e of the act and § 980.1, "Import regulations" (7 CFR 980.1), round white varieties of Irish potatoes, except certified seed potatoes, imported into the United States during the period August 1, 1974, through June 4, 1975, shall meet

the minimum grade, size, quality, and maturity requirements specified in paragraphs (a) and (b) of this section.

Dated: June 20, 1974.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.74-14642 Filed 6-25-74;8:45 am]

[7 CFR Part 967]

CELERY GROWN IN FLORIDA

Proposed Handling Standards

The following proposed regulation would establish the quantity of Florida celery to be marketed fresh during the 1974–75 season, with the objective of assuring adequate supplies and orderly markets.

Notice is hereby given that the Secretary of Agriculture is reconsidering the issuance of a handling regulation, hereinafter set forth, designed to promote orderly marketing of celery grown in Florida. The proposal was discussed at a public meeting June 11, 1974, in Orlando, after being unanimously recommended by the Florida Celery Committee. This committee was established pursuant to Marketing Agreement No. 149 and Order No. 967, both as amended (7 CFR Part 967). This program regulates the handling of celery grown in Florida and is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

The committee recommended a Marketable Quantity of 8,353,744 crates of fresh celery for the 1974–75 season. This recommendation reflects its appraisal of prospective market conditions for the season.

During recent years, annual celery production from the acreage planted in Florida and California without adverse weather that reduced output would have exceeded the capacity of the U.S., Canadian, and export market. Florida's fresh market celery sales during the 1973–74 season were approximately 6.3, million crates. An estimated 2,000 acres were abandoned. Fresh sales totaled about 7.3 million crates in 1972–73.

The recommended 1974–75 Marketable Quantity is large, and will provide ample opportunity for the industry to market the maximum number of crates at reasonable prices to consumers. However, since the proposed quantity of celery to be marketed is well above that shipped in any prior season, the industry will have to significantly increase its efforts to stimulate consumption and attain a reasonable return to growers for their labor and investment.

Although the recommended Marketable Quantity is the third largest ever proposed under the program, it still is more than three-quarters of a million crates smaller than the total Base Quantities of present producers. Thus, if demand should fail to increase, present Base Quantity holders may be adversely affected economically. Therefore, in accordance with § 967.37(d)(1), no reserve is established for additional Base Quantities.

On the basis of the foregoing considerations, as well as industrywide trends in the production and sales of celery, it is believed that these regulations will be necessary to maintain orderly marketing and would tend to effectuate the declared policy of the act.

All persons who desire to submit written data, views, or arguments in connection with this proposal should file the same, in four copies, with the Hearing Clerk, Room 112-A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than July 11, 1974. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposal is as follows:

§ 967.310 Marketable Quantity, Uniform Percentage; and limitation on handling.

(a) The Marketable Quantity for the 1974–75 season would be established, pursuant to § 967.36(a), as 8,353,744 crates.

(b) As provided in § 967.38(a), the Uniform Percentage for the 1974–75 season would be determined as 90 percent.

(c) During the season August 1, 1974, through July 31, 1975, no handler would handle, as provided in § 967.36(b)(1), any harvested celery unless it was within the Marketable Allotment for the producer of such celery.

(d) No reserve for Base Quantities for the 1974–75 season is established.

(e) Terms used herein shall have the same meaning as when used in the said marketing agreement and order.

Dated: June 20, 1974.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.74-14641 Filed 6-25-74;8:45 am]

[7 CFR Parts 1001, 1002, 1004, 1015, 1033, 1036, 1040, 1049]

[Docket Nos. AO-14-A53, etc.]

MILK IN THE BOSTON REGIONAL AND CERTAIN OTHER MARKETING AREAS

Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreements and Orders

7 CFR part	Marketing area	Docket No.
1001	Boston Regional	AO 14-A53.
1002	New York-New Jersey	AO 71-A68.
1004	Middle Atlantic	AO 160-A51.
1015	Connecticut	AO 305-A31.
1033	Ohio Valley	AO 166-A44.
1036	Eastern Ohio-Western Pennsylvania.	AO 179-A39.
1040	Southern Michigan	AO 225-A28.
1049	Indiana	AO 319-A22.

Notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreements and orders regulating the handling of milk in the aforesaid marketing areas.

Interested parties may file written exceptions to this decision with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, on or before July 11, 1974. Twelve copies of exceptions should be filed. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The above notice of filing of the decision and of opportunity to file exceptions thereto is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

PRELIMINARY STATEMENT

The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreements and to the orders as amended, were formulated, was conducted at Washington, D.C. on February 20–28, 1974, pursuant to notice thereof which was issued on February 14, 1974 (39 FR 5642).

The material issues on the record of the hearing relate to:

1. The immediate need for making inoperative the butter-powder formula under each order during the next few months.

2. Appropriate longer-term basis of pricing reserve milk under the eight orders.

3. Whether an emergency exists to warrant the omission of a recommended decision.

Issues 1 and 3 were dealt with in an earlier decision (39 FR 11567). This decision deals with the remaining issue, No. 2.

Sixteen proposals were submitted by interested parties for consideration at the hearing. Such proposals were variously sponsored by producer associations and proprietary handlers. The proposals considered at the hearing, in general, would (1) price all reserve milk at the Minnesota-Wisconsin manufacturing milk price; (2) price reserve milk on the basis of a simple average of the Minnesota-Wisconsin price and the butter-powder price formula except that for milk utilized in butter and nonfat dry milk the present reserve milk pricing provisions would apply; (3) continue to use the present pricing formula but would increase the "make allowance" employed in the butter-powder formula; (4) price reserve milk at the Minnesota-Wisconsin price except that butterfat and skim milk used in butter and nonfat dry milk would be priced at the lower of the Minnesota-Wisconsin price or butter-powder price; and (5) employ separate product formulas for milk used in cheese and butterpowder.

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FINDINGS AND CONCLUSIONS

The following findings and conclusions on material issue No. 2 are based on evidence presented at the hearing and the record thereof:

2. *Appropriate longer-term basis of pricing reserve milk under the eight orders.* The reserve milk price (Class II milk in the Boston Regional, Connecticut, New York-New Jersey and Middle Atlantic orders and Class III milk in Eastern Ohio-Western Pennsylvania, Indiana, Ohio Valley, and Southern Michigan orders) should be based on the Minnesota-Wisconsin price for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as announced by the Department for the month.

The use of such price will maintain prices of reserve milk supplies at the highest level consistent with the orderly disposition of such milk and assure dairy farmers the full use value for that portion of their milk shipments not needed for Class I. Moreover, the use of the Minnesota-Wisconsin price as the reserve milk price in the eight markets, herein considered, will result in order prices for reserve milk comparable to prices being paid by processors of manufacturing grade milk in general. Finally, it will maintain alignment of reserve milk prices among the eight orders with other orders, most of which, effective August 1, 1974, will employ such pricing for reserve milk supplies.

Since mid-1968 in the four northeastern markets and for several years prior thereto in the other four markets, reserve milk has been priced at the lower of either the Minnesota-Wisconsin price or a butter-nonfat dry milk formula price. The Minnesota-Wisconsin price was the effective price in the eight orders for 32 of the 60 months during the 5-year period from 1969 through 1973.

Annually, the Minnesota-Wisconsin price and the butter-powder formula price have been in relatively close alignment. For instance, the Minnesota-Wisconsin price averaged 6 cents per hundredweight above the butter-powder formula price in 1968, 17 cents above in 1969, 10 cents above in 1970, 6 cents below in 1971, 2 cents above in 1972 and 7 cents above in 1973.

In the latter part of 1973 an unprecedented price gap developed between the level of the Minnesota-Wisconsin price and the butter-powder formula price. Until then the widest differences between the two prices were during October 1969 through April 1970 when the Minnesota-Wisconsin price varied from 31 to 42 cents over the butter-powder formula price. The Minnesota-Wisconsin price exceeded the butter-powder formula price by $0.47, $0.78, $1.13, $1.18, $1.19 and $0.73 for October, November and December 1973 and January, February and March 1974, respectively.[1] In April 1974, due largely to a sharp decline in cheese prices with a continuing strong price structure for nonfat dry milk the relationship between the two price series reversed itself. For this month, the Minnesota-Wisconsin price was $0.29 per hundredweight below the butter-powder formula price.

The wide divergence between the Minnesota-Wisconsin price and the butter-powder formula price that developed beginning in October 1973 prompted the various proposals relating to the pricing of reserve milk in the eight markets that were considered at the hearing.

Emergency interim action was taken on the hearing record to provide that during the period April 3 through July 1974 all reserve milk, except that used to produce butter and nonfat dry milk, be priced at the Minnesota-Wisconsin price. For milk used in butter and nonfat dry milk the price would be reduced by the amount not to exceed 50 cents per hundredweight, that the Minnesota-Wisconsin price exceeds the butter-powder formula price.

Accordingly, the issue remaining is the appropriate pricing of reserve milk after July 1974. The reserve milk pricing provisions in effect prior to April 3 will become operative August 1, 1974, except under the Indiana order, unless further amendment action is effected. The Indiana order has been amended effective August 1, 1974, on the basis of a separate proceeding involving several orders. Such amendments include use of the Minnesota-Wisconsin price as the reserve milk price.

The testimony adduced at the hearing centered primarily on the question of whether or not the butter-powder price formula in each of the eight orders should be deleted as an alternative basis in determining reserve milk prices. Both producers and handlers took diverse positions regarding this matter.

A national farm organization that has producer members in each of the eight markets, a large cooperative associated with the Middle Atlantic market, a large regional cooperative that has producer members in the Indiana and Southern Michigan markets, and a handler in the Boston Regional market, all proposed that the price for reserve milk be the Minnesota-Wisconsin price. In support of such proposal, they contended that the then effective reserve milk pricing formula (the lesser of the Minnesota-Wisconsin price or the butter-powder formula price) did not assure producers a reasonable return for reserve milk when market prices considered collectively for butter and nonfat dry milk are low relative to the Minnesota-Wisconsin price. They further contended that the butter-powder formula price did not reflect the value of other reserve milk products or the general economic factors affecting such products. Hence, they urged that the butter-powder formula price be eliminated to avoid the possibility of such product price depressing the price of all reserve milk and its accompanying adverse effect on uniform prices paid to producers. They pointed out, also, that the use of the Minnesota-Wisconsin price would maintain price alignment with other order and unregulated reserve milk prices.

Another regional cooperative, principally associated with the New York-New Jersey market, proposed that reserve milk prices be based on the Minnesota-Wisconsin price in each month except during the flush production months of April, May and June of each year. During such three months, reserve milk prices would be based on the lower of the Minnesota-Wisconsin price or the butter-powder formula price. This proponent contended that the retention of the alternative butter-powder price determinant was necessary to assure the availability of adequate butter-powder processing facilities for excess supplies in these markets during the flush production months.

Several of the principal cooperatives associated with the Eastern Ohio-Western Pennsylvania, Indiana and Ohio Valley markets proposed the adoption of the Minnesota-Wisconsin price as the price for all reserve milk except for that used to produce butter and nonfat dry milk. Under their proposal, reserve milk used in butter and nonfat dry milk would be priced each month at the butter-powder formula price. The basis of their proposal was that reserve milk should be priced at its actual use value. They held that the level of reserve milk prices had encouraged some milk to be associated with the orders under which they operate that is not always available for Class I use. They pointed out that this milk is sold to cheese plants at a price substantially higher than its value under the order prices when the butter-powder formula price is the effective price. The need for pricing milk utilized in butter and powder at the butter-powder formula price, they contended, is necessary to accommodate the orderly disposition of the seasonal and weekend excess milk at plants processing butter and nonfat dry milk.

Certain other cooperatives associated primarily with the New York-New Jersey, Boston Regional and/or Connecticut markets proposed that milk utilized in other than butter and nonfat dry milk production be priced on the simple average of the Minnesota-Wisconsin price and butter-powder formula price. Under their proposal, reserve milk utilized in butter and skim milk powder would be priced at the lower of the butter-powder value or Minnesota-Wisconsin price. Other cooperatives associated with the Southern Michigan market supported a similar reserve milk pricing formula but held that the average of the Minnesota-Wisconsin price and the butter-powder formula price should not result in a price lower than the butter-powder formula price. With respect to pricing milk used in butter and powder production, the Southern Michigan group proposed use of the butter-powder formula price.

[1] This decision makes use of certain prices of butter, nonfat dry milk, and manufacturing grade milk for months beyond the dates for which such prices were available on the hearing record. For this purpose official notice is taken of the official price announcements of the market administrator, New York-New Jersey Federal order market for March through May 1974.

In support of these latter reserve milk pricing proposals, proponents stated, generally, that there are significant differences in the competitive position of, and demand for, products made from reserve milk. Handlers prefer to use quantity milk on a regular basis for certain manufactured products such as cottage cheese and ice cream. Proponents contended that the price of reserve milk used in such products should reflect, to the extent possible, the costs associated with attracting an adequate supply of such milk. Conversely, they pointed out that other products that are made from residual supplies of reserve milk compete in a national market with such products made from manufacturing grade milk and thus the value of reserve milk used in such products is lower. It was their contention that the proposal to base reserve milk prices on the average of the Minnesota-Wisconsin and butter-powder formula prices reflects the overall value of the mix of products made from reserve milk. The price applicable to milk used in butter and powder production, they contended, should basically reflect the net value that can be realized by producer organizations that are handling reserve milk supplies in connection with performing the Class I balancing function. These proponents further stated that the retention of the butter-powder formula is essential to the maintenance of needed manufacturing outlets for processing excess milk from cooperatives performing the Class I balancing function.

The national organization representing dairy cooperatives proposed the adoption of separate pricing formulas for reserve milk used in cheese and butter-powder production based on the yield factors and "make allowances" employed by the Department under the dairy price support program. Adoption of this limited proposal, it was contended, would (1) provide needed additional compensation to handlers—principally cooperatives—to offset the costs they incur in performing balancing services to the market and (2) return to farmers a price reflecting the full use value of milk made into cheese, butter and powder.

Certain individual handlers associated with the Boston Regional and New York-New Jersey markets proposed that the present "make allowance" of 48 cents contained in the butter-powder price formula be increased to 72 cents per hundredweight. They contended that the present 48 cents "make allowance" should be adjusted to reflect the increase in costs of receiving and processing reserve milk that has occurred since adoption of the product price formula in July 1968.

A regional association of ice cream manufacturers, a processing cooperative associated with the Middle Atlantic market, and a group of Ohio handlers testified in support of retaining the present reserve milk pricing formula. They were particularly opposed to the removal of the butter-powder price formula from the eight orders under consideration. Its elimination, they contended, would (1) result in reserve milk prices at levels which would deter the disposition of such milk through normal market channels; (2) have an adverse effect on consumer prices and acceptability of certain manufactured dairy products; (3) result in competitive inequities between regulated and unregulated handlers; and (4) base reserve milk prices solely on the Minnesota-Wisconsin price series which they held is not an appropriate price determinant for reserve milk. Moreover, they strongly urged that no action be taken as a result of these proceedings and recommended that another hearing be called to consider the propriety of using the Minnesota-Wisconsin series as a basis in determining class prices under the orders.

Substantial quantities of reserve milk used to produce manufactured dairy products are associated with the eight orders. During the past three years (1971, 1972 and 1973) the annual volume of reserve milk supplies priced under the eight orders ranged from 11 to 13 billion pounds. Such reserve supplies represented about 45 percent of the total volume of reserve milk priced under all Federal milk orders. Moreover, nearly 40 percent of the reserve supplies in the eight markets is produced during the 4-month period, April–July.

A substantial part of the reserve milk associated with the eight orders is used in the manufacture of the so-called "soft products"—principally cottage cheese, frozen desserts, and condensed products. This "soft products" use of reserve milk constitutes a more regular outlet on a year-round basis than the storable manufactured products such as hard cheeses, butter and nonfat dry milk. The use of reserve milk in the manufacture of the storable products is more seasonal in nature and thus is somewhat greater in the flush production months than in other months of the year.

In 1973, about 65 percent of the reserve milk supplies in five of the eight markets—Boston, Eastern Ohio-Western Pennsylvania, Indiana, Ohio Valley and Southern Michigan—was utilized in the production of "soft products". During the 12-month period ending May 31, 1973, about 80 percent of the volume of reserve milk associated with the New York-New Jersey order was utilized in manufactured products other than hard cheese and butter-powder. Comparable data for the Middle Atlantic and Connecticut orders were not available on the record.

About 38 percent of the reserve milk supplies in the eight markets, herein considered, is priced under the New York-New Jersey order. The monthly volume of reserve milk in this market during the 12-month period ending May 31, 1973, ranged from a low of 300 million pounds in November to a high of 535 million pounds in June. Notwithstanding this relatively wide variation, the volume of reserve milk utilized in butter and powder in June was only one-third of total reserve milk usage.

In pricing reserve milk in each of the eight markets to carry out the objectives of the statute authorizing milk orders, prices should be established at the highest level possible compatible with the orderly disposition of such milk. The reserve milk price, in conjunction with the price for other uses of milk under the orders, should result in uniform prices high enough to attract the needed milk supplies. The effect of a reserve milk price less than the highest practical fluid milk a greater burden in providing the price incentive to attract the necessary milk supply. In effect, consumers of fluid milk would subsidize constumers of manufactured products. On the other hand, if reserve milk is priced too high in relation to competitive free market prices handlers may not accept milk in excess of actual fluid needs and thus chaotic market conditions may prevail as homeless milk competes for market outlets.

An important factor that must be considered in pricing reserve milk is that the competitive market for products manufactured from reserve milk is with products made from unregulated manufacturing grade milk. It is essential, therefore, that Federal order prices for reserve milk be maintained at levels comparable with prevailing competitive pay prices for manufacturing grade milk at plants buying such milk.

The Minnesota-Wisconsin price is a representative pay price reflecting the prices paid to producers in the two-State area wherein about 13 billion pounds or approximately half the total manufacturing grade milk in the United States is produced. It reflects prices paid at the farm level under competitive conditions for manufacturing grade milk used in the major manufactured dairy products. The price is highly responsive to supply and demand conditions for such products that are sold within a marketing system that is national in scope.

The Minnesota-Wisconsin price series is published monthly by the Statistical Reporting Service of the Department and represents an estimate of the prices paid in these two States for manufacturing grade milk based on reports from 350 plants. In 1972, this two-State average price reflected a weight of about 56 percent for Wisconsin prices and 44 percent for Minnesota prices. These weights represent the proportions of the total volume of manufacturing grade milk purchased from farmers in the respective States.

The two-State price average reflects prices paid for milk used in different manufactured products at plants buying such milk. In 1972, butter and by-product plants accounted for 43 percent of all manufacturing grade milk in Minnesota. Cheese plants accounted for 20 percent and plants manufacturing varied products accounted for the remaining 37 percent.

In Wisconsin, plants used the following proportions of manufacturing grade milk in 1972 according to type of plant: cheese, 85 percent; butter and by-products, 5 percent; and condenseries and varied products, 10 percent.

Each year, the Statistical Reporting Service publishes the results of a comparison of the Minnesota-Wisconsin

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price with the average price reported paid at all manufacturing plants in the two States (nearly 750 plants). Official notice of the 1973 release of these data was taken at the hearing. This release showed that for the three years 1970 through 1972 monthly reported Minnesota-Wisconsin prices averaged 1.1 cents per hundredweight below what was actually paid.

Close surveillance of the Minnesota-Wisconsin price series is maintained by the Statistical Reporting Service and the Agricultural Marketing Service to assure continued reliability of the series. Investigations bearing on criticisms voiced about the reliability of the series have been undertaken. For example, a number of years ago it was alleged that the reported Minnesota-Wisconsin price overstated prices actually paid because of butterfat testing practices at dairy plants. A study directed at answering this criticism was undertaken by the University of Minnesota, the University of Wisconsin, and the Department of Agriculture of the two States. A copy of this study, released in 1968, was entered into the hearing record. It concluded that the average "overstatement" of milk prices, because of understating butterfat test was 4.1 cents per hundredweight, but this was virtually offset by hauling subsidies that resulted in an understatement of 1.4 cents per hundredweight in reported prices, and cash dividends that resulted in an understatement of 2.1 cents per hundredweight in reported prices for the two States combined.

More recently it has been alleged that the Minnesota-Wisconsin price overstates the value of manufacturing milk because dual-intake plants (receiving both manufacturing grade and milk eligible for fluid markets) are included in the sample and Grade A proceeds are used to subsidize manufacturing grade milk operations. To provide the facts of the situation, special tabulations for 1970 and 1973 were made by the Statistical Reporting Service. Such tabulations show that Grade B plants paid slightly higher average prices for manufacturing grade milk than did dual-intake plants. Grade B plants in Minnesota paid an average of 2 cents more per hundredweight than dual-intake plants both in 1970 and 1973. In Wisconsin, Grade B plants paid an average of 5 cents more in 1970 and 1 cent more in 1973 than was paid for manufacturing grade milk at dual-intake plants. (The 1970 tabulations were entered into the hearing record, but both the 1970 and 1973 tabulations are shown in Supplement No. 1 to the April 14, 1974, issue of Agricultural Prices, official notice of which is taken.)

The allegations made on the record challenging the validity of the Minnesota-Wisconsin price series as a proper determinant of manufacturing milk values are unfounded. Moreover, because the Minnesota-Wisconsin price is a free market pay price resulting from competitive bidding among unregulated processors for milk for various manufacturing uses, it is the best measure available of changes in the value of milk for manufacturing.

The Minnesota-Wisconsin price is the sole basis (effective August 1, 1974) of pricing milk in the lowest price class under 48 of the 53 Federal milk orders in effect outside the northeastern markets. The 39-market uniform classification and pricing decisions (39 FR 8202 and 8452) adopted the Minnesota-Wisconsin price as the reserve milk price. These decisions provided a continuation of the Minnesota-Wisconsin price as the reserve milk price in 24 markets and expanded its use to 15 additional markets. The five markets, outside the Northeast, which use the Minnesota-Wisconsin price as an alternative price for reserve milk rather than the sole basis of pricing such milk are in the western part of the country; namely, Black Hills, Western Colorado, Inland Empire, Puget Sound and Oregon-Washington. Therefore, use of the Minnesota-Wisconsin price for reserve milk pricing in the northeastern markets would result in uniform pricing of virtually all reserve milk priced under Federal milk orders except for the Pacific Northwest States, since only a very small quantity of reserve milk is priced under the Black Hills and Western Colorado orders.

Use of the Minnesota-Wisconsin price will assure closer alignment of reserve milk prices between three-class use markets and two-class use markets. The Eastern Ohio-Western Pennsylvania, Ohio Valley and Southern Michigan orders provide an intermediate classification (Class II) for cream products, cottage cheese, yogurt, and milk disposed of to commercial food processors. A similar intermediate class of use is provided under the Indiana order as well as under the other Federal orders amended on the basis of the "39 market classification decision" (effective August 1974). The price for such intermediate class in these markets is the Minnesota-Wisconsin price plus 10 cents, except in the Southern Michigan market where it is 15 cents over the Class III price.

Under the two-class Boston Regional, Connecticut, New York-New Jersey, and Middle Atlantic orders, such product uses of milk are included in Class II. Consequently, adoption of the Minnesota-Wisconsin price as the lowest use class price in the northeastern markets will maintain greater parity of prices for milk used in cream products, cottage cheese, yogurt, or disposed of to a food processing establishment by handlers throughout the Federal order system.

With the trend toward intermarket sales of various milk products over increasingly wider areas, significant competitive inequities would result among handlers in the several markets, unless the prices for similar uses of milk are kept in close alignment.

When butter and nonfat dry milk values are extremely low relative to cheese as during the last three months of 1973, the orders appropriately should encourage the processing of reserve milk into the more remunerative manufacturing uses to assure that producers realize the returns available from such higher valued uses.

With bulk tank truck handling of milk and an improved highway system, it is feasible to channel milk supplies to those plants processing milk into the more remunerative products. The order pricing provisions should not interfere with such practice, since reserve milk supplies of about 12 billion pounds annually priced under the northeastern orders represent a very significant proportion of the nation's supply of milk.

The basic problem giving rise to the hearing was that the butter-powder price formula was establishing reserve milk prices in the eight markets substantially below the competitive market value of milk for similar uses in other Federal orders as well as prices being paid by unregulated processors of manufacturing grade milk. In this situation, processors of reserve milk in the eight markets had a substantially lower minimum cost of milk and thus higher gross margins were available to them than to certain of their competitors based outside the eight-market area. If such a situation were to continue for any substantial period of time, it could lead to a dislocation of normal production and processing patterns and disruption of normal efficient marketing channels as sales outlets for the various manufactured products are shifted among such competing suppliers because of differences in milk procurement costs.

If reserve milk prices were continued to be based on a product price formula minus a specified "processing margin" such as the present butter-powder price formula, the pool plant processing manufactured products at all times would have assurance of a predetermined minimum operating margin, regardless of current values being paid for ungraded milk on a competitive basis by unregulated processors. Under normal market conditions, such order plants are not faced with competition in procurement since the operation of the pool's equalization fund enables them to pay the uniform price rather than actual use value to producers. Nonregulated processors do not have this advantage. Rather they must pay whatever price is necessary to obtain milk supplies. It is essential, therefore, that to maintain competitive equality between regulated and unregulated processors of manufactured products, reserve milk prices under the orders be closely aligned with the farm prices paid by unregulated plants in the manufacturing industry.

Certain proponents urged that the reserve milk price reflect the supply balancing costs of cooperatives which result from irregular volumes of reserve milk processed at cooperative-owned manufacturing plants. In performing the balancing function of tailoring milk supplies to other handlers, a cooperative incurs various costs. These costs vary according to each handler's procurement practices receiving such service. A handler that regularly accepts the total production of a given number of producers incurs the cost of balancing. Conversely, in the case of a handler who orders from a cooperative exact quantities based on needs, the cooperative incurs the cost of balancing. Balancing costs, to a large degree, are related to the quantity of milk produced and the demand for Class I use. A substantial portion of the costs incurred in balancing is in serving the Class I market. Therefore, such costs appropriately should be reflected in a service charge to the handler receiving the balancing supply service and should not be reflected in a lower price to producers. The record indicates that cooperatives follow the practice of assessing a handling charge.

A reserve milk price based on the average of the Minnesota-Wisconsin and butter-powder formula prices would establish excessive weight in the formula on the value of milk used to produce butter and powder. This is because, as stated hereinbefore, the Minnesota-Wisconsin price reflects in part prices paid for milk used in the production of butter and nonfat dry milk.

As previously noted, various proprietary handlers and operating cooperatives in the Northeast proposed that the basis of pricing reserve milk should continue the "whichever is lower" concept. The continuance of this concept was necessary, they strongly urged, in order to accommodate the complete disposition of distress reserve milk supplies at times when the competitive pay prices for manufacturing grade milk are too high in relation to the market values of butter and powder.

Certain parties in their briefs contended that the dairy product price relationships which existed at the time of the hearing had changed substantially subsequent to the hearing. Those parties requested that in the event the Department should consider changing the pricing provisions for reserve milk on a long-term basis as a result of this hearing, that the hearing should be reopened to permit taking of additional evidence.

Official notice has been taken of the official price announcements of the Market Administrator of the New York-New Jersey Order No. 2 for the months of March through May 1974 by which these changing dairy product price relationships are demonstrated, and there would accordingly be no need to reopen the hearing to receive such evidence. Even though the dairy product price relationships have changed, the circumstances which prompted the hearing could arise again if the order were not appropriately amended. The problem of interorder price relationships and continuing alignment of Federal order reserve milk prices with unregulated manufacturing milk values can be assured only through the type of action herein taken.

Conceivably, market conditions could change for brief periods to an extent which warrant a lower price for certain uses of reserve milk. In such circumstances, the amendment hearing procedure offers an appropriate means of accommodating such exceptional market situations.

The reserve milk prices in the Boston Regional, Connecticut, Middle Atlantic and New York-New Jersey orders are adjusted seasonally. Generally, the amount of such adjustments range from a minus 12 cents in May to a plus 12 cents per hundredweight in the fall months; and, on an annual basis, the minus adjustments are offset by plus adjustments. The purpose of such adjustments is to encourage handlers to make milk more readily available for fluid use in the short production months and to facilitate the orderly disposition of excess reserve milk supplies in the flush production months.

Such seasonal adjustments provide some interregional price disparity; however, the record does not indicate that the seasonal adjustments have led to any interregional problems in marketing of the reserve milk supply.

Rulings on Proposed Findings and Conclusions

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

On the record of the hearing, separate motions were presented to the Administrative Law Judge that (1) the scope of the hearing be broadened to consider the proposed revision of all classification provisions of the orders, as well as to include the proposed revision of many additional Federal milk orders; and (2) the Department provide information during the hearing as to the identity, type of operation, and market outlet of products processed by plants handling manufacturing grade milk in the States of Minnesota and Wisconsin. The motions were denied.

In post-hearing briefs, it was requested that consideration be given to a reversal of the rulings.

The Administrative Law Judge's rulings have been reviewed in light of the arguments presented. The rulings, for the reasons stated by the Administrative Law Judge on the record, are hereby affirmed.

Requests were also contained in post-hearing briefs that the hearing be reopened for the taking of additional evidence. For the reasons heretofore stated, such requests are denied.

General Findings

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of each of the aforesaid orders, except Indiana, and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determination set forth herein.

The following findings are hereby made with respect to each of the aforesaid tentative marketing agreements and orders, except Indiana.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Recommended Marketing Agreement and Order Amending the Orders

The recommended marketing agreements are not included in this decision because the regulatory provisions thereof would be the same as those contained in the orders, as hereby proposed to be amended. The following order amending the orders as amended, regulating the handling of milk in the aforesaid marketing areas is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out.

PART 1001—MILK IN THE BOSTON REGIONAL MARKETING AREA

1. In § 1001.61 paragraph (b) is revised as follows:

§ 1001.61 Class prices.

* * * * * *

(b) *Class II price.* Subject to the adjustment set forth below for the applicable month, the Class II price shall be the basic formula price for the month.

Month:	Amount
January	+$0.03
February	+.02
March	−.05
April	−.09
May	−.12
June	−.11
July	+.03
August	+.10
September	+.06
October	+.06
November	+.06
December	+.06

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§ 1001.64 [Amended]

2. In § 1001.64, paragraph (j) is revoked.

PART 1002—MILK IN THE NEW YORK-NEW JERSEY MARKETING AREA

1. In § 1002.50a paragraph (c) is revised as follows:

§ 1002.50a Class prices.

• • • • •

(c) Subject to the adjustment set forth below for the applicable month, the Class II price shall be the basic formula price for the month.

Month:	Amount
January	+$0.03
February	+.02
March	−.05
April	−.09
May	−.12
June	−.11
July	+.03
August	+.10
September	+.06
October	+.06
November	+.06
December	+.06

2. In § 1002.70, paragraph (f) is revoked and the introductory text of the section is revised as follows:

§ 1002.70 Net pool obligation of handlers.

Each handler's net pool obligation for milk received at each plant and unit shall be computed separately pursuant to paragraphs (a) through (d) of this section and then combined into one total to be adjusted by any credit applicable pursuant to paragraph (e) of this section to determine the handler's total net pool obligation.

• • • • •

(f) [Revoked]

• • • • •

PART 1004—MILK IN THE MIDDLE ATLANTIC MARKETING AREA

1. In § 1004.50 paragraph (b) is revised as follows:

§ 1004.50 Class prices.

• • • • •

(b) *Class II price.* Subject to the adjustment set forth below for the applicable month, the Class II price shall be the basic formula price for the month.

Month:	Amount
January	+$0.05
February	+.04
March	−.03
April	−.07
May	−.10
June	−.09
July	+.05
August	+.12
September	+.08
October	+.08
November	+.08
December	+.08

§ 1004.60 [Amended]

2. In § 1004.60 paragraph (f) is revoked.

3. In § 1004.61 paragraph (b)(1)(i) is revised as follows:

§ 1004.61 Computation of weighted average price and uniform prices for base milk and excess milk.

• • • • •

(b) • • •

(1) • • •

(i) Multiply the quantity of such milk which does not exceed the total quantity of producer milk received by such handlers assigned to Class II milk by the Class II milk price less 5 cents;

PART 1015—MILK IN THE CONNECTICUT MARKETING AREA

1. In § 1015.61 paragraph (b) is revised as follows:

§ 1015.61 Class prices.

• • • • •

(b) *Class II price.* Subject to the adjustment set forth below for the applicable month, the Class II price shall be the basic formula price for the month.

Month:	Amount
January	+$0.088
February	+.078
March	+.008
April	−.032
May	−.062
June	−.052
July	+.088
August	+.158
September	+.118
October	+.118
November	+.118
December	+.118

2. In § 1015.63 paragraph (h) is revoked and paragraph (g) is revised as follows:

§ 1015.63 Value of each handler's fluid milk products.

• • • • •

(g) Add together the values resulting from the computations described in paragraphs (a) through (e) of this section and subtract therefrom the values resulting from the computations described in paragraph (f) of this section. The remainder shall be known as the value of fluid milk products.

(h) [Revoked]

• • • • •

PART 1033—MILK IN THE OHIO VALLEY MARKETING AREA

1. In § 1033.51 paragraph (c) is revised as follows:

§ 1033.51 Class prices.

• • • • •

(c) *Class III price.* The Class III price shall be the basic formula price for the month.

§ 1033.60 [Amended]

2. In § 1033.60 paragraph (h) is revoked.

PART 1036—MILK IN THE EASTERN OHIO-WESTERN PENNSYLVANIA MARKETING AREA

1. In § 1036.50 paragraph (c) is revised as follows:

§ 1036.50 Class prices.

• • • • •

(c) *Class III price.* The Class III price shall be the basic formula price for the month.

§ 1036.60 [Amended]

2. In § 1036.60 paragraph (f) is revoked.

PART 1040—MILK IN THE SOUTHERN MICHIGAN MARKETING AREA

1. In § 1040.50 paragraph (c) is revised as follows:

§ 1040.50 Class prices.

• • • • •

(c) *Class III price.* The Class III price shall be the basic formula price for the month.

§ 1040.60 [Amended]

2. In § 1040.60 paragraph (h) is revoked.

3. In § 1040.61 paragraph (d) is revised as follows:

§ 1040.61 Computation of uniform prices for base milk and excess milk (including uniform price and adjusted uniform price).

• • • • •

(d) The excess milk price which shall be the Class III price pursuant to § 1040.50(c).

Signed at Washington, D.C. on: June 21, 1974.

JOHN C. BLUM,
Associate Administrator.

[FR Doc.74-14640 Filed 6-25-74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 74-NE-8]

VOR FEDERAL AIRWAY

Proposed Extension

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would extend a VOR Federal Airway from Glens Falls, N.Y., to Lebanon, N.H.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, New England Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 12 New England Executive Park, Burlington, Mass. 01803. All communications received on or before July 26, 1974, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The proposed amendment would extend V-496 from Glens Falls, N.Y., direct to Lebanon, N.H. This proposed route would provide a shorter route between Glens Falls and Lebanon Airports, aid flight planning and improve air traffic control procedures.

This amendment is proposed under the authority of sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on June 19, 1974.

CHARLES H. NEWPOL,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.74-14672 Filed 6-25-74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

CALIFORNIA

Approval and Promulgation of State Implementation Plans

In the notice which follows, conditional approval is proposed for portions of the California Air Pollution Emergency Contingency Plan submitted to the Administrator by the State of California as part of its Implementation Plan for Achieving and Maintaining the National Ambient Air Quality Standards (California SIP).

BACKGROUND

On August 14, 1971, the Administrator promulgated regulations (originally designated 42 CFR 420.16, now designated 40 CFR 51.16) specifying minimum requirements for compliance with section 110(a)(2)(F)(v) of the Clean Air Act of 1970 (42 U.S.C. 1857c-5(a)(2)(F)(v)). These regulations required, as part of each State Air Quality Standards Implementation Plan (SIP), the establishment of an Air Pollution Emergency Episode Contingency Plan with at least two (2) stages for all Priority I and Priority II Air Quality Control Regions (AQCRs).

On October 23, 1971, 40 CFR 51.16 was amended to include in paragraph (a), specific concentrations of pollutants "which could cause significant harm to the health of persons." Each state's Air Pollution Emergency Episode Contingency Plan is required to prevent these concentrations from occurring. The section was amended again on August 3, 1973, by deleting paragraph (c), which had required the submittal of emission control action programs for each stationary source emitting 100 tons per year or more of any one pollutant. A further amendment of 40 CFR 51.16(a) was proposed on March 13, 1974. It calls for the deletion of the present three concurrent significant harm levels for photochemical oxidants and the substitution for them of the new level of 1200 micrograms per cubic meter (0.6 part per million), one-hour average.

The SIP originally submitted by the State of California on February 21, 1972, did not contain comprehensive air pollution emergency contingency plans for any of California's Priority I or II AQCRs. The California SIP was therefore legally deficient in that it did not fulfill the requirements of 40 CFR 51.16. Furthermore, none of the episode plans contained in the rules and regulations of individual Air Pollution Control Districts within the State of California adequately met the requirements of 40 CFR 51.16. The Administrator therefore, on May 31, 1972, disapproved the episode contingency plan portion of the California SIP, as originally submitted (40 CFR 52.231).

Since this disapproval, the State of California has been engaged in various studies and has solicited input from many sources with the goal of determining the most suitable structure for its episode program. Particular attention has been given to the problem of achieving control of emissions from motor vehicle sources during air pollution episodes. This work culminated on November 13, 1973, in the adoption by the State of California of a comprehensive Air Pollution Emergency Contingency Plan. This Plan sets forth requirements and guidelines for the development of detailed episode contingency plans by individual Air Pollution Control Districts (APCDs) within the State. Many APCDs have already adopted the rules needed to establish and implement episode programs to be in keeping with the State Plan.

On February 6, 1974, the State of California submitted its comprehensive Air Pollution Emergency Contingency Plan to the Administrator as Chapter 4 of Revision 4 to the California SIP. The regulations proposed below address this proposed Contingency Plan.

The effect of these proposed regulations will be to grant conditional approval of the episode plan described in Revision 4 of the State Implementation Plan. This conditional approval will transfer to the State of California the responsibility for CO and oxidant episode response in the San Francisco Bay Area, Metropolitan Los Angeles and San Diego Intrastate Air Quality Control Regions and for sulfur dioxide episode response in the San Francisco Bay Area and Metropolitan Los Angeles Intrastate Air Quality Control Regions. The Plan is disapproved for all other Priority I and II regions in the State.

The conditions set forth are presented in the form of a compliance schedule. The State is asked to correct several technical deficiencies by September 15, 1974, and required submissions of APCD rules, state procedures for air episodes under the Peacetime Emergency Plan, and improved procedures for interdistrict coordination by November 30, 1974.

PUBLIC PARTICIPATION

Copies of California's proposed Air Pollution Emergency Contingency Plan are available for public inspection during normal working hours at EPA, Region IX, 100 California Street, San Francisco, California 94111 and at EPA, Region IX, Los Angeles Contact Office, Room 2037, 300 North Los Angeles Street, Los Angeles, California 90012.

Interested persons may participate in this rulemaking by submitting written comments, preferably in triplicate, to the Regional Administrator, Environmental Protection Agency, Region IX, 100 California Street, San Francisco, California 94111. The relevant comments received on or before July 1, 1974, will be considered. Receipt of comments will be acknowledged. Comments received will be available for inspection during normal working hours at the Region IX Office in San Francisco. All relevant matter will be evaluated and the Agency will incorporate in the rules adopted a concise general statement of their basis and purpose (section 110(a) of the Clean Air Act, as amended (42 U.S.C. 1857c-5(a))).

Dated: June 21, 1974.

PAUL DEFALCO, JR.,
Regional Administrator, Region IX.

Part 52 of Chapter I of Title 40 of the Code of Federal Regulations is amended as follows:

Section 52.231 is revised to read as follows:

§ 52.231 Prevention of Air Pollution Emergency Episodes.

(a) *Conditional Approvals.* The California Air Pollution Emergency Plan is approved for the pollutants and Air Quality Control Regions (AQCRs) listed in paragraph (1), subject to the conditions of approval listed in paragraphs (2) and (3):

(1) Pollutants and AQCRs for which the Plan is conditionally approved:

(i) *Photochemical oxidants.* The Plan is conditionally approved for this pollutant in:

(A) San Francisco Bay Area AQCR.
(B) Metropolitan Los Angeles AQCR.
(C) San Diego AQCR.

(ii) *Carbon monoxide.* The Plan is conditionally approved for this pollutant in:

(A) San Francisco Bay Area AQCR.
(B) Metropolitan Los Angeles AQCR.
(C) San Diego AQCR.

(iii) *Sulfur dioxide.* The Plan is conditionally approved for this pollutant in:

(A) San Francisco Bay Area AQCR.
(B) Metropolitan Los Angeles AQCR.

(2) Changes in the Plan are required to correct technical deficiencies. The Plan must be revised by September 6, 1974, to state:

(i) That one of its purposes is to prevent the occurrence of any pollutant concentration specified in 40 CFR 51.16(a), which concentrations "could cause sig-

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nificant harm to the health of persons."

(ii) That procedures for implementing each control measure listed for consideration at Stage III have been developed; these procedures are to be appended to the revised plan.

(iii) That whenever a criterion for Stage III is reached or is predicted to be reached the following actions be taken:

(A) Stage III shall be declared and a public announcement of this fact shall be made.

(B) Stage III control measures shall be placed in effect.

(iv) That the geographical extent of episode control measures shall be in keeping with the actual sources or source areas contributing to the episode conditions and that the procedures for interdistrict coordination adopted by Basinwide Coordinating Councils shall be in keeping with this requirement.

(v) That meteorological information will be acquired at least daily under nonepisode conditions, and at least every twelve hours under episode conditions.

(vi) That sources subject to episode control will be inspected during episodes to ascertain compliance.

(3) The following conditions must also be met:

(i) The Air Pollution Control Board of each District covered by the Plan shall adopt by November 29, 1974, all rules necessary to comply with the Plan.

(ii) The Coordinating Council for each Air Basin covered by the Plan shall adopt by November 29, 1974, procedures for interdistrict coordination of emergency action as called for in the Plan. These procedures shall be adequate to ensure that all sources and source areas that will be or are contributing to an episode and are located anywhere within the Basin will be controlled to the extent necessary to prevent a predicted episode and to abate an ongoing episode. Furthermore, the Board of each District covered by the Plan shall adopt a rule by January 31, 1975, requiring the District to comply with all procedures for interdistrict coordination adopted by any Basinwide Coordinating Councils of which the District is a member.

(iii) The State of California shall by November 29, 1974, adopt as part of its Peacetime Emergency Plan, all regulations with regard to Air Pollution Emergency Episodes necessary for the Plan to be carried out as written.

(b) *Disapprovals.* (1) Pollutants and pollutant combinations for which the Plan is disapproved on the grounds that the Plan does not cover the pollutant or pollutant combination, and:

(i) In the case of single pollutants, there is at least one AQCR which is Priority I or II for the pollutant:

(A) Particulate matter, and

(B) Nitrogen dioxide;

(ii) In the case of combinations of pollutants, there is at least one AQCR which is Priority I or II for one or more of the pollutants in the pollutant combination: sulfur dioxide and particulate matter combined.

(2) AQCRs for which the Plan is disapproved on the grounds that the AQCR is omitted from coverage by the Plan even though it is Priority I or II for one or more pollutants: North Coast AQCR.

(3) AQCRs for which the Plan is disapproved on the grounds that the Plan does not cover the entire AQCR, and no justification has been given by the State of California for such incomplete coverage:

(i) *North Central Coast AQCR.* The following county in this region has been omitted from coverage:

San Benito County.

(ii) *San Joaquin Valley AQCR.* The following counties in this region have been omitted from coverage:

(A) Amador,
(B) Calaveras, and
(C) Mariposa.

(iii) *Southeast Desert AQCR.* The Southeast Desert portions of the following counties have been omitted from coverage:

(A) Riverside,
(B) San Bernardino,
(C) Los Angeles, and
(D) Imperial (entire county).

(iv) *Sacramento Valley AQCR.* The following counties in this region have been omitted from coverage:

(A) Butte,
(B) Colusa,
(C) El Dorado,
(D) Glenn,
(E) Nevada,
(F) Placer,
(G) Plumas,
(H) Shasta,
(I) Sierra,
(J) Sutter,
(K) Tehama, and
(L) Yuba.

(c) *Procedures for Removing Disapprovals.* (1) In cases where the Plan has been disapproved on the grounds that it does not cover a Priority I or II AQCR in its entirety, the disapproval may be removed in one of two ways:

(i) The California Air Pollution Emergency Contingency Plan may be amended to include the omitted areas, or

(ii) The State of California may justify exclusion of these areas by submitting to the Administrator data demonstrating that these areas will neither:

(A) Experience episode concentrations of air pollutants for which the AQCR in which it is located is Priority I or II, nor

(B) Emit contaminants contributing to episode conditions in other areas within the AQCR.

(2) In cases where the Plan has been disapproved on the grounds that it does not cover a pollutant or pollutant combination for which "significant harm levels" have been established (in 40 CFR 51.16(a)), the disapproval may only be removed by means of the following procedures:

(i) In the case of an omitted pollutant combination, episode criteria shall be established for that combination and coverage shall be extended to that combination in all AQCRs which are Priority I or II for one or more pollutants in the combination.

(ii) In the case of an omitted single pollutant, episode criteria shall be established for that pollutant and coverage shall be extended to that pollutant in all AQCRs which are Priority I or II for this pollutant. Portions of such AQCRs may, however, be exempted from coverage if the procedure specified in (c) (i) (ii) is followed for each exempted area.

[FR Doc.74-14657 Filed 6-25-74;8:45 am]

VETERANS ADMINISTRATION

[38 CFR Part 3]

SUBSISTENCE ALLOWANCE PAYMENT TO DISABLED VETERANS

Revocation of Obsolete Provision

The Administrator of Veterans' Affairs proposes to revoke a regulatory provision relating to payment of subsistence allowance to veterans in training under chapter 31 of title 38, United States Code, which was made obsolete by Pub. L. 92-540 (86 Stat. 1074).

Prior to enactment of Pub. L. 92-540, section 1504(b) of title 38, United States Code, provided for payment of additional subsistence allowance for dependents in excess of two only if the veteran was not entitled to additional disability compensation for dependents. Section 315 of title 38, United States Code, provides for payment of additional disability compensation for dependents to veterans rated 50 percent or more disabled. Under these provisions a veteran with more than two dependents who was rated less than 50 percent disabled and was training under chapter 31 was not entitled to additional compensation but was entitled to additional subsistence allowance for all dependents. Under the same circumstances a veteran rated 50 percent or more disabled would receive additional disability compensation for all dependents but could receive additional subsistence allowance for only two dependents. Pub. L. 92-540 amended section 1504(b), effective October 1, 1972, to eliminate the limitation on the number of dependents for whom additional subsistence allowance could be paid concurrently with additional disability compensation.

Section 3.670, Title 38, Code of Federal Regulations, currently provides that payment of additional disability compensation for dependents will be subject to payments of increased subsistence allowance paid over the same period for dependents in excess of two. Since Public Law 92-540 deleted the limitation on concurrent payments for dependents, this provision is no longer applicable. It is proposed to cancel this regulatory provision as of the effective date of the amendment to section 1504(b), title 38, United States Code.

A minor editorial change, unrelated to the substantive change to § 3.670 is made in § 3.669(a) to reflect a prior amendment to § 3.905 authorizing the Adjudication Officer in the Manila Regional Office to make final determination in forfeiture cases. A further editorial change is made in § 3.669(c) to reflect agency policy of using specific words denoting gender.

Interested persons are invited to submit written comments, suggestions, or

objections regarding the proposal to the Administrator of Veterans' Affairs (27H), Veterans Administration, 810 Vermont Avenue, NW., Washington, D.C. 20420. All relevant material received before July 26, 1974, will be considered. All written comments received will be available for public inspection at the above address only between the hours of 8 a.m. and 4:30 p.m. Monday through Friday (except holidays), during the mentioned 30-day period and for 10 days thereafter. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Assistance Unit in room 132. Such visitors to any field station will be informed that the records are available for inspection only in Central Office and furnished the address and the above room number.

Notice is given that the proposed cancellation of § 3.670 would be effective October 1, 1972, and the amendment of § 3.669(a) effective April 12, 1974.

1. In § 3.669, paragraphs (a) and (c) are amended to read as follows:

§ 3.669 Forfeiture.

(a) *General.* Upon receipt of notice from a Chief Attorney or the Adjudication Officer in the Manila Regional Office that a case is being formally submitted for consideration of forfeiture of a payee's rights or that the payee has been indicted for subversive activities, payments will be suspended effective date of last payment.

* * * * *

(c) *Subversive activities.* If the payee is acquitted of the charge, payments will be resumed from date of last payment, if otherwise in order. If the payee is convicted, benefits will be discontinued effective the commencing date of the award or the day preceding the commission of the act resulting in the forfeiture, whichever is later.

* * * * *

§ 3.670 [Revoked]

2. Section 3.670, Subsistence allowance, is revoked and the cross reference immediately following this section is deleted.

Approved: June 19, 1974.

By direction of the Administrator.

[SEAL] R. L. ROUDEBUSH,
Deputy Administrator.

[FR Doc.74-14566 Filed 6-25-74;8:45 am]

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notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 74-7]

NATIONAL ORGANIZATION FOR THE REFORM OF MARIJUANA LAWS, ET AL.

Notice of Proposed Hearing

On January 15, 1974, the United States Court of Appeals for the District of Columbia Circuit filed an opinion and entered a judgment in No. 72-1854, The National Organization for the Reform of Marijuana Laws (NORML), The Institute for the Study of Health and Society, The American Public Health Association, Petitioners v. John E. Ingersoll, Director Bureau of Narcotics and Dangerous Drugs, United States Department of Justice, Respondent.[1] Notice of the opinion and judgment, which remanded the case for further proceedings, was forwarded by the court to the respondent on February 6, 1974.

Pursuant to the terms of the remand, the Administrator of the Drug Enforcement Administration directed that a letter of inquiry be forwarded to the Department of State. Accordingly on May 23, 1974, the following letter was addressed to Charles I. Bevans, Assistant Legal Adviser, Department of State, by Donald E. Miller, Chief Counsel, Drug Enforcement Administration:

UNITED STATES DEPARTMENT OF JUSTICE

DRUG ENFORCEMENT ADMINISTRATION

Mr. Charles I. Bevans
Assistant Legal Adviser
Room 5420
Department of State
Washington, D.C. 20520

MAY 23, 1974.

Dear Mr. Bevans: On January 15, 1974, the United States Court of Appeals for the District of Columbia Circuit filed an opinion and entered a judgment in The National Organization for the Reform of Marijuana Laws (NORML), The Institute for the Study of Health and Society, The American Public Health Association, Petitioners v. John E. Ingersoll, Director, Bureau of Narcotics & Dangerous Drugs, United States Department of Justice, Respondent. Notice of the opinion and judgment, which remanded the case for further proceedings, were forwarded by the court to the respondent on February 6, 1974. The record of the case shows that on May 18, 1972, the petitioners filed a rule making petition with the Bureau of Narcotics and Dangerous Drugs (a predecessor agency of the Drug Enforcement Administration). That petition requested that respondent remove marihuana from control under the Controlled Substances Act (21 U.S.C. 801 et seq.) or in the alternative transfer marihuana to Schedule V of the Act. The petition was not accepted for filing by the respondent on the principal ground that the United States has agreed to certain international obligations as to marihuana under the Single Convention on Narcotic Drugs, 1961 (18 UST 1407) and that section 201(d) of the Act (21 U.S.C. 811(d) provides:

"• • • If control [of a particular drug] is required by the United States obligations under international treaties, conventions, or protocols • • • the Attorney General shall issue an order controlling such drug under the schedule he deems most appropriate to carry out such obligations, without regard to the findings required by subsection (a) of this section or section 202(b) and without regard to the procedures prescribed by subsections (a) and (b) of this section".

Section 202(b) sets forth the findings which must be made to place a drug, not controlled under an international treaty to which the United States is a party, in one of the five schedules established by the Act. Subsections (a) and (b) of section 201 establish the method by which the Attorney General may add or transfer a drug, not controlled under an international treaty to which the United States is a party, between schedules or remove it altogether if certain findings are made as to the drug and the Secretary of Health, Education, and Welfare concurs.

The decision remanding the case noted, "it would seem appropriate for the court to have the benefit of the views of sources in the State Department and the international organizations involved". The requested views relate to the issue of the correctness of the original placement by Congress of marihuana in Schedule I and the subsequent affirmation of that placement by the Attorney General. In resolving the issue of correctness the court asks that the Department of Justice consider whether the present placement of marihuana is consistent with United States obligations under the Single Convention or whether the Convention permits some lesser control under the Controlled Substances Act, or removal from all control of the Act.

In forwarding the request of the court to the Department of State we note that there has been at all times the closest working relationship between the Department of State and the Drug Enforcement Administration (and its predecessor agencies) in the drafting and implementation of the Single Convention. The former Chief Counsel of the Bureau of Narcotics, Alfred L. Tennyson, worked with you and participated at every stage of the drafting of the Convention until his retirement in 1961. His successor, Carl DeBaggio, was a member of the United States delegation at the Plenipotentiary Conference to Adopt the Single Convention and along with you participated extensively in the discussions leading to its adoption. As an attorney in the Bureau of Narcotics and as Chief Counsel of the Bureau of Narcotics and Dangerous Drugs and later as Chief Counsel of the Drug Enforcement Administration, I have worked with you many times in matters concerning the Single Convention since 1959. Specifically, we participated in drafting Amendments to the Single Convention in 1972, and I was an alternate United States representative to the Plenipotentiary Conference.

The purpose in setting forth in this letter the involvement of the Drug Enforcement Administration and its predecessor agencies in the conception and implementation of the Single Convention is to indicate why we believe we have been aware at all times of the international obligations imposed on the United States by virtue of the Convention and have acted accordingly. I might add that I was the senior supervisory attorney in charge of drafting the Comprehensive Drug Abuse Prevention and Control Act of 1970 and its implementing regulations.

We welcome the opportunity provided by the court to receive the views of the Department of State in this matter. Enclosed is a copy of the court's opinion in The National Organization for the Reform of Marijuana Laws (NCRML) et al, Petitioners v. John E. Ingersoll, Director, Bureau of Narcotics & Dangerous Drugs, United States Department of Justice, Respondent. It is respectfully requested that the Department of State reply directly to me on behalf of the Drug Enforcement Administration so that we may proceed under the remand.

Sincerely,

DONALD E. MILLER,
Chief Counsel.

Enclosure.

Mr. Bevans responded for the Department of State by the following letter dated June 11, 1974:

DEPARTMENT OF STATE,
Washington, D.C. 20520
JUNE 11, 1974.

Mr. Donald E. Miller,
Chief Counsel,
Drug Enforcement Administration,
United States Department of Justice,
Washington, D.C. 20537

Dear Mr. Miller: In your letter of May 23, 1974 you request the views of the Department of State regarding certain matters mentioned in the opinion filed and judgment entered on January 15, 1974 by the United States Court of Appeals for the District of Columbia in The National Organization for the Reform of Marijuana Laws (NORML). The Institute for the Study of Health and Society, The American Public Health Association, Petitioners v. John E. Ingersoll, Director, Bureau of Narcotics & Dangerous Drugs, United States Department of Justice, Respondent.

You state in your letter that notice of the opinion and judgment, which remanded the case for further proceedings, were forwarded by the court to the respondent on February 6, 1974.

You also state in your letter that:

"The record of the case shows that on May 18, 1972, the petitioners filed a rule making petition with the Bureau of Narcotics & Dangerous Drugs (a predecessor agency of the Drug Enforcement Administration). That petition requested that respondent remove marihuana from control under the Controlled Substances Act (21 U.S.C. 801 et seq.) or in the alternative transfer marihuana to Schedule V of the Act. The petition was not accepted for filing by the respondent on the principal ground that the United States has agreed to certain international obligations as to marihuana under the Single Convention on Narcotic Drugs, 1961 (18 UST 1407) and that section 201(d) of the Act (21 U.S.C. 811(d)) provide 'if control [of a particular drug] is required by the United States obligations under international treaties, conventions, or protocols • • • the Attorney General shall issue an order controlling such drug under the schedule he deems most appropriate to carry out such obligations, without regard to the findings required by subsection (a) of this section or section 202(b) and without regard to the procedures prescribed by subsections (a) and (b) of this section'. Section 202(b) sets forth the findings which must be made to place a drug, not controlled under an international treaty to which the United States is a party, in one of the five schedules established by the Act. Subsections (a) and (b) of Section 201 establish the method by which the Attorney General may add or transfer a drug, not controlled under an international treaty to which the United States is a party, between schedules or remove it although if certain findings are made as to the drug and the Secretary of Health, Education, and Welfare concurs.

"The decision remanding the case noted, 'it would seem appropriate for the court to have the benefit of the views of sources in the State Department and the international organizations involved'. The requested views relate to the issue of the correctness of the original placement by Congress of marihuana in Schedule I and the subsequent affirmation of that placement by the Attorney General. In resolving the issue of correctness the court asks that the Department of Justice consider whether the present placement of marihuana is consistent with United States obligations under the Single Convention or whether the Convention permits some lesser control under the Controlled Substances Act, or removal from all control of the Act."

The Department of State is vitally interested in the effective enforcement of all the international obligations undertaken by the United States under the Single Convention on Narcotic Drugs, to which the United States became a party on June 24, 1967, and continues to be a party. The United States gave its consent to be bound by the Single Convention without any reservations or conditions and, accordingly, undertook to abide by all the obligations of that Convention.

Under United States law the leaves of the marihuana plant, which is a member of the cannabis plant family, are controlled the same as the flowering tops, while under the Convention the flowering tops are subjected to the most rigid controls specified therein but the leaves are subject only to the general requirement of preventing the misuse of, and illicit traffic in, the leaves of the cannabis plant. Another factor that may have some bearing upon the issue involved is the fact that marihuana is a relatively localized expression, confined almost exclusively to the American continent and that many references to it seem to assume that only the leaves are involved.

Under the Controlled Substances Act (21 U.S.C. § 801 *et seq.*) marihuana is defined as follows:

"(15) The term 'marihuana' means all parts of the plant Cannabis sativa L., whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds or resin. Such term does not include the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture, or preparation of such mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of such plant which is incapable of germination." (21 United States Code 803)

Under the Controlled Substances Act, marihuana as defined in that Act is placed in Schedule I therein. It is under that Schedule that the most rigid controls are applied.

In the Single Convention on Narcotic Drugs, cannabis and cannabis resin are subjected to specific rigid controls as drugs in Schedule I annexed to the Convention. Those two drugs and the cannabis plant are defined as follows in Article I of the Convention:

"(b) 'Cannabis' means the flowering or fruiting tops of the cannabis plant (excluding the seeds and leaves when not accompanied by the tops) from which the resin has not been extracted, by whatever name they may be designated.

"(c) 'Cannabis plant' means any plant of the genus cannabis.

"(d) 'Cannabis resin' means the separated resin, whether crude or purified, obtained from the cannabis plant."

As the result of these definitions and the inclusion of "cannabis and cannabis resin and extracts and tinctures of cannabis" in Schedule I of the Single Convention, those drugs are subject under paragraph 1 of Article 2 to all measures of control applicable to drugs in that Convention and in particular those prescribed in specified articles: Article 4(c)—to limit exclusively to medical and scientific purposes the production, manufacture, export, import distribution of trade in, use and possession of drugs; Article 19—annual estimates to be furnished to the International Narcotics Control Board (INCB) of quantities to be consumed for medical and scientific purposes, to be utilized for the manufacture of other drugs and preparations, and the stocks of the drugs on December 31 of the year; Article 20—yearly statistical returns to the INCB on production, utilization for manufacturing other drugs, consumption, seizures and stocks on hand, and quarterly returns on import and export; Article 21—limitation of manufacture and importation; Article 29—requirement that manufacture of drugs be under license and other controls; Article 30—measures of control on trade in and distribution; Article 31—international trade, including use of import and export authorizations; Article 32—carriage of drugs in first-aid kits of ships and aircraft engaged in international traffic; Article 33—possession only under legal authority; Article 34—measures of supervision and inspection, and Article 37—seizure and confiscation.

The drug cannabis and cannabis resin are also included in Schedule IV of the Single Convention along with the drugs heroin, desomorphine and ketobemidone and each of those drugs are controlled under Schedule I of the Controlled Substances Act. Paragraph 5 of Article 2 provides that the drugs in Schedule IV shall also be included in Schedule I and subject to all measures of control applicable to drugs in Schedule I, and in addition thereto other special measures which, in the opinion of the party, should be adopted.

On the other hand, cannabis leaves (marihuana leaves), not being included in any of the Schedules to the Single Convention as a drug, are subject only to the requirements of Article 28, particularly paragraph 3, which reads as follows:

"3. The Parties shall adopt such measures as may be necessary to prevent the misuse of, and illicit traffic in, the leaves of the cannabis plant."

The provision regarding measures necessary to prevent the misuse of the leaves is not elaborated upon by any other provision of the convention. It appears to be dependent solely upon a judgment in good faith of the party concerned as to what constitutes misuse. With respect to illicit traffic in the leaves, the Convention does not specify any particular measures that are to be adopted in preventing such traffic. However, the concept of illicit traffic appears to be more specific than the concept of misuse and the obligation is absolute that whatever measures are necessary shall be adopted.

A determination of the measures to be adopted to prevent illicit traffic in the leaves must take into account the fact that leaves are frequently mixed with substances that are controlled under the Convention as drugs, such as the fruiting or flowering tops that contain resin, or resin spearately mixed with the leaves. Further, the active ingredient contained in the leaves is Tetrahydrocannabinol which was placed in Schedule I of the Controlled Substances Act by Congress.

Marihuana is in many cases mistakenly understood as meaning only the leaves of the marihuana plant and, in view of an apparent widespread belief that the leaves are relatively harmless, the impression often exists that marihuana is at the bottom of the scale in the potency or harmful effects of the cannabis plant or its products. Hashish is often spoked of as being at the top of the scale in potency when compared with marihuana. This is reflected in the following statement made on page 11 of a report entitled "Cannabis a Report of the Commission of Inquiry into the Non-Medical Use of Drugs", issued by the Government of Canada in 1972:

"*The Identity and History of Cannabis.* Marihuana and hashish come from *Cannabis sativa L.*,[b] an herbaceous annaul plant often called 'Indian Hemp', which readily grows wild or is cultivated in most of the tropical and temperate areas of the world including Canada. Cannabis is one of the man's oldest cultivated non-food plants and is thought to have originated in Asia.[3&6] Although many varieties with somewhat different physical and chemical characteristics are often distinguished, most botanists consider these to be members of a single species. Some confusion has been caused by the botanically incorrect use of the word *hemp* in referring to the commercial fibres obtained from a variety of other fibre-producing plants.[c] In this report, *hemp* is taken to mean 'true hemp' or *Cannabis sativa*. Cannabis is closely related to *Humulus*, the genus of the hop plant.

"What is commonly referred to as *marijuana* (often called 'grass', 'pot', 'weed(s)', 'bush', 'tea', 'reefer', 'boo', 'Mary Jane' or the more general 'dope' or 'shit') in North America, is usually a mixture of crushed cannabis leaves, flowers, and other small twigs, and may vary considerably in potency from one sample to another. Similar preparations are known as *bhang* (the more potent and carefully prepared flowering tops as *ganja*) in India, *kief* in Morocco, and *dagga* in southern Africa. In Jamaica, *ganja*

[1] Subsequent to the filing of the petition in this matter, the Bureau of Narcotics and Dangerous Drugs, including the office of Director thereof, was abolished by Reorganization Plan No. 2 of 1973, effective July 1, 1973. The plan created the Drug Enforcement Administration headed by an Administrator within the Department of Justice. The Drug Enforcement Administration assumed all functions and responsibilities previously assigned to the Bureau of Narcotics and Dangerous Drugs (38 FR 15932).

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may refer generally to marijuana. The plant produces a resin which, in relatively pure form, is called hashish ('hash') in the West and much of the Middle East, and *charas* in India. Hashish is usually prepared by shaking, pressing or scraping the amber resin from the plant, although solvent techniques might be used. In general, hashish is several times as potent on a weight basis as marijuana, although this is not always the case. The label *hashish* has sometimes been applied to special flower and leaf preparations of the plant, as well as to the resin, although this broad use of the term is now uncommon except in parts of Egypt. In addition to these common forms of cannabis, concentrated extract is available in some countries in an alcohol solution (tincture of cannabis) designed for medical or research purposes, and several of the cannabinoid compounds present in the natural plant material and related synthetics are available in relatively pure form for research. Tetrahydrocannabinol (THC), the principal active compound, is rarely, if ever, available on the 'black market'. In this report, the general term *cannabis* will be taken to cover all the various forms of hemp drugs (marijuana, hashish, THC, etc.). • • •

"There are several hypotheses regarding the etymology of the word *marijuana* or *marihuana*. Many believe it derives from the Mexican name for 'Mary Jane', or 'Mary and Jane', (*Maria y Juana*). Others have suggested that it is related to *mariguano* (a Mexican-Spanish work for intoxicant), or its linguistic relative maraguango (a Panamanian provincialism). Numerous other derivations of *marijuana* have also been proposed.[4]

"The genus *Cannabis sativa* was initially proposed by the botanist Linnaeus in 1753, although the word *cannabis* derives from far earlier vernacular and scientific usage. The ancient Assyrians, for example, named the plant *Quonoubou Qunnavu*, while the Hebrews called it *Qanneb*, the Arabs *Qannob*, the Persians *Quonnab*, the Celts *Quannab*, and the Greeks *Kannabis*,[5a] all of which are synonymous with the English term '*hemp*'. (See also the following note.)

"'True" hemp (*Cannabis sativa*) is sometimes confused with a variety of other commercial fibre-producing plants, among these: manilla hemp (abaca fibre), sisal hemp (agave sisalana), New Zealand hemp (phormium), Mauritius hemp, henequen (agave rigida elongata), all of which are leaf fibres. Fibres obtained from the stalks of plants are called blast fibres and include: "true" hemp, jute, flax, ramie, sunn ('hemp'), kenaf, urena and nettle. Cannabis is also not to be confused with "Canadian Hemp" (*apocynum cannabinum*) or other members of the general families *Cannabaceae* or *Daliscaceae*. Only *Cannabis sativa* contains cannabinoids.

[4] Other hypotheses regarding the etymology of marijuana include the Mexican *mariiguana* (referring to the ritual use of an iguana in some traditional cannabis-smoking ceremonies). It is also possible that *marijuana* may have originally referred, in Mexico to a low grade of wild tobacco (*nicotiana glauca*) or is derived from the Indian word *malihua* meaning prisoner, thus expressing the idea that cannabis takes possession of an individual and makes him a prisoner of it. It is certain, however, that the word *marijuana* has been used in North America to describe a cannabis preparation since the drug was first introduced to the United States and Canada.

References

[5a] Schultes, R. E. Random thoughts and queries on the botany of cannabis. In C.R.B. Joyce, and S. H. Curry (Eds.), *The botany and chemistry of cannabis*. London: J. & A. Churchill, 1970. Pp. 11–39.

In the Second Annual Report to Congress from the Secretary of Health, Education and Welfare on the subject of Marihuana and Health, 1972 the following statements are made:

"*Cannabis sativa*, the plant from which all varieties of cannabis from marihuana to hashish are derived, grows and is used throughout much of the world (Page 13)."

"Again it should be emphasized that what is termed marihuana varies greatly in potency from place to place and from time to time even in the same area. That which is sold in the United States is extremely variable ranging from psychoactively inert at the one extreme to hallucinogenic in large doses at the other. The type of marihuana generally available in the United States tends to be considerably less potent than that found in South American countries and in other parts of the world • • •.

"In the past year there has been a greater tendency for lay as well as scientific discussions, to take into account such essential factors as potency, frequency of use and quantity in discussing marihuana effects (Pages 14–15)."

"There seems to be general agreement that the material called marihuana in North America comes from a single species, '*Cannabis sativa L.*' However, analytical studies have revealed so many morphological and chemical differences among plants grown from seeds of different varieties that it is probable that the species has not yet stabilized. Marihuana consists of a dried mixture of crushed leaves and flowering tops (with or without the inclusion of stems and seeds) of the Indian hemp plant (Page 134)."

In the Third Draft, which was the basic working document considered in the formulation of the Single Convention on Narcotic Drugs by the United Nations Conference New York 24 January–25 March 1961 for the adoption of such a convention, the leaves of the cannabis plant were included in a definition of the drug cannabis. An expert *Ad Hoc* Committee appointed by that Conference was requested to recommend a definition of that drug.

The question whether the leaves of the cannabis plant should be included in the definition of the drug cannabis, and the extent of the controls that should be placed upon the cannabis plants and drugs derived from them, were among the most discussed matters in the Conference. In the course of that discussion the representative of Japan stated with respect to the leaves that:

"• • • In its report (E/CONF. 34/11), the technical committee had defined cannabis as the leaves or flowering or fruiting tops of the cannabis plant. That definition had been confirmed in the Australian delegation's paper (E/CONF. 34/L. 14), which stated that it would be difficult to imagine a definition of cannabis which did not mention the leaves of the plant. In the view of the Japanese delegation, the opinion of the Expert Committee should be taken into full account.

"Yet, according to the ad hoc committee's recommendation and to the drafting committee's re-draft, cannabis leaves would be subject to less severe measures of control, since they were no longer mentioned in the definition of cannabis. The leaves which were in the upper part of the plant were so close to the flowering or fruiting tops that they were apt not to be recognized. The tops to which leaves remained attached might be used unlawfully. Moreover, while it was possible to separate the leaves from the tops in a laboratory, such a task was hardly within the scope of the control authorities. Control measures affecting the tops containing leaves would thus be impeded if the leaves were not also subject to effective control." (Official Records, Volume I, Summary Records of Plenary Proceedings. Thirty-fourth plenary meeting, p. 154, United Nations Conference for the Adoption of a Single Convention on Narcotic Drugs, New York—24 January–25 March 1961.)

The foregoing statements regarding the general character of the marihuana and other cannabis plants, particularly with respect to the practice of mixing the flowering or fruiting tops, cannabis resin (sometimes referred to as *hashish*), or a concentrated cannabis extract with the leaves seem to present a serious problem of determining whether one level of control can be applied to the leaves alone and another level of control can be applied to the leaves when other more potent substances are mixed with them, which at the present time seems to be impossible except in a laboratory.

The Department of State accordingly considers that under the Controlled Substances Act marihuana leaves should continue to be treated as controlled substances under that Act in order that the United States will fulfill its international obligations under the Single Convention on Narcotic Drugs, 1961, particularly to prevent illicit traffic in the leaves and especially to avoid violation of the provisions of that Convention where the flowering tops or cannabis resin is mixed with the leaves.

The Court requested the respondent, on remand, to supply findings that will sharpen and clarify the issue whether control under Schedules I and II is required as to the flowers of the marihuana plant. As stated above, the flowers (flowering or fruiting tops) of the cannabis plant from which the resin has not been removed are defined as "cannabis", and "cannabis resin" and "extracts and tinctures of cannabis" are included as drugs in Schedule I of the Single Convention. The inclusion of those substances as drugs in Schedule I of the Convention makes them subject to certain controls which could not be applied to them in the United States under the present law if they were placed in any schedule other than Schedule I or II of the Controlled Substances Act. It would be impossible, for example, for the Attorney General to determine the total quantities and establish production quotas for marihuana under section 306 of the Act if it were placed in Schedule III, IV, or V of the Act, and the United States would be unable to comply with the requirements of Article 19 of the Single Convention with respect to annual estimates to be made to the INCB with respect to marihuana and the requirements of Article 20 regarding statistical returns required to be made yearly.

The seriousness of the international situation with respect to illicit traffic in substances derived from the marihuana plant and other members of the cannabis plant family is reflected in the following statements made in the Report for 1973 of the International Narcotics Control Board (the control organ under the Single Convention) (Summary), to the United Nations Economic and Social Council (E/5456, 22 February 1974):

"11. The Board notes in its report that cannabis continues to be the most prevalent drug in the illicit traffic. While there have been many seizures of substantial quantities of cannabis in 1973, the stream of the drug from countries where it is grown to countries where it is consumed has apparently not significantly diminished. The problem is exacerbated by the appearance of stronger concentrated forms which are easier to transport and are more potentially dangerous to the user. The Board is encouraged by the increase in basic research on cannabis, and calls for further studies on the effects of long-term consumption."

The full text of the statement made by the Board regarding cannabis is enclosed. There is also enclosed a copy of Resolution 1659 (LII) adopted by the United Nations Economic and Social Council on June 1, 1972 regarding the abuse of cannabis and multiple drug abuse, and the need to ensure strict control and to continue medical and social research.

For over 60 years the United States has been the leader in urging international cooperation in the establishment and application of controls for limiting the production, manufacture, distribution and international trade in and use of drugs liable to abuse to medical and scientific purposes. During the past several years the United States has spent millions of dollars and bent every effort in waging an all out war against the illicit traffic in heroin and other drugs subject to abuse. It has received a large measure of cooperation from other countries in this effort, especially from its neighbors Canada and Mexico. The Department of State considers that the United States should apply all measures essential for the effective fulfillment of its international obligations in this field.

Sincerely yours,

CHARLES I. BEVANS,
Assistant Legal Adviser.

Enclosures:
1. Excerpt from Report of the International Narcotics Control Board.
2. Resolution 1659 (LII) adopted by the Economic and Social Council.

(It is noted that Mr. Bevans identified and forwarded two enclosures with his letter. In the interest of space those enclosures are not reprinted in this notice. Copies will be supplied to the court and to counsel for the petitioners and are available to others on request made to the Hearing Clerk, Office of Chief Counsel, Drug Enforcement Administration.)

The court's opinion called for "the views of sources in the State Department and the international organizations involved" on the subject of marihuana and the Single Convention on Narcotic Drugs, 1961. Mr. Bevans' letter sets forth those views. Therefore, should the petitioners or any of them so request, the Drug Enforcement Administration is prepared to hold a hearing, limited to the petitioners or any of them, for the purpose of receiving factual evidence and expert opinion on the issue and by the method described by the court as "whether there is any latitude (on the scheduling of marihuana under the Controlled Substances Act) consistent with treaty obligations, and herein receive expert testimony limited to this treaty issue".

In accordance with the remand of the court, the petitioners, or any of them, if desirous of a hearing, shall on or before July 26, 1974, file with the Administrator of the Drug Enforcement Administration a written request for a hearing in the form prescribed by § 1316.47, Title 21, Code of Federal Regulations.

Dated: June 21, 1974.

JOHN R. BARTELS, JR.,
Administrator,
Drug Enforcement Administration.

[FR Doc.74–14550 Filed 6–25–74;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

COLORADO

Craig District; Redelegation of Authority to Area Managers

Under authority of Bureau Order 701, dated July 23, 1964, and as amended April 26, 1966, the Area Managers administering the Kremmling and White River Resource Areas of the Craig District, Colorado are authorized to act on the following matters:

Within his area of responsibility in accordance with existing policies and regulations of the Department, and under direct supervision of the Craig District Manager, he may exercise the functions of the Bureau Director on the matters specified below subject to the limitations of Bureau Order 701, Part III.

AUTHORITY IN SPECIFIC MATTERS

Sec. 3.3 Fiscal affairs, the Area Manager may take action on:

(d) *Trespass:* Determine liability and issue notice on grazing trespass; recommend as to acceptance of settlement offer made.

Sec. 3.7 Range management. The Area Manager may take all action on:

(a) (1) Within grazing districts, the issuance of licenses and permits to graze or trail livestock.

(2) Permits or cooperative agreements to construct and maintain range improvements and determine the value of such improvements.

(3) Expenditure of funds appropriated by Congress or contributed by individuals, associations, advisory boards, or others for the construction, purchase or maintenance of range improvements.

(b) Outside grazing districts, the issuance of grazing leases.

(c) • • •

(d) Soil and moisture conservation; control of halogeton glomeratus.

Sec. 3.8 Forest Management. The Area Manager may take all action on:

(a) Disposition of forest products including sales of timber not exceeding 250 mbf.

Sec. 3.9 Land use. The Area Manager may take all action on:

(g) Disposition of materials other than forest products, not exceeding $100 in value.

The District Manager may at any time temporarily reserve, restrict, or withhold any portion of the above delegated authority through use of Form 1213–1 District Office Authority and Responsibility Guide.

This order will become effective on July 1, 1974.

Dated: June 4, 1974.

MARVIN W. PEARSON,
District Manager.

DALE R. ANDRUS,
State Director.

[FR Doc.74–14545 Filed 6–25–74;8:45 am]

[New Mexico 20111]

NEW MEXICO

Notice of Application

JUNE 17, 1974.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Southern Union Gas Company has applied for a compressor station site right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 18 S., R. 32 E.,
Sec. 4, lot 2, SW¼NE¼. (A tract of land 500' x 500').

The site will occupy 5.739 acres of national resource land in Lea County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico 88201.

FRED E. PADILLA,
Chief, Branch of
Lands and Minerals Operations.

[FR Doc.74–14543 Filed 6–25–74;8:45 am]

[New Mexico 20419]

NEW MEXICO

Notice of Application

JUNE 17, 1974.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for a 4½-inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 10 S., R. 29 E.,
Sec. 1, lot 1, S½NE¼, NW¼SE¼, NE¼SW¼ and S½SW¼;
Sec. 12, N½NW¼.

This pipeline will convey natural gas across 1.230 miles of national resource land in Chaves County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico 88201.

FRED E. PADILLA,
Chief, Branch of
Lands and Minerals Operation.

[FR Doc.74–14544 Filed 6–25–74;8:45 am]

[New Mexico 21282]

NEW MEXICO

Notice of Application

JUNE 17, 1974.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Continental Oil Company has applied for 2-inch and 3-inch salt water pipelines right-of-way across the following land:

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NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 17 S., R. 32 E.,
Sec. 8, E½NE¼, SE¼;
Sec. 17, W½NE¼, NW¼SE¼.

These pipelines will convey salt water across 1.646 miles of national resource land in Lea County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico 88201.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.74-14547 Filed 6-25-74;8:45 am]

[Wyoming 41923]

WYOMING

Notice of Application

JUNE 19, 1974.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Marathon Pipe Line Company has applied to amend right-of-way grant W-41923 to construct a crude oil pipeline across the following lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 47 N., R. 92 W.,
Sec. 24, S½SW¼;
Sec. 25, NW¼NW¼;
Sec. 26, E½NE¼, SW¼NE¼, E½SW¼ and NW¼SE¼;
Sec. 34, SE¼NE¼, SE¼SW¼, N½SE¼ and SW¼SE¼;
Sec. 35, N½NW¼ and SW¼NW¼.

The pipeline will convey crude oil from the SE¼SW¼ sec. 34 to an existing pipeline in the SE¼SW¼ sec. 24, all in T. 47 N., R. 92 W.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should send their name and address to the District Manager, Bureau of Land Management, P.O. Box 119, Worland, Wyoming 82401.

PHILIP C. HAMILTON,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.74-14580 Filed 6-25-74;8:45 am]

Office of Oil & Gas

COORDINATING SUBCOMMITTEE, COMMITTEE ON ENERGY CONSERVATION, NATIONAL PETROLEUM COUNCIL

Notice of Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given of the following meeting:

The Coordinating Subcommittee of the Committee on Energy Conservation of the National Petroleum Council will meet at 9:30 a.m. on July 25, 1974, at the Riviera Hyatt Hotel, 1630 Peachtree Street NW., Atlanta, Georgia. The purpose of the meeting is to review and discuss a summary report on Phase I of the current energy conservation study being conducted by the Committee on Energy Conservation. The Committee and its task groups are engaged in a comprehensive study of the possibilities for energy conservation in the United States and the impact of such measures on the future energy posture of the nation. The study was requested by the Secretary of the Interior on July 23, 1973.

The meeting will be open to the public to the extent that space and facilities permit. Any member of the public may file a written statement with the Task Group either before or after the meeting. Interested persons who wish to speak at the meeting must apply to the Council and obtain approval in accordance with its established procedures.

The purpose of the National Petroleum Council is to provide advice, information and recommendations to the Secretary of the Interior, upon request, on any matter relating to petroleum or the petroleum industry.

Further information with respect to this meeting may be obtained from Ben Tafoya, Office of Oil and Gas, Department of the Interior at the Federal Energy Office, New Post Office Building, 12th Street and Pennsylvania Avenue NW., Washington, D.C., telephone number 961-8601.

Dated: June 20, 1974.

ROBERT L. PRESLEY,
Assistant Director, Emergency Preparedness, Office of Oil and Gas, Department of the Interior.

[FR Doc.74-14568 Filed 6-25-74;8:45 am]

TRANSPORTATION TASK GROUP, COMMITTEE ON ENERGY CONSERVATION, NATIONAL PETROLEUM COUNCIL

Notice of Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given of the following meeting:

The Transportation Task Group of the Committee on Energy Conservation of the National Petroleum Council will meet at 9 a.m. on July 9, 1974, in the Arco Tower, Atlantic Richfield Plaza, 515 South Flower Street, Los Angeles, California. The purpose of the meeting is to complete the Task Group's assignment under Phase I and to commence work on Phase II of the current energy conservation study being conducted by the Committee on Energy Conservation. The Committee and its task groups are engaged in a comprehensive study of the possibilities for energy conservation in the United States and the impact of such measures on the future energy posture of the nation. The study was requested by the Secretary of the Interior on July 23, 1973.

The meeting will be open to the public to the extent that space and facilities permit. Any member of the public may file a written statement with the Task Group either before or after the meeting. Interested persons who wish to speak at the meeting must apply to the Council and obtain approval in accordance with its established procedures.

The purpose of the National Petroleum Council is to provide advice, information and recommendations to the Secretary of the Interior, upon request, on any matter relating to petroleum or the petroleum industry.

Further information with respect to this meeting may be obtained from Ben Tafoya, Office of Oil and Gas, Department of the Interior at the Federal Energy Office, New Post Office Building, 12th Street and Pennsylvania Avenue NW., Washington, D.C., telephone number 961-8601.

Dated: June 20, 1974.

ROBERT L. PRESLEY,
Assistant Director, Emergency Preparedness, Office of Oil and Gas, Department of the Interior.

[FR Doc.74-14569 Filed 6-25-74;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

ASSOCIATE ADMINISTRATOR

Organization, Functions, and Delegations of Authority

The Agricultural Marketing Service is presently undertaking a revision of its organization, functions, and delegations of authority. Said revision will be published in the near future. The purpose of this document is to give public notice of the establishment of the position of Associate Administrator, Agricultural Marketing Service, and to delineate the Associate Administrator's functions and delegations of authority as follows:

1. *Functions.* The Associate Administrator shares overall responsibility with the Administrator for the general direction and supervision of programs and activities delegated to the Administrator, Agricultural Marketing Service.

2. *Delegations of authority.* The Associate Administrator is hereby delegated the authority to perform all the duties and to exercise all the functions and powers which are now, or which may hereafter be vested in the Administrator (including the power of redelegation except where prohibited).

Effective Date: June 26, 1974.

E. L. PETERSON,
Administrator, AMS.

[FR Doc.74-14555 Filed 6-25-74;8:45 am]

Agricultural Stabilization and Conservation Service

[Docket No. SH-327]

TEXAS SUGARCANE AREA

Hearing on Sugarcane Wages in Texas and Designation of Presiding Officers

Pursuant to the authority contained in section 301(c)(1) of the Sugar Act of 1948, as amended (61 Stat. 929; 7 U.S.C. 1131), and in accordance with the rules of practice and procedure applicable to wage proceedings (7 CFR 802.1 et seq.), notice is hereby given that a public hearing will be held at McAllen, Texas, on July 18, 1974 at the Downtowner Motel, 1300 South 9th Street, beginning at 9:30 a.m.

The purpose of this hearing is to receive evidence likely to be of assistance to the Secretary of Agriculture in determining, pursuant to the provisions of section 301(c)(1) of the Act, whether the wage rates established for Texas sugarcane fieldworkers in the wage determination which became effective October 15, 1973 (38 FR 28059) continue to be fair and reasonable under existing circumstances, or whether such determination should be amended.

In the interest of obtaining the best possible information, all interested persons are requested to appear at the hearing to express their views and present appropriate data in regard to wages. Information and recommendations are sought specifically on the need for additional worker classifications, suggested differentials in wage rates among the various classifications, and descriptions of the cultivation and harvesting operations performed for the 1973 crop.

All written submissions made pursuant to this notice will be made available for public inspection in the Office of the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C. (7 CFR 1.27 (b)).

The hearing, after being called to order at the time and place mentioned herein, may be continued from day to day within the discretion of the presiding officers, and may be adjourned to a later day or to a different place without notice other than the announcement thereof at the hearing by the presiding officers.

A. B. Calcagnini, L. L. Sommerville, M. I. Gelles, W. H. Ragsdale and T. M. Popp are hereby designated as presiding officers to conduct either jointly or severally the foregoing hearing.

Signed at Washington, D.C., on June 21, 1974.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.74-14556 Filed 6-25-74;8:45 am]

Forest Service

MANAGEMENT OF PORTIONS OF THE DAVIS PEAK AND ELKHORN MOUNTAIN ROADLESS AREAS

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for management of portions of the Davis Peak and Elkhorn Mountain Roadless Areas. The Forest Service Report Number is USDA-FS-R2-FES(Adm) 7431. The Draft Environmental Statement was filed with CEQ September 25, 1973.

The environmental statement concerns a proposal for the "multi-developed" management of 5,550 acres in the northwest corner of the Davis Peak (DA and DA-1) Roadless Area and 1,880 acres in the northeast corner of the Elkhorn Mountain (DC) Roadless area on the Routt National Forest, Routt County, Colorado. The primary management activity of the forested areas will be the application of proper silviculture (tree culturing) techniques. Initial activities will consist of constructing roads to facilitate harvesting timber on 3,760 acres of DA and 1,880 acres of DC.

This final environmental statement was transmitted to CEQ on June 21, 1974.

Copies are available for inspection during regular working hours at the following locations:

USDA Forest Service
So. Agriculture Bldg. Room 3230
12th St. & Independence Ave., SW
Washington, D.C. 20250

Forest Supervisor
Routt National Forest
137 Tenth Street
Steamboat Springs, Colorado 80477

Regional Forester
Building 85
Denver Federal Center
Denver, Colorado 80225

A limited number of single copies are available upon request to Walter B. Metcalf, Forest Supervisor, USDA Forest Service, Routt National Forest, 137 Tenth Street, Steamboat Springs, Colorado 80477.

Copies of the environmental statement have been sent to various Federal, State and local agencies as outlined in the CEQ guidelines.

W. J. LUCAS,
Regional Forester, R-2, Forest Service.

JUNE 21, 1974.

[FR Doc.74-14548 Filed 6-25-74;8:45 am]

Soil Conservation Service

VALLEY CREEK WATERSHED PROJECT, KENTUCKY

Negative Declaration

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, and part 1500.6e of the Council on Environmental Quality Guidelines issued on August 1, 1973, the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Valley Creek Watershed Project, Hardin, County, Kentucky.

The environmental assessment of this Federal action indicates that the project will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with the project. As a result of these findings, Mr. Glen E. Murray, State Conservationist, Soil Conservation Service, USDA, 333 Waller Avenue, Lexington, Kentucky 40504, has determined that the preparation and review of an environmental impact statement is not needed for this project.

The project concerns a plan for watershed protection and flood prevention, and nonagricultural water management. The planned works of improvement remaining to be constructed include adding 43 acres of land and additional facilities to the existing recreational development.

The environmental assessment file is available for inspection during regular working hours at the following location:

Soil Conservation Service, USDA,
333 Waller Avenue, Lexington, KY 40504

No administrative action on implementation of the proposal will be taken on or before July 11, 1974.

Dated: June 19, 1974.

EUGENE C. BUIE,
Acting Deputy Administrator for Water Resources, Soil Conservation Service.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

[FR Doc.74-14536 Filed 6-25-74;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN COLOMBIA

Entry or Withdrawal From Warehouse for Consumption

JUNE 21, 1974.

On June 25, 1971, the United States Government concluded a comprehensive bilateral cotton textile agreement with the Government of Colombia concerning exports of cotton textiles and cotton textile products from Colombia to the United States over a four-year period beginning on July 1, 1971 and extending through June 30, 1975. The agreement was amended by an exchange of notes dated July 25 and July 31, 1973. Among the provisions of the agreement, as amended, are those establishing an aggregate limit for the 64 categories; within the aggregate limit, group limits on Categories 1-4, 5-27, and within both of the aforesaid limits, specific limits on Categories 5, 6, 9/10, 16, 19, 22/23, 26 and 27 for the agreement year beginning on July 1, 1974.

Accordingly, there is published below a letter of June 21, 1974 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, directing that the amounts of cotton textiles and cotton textile products in Categories 1 through 27, produced or manufactured in Colombia, which may be entered or withdrawn from warehouse for consumption in the United States for the twelve-month period beginning July 1, 1974 and extending through June 30, 1975, be limited to the designated levels. The letter published below and the actions pursuant thereto are not designed to implement

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all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20229.

JUNE 21, 1974.

DEAR MR. COMMISSIONER: Pursuant to the Bilateral Cotton Textile Agreement of June 25, 1971, as amended, between the Governments of the United States and Colombia, and in accordance with the procedures of Executive Order 11651 of March 3, 1972, you are directed to prohibit, effective July 1, 1974 and for the twelve-month period extending through June 30, 1975, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 1 through 27 produced or manufactured in Colombia (in excess of the levels of restraint set forth below.

The combined level of restraint for Categories 1 through 4 shall be 4,454,340 pounds.

The combined level of restraint for Categories 5 through 27 shall be 24,657,412 square yards.

Within the overall level of restraint for Categories 5 through 27, the following specific levels of restraint shall apply:

Category:		12-month level of restraint
[3] 5	square yards	2,010,143
6	do	402,029
9/10	do	5,253,592
16	do	1,206,087
19	do	1,340,096
22/23	do	8,797,950
26 (other than duck) [1]	do	4,234,013
26 (duck only) [2]	do	670,047
27	do	765,422

[1] Excluding T.S.U.S.A. Nos.:
320..01 through 04,06,08
321..01 through 04,06,08
322..01 through 04,06,08
326..01 through 04,06,08
327..01 through 04,06,08
328..01 through 04,06,08

[2] Including only those T.S.U.S.A. Nos. excluded by footnote 1.

In carrying out this directive, entries of cotton textiles and cotton textile products in the above categories, produced or manufactured in Colombia, which have been exported to the United States prior to July 1, 1974, shall, to the extent of any unfilled balances be charged against the levels of restraint established for such goods for the twelve-month period beginning July 1, 1973 and extending through June 30, 1974. In the event that the levels of restraint established for that twelve-month period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this letter.

The levels of restraint set forth above are subject to adjustment pursuant to the provisions of the bilateral agreement of June 25, 1971, as amended, between the Governments of the United States and Colombia, which provide in part that within the aggregate and applicable group limits, limits on certain categories may be exceeded by not more than 5 percent; for the limited carryover of shortfalls in certain categories to the next agreement year; and for administrative arrangements. Any appropriate adjustments pursuant to the provisions of the bilateral agreement referred to above will be made to you by letter.

The bilateral agreement of June 25, 1971, as amended, also provides an overall limit on Categories 28 through 64. Import controls on these categories may be established during the current agreement year. In such an event, you will be advised by further letter.

A detailed description of the categories in terms of T.S.U.S.A. numbers and factors for converting category units into equivalent square yards was published in the FEDERAL REGISTER on January 25, 1974 (39 FR 3430).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Colombia and with respect to imports of cotton textiles and cotton textile products from Colombia have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States.

Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

[FR Doc.74-14639 Filed 6-25-74;8:45 am]

DEPARTMENT OF COMMERCE

Maritime Administration

[Consolidated Docket Nos. S-336, S-390]

WATERMAN STEAMSHIP CORP.

Amended Notice of Application

Notice is hereby given that Waterman Steamship Corporation, a New York corporation, has filed an amended application with the Maritime Subsidy Board pursuant to Title VI (46 U.S.C. 1171-1183) of the Merchant Marine Act, 1936, as amended (the Act) for a long term operating-differential subsidy agreement for operations on Trade Route Nos. 12 (U.S. Atlantic/Far East) and 22 (U.S. Gulf/Far East). This company presenty has the privilege of calling at U.S. Atlantic ports under its current Operating-Differential Subsidy Agreement, Contract No. MA/MSB-138, covering operations on Trade Route No. 22 (U.S. Gulf/Far East), which agreement is scheduled to expire not later than May 8, 1975. Applications for a long-term agreement for operating-differential subsidy on Trade Route Nos. 22 and 12 have been filed previously and have been docketed as S-336 and S-390, respectively. In its previous applications, Waterman Steamship Corporation requested operating-differential subsidy on up to a maximum of 30 sailings per annum on Trade Route Nos. 12 and 22 and proposed to operate its Trade Route No. 12 service in conjunction with its service on Trade Route No. 22, utilizing the same vessels. The services were proposed to be operated initially with six war-built vessels and two Mariner type vessels, with the six war-built vessels to be replaced in 1975 with four Mariner vessels, and with three Mariner vessels to be replaced about 1977/1978 with two LASH-type vessels, and the remaining three Mariners to be replaced about 1985/1986 with two LASH-type vessels.

In its present application, Waterman Steamship Corporation has amended its initial vessel operating proposal to provide for the operation of the service initially with eight Mariner-type vessels, to be replaced at such times as are agreed upon between Waterman Steamship Corporation and the Maritime Administration by LASH-type vessels or such other vessels of advanced design of such type and number as in Waterman Steamship Corporation's opinion are adequate to furnish the contractual service.

Interested parties may inspect these amended applications in the Office of the Secretary, Maritime Subsidy Board, Room 3099-B, Department of Commerce Building, Fourteenth & E Streets, NW., Washington, D.C. 20230.

Any person, firm or corporation having any interest in such amended applications and desiring to participate in the presently authorized hearing on issues pertinent to section 605(c) of the Act (46 U.S.C. 1175), should by the close of business on July 8, 1974, notify the Secretary, Maritime Subsidy Board, in writing in triplicate of his interest therein, and file a petition for leave to intervene in accordance with the Rules of Practice and Procedure of the Maritime Subsidy Board (46 CFR Part 201). Each such statement of interest and petition to intervene should indicate with as much specificity as possible those portions of the application with which the intervenor is concerned and the facts which the intervenor would undertake to prove at the hearing. However, no such statement of interest and petition to intervene shall be required of those interested parties whose petitions to intervene in these consolidated dockets have been previously granted, i.e. Sea-Land Service, Inc., United States Lines, Inc., and American Export Lines, Inc.

In the event that additional intervenors are allowed, the purpose of the hearing will be to receive evidence relevant to (1) whether the application is one with respect to a vessel or vessels to be operated in an essential service, served by citizens of the United States which would be in addition to the existing service, or services, and if so, whether the service already provided by vessels of U.S. registry is inadequate, (2) whether in the accomplishment of the purposes and policy of the Act additional vessels should be operated thereon, (3) whether the application is one with respect to a vessel or vessels operated or to be operated on an essential service served by two or more citizens of the United States with vessels of United States registry, and if so, whether the effect of the requested contract would be to give undue advantage or be unduly prejudicial, as between citizens of the United States, in the operation of vessels in such essential service, and (4) whether it is necessary to enter into such contract

in order to provide adequate service by vessels of United States registry.

If no petitions for leave to intervene are received within the specified time, or if the Maritime Subsidy Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Board will take such action as may be deemed appropriate.

(Catalog of Federal Domestic Assistance Program No. 11.504, Operating-Differential Subsidies (ODS))

Dated: June 21, 1974.

By Order of the Maritime Subsidy Board.

JAMES S. DAWSON, JR.,
Secretary.

[FR Doc.74-15651 Filed 6-25-74;8:45 am]

Maritime Administration

CONSTRUCTION OF CERTAIN TANKERS

Recomputation of Foreign Cost; Notice of Intent

Notice is hereby given of the intent of the Maritime Subsidy Board, pursuant to the provisions of section 502(b) of the Merchant Marine Act 1936, as amended, to recompute the estimated foreign cost of the construction of tankers of about 225,000 DWT since there appears to have been a significant change in shipbuilding market conditions since the previous determination of estimated foreign cost was made.

Any person, firm or corporation having any interest (within the meaning of section 502(b)) in such computations may file written statements by the close of business on June 28, 1974, with the Secretary, Maritime Subsidy Board, Maritime Administration, Room 3099B, Department of Commerce Building, 14th & E Streets, NW, Washington, D.C. 20230.

Dated: June 25, 1974.

By order of the Maritime Subsidy Board, Maritime Administration.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.74-14787 Filed 6-25-74;10:47 am]

National Technical Information Service

GOVERNMENT-OWNED INVENTIONS

Notice of Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for licensing in accordance with the licensing policy of each Agency-sponsor.

Copies of patent applications, either paper copy (PC) or microfiche (MF), can be purchased from the National Technical Information Service (NTIS), Springfield, Virginia 22151, at the prices cited. Requests for copies of patent applications must include the PAT-APPL number and the title.

Paper copies of patents cannot be purchased from NTIS but are available from the Commissioner of Patents, Washington, D.C. 20231, at $0.50 each.

Requests for licensing information should be directed to the address cited below for each agency.

DOUGLAS J. CAMPION,
Patent Program Coordinator, National Technical Information Service.

U.S. Atomic Energy Commission; Assistant General Counsel for Patents, Washington, DC 20545.

Patent 3,763,292: Manufacture of Bonded-Particle Nuclear Fuel Composites; Filed 1 October 1971. Patented 2 October 1973; not available NTIS.

Patent 3,763,374: Dynamic Multistation Photometer-Fluorometer; filed 22 August 1972. Patented 2 October 1973; not available NTIS.

Patent 3,764,469: Carbon-Silicon Coating Alloys for Improved Irradiation Stability; filed 24 March 1972. Patented 9 October 1973; not available NTIS.

Department of the Air Force, AF/JACP, Washington, DC 20314.

Patent application 278,491: Method and System for Computing Altitude Over a Target and the Horizontal Range Thereof; filed 31 July 1973; PC $4.00/MF $1.45.

Patent application 356,791: Microwave High Power Phase Shifter; filed 9 May 1973; PC $4.00/MF $1.45.

Patent application 360,517: Method of Apparatus for Providing Higher Order Mode Compensation in Horn Antennas; filed 15 May 1973; PC $4.00/MF $1.45.

Patent application 362,153: Dual Hologram Plate Holder; filed 21 May 1973; PC $4.50/MF $1.45.

Patent application 366,837: Gated Detector Synchronization; filed 4 June 1973; PC $4.00/MF $1.45.

Patent application 366,909: Demodulation System for Time Sharing Radiometer; filed 4 June 1973; PC $4.00/MF $1.45.

Patent application 366,915: Special Purpose Computer to Implement Kronecker-Matrix Transformations; filed 4 June 1973; PC $4.50/MF $1.45.

Patent application 369,035: Method for Growing Crystals; filed 11 June 1973; PC $4.00/MF $1.45.

Patent application 374,829: Processing Conductive Tapes into Self Supporting Balls; filed 29 June 1973; PC $4.00/MF $1.45.

Patent application 375,239: Production of Cadmium Electrodes; filed 29 June 1973; PC $4.00/MF $1.45.

Patent application 375,241: Particle Sampling Apparatus; filed 29 June 1973, PC $4.00/MF $1.45.

Patent application 392,384: Portable Pantograph C-Scan Recording Flaw Detecting System; filed 28 August 1973; PC $4.00/MF $1.45.

Patent application 392,396: Pulse Generator; filed 28 August 1973; PC $4.00/MF $1.45.

Patent application 394,892: Chopper Transistor Driver and Feedback Circuit for Regulated DC to DC Power Converters Using Separate Input and Output Grounds; filed 6 September 1973; PC $4.00/MF $1.45.

Patent application 407,377: Combined Vertical and Lateral Identical Location of Accelerometer and Force System; filed 17 October 1973; PC $4.00/MF $1.45.

U.S. Department of Agriculture; Chief, Research Agreements and Patent Mgmt. Branch, Federal Building, General Services Division, Agricultural Research Service, Hyattsville, Maryland 20782.

Patent application 275,988: Method of Composition for Preventing Deterioration of Hides from Freshly Slaughtered Animals; 28 July 1972; PC $4.00/MF $1.45.

U.S. Department of Health, Education, and Welfare; National Institutes of Health, Chief, Patent Branch, Westwood Building, Bethesda, Maryland 20014.

Patent application 271,051: Process of Viral Diagnosis and Reagent; filed 17 July 1972; PC $6.00/FM $1.45.

Patent application 451,275: Method and Apparatus for Plating and Counting Aerobic Bacteria; filed 14 March 1974; PC $4.00/MF $1.45.

Patent 3,636,191: Vaccine Against Viral Hepatitis and Process; filed 8 October 1969. Patented 18 January 1972; not available NTIS.

Patent 3,799,355; Dialysis Membranes and Manufacture; filed 28 December 1970. Patented 26 March 1974; not available NTIS.

Patent 3,799,356: Dialysis Hollow Fiber Membranes and Manufacture; filed 28 December 1970. Patented 26 March 1974; not available NTIS.

U.S. Department of the Interior; Branch of Patents, 18th and C Streets NW., Washington, D.C. 20240.

Patent 2,948,629: Impact-Resistant Ceramics from Synthetic Fluoramphiboles and Processes of Making Same; filed 14 June 1958. Patented 9 August 1960; not available NTIS.

Patent 3,801,342: Manufacture of Lignite Binder Pitch; filed 16 November 1970. Patented 2 April 1974; not available NTIS.

Patent 3,804,259: Filament Wound Reverse Osmosis Tubes; filed 23 January 1973. Patented 16 April 1974; not available NTIS.

Patent 3,806,564: Method of Chemically Modifying Asymmetric Membranes; filed 26 January 1972. Patented 23 April 1974; not available NTIS.

National Aeronautics and Space Administration; Assistant General Counsel for Patent Matters, NASA—Code GP-2, Washington, D.C. 20546.

Patent application 401,920: Ultrasonically Bonded Valve Assembly; filed 28 September 1973. PC $4.00/MF $1.45.

Patent application 401,921: Prevention of Hydrogen Embrittlement of High Strength Steel; filed 28 September 1973. PC $4.00/MF $1.45.

Patent application 425,362: Fabrication of Polyphenylquinoxaline Composite Articles by Means of in Situ Polymerization of Monomers; filed 17 December 1973. PC $4.00/MF $1.45.

Patent application 446,564: Gas Chromatograph Injection System; filed 27 February 1974. PC $4.00/MF $1.45.

Patent application 448,321: Aromatic Polyimide Preparation; filed 5 March 1974. PC $4.00/MF $1.45.

Patent application 405,502: Fiber Separating and Cleaning Method and Apparatus; filed 12 March 19740. PC $4.00/MF $1.45.

Patent application 450,504: Method of Fluxless Brazing and Diffusion Bonding of Aluminum Containing Components; filed 12 March 1974. PC $4.25/MF $1.45.

Patent application 452,761: Controllable High Voltage Source Having Fast Settling Time; filed 19 March 1974. PC $4.00/MF $1.45.

Patent application 453,115: Multichannel Logarithmic RF Level Detector; filed 21 March 1974. PC $4.00/MF $1.45.

Patent application 455,163: Asynchronous, Multiplexing, Single Line Transmission and Recovery Data System; filed 27 March 1974. PC $4.25/MF $1.45.

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Patent application 455,164: Electric Power Generation System Directly from Laser Power; filed 27 March 1974. PC $4.00/MF $1.45.

Patent Application 457,295: Heat Operated Cryogenic Electrical Generator; filed 1 April 1974, PC $4.00/MF $1.45.

Patent Application 458,484: A Panel for Selectively Absorbing Solar Thermal Energy and the Method for Manufacturing the Panel; filed 5 April 1974. PC $4.25/MF $1.45.

Patent Application 459,736: Resonant Waveguide Stark Cell; filed 10 April 1974. PC $4.00/MF $1.45.

Patent 3,759,747: Method of Making Porous Conductive Supports for Electrodes; patented 18 September 1973; not available NTIS.

Patent 3,790,409: Storage Battery Comprising Negative Plates of a Wedge Shaped Configuration; patented 5 February 1974; not available NTIS.

Patent 3,795,910: Microwave Power Transmission System Wherein Level of Transmitted Power Is Controlled by Reflections from Receiver; patented 5 March 1974; not available NTIS.

Patent 3,796,473: Reefing System; patented 12 March 1974; not available NTIS.

Patent 3,799,813: Radiation Hardening of MOS Devices by Boron; patented 26 March 1974; not available NTIS.

Patent 3,800,224: Automatic Frequency Control for FM Transmitter; patented 26 March 1974; not available NTIS.

Patent 3,800,237: Gated Compressor, Distortionless Signal Limiter; patented 26 March 1974; not available NTIS.

[FR Doc.74-14330 Filed 6-25-74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

DRUG ABUSE EDUCATION PROGRAM

Criteria for Selection of Applications for Fiscal Year 1974 Drug Abuse Prevention and Early Intervention Projects; Correction

In FR Doc. 74-13670 appearing at page 20829 in the issue for Friday, June 14, 1974, the last line of the second paragraph should read "teria within 15 days of its publication in the FEDERAL REGISTER".

Food and Drug Administration

[DESI 11673]

DRUGS FOR HUMAN USE—DRUG EFFICACY STUDY IMPLEMENTATION

Controlled Release Form for Phenmetrazine Hydrochloride

The Food and Drug Administration published a notice in the FEDERAL REGISTER of February 12, 1973 (38 FR 4280), regarding the efficacy of the drug described below, stating that in prolonged-action tablet form it was less-than-effective (possibly effective) with respect to any special claim for prolonged action when offered for the management of exogenous obesity as a short term adjunct (a few weeks) in a regimen of weight reduction based on caloric restriction.

NDA 11-752, Preludin Endurets (prolonged action tablets), containing phenmetrazine hydrochloride; Geigy Pharmaceuticals, Division of Ciba-Geigy Corp., Ardsley, N.Y. 10502.

Other drugs included in the notice of February 12, 1973, were evaluated as effective and are not affected by this notice.

In addition to the holder(s) of the new drug application(s) specifically named above, this notice applies to all persons who manufacture or distribute a drug product, not the subject of an approved new drug application, which is identical, related, or similar to a drug product named above, as defined in 21 CFR 310.6. It is the responsibility of every drug manufacturer or distributor to review this notice to determine whether it covers any drug product he manufactures or distributes. Any person may request an opinion of the applicability of this notice to a specific drug product he manufactures or distributes that may be identical, related, or similar to a drug product named in this notice by writing to the Food and Drug Administration, Bureau of Drugs, Office of Compliance (HFD-300), 5600 Fishers Lane, Rockville, Md. 20852.

Based on data submitted by Geigy Pharmaceuticals and a review of available evidence, the Commissioner of Food and Drugs finds it appropriate to amend the announcement of February 12, 1973, insofar as it pertains to the drug listed above, as set forth below.

A. *Effectiveness classification.* The Food and Drug Administration has considered the Academy's reports as well as other available evidence and concludes that phenmetrazine hydrochloride in controlled release form is effective in the management of exogenous obesity as a short-term (a few weeks) adjunct in a regimen of weight reduction based on caloric restriction.

B. *Conditions for approval and marketing.* The Food and Drug Administration is prepared to approve abbreviated new drug applications and abbreviated supplements to previously approved new drug applications under conditions described herein.

1. *Form of drug.* Such preparations are in tablet dosage form suitable for oral administration.

2. *Labeling conditions.* The label bears the statement, "Caution: Federal law prohibits dispensing without prescription."

The drug is labeled to comply with all requirements of the Act and regulations, and the labeling bears adequate information for safe and effective use of the drug. The "Indications" section is as follows:

INDICATIONS

(Name of drug) is indicated in the management of exogenous obesity as a short term adjunct (a few weeks) in a regimen of weight reduction based on caloric restriction. The limited usefulness of agents of this class (see ACTIONS) should be measured against possible risk factors inherent in their use such as those described below.

Phenmetrazine hydrochloride in controlled release dosage form is formulated to release the active drug substance in vivo in a more gradual fashion than the standard formulation, as a demonstrated by blood-levels. The formulation has not been shown superior in effectiveness with respect to weight loss over the same dosage of the standard, noncontrolled-release formulations.

In addition, the labeling contains the following "Actions" section and drug dependence warning of the "Warnings" section:

ACTIONS

(Name of drug) is a sympathomimetic amine with pharmacologic activity similar to the prototype drugs of this class used in obesity, the amphetamines. Actions include central nervous system stimulation and evaluation of blood pressure. Tachyphylaxis and tolerance have been demonstrated with all drugs of this class in which these phenomena have been looked for.

Drugs of this class used in obesity are commonly known as "anorectics" or "anorexigenics." It has not been established, however, that the action of such drugs in treating obesity is primarily one of appetite suppression. Other central nervous system actions, or metabolic effects, may be involved, for example.

Adult obese subjects instructed in dietary management and treated with "anorectic" drugs, lose more weight on the average than those treated with placebo and diet, as determined in relatively short-term clinical trials.

The magnitude of increased weight loss of drug-treated patients over placebo-treated patients is only a fraction of a pound a week. The rate of weight loss is greatest in the first weeks of therapy for both drug and placebo subjects and tends to decrease in succeeding weeks. The possible origins of the increased weight loss due to the various drug effects are not established. The amount of weight loss associated with the use of an "anorectic" drug varies from trial to trial, and the increased weight loss appears to be related in part to variables other than the drug prescribed, such as the physician-investigator, the population treated, and the diet prescribed. Studies do not permit conclusions as to the relative importance of the drug and non-drug factors on weight loss.

The natural history of obesity is measured in years, whereas the studies cited are restricted to a few weeks duration; thus, the total impact of drug-induced weight loss over that of diet alone must be considered clinically limited.

WARNINGS

Drug dependence: (name of drug) is related chemically and pharmacologically to the amphetamines. Amphetamines and related stimulant drugs have been extensively abused, and the possibility of abuse of (name of drug) should be kept in mind when evaluating the desirability of including a drug as part of a weight reduction program. Abuse of amphetamines and related drugs may be associated with intense psychological dependence and severe social dysfunction. There are reports of patients who have increased the dosage to many times that recommended. Abrupt cessation following prolonged high dosage administration results in extreme fatigue and mental depression; changes are also noted on the sleep EEG. Manifestations of chronic intoxication with anorectic drugs include severe dermatoses, marked insomnia, irritability, hyperactivity, and personality changes. The most severe manifestation of chronic intoxication is psychosis, often clinically indistinguishable from schizophrenia.

3. *Marketing status.* Marketing of such drugs may be continued under the conditions described in the notice entitled Conditions for Marketing New Drugs Evaluated in Drug Efficacy Study, published in the FEDERAL REGISTER July 14, 1970 (35 FR 11273), as follows:

a. For holders of "deemed approved" new drug applications (i.e., an application which became effective on the basis of safety prior to October 10, 1962), the submission of a supplement for revised labeling and a supplement for updating information, including full manufacturing information with respect to items 7 and 8 of Form FD-356H (§ 314.1(c)), as described in paragraphs (a)(1) (i) and (iii) of the notice of July 14, 1970. For preparations claiming controlled release, such supplement should contain studies comparing blood levels occurring with the controlled release form with blood levels occurring with single units of the conventional form given multiple times. For example, when comparing a 30 mg. controlled release form normally given every 12 hours with a 10 mg. conventional form normally given every 4 hours, the comparison should involve 1 unit of the controlled release from given once and one unit of the 10 mg. form given every 4 hours.

b. For any person who does not hold and approved or effective new drug application, the submission of an abbreviated new drug application as described in paragraph (a)(3)(i) of that notice, except that full manufacturing information with respect to items 7 and 8 of Form FD-356H (§ 314.1(c)) is required. For preparations claiming controlled release such supplement should contain studies comparing blood levels occurring with single units of the conventional form given multiple times. For example, when comparing a 30 mg. controlled release form normally given every 12 hours with a 10 mg. conventional form normally given every 4 hours, the comparison should involve 1 unit of the controlled release form given once and one unit of the 10 mg. form given every 4 hours.

c. For any distributor of the drug, the use of labeling in accord with this announcement for any such drug shipped within the jurisdiction of the Act as described in paragraph (b) of that notice.

Communications forwarded in response to this announcement should be identified with the reference number DESI 11673, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852:

Supplements (identify with NDA number): Office of Scientific Evaluation (HFD-100), Bureau of Drugs.

Original abbreviated new drug application (identify as such): Generic Drug Staff (HFD-107), Office of Scientific Evaluation, Bureau of Drugs.

Requests for the Academy's report: Drug Efficacy Information Activity (HFD-8), Bureau of Drugs.

All other communications regarding this announcement: Drug Efficacy Study Implementation Project Manager (HFD-101), Bureau of Drugs.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-53, as amended; 21 U.S.C. 352, 355) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: June 18, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.74-14564 Filed 6-25-74;8:45 am]

TOPICAL FLUORIDE PREPARATIONS FOR REDUCING THE INCIDENCE OF DENTAL CARIES

Notice of Status; Correction

In FR Doc. 74-11076 appearing on page 17245 in the issue of Tuesday, May 14, 1974, paragraph No. 3 in the center column is corrected to read as follows:

3. Gels of acidulated phosphate sodium fluoride with a pH in the range of 3.0 to 4.0, that yield a fluoride ion concentration of approximately 1.2 percent, are safe and effective in reducing the incidence of dental caries when used according to professionally accepted methods and when applied directly to the teeth by adequately trained personnel. Gelling agents and other substances such as coloring and flavoring that may be added must not alter the safety or effectiveness of the product.

Dated: June 18, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.74-14563 Filed 6-25-74;8:45 am]

INSPECTION AND GRADING OF GRAIN, RICE, AND PULSES

Agreement With the Agricultural Marketing Service; Correction

In FR Doc. 74-12236, appearing at page 18695 in the issue of Wednesday, May 29, 1974, make the following changes:

1. In the seventh line of the fourth paragraph, the word "following" should read "followed".

2. In paragraph A.(3), in the sixth line, the word "comodities" should read "commodities".

Public Health Service

REGIONAL HEALTH ADMINISTRATORS

Delegation of Authority

In accordance with the authority delegated to me by the Secretary on April 23, 1970 (35 FR 11150), I hereby delegate to the Regional Health Administrators the authority to award and administer grants under section 427(a) of the Federal Coal Mine Health and Safety Act of 1969, as added by the Black Lung Benefits Act of 1972 (30 U.S.C. 937(a)). This delegation supersedes any previous delegations of this authority. This authority may not be redelegated.

Dated: June 13, 1974.

THEODORE COOPER,
Acting Assistant Secretary for Health.

[FR Doc.74-14584 Filed 6-25-74;8:45 am]

Social Security Administration

ADVISORY COUNCIL ON SOCIAL SECURITY

Notice of Public Meeting; Correction

Notice is hereby given, pursuant to Pub. L. 92-463, that the Advisory Council on Social Security, established pursuant to section 706(a) of the Social Security Act, as amended, will meet on Sunday, June 30, 1974, at 10 a.m. to 4 p.m. and Monday, July 1, 1974, from 9 a.m. to 4 p.m. in the Lafayette Room, L'Enfant Plaza Hotel, 480 L'Enfant Plaza, SW., Washington, D.C. Beginning at 4 p.m. on Sunday, June 30, two subcommittees of the Advisory Council will meet. One subcommittee deals with social security financing, the other with equal treatment under the social security program based on sex and marital status. The meetings of the Advisory Council and its subcommittees are open to the public.

This notice corrects Federal Register Doc. 74-13705, published at page 20830 of the issue of Friday, June 14, 1974, which stated that the meeting would be held in Room 5051 HEW-North Building, Third and Independence Avenues, SW., Washington, D.C.

Further information on the Council may be obtained from John Trout, Executive Secretary of the Council, Room 440 Altmeyer Building, Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland 21235, telephone (301) 594-2510. Further information on the Council's subcommittee on financing may be obtained from Mary Ross, Executive Secretary of the Subcommittee, Room 438 Altmeyer Building, telephone (301) 594-2514. Further information on the Council's subcommittee on equal treatment under social security may be obtained from James Crum, Executive Secretary of the Subcommittee, Room 454 Altmeyer Building, telephone (301) 594-2834. Members of the public planning to attend should send written notice of intent to the Executive Secretary.

(Catalog of Federal Domestic Assistance Program Numbers 13.800-13.807, Social Security Programs.)

Dated: June 24, 1974.

JOHN TROUT,
Executive Secretary, Advisory Council on Social Security.

[FR Doc.74-14769 Filed 6-25-74;8:45 am]

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DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration

[Docket No. NFD–213; FDAA–437–DR]

ARKANSAS

Amendment to Notice of Major Disaster

Notice of Major Disaster for the State of Arkansas, dated June 8, 1974, is hereby amended. Notice is hereby given that on June 20, 1974, the President amended his declaration of a major disaster of June 8, 1974, for Arkansas as follows:

I have determined that the damage in certain areas of the State of Arkansas from severe storms and flooding beginning about June 4, 1974, is of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 93–288. I therefore declare that such a major disaster exists in the State of Arkansas. You are to determine the specific areas within the State eligible for Federal assistance under this declaration.

In order to provide Federal assistance, you are hereby authorized to allocate, from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses. You are further authorized to apply the authorities contained in Executive Order 11749 to Public Law 93–288 (the Disaster Relief Act of 1974) pending the issuance of a new Executive order implementing Public Law 93–288.

Notice of Major Disaster for the State of Arkansas, dated June 8, 1974, is further amended to include the following counties among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of June 8, 1974, as amended on June 20, 1974:

The Counties of:

Benton Union
Columbia

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

Dated: JUNE 20, 1974.

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.74–14649 Filed 6–25–74;8:45 am]

[FDAA–440–DR; Docket No. NFD–212]

MINNESOTA

Amendment to Notice of Major Disaster

Notice of major disaster for the State of Minnesota, dated June 10, 1974, is hereby amended to include the following counties among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of June 10, 1974:

The Counties of:

Clay Lake of the Woods
Clearwater

Dated: June 20, 1974.

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

[FR Doc.74–14565 Filed 6–25–74;8:45 am]

Office of the Secretary

[Docket No. D–74–278]

WATER RESOURCES COUNCIL

Designation of Member

David O. Meeker, Jr. is designated to serve as an alternate to the Secretary in the capacity of Associate Member of the Water Resources Council.

(Sec. 7(d) of the Dept. of Housing and Urban Development Act, 42 U.S.C. 3535(b); 18 CFR 701.55(a), (b))

Effective date. This designation is effective on June 26, 1974.

JAMES T. LYNN,
Secretary of Housing and Urban Development.

[FR Doc.74–14650 Filed 6–25–74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

FLIGHT INFORMATION ADVISORY COMMITTEE

Notice of Renewal

Notice is hereby given that the Flight Information Advisory Committee is being renewed. The Air Traffic Service is sponsor of the Committee which consists of representatives from the Federal Aviation Administration, Department of Defense, civil aviation organizations, and Government and civil producers of flight information products. The Committee advises the Federal Aviation Administration relative to the discharge of the Administrator's statutory responsibilities in the field of flight information material (aeronautical charts and flight information publications and services); recommends rules concerning the use of flight information materials during operations in FAA-administered airspace; recommends standards of content and currency which should be met by flight information materials for use in that airspace; and assists in the FAA development and evaluation of new or redesigned flight information materials, including desirable optimum standardization. The function of the Committee is solely advisory and action taken with respect to matters upon which the Committee advises or recommends shall be at the discretion of the Administrator.

The Secretary of Transportation has determined that the continuation of the Flight Information Advisory Committee is necessary in the public interest in connection with the performance of duties imposed on the Federal Aviation Administration by law. Meetings of the Committee will be open to the public.

Issued in Washington, D.C., on June 17, 1974.

GEORGE E. MANAGER,
Chairman, Flight Information Advisory Committee.

[FR Doc.74–14571 Filed 6–25–74;8:45 am]

Federal Railroad Administration

[FRA Waiver Petition No. HS–74–4]

AMADOR CENTRAL RAILROAD CO.

Petition for Exemption from Hours of Service Act

The Amador Central Railroad Company has petitioned the Federal Railroad Administration pursuant to 45 U.S.C. 64a(e) for an exemption, with respect to certain employees, from the Hours of Service Act, 45 U.S.C. 61, 62, 63 and 64.

Interested persons are invited to participate in this proceeding by submitting written data, views, or comments. Communications should be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Attention: FRA Waiver Petition No. HS–74–4, Room 5101, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590. Communications received before July 30, 1974, will be considered before final action is taken on this petition. All comments received will be available for examination by interested persons during business hours in Room 5101, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590.

Issued in Washington, D.C. on June 21, 1974.

DONALD W. BENNETT,
Chief Counsel, Federal Railroad Administration.

[FR Doc.74–14595 Filed 6–25–74;8:45 am]

Hazardous Materials Regulations Board

HIGH PRESSURE SEAMLESS ALUMINUM CYLINDERS

DOT Special Permit 5091

DOT Special Permit 5091 expired March 30, 1971, and was not reissued by the Hazardous Materials Regulations Board. The permit authorized shipment of compressed air, argon, carbon dioxide, helium, nitrogen, and oxygen in non-DOT specification high-pressure aluminum cylinders manufactured by the Kaiser Aluminum and Chemical Corporation. Each cylinder was required to be marked "DOT SP 5091."

The purpose of this notice is to advise all shippers that aluminum cylinders made under the subject special permit, and marked accordingly, are not authorized for the transportation of any hazardous material via any carrier engaged in interstate or foreign commerce. Also, it is recommended that persons in possession of these cylinders contact the Kaiser Aluminum and Chemical Corporation, Post Office Box 619, Erie, Pennsylvania 16512, concerning their disposal.

Issued in Washington, D.C., on June 19, 1974.

ALAN I. ROBERTS,
Secretary, Hazardous Materials Regulations Board.

[FR Doc.74–14549 Filed 6–25–74;8:45 am]

ATOMIC ENERGY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON REACTOR SAFETY RESEARCH

Notice of Meeting

JUNE 24, 1974.

In accordance with the purposes of section 29 and 182 b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the Advisory Committee on Reactor Safeguards' Subcommittee on Reactor Safety Research will hold a meeting during July 23–25, 1974 in Room 1046, 1717 H Street NW., Washington, D.C. The purpose of this meeting will be to discuss the goals, scope and schedule of AEC and privately funded reactor safety research.

The following constitutes that portion of the Subcommittee's agenda for the above meeting which will be open to the public:

TUESDAY, JULY 23, 1974—THURSDAY, JULY 25, 1974, 9 A.M.–5 P.M. ON EACH DAY

Discussion with the AEC Regulatory Staff, Divisions of Reactor Safety Research and Reactor Research and Development, the Electric Power Research Institute, Westinghouse Electric Co., General Electric, Babcock and Wilcox Corp., and Combustion Engineering Co. on Fast- and Light-Water Reactor Safety Research. The discussions on fast reactor safety research are expected to begin at approximately 1 p.m. on Wed., July 24, 1974.

In connection with the above agenda item, the Subcommittee will hold executive sessions before and after each day's meeting to discuss its preliminary views and to exchange opinions and formulate recommendations to the ACRS. In addition, following the public portion of the meeting, on each day, the Subcommittee may hold closed sessions with the AEC and vendors to discuss privileged information relating to their reactor safety research programs.

I have determined, in accordance with subsection 10(d) of Pub. L. 92–463, that the executive session at the beginning and end of each day's meeting will consist of an exchange of opinions and formulation of recommendations, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b) and that closed sessions may be held each day to discuss certain documents and information which are privileged and fall within exemption (4) of 5 U.S.C. 552(b). Further, any non-exempt material that will be discussed during the above closed sessions will be inextricably intertwined with exempt material, and no further separation of this material is considered practical. It is essential to close such portions of the meeting to protect such privileged information and the free interchange of internal views and to avoid undue interference with Committee operation.

Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda item may do so by mailing 25 copies thereof, postmarked no later than July 15, 1974, to the Executive Secretary, Advisory Committee on Reactor Safeguards, U.S. Atomic Energy Commission, Washington, D.C. 20545.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statement and its usefulness to the Subcommittee. To the extent that the time available for the meeting permits, the Subcommittee will receive oral statements during a period of no more than 30 minutes at an appropriate time, chosen by the Chairman of the Subcommittee.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Subcommittee who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Because of the scope of the agenda and the number of participants, it may be necessary to adjust the details of the meeting, order of appearance, etc., at a later time. Information as to the details of the agenda and schedule, whether the meeting has been canceled or rescheduled, and in regard to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on July 22, 1974 to the Office of the Executive Secretary of the Committee (telephone 301–973–5651) between 8:30 a.m. and 5:15 p.m., Eastern Daylight Time.

(e) Questions may be propounded only by members of the Subcommittee and its consultants.

(f) Seating for the public will be available on a first-come first-served basis.

(g) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(h) A copy of the transcript of the open portions of the meeting will be available for inspection during the following workday at the Atomic Energy Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545. Copies of the transcript may be reproduced in the Public Document Room or may be obtained from Ace Federal Reporters, Inc., 415 Second Street NE., Washington, D.C. 20002 (telephone 202–547–6222) upon payment of appropriate charges.

(i) On request, copies of the Minutes of the meeting will be made available for inspection at the Atomic Energy Commission Public Document Room, 1717 H Street NW., Washington, D.C. 20545 after September 25, 1974. Copies may be obtained upon payment of appropriate charges.

JOHN C. RYAN,
Advisory Committee Management Officer.

[FR Doc.74–14712 Filed 6–25–74;8:45 am]

[Byproduct Material License No. 48–12397–01]

GREEN BAY X-RAY SERVICE, INC.

Order Cancelling Prehearing and Evidentiary Hearing

In the matter of Green Bay X-ray Service, Inc., 838 Borvan Avenue, Green Bay, Wisconsin.

On June 20, 1974, Green Bay X-Ray Service, Inc. (Respondent in the above entitled proceeding) by its attorney Robert Schaefer of Green Bay, Wisconsin, telephoned that Respondent desired to withdraw its appeal respecting the proposal of the Regulatory Staff to impose civil penalties for asserted violations of the Commission regulations and the technical specifications applicable to Respondent's license. Attorney Schaefer also reported that Respondent would file a formal document withdrawing the appeal and requesting a termination of the proceeding. Regulatory Staff counsel who was also a participant in the telephone conversation stated he had no objection. Both counsel agreed that the prehearing conference and evidentiary hearing presently scheduled for June 25, 1974 should be cancelled.

Wherefore, it is ordered, In accordance with the Atomic Energy Act, as amended, and the Rules of Practice of the Commission, that the prehearing conference and evidentiary hearing in this proceeding scheduled for Tuesday, June 25, 1974 in a Courtroom to be assigned in the Brown County Courthouse, 100 South Jefferson Street, Green Bay, Wisconsin, is cancelled.

The termination of the proceeding will await the formal submittal by Respondent of its withdrawal of appeal and answer by the Regulatory Staff of the Commission.

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Issued June 21, 1974, Germantown, Maryland.

SAMUEL W. JENSCH,
Chief Administrative Law Judge.

[FR Doc.74-14601 Filed 6-25-74;8:45 am]

[Docket No. 50-382A]

LOUISIANA POWER & LIGHT CO.

Change in Time and Location for Sixth Prehearing Conference

In the matter of Waterford Steam Electric Generating Station, Unit 3.

Take notice, that the time and place of the sixth prehearing conference that was the subject of the Board's Notice and Order of June 5, 1974 is hereby changed. It will be held on July 1, 1974 at 9:30 a.m. at the Atomic Safety and Licensing Board Hearing Room, 12th floor, 7910 Woodmont Avenue, Bethesda, Maryland.

It is so ordered.

Issued this 20th day of June 1974 at Bethesda, Maryland.

ATOMIC SAFETY AND LICENSING BOARD,
HUGH K. CLARK,
Chairman.

[FR Doc.74-14540 Filed 6-25-74;8:45 am]

MATERIALS AND PLANT PROTECTION; REGULATORY GUIDES

Issuance and Availability

The Atomic Energy Commission has issued two guides in its Regulatory Guide series. The Regulatory Guide series has been developed to describe and to make available to the public methods acceptable to the AEC Regulatory staff for implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain information needed by the staff in its review of applications for permits and licenses.

The new guides are in Division 5, "Materials and Plant Protection." Regulatory Guide 5.24, "Analysis and Use of Process Data for the Protection of Special Nuclear Material," describes a procedure for the analysis and use of process data as an early indicator of SNM theft. Regulatory Guide 5.25, "Design Considerations for Minimizing Residual Holdup of Special Nuclear Material in Equipment for Wet Process Operations," describes design features and characteristics acceptable for minimizing the residual holdup of special nuclear material in equipment used at nuclear fuel facilities for wet process operations.

Regulatory Guides are available for inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. Comments and suggestions in connection with (1) items for inclusion in guides currently being developed (listed below) or (2) improvements in any published guides are encouraged and should be sent to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff. Requests for single copies of the issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides should be made in writing to the Director of Regulatory Standards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Telephone requests cannot be accommodated. Regulatory Guides are not copyrighted and Commission approval is not required to reproduce them.

Other Division 5 Regulatory Guides currently being developed include the following:

Minimizing Nuclear Material Holdup in Dry Process Operations.
Organization for Materials and Plant Protection.
Management Review of Materials and Plant Protection Programs and Activities.
Standards for Physical Barrier Construction.
Special Nuclear Material Doorway Monitors.
Plant Security Force Duties.
Personnel Selection and Screening.
Perimeter Intrusion Alarms.
Road Shipment of SNM by Specially Designed Vehicle with Armed Guards.
Communication with Transport Vehicles.
Coordination of Response Plan with Law Enforcement Authority.
Monitoring Transfers of Special Nuclear Material.
Selection of Material Balance and Item Control Areas.
Internal Transfers of Nuclear Material.
Material Control in Unirradiated Scrap Recovery Facilities.
Dynamic Inventory Techniques.
Prior Measurement Verification.
Materials Protection Contingency Measures for Uranium and Plutonium Processing and Fuel Fabrication Plants.
Evaluation of Material Unaccounted for (MUF).
Evaluation of Shipper and Receiver Data.
Resolution of Shipper-Receiver Differences.
Measurement Control Program for Materials Accounting in Nuclear Material Processing Plants.
Determination of Random Measurement Errors.
Determination of Measurement Bias and Systematic Errors.
Training and Qualifying Measurement Control Personnel.
Nuclear Material Control Systems for Nuclear Power Plants.
Methods for the Accountability of Plutonium Oxide Powder.
Methods for the Accountability of High-Enriched UO_2.
Chemical, Nuclear, and Radiochemical Analysis of $UO_2(NO_3)_2$ Solutions.
Guide for Mass and Scales Calibration.
Guide for Mixing and Sampling Nuclear Materials.
Preparation of $Pu(NO_3)_4$ Solution as a Working Standard.
Guide to Making Working Standards from Production Material.
Preparation of $UO_2(NO_3)_2$ Solution as a Working Standard.
Radiometric Calibration Techniques.
Calorimetric Assay of Pu-Bearing Solids.
Nondestructive Assay of Plutonium-Bearing Fuel Rods by Gamma-Ray Spectroscopy.
Nondestructive Assay of High-Enrichment Uranium Fuel Plates.
Nondestructive Assay of Plutonium by Spontaneous Fission Coincidence Detection.
Nondestructive Assay of High-Enrichment Uranium Scrap by Active Neutron Interrogation.
Nondestructive Assay of Uranium Residual Holdup.
Nondestructive Assay of Plutonium by Gamma-Ray Spectroscopy.
Specifications for Ge(Li) Spectroscopy Systems for Material Protection—Part II: Data Reduction.
Radionuclide Analysis of Specially Prepared Samples by Gamma-Ray Spectroscopy.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland this 18th day of June 1974.

For the Atomic Energy Commission.

LESTER ROGERS,
Director of Regulatory Standards.

[FR Doc.74-14587 Filed 6-25-74;8:45 am]

[Docket No. 50-263]

NORTHERN STATES POWER CO.

Issuance of Provisional Operating License Amendment

Notice is hereby given that the United States Atomic Energy Commission ("the Commission") has issued Amendment No. 4 to Provisional Operating License No. DPR-22 to the Northern States Power Company authorizing a change in the amount of byproduct material they may receive, possess, and use basically for reactor neutron sources and calibration of radiation monitoring equipment used in connection with operation of the Monticello Nuclear Generating Plant (the facility). The amendment, effective as of the date of issuance, authorizes (1) a change (from 1250 curies to 5350 curies) in the strength of individual sealed antimony sources used for reactor startup, (2) a change (from 27 microcuries to 5.5 millicuries) in the cobalt 60 sources, and (3) insignificant changes in other amounts of byproduct materials used for such purposes as instrument calibration. The Northern States Power Company is presently licensed to possess and operate its facility (located in Wright County, Minnesota) at power levels up to 1670 MWt.

The Commission's Regulatory staff has found that the application complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's rules and regulations published in 10 CFR Chapter I, and that the issuance of the amendment will not be inimical to the common defense and security or to the health and safety of the public. The staff also has concluded that this action does not involve a significant hazards consideration since (1) the use of the materials in the manner proposed does not change the previously reviewed and authorized operation of the facility and thus no new safety considerations are involved, (2) the materials are being stored in previously reviewed and approved storage facilities, and (3) the quantities and types of materials pose no new personnel safety considerations different than those considered for the other materials previously reviewed and licensed for this facility and materials will be handled by Northern States Power Company personnel familiar with the safe handling of numerous types and quantities of byproduct and special nuclear materials. Based upon the finding of no significant hazards consideration, public notice of proposed issuance of the amendment is not required.

Copies of the (1) application dated December 21, 1972, as amended August 31, 1973, (2) Amendment No. 4 to License No. DPR-22, and (3) the letter to Northern States Power Company (transmitting Amendment No. 4) which provides an evaluation of the request for the amendment are available for public inspection at the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C., and at the Environmental Library of Minnesota, 1222 SE. 4th Street, Minneapolis, Minnesota 55414. Single copies of the license amendment may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Bethesda, Maryland, this 17th day of June 1974.

For the Atomic Energy Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch No. 2, Directorate of Licensing.

[FR Doc.74-14599 Filed 6-25-74;8:45 am]

[Docket No. 50-201]

NUCLEAR FUEL SERVICES, INC. AND NEW YORK STATE ATOMIC AND SPACE DEVELOPMENT AUTHORITY

Special Prehearing Conference

Take notice that pursuant to the Atomic Energy Commission's "Notice of Hearing on Applications for a Construction Permit, and Notice of Consideration of Conversion of Provisional Operating License * * * to a Full-Term Operating License * * *" dated March 8, 1974 (39 FR 10471, March 20, 1974), and in accordance with the § 2.751a of the Commission's rules of practice (10 CFR Part 2), a Special Prehearing Conference will be held before an Atomic Safety and Licensing Board (the Board) on July 9, 1974 at 9:30 a.m. e.d.t. at the following location:

U.S. Courthouse
Courtroom No. 706
Niagara Square
Buffalo, New York 14202

This Special Prehearing Conference is preliminary to a public, evidentiary hearing that will be held on a later date by the Board to consider the applications filed under the Atomic Energy Act of 1954, as amended, by Nuclear Fuel Services, Inc. and the New York State Atomic and Space Development Authority (the applicants) for a construction permit to perform certain modifications of the subject nuclear fuel reprocessing facility. The facility is presently authorized to operate at a capacity of about 300 metric tons of uranium per year, and the modification proposed to be authorized by a new construction permit would increase the operating capacity to about 750 metric tons per year. The facility is located in the Western New York Nuclear Service Center in the town of Ashford, New York, near Riceville, Cattaragus County, about 30 miles southeast of Buffalo.

The evidentiary hearing will be concerned with the radiological health and safety issues set forth in the Commission's March 8, 1974 Notice of Hearing, supra, together with any specific contentions or matters in controversy between the parties admitted by the Board after it has ruled upon certain pending petitions for intervention. The hearing will be scheduled to start in the general vicinity of the site of the subject facility.

Persons and organizations wishing to make limited appearance statements, orally or in writing, may do so at the time of the public, evidentiary hearing, but limited appearances will not be received at the time of this Special Prehearing Conference. However, all members of the public, including anticipated limited appearance speakers, are welcome to attend the prehearing conference.

The special prehearing conference will deal with the following matters:

1. Any Motions addressed to the Atomic Safety and Licensing Board,
2. Identification of the key issues in the proceeding,
3. Discussion of any steps necessary for further identification of issues,
4. Consideration of intervention petitions to allow the Board to make such preliminary or final determination of the status of the parties as may be appropriate,
5. Establishment of the need for discovery and the time required for such discovery, if any,
6. Establishment of schedules for further action in the proceeding, and
7. Such other matters as may aid in the orderly disposition of the hearing.

The attorneys for the respective parties are hereby directed to confer in advance of the special prehearing conference (either in person or by telephone) and report to the Board at the time of said conference on the prospects for:

1. Settlement,
2. An agreed schedule for discovery,
3. Any stipulations which would limit the matters in controversy or the number of witnesses and exhibits to be offered at the evidentiary hearing.

At the special prehearing conference, the Board will hear oral argument on the outstanding petitions to intervene. The petitioners as well as the parties, will be given an opportunity to be heard in this regard.

It is so ordered.

Issued at Bethesda, Maryland, this 20th day of June, 1974.

For the Atomic Safety and Licensing Board.

THOMAS W. REILLY, *Esq.*,
Chairman.

[FR Doc.74-14600 Filed 6-25-74;8:45 am]

[Docket Nos. 50-352, 50-353]

PHILADELPHIA ELECTRIC CO.

Availability of Initial Decision of the Atomic Safety and Licensing Board; Issuance of Construction Permits

Pursuant to the National Environmental Policy Act of 1969 and the United States Atomic Energy Commission's regulations in 10 CFR Part 50, Appendix D, section A.9 and A.11, notice is hereby given that an Initial Decision dated June 14, 1974, by the Atomic Safety and Licensing Board in the above captioned proceeding authorizing issuance of construction permits to the Philadelphia Electric Company for construction of the Limerick Generating Station, Units 1 & 2 located on the Schuylkill River, near Pottstown in Limerick Township, Montgomery County, Pennsylvania, is available for inspection by the public in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C., and in the Pottstown Public Library, 500 High Street, Pottstown, Pennsylvania 19464.

The Initial Decision is subject to review by an Atomic Safety and Licensing Appeal Board prior to its becoming final. Any decision or action taken by an Atomic Safety and Licensing Appeal Board in connection with the Initial Decision may also be reviewed by the Commission.

The Initial Decision is also being made available at the Office of Radiological Health, Department of Environmental Resources 5th Floor, Fulton Building, 3rd and Locust Street, Harrisburg, Pennsylvania 17120 and at the Delaware Valley Regional Planning Commission, 1317 Filbert Street, Philadelphia, Pennsylvania 19107.

Based upon the record developed in the public hearing in the above captioned matter, the Initial Decision modified in certain respects the contents of the Final Environmental Statement relating to the construction of the Limerick Generating Station, Units 1 & 2, prepared by the Commission's Directorate of Licensing. Pursuant to the provisions of 10 CFR Part 50, Appendix D, section A.11, the Final Environmental Statement is deemed modified to the extent that the findings and conclusions relating to environmental matters contained in the Initial Decision are different from those contained in the Final Environmental Statement, dated November 1973. As required by section A.11 of Appendix D, a copy of the Initial Decision, which modifies the Final Environmental Statement, has been transmitted to the Council on Environmental Quality and made available to the public as noted herein.

Pursuant to the above mentioned Initial Decision, the Atomic Energy Commission (the Commission) has issued Construction Permits Nos. CPPR-106 & CPPR-107 to the Philadelphia Electric Company for construction of two boiling water nuclear reactors, known as the Limerick Generating Sta-

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tion, Units 1 and 2, each designed for a rated power of approximately 3293 megawatts thermal with a net electric output of approximately 1055 megawatts.

The Commission has made appropriate findings as required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the construction permits. The application for the construction permits complies with the standards and requirements of the Act and the Commission's rules and regulations.

The construction permits are effective as of their date of issuance. The earliest date for the completion of Unit 1 is April 1, 1979, and the latest date for completion is October 1, 1979. The earlies' date for the completion of Unit 2 is September 1, 1980 and the latest date for completion is March 1, 1981. Each permit shall expire on the latest date for completion of the facility.

In addition to the Initial Decision, copies of (1) Construction Permits Nos. CPPR–106 & CPPR–107; (2) the report of the Advisory Committee on Reactor Safeguards, dated September 21, 1972; (3) the Directorate of Licensing's Safety Evaluation, dated November 29, 1971; (4) Errata to Safety Evaluation, dated January 1972 and April 24, 1972; (5) the Preliminary Safety Analysis Report and amendments thereto; (6) the applicant's Environmental Report, dated October 1970, revised May 1972 and supplements thereto; (7) the Draft Environmental Statement, dated August 1973; and (8) the Final Environmental Statement, dated November 1973, are also available for public inspection at the above-designated locations and in Washington, D.C., and in the Pottstown Public Library, 500 High Street, Pottstown, Pennsylvania 19464. Single copies of the Initial Decision by the Atomic Safety and Licensing Board, the construction permits, the Final Environmental Statement, and the Safety Evaluation and Errata may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing, Regulation.

Dated at Bethesda, Maryland, this 19th day of June, 1974.

For the Atomic Energy Commission.

WALTER R. BUTLER,
Chief, Light Water Reactors Project Branch 1–2, Directorate of Licensing.

[FR Doc.74–14538 Filed 6–25–74;8:45 am]

[Docket Nos. 50–352, 50–353]

PHILADELPHIA ELECTRIC CO.

Reconstitution of Atomic Safety and Licensing Appeal Board

In the matter of Limerick Generating Station, Units 1 and 2.

Notice is hereby given that, in accordance with the authority in 10 CFR § 2.787(a), the Chairman of the Atomic Safety and Licensing Appeal Panel has reconstituted the Atomic Safety and Licensing Appeal Board for these proceedings to consist of the following members:

Alan S. Rosenthal, Chairman.
Dr. John H. Buck, Member.
Michael C. Farrar, Member.

Dated: June 19, 1974.

MARGARET E. DU FLO,
Secretary to the Appeal Board.

[FR Doc.74–14539 Filed 6–25–74;8:45 am]

[Docket Nos. 50–361 and 50–362]

SOUTHERN CALIFORNIA EDISON CO. AND SAN DIEGO GAS & ELECTRIC CO.

Notice and Order for Prehearing Conference

Please take notice that a prehearing conference will be held on Monday, July 1, 1974, at 2 p.m., in courtroom 517, United States Courthouse, 312 N. Spring Street, Los Angeles, California, in connection with the permits for the construction by the Southern California Edison Company and the San Diego Gas & Electric Company of two pressurized water reactors designated as Units 2 and 3 of the San Onofre Nuclear Generating Station.

The prehearing conference will consider the remand ordered by the Atomic Safety and Licensing Appeal Board in its Memorandum and Order (ALAB–212), issued June 18, 1974, and the further proceedings to be conducted in implementing the remand. Thus, this prehearing conference will consider:

(a) The establishment of a schedule for further actions in this proceeding, including discovery and all other matters relevant to further hearing as necessary to fulfill the mandate of the remand.

(b) The need to reopen stipulated issue Nos. 3, 4, 5 and 10 related to health and safety matters in the remand proceedings.

Counsel for the parties to this proceeding should be prepared to fully discuss the above matters.

This prehearing conference will be limited to the above matters, and will not receive evidence, nor will there be opportunity for presentation of statements by members of the public who desire to make a limited appearance for that purpose.

It is so ordered.

Washington, D.C., June 20, 1974.

ATOMIC SAFETY AND LICENSING BOARD,
MICHAEL L. GLASER,
Chairman.

[FR Doc.74–14602 Filed 6–25–74;8:45 am]

[Docket Nos. 50–438, 50–439]

TENNESSEE VALLEY AUTHORITY

Order Relative to Environmental Hearing

In the matter of Bellefonte Nuclear Plant, Units 1 and 2.

Take Notice, the evidentiary hearing on environmental matters will commence at 9:30 a.m. (local time), on July 9, 1974, in the Gold Room at the Holiday Inn in Scottsboro, Alabama.

In a conference call on June 18, 1974, the parties informed the Board that they had stipulated to the language of the Intervenor's contested issue; to wit, "Intervenor contends that routing the access railroad across Town Creek Embayment is a more desirable alternative than the proposed route". The parties also agreed that Applicant would proceed first with its offer of proof, then the Regulatory Staff, followed by the Intervenors. The parties were reminded of the requirements of 10 CFR 2.743 concerning service of proposed written testimony at least five (5) days prior to the hearing. The Board accepts the stipulation and the procedure suggested by the parties.

The public is invited to attend the hearing. Limited appearance statements will be accepted at the environmental hearing as well as at the health and safety hearing to be scheduled at a later date. An oral statement should be limited to five (5) minutes but written material without limitation on length may be submitted. If Daniel Payne Hale, Lyle A. Taylor, and Ward C. Van Orman, who petitioned to intervene but were not granted intervention, desire to make limited appearances, they will be granted thirty (30) minutes each.

It is so ordered.

Issued at Bethesda, Maryland, this 19th day of June 1974.

ATOMIC SAFETY AND LICENSING BOARD,
ELIZABETH S. BOWERS,
Chairman.

[FR Doc.74–14541 Filed 6–25–74;8:45 am]

CIVIL AERONAUTICS BOARD

[Order 74–6–98; Docket 26531]

NATIONAL AIRLINES, INC.

Order Amending Order

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 21st day of June 1974.

Application of National Airlines, Inc. for authorization of inter-carrier discussions concerning night coach departure times in the New York/Newark-Miami/Fort Lauderdale markets.

By Order 74–6–53, adopted June 11, 1974, the Board granted the application of National Airlines, Inc. for authority to hold intercarrier discussions looking toward an agreement with Delta Air Lines, Inc. and Eastern Air Lines, Inc. concerning night coach departure times in the New York/Newark-Miami/Fort Lauderdale markets.

Reference to the answers of Delta and Eastern in support of National's application was inadvertently omitted from Order 74–6–53. In its answer, Eastern requested that the authorization be expanded to include discussion of the northbound night coach departure times from Miami to Boston and Detroit. In support of its request Eastern asserts that the flights from Miami to Boston and Detroit have the same departure time as those to the New York-area airports and, therefore, this minor enlargement of the discussion authorization will permit a more comprehensive consideration of the situation at Miami and will permit a more complete review of potential remedial schedule adjustments at that airport.

Upon consideration of Eastern's request, the Board concludes that expansion of the discussion authorization to include night coach service from Miami to Boston and Detroit will permit the carriers to consider a more comprehensive review of the night coach departure time situation at Miami International Airport with an eye toward reducing the number of single-time departures. A sufficient spread of departure times at Miami will significantly reduce the delays in takeoff and, thereby, alleviate the wasteful fuel practices now being experienced by the carriers.

Accordingly, Order 74–6–53 will be amended to also permit the discussion of northbound night coach departure times in the Miami to Boston and Detroit markets.

Accordingly, it is ordered That: 1. Ordering paragraph 1 of Order 74–6–53 be and it hereby is amended to read as follows:

1. The application of National Airlines, Inc. for authority to hold inter-carrier discussions concerning night coach departure times in the New York/Newark-Miami/Fort Lauderdale markets, and the request by Eastern Air Lines, Inc. to expand the discussion authorization to include northbound night coach service from Miami to Boston and Detroit, be and they hereby are granted, subject to the following conditions:

2. Copies of this order shall be served on the Department of Justice and all certificated route and supplemental air carriers.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74–14594 Filed 6–25–74;8:45 am]

CIVIL SERVICE COMMISSION

[Order 74–6–44, Docket No. 25280, Agreement C.A.B. 24415]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Agreement Adopted by the Joint Traffic Conferences; Correction

In FR Doc. 74–13699, appearing on page 20837 of the issue of Friday, June 14, 1974, at the beginning of the first paragraph, add the following sentence: "Issued under delegated authority on June 10, 1974."

DEPARTMENT OF AGRICULTURE

Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Agriculture to fill by noncareer executive assignment in the excepted service the position of Executive Director, Office of the Counselor for Natural Resources, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74–14590 Filed 6–25–74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Health, Education, and Welfare to fill by noncareer executive assignment in the excepted service the position of Director, Office of Policy Development and Planning, Public Health Service, Office of the Assistant Secretary for Health, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74–14591 Filed 6–25–74;8:45 am]

DEPARTMENT OF THE INTERIOR

Grant of Authority to Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of the Interior to fill by noncareer executive assignment in the excepted service the position of Associate Director, Office of Water Resources Research, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74–14585 Filed 6–25–74;8:45 am]

DEPARTMENT OF THE INTERIOR

Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of the Interior to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary for Public Land Management—Indian Affairs, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74–14586 Filed 6–25–74;8:45 am]

DEPARTMENT OF JUSTICE

Revocation of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Justice to fill by noncareer executive assignment in the excepted service the position of Chief, Appellate Section, Land and Natural Resources Division.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74–14587 Filed 6–25–74;8:45 am]

DEPARTMENT OF JUSTICE

Revocation of Authority To Make A Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Justice to fill by noncareer executive assignment in the excepted service the positions of Deputy Associate Commissioner, Security, Office of Security, Immigration and Naturalization Service.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74–14592 Filed 6–25–74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Environmental Protection Agency to fill by noncareer executive assignment in the excepted service the position of Deputy Director, Office of Public Affairs, Office of the Administrator.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74–14589 Filed 6–25–74;8:45 am]

GENERAL SERVICES ADMINISTRATION

Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the General Services Administration to fill by noncareer executive assignment in the excepted services the position of Assistant to the Administrator and Chairman, General Service Admin-

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istration Board of Contract Appeals, Office of the Administrator.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74-14588 Filed 6-25-74;8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

PUBLIC PLAYGROUND EQUIPMENT

Notice of Meeting

This is to announce that on July 3, 1974, Ms. Elayne Butwinick, Washington, D.C., will meet with Mr. Bert Simson, Office of Standards Coordination and Appraisal, Consumer Product Safety Commission, to discuss the technical aspects of playground equipment and associated injury data. Ms. Butwinick petitioned the Commission on April 18, 1974, to initiate proceedings to develop mandatory safety standards for public playground equipment.

The meeting will be held in Room 828, Westwood Towers Building, 5401 Westbard Avenue, Bethesda, Maryland. Parties wishing to attend should notify Mr. Don Early, Office of Standards Coordination and Appraisal, Consumer Product Safety Commission, Washington, D.C. 20207; telephone (301) 496-7197.

Dated: June 21, 1974.

SADYE E. DUNN,
Secretary, Consumer Product Safety Commission.

[FR Doc.74-14554 Filed 6-25-74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[OPP-32000/74]

RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 979), and its procedures for implementation. This policy provides that EPA will, upon receipt of every application, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by the applicant will be available for examination at the Environmental Protection Agency, Room EB-37, East Tower, 401 M Street, SW, Washington, D.C. 20460.

On or before August 26, 1974, any person who (a) is or has been an applicant, (b) desires to assert a claim for compensation under section 3(c)(1)(D) against another applicant proposing to use supportive data previously submitted and approved, and (c) wishes to preserve his opportunity for determination of reasonable compensation by the Administrator must notify the Administrator and the applicant named in the Federal Register of his claim by certified mail. Every such claimant must include, at a minimum, the information listed in this interim policy published on November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy in regard to usage of existing supportive data for registration will be processed in accordance with existing procedures. Applications submitted under 2(c) will be held for the 60-day period before commencing processing. If claims are not received, the application will be processed in normal procedure. However, if claims are received within 60 days, the applicants against whom the particular claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after August 26, 1974.

APPLICATIONS RECEIVED

EPA File Symbol 32427-A. Allied Services Division of Allied Equities Corporation, 765 Landess Avenue, P.O. Box 319, Milpitas, California 95035. *Allied Services AL-Stop 4B.* Active Ingredients: Bromacil [5-bromo-3-sec-butyl-6-methyluracil] 4.0 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 5481-RTN. Amvac Chemical Corp., 4100 E. Washington Blvd., Los Angeles, California 90023. *Kerb Granules 1.* Active Ingredients: 3,5-dichloro-N-(1,1-dimethyl-2-propynyl) Benzamid 1.0 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 5481-RTR. Amvac Chemical Corp. *Alco Ozalis Killer W.P.* Active Ingredients: Monuron, 3-(p-chlorophenyl) 1,1-Dimethylurea 80.0 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 5481-RAO. Amvac Chemical Corp. *Aquatrol, Algaecide for Use in Potable Water Reservoirs.* Active Ingredients: Copper as elemental 7 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 10736-L. Babco Chemical Company, Inc., P.O. Box 2787, Jacksonville, Florida 32203. *Babco Bug-Chek II.* Active Ingredients: Chlorpyrifos [O,O-diethyl O-(3,5,6-trichloro-2-pyridyl phosphorothioate] 0.50 percent; Pyrethrins 0.05 percent; Piperonyl butoxide, technical 0.125 percent; Aromatic petroleum derivative solvent 1.00 percent; Petroleum distillate 0.45 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 32690-U. Bio-Chemical, Inc., 1353 Ellsworth Industrial Drive, N.W., Atlanta, Georgia 30318. *Bio-Chemical, Inc., Biocide Disinfectant, Sanitizier, Deodorizer.* Active Ingredients: n-Alkyl (60 percent C12, 30 percent C14, 5 percent C16, 5 percent C18) dimethyl benzyl ammonium chloride 2.88 percent; n-Alkyl (68 percent C12, 32 percent C14) dimethyl ethylbenzyl ammonium chloride 2.88 percent; Isopropyl Alcohol 1.15 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 4643-EA. Chemed Corporation, 300 Genesee St., Lake Zurich, Illinois 60047. *Oil Perge, A Bacteriostat.* Active Ingredients: Methylene Bis (thiocyanate) 9.3 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 15146-O. Chemwood Corporation, P.O. Box 4270, Memphis, Tennessee 38104. *Pol-Grease.* Active Ingredients: Pentachlorophenol 9.17 percent; Other Chlorinated Phenols 1.06 percent; Aromatic Petroleum Derivative Solvent 81.54 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 682-IO. Crop King Chemical Box 1016, Yakima, Washington 98907. *Crop King Stabilaid 520.* Active Ingredients: Methyl cellulose 2.5 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 8764-EI. FMC Corporation, Citrus Machinery Division, P.O. Box 522, Riverside, California 92502. *Sta-Fresh 425 Fungicidal Fruit Coating.* Active Ingredients: Sodium o-phenylphenate, anhydrous 0.50 percent; Thiabendazole 0.06 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 5905-URT. Helena Chemical Company, Suite 2900-Clark Tower, 5100 Poplar Avenue, Memphis, Tennessee 38137. *Helena Phosdrin 4 I. P. A. Miscible Insecticide.* Active Ingredients: alpha Isomer of 2-Carbomethoxy-1-methylvinyl Dimethyl Phosphate 29.7 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 407-GTA. Imperial Inc., P.O. Box 423, Shenandoah, Iowa 51601. *3.73 percent Pramitol Imperial Vegetation Killer Emulsifiable.* Active Ingredients: Prometon: 2,4-bis(isopropylamino)-6-methoxy-s-triazine 3.73 percent; Petroleum distillate 80.91 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 5197-LU. Kem Manufacturing Corporation, Kem International Building, 2075 Tucker Industrial Rd., Tucker, Georgia 30084. *Kem Kill-S Dual Action Insect Killer.* Active Ingredients: (5-Benzyl-3-furyl)methyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylate 0.350 percent; Related compounds 0.048 percent; Aromatic petroleum hydrocarbons 0.464 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 2342-OUN. Kerr-McGee Chemical Corp., Kerr-McGee Center, Oklahoma City, Oklahoma 73125. *FASCO Suspense C-Z-M No. 2.* Active Ingredients: Copper as Metallic 18.75 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 2342-OUR. Kerr-McGee Chemical Corp., Kerr-McGee Center, Oklahoma City, Oklahoma 73125. *FASCO Dibrom 8 EC Insecticide.* Active Ingredients: Naled 58 percent; Xylene 20 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 30943-RI. Lea Chemicals, P.O. Box 868, Marianna, Florida 32446. *Lea Champion Disinfectant-Detergent.* Active Ingredients: Isopropanol 7.87 percent; Tetrasodium ethylenediamine tetraacetate 4.00 percent; Sodium xylene sulfonate 4.00 percent; Sodium 2,4,5-trichlorophenate 3.52 percent; Sodium o-benzyl-p-chlorophenate 2.93 percent; Sodium 4-chloro-2-cyclopentyl phenate 2.90 percent; Sodium lauryl sulfate 2.10 percent; Sodium mono- and dimethyl naphthalene sulfonate 0.50 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 10465-T. Mineral Research and Development Corporation, P.O. Box 911, Charlotte, North Carolina 28231. *Podoz L Liquid Fungicide For Aid In Reduction Of Peanut Pod Rot Diseases.* Active Ingredients: Copper, Metallic (from Copper Ammonium Carbonate) 8 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 7001-65. Occidental Chemical Company, A Division of Occidental Petroleum Corporation, P.O. Box 198, Lathrop, California 95330. *Kocide 101 Agricultural Fungicide.* Active Ingredients: Cupric Hydroxide (Copper expressed as elemental 54 percent) 83 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 7001-ROG. Occidental Chemical Company, A Division of Occidental Petroleum Corporation, P.O. Box 198, Lathrop, California 95330. *Trifluralin 4 E.C. Emulsifiable Concentrate-A Herbicide For Professional Use in Ornamentals.* Active Ingredients: (a,a,a-trifluoro-2,6-dinitro-N,N-dipropyl-p-toluidine) 44.5 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 1202-EAU. PureGro Company, 1052 West Sixth St., Los Angeles, California 90017. *PureGro MCPA Sodium Salt 2.* Active Ingredients: Sodium Salt of 2-Methyl-4-Chlorophenoxyacetic acid 23.2 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 2155-12. I. Schneid, Inc., 1429 Fairmont Ave. NE, Atlanta, Georgia 30318. *Vita Pine, A Pine Odor Disinfectant Containing Pure Steam Distilled Pine Oil.* Active Ingredients: Pine Oil 14.46 percent; Potassium Soap 5.26 percent; Sodium Orthobenzylparachlorophenate 4.36 percent; Isopropyl Alcohol 1.32 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 2155-68. I. Schneid, Inc. *Mint Disinfectant, A Bactericide, Germicide and Disinfectant.* Active Ingredients: Potassium Soap 6.66 percent; Isopropyl Alcohol 5.31 percent; Sodium Orthobenzylparachlorophenate 4.62 percent; Methyl Salicylate 1.91 percent; Essential Oils 0.35 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 2155-71. I. Schneid, Inc. *Lemonene, Disinfectant-Cleaner-Sanitizer-Fungicide-Deodorant.* Active Ingredients: Essential Oils 4.54 percent; Potassium Soap 4.18 percent; Isopropyl Alcohol 3.20 percent; Sodium o-phenylphenate 2.66 percent; Sodium 4-chloro-2 cyclopentylphenate 2.63 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 829-225. Southern Agricultural Insecticides, Inc., P.O. Box 218, Palmetto, Florida 33561. *S A Brand Eptam Granules (Granules for Weed Control in Flowers and Ornamentals).* Active Ingredients: S-ethyl dipropylthiocarbamate 2.3 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 12434-U. Springbok Chemical Co., P.O. Box 398, Pendleton, Oregon 97801. *Cythion.* Active Ingredients: Malathion 56.44 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 476-2093. Stauffer Chemical Company, 1200 South 47th Street, Richmond, California 94804. *Captan-Thiram 43-43 Seed Protectant.* Active Ingredients: Captan: N-((Trichloromethyl)thio)-4-cyclohexene-1,2-dicarboximide 43.0 percent; Thiram (Tetramethylthiuram Disulfide) 43.0 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 327-RUL. Texas Phenothiazine Comany, P.O. Box 4186, Fort Worth, Texas 76106. *TPC 500-700 Double-Barreled Horse Wormer.* Active Ingredients: Trichlorfon [O,O-Dimethyl (2,2,2-trichloro-1-hydroxyethyl) phosphonate] 11.205 percent; Phenothiazine 23.517 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 327-RUA. Texas Phenothiazine Company. *TPC 800-1000 Double-Barreled Horse Wormer.* Active Ingredients: Trichlorfon [O,O-Dimethyl (2,2,2-trichloro-1-hydroxethyl) phosphonate] 16.803 percent; Phenothiazine 29.396 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 327-RUU. Texas Phenothiazine Company. *TPC 300-400 Double-Barreled Horse Wormer.* Active Ingredients: Thichlorfon [O,O-Dimethyl (2,2,2-trichloro-1-hydroxyethyl) posphonate] 7.477 percent; Phenothiazine 17.638 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 3493-7. Asgrow Mandeville Company, Inc., subsidiary of The Upjohn Company, 15 West Main Street, Cambridge, New York 12816. *Asgrow Turf Fungicide Disease Control Contains Dyrene.* Active Ingredients: 2,4-dichloro-6(O-chloroanilino)-5-triazine 5 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 11656-RI. Western Farm Service, 2401 Crow Canyon Road, San Ramon, California 94583. *Western Farm Service Diazinon AG-500.* Active Ingredients: O,O-diethyl O-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate 48.0 percent; Xylene 39.8 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 11656-RT. Western Farm Service, 2401 Crow Canyon Road, San Ramon, California 94583. *Western Farm Service Diazinon 40 Wettable Powder.* Active Ingredients: O,O-diethyl O-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate 40 percent. Method of Support: Application proceeds under 2(c) of interim policy.

Dated: June 19, 1974.

JOHN B. RITCH, JR.,
Director, Registration Division.

[FR Doc.74-14440 Filed 6-25-74;8:45 am]

[FIFRA Docket No. 301]

707-X KILLS-CONTROLS RATS-MICE, 707 WARFARIN MOUSE AND RAT KILLER

Cancellation of Registration; Notice of Hearing

Take notice that hearings in this proceeding under the Federal Insecticide, Fungicide and Rodenticide Act, as amended (86 Stat. 973; 7 USC 136 et seq.) and involving the intent to cancel the above registrations (EPA Reg Nos. 1193-17 and 1193-48), will commence at 10 a.m. on August 5, 1974, at 401 M Street SW., Washington, D.C. 20460, Room 3908.

Thereafter, the hearing may be moved to a different location and may be continued from day to day or recessed to a later day without other notice than announcement thereof at the hearing.

Inquiries concerning the hearing may be addressed to be Hearing Clerk, Environmental Protection Agency, Washington, D.C. 20460.

Dated: June 21, 1974.

FREDERICK W. DENNISTON,
Administrative Law Judge.

[FR Doc.74-14652 Filed 6-25-74;8:45 am]

CALIFORNIA STATE IMPLEMENTATION PLAN

Notice of Acknowledgement

This notice is to acknowledge that the Governor of the State of California submitted the State of California Implementation Plan for attaining and maintaining the national ambient air quality standards; Revision 4, to the Administrator of the Environmental Protection Agency. The State Air Resources Board adopted Revision 4 on December 31, 1973 following public hearings. The Administrator now requests public comment on the plan prior to determining its approvability under EPA regulations. In order to facilitate the public comment process, a summary of the plan is included below.

Revision 4 contains six sections: these represent both chapters of the text and appendices.

1. The plan contains a revised mobile source retrofit strategy whereby NOx retrofits for 1966-1970 light duty vehicles will be required starting October 1, 1973 in certain critical areas and by April 1, 1974 Statewide. Vehicle inspection and maintenance will begin as a pilot program in selected counties in 1974. Subsequent to December 31, 1975, inspection will be required in the South Coast Air Basin. Recommendations for broader applicability may be introduced before December 31, 1974.

2. In order to comply with EPA legal authority requirements, the following new legislation was enacted:

a. Authority to obtain emission data and to make that data public except data containing trade secrets that was used to calculate emissions data (SB 156).

b. Authority to require source monitoring has been adopted as amendments to the California Administrative Code in order to implement AB 580.

c. Authority for Vehicle Emission Inspection and Maintenance Program in the South Coast Air Basin (SB 479).

d. Authority to prohibit modification or removal of required original or retrofit air pollution control devices as provided under Section 27158 of the State Vehicle Code.

3. Chapter 3 represents resource needs, funding and manpower requirements for operation of California's air pollution control programs for Fiscal Year 1972-73 through Fiscal Year 1976-77.

4. A major element of the revised plan is the strategy to respond to air pollution emergency episodes. This section is to provide a basis for taking action to prevent air pollution concentrations from reaching levels which could endanger the public health, or to abate such concentrations should they occur.

5. A revised control strategy for the South Coast Air Basin provides for additional controls of organic solvent users. The mobile source control strategy was updated; inspection and maintenance in accordance with SB 479 is required. Catalytic converter retrofit is proposed if it is found to be feasible following pilot studies. The evaporative control retrofit and conversion to gaseous fuels are no longer a part of the Basin strategy. Implementation schedules for NOx control is included. No measures designed to reduce traffic are included, although the State and local transportation agencies are considering short and long term vehicle miles traveled reduction measures through preparation of Regional Transportation Plans.

6. Revision 4 also transmitted new or revised County Air Pollution Control District rules which had been added since the submittal of Revision 3.

Preliminary review of Revision 4 indicates that portions of the revised plan may be approvable; however, deficiencies are apparent. EPA is aware that the revised mobile source retrofit strategy implementation schedule has been modified

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since Revision 4 was prepared; therefore, an approval/disapproval decision may be withheld pending an updated submittal. The legal authority chapter and its appendix appear to provide documentation of four new laws or regulations that may be approvable; however, documentation of legal authority for implementation of all provisions of Revision 4 is not provided. Chapter Three on Resources is tentatively approvable, and is the most detailed that the State has submitted on this subject. The Emergency Episode Plan presented in Chapter Four is California's first attempt to fulfill this requirement. The Agency is considering limited, conditional approval of this plan element so that the responsibility for oxidant and carbon monoxide episode response in the Metropolitan Los Angeles, San Diego and San Francisco Bay Area Intrastate Air Quality Control Regions will be transferred to the state and local agencies. This limited approval would be contingent upon submission of approvable local plans. The episode plan deficiencies are fundamentally the lack of documented legal authority to act, and the lack of assured cooperation between districts during an episode.

The primary problem with the revised pollutant control strategy applying to the Metropolitan Los Angeles Intrastate AQCR is the lack of sufficient transportation controls, and failure to demonstrate that all reasonable measures are being taken as expeditiously as possible to obtain better air quality in this Air Quality Control Region (AQCR) (also called the South Coast Air Basin). The county rules submitted with Revision 4 will be reviewed for compliance with appropriate EPA regulations and previous promulgations.

In recognition of the time constraint of needing an emergency episode plan in either an approved State plan or promulgated EPA plan by the summer of 1974, the Administrator may approve or disapprove Chapter Four of Revision 4 prior to reviewing the remainder of the plan. Public comment will be received on or before July 26, 1974, and should be addressed to the Environmental Protection Agency, Region IX, 100 California Street, San Francisco, California 94111.

Dated: June 21, 1974.

PAUL DEFALCO, Jr.,
Regional Administrator, Region IX.

[FR Doc.74-14654 Filed 6-25-74;8:45 am]

[OPP-180012]

TOXAPHENE FOR CONTROL OF SOD WEBWORM IN SOUTH DAKOTA

Issuance of Specific Exemption

The Environmental Protection Agency has granted a specific exemption to the State of South Dakota to use toxaphene in a program to suppress economically damaging populations of the sod webworm (Lepidoptera: Pyralidae, subfamily Crambinae) infesting rangeland on 50,000 acres located in Dewey, Ziebach, Corson, Stanley, Haakon, Jeade, Pennington, Harding, Perkins, and Sulley Counties, South Dakota, as provided in section 18 of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), as amended (86 Stat. 995), and the regulations thereunder (40 CFR 166.1 *et seq.*). The regulations concerning exemptions were published in the FEDERAL REGISTER on December 3, 1973 (38 FR 33303).

The State of South Dakota applied to the EPA for an exemption, in accordance with the provisions of § 166.3 of the regulations (40 CFR Part 166) governing the exemption of Federal and State agencies for use of pesticides under emergency conditions, as a result of a sudden sod webworm outbreak on native rangeland and the possibility that a second generation of this insect may appear. This outbreak is in an area of 20 miles by 10 miles where land is used for grazing cow calf units. Unless this insect infestation is controlled, many cattle ranchers in the area could suffer severe economic loss and may have to disburse or sell their cattle herds because of the lack of forage.

Parathion is registered specifically for control of webworms on forage grasses, clover, and alfalfa. However, the manufacturer has stated suitable quantities of parathion are not available to accommodate this situation. Toxaphene, which was formerly registered for use on rangeland to control crickets and grasshoppers and has an established tolerance of 7.0 ppm for fat of beef cattle, sheep and goats, appears to be the least objectionable alternative with respect to short-term and long-term adverse environmental effects.

The State of South Dakota is to adhere to the following plan and restrictions. The rate of toxaphene application is 1½ pounds actual per acre. The use of toxaphene will be at the discretion of individual ranchers in the area as to whether or not they wish to treat their premises. The maximum acreage allowed is 50,000 acres; however, it is anticipated that possibly less than this may be involved. The application sites are in Dewey, Corson, Ziebach, Stanley, Haakon, Jeade, Pennington, Harding, Perkins, and Sulley Counties. The method of application will be by aircraft equipped to deliver the appropriate rates of the pesticide. Only one application of the pesticide is authorized to an infested area by licensed aerial applicators under the supervision of the U.S. Department of Agriculture State Extension Service and research personnel in the State of South Dakota. All treatment must cease no later than September 30, 1974. Economic benefits to be derived are the savings of needed grazing lands for cow calf units.

There will be no direct application of the pesticide to animals for livestock insect control. Cow calf units grazing in the area are breeding stock or calves that will not be going to market for 15 to 18 months. Most calves will eventually be fed in feed lots. Consequently, no residue problems in cattle intended for market are anticipated. Aerial applicators are forbidden by South Dakota law to spray within specific distances of fish bearing waters, ponds, or dugouts, and no adverse effects on wildlife are anticipated.

The Environmental Protection Agency has granted this exemption to use toxaphene to the State of South Dakota in accordance with the provisions of the FIFRA, as amended (86 Stat. 995), under the restrictions set forth in the State's program to suppress the sod webworm. In addition, the State of South Dakota is to provide the Agency with efficacy, residue and environmental impact data at the conclusion of the suppression program.

Notice of this exemption is given pursuant to the provisions of section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 995) and the regulations thereunder (40 CFR 166.10).

Dated: June 21, 1974.

CHARLES L. ELKINS,
Acting Assistant Administrator for Water and Hazardous Materials.

[FR Doc.74-14653 Filed 6-25-74;8:45 am]

FEDERAL MARITIME COMMISSION

INDEPENDENT OCEAN FREIGHT FORWARDER LICENSE

Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to section 44(a) of the Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(b)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Certifications and Licensing, Federal Maritime Commission, Washington, D.C. 20573.

J. T. Scura, Inc.
175-01 Rockaway Boulevard
Jamaica, New York 11434

OFFICERS

Evelyn Scura, Secretary/Treasurer
John T. Scura, President

Service By Air Freight Forwarders Inc.
147-45 182nd Street
Jamaica, New York 11413

OFFICER

Joseph Poliseno, President

Traffic International Corp.
1216 Rollins Road
Burlingame, California 94010

OFFICERS

Hans Joerg Wintsch, President
Klaus L. M. Gachter, Exec. Vice President
Alfred Moodie, Vice President-Marketing

Norma E. Sanchez
Grosch Building—Room 302
No. 402 Comercio Street
San Juan, Puerto Rico 00903

BBC International
1864 Rollins Road
Burlingame, California 94010

OFFICERS AND DIRECTORS

Marshall Brownfield, President/Director
Eugene Besler, Vice President/Director
Marjorie D. Bozanich, Treasurer/Director
Mary E. Chojnowski, Asst. Vice President/Secretary
Chris T. Banis, Asst. Vice President

Dated: June 21, 1974.

By the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74-14646 Filed 6-25-74;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. CI74-351]

AMOCO PRODUCTION CO.

Notice Cancelling Hearing

JUNE 20, 1974.

On June 10, 1974, Amoco Production Company requested withdrawal of its application for a certificate of public convenience and necessity pursuant to § 1.11 of the Commission's rules of practice and procedure. On June 12, 1974, Trunkline Gas Company requested that the procedural dates be deferred pending action on Amoco's notice of withdrawal.

Notice is hereby given that the hearing scheduled for June 25, 1974, in the above matter is cancelled.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-14603 Filed 6-25-74;8:45 am]

[Docket Nos. RI74-95, et al.]

ATLANTIC RICHFIELD CO. ET AL.

Erratum Notice

JUNE 18, 1974.

In the order providing for hearing on and suspension of proposed changes in rates, and allowing rate changes to become effective subject to refund issued December 28, 1973 and published in the FEDERAL REGISTER on January 9, 1974 39 FR 1477, Page 1478, Appendix "A" Docket No. RI74-95 Atlantic Richfield Company, under "Supplement Number" change "8" to "10" opposite Rate Schedule No. 301.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-14604 Filed 6-25-74;8:45 am]

[Docket No. E-8837]

CENTRAL TELEPHONE & UTILITIES CORP.

Proposed Changes in Rates and Charges

JUNE 19, 1974.

Take notice that Western Power Division, Central Telephone & Utilities Corporation ("CTU" or the "Company"), on June 7, 1974, tendered for filing proposed rate schedules in the form of "Service Schedule A, Firm Power Service" and "Service Schedule B, Emergency Service" (the "Revised Schedules"), being revisions of the schedules attached to the contracts between CTU (formerly Western Light & Telephone Company, Inc.) and the cities of Anthony, Beloit, Hoisington, Kingman, Pratt, Russell and Washington, Kansas (the "Customers"), currently on file with the Commission as the Company's FPC Rate Schedules Nos. 59, 60, 57, 58, 34, 41 and 56, respectively. The Revised Schedules have been executed by both CTU and the Customers. The Company proposes that the Revised Schedules supersede the presently effective service schedules and requests that this filing be deemed notice of cancellation of such schedules. The proposed changes, according to CTU's filing, would increase revenues from jurisdictional sales and service by less than $50,000 annually on sales to the Customers.

The proposed rate changes are described in the Company's transmittal letter as resulting from negotiations between the Company and the Customers. According to the Company, the Revised Schedules as they relate to firm power service differ from the presently effective service schedules in that the demand charge on firm power sales by CTU to the Customers will be increased from $1.65 to $2.30 per KW of firm power, the energy charge will be increased from 4.4 mills to 6.0 mills per KWH, and there is a restatement of the fuel adjustment clause in the presently effective schedules. The Revised Schedules as they relate to emergency service differ from the presently effective schedules in that the rate on sales by CTU to the Customers will be increased from 7.5 mills to 9.0 mills per KWH.

The proposed effective date of the Revised Schedules is July 1, 1974.

Any person desiring to be heard or to protest said filing should file comments or protests with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such comments or protests should be filed on or before June 28, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-14605 Filed 6-25-74;8:45 am]

[Docket No. E-8650]

COLUMBUS AND SOUTHERN OHIO ELECTRIC CO.

Extension of Time and Postponement of Hearing

JUNE 21, 1974.

On May 31, 1974, the City of Westerville requested an extension of time to file its testimony as required by the Order issued April 30, 1974, in the above-designated matter. By letter received on June 9, 1974, Columbus and Southern Ohio Electric Company objected to the request for an extension.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of testimony by Interveners, July 18, 1974.
Service of Rebuttal Evidence by Columbus & Southern Ohio Electric Company, August 1, 1974.
Hearing, August 20, 1974 (10 a.m. e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-14606 Filed 6-25-74;8:45 am]

[Docket No. CI74-564]

DALLAS OIL & GAS, INC.

Order Providing for Hearing, Granting Interventions, and Prescribing Procedures

JUNE 20, 1974.

On April 12, 1974, Dallas Oil & Gas, Inc. (Dallas) filed an application for a limited term certificate of public convenience and necessity with pre-granted abandonment authorizing a sale of natural gas to Trunkline Gas Company (Trunkline) for a period of one year from the date of certification of the sale. The acreage is in the Scott Field, Wharton County, Texas. The proposed price for the gas is 55 cents per Mcf. Dallas has been selling gas to Trunkline on an emergency basis from the acreage covered by the instant application since February 8, 1974, and claims that their application should be granted because of a shortage of firm gas supplies on Trunkline's system.

We take further note that the Commission in a recent order recognized that an emergency exists on Trunkline's system. See Northcott Exploration, Inc.—— FPC——, Docket No. CI74-426, issued on April 19, 1974. We conclude, therefore, that there is an emergency on Trunkline's system which would warrant the issuance of certificates if the price conforms to the public convenience and necessity.

The subject application was filed under Order No. 431[1] and therefore requires evidence to be submitted in the hearing hereinafter ordered by the pipeline (to the extent not hereinabove found to exist) (1) that it has an emergency need for such supply; (2) that is has made every reasonable effort to fill its storage field during the storage injection season; and (3) that, if curtailment is necessary on its system, it has filed a plan pursuant to section 4 of the Natural Gas Act. The proposed sale represents a sizable volume of gas potentially available to the interstate market and due to the Nation's present shortfall of natural gas supplies, it is of critical importance that emergency supplies of gas be made available to interstate pipelines that show a need for such short-term supplies in order to avoid disruption of service to their customers. While the need for such supplies is manifest where the shortfall of supplies renders service on a pipeline's system potentially unreliable, we neverthe-

[1] Section 2.70 of the Commission's general policy and interpretations.

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less must meet our statutory obligations and determine whether the proposed rate to be paid for such supply is required by the public convenience and necessity criteria of the Act, Atlantic Refining Company v. Public Service Commission of New York, 360 U.S. 378 (1960). We will therefore set this matter for hearing to establish an evidentiary record on the issues heretofore discussed. In that hearing, the record should contain evidence on whether the rate to be paid is "no higher than necessary to elicit the supply of gas" into the interstate market, [Nueces Industrial Gas Company, 45 FPC 1224, 1227 (1971)], and whether that rate is in line with the prevailing normal intrastate market, (Atlantic Richfield Company, ____ FPC ____, Docket No. CI73-691, order issued August 30, 1973 ____ FPC ____, order granting rehearing issued October 10, 1973). The normal market price for this supply cannot be established merely on the basis of prices agreed to by affiliates. The price evidence must be based on arm's-length negotiations and competitive bidding through non-affiliated entities.

A petition to intervene was received May 20, 1974, from Trunkline which claimed sufficient interest in the proceeding as buyer of the gas.

The petition to intervene will be granted since participation of Trunkline may be in the public interest and no other party to the proceeding could adequately represent their respective interests.

The Commission finds: (1) Good cause exists for setting for immediate formal hearing the issues involved in the aforementioned pleadings and for establishing the procedures for that hearing all as hereinafter ordered.

(2) The participation of Trunkline may be in the public interest.

The Commission orders: (A) Pursuant to the authority of the Natural Gas Act, particularly section 7 and 15 thereof, the Commission Rules of Practice and Procedure, and the Regulations under the Natural Gas Act (18 CFR, Chapter 1) a public hearing shall be held commencing August 20, 1974, at 10 a.m. (e.d.t.) in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426 concerning the propriety of issuing a certificate of public convenience and necessity to the applicant for the limited term sale of natural gas as requested in its application filed herein on April 12, 1974.

(B) On or before August 6, 1974, applicant shall file and serve its testimony and exhibits comprising its case-in-chief in support of its application upon all parties to this proceeding including Commission staff.

(C) An Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose, [see Delegation of Authority, (18 CFR 3.5 (d))] shall preside at the hearings in this proceeding and shall prescribe relevant procedural matters not herein provided.

(D) The petitioner hereinabove set forth is permitted to intervene in this proceeding subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such intervenor shall be limited to matters affecting asserted rights and interests specifically set forth in the petition to intervene: And, *provided, further,* That the admission of said intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order of the Commission entered in this proceeding.

By the Commission.[1]

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74-14607 Filed 6-25-74;8:45 am]

[Docket No. E-8845]

DUKE POWER CO.

Filing of Electric Power Contract Supplement

JUNE 19, 1974.

Take notice that on June 12, 1974, Duke Power Company (Duke) tendered for filing a supplement to Duke's Electric Power - Contract with Heath Springs Light and Power Company (designated Duke Power Company Rate Schedule FPC No. 236).

According to Duke, this supplement will provide for an increase in contract demand from 1,800 KW to 2,500 KW, with the increase being made at the request of the customer. Duke states that the supplement is to become effective on July 19, 1974, and that requisite agreement to the supplement has in fact been obtained. Duke further states that no new facilities have been installed to provide for this new service.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 1, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-14608 Filed 6-25-74;8:45 am]

[Docket No. RP72-134]

EASTERN SHORE NATURAL GAS CO.

Proposed Changes in Rates and Charges

JUNE 19, 1974.

Take notice that Eastern Shore Natural Gas Company on June 7, 1974, tendered for filing various tariff sheets revising Sheet No. 3A and PGA-1 to its FPC Gas Tariff, First Revised Volume No. 1, as of September 1, October 1, December 1, 1973, January 1, and April 1, 1974. The proposed tariff sheets modify the rates previously made effective on the above dates to conform with the rate changes filed by its supplier Transcontinental Gas Pipeline Corporation on May 3, 1974, in Docket Nos. RP73-69 and RP73-3.

Together with such revised Tariff Sheets, Eastern Shore also filed a report setting forth that on the basis of the modified rates it has refunded to its jurisdictional customers, for the periods involved, the amount of $20,978.48 (principal and interest).

Copies of the filing have been mailed to each of the Company's jurisdictional customers and to interested State Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 27, 1974.

Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-14609 Filed 6-25-74;8:45 am]

[Docket No. CP74-314]

EL PASO NATURAL GAS CO.

Notice of Complaint, Request for an Order To Show Cause

JUNE 20, 1974.

Take notice that on June 3, 1974, El Paso Natural Gas Company (El Paso) filed a complaint that various interest owners in gas leases in the Juan Basin area are demanding increased payments for gas in violation of sections 4 and 7 of the Natural Gas Act. El Paso requests that the Commission issue an order requiring those interest owners, and others who may be affected, show cause why they should not be required to file rate schedules and obtain certificates of public convenience and necessity in accordance with sections 4 and 7 of the Natural Gas Act.

El Paso states that the subject interests were created under contracts entered into between the interest owners or their predecessors-in-interest and El Paso in the early and middle 1950's. Under these contracts, called Oil and Gas Lease Sale Agreements, El Paso obtained gas producing average and, in return, the persons transferring the acreage reserved interests denominated in the contracts as an "overriding royalty" or as a "production payment". According to El Paso's complaint, the owners of these interests have received regular payments on an Mcf basis when and as the gas has been produced.

El Paso alleges that in 1973, one of the interest holders, the Sun Oil Company (Sun) demanded an increase in the rate it was then being paid of 10 cents per Mcf. When El Paso and Sun were unable to agree upon a new rate, Sun invoked the arbitration provisions of the contract and obtained an arbitration award of 40 cents per Mcf. Thereafter, El Paso states, other interest owners, learning of the Sun award, have demanded arbitration, have sought favored nations' treatment, or have invoked other types of price protection mechanisms contained in the contracts. El Paso has refused to accede to these demands, and litigation instituted by certain interest holders, including Sun, as well as by El Paso has resulted.

El Paso alleges that the interest holders now making demands want full wellhead value for the gas produced under the agreements. El Paso states that the controlling question for the Commission is whether or not the contractual arrangements between the parties amount in economic reality to sales of gas in interstate commerce for resale subject to the Commission's regulatory authority when the interest holders demand payment on a unit amount per Mcf when and as the gas is produced which compensates them in an amount equal to the highest price that can be obtained without regard to federal regulation.

El Paso requests that the Commission schedule a hearing for the taking of testimony and for the resolution of the issues presented in its filing of June 3, 1974.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 19, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-14610 Filed 6-25-74;8:45 am]

[Docket No. E-8121]

GULF STATES UTILITIES CO.

Extension of Time and Postponement of Hearing

JUNE 20, 1974.

On June 10, 1974, Gulf States Utilities Company filed a motion to extend the procedural dates fixed by notice issued April 17, 1974. The motion states that all parties have expressed concurrence with the motion.

Upon consideration, notice is hereby given that the procedural dates are modified as follows:

Service of rebuttal testimony, July 15, 1974.
Hearing, August 6, 1974 (10 a.m., e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-14611 Filed 6-25-74;8:45 am]

[Docket No. E-8843]

HOLYOKE WATER POWER CO. AND HOLYOKE POWER AND ELECTRIC CO.

Rate Schedule Changes

JUNE 19, 1974.

Take notice that Holyoke Water Power Company (HWP) and Holyoke Power and Electric Company (HP&E), HWP's wholly-owned subsidiary, on June 11, 1974, tendered for filing proposed changes in its rate schedules designated HP&E FPC No. 4 and HWP FPC No. 5. The proposed changes are estimated to result in aggregate revenue increases for both companies from jurisdictional sales and service of $3,811,000 ($2,809,000 for HWP and $1,002,000 for HP&E) based on the 12 month period ending December 31, 1974. In addition, HWP and HP&E propose to make modifications in their fuel adjustment clause formula.

The Company states that increased taxes, high interest rates and rising labor and material costs are some of the reasons for the increased costs.

The Company proposes an effective date of July 11, 1974, and states that copies of the filing were served upon HWP's and HP&E's jurisdictional customers and the Commonwealth of Massachusetts Department of Public Utilities.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20425, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 28, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-14612 Filed 6-25-74;8:45 am]

[Dockets Nos. E-8465 and E-8389]

NEW YORK STATE ELECTRIC & GAS CORP.

Notice of Compliance Filing

JUNE 19, 1974.

Take notice that on June 3, 1974, New York State Electric and Gas Corporation (NYSE&G) tendered for filing revised Supplement No. 3 to Rate Schedule FPC No. 55 which provided for the sale of 23 MW of short-term firm power and associated energy to Central Hudson Gas and Electric Corporation during September, 1973, in Docket No. E-8389. NYSE&G also tendered that same day revised Rate Schedule No. 57 which provided for the sale of 50 MW of power and associated energy to Central Hudson during the period October 28, 1973 to April 27, 1974, in Docket No. E-8465. The company states that its tendered filing is made pursuant to Ordering Clause (B) of the Order Approving Settlement Agreement issued in these dockets on May 10, 1974. NYSE&G further states that its tendered filing reflects revised Capability Charges of $73.09 as provided by the Settlement Agreement.

Copies of this filing are on file with the Commission and are available for public inspection. Any person desiring to comment upon the filing should file such comments with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, on or before June 28, 1974.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-14613 Filed 6-25-74;8:45 am]

[Project No. 287]

NORTH COUNTIES HYDRO-ELECTRIC CO.

Issuance of Annual License

JUNE 20, 1974.

On December 20, 1972, North Counties Hydro-Electric Company, Licensee for Dayton Project No. 287, located in La Salle County, Illinois, on the Fox River, filed an application for a new license under section 15 of the Federal Power Act and Commission Regulations thereunder (§§ 16.1–16.6).

The License for Dayton Project No. 287 was issued effective April 11, 1924, for a period ending April 10, 1974. In order to authorize the continued operation of the project pursuant to section 15 of the Act, pending completion of Licensee's application and Commission action thereon, it is appropriate and in the public interest to issue an annual license to North Counties Hydro-Electric Company for continued operation and maintenance of Project No. 287.

Take notice that an annual license is issued to North Counties Hydro-Electric Company (Licensee) for the period April 11, 1974, to April 10, 1975, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of Dayton Project No. 287, subject to the terms and conditions of its present license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-14614 Filed 6-25-74;8:45 am]

[Project No. 658]

PACIFIC POWER & LIGHT CO.

Notice of Application for Surrender of Transmission Line License

JUNE 20, 1974.

Public notice is hereby given that application was filed May 6, 1974, under the

[1] Commissioners Brooke, and Smith, concurring and Moody, dissenting, submitted separate statements filed as part of the original document.

V391124 JUN2674 XUM

Federal Power Act (16 U.S.C. 791a–825r) by Pacific Power & Light Company (Correspondence to: Mr. G. E. Drennan, Vice President, Pacific Power & Light Company, Public Service Building, Portland, Oregon 97204) for surrender of its Transmission Line License Project No. 658 located in Yakima and Benton Counties, Washington, and affecting lands of the United States within the Yakima Indian Reservation and other lands of the United States.

Project No. 658 consists of a 66 KV electric power transmission line, approximately ninety miles in length, extending southeastward from the Applicant's hydroelectric power station at Naches to a junction with another electric power line of the Applicant in sec. 22, T. 9 N., R. 28 E., Willamette Meridian.

The subject transmission line affects lands of the United States in (a) sec. 17, 18 and 19, T. 12 N., R. 19 E., Willamette Meridian, and occupies a 100-foot right of way for a distance of 1.02 miles within the Yakima Indian Reservation, and (b) the SE¼SE¼ of Sec. 24, T. 9 N., R. 25 E., the N½SW¼ of Sec. 14, T. 9 N., R. 26 E., the NE¼NW¼ and the N½NE¼ of Sec. 20, the N½N½ of Sec. 22 and the N½N½ of Sec. 24, T. 9 N., R. 27 E., the S½N½ of Sec. 20, the S½N½ and the N½SE¼ of Sec. 22, T. 9 N., R. 28 E., Willamette Meridian.

The application was filed pursuant to a Federal Power Commission letter dated April 4, 1974, requesting the Applicant to file, for Commission approval, an application for surrender of license for Project No. 658. The Commission's request was in response to Pacific Power & Light Company's application, filed October 19, 1973, for amendment of its license for the Naches to Pasco Transmission Line Project No. 658, and was based on the conclusion of staff studies that the subject project was not a primary transmission line as defined in section 3(11) of the Federal Power Act. Section 2.2 of the Commission's regulations states that "non-primary" lines are not within the licensing authority of the Commission.

Any person desiring to be heard or to make protest with reference to said application should on or before July 29, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-14616 Filed 6-25-74;8:45 am]

[Docket No. RP73-108]

PANHANDLE EASTERN PIPE LINE CO.

Further Extension of Time and Postponement of Hearing

JUNE 20, 1974.

On June 18, 1974, Staff Counsel filed a motion for an extension of the procedural dates fixed by notice issued May 17, 1974 in the above-designated matter. The motion states that the parties at the conference on June 10, 1974, agreed to the proposed procedural dates except for the date for commencement of cross-examination which was changed from July 30 to July 29, 1974.

Upon consideration, notice is hereby given that the procedural dates are further modified as follows:

Service of rebuttal by all parties except Panhandle, July 15, 1974.
Service of rebuttal by Panhandle, July 24, 1974.
Cross-examination, July 29, 1974.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-14615 Filed 6-25-74;8:45 am]

[Docket No. E-8040]

PUBLIC SERVICE CO. OF OKLAHOMA

Proposed Change in Rates

JUNE 19, 1974.

Take notice that on June 10, 1974, Public Service Company of Oklahoma (PSCO) tendered for filing a proposed supplement to its FPC Rate Schedule 148. The proposed supplement provides for purchase and sale of replacement energy between PSCO and West Texas Utilities Company (WTUC).

PSCO states that the proposed supplement is similar to other service schedules for replacement energy on file with this Commission. PSCO further states that the schedule provides for the payment of incremental costs plus a contribution to fixed charges including a rate of return for the facilities used for this service. PSCO requests an effective date of May 31, 1974 for this supplement.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 1, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-14618 Filed 6-25-74;8:45 am]

[Docket No. RP72-91 (Phase II), et al.]

SOUTHERN NATURAL GAS CO.

Proposed Changes in FPC Gas Tariff

JUNE 19, 1974.

Take notice that Southern Natural Gas Company (Southern) on June 7, 1974 tendered for filing proposed changes in its FPC Gas Tariff, Sixth Revised Volume No. 1 to become effective July 22, 1974. Such filing is pursuant to Article III of the Stipulation and Agreement approved by the Commission's order dated July 23, 1973 in Southern's Docket Nos. RP72-91 (Phase II), *et al.* The proposed change would increase the commodity and one-part rates by .609¢ per Mcf resulting from increases in the levels for advance payments of $28,939,531 above the advance payment levels presently reflected in Southern's rates. The jurisdictional cost increase due to additional advance payments is $3,646,670.

Copies of the filing are being served upon the company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 27, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-14620 Filed 6-25-74;8:45 am]

[Docket No. E-8038]

SOUTHERN SERVICES, INC.

Filing of Amendment to Interchange Agreement

JUNE 19, 1974.

Take notice that on June 10, 1974, Southern Services, Inc. (Southern) tendered for filing an amendment to its interchange agreement, designated Rate Schedule FPC No. 37, with the Florida Power Corporation which provides for digital remote terminal facilities at four interconnection points. Southern requests waiver of section 35.3 of the Commission's regulations to permit an effective date of January 1, 1974.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 1, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-14621 Filed 6-25-74;8:45 am]

[Docket No. RP74-51]

SOUTHWEST GAS CORP.

Changing Date of Prehearing Conference

JUNE 20, 1974.

On June 12, 1974, Staff Counsel filed a motion for a change of date in the prehearing conference. The motion states that all parties concur in the motion.

Upon consideration, notice is hereby given that the prehearing conference is changed to August 5, 1974 at 10 a.m. e.d.t. There is no change in the other dates.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-14619 Filed 6-25-74;8:45 am]

[Docket No. CP74-325]

TEXAS GAS TRANSMISSION CORP.

Order Dismissing Application for Rehearing and Notice of Application

JUNE 19, 1974.

On May 28, 1974, Texas Gas Transmission Corporation (Applicant) filed pursuant to section 19(a) of the Natural Gas Act and § 1.34 of the Commission's rules of practice and procedure (18 CFR 1.34) an application for rehearing of a letter order of the Commission issued April 26, 1974, which rejected for filing a service agreement filed by Applicant. Applicant had submitted on April 1, 1974, a service agreement dated February 19, 1974, between it and Western Kentucky Gas Company (Western). The effect of the new service agreement was to supersede Applicant's SG–3 Service Agreement with South Warren Gas Company (South Warren) and Western's G–3 Service Agreement, because Western had acquired South Warren's assets effective February 1, 1974. Said acquisition is said to have been approved by the Public Service Commission of Kentucky in Order No. 5936, issued on January 30, 1974. The Commission's letter order of April 26, 1974, noted that the new service agreement provided for a change in service for which Applicant had not been granted certificate authorization. Said letter order, therefore, rejected the new service agreement without prejudice to its being resubmitted after receiving the required certificate authorization.

Section 154.22 of the Regulations under the Natural Gas Act (18 CFR 154.22) provides that a natural gas company shall not file a contract for the performance of any service for which a certificate of public convenience and necessity must be obtained pursuant to section 7(c) of the Natural Gas Act until such certificate has been issued. Section 1.34 of the Commission's rules of practice and procedure provides that an application for rehearing may be filed after the issuance of a final decision or order of the Commission. The letter order of April 26, 1974, does not constitute a final decision or order of the Commission in this matter. It merely rejected, without prejudice and in accordance with a regulation of the Commission, a premature filing. The Commission did not at that time consider the merits of Applicant's rendering service to Western under the new service agreement; and, notwithstanding Applicant's discussion of the merits in the instant application for rehearing, it would be inappropriate for the Commission to do so now in contravention of the requirement of § 154.22 of the regulations.

Applicant requests, in the alternative, that a certificate of public convenience and necessity be issued in order to permit filing of the new service agreement, if the Commission should determine that such certificate authorization is necessary. The letter order of April 26, 1974, decided the issue of the need for a new certificate. Accordingly, the instant application is accepted and will be processed as an application for a certificate of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act, conditioned upon receipt from Applicant of the required filing fee. The application states that South Warren's annual quantity entitlement of 21,000 Mcf supports service to approximately 106 residential and small commercial customers and that this volume represents an increase in Western's Zone 3 entitlement of 0.0765 percent.

The Commission finds: The letter order of April 26, 1974, rejecting for filing the service agreement with Western submitted by Applicant on April 1, 1974, is not a final decision or order of the Commission within the contemplation of § 1.34 of the Commission's rules of practice and procedure.

The Commission orders: (A) The application for rehearing is dismissed.

(B) The instant application is accepted and will be processed as an application for a certificate of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act provided that Applicant pays the fee required by § 159.1 of the regulations under the Natural Gas Act (18 CFR 159.1) within the time hereinafter set forth for the filing of petitions to intervene or protests.

(C) Take notice that any person desiring to be heard or to make any protest with reference to said application should on or before July 9, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74-14622 Filed 6-25-74;8:45 am]

[Docket No. CI74-362]

W. C. PERRYMAN AND J. A. WALLENDER

Notice of Cancelling Hearing

JUNE 20, 1974.

On May 15, 1974, an order was issued fixing a hearing in the above-designated matter. On June 13, 1974, W. C. Perryman and J. A. Wallender filed a notice of withdrawal of their application for a certificate.

Notice is hereby given that the hearing scheduled for July 9, 1974 is cancelled.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-14617 Filed 6-25-74;8:45 am]

[Yadkin Project No. 2197]

YADKIN, INC.

Application for Change in Land Rights

JUNE 20, 1974.

Public notice is hereby given that on January 17, 1974, application for Commission authorization to grant three fifteen foot wide rights-of-way was filed under the Federal Power Act (16 U.S.C. § 791a–825r) by Yadkin, Inc. (correspondence to: Le Boeuf, Lamb, Leiby, & MacRae, Attorneys for Yadkin, Inc., One Chase Manhattan Plaza, New York, New York 10005) within the boundary of the Yadkin Project No. 2197, located on the lower stretch of Yadkin-Pee Dee River in Stanly, Montgomery, Davidson, and Rowan Counties, North Carolina. The project land to be burdened with the easements is located in Cotton Grove and

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Silver Hill Townships, Davidson County, North Carolina near Lexington, North Carolina. The project affects navigable waters.

The applicant (Yadkin, Inc.) requests Commission approval to grant three fifteen foot wide rights-of-way to West Davidson Water, Inc. to construct and maintain an underground water line. The three easements would cross portions of the High Rock Development reservoir and are described as follows:

A 355 foot long right-of-way crossing Abbott Creek, an arm of the High Rock Reservoir, 3 miles south of Highway 47. An 8 inch diameter cast iron pipe would be placed on the creek bottom; a 780 foot long right-of-way crossing Abbott Creek would be located within the existing right of way for the Highway 47 bridge. An 8 inch diameter cast iron pipe would be placed on the creek bottom adjacent to the bridge; and a 450 foot long right-of-way crossing Swearing Creek, an arm of the High Rock Reservoir, would be located within the existing right of way for the Highway 1104 bridge. A six inch diameter cast iron pipe would be placed on the creek bottom adjacent to the bridge.

The three reservoir crossings would be part of a West Davidson Water, Inc. project extending its existing water system by constructing, among other things, 265,000 additional feet of water main and appurtenant facilities.

The overall project is being financed by the Farmers Home Administration, U.S. Department of Agriculture.

Any person desiring to be heard or to make protest with reference to said application should on or before July 22, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-14623 Filed 6-25-74;8:45 am]

FEDERAL RESERVE SYSTEM

SOUTHERN BANCORPORATION

Acquisition of Bank

Southern Bancorporation, Birmingham, Alabama, (formerly The Alabama Financial Group, Inc., Birmingham, Alabama), has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of the successor by merger to the Citizens Bank and Trust Company, Selma, Alabama. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than July 15, 1974.

Board of Governors of the Federal Reserve System, June 20, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-14551 Filed 6-25-74;8:45 am]

GENERAL SERVICES ADMINISTRATION

ADVISORY COMMITTEE ON CASH MANAGEMENT

Purpose and Functions

In accordance with the provisions of Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given that the General Services Administration Advisory Committee on Cash Management has been found to be in the public interest in connection with the performance of duties imposed on the General Services Administration by law. The Office of Management and Budget has also reviewed the justification for this advisory committee and concurs with its establishment.

The charter for the GSA Advisory Committee on Cash Management follows:

Official Designation. The Committee is the General Services Administration Advisory Committee on Cash Management.

Objectives and Scope. The Committee will provide advice to GSA in its effort to study Federal cash management practices and determine the need for Government-wide policy guidance for optimizing the use of cash resources. Committee advice will be sought as GSA studies the full range of executive branch management actions that impact on the flow of cash.

Time necessary to carry out purpose. Two years.

Official to whom Committee reports. The Committee will report to the Associate Administrator for Federal Management Policy, General Services Administration.

Office responsible for providing necessary support. Office of Federal Management Policy, GSA.

Duties for which the Committee is responsible. The Committee will provide expert advice on cash management to the Associate Administrator for Federal Management Policy as requested.

Estimated annual cost and man-years. Members of the Committee will be providing voluntary services so the estimated annual operating cost and the man-years devoted to Committee activities are nominal and will be absorbed by existing staff of the Office of Financial Management.

Estimated number and frequency of meetings. Estimate of eight quarterly meetings.

Committee termination date. The Committee will terminate on June 30, 1976.

Dated: June 17, 1974.

DWIGHT A. INK,
Acting Administrator of General Services.

[FR Doc.74-14578 Filed 6-25-74;8:45 am]

EXECUTIVE BRANCH POSITION

Commission on Government Procurement Recommendations; Correction

Notice of a correction is given to the executive branch position announced for Commission on Government Procurement (COGP) Recommendation I-1 in the FEDERAL REGISTER dated June 5, 1974.

Recommendation I-1: "Implement the revised Presidential Statement of Government Patent Policy promptly and uniformly."

Implementation of the recommendation was shown as accomplished by: (1) the promulgation of GSA licensing regulations in Federal Property Management Regulations (FPMR) 101-4.1 for Government owned inventions; (2) Part 1-9 of the Federal Procurement Regulations (FPR) establishing uniform contract clauses and procedures for patent rights applicable to civilian agencies; and (3) a revision to the Armed Services Procurement Regulation (ASPR), section 9.

Item (3) above is deleted and the following substituted:

The ASPR is in process of revision to bring it in harmony with the intent of the 1971 Presidential Statement of Government Patent Policy and with the current patent provisions of the Federal Procurement Regulation.

Dated at Washington, D.C., on June 20, 1974.

R. E. ZECHMAN,
Acting Associate Administrator for Federal Management Policy.

[FR Doc.74-14577 Filed 6-25-74;8:45 am]

[Temp. Reg. F-224]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in an electric rate proceeding.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the Rhode Island Public Utilities Commission in a proceeding involving the Newport Electric Corporation electric rate increase application (Docket No. 1137).

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and, further, shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

ARTHUR F. SAMPSON,
Administrator of General Services.

JUNE 19, 1974.

[FR Doc.74-14570 Filed 6-25-74;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 74-40]

AD HOC ADVISORY SUBCOMMITTEE FOR EVALUATION OF ADVANCED APPLICATIONS FLIGHT EXPERIMENT (AAFE) PROGRAM PROPOSALS

Notice of Meeting

The NASA Ad Hoc Advisory Subcommittee for the Evaluation of Advanced Applications Flight Experiment (AAFE) Program Proposals will meet at the Ramada Inn, Hampton, Virginia on July 10 and 11, 1974. The meeting will be closed to the public because the Subcommittee panels will be discussing and appraising proposers and individuals involved.

The Ad Hoc Advisory Subcommittee serves in an advisory capacity to the National Aeronautics and Space Administration to review proposals for the Advanced Applications Flight Experiment Program. The Subcommittee has 50 members including the Subcommittee chairman, Mr. Jules Lehmann, and six panel chairmen from NASA Headquarters and Centers. Approximately 125 experiment proposals relating to earth resources, weather and climate, pollution monitoring, earth and ocean physics, space processing and communications and data management applications will be reviewed and prioritized. Records will be prepared of the findings and the results of the deliberations will be presented to the Subcommittee Chairman who will use the results for making recommendations to the NASA Space Science and Applications Steering Committee in September 1974.

For further information regarding the meeting, please contact Mr. Jules Lehmann, Code ERF, NASA Headquarters, Area Code 202-755-8603.

BOYD C. MYERS II,
Assistant Associate Administrator for Organization and Management, National Aeronautics and Space Administration.

JUNE 20, 1974.

[FR Doc.74-14542 Filed 6-25-74;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on June 21, 1974 (44 USC 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this Daily List may be obtained from the Clearance Office, Office of Management and Budget Washington, D.C. 20503, (202-395-4529).

NEW FORMS

DEPARTMENT OF AGRICULTURE

Forest Service:
Metropolitan Tree Performance Data, Form ----, Annual, Lowry, Arborists in NE U.S. who have volunteered to cooperate in developing tree performance.
Inventory of Clonal Plantings, Form ----, Single time. Lowry. Arborists in NE U.S.

DEPARTMENT OF DEFENSE

Department of the Air Force, U.S. Air Force Small Business Program—Evaluation Survey, Form ----, Single time, NSD/Sheftel, Small business firms awarded AF contracts 1969.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration, Supplemental Security Income Plan to Assess Potential Misuse of SSI Payments to Recipients in Title XIX Homes, Form SSA 6575, Single time, HRD/Caywood, State welfare organizations that administer State Welfare Programs.

NATIONAL SCIENCE FOUNDATION

Reviewers Information Sheet, Form ----, Occasional, Sheftel, Teachers, administrators, and supervisors.

REVISIONS

None.

EXTENSIONS

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service, Certification of Military or Naval Service, Form N-426, Occasional, Evinger (x).

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Community Questionnaire, Form ----, Single time, Caywood, Households near airports at varying distances.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.74-14723 Filed 6-25-74;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

FISCO, INC.

Notice of Suspension of Trading

JUNE 17, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Fisco, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from 5 p.m. (e.d.t.) on June 17, 1974 through midnight (e.d.t.) on June 26, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-14597 Filed 6-25-74;8:45 am]

[File No. 500-1]

NICOA CORP.

Notice of Suspension of Trading

JUNE 18, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Nicoa Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from 12 noon (e.d.t.) on June 18, 1974 through midnight (e.d.t.) on June 27, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-14596 Filed 6-25-74;8:45 am]

[70-5342]

MIDDLE SOUTH UTILITIES, INC., AND ARKANSAS-MISSOURI POWER CO.

Post-Effective Amendment Regarding Proposed Increase in Bank Borrowings

Notice is hereby given that Middle South Utilities, Inc., Two Eighty Park Avenue, New York, New York 10017, ("Middle South"), a registered holding company, and Arkansas-Missouri Power Company, 405 West Park Street, Blytheville, Arkansas 72315, ("Ark-Mo"), a public-utility subsidiary company of Middle South, have filed with the Commission a second post-effective amendment to the application-declaration in this proceeding pursuant to sections 6(a) and 7 of the Public Utility Holding Company Act of 1935 ("Act") regarding the following proposed transactions. All interested persons are referred to the

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amended application-declaration, which is summarized below, for a complete statement of the proposed transactions.

By orders dated June 20, 1973, and December 28, 1973 (HCAR Nos. 18008 and 18234), the Commission authorized, among other things, Ark-Mo to issue and sell its notes to a group of commercial banks through December 31, 1974, of up to $12,000,000 to provide funds for payment of construction expenditures. As of May 31, 1974, Ark-Mo's borrowings from the banks aggregated $10,600,000. It is now proposed that the aggregate principal amount of such borrowings from banks be increased from $12,000,000 to $16,000,000. All other terms and conditions of the borrowings set forth in the application-declaration and the abovementioned Commission orders remain unchanged.

Ark-Mo proposes to apply the proceeds from such increase in authorized borrowings to the payment of construction expenditures in 1974 and for other corporate purposes. Ark-Mo is presently negotiating the sale of its interest in, and the lease-back of, three gas turbine generating units and related facilities currently being installed on a site owned by Ark-Mo near Blytheville, Arkansas. The proceeds, approximately $16 million, will be applied to the reduction of its then outstanding short-term borrowings. The proposed sale and lease-back by Ark-Mo will be the subject of a future filing with the Commission.

No special or separable fees are anticipated to be incurred in connection with the proposed transaction. It is stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than July 15, 1974, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration as amended by said post-effective amendment which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated addresses and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended by said post-effective amendment or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.74-14598 Filed 6-25-74;8:45 am]

TARIFF COMMISSION

[TEA-W-236]

WORKERS' PETITION FOR A DETERMINATION

Notice of Investigation

On the basis of a petition filed under section 301(a)(2) of the Trade Expansion Act of 1962, on behalf of the workers and former workers of the Watertown, N.Y., plant of the Black Clawson Co., New York, N.Y., the United States Tariff Commission, on June 19, 1974, instituted an investigation under section 301(c)(2) of the Act to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with paper machinery and parts (of the types provided for in items 668.00 and 668.06 of the Tariff Schedules of the United States) produced by said firm are being imported into the United States in such increased quantities as to cause, or threaten to cause, the unemployment or underemployment of a significant number or proportion of the workers of such firm or an appropriate subdivision thereof.

The optional public hearing afforded by law has not been requested by the petitioners. Any other party showing a proper interest in the subject matter of the investigation may request a hearing, provided such request is filed within 10 days after the notice is published in the FEDERAL REGISTER.

The petition filed in this case is available for inspection at the Office of the Secretary, United States Tariff Commission, 8th and E Streets NW., Washington, D.C., and at the New York City office of the Tariff Commission located in Room 437 of the Customhouse.

By order of the Commission.

Issued: June 20, 1974.

[SEAL] KENNETH R. MASON, *Secretary.*

[FR Doc.74-14535 Filed 6-25-74;8:45 am]

VETERANS ADMINISTRATION

702-BED REPLACEMENT HOSPITAL, BRONX, NEW YORK

Availability of Final Environmental Impact Statement

Notice is hereby given that a document entitled "Final Environmental Statement for a 702-Bed Replacement Veterans Administration Hospital, Bronx, New York", issued pursuant to the Veterans Administration's implementation of section 102(2)(C) of the National Environmental Policy Act of 1969 is being placed in the following office:

Mr. Arthur W. Farmer, Assistant Chief Medical Director for Administration (13), Room 600, Veterans Administration, 810 Vermont Avenue, NW., Washington, D.C. 20420.

This project consists of a 702-bed medical, surgical neurological and psychiatric hospital. The new hospital will replace all but three of the existing hospital buildings which have been found to be both inadequate and obsolete in terms of modern medical health care. The site is located in the Borough of the Bronx at 130 W. Kingsbridge Road near the intersection with Sedgwick Avenue. This statement discusses the environmental impact of our hospital replacement as well as the ultimate demolition of existing buildings and restoration of roads, landscaping and parking areas. Included with the statement are the comments received from Federal, State and municipal agencies on the draft statement of which notice of availability was published in the FEDERAL REGISTER dated August 3, 1973 (38 FR 20957) and the Veterans Administration's response to these comments.

The Environmental Impact Statement, including the comments and the Veterans Administration's responses, will be furnished upon request addressed to the Assistant Chief Medical Director for Administration (13) at the above address.

Dated: June 19, 1974.

[SEAL] DONALD E. JOHNSON, *Administrator.*

[FR Doc.74-14567 Filed 6-25-74;8:45 am]

INTERSTATE COMMERCE COMMISSION

[No. AB-19 (Sub-No. 16)]

ALLEGHENY AND WESTERN RAILWAY COMPANY, ET AL.

Abandonment of Line

The Interstate Commerce Commission hereby gives notice that by order dated June 17, 1974, it has been determined that the proposed abandonment of operations by the Baltimore and Ohio Railroad Company, and the abandonment of the line itself by Allegheny and Western Railway Company and Buffalo, Rochester and Pittsburg Railway Company, near Craigsville, Armstrong County, Pa., a distance of 0.86 miles, if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, *et. seq.*, and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that the environmental impacts are not considered significant because no traffic has been handled on the line since 1955, and there are no development plans in the tributary territory which would be dependent on the availability of rail service.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available for public inspection upon request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20424; telephone 202-343-2086.

Interested parties may comment on this matter by the submission of representations to the Interstate Commerce Commission, Washington, D.C., 20423, on or before July 11, 1974.

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available for public inspection upon request; and

It appearing, that no environmental impact statement need be issued in this proceeding, because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321, *et. seq.*; and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in a newspaper of general circulation in Armstrong County, Pa., within 15 days of the date of service of this order, and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by forwarding a copy to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

Dated at Washington, D.C., this 17th day of June, 1974.

By the Commission, Commissioner Tuggle.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-14634 Filed 6-25-74;8:45 am]

[I.C.C. Order No. 129, Rev. S. O. No. 994]

ASHLEY, DREW & NORTHERN RAILWAY AND CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD CO.

Rerouting Traffic

To all railroads: In the opinion of Lewis R. Teeple, Agent, the Ashley, Drew & Northern Railway (ADN) and the Chicago, Rock Island and Pacific Railroad Company (RI) are unable to transport traffic over certain of their lines in Arkansas and Louisiana because of high water and flooding.

(a) *It is ordered*, That, the ADN and the RI, being unable to transport traffic over certain of their lines in Arkansas and Louisiana because of high water and flooding, these carriers are hereby authorized to reroute or divert such traffic via any available route to expedite the movement. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) *Concurrence of receiving roads to be obtained.* The railroad desiring to divert or reroute traffic under this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) *Notification to shippers.* Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic is deemed to be due to carrier disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the division of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date.* This order shall become effective at 9 a.m., June 10, 1974.

(g) *Expiration date.* This order shall expire at 11:59 p.m., June 21, 1974, unless otherwise modified, changed, or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., June 10, 1974.

INTERSTATE COMMERCE COMMISSION,
[SEAL] LEWIS R. TEEPLE, *Agent.*

[FR Doc.74-14629 Filed 6-25-74;8:45 am]

[Notice No. 537]

ASSIGNMENT OF HEARINGS

JUNE 21, 1974.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. The list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

No amendments will be entertained after June 26, 1974.

MC 123255 Sub 40, B & L Motor Freight, Inc., now being assigned hearing September 10, 1974 (1 day), at Columbus, Ohio, in a hearing room to be later designated.
MC 128273 Sub 145, Midwestern Distribution, Inc., now being assigned hearing September 11, 1974 (1 day), at Columbus, Ohio, in a hearing room to be later designated.
MC 112595 Sub 56, Ford Brothers, Inc., now being assigned hearing September 12, 1974 (2 days), at Columbus, Ohio, in a hearing room to be later designated.
MC-F-12088, Herriott Trucking Company, Inc.—Purchase (Portion)—Oliver Truck Lines, Inc., MC 7920 Sub 11, Herriott Trucking Company, Inc., now being assigned hearing September 16, 1974 (1 week), at Columbus, Ohio, in a hearing room to be later designated.
MC 13900 Sub-18, Midwest Haulers, Inc., now being assigned September 30, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.
MC-F-12141, Smith's Moving and Storage Company, Inc.—Control—Smith's Moving & Storage Co., Inc., now being assigned October 2, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.
MC 126542 Sub-3, H. R. Williams Trucking, Inc., now being assigned October 8, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.
MC 135425 Sub-7, Cycles Limites, now being assigned October 9, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.
MC 129828 Sub 3, Glenn Davis and Don R. Davis, Dba Davis Bros., and MC-F-11459, Davis Bros. Distributing, Inc.—Consolidation—A & M Hauling, Inc. and Davis Brothers, now being assigned hearing September 12, 1974 (2 days), at Billings, Mont., in a hearing room to be later designated.
MC 113059 Sub 4, Keller Transport, Inc., now being assigned hearing September 10, 1974 (2 days), at Billings, Mont., in a hearing room to be later designated.
MC 138313 Subs 5 and 7, Mack E. Burgess, Dba Builder's Transport, now being assigned hearing September 16, 1974 (2 weeks), at Billings, Mont., in a hearing room to be later designated.
MC-99208 Sub 11, Skyline Transportation, Inc., is continued to July 30, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.
MC 130231, Safari Tours, Inc., now being assigned hearing September 30, 1974 (2 days), at New York, N.Y., in a hearing room to be later designated.
MC 130212, Henin & Co., Inc., now being assigned hearing October 2, 1974 (3 days), at New York, N.Y., in a hearing room to be later designated.
MC-C-8338, Hunt Truck Lines, Inc.—Investigation and Revocation of Certificate, now being assigned October 21, 1974 (1 day), at Kansas City, Mo., in a hearing room to be later designated.
MC 114211 (Sub-No. 214), Warren Transport, Inc., now being assigned October 22, 1974 (2 days), at Kansas City, Mo., in a hearing room to be later designated.
MC 116519 Sub 21, Frederick Transport Limited, now being assigned hearing October 7, 1974 (1 week), at Chicago, Ill., in a hearing room to be later designated.
MC 128007 Sub-58, Hofer, Inc., now being assigned October 24, 1974 (2 days), at Kan-

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sas City, Mo., in a hearing room to be later designated.

MC 139495, National Carriers, Inc., now being assigned October 29, 1974 (1 day), at Kansas City, Mo., in a hearing room to be later designated.

MC 138926 Sub-2, Gencom, Inc., now being assigned October 30, 1974 (1 day), at Kansas City, Mo., in a hearing room to be later designated.

MC-F-12153, Tollie Freightways, Inc.—Control—S. & C. Transport Co., Inc., now assigned October 31, 1974 (2 days), at Kansas City, Mo., in a hearing room to be later designated.

MC 114211 Sub 222, Warren Transport, Inc., now being assigned hearing October 1, 1974 (1 day), at Chicago, Ill., in a hearing room to be later designated.

MC 114273 Sub 161, Cedar Rapids Steel Transportation, Inc., now being assigned hearing October 2, 1974 (1 day), at Chicago, Ill., in a hearing room to be later designated.

MC 113678 Sub 533, Curtis, Inc., now being assigned hearing October 3, 1974 (2 days), at Chicago, Ill., in a hearing room to be later designated.

MC-F-12139, Noel Transfer, Inc.—Control—LTL Perishables, Inc., now being assigned hearing October 21, 1974 (3 days), at Omaha, Nebr., in a hearing room to be later designated.

MC 107496 Sub 928, Ruan Transport Corp., now being assigned hearing October 24, 1974 (2 days), at Omaha, Nebr., in a hearing room to be later designated.

MC-F-12187, Hunt Transportation, Inc.—Investigation of Control—Jack's Machinery Transportation Corp., now being assigned hearing October 29, 1974 (2 days), at Omaha, Nebr., in a hearing room to be later designated.

MC-C-8255, Krobiin Refrigerated Xpress, Inc.—Investigation and Revocation of Certificate—now being assigned hearing October 31, 1974 (1 day), at Omaha, Nebr., in a hearing room to be later designated.

MC 114273 Sub 164, Cedar Rapids Steel Transportation, Inc., now being assigned hearing November 1, 1974 (1 day), at Omaha, Nebr., in a hearing room to be later designated.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-14632 Filed 6-25-74;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

JUNE 21, 1974.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's gateway elimination rules (49 CFR 1065(a)), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before July 8, 1974. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC-14702 (Sub-No.E14), (CORRECTION), filed May 15, 1974, published in the FEDERAL REGISTER June 13, 1974. Applicant: OHIO FAST FREIGHT, INC., P.O. Box 808, Warren, Ohio 44482. Applicant's representative: James M. Holland (same as above). The purpose of this partial correction is to indicate the correct "E" number—previously published as E4. The letter-notice stands as previously published on June 13, 1974.

No. MC-33500 (Sub-No. E1), filed May 14, 1974. Applicant: PYRAMID VAN LINES, INC., 479 South Airport Boulevard, South San Francisco, Calif. 94080. Applicant's representative: D. J. Lutkenhouse (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (1) between points in Maine and New Hampshire, on the one hand, and, on the other, points in California, Oregon, Washington, Colorado, Texas, Oklahoma, Kansas, Nebraska, North Dakota, South Dakota, Minnesota, Iowa, Missouri, Arkansas, Louisiana, Mississippi, Tennessee, Illinois, Wisconsin, Michigan, Indiana, Kentucky, Alabama, Florida, Georgia, Ohio, South Carolina, North Carolina, Virginia, West Virginia, Maryland, Delaware, Pennsylvania, New Jersey, Connecticut, and Rhode Island, and the District of Columbia; and (2) between points in that part of New York in and south of Cayuga, Cortland, Madison, Otsego, Delaware, Greene, and Columbia Counties, on the one hand, and, on the other, points in Maine, New Hampshire, and that part of Vermont in and east of Essex, Caledonia, Orange, Windsor, and Bennington Counties. The purpose of this filing is to eliminate the gateway of points in Massachusetts.

No. MC-52054 (Sub-No. E1), filed May 10, 1974. Applicant: S & C TRANSPORT COMPANY, INC., 65 State Street, Hutchinson, Kansas 67507. Applicant's representative: D. S. Hults, P.O. Box 225, Lawrence, Kansas 66044. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from Nebraska City and Plattsmouth, Nebr., to points in Oklahoma on and west of Interstate Highway 35, Colorado on and south of U.S. Highway 50 and on and east of U.S. Highways 83 and 87, and Texas on and west of a line beginning at the Oklahoma-Texas State line, thence along U.S. Highway 75 to Dallas, thence along U.S. Highway 77 to Victoria, thence along U.S. Highway 87, to the Gulf of Mexico. The purpose of this filing is to eliminate the gateway of Hutchinson, Kansas.

No. MC-52054 (Sub-No. E2), filed May 10, 1974. Applicant: S & C TRANSPORT CO. INC., 65 State Street, Hutchinson, Kansas 67507. Applicant's representative: D. S. Hult, P.O. Box 225, Lawrence, Kansas 66044. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products*, from points in Oklahoma on and east of U.S. Highway 81 to points in Colorado on and east of U.S. Highway 85 and on and north of U.S. Highway 50; (2) *Waste paper*, from points in Colorado on and east of U.S. Highway 85 and on and north of U.S. Highway 50 to points in Oklahoma on and east of U.S. Highway 81. The purpose of this filing is to eliminate the gateway of Hutchinson, Kansas.

No. MC-61592 (Sub-No. E12), filed June 3, 1974. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 697, Jeffersonville, Indiana 47130. Applicant's representative: Bob Jenkin (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from Sheridan, Ark., to points in New Hampshire, Vermont, and Maine. The purpose of this filing is to eliminate the gateways of points in Iowa east of U.S. Highway 65 and Cass County, Indiana.

No. MC-64932 (Sub-No. E16), filed May 10, 1974. Applicant: ROGERS CARTAGE CO., 10735 So. Cicero Avenue, Oak Lawn, Ill. 60453. Applicant's representative: W. F. Farrell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from Roxanna, Ill., to points in Indiana, Iowa, and Missouri (except points within 150 miles of East St. Louis, Ill.). The purpose of this filing is to eliminate the gateways of St. Louis, Mo., and Hartford, Ill.

No. MC-64932 (Sub-No. E17), filed May 10, 1974. Applicant: ROGERS CARTAGE CO., 10735 So. Cicero Avenue, Oak Lawn, Ill. 60453. Applicant's representative: W. F. Farrell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from Wood River, Ill., to points in Indiana, Iowa, and Missouri (except points within 150 miles of East St. Louis, Ill.). The purpose of this filing is to eliminate the gateways of St. Louis, Mo., and Hartford, Ill.

No. MC-64932 (Sub-No. E19), filed May 10, 1974. Applicant: ROGERS CARTAGE CO., 10735 So. Cicero Avenue, Oak Lawn, Ill. 60453. Applicant's representative: W. F. Farrell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Detroit, Mich., to points in Mississippi, Oregon, and South Dakota. The purpose of this filing is to eliminate the gateway of Swanton, Ohio.

No. MC-64932 (Sub-No. E21), filed May 10, 1974. Applicant: ROGERS CARTAGE CO., 10735 So. Cicero Avenue, Oak Lawn, Ill. 60453. Applicant's representative: W. F. Farrell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from points in the Chicago, Ill., Commercial Zone, as defined by the Commission, to points in Connecticut, Maryland, Massachusetts, and Rhode Island. The purpose of this filing is to eliminate the gateway of the site of the plant of the Stepan Chemical Company at or near Millsdale, Ill.

No. MC-64932 (Sub-No. E23), filed May 10, 1974. Applicant: ROGERS CARTAGE CO., 10735 So. Cicero Avenue, Oak Lawn, Ill. 60453. Applicant's representative: W. F. Farrell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in the Chicago, Ill., commercial zone, as defined by the Commission, to points in Florida. The purpose of this filing is to eliminate the gateway of St. Louis, Mo.

No. MC-64932 (Sub-No. E24), filed May 10, 1974. Applicant: ROGERS CARTAGE CO., 10735 So. Cicero Avenue, Oak Lawn, Ill. 60453. Applicant's representative: W. F. Farrell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Louisville, Ky., to points in Oklahoma and Harris County, Texas. The purpose of this filing is to eliminate the gateway of St. Louis, Mo.

No. MC-64932 (Sub-No. E25); filed May 10, 1974. Applicant: ROGERS CARTAGE CO., 10735 So. Cicero Avenue, Oak Lawn, Ill. 60453. Applicant's representative: W. F. Farrell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Detroit, Mich., to points in Arkansas, Louisiana, and those parts of Colorado, New Mexico, and Wyoming on and east of U.S. Highway 85. The purpose of this filing is to eliminate the gateway of Marshall, Ill.

No. MC-64932 (Sub-No. E39), filed June 3, 1974. Applicant: ROGERS CARTAGE CO., 10735 So. Cicero Avenue, Oak Lawn, Ill. 60453. Applicant's representative: W. F. Farrell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Pike County, Mo., to points in Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, and West Virginia. The purpose of this filing is to eliminate the gateway of Marshall, Ill.

No. MC-64932 (Sub-No. E40), filed June 3, 1974. Applicant: ROGERS CARTAGE CO., 10735 So. Cicero Avenue, Oak Lawn, Ill. 60453. Applicant's representative: W. F. Farrell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Danville, Ill., to points in California. The purpose of this filing is to eliminate the gateway of Terre Haute, Ind., and the plantsite of Baird Chemicals Industries, Inc., at or near Mapleton, Ill.

No. MC-64932 (Sub-No. E48), filed June 3, 1974. Applicant: ROGERS CARTAGE CO., 10735 So. Cicero Avenue, Oak Lawn, Ill. 60453. Applicant's representative: W. F. Farrell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except sulphuric acid and petroleum-chemicals) in bulk, in tank vehicles, from Grand Rapids, Mich., to points in Arkansas, Louisiana, and Mississippi, and those points in Colorado and New Mexico on and east of U.S. Highway 85. The purpose of this filing is to eliminate the gateway of Marshall, Ill.

No. MC-64932 (Sub-No. E80), filed June 3, 1974. Applicant: ROGERS CARTAGE CO., 10735 S. Cicero Ave., Oak Lawn, Ill. 60453. Applicant's representative: W. F. Farrell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except petro-chemicals) in bulk, in tank vehicles, from points in New York to points in Oregon. The purpose of this filing is to eliminate the gateway of Ferndale, Mich. (a point within the Detroit, Mich., commercial zone) and Swanton, Ohio.

No. MC-64932 (Sub-No. E81), filed June 3, 1974. Applicant: ROGERS CARTAGE CO., 10735 S. Cicero Ave., Oak Lawn, Ill. 60453. Applicant's representative: W. F. Farrell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except petro-chemicals), in bulk, in tank vehicles, from points in Pennsylvania to points in Oregon. The purpose of this filing is to eliminate the gateway of Ferndale, Mich. (a point within the Detroit, Mich. commercial zone) and Swanton, Ohio.

No. MC-64932 (Sub-No. E82), filed June 3, 1974. Applicant: ROGERS CARTAGE CO., 10735 S. Cicero Ave., Oak Lawn, Ill. 69453. Applicant's representative: W. F. Farrell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except petro-chemicals) in bulk, in tank vehicles, from points in West Virginia to points in Oregon. The purpose of this filing is to eliminate the gateway of Ferndale, Mich. (a point within the Detroit, Mich., commercial zone) and Swanton, Ohio.

No. MC-65665 (Sub-No. E1), filed May 16, 1974. Applicant: IMPERIAL VAN LINES, INC., 2728 Northeast Freeway NE., Atlanta, Ga. 30329. Applicant's representative: Stanley I. Goldman, 1700 K St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission: (1) Between points in Maine and New Hampshire, on the one hand, and, on the other, Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Texas, Virginia, Tennessee, and the District of Columbia. (2) Between points in Vermont, on the one hand, and, on the other, points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Texas. (3) Between points in Vermont, on and north of Vermont Highway 302, on the one hand, and, on the other, the District of Columbia. The purpose of this filing of (1), (2), and (3) is to eliminate the gateway of Boston, Mass. (4) Between points in Vermont, on and north of U.S. Highway 4, on the one hand, and, on the other, points in Virginia and West Virginia. The purpose of this filing is to eliminate a gateway of Boston, Mass., and points in Virginia.

(5) Between points in Maine and New Hampshire, on the one hand, and, on the other, points in Arkansas, Kansas, Missouri, Oklahoma, Tennessee, and West Virginia. (6) Between points in Maine, on the one hand, and, on the other, points in Ohio, Indiana, and Illinois. (7) Between points in Vermont, on the one hand, and, on the other, points in Arkansas, Missouri, Oklahoma, and points in Pennsylvania, on and west of Pennsylvania Highways 14 and 15. (8) Between points in New Hampshire, on the one hand, and, on the other, points in Ohio, on and south of U.S. Highway 30. (9) Between points in Maine, on and north of Maine Highway 25, on the one hand, and, on the other, points in Maryland. (10) Between points in New Hampshire, on the one hand, and, on the other, points in Illinois, on and south of Illinois Highway 36. The purpose of the filings in (5) through (10) above is to eliminate the gateways in the Washington, D.C., commercial zone and Boston, Mass. (11) Between points in Maine and New Hampshire, on the one hand, and, on the other, points in Colorado, Kansas, Mississippi, and Nebraska. The purpose of this filing is to eliminate the gateway points in Missouri, the District of Columbia, commercial zone, and Boston, Mass. (12) Between points in Maine, on the one hand, and, on the other, points in Michigan. The purpose of this filing is to eliminate the gateways of Boston, Mass., the District of Columbia, and points in Virginia.

(12a) Between points in Maine, on the one hand, and, on the other, points in Iowa on and west of Highway 69. (13) Between points in Vermont, on the one hand, and, on the other, points in Colorado and Mississippi. (14) Between points in Vermont, on and north of U.S. Highway 4, on the one hand, and, on the other, points in Kansas and points in Nebraska, on and west of Nebraska Highway 183. The purpose of the filings (12a) through (14) above is to eliminate the gateway points in Missouri, Washing-

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ton, D.C., commercial zone and Boston, Mass. (15) Between points in Connecticut, on the one hand, and, on the other, points in Alabama, Arkansas, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Michigan, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and West Virginia. (16) Between points in Massachusetts and Rhode Island, on the one hand, and, on the other, points in Arkansas, Illinois, Indiana, Kentucky, Missouri, Ohio, and Oklahoma. (17) Between points in Delaware, on the one hand, and, on the other, points in Missouri. The purpose of the filings 15, 16, and 17 is to eliminate the gateway of the District of Columbia, commercial zone. (18) Between points in Colorado, on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, South Carolina, Tennessee, Virginia, Wisconsin, Michigan, Mississippi, New York, North Carolina, Ohio, and Pennsylvania. (18a) Between points in Colorado, west of Colorado Highway 71, on the one hand, and, on the other, points in Iowa, on and east of Interstate Highway 35. The purpose of the filings of (18) and (18a) is to eliminate the gateways of Kansas City and St. Louis, Mo.

(19) Between points in Alabama, Florida, Georgia, and the District of Columbia, on the one hand, and, on the other, points in Iowa, Kansas, Minnesota, and Nebraska. (20) Between points in Minnesota, on the one hand, and, on the other, points in Arkansas, Illinois, Indiana, Kansas, Kentucky, Louisiana, North Carolina, Oklahoma, Virginia, Mississippi, Pennsylvania, South Carolina, Tennessee, Texas, the District of Columbia, and points in Nebraska on and south of Interstate Highway 80. (20a) Between points in Minnesota, on and south of Minnesota Highway 28, Interstate Highway 94 and Minnesota Highway 95, on the one hand, and, on the other, points in Ohio on and south of Interstate Highway 40. (21) Between points in Arkansas, on the one hand, and, on the other, points in Washington, D.C., commercial zone and points in Wisconsin. (22) Between points in Iowa, on the one hand, and, on the other, points in Louisiana, Mississippi, New York, North Carolina, South Carolina, Tennessee, Texas, Virginia, and the District of Columbia. (23) Between points in Kansas, on the one hand, and, on the other, points in Louisiana, Mississippi, New York, North Carolina, South Carolina, Tennessee, Virginia, the District of Columbia, and points in Minnesota on and east of Minnesota Highway 15 to St. Cloud, and on and east of U.S. Highway 10 and U.S. Highway 371 to U.S. Highway 2, and on and south of U.S. Highway 2. (24) Between points in Nebraska, on the one hand, and, on the other, points in Louisiana, Mississippi, New York, North Carolina, South Carolina, Tennessee, Texas, Virginia, and the District of Columbia. (25) Between points in New York, on the one hand, and, on the other, points in Texas. The purpose of the filings in (19) through (25) above is to eliminate gateway points in Missouri.

(26) Between points in Arkansas, on the one hand, and, on the other, points in Pennsylvania, Indiana, Iowa, and Michigan. (27) Between points in Colorado, on the one hand, and, on the other, the District of Columbia. (28) Between points in Indiana, on the one hand, and, on the other, points in Iowa, Kansas, Nebraska, and Oklahoma. (29) Between points in Iowa, on the one hand, and, on the other, points in Kentucky, and points in Ohio on and south of Interstate Highway 40. (30) Between points in Kansas, on the one hand, and, on the other, points in Kentucky, Michigan, Ohio, Pennsylvania, and points in Wisconsin on and south of U.S. Highway 8. (31) Between points in Kentucky, on the one hand, and, on the other, points in Nebraska and Oklahoma. (32) Between points in Michigan, New York, and Ohio, on the one hand, and, on the other, points in Oklahoma. (33) Between points in Nebraska, on the one hand, and, on the other, points in Ohio and Pennsylvania. The purpose of the filings of (26) through (33), above is to eliminate the gateway of Overland, Mo. (34) Between points in Arkansas, on the one hand, and, on the other, points in New York. (35) Between points in Colorado, on the one hand, and, on the other, points in Delaware, Maryland, Massachusetts, and New Jersey. (36) Between points in Iowa, on the one hand, and, on the other, points in New Jersey. (37) Between points in Kansas, on the one hand, and, on the other, points in Delaware, Maryland, and New Jersey. (37a) Between points in Iowa, west of Iowa Highway 38, on the one hand, and, on the other, points in Maryland and points in Pennsylvania, on and east of U.S. Highway 220.

(38) Between points in Minnesota and Nebraska, on the one hand, and, on the other, points in Maryland, Massachusetts, and Rhode Island. (38a) Between points in Nebraska and points in Minnesota, on and south of Interstate Highway 94 to St. Cloud and south of Minnesota Highway 95, east of St. Clair, on the one hand, and, on the other, points in New Jersey. The purpose of the filings in (34) through (38a) above is to eliminate the gateway points in Missouri and Virginia. (39) Between points in Colorado, on the one hand, and, on the other, points in Connecticut and Rhode Island. The purpose of this filing is to eliminate gateway points in Missouri and the District of Columbia. (40) Between points in Delaware, on the one hand, and, on the other, points in Iowa, Minnesota, and Nebraska. The purpose of this filing is to eliminate the gateways of Overland, Mo. and the District of Columbia. (41) Between points in Connecticut, Massachusetts, and Rhode Island, on the one hand, and, on the other, points in Kansas and Nebraska. The purpose of this filing is to eliminate the gateway points in Missouri and the District of Columbia. (42) Between the District of Columbia, on the one hand, and, on the other, points in Indiana, Michigan, Rhode Island, and West Virginia.

(43) Between points in Maryland, on the one hand, and, on the other, points in Michigan, Missouri, Ohio, Oklahoma, Texas, and West Virginia. (43a) Between points in Maryland (except those on the the eastern shore south of Maryland Highway 18 and Delaware Highway 18), on the one hand, and, on the other, points in Massachusetts and Rhode Island. (44) Between points in New Jersey, Maryland, and Delaware, on the one hand, and, on the other, points in Arkansas, Illinois, Indiana, Kentucky, Michigan, Missouri, Ohio, Oklahoma, and West Virginia. (45) Between points in Pennsylvania, on the one hand, and, on the other, points in Oklahoma, Texas, and West Virginia. (45a) Between points in Ohio, on the one hand, and, on the other, points in the Philadelphia, Pa., commercial zone. (45b) Between points in Indiana and Michigan, on the one hand, and, on the other, points in Pennsylvania, on and east of Pennsylvania Highway 15. (45c) Between points in Kentucky, on the one hand, and, on the other, points in Pennsylvania, on and east of U.S. Highway 220, and points in New York on and east of New York Highway 12. (46) Between points in New York, on the ope hand, and, on the other, points in Oklahoma.

(46a) Between New York, N.Y., on the one hand, and, on the other, points in Ohio.

(46b) Between poinnts in New York, east of New York Highway 12, on the one hand, and, on the other, points in West Virginia, and points in Indiana, south of U.S. Highway 40. The purpose of the filings in (42) through (46b) above is to eliminate the gateway points in Virginia.

(47) Between points in Illinois, on the one hand, and, on the other, points in New York. The purpose of this filing is to eliminate the gateway points in Pennsylvania.

(48) Between points in Texas, on the one hand, and, on the other, points in New York, Pennsylvania, New Jersey, Maryland, and Delaware. The purpose of this filing is to eliminate the gateway points in Louisiana.

(49) Between points in Wisconsin, on the one hand, and, on the other, points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, and Virginia. The purpose of this filing is to eliminate the gateway points in Illinois.

(50) Between points in Wisconsin, on the one hand, and, on the other, points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, West Virginia, the District of Columbia, and the New York, N.Y., commercial zone and points in Pennsylvania on and east of U.S. Highway 15. The purpose of this filing is to eliminate the gateway points in Virginia and Illinois.

(51) Between points in Wisconsin, on the one hand, and, on the other, points in Maine, New Hampshire, and Vermont. The purpose of this filing is to eliminate the gateways of Boston, Mass., the District of Columbia, commercial zone, and points in Illinois.

(52) Between points in Colorado, on the one hand, and, on the other, points in West Virginia, east of Interstate Highway 77 and West Virginia Highway 62. The purpose of this filing is to eliminate the gateway points in Missouri and Tennessee.

(52) Between points in Rhode Island, on the one hand, and, on the other, points in West Virginia. The purpose of this filing is to eliminate the gateways of Boston, Mass., the District of Columbia, and points in Virginia.

No. MC-73165 (Sub-No. E29), filed May 20, 1974. Applicant: EAGLE MOTOR LINES, INC., P.O. Box 11086, Birmingham, Ala. 35202. Applicant's representative: Carl U. Hurst (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Contractors' equipment and roadbuilding machinery consisting of contractors'* outfits, which because of size or weight require the use of special equipment or consisting of self-propelled articles each weighing 15,000 pounds or more and related machinery, tools, parts, and supplies moving in connection therewith, (1) from Peoria, Pekin, and Joliet, Ill., to points in Georgia, that part of Florida on and north of a line beginning at St. Petersburg, thence across Gandy Bridge to Tampa, thence along U.S. Highway 92 to Kissimmee, thence along U.S. Highway 192 to Melbourne, and thence along an unnumbered highway to the Atlantic Ocean, that part of Mississippi on, south, and east of a line beginning at the Mississippi-Tennessee State line near Brownfield, and extending along Mississippi Highway 15, to New Albany, thence along Mississippi Highway 30 to junction Mississippi Highway 7 near Oxford, thence along Mississippi Highway 7 to Greenwood, thence along U.S. Highway 49–E to junction with Mississippi Highway 3 at Yazoo Junction, thence along Mississippi Highway 3 to Redwood, and thence along U.S. Highway 61 to Vicksburg, and points in Polk, Bradley, Hamilton, Marion, Franin, Lincoln, Giles, Lawrence, and Wayne Counties, Tenn.; (2) from Joliet, Ill., to points in Mississippi on and south of U.S. Highway 82;

(3) From Detroit, Mich., to points in Mississippi, that part of Florida on and north of a line beginning at St. Petersburg, thence across Gandy Bridge to Tampa, thence along U.S. Highway 92 to Kissimmee, thence along U.S. Highway 192 to Melbourne, thence along an unnumbered highway to the Atlantic Seaboard, that part of Georgia, on, west, and south of a line beginning at the Georgia-Tennessee State line, near Ringgold and extending along U.S. Highway 41 to Atlanta, thence along U.S. Highway 78 to Monroe, thence along Georgia Highway 11 to Monticello, thence along Georgia Highway 16 to Sparta, thence along Georgia Highway 15 to Sandersville, thence along Georgia Highway 24 to Newington, and thence along Georgia Highway 21 to Savannah, and points in Hamilton, Marion, Franin, Lincoln, Giles, Lawrence, Wayne, Hardin, McNairy, Hardeman, Fayette, and Shelby Counties, Tenn.; (4) from Marion, Ohio, to points in Mississippi, that part of Florida on and north of a line beginning at St. Petersburg, thence across Gandy Bridge to Tampa, thence along U.S. Highway 92 to Kissimmee, thence along U.S. Highway 192 to Melbourne, and thence along an unnumbered highway to the Atlantic Seaboard, that part of Georgia on and south of a line beginning at the Georgia-Alabama State line near Cave Springs, and extending along U.S. Highway 411 to junction with U.S. Highway 41 near Cartersville, thence over U.S. Highway 41 to Atlanta, thence over U.S. Highway 23 to Hazlehurst, and thence over U.S. Highway 341 to Brunswick, and points in Franin, Lincoln, Giles, Lawrence, Wayne, Hardin, McNairy, Hardeman, Fayette, and Shelby Counties, Tenn.

(5) From Milwaukee, Wis., to points in Georgia, and that part of Florida on and north of a line beginning at St. Petersburg, thence across Gandy Bridge to Tampa, thence along U.S. 92 to Kissimee, thence along U.S. Highway 192 to Melbourne, and thence along an unnumbered highway to the Atlantic Seaboard, that part of Mississippi on, east, and south of a line beginning at the Mississippi-Tennessee State line near Michigan City, Miss., and extending along Mississippi Highway 7 to Oxford, thence along Mississippi Highway 6 to Clarksdale, and thence along Mississippi Highway 1 to Greenville, including points in Bolivar, Coahoma, and Washington Counties, Miss., and points in Polk, Bradley, Hamilton, Marion, Franin, Lincoln, Giles, and Lawrence Counties, Tenn.; (6) from Cedar Rapids and Waverly, Iowa, to points in Georgia, that part of Florida on and north of a line beginning at St. Petersburg, thence across Gandy Bridge to Tampa, thence along U.S. Highway 92 to Kissimmee, thence along U.S. Highway 192 to Melbourne, and thence along an unnumbered highway to the Atlantic Seaboard, that part of Mississippi on, east, and south of a line beginning at the Mississippi-Tennessee State line near Brownfield, Mississippi, and extending along Mississippi Highway 15 to New Albany, thence along Mississippi Highway 30 to junction with Mississippi Highway 7 near Oxford, thence along Mississippi Highway 7 to Greenwood, and thence along U.S. Highway 82 to Greenville, and points in Lawrence, Giles, Lincoln, Franin, Marion, Hamilton, Bradley, and Polk Counties, Tenn. The purpose of this filing is to eliminate the gateways of: Florence, Ala., in proposals number one and two; Huntsville, Ala., in proposals number three and four; and Florence and Huntsville, Ala., in proposals number five and six.

No. MC-68368 (Sub-No. E2), filed May 15, 1974. Applicant: CARTWRIGHT VAN LINES, INC., 1109 Cartwright Ave., Grandview, Mo. 64030. Applicant's representative: Theodore Polydoroff (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, from points in Arizona within 25 miles of Chandler, Ariz., to points in San Bernardino County, Calif., within 50 miles of Earp, Calif., including Earp, Calif. (points in Arizona within 25 miles of Parker, Ariz., including Parker)*, points in Idaho in and north of Idaho County (points in Arizona and within 25 miles of Parker, Ariz., including Parker, and points in San Bernardino County, Calif., within 50 miles of Earp, Calif., including Earp)*, points in Oregon in and north of Lincoln, Benton, Linn, Jefferson, Wheeler, Morrow, Umatilla, Union, and Wallowa Counties (points in Arizona within 25 miles of Parker, Ariz., including Parker, points in San Bernardino County, Calif., within 50 miles of Earp, Calif., including Earp, and points in Washington)*, points in Washington (points in Arizona within 25 miles of Parker, Ariz., including Parker, and points in San Bernardino County, Calif., within 50 miles of Earp, Calif., including Earp)*. The purpose of this filing is to eliminate the gateways marked with asterisks above.

No. MC-90369 (Sub-No. E1), filed April 26, 1974. Applicant: ADKINS TRANSFER, INC., 2537 Eighth Avenue, Huntington, W. Va. 25703. Applicant's representative: John M. Friedman, 2930 Putnam Avenue, Hurricane, W. Va. 25526. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, (1) between points in North Carolina, on and east of a line beginning at the North Carolina-South Carolina State line and extending north along U.S. Highway 21 to Statesville, thence along North Carolina Highway 115 to Wilkesboro, thence along North Carolina Highway 18 to the North Carolina-Virginia State line, on the one hand, and, on the other, points in that part of Ohio on and south of a line beginning at the Ohio-West Virginia State line and extending west along U.S. Highway 33 to Columbus, thence along U.S. Highway 40 to the Ohio-Indiana State line, and that part of Kentucky on and north and east of a line beginning at the West Virginia-Kentucky State line near Catlettsburg, and extending west along U.S. Highway 60 to Lexington, thence along U.S. Highway 25 to the Kentucky-Ohio State line; (2) between points in that part of West Virginia on and north of U.S. Highway 33, and that part of Pennsylvania on and east and south of U.S. Highway 62 on the one hand, and, on the other, points in Kentucky, on, north, and east of a line beginning at the West Virginia-Kentucky State line and extending west along U.S. Highway 60 to Lexington, thence north along U.S. Highway 25 to the Kentucky-Ohio State line; (3) between points in West Virginia south of U.S. Highway 60; points in Virginia on and east of U.S. Highway 52, on the one hand, and, on the other, points in Kentucky on, north, and east of a line beginning at the West Virginia-Kentucky State line and extending west along U.S. Highway 60 to Lexington, thence north along U.S. Highway 25 to the Kentucky-Ohio State line;

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(4) Between points in Virginia on, east, and south of a line beginning at the Virginia-District of Columbia line and extending west along U.S. Highway 29 to junction with U.S. Highway 250, thence along U.S. Highway 250 to junction with U.S. Highway 11, thence along U.S. Highway 11 to junction with U.S. Highway 52, thence along U.S. Highway 52 to the Virginia-North Carolina State line, on the one hand, and, on the other, points in Ohio and on south of U.S. Highway 35; (5) Between points in West Virginia on and south of U.S. Highway 60, on the one hand, and, on the other, points in Ohio on and west of a line beginning at Portsmouth, and extending north along U.S. Highway 23 to Columbus, and on and south of a line beginning at Columbus, and extending west along U.S. Highway 40 to the Indiana-Ohio State line, and those points on and south of a line extending from Chesapeake, west along U.S. Highway 52 to Portsmouth; and (6) Between points in Pennsylvania, on the one hand, and, on the other, points in that part of Ohio on and south of a line beginning at Chesapeake, extending west along U.S. Highway 52 to Portsmouth. The purpose of this filing is to eliminate the gateway of Huntington, W. Va.

No. MC–95540 (Sub-No. E298), filed May 15, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Tifton, Ga., to points in Washington. The purpose of this filing is to eliminate the gateway of points in Tennessee (except Memphis and points in the Commercial Zone thereof).

No. MC–95540 (Sub-No. E312), filed May 15, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, in vehicles equipped with mechanical refrigeration (except in bulk and except meat, meat products and meat byproducts, and articles distributed by meat packinghouses, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766, from points in Texas, to points in West Virginia. The purpose of this filing is to eliminate the gateway of Florence, Ala.

No. MC–105813 (Sub-No. E13), filed May 12, 1974. Applicant: BELFORD TRUCKING CO., INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh fruits and fresh vegetables*, in vehicles equipped with mechanical refrigeration, from points in Florida on and south of Florida Highway 50 from Bayport to its junction with U.S. Highway 27, thence U.S. Highway 27 to its junction with U.S. Highway 192, thence U.S. Highway 192 to its junction with Florida Highway 516, thence Florida Highway 516 to Indialantic to points in Georgia, South Carolina, North Carolina, and St. Louis, Mo., Chicago, Ill., Cincinnati, Ohio, New York, N.Y., Jersey City, and Newark, N.J., Philadelphia, Pa., Baltimore, Md., and the District of Columbia, restricted against shipments having an immediately prior or subsequent movement by water. The purpose of this filing is to eliminate the gateway of Tampa, Plant City, or Lakeland, Fla.

No. MC–105813 (Sub-No. E14), filed May 12, 1974. Applicant: BELFORD TRUCKING CO., INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen vegetables*, in vehicles equipped with mechanical refrigeration, from Barker, N.Y., to points in Florida on and south of Florida Highway 24 from Cedar Key to its junction with Florida Highway 20, thence Florida Highway 20 to its junction with Florida Highway 100, thence Florida Highway 100 to Flagler Beach, restricted against shipments having an immediately prior or subsequent movement by water. The purpose of this filing is to eliminate the gateway of Plant City, Fla.

No. MC–105813 (Sub-No. E15), filed May 12, 1974. Applicant: BELFORD TRUCKING CO., INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits and frozen vegetables*, in vehicles equipped with mechanical refrigeration, (1) from points in Florida on and south of Interstate Highway 75 from Indian Rock Beach to its junction with Interstate Highway 4, thence Interstate Highway 4 to its junction with U.S. Highway 192, thence U.S. Highway 192 to its junction with Florida Highway 516, thence Florida Highway 516 to Indialantic, to points in Alabama, Georgia, South Carolina, North Carolina, and Tennessee (except Knoxville). (2) From points in Florida on and south of Florida Highway 44 to points in Connecticut, Delaware, Massachusetts, Rhode Island, Baltimore, Md., Richmond and Norfolk, Va., Jersey City and Newark, N.J., and the District of Columbia. The authority in (1) and (2) above is restricted against shipments having an immediately prior or subsequent movement by water. The purpose of this filing is to eliminate the gateway of Tampa or Plant City, Fla.

No. MC–105813 (Sub-No. E19), filed May 12, 1974. Applicant: BELFORD TRUCKING CO., INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Fresh meats and packinghouse products* (except in bulk in tank vehicles), from Philadelphia, Pa., to points in Florida. The purpose of this filing is to eliminate the gateway of New Brunswick, N.J.

No. MC–105813 (Sub-No. E20), filed May 12, 1974. Applicant: BELFORD TRUCKING CO., INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, coconuts, and pineapples*, from Tampa, Fla., to points in Iowa, Kansas, Minnesota, North Dakota, South Dakota, St. Louis, Mo., and Omaha, Nebr. The purpose of this filing is to eliminate the gateway of Jacksonville, Fla.

No. MC–105813 (Sub-No. E21), filed May 12, 1974. Applicant: BELFORD TRUCKING CO., INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and edible meat by-products and edible articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in vehicles equipped with mechanical refrigeration, from points in Florida on and east of U.S. Highway 231 to points in Washington, Oregon, and California; and from points in Florida on and east of Florida Highway 349 from Suwannee to its junction with U.S. Highway 129, thence U.S. Highway 129 to the Florida-Georgia State line to points in Arkansas, Colorado, Iowa, Kansas, Kentucky, Maine, Michigan, Minnesota, Nebraska, New Hampshire, Oklahoma, Texas, Vermont, and Wisconsin. The authority above is restricted against the transportation of shipments having an immediately prior or subsequent movement by water. The purpose of this filing is to eliminate the gateway of Jacksonville, Gainesville, or Tampa, Fla.

No. MC–105813 (Sub-No. E23), filed May 12, 1974. Applicant: BELFORD TRUCKING CO., INC., 7000 South Pulaski Rd., Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh and frozen fruits and vegetables*, in vehicles equipped with mechanical refrigeration, from Pittsburgh and North East, Pa., to those points in Florida lying on and south of Florida Highway 771 from the beginning of Placida to its junction with U.S. Highway 41, thence U.S. Highway 41 to its junction with U.S. Highway 17, thence U.S. Highway 17 to its junction with Florida Highway 70, thence Florida Highway 70 to Ft. Pierce, restricted against shipments having an immediately prior or subsequent movement by water. The purpose of this filing is to eliminate the gateway of Miami, Fla.

No. MC–107295 (Sub-No. E16), filed May 5, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wall systems* from the plant site of Flangeklamp Corporation located in Erie County, N.Y., to points in Colorado and that part of Nebraska on and west of U.S. Highway 83. The purpose of this filing is to eliminate the gateway of Merrill, Wis.

No. MC–107295 (Sub-No. E79), filed May 14, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood panels*, from Charlestown, Mass., to points in Alabama, Arizona, California, Colorado, Idaho, Louisiana, Mississippi, Montana, Nebraska, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming. The purpose of this filing is to eliminate the gateway of Paris, Ill.

No. MC–107295 (Sub-No. E81), filed May 14, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bituminized fiber sewer pipe, and bituminized fiber conduit* (except commodities which, because of size or weight, require the use of special equipment), from Louisiana, Mo., to points in Florida, Georgia, Louisiana, Mississippi, and South Carolina. The purpose of this filing is to eliminate the gateway of Springfield, Ill.

No. MC–107295 (Sub-No. E87), filed May 14, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition wallboard*, from Duluth, Minn., to points in Colorado and New Mexico. The purpose of this filing is to eliminate the gateway of Fort Dodge, Iowa.

No. MC–107295 (Sub-No. E90), filed May 14, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum products* (except liquid commodities in bulk), from the plant site and facilities of Georgia-Pacific Corporation at Grand Rapids, Mich., to points in Georgia, North Carolina, South Carolina, and Virginia. The purpose of this filing is to eliminate the gateway of Port Clinton, Ohio.

No. MC–107295 (Sub-No. E101), filed May 13, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board*, from Chester, W. Va., (1) to points in Arizona and California (Truman, Ark.),* and (2) to points in Idaho, Nevada, Oregon, Utah, and Washington (Kalamazoo, Mich.).* The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC–107456 (Sub-No. E2), filed May 12, 1974. Applicant: HARRY L. YOUNG and SONS, INC., 542 West Sixth South, Salt Lake City, Utah 84104. Applicant's representative: Lon Rodney Kump, 200 Law Bldg., 333 East Fourth South, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Structural iron and steel which because of size or weight requires special handling or special equipment*, from points in California (except Siskiyou and Modoc Counties), to points in Idaho east of the western boundary lines of Lemki, Custer, Blaine, Menidoka, Power, and Oneida Counties. The purpose of this filing is to eliminate the gateway of Salt Lake City, Utah.

No. MC–100525 (Sub-No. E43) (Correction), filed May 1, 1974, published in the FEDERAL REGISTER May 21, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Connecticut to points in Kentucky. The purpose of this filing is to eliminate the gateways of Newark, N.J., and Pittsburgh, Pa. The purpose of this correction is to set forth the correct "E" number—previously published as E47.

No. MC–110525 (Sub-No. E139), (CORRECTION), filed May 8, 1974, published in the FEDERAL REGISTER June 4, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, as defined in *The Maxwell Co., Extension—Addyston*, 63 M.C.C. 677, in bulk, in tank vehicles, from the District of Columbia to points in Ohio. The purpose of this filing is to eliminate the gateways of Morgantown and Natrium, W. Va. The purpose of this correction is to set forth the correct "E" number—previously published as E39.

No. MC–111545 (Sub-No. E43), filed May 23, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* (except knitting machines), the transportation of which, because of size or weight, require the use of special equipment, between points in New York, on the one hand, and, on the other, points in that part of Oklahoma on and south of a line beginning at the Oklahoma-Arkansas State line thence along U.S. Highway 270 to Calvin, thence along Oklahoma Highway 1 to Ada, thence along Oklahoma Highway 19 to junction U.S. Highway 81, thence along U.S. Highway 81 to Chickasha, thence along U.S. Highway 62 to the Oklahoma-Texas State line. The purpose of this filing is to eliminate the gateway of Ringgold, Ga.

No. MC–111545 (Sub-No. E46), filed May 27, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heavy machinery and air compressors*, the transportation of which, because of size or weight, requires the use of special equipment, from points in Pennsylvania to points in that part of Alabama on and south of a line beginning at the Alabama-Georgia State line, thence along U.S. Highway 80 to Montgomery, thence along U.S. Highway 82 to the Alabama-Mississippi State line. The purpose fo this filing is to eliminate the gateway of Atlanta, Ga.

No. MC–111545 (Sub-No. E50), filed May 27, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor

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vehicle, over irregular routes, transporting: *Heavy machinery and air compressors* (except knitting machines), the transportation of which, because of size or weight, requires the use of special equipment, from points in that part of Indiana on and north of a line beginning at the Indiana-Ohio State line, thence along U.S. Highway 40 to Richmond, thence along Indiana Highway 38 to Antioch, thence along U.S. Highway 39 to Frankfort, thence along U.S. Highway 421 to junction Indiana Highway 10, thence along Indiana Highway 10 to the Indiana-Illinois State line, to points in that part of Alabama on and south of a line beginning at the Alabama-Georgia State line, thence along U.S. Highway 80 to Browns, thence along Alabama Highway 5 to Grove Hill, thence along U.S. Highway 43 to Mobile, thence along U.S. Highway 98 to the Alabama-Mississippi State line. The purpose of this filing is to eliminate the gateway of Atlanta, Ga.

No. MC–111545 (Sub-No. E55), filed May 23, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* (except knitting machines), the transportation of which, because of size or weight, requires the use of special equipment, between points in that part of Texas on and west of a line beginning at the Texas-Oklahoma State line, thence along U.S. Highway 271 to Paris, thence along Texas Highway 19 to Huntsville, thence along U.S. Highway 75 to Galveston, on the one hand, and, on the other, points in that part of West Virginia on and east of U.S. Highway 19. The purpose of this filing is to eliminate the gateways of Hugo, Okla., Ringgold, Ga., and Asheville, N.C.

No. MC–113843 (Sub-No. E60), filed May 5, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen prepared foodstuffs* (except in bulk), in vehicles equipped with mechanical refrigeration, from the plantsite and warehouses of The Pillsbury Company at or near East Greenville, Pa., to points in Missouri and Wisconsin and that part of Tennessee on and west of a line beginning at the Tennessee-Kentucky State line at or near Hazel, thence over U.S. Highway 641 to Paris, thence over Tennessee Highway 69 to its intersection with Tennessee Highway 77, thence over Tennessee Highway 77 to its intersection with U.S. Highway 70, thence over U.S. Highway 70 to the Mississippi River. The purpose of this filing is to eliminate the gateways of Buffalo, N.Y., and Detroit, Mich.

No. MC–117119 (Sub-No. E134), filed May 8, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared foodstuffs* (except dairy products, and commodities in bulk), in vehicles equipped with mechanical refrigeration, from the plant site and warehouse facilities of the Pillsbury Company at New Albany, Ind., and Louisville, Ky., to points in Idaho, Utah, and Wyoming. The purpose of this filing is to eliminate the gateway of Springdale, Ark.

No. MC–117119 (Sub-No. E140), filed May 8, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Belvidere, Ill., to points in Oklahoma east of Oklahoma Highway 34 and points in Texas on and south of U.S. Highway 66. The purpose of this filing is to eliminate the gateway of Van Buren, Ark.

No. MC–117119 (Sub-No. E159), filed May 8, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from points in Wisconsin to points in Texas. The purpose of this filing is to eliminate the gateways of Springdale, Ark., and Westville, Okla.

No. MC–117119 (Sub-No. E160), filed May 8, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from points in Wisconsin to points in Oklahoma south of U.S. Highway 60 and points in Louisiana. The purpose of this filing is to eliminate the gateways of Springdale, Ark., and Westville, Okla.

No. MC–117119 (Sub-No. E162), filed May 8, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Crozet, Va., to points in Washington, Oregon, Idaho, and Montana. The purpose of this filing is to eliminate the gateway of Hastings, Nebr.

No. MC–117883 (Sub-No. E2), filed May 13, 1974. Applicant: SUBLER TRANSFER, INC., P.O. Box 62, Versailles, Ohio 45380. Applicant's representative: Edward J. Subler (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such food and food products*, as are dealt in by wholesale and retail grocery houses, when moving from, to, or between warehouses or other facilities of wholesale or retail food business houses (except bananas and commodities in bulk), from points in Bergen, Hudson, Essex, Passaic, Union, Middlesex, Morris, and Somerset Counties, N.J., to points in that part of Ohio on and west of a line beginning at Cleveland, thence along U.S. Highway 42 to junction Ohio Highway 3, thence along Ohio Highway 3 to junction Ohio Highway 83, thence along Ohio Highway 83 to junction Ohio Highway 16, thence along Ohio Highway 16 to junction Ohio Highway 60, thence along Ohio Highway 60 to junction Ohio Highway 93, thence along Ohio Highway 93 to junction Ohio Highway 13, thence along Ohio Highway 13, to junction U.S. Highway 50, thence along U.S. Highway 50 to the Ohio-West Virginia State Line, points in that part of West Virginia on and west of Interstate Highway 77, and points in Kentucky, Indiana, Michigan, Illinois, Wisconsin, Minnesota, Iowa, Missouri, Nebraska, and Kansas restricted against the transportation of sugar to points in Indiana. The purpose of this filing is to eliminate the gateway of New York, N.Y.

No. MC–117883 (Sub-No. E4), filed May 13, 1974. Applicant: SUBLER TRANSFER, INC., P.O. Box 62, Versailles, Ohio 45380. Applicant's representative: Edward J. Subler (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, as described in Section B of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, between Chicago, Ill., on the one hand, and, on the other, points in Connecticut, Massachusetts, Maryland, New Jersey, New York, Pennsylvania, and West Virginia, and the District of Columbia. The purpose of this filing is to eliminate the gateway of Lima, Ohio.

No. MC–117883 (Sub-No. E5), filed May 13, 1974. Applicant: SUBLER TRANSFER, INC., P.O. Box 62, Versailles, Ohio. Applicant's representative: Edward J. Subler (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, as defined in Section B Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, between Chicago, Ill., on the one hand, and, on the other, points in Connecticut, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, and West Virginia. The purpose of this filing is to eliminate the gateway of Covington, Ohio.

No. MC–117883 (Sub-No. E6), filed May 13, 1974. Applicant: SUBLER TRANSFER, INC., P.O. Box 62, Versailles, Ohio 45380. Applicant's representative: Edward J. Subler (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, as defined in Section B of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209

and 766, in refrigerated equipment (except liquid commodities, in bulk, in tank vehicles), between the plant site of Swift & Co., at Rochelle, Ill., on the one hand, and, on the other, points in Connecticut, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, and West Virginia. The purpose of this filing is to eliminate the gateway of Covington, Ohio.

No. MC–119777 (Sub-No. E8), filed April 9, 1974. Applicant: LIGON SPECIALIZED HAULER, INC., P.O. Drawer L, Madisonville, Ky. 42431. Applicant's representative: Ronald E. Butler (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cellulose building board and vinyl-coated plywood*, from Thomasville, N.C., to (a) points in Colorado, Idaho, New Mexico, Oklahoma, Texas, and points in Arkansas on and south of a line beginning at the Oklahoma-Arkansas State line, thence east along U.S. Highway 70, to its intersection with Arkansas Highway 84, thence along Arkansas Highway 84 to its intersection with U.S. Highway 270, thence along U.S. Highway 270 to its intersection with U.S. Highway 79, thence along U.S. Highway 79 to its intersection with U.S. Highway 49, thence along U.S. Highway 49 to the Arkansas-Mississippi State line, and (b) points in Arizona, California, Nevada, Oregon, Utah, and Washington; (2) *Cellulose building board and vinyl-coated plywood* which because of size or weight require the use of special equipment, from Thomasville, N.C., to (a) points in Illinois, points in Kentucky, on and west of Interstate Highway 65, and points in Indiana on and west of a line beginning at the Kentucky-Indiana State line, thence along U.S. Highway 231 to Lafayette, Ind., thence along Indiana Highway 43 to its intersection with U.S. Highway 421, thence along U.S. Highway 421 to the shore of Lake Michigan; (b) points in Wisconsin; and (c) points in Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, North Dakota, South Dakota, Wyoming, and points in Arkansas on, north and west of a line beginning at the Oklahoma-Arkansas State line, thence east along Interstate Highway 40 to its intersection with Arkansas Highway 7, thence north along Arkansas Highway 7 to the Arkansas-Missouri State line. The purpose of this filing is to eliminate the gateways of (1) Laurel, Miss. for 1(a) above; (2) Laurel, Miss., and the plant site of the Permaneer Corporation in Calhoun County, Ark., for 1(b) above; (3) points in Tennessee and points in Kentucky, for 2(a) above; (4) points in Tennessee, points in Kentucky, and Elkhart, Ind., for 2(b) above; and (5) points in Tennessee and Henderson, Ky., for 2(c) above.

No. MC–119777 (Sub-No. E12), filed April 9, 1974. Applicant: LIGON SPECIALIZED HAULER, INC., P.O. Drawer L, Madisonville, Ky. 42431. Applicant's representative: Ronald Butler (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Particleboard*, from the plantsites of Georgia-Pacific Corporation at or near Taylorsville, Miss., to (a) points in Arizona, California, Colorado, Nevada, New Mexico, and Utah; (b) points in Connecticut, Delaware, Idaho, Maine, Massachusetts, Montana, New Hampshire, New Jersey, New York, North Dakota, Oregon, Pennsylvania, Rhode Island, South Dakota, Vermont, Washington, Wyoming, and points in Maryland on and north of a line beginning at the Delaware-Maryland State line, thence west along U.S. Highway 40 to its intersection with U.S. Highway 15, thence along U.S. Highway 15 to its intersection with U.S. Highway 340, thence along U.S. Highway 340 to the Maryland-Virginia State line; (c) points in Missouri on and west of a line beginning at the Arkansas-Missouri State line, thence north along U.S. Highway 67 to its intersection with Missouri Highway 32, thence along Missouri Highway 32 to the Missouri-Illinois State line. The purpose of this filing is to eliminate the gateways of (1) the plantsite of the Permaneer Corporation in Calhoun County, Ark. for (a) above; (2) Henderson, Ky., for (b) above; and (3) points in Saline and Pulaski Counties, Ark., for (c) above.

No. MC–119777 (Sub-No. E18), filed April 9, 1974. Applicant: LIGON SPECIALIZED HAULER, INC., P.O. Drawer L, Madisonville, Ky. 42431. Applicant's representative: Ronald Butler (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cellulose building board and vinyl-coated plywood*, from Waverly, Va., to points in Washington, Oregon, California, Idaho, Nevada, Montana, Utah, Arizona, Wyoming, Colorado, New Mexico, South Dakota, North Dakota, Nebraska, Kansas, Oklahoma, Texas, Minnesota, Iowa, Missouri, Arkansas, Louisiana, Georgia, Florida, Kentucky, and points in Ohio on and west of a line beginning at the Michigan-Ohio State line, thence south along U.S. Highway 23 to its intersection with U.S. Highway 33 thence along U.S. Highway 33 to its intersection with U.S. Highway 50, thence along U.S. Highway 50 to its intersection with U.S. Highway 93, thence along U.S. Highway 93 to its intersection with U.S. Highway 52, thence along U.S. Highway 52 to its intersection with U.S. Highway 60, thence along U.S. Highway 60 to the Ohio-Kentucky State line; and points in West Virginia on and south of a line beginning at the West Virginia-Virginia State line, thence east along West Virginia Highway 83 to its intersection with West Virginia Highway 80, thence along West Virginia Highway 80 to its intersection with West Virginia Highway 10, thence along West Virginia Highway 10 to its intersection with West Virginia Highway 37, thence along West Virginia Highway 37 to the West Virginia-Kentucky State line. The purpose of this filing is to eliminate the gateway of the plantsite of the Masonite Corporation, located at or near Spring Hope, N.C.

No. MC–119777 (Sub-No. E19), filed April 9, 1974. Applicant: LIGON SPECIALIZED HAULER, INC., P.O. Drawer L, Madisonville, Ky. 42431. Applicant's representative: Ronald Butler (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flakeboard and particleboard*, from the plantsite of the International Paper Company, Southern Division, at or near Gifford, Ark., to points in North Dakota, South Dakota, Wyoming, Montana, Idaho, Washington, Oregon, Arizona, Connecticut, Delaware, Massachusetts, Maine, New Hampshire, New Jersey, New York, Rhode Island, Vermont; points in Utah on and north of a line beginning at the Nevada-Utah State line, thence east along U.S. Highway 50 to its intersection with U.S. Highway 189, thence along U.S. Highway 189 to the Utah-Wyoming State line; points in Nevada on and north of U.S. Highway 50; and points in California on and north of a line beginning at the Nevada-California State line, thence west along California Highway 167 to its intersection with U.S. Highway 395, thence along U.S. Highway 395 to its intersection with California Highway 120, thence along California Highway 120 to its intersection with Interstate Highway 205, thence along Interstate Highway 205 to its intersection with Interstate Highway 580, thence along Interstate Highway 580 to its intersection with California Highway 92, thence along California Highway 92 to the Pacific Ocean. The purpose of this filing is to eliminate the gateway of Wright City, Mo.

No. MC–119777 (Sub-No. E21), filed April 9, 1974. Applicant: LIGON SPECIALIZED HAULER, INC., P.O. Drawer L, Madisonville, Ky. 42431. Applicant's representative: Ronald Butler (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* (a) from points in Ohio on and north of a line beginning at the shore of Lake Erie, thence south along U.S. Highway 21 to its intersection with U.S. Highway 250, thence along U.S. Highway 250 to its intersection with Interstate Highway 77, thence along Interstate Highway 77 to its intersection with U.S. Highway 40, thence along U.S. Highway 40 to the Ohio-West Virginia State line, to points in Oklahoma on and south of Interstate Highway 40; (b) from points in West Virginia on and north of U.S. Highway 50 and points in Pennsylvania on and west of U.S. Highway 219, to points in Oklahoma on, west, and south of a line beginning at the Kansas-Oklahoma State line, thence south along Interstate Highway 35 to its intersection with Interstate Highway 40, thence along Interstate Highway 40 to the Oklahoma-Arkansas State line. The purpose of this filing is to eliminate the gateway of the plant site of George L. Mesher Steel Corporation in Union County, Miss.

No. MC–123048 (Sub-No. E6) (CORRECTION), filed May 15, 1974, published in the FEDERAL REGISTER June 3, 1974.

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Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., P.O. Box A, Racine, Wis. 53401. Applicant's representative: Paul L. Martinson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural machinery and implements*, other than hand, as defined by the Commission (except commodities, the transportation of which because of size or weight require special equipment or special handling), from Rockford, Ill., to points in Arizona, California, Idaho, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming. The purpose of this filing is to eliminate the gateway of Crown Point, Ind. The purpose of this correction is to reflect the correct gateway.

No. MC–123048 (Sub-No. E7), (CORRECTION), filed May 15, 1974, published in the FEDERAL REGISTER June 3, 1974. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., P.O. Box A, Racine, Wis. 53401. Applicant's representative: Paul L. Martinson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural machinery*, from Charles City, Iowa, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, Pennsylvania, Virginia, and New York (except points in Kings, Queens, Nassau, and Suffolk Counties). The purpose of this filing is to eliminate the gateway of Allenton, Wis. The purpose of this correction is to set forth the gateway as Allenton, Wis.—previously published as Allentown.

No. MC–123407 (Sub-No. E1), filed May 19, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Indiana 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition building board*, from Greenville, Miss., to points in that part of Michigan on and north of Michigan Highway 72. The purpose of this filing is to eliminate the gateway of Warren, Ill.

No. MC–123407 (Sub-No. E7), filed May 19, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Indiana 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board* from International Falls, Minn., to points in Florida. The purpose of this filing is to eliminate the gateways of East Dubuque, Ill., and Taylorsville, Miss.

No. MC–123407 (Sub-No. E8), filed May 19, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, used as a building material, from Sturges, S. Dak., to points in Ohio, Pennsylvania, and the Lower Peninsula of Michigan. The purpose of this filing is to eliminate the gateway of points in that part of Wisconsin within the Warren, Ill., commercial zone.

No. MC–123407 (SubNo. E9), filed May 19, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furring, studding, lathing and ribbing, and accessories, materials, and supplies* used in the installation of furring, studding, lathing, and ribbing (except lumber and commodities in bulk), from Chicago, Ill., to points in North Carolina and Virginia, restricted to the transportation of traffic originating at the plantsites and storage facilities of Chicago Metallic Corp., at Chicago, Ill. The purpose of this filing is to eliminate the gateway of Brookville, Ind.

No. MC–123407 (Sub-No. E10), filed May 19, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *Composition board*, from Dubuque, Iowa, to points in West Virginia, Virginia, and North Carolina. The purpose of this filing is to eliminate the gateway of Brookville, Ind.

No. MC–123407 (Sub-No. E11), filed May 19, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials* used in the manufacture and distribution of windows, doors, and building woodwork, from Charleston, W. Va., to points in Minnesota, South Dakota, and Nebraska, restricted against the transportation of commodities which, because of size or weight, require the use of special equipment or special handling. The purpose of this filing is to eliminate the gateways of Dubuque, Iowa, and Warren, Ill.

No. MC–123407 (Sub-No. E12), filed May 19, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Indiana 46383. Applicant's representative: Robert W. Carver (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials*, from Dubuque, Iowa, to points in South Dakota, Kansas, Michigan, Ohio, and Pennsylvania. The purpose of this filing is to eliminate the gateway of Warren, Ill.

No. MC–123639 (Sub-No. E10), filed May 14, 1974. Applicant: J. B. MONTGOMERY, INC., 5150 Brighton Blvd., Denver, Colo. 80216. Applicant's representative: John F. DeCock (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plantsite and storage facilities of Missouri Beef Packers, Inc., at or near Phelps City, Mo., to points in that part of Arizona west of U.S. Highway 89 and south of U.S. Highway 66. The purpose of this filing is to eliminate the gateway of Denver, Colo.

No. MC–123639 (Sub-No. E11), filed May 14, 1974. Applicant: J. B. MONTGOMERY, INC., 5150 Brighton Blvd., Denver, Colo. 80216. Applicant's representative: John F. DeCock (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products*, and *meat by-products*, and *articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plantsite and storage facilities of Missouri Beef Packers, Inc., at or near Phelps City, Mo., to points in California, Idaho, Nevada, Oregon, Utah, and Washington. The purpose of this filing is to eliminate the gateways of Council Bluffs, Iowa, and Lexington, Nebr.

No. MC–123639 (Sub-No. E12), filed May 14, 1974. Applicant: J. B. MONTGOMERY, INC., 5150 Brighton Blvd., Denver, Colo. 80216. Applicant's representative: John F. DeCock (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plant site of Armour and Company near Worthington, Minn., to points in that part of Arizona west of U.S. Highway 89 and south of U.S. Highway 66. The purpose of this filing is to eliminate the gateway of Denver, Colo.

No. MC–123639 (Sub-No. E13), filed May 14, 1974. Applicant: J. B. MONTGOMERY, INC., 5150 Brighton Blvd., Denver, Colo. 80216. Applicant's representative: John F. DeCock (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products, and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier* Certificates 61 M.C.C. 209 and 766 (except commodities in bulk, and hides), from the plantsites and storage facilities of Blue Ribbon Beef Pack, Inc., near Le Mars, Iowa, to points in California, Idaho, Nevada, Oregon, Utah, and Washington. The purpose of this filing is to eliminate the gateway of Lexington, Nebr.

No. MC–123639 (Sub-No. E14), filed May 14, 1974. Applicant: J. B. MONTGOMERY, INC., 5150 Brighton Blvd., Denver, Colo. 80216. Applicant's representative: John F. DeCock (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meats*, from the storage facilities utilized by Armour and Company at or near Worthington and Mankato, Minn., to points in that part of Arizona west of U.S. Highway 89 and south of U.S. Highway 66. The purpose of this filing is to eliminate the gateway of Denver, Colo.

No. MC–123639 (Sub-No. E15), filed May 14, 1974. Applicant: J. B. MONTGOMERY, INC., 5150 Brighton Blvd., Denver, Colo. 80216. Applicant's representative: John F. DeCock (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank or hopper-type vehicles), from the plantsite of Swift & Company at Rochelle, Ill., to points in Colorado, except those in that part of Colorado on, east, and north of a line beginning at the Colorado-Wyoming State line and extending along U.S. Highway 87 to Pueblo, Colorado, thence along U.S. Highway 50 to the Colorado-Kansas State line. The purpose of this filing is to eliminate the gateway of facilities of, or utilized by, American Beef Packers, Inc., in Pottawattamie County, Iowa.

No. MC–123639 (Sub-No. E16), filed May 14, 1974. Applicant: J. B. MONTGOMERY, INC., 5150 Brighton Blvd., Denver, Colo. 80216. Applicant's representative: John F. DeCock (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk in tank vehicles, and hides), from the plant site and storage facilities of, or utilized by, American Beef Packers, Inc. in Pottawattamie County, Iowa, to points in California, Idaho, Nevada, Utah, Oregon, and Washington. The purpose of this filing is to eliminate the gateway of Lexington, Nebr.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-14636 Filed 6-25-74;8:45 am]

[Notice No. 51]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JUNE 21, 1974.

The following publications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application), are governed by the new Special Rule 1100 247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable by the Commission.

MOTOR CARRIERS OF PROPERTY

No. MC 30319 (Sub-No. 133). Carrier: SOUTHERN PACIFIC TRANSPORT COMPANY OF TEXAS AND LOUISIANA, a Corporation, 7600 South Central Expressway, Dallas, Tex. 75216. Carrier's representative: Lloyd M. Roach, 1517 West Front Street, Tyler, Tex. 75701. An Order of the Commission, Operating Rights Board, dated April 29, 1974, and served May 20, 1974, in No. MC–30319 (Sub-No. 146) finds:

That an application filed November 23, 1973, Southern Pacific Transport Company of Texas and Louisiana, seeking a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, of general commodities (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving New Orleans, La., and its commercial zone, as an off-route point in connection with applicant's authorized regular-route operations in Texas and Louisiana, actually proposes, contemplates, and establishes a need for the removal of a restriction embraced in Certificate No. MC–30319 (Sub-No. 133), issued July 13, 1973, against the transportation of traffic originating at or destined to New Orleans, La., or points in its commercial zone as defined by the Commission; and that the service authorization herein should be framed accordingly, consistent with the evidence of record, as a modification of said certificate by the removal of said restriction;

That the record discloses that "special circumstances" exist which make it appropriate to grant motor carrier operating authority not subject to the usual conditions which are normally imposed on grants of motor carrier authority to rail carrier affiliates (applicant is a rail affiliate) so as to limit the service to one auxiliary to or supplemental of rail service;

That the holding by applicant of the certificate authorized to be issued and of the permits held by applicant's affiliate, Pacific Motor Trucking, in No. MC–78787 and subnumbers thereunder will be consistent with the public interest and the national transportation policy, subject to the right of the Commission, which is hereby expressly reserved, to impose such terms, conditions, or limitations, in the future as may be necessary to insure that applicant's operations shall conform to the provisions of section 210 of the Act; and

That the present and future public convenience and necessity require modification of Certificate No. MC–30319 (Sub-No. 133), issued July 13, 1973, by the deletion of the following language contained on Sheet No. 18 of said certificate under the heading RESTRICTION: "(1) originating at or destined to New Orleans, La., or points in its commercial zone as defined by the Commission, and (2)"; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder.

Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 119103 (Sub-No. 3) (REPUBLICATION), filed December 26, 1973, and published in the FEDERAL REGISTER issue of January 31, 1974, and republished this issue. Applicant: J. E. FORTIN TRANSPORT, INC., P.O. Box 550, Napierville, Quebec, Canada. Applicant's representative: Herbert M. Canter, 315 Seitz Bldg., 201 E. Jefferson Street, Syracuse, N.Y. 13202. An Order of the Commission, Operating Rights Board, dated May 21, 1974, and served June 12, 1974, finds that the present and future public convenience and necessity require operation by applicant, in foreign commerce only, as a *common carrier* by motor vehicle, over irregular routes, of *bananas*, from (a) Albany, N.Y., (b) points in the New York, N.Y., Harbor Area as defined in 49 CFR 1070 1(a) and (c) Baltimore, Md., and Gulfport, Miss., to the port of entry on the International Boundary Line between the United States and Canada, at or near Champlain, N.Y., that applicant is fit, willing,

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and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to delete Charleston, S.C. as an origin point and to add Gulfport, Miss. as an origin point. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 119669 (Sub-No. 38) (REPUBLICATION), filed September 13, 1973, and published in the FR issue of November 15, 1973, and republished this issue. Applicant: TEMPCO TRANSPORTATION, INC., 546 South 31A, P.O. Box 886, Columbus, Ind. 47201. Applicant's representative: William J. Boyd, 29 South LaSalle St., Chicago, Ill. 60603. An Order of the Commission, Operating Rights Board, dated May 20, 1974, and served June 12, 1974, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of *meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite of Madison Foods, Inc., at or near Madison, Nebr., to points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, Ohio, Pennsylvania, Rhode Island, South Carolina, New York, North Carolina, Vermont, Virginia, West Virginia, and the District of Columbia, restricted to the transportation of traffic originating at the above-named plantsite and destined to the above-named destinations; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to add Ohio, Pennsylvania, Rhode Island, and South Carolina as destination points. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 138639 (Sub-No. 1) (REPUBLICATION), filed September 17, 1973, and published in the FR issue of November 15, 1973, and republished this issue. Applicant: CAVALIER TRANSPORTATION CO., INC., P.O. Box 7, Riverside, N.J. 08075. Applicant's representative: Bert Collins, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. An Order of the Commission, Operating Rights Board, dated May 21, 1974, and served June 14, 1974, finds that operation by applicant, in interstate or foreign commerce, as a *contract carrier* by motor vehicle, over irregular routes, (A) of *gypsum products, building materials, and materials, supplies, and equipment* used in the production, distribution and installation of gypsum products and building materials (except commodities in bulk), (1) from the facilities of Kaiser Gypsum Company, Inc. at Delanco, N.J., to points in Maine, Vermont, and New Hampshire; (2) between facilities of Kaiser Gypsum Company, Inc., at Delanco and Camden, N.J., on the one hand, and, on the other, points in Hudson, Bergen, Essex, and Union Counties, N.J.; and (3) between the facilities of Kaiser Gypsum Company, Inc., at Jacksonville, Fla., and Delanco and Camden, N.J.; and (B) *materials, supplies and equipment* used in the production, distribution, and installation of gypsum products and building materials (except commodities in bulk), from points in Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, and the District of Columbia, to the facilities of Kaiser Gypsum Company, Inc., at Delanco and Camden, N.J., under a continuing contract or contracts with Kaiser Gypsum Company, Inc., of Delanco, N.J., will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to include the transportation of "building materials." Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 20110 (Sub-No. 7) (NOTICE OF FILING OF PETITION TO MODIFY A PERMIT), filed June 6, 1974. Petitioner: MESSINGER TRUCKING & WAREHOUSE CORP., 84–132 Lockwood Street, Newark, N.J. 07105. Petitioner's representative: Arthur J. Piken, One Lefrak City Plaza, Flushing, N.Y. 11368. Petitioner holds a motor *contract carrier* permit No. MC 20110 (Sub-No. 7) issued May 25, 1973, authorizing transportation, over irregular routes, of (1) *Ironers, ranges, refrigerators and washing machines*, from Newark, N.J., to points in Connecticut within 55 miles of Columbus Circle, N.Y., and points in Nassau, Suffolk, Westchester, Rockland and Putnam Counties and points in that part of the New York, N.Y., Commercial Zone as defined by the Commission in the Fifth Supplemental Report in *Commercial Zones and Terminal Areas*, 53 M.C.C. 451, within which local operations may be conducted under exemption provided by section 203(b)(8) of the Act (the "exempt" zone), with no transportation for compensation on return except as otherwise authorized, and (2) *refrigerators, washers, ironers, ranges, commercial units and coolers*, between Newark, N.J., on the one hand, and, on the other, points in that part of New Jersey on and north of a line beginning at Phillipsburg, N.J., and extending along U.S. Highway 22 to junction Interstate Highway 287 to junction New Jersey Highway 18, thence along New Jersey Highway 18 to New Brunswick, N.J., thence on and east of a line beginning at New Brunswick, N.J., and extending along U.S. Highway 130 to junction New Jersey Highway 33 at or near Hightstown, N.J., thence on and north of a line beginning at junction U.S. Highway 130 and New Jersey Highway 33 at or near Hightstown and extending easterly along New Jersey Highway 33 to Ocean Grove, N.J., and (3) *household appliances*, (a) between Newark, N.J., on the one hand, and, on the other, points in New Jersey and Connecticut, (b) between North Brunswick, Watchung, Audubon, Paramus, and Trenton, N.J., on the one hand, and, on the other, points in that part of New Jersey on and north of U.S. Highway 40, (c) between Trumbull and Hartford, Conn., on the one hand, and, on the other, points in that part of Connecticut on and west of Highway 32.

(4) *Radios, radio receiving sets, high fidelity and stereo receivers, components of high fidelity and stereo receivers records players, tape recorders, radio-television record player combinations, radio-television combinations, and television sets*, From Newark, N.J., to points in New Jersey and Connecticut and points in Nassau, Suffolk, Westchester, Rockland and Putnam Counties, and points in that part of the New York, N.Y., Commercial Zone as defined by the Commission in the Fifth Supplemental Report in *Commercial Zones and Terminal Areas*, 53 M.C.C. 451, within which local operations may be conducted under the exemptions provided by section 203(b)(8) of the Act (the "exempt" zone), and (5) *returned shipments* of

the immediately above-specified commodities, from points in New Jersey, and Connecticut and points in Nassau, Suffolk, Westchester, Rockland, and Putnam Counties, and New York, N.Y., to Newark, N.J. RESTRICTION: The operations authorized are limited to a transportation service to be performed, under a continuing contract, or contracts, with the following shippers: E. J. Korvettes, Inc., S. Klein Department Stores, Inc., and Gimbel Bros. By the instant petition, petitioner seeks to delete the existing commodities authorized in (1) above and to add to 3(a) above the destination territory as follows: points in Nassau, Suffolk, Westchester, Rockland, and Putnam Counties, N.Y., and points in that part of the New York, N.Y., Commercial Zone as defined by the Commission in the Fifth Supplemental Report in *Commercial Zones and Terminal Areas*, 53 M.C.C. 451, within which local operations may be conducted under the exemption provided by section 203(b)(8) of the Act (the "exempt" zone). Petitioner also seeks to amend the restriction above by the addition of another contracting shipper, R. H. Macy & Co., Inc. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 28517 (Sub-No. 7) (NOTICE OF FILING OF PETITION TO REMOVE A RESTRICTION), filed June 10, 1974. Petitioner: FARNYL TRUCK SERVICE, INC., P.O. Box 307, 184 S. 15th, St. Helens, Oreg. 97501. Petitioner's representative: Michael D. Crew, 620 Blue Cross Building, 100 S.W. Market Street, Portland, Oreg. 97201. Petitioner holds a motor *common carrier* certificate in No. MC 28517 (Sub-No. 7) issued December 17, 1973, authorizing, transportation, over regular routes, of *General commodities* (except those of unusual value, household goods as defined by the Commission, Classes A and B explosives, commodities in bulk, and those requiring special equipment), serving Longview, Wash., as an off-route point in connection with carrier's authorized regular-route operations between Portland and Rainer, Oreg., restricted against the transportation of shipments originating at or destined to the facilities of Reynolds Aluminum, located at or near Longview, Wash. By the instant petition, petitioner seeks to delete the territorial "against the transportation of shipments originating at or destined to the facilities of Reynolds Aluminum, located at or near Longview, Wash." Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 71593 (Notice of filing of petition to modify a destination point), filed June 11, 1974. Petitioner: C. G. Potter, doing business as MAUMEE EXPRESS, P.O. Box 1073, Secaucus, N.J. 07094. Petitioner's representative: Charles J. Williams, 47 Lincoln Park, Newark, N.J. 07102. Petitioner holds a motor *common carrier* certificate in No. MC 71593, issued June 3, 1960, authorizing transportation, over irregular routes, of *General commodities* (except those of unusual value, Class A and B explosives, household goods as defined by the Commission and commodities requiring special equipment), (1) from Newark, N.J., to New York, N.Y.; and (2) from New York, N.Y., to points in Union, Hudson, Essex, Bergen, and Passaic Counties, N.J. By the instant petition, petition seeks to modify its destination point in (1) above to read: "to points in the New York, N.Y., Commercial Zone as defined in *Commercial Zones and Terminal Areas*, 53 M.C.C. 451, within which local operations may be conducted pursuant to the partial exemption of Section 203(b)(8) of the Interstate Commerce Act (the exempt zone)." Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 111656 (Sub-No. 6) (Notice of filing of petition to extend the territorial description), filed June 10, 1974. Petitioner: FRANK LAMBIE, INC., Pier 79 North River, New York, N.Y. 10018. Petitioner's representative: Edward M. Alfano, 550 Mamaroneck Ave., Harrison, N.Y. 10528. Petitioner holds a motor *contract carrier* permit No. MC 111656 (Sub-No. 6) issued March 14, 1973, authorizing transportation, over irregular routes, of (1)(A) *Business machines, and (1)(B) materials and supplies* used in connection with business machines, (except in bulk, in tank vehicles), from Englewood, N.J., to New York, N.Y., and points in Nassau and Suffolk Counties, N.Y.; (2) *and returned shipments* of the above-specified commodities, from New York, N.Y., and points in Nassau and and Suffolk Counties, N.Y., to Englewood, N.J., under a continuing contract or contracts, with SCM Business Equipment Division of SCM Corporation, of Englewood, N.J. By the instant petition, petitioner seeks to extend its territorial description to include Westchester County, N.Y., as a destination point in (1) above and as an origin point in (2) above. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 240 TO THE EXTENT APPLICABLE.

No. MC–F–11529 (Correction) (D & L TRANSPORT, INC.— Purchase (Portion)—SPROUT & DAVIS, INC.), petition published in the June 12, 1974, issue of the FEDERAL REGISTER. Prior notice should be modified to show the Docket Number as MC–F–7524, in lieu of MC–F–11529.

No. MC–F–12239. Authority sought for control by RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, Des Moines, IA 50309, of ARIZONA TANK LINES, INC., 210 South 51st Ave., P.O. Box 6910, Phoenix, AR 85005, and for acquisition by JOHN RUAN also of Des Moines, IA 50309, of control of ARIZONA TANK LINES, INC., through the acquisition by RUAN TRANSPORT CORPORATION. Applicants' attorneys: Henry L. Fabritz, P.O. Box 855, Des Moines, IA 50304, and Roland Rice, Suite 618, Perpetual Bldg., Washington, DC 20004. Operating rights sought to be controlled: *Liquid chemicals*, in bulk, in tank vehicles, as a *common carrier* over irregular routes, between points in Arizona; with restriction; *petroleum products* as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, *asphalt and asphalt products, sulphuric acid and tallow*, all in bulk, in tank vehicles, between points in Arizona; *mud, chemicals*, and *lost circulation materials*, between points in a described area of Arizona, Utah, Colorado, and New Mexico; *hydraulic fracturing fluid*, in bulk, in tank vehicles, between points in San Juan County, N. Mex., on the one hand, and, on the other, points in a described area of Arizona, Utah, and Colorado, between oilfield locations in the territory described immediately above; *water*, in bulk, in tank vehicles, between points in a described area of New Mexico, Arizona, Utah and Colorado; *sugar*, in bulk, in tank or hopper-type vehicles, *molasses*, in bulk, in tank vehicles, *dried beet pulp*, in bulk, in hopper-type vehicles, and *dried beet pulp with molasses*, in bulk, in hopper-type vehicles, from the plant and storage facilities of Spreckels Sugar Company Division, American Sugar Company, at or near Chandler and Phoenix, Ariz., to points in California, Colorado, New Mexico, Nevada, Texas and Utah; *sulphuric acid*, in bulk, in tank vehicles, from the plant site of Climax Chemical Company, at or near Monument, N. Mex., to points in Arizona; *petroleum products*, in bulk, in tank vehicles, from the site of the Shell Oil Refinery at or near Ciniza, N. Mex., to points in Arizona, from Phoenix, Ariz., to Las Vegas, Nev., from points in Mari-

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copa and Pima Counties, Ariz., to points in a described area of California, from Kingman, Ariz., to the site of the Mohave Steam Generating Plant of the Southern California Edison Company in Clark County, Nev., with restrictions; liquid sugar, corn syrup, blends of liquid sugar and corn syrup, and dry corn products, in bulk, from points in Castro and Deaf Smith Counties, Tex., to points in the United States (except Alaska and Hawaii), with restriction; *cottonseed oil*, in bulk, in tank vehicles, from Denver, Colo., to Gallup, N. Mex.; *petroleum* and *petroleum products* (except asphalt, residual fuel oil, and liquefied petroleum gases), in bulk, in tank vehicles, between points in a described area of New Mexico, Colorado and Arizona; *lime*, in bulk, in tank or hopper-type vehicles, from Albuquerque, N. Mex., to points in New Mexico (except those in Union, Quay, Curry, Roosevelt, Lea, Eddy, Otero, Dona Ana, Luna, and Hidalgo Counties); *corn syrup, liquid sugar*, and *molasses*, in bulk, in tank vehicles, from Albuquerque and Gallup, N. Mex., to Farmington, N. Mex.; *flour*, in bulk, in tank vehicles, from Cortez, Colo., to Farmington, N. Mex.; sulphuric acid and liquid sulphur dioxide, in bulk, in tank vehicles from Ajo, Douglas, Morenci, and Hayden, Ariz., to points in California. RUAN TRANSPORT CORPORATION, is authorized to operate as a *common carrier* in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming. Application has been filed for temporary authority under section 210a(b).

No. MC–F–12240. Authority sought for purchase by O.N.C. FREIGHT SYSTEMS, 2800 West Bayshore Rd., Palo Alto, CA 94303, of a portion of the operating rights of BEST WAY MOTOR FREIGHT, INC., 1765 Sixth Ave., South, Seattle, WA 98314, and for acquisition by ROCOR INTERNATIONAL, DAVID P. ROUSH, and DIANE G. ROUCH, as custodian of their minor children, all of Palo Alto, CA 94303, of control of such rights through the purchase. Applicants' attorneys: Martin J. Rosen, 140 Montgomery St., San Francisco, CA 94104, and Roland Rice, Suite 618 Perpetual Bldg., 1111 E St. NW., Washington, DC 20004. Operating rights sought to be transferred: *General commodities*, with exceptions, as a *common carrier* over regular routes, between Spokane, Wash., and junction U.S. Highway 10 and unnumbered highway known as the "Othello Cut-Off", serving no intermediate points, and serving the described junction solely for the purpose of joinder of the two routes herein; with service over that route restricted against the transportation of any through traffic between Seattle and Spokane, serving Ice Harbor Dam Site near Pasco, Wash., and Priest Rapids Dam Site in Grant County, Wash., as off-route points in connection with carrier's authorized regular route operations between Seattle, Wash., and Spokane, Wash., via Othello, Wash. Vendee is authorized to operate as a *common carrier* in California, Arizona, New Mexico, Texas, Oregon, Washington, and Nevada. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–12241. Authority sought for control by LOISELLE TRANSPORT LIMITED, 510 West Hastings St., Vancouver British Columbia, V7S 2P1, of PIONEER ALASKA EXPRESS, INC., Suite C, Nerland Bldg., Fairbanks, AK 99701, and for acquisition by THE WHITE PASS AND YUKON CORPORATION LIMITED, also of Vancouver British Columbia V6B 1M5, of control of PIONEER ALASKA EXPRESS, INC., through the acquisition by LOISELLE TRANSPORT LIMITED. Applicants' attorney: George R. LaBissoniere, Suite 101, 130 Andover Park East Seattle, WA 98188. Operating rights sought to be controlled: *General commodities*, excepting among others, classes A and B explosives, household goods, and commodities in bulk, as a *common carrier* over irregular routes, between points in Alaska (except points in the Alaska Panhandle south of Haines, Alaska). LOISELLE TRANSPORT LIMITED, is authorized to operate as a *common carrier* in Minnesota, North Dakota, South Dakota, Wisconsin, Iowa, and Nebraska. Application has been filed for temporary authority under section 210a(b).

No. MC–F–12242. Authority sought for purchase by R & G AIRFREIGHT, INC., a Pennsylvania corporation, R.D. No. 4, Allentown, Pennsylvania 18103, of a portion of the operating rights of TRANS-JERSEY AIRCRAFT SERVICE, INC., a New Jersey corporation, First and Baltimore Streets, Phillipsburg, New Jersey 08865, of control of such rights through the purchase. Applicants' attorney: Robert M. Van Why, R.D. No. 4, Allentown, Pa. 18103. Operating rights sought to be transferred: *General commodities*, with exceptions as a *common carrier* over irregular routes between La Guardia Airport, N.Y., Kennedy International Airport, N.Y., Newark Airport, N.J., and Teterboro Airport, N.J., on the one hand, and, on the other, points in Northampton and Lehigh Counties, Pa., and Warren and Hunterdon Counties, N.J. (except Flemington, Frenchtown, Lambertville, and Neshanic, N.J.)., between Teterboro Airport, N.J., on the one hand, and, on the other, points in Somerset County, N.J. (except Rocky Hill, N.J.), between the Allentown-Bethlehem- Easton Airport (Northampton and Lehigh Counties, Pa., on the one hand, and, on the other, points in Warren and Hunterdon Counties, N.J., with restrictions). Vendee is authorized to operate as a *common carrier* in Pennsylvania, New Jersey, and New York. Application has been filed for temporary authority under section 210a(b).

No. MC–F–12243. Authority sought for purchase by WILSON FREIGHT COMPANY, 3636 Follett Ave., Cincinnati, OH 45223, of the operating rights and property of K. N. HALEY, doing business as M. W. HALEY TRUCKING CO., Rear 273 Selma Rd., Springfield, OH 45505, and for acquisition by DAVID M. GANTZ, JOSEPH M. GANTZ, S. DAVID SHOR, and JOHN E. SHORE, all of Cincinnati, OH 45223 of control of the operating rights and property through the purchase. Applicants' attorneys: Milton H. Bortz, 3636 Follett Ave., Cincinnati, OH 45223, and David Axelrod, 39 So. LaSalle St., Chicago, IL 60603. Operating rights sought to be transferred: Under a certificate of registration in Docket No. MC–99290 (Sub-No. 1), covering the transportation of property, as a common carrier, in interstate commerce, within the State of Ohio. Vendee is authorized to operate as a *common carrier* in Connecticut, New Jersey, New York, Pennsylvania, Ohio, Massachusetts, Maryland, West Virginia, North Carolina, Virginia, Rhode Island, Indiana, Kentucky, Tennessee, Illinois, Minnesota, Wisconsin, Missouri, Iowa, Delaware, Maine, New Hampshire, Vermont, Oklahoma, Kansas, Michigan, Arkansas, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

NOTE.—MC–13123 (Sub-No. 74), is a matter directly related.

No. MC–F–12244. Authority sought for control by OKLAHOMA BORDER EXPRESS, INC., 903 South Y St., Fort Smith, AR 72901, of M & M FREIGHT LINES, INC., 217 North 32nd St., Fort Smith, AR 72901, and for acquisition by ROBERT L. MENDENHALL, also of Fort Smith, AR 72901, of control of M & M FREIGHT LINES, INC., through the acquisition by OKLAHOMA BORDER EXPRESS, INC. Applicants' attorney: Tom Harper, Jr., P.O. Box 43, Fort Smith, AR 72901. Operating rights sought to be controlled: Under a certificate of registration in Docket No. MC–99602 (Sub-No. 1), covering the transportation of general commodities as a common carrier, in interstate commerce, within the State of Oklahoma. Vendee is authorized to operate as a *common carrier* in Arkansas and Oklahoma. Application has been filed for temporary authority under section 210a(b).

THE TEXAS AND PACIFIC RAILWAY COMPANY, 900 Fidelity Union Tower, Dallas, Texas 75201, represented by Tom Farmer, same address, has filed an application, assigned Finance Docket No. 27529, under section 5(2) of the Interstate Commerce Act for authority to acquire trackage rights over approximately 5.30 miles of track owned by The Atchison, Topeka and Santa Fe Railway Company at Sweetwater, Nolan County, Texas. Applicant operates in Texas, Oklahoma, and Louisiana, and

Sweetwater, Texas, is one of its primary junctions with The Atchison, Topeka, and Santa Fe Railway Company. Proposed operation will permit a more efficient interchange of through traffic between the carriers.

In the opinion of the applicant, the relief sought (a) is not a major Federal action, (b) will not significantly affect the quality of the human environment. In accordance with the Commission's regulations (49 CFR 1100.250) in Ex Parte 55 (Sub. No. 4), Implementation—National Environmental Policy Act, 1969, 340 ICC 431 (1972), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall include information relating to the relevant factors set forth in Ex Parte No. 55 (Sub. No. 4) supra, Part (B)(1)–(5), 340 ICC 431, 461.

The proceeding will be handled without public hearings unless protests are received which contain information indicating a need for such hearings. Any protests submitted shall be filed with the Commission no later than thirty (30) days from the date of first publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74–14637 Filed 6–25–74;8:45 am]

MOTOR CARRIER INTRASTATE APPLICATIONS

JUNE 21, 1974.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

California Docket No. 54965, filed June 13, 1974. Applicant: RALPH PANELLA, ROBERT A. PANELLA, and EUGENE J. PANELLA, doing business as RALPH PANELLA TRUCKING, 2150 East Fremont Street, P.O. Box. 1941, Stockton, Calif. 95201. Applicant's representative: Daniel W. Baker, Handler, Baker & Greene, 100 Pine Street, San Francisco, Calif. 94111. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Transportation of: (1) *Nuts*, in bulk transported under rail bills of lading or substituted rail service, to points in San Joaquin, Stanislaus, Sutter, and Tulare Counties from points in the following counties: Butte, Colusa, Contra Costa, Glenn, Kern, Lake, Los Angeles, Merced, Monterey, Napa, San Benito, San Joaquin, San Luis Obispo, Santa Barbara, Santa Clara, Shasta, Solano, Stanislaus, Sutter, Tehama, Tulare, Yolo, Yuba; and (2) *Food, foodstuffs, cans, boxes, bins, pallets*, and *fibreboard boxes*, between points in Merced County, Stanislaus County, San Joaquin County, Santa Clara County, and the San Francisco-East Bay Cartage Zone, as described in Appendix A below. In performing the service herein authorized, applicant may make use of any and all streets, roads, highways, and bridges necessary or convenient for the performance of this service. Appendix A San Francisco-East Bay Cartage Zone includes that area embraced by the following boundary: Beginning at the point where the San Francisco-San Mateo County Boundary Line meets the Pacific Ocean; thence easterly along said boundary line to Lake Merced Boulevard; thence southerly along said Lake Merced Boulevard to South Mayfair Avenue; thence westerly along said South Mayfair Avenue to Crestwood Drive; thence southerly along Crestwood Drive to Southgate Avenue; thence westerly along Southgate Avenue to Maddux Drive; thence southerly and easterly along Maddux Drive to a point one mile west of State Highway 82; thence southeasterly along an imaginary line one mile west of and paralleling State Highway 82 (el Camino Real) to its intersection with the southerly boundary line of the City of San Mateo; thence along said boundary line to U.S. Highway 101 (Bayshore Freeway); thence leaving said boundary line proceeding to the junction of Foster City Boulevard and Beach Park Road; thence northerly and easterly along Beach Park Road to a point one mile south of State Highway 92; thence easterly along an imaginary line one mile southerly and paralleling State Highway 92 to its intersection with State Highway 17 (Nimitz Freeway); thence continuing northeasterly along an imaginary line one mile southerly of and paralleling State Highway 92 to its intersection with an imaginary line one mile easterly of and paralleling State Highway 238; thence northerly along said imaginary line one mile easterly of and paralleling State Highway 238 to its intersection with "B" Street, Hayward; thence easterly and northerly along "B" Street to Center Street; thence northerly along Center Street to Castro Valley Boulevard; thence westerly along Castro Valley Boulevard to Redwood Road; thence northerly along Redwood Road to Somerset Avenue; thence westerly along Somerset Avenue and 168th Street to Foothill Boulevard; thence northwesterly along Foothill Boulevard to the southerly boundary line of the City of Oakland; thence easterly and northerly along the Oakland Boundary Line to its intersection with the Alameda-Contra Costa County Boundary Line; thence northwesterly along said County Line to its intersection with Arlington Avenue (Berkeley); thence northwesterly along Arlington Avenue to a point one mile northeasterly of San Pablo Avenue (State Highway 123); thence northwesterly along an imaginary line one mile easterly of and paralleling San Pablo Avenue to its intersection with County Road 20 (Contra Costa County); thence westerly along County Road 20 to Broadway Avenue thence northerly along Broadway Avenue to San Pablo Avenue (State Highway 123) to Rivers Street; thence westerly along Rivers Street to 11th Street; thence northerly along 11th Street to Johns Avenue; thence westerly along Johns Avenue to Collins Avenue; thence northerly along Collins Avenue to Morton Avenue; thence westerly along Morton Avenue to the Southern Pacific Company right-of-way and continuing westerly along the prolongation of Morton Avenue to the shoreline of San Pablo Bay; thence southerly and westerly along the shoreline and waterfront of San Pablo Bay to Point San Pablo; thence southerly along an imaginary line to the San Francisco waterfront at the foot of Market Street; thence westerly along said waterfront and shoreline to the Pacific Ocean; thence southerly along the shoreline of the Pacific Ocean to point of beginning. Intrastate, interstate and foreign commerce authority sought. HEARING: Date, time and place not shown. Requests for procedural information should be addressed to the California Public Utilities Commission, State Building, Civic Center, 455 Golden Gate Avenue, San Francisco, Calif. 94102, and should *not* be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74–14625 Filed 6–25–74;8:45 am]

[Notice No. 89]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JUNE 19, 1974.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC–67 (49 CFR 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative,

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if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 30844 (Sub-No. 510 TA), filed June 3, 1974. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial Street, P.O. Box 5000 (Box zip 50704), Waterloo, Iowa 50702. Applicant's representative: Larry L. Strickler (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Caribou and Presque Isle, Maine, to points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Louisiana, Minnesota, Missouri, Nebraska, New York (except New York City and points in Nassau, Rockland, Suffolk, and West Chester Counties), North Dakota, Ohio, Oklahoma, Pennsylvania (except Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties), South Dakota, Texas, West Virginia, and Wisconsin, for 180 days. SUPPORTING SHIPPER: Potato Service, Inc., P.O. Box 809, Presque Isle, Maine 04769. SEND PROTESTS TO: Herbert W. Allen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 42919 (Sub-No. 11 TA), filed June 10, 1974. Applicant: N. C. COASTAL MOTOR LINES, INC., P.O. Box 17226, Raleigh, N.C. 27609. Applicant's representative: Thomas F. Kilroy, 6914 Conservation Drive, Springfield, Va. 22153 and Mail address: P.O. Box 624, Springfield, Va. 22150. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and/or bottled foodstuffs*, from Wilson, N.C., to points in New York, New Jersey, Connecticut, Rhode Island, Massachusetts, Delaware, Pennsylvania (except points in the Philadelphia commercial zone as defined by the Commission), and points in Maryland east of the Chesapeake Bay and south of the Chesapeake-Delaware Canal, for 180 days. SUPPORTING SHIPPER: Bruce Foods Corporation, P.O. Drawer 1030, New Iberia, La. 70560; Fresco-Hudson Sales & Marketing, Inc., 5 Nassau Boulevard, South, Garden City, N.Y. 11530; and Stewart & Corcoran Associates, P.O. Box 441, King of Prussia, Pa. 19406. SEND PROTESTS TO: Archie W. Andrews, District Supervisor, Interstate Commerce Commission, Bureau of Operations, P.O. Box 26896, Raleigh, N.C. 27611.

No. MC 99948 (Sub-No. 2 TA), filed June 11, 1974. Applicant: MCKOIN TRUCKING CO., INC., 6644 Airline Highway, Baton Rouge, La. 70805. Applicant's representative: Harold Ainsworth, 2307 American Bank Bldg., New Orleans, La. 70130. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor fuel anti-knock compound*, in bulk, in portable tanks on flat bed trailers, from Port Allen and Baton Rouge, La., to New Orleans, La. and *empty portable tanks* used in the transportation of Motor Fuel Anti-knock Compound, from New Orleans, La., to Port Allen and Baton Rouge, La., for 180 days. Restriction: All the foregoing transportation restricted to traffic having prior or subsequent movement by water. SUPPORTING SHIPPER: Ethyl Corporation, 451 Florida Blvd., Baton Rouge, La. 70801. SEND PROTESTS TO: Ray C. Armstrong, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, 9038 U.S. Postal Service Bldg., 701 Loyola Avenue, New Orleans, La. 70113.

No. MC 107541 (Sub-No. 34 TA), filed June 6, 1974. Applicant: MAGEE TRUCK SERVICE, INC., 18101 SE. McLoughlin Blvd., Milwaukee, Oreg. 97222. Applicant's representative: Earle V. White, 2400 SW. Fourth Avenue, Portland, Oreg. 97201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wastepaper* for recycling, in compressed bales, from points in Utah, Colorado, and Wyoming, to Portland, Oreg., and Vancouver, Wash., for 180 days. SUPPORTING SHIPPER: PTT Corporation, 6025 SW. Salmon, Portland, Oreg. 97221. SEND PROTESTS TO: A. E. Odoms, Interstate Commerce Commission, Bureau of Operations, 114 Pioneer Courthouse, Portland, Oreg. 97204.

No. MC 109533 (Sub-No. 58 TA) (Correction), filed May 23, 1974, published in the FEDERAL REGISTER issue of June 11, 1974, and republished as corrected this issue. Applicant: OVERNITE TRANSPORTATION COMPANY, a Corporation, 1100 Commerce Road, P.O. Box 1216 (Box zip 23209), Richmond, Va. 23224. Applicant's representative: C. H. Swanson (same address as applicant).

NOTE.—The purpose of this republication is to show the applicant correct Sub No. as No. MC 109533 (Sub-No. 58 TA), in lieu of No. MC 109533 (Sub-No. 1 TA), which was published in the FEDERAL REGISTER in error. The rest of the publication will remain the same.

No. MC 116073 (Sub-No. 295 TA), filed June 11, 1974. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Avenue, P.O. Box 919, Moorhead, Minn. 56560. Applicant's representative: Robert G. Tessar (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, and *buildings*, complete or in sections, transported on wheeled undercarriages, from the plantsite of Guerdon Industries, Inc., near Boise, Idaho, to points in Oregon, Idaho, Nevada, Washington, Montana, Utah, and Wyoming, for 180 days. SUPPORTING SHIPPER: Guerdon Industries Inc., P.O. Box 5188, Boise, Idaho 83705. SEND PROTESTS TO: Joseph H. Ambs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 123392 (Sub-No. 63 TA), filed June 11, 1974. Applicant: JACK B. KELLEY, INC., Route 1, Box 400, Amarillo, Tex. 79106. Applicant's representative: Weldon M. Teague (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid oxygen*, in bulk, in cryogenic trailers, from points in California and Colorado, to Orem, Utah, for 180 days. SUPPORTING SHIPPER: Murray T. Brosius, Southwest Regional Distribution Manager, Chemetron Corp., Industrial Gases Div., P.O. Box 47786, Dallas, Tex. 75247. SEND PROTESTS TO: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box H-4395 Herring Plaza, Amarillo, Tex. 79101.

No. MC 123639 (Sub-No. 158 TA), filed June 3, 1974. Applicant: J. B. MONTGOMERY, INC., 5150 Brighton Boulevard, Denver, Colo. 80216. Applicant's representative: John F. DeCock (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crushed and scrapped vehicles, implements, and machinery*, for recycling, (1) from points in Iowa, Nebraska, and Missouri (including all points in Kansas in the Kansas City, Missouri-Kansas Commercial Zone as defined by the Interstate Commerce Commission), and Denver, Colo. (including all points in the Denver, Colo. Commercial Zone as defined by the Interstate Commerce Commission), to Chicago and South Beloit, Ill. (including all points in the Commercial Zones of destinations named as defined by the Interstate Commerce Commission), and (2) from points in Iowa, Nebraska, and Denver, Colo. (including all points in the Denver, Colo. Commercial Zone as defined by the Interstate Commerce Commission), to Kansas City, Mo. (including all points in the Kansas City, Missouri-Kansas Commercial Zone as defined by the Interstate Commerce Commission), for 180 days. SUPPORTING SHIPPERS: The Midwest Corporation, Box 1028, Steamboat Springs, Colo. 80477 and Alpha Scrap, 5340 Monroe Street, Denver, Colo. 80216. SEND PROTESTS TO: District Supervisor Roger L. Buchanan, Bureau of Operations, Interstate Commerce Commission, 2022 Federal Building, Denver, Colo. 80202.

No. MC 124711 (Sub-No. 30 TA), filed June 11, 1974. Applicant: BECKER AND SONS, INC., P.O. Box 1050, El Dorado, Kans. 67042. Applicant's representative: T. M. Brown, 600 Leininger Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Urea*, from the plantsite and storage facilities of Cooperative Farm Chemicals Association at or near Lawrence, Kans., to points in Iowa, Missouri, Nebraska, Oklahoma, Colorado, Texas, and Wyoming, for 180 days. SUPPORTING SHIPPER: Farmland Industries, Inc., P.O. Box 7305, Kansas City, Mo. 64116. SEND PROTESTS TO: M. E. Taylor, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 501 Petroleum Building, Wichita, Kans. 67202.

No. MC 124796 (Sub-No. 116 TA), filed June 10, 1974. Applicant: CONTINENTAL CONTRACT CARRIER CORP., 15045 East Salt Lake Avenue, P.O. Box 1257, City of Industry, Calif. 91749. Applicant's representatives: William J. Monheim (same address as applicant) and J. Max Harding, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips*, in bulk, for the account of The Clorox Company from a point approximately ten miles southeast of Junction, Tex., on FM 2169 about three quarters of a mile north of the junction of FM 2169 and I–10 to grinding and mixing facilities located approximately twelve miles south of Columbia, Mo., for 180 days. Restriction: The operations to be authorized are to be restricted to a transportation service to be performed under a continuing contract, or contracts, with The Clorox Company. SUPPORTING SHIPPER: The Clorox Company, P.O. Box 24305, Oakland, Calif. 94623. SEND PROTESTS TO: Walter W. Strakosch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 7708 Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 125940 (Sub-No. 3 TA), filed June 7, 1974. Applicant: M. L. HOLLOWAY, doing business as HOLLOWAY SUPPLY, P.O. Box 613, Bowdon, Ga. 30180. Applicant's representative: Monty Schumacher, Suite 310, 2045 Peachtree Road NE., Atlanta, Ga. 30309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fish meal*, for the account of Cagle's, Inc., Georgia Poultry Feed Mills, Inc. and J. D. Jewell Company, from Holmwood and Empire, La. and Moss Point, Miss., to Dalton, Gainesville, and Royston, Ga., for 180 days. SUPPORTING SHIPPER: Cagle's, Inc., J. D. Jewell, Inc., Georgia Poultry Feed Mills, Inc., P.O. Box 4664, 200 Hills Avenue NW., Atlanta, Ga. 30302. SEND PROTESTS TO: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1252 West Peachtree Street NW., Room 309, Atlanta, Ga. 30309.

No. MC 126276 (Sub-No. 98 TA), filed June 4, 1974. Applicant: FAST MOTOR SERVICE, INC., 9100 Plainfield Road, Brookfield, Ill. 60513. Applicant's representative: James C. Hardman, 127 North Dearborn St., Chicago, Ill. 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products, plastic products, and products* produced or distributed by manufacturers and converters of paper and paper products (except commodities in bulk), from Shelbyville, Ill., to Three Rivers, Mich. and Louisville, Ky., for 180 days. SUPPORTING SHIPPER: Continental Can Company, Inc., Daniel J. Daly, Manager-distribution, 555 Continental Plaza, Three Rivers, Mich. 49093. SEND PROTESTS TO: Robert G. Anderson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Bldg., 219 South Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 134922 (Sub-No. 85 TA), filed June 6, 1974. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, Ark. 72118. Applicant's representative: L. C. Cypert (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Practice bombs*, restricted against transportation of commodities in bulk and commodities which by reason of size or weight, require the use of special equipment, from the plant site of Engineering Research, Anniston, Ala., to Davis Monthan AFB, Luke AFB, Chandler AFB, Ariz.; George AFB, Calif.; and Nellis AFB, Nev., for 180 days. SUPPORTING SHIPPER: Engineering Research, Inc., 1205 Front Street, Anniston, Ala. SEND PROTESTS TO: District Supervisor William H. Land, Jr., Interstate Commerce Commission, Bureau of Operations, 2519 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

No. MC 136008 (Sub-No. 31 TA), filed June 7, 1974. Applicant: JOE BROWN COMPANY, INC., P.O. Box 1669, Ardmore, Okla. 74301. Applicant's representative: G. Timothy Armstrong, 280 National Foundation Life Bldg., 3535 NW., 58th Street, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from the plant site of the United Coal Corporation near Inola, Okla., to points in Oklahoma, restricted to traffic having an immediate subsequent movement by rail or water, for 180 days. SUPPORTING SHIPPER: United Coal Corporation, R. C. Lamb, President, Box 218, Inola, Okla. 74036. SEND PROTESTS TO: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240-Old P.O. Bldg., 215 NW. Third, Oklahoma City, Okla. 73102.

No. MC 139836 (Sub-No. 1 TA), filed June 7, 1974. Applicant: LINT TRANSFER, INC., 4549 Delaware, Des Moines, Iowa 50313. Applicant's representative: Donald H. Lint (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Des Moines, Iowa, on the one hand, and, on the other, points in that part of Iowa bounded by U.S. Highway 20 on the north, U.S. Highway 63 on the east, U.S. Highway 34 on the south, and U.S. Highway 71 on the west, restricted to traffic having an immediately prior or subsequent movement by rail TOFC service, for 180 days. SUPPORTING SHIPPERS: Minnesota Mining & Manufacturing, 900 Dayton Avenue, Ames, Iowa 60010; Chicago and North Western Transp. Co., P.O. Box 2696, Des Moines, Iowa 50315; and Norfolk and Western Railway Co., Second Floor, Union Station Bldg., 5th & Cherry Streets, Des Moines, Iowa 50309. SEND PROTESTS TO: Herbert W. Allen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 139879 (Sub-No. 1 TA), filed June 7, 1974. Applicant: FURNELL & WEBB TRANSFER CO., 2280 Hampden Avenue, St. Paul, Minn. 55114. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Industrial solvents*, in bulk, in tank vehicles, from St. Paul, Minn., to points in Wisconsin, for 150 days. SUPPORTING SHIPPER: Worum Chemical Co., 2130 Kasota Avenue, St. Paul, Minn. 55108. SEND PROTESTS TO: Raymond T. Jones, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 414 Federal Building & U.S. Courthouse, 110 So. 4th Street, Minneapolis, Minn. 55401.

No. MC 139887 TA, filed June 10, 1974. Applicant: G. E. BAXTER TRANSPORT, INC., 1521 Fifth Avenue, Los Angeles, Calif. 90019. Applicant's representative: David P. Christianson, 606 South Olive Street, Los Angeles, Calif. 90014. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* (other than those designed to be drawn by passenger automobiles), *chassis, cargo containers, and trailer parts and articles* used in the manufacture of trailers when moving in trailers of shippers, between points in California, Pennsylvania, Washington, New York, Utah, New Jersey, Texas, Michigan, Alabama, Colorado, West Virginia, Oregon, Arizona, Illinois, Ohio, and Indiana, for 180 days. SUPPORTING SHIPPER: Strick Corporation, 13231 Lakeland Road, Sante Fe Springs, Calif. 90670. SEND PROTESTS TO: Walter W. Strakosch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 7708 Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 139889 TA, filed June 10, 1974. Applicant: EDGAR TREMBLAY, R.R. #6, Coaticook (Stanstead), Quebec, Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*,

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from ports of entry on the International Boundary line between the United States and Canada located in New Hampshire and Vermont, to points in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, and Vermont, for 180 days. SUPPORTING SHIPPERS: Syndicat de Normandin Lumber Ltd., 9075 Pascal Gagnon, Montreal 458, Quebec, Canada and Lemire Lumber Company Inc., 1505 Durham, Sherbrooke, Quebec, Canada. SEND PROTESTS TO: District Supervisor Ross J. Seymour, Interstate Commerce Commission, Bureau of Operations, 313 Federal Building, Concord, N.H. 03301

No. MC 139890 TA, filed June 7, 1974. Applicant: JOHN TUDOR AND JOHN WATERS, doing business as J & J TRUCKING, Highway 11 North, Box 406, Petal, Miss. 39465. Applicant's representative: Jack H. Blanshan, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas and agricultural commodities* exempt from economic regulation under Sections 203(b)(6) of the Act, when moved in mixed loads with bananas, from Mobile, Ala., to points in Alabama, Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Ohio, Oklahoma, Tennessee, and Wisconsin, restricted to traffic having an immediate prior move by water, for 180 days. SUPPORTING SHIPPER: Del Monte Banana Company, 1201 Brickell Avenue, Miami, Fla. 33101. SEND PROTESTS TO: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 212, 145 East Amite Building, Jackson, Miss. 39201.

No. MC 139891 TA, filed June 10, 1974. Applicant: SHERRILL PHIPPS, doing business as SHERRILL PHIPPS TRUCKING COMPANY, 714 North Queen Street, Dunn, N.C. 28334. Applicant's representative: Johnson Tilghman, P.O. Drawer 928, Dunn, N.C. 28334. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Golf carts, and accessories and parts* pertaining thereto; and (2) *materials and supplies* used in the manufacture of Golf Carts (except commodities in bulk), between points in Florida, Georgia, North Carolina, South Carolina, and Virginia, for 180 days. SUPPORTING SHIPPER: E-Z-Go Car Division, Textron, Inc., 514 North Main St., Fuquay-Varina, N.C. 27526. SEND PROTESTS TO: Archie W. Andrews, District Supervisor, Interstate Commerce Commission, Bureau of Operations, P.O. Box 26896, Raleigh, N.C. 27611.

No. MC 139892 TA, filed June 10, 1974. Applicant: M. E. TRANSFER & STORAGE, INC., 200 West Broadway, P.O. Box 1095, Moses Lake, Wash. 98837. Applicant's representative: Jack R. Davis, 1100 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, restricted to the transportation of traffic having prior or subsequent movement in containers, beyond the points authorized, and restricted to the performance of pickup and delivery service in connection with packing, crating and containerization or unpacking, uncrating and decontainerization of such traffic, between points in Grant, Adams, and Lincoln Counties, Wash., for 180 days. SUPPORTING SHIPPERS: Jet Forwarding, Inc., 200 W. Central Avenue, Santa Ana, Calif. 92707; Astron Forwarding Company, 75 Market Street, Oakland, Calif. 94604; Crest-Mayflower International, Inc., P.O. Box 107B, Indianapolis, Ind. 46206; Sunpak Movers, Inc., 100 West Harrison Plaza, Seattle, Wash. 98119; Fairchild Air Force Base, Washington, Base Procurement Office, Fairchild Air Force Base; and Rocky Ford Moving Vans Inc., 3811 West Industrial, Midland, Tex. 79701. SEND PROTESTS TO: L. D. Boone, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 6049 Federal Office Building, 909 1st Avenue, Seattle, Wash. 98104.

MOTOR CARRIERS OF PASSENGERS

No. MC 139888 TA, filed June 11, 1974. Applicant: ROYAL COACH LINES, INC., 798 Nepperhan Avenue, Yonkers, N.Y. 10705. Applicant's representative: Sidney J. Leshin, 575 Madison Avenue, New York, N.Y. 10705. Applicant's representative: Sidney J. Leshin, 575 Madison Avenue, New York, N.Y. 10022. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special round trip operations, who are traveling from the designated origin point to the designated destination point and return solely for the purpose of participating in games commonly referred to as Bingo or Beano Games, beginning and ending at the City of Yonkers, N.Y. and Bronx County, N.Y. and extending to Philadelphia, Pa., for 180 days. SUPPORTED BY: There are approximately 20 individual letters of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. SEND PROTESTS TO: Stephen P. Tomany, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-14626 Filed 6-25-74;8:45 am]

[Notice No. 88]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JUNE 19, 1974.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 20110 (Sub-No. 9 TA), filed June 10, 1974. Applicant: MESSINGER TRUCKING & WAREHOUSE CORP., 84-132 Lockwood Street, Newark, N.J. 07105. Applicant's representative: Arthur J. Picken, 1 Lefrak City Plaza, Flushing, N.Y. 11368. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Household and commercial appliances*, including, but not limited to *refrigerators, freezers, washers, driers, air conditioners, humidifiers, ranges and dishwashers*, from Newark, N.J., to points in Nassau, Suffolk, Westchester, Rockland, and Putnam Counties, N.Y.; and New York, N.Y. Commercial Zone as defined by the Commission and *returned, refused and rejected shipments on return*, under contract with R. H. Macy & Co., Inc., for 180 days. SUPPORTING SHIPPER: R. H. Macy & Co., Inc., Warehouse Division, 47-44 31st Street, Long Island City, N.Y. SEND PROTESTS TO: District Supervisor Robert S. H. Vance, Interstate Commerce Commission, Bureau of Operations, 9 Clinton St., Newark, N.J. 07102.

No. MC 20783 (Sub-No. 101 TA), filed June 7, 1974. Applicant: TOMPKINS MOTOR LINES, INC., P.O. Box 1830, Gadsden, Ala. 35902. Applicant's representative: John P. Carlton, 903 Frank Nelson Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, and agricultural commodities* exempt from economic regulation under Section 203(b)(6) of the Interstate Commerce Act, when transported in mixed loads with bananas, from Mobile, Ala., to points in Alabama, Georgia, Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, Tennessee, and Wisconsin, for 180 days. RESTRICTION: Restricted to the transportation of traffic having an immediately prior move by water. SUPPORTING SHIPPER: Del Monte Banana Company, 1201 Brickell Avenue, Miami, Fla. 33101. SEND PROTESTS TO: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 1616-2121 Building, Birmingham, Ala. 35203.

No. MC 111401 (Sub-No. 42 TA), filed June 10, 1974. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Blvd., P.O. Box 632, Enid, Okla. 73701. Applicant's representative: Victor R. Comstock (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Urea*, in bulk or in bags, from the plant site and storage facilities of Cooperative Farm Chemicals Association at or near Lawrence, Kans., to points in Colorado, Iowa, Nebraska, Missouri, Texas, Oklahoma, Illinois, Minnesota, North Dakota; South Dakota, and Wyoming, for 180 days. SUPPORTING SHIPPER: Farmland Industries, Inc., Charles D. Rosas, Supv., Transp. Service, P.O. Box 7305, Kansas City, Mo. 64116. SEND PROTESTS TO: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Rm. 240-Old P.O. Bldg., 215 NW Third, Oklahoma City, Okla. 73102.

No. MC 113059 (Sub-No. 6 TA), filed June 7, 1974. Applicant: KELLER TRANSPORT, INC., Route 1, Katy Lane, Billings, Mont. 59102. Applicant's representative: F. E. Keller (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank trucks, from Great Falls and Billings, Mont., to points in Idaho, for 180 days. SUPPORTING SHIPPERS: Phillips Petroleum Company, 7801 E. Belleview, Englewood, Colo. 80110;, Potlatch Corporation, P.O. Box 1016, Lewiston, Idaho 83501; and Max D. Neilsen & Sons, 2623 Patricia Lane, Billings, Mont. 59102. SEND PROTESTS TO: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 222 U.S. Post Office Bldg., Billings, Mont. 59101.

No. MC 116915 (Sub-No. 11 TA), filed June 11, 1974. Applicant: ECK MILLER TRANSPORTATION CORPORATION, 1125 Sweeney Street, Owensboro, Ky. 42301. Applicant's representative: Herbert Alan Dubin, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum products*, from the plantsite of Martin Marietta Aluminum located at or near Lewisport, Ky., to points in Alabama, Georgia, and Florida, for 180 days. SUPPORTING SHIPPER: Mr. Richard C. Mocarski, General Traffic Manager, Martin Marietta Aluminum, 5110 Executive Boulevard, Rockville, Md. 20850. SEND PROTESTS TO: Wayne L. Merilatt, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 426 Post Office Building, Louisville, Ky. 40202.

No. MC 117792 (Sub-No. 6 TA), filed June 6, 1974. Applicant: FARM PRODUCTS CO., P.O. Box 189, East Prairie, Mo. 63845. Applicant's representative: Jack H. Blanshan, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas and agricultural commodities* exempt from economic regulation under Section 203(b)(6) of the Act, when moving in mixed loads with bananas, from Mobile, Ala., to points in Alabama, Arkansas, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, Oklahoma, Tennessee, and Wisconsin, restricted to traffic having an immediate prior move by water, for 180 days. SUPPORTING SHIPPER: Del Monte Banana Company, 1201 Brickell Avenue, Miami, Fla. 33101. SEND PROTESTS TO: District Supervisor J. P. Werthmann, Interstate Commerce Commission, Bureau of Operations, Room 1465, 210 N. 12th Street, Fort Worth, Tex. 76102.

No. MC 119489 (Sub-No. 34 TA), filed June 10, 1974. Applicant: PAUL ABLER, doing business as CENTRAL TRANSPORT COMPANY, P.O. Box 249, Norfolk, Nebr. 68501. Applicant's representative: Gailyn L. Larsen, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid feed and feed ingredients*, from Blair, Nebr., to points in Iowa, Illinois, Missouri, Kansas, Wisconsin, Minnesota, North Dakota, South Dakota, Colorado, Wyoming, and Oklahoma, for 180 days. SUPPORTING SHIPPER: Ruminant Nitrogen Products Company, Raymond H. Ifft, Regional Manager, P.O. Box 450, Blair, Nebr. 68008. SEND PROTESTS TO: Carroll Russell, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Suite 620, Union Pacific Plaza Building, 110 North 14th Street, Omaha, Nebr. 68102.

No. MC 119489 (Sub-No. 35 TA), filed June 10, 1974. Applicant: PAUL ABLER, doing business as CENTRAL TRANSPORT COMPANY, P.O. Box 249, Norfolk, Nebr. 68501. Applicant's representative: Gailyn L. Larsen, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients*, from Norfolk, Nebr., to points in Iowa, Kansas, Minnesota, North Dakota, South Dakota, Colorado and Wyoming, for 180 days. SUPPORTING SHIPPER: Vit-E-Men Co. Inc., Allan W. Anderson, Secretary, 1507 So. 1st Street, Norfolk, Nebr. SEND PROTESTS TO: Carroll Russell, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Suite 620, Union Pacific Plaza Building, 110 North 14th Street, Omaha, Nebr. 68102.

No. MC 119493 (Sub-No. 111 TA), filed June 7, 1974. Applicant: MONKEM COMPANY, INC., West 20th Street Road, P.O. Box 1196, Joplin, Mo. 64801. Applicant's representative: J. J. Knotts, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural machinery, implements and equipment, industrial and construction machinery and equipment, and parts, attachments and accessories* for the above and (2) *Materials and supplies* used in the manufacture of items in (1) above, (1) from Beatrice, Nebr., to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, Minnesota, Tennessee, Wisconsin, Kansas, Oklahoma, Arkansas, and Texas and (2) from points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Tennessee, Wisconsin, Oklahoma, Kansas, Arkansas, and Texas, to Beatrice, Nebr., for 180 days. SUPPORTING SHIPPER: Dempster Industries, Inc., Beatrice, Nebr. 68310. SEND PROTESTS TO: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 123972 (Sub-No. 11 TA), filed June 10, 1974. Applicant: LEO J. UMERLEY, INC., 9813 Philadelphia Road, Baltimore, Md. 21237. Applicant's representative: Francis J. Ortman, 1100 17th St., NW., Suite 613, Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Roofing and materials and supplies* used in the installation thereof, from the plantsite of Lloyd A. Fry Roofing Co., Patuxent industrial park near Jessup, Md., to points in Delaware, District of Columbia, Pennsylvania, Virginia, and West Virginia, under a continuing contract or contracts with Lloyd A. Fry Roofing Co., Summit, Ill., for 180 days. SUPPORTING SHIPPER: Mr. Gill A. Homeier, Director of Traffic, Lloyd A. Fry Roofing Company, 5818 Archer Road, Summit, Ill. 60501. SEND PROTESTS TO: William L. Hughes, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 814-B Federal Building, Baltimore, Md. 21201.

No. MC 124896 (Sub-No. 8 TA), filed June 10, 1974. Applicant: WILLIAMSON TRUCK LINES, INC., P.O. Box 3485, Wilson, N.C. 27893. Applicant's representative: Jack H. Blanshan, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, and agricultural commodities* exempt from economic regulation under Section 203(b)(6) of the Act, when transported in mixed loads with bananas, from Mobile, Ala., to points in Connecticut, Delaware, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Pennsylvania, Rhode Island, South

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Carolina, South Dakota, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, for 180 days. SUPPORTING SHIPPER: Del Monte Banana Company, 1201 Brickell Avenue, Miami, Fla. 33101. SEND PROTESTS TO: Archie W. Andrews, District Supervisor, Interstate Commerce Commission, Bureau of Operations, P.O. Box 26896, Raleigh, N.C.

No. MC 127539 (Sub-No. 35 TA), filed June 10, 1974. Applicant: PARKER REFRIGERATED SERVICE, INC., 3533 East 11th Street, Tacoma, Wash. 98421. Applicant's representative: George R. LaBissoniere, Suite 101, 130 Andover Park East, Seattle, Wash. 98188. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Chocolate coating*, from Salinas, Oakdale, and Burlingame, Calif., to the plantsites of Brown and Haley at Tacoma, Wash. and (B) *Shelled nuts* (almonds) as regulated commodity, when moving in mixed loads with ICC regulated commodities, from points in Sacramento, Kern, Solano, Sutter, Butte, and Yuba Counties, Calif., to the plantsites of Brown and Haley at Tacoma, Wash., for 180 days. SUPPORTING SHIPPER: Brown and Haley Candy Company, 1940 East 11th Street, Tacoma, Wash. 98421. SEND PROTESTS TO: L. D. Boone, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 6049 Federal Office Building, 909 1st Avenue, Seattle, Wash. 98104.

No. MC 129086 (Sub-No. 20 TA), filed June 11, 1974. Applicant: SPENCER TRUCKING CORPORATION, P.O. Box 254A, Route 2, Keyser, W. Va. 26726. Applicant's representative: Charles E. Creager, 133 Overhill Drive, Hagerstown, Md. 21740. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from points in Northumberland and Schuylkill Counties, Pa., to points in Tucker County, W. Va., for 180 days. SUPPORTING SHIPPER: The Kingsford Company, P.O. Box 1033, Louisville, Ky. 40201. SEND PROTESTS TO: Joseph A. Niggemyer, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 416 Old Post Office Bldg., Wheeling, W. Va. 26003.

No. MC 133119 (Sub-No. 56 TA), filed June 11, 1974. Applicant: HEYL TRUCK LINES, INC., 235 Mill Street, P.O. Box 206, Akron, Iowa 51001. Applicant's representatives: Roger Heyl (same address as applicant) and A. J. Swanson, 521 S. 14 Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses* (except commodities in bulk, in tank vehicles), from Hawarden, Iowa, to points in Florida, Georgia, North Carolina, and South Carolina, for 180 days. SUPPORTING SHIPPER: Hawarden of Iowa, Inc., Louis Millage, General Manager, 315 Tenth Street, Hawarden, Iowa 51023. SEND PROTESTS TO: District Supervisor Carroll Russell, Interstate Commerce Commission, Bureau of Operations, Suite 620 Union Pacific Plaza, 110 North 14th Street, Omaha, Nebr. 68102.

No. MC 133816 (Sub-No. 5 TA) (REPUBLICATION), filed April 15, 1974, published in the FEDERAL REGISTER issue of April 29, 1974, and granted by Order of the Commission, Motor Carrier Board, served June 11, 1974. Carrier: K & K WHOLESALE CO., P.O. Box 222, Lowell, Oreg. 97452. Carrier's representative: Howard E. Speer, 835 East Park Street, Eugene, Oreg. 97401. An Order of the Commission, Motor Carrier Board, dated May 30, 1974, and served June 11, 1974, authorizes K & K Wholesale Co. to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building stone*, from points in Oregon and California, to points in Oregon and those in Clarke and Cowlitz Counties, Wash., for 180 days. On its own action the Commission reopens this proceeding to indicate carrier's actual request in filing by deleting Oregon from the origin territory authorized above and substituting Nevada in lieu thereof. Any interested parties may file an original and six copies of a petition for reconsideration in this proceedings within 20 days from the date of this FEDERAL REGISTER notice. SUPPORTING SHIPPER: Northern Stone Supply, Inc., 125 Woodland Avenue, Reno, Nev. 89503. SEND PROTESTS TO: District Supervisor A. E. Odoms, Interstate Commerce Commission, Bureau of Operations, 114 Pioneer Courthouse, Portland, Oreg. 97204.

No. MC 133816 (Sub-No. 6 TA), filed June 10, 1974. Applicant: K & K WHOLESALE CO., a Corporation, P.O. Box 222, Lowell, Oreg. 97452. Applicant's representative: Howard E. Speer, 835 East Park Street, Eugene, Oreg. 97401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, hardboard, and particleboard*, from points in Oregon, to points in Arizona, for 180 days. SUPPORTING SHIPPER: Inland Lumber Co., P.O. Box 190, Colton, Calif. 92324. SEND PROTESTS TO: A. E. Odoms, Interstate Commerce Commission, Bureau of Operations, 114 Pioneer Courthouse, 555 SW. Yamhill Street, Portland, Oreg. 97203.

No. MC 134453 (Sub-No. 4 TA), filed June 10, 1974. Applicant: STERNLITE TRANSPORTATION COMPANY, a Corporation, Winsted, Minn. 55395. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Poles and parts and accessories for poles; masts, radio broadcasting, tubular, steel; piling, steel; pallets, platforms*, for lift trucks, *steel and steel and wood combined*, from Canton, Ohio, to points in the United States (except Alaska and Hawaii), for 180 days. SUPPORTING SHIPPER: Union Metal Manufacturing Company, 1432 Maple Avenue NE., Canton, Ohio. SEND PROTESTS TO: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building & U.S. Court House, 110 South 4th Street, Minneapolis, Minn. 55401.

No. MC 136212 (Sub-No. 11 TA), filed June 10, 1974. Applicant: JENSEN TRUCKING COMPANY, INC., 213 S. Washington Street (P.O. Box 37), Papillion, Nebr. 68046. Applicant's representative: Frederick J. Coffman, 521 So. 14 Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rubber, rubber packing, rubber products, materials, equipment, machinery, mixed compounds and supplies* used in the manufacture of the above named commodities, *paper, tubes, boxes, and repair parts for machinery*, from Burton, Ohio; Dyersburg, Tenn.; and Goshen and Muncie, Ind., to Gothenburg, Nebr., for 180 days. SUPPORTING SHIPPER: Goshen Rubber Company-GRN Corporation, R. A. Eichstadt, General Mgr., 1000 12th St., Gothenburg, Nebr. 69138. SEND PROTESTS TO: District Supervisor Carroll Russell, Bureau of Operations, Interstate Commerce Commission, Suite 62, Union Pacific Plaza, 110 No. 14 Street, Omaha, Nebr. 68102.

No. MC 136711 (Sub-No. 11 TA), filed June 7, 1974. Applicant: DAVID G. MCCORKLE doing business as MCCORKLE TRUCK LINE, 2780 S. High (P.O. Box 95181), Oklahoma City, Okla. 73109. Applicant's representative: G. Timothy Armstrong, 280 National Foundation Life Bldg., 3535 NW. 58th Street, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from the the plant site of the United Coal Corporation near Inola, Okla., to points in Oklahoma, restricted to traffic having an immediate, subsequent movement by rail or water, and to England, Ark., for 180 days. SUPPORTING SHIPPERS: United Coal Corporation, R. C. Lamb, President, P.O. Box 218, Inola, Okla. 74036, and Arkansas Lightweight Aggregate Corp., W. J. Ramsay, P.O. Box 99, England, Ark. 72046. SEND PROTESTS TO: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Rm. 240, Old P.O. Bldg., 215 NW. Third, Oklahoma City, Okla. 73102.

No. MC 138875 (Sub-No. 20 TA), filed June 11, 1974. Applicant: SHOEMAKER TRUCKING COMPANY, a Corporation, 11900 Franklin Road, Boise, Idaho 83705. Applicant's representative: F. L. Sigloh, 1134 N. Orchard Street, P.O. Box 7651, Boise, Idaho 83707. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap or waste paper*, from Denver, Colo., and Boise, Idaho, to Portland, Oreg., and Vancouver, Wash., for 180 days. SUPPORTING SHIPPER: PTT Corporation, 6025 SW. Salmon, Portland, Oreg. SEND PROTESTS TO: C. W. Campbell, District Supervisor, Interstate

Commerce Commission, Bureau of Operations, 550 West Fort Street, Box 07, Boise, Idaho 83724.

No. MC 139868 (Sub-No. 1 TA), filed June 7, 1974. Applicant: WESTERN SALES TRANSPORTATION, INC., 1931 North 11th Street, Omaha, Nebr. 68110. Applicant's representative: Patrick E. Quinn, 605 South 14th Street, P.O. Box 82020, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Empty steel containers*, from Omaha, Nebr., to Atlantic, Iowa, and (2) *Vacuum cleaners and lawn spreaders*, from Atlantic, Iowa, to Omaha, Nebr., restricted to a transportation service to be performed under a continuing contract or contracts with Western Sales and Service, Inc., for 180 days. SUPPORTING SHIPPER: Western Sales and Service, Inc., Robert R. Ernst, Pres., 1931 North 11th Street, Omaha, Nebr. 68110. SEND PROTESTS TO: District Supervisor Carroll Russell, Interstate Commerce Commission, Bureau of Operations, Suite 620 Union Pacific Plaza, 110 No. 14th Street, Omaha, Nebr. 68102.

No. MC 139871 (Sub-No. 1 TA), filed June 6, 1974. Applicant: CHI-RU LEASING & TRUCKING, INC., 2425 S. Wood Street, Chicago, Ill. 60608. Applicant's representative: Arlene Pagone (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Freight*, all kinds, having prior or subsequent movement via air, rail, truck, or water common carrier service, for freight forwarders, between the Chicago Commercial Zone (as defined by the Interstate Commerce Commission), and points in Illinois, Indiana, and Milwaukee, Wis., for 180 days. SUPPORTING SHIPPER: Donald Friedman, President, United Freight Forwarders, 2425 S. Wood Street, Chicago, Ill. 60608. SEND PROTESTS TO: District Supervisor Richard K. Shullaw, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 S. Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 139872 (Sub-No. 1 TA), filed June 6, 1974. Applicant: M. X. INC., 300 South 25 Avenue, Phoenix, Ariz. 85005. Applicant's representative: Phil B. Hammond, 111 W. Monroe, 10 Floor, Phoenix, Ariz. 85003. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Electrical and electronic products, and equipment, materials, and supplies* used in the manufacture, processing, and marketing of electrical and electronic products, between Phoenix, Scottsdale, Tempe, and Mesa, Ariz., on the one hand, and points in Los Angeles, Orange, Riverside, and San Bernardino Counties, Calif., on the other hand, for 180 days. SUPPORTING SHIPPERS: Motorola, Inc., Semiconductor Products Division, 5005 E. McDowell Road, Phoenix, Ariz. 85008, Jerry Crouse, Physical Distribution Manager. SEND PROTESTS TO: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 3427 Federal Building, 230 North First Avenue, Phoenix, Ariz. 85025.

No. MC 139875 TA, filed June 6, 1974. Applicant: DONALD E. GERALD, INC., 2210 East Randolph Road, Silver Spring, Md. 20904. Applicant's representative: Charles E. Creager, P.O. Box 1417, Hagerstown, Md. 21740. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Masonry cement*, from Frederick, Md., and its commercial zone, to Herndon, Va., and its commercial zone, and Washington, D.C., and its commercial zone, for 180 days. SUPPORTING SHIPPER: The Flintkote Company, M. J. Grove Lime Company Division, 100 West Pennsylvania Avenue, Towson, Md. 21204. SEND PROTESTS TO: W. C. Hersman, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 12th Street & Constitution Avenue NW., Washington, D.C. 20423.

No. MC 139881 TA, filed June 4, 1974. Applicant: LON ROETTELE TRUCKING, 14503 Eastbrook, Bellflower, Calif. 90706. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (A) *Fiberglass tanks or ducting, or sections thereof*, uncrated, from Century Fiberglass, Inc., at Anaheim and Santa Fee Springs, Calif., to installation job sites in Dallas and El Paso, Tex.; Denver, Colo.; Phoenix and Tucson, Ariz.; Ortland, Oreg.; Spokane, Wash.; and Las Vegas, Nev., for the accounts of Century Fiberglass, Inc.; (B) *Steel pipe and pipe fittings, and iron or steel plates or sheets*, between Lakewood Pipe Service Co., Inc., at Bellflower, Calif., and Houston and Lubbock, Tex.; Boise, Pocatello, and Twin Falls, Idaho; Ogden, Provo, and Salt Lake City, Utah; Denver, Colo.; Portland, Oreg.; and Seattle, Wash., for the accounts of Lakewood Pipe Service Co., Inc.; and (C) *Uncrated, set-up, fabricated structural steel articles*, including: *Distribution chutes, structural supports, frames, conveyors, towers, and parts thereof*, from Simpson Industries Inc., doing business as Allied Engineering Company at Los Angeles, Calif., to Cincinnati, Ohio; Denver, Colo.; Des Moines, Iowa; Detroit, Mich.; Greensboro, N.C.; St. Louis, Mo.; Seattle, Wash.; and Washington, D.C., for the accounts of Simpson Industries Inc., doing business as Allied Engineering Company, for 180 days. SUPPORTING SHIPPERS: Century Fiberglass, Inc., 1145 Red Gum, Anaheim, Calif. 92806; Lakewood Pipe Service Co., Inc., 9060 Rosecrans Avenue, Bellflower, Calif. 90706; and Simpson Industries, Inc., doing business as Allied Engineering Company, 11810 Center Street, South Gate, Calif. 90280.

No. MC 139882 TA, filed May 31, 1974. Applicant: GLEN M. BARNEY, doing business as GLEN BARNEY & SONS, 198 North 3rd East, Salina, Utah 84654. Applicant's representative: William S. Richards, 1515 Walker Bank Bldg., P.O. Box 2465, Salt Lake City, Utah 84110. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from mine sites of Southern Utah Fuel Company located in Emery and Sevier Counties, Utah, to the railheads at Salina and Price, Utah, for 180 days. SUPPORTING SHIPPER: Southern Utah Fuel Company, P.O. Box 1287, Cheyenne, Wyo. (Rex S. Bennett, Manager, Physical Distribution). SEND PROTESTS TO: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 5301 Federal Building, 125 South State Street, Salt Lake City, Utah 84138.

No. MC 139883 TA, filed June 7, 1974. Applicant: CHARLES L. HAMBRIGHT, doing business as HAMBRIGHT TRUCKING, 4085 Green Hawk Trail, Decatur, Ga. 30032. Applicant's representative: William L. Addams, Suite 212, 5299 Roswell Road NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Loaded and empty semi-trailers* having a prior or subsequent movement in TOFC ramp of the railroad at Lithonia, Ga., on the one hand, and, on the other, Conyers, Ga.; Covington, Ga.; and Stone Mountain, Ga.; and Poterdale, Ga., for 180 days. SUPPORTING SHIPPER: Georgia Railroad Company, 4 Hunter Street SE., Atlanta, Ga. 30303. SEND PROTESTS TO: William L. Scroggs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 309, 1252 W. Peachtree St. NW., Atlanta, Ga. 30309.

No. MC 139885 TA, filed June 7, 1974. Applicant: KLIMA, INC., Route 1, Box 1584, Wilsonville, Oreg. 97070. Applicant's representative: Lawrence V. Smart, Jr., 419 NW. 23rd Avenue, Portland, Oreg. 97210. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Truck and trailer parts and equipment, truck and trailer bodies, and parts, hoists, truck and trailer flooring and belly dump trailers*, from points in Oklahoma, Ohio, California, Kentucky, Pennsylvania, and Indiana, to Seattle, Wash., for 180 days. SUPPORTING SHIPPER: Allied Body Works, Inc., 3922 7th Ave., South, Seattle, Wash. 98108. SEND PROTESTS TO: District Supervisor A. E. Odoms, Interstate Commerce Commission, Bureau of Operations, 114 Pioneer Courthouse, Portland, Oreg. 97203.

No. MC 139886 TA, filed May 31, 1974. Applicant: ART J. ROBINSON, doing business as ART ROBINSON & SONS, 95 North 2nd East Salina, Utah 84654. Applicant's representative: William S. Richards, 1515 Walker Bank Bldg., P.O. Box 2465, Salt Lake City, Utah 84110. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from mine sites of Southern Utah Fuel Company located in Emery and Sevier Counties, Utah, to the railheads at Salina and Price, Utah, for 180 days. SUPPORTING SHIPPER: Southern Utah Fuel Company, P.O. Box 1287, Cheyenne, Wyo. (Rex S. Bennett, Manager, Physical

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Distribution). SEND PROTESTS TO: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 5301 Federal Building, 125 South State Street, Salt Lake City, Utah 84138.

MOTOR CARRIERS OF PASSENGERS

No. MC 139866 TA, filed June 3, 1974. Applicant: FREMONT OUTDOOR EDUCATION & RECREATION, INC., 249 West 4th North, St. Anthony, Idaho 83445. Applicant's representative: P. Blaines Hawkes (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in groups, in special and round-trip charter operations, beginning and ending at St. Anthony, Idaho, and extending to points in Idaho, Utah, Wyoming, and Washington, for 180 days. SUPPORTING SHIPPERS: There are approximately 7 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. SEND PROTESTS TO: C. W. Campbell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 550 West Fort Street, Box 07, Boise, Idaho.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-14627 Filed 6-25-74;8:45 am]

[I.C.C. Order No. 130, Rev. S.O. No. 994]

NATIONAL RAILROAD PASSENGER CORPORATION (AMTRAK) AND SOUTHERN PACIFIC TRANSPORTATION COMPANY

Rerouting Traffic

Upon application of the National Railroad Passenger Corporation (Amtrak) and it being the opinion of Lewis R. Teeple, Agent, to whom the matter has been delegated, that an emergency precludes operation of Amtrak's trains between Portland, Oregon, and Oakland, California, over its customary route via certain lines of the Southern Pacific Transportation Company (SP), because of track damage in the vicinity of Chemult, Oregon, and to facilitate operations by Amtrak in such emergency that are necessary to the passengers sought to be served.

It is ordered, That:

(a) *Rerouting traffic.* Amtrak, being unable to operate its trains between Portland, Oregon, and Oakland, California, over its customary route via certain lines of the SP, because of track damage in the vicinity of Chemult, Oregon, the SP is hereby directed to reroute Amtrak's trains between Portland, Oregon, and Oakland, California, via any route available for the safe passage of such trains.

(b) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the compensation terms and conditions applicable to said transportation. The compensation terms and conditions shall be, during the time this order remains in force, that which is voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, the compensation terms and conditions shall be as hereafter fixed by the Commission upon petition of any or all of the said carriers, in accordance with pertinent authority conferred upon it by the Interstate Commerce Act and by the Rail Passenger Service Act of 1970, as amended.

(c) *Effective date.* This order shall become effective at 8 p.m., e.s.t., June 7, 1974.

(d) *Expiration date.* This order shall expire at 11:59 p.m., June 10, 1974, unless otherwise modified, changed, or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., June 7, 1974.

INTERSTATE COMMERCE COMMISSION,
[SEAL] LEWIS R. TEEPLE, *Agent.*

[FR Doc.74-14628 Filed 6-25-74;8:45 am]

[FR Doc.74-14628 Filed 6-25-74;8:45 am]

NATIONAL RAILWAYS OF MEXICO, ET AL.

Exemption Under Mandatory Car Service Rules

It appearing, That cars are being returned by the National Railways of Mexico (NDM) at Brownsville, Texas, and at Laredo, Texas, contrary to normal routing because of congestion on the NDM; that the Missouri Pacific Railroad Company (MP) and The Texas Mexican Railway Company (TM) have agreed to accept empty cars from the NDM at Brownsville, Texas, or at Laredo, Texas, regardless of their rights to refuse to accept such empty cars under Car Service Rule 2 and despite their inability to use such cars at those points.

It is ordered, That, pursuant to the authority vested in me by Car Service Rule 19, empty cars received by the MP or TM from the NDM at Brownsville, Texas, or at Laredo, Texas, may be used by these lines for one trip only to any destination in the United States regardless of the provisions of Car Service Rules 1 and 2. Such cars must not be used for loading to points in Mexico.

Effective: June 16, 1974.

Expires: July 12, 1974.

Issued: June 13, 1974.

[SEAL] LEWIS R. TEEPLE, *Assistant Director, Bureau of Operations.*

[FR Doc.74-14630 Filed 6-25-74;8:45 am]

[No. AB-93; Finance Doc. 27606]

THE PEORIA TERMINAL CO. AND PEORIA AND UNION RAILWAY CO.

Abandonment of Bridge; Trackage Rights

In the matter of abandonment of bridge spanning Illinois River at Pekin, and trackage rights, in Peoria and Tazewell Counties, Illinois.

Upon consideration of the record in the above-entitled proceedings, and of a staff-prepared environmental threshhold assessment survey which is available for public inspection upon request; and

It appearing, That no environmental impact statement need be issued in these proceedings, because these proceedings do not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321, *et seq.*; and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in newspapers of general circulation in Peoria and Tazewell Counties, Ill., within 15 days of the date of service of this order, and certify to the Commission that this has been accomplished.

And, it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by forwarding a copy to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

Dated at Washington, D.C., this 17th day of June, 1974.

By the Commission, Commissioner Tuggle.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[No. AB-93]

THE PEORIA TERMINAL COMPANY ABANDONMENT BRIDGE SPANNING ILLINOIS RIVER AT PEKIN, IN PEORIA AND TAZEWELL COUNTIES, ILLINOIS

[Finance Docket No. 27606]

THE PEORIA TERMINAL COMPANY—TRACKAGE RIGHTS—PEORIA AND PEKIN UNION RAILWAY COMPANY IN PEORIA AND TAZEWELL COUNTIES, ILLINOIS

The Interstate Commerce Commission hereby gives notice that by order dated June 17, 1974, it has been determined that the proposed abandonment by the Peoria Terminal Company of its bridge spanning the Illinois River, a distance of 1401.4 feet and the application of the Peoria Terminal Company to acquire trackage rights over the Peoria and Pekin Union Railway Company, a distance of 9.5 miles, in Peoria and Tazewell Counties, Ill., if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, *et seq.*, and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that because all traffic which had been moving over the Peoria Terminal Company's bridge will be diverted to the nearby trackage of the Peoria and Pekin Union Railway, no net change in rail service will occur. Inasmuch as the involved railroads provide an interchange and switching operation only for the line-haul carriers serving Peoria and Pekin, no local shippers will be affected. Accomplishment of this action will result in the removal of a partially-destroyed railroad bridge which, in its present form, constitutes a potential hazard to navigation. Furthermore, no significant impact on land use will occur.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available for public inspection upon request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-343-2086.

Interested parties may comment on this matter by the submission of representations to the Interstate Commerce Commission, Washington, D.C. 20423, on or before July 11, 1974.

[FR Doc.74-14633 Filed 6-25-74;8:45 am]

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WEDNESDAY, JUNE 26, 1974
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PART II



ENVIRONMENTAL PROTECTION AGENCY

■

CANNED AND PRESERVED SEAFOOD PROCESSING POINT SOURCE CATEGORY

Effluent Limitations Guidelines

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Title 40—Protection of the Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER N—EFFLUENT GUIDELINES AND STANDARDS

PART 408—CANNED AND PRESERVED SEAFOOD PROCESSING POINT SOURCE CATEGORY

Catfish, Crab, Shrimp, and Tuna Processing Subcategory

On February 6, 1974 notice was published in the FEDERAL REGISTER (38 FR 1624) that the Environmental Protection Agency (EPA or Agency) was proposing effluent limitations guidelines for existing sources and standards of performance and pretreatment standards for new sources within the farm-raised catfish processing of more than 908 kg (2000 lbs) of raw material per day subcategory, farm-raised catfish processing of 908 kg (2000 lbs) or less of raw material per day subcategory, conventional blue crab processing subcategory, mechanized blue crab processing subcategory, Alaskan crab meat processing subcategory, Alaskan whole crab and crab section processing subcategory, dungeness and tanner crab processing in the contiguous States subcategory, Alaskan shrimp processing subcategory, northern shrimp processing of more than 1816 kg (4000 lbs) of raw material per day in the contiguous States subcategory, northern shrimp processing of 1816 kg (4000 lbs) or less of raw material per day in the contiguous States subcategory, southern non-breaded shrimp processing of more than 1816 kg (4000 lbs) of raw material per day in the contiguous States subcategory, southern non-breaded shrimp processing of 1816 kg (4000 lbs) or less of raw material per day in the contiguous States subcategory, breaded shrimp processing of more than 1816 kg (4000 lbs) of raw material per day in the contiguous States subcategory, breaded shrimp processing of 1816 kg (4000 lbs) or less of raw material per day in the contiguous States subcategory, and the tuna processing subcategory of the Canned and Preserved Seafood Processing category of point sources.

The purpose of this notice is to establish final effluent limitations guidelines for existing sources and standards of performance and pretreatment standards for new sources in the Canned and Preserved Seafood Processing category of point sources by amending 40 CFR Chapter I, Subchapter N, to add a new Part 408. This final rulemaking is promulgated pursuant to sections 301, 304(b) and (c), 306(b) and (c) and 307 (c) of the Federal Water Pollution Control Act, as amended (the Act); 33 U.S.C. 1251, 1311, 1314(b) and (c), 1316 (b) and (c) and 1317(c); 86 Stat. 816 *et seq.*; Pub. L. 92-500. Regulations regarding cooling water intake structures for all categories of point sources under section 316(b) of the Act will be promulgated in 40 CFR 402.

In addition, the EPA is simultaneously proposing a separate provision which appears in the Part II section of this FEDERAL REGISTER, at 39 FR 23154, stating the application of the limitations and standards set forth below to users of publicly owned treatment works which are subject to pretreatment standards under section 307(b) of the Act. The basis of that proposed regulation is set forth in the associated notice of proposed rulemaking.

The legal basis, methodology and factual conclusions which support promulgation of this regulation were set forth in substantial detail in the notice of public review procedures published August 6, 1973 (38 FR 21202) and in the notice of proposed rulemaking for the farm-raised catfish processing of more than 908 kg (2000 lbs) of raw material per day subcategory, farm-raised catfish processing of 908 kg (2000 lbs) or less of raw material per day subcategory, conventional blue crab processing subcategory, mechanized blue crab processing subcategory, Alaskan crab meat processing subcategory, Alaskan whole crab and crab section processing subcategory, dungeness and tanner crab processing in the contiguous States subcategory, Alaskan shrimp processing subcategory, northern shrimp processing of more than 1816 kg (4000 lbs) of raw material per day in the contiguous States subcategory, northern shrimp processing of 1816 kg (4000 lbs) or less of raw material per day in the contiguous States subcategory, southern non-breaded shrimp processing of more than 1816 kg (4000 lbs) of raw material per day in the contiguous States subcategory, southern non-breaded shrimp processing of 1816 kg (4000 lbs) or less of raw material per day in the contiguous States subcategory, breaded shrimp processing of more than 1816 kg (4000 lbs) of raw material per day in the contiguous States subcategory, breaded shrimp processing of 1816 kg (4000 lbs) or less of raw material per day in the contiguous States subcategory, and the tuna processing subcategory. In addition, the regulations as proposed were supported by two other documents: (1) the document entitled "Development Document for Proposed Effluent Limitations Guidelines and New Source Performance Standards for the Catfish, Crab, Shrimp and Tuna Segment of the Canned and Preserved Seafood Processing Point Source Category" (January, 1974) and (2) the document entitled "Economic Analysis of Proposed Effluent Guidelines, Seafood Processing Industry (October, 1973). Both of these documents were made available to the public and circulated to interested persons at approximately the time of publication of the notice of proposed rulemaking.

Interested persons were invited to participate in the rulemaking by submitting written comments within 30 days from the date of publication. Prior public participation in the form of solicited comments and responses from the States, Federal agencies, and other interested parties were described in the preamble to the proposed regulation. The EPA has considered carefully all of the comments received and a discussion of these comments with the Agency's response thereto follows.

The regulation as promulgated contains important changes from the proposed regulation. The following discussion outlines the reasons why these changes were made and why other suggested changes were not implemented.

(a) *Summary of Comments.* The following responded to the request for written comments contained in the preamble to the proposed regulation: U.S. Department of Commerce, National Marine Fisheries Service; Colorado Department of Public Health; Washington Fish and Oyster Company; Alaskan Department of the Environment; Morpac, Inc.; American Institute of Chemical Engineers; East Point Seafood Co.; American Catfish Marketing Association; Georgia Department of Natural Resources; National Canners Association; Clark and Johnson, Attorneys at Law; Virginia Seafood Council; Wm. B. McLeod, Law Office; Keyser Brothers, Inc.; Wakefield Seafoods, Inc.; Millers Crab Shore; Smith Seafood Co.; Van Camp Sea Food Company; American Shrimp Canners Association; Robinson Canning Co. Inc.; Vita Food Products Co., Inc.; B&B Fisheries, Inc.; York Crab and Oyster Co., Inc.; and the U.S. Department of Interior.

Each of the comments received was reviewed and analyzed carefully. The following is a summary of the significant comments and the Agency's response to those comments.

(1) A number of commenters feel that EPA has failed to adequately justify treatment of all seafood process wastes prior to their return to the ocean environment because fish waste provides nutrients to the receiving water ecosystem.

The disposal of seafood processing waste waters in limited areas, frequently estuaries or coastal areas, does affect the ecosystem of the receiving waters. Moreover, under the Act, it is not necessary that a showing be made regarding the effect of the pollutional discharge upon the quality of the receiving water on a case-by-case basis. Under sections 301, 304(b) and (c), 306(b) and (c), and 307(c), the principal means of control is through the adoption of effluent limitations directly applicable to the discharge itself. The effluent limitations guidelines are to be based upon defined levels of technology which are specified in the Act itself. Nevertheless, effluent limitations derived from water quality standards are retained as a secondary means of control and will have their principal applicability in those instances where technology-based effluent limitations are not stringent enough to provide for the achievement of water quality standards.

Contrary to the assumption of many commenters, Water Quality Criteria are not established on an industry-by-industry basis, but rather on a pollutant parameter basis. Notice of publication for the "Proposed Criteria for Water Quality, Volume I" was contained in the October 26, 1973 FEDERAL REGISTER and for the "Proposed Water Quality Information, Volume II," in the October 29, 1973 FEDERAL REGISTER. Information may be obtained from the Director, Water Quality Criteria Staff; Environmental Protection Agency; Waterside Mall East, Room 737, 401 M Street SW., Washington, D.C. 20406.

(2) The regulations and Development Document do not provide the means to determine subcategory classification for multiproduct plants with respect to establishing effluent limitations.

A primary reason for establishing effluent limitations guidelines on the basis of production of raw material, is to provide the means to consider the single product as well as the multiproduct seafood processor without setting separate guideline numbers for every possible combination of species and processing rates.

As stated in the preamble to the proposed regulations, when a plant is subject to effluent limitations covering more than one subcategory, the plant's effluent limitation shall be the aggregate of the limitations applicable to the total production covered by each subcategory. For example, if a plant processes several species concurrently, then the plant's effluent limitation may be the sum of the products of the volume of each species processed and the respective effluent limitation. If a plant processes several species in series, then the effluent limitation may be based on the subcategory classification of the individual species while it is being processed. In other words, the aggregate effluent limitation guideline number may vary as a function of the product mix at any particular point in time.

EPA recognizes that the effluent limitations guidelines contained herein are limited to the catfish, crab, shrimp, and tuna segments of the canned and preserved seafood processing industry. Many plants process commodities in addition to the aforementioned. The guidelines contained herein are intended to affect those plants processing any combination of catfish, crab, shrimp or tuna providing that the total throughput of these commodities amounts to eighty percent (80 percent) or more of the plants seasonal or yearly production.

The Agency has limited the guidelines to plants which process predominantly Phase I species because it has not been able to determine satisfactorily the possible economic impact of extending the guidelines to cover all plants which do process some percentage of Phase I species but which also process significant quantities of Phase II species. The reason for this uncertainty as to economic consequences is that substantial data concerning the size, location and product mix of these multi-product plants were not made available to the Agency until March 14, 1974, at which point insufficient time remained to complete the analysis. These data, as well as data generated independently by EPA, are being and will continue to be analyzed by the Agency in connection with the development of effluent limitations guidelines applicable to plants processing Phase II commodities. When the Phase II guidelines are promulgated, the guidelines now being promulgated will be revised on the basis of this analysis to indicate their applicability to multiproduct plants now excluded from coverage.

(3) Some commenters criticized as inadequate the data base upon which the raw waste loads and effluent reductions were calculated. As was explained in the preamble to the notice of proposed rulemaking, the Agency is well aware that the amount of information available on raw waste loadings and treatment efficiencies is less than that which would exist in ideal circumstances. However, as the preamble also observed, the historical data on expected raw waste loads is of diminished utility because of the variability due to sampling methods previously employed and the even smaller amount of data on treatment plant efficiencies is due to the generally inadequate level of treatment which has prevailed historically in the industry.

The time constraints imposed by the statutory deadlines preclude the Agency from conducting an exhaustive sampling program. Nevertheless in the time available, the contractor (a recognized authority on waste management in the seafood processing industry) carried out the first national scale empirical study of the industry's waste characteristics and treatment. For example, (A) five catfish processing plants, representative of the approximately 30 plants in the subcategory and producing over 38 percent of all catfish processed, were sampled. (B) Seven of the approximately 180 blue crab processing plants were visited; two conventional blue crab plants and two mechanized blue crab plants were sampled. Consultation with Mr. Michael W. Papparella, Extension Specialist, Seafoods Processing Laboratory, University of Maryland, Crisfield, Maryland; Mr. Roy Carawan, Food Science Extension Specialist (Engineering), Department of Food Science, North Carolina State University; and Dr. Frank Thomas, Food Science Extension Specialist (Seafoods), Department of Food Science, North Carolina State University indicated that there were no significant differences between the blue crab processors of the South Atlantic region and the Gulf Coast region and those further north. They also indicated that the waste characteristics of plants employing simple manual crab meat picking would differ from those plants utilizing mechanical crab picking machines, as was confirmed by the sampling program. (C) Mr. Melvin Waters and Mr. Bobby J. Wood of the Pascagoula Laboratory of the National Marine Fisheries Service; Dr. Arthur Novak and Dr. M. R. Rao of the Department of Food Science, Louisiana State University; and Mr. Ray Robinson of the American Shrimp Canners Association, New Orleans, Louisiana assisted in locating "representative" shrimp processing plants. Five of the approximately 129 southern non-breaded shrimp processing plants were visited of which three were sampled. (D) Data presented for breaded shrimp processing, northern shrimp processing and dungeness and tanner crab processing in the contiguous States were obtained through a previous EPA grant study conducted by Mr. M. R. Soderquist of the Department of Food Science and Technology at Oregon State University. Six of the approximately 70 breaded shrimp processing plants were visited; two which were considered representative of the industry were sampled. Eight of the approximately 48 northern shrimp processing plants were visited; two which were considered representative of the industry were sampled. Also, three of the approximately 34 dungeness and tanner crab processing plants in the contiguous states were sampled. (E) In selecting representative crab and shrimp processing plants in Alaska the contractor consulted Mr. Roger DeCamp of the National Canners Association; Mr. John Dassow, Mr. M. A. Steinberg and Mr. Jeff Collins of the National Marine Fisheries Service. Fourteen of the approximately 59 Alaskan crab processing plants were visited; seven plants which were considered representative were sampled. Six of the approximately 30 Alaskan shrimp processing plants were visited; two plants which were considered representative were sampled. (F) In the tuna subcategory, nine plants, representing over 56 percent of the annual industry capacity were sampled. No less than two to three weeks of on-site sampling were carried out in any subcategory and generally substantially longer periods. All samples were 24 hour, flow-proportioned, composite samples in order to reflect as accurately as possible the actual pollutant characteristics of the plant's effluent. The existing scientific literature was also reviewed, of course, though because of the variability referred to in item (12) below, the results were less useful than EPA's own sampling program.

As far as the effluent limitations guidelines themselves are concerned, the effluent reductions expected are based predominantly upon (1) the performance of systems now in operation in the industry, (2) the results of the Agency's research demonstration grant project on shrimp waste, Agency studies on seafood waste and on the results of other federal agency programs (such as the National Marine Fisheries Service pilot plant studies of air flotation), and (3) the informed advice of consultants on treatment of seafood processing wastes. The effluent reductions obtained by specific treatment technologies as applied to waste water with similar pollutant characteristics in other food processing industries were also considered in developing the effluent limitation guidelines.

(4) A number of commenters suggested that the technology specified as best available technology economically achievable had not been adequately demonstrated for this industrial category.

The Agency recognizes that the technology specified herein as best available technology economically achievable has

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not been demonstrated for every subcategory in day-to-day operations in this industrial category. However, in determining whether technology has been "demonstrated" for the purposes of standards which must be achieved by 1983, the Agency does not believe that the same high degree of confidence that the technology will work must exist as is the case for 1977 standards. In making the judgment as to whether or not the technology is "available," the Agency examined a wide range of information, including the use of the technology to treat similar wastes in other industrial categories, pilot plant and demonstration projects, and laboratory and other experimental data on various waste treatment processes. Based on such data and information, and the application of the Agency's best judgment, the technology specified herein was determined to constitute the best available technology economically achievable.

It is recognized that, in some cases, the industry must itself perform some of the pilot plant and other developmental work which will be necessary to bring the technology into full utilization. This does not, however, alter the Agency's judgment that the technology is "available," is "economically achievable," and can be brought on line in time to achieve full compliance by 1983, as required by the Act.

The technology which forms the basis for the effluent limitations guidelines is used only as a point of reference for available treatment systems. The industry may select alternative methods as discussed in the Development Document to meet the effluent limitations.

(5) Some correspondents endorsed the proposal made to the Administrator by the Effluent Standards and Water Quality Information Advisory Committee that a significantly different approach be taken in the development of effluent guidelines generally.

The committee's proposal is under evaluation as a contribution toward future refinements of guidelines for some industries. The committee has indicated that their proposed methodology could not be developed in sufficient time to be available for the current phase of guideline promulgation, which is proceeding according to a court-ordered schedule. Its present state of development does not provide sufficient evidence to warrant the Agency's delaying issuance of any standard in hopes that an alternative approach might be preferable.

(6) One commenter suggests that, contrary to the provisions of the Act, in-plant control and process changes form the basis for both the 1977 and 1983 effluent limitations guidelines.

The 1977 effluent limitations guidelines are based on end-of-pipe treatment and "good housekeeping" practices which are considered normal practice within the seafood processing industry such as turning off faucets and hoses when not in use or using spring-loaded hose nozzles, and do not assume significant equipment changes. The large variation in water usage for the same process configuration among different plants indicates that there is ample opportunity for the reduction of water usage without adversely affecting the quality of the product.

The emphasis in the Development Document on adequate in-plant control and process changes which substantially reduce the end-of-pipe waste load and flow as well as the associated waste treatment cost, is intended for those processors who recognize the possible cost trade-offs between end-of-pipe treatment and in-plant changes or recovery techniques.

The 1983 guidelines and new source standards include consideration of in-plant changes to effect water use reductions, as provided by the Act.

(7) A number of commenters suggest that neither the effluent limitations guidelines nor the economic justification for mandatory installation of pollution control technology should be based on the recovery of by-products because of fluctuating market potentials.

The technical and economic analyses were not based on by-product recovery techniques. The purpose of the by-product recovery discussion in the Development Document is to outline several of the major developments that are currently in use, ready for use, or will be available within the next few years.

(8) EPA should use the COD test instead of the BOD5 test because it is faster, easier and less expensive to run, and more reproducible than the BOD5 test.

The BOD5 test is widely used to determine the pollutional strength of domestic and industrial wastes in terms of the oxygen that they will require if discharged into natural watercourses in which aerobic conditions exist. Furthermore, common engineering design practice utilizes BOD5 as a principal design parameter, especially for biological waste treatment systems.

The possibility of substituting the COD parameter for the BOD5 parameter was investigated during the Phase II study. The BOD5 and corresponding COD data from industrial fish, finfish, and shellfish waste waters were analyzed to determine if COD is an adequate predictor of BOD5 for any or all of these groups of seafood. The analysis indicates that the COD parameter is not a reliable predictor of BOD5.

The relationship between COD and BOD5 before treatment is not necessarily the same after treatment. Therefore, the effluent limitations guidelines will include the BOD5 parameter, since insufficient information is available on the COD effluent levels after treatment.

(9) One commenter considers 50 to 100 parts per million of fats and oils to be the lowest practical limit of detection without resorting to gas—liquid chromatography. Therefore, the oil and grease effluent limitations are impractical in terms of present day analytical techniques and removal processes.

The oil and grease limitations are realistic in terms of the analytical techniques used to develop the data reported in the Development Document and pollution abatement technology that is currently used in the seafood processing industry.

As stated in the preamble to the proposed regulation, the oil and grease parameter refers to those components of a waste water amenable to measurement by the method described in "Methods for Chemical Analysis of Water and Waste," 1971, Environmental Protection Agency, Analytical Quality Control Laboratory, page 217. The scope and application of this method covers the range from 5 to 1000 mg/l (approximately 5 to 1000 parts per million) of extractable material.

(10) Some commenters feel that discharges of oil and grease from shrimp processing plants should not be specifically restricted because they are biodegradable and non-detrimental to water quality in the quantities discharged.

While oils and greases are substances contributing to biochemical oxygen demand (and also chemical oxygen demand), they have a potential detrimental impact that is unrelated to oxygen demand and their retention as a controlled parameter is justified. For example, oil emulsions may adhere to the gills of fish or coat and destroy algae or other plankton by inhibiting the normal transfer of oxygen.

(11) The effluent limitations should be modified to include a range of numbers for the BOD^5, total suspended solids, and oil and grease parameters. The range should include that obtainable by screening at one extreme and air flotation or its equivalent at the other.

The available data do not indicate significant differences attributable to age and size of plant and other factors that would justify further subcategorization of the industry or establishment of ranges of limitations.

The present guidelines take differences within the seafood processing industry into account through subcategorization, rather than by use of ranges of numbers to be varied at the discretion of the permit issuing authority.

Section 306 of the Act separates several, broad industrial groups into 28 subgroups. For example, the food processing industry has been divided into the meat products and rendering, dairy products, canned and preserved fruits and vegetables, grain mills, canned and preserved seafood, and sugar processing categories. The canned and preserved seafood processing category has been further subdivided in Phase I into four segments (catfish, crab, shrimp and tuna) within which 14 subcategories have been established on the basis of such factors as size and location of plants, and types of products processed.

Further subcategories will be established in the Phase II segment.

(12) The practice of screening the raw waste waters with a 20-mesh Tyler sieve prior to laboratory analysis does not measure the real organic waste load of the untreated effluent. Therefore, EPA is in error by using this data for establishing further reductions through employment of subsequent waste water treatment under commercial plant operating conditions. The samples should have been ground prior to analysis in order to measure the total BOD demand by the effluent in the environment even if it does require a long time for such biological degradation.

As discussed in the Deveolpment Document, the sampling effort was designed to identify the constituents of the waste waters which should be subject to effluent limitations and to minimize the complexity of reducing the effluent pollution to acceptable levels.

The practice of utilizing a 20-mesh Tyler sieve has been used in previous waste water characterization research in both the seafood and the fruits and vegetable fields. It serves to remove the larger solid particles (such as crab legs, some shrimp shell, fish parts, etc.) and thereby greatly reduce the resultant "scatter" of the data points. The method is especially valuable in developing a precise base-line value for each parameter from a limited number of samples.

The problem of collecting representative samples when large solid particles are contained in the effluent becomes rather complex without knowing the underlying frequency distribution of the number and size of the particles. Extremely large volumes of waste water would be necessary for a representative raw waste effluent sample. Because the basis for the minimum treatment effort included screening for most processors, data based on ground effluent samples would have no relationship to commonly accepted engineering design parameters.

(13) The Alaskan subcategories should have been further subdivided to account for the isolated plants which do not have dependable access to landfills or ocean barging in order to dispose of screened wastes by biologically degradable techniques or by dispersion over large areas through ocean disposal because of adverse climatic and geologic conditions.

After assessing the available information three additional subcategories have been added to account for differences due to crab and shrimp processing plant locations in Alaska.

There is substantial evidence that processors in isolated and remote areas of Alaska are at a comparative economic disadvantage to the processors located in population or processing centers in attempts to meet the proposed effluent limitations guidelines. The isolated location of some Alaskan seafood processing plants eliminates almost all waste water treatment alternatives because of undependable access to ocean, land, or commercial transportation during extended severe sea state or weather conditions, and the high costs of eliminating the engineering obstacles due to adverse climatic and geologic conditions. However, those plants located in population or processing centers have access to more reliable, cost-effective alternatives such as solids recovery techniques or other forms of solids disposal such as landfill or barging.

(14) The technology of dissolved air flotation cannot be transferred from one type of food processing or even fishery species to another. EPA has not identified the degree of effluent reduction by best practicable control technology currently available from adequate plant and demonstration studies for the seafood subcategories.

A determination of the effluent limitations guidelines study was that the existing level of waste treatment throughout the farm-raised catfish, crab, shrimp, and tuna segments of the industry was generally inadequate. The prevalent form of plant level waste water treatment technology for the fish and seafood processing industry is screening or direct discharge.

EPA has reassessed the available data and consulted recognized seafood waste water treatment experts. The Agency has concluded that air flotation technology is currently available for the fish and seafood processing industry because of its use in other related industries with similar wastes and because of its current use in several segments of the seafood processing industry. Dissolved air flotation is an established technology for the seafood industry though not as yet in common practice. The Fisheries Research Board of Canada and the Fisheries Association of British Columbia designed and erected a plant scale demonstration dissolved air flotation waste water treatment plant which accommodates salmon canning, herring roe recovery, and groundfish filleting effluents. Full scale dissolved air flotation systems have also been installed within the menhaden, sardine, and tuna processing industries. Pilot plant studies have been conducted on shrimp processing effluents in Alaska and Louisiana, and on crab processing effluents in Alaska. Section VII of the Development Document includes a discussion of dissolved air flotation technology and tables listing by species the degree of removal of various parameters attained by pilot plant and full scale air flotation systems. Appendices to the Development Document include a bibliography of air flotation studies for the seafood industry, a listing of sources on the application of air flotation technology to other related industries such as meat packing and poultry processing, and a list of waste water treatment equipment manufacturers that produce air flotation units.

(15) There are no data which support the statement that dissolved air flotation operated as a physical system will achieve the reductions assumed in the Development Document.

EPA recognizes that almost all pilot plant and full-scale air flotation systems operating in the seafood industry rely on chemical addition and optimization to achieve the highest levels of pollution abatement or by-product recovery. The Agency expects the dissolved air flotation systems to include chemical addition. The capital cost estimates and operation and maintenance costs presented in the Development Document for air flotation equipment included the costs for chemical addition for both the 1977 and 1983 estimates. However, optimization of dissolved air flotation performance is not required until 1983 because the technology is relatively new for most of the seafood processing industry and requires careful selection of chemicals and dosages, as well as skilled operation for optimum pollution abatements. Those 1977 guidelines which are based on dissolved air flotation reflect the Agency's best engineering assessment of the effluent reduction attainable by this technology without chemical optimization.

(16) Adequate attention has not been given to the sludge disposal or recovery problems of the dissolved air flotation system.

Conventional methods of sludge handling and disposal are available and demonstrated to be effective. For example, the sludge from the Canadian dissolved air flotation system is presently being dewatered by centrifuging and recovered as a food supplement to poultry feed. A conclusion of the "Draft Shrimp Canning Waste Treatment Study" (EPA Project S800 904) states that dewatering of dissolved air flotation sludge will be necessary for economical disposal. Centrifugation of the sludge was demonstrated to decrease the volume by 4:1 and increase the total solids dry weight by 2:1.

(17) Several commenters stated that dissolved air flotation systems should not provide the basis for the July 1, 1977 effluent limitations guidelines for tuna and shrimp processors because the technology is not the best practicable control technology currently available.

The tuna industry is presently utilizing dissolved air flotation systems to treat its waste water effluents. Two full scale units are operating presently; three more are currently under construction in Terminal Island, California and American Samoa; and another dissolved air flotation system is planned for installation in Puerto Rico. Furthermore, one plant endorses dissolved air flotation technology as a logical alternative for best practicable control technology currently available. Because of this and the discussion presented in item (14), the Agency believes that the technology meets the criteria for best practicable control technology currently available.

After careful reevaluation of available data and consultation with recognized seafood waste water treatment experts, the Agency believes that dissolved air flotation can be regarded as best practicable control technology currently available for shrimp processing facilities in the contiguous States. The technology is "available" and "transferrable" as evidenced by pilot plant work discussed in item (14), (15) and (16). However, several organizations question whether the total number of shrimp processing plants affected can design, secure, construct, and line-out this particular equipment alternative by July 1, 1977. For this rea-

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son, the Agency has combined the respective subcategories for the large and small shrimp processors in the contiguous States and based the July 1, 1977 effluent limitations guidelines on screening systems instead of dissolved air flotation systems. However, the July 1, 1983 standards and new source performance standards are based on dissolved air flotation technology.

(18) One commenter stated that the raw waste characteristic summary for the tuna processing industry appeared to be low compared to historical plant data. Approximately one year of plant effluent data was submitted as supportive evidence.

The plant data, which meets the sampling requirements discussed in item (12) above, has been incorporated into the data base presented in the Development Document with appropriate changes reflected in the effluent limitations guidelines.

(19) The 30-day and 1-day limits are not always applicable. The 30-day average limit is based on 30 consecutive days operation, and the one day limit is designed to allow for variation. However, both figures assume relatively continuous operation which is not a valid assumption for many seafood plants.

As discussed in the Development Document, the intermittent nature of the seafood processing industry has been considered in developing the effluent limitations guidelines.

The average of daily values for 30 consecutive days is intended to include the average for the number of days the plant operates within the 30 day period. For example, if a plant operates for 10 days of the 30 day period then the average is based on the 10 days only.

(20) The effluent limitations guidelines should be applied on a net rather than a gross basis to allow for pollutants which may be present in the plant intake water.

The effluent limitations guidelines have generally been developed on a gross or absolute basis. However, the Agency recognizes that in certain instances pollutants will be present in navigable waters which supply a plant's intake water in significant concentrations which may not be removed to the levels specified in the guidelines by the application of treatment technology contemplated by best practicable control currently available.

Accordingly, the Agency is currently developing amendments to its NPDES permit regulations (40 CFR Part 125) which will specify the situations in which the Regional Administrator may allow a credit for such pollutants. The regulations will be proposed for public comment in the near future.

(21) The State of Georgia currently requires a minimum of secondary biological treatment or equivalent for all process waste waters from blue crab and breaded and non-breaded shrimp processors. In several cases installation has been completed. One processor is operating its own secondary treatment facility and others have diverted their waste water to municipal treatment systems. EPA should propose the same requirements so that conflicting Federal and State regulations will not produce inequitable results.

Under the Act EPA is required to set uniform national standards which apply to all processors as a minimum level of pollution abatement. More stringent requirements may be based on water quality criteria or, as provided by section 510 of the Act, the determinations of appropriate State regulatory authorities.

(22) Many commenters requested that an extension of time be given so that they could complete studies regarding the proposed standards before commenting on them.

EPA extended the comment period from March 8, 1974 to March 22, 1974. An additional extension could not be given because of the court-ordered deadline filed by the United States District Court for the District of Columbia on November 27, 1973.

(23) The estimate of energy requirements should include the energy required to fabricate the treatment equipment, to ship it to the plant, install it, and to run it.

The legislative history of the Act regarding the energy requirements of waste water treatment technology clearly indicates that Congress was concerned with the energy consumption of in-place treatment systems, not the cumulative effects of fabrication, transportation, and erection of the equipment. However, no evidence has been presented to the Agency which suggests that the energy required to manufacture, transport, and install the equipment which forms the basis for the effluent limitations guidelines, constitutes a significant percentage of the total requirements over the useful life of the equipment.

The in-place energy consumption of the various treatment systems was estimated. As discussed in the Development Document, the additional energy required in the form of electrical power to achieve the effluent limitations is of a low magnitude compared to the present electrical power consumption of the seafood industry.

(24) The Development Document accompanying the proposed regulation did not report specific oil and grease data for the dungeness and tanner crab processing in the contiguous States subcategory.

The historical data for dungeness and tanner crab processing did not include the oil and grease parameter. Because of the similarity of the waste water characteristics for similar processing techniques of the Alaskan and Pacific Northwest dungeness and tanner crab operations, the value for the oil and grease parameters of the Pacific Northwest process was extrapolated from the Alaskan process.

(25) Many commenters suggested that the economic impact analysis of the proposed effluent limitations guidelines failed to include adequately the unique economic situation of the seafood industry.

After publishing the proposed guidelines, the Agency received substantial financial and economic data which formed the basis for reassessing the impact analysis. The majority of the changes listed below are based on the economic and financial condition of the industry.

(26) One commenter suggested that the summary raw waste data for southern non-breaded shrimp was too low and submitted historical data from five shrimp canning facilities as supportive evidence.

After evaluating the method of sample collection and analysis for the historical data, the Agency concludes that the differences in "raw waste characteristics" are attributable to those factors discussed in item (12) above. The samples were composited without prior screening and then blended before analysis. For this reason, the historical data cannot be utilized as a basis for revising the summary data presented in the Development Document.

(27) One commenter feels that industry expansion will be inhibited in those instances where the new source performance standards are more restrictive than the July 1, 1977 standards, particularly in the remote Alaskan crab and shrimp subcategories.

Section 306(a)(1) of the Act defines the term "standard of performance" to be a standard for the control of the discharge of pollutants which reflects the greatest degree of effluent reduction which the Administrator determines to be achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants. In applying the definition to new source performance standards for remote Alaskan processors, the Agency believes that the practice of direct discharge of solid waste to the receiving waters cannot be justified for new sources because of demonstrated alternative methods of solids disposal such as by-product recovery, ocean discharge or landfills. For example, a large reduction facility services several seafood processing plants in Kodiak, Alaska. During the salmon season in locations such as Naknek, Ekuk, Dillingham, and False Pass, fish heads are partially rendered to recover oil with the resulting slush discharged to the receiving waters. In Petersburg and Ketchikan salmon fish heads and tails are recovered as an additive to pet food. Barging of solids is presently utilized during the salmon season at Chignik, King Cove, Hawk Inlet and Larsen Bay predominantly to control odors from solid waste accumulating near the plant.

(b) *Revision of the proposed regulation prior to promulgation.* As a result of public comments and continuing review and evaluation of the proposed regulations by the EPA, the following changes have been made in the regulation.

(1) A reassessment of the economic impact of the proposed guidelines on the catfish processing segment utilizing additional financial data and information indicates possible severe economic dislocations within the catfish processing industry. Therefore, the two proposed subcategories for large and small catfish processors have been combined into one subcategory which bases the 1977 effluent limitations guidelines on screening, simple grease traps, and "good housekeeping" practices which are considered normal practice within the seafood processing industry such as turning off faucets and hoses when not in use or using spring-loaded hose nozzles. The 1983 effluent limitations guidelines and the new source performance standards are based on aerated lagoon systems.

(2) The effluent limitations guidelines for the Conventional and Mechanized Blue Crab Processing Subcategories have been revised to reflect the present general shortage of suitable land for aerated lagoon systems at existing processing facilities. For these subcategories, the best practicable control technology currently available consists of solids or by-products recovery through the use of screening systems. The best available technology economically achievable and the best available demonstrated control technology, processes, operating methods or other alternatives for new sources include treatment by aerated lagoon systems in addition to screening. Existing point sources can meet the July 1, 1983 effluent limitations by using non-land requiring alternatives such as extended aeration or through water conservation modifications coupled with aerated lagoon systems.

(3) The following subcategories have been added to account for the comparative economic disadvantages of remote as opposed to non-remote Alaskan processors in attempting to meet the proposed effluent limitations guidelines: Subpart E—Remote Alaskan Crab Meat Subcategory, Subpart G—Remote Alaskan Whole Crab and Crab Section Processing Subcategory, and Subpart J—Remote Alaskan Shrimp Processing Subcategory. The best practicable control technology currently available for these subcategories consists of physical treatment of the pollutants to reduce particle sizes through the use of comminutors or grinders. The best available technology economically achievable and the best available demonstrated control technology, processes, operating methods or other alternatives for new sources consists of efficient in-plant water and waste water management, by-product recovery or disposal of solids and screening of the waste water effluent.

(4) A reassessment of the economic impact of the proposed effluent limitations guidelines for the Dungeness and Tanner Crab Processing in the Contiguous States Subcategory indicates that, in addition to an unequal economic impact due to economies of scale, the larger plants may not be able to secure financing for the equipment necessary to meet the proposed guidelines. The promulgated effluent limitations guidelines have been revised to alleviate the economic impact. The best practicable control technology currently available consists of solids or by-product recovery through the use of screening systems, simple grease traps, and "good housekeeping" practices which are considered normal practice within the seafood processing industry such as turning off faucets and hoses when not in use or using spring-loaded hose nozzles. The best available technology economically achievable includes treatment by dissolved air flotation systems in addition to screening. The best available demonstrated control technology, processes, operating methods or other alternatives for new sources are based on dissolved air flotation systems in addition to screening and appropriate process design to provide more efficient water and waste water management.

(5) The proposed subcategories for shrimp processing in the contiguous States have been revised by eliminating the subcategory size cut-offs based on a higher level of technology for larger plants.

For Subpart K—Northern Shrimp Processing in the Contiguous States Subcategory, Subpart L—Southern Non-Breaded Shrimp Processing in the Contiguous States Subcategory and Subpart M—Breaded Shrimp Processing in the Contiguous States Subcategory, the best practicable control technology currently available consists of solids or by-product recovery through the use of screening systems and "good housekeeping" practices which are considered normal practice within the seafood processing industry such as turning off faucets and hoses when not in use or using spring-loaded hose nozzles. The best available technology economically achievable includes treatment by dissolved air flotation systems in addition to screening. The best available demonstrated control technology, processes, operating methods or other alternatives for new sources are based on dissolved air flotation systems in addition to screening and appropriate process design to provide more efficient water and waste water management.

(6) Because the estimated monitoring costs for total suspended solids and oil and grease alone severely impacts the very small processors, the guidelines are intended to apply to facilities processing more than 1362 kg (3000 lbs) of raw material per day for catfish (Subpart A); more than 1362 kg (3000 lbs) of raw material per day for conventional blue crab (Subpart B); and more than 908 kg (2000 lbs) of raw material per day for Northern shrimp (Subpart K), Southern non-breaded shrimp (Subpart L) and breaded shrimp (Subpart M) in the contiguous States.

(7) For those subcategories which base the effluent limitations guidelines on screening systems, the BOD5 parameter has been eliminated from the guidelines. The economic impact analysis indicates that for the smaller processors the cost of monitoring alone significantly affects the profitability of the company. Even though BOD5 is an important pollutant parameter for evaluating the effect of waste water effluents on receiving waters, the operating efficiency of screening systems is not dependent on monitoring of the BOD5 parameter.

(8) The proposed grease and oil effluent limitations guidelines based on screening and simple grease traps for the Alaskan, northern, southern non-breaded, and breaded shrimp processing subcategories have been revised. A twenty-five percent (25%) reduction of the grease and oil parameter was assumed for the proposed effluent limitations within the catfish, crab and shrimp categories. This assumption is valid for the catfish and crab processing effluents because greases and oils are generally in a flotable or coagulated form, readily removed by simple grease traps. However for shrimp processing effluents, the greases and oils are usually in a highly emulsified form which passes through simple grease traps or gravity separators.

(9) Section 304(b)(1)(B) of the Act provides for "guidelines" to implement the uniform national standards of section 301(b)(1)(A). Thus Congress recognized that some flexibility was necessary in order to take into account the complexity of the industrial world with respect to the practicability of pollution control technology. In conformity with the Congressional intent and in recognition of the possible failure of these regulations to account for all factors bearing on the practicability of control technology, it was concluded that some provision was needed to authorize flexibility in the strict application of the limitations contained in the regulation where required by special circumstances applicable to individual dischargers. Accordingly, a provision allowing flexibility in the application of the limitations representing best practicable control technology currently available has been added to each subpart, to account for special circumstances that may not have been adequately accounted for when these regulations were developed.

(c) *Economic impact.* The aforementioned changes will significantly reduce the projected economic impact of the proposed regulations.

The economic impact of the proposed effluent limitations guidelines based on best practicable control technology currently available has been virtually eliminated. Expected price increases are generally less than one percent (1%) with essentially no price increase for catfish and tuna. The Agency believes that the effluent limitations guidelines are achievable by almost all of the seafood processors covered.

The economic impact of the proposed effluent limitations guidelines based on best available technology economically achievable has been reduced significantly by the revisions. These guidelines provide a goal for processors to improve waste water effluent quality beyond the effluent limitations guidelines based on best practicable control technology currently available. However, section 301(c) of the Act provides for modification of the effluent limitations guidelines with respect to any point source which is based on the best available technology economically achievable, upon a showing by the owner or operator of such point source satisfactory to the Administrator that such modified requirements (1)

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will represent the maximum use of technology within the economic capability of the owner or operator; and (2) will result in reasonable further progress toward the elimination of the discharge of pollutants. Furthermore, section 301(d) of the Act states that the effluent limitations guidelines based on the best available technology economically achievable shall be reviewed at least every five years and, if appropriate, revised pursuant to the procedure established under section 301(b)(2).

(d) *Cost-benefit analysis.* The detrimental effects of the constituents of waste waters now discharged by point sources within the catfish, crab, shrimp and tuna segment of the canned and preserved seafood processing point source category are discussed in section VI of the report entitled "Development Document for Effluent Limitations Guidelines for the Catfish, Crab, Shrimp, and Tuna Processing Segment of the Canned and Preserved Seafood Point Source Category" (June 1974). It is not feasible to quantify in economic terms, particularly on a national basis, the costs resulting from the discharge of these pollutants to our Nation's waterways. Nevertheless, as indicated in section VI, the pollutants discharged have substantial and damaging impacts on the quality of water and therefore on its capacity to support healthy populations of wildlife, fish and other aquatic wildlife and on its suitability for industrial, recreational and drinking water supply uses.

The total cost of implementing the effluent limitations guidelines includes the direct capital and operating costs of the pollution control technology employed to achieve compliance and the indirect economic and environmental costs identified in section VIII and in the supplementary report entitled "Economic Analysis of Effluent Guidelines Seafood Processing Industry" (June 1974). Implementing the effluent limitations guidelines will substantially reduce the environmental harm which would otherwise be attributable to the continued discharge of polluted waste waters from existing and newly constructed plants in the canned and preserved seafood processing industry. The Agency believes that the benefits of thus reducing the pollutants discharged justify the associated costs.

(e) *Publication of information on processes, procedures, or operating methods which result in the elimination or reduction of the discharge of pollutants.* In conformance with the requirements of section 304(c) of the Act, a manual entitled, "Development Document for Effluent Limitations Guidelines and New Source Performance Standards for the Catfish, Crab, Shrimp and Tuna Processing Segment of the Canned and Preserved Seafood Point Source Category," has been published and is available for purchase from the Government Printing Office, Washington, D.C. 20402 for a nominal fee.

(f) *Final rulemaking.* In consideration of the foregoing, 40 CFR Chapter I, Subchapter N is hereby amended by adding a new Part 408, Canned or Preserved Seafood Processing Point Source Category, to read as set forth below. This final regulation is promulgated as set forth below and shall be effective June 26, 1974.

Dated: June 13, 1974.

JOHN QUARLES,
Acting Administrator.

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408.20 Applicability; description of the conventional blue crab processing subcategory.
408.21 Specialized definitions.
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408.23 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
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408.25 Standards of performance for new sources.
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408.30 Applicability; description of the mechanized blue crab processing subcategory.
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408.32 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
408.33 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
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408.63 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
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408.65 Standards of performance for new sources.
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408.70 Applicability; description of the remote Alaskan whole crab and crab section processing subcategory.
408.71 Specialized definitions.
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408.75 Standards of performance for new sources.
408.76 Pretreatment standards for new sources.

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408.81 Specialized definitions.
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408.91 Specialized definitions.
408.92 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
408.93 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
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408.95 Standards of performance for new sources.
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408.100 Applicability; description of the remote Alaskan shrimp processing subcategory.
408.101 Specialized definitions.
408.102 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
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408.130 Applicability; description of the breaded shrimp processing in the contiguous States subcategory.
408.131 Specialized definitions.
408.132 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
408.133 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
408.134 [Reserved]
408.135 Standards of performance for new sources.
408.136 Pretreatment standards for new sources.

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408.140 Applicability; description of the tuna processing subcategory.
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408.142 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
408.143 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
408.144 [Reserved]
408.145 Standards of performance for new sources.
408.146 Pretreatment standards for new sources.

AUTHORITY: Secs. 301, 304 (b) and (c), 306 (b) and (c) and 307(c) of the Federal Water Pollution Control Act, as amended; 33 U.S. 1251, 1311, 1314 (b) and (c), 1316 (b) and (c) and 1317(c); 86 Stat. 816 et seq.; Pub. L. 92-500.

Subpart A—Farm Raised Catfish Processing Subcategory

§ 408.10 Applicability; description of the farm raised catfish processing subcategory.

The provisions of this subpart are applicable to discharges resulting from the processing of farm-raised catfish by facilities which process more than 1362 kg (3000 lbs) of raw material per day on any day during a calendar year. The guidelines contained herein apply to those plants processing any combination of catfish, crab, shrimp or tuna providing that the total throughput of these commodities amounts to eighty percent (80 percent) or more of the plant's seasonal or yearly production.

§ 408.11 Specalized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

(b) The term "oil and grease" shall mean those components of a waste water amenable to measurement by the method described in Methods for Chemical Analysis of Water and Wastes, 1971, Environmental Protection Agency, Analytical Quality Control Laboratory, page 217.

(c) The term "seafood" shall mean the raw material, including freshwater and saltwater fish and shellfish, to be processed, in the form in which it is received at the processing plant.

§ 408.12 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The

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Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of seafood		
TSS	28	9.2
Oil and Grease	10	3.4
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
TSS	28	9.2
Oil and Grease	10	3.4
pH	Within the range 6.0 to 9.0.	

§ 408.13 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of seafood		
BOD5	4.6	2.3
TSS	11	5.7
Oil and Grease	0.90	0.45
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
BOD5	4.6	2.3
TSS	11	5.7
Oil and Grease	0.90	0.45
pH	Within the range 6.0 to 9.0.	

§ 408.14 [Reserved]

§ 408.15 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of seafood		
BOD5	4.6	2.3
TSS	11	5.7
Oil and Grease	0.90	0.45
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
BOD5	4.6	2.3
TSS	11	5.7
Oil and Grease	0.90	0.45
pH	Within the range 6.0 to 9.0.	

§ 408.16 Pretreatment standards for new sources.

The pretreatment standards for incompatible pollutants under section 307 (c) of the Act for a source within the farm-raised catfish processing subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except for § 128.133. Subject to the provisions of 40 CFR Part 128, process waste waters from a new source subject to the provisions of this subpart may be introduced into a publicly owned treatment works.

Subpart B—Conventional Blue Crab Processing Subcategory

§ 408.20 Applicability; description of the conventional blue crab processing subcategory.

The provisions of this subpart are applicable to discharges resulting from the processing of blue crab in which manual picking or separation of crab meat from the shell is utilized. The effluent limitations contained in Subpart B area applicable to facilities processing more than 1362 kg (3000 lbs) of raw material per day on any day during a calendar year.

The guidelines contained herein apply to those plants processing any combination of catfish, crab, shrimp or tuna providing that the total throughput of these commodities amounts to eighty percent (80%) or more of the plant's seasonal or yearly production.

§ 408.21 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

(b) The term "oil and grease" shall mean those components of a waste water amenable to measurement by the method described in Methods for Chemical Analysis of Water and Wastes, 1971, Environmental Protection Agency, Analytical Quality Control Laboratory, page 217.

(c) The term "seafood" shall mean the raw material, including freshwater and saltwater fish and shellfish, to be processed, in the form in which it is received at the processing plant.

§ 408.22 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of seafood		
TSS	2.2	0.74
Oil and Grease	0.60	0.20
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
TSS	2.2	0.74
Oil and Grease	0.60	0.20
pH	Within the range 6.0 to 9.0.	

§ 408.23 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of seafood		
BOD5	0.30	0.15
TSS	0.90	0.45
Oil and Grease	0.13	0.065
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
BOD5	0.30	0.15
TSS	0.90	0.45
Oil and Grease	0.13	0.065
pH	Within the range 6.0 to 9.0.	

§ 408.24 [Reserved]

§ 408.25 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of seafood		
BOD5	0.30	0.15
TSS	0.90	0.45
Oil and Grease	0.13	0.065
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
BOD5	0.30	0.15
TSS	0.90	0.45
Oil and Grease	0.13	0.065
pH	Within the range 6.0 to 9.0.	

§ 408.26 Pretreatment standards for new sources.

The pretreatment standards for incompatible pollutants under section 307 (c) of the Act for a source within the conventional blue crab processing subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except for § 128.133. Subject to the provisions of 40 CFR Part 128, process waste waters from a new source subject to the provisions of this subpart may be introduced into a publicly owned treatment works.

Subpart C—Mechanized Blue Crab Processing Subcategory

§ 408.30 Applicability; description of the mechanized blue crab processing subcategory.

The provisions of this subpart are applicable to discharges resulting from the processing of blue crab in which mechanical picking or separation of crab meat from the shell is utilized.

The guidelines contained herein apply to those plants processing any combination of catfish, crab, shrimp or tuna providing that the total throughout of these commodities amounts to eighty percent (80 percent) or more of the plant's seasonal or yearly production.

§ 408.31 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

(b) The term "oil and grease" shall mean those components of a waste water amenable to measurement by the method described in Methods for Chemical Analysis of Water and Wastes, 1971, Environmental Protection Agency, Analytical Quality Control Laboratory, page 217.

(c) The term "seafood" shall mean the raw material, including freshwater and saltwater fish and shellfish, to be processed, in the form in which it is received at the processing plant.

§ 408.32 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of seafood		
TSS	36	12.0
Oil and Grease	13	4.2
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
TSS	36	12.0
Oil and Grease	13	4.2
pH	Within the range 6.0 to 9.0.	

§ 408.33 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of seafood		
BOD5	5.0	2.5
TSS	13	6.3
Oil and Grease	2.6	1.3
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
BOD5	5.0	2.5
TSS	13	6.3
Oil and Grease	2.6	1.3
pH	Within the range 6.0 to 9.0.	

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§ 408.34 [Reserved]

§ 408.35 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of seafood		
BOD5	5.0	2.5
TSS	13	6.3
Oil and Grease	2.6	1.3
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
BOD5	5.0	2.5
TSS	13	6.3
Oil and Grease	2.6	1.3
pH	Within the range 6.0 to 9.0.	

§ 408.36 Pretreatment standards for new sources.

The pretreatment standards for incompatible pollutants under section 307 (c) of the Act for a source within the mechanized blue crab processing subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act of it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except for § 128.133. Subject to the provisions of 40 CFR Part 128, process waste waters from a new source subject to the provisions of this subpart may be introduced into a publicly owned treatment works.

Subpart D—Non-Remote Alaskan Crab Meat Processing Subcategory

§ 408.40 Applicability; description of the non-remote Alaskan crab meat processing subcategory.

The provisions of this subpart are applicable to discharges resulting from the processing, in non-remote Alaska, of dungeness, tanner, and king crab meat. The effluent limitations contained in Subpart D are applicable to facilities located in population or processing centers including but not limited to Anchorage, Cordova, Juneau, Ketchikan, Kodiak, and Petersburg.

The guidelines contained herein apply to those plants processing any combination of catfish, crab, shrimp or tuna providing that the total throughput of these commodities amounts to eighty percent (80 percent) or more of the plant's seasonal or yearly production.

§ 408.41 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

(b) The term "oil and grease" shall mean those components of a waste water amenable to measurement by the method described in Methods for Chemical Analysis of Water and Wastes, 1971, Environmental Protection Agency, Analytical Quality Control Laboratory, page 217.

(c) The term "seafood" shall mean the raw material, including freshwater and saltwater fish and shellfish, to be processed, in the form in which it is received at the processing plant.

§ 408.42 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of seafood		
TSS	19	6.2
Oil and Grease	1.8	0.61
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
TSS	19	6.2
Oil and Grease	1.8	0.61
pH	Within the range 6.0 to 9.0.	

§ 408.43 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of seafood		
BOD5	5.0	2.0
TSS	1.3	0.66
Oil and Grease	0.21	0.082
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
BOD5	5.0	2.0
TSS	1.3	0.53
Oil and Grease	0.26	0.066
pH	Within the range 6.0 to 9.0.	

§ 408.44 [Reserved]

§ 408.45 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of seafood		
TSS	16	5.3
Oil and Grease	1.6	0.52
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
TSS	16	5.3
Oil and Grease	1.6	0.52
pH	Within the range 6.0 to 9.0.	

§ 408.46 Pretreatment standards for new sources.

The pretreatment standards for incompatible pollutants under section 307 (c) of the Act for a source within the non-remote Alaskan crab meat processing subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except for § 128.133. Subject to the provisions of 40 CFR Part 128, process waste waters from a new source subject to the provisions of this subpart may be introduced into a publicly owned treatment works.

Subpart E—Remote Alaskan Crab Meat Processing Subcategory

§ 408.50 Applicability; description of the remote Alaskan crab meat processing subcategory.

The provisions of this subpart are applicable to discharges resulting from the processing, in remote Alaska, of dungeness, tanner, and king crab meat. The effluent limitations contained in Subpart E are applicable to facilities not covered under Subpart D.

The guidelines contained herein apply to those plants processing any combination of catfish, crab, shrimp or tuna providing that the total throughput of these commodities amounts to eighty percent (80 percent) or more of the plant's seasonal or yearly production.

§ 408.51 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

(b) The term "oil and grease" shall mean those components of a waste water amenable to measurement by the method described in Methods for Chemical Analysis of Water and Wastes, 1971, Environmental Protection Agency, Analytical Quality Control Laboratory, page 217.

(c) The term "seafood" shall mean the raw material, including freshwater and saltwater fish and shellfish, to be processed, in the form in which it is received at the processing plant.

§ 408.52 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of seafood		
TSS	16	5.3
Oil and Grease	1.6	0.52
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
TSS	16	5.3
Oil and Grease	1.6	0.52
pH	Within the range 6.0 to 9.0.	

§ 408.53 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of seafood		
TSS	16	5.3
Oil and grease	1.6	0.52
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
TSS	16	5.3
Oil and grease	1.6	0.52
pH	Within the range 6.0 to 9.0.	

§ 408.54 [Reserved]

§ 408.55 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of seafood		
TSS	16	5.3
Oil and grease	1.6	0.52
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
TSS	16	5.3
Oil and grease	1.6	0.52
pH	Within the range 6.0 to 9.0.	

§ 408.56 Pretreatment standards for new sources.

The pretreatment standards for incompatible pollutants under section 307 (c) of the Act for a source within the remote Alaskan crab meat processing subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except for § 128.133. Subject to the provisions of 40 CFR Part 128, process waste waters from a new source subject to the provisions of this subpart may be introduced into a publicly owned treatment works.

Subpart F—Non-Remote Alaskan Whole Crab and Crab Section Processing Subcategory

§ 408.60 Applicability; description of the non-remote Alaskan whole crab and crab section processing subcategory.

The provisions of this subpart are applicable to discharges resulting from the

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processing, in non-remote Alaska, of dungeness, tanner and king whole crab and crab sections. The effluent limitations contained in Subpart F are applicable to facilities located in population or processing centers including but not limited to Anchorage, Cordova, Juneau, Ketchikan, Kodiak, and Peterburg.

The guidelines contained herein apply to those plants processing any combination of catfish, crab, shrimp or tuna providing that the total throughput of these commodities amounts to eighty percent (80 percent) or more of the plant's seasonal or yearly production.

§ 408.61 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

(b) The term "oil and grease" shall mean those components of a waste water amenable to measurement by the method described in Methods for Chemical Analysis of Water and Wastes, 1971, Environmental Protection Agency, Analytical Quality Control Laboratory, page 217.

(c) The term "seafood" shall mean the raw material, including freshwater and saltwater fish and shellfish, to be processed, in the form in which it is received at the processing plant.

§ 408.62 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of seafood		
TSS	12	3.9
Oil and Grease	1.3	0.42
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
TSS	12	3.9
Oil and Grease	1.3	0.42
pH	Within the range 6.0 to 9.0.	

§ 408.63 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of seafood		
BOD5	3.3	1.3
TSS	0.83	0.33
Oil and Grease	0.12	0.048
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
BOD5	3.3	1.3
TSS	0.83	0.33
Oil and Grease	0.12	0.048
pH	Within the range 6.0 to 9.0.	

§ 408.64 [Reserved]

§ 408.65 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of seafood		
TSS	9.9	3.3
Oil and Grease	1.1	0.36
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
TSS	9.9	3.3
Oil and Grease	1.1	0.36
pH	Within the range 6.0 to 9.0.	

§ 408.66 Pretreatment standards for new sources.

The pretreatment standards for incompatible pollutants under section 307 (c) of the Act for a source within the non-remote Alaskan whole crab and crab section processing subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except for § 128.133. Subject to the provisions of 40 CFR Part 128, process waste waters from a new source subject to the provisions of this subpart may be introduced into a publicly owned treatment works.

Subpart G—Remote Alaskan Whole Crab and Crab Section Processing Subcategory

§ 408.70 Applicability; description of the remote Alaskan whole crab and crab section processing subcategory.

The provisions of this subpart are applicable to discharges resulting from the processing, in remote Alaska, of dungeness, tanner, and king whole crab and crab sections. The effluent limitations contained in Subpart G are applicable to facilities not covered under Subpart F.

The guidelines contained herein apply to those plants processing any combination of catfish, crab, shrimp or tuna providing that the total throughput of these commodities amounts to eighty percent (80%) or more of the plant's seasonal or yearly production.

§ 408.71 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

(b) The term "oil and grease" shall mean those components of a waste water amenable to measurement by the method described in Methods for Chemical Analysis of Water and Wastes, 1971, Environmental Protection Agency, Analytical Quality Control Laboratory, page 217.

(c) The term "seafood" shall mean the raw material, including freshwater and saltwater fish and shellfish, to be processed, in the form in which it is received at the processing plant.

§ 408.72 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

No pollutants may be discharged which exceed 1.27 cm (0.5 inch) in any dimension.

§ 408.73 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of seafood		
TSS	9.9	3.3
Oil and Grease	1.1	0.36
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
TSS	9.9	3.3
Oil and Grease	1.1	0.36
pH	Within the range 6.0 to 9.0.	

§ 408.74 [Reserved]

§ 408.75 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of seafood		
TSS	9.9	3.3
Oil and Grease	1.1	0.36
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
TSS	9.9	3.3
Oil and Grease	1.1	0.36
pH	Within the range 6.0 to 9.0.	

§ 408.76 Pretreatment standards for new sources.

The pretreatment standards for incompatible pollutants under section 307 (c) of the Act for a source within the remote Alaskan whole crab and crab section processing subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except for § 128.133. Subject to the provisions of 40 CFR Part 128, process waste waters from a new source subject to the provisions of this subpart may be introduced into a publicly owned treatment works.

Subpart H—Dungeness and Tanner Crab Processing in the Contiguous States Subcategory

§ 408.80 Applicability; description of the dungeness and tanner crab processing in the contiguous States subcategory.

The provisions of this subpart are applicable to discharges resulting from the processing of dungeness and tanner crab in the contiguous States.

The guidelines contained herein apply to those plants processing any combination of catfish, crab, shrimp or tuna providing that the total throughput of these commodities amounts to eighty percent (80 percent) or more of the plant's seasonal or yearly production.

§ 408.81 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

(b) The term "oil and grease" shall mean those components of a waste water amenable to measurement by the method described in Methods for Chemical Analysis of Water and Wastes, 1971, Environmental Protection Agency, Analytical Quality Control Laboratory, page 217.

(c) The term "seafood" shall mean the raw material, including freshwater and saltwater fish and shellfish, to be processed, in the form in which it is received at the processing plant.

§ 408.82 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are

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found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of seafood		
TSS	8.1	2.7
Oil and Grease	1.8	0.61
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
TSS	8.1	2.7
Oil and Grease	1.8	0.61
pH	Within the range 6.0 to 9.0.	

§ 408.83 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of seafood		
BOD5	4.3	1.7
TSS	0.58	0.23
Oil and Grease	0.18	0.07
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
BOD5	4.3	1.7
TSS	0.58	0.23
Oil and Grease	0.18	0.07
pH	Within the range 6.0 to 9.0.	

§ 408.84 [Reserved]

§ 408.85 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of seafood		
BOD5	10	4.1
TSS	1.7	0.69
Oil and Grease	0.25	0.10
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
BOD5	10	4.1
TSS	1.7	0.69
Oil and Grease	0.25	0.10
pH	Within the range 6.0 to 9.0.	

§ 408.86 Pretreatment standards for new sources.

The pretreatment standards for incompatible pollutants under section 307 (c) of the Act for a source within the dungeness and tanner crab processing in the contiguous States subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except for § 128.133. Subject to the provisions of 40 CFR Part 128, process waste waters from a new source subject to the provisions of this subpart may be introduced into a publicly owned treatment works.

Subpart I—Non-Remote Alaskan Shrimp Processing Subcategory

§ 408.90 Applicability; description of the non-remote Alaskan shrimp processing subcategory.

The provisions of this subpart are applicable to discharges resulting from the processing of shrimp in non-remote Alaska. The effluent limitations contained in Subpart I are applicable to facilities located in population or processing centers including but not limited to Anchorage, Cordova, Juneau, Ketchikan, Kodiak, and Petersburg.

The guidelines contained herein apply to those plants processing any combination of catfish, crab, shrimp or tuna providing that the total throughput of these commodities amounts to eighty percent (80 percent) or more of the plant's seasonal or yearly production.

§ 408.91 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

(b) The term "oil and grease" shall mean those components of a waste water amenable to measurement by the method described in Methods for Chemical Analysis of Water and Wastes, 1971, Environmental Protection Agency, Analytical Quality Control Laboratory, page 217.

(c) The term "seafood" shall mean the raw material, including freshwater and saltwater fish and shellfish, to be processed, in the form in which it is received at the processing plant.

§ 408.92 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control techuology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best

practicable control technology currently available:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of seafood		
TSS	320	210
Oil and Grease	51	17
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
TSS	320	210
Oil and Grease	51	17
pH	Within the range 6.0 to 9.0.	

§ 408.93 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of seafood		
BOD5	70	28
TSS	45	18
Oil and Grease	3.8	1.5
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
BOD5	70	28
TSS	45	18
Oil and Grease	3.8	1.5
pH	Within the range 6.0 to 9.0.	

§ 408.94 [Reserved]

§ 408.95 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of seafood		
TSS	270	180
Oil and Grease	45	15
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
TSS	270	180
Oil and Grease	45	15
pH	Within the range 6.0 to 9.0.	

§ 408.96 Pretreatment standards for new sources.

The pretreatment standards for incompatible pollutants under section 307 (c) of the Act for a source within the non-remote Alaskan shrimp processing subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except for § 128.133. Subject to the provisions of 40 CFR Part 128, process waste waters from a new source subject to the provisions of this subpart may be introduced into a publicly owned treatment works.

Subpart J—Remote Alaskan Shrimp Processing Subcategory

§ 408.100 Applicability; description of the remote Alaskan shrimp processing subcategory.

The provisions of this subpart are applicable to discharges resulting from the processing of shrimp in remote Alaska. The effluent limitations contained in Subpart J are applicable to facilities not covered under Subpart I.

The guidelines contained herein apply to those plants processing any combination of catfish, crab, shrimp or tuna providing that the total throughput of these commodities amounts to eighty percent (80 percent) or more of the plant's seasonal or yearly production.

§ 408.101 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

(b) The term "oil and grease" shall mean those components of a waste water amenable to measurement by the method described in Methods for Chemical Analysis of Water and Wastes, 1971, Environmental Protection Agency, Analytical Quality Control Laboratory, page 217.

(c) The term "seafood" shall mean the raw material, including freshwater and saltwater fish and shellfish, to be processed, in the form in which it is received at the processing plant.

§ 408.102 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NDPES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best

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practicable control technology currently available:

No pollutants may be discharged which exceed 1.27 cm (0.5 inch) in any dimension.

§ 408.103 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of seafood		
TSS	270	180
Oil and Grease	45	15
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
TSS	270	180
Oil and Grease	45	15
pH	Within the range 6.0 to 9.0.	

§ 408.104 [Reserved]

§ 408.105 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kg of seafood		
TSS	270	180
Oil and Grease	45	15
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
TSS	270	180
Oil and Grease	45	15
pH	Within the range 6.0 to 9.0.	

§ 408.106 Pretreatment standards for new sources.

The pretreatment standards for incompatible pollutants under section 307 (c) of the Act for a source within the remote Alaskan shrimp processing subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except for § 128.133. Subject to the provisions of 40 CFR Part 128, process waste waters from a new source subject to the provisions of this subpart may be introduced into a publicly owned treatment works.

Subpart K—Northern Shrimp Processing in the Contiguous States Subcategory

§ 408.110 Applicability; description of the Northern shrimp processing in the contiguous States subcategory.

The provisions of this subpart are applicable to discharges resulting from the processing of shrimp in the Northern contiguous States, including Washington, Oregon, California, Maine, New Hampshire, and Massachusetts. The effluent limitations contained in Subpart K are applicable to facilities processing more than 908 kg (2000 lbs.) of raw material per day on any day during a calendar year.

The guidelines contained herein apply to those plants processing any combination of catfish, crab, shrimp or tuna providing that the total throughput of these commodities amounts to eighty percent (80 percent) or more of the plant's seasonal or yearly production.

§ 408.111 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

(b) The term "oil and grease" shall mean those components of a waste water amenable to measurement by the method described in Methods for Chemical Analysis of Water and Wastes, 1971, Environmental Protection Agency, Analytical Quality Control Laboratory, page 217.

(c) The term "seafood" shall mean the raw material, including freshwater and saltwater fish and shellfish, to be processed, in the form in which it is received at the processing plant.

§ 408.112 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of seafood		
TSS	160	54
Oil and Grease	126	42
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
TSS	160	54
Oil and Grease	126	42
pH	Within the range 6.0 to 9.0.	

§ 408.113 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of seafood		
BOD5	68	27.0
TSS	12	4.9
Oil and Grease	9.5	3.8
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
BOD5	68	27.0
TSS	12	4.9
Oil and Grease	9.5	3.8
pH	Within the range 6.0 to 9.0.	

§ 408.114 [Reserved]

§ 408.115 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of seafood		
BOD5	155	62
TSS	38	15
Oil and Grease	14	5.7
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
BOD5	155	62
TSS	38	15
Oil and Grease	14	5.7
pH	Within the range 6.0 to 9.0.	

§ 408.116 Pretreatment standards for new sources.

The pretreatment standards for incompatible pollutants under section 307 (c) of the Act for a source within the Northern shrimp processing in the contiguous States subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except for § 128.133. Subject to the provisions of 40 CFR Part 128, process waste waters from a new source subject to the provisions of this subpart may be introduced into a publicly owned treatment works.

Subpart L—Southern Non-Breaded Shrimp Processing in the Contiguous States Subcategory

§ 408.120 Applicability; description of the Southern non-breaded shrimp processing in the Contiguous States Subcategory.

The provisions of this subpart are applicable to discharges resulting from the processing of non-breaded shrimp in the Southern contiguous States, including North and South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, and Texas. The effluent limitations contained in Subpart L are applicable to facilities processing more than 908 kg (2000 lbs.) of raw material per day on any day during a calendar year.

The guidelines contained herein apply to those plants processing any combination of catfish, crab, shrimp or tuna providing that the total throughput of these commodities amounts to eighty percent (80%) or more of the plant's seasonal or yearly production.

§ 408.121 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

(b) The term "oil and grease" shall mean those components of a waste water amenable to measurement by the method described in Methods for Chemical Analysis of Water and Wastes, 1971, Environmental Protection Agency, Analytical Quality Control Laboratory, page 217.

(c) The term "seafood" shall mean the raw material, including freshwater and saltwater fish and shellfish, to be processed, in the form in which it is received at the processing plant.

§ 408.122 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of seafood		
TSS	110	38
Oil and Grease	36	12
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
TSS	110	38
Oil and Grease	36	12
pH	Within the range 6.0 to 9.0.	

§ 408.123 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of seafood		
BOD5	25	10
TSS	8.5	3.4
Oil and Grease	2.8	1.1
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
BOD5	25	10
TSS	8.5	3.4
Oil and Grease	2.8	1.1
pH	Within the range 6.0 to 9.0.	

§ 408.124 [Reserved]

§ 408.125 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be

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discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of seafood		
BOD5	63	25
TSS	25	10
Oil and Grease	4.0	1.6
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
BOD5	63	25
TSS	25	10
Oil and Grease	4.0	1.6
pH	Within the range 6.0 to 9.0.	

§ 408.126 Pretreatment standards for new sources.

The pretreatment standards for incompatible pollutants under section 307 (c) of the Act for a source within the Southern non-breaded shrimp processing in the contiguous States subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except for § 128.133. Subject to the provisions of 40 CFR Part 128, process waste waters from a new source subject to the provisions of this subpart may be introduced into a publicly owned treatment works.

Subpart M—Breaded Shrimp Processing in the Contiguous States Subcategory

§ 408.130 Applicability; description of the breaded shrimp processing in the contiguous States subcategory.

The provisions of this subpart are applicable to discharges resulting from the processing of breaded shrimp in the contiguous States by facilities processing more than 908 kg (2000 lbs) of raw material per day on any day during a calendar year.

The guidelines contained herein apply to those plants processing any combination of catfish, crab, shrimp or tuna providing that the total throughput of these commodities amounts to eighty percent (80 percent) or more of the plant's seasonal or yearly production.

§ 408.131 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

(b) The term "oil and grease" shall mean those components of a waste water amenable to measurement by the method described in Methods for Chemical Analysis of Water and Wastes, 1971, Environmental Protection Agency, Analytical Quality Control Laboratory, page 217.

(c) The term "seafood" shall mean the raw material, including freshwater and saltwater fish and shellfish, to be processed, in the form in which it is received at the processing plant.

§ 408.132 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of seafood		
TSS	280	93
Oil and Grease	36	12
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
TSS	280	93
Oil and Grease	36	12
pH	Within the range 6.0 to 9.0.	

§ 408.133 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of seafood		
BOD5	43	17.0
TSS	19	7.4
Oil and Grease	2.5	1.0
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
BOD5	43	17.0
TSS	19	7.4
Oil and Grease	2.5	1.0
pH	Within the range 6.0 to 9.0.	

§ 408.134 [Reserved]

§ 408.135 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of seafood		
BOD5	100	40
TSS	55	22
Oil and Grease	3.8	1.5
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
BOD5	100	40
TSS	55	22
Oil and Grease	3.8	1.5
pH	Within the range 6.0 to 9.0.	

§ 408.136 Pretreatment standards for new sources.

The pretreatment standards for incompatible pollutants under section 307 (c) of the Act for a source within the breaded shrimp processing in the contiguous States subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except for § 128.133. Subject to the provisions of 40 CFR Part 128, process waste waters from a new source subject to the provisions of this subpart may be introduced into a publicly owned treatment works.

Subpart N—Tuna Processing Subcategory

§ 408.140 Applicability; description of the tuna processing subcategory.

The provisions of this subpart are applicable to discharges resulting from the processing of tuna.

The guidelines contained herein apply to those plants processing any combination of catfish, crab, shrimp or tuna providing that the total throughput of these commodities amounts to eighty percent (80 percent) or more of the plant's seasonal or yearly production.

§ 408.141 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

(b) The term "oil and grease" shall mean those components of a waste water amenable to measurement by the method described in Methods for Chemical Analysis of Water and Wastes, 1971, Environmental Protection Agency, Analytical Quality Control Laboratory, page 217.

(c) The term "seafood" shall mean the raw material, including freshwater and saltwater fish and shellfish, to be processed, in the form in which it is received at the processing plant.

§ 408.142 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of seafood		
BOD5	23	9.0
TSS	8.3	3.3
Oil and Grease	2.1	0.84
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
BOD5	23	9.0
TSS	8.3	3.3
Oil and Grease	2.1	0.84
pH	Within the range 6.0 to 9.0.	

§ 408.143 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of seafood		
BOD5	2.2	0.62
TSS	2.2	0.62
Oil and Grease	0.27	0.077
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
BOD5	2.2	0.62
TSS	2.2	0.62
Oil and Grease	0.27	0.077
pH	Within the range 6.0 to 9.0.	

§ 408.144 [Reserved]

§ 408.145 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of seafood		
BOD5	20	8.1
TSS	7.5	3.0
Oil and Grease	1.9	0.76
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
BOD5	20	8.1
TSS	7.5	3.0
Oil and Grease	1.9	0.76
pH	Within the range 6.0 to 9.0.	

§ 408.146 Pretreatment standards for new sources.

The pretreatment standards for incompatible pollutants under section 307(c) of the Act for a source within the tuna processing subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except for § 128.133. Subject to the provisions of 40 CFR Part 128, process waste waters from a new source subject to the provisions of this subpart may be introduced into a publicly owned treatment works.

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ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 408]

CANNED AND PRESERVED SEAFOOD PROCESSING POINT SOURCE CATEGORY

Application of Effluent Limitations Guidelines for Existing Sources to Pretreatment Standards for Incompatible Pollutants

Notice is hereby given pursuant to sections 301, 304 and 307(b) of the Federal Water Pollution Control Act, as amended (the Act); 33 U.S.C. 1251, 1311, 1314 and 1317(b); 86 Stat. 816 et seq.; Pub. L. 92–500, that the proposed regulation set forth below concerns the application of effluent limitations guidelines for existing sources to pretreatment standards for incompatible pollutants. The proposal will amend 40 CFR Part 408—Canned and Preserved Seafood Processing Point Source Category, establishing for each subcategory therein the extent of application of effluent limitations guidelines to existing sources which discharge to publicly owned treatment works. The regulation is intended to be complementary to the general regulation for pretreatment standards set forth at 40 CFR 128. The general regulation was proposed July 19, 1973 (38 FR 19236), and published in final form on November 8, 1973 (38 FR 30982).

The proposed regulation is also intended to supplement a final regulation being simultaneously promulgated by the Environmental Protection Agency (EPA or Agency) which provides effluent limitations guidelines for existing sources and standards of performance and pretreatment standards for new sources within the farm-raised catfish processing subcategory, conventional blue crab processing subcategory, mechanized blue crab processing subcategory, non-remote Alaskan crab meat processing subcategory, remote Alaskan crab meat processing subcategory, non-remote Alaskan whole crab and crab section processing subcategory, remote Alaskan whole crab and crab section processing subcategory, dungeness and tanner crab processing in the contiguous states subcategory, non-remote Alaskan shrimp processing subcategory, remote Alaskan shrimp processing subcategory, northern shrimp processing in the contiguous states subcategory, southern non-breaded shrimp processing in the contiguous states subcategory, breaded shrimp processing in the contiguous states subcategory and the tuna processing subcategory of the canned and preserved seafood processing point source category. The latter regulation applies to the portion of a discharge which is directed to the navigable waters. The regulation proposed below applies to users of publicly owned treatment works which fall within the description of the point source category to which the guidelines and standards (40 CFR 408) promulgated simultaneously apply. However, the proposed regulation applies to the introduction of incompatible pollutants which are directed into a publicly owned treatment works, rather than to discharges of pollutants to navigable waters.

The general pretreatment standard divides pollutants discharged by users of publicly owned treatment works into two broad categories: "compatible" and "incompatible." Compatible pollutants are generally not subject to pretreatment standards. (See 40 CFR 128.110 (State or local law) and 40 CFR 128.131 (Prohibited wastes) for requirements which may be applicable to compatible pollutants). Incompatible pollutants are subject to pretreatment standards as provided in 40 CFR 128.133, which provides as follows:

"In addition to the prohibitions set forth in Section 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works by a major contributing industry not subject to section 307(c) of the Act shall be, for sources within the corresponding industrial or commercial category, that established by a promulgated effluent limitations guidelines defining best practicable control technology currently available pursuant to sections 301(b) and 304(b) of the Act; provided that, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall be correspondingly reduced for that pollutant; and provided further that *when the effluent limitations guidelines for each industry is promulgated, a separate provision will be proposed concerning the application of such guidelines to pretreatment.*" (Emphasis added).

The regulation proposed below is intended to implement that portion of § 128.133, above, requiring that a separate provision be made stating the application to pretreatment standards of effluent limitations guidelines based upon best practicable control technology currently available.

Questions were raised during the public comment period on the proposed general pretreatment standard (40 CFR 128) about the propriety of applying a standard based upon best practicable control technology currently available to all plants subject to pretreatment standards. In general, EPA believes the analysis supporting the effluent limitations guidelines is adequate to make a determination regarding the application of those standards to users of publicly owned treatment works. However, to ensure that those standards are appropriate in all cases, EPA now seeks additional comments focusing upon the application of effluent limitations guidelines to users of publicly owned treatment works.

Sections 408.15, 408.25, 408.35, 408.45, 408.55, 408.65, 408.75, 408.85, 408.95, 408.105, 408.115, 408.125, 408.135 408.145, and 408.155 of the proposed regulation for point sources within the farm-raised catfish processing of more than 908 kg (2000 lbs) of raw material per day subcategory, farm-raised catfish processing of 908 kg (2000 lbs) or less of raw material per day subcategory, conventional blue crab processing subcategory, mechanized blue crab processing subcategory, Alaskan crab meat processing subcategory, Alaskan whole crab and crab section processing subcategory, dungeness and tanner crab processing in the contiguous states subcategory, Alaska shrimp processing subcategory, Northern shrimp processing of more than 1816 kg (4000 lbs) of raw material per day in the contiguous states subcategory, Northern shrimp processing of 1816 kg (4000 lbs) or less of raw material per day in the contiguous states subcategory, Southern non-breaded shrimp processing of more than 1816 kg (4000 lbs) of raw material per day in the contiguous states subcategory, Southern non-breaded shrimp processing of 1816 kg (4000 lbs) or less of raw material per day in the contiguous states subcategory, breaded shrimp processing of more than 1816 kg (4000 lbs) of raw material per day in the contiguous states subcategory, breaded shrimp processing of 1816 kg (4000 lbs) or less of raw material per day in the contiguous states subcategory, and the tuna processing subcategory (February 6, 1974; 38 FR 1624), contained the proposed pretreatment standards for new sources. The regulation promulgated simultaneously herewith contains §§ 408.16, 408.26, 408.36, 408.46, 408.56, 408.66, 408.76, 408.86, 408.96, 408.106, 408.116, 408.126, 408.136 and 408.146, which state the applicability of standards of performance for purposes of pretreatment standards for new sources.

A preliminary Development Document was made available to the public at approximately the time of publication of the notice of proposed rulemaking and the final Development Document entitled "Development Document for Effluent Limitations Guidelines and New Source Performance Standards for the Catfish, Crab, Shrimp and Tuna Processing Segment of the Canned and Preserved Seafood Point Source Category" is now being published. The economic analysis report entitled "Economic Analysis of Proposed Effluent Guidelines, Seafood Processing Industry", (October 1973) was made available at the time of proposal. Copies of the Development Document and economic analysis report will continue to be maintained for inspection and copying during the comment period at the EPA Information Center, Room 227, West Tower, Waterside Mall, 401 M Street, SW, Washington, D.C. Copies will also be available for inspection at EPA regional offices and at State water pollution control agency offices. Copies of the Development Document may be purchased from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Copies of the economic analysis report will be available for purchase through the National Technical Information Service, Springfield, Virginia 22151.

On June 14, 1973, the Agency published procedures designed to insure that,

when certain major standards, regulations, and guidelines are proposed, an explanation of their basis, purpose and environmental effects is made available to the public (38 FR 15653). The procedures are applicable to major standards, regulations and guidelines which are proposed on or after December 31, 1973, and which either prescribe national standards of environmental quality or require national emission, effluent or performance standards or limitations.

The Agency determined to implement these procedures in order to insure that the public was provided with background information to assist it in commenting on the merits of a proposed action. In brief, the procedures call for the Agency to make public the information available to it delineating the major environmental effects of a proposed action, to discuss the pertinent nonenvironmental factors affecting the decision, and to explain the viable options available to it and the reasons for the option selected.

The procedures contemplate publication of this information in the FEDERAL REGISTER, where this is practicable. They provide, however, that where such publication is impracticable because of the length of this material, the material may be made available in an alternate format.

The Development Document referred to above contains information available to the Agency concerning the major environmental effects of the regulation proposed below. The information includes: (1) the identification of pollutants present in waste waters resulting from the processing of catfish, crab, shrimp and tuna, the characteristics of these pollutants, and the degree of pollutant reduction obtainable through implementation of the proposed standard; and (2) the anticipated effects on other aspects of the environment (including air, solid waste disposal and land use, and noise) of the treatment technologies available to meet the standard proposed.

The Development Document and the economic analysis report referred to above also contain information available to the Agency regarding the estimated cost and energy consumption implications of those treatment technologies and the potential effects of those costs on the price and production of catfish, crab, shrimp and tuna products. The two reports exceed, in the aggregate, 100 pages in length and contain a substantial number of charts, diagrams and tables. It is clearly impracticable to publish the material contained in these documents in the FEDERAL REGISTER. To the extent possible, significant aspects of the material have been presented in summary form in the preamble to the proposed regulation containing effluent limitations guidelines, new source performance standards and pretreatment standards for new sources within the canned and preserved seafood processing category (38 FR 1624, February 6, 1974). Additional discussion is contained in the analysis of public comments on the proposed regulation and the Agency's response to those comments. This discussion appears in the preamble to the promulgated regulation (40 CFR Part 408) which currently is being published in the Part II section of this FEDERAL REGISTER, at 39 FR 23134.

The options available to the Agency in establishing the level of pollutant reduction obtainable through the best practicable control technology currently available, and the reasons for the particular level of reduction selected are discussed in the documents described above. In applying the effluent limitations guidelines to pretreatment standards for the introduction of incompatible pollutants into municipal systems by existing sources in the farm-raised catfish processing subcategory, conventional blue crab processing subcategory, mechanized blue crab processing subcategory, non-remote Alaskan crab meat processing subcategory, remote Alaskan crab meat processing subcategory, non-remote Alaskan whole crab and crab section processing subcategory, remote Alaskan whole crab and crab section processing subcategory, dungeness and tanner crab processing in the contiguous states subcategory, non-remote Alaskan shrimp processing subcategory, remote Alaskan shrimp processing subcategory, northern shrimp processing in the contiguous states subcategory, southern non-breaded shrimp processing in the contiguous states subcategory, breaded shrimp processing in the contiguous states subcategory and the tuna processing subcategory, the Agency has essentially three options. The first is to declare that the guidelines do not apply. The second is to apply the guidelines unchanged. The third is to modify the guidelines to reflect: (1) differences between direct dischargers and plants utilizing municipal systems which affect the practicability of the latter employing the technology available to achieve the effluent limitations guidelines; or (2) characteristics of the relevant pollutants which require higher levels of reduction (or permit less stringent levels) in order to insure that the pollutants do not interfere with the treatment works or pass through them untreated. For the farm-raised catfish processing subcategory, conventional blue crab processing subcategory, mechanized blue crab processing subcategory, non-remote Alaskan crab meat processing subcategory, remote Alaskan crab meat processing subcategory, non-remote Alaskan whole crab and crab section processing subcategory, remote Alaskan whole crab and crab section processing subcategory, dungeness and tanner crab processing in the contiguous states subcategory, non-remote Alaskan shrimp processing subcategory, remote Alaskan shrimp processing subcategory, northern shrimp processing in the contiguous states subcategory, southern non-breaded shrimp processing in the contiguous states subcategory, breaded shrimp processing in the contiguous states subcategory and the tuna processing subcategory, the first option is appropriate and the guidelines should not apply.

Interested persons may participate in this rulemaking by submitting written comments in triplicate to the EPA Information Center, Environmental Protection Agency, Washington, D.C. 20460, Attention: Mr. Philip B. Wisman. Comments on all aspects of the proposed regulations are solicited. In the event comments are in the nature of criticisms as to the adequacy of data which are available, or which may be relied upon by the Agency, comments should identify and, if possible, provide any additional data which may be available and should indicate why such data are essential to the development of the regulations. In the event comments address the approach taken by the Agency in establishing pretreatment standards for existing sources, EPA solicits suggestions as to what alternative approach should be taken and why and how this alternative better satisfies the detailed requirements of sections 301, 304 and 307(b) of the Act.

A copy of all public comments will be available for inspection and copying at the EPA Information Center, Room 227, West Tower, Waterside Mall, 401 M Street, SW, Washington, D.C. 20460. The EPA information regulation, 40 CFR 2, provides that a reasonable fee may be changed for copying.

In consideration of the foregoing, it is hereby proposed that 40 CFR 408 be amended to add §§ 408.14, 408.24, 408.34, 408.44, 408.54, 408.64, 408.74, 408.84, 408.94, 408.104, 408.114, 408.124, 408.134 and 408.144 as set forth below. All comments received on or before July 26, 1974, will be considered.

Dated: June 13, 1974.

JOHN QUARLES,
Acting Administrator.

Part 408 is proposed to be amended as follows:

1. Subpart A is amended by adding § 408.14 as follows:

§ 408.14 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under 40 CFR 128.133, the effluent limitations guidelines set forth in 40 CFR 408.12 above shall not apply and, subject to the provisions of 40 CFR 128 concerning pretreatment, process waste water from this subcategory may be introduced into a publicly owned treatment works.

2. Subpart B is amended by adding § 408.24 as follows:

§ 408.24 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under 40 CFR 128.133, the effluent limitations guidelines set forth in 40 CFR 408.22 above shall not apply and, subject to the provisions of 40 CFR 128 concerning pretreatment, process waste water from this subcategory may be introduced into a publicly owned treatment works.

3. Subpart C is amended by adding § 408.34 as follows:

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§ 408.34 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under 40 CFR 128.133, the effluent limitations guidelines set forth in 40 CFR 408.32 above shall not apply and, subject to the provisions of 40 CFR 128 concerning pretreatment, process waste water from this subcategory may be introduced into a publicly owned treatment works.

4. Subpart D is amended by adding § 408.44 as follows:

§ 408.44 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under 40 CFR 128.133, the effluent limitations guidelines set forth in 40 CFR 408.42 above shall not apply and, subject to the provisions of 40 CFR 128 concerning pretreatment, process waste water from this subcategory may be introduced into a publicly owned treatment works.

5. Subpart E is amended by adding § 408.54 as follows:

§ 408.54 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under 40 CFR 128.133, the effluent limitations guidelines set forth in 40 CFR 408.52 above shall not apply and, subject to the provisions of 40 CFR 128 concerning pretreatment, process waste water from this subcategory may be introduced into a publicly owned treatment works.

6. Subpart F is amended by adding § 408.64 as follows:

§ 408.64 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under 40 CFR 128.133, the effluent limitations guidelines set forth in 40 CFR 408.62 above shall not apply and, subject to the provisions of 40 CFR 128 concerning pretreatment, process waste water from this subcategory may be introduced into a publicly owned treatment works.

7. Subpart G is amended by adding § 408.74 as follows:

§ 408.74 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under 40 CFR 128.133, the effluent limitations guidelines set forth in 40 CFR 408.72 above shall not apply and, subject to the provisions of 40 CFR 128 concerning pretreatment, process waste water from this subcategory may be introduced into a publicly owned treatment works.

8. Subpart H is amended by adding § 408.84 as follows:

§ 408.84 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under 40 CFR 128.133, the effluent limitations guidelines set forth in 40 CFR 408.82 above shall not apply and, subject to the provisions of 40 CFR 128 concerning pretreatment, process waste water from this subcategory may be introduced into a publicly owned treatment works.

9. Subpart I is amended by adding § 408.94 as follows:

§ 408.94 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under 40 CFR 128.133, the effluent limitations guidelines set forth in 40 CFR 408.92 above shall not apply and, subject to the provisions of 40 CFR 128 concerning pretreatment, process waste water from this subcategory may be introduced into a publicly owned treatment works.

10. Subpart J is amended by adding § 408.104 as follows:

§ 408.104 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under 40 CFR 128.133, the effluent limitations guidelines set forth in 40 CFR 408.102 above shall not apply and, subject to the provisions of 40 CFR 128 concerning pretreatment, process waste water from this subcategory may be introduced into a publicly owned treatment works.

11. Subpart K is amended by adding § 408.114 as follows:

§ 408.114 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under 40 CFR 128.133, the effluent limitations guidelines set forth in 40 CFR 408.112 above shall not apply and, subject to the provisions of 40 CFR 128 concerning pretreatment, process waste water from this subcategory may be introduced into a publicly owned treatment works.

12. Subpart L is amended by adding § 408.124 as follows:

§ 408.124 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under 40 CFR 128.133, the effluent limitations guidelines set forth in 40 CFR 408.122 above shall not apply and, subject to the provisions of 40 CFR 128 concerning pretreatment, process waste water from this subcategory may be introduced into a publicly owned treatment works.

13. Subpart M is amended by adding § 408.134 as follows:

§ 408.134 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under 40 CFR 128.133, the effluent limitations guidelines set forth in 40 CFR 408.132 above shall not apply and, subject to the provisions of 40 CFR 128 concerning pretreatment, process waste water from this subcategory may be introduced into a publicly owned treatment works.

14. Subpart N is amended by adding § 408.144 as follows:

§ 408.144 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under 40 CFR 128.133, the effluent limitations guidelines set forth in 40 CFR 408.142 above shall not apply and, subject to the provisions of 40 CFR 128 concerning pretreatment, process waste water from this subcategory may be introduced into a publicly owned treatment works.

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PART III

DEPARTMENT OF LABOR

Office of the Secretary

■

SPECIAL FEDERAL PROGRAMS AND RESPONSIBILITIES UNDER THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

Indian Manpower Programs

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Title 29—Labor

SUBTITLE A—OFFICE OF THE SECRETARY OF LABOR

PART 97—SPECIAL FEDERAL PROGRAMS AND RESPONSIBILITIES UNDER THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

Subpart B—Indian Manpower Programs

Pursuant to sections 602(a) and 302(e) of the Comprehensive Employment and Training Act of 1974 (Pub. L. 92-203, 87 Stat. 839), which authorizes the Secretary of Labor to prescribe such rules, regulations and guidelines, as he deems necessary to carry out the provisions of this Act, the following regulations are promulgated to facilitate the implementation at the earliest possible date of Title III, section 302, of the Act, Indian Manpower Programs.

As these regulations relate to public property, loans, benefits or contracts, they have been excepted from the application of the notice and comments provisions of the Administrative Procedure Act, 5 U.S.C. 553(a)(2). The policy of the Department of Labor as stated in 29 CFR 2.7 is not to use this exception as a basis for not giving opportunity for notice and comment. In this case, in order to effect promptly the purposes of the Comprehensive Employment and Training Act, it is contrary to the public interest to delay the issuance of these regulations to the extent necessary for the preparation, receipt and evaluation of the comments. Accordingly they are not issued for comments prior to publication in their final form.

Nevertheless, although these regulations are being published in final form and are made effective July 26, 1974, it is the policy of the Department of Labor to solicit and consider comments on its regulations. Accordingly, comments will be received, just as though this document were a proposal, until August 12, 1974, after which the comments received will be evaluated and, if warranted, the regulations will be appropriately amended. Meanwhile, however, in the interest of expediting the program, these regulations shall remain in force until amended.

Interested persons are invited to submit comments, data or arguments to: Assistant Secretary for Manpower, United States Department of Labor, 6th and D Streets, NW., Washington, D.C. 20213. Attention: Pierce A. Quinlan, Acting Associate Manpower Administrator for Manpower Development Programs.

The new Part 97, Subpart B, which shall be effective July 26, 1974, reads as follows:

Subpart B—Indian Manpower Programs

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AUTHORITY: Pub. L. 93-203, Secs. 602(a) and 302(e), 87 Stat. 839, unless otherwise noted.

Subpart B—Indian Manpower Programs

GENERAL

§ 97.101 Scope and purpose of Title III, section 302, programs.

It is the purpose of Title III, section 302, of the Act to provide job training and employment opportunities for economically disadvantaged, unemployed and underemployed Indians and others of native American descent and to assure that training and other services lead to maximum employment opportunities and enhance self-sufficiency. The purposes of this section of the Act are to be accomplished by the establishment of a flexible system of programs. No provisions of this part shall abrogate in any way the trust responsibilities of the Federal government to Indian bands or tribes.

§ 97.102 Scope and purpose of this subpart.

(a) The regulations promulgated to carry out the Act are set forth in 29 CFR Parts 94-98. As each substantive title of the Act provides for the establishment of a specific type of program, the regulations promulgated in Parts 94 through 98 provide a separate part for each basic type of activity and two parts deal with general matters relating to the Act. This subpart deals with all matters pertaining to the implementation and operation of Indian Manpower Programs pursuant to section 302 of Title III of the Act. It is designed to contain in itself all the regulatory material under the Act necessary for the operation of section 302 programs except where specific reference is made to other parts of this title. Except as noted in this subpart, when the provisions of this subpart conflict with the provisions of other regulations under the Act, the provisions of this subpart shall prevail.

(b) Statutory authority for the regulations contained in this Subpart B may be found in sections 602(a) and 302(e) of the Act, as well as other substantive provisions of the Act. Applicable statutory

provisions other than section 602(a) and 302(e) are noted generally in these regulations.

§ 97.103 Definitions.

"Act" shall mean the Comprehensive Employment and Training Act of 1973 (Pub. L. 93-203, 87 Stat. 839).

"Allocation" shall mean the distribution of funds among prime sponsors according to the formula contained in this Subpart B.

"Area of substantial unemployment" shall mean, in relation to an Indian tribe, an Indian reservation as a whole, with a rate of unemployment of at least 6.5 percent for a period of 3 consecutive months, as determined by the Secretary at least once each fiscal year.

"Capital improvement" shall mean any modification, addition, or restoration which increases the usefulness, productivity, or serviceable life of an existing building, structure, or major item of equipment which is classified for accounting purposes as "fixed asset" and the recorded value is increased by the cost of the improvement and subject to depreciation.

"Certification" shall mean a legally binding statement that certain requirements have been fulfilled.

"Client community" shall mean the group or groups of people to be served by a program or program activity; for example, the unemployed and economically disadvantaged.

"Consortium," for Indian manpower programs, means an agreement, consistent with the requirements of § 97.111, among Indian tribes, bands, groups, Alaskan native villages and, in some cases, public and private nonprofit agencies.

"Contractor" shall mean any person, corporation, partnership, or similar entity or a public agency which enters into a contract with a grantee, or with a subgrantee under the Act.

"Construction" shall mean the erection, installation, or assembly of a new facility or a major addition, expansion, or extension of an existing facility, and the related site preparation, excavation, filling and landscaping or other land improvements.

"Department" shall mean the United States Department of Labor and includes each of its operating agencies and other organizational units.

"Dependent" shall mean:

(a) Any relative who is a member of the immediate household of, and for whom the participant has or has assumed, a responsibility for support: *Provided*, That, the following relatives need not be members of the participant's household, if the participant is the head of family:

(1) Parents of the participant head of family;

(2) Children of the participant head of family;

(3) Relatives of the participant head of family who are unemployable because of physical or mental disability; or

(b) Any individual who:

(1) Is currently being supported by the participant head of family and is a member of the participant's immediate household; and

(2) During the preceding twelve months, earned less than $750.00.

"Economically disadvantaged" shall mean a person who is a member of a family:

(a) Which receives cash welfare payments, or

(b) Whose annual income in relation to family size does not exceed the poverty level determined in accordance with criteria established by the Office of Management and Budget (OMB).

"Employing agency" for purposes of public service employment programs shall mean any employer designated by a prime sponsor subgrantee, or by the Secretary of Labor to employ participants pursuant to public service employment programs under the Act. The term shall include an eligible applicant, program agent or other subgrantee when acting as an employer.

"Federal reservation" shall mean lands which have been set aside for Indian tribes and for which the United States is trustee, as identified by the Bureau of Indian Affairs, including non-trust land under the tribal jurisdiction.

"Governor" shall mean the chief executive officer of a State, or his designee.

"Grantee" shall mean any individual or organization, including a prime sponsor under Title I or Title III of the Act, or an eligible applicant under Title II of the Act which receives a grant from the Department to establish or operate any program or activity under the Act.

"Governing body" for purposes of Indian manpower programs under both Title II and section 302 shall mean a body consisting of duly elected representatives or a body appointed by a duly elected official who have the authority to provide services to, and to enter into contracts, agreements and grants on behalf of the individuals who elected them or elected the appointing officials, and who are recognized as having such authority by the appropriate Federal or State agencies.

"Health care" includes but is not limited to preventive and clinical medical treatment, voluntary family planning services, nutritional services, and appropriate psychiatric, psychological and prosthetic services, to the extent any such treatment or services are necessary to enable a participant to obtain or retain employment under the Act.

"Indian band" shall mean a community of Indians which is recognized as an Indian entity, and who identify themselves in relationship to a historically recognized tribe, live in a contiguous geographic area, have been historically recognized as such a community by other communities located in geographic proximity to the subject community, and who have an existing recognized system of selecting representatives who have authority to speak for and on behalf of the band.

"Indian or Alaskan entity" shall mean an Indian tribe, band, or group, or an Alaskan native village as defined in this section.

"Indian group" shall mean, except in the case of Alaskan native groups, a community of Indians, other than a band, which is recognized as an Indian entity, and which identifies itself in relationship to a historically recognized tribe, lives in a contiguous geographic area, has been historically recognized as such a community by other communities located in geographic proximity to the subject community, and which has an existing recognized system of selecting representatives who may speak for and on behalf of the group.

"Indian tribe" shall mean a distinct political community, which who exercises powers of self-government and which has historically exercised such powers on behalf of individuals who identify themselves as Indians who as a community, have been historically recognized as an Indian tribe. Such tribe must have an existing recognized system for selecting representatives to speak for and on behalf of the tribe.

"Low-income level" shall mean an annual income of $7,000 for a family of four with respect to income in 1969; for any later year it shall mean that amount which bears the same relationship to $7,000 as the Consumer Price Index for that year bears to the Consumer Price Index for 1969, rounded to the nearest $1,000.

"Native village" shall mean any tribe, band, clan, group, village, community or association in Alaska, listed in sections 11 and 16 of the Alaskan Native Claim Settlement Act (Pub. L. 92-203) which has been determined by the Secretary of the Interior to be composed of 25 or more natives.

"Obligation" shall mean the amount of Federal funds which the Department has legally committed and authorized a prime sponsor to expend.

"Offender" shall mean any person who is confined in any type of correctional institution, including a community-based facility, or who is subject to any stage of the judicial, correctional or probationary process where manpower training and services may be beneficial, as determined by the Secretary of Labor, after consultation with judicial, correctional, probationary, or other appropriate authorities.

"OMB" shall mean the Office of Management and Budget.

"Participant" shall mean an individual who qualifies and receives or takes part in activities or services under provisions of the Act.

"Placement" shall mean the hiring into unsubsidized employment by an employer of an individual referred by the prime sponsor or its subgrantee or contractor for a job or an interview, providing that the prime sponsor subgrantee or contractor completed all of the following steps: (a) made prior arrangements with the employer for referral of an individual or individuals; (b) referred an individual who had not been specifically designated by the employer; (c) verified from a reliable source, preferably the employer,

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that the individual had entered on a job; and (d) recorded the transaction on an employer form or other appropriate form.

(1) Short-term placements are in jobs which are expected to have a duration of 3 days or less;

(2) Mid-term placements are in jobs which are expected to have a duration from 4 days to 150 days; and

(3) Long-term placements are in jobs which are expected to have a duration of more than 150 days.

Placement does not include referral to another program activity, enrollment in education or training courses not supported under the Act, or entrance into the Armed Forces. The transitioning of a participant into unsubsidized employment which does not meet the definition of "placement" above, shall be classified as "self-placement." Self placement shall mean the hiring of an individual in un-Placement does not include referral to subsidized employment, which is a result of his own effort. This can occur after intake service or a referral by the prime sponsor or any of its contractors or subgrantees, or at the outset of program participation as a result of intake and assessment or after receiving program services.

"Poverty level" shall mean the annual income threshold below which families are considered to live in poverty, as determined in accordance with criteria established by the Director of the Office of Management and Budget.

"Prime sponsor" for Indian manpower programs, shall mean an Indian tribe, band or group or Alaskan native village, a combination of such entities, or a public or private for profit or nonprofit agency selected by the Secretary, meeting the requirements of § 97.111, which has entered into a grant with the Department to provide comprehensive manpower services under Title III, section 302, of the Act.

"Professional work" shall mean work performed by an individual acting in a bona fide professional capacity as such term is used in section 13(a)(1) of the Fair Labor Standards Act.

"Public service" shall mean service normally provided by government and includes, but is not limited to, work in such fields as beautification, conservation, crime prevention and control, education, environmental quality, fire protection, health care, housing and neighborhood improvements, manpower services, park, street and other public facility maintenance, pollution control, prison rehabilitation, public safety, recreation, rural development, solid waste removal, transportation, veteran outreach and other fields of human betterment and community improvement. It excludes building and highway construction work (except that which is normally performed by the prime sponsor or eligible applicant) and other work which inures primarily to the benefit of a private profit making organization.

"Rate of unemployment" shall mean the number of unemployed persons, as a percentage of the total number of persons in the civilian labor force, as determined by the Secretary.

"Secretary" shall mean the Secretary of the United States Department of Labor or his designee.

"SESA" shall mean State employment security agencies affiliated with the United States Employment Service, established by the Wagner-Peyser Act of 1933, as amended. The term shall include the system of public employment service offices and Unemployment Insurance offices.

"State reservation" shall mean an Indian reservation recognized by the State in which it is located.

"Subgrantee" shall mean any governmental unit or private nonprofit agency which receives a grant from a prime sponsor under the Act.

"Sufficient size and scope" for Indian manpower programs under section 302 of the Act shall mean a tribe, band, group, or Alaskan native village, or a combination of tribes, bands, groups, or Alaskan native villages composed of at least 1,000 individuals who have a governing body, or, in the case of consortia, are capable of performing both the functions required of a governing body and those necessary to administer a comprehensive manpower program.

"Supportive or manpower services" shall mean services which are designed to contribute to the employability of participants, enhance their employment opportunities, assist them to retain employment, and facilitate their movement into permanent employment not subsidized under the Act.

"Underemployed person" shall mean a person who is working part-time but seeking full-time work or persons who are working full-time but receiving wages below the poverty level. For purposes of Title II and public service employment, persons who are working part-time for the employing agency may be considered underemployed and, as such, be hired only if their selection does not violate the maintenance of effort requirements of the Act.

"Unemployed person" shall mean for Title III, section 302, activities, except in the case of welfare recipients:

(a) A person who is without a job and who wants and is available for work, defined as follows:

(1) A person who is without a job is a person who did not work during the calendar week preceding the week in which the determination of his eligibility for participation is made. Except in the case of persons described in paragraph (a)(2) of this section, the determination of who wants and is available for work will be made by the prime sponsor of his designee and persons who have been discouraged from seeking work but are currently available for work, shall not be excluded from eligibility.

(2) If a person is confined in a jail, penitentiary or other correctional institution, and there is a reasonable expectation that release will follow the completion of training within a reasonable time, he shall be considered unemployed.

(3) A person is not to be considered to be available for work if he is without a job because of participation in an ongoing strike or lock-out at his usual place of employment.

(b) In the case of welfare recipients, and except for purposes of section 103 and 202 of the Act, the term "unemployed person" shall mean an adult who, or whose family, receives supplemental security income or money payments pursuant to a State plan approved under the Social Security Act, Title IV, (Aid to Families with Dependent Children), or under the Social Security Act, Title XVI (Supplemental Security Income for the Aged, Blind and Disabled), or would be eligible for such payments according to the standards set forth at 45 CFR Part 233 and 20 CFR Part 416 if both parents were not present in the home, and

(1) Who is available for work, and

(2) Who is either without a job or working in a job providing insufficient income to enable such a person and his family to be self-supporting without welfare assistance.

"Unemployment compensation" shall mean compensation payable in accordance with the provisions of a State or Federal unemployment compensation law, and payments of unemployment assistance in accordance with the provisions of the Disaster Relief Act, trade readjustment allowances in accordance with the provisions of the Trade Expansion Act, and payments or similar assistance or allowances in accordance with the provisions of any other Federal law.

§ 97.104 Eligibility for funds; allocation of funds.

(a) *Eligibility for funds.* Funds shall be allocated by the Secretary only to prime sponsors. The Secretary, before entering into a grant with a prime sponsor applicant, shall be satisfied that such applicant currently has or is able to develop the capability necessary to effectively administer and operate a comprehensive manpower program. This shall include, but not be limited to, the capability to maintain the necessary records and accounting system, properly administer government funds, develop employment and training positions, negotiate and administer subgrants, evaluate program performance and maintain any required personnel merit program. Previous experience in operating an effective multicomponent manpower program is one indication of capability to administer a comprehensive manpower program. In addition, before entering into grants with prime sponsors which are consortia, public or private nonprofit agencies, or private for profit organizations, the Secretary must be satisfied that the plans submitted by such prime sponsor applicants shall adequately and equitably serve all members who will be served by the prime sponsor applicant. A prime sponsor shall be one of the following:

(1) *Independently eligible prime sponsor.* An independently eligible prime sponsor shall be an Indian or Alaskan entity which has:

(i) A governing body;

(ii) An identifiable resident population of at least 1,000 individuals or which is entitled to an allocation of at least $50,000; and

(iii) The capability of administering a comprehensive manpower program.

In the case of a reservation with more than one tribe, each tribe which is independently eligible in accordance with the criteria of this paragraph shall be entitled to a separate grant. Such tribes, however, shall be encouraged to form a consortium for the administration and operation of a comprehensive manpower program.

(2) *Consortium prime sponsor.* Indian or Alaskan entities which do not meet the criteria for independent prime sponsorship outlined in paragraph (a)(1) of this section may participate in a consortium as set forth below:

(i) *Consortium including an independently eligible prime sponsor.* An Indian or Alaskan entity may enter into a consortium with a prime sponsor eligible under paragraph (a)(1) of this section. The consortium thus formed shall be the prime sponsor, and a member of an entity formed by the members must be designated as the administrative arm and be delegated the responsibility for operating the program. Such a consortium may operate in more than one state. The administrative unit must be capable of performing both the functions required of a governing body and those necessary to carry out a comprehensive manpower program as prescribed by this subpart.

(ii) *Consortium where no member meets the criteria for independent prime sponsorship.* A consortium may be formed by Indian or Alaskan entities none of which are eligible for independent prime sponsorship under paragraph (a)(1) of this section, provided that:

(A) All of the members are in geographic proximity to one another; and

(B) The combination of entities has a resident population of at least 1,000 persons; or

(C) The combination of entities is entitled to an allocation of at least $50,000.

The consortium thus formed shall be the prime sponsor, and a member or an entity formed by the members must be designated as the administrative arm and be delegated the responsibility for operating the program. The administrative unit must be capable of performing both the functions of a governing body and those necessary to carry out a comprehensive manpower program as prescribed by this subpart.

(iii) *Consortia involving public or private nonprofit agencies.* An Indian or Alaskan entity may enter into a consortium with a public or private nonprofit agency. The consortium thus formed shall be the prime sponsor and the public or private nonprofit agency shall be the administrative arm. This type of consortium may be formed where such entity is not independently eligible for prime sponsorship, chooses not to be a sponsor, or determines that such a consortium will provide for a more effective and efficient program. Whenever an Indian or Alaskan entity joins with a public or private nonprofit agency to form a consortium, such agency must be capable of performing both the functions required of a governing body and those necessary to administer a comprehensive manpower program. The minimum combined population requirement of 1,000 persons shall not be applicable to this type of consortium. However, the combined allocations for the members must be of such an amount that, in the opinion of the Secretary, it will be possible and feasible to provide comprehensive manpower services to those members of the consortium who are in need of such services. Examples of eligible agencies are Intertribal Councils, Title I prime sponsors and Tribal Chairmen's Associations.

(3) *Public or private nonprofit agencies as prime sponsors.* (i) In areas where there are significant numbers of eligible participants but there are no Indian or Alaskan entities, or such entities do not meet the criteria for independent prime sponsorship or consortia as described in paragraphs (a)(1) and (2) of this section, or meet the criteria but wish to defer sponsorship, the Secretary shall enter into agreements with public or private nonprofit agencies capable of effectively administering comprehensive manpower programs. Such agencies include recognized prime sponsors under Title I.

(ii) If there are no Indian or Alaskan entities in an area, the Secretary may designate any prime sponsor he deems appropriate and capable of providing the services needed by eligible participants in the area. Such prime sponsors must agree to utilize funds provided to serve only persons designated as eligible participants in § 97.132 and to serve them on as equitable a basis as possible.

(iii) Where there are Indian or Alaskan entities which do not meet the eligibility criteria for independent prime sponsorship, or who decline to operate a program, the Secretary shall designate a prime sponsor he deems appropriate and capable of providing the required services, except that the Indian or Alaskan entities shall have the right of approval of such prime sponsor, provided:

(A) The Indian or Alaskan entity meets the definition for Indian tribe, band, group, or Alaskan native village and can prove by providing the Secretary with a list of its members residing within the designated area, that it represents at least 1,000 individuals. In addition, the Indian or Alaskan entity must provide a written explanation of the official procedures utilized to select its spokesman. Such Indian or Alaskan entity shall either have determined it does not wish to sponsor a comprehensive manpower program, or have been declared ineligible for independent prime sponsorship because of the lack of a governing body or because of its inability to perform the functions necessary to carry out a comprehensive manpower program, or;

(B) A combination of tribes, bands, groups, or Alaskan native villages, as defined in this subpart, can prove, by providing the Secretary with a list of its members living within the designated areas, that when combined, such combination represents at least 1,000 individuals. Such combination shall not be an independent prime sponsor either because it chooses not to become a prime sponsor, or lacks the ability to perform the functions required of a governing body, or lacks the ability to perform the functions necessary to administer a comprehensive manpower program, as defined by these regulations, or both.

(4) *Private for profit prime sponsors.* The Act provides that, whenever the Secretary determines not to utilize Indian tribes, bands, groups, or Alaskan native villages, he shall, to the maximum extent possible, use public or private nonprofit agencies. Where it is not possible to use such agencies, private for profit agencies may be utilized. In such cases, the Secretary shall determine that there are no public or private nonprofit agencies capable or willing to provide the services, and the Indian or Alaskan entities to be served must agree to such sponsorship.

(b) *Allocation of funds.* (1) In order to insure all Indians and others of native American descent equal accessibility to funds made available by this title, funds will be allocated using a formula for distribution after making any necessary adjustments based on the appropriation level. The following factors shall be utilized for allocation purposes subject to the availability of data:

(i) The relative number of Indians and others of native American descent living in such area as compared to the total number of Indians and others of native American descent living in all States;

(ii) The relative number of unemployed Indians and others of native American descent living in such area as compared to such numbers in all States, and

(iii) The relative number of adults in families with an average income below the low income level within the area compared to such numbers in all States.

(iv) The Secretary shall provide each prime sponsor with an amount for any fiscal year equal to 90 percent of such prime sponsor's or area's manpower allotment for the preceding fiscal year, assuming sufficient funds are appropriated.

(2) For the purposes of the Fiscal Year 1975 allocations and any future years, if the Secretary determines that the data available are inadequate, funds available for section 302 programs shall be allocated in accordance with the best data available, as determined by the Secretary.

(3) *Unobligated funds.* If by the end of 9 months of the fiscal year no eligible and willing prime sponsor has been identified by the Secretary to provide services to Indian tribes, bands, groups or others of native American descent requiring such services in any area, the Secretary shall, at his discretion, make

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such funds available to prime sponsors serving Indians or others of native American descent outside of the area to which such funds were originally allocated but, if possible, such prime sponsor shall be located within the same State.

(4) *Publication of allocations.* The allocations made to prime sponsors will be published in the FEDERAL REGISTER as soon as possible after the appropriation for any fiscal year is enacted.

GRANT PLANNING, APPLICATION AND MODIFICATION PROCEDURES

§ 97.110 Grant planning, application and modification procedures in general.

Sections 97.110–97.122 provide the procedures for obtaining and modifying a grant to operate programs under section 302 of the Act. Specifically, these sections describe the procedures in the grant award process—from a prime sponsor's initial intent to apply, through the grant application process, to review by the Department, approval or disapproval of the grant, and modification. These sections also describe the functions of prime sponsor Manpower Planning Councils.

§ 97.111 Notification of intent to apply for prime sponsorship; consortium agreements.

(a) For fiscal year 1975, an applicant interested in receiving financial assistance shall submit to the Secretary, with a copy to the Governor, a notification of intent to apply for prime sponsorship using the format described in this subpart. In subsequent fiscal years, the preapplication for Federal Assistance, Part I, prescribed by OMB Circular A–102, shall be used. Notices of intent for fiscal year 1975 prime sponsorship are due by July 31, 1974 and by March 1 for all subsequent years. However, for purposes of fiscal year 1975 prime sponsorship, the Secretary may designate an applicant as a prime sponsor without waiting for July 31, 1974, when, in his opinion, such applicant is the legal or obvious choice to act as prime sponsor for any particular area. Applicants are invited to submit such notifications immediately. Such notifications should be forwarded to the National Office of Indian Manpower Programs, Patrick Henry Building, 601 D Street NW., Washington, D.C. 20213.

(b) All prime sponsor notifications of intent shall contain the following information:

(1) Name and address of each prime sponsor applicant; for a consortium, name and address of each member of the consortium;

(2) Geographic area to be served; for a consortium, geographic area for each member;

(3) Indian or native American population of each geographic area;

(4) A statement indicating under which sections of the Act the applicant(s) is applying for prime sponsorship;

(5) For a consortium, certification that the member or entity established by the consortium which will serve as the administrative unit has the capability for performing both the functions required of a governing body and those necessary to administer a comprehensive manpower program;

(6) Certification that the plan to be submitted by the prime sponsor or the consortium will comply with all requirements of law and regulation;

(7) For a consortium, certification that each member has the required authority for entering into a consortium agreement;

(8) A statement from each Indian tribe, band, or group which explains how it meets the definition for tribe, band, or group, as contained in the regulations, and a statement explaining the method by which the individual who will be acting for and on behalf of the tribe, band or group was selected (such statements shall be attached to the consortium agreement); and

(9) The signature of the chief elected official or chief executive officer of the prime sponsor or of each member of a consortium.

(c) In addition to prime sponsor notifications of intent, each consortium shall submit to the Secretary, prior to execution of the grant, a formal agreement which includes the following:

(1) A statement that the agreement has been formed under the Comprehensive Employment and Training Act of 1973;

(2) Identification of the member units which are parties to the agreement; i.e., the name and address of each Indian tribe, band or group or each Alaskan native village that is a member of the consortium;

(3) Geographic area which will be served by the agreement;

(4) Population to be served;

(5) An attached letter from an appropriate official of each member assuring that each party signatory has the necessary authority, including any necessary legal authority, to enter into a consortium agreement (these letters are made a part of the agreement);

(6) A statement that the grant agreement with the Department shall be signed by the chief elected official or chief executive officer of each party to the consortium agreement; or that, pursuant to a specific designation in the consortium agreement, grant agreements with the Department shall be signed by the chief elected official or chief executive officer of one or more of the parties to the consortium agreement, or by the chief executive officer of the administrative unit established under paragraph (d)(1) of this section;

(7) A certification that, to the extent consistent with any applicable law, each party signatory to the agreement accepts responsibility for the operation of the program (i.e., each member of the consortium, rather than the administrative unit, has ultimate responsibility for the program's operation and success);

(8) A description of the powers, functions and responsibilities reserved by the parties to the agreement, specifying the process by which decisions will be made, the process by which each party to the agreement will review and approve the comprehensive manpower plan, and the procedure by which chief elected officials will participate in the planning and operation of the program, if they so desire; and

(9) A statement of the powers, functions and responsibilities that will be delegated to an administrative entity to operate the program and the name and organizational structure of that entity.

(d)(1) The consortium shall be the prime sponsor under the Act. An administrative unit or one member of the consortium must be designated to operate the program.

(2) The division of powers, functions and responsibilities between the consortium members and the administrative unit must be clearly delineated. The administrative unit shall be delegated all powers necessary to administer the program effectively, including the power to enter into contracts and subgrants and other necessary agreements, to receive and expend funds, to employ personnel, to organize and train staff, to develop procedures for program planning to evaluate program performance and determine resulting need to reallocate resources, and to modify the grant agreement with the Department of Labor. Such delegation shall not relieve the members of the consortium of their ultimate responsibility for the use of funds. The administrative arm should have responsibility for the entire operation of the program, but the consortium members shall be reserved the right of evaluation and the decision to reallocate funds.

(e) A consortium established under these regulations shall have a stated period of duration which shall be at least equal to the period of the grant.

§ 97.112 Prime sponsor designation.

Upon receipt of a completed notification of intent, the Secretary shall determine whether the applicant is eligible to be designated as a prime sponsor and shall notify the applicant of his determination. A grant application package shall be sent to each applicant determined to be eligible for prime sponsorship.

§ 97.113 Planning process; advisory councils.

(a) *General.* To receive financial assistance under section 302 of the Act, a prime sponsor applicant shall submit a Comprehensive Manpower Plan, as set out in § 97.114. In developing such a plan, a prime sponsor applicant may utilize the planning councils set out in this section. The Secretary shall provide assistance to eligible applicants in the development of their plans pursuant to this subpart.

(b) *Planning process.* The prime sponsor shall establish a planning process for the development of its Comprehensive Manpower Plan. That process may utilize, as appropriate, the advisory councils established pursuant to this section and other planners in the same geographic area and shall coordinate with and take into consideration services being provided by other groups and organizations. The Secretary, in reviewing prime sponsor's plans, shall assure that such coordination has occurred. The prime sponsor shall make public its approved plan (upon submission) and the results achieved under its plan at the end of each fiscal year. The prime sponsor may accomplish the above by announcing in an appropriate publication that such plan and the results achieved may be reviewed by visiting the prime sponsor's office. The publication shall include the address where the referenced documents may be examined.

(c) *Prime sponsor Manpower Planning Council.* (1) Each prime sponsor may establish a Manpower Planning Council whose membership may include representatives from the following: the client community and community-based organizations, the employment service, education and training agencies, the Bureau of Indian Affairs, the Indian Health Service, business or labor. In the case of a consortium, any planning council shall include representatives from each member of the consortium. The prime sponsor shall be responsible for assuring that there is coordination between its planning councils and other planning councils which are involved in manpower planning for areas in geographic proximity to the prime sponsor.

(2) When a prime sponsor determines to have a planning council, the prime sponsor shall appoint all members, designate one member to be chairman, and provide professional, technical and clerical staff. The staff is ultimately responsible to the prime sponsor. Costs of meetings, including meeting rooms, travel and per diem may be paid from the prime sponsor's allocation; however, no salary or wages may be paid to planning council members acting in their capacity as members of the council. All meetings must be held within the prime sponsors geographic area of responsibility. The prime sponsor planning councils shall make recommendations regarding program plans, basic goals, policies and procedures, and provide for objective evaluations and continuing analyses of needs for employment, training and related services in the prime sponsorship area. These functions are advisory; however, the prime sponsor should consider them when exercising its decision-making responsibility.

(d) *Regional planning meeting.* (1) Section 302 prime sponsors may establish regional planning meetings of prime sponsors in each region of the Department;

(2) Such meetings shall be held no more than once a year and shall have the following purposes:

(i) Comment on each prime sponsor's plan for the coming year;

(ii) Discuss policies, basic goals, program plans and procedures;

(iii) Develop and make recommendations for more effective coordination of efforts; and

(iv) Select a participant each year to represent all prime sponsors in its region at any meeting on national Indian policy which may be called; the regional group shall inform the Secretary of the name and address of each designee.

(3) Funds provided under the grant may be utilized to cover the costs of holding the annual regional planning meeting for selected representatives from each prime sponsor planning council.

§ 97.114 Content and description of grant application.

(a) *General.* (1) This section describes the grant application which prime sponsor applicants will use to apply for funds under section 302 of the Act. If an applicant is also applying for funds under title II of the Act, additional requirements set out in Part 96 must also be followed.

(2) A copy of all forms and instructions are contained in the Forms Preparation Handbook.

(b) *Grant application forms.*—(1) *Application for Federal Assistance.* The Application for Federal Assistance identifies the prime sponsor applicant and the amount of funds requested; it provides information concerning the area to be served and the number of people expected to benefit from the program. Forms provided in OMB Circular A–102 for Part I of a grant application for nonconstruction are being used.

(2) *Comprehensive Manpower Plan.* The Comprehensive Manpower Plan is an explanation of how the prime sponsor applicant intends to use section 302 funds and to coordinate its activities with other manpower programs and services operating within its jurisdiction. The Comprehensive Manpower Plan consists of the Program Narrative Description, the Program Transition Schedule, the Project Operating Plan and the Program and Occupational Summaries for Public Service Employment, all described below. For consortium prime sponsors, the approved consortium agreement will be a part of the plan.

(i) *Program Narrative Description.* The Program Narrative Description provides for a narrative outline of the proposed program under the Act. It identifies and explains the manpower problems within the prime sponsor's jurisdiction, describes proposed program activities and delivery systems to deal with those problems, and projects the results which may be expected from the program. The program Narrative Description form requires a detailed statement on the program including the following specific items, as appropriate. The Forms Preparation Handbook gives detailed instructions for these and other items on the Program Narrative Form:

(A) *Objectives and needs for assistance:* (*1*) Policy statement on purpose of program;

(*2*) Description of economic conditions;

(*3*) Description of labor market characteristics;

(*4*) Assessment of skill shortages;

(*5*) Definition of manpower needs;

(*6*) Statement of groups to be served;

(*7*) Statement on consideration of priority groups; and

(*8*) Statement of goals to be accomplished.

(B) *Results and benefits expected:* (*1*) Statement relating planned results to needs;

(*2*) Description of "other activities" in Project Operating Plan;

(*3*) Statement of how training and services will provide participants with economic self-sufficiency; and

(*4*) Explanation of how training will lead to employment and enhance career development.

(C) *Approach:* (*1*) Description of planning system and participation of community-based organizations;

(*2*) Statement of strategy for accomplishing goals;

(*3*) Description of each program activity and service;

(*4*) Description of methods to be used to recruit, select and determine eligibility of participants;

(*5*) Description of how persons of limited English-speaking ability will be served if they represent a large portion of a prime sponsor's program;

(*6*) Description of consideration given programs of demonstrated effectiveness;

(*7*) Description of prime sponsor's administrative system;

(*8*) Description of allowance payment system;

(*9*) Explanation of any system for accounting for placements;

(*10*) Explanation of reasons specific delivery agents were selected including area skill centers and justification when other than existing facilities have been selected;

(*11*) Description of coordination with deliverers of manpower services not supported by the Act; and

(*12*) Justification of administrative costs planned.

(D) *Geographic Location Served:* Description of geographical locations to be served.

(E) *Public Service Employment Programs:* (*1*) Description of target population characteristics and significant segments which need special attention;

(*2*) Description of unmet public service needs and priorities;

(*3*) Comparison of types of jobs in public service needs described above;

(*4*) Justification of funding and job allocation by area;

(*5*) Description of strategy for matching jobs to special veterans skills;

(*6*) Description of plan for monitoring services to significant segments; specifically disabled and special veterans and welfare recipients;

(*7*) Orientation procedures for participants;

(*8*) Description of determination of rates of compensation when they differ from what is normally paid by employer;

(*9*) Description of actions to insure compliance with personnel procedures and collective bargaining agreements for jobs about entry level;

(*10*) Plans to improve and expand em-

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ployment and advancement opportunities of the target population; and

(*11*) List of governmental units to which the application must be sent for comments.

(ii) *Program Transition Schedule.* The Program Transition Schedule, required only in the plan for fiscal year 1975, requires the prime sponsor to list the categorical manpower programs currently funded under the Manpower Development and Training Act (MDTA) and the Economic Opportunity Act (EOA), if any, indicating those which will be phased into the operation of activities under the Act and those to be phased out. Current programs under MDTA and EOA may be continued only through December 31, 1974, unless the Secretary approves, under special circumstances, for operation beyond that date. The prime sponsor shall also describe the system for ensuring continuity of service for those individuals enrolled in the categorical programs operating at the time of transition.

(iii) *Project Operating Plan.* The Project Operating Plan requires a prime sponsor to provide a quantitative statement of planned expenditures, enrollment levels, and outcomes for program participants. It also requires a prime sponsor to indicate planned expenditures for administration, allowances, wages, fringe benefits, training, and services.

(iv) *Public Service Employment Occupational Summary.* The Occupational Summary requires a prime sponsor operating a public service employment program under the Act to provide a description of proposed job opportunities, occupations and wages, including a comparison of such wages for similar unsubsidized jobs in the employing agency. The prime sponsor shall submit separate summaries for such programs under Title II and section 302 of the Act.

(v) *Public Service Employment Program Summary.* The Program Summary presents a distribution of public employment jobs and funds to be provided to prime sponsors and subgrantees. It designates the areas to be served and the population of each area. The prime sponsor shall submit separate summaries for such programs under Title II and section 302 of the Act.

(vi) *Assurances and Certification.* The Assurances and Certification form is a signature sheet on which the prime sponsor assures and certifies that it will comply with the Act, the regulations of the Department, other applicable laws, and applicable circulars from the Office of Management and Budget and the General Services Administration. The assurances and certifications included in the form are as follows:

(A) Compliance with the Act and Regulations;

(B) Compliance with OMB circulars A–87, A–95, A–102, as appropriate;

(C) Legal authority;

(D) Noncompliance;

(E) Compliance with Title VI of the Civil Rights Act of 1964, as appropriate;

(F) Compliance with the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970;

(G) Compliance with the Hatch Act and restrictions on political activities;

(H) Prohibition on use of position for private gain;

(I) Access of Comptroller General and Secretary to records and documents pertaining to the Act;

(J) Nonsupport of religious facilities;

(K) Maintenance of required health and safety standards;

(L) Provision of appropriate workman's compensation to participants;

(M) Use of funds under the Act to supplement, rather than supplant, funds otherwise available and prohibition on displacement of employed workers by participants employed under the Act;

(N) Training only in occupations which have reasonable expectations for unsubsidized employment and which provides for the development of participants' potential consistent with their capabilities;

(O) Compliance with reporting and recordkeeping requirements of the Act and regulations;

(P) Provision of required administrative and accounting controls;

(Q) Compliance with applicable standards for working conditions; and

(R) Specific assurances for public service employment programs, as required by the Act.

§ 97.115 Comment and publication procedures relating to submission of grant application.

(a) As provided in paragraph (b) of this section, each prime sponsor applicant shall, no later than the date of its submission of an application to the Secretary, provide an opportunity for comment on the application (secs. 302(c)(1), 105(a)(7) and 108). The purpose of such comments will be to provide for maximum coordination between prime sponsors of comprehensive manpower programs. This procedure in no way implies the right of review and approval and the prime sponsor applicant shall not be under any obligation to make any changes in its plan as a result of any comments received.

(b) An opportunity to comment shall be provided to:

(1) The Governor;

(2) Officials of appropriate units of general local government; and

(3) Officials of each identifiable tribe, band, group or Alaskan native village, as appropriate, to be served by the prime sponsor.

(c) Comments pursuant to paragraph (b) of this section shall be made to the prime sponsor applicant within 30 days of the notice of opportunity to comment.

(d) A prime sponsor applicant shall acknowledge receipt of the comment and may respond to any comment made pursuant to this section by providing the commenting party with appropriate information regarding the actions or revisions, if any, the applicant intends to take or adopt due to the comment.

(e) All such comments and responses shall be transmitted to the Secretary with the grant application or, if the comment is received after the application submission, separately to the Secretary.

§ 97.116 Submission of grant application.

(a) Each prime sponsor applicant shall submit its grant application to the Secretary on or before a date set by the Secretary.

(b) A grant application shall include all items set out in § 97.114.

§ 97.117 Standards for reviewing grant application.

(a) A grant application will be reviewed to determine if it meets the requirements of the Act, the regulations promulgated under the Act, and other applicable law.

(b) In reviewing a grant application as provided in paragraph (a) of this section, the Secretary shall determine whether:

(1) The application is complete;

(2) The needs and priorities identified in the application are supported and justified by the documentation provided by the prime sponsor;

(3) The planned expenditures for program activities are substantiated by documentation of the needs and priorities identified in the application.

(4) The performance goals identified in the application are reasonable in light of past program experience in the same or similar activities and the documentation provided by the prime sponsor;

(5) Appropriate arrangements have been made to involve the population to be served and community-based organizations providing services to Indians and others of native American descent in the planning process through representation on the Prime Sponsor Manpower Planning Council (if established) or participation in the specific planning of the program;

(6) The prime sponsor applicant's selection of the method of delivery of services is supported by adequate documentation based on availability and capability of delivery agents and appropriateness of services for the population to be served (sec. 105(a)(3)(B));

(7) Maximum efforts have been made to meet the goals of the prior year's plan; such efforts shall include monitoring, evaluation and remedial activities;

(8) The administrative costs in the application are reasonable and provide, to the maximum extent feasible, for Federal funds to be expended for direct program activities and services, and, if administrative costs exceed 20 percent of total costs, whether the prime sponsor has cited an adequate reason and provided supporting documentation;

(9) The prime sponsor has adequate internal administrative controls, accounting requirements, personnel standards, monitoring and evaluation procedures, availability for in-service training and technical assistance, and such other policies as may be necessary to promote the effective use of funds provided under section 302 of the Act;

(10) All parties required to be afforded an opportunity to comment on comprehensive manpower plans have been afforded such an opportunity; and

(11) Any comment on a Comprehensive Manpower Plan evidences noncompliance with the Act, the regulations promulgated pursuant to the Act, or any other applicable law.

§ 97.118 Application approval; grant agreement.

(a) Application for a grant shall be approved if it meets the requirements of the Act, the regulations promulgated under the Act, other applicable law, and if the Secretary determines that the prime sponsor has demonstrated maximum efforts to meet the goals of the prior year's plan.

(b) An application for a grant from a consortium shall be approved if, in addition, an agreement among the parties has been submitted to and approved by the Secretary.

(c) A prime sponsor applicant and the Governor shall be notified of action taken on the application. If an application is approved, the Secretary shall provide the prime sponsor with a grant agreement, consisting of the Grant Signature Sheet and the Assurances and Certification form, and the Comprehensive Manpower Plan which is included by reference.

(d) The Grant Signature Sheet specifies the amount obligated by the Department, the term of the grant and is signed by the Secretary and the prime sponsor.

§ 97.119 Application disapproval.

(a) An application for a grant shall be disapproved if it fails to meet any requirement of the Act, the regulations promulgated under the Act, or any other applicable law (secs. 105 and 108).

(b) No application shall be disapproved solely because of the percentage of total funds devoted to any allowable program activity.

(c) No application for a grant shall be disapproved until:

(1) The prime sponsor applicant has been notified that its application fails to meet a requirement of the Act, regulations promulgated under the Act, or other applicable law; and

(2) The prime sponsor applicant is provided with suggestions as to those corrective steps which may be utilized to remedy any defect found in the application; and

(3) The prime sponsor applicant has been provided with a reasonable opportunity, but not less than 30 days, to remedy any defect found in the application, but has failed to do so.

(d) When an application is disapproved, a notice of disapproval shall be transmitted to the prime sponsor and the Governor, accompanied by a statement of the grounds of the disapproval. Such disapproval shall not be effective until notice and opportunity for a hearing has been provided, as required in §§ 97.190–97.199.

§ 97.120 Use of alternative prime sponsors; services by the Secretary.

If an application is not filed, as required, or is denied, or if a grant is terminated in whole or in part during a fiscal year, the Secretary may make provision for the funds so released to be used by another prime sponsor to service the area originally to be served by the primary prime sponsor, or the Secretary may serve such an area directly.

§ 97.121 Modification of grant agreement.

(a) The Grant Signature Sheet shall be used as the instrument to modify an existing grant agreement when there is a change in (1) the term of the grant, (2) the amount funded by the grant, or (3) the assurances and certifications included in the grant agreement (secs. 105 and 108).

(b) When the term or amount funded by the grant is changed, the prime sponsor shall also submit revised portions of its Comprehensive Manpower Plan to specifically identify the changes.

(c) When the term or amount funded by a grant is changed, the comments procedures provided in § 97.115 shall be followed.

§ 97.122 Modification of Comprehensive Manpower Plan.

(a) *General.* Prime sponsors may make two types of modifications to Comprehensive Manpower Plans: major and minor. The Secretary may also require a modification as described in paragraph (d) below.

(b) *Major plan modification.* (1) When a plan modification falls into one of the following categories it will be considered to be a major plan modification:

(i) For grants of $100,000 or less:

(A) When the cumulative transfer of funds among program activities or cost categories exceeds $5,000.

(B) When the total number of individuals to be served, planned enrollment levels for program activities, planned placement terminations, or individuals to be served within significant client groups is to be increased or decreased by 15 percent or more.

(ii) For grants of over $100,000:

(A) When the cumulative transfer of funds among program activities or cost categories exceeds $10,000 or 5 percent of the total grant budget, whichever is greater.

(B) When the total number of individuals to be served, planned enrollment levels for program activities, planned placement terminations, or individuals to be served within significant client groups is to be increased or decreased by 15 percent or more.

(2) A prime sponsor desiring a major modification shall submit a revised Project Operating Plan and a narrative explanation of the proposed changes to the Secretary and shall provide for comment, as set out in § 97.115. The Secretary shall notify the prime sponsor of final approval or of tentative disapproval within 10 days of receipt of the proposed modification. Final Secretary action on disapproval shall be taken within 30 days of the receipt of the proposed modification. Appeal of any such determination may be obtained through the procedures set out in §§ 97.190–97.199.

(c) *Minor plan modification.* A prime sponsor may make any change in its Project Operating Plan which is not set out in paragraph (b) of this section without prior approval but show any such change in the 1st quarterly progress report submitted to the Department after the change has been made. At the same time this report is submitted, an updated Project Operating Plan will also be submitted. Only those lines and columns affected by the modification shall be shown.

(d) *Secretary required modification.* After consultation with a prime sponsor, a modification may be required by the Secretary as necessary to assume compliance with applicable regulations and the approved plan.

PROGRAM OPERATION

§ 97.130 Program operation in general.

Sections 97.130–97.142 set out the program operation requirements for comprehensive manpower services under section 302 of the Act. The utilization of funds under section 302 is conditioned upon adherence to the Act, the regulations promulgated under the Act, and other applicable law.

§ 97.131 Basic responsibilities of prime sponsors.

A prime sponsor shall be responsible for:

(a) Compliance with plans and assurances;

(b) Compliance with this subpart;

(c) Establishing priorities for receipt of assistance authorized under the Act taking into account the needs of the economically disadvantaged, unemployed and underemployed residing within its jurisdiction;

(d) Designing program operating activities which are, to the maximum extent feasible, consistent with every participant's fullest capabilities and will lead to employment opportunities enabling every participant to become economically self-sufficient and will contribute to the occupational development or upward mobility of every participant;

(e) Advising every participant of his rights and responsibilities prior to entering the program and granting the opportunity for a fair hearing as provided in § 97.137; and

(f) Making maximum efforts to achieve the provisions of its plan.

§ 97.132 Eligibility for participation in a Title III, Section 302, Program.

(a) An Indian or other person of native American descent who is economically disadvantaged, unemployed, or underemployed (as defined in § 97.103) may, subject to paragraph (b) of this section, participate in a program offered by the prime sponsor under section 302 of the Act.

(b) For the purpose of participating in a public service employment program under section 302 of the Act, participation is permitted for persons who reside (as defined in paragraph (c) of this section) anywhere within the geographical area covered by the prime sponsor's comprehensive plan who are unemployed or underemployed, and are otherwise eligible for participation consistent with the requirements of sections 205(c),

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207(c), and 208 of the Act (sec. 105(a)(5)).

(c) For purposes of this section, the term "residence" shall mean an individual's permanent dwelling place or home, both at the time the individual applies and is selected for participation in a public service employment program under section 302 of the Act. In determining whether a particular place is an individual's dwelling place or home, the intention of the individual is the key element. Maintenance of an "address" is not necessarily the same as maintenance of a dwelling place or home.

(d) Permanent resident aliens may participate in a program under section 302 to the extent consistent with applicable Indian tribal law or at the option of the section 302 prime sponsor.

(e) Participants shall be selected from Indians and others of native American descent who live within the jurisdiction of the tribe, band, group or organization acting as prime sponsor.

(f) All Indians who are identified by terms such as "landless" or "terminated" are eligible participants. Individuals specifically eligible, but not limited to, are the following: the Lummis in Washington, the Menominees in Wisconsin, the Klamaths in Oregon, the Oklahoma Indians, the Passamaquoddys, the Lumbees in North Carolina, the Penobscots in Maine, and the Eskimos and Aleuts in Alaska.

(g) No special consideration because of kinship or family relationships with tribal or other officials may be given to persons applying for participation.

§ 97.133 Types of manpower program activity available.

(a) A prime sponsor may provide any type of manpower program activity which is consistent with the purposes of section 302 of the Act or which are the same as or consistent with the programs and activities authorized under all titles of the Act. Such program activities include but are not limited to the development and creation of job opportunities, and the training, education and other services needed to enable an individual to secure and retain employment at his maximum capacity. Program activities should be primarily directed toward the placement of individuals in unsubsidized employment, either directly at the outset of program participation as a result of intake assessment, or indirectly through provision of training or services.

(b) A prime sponsor may, consistent with these regulations, determine the operating levels and program activities in its area. It may select any of the program activities described in paragraph (c) of this section or devise other activities within the framework of the Act. No prime sponsor plan will be disapproved solely because of the percentage of funds devoted to a particular program activity (sec. 108(c)).

(c) The basic types of manpower services available to a prime sponsor include, but are not limited to, the following:

(1) *Classroom training.* (i) This program activity includes any training conducted in an institutional setting designed to provide individuals with the technical skills and information required to perform a specific job or group of jobs. It may also include training designed to enhance the employability of individuals by upgrading basic skills, through the provision of courses in, for instance, remedial education, training in the primary language of persons of limited English-speaking ability, or English-as-a-second-language training.

(ii) Occupational training shall be designed for occupations in which skill shortages exist (sec. 105(a)(6)) and such training will be provided only for occupations for which there is reasonable expectation of employment (sec. 603(10)). Such determination shall be made by the prime sponsor, utilizing available community resources such as the local SESA office and the National Alliance of Businessmen.

(iii) Allowances and other benefits as provided in § 97.134 may be paid to participants receiving training or education, provided that such allowances are not paid for any course having a duration in excess of 104 weeks.

(2) *On-the-job training.* (i) On-the-job training (OJT) refers to training conducted in a work environment designed to enable individuals to learn a bonafide skill or qualify for a particular occupation through demonstration and practice or both. Such training may be conducted on a "hire first, train later" basis, or with ultimate placement with an employer other than the training organization. OJT may involve individuals at the entry level of employment or be used to upgrade present employees into occupations requiring higher skills. Training will be designed to lead to the maximum development of participants' potentials and to their economic self-sufficiency.

(ii) *Inducements to employers.* Prime sponsors may provide payments or other inducements to public or private employers for the bona fide training and related costs of enrolling individuals in the program provided that payments to employers organized for profit are only made for the costs of recruiting, training and supportive services which are over and above those normally provided by the employer. Direct subsidization of wages for participants employed by private employers organized for profit is not an allowable expenditure.

(iii) *Labor organization consultation.* Where appropriate, labor organizations should be consulted in the design and conduct of on-the-job training programs where collective bargaining agreements exist with the employer.

(iv) *Participant benefits.* Wages and other benefits provided to OJT participants shall be in accordance with conditions specified in §97.135.

(3) *Public Service Employment.* (i) This program activity includes training, services, and other activities incident to the subsidized employment of individuals in the public sector. Operating conditions and allowable expenditures, except for residency requirements, applicable when section 302 funds are used for this activity are the same as those used for this activity when Title II funds are used, as enumerated in Part 96 of this Title.

(ii) *Participant benefits.* Wages and benefits for persons in a public service employment program shall be as provided in Part 96.

(4) *Work experience.*

(i) This program activity is designed to enhance the future employability of youth or to increase the potential of adults in obtaining a planned occupational goal.

(ii) Work experience activities for youth include part-time work for students attending school, short-term employment for students during summer, short-term employment for out-of-school youth adjusting to a work setting and in transition from school to a job setting; short-term employment for recent graduates; and short-term or part-time employment for those youth who have no definite occupational goal and for whom no training or job opportunity immediately exists.

(iii) Work experience activities for adults include part-time or short-term employment for the chronically unemployed, retired persons, recently discharged military individuals, institutional residents and inmates, and others who have not been working in the competitive labor population for extended periods of time. In addition, it may include short-term employment while a definite occupational goal and a training or job opportunity is being developed.

(iv) Program outcomes for work experience participants include (A) return to school; (B) enrollment in post-secondary education; (C) enlistment in the military services; and (D) enrollment in manpower training.

(v) Work experience in the private for profit sector is prohibited.

(vi) *Participant benefits.* Each participant in a work experience activity shall receive allowances or wages. Wages shall be commensurate with such factors as the types of work performed, the geographical region of the program, and the skill proficiency of the participant, provided that a participant's hourly rate of pay shall be at least the highest of (A) the minimum wage prescribed by State or local law for similar employment or (B) the minimum hourly wage set out under sec. 6(a)(1) of the Fair Labor Standards Act of 1938, as amended. Participants in work experience activities shall be provided workmen's compensation and, as appropriate, other manpower services. Allowances shall be provided as in § 97.134.

(5) *Services to participants.* These program activities are designed to provide supportive manpower services which are needed to enable individuals to obtain or retain employment or to participate in other manpower program activities leading to their eventual placement in unsubsidized employment. Such services include, but are not limited to, the following:

(i) *Manpower Services:*

(A) Outreach;

(B) Intake and assessment;
(C) Orientation;
(D) Counseling;
(E) Job development;
(F) Job placement;
(G) Transportation; and
(ii) *Supportive Services:*
(A) Health care and medical services;
(B) Child care;
(C) Residential support;
(D) Assistance in securing bonds;
(E) Loans to participants to enable them to accept employment;
(F) Family planning services, provided that such services are made available to an enrollee only on a voluntary basis, and are not to be a prerequisite for participation in, or receipt of, any service or benefit from the program; and
(G) Legal services.

(6) *Other activities.* These are program activities which do not fit into any of the above categories, including, but not limited to, the following:

(i) Removal of artificial barriers to employment;
(ii) Job restructuring;
(iii) Revision or establishment of merit systems;
(iv) Development and implementation of affirmative action plans.

(7) *Special program provision for persons of limited English-speaking ability.* When persons of limited English-speaking ability constitute a significant portion of a prime sponsor's program, the prime sponsor may establish operating procedures to ensure:

(i) Teaching occupational skills in the primary language of such persons for occupations which do not require a high proficiency in English;

(ii) Developing new employment opportunities for persons limited in English-speaking ability;

(iii) Developing opportunities for promotion within existing employment situations for such persons;

(iv) Disseminating appropriate information and providing job placement and counseling assistance in the primary language of such persons;

(v) Conducting training and employment programs in the primary language of such persons; and

(vi) Conducting programs designed to increase the English-speaking ability of such persons.

§ 97.134 Training allowances.

(a) *The payment system.* To assure accountability and uniformity and to facilitate the necessary coordination with other programs, the system for payment of allowances under the Act shall be maintained as a unified system. In addition, the delivery system selected by the prime sponsor shall incorporate a procedure to obtain information concerning receipt of unemployment compensation by participants. The prime sponsor in selecting the delivery system for the payment of participant allowances should give consideration to the use of existing agencies which have experience in operating an allowance payment system. The payment system shall include the following elements:

(1) Determination of entitlement and computation of amount to be paid;
(2) Issuance and distribution of payments;
(3) Maintenance of payment records and preparation of required reports;
(4) Maintenance of a system to detect and collect overpayments; and
(5) Arrangements with other agencies to obtain necessary information to minimize duplication or unauthorized payments. This shall include arrangements with:
(i) The State employment security agency for verification of unemployment compensation benefits;
(ii) Local welfare agencies for verification of public assistance payments;
(iii) Training facilities for submittal of payment requests and certification of attendance; and
(iv) Other units of government for verification of training allowances under other Federal, State or local programs.

(b) *Selection of delivery agent.* The prime sponsor is required to provide a unified allowance payment system either directly or through contract with other organizations as it considers appropriate for its particular circumstances. The prime sponsor may want to give consideration to the Unemployment Insurance service when selecting the delivery agent for allowance payments.

(c) *Eligibility for allowances.* Allowances may be paid to participants receiving classroom training, education or work experience under section 302.

(d) *Application for unemployment compensation.* Participants should be encouraged to apply for unemployment compensation benefits if they are not already receiving such benefits.

(e) *Basic allowances.* Basic allowances for one week, when added to unemployment compensation payments, if any, shall equal whichever is the highest of:
(1) The minimum wage prescribed by State or local law for employment in the prime sponsor's area; or
(2) The minimum hourly wage set out under section 6(a)(1) of the Fair Labor Standards Act of 1938, as amended, multiplied by the number of hours of training, in which the trainee attends as required, or is absent for good cause.

(f) *Dependents allowances.* Basic allowances shall be increased by $5 per week for each dependent over two, up to a maximum of four additional dependents, for a total maximum basic allowance increase of $20 for six or more dependents.

(g) *Incentive allowances for persons receiving public assistance or who are in institutions.* (1) Incentive allowances, at the rate of $30 per week, are in lieu of basic allowances and shall be paid to participants receiving public assistance or whose needs or income are taken into account in determining such public assistance payments to others. Such allowances shall be disregarded in determining the amount of public assistance payments individuals are entitled to receive under Federal or Federally assisted public assistance programs.

(2) Incentive allowances, in lieu of basic allowances, but not in excess of such allowances, may be paid institutionalized persons, including prison inmates participating in program activities. The determination as to whether such allowances will be paid, and the amounts thereof, shall be made by the prime sponsor in consultation with officials of the institution. In the case of prison inmates all or part of such payments, as determined by the prime sponsor and the head of the institution, may be held in reserve and delivered upon the participant's release from the institution.

(h) *Additional allowances.* Additional reasonable allowances may be provided to participants in any program activity for meals, travel, transportation, subsistence, emergency and other purposes.

(i) *Adjustments in allowances.* (1) No allowance to which an individual may otherwise be entitled shall be diminished in any respect because of receipt of a separation payment provided under any collective bargaining agreement.

(2) An individual's allowance may be adjusted upward to the degree that the local cost of living exceeds the national norm, as approved by the Secretary.

(3) Allowances may be reduced pro rata for part-time participation in any activity under section 302.

(4) Payment of participant allowances may be reduced pro rata for absence without good cause.

(5) Periodic increases may be provided as an incentive to participation.

(j) *Waivers of allowance payments.* (1) The payment of all or part of the allowances described in this section, except for allowances under paragraph (g)(1) of this section, may be waived by the prime sponsor in accordance with paragraph (j)(2) of this section.

(2) The criteria for a waiver of allowance payments are as follows:
(i) The participants must have resources from concurrent employment or from sources which enable them to subsist without such allowance payments; and
(ii) The waiver will increase the number of individuals which may be served and otherwise promote the purposes of the Act.

(3) The prime sponsor will notify in writing affected participants in cases of such waivers.

(k) *Repayments.* Prime sponsors may require participants to repay the amount of any overpayment of allowances under this subpart. An overpayment not repaid may be set off against any future allowance or other benefits under the Act to which the participant may become entitled. Where the overpayment was made in the absence of fault on the part of the participant, repayment shall be waived where such recovery would be against equity and good conscience or would otherwise defeat the purposes of the program.

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§ 97.135 Wages; minimum duration of training and reasonable expectation of employment.

(a) *Wages.* (1) Participants in public service employment programs shall be paid wages as required by Part 96 of this title.

(2) Participants in employment other than public service employment shall be compensated by the employer at such rates, including periodic increases, as are reasonable considering such factors as industry, geographical region, and trainee proficiency. In no event shall the rate be less than whichever is the highest of the following:

(i) The minimum wage rate specified in section 6(a)(1) of the Fair Labor Standards Act of 1938, as amended;

(ii) The State or local minimum wage for the most nearly comparable covered employment;

(iii) The prevailing rates of pay for persons employed in similar occupations by the same employer; or

(iv) The minimum entrance rate for inexperienced workers in the same occupation in the establishment or, if the occupation is new to the establishment, the prevailing entrance rate for the occupation among other establishments in the community or area; or

(v) Any minimum rate required by an applicable collective bargaining agreement.

(3) For hours spent in the production of goods or services, the rate of compensation to be paid to trainees by employers, public or private, shall be specified in a written agreement entered into by the training or employing facility and the prime sponsor.

(b) *Duration of training.* An individual shall not be referred for training in an occupation which requires less than two weeks of preemployment training unless there are immediate employment opportunities available in that occupation (sec. 603(8)). Furthermore, no allowances will be paid for any course having a duration in excess of 104 weeks (sec. 111(a)).

(c) *Reasonable expectation of employment.* An individual shall not be referred to training unless the prime sponsor determines, after utilizing available and appropriate community resources, that there is a reasonable expectation of employment for such an individual in the occupation for which he is being trained.

§ 97.136 General benefits for program participants.

Each participant in a training or employment program under section 302 of the Act shall be assured of appropriate workmen's compensation (sec. 603(6)). Each participant in an on-the-job training or public service employment program under section 302 of the Act shall be assured of health insurance, retirement benefits under the circumstances indicated in § 96.36 and other benefits at the same levels and to the same extent as other employees in the employment situation and to working conditions and promotional opportunities neither more nor less favorable than such other employees enjoy (secs. 208(a)(4) and 603(5)).

§ 97.137 Prime sponsor review.

Each prime sponsor shall establish a procedure for resolving any issue arising between it and a participant under section 302 of the Act. Such procedure shall include an opportunity for an informal hearing and a prompt determination of any issue which has not been resolved. When the prime sponsor proposes to take an adverse action against a participant, such procedures shall also include a notice setting forth the grounds for any adverse action proposed to be taken by the prime sponsor and giving the participant an opportunity to respond. No individual subject to the issue resolution requirements of this section may initiate the hearing procedures of §§ 97.190–97.199 until all remedies under this section have been exhausted. Final determinations made as a result of the review process shall be provided to the participant in writing. Such notice shall include the procedures by which the participant may appeal the final determination as set forth in §§ 97.190–97.199.

§ 97.138 Non-Federal status of participants.

Participants in a program under section 302 shall not be deemed Federal employees for any purpose including Federal tort claims and shall not be subject to the provisions of law relating to Federal employment, including those relating to hours of work, rates of compensation, leave, unemployment compensation, and Federal employment benefits.

§ 97.139 Safety and health requirements for participants.

Participants shall not be required or permitted to work, be trained, or receive services in buildings or surroundings or under conditions which are unsanitary or hazardous or dangerous to their safety or health. In the case of participants employed or trained for jobs which are inherently dangerous (e.g., fire or police jobs), participants will be assigned in accordance with appropriate health and safety practices (sec. 603(5)).

§ 97.140 Training for lower wage industries; relocation of industries.

No participant may be enrolled in any activity or service under this Act in any lower wage industry in jobs where prior skill or training is typically not a prerequisite to hiring and where labor turnover is high, nor may any authority conferred by this Act be used to assist in any relocation of an establishment from one area to another unless the Secretary determines that such relocation will not result in an increase in unemployment in the area of original location or any other area where a business enterprise or a company related to it conducts business operations (sec. 604(a)).

§ 97.141 Prime sponsor contracts and subgrants.

(a) *Contracts.* Contracts may be entered into between the prime sponsor and any party, public or private, for purposes set forth in an approved Comprehensive Manpower Plan.

(b) *Subgrants.* Subgrants may be entered into only between the prime sponsor and units of State and local general government, public agencies and nonprofit organizations.

(c) *Prime sponsor responsibility for development, approval, and operation of contracts and subgrants.* The prime sponsor is responsible for development, approval and operation of all contracts and subgrants and shall require that its contractors and subgrantees adhere to the requirements of the Act, the regulations promulgated under the Act, and other applicable law. It shall require contractors and subgrantees to maintain effective control and accountability over all funds, property and other assets covered by the contract or subgrant (sec. 105(a)(1)(B)).

(d) *Cancellation.* If a contractor or subgrantee does not comply with any requirement of the Act, the regulations promulgated under the Act, and other applicable law, the prime sponsor shall cancel the contract or subgrant. The prime sponsor may cancel for noncompliance with additional conditions established by the prime sponsor for the contract or subgrant.

(e) *Continuity of service when contract or subgrant is cancelled.* If a contract or subgrant is cancelled, the prime sponsor shall develop procedures for assuring continuity of service to participants and provide adequate notice to affected staff of the change (sec. 105(a)(1)(B)).

(f) *Contracts and subgrants extending beyond the term of the grant.* The nature of certain training programs may make it necessary for contracts or subgrants to be entered into by the prime sponsor which will extend beyond the term of the grant under the Act. The prime sponsor is authorized to enter into contracts or subgrants which extend past the termination date of the grant but such extension shall not exceed one year and shall be subject to the provisions of § 97.164 and § 97.165. In such cases, the grantee shall continue to be responsible for the administration of such contracts and subgrants.

(g) In addition to these requirements concerning subgrants, Indian prime sponsors may require that subgrantees and contractors agree, to the maximum extent feasible, to hire qualified Indians to provide services called for pursuant to the subgrant or contract in accordance with 42 USC 2000e–2(i).

§ 97.142 Cooperative relationships between prime sponsor and other manpower agencies.

(a) Each prime sponsor shall, to the extent feasible, establish cooperative relationships or linkages with other manpower and manpower-related agencies in the area within its jurisdiction, in particular, with agencies operating programs funded through the Department (sec. 105(a)(3)(D)).

(b) Prime sponsors shall, to the extent feasible, notify the appropriate apprenticeship agency of training activities in apprenticeable occupations (sec. 105(a)(3)(D)).

(c) Any prime sponsor which intends to provide services under the Act to recipients of Aid to Families with Dependent Children (AFDC) shall coordinate such services with the local sponsor of the Work Incentive Program, if any, to assure that the delivery of services under this Act is consistent with the WIN requirements. The provision of comprehensive manpower services to recipients of AFDC who are required to register for the WIN program may be affected by provisions of Title IV of the Social Security Act. Limitations on length of training, requirements to accept work in lieu of training, and other regulatory requirements may affect the AFDC recipient's participation in programs under the Act.

GRANT ADMINISTRATION

§ 97.150 Grant administration in general.

(a) Sections 97.150 to 97.170 describe Federal requirements relating to the administration of grants by prime sponsors.

(b) The Secretary will provide each prime sponsor with the specific procedures to be followed to comply with the requirements of these sections (secs. 603(14) and 613).

§ 97.151 Payment.

Advance payments will be made by either a letter of credit or by U.S. Treasury check to prime sponsors that demonstrate the willingness and ability to establish procedures which will minimize the time between the transfer of funds to them and their disbursement of such funds.

§ 97.152 Letter of credit.

Grants will be financed by means of a letter of credit when the following conditions are met:

(a) The grant is for $250,000 or more;

(b) A continuing relationship exists for at least 12 months;

(c) The prime sponsor can assure that the timing and amount of drawdowns will be as close as possible to disbursement needs;

(d) The prime sponsor's accounting system will meet the recordkeeping and reporting requirements of this subpart.

§ 97.153 Payment by Treasury check.

(a) A prime sponsor which does not meet the requirements for the letter of credit will be paid by Treasury check. The Secretary will determine whether such payment will be made on an advance or reimbursement basis. In making such a determination the Secretary will consider the adequacy of the prime sponsor's accounting and recordkeeping system with regard to items 3b and 3c of Attachment J to OMB Circular A–102.

(b) Advance by Treasury check will provide for advanced payments through use of predetermined payment schedules or upon the request of the prime sponsor. When the request method is used, payments will be made to a prime sponsor based upon a request to the national office.

§ 97.154 Financial management systems.

(a) Each prime sponsor and subgrantee shall maintain a financial management system which will provide accurate, current and complete disclosure of the financial results of each grant activity by title of the Act, provide the ability to evaluate the effectiveness of program activities and meet the reporting requirements of this subpart.

(b) Each prime sponsor and subgrantee shall maintain its fiscal accounts in a manner sufficient to permit the reports required by the Secretary to be prepared therefrom.

§ 97.155 Audit and evaluation.

(a) The Secretary of Labor, the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any books, documents, papers, and records of the State, local governments and section 302 prime sponsors and their subgrantees and contractors which are pertinent to a specific grant program under the Act for the purpose of making surveys, audits, examinations, excerpts and transcripts (sec. 613(2)).

(b) The Secretary shall be responsible for scheduling surveys, audits or examinations of prime sponsors and their subgrantees and contractors.

(c) The Secretary shall, with reasonable frequency, survey, audit or examine, or arrange for the survey, audit or examination of prime sponsors and their subgrantees and contractors using certified or licensed public accountants. Such surveys, audits, or examinations shall normally be conducted annually but not less than once every 2 years.

(d) Surveys, audits and examinations will conform to the standards for Audit of Governmental Organizations, Programs, Activities, and Functions, issued by the Comptroller General of the United States and guides issued by the Secretary. Surveys, audits or examinations contracted by the Secretary will conform, at a minimum, to the first element of the Comptroller General's Standards: An audit to determine (1) whether financial operations are properly conducted, (2) whether the financial reports are fairly presented, and (3) whether the available information indicates that the entity has not complied with applicable laws, regulations and administrative requirements. Existing audit systems, where acceptable under the Comptroller General's Standards, will be used to the maximum possible extent (sec. 613(1)).

(e) Copies of all audits will be forwarded to the Secretary.

§ 97.156 Reporting requirements in general.

Each prime sponsor will be required to submit three periodic reports which will be used by the Secretary to assess its performance in carrying out the objectives of the Act. These three reports are: (a) The Quarterly Progress Report, (b) The Summary of Client Characteristics Report, and (c) The Report of Federal Cash Transactions (sec. 313(b) and 613). Detailed descriptions of these forms are in the Forms Preparation Handbook.

§ 97.157 Quarterly Progress Report.

(a) The Quarterly Progress Report will be used to measure accomplishments in achieving objectives stated in the Project Operating Plan. It also constitutes the prime sponsor's statement of costs incurred and contains its certification of the correctness of the costs reported.

(b) A prime sponsor shall include the following items in the report together with a comparison of the same items as they appear in the Project Operation Plan for the period of the report:

(1) The total number of individuals served with granted funds during the grant period;

(2) The total number of individuals (participants) placed in self-sustaining employment at termination from the project and the number entering school, other training or military service;

(3) The level of enrollment associated with the program activities;

(4) The distribution of total accrued expenditures among cost categories; and

(5) The distribution of services among significant segments of the population being served by the program.

(c) If performance goals are not being achieved, the Secretary may request additional information from prime sponsors including reasons for the failure to achieve the goals.

(d) The Quarterly Progress Report will also permit prime sponsors to report on objectives and accomplishments other than those established by the Secretary. If a prime sponsor elects to include these other activities in its report, they will be used by the Secretary in his evaluation of the performance of the prime sponsor's program.

(e) The Quarterly Progress Report will be prepared to coincide with the ending dates of Federal fiscal year quarters. This report should be sent by prime sponsors to be received by the Secretary no later than 30 days after the end of the reporting period. If a prime sponsor's grant period ends at a date other than the Federal fiscal year quarter, a fifth report, covering the entire grant period, will be required.

(f) A copy of the Quarterly Progress Report will be provided by the prime sponsor to the Governor of the State.

(g) Accountability must be maintained by the prime sponsor for each of the activities authorized under the Act. Therefore, a separate report will be required for Title II and section 302 programs.

(h) The Secretary reserves the right to require the submittal of this report by prime sponsors more frequently than quarterly in cases of major deviation from the Project Operating Plan.

(i) Specific procedures for meeting these reporting requirements will be furnished to each prime sponsor in the Forms Preparation Handbook.

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§ 97.158 Summary of Client Characteristics Report.

(a) The Summary of Client Characteristics Report contains aggregate characteristics data on all participants in the program. The Summary is to be submitted to the Secretary with the Quarterly Progress Report.

(b) The Summary will include characteristics data aggregated for all participants, including those who terminated from the program and those who entered unsubsidized employment.

(c) The Summary will also aggregate wages before enrollment in the program and after placement and show the median wage for these two categories.

(d) Specific reporting procedures and appropriate definitions will be furnished to each prime sponsor in the Forms Preparation Handbook.

§ 97.159 Report of Federal Cash Transactions.

(a) Each prime sponsor shall submit periodically a report of Federal cash transactions. The report will be used to monitor cash advances and to obtain disbursement information. This report will be submitted monthly by each prime sponsor receiving an annual grant totalling $1 million or more and quarterly by all other prime sponsors (Sec. 613(1)).

(b) Specific reporting procedures will be furnished to each prime sponsor in the Forms Preparation Handbook.

§ 97.160 Reallocation of funds.

(a) *General.* The Secretary may reallocate funds from a prime sponsor under the circumstances and in accordance with the procedures described in this section (secs. 103(i) and 602(b)).

(b) *Reallocation based on nonperformance.* (1) When the Secretary considers through review of the prime sponsor's reports, monitoring or auditing of the program that its performance may be inadequate or that it may have failed to comply with the Act or regulations, he shall give due notice and opportunity for a public hearing as provided in § 97.196.

(2) If the Secretary then decides to reallocate funds based on a ground set forth in paragraph (b)(1) of this section, he shall:

(i) Revoke the prime sponsor's plan for the area, in whole or in part;

(ii) Make no further payments under this Act to the prime sponsor, to the extent which he deems necessary; and

(iii) Notify the prime sponsor of the amount of funds which the grantee shall return from unexpended funds paid to the grantee during that fiscal year.

(3) The Secretary shall make provision for the reallocation of funds to be used by the State or other alternative prime sponsor to service the area which was served by the prime sponsor before the reallocation, or the Secretary may serve such an area directly (see § 97.20).

(c) *Reallocation based on need.* (1) In a limited number of circumstances the Secretary may determine that the unobligated portion of a prime sponsor's grant should be reallocated to another area because the funds are not needed where they were originally allocated. Such reallocations may be made only after the 9th month of the fiscal year for which the grant was made.

(2) Before reallocating funds as set forth in paragraph (c)(1) of this section, the Secretary must determine that:

(i) The prime sponsor's plan will be carried out without expending all the funds previously made available for that plan; and,

(ii) The excess funds identified under paragraph (c)(2)(i) of this section cannot reasonably be expected to be needed in the following grant period.

(d) *Reallocation.* When the Secretary determines that funds should be reallocated based on the criteria in paragraph (c) of this section, he will take the following actions:

(1) *Notice of intent to reallocate funds.* When the Secretary determines that reallocation is appropriate he will notify the prime sponsor and the appropriate Governor of the proposed action to remove funds from the grant. The notice shall include the basis for the proposed reallocation.

(2) *Comments by prime sponsor and the Governor.* The prime sponsor and the Governor will be invited to submit comments on a proposed reallocation of funds out of their area. These comments shall be submitted to the Secretary within 30 days of receipt of the notice. The Secretary shall consider these comments before making a final determination to reallocate.

(3) *Notification of final determination.* After reviewing any comments submitted by the prime sponsor or Governor, the Secretary will notify them of his decision. A final decision to reallocate funds of a prime sponsor applicant will be published in the FEDERAL REGISTER.

(4) *Reallocation procedures.* In reallocating such funds to supplement other prime sponsors' grants, the Secretary shall first consider the need for additional funds by other prime sponsors within the same State. A decision to increase a prime sponsors' grant with reallocated funds will not be made without prior consultation with the prime sponsor as to how the funds will be expended and prior notification to the Governor. Such a decision will be published in the FEDERAL REGISTER with an announcement of the prime sponsor(s) receiving additional allocations and the amounts.

§ 97.161 Allowable Federal costs.

(a) *General.* Federal funds granted under the act may be expended only for purposes permitted under the provisions of Subpart 1–15.7 of Title 41 of the Code of Federal Regulations (OMB Circular A–87), except as modified in these regulations. Costs are intended to be directed to increase the employability of participants.

(b) *Restriction.* (1) Federal funds used for public service employment programs under section 302 and for any programs under Title II of the Act shall not be used for the acquisition of, or for the rental or leasing of supplies, equipment, materials or real property, whether these expenses are budgeted as direct cost, indirect cost, or overhead (sec. 208(a)(7)).

(2) No funds granted under the Act may be used directly or indirectly, as a contribution for the purpose of obtaining Federal funds under any other law of the United States which requires a contribution from the grantee in order to receive such funds, except if authorized under that law. However, the use of funds granted under the Act as a matching contribution in order to obtain additional funds under the Act is not prohibited.

(c) *Expenditures for repairs, maintenance and capital improvements and construction.* (1) Section 302 funds may be expended for building repairs, maintenance and capital improvements to existing facilities. Such costs shall be reported against the administration category. These costs must relate to a facility or building which is used primarily for programs under the Act (sec. 602(b)).

(2) No funds for construction are allowable except as part of a training program in construction occupations and then such costs are allowable only for materials. Construction costs for training programs shall be allowable only when such construction would not normally be performed by an outside contractor.

(d) *Allowable cost categories.* Allowable costs shall be reported against the following cost categories: administration, wages, training, fringe benefits, allowances, and services.

(1) Costs are allocable to a particular cost category to the extent of benefits received by such category.

(2) All prime sponsors are required to plan, control, and report expenditures against the aforementioned cost categories.

(e) *Costs allowable by each cost category.* Within the restrictions set forth under paragraph (b) above, the following are the costs which will be allowable by cost category:

(1) *Administrative costs.* Administrative costs shall be limited to those necessary to effectively operate the program. Such costs include overall program administration as well as program activity administration costs incurred by prime sponsors, subgrantees, and contractors. Costs should not generally exceed 20 percent of the total planned costs for a grant, unless the Program Narrative Description under § 97.114(b)(2)(i) sets forth an explanation of how such additional costs have been determined and a detailed documentation to support that amount.

(i) *Direct and indirect costs.* Included in administrative costs are both direct and indirect costs. Direct costs are those which can be specifically identified as relating to the project and indirect costs are those computed by application of an indirect cost rate. In determining the reasonableness of indirect costs, reliance will be placed on procedures established pursuant to OMB Circular No. A–87, including reliance on determinations made by other Federal agencies under arrangements made pursuant to A–87.

(ii) *Types of costs.* (A) Administrative costs include, but are not limited to salaries, wages and fringe benefits of program administrators; costs of consumable office supplies used by program staff; costs incurred in the development, preparation, presentation, management and evaluation of the program; the costs of establishing and maintaining accounting and management information systems; costs incurred in the establishment and maintenance of Prime Sponsor Planning Councils; travel of programs administrators; rent utilities, custodial services and indirect costs allowable to the program; training of staff and technical assistance to contractor and subgrantee staff; costs of assistance to contractor and subgrantee staff; costs of equipment and material to be used by staff participants excluding training equipment and materials; capital improvements as permitted by these regulations; publication of Comprehensive Manpower Plan; and audit services. Prime sponsors may be able to lower these costs by using participants in the administration of the program. In such event, wages and fringe benefits or allowances for such persons shall be charged to the subsidized employment, either traditional or for work experience.

(2) *Wages.* All wages paid to participants receiving on-the-job training in public or private nonprofit organizations, and all wages paid to participants in transitional subsidized employment will be allowed. Wages paid to participants while receiving on-the-job training from a private employer organized for profit cannot be supported by funds under the Act.

(3) *Training.* Training costs include, but are not limited to the following: salaries and fringe benefits of personnel engaged in providing training or counseling, tuition and entrance fees, and books and other teacher's aids.

(4) *Fringe benefits.* Fringe benefit costs include, but are not limited to the following: annual, sick, court and military leave pursuant to an approved leave system; employer's contribution for social security; employees' life and health insurance plans; unemployment insurance; workmen's compensation insurance; and retirement benefits, provided such benefits are granted under an approved plan.

(5) *Allowances.* All allowances paid to program participants pursuant to § 97.134 of these regulations shall be charged to this cost category.

(6) *Services.* Services' costs include, but are not limited to the following pursuant to § 97.133:

(i) Cost of supportive services such as child care, health care and medical services, residential support, assistance in securing bonds and family planning;

(ii) Cost of manpower services such as outreach, intake and assessment, orientation, counseling, job development and job placement;

(iii) Administrative costs involved in furnishing of services to participants are not considered to be services costs. This includes any costs such as rental of facilities and utilities, salary of administrative staff, general administrative supplies or other costs which do not relate directly to the furnishing of services to participants.

§ 97.162 Allocation of allowable costs among program activities.

The program activities against which program costs shall be planned, controlled and reported upon are: Classroom training, on-the-job training, subsidized transitional employment, subsidized work experience, services to participants, and other activities. The cost categories under each of these activities are defined in § 97.161(d). The extent to which these cost categories are chargeable to specific program activities is set forth below:

(a) *Classroom training.* Cost categories chargeable are: administration, training, allowances, and services.

(b) *On-the-job training.* Cost categories chargeable are: administration, training, services, wages (with public or private nonprofit employers only) and fringe benefits.

(c) *Transitional public service employment.* Cost categories chargeable are: administration, wages, fringe benefits, services, and training.

(d) *Work experience.* Cost categories chargeable are: administration, training, services, allowances, wages and fringe benefits.

(e) *Services to participants.* Cost categories chargeable are:

(1) *Allowances.* This includes all allowances paid to participants registered for training for short periods between components.

(2) *Services.* This includes all manpower and supportive services which are not part of another program activity and which are provided to participants by a prime sponsor, contractor or subgrantee.

(f) *Other activities.* Cost categories chargeable are: administration, training, allowances, and services.

§ 97.163 Basic personnel standards for prime sponsors.

(a) Indian prime sponsors will not be subject to the Intergovernmental Personnel Act of 1970 but will be required to maintain adequate personnel policies and practices in accordance with existing tribal, band, group or reservation procedures. Where no policies or practices exist, standards for purposes of this program shall be developed and made known to all staff hired pursuant to a section 302 grant.

(b) *Nepotism.* (1) No prime sponsor or subgrantee shall hire, or permit the hiring of, any person in a position funded under section 302 of the Act if a member of the person's immediate family is employed in an administrative capacity by the prime sponsor. For the purposes of this section, the term "immediate family" means wife, husband, son, daughter, mother, father, brother, and sister; the term "administrative capacity" means persons who have selection, hiring, or supervisory responsibilities for participants in a program under this title, or operational responsibilities for the program.

(2) If a subgrantee has a population of less than 1,000 persons and cannot hire program participants without an immediate family member being included, the Secretary may waive the requirement of paragraph (1) above, if adequate justification is received from such subgrantee that no other persons within the subgrantee's jurisdiction are eligible and available for participation.

(3) Where a tribal policy regarding nepotism exists which is more restrictive than this policy, the prime sponsor shall follow the tribal rule in lieu of this policy.

§ 97.164 Adjustments in payments.

(a) If any funds are expended by a prime sponsor, subgrantee, or employing agency in violation of the Act, the regulations or grant conditions, the Secretary may make necessary adjustments in payments on account of such expenditures.

(b) The Secretary may draw back unexpended funds which have been made available in order to assure that they will be used in accordance with the purposes of the Act, or to prevent further unauthorized or illegal expenditures.

§ 97.165 Termination of grant.

(a) If a prime sponsor violates or permits a subgrantee or an employing agency to violate the regulations, or grant terms or conditions which the Secretary has issued or shall subsequently issue during the period of the grant, the Secretary may terminate the grant in whole or in part unless the grantee causes such violation to be corrected within a period of 30 days after receipt of notice specifying the violation or the determination of the Secretary, pursuant to a hearing under §§ 97.190–97.199, if a hearing has been held.

(b) Termination shall be effected by a notice of termination which shall specify the extent of termination and the date upon which such termination becomes effective. Upon receipt of notice of termination, the grantee shall: (1) discontinue further commitments of grant funds to the extent that they relate to the terminated portion of the grant; (2) promptly cancel all subgrants, agreements, and contracts utilizing funds under this grant to the extent that they relate to the terminated portion of the grant; (3) settle, with the approval of the Secretary, all outstanding claims arising from such termination; (4) submit, within a reasonable period of time after the receipt of the notice of termination, a termination settlement proposal which shall include a final statement of all unreimbursed costs related to the terminated portion of the grant, but in case of terminations under paragraph (a) above, will not include the cost of preparing a settlement proposal.

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§ 97.166 Grant closeout procedures.

(a) The closeout of a grant is the process by which a Federal grantor agency determines that all applicable administrative actions and all required work of the grant have been completed by the grantee and the grantor. The following procedures will be complied with during this process of determination.

(b) Upon completion of the legal grant period or at such other termination date determined by the Secretary, the following steps will be taken by each prime sponsor:

(1) An immediate refund to the Secretary of any unencumbered balance of cash drawn down from the letter of credit or advanced by Treasury checks.

(2) An immediate refund to the Secretary of any interest income earned on the granted money except as provided in § 97.168.

(3) A final Quarterly Progress Report will be prepared for each grant and title under which programs were conducted under the Act; such reports shall be sent to the Secretary.

(4) A final Report of Federal Cash Transactions shall be prepared and sent to the Secretary.

(5) A final Summary of Client Characteristics Report shall be prepared and sent to the Secretary.

(c) Upon closeout, the Secretary will insure that:

(1) Prompt payment is made to the prime sponsor for reimbursement of costs under the grant being closed out.

(2) After the final reports are received, a settlement is made for any upward or downward adjustments which are made to the Federal share of the costs.

(3) The letter of credit is cancelled.

(4) Final program and fiscal audits are performed as soon as possible after the completion or termination date of the grant.

§ 97.167 Retention of records.

(a) Grantees are required to maintain records on each program participant. The following types of information shall be recorded:

(1) Personal identifying information;

(2) Residence;

(3) Work history of the participant;

(4) Program activities in which the client participated;

(5) Supportive services received by the participant; and

(6) Status of participant at termination from program. Specific items, instructions, and definitions are contained in the *Forms Preparation Handbook*.

(b) Pursuant to the provisions set forth in Attachment C of Office of Management and Budget Circular A–102, the following shall apply with regard to the retention of records pertaining to any grant program under the Act (secs. 603 (12) and 613).

(1) Financial records, supporting documents, statistical records and all other pertinent records shall be retained for a period of 3 years. No Federal requirements for records retention which exceed those established by State or local or Indian tribal governments shall be otherwise imposed, with the following qualifications:

(i) Records shall be retained beyond the 3-year period if audit findings have not been resolved.

(ii) Records for nonexpendable property acquired with Federal grant funds shall be retained for 3 years after its disposition.

(iii) When grant program records are transferred to or maintained by the Secretary, the 3-year retention requirement will not be applicable to the prime sponsor which had administered that grant program.

(2) The retention period shall start from the date of submission of the annual or final expenditure report, whichever applies to the particular grant.

(3) The substitution of microfilm copies in lieu of original records may be authorized by the Secretary upon request of the prime sponsor.

(4) The Secretary will request section 302 prime sponsors to transfer grant records to the Department's custody when it is determined that such records have long-term retention value. However, suitable arrangements to avoid duplicate recordkeeping shall be made where the Department and any prime sponsor need such records for joint use.

(5) The grantee agrees to maintain the confidentiality of any information regarding applicants, project participants or their immediate families that identifies or may be used to identify them, and which may be obtained through application forms, interviews, tests, reports from public agencies or counselors, or any other source. Without the permission of the applicant or participant, such information shall be divulged only as necessary for purposes related to the performance or evaluation of the grant, to persons having responsibilities under the grant, including those furnishing services to the project under subgrant or contract, and to governmental authorities to the extent necessary for the proper administration of law.

§ 97.168 Program income.

(a) The prime sponsor of section 302 programs shall not be held accountable for interest earned on grant-in-aid funds pending their disbursement for program purposes under the Act (OMB Circular A–102).

(b) Section 302 prime sponsors shall be required to return to the Federal Government interest earned on advances of grant-in-aid funds in accordance with a decision of the Comptroller General of the United States (42 Comp. Gen. 289).

(c) Proceeds from the sale of real and personal property, either provided by the Federal Government or purchased in whole or in part with Federal funds, shall be handled in accordance with Attachment N of OMB Circular A–102 pertaining to Property Management.

(d) Royalties received from copyrights and patents during the grant period shall be retained by the grantee and be added to the funds already committed to the program. After termination or completion of the grant, the Federal share of royalties in excess of $200 received annually shall be returned to the Federal grantor agency (OMB Circular A–102).

(e) All other program income earned during the grant period shall be retained by the grantee and, in accordance with the grant agreement, shall be added to funds committed to the project and be used to further program objectives (OMB Circular A–102).

(f) The prime sponsor shall record the receipt and expenditure of revenues (such as taxes, special assessments, levies, fines, etc.) as a part of grant project transactions.

§ 97.169 Procurement standards.

The standards to be used for the procurement of supplies, equipment, and other materials and services with Federal grant funds are those described in Attachment O of OMB Circular A–102. These standards are furnished to assure that such materials and services are obtained in compliance with the provisions of applicable Federal laws and Executive Orders.

§ 97.170 Nondiscrimination and equal employment opportunities.

(a) No person shall on the ground of race, color, handicap (as defined in paragraph (g) of this section), national origin or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with funds made available under the Act.

(b) When the Secretary determines that a prime sponsor has failed to comply with the requirements of paragraph (a) of this section, he shall notify the prime sponsor of the noncompliance and request the prime sponsor to secure compliance. If within a reasonable time, not to exceed 60 days, the prime sponsor fails or refuses to secure compliance, the Secretary may terminate financial assistance under the Act; and

(1) May refer the matter to the Attorney General with a recommendation that an appropriate civil action be instituted;

(2) May exercise the powers and functions provided by Title VI of the Civil Rights Act of 1964 (42 USC 2000(d)); and

(3) May take other actions as may be provided by law.

(c) When a matter under this section is referred to the Attorney General, or when the Secretary of Labor believes that a pattern or practice of discrimination exists, the Attorney General may bring a civil action in any appropriate United States District Court, including injunctive relief.

(d) The Secretary shall enforce the provisions of paragraph (a) of this section with regard to discrimination on the basis of sex in accordance with section 602 of the Civil Rights Act of 1964. Section 603 of such Act shall apply with respect to any action taken by the Secretary to enforce these provisions.

(e) This section shall not be construed as affecting any other legal remedy that

a person may have if that person is excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in connection with any program or activity receiving assistance under the Act.

(f) The prime sponsor shall be responsible for assuring that no discrimination prohibited by this section occurs in any program for which it has responsibility, and shall establish an effective mechanism for this purpose. The prime sponsor may, as one possible means of establishing this mechanism, assign the responsibility for administering the Equal Employment Opportunity (EEO) program to one individual and require subgrantees and contractors to prepare affirmative action plans. In such cases, the prime sponsor may include in its Comprehensive Manpower Plan a description of its EEO program and the related affirmative action plans of its subgrantees and contractors, including the procedures established for monitoring these activities.

(g) The term "handicapped individual" means any individual who (1) has a physical or mental disability which for such individual constitutes or results in a substantial handicap to employment.

(f) The prime sponsor shall be responsible for assuring that no discrimination prohibited by this section occurs in any program for which it has responsibility, and shall establish an effective mechanism for this purpose. The prime sponsor may, as one possible means of establishing this mechanism, assign the responsibility for administering the Equal Employment Opportunity (EEO) program to one individual and require subgrantees and contractors to prepare affirmative action plans. In such cases, the prime sponsor may include in its Comprehensive Manpower Plan a description of its EEO program and the related affirmative action plans of its subgrantees and contractors, including the procedures established for monitoring these activities.

(g) The term "handicapped individual" means any individual who (1) has a physical or mental disability which for such individual constitutes or results in a substantial handicap to employment and (2) can reasonably be expected to benefit in terms of employability from an activity under the Act.

(h) The contents of this section shall be applicable to Indian programs funded pursuant to the Act, except to the extent that such provisions conflict with 42 USC 2000e(b).

ASSESSMENT AND EVALUATION

§ 97.180 Assessment and evaluation in general.

(a) Sections 97.180 to 97.184 set forth the assessment and evaluation responsibilities of the prime sponsor and of the Secretary of Labor. The prime sponsor shall, as part of its general responsibility to carry out the purposes and provisions of the Act, establish adequate program management for the purposes of examining, in a systematic fashion, the performance of its program in meeting the goals and objectives contained in the plan and measuring the effectiveness and impact of its program in resolving manpower problems identified in that plan (sec. 603(14)).

(b) The Secretary shall assess prime sponsors to determine whether they are carrying out the purposes and provisions of the Act in accordance with their approved plans. The Secretary shall also evaluate the overall programs and activities conducted under the Act to aid in the overall administration of the Act (sec. 311(c)(d) and 313(b)).

§ 97.181 Responsibilities of the prime sponsor.

(a) As prescribed by §§ 97.150–97.170 the prime sponsor shall submit periodic reports on the performance of its program in relation to its plan as required by the Secretary (secs. 313(b) and 603(12)). The prime sponsor shall implement and maintain the necessary recordkeeping required to complete these periodic reports. While such recordkeeping will support reports to the Secretary, it is principally for the use of the prime sponsor to provide basic internal management information.

(b) The prime sponsor is required to establish internal program management procedures (sec. 603(14)) Such procedures shall be used by the prime sponsor in the monitoring of day-to-day operations, to review periodically the performance of the program in relation to program goals and objectives, and to measure the effectiveness and impact of program results in terms of participants, program activities, and the community. The objective of such procedures shall be the improvement of overall program management and effectiveness.

(c) The prime sponsor shall monitor all activities for which it has been provided funds under the Act to determine whether the assurances and certifications made in its plans and the purposes and provisions of the Act are being met and to identify problems which may require the prime sponsor to take corrective action in order to assure such compliance. The prime sponsor shall fulfill this monitoring function through the use of internal evaluative procedures, the examination of program data, or through such special analysis or checking as it deems necessary and appropriate (secs. 105 (a) and (b), 108(d), and 603).

(d) The prime sponsor shall cooperate with the Secretary's evaluation and assessments by providing special reports on program activities and operations as requested, the findings of evaluations of effectiveness and impact, and access to its records and program operations.

(e) When the prime sponsor finds that operations do not equal planned performance, it shall develop and implement appropriate corrective action.

§ 97.182 Responsibilities of the Secretary.

(a) As used in this section the term "assessment" refers to the Federal review of plans and performance of individual prime sponsors and the term "evaluation" refers to the Federal study of the overall effectiveness and impact of programs and activities under the Act.

(b) The Secretary has the responsibility to determine that the prime sponsor is operating in general accordance with its approved plan in carrying out the purposes and provisions of the Act, and has demonstrated maximum efforts to implement the provisions in its prior year's plan.

(1) The Secretary shall assess the prime sponsor's program and activities in order to determine compliance with assurances and certifications of its plan, compliance with the purposes and provisions of the Act, and performance in the achievement of goals and objectives specified in the approved plan (secs. 105, 108(d) and 603).

(2) Such assessment shall be conducted through the review of required periodic reports and shall be supplemented by special reports from the prime sponsor, the examination of records maintained by the prime sponsor, selective on-site reviews including in certain instances, the investigation of allegations or complaints, or other examination as deemed necessary and appropriate by the Secretary (secs. 311(c)(d), 313(a)(b), 603(12) and 108).

(3) Assessment may also be conducted for purposes of offering technical assistance or recommendations for corrective actions to prime sponsors as considered necessary or both.

(c) The Secretary has the responsibility to provide for the continuing evaluation of all programs and activities conducted pursuant to the Act. Such studies shall include examination of:

(1) Cost in relation to effectiveness;

(2) Impact on communities and participants;

(3) Implications for related programs;

(4) Extent to which needs of various age groups are met;

(5) Adequacy of mechanisms for the delivery of services;

(6) Opinions of participants about the strengths and weaknesses of the programs;

(7) Relative and comparative effectiveness of programs under this Act and Part C of Title IV of the Social Security Act (Work Incentive Program for welfare recipients) (sec. 313(a) and (b));

(8) The effectiveness of programs in meeting the employment needs of disadvantaged, unemployed and underemployed persons; and

(9) The extent to which artificial barriers restricting employment and advancement opportunities in agencies receiving funds under the Act have been removed.

(d) The Secretary shall compile, on a State, regional and national basis, information obtained from periodic reports or special reports, surveys, or samples required from prime sponsors, including information on:

(1) Enrollee characteristics, including age, sex, race, health, education level, and previous work and employment experience;

(2) Duration in training and employment situations including informa-

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tion on the duration of program participation for at least a year following the termination of participation in Federally assisted programs and comparable information on other employees or trainees or participating employers; and

(3) Total dollar cost per trainee, including breakdown between salary or allowance, training and supportive services and administrative costs (sec. 313(b)).

(e) Evaluations carried out in accordance with paragraph (d) of this section may be conducted directly by Department of Labor staff or through contract, grant or other arrangement, as the Secretary deems necessary or appropriate (sec. 311(c)).

§ 97.183 Limitation.

No prime sponsor nor the Secretary shall, in arranging for evaluation of any program under the Act, utilize for such evaluation any nongovernmental individual, institution, or organization which is associated with that program as a consultant, technical advisor or in any similar capacity (sec. 604(c)).

§ 97.184 Consultation with the Secretary of Health, Education, and Welfare.

The Secretary shall consult with the Secretary of Health, Education, and Welfare with respect to arrangements for services of a health, education, or welfare character in plans under this Act. This consultation shall focus on the relationship of such services to be delivered under this Act with those being delivered under other applicable laws for which the Secretary of Health, Education, and Welfare is responsible.

HEARINGS AND JUDICIAL REVIEW

§ 97.190 Purpose and policy.

(a) Sections 97.190–97.199 set forth procedures established by the Secretary for carrying out his responsibilities under the Act for the review of Comprehensive Manpower Plans and applications for financial assistance and for the receipt, investigation, hearing and determination of questions of noncompliance with the requirements of the Act and the regulations promulgated under the authority of the Act (sec. 108).

(b) It is the policy of the Secretary to receive information concerning alleged violations of any title of the Act and the regulations promulgated pursuant thereto from any person, section 302 prime sponsor, or any unit of Federal, State or local government, assistance in the filing of a formal allegation may be secured from the appropriate Regional or National Solicitor's Office by any person who desires and needs such assistance.

(c) A participant in a program under the Act must exhaust the administrative remedies established by the prime sponsor for resolving matters in dispute prior to utilizing the procedures under §§ 97.190–97.199. The filing of such a compliant shall not, however, automatically act as a stay of the decision rendered by the prime sponsor. A participant may initiate an action under these actions within 30 days of any final decision by a prime sponsor.

§ 97.191 Review of plans and applications; violations.

(a) The Secretary shall not finally disapprove any Comprehensive Manpower Plans or applications for financial assistance submitted under section 302 of the Act, or any modifications, or amendments thereof, without first affording the prime sponsor or prime sponsor applicant submitting the plan or application reasonable notice and opportunity for a hearing as provided in § 97.197 et seq.

(b) When information available to the Secretary indicates that a prime sponsor may be:

(1) Maintaining a pattern or practice of discrimination in violation of section 603(1) or section 612(a) of the Act or otherwise failing to serve equitably the economically disadvantaged, unemployed, or underemployed persons in the area it serves;

(2) Incurring unreasonable administrative costs in the conduct of activities and program, as determined pursuant to regulation;

(3) Failing to give due consideration to continued funding of programs of demonstrated effectiveness including those previously conducted under provisions of law repealed by section 614 of the Act; or

(4) Otherwise materially failing to carry out the purposes and provisions of the Act or regulations issued pursuant to the Act; he shall, before taking final action on such grounds, notify the prime sponsor of his proposed action and provide the prime sponsor a reasonable time within which to respond. All further proceedings shall be conducted as provided in § 97.197 et seq.

(c) Every other person claiming legal injury because of any action under the Act may be heard only by initiating a complaint under § 97.192.

§ 97.192 Complaints; filing of formal allegations; dismissal.

(a) Every complaint by any complainant, whether in writing or not, shall be filed as a formal allegation before the commencement of any investigation or corrective action is required under this part.

(b) All formal allegations shall be filed with the Secretary. A formal allegation so filed may be withdrawn only with the consent of the Secretary.

(c) A formal allegation pending more than 6 months after filing because the complainant has failed to cooperate or make himself available during investigation of the matter may be dismissed by the Secretary upon notice to the last known address of the complainant.

§ 97.193 Form.

(a) Every formal allegation shall be in writing and signed by the complainant and shall be sworn to before a Notary Public or other duly authorized person. A formal allegation need not be in any particular form but should be neat, legible and suitable for flat filing.

§ 97.194 Contents of formal allegations; amendment.

(a) The formal allegation should contain the following:

(1) The full name and address of the person making the charge;

(2) The full name and address of the party against whom the formal allegation is made (hereinafter referred to as the respondent(s));

(3) A clear and concise statement of the facts, including pertinent dates, constituting the alleged unlawful practice;

(4) Where known, the provisions of the Act, regulations, Comprehensive Manpower Plan, and application of the prime sponsor believed to have been violated;

(5) A statement disclosing whether proceedings involving the acts complained of have been commenced before a State, local or tribal authority, and, if so, the date of such commencement and the name of the authority; and

(6) A statement that the administrative procedures established by the prime sponsor have been, if applicable, followed to completion by the complainant.

(b) Notwithstanding the provisions of paragraph (a) of this section, a formal allegation will be considered to have been filed when the Secretary receives from the complainant a written statement sufficiently precise to both identify those against whom the allegations are made and to fairly afford the respondent an opportunity to prepare a defense. A formal allegation may be amended to cure technical defects or omissions, including failure to swear to the allegation, or to clarify and amplify allegations made therein, and such amendments relate back to the original filing date. An amendment alleging additional acts not directly related to or growing out of the subject matter of the original formal allegation will be permitted only where at the date of the amendment the allegation could not have been timely filed as a separate formal allegation and the rights of any respondent will not be prejudiced.

§ 97.195 Investigations.

(a) The Secretary will make a prompt investigation of each formal allegation filed as provided in this part. The investigation may include, where appropriate, a review of pertinent practices and policies of any prime sponsor, the circumstances under which the possible noncompliance with the Act or regulations issued thereunder occurred, and other factors relevant to a determination as to whether the respondent has failed to comply with requirements of the Act, the regulations, and the Comprehensive Manpower Plan.

(1) If an investigation pursuant to paragraph (a) of this section indicates to the Secretary a failure to comply with the Act, the regulations, or the Comprehensive Manpower Plan, the Secretary will so inform the respondent and the complainant and the matter will, if possible, be resolved by informal means. If informal resolution does not occur within a reasonable period of time, action will be taken as provided in this part or as otherwise provided by law.

(2) If an investigation does not warrant action pursuant to paragraph (a) (1) of this section, the Secretary will so inform the respondent and the complainant in writing.

(b) No prime sponsor, participant, respondent or other person shall intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by the Act, the regulations, the Comprehensive Manpower Plan, or the application of a prime sponsor applicant because he has made a complaint, formal allegation, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this part. The identity of every complainant shall be kept confidential except to the extent necessary to carry out the purpose of this part, including the conduct of any investigation hearing, or judicial proceeding arising thereunder.

§ 97.196 Opportunity for hearings; when required.

An opportunity for a public hearing shall be extended in each of the following instances:

(a) When the Secretary receives a formal allegation from an affected Indian tribe, band, group or Alaskan native village that a prime sponsor has changed its Comprehensive Manpower Plan so that it no longer complies with section 302 of the Act, or that in the administration of the plan there is a failure to comply substantially with any provision of the plan or with the requirements of section 603 or 604 of the Act and the matter has not been resolved informally within a reasonable period of time; or

(b) After the completion of an investigation, pursuant to § 97.195, of any formal allegation which indicates there is substantial evidence of facts supporting a conclusion of probable cause that a violation of the Act, or regulations issued pursuant thereto, has occurred or is occurring, or is about to occur, and the matter has not been resolved by informal means; or

(c) When the Secretary has reasonable cause to believe that a violation set forth in § 97.191(b) has occurred, or when the Secretary determines that fairness and the effective operation of programs under the Act would be furthered by an opportunity for a public hearing, including a finding under § 97.191 that a hearing should be provided.

§ 97.197 Hearings.

(a) *Opportunity for hearing.* Whenever an opportunity for a hearing is required by the Act, or § 97.196, and the issue has not been resolved informally, the Secretary shall give reasonable notice by registered or certified mail, return receipt requested, to the affected respondent and complainant, if any. This notice shall advise the respondent of the allegations to be heard, the proposed remedial actions which may be taken, and the matters of fact or law asserted as the basis for the action. The notice shall (1) fix a date not less than 20 days after the date of such notice within which the respondent may request the Secretary that the matter be scheduled for hearing, or (2) advise the respondent and the complainant that the matter in question has been set by a Hearings Officer for hearing at a stated place and time. The time and place shall be fixed by a Hearing Officer in accordance with paragraph (b) of this section and shall be subject to change for cause. A respondent may waive a hearing and submit written information and argument for the record. The failure of a respondent to request a hearing under this section or to appear at a hearing for which a date has been set shall be deemed to be a waiver of the right to a hearing under the Act and this subpart and shall be respondent's consent to the making of a decision on the basis of such information as is available.

(b) *Time and place of hearings.* Hearings shall be held in Washington, D.C., at a time fixed by a Hearings Officer. At the request of the respondent or Department, and upon a determination by the Hearings Officer that the relative conveniences of the respondent and Department so warrant, and no issue presented involves a determination which has been made at the Department's national office or can only be made at the Department's national office, the Hearings Officer may select a place for hearing in the city of the regional office of the Department.

(c) *Right to counsel.* In all proceedings under this section, the respondent and the Department shall have the right to be represented by counsel.

(d) *Procedures, evidence, and record.* (1) The hearing, decision, and any administrative review thereof shall be conducted in conformity with sections 58 of the Administrative Procedure Act and in accordance with such rules of procedure as are proper (and not inconsistent with this section) relating to the conduct of the hearing, giving notices subsequent to those provided for in paragraph (a) of this section, taking of testimony, exhibits, arguments and briefs, requests for findings, and other related matters. Both the Department and the respondent shall be entitled to introduce all relevant evidence on the issues as stated in the notice for hearing or as determined by the Hearings Officer conducting the hearings at the outset of or during the hearing.

(2) Technical rules of evidence shall not apply to hearings conducted pursuant to this subpart, but rules or principles designed to assure production of the most credible evidence available, and to subject testimony to test by cross-examination, shall be applied where reasonably necessary by the Hearings Officer conducting the hearing. The Hearings Officer may exclude irrelevant, immaterial, or unduly repetitious evidence. All documents and other evidence offered or taken for the record shall be open to examination by the parties and opportunity shall be given to refute facts and arguments advanced on either side of the issues. A transcript shall be made of the oral evidence except to the extent the substance thereof is stipulated for the record. All decisions shall be based upon the hearing record and written findings shall be made.

(3) The general provisions governing discovery as provided in the Rules of Civil Procedure for the United States District Court, Title V, 28 U.S.C., Rules 26 through 37, may be made applicable in any hearing conducted under this part to the extent that the Hearings Officer concludes that their use would promote the efficient advancement of the hearings.

(4) When a public officer is a respondent in a hearing in his official capacity and, during its pendency, he dies, resigns, or otherwise ceases to hold office, the proceeding does not abate and his successor is automatically substituted as a party. Proceedings following the substitution shall be in the name of the substituted party, but any misnomer not affecting the substantive rights of the parties shall be disregarded. An order of substitution may be entered at any time, but the omission to enter such an order shall not affect the substitution.

(e) *Consolidated or joint hearings.* In cases in which the same or related facts are asserted to constitute noncompliance with this part with respect to two or more programs to which this subpart applies or noncompliance with this subpart and the regulations of one or more other Federal departments or agencies, the Secretary may, by agreement with such other department or agencies, where applicable, provide for the conduct of consolidated or joint hearings and for the application to such hearings of rules of procedure not inconsistent with this subpart. Final decisions in such cases, insofar as this subpart is concerned, shall be made in accordance with § 97.198.

(f) *Hearings officers.* Hearings shall be held before an Administrative Law Judge of the Department or by such other person as may be designated by the Secretary.

§ 97.198 Initial certification, decisions and notices.

(a) *Authority of hearings officer to render decision.* The Administrative Law Judge, or other person designated to hear the matter, shall make an initial decision, if so authorized (See 97.197(f)), or certify the entire record including his recommended findings of fact, conclusions of laws, and proposed decision to the Secretary for a final decision, and a copy of such initial decision or certification shall be mailed to the respondent and the complainant. When an initial decision is made the respondent may, within 30 days of mailing of such notice of initial decision, file with the Secretary his exceptions to the initial decision, with his reasons therefor. In the absence of exceptions, the Secretary may on his own motion within 45 days after the initial decision serve on the respondent a notice that he will review the decision. Upon the filing of such exceptions or of such notice of review the Secretary shall review the initial decision and issue his own decision thereon including the reasons therefor. The decision of the Secretary shall be mailed promptly to the

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respondent and the complainant, if any. In the absence of either exceptions or a notice of review the initial decision shall constitute the final decision of the Secretary.

(b) *Decisions on record or review by the Secretary.* Whenever a record is certified to the Secretary for decision or he reviews an initial decision pursuant to paragraph (a) of this section, the respondent shall be given reasonable opportunity to file with him briefs or other written statements of its contentions. A copy of the final decision of the Secretary shall be given in writing to the respondent and to the complainant, if any.

(b) *Decisions on record where a hearing is waived.* Whenever a hearing is waived under this part a decision shall be made by the Secretary on the record and a copy of such decision shall be given in writing to the respondent, and to the complainant, if any.

(c) *Rulings required.* Each decision of an Administrative Law Judge or the Secretary shall set forth his ruling on each finding, conclusion, or exception presented, and shall identify the requirement or requirements imposed by or pursuant to the Act or regulations issued thereunder with which it is found that the respondent has failed to comply.

(d) *Content of orders.* The final decision may provide for suspension or termination of, or refusal to grant or continue Federal financial assistance, in whole or in part, under the program involved in accordance with the Act and may contain such terms, conditions, and other provisions as are consistent with and will effectuate the purposes of the Act and regulations issued thereunder, including provisions designed to assure that no Federal financial assistance will thereafter be extended under such program to the respondent determined by such decision to be in default in its performance of an assurance given by it pursuant to the Act or regulations issued thereunder, or to have otherwise failed to comply with the Act or regulations issued thereunder, unless and until it corrects its noncompliance and satisfies the Secretary that it will fully comply with the Act and regulations issued thereunder.

§ 97.199 Judicial review.

Action taken pursuant to Sec. 108 of the Act is subject to judicial review as provided in sec. 109 of the Act. All other action initiated under the Act and regulations issued thereunder shall be final upon a determination by the Secretary.

Signed in Washington, D.C. this 19th day of June 1974.

PETER J. BRENNAN,
Secretary of Labor.

[FR Doc.74-14391 Filed 6-25-74;8:45 am]

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WASHINGTON, D.C.

Volume 39 ■ Number 125

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EXECUTIVE ORDER 11789

President's Committee on East-West Trade Policy

By virtue of the authority vested in me as President of the United States of America, it is hereby ordered as follows:

Section 1. The East-West Trade Policy Committee is hereby redesignated as the President's Committee on East-West Trade Policy (hereinafter referred to as the Committee), and is hereby continued. It shall be composed of the following-described members:

(1) The Counsellor to the President for Economic Policy.

(2) The Secretary of State.

(3) The Secretary of the Treasury.

(4) The Secretary of Commerce.

(5) The Director of the Office of Management and Budget.

(6) The Executive Director of the Council on International Economic Policy.

(7) The Special Representative for Trade Negotiations.

Sec. 2. The Counsellor to the President for Economic Policy is designated Chairman of the Committee. The Secretary of the Treasury and the Secretary of Commerce are designated Co-Vice Chairmen of the Committee and Co-Chairmen of the Office of East-West Trade.

Sec. 3. The Deputy Under Secretary of the Treasury who has been serving as the Executive Secretary of the East-West Trade Policy Committee, or his successor, shall continue to serve in that capacity with the Committee. The working group established by the Executive Secretary is hereby continued, and shall continue to include representation from the agencies represented on the Committee. The Executive Secretary shall continue to serve as chairman of the working group.

Sec. 4. Negotiation of major trade initiatives shall continue to be handled under the chairmanship of individuals to be designated for the specific negotiations involved.

Richard Nixon

THE WHITE HOUSE,
June 25, 1974.

[FR Doc.74-14859 Filed 6-25-74;1:15 pm]

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EXECUTIVE ORDER 11790

Providing for the Effectuation of the Federal Energy Administration Act of 1974

Under and by virtue of the authority vested in me by the Federal Energy Administration Act of 1974 (Public Law 93–275), the Emergency Petroleum Allocation Act of 1973 (Public Law 93–159; 87 Stat. 627), the Economic Stabilization Act of 1970, as amended, the Defense Production Act of 1950, as amended (50 U.S.C. App. 2061, *et seq.*), and section 301 of title 3 of the United States Code, it is hereby ordered as follows:

Section 1. Pursuant to the authority vested in me by section 30 of the Federal Energy Administration Act of 1974, notice is hereby given that that act shall be effective as of June 27, 1974.

Sec. 2 (a) There is hereby delegated to the Administrator of the Federal Energy Administration (hereinafter referred to as the "Administrator"), all authority vested in the President by the Emergency Petroleum Allocation Act of 1973.

(b) The Administrator shall submit to the Congress the reports required by section 4(c)(2) of the Emergency Petroleum Allocation Act of 1973.

Sec. 3 (a) There is hereby delegated to the Administrator the authority vested in the President by section 203(a)(3) of the Economic Stabilization Act of 1970, as amended, to the extent such authority remains available under the provisions of section 218 of that act.

(b) The authority under the Economic Stabilization Act of 1970, as amended, that was delegated to the Administrator of the Federal Energy Office by the Chairman of the Cost of Living Council pursuant to section 4(b) of Executive Order No. 11748 [1] of December 4, 1973, is hereby transferred to the Administrator to the extent such authority remains available under the provisions of section 218 of that act.

Sec. 4. Notwithstanding the provisions of Executive Order No. 10480,[2] as amended, the Administrator is authorized to exercise the authority vested in the President by the Defense Production Act of 1950, as amended, except section 708 thereof, as it relates to the production, conservation, use, control, distribution, and allocation of energy, without approval, ratification, or other action of the President or any other official of the executive branch of the Government.

Sec. 5 (a) The Federal Energy Office established by Executive Order No. 11748 is hereby abolished, and that Executive order is hereby revoked.

(b) The authority vested in the Administrator of the Federal Energy Office to appoint a Deputy Administrator of that Office and to compensate that officer at the rate prescribed for officers and positions at level III of the Executive Schedule (5 U.S.C. 5314) is hereby revoked.

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[1] 38 FR 33575, December 6, 1973.
[2] 3 CFR 1949–1953 Comp., page 962.

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(c) All orders, regulations, circulars, or other directives issued and all other actions taken pursuant to any authority delegated or transferred to the Administrator by this order prior to and in effect on the date of this order are hereby confirmed and ratified, and shall remain in full force and effect, as if issued under this order, unless or until altered, amended, or revoked by the Administrator or by such competent authority as he may specify.

(d) All personnel, property, records, and unexpended balances of appropriations, allocations, and other funds employed, used, held, available, or to be made available in connection with functions of the Administrator of the Federal Energy Office, as Administrator of that Office or as Chairman of the Oil Policy Committee, are hereby transferred to the Administrator.

Sec. 6. All authority delegated or transferred to the Administrator by this order may be further delegated, in whole or in part, by the Administrator to any other office or any department or agency of the United States, or, if authorized by law, to any State or officer thereof.

Sec. 7 (a) Proclamation No. 3279,[3] as amended, is hereby amended by striking "Secretary of the Interior" and "Secretary" wherever it appears in that Proclamation and inserting in lieu thereof "Administrator of the Federal Energy Administration."

(b) The Appeals Board established by the Secretary of the Interior pursuant to section 5(a) of Proclamation No. 3279, as amended, is hereby continued until such time as the Administrator shall otherwise direct. The Administrator, at his pleasure, may designate a representative of the Federal Energy Administration to be a member of the Appeals Board in place of the representative of the Department of the Interior specified in the last sentence of section 5(a) of that proclamation.

(c) The Oil Policy Committee is hereby abolished and sections 7, 8, and 9 of Proclamation No. 3279, as amended, are hereby revoked. The functions of the Chairman of the Oil Policy Committee are hereby transferred to the Administrator.

(d) Section 10 of Proclamation No. 3279, as amended, is hereby amended by inserting after "Cost of Living Council" the following "or the Federal Energy Administration, as the case may be,".

(e) Section 2 of Executive Order No. 11775[4] of March 26, 1974, is hereby revoked.

Sec. 8. Except as provided in section 5(d), so much of the personnel, property, records, and unexpended balances of appropriations, allocations, and other funds employed, used, held, available, or to be made available, in connection with the functions transferred to the Administrator by this order or by the Federal Energy Administration Act of 1974 as the Director of the Office of Management and Budget shall determine

[3] 3 CFR, 1959–1963 Comp., page 11.
[4] 39 FR 11415, March 28, 1974.

shall be transferred at such time or times as the Director shall direct for use in connection with the functions so transferred.

Sec. 9. Nothing in this order shall be deemed to affect rights to reemployment under the provisions of section 5(a)(1)(B) of the Emergency Petroleum Allocation Act of 1973, or section 212(g) of the Economic Stabilization Act of 1970, as amended.

Sec. 10. The provisions of sections 2 through 9 of this order shall be effective as of June 27, 1974, the effective date of the Federal Energy Administration Act of 1974 specified in section 1 of this order.

Richard Nixon

THE WHITE HOUSE,
June 25, 1974.

[FR Doc.74-14860 Filed 6-25-74;1:15 pm]

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EXECUTIVE ORDER 11791

Exemption of Kenneth H. Tuggle From Mandatory Retirement

Kenneth H. Tuggle, Commissioner of the Interstate Commerce Commission, will, during June, 1974, become subject to mandatory retirement for age under the provisions of section 8335 of title 5 of the United States Code unless exempted therefrom by Executive order.

In my judgment, the public interest requires that Commissioner Tuggle be exempted from such mandatory retirement.

NOW, THEREFORE, by virtue of the authority vested in me by subsection (c) of section 8335 of title 5 of the United States Code, I hereby exempt Kenneth H. Tuggle from mandatory retirement until December 31, 1975.

Richard Nixon

THE WHITE HOUSE,
June 25, 1974.

[FR Doc.74-14861 Filed 6-25-74;1:15 pm]

V 39 125 JUN 27 74 XUM

EXECUTIVE ORDER 11792

Abolishing the Advisory Council on Intergovernmental Personnel Policy

By virtue of the authority vested in me by section 102(a) of the Intergovernmental Personnel Act of 1970 (84 Stat. 1910), and as President of the United States, effective July 20, 1974 the Advisory Council on Intergovernmental Personnel Policy is abolished and Executive Order No. 11607 [1] of July 19, 1971, is revoked.

Richard Nixon

THE WHITE HOUSE,
June 25, 1974.

[FR Doc.74-14862 Filed 6-25-74;1:15 pm]

[1] 36 FR 13317, July 20, 1971.

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rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of Defense

Section 213.3306 is amended to show that one position of Confidential Assistant to the Assistant Secretary of Defense (Health and Environment) is excepted under Schedule C.

Effective on June 27, 1974, § 213.3306 (a) (65) is added as set out below.

§ 213.3306 Department of Defense.

(a) *Office of the Secretary.* • • •

(65) One Confidential Assistant to the Assistant Secretary of Defense (Health and Environment).

(5 U.S.C. secs. 3301, 3302; E.O. 10577, 3 CFR 1954–58 comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74–14737 Filed 6–26–74;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Commerce

Section 213.3314 is amended to show that one position of Private Secretary to the Assistant Secretary for Administration is excepted under Schedule C.

Effective on June 27, 1974, § 213.3314 (a) (15) is added as set out below.

§ 213.3314 Department of Commerce.

(a) *Office of the Secretary.* • • •

(15) One Private Secretary to the Assistant Secretary for Administration.

• • • • • •

(5 U.S.C. secs. 3301, 3302; E.O. 10577, 3 CFR 1954–58 comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74–14736 Filed 6–26–74;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 18—MILK AND CREAM

Sour Cream and Related Products; Order Establishing Identity Standards

Correction

In FR Doc. 74–10428 appearing at page 15993 in the issue for Tuesday, May 7, 1974 make the following changes:

1. On page 15993 in numbered paragraph 4 of the preamble, in the fourth line delete "our".

2. On page 15994 in the second line of § 18.560(c)(1), "16.022" should read "16.129".

SUBCHAPTER C—DRUGS

PART 135b—NEW ANIMAL DRUGS FOR IMPLANTATION OR INJECTION

Sodium Thiopental for Injection

Correction

In FR Doc. 74–10426 appearing on page 15996 of the issue for Tuesday, May 7, 1974, in the fifth line of the first paragraph "same" should read "safe".

Title 41—Public Contracts and Property Management

CHAPTER 3—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 3–50—ADMINISTRATIVE MATTERS

Procurement Identification Numbering System

Chapter 3, Title 41, Code of Federal Regulations is amended to add a new Subpart 3–50.2, Procurement Instrument Identification Numbering System. This new subpart prescribes a uniform Departmentwide system of numbering contracts which is compatible with the REW Contract Information System. Chapter 3 is also amended to add an Appendix B, Contract Identification Code.

It is the general policy of the Department to allow time for interested parties to participate in the rule making process. However, the public rule making process is deemed unnecessary to this instance, as the amendment herein concerns administrative matters.

1. The table of contents, Part 3–50, is amended to add the following:

Subpart 3–50.2—Procurement Instrument Identification Numbering System

Sec.
3–50.200 Scope of subpart.
3–50.201 Numbering contracts.
3–50.202 Numbering of solicitation documents.
3–50.203 Numbering of purchase and delivery orders.
3–50.204 Basic agreements.
3–50.205 Basic ordering agreements.

AUTHORITY: 5 U.S.C. 301; 40 U.S.C. 486(c).

Subpart 3–50.2—Procurement Instrument Identification Numbering System

2. Part 3–50 is amended to add a new Subpart 3–50.2 which reads as follows:

§ 3–50.200 Scope of subpart.

This subpart prescribes policy and procedures for assigning identifying numbers to contracts and related instruments, including solicitation documents, purchase orders and delivery orders.

§ 3–50.201 Numbering contracts.

(a) *Contracts which require numbering.* The following contracts shall be numbered in accordance with the system prescribed in paragraph (b) of this section: (1) All contracts, including letter contracts and task orders under basic ordering agreements which involve the payment of $2,500 or more for the procurement of personal property or nonpersonal services; (2) all contracts which involve the payment of $2,000 or more for construction (including renovation, or alteration); and (3) all contracts which involve more than one payment regardless of amount. The number assigned to a letter contract shall be assigned to the superseding definitized contract.

(b) *Numbering system.* All contracts which require numbering shall be assigned a number consisting of the following: (1) The three digit code assigned to the procuring office by the Office of Grants and Procurement Management, GASAM; (2) a two digit fiscal year designation; and (3) a four digit serial number. While it is required that a different series of four digit serial numbers be used for each fiscal year, serial numbers assigned need not be sequential.

(c) *Illustrations of contract numbers.* The initial contract executed by the Supply Operations Branch, Office of the Secretary for fiscal year 1975 should be numbered 100–75–0001, the second contract 100–75–0002. Alternatively, if it is desirable for internal identification purposes to establish separate series of numbers for formally advertised and negotiated contracts this procedure is permissible. In this instance the initial formally advertised contract might be numbered 100–75–0001 and the initial negotiated contract numbered 100–75–0500.

(d) *Assignment of identification codes.* Each contracting office of the Department shall be assigned a three digit identification code by the Office of Grants and Procurement Management, OASAM. Requests for the assignment of such codes for newly established contracting offices shall be submitted by the headquarters procurement staff office of the procuring activity to the Director, Division of Grants and Procurement Management Information and Reports, OGPM–OASAM. Conversely, in the event that a contracting office is to be disestablished the Director, Division of Grants and Procurement Management Information and Reports, OGPM–OASAM, shall be notified. A listing of the contracting

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office identification codes currently in use is set forth in Appendix B of this regulation.

§ 3–50.202 Numbering of solicitation documents.

Requests for proposals and invitations for bids shall be numbered in accordance with procedures prescribed by the headquarters staff office of the procuring activitiy.

§ 3–50.203 Numbering of purchase and delivery orders.

Contracting offices shall establish procedures for numbering purchase orders as required for effective identification and control.

§ 3–50.204 Basic agreements.

Basic agreements shall be numbered in accordance with procedures prescribed by the headquarters staff office of the cognizant procuring activity. However, individual contracts entered into pursuant to the terms and conditions of such basic agreements shall be numbered in accordance with § 3–50.201(b).

§ 3–50.205 Basic ordering agreements.

Basic ordering agreements shall be numbered in accordance with procedures prescribed by the headquarters staff office of the procuring activity. However, task orders placed under such agreements shall be numbered in accordance with § 3–50.201(b) if the dollar amount of such an order is $2,500 or more.

3. Appendix B is added to this Chapter 3 and reads as follows:

APPENDIX B—CONTRACTING OFFICE IDENTIFICATION CODES

Contracting office identification codes are for use in conjunction with the HEW Management Information System and are prescribed by § 3–50.201(d) of this chapter.

100 Chief, Supply Operations Branch
Room 1741, North Building
330 Independence Ave., S.W.
Washington, D.C. 20201

101 Regional Contracting Officer
Office of the Regional Director, DHEW
1321 Second Ave.
Seattle, Washington 98101

102 Regional Contracting Officer
Office of Facilities Engineering, DHEW
1321 Second Ave.
Seattle, Washington 98101

110 Regional Contracting Officer
Office of the Regional Director, DHEW
J.F.K. Federal Office Bldg.
Boston, Massachusetts 02203

111 Regional Contracting Officer
Office of Facilities Engineering, DHEW
J.F.K. Federal Office Bldg.
Boston, Massachusetts 02203

120 Regional Contracting Officer
Office of the Regional Director, DHEW
26 Federal Plaza, Room 1351
New York, New York 10007

121 Regional Contracting Officer
Office of the Facilities Engineer, DHEW
26 Federal Plaza, Room 3309
New York, New York 10007

130 Regional Contracting Officer
Office of the Regional Director, DHEW
3535 Market Street
Philadelphia, Pennsylvania 19101

131 Regional Contracting Officer
Office of Facilities Engineering, DHEW
3535 Market Street
Philadelphia, Pennsylvania 19101

140 Regional Contracting Officer
Office of the Regional Director, DHEW
50 Seventh Street, N.E., Room 426
Atlanta, Georgia 30323

141 Regional Contracting Officer
Office of the Regional Engineer, DHEW
50 Seventh Street, N.E., Room 426
Atlanta, Georgia 30323

150 Regional Contracting Officer
Office of the Regional Director, DHEW
300 South Wacker Drive, 32nd Floor
Chicago, Illinois 60607

151 Regional Contracting Officer
Office of Facilities Engineering, DHEW
300 South Wacker Drive, 32nd Floor
Chicago, Illinois 60607

160 Regional Contracting Officer
Office of the Regional Director, Room 1025
1114 Commerce Street
Dallas, Texas 75202

161 Regional Contracting Officer
Office of the Regional Engineer, Room 1011B
114 Commerce Street
Dallas, Texas 75202

170 Regional Contracting Officer
Office of the Regional Director, DHEW
601 East 12th Street
Kansas City, Missouri 64106

171 Regional Contracting Officer
Office of the Facilities Engineer, DHEW
601 East 12th Street
Kansas City, Missouri 64106

180 Regional Contracting Officer
Office of the Regional Director, DHEW
1961 Stout Street, Federal Building
Denver, Colorado 80202

181 Regional Contracting Officer
Office of Facilities Engineering, DHEW
1961 Stout Street, Federal Building
Denver, Colorado 80202

190 Regional Contracting Officer
Office of the Regional Director, DHEW
50 Fulton Street
San Francisco, California 94102

191 Regional Contracting Officer
Office of Facilities Engineering, DHEW
50 Fulton Street
San Francisco, California 94102

200 Chief, Procurement and Material Management Office
Center for Disease Control
Atlanta, Georgia 30333

210 Chief, Procurement Branch
National Institute for Occupational Safety and Health
5600 Fishers Lane, Room 3–44
Rockville, Maryland 20852

211 Chief, Procurement Branch
National Institute for Occupational Safety and Health, P.O. Box 2548
Cincinnati, Ohio 45201

212 Administrative Officer, ACOSH
National Institute for Occupational Safety and Health
944 Chestnut Ridge Road, Room 37
Morgantown, West Virginia 26505

220 Director, Division of Grants and Contracts
Food and Drug Administration
5600 Fishers Lane
Rockville, Maryland 20852

221 Chief, Supply Management Branch
Food and Drug Administration
5600 Fishers Lane, HFA 260
Rockville, Maryland 20852

222 Director, Contracts and Procurement Office
National Center for Toxicological Research
Jefferson, Arkansas 72070

223 Chief, Negotiated Contracts Branch
Food and Drug Administration
5600 Fishers Lane
Rockville, Maryland 20852

230 Chief, Contract Operations Branch, DGPM
Health Resources Administration
5600 Fishers Lane, Room 10–46
Rockville, Maryland 20852

231 Chief, Contracts Office
Bureau of Health Resources Development
Health Resources Administration
Building 31, Room 5B–50
National Institutes of Health
Bethesda, Maryland 20014

240 Chief, Contract Operations Branch
Health Services Administration
5600 Fishers Lane
Rockville, Maryland 20852

241 Contracting Officer
Aberdeen Area Indian Health Service
Citizens Building, Room 410
Aberdeen, South Dakota 57401

242 Chief, Administrative Services Branch
Indian Health Service
Health Services Administration
500 Gold Avenue, Room 4005
Albuquerque, New Mexico 87101

243 Alaska Area Native Health Service
Box 7–741 (A–PC)
Anchorage, Alaska 99510

244 Chief, Administrative Services Branch
Indian Health Service
Health Services Administration
P.O. Box 2143
Billings, Montana 59103

245 Chief, Administrative Services Branch
Indian Health Service
Health Services Administration
P.O. Box G
Window Rock, Arizona 86515

246 Chief, Administrative Services Branch
Indian Health Service
Health Services Administration
388 Old Post Office & Courthouse Building
Oklahoma City, Oklahoma 73102

247 Chief, Administrative Services Branch
Phoenix Area Indian Health Service
Health Services Administration
801 East Indian School Road
Phoenix, Arizona 85014

248 Chief, Administrative Services Branch
Portland Area Indian Health Service
Health Services Administration
921 S.W. Washington Street, Room 200
Portland, Oregon 97205

249 Procurement Officer
Indian Health Service
Health Services Administration
P.O. Box 11340
Tucson, Arizona 85734

250 Director, Supply Division
Bureau of Medical Services
Health Services Administration
3100 Wyman Park Drive
Baltimore, Maryland 21211

251 Chief, Office of Grants Administration
Public Health Service
John Fitzgerald Kennedy Federal Building
Boston, Massachusetts 02203

252 Procurement Officer
U.S. Public Health Service Hospital
4400 Avenue N
Galveston, Texas 77550

253 General Services Officer
U.S. Public Health Service Hospital
210 State Street
New Orleans, Louisiana 70118

254 Supply Management Officer
U.S. Public Health Service Hospital
6500 Hampton Boulevard
Norfolk, Virginia 23508

255 Regional Health Administrator, Region IX
Office of Management Support
50 Fulton Street
San Francisco, California 94102

256 Administrative Officer
Public Health Service
1321 Second Avenue
Seattle, Washington 98101

257 Procurement Officer
U.S. Public Health Service Hospital
Bay Street & Vanderbilt Avenue
Staten Island, New York 10304

258 Contracting Officer
U.S. Public Health Service Hospital
Health Services Administration
Carville, Louisiana 70721

260 Chief, Research Contracts Branch
Office of Contracts and Grants
National Institutes of Health
Building 31, Room 1834
9000 Rockville Pike
Bethesda, Maryland 20014

261 Chief, Research Contracts Branch
National Cancer Institute
National Institutes of Health
Building 31, Room 10 A 20
9000 Rockville Pike
Bethesda, Maryland 20014

265 Chief Contracts Management Section
National Institute of Neurological Disease and Stroke
National Institutes of Health
Building 31, Room 8 A 34
9000 Rockville Pike
Bethesda, Maryland 20014

266 Chief, Contracts Management Branch
National Institute of Allergy and Infectious Diseases
Building 31, Room 1 B 40
Bethesda, Maryland 20014

267 Chief, Contracts Office
National Institute of Arthritis, Metabolism, and Digestive Diseases
Building 31, Room 2 B 19
9000 Rockville Pike
Bethesda, Maryland 20014

268 Chief, Contracts Operations Branch
National Heart and Lung Institute
National Institutes of Health
Room 5 A 11
5333 Westbard Avenue
Bethesda, Maryland 20014

271 Acting Chief, Contracts Management Branch
National Institute of Drug Abuse
Alcohol, Drug Abuse, and Mental Health Administration
5600 Fishers Lane, Room 7 C–26
Rockville, Maryland 20852

272 Contract Specialist
Division of Lung Diseases
National Heart and Lung Institute
National Institutes of Health
Building 31, Room 5 A 11
9000 Rockville Pike
Bethesda, Maryland 20014

273 Director, Division of Intramural Research
National Heart and Lung Institute
National Institutes of Health
Building 10, Room 7N–216
9000 Rockville Pike
Bethesda, Maryland 20014

274 Chief, Office of Collaborative Research
National Institute of Dental Research
National Institutes of Health
5333 Westbard Avenue, Room 557
Bethesda, Maryland 20014

275 Chief, Contracts Management Section
National Institute of Child Health and Human Development
Landow Building, Room C–619
7910 Woodmont Avenue
Bethesda, Maryland 21609

276 Chief, Office of Contracts Management
National Library of Medicine
8600 Rockville Pike
Bethesda, Maryland 20014

277 Chief, Division of General Services
Alcohol, Drug Abuse, and Mental Health Administration
5600 Fishers Lane, Room 6–105
Rockville, Maryland 20852

278 Chief, Grants and Contracts Management Branch
National Institute of Mental Health
Alcohol, Drug Abuse, and Mental Health Administration
5600 Fishers Lane
Rockville, Maryland 20852

279 Chief, Procurement Section
Warehouse Annex
St. Elizabeths Hospital
2700 Martin Luther King Avenue
Washington, D.C. 20032

280 Chief, Procurement Section
Clinical Research Center
National Institute of Mental Health
Alcohol, Drug Abuse, and Mental Health Administration
Leestown Pike
Lexington, Kentucky 40507

281 Chief, Contact Management Branch
National Institute of Alcohol Abuse and Alcoholism
Alcohol, Drug Abuse, and Mental Health Administration
5600 Fishers Lane, Room 16 C 21
Rockville, Maryland 20852

282 Director, Division of Materiel Management
Administrative Services Center
Public Health Services
5600 Fishers Lane, Room 3 B 26
Rockville, Maryland 20852

283 Director, Division of Grants and Contracts Management
Alcohol, Drug Abuse, and Mental Health Administration
Room 7–103
5600 Fishers Lane
Rockville, Maryland 20852

290 Regional Contracting Officer
DHEW Region X
Public Health Service
1321 Second Avenue
Seattle, Washington 98101

291 Regional Contracting Officer
DHEW Region I
Public Health Service
John F. Kennedy Federal Office Building
Boston, Massachusetts 02203

292 Regional Contracting Officer
DHEW Region II
Public Health Service
Federal Building
26 Federal Plaza
Room 3304
New York, New York 10007

293 Regional Contracting Officer
DHEW Region III
Public Health Service
P.O. Box 13716
Philadelphia, Pennsylvania 19101

294 Regional Contracting Officer
DHEW Region IV
Public Health Service
50 Seventh Street, N.E.
Room 426
Atlanta, Georgia 30323

295 Regional Contracting Officer
Public Health Service
DHEW Region V
300 South Wacker Drive
Chicago, Illinois 60606

296 Regional Contracting Officer
DHEW Region VI
Public Health Service
Room 8 C 32
1114 Commerce Street
Dallas, Texas 75202

297 Regional Contracting Officer
DHEW Region VII
Public Health Service
601 East 12th Street
Kansas City, Missouri 64106

298 Regional Contracting Officer
DHEW Region VIII
Public Health Service
1961 Stout Street
Federal Building
Denver, Colorado 80202

299 Regional Contracting Officer
DHEW Region IX
Public Health Service
50 Fulton Street
San Francisco, California 94102

300 Director, Contracts and Grants Division
U.S. Office of Education
400 Maryland Avenue, S.W.
Washington, D.C. 20202

301 Regional Contracting Officer
DHEW Region X
U.S. Office of Education
1321 Second Avenue
Seattle, Washington 98101

310 Regional Contracting Officer
DHEW Region I
U.S. Office of Education
Room 2303
John F. Kennedy Federal Office Building
Boston, Massachusetts 02203

312 Regional Contracting Officer
DHEW Region III
U.S. Office of Education
3535 Market Street
Philadelphia, Pennsylvania 19101

320 Regional Contracting Officer
DHEW Region II
U.S. Office of Education
26 Federal Plaza, Room 3947
New York, New York 10007

340 Regional Contracting Officer
U.S. Office of Education
DHEW Region IV
50 Seventh Street, N.E., Room 426
Atlanta, Georgia 30323

351 Regional Contracting Officer
DHEW Region V
U.S. Office of Education
300 South Wacker Drive, 32nd Floor
Chicago, Illinois 60607

361 Regional Contacting Officer
DHEW Region VI
U.S. Office of Education
1114 Commerce Street
Dallas, Texas 75202

370 Regional Contracting Officer
DHEW Region VII
U.S. Office of Education
601 East 12th Street
Kansas City, Missouri 64106

381 Regional Contracting Officer
DHEW Region VIII
U.S. Office of Education
1961 Stout Street
Federal Building
Denver, Colorado 80202

391 Regional Contracting Officer
DHEW Region IX
U.S. Office of Education
50 Fulton Street
San Francisco, California 94102

400 Chief, Grants and Contracts Management Division
National Institute of Education
1200 Nineteenth Street
Washington, D.C. 20208

500 Chief, Contract Branch, Division of General Services
Social and Rehabilitation Service
330 Independence Avenue, S.W.
Washington, D.C. 20201

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600 Chief, Procurement Section
Social Security Administration
6301 Security Boulevard
Room S-220
Baltimore, Maryland 21235

611 Director, Division of Direct Reimbursement
Bureau of Health Insurance
Social Security Administration
Room 1-A-5, East Building
6401 Security Boulevard
Baltimore, Maryland 21235

613 Director, Bureau of Disability Insurance
Social Security Administration
Dickinson Tower Building, Room T6 C14
1500 Woodlawn Drive
Baltimore, Maryland 21241

Effective date. The provisions of this amendment are effective July 1, 1974.

Dated: June 21, 1974.

THOMAS S. MCFEE,
Acting Assistant Secretary for Administration and Management.

[FR Doc.74-14718 Filed 6-26-74;8:45 am]

CHAPTER 101—FEDERAL PROPERTY MANAGEMENT REGULATIONS

SUBCHAPTER D—PUBLIC BUILDINGS AND SPACE

[FPMR Amdt. D-47]

CHANGES TO POLICIES AND PROCEDURES REGARDING PUBLIC BUILDINGS AND SPACE

On February 8, 1974 (39 FR 4888), a proposed amendment to 41 CFR Parts 101-17 through 101-24 was published in the FEDERAL REGISTER by the General Services Administration.

The proposed amendment involved substantive changes in the rules and regulations pertaining to Public Buildings and Space by prescribing policies and procedures to be followed in implementing the portion of the Public Building Amendments of 1972, Public Law 92-313, that deals with providing space and services and levying charges against anyone furnished space and services in space under the assignment responsibility of the General Services Administration or other executive agencies.

The proposed revision rearranged the parts within Subchapter D and added a new part as shown by the following table:

Title of part	Prior part No.	Proposed part No.
Assignment and utilization of space	101-20	101-17
Acquisition of real property	101-18	101-18
Construction and alteration of public buildings	101-17	101-19
Management of buildings and grounds	101-19	101-20
Federal Buildings Fund	None	101-21

Parts 101-17, 101-19, and 101-20 included changes in policies and procedures governing the types and classifications of space under the assignment responsibility of the General Services Administration, the construction and alteration of public buildings, and the services to be provided, in accordance with the provisions of the Public Buildings Amendments of 1972. Part 101-21 was added to provide the rules and regulations regarding the operation of the Federal Buildings Fund established by the Public Buildings Amendments of 1972. Part 101-18 contained minor changes and refinements only. The provisions of this part are currently under consideration for substantive revision and will be reissued at a later date upon issuance of a Federal Management Circular replacing the Office of Mangement and Budget Circular A-103.

Interested persons were provided 30 days in which to submit written suggestions and comments. Eleven government agencies and one individual submitted a total of 81 written suggestions and substantive comments. All comments received were carefully considered and the substance incorporated into the amendment to the extent feasible.

In consideration of the foregoing, Subchapter D is revised to read as set forth below.

PART 101-17—ASSIGNMENT AND UTILIZATION OF SPACE

Sec.
101-17.000 Scope of part.
101-17.001 Authority.
101-17.002 Basic policy.
101-17.003 Definition of terms.
101-17.003-1 Space assignment.
101-17.003-2 General purpose space.
101-17.003-2a Types of general purpose space.
101-17.003-3 Special purpose space.
101-17.003-4 Government-owned space.
101-17.003-5 Leased space.
101-17.003-6 Permit space.
101-17.003-7 Occupancy guides.
101-17.003-8 Private office.
101-17.003-9 Semiprivate office.
101-17.003-10 Open office area.
101-17.003-11 Work station.
101-17.003-12 Administrative support space.
101-17.003-13 Joint use space.
101-17.003-14 [Reserved]
101-17.003-15 [Reserved]
101-17.003-16 Inside parking space.
101-17.003-17 Outside parking space.
101-17.003-18 Space planning.
101-17.003-19 Space layout.
101-17.003-20 Space utilization.
101-17.003-21 Space inspection.
101-17.003-22 Space utilization survey.
101-17.003-23 Federal agency.
101-17.003-24 Executive agency.
101-17.003-25 Non-Federal organizations.
101-17.003-26 Gross area.
101-17.003-27 Occupiable area.
101-17.003-28 Building support area.
101-17.003-29 Government - controlled space.

Subpart 101-17.1—Assignment of Space
101-17.100 Scope of subpart.
101-17.101 Requests for space.
101-17.101-1 Form of request.
101-17.101-1a Type of request.
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AUTHORITY: 63 Stat. 377, as amended (40 U.S.C. 285, 304c, 601 et seq., 490 note); E.O. 11512, 35 FR 3979.

§ 101-17.000 Scope of part.

This part prescribes the policies and procedures relative to the assignment and utilization of space in Government-owned and -leased buildings, or portions thereof, in the United States. The term "United States," as used in this subchapter, shall mean the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States.

§ 101-17.001 Authority.

This part implements the applicable provisions of the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended; the Act of July 1, 1898 (40 U.S.C. 285); the Act of August 27, 1935 (40 U.S.C. 304c); the Public Buildings Act of 1959, as amended (40 U.S.C. 601 et seq.); the Rural Development Act of 1972 (86 Stat. 674); Reorganization Plan No. 18 of 1950 (40 U.S.C. 490 note); and Executive Order 11512 of February 27, 1970 (35 F.R. 3979).

§ 101-17.002 Basic policy.

GSA shall acquire and utilize federally owned and leased office buildings and space located in the United States and shall issue standards and criteria for the use of such space. GSA shall assign and reassign such space to Federal agencies and certain non-Federal organizations. GSA and other Federal agencies shall be governed by the following policies for the assignment, reassignment, and utilization of office buildings and space.

(a) Material consideration shall be given to the efficient performance of the missions and programs of the executive agencies and the nature and function of the facilities involved with due regard for the convenience of the public served and the maintenance and improvement of safe and healthful working conditions for employees.

(b) In providing general purpose space, GSA will establish and maintain a balance between functional efficiency of agencies served and economy in space use.

(c) Maximum use shall be made of existing Government-owned permanent buildings which are adequate or economically adaptable to the space needs of executive agencies.

(d) Suitable privately owned space shall be acquired only when satisfactory Government-owned space is not available.

(e) Space planning and assignments shall take into account the objective of consolidating agencies and constituent parts thereof in common or adjacent space to improve management and administration.

(f) The availability of adequate low and moderate income housing on a nondiscriminatory basis for employees, nondiscrimination in the sale and rental of housing, accessibility from other areas of the urban center, and adequacy of parking facilities shall be considered.

(g) Whenever a space assignment requires the acquisition of space, the policies established in § 101-18.100 or § 101-19.002 shall apply to the acquisition.

(h) Insofar as practical, first priority is to be given to locating space for new offices and other facilities in rural areas (P.L. 92-419, sec. 601).

§ 101-17.003 Definition of terms.

The following definitions are established for terms used in this Subchapter D.

§ 101-17.003-1 Space assignment.

"Space assignment" means an administrative action which authorizes the occupancy and use by a Federal agency or other eligible entity of building space and land areas incidental thereto.

§ 101-17.003-2 General purpose space.

"General purpose space" means space in buildings under the assignment responsibility of GSA, including land incidental to the use thereof, which may be suitable for the use of agencies generally, as determined by GSA. The following categories of space are specifically excluded from this definition:

(a) Space in any building located in a foreign country.

(b) Space in buildings which are located on the grounds of any fort, camp, post, arsenal, navy yard, naval training station, airbase, proving ground, missile site, military academy or school, or any similar facility of the Department of Defense or U.S. Coast Guard, unless and to such an extent as a permit for its use by other agencies shall have been issued by the Secretary of Defense, or the Secretary of Transportation, as appropriate, or their duly authorized representatives.

(c) Space in the Executive Mansion, Capitol Building, the Senate and House Office Buildings, the Capitol power plant, the buildings under the jurisdiction of the Regents of the Smithsonian Institution, and the Congressional Library Building.

(d) Space in the Treasury Building, the Bureau of Engraving and Printing Building, and the buildings occupied by the National Bureau of Standards.

§ 101-17.003-2a Types of general purpose space.

Space as defined in § 101-17.003-2 is categorized as being of the office, storage, or special type. The physical characteristics of the space are the basis for determining the proper space category.

(a) "Office space" means space that must provide an acceptable environment suitable in its present state for an office operation. This requirement includes, but is not limited to, adequate lighting, air-conditioning, heating, ventilation, floor covering, finished walls, and accessibility. The space may consist of a large open area or may be partitioned into rooms. Private corridors, closets, and similar areas which have been created within office-type space through the erection of partitions shall be classified as office space. The following are representative of uses of office space.

(1) General purpose office space.
(2) Private corridors.
(3) Conference rooms (without special equipment and additional heating, ventilation, and air-conditioning—HVAC).
(4) Training rooms (without special equipment and HVAC).
(5) Libraries (without extensive built-in stacks and special floor loading).
(6) Dry laboratories.
(7) Storage in office space.
(8) Credit unions (without fixed equipment).
(9) Lounges (other than toilet areas).
(10) Reception areas.
(11) Hearing rooms (without special equipment and HVAC).
(12) Telephone switchboard rooms.
(13) Mail rooms.
(14) Health rooms (without special equipment).

(b) "Storage space" means space generally consisting of concrete, woodblock or unfinished floors, bare block or brick interior walls, unfinished ceiling, and similar construction containing minimal lighting and heating. This type of space would include attics, basements, warehouses, sheds, unimproved areas of loft buildings, and unimproved building cores. All storage space will be classified under subsets of general storage area, inside parking area, or warehouse areas as follows:

(1) General storage areas (storage in general purpose buildings) including:
(i) Basements.
(ii) Attics.
(iii) Closets (not finished to office standards).
(iv) Supply rooms (not finished to office standards).
(v) Storerooms (not finished to office standards).
(vi) File rooms (not finished to office standards).
(vii) Warehouse areas of multiuse buildings.

(2) Inside parking areas (garage space located in either a federally owned or leased building which is utilized for the parking of motor vehicles) including:
(i) Garages.
(ii) Parking area.
(iii) Motor pool parking.

(3) Warehouse areas (entire buildings with warehouse features, including minor amounts of supporting office space).

(c) "Special space" means space which, because of architectural features or the installation of fixed (built-in) equipment and special utilities, necessitates the expenditure of varying sums to construct, maintain, and/or operate as compared to office and storage space. Special space is further defined as follows:

(1) Laboratory and clinic areas (space containing built-in equipment and utilities required for the qualitative or quantitative analysis of matter, experimentation, the processing of materials, and/or the physical welfare of employees or the public) including:
(i) Wet laboratories.
(ii) Clean laboratories.
(iii) Photographic laboratories.
(iv) Clinics.
(v) Health units and rooms (with special equipment).
(vi) Private toilets.

(2) Food service areas (space in building devoted to the preparation and dispensing of foodstuffs) including:
(i) Cafeterias (kitchens and table areas).

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(ii) Snack bars.
(iii) Mechanical vending areas.
(iv) Private kitchens.

(3) Structurally changed areas (areas having architectural features differing from normal office or storage areas such as sloped floors, high ceilings, and increased floor loading) including:
(i) Auditoriums.
(ii) Gymnasiums.
(iii) Libraries (with special stacks and floor loading).
(iv) Target ranges.
(v) Security vaults.
(vi) Courtrooms.
(vii) U.S. Postal Service workrooms.

(4) Automatic data processing areas (areas having special features such as humidity and temperature control, raised flooring, and special wiring) including:
(i) Computer rooms.
(ii) Support areas (with special flooring and wiring).
(iii) Tape vaults.

(5) Conference and training areas (areas used for conferences, training, and hearings with special equipment and supplemental HVAC) including:
(i) Conference rooms.
(ii) Hearing rooms.
(iii) Training rooms.
(iv) Exhibit areas.
(v) Small courtrooms (no structural changes).

(6) Light industrial areas including: with HVAC, printing plants, classifying laboratories, and shops).
(i) Records storage (with humidity control).
(ii) Storage type space (with air-conditioning).
(iii) Printing plants.
(iv) Product classifying laboratories.
(v) Motor Pool service areas.
(vi) Postal workrooms, swingrooms, locker rooms, mailing vestibules and platforms, and lock box lobbies.
(vii) Shops (other than PBS).
(viii) Loading docks and shipping platforms.
(ix) Canopy areas.
(x) Vertical improved mail system areas.

(7) Quarters and residential housing areas (housing and quarters that do not logically fall in the other categories).

§ 101–17.003–3 Special purpose space.

"Special purpose space" means space in buildings under the assignment responsibility of GSA, including land incidental to the use thereof, which is wholly or predominantly utilized for the special purposes of an agency and not generally suitable for the use of other agencies, as determined by GSA.

§ 101–17.003–4 Government-owned space.

"Government-owned space" means space in buildings, and land incidental thereto, which will become vested, pursuant to existing agreement, in the United States Government.

§ 101–17.003–5 Leased space.

"Leased space" means space in buildings, and land incidental thereto, for which the Government has a right of occupancy by virtue of having acquired a leasehold interest.

§ 101–17.003–6 Permit space.

"Permit space" means space in buildings, and land incidental thereto, for which a right of occupancy has been granted by permit from another Federal agency.

§ 101–17.003–7 Occupancy guides.

"Occupancy guides" means printed guidelines developed jointly by GSA and the affected agency which outline the space requirements based on the functions, operations, and staffing of the particular agency for which they are developed.

§ 101–17.003–8 Private office.

"Private office" means a room occupied by one individual. This room may be enclosed by either ceiling-high or screen partitions.

§ 101–17.003–9 Semiprivate office.

"Semiprivate office" means a room not exceeding 400 square feet occupied by two or more individuals. This room may be enclosed by either ceiling-high or screen partitions.

§ 101–17.003–10 Open office area.

"Open office area" means an area exceeding 400 square feet that may contain work stations and/or administrative support functions. This area may be enclosed by either ceiling-high or screen partitions.

§ 101–17.003–11 Work station.

"Work station" means the area, furniture, equipment, and configuration required by one worker. It may be a private office or a portion of a semiprivate or open office area.

§ 101–17.003–12 Administrative support space.

"Administrative support space" means office space which is required in addition to work station space to house equipment and/or functions which an agency requires to properly perform its mission.

§ 101–17.003–13 Joint use space.

"Joint use space" means that common space available for use by all occupants of the building such as cafeterias, conference rooms, credit unions, and snack bars. It does not include mechanical, custodial, or circulation areas.

§ 101–17.003–14 [Reserved]

§ 101–17.003–15 [Reserved]

§ 101–17.003–16 Inside parking space.

"Inside parking space" means that motor pool space and parking space for Postal Service, official, employee, and visitor vehicles that is part of a building or in a structure specifically designed for vehicle parking.

§ 101–17.003–17 Outside parking space.

"Outside parking space" means that parking space not included in the inside parking space category, such as uncovered ground level parking areas or parking lots either paved or unpaved.

§ 101–17.003–18 Space planning.

"Space planning" means a study using the latest techniques to determine the best location and the most efficient layout of agency operations and equipment.

§ 101–17.003–19 Space layout.

"Space layout" means the specific placement of work stations, furniture, and equipment to provide maximum efficiency of an agency operation. This is normally accomplished by the use of templates.

§ 101–17.003–20 Space utilization.

"Space utilization" means the manner and the degree of efficiency in which Government-owned and -leased facilities are occupied.

§ 101–17.003–21 Space inspection.

"Space inspection" means a reconnaissance-type evaluation of the manner in which space assignments are being utilized to determine whether immediate or scheduled corrective action is indicated.

§ 101–17.003–22 Space utilization survey.

"Space utilization survey" means a detailed analysis, using recognized space management procedures and techniques, of the manner in which an agency is utilizing its space.

§ 101–17.003–23 Federal agency.

"Federal agency" means any executive agency or any establishment in the legislative or judicial branch of the Government except the Senate, the House of Representatives, and the Architect of the Capitol and any activities under his direction.

§ 101–17.003–24 Executive agency.

"Executive agency" means any executive department or independent establishment in the executive branch of the Government, including any wholly owned Government corporation.

§ 101–17.003–25 Non-Federal organizations.

"Non-Federal organizations" means organizations such as credit unions, concessions, and vending stands operated by the blind; organizations under the direct sponsorship of a Federal agency such as grantees and contractors; and such recognized groups or organizations as defined in § 101–20.701.

§ 101–17.003–26 Gross area.

"Gross area" means the sum of the floor areas computed by measuring from the normal outside face of exterior walls, disregarding architectural setbacks or projections, cornices, pilasters, and buttresses, and including all stories or areas which have floor surfaces and a clear standing headroom of 6½ feet or more. Gross area includes basements (except unexcavated portions), attics, garages, roofed porches, mezzanines, loading platforms, shipping platforms, penthouses, mechanical equipment floors, lobbies, and corridors. Suspended postal lookout galleries are not included. Gross area does not include open courts, light wells, upper portions of rooms, lobbies and other areas which rise above the story being measured, drives or ramps extending beyond the principal exterior walls of the building, or unroofed areas such as cooling towers and unenclosed portions of ground level or intermediate stories.

§ 101–17.003–27 Occupiable area.

"Occupiable area" means that portion of the gross area which is available for use by an occupant's personnel or furnishings, including space which is available jointly to the various occupants of the building, such as auditoriums, health units, and snack bars. Occupiable area does not include that space in the building which is devoted to its operations and maintenance, including craft shops, gear rooms, and building supply storage and issue rooms. Occupiable area is computed by measuring from the occupant's side of ceiling-high corridor partitions or partitions enclosing mechanical, toilet, and/or custodial space to the inside finish of permanent exterior building walls or to the face of the convector if the convector occupies at least 50 percent of the length of the exterior wall. When computing occupiable area separated by partitions, measurements are taken from the center line of such partitions.

§ 101–17.003–28 Building support area.

"Building support area" means that portion of the floor area that is not occupiable by an occupant's personnel or furnishings. It consists of the mechanical, toilet, custodial, circulation, and construction areas including their enclosing walls and represents the difference between gross area and occupiable area.

§ 101–17.003–29 Government-controlled space.

"Government-controlled space" means Government-owned space or Government-leased space.

Subpart 101–17.1—Assignment of Space

§ 101–17.100 Scope of subpart.

This subpart prescribes the responsibilities and procedures which are applicable to the assignment of space to Federal agencies and other entities entitled to occupy space in Government-owned and -leased buildings.

§ 101–17.101 Requests for space.

(a) Except as provided in § 101–17.101–2, Federal agencies shall satisfy their space needs by submitting a Standard Form 81, Request for Space, to the GSA regional office responsible for the geographic area in which the space is required, except that a request for space in GSA's Region 3 should be made to the General Services Administration, Public Buildings Service, Office of Operating Programs (PMR), 18th & F Streets NW., Washington, D.C. 20405. A listing of GSA regional offices and the areas they service is shown in § 101–17.4801.

(b) Heads of executive agencies shall:
(1) Cooperate with and assist the Administrator of General Services in carrying out his responsibilities with respect to buildings and space;
(2) Give the Administrator of General Services early notice of new or changing space requirements;
(3) Economize in their requirements for space; and
(4) Review continuously their needs for space in and near the District of Columbia, taking into account the feasibility of decentralizing services or activities which can be carried on elsewhere without excessive costs or significant loss of efficiency.

§ 101–17.101–1 Form of request.

Space requests, except those for space in proposed buildings included in the Public Buildings Construction Program, shall be submitted on Standard Form 81, Revised, Request for Space. (See § 101–17.4901–81, Request for Space). Requests for space in buildings proposed for construction shall be submitted to GSA on GSA Form 144, Space Requirements. (See § 101–17.4902–144.)

§ 101–17.101–1a Type of request.

The type of request shall be indicated on Standard Form 81, Request for Space.

(a) An initial request means a request for space in a location where an agency does not presently occupy any space or where space is required for new agencies or new missions of existing agencies.

(b) A supplemental request means a request for space in a location where an agency already occupies space but needs additional space to provide for expanding program responsibilities.

(c) A replacement request means a request for space to replace that occupied by an agency as a result of a relocation or a consolidation of agency activities.

§ 101–17.101–1b Certification of request.

The need for space requested, the number of personnel listed, and the availability of funds, as appropriate, for reimbursement to GSA shall be certified by an authorized official of the requesting agency on the Standard Form 81. When applicable, the certification will also state that the request is in compliance with §§ 101–17.103, 101–18.107, and 101–19.101 of this subchapter which require the requesting agency to submit documentation that the availability of low and middle income housing in the delineated area has been cleared with the Department of Housing and Urban Development.

§ 101–17.101–2 Exceptions to submitting requests for space.

Standard Form 81 need not be filed by Federal agencies when the space desired or to be acquired is:

(a) General purpose space of 2,500 square feet or less falling within the geographical area where leasing authority has been delegated to the agency. (See § 101–18.104.)

(b) Special purpose space of 2,500 square feet or less irrespective of geographical location.

(c) Space acquired by the U.S. Postal Service.

(d) Space for short-term conferences and meetings. (See §101–17.101–4.)

§ 101–17.101–3 Action when space is not available.

If no suitable Government-controlled space is available, GSA will so advise the requesting agency by the return of a signed copy of the Standard Form 81, showing thereon the action to be taken.

(a) When the agency has acquisition authority or has been delegated such authority by the Administrator of General Services it may thereupon proceed to acquire the requested space. The signed copy of the Standard Form 81 shall be attached to the leasing or related instrument made available to the General Accounting Office. Such clearances are extended on a fiscal year or part of a fiscal year basis, except in these instances in which the acquiring activity uses longer term leasing authority.

(b) GSA may take necessary action to acquire space for agencies having acquisition authority when the latter so request by checking the appropriate block on Standard Form 81.

(c) GSA will take the necessary action to acquire the space for agencies having no acquisition authority.

§ 101–17.101–4 Short-term use of conference and meeting facilities.

Agencies having a need for facilities for short-term conferences and meetings shall contact GSA informally to make their requirements known. GSA will determine if suitable Government-owned facilities are available in the desired area and, if so, will notify the requesting agency of its assignment. If no suitable facilities are available, GSA will assist or advise agencies in arranging for the use of privately owned facilities when agencies have authority to contract by purchase order or other means. Payment for use of privately owned conference or meeting rooms is, in fact, payment for the services and furnishings that are provided. Such services and furnishings, in addition to the facilities (auditorium, conference room, meeting room, etc.), would include chairs (already placed as requested by the user), rostrum with tables and chairs, posting of notices on appropriate building bulletin board, amplifier system, screen and motion picture projector, and other special equipment needed. GSA may obtain privately owned conference and meeting facilities by service contract on an hourly rate basis where combined requirements of the Federal agencies in a particular area would justify an open end service contract for such space for intermittent use periods or for an extended period of time.

§ 101–17.101–5 Space requirements for ADP equipment.

(a) Agencies requiring space for the installation of data processing equip-

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ment must provide the following information in addition to the requirements of § 101–17.101–1:

(1) Type of equipment (including make, model number, manufacturer, and number of units of each);

(2) Space and environmental requirements, including:

(i) Floor weight (lbs.);

(ii) Machine dimensions (width, depth, and height in inches);

(iii) Service clearance (front, rear, right and left sides);

(iv) Power in voltage and kv.-a. (starting loads and operating loads);

(v) Heat dissipation in B.t.u./hr. and air flow (c.f.m.);

(vi) Environmental factors of temperature range (F) and relative humidity; and

(vii) Need for raised floor, acoustic ceiling, and air-conditioning;

(3) Related requirements, such as storage space for supplies, tapes, and disks; work space, including desk and aisle space; and future expansion needs;

(4) Agency responsible for funding; and

(5) Required occupancy date.

(b) The above information should be provided as separate supplemental data to Standard Form 81, Request for Space, and forwarded to the GSA office as outlined in § 101–17.101. The space requirements indicated in block 11 of Standard Form 81 must include the space requirements for all components of ADPE. The ADPE supplier should be consulted prior to establishing space needs in order to ascertain any specific or peculiar space requirements of the ADPE involved.

(c) It is essential that this information regarding the requirement for ADP space be transmitted to GSA as far as possible in advance of delivery of equipment so that space can be provided in a timely and economical manner.

§ 101–17.101–6 Procurement of parking for Government-owned vehicles.

Agencies having a need for other than temporary parking accommodations in the urban centers listed in § 101–18.102, for Government-owned motor vehicles not regularly housed by GSA, shall, prior to initiating procurement action for parking accommodations, make their needs for such facilities known to the appropriate GSA office as outlined in § 101–17.101. The request, which may be in the form provided in Standard Form 81, Request for Space, will be reviewed by GSA to determine the availability of Government-controlled space. The agency will be notified promptly should no such space be available. This notification will become a part of the file supporting the subsequent procurement.

§ 101–17.102 Procedures for assigning space.

§ 101–17.102–1 Assignment by GSA.

(a) GSA will perform all functions with respect to the assignment and reassignment of space:

(1) In Government-owned buildings which GSA controlled for assignment and reassignment purposes on June 30, 1950.

(2) In specific Government-owned buildings for which assignment and reassignment functions were transferred to GSA pursuant to section 1 of Reorganization Plan No. 18 of 1950 (3 CFR; 40 U.S.C. 490 note) or section 210(d) of the Federal Property and Administrative Service Act of 1949, as amended (40 USC 490(d)).

(3) In Government-owned buildings or space acquired by GSA by purchase, condemnation, transfer, lease, or other.

(4) In Government-owned buildings which have been or may be determined to be within the assignment and reassignment authority of GSA.

(b) GSA may, in accordance with policies and directives prescribed by the President, including Executive Order 11512 of February 27, 1970 (35 F.R. 3979), under sec. 205(a) and 210(e) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 486(a) and 490(e)), and after consultation with the agencies affected, assign and reassign space of any executive agencies after determining that such assignments or reassignment is advantageous to the Government in terms of economy, efficiency, or national security.

§ 101–17.102–2 Assignment by agencies.

Except for the space covered by § 101–17.102–1(a), and subject to the provisions of § 101–17.102–1(b), agencies may perform all functions with respect to the assignment and reassignment of space. The Administrator of General Services may, in specific cases, authorize executive agencies to perform any of the functions described in § 101–17.102–1(a).

§ 101–17.103 Application of socioeconomic considerations.

(a) Agencies shall cooperate with GSA in coordinating proposed programs and plans for buildings and space in a manner designed to exert a positive economic and social influence on the development or redevelopment of the areas in which such facilities will be located.

(b) Whenever actions are proposed to accomplish the reassignment or utilization of space through the relocation of an existing major work force, the impact on low- and moderate-income and minority employees shall be considered where:

(1) 100 or more low- and moderate-income employees are expected to be employed in the new space; and

(2) The relocation involves residential relocation of a majority of the existing low- and moderate-income work force, a significant increase in their transportation or parking costs, travel time that exceeds 45 minutes to the new location or a 20 percent increase in travel time if travel time to the present facility already exceeds an average of 45 minutes.

(c) The Department of Housing and Urban Development will be consulted concerning the availability on a nondiscriminatory basis of low- and moderate-income housing to the project area for those Federal employees who will work in the space to be assigned or reassigned when the action meets the criteria in paragragh (b) of this section.

(d) When, after consultation, it is determined that (1) there is a lack of low- and moderate-income housing on a nondiscriminatory basis within reasonable proximity and (2) the location is not readily accessible from other areas of the urban center, an affirmative action plan shall be developed as described in § 101–19.101–4 with agency participation as described in § 101–19.101–5.

Subpart 101–17.2—Utilization of Space

§ 101–17.200 Scope of subpart.

This subpart prescribes the principles and objectives of GSA in regard to the full and efficient utilization of Government-controlled space. The efficient utilization of space is closely related to the assignment functions of GSA, and, therefore, this subpart shall be considered in the light of the policies and procedures in Subpart 101–17.1, Assignment of Space.

§ 101–17.201 Responsibility of GSA.

(a) GSA will assign agencies sufficient space to carry out their programs, provided that the need for such space is justified to the satisfaction of GSA.

(b) GSA will conduct space inspections and space utilization surveys to promote and enforce efficient utilization, recapturing for release or reassignment any space which the agencies do not justify to the satisfaction of GSA as being required. Adequate advance notice of the planned survey will be given to the agency concerned.

§ 101–17.201–1 Conduct of space inspections.

GSA will plan space inspections at periodic intervals on a community, building, or agency basis as appropriate. Inspections will be made in an orderly manner, on the basis of a floor-by-floor and room-by-room check of all assigned space. The agency will be provided with a written summary of significant findings and recommendations, together with data concerning improvements which can be effected by the agency, and those which are planned by GSA.

§ 101–17.201–2 Conduct of space utilization surveys.

Space utilization surveys are made to ascertain whether a current assignment can be made more efficient and economical. These surveys may be scheduled as a result of a request for space, an action to improve utilization, an assignment action requiring a relocation of an activity, or as a result of a space inspection. Agencies will be kept informed of space utilization surveys and actions related thereto by the appropriate GSA regional office listed in § 101–17.4801.

§ 101–17.202 Responsibility of agencies.

It is the responsibility of the agencies to assist and cooperate with GSA in the assignment and utilization of space, including the furnishing of data relative to the use of the space occupied, and personnel housed or to be housed. It is the further responsibility of the agencies continuously to study and survey space occupied under assignment by GSA and other space which is controlled by the agencies, to insure efficient and economical space utilization. It is also the responsibility of those agencies which control space to report to GSA any space which is excess to their needs and which might be assigned to other agencies.

§ 101–17.203 Release of space not fully utilized.

The space utilization program is designed to effect maximum efficient utilization of Government-controlled space. Space for which there is no current foreseeable need will be relinquished.

§ 101–17.204 Notice to GSA of relinquishment of assigned space.

(a) GSA shall be notified by an agency occupying space assigned by GSA at least 60 days prior to the date on which the space, or portion thereof, will no longer be needed. In no event, however, shall such notice be given less than 30 days prior to the date on which a lease termination notice must be issued. Such notification shall be submitted in writing to the GSA regional office responsible for the geographical area in which the space is located, giving a description of the area involved, its location, and the estimated date of release. When a portion of space is released, it must be consolidated and accessible for reassignment. Any alteration required to make such space consolidated and accessible will be borne by the agency before the space is assumed by GSA. The appropriate GSA regional office may reassign or dispose of the space.

(b) When an agency is responsible for operation, maintenance, and protection of Government-owned space to which it has been assigned by GSA, and the agency determines that such space, or a portion thereof, is no longer needed, the agency shall so notify GSA at least 6 months prior to relinquishing the space in the same manner as indicated in paragraph (a) of this section. The operation, protection, and maintenance of the real property or portion thereof to be released shall continue to be the responsibility of the agency until the first day of the fiscal quarter after the 6-month period ends.

Subpart 101–17.3—Space Standards, Criteria, and Guidelines

§ 101–17.300 Scope of subpart.

This subpart identifies those factors affecting office layout which must be considered in connection with achieving more efficient layouts and better space utilization.

§ 101–17.301 Space allowances.

Space allowances are derived from specific studies of the operations of the agencies, and are directed toward providing each employee with enough space to work efficiently.

§ 101–17.302 Use of occupancy guides.

The objectives of the occupancy guide program are to improve agency operations and promote economic and prudent utilization of Government-controlled space through the development and application of occupancy standards and criteria for specific agencies and activities. Each occupancy guide represents an agreement between GSA and the agency as to the latter's space requirements and is written in terms which permit nationwide application. The criteria contained in occupancy guides will be used as a basis for estimating agency space requirements for those agencies for which guides have been published and allowances are considered to be maximum. Occupancy guides will be reviewed jointly by GSA and the agencies and revised to conform with the allowances contained in this Subpart 101–17.3.

§ 101–17.303 Use of space allocation allowances.

(a) The space allowances listed in §§ 101–17.304–1 and 101–17.304–2 are to be used in space planning for agencies or components thereof for which occupancy guides have not been published. In addition, these allowances are applicable for all agency headquarters activities.

(b) Work station space allowances listed in § 101–17.304–1 shall not necessarily be used as criteria for assigning space to individuals. Rather, they should be used to estimate that portion of the total office space that is required for work stations.

§ 101–17.304 Office space allowances.

The amount of office space developed by application of these allowances should normally be sufficient to house office elements of executive agencies. It is recognized, however, that agency functions and needs and physical variations in buildings will cause deviations in the determination of the amount of space assigned, and its division into private, semi-private, open areas, or other uses will be based upon a templated layout which reflects the optimum use of the space and the workflow requirements of the using agency.

§ 101–17.304–1 Work station space allowances.

Grade	Type of assignment (supervisory means supervision of or frequent meetings with three or more employees within the office confines)	Office space allowance (square foot per person) [1]
GS 1 to 6		60
GS 7 to 11	Nonsupervisory	75
GS 7 to 11	Supervisory	100
GS 12 to 13	Nonsupervisory	100
GS 12 to 13	Supervisory	150
GS 14 to 15	Nonsupervisory	150
GS 14 to 15	Supervisory	225
GS 16, 17, and 18		300

[1] Head of agency and deputy (departmental) not prescribed.

§ 101–17.304–2 Administrative support space allowances.

The following space allowance table is to be used in determining the amount of administrative support space required in office space planning. Although work stations may be interspersed in administrative support areas, allowances for administrative support areas may not be added to allowances for work stations except where support area furniture exceeds the capaciay of the work station area.

SPACE ALLOWANCE TABLES

TABLE I.—*Common furniture and equipment*

Item	Size (inches)	Allowance (square feet)
Bookcase	12 x 33	6
Bookcase, unitized	22 x 13	4
Cabinet, storage, wardrobe	15 x 24	6
Do	18 x 36	9
Do	24 x 36	11
Cabinet, stationary	18 x 36	9
Cabinet, filing (letter size)	15 x 26	7
Cabinet, filing (legal size)	18 x 35	8
Cabinet, filing (safe)	19 x 26	9
Cabinet, filing (map, plan)	36 x 48	24
Do	36 x 60	30
Chair, side		5
Costumer (hat tree)		4
Credenza (not part of a work station)	18 x 66	15
Locker, clothing	18 x 21	6
Do	36 x 21	12
Safe (1-door)	21 x 23	8
Do	42 x 36	10
Safe (2-door)	42 x 36	13
Stand, dictionary		4
Stand, office machine	18 x 18	5
Do	18 x 34	9
Do	24 x 36	12
Table	14 x 36	4
Do	24 x 36	12
Do	30 x 60	25
Do	34 x 60	30
Do	36 x 72	35
Valet rack	20 x 30	8
Do	20 x 51	14
Shelving	12 x 36	9
Do	18 x 36	10
Do	24 x 36	11

TABLE II—COMMON FUNCTIONS

Item:	*Allowance*
Conference and meeting rooms.	On 50 percent time/use basis at 20 square feet per person, based on average number of persons in attendance.
Classrooms and training rooms.	Desk/arm chair at 10 square feet per person. Desk and chair at 40 square feet per person.
Reception areas.	Based on average visitor load at 10 square feet per person.
Exhibit areas, internal duplicating, libraries, mailrooms, supply rooms. rooms.	Actual measurement of equipment plus circulation.

§ 101–17.305 Storage space allowances.

Storage space shall be estimated by application of the allowances in § 101–17.304–2 where standard storage equipment (file cabinets, shelving, and safes) is used. When such is not the case (such as bulk storage of furniture, equipment, and supplies), a careful estimate of the space requirement must be made by on-site inspection, giving due consideration to warehousing techniques.

§ 101–17.306 Special space allowances.

To the extent possible, space for special use shall be estimated on the basis of specialized standards, such as those for laboratory equipment. Distributors of specialized equipment can readily pro-

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vide information on space required to house particular items of equipment, and their advice should be sought whenever possible. The criteria contained in § 101–17.304 may be used to estimate space required for conference rooms, classrooms, and training rooms.

§ 101–17.307 Private office space allowances.

Private offices should be provided only when there is a demonstrated functional need. They should be only large enough for the occupant to conduct his normal business in an efficient manner and with a reasonable degree of dignity. The normal maximum allowance for private offices is 300 square feet, but this should be considered only in instances in which it is necessary for the occupant to confer frequently with sizable groups of people, and a conference room is not convenient.

Subpart 101–17.4—Space Planning and Layout

§ 101–17.400 Scope of subpart.

This subpart outlines the methods used in the planning and layout of space assignments and prescribes the conditions governing GSA—agency coordination.

§ 101–17.401 Space planning assistance.

GSA shall be responsible for preparing the initial space layout. When an agency requires subsequent space layout assistance, a request for such assistance should be made to the regional office of GSA responsible for the geographical area in which the space is located. In consultation with the agency, GSA will determine the scope of assistance required and will provide such service on a reimbursable basis either by use of existing staff or by contract.

§ 101–17.402 Use of contractual services for space planning.

No Federal agency shall, without the written approval of GSA, enter into a contract for interior office design or space layout, with any non-Federal firm or individual. When it is determined that a contract is required, GSA, with the advice of the agency, will enter into the contract and supervise the contractor's performance. The contract will be completely reimbursable by the requesting agency except when it covers the initial space layout.

Subpart 101–17.5—Providing Space in New Public Buildings

§ 101–17.500 Scope of subpart.

This subpart prescribes the procedures and objectives governing space planning for new public buildings.

§ 101–17.501 General.

Modern space layout principles, which contribute to good space management and operational efficiency, are particularly appropriate in the case of new public buildings. Full coordination, strict observance of the design schedule, and followup action are required to insure maximum return to the Government in terms of efficiency and economy.

§ 101–17.502 Responsibility of GSA.

GSA will be responsible for the space planning and layout in all new public buildings. Regional offices of GSA will forward layout plans to occupant agencies for review and coordination and, at the same time, notify the agencies of the date beyond which design changes cannot be accepted.

§ 101–17.503 Responsibility of agencies.

Agencies are responsible for making their needs known to GSA on a timely basis; providing cooperation and assistance if required in the preparation of space layouts; and requesting necessary changes prior to the design cutoff date. (See also § 101–19.204.)

§ 101–17.504 Postoccupancy evaluation.

GSA will conduct a postoccupancy evaluation of major new public buildings approximately 6 months after the date of occupancy. This evaluation, which will take the form of space inspections or space utilization surveys as described in Subpart 101–17.2, Utilization of Space, will be conducted to economy.

Subparts 101–17.6–101–17.47 [Reserved]

Subpart 101–17.48—GSA Regional Offices

§ 101–17.4800 Scope of subpart.

This subpart identifies the regional offices of GSA, describes the geographical areas of jurisdiction, and lists the office address.

§ 101–17.4801 GSA regional offices.

GSA region	Area served	Mailing address
1	Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont.	General Services Administration, John W. McCormack Post Office and Courthouse, Boston, MA 02109.
2	New Jersey, New York, Puerto Rico, and the Virgin Islands.	General Services Administration, 26 Federal Plaza, New York, NY 10007.
3	Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, and West Virginia.	General Services Administration, Region 3, Washington, DC 20407.
4	Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee.	General Services Administration, 1776 Peachtree Street, NW., Atlanta, GA 30309.
5	Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin.	General Services Administration, 219 South Dearborn Street, Chicago, IL 60604.
6	Iowa, Kansas, Missouri, and Nebraska.	General Services Administration, 1500 East Bannister Road, Kansas City, MO 64131.
7	Arkansas, Louisiana, New Mexico, Oklahoma, and Texas.	General Services Administration, 819 Taylor Street, Fort Worth, TX 76102.
8	Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming.	General Services Administration, Building 41, Denver Federal Center, Denver, CO 80225.
9	Arizona, California, Hawaii, and Nevada.	General Services Administration, 525 Market Street, San Francisco, CA 94105.
10	Alaska, Idaho, Oregon, and Washington.	General Services Administration, GSA Center, Auburn, WA 98002.

Subpart 101–17.49—Forms

§ 101–17.4900 Scope of subpart.

This subpart contains information on forms that pertain to the assignment and utilization of space and instructions in their use.

§ 101–17.4901 Standard forms.

(a) Forms referenced to this § 101–17.4901 are Government standard forms. The subsection numbers in this section correspond with the standard form numbers.

(b) Supplies of standard forms can be obtained from the nearest GSA supply distribution facility.

§ 101–17.4901–81 Standard Form 81, Request for Space.

NOTE: Form filed as part of original document.

§ 101–17.4902 GSA forms.

(a) Forms referenced to this § 101–17.4902 are GSA forms. The subsection numbers in this section correspond to the GSA form number.

(b) Agencies may obtain their initial supply of GSA forms from General Services Administration (3BRDD), Union and Franklin Streets Annex, Building 11, Alexandria, VA 22314. Agency field offices should submit all future requirements to their Washington headquarters office which will forward consolidated annual requirements to the General Services Administration (BRAF), Washington, DC 20405.

§ 101–17.4902–144 GSA Form 144, Space Requirements.

NOTE: Form filed as part of original document.

PART 101–18—ACQUISITION OF REAL PROPERTY

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Subparts 101–18.4—101–18.49 [Reserved]

AUTHORITY: 63 Stat. 377 (40 U.S.C. 304c, 471, 490, 601–615); 73 Stat. 479; (40 U.S.C. 490 note); (42 U.S.C. 4201–4244); 40 U.S.C. 531–535); E.O. 11512, 35 FR 3979; 84 Stat. 1894.

§ 101–18.000 Scope of part.

This part prescribes policies and procedures governing acquisition of interests in real property.

§ 101–18.001 Authority.

This part implements the applicable provisions of the Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 377 (40 U.S.C. 471 and 490); the Act of August 27, 1935 (40 U.S.C. 304c); the Public Buildings Act of 1959, as amended (40 U.S.C. 601–615), 73 Stat. 479; Reorganization Plan No. 18 of 1950 (40 U.S.C. 490 note); the Intergovernmental Cooperation Act of 1968 (42 U.S.C. 4201–4244; 40 U.S.C. 531–535); Title VIII of the Civil Rights Act of 1968 (42 U.S.C. 3601); Executive Order 11512 of February 27, 1970 (35 FR 3979); The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Pub. L. 91–646), 84 Stat. 1894, approved January 2, 1971; and the Rural Development Act of 1972.

§ 101–18.002 Basic policy.

GSA will lease space in privately owned buildings when needs cannot be met in Government-controlled space; acquire and manage sites for public buildings and assist agencies to acquire sites to meet program requirements; acquire real property by voluntary conveyance, or, when necessary, by condemnation, and provide relocation assistance in real property acquisitions.

§ 101–18.003 Definitions.

The following definitions are established for terms used in this Subchapter D.

§ 101–18.003–1 Act.

"Act" means the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Public Law 91–646), approved January 2, 1971.

§ 101–18.003–1a GSA.

"GSA" means General Services Administration's Public Buildings Service throughout this Part.

§ 101–18.003–2 Uneconomic remnant.

"Uneconomic remnant" means that portion of an ownership remaining after acquisition, the retention of which provides no benefit to the owner because of loss or difficulty of access, a changed highest and best use, remoteness, or any other reason resulting in burdening the owner thereof with expenses or responsibilities not commensurate with retention of ownership.

§ 101–18.003–3 Person.

"Person" means any individual, partnership, corporation, or association.

§ 101–18.003–4 Displaced person.

(a) "Displaced person" means any person who on or after January 2, 1971, moves from real property or moves his personal property from real property as a result of:

(1) The acquisition of that real property by GSA in whole or in part; or

(2) Receipt from GSA of a written notice of displacement under a program or project undertaken by a Federal agency or with Federal financial assistance.

(b) For purposes of receiving moving and related expenses payments and receiving relocation advisory assistance, a displaced person also is a person meeting the provisions of this section who conducts a business or farm operation on such real property.

(c) For purposes of qualifying for relocation benefits as provided in this Part 101–18, a displaced person is a person who moves as the result of the notice referenced in § 101–18.003–4(a)(2) regardless of whether his real property is actually acquired.

§ 101–18.003–5 Business.

"Business" means any lawful activity except a farm operation conducted primarily:

(a) For the purchase, sale, lease, or rental of personal and real property and for the manufacture, processing, or marketing of products, commodities, or any other personal property;

(b) For the sale of services to the public;

(c) By a nonprofit organization; or

(d) For (in accordance with section 202(a) of the Act) assisting in the purchase, sale, resale, manufacture, processing, or marketing of products, commodities, personal property, or services by the erection and maintenance of an outdoor advertising display or displays, whether or not such display or displays are located on the premises on which any of the above activities are conducted.

§ 101–18.003–6 Farm operation.

"Farm operation" means any activity conducted mainly or primarily for the production of one or more agricultural products or commodities, including timber, for sale or home use and customarily producing such products or commodities in sufficient quantity to be capable of contributing materially to the operator's support.

§ 101–18.003–7 Mortgage.

"Mortgage" means such classes of liens as are commonly given to secure advances on or the unpaid purchase price of real property under the laws of the State in which the real property is located, with any credit instruments secured thereby.

§ 101–18.003–8 Comparable replacement dwelling.

"Comparable replacement dwelling" means a dwelling which, when compared with the dwelling being taken, is:

(a) Decent, safe, and sanitary (sound, clean, weathertight), and meets local housing codes and criteria specified in § 101–18.303.

(b) Functionally equivalent and substantially the same with respect to age, construction, state of repair, number of rooms, and square feet of living area.

(c) Open to all persons and meets the provisions of Title VIII of the Civil Rights Act of 1968 (Public Law 90–284).

(d) Located in an area not generally less desirable than the dwelling to be acquired regarding the neighborhood, public utilities, and commercial facilities and is reasonably accessible to the displaced person's place of employment.

(e) Available on the market and within the financial means of the displaced person or family.

(f) Adequate to accommodate the displaced person.

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§ 101–18.003–9 Initiation of negotiations.

"Initiation of negotiations" means the date on which an official representative of GSA makes the first personal contact with an owner (or his duly authorized representative) of real property to be acquired by GSA and furnishes him with a written offer to purchase the property.

§ 101–18.003–10 Owner.

"Owner" means person (or persons) who:

(a) Holds the fee title, a life estate, or a 99-year lease; or

(b) Has an interest in a cooperative housing project which includes the right of occupancy of a dwelling unit; or

(c) Is the contract purchaser of any such estates or interests listed in paragraph (a) of this section; or

§ 101–18.003–11 Dwelling.

"Dwelling" means the place of permanent or customary and usual abode of a person. It includes a single-family building, a one-family unit in a multifamily building, a unit of a condominium or cooperative housing project, or any other residential unit, including a mobile home which either is considered to be real property under State law, cannot be moved without substantial damage or unreasonable cost, or is a decent, safe, and sanitary dwelling.

§ 101–18.003–12 Nonprofit organization.

"Nonprofit organization" means a corporation, partnership, individual, or other public or private entity engaged in a business, professional, or instructional activity on a nonprofit basis, necessitating fixtures, equipment, stock-in-trade, or other tangible property for the carrying on of the business, professional, or institutional activity on the premises.

§ 101–18.003–13 Existing patronage.

"Existing patronage" is the annual average dollar volume of business transacted during the 2 taxable years immediately preceding the taxable year in which the business is relocated.

§ 101–18.003–14 Family.

"Family" means two or more individuals living together in the same dwelling who are related to each other by blood, marriage, adoption, legal guardianship, or operation of law.

§ 101–18.003–15 Moving and related expense payments.

"Moving and related expense payments" means those payments authorized by section 202 of the Act.

§ 101–18.003–16 Replacement housing payments.

"Replacement housing payments" means those payments authorized by section 203 of the Act.

§ 101–18.003–17 Replacement rental payments.

"Replacement rental payments" means those payments authorized by section 204 of the Act.

§ 101–18.003–18 Notice of displacement.

"Notice of displacement" means a written notice to vacate real property given by GSA generally 90 days prior to the date of vacation.

§ 101–18.003–19 Economic rent.

"Economic rent" means the amount of rent a displaced occupant would have to pay for a similar dwelling unit in areas not generally less desirable than the dwelling unit to be acquired by the Government.

Subpart 101–18.1—Acquisition by Lease

§ 101–18.100 Basic policy.

(a) To the maximum extent practical, GSA will lease space in privately owned buildings and land when needs cannot be satisfactorily met in Government-controlled space, when leasing proves to be more efficient than the construction or alteration of a Federal building, or when construction or alteration is not warranted because requirements in the community are insufficient or are indefinite in scope or duration, or completion of a new building within a reasonable time cannot be insured.

(b) Acquisition of space by lease will be on the basis most favorable to the Government, with due consideration to maintenance and operational efficiency, and only at charges consistent with prevailing scales in the community for comparable facilities.

(c) Acquisition of space by lease will be by negotiation except where all the factors are present which will permit true competition and where the formal sealed bid method is required by law. In negotiating, competition will be obtained to the maximum extent practical among suitable available locations meeting minimum Government requirements.

(d) When considering acquisition or when acquiring space by lease, and subject to the provisions of § 101–18.107;

(1) Material consideration shall be given to the efficient performance of the missions and programs of the executive agencies and the nature and function of the facilities involved with due regard for the convenience of the public served and the maintenance and improvement of safe and healthful working conditions for employees;

(2) Consideration shall be given in the selection of sites for Federal facilities to the need for development and redevelopment of areas and the development of new communities and the impact a selection will have on improving social and economic conditions in the area. In determining these conditions, the Administrator of General Services will consult with and receive advice from the Secretary of Housing and Urban Development, the Secretary of Health, Education, and Welfare, the Secretary of Commerce, and others, as appropriate;

(3) Maximum use shall be made of existing Government-owned permanent buildings which are adequate or economically adaptable to the space needs of executive agencies;

(4) Suitable privately owned space shall be acquired only when satisfactory Government-owned space is not available;

(5) Space planning and assignments shall reflect an assessment of the advantages and costs of consolidating agencies and constituent parts thereof in common or adjacent space for the purpose of improving management and administration; and

(6) The availability of adequate low- and moderate-income housing on a nondiscriminatory basis, nondiscrimination in the sale and rental of housing, adequate access from other areas of the urban center, and adequacy of parking shall be considered.

(e) Lease-construction projects required to be authorized in accordance with or in the manner provided by the provisions of the Public Buildings Act of 1959 will be, to the greatest extent practicable, consistent with State, regional, and local plans, programs, and local zoning regulations; and Governors, local elected officials, and regional comprehensive planning agencies will be consulted in the planning of the proposed development of such Federal facilities.

(f) Insofar as practicable in accordance with the provisions of section 601(b) of the Rural Development Act of 1972 (86 Stat. 674), first priority will be given to locating leased space for new offices and other facilities in rural areas as defined in the private business enterprise exception in section 306(a)(7) of the Consolidated Farmers Home Administration Act of 1961, as amended (7 U.S.C. 1926), due consideration being given to the provisions of Executive Order 11512 of February 27, 1970 (35 FR 3979).

§ 101–18.101 Acquisition by GSA.

(a) GSA will perform all functions of leasing building space, and land incidental thereto, for Federal agencies except as provided in this Subpart 101–18.1.

(b) Agencies authorized to acquire space by lease may request GSA to perform such leasing functions in specific instances.

(c) Agencies not authorized to acquire space by lease, or agencies which have requested GSA to provide leased space for their activities, shall not directly or indirectly contact lessors or potential lessors for the purpose of making oral or written promises, commitments, or agreements with respect to the conditions of occupancy of particular space, alterations and repairs, or payment of overtime services.

§ 101–18.102 Acquisition by other agencies.

(a) The Departments of Agriculture, Commerce, and Defense may lease their own building space, and land incidental to its use, and provide for its operation, maintenance, and custody when the space is situated outside an urban center. Urban centers are:

Aberdeen, S. Dak.:
Brown County.

Abilene, Tex.:
Jones County.
Taylor County.
Akron, Ohio:
Portage County.
Summit County.
Alaska:
The entire State.
Albany, Ga.:
Dougherty County.
Albany, Ill.:
Whiteside County.
Albany, Oreg.:
Linn County.
Albany-Schenectady-Troy, N.Y.:
Albany County.
Rensselaer County.
Saratoga County.
Schenectady County.
Albuquerque, N. Mex.:
Bernalillo County.
Alexandria, La.:
Rapides Parish.
Allentown-Bethlehem-Easton, Pa.-N.J.:
Lehigh County, Pa.
Northampton County, Pa.
Warren County, N.J.
Altoona, Pa.:
Blair County.
Amarillo, Tex.:
Potter County.
Randall County.
Anaheim-Santa Ana-Garden Grove, Calif.:
Orange County.
Ann Arbor, Mich.:
Washtenaw County.
Asheville, N.C.:
Buncombe County.
Athens, Ga.:
Clarke County.
Atlanta, Ga.:
Clayton County.
Cobb County.
De Kalb County.
Fulton County.
Gwinnett County.
Atlantic City, N.J.:
Atlantic County.
Augusta, Ga.-S.C.:
Richmond County, Ga.
Aiken County, S.C.
Augusta, Maine:
Kennebec County.
Austin, Tex.:
Travis County.
Bakersfield, Calif.:
Kern County.
Baltimore, Md.:
Baltimore City.
Anne Arundel County.
Baltimore County.
Carroll County.
Howard County.
Baton Rouge, La.:
East Baton Rouge Parish.
Battle Creek, Mich.:
Calhoun County.
Bay City, Mich.:
Bay County.
Beaumont-Port Arthur, Tex.:
Jefferson County.
Orange County.
Billings, Mont.:
Yellowstone County.
Binghamton, N.Y.-Pa.:
Broome County, N.Y.
Tioga County, N.Y.
Susquehanna County, Pa.
Birmingham, Ala.:
Jefferson County.
Bismarck, N. Dak.:
Burleigh County.
Boise, Idaho:
Ada County.
Boston, Mass.:
Essex County.
Middlesex County.
Norfolk County.
Plymouth County.
Suffolk County.
Bridgeport, Conn.:
Fairfield County.
New Haven County.
Brockton, Mass.:
Bristol County.
Norfolk County.
Plymouth County.
Brownsville-Harlingen-San Benito, Tex.:
Cameron County.
Buffalo, N.Y.:
Erie County.
Niagara County.
Burlington, Vt.:
Chittenden County.
Butte, Mont.:
Silver Bow County.
Calexico-El Centro, Calif.:
Imperial County.
Canton, Ohio:
Stark County.
Casper, Wyo.:
Natrona County.
Cedar Rapids, Iowa:
Linn County.
Champaign-Urbana, Ill.:
Champaign County.
Charleston, S.C.:
Berkeley County.
Charleston County.
Charleston, W. Va.:
Kanawha County.
Charlotte, N.C.
Mecklenburg County.
Union County.
Charlottesville, Va.:
Charlottesville City.
Albemarle County.
Chattanooga, Tenn.-Ga.:
Hamilton County, Tenn.
Walker County, Ga.
Cheyenne, Wyo.:
Laramie County.
Chicago, Ill.:
Cook County.
Du Page County.
Kane County.
Lake County.
McHenry County.
Will County.
Cincinnati, Ohio-Ky-Ind.:
Clermont County, Ohio.
Hamilton County, Ohio.
Warren County, Ohio.
Boone County, Ky.
Campbell County, Ky.
Kenton County, Ky.
Dearborn County, Ind.
Cleveland, Ohio:
Cuyahoga County.
Geauga County.
Lake County.
Medina County.
Clinton, Okla.:
Custer County.
Cody, Wyo.:
Park County.
Colorado Springs, Colo.:
El Paso County.
Columbia, Mo.:
Boone County.
Columbia, S.C.:
Lexington County.
Richland County.
Columbus, Ga.-Ala.:
Chattahoochee County, Ga.
Muscogee County, Ga.
Russell County, Ala.
Columbus, Ohio:
Delaware County.
Franklin County.
Pickaway County.
Concord, N.H.:
Merrimack County.
Corpus Christi, Tex.:
Nuaces County.
Dallas, Tex.:
Collin County.
Dallas County.
Denton County.
Ellis County.
Davenport-Rock Island-Moline, Iowa-Ill.:
Scott County, Iowa.
Henry County, Ill.
Rock Island County, Ill.
Dayton, Ohio:
Greene County.
Miami County.
Montgomery County.
Preble County.
Decatur, Ill.:
Macon County.
Denver, Colo.:
Adams County.
Arapahoe County.
Boulder County.
Denver County.
Jefferson County.
Des Moines, Iowa:
Polk County.
Detroit, Mich.:
Macomb County.
Oakland County.
Wayne County.
Dubuque, Iowa:
Dubuque County.
Duluth-Superior, Minn.-Wis.:
St. Louis County, Minn.
Douglas County, Wis.
Durango, Colo.:
La Plata County.
Durham, N.C.:
Durham County.
Elkins, W. Va.:
Randolph County.
El Paso, Tex.:
El Paso County.
Erie, Pa.:
Erie County.
Eugene, Oreg.:
Lane County.
Evansville, Ind.-Ky.:
Vanderburgh County, Ind.
Warrick County, Ind.
Henderson County, Ky.
Fall River, Mass.-R.I.:
Bristol County, Mass.
Newport County, R.I.
Fargo-Moorhead, N. Dak.-Minn.:
Cass County, N. Dak.
Clay County, Minn.
Fayetteville, N.C.:
Cumberland County.
Fitchburg-Leominster, Mass.:
Middlesex County.
Worcester County.
Flint, Mich.:
Genesee County.
Lapeer County.
Fort Collins, Colo.:
Larimer County.
Fort Lauderdale-Hollywood, Fla.:
Broward County.
Fort Smith, Ark.-Okla.:
Crawford County, Ark.
Sebastian County, Ark.
Le Flore County, Okla.
Sequoyah County, Okla.
Fort Wayne, Ind.:
Allen County.
Fort Worth, Tex.:
Johnson County.
Tarrant County.
Frankfort, Ky.:
Franklin County.
Fresno, Calif.:
Fresno County.
Gadsden, Ala.:
Etowah County.

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Gainesville, Fla.:
Alachua County.
Galveston-Texas City, Tex.:
Galveston County.
Gary-Hammond-East Chicago, Ind.:
Lake County.
Porter County.
Grand Forks, N. Dak.:
Grand Forks County.
Grand Island, Nebr.:
Hall County.
Grand Junction, Colo.:
Mesa County.
Grand Rapids, Mich.:
Kent County.
Ottawa County.
Great Falls, Mont.:
Cascade County.
Greeley, Colo.:
Weld County.
Green Bay, Wis.:
Brown County.
Greensboro-High Point, N.C.:
Guilford County.
Greenville, S.C.:
Greenville County.
Pickens County.
Greenwood, Miss.:
Le Flore County.
Hamilton-Middletown, Ohio:
Butler County.
Harrisburg, Pa.:
Cumberland County.
Dauphin County.
Perry County.
Hartford, Conn.:
Hartford County.
Middlesex County.
Tolland County.
Hawaii:
The entire State.
Helena, Mont.:
Lewis and Clark County.
Hot Spring, Ark.:
Garland County.
Houston, Tex.:
Harris County.
Huntington-Ashland, W. Va.-Ky.-Ohio:
Cabell County, W. Va.
Wayne County, W. Va.
Boyd County, Ky.
Lawrence County, Ohio.
Huntsville, Ala.:
Limestone County.
Madison County.
Huron, S. Dak.:
Beadle County.
Idaho Falls, Idaho:
Bonneville County.
Indianapolis, Ind.:
Hamilton County.
Hancock County.
Hendricks County.
Johnson County.
Marion County.
Morgan County.
Shelby County.
Jackson, Mich.:
Jackson County.
Jackson, Miss.:
Hinds County.
Rankin County.
Jackson, Tenn.:
Madison County.
Jacksonville, Fla.:
Duval County.
Jefferson City, Mo.:
Cole County.
Jersey City, N.J.:
Hudson County.
Madison, Wis.:
Dane County.
Manchester, N.H.:
Hillsborough County.
Merrimack County.
Manhattan, Kans.:
Riley County.
McCook, Nebr.:
Red Willow County.
Medford, Oreg.:
Jackson County.
Memphis, Tenn.-Ark.:
Shelby County, Tenn.
Crittenden County, Ark.
Meriden, Conn.:
New Haven County.
Meridian, Miss.:
Lauderdale County.
Miami, Fla.:
Dade County.
Midland, Tex.:
Midland County.
Milwaukee, Wis.:
Milwaukee County.
Ozaukee County.
Waukesha County.
Minneapolis-St. Paul, Minn.:
Anoka County.
Dakota County.
Hennepin County.
Ramsey County.
Washington County.
Missoula, Mont.:
Missoula County.
Mobile, Ala.:
Baldwin County.
Mobile County.
Monroe, La.:
Ouachita Parish.
Montgomery, Ala.:
Elmore County.
Montgomery County.
Morgantown, W. Va.:
Monongalia County.
Muncie, Ind.:
Delaware County.
Muskegon-Muskegon Heights, Mich.:
Muskegon County.
Muskogee, Okla.:
Muskogee County.
Nashville, Tenn.:
Davidson County.
Sumner County.
Wilson County.
Newark, N.J.:
Essex County.
Morris County.
Union County.
New Bedford, Mass.:
Bristol County.
Plymouth County.
New Britain, Conn.:
Hartford County.
New Haven, Conn.:
New Haven County.
New London-Groton-Norwich, Conn.:
New London County.
Johnstown, Pa.:
Cambria County.
Somerset County.
Kalamazoo, Mich.:
Kalamazoo County.
Kansas City, Mo.-Kans.:
Cass County, Mo.
Clay County, Mo.
Jackson County, Mo.
Platte County, Mo.
Johnson County, Kans.
Wyandotte County, Kans.
Kenosha, Wis.:
Kenosha County.
Klamath Falls, Oreg.:
Klamath County.
Knoxville, Tenn.
Anderson County.
Blount County.
Knox County.
Lafayette, La.:
Lafayette Parish.
Lake Charles, La.:
Calcasieu Parish.
Lancaster, Pa.:
Lancaster County.
Lansing, Mich.:
Clinton County.
Eaton County.
Ingham County.
Laredo, Tex.:
Webb County.
Las Vegas, Nev.:
Clark County.
Lawrence-Haverhill, Mass.-N.H.:
Essex County, Mass.
Rockingham County, N.H.
Lawton, Okla.:
Comanche County.
Lewiston-Auburn, Maine:
Androscoggin County.
Lexington, Ky.:
Fayette County.
Lima, Ohio:
Allen County.
Lincoln, Nebr.:
Lancaster County.
LittleRock-North Little Rock, Ark.:
Pulaski County.
Logan, Utah:
Cache County.
Lorain-Elyria, Ohio:
Lorain County.
Los Angeles-Long Beach, Calif.:
Los Angeles County.
Louisville, Ky.-Ind.:
Jefferson County, Ky.
Clark County, Ind.
Floyd County, Ind.
Lowell, Mass.:
Middlesex County.
Lubbock, Tex.:
Lubbock County.
Lynchburg, Va.:
Lynchburg city.
Amherst County.
Campbell County.
Macon, Ga.:
Bibb County.
Houston County.
New Orleans, La.:
Jefferson Parish.
Orleans Parish.
St. Bernard Parish.
St. Tammany Parish.
Newport News-Hampton, Va.:
Hampton city.
Newport News city.
York County.
New York, N.Y.:
Bronx County.
Kings County.
New York County.
Queens County.
Richmond County.
Nassau County.
Rockland County.
Suffolk County.
Westchester County.
Norfolk-Portsmouth, Va.:
Chesapeake city.
Norfolk city.
Portsmouth city.
Virginia Beach city.
Norwalk, Conn.:
Fairfield County.
Odessa, Tex.:
Ector County.
Ogden, Utah:
Weber County.
Oklahoma City, Okla.:
Canadian County.
Cleveland County.
Oklahoma County.
Olympia, Wash.:
Thurston County.
Omaha, Nebr.-Iowa:
Douglas County, Nebr.
Sarpy County, Nebr.
Pottawattamie County, Iowa.
Orlando, Fla.:
Orange County.
Seminole County.
Parkersburg, W. Va.:
Wood County.
Paterson-Clifton-Passaic, N.J.:
Bergen County.
Passaic County.

Pensacola, Fla.:
Escambia County.
Santa Rosa County.
Peoria, Ill.:
Peoria County.
Tazewell County.
Woodford County.
Philadelphia, Pa.-N.J.:
Bucks County, Pa.
Chester County, Pa.
Delaware County, Pa.
Montgomery County, Pa.
Philadelphia County, Pa.
Burlington County, N.J.
Camden County, N.J.
Gloucester County, N.J.
Phoenix, Ariz.:
Maricopa County.
Pierre, S. Dak.:
Hughes County.
Pittsburgh, Pa.:
Allegheny County.
Beaver County.
Washington County.
Westmoreland County.
Pittsfield, Mass.:
Berkshire County.
Portland, Maine:
Cumberland County.
Portland, Oreg.-Wash.:
Clackamas County, Oreg.
Multnomah County, Oreg.
Washington County, Oreg.
Clark County, Wash.
Portsmouth, N.H.:
Rockingham County.
Providence-Pawtucket-Warwick, R.I.-Mass.:
Bristol County, R.I.
Kent County, R.I.
Newport County, R.I.
Providence County, R.I.
Washington County, R.I.
Bristol County, Mass.
Norfolk County, Mass.
Worcester County, Mass.
Provo-Orem, Utah:
Utah County.
Pueblo, Colo.:
Pueblo County.
Puerto Rico:
The entire Commonwealth.
Racine, Wis.:
Racine County.
Raleigh, N.C.:
Wake County.
Rapid City, S. Dak.:
Pennington County.
Reading, Pa.:
Berks County.
Reno, Nev.:
Washoe County.
Richmond, Va.:
Richmond city.
Chesterfield County.
Hanover County.
Henrico County.
Roanoke, Va.:
Roanoke city.
Roanoke County.
Rochester, N.Y.:
Livingston County.
Monroe County.
Orleans County.
Wayne County.
Rockford, Ill.:
Boone County.
Winnebago County.
Rolla, Mo.:
Phelps County.
Rome, Ga.:
Floyd County.
Sacramento, Calif.:
Placer County.
Sacramento County.
Yolo County.
Saginaw, Mich.:
Saginaw County.
St. Albans, Vt.:
Franklin County.
St. Joseph, Mo.:
Buchanan County.
St. Louis, Mo.-Ill.:
St. Louis City, Mo.
Jefferson County, Mo.
St. Charles County, Mo.
St. Louis County, Mo.
Madison County, Ill.
St. Clair County, Ill.
Salina, Kans.:
Saline County.
Salisbury, Md.:
Wicomico County.
Salt Lake City, Utah:
Davis County.
Salt Lake County.
San Angelo, Tex.:
Tom Green County.
San Antonio, Tex.:
Bexar County.
Guadalupe County.
San Bernardino-Riverside-Ontario, Calif.:
Riverside County.
San Bernardino County.
San Diego, Calif.:
San Diego County.
San Francisco-Oakland, Calif.:
Alameda County.
Contra Costa County.
Marin County.
San Francisco County.
San Mateo County.
San Jose, Calif.:
Santa Clara County.
Santa Barbara, Calif.:
Santa Barbara County.
Santa Fe, N. Mex.:
Santa Fe County.
Savannah, Ga.:
Chatham County.
Scottsbluff, Nebr.:
Scotts Bluff County.
Scranton, Pa.:
Lackawanna County.
Seattle-Everett, Wash.:
King County.
Snohomish County.
Sheridan, Wyo.:
Sheridan County.
Shreveport, La.:
Bossier Parish.
Caddo Parish.
Sioux City, Iowa-Nebr.:
Woodbury County, Iowa.
Dakota County, Nebr.
Sioux Falls, S. Dak.:
Minnehaha County.
South Bend, Ind.:
St. Joseph County.
Marshall County.
Spartanburg, S.C.:
Spartanburg County.
Spokane, Wash.:
Spokane County.
Springfield-Chicopee-Holyoke, Mass.:
Hampden County, Mass.
Hampshire County, Mass.
Worcester County, Mass.
Springfield, Ill.:
Sangamon County.
Springfield, Mo.:
Greene County.
Springfield, Ohio:
Clark County.
Stamford, Conn.:
Fairfield County.
Steubenville-Wierton, Ohio-W. Va.:
Jefferson County, Ohio.
Brooke County, W. Va.
Hancock County, W. Va.
Stillwater, Okla.:
Payne County.
Stockton, Calif.:
San Joaquin County.
Syracuse, N.Y.:
Madison County.
Onondaga County.
Oswego County.
Tacoma, Wash.:
Pierce County.
Tallahassee, Fla.:
Leon County.
Tampa-St. Petersburg, Fla.:
Hillsborough County.
Pinellas County.
Temple, Tex.:
Bell County.
Terre Haute, Ind.:
Clay County.
Sullivan County.
Vermillion County.
Vigo County.
Texarkana, Tex.-Ark.:
Bowie County, Tex.
Miller County, Ark.
Toledo, Ohio-Mich.:
Lucas County, Ohio.
Wood County, Ohio.
Monroe County, Mich.
Topeka, Kans.:
Shawnee County.
Trenton, N.J.:
Mercer County.
Tucson, Ariz.:
Pima County.
Tulsa, Okla.:
Creek County.
Osage County.
Tulsa County.
Tuscaloosa, Ala.:
Tuscaloosa County.
Tyler, Tex.:
Smith County.
Utica-Rome, N.Y.:
Herkimer County.
Oneida County.
Vallejo-Napa, Calif.:
Napa County.
Solano County.
Vicksburg, Miss.:
Warren County.
Virgin Islands:
The entire Territory.
Waco, Tex.:
McLennan County.
Walla Walla, Wash.:
Walla Walla County.
Benton County.
Washington, D.C.-Md.-Va.:
District of Columbia.
Montgomery County, Md.
Prince Georges County, Md.
Alexandria city, Va.
Fairfax city, Va.
Falls Church city, Va.
Arlington County, Va.
Fairfax County, Va.
Waterbury, Conn.:
Litchfield County.
New Haven County.
Waterloo, Iowa:
Black Hawk County.
Wenatchee, Wash.:
Chelan County.
West Palm Beach, Fla.:
Palm Beach County.
Wheeling, W. Va.-Ohio:
Marshall County, W. Va.
Ohio County, W. Va.
Belmont County, Ohio.
Wichita, Kans.:
Butler County.
Sedgwick County.
Wichita Falls, Tex.:
Archer County.
Wichita County.
Wilkes Barre-Hazleton, Pa.:
Luzerne County.
Wilmington, Del.-N.J.-Md.:
New Castle County, Del.
Salem County, N.J.
Cecil County, Md.

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Wilmington, N.C.:
New Hanover County.
Winston-Salem, N.C.:
Forsyth County.
Worcester, Mass.:
Worcester County.
Yakima, Wash.:
Yakima County.
York, Pa.:
Adams County.
York County.
Youngstown-Warren, Ohio:
Mahoning County.
Trumbull County.
Yuma, Ariz.:
Yuma County.

(b) The Department of the Treasury may lease building space and land incidental thereto for the use of the Comptroller of the Currency and provide for its operation, maintenance, and custody.

(c) The Tennessee Valley Authority may lease building space and land incidental thereto and provide for its operation, maintenance, and custody.

(d) The National Aeronautics and Space Administration may lease building space and land incidental thereto and provide for its operation, maintenance, and custody outside the District of Columbia.

(e) A Federal agency may lease space in buildings and land incidental thereto, for its use when:

(1) The space is located in any foreign country;

(2) The space is in buildings which are located on the grounds of any fort, camp, post, arsenal, Navy Yard, naval training station, airfield, proving ground, military supply depot, or school, or of any similar facility, of the Department of Defense, unless and to such extent as a permit for its use shall have been issued by the Secretary of Defense or his duly authorized representative;

(3) The space is acquired by the U.S. Postal Service for postal purposes.

§ 101–18.103 Agency cooperation.

The heads of executive agencies shall (a) cooperate with and assist the Administrator of General Services in carrying out his responsibilities respecting office buildings and space, (b) take measures to give GSA early notice of new or changing space requirements, (c) seek to economize in their requirements for space, and (d) review continuously their needs for space in and near the District of Columbia, taking into account the feasibility of decentralizing services or activities which can be carried on elsewhere without excessive costs or significant loss of efficiency.

§ 101–18.104 Delegation of leasing authority.

Subject to the limitations stated in § 101–18.105, agencies are hereby authorized to perform for themselves all functions with respect to acquisition of space by lease in buildings and land incidental thereto when the following conditions are met:

(a) The space may be leased for no rental, or for a nominal consideration of $1.00 per annum; or

(b) When authority has been requested by an executive agency and a specific delegation has been granted by the Administrator of General Services; or

(c) The space is found by the Administrator of General Services to be wholly or predominantly utilized for the special purposes of the agency to have custody thereof and is not generally suitable for the use of other agencies; including but not limited to hospitals, housing, laboratories, mints, manufacturing plants, and penal institutions. (The types of space listed in § 101–18.104–1 have been found to be wholly or predominantly utilized for the special purposes of the agency named and are not generally suitable for the uses of other agencies.); or

(d) Prior approval of GSA has been obtained before an agency initiates a leasing action which involves 2,500 or more square feet of special purpose space. The request for approval and a Standard Form 81 shall be filed with the GSA regional office having jurisdiction in the area of the proposed leasing action as shown in § 101–17.4801.

§ 101–18.104–1 List of special purpose space.

(a) Department of Agriculture:
(1) Aircraft storage and repair shops.
(2) Fumigation areas.
(3) Garage space held under service contract.
(4) Greenhouses.
(5) Land.
(6) Miscellaneous storage by cubic foot or weight basis.
(7) Office space when required to be located in or adjacent to stockyards.
(8) Space for agricultural commodities stored in licensed warehouses and utilized under warehousing contracts.
(9) Space utilized in cooperation with State and local governments or their instrumentalities where the cooperating State or local government occupies a portion of the space and pays a portion of the rent.
(10) Plant, bird, and animal quarantine facilities.
(11) Housing.
(12) Storage for pesticide materials and equipment.

(b) Department of Commerce:
(1) Maritime training stations.
(2) Radio stations.
(3) Laboratories for testing materials, classified or ordnance devices, and calibration of instruments.
(4) Weather bureau offices at airports.
(5) Docks, piers, and mooring facilities.
(6) Garage space held under service contract.
(7) Hangars used for airplane storage.
(8) Oil and gasoline storage.
(9) Shipbuilding materials storage.
(10) Stockpiling depots.
(11) Torpedo net depots.

(c) Department of Defense:
(1) Air Force—Civil Air Patrol Liaison Office when required for use incidental to, in conjunction with, and in close proximity to airports.
(2) Armories.
(3) Cold and freezer storage.
(4) Depot storage.
(5) Docks and piers.
(6) Film library in the vicinity of Washington, D.C.
(7) Filter centers.
(8) Garage space held under service contract.
(9) Hangars and other airport operating facilities.
(10) Hospitals.
(11) Hotels.
(12) Housing.
(13) Land (including aircraft and warning stations).
(14) Laundries.
(15) Leased buildings at Jackson, Mississippi, Air Force Base.
(16) Lumber storage.
(17) Mess halls.
(18) Mooring space.
(19) Oil and gasoline storage.
(20) Open storage.
(21) Ports of embarkation and debarkation.
(22) Post exchanges.
(23) Postal Concentration Center at Long Island City, New York.
(24) Recreation centers.
(25) Reserve training space.
(26) Schools.
(27) Service clubs.
(28) Testing laboratories.
(29) Troop detachments.

(d) Home Loan Bank Board: Space for field offices of Examining Division required to be located within Federal Home Loan Bank buildings or immediately adjoining or adjacent to such buildings.

(e) Department of Housing and Urban Development: Space used for residential and related purposes.

(f) Department of Justice: U.S. Marshal's offices in Alaska and Border Patrol Offices similar in character and utilization to police stations involving the handling of prisoners, firearms, and motor vehicles, regardless of location.

(g) Tax Court of the United States: Present courtroom in Grand Central Terminal Building, New York, New York.

(h) Veterans Administration:
(1) Guidance and training centers located at schools and colleges.
(2) Space used for Veterans Administration hospitals and related purposes.

(i) Department of the Interior:
(1) Space in buildings and land incidental thereto used by field crews of the Bureau of Reclamation, Bureau of Land Management, and the Geological Survey for periods of less than 1 year in remote areas where no other Government agencies are quartered; and
(2) Garage space held under service contract used by the Geological Survey and the Bureau of Land Management.

(j) Department of Health, Education, and Welfare: Space used for hospitals, quarantine stations, and laboratories.

(k) Federal Communications Commission: Monitoring station sites.

(l) Department of Transportation:
(1) U.S. Coast Guard: Plots of land and pier sites, including closed storage space required in combination with piers and docking and mooring facilities; space for the oceanic unit at Woods Hole, Mass.; and space for port security activities; and
(2) Federal Aviation Administration: The Aeronautical Center at Oklahoma City, Oklahoma, air route traffic control centers, garage space held under service contracts, land at airports, and not more than 2,500 square feet of space at airports that is used predominately as general purpose office space in buildings under the jurisdiction of public or private airport authorities.

§ 101–18.105 Limitations on the use of delegated authority.

(a) Agencies authorized by this Subpart 101–18.1 to perform functions with respect to acquiring space by lease may perform such functions only:

(1) When the utilization requirements of Part 101–17 have been met; and

(2) In accordance with the authorities in § 101–18.001, § 101–18.100, and applicable provisions of Chapters 1 and 101 of this title.

(b) Agencies may not exercise the long-term leasing authority contained in section 210(h)(1) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(h)(1)) in the performance of the functions delegated under this Subpart 101–18.1 without specific authorization from the Administrator of General Services.

(c) Agencies having a need for other than temporary parking accommodations in the urban centers listed in § 101–18.102, for Government-owned motor vehicles not regularly housed by GSA, shall ascertain the availability of Government-owned or -controlled parking from GSA in accordance with the procedures outlined in § 101–17.101–6 prior to instituting procurement action to acquire parking facilities or services.

§ 101–18.106 Contingent fees and related procedure.

The provisions of Subpart 1–1.5 of this title with respect to contingent fees and related procedure are hereby made applicable to all negotiated and advertised contracts for the acquisition of real property by lease. The covenant shall be appropriately adapted for use in leases of real property for Government use.

§ 101–18.107 Application of socioeconomic considerations.

(a) In acquiring space by lease, locations will be avoided which will work a hardship on employees because (1) there is a lack of adequate housing for low- and middle-income employees on a nondiscriminatory basis within reasonable proximity and (2) the location is not readily accessible from other areas of the urban center.

(b) Consideration of low- and moderate-income housing on a nondiscriminatory basis for employees and the need for development and redevelopment of areas for socioeconomic improvement will apply to the acquisition of space by lease where:

(1) 100 or more low- or moderate-income employees are expected to be employed in the space to be leased; and

(2) The lease involves residential relocation of a majority of the existing low- and moderate-income work force, a significant increase in their transportation or parking costs, travel time that exceeds 45 minutes to the new location, or a 20 percent increase in travel time if travel time to the present facility already exceeds an average of 45 minutes; or

(3) GSA requests HUD review in lease actions of special importance not covered by (1) and (2).

(c) The Department of Housing and Urban Development is responsible for providing information concerning the availability of low- and moderate-income housing on a nondiscriminatory basis in areas where Federal facilities are to be located.

(d) The Department of Housing and Urban Development will be consulted concerning the availability, on a nondiscriminatory basis, of low- and moderate-income housing for those Federal employees who will work in the project area.

(e) Other socioeconomic considerations described in § 101–19.101 are also applicable to acquisition by lease.

Subpart 101–18.2—Acquisition by Purchase or Condemnation

§ 101–18.200 Purpose.

These regulations will:

(a) Encourage and expedite the acquisition of real property by agreements with owners;

(b) Avoid litigation where possible and relieve congestion in the courts;

(c) Insure consistent treatment of owners in the many Federal programs; and

(d) Promote public confidence in Federal land acquisition practices.

§ 101–18.201 Basic acquisition policy.

GSA, to the greatest extent practicable, will:

(a) Make every reasonable effort to acquire expeditiously real property by negotiation.

(b) Appraise real property before the initiation of negotiations and give the owner or his designated representative an opportunity to accompany the appraiser during his inspection of the property.

(c) Establish, prior to the initiation of negotiations for real property, an amount estimated to be the just compensation therefor and make a prompt offer to acquire the property for the full amount so established. GSA will provide the owner of the real property to be acquired with a written statement of the amount established as just compensation and a summary of the basis for it. Where appropriate, the just compensation for the real properly acquired and for damages to remaining real property will be separately stated. The summary statement to be furnished the owner will include the following:

(1) Identification of the real property and the estate or interest therein to be acquired;

(2) Identification of the buildings, structures, and other improvements considered to be part of the real property for which the offer of just compensation is made;

(3) A statement that GSA's determination of just compensation is based on the estimated fair market value of the property to be acquired. If only part of the property is to be acquired or the interest to be acquired is less than the full interest of the owner, the statement will explain the basis for the determination of the just compensation;

(4) A statement that GSA's determination of just compensation is not less than its approved appraisal of the property; and

(5) A statement that any increase or decrease in the fair market value of the real property, prior to the date of valuation, caused by the public improvement or project for which the real property is to be acquired, or by the likelihood that the real property would be acquired for such improvement or project, other than that due to physical deterioration within the reasonable control of the owner, has been disregarded in making the determination of just compensation for the property.

(d) Acquire at least an equal interest in all buildings, structures, or other improvements located upon the real property. This includes buildings, structures, or other improvements that GSA requires to be removed from the real property or that GSA determines will affect adversely the proposed use of the real property. If any buildings, structures, or other improvements comprising part of the real property are the property of an occupant who has the right or obligation to remove them at the expiration of his term, the total just compensation for the real property, including the property of the occupant, will be determined and the occupant will be paid the greater of the:

(1) Fair market value of the buildings, structures, or other improvements to be removed from the property; or

(2) Contributive fair market value of the occupant's improvements to the fair market value of the entirety, which value should not be less than the value of his improvements for removal from the real property. Payment under this paragraph (d) of this section will not be a duplication of any payment otherwise authorized by law. No payment will be made unless the landowner disclaims all interests in the occupant's improvements and the occupant in consideration for such payment shall assign, transfer, and release to the Government all his right, title, and interest in and to such improvements. The occupant may reject payment under this paragraph (d) of this section and obtain payment for his property interests in accordance with other applicable laws.

(e) Obtain only one appraisal on each parcel, tract, etc., of real property to be acquired unless GSA determines that circumstances require an additional appraisal or appraisals.

(f) Maintain records to verify that the landowner or his designated representative(s) was given an opportunity to accompany the appraiser during the inspection of the real property.

(g) Pay an owner or occupant or deposit such payment in the registry of the court before requiring him to surrender

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his property. To the maximum extent practicable, owners and occupants will be given at least 90 days' notice of displacement before being required to move from real property acquired by GSA. If permitted by GSA to remain in possession for a short period of time after Government acquisition, the rental charged for this occupancy will not be more than the fair rental value of the property to a short-term occupier.

(h) Not intentionally make it necessary for an owner to institute legal proceedings to prove the fact of the taking of his property. Offer to acquire the entire property where the acquisition of a part of a property will leave the owner with an uneconomic remnant.

§ 101–18.202 Expenses incidental to transfer.

GSA will amend its contract-to-sell-real-property forms to provide for reimbursement to vendors in amounts deemed by GSA to be fair and reasonable for the following expenses:

(a) Recording fees, transfer taxes (other than tax imposed on the United States), and similar expenses incidental to conveying the real property;

(b) Penalty cost for prepayment of any preexisting recorded mortgage entered into in good faith encumbering said real property; and

(c) The pro rata portion of real property taxes paid by the vendor for periods subsequent to the day title vests in the United States.

§ 101–18.203 Litigation expenses.

GSA will plan for and take into consideration the possible liability for the payment of litigation expenses of a condemnee as provided for in section 304 of the Act.

Subpart 101–18.3—Relocation Assistance and Payments

§ 101–18.300 Purpose.

These regulations will serve to insure uniform, fair, and equitable treatment of persons displaced from their homes, businesses, or farms by Federal or federally assisted programs designed for the benefit of the public as a whole and to safeguard against abuse of any of the underlying purposes, provisions, and policies of the Act.

§ 101–18.301 Basic policy.

GSA, to the greatest extent practicable will:

(a) Administer its real property acquisition programs or projects so that every person displaced because of such programs or projects will have been offered a comparable replacement dwelling which is decent, safe, and sanitary before being required to vacate the dwelling acquired by the Government.

(b) Make prompt and equitable payments to those eligible displaced persons to cover:

(1) Reasonable costs incurred for moving and related expenses;

(2) Amounts determined to be the replacement housing payments; and/or

(3) Amounts determined to be the replacement rental payments.

(c) Provide, or cause to be provided, relocation assistance advisory services in a manner to insure that the displaced person will receive assistance in relocation. When GSA causes services to be provided by the staff of an agent under contract, GSA will require that the services be administered in a manner that will accomplish the specific and underlying purposes of the Act.

(d) Provide procedures for reviewing the application of an aggrieved applicant to encourage the prompt and proper resolution of the causes of such aggravation.

(e) Adhere to all existing GSA regulations, procedures, policies, and forms relating to the acquisition of real property and interests therein as well as project requirements except as modified by the requirements of the Act and these regulations.

§ 101–18.302 Right of appeal.

Any applicant aggrieved by a determination of eligibility for a payment under the Act, or the amount of such payment, may submit through the Commissioner, Public Buildings Service, a request to have his application reviewed by the Administrator of General Services.

§ 101–18.303 General criteria for decent, safe, and sanitary housing.

A decent, safe, and sanitary dwelling is one which meets all of the following minimum requirements:

(a) Conforms with all applicable provisions for existing structures that have been established under State or local building, plumbing, electrical, housing, and occupany codes and similar ordinances or regulations.

(b) Has a continuing and adequate supply of potable safe water.

(c) Has a kitchen or an area set aside for kitchen use which contains a sink in good working condition and is connected to hot and cold water and an adequate sewage system.

(d) Has an adequate heating system in good working order capable of maintaining a minimum temperature of 70° F. in the living area under local outdoor design temperature conditions. A heating system will not be required in those geographical areas where it is not normally included in new housing.

(e) Has a bathroom, well lighted and ventilated and affording privacy to a person within it, containing a lavatory basin and a bathtub or stall shower properly connected to an adequate supply of hot and cold running water, and a flush closet, all in good working order and properly connected to a sewage disposal system.

(f) Has an adequate and safe wiring system for lighting and other electrical services.

(g) Is structurally sound, weathertight, in good repair, and adequately maintained.

(h) Has a safe unobstructed means of egress leading to safe open space at ground level. Each dwelling unit in a multidwelling building must have access either directly or through a common corridor to a means of egress to open space at ground level. In buildings of three stories or more, the common corridor on each story must have at least two means of egress.

(i) Has 150 square feet of habitable floor space for the first occupant in a standard living unit and at least 100 square feet (70 square feet for mobile home) of habitable floor space for each additional occupant. The floor space is to be subdivided into sufficient rooms to be adequate for the family. All rooms must be adequately ventilated. Habitable floor space is defined as that space used for sleeping, living, cooking, or dining purposes and excludes such enclosed places as closets, pantries, bath or toilet rooms, service rooms, connecting corridors, laundries, and unfurnished attics, foyers, storage spaces, cellars, utility rooms, and similar spaces.

§ 101–18.303–1 Sleeping rooms.

The standards for decent, safe, and sanitary housing as applied to rental of sleeping rooms shall include the minimum requirements in § 101–18.303 (a), (d), (f) through (h), and the following:

(a) At least 100 square feet of habitable floor space for the first occupant and 50 square feet of habitable floor space for each additional occupant.

(b) Lavatory, bath, and toilet facilities that provide privacy, including a door than can be locked if such facilities are separate from the room.

§ 101–18.303–2 Application of local code standards.

In those instances where there is no local housing code or where a local housing code does not meet all the standards listed in this section, the Commissioner, Public Buildings Service, will determine the standards acceptable for decent, safe, and sanitary housing.

§ 101–18.303–3 Exceptions.

Exceptions may be granted to decent, safe, and sanitary standards and will be limited to items and circumstances that are beyond the reasonable control of the displaced person to adhere to the standards. Approved exceptions will not affect the computation of a replacement housing payment.

§ 101–18.304 Multiple occupancy.

Multiple occupancy will be treated as single occupancy in the case of individuals, not families, in dealing with benefits for replacement housing. However, each displaced individual may receive benefits for actual, reasonable moving expenses and for other related expenses, and in the case of families, each family will be considered separately.

§ 101–18.305 Moving and related expenses.

Whenever the acquisition of real property by GSA will result in the displacement of any person on or after January 2, 1971, and that person occupied the real property acquired by GSA prior to its acquisition. GSA will make a payment to the person, upon application as approved by GSA, for the person's reasonable and actual moving expenses as follows:

(a) Transporting individuals, families, and property from the acquired site, including storage, to the replacement site, not to exceed a distance of 50 miles except where GSA determines that relocation beyond the 50-mile area is justified.

(b) Packing and crating personal property.

(c) Advertising for packing, crating, and transportation when GSA determines that it is necessary.

(d) Storing personal property for a period generally not to exceed 12 months when GSA determines that storage is necessary in connection with relocation.

(e) Insuring loss and damage of personal property while it is in storage or transit.

(f) Removing, reinstalling, and re-establishing machinery, equipment, appliances, and other items not acquired as real property, including reconnection of utilities, which do not constitute an improvement to the replacement site, and which were not acquired by GSA. (Prior to payment of any expenses for removal and reinstallation of such property, the displaced person shall be required to agree in writing that the property is personalty and that GSA is released from any payment for the property.)

(g) Replacing property lost, stolen, or damaged (not caused by the fault or negligence of the displaced person, his agent, or employees) in the process of moving, where insurance to cover such loss or damage was not available at the time of the move.

(h) Paying other reasonable expenses determined proper by GSA.

§ 101–18.305–1 Limitations.

In the implementation of section 202 of the Act, GSA will apply the following limitations:

(a) When the displaced person accomplishes the move himself, the amount of payment will not exceed the estimated cost of moving commercially.

(b) When an item of personal property which is used in connection with any business or farm operation is not moved but sold, and promptly replaced with a comparable item, reimbursement will not exceed the replacement cost, minus the proceeds received from the sale, or the cost of moving, whichever is less.

(c) When personal property which is used in connection with any business or farm operation to be moved is of low value and high bulk, and the cost of moving would be disproportionate in relation to the value, as determined by GSA, the allowable reimbursement for the expense of moving the personal property will not exceed the difference between the amount which would have been received for that item on liquidation and the cost of replacing the same with a comparable item available on the market. This provision will be applicable in the case of moving of junk yards, stockpiled sand, gravel, minerals, metals, and similar type items of personal property.

§ 101–18.305–2 Exclusions.

In the implementation of section 202 of the Act, GSA will exclude from payment the following moving expenses and losses:

(a) Additional expenses incurred because of living in a new location.

(b) Cost of moving structures, improvements, or other real property in which the displaced person reserved ownership.

(c) Improvements to the replacement site, except when they are required to reinstall machinery, equipment, or other personal property.

(d) Interest on loans to cover moving expenses.

(e) Loss of goodwill (other than loss of patronage).

(f) Loss of profits.

(g) Loss of trained employees.

(h) Personal injury.

(i) Cost of preparing the application for moving and related expenses.

(j) Modification of personal property to adapt it to the replacement site, except when the modification is required by law.

(k) Such other items as GSA determines should be excluded on the basis that they are not reasonable, prudent or proper.

§ 101–18.305–3 Direct losses.

GSA will reimburse a displaced person for direct losses to personal property as the result of the person's moving or discontinuing a business or a farm operation in accordance with the following:

(a) When the displaced person does not move personal property, he will be required to make a bona fide effort to sell it.

(b) When personal property is sold and the business or farm operation reestablished, the displaced person is entitled to the lesser of (1) the cost of moving the personal property sold or (2) replacement cost minus the sale proceeds.

(c) When the business or farm operation is discontinued, the displaced person is entitled to the lesser of (1) the in place value of the personal property minus the sale proceeds or (2) the cost of moving the personal property.

(d) When the personal property is abandoned, the displaced person is entitled to payment for the lesser of (1) the in place value of the personal property minus the amount (as determined by GSA) which would have been received from the sale of the item or (2) the cost of moving the personal property.

§ 101–18.305–4 Expenses in searching for a replacement business or farm.

In the implementation of section 202 (a)(3) of the Act, GSA will allow the following expenses, except that the total amount which a displaced person may be paid for searching expenses will not exceed $500, unless GSA determines that a greater amount is justified based on the circumstances involved. The following expenses shall be allowed, subject to the foregoing maximum limitations:

(a) Travel costs up to a maximum distance of 100 miles.

(b) Reasonable costs for meals and lodging.

(c) Time spent in searching at the rate of the displaced person's salary or earnings, but not exceeding $10 per hour.

(d) Broker or realtor fee to locate a replacement business or farm operation if GSA determines such service is necessary to effect a satisfactory relocation.

§ 101–18.305–5 Scheduled payments.

Any displaced person eligible for moving and related expense benefits heretofore enumerated may elect to receive a moving expense allowance determined in accordance with a schedule established by GSA but not to exceed $300 and a dislocation allowance of $200. These payments will be made upon application by the displaced person and need not be supported by any evidence of incurred expenses. The schedule established by GSA will be the room moving allowance schedules maintained by the respective State highway departments.

§ 101–18.305–6 Fixed payments for displaced businesses or farms.

Any eligible displaced business or farm operator who elects to accept a payment authorized by this section in lieu of the moving and related expense payments heretofore enumerated may receive a fixed payment in an amount equal to the average annual net earnings of the business or farm operation, except that such payment will not be less than $2,500 nor more than $10,000. However, where an entire farm operation is not acquired, the payment will be made only if GSA determines that the farm met the definition of a farm operation prior to the acquisition and the property remaining after the acquisition is no longer an economic farm unit. In the case of a business, no such payment will be made unless GSA is satisfied that the business cannot be relocated without a substantial loss of its existing patronage and is not part of a commercial enterprise which is engaged in the same or similar business and having at least one other establishment not being acquired by the Government. The term "average annual net earnings" means one-half of the sum of the net earnings of the business or farm operation before Federal, State, and local income taxes during the 2 taxable years immediately preceding the taxable year in which the business or farm operation moves from the real property acquired by GSA or during any other period that GSA determines to be more equitable for establishing such earnings. The "average annual net earnings" includes any compensation paid by the business or farm operation to the owner, his spouse, or his dependents during that period.

(a) To be eligible for the payment authorized in this section, the business or

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farm operation must contribute materially to the income of the displaced owner. This standard is designed to eliminate from consideration those part-time family occupations which do not contribute materially to a displaced person's income.

(b) The loss of existing patronage of a business will be determined by GSA only after consideration of all pertinent circumstances, including the following:

(1) The type of business conducted by the displaced concern.

(2) The nature of the clientele of the displaced concern.

(3) The relative importance of the present and proposed locations to the patronage of the displaced business.

(c) A person who is displaced from his place of business or farm may elect to receive a fixed relocation payment whether or not he discontinues or re-establishes operations. Any displaced owner-occupant of a multifamily dwelling who earns income from that dwelling will be regarded as displaced from his place of business, in addition to having been displaced from his dwelling, and is eligible in accordance with the foregoing requirements for a fixed payment based on the average annual net earnings.

§ 101–18.305–7 Advance payments in hardship cases.

Advance moving and related expense payments may be made to individuals, families, and business concerns in cases of hardship. By written prearrangement between the displaced person, GSA, and the mover, the mover may present invoices covering services rendered to GSA for direct payment.

§ 101–18.306 Replacement housing payments.

In addition to payments otherwise authorized, GSA will make a payment not in excess of $15,000 to any eligible displaced person who is displaced from a dwelling actually owned and occupied by the displaced person for not less than 180 days prior to initiation by GSA of negotiations for the acquisition of the dwelling. Such additional payments will include the following elements:

(a) The amount, if any, which when added to the acquisition cost of the dwelling acquired by the Government is determined to be the reasonable cost of a comparable replacement dwelling.

(b) The amount, if any, which will compensate the displaced person for any increased interest costs which the person is required to pay for financing of the comparable replacement dwelling. This amount will be paid only if the dwelling acquired by the Government was encumbered by a bona fide mortgage which was a valid lien on the dwelling for not less than 180 days prior to the initiation of negotiations for the acquisition of the dwelling. The amount will be equal to that amount, reduced to discounted present value, by which the aggregate interest on and other debt service costs (exclusive of any amounts credited against the principal balance) of that amount of the principal of the mortgage on the replacement dwelling which is equal to the unpaid principal balance of the mortgage on the acquired dwelling over the remainder of the term of the mortgage on the acquired dwelling exceeds the aggregate of such interest and costs on such unpaid principal balance over such remaining term. The discount rate will be the prevailing interest rate paid on savings deposits by commercial banks in the general area in which the replacement dwelling is located.

(c) Reasonable expenses incurred by the displaced person for evidence of title, recording fees, legal, closing, and related costs, preparing conveyance contracts, credit reports, FHA and VA appraisal fees, and other costs incident to the purchase of the comparable replacement dwelling, but not including prepaid expenses.

§ 101–18.306–1 Eligibility.

A displaced owner-occupant is eligible for a replacement housing payment if he:

(a) Owned and occupied the acquired dwelling for not less than 180 days immediately prior to the initiation by GSA of negotiations for the real property; and

(b) Purchases and occupies a comparable replacement dwelling not later than the end of the 1-year period beginning on the date on which the displaced person receives from Government final payment of all costs of the acquired dwelling or on the date on which he moves from the acquired dwelling, whichever is later.

(c) For purposes of paragraph (a) of this section, an owner-occupant who has acquired an interest in the property by devise, bequest, intestate succession, or operation of law, shall be deemed to have occupied the dwelling from the date of commencement of the next preceding period of occupancy of his predecessor in interest.

§ 101–18.306–2 Computation of replacement housing payment.

GSA will compute the amount of the replacement housing payment by:

(a) Determining the amount necessary to purchase a comparable replacement dwelling using a schedule, or by devising a suitable alternate method to better meet local conditions. The schedule will be based on a continuing and current analysis of the market to determine a representative amount for each type of dwelling required.

(b) Selecting a comparable dwelling or dwellings which are actually available on the real estate market and which meet the definition of a comparable replacement dwelling. Asking prices will be adjusted to reflect market sales experience. A single comparable dwelling will be used only when additional comparable dwellings are not available.

(c) Cooperating with other Federal agencies causing displacement in a community to establish a uniform method of calculating replacement housing payments.

(d) Basing the interest payment portion of the replacement housing payment on the present value of the reasonable cost of the interest differential including points paid by the purchaser on the amount refinanced not to exceed the amount of the unpaid debt for its remaining term at the time of Government acquisition of the real property.

(e) Reimbursing the displaced person, in the amount found in the incidental expenses portion of the replacement housing payment, for costs incident to the purchase of a comparable replacement dwelling. This amount may include: legal, closing, and related costs including costs of title search, preparing conveyance contracts, notary fees, surveys, preparing drawings of plats, and charges incident to recordation; lender's, FHA, or VA appraisal fees; FHA application fees; certifying structural soundness when required by lender, FHA, or VA; credit report; title policies or abstracts of title; escrow agent's fee; and State revenue stamps, or sale or transfer taxes. However, no fee, cost, charge, or expense is reimbursable which is determined to be part of the finance charge under the Truth in Lending Act, Title I, Public Law 90–321 and Regulation Z issued pursuant thereto by the Board of Governors of the Federal Reserve System.

§ 101–18.306–3 Upper limit of replacement housing payment.

The amount established as the replacement housing cost for a comparable replacement dwelling sets the upper limit of this payment.

(a) If a displaced person, of his own volition, purchases and occupies a decent, safe, and sanitary dwelling at a price less than the upper limit of the replacement housing payment plus the purchase price paid by the Government for the Government-acquired dwelling, the replacement housing payment will be reduced to the amount necessary to pay the difference between the acquisition price of the replacement dwelling and the actual price paid by the Government for the dwelling plus reasonable incidental expenses. A displaced person will be considered as having "purchased" such a dwelling if he acquires an existing dwelling, purchases and rehabilitates a substandard dwelling, relocates, or relocates and rehabilitates an existing dwelling, constructs a new dwelling, contracts to purchase a dwelling to be constructed on a site provided by a builder or developer, or enters into a contract for the construction of a dwelling on a site which he owns or acquired for the purpose.

(b) If a displaced person, of his own volition, purchases and occupies a decent, safe, and sanitary dwelling at a price less than the acquisition price of the acquired dwelling, no differential payment will be made.

§ 101–18.306–4 Notice of initiation of negotiations.

Persons lawfully occupying real property acquired by GSA will be notified of the date when negotiations for the property were initiated with the property owner.

§ 101–18.307 Replacement rental payments.

In addition to payments otherwise authorized, GSA will make a payment not in excess of $4,000 to any eligible displaced person not eligible to receive a replacement housing payment under § 101–18.306 who actually and lawfully occupied the dwelling acquired by the Government for not less than 90 days immediately prior to the initiation of negotiations for acquisition of the dwelling. GSA will notify the occupant of the property in writing of the actual date of initiation of negotiations. The payment will be the amount, not to exceed $4,000, determined by GSA to be necessary to enable the displaced person to:

(a) Lease or rent for a period not to exceed 4 years a comparable replacement dwelling, or

(b) Make a downpayment, including incidental expenses described in § 101–18.306–2(e), on a comparable replacement dwelling; if the amount exceeds $2,000, the displaced person must match any amount in excess of $2,000 in making the downpayment.

§ 101–18.307–1 Eligibility.

A displaced person who is an occupant or an owner-occupant less than 180 days prior to initiation of negotiations is eligible for a replacement housing payment if he meets both of the following requirements:

(a) Occupies, actually and lawfully, the dwelling for not less than 90 days immediately prior to the initiation of negotiations for the acquisition of the dwelling.

(b) Meets the other eligibility requirements of § 101–18.307.

§ 101–18.307–2 Owner-occupant who elects to rent.

An owner-occupant eligible for a replacement housing payment under the provisions of § 101–18.306 but who elects to rent a comparable replacement dwelling rather than purchase such a replacement dwelling is eligible for a replacement rental payment under these provisions. However, in no event will the replacement rental payment exceed the amount of his entitlement under the replacement housing payment provisions.

§ 101–18.307–3 Computation of renter's replacement rental payment.

Computation of the replacement rental payment for eligible displaced persons who elect to rent a comparable replacement dwelling will be determined by GSA by the establishment of a schedule, by using a comparative method, or by devising a suitable alternate method to better meet local conditions.

(a) GSA may establish a rental schedule for comparable replacement dwellings. The replacement rental payment will be computed by determining the amount necessary to rent a comparable replacement dwelling for 4 years (using the average monthly cost from the schedule) and subtracting from that amount 48 times the average month's rent paid by the displaced person in the last 3 months prior to initiation of negotiations if such rent was reasonable, or if not reasonable, 48 times the monthly economic rent for the dwelling as established by GSA. Economic rent is the amount of rent the displaced occupant would have had to pay for a similar dwelling unit in areas not generally less desirable than the dwelling unit to be acquired. The schedule should be based on a current analysis of the market to determine an amount for each type of dwelling required.

(b) GSA may determine the average month's rent by selecting one or more dwellings representative of the dwelling unit acquired by the Government which is available on the market and is a comparable replacement dwelling. The payment will be computed by determining the amount necessary to rent for 4 years the comparable replacement dwelling and subtracting the amount of 48 times the average month's rent paid by the displaced person in the last 3 months prior to initiation of negotiations, or if not reasonable, 48 times the monthly economic rent.

(c) GSA may establish the average month's rent paid by a displaced person by using more than 3 months prior to negotiations if it is deemed advisable.

(d) All replacement rental payments for displaced persons who elect to rent instead of purchase, that exceed $500, will be made in four equal installments on an annual basis. Before making each annual payment, GSA will verify that the displaced person continues to occupy a decent, safe, and sanitary dwelling.

(e) When more than one Federal agency is causing displacement in a community or area, GSA will cooperate with those agencies in determining uniform replacement rental payments.

§ 101–18.307–4 Computation of purchaser's replacement rental payment.

Computation of the replacement rental payment for eligible displaced persons who elect to purchase instead of rent a comparable replacement dwelling will be the amount determined to be necessary to make a downpayment and to cover incidental expenses in the purchase of a replacement dwelling.

(a) Incidental expenses of closing the transaction are those heretofore described in § 101–18.306–2(e).

(b) The full amount of the downpayment must be applied to the purchase price and such downpayment and incidental costs shown on the closing statement.

(c) To receive payment to apply on the purchase of a replacement dwelling, an occupant or owner-occupant eligible under this section to receive a replacement housing payment must purchase and occupy a decent, safe, and sanitary dwelling not later than 1 year subsequent to the date he vacated the dwelling acquired by GSA.

§ 101–18.307–5 Time limit for filing claims.

Claims for benefits under the Act are to be received by GSA within 18 months from the date on which the displaced person moves from the real property acquired or to be acquired; or the date on which GSA makes final payment of all costs for the acquisition of the real property, whichever is the later date.

§ 101–18.308 Relocation assistance advisory services.

Whenever GSA causes displacement of persons after January 2, 1971, GSA will provide to all eligible displaced persons a relocation assistance advisory service. This service will be provided by GSA personnel or by the personnel of a contractor employed by GSA. If GSA determines that any person occupying property immediately adjacent to the real property acquired by the Government is caused substantial economic injury because of that acquisition, that person may be offered relocation assistance advisory services.

(a) GSA will cooperate to the maximum extent feasible with other Federal or State agencies to insure that displaced persons receive the maximum assistance available to them.

(b) GSA relocation assistance advisory services will include such measures, facilities, or services as may be necessary or appropriate in order to:

(1) Determine the need, if any, of eligible displaced persons for relocation assistance.

(2) Provide current and continuing information on the availability, prices, and rentals of comparable replacement dwellings which are decent, safe, and sanitary and of comparable commercial properties and locations for displaced businesses.

(3) Insure that, within a reasonable time, prior to displacement, comparable replacement dwellings which are decent, safe, and sanitary will be available to replace the dwellings acquired by the Government.

(4) Assist a person displaced from his business or farm operation in obtaining and becoming established in a replacement location.

(5) Supply information concerning Federal and State housing programs, disaster loan programs, and other Federal or State programs offering assistance to displaced persons.

(6) Provide other advisory services to displaced persons to minimize hardships to such persons in adjusting to relocation.

§ 101–18.309 Availability determination.

GSA will not proceed with any phase of a project which will cause the displacement of any person until it has determined that there will be available within a reasonable time prior to such displacement on a basis consistent with the requirements of Title VIII of the Civil Rights Act of 1968 (Public Law 90–284), in areas not generally less desirable in regard to public utilities and public and commercial facilities and at rents or prices within the financial means (including supplements provided by law) of the families displaced, decent, safe, and sanitary dwellings equal in

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number of, and available to, such displaced persons who require such dwellings and reasonably accessible to their places of employment.

(a) This determination will be based on a current survey and analysis of available replacement housing resources. This survey will take into account the competing demands on the available housing resources.

(b) GSA may waive the requirements of this section in periods of emergency and/or other extraordinary situations where immediate possession of real property is of crucial importance.

§ 101–18.310 Housing replacement as a last resort.

GSA will be guided by the criteria and policies to be developed by the Secretary of Housing and Urban Development in its implementation of section 206 of the Act.

§ 101–18.311 Planning and other preliminary expenses for additional housing.

GSA will be guided by the criteria and policies to be developed by the Secretary of Housing and Urban Development in its implementation of section 215 of the Act.

§ 101–18.312 Applicability to the acquisition of leasehold interest.

The relocation provisions of the Act do not apply to leasing actions except when persons are displaced as a result of the condemnation of a leasehold interest, or threat of condemnation, or a lease construction project.

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AUTHORITY: 63 Stat. 377 (40 U.S.C. 601–615); 82 Stat. 718; (42 U.S.C. 4151–4156); (42 U.S.C. 1857–1858); (33 U.S.C. 1151–1175); (42 U.S.C. 4201–4244); (40 U.S.C. 531–535); 84 Stat. 1358; E.O. 11507, 38 FR 2573; E.O. 11508, 38 FR 2855; E.O. 11512, 35 FR 3979; Pub. L. 92–313

§ 101–19.000 Scope of part.

This part prescribes policies and procedures for the construction and alteration of public buildings in the United States.

§ 101–19.001 Authority.

This Part 101–19 implements the applicable provisions of the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended; the Public Buildings Act of 1959 (40 U.S.C. 601–615 as amended); Public Law 90–480, approved August 12, 1968, 82 Stat. 718 (42 U.S.C. 4151–4156); the Clean Air Act (42 U.S.C. 1857–1858); the Federal Water Pollution Control Act (33 U.S.C. 1151–1175); the Intergovernmental Cooperation Act of 1968 (42 U.S.C. 4201–4244; 40 U.S.C. 531–535); Section 901(b) of the Agriculture Act of 1970, 84 Stat. 1383 as amended by section 601 of the Rural Development Act of 1972, 86 Stat. 674 (42 U.S.C. 1322(b)); Executive Order 11507 of February 4, 1970 (3 CFR, 1966–1970 Comp. p. 889); Executive Order 11724 of June 25, 1973 (38 FR 16837); Executive Order 11512 of February 27, 1970 (35 F.R. 3979); and Pub. L. 92–313, approved June 16, 1972.

§ 101–19.002 Basic policy.

(a) In the process of developing building projects, the following policies will be observed:

(1) Material consideration will be given to the efficient performance of the missions and programs of the executive agencies and the nature and function of the facilities involved with due regard for the convenience of the public served and the maintenance and improvement of safe and healthful working conditions for employees;

(2) Consideration will be given in the delineation of areas and the selection of sites for the development of Federal facilities to the need for development and redevelopment of areas and the development of new communities and the impact a selection will have on improving social and economic conditions in the area. In determining these conditions, the Administrator of General Services will consult with and receive advice from the Secretary of Housing and Urban Development, the Secretary of Health, Education, and Welfare, the Secretary of Commerce, and others, as appropriate;

(3) Maximum use will be made of existing Government-owned permanent buildings which are adequate or economically adaptable to the space needs of executive agencies;

(4) Suitable privately owned space will be acquired only when satisfactory Government-owned space is not available and only at rental charges which are consistent with prevailing rates in the community for comparable facilities;

(5) Space planning and assignments will take into account the objective of consolidating agencies and constituent parts thereof in common or adjacent space for the purpose of improving management and administration;

(6) Availability of low and moderate income housing for employees without discrimination because of race, color, religion, or national origin; nondiscrimination in the sale and rental of housing; adequate access from other areas of the urban center; and adequacy of parking will be considered; and

(7) Proposed developments will be, to the greatest extent practicable, consistent with State, regional, and local plans and programs; and Governors, local elected officials, and regional comprehensive planning agencies will be consulted in the planning of such developments.

(b) In accordance with the provisions of section 901(b) of the Agricultural Act of 1970 (84 Stat. 1383) as amended by section 601 of the Rural Development Act of 1972; 86 Stat. 674 (42 U.S.C. 1322(b)), insofar as practicable, new offices and other facilities will be located in areas or communities of low population density in preference to areas or communities of high population density, due consideration being given to the provisions of section 7(a) of the Public Buildings Act of 1959 (40 U.S.C. 606(a)), and Executive Order 11512 of February 27, 1970 (35 F.R. 3979).

(c) To the maximum extent practical, GSA will plan the construction and alteration of Federal facilities when such action can be shown to the the most prudent and economic means of meeting Federal space requirements.

(d) GSA will provide technical services and guidance to other Federal agencies in the formulation and development of their programs for construction and alteration of special facilities.

(e) Excess properties transferred to GSA will be renovated and altered whenever practical to meet Government space needs.

(f) In selecting sites for public buildings, consideration will also be given to:

(1) Maximum utilization of Government-owned land (including excess land) whenever it is adequate, economically adaptable to requirements and properly located, where such use is consistent with the provisions of Executive Order 11724 of June 25, 1973 (38 FR 16837), and Subpart 101–47.8;

(2) A site adjacent to or in the proximity of an existing Federal building which is well located and is to be retained for long-term occupancy; and

(3) Suitable sites in established civic or redevelopment centers which are well planned and properly financed with development initiated and insured.

(g) The design of new buildings and their appurtenances should provide efficient and economical facilities in an architecture of distinction and quality. The architecture should reflect the dignity, enterprise, vigor, and stability of the United States Government. The designs shall embody the finest contemporary American architectural thought and shall respect local architectural characteristics.

(h) In the alteration of existing buildings, GSA will maintain architectural integrity and compatibility with existing structures.

(i) In the design of new public buildings, and to the extent feasible in the alteration of existing public buildings, GSA will (1) insure that such buildings and attendant facilities will be accessible to and usable by the physically handicapped (42 U.S.C. 4151–4156) and (2) utilize, to the maximum extent, modern methods and techniques for the control of air and water pollution (Clean Air Act 42 U.S.C. 1857–1858; Federal Water Pollution Control Act, 33 U.S.C. 1151–1175).

(j) In the siting and locating of buildings on selected sites, GSA representatives will work directly with local officials in seeking to conform as closely as possible to local zoning regulations.

(k) In the design of new public buildings and alterations to public buildings, the objectives of nationally recognized building and performance codes, standards, and specifications will be met and amplified according to the needs of GSA and as necessary to conform with the accident and fire prevention policy objectives stated in § 101–20.109–1. In addition, special features of local codes directly related to local circumstances or practices will be, to the maximum extent practical, incorporated into the design.

(l) Parking for Government-owned, visitors', and employees' vehicles will be provided in the planning of public buildings with due regard to the needs of the Federal agencies to be housed in each building, local zoning and parking regulations, availability of public transportation, and availability of planned and existing public and privately owned parking facilities in the locality.

(m) Fine arts, as appropriate, will be incorporated in the design of selected new public buildings. Fine arts, including painting, sculpture, and artistic work in other mediums, will reflect the national cultural heritage and emphasize the work of living American artists.

(n) Security floodlighting, as appropriate, will be incorporated in the design of selected new public buildings. Such security floodlighting will be designed for minimum energy consumption and reflect and enhance the architectural esthetics of the building.

§ 101–19.003 Definition of terms.

For the purposes of this Subchapter D the following terms shall have the meanings set forth in this section.

§ 101–19.003–1 Alter.

"Alter" means repairing, remodeling, improving, extending, or otherwise changing a public building. The term includes preliminary planning; engineering; architectural, legal, fiscal, and economic investigations and studies; surveys; designs; plans; working drawings; specifications; procedures; and other similar actions necessary for the alteration of a public building.

§ 101–19.003–2 Alteration project.

"Alteration project", requiring compliance with section 7 of the Public Buildings Act of 1959, as amended, means a project to alter a public building which is estimated to cost in excess of $500,000 and which specifies any of the following:

(a) Alterations estimated to be completed in 5 years for the continued use and occupancy of the building.

(b) Alterations to a building and/or its equipment occasioned by a space reassignment.

(c) Alterations occasioned by an emergency.

§ 101–19.003–3 Construct.

"Construct" means to build a public building. The term includes preliminary planning, engineering, architectural, legal, fiscal, and economic investigations and studies, surveys, designs, plans, working drawings, specifications, procedures, and other similar actions necessary for the construction of a public building.

§ 101–19.003–4 Executive agency.

"Executive agency" means any executive department or independent establishment in the executive branch of the Government including any wholly owned Government corporation and including the Central Bank for Cooperatives and the regional banks for cooperatives, Federal land banks, Federal intermediate credit banks, Federal home loan banks, Federal Deposit Insurance Corporation, and the Government National Mortgage Association.

§ 101–19.003–5 Prospectus.

"Prospectus" means the statement of the proposed project, required by section 7 of the Public Buildings Act of 1959, as amended (40 U.S.C. 606), including a description, its location, estimated maximum cost, a comprehensive plan for providing space for all Government officers and employees in the locality of the proposed project, a statement by the Administrator of General Services that suitable space, owned by the Government is not available and that suitable rental space is not available at a price commensurate with that to be afforded through the proposed action, and a statement of rents and other housing costs currently being paid by the Government for Federal agencies to be housed in the proposed project.

§ 101–19.003–6 Public building.

(a) "Public building" means any building, whether for single or multi-tenant occupancy, its grounds, approaches, and appurtenances, which is generally suitable for office or storage space or both for the use of one or more Federal agencies or mixed ownership corporations, and shall include: Federal office buildings, post offices, customhouses, courthouses, appraisers stores, border inspection facilities, warehouses, record centers, relocation facilities, similar Federal facilities, and any other buildings or construction projects the inclusion of which the President may deem, from time to time hereafter, to be justified in the public interest; but shall not include any such buildings and construction projects: (1) on the public domain (including that reserved for national forests and other purposes), (2) on properties of the United States in foreign countries, (3) on Indian and native Eskimo properties held in trust by the United States, (4) on lands used in connection with Federal programs for agricultural, recreational, and conservation purposes, including research in connection therewith, (5) on or used in connection with river, harbor, flood control reclamation or power projects, or for chemical manufacturing or development projects, or for nuclear production, research, or development projects, (6) on or used in connection with housing and residential projects, (7) on military installations (including any fort, camp, post, naval training station, airfield, proving ground, military supply depot, military school, or any similar facility of the Department of Defense), (8) on Veterans Administration installations used for hospital or domiciliary purposes, and (9) the exclusion of which the President may deem, from time to time hereafter, to be justified in the public interest.

(b) Buildings leased by the Government are not "public buildings" within the meaning of the Public Buildings Act of 1959.

§ 101–19.003–7 United States.

"United States," when used in a geographical sense, means the 50 States,

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the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States.

Subpart 101–19.1—General

§ 101–19.100 Intergovernmental consultation on Federal projects.

(a) As used in this section, the following terms will have the meanings defined herein:

(1) *Planning agencies.* Planning agencies are defined as the Governor of a State or, if there is one, the appropriate planning and development clearinghouse of the State, region, or metropolitan area, and the appropriate local, county, metropolitan, regional, and State planning and environmental authorities.

(2) *Federal projects.* Federal projects are defined as public buildings construction projects and lease construction projects required to be authorized in accordance with, or in the manner provided by, the provisions of the Public Buildings Act of 1959, as amended; and projects involving a significant change in the use of federally owned property or property to be acquired by exchange in connection with a public buildings project authorized under the provisions of the Public Buildings Act of 1959, as amended, or the Federal Property and Administrative Services Act of 1949, as amended.

(b) GSA will consult with planning agencies and local elected officials to coordinate Federal projects with development plans and programs of the State, region, and locality in which the project is to be located to insure that all viewpoints, national, regional, State, and local, are fully considered and taken into account to the extent possible in planning Federal projects.

(c) The consultation and coordination pursuant to paragraph (b) of this section will be initiated by the GSA Regional Administrator of the region in which the Federal project is located, and the manner in which the consultation and coordination will be effected is set forth below:

(1) The GSA Regional Administrator will notify the planning agencies at least 60 calendar days prior to the initiation of any survey of a community conducted for the purpose of ascertaining the space needs of Federal agencies and developing a plan for satisfying those needs. Notifications of less than 60 days are authorized if GSA program requirements so dictate. The notification will specify the approximate date(s) on which the survey will be conducted and request that the GSA Regional Administrator be provided as soon as practicable with all pertinent planning and development information which shall be considered in connection with the space plan for the community. This information will include city, county, State, and regional plans for land use and development, model cities and urban renewal, mass transit, highways, flood control, and air, water, solid waste, and other relevant environmental data.

(2) Within 30 calender days following his approval of a community plan, the GSA Regional Administrator will submit to the Commissioner, PBS, the approved plan and a proposed letter that will inform the previously notified planning agencies of the results of the survey. Particular reference will be made to the need, if any, for a new Federal building within a 10-year period or a major lease consolidation which could result in new commercial construction in the community. The letter of notification, issued only with the approval of the Commissioner, PBS, will request that the GSA Regional Administrator be advised of all changes or refinements in the planning information initially provided, and set forth the following minimum data relative to the proposed Federal project:

(i) Area or city in which the project will be located;

(ii) Type of building (office building, post office, courthouse, etc.);

(iii) Approximate size of building;

(iv) Specific site location requirements;

(v) Estimated building population; and

(vi) Estimated total project cost.

(3) When GSA is to conduct a site investigation, propose a significant change in the use of a federally owned property or acquire property by exchange in connection with the construction of a public building, or proposes to issue a solicitation for offers in connection with a lease construction project as described in paragraph (a)(2) of this section, the GSA Regional Administrator will notify the planning agencies and the principal elected official(s) of the community where the proposed action will take place not less than 30 calendar days in advance of the initiation of such action. The organizations and officials so notified will have the 30-day notice period in which to consult with the GSA Regional Administrator and provide him with data and comments pertinent to the proposed action. Notifications of less than 30 calendar days are authorized if GSA program requirements so require.

(4) When GSA takes action pursuant to § 101–47.203–7 of this chapter for the transfer of federally owned real property for a direct project requirement which involves a substantial change in the character of its use, the views of the planning agencies and the principal elected official(s) will be obtained and considered by the GSA Regional Administrator, and these views will be included on GSA Form 1334, Request for Transfer of Excess Real Property and Related Personal Property.

(5) When property is transferred for exchange purposes, the views of the planning agencies and the principal elected official(s) will be considered prior to consummation of the exchange.

(d) The provisions of paragraph (c) of this section shall not be applied when the Administrator of General Services deems that the application thereof would adversely affect the best interest of the Government.

(e) If GSA has determined that any Federal project under its jurisdiction may significantly affect the quality of the human environment, prior to a final decision concerning that project GSA will provide Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved, planning agencies which are authorized to develop and enforce environmental standards, and others as appropriate with an adequate opportunity to review such projects pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 and the regulations of the Council on Environmental Quality (CEQ).

(f) The Federal agencies, planning agencies, and others referred to in paragraph (e) of this § 101–19.100 will be notified as follows concerning Federal projects under GSA jurisdiction that are determined to have a significant effect on the human environment:

(1) GSA will transmit copies of the draft environmental statement, prepared in accordance with the provisions of section 102(2)(C) of the National Environmental Policy Act and the regulations of the Council on Environmental Quality, to the CEQ and to the Governor of the State, the U.S. Senators of the State, and the U.S. Representative from the congressional district of the State where the project will be located.

(2) Thereafter, GSA will submit copies of the draft statement to the appropriate city mayor and to the Federal, State, and local agencies for comment. The allowable period for comment shall be 30 calendar days, except that the Environmental Protection Agency (EPA) shall have 45 calendar days to submit comments. If requests for extension are made, a maximum period of 15 calendar days may be granted, except for EPA which shall be held to its 45-day review period.

(3) Comments received from the Federal agencies, planning agencies, and others will be reconciled through coordination with the Federal and State agencies concerned. The environmental statement may be revised to reflect the additional data and comments obtained. In any event, a discussion of problems and objections by Federal agencies and State and local entities in the review process and the recommended disposition of the issues involved will be appended to the final text of the environmental statement.

(4) Copies of the final environmental statement will be transmitted to the Council on Environmental Quality.

(g) State and areawide agencies authorized to perform comprehensive health planning (under sections 314a and 314b of the Public Health Service Act) shall be provided adequate opportunity to review Federal projects for construction and/or equipment involving capital expenditures exceeding $200,000 for modernization, conversion, and expansion of Federal inpatient care facilities that alter the bed capacity or modify the primary function of the care services. Projects to renovate or install

mechanical systems or other similar internal system modifications are excluded. The comments of such agencies or a certification that the agencies were provided a reasonable time to comment and failed to do so shall accompany the plan and budget requests submitted by the Federal agency to the Office of Management and Budget.

§ 101–19.101 Application of socioeconomic considerations.

This section provides an effective systematic arrangement to insure the availability of low- and moderate-income housing for Federal employees without discrimination because of race, color, religion, or national origin and to influence the improvement in social and economic conditions in the area of Federal buildings.

§ 101–19.101–1 Location of buildings.

(a) GSA, in all its determinations regarding the location of federally constructed buildings and the acquisition of leased buildings, will consider to the maximum possible extent the availability of low- and moderate-income housing for employees without discrimination because of race, color, religion, or national origin and will affirmatively further the purposes of Title VIII of the Civil Rights Act of 1968.

(b) Final decisions of the Administrator of General Services will be based on the determination that such decisions will improve the management and administration of governmental activities and services and will foster the programs and policies of the Federal Government.

§ 101–19.101–2 Agreement with Secretary of Housing and Urban Development.

(a) The Administrator of General Services has entered into an agreement with the Secretary of Housing and Urban Development to utilize the Department of Housing and Urban Development (HUD) to investigate, determine, and report to GSA findings on the availability of low- and moderate-income housing on a nondiscriminatory basis with respect to proposed locations for a federally constructed building or major lease action having a significant socioeconomic impact on a community.

(b) HUD shall advise GSA and other Federal agencies with respect to actions which would increase the availability of low- and moderate-income housing on a nondiscriminatory basis, after a site has been selected for a federally constructed building or a lease executed for space and shall assist in increasing the availability of such housing through its own programs.

(c) The text of the HUD–GSA agreement is located at § 101–19.4801.

§ 101–19.101–3 Consultation with HUD.

(a) In the initial selection of a city or delineation of a general area for location of public buildings or leased buildings, GSA will provide the earliest possible notice to HUD of information with respect to such decisions. Regional offices of HUD, as identified by the Secretary of Housing and Urban Development, and local planning and housing authorities will be consulted concerning the present and planned availability of low- and moderate-income housing on a nondiscriminatory basis in the area where the project is to be located during the project development investigation.

(b) Regional office representatives of HUD, as designated by the Secretary of Housing and Urban Development, will participate in site investigations for the purpose of providing a report to GSA on the availability of low- and moderate-income housing on a nondiscriminatory basis in the area of the investigation.

(c) The HUD Regional Administrator will transmit to the Regional Commissioner, PBS, his evaluation of the sites being considered. In any case in which a proposed site is deemed inadequate on one or more grounds; i.e., supply of low- and moderate-income housing on a nondiscriminatory basis, nondiscrimination in the sale and rental of housing on the basis of race, color, religion, or national origin, or availability of transportation from housing to site, the HUD Regional Administrator shall include an outline of corrective actions which, in his judgment, will be required to overcome the inadequacies noted.

(d) The following actions are subject to the provisions of the HUD/GSA Memorandum of Understanding:

(1) All project development investigations.

(2) Site selections for public buildings (or leased space in buildings to be erected by the lessor) in which 100 or more low- or moderate-income employees are expected to be employed in the new building.

(3) GSA requests HUD review in actions of special importance not covered by paragraph (d)(2) of this section.

(e) The Regional Commissioner, PBS, shall promptly notify the HUD Regional Administrator after reaching a decision on the sites to be recommended for a facility and their priority. In the event any of the preferred sites are identified by HUD as inadequate on one or more of the grounds set forth in (c), the HUD Regional Administrator shall so advise the Assistant Secretary for Equal Opportunity. The Assistant Secretary will notify the Commissioner, Public Buildings Service, GSA, of HUD's concerns within 5 workdays after notification by the HUD Regional Administrator and agree on the time required to properly present HUD's view.

(f) GSA will provide a written explanation when, after headquarters' review, a location is selected which HUD reported inadequate with respect to one or more of the grounds set forth in (c), in accordance with the HUD-GSA Memorandum of Understanding.

§ 101–19.101–4 Affirmative action plan.

(a) Prior to the announcement of a site selected contrary to the recommendation of HUD, the involved Federal agency, GSA, HUD, and the community in which the proposed site is located will utilize the items indicated in the report of the HUD Regional Administrator as a basis for developing a written Affirmative Action Plan. The Affirmative Action Plan will insure that an adequate supply of low- and moderate-income housing will be available on a nondiscriminatory basis, and that there is adequate transportation from housing to the site before the building or space is to be occupied or within a period of 6 months thereafter. Such a plan will also contain appropriate provisions designed affirmatively to further nondiscrimination in the sale and rental of housing on the basis of race, color, religion, or national origin. The Affirmative Action Plan will be prepared in accordance with section 9(g) of the HUD–GSA Memorandum of Understanding, and will include the following points:

(1) The corrective actions specified by HUD under § 101–19.101–3(c).

(2) Assurance of the relocating agency that, when the old and new facilities are within the same metropolitan area, transportation will be provided for their low- and moderate-income employees between the old facility or other suitable location and the new facility at the beginning and end of the scheduled workday until sufficient new housing is built accessible to the new facility, as provided in the affirmative action plan.

(3) All agreements which constitute an Affirmative Action Plan will be set forth in writing and will be signed by the appropriate representatives of HUD, GSA, the Federal agency involved, community bodies and agencies, and other interests whose cooperation and/or participation will be necessary to fulfill the requirements of the plan.

(b) The contents of the Affirmative Action Plan will be made public after the site selection decision has been made by GSA.

(c) The HUD Regional Administrator shall be responsible for monitoring compliance with the written Affirmative Action Plan. In the event of noncompliance, HUD and GSA shall undertake appropriate action to secure compliance. The plan should provide for commitments from the community involved to initiate and carry out all feasible efforts to obtain a sufficient quantity of low- and moderate-income housing available to the agency's personnel on a nondiscriminatory basis with adequate access to the location of the building or space. It should include commitments by the local officials having the authority to remove obstacles to the provisions of such housing when such obstacles exist and to take effective steps to insure its provision. The plan should also set forth the steps proposed by the agency to develop and implement a counseling and referral service to seek out and assist personnel to obtain such housing. As part of any plan, during as well as after its development, HUD will give priority consideration to applications for assistance under its housing programs for the housing proposed to be provided in accordance with the plan.

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§ 101–19.101–5 Agency compliance.

(a) Agencies shall cooperate with the Administrator of General Services and provide such information as may be necessary effectively to comply with these regulations and to cooperate with the Secretary of Housing and Urban Development affirmatively to further the purposes of Title VIII of the Civil Rights Act of 1968 (42 U.S.C. 3601).

(b) As a minimum, agencies shall determine the number of positions by grade and an estimate of the number of employees whose jobs are being moved. Further details, such as family income and size, minority status, present home location, and status as head-of-household, may also be required depending upon the type, scope, and circumstances of the relocation. GSA will inform agencies concerning specific situations.

(c) Federal agencies who will relocate shall provide counseling and referral service to assist their personnel in obtaining housing. GSA and HUD will cooperate in this effort.

Subpart 101–19.2—Selection and Approval of Projects

§ 101–19.201 Determination of need.

Construction and alteration projects will be selected by the Administrator of General Services based on a continuing investigation and survey of the public building needs of the Federal Government.

§ 101–19.202 Priority of projects.

Projects shall be equitably distributed throughout the United States with due regard for the comparative urgency of the need for each project as determined by the Administrator of General Services.

§ 101–19.203 Approval of projects.

(a) All public buildings construction and alteration projects involving an expenditure in excess of $500,000 shall require approval by the Committees on Public Works of the Senate and House of Representatives.

(b) Federal agencies identifying a need for construction or alteration of a public building shall provide the necessary information, including description of the work, location, estimated maximum cost, and justification to the Administrator of General Services.

(c) The Administrator of General Services shall submit prospectuses for approval of public buildings projects to the Committees on Public Works of the Congress.

§ 101–19.204 Cooperation and assistance of Federal agencies.

(a) Federal agencies shall advise and cooperate in the compilation of information supporting a project. Such information shall include:

(1) A statement of net space occupied in public buildings by the Federal agency in the community for which the project is intended, and an itemization of area in square feet allocated to each specific agency function.

(2) A firm statement of entire space and facility requirements.

(3) Detailed information on space requiring special structural or mechanical facilities. Special use facilities for special purpose needs such as built-in and fixed equipment for laboratory, clinical, and other special use purposes must be incorporated into the project prior to submission of the prospectus.

(4) Identification of locations where space should be retained in preference to inclusion in the proposed project.

(b) Space requirements shall be based on currently authorized personnel and program activities including information on major changes anticipated within the next 5 years.

(c) Requested information shall be submitted within 60 days of the receipt of a request for such information.

(d) Agencies will not be permitted to make changes in approved space layout drawings submitted to GSA for new buildings, following established terminal dates, except where subsequent unusual and compelling agency developments make changes necessary. Requests for such changes will be submitted, over the signature of the head of the department or agency, to the Administrator of General Services for consideration.

Subpart 101–19.3—Alteration Projects

§ 101–19.301 Emergency alteration projects.

Necessary measures to insure the immediate protection of personnel and facilities and for the preservation of life and the avoidance of further property damage may be taken in an emergency prior to the submission of an alteration project prospectus.

§ 101–19.302 Prospectuses for reimbursable alteration projects.

Reimbursable alteration project prospectuses will be prepared on an "as requested" basis. A project which is to be financed in whole or in part from funds appropriated to the requesting agency may be performed without the approval of the Committee on Public Works when the agency appropriation from which payment is to be made is certified by that agency to be available without regard to the provisions of section 7 of the Public Buildings Act of 1959 (40 U.S.C. 606) and the GSA's portion of the estimated cost, if any, does not exceed $500,000.

Subpart 101–19.4—Construction Projects

§ 101–19.401 Contracting for construction.

Contracting for construction services by GSA will be in accordance with Chapter 1 (FPR) and Chapter 5B (GSPR) of this title. The method used will be that most advantageous to the Government.

§ 101–19.402 Architectural and engineering services.

(a) GSA will develop or acquire, by contract, designs and specifications for suitable buildings that will provide space that can be economically utilized and operated, and which are in harmony with surrounding structures in the community.

(b) The contract services of qualified private architects or engineers will be utilized to the fullest extent compatible with the public interest in the performance of architectural or engineering services in connection with the preparation of drawings and specifications for GSA construction projects.

(c) Executive agencies may contract for professional engineering, architectural, and landscape architectural services for projects which fall within the definition of a "public building" contained in section 13 of the Public Buildings Act of 1959 (40 U.S.C. 612) only when the Administrator of General Services has delegated his responsibilities and authorities pursuant to section 15 of that Act (40 U.S.C. 614). (See § 101–19.501 regarding delegations of authority.)

Subpart 101–19.5—Delegation of Authority

§ 101–19.501 Conditions justifying delegation.

The authorities and responsibilities of the Administrator of General Services under the provisions of the Public Buildings Act of 1959, as amended (40 U.S.C. 601–615), shall, except for the authority in section 4 of that Act, upon request, be delegated to the appropriate executive agency where the estimated cost of the project does not exceed $100,000 and may, in the Administrator's discretion, be delegated in cases exceeding that amount. (See sec. 15 of the Act.) When the estimated cost of the project exceeds $100,000, the following criteria will be applied in determining whether a delegation will be made:

(a) The staff capability of the requesting agency to negotiate and administer contracts for the various types of work involved; and

(b) Whether such a delegation will promote efficiency and economy. See § 101–19.402(c) regarding contracts for professional engineering and architectural services.

§ 101–19.502 Exercise of delegation.

Delegated work shall be performed according to standards established by the Administrator of General Services. No such delegation of authority shall exempt the person to whom it is made, or the exercise of such authority, from any provision of the Public Buildings Act of 1959, as amended (40 U.S.C. 601–615).

Subpart 101–19.6—Accommodations for the Physically Handicapped

§ 101–19.600 Scope.

This subpart prescribes standards for the design, construction, and alteration of buildings to ensure that physically handicapped persons will have ready access to and use of such buildings and recordkeeping requirements related thereto.

§ 101–19.601 Authority and applicability.

This subpart implements Public Law 90–480, approved August 12, 1968, as amended by Public Law 91–205, approved March 5, 1970. The standards prescribed

apply to all Federal agencies and instrumentalities and to non-Federal organizations to the extent provided in the Act.

§ 101–19.602 Definitions.

The following definitions shall apply to this Subpart 101–19.6:

(a) "Building" means any building or facility (other than residential structures; buildings, structures, and facilities of the Department of Defense; and any other building or facility on a military reservation designed and constructed primarily for use by able-bodied military personnel) the intended use for which will require either that such building or facility be accessible to the public or may result in the employment therein of physically handicapped persons, which is to be:

(1) Constructed or altered by or on behalf of the United States;

(2) Leased in whole or in part by the United States after August 12, 1968, if constructed or altered in accordance with plans and specifications of the United States;

(3) Financed in whole or in part by a grant or a loan made by the United States after August 12, 1968, if the building or facility is subject to standards for design, construction, or alteration issued under authority of the law authorizing such a grant or loan; or

(4) Constructed under authority of the National Capital Transportation Act of 1960, the National Capital Transportation Act of 1965, or title III of the Washington Metropolitan Area Transit Regulation Compact.

(b) "Alteration" means repairing, improving, remodeling, extending, or otherwise changing a building.

§ 101–19.603 Standards.

Except as otherwise provided in § 101–19.604, every building designed, constructed, or altered after September 2, 1969, shall be designed, constructed, or altered in accordance with the minimum standards in the "American Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped, Number A117.1—R 1971," approved by the American Standards Association, Inc. (subsequently changed to American National Standards Institute, Inc.).

§ 101–19.604 Exceptions.

The standards established in § 101–19.603 shall not apply to:

(a) The design, construction, or alteration of any portion of a building which need not, because of its intended use, be made accessible to, or usable by, the public or by physically handicapped persons;

(b) The alteration of an existing building if the alteration does not involve the installation of, or work on, existing stairs, doors, elevators, toilets, entrances, drinking fountains, floors, telephone locations, curbs, parking areas, or any other facilities susceptible of installation or improvements to accommodate the physically handicapped;

(c) The alteration of an existing building, or of such portions thereof, to which application of the standards is not structurally possible; and

(d) The construction or alteration of a building for which plans and specifications were completed or substantially completed on or before September 2, 1968,

provided, however, that any building defined in § 101–19.602(a)(4) shall be designed, constructed, or altered in accordance with the standards prescribed in § 101–19.603 regardless of design status or bid solicitation as of September 2, 1969.

§ 101–19.605 Waiver or modification of standards.

The applicability of the standards set forth in this subpart may be modified or waived on a case-by-case basis upon application to GSA by the head of the department, agency, or instrumentality of the United States concerned only if the Administrator of General Services determines that such waiver or modification is clearly necessary.

§ 101–19.606 Recordkeeping.

The administering agency's file on each contract or grant for the design, construction, or alteration of a building as defined in § 101–19.602 shall be documented with a statement either: (a) that the standards are applicable to and have been or will be incorporated in the design, the construction, or the alteration, as the case may be; (b) that the grant has been or will be made subject to a requirement that the standards will be incorporated in the design, the construction, or the alteration, as the case may be; (c) that the standards have been waived by the Administrator of General Services (in which event the justification for waiver shall be stated); (d) that the project is within one of the exceptions set out in § 101–19.604 (the specific exception being identified); or (e) such other statements as may be appropriate with respect to application of the standards to the contract or grant. The head of each agency shall be responsible for implementing the file documentation requirement by regulation or other appropriate means. The documentation shall be made available to the Administrator of General Services upon request.

§ 101–19.607 Reporting.

(a) Every six months, each administering agency shall prepare and submit to the Administrator of General Services a report covering all projects subject to the requirements of this Subpart 101–19.6 for which funds have been appropriated or for which a contract, grant, or loan has been approved (whichever is applicable) and which are still under design or construction. Once a project has been reported as being occupied, it need not be included in subsequent reports. Reports should be prepared on GSA Form 2974, Status Report For Federally Funded or Leased Buildings—Accommodation of Physically Handicapped. This report has been cleared in accordance with FPMR 101–11.11 and assigned interagency report control number 0031–GSA–SA.

(b) The semi-annual reporting periods, for purposes of this requirement, end on the last day of February and August. Reports will be due on the fifteenth calendar day of the following month. The initial report will cover all facilities subject to this reporting requirement during the period from June 30, 1971, through August 31, 1974.

(c) Reports will be used for surveys and investigations to insure compliance with Public Law 90–480, as amended, pursuant to the requirements of the Act.

Subparts 101–19.7—101–19.47

[Reserved]

Subpart 101–19.48—Exhibits

§ 101–19.4800 Scope of subpart.

This Subpart 101–19.48 illustrates information referred to in the text of Part 101–19 but not suitable for inclusion elsewhere in that part.

§ 101–19.4801 Memorandum of understanding between the Department of Housing and Urban Development and the General Services Administration concerning low- and moderate-income housing.

MEMORANDUM OF UNDERSTANDING BETWEEN THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND THE GENERAL SERVICES ADMINISTRATION CONCERNING LOW- AND MODERATE-INCOME HOUSING

Purpose. The purpose of the memorandum of understanding is to provide an effective, systematic arrangement under which the Federal Government, acting through HUD and GSA, will fulfill its responsibilities under law, and as a major employer, in accordance with the concepts of good management, to assure for its employees the availability of low- and moderate-income housing without discrimination because of race, color, religion, or national origin, and to consider the need for development and redevelopment of areas and the development of new communities and the impact on improving social and economic conditions in the area, whenever Federal Government facilities locate or relocate at new sites, and to use its resources and authority to aid in the achievement of these objectives.

1. Title VIII of the Civil Rights Act of 1968 (42 U.S.C. 3601) states, in section 801, that "It is the policy of the United States to provide, within constitutional limitations, for fair housing throughout the United States." Section 808(a) places the authority and responsibility for administering the Act in the Secretary of Housing and Urban Development. Section 808(d) requires all executive departments and agencies to administer their programs and activities relating to housing and urban development in a manner affirmatively to further the purposes of title VIII (fair housing) and to cooperate with the Secretary to further such purposes. Section 808(e)(5) provides that the Secretary of HUD shall administer the programs and activities relating to housing and urban development in a manner affirmatively to further the policies of Title VIII.

2. Section 2 of the Housing Act of 1949 (42 U.S.C. 1441) declares the national policy of "• • • the realization as soon as feasible of the goal of a decent home and a suitable living environment for every American family • • •." This goal was reaffirmed in

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the Housing and Urban Development Act of 1968 (sections 2 and 1601; 12 U.S.C. 1701t and 42 U.S.C. 1441a).

3. By virtue of the Public Buildings Act of 1959, as amended; the Federal Property and Administrative Services Act of 1949, as amended; and Reorganization Plan No. 18 of 1950, the Administrator of General Services is given certain authority and responsibility in connection with planning, developing, and constructing Government-owned public buildings for housing Federal agencies, and for acquiring leased space for Federal agency use.

4. Executive Order No. 11512, February 27, 1970, sets forth the policies by which the Administrator of General Services and the heads of executive agencies will be guided in the acquisition of both federally owned and leased office buildings and space.

5. While Executive Order No. 11512 provides that material consideration will be given to the efficient performance of the missions and programs of the executive agencies and the nature and functions of the facilities involved, there are six other guidelines set forth, including:

The need for development and redevelopment of areas and the development of new communities, and the impact a selection will have on improving social and economic conditions in the area; and

The availability of adequate low- and moderate-income housing, adequate access from other areas of the urban center, and adequacy of parking.

6. General Services Administration (GSA) recognizes its responsibility, in all its determinations with respect to the construction of Federal buildings and the acquisition of leased space, to consider to the maximum possible extent the availability of low- and moderate-income housing without discrimination because of race, color, religion, or national origin, in accordance with its duty affirmatively to further the purposes of title VIII of the Civil Rights Act of 1968 and with the authorities referred to in paragraph 2 above, and the guidelines referred to in paragraph 5 above, and consistent with the authorities cited in paragraphs 3 and 4 above. In connection with the foregoing statement, it is recognized that all the guidelines must be considered in each case, with the ultimate decision to be made by the Administrator of General Services upon his determination that such decision will improve the management and administration of governmental activities and services, and will foster the programs and policies of the Federal Government.

7. In addition to its fair housing responsibilities, the responsibilities of HUD include assisting in the development of the Nation's housing supply through programs of mortgage insurance, home ownership and rental housing assistance, rent supplements, below market interest rates, and low-rent public housing. Additional HUD program responsibilities which relate or impinge upon housing and community development include comprehensive planning assistance, metropolitan area planning coordination, new communities, relocation, urban renewal, model cities, rehabilitation loans and grants, neighborhood facilities grants, water and sewer grants, open space, public facilities loans, Operation BREAKTHROUGH, code enforcement, workable programs, and others.

8. In view of its responsibilities described in paragraphs 1 and 7 above, HUD possesses the necessary expertise to investigate, determine, and report to GSA on the availability of low- and moderate-income housing on a nondiscriminatory basis and to make findings as to such availability with respect to proposed locations for a federally-constructed building or leased space which would be consistent with such reports. HUD also possesses the necessary expertise to advise GSA and other Federal agencies with respect to actions which would increase the availability of low- and moderate-income housing on a nondiscriminatory basis, once a site has been selected for a federally-constructed building or a lease executed for space, as well as to assist in increasing the availability of such housing through its own programs such as those described in paragraph 7 above.

9. HUD and GSA agree that:

(a) GSA will pursue the achievement of low- and moderate-income housing objectives and fair housing objectives, in accordance with its responsibilities recognized in paragraph 6 above, in all determinations, tentative and final, with respect to the location of both federally constructed buildings and leased buildings and space, and will make all reasonable efforts to make this policy known to all persons, organizations, agencies and others concerned with federally owned and leased buildings and space in a manner which will aid in achieving such objectives.

(b) In view of the importance to the achievement of the objectives of this memorandum of agreement of the initial selection of a city or delineation of a general area for location of public buildings or leased space, GSA will provide the earliest possible notice to HUD of information with respect to such decisions so that HUD can carry out its responsibilities under this memorandum of agreement as effectively as possible.

(c) Government-owned Public Buildings Projects:

(1) In the planning for each new public buildings project under the Public Buildings Act of 1959, during the survey preliminary to the preparation and submission of a project development report, representatives of the regional office of GSA in which the project is proposed will consult with, and receive advice from, the regional office of HUD, and local planning and housing authorities concerning the present and planned availability of low and moderate income housing on a nondiscrimiatory basis in the area where the project is to be located. Such advice will constitute the principal basis for GSA's consideration of the availability of such housing in accordance with paragraphs 6 and 9(a). A copy of the prospectus for each project which is authorized by the Committees on Public Works of the Congress in accordance with the requirements of section 7(a) of the Public Buildings Act of 1959, will be provided to HUD.

(2) When a site investigation for an authorized public buildings project is conducted by regional representatives of GSA to identify a site on which the public building will be constructed, a representative from the regional office of HUD will participate in the site investigation for the purposes of providing a report on the availability of low- and moderate-income housing on a nondiscriminatory basis in the area of the investigation. Such report will constitute the principal basis for GSA's consideration of the availability of such housing in accordance with paragraphs 6 and 9(a).

(d) Major lease actions having a significant socioeconomic impact on a community: At the time GSA and the agencies who will occupy the space have tentatively delineated the general area in which the leased space must be located in order that the agencies may effectively perform their missions and programs, the regional representative of HUD will be consulted by the regional representative of GSA who is responsible for the leasing action to obtain advice from HUD concerning the availability of low- and moderate-income housing on a nondiscriminatory basis to the delineated area. Such advice will constitute the principal basis for GSA's consideration of the availability of such housing in accordance with paragraphs 6 and 9(a). Copies of lease-construction prospectuses approved by the Committees on Public Works of the Congress in conformity with the provisions of the Independent Offices and Department of Housing and Urban Development appropriation acts, will be provided to HUD.

(e) GSA and HUD will each issue internal operating procedures to implement this memorandum of understanding within a reasonable time after its execution. These procedures shall recognize the right of HUD, in the event of a disagreement between HUD and GSA representatives at the area or regional level, to bring such disagreement to the attention of GSA officials at headquarters in sufficient time to assure full consideration of HUD's views, prior to the making of a determination by GSA.

(f) In the event a decision is made by GSA as to the location of a federally constructed building or leased space, and HUD has made findings, expressed in the advice given or a report made to GSA, that the availability to such location of low- and moderate-income housing on a nondiscriminatory basis is inadequate, the GSA shall provide the DHUD with a written explanation why the location was selected.

(g) Whenever the advice or report provided by HUD in accordance with paragraph 9(c)(1), 9(c)(2), or 9(d) with respect to an area or site indicates that the supply of low- and moderate-income housing on a nondiscriminatory basis is inadequate to meet the needs of the personnel of the agency involved, GSA and HUD will develop an affirmative action plan designed to insure that an adequate supply of such housing will be available before the building or space is to be occupied or within a period of 6 months thereafter. The plan should provide for commitments from the community involved to initiate and carry out all feasible efforts to obtain a sufficient quantity of low- and moderate-income housing available to the agency's personnel on a nondiscriminatory basis with adequate access to the location of the building or space. It should include commitments by the local officials having the authority to remove obstacles to the provision of such housing, when such obstacles exist, and to take effective steps to assure its provision. The plan should also set forth the steps proposed by the agency to develop and implement a counseling and referral service to seek out and assist its personnel to obtain such housing. As part of any plan during, as well as after its development, HUD agrees to give priority consideration to applications for assistance under its housing programs for the housing proposed to be provided in accordance with the plan.

10. This memorandum will be reviewed at the end of 1 year, and modified to incorporate any provision necessary to improve its effectiveness in light of actual experience.

Subpart 101–19.49—Illustration of Forms

§ 101–19.4900 Scope of subpart.

This subpart illustrates forms prescribed or available for use in connection with subject matter covered in other parts of Part 101–19.

§ 101–19.4901 [Reserved]

§ 101–19.4902 GSA forms.

(a) The GSA forms are illustrated in this § 101–19.4902 to show their text, format, and arrangement and to provide a ready sources of reference. The subsection numbers in this section correspond with the GSA form numbers.

(b) Agency field offices may obtain their initial supply of GSA Form 2974, Status Report For Federally Funded or Leased Buildings—Accommodation of Physically Handicapped, June 1974, from General Services Administration (3BRDD), Union and Franklin Streets Annex, Building 11, Alexandria, VA 22314. Agency field offices should submit all future requirements to their Washington headquarters office, which will forward consolidated annual requirements to General Services Administration (BRAF), Washington, DC 20405.

§ 101–19.4902–2974 GSA Form 2974, Status Report for Federally Funded or Leased Buildings—Accommodation of Physically Handicapped.

NOTE: Form is filed as part of original document.

PART 101–20—MANAGEMENT OF BUILDINGS AND GROUNDS

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Subpart 101–20.1—Building Operations, Maintenance, Protection, and Alterations

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AUTHORITY: (40 U.S.C. 1, 19, 281, 285); (20 U.S.C. 107 et seq.); (40 U.S.C. 130, 291, 318 et seq.); 63 Stat. 377, (40 U.S.C. 490 note); 73 Stat. 479, (40 U.S.C. 601 et seq.).

§ 101–20.000 Scope of part.

The regulations in this part prescribe policies and procedures which GSA provides for the management, operation, protection, and maintenance of Government-owned and -leased buildings and grounds required by the Federal agencies to undertake their assigned missions.

§ 101–20.001 Authority.

This Part 101–20 implements the Act of July 1, 1898 (40 U.S.C. 285); the Act of April 28, 1902 (40 U.S.C. 19); the Act of March 1, 1919 (40 U.S.C. 1); the Act of June 23, 1923 (40 U.S.C. 281); the Act of May 27, 1924 (D.C. Code, 1961 ed., 4–208); the Act of June 20, 1936 (20 U.S.C. 107 et seq.); the Act of December 10, 1941 (40 U.S.C. 291); the Act of May 14, 1948 (40 U.S.C. 130); the Act of June 1, 1948 (40 U.S.C. 318 et seq.); the Federal Property and Administrative Services Act of 1949 (63 Stat. 377 as amended); the Reorganization Plan No. 18 of 1950 (40 U.S.C. 490 note; 3 CFR); the Public Building Act of 1950 (73 Stat. 479) as amended; and the Public Buildings Amendments of 1972 (40 U.S.C. 602a).

§ 101–20.002 Basic policy.

It is the policy of GSA, with due regard for the program activities of the agencies concerned and the best interest of the Government, to provide or otherwise arrange for improvements, alterations, repairs, and necessary services required to house occupant agencies and permit them to carry out their programs in an efficient manner.

§ 11–20.003 Definition of terms.

The following definitions are established for terms used in this Subchapter D.

§ 101–20.003–1 Maintenance.

"Maintenance" means to preserve or keep in an existing state or condition by periodic or occasional inspection, adjustment, lubrication, cleaning, and making necessary minor repairs. Ordinary maintenance is that routine recurring work which is incidental to everyday operations. Preventive maintenance is that work which is programed at scheduled intervals.

§ 101–20.003–2 Alteration.

"Alteration" means repairing, remodeling, improving, extending, or making

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other changes in a public building, exclusive of maintenance repairs which are preventative in nature.

§ 101–20.003–2a Repair.

"Repair" means the restoration of a facility to a condition substantially equivalent to its original state and efficiency. The distinction is made that whereas maintenance is preventive, repairs are curative. Repairs may involve replacement of a component unit in whole or in part if the new unit substituted is no better than the replaced unit was when it was acquired. Routine and incidental replacements of parts constitute ordinary repairs; extensive replacements of parts constitute extraordinary repairs.

§ 101–20.003–2b Extension.

"Extension" means an addition or enlargement of an existing building which results in an increase in capacity.

§ 101–20.003–2c Conversion.

"Conversion" includes the redesign, remodeling, and conversion of a building or part of a building from one use to another; e.g., hospital or warehouse to office space.

§ 101–20.003–2d Initial space alterations.

"Initial space alterations" are those alterations provided by GSA as part of the standard levels of service prescribed in paragraph (c) of section 101–20.102.

§ 101–20.003–2e Special space alterations.

"Special space alterations" are those alterations required by occupant agencies that are above the standard levels provided by GSA.

§ 101–20.003–2f Space adjustment.

"Space adjustment" means a rearrangement of space or relocation of equipment which does not increase building capacity or improve its quality. A "space adjustment" is made usually to accommodate a specific agency operation or to permit the most efficient use of space and facilities.

§ 101–20.003–3 [Reserved]

§ 101–20.003–4 [Reserved]

§ 101–20.003–5 [Reserved]

§ 101–20.003–6 [Reserved]

§ 101–20.003–7 Sidewalk.

"Sidewalk" means the walkway for pedestrians (which may be within or outside the Government property line) around buildings, installations, properties, or grounds owned by the United States.

§ 101–20.003–8 State.

"State" means the 50 States, political subdivisions thereof, the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States.

§ 101–20.003–9 Furniture and furnishings.

The term "furniture and furnishings" means items normally required in office occupancy, such as desks, tables, chairs, costumers, file cabinets, bookcases, and may include special floor coverings. It does not include desk top items, office machines, or labor-saving devices; nor special desks, tables, or cabinets involved in the use of such equipment; nor items peculiar to an agency's specialized functions.

§ 101–20.003–10 Facility Self-Protection Plan.

"Facility Self-Protection Plan" means a plan that will provide for the protection of life and property during all types of emergencies.

§ 101–20.003–11 Facility Self-Protection Organization.

"Facility Self-Protection Organization" means an organization of employees of a Federal agency(ies) in a building designated to carry out the requirements established in the Facility Self-Protection Plan.

§ 101–20.003–12 Emergency.

"Emergency" includes situations occasioned by bomb threats, civil disorders, fires, explosions, natural disasters, and potential or actual enemy attack.

§ 101–20.003–13 Flame-Retardant.

"Flame-Retardant" shall mean fabrics or films (e.g., thin plastic sheets, cellophane, etc.) that are difficult to ignite, do not spread flame beyond the area exposed, and do not drop flaming parts. Flame-retardant materials shall meet the performance described for the small scale test in National Fire Protection Association Standard No. 701, Standard Method of Fire Test for Flame-Resistant Textile Fabrics or Films. Fabrics or films tested by the National Bureau of Standards or an independent testing laboratory meeting the above requirements using the small scale test as described in NFPA Standard No. 701, or using the test method described in Method No. 5903, Federal Specification CCC–T–191b, Textile Test Methods, are flame-retardant by this definition. In addition, materials labeled as flame-retardant fabrics by Underwriters' Laboratories, Inc., conform with this definition. In any instance where flame-retardance has been provided by chemical treatment, retesting is required after each laundering or cleaning.

§ 101–20.003–14 Noncombustible.

"Noncombustible" includes the following:

(a) Those materials universally accepted as noncombustible such as iron, steel, aluminum, brick, concrete glass, plaster, and asbestos. Such materials are accepted as noncombustible without proof.

(b) Rigid materials, all surfaces of which have fire hazard ratings not exceeding 25 for flame spread and 150 for smoke development when tested in accordance with American Society for Testing and Materials, Test E 84, Surface Burning Characteristics of Building Materials. For materials to be in the building permanently or for extended periods of time, the fire hazard rating requirements also apply to any core materials. Materials bearing the label of Underwriters' Laboratories, Inc., as having flame spread ratings of not over 25 and smoke development ratings of not over 150 meet these requirements.

(c) Fabrics and films which do not burn, propagate flame, or drop flaming particles when tested in accordance with § 101–20.003–13.

Noncombustible fabrics may be determined by the use of the test method described in § 101–20.003–13, or if labeled as noncombustible fabrics by Underwriters' Laboratories, Inc.

Subpart 101–20.1—Building Operations, Maintenance, Protection, and Alterations

§ 101–20.100 General.

This subpart prescribes the standards to be applied and the services to be provided in managing buildings and grounds for which GSA has space assignment responsibility. Consultations will be held with all occupant agencies that are in a building where extensive alterations and/or major repairs are proposed to be undertaken which will generally upgrade the quality level rating of that building. Such consultations will not be required where structural or utility systems repairs or alterations are needed. Where GSA proposes to change significantly the standard levels of service; e.g., cleaning, protection, similar consultations will be held with occupant agencies. GSA will consider the comments of occupant agencies before a final decision is made on such proposed repairs, alterations, and/or operations and maintenance changes. In providing services, GSA shall furnish the necessary labor, material, supplies, utilities, and supervision to insure the efficient operation and maintenance of the building equipment and systems. Sections 101–20.101 through 101–20.104 describe the standard levels of service which are provided as part of the standard level user charge. Section 101–20.105 describes reimbursable services.

§ 101–20.101 Building operations and maintenance.

GSA shall provide the following:

(a) Cleaning for all types of space at a level equivalent to the cleaning furnished commercially for similar types of space within the service levels prescribed in § 101–21.300.

(b) Maintenance and repairs of exterior grounds, sidewalks, driveways, and parking areas.

(c) Illumination levels that are adequate for the task being performed and in accordance with recognized GSA standards.

(d) Adequate heating in office, court, postal, special, and similar space during the heating season and within the service levels prescribed in § 101–21.300. In storage, parking, and similar space, suitable temperature shall be maintained for the type of use.

(e) Adequate air-conditioning in office, court, postal, special, and similar space in air-conditioned buildings during the air-conditioning season and within the service levels prescribed in § 101–21.300. Storage, parking, and similar space will not normally be furnished air-conditioning but shall be provided with adequate mechanically supplied ventilation.

(f) One duplex electrical receptacle and one telephone outlet per 100 occupiable square feet in office and special space, upon request, except in areas such as warehouses, storage areas, auditoriums, and gymnasiums where these receptacles and outlets are not normally provided. Electricity will be provided for office appliances and machines, including vending machines used by occupants.

(g) Adequate plumbing and sewerage systems in compliance with applicable GSA standards, and hot and cold running water in toilet rooms. Drinking water at suitable temperatures will be furnished in standard fountains or refrigerated water coolers.

(h) Adequate passenger and freight service with either manually or automatically operated elevators or similar systems.

(i) Arrangements for raising and lowering the U.S. flags at appropriate times in Government-owned facilities and in leased facilities where the Federal Government is the sole occupant.

(j) Safety services, including the maintenance of a safe environment; removing, safeguarding, or correcting conditions hazardous to persons or property; and maintaining in a state of adequacy and readiness all safety and fire protection devices, equipment, and systems.

(k) Maintenance of building equipment, such as directory and bulletin boards at the main entrances, central clock systems, door closers, window shades or venetian blinds, and door keys, and changing of locks except those changed for security purposes.

§ 101–20.102 Repairs and initial space alterations.

GSA shall arrange for:

(a) Repainting office, court, postal, joint-use, and similar space at least once every 5 years, and repainting public areas in these spaces once every 3 years. Additional painting will be performed on a reimbursable basis.

(b) Initial space alterations, improvements, and repairs to buildings and facilities as necessary to protect building occupants, visitors, operational continuity of the agencies housed, and the investment of the Government within the limit of funds available therefor. Such work shall be performed in leased premises by GSA to the extent that the Government is responsible therefor under the provisions of the lease; and to the extent that the limitations of section 322 of the Economy Act (40 U.S.C. 278a) are not exceeded except as otherwise provided by law.

(c) Initial space alterations (1) comparable to those normally provided by the commercial sector for new occupants in buildings for which GSA has assignment responsibility or (2) to the extent necessary as a result of moves ordered by GSA in the assignment or reassignment of space.

§ 101–20.103 Leased buildings.

Space and service in leased buildings will be based on the same standards and levels of services provided in Government-owned space. However, the scope of the operation and maintenance performed by GSA will be predicated on the extent of the lessor's liability therefor under the terms of the lease. Agencies are not authorized to negotiate with lessors for alterations or building services without prior approval of GSA.

§ 101–20.104 Physical protection and building security.

(a) There will be furnished physical protection to provide for the safety of those using the facilities, for maintaining order, for safeguarding the Government's interest in the facilities, and for otherwise forestalling interference with the normal process of the Government. Subpart 101–[illegible].5 prescribes policies and procedures for the physical protection of space under the assignment responsibility of GSA.

(b) Security protection beyond that provided under normal coverage can be made available on a reimbursable basis at the request of the occupants.

§ 101–20.105 Reimbursable services.

Services over and above those prescribed in §§ 101–20.101, 101–20.102, 101–20.103, and 101–20.104 or those services that are requested by and performed for the convenience of occupant agencies shall be provided or arranged for by GSA on a reimbursable basis. Such services include:

(a) Special space alterations required by occupant agencies above the standard level provided by GSA and prescribed in § 101–20.102.

(b) Security guarding and protection of classified records and property.

(c) Installation, operation, maintenance, and repair of burglar alarms and other automatic protective devices and systems for security protection due to the special nature of an agency's activities.

(d) Utilities for heating, air-conditioning, and specialized equipment such as printing machines and computers over and above the standard levels prescribed in § 101–21.300.

(e) Construction, installation, operation, maintenance, and repair of agency program equipment.

(f) Construction, installation, and maintenance of exhibits.

(g) Washing and polishing furniture and cleaning inside file cabinets, bookcases, desks, and other personal property.

(h) Space adjustments requested by an agency for its convenience in rearranging, expanding, relocating, or consolidating activities, subject to approval of the changes by GSA. (Approval is based on engineering and structural limitations of the building and limitations due to lease provisions or law. All such work should be performed under the supervision of GSA.)

(i) Services of motion picture operators and other personnel required in the use of auditoriums and conference rooms.

(j) Janitorial, heating, air conditioning, and other services that are provided over and above the services prescribed in §§ 101–20.101, 101–20.102, 101–20.103, and 101–20.104.

§ 101–20.106 Furniture and furnishings.

§ 101–20.106–1 Responsibility for financing.

Unless otherwise provided by statute, each agency will be responsible for financing its furniture and furnishings requirements at all locations. In this connection, to the maximum extent practicable, requirements shall be met from excess stock, including rehabilitated equipment, even though such items may not conform to present standards.

§ 101–20.106–2 Funding for moving.

Moving of office equipment, furniture and furnishings, and other personal property will be accomplished by GSA when required as a result of moves ordered by GSA in the assignment and reassignment of agencies to space in which GSA has assignment responsibility. Moving services requested by an agency for its convenience in rearranging or consolidating activities will be performed on a reimbursable basis.

§ 101–20.106–3 Moving of furniture and furnishings.

The moving of furniture and furnishings in the reassignment of space under the control of GSA for space assignment purposes shall be restricted to the fullest extent practicable in the interest of efficiency and economy. Furniture and furnishings (except filled file cabinets) shall not be moved when suitable furniture and furnishings can be made available to the agency or segment of an agency reassigned to a new location.

§ 101–20.106–4 Determinations.

Since the determinations with respect to the availability of furniture and furnishings for outfitting an office are dependent to a large degree on the size, location, and type of occupancy of the individual blocks of space which may be involved, the determinations required by section 210(g) of the Federal Property

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and Administrative Services Act (40 U.S.C. 490(g)) shall be made by appropriate GSA officials, in consultation with duly authorized agency officials, at the local level as circumstances in each case warrant. Determinations shall be based on accomplishing the move:

(a) At the least total cost to the Government;

(b) Without engaging in new or extensive procurement of furniture; and

(c) Without causing undue delay in the work schedule of the moving agency.

§ 101–20.106–5 Furniture control.

The furniture and furnishings previously used by the moving agency or unit and not moved to the new space shall pass to the control of GSA without reimbursement, except those purchased from trust funds. Such furniture will be reassigned to other using agencies or reported excess. When furniture is reassigned by GSA, custody and accountability therefor will be transferred to the using agency. Internal moves made by agencies within assigned areas and not subject to space reassignment action by GSA are exempt from the requirements of this § 101–20.106. However, in the interest of efficiency and economy, agencies should restrict the moving of furniture to the extent feasible.

§ 101–20.107 Conservation of services.

Occupant agencies shall assist in the management of buildings by practicing good housekeeping methods and, wherever possible, by exercising economy in the use of electric current, heat, cooling, building supplies, facilities, and other services. Utilities shall be conserved by turning off lights and equipment when they are not needed. Supplies furnished in the servicing of buildings should be conserved. Equipment and furnishings should be kept neat and orderly. Stowage of books, papers, and other materials on the floor or on top of equipment, desks, or tables should be avoided. Trash and other waste materials should be disposed of in the receptacles provided. Soiling or damaging walls and other painted surfaces is prohibited. It is the responsibility of agencies occupying space in Government-owned or -leased quarters to require their employees to observe such conservation practices.

§ 101–20.108 Door title cards and holders.

Room and occupant identification cards and holders are provided by GSA. The identification system is subject to the following requirements:

(a) Identification signs shall indicate the room or area number and the organizational title of the occupant. Organizational and directional signs are to be avoided at doors which are not intended as entrances for visitors. Organizational information shall be limited to three lines of copy.

(b) In existing buildings, identification cards, normally 8 by 6 inches in size, shall be displayed adjacent to the door in one 8- by 6-inch metal frame. In new buildings and those buildings which undergo major renovations, the information shall be displayed similarly on single-line plastic inserts in a maximum of three 1- by 8-inch single-line metal holders.

(c) The use of identification signs in conjunction with lobby and floor directory boards and information centers should improve occupant identification to meet the needs of the public.

(d) Agencies requiring organizational information on directory boards and the doors to their assigned space should submit Optional Form 12, Request for Door Title Cards and Holders, to the GSA buildings manager. Optional Form 12 also should be used for requesting GSA to furnish other cards, signs, and sign writing for the benefit of the occupant as a reimbursable service.

§ 101–20.109 Accident and fire prevention.

§ 101–20.109–1 Policy.

It is the policy objective of GSA to provide work space that achieves:

(a) Accident and fire prevention performance levels that equal or exceed the objective of the Occupational Safety Health Act (OSHA) of 1970 (Public Law 91–596) and the resultant Executive Order 11612, Occupational Safety and Health Programs for Federal Employees;

(b) All reasonable precautions to avoid the incidence of accidental injuries, fires, or exposure to potential occupational diseases;

(c) Safety of occupants and visitors from exposure to intolerable conditions in case of fire or other accidental incidents by provision of total building environmental safety quality levels that equal or exceed the objectives of the OSHA and those of nationally accepted model health, safety, fire, and building codes;

(d) Sufficient safeguards to allow emergency forces to accomplish their mission without undue danger of entrapment;

(e) Sufficient fire limiting and other safety features to limit danger to the surrounding community to a degree that equals or exceeds the safety objectives of nationally accepted model building codes and the local building code of the community involved; and

(f) Additional safety against damage or destruction of property or disruption or impairment of the mission appropriate to the value and importance of the type of Federal activities involved.

§ 101–20.109–2 Responsibility of GSA.

GSA will to the maximum extent feasible provide safe space that meets or exceeds the accident and fire prevention policy objectives stated in § 101–20.109–1 to the degree that such is controlled by the basic conditions of the facility, the actions of GSA, or other areas under the direct control of GSA or controlled by GSA space assignment and utilization, acquisition, construction, alteration, building operation, maintenance, or protection procedures or activities.

§ 101–20.109–3 Responsibility of agencies.

Each occupant agency shall ensure that its use of and operations and activities in its assigned space will conform to the accident and fire prevention policy objectives in § 101–20.109–1.

§ 101–20.109–4 Exits.

All exits, accesses to exits, and accesses to emergency equipment shall be accessible and clear at all times the building is open for business.

§ 101–20.109–5 Housekeeping and orderliness.

Each agency shall maintain its assigned space and conduct its operations in such a manner as to maintain a neat and orderly facility, avoiding increased potential of fire initiation, fire propagation, or fire severity.

§ 101–20.109–6 Occupancy hazards.

Hazardous, explosive, flammable, or combustible materials which exceed that normal to the type of operation indicated in the agency's initial space assignment shall not be brought into the building or shall not be utilized unless authorized by GSA and any additional protective procedures, arrangements, or devices determined by GSA to be needed have been provided.

§ 101–20.109–7 Draperies and curtains.

All draperies, curtains, and similar hanging materials shall be of a noncombustible or flame-retardant fabric.

§ 101–20.109–8 Decorations and displays.

(a) Decorations and displays within assigned space shall conform to the general use of space as appropriate. Where large groups of persons are expected to view displays, adequate provision shall be made for emergency egress.

(b) Except as noted in subparagraphs (1) through (3) of this paragraph, all decorations and displays in corridors, lobbies, or other public spaces and in cafeterias, auditoriums, or other places of assembly shall be constructed of noncombustible or flame-retardant materials and kept completely free and clear of any exit or access to an exit.

(1) Limited amounts of combustible or flammable materials shall be permitted for small displays or for elements in larger size displays where, in the judgment of GSA, such materials do not present a hazard to life or property.

(2) Traditional Christmas decorations on office doors may contain limited amounts of combustible or flammable materials.

(3) Natural Christmas trees may be brought into buildings for not more than 2 weeks provided they stand in water, are clear of any exitways or exit lobbies, and are not over 4 feet in height, except as noted in subdivisions (i) and (ii) of this subparagraph. Noncombustible artificial Christmas trees are permitted in any size provided they do not interfere with any exit or access to an exit.

(i) In any building lobby where a Christmas tree has traditionally been placed, the buildings manager may permit the use of a natural Christmas tree exceeding the 4-foot limitation provided the tree is cut on or after December 1, the tree stands in water, the position of the tree is clear of exit routes by a distance equal to the height plus 6 feet, there are no other combustibles in the area likely to be ignited by fire in the tree, and the maximum height of the tree does not exceed two-thirds the ceiling height. No tree shall, however, exceed 15 feet in height.

(ii) If the requirements of any ordinance or regulation as applied to natural Christmas trees in non-Federal buildings or private office buildings within the local jurisdiction are more restrictive than this regulation, those requirements shall be considered a portion of this regulation.

(c) Decorations and displays shall not involve lighted candles or other open flame or other high heat producing devices unless such use is determined safe by GSA.

§ 101–20.109–9 Movable partitions.

(a) All newly installed or relocated movable partitions, including partial-height (bank-type), shall be noncombustible.

(b) Installed movable partitions which contain combustible components do not require immediate replacement except where serious hazard to life exists from smoke or fire.

(c) Replacement of movable partitions or combustible components, including translucent plastic panels in bank-type partitions, is the responsibility of the user. A long-range program for minimizing fire hazards shall be instituted in locations where such partitions or components exist, in the following order of priority:

(1) Along egress paths in nonsprinkler protected occupancies.

(2) Along egress paths in sprinkler protected occupancies.

(3) In offices having floor areas of more than 1,000 square feet located on or below the middle story of buildings 10 stories or more in height where the occupancies are not sprinkler protected.

(4) In other offices having floor areas of more than 1,000 square feet which are not sprinkler protected.

(5) In offices having floor areas of 1,000 square feet or less located on or below the middle story of buildings 10 stories or more in height where the occupancies are not sprinkler protected.

(6) In other offices having floor areas of 1,000 square feet or less which are not sprinkler protected.

(7) In offices having floor areas of more than 1,000 square feet which are sprinkler protected.

(8) In offices having floor areas of 1,000 square feet or less which are sprinkler protected.

§ 101–20.109–10 Regulation of smoking.

Each agency shall post and enforce "no smoking" rules in any location involving flammable liquids, flammable gases, or flammable vapors or in other locations where there is a collection of readily ignitible combustible materials. Adequate noncombustible ash trays or receptacles shall be provided in locations where smoking is permitted.

§ 101–20.109–11 Fire prevention activities of occupant agencies.

All agencies shall be concurrently responsible with GSA for the development and maintenance of sound fire prevention programs to insure that: (1) Facilities are kept in the safest condition practical; (2) employees are trained to make optimum use of the building safety features; and (3) other necessary actions are taken to insure the maximum safety and well-being of the occupants in case of fire or similar emergency. Specific areas of participation of each agency shall include:

(a) Periodic inspections of the space and building features as they relate to the safety of all persons and property located within or on the real property. Such inspections shall not relieve GSA of its responsibilities for such areas, nor shall inspections by GSA or others relieve occupant agencies of their responsibilities for maintaining full knowledge of firesafety conditions. Where hazards are found, agencies shall be responsible for correcting the hazardous conditions within their responsibilities and for reporting those not their responsibility to GSA.

(b) Cooperation and participation with facility self-protection organizations as described in Subpart 101–20.5 and participation in one or more building fire drills each year that include evacuation or movement of personnel.

(c) Education programs conducted unilaterally and in cooperation with GSA to familiarize employees with the problems and hazards related to fire, including instructions to observe safe practices for fire prevention.

(d) Motivation of their employees to conduct their work in a firesafe manner.

§ 101–20.110 Employee-owned electrical equipment.

An agency desiring to have an employee-owned electrical appliance installed in a building under the jurisdiction of GSA shall submit a request in writing to the GSA buildings manager in charge of the building in which the installation is to be made. The request shall describe the appliance and its intended use and shall have been approved by an authorized representative of the agency. The buildings manager will inform the requesting agency of the approval or disapproval of the request. All installations shall be made by or under his direction and in conformance with the safety and installation requirements. Whether payment will be required therefor shall be determined from the applicable provisions of Subpart 101–20.1. The buildings manager will provide for the periodic inspection of all installations of electrical appliances to guard against possible fire hazards and to ensure the observance of good housekeeping practices. When the use or installation of the appliance does not conform to the appropriate safety, installation, and sanitary requirements, the agency will be requested to order its removal.

§ 101–20.111 Vehicle parking facilities.

§ 101–20.111–1 General.

GSA is responsible for determining what space in and around existing Government-owned properties under its custody and control may be utilized for vehicle parking purposes.

§ 101–20.111–2 Policy.

(a) GSA will establish, to the extent funds are available therefor, vehicle parking facilities in and around existing Government-owned properties under the custody and control of GSA. Such facilities will be consistent with the character of other properties in the neighborhood, will not adversely affect the use or appearance of the Government property, and will not constitute a traffic hazard. GSA will allocate parking space at the facility in the following order of priority:

(1) Postal manuevering area and official postal vehicle parking (including contract mail hauling vehicles and private vehicles of rural carriers);

(2) Government-owned vehicles used for criminal apprehension law enforcement activities;

(3) Privately owned vehicles of Federal judges, Members of Congress, and heads of occupant agencies (priority is limited to the individuals and does not include members of their staffs);

(4) Official parking other than that listed in subparagraphs (1) and (2) of this paragraph:

(i) Net requirements for Government-owned vehicles other than those listed in subparagraphs (1) and (2) of this paragraph, including motor pool dispatch service vehicles and vehicles assigned directly to occupant agencies, shall be an amount less than the total number of vehicles assigned to the pool, depending on the nature of the pool operations;

(ii) Areas assigned for Government-owned vehicles, including postal and motor pool areas, shall also be used during other than early morning or late afternoon hours for visitors, service vehicles, privately owned vehicles regularly used for official business, physically handicapped employees of occupant agencies, and occupant agency employees not otherwise accommodated (with preference given to carpool drivers), in the order named. In connection with part-time use of these areas, street parking, municipal lots, and commercial parking facilities may be used during early and late hours when Government-owned vehicles are occupying assigned spaces;

(5) Vehicles of patrons and visitors and service vehicles not accommodated

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under subparagraph (4) (ii) of this paragraph; and,

(6) Privately owned vehicles of employees of occupant agencies not otherwise accommodated.

(b) From time to time, as necessary and appropriate, GSA will make surveys, conduct studies, and review parking space allocations to:

(1) Determine the rate of utilization of space in vehicle parking facilities and increase, where feasible, the number of vehicles authorized to use the facilities; and

(2) Reallocate spaces, as necessary, in accordance with the priorities set forth in § 101–20.111–2(a).

(c) GSA will coordinate agency vehicle parking requirements within the urban centers listed in § 101–18.102 so that agencies are made aware of the availability of parking space within each urban center.

(d) See §§ 101–17.101 and 101–18.105 (c) for instructions concerning the procurement of commercial parking space by executive agencies.

(e) GSA or agencies, as appropriate, will employ commercial practices of parking management concerns by parking vehicles bumper-to-bumper with a minimum of access aisles. In those instances, allocation will be made by block assignments rather than to individual spaces, thus enabling overallocation to compensate for employees on leave or otherwise absent. In instances where allocation of parking spaces is made on the basis of individual spaces rather than block areas, poor utilization usually results. Therefore, adequate justification must be documented showing economic or other significant reasons for individual space allocation rather than block allocation. Paid attendants may be used in some instances under arrangements with a parking management contractor (concessionaire). In these instances, charges shall be made for parking to compensate the concessionaire. In other instances, self-parking on a bumper-to-bumper basis without the use of attendants may be arranged through agency cooperation, with no charges made for parking.

(f) In the process of laying out parking spaces for maximum utilization, GSA safety specialists will review the proposed arrangements to ensure compliance with sound safety and fire prevention practices.

(g) Heads of agencies, in assigning spaces to Government employees, shall promote the use of carpools so the maximum use is made of parking facilities.

(h) Motor pool vehicles and vehicles on indefinite assignment to agencies shall be subject to the same parking procedures (such as bumper-to-bumper parking) as employee vehicles.

(i) The provision of facilities for storing vehicles which have been impounded by law enforcement agencies shall be limited to outlying locations where spaces are not at a premium.

§ 101–20.111–3 Parking space assignment.

Allotment of areas will be made to agencies which shall administer those areas for parking purposes. Guidelines for policing public buildings and grounds, including parking areas, are set forth in Subpart 101–20.3. Formal space assignment procedures shall not apply to parking areas. If agencies wish GSA to assign spaces at a facility, the order or priority indicated in § 101–20.111–2 will be followed. If necessary, and at occupant agency request, provisions will be made by GSA to regulate the use of parking areas by policing with GSA or other Government personnel, or by arrangement with local law enforcing authority. Unusual protection requirements shall be subject to reimbursement.

§ 101–20.112 Concessions.

§ 101–20.112–1 Applicability.

This section applies to concessions in buildings operated by GSA, except vending stands operated by blind persons under the Randolph-Sheppard Act (20 U.S.C. 107 et seq.).

§ 101–20.112–2 General.

(a) Concessions require the use of space and the provision of various building facilities and services. The type and location of each concession may seriously affect GSA costs for its installation, as well as later costs for building maintenance and operation.

(b) It is essential, therefore, that the type and location of each concession be satisfactory to GSA and that each concession contract definitely establish the responsibilities of the concessionaire with respect to costs and other matters which affect building maintenance and operation. It also is imperative that consideration be given to pertinent legislation and the terms of existing contracts between GSA and concessionaires.

(c) GSA will arrange for the establishment of all concessions, including public telephones, in buildings under its custody and control. It will provide suitable space for approved concessions, arrange for necessary alterations and installations, enter into contracts or issue permits, and select concessionaires.

§ 101–20.112–3 Transferred buildings.

Concessions which were contracted for or otherwise arranged for by a Federal agency having custody and control of a building before its transfer to GSA, except concessions operated by the blind, may be continued under the supervision of that agency upon written approval of GSA subject to the following:

(a) Proposed alterations and improvements, purchases of equipment for replacement, and other matters affecting the building structure or its maintenance and operation, shall be approved by GSA.

(b) GSA will arrange for periodic inspections to insure compliance with safety, health, and sanitary codes.

§ 101–20.112–4 Supervision.

(a) Responsibility for supervision and administration of all concessions, except as provided in § 101–20.112–3, is vested in GSA.

(b) In the case of contracts and permits to which GSA is a party, officials of occupant agencies shall not, unless authorized by GSA, instruct concessionaires concerning types of service, articles to be sold, prices, or any other phase of operations. They shall communicate their wishes and requirements in such matters and shall refer suggestions and criticisms of Federal employees to the GSA buildings manager or to the appropriate regional official of GSA who will take such action in consequence thereof as may be deemed appropriate.

§ 101–20.112–5 Determination of need.

GSA will determine the need for concessions based on the following requirements:

(a) There must be adequate justification for each concession, and sufficient and satisfactory space must be available for the concession.

(b) Subject to the other requirements of this section, concession services shall be such as are satisfactory to the building occupants and not inconsistent with their policies and programs. Except for blind stands, GSA shall not place concessionaires in space in federally owned or leased buildings without consulting the occupant agency(ies) or without the agency(ies) requesting the services to be provided by the concessionaires.

(c) Sufficient funds shall be legally available, either to GSA or occupant agencies, to defray the costs for which the Government will be responsible. Prior to placing concessionaires in a building, agreement shall be reached with the occupant agency(ies) as to whether funds are budgeted and appropriated to the agency(ies) for payment of any expenses for which the agency may be obligated and that any such concession services are necessary for the health or efficiency of the agency's employees while on duty.

(d) It shall be possible to establish and operate each concession in conformance with safety, health, and sanitary codes.

(e) There shall be no contravention of the provisions of law, or the terms of any lease (except with the prior consent of the lessor).

(f) The proposed concession shall not be detrimental or objectionable to other occupant agencies in the building.

(g) Commodities and services sold shall be limited to those which Federal employees may need to obtain while on duty, which are essential to their health, comfort, or efficiency, and which cannot be obtained conveniently from nearby existing facilities; *Provided:* That this requirement shall not prevent the approval of concessions required to serve a functional need of an occupant agency, as when the Government provides meals to inductees into the armed forces; or to inductees into the armed forces; as permitted by law; e.g., vending stands operated under 20 U.S.C. 107 by the blind.

(h) Except when unusual conditions prevail, each concession shall be such as will serve all Federal employees in the building. This does not preclude the establishment of duplicate facilities when justified by the size of the building.

§ 101–20.112–6 Scheduling patronage.

When requested by GSA, each occupant agency should endeavor to schedule the times at which its employees may use concession services, so that patronage will be distributed evenly over a reasonable serving period.

§ 101–20.112–7 Safety, cleanliness, and sanitation.

(a) In the interest of safety, cleanliness, and sanitation, patrons shall be encouraged to consume foods and beverages at the point of purchase. When foods or beverages are removed from the concession area for consumption, agency heads shall require that:

(1) Beverages and liquid foods be in covered containers.

(2) Empty cans be placed in receptacles provided by the concessionaires, or be placed alongside office waste receptacles.

(3) Liquids not be poured into waste receptacles.

(4) Spillage of liquids in corridors, lobbies, or work areas be avoided.

(5) Nondisposable dishes, silverware, and other utensils not be removed from concession areas without the permission of the concessionaire, and those removed with his permission be returned promptly after each use by the person granted permission.

(b) Violation of these requirements may make it necessary to withdraw the privilege of carrying foods and beverages from concession areas.

§ 101–20.112–8 Music.

(a) As in the case of other concessions, the broadcasting of music in work or concession areas shall be subject to the prior approval of GSA.

(b) Approval will be subject to the applicable provisions of § 101–20.112–4 and to the following requirements:

(1) The interested occupant agency shall accept responsibility for the satisfactory selection of music and other aspects of the service.

(2) The music shall be provided without expense to GSA, and in concession areas without expense to the concessionaire, except with his prior concurrence.

(3) Installations incident to the provision of the music shall be satisfactory to the buildings manager.

(4) The provision of the music shall not unduly interfere with the satisfactory operation of a concession.

(5) The installation shall not be used for commercial advertising.

§ 101–20.113 Staggering hours of duty in Metropolitan Washington.

(a) *Applicability.* (1) The provisions of this section apply to all proposals to establish or change the hours of duty in Metropolitan Washington, including proposals related to the establishment or relocation of a Government office.

(2) For the purpose of this § 101–20.113, Metropolitan Washington includes the District of Columbia; Montgomery and Prince Georges Counties in Maryland; Arlington, Fairfax, Loudoun, and Prince William Counties in Virginia; and all municipalities now or hereafter existing in Maryland or Virginia within the geographic area bounded by the outer boundaries of the combined area of said counties.

(b) *Responsibility.* Except as otherwise provided, any agency considering a schedule of hours of duty differing from, or in addition to, its schedule of hours of duty heretofore approved, shall obtain the approval of the Commissioner, Public Buildings Service, GSA, before the proposed schedule is placed in effect. The Commissioner, in approving proposals to establish or change hours of duty, will be guided by the overall policy of maintaining a system of staggered hours of duty in Metropolitan Washington.

(c) *Requirements.* (1) The requesting agency shall submit a written request to the General Services Administration (P), Washington, DC 20405, which will include the proposed hours of duty, the number of employees affected, and a detailed justification for such action.

(2) The requesting agency must also coordinate with the related employees' union(s) and/or the affected employees in determining the percentage of employees in favor of any proposed change of hours and shall submit this figure with the request.

(3) In addition, the requesting agency is required to correlate its proposal with related police traffic departments and transportation systems, including the Washington Metropolitan Area Transportation Commission to insure that the proposed hours, if adopted, would not cause additional congestion and impossible transportation demands, or otherwise disrupt normal traffic flow patterns to or from the particular area in which the agency is located.

(d) *Exceptions.* A proposed change in the schedule of hours of duty may be placed in effect by a Federal agency without approval of the Commissioner, PBS, in the following instances:

(1) When neither the current nor the proposed hours of duty begin or end within either of the periods 7–9:30 a.m. or 3:30–6 p.m.; or

(2) When the proposed change in the schedule of hours of duty affects fewer then 50 employees unless the agency plans to apply the change to additional employes, bringing the total to 50 or more within a 3-month period.

§ 101–20.114 Newly constructed buildings.

The following services and equipment are provided by GSA without cost to prospective occupants of new Government-owned buildings subject to GSA custody and control, including buildings being acquired by purchase-contract arrangements under the Public Buildings Purchase Contract Act of 1954 (40 U.S.C. 356) and sec. 5 of the Public Buildings Amendments of 1972 (40 U.S.C. 602a).

(a) The usual built-in and fixed building equipment, including courtroom equipment where applicable, and such miscellaneous items as directory and bulletin boards in public space, water coolers, wall fans, and venetian blinds.

(b) Moving and installation of existing special equipment, such as laboratory, clinical, and protection equipment.

(c) Moving of furniture, furnishings, and office equipment in use to temporary space or new buildings.

(d) Space for interim occupancy for agencies temporarily displaced to make way for construction.

(e) Special purpose requirements of prospective occupants will be financed in accordance with § 101–21.502(b).

§ 101–20.115 Property pass.

(a) Optional Form 7, Property Pass, shall be used by all agencies requiring a pass for the removal of occupant agency controlled Government property from Federal buildings. The form may be used for the removal of personally owned property when security regulations are in force in a given building.

(b) The form is to be filled in and signed by the person authorizing the removal of the property. The person authorized to remove the property is to surrender the pass to the guard when leaving the building. The disposition of the pass after collection by the guard is a matter of administrative determination to be made by the using agency.

Subpart 101–20.2—Vending Stands Operated by Blind Persons

§ 101–20.200 Scope of subpart.

(a) This subpart contains the regulations ensuring the granting of preference to blind persons licensed under the provisions of the Randolph-Sheppard Act (40 Stat. 1559, as amended by 68 Stat. 663, 20 U.S.C. 107) for the operation of vending stands and machines. They are issued after consultation with and approval by the Secretary of the Department of Health, Education, and Welfare (36 FR 13747).

(b) The regulations in this subpart shall apply to Federal property owned, leased, or occupied by the United States over which General Services Administration has control of the maintenance, operation, and protection, except space used by the U.S. Postal Service as workrooms, swingrooms, and locker rooms. Vending machines and stands in these rooms are governed by regulations issued by the U.S. Postal Service.

§ 101–20.201 Policy.

Blind persons licensed by State licensing agencies designated by the Secretary of Health, Education, and Welfare, under the provisions of the Randolph-Sheppard Act shall be given preference in the operation of vending stands and/or machines on any General Services Administration controlled property in which vending stands and/or machines may be properly and satisfactorily operated by such persons without unduly inconveniencing the General Services Administration or adversely affecting the interests of the United States.

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§ 101–20.202 Cooperation in establishing facilities.

(a) The Commissioner, Public Buildings Service, General Services Administration, and his representatives shall cooperate with the Department of Health, Education, and Welfare and designated State licensing agencies in making surveys looking toward the establishment and operation of vending stands by blind persons. In this connection, it is the policy of General Services Administration to approve vending stands in all buildings having a population sufficient to support such a stand except where the physical limitations of the building or economic factors make the establishment of a stand infeasible.

(b) Consideration shall be given to the inclusion of vending facilities during the planning, design, and construction of new buildings and the alteration of existing buildings including buildings or portions thereof to be leased by or under lease to the Government.

(c) Where it is determined that vending facilities to be operated by the blind may be installed, the State licensing agency shall be so notified and the necessary permit agreed upon and issued.

§ 101–20.203 Leased property.

If stands and/or vending machines are to be installed on leased property, the necessary approval of the lessor shall be obtained prior to the issuance of a permit.

§ 101–20.204 Application for permits.

Applications shall be made in writing on the appropriate form, submitted to the buildings manager, and approved by the Director, Buildings Management Division, of the appropriate General Services Administration regional office.

§ 101–20.205 Terms of permit.

Every permit shall describe the location of the vending stand and vending machines located other than on the stand premises and shall be subject to the following provisions:

(a) The permit shall be issued in the name of the applicant State licensing agency. The State licensing agency shall:

(1) Prescribe such procedures as are necessary to ensure that in the selection of operators and employees for vending stands there shall be no discrimination because of race, creed, color, or national origin.

(2) Take the necessary action (i) to ensure that operators of vending stands do not discriminate by segregation or otherwise against any person or persons because of race, creed, color, or national origin in furnishing or by refusing to furnish to such person or persons the use of any vending stand facility, including any and all services, privileges, accommodations, and activities provided thereby and (ii) to ensure compliance by such operators with Title VI of the Civil Rights Act of 1964 and the regulations of the General Services Administration issued pursuant thereto which are set forth in Subpart 101–6.2 and specifically made applicable to the provision of free space and utilities by GSA for vending stands operated by blind persons under section 1 of the Randolph-Sheppard Act (20 U.S.C. 107) by § 101–6.217(k).

(b) The permit shall be for an indefinite term.

(c) No charge shall be made to the State licensing agency for the use of Government-furnished space or for maintenance and repair of the building structure in and adjacent to the vending stand areas, including any necessary, initial, and periodical painting and decorating; for utilities required to operate vending stands and vending machines; or, for repairing and replacing floor coverings, and cleaning windows; and, for providing other related building services in accordance with the normal level of building service programs applicable to the Federal property on which the stand is located.

(d) Cleaning, including floor scrubbing and waxing, necessary for sanitation and to maintain vending areas at stands and machines in an orderly condition at all times and other building services not provided under the normal level of building service programs applicable to the property, the installation, maintenance, repair, replacement, servicing, and removal of vending stand equipment; and, additional wiring, electrical, or plumbing connections which may not be provided for in the planning, design, and construction of new buildings and the alteration of existing buildings, shall be without cost to the General Services Administration. (See § 101–20.202(b).)

(e) Items sold at vending stands operated by the blind may consist of newspapers, periodicals, publications, prepackaged confections, tobacco products, articles dispensed automatically or in containers or in wrappings in which they are placed before receipt by the vendor, and such other articles as may be determined by the State licensing agency to be suitable for a particular location and approved by the Director, Buildings Management Division. Periodicals and publications shall not be displayed, offered for sale, or sold in violation of any valid State or Federal law, regulation, or judicial decision.

(f) Vending facilities shall be operated in compliance with applicable local and State health, sanitation, and building codes or ordinances and such standards as may be prescribed by the Director, Buildings Management Division.

(g) Installation, modification, relocation, removal, and renovation of vending facilities shall be subject to the prior approval and supervision of the Director, Buildings Management Division. Costs of relocations initiated by the State licensing agency shall be paid by the State licensing agency. Costs of relocations initiated by the Director, Buildings Management Division, shall be borne by the General Services Administration.

§ 101–20.206 Protection from competition.

(a) All income from vending machines shall be offered to the State licensing agency operating a vending stand or stands on the same property except the income from vending machines which may be assigned by contract or agreement with others. Such income shall be made available to the licensing agency only for assignment to operators of vending stands on the property (limited to income from those machines which would be in reasonable proximity to a vending stand and would otherwise be in direct competition with that stand), and for program-wide purposes for which set-aside funds may be used including those in accordance with section 3(3) of the Randolph-Sheppard Act (20 U.S.C. 107(3)), and the regulations of the Department of Health, Education, and Welfare (45 CFR 409.8), namely:

(1) Maintenance and replacement of equipment;

(2) The purchase of new equipment;

(3) Management services;

(4) Ensuring a fair minimum return to operators of vending stands.

(b) Under such conditions and circumstances as are mutually agreed upon between the Regional Administrator, General Services Administration, and the Commissioner, Rehabilitation Services Administration, Department of Health, Education, and Welfare, and after consultation with the sponsoring Federal agency or agencies, employee welfare and recreational groups may share in the operation of or the income from vending machines to the extent agreed upon by these officials not to exceed 50 percent of the net proceeds. (The term "net proceeds", for the purpose of this subsection is defined as the total commissions which would normally be paid by a vending company.)

(c) On property where a vending stand permit has been approved, agreements assigning income from vending machines to employee welfare and recreational groups, unless otherwise covered by an agreement pursuant to paragraph (b) of this section, shall:

(1) Terminate (in cases where a stand exists);

(2) Not be formed;

(3) Terminate when a vending stand starts operation on the property.

(d) On property where a vending stand permit has been approved:

(1) All arrangements pertaining to the operation of vending stands not provided by contract or by permits issued to designated State licensing agencies shall terminate within 6 months;

(2) Permission to operate vending stands shall be granted only by permits to designated State licensing agencies, or by contract with others, such as a necessary basic food service operation.

§ 101–20.207 Enforcement procedures.

(a) The authorization for the establishment of a vending stand, the regulations and standards of General Services Administration, the State licensing agency, and the Department of Health, Education, and Welfare (45 CFR 409) shall regulate the operation of vending stands and machines.

(b) Ordinarily, day-to-day matters pertaining to the operation of the vending stand shall be resolved by the buildings manager with the blind operator of the vending stand and, when appropriate, with the State licensing agency.

(c) Violations of the regulations and standards and unresolved matters shall be reported in writing by the Director, Buildings Management Division, General Services Administration, to the State licensing agency.

(d) Any unresolved matter shall be referred to the appropriate Regional Administrator, General Services Administration, who will consult with the Department of Health, Education, and Welfare, regional office, and the designated State licensing agency.

§ 101–20.208 Review.

(a) If the Regional Administrator and the State licensing agency fail to reach agreement concerning the granting of a permit for a vending stand, the revocation or modification of a permit, the suitability of the stand location, the assignment of vending machine proceeds, the methods of operation of the stand, or other terms of the permit (including articles which may be sold), the State licensing agency shall be allowed the right to appeal such disagreements to the Administrator of General Services, Washington, DC 20405.

(b) A full report shall be obtained from the Regional Administrator from whose decision the appeal is being taken.

(c) Designated State licensing agencies shall have the right to present their arguments orally and in writing at each step of review. The Department of Health, Education, and Welfare shall be consulted for general advice on program activities and objectives. A final decision of the Administrator of General Services shall be rendered within 90 days of the filing of the appeal.

(d) Notification of the decision on appeal and the action taken thereon shall be reported to the State licensing agency and to the Department of Health, Education, and Welfare.

§ 101–20.209 Report.

At the end of each fiscal year, the General Services Administration shall report to the Department of Health, Education, and Welfare the total number of applications for vending stand locations received from State licensing agencies, the number accepted, the number denied, and the number still pending.

Subpart 101–20.3—Conduct on Federal Property

§ 101–20.300 Applicability.

These rules and regulations apply to all property under the charge and control of the General Services Administration and to all persons entering in or on such property. Each occupant agency shall be responsible for the observance of these rules and regulations.

§ 101–20.301 Recording presence.

Except as otherwise ordered, property shall be closed to the public after normal working hours. During normal working hours property shall be closed to the public only in emergency situations when reasonably necessary to ensure the orderly conduct of Government business. The decision to close a property shall be made by the designated official under the Facilities Self-Protection Plan. Admission to property during periods when such property is closed to the public will be limited to authorized individuals who may be required to sign the register and/or display identification documents when requested to do so by the Federal Protective Officer, watchman, or other authorized individual.

§ 101–20.302 Preservation of property.

The improper disposal of rubbish on property; the spitting on property; the creation of any hazard on property to persons or things; the throwing of articles of any kind from a building; the climbing upon the roof or any part of the building; or the willful destruction, damage, or removal of property or any part thereof, is prohibited.

§ 101–20.303 Conformity with signs and directions.

Persons in and on property shall at all times comply with official signs of a prohibitory or directory nature and with the directions of law enforcement and other authorized officials.

§ 101–20.304 Disturbances.

Conduct on property which creates loud or unusual noise; which unreasonably obstructs the usual use of entrances, foyers, lobbies, corridors, offices, elevators, stairways, or parking lots; which otherwise impedes or disrupts the performance of official duties by Government employees; or which prevents the general public from obtaining the administrative services provided on the property in a timely manner, is prohibited. The designated official under the Facilities Self-Protection Plan shall be responsible for enforcing this rule.

§ 101–20.305 Gambling.

Participating in games for money or other personal property, or the operation of gambling devices, the conduct of a lottery or pool, or the selling or purchasing of numbers tickets, in or on property, is prohibited.

§ 101–20.306 Alcoholic beverages and narcotics.

Operating a motor vehicle on property by a person under the influence of alcoholic beverages, narcotic drugs, hallucinogens, marijuana, barbiturates, or amphetamines is prohibited. Entering property under the influence of any narcotic drugs, hallucinogen, marijuana, barbiturate, amphetamine, or alcoholic beverage (unless prescribed by a physician) is prohibited. The use on property of any narcotic drug, hallucinogen, marijuana, barbiturate, or amphetamine (unless prescribed by a physician) is prohibited. The use of alcoholic beverages on property is prohibited except on occasions and on property upon which the Administrator of General Services has for appropriate official uses granted an exemption permit in writing.

§ 101–20.307 Soliciting, vending, and debt collection.

Soliciting alms and contributions, commercial soliciting and vending of all kinds, displaying or distributing commercial advertising, or collecting private debts in or on GSA-controlled property is prohibited. This rule does not apply to (1) national or local drives for funds for welfare, health, or other purposes as authorized by the "Manual on Fund Raising Within the Federal Service" issued by the Civil Service Commission under Executive Order 10927 of March 18, 1961, and sponsored or approved by the occupant agencies; (2) concessions or personal notices posted by employees on authorized bulletin boards; and (3) solicitation of labor organization membership, or dues authorized by occupant agencies under Executive Order 11491 of October 29, 1969, as amended.

§ 101–20.308 Distribution of handbills.

The distributing of materials such as pamphlets, handbills, and/or flyers, and the displaying of placards or posting of materials on bulletin boards or elsewhere on property is prohibited, except as authorized in § 101–20.307 or when such distributions or displays are conducted as part of authorized Government activities.

§ 101–20.309 Photographs for news, advertising, or commercial purposes.

Photographs for news, advertising, or commercial purposes may be taken in space occupied by an agency only with the consent of the occupying agency concerned. Except where security regulations apply, or a Federal court order or rule prohibits it, photographs for news purposes may be taken in entrances, lobbies, foyers, corridors, or auditoriums when used for public meetings. Subject to the foregoing prohibitions, photographs for advertising and commercial purposes may be taken only with written permission of an authorized official of the agency occupying the space where the photographs are to be taken.

§ 101–20.310 Dogs and other animals.

Dogs and other animals, except seeing-eye dogs, shall not be brought upon property for other than official purposes.

§ 101–20.311 Vehicular and pedestrian traffic.

(a) Drivers of all vehicles in or on property shall drive in a careful and safe manner at all times and shall comply with the signals and directions of guards and all posted traffic signs;

(b) The blocking of entrances, driveways, walks, loading platforms, or fire hydrants in or on property is prohibited;

(c) Except in emergencies, parking in or on property is not allowed without a permit. Parking without authority, parking in unauthorized locations or in locations reserved for other persons or continuously in excess of 18 hours without

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permission, or contrary to the direction of posted signs, is prohibited. This section may be supplemented from time to time, with the approval of the appropriate Regional Administrator, by the issuance and posting of specific traffic directives as may be required, and when so issued and posted such directives shall have the same force and effect as if made a part hereof.

§ 101–20.312 Weapons and explosives.

No person while on property shall carry firearms, other dangerous or deadly weapons, or explosives either openly or concealed except for official purposes.

§ 101–20.313 Nondiscrimination.

There shall be no discrimination by segregation or otherwise against any person or persons because of race, creed, sex, color, or national origin in furnishing or by refusing to furnish to such person or persons the use of any facility of a public nature, including all services, privileges, accommodations, and activities provided thereby on the property.

§ 101–20.314 Penalties and other laws.

Whoever shall be found guilty of violating any rule or regulation in this Subpart 101–20.3 while on any property under the charge and control of GSA is subject to a fine of not more than $50 or imprisonment of not more than 30 days, or both. (See 40 U.S.C. 318c.) Nothing in these rules and regulations shall be construed to abrogate any other Federal laws or regulations or any State and local laws and regulations applicable to any area in which the property is situated.

Subpart 101–20.4—[Reserved]

Subpart 101–20.5—Physical Protection

§ 10–20.500 Scope of subpart.

This subpart prescribes policies and methods for the physical protection of buildings and grounds under the charge and control of GSA; requires active participation of occupant agencies in accomplishing certain aspects of physical protection; requires the reporting of thefts and other unlawful incidents to appropriate GSA officials; and requires the establishment of self-protection plans and organizations to meet all emergencies except enemy attack.

§ 101–20.501 Basic policy.

For buildings and grounds for which GSA has space assignment responsibility, GSA will furnish as normal protection not less than the degree of protection provided by commercial building operators of similar space for normal risk occupants, as determined by GSA. This protection may include control of building entry and inspection of packages when GSA determines such control is warranted for general Government occupancy and not necessitated by special activities of specific agencies. Special protection required due to the nature of business conducted within the space or unusual public reaction to an agency's programs and missions, whether or not of a continuing nature, will be determined jointly by GSA and the occupant agency or agencies and will be provided on a reimbursable basis in accordance with Subpart 101–21.4.

§ 101–20.502 Protection criteria.

Determination of the level of normal protective service will be made by GSA on a case-by-case basis and will consider the facility's location; size and configuration; history of criminal or disruptive incidents in the surrounding neighborhood not primarily directed toward the occupant agency's mission; extent of exterior lighting; presence of physical barriers; and such other factors as may be deemed pertinent.

§ 101–20.503 GSA responsibilities.

§ 101–20.503–1 Physical protection.

GSA provides normal and special protection through perimeter patrol, interior patrol or fixed posts manned by Government or contract uniformed personnel; by security systems and devices; by locking building entrances and gates other than during normal hours of occupancy; through the cooperation of local law enforcement agencies; or by any combination thereof depending upon the facility and the degree of risk involved.

§ 101–20.503–2 Investigations.

GSA coordinates and cooperates with other Federal and local law enforcement agencies in investigating thefts of property and violations of Federal statutes covering other criminal activities committed in or on buildings and grounds under GSA assignment; receives, records, investigates, and evaluates incident reports, refers investigative findings to the U.S. Attorney or appropriate law enforcement agency; and maintains liaison with Federal and local law enforcement agencies for assembling and presenting evidence relating to such thefts and other criminal activities.

§ 101–20.504 Responsibilities of occupant agencies.

§ 101–20.504–1 General.

Occupants of GSA assigned space shall cooperate to the fullest extent possible with all pertinent facility regulations and procedures, shall make recommendations for improving protection, shall ensure that unlawful acts against real and personal property are promptly reported to GSA at the local or regional level, and shall provide an educational program to all employees on protection and related matters.

§ 101–20.504–2 Facility self-protection.

Occupant agencies are responsible for immediate positive and orderly action to safeguard life and property in the event of all emergencies, except enemy attack, by developing a plan and establishing, staffing, and training an organization in accordance with paragraphs (a) through (d) of this section.

(a) A Facility Self-Protection Plan will be developed by or under the auspices of the highest ranking official of the agency having the largest number of employees in the building or facility, or by an alternative high ranking official designated in advance by agreement of occupant agency officials. All occupant agencies will give full cooperation to the designated official in developing the Plan.

(b) A Facility Self-Protection Organization of employees of the agency or agencies within the building will be designated and trained to carry out all functions of the Plan.

(c) The GSA representative (buildings manager) shall assist appropriate officials of the occupant agency(ies) and cooperate with the local authorities in achieving the objectives of the Plan. In this connection, the buildings manager shall provide information and guidance, including copies of appropriate publications dealing with emergencies in Federal buildings. The buildings manager, to the extent possible and in accordance with established criteria, shall provide the Organization with members who are technically qualified in the operation of utility systems and the installation and maintenance of protective equipment such as warning devices and firefighting apparatus, and shall promote training for buildings employees, and others as required. In leased space, GSA will coordinate activities with the primary occupant agency and the lessor to ensure that a comprehensive plan is available for the occupants of the GSA-leased space.

(d) The decision to activate the Organization shall be based upon the best intelligence available, tensions in the locality, previous experience, sensitivity of target agency(ies), and the advice of local, State, and Federal law enforcement agencies. When there is an immediate danger to persons, such as fire, explosion, or the discovery of an actual explosive device (not a bomb threat), the premises shall be evacuated at once, without consultation, by sounding the fire alarm system or through other means in accordance with the Plan. During normal duty hours when there is advance information of an emergency, the designated official shall initiate action, according to the Plan, including evacuation. After normal duty hours, the senior Federal official present as a representative of the designated official shall initiate action to cope with emergencies, including evacuation, in accordance with the Plan. Immediately thereafter, he shall advise the designated official of the action taken and apprise him of current conditions. Action initiated to cope with civil defense emergencies shall be taken in accordance with established civil defense instructions and warning signals.

Subpart 101–20.6—Sidewalk Installation, Repair, and Replacement

§ 101–20.600 Scope of subpart.

This subpart contains the regulations governing the installation, repair, and replacement of sidewalks around buildings, installations, properties, or grounds under the control of executive agencies and owned by the United States within the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States, by reimbursement to a State or political subdivision thereof, the District of Columbia, the Commonwealth of Puerto Rico, or the territory or possession of the United States. They are issued with the approval of the Director of the Office of Management and Budget.

§ 101–20.601 Responsibilities.

Upon prior consent of the affected executive agency, the State in which the property lies may perform or arrange for the installation, repair, and replacement of sidewalks, and obtain reimbursement therefor from the affected executive agency, or, if mutually agreed upon, the executive agency affected may contract or otherwise arrange for and pay directly for such installation, repair, and replacement.

§ 101–20.602 Standards.

(a) Sidewalks shall be installed, repaired, or replaced with due consideration to the standards and specifications prescribed by the State or political subdivision thereof. However, where the executive agency determines that it is necessary, in order to achieve or retain architectural harmony with the surroundings, the executive agency may prescribe other standards and specifications.

(b) In all cases, sidewalk installations, repairs, and replacements shall conform to the American Standard Specifications for Making Buildings and Facilities Accessible to and Usable by the Physically Handicapped, Number A117.1–R 1971.

§ 101–20.603 Fund availability.

Funds appropriated to executive agencies for installation, repair, and maintenance, generally, shall be available for reimbursement for the actual or estimated cost of the sidewalk installation, repair, or replacement to a State or to make other arrangements to effect payment for the work involved.

§ 101–20.604 Tort liability.

In accordance with the provisions of Public Law 89–344, no agreement with a State for the installation, repair, or replacement of a sidewalk shall increase or enlarge the tort liability of the United States for injuries to persons or damage to property.

Subpart 101–20.7—Auditoriums, Conference Rooms, Other Meeting Places, and Posting Notices or Information Bulletins

§ 101–20.700 Scope of subpart.

This subpart prescribes guidelines and rules to be followed by agencies in permitting the use, as meeting places, of auditoriums, conference rooms, and any other space within the periphery of the property lines of Government-owned or -leased buildings or portions thereof which are, pursuant to statute, reorganization plan, or Executive order, controlled for space assignment and reassignment purposes by GSA. Agencies occupying buildings which are not controlled by GSA for space assignment and reassignment purposes may elect to follow the guidelines and rules prescribed by this subpart.

§ 101–20.701 Authorized and prohibited uses.

(a) For the purposes of this subpart, a "recognized" group or organization is a labor organization recognized under the President's Executive orders governing employee or labor management relations, or an organization that has been in existence at least 3 months which has been specifically recognized in writing by the occupant agency as an organization whose purpose is to promote the social, health, welfare, or employment interests of the agency's employees.

(b) Except as provided in paragraph (c) of this section, agencies having exclusive use of and/or exercising authority over meeting places may permit their use for:

(1) Meetings to carry out the assigned functions of Federal agencies.

(2) Meetings of recognized Federal employee groups and organizations, including retired Federal employee groups.

(3) Meetings conducted by or actively participated in by employees of the agency and approved by the head of the agency.

(4) Presentation to the public of lectures, concerts, or similar performances by a Federal agency or at which its employees participate in an official capacity, or for the presentation of such a performance by a recognized employee group.

(5) Meetings or performances not directly related to the functions of Federal agencies or activities of employee groups when authorized by the head of the Federal agency occupying the building and controlling the use of the meeting place, and when the agency head determines that such meetings or performances would not adversely affect the interests of the Government. (See § 101–20.705 concerning possible reimbursements.)

(c) Meeting places may not be used for:

(1) Meetings or performances sponsored or conducted by any organization, individual, or activity practicing or advocating discrimination based on race, creed, color, sex, or national origin.

(2) Meetings or activities having a partisan political, sectarian, or similar nature or purpose.

(3) Meetings or activities for the purpose of advocating or influencing action on legislation.

(4) Meetings or activities sponsored or conducted by or for commercial enterprises for profit-making purposes through the direct sale of articles, charging of admission fees or the making of an indirect assessment for admission, or the taking of a collection.

(d) All requests for meeting places shall be in writing addressed to the head of the occupying agency. Such requests shall state the date, time, purpose of meeting, the name and description of the applicant organization, the estimated number of persons expected to attend, the duration of the meeting, and the meeting place requested.

(e) Excluding meetings to carry out the assigned functions of Federal agencies, or meetings which are determined by an appropriate official as being in the Government's interest, meeting places will not be available during official working hours of the occupant agencies except for 1 hour during the normal luncheon period.

§ 101–20.702 Scheduling.

Generally, no meetings shall be scheduled beyond normal building operating hours or be scheduled for Saturdays, Sundays, holidays, or other days during which the building is ordinarily closed.

§ 101–20.703 Posting of notices and information bulletins.

The following types of notices or information bulletins only may be posted on bulletin boards or placed otherwise about the premises:

(a) Official business notices of the occupant agency.

(b) Request for funds for welfare, health, and other purposes, approved by the head of the occupant agency.

(c) Notices to Federal employees by concessionaires and agency employees of groups or organizations recognized by the occupant agency.

(d) Personal notices of agency employees, such as the sale of an employee's home, requests for car pool participation, etc.

(e) Recognized labor organization notices and issuances on space provided by the agency pursuant to agreement between the agency and recognized labor organization.

§ 101–20.704 Conduct.

All persons attending meetings or performances will be subject to the rules and regulations governing public building and grounds in Subpart 101–20.3.

§ 101–20.705 Provision of services and equipment.

Special building services, such as projectionists to operate installed equipment, guards, elevator operators, or additional utilities when required to supplement normal building services or outside regular building hours, will be provided to the extent available, if requested by the agency, by the GSA buildings manager on a reimbursable basis. The furnishing of program requirements, such as music racks, ushers, cloakroom attendants, tickets, etc., will be the responsibility of the applying or sponsoring Federal agency or activity. See also Subpart 101–20.1.

§ 101–20.706 Supplementary directives.

After appropriate coordination with the affected agency or agencies, GSA Regional Administrators may supplement these regulations by issuing procedures, instructions, and any necessary forms, consistent with this subpart, which apply to specific areas used for meeting

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places. Supplementary procedures, instructions, and forms should cover such items as: how to apply for permission to use the facilities; how much detail is required to describe the proposed use or program to be presented; who is authorized to request, and who grants the permission; priorities of use; reimbursement requirements; records of use; and any other conditions which may be applicable to a given location.

§ 101–20.707 Agency implementation.

Agencies having exclusive use of and/or exercising authority over auditoriums, conference rooms, and other meeting places within the periphery of the property lines of Government-owned or leased buildings which are controlled for space assignment or reassignment purposes by GSA may also supplement these regulations by using procedures, instructions, and any necessary forms not inconsistent with this subpart.

PART 101–21—FEDERAL BUILDINGS FUND

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AUTHORITY: 63 Stat. 377; 73 Stat. 479 (40 U.S.C. 490 note) 86 Stat. 216.

§ 101–21.000 Scope of part.

This part prescribes policies and procedures to be followed for the furnishing of space and services by GSA in Government-owned and -leased buildings.

§ 101–21.001 Authority.

This part implements the applicable provisions of the Public Buildings Amendments of 1972 (86 Stat. 216), the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), the Public Buildings Act of 1959 (73 Stat. 479), and the Reorganization Plan No. 18 of 1950 (40 U.S.C. 490 note).

§ 101–21.002 Basic policy.

(a) GSA will charge anyone for space services furnished by GSA (unless exempted by the Administrator of General Services) a standard level user charge which will approximate commercial charges for comparable space and services. The services to be included in this charge will be those normally furnished in commercial practice.

(b) GSA will furnish services additional to those included in the standard level user charge on a reimbursable basis.

(c) GSA will furnish alterations on a reimbursable basis in buildings where GSA is responsible for alterations only.

§ 101–21.003 Definition of terms.

The following definitions are established for terms used in this Subchapter D.

§ 101–21.003–1 Federal Buildings Fund.

"Federal Buildings Fund" means the fund into which are deposited the standard level user charges and other revenues and collections cited in section 210(j) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(j)), and from which monies shall be available for expenditures for real property management and related activities in such amounts as are specified in annual appropriation acts without regard to fiscal year limitations.

§ 101–21.003–2 Standard level user charge.

"Standard level user charge" means the rate charged for assigned space in Government-owned or -leased property for which GSA has assignment responsibility. The user charge approximates commercial charges for comparable space and services.

§ 101–21.003–3 Standard levels of service.

"Standard levels of service" means those services provided as part of the standard level user charge, depending upon the type of space occupied, and as defined in Subpart 101–21.3.

§ 101–21.003–4 Special services.

"Special services" means those services that are not included in the standard level of services but are provided by GSA on a reimbursable basis upon request.

§ 101–21.003–5 Space and services.

"Space and services" means the combination of space occupied and the related services provided for that space.

Subpart 101–21.1—General

§ 101–21.101 Background.

The principal intent of section 210(d) of the Federal Property and Administrative Services Act of 1949, as amended, is to promote greater efficiency and effectiveness in the use and management of Government-owned and -leased space. To this end, the assessment of charges that approximate commercial rates for comparable space and services will stimulate economic space utilization, induce performance budgeting through the more realistic reporting of program costs, provide the basis for a responsible landlord-tenant relationship between GSA and other agencies, and establish a sound financial structure for the acquisition, construction, repair, alteration, maintenance, protection, and operation of real property.

§ 101–21.102 Applicability.

Rules and regulations in this Part 101–21 apply to all agencies assigned space by GSA.

Subpart 101–21.2—Standard Level User Charge

§ 101–21.200 General.

This subpart prescribes the policies and procedures governing the calculation and levying of a standard level user charge to be assessed for space for which GSA has assignment responsibility as payment for space and services provided by GSA.

§ 101–21.201 Determination of standard level user charge.

The standard level user charge is established by GSA and approved by the Office of Management and Budget. The charge reflects approximate equivalent commercial rates for comparable space and services, and is based on the type, quality, and geographic location of the space provided.

§ 101–21.202 Joint-use space.

In those buildings where GSA has assignment responsibility and there is joint-use space such as cafeterias, auditoriums, conference rooms, credit unions, and snack bars, each agency provided access to or use of the facilities occupying the joint-use space will be charged a pro rata share of the space costs based on the percentage of the space assigned.

§ 101–21.203 Exceptions.

In those buildings where GSA is responsible only for alterations, the charges for such alterations will approximate the cost incurred.

§ 101–21.204 Exemptions.

The Administrator of General Services may exempt any occupant from the standard level user charge if he decides that application of the charge would be infeasible or impractical. Requests for exemption must be made in writing to the Administrator.

§ 101–21.205 Space and services provided by other executive agencies.

Any executive agency other than GSA that provides to anyone space and services is authorized to charge the occupant for the space and services at rates approved by the Administrator of General Services.

§ 101–21.206 Revision of standard level user charge.

GSA will review the standard level user charge annually to insure that it approximates commercial rates. Rates will be revised according to the criteria described in § 101–21.201.

§ 101–21.207 Annual projections.

Annual projections of space assignments and related services are prescribed to provide occupant agencies with accurate data necessary for budget submission. Procedures for annual projections are described in § 101–21.601.

Subpart 101–21.3—Standard Levels of Service

§ 101–21.300 General.

The levels of service included in the standard level user charge are approximately the same as those currently furnished in commercial practice. They are based on the effort required to service a 5-day week, one-shift operation providing adequate startup services before the occupant agency starts work and shutdown services after the occupant agency ceases work, even though the working hours of the occupant agency may be staggered or a system of flexible employee work hours has been instituted. Space, automatic elevator systems, lights, and small office and business machines may be used on an incidental basis 24 hours a day, 7 days a week without additional payment to GSA where access by the occupants is available without additional cost to GSA.

§ 101–21.301 Standard services for cleaning, mechanical operation, and maintenance.

Standard services for cleaning, mechanical operation, and maintenance shall be accomplished in accordance with established GSA standards as cited in Subpart 101–20.1.

§ 101–21.302 Other standard services.

GSA may provide additional services at appropriate levels and times that the Administrator of General Services determines to be necessary for efficient operations and proper servicing of space under the assignment responsibility of GSA.

§ 101–21.303 Space exempted from the standard levels of service.

The Administrator of General Services may exempt from the standard levels of service space for which, because of its limited square footage or functional use, application of the standard levels of service would be infeasible or impractical.

Subpart 101–21.4—Reimbursable Services

§ 101–21.401 Special services.

Special services not included in the standard levels of service are provided by GSA on a reimbursable basis. Funds for reimbursable services should be included in occupant agency budget submissions.

§ 101–21.402 Services performed by other agencies.

Agencies occupying space under the assignment responsibility of GSA that perform or contract for services normally provided for in the standard level user charge levied by GSA will be reimbursed by GSA for the cost of services performed. The amount of reimbursement will be limited to the cost of the services to GSA if GSA had provided them. Approval to perform or contract for such services must be obtained from the GSA regional offices.

Subpart 101–21.5—Funding Projects

§ 101–21.501 GSA funding responsibility.

Projects for the construction or alteration of public buildings, or for the alteration of leased buildings, for which GSA is responsible will be financed from the Federal Buildings Fund.

§ 101–21.502 Funding responsibilities of other agencies.

(a) A department or agency may request an appropriation to cover the cost of the construction or acquisition of a facility defined as a public building in § 101–19.003–6 when the Administrator of General Services has obtained the authorization therefor and concurs with the request and approval has been given by the Office of Management and Budget. The construction or acquisition of the facility shall be performed by GSA.

(b) GSA shall, upon the request of a department or agency, construct, alter, or acquire buildings other than public buildings which are normally financed by other agencies upon condition that funds to cover the cost of the work shall be transferred or reimbursement shall be made to GSA.

(c) Each Federal agency shall be responsible for the financing of special use facilities and equipment not contemplated in the approved project.

Subpart 101–21.6—Billings, Payments, and Related Budgeting Information for Space and Services Furnished by the General Services Administration

§ 101–21.600 Applicability.

These rules and regulations apply to GSA and all agencies furnished space and related services by GSA.

§ 101–21.601 Budgeting information for standard level user charges.

(a) GSA provides to agencies summary level and detailed documentation in support of budgetary information it submits for the space and related services it furnishes. The documentation identifies organizations and organizational elements by an agency and bureau code numbering system.

(b) Federal agencies that require relocation of other agencies because of expanding space needs are responsible for funding (1) moving and related costs incurred by GSA in relocating displaced agencies and, (2) with respect to that amount of replacement space for the space previously occupied by the displaced agency(ies), such alterations above the standard provided by GSA as are required to make such amount of replacement space comparable to such previously occupied space on a square foot for square foot basis.

§ 101–21.602 Billing procedures for standard level user charges.

(a) Bills for standard level user charges are normally rendered to the Central Office headquarters of each agency occupying space under the assignment responsibility of GSA. Under the Simplified Interagency Billing and Collection (SIBAC) procedure, bills are directed to to the level of organization within an agency which relates to a Treasury Department 8-digit station symbol.

(b) Bills for charges applicable to current space assignments are rendered quarterly at the beginning of the quarter. The billing includes adjustments for billing errors and changes in space assignments made prior to or during the previous quarter. Documentation delineating billing errors and changes in space assignments are provided with bills.

(c) Agencies which have been assigned an 8-digit station symbol by the Treasury Department (SIBAC agencies) are billed in accordance with the procedures prescribed by the Treasury Fiscal Requirements Manual, Part VI, Chapter 5000. Non-SIBAC agencies are billed on GSA Form 789, Statement Voucher, and Schedule of Withdrawals and Credits (illustrated in § 101–2.4902–789).

§ 101–21.602–1 Billing credits.

Effective July 1, 1975, agencies may request reductions in the standard levels of service; e.g., cleaning, protection, etc. Wherever it is practical and feasible for GSA to implement such reduced levels of service, and they not result in damage or deterioration to the buildings, create health or safety hazards, nor result in higher costs to GSA, such requests will be honored. Where such reduced levels

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of service are provided, appropriate credit will be included in agency billing.

§ 101–21.603 Budgeting information for reimbursable charges.

Estimates of recurring reimbursable services and charges are provided to agencies which have requested such services each year concurrently with the standard level user charge listings for the applicable budget year.

§ 101–21.604 Billing procedures for reimbursable charges.

(a) Charges for reimbursable services are billed by GSA direct to the agency paying office cited on the reimbursable work authorization request. (See § 101–21.4901–2957, *GSA Form 2957, Reimbursable Work Authorization.*)

(b) GSA Form 789, Statement, Voucher, and Schedule of Withdrawals and Credits (illustrated at § 101–2.4902–789), is used for billing purposes.

(c) Rates charged for reimbursable services shall be fixed to recover the approximate cost incurred by GSA in providing such services.

(d) The following basic types of work are performed by GSA on a fixed price reimbursable basis:

(1) Recurring services above the standard levels, such as cleaning in excess of standard level;

(2) Nonrecurring services performed above standard levels of service, such as out-of-cycle painting;

(3) Repairs and alterations in buildings not controlled by GSA;

(4) Special space alterations and adjustments performed by GSA in GSA-operated buildings, which are requested and financed by other agencies in accordance with § 101–20.105, *Reimbursable services;* and

(5) Services financed by other agencies but performed by GSA personnel on construction and alteration projects.

(e) Work authorizations which must be completed before reimbursable work is begun must describe the work ordered and include a fixed price representing the cost for the work described. Work authorizations must be signed by a responsible official of the agency requesting the work, and must contain a citation of the appropriation or fund to be charged and a statement that the funds are available for immediate obligation.

(f) Bills for recurring reimbursable services are rendered in advance. A 12-month authorization, with the right to cancel (subject to incurred costs and obligations) upon 60 days' notice by either party must be completed and forwarded to GSA prior to the beginning of the fiscal year. Authorizations initiated during the fiscal year must reflect the charge for the remainder of the fiscal year.

(g) Bills for non-recurring services, for repairs and alterations, and for transfer projects financed by other agencies are rendered in advance at the time work authorizations are signed.

§ 101–21.605 Payment procedures.

Payment of billings for space and services to SIBAC agencies shall be in accordance with the procedures prescribed by the Treasury Fiscal Requirements Manual, Part VI, Chapter 5000. Billings for space and services to non-SIBAC agencies shall be paid promptly by check or transfer document upon receipt of the billing document.

§ 101–21.606 Reviews and appeals.

(a) Agencies may at any time request a regional review of the measurement, classification, quality rating, service levels provided, or charges assessed that pertain to the space assignment without resorting to formal procedures. Such requests do not constitute appeals and should be directed to the appropriate GSA regional office.

(b) Agencies may file formal appeals on the standard level user charge assessed, but only when the charge assessed is in excess of the comparable commercial square foot rates by 25 percent or 50 cents a square foot, whichever is greater, or when the quarterly standard level user charge is in excess of the comparable commercial charge for that quality of space by more than $12,500. To determine if the standard level user charge assessed is subject to appeal under this procedure, an agency is required to compare its assigned space with other space in the surrounding community that (1) is available in similar size blocks of space in a comparable location, (2) is the same type of space as defined by GSA, (3) is of similar quality rating as determined by GSA criteria, and (4) provides similar service levels as part of the charges. Agencies filing appeals must develop documentation supporting an appeal of the standard level user charge assessed using the factors described in this paragraph.

(c) An appeal shall initially be filed by local agency officials with the appropriate GSA regional office and include all pertinent information and documentation supporting the need for the appeal. The GSA regional office shall verify the data submitted and perform additional investigation as necessary. All data developed by the appealing agency and the GSA region shall be forwarded by the GSA regional office to the Executive Director, Public Buildings Service, GSA, for review and a ruling.

(d) A further appeal may be filed by the agency's bureau level officials with the Commissioner, Public Buildings Service, GSA, if an equitable resolution has not been obtained from the initial appeal. The second stage appeal must provide supporting information justifying the continuation of the appeal.

(e) A head of an agency may further appeal to the Administrator of General Services only after the procedure to obtain prior resolution at the first two levels has been followed. Documentation of the procedure followed for prior resolution must accompany an appeal to the Administrator. Decisions made by the Administrator shall be final.

(f) Adjustments to the standard level user charge rates that emanate from the reviews and appeals procedure are effective at the beginning of the quarter following the ruling. Adjusted rates remain in effect for the remainder of the fiscal year.

Subparts 101–21.7–101–21.48—[Reserved]

Subpart 101–21.49—Forms

§ 101–21.4900 Scope of subpart.

This subpart contains information on forms that pertain to reimbursable services.

§ 101–21.4901 GSA forms.

(a) The form referenced in § 101–21.4901 is a GSA form. The subsection number in this section corresponds to the GSA form number.

(b) Agencies may obtain information and a supply of forms from any GSA buildings manager.

§ 101–21.4901–2957 GSA Form 2957, Reimbursable Work Authorization.

NOTE: Form is filed as part of original document.

PARTS 101–22—101–24 [RESERVED]

AUTHORITY: The provisions of this Subchapter D issued under 82 Stat. 718 (42 U.S.C. 4151–4156); 63 Stat. 390 (40 U.S.C. 486(c)); 62 Stat. 281 (40 U.S.C. 318); 49 Stat. 1559, 68 Stat. 663 (20 U.S.C. 107); 30 Stat. 614 (40 U.S.C. 285; 40 U.S.C. 490 (e) and (h)); E.O. 6166, June 10, 1933; Reorganization Plan No. 18, 1950 (40 U.S.C. 490 Note); and E.O. 11035, 3 CFR, 1959–1963 Comp. p. 618.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This regulation is effective July 1, 1974.

Dated: June 24, 1974.

DWIGHT A. INK,
Acting Administrator of General Services.

[FR Doc.74–14781 Filed 6–26–74;8:45 am]

Title 7—Agriculture

CHAPTER I—AGRICULTURAL MARKETING SERVICE, DEPARTMENT OF AGRICULTURE

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

Subpart—United States Standards for Grades of Frozen Red Tart Pitted Cherries

A notice of proposed rulemaking to revise the United States Standards for Grades of Frozen Red Tart Pitted Cherries was published in the FEDERAL REGISTER of September 11, 1973 (38 FR 24907). In an effort to resolve differences between interested parties and the Department, a second notice of proposed rulemaking was published in the FEDERAL REGISTER of April 15, 1974 (39 FR 13551).

After consideration of all relevant matters presented including the proposals set forth in the aforesaid notices, the United States Standards for Grades of Frozen Red Tart Pitted Cherries are hereby revised as follows:

NOTE.—Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal, Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

STATEMENT OF CONSIDERATION LEADING TO THE REVISION

Interested persons were given until May 15, 1974 to offer data, comments, or views pertaining to the second notice of proposed rulemaking to revise the U.S. Standards for Grades of Frozen Red Tart Pitted Cherries.

Comments were received from one consumer, two members of the red tart pitted cherry freezing industry, and the National Red Cherry Institute, as follows:

(1) The consumer comment raised an objection to any change in the maximum number of pits permitted for Grade A. It was further suggested that no pits be allowed in Grade A.

The Department concurs that it would be desirable to have a zero allowance for pits in Grade A. However, under the best of commercial practices and packing conditions, an occasional pit will be missed in the pitting operation. This is taken into account in the small allowances for the various grade classifications in the U.S.D.A. grade standards for frozen red tart pitted cherries. The allowances for pits in the proposal were the same as those in the previous standards which were in effect since 1964. No increase in the allowances for pits was proposed.

(2) Comments from the two members of the red tart pitted cherry freezing industry and the National Red Cherry Institute concurred with the second proposal in its entirety and further suggested it be made effective upon publication in the FEDERAL REGISTER so that the revised standards could be utilized for the 1974 crop.

The revised grade standards for frozen red tart pitted cherries makes the following changes:

(1) A "U.S. Grade B" (or "U.S. Choice") classification has been added;

(2) Score points and allowances for the various quality factors have been realigned to accommodate the new Grade B classification;

(3) "Blemished cherry" under the factor of "Freedom from defects" has been redefined to be in line with the definition in the Food and Drug Standard of Quality for Frozen Cherry Pies.

(4) Standard sample unit sizes for determination of compliance with requirements for the various quality factors are provided;

(5) A different format is used including a table for listing allowances for the various quality factors.

It is hereby found that it is unnecessary and contrary to the public interest to postpone the effective date beyond the date of publication hereof in the FEDERAL REGISTER (5 U.S.C. 1000–1011) in that:

(1) The revision does not require any change in equipment or packing procedures; and

(2) It is in the interest of the public and the industry to make the revised standards effective at the earliest possible date so that they may be used for the 1974 packing season which will begin in major producing areas approximately the first week of July.

Therefore, the United States Standards for Grades of Frozen Red Tart Pitted Cherries are hereby revised as published in the FEDERAL REGISTER of April 15, 1974 (39 FR 13551) to become effective June 28, 1974 and thereupon will supersede the standards which have been in effect since June 15, 1964.

The revision is as follows:

PRODUCT DESCRIPTION AND GRADES

Sec.
52.801 Product description.
52.802 Grades of frozen red tart pitted cherries.

SAMPLE UNIT SIZE

52.803 Sample unit size.

FACTORS OF QUALITY

52.804 Ascertaining the grade of a sample unit.
52.805 Ascertaining the rate for each factor.
52.806 Color.
52.807 Freedom from pits.
52.808 Freedom from defects.
52.809 Character.

ALLOWANCES FOR QUALITY FACTORS

52.810 Allowances for quality factors.

LOT COMPLIANCE

52.811 Ascertaining the grade of a lot.

SCORE SHEET

52.812 Score sheet for frozen red tart pitted cherries.

AUTHORITY: Agricultural Marketing Act of 1946, sec. 205, 60 Stat. 1090, as amended (7 U.S.C. 1624).

PRODUCT DESCRIPTION AND GRADES

§ 52.801 Product description.

Frozen red tart pitted cherries is the food prepared from properly matured cherries of the domestic (Prunus cerasus) red sour varietal group which have been washed, pitted, sorted, and properly drained; may be packed with or without a nutritive sweetened packing medium or any other substance permitted under the Federal Food, Drug, and Cosmetic Act, and are frozen and stored at temperatures necessary for the preservation of the product.

§ 52.802 Grades of frozen red tart pitted cherries.

(a) "U.S. Grade A" (or "U.S. Fancy") is the quality of frozen red tart pitted cherries of which not more than five (5) cherries per sample unit may be less than 5/16 inch (14 mm) in diameter, and that:

(1) Possess a good red color;
(2) Are practically free from pits;
(3) Are practically free from defects;
(4) Have a good character;
(5) Possess a normal flavor; and
(6) Score not less than 90 points when scored in accordance with the scoring system outlined in this subpart.

(b) "U.S. Grade B" (or "U.S. Choice") is the quality of frozen red tart pitted cherries of which not more than ten (10) cherries per sample unit may be less than 5/16 inch (14 mm) in diameter, and that:

(1) Possess a reasonably good red color;
(2) Are reasonably free from pits;
(3) Are reasonably free from defects;
(4) Have a reasonably good character:
(5) Possess a normal flavor; and
(6) Score not less than 80 points when scored in accordance with the scoring system outlined in this subpart.

(c) "U.S. Grade C" (or "U.S. Standard") is the quality of frozen red tart pitted cherries that:

(1) Possess a fairly good red color;
(2) Are fairly free from pits;
(3) Are fairly free from defects;
(4) Have a fairly good character;
(5) Possess a normal flavor; and
(6) Score not less than 70 points when scored in accordance with the scoring system outlined in this subpart.

(d) "Substandard" is the quality of frozen red tart pitted cherries that fail to meet the requirements of U.S. Grade C.

SAMPLE UNIT SIZE

§ 52.803 Sample unit size.

Compliance with requirements for size and the various quality factors is based on the following sample unit sizes for the applicable factor:

(a) Pits, character, and harmless extraneous material—20 ounces of drained cherries.

(b) Size, color, and defects (other than harmless extraneous material)—100 cherries.

FACTORS OF QUALITY

§ 52.804 Ascertaining the grade of a sample unit.

(a) The grade of frozen red tart pitted cherries is determined immediately after thawing to the extent that the cherries may be separated easily and the cherries are free from ice and solidified packing media. The grade is determined by considering in addition to the requirements of the respective grade (including the requirement of the size in U.S. Grade A and U.S. Grade B), the respective ratings of the factors of color, pits, absence of defects, character, the total score, and the limiting rules which may be applicable.

(b) The relative importance of each factor is expressed numerically on a scale of 100. The maximum number of points that may be given each factor is:

Factors:	*Points*
Color	30
Freedom from pits	20
Freedom from defects	20
Character	30
Total score	100

(c) "Normal flavor" means that the flavor is characteristic of frozen red tart pitted cherries and that the product is free from objectionable flavors of any kind.

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§ 52.805 Ascertaining the rating for each factor.

The essential variations within each factor are so described that the value may be ascertained for each factor and expressed numerically. The numerical range for the rating of each factor is inclusive (for example, "27 to 30 points" means 27, 28, 29 or 30 points).

§ 52.806 Color.

(a) (*A*) *Classification.* Frozen red tart pitted cherries that possess a good red color may be given a score of 27 to 30 points. "Good red color" means that the frozen cherries possess a color that is bright and typical of properly ripened cherries and that is practically uniform in that the number of cherries that vary markedly from this color due to oxidation, improper processing, or other causes, or that are undercolored, does not exceed the number specified in Table I.

(b) (*B*) *Classification.* Frozen red tart pitted cherries that possess a reasonably good red color may be given a score of 24 to 26 points. Frozen red tart pitted cherries that fall into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably good red color" means that the cherries possess a color that is reasonably bright and typical of properly ripened cherries and that is reasonably uniform in that the number of cherries that vary markedly from this color due to oxidation, improper processing, or other causes, or that are undercolored, does not exceed the number specified in Table I.

(c) (*C*) *Classification.* If the frozen red tart pitted cherries possess a fairly good red color, a score of 21 to 23 points may be given. Frozen red tart pitted cherries that fall into this classification shall not be graded above U.S. Grade C, regardless of the total score for the product (this is a limiting rule). "Fairly good red color" means that the frozen cherries possess a color that is fairly bright and typical of properly ripened cherries and that is fairly uniform in that the number of cherries that vary markedly from this color due to oxidation, improper processing, or other causes, or that are undercolored, does not exceed the number specified in Table I.

(d) (*SStd.*) *Classification.* Frozen red tart pitted cherries that fail to meet the requirements of U.S. Grade C may be given a score of 0 to 20 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.807 Freedom from pits.

(a) *General.* The factor of freedom from pits refers to the incidence of pits and pit fragments.

(b) *Definitions.* (1) A "pit" for the purpose of the allowances in this subpart is a whole pit or portions of pits computed as follows:

(i) A single piece of pit shell, whether or not within or attached to a whole cherry, that is larger than one-half pit shell is considered as one pit;

(ii) A single piece of pit shell, whether or not within or attached to a whole cherry, that is not larger than one-half pit shell is considered as one-half pit;

(iii) Pieces of pit shell, within or attached to a whole cherry, when their combined size is larger than one-half pit shell are considered as one pit; and

(iv) Pieces of pit shell, within or attached to a whole cherry, when their combined size is not larger than one-half pit shell are considered as one-half pit.

(2) "Drained cherries" means pitted cherries that are substantially free from any adhering sirup, sugar, or other packing medium.

(c) (*A*) *Classification.* Frozen red tart pitted cherries that are practically free from pits may be given a score of 18 to 20 points. "Practically free from pits" means that the number of pits that may be present does not exceed the allowances for this classification specified in Table I.

(d) (*B*) *Classification.* Frozen red tart pitted cherries that are reasonably free from pits may be given a score of 16 or 17 points. Frozen red tart pitted cherries that fall into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably free from pits" means that the number of pits that may be present does not exceed the number specified in Table I.

(e) (*C*) *Classification.* Frozen red tart pitted cherries that are fairly free from pits may be given a score of 14 or 15 points. Frozen red tart pitted cherries that fall into this classification shall not be graded above U.S. Grade C, regardless of the total score for the product (this is a limiting rule). "Fairly free from pits" means that the number of pits that may be present does not exceed the number specified in Table I.

(f) (*SStd.*) *Classification.* Frozen red tart pitted cherries that fail to meet the requirements for U.S. Grade C may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.808 Freedom from defects.

(a) *General.* The factor of freedom from defects refers to the degree of freedom from harmless extraneous material, mutilated cherries, and cherries blemished by scab, hail injury, discoloration, scar tissue, or by other means.

(1) "Cherry" means a whole cherry, whether or not pitted, or portions of such cherries which in the aggregate approximate the average size of the cherries.

(2) "Harmless extraneous material" means any vegetable substance (including, but not being limited to, a leaf or a stem and any portions thereof) that is harmless.

(3) "Mutilated cherry" means a cherry that is so pitter-torn or damaged by other means that the entire pit cavity is exposed and the appearance of the cherry is seriously affected.

(4) "Minor blemished cherry" means any cherry blemished with discoloration (other than scald) having an aggregate area of a circle 9/32 inch (7 mm) or less in diameter which more than slightly affects the appearance of the cherry but does not extend into the fruit tissue.

(5) "Blemished cherry" means any cherry blemished by skin discoloration (other than scald) which in the aggregate exceeds the area of a circle 9/32 inch (7 mm) in diameter. A cherry affected by skin discoloration extending into the fruit tissue or by scab, hail injury, scar tissue, or other abnormality, regardless of size, is considered a blemished cherry.

(b) (*A*) *Classification.* Frozen red tart pitted cherries that are practically free from defects may be given a score of 18 to 20 points. "Practically free from defects" means that the number of defects that may be present does not exceed the number specified for the applicable type of defect in Table I.

(c) (*B*) *Classification.* Frozen red tart pitted cherries that are reasonably free from defects may be given a score of 16 or 17 points. Frozen red tart pitted cherries that fall into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that the number of defects that may be present does not exceed the number specified for the applicable type of defect in Table I.

(d) (*C*) *Classification.* Frozen red tart pitted cherries that are fairly free from defects may be given a score of 14 or 15 points. Frozen red tart pitted cherries that fall into this classification shall not be graded above U.S. Grade C, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" means that the number of defects that may be present does not exceed the number specified for the applicable type of defect in Table I.

(e) (*SStd.*) *Classification.* Frozen red tart pitted cherries that fail to meet the requirements for Grade C may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.809 Character.

(a) *General.* The factor of character refers to the physical characteristics of the flesh of the cherries.

(b) (*A*) *Classification.* Frozen red tart pitted cherries that have a good character may be given a score of 27 to 30 points. "Good character" means that the cherries are thick-fleshed and have a firm, tender texture.

(c) (*B*) *Classification.* Frozen red tart pitted cherries that have a reasonably good character may be given a score of 24 to 26 points. Frozen red tart pitted cherries that fall into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably good character" means that the cherries may be reasonably thick-fleshed and slightly soft.

(d) (*C*) *Classification.* Frozen red tart pitted cherries that have a fairly good character may be given a score of 21 to 23 points. Frozen red tart pitted cherries that fall into this classification shall not be graded above U.S. Grade C, regardless of the total score for the product (this is a limiting rule). "Fairly good character" means that the cherries may be thin-fleshed and may be soft but not mushy, or slightly tough but not leathery.

(e) (*SStd.*) *Classification.* Frozen red tart pitted cherries that fail to meet the requirements for Grade C may be given a score of 0 to 20 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

ALLOWANCES FOR QUALITY FACTORS

§ 52.810 Allowances for quality factors.

TABLE I.—*Allowances for quality factors*

Factor	Sample unit size	Maximum number permissible for the respective grade		
		A	B	C
Color: Very markedly or undercolored.	100 cherries	12	18	25.
Pits	20 ozs.	Not more than 2 in any sample unit. Sample average 1 per 40 ozs.	Not more than 3 in any sample unit. Sample average 1 per 30 ozs.	4 or more in any sample unit. Sample average 1 per 20 ozs.
Defects: Total-mutilated, minor blemished, and blemished of which.	100 cherries	10	15	20.
Blemished—limited to		3	7	15.
Harmless extraneous material.	20 ozs.	Average 1 piece per 60 oz. net contents.	Average 1 piece per 40 oz. net contents.	Average 1 piece per 20 oz. net contents.

LOT COMPLIANCE

§ 52.811 Ascertaining the grade of a lot.

The grade of a lot of frozen red tart pitted cherries covered by these standards is determined by the procedures set forth in the Regulations Governing Inspection and Certification of Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products (§§ 52.1 through 52.83).

SCORE SHEET

§ 52.812 Score sheet for frozen red tart pitted cherries.

Size and kind of container.....
Container mark or identification.....
Label (style of pack, ratio of fruit to sugar, etc., if shown).....
Net weight (ounces).....
Size [1].....

Factor		Score points	
Color	30	(A)	27-30
		(B)	[2] 24-26
		(C)	[2] 21-23
		(SStd.)	[2] 0-20
Freedom from pits	20	(A)	18-20
		(B)	[2] 16-17
		(C)	[2] 14-15
		(SStd.)	[2] 0-13
Freedom from defects	20	(A)	18-20
		(B)	[2] 16-17
		(C)	[2] 14-15
		(SStd.)	[2] 0-13
Character	30	(A)	27-30
		(B)	[2] 24-26
		(C)	[2] 21-23
		(SStd.)	[2] 0-20
Total score	100		

Normal flavor.....
Grade.....

[1] See size limitation for U.S. Grade A and U.S. Grade B.
[2] Indicates limiting rule.

Dated: June 20, 1974.

E. L. PETERSON,
Administrator,
Agricultural Marketing Service.

[FR Doc.74-14643 Filed 6-26-74;8:45 am]

CHAPTER IV—FEDERAL CROP INSURANCE CORPORATION, DEPARTMENT OF AGRICULTURE

[Amdt. 52]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

BARLEY—CALIFORNIA

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended the above identified regulations are amended effective beginning with the 1975 crop year in the following respects:

1. The portion of the table relating to "(Closing Dates)" following paragraph (a) of § 401.103 of this chapter under the heading "Barley" is amended effective beginning with the 1975 crop year by changing the portion pertaining to California to read as follows:

California:	
Modac and Siskiyou Counties	April 15
All other California counties	Oct. 31

2. In section 6 of the barley endorsement shown in § 401.125 of this chapter, the table at the end thereof is amended effective beginning with the 1975 crop year by changing the portion pertaining to California to read as follows:

State and county	Cancellation date	Termination date for indebtedness
California:		
Modoc and Siskiyou Counties	Dec. 31	Apr. 15
All other California counties	June 30	Oct. 31

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

The foregoing amendment establishes closing dates for filing applications, termination dates for indebtedness, and cancellation dates for irrigated barley in Fresno, Kern, Kings, Madera, Merced and Tulare Counties, California, which are different than the dates which would be applicable under the current contract. Insurance on irrigated barley will be offered in these counties beginning in 1975.

The closing and termination dates provided in the current regulations of August 31 for these six California Counties are unnecessarily early, as planting generally does not commence until November. Likewise the March 15 cancellation date which would apply under the current contract is unduly early for irrigated barley.

In order to provide sufficient time to conduct a successful sales campaign, it is imperative that the regulations be amended to establish more realistic contractual dates. Since applications for the 1975 crop year will be taken in the near future, the Board of Directors found that it would be impracticable and contrary to the public interest to follow the procedure for notice and public participation prescribed by 5 U.S.C. 553 (b) and (c), as directed by the Secretary of Agriculture in a Statement of Policy, executed July 20, 1971 (36 FR 13804), prior to its adoption. Accordingly, said amendment was adopted by the Board of Directors on June 6, 1974.

[SEAL] LLOYD E. JONES,
Secretary,
Federal Crop Insurance Corporation.

Approved on June 24, 1974.

EARL L. BUTZ,
Secretary.

[FR Doc.74-14763 Filed 6-26-74;8:45 am]

[Amdt. No. 54]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

THE SUGARCANE ENDORSEMENT

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, the above-identified regulations are amended effective beginning with the 1975 crop year in the following respect:

1. The sugarcane endorsement published in § 401.135 of this chapter is amended effective beginning with the 1975 crop year to read as follows:

§ 401.135 The sugarcane endorsement.

The provisions of the sugarcane endorsement for the 1975 and succeeding crop years are as follows:

1. *Insured crop.* The insured crop shall be sugarcane grown on insurable acreage, as reported by the insured or as determined by the Corporation, for processing for sugar.

Insurance shall not be considered to have attached to (1) any acreage cut for seed, (2) stubble acreage after the second stubble crop year except as provided in Section 4(c), or (3) any stubble acreage with a stand which normally would not be left for harvest.

2. *Production guarantees.* The per acre production guarantees for unharvested and harvested acreage shall be the applicable percentages shown on the county (or parish) actuarial table of the normal yield (cwt. of commercially recoverable sugar) established

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for the acreage for the crop year in accordance with the regulations issued by the United States Department of Agriculture pursuant to the Sugar Act of 1948, as amended, but if the Sugar Act of 1948, as amended, is not in effect for the current crop year, the normal yield used for this purpose shall be the normal yield that would have been established had the Sugar Act of 1948, as amended, and the latest regulations pertaining thereto remained in effect, except that, if the Corporation determines that such normal yield is not representative of the productivity of an insurance unit, the production guarantee shall be that established by the Corporation for such unit.

3. *Insurance period.* Insurance shall attach or be considered to have attached to insured acreage at the time of planting for planted acreage and following harvest for stubble acreage. Insurance shall cease upon harvesting and removal from the field, but in no event shall insurance remain in effect later than January 31 following the calendar year in which the harvesting of sugarcane is normally commenced in the county.

4. *Responsibility of the insured to report acreage and share.* In lieu of Section 3 of the policy and subject to the provisions of Section 1 hereof, the following shall apply: (a) Not later than May 31 of each crop year, the insured shall submit to the office for the county, on a form prescribed by the Corporation, a report showing all of the insurable acreage of sugarcane in the county to be kept for processing for sugar in which he has a share and his share therein and also showing on the report the acreage to be cut for seed and any uninsurable acreage to be left for harvest. When filing his report the insured also shall advise the Corporation of the reported acreage which was not a part of his farming operation for the previous crop year and of any damage that has already occurred to any of the reported acreage. For his own best interests the insured should report the insurable acreage he expects to keep for harvest for the next crop year promptly after the planting period and later request a revision to reflect any changes in the acreage to be kept for harvest or which is acquired after such report is submitted. If an insured does not have a share in any insurable acreage in the county for any crop year, he shall submit a report so indicating.

(b) The Corporation reserves the right to determine the insured acreage and the insured's share therein for any unit and, if damage or loss has occurred before the submission of the acreage report to limit the insured acreage (1) for acreage operated by the insured the previous crop year to the applicable acreage, as determined by the Corporation, which was or could have been insured and (2) for any acreage added to the farming operation to the acreage which the Corporation determines could be expected to produce a normal crop when the report was filed: *Provided, however,* That the Corporation shall exclude from insurance only that insurable acreage the Corporation determines was damaged to the extent that it could not be expected to produce a normal crop. The Corporation reserves the right, if such damage is not reported when the insured files the acreage report, to make such determination in connection with any inspection of the acreage.

(c) Any acreage report submitted by the insured shall be binding upon the insured and shall not be subject to change by the insured: except that (1) the insured may request substitution of otherwise uninsurable acreage with a higher production potential for insurable acreage and (2) may request insurance on insurable acreage acquired after the filing of the acreage report. Based upon an inspection of the acreage involved, the Corporation will accept or reject the requested changes and make any necessary revisions in the acreage report.

(d) If the insured does not file the required report by May 31, the Corporation may elect to determine by insurance units the insured acreage and share or to declare the insured acreage on an insurance unit(s) to be zero.

(e) When proportionate shares are established under regulations issued by the United States Department of Agriculture pursuant to the Sugar Act of 1948, as amended, the insured acreage shall not exceed the proportionate share acreage less the acres cut for seed.

5. *Notice of possible loss.* To claim a loss, the insured must give notice of loss as provided in Section 8 of the policy even though bona fide abandonment is approved under the Sugar Act of 1948, as amended. Putting acreage to other use includes harvesting for any purpose other than processing for sugar. Notice of probable loss, determined by applying the applicable rate of commercially recoverable sugar to the tonnage delivered, must be given to the Corporation's office serving the county no later than 15 days after harvest is completed on a unit, or, even though harvest on a unit has not been completed, no later than the January 31 following the calendar year in which the harvesting of sugarcane is normally commenced in the county.

6. *Claims for loss.* (a) Any claim for loss on an insurance unit shall be submitted to the Corporation on a form prescribed by the Corporation promptly after the end of the insurance period but in no event later than the following March 31. The Corporation reserves the right to provide additional time if it determines that circumstances beyond the control of either party prevent compliance with the provision.

(b) It shall be a condition precedent to the payment of any loss that the insured establish the production of the insured crop on the unit and that such loss has been directly caused by one or more of the hazards insured against during the insurance period for the crop year for which the loss is claimed, and furnish any other information regarding the manner and extent of loss as may be required by the Corporation.

(c) Losses shall be determined separately for each unit. The amount of loss with respect to any unit shall be determined by (1) multiplying the insured acreage of sugarcane on the unit by the applicable production guarantee per acre, which product shall be the production guarantee for the unit, (2) subtracting therefrom the total production to be counted for the unit, (3) multiplying the remainder by the applicable price for computing indemnities, and (4) multiplying the result obtained in (3) by the insured interest: *Provided,* That if for the unit the insured fails to report all of his interest or insurable acreage the amount of loss shall be determined with respect to all of his interest and insurable acreage, but in such cases or otherwise, if the premium computed on the basis of the insurable acreage and interest exceeds the premium on the reported acreage and interest, or the acreage and interest when determined by the Corporation under section 4 of this endorsement, the amount of loss shall be reduced proportionately.

The Corporation shall determine the hundredweight of commercially recoverable sugar by multiplying the net weight of sugarcane in tons delivered to a processor by the applicable rate of commercially recoverable sugar prescribed for the crop year under regulations issued by the United States Department of Agriculture pursuant to the Sugar Act of 1948, as amended. The commercially recoverable sugar to be counted for any appraised production shall be 1.70 hundredweight of commercially recoverable sugar for each ton of sugarcane net weight (excluding green or dried leaves, sugarcane tops, dirt and all other extraneous material) as determined by the Corporation.

The total production to be counted for a unit shall be determined by the Corporation and, subject to the provisions hereinafter, shall include all harvested production and any appraisals made by the Corporation for unharvested, or potential production, poor farming practices, uninsured causes of loss, or for acreage abandoned or put to another use without the consent of the Corporation: *Provided,* That on any acreage of sugarcane which is unharvested the total production to be counted shall be the appraised production in excess of the difference between the harvested production guarantee applicable for such acreage, and the unharvested production guarantee, except that for acreage abandoned or put to another use without prior written consent of the Corporation and acreage damaged solely by an uninsured cause the total production to be counted shall be not less than the production guarantee provided for such acreage.

7. *Meaning of terms.* For the purpose of insurance on sugarcane the terms:

(a) "Crop year" notwithstanding section 19(c) of the policy means the period beginning when sugarcane is normally planted and extending through the insurance period and shall be designated by reference to the calendar year in which the sugarcane is normally harvested.

(b) "Harvest" means cutting and removing the cane from the field.

(c) "Insurance unit" in lieu of that portion of the first sentence preceding item (1) of section 19(e) of the policy, the following shall apply: "'Insurance unit' means all the insurable acreage of sugarcane in the county at the time insurance attaches or is considered to have attached."

(d) "Stubble acreage" means acreage from which a crop has previously been harvested and the stubble from the stalks is left in the field with the expectation of producing another crop.

8. *Cancellation and termination for indebtedness dates.* For each crop year of the contract the cancellation date shall be the July 31, and the termination date for indebtedness shall be the August 31, immediately preceding the beginning of the crop year for which the cancellation or the termination is to become effective.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

The current endorsement for sugarcane contains a number of provisions which should now be revised if the program is to function satisfactorily. The foregoing amendment contains these revisions and in addition clarifies the language in a number of instances. It is desirable that the amendment become effective in 1975. Notice of changes must be given sugarcane insureds by July 15, 1974, and applications for insurance will be taken in the near future. It would therefore be impossible to follow both the procedures for notice and public participation prescribed by 5 U.S.C. 553(b) and (c) prior to the adoption of this amendment and to comply with the contractual provisions with respect to filing such changes in time to be effective for the 1975 crop year.

Under the circumstances, the Board of Directors found that it would be impracticable and contrary to the public interest to follow the procedure for notice and public participation prescribed by 5 U.S.C. 553(b) and (c), as directed by the Secretary of Agriculture in a Statement of Policy, executed July 20, 1971 (36 FR 13804), prior to its adoption. Accordingly, said amendment was adopted by the Board of Directors on June 6, 1974.

[SEAL] LLOYD E. JONES,
Secretary,
Federal Crop Insurance Corporation.

Approved on June 24, 1974.

EARL L. BUTZ,
Secretary.

[FR Doc.74-14762 Filed 6-26-74;8:45 am]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

PART 981—ALMONDS GROWN IN CALIFORNIA

Crediting for Paid Advertising

Notice of a proposal to amend § 981.441 of Subpart-Administrative Rules and Regulations (7 CFR 981.441–981.481; 38 FR 9987, 27381) was published in the June 3, 1974, issue of the FEDERAL REGISTER (39 FR 19485). The amendment would (1) permit crediting a handler's assessment obligation for direct media expenditures in paid advertising which promotes the sale, consumption, or use of California almonds and almond products through the following: Any handler-owned retail store which sells almonds and almond products; any mail order catalog of almonds and almond products; and any mail order offer of almonds and almond products mentioning both a handler-owned retail store, which sells almonds and almond products, and a catalog; (2) require handler certification of information submitted for use in determining credit under these proposed provisions.

The subpart is operative pursuant to the marketing agreement, as amended, and Order No. 981, as amended (7 CFR Part 981), regulating the handling of almonds grown in California (hereinafter collectively referred to as the "order"). The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The Almond Control Board unanimously recommended the proposal.

The notice afforded interested persons an opportunity to file written data, views, or arguments with respect to the proposal; none were received.

Section 981.41 of the order provides, in part, that the Almond Control Board may provide for crediting the pro rata expense assessment obligations of a handler with such portion of his direct expenditure for such marketing order promotion including paid advertising as may be authorized. Section 981.441 provides for a handler to receive such credit for advertising almonds, either separately or in conjunction with a complementary commodity or product. Any such crediting is subject to the stipulation in § 981.441(c) that the theme of each advertising shall promote the sale, consumption, or use of California almonds.

The proposals are based upon the Board's recognition that handler-owned retail stores and catalogs are important outlets for almonds. Even though such outlets may offer merchandise other than almonds, they still provide important benefits to the almond grower. Finally, the proposed rules are aimed at expanding the market for California almonds. The Board sees marketing expansion as essential, especially in anticipation of a sharp increase in California's almond production.

Section 981.441(d)(5) will allow a handler credit for his paid media advertising that promotes almonds and almond products through his own retail store.

The credit is to be computed by multiplying the handler's allowable media expense for such advertising by the proportion of the handler's dollar volume of almonds and almond products sold through his retail store in the previous crop year. So that a handler will be precluded from obtaining dual credit, media advertising of almonds and almond products sold through his retail store which includes an almond mail order offer will qualify only under this subparagraph.

Section 981.441(d)(6) will allow paid media advertising that promotes almonds and almond products through a handler's mail order catalog. The credit will be computed by multiplying the handler's allowable media expense for such advertising by the proportion of the handler's dollar volume of almonds and almond products sold through his catalog in the previous crop year to the total of all his sales through that outlet in that crop year. Media advertising of almonds and almond products sold through a mail order catalog which includes an almond mail order offer will qualify only under this subparagraph.

Minor changes in wording, as it appeared in the notice, are made in the last sentences of § 981.441(d)(5) and (6). In both sentences, "that promotes" has been substituted for "of" following "Media advertising" to reflect more clearly the purpose of creditable media advertising—namely, to promote California almonds and almond products.

Section 981.441(d)(7) will allow credit for paid media advertising that promotes almonds and almond products through a handler's mail order offer which also mentions the handler's retail store selling almonds and almond products and the handler's catalog.

The creditable portion of such expense is to be based on the simple average of the proportions calculated for such handler pursuant to subparagraphs (5) and (6).

Section 981.441(g)(5) will require handlers who submit claims under proposed § 981.441(d)(5), (6), or (7) to certify to the Secretary of Agriculture and the Control Board the applicable information to be used by the Control Board in determining the handler's credit for media advertising. This certification will be subject to audit pursuant to § 981.70.

After consideration of all relevant matter presented, including that in the notice, the information and recommendation submitted by the Board, and other available information, it is found that to amend the administrative rules and regulations pertaining to crediting handlers' assessment obligations for almonds and almond products will tend to effectuate the declared policy of the act.

It is further found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) and for making it effective at the time hereinafter provided in that: (1) This action provides for crediting handlers' assessment obligations for advertising almonds and almond products and imposes no restriction on handlers; (2) handlers are aware of this action and require no advance preparation to comply therewith; (3) the 1974–75 crop year begins July 1, 1974, and this action should be made effective in time to enable handlers to avail themselves of its provisions at the beginning of that crop year; and (4) no useful purpose would be served by postponing its effective time beyond that hereinafter provided.

It is, therefore, ordered, That § 981.441 of Subpart—Administrative Rules and Regulations (7 CFR 981.441–981.481; 38 FR 9987, 27381) be amended by adding paragraphs (d)(5), (d)(6), and (d)(7), and paragraph (g)(5) to read as follows:

§ 981.441 Crediting for paid advertising.

• • • • • • •

(d) • • •

(5) Subject to the other provisions of this section, paid media expenses for advertising that promotes almonds and almond products in a handler-owned retail store shall qualify for credit. The credit shall be computed by multiplying the handler's allowable media expense for such advertising by the proportion of the handler's dollar volume of almonds and almond products sold through his retail store in the previous crop year to the total dollar volume of all his sales through that outlet in that crop year. Media advertising that promotes almonds and almond products through his retail store which includes an almond mail order offer shall qualify only under this subparagraph.

(6) Subject to the other provisions of this section, allowable paid media expenses for advertising that promotes almonds and almond products through a handler's mail order catalog shall qualify for credit. The credit shall be computed by multiplying the handler's allowable media expense for such advertising by the proportion of the handler's dollar volume of almonds and almond products sold through his catalog in the previous crop year to the total of all his sales

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through that outlet in that crop year. Media advertising that promotes almonds and almond products through a mail order catalog which includes an almond mail order offer shall qualify only under this paragraph.

(7) Paid media advertising that promotes almonds and almond products through a handler's mail order offer, which also mentions the handler's retail store selling almonds and almond products and the handler's catalog, shall qualify for credit. The creditable portion of such expense shall be based on the simple average of the proportions calculated for such handler pursuant to paragraph (d) (5) and (6) of this section.

* * * * * *

(g) * * *

(5) Handlers who submit claims under paragraph (d) (5), (6), or (7) of this section shall certify to the Secretary of Agriculture and the Control Board the applicable information to be used by the Control Board in determining the handler's credit for media advertising.

* * * * * *

(Secs. 1–19, 48 Stat. 31, as amended (7 U.S.C. 601–674))

Dated: June 21, 1974, to become effective July 1, 1974.

FLOYD F. HEDLUND,
Director,
Fruit and Vegetable Division.

[FR Doc.74–14672 Filed 6–26–74;8:45 am]

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Regulations—1974 Crop Texas Flaxseed Purchase Program Supplement]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1974 Crop Texas Flaxseed Purchase Program

On January 3, 1974, a notice of proposed rulemaking regarding loans and purchase rates and program operating provisions for the 1974 crop flaxseed were published in the FEDERAL REGISTER (39 FR 814). No data, views, or recommendations were filed by interested persons.

A special purchase program has been authorized for the 1974 crop flaxseed produced in designated Texas counties. This subpart contains provisions applicable to the 1974 program and together with the provisions contained in CCC Texas Flaxseed Bulletin, 26 FR 3979 as amended, constitutes the 1974 Texas Flaxseed Purchase Program.

§ 1421.642 Purchase prices, premiums and discounts.

(a) *1974 Basic county purchase price.* Basic purchase prices per bushel for flaxseed grading U.S. No. 1 and containing from 9.1 to 9.5 percent moisture produced in counties listed below are as follows:

TEXAS

County:	Rate per bushel
Atascosa	2.27
Bee	2.36
Bell	2.20
Bexar	2.26
Caldwell	2.24
Calhoun	2.29
Comal	2.24
DeWitt	2.28
Dimmit	2.16
Duval	2.30
Frio	2.23
Goliad	2.34
Gonzales	2.26
Guadalupe	2.25
Hidalgo	2.23
Jackson	2.27
Jim Wells	2.35
Karnes	2.33
Kleburg	2.35
Lamar	2.10
Live Oak	2.34
McMullen	2.29
Matagorda	2.28
Nueces	2.38
Refugio	2.37
San Patricio	2.38
Victoria	2.31
Wharton	2.30
Wilson	2.30

(b) *Application of basic purchase prices.*—(1) *Deliveries to county location.* The basic purchase price for flaxseed deliveries by truck to authorized dealers at county locations shall be the price established for the county where the flaxseed is delivered.

(2) *Deliveries by truck to Corpus Christi terminal market.* The basic purchase price for flaxseed delivered by truck to an a authorized dealer located within the switching limits of the Corpus Christi, Texas, terminal market shall be determined by adding to the basic purchase price for the county from which the flaxseed was shipped, the amount of freight per bushel actually paid in plus the current uniform grain storage agreement truck receiving and rail loading out charges of 9½ cents per bushel.

(c) *Premium for low-moisture content.* A premium of 1 cent per bushel shall be applied to eligible flaxseed which grades U.S. No. 1 or U.S. No. 2 and contains 9 percent or less moisture.

(d) *Grade discounts.* The following discounts shall be applied to eligible flaxseed which grades U.S. No. 2 or U.S. Sample Grade:

(1) U.S. No. 2—6 cents per bushel.

(2) U.S. Sample Grade—6 cents per bushel plus the following discounts, as applicable:

(i) *Moisture.*

Percent:	Cents
9.6 to 10.0	1
10.1 to 10.5	2
10.6 to 11.0	3
Above 11.0	[1]3

[1] Plus 1 cent for each 0.1 percent of moisture in excess of 11.0 percent.

(ii) *Test weight.* 3 cents for each one-half pound or fraction thereof of test weight below 47 pounds.

(iii) *Other factors.* Amounts determined by CCC to represent market discounts for quality factors not specified above which affect the value of flaxseed, such as (but not limited to) heat damage, musty, and sour. Such discounts will be established not later than the time delivery of flaxseed to CCC begins and will thereafter be adjusted from time to time as CCC determines appropriate to reflect changes in market conditions. Producers may obtain schedules of such factors and discounts at county ASCS offices.

(Sec. 4, 62 Stat. 1070, as amended; sec. 5, 62 Stat. 1072; secs. 301, 401, 63 Stat. 1053, 1054, as amended; 15 U.S.C. 714 b and c; 7 U.S.C. 1447, 1421)

Effective date. June 27, 1974.

Signed at Washington, D.C., on June 21, 1974.

KENNETH E. FRICK,
Executive Vice President,
Commodity Credit Corporation.

[FR Doc.74–14673 Filed 6–26–74;8:45 am]

CHAPTER XVIII—RURAL ELECTRIFICATION ADMINISTRATION, DEPARTMENT OF AGRICULTURE

PART 1701—PUBLIC INFORMATION

Rural Electric and Telephone Programs; Environmental Protection

On November 19, 1973, the Rural Electrification Administration published in the FEDERAL REGISTER (38 FR 31904) a proposed revision of REA Bulletin 20–21: 320–21, National Environmental Policy Act. The proposed revision was in response to the issuance of amended guidelines by the Council on Environmental Quality (38 FR 20550). REA is publishing herewith its final revised bulletin providing for the implementation of the National Environmental Policy Act as it relates to the REA rural electric and telephone programs.

Written comments on the proposed revision were invited and received from interested persons. These comments were studied and some additional changes in the revision were made as a result. The major comments, with the response made thereto, are summarized as follows:

(1) *Paragraph III–A.* A commentor suggested that additional language be added to emphasize the need to consider the secondary impacts of proposed actions and alternatives.

The suggested language changes were made.

(2) *Paragraphs V–D–3, I; VIII–B; IX–B.* A commentor suggested that the newspaper or newspapers selected for publication of notices should not simply be a newspaper of general circulation in the county or counties in which the construction is located and in which the applicant's headquarters is located, but should be published in the county or counties as well.

REA feels that publishing notices in a newspaper or newspapers of general circulation in the county or counties will ensure that the public is fully informed of the borrower's construction plans, REA's intent to prepare a draft environmental impact statement and the availability of draft and final environmental impact statements and that requiring that the newspaper be published in the county will not in itself ensure fuller public awareness. In many instances, the newspaper or newspapers selected for publication of the notices will in fact be published in the county in which the construction is to take place or where the headquarters is located.

(3) *Paragraph IX.* A commentor suggested that the public be informed as fully of public hearings as they are of the impact statement process.

New language has been added which requires the applicant to publish notice of a public hearing similar to that published by REA in the FEDERAL REGISTER.

(4) *Paragraph V–K.* A commentor suggested that a specific waiting period be established between the preparation of a negative declaration and the initiation of action.

A 15-day waiting period has been established.

(5) *Paragraphs V–D–3, I; VIII–B; IX–B.* A commentor suggested that REA should publish the notices required by these paragraphs in the newspaper or newspapers of general circulation.

The intent here is to keep the public fully informed of the borrower's planned construction activities, REA's intent to prepare draft environmental impact statements on certain projects and the availability of draft and final environmental impact statements. REA prepares such notices for publication in the FEDERAL REGISTER. REA feels that in view of the borrower's proximity to the local newspapers and their familiarity with what newspaper facilities are available, the borrower is the logical avenue for getting the notices published in the local newspaper or newspapers.

(6) *Paragraph VI–A–5.* A commentor suggested that the paragraph might be interpreted as requiring discussion of alternatives only when there is controversy over a proposed project.

This was not the intent. The paragraph has been reworded to clarify this point.

(7) *Paragraphs VI–A–7; Exhibit B, VII; Exhibit C, VII.* Commentors suggested that the discussion of irreversible and irretrievable commitments of resources include discussion of natural and cultural resources.

Language has been added to include natural and cultural resources.

(8) A commentor suggested that additional consideration be given to the protection of historic and cultural resources and coordination of NEPA requirements with the requirements of the National Historic Preservation Act and Executive Order 11593, May 13, 1971, Protection and Enhancement of the Cultural Environment.

Additional emphasis on these two points has been included in a number of places in the text of the bulletin and the exhibits.

All written comments received are available for inspection in the Office of the Director, Office of Program Development and Analysis, Room 4310, South Building, Rural Electrification Administration, Washington, D.C. 20250, during regular business hours.

The text of the revised REA Bulletin 20–21: 320–21 is as follows:

REVISION OF REA BULLETIN 20–21: 320–21

MAY 20, 1974.

Enclosed is revised REA Bulletin 20–21: 320–21, "National Environmental Policy Act." This revision supersedes REA Bulletin 20–21: 320–21, dated June 17, 1971, and supplements (1) Guide for the Preparation of an Environmental Analysis for New Electric Generating Plant or an Addition to an Existing Plant" dated November 29, 1971, (2) Guide for the Preparation of an Environmental Analysis for Electric Transmission Facilities" dated October 2, 1972, and (3) Clarification of REA Environmental Requirements for Construction of Transmission and Generation Facilities dated March 29, 1973.

The bulletin has been revised to:

1. Emphasize compliance with other statutory requirements having special relevance to the National Environmental Policy Act (NEPA)—Section III–A.

2. Further clarify REA's policy on major actions significantly affecting the quality of the human environment—Section III–B.

3. Further clarify the "lead agency" concept—Section III–E.

4. Authorize the Assistant Administrator-Electric to make exceptions with respect to transmission facilities of 230 kilovolts or more requiring Environmental Impact Statements (EIS's)—Section V–D–1.

5. Provide additional information regarding supporting environmental data required with all loan applications—Section V–D–2.

6. Expand advertising requirements in connection with applications for loans for the construction of electric generation or transmission facilities other than those requiring an EIS—Section V–D–3.

7. Require notification of the public by REA and the applicant that REA intends to prepare an EIS—Section V–H and I.

8. Make provision for negative determinations on the need for an EIS on certain REA actions—Section V–K.

9. Provide increased emphasis on cultural resources—Section VI–A–7, Exhibit B, VII, Exhibit C, VII.

10. Provide an increase in the comment period on draft EIS's—Sections VIII–A, X–A.

11. Require notification of the public by the applicant of the availability of draft and final EIS's—Section VIII–B.

12. Require notification of the public by the applicant of public hearings where it is determined that hearings will be held—Section IX–B.

13. Expand sample announcement to be used in connection with applications for loans for the construction of electric generation or transmission facilities other than those requiring an EIS—Exhibit A.

REA BULLETIN 20–21: 320–21

NATIONAL ENVIRONMENTAL POLICY ACT

MAY 20, 1974 (Supersedes 6/17/71).

I. *Purpose and authority.* This bulletin provides for the implementation of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) as it relates to the REA program. Additional authority, directives and instructions are found in (1) Executive Order 11514, (2) Council on Environmental Quality Guidelines for Preparation of Environmental Impact Statements (38 FR 20550), and (3) USDA Secretary's Memorandum No. 1695.

II. *National Environmental Policy Act.* A. The stated purposes of this Act include: To declare a national policy which will encourage productive and enjoyable harmony between man and his environment; to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man; to enrich the understanding of the ecological systems and natural resources important to the Nation; and to establish a Council on Environmental Quality.

B. Section 102(2)(C) of the Act requires the preparation of a detailed environmental statement in connection with every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, and requires that such environmental statements shall be made available to the President, the Council on Environmental Quality (CEQ) and to the public and shall accompany the proposal through the agency review process.

III. *Policy*—A. *General.* 1. In accordance with national policy, as stated in the National Environmental Policy Act (NEPA) and elsewhere, REA will assess the environmental aspects of its policies, plans and programs in order to avoid or minimize adverse effects, including secondary effects, whenever possible and to restore or enhance environmental quality to the fullest extent practicable.

2. Compliance with the requirements of NEPA will be coordinated, to the extent possible, with other statutory requirements having special relevance to NEPA, such as: National Historic Preservation Act (16 U.S.C. 470) and the related Executive Order 11593, Protection and Enhancement of the Cultural Environment (36 FR 8921); Clean Air Act, as amended (42 U.S.C. 1857 et seq.); Federal Water Pollution Control Act (33 U.S.C. 1151 et seq.); and Wild and Scenic Rivers Act (16 U.S.C. 1271–1287).

B. *Major Actions Significantly Affecting the Quality of the Human Environment.* 1. As early as possible, and in all cases prior to an agency decision concerning a major action that significantly affects the quality of the human environment, REA will, in consultation with other appropriate Federal, State and local agencies and the public, assess in detail the potential environmental impact. Alternative actions that will avoid or minimize adverse impacts will be explored. The long- and short-range implications of the proposed actions to man, his physical and social surroundings and to nature will be evaluated.

2. Initial assessments of the environmental impacts of the proposed action will be undertaken as early as possible. REA will consider the results of its environmental assessments along with its assessments of the economic, technical and other benefits of the proposed action and use all practicable means, consistent with other essential considerations of national policy, to avoid or minimize undesirable consequences for the environment.

3. Environmental impact statements (EIS's) on major REA actions significantly affecting the quality of the human environment will accompany the proposed action through the existing agency review process. No final decision will be made on a major REA action until the NEPA process has been completed.

C. *Loan Contract Provisions.* REA will include in all new loan contracts a provision to the effect that the borrower shall comply with all applicable Federal, State and local requirements for the protection of the environment.

D. *Responsible Official.* The Assistant Administrators, Electric and Telephone, are responsible for determining the need for and the preparation of EIS's in connection with a particular REA action. Final EIS's will be issued by the Administrator.

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E. *Lead Agency.* 1. CEQ Guidelines provide that, in those instances where more than one agency is involved in a project which significantly affects the quality of the human environment, consideration should be given to the possibility of joint preparation of an EIS by all agencies concerned or designation of a single "lead agency" to assume supervisory responsibility for the preparation of the EIS.

2. In some instances REA borrowers may be involved with such projects. If there should be any uncertainty as to whether REA or some other Federal agency will be the "lead agency" for environmental purposes, the borrower should contact REA for advice.

3. The Office of the Coordinator of Environmental Quality Activities in the Office of the Secretary will assist in resolving lead agency questions where REA and one or more other Federal agencies are involved. REA, when designated as lead agency, will be responsible for consulting with and obtaining information from other involved agencies with respect to their jurisdiction and expertise.

IV. *Types of Actions Covered.* A. Section 102(2)(C) of NEPA requires the preparation of a detailed EIS in connection with every recommendation or report on proposals for legislation and other major Federal action significantly affecting the quality of the human environment.

B. Implementation of NEPA, as it relates to recommendations or favorable reports on proposals for legislation will be carried out as specified in Secretary's Memorandum No. 1695, Supplement 4.

V. *Administrative Actions Requiring Environmental Impact Statements.* A. REA will give consideration to the environmental aspects of all of its proposed administrative actions. Examples of administrative actions include, but are not limited to, loans and loan guarantees, major reclassifications of loan funds, lien accommodations and approvals for the use of general funds. Environmental impact statements will be required in connection with all major REA administrative actions which will significantly affect the quality of the human environment.

B. "Major" actions and "significant" environmental effects are difficult to define precisely and uniformly because of the great variation in economic, social and ecological conditions. While a precise definition of environmental "significance," valid in all contexts, is not possible, areas of environmental impact to be considered in assessing significance include, but are not limited to, air, water, fish and wildlife, solid waste, noise, radiation, hazardous substances, energy supply and natural resources development, and land use management.

C. It is recognized that the effect on the human environment is determined in part by the nature of the facilities to be constructed, but the effect may also be influenced by special circumstances peculiar to each situation.

D. The procedures and requirements specified below are written in terms of providing information to REA on the environmental aspects of all loan applications. The procedures and requirements are also applicable in connection with all other administrative actions that may be required of REA.

1. An EIS will normally be required in connection with the consideration of any REA loan for the construction of the following types of facilities and the applicant shall provide REA with the information outlined in Section VI of this bulletin:

a. Electric generating equipment of more than 25,000 kilowatts capacity (name plate rating);

b. Electric transmission lines and associated equipment designed for or capable of operation at nominal voltage of 230 kilovolts or more.

The Assistant Administator is authorized to make exceptions for minor projects such as changes in transmission substations or switching stations or for construction of less than a mile of transmission line, provided he determines that the project does not involve a major Federal action significantly affecting the quality of the human environment.

2. In connection with all applications for loans for facilities other than those described in paragraph 1 above, the applicant shall provide REA with information on the environmental aspects of the proposed construction. This information may be supplied subsequent to the filing of the loan application, but it must be supplied prior to final action by REA. REA will advise the applicant if a formal EIS will be required. This determination will be based on the nature of the facilities to be constructed, considered in conjunction with the local circumstances, which would include any environmental matters which might be highly controversial. Information to be supplied by the applicant to REA shall include the following items:

a. A description of the proposed construction adequate to permit a careful assessment of its environmental impact;

b. A description of the environment, including information on any known environmental problems associated with the loan application. If there is any indication of substantial controversy, it should be described in detail. If there is no indication of environmental controversy, this should be specifically stated;

c. A description of any alternatives to the project that were considered;

d. A description of any property that is included in or is eligible for inclusion in the National Register of Historic Places which might be affected by the proposed action. The borrower should consult with State and local historical or archaeological officials to determine if there are any properties located within the area of the undertaking which may be considered eligible for listing on the National Register of Historic Places, and to evaluate the effect the proposed action will have on these and the above-mentioned properties. A description of such consultations or copies of correspondence should be included in the information supplied to REA;

e. A description of any special measures or precautions being taken with respect to areas which are environmentally sensitive, such as any item listed under paragraph d above.

3. In connection with applications for loans for the construction of electric generation or transmission facilities other than those requiring an EIS, the applicant shall make known to the public the general nature and extent of the proposed REA loan. The notification shall include the publication of an appropriate notice in a newspaper, or newspapers, of general circulation in the county in which the principal office of the applicant is located and in the counties in which the proposed construction will take place. This notice shall generally describe the nature, location and extent of the construction program contemplated as the result of the proposed loan and indicate the availability and location of additional information. It shall invite any comments with respect to the environmental aspects of the proposed construction, to be submitted to the applicant within thirty (30) days of publication of the notice (see illustrative form of notice given in Exhibit A).

4. The applicant shall give proper consideration to all comments received. A copy of the newspaper advertisement and copies of all comments received thereon should be forwarded to REA, together with the applicant's recommendations. If there are no comments, this should be stated.

5. For the purpose of paragraph 3, above, transmission facilities are defined as facilities designed for operation at a nominal voltage of 33,000 volts and above. In the case of substations, this applies to the low voltage side of the substation.

E. In connection with construction pursuant to an REA loan made prior to enactment of NEPA, where the financing of the facilities was not subject to the procedures and determinations specified herein, or in those cases where a project's financing was subject to the procedures and determinations specified in this bulletin but the facilities or their locations are completely different from that proposed at the time the loan was approved, it is necessary for the borrower to follow the policy and procedures set forth in Section V–D, above.

F. The required actions discussed in Section V–D should be initiated by the borrower well in advance of the proposed construction in order to avoid any unnecessary delay.

G. If, in any specific case, a borrower is uncertain whether environmental requirements have already been satisfied, it should make inquiry of the appropriate Area Office.

H. In connection with all REA actions described in Section V–D–1 above, and those described in Section V–D–2 above, which are determined to require preparation of an EIS, REA will publish a notice in the Federal Register announcing its intent to prepare an EIS on the proposed action. The notice will also solicit comments from interested parties that may be helpful in preparing the draft EIS. The notice will be published as soon as is practicable after the decision to prepare an EIS is made.

I. The applicant will also publish a notice in a newspaper, or newspapers of general circulation in the county in which the principal office of the applicant is located and in the counties in which the proposed construction may take place, announcing REA's intent to prepare an EIS. This notice shall generally describe the nature, location and extent of the construction program contemplated as the result of the proposed loan and solicit comments from interested parties that may be helpful in preparing the draft EIS. The comments should be addressed to the Assistant Administrator-Electric, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250, with a copy to the borrower.

J. A list of REA administrative actions for which EIS's are being prepared will be available for public inspection on request at REA's Washington, D.C., office and will be supplied to CEQ quarterly.

K. If REA decides that an EIS is not necessary for a proposed REA action (1) which has been identified in Section V–D–1 above, as normally requiring preparation of an EIS, (2) which is similar to actions for which REA has prepared a significant number of EIS's, (3) which had previously been announced would be the subject of an EIS, or (4) for which REA has made a negative determination in response to a request from CEQ pursuant to Section 1500.11(f) of the CEQ Guidelines, REA will prepare a publicly available record, briefly setting forth the decision and the reasons for the determination. No REA action will be taken until 15 days after preparation of such negative declaration. A list of negative determinations made in accordance with the above provisions will be supplied to CEQ quarterly.

L. If there should be emergency circumstances which make it necessary for REA to take an action with significant environmental impact without observing the provisions of this bulletin concerning minimum periods for agency review and advance availability of EIS's, REA will consult with the Council on Environmental Quality about alternative arrangements. The Council has provided for such contingencies in its Guidelines.

VI. *Submission of Environmental Analyses.* A. It will be the applicant's responsibility to prepare an Environmental Analysis when application is made for a loan for which an EIS is required. Material in the applicant's Environmental Analysis may be incorporated in whole or in part into the draft and final EIS's which will be prepared by REA. A more detailed guide to the type of information that should be discussed is found in Exhibit B (Guide for Preparation of an Environmental Analysis for Electric Transmission Facilities) and Exhibit C (Guide for the Preparation of an Environmental Analysis for a New Electric Generating Plant or an Addition to an Existing Plant). In general, the Environmental Analysis shall discuss the environmental considerations given below.

1. A description of the proposed action, including information and technical data adequate to permit a careful assessment of environmental impact by commenting agencies. Where relevant, maps should be provided;

2. The impact of the proposed loan on the environment, including the impact on ecological systems such as wildlife, fish and marine life and the relationship of the proposed action to existing and contemplated land use plans, policies and controls for the affected area;

3. Favorable environmental effects;

4. Any adverse environmental effects which cannot be avoided if the proposed facilities are constructed (water or air pollution, damage to life systems, effect on properties included in or eligible for inclusion in the National Register of Historic Places, urban congestion, threats to health or other consequences adverse to environmental goals);

5. Alternatives to the proposed action. All reasonable alternatives and their environmental impacts should be discussed;

6. The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity;

7. Any irreversible and irretrievable commitments of natural, cultural and other resources which would be involved in the proposed action should it be implemented.

B. To expedite action on the applications, the applicant should request comments on the proposed construction from all State and local agencies which are authorized to develop and enforce environmental standards, including air and water quality, and should attach any comments and views received from such agencies to the Environmental Analysis. The applicant should also request comments on the proposed construction from appropriate Federal agencies (e.g., Forest Service when national forests and lands are involved.) Copies of these comments should be attached to the applicant's Environmental Analysis. One hundred and twenty-five (125) copies of the Environmental Analysis, or such other number as may be requested by the Area Director, should be submitted to REA in support of the loan application. Additional copies may be required in connection with the review process. The applicant should be prepared to furnish additional copies as requested.

VII. *Preparation of Environmental Impact Statements.* A. REA is responsible for preparing the section 102(2)(C) EIS when one is required. The environmental analysis submitted by the borrower may be incorporated in whole or in part into the EIS.

B. The EIS is prepared in two stages. A draft EIS is the first formal statement for filing with CEQ and for review and comment by other agencies and the public. A final EIS reflects the results of the draft review process and it is also filed with CEQ. Comments received will be carefully evaluated and considered in the decision-making process.

C. The EIS will cover the items outlined in Section 1500.8(a) of the CEQ Guidelines. As suggested in the CEQ Guidelines, REA's EIS will be prepared, to the extent possible, to include statements or findings concerning environmental impacts required by other statutes, such as section 106 of the National Historic Preservation Act of 1966. Attention will be given to the substance of the information given, rather than the form, length or detail of the EIS.

VIII. *Public Information On Draft Environmental Impact Statements and On Final Environmental Impact Statements.* A. REA will publish notices in the FEDERAL REGISTER announcing the availability of draft EIS's and final EIS's. Such notices will give a brief description of the nature and location of the proposed facilities, and they will state where copies of the EIS's will be available for public examination, which will include REA's offices in Washington, D.C., and the office of the loan applicant. The notices will state that any comments on the environmental impact of the proposed action must be received by REA within sixty (60) days of the announcement of the availability of draft EIS's in order to be taken into consideration by REA.

B. Upon receipt of a draft or final EIS, the borrower will publish a notice announcing the availability of the statement for public review at its offices. The notice should be published in a newspaper, or newspapers, of general circulation in the county in which the principal office of the borrower is located and in the counties in which the proposed construction will take place. It is important that the people at the local level who may be most directly affected by the proposed construction be made aware of the EIS and have the opportunity to review and comment on it.

IX. *Provision for Public Hearings.* A. Public hearings will be held concerning environmental aspects of a proposed loan for which an EIS is required under the provisions of this bulletin in all cases where, in the Administrator's opinion, the need for hearings is indicated in order to bring out adequately the environmental implications of the proposed loan. In cases where hearings are held, notice of the hearings will be published in the FEDERAL REGISTER at least thirty (30) days in advance of the hearings. The draft and final EIS will be made available to the public at least fifteen (15) days in advance of the hearings.

B. The applicant will also publish a notice in a newspaper, or newspapers, of general circulation in the county in which the principal office of the applicant is located and in the counties in which the proposed construction may take place, announcing that hearings will be held.

C. All persons desiring to make statements at the hearings will be invited to submit a copy of their proposed statement, in writing, but such submission will not be required. The hearings will be informal and will be confined to the environmental aspects of the proposed loan.

X. *Requests for Comments on Draft Environmental Impact Statements.* A. REA will send copies of the draft EIS to various Federal agencies and offices which have jurisdiction by law or special expertise and the appropriate State, regional and metropolitan clearinghouses and the public, requesting comments on the environmental aspects of the proposed action. Comments are to be submitted within sixty (60) days of the date of the transmittal memorandum. The Council on Environmental Quality will also be furnished five (5) copies of the draft EIS.

B. The final EIS will be issued by the Administrator after consideration of all comments received within the time limits, including any comments obtained in connection with a public hearing, if one is held (see Section IX). Five copies of all comments and views of the appropriate Federal, State and local agencies which are authorized to develop and enforce environmental standards and of other interested parties, together with the final EIS, will be supplied to the Council on Environmental Quality in the Executive Office of the President.

C. Copies of final EIS's, with comments attached, will be sent to the appropriate State, regional and metropolitan clearinghouses and all Federal, State and local agencies that made substantive comments on the draft EIS. The final EIS and the comments received on the draft EIS will be available to the public, as provided for by the Freedom of Information Act (Public Law 89–487, 5 U.S.C. 552).

XI. *Agency Action On Loan Applications Requiring Environmental Impact Statements.* A. In the case of loan applications requiring EIS's, the loan will not normally be approved or loan guarantee commitments executed sooner than ninety (90) days after the draft EIS has been circulated for comments, furnished to the Council and made available to the public, or sooner than thirty (30) days after the final text of a statement, together with comments on the draft EIS, has been made available to the Council and the public.

B. The loan may, however, be approved conditionally or loan guarantee commitments may be conditionally executed, with an agreement that no funds will be advanced to the borrower or contracts of guarantee executed sooner than ninety (90) days after the draft EIS has been circulated from comment, furnished to the Council and made available to the public, or sooner than thirty (30) days after the final text of a statement, together with comments on the draft EIS, has been made available to the Council and the public.

XII. *Review of Other Agencies' Environmental Impact Statements.* REA will review and comment on EIS's initiated by other agencies in the manner as specified in Secretary's Memorandum No. 1695.

XIII. *CEQ Requests.* In order to assist CEQ in fulfilling its responsibilities under NEPA and under Executive Order 11514, REA will give careful consideration to requests by CEQ for reports, other information and actions dealing with issues arising in connection with the implementation of NEPA.

DAVID A. HAMIL,
Administrator.

ATTACHMENTS

EXHIBIT A—SAMPLE ANNOUNCEMENT—LOAN NOT REQUIRING AN EIS

EXHIBIT B—GUIDE FOR THE PREPARATION OF AN ENVIRONMENTAL ANALYSIS FOR ELECTRIC TRANSMISSION FACILITIES

EXHIBIT C—GUIDE FOR THE PREPARATION OF AN ENVIRONMENTAL ANALYSIS FOR A NEW ELECTRIC GENERATING PLANT OR AN ADDITION TO AN EXISTING PLANT

EXHIBIT A—SAMPLE ANNOUNCEMENT—LOAN NOT REQUIRING AN EIS

The (Name and Address of Borrower) announces that it (has made) (is making) an application for a loan from the Rural Electrification Administration which will provide for the construction of approximately------ miles of ------ volt transmission line. The

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facilities covered by this announcement will consist of ------ miles of (single pole) (H-frame) transmission line running on a ------ foot wide right-of-way from ------ in ------ County (via ------) in a ------ direction to a (terminal) (connection) (substation) near ------.

The (terminal) (substation) will be a ------ kVa ------ volt to ------ volt facility which normally requires a ------ acre site.

If there are any comments on the environmental aspects of the proposed construction, they should be submitted to the cooperative within thirty (30) days of the publication of this notice. Additional information may be obtained at the cooperative's office at the above address.

General. The above description of the facilities to be constructed is indicative of the information that should be included. However, each project will have its own particular facilities that should be described. Specific reference should be made to any features of special environmental interest and more specific information should be given as to the location of facilities to be constructed to the extent this is practical. The borrower may include additional information in the announcement if it wishes to do so.

EXHIBIT B—GUIDE FOR THE PREPARATION OF AN ENVIRONMENTAL ANALYSIS FOR ELECTRIC TRANSMISSION FACILITIES

SUGGESTIONS TO FACILITATE SUBMISSION OF THE ENVIRONMENTAL ANALYSIS

REA Bulletin 20-21: 320-21 requires the applicant to prepare an Environmental Analysis upon application for a loan or other action for which an Environmental Impact Statement is required. The guidelines included in the Exhibit are intended to assist in preparing the analysis.

Prior to starting the Environmental Analysis, it is recommended that the applicant and/or his consultant meet with the REA staff to discuss the environmental aspects to be considered.

The Environmental Analysis should include a cover sheet containing the name of the applicant, the location of the proposed transmission facilities, the identification of the document as an Environmental Analysis, the names of the preparers and the date the document was completed. A table of contents should follow the cover sheet and should list the topics and subtopics of each section of the analysis. This should be followed by a List of Figures, a List of Tables and a List of Attachments comprising the Appendix.

It is suggested that the applicant submit six (6) draft copies of the proposed Environmental Analysis to REA for review and comment. If the review results in acceptance by REA, 125 additional copies will be requested.

GUIDE FOR PREPARING THE ANALYSIS

The analysis should be concise but cover each applicable topic in sufficient breadth and depth to permit a reviewer to reach independent conclusions concerning the various environmental considerations.

The main body of the analysis should contain an Introduction and seven major sections with data and discussion organized under the seven topics listed in REA Bulletin 20-21: 320-21. This Exhibit contains an outline of the main body of the analysis. It includes topics and subtopics that may be considered pertinent. In certain situations some of the subtopics may take on added importance and should be expanded. Likewise, if a subtopic is not relevant, it may be omitted. Additional subtopics, if relevant, may, of course, be added where appropriate.

In preparing the Environmental Analysis, the topic numbering system used in this outline should be followed to the extent possible.

OUTLINE OF ENVIRONMENTAL ANALYSIS

I. *Description of the Proposed Project.* A. Scope of project. Describe and locate the proposed transmission line, terminals and substations.

B. Purpose. Discuss need for proposed transmission facilities and role of project with respect to future plans. In future plans, project as far into the future as possible and give emphasis to service to be rendered to the consumers.

C. Federal Action. Discuss REA action which requires an Environmental Impact Statement. Identify other necessary authorizations or permits.

D. Scope of existing electrical service. 1. General description and size of area served.

2. Identify distribution cooperatives, municipalities and other major loads served (if any). Estimate number of ultimate consumers served.

3. Describe pool memberships.

4. Identify interconnections with other systems. Include a regional map showing the network of transmission lines.

5. Describe existing transmission system and attach data map.

E. Description of land use surrounding proposed projects. 1. Itemize counties in which facilities will be located.

2. Include map showing location of the proposed transmission facilities in relation to nearby towns, roads, bodies of water, parks, mountains, railroads, etc.

3. Describe the general topography, types of vegetation and wildlife. Include official county data (percent farmland, major crops, local industry, etc.), if available. Indicate trends.

4. Describe area soils classification, seismorgraphic data, rainfall and other water resources, and climate.

5. Summarize (where possible) land crossed by proposed lines.

a. Total length of proposed line (miles, estimate):
(1) Privately owned land.
(2) Publicly owned land.
(a) State.
(b) County or local.
(c) Federal park or forest.
(d) BLM.
(e) Other—describe.
b. Land use (miles, estimate):
(1) Cropland—describe.
(2) Range or pasture.
(3) Forest (commercial)—describe.
(4) Forest (noncommercial)—describe.
(5) Desert, barren, or rock.
(6) Residential.
(7) Commercial or industrial.
(8) Bogs or other wetlands.
(9) Other—describe.
c. Relation to existing utilities (miles, estimate):
(1) Adjacent to existing wood structure (voltage).
(2) Adjacent to existing metal structure (voltage).
(3) Adjacent to existing distribution or telephone lines.
(4) Adjacent to existing oil or gas pipelines.
(5) Within utility corridors.
(6) Adjacent to railroads.
d. Visibility (miles, estimate):
(1) Visible from main highways—identify.
(2) Visible from secondary roads.
(3) Visible from recreational or resort area—identify.
e. Crossings (each, estimate):
(1) Main highways—identify.
(2) Secondary roads—identify.
(3) Water crossings—identify.
f. Area (acres, estimate):
(1) Total right-of-way.
(2) Substations—identify.
g. Access roads (miles, estimate):
(1) Existing—describe.
(2) New, permanent.
(3) New, temporary.
h. Fencing, crossed with gates (number, estimate).
i. Width of right-of-way (feet, estimate).
j. Poles or towers per mile (number, estimate).

F. Description of proposed construction.
1. Describe line location methods:
a. Topographical maps.
b. Ground surveys.
c. Aerial surveys.
d. Consultations with various historical, archeological, state and Federal agencies.
e. Avoidance of rare ecosystems.

2. Describe type of tower or pole structure. Include drawings of typical tangent and angle structure. Indicate preservative treatment and coloring. Describe foundations for steel structures.

3. Describe conductors and insulators and their finish or color.

4. Identify and describe substations and state whether low profile design. Identify major components and include drawings or sketches.

5. Describe the extent and type of new and existing access roads both temporary and permanent.

6. Indicate construction schedule and the preferred season for construction.

7. State whether separate contracts for clearing, constructing and restoring. Identify supervisory responsibilities.

8. Include samples of contractors' obligations which will be part of specifications or contracts.

9. Describe storage and staging areas.

G. Explain briefly how future plans may relate to the proposed action. Future plans should be developed for as extended a period as possible. A section on this matter may be needed.

II. *Environmental Impact of the Proposed Project.* State that the design, clearing, construction, cleanup, restoration and maintenance of the proposed project will follow the applicable criteria in the "Environmental Criteria for Electric Transmission Systems" published jointly by the U.S. Department of the Interior and the U.S. Department of Agriculture. Include other criteria as applicable.

Under each of the following topics describe the impact during construction and after completion. Where appropriate, use supplementary material such as maps, charts, diagrams, tables, photographs, drawings, expert consultants' reports and citizens' comments. Opinions and consultations with Federal, State and local agencies relating to environmental impacts should be documented.

Discuss in detail the corrective measure to be used to minimize adverse effects.

A. *Impact on soils.* 1. Discuss effects of clearing for rights-of-way, access roads, substation and tower sites. Explain mitigative measures to be used such as selective stripping, reseeding and new plantings. Discuss windrowing and shredding of vegetative refuse if applicable. Discuss methods to control windblown dust.

2. Discuss limitations on use of clear stripping by bulldozers and the limitations on using heavy equipment near waterways.

3. Maximize the use of existing access roads. Discuss restoration of construction roads, minimizing the slope of new roads, efforts to select the route of permanent roads for multiple-purpose use and use of water bars, dikes, soil ridges and terraces to reduce soil erosion.

4. Discuss the method of exacavating pole holes. Locate structures so as to avoid river banks, river bottom areas and flood plains where possible.

5. Discuss efforts to minimize rutting and to restore the original grade before leaving the construction area.

6. Discuss the coordination for all new plantings with Soil Conservation Service, Forest Service, Bureau of Land Management and state and other interested parties.

7. Discuss construction schedule with respect to minimizing earth disturbance during wet seasons and to revegetating.

B. *Impact on flora.* 1. Identify the types of flora to be traversed and discuss the effects and the scope of their removal from the rights-of-way. Describe in detail the quality of the forest areas to be traversed. Wherever possible, quantify the timber to be removed by species.

2. Discuss the feathering back concept for right-of-way clearing and the efforts to preserve browse-producing shrubs.

3. Explain the effects and limitations on use of area chemical spraying.

4. Describe efforts to restore or replace topsoil that may be disturbed.

5. Discuss the possibility of fire hazards during construction and the method of prevention.

6. Identify sensitive, rare or endangered species and describe efforts for their preservation.

7. Discuss effects of blade clearing and restraints to be applied to discourage complete vegetative clearing. Describe rehabilitative efforts to restore such areas.

8. Disposal of construction material and land clearance debris.

C. *Impact on fauna.* 1. Identify and locate the local and migratory wildlife, including birds and fish, and discuss the effects on feeding, grazing, mating, nesting, migration, and habitation due to:
a. Construction activity and noise.
b. Altered food supply.
c. Increased access to hunters.
d. Loss of cover protection and roosting sites.

2. Identify rare or endangered species and describe measures to be taken for their protection.

3. Discuss restrictions on machine clearing and blasting near streams and waterways.

4. Discuss measures to prevent electrocution of birds and animals that may contact energized conductors.

5. Discuss measures to enhance wildlife environment by stacking cleared brush, creating "edge" areas and increasing browse.

D. Impact on aesthetics: Discuss visual impact as viewed from highways, parks, developed communities, etc., and methods to minimize such impact. Discuss:
1. Selection of routing to provide natural screening.
2. Avoiding long, straight sections of line where contrary to natural terrain.
3. Employing feathering back concept and retaining natural growth.
4. Planting natural screening.
5. Avoiding hill and highway crossings at high points.
6. Type and placement of structures and substations.
7. Location of access roads.

E. *Impact on water resources.* 1. Discuss effects of construction-caused erosion and drainage on pollution of water resources.

2. Discuss effects of traversing lakes, rivers, streams, etc., and steps taken to minimize adverse effects.

3. Discuss efforts to avoid storage of line materials, chemicals and petroleum products near water bodies.

4. Discuss avoidance of using heavy construction machinery in or near water bodies.

F. *Impact on formally classified areas.* 1. Identify any of the following formally classified areas which the proposed facility will traverse, abutt or affect environmentally. Show contact with administering agency and actions taken to comply with its requirements.
a. Wilderness area.
b. Primitive area.
c. Wild and scenic river.
d. National recreation area.
e. Natural area.
f. Scenic area.
g. Historical and archeological areas, including properties included in or eligible for inclusion in the National Register of Historic Places.
h. Geological area.
i. National trail.
j. National parks and monuments.
k. Wildlife refuge.
l. Or similar state or locally designated area.

G. *Maintenance.* 1. Frequency of inspection.

2. Methods of inspection: On foot, by vehicle, airplane, helicopter.

3. Discuss the effect of method of inspection upon amount of clearing.

4. Policy concerning use of chemical spraying.

H. *Impact on aviation.* 1. Discuss effects on airports and paths of low-flying aircraft.

2. Consider river crossings and canyon crossings.

3. Indicate locations that will require hazard lights or markers.

4. Indicate all situations that require notification or construction permits from Federal Aviation Administration.

I. *Impact on human activity.* 1. Discuss resultant effects of closing or opening of affected areas to farming, recreation, hunting or other activities.

2. Discuss the multiple use of proposed rights-of-way for various activities involving people. Include hazards involved and safety measures to be taken.

J. *Impact on economy of the area.* 1. Describe significant economic impacts on the affected areas and industries which the proposed facilities will serve. Discuss:

a. Economic impacts during construction, including increased local employment opportunities, payments for rights-of-way, and income from sale of goods and services to contractors.

b. Continuing economic impacts, including local employment opportunities for operation and maintenance, increased tax revenues and increased availability of electric power

c. Anticipated impact on development of local industries. Note that this could lead to favorable effects, such as increased job opportunities, but that in some cases there could be unfavorable aspects, such as attracting the large numbers of people to a wilderness area

K. *Impact from noise and electromagnetic radiation.* 1. Estimate the effects of noise pollution from transformer hum, operation of circuit breakers, corona (wet and dry weather).

2. Estimate the effects of electromagnetic radiation, such as creating ozone and electrical interference with radio and television reception or communication circuits.

3. Discuss induced voltages in metal fences, gates, underground and surface piping, etc., and the safety practices involved.

III. *Favorable Environmental Effects.* Summarize the "adverse environmental effects" described under the subheadings of Section II, including the need for electrical power and energy in the area.

IV. *Adverse Environmental Effects.* Summarize the "adverse environmental effects" discussed under the subheadings of section II which cannot be avoided.

V. *Alternatives to the Proposed Action.* Under the following subheadings discuss and analyze all alternatives to the proposed action. Analyze in sufficient detail to permit an independent evaluation of the environmental risks of each alternative. Do not exclude consideration of reasonable alternatives for the reason that their implementation might be outside the jurisdiction of REA or the borrower, or solely for economic reasons. Cost data and economic evaluation of all alternatives must be included and compared to the proposed action.

A. *Alternatives of "no action" or "no REA loan funds."* 1. Discuss the resultant effects of not constructing the proposed project, such as stagnation of local agriculture, industry and population growth which can increase congestion in existing metropolitan areas.

2. Discuss existing contractual obligations and certifications.

3. Discuss overloading the existing system and effects of reduced voltages.

4. Discuss increased electrical losses.

B. *New generation within the area.* 1. Discuss the feasibility of constructing new generation facilities such as steam, gas, turbine, diesel, hydro, nuclear, solar and geothermal.

2. Discuss the adverse effects of smaller and more numerous generating plants and the need for additional standby or reserve units.

3. Discuss fuel sources, availability, cost and methods of fuel transportation.

C. *Alternate routes for the proposed line and sites for the substations.* 1. Describe in detail the alternate line routing and substation sites. Includes map locating the alternatives.

2. Provide sufficient information for an independent determination by the reviewer to evaluate all pertinent factors, including environmental impact, vegetation removal, line length, reliability, estimated costs, etc.

3. Substantiate conclusions, where possible, with opinions expressed in letters or reports from expert consultants and other interested persons or organizations.

D. *Alternate construction methods and materials.* 1. Describe the effects of alternate methods of construction, including costs and reliability. Discuss:

a. Underground construction.

b. Delivery of men and materials by helicopter to eliminate need for access roads for all or part of the route.

c. Tension stringing of conductors.

2. Discuss the effects of using alternate materials, such as:

a. Wooden poles.

b. Steel or aluminum structures.

c. Nonreflective conductors.

E. *Purchased power.* Consider the alternative of purchasing power, if available, in the area in lieu of constructing the proposed line. Discuss:

1. Environmental effects resulting from the generation of purchased power.

2. Availability of purchased power.

3. Reliability.

4. Cost.

5. Upgrading existing transmission lines. Discuss the effects of upgrading existing lines by adding circuits, reconductoring or increasing voltage.

VI. *Relationship Between Local Short-Term Uses of Man's Environment and the Maintenance and Enhancement of Long-Term Productivity.* Consider the area of land involved and its prior use; relate the selected area to any public long-range land use plans; commitment of resources; and long-term effects of bulk power transmission.

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VII. *Irreversible and Irretrievable Commitment of Natural, Cultural and Other Resources.* Discuss commitment of labor and recycling construction materials.

Early consultation with all appropriate Federal, State and local agencies and also with civic and environmental groups on the line routing and substation siting and on the expected environmental impact of the proposed transmission facilities is highly recommended. The analysis should include information on such consultation, as well as a discussion of all permits and approvals required by official agencies and the status of each. If the proposed routing will extensively traverse land subject to public control (national forests, national or state parks, etc.), it is essential to work with the appropriate controlling agency in developing the proposed routing.

EXHIBIT C—GUIDE FOR THE PREPARATION OF AN ENVIRONMENTAL ANALYSIS FOR A NEW ELECTRIC GENERATING PLANT OR AN ADDITION TO AN EXISTING PLANT

SUGGESTIONS TO FACILITATE SUBMISSION OF THE ENVIRONMENTAL ANALYSIS

REA Bulletin 20–21: 320–21 requires the applicant to prepare an Environmental Analysis upon application for a loan or other action for which an Environmental Impact Statement is required. The guidelines included in this Exhibit are intended to assist in preparing the analysis.

Prior to starting the Environmental Analysis, it is suggested that the applicant and/or his consultant meet with the REA staff to discuss the environmental aspects to be considered.

The Environmental Analysis should include a cover sheet stating the name of the applicant, the location of the proposed electric generating plant, identify the document as an Environmental Analysis and the date the document was completed. A table of contents should follow the cover sheet. The main body of the analysis should contain the seven major sections with data and discussion appropriately organized under the seven sections outlined in REA Bulletin 20–21: 320–21.

It is suggested that the applicant submit three (3) draft copies of the proposed Environmental Analysis to REA for review and comment. If the review results in approval by REA, 125 copies will be requested.

GUIDE FOR PREPARING THE ANALYSIS

The analysis should cover each subject in sufficient depth to permit a reviewer to reach independent conclusions concerning the various environmental considerations.

The following is an outline of the details that should be covered in the sections of the main body of the analysis:

I. *Description of Project.* A. Scope of applicant's electric service:

1. Area served.
2. Number of consumers.
3. Type of facilities, etc.

B. Site. 1. Size and description of plant site, including all improvements.

2. Description of present generating units, if any.

C. Present use of land in vicinity of the plant. 1. Maps showing location of site in relation to nearest towns, water bodies and improved roads.

2. Prevailing wind directions, frequency and intensity.

3. Distances and directions to nearby communities and their populations.

4. Nature of surrounding landscape, types of flora and fauna. Include official county data (percent land in farms, type of farmland, timber, urban, major crops, industry, etc.).

5. Stream ecological data—fish and organisms present (benthic, plankton, etc.).

D. Description of the proposed project. 1. Type of plant and proposed mode of operation.

2. Capacity of new unit or units (MW).

3. Types of fuel; primary and secondary. Source and method of delivery.

4. Description of cooling system.

5. Sources of water for cooling, sanitation, makeup, etc.

6. Schedule for initial construction and commercial operation.

7. Plans or agreements for coordination with power pool or regional coordination council.

II. *Environmental Impact of the Proposed New Project.* A. *Air—including the following type of information.* 1. Analysis of emissions to the atmosphere—SO_x, particulate, NO_x, trace elements.

2. Environmental studies:

a. Description of ambient monitoring stations and equipment.

b. Description of emission monitoring program.

c. Duration and scope of program.

3. Stack location and height.

4. Pertinent air quality standards—Federal, State and local.

5. Expected emissions compared with emission standards.

6. Calculations using expected emissions on ambient ground level concentrations with respect to standards for each pollutant.

7. Effects of plant effluents on flora and fauna mentioned previously.

8. Description of control equipment and expected reliability.

9. Provisions for operation when control equipment is inoperative, e.g., substitution of low sulfur fuel, use of parallel trains of control equipment, etc.

10. Description of planned continuous monitoring program and equipment.

11. Expected reliability of monitoring equipment.

12. Manpower requirements—training, experience and number of personnel for operation and maintenance of control equipment and monitoring equipment.

B. *Water—include the following type of information.* 1. Condenser cooling water.

2. Stream flow data—maximum, minimum, average by months. Well water data, if applicable—include water table data for site and surrounding areas.

3. Quantity required.

4. Stream temperature data by months:

a. Where taken.

b. Source of data.

5. Stream quality data—chemical breakdown, pH, O_2, etc.

6. Quantity returned and consumptive use.

7. Chemicals added to keep condenser clean.

8. Temperature rise through condenser.

9. Types of cooling (tower, spray pond, once-through, etc.).

10. Steps to be taken to minimize temperature rise.

11. Type of mixing with stream.

12. Expected effects of discharge water on stream organisms and fish.

13. Environmental studies and monitoring, including:

a. Length and scope of program.

b. Monitoring equipment to be used:

(1) On outlet of circulating water.

(2) After mixing zone.

(3) Upstream.

(4) On outlet of ash pond or other discharge.

14. Alternative cooling methods, including the benefits and liabilities of each.

a. Cooling towers (wet and dry):

(1) Discuss possible effects of fog plume, icing.

(2) Discuss consumptive effects.

b. Cooling ponds.

c. Once-through condenser.

d. Spray ponds.

e. Combination of above methods.

15. Chemical and thermal analysis of effluent before and after mixing zone.

16. Ash pond. a. Description of construction features.

b. Location.

c. Devices used to ensure protection of environment.

17. Intake structure—design features to insure fish protection.

18. Analysis of chemical waste water and method of disposal.

19. Demineralizer regeneration water. a. Method of treatment.

b. Method of disposal.

c. Quality at point of discharge.

20. Boiler blowdown—same as paragraphs a, b and c above.

21. Other water and chemicals used—same as paragraphs a, b and c above.

22. Sanitary wastes. a. Method of disposal.

b. Design capacity versus anticipated load.

c. Approval by local or state authorities.

23. Description of recirculated or recycled water.

24. Cite applicable water quality standards, describe the method of final disposition of each water effluent and tell how this method meets the applicable standards.

25. Discuss all permits required and status thereof.

C. *Other environmental effects.* 1. Visual considerations.

2. Aesthetics of the plant's exterior appearance.

3. Dust control methods:

a. Transfer locations.

b. Coal stockpile.

c. Ash pond.

4. Landscaping.

5. Preserve areas, if any, for wildlife, fish, etc.

6. Experimental devices for fish protection, etc.

7. Aviation (if any).

8. Economics.

9. National and historical landmarks. Check with state and Federal agencies involved. Also check National Register of Historic Places and National Historic Landmarks.

10. Recreation facilities affected or created:

a. Picnic areas.

b. Fishing, boating, swimming, etc.

c. Information center.

D. *Environmental effects during construction and details on minimizing effects.* 1. Erosion.

2. Water.

3. Air.

4. Construction refuse disposal.

E. *Noise.* 1. Source and levels.

2. Means of control.

3. Monitoring system.

4. Legal requirements.

F. *Fuel.* The impact of mining and transporting to the plant large quantities of fuel, such as coal, should be considered. Discuss the requirements that the applicant plans to place on its suppliers to ensure that the fuel supply and transportation will not adversely affect the environment or that adverse effects of such will be minimized.

III. *Favorable Environmental Effects.* The favorable environmental effects of the project on man's environment should be discussed, such as:

A. Improvement in quality of life, including need for power.

B. New jobs and other economic improvements for the area, including the maintenance or improvement of the local competitive position.

C. Contribution by slowing or reversing the movement of people from rural areas to cities.

D. Improve quality and quantity of farm products.

E. Include recreation effects, if applicable.

IV. *Any Adverse Environmental Effects Which Cannot Be Avoided.* This should discuss the adverse effects that cannot be avoided as identified in II, Environmental Impact of the Proposed New Unit, above, and actions planned to minimize these effects. While each such effect cannot be completely avoided, REA must be assured that the emissions, discharges, etc., will be minimized and will be within the limits of applicable Federal, State and local environmental quality control standards.

V. *Alternatives to the Proposed Action.* Review the economic as well as the environmental factors in consideration of alternatives.

A. No additional power or no additional REA financing.

B. Alternative fuels considered and reason for selection.

1. Gas.
2. Oil.
3. Coal.
4. Lignite.
5. Nuclear.

C. Alternative locations of plant. Consider environmental effects of differences in bulk transmission requirements associated with alternative location, along with other environmental considerations.

D. Shared units with other utilities.

E. Purchase power from others.

VI. *Relationship Between Local Short-Term Uses of Man's Environment and the Maintenance and Enhancement of Long-Term Productivity.* A. Consideration of area of the land involved and its prior use. Relate the selected site to any public long-range land use plans for the area.

B. Consideration of water use—total use, consumption condition (chemical content, pH, temperature, etc.). Total capacity of available water in the area.

C. Quantity of fuel committed for the estimated useful life of the project.

VII. *Irreversible and Irretrievable Commitments of Natural, Cultural and* Other Resources. A. Discuss the annual consumption of fuel.

B. Discuss the quantity of water that is consumed or displaced, e.g., use of well water for cooling that is discharged into a stream; possible lowering of water table; possible salt water encroachment where well water is used.

Early consultation with all appropriate Federal, State and local agencies and also with civic and environmental groups on the siting and on the expected environmental impact of the proposed power plant is highly recommended. The analysis should include information on such consultation, as well as a discussion of all permits and approvals required by official agencies and the status of each.

Dated: June 21, 1974.

DAVID A. HAMIL,
Administrator.

[FR Doc.74–14767 Filed 6–26–74;8:45 am]

Title 8—Aliens and Nationality

CHAPTER I—IMMIGRATION AND NATURALIZATION SERVICE, DEPARTMENT OF JUSTICE

MISCELLANEOUS AMENDMENTS TO CHAPTER

Pursuant to section 553 of Title 5 of the United States Code (80 Stat. 383) and the authority contained in section 103 of the Immigration and Nationality Act (66 Stat. 173; 8 U.S.C. 1103), 28 CFR 0.105 (b) and 8 CFR 2.1, miscellaneous amendments, as set forth herein, are prescribed in Parts 103, 214, 238, and 242 of Chapter I of Title 8 of the Code of Federal Regulations.

Current §§ 214.2(h)(3a) and 214.2(1)(4) provide for the issuance of a Form I–171C, upon request, to certain nonimmigrant temporary employees and intracompany transferees who desire to depart from and return to the United States to resume the same employment or training specified in a previously approved visa petition. In view of the excessive number of requests made by individual beneficiaries without adequate identifying information, §§ 214.2(h)(3a) and 214.2(1)(4) are being amended to require that the request shall be in writing and shall be made by the petitioner/employer or petitioner/trainer of the nonimmigrant temporary employee or intra-company transferee.

Pursuant to section 238(d) of the Immigration and Nationality Act, agreements have been entered into between the Commissioner of Immigration and Naturalization and Air B.V.I., Ltd.; Air-Club International, Inc., and Japan Air Lines, transportation lines operating to ports of the United States, to guarantee the passage through the United States in immediate and continuous transit of aliens destined to foreign countries. In Part 238, § 238.3(b) is, therefore, amended by adding the specified transportation lines to the listing of signatory lines.

In Part 242, § 242.1(c) currently provides that the service of an order to show cause shall be accomplished by personal service. Section 242.1(c) is being amended to provide that the service of an order to show cause may be accomplished by either personal service or by routine service. A corollary technical amendment is made in § 103.5a(c)(1).

In the light of the foregoing, the following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

PART 103—POWERS AND DUTIES OF SERVICE OFFICERS; AVAILABILITY OF SERVICE RECORDS

In § 103.5a, paragraph (c)(1) is amended by adding an exception phrase at the end thereof. As amended, § 103.5a (c)(1) reads as follows:

§ 103.5a Service of notification, decisions, and other papers by the Service.

* * * * *

(c) *When personal service required—*(1) *Generally.* In any proceeding which is initiated by the Service, with proposed adverse effect, service of the initiating notice and of notice of any decision by a Service officer shall be accomplished by personal service, except as provided in § 242.1(c) of this chapter.

* * * * *

PART 214—NONIMMIGRANT CLASSES

Section 214.2 is amended in the following respects: In paragraph (h)(3a), the third sentence is amended; and in paragraph (l)(4), the third sentence is amended. As amended, §§ 214.2 (h)(3a) and (l)(4) read as follows:

§ 214.2 Special requirements for admission, extension, and maintenance of status.

* * * * *

(h) *Temporary employees.* * * *

(3a) *Use of Form I–171C.* The Service shall notify the petitioner on Form I–171 C whenever a visa petition or application for extension of temporary stay filed on Form I–129B is approved. The petitioner, who may not for this purpose duplicate the original Form I–171C received from the Service, may furnish that form to any one of the beneficiaries who desires to depart from and return to the United States within the period for which the visa petition is valid or for which his temporary stay in the United States has been authorized to resume the same employment or training. The Service may also issue an original Form I–171C, upon written request by the employer or trainer, for individual beneficiaries who have received an extension of temporary stay through approval of an application for extension on Form I–129B or Form I–539, if such individual intends to depart from and return to the Untied States within the period for which his temporary stay has been authorized to resume the same employment or training. A beneficiary who is required to present a visa for admission and whose visa will have expired before the date of his intended return may use Form I–171C, as stated in the information on the form, to apply for a new or revalidated visa. If the beneficiary is exempt from the visa requirement, he may present the original Form I–171C at the United States port of entry upon his return, for consideration as to whether he may be readmitted until the date of expiration of the validity of the visa petition or authorized extension of temporary stay as shown in the Form I–171C. If a beneficiary will be returning to resume the same employment or training after the validity of the visa petition has expired and he is not in possession of an original Form I–171C showing extension of his temporary stay or, if in possession of such form, he will be returning to the United States after expiration of his authorized stay as shown therein, a new visa petition must first be filed by the petitioner and approved by the Service.

* * * * *

(l) *Intra-company transferees.* * * *

(4) *Use of Form I–171C.* The Service shall notify the petitioner on Form I–171C upon approval of a visa petition filed on Form I–129B. The petitioner, who may not for this purpose duplicate the original Form I–171C received from the Service, may furnish that form to a beneficiary who desires to depart from and return to the United States to resume the same

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employment within the period for which the visa petition is valid. The Service may also issue an original Form I–171C, upon written request by the employer, for a beneficiary alien defined in section 101 (a) (15) (L) of the Act who has received an extension of his temporary stay and intends to depart from and return to the United States within the period for which his temporary stay has been authorized to resume the same employment. A beneficiary who is required to present a visa for admission and whose visa will have expired before the date of his intended return may use Form I–171C, as stated in the information on that form, to apply for a new or revalidated visa. If the beneficiary is exempt from the visa requirement, he may present the original Form I–171C at the United States port of entry upon his return, for consideration as to whether he may be readmitted until the date of expiration of the validity of the visa petition or authorized extension of temporary stay as shown in the Form I–171C. If a beneficiary will be returning to resume the same employment after expiration of his authorized stay as shown in that form, a new visa petition must first be filed by the petitioner and approved by the Service.

* * * * *

PART 238—CONTRACTS WITH TRANSPORTATION LINES

§ 238.3 [Amended]

In § 238.3 *Aliens in immediate and continuous transit*, the listing of transportation lines in paragraph (b) *Signatory lines* is amended by adding thereto in alphabetical sequence the following transportation lines: "Air B.V.I., Ltd.", "AirClub International, Inc." and "Japan Air Lines".

PART 242—PROCEEDINGS TO DETERMINE DEPORTABILITY OF ALIENS IN THE UNITED STATES: APPREHENSION, CUSTODY, HEARING, AND APPEAL

In § 242.1, the first sentence of paragraph (c) is amended. As amended, § 242.1(c) reads as follows:

§ 242.1 Order to show cause and notice of hearing.

* * * * *

(c) *Service.* Service of the order to show cause may be accomplished either by personal service or by routine service; however, when routine service is used and the respondent does not appear for hearing or acknowledge in writing that he has received the order to show cause, it shall be re-served by personal service. When personal delivery of an order to show cause is made by an immigration officer, the contents of the order to show cause shall be explained and the respondent shall be advised that any statement he makes may be used against him. He shall also be advised of his right to representation by counsel of his own choice at no expense to the Government.

Effective date. This order shall become effective on June 27, 1974.

Compliance with the provisions of section 553 of Title 5 of the United States Code (80 Stat. 383) as to notice of proposed rule making and delayed effective date is unnecessary in this instance and would serve no useful purpose because the amendments to §§ 214.2 and 242.1(c) relate to agency procedure; the amendment to § 103.5a is technical in nature and conforms to amendments made elsewhere in this chapter, and the amendment to § 238.3(b) adds transportation lines to the listing.

Dated: June 21, 1974.

L. F. CHAPMAN, JR.,
Commissioner of Immigration and Naturalization.

[FR Doc.74–14667 Filed 6–26–74;8:45 am]

Title 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS; EXTRAORDINARY EMERGENCY REGULATION OF INTRASTATE ACTIVITIES

PART 72—TEXAS (SPLENETIC) FEVER IN CATTLE

Areas Quarantined or Released

These amendments quarantine additional portions of Zapata and Starr Counties in Texas because of the existence of splenetic or tick fever. This action is deemed necessary to prevent further spread of the disease. The restrictions pertaining to the interstate movement of cattle and certain materials from quarantined areas as contained in 9 CFR Part 72, as amended, will apply to the quarantined areas.

The amendments exclude certain portions of Maverick, Webb, Zavala, and Dimmit Counties in Texas from the areas quarantined because of splenetic or tick fever. Therefore, the regulations pertaining to the interstate movement of cattle and certain materials from quarantined areas as contained in 9 CFR Part 72, as amended, will not apply to the excluded areas, but the restrictions in Part 72 pertaining to interstate movement from nonquarantined areas will apply to the excluded areas.

Accordingly, Part 72, Title 9, Code of Federal Regulations, as amended, restricting the interstate movement of cattle because of splenetic or tick fever is hereby amended in the following respects:

In § 72.5, paragraph (c) relating to Maverick, Webb, Zavala and Dimmit Counties, paragraph (e) relating to Zapata County and paragraph (f) relating to Starr County, are amended in part as follows:

1. In paragraph (c), approximately halfway through the paragraph, that portion between the 41st and 69th semicolons is amended to read:

(c) * * * thence, along the Kiesling Lake Pasture double fence in a southeasterly direction to where it intersects the north fence of the R. C. Cage Mansfield Pasture, approximately 1¾ miles; thence, continuing along a double fence paralleling the river in a southeasterly direction to where it intersects the Maverick-Webb County line, approximately 15¼ miles; thence, beginning at the Maverick-Webb County line and following a double fence paralleling the Rio Grande River in a southeasterly direction to the west fence of the Chupadero Ranch Alamita Trap, approximately 5½ miles; thence, following the same double fence in a northeasterly direction to the southwest corner of the Chupadero Ranch Rincon Trap, approximately one-half mile; thence, following the same double fence in a northwesterly direction to a corner, approximately 1 mile; thence, following the same double fence in a northerly direction to where it intersects the Webb-Maverick County line, approximately 1½ miles; thence, following the same double fence in a northerly direction to where it intersects the Eagle Pass-Laredo River Road, approximately one-eighth mile; thence, following the Eagle Pass-Laredo River Road in an easterly direction to where it intersects the Maverick-Webb County line, approximately three-fourths mile; thence, following the Eagle Pass-Laredo River Road and following this road in a southeasterly direction to where it intersects the north double fence of the Las Minas Ranch, approximately 43½ miles; * * *

2. In paragraph (e), that portion following the last semicolon is amended to read:

(e) * * * thence, following U.S. Highway 83 in a southerly direction to where it intersects the east fence of the La Cuchilla pasture of the Federico Guerra ranch; thence, following the Guerra property east fence in a southeasterly direction to where it intersects the north fence of the Jesus Yzaguirre, Monte Negro ranch, approximately ¼ mile; thence, following the north fence of the Jesus Yzaguirre, Monte Negro ranch in an easterly direction to where it intersects the west fence of the Arturo Ramirez ranch, approximately 4 miles; thence, following the west fence of the Arturo Ramirez ranch in a northerly direction to the northwest corner of the Arturo Ramirez ranch, approximately ½ mile; thence, following the same fence in an easterly direction to where it intersects the west fence of the Paco Yzaguirre ranch, approximately 2¼ miles; thence, following the west fence of the Paco Yzaguirre ranch in a northerly direction to the northwest corner of the Paco Yzaguirre ranch, approximately 1½ miles; thence, following the same fence in an easterly direction to where it intersects the Lozano Pena ranch west fence, approximately ¾ mile; thence, following the west fence to the Lozano Pena ranch in a southerly direction to the northwest corner of the southwest pasture of the Lozano Pena ranch, approximately 1 mile; thence, following the north fence of the Lozano Pena southwest pasture in an easterly direction to where it intersects the Zapata–Starr County line, approximately 2¼ miles.

3. In paragraph (f), that portion of the paragraph preceding the tenth semicolon is amended to read:

(f) Beginning at a point where the north fence of the Lozano Pena southwest pasture intersects the Zapata-Starr County line; thence, following the same fence in an easterly direction to where it intersects the east fence of the Lasaro Pena Pedernal ranch, approximately 1¾ miles; thence, following the east fence of the Lasaro Pena Pedernal ranch in a southerly direction to the southeast corner of the Lasaro Pena Pedernal ranch, approximately 1¼ miles; thence following the south fence of the Lasaro Pena Pedernal ranch in a westerly direction to where it intersects the east fence of the Alfredo Mendoza ranch, approximately 1¼ miles; thence, following the east fence of the Alfredo Mendoza ranch in a southerly direction to where it intersects the Loma Blanco road, approximately 1½ miles; thence, following the Loma Blanco road in a northeasterly direction to a cattle guard on the Ruben Canales west fence, approximately 1½ miles; thence, following the west fence of the Ruben Canales and Jose Garcia ranches in a northerly direction to the northwest corner of the Noe Pena ranch, approximately ¼ mile; thence, following the meanderings of the Noe Pena Ranch north fence in an easterly direction to where it intersects the Loma Blanco Road at the intersection of the Guerra Oil Field and Loma Blanco roads, approximately 2 miles; thence, following the meanderings of the Guerra Oil Field road in a northeasterly direction to where it intersects FM Road #649, approximately 12 miles; thence, following FM Road #649 in a southeasterly direction to where it intersects the Celedino Garcia Ranch south fence at a cattle guard, approximately 21 miles; thence, following the meanderings of the Celedino Garcia Ranch south fence in a westerly direction to the southwest corner of the Celedino Garcia ranch, approximately 1¼ miles; thence, following the west fence of the Celedino Garcia Ranch in a northerly direction to the southeast corner of the A. J. Sanches Ranch, approximately ¼ mile; thence, following the meanderings of the south fence of the A. J. Sanches Ranch, in a westerly direction to where it intersects the east fence of the Santo Sanches ranch, approximately 4¼ miles; thence, following the east fence of the Santo Sanches ranch in a southeasterly direction to the northeast corner of the Armando Pena ranch, approximately 1½ miles; thence following the meanderings of the east fence of the Armando Pena ranch in a southeasterly direction to the southeast corner of same, approximately 1½ miles; thence, following the south fence of the Armando Pena ranch in a westerly direction to where it intersects the east fence of the R. T. Margo ranch, approximately ¾ mile; thence, following the east fence of the R. T. Margo ranch in a southerly direction to the southeast corner of the R. T. Margo ranch, approximately ¾ mile; thence, following the south fence of the R. T. Margo ranch in a westerly direction to the southeast corner of the Rene Gonzales ranch, approximately 1¾ miles; thence, following the south fence of the Rene Gonzales ranch in a westerly direction to where it intersects the Loma Blanco road, approximately 1¼ miles; thence following the Loma Blanco road in a southerly direction to where it intersects U.S. Highway 83 at a point approximately 4 miles north of Roma, Texas; * * *.

(Secs. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; secs. 1–4, 33 Stat. 1264–1265, as amended; secs. 3 and 11, 76 Stat. 130, 132 (21 U.S.C. 111–113, 115, 117, 120, 123–126, 134b, 134f); 37 FR 28464, 28477; 38 FR 19141.)

Effective date. The foregoing amendments shall become effective June 24, 1974.

Insofar as the amendments impose certain further restrictions necessary to prevent the interstate spread of Texas (splenetic) fever in cattle, they must be made effective immediately to accomplish their purpose in the public interest. The amendments also relieve certain restrictions no longer deemed necessary to prevent the spread of splenetic or tick fever, and in this respect they should be made effective promptly to be of maximum benefit to affected persons. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 24th day of June 1974.

J. M. HEJL,
Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.74–14765 Filed 6–26–74;8:45 am]

Title 10—Energy

CHAPTER II—FEDERAL ENERGY OFFICE

PART 211—MANDATORY PETROLEUM ALLOCATION REGULATIONS

Corrective and Miscellaneous Amendments

Section 211.27 of Part 211 of the Mandatory Petroleum Allocation Regulations is revised to make it clear that a firm planning to award a construction contract shall apply to FEO, rather than a State office, for assignment of a supplier or a base period use, regardless of whether it is an end-user or a wholesale purchaser-consumer. This revision is necessary because some end-users have experienced unnecessary delay in the resolution of matters under § 211.27 because of uncertainty as to whether they should apply to a State office or directly to the appropriate FEO office.

The Regulations are also amended and revised to correct inadvertent omissions and to make minor changes. Since "trout farms" are not technically included within the broader term "fish farms" in the list of inclusions to Standard Industrial Classification code number 0279, Animal Specialties, Not Elsewhere Classified, in the definition of "agricultural production" and since it was always the intent of FEO to include in that definition the production of edible fish, § 211.51 is amended in the definition of "agricultural production" to specifically include "trout farms."

FEO's authority to specify quality characteristics, such as sulphur content, of crude oil and any other allocated product, which was made explicit in § 211.11(e) in the Regulations published on January 15, 1974, was deleted in the May 1, 1974 revision of the Regulations. This deletion has caused certain misunderstanding as to FEO's authority in this regard. FEO has, however, always considered that it has full authority to specify quality characteristics and to prevent further misunderstandings is now amending § 211.22 to again make this authority explicit.

A decision to include the provision of water supply services by public utilities within the definition of "sanitation services" was made prior to May 1, 1974, but the change was inadvertently omitted from the revision of Part 211, Mandatory Petroleum Allocation Regulations issued on that date. The definition of "sanitation services" is therefore modified to include the provision of water supply services by public utilities, which are now eligible for 100 percent of their current requirements (modified by the allocation fraction) of all allocated products.

Because the purpose of these amendments is to provide immediate guidance and information with respect to the Mandatory Petroleum Allocation Regulations, the Federal Energy Office finds that normal rulemaking procedure is impracticable and that good cause exists for making this amendment effective in less than 30 days.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93–159, E.O. 11748, 38 FR 33575)

In consideration of the foregoing, Part 211 of Chapter II, Title 10 of the Code of Federal Regulations is amended as set forth below, effective immediately.

Issued in Washington, D.C. on June 21, 1974.

WILLIAM N. WALKER,
General Counsel.

1. Section 211.27 is revised to read as follows:

§ 211.27 Construction industry.

Any firm (which may be a wholesale purchaser-consumer or end-user) planning to award a construction contract to contractors may apply as a new purchaser to a supplier or FEO as provided in § 211.12(e) and (f) to be assigned a

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base period use or supplier as appropriate. The base period use shall be estimated as the minimum amount sufficient to complete the proposed contract. Notwithstanding the provisions of § 211.12 (f), if an end-user planning to award a construction contract cannot locate a supplier or if the supplier and the end-user are unable to agree upon the base period use needed to complete the construction project, the end-user may apply to the appropriate regional FEO for assignment of a supplier and/or for a base period use. Upon awarding the contract to a contractor, the assigned base period use shall be transferred to the contractor by the FEO, unless the contractor or its subcontractors have a base period use with suppliers in the area of the construction sufficient to perform the contract. If the contractor or its subcontractors have a base period use with suppliers in the area of the construction sufficient to perform the contract, or if construction plans are terminated, FEO shall be notified by the firm and the contractor and any base period use assigned for the construction shall terminate. To the extent that the base period use established for the construction is found to exceed construction requirements or the contractor or its subcontractor has a base period use with suppliers in the area of the construction partially sufficient to perform the contract, the firm and the contractor shall not accept any duplicating quantities and shall notify FEO immediately. Upon such notification, the FEO will adjust the base period use accordingly. Contractors and suppliers are encouraged to arrange for exchange agreements between suppliers.

2. Section 211.51 is amended in paragraph (b) of the definition of "agricultural production" and in the definition definition of "sanitation services" to read as follows:

§ 211.51 General definitions.

* * * * *

"*Agricultural production*" * * *

(b) *Activities excluded.* (1) * * *

0279 Animal Specialties, Not Elsewhere Classified, (except apiaries, honey production and bee, catfish, fish, frog and trout farms which are included in the definition;

* * * * *

"Sanitation services" means the collection and disposal for the general public of solid wastes, whether by public or private entities, and the maintenance, operation and repair of liquid purification and waste facilities during emergency conditions. Sanitation services also includes the provision of water supply services by public utilities, whether privately or publicly owned or operated.

3. Section 211.22 is amended by adding a new paragraph (c) to read as follows:

§ 211.22 Administrative actions.

* * * * *

(c) *Quality characteristics.* The FEO may specify quality characteristics, such as sulphur content, of crude oil or any other allocated product.

[FR Doc.74-14658 Filed 6-26-74;8:45 am]

PART 211—MANDATORY PETROLEUM ALLOCATION REGULATIONS

Allocation of Residual Fuel Oil to Electric Utilities

Section 211.166 of the Mandatory Petroleum Allocation Regulations (10 CFR 211.166) is amended as set forth herein.

This amendment provides that FEO may publish the residual fuel oil allocation supplier percentage notice either for a single month or for several months at a time, rather than strictly on a monthly basis. When FEO publishes the allocation amounts and supplier percentages more than one month in advance, the notice of anticipated ability to supply must be given by a supplier to a utility at least fifteen days prior to the beginning of the month for which the allocation amount is specified.

Because the purpose of these amendments is to provide immediate guidance and information with respect to the Mandatory Petroleum Allocation Regulations, the Federal Energy Office finds that the normal rulemaking procedure is impracticable and that good cause exists for making them effective in less than 30 days.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159; E.O. 11748, 39 FR 33575)

In consideration of the foregoing, Part 211 of Chapter II of Title 10 of the Code of Federal Regulations is amended as set forth herein, effective immediately.

Issued in Washington, D.C., June 21, 1974.

WILLIAM N. WALKER,
General Counsel,
Federal Energy Office.

1. Section 211.166 is revised in paragraphs (b) and (d) (2) and (3) to read as follows:

§ 211.166 Method of allocation.

* * * * *

(b) *General.* Based on the estimated total supply of residual fuel oil, on allocation levels set forth in § 211.163, on the State set-aside percentage and on other relevant considerations, the FEO shall determine the portion of total supply for non-utility use and the portion of total supply for utility use for delivery during a month or months in accordance with paragraphs (c) and (d) of this section. The FEO may make its determination for a single month or for several months at a time.

* * * * *

(d) *Utilities.* * * *

(2) For purposes of calculating the allocation of residual fuel oil to utilities for delivery in every month after February 1974—

(i) The FEO will determine the amount of residual fuel oil allocated for delivery to each utility for a single month or several months at a time. The volume of residual fuel allocated to each utility for each month shall be based upon the supply available for utilities, the considerations specified in § 211.163(b) (3) and other relevant considerations.

(ii) Following the determination in paragraph (d) (2) (i) of this section, the FEO will publish the amounts of residual fuel oil allocated to each utility for delivery for a single month or several months at a time, and the amounts required to be supplied for each month by each supplier. The amounts required to be supplied by each supplier will be calculated by multiplying each utility's specified monthly allocation amount by the percentage of the utility's total deliveries during the base period which were supplied by the supplier as computed from the information reported to FEO by the utility pursuant to the provisions of paragraph (d) (1) (ii) of this section.

(3) Within 48 hours of the notification by the utility to the supplier required in paragraph (d) (1) (ii) of this section, and within 7 days of the date of publication by the FEO of the information set forth in paragraph (d) (2) (ii) of this section, or fifteen days prior to the beginning of the month in which the specified amount is to be delivered, whichever is later, each supplier of a utility shall notify that utility of its anticipated ability to supply, during the month for which the allocation amount is specified, the entire amount of residual fuel required to be supplied by that supplier. If a supplier of a utility is unable to supply its specified amount, the supplier may request an extension to the delivery period in that month of up to 12 days. Following receipt of a request for extension, the utility must notify the supplier within 48 hours of its determination of the acceptability of the requested extension and of the amount to be delivered during the extension period. If the utility refuses to accept the extension, the supplier and utility shall notify the FEO of the reason for the request for extension by the supplier and the refusal to accept the extension by the utility. The FEO shall then determine the amounts to be delivered and the date or dates for delivery.

* * * * *

[FR Doc.74-14774 Filed 6-26-74;8:45 am]

PART 212—MANDATORY PETROLEUM PRICE REGULATIONS

Price Formula of the Special Release Rule for Crude Petroleum

Part 212, Subpart D of the Federal Energy Office mandatory petroleum price regulations is hereby amended in § 212.74(b) to redefine the symbol "Cpr", which is utilized in the formula for pricing the base production control level crude petroleum from a property if that month's production includes "new" crude petroleum that is sold at a price in excess of the ceiling price, pursuant to § 212.74(a).

Section 212.74(a) authorizes any "new" crude petroleum (as defined in § 212.72) produced by a property to be sold at a price in excess of the price ceiling of § 212.73, but requires that if in any prior month the total production of crude petroleum from that property was in an amount less than the base production control level for such month, new crude petroleum produced in the current month first must be sold at or below the ceiling price in an amount sufficient to satisfy any production deficiency carried forward. Only new crude petroleum that remains after satisfaction of the deficiency may be sold at a price in excess of the ceiling price.

When a particular month's total production includes, after satisfaction of any deficiencies, such new crude petroleum, the entire quantity of crude petroleum that is the base production control level for that month can be sold at a price in excess of the ceiling price, with the selling price determined by the formula of § 212.74(b).

The intention of § 212.74 is to encourage the production of new crude petroleum. In the absence of any deficiencies that must be satisfied from the current month's production of new crude, the formula in § 212.74(b) operates to enable a producer of crude petroleum to receive from the sale of the month's base production control level crude petroleum total revenues in an amount equal to: (1) the revenue that would be received from the sale of one barrel of base production control level crude petroleum at the free market price, for each barrel of new crude that can be sold at free market price in accordance with § 212.74(a), plus, (2) the revenue that would be received from the sale of the remaining base production control level crude petroleum at the ceiling price of § 212.73. The purpose of the formula of § 212.74 (b) is to spread the incremental price of each barrel of base production control level crude petroleum permitted to be sold at the free market price across the prices for all of the base production control level crude petroleum in that month.

The formula of § 212.74(b) inadvertently omitted a provision to take into account the situation where there are deficiencies to be satisfied from the current month's production of new crude, and it provides for the barrel-for-barrel equivalency referred to above only when no deficiency exists. The formula could therefore technically be construed to permit more than a barrel-for-barrel "release" of base production control level crude petroleum where there is a deficiency to be satisfied under the "new" crude petroleum provisions of § 212.74 (a), which is contrary to the objective of § 212.74(b). This results because the present definition of "Cpr" (total amount of crude petroleum produced) in the price formula inadvertently failed to address specifically the possibility of a deficiency under § 212.74(a), which reduces the quantity of new crude that can be sold at the free market price. The definition of the term "Cpr" is therefore hereby amended to require that the amount of new crude that is utilized to satisfy past production deficiencies under § 212.74(a) be subtracted from the current month's total production of crude petroleum.

Because the purpose of this amendment is to provide immediate guidance and information with respect to the mandatory petroleum price regulations and to correct an inadvertent omission in the regulations, the Federal Energy Office finds that normal rulemaking procedure is impracticable and that good cause exists for making these amendments effective in less than 30 days.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, E.O. 11748, 38 FR 33575)

In consideration of the foregoing, Part 212 of Chapter II, Title 10 of the Code of Federal Regulations is amended as set forth below, effective January 15, 1974.

Issued in Washington, D.C., June 24, 1974.

WILLIAM N. WALKER,
General Counsel,
Federal Energy Office.

Section 212.74 is amended in paragraph (b) in the definition of "Cpr" to read as follows:

§ 212.74 Special release rule.

* * * * *

(b) *Released crude.* * * *

Cpr=Total amount of crude petroleum produced from the property during the month (barrels), less the number of barrels of new crude petroleum required to be sold during the month at or below the ceiling price pursuant to the second sentence of paragraph (a) of this section; and

* * * * *

[FR Doc.74-14775 filed 6-26-74;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 74-NE-6]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On page 14726 of the FEDERAL REGISTER dated April 26, 1974, the Federal Aviation Administration published a notice of proposed rule making which would alter the Bridgeport, Connecticut, Control Zone, New Haven, Connecticut, Control Zone and Bridgeport, Connecticut, Transition Area.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0901 G.m.t., August 15, 1974.

(Sec. 307(a), the Federal Aviation Act of 1958, 72 Stat. 749 (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Burlington, Massachusetts, on June 13, 1974.

W. E. CROSBY,
Acting Director,
New England Region.

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Bridgeport, Connecticut control zone and insert the following in lieu thereof:

That airspace within a 5.5-mile radius of the center, latitude 41°09'48" N., longitude 73°07'34" W. of the Igor I. Sikorsky Memorial Airport, Bridgeport, CT., extending clockwise from a 008 degree bearing to a 058 degree bearing from the airport; within a 5-mile radius of the center of the airport, extending clockwise from a 058 degree bearing to a 276 degree bearing from the airport; within a 5.5-mile radius of the airport extending clockwise from a 276 degree bearing to a 311 degree bearing from the airport and within a 6-mile radius of the center of the airport; extending clockwise from a 311 degree bearing to a 008 degree bearing from the airport. This control zone is effective from 0700 to 2300 hours, local time, daily or during the specific dates and times established in advance by a notice to airmen which thereafter will be continually published in the Airman's Information Manual.

2. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete the description of the New Haven, Connecticut control zone and insert the following in lieu thereof:

That airspace within a 5-mile radius of the center, latitude 41°15'51" N., longitude 72°53'15" W. of the Tweed-New Haven Airport, New Haven, CT, extending clockwise from a 079 degree bearing to a 237 degree bearing from the airport; within a 5.5-mile radius of the center of the airport; extending clockwise from a 237 degree bearing to a 357 degree bearing from the airport; and within a 6-mile radius of the center of the airport, extending clockwise from a 357 degree bearing to a 079 degree bearing from the airport. This control zone is effective from 0600 to 2400 hours, local time, daily or during the specific dates and times established in advance by a notice to airmen which thereafter will be continually published in the Airman's Information Manual.

3. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Bridgeport, Connecticut transition area and insert the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within an 11-mile radius of the center, latitude 41°09'48" N., longitude 73°07'34" W. of the Igor I. Sikorsky Memorial Airport, Bridgeport, CT., extending clockwise from a 013 degree bearing to 055 degree bearing from the airport within a 8.5-mile radius of the center of the airport extending clockwise from a 055 degree bearing to a 248 degree bearing from the airport; within an 11-mile radius of the center of the airport extending clockwise from a 248 degree bearing to a 291 degree bearing from the airport; within a 12.5-mile radius of the center of the airport extending clockwise from a 291 degree bearing to a 326 degree bearing from the airport; within a 13.5-mile radius of the center of the airport, extending clockwise from a 326 degree bearing to a 013 degree bearing from the airport; within 6.5 miles northwest and 4.5

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miles southeast of the Bridgeport, CT., VOR 042 degree radial extending from the Bridgeport, CT., VOR to 17.5 miles northeast of the Bridgeport, CT., VOR; within an 8.5-mile radius of the center; latitude 41°15'51" N., longitude 72°53'15" W. of the Tweed-New Haven Airport, New Haven, CT.; within 5 miles southeast and 5 miles northwest of the Hartford, CT., VORTAC 222 degree radial extending from 32 miles southwest of the Hartford, CT., VORTAC to 14 miles southwest of the Hartford, CT., VORTAC; within 5 miles northeast and 5 miles southwest of the Pawling, N.Y., VORTAC 138 degree radial extending from 31 miles southeast to 44 miles southeast of the Pawling, N.Y., VORTAC; within 5 miles northwest and 5 miles southeast of the Carmel, N.Y., VORTAC 065 degree radial extending from the Carmel, N.Y., VORTAC to 28 miles northeast of the Carmel, N.Y., VORTAC; within 5 miles north and 5 miles south of the Carmel, N.Y., VORTAC 093 degree radial extending from the Carmel, N.Y., VORTAC to 28 miles east of the Carmel, N.Y., VORTAC.

That airspace extending upward from 1,200 feet above the surface bound by a line beginning at: Latitude 41°31'00" N., longitude 73°30'00" W. to latitude 41°31'00" N., longitude 73°20'00" W. to latitude 41°49'00" N., longitude 73°16'00" W. to latitude 41°31'00" N., longitude 72°46'00" W. to latitude 41°18'-00" N., longitude 72°30'30" W. to latitude 41°00'00" N., longitude 72°45'00" W. to latitude 41°00'00" N., longitude 73°33'00" W. to latitude 41°10'00" N., longitude 73°33'00" W. to latitude 41°20'00" N., longitude 73°-23'00" W. to latitude 41°25'00" N., longitude 72°30'00" W. to point of beginning.

[FR Doc.74–14710 Filed 6–26–74;8:45 am]

[Airspace Docket No. 74–NW–09]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On May 7, 1974, a notice of proposed rule making was published in the FEDERAL REGISTER (39 FR 16155) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Boise, Idaho, Transition Area.

Interested persons were given thirty days in which to submit written comments. No objections to the proposed amendment were received.

In consideration of the foregoing, the amendment is hereby adopted without change.

Effective date. This amendment shall be effective 0901 G.m.t. August 15, 1974.

(Sec. 307(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Seattle, Washington, on June 19, 1974.

J. H. TANNER,
Acting Director,
Northwest Region.

In § 71.181 (39 FR 440) the description of the Boise, Idaho Transition Area is amended to read as follows:

BOISE, IDAHO

That airspace extending upward from 700 feet above the surface bounded by a line beginning at Latitude 43°56'00" N., Longitude 116°33'00" W., direct to Latitude 43°51'15" N., Longitude 116°25'00" W., thence via a 21.5 radius arc, centered on the Boise VORTAC, clockwise to Longitude 116°14'00" W., direct Latitude 43°45'00" N., Longitude, 116°14'00" W., direct Latitude 43°31'00" N., Longitude 115°52'00" W., direct Latitude 43°20'00" N., Longitude 115°58'00" W., direct Latitude 43°25'00" N., Longitude 116°25'00" W., direct Latitude 43°42'00" N., Longitude 116°57'00" W., thence to point of beginning; that airspace extending upward from 1200 feet above the surface within a 35 mile radius arc from Boise VORTAC extending clockwise from V–253 to V–4N, within a 40-mile radius arc of Boise VORTAC extending clockwise from the southeast edge of V–113 to V–500, that airspace 8 miles each side of Boise VORTAC 269° radial extending from the 40-mile radius arc to 57 miles west of the VORTAC, within 8 miles northeast and 11 miles southwest of the Boise VORTAC 295° radial, extending from the 40-mile radius arc to 75 miles northwest of the VORTAC, that airspace northwest of Boise bounded on the northwest by the McCall VORTAC 295° radial, on the east by the west edge of V–253 on the southwest by V–4; that airspace southeast of Boise extending upward from 9000 feet MSL extending from the 35 mile arc bounded on the north by V–500, on the east by the southwest edge of V–293, on the south by the north edge of V–330 and on the southwest by the northeast edge of V–4; that airspace northeast of Boise extending upward from 11,500 feet MSL, bounded on the northeast by southwest edge of V–293, on the south by the north edge of V–500, on the southwest by the 35 mile radius arc and on the west by the east edge of V–253.

[FR Doc.74–14705 Filed 6–26–74;8:45 am]

[Airspace Docket No. 74–WE–8]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On May 13, 1974 a notice of proposed rule making was published in the FEDERAL REGISTER (39 FR 17109) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate a new transition area at El Rico Airport, Corcoran, California.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendment is hereby adopted without change.

Effective date. This amendment shall be effective 0901 G.m.t., August 15, 1974.

(Sec. 307(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Los Angeles, California, on June 17, 1974.

ARVIN O. BASNIGHT,
Director, Western Region.

In § 71.181 (39 FR 440) the following transition area is added:

EL RICO, CALIF.

That airspace extending upward from 700 feet above the surface within a 3-mile radius of El Rico Airport (latitude 36°02'48" N., longitude 119°38'44" W.) and within 3 miles each side of the Avenal VORTAC 034° radial, extending from the 3-mile radius area to 24 miles NE of the VORTAC.

[FR Doc.74–14708 Filed 6–26–74;8:45 am]

[Airspace Docket No. 74–NE–7]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On page 14727 of the FEDERAL REGISTER dated April 26, 1974, the Federal Aviation Administration published a notice of proposed rule making which would alter the Lebanon, New Hampshire, 1200-foot Transition Area.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0901 G.m.t., August 15, 1974.

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749 (49 U.S.C. 1348); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Burlington, Massachusetts, on June 11, 1974.

FERRIS J. HOWLAND,
Director, New England Region.

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Lebanon, New Hampshire 1200-foot Transition Area and insert the following in lieu thereof:

That airspace extending upward from 1200 feet above the surface bound by a line beginning at 43°11'00" N., 72°39'00" W., to 43°47'00" N., 72°39'00" W., to 43°55'00" N., 72°16'00" W., to 44°08'00" N., 72°18'00" W., to 44°06'00" N., 70°37'00" W., to 43°45'00" N., 71°09'00" W., to 43°35'00" N., 71°55'00" W., to 42°55'00" N., 72°00'00" W., to 43°05'-00" N., 72°13'00" W. to the point of beginning, excluding those portions that coincide with the Whitefield, N.H., North Conway, N.H., and Burlington, Vt., 1200-foot Transition Areas.

[FR Doc.74–14709 Filed 6–26–74;8:45 am]

[Airspace Docket No. 74–WE–10]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On May 17, 1974 a notice of proposed rulemaking was published in the FEDERAL REGISTER (39 FR 17563) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Montague, California transition area.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendment is hereby adopted without change.

Effective date. This amendment shall be effective 0901 G.m.t., August 15, 1974.

(Sec. 307(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Los Angeles, California, on June 17, 1974.

ARVIN O. BASNIGHT,
Director, Western Region.

In § 71.181 (39 FR 440) the description of the Montague, Calif. transition area is amended by adding: "Within 10 miles E and 7 miles W of the Siskiyou VOR (latitude 41°47'10" N., longitude 122°27'50" W.) 192° radial extending from 18 to 26 months S of the VOR."

[FR Doc.74–14706 Filed 6–26–74;8:45 am]

[Airspace Docket No. 74–WE–9]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On May 13, 1974 a notice of proposed rulemaking was published in the FEDERAL REGISTER (39 FR 17109) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation regulations that would alter the description of the Phoenix, Arizona transition area.

Subsequent to the publication of the proposal in the FEDERAL REGISTER, it was noted that typographical errors had been made in two coordinates in the original submission. Action has been taken herein to make these changes.

Since these changes are less restrictive in nature, notice and public procedure hereon are unnecessary.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendment is hereby adopted subject to the following changes:

In the text, after "Luke AFB to * * *", correct the two coordinates of latitude to read "33°42'00" N.," and "33°44'00" N.," in the next line.

Effective date. This amendment shall be effective 0901 G.m.t., August 15, 1974.

(Sec. 307(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)), sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Los Angeles, California, on June 17, 1974.

ARVIN O. BASNIGHT,
Director, Western Region.

In § 71.181 (39 FR 440) the description of the Phoenix, Ariz. transition area is amended as follows: Add the following to the description of the 700 foot portion of the transition area "that airspace NW of Phoenix bounded by a line beginning at latitude 33°59'00" N., longitude 112°38'00" W. to latitude 33°49'00" N., longitude 112°55'00" W., thence counterclockwise via an arc of a 20-mile radius circle centered on Luke AFB to latitude 33°42'00" N., to latitude 33°44'00" N., longitude 112°45'00" W. to latitude 33°55'00" N., longitude 112°45'00" W. to point of beginning."

In the description of the 1,200 foot portion of the transition area delete longitude "112°30'00" W." in the first set of coordinates and substitute "112°39'00" W." therefor. In the last set of coordinates delete longitude "112°43'00" W." and substitute "112°52'00" W." therefor.

[FR Doc.74–14707 Filed 6–26–74;8:45 am]

[Airspace Docket No. 74–WE–11]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Areas

The purpose of this amendment to Part 73 of the Federal Aviation regulations is to change the using agency for Restricted Areas R–2505 China Lake, Calif., R–2506 China Lake South, Calif., R–2508 Complex, Calif., R–2518 Offshore of Calif., R–2524 Trona, Calif., R–2525 Vernalis, Calif., R–4802 Lone Rock, Nev., R–4803 Fallon, Nev., R–4804 Twin Peaks, Nev., R–4810 Desert Mountains, Nev., R–4812 Sand Springs, Nev., R–4813 Carson Sink, Nev., R–4816N Dixie Valley, Nev., and R–4816S Dixie Valley, Nev.

These changes will update the identity of the military organization for which the restricted areas are designated.

Since designation of a different using agency is a minor amendment upon which the public is not particularly interested, notice and public procedure thereon are unnecessary. However, as it is essential that the current using agency of the restricted areas be identified, good cause exists for making this amendment effective immediately.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective on June 27, 1974, as hereinafter set forth.

1. In § 73.25 (39 FR 653):

a. The Using agency for R–2505 China Lake, Calif., is changed to read as follows:

Using agency. Commander, Naval Weapons Center, China Lake, Calif.

b. The Using agency for R–2506 China Lake South, Calif., is changed to read as follows:

Using agency. Commander, Naval Weapons Center, China Lake, Calif.

c. The Using agency for R–2508 Complex, Calif., is changed to read as follows:

Using agency. Commander, Naval Weapons Center, China Lake, Calif.

d. The Using agency for R–2518 Offshore of Calif., is changed to read as follows:

Using agency. Commanding Officer, Fleet Air Control and Surveillance Facility, San Diego, Calif.

e. The Using agency for R–2524 Trona, Calif., is changed to read as follows:

Using agency. Commander, Naval Weapons Center, China Lake, Calif.

f. The Using agency for R–2525 Vernalis, Calif., is changed to read as follows:

Using agency. Commander, Light Attack Wing Pacific, NAS Lemoore, Calif.

2. In § 73.48 (39 FR 674):

a. The Using agency for R–4802 Lone Rock, Nev., is changed to read as follows:

Using agency. Commander, Light Attack Wing Pacific, NAS Fallon, Nev.

b. The Using agency for R–4803 Fallon, Nev., is changed to read as follows:

Using agency. Commander, Light Attack Wing Pacific, NAS Fallon, Nev.

c. The Using agency for R–4804 Twin Peaks, Nev., is changed to read as follows:

Using agency. Commander, Light Attack Wing Pacific, NAS Fallon, Nev.

d. The Using agency for R–4810 Desert Mountains, Nev., is changed to read as follows:

Using agency. Commander, Light Attack Wing Pacific, NAS Fallon, Nev.

e. The Using agency for R–4812 Sand Springs, Nev., is changed to read as follows:

Using agency. Commander, Light Attack Wing Pacific, NAS Fallon, Nev.

f. The Using agency for R–4813 Carson Sink, Nev., is changed to read as follows:

Using agency. Commander, Light Attack Wing Pacific, NAS Fallon, Nev.

g. The Using agency for R–4816N Dixie Valley, Nev., is changed to read as follows:

Using agency. Commanding Officer, Naval Air Station, Fallon, Nev.

h. The Using agency for R–4816S Dixie Valley, Nev., is changed to read as follows:

Using agency. Commanding Officer, Naval Air Station, Fallon, Nev.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Washington, D.C., on June 20, 1974.

CHARLES H. NEWPOL,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.74–14704 Filed 6–26–74;8:45 am]

[Docket No. 13613; Amdt. No. 91–123]

PART 91—GENERAL OPERATING AND FLIGHT RULES

Improved Transponder

The purpose of this amendment to Part 91 of the Federal Aviation regulations is to postpone the dates on and

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after which improved transponder and associated pressure altitude reporting equipment will be required for flight within Terminal Control Areas (TCA's).

Notice No. 74-17 was published in the FEDERAL REGISTER on April 17, 1974 (39 FR 13785), stating that the Federal Aviation Administration was considering an amendment to Part 91 of the Federal Aviation regulations to postpone the effective compliance dates for operation within Terminal Control Areas by six months.

Interested persons were afforded an opportunity to participate in the proposed rulemaking through the submission of comments. Approximately one hundred public comments were received, which were virtually unanimous in support of the proposed postponement.

One commentator agreed with the six-month extension in Group I TCA's to January 1, 1975, but believed that the requirement for Group II and Group III TCA's should also be effective on the same date as that for Group I TCA's rather than being extended to July 1, 1975. He expressed the opinion that there was no information available to indicate unforeseen difficulties in meeting the equipment requirement after January 1, 1975. The information currently available to the FAA, including the most recent comments to the subject notice (74-17), clearly indicates, however, that there is a serious equipment supply problem which would prevent meeting the present schedule.

Many of the commentators suggested that a one-year extension would be more appropriate than the six-month extension. At present, the FAA believes that a six-month extension will be adequate to permit introduction of reliable equipment into the fleet.

Since this amendment relieves a restriction it may be made effective less than 30 days after publication in the FEDERAL REGISTER.

(Secs. 307, 313(a), Federal Aviation Act of 1958, 49 U.S.C. 1348, 1354(a); sec. 6(c) of the Department of Transportation Act, 49 U.S.C. 1655(c))

In consideration of the foregoing, §§ 91.24(b)(1), (b)(2), and (b)(3) of Part 91 of the Federal Aviation Regulations is amended to read as follows, effective June 27, 1974:

§ 91.24 ATC transponder equipment.

* * * * *

(b) *Controlled airspace: all aircraft.* * * * This requirement applies—

(2) After July 1, 1975, in Group II Terminal Control Areas governed by § 91.90(a);

(2) After July 1, 1975, in Group II Terminal Control Areas governed by § 91.90(b);

(3) After July 1, 1975, in Group III Terminal Control Areas governed by § 91.90(c), except as provided therein; and

* * * * *

Issued in Washington, D.C., on June 24, 1974.

ALEXANDER P. BUTTERFIELD,
Administrator.

[FR Doc.74-14782 Filed 6-26-74;8:45 am]

Title 15—Commerce and Foreign Trade

CHAPTER IX—NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 922—MARINE SANCTUARIES

The National Oceanic and Atmospheric Administration (NOAA) on March 19, 1974 (39 FR 10255), proposed guidelines pursuant to Title III of the Marine Protection Research and Sanctuaries Act of 1972 (P.L. 92-532, 86 Stat. 1061) and the delegation of authority by the Secretary of Commerce dated March 13, 1974, authorizing the Administrator of NOAA to exercise the authority granted under the Title, for the purpose of setting forth the procedure by which areas may be nominated as marine sanctuaries and the concepts, policies, and procedures for the processing of nominations and the selection, designation and operation of a marine sanctuary.

Written comments were to be submitted to the Office of Coastal Environment, National Oceanic and Atmospheric Administration before May 1, 1974, and consideration has been given these comments.

The Title recognizes that certain areas of the ocean waters, as far seaward as the outer edge of the Continental Shelf, or other coastal waters where the tide ebbs and flows, or of the Great Lakes and their connecting waters, need to be preserved or restored for their conservation, recreational ecological or esthetic values.

The Secretary of Commerce (Administrator NOAA) after consultation with the Secretaries of State, Defense, the Interior, Transportation, the Administrator of the Environmental Protection Agency, other interested Federal Agencies, the State(s) involved and with the approval of the President, may designate a marine sanctuary.

Prior to designating a marine sanctuary which includes waters lying within the territorial limits of any state, the Secretary (Administrator NOAA), shall consult with and give due consideration to the view of the responsible state officials involved. A designation under this section shall become effective sixty days after it is published, unless the governor of any state involved shall, before the expiration of the sixty-day period, certify to the Secretary that the designation, or a specified portion thereof, is unacceptable to his state, in which case the desginated sanctuary shall not include the area certified as unacceptable until such time as the governor withdraws his certification of unacceptability.

In addition, recognizing the key role of state(s) in areas adjacent to but outside their jurisdiction, the Secretary (Administrator NOAA) will consult with the state(s) and give due consideration to the views of the responsible state officials involved.

Where areas outside the territorial sea are involved, the State Department is to negotiate with other Governments to achieve protection of a sanctuary to the maximum extent possible.

The Title recognizes that a program will be undertaken by NOAA to identify areas for marine sanctuary status, and that nominations will be made by states, local governments, organizations, industry and individuals. Public participation will be encouraged during the study and analysis phases leading to designation. Prior to a designation of a marine sanctuary, public hearings must be held in the coastal areas most affected by the designation. Regulations are to be promulgated for each such designated sanctuary.

These guidelines set forth the concepts and procedures under which marine sanctuaries will be designated and managed.

The National Oceanic and Atmospheric Administration is publishing herewith the final guidelines describing procedures for nomination, processing of the nomination, designation, revisions, and certification of activities within marine sanctuaries. The final guidelines herewith were revised from the proposed guidelines based on comments received. A total of twenty-two (22) states, agencies, organizations and individuals submitted responses to the proposed Title III Guidelines published in the FEDERAL REGISTER on March 19, 1974. Of these responses received, four (4) were wholly favorable as to the nature and content of the guidelines as they appear in the FEDERAL REGISTER on March 19, 1974. Eighteen (18) commentators submitted suggestions concerning the proposed title guidelines.

The following analysis summarizes key comments received on various sections of the proposed rules and presents a rationale for the changes made:

1. *Introduction.* Concern was expressed that overly large areas of the coastal waters would be made marine sanctuaries. It is not expected, however, that large areas of the oceans and coastal waters will be designated as marine sanctuarities, and all activity prohibited or drastically reduced. It is expected that sanctuaries will be only large enough to permit accomplishment of the purposes specified in the Act.

In each area designated, some activities will be totally compatible, others will need to be modified, and others will not be permitted. The size of the area will depend upon the proposal, an analysis of the factual information, the outcome of the draft environmental impact statement process, and public hearings.

Another commentator indicated that the guidelines failed to properly implement the policy underlying the Title. With this single exception, the consensus

of the reviewers was that the proposed guidelines were basically in harmony with the legislative intent and authority.

One commentator stated that multiple use of various sanctuaries seem to provide for extensive use that is neither intended nor permitted by the statute. An opposite point of view was expressed by commentators that the guidelines implied too restrictive a view of multiple use.

The question of multiple use will need to be examined on a case by case basis. The legislative history of the Title clearly indicates that multiple use of each area should be maximized consistent with the primary purpose. Additionally, the statute clearly indicates, as a safeguard that "no permit, license, or other authorization issued pursuant to any other authority shall be valid unless the Secretary (Administrator) shall certify that the permitted activity is consistent with the purposes of this title and can be carried out within the regulations promulgated * * *"

2. *Programmatic objectives.* One reviewers indicated that programmatic objectives § 922.2(a) provided for protection of geological and oceanographic features whereas the classification § 922.10 did not. The classification § 922.10 has been modified to provide for these purposes. It was suggested that estuarine sanctuaries be added to the list of public areas in § 922.2(b). The phrase "other preserved areas" covers not only estuarine sanctuaries but also other areas held for the public benefit. The intent is to complement public and private lands that are held and managed for purposes analogous to Title III.

3. *Definitions.* Concern was expressed that the definition of multiple use did not clearly express the concept that a sanctuary will have a primary purpose to which other uses must be compatible. The definitions has been modified accordingly.

4. *Effect of Marine Sanctuary Designation for Waters Outside of U.S. Jurisdictional Limits.* It was indicated that § 922.12 did not accurately reflect the 1958 Geneva Convention on the High Seas. The Department of State made specific recommendations in lieu of the proposed section. Their recommendation has been incorporated verbatim.

5. *Nominations.* Several commentators asserted that the nomination process was not clearly elaborated and that no indication exists that NOAA is charged with the responsibility to take an active role in seeking areas for designation as marine sanctuaries.

Changes have been made to explain how interested individuals and organizations may obtain information as to nominations and their status and to explain how NOAA will stimulate and coordinate a Federal program.

6. *Analysis of nominations.* Concern was indicated that the public was not included in the analysis process at an early enough time and that the guidelines were ambiguous as to the preparation of a draft environmental impact statement and public notice thereof.

Changes have been made to indicate that a draft environmental impact statement will be prepared and that public notice will announce its public availability and solicit comment.

7. *Consultation.* One commentator indicated the guidelines did not elaborate how differences between a state and NOAA would be resolved. Where the proposed sanctuary is within areas over which the state has jurisdiction the Governor has veto power over the action. It is anticipated that in all considerations the state(s) affected will be fully involved in the process, thus differences can be resolved at each step of the process.

8. *Revision and certification.* Concern was expressed that provisions were omitted for revising an established sanctuary and for certification of proposed activities in a sanctuary.

New sections have been added in order to satisfy these concerns.

T. P. GLEITER,
Assistant Administrator for Administration.

A new Part 922 is added, to read as follows:

Subpart A—General

Sec.
922.1 Policy and objectives.
922.2 Programmatic objectives.

Subpart B—Classifications of Marine Sanctuaries

922.10 Classifications.
922.11 Definitions.
922.12 Effect of marine sanctuary designation of waters outside of U.S. jurisdiction limits.
922.13 Effect of international principles involving freedom of the seas.

Subpart C—Nomination of Candidates

922.20 Nominations.
922.21 Analysis of nomination.
922.22 Public participation.
922.23 Consultation process.
922.24 Designation.
922.25 Operation.
922.26 Revision.
922.27 Certification of other activities.

Subpart D—Enforcement

922.30 Civil penalties.
922.31 Notice of violation.
922.32 Enforcement hearings.
922.33 Determinations.
922.34 Final action.

AUTHORITY: Title III, Pub. L. 92-532, 86 Stat. 1061, and delegation of authority by Secretary of Commerce, March 13, 1974.

Subpart A—General

§ 922.1 Policy and objectives.

(a) The Marine Sanctuaries Program shall be conducted under the expressed policy of the Title which is to designate areas as far seaward as the outer edge of the continental shelf, as defined in the Convention of the Continental Shelf, 15 U.S.T. 74; TIAS 5578, of other coastal waters where the tide ebbs and flows, or of the Great Lakes and their connecting waters, which the Administrator determines necessary for the purpose of preserving or restoring such areas for their conservation, recreational, ecological, or esthetic values.

(b) Multiple use of marine sanctuaries as defined in this subpart will be permitted to the extent the uses are compatible with the primary purpose(s) of the sanctuary.

(c) It is anticipated that the marine sanctuaries program will be conducted in close cooperation with section 312 of the Coastal Zone Management Act of 1972, P.L. 92-583, which recognizes that the coastal zone is rich in a variety of natural, commercial, recreational, industrial and esthetic resources of immediate and potential value to the present and future well-being of the nation and which authorizes the Secretary of Commerce to make available to a coastal State grants of up to 50 percent of the costs of acquisition, development and operation of estuarine sanctuaries.

§ 922.2 Programmatic objectives.

Marine Sanctuaries may be designated to preserve, restore, or enhance areas for their conservational, recreational, ecological, research or esthetic values in coastal waters. Anticipated examples include:

(a) Areas necessary to project valuable, unique or endangered marine life, geological features, and oceanographic features.

(b) Areas to complement and enhance public areas such as parks, national seashores and national or state monuments and other preserved areas.

(c) Areas important to the survival and preservation of the nation's fisheries and other ocean resources.

(d) Areas to advance and promote research which will lead to a more thorough understanding of the marine ecosystem and the impact of man's activities.

Subpart B—Classification of Marine Sanctuaries

§ 922.10 Classifications.

Multiple use may be permitted in each classification to the extent the uses are compatible with the primary purpose(s) for which the sanctuary is established. Areas may be established to augment public and private lands or marine areas set aside by local, state or Federal government and private organizations for analogous purposes. Marine sanctuaries will be established for one, or a combination of, the following purposes:

(a) *Habitat areas.* Areas established under this concept are for the preservation, protection and management of essential or specialized habitats representative of important marine systems. Management emphasis will be toward preservation. The quantity and type of public use will be limited and controlled to protect the values for which the area was created.

(b) *Species areas.* Areas established under this concept are for conservation of genetic resources. Management emphasis may be to maintain species, populations and communities for restocking

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other areas and for reestablishment purposes in the future. The result will be a contribution to the goal stated by the Council on Environmental Quality, that is, "the widest possible diversity of and within species should be maintained for ecological stability of the biosphere and for use as natural resources." The orientation envisaged will be toward species preservation by protection of such areas as migratory pathways, spawning grounds, nursery grounds, and the constraints on these areas will be those necessary to achieve these purposes.

(c) *Research areas.* (1) Areas established under this concept will exist for scientific research and education in support of management programs carried out for the purpose of the title.

(2) The purpose of the research areas is to establish ecological baselines against which to compare and predict the effect on man's activities, and to develop an understanding of natural processes. Research areas will be chosen according to the biota they support, to include representative samples of the significant ecosystems in the nation, and to the history of prior research carried out in the area, and its proximity or availability to potential uses marine sanctuary designation will insure that the area will be relatively unaffected for a long period of time, thus adding a measure of stability to a research program and the value of the data in management decisions.

(d) *Recreational and esthetic areas.* Areas established under this concept will be based on esthetic or recreational value.

(e) *Unique areas.* Areas established under this concept will be to protect unique or nearly one of a kind geological, oceanographic, or living resource feature.

§ 922.11 Definitions.

As used in this part, the following terms shall have the meaning indicated below:

(a) "Administrator" means the Administrator of the National Oceanic and Atmospheric Administration.

(b) "Marine sanctuary" means those areas of the ocean waters, as far seaward as the outer edge of the Continental Shelf, as defined in the Convention of the Continental Shelf, 15 U.S.T. 74, TIAS 5578, of other coastal waters where the tide ebbs and flows, of the Great Lakes and their connecting waters, for the purpose of preserving, restoring or enhancing such areas for their conservation, recreational, ecological, research, or esthetic values.

(c) The term "multiple use" as used in this section shall mean the contemporaneous utilization of an area or resource for a variety of compatible purposes to the primary purpose so as to provide more than one benefit. The term implies the long-term, continued uses of such resources in such a fashion that one will not interfere with, diminish, or prevent other permitted uses.

(d) "Ocean waters" means those waters of the open seas lying seaward of the baseline from which the territorial sea is measured, as provided for in the Convention of the Territorial Sea and the Contiguous Zone, 15 U.S.T. 1606, TIAS 5639.

(e) "Person" means any private individual, partnership, corporation, or other entity; or any officer, employee, agent, department, agency or instrumentality of the Federal government, or any state or local unit of government.

(f) "Secretary" means the Secretary of Commerce.

§ 922.12 Effect of marine sanctuary designation for waters, outside the U.S. jurisdictional limits.

The designation of a marine sanctuary and the regulations pertaining to it will be binding on United States nationals. The United States has exclusive jurisdiction over all resources within the territorial sea in which it exercises sovereignty subject only to the right of innocent passage. Beyond that limit, the U.S. regulations would be binding on foreign citizens only to the extent consistent with international law.

§ 922.13 Effect on international principles involving freedom of the seas.

The designation of a marine sanctuary will not infringe upon the normal rights of innocent passage in territorial waters, the rights of navigation through international straits, or the freedoms of the high seas, including freedom of navigation.

Subpart C—Nomination of Candidates

§ 922.20 Nominations.

(a) The nomination of a given marine area for consideration as a designated marine sanctuary may result from studies carried out by Federal, State or local officials or from any other interested persons. Nominations should be addressed to:

Director, Office of Coastal Zone Management
National Oceanic and Atmospheric Administration
U.S. Department of Commerce
Rockville, Maryland 20852

Information may be obtained on nominations by inquiring to the above office.

(b) The nomination for designation as a marine sanctuary must contain the following information:

(1) A general description of the area including the following information:

(i) Purpose for which the nomination is made;

(ii) Geographic coordinates of the site;

(iii) Plant and animal life in the area;

(iv) Geological characteristics of the area; and

(v) Present and prospective uses and impacts on the area and resources thereof.

(2) A nomination for research purpose should contain a specific scientific justification, a statement of how the research will aid in management decisions, and a history of prior research carried out on the area.

(c) A Federal program will be stimulated and coordinated by NOAA to establish a coherent system of estuarine and marine ecosystems, recreational and esthetic areas, and research areas. It is anticipated that this system will emerge as part of the State coastal zone management plans, taking into account the national interest.

§ 922.21 Analysis of nomination.

(a) Upon receipt of a nomination or as the result of action by NOAA, the involved State(s), other Federal agencies, will be notified of the nomination and requested to participate in a preliminary review to determine feasibility.

(b) If a preliminary review demonstrates the feasibility of the nomination, a more in-depth study will be required. Factual information will be gathered to obtain an understanding of the:

(1) Animal and plant life;

(2) Geological features;

(3) Weather and oceanographic conditions and features;

(4) Present and potential recreational and economic uses;

(5) Present and potential adjacent land uses;

(6) Laws and programs of Federal, State and local government that apply to the area.

(c) An analysis will be made of how the sanctuary will impact on the present and potential uses, and how these uses will impact on the primary purpose for which the sanctuary is being considered.

(d) The factual information and the results of the analysis activity will be used in preparation of a draft environmental impact statement and proposed regulations. Subsequent to completion of the in-depth study by the Administrator, a draft Environmental Impact Statement will be prepared and circulated for review in compliance with the National Environmental Policy Act of 1969 and implementing the Council on Environmental Quality guidelines. The draft Environmental Impact Statement will discuss proposed regulations and operational procedures and programs.

§ 922.22 Public participation.

(a) The purpose of this section is to ensure that all interested parties have the opportunity to present their views.

(b) When a nomination has been determined feasible, a press release will be issued by NOAA announcing the nomination and that a Draft Environmental Impact Statement is in preparation.

(c) When notice of the Draft Environmental Impact Statement (DEIS) has been published by the Council on Environmental Quality, a press release will be issued by NOAA announcing the DEIS and soliciting comment.

(d) The Administrator will hold public hearings in the coastal areas which would be most directly affected by such designation, for the purpose of receiving and giving proper consideration to the views of any interested party. Such hearings should be held no earlier than 30 days after the Council on Environmental Quality announces receipt of the draft Environmental Impact Statement by publication in the FEDERAL REGISTER. Public hearings need not be held on each proposal or nomination, but only when sufficient facts and data are available to the Administrator which indicates that designation action appears to be feasible, and a Draft Environmental Impact Statement has been prepared.

§ 922.23 Consultation process.

The consultation process is designed to coordinate the interests of the State and various Federal departments and agencies, including those responsible for the management of fisheries resources, the protection of national security and transportation interests, and the recognition of responsibility for the exploration and exploitation of mineral resources.

§ 922.24 Designation.

The designation by the Administrator will clearly state the purpose for which the sanctuary is designated, regulations and guidelines promulgated, and management program under which it will operate.

§ 922.25 Operation.

The designation of a marine sanctuary establishes the basis for a continuous operating program designated to maintain the purpose for which the sanctuary is designated. This involves a program of continuous scientific evaluation, surveillance, and enforcement to insure the integrity of the system. An interpretive program may be conducted to aid in public understanding and enjoyment of the sanctuary. A specific program will be established for each designated marine sanctuary.

§ 922.26 Revision.

Revision of a designated marine sanctuary may be proposed by the same procedure as for nomination. A public hearing will be held in the area most affected by the proposed action. A Draft Environmental Impact Statement may be required if the proposed action will significantly affect the quality of the Environment.

§ 922.27 Certification of other activities.

The Act specifies that once a marine sanctuary is designated, no permit, license, or other authorization issued pursuant to any other authority shall be valid unless the Secretary shall certify that the permitted activity is consistent with the purposes of this title and can be carried out within the regulations promulgated. The Regulations promulgated for each sanctuary will contain a certification procedure.

Subpart D—Enforcement

§ 992.30 Penalties.

Any person subject to the jurisdiction of the United States who violates any regulation issued pursuant to this title will be liable to a civil penalty of not more than $50,000 for each such violation, to be assessed by the Administrator. Each day of a continuing violation will constitute a separate violation. No penalty will be assessed under this section until the person charged has been given notice and an opportunity to be heard. Upon failure of the offending party to pay an assessed penalty, the Attorney General, at the request of the Administrator, will commence action in the appropriate district court of the United States in order to collect the penalty and to seek such other relief as may be appropriate. A vessel used in the violation of a regulation issued pursuant to this title will be liable in rem for any civil penalty assessed for such violation and may be proceeded against in any district court of the United States having jurisdiction thereof. The district courts of the United States will have jurisdiction to restrain a violation of the regulations issued pursuant to this title, and to grant such other relief as may be appropriate. Actions will be brought by the Attorney General in the name of the United States, either on his own initiative or at the request of the Administrator.

§ 922.31 Notice of violation.

Upon receipt of information that any person has violated any provision of this title, the Administrator or his designee will notify such person in writing of the violation with which he is charged, and will convene a hearing to be conducted no sooner than 60 days after such notice, at a convenient location, before a hearing officer. Such hearing will be conducted in accordance with the procedures of § 922.32.

§ 922.32 Enforcement hearings.

Hearings convened pursuant to § 922.31 will be hearings on a record before a hearing officer. Parties may be represented by counsel, and will have the right to submit motions, to present evidence in their own behalf, to cross examine adverse witnesses, to be apprised of all evidence considered by the hearing officer, and to receive copies of the transcript of the proceedings. Formal rules of evidence will not apply. The hearing officer will rule on all evidentiary matters, and on all motions, which will be subject to review pursuant to § 922.33.

§ 922.33 Determinations.

Within 30 days following conclusion of the hearing, the hearing officer will in all cases make findings of facts and recommendations to the Administrator, including, when appropriate, a recommended appropriate penalty, after consideration of the gravity of the violation, prior violations by the person charged, and the demonstrated good faith by such person in attempting to achieve rapid compliance with the provisions of the title and regulations issued pursuant thereto. A copy of the findings and recommendations of the hearing officer shall be provided to the person charged at the same time they are forwarded to the Administrator. Within 30 days of the date on which the hearing officer's findings and recommendations are forwarded to the Administrator, any party objecting thereto may file written exceptions with the Administrator.

§ 922.34 Final action.

A final order on a proceeding under this part will be issued by the Administrator or by such other person designated by the Administrator to take such final action, no sooner than 30 days following receipt of the findings and recommendations of the hearing officer. A copy of the final order will be served by registered mail (return receipt requested) on the person charged or his representative. In the event the final order assesses a penalty, it shall be payable within 60 days of the date of receipt of the final order, unless judicial review of the order is sought by the person against whom the penalty is assessed.

[FR Doc.74-15665 Filed 6-26-74;8:45 am]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-10854]

PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

Business of Registrant

The Securities and Exchange Commission today adopted a clarifying amendment to Item 1(a) of Form 10-K (17 CFR 249.310) under the Securities Exchange Act of 1934 ("Act"). Item 1(a) and (b) was last amended in Securities Act Release No. 5395 (June 1, 1973), effective August 1, 1973 (38 FR 17202).

Item 1(a) calls for a description of the registrant's principal products and services, markets and methods of distribution. Item 1(b) requires a description of any material changes and developments during the fiscal year in the business done and intended to be done; also, Item 1(b) contains nine specific topics, such as competitive conditions, backlog and reliance upon a small number of customers, as to which disclosure might be required.

The Commission is advised that some registrants construe the above disclosure requirements as not calling for a description of business done and intended to be done, unless there has been a material change in the registrant's business. The Commission did not intend this result. Instead, it was intended that each report on Form 10-K contain a brief description of the business done and intended to be done with an additional discussion highlighting material changes occurring during the fiscal year. In Securities Act Release No. 5395 the Commission stated:

The description of business item in Form 10-K, as adopted, requires a brief description of the registrant's business, which is an existing requirement, and the material changes in such business that occurred during the fiscal year. The Commission believes

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that retaining the requirement for a brief description of business will make reports on Form 10–K understandable without the need to refer to other forms or reports.

To clarify the disclosure required by Item 1, Item 1(a) is revised to read as follows:

ITEM 1. Business. (a) Briefly describe the business done and intended to be done by the registrant and its subsidiaries. If material and necessary for an understanding of the business, briefly describe the information specified in Item 1(b)(1) to (9), below.

The Commission finds that the amendment to Item 1(a) is minor and in the nature of a clarification of an existing requirement, that it is in the public interest and should not impose burdens on issuers or others or sacrifice the protection of investors; accordingly, the Commission finds that further notice and rulemaking procedures pursuant to the Administrative Procedure Act are unnecessary. The amendments are effective July 1, 1974 and will apply to reports on Form 10–K due on or after that date.

This action is taken pursuant to the Securities Exchange Act of 1934, particularly sections 13, 15(d) and 23(a) thereof.

(Secs. 13, 15(d), 23(a), 48 Stat. 894, 895, 901; § 203(a), 49 Stat. 704; 6, 8, 49 Stat. 1377, 1379; 4, 6, 78 Stat. 569, 570–574; 2, 82 Stat. 454; 1, 2, 84 Stat. 1497; 15 U.S.C. 78m, 78o(d), 78w(a))

A copy of an updated version of Form 10–K, as in effect July 1, 1974, has been filed with the Office of the Federal Register as part of this document. Additional copies will be available on request from the Securities and Exchange Commission, Washington, D.C. 20549. That updated form reflects the above amendment, and other previously-published amendments, the most recent of which appeared in Securities Act Release No. 5488 (April 25, 1974; effective July 1, 1974) (39 FR 17929).

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

JUNE 14, 1974.

[FR Doc.74-14731 Filed 6-26-74;8:45 am]

Title 20—Employees' Benefits

CHAPTER III—SOCIAL SECURITY ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[Regs. No. 16]

PART 416—SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED

Determination of Relationship

On January 3, 1974, there was published in the FEDERAL REGISTER (39 FR 816) a notice of proposed rulemaking with proposed Subpart J of Regulations No. 16, setting forth the rules for determining marital relationship and parent-child relationship applicable with respect to the payment of supplemental security income under title XVI of the Social Security Act, as amended by section 301 of the Social Security Amendments of 1972 (Pub. L. 92–603) approved October 30, 1972, and under Pub. L. 93–66, approved July 9, 1973. Interested parties were given 30 days within which to submit data, views, or arguments. The 30-day period has elapsed and the only party recommending changes was the Ohio Department of Mental Health and Mental Retardation. That organization commented on the proposed regulations contained in §§ 416.1001(a), 416.1012(b) and 416.1040(c). The principal question raised concerns the provision of "couple grants" under the Supplemental Security Income program. The Director states that "it seems unrealistic and punitive to award 'couple grants' when both parties are eligible for SSI payments." He also discusses the problems inherent in administering the payment to the couple during a period of separation, and advocates "Equal SSI payments to individuals regardless of their living arrangements * * *" Section 1611(b)(2) of the Social Security Act specifies the annual benefit rate for couples. Senate Report 92–1230 states under the heading "Supplemental Security Income Program" (at page 384) that "persons 65 and over, blind persons and disabled persons would be assured an income of $130 [now $140] a month for individuals and $195 [now $210 a month] for couples." The regulations must conform to the law.

Accordingly, the proposed amendments are adopted with minor editorial changes in §§ 416.1001(b)(1), 416.1040(c)(2), and 416.1075 and are set forth below.

(Secs. 1102 and 1601–1634, 49 Stat. 647, as amended, 86 Stat. 1465–1478; 42 U.S.C. 1302, 1381–1385.)

Effective date. The amendments shall be effective on June 27, 1974.

(Catalog of Federal Domestic Assistance Program No. 13.807, Supplemental Security Income Program.)

Dated: May 23, 1974.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: June 21, 1974.

FRANK CARLUCCI,
Acting Secretary of Health, Education, and Welfare.

Part 416 of Chapter III of Title 20 of the Code of Federal Regulations is amended by adding Subpart J to read as follows:

Subpart J—Relationship

Sec.
416.1001 Relationship—general.
416.1003 Definitions.
416.1005 Marital relationship—general.
416.1007 Marital relationship based on living together in the same household.
416.1008 Marital relationship based on title II determination.
416.1009 Marital relationship based on State law.
416.1012 Priorities in marital relationship.
416.1020 When evidence as to marriage and termination of marriage is required.
416.1030 Evidence of ceremonial marriage.
416.1035 Evidence of nonceremonial marriage.
416.1040 Effect of termination of marriage.
416.1041 Evidence of termination of marriage.
416.1050 "Child" defined.
416.1052 Parent-child relationship—general.
416.1053 Establishing parent-child relationship.
416.1055 Effect of child's eligibility—general.
416.1057 Marital status of child.
416.1059 Evidence required to establish the marital status of a child.
416.1070 Living in the same household.
416.1073 Child as the head of a household.
416.1075 Evidence required to establish the identity of the head of the household.
416.1078 Proof of age of child.

AUTHORITY: Secs. 1102 and 1601–1634, 49 Stat. 647, as amended, 86 Stat. 1465–1478 (42 U.S.C. 1302, 1381–1385).

§ 416.1001 Relationship—General.

(a) *Marital relationship.* In determining whether an aged, blind, or disabled individual may receive payments under title XVI of the Social Security Act, the income and resources tests which such individual must meet (see Subparts K and L of this Part 416) may depend in part on whether such individual has a spouse, whether such individual and such spouse are living in the same household (or have been separated for less than 6 months) and whether such spouse is also an aged, blind, or disabled individual. If a husband and wife are both aged, blind, or disabled individuals living in the same household, or if such husband and wife have been separated for less than 6 months, and such husband and wife are eligible for payments under title XVI of the Act, such payments shall be made to them as a couple. The payment made for an eligible couple will be less than the sum of the separate amounts which they could receive if each was an eligible individual. The eligibility of an individual or a couple for a payment for a month will be based on their marital status on the first day of the month. Any subsequent change in marital status within a month will not affect eligibility for, or the amount of, the payment for such month. The special income and resources tests (see Subparts K and L of this part 416) which may be applicable to a blind or disabled individual who is under age 18, or who is a student age 18 but under age 22 regularly attending school, apply only if such blind or disabled individual is not married.

(b) *Parent-child relationship.* Where a blind or disabled individual applies for payments under title XVI of the Act, and such blind or disabled individual is under age 18, or under age 22 and a student, the method of computing such blind or disabled individual's income and resources may be affected if:

(1) Such blind or disabled individual is under age 21 and is living with a parent (or such parent's spouse) and such parent (or such parent's spouse, if any) has income or resources; or

(2) Such blind or disabled individual is living apart from his or her parent but receiving payments from such parent for such individual's support.

(c) *Determining relationship.* The rules for determining whether an aged, blind, or disabled individual applying for (or receiving) payments under title XVI of the Act is married are set forth in §§ 416.1003–416.1041. For determining whether the person with whom a blind or disabled individual is living, or from whom such individual is receiving payments for support, is such individual's parent (or the spouse of such parent), see §§ 416.1052 and 416.1053.

§ 416.1003 Definitions.

(a) *Domicile.* The term "domicile" means the place of an individual's true, fixed, and permanent home and to which, whenever he is absent, he intends to return.

(b) *Household.* For purposes of this subpart, the term "household" means one or more individuals living as a family unit in a single place of abode.

(c) *Holding themselves out as husband and wife.* A man and woman are "holding themselves out as husband and wife" if they represent themselves as husband and wife (or as married to each other) to relatives, friends, neighbors, or tradespeople with whom they do business.

(d) *Valid marriage.* A valid marriage is a contract, according to the form prescribed by law, by which a man and a woman, capable of entering into such a contract, mutually agree to live the rest of their lives together.

§ 416.1005 Marital relationship—general.

(a) Two individuals may be considered to be husband and wife for the purpose of determining that one is the spouse of the other under title XVI of the Act if at the time the application for payments is made or at any later date:

(1) The individuals are living together in the same household, and holding themselves out to the community in which they reside as husband and wife; or

(2) A determination has been made pursuant to Subpart L of Part 404 of this chapter, in connection with a claim for benefits under title II of the Act, that the parties are husband and wife (see § 416.1008 for the effective date of such a determination); or

(3) The parties would be determined to be husband and wife under appropriate State law (see § 416.1009 for explanation of appropriate State law).

(b) When, under paragraph (a) of this section, more than one person is considered to be the spouse of an applicant for payments under title XVI of the Act, for any one month only one such individual shall be so considered. The determination of which individual is to be considered the spouse in any given month shall be made in accordance with the rules set forth in § 416.1012.

§ 416.1007 Marital relationship based on living together in the same household.

If a man and a woman are living together in the same household, and holding themselves out to the community in which they reside as husband and wife, they shall be considered husband and wife for the purposes of title XVI of the Act. Where a man and woman who are living together in the same household allege that they are not husband and wife and that they are not holding themselves out as such to the community in which they reside, then they must establish such in accordance with § 416.1035(b).

§ 416.1008 Marital relationship based on title II determination.

An individual shall be found to be the spouse of an applicant for payments under title XVI of the Act if such applicant has filed a claim for and been awarded husband's or wife's benefits under title II of the Act as the husband or wife of such applicant. The individual so found to be the spouse of the applicant for payments under title XVI of the Act shall be considered the spouse effective with the date the determination under title II of the Act is made, or if later, the date the application for benefits under title XVI of the Act is filed.

§ 416.1009 Marital relationship based on State law.

Two individuals who are living together at the time an application for payments under title XVI of the Act is filed shall be considered to be husband and wife if the courts of the State in which they are domiciled at the time of application would find them to be validly married. If two individuals are not living together at the time the application for payments under title XVI of the Act is filed, they shall be considered to be husband and wife if the courts of the State in which they were domiciled at the time they lived together would find them to be validly married.

§ 416.1012 Priorities in marital relationship.

Whenever it is necessary to determine for any month who is the spouse of an applicant for, or recipient of, payments under title XVI of the Act, and more than one person may, under the provisions of § 416.1005, be so considered, such determination shall be made under the following rules:

(a) If one of the persons who may be considered to be the spouse of the applicant for payments under title XVI of the Act is living with him in the same household at the time of application, such person shall be considered to be the spouse for such month;

(b) If more than one person who may be considered to be the spouse of an applicant for payments under title XVI of the Act has been separated from him for less than 6 months, the person from whom the applicant most recently separated shall be considered to be the spouse for such month; provided that, if the applicant for payments under title XVI of the Act indicates that he intends to resume living with one of such persons before the end of 6 months following their separation, the person with whom the applicant intends to resume living shall be considered to be the spouse.

§ 416.1020 When evidence of marriage and termination of marriage is required.

(a) *Marriage.* At the time of application, the applicant shall furnish information of his marital status, and, if married, whether he is residing in the same household with his spouse at such time. In addition, the applicant shall advise whether he is living in the same household with any unrelated person of the opposite sex and whether the applicant and such other person are holding themselves out in the community in which they reside as husband and wife.

(b) *Termination of marriage.* An individual receiving payments under title XVI of the Act as an eligible individual or an eligible spouse shall, upon request, furnish evidence of the termination of his marriage in accordance with § 416.1041.

§ 416.1030 Evidence of ceremonial marriage.

(a) *Type of evidence.* Where evidence of ceremonial marriage is pertinent to a determination under title XVI of the Act, the applicant, when so requested by the Administration, shall submit:

(1) A copy of the public record of the marriage duly certified by the custodian of such record; or

(2) A copy of the church record of the marriage or a statement of the contents of such record which has been duly certified; or

(3) The original certificate of marriage; or

(4) If none of the evidence described in paragraphs (a) (1), (2), and (3) of this section is available, the applicant shall state the reason therefor and submit other evidence of probative value.

(b) *When applicant's statement as to marriage may be accepted.* If an applicant for payments under title XVI of the Act indicates that he was ceremonially married to the person with whom he is living, the Administration may, in the absence of evidence to the contrary, accept such statement in lieu of other evidence enumerated in paragraph (a) of this section. If an applicant for payments under title XVI of the Act states that he was ceremonially married to a person with whom he is not presently living, the Administration may, in the absence of evidence to the contrary, accept such statement in lieu of the evidence enumerated in paragraph (a) of this section.

§ 416.1035 Evidence of nonceremonial marriage.

(a) *Applicant alleges person with whom he is living is a spouse.* If an applicant for payments under title XVI of the Act states that he is living with a person of the opposite sex, and that they are holding themselves out as husband and wife in the community in which they reside, such statement shall, in the absence of evidence to the contrary, be deemed sufficient to establish under § 416.1007 that the party with whom the applicant is living is his spouse.

(b) *Applicant alleges person with whom he is living is not his spouse.*—(1) *Information required.* If an applicant for payments under title XVI of the Act is

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living in the same household with an unrelated person of the opposite sex but the applicant denies that such person is his spouse, the applicant shall submit his statement and the statement of the person with whom he is living, explaining the nature of their relationship and setting forth the following information:

(i) By what names are the parties known;

(ii) How do the parties introduce each other to others;

(iii) How is mail addressed to the parties;

(iv) Do any deeds, installment contracts, tax returns, or other papers show them as husband and wife; and

(v) Is the home or apartment in which they reside rented or owned by one or both of them, and what names are shown on the deed or lease.

(2) *Effect of information supplied.* Unless the information supplied in response to the foregoing items satisfactorily establishes that the parties are not holding themselves out to the community in which they reside as husband and wife, they shall be considered husband and wife.

§ 416.1040 Effect of termination of marriage.

(a) *General.* Where an eligible individual and eligible spouse are receiving payments under title XVI of the Act, the eligible spouse will no longer qualify as a spouse effective with the month following the month in which the marriage is terminated, or deemed terminated, as explained in paragraph (b) or (c) of this section. Beginning with the month following such month of termination, the eligible spouse, if otherwise qualified, may receive payments as an eligible individual.

(b) *Termination of marriage by death, divorce, or annulment.* Where either spouse to a marriage dies, the surviving spouse shall be deemed to be unmarried beginning with the month following the month of death. Where a court of competent jurisdiction issues a decree of divorce or annulment, both parties shall be deemed not married to each other beginning with the month following the month in which the decree becomes final.

(c) *Separation of parties—(1) Where neither party begins living with another individual.* Where an eligible individual and eligible spouse receiving payments under title XVI of the Act cease living together in the same household and neither party begins living with another individual and representing himself and such other individual to the community in which they reside as husband and wife, such eligible individual and eligible spouse shall not be considered husband and wife for purposes of this Part effective with the month in which they have been separated for 6 months. The 6-month period of separation shall be counted from the date of separation. If there is no comparable date in the sixth month following the month of separation, the 6-month period will be deemed to have ended on the last day of the sixth month following the month in which the parties separated.

(2) *Where one of the parties begins living with another individual.* Where an eligible individual and eligible spouse receiving payments under title XVI of the Act cease living together in the same household, and either party commences sharing a common household with another person and represents to the community in which they reside that he or she and such other person are husband and wife, the eligible individual and eligible spouse shall not be considered husband and wife effective with the month in which the eligible individual or the eligible spouse commenced living in the common household with such other person.

§ 416.1041 Evidence of termination of marriage.

(a) *Termination of marriage by divorce, annulment, or death.* Where evidence of termination of a marriage is pertinent to a determination under title XVI of the Act, the applicant, when so requested by the Administration, shall submit:

(1) A certified copy of the decree of divorce dissolving the marriage; or

(2) A certified copy of the decree of annulment; or

(3) Evidence of the death of the other party to the marriage; or

(4) If none of the evidence described in paragraphs (a) (1), (2), and (3) of this section is available, the applicant shall state the reason therefor, and furnish other evidence of probative value.

(b) *Separation of the parties.* An applicant for, or a recipient of, payments under title XVI of the Act who is no longer living together in the same household with his spouse who is age 65, or blind, or disabled, shall notify the Administration. As part of this notice he shall indicate to the best of his or her knowledge the date of the separation, the place where the spouse is living, how long the separation is expected to last, and whether the applicant or spouse is living with any other individual as husband or wife.

§ 416.1050 "Child" defined.

The term "child" means an individual who is neither married nor the head of a household and who is (a) under the age of 18 or, (b) under the age of 22 and a student regularly attending school, college, or university or a course of vocational or technical training designed to prepare the individual for gainful employment.

§ 416.1052 Parent-child relationship—general.

For purposes of the special income and resources inclusions and exclusions applicable to a child under title XVI of the Act, a parent is an individual related to the eligible individual as a natural parent, or an adoptive parent. The marital status of the biological parent is immaterial in establishing the natural parent-child relationship. A final legal adoption is required for the individual to qualify as an adoptive parent. A spouse of a child's parent is the husband or wife (as defined in § 416.1005) of such parent.

§ 416.1053 Establishing parent-child relationship.

In the absence of evidence to the contrary the statements by the applicant will suffice to establish parent-child relationship. Only in the event of a conflict in statements will additional evidence be required. A birth certificate or other evidence of probative value which establishes the relationship is acceptable in this instance.

§ 416.1055 Effect of child's eligibility—general.

In determining income and resources, certain inclusions and exclusions apply where the eligible individual meets the definition of a child. The special income and resources provisions applicable where a child is an eligible individual are:

(a) Exclusion of his earned income within prescribed limits (see § 416.1163) where the eligible individual is a child who is also a student regularly attending school;

(b) Exclusion of one-third of any payment received from an absent parent for the eligible individual's support (see § 416.1161); and

(c) Inclusion (see formula in § 416.1185 (b)) of the income and resources of a parent (or the parent's spouse) while the child is under age 21 and living in the same household (see § 416.1070) with such parent (or the parent's spouse).

§ 416.1057 Marital status of child.

An individual who is under age 18, or age 18–21 and a student, is considered married for purposes of title XVI of the Act if at the time the application for payments is made, or at any later time:

(a) Such individual is living in the same household with a member of the opposite sex and the parties are holding themselves out to the community in which they reside as husband and wife; or

(b) A determination has been made for purposes of title II of the Act that such individual was married and such relationship has not been terminated; or

(c) Such individual is married under appropriate State law.

§ 416.1059 Evidence required to establish the marital status of a child.

In the absence of evidence to the contrary, the statement of a blind or disabled individual under age 22 as to his marital status is acceptable. However, evidence of marital status is required where such individual states:

(a) That he is under 21, married, and living in the same household with a parent. Proof of marriage as specified in § 416.1030(a) shall be submited by such applicant.

(b) That he is unmarried and evidence shows that he was married. Proof of the termination of such prior marriage (§ 416.1041) shall be submitted.

In addition, clarification as to marital status is required where such individual is living in the same household with an unrelated person of the opposite sex.

§ 416.1070 Living in the same household.

(a) *Defined.* A child and his or her parent (or the parent's spouse) are living in the same household if the parent and child are sharing the same residence and the parent (or the parent's spouse) is exercising parental control and authority over the child.

(b) *Periodic or temporary separation.* A child and parent will be considered to be sharing the same residence during a periodic or temporary separation if the circumstances indicate that the child and parent have shared and again expect to share the same residence when conditions permit. However, a child is not considered to be living in the same household with a parent where the parent does not have the right to exercise parental control and authority over the child; for example, when the child is committed to a correctional institution.

§ 416.1073 Child as the head of a household.

A child is the head of a household where he is living alone or with others as an economic entity and he is the individual responsible for day-to-day decisions on the operation of that household provided the child has left his parental home on a permanent basis. Where a group of individuals share equally in the decision-making, for example, a group of students share off-campus housing, the collective group does not qualify as a household for the purposes of title XVI of the Act since the decision-making is not under one head or management. In this instance, each individual is responsible for the day-to-day decisions of his living arrangements and as such is a separate entity and the circumstances of his separation from his parental home will determine his status.

§ 416.1075 Evidence required to establish the identity of the head of the household.

Where the child is not living in the parental home, his statement setting out the reason for the separation, his present living arrangements, and who has the authority for the day-to-day decisions will be required. The child's statement, absent information to the contrary, is acceptable without additional verification. Only where the statement raises some question as to the identity of the head of the household or other aspects of title XVI of the Act will additional information be required. For example, information that the child is living in the same household with an unrelated person of the opposite sex requires ascertainment of possible marital relationship.

§ 416.1078 Proof of age of child.

Proof of a child's age is required, and either a birth or baptismal certificate is required to be submitted. (See Subpart H of this part.) Where, however, the birth or baptismal certificate is not readily available, the applicant shall state the reason therefor, and other evidence of probative value will be obtained to establish the child's age.

[FR Doc.74-14716 Filed 6-26-74;8:45 am]

Title 28—Judicial Administration

CHAPTER I—DEPARTMENT OF JUSTICE

PART 2—PAROLE, RELEASE, SUPERVISION AND RECOMMITMENT OF PRISONERS, YOUTH OFFENDERS, AND JUVENILE DELINQUENTS

Organization, Operation, Procedures, and Policies

The rules for Northeast Region of the United States Board of Parole, published at 38 FR 20028 et seq. (June 5, 1974) will become effective in the Board's Western Region and South Central Region on July 1, 1974.

The Western Region is comprised of the following states: Washington, Oregon, California, Arizona, Nevada, Utah, Colorado, Wyoming, Idaho, Montana, North Dakota and South Dakota. The South Central Region is comprised of the following states: New Mexico, Texas, Oklahoma, Arkansas, and Louisiana. Federal prisoners outside the Northeast, Western, and South Central Regions will be considered for parole and parole revocation under the Board's present rules until such time as these revised rules are made applicable to new regions as they become operational.

These rules are adopted under the authority of 28 CFR, Part O, Subpart V, and 18 U.S.C. 4201–4210 and 5001–5037.

Dated: June 24, 1974.

MAURICE H. SIGLER,
Chairman,
U.S. Board of Parole.

[FR Doc.74-14733 Filed 6-26-74;8:45 am]

Title 29—Labor

CHAPTER XVII—OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR

PART 1952—APPROVED STATE PLANS FOR ENFORCEMENT OF STATE STANDARDS

Withdrawal of the Montana Plan

Notice is hereby given that the State of Montana has withdrawn its approved State plan. Consequently, Subpart B of Part 1952 of Title 29, Code of Federal Regulations, is revoked.

Because of the failure of its enabling legislation, Montana has determined that it will be unable to meet the developmental time schedule set out in 29 CFR 1952.53. The State, therefore, in a letter from Lawrence M. Zanto, Administrator of the Workmen's Compensation Division, dated May 3, 1974, has given notice of its intention to withdraw its approved plan effective June 30, 1974. In accordance with 29 CFR 1951.25(d) the State has also decided to terminate its grant approved under section 23(g) of the Act.

This decision does not preclude the submission of another occupational safety and health plan by Montana under section 18 of the Act at some future time.

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667))

Signed at Washington, D.C. this 19th day of June 1974.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.74-14745 Filed 6-26-74;8:45 am]

Title 39—Postal Service

CHAPTER I—UNITED STATES POSTAL SERVICE

PART 169—POST OFFICE BOXES

Box Rental Fee Schedule Changes

The purpose of this document is to add a new paragraph to § 169.2 Rental rates, providing that there may be a general change in the box rental fee schedule at the beginning of any quarter. When this happens box rental customers will receive a specific notice of the change. If fees are increased, customers who have rented a box for more than one quarter will pay the difference between the old rate and new rate for the remaining quarters.

Accordingly, effective immediately, new paragraph (g) is added to § 169.2 reading as follows:

§ 169.2 Rental rates.

* * * * *

(g) *General change in the box rental fee schedule.* A general change in the box rental fee schedule (as distinguished from box rental adjustments under paragraph (c)(1) of this section) may be made at the beginning of any quarter. Box rental customers will receive specific notice when such a change is made. If fees are increased any customers who has rented a box or box service for more than one quarter will pay the difference between the old rate and new rate for the remaining quarters.

ROGER P. CRAIG,
Deputy General Counsel.

[FR Doc.74-14662 Filed 6-26-74;8:45 am]

Title 46—Shipping

CHAPTER IV—FEDERAL MARITIME COMMISSION

SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES

[Docket No. 74-19, General Order 27, Amdt. 6; General Order 31, Amdt. 1]

PART 542—FINANCIAL RESPONSIBILITY FOR REMOVAL OF OIL AND HAZARDOUS SUBSTANCES

Reporting Requirements

On September 30, 1970, the Federal Maritime Commission published in the FEDERAL REGISTER (35 FR 15216) regulations to implement the financial responsibility provisions of section 11(p)(1) of the Federal Water Pollution Control Act, as amended by the Water

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Quality Improvement Act of 1970 (84 Stat. 97).

These regulations (Commission General Order 27) set forth the procedures whereby the owner or operator of every vessel over 300 gross tons, including any barge of equivalent size, using any port or place in the United States or the navigable waters of the United States must evidence financial responsibility to meet liability to the United States to which such vessel could be subjected for the discharge of oil into or upon the waters of the United States. The rules also include the qualifications required by the Commission for issuance of Certificates evidencing financial responsibility, and the basis for denial, revocation, modification, or suspension of such Certificates.

On October 17, 1973, the Federal Maritime Commission published in the FEDERAL REGISTER (38 FR 28827) regulations to implement section 311(p)(1) of the Federal Water Pollution Control Act Amendments of 1972, which amends the previous oil pollution financial responsibility requirements of section 311(p) of the Federal Water Pollution Control Act to include, in addition to the liability for the cost of removal of oil, the liability for the cost of removing hazardous substances. These regulations (General Order 31) in most instances follow the wording of General Order 27, and are intended to replace the regulations contained in General Order 27 on the date a list of hazardous substances is designated by the Administrator of the Environmental Protection Agency.

Experience has indicated that the filing of semi-annual balance sheets, semi-annual statements of income and surplus, and annual credit rating reports by self-insurers and guarantors serves no useful purpose in determining the financial responsibility of such persons. The requirement for the filing of annual current balance sheets and statements of income and surplus, certified by appropriate certified public accountants, is sufficient for this purpose. Accordingly, the Commission served notice in the FEDERAL REGISTER of May 24, 1974 (39 FR 18299) that it was considering deleting from General Orders 27 and 31 the requirements for the filing of semi-annual balance sheets, semi-annual statements of income and surplus, and annual credit rating reports. However, we proposed addition of a provision to require self-insurers and guarantors to notify the Commission in the event the working capital or net worth of such persons falls below the amounts required by the regulations. Interested persons were given until June 10, 1974, within which to file their comments in response to the proposed changes. The deadline for filing comments is now past and no comments have been received.

Therefore, pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 552), and sections 311(p)(1) and 311(p)(2) of the Federal Water Pollution Control Act, as amended by the Water Quality Improvement Act of 1970 (84 Stat. 97) and the Federal Water Pollution Control Act Amendments of 1972, subparagraph (a)(3) of 46 CFR 542.5 is amended by revoking subdivisions (i) and (ii), revising subdivision (iv), and redesignating the remaining subdivisons. As amended, paragraph (a)(3) will read as follows:

§ 542.5 Methods of establishing financial responsibility; forms and requirements.

(a) • • •

(3) Filing with the Commission for qualification as self-insurer. Any self-insurer must demonstrate financial responsibility by maintenance in the United States of working capital and net worth each in an amount calculated as in paragraph (a) of this section: *Provided, however,* That the Commission for good cause shown may waive the requirement as to the amount of working capital. With respect to the maintenance of working capital and/or net worth, the Commission may take into consideration all current contractual requirements to which the applicant is bound. This evidence of financial responsibility shall be supported by, and subject to, the following, which are to be submitted with the initial application and on a continuing fiscal year basis while the Certificate is in effect.

(i) An annual current balance sheet and an annual current statement of income and surplus to be certified by appropriate certified public accountants;

(ii) All financial statements required to be submitted under paragraph (a)(3) of this section shall be due within 120 days after the close of the aforementioned pertinent accounting period; provided that if such financial statements have been furnished to other United States Government agencies, a copy thereof may be submitted;

(iii) Such additional financial information or more frequent submissions of information as the Commission may deem necessary in appropriate cases;

(iv) All self-insurers and guarantors complying with the provisions of this paragraph (a)(3) must within thirty (30) days notify the Commission in the event the amounts of working capital and/or net worth of such self-insurers or guarantors falls below the amounts required by paragraph (a) of this section.

(v) Upon request the Commission may grant reasonable extensions of the time limits provided by this subparagraph for filing the statements required by this part: Provided, That the request is received 15 days before the statements are due and provided further that such request sets forth good and sufficient reasons to jusify the extension requested. In no event, however, will the Commission entertain requests for extensions of more than 60 days.

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Effective date. The amendments contained herein shall become effective July 29, 1974.

By the Commission.

[SEAL] FRANCIS C. HURNEY, *Secretary.*

[FR Doc.74-14771 Filed 6-26-74;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—BUREAU OF SPORT FISHERIES AND WILDLIFE, FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 28—PUBLIC ACCESS, USE AND RECREATION

Upper Mississippi River Wildlife and Fish Refuge

Correction

In FR Doc. 74-10032 appearing at page 15275 in the issue of Thursday, May 2, 1974, the fifth word in the ninth line from the bottom of § 28.28(d)(8) should be spelled "fabricated", and the seventh line from the bottom of § 28.28(d)(8), now reading "steel container not fabricated originally", should read: "tanks and other containers originally".

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-297]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities With Special Hazard Areas

The Federal Insurance Administrator finds that comment and public procedure and the use of delayed effective dates in identifying the areas of communities which have special flood or mudslide hazards, in accordance with 24 CFR Part 1915, would be contrary to the public interest. The purpose of such identifications is to guide new development away from areas threatened by flooding. Since this publication is merely for the purpose of informing the public of the location of areas of special flood hazard and has no binding effect on the sale of flood insurance or the commencement of construction, notice and public procedure are impracticable, unnecessary, and contrary to the public interest. Inasmuch as this publication is not a substantive rule, the identification of special hazard areas shall be effective on the date shown. Accordingly, § 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1915.3 List of communities with special hazard areas.

• • • • • • •

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Alaska	Kenal Peninsula Borough.	Soldotna, city of	H 020014 01 through H 020014 03	Department of Community Regional Affairs, Division of Community Research and Planning, Pouch B, Juneau, Alaska 99801. Alaska Division of Insurance, Room 410, Goldstein Bldg., Pouch D, Juneau, Alaska 99801.	Mayor, P.O. Box 409, Soldotna, Alaska 99669.	June 14, 1974.
Arkansas	Sebastian	Greenwood, city of.	H 050198 01 through H 050198 02	Division of Soil and Water Resources, State Department of Commerce, 1920 West Capitol Ave., Little Rock, Ark. 72204. Arkansas Insurance Department, 400 University Tower Bldg., Little Rock, Ark. 72204.	Mayor, Greenwood, Ark. 72936	Do.
California	Los Angeles	La Verne, city of	H 060133 01 through H 060133 03	Department of Water Resources, P.O. Box 388, Sacramento, Calif. 95802. California Insurance Department, 107 South Broadway, Los Angeles, Calif. 90012.	Mayor, City Hall, 2061 3rd St., La Verne, Calif. 91750.	Do.
Do	Orange	Garden Grove, city of.	H 060220 01 through H 060220 07	do	Garden Grove City Hall, 11391 Acacia Pkwy., Garden Grove, Calif. 92640.	Do.
Do	do	La Palma, city of	H 060225 01 through H 060225 02	do	Mayor, City Hall, 7822 Walker St., La Palma, Calif. 90632.	Do.
Do	San Bernadino	Needles, city of	H 060227 01 through H 060227 06	do	Mayor, City Hall, Needles, Calif. 92363.	Do.
Do	Orange	Placentia, city of	H 060229 01 through H 060229 03	do	Mayor, 120 South Bradford Ave., Placentia, Calif. 92670.	Do.
Do	do	San Clemente, city of.	H 060230 01 through H 060230 06	do	Mayor, Civic Center Bldg., 100 Avenida Presidio, San Clemente, Calif. 92672.	Do.
Do	do	Stanton, city of	H 060234 01 through H 060234 02	do	Mayor, City Hall, 7800 Katella Ave., Stanton, Calif. 90680.	Do.
Do	do	Westminster, city of.	H 060237 01 through H 060237 04	do	Mayor, 8200 Westminster Blvd., Westminster, Calif. 92683.	Do.
Do	Riverside	Rancho Mirage, city of.	H 060259 01 through H 060259 06	do	Mayor, 69-825 Highway 111, Rancho Mirage, Calif. 92270.	Do.
Do	San Benito	Hollister, city of	H 060268 01 through H 060268 03	do	Mayor, City Hall, 375 5th St., Hollister, Calif. 95023.	Do.
Do	San Diego	Vista, city of	H 060297 01 through H 060297 08	do	Mayor, City Hall, 200 Broadway, Vista, Calif. 92083.	Do.
Do	San Mateo	Foster City, city of.	H 060318 01 through H 060318 09	do	City Hall, 610 Foster City Blvd., Foster City, Calif. 94404.	Do.
Do	do	Menlo Park, city of.	H 060321 01 through H 060321 08	do	Mayor, City Hall, Menlo Park, Calif. 94025.	Do.
Do	do	Woodside, town of.	H 060330 01 through H 060330 07	do	Woodside Town Hall, Woodside Rd. at Whiskey Hill, Woodside, Calif. 94062.	Do.
Do	Santa Barbara	Santa Barbara, city of.	H 060335 01 through H 060335 10	do	Santa Barbara County Flood and Water Conservation District, 123 East Anapamu St., Santa Barbara, Calif. 93104.	Do.
Do	Santa Clara	Mountain View, city of.	H 060347 01 through H 060347 06	do	Mayor, City Hall, 540 Castro St., Mountain View, Calif. 94040.	Do.
Do	Shasta	Anderson, city of	H 060359 01 through H 060359 03	do	City Hall, 1887 Howard St., Anderson, Calif. 96007.	Do.
Do	Sutter	Yuba City, city of.	H 060396 01 through H 060396 03	do	Mayor, City Hall, 441 Colusa Ave., Yuba City, Calif. 95991.	Do.
Do	Los Angeles	Azusa, city of	H 065015 01 through H 065015 04	do	Public Works Department, 213 East Foothill Blvd., Azusa, Calif. 91702.	Do.
Do	San Bernardino	Loma Linda, city of.	H 065042 01 through H 065042 03	do	Mayor, City Office, 11128 Anderson St., Loma Linda, Calif. 92354.	Do.

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State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Colorado	Boulder	Boulder, city of	H 080024 01 through H 080024 06	Colorado Water Conservation Board, Room 102, 1845 Sherman St., Denver, Colo. 80203. Colorado Division of Insurance, 106 State Office Bldg., Denver, Colo. 80203.	Planning Director, Boulder County Planning Department., 13th and pruce, Boulder, Colo. 80302.	Do.
Do	San Juan	Silverton, town of	H 088165 01	do	Mayor, City Hall, Silverton, Colo. 81433.	Do.
Georgia	Cobb	Kennesaw, town of	H 130055 01 through H 130055 02	Department of Natural Resources, Office of Planning and Research, 270 Washington St. SW., Room 707, Atlanta, Ga. 30334. Georgia Insurance Department, State Capitol, Atlanta, Ga. 30334.	Cobb County Commission Board, Marietta, Ga. 30061.	Do.
Do	Houston	Centerville, city of	H 130109 01 through H 130109 02	do	Mayor, City Hall, Centerville, Ga. 31093.	Do.
Do	Towns	Young Harris, town of	H 130174 01 through H 130174 02	do	Mayor, City Hall, Young Harris, Ga. 30582.	Do.
Do	Liberty	Hinesville, city of	H 13 779 2730 01 through H 13 779 2730 02	do	Mayor, City Hall, City of Hinesville, Hinesville, Ga. 31313.	May 24, 1974.
Idaho	Shoshone	Smelterville, city of	H 160117 01	Department of Water Administration, State House, Annex 2, Boise, Idaho 83707. Idaho Department of Insurance, Room 206, Statehouse, Boise, Idaho 83707.	Mayor of Smelterville, Smelterville, Idaho 83868.	June 14, 1974.
Illinois	Alexander	Cairo, city of	H 170004 01 through H 170004 04	Governor's Task Force on Flood Control, P.O. Box 475, Lisle, Ill. 60532. Illinois Insurance Department, 509 State Office Bldg., Springfield, Ill. 62702.	Mr. George Kliukus, Attorney at Law, City of Cairo, 238 8th St., Cairo, Ill. 62914.	Do.
Do	Fulton	Canton, city of	H 170242 01 through H 170242 03	do	Mayor, Canton, Ill. 61520	Do.
Do	Piatt	Hammond, village of	H 170548 01	do	President, Village Board, Hammond, Ill. 61929.	Do.
Indiana	Clark	Jeffersonville, city of	H 180027 01 through H 180027 03	Division of Water, Department of Natural Resources, 608 State Office Bldg., Indianapolis, Ind. 46204. Indiana Insurance Department, 509 State Office Bldg., Indianapolis, Ind. 46204.	Planning Commission, City-County Bldg., Jeffersonville, Ind. 47130.	Do.
Kentucky	Calloway	Murray, city of	H 210033 01 through H 210033 08	Division of Water, Kentucky Department of Natural Resources, Capitol Plaza, Office Tower, Frankfort, Ky. 40601. Kentucky Insurance Department, Old Capitol Annex, Frankfort, Ky. 40601.	Mayor, City Hall, Murray, Ky. 42071.	Do.
Do	Carroll	Carrollton, city of	H 210232 01 through H 210232 02	do	Mayor, City Bldg., 302 6th St., Carrollton, Ky. 41008.	Do.
Louisiana	St. Landry Parish	Opelousas, city of	H 220173 01 through H 220173 03	State Department of Public Works, P.O. Box 44155, Capitol Station, Baton Rouge, La. 70804. Louisiana Insurance Department, Box 44214, Capitol Station, Baton Rouge, La. 70804.	Mayor, City Hall, Opelousas, La. 70570.	
Do	do	Sunset, town of	H 220176 01 through H 220176 02	do	Mayor, City Hall, Sunset, La. 70584	Do.
Do	Tensas Parish	Newellton, town of	H 220216 01 through H 220216 03	do	Hon. Edwin Preis, Mayor, Town of Newellton, Newellton, La. 71357.	Do.
Do	do	St. Joseph, town of	H 220217 01 through H 220217 03	do	Mayor, Town of St. Joseph, St. Joseph, La. No ZIP.	Do.
Maine	Androscoggin	Livermore Falls, town of	H 230006 01 through H 230006 02	Maine Soil and Water Conservation Commission, Augusta, Maine 04330. Maine Insurance Department, Capitol Shopping Center, Augusta, Maine 04330.	Town Manager, Main St., Livermore Falls, Maine 04254.	Do.
Do	Aroostook	Ashland, town of	H 230012 01 through H 230012 06	do	1st Selectman, Town Office, Ashland, Maine 04732.	Do.
Do	Franklin	Strong, town of	H 230061 01 through H 230061 04	do	Selectman's Office, Strong, Maine 04983.	Do.
Michigan	Washtenaw	Ypsilanti, city of	H 260216 01 through H 260216 02	Water Resources Commission, Bureau of Water Management, Stevens T. Mason Bldg., Lansing, Mich. 48913. Michigan Insurance Bureau, 111 North Mosimer St., Lansing, Mich. 48913.	Mayor, City Hall, 304 North Huron St., Ypsilanti, Mich. 48197.	Do.
Do	Delta	Gladstone, city of	H 260267 01 through H 260267 02	do	City Hall, 1100 Delta Ave., Gladstone, Mich. 49837.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Minnesota	Ramsey	Shoreview, village of	H 270384 01 through H 270384 05	Division of Water, Soils and Minerals, Department of Natural Resources, Centennial Office Bldg., St. Paul, Minn. 55101. Minnesota Division of Insurance, R-210 State Office Bldg., St. Paul, Minn. 55101.	Mayor, Village Hall, 881 West Highway 96, St. Paul, Minn. 55112.	June 14, 1974
Missouri	Madison	Fredericktown, city of	H 290221 01 through H 290221 05	Water Resources Board, P.O. Box 271, Jefferson City, Mo. 65101. Division of Insurance, P.O. Box 690, Jefferson City, Mo. 65101.	Mayor, City of Fredericktown, Fredericktown, Mo. 63645.	Do.
Do	St. Louis	Bellefontaine Neighbors, city of	H 290330 01 through H 290330 03	do	City Hall, 9641 Bellefontaine Rd., Bellefontaine Neighbors, Mo. 63137.	Do.
Do	do	Moline Acres, city of	H 290370 01 through H 290370 02	do	Mayor, City Hall, Moline Acres, Mo. 63136.	Do.
Mississippi	Tunica	Tunica, town of	H 280196 01	Mississippi Research and Development Center, P.O. Box Drawer 2470, Jackson, Miss. 39205. Mississippi Insurance Department, 910 Woolfolk Bldg., P.O. Box 79, Jackson, Miss. 39205.	Mayor, Town of Tunica, Tunica, Miss. 38676.	Do.
Montana	Silver Bow	Butte, city of	H 300077 01 through H 300077 03	Montana Department of Natural Resources and Conservation, Water Resources Division, Sam W. Mitchell Bldg., Helena, Mont. 59601. Montana Insurance Department, Capitol Bldg., Helena, Mont. 59601.	City Council, City Hall, Butte, Mont. 59701.	Do.
Nebraska	Nance	Genoa, city of	H 310153 01 through H 310153 02	Nebraska Natural Resources Commission, P.O. Box 94725, State House Station, Lincoln, Nebr. 68509. Nebraska Insurance Department, 1335 L St., Lincoln, Nebr. 68509.	Genoa City Council, Genoa, Nebr. 68640.	Do.
Do	Pierce	Plainview, city of	H 310175 01	do	Mayor, Plainview, Nebr. 68769	Do.
Do	Seward	Seward, city of	H 310210 01 through H 310210 02	do	Mayor, City Hall, Seward, Nebr. 68434.	Do.
New Hampshire	Belknap	Meredith, town of	H 330006 01 through H 330006 08	Office of State Planning, Division of Community Planning, State House Annex, Concord, N.H. 03301. New Hampshire Insurance Department, 78 North Main St., Concord, N.H. 03301.	Earle Hardy, Town Manager, Meredith, N.H. 03253.	Do.
Do	Sullivan	Newport, town of	H 330161 01 through H 330161 12	do	Chairman, Board of Selectmen, Newport, N.H. 03773.	Do.
Do	Hillsborough	Francestown, town of	H 330086 01 through H 330086 09	do	Selectman, Town of Francestown, Francestown, N.H. 03043.	Do.
New Jersey	Bergen	Teaneck, town of	H 340075 01 through H 340075 15	Bureau of Water Control, Department of Environmental Protection, P.O. Box 1390, Trenton, N.J. 08625. New Jersey Department of Insurance, State House Annex, Trenton, N.J. 08625.	Mayor, Municipal Bldg., Town of Teaneck, Teaneck, N.J. 07666.	Do.
Do	do	Wallington, borough of	H 340079 01 through H 340079 02	do	Mayor, Municipal Bldg., Borough of Wallington, Wallington, N.J. 07057.	Do.
Do	Burlington	Pemberton, borough of	H 340111 01	do	Mayor, Borough Hall, 114 Hanover St., Pemberton, N.J. 08064.	Do.
Do	Camden	Berlin, borough of	H 340125 01 through H 340125 02	do	Mayor, Municipal Bldg., Borough of Berlin, Berlin, N.J. 08009.	Do.
Do	Cape May	West Cape May, borough of	H 340160 01	do	Mayor, Borough of West Cape May, 116 4th Ave., West Cape May, N.J. 08204.	Do.
Do	Sussex	Hamburg, borough of	H 340450 01	do	Mayor, Borough of Hamburg, Wallkill Ave., Hamburg, N.J. 07419.	Do.
Do	do	Sussex, borough of	H 340457 01	do	Mayor, Borough of Sussex, 2 Main St., Sussex, N.J. 07461.	Do.
Do	Warren	Greenwich, town of	H 340483 01 through H 340483 04	do	Mayor, Town of Greenwich, Rural Delivery, Stewartsville, N.J. 08886.	Do.
New Mexico	Chaves	Roswell, city of	H 350006 01 through H 350006 10	State Engineer's Office, Bataan Memorial Bldg., Santa Fe, N. Mex. 87501. New Mexico Department of Insurance, P.O. Box 1269, Sante Fe, N. Mex. 87501.	Mayor, City Hall, City of Roswell, 425 North Richardson, Roswell, N. Mex. 88201.	Do.
Do	Grant	Silver City, town of	H 350022 01 through H 350022 04	do	Chairman, Planning and Zoning Commission, P.O. Box 1188, Town of Silver City, Silver City, N. Mex. 88061.	Do.
New York	Albany	Westerlo, town of	H 360017 01 through H 360017 04	New York State Department of Environmental Conservation, Division of Resources Management Services, Albany, N.Y. 12201. New York State Insurance Department, 123 William St., New York, N.Y. 10038.	Town Supervisor, Town of Westerlo, Westerlo, N.Y. 12193.	Do.
Do	Cattaraugus	Napoli, town of	H 360086 01 through H 360086 10	do	Supervisor, Town of Napoli, Napoli, N.Y. 13661.	Do.
Do	Cayuga	Fleming, town of	H 360110 01 through H 360110 06	do	Fleming Town Board, Town of Fleming, R.D. No. 1, Auburn, N.Y. 13021.	Do.
Do	do	Moravia, town of	H 360117 01 through H 360117 07	do	Moravia Town Board, Town of Moravia, 55 Grove St., Moravia, N.Y. 13118.	Do.
Do	Clinton	Rouses Point, village of	H 360170 01	do	Mayor, Village of Rouses Point, Rouses Point, N.Y. 12579.	Do.
Do	Jefferson	Clayton, town of	H 360330 01 through H 360330 07	do	Supervisor, Village of Clayton, Clayton, N.Y. 13624.	Do.

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State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do	Nassau	Baxter Estates, village of.	H 360459 01	do	Mayor, Village of Baxter Springs, 2 Harper Rd., Port Washington, N.Y. 11050.	Do.
Do	do	Kensington, village of.	H 360472 01	do	Mayor, Village of Kensington, 2 Nassau Dr., Great Neck, N.Y. 11021.	Do.
Do	do	Plandome, village of.	H 360484 01	do	Mayor, Village of Plandome, 65 South Dr., Plandome, N.Y. 11030.	Do.
Do	do	Plandome Heights, village of.	H 360485 01	do	Mayor, Village of Plandome Heights, P.O. Box 19, Manhasset, N.Y. 11030.	Do.
Do	do	Saddle Rock, village of.	H 360491 01	do	Mayor, Village of Saddle Rock, 45 Shelly Lane, Great Neck, N.Y. 11020.	Do.
Do	do	Thomaston, village of.	H 360494 01	do	Mayor, Village of Thomaston, 100 East Shore Rd., Great Neck, N.Y. 11021.	Do.
Do	Saratoga	Galway, town of.	H 360736 01 through H 360736 16	do	Supervisor, Town of Galway, County Board of Supervisors, Municipal Center, Ballston Spa, N.Y. 12020.	Do.
Do	do	Wilton, town of.	H 360736 01 through H 360736 16	do	Supervisor, Town of Wilton, c/o Board of Supervisors, Municipal Center, Ballston Spa, N.Y. 12020.	Do.
North Carolina	Avery	Banner Elk, town of.	H 370011 01 through H 370011 02	North Carolina Office of Water and Air Resources, Department of Natural and Economic Resources, P.O. Box 27687, Raleigh, N.C. 27611. North Carolina Insurance Department, P.O. Box 26387, Raleigh, N.C. 27611.	Mayor, Town Hall, Town of Banner Elk, Banner Elk, N.C. 28604.	Do.
Do	Graham	Robbinsville, town of.	H 370106 01 through H 370106 02	do	Mayor, Town of Robbinsville, Robbinsville, N.C. 28771.	Do.
Do	Mitchell	Spruce Pine, town of.	H 370163 01 through H 370163 06	do	Mayor, Town of Spruce, Spruce Pine, N.C. 28777.	Do.
Do	Onslow	Swansboro, town of.	H 370179 01	do	Chairman, County Commissioners, Town of Swansboro, Jacksonville, N.C. 28540.	May 24, 1974
Do	Swain	Bryson City, city of.	H 370228 01 through H 370228 04	do	Mayor, Town Hall, City of Bryson City, Bryson City, N.C. 28713.	June 14, 1974
Do	Wilkes	Wilkesboro, town of.	H 370359 01	do	Mayor, Wilkesboro, N.C. 28697	Do.
Do	Transylvania	Brevard, town of.	H 370231 01 through H 370231 03	do	Municipal Bldg., 151 West Main St., Brevard, N.C. 28712.	Do.
Ohio	Lawrence	Coal Grove, village of.	H 390326 01 through H 390326 06	Ohio Department of Natural Resources, Fountain Square, Columbus, Ohio 43224. Director of Insurance, State of Ohio, Department of Insurance, 115 East Rich St., Columbus, Ohio 43215.	Mayor, Village of Coal Grove, Coal Grove, Ohio 43224.	Do.
Oklahoma	Alfalfa	Cherokee, city of.	H 400096 01	Oklahoma Water Resources Board, 2241 Northwest 40th St., Oklahoma City, Okla. 73112. Oklahoma Insurance Department, Room 408, Will Rogers Memorial Bldg., Oklahoma City, Okla. 73105.	Mayor, City of Cherokee, Cherokee, Okla. 73728.	Do.
Do	Cherokee	Tahlequah, city of.	H 400037 01 through H 400037 05	do	Mayor, City Hall, City of Tahlequah, Tahlequah, Okla. 74464.	Do.
Do	Seminole	Wewoka, city of.	H 400193 01 through H 400193 06	do	City Manager, City Hall, Seminole, Okla. 74868.	Do.
Do	Woodward	Woodward, city of.	H 400232 01 through H 400232 03	do	Chairman, Woodward Metropolitan Area Planning Commission, Woodward, Okla. 73801.	Do.
Pennsylvania	Allegheny	Blawnox, borough of.	H 420013 01	Department of Community Affairs, Commonwealth of Pennsylvania, Harrisburg, Pa. 17120. Pennsylvania Insurance Department, 108 Finance Bldg., Harrisburg, Pa. 17120.	Mayor, Borough of Blawnox, 376 Freeport Rd., Pittsburgh, Pa. 15238.	Do.
Do	do	Jefferson, borough of.	H 420046 01 through H 420046 06	do	Mayor, Borough of Jefferson, 3008 Old Clairton Rd., Clairton, Pa. 15025.	Do.
Do	do	Swissvale, borough of.	H 420075 01 through H 420075 02	do	Mayor, Borough of Swissvale, 7560 Rosiyn St., Pittsburgh, Pa. 15218.	Do.
Do	Butler	Bruin, borough of.	H 420211 01 through H 420211 03	do	Butler County Planning Commission, Borough of Bruin, Butler, Pa. 16001.	Do.
Do	Chester	West Chester, borough of.	H 420292 01	do	Office of Borough Secretary, Borough of West Chester, West Chester, Pa. 19380.	Do.
Do	Fayette	Uniontown, city of.	H 420466 01 through H 420466 04	do	Municipal Building, South and Arch Sts., Uniontown, Pa. 15401.	Do.
Do	Tioga	Knoxville, borough of.	H 420819 01	do	President, Borough Council, Borough of Knoxville, Knoxville, Pa. 16928.	Do.
Do	Westmoreland	Jeannette, city of.	H 420882 01	do	City Clerk's Office, Second and Clay Ave., City Hall, Jeannette, Pa. 15644.	Do.
Do	do	New Florence, borough of.	H 420890 01	do	Mayor, Borough of New Florence, 15th St., New Florence, Pa. 15944.	Do.
Do	York	Dillsburg, borough of.	H 420919 01	do	President, Municipal Bldg., Borough of Dillsburg, Dillsburg, Pa. 17019.	Do.
Do	do	Felton, borough of.	H 420922 01	do	Mr. Richard F. Doll, Rural Delivery No. 2, Borough of Felton, Felton, Pa. 17322.	Do.
Do	Montgomery	Lower Gwynedd, township of.	H 420953 01 through H 420953 04	do	Lower Gwynedd Township Bldg., Township of Lower Gwynedd, Bethlehem Pike, Spring House, Pa. 19477.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of areas which have special flood hazards
Do	Luzerne	Fairview, township of.	H 420993 01 through H 420993 04	do	Fairview Township Bldg., 7471 McCray Rd., Fairview, Pa. 16415.	Do.
South Carolina	Beaufort	Port Royal, town of.	H 450028 01 through H 450028 02	South Carolina Resources Commission, P.O. Drawer 164, 700 Knox Abbott Dr., Cayce, S.C. 29033. South Carolina Insurance Department, 2711 Middleburg St., Columbia, S.C. 29204.	Beaufort County Planning Clerk-Treasurer, Town of Port Royal, Port Royal, S.C. 29935.	Do.
Tennessee	Anderson	Norris, city of.	H 470003 01 through H 470003 11	Tennessee State Planning Office, 660 Capitol Hill Bldg., Nashville, Tenn. 37219. Tennessee Department of Insurance and Banking, 114 State Office Bldg., Nashville, Tenn. 37219.	Mayor, City of Norris, Norris, Tenn. 37828.	Do.
Do	Benton	Camden, town of.	H 470010 01 through H 470010 07	do	Mayor, City Hall, Town of Camden, 119 West Main, Camden, Tenn. 38320.	Do.
Do	Cumberland	Crab Orchard, city of.	H 470038 01 through H 470038 07	do	Mayor, City Hall, City of Crab Orchard, Crab Orchard, Tenn. 37723.	Do.
Do	do	Crossville, city of.	H 470039 01 through H 470039 15	do	Mayor, City Hall, City of Crossville, Crossville, Tenn. 38555.	Do.
Do	Hamilton	Chattanooga, city of.	H 470072 01 through H 470072 84	do	Building Inspector, City of Chattanooga, City Building Inspector's Office, Chattanooga City Hall, Room 211, Chattanooga, Tenn. 37402.	Do.
Do	Hamilton	Signal Mountain, town of.	H 470078 01 through H 470078 07	do	Mayor, Town Hall, Town of Signal Mountain, Signal Mountain, Tenn. 37377.	Do.
Do	Hardin	Saltillo, town of.	H 470083 01 through H 470083 02	do	Mayor, City Office, Town of Saltillo, Saltillo, Tenn. 38370.	Do.
Do	Houston	Erin, city of.	H 470094 01 through H 470094 02	do	Building Inspector, City of Erin, City Hall, Erin, Tenn. 37061.	Do.
Do	Marion	Kimball, town of.	H 470116 01 through H 470116 02	do	Mayor James Beene, Town of Kimball, Jasper, Tenn. 37347.	Do.
Do	Meigs	Decatur, town of.	H 470134 01 through H 470134 03	do	Mayor, City Hall, Town of Decatur, Decatur, Tenn. 37322.	Do.
Texas	Bell	Holland, city of.	H 480030 01	Texas Water Development Board, P.O. Box 13087, Capitol Station, Austin, Tex. 78711. Texas Insurance Department, 1110 San Jacinto St., Austin, Tex. 78701.	Mayor, City of Holland, Holland, Tex. 76534.	Do.
Do	Brazoria	West Columbia, city of.	H 480081 01 through H 480081 02	do	Mr. Emory D. Partin, City Manager, city of West Columbia, P.O. Box 487, West Columbia, Tex. 77486.	Do.
Do	Lamar	Paris, city of.	H 480427 01 through H 480427 08	do	City Manager, City Hall, City of Paris, Paris, Tex. 75460.	Do.
Do	Montgomery	Conroe, city of.	H 480484 01 through H 480484 03	do	Mayor, Municipal Bldg., City of Conroe, Conroe, Tex. 77301.	Do.
Do	Orange	Orange, city of.	H 480512 01 through H 480512 07	do	City Engineer's Office, 1109 West Polk, P.O. Box 520, Orange, Tex. 77630.	Do.
Do	Panola	Carthage, city of.	H 480519 01 through H 480519 05	do	Mayor, City Hall, City of Carthage, Box 400, Carthage, Tex. 75633.	Do.
Do	Stephens	Breckenridge, city of.	H 480578 01 through H 480578 02	do	City Manager, Municipal Bldg., City of Breckenridge, Breckenridge, Tex. 76024.	Do.
Do	Tarrant	Hurst, city of.	H 480601 01 through H 480601 04	do	Hurst Municipal Bldg., 1505 Precinct Line Rd., City of Hurst, Hurst, Tex. 76053.	Do.
Do	Willacy	Raymondville, city of.	H 480666 01 through H 480666 02	do	Mayor, City of Raymondville, Raymondville, Tex. 78580.	Do.
Vermont	Chittenden	Jericho, town of.	H 500037 01 through H 500037 05	Management and Engineering Division, Water Resources, Department State Office Bldg., Montpelier, Vt. 05602. Vermont Insurance Department, State Office Bldg., Montpelier, Vt. 05602.	Chairman, Town of Jericho, Jericho Board of Selectmen, Town Clerk's Office, Jericho, Vt. 05465.	Do.
Virginia	Botetourt	Troutville, town of.	H 510021 01 through H 510021 02	Bureau of Water Control Management, State Water Control Board, 2nd Floor, Davenport Bldg., 11 South 10th St., Richmond, Va. 23219. Virginia Insurance Department, 200 Blanton Bldg., P.O. Box 1157, Richmond Va. 23209.	Town Council, Town of Troutville, Troutville, Va. 24175.	Do.
Do	Independent City	Colonial Heights, city of.	H 510039 01 through H 510039 05	do	City Manager, City Hall, Colonial Heights, Va. 23834.	Do.
Do	Fairfax	Herndon, town of.	H 510052 01 through H 510052 03	do	Town Hall, Town of Herndon, 57 Elden St., Herndon, Va. 22070.	Do.
Do	Independent City	Staunton, city of.	H 510155 01 through H 510155 03	do	City Manager, City Hall, Staunton, Va. 2401.	Do.
Do	Lee	Jonesville, town of.	H 510086 01 through H 510086 02	do	Mayor, Town of Jonesville, Jonesville, Va. 24263.	Do.
Washington	Jefferson	Port Townsend, city of.	H 530070 01 through H 530070 04	do	Mayor, City Hall, City of Port Townsend, Port Townsend, Wash. 98368.	Do.
Do	Mason	Shelton, city of.	H 530116 01 through H 530116 04	do	City of Shelton, Shelton, Wash. 98584.	Do.

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State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
West Virginia	Boone	Madison, town of	H 540008 01 through H 540008 02	Office of Federal-State Relations, Room W. 118, Capitol Bldg., Charleston, W. Va. 25304. West Virginia Insurance Department, State Capitol, Charleston, W. Va. 25305.	Mayor, Town of Madison, Madison, W. Va. 25130.	Do.
Do	Greenbrier and Monroe.	Alderson, town of	H 540041 01	do	Mayor, City Hall, Town of Alderson, Alderson, W. Va. 24910.	Do.
Wyoming	Carbon	Saratoga, town of	H 560012 01 through H 560012 02	Wyoming Disaster and Civil Defense Agency, P.O. Box 1709, Cheyenne, Wyo. 82001. Department of Insurance, State of Wyoming, State Office Bldg., Cheyenne, Wyo. 82001.	Mayor, Town of Saratoga, Saratoga, Wyo. 82331.	Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408–410, Pub. L. 91–152, Dec. 24, 1969) (42 U.S.C. 4001–4127); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: June 17, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74–14503 Filed 6–26–74;8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rulemaking prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 993]

DRIED PRUNES PRODUCED IN CALIFORNIA

Proposed Handling and Grade Requirements

Notice is hereby given of a proposal recommended by the Prune Administrative Committee to amend certain subparts effective pursuant to the marketing agreement, as amended, and Order No. 993, as amended (7 CFR Part 993), regulating the handling of dried prunes produced in California (hereinafter collectively referred to as the "order"). The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The proposal is to (1) amend § 993.149 (c)(2) of the administrative rules and regulations (Subpart — Administrative Rules and Regulations; 7 CFR 993.101–993.174) by revising the information to be shown on inspection certificates issued by the inspection service following inspection of prunes delivered by producers or dehydrators to handlers (hereinafter referred to as "incoming inspection"), and (2) modify a provision in I C of § 993.97 (Exhibit A) of the order by changing the procedure for determining the tolerance allowance percentages for the defects prescribed in I C from a weight basis to a unit (i.e., number of prunes) basis in connection with incoming inspection.

In order to provide the California prune industry generally, and the Committee specifically, with (1) more detailed data from which to analyze the composition of prune crops for marketing policy deliberations, and (2) to make more intelligent decisions in the overall administration of the order, the Committee, at its meeting of May 21, 1974, proposed to adopt a modified grader test procedure for incoming inspection. Under this test procedure, a sample drawn from each lot of prunes for incoming inspection would be segregated into four separate size categories. Each size category would be analyzed for offgrade content and size count and the results recorded on the inspection certificate. In addition, the inspection certificate would also show the composite reconstruction of grade and size on a weighted basis, had the analysis of the same sample been made on a test of the lot as a whole. It would therefore be necessary to revise § 993.149(c)(2) so that the applicable information may be included on inspection certificates issued by the inspection service for incoming inspections.

Pursuant to § 993.52 authorizing the Committee to recommend modifications in the minimum standards, prescribed in § 993.97 (Exhibit A) of the order, it is also proposed that the preamble to "Maximum tolerances" in I C of that section be modified, and the modification set forth as a new § 993.602 in Subpart—Grade Regulations (7 CFR 993.601). Currently, the preamble provides that "Tolerance allowances shall be on a weight basis and shall not exceed the following . . ." The modification to be set forth in proposed § 993.602 would provide that, in lieu of that provision, the tolerance allowance percentage for each defect or group of defects shall be derived by dividing the number of prunes in the applicable sample affected with the applicable defect(s) by the total number of prunes in such sample. The purpose of this is to provide greater accuracy and uniformity in analyzing the samples. Moreover, under the modified grader system, it is possible that a given screen size segment of the gross sample would contain an insufficient number of prunes, by weight, to permit proper analysis.

Consideration will be given to any written data, views, or arguments pertaining to the proposal which are received by the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, no later than July 31, 1974. All written submissions made pursuant to this notice should be in quadruplicate and will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposal is as follows:

1. Section 993.149 is amended by revising paragraph (c)(2) as follows:

§ 993.149 Receiving of prunes by handlers.

* * * * * *

(c) * * *

(2) *Certification.* Following inspection of a lot not returned to the producer or dehydrator, the handler shall require the inspection service to issue, in quintuplicate, a signed certificate containing at least the following information; (i) The place where samples were drawn and the date and place of inspection; (ii) the name and address of the producer or dehydrator, the handler, and the inspection service; (iii) the variety of the prunes, the county in which such prunes were produced, the number and type of the containers thereof, the net weight of the prunes as shown on the applicable door receipt or weight certificate, together with the number of such receipt or certificate, and the contract or account number under which the prunes were delivered; (iv) whenever applicable, the percentage by weight of undersized prunes in the lot; (v) with respect to the balance of the lot, the inspector's computation of the percentage, by screen size of prunes and in the aggregate, of each group or combination of groups of defects for which a maximum tolerance is in effect; (vi) whether the prunes in the lot, exclusive of any undersized prunes, are standard or substandard; (vii) the inspector's computation of the percentage of weight, of each screen size and in the aggregate, of offgrade prunes (those defective pursuant to § 993.97) necessary to be removed therefrom in order for the remainder in each screen size and in the aggregate to be standard prunes, and (viii) the average size count of prunes of each screen size and of the aggregate: *Provided,* That whenever an undersize prune regulation is in effect for the crop year, the average size count shall be of all prunes except undersized prunes in the lot, by screen size and in the aggregate. The handlers shall require the inspection service to furnish the producer or dehydrator with one copy of the certificate and the handler with two copies promptly.

* * * * * *

2. Subpart—Grade Regulations (7 CFR 993.601) is amended by adding a new § 993.602 reading as follows:

§ 993.602 Maximum tolerances.

In lieu of the provision prescribed in I C of § 993.97 that the tolerance allowances prescribed therein shall be on a weight basis, the tolerance allowance percentage for each defect or group of defects in I C of § 993.97 shall be derived by dividing the number of prunes in the applicable sample affected with the applicable defect(s) by the total number of prunes in such sample.

Dated: June 21, 1974.

CHARLES R. BRADER,
Deputy Director,
Fruit and Vegetable Division.

[FR Doc.74–14670 Filed 6–26–74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 53]

CANNED TOMATOES

Proposed Amendments to Standards of Identity, Quality, and Fill of Container

Correction

In FR Doc. 74–9699 appearing at page 14971 of the issue for Monday, April 29, 1974 make the following changes:

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1. In the text of the International Codex Standard:

a. On page 14973, in the seventh line of paragraph 5.1.1 *Minimum Fill* "water at" should read "will hold".

b. In paragraph 6.1.3 delete the seventh line, reading "stewed", where appropriate, whichever of"; and insert the following between the fifth and sixth lines:

(b) the type: 'flavoured", "seasoned", or

c. In the third line of paragraph 7.3 *Determination of Calcium* an open parenthesis should precede "FAO/WHO".

2. On page 14973 in the "Comparison of Identity Aspects and Proposed Course of Actions", insert the following between the thirteenth and fourteenth lines of paragraph 4. *Stewed tomatoes:* "in stewed tomatoes. In the United States,".

3. On page 14975 in the "Comparison of the Quality Aspects and Proposed Course of Actions":

a. In paragraph 2. *Color criteria* transpose the fourteenth and fifteenth lines.

b. In the fifth line of paragraph 5. *Peel* insert a closed parenthesis following "inches", and delete the open parenthesis preceding "per"; and in the sixteenth line "1.06 in.'" should read "1.06 in.²".

4. On page 14976, in the seventh line of § 53.40(a)(2) insert "in" after "prepared".

[21 CFR Part 121]

FOOD ADDITIVES

Brominated Vegetable Oil; Proposal to Extend Interim Regulation

Correction

In FR Doc. 74-9466 appearing on page 14611 of the issue for Thursday, April 25, 1974, in the eighth line of the fourth paragraph of the preamble, "six- and eleven-month reports" should read "six- and eleven-month status reports".

Public Health Service

[42 CFR Part 100]

FEDERAL PARTICIPATION FOR CAPITAL EXPENDITURES

Proposed Limitations

Notice is hereby given that the Assistant Secretary for Health of the Department of Health, Education, and Welfare, with the approval of the Secretary of Health, Education, and Welfare, proposes to amend 42 CFR Part 100, entitled "Limitation on Federal Participation for Capital Expenditures." The purposes of the amendments are (1) to clarify the definition of the term "Health care facility" as applied to ambulatory health care facilities, and (2) to base the formula for distribution of funds to designated planning agencies as payment for the costs of agency review of capital expenditures for purposes of section 1122 of the Social Security Act on the amount of funds expended in each State to carry out sections 314(a) and (b) of the Public Health Service Act during fiscal year 1974.

Change number (1) above removes from § 100.102(e) of the regulations the term "surgicenters" and substitutes therefor "ambulatory surgical centers." The term "surgicenters" is associated with a particular proprietary organization and is less generically descriptive of the type of facility which is intended to be covered by the definition than is "ambulatory surgical center."

Change number (2) above is made necessary by the fact that authorizations for appropriations to carry out sections 314 (a) and (b) of the Public Health Service Act are due to expire June 30, year 1975 appropriations under those programs will be extended in their present form. There will therefore be no fiscal year 1975 appropriations under those programs on which to base the distribution of funds to carry out section 1122. Accordingly, it has been concluded that the most equitable basis on which to compute such payments is the most recent year for which section 314 (a) and (b) funds were available.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed amendments to Part 100, Subpart A, to the Division of Comprehensive Health Planning, Room 11-11, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852, on or before July 12, 1974. All comments received in response to this notice will be available for inspection in the above-named office during regular business hours.

It is therefore proposed to amend Subpart A of Part 100 of Title 42 as set forth below.

Dated: June 6, 1974.

CHARLES C. EDWARDS,
Assistant Secretary for Health.

Approved: June 21, 1974.

FRANK CARLUCCI,
Secretary of Health, Education, and Welfare.

1. Paragraph (e) of § 100.102 is amended by deleting the word "surgicenters" and inserting in lieu thereof "ambulatory surgical centers." As amended, such paragraph reads as follows:

§ 100.102 Definitions.

• • • • • •

(e) "Health care facility" includes hospitals, psychiatric hospitals, tuberculosis hospitals, skilled nursing facilities, home health agencies, and providers of outpatient physical therapy services (including speech pathology services) as defined in section 1861 (e), (f), (g), (j), (o), and (p), respectively, of the Act (except that such term shall not apply with respect to outpatient physical therapy services performed by a physical therapist in his office or in a patient's home); kidney disease treatment centers, including freestanding hemodialysis units; intermediate care facilities as defined in section 1905(c) of the Act; and organized ambulatory health care facilities such as health centers, family planning clinics, and facilities providing surgical treatment to patients not requiring hospitalization (ambulatory surgical centers), which are not part of a hospital but which are organized and operated to provide medical care to outpatients.

• • • • • •

2. Paragraph (a)(1) of § 100.110 is amended to read as follows:

§ 100.110 Payment by Secretary of Costs of Agency Review.

(a) • • •

(1) The Secretary will determine, on the basis of information furnished to him by the designated planning agency and such other information as may be available to him, (i) the amount of funds, both Federal and non-Federal, which were expended in such State during the fiscal year ending June 30, 1974, to carry out sections 314(a) and (b) of the Public Health Service Act, and (ii) the amount of such funds which were expended for the purpose of cost containment.

• • • • • •

[FR Doc.74-14717 Filed 6-26-74;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Interstate Land Sales Registration

[24 CFR Part 1710]

[Docket No. R-74-274]

LAND REGISTRATION

Notice of Proposed Rulemaking

Notice is hereby given that pursuant to the Interstate Land Sales Full Disclosure Act (15 U.S.C. 1701 et seq.) it is proposed to amend Chapter IX of 24 CFR. Under this proposal, certain technical and substantive changes would be made in Part 1710. Section 1710.26 would be modified to delete the states listed therein. A new § 1710.50 would be added to Part 1710. Subpart A. Part I.B.3. and Part II.C.1. of Section 1710.105 would be amended. Section 1710.110, Part B.11. would be amended.

Section 1710.26 currently provides for the acceptance by the Office of Interstate Land Sales Registration of materials filed with and found acceptable by the authorities of certain states.

The effect of the proposed amendment to this section would be that materials filed with those State authorities currently recognized as acceptable by the Office of Interstate Land Sales Registration would no longer be considered acceptable for the purpose of the Act after the effective date of this amendment.

State filings meeting the requirements of the current Regulations and received in the prescribed form by OILSR prior to the effective date of this amendment will be accepted by OILSR as meeting the registration requirements of the Act. Any initial filings, consolidations or amendments received after the effective date of this amendment must comply with the regulations for Federal filings.

Presently, materials initially filed with and allowed to become effective by authorities in the States of Hawaii, California, New York and Florida have been accepted for filing by the Secretary as meeting the registration requirements of the Act. The subdivision report found acceptable by the State then serves as the property report which is given to the lot purchaser, purportedly meeting the disclosure requirements of the Act.

While OILSR believes State agencies are generally in the best position to administer substantive regulations, it also feels that the Federal Government is required by statute to administer and enforce uniform and meaningful disclosure standards regardless of where the property is located or where it is offered for sale. While we are deleting the names of the states, we do not propose to eliminate the state filing procedure. We merely propose to discontinue the acceptance of materials filed with the designated states until a determination is made that the state filings meet the full disclosure requirements of our Act.

A representative sampling of the four State registrations has been reviewed with the resultant finding that far less disclosure was afforded prospective purchasers than would have been set forth in a HUD Property Report. Among other things, there is far less (if any) information about utilities, amenities or services and completion or availability dates. Conditions of access or on the use of the property often are not disclosed, and neither are the conditions of title or of conveyance made clear to the purchaser.

The absence or weakness of disclosure of such basic information does not appear to be justifiable.

The new section, § 1710.50, is designed to establish an official procedure for application to the Secretary for consent to the withdrawal of a Statement of Record where warranted by factual circumstances.

Consent to withdrawal will be given only where it can be shown conclusively that such withdrawal is consistent with the public interest and the protection of purchasers. Such circumstances might include cases where all of the lots in the subdivision had been deeded out, all facilities and other obligations of the developer were completed and the developer no longer exerted any control over the subdivision, or cases where no sales have been or will be made. Unless there is substantial evidence that the withdrawal is consistent with the public interest and the protection of purchasers, consent to withdrawal would not be given in a case where a developer attempts to avoid the obligation to amend his Statement of Record to reflect material change, where there remains the possibility of lots being repossessed or where promised amenities or facilities are not completed.

Part I.B.3. of § 1710.105 would be amended to clarify existing policy with respect to the lots which may be included in the Statement of Record and Property Report in those instances where sales were made prior to the time that the developer registered with OILSR.

Part II.C.3. of § 1710.105 would be amended to insure that a developer will disclose any court action which arises under the Interstate Land Sales Full Disclosure Act and involves the developer or the subdivision.

Section 1710.110, Part B.11. would be amended to require the developer to file three copies of the final printed version of the Property Report.

Interested persons are invited to participate in the making of the proposed rules by submitting such written comments or suggestions as they deem pertinent. Communications should identify the subject matter by the above title and should be submitted in triplicate to the Rules Docket Clerk, Office of General Counsel, Department of Housing and Urban Development, Room 10150, 451 Seventh Street, SW., Washington, D.C. 20410. All communications received on or before July 30, 1974 will be considered before taking action on the proposal. Also, public hearings will be scheduled to hear comments on the proposed rule. Notice of these hearings will appear in the FEDERAL REGISTER and in various general and special circulation newspapers and periodicals. The proposals contained in this notice may be changed in the light of comments received. A copy of each written submittal will be available for public inspection during business hours at the above address. Accordingly, Part 1710 of Chapter IX, Title 24 CFR, is proposed to be amended as follows:

1. The table of contents for Subpart A—General Requirements is amended by adding the following section number and caption at the end of Subpart A.

Sec.
1710.50 Withdrawal of Statements of Record.

§ 1710.26 [Amended]

2. Section 1710.26 is amended by deleting paragraphs (a) through (d) and inserting the word "None" in lieu thereof.

3. The following section is added at the end of Subpart A:

§ 1710.50 Withdrawal of Statements of Record.

(a) Any Statement of Record may be withdrawn upon application if the Secretary finds the withdrawal to be consistent with the public interest and the protection of purchasers and issues an order consenting to the withdrawal. The application for consent to withdrawal shall be signed and shall state fully the grounds upon which made. The fee paid upon the filing of the Statement of Record will not be returned to the registrant, and the papers and documents comprising the Statement of Record shall not be removed from the files of the Office of Interstate Land Sales Registration, but shall be retained as a matter of public record. Consent to withdrawal shall not be deemed relinquishment of jurisdiction by the Office of Interstate Land Sales Registration.

(b) No fee shall be charged in connection with the application for consent to withdrawal. The applicant must submit written authorization to act as agent for the developer.

(c) A Statement of Record which has been withdrawn pursuant to these Regulations may not be reinstated. To effect registration subsequent to withdrawal, a new filing will be required to be submitted, along with the required fee in the appropriate amount.

§ 1710.105 [Amended]

4. Part I.B.3. of § 1710.105 is amended by adding the following information at the end thereof:

• • • In those instances where sales have been made prior to the time that the developer files his Statement of Record, he may include in the offering those lots in which he has an ownership interest and which have not been sold and those which are under contracts of sale. He may not include lots which have been deeded out to lot purchasers, even though those lots would be included in the total number for the subdivision and purchasers of those lots may have a right to void their contracts. If the purchasers choose to void their contracts, the developer, prior to resale, must file a new Statement of Record or a consolidation for those lots.

5. The first sentence of Part II.C.3. of § 1710.105 is amended to read as follows:

3. List all current litigation known to the developer which, individually or in the aggregate, may have a material effect upon the developer or subdivision, or which arises under the Interstate Land Sales Full Disclosure Act and involves the developer or the subdivision.

6. Part B.11. of § 1710.110 is amended to delete the requirements for two copies and to insert in lieu thereof a requirement for three copies in both places where the requirements appear in the paragraph. The amended paragraph will read as follows:

§ 1710.110 Property report and lease addendum—format and instructions.

• • • • • •

11. Within 20 days of the date upon which the Statement of Record is allowed to become effective by the Secretary, three copies of the Property Report, in the identical form in which it will be distributed to prospective purchasers, shall be filed with the Secretary. Three copies of any subsequent reproduction, alteration, duplication or reprint of the Property Report shall be filed with and accepted by the Secretary prior to its use if such subsequent reproduction, duplication or reprint contains any change in content or form.

(Section 7(d) of the Department of Housing and Urban Development Act, 79 Stat. 670, 42 U.S.C. 3535(d), 1419, 82 Stat. 598 (15 U.S.C. 1718); Secretary's delegation of authority published at 37 FR 5071.)

Issued at Washington, D.C., June 21, 1974.

GEORGE K. BERNSTEIN,
Interstate Land Sales Administrator.

[FR Doc.74-14744 Filed 6-26-74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR, Parts 11, 21, 91]

[Docket No. 13883; Notice No. 74-23; Special Federal Aviation Reg. 27]

EPA FUEL VENTING EMISSION STANDARDS

Compliance Provisions

The Federal Aviation Administration is considering amending Special Federal

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Aviation Regulation (SFAR) 27 to require compliance with EPA fuel venting emission standards that are effective beginning January 1, 1975. These standards, specified in 40 CFR Part 87, would apply to aircraft turbofan or turbojet engines of less than 8,000 pounds thrust, to aircraft turbo propeller engines, and to airplanes powered by those engines.

Interested persons are invited to participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. However, to reflect the division of regulatory responsibility between EPA (in section 231 of the Clean Air Act, as amended) and FAA (in section 232 of that Act), comments are not solicited herein concerning the substance or the effective date of the already final requirements of EPA Part 87 that are incorporated herein. Since those comments would involve EPA's regulatory authority, they would have to be submitted to EPA (although FAA would appreciate information copies of such comments)

Comments that do not involve either the substance or the compliance date of the provisions of EPA Part 87 that are incorporated in this notice should identify the FAA regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue, SW., Washington, D.C. 20591. Comments received on or before July 29, 1974, will be considered by the FAA Administrator before taking action on the proposed rules. The proposals contained in this notice (other than the incorporated provisions of EPA Part 87) may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

On December 26, 1973, the FAA issued Special Federal Aviation Regulation (SFAR) 27, published in the FEDERAL REGISTER (38 FR 35437) on December 28, 1973. The purpose of SFAR 27 is to ensure compliance with aircraft and aircraft engine emission standards and test procedures issued by the Environmental Protection Agency (EPA). The EPA standards and procedures are contained in EPA Part 87 (40 CFR Part 87), issued on July 6, 1973, and published in the FEDERAL REGISTER (38 FR 19088) on July 17, 1973. The SFAR, as originally issued, contained only those standards and procedures in EPA Part 87 that were effective on February 1, 1974. The FAA now proposes to add to that SFAR those provisions of EPA Part 87 that apply beginning on January 1, 1975. These are limited to fuel venting emission requirements that apply to "Class T1" and "Class P2" engines. These engine classes are defined in EPA Part 87. For convenience, these definitions would be added to SFAR 27. No change is proposed herein with respect to the acceptable means of compliance with fuel venting requirements specified in paragraph (a) of section 14 of the SFAR.

(Sec. 232, Clean Air Act, as amended December 31, 1970, P. L. 91-604 (42 U.S.C. 1857 f-10), as delegated (36 FR 8733); 40 CFR Part 87 (38 FR 19088); secs. 307(c), 313(a), 601, 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1348(c), 1354(a), 1421, and 1423; sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

In consideration of the foregoing, Special Federal Aviation Regulation (SFAR) 27 would be amended as follows:

1. Section 13 would be amended by adding the following new subparagraphs (a)(6) and (a)(7):

Sec. 13 *Engine classes and test conditions.* (a) • • •

(6) "Class T1" means all aircraft turbofan or turbojet engines except engines of Class T5 of rated power less than 8,000 pounds thrust.

(7) "Class P2" means all aircraft turboprop engines.

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2. Paragraph (a) of section 14 would be amended by inserting the words "and beginning on January 1, 1975" after the words "February 1, 1974."

3. Section 15 would be revised to read as follows:

Sec. 15 *Type certificates.* Notwithstanding Part 21 of the Federal Aviation Regulations, and irrespective of date of application, no type certificate is issued on and after February 1, 1974, for an aircraft gas turbine engine of Class T2, Class T3, Class T4, or Class T5, or for an airplane powered by such an engine, or is issued on and after January 1, 1975, for an aircraft gas turbine engine of Class T1 or Class P2, or for an airplane powered by such an engine, unless the engine complies with—

(a) The fuel venting requirements and related test procedures of 40 CFR Part 87 that apply to the engine beginning February 1, 1974, or January 1, 1975 (as applicable); and

(b) For Class T4, the exhaust emissions requirements and related test procedures of 40 CFR Part 87 that apply to the engine beginning February 1, 1974.

4. Section 17 would be revised to read as follows:

Sec. 17 *Supplemental or amended type certificates.* Notwithstanding Part 21 of the Federal Aviation Regulations and irrespective of date of application, no supplemental or amended type certificate is issued on and after the applicable date specified in this section, if that certificate involves type design changes that may affect the fuel venting or exhaust emissions characteristics of an aircraft gas turbine engine, unless the engine complies with—

(a) For engines of Class T2, Class T3, Class T4, or Class T5, or for airplanes powered by those engines, the fuel venting requirements and related test procedures of 40 CFR Part 87 that apply to the engine beginning February 1, 1974;

(b) for engines of Class T4, or for airplanes powered by those engines, the exhaust emissions requirements and related test procedures of 40 CFR Part 87 that apply to the engines beginning February 1, 1974; and

(c) for engines of Class T1 or Class P2, or for airplanes powered by those engines, the fuel venting requirements and related test procedures of 40 CFR Part 87 that apply to the engine beginning January 1, 1975.

5. Section 19 would be revised to read as follows:

Sec. 19. *Airworthiness approval tags.* Notwithstanding Part 21 of the Federal Aviation Regulations no airworthiness approval tag (FAA Form 8130-3) is issued on and after February 1, 1974, for a new aircraft gas turbine engine of Class T2, Class T3, Class T4, or Class T5, or is issued on and after January 1, 1975, for a new aircraft gas turbine engine of Class T1 or Class P2, unless the engine complies with—

(a) the fuel venting requirements and related test procedures of 40 CFR Part 87 that apply to the engine beginning February 1, 1974, or January 1, 1975 (as applicable), and

(b) for Class T4, the exhaust emissions requirements and related test procedures of 40 CFR Part 87 that apply to the engine beginning February 1, 1974.

6. Section 21 would be revised to read as follows:

Sec. 21 *Standard airworthiness certificates.* Notwithstanding Part 21 of the Federal Aviation regulations and irrespective of the date of application, no standard airworthiness certificate is issued on or after February 1, 1974, for an airplane powered by an aircraft gas turbine engine of Class T2, Class T3, Class T4, or Class T5, or is issued on and after January 1, 1975, for an airplane powered by an aircraft gas turbine engine of Class T1 or Class P2, unless each such engine complies with—

(a) The fuel venting requirements and related test procedures of 40 CFR Part 87 that apply to the engine beginning February 1, 1974, or January 1, 1975 (as applicable); and

(b) for Class T4, the exhaust emissions requirements and related test procedures of 40 CFR Part 87 that apply to the engine beginning February 1, 1974.

7. Paragraph (a) of section 25 would be amended to read as follows:

Sec. 25 *Operation.* (a) On and after the applicable date specified in this section, and except as provided in paragraph (b) of this section, no person may, within the United States, operate an airplane powered by an aircraft engine of Class T1, Class T2, Class T3, Class T4, Class T5, or Class P2, unless each engine complies with—

(1) For Class T2, Class T3, Class T4, or Class T5, the fuel venting requirements and related test procedures of 40 CFR Part 87 that apply to the engine beginning February 1, 1974;

(2) For Class T4, the exhaust emissions requirements and related test procedures of 40 CFR Part 87 that apply to the engine beginning February 1, 1974; and

(3) For Class T1 and Class P2, the fuel venting requirements and related test procedures of 40 CFR Part 87 that apply to the engine beginning January 1, 1975.

Issued in Washington, D.C., on June 21, 1974.

R. P. SKULLY,
Director of Environmental Quality.

[FR Doc.74-14711 Filed 6-26-74;8:45 am]

COST OF LIVING COUNCIL

[6 CFR Part 102]

PUBLIC ACCESS TO RECORDS

Public Disclosure Regarding Forms CLC-2 and CLC-22

The purpose of this notice is to elicit public comment on proposed amendments which would redefine which portions of the Forms CLC-2 and CLC-22 must be disclosed and which portions contain proprietary information which need not be disclosed pursuant to § 205 of the Economic Stabilization Act.

A series of court actions to determine the extent to which the Cost of Living Council's regulations properly interpreted and implemented the "Hathaway Amendment" to § 205 of the Economic Stabilization Act resulted in a final judicial determination on June 14, 1974, that the Council's regulations prohibit from public disclosure certain data on the Forms CLC-2 and CLC-22 which should be made available for public disclosure. The Council has been ordered to revise specific portions of Subpart F of Part 102 of the Phase IV regulations to redefine as non-proprietary certain data on CLC forms which has been defined as proprietary under those regulations. In addition, the June 14, 1974, court order requires that all quarterly reports submitted for public disclosure after April 30, 1973, must be revised in accordance with the final regulations to be issued to replace those regulations declared invalid.

Accordingly, the Council is proposing the following amendments to its public disclosure regulations:

1. *CLC-22.* Information required on lines 7-18 (includes profit margin data such as net sales and operating income); line 24, column (c) (sales by product line); and lines 27 through 39 (sales in special generic categories) is defined as nonproprietary by amendments to 6 CFR 102.56. Parallel changes in Schedule R (net sales and operating income) are also made.

2. *CLC-2.* Parallel changes with respect to the Form CLC-2 (the Phase III precursor of the Form CLC-22) are proposed by amendment to 6 CFR 102.55.

3. *Disclosure procedure.* Section 205 of the Economic Stabilization Act requires public disclosure of CLC reports by the individual firms themselves. Disclosure by CLC of reports submitted by firms may also be required under the Freedom of Information Act. Because of this duality of disclosure responsibility, the Council provided, in § 102.54, for submission by firms of extra copies of CLC reports which were specially prepared for disclosure purposes (proprietary information deleted), so that public disclosure could be made in an orderly and coordinated manner by CLC. The Council proposes to continue to require, with respect to reports still to be submitted, extra copies of CLC reports specially prepared for disclosure purposes. Disclosure copies of reports submitted after the effective date of the proposed amendments must be prepared in accordance with those amendments, but disclosure copies submitted in the intervening period may continue to be prepared in accordance with Subpart F of Part 102 of the Phase IV regulations as presently written.

It is proposed that any requests for public disclosure received by the Council prior to the effective date of the proposed amendments be held in abeyance temporarily and then processed in accordance with the regulations as amended. The Council proposes to make available to persons requesting public disclosure the following: (1) Copies of the entire CLC-22 and/or CLC-22 proper as submitted for reporting purposes (under the proposed amendments, all of the data and information on the form will be treated as nonproprietary), plus (2) copies of the CLC report, including the Schedules C, R and (if any) F and T and other supporting material, as it was previously prepared and submitted for disclosure purposes in accordance with the standing regulations. Much of the data in this supporting material remains "proprietary" under the proposed amendments. While certain items in the supporting materials (such as lines 12 and 13 on the Schedule R) change from "proprietary" to "nonproprietary" under the proposed amendments, the Council does not propose to alter the disclosure copies on hand to insert the relevant information since the same information will be available on the complete CLC-22 or CLC-2 proper to be disclosed.

Interested persons are invited to participate in this proposed rulemaking by submitting written data, views or comments with respect to the proposed regulations set forth in this notice to the Office of the Chief Counsel, Office of Economic Stabilization, Department of the Treasury, 2000 M Street, NW., Washington, D.C. 20508. Submissions should be identified with the designation "Proposed Public Disclosure Amendments" and three copies should be submitted. All submissions received within 14 days of the date of issuance of this notice will be considered before final action is taken on the proposed regulations. The proposed regulations may be changed in light of the comments received.

Under Executive Order 11788 of June 18, 1974 (39 FR 22113, June 20, 1974), the Cost of Living Council will be terminated and, as of July 1, 1974, its remaining functions will be assumed by the Office of Economic Stabilization, Department of the Treasury, 2000 M Street, NW., Washington, D.C. 20508, for a period of up to 6 months. Responsibility for issuance of final regulations and for public disclosure of CLC reports will be undertaken by the OES. The OES may also establish a free schedule, at the time the final regulations are promulgated, which will indicate the amounts to be charged for making copies of CLC forms for public disclosure purposes.

In consideration of the foregoing, it is proposed to amend Subpart F of Part 102 of Title 6 of the Code of Federal Regulations as set forth below, effective July 24, 1974.

(Economic Stabilization Act of 1970, as amended, Pub. L. 92-210, 85 Stat. 743; Pub. L. 93-28, 87 Stat. 27; E.O. 11730, 38 FR 19345; E.O. 11781, 39 FR 15749; Cost of Living Council Order No. 14, 38 FR 1489; Cost of Living Council Order No. 51, 39 FR 16182; E.O. 11788, 39 FR 22113)

Issued in Washington, D.C., on June 24, 1974.

JAMES W. MCLANE,
Deputy Director, Cost of Living Council.

1. Section 102.55(a) is amended to read as follows:

§ 102.55 Form CLC-2 data.

(a) *Form CLC-2 proper*—(1) *Part I (Identification information).* The information called for in Part I (and in the spaces provided above Part I) serves to identify or describe the firm, the type of filing, the reporting or fiscal periods in question, and the total sales or revenues of the firm for the last fiscal year. All of the information required, other than the annual sales or revenues of the firm, is nonproprietary data because it does not include either trade data or general financial data other than SEC data, and is generally available to the public elsewhere. The annual sales or revenues of the firm (line 5) is also nonproprietary because it has been judicially determined to be SEC data.

(2) *Parts II and III (Profit Margin Calculations).* All information called for in Parts II and III has been judicially determined to be nonproprietary.

(3) *Parts IV and V (Other Information).* Parts IV and V call for names, titles, addresses and similar nonfinancial information, including signature and date. Everything required in these parts is nonproprietary data because it does not include either trade data or general financial data other than SEC data, and is generally available to the public elsewhere.

(4) *Part VI (Price/Cost Information).* (i) The information required at the top of the page—the name of the firm, the reporting period dates and the cumulative period dates—is nonproprietary data because it does not include either trade data or general financial data other than SEC data, and is generally available to the public elsewhere.

(ii) All of the information required in Columns (a) and (b) on lines 1 through 19 and on any continuation schedules is nonproprietary data because only the names of product lines or service lines and related Standard Industrial Classification Codes are required. These are neither trade data nor general financial data other than SEC data and are generally available to the public elsewhere.

(iii) The general financial data required in Columns (c) and (h), lines 1 through 19 (and any continuation schedule) concerns sales by product or service line. Because the CLC definition of "sales" for these columns excludes sales from public utilities activities, farming, exempt items, health service activities, custom products and food operations, the Column (c) or (h) sales entry does not coincide entirely with the equivalent information on the SEC Form 10-K prepared as though the firm were a single-product-line firm. However, the data in Columns (c) and (h) has been judicially determined to be sufficiently similar to SEC data to be considered nonproprietary data.

(iv) The data required in Columns (c) and (h), lines 20 through 26, except line 23, has been judicially determined to be nonproprietary data. The entries required on line 23, columns (c) and (h) (Sales of or from Foreign Operations),

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were not judicially determined to disclose nonproprietary data and were previously determined by the Council to be proprietary items. However, because lines 20 through 25 add, and the total is provided on line 26 (nonproprietary), the effect of the judicial determination with respect to this section is to render the data required on line 23 nonproprietary. The Council therefore deems the information required on line 23 to be nonproprietary data.

(v) Columns (d), (e), (g) and (i) all call for price data. All information required is, therefore, nonproprietary data.

(vi) The data required in Column (f) is a percentage figure representing "cost justification" for each product or service line entered in lines 1–19 and on any continuation schedule for which a price increase is indicated in Column (e). The general financial data required in Column (f), line 22, is the cost justification supporting the weighted average price increase for the combined product or service lines. These are calculations unique to the Form CLC–2 and find no counterpart on the SEC Form 10–K. However, in order to fulfill the general purpose of § 205 of the Economic Stabilization Act of 1970, as amended, and in exercise of the authority granted thereunder, the Council defines the data required in Column (f), lines 1–19, inclusive, line 22, and on any continuation schedule, as nonproprietary CLC data.

* * * * *

2. Section 102.56(a) is amended to read as follows:

§ 102.56 Form CLC–22 data.

(a) *Form CLC–22 Proper*—(1) *Part I (Identification data)*. The information called for in Part I serves to identify or describe the firm, the type of filing, the reporting or fiscal periods in question, and the total sales or revenues of the firm for the last fiscal year. All of the information required, other than the annual sales or revenues of the firm is nonproprietary data because it does not include either trade data or general financial data other than SEC data, and is generally available to the public elsewhere. The annual sales or revenues of the firm (item 7) is nonproprietary because it has been judicially determined to be SEC data.

(2) *Parts II and III (Profit Margin Calculations)*. All information called for in Parts II and III has been judicially determined to be nonproprietary.

(3) *Parts IV and V (Additional Information)*. Parts IV and V call for names, titles, addresses, and similar nonfinancial information, including signature and date. Everything required in these parts is nonproprietary data because it does not include either trade data or general financial data other than SEC data, and is generally available to the public elsewhere.

(4) *Part VI (Price/Cost Information)*. (i) The information required in items 22 and 23—the name of the firm, and the reporting period dates—is nonproprietary data because it does not include either trade data or general financial data other than SEC data, and is generally available to the public elsewhere.

(ii) All of the information required in Columns (a) and (b) for item 24 and on any continuation schedule is nonproprietary data because only the names of product lines or service lines and related Standard Industrial Classification Codes is required, which is neither trade data nor general financial data other than SEC data, and is generally available to the public elsewhere.

(iii) The general financial data required in Column (c), item 24 (and any continuation schedule) concerns sales by product line or service line. Because the CLC definition of "sales" for this column excludes sales from public utility operations, foreign operations, insurance operations, agricultural products, and, where required, construction operations, the Column (c) sales entry does not coincide entirely with the equivalent information on the SEC Form 10–K prepared as though the firm were a single-product-line firm. However, the data in Column (c), item 24 has been judicially determined to be sufficiently similar to SEC data to be considered nonproprietary data.

(iv) The data required in Column (c), lines 25 through 39, except line 34, has been judicially determined to be nonproprietary data. The entry required on line 34 ("Foreign Operations") was not judicially determined to disclose nonproprietary data and was previously determined by the Council to be a proprietary item. However, because lines 26 through 38 add, and the total is provided in line 39 (nonproprietary), the effect of the judicial determination with respect to this section is to render the data required on line 34 nonproprietary. The Council therefore deems the information required on line 23 to be nonproprietary data.

(v) Column (d) is used only for pre-notification purposes and is not filled out when the CLC–22 is used as a quarterly report. Columns (e) and (g) both call for price data. All information required is, therefore, nonproprietary data.

(vi) The data required in Column (f) is a percentage figure representing "cost justification" for each product line or service line entered in item 24 and on any continuation schedule for which a price increase is indicated in Column (e). These are calculations unique to the Form CLC–22 and find no counterpart on the SEC Form 10–K. However, in order to fulfill the general purpose of § 205 of the Economic Stabilization Act of 1970, as amended, and in exercise of the authority granted thereunder, the Council defines the data required in Column (f), item 24, and on any continuation schedule, as nonproprietary CLC data.

* * * * *

3. Section 102.56(e)(6) is amended to read as follows:

§ 102.56 Form CLC–22 data.

* * * * *

(e) Schedule R (Reconciliation of Forms 10–K, 10–Q or other Financial Statements to Form CLC–22). * * *

(6). Lines 12 (Net sales) and 13 (Operating income) are already defined in Parts II and III of the Form CLC–22 as nonproprietary data.

* * * * *

[FR Doc.74–14701 Filed 6–24–74;1:00 pm]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

CALIFORNIA AIR QUALITY STANDARDS

Proposed Compliance Schedules

On May 31, 1972 (37 FR 10842), September 22, 1972 (37 FR 19812) and May 14, 1973 (38 FR 12702) pursuant to Section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved and promulgated portions of the California Plan for the implementation of the national ambient air quality standards. On December 27, 1973, and February 19, 1974 after notice and public hearings, the Governor of California through his designee submitted to the Environmental Protection Agency (EPA) revisions to the compliance schedule portions of the approved plan. This publication proposes that these revisions be approved pursuant to the provisions of 40 CFR 51.8.

One hundred and nine State compliance schedules were submitted. All 109 schedules have been found to satisfy the requirements of 40 CFR Part 51 and are consistent with the approved control strategy. However, 44 of these 109 schedules have since expired and the affected sources are now required to be in compliance with applicable air pollution control regulations. Therefore, the Administrator will take no action with regard to the compliance schedules submitted for these sources.

Each proposed compliance schedule revision establishes a new date by which an individual air pollution source must comply with an emission limitation specified by the implementation plan. This date is indicated in the table below, under the heading "Final Compliance Date." In some cases, the schedule includes incremental steps towards compliance which are not listed in the table.

Proposed compliance schedule revisions listed here are available for public inspection at the California Air Resources Board and the office of EPA, Region IX at the addresses listed below. An evaluation of each of the 109 schedules is also available at the office of EPA, Region IX.

State of California Air Resources Board
1709 11th Street
Sacramento CA 95814

Environmental Protection Agency
Enforcement Division, Room 302
100 California Street
San Francisco CA 94111

Interested persons are encouraged to submit written comments on any proposed compliance schedule. Such comments will be accepted for consideration on or before July 29, 1974. Comments should be addressed to: Director, Enforcement Division, EPA, Region IX, 100 California Street, San Francisco, California 94111. All comments will be available for public inspection during business hours at the above address.

(42 U.S.C. 1857c-5(a))

Dated: June 19, 1974.

PAUL DE FALCO, Jr.,
Regional Administrator, Region IX.

It is proposed to amend Part 52 of Chapter I, Title 40 of the Code of Federal Regulations as follows:

Subpart F—California

1. Section 52.240 is amended by adding a new paragraph (f) as follows:

§ 52.240 Compliance schedules.

* * * * *

(f) Compliance schedules for the sources identified below are approved as meeting the requirements of § 51.15 of this chapter. All regulations cited are air pollution control regulations of the county or air pollution control district where the source is located, unless otherwise indicated.

Source	Location (county)	Rule or regulation involved	Date of adoption	Effective date	Final compliance date
American Forest Products Corp., Amador-Calaveras Division (order No. 23).	Amador	2 and 3	Nov. 28, 1973	Immediately	Oct. 15, 1974
American Forest Products Corp., Amador-Calaveras Division (order No. 24).	do	2 and 3	do	do	Nov. 24, 1974
American Forest Products Corp., Amador-Calaveras Division (order No. 25).	do	2 and 3	do	do	Do.
American Forest Products Corp., Amador-Calaveras Division (order No. 29).	do	2 and 3	do	do	Do.
Interpace Corp. Heavy Clay and Minerals Division (order No. 12).	do	2, 3, and 7	do	do	July 1, 1974
Interpace Corp. Heavy Clay and Minerals Division (order No. 13).	do	2, 3, and 7	do	do	July 31, 1974
Interpace Corp. Heavy Clay and Minerals Division (order No. 14).	do	2, 3, and 7	do	do	Do.
Interpace Corp. Heavy Clay and Minerals Division (order No. 15).	do	2, 3, and 7	do	do	Feb. 15, 1975
Interpace Corp. Heavy Clay and Minerals Division (order No. 16).	do	2, 3, and 7	do	do	Do.
Interpace Corp. Heavy Clay and Minerals Division (order No. 17).	do	2, 3, and 7	do	do	Do.
Interpace Corp. Heavy Clay and Minerals Division (order No. 21).	do	2, 3, and 7	do	do	Sept. 1, 1974
Owens-Illinois, Inc. (order No. 22).	do	2	do	do	Aug. 31, 1974
Associated General Contractors of California, Inc. (order No. 442).	Contra Costa	2	Nov. 28, 1973	do	July 14, 1974
The Dinneanson-Harrison Co.	San Mateo				
H & Z Co., Inc. Construction Co.	San Francisco				
Healy-Tibbitts Construction Co.	San Francisco				
Foundation Construction, Inc. Co.	do				
Santa Fe Engineering & Construction Co.	Sonoma				
Peter Kiewit Sons' Co.	Contra Costa				
Hensel Phelps Construction Co.	San Mateo				
Henry J. Kaiser Co.	Contra Costa				
H. F. Lauritsen, Inc.	do				
Fruin-Colnon Corp.	Alameda				
Raymond International, Inc.	do				
Willamette-Western Corp.	Contra Costa				
Associated Engineering Co.	Alameda	2	Nov. 28, 1973	do	Nov. 15, 1974
Brockway Glass Co. Inc. (order No. 387).	do	2 and 3	do	do	July 1, 1975
Certain-Teed Products Corp. (order No. 481).	Contra Costa	2	Nov. 1, 1973	do	Aug. 30, 1974
Gaco Containers Corp. (order No. 389).	Alameda	2	Nov. 28, 1973	do	July 1, 1975

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Source	Location (county)	Rule or regulation involved	Date of adoption	Effective date	Final compliance date
U.S. Plywood Corp. (order No. 72-V-8).	do	3.1 and 3.2	do	do	Do.
U.S. Plywood Corp. (order No. 72-V-9).	do	3.1 and 3.2	do	do	Do.
U.S. Plywood Corp. (order No. 72-V-10).	do	3.1 and 3.2	do	do	Dec. 31, 1974
U.S. Plywood Corp. (order No. 72-V-11).	do	3.1 and 3.2	do	do	Do.
U.S. Plywood Corp. (order No. 72-V-35).	do	3.1 and 3.2	Oct. 25, 1973	do	Do.
U.S. Plywood, division of Champion International (order No. 73-5).	Siskiyou	4.1	Dec. 17, 1973	do	Jan. 31, 1975
Whitt Manufacturing Co., Ltd. (order No. 73-10).	Tuolumne	401 (a and b).	Oct. 25, 1973	do	Sept. 25, 1974
Merck & Co., Inc., Merck Chemical Division (order No. 73-08).	do	401 (a and b), 404, 405.	do	do	Oct. 25, 1974
L. S. Jones Timber Products Corp. (order No. 73-09).	do	401 (a and b).	do	do	Sept. 25, 1974

[FR Doc.74-14655 Filed 6-26-74;8:45 am]

FARM CREDIT ADMINISTRATION

[12 CFR Parts 611, 612, 614, 615, 617, 618]

ORGANIZATION AND PROCEDURES

Notice of Proposed Rulemaking

Notice is hereby given that the Farm Credit Administration, by its Federal Farm Credit Board, has under consideration proposed amendments of its regulations as set forth below in tentative form. These amendments would

(1) Clarify the applicability of the regulations to the Central Bank for Cooperatives board of directors,

(2) Clarify the procedure for adopting bank and association bylaws,

(3) Provide for an increase in compensation of district board members,

(4) Clarify procedures for amending association charters,

(5) Provide for operating procedures for banks and associations in case of an impairment or insolvency,

(6) Clarify the circumstances under which and to whom an officer or employee of a Farm Credit institution may make information available about a candidate for association, district, or Federal Farm Credit Board membership,

(7) Provide for credit review of special lending programs,

(8) Provide for special lending programs,

(9) Require execution of a General Financing Agreement as a condition to making direct loans,

(10) Delete reference to credit examinations,

(11) Provide for bond coverage if a custodian of collateral is not a Farm Credit bank employee,

(12) Include as loans requiring approval by the district board or by a bank board loans where certain parties are endorsers, guarantors, or comakers in excess of prescribed amounts,

(13) Clarify that other financing institutions and production credit associations are subject to the same basic borrower eligibility requirements,

(14) Include in one section all policies relating to bond collateral, so that some former sections may be eliminated,

(15) Clarify the authority for first lien determination by Federal land banks,

(16) Clarify when collateral value of a loan shall be adjusted,

(17) Include Farmers Home Administration insured notes as an authorized investment,

(18) Provide for needed approvals in the case of acquisition or sale of bank or association building sites,

(19) Eliminate the minimum investment requirement for Farm Credit banks,

(20) Provide guidelines for the retirement of equities owned by an other financing institution in a Federal intermediate credit bank,

(21) Provide for maintenance of a reserve for bad debts of Federal intermediate credit banks and production credit associations,

(22) Clarify who may authorize disclosure of contents of credit examination reports,

(23) Change the name of Office of the Inspector General, USDA, to Office of Investigation and Security, USDA,

(24) Substitute the appropriate regional examination office for the office of the district resident examiner,

(25) Substitute the Examination Division regional manager for the resident examiner,

(26) Revise the list of specific procedures to be issued by the Farm Credit Administration.

Prior to final adoption of such amendments, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing (10 copies) no later than July 19, to E. A. Jaenke, Governor, Farm Credit Administration, Washington, D.C. 20578. Copies of all communications received will be available for examination by interested persons in the office of the Director of Information, Farm Credit Administration.

Chapter VI of Title 12 of the Code of Federal Regulations is amended as set forth below:

PART 611—ORGANIZATION

1. Section 611.1000(b) is revised to read as follows:

§ 611.1000 Organization — district boards of directors.

• • • • •

(b) As provided in section 3.2 of the Act, the Central Bank for Cooperatives has a separate board of directors of not more than 13 members, one elected by each district board and a member-at-large appointed by the Governor, with the advice and consent of the Federal Farm Credit Board. The powers, duties, responsibilities and limitations of the Central Bank Board are comparable to those of the district board acting ex officio as the board of directors of the district bank for cooperatives. Whenever the term district board, bank board, board member, district board member, bank board member or director is used in these regulations, the term shall also apply to the Central Bank Board or board member. The principal purpose of the Central Bank is to participate in loans with the district banks for cooperatives.

2. Section 611.1010(a) is revised to read as follows:

§ 611.1010 Powers, duties and responsibilities.

• • • • •

(a) Adopt bylaws for the bank and approve bylaws for associations from standard and optional bylaws in form approved by the Farm Credit Administration. Bylaws and amendments to bylaws proposed by a bank or association require Farm Credit Administration approval before implementation.

• • • • •

3. Sections 611.1020 and 611.1120 are revised to read as follows:

§ 611.1020 Compensation of district board members.

Directors may be compensated for attendance at board meetings and special assignments, including reasonable travel time from and to their residences. Such compensation shall not exceed $90 per day plus reasonable travel, subsistence, and other related expenses incurred in connection with such meetings and assignments. Compensation at the regular per diem rate for normal travel time to and from Board meetings when the distance and meeting schedule involved requires travel on the day prior to or following the meeting dates, rounded up to a half day, may be allowed. Normal travel by the fastest reasonable route, if available, shall be the basis for compensation.

§ 611.1120 Amendments of association charters.

(a) *Merger or consolidation of associations.* The boards of directors of two or more like associations may propose to merge or consolidate associations. The resolutions proposing such agreement shall be submitted to the supervising bank board for approval, together with an agreement setting forth the terms and conditions under which the merger or consolidation shall take place.

(1) The agreement for merger or consolidation shall include the proposed effective date; the proposed name and location of the continuing or consolidated association; the designation of the charter and bylaws of one constituent association to be those of the continuing or consolidated association; the names of persons nominated to serve as directors until the first annual meeting after the merger or consolidation; the authority for transferring assets to and assumption of liabilities by the continuing or consolidated association; provision relating to the stock of the constituent associations and the stock of the continuing or consolidated association, provided no factional shares of stock shall be issued; and the designation of persons and granting of authority to carry out the agreement, including authority to execute any documents necessary to perfect title.

(2) The bank board, if it approves of the proposal, shall so certify, and transmit the tentative agreement to the Farm Credit Administration for review. Upon tentative approval of the Farm Credit Administration, the proposal shall be submitted to the stockholders for approval. Approval shall require a majority of the voting stockholders present and the written proxies of voting stockholders presented at a duly held stockholders meeting of each constituent association. The bank shall prescribe the form of proxy, which shall be furnished or made available to each stockholder eligible to vote. If approval is obtained, a copy of the stockholders resolution, together with a certification from each constituent association that a quorum, including proxies, was present and that the majority of the members voting favored the proposal, shall be forwarded to the Farm Credit Administration for approval. Upon such approval, the Farm Credit Administration will amend the charter or issue a new one, and approve bylaws as appropriate. Such action as may be necessary for the continuing or consolidated association to transact its business, may be taken by the newly designated directors at any time thereafter, subject to ratification at the first meeting after the effective date. The execution of the agreement and the merger, in its entirety shall be under the direction of the bank.

(b) *Other charter amendments.* (1) Territorial adjustments may be made among like associations, subject to the approval of the bank board and the Farm Credit Administration.

(2) Title and headquarters change of associations are subject to the approval of the bank board and the Farm Credit Administration.

(3) Request for any charter amendments shall be submitted by the bank to the Farm Credit Administration, accompanied by a certified copy of the resolution of the association board of directors approving the change, and with a certification of the supervising bank's board approval with any additional information which would be helpful to the Farm Credit Administration in action upon the proposal.

§ 611.1121 [Deleted]

4. Section 611.1121 is deleted.

5. A new § 611.1140 is added, to read as follows:

§ 611.1140 Impairment of stockholder or patron equities: Insolvency-banks and associations.

Upon determination by its board of directors, by a supervising bank, or by Farm Credit Administration, that the capital stock, participation certificates, equity reserves or allocated equities of any bank or association have a book value less than par or stated value, or the bank or association is insolvent, further operations of bank or association shall be subject to procedures approved by the Farm Credit Administration. In the case of associations, the procedures may be established by the supervising bank subject to approval by the Farm Credit Administration.

PART 612—PERSONNEL ADMINISTRATION

6. Paragraph (a) of § 612.2130 is revised to read as follows:

§ 612.2130 Soliciting support in polls for association, district, or Federal Farm Credit Board membership.

(a) No salaried officer or employee of a bank or association shall take any part, directly or indirectly, in the designation of nominees for the Federal Farm Credit Board, or in the nomination or election of members of a district Farm Credit Board, or an association board, or make any statement, either orally or in writing, which may be construed as intending to influence any vote in such designations, nominations, or elections, except that a statement by such officer or employee of biographical and other data and matters relating to a candidate shall not be so construed if it is made at the request of and to the board of directors, or any member of the board of the employing institution, or is made to the nominating committee as directed by the board of directors of an association in connection with the selection of nominees for an association election. Action shall immediately be taken, for suspension or dismissal in accordance with applicable procedures, against any such officer or employee who violates the provisions of this section.

• • • • •

PART 614—LOAN POLICIES AND OPERATIONS

7. Paragraph (a)(6) of § 614.4051 is revised to read as follows:

§ 614.4051 Federal land bank and Federal intermediate bank credit review.

(a) • • •

(6) Credit review procedures will be issued to bank personnel to facilitate the making of credit reviews and the issuance of reports. Where the bank and/or association have adopted special lending programs (i.e., specialized enterprise financing, young farmer programs, etc.) bank procedures will provide that such loans be classified in accordance with standards prescribed in paragraph (a)(4) of this section but that the reports also contain a specific and separate analysis of each special lending program. Such analysis should cover the reasons for the program, the selectivity of borrowers included, the quality of service and control exercised over the loan, relative progress being made by individual borrowers, and the success or failure in meeting the objectives of the program.

• • • • •

8. A new § 614.4165 is added to read as follows:

§ 614.4165 Special credit needs.

(a) In the formulation of board policies and bank procedures, consideration shall be given to the peculiar credit needs of farmers engaged in highly specialized, high risk enterprises and the special credit needs of young farmers to the extent the bank and/or association has financial resources and staff capabilities to do so on a sound and constructive basis.

(1) *Specialized enterprises.* Consideration can be given to organizing groups of similar borrowers into pools by which banks or associations may be afforded increased protection from the higher risk occasioned by financing their specialized enterprises.

(2) *Young farmers.* Consideration can be given to special lending programs for young farmers placing emphasis upon sound credit service to those entering farming in a low equity-high risk position but demonstrating high management ability and earning capacity, thereby providing service to high potential persons within the broad category of young farmers who might otherwise not have an opportunity to enter into farming. Programs shall limit total lending by a Federal land bank or production credit association to an amount not exceeding five percent of their preceding year's peak loans outstanding. This same limitation will generally be applied by Federal land banks when authorizing Federal land bank association programs.

(b) Where special lending programs are authorized, district and bank boards shall adopt appropriate policies that

(1) Assure coordination between banks,

(2) Provide guidelines which motivate association boards to fulfill their responsibility on a sound basis,

(3) Define criteria for the selection of borrowers for any special lending authorized, and

(4) Establish requirements for bank supervisory procedures which will give direction, guidance and control to association programs. Bank policies authorizing special lending programs shall be subject to Farm Credit Administration approval.

9. In § 614.4190, paragraph (d) is revised to read as follows, and paragraph (e) is deleted.

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§ 614.4190 Federal intermediate credit banks.

• • • • • •

(d) General Financing Agreement. Federal intermediate credit banks shall require execution of a General Financing Agreement, in form approved by the Farm Credit Administration, as a condition to making direct loans to production credit associations and other financing institutions. Direct loans and advances to other financing institutions will be evidenced by a separate promissory note. Direct loans and advances to production credit associations may be evidenced by a separate promissory note or as provdied in the General Financing Agreement.

(e) [Deleted]

10. In § 614.4200, paragraph (e) (4) (ii) is revised to read as follows:

§ 614.4200 Production credit associations.

• • • • • •

(c) • • •

(4) • • •

(ii) Procedures to be followed in credit reviews whereby loans of this type, made during the period covered by the review, will be reviewed and commented upon as to compliance with policy and procedures.

• • • • • •

11. Section 614.4260(c)(5) is revised to read as follows:

§ 614.4260 Banks for Cooperatives.

• • • • • •

(c) • • •

(5) Documents required in conjunction with these loans may be held by a custodian selected by the bank. In such cases the bank shall provide the custodian written instructions outlining procedures and practices to be followed in the acceptance, handling, and release of all related documents. The custodian shall be adequately bonded. The bank shall provide for periodic review of custodial activities by bank officials and shall establish that activities of the custodian are subject to review and audit by the Farm Credit Administration.

12. In § 614.4460 paragraph (f) (1) and (ii) is redesignated as (f) (1) and (2) and a new paragraph (f) (3) is added, to read as follows:

§ 614.4460 Loan approval responsibility.

• • • • • •

(f) Loans where directors, officers or employees designated above:

• • • • • •

(3) are endorsers, guarantors or comakers in excess of an amount prescribed by an appropriate bank board and approved by the Farm Credit Administration.

13. In § 614.4470, paragraph (c) (1) and (ii) is redesignated as (c) (1) and (2), and a new paragraph (c) (3) is added to read as set forth below.

§ 614.4470 Loans subject to bank prior approval.

• • • • • •

(c) Loans to any borrower where the directors or employees designated above:

• • • • • •

(3) are endorsers, guarantors or comakers in excess of an amount prescribed by an appropriate bank board and approved by the Farm Credit Administration.

14. Section 614.4540, is revised to read as follows:

§ 614.4540 General.

The Federal intermediate credit banks are authorized to discount for, or purchase from commercial banks and other financing institutions, with their endorsement or guaranty, notes and other obligations for loans which have been made for agricultural purposes to farmers and ranchers as set out in Section 3020. No paper shall be purchased from or discounted for a commercial bank, trust company or savings institution if the amount of such paper added to the aggregate liabilities of the institution, exclusive of deposit liabilities, exceeds the lower of the amount of liabilities of the institution permitted under the laws of the jurisdiction creating the institution, or twice the paid-in and unimpaired capital and surplus of the institution. No paper shall be purchased from or discounted for any other financial institution if the amount of such paper added to the aggregate liabilities of the institution exceeds the lower of the amount of liabilities permitted under the laws of the jurisdiction creating the institution, or ten times the paid-in and unimpaired capital and surplus of the institution. Hereafter, in this part the term "other financing institution" means all financing institutions eligible to borrow from or discount paper with a Federal intermediate credit bank other than institutions of the Farm Credit System.

PART 615—FUNDING AND FISCAL AFFAIRS

15. Sections 615.5050 and 615.5060 are revised to read as set forth below.

§ 615.5050 Policy.

(a) Each bank shall have on hand at the time of issuance of any long-term notes, bonds, debentures, or similar obligations, and at all times thereafter, free from any lien or other pledge, assets consisting of notes and other obligations representing loans made under the authority of the Act, notes of Federal land banks, Federal intermediate credit banks, and banks for cooperatives representing secured interbank or intersystem loans, readily marketable securities approved by the Farm Credit Administration or cash, in an aggregate value equal to the total amount of long-term notes, bonds, debentures, or similar obligations outstanding for which the bank is primarily liable.

(b) The collateral value of eligible securities shall be the lower of par or market value. Par value of securities may be used for report purposes if the use of market value would not result in a deficiency of eligible collateral.

(c) The collateral value of notes and other obligations representing loans made under the authority of any Farm Credit act is the unpaid principal of loans (except as provided for in Section 5090), excluding undisbursed loan funds held by the bank or the association and funds held for account of borrowers and purchasers. For collateral purposes, loans in process of liquidation, foreclosures, judgments, property acquired in the liquidation of loans, and real estate sales contracts shall be valued at their recovery value or investment value, whichever is lower.

(d) When there is loan servicing, such as reamortization, extension, deferment or partial release, the new unpaid balance may be used as the collateral carrying value. In case of land banks the carrying value shall not exceed 85 percent of the appraisal value established by the most recent appraisal report of the primary security.

(e) Each bank shall have procedures which will insure that the bank is in compliance with the statutory requirements for maintenance of collateral. Such procedures shall include provision for:

(1) Adequate safekeeping facilities.

(2) Methods to determine that debt instruments meet all requirements of law and regulations.

(3) Certification by a responsible officer of the institution as to eligibility and adequacy of the collateral.

(4) Written procedures and practices to be followed by the collateral custodian to insure that there will be a high degree of accuracy in protecting and accounting for the collateral.

(5) The procedures shall be furnished to the Farm Credit Administration for review.

§ 615.5060 Special collateral requirement—Federal land banks.

(a) If the chief counsel for a Federal land bank has determined in writing that bank procedures provide sufficient safeguards to assure that a loan made by the bank will be secured by a first lien or its equivalent on interest in the primary real estate security, an attorney lien certification need not be obtained at the time a note is accepted for collateral. The note shall be withdrawn from collateral upon the expiration of one year from the date of loan closing, unless before the end of such period, an attorney has certified that the interest of the bank in the primary real estate security for that loan is a first lien on the borrower's interest or its equivalent from a security standpoint.

(b) Since by contract with the bondholders specific pledge continues to be attached to collateral for obligations of the Federal land banks issued under the superseded Federal Farm Loan Acts until those obligations are retired, the collateral securing them must be accounted for separately from collateral not specifically pledged in connection with obligations of the banks issued under the provisions of the Farm Credit Act of 1971.

§§ 615.5070, 615.5080 [Deleted]

16. Sections 615.5070 and 615.5080 are deleted.

17. Section 615.5090 is revised to read as set forth below.

§ 615.5090 Reduction in carrying value of collateral.

When the bank or Farm Credit Administration determines that a loan did not conform to the requirements of the law or regulations at the time the loan was closed, such loan shall be withdrawn from collateral until the cause of ineligibility is remedied. When a loan has been classified as a loss loan, the bank shall adjust the collateral value of the loan accordingly, or withdraw the loan from collateral.

18. Section 615.5140(g) is revised to read as follows:

§ 615.5140 Investment eligibility.

• • • • • •

(g) Obligations issued by the Farmers Home Administration.

• • • • • •

19. Section 615.5150(b) is revised to read as follows:

§ 615.5150 Real and personal property.

• • • • • •

(b) The purchase, construction, or sale of Farm Credit bank buildings and appurtenances, or the acquisition or the sale of a proposed bank building site shall have approval of the Farm Credit Administration. Purchase, construction, or sale of association buildings and appurtenances, or the acquisition or sale of a proposed association building site shall have the approval of the appropriate supervising bank which shall keep the bank board currently advised of such actions. In the case of joint associations office buildings, these actions shall be approved jointly by the supervising banks. It shall be the responsibility of the district board to approve guidelines for all associations in the district to follow regarding the purchase, construction, or sale of office space and acquisition or sale of a building site. Within the framework of said guidelines, the Federal land banks and Federal intermediate credit banks may prescribe criteria which can include giving limited prior approval to an association board of directors for office facilities actions.

• • • • • •

§ 615.5170 [Deleted]

20. Section 615.5170 is deleted.

21. Section 615.5320 is revised to read as follows:

§ 615.5320 Retirement of Federal intermediate credit bank class B stock, participation certificates, and allocated legal reserve.

After all stock held by the Governor has been retired, the bank may retire class B stock at par, participation certificates at face amount and allocated legal reserve without preferences to all holders thereof, and in such manner that the oldest outstanding stock, participation certificates or allocated legal reserve will be retired first, provided that after such retirements the net worth structure of the bank meets the minimum requirements approved by the Farm Credit Administration. Notwithstanding the foregoing provision, in the event of an equalization of the ownership by production credit associations of capital stock, participation certificates, and allocated legal reserve of the bank, whether in connection with an assessment for capital stock or otherwise, when an association surrenders stock, participation certificates, or allocated legal reserve, it shall first surrender that which was acquired by purchase, to the extent available, and thereafter surrender that acquired through patronage distributions from the bank. In the case of an other financing institution whose financing agreement has been terminated by action of either party, participation certificates and allocated legal reserve owned by such other financing institution may be retired if authorized by the bank board.

22. A new § 615.535 is added to read as follows:

§ 615.5335 Federal intermediate credit bank system provision for losses on loans.

(a) Each bank shall evaluate its loans and discounts, accrued interest on loans and other loan assets at the close of each fiscal year and establish and maintain a provision for losses thereon which will reflect the fair book value of such assets.

(b) Each production credit association shall establish and maintain a provision for losses on loans and other loan assets. At the end of each fiscal year an amount equal to ½ percent of loans outstanding at the end of each fiscal year or such lesser amount that utilizes all earnings, shall be added to the provision until it equals 3½ percent of the loans outstanding at the end of the fiscal year. The provision may be increased beyond the 3½ percent level with the approval of the supervising bank.

PART 617—EXAMINATIONS, AUDITS, AND IRREGULARITIES

23. In § 617.7080, paragraphs (c) and (d) are revised to read as set forth below.

§ 617.7080 Reports.

• • • • • •

(c) Reports of examination are the property of the Farm Credit Administration and are furnished to the institution examined for its confidential use. Reports of examinations of banks or associations made by examiners may be disclosed only with the consent of the Governor or the chief examiner. Consent is given for disclosing reports of regular examinations to the banks and associations involved or interested, but such disclosure of reports of special examinations and investigations shall be only by action or consent of the Governor or chief examiner in each instance. Information needed for filing claims with surety companies and for establishing lines of credit may be extracted from such reports without further consent.

(d) Consent is also given for disclosing reports of regular examinations to authorized representatives of the Farm Credit Administration and, when requested for confidential use in official investigations, to agents of the Federal Bureau of Investigation, Department of Justice; Bureau of the Chief Postal Inspector, United States Postal Service; the Secret Service; the Internal Revenue Service; and the Office of Investigation and Security, United States Department of Agriculture.

24. Section 617.7090 is revised to read as follows:

§ 617.7090 Liquidation.

In the event of voluntary or involuntary liquidation of a bank or association, or any of their agents, and upon completion of such liquidation, the books and records of the institution shall be forwarded to the appropriate regional examination office for final examination and audit. If circumstances warrant, such final examination and audit shall be made at the institution's offices.

25. In § 617.7710, paragraph (b) is revised to read as follows:

§ 617.7110 Reporting of violations.

• • • • • •

(b) The bank shall immediately notify the Examination Division regional manager and other appropriate officials of the Farm Credit Administration, and furnish them with all available information concerning the matter.

• • • • • •

26. Section 617.7120(c) is revised to read as follows:

§ 617.7120 Cases for referral.

• • • • • •

(c) Cases in which the chief examiner notifies bank officials that further investigation by the Federal Bureau of Investigation or the Secret Service is appropriate.

PART 618—GENERAL PROVISIONS

27. Section 618.8100 is revised to read as follows:

§ 618.8100 Farm Credit Administration.

The Farm Credit Administration shall issue procedures and guidelines as necessary from time to time to facilitate carrying out requirements of the law and regulations. These instructions shall describe procedures, include sample resolutions and forms and specify records to be retained. The institutions supervised shall comply with such procedures and guidelines. These procedures will include but are not limited to the following:

(a) Graphic standards.

(b) Electronic data processing standards.

(c) Charts and descriptions of accounts.

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(d) Instructions for preparation of financial and statistical reports.

(e) Format and content of published financial statements.

28. Paragraph (g) of § 618.8360 is revised to read as follows:

§ 618.8360 Authorization.

Banks and associations are authorized to dispose of obsolete corporate, credit, accounting and financial records and other papers not required for research, legal, or audit purposes, in accordance with an established written procedure, except the following:

• • • • •

(g) Applications, notes, security instruments, financial statements, and any individual records pertaining to loans charged off where the borrower has a significant, enforceable, and residual liability.

• • • • •

(Secs. 5.9, 5.18, 85 Stat. 619, 621 (12 U.S.C. 2243, 2252))

E. A. JAENKE,
Governor,
Farm Credit Administration.

[FR Doc.74-14666 Filed 6-26-74;8:45 am]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 121]

SMALL BUSINESS SIZE STANDARDS

Areas of Substantial Unemployment and Redevelopment Areas

On March 25, 1974, there was published in the FEDERAL REGISTER (39 FR 11121) a notice that the Small Business Administration proposed to extend the application of the area of substantial unemployment and redevelopment area size standards differential to financial assistance under section 7(b) of the Small Business Act.

Interested parties were given until April 9, 1974, to submit written comments thereon.

In comments submitted, it was suggested that the differential should be applicable for the purpose of all financial assistance programs of the Small Business Administration.

Accordingly, it is hereby proposed to amend Part 121 of Chapter I of Title 13 of the Code of Federal Regulations by revising § 121.3-7(b) to read as follows:

§ 121.3-7 Differentials.

• • • • •

(b) Substantial or persistent unemployment areas; areas of concentrated unemployment; or underemployment; certified eligible concerns and redevelopment areas.

(1) *Financial assistance programs of the Small Business Administration and financial assistance under the Small Business Investment Act of 1958, as amended.* Notwithstanding any other provision of this part, the applicable size standards for the purpose of all financial assistance programs of the Small Business Administration and financial assistance under the Small Business Investment Act of 1958, as amended, are increased by 25 percent whenever the concern maintains or operates a plant, facility, or other business establishment within an area of substantial unemployment or underemployment or redevelopment area as defined in § 121.3-2(d) and (v) or is designated as a "Certified Eligible" concern by the Department of Labor and agrees to use the assistance within such area or, if it does not maintain a plant, facility, or other business establishment within such area, agrees to utilize the assistance for the establishment and/or operation of a plant, facility, or other business establishment within such area.

(2) *Government procurement assistance, sales of Government property, and Government subcontracting.* Section 121.3-7(b) is not applicable to size determinations for the purpose of Government procurement assistance, sales of Government property, or Government subcontracting.

Interested parties may file with the Small Business Administration on or before July 12, 1974, written statements of facts, opinions, or arguments concerning the proposal. All correspondence shall be addressed to:

William L. Pellington
Director
Office of Industry Studies and Size Standards
Small Business Administration
1441 L Street, NW.
Washington, D.C. 20416

Dated: June 11, 1974.

(Catalog of Federal Domestic Assistance Program Nos. 59.001, Displaced Business Loans; 59.002, Economic Injury Disaster Loans; 59.010, Product Disaster Loans; and 59.014, Coal Mine Health and Safety Loans)

LOUIS F. LAUN,
Acting Administrator.

[FR Doc.74-14686 Filed 6-26-74;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF THE TREASURY

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

Granting of Relief

Notice is hereby given that pursuant to 18 U.S.C., section 925(c), the following named persons have been granted relief from disabilities imposed by Federal laws with respect to the acquisition, transfer, receipt, shipment, or possession of firearms, incurred by reason of their convictions of crimes punishable by imprisonment for a term exceeding one year.

It has been established to my satisfaction that the circumstances regarding the convictions and each applicant's record and reputation are such that the applicants will not be likely to act in a manner dangerous to public safety, and that the granting of the relief will not be contrary to the public interest.

Albertson, John J., Route 3, Orleans, Indiana, convicted on January 22, 1970, in the United States District Court, Terre Haute, Indiana.

Amond, Warren J., 11707 Lauder, Detroit, Michigan, convicted on October 1, 1952, and May 20, 1953, in the Recorder's Court of the City of Detroit, Michigan.

Andersen, James G., 5318 South 86th, Court 11, Omaha, Nebraska, convicted on November 3, 1969, in the District Court of Washington County, Nebraska.

Brannon, Ted A., Route 14, Box 4-86, Springfield, Missouri, convicted on January 3, 1969, in the Circuit Court, Greene County, Missouri.

Brown, Vernon, 143 Poplar Street, Columbus, Mississippi, convicted on August 19, 1960, and on February 3, 1969, in the United States District Court for the Northern District of Mississippi; and on June 29, 1965, in the Circuit Court, Carrolton, Alabama.

Buckland, Thomas P., 4967 Camden Circle, El Paso, Texas, convicted on July 2, 1969, in the U.S. District Court for the Western District of Texas, El Paso Division, and September 5, 1969, in the 34th Judicial District Court, El Paso County, Texas.

Carda, Eugene James, Box 434, Tyndall, South Dakota, convicted on December 9, 1964, in the 1st Judicial Circuit Court, Bon Homme County, South Dakota.

Clark, John Terral, 118 33rd Street, N.E., Cedar Rapids, Iowa, convicted on September 28, 1966, in the Wapello County District Court, Ottumwa, Iowa, and February 10, 1970, in the District Court, Linn County, Iowa.

Coleman, Donald M., 120 West Douglas Street, Rice Lake, Wisconsin, convicted on March 28, 1961, in the Barron County Court, Barron, Wisconsin.

Cooks, Bobby Joe, 1213 South Donovan, Seattle, Washington, convicted on February 18, 1966, in the Superior Court, King County, Washington.

Crews, Ralph, 5236 E. 14th Street, Box No. 6, Brownsville, Texas, convicted on October 9, 1961, and May 15, 1962, in the United States District Court, Southern District of Texas, Brownsville Division.

Fage, Samuel J., 18477 Negaunee Street, Detroit, Michigan, convicted on March 26, 1964, in the Circuit Court, Detroit, Michigan.

Farley, David E., P.O. Box 191, Centralia, Washington, convicted on December 6, 1971, in the United States District Court, Western District of Washington, at Tacoma.

Forston, William Ernest, 1371 Neptune Road, Dallas, Texas, convicted on March 3, 1961, in the Criminal District Court No. 3, Dallas County, Texas.

Hagen, Jr., Marvin O., 3718 West Roberts Street, Milwaukee, Wisconsin, convicted on March 15, 1972, in the Milwaukee County Circuit Court.

Hammer, Laurence, 1700 Oakwood Drive, San Mateo, California, convicted on November 7, 1960, in the Superior Court of State of California, in and for the City and County of San Francisco; and on June 21, 1962, in the Superior Court of State of California, in and for the City and County of Los Angeles.

Hankins, James E., Route 2, Box 120-G, Columbus, Mississippi, convicted on September 3, 1971, in the United States District Court, Northern District of Mississippi, Eastern Division.

Hillis, Charles F., 604 East Washington Street, Napoleon, Ohio, convicted on January 4, 1967 in the Court of Common Pleas, Henry County, Ohio.

Hollins, Randall Earl, 945 28th Street, Des Moines, Iowa, convicted on November 16, 1953, and January 30, 1961, in the Municipal Court for the City of Chicago, Illinois; April 14, 1958, in the Criminal Division of the Circuit Court of Cook County, Illinois; and on April 16, 1964, in the Polk County, Iowa, District Court.

Humes, Richard N., 208 Meadville Street, Edinboro, Pennsylvania, convicted on September 5, 1957, in the Superior Court of Maricopa County, Arizona, and January 9, 1967, in the Court of Common Pleas, Summit County, Ohio.

Johnson, Curtis R., 3705 Huntleigh Drive, Raleigh, North Carolina, convicted on September 8, 1971, in the Mecklenburg County Circuit Court, Boydton, Virginia.

Johnson, Jimmie Allen, 104 Belaire Drive, Jackson, Mississippi, convicted on April 3, 1963, in the Fourteenth Judicial District, Cameron Parish, Louisiana.

Kovalchik, Peter J., 25169 Carmel, Woodhaven, Michigan, convicted on July 22, 1964, in the Superior Court, Providence, Rhode Island.

Malone, Michael J., 520 Polk Street, Anoka, Minnesota, convicted on October 15, 1970, in the District Court, Anoka County, Minnesota.

Mann, Victor B., 12634 Kalnor, Norwalk, California, convicted on May 25, 1967, in the Superior Court of the State of California for the County of Los Angeles.

Manning, James L., 10337 Cathy Road, Jacksonville, Florida, convicted on November 17, 1954, in the Criminal Court of Record, Duval County, Florida.

Martin, Michael M., Route No. 1, Franklin, Kentucky, convicted on November 14, 1972, in the U.S. District Court, Western District, Kentucky.

Matchopatow, Russell J., Box 63, Keshena, Wisconsin, convicted on October 1, 1969, in the Sawano-Menominee County Court, Wisconsin.

Mershon, Arden Alton, 105 Atwood Street, Greenville, South Carolina, convicted on October 26, 1954, in the General Sessions Court, Greenville, South Carolina.

Montgomery, Dale K., 914 Christi Lane, Chico, California, convicted on July 7, 1971, in the Superior County, Santa Clara County, California.

Morris, Frank A., 6851 Holly Park Drive South, Seattle, Washington, convicted on December 12, 1946, in the Superior Court of the State of Washington for Thurston County, and on October 8, 1965, in the Superior Court of the State of Washington for Grant County.

Null, Kenneth W., 5050 North La Cholla Boulevard Tucson, Arizona, convicted on April 6, 1948, in the Decatur County, Indiana, Circuit Court.

Ott, Stanley A., R.D. No. 3, Box 281, North East, Maryland, convicted on April 22, 1971, in the Magistrate Court, Cecil County, Maryland.

Poston, Larry B., 4207 DeLee, Dallas, Texas, convicted on March 24, 1967, in the Criminal District Court No. 5, Dallas County, Texas.

Richeson, Roy D., 1006 West Mansfield Avenue, Spokane, Washington, convicted on April 18, 1961, in the Superior Court, Spokane County, Washington.

Rickman, Gary O., P.O. Box 6067, Spokane, Washington, convicted on December 23, 1952; December 22, 1958; and December 22, 1965, in the Superior Court, Spokane County, Washington.

Rivers, Wallace W., Route 1, Box 211, Mt. Vernon, Alabama, convicted on May 5, 1971, in the Circuit Court, Mobile County, Alabama.

Roscovius, David L., Pine Ridge Mobile Home Court, Highway 20—East, Independence, Iowa, convicted on October 31, 1968, in the District Court, Buchanan County, Iowa, and on December 23, 1968, in the District Court, Delaware County, Iowa.

Royere, Richard C., 903 Lakewood Avenue, Tampa, Florida, convicted on December 11, 1970, in the United States District Court, Middle District of Florida.

St. Clair, Ray Eldon, 3324 15th Street, C., Moline, Illinois, convicted on August 18, 1962, in the Circuit Court of Rock Island County, Illinois.

Schlenker, Bernard, 2842 West Bird Road, Tucson, Arizona, convicted on March 1, 1968, in the Superior Court, County of Pima, Arizona.

Southerland, Del E., 957 Arrowhead Avenue, San Bernardino, California, convicted on May 31, 1968, in the San Bernardino County Municipal Court District, Central Division, California.

Sterling, Richard, 2027 North Tyler, Topeka, Kansas, convicted on May 20, 1948, in the District Court of Shawnee County, Kansas.

Stocksleger, Jeffrey L., 236 W. Main Street, Fayetteville, Pennsylvania, convicted on July 1, 1966, in the Franklin County Criminal Court, Chambersburg, Pennsylvania.

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Townsend, Gregory L., 9141 West Highway 55, Apt. 304, Golden Valley, Minnesota, convicted on June 14, 1965, in the 5th Judicial District Court, Wantonwan County, Minnesota.

Trosper, William J., P.O. Box 658, Ethete, Wyoming, convicted on August 7, 1961, in the United States District Court, Wyoming.

Vasquenz, Filiberto, 182 Kiswick Street, Staten Island, New York, convicted on August 6, 1958, in the Westchester County Court, New York.

Waterbury, Dale P., 4881 Reinhardt Drive, Oakland, California, convicted on May 8, 1967, in the Alameda County, California, Superior Court.

York, Luther C., Route 2, Yadkinville, North Carolina, convicted on May 29, 1956, in the Superior Court, Yadkin County, North Carolina; November 6, 1952; November 5, 1956; May 7, 1964, in the United States District Court, Middle District of North Carolina.

Signed at Washington, D.C., this 14th day of June 1974.

[SEAL] REX D. DAVIS,
Director, Bureau of Alcohol, Tobacco and Firearms.

[FR Doc.74-14746 Filed 6-26-74;8:45 am]

DEPARTMENT OF JUSTICE

Office of the Attorney General

[Order No. 570-74]

FEDERAL YOUTH CENTER AT PLEASANTON, CALIFORNIA

Establishment and Designation

By virtue of the authority vested in me by sections 4003, 4042, 4081 and 4082 of Title 18, United States Code, I hereby establish and designate the Federal Youth Center, Pleasanton, California, as a place of confinement for persons charged with or convicted of offenses against the United States or otherwise placed in the custody of the Attorney General of the United States.

Dated: June 20, 1974.

WILLIAM B. SAXBE,
Attorney General.

[FR Doc.74-14682 Filed 6-26-74;8:45 am]

DEPARTMENT OF DEFENSE

Office of the Secretary of Defense

DEFENSE ADVISORY COMMITTEE ON WOMEN IN THE SERVICES

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given that a meeting of the Executive Committee of the Defense Advisory Committee on Women in the Services (DACOWITS) will be held July 12, 1974 at the Hotel Washington, Washington, D.C. The session will be conducted from 9 a.m. to 4 p.m. and will be open to the public.

The purpose of this meeting is to plan the program for the semi-annual meeting of the full Committee, tentatively scheduled for October 20-24, 1974. Composed of 40 civilian women, DACOWITS provides the Department of Defense with assistance and advice on matters relating to women in the Armed Forces.

Interested persons desiring to make oral presentations or submit written statements for consideration at the Executive Committee meeting must contact LtCol Martha A. Cox, DACOWITS Executive Secretary, OASD (Manpower and Reserve Affairs), Room 2B257, The Pentagon, Washington, D.C. 20301, telephone (202) OXford 5-5153 no later than July 5, 1974.

MAURICE W. ROCHE,
Director, Correspondence and Directives OASD (Comptroller).

JUNE 24, 1974.

[FR Doc.74-14668 Filed 6-26-74;8:45 am]

DEPARTMENT OF THE INTERIOR

Bonneville Power Administration

FY 1976 PROPOSED PROGRAM

Notice of Intent to File Environmental Statement

Notice of intent to file an environmental statement is hereby given by the Bonneville Power Administration, 1002 NE. Holladay Street, Portland, Oregon 97208.

The environmental statement will cover BPA's FY 1976 Proposed Program, which contemplates adding approximately 290 miles of new transmission lines to the existing power grid. Some four new substations are contemplated, which will occupy approximately 40 acres of land. In addition, 5,000 acres of right-of-way will be required for transmission lines. The annual program for continued maintenance of existing facilities, including the use of herbicides, will also be discussed in the statement.

Your suggestions, comments, and observations are solicited during this period of draft statement preparation for consideration in the preparation of the draft environmental statement. Upon filing of the draft environmental statement with the Council on Environmental Quality (CEQ), comments will be received on the draft statement itself. Tentatively, a draft environmental statement is now planned for filing with the CEQ in September of 1974.

RAY FOLEEN,
Acting Administrator.

JUNE 17, 1974.

[FR Doc.74-14678 Filed 6-26-74;8:45 am]

Bureau of Land Management

[SAC 054898]

CALIFORNIA

Partial Termination of Proposed Withdrawal and Reservation of Lands

JUNE 18, 1974.

Notice of a Bureau of Reclamation, U.S. Department of the Interior, application, Sacramento 054898, for withdrawal and reservation of National Forest lands for the planned facilities of the Trinity River Division of the Central Valley Project, was published as Federal Register Document No. 59-114 on page 173 of the issue for January 7, 1959. The applicant agency has cancelled its application insofar as it affects the following described lands:

MOUNT DIABLO MERIDIAN

T. 35 N., R. 8 W.,
Sec. 4, SE¼SE¼

The area described aggregates 40.00 acres in Trinity County, California.

The described land shall immediately become available for the consummation of a pending Forest Service exchange.

WALTER F. HOLMES,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.74-14683 Filed 6-26-74;8:45 am]

[Group 486]

CALIFORNIA

Notice of Filing of Plat of Survey

JUNE 19, 1974.

1. The plat of survey of lands described below will be officially filed in the California State Office effective 10:00 a.m. on August 5, 1974.

SAN BERNARDINO MERIDIAN, CALIFORNIA

T. 1 S., R. 14 E.
Sec. 16, Lots 1 to 8 incl., SE¼.
Sec. 33, Lots 1 to 9 incl., W½NW¼, and SW¼SW¼.
The surveyed area aggregates 966.37 acres.

2. Title to Lots 1 to 8, inclusive, and SE¼, Sec. 16, T. 1 S., R. 14 E., San Bernardino Meridian are presumed to have vested in the State of California upon acceptance of the plat of survey May 1, 1974.

3. Lots 1 to 9, inclusive, W½NW¼ and SW¼SW¼, Sec. 33, T. 1 S., R. 14 E., San Bernardino Meridian were reserved by Proclamation of August 10, 1936 (50 Stat. 1760) from all forms of appropriation under the public land laws and set apart as the Joshua Tree National Monument.

4. Inquiries concerning these lands shall be addressed to the California State Office, Bureau of Land Management, Federal Office Building, Room E-2841, 2800 Cottage Way, Sacramento, California 95825.

ELEANOR K. WILKINSON,
Chief, Branch of Records and Data Management.

[FR Doc.74-14681 Filed 6-26-74;8:45 am]

DEPARTMENT OF AGRICULTURE

EXPERT PANEL ON NITRITES AND NITROSAMINES

Notice of Meeting and Agenda

Notice is hereby given of a meeting of the Expert Panel on Nitrites and Nitrosamines to be held in Room 218A (Conference Room), Administration Building, 14th and Independence Avenue, SW., Washington, D.C., July 15, 1974, at 9:30 a.m. This is the fourth scheduled meeting of the Panel.

There will be no formal agenda for the Panel meeting. The scientific and technical data presented thus far will be discussed and considered. The Panel will then move toward development of recommendations with respect to nitrite use for submittal to the Secretary of Agriculture. Discussion will be limited to Panel participation. A period of time will be made available for public comment and questions later during the course of the meeting.

The meeting will be open to the public and under the direction of the Panel Chairman or his designee. Written statements may be filed with the Panel before or after the meeting. Any member of the public who wishes to attend or who has further questions should contact the Issuance Coordination Staff, Technical Services, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 4905, South Agriculture Building, Washington, D.C. 20250, Area Code (202) 447-6189. Any person who wishes to file a statement may send such statement to the Issuance Coordination Staff at the above address.

Dated: June 24, 1974.

HARRY C. MUSSMAN,
Executive Secretary.

[FR Doc.74-14764 Filed 6-26-74;8:45 am]

Agricultural Marketing Service

NORTH DAKOTA INSPECTION POINT

Grain Standards

On February 14, 1974, there was published in the FEDERAL REGISTER (39 FR 5675) a notice announcing the application by Williston Grain Inspection, Williston, North Dakota, for designation to operate as an official inspection agency at Williston, North Dakota, in accordance with § 26.96 of the regulations, and the request by Minot Grain Inspection, Inc., Minot, North Dakota, that its assignment be amended in accordance with § 26.99(b) of the regulations to add Williston, North Dakota, as a designated inspection point. Interested organizations and persons were given the opportunity to submit comments in writing with respect to the applications.

Several comments to the proposal were received and reviewed by the Department. Most of the comments supported the designation of an inspection agency at Williston and both Minot Grain Inspection, Inc., and Williston Inspection Service were recommended for designation to operate at Williston. It is concluded from the comments and other information available to the Department that a need for official inspection services exists in the Williston area.

Minot Grain Inspection, Inc., is an existing inspection agency and has provided mail and route collection sample inspection service to the Williston area for the past 25 years. It has licensed inspection personnel and equipment available to provide immediate official inspection service to the Williston area.

Accordingly, in view of inspection needs in the area and review of all material available, it is concluded that the assignment of Minot Grain Inspection, Inc., should be amended to add Williston, North Dakota, as a designated inspection point.

After due consideration of all submissions made pursuant to the notice of February 14, 1974, and all other relevant matters, notice is hereby given pursuant to § 26.99 of the regulations (7 CFR 71 et seq.) that the assignment of Minot Grain Inspection, Inc., Minot, North Dakota, is amended to include Williston, North Dakota, as a designated inspection point with the requirement that Minot Grain Inspection, Inc., provide inspection personnel at Williston for performance of required inspection functions.

(Sec. 7, 39 Stat. 482, as amended 82 Stat. 764 (7 U.S.C. 79(f)) 37 FR 28464 and 28476)

Effective date. This notice shall become effective June 26, 1974.

Done in Washington, D.C., on: June 21, 1974.

E. L. PETERSON,
Administrator, Agricultural Marketing Service.

[FR Doc.74-14671 Filed 6-26-74;8:45 am]

Forest Service

WILLIAMS CREEK—COUGAR BLUFFS ROADLESS AREAS, UMPQUA NATIONAL FOREST, OREGON

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the Williams Creek—Cougar Bluffs Roadless Areas, Umpqua National Forest, Oregon. USDA-FS-R6-DES-(Adm)-74-9.

The environmental statement concerns management direction for the Williams Creek—Cougar Bluffs Roadless Areas, Umpqua National Forest, in Douglas County, Oregon. The proposed management applies to 14,000 acres located in two roadless areas.

This draft environmental statement was transmitted to CEQ on June 20, 1974.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agriculture Bldg., Room 3231
12th St. & Independence Ave., S.W.
Washington, D.C. 20250

USDA, Forest Service
Pacific Northwest Region
319 S.W. Pine Street
Portland, Oregon 97204

Umpqua National Forest
Federal Office Building
P.O. Box 1008
Roseburg, Oregon 97470

A limited number of single copies are available upon request to Regional Forester T. A. Schlapfer, Pacific Northwest Region, P.O. Box 3623, Portland, Oregon 97208, or Forest Supervisor J. R. Philbrick, P.O. Box 1008, Roseburg, Oregon 97470.

Comments are invited from the public, and from state and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to responsible official, J. R. Philbrick, Forest Supervisor, P.O. Box 1008, Roseburg, Oregon 97470. Comments must be received by August 8, 1974, in order to be considered in the preparation of the final environmental statement.

JOHN S. FORSMAN,
Acting Regional Forester, Region 6.

JUNE 20, 1974.

[FR Doc.74-14685 Filed 6-26-74;8:45 am]

FOREST REESTABLISHMENT ON NATIONAL FORESTS IN CALIFORNIA

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for Forest Reestablishment on the National Forests in California USDA-FS-FES(Adm)-74-39.

The environmental statement concerns the proposed reestablishment of coniferous forest stands on certain commercial forest lands presently occupied by brush and also the reforestation of commercial forest lands following timber harvesting and wildfires. Brush on selected portions of the brush covered commercial forest land as well as brush hindering conifer reestablishment on timber regeneration cut areas, would be modified by various means. A flexible program using all available techniques including mechanical, fire, and herbicides is proposed.

This final environmental statement was transmitted to CEQ on June 21, 1974.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agriculture Bldg., Room 3230
12th St. & Independence Ave., SW
Washington, D.C. 20250

USDA, Forest Service
630 Sansome Street, Rm. 531
San Francisco, California 94111

Copies are also available for inspection at National Forest headquarters offices in California.

A limited number of single copies are available upon request to Regional Forester, Douglas R. Leisz, California Region, U.S. Forest Service, 630 Sansome Street, San Francisco, California 94111.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

Dated: June 20, 1974.

T. W. KOSKELLA,
Acting Regional Forester.

[FR Doc.74-14684 Filed 6-26-74;8:45 am]

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Rural Electrification Administration

ARKANSAS ELECTRIC COOPERATIVE CORP.

Draft Environmental Impact Statement

Notice is hereby given that the Rural Electrification Administration intends to prepare a draft environmental impact statement in accordance with section 102(2)(C) of the National Environmental Policy Act of 1969 in connection with an anticipated loan guarantee to Arkansas Electric Cooperative Corporation, P.O. Box 9499, Little Rock, Arkansas 72209.

The anticipated loan will provide AECC with the necessary financing required to participate with Southwestern Electric Power Company in the joint construction of a 528 MW coal-fired generating plant to be located in Benton County, on the east bank of Little Flint Creek near Gentry. These places are all located in the State of Arkansas.

Interested persons are invited to submit comments which may be helpful in preparing the draft EIS.

Comments should be forwarded to the Assistant Administrator—Electric, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250, with a copy to the borrower whose address is listed above. Additional information may be obtained at the borrower's office during regular business hours.

Dated at Washington, D.C., this 21st day of June, 1974.

DAVID A. HAMIL,
Administrator,
Rural Electrification Administration.

[FR Doc.74-14766 Filed 6-26-74;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

BAYLOR COLLEGE OF MEDICINE

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 74-00367-33-46500. Applicant: Baylor College of Medicine, Department of Ophthalmology, Texas Medical Center, 1200 Moursund Drive, Houston, TX 77025. Article: Ultramicrotome Model Om U3. Manufacturer: C. Reichert Optische Werke, Austria. Intended use of article: The article is intended to be used for studies of various ocular tissues with particular emphasis on the retina and its membrane structure. Electron microscopy and electron microscopy autoradiography of the developing retina and mature retina will be conducted.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: Examination of the applicant's thin sections under the electron microscope will provide optimal information when such sections are uniform in thickness and have smoothly cut surfaces. Conditions for obtaining high quality sections depend to a large extent on the properties of the specimen being sectioned (e.g., hardness, consistency, toughness etc.), the properties of the embedding media and the geometry of the block. In connection with a prior case (Docket No. 69-00118-33-46500) which relates to the duty-free entry of a similar foreign article, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting, (among such [other] obvious factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned." In connection with another prior case (Docket No. 69-00665-33-46500) relating to the duty-free entry of a similar foreign article, HEW advised that "The range of cutting speeds and a capability for the higher cutting speeds is • • • a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section." In connection with still another prior case (Docket No. 70-00077-33-46500) relating to the duty-free entry of a similar foreign article, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness etc." requires a maximum range in cutting speed and, further, that "The production of ultrathin serial sections of specimens that have great variation in physical properties is very difficult." The foreign article has a cutting speed range of 0.5 to 10 millimeters/second (mm/sec). The most closely comparable domestic instrument is the Model MT-2B ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT-2B ultramicrotome has a cutting speed range of 0.09 to 3.2 mm/sec. We are advised by HEW in its memorandum of June 7, 1974 cutting speeds in excess of 4 mm/sec. are pertinent to the applicant's research studies. We, therefore, find that the Model MT-2B ultramicrotome is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.74-14759 Filed 6-26-74;8:45 am]

MUSEUM OF FINE ARTS, BOSTON, MASS.

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 73-00476-99-08100. Applicant: Museum of Fine Arts, 465 Huntington Avenue, Boston, Mass. 02115. Article: Thermoluminescent dating apparatus type 711. Manufacturer: The Littlemore Scientific Engineering Co., United Kingdom. Intended use of article: The article is intended to be used in the course, Application of Science in the Examination of Works of Art, to show students another method of authenticating works of art, i.e., pottery dating.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides the specifications suitable for dating pottery and other archaeological materials with the greatest available accuracy and for using small sample sizes of archaeological materials. The National Bureau of Standards (NBS) advised in its memorandum dated June 6, 1974 that the specifications described above are pertinent to the applicant's intended purposes. NBS also advised that it knows of no domestic instrument of equivalent scientific value to the foreign article for the applicant's intended use.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.74-14752 Filed 6-26-74;8:45 am]

NEW YORK UNIVERSITY POST-GRADUATE MEDICAL SCHOOL

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 74-00356-00-43780. Applicant: New York University Post-Graduate Medical School, Department of Prosthetics and Orthotics, 317 East 34th Street, New York 10016. Article: Component parts, for prosthetic devices, 42-00 Single Switch. Manufacturer: Variety Village Electro Limb Production Centre, Canada. Intended use of article: The article is intended to be used to activate an electrically-driven upper extremity prostheses under evaluation by the University.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The application relates to compatible accessories for an instrument that had been previously imported for the use of the applicant institution. The article is being furnished by the manufacturer which produced the instrument with which the article is intended to be used, and is pertinent to the applicant's purposes.

The Department of Commerce knows of no similar accessories being manufactured in the United States, which is interchangeable with or can be readily adapted to the instrument with which the foreign article is intended to be used.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.74-14758 Filed 6-26-74;8:45 am]

SLOAN-KETTERING INSTITUTE ET AL.

Consolidated Decision on Applications for Duty-Free Entry of Scientific Articles

The following is a consolidated decision on applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C.

Decision: Applications denied. Applicants have failed to establish that instruments or apparatus of equivalent scientific value to the foreign articles, for such purposes as the foreign articles are intended to be used, are not being manufactured in the United States.

Reasons: Section 701.8 of the Regulations provides in pertinent part:

> The applicant shall on or before the 20th day following the date of such notice, inform the Deputy Assistant Secretary whether it intends to resubmit another application for the same article for the same intended purposes to which the denied application relates. The applicant shall then resubmit the new application on or before the 90th day following the date of the notice of denial without prejudice to resubmission, unless an extension of time is granted by the Deputy Assistant Secretary in writing prior to the expiration of the 90 day period. • • • If the applicant fails, within the applicable time periods specified above, to either (a) inform the Deputy Assistant Secretary whether it intends to resubmit another application for the same article to which the denial without prejudice to resubmission relates, or (b) resubmit the new application, the prior denial without prejudice to resubmission shall have the effect of a final decision by the Deputy Assistant Secretary on the application within the context of § 701.11.

The meaning of the subsection is that should an applicant either fail to notify the Deputy Assistant Secretary of its intent to resubmit another application for the same article to which the denial without prejudice relates within the 20 day period, or fails to resubmit a new application within the 90 day period, the prior denial without prejudice to resubmission will have the effect of a final denial of the application.

None of the applicants to which this consolidated decision relates has satisfied the requirements set forth above, therefore, the prior denials without prejudice have the effect of a final decision denying their respective applications.

Section 701.8 further provides:

> • • • the Deputy Assistant Secretary shall transmit a summary of the prior denial without prejudice to resubmission to the FEDERAL REGISTER for publication, to the Commissioner of Customs, and to the applicant.

Each of the prior denials without prejudice to resubmission to which this consolidated decision relates was based on the failure of the respective applicants to submit the required documentation, including a completely executed application form, in sufficient detail to allow the issue of "scientific equivalency" to be determined by the Deputy Assistant Secretary.

Docket number: 73-00152-33-46070. Applicant: Sloan-Kettering Institute for Cancer Research, 425 East 68th Street, New York, New York 10021. Article: Scanning Electron Microscope, Model S4. Date of denial without prejudice to resubmission: February 4, 1974.

Docket number: 74-00110-33-46040. Applicant: Medical College of Ohio at Toledo, Department of Pathology, P.O. Box 6190, 945 South Detroit Avenue, Toledo, Ohio 43614. Article: Electron Microscope, Model EM 9S-2. Date of denial without prejudice to resubmission: January 3, 1974.

Docket number: 74-00112-33-46040. Applicant: Medical University of South Carolina, 80 Barre Street, Charleston, South Carolina 29401. Article: Electron Microscope, Model HS-9. Date of denial without prejudice to resubmission: January 3, 1974.

Docket number: 74-00123-33-46040. Applicant: University of Cincinnati, College of Medicine, Eden & Bethesda Avenues, Cincinnati, Ohio, 45219. Article: Electron Microscope, Model EM 201 with plate camera and anti-contamination device. Date of denial without prejudice to resubmission: January 3, 1974.

Docket number: 74-00149-99-46040. Applicant: Chicago State University, Department of Biological Sciences, 95th and King Drive, Chicago, Illinois 60628. Article: Electron Microscope, Model EM 9S-2. Date of denial without prejudice to resubmission: February 4, 1974.

Docket number: 74-00152-33-83600. Applicant: Veterans Administration Hospital, Building 222, Fort Snelling, St. Paul, Minnesota 55111. Article: Thermocurie Electronic Thermometer type TE3. Date of denial without prejudice to resubmission: February 27, 1974.

Docket Number: 74-00171-33-46500. Applicant: Johns Hopkins University, Anatomy Building, Room 7, Charles & 34th Street, Baltimore, Maryland 21218. Article: Ultramicrotome, Model Om U3. Date of denial without prejudice to resubmission: February 27, 1974.

Docket number: 74-00223-33-46040. Applicant: Veterans Administration Hospital, Pathology and Allied Sciences Service, 13000 North 30th Street, Tampa, Florida 33612. ARTICLE: Electron Microscope, Model EM 301. Date of denial without prejudice to resubmission: February 4, 1974.

Docket number: 74-00291-98-42900. Applicant: Illinois Institute of Technology, Physics Department, 3301 S. Dearborn Street, Chicago, Illinois 60616. ARTICLE: Superconducting Magnet. Date of denial without prejudice to resubmission: February 27, 1974.

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.74-14761 Filed 6-26-74;8:45 am]

SLOAN-KETTERING INSTITUTE AND BAYLOR COLLEGE OF MEDICINE

Consolidated Decision on Applications for Duty-Free Entry of Electron Microscopes

The following is a consolidated decision on applications for duty-free entry of electron microscopes pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.). (See especially § 701.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the

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Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 74–00348–33–46040. Applicant: Sloan-Kettering Institute for Cancer Research, Walker Laboratory, 145 Boston Post Road, Rye, New York 10580. Article: Electron Microscope, Model JEM 100B. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for ultrastructural applications in the following applications:

(1) Analysis of cell surface organizational changes associated with cell differentiation and malignant transformation.

(2) Determination of the role of viruses, and the mechanisms involved, in inducing malignancy and immuno-deficiency diseases in various mammalian species, including man.

(3) Ultrastructural characterization of immunologically-responsive cells.

Application received by Commissioner of Customs: February 26, 1974. Advice submitted by the Department of Health, Education, and Welfare on: May 24, 1974. Date of order: December 19, 1973.

Docket number: 74–00342–33–46040. Applicant: Baylor College of Medicine, 1200 Moursund Avenue, Houston, Texas 77025. Article: Electron Microscope, Model JEM 100C. Manufacturer: JOEL Ltd., Japan. Intended use of article: The article is intended to be used for diagnostic evaluations of biopsies of patients under chemotherapy. A number of studies are concerned with the structural organization of ribosomes and polyribosomes with respect to RNA and proteins from normal and tumorous tissue. Electron microscopy will be used for the evaluation of the effectiveness of the various procedures employed by investigator in comparing messenger RNA molecules, its associated proteins and factors, from normal and tumor cells. The article will also be used for studies related to gene organization, frequence and distribution for such molecules of 45S, rRNa, 5.5S, 4.5$_I$, 4.5$_{II}$, U$_I$, U$_{II}$ U$_3$ RNA, in normal and tumor tissues, utilizing various hybridization techniques. Application received by Commissioner of Customs: February 21, 1974. Advice submitted by the Department of Health, Education, and Welfare on: May 24, 1974. Date of order: July 25, 1973.

Comments: No comments have been received in regard to any of the foregoing applications.

Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for the purposes for which the articles are intended to be used, was being manufactured in the United States at the time the articles were ordered.

Reasons: Each foreign article has a specified resolving capability of 3.0 Angstroms. The most closely comparable domestic instrument available at the time the articles were ordered was the Model EMU–4C electron microscope which is currently supplied by Adam David Company. The Model EMU–4C had a specified resolving capability of five Angstroms. (Resolving capability bears an inverse relationship to its numerical rating in Angstrom units, i.e., the lower the rating, the better the resolving capability.) We are advised by the Department of Health, Education, and Welfare in the respectively cited memoranda, that the additional resolving capability of the foreign articles is pertinent to the purposes for which each of the foreign articles to which the foregoing applications relate is intended to be used. We, therefore, find that the Model EMU–4C was not of equivalent scientific value to any of the articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, at the time the articles were ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which was being manufactured in the United States at the time the articles were ordered.

(Catalog of Federal Domestic Assistance Program No. 11,105, Importation of Duty-Free Educational and Scientific Materials)

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.74–14760 Filed 6–26–74;8:45 am]

SOUTHERN ILLINOIS UNIVERSITY

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 74–00231–33–46040. Applicant: Southern Illinois University School of Medicine, Department of Medical Sciences, P.O. Box 3926, Springfield, Ill. 62708. Article: Electron Microscope, Model JEM 100B. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used in the following research projects:

(1) Capillary blood vessel changes in the brain following severe head injury during chronic mental deterioration associated with aging and various degenerative brain diseases, and the vascular complications of the spinal meningitis, particularly in the newborn baby.

(2) Virus etiology of cancer-studies of different types of human cancers for the presence of virus particles.

Numerous other investigations are planned in the areas of muscle embryogenesis and pathogenesis, kidney disease pathogenesis, cell surface and membrane changes associated with cancer cells, morphology of gastrointestinal diseases and cardiovascular disease. The article will also be used to teach undergraduate medical students and residents the techniques of electron microscopy and the applications of electron microscopy in medicine.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the application was received by the U.S. Customs Service.

Reasons: The foreign article provides a guaranteed resolving capability of 3 Angstroms point to point without a goniometer stage and 5 Angstroms point to point with a goniometer stage. The most closely domestic instrument available at the time the application was received, was the Model EMU–4C electron microscope currently supplied by the Adam David Company. When the application was received, the Model EMU–4C had a guaranteed resolving capability of 5 Angstroms without a goniometer stage and 8 Angstroms with a goniometer stage. (The lower the numerical rating in terms of Angstrom units, the better the resolving capability.) The Department of Health, Education, and Welfare (HEW) advised in its memorandum dated March 15, 1974 that the best resolution available with and without a goniometer stage is pertinent to the purposes for which the article is intended to be used. HEW also advised that domestic instruments had not shown equivalent resolution when the application was received. We, therefore, find that the Model EMU–4C was not of equivalent scientific value to the foreign article, for such purposes as the article is intended to be used at the time the application was received.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the application was received.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.74–14751 Filed 6–26–74;8:45 am]

UNIVERSITY OF CALIFORNIA—LOS ANGELES

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 74–00345–33–46500. Applicant: University of California Los Angeles, The Regents of the University of California, 405 Hilgard Avenue, Los Angeles, California 90024. Article: Ultramicrotome, Model Om U3. Manufacturer: C. Reichert Optische Werke AG, Austria. Intended use of article: The foreign article is intended to be used in research to study the details of synaptic connections in the vertebrate retina. Specifically, the way the many nerve cells in retinal synapses may be intertwined and interconnected will be studied.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: Examination of the applicant's thin sections under the electron microscope will provide optimal information when such sections are uniform in thickness and have smoothly cut surfaces. Conditions for obtaining high quality sections depend to a large extent on the properties of the specimen being sectioned (e.g., hardness, consistency, toughness etc.), the properties of the embedding media and the geometry of the block. In connection with a prior case (Docket No. 69–00118–33–46500) which relates to the duty-free entry of a similar foreign article, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting, (among such [other] obvious factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned." In connection with another prior case (Docket No. 69–00665–33–46500) relating to the duty-free entry of a similar foreign article, HEW advised that "The range of cutting speeds and a capability for the higher cutting speeds is * * * a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section." In connection with still another prior case (Docket No. 70–00077–33–46500) relating to the duty-free entry of a similar foreign article, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness etc." requires a maximum range in cutting speed and, further, that "The production of ultrathin serial sections of specimens that have great variation in physical properties is very difficult." The foreign article has a cutting speed range of 0.5 to 10 millimeters/second (mm/sec). The most closely comparable domestic instrument is the Model MT–2B ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT–2B ultramicrotome has a cutting speed range of 0.09 to 3.2 mm/sec. We are advised by HEW in its memorandum of May 24, 1974 cutting speeds in excess of 4 mm/sec. are pertinent to the applicant's research studies. We, therefore, find that the Model MT–2B ultramicrotome is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.74–14753 Filed 6–26–74;8:45 am]

UNIVERSITY OF CALIFORNIA—SAN FRANCISCO

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 74–00334–33–46040. Applicant: University of California—San Francisco, 1438 South Tenth Street, Richmond, California 94808. Article: Electron Microscope, Model JEM 100B. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for the following research objectives:

(1) Studies of the effects of lanthanum on pancreatic and thyroid secretion, and ultrastructural analysis.

(2) Studies of cellular mechanisms of pancreatic exocrine secretion,

(3) Experiments involving electron microscope analysis of the myoneural junction,

(4) Localization of releasing factors in the hypothalamus by cytoimmunochemical techniques, and

(5) Recycling of membrane at the myoneural junction, correlating the structure and function in imaginative ways.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the article was ordered (January 15, 1974).

Reasons: The foreign article provides a guaranteed resolving capability of 3 Angstroms point to point and a high resolution specimen tilting rotating device which provides a guaranteed resolving capability of 5 Angstroms point-to-point. The most closely comparable domestic instrument available at the time the article was ordered was the Model EMU–4C electron Microscope currently supplied by the Adam David (Company). When the article was ordered the Model EMU–4C had a specified resolving capability of 5 Angstroms point-to-point and a tilt stage supplying ±30 degrees tilt with a guaranteed resolving capability of 8 Angstroms. (The lower the numerical rating in terms of Angstrom units, the better the resolving power.) The Department of Health, Education, and Welfare (HEW) advised in its memorandum dated May 23, 1974 that the best resolution available both with and without the tilt stage is pertinent to the purposes for which the article is intended to be used. HEW also advised that domestic instruments did not provide equivalent resolution when the article was ordered.

We, therefore, find that the Model EMU–4C was not of equivalent scientific value to the foreign article for such purposes as the article is intended to be used at the time the article was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.74–14754 Filed 6–26–74;8:45 am]

UNIVERSITY OF CINCINNATI

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 74–00304–80–81595. Applicant: University of Cincinnati, Department of Environmental Health, Kettering Laboratory, 3223 Eden Avenue, Cincinnati, Ohio 45219. Article: Wright Dust Feed Mechanism & Parts. Manufacturer: L. Adams Ltd., United Kingdom. Intended use of article: The

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article is intended to be used to produce, in test air, particulate clouds of a variety of materials including, coal, silica, aluminum oxide, and possibly silicon carbide. The article is an essential component to the design of a system for the calibration of air sampling equipment.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides the capability to produce aero-dispersed particulates with uniform dispersion and with quantitative and reproducible delivery of the material. The National Bureau of Standards (NBS) advised in its memorandum dated May 16, 1974 that the capability described above is pertinent to the applicant's research purposes. NBS also advised that it knows of no domestic instrument of equivalent scientific value to the foreign article for the applicant's intended use.

(Catalog of Federal Domestic Assistance Program No. 11.106, Importation of Duty-Free Educational and Scientific Materials)

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.74-14750 Filed 6-26-74;8:45 am]

UNIVERSITY OF FLORIDA

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 74-00338-35-46040. Applicant: University of Florida, College of Dentistry, Box 202, Gainesville, Florida 32610. Article: Electron Microscope, Model EM 10. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used in studies on human tooth development. Specifically the article is to be used to examine:

(1) The structure of the mesenchymal cells in the dental papilla prior to and during the bell stage.

(2) The morphological changes of the developing odontoblast up to the time of beginning mineralization of the mantle dentin.

(3) The formation of collagen by the odontoblast.

(4) The change in configuration of the fibrillar material attached to the prospective dentino enamel junction.

(5) The relationship of subodontoblast cells, blood vessels and nerve fibers to the developing odontoblast.

(6) The morphology and development of the cells of the cervical loop.

(7) The problem of formation and continuity of the basal lamina in the cervical loop area.

In support of these investigations experimental studies will be undertaken, using animal models such as the continuously growing incisor of the mouse and rat. These experiments will be targeted to answer questions related to collagen synthesis, mitotic rate, calcium transport, etc. using electron microscopic radioautography and cytochemistry.

Other studies involving the use of this article will relate to the morphology and pathology of the periodontium, pulpal effects of filling materials and replication studies on the effect of dental instruments on hard tissues.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the article was ordered (January 28, 1974).

Reasons: The foreign article provides a guaranteed resolving capability of 3.5 Angstroms point-to-point and distortion free micrographs over a magnification range 100 to 200,000x without a pole-piece change. The most closely comparable domestic instrument available at the time the article was ordered was the Model EMU-4C electron microscope currently supplied by the Adam David Company (Adam David). When the article was ordered the Model EMU-4C had a specified resolving capability of 5 Angstroms point-to-point and with its standard pole-piece, had a specified range from 1,400 to 240,000 magnifications. For survey and scanning, the lower end of this range could reduce to 200 magnifications or less. But the continued reduction of magnification induced an increasingly greater distortion. The domestic manufacturer suggests in its literature on the Model EMU-4C that for highest quality, low magnification electron micrographs in the magnifications, an optional low magnification pole-piece should be used. Changing the pole-piece on the Model EMU-4C requires a break in the vacuum of the column. Breaking the vacuum in the colum induces the danger of contamination which would very likely lead to the failure of the experiment.

The Department of Health, Education, and Welfare (HEW) advised in its memorandum dated May 23, 1974 that the best resolution available and distortion free micrographs at low magnifications are pertinent to the applicant's purposes. HEW also advised that it knows of no domestic instrument which provides the combination pertinent capabilities provided by the foreign article.

We, therefore, find that the Model EMU-4C was not of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used at the time the article was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.106, Importation of Duty-Free Educational and Scientific Materials)

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.74-14755 Filed 6-26-74;8:45 am]

UNIVERSITY OF MIAMI

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 74-00144-01-07500. Applicant: University of Miami, P.O. Box 8184, Coral Gables, Florida 33124. Article: Heat Capacity Calorimeter. Manufacturer: Universite de Sherbrooke, Canada. Intended use of article: The article is to be used for determining apparent and partial molal heat capacities of electrolytes in aqueous and nonaqueous solutions. The electrolytes studied will be alkaline earth metal halides and perchlorates, tetraalkylammonium halides and perchlorates and some rare earth halides. The nonaqueous solvents will be highly polar organic solvents. The objectives are to obtain thermochemical data on electrolytic solutions in order to predict properties of nonaqueous solution and to construct a theoretical model of electrolytic solutions. The techniques employed will be to pass pure solvent and then an electrolytic solution of the solvent through the calorimeter. The article will detect a difference in heat capacity of the two liquids which can then be related to the thermodynamic properties of interest.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article is a differential-flow heat-capacity microcalorimeter which provides the capability to measure relative heat capacities of solutions with a precision of 0.5 per cent. The National Bureau of Standards advised in its memorandum dated April 12, 1974 that the capability described above is pertinent to the applicant's intended electrolytic research. NBS also advised that it knows of no domestic instrument of equivalent scientific value to the foreign article for the applicant's intended use.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.74-14756 Filed 6-26-74;8:45 am]

UNIVERSITY OF WASHINGTON

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 74-00339-56-17500. Applicant: University of Washington, Department of Oceanography WB-10, Seattle, Washington 98195. Article: 4 Current Meters, Model RCM-4. Manufacturer: Ivar Aanderaa, Norway. Intended use of article: The article is intended to be used for studies of the vertical and horizontal water structure off the Washington coast, estuarine circulation in Puget Sound, and adjacent areas. In order to determine water structure and circulation, it is necessary to measure the water temperature, salinity (conductivity related), and pressure to calculate density differences and, finally, the horizontal pressure gradients at various levels above some arbitrary datum plane. The article will also be used in the course Ocean 360: Methods and Instruments in Oceanography to familiarize students with methods of measuring environmental parameters. Other objectives of the course are the scope and limitations of different instruments and deployment methods and calibrations and stability problems encountered and special environmental effects on instruments.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article is a self-contained instrument which provides the capabilities for recording current speed and direction, water temperature, pressure, conductivity and for automatically sampling and recording the appropriate data on magnetic tape. The National Bureau of Standards (NBS) advised in its memorandum dated June 5, 1974 that the capabilities described above are pertinent to the purposes for which the article is intended to be used. NBS also advised that it knows of no domestically manufactured instrument of equivalent scientific value to the foreign article for the applicant's intended use.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.74-14757 Filed 6-26-74;8:45 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

GLADYS PORTER ZOO

Issuance of Permit for Marine Mammals

On January 14, 1974, notice was published in the FEDERAL REGISTER (39 FR 1785), that an application had been filed with the National Marine Fisheries Service by the Gladys Porter Zoo, 500 Ringgold Street, Brownsville, Texas 78520, for a permit to take ten (10) California sea lions (*Zalophus californianus*) for public display.

Notice is hereby given that, on May 24, 1974, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the National Marine Fisheries Service, issued a Permit for five (5) California sea lions to the Gladys Porter Zoo, subject to certain conditions set forth therein. The Permit is available for review by interested persons in the Office of the Director, National Marine Fisheries Service, Washington, D.C. 20235, and the Offices of the Regional Director, National Marine Fisheries Service, Southeast Region, Duval Building, 9450 Gandy Boulevard, St. Petersburg, Florida 33702, and the Regional Director, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Dated: May 24, 1974.

JACK W. GEHRINGER,
Acting Director,
National Marine Fisheries Service.

[FR Doc.74-14664 Filed 6-26-74;8:45 am]

THOMAS R. LOUGHLIN

Issuance of Permit for Marine Mammals

On March 27, 1974, notice was published in the FEDERAL REGISTER (39 FR 11320), that an application had been filed with the National Marine Fisheries Service by Thomas R. Loughlin, Department of Biology, Humboldt State University, Arcata, California 95521, for a permit to take, tag and release sixty (60) Pacific harbor seals (*Phoca vitulina richardii*) for scientific research.

Notice is hereby given that on June 13, 1974, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the National Marine Fisheries Service issued a Permit to Thomas R. Loughlin, subject to certain conditions set forth therein. The Permit is available for review by interested persons in the Office of the Director, National Marine Fisheries Service, Washington, D.C. 20235, and the Office of the Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Dated: June 13, 1974.

WILLIAM F. ROYCE,
Acting Director,
National Marine Fisheries Service.

[FR Doc.74-14663 Filed 6-26-74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[DESI 5668; Docket No. FDC-D-599; NDA 5-668, etc.]

CERTAIN COMBINATION GASTROINTESTINAL DRUGS

Notice of Withdrawal of Approval of New Drug Applications

On September 21, 1973, and December 13, 1973, there were published in the FEDERAL REGISTER (38 FR 26479) and (38 FR 34352), respectively, notices of opportunity for hearing (DESI 5668) in which the Commissioner of Food and Drugs proposed to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of the new drug applications listed below.

NDA 5-668; Malgiyn Tablets and Malgiyn Compound Magma containing phenobarbital, belladonna alkaloids, and dihydroxyaluminum aminoacetate; Brayten Pharmaceutical Co., 1715 West 38th Street, Chattanooga, Tennessee 37409.

NDA 10-725; Barbicaine Oral Solution containing pentobarbital, phenobarbital, and procaine hydrochloride; Cutter Laboratories, Fourth and Parker Streets, Berkeley, California 94710.

NDA 11-183; Aludrox SA Suspension containing ambutonium bromide, butabarbital, aluminum hydroxide gel, and magnesium hydroxide; Wyeth Laboratories, Division, American Home Products Corp., Box 8299, Philadelphia, Pennsylvania 19101.

NDA 11-391; Aludrox SA Tablets containing ambutonium bromide, butabarbital, dried aluminum hydroxide gel, and magnesium hydroxide; Wyeth Laboratories.

The basis of the proposed action was the lack of substantial evidence that the drugs are effective for their labeled indications.

Neither the holders of the new drug applications nor any other interested person filed a written appearance of election as provided by said notices. The failure to file such an appearance constitutes an election by such persons not to avail themselves of the opportunity for a hearing. The Administration has been informed that marketing of all the products, except Malgiyn Tablets, has been discontinued.

All identical, related, or similar products, not the subject of an approved

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new drug application, are covered by the new drug applications reviewed and are subject to this notice (21 CFR 310.6). Any person who wishes to determine whether a specific product is covered by this notice should write to the Food and Drug Administration, Bureau of Drugs, Office of Compliance (HFD-300), 5600 Fishers Lane, Rockville, Maryland 20852.

The Director of the Bureau of Drugs, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1053, as amended; 21 U.S.C. 355), and under authority delegated to him (21 CFR 2.121), finds that on the basis of new information before him with respect to the drugs, evaluated together with the evidence available to him when the applications were approved, there is a lack of substantial evidence that the drugs will have the effects they purport or are represented to have under the conditions of use prescribed, recommended, or suggested in the labeling thereof.

Therefore, pursuant to the foregoing finding, approval of the above new drug applications and all amendments and supplements applying thereto is withdrawn effective on July 8, 1974.

Shipment in interstate commerce of the above-listed products or of any identical, related, or similar product, not the subject of an approved new drug application, will then be unlawful.

Dated: June 10, 1974.

J. RICHARD CROUT,
Director, Bureau of Drugs.

[FR Doc.74-14689 Filed 6-26-74;8:45 am]

[DESI 11300; Docket No. FDC-D-692; NDA 11-528]

McNEIL LABORATORIES

Chlorzoxazone in Combination With Codeine Phosphate and Acetaminophen or in Combination With Prednisolone and Acetaminophen; Opportunity for Hearing on Proposal To Withdraw Approval of New Drug Applications

The National Academy of Sciences-National Research Council, Drug Efficacy Study Group evaluated the effectiveness of the drug products described below, found the drugs to be less than effective, and submitted its reports to the Commissioner of Food and Drugs. Copies of the reports have previously been made publicly available and are on display at the office of the Food and Drug Administration's Hearing Clerk. After reviewing the Academy's reports and the available data and information, the Commissioner concluded that the drugs are less than effective and published his conclusions in the FEDERAL REGISTER of September 11, 1969 (34 FR 14299) that the drugs are possibly effective for their labeled indications including the relief of skeletal muscle spasm and pain associated with various conditions.

Parafon with Prednisolone tablets containing chlorzoxazone, acetaminophen, and prednisolone (NDA 11-528); and

Parafon with Codeine tablets containing chlorzoxazone, codeine phosphate, and acetaminophen (NDA 11-985), both products formerly marketed by McNeil Laboratories, Inc., Camp Hill Road, Fort Washington, PA 19034.

Other drugs were also included in the notice of September 11, 1969. They are not dealt with in this notice.

No data were submitted to demonstrate the effectiveness of these fixed combinations compared with the effectiveness of the individual ingredients, or that they are otherwise in accord with the requirements for fixed combination drugs as set forth in § 3.86 *Fixed combination prescription drugs for humans* (21 CFR 3.86).

On the basis of all of the data and information available to him, the Director of the Bureau of Drugs is unaware of any adequate and well-controlled clinical investigation, conducted by experts qualified by scientific training and experience, meeting the requirements of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) and 21 CFR 314.111(a)(5) and 21 CFR 3.86, demonstrating the effectiveness of the combination drug products.

Therefore, notice is given to the holder(s) of the new drug application(s) and to all other interested persons that the Director of the Bureau of Drugs proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)), withdrawing approval of the new drug application(s) (or if indicated above, those parts of the application(s) providing for the drug product(s) listed above) and all amendments and supplements thereto on the ground that new information before him with respect to the drug product(s), evaluated together with the evidence available to him at the time of approval of the application(s), shows there is a lack of substantial evidence that the drug product(s) will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling.

In addition to the holder(s) of the new drug application(s) specifically named above, this notice of opportunity for hearing applies to all persons who manufacture or distribute a drug product which is identical, related, or similar to a drug product named above, as defined in 21 CFR 310.6. It is the responsibility of every drug manufacturer or distributor to review this notice of opportunity for hearing to determine whether it covers any drug product he manufactures or distributes. Any person may request an opinion of the applicability of this notice to a specific drug product he manufactures or distributes that may be identical, related, or similar to a drug product named in this notice by writing to the Food and Drug Administration, Bureau of Drugs, Office of Compliance (HFD-300), 5600 Fishers Lane, Rockville, MD 20852.

In addition to the ground(s) for the proposed withdrawal of approval stated above, this notice of opportunity for hearing encompasses all issues relating to the legal status of the drug products subject to it (including identical, related, or similar drug products as defined in § 310.6) e.g., any contention that any such product is not a new drug because it is generally recognized as safe and effective within the meaning of section 201(p) of the act or because it is exempt from part or all of the new drug provisions of the act pursuant to the exemption for products marketed prior to June 25, 1938, contained in section 201(p) of the act, or pursuant to section 107(c) of the Drug Amendments of 1962; or for any other reason.

In accordance with the provisions of section 505 of the act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR 310, 314), the applicant(s) and all other persons subject to this notice pursuant to 21 CFR 310.6 are hereby given an opportunity for a hearing to show why approval of the new drug application(s) should not be withdrawn and an opportunity to raise, for administrative determination, all issues relating to the legal status of a drug product named above and of all identical, related, or similar drug products.

If an applicant or any other person subject to this notice pursuant to 21 CFR 310.6 elects to avail himself of the opportunity for a hearing, he shall file (1) on or before July 29, 1974, a written notice of appearance and request for hearing, and (2) on or before August 26, 1974, the data, information, and analyses on which he relies to justify a hearing, as specified in 21 CFR 314.200. Any other interested person may also submit comments on this notice. The procedures and requirements governing this notice of opportunity for hearing, a notice of appearance and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and a grant or denial of hearing, are contained in 21 CFR 130.14 as published and discussed in detail in the FEDERAL REGISTER of March 13, 1974 (39 FR 9750), recodified as 21 CFR 314.200 on March 29, 1974 (39 FR 11680).

The failure of an applicant or any other person subject to this notice pursuant to 21 CFR 310.6 to file timely written appearance and request for hearing as required by 21 CFR 314.200 constitutes an election by such person not to avail himself of the opportunity for a hearing concerning the action proposed with respect to such drug product and a waiver of any contentions concerning the legal status of any such drug product. Any such drug product may not thereafter lawfully be marketed, and the Food and Drug Administration will initiate appropriate regulatory action to remove such drug products from the market. Any new drug product marketed without an approved NDA is subject to regulatory action at any time.

A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for the hearing that there is no genuine and substantial issue of fact which precludes the withdrawal of approval of the application, or when a request for hearing is not made in the required format or with the required analyses, the Commissioner will enter summary judgment against the person(s) who requests the hearing, making findings and conclusions, denying a hearing.

All submissions pursuant to this notice shall be filed in quintuplicate with the Hearing Clerk, Food and Drug Administration (HFC-20), Room 6-86, 5600 Fishers Lane, Rockville, MD 20852.

All submissions pursuant to this notice, except for data and information prohibited from public disclosure pursuant to 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the office of the Hearing Clerk during regular business hours, Monday through Friday.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 505, 52 Stat. 1052-53, as amended; 21 U.S.C. 355), and under authority delegated to the Director of the Bureau of Drugs (21 CFR 2.121).

Dated: June 18, 1974.

J. RICHARD CROUT,
Director, Bureau of Drugs.

[FR Doc.74-14688 Filed 6-26-74;8:45 am]

[DESI 5731; Docket No. FDC-D-696; NDA 11-226]

WALLACE PHARMACEUTICALS

Benactyzine Hydrochloride With Meprobamate; Opportunity for Hearing on Proposal To Withdraw Approval of New Drug Application

The National Academy of Sciences-National Research Council, Drug Efficacy Study Group evaluated the effectiveness of the drug product described below, found the drug to be less than effective, and submitted its report to the Commissioner of Food and Drugs. Copies of that report have previously been made publicly available and are on display at the office of the Food and Drug Administration's Hearing Clerk. After reviewing the Academy's report and the available data and information, the Commissioner concluded that the drug is less than effective and published his conclusions in the FEDERAL REGISTER of May 13, 1970 (35 FR 7462) that the drug is possibly effective for its labeling claims relating to depression.

NDA 11-226; Deprol Tablets containing benactyzine hydrochloride and meprobamate; Wallace Pharmaceuticals, Division of Carter-Wallace Inc., Half Acre Road, Cranbury, NJ 08512.

Other drugs included in the notice of May 13, 1970 are not affected by this notice.

In response to the notice, Wallace submitted reports of three (3) studies involving 97 patients intended to support the effectiveness of this combination drug. The data were reviewed and found not to demonstrate a significant difference between the effectiveness of the combination over the effectiveness of each individual ingredient as is claimed in the labeling. The protocols for the 3 studies were the same and the goal was the clinical investigation of Deprol (meprobamate 400 mg. plus benactyzine hydrochloride 1 mg.) in ambulatory depressed neurotic outpatients with target symptoms associated with this diagnosis.

The firm, in their statistical analysis of the data from the studies, pooled the results obtained with 34 of the original 97 patients. Sixteen of these were treated with Deprol and 18 with meprobamate.

The data from the remaining patient population were disregarded by the sponsor for the following reasons:

1. 33 patients received psychotherapy during the drug studies. The data were disregarded because of the possible confounding effect of the psychotherapy.

2. The 12 remaining patients of one investigator were judged by him to be more severely ill than the patients of the other two investigators. Therefore, the data from all patients of that investigator were disregarded.

3. Data on any remaining patients who had received benactyzine hydrochloride alone were disregarded on the basis that benactyzine had not been proposed as a primary therapeutic agent in the treatment of depression. The firm based this action on the fact that benactyzine appeared to be having less effect than meprobamate.

Some of the deficiencies in the studies are as discussed below.

The decision not to analyze the data obtained from the benactyzine hydrochloride group renders unsubstantiated the primary basis for the claims of superior efficacy for the combination, namely, the superiority of the combination over either of its components. Therefore, the study fails to demonstrate that the combination fulfills the requirements set forth in 21 CFR 3.86, Fixed Combination Prescription Drugs for Humans. Moreover, the statistical analyses used are also inadequate to demonstrate that the combination was more effective than meprobamate (21 CFR 314.111(a)(5)(ii)(*a*)(5)). Hallmarks of a well-controlled study (21 CFR 314.111(a)(5)(ii)(*a*)(2)) are a method of selection of the subjects that provides adequate assurance that they are suitable for the purposes, and assignment of subjects to test groups in such a way as to minimize bias. This process assures comparability of groups with regard to pertinent variables, such as age, sex, severity, or duration of disease and use of drugs other than the test drug.

The exclusion of two-thirds of the patients involved in the present studies indicates that the protocol for patient selection and treatment was poorly planned and inadequate. The post-facto exclusion of these patients renders the elaborate efforts to blind investigators meaningless, renders the studies less than adequate and well-controlled and renders the data produced unsuitable for providing substantial evidence of effectiveness.

On the basis of all the data and information available to him, the Director of the Bureau of Drugs is unaware of any adequate and well-controlled clinical investigation, conducted by experts qualified by scientific training and experience, meeting the requirements of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) and 21 CFR 314.111(a)(5), and 21 CFR 3.86, demonstrating the effectiveness of the drug.

Therefore, notice is given to the holder(s) of the new drug application(s) and to all other interested persons that the Director of the Bureau of Drugs proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)), withdrawing approval of the new drug application(s) (or if indicated above, those parts of the application(s) providing for the drug product(s) listed above) and all amendments and supplements thereto on the ground that new information before him with respect to the drug product(s), evaluated together with the evidence available to him at the time of approval of the application(s), shows there is a lack of substantial evidence that the drug product(s) will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling.

In addition to the holder(s) of the new drug application(s) specifically named above, this notice of opportunity for hearing applies to all persons who manufacture or distribute a drug product which is identical, related, or similar to a drug product named above, as defined in 21 CFR 310.6. It is the responsibility of every drug manufacturer or distributor to review this notice of opportunity for hearing to determine whether it covers any drug product he manufactures or distributes. Any person may request an opinion of the applicability of this notice to a specific drug product he manufactures or distributes that may be identical, related, or similar to a drug product named in this notice by writing to the Food and Drug Administration, Bureau of Drugs, Office of Compliance (HFD-300), 5600 Fishers Lane, Rockville, MD 20852.

In addition to the ground(s) for the proposed withdrawal of approval stated above, this notice of opportunity for hearing encompasses all issues relating to the legal status of the drug products subject to it (including identical, related, or similar drug products as defined in § 310.6) e.g., any contention that any such product is not a new drug because it is generally recognized as safe and effective within the meaning of section 201(p) of the act or because it is exempt from part or all of the new drug provisions of the act pursuant to the exemption for products marketed prior to June 25, 1938, contained in section 201(p) of the act, or pursuant to section 107(c) of the Drug Amendments of 1962; or for any other reason.

In accordance with the provisions of section 505 of the act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR 310, 314), the applicant(s) and all other persons subject to this notice pursuant to 21 CFR 310.6 are hereby given an opportunity for a hearing to

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show why approval of the new drug application(s) should not be withdrawn and an opportunity to raise, for administrative determination, all issues relating to the legal status of a drug product named above and of all identical, related, or similar drug products.

If an applicant or any other person subject to this notice pursuant to 21 CFR 310.6 elects to avail himself of the opportunity for a hearing, he shall file (1) on or before July 29, 1974, a written notice of appearance and request for hearing, and (2) on or before August 26, 1974, the data, information, and analyses on which he relies to justify a hearing, as specified in 21 CFR 314.200. Any other interested person may also submit comments on this notice. The procedures and requirements governing this notice of opportunity for hearing, a notice of appearance and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and a grant or denial of hearing, are contained in 21 CFR 130.14 as published and discussed in detail in the FEDERAL REGISTER of March 13, 1974 (39 FR 9750), recodified as 21 CFR 314.200 on March 29, 1974 (39 FR 11680).

The failure of an applicant or any other person subject to this notice pursuant to 21 CFR 310.6 to file timely written appearance and request for hearing as required by 21 CFR 314.200 constitutes an election by such person not to avail himself of the opportunity for a hearing concerning the action proposed with respect to such drug product and a waiver of any contentions concerning the legal status of any such drug product. Any such drug product may not thereafter lawfully be marketed, and the Food and Drug Administration will initiate appropriate regulatory action to remove such drug products from the market. Any new drug product marketed without an approved NDA is subject to regulatory action at any time.

A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for the hearing that there is no genuine and substantial issue of fact which precludes the withdrawal of approval of the application, or when a request for hearing is not made in the required format or with the required analyses, the Commissioner will enter summary judgment against the person(s) who requests the hearing, making findings and conclusions, denying a hearing.

All submissions pursuant to this notice shall be filed in quintuplicate with the Hearing Clerk, Food and Drug Administration (HFC–20), Room 6–86, 5600 Fishers Lane, Rockville, MD 20852.

All submissions pursuant to this notice, except for data and information prohibited from public disclosure pursuant to 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the office of the Hearing Clerk during regular business hours, Monday through Friday.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 505, 52 Stat. 1052–53, as amended; 21 U.S.C. 355), and under authority delegated to the Director of the Bureau of Drugs (21 CFR 2.121).

Dated: June 18, 1974.

J. RICHARD CROUT,
Director, Bureau of Drugs.

[FR Doc.74–14690 Filed 6–26–74;8:45 am]

[DESI 11792; Docket No. FDC–D–693; NDA 12–366]

WALLACE PHARMACEUTICALS

Carisoprodol in Combination With Phenacetin, Caffeine, and Codeine Phosphate; Opportunity for Hearing on Proposal To Withdraw Approval of New Drug Application

The National Academy of Sciences–National Research Council, Drug Efficacy Study Group evaluated the effectiveness of the drug product described below, found the drug to be less than effective, and submitted its report to the Commissioner of Food and Drugs. Copies of that report have previously been made publicly available and are on display at the office of the Food and Drug Administration's Hearing Clerk. After reviewing the Academy's report and the available data and information, the Commissioner concluded that the drug is less than effective and published his conclusion in the FEDERAL REGISTER of September 1, 1970 (35 FR 13854), that the drug is possibly effective or lacking substantial evidence of effectiveness for its claimed indications, including those relating to relief of pain and skeletal muscle relaxant properties:

NDA 12–366; Soma Compound with Codeine tablets containing: carisoprodol, phenacetin, caffeine, and codeine phosphate; Wallace Pharmaceuticals, Division of Carter Wallace, Inc., Half Acre Road, Cranbury, NJ 08512.

Other drugs were also included in the notice of September 1, 1970. They are not dealt with in this notice.

No data were submitted to demonstrate the effectiveness of the fixed combination product compared with the effectiveness of the individual ingredients, or that it is otherwise in accord with the requirements for fixed combination drugs as set forth in § 3.86 Fixed Combination Prescription Drugs for Humans (21 CFR 3.86).

On the basis of all of the data and information available to him, the Director of the Bureau of Drugs is unaware of any adequate and well-controlled clinical investigation, conducted by experts qualified by scientific training and experience, meeting the requirements of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) and 21 CFR 314.111(a)(5) and 21 CFR 3.86, demonstrating the effectiveness of the combination drug product.

Therefore, notice is given to the holder(s) of the new drug application(s) and to all other interested persons that the Director of the Bureau of Drugs proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)), withdrawing approval of the new drug application(s) (or if indicated above, those parts of the application(s) providing for the drug product(s) listed above) and all amendments and supplements thereto on the ground that new information before him with respect to the drug product(s), evaluated together with the evidence available to him at the time of approval of the application(s), shows there is a lack of substantial evidence that the drug product(s) will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling.

In addition to the holder(s) of the new drug application(s) specifically named above, this notice of opportunity for hearing applies to all persons who manufacture or distribute a drug product which is identical, related, or similar to a drug product named above, as defined in 21 CFR 310.6. It is the responsibility of every drug manufacturer or distributor to review this notice of opportunity for hearing to determine whether it covers any drug product he manufactures or distributes. Any person may request an opinion of the applicability of this notice to a specific drug product he manufactures or distributes that may be identical, related, or similar to a drug product named in this notice by writing to the Food and Drug Administration, Bureau of Drugs, Office of compliance (HFD–300), 5600 Fishers Lane, Rockville, MD 20852.

In addition to the ground(s) for the proposed withdrawal of approval stated above, this notice of opportunity for hearing encompasses all issues relating to the legal status of the drug products subject to it (including identical, related, or similar drug products as defined in § 310.6) e.g., any contention that any such product is not a new drug because it is generally recognized as safe and effective within the meaning of section 201(p) of the act or because it is exempt from part or all of the new drug provisions of the act pursuant to the exemption for products marketed prior to June 25, 1938, contained in section 201(p) of the act, or pursuant to section 107(c) of the Drug Amendments of 1962: or for any other reason.

In accordance with the provisions of section 505 of the act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR 310, 314), the applicant(s) and all other persons subject to this notice pursuant to 21 CFR 310.6 are hereby given an opportunity for a hearing to show why approval of the new drug application(s) should not be withdrawn and an opportunity to raise, for administrative determination, all issues relating to the legal status of a drug product named above and of all identical, related, or similar drug products.

If an applicant or any other person subject to this notice pursuant to 21 CFR 310.6 elects to avail himself of the opportunity for a hearing, he shall file (1) on or before July 29, 1974, a written notice of appearance and request for hearing, and (2) on or before August 26, 1974, the data, information, and analyses on which he relies to justify a hearing, as specified in 21 CFR 314.200. Any other interested person may also submit comments on this notice. The procedures and requirements governing this notice of opportunity for hearing, a notice of appearance and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and a grant or denial of hearing, are contained in 21 CFR 130.14 as published and discussed in detail in the FEDERAL REGISTER of March 13, 1974 (39 FR 9750), recodified as 21 CFR 314.200 on March 29, 1974 (39 FR 11680).

The failure of an applicant or any other person subject to this notice pursuant to 21 CFR 310.6 to file timely written appearance and request for hearing as required by 21 CFR 314.200 constitutes an election by such person not to avail himself of the opportunity for a hearing concerning the action proposed with respect to such drug product and a waiver of any contentions concerning the legal status of any such drug product. Any such drug product may not thereafter lawfully be marketed, and the Food and Drug Administration will initiate appropriate regulatory action to remove such drug products from the market. Any new drug product marketed without an approved NDA is subject to regulatory action at any time.

A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for the hearing that there is no genuine and substantial issue of fact which precludes the withdrawal of approval of the application, or when a request for hearing is not made in the required format or with the required analyses, the Commissioner will enter summary judgment against the person(s) who requests the hearing, making findings and conclusions, denying a hearing.

All submissions pursuant to this notice shall be filed in quintuplicate with the Hearing Clerk, Food and Drug Administration (HFC–20), Room 6–86, 5600 Fishers Lane, Rockville, MD 20852.

All submissions pursuant to this notice, except for data and information prohibited from public disclosure pursuant to 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the office of the Hearing Clerk during regular business hours, Monday through Friday.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 505, 52 Stat. 1052–53, as amended; 21 U.S.C. 355), and under authority delegated to the Director of the Bureau of Drugs (21 CFR 2.121).

Dated: June 18, 1974.

J. RICHARD CROUT,
Director, Bureau of Drugs.

[FR Doc.74–14692 Filed 6–26–74;8:45 am]

[DESI 8167; Docket No. FDC–D–375; NDA 8–167]

WYETH LABORATORIES, INC.

Strontium Lactate Capsules; Opportunity for Hearing on Proposal To Withdraw Approval of New Drug Application

The National Academy of Sciences–National Research Council, Drug Efficacy Study Group evaluated the effectiveness of the drug described below, found the drug to be less than effective, and submitted its report to the Commissioner of Food and Drugs. Copies of that report have previously been made publicly available and are on display at the office of the Food and Drug Administration's Hearing Clerk. After reviewing the Academy's report and the available data and information, the Commissioner concluded that the drug is less than effective and published his conclusion in the FEDERAL REGISTER of December 16, 1970 (35 FR 19035) that the drug is possibly effective for its claimed indications:

NDA 8–167; Strontolac Capsules (strontium lactate trihydrate); formerly marketed by Wyeth Laboratories, Division American Home Products Corp., Box 8299, Philadelphia, PA 19101.

No data were received in response to the notice. Wyeth Laboratories informed the Administration that the product has not been marketed for some time.

On the basis of all of the data and information available to him, the Director of the Bureau of Drugs is unaware of any adequate and well-controlled clinical investigation, conducted by experts qualified by scientific training and experience, meeting the requirements of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) and 21 CFR 314.111(a)(5), demonstrating the effectiveness of the drug.

Therefore, notice is given to the holder(s) of the new drug application(s) and to all other interested persons that the Director of the Bureau of Drugs proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)), withdrawing approval of the new drug application(s) (or if indicated above, those parts of the application(s) providing for the drug product(s) listed above) and all amendments and supplements thereto on the ground that new information before him with respect to the drug product(s), evaluated together with the evidence available to him at the time of approval of the application(s), shows there is a lack of substantial evidence that the drug product(s) will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling.

In addition to the holder(s) of the new drug application(s) specifically named above, this notice of opportunity for hearing applies to all persons who manufacture or distribute a drug product which is identical, related, or similar to a drug product named above, as defined in 21 CFR 310.6. It is the responsibility of every drug manufacturer or distributor to review this notice of opportunity for hearing to determine whether it covers any drug product he manufactures or distributes. Any person may request an opinion of the applicability of this notice to a specific drug product he manufactures or distributes that may be identical, related, or similar to a drug product named in this notice by writing to the Food and Drug Administration, Bureau of Drugs, Office of compliance (HFD–300), 5600 Fishers Lane, Rockville, MD 20852.

In addition to the ground(s) for the proposed withdrawal of approval stated above, this notice of opportunity for hearing encompasses all issues relating to the legal status of the drug products subject to it (including identical, related, or similar drug products as defined in § 310.6) e.g., any contention that any such product is not a new drug because it is generally recognized as safe and effective within the meaning of section 201(p) of the act or because it is exempt from part or all of the new drug provisions of the act pursuant to the exemption for products marketed prior to June 25, 1938, contained in section 201(p) of the act, or pursuant to section 107(c) of the Drug Amendments of 1962; or for any other reason.

In accordance with the provisions of section 505 of the act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR 310, 314), the applicant(s) and all other persons subject to this notice pursuant to 21 CFR 310.6 are hereby given an opportunity for a hearing to show why approval of the new drug application(s) should not be withdrawn and an opportunity to raise, for administrative determination, all issues relating to the legal status of a drug product named above and of all identical, related, or similar drug products.

If an applicant or any other person subject to this notice pursuant to 21 CFR 310.6 elects to avail himself of the opportunity for a hearing, he shall file (1) on or before July 29, 1974, a written notice of appearance and request for hearing, and (2) on or before August 26, 1974, the data, information, and analyses on which he relies to justify a hearing, as specified in 21 CFR 314.200. Any other interested person may also submit comments on this notice. The procedures and requirements governing this notice of opportunity for hearing, a notice of appearance and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and a grant or denial of hearing, are contained in 21 CFR 130.14 as published and discussed in detail in the FEDERAL REGISTER of March 13, 1974 (39 FR 9750), recodified as 21 CFR 314.200 on March 29, 1974 (39 FR 11680).

The failure of an applicant or any other person subject to this notice pursuant to 21 CFR 310.6 to file timely written appearance and request for hearing as required by 21 CFR 314.200 constitutes an election by such person not to avail himself of the opportunity for a hearing concerning the action proposed with respect to such drug product and a waiver of any contentions concerning the legal status of any such drug product. Any such drug product may not thereafter

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lawfully be marketed, and the Food and Drug Administration will initiate appropriate regulatory action to remove such drug products from the market. Any new drug product marketed without an approved NDA is subject to regulatory action at any time.

A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for the hearing that there is no genuine and substantial issue of fact which precludes the withdrawal of approval of the application, or when a request for hearing is not made in the required format or with the required analyses, the Commissioner will enter summary judgment against the person(s) who requests the hearing, making findings and conclusions, denying a hearing.

All submissions pursuant to this notice shall be filed in quintuplicate with the Hearing Clerk, Food and Drug Administration (HFC–20), Room 6–86, 5600 Fishers Lane, Rock, MD 20852.

All submissions pursuant to this notice, except for data and information prohibited from public disclosure pursuant to 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the office of the Hearing Clerk during regular business hours, Monday through Friday.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 505, 52 Stat. 1052–53, as amended; 21 U.S.C. 355), and under authority delegated to the Director of the Bureau of Drugs (21 CFR 2.121).

Dated: June 20, 1974.

J. RICHARD CROUT,
Director, Bureau of Drugs.

[FR Doc.74–14691 Filed 6–26–74;8:45 am]

National Institutes of Health

HYPERTENSION SPECIALIZED CENTERS OF RESEARCH

Notice of Intended Establishment

The National Heart and Lung Institute (NHLI) announces its intent to establish a limited number of Hypertension Specialized Centers of Research (SCORS) under authority of Part B of Title IV of the Public Health Service Act (42 U.S.C. 287 et seq.).

A Hypertension SCOR is defined as a unit encompassing multi-disciplinary clinical and fundamental research directed at the reduction of death and disability from hypertension through focusing resources, facilities and manpower on particular problems, thereby expediting the development and application of new knowledge essential for improved diagnosis, treatment and prevention of hypertension. A SCOR could become a research component of an NHLI Research and Demonstration Center.

SCORs will be funded by the grant mechanism, but under conditions that will require close coordination with the National Heart and Lung Institute.

Proposals should be submitted on Form NIH–398, the application form for traditional research project grants. The format for presentation should be as outlined in the "Program Announcement and Guidelines: Hypertension Specialized Centers of Research" dated June 1, 1974. Awards will be based on national competition.

The Institute asks for letters of intent, which will not be binding, by September 1, 1974 in order to start planning for review of proposals. The deadline for receipt of formal applications is November 1, 1974.

Additional information may be obtained from

Ronald G. Geller, Ph.D.
Assistant Chief
Hypertension and Kidney Diseases Branch
Division of Heart and Vascular Diseases
National Heart and Lung Institute
Landow Building, Room C816
Bethesda, Maryland 20014
Telephone: (301) 496–1357

Dated: June 21, 1974.

ROBERT S. STONE,
Director,
National Institutes of Health.

(Catalog of Federal Domestic Assistance Program No. 13.837, National Institutes of Health)

[FR Doc.74–14669 Filed 6–26–74;8:45 am]

Office of the Secretary

BOARD OF ADVISORS TO THE FUND FOR THE IMPROVEMENT OF POSTSECONDARY EDUCATION

Notice of Meeting

Notice is hereby given, pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), that the next meeting of the Board of Advisors to the Fund for the Improvement of Postsecondary Education will be held on July 17–19, 1974, beginning at 7 p.m., July 17, 1974, through 10 p.m., July 19, 1974, at the Big Sky Montana Convention facilities, Big Sky, Montana. The meeting will be for the purpose of considering procedural and programmatic changes in Fund guidelines for FY 1975, and for hearing reports on developments in Montana Higher Education.

The meeting will be open to the public. A summary of the proceedings of the meeting and a roster of members may be obtained from the Fund for the Improvement of Postsecondary Education, 400 Maryland Avenue, SW, Room 3141, Washington, D.C. 20202; telephone 202–245–8091.

Signed at Washington, D.C., on June 17, 1974.

VIRGINIA B. SMITH,
Director, Fund for the Improvement of Postsecondary Education.

[FR Doc.74–14676 Filed 6–26–74;8:45 am]

MEDICAL FACILITY CONSTRUCTION LOANS AND LOAN GUARANTEES

Reallotment Procedure

In accordance with Part B of Title VI of the Public Health Service Act (42 U.S.C. 291j–1—291j–7) the Secretary of Health, Education, and Welfare in fiscal year 1972 allotted among the States $500 million of principal of loans to be made or guaranteed by the Secretary for the construction and modernization of hospitals and other medical facilities. Such allotments are available for obligation by the States through June 30, 1974, except that, pursuant to section 622(b) of the Act (42 U.S.C. 291j–2(b)), amounts remaining unobligated by any State after June 30, 1973, may, with the consent of such State, be reallotted "on such basis as the Secretary deems equitable and consistent with the purposes" of such Title VI.

Accordingly, in order to achieve the maximum benefit from the authorized principal amount available, amounts previously allotted to each State for fiscal year 1972 for which no commitment for a loan or loan guarantee has been made will, with the consent of such States, be withdrawn and reallotted to other States which have a need therefor as follows:

1. Each of the ten Regions of the Department of Health, Education, and Welfare will be allocated an amount which bears the same ratio to the total amount of funds to be reallotted as the sum of the population weighted by per capital income of each of the States in such Region (excluding those States from which loan principal is withdrawn) bears to the sum of the population weighted by per capita income of all the States (excluding those States from which loan principal is withdrawn). Such computations will be based on the latest available published data from the Bureau of the Census.

2. The States in each Region (excluding those States from which loan principal is withdrawn) will be ranked in order of each such State's population weighted by per capita income.

3. Applications for loans and loan guarantees will be solicited by each Regional Office from the States in such Region (excluding those States from which loan principal is withdrawn) for loans or loan guarantees with respect to (a) projects for construction or modernization (including replacement) of outpatient facilities, and (b) projects for modernization (including replacement) of other facilities for the treatment of ambulatory patients, such as outpatient and emergency departments of general hospitals. Such applications shall be submitted through the respective State agencies, in accordance with State plans, at such time as the Secretary shall prescribe.

4. To the extent that loan principal is available for each Region, the Secretary will approve, prior to July 1, 1974, applications submitted in accordance with paragraph 3 above which meet the requirements of the applicable statute (42 U.S.C. 291 et seq.) and regulations (42 CFR Part 53) as follows:

(a) Loan principal available for a Region will be used first to fund approved applications in category 3(a), from the State with the highest population/per capita income ranking as determined pursuant to paragraph 2 above; any remaining loan principal will be used to fund approved applications in category 3(a) in the State with the next highest ranking, and so forth.

(b) In the event that loan principal remains after all approved applications in category 3(a) have been funded, such loan principal will be used to fund approved applications in category 3(b), from the State with the highest population/per capita income ranking as determined pursuant to paragraph 2 above; any remaining loan principal will be used to fund approved applications in category 3(b) in the State with the next highest ranking, and so forth.

Notice of proposed rulemaking, public rulemaking procedures, and postponement of effective date have been omitted in the issuance of this reallotment procedure, because for good cause it has been found that such rulemaking procedures would be contrary to the public interest in light of the imminent lapse of availability of the funds at issue.

Dated: June 24, 1974.

CASPAR W. WEINBERGER,
Secretary.

[FR Doc.74–14842 Filed 6–26–74;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration

[FDAA–434–DR; Docket No. NFD–214]

NORTH DAKOTA

Amendment to Notice of Major Disaster

Notice of Major Disaster for the State of North Dakota, dated May 14, 1974, and amended June 4, 1974, is hereby amended to include the following counties among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of May 14, 1974:

The Counties of:
Grand Forks Wells

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

Dated: June 21, 1974.

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.74–14675 Filed 6–26–74;8:45 am]

ACTION

YOUTH CHALLENGE PROGRAM

Availability of Applications for Operational Grants

Notice is hereby given pursuant to section 420 of the Domestic Volunteer Service Act of 1973 (Pub. L. 93–113) that forms and guidelines for operational grants under the Youth Challenge Program are now available. This Program, authorized pursuant to section 114 of the Domestic Volunteer Service Act, provides grants to operate community service-learning programs which will give youth in the 14–21 age category opportunities to serve poverty communities. Interested persons may obtain copies of the *Youth Challenge Program Guide for Preparation of Operational Grant Proposals* from the following ACTION offices:

Associate Director for Domestic and Anti-Poverty Operations
ACTION
806 Connecticut Avenue, N.W.
Washington, D.C. 20525
Attention: YCP Coordinator

ACTION, Region I
John W. McCormack Federal Bldg.
Room #1420
Boston, Mass. 02109
Attention: Regional Director

ACTION, Region II
26 Federal Plaza
Room #1609
New York, New York 10007
Attention: Regional Director

ACTION, Region III
320 Walnut Street
6th Floor
Philadelphia, Pa. 19106
Attention: Regional Director

ACTION, Region IV
730 Peachtree Street, N.E.
Room #895
Atlanta, Georgia 30308
Attention: Regional Director

ACTION, Region V
1 North Wacker Drive
3rd Floor, Room #322
Chicago, Illinois 60606
Attention: Regional Director

ACTION, Region VI
Corrigan Tower Bldg.
Suite #1600
212 No. St. Paul Street
Dallas, Texas 75201
Attention: Regional Director

ACTION, Region VII
2 Gateway Center
4th & State
Kansas City, Kansas 66101
Attention: Regional Director

ACTION, Region VIII
Prudential Plaza Bldg.
Room #514
1050 17th Street
Denver, Colorado 80202
Attention: Regional Director

ACTION, Region IX
100 McAllister Street
Room #2400
San Francisco, Calif. 94102
Attention: Regional Director

ACTION, Region X
1601 2nd Avenue
Seattle, Washington 98101
Attention: Regional Director

MICHAEL P. BALZANO, Jr.,
Director, ACTION.

[FR Doc. 74–14677 Filed 6–26–74;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50–293]

BOSTON EDISON CO.

Order for Modification of License

I. Boston Edison Company, 800 Boylston Street, Boston, Massachusetts 02199 (Boston Edison) is the holder of License No. DPR–35, which authorizes the operation of the Pilgrim Nuclear Power Station, Unit 1 (Pilgrim) located in Plymouth, Massachusetts.

II. On April 24, 1974, Boston Edison informed the Commission that in-service inspections performed on the Pilgrim reactor pressure vessel during a current outage revealed certain ultrasonic discontinuities "of a magnitude which require evaluation before continued operation." On April 29, 1974, Boston Edison further informed the Commission by letter that pursuant to Section XI, Summer 1973 Addenda, of the ASME Boiler and Pressure Vessel Code, the discontinuities in certain nozzle-to-vessel welds were of a magnitude requiring evaluation prior to continued operation. Boston Edison also stated that certain of the welds indicated changes from the conditions apparently present during pre-service examinations, as measured by ultrasonic amplitude and the length of the weld over which significant indications has been noted. Boston Edison also provided a summary of their report and evaluation of the effect of these discontinuities. The April 29 letter describes the discontinuities as follows:

a. In recirculation inlet nozzle, N2B, a mid-wall discontinuity which is 7.9 percent (0.55") of the thickness in depth and 85 percent (5.95") of thickness long. The amplitude and extent of the ultrasonic indications are greater in the present examination than in the pre-service examination.

b. In one of the feedwater nozzles, N4A, a discontinuity which is 11 percent (0.69") of the thickness in depth 28 percent (1.75") of the thickness in length, and located 7 percent (0.44") of the thickness from the inner surface of the vessel. The amplitude and extent of the ultrasonic indications are consistent with those attained during the pre-service examination.

Upon the basis of its evaluation, Boston Edison concluded that the vessel was acceptable for continued service with the structural integrity of the primary system boundary maintained at the level required by the original acceptance standards. It also proposed to provide continued assurance that the level of structural integrity would be maintained in the future through performance of additional in-service inspections.

On May 1, 1974, representatives from Boston Edison met with AEC Regulatory Staff (Staff) and interested parties in the AEC offices at Bethesda, Maryland. At that meeting, Boston Edison's representatives explained in detail steps which had been taken by the company to investigate and to evaluate the discontinuities. In letters dated May 3, 1974, and June 11, 1974, Boston Edison provided additional details of their investigation and evaluation to the Staff. The Staff is currently conducting its own investigation into the effects of the two discontinuities upon the safe operation of Pilgrim.

The Staff has reviewed the Technical Specifications governing operation of Pilgrim related to the structural integrity of the reactor pressure vessel. These specifications were developed in 1972 when Pilgrim was licensed for operation, and were based on the initial version of the Inservice Inspection Code for Nuclear Reactor Coolant Systems, the 1970

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Staff has concluded that this most recent version of Section XI should be used as the basis for evaluating the signifi- edition of Section XI of the ASME Boiler and Pressure Vessel Code. Since that time, members of the Staff and the Advisory Committee on Reactor Safeguards have worked closely with ASME to develop more definitive and improved standards for the performance of in-service inspections and for evaluation of the results of such inspections. These efforts have culminated in the development of the 1974 edition of Section XI of the ASME Code which will be published by ASME in the near future.[1] The cance of reactor pressure vessel integrity of the discontinuities in the Pilgrim vessel and for the development of revised Technical Specifications related to this subject.

For the purposes of analysis and evaluation, the Staff has characterized the flaw detected in feedwater nozzle as a semicircular surface flaw 0.90 inches deep and 1.80 inches long. The allowable indication standard of the 1974 edition of Section XI of the ASME Code, in terms of depth of flaw to vessel wall thickness ratio for a flaw of this type, is 3.7 percent, or a maximum depth of 0.22 inches. Since the present flaw has a depth-to-vessel wall thickness ratio of 14.6 percent, it exceeds the allowable indication standards of this Code.

With respect to the other discontinuity the Staff believes the flaw detected in the recirculation inlet nozzle should be characterized as a semielliptical subsurface flaw with a 0.60 inch through-wall dimension and 6.0 inches long. The allowable indication standard of the 1974 edition of Section XI of the ASME Code, in terms of through-wall dimension of flaw to vessel wall thickness ratio for a flaw of this type, is 5.6 percent, or a maximum through-wall dimension of 0.39 inches. Since the present flaw has a through-wall dimension-to-vessel wall thickness ratio of 7.9 percent, it exceeds the allowable indication standards of the Code.

Since neither of the discontinuities meet the allowable indication standards of the 1974 edition of Section XI, the components are therefore unacceptable to the AEC for continued service in Pilgrim I unless the following requirements are met:

1. An analysis and evaluation of the detected flaw indication(s) must be performed and submitted to the AEC that demonstrates that the component structural integrity justifies continued service. The analysis and evaluation must follow the procedures outlined in Appendix A, "Evaluation of Flaw Indications," of ASME Code, Section XI, 1974 Edition.

2. The AEC must approve resumption of plant operation with the affected component or require that the component be repaired or replaced.

III. In view of the foregoing, the Director of Regulation finds: (1) an Order should be issued modifying the Technical Specifications for the Pilgrim Nuclear Power Station, Unit No. 1; and (2) that the Order should be immediately effective upon issuance since the public health, safety, or interest so requires.

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and the rules and regulations of 10 CFR Parts 2 and 50, *It is hereby ordered*, That:

(1) The Technical Specifications for the Pilgrim Nuclear Power Station, Unit No. 1, section 3.6.G., Structural Integrity, Appendix A to Facility Operating License No. DPR-35, are hereby modified to read as follows:

SEC. 3.6.G. *Revised Pilgram Technical Specifications Related to Structural Integrity of Primary System Boundary.* The structural integrity of the primary system boundary shall be maintained at the level required by the ASME Boiler and Pressure Vessel Code, Section XI, "Rules for Inservice Inspection of Nuclear Power Plant Components," 1974 Edition (ASME Code, Section XI). Components of the primary system boundary whose in-service examination reveals the absence of flaw indications or flaw indications not in excess of the allowable indication standards of this Code are acceptable for continued service. Plant operation with components which have inservice examination flaw indication(s) in excess of the allowable indication standards of the Code shall be subject to AEC approval.

a. Components whose in-service examination reveals flaw indication(s) in excess of the allowable indication standards of the ASME Code, Section XI, are unacceptable for continued service unless the following requirements are met:

(i) An analysis and evaluation of the detected flaw indication(s) shall be submitted to the AEC that demonstrate that the component structural integrity justifies continued service. The analysis and evaluation shall follow the procedures outlined in Appendix A, "Evaluation of Flaw Indications," of ASME Code, Section XI.

(ii) Prior to the resumption of service, the AEC shall review the analysis and evaluation and either approve resumption of plant operation with the affected component or require that the component be repaired or replaced.

b. For components approved for continued service in accordance with paragraph a. above, re-examination of the area containing the flaw indication(s) shall be conducted during each scheduled successive in-service inspection. An analysis and evaluation shall be submitted to the AEC following each in-service inspection. The analysis and evaluation shall follow the procedures outlined in Appendix A, "Evaluation of Flaw Indications," of ASME Code, Section XI, and shall reference prior analyses submitted to the AEC to the extent applicable. Prior to resumption of service following each in-service inspection, the AEC shall review the analysis and evaluation and either approve resumption of plant operation with the affected component or require that the component be repaired or replaced.

c. Repair or replacement of components, including re-examinations, shall conform with the requirements of the ASME Code, Section XI. In the case of repairs, flaws shall be either removed or repaired to the extent necessary to meet the allowable indication standards specified in ASME Code, Section XI.

(2) This order shall become immediately effective upon issuance.

(3) Boston Edison may, within twenty (20) days of the date of the issuance of this order, file a written answer under oath or affirmation. Within the same time, Boston Edison or any other person whose interest may be affected may request a hearing. If a hearing is requested, the Commission will issue an order designating the time and place of the hearing.

Copies of the Boston Edison letters, dated April 24 and 29, 1974, May 3, 1974, and June 11, 1974, and all pertinent information relative to the subject discontinuities have been placed in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545. Copies of these documents have also been sent to the Local Public Document Room at the Plymouth Public Library on North Street in Plymouth, Massachusetts 02360.

Dated at Bethesda, Maryland, this 24th day of June 1974.

For the U.S. Atomic Energy Commission.

JOHN F. O'LEARY,
Director of Licensing.

[FR Doc.74-14867 Filed 6-26-74;8:45 am]

[1] The complete title of the 1974 edition of Section XI is "ASME Boiler and Pressure Vessel Code, Section XI, 'Rules for Inservice Inspection of Nuclear Power Plant Components,' 1974 Edition." The 1974 edition of Section XI is not presently available for distribution from the ASME; however, copies are available for inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and a copy is being sent to the Commission's Local Public Document Room, Plymouth, Massachusetts 02360. Copies may be obtained, after publication, from the American Society of Mechanical Engineers, United Engineers Center, 345 East 47th Street, New York, New York 10017.

[Docket No. 50-298]

NEBRASKA PUBLIC POWER DISTRICT

Notice of Issuance of Amendment to Facility License

Notice is hereby given that the U.S. Atomic Energy Commission (the Commission) has issued Amendment No. 1 to Facility Operating License No. DPR-46 issued to Nebraska Public Power District to receive, possess and use an additional 500 millicuries of hydrogen 3 byproduct material in connection with operation of the Cooper Nuclear Station, located in Nemaha County, Nebraska. The amendment is effective as of its date of issuance.

The application for the amendment complies with the standards and requirements of the Act and the Commission's rules and regulations and the Commission has made appropriate findings as required by the Atomic Energy Act of 1954, as amended, and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

For further details with respect to this action, see (1) the application for amendment dated April 30, 1974, (2) Amendment No. 1 to License No. DPR-46, and (3) the letter to Nebraska Public Power District (transmitting Amendment No. 1) which evaluates the action requested. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Auburn Public Library, 1118 15th Street, Auburn, Nebraska 68305.

A copy of items (2) and (3) may be obtained upon request addressed to the United States Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing—Regulation.

Dated at Bethesda, Maryland, this 18th day of June 1974.

For the Atomic Energy Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch No. 2, Directorate of Licensing.

[FR Doc.74-14713 Filed 6-26-74;8:45 am]

REGULATORY GUIDES

Notice of Issuance and Availability

The Atomic Energy Commission has issued a new guide in its Regulatory Guide series. This series has been developed to describe and make available to the public methods acceptable to the AEC Regulatory staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

The new guide is in Division 1, "Power Reactor Guides." Regulatory Guide 1.86, "Termination of Operating Licenses for Nuclear Reactors," describes acceptable methods and procedures for the termination of operating licenses for nuclear reactors.

Regulatory Guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Comments and suggestions in connection with (1) items for inclusion in guides currently being developed (listed below) or (2) improvements in any published guides are encouraged and should be sent to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff. Requests for single copies of the issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides should be made in writing to the Director of Regulatory Standards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Telephone requests cannot be accommodated. Regulatory Guides are not copyrighted and Commission approval is not required to reproduce them.

Other Division 1 Regulatory Guides currently being developed include the following:

Tornado Design Classification.
Availability of Electric Power Sources.
Requirements for Instrumentation to Assess Nuclear Power Plant.
Conditions During and Following an Accident for Water-Cooled Reactors.
Shared Emergency and Shutdown Power Systems at Multi-Unit Sites.
Isolation of Low Pressure Systems Connected to the Reactor Coolant Pressure Boundary.
Requirements for Collection, Storage, and Maintenance of Nuclear Power Plant Quality Assurance Records.
Requirements for Assessing Ability of Material Underneath Nuclear Power Plant Foundations to Withstand Safe Shutdown Earthquake.
Fire Protection Criteria for Nuclear Power Plants.
Protective Coatings for Light Water Nuclear Reactor Containment Facilities.
Inservice Surveillance of Grouted Prestressing Tendons.
Seismic Input Motion to Uncoupled Structural Model.
Primary Reactor Containment (Concrete) Design and Analysis.
Quality Assurance Requirements of Installation, Inspection, and Testing of Mechanical Equipment and Systems.
Quality Assurance Requirements for Installation, Inspection and Testing of Structural Concrete and Structural Steel.
Fracture Toughness Requirements for Vessels Under Overstress Conditions.
Material Limitations for Component Supports.
Protection Against Postulated Events and Accidents Outside of Containment.
Requirements for Auditing of Quality Assurance Programs for Nuclear Power Plants.
Assumptions Used for Evaluating the Potential Radiological Consequences of a Gas Holdup Tank Failure in a Boiling Water Reactor.
Quality Assurance Requirements for Procurement of Equipment, Materials, and Services.
Quality Assurance Requirements for Lifting Equipment.
Maintenance and Testing of Batteries.
Qualification of Class I Electrical Equipment.
Type Tests for Class IE Cables, Connections, and Field Splices for Nuclear Power Plants.
Seismic Qualification of Class I Electric Equipment.
Fracture Toughness Requirements for Materials for Class 2 and 3 Components.
Maintenance of Water Purity in PWR Secondary Systems.
Main Stream Line Sealing System Design Guidelines for Boiling Water Reactors.
Criteria for Heat-up and Cool-down Procedures.
Effects of Residual Elements on Predicted Radiation Damage.
Inservice Inspection and Testing of Steam Generators Tubing.
Component Design Criteria for Elevated Temperature Reactors.
Preoperational Testing of Emergency Core Cooling Systems for Pressurized Water Reactors.
Fuel Oil Supplies for Standby Diesel-Generators.
Assumptions Used for Evaluating the Habitability of a Nuclear Power Plant Control Room During a Postulated Toxic Chemical Release.
Assumptions Used for Evaluating the Potential Radiological Consequences of a Liquid Radioactive Waste System Accident.
Code Case Acceptability for ASME Section III Materials.
Sumps for Emergency Core Cooling and Containment Spray Systems.
Surveillance and Examination and Testing of Irradiated Fuel Rods.
Elevated Temperature Inservice Surveillance Tests for HTGR Plants.
Design Load Combinations for Component Supports.
Requirements for Containment Isolation.
Probable Maximum Storm Surge Flooding on Lakes and Sea Shores
Requirements for Concrete Reactor Vessels and Containments (ASME Section III Division 2)
Instrument Span and Trip Setting
Failed Fuel Detection System for Nuclear Power Plants
Code Case Acceptability—ASME Section III Design and Fabrication
Code Case Acceptability—ASME Section III Nonmetallic Materials
Design, Qualification Test and Installation Requirements for Class 2 and 3 Safety-Related Pumps
Seismic Response Combination of Modes and Spatial Components
Analysis of Seismic Recorded Data
Protection of Nuclear Power Plant Control Room Operators Against an Onsite Chlorine Release
Self-Operated and Power Operated Safety-Related Valves Functional Specification
Nuclear Power Plant Environmental Characteristics for Designated Sites
Evaluation of Explosions Postulated to Occur on Transportation Routes Near Nuclear Power Plant Sites

(5 U.S.C. 522(a))

Dated at Rockville, Maryland this 19th day of June, 1974.

For the Atomic Energy Commission.

LESTER ROGERS,
Director of Regulatory Standards.

[FR Doc.74-15661 Filed 6-26-74;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 24122, etc.]

AUTOMOTIVE CARGO INVESTIGATION

Notice of Hearing

Notice is hereby given, pursuant to the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on July 23, 1974, at 10 a.m. (local time) in Room 1031, Universal Building North, 1875 Connecticut Avenue, NW., Washington, D.C., before Administrative Law Judge Louis W. Sornson.

For details of the issues involved in this proceeding interested persons are referred to the Prehearing Conference Report, Supplemental Prehearing Conference Report, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., June 21, 1974.

[SEAL] LOUIS W. SORNSON,
Administrative Law Judge.

[FR Doc.74-14721 Filed 6-26-74;8:45 am]

[Docket No. 22908]

CAPACITY REDUCTION AGREEMENTS CASE

Draft Environmental Impact Statement, Availability

The Civil Aeronautics Board's Bureau of Operating Rights has released a draft Environmental Impact Statement in connection with the *Capacity Reduction Agreements Case*, Docket 22908.

Interested persons and agencies of the federal, state and local governments will be given 45 days to submit comments in

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response to the draft statement. Comments are due by August 12, 1974. Upon receipt of comments, the Bureau of Operating Rights will prepare and issue a final Environmental Impact Statement. Comments so received will also be available for public inspection.

In the *Capacity Reduction Agreements Case*, Docket 22908, certain air carriers have submitted for Board approval, pursuant to section 412 of the Federal Aviation Act of 1958, an agreement limiting the nonstop capacity (number of aircraft seats) to be offered in four so-called "transcontinental markets" and to allocate a share of that capacity to each of the three competing carriers in those markets. The markets are: New York/Newark-Los Angeles; New York/Newark-San Francisco; Baltimore/Washington-Los Angeles; and Chicago-San Francisco. The carrier applicants for approval are: American Airlines, Inc.; Trans World Airlines, Inc.; and United Air Lines, Inc.

Copies of the draft Environmental Impact Statement are available from the Bureau of Operating Rights, Civil Aeronautics Board, Washington, D.C. 20428.

Dated at Washington, D.C., June 24, 1974.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-14722 Filed 6-26-74;8:45 am]

[Docket No. 25280; Order 74-6-93]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding North/Central Pacific Cargo Rate Matters

[Docket 25280 Agreement C.A.B. 24265 R-1 through R-12 Agreement C.A.B. 24300]

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 19th day of June 1974.

By Order 74-4-32 (April 4, 1974), the Board established procedural dates for the receipt of carrier justification, comments and/or objections by interested persons, and reply comments, pertaining to an agreement of the carrier members of the International Air Transport Association (IATA) which would establish North/Central Pacific cargo rates through December 31, 1974.[1]

Statements of justification and supporting data have been submitted by Trans World Airlines, Inc. (TWA), The Flying Tiger Line Inc. (Tiger) Pan American World Airways, Inc. (Pan American), Japan Air Lines Company Ltd. (JAL) and Northwest Airlines, Inc. (Northwest).[2] Objections to the agreement have been filed by the Radio Corporation of America (RCA), Motorola Inc. (Motorola), General Instrument Corporation (GIC), and the United Shippers Association (United Shippers). Replies to the carrier justifications have been submitted by GIC, and to the shipper comments by Tiger and Pan American.

The carriers contend, inter alia, that North/Central Pacific rates are generally at the same levels as in 1971 (except for recent fuel-related increases), and that a rate increase is necessary to compensate for cost inflation and a disastrous decline in yields during the open-rate period; that the agreement represents an improvement in the rate structure; that the three percent surcharge on U.S.-originating traffic is needed to compensate for losses related to dollar devaluation; that the new pivot weights and minimum charges for unit-load devices will encourage containerization; that the directional discrepancies in specific commodity rates for electronic parts, which the Board previously disapproved, have been largely alleviated and that in general, objectionable features previously disapproved by the Board have been eliminated, and the subject agreement conforms with the Board's stated view.[3]

The carriers have submitted forecasts of revenues and financial results under both existing and proposed rates, outlined in Attachment A herein.[4] TWA indicates that for the year ending December 31, 1974, revenue will increase 3.6 percent, or $240,000 under the proposed rates in all-cargo service, and will effect a slight improvement in TWA's loss position and negative return on investment, from −24.2 percent to −21.5 percent. TWA states that its forecast of operating expenses reflect fuel prices of 35 cents/gallon, the actual cost for February 1974. TWA's data also indicate that the initial 1974 forecast, without a rate increase, reflects a substantial expansion in North/Central Pacific freighter operations over the year ended December 31, 1973; 57.8 percent increase in capacity, and a 62.3 percent increase in traffic and revenue.

Northwest forecasts a $1,853,000 or 6.3 percent improvement in freight revenue during the year ending April 30, 1975 under the proposed rates, which will convert a $543,000 operating loss to a $1.3 million profit, and will produce a 2.5 percent return on investment in cargo operations as compared to 0.57 percent under present rates. Northwest's forecast reflects both all-cargo and combination services, but does not include revenue, costs or investment for mail service. Northwest's figures show a 13.9 percent increase in available ton-miles in combination services (and a 2.8 percent decline in freighter capacity) over that reported for the last calendar year; total freight revenue ton-miles would increase 76.1 percent, and revenue, 86 percent.

Tiger forecasts a revenue improvement of about $2.7 million, or 5.1 percent, under the proposed rates, and a return on investment of 4.4 percent compared with a 20.1 percent return reported for the year ending December 21, 1974. Tiger attributes this drastic decline in profit to the severe escalations in fuel cost over last year, continued dilution of yields due to open-rate filing of low specific commodity rates, and losses attributable to dollar devaluation.[5] Tiger's forecast shows a 27.4 percent decline in capacity for calendar 1973, and a 21.4 percent drop in traffic (mail and freight) in scheduled operations; at present rates, freight revenue is predicted to decrease 2.8 percent from last year.

Tiger also asserts that the Board's interest in intermediate application of specific commodity rates[6] has been accomplished for all practical purposes by provisions in the agreement which include 29 U.S. cities in IATA's definition of intermediate point, and that there are a number of other U.S. points intermediate to New York based on shortest operated mileage which, however, would not benefit from blanket application of the Board's intermediate-point principle. Application of New York/Far East commodity rates to Denver, for instance, would not benefit Denver because the current through rates to/from Denver on certain items are lower than the corresponding New York rates if the Far East/U.S. West Coast rate is combined with a West Coast/Denver commodity rate.

Pan American anticipates a $1.7 million revenue increase under the proposed rates, or 4.5 percent, for the year ending March 31, 1975. Return on investment in North/Central Pacific all-cargo operations is expected to rise from −7.3 to −4.6 percent.[7] Pan American states that although freighter capacity will decrease by 12 percent from that operated in calendar 1973, freight traffic is expected to increase 8.2 percent (5.5 percent including combination services) due to the heavy decline in mail traffic from last year, and the corresponding increase in lift available for freight traffic. The carrier also anticipates that over half of present container traffic will be diverted to be the container rates for certain specific commodity items established under Resolution 590x, or to regular specific commodity rates under Resolution 590, as a result of the elimination of current uneconomic container rates between Hong Kong and the United States filed during the open-rate period.

JAL states that the new rates will reduce its operating loss in all-cargo operations from about $20.6 million to $16.2 million during 1974. Even without the recent escalations in fuel costs and the corresponding rate increases earlier this year, JAL's 1974 losses would have been $12.2 million under present rates, and $8.5 million under the proposed rates. In support of the proposed three percent surcharge on U.S.-originating traffic, JAL states that its profit on operations in the United States associated with North/Central Pacific freighter service was $5,775,000 during the year ended September 30, 1973. This was equivalent to 1743.8 million yen at predevaluation exchange rates,[8] but due to the devaluation of the dollar the value of JAL's dollar profits was reduced to 1578.9 million yen.[9] This net loss of 164.9 million yen would require $603,000 in offsetting revenue at present exchange rates, but the three percent surcharge will produce only $541,000 on JAL's U.S. revenues of $18.6 million, so that JAL will still incur a $62,000 loss due to devaluation.

As noted above, objections to the agreement have been submitted by several firms, all of whom oppose increased rates proposed for certain electronic components. These shippers generally assert, *inter alia*, that the proposed increases are exorbitant, and cannot be adequately passed on to purchasers of their products due to the highly competitive nature of the electronics and semiconductor market and the attendant slim profit margins; that due to the drastically increased transportation costs they would incur, it is highly possible their traffic would have to move on charters or revert to surface carriage, involving a loss of revenue for the IATA carriers; and in any event, the high density and favorable handling characteristics of these goods justify low rates for these items, which were introduced by the carriers themselves to develop traffic.

Motorola states that it ships semiconductors from Phoenix through Los Angeles to Seoul and Kuala Lumpur on Specific Commodity Item 4435, and in the opposite, eastbound direction on Item 4417. The two fuel-based rate increases this year have already cost Motorola $376,000, on an annual basis, and the presently proposed increase will cost another $244,000. Motorola also contends that the proposed changes in the structure of commodity rates for semiconductors would now result in an unfair advantage for Motorola's competitors.

RCA states that it ships TV parts between Indianapolis and Taipei using Resolution 590 Items 4416, and 4417; and Items 9902, 9903 and 4506 under Resolution 590x. It also ships semiconductors between Los Angeles/New York and Taipei/Kuala Lumpur/Singapore under Items 4435, 4416 and 4417. The complainant alleges that although some of the exorbitant increases (up to 68 percent) in Agreement C.A.B. 24265 have been alleviated by Agreement C.A.B. 24300, rates proposed in the latter agreement carry an expiry date of September 30, 1974 and there is no assurance they would be continued. RCA also complains that Resolution 590x, which contains Item 4506 rates to/from New York, does not allow for intermediate application to/from Indianapolis. Finally, RCA contends that while semiconductor rates to/from Singapore and Kuala Lumpur are being increased significantly, little change is proposed in corresponding rates to/from Seoul, where RCA's competitor will thus receive a competitive advantage.

GIC states that its TV parts now move between New York and Hong Kong/Taipei on Item 4506 and if the proposed 22 percent increase in these rates is approved, will have to move on charters. In its answer to the carrier justifications, GIC alleges that no costs justification for the higher rates has been provided, and the carriers' arguments in general hinge on reference to previous rates rather than the economics of the proposed rates.

The United Shippers, composed of 13 electronics firms shipping goods between the West Coast and the Far East, assert that the electronics industry ships over 145,000 pounds daily between California and the Orient, and the proposed rate increases will amount to $6.3 million in additional transportation costs annually. The present rates filed by the carriers during the open-rate period, it is contended, are economic for this high-density traffic. United Shippers also allege that the commodity item descriptions for these electronic parts are too general, confusing and should be narrowed.

Tiger and Pan American, in their answers to the objections, generally contend that the proposed rates are quite reasonable compared to rates in effect before the open-rate period, and in some cases even represent reductions; that the varying degree of increase proposed for different points is necessary to alleviate anomalies created during the open-rate period and to help restore proper rate relationships based on mileage; that they have no objection to removal of the expiry dates on the contested rates included in Agreement C.A.B. 24300, and a proposal to that effect will be placed before the next Joint Specific Commodity Rate Board meeting in June; and that none of the shippers have provided any factual support for the contention that the higher rates will have a severe adverse impact on the economics or competitive positions of the firms involved.[10] Tiger also presents a cost analysis which purports to show that the rates objected to are actually at and, in most cases, below fully allocated costs.

Upon full consideration of the agreements, the justifications, comments and responses, and all other relevant factors, the Board has concluded to approve the agreements with the exceptions discussed below. The carriers are proposing to maintain general cargo rates at *status quo*, and the increases in specific commodity and container rates are very similar to those the Board approved last year but which never became effective. The Board has long encouraged the carriers to reduce excessive reliance on specific commodity rates by increasing them, and it is clear that North/Central Pacific yields have been eroded by low commodity rates and container rates filed during the open-rate period. In these circumstances the proposed increases appear warranted. With the possible exception of Tiger, it appears that none of the carriers will be placed in an excess-earnings position as a result of the proposed rates, which include the revenue flowing from two previously approved fuel-related rate increases. Pan American and TWA (as well as JAL) forecast substantial operating losses, and the U.S. North/Central Pacific carriers as a group will not experience excess earnings.

The Board is not persuaded that Tiger will achieve only a 4.4 percent return on

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[1] There has been no IATA agreement in effect for North/Central Pacific cargo rates since October 1, 1971, and the current rates are generally those which were agreed at the Athens cargo conference in 1969. In general, the agreement now before us would readopt the old structure with increases of up to 30 percent in most specific commodity rates, and two to five percent increases in bulk unitization charges. The agreement additionally provides for a surcharge of three percent on all rates and charges for U.S.-originating transportation to compensate for the effects of the February 12, 1973 devaluation of the U.S. dollar.

[2] Although Northwest withdrew from IATA effective May 9, 1974, the carrier was a party to this agreement and the impact of the agreement on Northwest must still be considered inasmuch as it is a major participant in the market.

[3] In April 1973 the IATA carriers submitted a similar agreement in an attempt to close the North/Central Pacific open-rate situation; the Board considered that agreement in Order 73-8-124 (August 24, 1973), and approved increases in specific commodity rates and container rates. However, the former agreement also included proposals for increases in general cargo rates, which were disapproved on the basis of the carriers' earnings positions and the wide gap between the general rates and the low specific commodity rates. Consequently none of the proposed increases were implemented. The Board also disapproved specific commodity rates for certain electronic components because of the extreme directional differentials involved and the potentially severe impact on the competitive positions of the manufacturers of the goods being transported.

[4] Present and proposed rates include both fuel-related rate increases, filed as part of the original document.

[5] Tiger states that its annual expenses in Japan payable in yen have increased by over $1.8 million as a result of devaluation since the beginning of the open-rate period in 1971; that only $544,000 will be recovered by IATA conversion resolutions; and that the three percent surcharge will add only $330,000, so that Tiger will still be faced with a shortfall of over $1.0 million.

[6] By Order 72-6-138 (June 29, 1972) and Order 73-8-124 the Board conditioned Resolution 590 governing North/Central Pacific commodity rates to provide that specific commodity rates with respect to any United States point as an origin or destination shall be applicable at the same levels to any other United States city having an intermediate position relative to shortest operated mileages, unless a specific commodity rate under the same description and requiring the same minimum weight is specifically established at a lower level for such intermediate point.

[7] Pan American states an additional $500,000 in revenue will accrue from the currency surcharge.

[8] Based on monthly average of the official Rate of Exchange from January 1, 1972 through February 12, 1973, of 301.96 yen =$1.00.

[9] Based on monthly average of the official Rate of Exchange from February 12, 1973 through March 31, 1974, of 273.41 yen =$1.00. JAL states that average rates were used because the remittance of revenue was an ongoing transaction not limited to a single day.

[10] Pan American states that, on the basis of exhibits submitted by the United Shippers, the average value of the electronic goods involved is about $32.15/lb., but the present transportation cost is only 68 cents/lb., or 2.1 percent of the goods' value, and at a rate of 88 cents/lb. this would increase to only 2.7 percent of value. In this light Pan American believes there should be little difficulty in passing through the increased freight rates to purchasers. Tiger contends that the semiconductor industry is in fact highly profitable, and is much more service-sensitive than price-sensitive.

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investment in 1974. Tiger states that their 1973 rate of return in commercial scheduled service was 20.1 percent, and attributes the dramatic decline in earnings forecast for 1974 not only to severe fuel cost escalations, but also on a 27.4 percent decline in capacity and a resultant 21.4 percent drop in total (mail and freight) traffic. Accordingly, Tiger's initial 1974 forecast of total transport revenues shows a 21.4 percent decrease from 1973 levels. The decline in mail traffic and revenue is understandable in light of the reduction in U.S. military involvement in Southeast Asia, and is in line with the forecasts of the other carriers. As Pan American asserts, however, even though there is a reduction in overall capacity there should be an increase in freight traffic to fill the capacity freed on each flight by the decline in mail traffic. The Board has reviewed Tiger's reported Form 41 capacity and traffic for the first quarter of this year, and finds a 13.1 percent increase in freight revenue ton-miles over the first quarter of 1973. In light of these figures we cannot conclude that Tiger's return will drop from over 20 percent to less than five percent.[11]

The Board's evaluation of the other carrier return forecasts indicates that they also may be understated, but only slightly as compared to Tiger. TWA and Northwest forecast revenue improvements from the agreement of 3.6 percent and 6.3 percent, respectively. Our analysis of their forecasts of yield and traffic distribution indicates that their respective revenues will actually increase by 4.5 percent and 9.5 percent. While Northwest's rate of return forecast does not include mail, it does incorporate cargo operations in combination as well as all-cargo service. A comparison of 1973 with forecast 1974 load factors in all-cargo operations (40.6 vs. 63.7 percent) suggests that significant tonnage has shifted from belly carriage into freighters (where capacity is being reduced), and consequently although return in total cargo operations is markedly substandard, there will be some advance in productivity in all-cargo service. Pan American's forecast is evidently based on anticipatory rather than actual experienced fuel costs, and for this reason is also understated. However, we have adjusted these carriers' forecasts to account for the discrepancies, and the effect on their individual return positions is minimal and leaves them with unsatisfactory earnings.

We will also approve the proposed three percent currency-related surcharge on U.S.-originating shipments. JAL, the largest foreign-flag carrier on the North/Central Pacific, has submitted data which shows a revenue gain from the surcharge which will not fully compensate for JAL's devaluation-related losses in terms of yen, and in these circumstances the Board finds the surcharge is reasonable and warranted.[12]

As noted above, Tiger believes the Board should not apply its previously imposed condition with regard to intermediate application of specific commodity rates based on shortest operated mileages, inasmuch as the present IATA agreement would apply the New York commodity rate levels to 29 major U.S. cities and therefore the Board's intentions have been accomplished for all practical purposes.[13] Further application of the principle to other U.S. points based on mileage, Tiger asserts, presents no real advantage and would create horrendous tariff publication and interpretation problems. We cannot agree with Tiger, and the Board will apply its previous condition on Resolutions 590 and 590x. In cases such as Denver, used by Tiger as an example, where the present through rate (constructed by combination of transpacific and domestic commodity rates) is lower than the specified Far East/New York commodity rate, application of the mileage-based intermediate point rule would not necessarily result in higher rates for Denver (as Tiger contends) inasmuch as the Board's condition allows the carriers to specify rates to/from intermediate points at levels lower than the more distant point. Furthermore, the continued availability of each domestic commodity rate used in combination with transpacific rates is not a certainty, since U.S. domestic commodity rates are responsive to individual carrier tariff filings and do not come under the aegis of industrywide rate agreements as is the case with IATA.

Turning to the objections expressed by the electronics shippers, the Board finds that the structure of rates proposed for various of these items still contains serious anomalies, does not eliminate the preference and prejudice on which last year's disapproval was predicated, and accordingly the rates will be disapproved. Generally speaking we have no particular problem with the levels proposed for these rates. Although the shippers cite extraordinary increases ranging over 70 percent for certain rates in some weightbreaks, it appears that the actual impact will be much less severe. From information supplied by the shippers themselves it appears that most of this traffic moves on the highest available weightbreaks, where the increases are not so great as at lower weightbreaks.[14] Attachment B compares present and proposed rates (without the second-round, 7 percent fuel-related increase) at the highest available weightbreak for each commodity item and city pair specifically cited by a particular shipper. The proposed increases do not appear unreasonable in light of the uncommonly low level of the present rates, and would result in rates which still afford substantial discounts (ranging from 15 to 39 percent) from the lowest available general cargo rate. For whatever reasons these rates were introduced during the open-rate period, there now appears to be no basis for maintaining such low levels, and there is no reason why they should not be brought into line with other commodity rates.[15]

We recognize that the carriers, as well as increasing the rates, have made efforts to correct the anomalous relationships in their structure (such as lower rates for more distant points). However, many unsupported discrepancies still exist, including directional differentials, and in these circumstances the Board cannot accept the rates as proposed. Attachment B[16a] also sets forth yields per revenue ton-mile for the various proposed rates, and there appears to be no reason for the variations in yield among the various cities. For these reasons we will herein disapprove Resolutions 590 and 590x insofar as they would establish rates for Items 4416, 4417, 4435, and 4506, 9902 and 9903, respectively. Pan American has indicated that a Joint Corate Board Meeting will be held in June, and we believe this will afford an excellent opportunity for the carriers to review the situation and conclude an agreement to eliminate the anomalies and establish a rational structure of rates for the disputed items.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, makes the following findings:

1. It is not found that the following resolutions, incorporated in Agreement C.A.B. 24265 as indicated, are adverse to the public interest or in violation of the Act provided that approval is subject, where applicable, to conditions previously imposed by the Board:

Agreement C.A.B. 24265	*IATA Resolution*
R-1	JT31 (Mail 255) 001c, JT123 (Mail 719) 001c.
R-2	JT31 (Mail 255) 002.
R-3	JT123 (Mail 719) 002 with the exception of Resolution JT123(31) 511.
R-4	JT31 (Mail 255) 016b.
R-5	JT31 (Mail, 255) 022p, JT123 (Mail 719) 022p.
R-7	JT31 (Mail 255) 501, JT123 (Mail 719) 501.
R-8	JT31 (Mail 255) 536a.
R-9	JT31 (Mail 255) 556a.
R-10	JT123 (Mail 719) 556a.

[11] Neither are Tiger's arguments in connection with the currency surcharge persuasive; while the carrier alleges that its yen expenses in Japan have increased by $1.8 million due to devaluation, nowhere is any consideration given to revenues earned in Japan and paid in yen, which should in part offset Tiger's yen expenses. The devaluation-related costs, which Tiger claims are uncompensated, have presumably been included in the carrier's total operating costs, and therefore involve an additional understatement of profits.

[12] By Order 73-12-84 (December 20, 1973) the Board approved a similar three percent currency surcharge on U.S.-originating North/Central Pacific passenger fares.

[13] Under the provisions of Resolution 590, transpacific commodity rates to/from a certain point may be applied to intermediate points at the same levels, where "intermediate points" are those where the under-45 kg. general cargo rate is not higher than that applicable to/from the more distant point.

[14] For example, representative shipment data included by Fairchild Semiconductor in the United Shipper comments indicates an average weight of 3930 lbs.

[15] The shippers claim that unusually low rates are justified by the high density of this traffic, but neither the shippers nor the carriers have presented any meaningful cost data relating to density.

[16a] Filed as part of the original document.

2. It is not found that the following resolutions, incorporated in Agreement C.A.B. 24265 as indicated, are adverse to the public interest or in violation of the Act provided that approval is subject to the conditions hereinafter stated:

Agreement C.A.B. 24265	*IATA Resolution*
R-6	JT31 (Mail 255) 115k.
R-11	JT31 (Mail 255) 590, JT123 (Mail 719) 590 insofar as they would establish rates for Items other than 4416, 4417 and 4435.
R-12	JT31 (Mail 255) 590x insofar as it would establish rates for Items other than 4506, 9902, and 9903.

Provided that with respect to Resolution 115k:

All notices sent or received pursuant to said resolution shall be filed with the Board at the same time and in the same manner (by cable) as circulated to the carriers provided further that any unprotested amendment, change, deletion or addition to the North/Central Pacific cargo rate structure and related resolutions, whether or not in air transportation as defined by the Act, shall be filed with the Board under Section 412 of the Act and approved by the Board prior to being placed in effect.

Provided that with respect to Resolutions 590 and 590x:

Notwithstanding any provisions of said resolution or any other resolution, specific commodity rates established pursuant thereto with respect to any United States point as an origin or destination, shall be available to and/or from any other United States city having an intermediate position based on shortest operated mileages, at levels no greater than those established for the more distant point.

3. It is found that the following resolutions, incorporated in the agreements indicated, are adverse to the public interest and in violation of the Act:

Agreement C.A.B. 24265	*IATA Resolution*
R-11	JT31 (Mail 255) 590, JT123 (Mail 719) 590 Insofar as they would establish rates for Items 4416, 4417 and 4435.
R-12	JT31 (Mail 255) 590x, Insofar as it would establish rates for Items 4506, 9902 and 9903.

Agreement C.A.B.	*IATA Resolution*
24300	590—Joint 3/1 North and Central Pacific Corates Board (Pasadena, 14 March 1974) Insofar as it would establish rates for Items 4416, 4417 and 4435.

Accordingly, it is ordered, That:

1. Those portions of Agreement C.A.B. 24265 set forth in finding paragraph 1 above be and hereby are approved subject, where applicable, to conditions previously imposed by the Board;

2. Action be and hereby is deferred with respect to Agreement C.A.B. 24265, R-3 to the extent it would readopt Resolution JT123(31) 511;

3. Those portions of Agreement C.A.B. 24265 set forth in finding paragraph 2 above be and hereby are approved subject to the conditions stated therein; and

4. Those portions of Agreement C.A.B. 24265 and 24300 set forth in finding paragraph 3 above be and hereby are disapproved.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-14509 Filed 6-26-74;8:45 am]

CIVIL SERVICE COMMISSION

DEPARTMENT OF COMMERCE

Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Commerce to fill by noncareer executive assignment in the excepted service the position of Associate Director (Planning & Coordination), Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74-14741 Filed 6-26-74;8:45 am]

DEPARTMENT OF COMMERCE

Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Commerce to fill by noncareer executive assignment in the excepted service the position of Deputy Director, Bureau of International Commerce.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74-14742 Filed 6-26-74;8:45 am]

DEPARTMENT OF DEFENSE

Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Defense to fill by noncareer executive assignment in the excepted service the position of Assistant to the Secretary and Deputy Secretary of Defense for Resource Utilization, Immediate Office of the Deputy Secretary, Office of the Secretary of Defense.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74-14739 Filed 6-26-74;8:45 am]

DEPARTMENT OF JUSTICE

Title Change in Noncareer Executive Assignment

By notice of November 17, 1967, F.R. Doc. 67-13608, the Civil Service Commission authorized the departments and agencies to fill by noncareer executive assignment, certain positions removed from Schedule C of Civil Service Rule VI by 5 CFR 213.3301a on November 17, 1967. This is notice that the title of one such position so authorized to be filled by noncareer executive assignment has been changed from Deputy Associate Commissioner, Travel Control, Immigration and Naturalization Service, to Associate Commissioner for Examinations, Immigration and Naturalization Service.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74-14738 Filed 6-26-74;8:45 am]

DEPARTMENT OF JUSTICE

Revocation of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Justice to fill by noncareer executive assignment in the excepted service the position of Chief, Indian Claims Section, Lands Division.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74-14740 Filed 6-26-74;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN PAKISTAN

Entry or Withdrawal From Warehouse for Consumption

JUNE 24, 1974.

On May 6, 1970, the Government of the United States concluded a comprehensive bilateral cotton textile agreement with the Government of Pakistan, concerning exports of cotton textiles and cotton textile products from Pakistan to the United States. The bilateral agreement was amended on June 15, 1972 and October 12, 1973. Among the provisions of the agreement, as amended, are those

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establishing an aggregate limit for the 64 categories and within the aggregate limit, specific limits on Categories 9/10, 15/16, 18/19 and part of 26, 22/23, parts of 26, part of 31 (shop towels), and 41/42 for the agreement year beginning on July 1, 1974.

Accordingly, there is published below a letter of June 24, 1974 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs directing that for the twelve-month period beginning July 1, 1974 and extending through June 30, 1975 entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 9/10, 15/16, 18/19 and part of 26, 22/23, parts of 26, part of 31, (shop towels) and 41/42 be limited to the designated levels.

This letter and the actions pursuant thereto are not designed to implement all of the provisions of the bilateral agreement, as amended, but are designed to assist only in the implementation of certain of its provisions.

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENT

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20229.

JUNE 24, 1974.

DEAR MR. COMMISSIONER: Pursuant to the bilateral cotton textile agreement of May 6, 1970, as amended, between the Governments of the United States and Pakistan, and in accordance with the procedures of Executive Order 11651 of March 3, 1972, you are directed to prohibit, effective July 1, 1974 and for the twelve-month period extending through June 30, 1975, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 9/10, 15/16, 18/19 and part of 26, 22/23, parts of 26, part of 31, and 41/42, produced or manufactured in Pakistan, in excess of the following designated levels of restraint:

Category	12-Month level of restraint
9/10 ---------- square yards...	43,584,000
15/16 ---------- do...	3,780,000
18/19 and part of 26 (print cloth)[1] ---------- do...	19,005,000
22/23 ---------- do...	5,040,000
Part of 26 (bark cloth)[2] ---- do...	7,560,000
Part of 26 (duck)[2] ---------- do...	10,680,000
Part of 31 (only T.S.U.S.A. No. 366.2740) ---------- pieces...	9,980,603
41/42 ---------- dozen...	856,373

[1] In Category 26, only T.S.U.S.A. Nos.:

320...34	322...34	327...34
321...34	326...34	328...34

[2] Only T.S.U.S.A. Nos.:

320...88	328...88	324...92
321...88	329...88	325...92
322...88	330...88	326...92
323...88	331...88	327...92
324...88	320...92	328...92
325...88	321...92	329...92
326...88	322...92	330...92
327...88	323...92	331...92

[3] Only T.S.U.S.A. Nos.:

320...01 through 04, 06, 08		
320...01 through 04, 06, 08		
322...01 through 04, 06, 08		
326...01 through 04, 06, 08		
327...01 through 04, 06, 08		
328...01 through 04, 06, 08		

In carrying out this directive, entries of cotton textiles and cotton textile products in the above categories, produced or manufactured in Pakistan and exported to the United States prior to July 1, 1974, shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during the period July 1, 1973 through June 30, 1974. In the event that the levels of restraint established for that twelve-month period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this letter.

The levels of restraint set forth above are subject to adjustment pursuant to the provisions of the bilateral agreement of May 6, 1970, as amended, between the Governments of the United States and Pakistan which provide, in part, that within the aggregate and applicable group limits of the agreement, limits on certain categories may be exceeded by not more than 5 percent; for the limited carryover of shortfalls in certain categories to the next agreement year; and for administrative arrangements. Any appropriate adjustments pursuant to the provisions of the bilateral agreement referred to above will be made to you by letter.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on January 25, 1974 (39 FR 3430).

In carrying out the above directive, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Pakistan and with respect to imports of cotton textiles and cotton textile products from Pakistan have been determined by the Committee for the implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

[FR Doc.74-14747 Filed 6-26-74;8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

CARBONATED SOFT DRINK CONTAINERS

Notice of Meeting

The Consumer Product Safety Commission gives notice that a staff member will attend a meeting on soft drink containers on Tuesday, July 23, 1974, at 1 p.m., at the National Bureau of Standards in Gaithersburg, Maryland. The Consumer Product Safety Commission is currently considering the matter of safety regulations for glass containers for pressurized products. The meeting to be held at NBS is that of the Standard Review Committee for proposed NBS Voluntary Product Standard TS 214, Carbonated Soft Drink Bottles.

On January 21, 1974, Francis J. LaPallo of the Bureau of Engineering Sciences, CPSC, was appointed to the Standard Review Committee for a proposed voluntary standard jointly sponsored by the Glass Container Manufacturers Institute and the National Soft Drink Association. The purpose of the proposed standard is "• • • to improve safety performance by establishing nationally recognized manufacturing requirements for glass bottles designed as containers for carbonated soft drinks." Other members of the Standard Review Committee and their affiliations are as follows: Michael D. Cromb, Midland Glass Company (Chairman of the Committee); D. M. Mahoney, Owens Illinois, Inc.; J. H. Steuernagel, Brockway Glass Company, Inc.; Chris Hanson, Good Housekeeping Institute; George Papritz, Consumers Union; Ralf Hotchkiss or Robert Dietz (alternate), Center for Concerned Engineering; Charles P. Grier, Dr. Pepper Company; Morton Lapides, Allegheny Beverage Corporation; Marvin Wheeler, Coca Cola U.S.A.

The purpose of this meeting will be to discuss the results of a letter ballot on the proposed standard which was taken after circulation of a revision of the standard, dated April 25, 1974. Modifications to the standard may be proposed during the course of the discussion.

For further information, contact Mr. John Tascher, National Bureau of Standards, 921-2356.

Dated: June 24, 1974.

SADYE E. DUNN,
Secretary, Consumer Product Safety Commission.

[FR Doc.74-15674 Filed 6-26-74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[OPP-32000/75]

NOTICE OF RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of Section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 979), and its procedures for implementation. This policy provides that EPA will, upon receipt of every application, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by the applicant will be available for examination at the Environmental Protection Agency, Room EB-37, East Tower, 401 M Street SW., Washington, D.C. 20460.

On or before August 26, 1974, any person who (a) is or has been an applicant, (b) desires to assert a claim for compensation under section 3(c)(1)(D) against another applicant proposing to use supportive data previously submitted and approved, and (c) wishes to preserve his opportunity for determination of reasonable compensation by the Administrator must notify the Administrator and the applicant named in the FEDERAL REGISTER of his claim by certified mail. Every such claimant must include, at a minimum, the information listed in this interim policy published on November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy in regard to usage of existing supportive data for registration will be processed in accordance with existing procedures. Applications submitted under 2(c) will be held for the 60-day period before commencing processing. If claims are not received, the application will be processed in normal procedure. However, if claims are received within 60 days, the applicants against whom the particular claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after August 26, 1974.

APPLICATIONS RECEIVED

EPA File Symbol 464-LNA. The Dow Chemical Company, P.O. Box 1706, Midland, Michigan 48640. *Dow Plondrel 50W Fungicide.* Active Ingredients: O,O-diethylphthalimidophosphonothioate 50%. Method of Support: Application proceeds under 2(a) of interim policy.

EPA File Symbol 11800-L. Midwest Agricultural Warehouse Company, 200 South Main, Fremont, Nebraska 68025. *Clean Crop Heptachlor Seed Protectant and Lubricant.* Active Ingredients: Heptachlorotetrahydro - 4,7 - methanoidene (Heptachlor) 25.00%; Related Compounds 9.72%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 10007-IN. Pfizer Inc., Chemicals Division, 235 East 42nd Street, New York, New York 10017. *Terramycin Tree Injection Formula, For Control of Lethal Yellowing of Coconut Palm and Lethal Decline of Pritchardia Palm.* Active Ingredients: Oxytetracycline Hydrochloride 21.6%. Method of Support: Application proceeds under 2(a) of interim policy.

EPA File Symbol 3640-AG. Stearns Chemical Corporation, 4200 Sycamore Avenue, Madison, Wisconsin 53704. *Stearns Back-Stat 100 Detergent Bacteriostat.* Active Ingredients: Alpha-n-decyl omega hydroxypoly-(oxythylene) mixture of dihydrogen phosphate and monohydrogen phosphate esters 20.00%; Sodium dodecylbenzene sulfonate 15.00%; Tetrasodium ethylene diamine tetraacetate 5.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 34277-R. Suffolk Chemical Co., Inc., P.O. Box 1606, Suburban Drive, Suffolk, Virginia 23434. *Chlorine—Liquefied.* Active Ingredients: Chlorine 100%. Method of Support: Application proceeds under 2(c) of interim policy.

Dated: June 19, 1974.

JOHN B. RITCH, Jr.,
Director, Registration Division.

[FR Doc.74-14441 Filed 6-26-74;8:45 am]

CHEMAGRO DIVISION OF BAYCHEM CORP.

Notice of Withdrawal of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 Withdrawal of petitions without prejudice of the procedural food additive regulations (21 CFR 121.52), Chemagro Division of Baychem Corp., Post Office Box 4913, Kansas City, MO 64120, has withdrawn its petition (FAP 3H5034), notice of which was published in the FEDERAL REGISTER of July 3, 1973 (38 FR 17760), proposing establishment of food additive tolerances (21 CFR Part 121) for combined residues of the insecticide ethyl 3-methyl-4-(methylthio) phenyl (1-methylethyl) phosphoramidate (previously ethyl 4-(methylthio)-*m*-tolyl isopropylphosphoramidate) and its cholinesterase-inhibiting metabolites in citrus molasses at 2 parts per million and dried citrus pulp at 0.5 part per million resulting from application of the insecticide to growing citrus fruit.

Dated: June 18, 1974.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

[FR Doc.74-14778 Filed 6-26-74;8:45 am]

CIBA-GEIGY CORP.

Notice of Filing of Petition Regarding Pesticide Chemical

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 4F1516) has been filed by Ciba-Geigy Corp., Post Office Box 11422, Greensboro, NC 27409, proposing establishment of a tolerance (40 CFR Part 180) for residues of the insecticide *O,O*-diethyl O-(2-isopropyl-4-methyl-6-pyrimidinyl) phosphorothioate in or on the raw agricultural commodity coffee beans at 0.2 part per million.

The analytical method proposed in the petition for determining residues of the insecticide is a gas chromatographic procedure using a flame photometric detector for phosporus.

Dated: June 24, 1974.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

[FR Doc.74-14779 Filed 6-26-74;8:45 am]

UNIROYAL CHEMICAL

Notice of Filing of Petition Regarding Pesticide Chemical

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 4F1504) has been filed by Uniroyal Chemical, Division of Uniroyal, Inc., Bethany, CT 06525, proposing that the tolerance for residues of the plant regulator succinic acid 2,2-dimethylhydrazide in or on the raw agricultural commodity peanut may be increased from 10 parts per million to 20 parts per million.

The analytical method proposed in the petition for determining residues of the plant regulator is a procedure in which the residues are hydrolyzed with sodium hydroxide to release unsymmetrical dimethylhydrazine which is distilled and reacted with trisodium pentacyanoamine ferrate to form a red color. This color is measured spectrophotometrically at 490 and 600 nanometers.

Dated: June 18, 1974.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

[FR Doc.74-14777 Filed 6-26-74;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20080; FCC 74-600]

WESTERN UNION TELEGRAPH CO.

Restructuring of Certain Private Line Service Rates

In the Matter of Charges, Regulations, Classifications and Practices for Voice Grade Private Line Service (High Density-Low Density Rate Structure).

1. The Commission has before it for consideration tariff revisions filed by The Western Union Telegraph Company (Western Union) under Transmittal Nos. 6975 and 6976 providing for a restructuring of its rates for voice grade private line services by decreasing generally the rates for such services over so-called high density routes and increasing generally the rates over low density routes. Western Union states that its tariff filing is made as a necessary competitive response to AT&T's Hi-Lo rate structure, which is currently under investigation in Docket No. 19919 (*See* 44 F.C.C. 2d 697 (1974) and 45 F.C.C. 2d 88 (1974)), and that absent such revisions, it will suffer substantial loss of revenues and earnings to AT&T. Western Union further states that of 80 customers who will be affected by this tariff filing, only 10 will receive increases.

2. No petitions to reject or to suspend have been filed. The Commission believes, however, that this filing raises the same questions of lawfulness that

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are in issue in the investigation of AT&T's Hi-Lo rate structure in Docket No. 19919. Therefore, we will set the instant Western Union filing for investigation, issue an accounting order, and hold the hearings herein in abeyace pending a final decision in Docket No. 19919.

3. *Accordingly, It is ordered*, That, pursuant to the provisions of section 4 (i), 201–205 and 403 of the Communications Act, as amended, an investigation and hearing is hereby instituted into the lawfulness of the aforementioned schedule of charges, regulations, practices and classifications filed by Western Union under Transmittal Nos. 6975 and 6976.

4. *It is further ordered*, That, pursuant to Section 204 of the Communications Act, such tariff revisions are hereby suspended for one day and Western Union shall, in the case of all increased charges and until further order of the Commission keep accurate account of all amounts received by reason of such increases specifying by whom and in whose behalf such amounts are paid.

5. *It is further ordered*, That, the issues to be included in the investigation and the procedures to be followed herein will be set forth in a subsequent order of the Commission and that pending such order, the proceedings herein shall be held in abeyance.

Adopted: June 12, 1974.

Released: June 12, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.74–14714 Filed 6–26–74;8:45 am]

FEDERAL MARITIME COMMISSION

TRANS-PACIFIC PASSENGER CONFERENCE AND NATIONAL RAILROAD PASSENGER CORPORATION

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before July 17, 1974. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed for Approval by:

Mr. Thomas E. Kimball, Esq.
Lillick, McHose, Wheat, Adams & Charles
311 California Street
San Francisco, California 94104

Agreement No. 131–260 between the Trans-Pacific Passenger Conference (TPPC) and the National Railroad Passenger Corporation (Amtrak) is an Interline Passenger Traffic Agreement which modifies Agreement No. 131 by establishing a new Article H in which members of the Trans-Pacific Passenger Conference and the National Railroad Passenger Corporation are authorized to issue, either directly or through agents of the TPPC or Amtrak, tickets, or exchange orders exchangeable for tickets of the other, for transportation of passengers over routes designated by members of TPPC and Amtrak. All tickets or exchange orders shall be in accordance with the tariffs, rates, rules and regulations of TPPC and Amtrak, as applicable. All commission payments shall be also in accordance with applicable rules and practices of TPPC and Amtrak, respectively.

Among other things, the Agreement provides for indemnification between the parties; refunds; statements of accounts and settlements thereof; withdrawal of any party on 30 days written notice to TPPC and to Amtrak although the Agreement will continue in force except as to the party or parties affected by such withdrawal; representations, advertising and news releases; expenses; baggage; and governing law.

By order of the Federal Maritime Commission.

Dated: June 24, 1974.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74–14770 Filed 6–26–74;8:45 am]

FEDERAL RESERVE SYSTEM

BANKAMERICA CORP.

Order Denying Investment in Allstate International S.A., Zurich, Switzerland

BankAmerica Corporation, San Francisco, California ("Applicant"), has applied for the Board's consent under section 4(c)(13) of the Bank Holding Company Act (12 U.S.C. 1843(c)(13)) to acquire, directly or indirectly through a de novo company to be formed under the laws of Great Britain, The Netherlands, or Luxembourg, 50 per cent of the voting shares of Allstate International S.A., Zurich, Switzerland ("AISA").

Applicant, with total consolidated assets of approximately $49.4 billion,[1] is a bank holding company controlling the largest commercial bank in the world, Bank of America NT&SA, San Francisco, California, which has worldwide banking operations with branches and banking and financial subsidiaries located in countries throughout the world. Applicant, through its direct or indirect investment in AISA, proposes to engage in the activities of underwriting, reinsuring, brokerage, selling and servicing personal and commercial lines of individual and group life, health, property and casualty insurance in European and other foreign countries. It is proposed that AISA will be jointly-owned by Applicant and Allstate Insurance Company, Northbrook, Illinois ("Allstate"), a wholly-owned subsidiary of Sears, Roebuck & Company, Chicago, Illinois, the largest retailer of general merchandise in the United States. Allstate is one of the largest U.S. insurance companies with insurance premiums of approximately $2.3 billion in 1973, and with total consolidated assets of approximately $4 billion as of December 31, 1973. AISA is at present a wholly-owned subsidiary of Allstate with investments in foreign insurance subsidiaries located in Switzerland, Germany and Mexico.

Section 4(c)(13) of the Act provides that the prohibitions of section 4 of the Act shall not apply to the shares of, or activities conducted by, any company which does no business in the United States except as an incident to its international or foreign business, if the Board by regulation or order determines that, under the circumstances and subject to the conditions set forth in the regulation or order, the exemption would not be substantially at variance with the purposes of the Act and would be in the public interest.

In § 225.4(f)(1) of Regulation Y, the Board has determined that a bank holding company may, with the Board's consent, own or control voting shares of any company in which a company organized under section 25(a) of the Federal Reserve Act (an Edge corporation) may invest. Edge corporations are organized for the purpose of engaging in international or foreign banking or other international or foreign financial operations. In keeping with this statutory purpose, it has been Board policy that it is inappropriate for an Edge corporation to acquire a significant ownership interest in a foreign company that is not engaged in international or foreign banking or other international or foreign financial operations.[2] General insurance underwriting has not been authorized by the Board as within the scope of financial operations to be conducted by foreign companies in which an Edge corporation proposes to acquire a significant ownership interest.

[1] All financial data for Applicant are as of December 31, 1973.

[2] In general, the Board considers a significant ownership interest to be any investment representing more than 25 per cent of the foreign company's outstanding voting shares. In the Board's judgment, once the 25 per cent line is passed, the Edge corporation usually ceases to be a mere passive investor and takes an active operating interest in the company. The Board, however, makes this particular judgment on the facts of each case.

Among Applicant's arguments for approval are that general insurance underwriting is usual in connection with the business of banking in Europe and that the insurance activities to be conducted by AISA will be integrated with Applicant's international or foreign banking activities, making it a stronger competitor abroad and hence directly benefiting the U.S. public.

In general, the Board believes that in conformity with the purpose of section 4(c)(13) of the Bank Holding Company Act and the Edge Act, U.S. banking organizations should have greater freedom in their nonbanking activities abroad than is allowed domestically, especially in cases where such activities are necessary in order to remain competitive in international or foreign banking. However, the Board also must consider the impact which such nonbanking activities may have on the financial strength and managerial resources of the parent U.S. banking organization and any possible spill-over effects such foreign activities may have on the separation of banking and commerce in the United States.

General insurance underwriting involves the management of risks qualitatively different from those encountered in ordinary banking and familiar to bank management. It is an activity which requires a large amount of capital and specialized managerial resources. As such, permitting U.S. banking organizations to enter such a major nonbanking activity abroad could divert their capital and managerial resources away from their domestic banking affiliates. Such a potentially adverse consequence would clearly not be consistent with the purposes of the Bank Holding Company Act.

In deciding this application, the Board also carefully considered the impact of U.S. banking organizations engaging in insurance underwriting abroad on the purpose of the Bank Holding Company Act of maintaining the separation of banking from commerce within the United States. The growth of international trade is bringing foreign and domestic markets for goods and financial services closer together. As this trend continues, the line between banking and commerce in the U.S. could be blurred as foreign nonbanking activities are progressively intertwined with domestic operations. In the case of casualty insurance, in particular, exposure to overlap appears especially great because of the transnational nature of that business. Thus, the Board concluded that permitting U.S. banking organizations to enter the general insurance underwriting business abroad could have potentially adverse effects on the long-standing Congressional policy in the Bank Holding Company Act of keeping these activities separated domestically.

In considering the above potentially adverse effects against the alleged public benefits of approving the activity, the Board noted that some foreign banks in Europe do engage in insurance underwriting. However, the record shows that most foreign bank insurance relationships are with brokerage rather than underwriting companies, and many of the affiliations with underwriters involve a minority or even nominal stock interest. Thus, on the basis of the record of this application, the Board concluded that Applicant has failed to prove its assertion that its banking business would be competitively injured by its inability to engage in the general insurance underwriting business in Europe. In the Board's judgment, U.S. banking organizations through insurance brokerage activities already permitted them in European and other foreign countries are able to serve adequately and competitively their needs and those of their foreign banking customers.

The Board was equally concerned with the fact that this application proposes a joint venture between the largest U.S. banking organization and one of the nation's largest insurance companies, which, as noted above, is wholly-owned by the largest retailer of general merchandise in the U.S. Close working relationships abroad between large U.S. banking organizations and large U.S. insurance companies could in time weave a matrix of relationships between the joint venturers in the U.S. and abroad that could lead to an undue concentration of economic resources in the domestic and foreign commerce of the United States. The Board concluded that such potentially adverse effects could result from the proposed application and that such potential effects would clearly not be consistent with the purposes of the Bank Holding Company Act, nor in the public interest.

The Board also noted its general concern with the tendency of many U.S. banking organizations to pursue a policy of rapid expansion in domestic and foreign markets. Such expansion can expose the organizations to potential liabilities and risks disproportionate to the stated size of their investment in any particular venture. Such expansion should therefore be premised on a strong capital base. While the Board recognizes the quality and experience of the Applicant's management, the present capital position of the Applicant is somewhat lower than what the Board would consider appropriate in light of its recent asset growth. In such circumstances, the Board would prefer to see funds first used to enlarge the capital position of such organization.

Based upon the foregoing and other considerations reflected in the record,[3a] the Board concludes that the proposed investment in AISA would not be consistent with the purposes of the Bank Holding Company Act or in the public interest within the meaning of section 4(c)(13) of the Act, and hence the application is denied.

[3a] Concurring Statement of Governors Sheehan and Wallich filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of San Francisco.

By order of the Board of Governors,[3] effective June 19, 1974.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[3] Voting for this action: Chairman Burns and Governors Mitchell, Brimmer, Sheehan, Bucher, Holland and Wallich.

[FR Doc.74–14699 Filed 6–26–74;8:45 am]

BARNETT BANKS OF FLORIDA, INC.

Acquisition of Bank

Barnett Banks of Florida, Inc., Jacksonville, Florida, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 90 percent or more of the voting shares of First Marine Bank of Fort Lauderdale, Fort Lauderdale, Florida, a proposed new bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than July 18, 1974.

Board of Governors of the Federal Reserve System, June 20, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74–14693 Filed 6–26–74;8:45 am]

COMMERCE BANCSHARES, INC.

Order Denying Acquisition of Bank

Commerce Bancshares, Inc., Kansas City, Missouri, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire more than 80 percent of the voting shares of First National Bank of Linn Creek ("Bank"), Camdenton, Missouri.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received, including the views of Grandview Bank & Trust Company, Grandview, Missouri, in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant is the third largest bank holding company and banking organization in Missouri in terms of total deposits, and the largest in terms of number of subsidiary banks, and has been following an aggressive program of expansion through the acquisition of banks. Applicant controls 27 subsidiary banks located throughout the State, with ag-

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gregate deposits approximating $1 billion, representing 7.7 percent of total commercial bank deposits in Missouri.[1] Applicant's acquisition of Bank would increase Applicant's control of State deposits by an additional 0.16 percent; Applicant's rank among the State's banking organizations would not change.

Bank (deposits of $21.6 million) is the largest of six banks in the Camdenton banking market (approximated by Camden County), the primary banking market in this case, and controls approximately 44 per cent of total deposits in commercial banks in the market. The second and third largest banks in the market control, respectively, 28 per cent and 12 per cent of the deposits in the market. The market shares of the remaining banks in the market range from 3 to 7 per cent. None of the six banks in the market are presently affiliated with a bank holding company.

Applicant's subsidiary bank closest to Bank is located 25 miles south of Camdenton, in an adjacent banking market, and there is no significant existing competition between Bank and any of Applicant's subsidiary banks. While the effects of Applicant's proposal on existing competition do not raise serious impediments to approval of the application, consummation of the proposal would, in the Board's view, have significantly adverse effects on potential competition in the Camdenton banking market. As noted above, Applicant is a rapidly expanding organization; it was formed with four banks in 1968, acquired 10 more banks by mid-1970, and since then, has expanded from 14 to 27 banks. Applications have been proposed or are pending for the acquisition or formation of six additional banks. Applicant operates in more markets, and controls more subsidiary banks, than any other banking organization in Missouri. Camden County is viewed as a relatively attractive market for entry since it serves as a major trade center for the Lake of the Ozarks region and is experiencing substantial population growth and substantial economic development, both of which are expected to continue into the future. Absent consummation of the proposed acquisition, Applicant may be regarded as one of the most likely potential entrants into this market, having both the incentive and the resources to enter by means of a "foothold" entry. Given the present structure of banking in the relevant market, as well as Applicant's already sizeable position in the State, a foothold acquisition of a bank in the relevant market is a realistic alternative to the proposed acquisition of the largest bank in the Camdenton market, and would be clearly preferable to the proposal herein from a competitive standpoint. Such an alternative proposal would serve to promote competition in the market. Accordingly, the Board concludes that consummation of this proposal would have significantly adverse effects on potential competition in Camden County.

In addition to the above factors, the Board is further concerned by the fact that Applicant appears to be in the process of acquiring a substantial position in a four-country region in the south of Lake of the Ozarks region (approximated by Green, Polk, Laclede, and Camden Counties). This four-county region involves the Springfield, Bolivar, Lebanon, and Camdenton banking markets. Applicant is the largest bank holding company and second largest banking organization in the Springfield banking market, with two subsidiary banks controlling almost 29 per cent of the market deposits; the only bank holding company and second largest banking organization in the Bolivar banking market, with one subsidiary bank controlling about 31 per cent of the market deposits; the only bank holding company and the largest banking organization in the Lebanon banking market, with one subsidiary bank controlling almost 46 per cent of the market deposits. Applicant now proposes to enter the Camdenton banking market, where it would be the only bank holding company and largest banking organization, through acquisition of the market's most significant competitor by virtue of its control of about 44 per cent of the market deposits. Approval of this proposal would strengthen Applicant's influence in this area of the State relative to the area's other banking organizations and could raise further barriers to entry by discouraging smaller bank holding companies from entering this region.

On the basis of the foregoing and the facts of record, the Board concludes that consummation of Applicant's proposal would have significant adverse effects on competition. Unless the Board finds that such anticompetitive effects are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served, the application must be denied.

The financial and managerial resources and future prospects of Applicant and its subsidiary banks, and those of Bank, are regarded as satisfactory and consistent with approval of the application. However, these considerations do not outweigh the adverse competitive effects connected with the proposal. There is some indication in the record that certain of the banking needs of the relevant market are not being met, particularly a demand for convenient trust services. Applicant proposes to cause Bank to apply for trust powers and to assist Bank in the provision of trust services. While such improvements in Bank's services lend some weight toward approval, the Board does not consider these factors sufficient to outweigh clearly the significantly adverse competitive effects of the proposal.

It is the Board's judgment that consummation of the proposed acquisition would not be in the public interest and that the application should be denied.

On the basis of the record,[2] the application is denied for the reasons summarized above.

By order of the Board of Governors,[3]

effective June 20, 1974.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.74-14697 Filed 6-26-74;8:45 am]

FIRST NATIONAL CITY OVERSEAS INVESTMENT CORP.

Order Denying Investment

First National City Overseas Investment Corporation, New York, New York ("Applicant"), has applied for the Board's consent under section 25(a) of the Federal Reserve Act to continue to hold the shares of FNC Commercio e Participacoes S.A., Rio de Janeiro, Brazil, after the latter acquires 39.5 per cent of the voting shares of Companhia de Seguros Argos Fluminense, S.A., Rio de Janeiro, Brazil ("Argos").

Applicant is a corporation organized under section 25(a) of the Federal Reserve Act (an "Edge corporation") and is a wholly-owned subsidiary of First National City Bank, New York, New York ("FNCB"), which has a worldwide banking business with branches and subsidiaries located in countries throughout the world. FNCB, with consolidated assets of approximately $42.6 billion,[2] is a wholly-owned subsidiary of First National City Corporation, New York, New York, the largest banking organization in New York State and the second largest nationally.

Applicant, which at present indirectly owns 20 per cent of the voting shares of Argos under the general consent procedures of Regulation K,[3] proposes to acquire indirectly an additional 19.5 per cent of the voting shares of Argos under Regulation K, thereby bringing its total investment in Argos to a 39.5 per cent share interest. Argos, the oldest insurance underwriting company in Latin America, engages in the underwriting of insurance and is authorized to operate in all lines of insurance, including individual and group life. It is proposed that Argos will engage in the activities of underwriting all insurance related to extensions of credit by FNCB's Brazilian branches and affiliates including: life, accident and health, fire and theft, automobile collision, risk-floater policies on leased equipment, and burglary. Argos also intends to underwrite non-credit related insurance including: group life, accident and health insurance plans, import and export marine policies, individual life, accident and health, fire and theft, and automobile collision insurance.

If the proposed acquisition were approved, the majority of Argos' shares would be owned by Applicant and Chubb & Son, Inc., New York, New York ("Chubb"), which would own 41.5 per cent of Argos' shares. Chubb is a subsidiary of Chubb Corp., New York, New York, a U.S. insurance holding company with total assets of approximately $1.5 billion as of December 31, 1973.

Edge corporations are organized for the purpose of engaging in international or foreign banking or other international or foreign financial operations. In keeping with this statutory purpose, it has been Board policy that it is inappropriate for an Edge corporation to acquire a significant ownership interest [3] in a foreign company that is not engaged in international or foreign banking or other international or foreign financial operations. General insurance underwriting has not been authorized by the Board as within the scope of financial operations to be conducted by foreign companies in which an Edge corporation proposes to acquire a significant ownership interest.

Among Applicant's arguments for approval are that general insurance underwriting is usual in connection with the business of banking in Brazil and that Applicant's performance of these activities will enable it to compete more effectively with the major local banks in Brazil, which have much wider branching systems and larger local currency resources. In Applicant's opinion, the proposed acquisition will enable FNCB to increase its participation in profitable financially related activities in Brazil and to serve its own insurance and credit protection needs.

In general, the Board believes that Edge corporations, in conformity with the purposes of the Edge Act, should have greater freedom in their nonbanking activities abroad than is allowed banking organizations domestically, especially in cases where such activities are necessary in order to remain competitive in international or foreign banking. However, the Board also must consider the impact which such nonbanking activities may have on the financial strength and managerial resources of the parent U.S. banking organization and any possible spill-over effects such foreign activities may have on the separation of banking and commerce in the United States.

General insurance underwriting involves the management of risks qualitatively different from those encountered in ordinary banking and familiar to bank management. It is an activity which requires a large amount of capital and specialized managerial resources. As such, permitting U.S. banking organizations to enter this activity abroad through their Edge corporations could divert their capital and managerial resources away from domestic banking affiliates. Such a potentially adverse consequence would not be consistent with the purposes of the Edge Act.

In deciding this application, the Board also carefully considered the impact of Edge corporations engaging insurance underwriting abroad in light of the prohibitions in the Edge Act designed to maintain the separation of banking from commerce within the United States. The growth of international trade is bringing foreign and domestic markets for goods and financial services closer together. As this trend continues, the line between banking and commerce in the U.S. could be blurred as foreign nonbanking activities are progressively intertwined with domestic operations. In the case of casualty insurance, in particular, including import and export marine policies as proposed in this application, exposure to overlap appears especially great because of the transnational nature of that business. The Board concluded that permitting Edge corporations to acquire a significant ownership interest in a foreign company engaged in the general insurance underwriting business could have potentially adverse effects on the long-standing Congressional policy in the Edge Act of keeping banking and commerce separated domestically.

While Applicant does demonstrate in its application that many Brazilian banks do have insurance affiliates engaged in general insurance underwriting, in the Board's judgment, Applicant and other Edge corporations, through insurance brokerage activities already permitted them in Brazil and other countries, are competitive with their Brazilian and other foreign banking counterparts and are able to serve adequately and competitively their own needs and those of their international banking customers.

The Board was equally concerned with the fact that this application proposes a joint venture between a subsidiary of one of the largest banks in the U.S. and a subsidiary of a large domestic financial and insurance group. Close working relationships abroad between large U.S. banking organizations and large U.S. insurance companies could in time weave a matrix of relationships between the joint venturers in the U.S. and abroad that could lead to an undue concentration of economic resources in the domestic and foreign commerce of the United States. The Board concluded that such potential adverse effects could result from the proposed application and that such effects would clearly not be consistent with the purposes of the Edge Act.

Based upon the foregoing and other considerations reflected in the record,[3a] the Board denies Applicant's proposed additional indirect investment in Argos.

By order of the Board of Governors,[4] effective June 19, 1974.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.74-14698 Filed 6-26-74;8:45 am]

FIRST UNION, INC.

Acquisition of Bank

First Union, Incorporated, St. Louis, Missouri, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 90 percent or more of the voting shares of Florissant Bank, Florissant, Missouri. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of St. Louis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than July 18, 1974.

Board of Governors of the Federal Reserve System, June 20, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-14696 Filed 6-26-74;8:45 am]

MARTELL FINANCIAL SERVICES, INC.

Formation of Bank Holding Company

Martell Financial Services, Inc., Martell, Nebraska, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 99.2 per cent of the voting shares of The Martell State Bank, Martell, Nebraska. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in

[1] All banking data are as of June 30, 1973, and reflect bank holding company formations and acquisitions approved through May 31, 1974.

[2] Dissenting Statement of Governor Sheehan filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Kansas City.

[3] Voting for this action: Vice Chairman Mitchell and Governors Brimmer, Bucher, and Holland. Voting against this action: Governor Sheehan. Absent and not voting: Chairman Burns and Governor Wallich.

[2] All financial data for FNCB are as of December 31, 1973.

[3] Under § 211.5(a) of Regulation K, an Edge corporation may acquire voting shares of a foreign company without specific prior Board consent so long as its investment does not exceed $500,000 or 25 per cent of the voting shares of the foreign company involved.

[3] In general, the Board considers a significant ownership interest to be any investment representing more than 25 per cent of the foreign company's outstanding voting shares. In the Board's judgment, once the 25 per cent line is passed, the Edge corporation usually ceases to be a mere passive investor and takes an active operating interest in the company. The Board, however, makes this particular judgment on the facts of each case.

[3a] Dissenting Statement of Governors Sheehan and Wallich filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of New York.

[4] Voting for this action: Chairman Burns and Governors Mitchell, Brimmer, Bucher and Holland. Voting against this action: Governors Sheehan and Wallich.

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writing to the Reserve Bank, to be received not later than July 18, 1974.

Board of Governors of the Federal Reserve System, June 20, 1974.

THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-14694 Filed 6-26-74;8:45 am]

NORTHBROOK BANCORP, INC.

Formation of Bank Holding Company

Northbrook Bancorp., Inc., Northbrook, Illinois, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of all of the voting shares (less directors' qualifying shares) of Northbrook Trust & Savings Bank, Northbrook, Illinois. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received not later than July 17, 1974.

Board of Governors of the Federal Reserve System, June 20, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-14695 Filed 6-26-74;8:45 am]

STATE STREET BOSTON FINANCIAL CORP.

Order Approving De Novo Joint Venture

State Street Boston Financial Corporation, Boston, Massachusetts ("State Street"), a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c)(8) of the Act and § 225.4(b)(1) of the Board's Regulation Y, to engage in a joint venture with Data-Sys-Tance, Inc., Kansas City, Missouri ("DST"). The joint venture would be carried out through Boston Financial Data Services, Inc., Boston, Massachusetts ("Company"),[1] which would engage de novo in data processing and recordkeeping services associated with shareholder accounting for investment companies. The activity in which Company will engage has been determined by the Board to be closely related to banking (12 CFR 225.4(a)(8)(i)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (39 FR 5533). The time for filing comments and views has expired, and none has been timely received.

State Street controls three banks with aggregate deposits of about $1.2 billion, representing 9.2 per cent of the total deposits in commercial banks in Massachusetts, and is the fourth largest commercial banking organization in the State.[2] State Street's lead bank, State Street Bank and Trust Company, Boston, Massachusetts ("Bank"), is the third largest commercial bank in Massachusetts. In connection with its responsibilities as transfer agent, plan agent, plan custodian and trustee for mutual funds, Bank presently performs shareholder accounting functions for 19 management companies representing 34 mutual funds with 311,000 shareholder accounts.

DST, an 80 percent-owned subsidiary of Kansas City Southern Industries, Inc., Kansas City, Missouri, has been providing shareholder accounting services since 1969 and, in addition, presently acts as transfer agent, plan agent, trustee and/or servicing agent for three large mutual fund complexes with a total of 779,000 shareholder accounts. DST also competes for shareholder accounting business through the sale and licensing of its data processing system; 41 mutual funds with 1,177,000 shareholder accounts are processed on the DST system by owners or licensees of the system other than DST.

Company will perform clerical, computer processing and recordkeeping services associated with shareholder accounting for mutual funds. These services will be performed initially for only one customer, Bank, on a contract basis. Company's activities will include establishing shareholder accounts, processing and recording share transfers, recording shares purchased by direct payment or by investment, calculating and determining payment of distributions on shareholdings and other recordings of various transactions in shareholders' accounts. Bank's operations facility, State Street South Corporation, will house the clerical and administrative operations and correspondence clearing. All recordkeeping information will be transmitted to computer facilities provided by DST in Kansas City, Missouri. In essence, by forming this joint venture, State Street will transfer its mutual fund shareholders' recordkeeping operations from Bank's computers in Boston to DST's computers in Kansas City.

While both Bank and DST offer mutual fund shareholder accounting services, consummation of the proposed joint venture would not eliminate any significant existing competition. At present, Bank appears to do less than 1 per cent of the mutual fund shareholder accounting business nationwide, while DST does slightly over 1 per cent. Furthermore, Bank's shareholder accounting business has declined sharply in the last several years, and State Street states that it would cease its operations in this line of activity unless the proposed joint venture is approved. On this basis, it appears that Bank is not presently, and is not likely, absent the proposed joint venture, to become an effective competitor for mutual fund shareholder accounting services. The Board concludes that consummation of the proposed transaction would not eliminate significant existing competition between the co-venturers, nor would it have an adverse effect on competition between them in the future.

The Board finds that the proposed joint venture would result in public benefits. The formation of the joint venture will enable Bank to continue to provide shareholder accounting services to its customers because it will reduce the cost of these operations. In addition, the joint venture will increase the efficiency of the services which are now offered by Bank.

There is no evidence in the record in this case indicating that consummation of the present proposal to engage in a joint venture would result in undue concentration of resources, unfair competition, conflicts of interests, unsound banking practices, or other adverse effects.

Based upon the foregoing and other considerations reflected in the record,[3] the Board has determined that the balance of the public interest factors the Board is required to consider under section 4(c)(8) is favorable. Accordingly, the application is hereby approved. This determination is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

The transaction shall be made not later than three months after the effective date of this Order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Boston.

By order of the Board of Governors,[4] effective June 20, 1974.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.74-14700 Filed 6-26-74;8:45 am]

[1] Applicant received permission from the Reserve Bank of Boston to establish *de novo* Boston Financial Data Services, Inc., pursuant to section 4(c)(8) of the Act and § 225.4(b)(1) of Regulation Y as of October 1, 1973.

[2] Banking data are as of June 30, 1973, adjusted to reflect bank holding company formations and acquisitions through February 28, 1974.

[3] Dissenting Statement of Governor Brimmer filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Boston.

[4] Voting for this action: Chairman Burns and Governors Sheehan, Bucher, Holland and Wallich. Voting against this action: Governor Brimmer. Absent and not voting: Governor Mitchell.

NATIONAL ENDOWMENT FOR THE HUMANITIES

ADVISORY COMMITTEE EDUCATION PANEL

Notice of Meeting

JUNE 20, 1974.

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463) notice is hereby given that a meeting of the Education Panel will meet at Washington, D.C., on July 11 and 12, 1974.

The purpose of the meeting is to review Humanities Planning applications submitted to the National Endowment for the Humanities for grants to education institutions.

Because the proposed meeting will consider financial information and personnel and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated August 13, 1973, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552(b) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. John W. Jordan, 806 15th Street, N.W., Washington, D.C. 20506, or call area code 202-382-2031.

JOHN W. JORDAN,
Advisory Committee Management Officer.

[FR Doc.74-14743 Filed 6-26-74;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on June 24, 1974 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this Daily List may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529).

NEW FORMS

DEPARTMENT OF AGRICULTURE

Economic Research Service: A Study of Rural Land Ownership in New England; Form ——; single time; Ellett; rural landowners.

DEPARTMENT OF COMMERCE

Bureau of the Census: Survey of Plant Capacity; Form MQ-C1; annual; Raynsford/Peterson; manufacturing establishments.

National Bureau of Standards: Form Voluntary Energy Conservation Labeling Program Consumer Interview Schedule, Energy Guide Label for Refrigerators and Freezers; Form ——; single time; Weiner; appliance consumers.

FEDERAL ENERGY OFFICE

Memorandum to All Middle Distillate Consuming Electric Utilities; Form ——; single time; Weiner; business firms.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Center for Disease Control: Special Study of the Determinants of Gestational Stage at Time of Abortion; Form TF 4.190; occasional; Wann; women seeking abortion.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Departmental: Regional Assessment of State Agencies on Aging; Form OS 26-74; occasional; HRD; government agencies.

DEPARTMENT OF THE INTERIOR

National Park Service: Backcountry Management Questionnaire; Form ——; single time; Planchon; Grand Teton National Park backcountry users.

REVISIONS

FEDERAL ENERGY OFFICE

Owners of Stored Propane—Monthly Report; Form 101-A; occasional; Weiner; firms storing propane or butane in merchant storage facilities.

DEPARTMENT OF THE INTERIOR

Bureau of Mines: Elemental Sulfur; Form 6-1238-M; monthly; Caywood; producers of elemental sulfur.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration: Skilled Nursing Facility Program Abstract of Medical Record; Form SSA 2311; Occasional; Caywood; skilled nursing facilities.

Departmental: School System Summary Report; Form OS-25-74; annual; Sunderhauf/Planchon; public, elementary, and secondary school districts.

EXTENSIONS

DEPARTMENT OF AGRICULTURE

Packers and Stockyards Administration: Livestock Scale Test Reports; Form PSA-212, 218; semiannual; Evinger; Stockyards, livestock dealers and packers.

Annual Report of Inspection Agency; Form P&SA 127; annual; Evinger; brand inspection agencies.

Annual Report of Clearing Agency; Form P&SA 122; annual; Evinger; livestock marketing agencies.

DEPARTMENT OF AGRICULTURE

Packers and Stockyards Administration: Annual Report of Posted Stockyards; Form P&SA 129; annual; Evinger; livestock terminal markets.

GENERAL SERVICES ADMINISTRATION

Statement of Personal History; Form GSA 176; occasional; Evinger; contract employees.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.74-14879 Filed 6-26-74;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

FRANKLIN NATIONAL BANK

Notice of Suspension of Trading, Amendment

JUNE 19, 1974.

The Commission having determined to amend its notice of June 3, 1974 summarily suspending trading in the common stock of Franklin National Bank (New York, N.Y.) for the period from June 4, 1974 through June 13, 1974.

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1973, that trading in the preferred stock of Franklin National Bank being traded otherwise than on a national securities exchange is suspended, for the period from June 4, 1974 through June 13, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-14728 Filed 6-26-74;8:45 am]

[File No. 500-1]

FRANKLIN NATIONAL BANK

Notice of Suspension of Trading

JUNE 13, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the 4.75 percent debentures of Franklin National Bank (New York, N.Y.) being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from June 14, 1974 through June 23, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-14733 Filed 6-26-74;8:45 am]

[File No. 500-1]

FRANKLIN NATIONAL BANK

Notice of Suspension of Trading

JUNE 3, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the 4.75 percent debentures of Franklin National Bank (New York, N.Y.) being traded otherwise than on a national securities exchange is

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required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from June 4, 1974 through June 13, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.74-14734 Filed 6-26-74;8:45 am]

[File No. 500-1]

FRANKLIN NATIONAL BANK

Notice of Suspension of Trading

MAY 24, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the 4.75 percent debentures of Franklin National Bank (New York, N.Y.) being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from May 25, 1974 through June 3, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.74-14735 Filed 6-26-74;8:45 am]

[File No. 500-1]

FRANKLIN NATIONAL BANK

Notice of Suspension of Trading

MAY 16, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the 4.75 percent debentures of Franklin National Bank (New York, N.Y.) being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from 4:30 p.m. e.d.t. on May 16, 1974 through midnight e.d.t. on May 24, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.74-14726 Filed 6-26-74;8:45 am]

[File No. 500-1]

FRANKLIN NEW YORK CORP.

Notice of Suspension of Trading

MAY 16, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the 7.30 percent notes of Franklin New York Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from 4:30 p.m. e.d.t. on May 16, 1974 through midnight e.d.t. on May 24, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.74-14732 Filed 6-26-74;8:45 am]

[File No. 500-1]

FRANKLIN NEW YORK CORP.

Notice of Suspension of Trading

JUNE 3, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the 7.30 percent notes of Franklin New York Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from June 4, 1974 through June 13, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.74-14730 Filed 6-26-74;8:45 am]

[File No. 500-1]

FRANKLIN NEW YORK CORP.

Notice of Suspension of Trading

JUNE 13, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the 7.30 percent notes of Franklin New York Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from June 14, 1974 through June 23, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.74-14729 Filed 6-26-74;8:45 am]

[File No. 500-1]

FRANKLIN NEW YORK CORP.

Notice of Suspension of Trading

MAY 24, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the 7.30 percent notes of Franklin New York Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from May 25, 1974 through June 3, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.74-14724 Filed 6-26-74;8:45 am]

[File No. 500-1]

MONARCH GENERAL, INC.

Notice of Suspension of Trading

JUNE 20, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Monarch General, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from 10:45 a.m. e.d.t. on June 20, 1974 through midnight e.d.t. on June 29, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.74-14725 Filed 6-26-74;8:45 am]

[File No. 500-1]

NATIONAL ALFALFA DEHYDRATING AND MILLING CO.

Notice of Suspension of Trading

MAY 15, 1974.

The common stock of National Alfalfa Dehydrating and Milling Company being traded on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of National Alfalfa Dehydrating and Milling Company being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from May 16, 1974 through May 19, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.74-14727 Filed 6-26-74;8:45 am]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30—Region VII, Rev. 1]

ASSISTANT REGIONAL DIRECTOR FOR FINANCE AND INVESTMENT ET AL.

Delegation of Authority To Conduct Program Activities in the Field Offices

Delegation of Authority No. 30—Region VII (37 FR 17616), as amended (38 FR 6110), (39 FR 14897), and (38 FR 18596), is hereby revised in its entirety to reflect realignment of field offices and reads as follows:

Pursuant to the authority delegated to Regional Directors by Delegation of Authority No. 30 (Revision 14), 37 FR 12651, as amended (37 FR 14840, 37 FR 19405, 37 FR 21466, 37 FR 23594, 38 FR 32984, and 39 FR 1898), the following authority is hereby redelegated to the positions within Region VII as indicated herein:

PART I—FINANCING PROGRAM

SECTION A. LOAN APPROVAL AUTHORITY

1. *Small Business Act section 7(a) loans.* To approve or decline business loans not exceeding the following amounts (SBA Share):

a. Assistant Regional Director for Finance & Investment, $350,000.

b. Regional Loan Specialist, Finance & Investment, $350,000.

c. District Directors, $350,000.

d. Assistant District Director for Finance & Investment, $350,000.

e. Chief, Financing Division, $350,000.

2. *Economic opportunity (EO) loans.* To approve or decline economic opportunity loans not exceeding $50,000 (SBA Share):

a. Assistant Regional Director for Finance & Investment.

b. Regional Loan Specialist, Finance & Investment.

c. District Directors.

d. Assistant District Director for Finance & Investment.

e. Chief, Financing Division.

3. *Displaced business and other economic injury loans.* a. To decline displaced business loans, coal mine health and safety, consumer protection (meat, egg, poultry), occupational safety and health, strategic arms limitation economic injury, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters in any amount and to approve such loans up to the following amounts (SBA Share):

(1) Assistant Regional Director for Finance & Investment, $1,000,000.

(2) Regional Loan Specialist, Finance & Investment, $1,000,000.

b. To approve or decline displaced business loans, coal mine health and safety loans, consumer protection loans (meat, egg, poultry), occupational safety and health, strategic arms limitation, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters up to the following amounts (SBA Share):

(1) Assistant Regional Director for Finance & Investment, $1,000,000.

(2) Regional Loan Specialist, Finance & Investment, $1,000,000.

(3) District Directors, $350,000.

(4) Assistant District Director for Finance & Investment, $350,000.

(5) Chief, Financing Division, $350,000.

4. *Handicapped assistance loans.* To approve or decline handicapped assistance loans not exceeding $350,000 (SBA Share):

a. Assistant Regional Director for Finance & Investment, $350,000.

b. Regional Loan Specialist, Finance & Investment, $350,000.

c. District Directors, $350,000.

d. Assistant District Director for Finance & Investment, $350,000.

e. Chief, Financing Division, $350,000.

SECTION B. OTHER FINANCING AUTHORITY

1. a. To enter into business, economic opportunity, disaster, displaced business, consumer protection (meat, egg, poultry), occupational safety and health, coal mine health and safety, and strategic arms limitation economic injury, and handicapped assistance loan participation agreements with banks:

(1) Assistant Regional Director for Finance & Investment.

(2) Regional Loan Specialist, Finance & Investment.

(3) District Directors.

(4) Assistant District Director for Finance & Investment.

(5) Chief, Financing Division.

b. To enter into blanket loan guarantee agreements with banks. Not applicable.

2. To execute loan authorizations for loans approved by higher authority and for loans personally approved under delegated authority:

a. Assistant Regional Director for Finance & Investment.

b. Regional Loan Specialist, Finance & Investment.

c. District Directors.

d. Assistant District Director for Finance & Investment.

e. Chief, Financing Division.

3. To cancel, reinstate, modify, and amend authorizations:

a. For business, economic opportunity, disaster, displaced business, consumer protection (meat, egg, poultry), occupational safety and health, coal mine health and safety, and strategic arms limitation economic injury loans, and handicapped assistance loans:

(1) Assistant Regional Director for Finance & Investment.

(2) Regional Loan Specialist, Finance and Investment.

(3) District Directors.

(4) Assistant District Director for Finance & Investment.

(5) Chief, Financing Division.

b. For fully undisbursed or partially disbursed business, economic opportunity, disaster, displaced business, consumer protection (meat, egg, poultry), occupational safety and health, strategic arms limitation economic injury, and coal mine health and safety loans, and handicapped assistance loans: Not Applicable.

c. For business, economic opportunity, disaster, displaced business, consumer protection (meat, egg, poultry), coal mine health and safety, strategic arms limitation economic injury, and occupational safety and health loans, and handicapped assistance loans personally approved under delegated authority: Not Applicable.

4. To approve minor modifications in fully undisbursed loan authorization:

a. Loan Specialist, Financing Division.

5. a. To extend the disbursement period on all loan authorizations:

(1) Assistant Regional Director for Finance & Investment.

(2) Regional Loan Specialist, Finance & Investment.

(3) District Directors.

(4) Assistant District Director for Finance & Investment.

(5) Chief, Financing Division.

b. To extend the disbursement period on all loan authorizations on loans fully undisbursed:

(1) Assistant Regional Director for Finance & Investment.

(2) Regional Loan Specialist, Finance & Investment.

(3) District Directors.

(4) Assistant District Director for Finance & Investment.

(5) Chief, Financing Division.

6. To approve service charges by participating banks not to exceed 2 percent per annum on the outstanding principal balance of construction loans and loans involving accounts receivable and inventory financing:

a. Assistant Regional Director for Finance & Investment.

b. Regional Loan Specialist, Finance & Investment.

c. District Directors.

d. Assistant District Director for Finance & Investment.

e. Chief, Financing Division.

PART II—DISASTER PROGRAM

SECTION A. DISASTER LOAN AUTHORITY

1. To decline direct disaster and immediate participation disaster loans in any amount and to approve such loans up to the total SBA funds of (1) $50,000 per household for repairs or replacement of the home and/or not to exceed an additional $10,000 allowable for household goods and personal items, but in no event may the money loaned for physical loss or damage exceed $55,000 for a single disaster on home loans, except for funds to refinance prior liens or mortgages, which may be approved in addition to the foregoing limits for amounts up to $50,000; and (2) $500,000 on disaster business loans (excluding displaced business loans, coal mine health

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and safety, occupational safety and health, strategic arms limitation economic injury, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters) except to the extent of refinancing of a previous SBA disaster loan:

a. Assistant Regional Director for Finance & Investment.
b. Regional Loan Specialist, Finance & Investment.
c. District Directors.
d. Assistant District Director for Finance and Investment.
e. Chief, Financing Division.
f. Disaster Branch Managers.

2. To decline direct disaster and immediate participation disaster loans (excluding displaced business loans, coal mine health and safety, occupational safety and health, strategic arms limitations economic injury, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters) in any amount and to approve such loans up to the total SBA funds of $50,000:

a. Disaster Branch Supervisory Loan Specialist, if assigned.

3. To decline disaster guaranteed loans in any amount and to approve such loans up to an SBA guarantee of the following amounts:

a. Assistant Regional Director for Finance & Investment, $500,000.
b. Regional Loan Specialist, Finance & Investment, $500,000.
c. District Directors, $500,000.
d. Assistant District Director for Finance & Investment, $500,000.
e. Chief, Financing Division, $500,000.
f. Disaster Branch Managers, $500,000.

4. To appoint as a processing representative any bank in the disaster area:

a. Assistant Regional Director for Finance & Investment.
b. Regional Loan Specialist, Finance & Investment.
c. District Directors.
d. Disaster Branch Managers.

SECTION B. ADMINISTRATIVE AUTHORITY

1. Establishment of Disaster Field Offices. (a) To establish field offices upon receipt of advice of the designation of a disaster area and to close disaster field offices when no longer advisable to maintain such offices; and (b) to obligate the Small Business Administration to reimburse the General Service Administration for the rental of temporary office space:

a. Assistant Regional Director for Administration.
b. District Director.
c. Assistant Regional Director for Finance & Investment.
d. Assistant District Director for Finance & Investment.
e. Disaster Branch Manager.
f. Chief, Financing Division.

2. Purchase and Contract Authority.

a. To contract for local credit bureau services and loss verification services pursuant to Chapter 4 of Title 41, United States Code, as amended, subject to the limitations contained in section 257 (a) and (b) of that Chapter:

(1) Assistant Regional Director for Administration.
(2) District Director.
(3) Disaster Branch Manager.
(4) Regional Office Services Manager.
(5) District Administrative Officer.
(6) Assistant District Director for Finance & Investment.
(7) Chief, Financing Division.

b. To purchase office supplies and equipment, including office machines and rent regular office equipment and furnishings; contract for printing (Government sources only); contract for services required in setting up and dismantling and moving SBA exhibits; and issue United States Code, as amended, subject to the limitations contained in section 257 (a) and (b) of that Chapter:

(1) Assistant Regional Director for Administration.
(2) District Director.
(3) Disaster Branch Manager.
(4) Regional Office Services Manager.
(5) District Administrative Officer.
(6) Assistant District Director for Finance & Investment.
(7) Chief, Financing Division.

PART III—COMMUNITY ECONOMIC DEVELOPMENT (CED) PROGRAM

SECTION A. SECTIONS 501 AND 502 LOAN APPROVAL AUTHORITY

1. To approve or decline section 501 state development company loans:

a. Without dollar limitation:

(1) Assistant Regional Director for Finance & Investment.

b. Up to the following amounts (SBA Share), provided the official concurs in at least one prior recommendation:

(1) Regional Loan Specialist, Finance & Investment, $350,000.
(2) District Director, $350,000.
(3) Assistant District Director for Finance & Investment, $350,000.
(4) Chief, Community Economic Development Division, $350,000.

2. To approve or decline section 502 local development company loans:

a. Up to the following amount (SBA Share): Not Applicable.

b. Up to the following amount (SBA Share) when project cost does not exceed $1,000,000 provided the official concurs in at least one prior recommendation:

(1) Assistant Regional Director for Finance & Investment, $350,000.
(2) Regional Loan Specialist, Finance & Investment, $350,000.

c. Up to the following amount (SBA Share) when project cost does not exceed $700,000 provided the official concurs in at least one prior recommendation:

(1) District Director, $350,000.
(2) Assistant District Director for Finance & Investment, $350,000.
(3) Chief, Community Economic Development Division, $350,000.

SECTION B. OTHER 501 AND 502 AUTHORITY

1. a. To extend the disbursement period on sections 501 and 502 loan authorizations:

(1) Assistant Regional Director for Finance & Investment.
(2) Regional Loan Specialist, Finance & Investment.
(3) District Director.

b. To extend the disbursement period on fully undisbursed sections 501 and 502 loans:

(1) Assistant District Director for Finance & Investment.
(2) Chief, Community Economic Development Division.
(3) Economic Development Specialist, Community Economic Development Division.

2. a. To execute sections 501 and 502 loan authorizations for loans approved by higher authority and for loans personally approved under delegated authority:

(1) Assistant Regional Director for Finance & Investment.
(2) Regional Loan Specialist, Finance & Investment.
(3) District Director.
(4) Assistant District Director for Finance & Investment.
(5) Chief, Community Economic Development Division.
(6) Economic Development Specialist, Community Economic Development Division.

3. a. To cancel, reinstate, modify, and amend authorizations for sections 501 and 502 loans:

(1) Assistant Regional Director for Finance & Investment.
(2) Regional Loan Specialist, Finance & Investment.
(3) District Director.

b. To cancel, reinstate, modify, and amend authorizations for fully undisbursed or partially disbursed sections 501 and 502 loans:

(1) Assistant District Director for Finance & Investment.
(2) Chief, Community Economic Development Division.
(3) Economic Development Specialist, Community Economic Development Division.

4. To enter into section 502 loan participation agreements with banks:

a. Assistant Regional Director for Finance & Investment.
b. Regional Loan Specialist, Finance & Investment.
c. District Director.
d. Assistant District Director for Finance & Investment.
e. Chief, Community Economic Development Division.
f. Economic Development Specialist, Community Economic Development Division.

SECTION C. LEASE GUARANTEE APPROVAL AUTHORITY

1. To approve or decline applications for the district guarantee of payment of rent not to exceed the following amounts:

a. Assistant Regional Director for Finance & Investment, $500,000.
b. Regional Loan Specialist, Finance & Investment, $500,000.
c. District Director, $500,000.

d. Assistant District Director for Finance & Investment, $500,000.
e. Chief, Community Economic Development Division, $500,000.

2. To guarantee sureties of small businesses against portions of losses resulting from the breach of bid, payment, or performance bonds on contracts not to exceed $500,000:

a. Assistant Regional Director for Finance & Investment.
b. Regional Loan Specialist, Finance & Investment.

SECTION D. OTHER LEASE GUARANTEE AUTHORITY

1. a. To issue and modify commitment letters:

(1) Assistant Regional Director for Finance & Investment.
(2) Regional Loan Specialist, Finance & Investment.
(3) District Director.
(4) Assistant District Director for Finance & Investment.
(5) Chief, Community Economic Development Division.

SECTION E. EDA LOAN DISBURSEMENT AUTHORITY

1. a. To disburse approved EDA loans, as authorized:

(1) District Director.
(2) Assistant District Director for Finance & Investment.
(3) Chief, Community Economic Development Division.
(4) Economic Development Specialist, Community Economic Development Division.

PART IV—PORTFOLIO MANAGEMENT (PM) PROGRAM

SECTION A. PORTFOLIO MANAGEMENT, SERVICING, COLLECTION, AND LIQUIDATION AUTHORITY

1. To take all necessary actions in connection with the administration, servicing, collection, and liquidation of all loans, exclusive of matters in litigation, and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing, the assignment, endorsement, transfer, and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator; the execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing; the approval of bank applications for use of liquidity privilege under the loan guaranty plan; and to advertise regarding the public sale of collateral in connection with the liquidation of loans, and acquired property:

a. *Except.* To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement:

(1) Assistant Regional Director for Finance & Investment.
(2) Regional Loan Specialist, Finance & Investment.
(3) District Director.
(4) Assistant District Director for Finance & Investment.
(5) Chief, Portfolio Management Division.

b. *Except.* To compromise or sell any primary obligation or other evidence of indebtedness owned to the Agency for a sum less than the total amount due thereon; to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement; to authorize the liquidation of a loan; and the cancellation of authority to liquidate: Not Applicable.

c. *Except.* To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement; to authorize the liquidation of a loan other than a disaster home loan and the cancellation of authority to liquidate any loan other than a disaster home loan. Not Applicable.

2. To contract for the services of fee appraisers, engineering, marketing and feasibility studies, and other required services, in conjunction with loan processing, servicing, and loan liquidation:

a. Assistant Regional Director for Finance & Investment.
b. Regional Loan Specialist, Finance & Investment.
c. District Director.
d. Assistant District Director for Finance & Investment.
e. Chief, Portfolio Management Division.
f. Chief, Financing Division.

3. To take all necessary action in liquidating Economic Development Administration (EDA) loans, exclusive of matters in litigation, and acquired collateral, when and as authorized by EDA:

a. Assistant Regional Director for Finance & Investment.
b. Regional Loan Specialist, Finance & Investment.
c. District Director.
d. Assistant District Director for Finance & Investment.
e. Chief, Portfolio Management Division.

SECTION B. PORTFOLIO MANAGEMENT, SERVICING, AND COLLECTION AUTHORITY

1. To take all necessary actions in connection with the administration, servicing, and collection of all loans, other than those accounts classified as "in liquidation", and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing, the assignment, endorsement, transfer and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator; the execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations releases (in whole or part) of liens, satisfaction pieces, affidavits, and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing; and the approval of bank applications for use of liquidity privilege under the loan guaranty plan:

a. *Except.* To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement; to authorize the liquidation of a loan other than a disaster home loan and the cancellation of authority to liquidate: Not Applicable.

2. To approve the following actions:

a. Use of such portions of the cash surrender value of assigned life insurance as are required to pay premiums due on the policy.

b. Release of dividends on assigned life insurance or consent to application of dividends against premiums due or to become due.

c. Minor modifications in the authorizations.

d. Extension of disbursement period on loans partially undisbursed.

e. Extension of initial principal payments.

f. Adjustment of interest payment dates.

g. Release of hazard insurance checks not in excess of $500 and endorsement of such checks on behalf of the Agency where SBA is named as joint loss payee.

h. Release of equipment with or without consideration where the value of

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equipment being released does not exceed $500.

(1) Concerning all current direct and participation loans and First Mortgage Plan 502 loans:

(a) Loan Specialist, Portfolio Management Division.

(2) Concerning all direct and participation loans:

(a) Loan Specialist, Portfolio Management Division.

SECTION C. LEASE GUARANTEE ADMINISTRATION AND SERVICING AUTHORITY

1. a. To service claims arising under all lease insurance policies issued in the region, approving the payment, or recommending denial of such claims:

(1) Assistant Regional Director for Finance & Investment.

(2) Regional Loan Specialist, Finance & Investment.

b. To service claims arising under all lease insurance policies issued in the district, approving the payment, or recommending denial of such claims:

(1) District Director.

(2) Assistant District Director for Finance & Investment.

(3) Chief, Portfolio Management Division.

2. To take all actions necessary to mitigate losses from lease guarantees:

a. Assistant Regional Director for Finance & Investment.

b. Regional Loan Specialist, Finance & Investment.

c. District Director.

d. Assistant District Director for Finance & Investment.

e. Chief, Portfolio Management Division.

f. Loan Specialist, Portfolio Management Division.

PART V—PROCUREMENT ASSISTANCE

SECTION A. CERTIFICATE OF COMPETENCY APPROVAL AUTHORITY

1. With the exception of re-referred cases, to approve applications for Certificates of Competency up to but not exceeding $250,000 bid value received from small business concerns located within the geographical jurisdiction of the following:

a. Assistant Regional Director for Procurement Assistance.

2. To deny an application for a Certificate of Competency when an adverse determination as to capacity or credit is concurred in:

a. Assistant Regional Director for Procurement Assistance.

SECTION B. SECTION 8(a) CONTRACTING AUTHORITY

1. To enter into contracts on behalf of the Small Business Administration with the U.S. Government and any department, agency, or officer thereof having procurement powers, obligating the Small Business Administration to furnish articles, equipment, supplies, or materials to the Government and agreeing as to the terms and conditions of such contracts:

a. Assistant Regional Director for Procurement Assistance.

2. To arrange for the performance of such contracts by negotiating or otherwise letting subcontracts to small business concerns or others for the manufacture, supply, or assembly of such articles, equipment, supplies, or materials, or parts thereof, or servicing or processing in connection therewith, or such management services as may be necessary to enable the Small Business Administration to perform such contracts:

a. Assistant Regional Director for Procurement Assistance.

3. To certify to any officer of the Government having procurement powers that the Small Business Administration is competent to perform any specific Government procurement contract to be let by any such officer;

a. Assistant Regional Director for Procurement Assistance.

PART VI—MANAGEMENT ASSISTANCE

SECTION A. MANAGEMENT ASSISTANCE—SECTION 406 CONTRACT MANAGEMENT AUTHORITY

1. To take all necessary actions in connection with the Administration and management of contracts, executed by the Associate Administrator for Procurement and Management Assistance under the authority granted in Section 406 of the Economic Opportunity Act of 1964, as amended, except changes, amendments, modifications, or termination of the original contract:

a. Assistant Regional Director for Management Assistance.

b. District Director.

c. Assistant District Director for Management Assistance.

PART VII—LEGAL SERVICES

SECTION A. AUTHORITY TO CONDUCT LITIGATION ACTIVITIES

1. To conduct all litigation activities, including SBIC matters, as assigned, and to take all action necessary in connection with matters in litigation; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator, as to all matters in litigation.

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates, and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing, as to all matters in litigation.

(1) *Except.* To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement:

(a) Regional Counsel.

(b) Attorneys, Regional Office.

(c) District Director.

(2) *Except.* To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement; to authorize the liquidation of a loan; and the cancellation of authority to liquidate:

(a) District Counsel.

(b) Attorneys, District Office.

2. To conduct all litigation activities, including SBIC matters, as assigned, and to take all action necessary in connection with matters in litigation; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, with the exception of the following, which are reserved to regional and district counsel:

a. The assignment, endorsement, transfer and delivery of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator, as to all matters in litigation.

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates, and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing, as to all matters in litigation: Not Applicable.

3. To take all necessary action in liquidating Economic Development Administration (EDA) loans having litigative aspects, when and as authorized by EDA:

a. Regional Counsel.

b. Attorneys, Regional Office.

c. District Director.

d. District Counsel.

e. Attorneys, District Office.

SECTION B. LOAN CLOSING AUTHORITY

1. To close and disburse approved SBA loans and rehabilitation loans for Department of Housing and Urban Development:

a. Regional Counsel.

b. Attorneys, Regional Office.

c. District Director.

d. District Counsel.

e. Attorneys, District Office.

2. To close and disburse approved SBA loans: Not Applicable.

3. To close approved EDA loans, as authorized:

a. Regional Counsel.

b. Attorneys, Regional Office.

c. District Director.

d. District Counsel.

e. Attorneys, District Office.

4. To approve, when requested, in advance of disbursements, conformed copies of notes and other closing documents; and certify to the participating bank that such documents are in compliance with the participation authorization:

a. Regional Counsel.

b. Attorneys, Regional Office.

c. District Director.

d. District Counsel.

e. Attorneys, District Office.

PART VIII—ELIGIBILITY AND SIZE DETERMINATIONS

SECTION A. ELIGIBILITY DETERMINATIONS

1. a. In accordance with Small Business Administration standards and policies, to determine elegibility of applicants for assistance under any program of the Agency,

(1) *Except.* The SBIC program:

a. Assistant Regional Director for Finance & Investment.

b. Regional Loan Specialist, Finance & Investment.

c. District Director.

d. Assistant District Director for Finance & Investment.

e. Chief, Financing Division.

(2) *Except.* The SBIC and Community Economic Development Programs: Not Applicable.

b. In accordance with Small Business Administration standards and policies, to determine eligibility of applicants for assistance under the sections 501 and 502 program of the Agency: Not Applicable.

SECTION B. SIZE DETERMINATIONS

1. a. To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, and further, to make product classification decisions *for financial assistance purposes only:*

(1) Assistant Regional Director for Finance & Investment.

(2) Regional Loan Specialist, Finance & Investment.

(3) District Director.

(4) Assistant District Director for Finance & Investment.

(5) Chief, Financing Division.

b. To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, and further, to make product classification decisions for financing purposes only:

(1) Assistant Regional Director for Finance & Investment.

(2) Regional Loan Specialist, Finance & Investment.

(3) District Director.

(4) Assistant District Director for Finance & Investment.

(5) Chief, Financing Division.

c. To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, except sections 501 and 502 loans, and further, to make product classification decisions for financing purposes only: Not Applicable.

d. To make initial size determinations in all sections 501 and 502 loans within the meaning of the Small Business Size Standards Regulations, as amended, and further, to make product classification decisions for sections 501 and 502 loans only:

(1) Chief, Community Economic Development Division.

e. To make initial size determinations in procurement matters:

(1) Assistant Regional Director for Procurement Assistance.

(2) District Director.

(3) Assistant District Director for Procurement Assistance.

(4) Chief, Procurement Assistance Division.

Product classification decisions for procurement purposes are made by contracting officers.

PART IX—ADMINISTRATIVE

SECTION A. AUTHORITY TO PURCHASE, RENT, OR CONTRACT FOR EQUIPMENT, SERVICES, AND SUPPLIES

1. To purchase reproductions of loan documents, chargeable to the revolving fund, requested by U.S. attorneys in foreclosure cases:

a. Assistant Regional Director for Administration.

b. Office Services Manager, Regional Office.

c. District Director.

d. District Administrative Officer.

2. To purchase office supplies and equipment, including office machines and rent regular office equipment and furnishings; contract for repair and maintenance of equipment and furnishings; contract for printing (Government sources only); contract for services required in setting up and dismantling and moving SBA exhibits; and issue Government bills of lading pursuant to Chapter 4 of Title 41, United States Code, as amended, subject to the limitations contained in section 25 (a) and (b) of that Chapter.

a. Assistant Regional Director for Administration.

b. Office Services Manager, Regional Office.

c. District Director.

d. District Administrative Officer.

3. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

a. Assistant Regional Director for Administration.

b. Office Services Manager, Regional Office.

c. District Director.

d. District Administrative Officer.

4. Use of Seal of the Small Business Administration. To certify true copies of any books, records, papers, or other documents on file with the Small Business Administration; to certify extracts from such material; to certify the nonexistence of records on file; and to cause the Seal of the Small Business Administration to be affixed to all such certifications.

a. District Director.

PART X—EXERCISE OF AUTHORITY BY OFFICIAL IN AN ACTING CAPACITY AND REDELEGATION

The authority delegated herein to a specific position may not be redelegated; however, such authority may be exercised by an SBA employee designed as acting in that position.

PART XI—RECISION OF AUTHORITY

All authority previously delegated by the Administrator to specific positions in Region VII is hereby rescinded without prejudice to actions taken under all such delegations of authority prior to effective date hereof.

Effective Date. Regional Office and all District Offices—January 28, 1974.

DERYL K. SCHUSTER,
Regional Director,
Region VII.

[FR Doc.74-14679 Filed 6-26-74;8:45 am]

[License No. 01/01/0031]

SCI-TRONICS FUND, INC.

Filing of Application for Transfer of Control

Notice is hereby given that an application has been filed with the Small Business Administration (SBA) pursuant to § 107.701 of the regulations governing Small Business Investment Companies (13 CFR § 107.701 (1974)) for the Transfer of Control of Sci-Tronics Fund, Inc. (the Applicant), License No. 01/01-0031, 43 Spring Street, Nashua, New Hampshire 03060, a Federal Licensee under the Small Business Investment Act of 1958, as amended (Act).

The Applicant was licensed on October 13, 1961, with paid-in capital and paid-in surplus of $157,500. As of March 31, 1974, its capital and surplus amounted to $372,100. Simultaneous with the transfer of control, the proposed transferees will invest an additional $60,000 in the Applicant. This will increase the Applicant's private capital to $432,100.

In order to effect the proposed transfer of control, the Applicant will sell three securities (Cetron Electronics, Inc., Centronics Data Computer Corp., and Florida International Land Corp.) to the proposed transferees. The existing shareholders of the Applicant will form a new company, Shareholders Holding Company or Liquidating Sci-Tronics Fund (Shareholders). The existing shareholders will then exchange their stock in the

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Applicant for stock in Shareholders. Shareholders will then exchange the Applicant's stock to the proposed transferees for the three securities (Cetron Electronics, Inc., Centronics Data Computer Corporation, and Florida International Land Corp.) subject to a lien in favor of the New England Merchants Bank.

The proposed transferees, as additional consideration, agree to pay Shareholders an amount equal to any sums of money collected by the Applicant from the loan agreements with two portfolio concerns (Apollo Industries, Inc. and Florida International Land Corp.). The funds collected by the Applicant on the loans will be retained by the Applicant.

There is no contingent liability by the Applicant to Shareholders in connection with the proposed transfer of control.

There has not and will not be any pledge or assignment of the Applicant's stock for any borrowings or in any manner connected with the proposed transfer of control.

The names and addresses of the contemplated officers, directors and stockholders of the Applicant are as follows:

Name	Title	Ownership (percent)
Carl Heid Novotny, 12 Countryside Rd., South Natick, Mass. 01760.	President and director.	50
Robert Paul Walker, 106 Bradlee Ave., Swampscott, Mass. 01907.	Treasurer and director.	50
Allen (NMI) Goodman, 27 Reservoir Dr., Newton, Mass. 02158.	Director	

The Applicant will pay a management fee to a management company controlled by Messrs. Novotny and Walker to cover all annual remuneration and other emoluments of officers and directors, clerical staff, and certain other expenses incurred in the operation of the applicant.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed transferees and the probability of successful operation of the Applicant under their control and management in accordance with the act and regulations.

Notice is further given that any interested person may submit their comments on the proposed transfer of control to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, NW, Washington, D.C. 20416, on or before July 12, 1974.

A similar notice shall be published by the proposed transferees in a newspaper of general circulation in Nashua, New Hampshire.

Dated: June 20, 1974.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.74-14680 Filed 6-26-74;8:45 am]

[Notice of Disaster Loan Area 1064]

NORTH DAKOTA

Disaster Relief Availability, Amended Notice

As a result of the President's declaration of the State of North Dakota as a major disaster area following heavy rains, snowmelt runoff, and flooding beginning on or about April 14, 1974, applications for disaster relief loans will be accepted by the Small Business Administration from flood victims in the following additional Counties: Eddy, Emmons, Foster and Nelson, and adjacent affected areas. (See 39 FR 21093.)

Applications may be filed at the:

Small Business Administration
District Office
Federal Office Building, Room 218
653 Second Avenue North
Fargo, North Dakota 58102

and at such temporary offices as are established. Such addresses will be announced locally.

Applications for disaster loans under this announcement must be filed not later than August 5, 1974.

Dated: June 6, 1974.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.74-14687 Filed 6-26-74;8:45 am]

VETERANS ADMINISTRATION

VETERANS ADMINISTRATION WAGE COMMITTEE

Notice of Meetings

Pursuant to the provisions of section 10 of Public Law 92-463, notice is hereby given that meetings of the Veterans Administration Wage Committee will be held on:

Friday, July 5, 1974
Thursday, August 1, 1974
Thursday, August 15, 1974
Thursday, September 12, 1974
Thursday, September 26, 1974

The meetings will convene at 2:30 p.m. and will be held in Room 1144C, Veterans Administration Central Office, 810 Vermont Avenue, NW., Washington, D.C.

The Committee's primary responsibility is to consider and make recommendations to the Chief Medical Director, Department of Medicine and Surgery, on all matters involved in the development and authorization of wage rate schedules for Federal Wage System employees.

At these scheduled meetings, the Committee will consider wage survey specifications, wage survey data, local committee reports and recommendations, statistical analyses, and proposed wage schedules derived therefrom.

Under the provisions of section 10(d) of Public Law 92-463, the Administrator of Veterans Affairs has determined that these meetings will be closed to the public based on the review of wage data for which confidentiality has been assured to companies participating in Federal wage surveys.

However, members of the public who wish to do so are invited to submit material in writing to the Chairman regarding matters believed to be deserving of the Committee's attention. Additional information concerning these meetings may be obtained by contacting the Chairman, Veterans Administration Wage Committee, Room 1175, 810 Vermont Avenue, NW., Washington, DC.

Dated: June 20, 1974.

By direction of the Administrator.

[SEAL] R. L. ROUDEBUSH,
Deputy Administrator.

[FR Doc.74-14702 Filed 6-26-74;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 538]

ASSIGNMENT OF HEARINGS

JUNE 24, 1974.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC-2860 Sub 139, National Freight, Inc., now being assigned hearing October 1, 1974 (1 day), in Room 228, Federal Bldg., & U.S. Courthouse, 85 Marconi Boulevard, Columbus, Ohio.

MC-F-12097, Wills Trucking, Inc.—Purchase (Portion)—Dry Bulk Transport, Inc., now being assigned hearing October 2, 1974 (3 days), in Room 228, Federal Bldg., & U.S. Courthouse, 85 Marconi Boulevard, Columbus, Ohio.

MC-C-8228, Harrison-Shields Transportation Lines, Inc.—Investigation and Revocation of Certificates, now being assigned hearing October 7, 1974 (1 day), in Room 235, Federal Bldg., & U.S. Courthouse, 85 Marconi Boulevard, Columbus, Ohio.

MC-128383 Sub 43, Pinto Trucking Service, Inc., now being assigned hearing October 8, 1974 (1 day), in Room 235, Federal Bldg., & U.S. Courthouse, 85 Marconi Boulevard, Columbus, Ohio.

MC-139188, Breyer Exchange, Inc., now being assigned hearing October 9, 1974 (3 days), in Room 235, Federal Bldg., & U.S. Courthouse, 85 Marconi Boulevard, Columbus, Ohio.

MC-26396 Sub 104, Popelka Trucking Co., DBA The Waggoners, now being assigned hearing September 19, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 10223 Sub 3, Mack Transportation Company, Extension Conversion Application, now being assigned hearing September 9, 1974 (1 week), at Philadelphia, Pa., in a hearing room to be later designated.

MC-95813 Sub 13, Shumaker Trucking Co., now being assigned hearing September 30, 1974 (1 day), at Philadelphia, Pa. in a hearing room to be later designated.

MC-134922 Sub 56, B. J. McAdams, Inc., now being assigned hearing October 1, 1974 (1 day), at Philadelphia, Pa., in a hearing room to be later designated.

MC-25399 Sub 10, A-P-A Transport Corp., now being assigned hearing October 2, 1974 (3 days), at Philadelphia, Pa., in a hearing room to be later designated.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-14749 Filed 6-26-74;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

JUNE 24, 1974.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's *Gateway Elimination* Rules (49 CFR 1065(a)), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before July 8, 1974. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will *not* operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC-730 (Sub-No. E60), filed May 30, 1974. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., P.O. Box 638, Oakland, California 94612. Applicant's representative: R. N. Cooledge (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except chemicals for human consumption, silicate of soda, petroleum products, liquid glue, and formaldehyde), in bulk, in tank vehicles, from points in Idaho to points in that part of California in and north of San Luis Obispo, Kern, and Inyo Counties. The purpose of this filing is to eliminate the gateway of points in Oregon.

No. MC-1380 (Sub-No. E4), filed May 13, 1974. Applicant: COLONIAL MOTOR FREIGHT LINE, INC., P.O. Box 5468, High Point, N.C. 27262. Applicant's representative: Max H. Towery (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Baltimore, Md., on the one hand, and, on the other, points in that part of North Carolina on and east of U.S. Highway 52 and Franklin, Nash, Edgecombe, Martin, and Beaufort Counties. The purpose of this filing is to eliminate the gateway of Raleigh, N.C.

No. MC-2860 (Sub-No. E1), filed May 17, 1974. Applicant: NATIONAL FREIGHT INC., 57 Westpark Ave., Vineland, N.J. 08360. Applicant's representative: Jacob P. Biling, 1126 Sixteenth St. NW., Suite 300, Washington, D.C. 20030. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers in packages, cartons, and partitions*, from points in Massachusetts, Connecticut, and Rhode Island, that part of New York on and east of a line beginning at Port Jervis, thence along U.S. Highway 209 to junction Interstate Highway 87, thence along Interstate Highway 87 to the International Boundary line, between the United States and Canada that part of Pennsylvania on and east of a line beginning at the New York-Pennsylvania State line, thence along U.S. Highway 209 to junction Pennsylvania Highway 191, thence along Pennsylvania Highway 191 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction Pennsylvania Highway 29, thence along Pennsylvania Highway 29 to junction Pennsylvania Highway 100, thence along Pennsylvania Highway 100 to the Pennsylvania-Delaware State line, points in New Jersey (except points in Salem County), to points in that part of Virginia on and east of a line beginning at the Atlantic Ocean, thence along U.S. Highway 60 to junction U.S. Highway 250, thence along U.S. Highway 250 to the Virginia-West Virginia State line, and that part of West Virginia on and south of U.S. Highway 250. The purpose of this filing is to eliminate the gateway of Gloucester City, N.J.

No. MC-2860 (Sub-No. E2), filed May 17, 1974. Applicant: NATIONAL FREIGHT INC., 57 Westpark Avenue, Vineland, N.J. 08360. Applicant's representative: Jacob P. Billing, 1126 16th Street, NW., Suite 300, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits; frozen vegetables, and frozen berries* (except commodities in bulk), from Chicago, Ill., Indianapolis, Ind., Kansas City, St. Joseph, and St. Louis, Mo., Green Bay, Sussex, and Sturgeon Bay, Wis., points in Michigan, and points in that part of Ohio on and west of Interstate Highway 75, to points in Rhode Island, those parts of Massachusetts, Connecticut, New York, New Jersey, and Pennsylvania, on and east of U.S. Highway 202, and points in that part of Delaware on and north of Delaware Highway 16. The purpose of this filing is to eliminate the gateway of Vineland, N.J.

No. MC-25798 (Sub-No. E30), filed May 30, 1974. Applicant: CLAY HYDER TRUCKING LINES, INC., P.O. Box 1186, Auburndale, Fla. 33823. Applicant's representative: Tony G. Russell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Citrus products, not canned and not frozen*, from points in Florida east and southeast of the Eastern boundary of Jefferson County, to points in Oregon and points in Washington on and west of a line formed by Oregon Highway 11, beginning at the Washington-Oregon State line, thence along Oregon Highway 11 to U.S. Highway 12, thence along U.S. Highway 12 to Oregon Highway 240, thence north on Oregon Highway 240 to Oregon Highway 243, thence along Oregon Highway 243 to Interstae Highway 90, thence north on Interstate Highway 90 to Oregon Highway 281, thence along Oregon Highway 281 to Oregon Highway 28, thence along Oregon Highway 28 to U.S. Highway 2, thence along U.S. Highway 2 to Interstate Highway 5, thence along Interstate Highway 5 to the United States-Canada International Boundary line. The purpose of this filing is to eliminate the gateway of Raymondsville, Tex.

No. MC-61592 (Sub-No. E9), filed June 3, 1974. Applicant: JENKINS TRUCK LINES, INC., P.O. Box 697, Jeffersonville, Ind. 47130. Applicant's representative: Bob Jenkins (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements and parts and attachments thereto* (except those commodities the transportation of which because of size or weight require the use of special equipment and farm tractors), from the plant site of Midland Manufacturing Company, Inc., at or near Electric Mills, Miss., to points in Michigan, Missouri, Ohio, South Dakota, and Wisconsin. The purpose of this filing is to eliminate the gateway of Memphis, Tenn.

No. MC-61592 (Sub-No. E11), filed June 3, 1974. Applicant: JENKINS TRUCK LINES, INC., P.O. Box 697, Jeffersonville, Ind. 47130. Applicant's representative: Bob Jenkins (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural and garden tractors, agricultural implements* (except truck-tractors and commodities and transportation of which requires, because their size or weight, the use of special equipment), from the facilities used by the Deutz Tractor Corporation in St. Charles County, Mo., to points in Wisconsin, on and south of U.S. Highway 10, Minnesota, and South Dakota. The purpose of this filing is to eliminate the gateway of Moline, Ill.

No. MC-61832 (Sub-No. E4), filed June 4, 1974. Applicant: PITZER TRANSFER

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& STORAGE CORPORATION, 341 Reserve Avenue SW., Roanoke, Va. 24005. Applicant's representative: John R. Sims, Jr., 1707 H Street NW., Suite 600, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Tennessee, on the one hand, and, on the other, points in that part of Virginia in and east of Henry, Franklin, Roanoke and Craig Counties, Va. The purpose of this filing is to eliminate the gateway of Roanoke, Va.

No. MC–64932 (Sub-No. E41), filed June 3, 1974. Applicant: ROGERS CARTAGE CO., 10735 So. Cicero Avenue, Oak Lawn, Ill. 60453. Applicant's representative: W. F. Farrell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Kanville, Ill., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Kansas, Louisiana, Maine, Maryland, Massachusetts, Mississippi, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas (except Harris Co.), Vermont, Virginia, West Virginia, and those portions of Colorado, North Dakota, South Dakota, and New Mexico on and east of U.S. Highway 85. The purpose of this filing is to eliminate the gateways of Terre Haute, Ind., and Marshall, Ill.

No. MC–64932 (Sub-No. E42), filed June 3, 1974. Applicant: ROGERS CARTAGE CO., 10735 So. Cicero Avenue, Oak Lawn, Ill. 60453. Applicant's representative: W. F. Farrell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Dansville, Ill., to points in Harris County, Tex. The purpose of this filing is to eliminate the gateway of Terre Haute, Ind., and St. Louis, Mo.

No. MC–64932 (Sub-No. E43), filed June 3, 1974. Applicant: ROGERS CARTAGE CO., 10735 So. Cicero Avenue, Oak Lawn, Ill. 60453. Applicant's representative: W. F. Farrell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, (except liquid oxygen, liquid hydrogen, liquid nitrogen, and petroleum products as defined by the Commission), in bulk, in tank vehicles, from Joliet, Ill., to points in Delaware and West Virginia. The purpose of this filing is to eliminate the gateway of Carpentersville, Ill.

No. MC–64932 (Sub-No. E44), filed June 3, 1974. Applicant: ROGERS CARTAGE CO., 10735 So. Cicero Avenue, Oak Lawn, Ill. 60453. Applicant's representative: W. F. Farrell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Lemont, Ill., to points in California. The purpose of this filing is to eliminate the gateway of Hammond, Ind., and the plantsite of Baird Chemical Industries, Inc., at or near Mapleton, Ill.

No. MC–64932 (Sub-No. E45) filed June 3, 1974. Applicant: ROGERS CARTAGE CO., 10735 So. Cicero Avenue, Oak Lawn, Ill. 60453. Applicant's representative: W. F. Farrell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Lemont, Ill., to those points in Colorado and New Mexico on and east of U.S. Highway 85. The purpose of this filing is to eliminate the gateway of Hammond, Ind., and the plantsite of National Starch and Chemical Corporation at Meredosia, Ill.

No. MC–64932 (Sub-No. E46), filed June 3, 1974. Applicant: ROGERS CARTAGE CO., 10735 So. Cicero Avenue, Oak Lawn, Ill. 60453. Applicant's representative: W. F. Farrell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Lemont, Ill., to points in Arkansas and Louisiana. The purpose of this filing is to eliminate the gateway of Hammond, Ill., and St. Louis, Mo.

No. MC–64932 (Sub-No. 47), filed June 3, 1974. Applicant: ROGERS CARTAGE CO., 10735 So. Cicero Avenue, Oak Lawn, Ill. 60453. Applicant's representative: W. F. Farrell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Lemont, Ill., to points in Florida, Georgia, Mississippi, South Carolina, and Tennessee. The purpose of this filing is to eliminate the gateways of Terre Haute, Ind., and Marshall, Ill.

No. MC–64932 (Sub-No. E49), filed June 3, 1974. Applicant: ROGERS CARTAGE CO., 10735 So. Cicero Avenue, Oak Lawn, Ill. 60453. Applicant's representative: W. F. Farrell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, (except sulphuric acid and petroleum chemicals), in bulk, in tank vehicles, from Kalamazoo, Mich., to points in Arkansas, Louisiana, Mississippi, and those points in Colorado and New Mexico on and east of U.S. Highway 85. The purpose of this filing is to eliminate the gateway of Marshall, Ill.

No. MC–64932 (Sub-No. E50), filed June 3, 1974. Applicant: ROGERS CARTAGE CO., 10735 So. Cicero Avenue, Oak Lawn, Ill. 60453. Applicant's representative: W. F. Farrell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except sulphuric acid and petroleum chemicals), in bulk, in tank vehicles, from Grand Rapids, Mich., to points in Iowa, Minnesota, Missouri, Nebraska, Oklahoma, Texas, and Wisconsin. The purpose of this filing is to eliminate the gateway of Chicago Heights, Ill.

No. MC–64932 (Sub-No. E51), filed June 3, 1974. Applicant: ROGERS CARTAGE CO., 10735 So. Cicero Avenue, Oak Lawn, Ill. 60453. Applicant's representative: W. F. Farrell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except sulphuric acid and petroleum chemicals), in bulk, in tank vehicles, from Kalamazoo, Mich., to points in Iowa, Minnesota, Missouri, Nebraska, Oklahoma, Texas, and Wisconsin. The purpose of this filing is to eliminate the gateway of Chicago Heights, Ill.

No. MC–64932 (Sub-No. E53), filed June 3, 1974. Applicant: ROGERS CARTAGE CO., 10735 So. Cicero Avenue, Oak Lawn, Ill. 60453. Applicant's representative: W. F. Farrell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Chicago Heights, Ill., to those points in Colorado and New Mexico, on and east of U.S. Highway 85. The purpose of this filing is to eliminate the gateway of Hammond, Ind., and the plant site of National Starch and Chemical Corporation, at Meredosia, Ill.

No. MC–64932 (Sub-No. E54), filed June 3, 1974. Applicant: ROGERS CARTAGE CO., 10735 So. Cicero Avenue, Oak Lawn, Ill. 60453. Applicant's representative: W. F. Farrell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals* (except petroleum products, as defined by the Commission), in bulk, in tank and hopper vehicles, from Joliet, Ill., to points in Alabama, Kansas, Nebraska, North Carolina, Oklahoma, and Texas. The purpose of this filing is to eliminate the gateway of Chicago Heights, Ill.

No. MC–64932 (Sub-No. E55), filed June 3, 1974. Applicant: ROGERS CARTAGE CO., 10735 So. Cicero Avenue, Oak Lawn, Ill. 60453. Applicant's representative: W. F. Farrell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals* (except petroleum products, as defined by the Commission), from Joliet, Ill., to points in New Jersey, New York, and Pennsylvania. The purpose of this filing is to eliminate the gateway of Ferndale, Mich.

No. MC–64932 (Sub-No. E56), filed June 3, 1974. Applicant: ROGERS CARTAGE CO., 10735 So. Cicero Avenue, Oak Lawn, Ill. 60453. Applicant's representative: W. F. Farrell (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *liquid chemicals* (except petroleum products, as defined by the Commission), in bulk, in tank vehicles, from Joliet, Ill., to points in California. The purpose of this filing is to eliminate the gateway

of the plant site of Baird Chemical Industries, Inc., at or near Mapleton, Ill.

No. MC–64932 (Sub-No. E58), filed June 3, 1974. Applicant: ROGERS CARTAGE CO., 10735 So. Cicero Avenue, Oak Lawn, Ill. 60453. Applicant's representative: W. F. Farrell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals* (except petroleum products, as defined by the Commission), in bulk, in tank vehicles, from Joliet, Ill., to points in Connecticut, Maryland, Massachusetts, and Rhode Island. The purpose of this filing is to eliminate the gateway of the site of the plant of the Stepan Chemical Company at or near Millsdale, Ill.

No. MC–64932 (Sub-No. E59), filed June 3, 1974. Applicant: ROGERS CARTAGE CO., 10735 So. Cicero Avenue, Oak Lawn, Ill. 60453. Applicant's representative: W. F. Farrell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except petroleum products, as defined by the Commission), from Joliet, Ill., to points in Florida and Georgia (except acetic acid to points in Georgia). The purpose of this filing is to eliminate the gateway of St. Louis, Mo.

No. MC–64932 (Sub-No. E60), filed June 3, 1974. Applicant: ROGERS CARTAGE CO., 10735 So. Cicero Avenue, Oak Lawn, Ill. 60453. Applicant's representative: W. F. Farrell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except petroleum products, as defined by the Commission), in bulk, in tank vehicles, from Joliet, Ill., to points in Arkansas and Louisiana. The purpose of this filing is to eliminate the gateway of St. Louis, Mo.

No. MC–64932 (Sub-No. E62), filed June 3, 1974. Applicant: ROGERS CARTAGE CO., 10735 So. Cicero Avenue, Oak Lawn, Ill. 60453. Applicant's representative: W. F. Farrell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, from Lemont, Ill., to points in Pennsylvania and West Virginia. The purpose of this filing is to eliminate the gateway of Hammond, Ind. (a point within the Chicago, Ill., commercial zone).

No. MC–64932 (Sub-No. E63), filed June 3, 1974. Applicant: ROGERS CARTAGE CO., 10735 So. Cicero Avenue, Oak Lawn, Ill. 60453. Applicant's representative: W. F. Farrell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Lemont, Ill., to points in Alabama, Kansas, Nebraska, North Carolina, Oklahoma and Texas. The purpose of this filing is to eliminate the gateways of Hammond, Ind. (a point within the Chicago, Ill., commercial zone), and Chicago Heights, Ill.

No. MC–64932 (Sub-No. E64), filed June 3, 1974. Applicant: ROGERS CARTAGE CO., 10735 So. Cicero Avenue, Oak Lawn, Ill. 60453. Applicant's representative: W. F. Farrell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Lemont, Ill., to points in New Jersey and New York. The purpose of this filing is to eliminate the gateways of Hammond, Ind. (a point within the Chicago, Ill., commercial zone), and Ferndale, Mich.

No. MC–64932 (Sub-No. E65), filed June 3, 1974. Applicant: ROGERS CARTAGE CO., 10735 So. Cicero Avenue, Oak Lawn, Ill. 60453. Applicants representative: W. F. Farrell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Pennsylvania to points in California. The purpose of this filing is to eliminate the gateway of Ferndale, Mich., and the plantsite of Baird Chemical Industries, Inc., at or near Mapleton, Ill.

No. MC–64932 (Sub-No. E67), filed June 3, 1974. Applicant: ROGERS CARTAGE CO., 10735 So. Cicero Avenue, Oak Lawn, Ill. 60453. Applicant's representative: W. F. Farrell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except petro-chemicals), in bulk, in tank vehicles, from points in the Lower Peninsula of Michigan to points in Oregon. The purpose of this filing is to eliminate the gateways of Ferndale, Mich. (a point within the Detroit, Mich., commercial zone) and Swanton, Ohio.

No. MC–64932 (Sub-No. E70), filed June 3, 1974. Applicant: ROGERS CARTAGE CO., 10735 So. Cicero Avenue, Oak Lawn, Ill. 60453. Applicant's representative: W. F. Farrell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except petro-chemicals), in bulk, in tank vehicles, from Swanton, Ohio, to points in Texas and those points in Colorado and New Mexico on and east of U.S. Highway 85. The purpose of this filing is to eliminate the gateway of the plantsite of National Starch and Chemical Corporation at Meredosia, Ill.

No. MC–64932 (Sub-No. E71), filed June 3, 1974. Applicant: ROGERS CARTAGE CO., 10735 So. Cicero Avenue, Oak Lawn, Ill. 60453. Applicant's representative: W. F. Farrell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from the plantsite of Baird Chemical Industries, Inc., at or near Mapleton, Ill., to points in Alabama, Arkansas, Louisiana, Mississippi, and Oklahoma. The purpose of this filing is to eliminate the gateway of St. Louis, Mo.

No. MC–64932 (Sub-No. E72), filed June 3, 1974. Applicant: ROGERS CARTAGE CO., 10735 So. Cicero Avenue, Oak Lawn, Ill. 60453. Applicant's representative: W. F. Farrell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except petro-chemicals), in bulk, in tank vehicles, from Swanton, Ohio, to points in Arkansas, Louisiana, and Oklahoma. The purpose of this filing is to eliminate the gateway of St. Louis, Mo.

No. MC–64932 (Sub-No. E75), filed June 3, 1974. Applicant: ROGERS CARTAGE CO., 10735 So. Cicero Avenue, Oak Lawn, Ill. 60453. Applicant's representative: W. F. Farrell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except petro-chemicals), in bulk, in tank vehicles, from Trenton, Mich., to points in Alabama, Mississippi, Oregon, South Dakota, and Tennessee. The purpose of this filing is to eliminate the gateway of Ferndale, Mich. (a point within the Detroit, Mich., Commercial Zone) and Swanton, Ohio.

No. MC–64932 (Sub-No. E84), filed June 3, 1974. Applicant: ROGERS CARTAGE CO., 10735 So. Cicero Avenue, Oak Lawn, Ill. 60453. Applicant's representative: W. F. Farrell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Trenton, Mich., to points in Kansas, Nebraska, Oklahoma, and Texas. The purpose of this filing is to eliminate the gateway of Ferndale Mich. (a point within the Detroit, Mich., commercial zone) and Chicago Heights, Ill.

No. MC–64932 (Sub-No. E85), filed June 3, 1974. Applicant: ROGERS CARTAGE CO., 10735 So. Cicero Avenue, Oak Lawn, Ill. 60453. Applicant's representative: W. F. Farrell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Trenton, Mich. to points in California. The purpose of this filing is to eliminate the gateway of Ferndale, Mich. (a point within the Detroit, Mich., commercial zone) and the plantsite of Baird Chemical Industries, Inc., at or near Mapleton, Ill.

No. MC–73165 (Sub-No. E9), filed May 14, 1974. Applicant: EAGLE MOTOR LINES, INCORPORATED, P.O. Box 11086, Birmingham, Ala. 35202. Applicant's representative: Carl U. Hurst (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (except those requiring special equipment), (1) from Chattanooga, Tenn., to points in Missouri and Iowa on and west of a line at the Missouri-Arkansas State line, thence over Missouri Highway 17 to Mountain View,

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thence along U.S. Highway 60 to Springfield, Mo., thence along U.S. Highway 65 to Iowa Falls, Iowa, thence along U.S. Highway 20 to Waterloo, thence along U.S. Highway 63 to Iowa-Minnesota State line; (2) from points in Georgia on and southwest of a line beginning at Columbus, thence along U.S. Highway 280 to Americus, thence along U.S. Highway 19 to Albany, thence along Georgia Highway 133 to the Georgia-Florida State line, to points in Kentucky on and west of Interstate Highway 75 and points in Ohio (except those on, west, and north of a line beginning at a point on the Ohio-Pennsylvania State line near Sharon, Pa., and extending along U.S. Highway 62 to Columbus, thence along U.S. Highway 23 to Circleville, thence along U.S. Highway 22 to Cincinnati); (3) from points in Georgia on and south of U.S. Highway 278 to points in Kentucky (except Louisville) on and west of the Tennessee River, Illinois (except points on and within a territory bounded by a line beginning at the Illinois-Indiana State line and extending along U.S. Highway 36 to Decatur, thence along U.S. Highway 51 to La Salle, thence along U.S. Highway 6 to Joliet, thence along Alternate U.S. Highway 66 to junction U.S. Highway 66, thence along U.S. Highway 66 to Chicago, and thence along the Illinois-Indiana State line to points of beginning), Missouri, and Wisconsin;

(4) From points in Georgia on and south of a line beginning at the Alabama-Georgia State line, thence over U.S. Highway 278 to Atlanta, thence U.S. Highway 23 to Macon, thence U.S. Highway 80 to Savannah, to points in Michigan; (5) from points in Georgia, to points in Iowa and Kansas; (6) from points in Mississippi on and southeast of a line beginning at the Alabama-Mississippi State line, thence over U.S. Highway 82 to Greenwood, thence along U.S. Highway 49–E to Yazoo City, thence along U.S. Highway 49 to Jackson, thence along Interstate Highway 80 to Vicksburg, to points in Ohio (except those on, west and north of a line beginning at a point on the Ohio-Pennsylvania State line near Sharon, Pa., and thence along U.S. Highway 62 to Columbus, thence along U.S. Highway 23 to Circleville, thence along U.S. Highway 22 to Cincinnati), and Michigan; (7) from points in Mississippi on and southeast of a line beginning at the Alabama-Mississippi State line, thence over Mississippi Highway 12 to Durant, thence along U.S. Highway 51 to the Mississippi-Louisiana State line, to points in Wisconsin; (8) from points in Mississippi on and east of a line beginning at the Alabama-Mississippi State line, thence over U.S. Highway 82 to Columbus, thence along U.S. Highway 45 to Meridian, thence along Interstate Highway 59 to Mississippi-Louisiana State line, to points in Wisconsin, Iowa, Kansas, north of Interstate Highway 70, and west of U.S. Highway 81 and points in Illinois on an north of U.S. Highway 20; (9) from points in Mississippi on the southeast of Interstate Highway 59 to St. Louis, Missouri, and points in Kentucky (except Louisville), on and east of U.S. Highway 231. The purpose of this filing is to eliminate the gateway of Birmingham, Ala.

No. MC–73165 (Sub-No. E11), filed May 14, 1974. Applicant: EAGLE MOTOR LINES INCORPORATED, P.O. Box 11086, Birmingham, Ala. 35202. Applicant's representative: Carl U. Hurst (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting:

(1) *Iron and steel and iron and steel articles*, as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (except commodities which because of size or weight require special equipment), from the plantsite of Kentucky Electric Steel Company at or near Coalton, Ky., to points in Mississippi, that part of Tennessee on or south of U.S. Highway 72, that part of Arkansas on or south of a line beginning at West Memphis, and extending along U.S. Highway 64 to Searcy, and thence over Arkansas Highway 16 to Clinton, and thence over U.S. Highway 65 to the Arkansas-Missouri State line, and points in Louisiana east of the Mississippi River.

(2) *Iron and steel and iron and steel articles*, as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (except commodities which because of size or weight require special equipment and commodities used in or in connection with the discovery, development, production, refining, manufacturing, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products), from the plantsite of the Kentucky Electric Steel Company at or near Coalton, Ky., to points in Oklahoma on or south of a line beginning at the Oklahoma-Arkansas State line, and extending along U.S. Highway 64 to Buffalo, and thence along U.S. Highway 183 to the Oklahoma-Kansas State line.

(3) *Iron and steel and iron and steel articles*, as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (except commodities which because of size or weight require special equipment and iron and steel buildings, complete, knocked down or in sections), from the plantsite of the Kentucky Electric Steel Company at or near Coalton, Ky., to points in Louisiana and Texas. The purpose of this filing is to eliminate the gateways of Florence, Ala. (to Mississippi, Tennessee, and Arkansas), and Birmingham, Ala. (to Louisiana), in proposal number (1); Decatur, Ala., in proposal number (2); and Florence, Ala., and Lake Providence or Delta, La., in proposal number (3).

No. MC–73165 (Sub-No. E16), filed May 14, 1974. Applicant: EAGLE MOTOR LINES INCORPORATED, P.O. Box 11086, Birmingham, Ala. 35202. Applicant's representative: Carl U. Hurst (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which because of size or weight, require special equipment, and *iron and steel and iron and steel articles* (except those of unusual value, and except dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment), (1) from points in Georgia to points in Texas; (2) from points in Mississippi to points in Virginia; (3) from points in Tennessee on and east of U.S. Highway 231, to points in Texas; (4) from points in Tennessee on and west of U.S. Highway 45 and 45–W to points in Virginia on and east of a line beginning at the Virginia-North Carolina State line over U.S. Highway 220 to Martinsville, thence over U.S. Highway 58 to Clarksville, thence over U.S. Highway 15 to the Virginia-Maryland State line. The purpose of this filing is to eliminate the gateway of Birmingham, Ala.

No. MC–93980 (Sub-No. E2), filed April 24, 1974. Applicant: VANCE TRUCKING COMPANY, INC., P.O. Box 1119, Henderson, N.C. 25736. Applicant's representative: N. P. Strause (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in Dare and Tyrell Counties, N.C., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Indiana, Kentucky, Louisiana, Maine, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, and West Virginia. The purpose of this filing is to eliminate the gateway from the facilities of Union Camp Corporation in Isle of Wight County, Va.

No. MC–95540 (Sub-No. E293), filed May 9, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212–5299 Roswell Rd., NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from Moultrie, Ga., to Denver, Colo. The purpose of this filing is to eliminate the gateway of San Angelo, Tex.

No. MC–95540 (Sub-No. E294), filed May 15, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Tifton, Ga., to points in South Dakota. The purpose of this filing is to eliminate the gateway of points in Tennessee (except Memphis, Tenn., and points in the commercial zone thereof).

No. MC–95540 (Sub-No. E300), filed May 15, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212–5299 Roswell Rd., NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from New York, N.Y., to points in Arizona. The purpose of this filing is to eliminate the gateways of Richmond, Va., and points in Tennessee (except Memphis, Tenn., and points in the commercial zone thereof).

No. MC–95540 (Sub-No. E301), filed May 15, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212–5299 Roswell Rd., NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* (except in bulk, in tank vehicles), from Buffalo, N.Y., to points in California. The purpose of this filing is to eliminate the gateway of points in Tennessee (except Memphis, Tenn., and points in the commercial zone thereof).

No. MC–95540 (Sub-No. E303), filed May 15, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212–5299 Roswell Rd., NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (except frozen dairy products), in vehicles equipped with mechanical refrigeration, from Walton, N.Y., to points in Arkansas. The purpose of this filing is to eliminate the gateway of Doraville, Ga.

No. MC–95540 (Sub-No. E304), filed May 15, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212–5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from points in California, to points in South Carolina. The purpose of this filing is to eliminate the gateway of Dothan, Ala.

No. MC–95540 (Sub-No. E306), filed May 15, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212–5299, Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, and frozen vegetables*, from points in Pennsylvania, south and east of a line beginning at the Pennsylvania-New Jersey State line and extending along U.S. Highway 209 to its intersection with Pennsylvania Highway 93, thence along Pennsylvania Highway 93 to its intersection with Pennsylvania Highway 924, thence along Pennsylvania Highway 924 to its intersection with Pennsylvania Highway 54, thence along Pennsylvania Highway 54 to Ashland, thence along Pennsylvania Highway 61 to its intersection with Interstate Highway 81, thence along Interstate Highway 81, to the Pennsylvania-Maryland State line, to points in Texas south of a line beginning at the Texas-New Mexico State line, and extending along Texas Highway 145 to Kress, thence along Interstate Highway 27 to its intersection with Texas Highway 86, thence along Texas Highway 86 to its intersection with U.S. Highway 287, thence along U.S. Highway 287 to its intersection with Texas Highway 283, thence along Texas Highway 283 to the Texas-Oklahoma State line.

No. MC–95540 (Sub-No. E308), filed May 15, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Tifton, Ga., to points in Idaho. The purpose of this filing is to eliminate the gateway of points in Tennessee (except Memphis, Tenn., and points in the commercial zone thereof).

No. MC–103191 (Sub-No. E1), filed May 12, 1974. Applicant: THE GEO. A. RHEMAN CO., INC., P.O. Box 4255, Greenville, S.C. 29608. Applicant's representative: Harris G. Andrews (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products* as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, in bulk, in tank vehicles, from points in that part of North Carolina on and east of a line beginning at the North Carolina-Virginia State line thence along U.S. Highway 220 to junction North Carolina Highway 68, thence along North Carolina Highway 68 to junction U.S. Highway 311, thence along U.S. Highway 311 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction U.S. Highway 74, thence along U.S. Highway 74 to junction U.S. Highway 1, thence along U.S. Highway 1 to the North Carolina-South Carolina State line, to points in Florida. The purpose of this filing is to eliminate the gateway of Charleston, S.C.

No. MC–105813 (Sub-No. E16), filed May 12, 1974. Applicant: BELFORD TRUCKING CO., INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fruit and vegetable crystals*, in vehicles equipped with mechanical refrigeration, from points in Florida on and south of Interstate Highway 75 from Indian Rocks Beach to its junction with Interstate Highway 4, thence Interstate Highway 4 to its junction with U.S. Highway 192, thence U.S. Highway 192 to its junction with Florida Highway 516, thence Florida Highway 516 to Indialantic, to points in Alabama (except Mobile and points in its commercial zone as defined by the Commission), Georgia (except Savannah and Atlanta and points in their commercial zone as defined by the Commission), South Carolina, Tennessee, and Kentucky, restricted against shipments having an immediately prior or subsequent movement by water. The purpose of this filing is to eliminate the gateway of Lake Wales, Fla.

No. MC–105813 (Sub-No. E17), filed May 12, 1974. Applicant: BELFORD TRUCKING CO., INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned fruits and canned fruit products*, in vehicles equipped with mechanical refrigeration, from points in Florida on and south of Florida Highway 24 from Cedar Key to its junction with Florida Highway 20, thence Florida Highway 20 to its junction with Florida Highway 100, thence Florida Highway 100 to Flagler Beach to points in Alabama (except Mobile), Georgia (except Savannah and Atlanta, Ga., and its commercial zone as defined by the Commission), South Carolina, Tennessee, and Kentucky, restricted against shipments having an immediately prior or subsequent movement by water. The purpose of this filing is to eliminate the gateway of National Gardens (Volusia County) or Fannin (Levy County), Fla.

No. MC–105813 (Sub-No. E18), filed May 12, 1974. Applicant: BELFORD TRUCKING CO., INC., 7000 South Pulaski Rd., Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy*, in vehicles equipped with mechanical refrigeration, (1) from Chicago, Ill., to points in Florida on and south of Florida Highway 40, (2) from Naugatuck, Conn., to points in Florida on and south of Florida Highway 24 from Cedar Key to its junction with Florida Highway 20, thence Florida Highway 20 to its junction with Florida Highway 100, thence Florida Highway 100 to Flagler Beach. The authority in (1) and (2) above restricted against shipments having an immediately prior or subsequent movement by water. The purpose of this filing is to eliminate the gateway of Tampa, Fla.

No. MC–105813 (Sub-No. E22), filed May 12, 1974. Applicant: BELFORD TRUCKING CO., INC., 7000 South Pulaski Rd., Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh and frozen fruits and vegetables and fresh and frozen fish*, in

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vehicles equipped with mechanical refrigeration, (1) from points in Florida on and south of Interstate Highway 75 beginning at Indian Rocks Beach to its junction with Interstate Highway 4, thence Interstate Highway 4 to its junction with U.S. Highway 192, thence U.S. Highway 192 to its junction with Florida Highway 516, thence Florida Highway 516 to Indialantic, Fla., to Richmond and Norfolk, Va.; (2) from points in Florida on and south of Florida Highway 40 to Wilmington, Del., Washington, D.C., Baltimore, Md., Boston, Mass., Trenton, N.J., and Providence, R.I. The authority in (1) and (2) above, restricted against shipments having an immediately prior or subsequent movement by water. The purpose of this filing is to eliminate the gateway of Okeechobee, Fla.

No. MC–107295 (Sub-No. E46), filed May 9, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fibreboard*, from the plantsite of Evans Products Company at Moncure, N.C., to points in (1) Iowa [Bristol, Ind.]*, (2) Nebraska, Kansas, and that part of Wisconsin on and south of U.S. Highway 10 [Wheaton, Ill.]*, and (3) Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington, and Wyoming [Kalamazoo, Mich.]*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC–107295 (Sub-No. E49), filed May 9, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing materials*, from Carteret, N.J., to points in Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington. The purpose of this filing is to eliminate the gateway of Paris, Ill.

No. MC–111545 (Sub-No. E20), filed May 19, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, because of size or weight, requires the use of special equipment, between points in that part of Alabama within 175 miles of Chattanooga, Tenn., on the one hand, and, on the other, points in Nebraska. The purpose of this filing is to eliminate the gateways of Selmer, Tenn., and Mount Ayr, Iowa.

No. MC–111545 (Sub-No. E21), filed May 19, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, because of size or weight, requires the use of special equipment, between points in that part of Georgia on and north of a line beginning at the Georgia-Alabama State line, thence along U.S. Highway 278 to Atlanta, thence U.S. Highway 41 to Macon, thence along U.S. Highway 80 to Savannah Beach, to points in Baldwin and Mobile Counties, Alabama. The purpose of this filing is to eliminate the gateway of Atlanta, Ga.

No. MC–111545 (Sub-No. E22), filed May 19, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, because of size or weight, requires the use of special equipment, between points in Tennessee, on the one hand, and, on the other, points in Wyoming. The purpose of this filing is to eliminate the gateways of Hamilton, Ill., and Keokuk, Iowa.

No. MC–111545 (Sub-No. E24), filed May 19, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* (except knitting machines), the transportation of which, because of size or weight, requires the use of special equipment, between points in Connecticut, on the one hand, and, on the other, points in Kansas. The purpose of this filing is to eliminate the gateway of Ringgold, Ga.

No. MC–111545 (Sub-No. E53), filed May 27, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heavy machinery and air compressors*, the transportation of which because of size or weight, requires the use of special equipment, for points in that part of Georgia on and north of a line beginning at the Georgia-Alabama State line, thence along U.S. Highway 278 to Atlanta, thence U.S. Highway 41 to Macon, thence along U.S. Highway 80 to Savannah Beach, to points in Baldwin and Mobile Counties, Alabama. The purpose of this filing is to eliminate the gateway of Clarksville, Tenn., and Keokuk, Iowa.

No. MC–114019 (Sub-No. E246), filed May 17, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sugar, and blends* thereof, in bulk, in tank vehicles from Louisville, Ky., to points in Minnesota, Wisconsin, points in New York, and Pennsylvania, and those in New Jersey in the New York, N.Y., and Philadelphia, Pa., commercial zones, as defined by the Commission; points in Michigan on and east of U.S. Highway 127 from the Michigan–Ohio State line, north to its junction with U.S. Highway 27 to its junction with Interstate Highway 75 and Interstate Highway 75 to Sault Ste. Marie in the upper peninsula to Denver, Colo., points in that part of Nebraska on and east of U.S. Highway 83 from the Kansas-Nebraska State line to North Platte, and on and south of U.S. Highway 30 from North Platte to the Missouri River, points in that part of Kansas on and east of U.S. Highway 281, points in Missouri on and west of U.S. Highway 65, and points in that part of Iowa on and west on U.S. Highway 65 from Lineville to Iowa Falls, and on and south of U.S. Highway 20 from Iowa Falls to Sioux City. The purpose of this filing is to eliminate the gateway of Muscatine, Iowa, Chicago, Ill., Cincinnati and Toledo, Ohio, or Effingham, Ill.

No. MC–115331 (Sub-No. E1), filed April 19, 1974. Applicant: TRUCK TRANSPORT, INC., 230 St. Clair Ave., E. St. Louis, Ill. 62201. Applicant's representative: E. Stephen Heisley, Ames, Hill, & Ames, 666 11th St., NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nonalcoholic beverages, carbonated or phosphated, in containers*, from Warrenton, Mo., to Alabama, Arkansas, Indiana, Kentucky, Mississippi, Louisiana, Oklahoma, Ohio, Pennsylvania, Tennessee, Texas, and points in Iowa on and north of U.S. Highway 20, points in Kansas on and west of a line beginning at the Oklahoma-Kansas State line, thence north along U.S. Highway 183 to the intersection with Kansas Highway 96, thence along Kansas Highway 96 to the intersection with U.S. Highway 283, thence along U.S. Highway 283 to the intersection with U.S. Highway 24, thence along U.S. Highway 24 to the intersection with U.S. Highway 183, thence along U.S. Highway 183 to the Kansas-Nebraska State line, points in Nebraska on and west of a line beginning at the Kansas-Nebraska State line, thence north along U.S. Highway 183 to the intersection with U.S. Highway 6, thence along U.S. Highway 6 to the intersection with Nebraska Highway 14, thence along Nebraska Highway 14 to the intersection with Nebraska Highway 91, thence along Nebraska Highway 91 to the intersection with U.S. Highway 81, and thence along U.S. Highway 81 to the Nebraska-South Dakota State line, and points in Illinois, on and east of a line beginning at the Illinois-Iowa State line, and extending along Interstate Highway 74 to its intersection with Illinois Highway 97, thence along Illinois Highway 97 to its intersection with Illinois Highway 78, thence along Illinois Highway 78 to its intersection with Illinois Highway 104, thence along Illinois Highway 104 to its

intersection with Interstate Highway 55, thence along Interstate Highway 55 to the Illinois-Missouri State line. The purpose of this filing is to eliminate the gateway of Belleville, Ill.

No. MC–127196 (Sub-No. E1), filed May 17, 1974. Applicant: KLINE TRUCKING, INC., P.O. Box 355, Millville, Pa. 17846. Applicant's representative: James L. Kline (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials, supplies, and component parts* used in the manufacture and assembly of mobile homes (1) between points in Michigan, on the one hand, and, on the other, points in Delaware, and points in that part of Maryland east of a line beginning at the Pennsylvania-Maryland State line, thence along U.S. Highway 83 to junction Maryland Highway 2 at Baltimore, thence along Maryland Highway 2 to Annapolis, including points in that part of Maryland east of the Chesapeake Bay; (2) between points in Michigan, on the one hand, and, on the other, points in that part of New York east of a line beginning at the New York-Pennsylvania State line, thence along New York Highway 26 to junction New York Highway 434 near Vestal, thence along New York Highway 434 to junction New York Highway 7 near Binghamton, thence along New York Highway 7 to junction New York Highway 30, thence along New York Highway 30 to the International Boundary line between the United States and Canada (except that no service is authorized from New York, N.Y., to points in Michigan); (3) between points in that part of Virginia south and east of a line beginning at the Virginia-North Carolina State line, thence along U.S. Highway 95 to junction U.S. Highway 360 at Richmond, thence along U.S. Highway 360 to the Chesapeake Bay, on the one hand, and, on the other, points in that part of Michigan north of a line beginning at Muskegon Heights, thence along U.S. Highway 96 to junction Michigan Highway 21 near Grand Rapids, thence along Michigan Highway 21 to the International Boundary line between the United States and Canada; (4) between points in that part of Michigan north of a line beginning at Muskegon Heights, thence along U.S. Highway 96 to junction Michigan Highway 21 near Grand Rapids, thence along Michigan Highway 21 to the International Boundary line between the United States and Canada, on the one hand, and, on the other, points in that part of New York east of a line beginning at the New York-Pennsylvania State line, thence along New York Highway 14 to junction New York Highway 13, thence along New York Highway 13 to junction U.S. Highway 81 near Homer, thence along U.S. Highway 81 to junction New York Highway 13 near Pulaski, thence along New York Highway 13 to Port Ontario (except that no service is authorized from New York, N.Y., to points in Michigan). The purpose of this filing is to eliminate the gateway of Millville, Pa.

No. MC–127196 (Sub-No. E3), filed May 17, 1974. Applicant: KLINE TRUCKING, INC., P.O. Box 355, Millville, Pa. 17846. Applicant's representative: James L. Kline (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials, supplies, and component parts* used in the manufacture and assembly of mobile homes (1) from points in that part of Pennsylvania east of a line beginning at the New York-Pennsylvania State line, thence along U.S. Highway 15 to junction U.S. Highway 11 near Camp Hill, thence along U.S. Highway 11 to the Pennsylvania-Maryland State line, to points in Iowa and Kansas; (2) from points in that part of Pennsylvania east of a line beginning at the New York-Pennsylvania State line, thence along U.S. Highway 15 to junction U.S. Highway 83 near Harrisburg, thence along U.S. Highway 83 to the Pennsylvania-Maryland State line, to points in Missouri, Arkansas, Illinois, and Louisiana; (3) from points in that part of Pennsylvania east and north of a line beginning at the New York-Pennsylvania State line, thence along U.S. Highway 15 to junction U.S. Highway 83 near Harrisburg, thence along U.S. Highway 83 to junction U.S. Highway 30 near York, thence along U.S. Highway 30 to junction U.S. Highway 322 near Dowington, thence along U.S. Highway 322 to junction U.S. Highway 202 near West Chester, thence along U.S. Highway 202 to junction Pennsylvania Highway 491, thence along Pennsylvania Highway 491 to the Pennsylvania-Delaware State line, to Ocala, Fla. The purpose of this filing is to eliminate the gateway of Millville, Pa.

No. MC–127196 (Sub-No. E4), filed May 17, 1974. Applicant: KLINE TRUCKING, INC., P.O. Box 355, Millville, Pa. 17846. Applicant's representative: James L. Kline (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials, supplies, and component parts* used in the manufacture and assembly of mobile homes, (1) from points in that part of Maryland east and north of a line beginning at the Pennsylvania-Maryland State line, thence along U.S. Highway 83 to junction U.S. Highway 695 near Baltimore, thence along U.S. Highway 695 to junction Maryland Highway 2, thence along Maryland Highway 2 to junction U.S. Highway 301 near Annapolis, thence along U.S. Highway 301 to the Maryland-Delaware State line, to points in that part of Louisiana west of a line beginning at the Arkansas-Louisiana State line, thence along U.S. Highway 165 to junction U.S. Highway 167 near Alexandria, thence along U.S. Highway 167 to junction Louisiana Highway 81 near Abbeville, thence along Louisiana Highway 82 to junction Louisiana Highway 333 near Esther, thence along Louisiana Highway 333 to the Vermillion River, thence along the Vermillion River to the Gulf of Mexico, and points in Arkansas; (2) from points in that part of California west of a line beginning at the Oregon-California State line, thence along U.S. Highway 395 to junction California Highway 299 near Alturas, thence along California Highway 299 to junction U.S. Highway 5 near Redding, thence along U.S. Highway 5 to junction California Highway 99 near Red Bluff, thence along California Highway 99 to junction California Highway 137, thence along California Highway 137 to junction California Highway 65 near Lindsay, thence along California Highway 65 to junction California Highway 99 near Bakersfield, thence along California Highway 99 to junction California Highway 58 near Bakersfield, thence along California Highway 58 to junction U.S. Highway 395 near Beechers Corners, thence along U.S. Highway 395 to junction U.S. Highway 10 near Realto, thence along U.S. Highway 10 to junction California Highway 111 to junction California Highway 86 near Coachella, thence along California Highway 86 to junction California Highway 111 near El Centro, thence along California Highway 111 to Calexio and the International Boundary line between California and Mexico, to points in that part of Ohio east and north of a line beginning at Cleveland, thence along Ohio Highway 21 to junction U.S. Highway 224 near Norton, thence along U.S. Highway 224 to the Ohio-Pennsylvania State line. The purpose of this filing is to eliminate the gateway of Millville, Pa.

No. MC–127196 (Sub-No. E7), filed May 17, 1974. Applicant: KLINE TRUCKING INC., P.O. Box 355, Millville, Pa. 17846. Applicant's representative: James L. Kline (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials, supplies, and component parts* used in the manufacture and assembly of mobile buildings (except commodities in bulk

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and those which, because of size or weight, require the use of special equipment), (1) from points in New Jersey (except points in Bergin, Essex, Hudson, and Union Counties, points in that part of Passaic and Morris Counties south and east of U.S. Highway 202, points in that part of Middlesex County north of the Raritan River, and the plantsite of Flint-Kote Company in Camden), to points in Illinois and Indiana; (2) from points in Delaware to points in Illinois and Indiana; (3) from points in that part of New York east of a line beginning at the New York-Pennsylvania State line, thence along New York Highway 14 to junction New York Highway 13 near Horseheads, thence along New York Highway 13 to junction U.S. Highway 81 near Courtland, thence along U.S. Highway 81 to junction New York Highway 13 near Pulaski, thence along New York Highway 13 to Port Ontario, to points in Illinois and points in that part of Indiana south of U.S. Highway 40; (4) from points in that part of New York east of a line beginning at the New York-Pennsylvania State line, thence along New York Highway 26 to junction New York Highway 434 near Vestal, thence along New York Highway 434 to junction New York Highway 7 near Binghamton, thence along New York Highway 7 to junction New York Highway 30, thence along New York Highway 30 to the International Boundary line between New York and Canada (except New York, N.Y.), to points in Indiana; (5) from points in that part of Maryland east and north of a line beginning at the Pennsylvania-Maryland State line, thence along U.S. Highway 15 to junction U.S. Highway 70S near Frederick, thence along U.S. Highway 70S to junction U.S. Highway 495, thence along U.S. Highway 495 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction U.S. Highway 301, thence along U.S. Highway 301 to the Maryland-Delaware State line, to points in that part of Texas south and west of a line beginning at the Oklahoma-Texas State line, thence along U.S. Highway 281 to junction U.S. Highway 287 near Wichita Falls, thence along U.S. Highway 287 to junction U.S. Highway 380, thence along U.S. Highway 380 to junction U.S. Highway 69, thence along U.S. Highway 69 to junction U.S. Highway 10 near Beaumont, thence along U.S. Highway 10 to the Texas-Louisiana State line, and points in Kansas and Iowa. The purpose of this filing is to to eliminate the gateway of Millville, Pa.

No. MC-127840 (Sub-No. E1), filed May 12, 1974. Applicant: MONTGOMERY TANK LINES, INC., 17730 So. Chicago Avenue, Lansing, Ill. 60438. Applicant's representative: Elton E. Babbitt (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal fats, animal oils, and vegetable oils, and edible blends and edible products of animal fats, animal oils, and vegetable oils*, not including liquid chemicals, as are usually dealt in, or used by, in tank or hopper type vehicles, from points in Kansas (except points south of Interstate Highway 70), to points in Michigan, New York, New Jersey, Pennsylvania, Indiana (except points south of a line beginning at the Indiana-Illinois State line and Indiana Highway 114 to its intersection with U.S. Highway 421, thence south on U.S. Highway 421 to its intersection with Indiana Highway 16, thence east on Indiana Highway 16 to its intersection with Indiana Highway 39, thence south on Indiana Highway 39 to its intersection with U.S. Highway 24, thence east on U.S. Highway 24 to its intersection with Indiana Highway 21, thence south on Indiana Highway 21 to its intersection with Indiana Highway 18, thence east on Indiana Highway 18 to its intersection with Indiana Highway 3, thence south on Indiana Highway 3 to its intersection with Indiana Highway 26, thence east on Indiana Highway 26 to the Indiana-Ohio State line), and Ohio (except points south of a line beginning at the Ohio-Indiana State line and Ohio Highway 119 and extending east to its intersection with Ohio Highway 66, thence south on Ohio Highway 66 to its intersection with Ohio Highway 41, thence east on Ohio Highway 41 to its intersection with U.S. Highway 35, thence east on Ohio Highway 35 to the Ohio-West Virginia State line). The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC-127840 (Sub-No. E2), filed May 12, 1974. Applicant: MONTGOMERY TANK LINES, INC., 17730 S. Chicago Avenue, Lansing, Ill. 60438. Applicant's representative: Elton E. Babbitt (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal fats, animal oils, and vegetable oils, and edible blends and edible products of animal fats, animal oils, and vegetable oils*, not including liquid chemicals as are usually dealt in, or used by, meat, fruit, and vegetable packinghouses, in tank or hopper type vehicles, from points in Kansas (except points north of Interstate Highway 70) to points in Michigan, New York, New Jersey, Ohio, Pennsylvania, and Indiana; except points south of a line beginning at the Indiana-Illinois State line and Indiana Highway 26, thence east on Indiana Highway 26 to its intersection with U.S. Highway 42, thence south on U.S. Highway 42 to its intersection with Indiana Highway 38, thence east on Indiana Highway 38 through Richmond to the Indiana-Ohio State line. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC-127840 (Sub-No. E4), filed May 12, 1974. Applicant: MONTGOMERY TANK LINES, INC., 17730 S. Chicago Avenue, Lansing, Ill. 60438. Applicant's representative: Elton E. Babbitt (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal fats, animal oils, and vegetable oils, and edible blends and edible products of animal fats, animal oils, and vegetable oils* (not including liquid chemicals), as are usually dealt in or used by, meat, fruit, and vegetable packinghouses, in tank or hopper type vehicles, from points in Iowa (except points north of Interstate Highway 80) to points in Michigan, New Jersey, New York, Ohio, Pennsylvania, Indiana (except points beginning at the Illinois-Indiana State line and U.S. Highway 41, thence along U.S. Highway 41 to U.S. Highway 52, thence along U.S. Highway 52 to Interstate Highway 65, thence along Interstate Highway 65 to the Indiana-Kentucky State line), and Kentucky (except points west of Interstate Highway 65). The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC-129335 (Sub-No. E3), filed June 5, 1974. Applicant: DEHAVEN TRANSFER & STORAGE CO., INC., 2009 Russell Avenue, SW., Roanoke, Va. 24015. Applicant's representative: John R. Sims, 1707 H Street, NW., Suite 600, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Illinois, on the one hand, and, on the other, points in that part of Virginia on and east of U.S. Highway 21, and those points in and south of Rockingham, Page, Rappahannock, Fauquier, and Prince William Counties, Va. The purpose of this filing is to eliminate the gateway of points in Logan County, W. Va.

No. MC-129335 (Sub-No. E4), filed June 5, 1974. Applicant: DEHAVEN TRANSFER & STORAGE CO., INC., 2009 Russell Avenue, SW., Roanoke, Va. 24015. Applicant's representative: John R. Sims, 1707 H Street, NW., Suite 600, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Indiana, on the one hand, and, on the other, points in that part of Virginia on and east of U.S. Highway 21, and on and south of a line beginning at the West Virginia-Virginia State line thence along U.S. Highway 250 to junction U.S. Highway 360, thence along U.S. Highway 360 to junction Virginia Highway 624, thence along Virginia Highway 624 to the Virginia-Maryland State line. The purpose of this filing is to eliminate the gateway of points in Logan County, W. Va.

No. MC-129335 (Sub-No. E6), filed June 5, 1974. Applicant: DEHAVEN TRANSFER & STORAGE CO., INC., 2009 Russell Avenue, SW., Roanoke, Va. 24015. Applicant's representative: John R. Sims, Jr., 1707 H Street, NW., Suite 600, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in North Carolina, on the one hand, and on the other, points in Michigan. The purpose

of this filing is to eliminate the gateway of points in Logan County, W. Va.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-14748 Filed 6-26-74;8:45 am]

[Ex Parte No. 241]

INVESTIGATION OF ADEQUACY OF RAILROAD FREIGHT CAR OWNERSHIP, CAR UTILIZATION, DISTRIBUTION, RULES AND PRACTICES

Report and Order To Show Cause

Decided June 10, 1974. Respondent class I railroads as a group found to lack an adequate supply of freight cars for performing as common carriers their car service. Remedial action proposed. Show cause order entered.

This phase of our continuing investigation is designed to take more direct measures which we believe are necessary to reverse the alarming depletion of the Nation's railroad car fleet and the resulting chronic car shortages which plague the shipping public. Our action today is the culmination of an effort in this proceeding and others[1] to utilize all available means under the Interstate Commerce Act to secure the provision of adequate transportation facilities by common carriers of property by railroad.[2] We are exercising our authority under part I of the act, more specifically sections 1 (10), (11), and (21), to require the class I railroads subject to our jurisdiction to equip themselves with additional rolling stock and restore to service freight cars which require repairs. We recognized at the earliest stage of this proceeding, 323 ICC 48, 50 (1964), that:

> • • • although freight car shortages may develop in particular situations even though car ownership is adequate, it is impossible to prevent shortages if car ownership is inadequate. Hence, the fundamental importance of this investigation is to determine whether ownership of freight cars by respondents is sufficient to enable them to furnish adequate car supply.

Our findings today that railroad freight car ownership is inadequate is no recent revelation. Similar findings were implicitly or explicitly made in the proceedings cited in footnote 1 and others. Heretofore, our response to this problem was confined to efforts to achieve more equitable distribution of the available fleet or to provide incentives for carriers to purchase additional rolling stock.

Our distribution initiatives have taken the form of car service orders issued under the authority of section 1(15) of the Interstate Commerce Act. However, as recognized in our initial report in this proceeding, 323 I.C.C. 48, 60, "The service order technique does not add cars; it simply requires all shippers to share in this freight car poverty." In addition to their inappropriateness for meeting the problem of inadequate ownership, car service orders can only be issued under the specific circumstances outlined in the governing statute. Our purchase incentive activity has taken various forms. We established an incentive per diem program to encourage additional investment in plain boxcars. *Incentive Per Diem Charges—1968, supra.*[3] In an earlier phase of this proceeding, 335 I.C.C. 264 (1969), we prescribed certain car service rules designed to guarantee that owner lines would have maximum access to their purchased equipment. We felt that rules which required prompt return of cars to owner lines would permit those lines to better provide service to shippers for whom the equipment was acquired and would assist all carriers in gauging their ownership requirements. The promulgation of these rules was upheld by the Supreme Court as a reasonable exercise of our rulemaking authority under section 1(14)(a) of the act. The Court, in a unanimous opinion, observed:

> The result of these rules, over the long term, the Commission reasoned, would be to bring home to those roads which themselves had an inadequate supply of cars to serve their on-line shippers that fact, and also without doubt to supply incentive to such roads to augment their supply of freight cars in order to adequately serve their on-line shippers. The national supply of freight cars would thereby be augmented, and the railroads as a result would be better able to supply the needs of shippers. *United States* v. *Allegheny-Ludlum Steel Corp.*, 406 U.S. 742, 752 (1972).

Our efforts in this and other proceedings have not resulted in the desired response from rail carrier management. The size of the fleet is declining and the persistent reported shortages are increasing. With this background in mind, we have determined to exercise our authority to require the rail carriers to provide themselves with additional equipment to fulfill their responsibilities as common carriers. See *American Trucking* v. *A., T. S. F. R. Co.*, 387 U.S. 397, 416 (1967). Our authority to take this action is derived from section 1(10)[4] and (21)[5] of the act. Section 1(10) was among the original provisions of the Esch Car Service Act of 1917, ch. 23, 40 Stat. 101. It vested in us authority over car service to assure that the railroads "used their present equipment systematically and so as to get from it the amount of service of which it is capable." S. Rep. 43, 65th Cong., 1st sess. 4 (1917). Section 1(10) was amended and section 1(21), among others, was added to the act by the Transportation Act of 1920. The purpose of the amendment is made abundantly clear by its legislative history. Congressman Esch, later Commissioner Esch (1921–1928), Chairman of the House Committee on Interstate and Foreign Commerce, and one of the chief sponsors of the legislation, stated in discussing the bill (H.R. 10453) on the floor of the House:

> Then we have in title 2 • • • a very material amendment of the car service act. The car service act was passed about May, 1917, just too soon to become fully operative before Federal control began, so that the act has never had a fair chance of demonstrating its efficacy in the matter of car service. In the form in which we passed the act some two years ago it related only to the exchange, interchange, and return of cars. We have enlarged that jurisdiction by saying that now the authority of the Commission shall include the use—not the force of every word:
>
> The term "car service" in this act shall include the use, control, supply, movement, distribution, exchange, interchange, and return of locomotives.
>
> That was not in the old act—cars and other vehicles—which was not in the original act—used in the transportation of property.
>
> Further it gives the commission power as to the supply, movement, and operation of trains by any carrier by railroad subject to this act. If that authority had rested in the commission prior to Federal control, it might not have been necessary to have given to the President the great powers we gave him by the Federal control act. One of the Commissioners stated that if the car service act as now proposed to be amended had been in force prior to 1917, we might not have had to enact the Federal control act at all. This section relates to the use, control, and supply of cars and to the control and movement of trains. Under it the commission will have the right to order a carrier to supply itself with cars.

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[1] See, *e.g.*, *Car Shortage—Insufficient Transportation Facilities*, 12 I.C.C. 561 (1907), *Car Supply Investigation*, 42 I.C.C. 657 (1917), *Car Service, Freight Cars*, 268 I.C.C. 687 (1947), *Incentive Per Diem Charges—1968*, 337 I.C.C. 217 (1970), affirmed *sub nom. United States* v. *Florida East Coast Ry. Co.*, 410 U.S. 224 (1973).

[2] We recently promulgated comprehensive regulations to promote adequate rail passenger service under the Railroad Passenger Service Act of 1970, *Adequacy of Intercity Rail Passenger Service*, 344 I.C.C. 758 (1973).

[3] By order dated March 30, 1973, we extended the application of the incentive per diem program to a year-round basis. By order dated April 24, 1973, the proceeding was reopened for consideration of a number of wide-ranging proposals for improving the incentive per diem program.

[4] The term "car service" in this part shall include the use, control, supply, movement, distribution, exchange, interchange, and return of locomotives, cars, and other vehicles used in the transportation of property, including special types of equipment, and the supply of trains, by any carrier by railroad subject to this part.

[5] The Commission may, after hearing, in a proceeding upon complaint or upon its own initiative without complaint, authorize or require by order any carrier by railroad subject to this part, party to such proceeding, to provide itself with safe and adequate facilities for performing as a common carrier its car service as that term is used in this part, and to extend its line or lines: *Provided*, That no such authorization or order shall be made unless the Commission finds, as to such extension, that it is reasonably required in the interest of public convenience and necessity, or as to such extension or facilities that the expense involved therein will not impair the ability of the carrier to perform its duty to the public. Any carrier subject to this part which refuses or neglects to comply with any order of the Commission made in pursuance of this paragraph shall be liable to a penalty of $100 for each day during which such refusal or neglect continues, which shall accrue to the United States and may be recovered in a civil action brought by the United States.

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In a decision of the Supreme Court, known as the Tank-Car Case (United States v. Pennsylvania Railroad Co., 242 U.S. 208), decided, I think, three years ago, it was held that the Commission in ordering the Pennsylvania Railroad Co. to supply itself with tank cars did not have such authority * * *. This section would give the commission power to order the carrier to supply itself with cars. 58 Cong. Rec. 8315–16 (1919), *Id.* at 8536. See also H. R. Rep. No. 456, 66th Cong., 1st Sess. 17 (1919) and H. R. Rep. No. 650, 66th Cong., 2d Sess. 61 (1920) explaining the inclusion of the phrase "special types of equipment" in section 1(10).

The means of executing the authority to order carriers to equip themselves with additional rolling stock is contained in section 1(21). Again the legislative history is a useful guide for understanding the authority conferred by these sections of the act. Then-Commissioner Edgar E. Clark, appearing at *Hearings on H.R. 4378*[6] *Before the House Committee on Interstate and Foreign Commerce*, 66th Cong., 1st sess., pt. 1, at 11–12 (1919), testified that the proposed legislation amending the Esch Car Service Act would have the effect of nullifying the decision of the Supreme Court in the Tank-Car case. He further testified, *id.* at 15–16, that section 1(21) provided a rule of law to govern the exercise of the authority over car supply. See also *id.* at 109, 115, describing the safeguards contained in the proviso to section 1(21) to protect both the carriers and the public interest.[7] We also read the provisions empowering us to order the railroads to acquire additional cars as conferring the lesser concomitant power of requiring the carriers to repair their present cars.[8] See, numerous cases.[9] However, this fact does *e.g.*, *Phelps Dodge Corp.* v. *N.L.R.B.*, 313 U.S. 177, 194 (1941); *United States* v. *Pennsylvania R.R.*, 323 U.S. 612, 616–619 (1945); *A.T.A.* v. *United States*, 344 U.S. 298, 309–310; and *F.T.C.* v. *Fred Meyer, Inc.*, 390 U.S. 341, 349 (1968).

We realize that the authority being exercised today is one which has lain dormant or been distinguished away in not detract from the validity of our action. On the contrary, we believe that by reexamining our legislative mandate to discover the appropriate means of dealing with present and future transportation problems we are fulfilling our regulatory functions as described in *American Trucking* v. *A., T. & S. F. R. Co., supra.*

We recognize that equipment purchases may pose financial problems for certain carriers. We also note that Congress is considering financial assistance legislation which makes reexamination of common carrier duties and obligations particularly appropriate at this time.

We pass now to the facts which form the basis of our action.

Adequacy of Freight Car Ownership

A brief review of leading freight car ownership and utilization indicators reveals that the Nation's railroads have failed to provide themselves with an adequate supply of freight cars. Appendix A [10] shows the steady decline in total freight car ownership by class I railroads. Even more pronounced is the decline in ownership of general service cars. However, we realize that numerous mitigating factors are capable of softening the impact of the mere decline in numbers. Larger cars and better utilization of the available fleet may, to some extent, absorb the demand for transportation previously satisfied by a larger fleet. Appendix A includes statistics which indicate a substantial increase in car carrying capacity and a lesser but significant increase in aggregate carrying capacity of the freight car fleet. Another positive sign is the vast improvement in car utilization experienced in recent years. One accepted measure of freight car utilization is net ton-miles per serviceable car per day. The amount of transportation performed by each car each day reached an alltime high in 1973 as shown below:

Net ton miles of freight per[1] serviceable car-day

1973	*1972*	*1971*
1,620	1,485	1,373

[1] Source: Car Service Division, Association of American Railroads.

Two other measures of freight car utilization which showed improvement were serviceable car-days per car loaded and loaded trips per car per year.

	1973	1972	1971 [1]
Car-days per car loaded	18.74	19.57	20.14
Loaded trips per car per year	19.5	18.7	18.1

[1] Id.

While the utilization measures portrayed are by no means exhaustive, they do represent a trend of producing more transportation per car in recent years. The real question is whether increased utilization and greater carrying capacity has actually served to offset the constant decline in ownership. The perceived answer is resoundingly negative. Appendix B [10] shows the daily freight car shortages as reported to the Association of American Railroads each week. The unremitting escalation of reported shortages belies any claim that improved utilization or increased carrying capacity of a declining fleet can solve the problem of freight car shortages. We are convinced that a serious freight car shortage exists today and that inadequate ownership of freight cars is the primary cause of the shortage.

Proposed Remedial Action

In our reports in this proceeding, 335 I.C.C. 264, 304, and 335 I.C.C. 874 (1969), we endorsed an ownership formula designed to identify both deficiencies and excesses of general purpose freight cars by individual carriers. The formula endorsement was coupled with a reporting requirement so that an annual review of ownership requirements would be available to the carriers and our staff. We believe that application of the formula to the data supplied by the individual carriers has produced the best available guide for determining, on an equitable basis, the means of alleviating the inadequacy of car ownership found to exist. We note that respondents' own organization, the Association of American Railroads, approved our ownership formula. Therefore, we propose the entry of an order requiring those class I railroads who have failed to equip themselves with an adequate supply of freight cars to purchase additional rolling stock in an amount equivalent to the average deficiency in general purpose freight cars recorded for the years 1970 to 1972.[10] These purchases must constitute net additions to the fleet in excess of retirements. The actual number of cars to be purchased appears in the column entitled "Total General Purpose Cars" in Appendix C.[12] The purchases may be spread over a 2-year period from the time a final order is entered in this proceeding. Our order will be directed to the number and not the type of car so that the respondents can match their purchases of general purpose cars to their actual needs.

Our order will also require all class I railroads to reduce the bad order ratio on all classes of cars to 5 percent.[11] On January 1, 1974, 87,545 cars or 6.3 percent of the fleet were out of service for repairs. By reducing this level to 5 percent, an additional bloc of approximately 18,000 cars will be available for revenue movements. The reduction of the bad order ratio will also be subject to a 2-year effectuation requirement.

Subsequent Procedures

The order entered today is in the form of an order to show cause why the proposed action should not be taken, the report and order will be served on class I railroad respondents, parties to this proceeding, and notice will be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and with the Director, Office of the Federal Register, for publication therein.[13] The respondents and other interested parties will be accorded 60 days from the date of service of this report and order to file statements of facts and argument relating to the issues raised. These statements shall constitute the first step of modified procedure. Persons and organizations that have not previously become parties to this proceeding may file submissions without the necessity of filing formal petitions for leave to intervene. No oral argument is contemplated at this time but requests to that effect should be filed and properly referenced on the cover of the statement submitted. Thereafter, a final order will be issued.

It does not appear that this is a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

Order

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 10th day of June 1974.

It appearing, that many class I railroad respondents, parties to this proceeding, have failed to equip themselves with an adequate supply of freight cars for performing as common carriers their car service as outlined in the Commission report herein which is hereby referred to and incorporated in this order;

It further appearing, that to alleviate the inadequacy of ownership found to exist those respondents should be required to purchase additional general purpose freight cars and to reduce the bad order ratio of the present fleet;

Wherefore, and for good cause:

It is ordered, That those respondent class I railroads which have failed to equip themselves with an adequate supply of freight cars as outlined in the Commission report herein, be, and they are hereby, ordered to show cause on or before 60 days from the service date of this order why they should not be required to purchase additional equipment in the amounts set forth as deficiencies in general purpose freight cars in Appendix C and to reduce the bad order ratio on all types of cars in the present fleet to 5 percent within a 2-year period from the date a final order is entered in this proceeding.

It is further ordered, That Rule 72 of the Commission's General Rules of Practice, 49 CFR 1100.72 be, and it is hereby, waived in order to permit all interested persons to participate in this proceeding without the necessity of filing a formal petition for leave to intervene.

By the Commission.[13]

[SEAL] Robert L. Oswald,
Secretary.

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[6] H.R. 4378 was introduced in the House on June 2, 1919. Following hearings on the bill, another bill, H.R. 10453, was drafted and introduced in the House on November 8, 1919. The new bill was passed by the House, with amendments, on November 17, 1919. There was no material change in the car service provisions from H.R. 4378 to H.R. 10453 as amended (see MacVeagh, *The Transportation Act of 1920*, 518–520, 613, 615, 642, 644 (1923). Nor did the Senate proposed amendments or Conference Committee resolution of differences between the two houses change the car service provisions in any material manner (H.R. Rep. No. 650, *supra*, at 24, 26–27, 61–62).

[7] Section 1(21) as finally enacted eliminated the public convenience and necessity test in ordering the provision of additional facilities and retained it for extensions of lines.

[8] The 1920 amendments to the Esch Car Service Act added to section 1(11) the duty of rail carriers "to furnish safe and adequate car service" and, we believe, breathed new life into section 1(14)(a) of the act as well.

[9] See *e.g.*, *Assigned Cars for Bituminous Coal Mines*, 80 I.C.C. 520, 562 (1923), describing the investigation in No. 14489, *In Re Adequacy of Locomotives and Cars Owned by Common Carriers Used in the Transportation of Freight* (discontinued April 12, 1926); *Wisconsin R. Comm.* v. *Chicago & N. W. Ry. Co.*, 87 I.C.C. 195, 196–197 (1924); *Charles C. Oyler & Sons* v. *American Ry. Exp., Co.*, 83 I.C.C. 160, 162 (1923); and *R. W. Burch, Inc.* v. *Railway Exp. Agency, Inc.*, 190 I.C.C. 620, 524–525 (1932), describing the history of *Transportation of Strawberries by Express*, 81 I.C.C. 634 (1923), 151 I.C.C. 553 (1929), and 156 I.C.C. 4 (1929) in which the establishment of express refrigerator carload service was ordered without the citation of specific statutory authority therefor.

In other related cases, *e.g.*, *Oliver Mfg. Supply Co.* v. *Reading Co.*, 297 I.C.C. 654, 658 (1956), consideration was limited to section 1(4) of the act.

[10] See footnote 12 on p. 23327.

[10] The term "purchase" means a firm commitment to acquire the subject equipment by purchase or lease.

[11] The bad order ratio has not been below 5 percent since 1963.

[12] Appendices A, B, and D, and the data underlying the totals shown in Appendix C are not included in the copy of the report and order published in the Federal Register. Persons wishing to examine these statistics may either request copies from the Office of the Secretary, Interstate Commerce Commission, Washington, D.C. 20423 or inspect and copy the data in Room 1221.

[13] Vice-Chairman MacFarland and Commissioner Hardin not participating.

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APPENDIX C.—*Statement of average deficiencies and excesses of serviceable freight car ownership, class I line-haul railroads—4 months studied in* Ex Parte No. 241—*May 1970, October 1970, October 1973 (excesses shown in parentheses)*

	Plain Boxcars					Gondolas					Total general purpose cars
	40' ND	40' WD	Total 40'	50'	60'	Under 61'	61' over	GS hopper	GS flat		
ACY	(177)	48	(129)	(561)	2	35	0	127	4		(522)
AA	(37)	26	(11)	94	0	(4)	3	107	13		202
ATSF	(1,833)	816	(1,017)	14	23	(711)	(133)	67	198		(1,554)
B&O	497	744	1,241	1,533	23	(1,540)	302	1,706	227		2,523
B&A	(114)	(61)	(175)	(578)	0	15	1	(9)	2		(744)
B&LE	(81)	16	(65)	5	0	(564)	9	294	(62)		(408)
B&M	375	424	799	420	2	200	70	152	31		1,674
BN	105	(1,497)	(1,392)	(2,051)	(8)	1,320	248	1,610	(925)		(1,198)
CNJ	(124)	502	378	681	7	241	54	922	58		2,361
CV	158	34	192	(726)	0	23	2	62	16		(431)
C&O	(576)	467	(109)	778	18	(1,234)	141	(2,466)	30		(2,842)
C&EI	(767)	7	(760)	247	7	196	(50)	(537)	2		(915)
C&IM	(233)	4	(229)	5	0	156	2	66	7		7
C&NW	2,126	(56)	2,070	(880)	(85)	1,554	51	1,315	(507)		3,568
MILW	(3,447)	1,722	(1,725)	1,064	31	1,498	(77)	1,392	197		2,375
C&NW	4,794	467	5,261	1,461	65	415	188	1,206	(164)		8,432
RI	106	45	151	94	0	62	8	(487)	4		(168)
CR	(204)	289	85	408	9	358	80	427	89		1,445
C&S	(481)	247	(234)	343	1	(27)	60	(357)	70		(144)
D&H	79	257	336	(58)	7	(427)	(119)	(279)	40		(498)
D&RGW	57	30	87	(78)	0	357	17	409	(12)		780
DT&I	42	16	58	11	0	75	2	169	5		320
D&TS	10	5	15	12	0	113	11	76	10		237
DM&IR	148	(140)	8	(53)	0	54	2	12	29		52
DW&P	(56)	35	(21)	66	1	73	177	1,117	(77)		1,336
E&E	(1,301)	596	(805)	1,549	28	227	188	3,461	223		4,971
FL	102	128	230	116	2	150	10	169	29		706
FEC	(4)	53	49	91	0	103	11	96	20		370
GA	(134)	212	78	288	6	(139)	108	222	(101)		463
GTW	1,349	753	2,102	(981)	30	1,243	67	169	(19)		2,611
IC	87	33	120	(346)	1	117	28	21	(20)		(84)
IT	832	181	1,013	144	10	332	51	609	(24)		2,225
KCS	(1)	(96)	(97)	6	0	13	3	(26)	(295)		(127)
L&N	49	550	599	694	3	19	0	722	55		2,092
LI	343	342	685	439	1	80	26	311	44		1,586
LN	3,262	548	3,810	1,368	26	(291)	148	(7,189)	328		(1,800)
MC	(512)	(78)	(590)	(687)	0	(9)	9	42	10		(1,175)
MKT	(410)	407	(3)	(138)	6	(205)	27	(663)	(115)		(991)
MP	3,573	582	4,155	(90)	(158)	(300)	159	494	371		4,631
Monongahela	10	0	10	17	0	22	0	1,561	2		1,612
N&W	(377)	55	(322)	2,287	32	(373)	87	(5,304)	167		(3,516)
NS	(58)	40	(18)	(38)	1	32	11	33	6		27
P&LE	(322)	40	(282)	(2,735)	0	(3,888)	(380)	(2,833)	188		(9,989)
PC	11,124	5,289	16,393	7,701	108	(381)	(99)	11,718	410		35,850
PRS	204	43	247	155	0	126	3	334	14		891
RDG	308	440	748	652	8	(26)	(408)	(75)	118		1,017
RF&P	33	43	76	106	0	9	14	61	8		274
SLSF	1,254	188	1,442	430	18	(195)	26	(350)	(24)		747
SCL	2,506	1,427	3,933	990	20	39	235	3,347	226		8,790
SOU	725	678	1,403	561	10	620	71	394	152		3,211
SO	3,855	(1,411)	2,444	(3,097)	(135)	2,569	174	1,042	(700)		2,267
SP	3,618	(4,290)	(672)	961	33	(482)	155	3,214	161		3,370
SOU	(94)	36	(58)	82	0	45	7	140	6		222
TP&W	930	(2,489)	(1,559)	(2,698)	(261)	(813)	10	(394)	(277)		(5,742)
UP	(523)	65	(458)	89	2	(462)	(62)	(1,049)	(64)		(2,004)
WM	133	179	312	(162)	7	(65)	2	33	14		141
WP											
Total	30,818	8,961	39,779	101-45	(69)	426	1,795	16,971	562		60,609

[FR Doc.74-15635 Filed 6-26-74;8:45 am]

[Notice No. 50]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

JUNE 21, 1974.

The following applications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application), are governed by Special Rule 1100.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

No. MC 667 (Sub-No. 4), filed May 13, 1974. Applicant: KAHAN DELIVERY SERVICE, INC., 3974 Page Avenue, St. Louis, Mo. 63113. Applicant's representative: Meyer Kahan (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Exposed and processed film and prints, complimentary replacement film, incidental dealer handling supplies, and advertising material* (including motion picture film used primarily for commercial theatre and television exhibition), between St. Louis, Mo., and Fairview Heights, Ill.

NOTE.—If a hearing is deemed necessary, applicant requests to be held at St. Louis or Jefferson City, Mo.

No. MC 730 (Sub-No. 364) (CLARIFICATION), filed April 12, 1974, published in the FEDERAL REGISTER issue of May 23, 1974, and republished, as clarified this issue. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., a Corporation, 1417 Clay Street, P.O. Box 958, Oakland, Calif. 94604. Applicant's representative: Alfred G. Krebs (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and and those requiring special equipment), (1) Between Spanish Fork, Utah and Houston, Tex.: From Spanish Fork over U.S. Highway 50 to junction U.S. Highway 163, thence over U.S. Highway 163 to junction U.S. Highway 666, thence over U.S. Highway 666 to junction Interstate Highway 40, thence over Interstate Highway 40 to junction Interstate Highway 25, thence over Interstate Highway 25 to junction Interstate Highway 10, thence over Interstate Highway 10 to junction U.S. Highway 290, thence over U.S. Highway 290 to Houston, and return over the same route, serving no intermediate points, with services at the junction of U.S. Highway 666 and Interstate Highway 40, and the junction of Interstate Highway 10 and 25 for the purpose of joinder only;

(2) Between Pueblo, Colo., and Houston, Tex.: From Pueblo over Interstate Highway 25 to junction U.S. Highway 87, thence over U.S. Highway 87 to junction U.S. Highway 287, thence over U.S. Highway 287 to junction Interstate Highway 40, thence over U.S. Highway 287 to junction Interstate Highway 20, thence over Interstate Highway 20 to its junction with Interstate Highway 45, and thence over Interstate Highway 45 to Houston, and return over the same route (serving the intermediate points of Fort Worth and Dallas, Tex., with service at the junction of U.S. Highway 287 and Interstate Highway 40 for the purpose of joinder only); (3) Between Riverside, Calif., and Memphis, Tenn.: From Riverside over U.S. Highway 60 (Interstate Highway 10) to Quartzsite, Ariz., thence over U.S. Highway 60 to Arizona Highway 71, thence over Arizona Highway 71 to junction U.S. Highway 89, thence over U.S. Highway 89 to junction Interstate Highway 40 (U.S. Highway 66), thence over Interstate Highway 40 (U.S. Highway 66) to Oklahoma City, Okla., thence over Interstate Highway 40 to junction U.S. Highway 266, thence over U.S. Highway 266 (Interstate Highway 40) to junction U.S. Highway 64, thence over U.S. Highway 64 (Interstate Highway 40) to Memphis, and return over the same route, serving no intermediate points, with service at the junction of U.S. Highway 60 and California Highway 86, the junction of U.S. Highway 666 and Interstate Highway 40, and the junction of U.S. Highway 287 and Interstate Highway 40 for the purpose of joinder only; and

(4) Between the junction of U.S. Highway 60 with California Highway 86 and Shreveport, La.: From the junction of U.S. Highway 60 and California Highway 86 over California Highway 86 to junction U.S. Highway 80 (Interstate Highway 8), thence over U.S. Highway 80 (Interstate Highway 8) to junction Interstate Highway 10, thence over Interstate Highway 10 to junction U.S. Highways 80 and 82, thence over U.S. Highway 82 to junction New Mexico Highway 18, thence over New Mexico Highway 18 to junction U.S. Highway 180, thence over U.S. Highway 180 to junction of U.S. Highway 80 (Interstate Highway 20), thence over U.S. Highway 80 (Interstate Highway 20) to Shreveport and return over the same route, serving the intermediate points of Fort Worth and Dallas, Tex., with service at the junction of U.S. Highway 60 and California Highway 86 and the junction of Interstate Highways 10 and 25 for the purpose of joinder only.

NOTE.—Common control may be involved. The purpose of this republication is to clarify: (a) the junction of U.S. Highway 666 as stated in (3) above; and (b) the purpose of this application as stated below. The primary purpose of this application is to join the authority of Pacific Intermountain Express Co. and Ryder Truck Lines, Inc., as alternative shorter routes between certain points served by each carrier so as to allow combined service by the two carriers to be rendered over shorter, safer, more economical, and more efficient routes than those now available for combined service being rendered by the two carriers. This application is also in contemplation of the merger of Pacific Intermountain Express Co. and Ryder Truck Lines, Inc., as required by the Interstate Commerce Commission in Docket No. MC-F-10795 (International Utilities—Control—Pacific Intermountain Express Co.) and currently pending in a merger application in Docket No. MC-F-11594 (Pacific Intermountain Express Co.—Merger—Ryder Truck Lines, Inc.) before the Commission. It is the expressed purpose of applicant to seek routes that will be physically joined to those now held by Ryder Truck Lines, Inc., if the above merger is approved. No duplicating authority is sought. If a hearing is deemed necessary, the applicant requests it be held at Los Angeles, Calif., San Francisco, Calif., or Atlanta, Ga.

No. MC 1824 (Sub-No. 66), filed May 20, 1974. Applicant: PRESTON TRUCKING COMPANY, INC., 151 Easton Boulevard, Preston, Md. 21655. Applicant's representative: Frank V. Klein (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A & B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), serving the warehouse site of Western Electric located at or near Martinsburg, W. Va. as an off-route point in connection with applicant's regular route operations between Baltimore, Md. and Pittsburgh, Pa.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 19945 (Sub-No. 45), filed May 29, 1974. Applicant: BEHNKEN TRUCK SERVICE, INC., Route No. 13, New Athens, Ill. 62264. Applicant's representative: Ernest A. Brooks II, 1301 Ambassador Building, St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flue dust*, in bulk, in dump vehicles, from the plantsite and storage facilities of Laclede Steel Company, at Alton, Ill., to Frit Industries, Inc., at Buffalo, N.Y.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at St. Louis, Mo., or Washington, D.C.

No. MC 22195 (Sub-No. 156), filed May 24, 1974. Applicant: DAN DUGAN TRANSPORT COMPANY, a Corporation, 41st & Grange Avenue, Sioux Falls, S. Dak. 57105. Applicant's representative: Fred Fischer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Anhydrous ammonia*, in bulk, in tank vehicles, from East Grand Forks, Minn., to points in North Dakota and Minnesota; and (2) *petroleum and petroleum products* (except asphalts and road oils) from Sioux Falls, S. Dak., to points in Nebraska.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Sioux Falls, S. Dak., or Sioux City, Iowa.

No. MC 22301 (Sub-No. 19), filed May 22, 1974. Applicant: SIOUX TRANSPORTATION COMPANY, INC., 1230 Steuben Street, P.O. Box 3088, Sioux City, Iowa 51120. Applicant's representative: Paul Beck (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the plantsite and warehouse facilities of Campbell Soup, Co., at or near Omaha, Nebr., to Milwaukee, New Berlin, Waukesha and Wauwatosa, Wis., restricted to traffic originating at the named origin and destined to the named destination.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Sioux City, Iowa.

No. MC 30844 (Sub-No. 509), filed May 13, 1974. Applicant: KROBLIN REFRIGERATED EXPRESS, INC., 2125 Commercial Street, Waterloo, Iowa 50702. Applicant's representative: Larry

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Strickler (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses* (except hides and commodities in bulk, in tank vehicles), described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plant site of and storage facilities utilized by American Beef Packers, Inc., at or near Cactus (Moore County), Tex., to points in Connecticut, Delaware, Indiana, Kentucky, Maryland, Massachusetts, Michigan, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, and the District of Columbia, restricted to traffic originating at, or destined to the named points.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Dallas, Tex., or Washington, D.C.

No. MC 25869 (Sub-No. 120), filed May 20, 1974. Applicant: NOLTE BROS. TRUCK LINE, INC., 4800 Colorado Blvd., Denver, Colo. 80216. Applicant's representative: Donald L. Stern, Suite 530 Univac Building, 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crushed automobile bodies, including component parts and accessories thereof*, from points in Colorado, Iowa, and Nebraska, to points in the Kansas City, Kans.-Kansas City, Mo., Commercial Zone, and Chicago, Ill., and points in its commercial zone.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., Omaha, Nebr.

No. MC 29079 (Sub-No. 72), filed May 17, 1974. Applicant: BRADA MILLER FREIGHT SYSTEM, INC., 1210 South Union, Kokomo, Ind. 46901. Applicant's representative: Ben Cotten, 704 Southern Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the Chicago Commercial Zone, Joliet, and Waukegan, Ill., to points in Iowa and Missouri.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 41404 (Sub-No. 113), filed May 23, 1974. Applicant: ARGO-COLLIER TRUCK LINES, CORPORATION, P.O. Box 440, Fulton Highway, Martin, Tenn. 38237. Applicant's representative: Mark L. Horne (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials, supplies, equipment, and ingredients*, used in the manufacturing, packaging and distribution of frozen foods (except in bulk), between the plant and warehouse facilities of The Quaker Oats Company, at or near Jackson, Tenn., on the one hand, and, on the other, points in Alabama, Georgia, Illinois, Indiana, Kentucky, Louisiana, Michigan, Mississippi, Missouri, Ohio, Tennessee, and Wisconsin, restricted to traffic originating at or destined to the plant and warehouse facilities of The Quaker Oats Company, at or near Jackson, Tenn.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Atlanta, Ga.

No. MC 44639 (Sub-No. 81), filed May 15, 1974. Applicant: L & M EXPRESS CO., INC., 220 Ridge Road, Lyndhurst, N.J. 07071. Applicant's representative: Herman B. J. Weckstein, One Woodbridge Center, Woodbridge, N.J. 07095. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wearing apparel* loose, on hangers; and (2) *wearing apparel, and materials, and supplies* used in the manufacture of wearing apparel when moving in the same vehicle and at the same time with wearing apparel, loose, on hangers, between Culpeper, Va., on the one hand, and, on the other, Rutherford, N.J. and New York, N.Y.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 59680 (Sub-No. 213), filed May 22, 1974. Applicant: STRICKLAND TRANSPORTATION CO., INC., 3011 Gulden Avenue, P.O. Box 5689, Dallas, Tex. 75222. Applicant's representative: Oscar P. Peck (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products;* and (2) *materials, equipment, and supplies* (except commodities in bulk), used in the manufacture and distribution of paper and paper products, between the plantsite and facilities of Ludlow Corporation, at or near Homer, La., on the one hand, and, on the other, points in Delaware, Maryland, Ohio, Indiana, Illinois, Wisconsin, Michigan, Pennsylvania, New York, New Jersey, Connecticut, Massachusetts, and Rhode Island.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Boston, Mass., or Washington, D.C.

No. MC 60014 (Sub-No. 37), filed May 23, 1974. Applicant: AERO TRUCKING, INC., Box 308, Monroeville, Pa. 15146. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe and accessories* therefor (except commodities which by reason of size or weight require the use of special equipment), from the plantsite of Johns Manville Products Corporation at or near Wilton, Iowa, to points in Connecticut, Delaware, Illinois, Indiana, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, Virginia, West Virginia, and Wisconsin. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 61592 (Sub-No. 317), filed May 20, 1974. Applicant: JENKINS TRUCK LINE, INC., R.R. No. 3, Box 697, Jeffersonville, Ind. 47130. Applicant's representative: E. A. DeVine, P.O. Box 737, 101 First Avenue, Moline, Ill. 61265. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bituminous fibre pipe and conduit, plastic products, fibre vaults, and accessories*, used in connection therewith (except commodities in bulk), from West Bend, Wis., to points in Connecticut, Illinois, Indiana, Kentucky, Maine, Massachusetts, Michigan, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Vermont, Virginia, and West Virginia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 69116 (Sub-No. 168), filed May 17, 1974. Applicant: SPECTOR FREIGHT SYSTEM, INC., 205 West Wacker Drive, Chicago, Ill. 60606. Applicant's representative: Edward G. Bazelon, 39 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Rough Iron-steel castings*, serving the plantsite of Waupaca Foundry, Division of The Budd Company, at or near Marinette, Wis., as an off-route point in connection with carrier's otherwise authorized regular-route operations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 71478 (Sub-No. 34), filed April 25, 1974. Applicant: THE CHIEF FREIGHT LINES COMPANY, a Corporation, 2401 North Harvard Avenue, Tulsa, Okla. 74115. Applicant's representative: Sam Roberts, 501 Philtower Building, Tulsa, Okla. 74103. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) (1) Between Pauls Valley, Okla., and Ada, Okla., serving no intermediate points: From Pauls Valley, Okla., over Oklahoma Highway 19 to Ada, Okla., (2) Between Davis, Okla., and Ada, Okla.: From Davis, Okla., over Oklahoma Highway 7 to junction Oklahoma Highway 12 to Ada, Okla. and return over the same route, (3) Between Lexington, Okla., and Ada, Okla.: From Lexington, Okla., over Highway 39 to junction U.S. Highway 177 and Oklahoma Highway 13 near Asher, Okla., thence over Oklahoma Highway 13 to Ada, Okla., and return over the same route, serving no intermediate points, and (4) Between Tulsa, Okla., and Ada, Okla., from Tulsa, Okla., over U.S. Highway 66 to Stroud, Okla., thence over Oklahoma Highway 99 to Ada, Okla., and return over the same route.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Dallas, Tex., or Ada, Okla.

No. MC 72243 (Sub-No. 39), filed May 6, 1974. Applicant: THE AETNA FREIGHT LINES, INC., 2507 Youngstown Road SE., Warren, Ohio 44482. Applicant's representative: Frank D. Hall & Guy H. Postell, Suite 713, 3384 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* which, because of size, weight, or shape, require the use of special equipment or special handling, from Jefferson County, Ala., to points in Alabama, Arkansas, Colorado, Connecticut, Delaware, District of Columbia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, Ohio, Pennsylvania, Tennessee, West Virginia, Wisconsin, Wyoming, and Richmond, Va.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 72442 (Sub-No. 43), filed May 15, 1974. Applicant: AKERS MOTOR LINES, INC., P.O. Box 10303, Charlotte, N.C. 28237. Applicant's representative: Leonard A. Jaskiewicz, Suite 501, 1730 M Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, commodities in bulk, commodities requiring special equipment, and household goods as defined by the Commission), serving points in Screven County, Ga., as off-route points in connection with carrier's authorized regular route operations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 75320 (Sub-No. 172), filed May 24, 1974. Applicant: CAMPBELL SIXTY-SIX EXPRESS, INC., P.O. Box 807, Springfield, Mo. 65801. Applicant's representative: John A. Crawford, 700 Petroleum Building, P.O. Box 22567, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite and facilities of Grand Gulf Nuclear Station of Mississippi Power and Light Company, located approximately seven miles northwest of Port Gibson, in Claiborne County, Miss., as an off-route point in conjunction with applicant's regular-route operations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss.

No. MC 76449 (Sub-No. 21), filed May 24, 19974. Applicant: NELSON'S EXPRESS, INC., 675 North Market Street, Millersburg, Pa. 17061. Applicant's representative: John M. Musselman, P.O. Box 1146, 410 North Third Street, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass and glass products*, in truckload shipments having a prior or subsequent transportation via railroad trailer on flat car service, between the plantsite of PPG Industries, Inc., located in South Middleton Township (Cumberland County), Pa., on the one hand, and on the other, railroad sidings at Harrisburg, Pa.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 79999 (Sub-No. 13), filed May 23, 1974. Applicant: E. JACK WALTON TRUCKING COMPANY, a Corporation, 13020 Sarah Lane, P.O. Box 9776, Houston, Tex. 77015. Applicant's representative: Joe G. Fender, 802 Houston First Savings Bldg., Houston, Tex. 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Refined copper*, and *articles of extraordinary value*, from the plantsite and facilities of American Smelting and Refining Company, at or near Amarillo (in Potter County), Tex., to points in Oklahoma, Kansas, New Mexico, and Louisiana.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Houston or Dallas, Tex.

No. MC 82063 (Sub-No. 49), filed May 20, 1974. Applicant: KLIPSCH HAULING CO., a Corporation, 119 E. Loughborough, St. Louis, Mo. 63111. Applicant's representative: Ernest A. Brooks, 1301 Ambassador Bldg., St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Nitric acid*, in bulk, from Atlas, Mo., to points in Missouri, Arkansas, Kansas, Oklahoma, Texas, and New Mexico; and (2) *Sodium hydroxide*, in bulk, in tank vehicles, from Bauxite, Ark., to Alorton, Ill.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at St. Louis, Mo., or Kansas City, Mo.

No. MC 94350 (Sub-No. 349), filed May 17, 1974. Applicant: TRANSIT HOMES, INC., P.O. Box 1628, Haywood Road at Transit Drive, Greenville, S.C. 29602. Applicant's representative: Mitchell King, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Amusement rides*, on wheeled undercarriages, equipped with hitch-ball couplers, from points in Greenville County, S.C., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Columbia, S.C.

No. MC 95304 (Sub-No. 21), filed May 17, 1974. Applicant: NORTHERN NECK TRANSFER, INC., P.O. Box 345, Montross, Va. 22520. Applicant's representative: L. C. Major, Jr., Suite 301 Tavern Square, 421 King Street, Alexandria, Va. 22314. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Composition building boards*, from the plantsites of Johns-Manville Corporation, at Jarratt, Va., and at or near Woodstock, Va., to points in Connecticut, Delaware, Maryland, New Jersey, New York, Pennsylvania, Rhode Island, and the District of Columbia; and (2) *wooden pallets, set up and knocked down, and pallet parts*, from points in Westmoreland and Essex Counties, Va., to points in Connecticut, Delaware, Maryland, New Jersey, North Carolina, Ohio, New York, Pennsylvania, Rhode Island, and Massachusetts.

NOTE.—If a hearing is deemed necessary, applicant requests is be held at Washington, D.C., or Richmond, Va.

No. MC 99780 (Sub-No. 41), filed May 29, 1974. Applicant: CHIPPER CARTAGE COMPANY, INC., 1327 NE. Bond Street, Peoria, Ill. 61603. Applicant's representative: John R. Zang (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Mattoon, Ill., to points in Iowa, Illinois, Kentucky, Missouri, Indiana, and Michigan, restricted to traffic originating at the above specified origin and destined to the above specified destinations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 102567 (Sub-No. 174), filed May 29, 1974. Applicant: McNAIR TRANSPORT, INC., 4295 Meadow Lane, P.O. Drawer 5357, Bossier City, La. 71010. Applicant's representative: Jo E. Shaw, 816 Houston First Savings Building, Houston, Tex. 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from the plantsite of LaJet, Inc., at or near St. James, La., to points in Alabama, Arkansas, Florida, Georgia, Kansas, Louisiana, Oklahoma, Mississippi, and Texas.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Houston, Tex., or New Orleans, La.

No. MC 102885 (Sub-No. 6), filed May 17, 1974. Applicant: JOSEPH MAKOWSKI AND LEONARD MAKOWSKI, a partnership, doing business as MAKOWSKI HAULING, New Concord Road, Concordville, Pa. Applicant's representative: Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt and salt mixed with calcium chloride*, in bulk, from points in Delaware County, Pa., to points in New Jersey south of the northern boundaries of Burlington and Ocean Counties.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 105813 (Sub-No. 196), filed May 31, 1974. Applicant: BELFORD

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TRUCKING CO., INC., 3500 NW. 79th Avenue, Miami, Fla. 33148. Applicant's representative: Arnold L. Burke, 127 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, and agricultural commodities* exempt from economic regulation under Section 203(b)(6) of the Act, when transported in mixed loads with bananas, from Mobile, Ala., to points in Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wyoming, and the District of Columbia, restricted to the transportation of traffic having an immediate prior movement by water.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant does not specify location.

No. MC 106163 (Sub-No. 34), filed May 21, 1974. Applicant: RED LINE TRANSFER AND STORAGE COMPANY, INC., 132 Legion Street, P.O. Box 1516, Johnson City, Tenn. 37601. Applicant's representative: H. M. Cook (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A & B explosives, household goods as defined by the Commission, commodities in bulk, in tank vehicles and those requiring special equipment), serving the plantsite and warehouse facilities of Mahaffy-Apollo Enterprises, Inc., at or near Swan Lake, Jefferson County, Ark., as an off-route point in connection with applicant's regular route authority to and from Pine Bluff, Ark.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., or Memphis, Tenn.

No. MC 107002 (Sub-No. 454), filed May 20, 1974. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, U.S. Highway 80 West, Jackson, Miss. Applicant's representative: John J. Borth, P.O. Box 8573, Battlefield Station, Jackson, Miss. 39204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid agricultural insecticides*, in bulk, in tank vehicles, from Millington, Tenn., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 107403 (Sub-No. 900), filed May 24, 1974. Applicant: MATLACK, INC., Ten West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Denatured alcohol*, in bulk, in tank vehicles, from Pekin, Ill., to points in Indiana, Iowa, Kentucky, Michigan, Mississippi, New Jersey, North Carolina, Tennessee, and Pennsylvania; (2) *refined vegetable oils and blends thereof*, in bulk, in tank vehicles, from Louisville, Ky., to Amarillo, Tex.; and (3) *activated carbon*, in bulk, in tank vehicles, from Cedar Rapids, Iowa, to Pittsburgh, Pa.

NOTE.—Common control was approved in MC-F-10612. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107496 (Sub-No. 957), filed May 17, 1974. Applicant: RUAN TRANSPORT CORPORATION, Third at Keosauqua Way, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals* (except anhydrous ammonia, aqua ammonia and liquid fertilizer), in bulk from the plantsite of Monsanto Company, at or near Muscatine, Iowa, to points in the United States (except Alaska, Hawaii and points in the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Des Moines, Iowa, or Chicago, Ill.

No. MC 107906 (Sub-No. 32), filed May 24, 1974. Applicant: TRANSPORT MOTOR EXPRESS, INC., P.O. Box 958, Fort Wayne, Ind. 46801. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite of Flo-Con Systems, Inc., at Fisher, Ill., as an off-route point in connection with applicant's regular routes.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 108207 (Sub-No. 391), filed May 30, 1974. Applicant: FROZEN FOOD EXPRESS, a Corporation, 318 Cadiz Street, P.O. Box 5888, Dallas, Tex. 75222. Applicant's representative: J. B. Ham (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas and agricultural commodities* exempt from economic regulation under Section 203(b)(6) of the Act, when transported in mixed loads with bananas, from Mobile, Ala., to points in Arizona, Arkansas, California, Illinois, Indiana, Iowa, Kansas, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, Oklahoma, Tennessee, Texas, and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Miami, Fla., or Dallas, Tex.

No. MC 108382 (Sub-No. 23), filed May 22, 1974. Applicant: SHORT FREIGHT LINES, INC., 459 South River Road, Bay City, Mich. 48706. Applicant's representative: Michael M. Briley, 1200 Edison Plaza, Toledo, Ohio 43604. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, dangerous explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment) serving Willow Run Airport, near Ypsilanti, Mich., as an off-route point in connection with applicant's operations between Bay City, Mich., and Toledo, Ohio, restricted to traffic originating at or destined to points on applicant's authorized regular routes located north of Bay City, Mich.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Toledo, Ohio, or Washington, D.C.

No. MC 108449 (Sub-No. 374), filed May 24, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenback (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs*, from Walworth County, Wis., to points in Iowa, Illinois, Indiana, Michigan, Missouri, and Ohio, and (2) *potato products and frozen potatoes*, from Portage County, Wis., to points in Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, North Dakota, Ohio, and South Dakota, and (3) *frozen bakery goods*, from the plant site and warehouses of Rich Products Corp., at Appleton, Wis., to points in North Dakota, South Dakota, Minnesota, Iowa, Missouri, Illinois, Indiana, Michigan, and Ohio.

NOTE.—Common control was approved in Docket No. MC-F-11504. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill., or St. Paul, Minn.

No. MC 109124 (Sub-No. 20) (Amendment), filed March 21, 1974, published in the FEDERAL REGISTER issue of May 2, 1974, and republished as amended this issue. Applicant: SENTLE TRUCKING CORPORATION, 210 Alexis Road, Toledo, Ohio 43612. Applicant's representative: James M. Burtch, 100 East Board Street, Suite 1800, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Refractory products* (except in bulk), from Maple Grove, Ohio, to points in Pennsylvania (except Allegheny, Beaver, Butler, Lawrence, and Mercer Counties), New York (except Buffalo and Lackawanna), Maryland, West Virginia, and Kentucky.

NOTE.—The purposes of this republication are: (1) To exclude commodities in bulk from the commodity description; (2) to substitute Beaver for Brown County in the excluded Pennsylvania destination territory; and (3) to exclude Buffalo and Lackawanna, N.Y., as destination points. If a hearing is deemed necessary, the applicant requests it be held at Columbus, Ohio.

No. MC 110525 (Sub-No. 1096), filed May 6, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downington, Pa. 19335. Applicant's representative: Thoman J. O'Brien (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid commodities*, in bulk, in tank vehicles, from the plant sites and facilities of Skyline Terminals, Inc., located in Baltimore, Md., to points in Delaware, Maryland, New Jersey, New York, Ohio, Pennsylvania, North Carolina, Virginia, West Virginia, and the District of Columbia, restricted to shipments having a prior movement by rail, water, or motor carrier or combinations thereof, and further restricted to traffic destined to the above named States.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Baltimore, Md.

No. MC 111434 (Sub-No. 88), filed May 9, 1974. Applicant: DON WARD, INC., 241 West 56th Avenue, Denver, Colo. 80216. Applicant's representative: J. Albert Sebald, 7100 Western Federal Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Volcanic scoria*, from plant site of Twin Mountain Rock Company, about 8 miles north of Des Moines, N. Mex., to points in Arizona, Colorado, Kansas, Oklahoma, and Texas.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC-111545 (Sub-No. 197) (Correction), filed April 22, 1974, and published in the FEDERAL REGISTER issue of May 31, 1974, and republished as corrected this issue. Applicant: HOME TRANSPORTATION COMPANY, INC., 1425 Franklin Road, Marietta, Ga. 30062. Applicant's representative: Robert E. Born, P.O. Box 6426, Station A, Marietta, Ga. 30062. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Irrigation systems, pipe, tubing, light poles, mast arms, brackets, bases, and transmission poles*, and (2) *materials and supplies*, used in the manufacture and installation of the commodities named in (1) above, between Valley, Nebr., on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Kansas, Louisiana, Mississippi, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, and Texas.

NOTE.—The purpose of this republication is to include *"pipe, tubing, light poles, mast arms, and brackets"* in part (1) of the commodity description, which was inadvertently omitted in the previous publication. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 111729 (Sub-No. 439), filed May 13, 1974. Applicant: PUROLATOR COURIER CORP., 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: John M. Delany (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Exposed and processed film and prints, complimentary replacement film, incidental dealer handling supplies and advertising material related thereto* (excluding motion picture film used primarily for commericial theatre and television exhibition), (1) Between Findlay, Ohio, and Fort Wayne, Ind., and (2) Between South Holland, Ill. and Menominee, Mich.

NOTE.—Applicant holds contract carrier authority in MC-112750 and subs thereunder, therefore dual operations may be involved. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 112617 (Sub-No. 316), filed May 24, 1974. Applicant: LIQUID TRANSPORTERS, INC., 1292 Fern Valley Road, P.O. Box 21395, Louisville, Ky. 40221. Applicant's representative: Leonard A. Jaskiewicz, Suite 501, 1730 M St., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fly ash*, in bulk, in tank vehicles, from Owensboro, Ky., to points in Illinois, Indiana, Kentucky, and Tennessee.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Washington, D.C.

No. MC 112822 (Sub-No. 329), filed April 26, 1974. Applicant: BRAY LINES INCORPORATED, 1401 North Little Street, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machine parts*, (2) *packaging supplies;* (3) *ingredients utilized in the manufacturing and processing of cheese* (except dairy products); and (4) *pallets*, between Green Bay, Wis.; Carthage, Mo.; and Logan, Utah, restricted to traffic at the plantsites and storage facilities of Schreiber Cheese Company, at Green Bay, Wis.; Carthage, Mo.; and Logan, Utah.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Minneapolis, Minn.

No. MC 113325 (Sub-No. 136), filed May 29, 1974. Applicant: GLAY TRANSPORTATION CO., INC., 2001 South 7th Street, St. Louis, Mo. 63104. Applicant's representative: T. M. Tahan (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals*, in bulk, in tank, and hopper vehicles, from the plantsites of Monsanto Company at Kearny and Bridgeport, N.J., and Everett and Springfield, Mass., to Kansas City, Kans., and points in Missouri and Illinois.

Note.—If a hearing is deemed necessary, the applicant requests it be held at St. Louis, Mo.

No. MC 113651 (Sub-No. 169) (Correction), filed May 6, 1974, published in the FEDERAL REGISTER issue of June 13, 1974 as No. MC-113561 (Sub-No. 169), and republished in part as corrected this issue. Applicant: INDIANA REFRIGERATOR LINES, INC., 2404 North Broadway, Muncie, Ind. 47303. Applicant's representative: Henry A. Dillon (same address as applicant).

NOTE.—The purpose of this partial republication is to indicate the correct Docket Number assigned to this proceeding in No. MC-113651 (Sub-No. 169). The rest of the notice remains as previously published in the June 13, 1974 FEDERAL REGISTER issue.

No. MC 113651 (Sub-No. 172), filed May 31, 1974. Applicant: INDIANA REFRIGERATOR LINES, INC., 2404 North Broadway, Muncie, Ind. 47303. Applicant's representative: Henry A. Dillon (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas and agricultural commodities*, exempt from economic regulation under Section 203(b)(6) of the Act, when transported in mixed loads with bananas, from Mobile, Ala., to points in Illinois, Indiana, Iowa, Kentucky, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin, restricted to traffic having prior movement by water.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Miami, Fla., or Washington, D.C.

No. MC 114045 (Sub-No. 398), filed May 22, 1974. Applicant: TRANS-COLD EXPRESS, INC., Post Office Box 5842, Dallas, Tex. 75222. Applicant's representative: J. B. Stuart (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machine parts*, (2) *packaging supplies;* (3) *ingredients utilized in the manufacturing and processing of cheese* (except dairy products); and (4) *pallets*, between Green Bay, Wis.; Carthage, Mo.; and Logan, Utah, restricted to traffic at the plantsites and storage facilities of Schreiber Cheese Company, at Green Bay, Wis.; Carthage, Mo.; and Logan, Utah.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 114106 (Sub-No. 103), filed May 7, 1974. Applicant: MAYBELLE TRANSPORT COMPANY, a Corporation, 1820 South Maine Street, Lexington, N.C. 27292. Applicant's representative: Russell E. Stone, 934 44th Ave., North, P.O. Box 90408, Nashville, Tenn. 37209. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, in bulk, from Wilmington (New Hanover County), N.C., to points in South Carolina.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., or Atlanta, Ga.

No. MC 114273 (Sub-No. 185), filed May 31, 1974. Applicant: CEDAR RAPIDS STEEL TRANSPORTATION, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Robert E.

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Konchar, Suite 315 Commerce Exchange Building, 2720 First Avenue NE., P.O. Box 1943, Cedar Rapids, Iowa 52406. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plant site and/or storage facilities utilized by Iowa Beef Processors, Inc., at or near Amarillo, Tex., to points in Colorado, Connecticut, District of Columbia, Delaware, Illinois, Indiana, Iowa, Kansas, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Ohio, Pennsylvania, Rhode Island, South Dakota, Vermont, Virginia, West Virginia, and Wisconsin.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114274 (Sub-No. 29), filed May 7, 1974. Applicant: VITALIS TRUCK LINES, INC., 137 NE. 48th Street Place, Des Moines, Iowa 50306. Applicant's representative: William H. Towle, 127 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and liquid commodities in bulk), from the facilities of Iowa Beef Processors, Inc., at Denison, Ft. Dodge, LeMars, and Mason City, Iowa; Dakota City and West Point, Nebr.; LuVerne, Minn., and Emporia, Kans., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, and the ports of entry on the International Boundary line between the United States and Canada, located in New York and Michigan, restricted to the transportation of shipments originating at the above-described origin points and destined to points in the above-named states, except for traffic moving in foreign commerce.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 115311 (Sub-No. 168), filed May 29, 1974. Applicant: J & M TRANSPORTATION CO., INC., P.O. Box 488, Milledgeville, Ga. 31061. Applicant's representative: K. Edward Wolcott, P.O. Box 872, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from points in Jefferson County, Ala., to points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 115311 (Sub-No. 169), filed May 29, 1974. Applicant: J & M TRANSPORTATION CO., INC., P.O. Box 488, Milledgeville, Ga. 31061. Applicant's representative: K. Edward Wolcott, P.O. Box 872, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty glass containers, corrugated cartons and fillers, and materials and supplies* used in the manufacture of glass containers (except in bulk), between the plantsite and warehouse facilities of Midland Glass Company, Inc., near Warner Robins, Ga., on the one hand, and, on the other, Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 115322 (Sub-No. 105), filed May 20, 1974. Applicant: REDWING REFRIGERATED, INC., P.O. Box 10177, Taft, Fla. 32809. Applicant's representative: J. V. McCoy, P.O. Box 426, Tampa, Fla. 33601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Furniture rounds: wooden turns, finished and unfinished; logs, of compressed wood, bark or sawdust; paper, paper products, and pulpboard*, from Plymouth, N.C., to points in Connecticut, Delaware, Florida, Louisiana, Maryland, Maine, New Hampshire, New Jersey, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, and (2) *wood pulp*, not powdered, NOI, in packages, from Weyco and Askins, N.C., to points in Connecticut, Delaware, Florida, Louisiana, Maryland, Maine, New Hampshire, New Jersey, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, and (3) *return shipments* of the above described commodities and packaging materials from the designated destination states to the named origins.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Raleigh, N.C., or Washington, D.C.

No. MC 115331 (Sub-No. 364), filed April 17, 1974. Applicant: TRUCK TRANSPORT, INCORPORATED, 29 Clayton Hills Lane, St. Louis, Mo. 63131. Applicant's representative: J. R. Ferris, 230 St. Clair Avenue, East St. Louis, Ill. 62201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ground clay N.O.I. and clay products*, from points in Stoddard County, Mo., especially Bloomfield Mo., to points in Missouri, Illinois, Indiana, Ohio, Pennsylvania, West Virginia, Tennessee, Kentucky, Michigan, Wisconsin, Minnesota, Nebraska, Iowa, Arkansas, Kansas, Oklahoma, and Texas.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Chicago, Ill.

No. MC 115826 (Sub-No. 258), filed May 3, 1974. Applicant: W. J. DIGBY, INC., 1960 31st Street, Denver, Colo. 80217. Applicant's representative: Ezekial Gomex (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plantsite of and storage facilities utilized by American Beef Packers, Inc., located at or near Cactus (Moore County), Tex., to points in Arizona, California, Idaho, Nevada, Utah, Oregon, Washington, Alabama, Georgia, Florida, Tennessee, North Carolina, South Carolina, and Colorado, restricted to traffic originating at the aboved-named origin and destined to the above-named destination points.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr., or Denver, Colo.

No. MC 115840 (Sub-No. 96), filed May 16, 1974. Applicant: COLONIAL FAST FREIGHT LINES, INC., P.O. Box 10327, 105 Vulcan Road, Second Floor, Birmingham, Ala. 35202. Applicant's representative: Roger M. Shaner (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Buildings*, complete knocked down, or in sections, *building sections and/or panels, and parts and accessories* used in the installation thereof; and (2) *metal pre-fabricated structural components and panels* (except commodities in bulk), from the plantsite and storage facilities of Kirby Building Systems, Inc., located at or near Portland, Tenn., to points in the United States (except Alaska and Hawaii), restricted to the transportation of traffic originating at, and destined to, the named points.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., or Birmingham, Ala.

No. MC 116254 (Sub-No. 143), filed May 24, 1974. Applicant: CHEM-HAULERS, INC., P.O. Drawer M, Sheffield, Ala. 35660. Applicant's representative: Walter Harwood, P.O. Box 15214, Nashville, Tenn. 37215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid aluminum sulphate*, in bulk, in tank vehicles, from Counce, Tenn., to points in Alabama in that part of Alabama on and within a line beginning at the Alabama-Tennessee State Boundary line and extending southerly along the Mississippi-Alabama State Boundary line to its intersection with U.S. Highway 78, thence easterly along U.S. Highway 78 to Hamilton, Ala.; thence easterly along U.S. Highway 278 to its intersection with the Alabama-Georgia State Boundary line, thence northerly along the Alabama-Georgia State Boundary line to Alabama-Tennessee State Boundary line, and westerly along that line to the point of beginning.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., or Nashville, Tenn.

No. MC 116273 (Sub-No. 176), filed May 31, 1974. Applicant: D & L TRANSPORT, INC., 3800 South Laramie Avenue, Cicero, Ill. 60650. Applicant's representative: Arnold L. Burke, 127 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Lemont, Ill., to Indiana, Ohio, Michigan, Kentucky, Missouri, Minnesota, and Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 116763 (Sub-No. 279), filed May 23, 1974. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380. Applicant's representative: H. M. Richters (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, plywood, shingles, and shakes*, from points in Idaho, Oregon, Washington, Utah, Wyoming, Colorado, and Montana, to points in and east of Texas, Oklahoma, Kansas, Nebraska, Iowa, and Minnesota.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 116763 (Sub-No. 280), filed May 24, 1974. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380. Applicant's representative: H. M. Richters (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal food and pet related items*, from Woburn, Mass., to points in Kentucky and Tennessee.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 117068 (Sub-No. 29), filed May 17, 1974. Applicant: MIDWEST HARVESTORE TRANSPORT, INC., 2118 17th Avenue NW., Rochester, Minn. 55901. Applicant's representative: Richard C. McGinnis, 711 Washington Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Material-handling equipment and parts and accessories thereof*, from the plant sites and warehouses of and other facilities used by Versatile Power Corp., located in Grantsburg, Wis., and Minneapolis, Minn., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 117940 (Sub-No. 131), filed May 23, 1974. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, Minn. 55359. Applicant's representative: Donald L. Stern, Suite 530, Univac Bldg., 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas and agricultural commodities*, otherwise exempt from economic regulation under Section 203(b)(6) of the Act, when transported in mixed loads with bananas, from Mobile, Ala., to points in Illinois, Indiana, Iowa, Kentucky, Maryland, Michigan, Minnesota, Missouri, New Jersey, New York, Ohio, Pennsylvania, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia, restricted to the transportation of traffic having a prior movement by water.

NOTE.—Applicant holds contract carrier authority in MC 114789 Sub 1 and other subs, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Miami, Fla., or Minneapolis, Minn.

No. MC 117993 (Sub-No. 1), filed May 13, 1974. Applicant: FRUIT BELT PRODUCE TRUCKING LIMITED, 12 Smith Street, St. Catherines, Ontario, Canada. Applicant's representative: Robert D. Gunderman, Esq., Suite 710 Statler Hilton, Buffalo, N.Y. 14202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared frozen foods*, in vehicles equipped with mechanical refrigeration devices, from the plantsites and storage facilities of Banquet Foods Corporation at Marshall, Macon, Moberly, and Carrollton, Mo., and Wellston, Ohio, to ports of entry on the International Boundary line between the United States and Canada in New York and Michigan.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 118159 (Sub-No. 145), filed May 16, 1974. Applicant: NATIONAL REFRIGERATED TRANSPORT, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representative: Jack R. Anderson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products and articles* distributed by meat packinghouses, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plantsite of and storage facilities utilized by American Beef Packers, Inc., at or near Cactus (Moore County), Tex., to points in Alabama, Florida, Georgia, Mississippi, Tennessee, North Carolina, South Carolina, Arkansas, Louisiana, Illinois, Indiana, Kentucky, Michigan, Ohio, and Wisconsin, restricted to traffic originating at, and destined to, the named points.

NOTE.—Common control was approved in Docket No. MC-F-11028. If a hearing is deemed necessary, applicant requests it be held at Tulsa, Okla., or Dallas, Tex., or Kansas City, Mo.

No. MC 118806 (Sub-No. 35), filed, May 14, 1974. Applicant: ARNOLD BROS. TRANSPORT, LTD., 739 Lagimodiere Boulevard, Winnipeg, Manitoba, Canada. Applicant's representative: Daniel C. Sullivan, 327 South La Salle Street, Chicago, Ill. 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel products*, (2) *castings*, (3) *recreational vehicles*, (4) *pipe and tubing and* (5) *wheels and hubs*, from the port of entry on the International Boundary Line between Canada and the United States, located near Noyes, Minn., to points in the United States including Alaska but excluding Hawaii, restricted to the transportation of traffic in foreign commerce.

NOTE.—If a hearing is deemed necessary, applicant does not specify a location.

No. MC 118457 (Sub-No. 14), filed May 22, 1974. Applicant: ROBBINS DISTRIBUTING COMPANY, INC., W145 South 6550 Tess Corners Dr., Muskego, Wis. 53150. Applicant's representative: Allan B. Torhorst, 217 East Jefferson St., Burlington, Wis. 53105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs and non-edible foods*, when moving in vehicles equipped with mechanical refrigeration, from Bettendorf, Iowa, to points in Illinois, Kentucky, Michigan, Minnesota., Missouri, Ohio, and Wisconsin, restricted to shipments originating at Terminal Ice & Cold Storage at or near Bettendorf, Iowa.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.

No. MC 119656 (Sub-No. 30), filed May 30, 1974. Applicant: NORTH EXPRESS, INC., 219 East Main Street, Winamac, Ind. 46966. Applicant's representative: Donald W. Smith, Suite 2465, One Indiana Square, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, between the plantsite of Roll Coater, Inc., at or near Kingsbury, Ind., on the one hand, and, on the other, points in Indiana, Illinois, Michigan, Ohio, Missouri, Pennsylvania, and New York.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Indianapolis, Ind.

No. MC 119793 (Sub-No. 8), filed May 14, 1974. Applicant: DEWEY L. WILFONG, doing business as D & W TRUCK LINES, 209 First Street, Parsons, W. Va. 26287. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Buffing, polishing, cleaning, scouring, washing, and bleaching compounds, animal litter, and cooking oil* (except commodities in bulk), (a) from the plant site and facilities utilized by the Clorox Company located at or near Frederick, Md., to points in Pennsylvania, Virginia, West Virginia, Delaware, and District of Columbia; and (b) from the plant site and facilities utilized by The Clorox Company located at or near Jersey City, N.J., to the plant sites and facilities utilized by The Clorox Company located at or near Fred-

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erick, Md., and Charlotte, N.C.; (2) *cleaning compounds* (except commodities in bulk), From Lakewood, N.J., to the plant site and facilities utilized by The Clorox Company, located at or near Frederick, Md., (3) *aerosol products*, (a) from Piscataway, N.J., and Milford, Conn., to the plant sites and facilities utilized by The Colorox Company, located at or near Frederick, Md., and Charlotte, N.C.; and (b) from Milford, Conn., to the plant site and facilities utilized by The Clorox Company, located at or near Jersey City, N.J. (4) *materials, equipment*, and *supplies* utilized in the manufacture, sale, and distribution of buffing, polishing, cleaning, scouring, washing, and bleaching compounds (except commodities in bulk and those which because of size or weight require the use of special equipment), (a) from the points in New Jersey and Delaware, to the plant site and facilities utilized by The Clorox Company, located at or near Frederick, Md.; and (b) from Baltimore, Md., to the plant site and facilities utilized by The Clorox Company, located at or near Charlotte, N.C.; (5) *materials, equipment, and supplies* utilized in the manufacture, sale, and distribution of charcoal, wood chips, vermiculite, lighter fluid, and fireplace logs (sawdust and wax impregnated, except commodities in bulk, and commodities which because of size or weight require the use of special equipment), from Norfolk, Va., to the facilities utilized by The Clorox Company and its affiliates or subsidiaries, located at or near Parsons, W. Va.; and (6) *lighter fluid* (except in bulk), from Paulsboro, N.J., to the plant site and facilities utilized by The Clorox Company and its subsidiaries or its affiliates located at or near Parsons, W. Va.; (1) through (6) above, under a continuing contract or contracts with The Clorox Company of Oakland, California, its subsidiaries or affiliates.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Charleston, W. Va.

No. MC 119864 (Sub-No. 57), filed June 3, 1974. Applicant: CRAIG TRANSPORTATION CO., a Corporation, 26699 Eckel Road, Perrysburg, Ohio 43551. Applicant's representative: Dale K. Craig (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), from Iowa City, and Muscatine, Iowa, to points in Illinois, Wisconsin, and Missouri.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 119880 (Sub-No. 61), filed May 10, 1974. Applicant: DRUM TRANSPORT, INC., P.O. Box 2056, East Peoria, Ill. 61611. Applicant's representative: Donald L. Stern, Suite 530 Univac Bldg., 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flavored syrups*, in bulk, in tank vehicles, from points of entry on the International Boundary Line between the United States and the Republic of Mexico, located at or near Laredo, Tex., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 123383 (Sub-No. 67), filed May 24, 1974. Applicant: BOYLE BROTHERS, INC., 941 South 2d Street, Camden, N.J. 08103. Applicant's representative: Chester A. Zyblut, 1522 K St. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Woodfibre wallboard and plywood, and materials and accessories*, used in their sale and installation, between the site of Abitibi Corporation, at Highspire, Pa., on the one hand, and, on the other, points in New York, Pennsylvania, West Virginia, Virginia, Maryland, Delaware, New Jersey, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 124060 (Sub-No. 2), filed May 22, 1974. Applicant: JOHN Y. WIGGINS, doing business as JOHNNY'S EXPRESS, 70 Thiem Avenue, Rochelle Park, N.J. 07662. Applicant's representative: Morris Honig, 150 Broadway, New York, N.Y. 10038. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Antiques, new furniture, store fixtures, displays, advertising materials, and department store supplies*, between Carlstadt, N.J., on the one hand, and, on the other, points in Connecticut, on and west of U.S. Highway 5, extending from Long Island Sound, to the Massachusetts-Connecticut State Boundary line, under contract with Lord and Taylor, at New York, N.Y.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 124117 (Sub-No. 8), filed May 17, 1974. Applicant: EARL FREEMAN, doing business as MID-TENN EXPRESS, P.O. Box 101, Eagleville, Tenn. 37060. Applicant's representative: Robert L. Baker, 618 Hamilton Bank Bldg., Nashville, Tenn. 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages, and related advertising materials*, from Milwaukee, Wis., Evansville, Ind., and Louisville, Ky., to Chattanooga, Tenn., and its Commercial Zone.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Nashville, or Chattanooga, Tenn.

No. MC 124154 (Sub-No. 61), filed May 17, 1974. Applicant: WINGATE TRUCKING COMPANY, INC., P.O. Box 645, Albany, Ga. 31702. Applicant's representative: W. Guy McKenzie, Jr., P.O. Box 1200, Tallahassee, Fla. 32302. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Baler presses and shears*, from points in Crisp County, Ga., to points in the United States (except Alaska and Hawaii); and (2) *component parts and materials* used in the manufacture of baler presses and shears, from points in the United States (except Alaska and Hawaii), to points in Crisp County, Ga.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga.

No. MC–125035 (Sub-No. 36), filed May 16, 1974. Applicant: RAY E. BROWN TRUCKING, INC., P.O. Box 501, Massillon, Ohio 44646. Applicant's representative: David L. Pemberton, 50 West Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle over irregular routes, transporting: *Food and foodstuffs*, not frozen, except in bulk, in tank vehicles, from the plantsites and facilities of Kraftco Corporation and its division, Kraft Foods, at or near Kendallville, Ind., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, under continuing contract with Kraftco Corporation and its division, Kraft Foods.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Columbus, Ohio.

No. MC–125035 (Sub-No. 37), filed May 17, 1974. Applicant: RAY E. BROWN TRUCKING, INC., P.O. Box 501, Massillon, Ohio, 44646. Applicant's representative: David L. Pemberton, 50 West Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ice cream, ice cream confections, ice confections, ice water confections, and pallets* used in the transportation thereof, between Peoria, Ill., on the one hand, and, on the other, points in Ohio on and north of Interstate Highway 70, under a continuing contract or contracts with the Sealtest Foods Division of the applicant requests it be held at Cleveland, or Columbus, Ohio. Kraftco Corporation.

NOTE.—If a hearing is deemed necessary,

No. MC–125687 (Sub-No. 14), filed May 13, 1974. Applicant: EASTERN STATES TRANSPORTATION, INC., 1060 Lafayette Street, York, Pa. 17405. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages, containers and advertising materials*, from the plantsite and warehouse of the Jos. Schlitz Brewing Company located in the Township of Lysander, contiguous to Baldwinsville, N.Y., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, Pennsylvania, Rhode Island, and

Vermont, and return of *empty malt beverage containers*, from the destination territory to the origin.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC–125708 (Sub-No. 136), filed May 24, 1974. Applicant: THUNDERBIRD MOTOR FREIGHT LINES, INC., Highway 32 East, Crawfordsville, Ind. 47933. Applicant's representative: Donald W. Smith, Suite 2465, One Indiana Square, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fabricated metal buildings and parts thereof, conduit pipe duct, raceways, and conduit pipe fittings*, from Parkersburg, W. Va., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 126149 (Sub-No. 18), filed May 16, 1974. Applicant: DENNY MOTOR FREIGHT, INC., 617 Indiana Avenue, New Albany, Ind. 47150. Applicant's representative: David R. Parker, 650 South 14th Street, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dry animal and poultry feed, dry animal and poultry mineral mixtures, animal and poultry tonics, insecticides* (other than agricultural), *livestock and poultry feeders and equipment, and premiums and advertising matters relating to such products*, from Quincy, Ill. to points in Kentucky and Tennessee; and (2) *commodities* used in the manufacture, sale, or distribution of the commodities in (1) above, from points in Kentucky and Tennessee to Quincy, Ill., restricted to shipments originating at or destined to the plantsites and facilities of Moorman Manufacturing Company and further restricted against the movement of commodities in bulk, in liquid, in tank vehicles.

NOTE.—If a hearing is deemed necessary, applicant requires it be held at St. Louis, Mo., or Louisville, Ky.

No. MC 126276 (Sub-No. 96), filed May 16, 1974. Applicant: FAST MOTOR SERVICE, INC., 9100 Plainfield Road, Brookfield, Ill., 60513. Applicant's representative: Albert A. Andrin, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers, and metal container ends and materials and supplies* used in the manufacture, sale, and distribution of metal containers and metal container ends (except commodities in bulk), from the plant site of Crown Cork & Seal Company, Inc. at Perrysburg, Ohio, to points in Alabama, Arkansas, Colorado, Connecticut, District of Columbia, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Oklahoma, Pennsylvania, Rhode Island, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin, under contract with Crown Cork & Seal Company, Inc., at Perrysburg, Ohio.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 126276 (Sub-No. 97), filed May 31, 1974. Applicant: FAST MOTOR SERVICE, INC., 9100 Plainfield Road, Brookfield, Ill. 60513. Applicant's representative: Albert A. Andrin, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper plates, paper cups, plastic plates, plastic cups, plastic knives, plastic spoons, and plastic forks, and materials and supplies* used in the manufacture of the above-named commodities, from the plant site of American Can Company located at or near Lexington, Ky., to points in Ohio, under contract or contracts with American Can Company.

NOTE.—Applicant has pending common carrier authority in MC–134612, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 126555 (Sub-No. 28), filed May 24, 1974. Applicant: UNIVERSAL TRANSPORT, INC., P.O. Box 268, Rapid City, S. Dak. 57701. Applicant's representative: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Chicago, Ill., to Watertown, S. Dak.

NOTE.—Common control was approved in Docket No. MC–F–8727. If a hearing is deemed necessary, the applicant requests it be held at Rapid City, S. Dak., or Denver, Colo.

No. MC 128047 (Sub-No. 4), filed May 16, 1974. Applicant: H. and H. HAULING, INC., 349 Main Street, Brookville, Pa. 15825. Applicant's representative: Arthur J. Diskin, 806 Frick Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from points in Clearfield, Jefferson, Westmoreland, Armstrong, and Clarion Counties, Pa., to points in Erie, Chautauqua, and Niagara Counties, N.Y.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., or Washington, D.C.

No. MC 128356 (Sub-No. 8), filed May 2, 1974. Applicant: DOWNINGTOWN TRAILER CARRIERS, INC., 640 West Boot Road, West Chester, Pa. 19380. Applicant's representative: Arnold Machles, Suite 1315, Two Penn Center Plaza, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *New trailers* (except for house trailers and trailers designed to be drawn by passenger autos) *containers, container chassis, chassis and parts* thereof in truckaway service in initial movement, from plants of Bertolini Eng. Co. in Quarryville and Leesport, Pa., to Chicago, Ill., Detroit, Mich., Baltimore, Md., Port Newark, Port Elizabeth, Secaucus, and Jersey City, N.J., Brooklyn, N.Y., Portsmouth, Newport News, and Norfolk, Va., Cleveland, Ohio, Savannah, Ga., Jacksonville, Fla., and Milwaukee, Wis.;

And (2) *used trailers* (except for house trailers and trailers designed to be drawn by passenger autos) *containers, container chassis and chassis and parts* thereof in secondary movement, from the destination points named in part (1) above, to said plants in Quarryville and Leesport, Pa.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 129068 (Sub-No. 23), filed May 24, 1974. Applicant: GRIFFIN TRANSPORTATION INC., 3002 South Douglas Blvd., Oklahoma City, Okla. 73150. Applicant's representative: E. Cenoweth, 1012 Mayo Bldg., 420 South Main St., Tulsa, Okla. 74103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers*, designed to be drawn by passenger automobile in initial movements; and (2) *buildings, complete, knocked down, and in sections*, when moving on wheeled undercarriages, in initial movements, from points in Delaware County, Okla., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Oklahoma City, or Tulsa, Okla.

No. MC 129600 (Sub-No. 17) (Corrected Amendment), filed April 25, 1974, published in the FEDERAL REGISTER issue of May 30, 1974, republished as No. MC–1296000 (Sub-No. 17) in the FEDERAL REGISTER issue of June 13, 1974, and in third publication, in part, as corrected this issue. Applicant: POLAR TRANSPORT, INC., 176 King Street, Hanover, Mass. 02339. Applicant's representative: Frank J. Weiner, 15 Court Square, Boston, Mass. 02108.

NOTE.—The purpose of this partial republication is to indicate the correct Docket Number assigned to this proceeding in No. MC–129600 (Sub-No. 17). The rest of the notice remains the same as previously published in the June 13, 1974 FEDERAL REGISTER issue.

No. MC 133689 (Sub-No. 54), filed May 17, 1974. Applicant: OVERLAND EXPRESS, INC., 651 First Street SW., New Brighton, Minn. 55112. Applicant's representative: Robert P. Stack, P.O. Box 6010, Wests St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from points in Cottonwood, Dakota, Douglas, Freeborn, Goodhue, Hennepin, Jackson, Meeker, Olmsted, Pine, Ramsey, Rice, Todd, Waseca, and Washing-

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ton Counties, Minn., and Clark, Chippewa, Columbia, Eau Claire, Green, Dane, Juneau, Marathon, Polk, Sauk, Trempealeau, and Wood Counties, Wis., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 134235 (Sub-No. 3), filed May 20, 1974. Applicant: KUHNLE BROTHERS, INC., P.O. Box 128, Chagrin Falls, Ohio 44022. Applicant's representative: Kenneth T. Johnson, Bankers Trust Building, Jamestown, N.Y. 14701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Salt and salt products;* (2) *pepper in packages*, when transported in mixed loads with salt and salt products; and (3) *materials and supplies*, used in the agricultural, water treatment, food processing, wholesale grocery, and institutional supply industry, when transported in mixed loads with salt and salt products, from the sites of the Morton Salt Company, Division of Morton Norwich Products, Inc., facilities, located at or near Rittman and Fairport Harbor, Ohio, to points in Pennsylvania.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio.

No. MC 134922 (Sub-No. 82), filed May 20, 1974. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, Ark. 72118. Applicant's representative: L. C. Cypert (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), from Newburgh, N.Y., to points in Alabama, Arkansas, Illinois, Iowa, Kansas, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, Tennessee, Texas, and Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif., or Little Rock, Ark.

No. MC 134922 (Sub-No. 83), filed May 20, 1974. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, Ark. 72118. Applicant's representative: L. C. Cypert (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in and used by chain hardware and department stores (except foodstuffs, commodities in bulk, and commodities which because of size or weight require the use of special equipment), from Oneonta, Ala.; Buford, Ga.; Madison, Seymour, Spencerville, Mitchell, Tracy, Urbana and Greensburg, Ind.; Hopkinsville, Ky.; Plymouth, Mass.; Gladstone, Elk Rapids, Muskegon, and Waldron, Mich.; Waynesboro, Greenville, West Point, Indianola, and Ripley, Miss.; Franklinville, Dunkirk, Seneca Falls, Otselic, Macedon, and Richfield, N.Y.; Arden, N.C.; Roseville, Greenville, and Lancaster, Ohio; Littlestown and Greencastle, Pa.; Sweetwater and Rockford, Tenn.; Wytheville, Va.; and Cottageville and Moundsville, W. Va., to points in California.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif., or Little Rock, Ark.

No. MC 135680 (Sub-No. 4), filed May 16, 1974. Applicant: BEVERAGE DISTRIBUTOR'S, INC., 119 N. 46th Street, Yakima, Wash. 98902. Applicant's representative: Philip G. Skofstad, 3076 E. Burnside, Portland, Oreg. 97214. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wine, beer, and malt beverages*, from points in Los Angeles, Napa, San Francisco, San Joaquin, Santa Clara, Sonoma and Stanislaus Counties, Calif., to Yakima, Wash., under continuing contract with Chaney Beverage Co., and Milnor Distributing Co., Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Yakima, Wash.

No. MC 135965 (Sub-No. 2), filed April 23, 1974. Applicant: J. P. WIEST, doing business as, WIEST TRUCK LINE, 1305 6th Avenue SW., Jamestown, N. Dak. 58401. Applicant's representative: Michael E. Miller, 502 First National Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles*, from points in Minneapolis, St. Paul and Newport, Minn., Chicago and Chicago Heights, Ill., Kansas City, Mo., Toledo, Ohio, and the Port of Entry on the United States-Canada Boundary Line located at Pembina, N. Dak., to points in Maddock, N. Dak. and (2) *agricultural machinery and equipment, parts and attachments*, from Maddock, N. Dak., to points in South Dakota, Montana and ports of entry on the International Boundary line between the United States and Canada located at North Dakota, under a continuing contract with Summers Manufacturing Co., Inc., of Maddock, N. Dak.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Fargo, N. Dak.

No. MC 136378 (Sub-No. 7), filed May 20, 1974. Applicant: R & L TRUCKING CO., INC., 105 Rocket Avenue, Opelika, Ala. 36801. Applicant's representative: Robert E. Tate, P.O. Box 517, Evergreen, Ala. 36401. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic containers*, from Opelika, Ala., to points in Mississippi, Tennessee, Missouri, Kentucky, Louisiana, Florida, Georgia, and Arkansas; and (2) *Bagged fertilizer, plant foods, lawn foods and marble chips*, from points in Talladega County, Ala., to points in Arkansas, Florida, Georgia, Kentucky, Mississippi, Missouri, and Tennessee, under a continuing contract or contracts with Sta-Green Plant Food, Inc. and Secomp, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Montgomery, Ala. or Birmingham, Ala.

No. MC 136647 (Sub-No. 15), filed May 13, 1974. Applicant: GREEN MOUNTAIN CARRIERS INC., P.O. Box 1319, Albany, N.Y. 12201. Applicant's representative: Gordon Sands Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper, paper products and printed matter*, from points in Coos and Sullivan Counties, N.H.; and Caledonia, Franklin, and Windham Counties, Vt., to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Nebraska, Ohio, Oklahoma, Tennessee, Texas, and Wisconsin.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Rutland, Montpelier, or Burlington, Vt.

No. MC 138076 (Sub-No. 4), filed April 19, 1974. Applicant: HEAVY HAULING, INC., 1100 West Grand, Salina, Kans. 67401. Applicant's representative: Clyde N. Christey, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Grain handling equipment and fertilizer handling equipment*, between Saline County, Kans., on the one hand, and, points in Nebraska, Colorado, Oklahoma, Texas and Missouri, and; (2) *grain handling equipment*, from the storage facilities of Hi-plains Elevator Machinery, Inc., located approximately two miles south of Minneapolis, Kans., to points in Nebraska, Colorado, Oklahoma, Texas, and Missouri.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 138104 (Sub-No. 12), filed May 17, 1974. Applicant: MOORE TRANSPORTATION CO., INC., 3509 North Grove Street, Fort Worth, Tex. 76106. Applicant's representative: Bernard H. English, 6270 Firth Road, Fort Worth, Tex. 76116. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Reactor control elements, related reactor core components, and radioactive waste materials, including* contaminated machinery, *iron and steel articles, heavy and cumbersome items, animals, dirt and rubble, destined to be buried*, from points in the United States, including Alaska, but excluding Hawaii, to points in Barnwell County, S.C.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Fort Worth or Dallas, Tex.

No. MC 138274 (Sub-No. 8), filed May 16, 1974. Applicant: SHIPPERS BEST EXPRESS, INC., P.O. Box 15533, Salt Lake City, Utah 84115. Applicant's representative: Chester A. Zyblut, 1522 K Street, NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite of Missouri Beef Packers, Inc., at or near Boise, Idaho, to points in Colorado, Nebraska, Kansas, Iowa, Illinois, Ohio, Texas, and Missouri.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 138391 (Sub-No. 2), filed April 19, 1974. Applicant: FRED A. PERELLA, 340 30th Street, Pittsburgh, Pa. 15201. Applicant's representative: John A. Pillar, 1122 Frick Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ice cream cones and wafers, paper and plastic cups, containers, straws and lids, and equipment, materials and supplies* used in the production and sale thereof, between the facilities of Keyston Cone Company, Inc., located in the Borough of Greentree (Allegheny County), Pa., on the one hand, and, on the other, Charlotte, N.C., Chicago, Ill., Baltimore, Md., Boston, Mass., Detroit, Mich., Fair Lawn, N.J., Cincinnati, Ohio and those points in that part of Ohio on and east of a line beginning at Avon Lake, Ohio and extending along Ohio Highway 83 to its intersection with Ohio Highway 60, thence along Ohio Highway 60 to its intersection with Ohio Highway 339 near Beverly, Ohio, thence along Ohio Highway 339 to the Ohio-West Virginia State Boundary line, those points in West Virginia on and north of U.S. Highway 50, and those in that part of New York on and west of U.S. Highway 11, under a continuing contract with Keystone Cone Company, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa. or Washington, D.C.

No. MC 138741 (Sub-No. 10), filed May 16, 1974. Applicant: E. K. MOTOR SERVICE, INC., 2005 North Broadway, Joliet, Ill. 60435. Applicant's representative: Tom B. Kretsinger, Suite 910 Fairfax Building, 101 West Eleventh Street, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing and building materials and machinery, equipment, materials, and supplies* used in the manufacture, production and shipment of roofing and building materials (except in bulk in tank vehicles): (1) From Joliet, Ill., and its commercial zone, to points in Indiana, restricted to traffic originating at Joliet, Ill. and its commercial zone, and destined to points in Indiana; (2) From the St. Louis, Mo.-East St. Louis, Ill. Commercial Zone, and South Bend, Ind., to points in Illinois, restricted to traffic originating at the origin points set forth, and destined to points in Illinois; (3) Between Joliet, Ill. and its commercial zone, and the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone; (4) From the facilities of GAF Corporation in Posey and Vanderburgh Counties, Ind., to points in Alabama, Arkansas, Georgia, Illinois, Indiana, Kentucky, Mississippi, Missouri, North Carolina, Ohio, South Carolina, Tennessee, Virginia, and West Virginia, restricted against the transportation of liquid commodities, in bulk, and cement (other than roofing cement), to points in Alabama, Arkansas, Georgia, Mississippi, Missouri, North Carolina, Ohio, South Carolina, Tennessee, Virginia, and West Virginia, and further restricted to traffic originating at the plantsite and storage facilities of the GAF Corporation in Posey and Vanderburgh Counties, Ind.;

(5) from points in Alabama, Arkansas, Georgia, Illinois, Indiana, Kentucky, Mississippi, Missouri, North Carolina, Ohio, South Carolina, Tennessee, Virginia, and West Virginia, to the facilities of GAF Corporation in Posey and Vanderburgh Counties, Ind., restricted against the transportation of (a) liquid commodities, in bulk, and cement (other than roofing cement) from points in Alabama, Arkansas, Georgia, Mississippi, Missouri, North Carolina, Ohio, South Carolina, Tennessee, Virginia, and West Virginia, (b) silica flour and silica sand, in bulk, from points in St. Charles, St. Louis, and Jefferson Counties, Mo., (c) chemicals, and (d) lime and limestone products, and further restricted to traffic destined for the plantsite and storage facilities of the GAF Corporation in Posey and Vanderburgh Counties, Ind.; (6) Between the plantsite and warehouse facilities of the GAF Corporation located in the Kansas City, Mo.-Kansas City, Kans. Commercial Zone, on the one hand, and, on the other, points in Brown, Pottawatomie, Atchison, Leavenworth, Waubaunsee, Osage, Johnson, Franklin, Coffey, Linn, Doniphan, Jackson, Jefferson, Wyandotte, Shawnee, Douglas, Lyon, Miami, and Anderson Counties, Kans., restricted to traffic originating at or destined for the plantsite and warehouse facilities of the GAF Corporation in the Kansas City, Mo.-Kansas City, Kans. Commercial Zone.

NOTE.—Applicant states that the purpose of this application is to convert its motor contract carrier authority in No. MC-107129 and subs thereunder to a Certificate of Public Convenience and Necessity. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC-139165 (Sub-No. 1) (AMENDMENT), filed December 6, 1973, published in the FR issue of January 24, 1974, and republished as amended, this issue. Applicant: TERRY L. KOBS, doing business as TERRY L. KOBS TRUCK LINE, 6514 Brookview Lane NE., Cedar Rapids, Iowa 52402. Applicant's representative: William L. Fairbank, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Crop storage silos and unloaders*, from Mason, Mich., to points in Illinois, Iowa, Minnesota, and Missouri; and (2) *steel*, from points in Illinois, Indiana, Michigan, Missouri, and Ohio to Dyersville, Iowa, under continuing contract with Mid-American Structures, Inc.

NOTE.—The purpose of this republication is to substitute Mason, Mich., in lieu of Charlotte, Mich., as an origin point in Part (1). If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or St. Paul, Minn.

No. MC 139413 (Sub-No. 1), filed May 13, 1974. Applicant: ST. LAMBERT TRANSPORT, INC., 189 Dupont, St. Lambert, Cte. Levis, P. Q., Canada. Applicant's representative: Marshall Kragen, Suite 805, 666 11th Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, between ports of entry on the International Boundary line between the United States and Canada located in Maine, on the one hand, and, on the other, points in Maine, restricted to foreign commerce only.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC-139420 (Sub-No. 6), filed May 16, 1974. Applicant: ART GREENBERG, doing business as GLACIER TRANSPORT, P.O. Box 428, Grand Forks, N. Dak. 58201. Applicant's representative: James B. Hovland, 425 Gate City Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Potato processing and handling equipment, and parts and accessories for potato processing and handling equipment*, from Ontario, Oreg.; points in Salt Lake, Weber, and Davis Counties, Utah; and points in Idaho south of Idaho County, Idaho, to points in North Dakota, Minnesota, Wisconsin, and Michigan.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Fargo, N. Dak., Minneapolis, Minn., or St. Louis, Minn.

No. MC-139424 (Sub-No. 2) (AMENDMENT), filed February 28, 1974, published in the FR issue of April 11, 1974, and republished as amended this issue. Applicant: FISHER TRUCKING COMPANY, INC., 640 Pleasant Mills Road, Hammonton, N.J. 08037. Applicant's representative: Morton E. Kiel, Suite 6193 #5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Waste plastic resins*, in bulk, in dump vehicles, from Perryville, Md., Delaware City, Del., Pottstown, Pa., Calvert City, Ky., Ashtabula, Ohio, and Burlington, N.J., to S. Plainfield, N.J., Brooklyn, N.Y., and Chicago, Ill.; and (2) *finished floor products*, from South Plainfield, N.J., and Brooklyn, N.Y., to points in West Virginia, Kentucky, Pennsylvania, Ohio, and Indiana.

NOTE.—The purpose of this amendment is to broaden the scope of the application. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

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No. MC 139495 (Sub-No. 3), filed May 21, 1974. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Frederick J. Coffman, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oilers, safety cans, oily waste cans, lab cans, safety cabinets, oil, and gasoline containers*, from points in Wellsburg, W. Va., to points in Colorado, New Mexico, Nebraska, Kansas, Oklahoma, Texas, Arizona, Missouri, Iowa, Minnesota, Wisconsin, Illinois, and Louisiana.

NOTE.—Applicant holds contract carrier authority in MC 133106 and subs, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr. or Kansas City, Mo.

No. MC 139517 (Sub-No. 1), filed May 13, 1974. Applicant: R. A. HARMON TRUCKING COMPANY, a Corporation, 279 Main Street, South Portland, Maine 04106. Applicant's representative: Raymond A. Harmon (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, from South Portland, Maine, to St. Albans, Burlington, Berlin, and Rutland, Vt., under a continuing contract or contracts with Hannaford Bros. Co.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Portland, Maine.

No. MC 139597 (Sub-No. 2), filed May 15, 1974. Applicant: RAYMOND BOYCE HONEYCUTT, Route 3, Moorseville, N.C. 28115. Applicant's representative: George W. Clapp, P.O. Box 836, Taylors, S.C. 29687. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, in bulk, in dump vehicles, from Jericho, S.C., to Davidson, N.C., under a continuing contract or contracts with Kerr-McGee Chemical Corp.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C., or Raleigh, N.C.

No. MC 139665, filed April 3, 1974. Applicant: HARRY N. FRYAR, JR., an individual, 2309 Corral Trail, Chattanooga, Tenn. 37421. Applicant's representative: Albert L. Hodge, 1200 Maclellan Building, Chattanooga, Tenn. 37402. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Raw construction materials, primarily rock and sand*, (1) between Vulcan materials Company, located at or near Chattanooga, Tenn. and Tri-City Concrete, Inc., located at or near Lafayette, Ga.; and (2) between Vulcan Materials Company located at or near Chattanooga, Tenn. and Tri-City Concrete, Inc., located at or near Somerville, Ga.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., or Atlanta, Ga.

No. MC 139748, filed April 18, 1974. Applicant: McLAUGHLINS, INC., 402 East 4th Street, North Platte, Nebr. 69101. Applicant's representative: J. Max Harding, 605 South 14th Street, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked, disabled, repossessed, stolen, or embezzled motor vehicles* (except trailers designed to be drawn by passenger automobiles) and *replacement vehicles therefor*, between points in Nebraska on and west of Franklin, Kearney, Buffalo, Sherman, Valley, Garfield, Holt, and Boyd Counties, Nebr., and between points in said area on the one hand, and, on the other, points in Colorado, Wyoming, South Dakota, Missouri, and Kansas.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 139757 (Sub-No. 2), filed May 28, 1974. Applicant: GUS MATONEK, INC., 256 State Park Drive, Bay City, Mich. 48706. Applicant's representative: James R. Davis, 1018 Michigan National Tower, Lansing, Mich. 48933. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum rock*, crushed, ground, and pulverized, in bulk, in dump vehicles, from points in Iosco County, Mich., to points in Ohio.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich.

No. MC 139779 (Sub-No. 1), filed May 20, 1974. Applicant: JOHN T. NASH, doing business as JOHN T. NASH HAULING CO., Gum Springs, Va. 23065. Applicant's representative: David C. Venable, 666 11th St., NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pallets and pallet parts*, from Apple Grove, Va., to points in North Carolina, South Carolina, Georgia, Maryland, West Virginia, Ohio, Michigan, Pennsylvania, Delaware, New Hampshire, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Richmond, Va., or Washington, D.C.

No. MC 139795 (Sub-No. 1), filed May 13, 1974. Applicant: ROBERT PAGE TRUCKING, Route #1, Saranac, Mich. 48881. Applicant's representative: J. M. Neath, Jr., 900 One Vanderberg Center, Grand Rapids, Mich. 49502. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Parts and components of automated egg production systems*, including the building parts and components in which the system operates, between points in the United States (except Alaska and Hawaii), under a continuing contract or contracts with Cycle Systems, Inc., Rockford, Mich.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich., or Detroit, Mich.

No. MC 139843, filed May 6, 1974. Applicant: VERNON G. SAWYER, P.O. Box 847, Bastrop, La. 71220. Applicant's representative: Paul Caplinger, P.O. Box 7114, Shreveport, La. 71107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chips, sawdust, shavings, and bark*, (1) from points in Winn Parish, La., to points in Adams and Warren Counties, Miss. and (2) from points in Winn and Morehouse Parishes, La., to points in Ashley County, Ark.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss. or New Orleans, La.

No. MC 139844, filed May 15, 1974. Applicant: FRANK MAY, JR., doing business as FRANK MAY JR. TRUCKING, Box 13, Whitestone, N.Y. 11357. Applicant's representative: Arthur M. Gurfein, 2 Park Avenue, New York, N.Y. 10016. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Men's clothing, haberdashery and other retail items* for Brooks Brothers Department Stores, between New York City, N.Y., Philadelphia, Pa., and Paterson, N.J., under a continuing contract with Brooks Brothers.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., Boston, Mass., or Washington, D.C.

No. MC 139845, filed May 16, 1974. Applicant: BESELAERE CARTAGE AND FUELS LIMITED, 467 James Street, Delhi, Ontario, Canada. Applicant's representative: Robert D. Gunderman, Esq., Suite 710 Statler Hilton, Buffalo, N.Y. 14202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquid protein supplements*, not intended for human consumption, in bulk, in tank vehicles, (1) from Adrian, Mich., and Arcade, N.Y., to ports of entry on the International Boundary line between the United States and Canada located in Michigan and New York; and (2) from ports of entry on the International Boundary line between the United States and Canada located in Michigan and New York, to Adrian, Mich., and Arcade, N.Y., under a continuing contract or contracts with Brockville Chemical Industries Limited, Montreal, Quebec, Canada.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 139846, filed May 17, 1974. Applicant: WADDICK TRANSPORT LIMITED, R.R. #6, Chatham, Ontario, Canada. Applicant's representative: Robert D. Gunderman, Suite 710, Statler Hilton, Buffalo, N.Y. 14202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquid protein supplements*, not intended for human consumption, in bulk, in tank vehicles, from Adrian, Mich., and Arcade, N.Y., to ports of entry on the International Boundary line between the United States and Canada, on Michigan and New York, and *returned shipments* of the same commodity from the ports of entry on the International Boundary line between the United States and Canada, in Michigan and New York, to Adrian, Mich. and Arcade, N.Y., under contract

with Brockville Chemical Industries Limited, at Montreal, Quebec, Canada.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 139853, filed May 2, 1974. Applicant: MARTEN TRANSPORT, LTD., Route 3, Mondovi, Wis. 54755. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cheese and agricultural commodities*, which are otherwise exempt under Section 203(b)(6) of the Interstate Commerce Act, when transported with cheese, from Paynesville, Minn., to points in North Dakota, South Dakota, Nebraska, Iowa, Minnesota, Michigan, Illinois, and Wisconsin; and (2) *dehydrated commodities and agricultural commodities* which are otherwise exempt under Section 203(b)(6) of the Interstate Commerce Act, when transported with dehydrated commodities, from Turtle Lake and Boyceville, Wis., Rochester, Minn., and Jessup, Iowa, to points in North Dakota, South Dakota, Nebraska, Iowa, Minnesota, Michigan, Illinois, and Wisconsin.

NOTE.—Applicant holds common carrier authority in MC-139853, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 139854, filed May 7, 1974. Applicant: LEO H. FLETCHER, doing business as FLOUR TRANSPORT, 335 Fobes Avenue, Syracuse, N.Y. 13206. Applicant's representative: Norman M. Pinsky, 345 South Warren Street, Syracuse, N.Y. 13202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Flour*, in bulk and in bags, from Buffalo and Lockport, N.Y., to points in Perth Amboy, and Belmar, N.J., under continuing contract with Metzendorf Bros., Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York City, N.Y., or Washington, D.C.

No. MC 139856, filed May 13, 1974. Applicant: ELTON BURISH TRUCKING, INC., Route 2, Box 58, Marathon, Wisc. 54448. Applicant's representative: Nancy J. Johnson, 4506 Regent Street, Suite 100, Madison, Wisc. 53705. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wood chips*, in bulk, from points in Menominee, Gogebic, Marquette, and Iron Counties, Mich., and (2) *Sawdust, shavings, bark, and other wood waste residue*, from from points in Gogebic, Houghton, Delta, Dickenson, and Menominee Counties, Mich., in bulk, to points in Marathon, Outagamie, Brown, Wood, Sheboygan, Lincoln, and Oneida Counties, Wisc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wisc., or Chicago, Ill.

No. MC 139858, filed May 30, 1974. Applicant: AMSTAN TRUCKING INC., 40 West 40th Street, New York, N.Y. 10018. Applicant's representative: Chandler L. van Orman, 704 Southern Building, Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plumbers goods and fittings*, from Louisville, Ky., to points in Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin, (2) *materials, equipment, supplies and accessories* used in the manufacture and distribution of plumbers goods and fittings (except commodities in bulk and those which because of size or weight require the use of special equipment), from points in Alabama, Arkansas, Connecticut, Illinois, Indiana, Maryland, Michigan, Mississippi, New Jersey, New York, Ohio, Pennsylvania, South Carolina, Texas, and Wisconsin to Louisville, Ky.; (3) *plumbers goods and fittings* from Monson, Mass., to points in Ohio, Illinois, Indiana, Kentucky, and Michigan, (4) *plumbers goods and fittings*, between Kokomo, Ind.; Tiffin, Ohio; Trenton, N.J.; New Orleans, La.; Hamilton, Ohio; Paintsville, Ky.; and Waruegan, Conn., restricted against any transportation between Tiffin and Hamilton, Ohio; (5) *printed and advertising matter and forms, brochures, pamphlets, descriptive material and magazine or newspaper inserts*, from Philadelphia, Pa., to points in Ohio, Illinois, Indiana, Kentucky, Tennessee; and (6) *printed and advertising matter, pamphlets, brochures, descriptive material and bank checks and stationery* from Baltimore, Md., to Grand Rapids, Mich.; Pittsburgh, Pa.; Hamilton, Ohio; and Louisville, Ky., restricted to traffic originating at or destined to the plantsites or warehouse facilities of American Standard, Inc., under a continuing contracts with American Standard Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Washington, D.C.

No. MC 139859, filed May 24, 1974. Applicant: CAL-NATIONAL ENTERPRISES, INC., P.O. Box 321, Walnut, Calif. 91789. Applicant's representative: Paul M. Daniell, P.O. Box 872, Atlanta, Ga. 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat by-products* as defined by the Commission (except in bulk, in vehicles equipped with mechanical refrigeration), from Los Angeles, Calif., to points in Illinois, Michigan, Indiana, Ohio, Kentucky, Tennessee, Georgia, South Carolina, North Carolina, Virginia, West Virginia, Maryland, Delaware, Pennsylvania, New York, New Jersey, Connecticut, Massachusetts, Rhode Island, Maine, Vermont, New Hampshire, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 139859 (Sub-No. 1), filed May 24, 1974. Applicant: CAL-NATIONAL ENTERPRISES, INC., P.O. Box 321, Walnut, Calif. 91789. Applicant's representative: Paul M. Daniell, P.O. Box 872, Atlanta, Ga. 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat by-products* as defined by the Commission (except in bulk, in vehicles equipped with mechanical refrigeration), from Montebello, Calif., to points in Montana, North Dakota, South Dakota, Minnesota, New York, and North Carolina. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 139880, filed May 13, 1974. Applicant: GEORGE McFARLAND, SR., 218 North Street (P.O. Box 21), Austin, Minn. 55912. Applicant's representative: James Maleckl, 1 South Street, New Ulm, Minn. 56073. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Milwaukee, Wis., to Austin, Minn., under a continuing contract or contracts with W. H. Austin Distributing Co., Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Austin, Minn. or Minneapolis, Minn.

PASSENGER APPLICATIONS

No. MC 1515 (Sub-No. 194), filed May 13, 1974. Applicant: GREYHOUND LINES, INC., Greyhound Tower, Phoenix, Ariz. 85077. Applicant's representative: Anthony P. Carr, 1400 West Third Street, Cleveland, Ohio 44113. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage and express and newspapers*: (1) Between Prestonsburg, Ky., and Allen, Ky.: From Prestonsburg over U.S. Highways 23 and 460 to Allen, and return over the same route, serving all intermediate points; (2) Between Elizabethtown, Ky., and Hodgenville, Ky.: From Elizabethtown over Kentucky Highway 61 to Hodgenville, and return over the same route, serving all intermediate points; (3) Between Pittsburgh, Pa. and Washington, Pa.: From Pittsburgh, Pa. over Interstate Highway 279 to junction Interstate Highway 79, thence over Interstate Highway 79 to junction Interstate Highway 70, thence over Interstate Highway 70 to junction Pennsylvania Highway 136, thence over Pennsylvania Highway 136 to Washington, Pa., and return over the same route, serving all intermediate points; (4) Between York, Pa., and Baltimore, Md.: From York, Pa., over Interstate Highway 83 Bus. to junction Interstate Highway 83, thence over Interstate Highway 83 to Baltimore, Md., and return over the same route, serving all intermediate points, and serving Shrewsbury, Pa. as an off-route point;

(5) Between Oxford, Ohio and Dayton, Ohio: From Oxford over Ohio Highway 73 to junction Ohio Highway 4, thence

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over Ohio Highway 4 to junction Ohio Highway 63, thence over Ohio Highway 63 to junction Interstate Highway 75, thence over Interstate Highway 75 to Dayton, and return over the same route, serving no intermediate points, but serving junction Ohio Highway 63 and Interstate Highway 75 for joinder purposes only; (6) Between junction Ohio Highway 63 and Interstate Highway 75 and Lebanon, Ohio: From junction Ohio Highway 63 and Interstate Highway 75 over Ohio Highway 63 to Lebanon, and return over the same route, serving no intermediate points.

NOTE.—By the instance of the above application, applicant seeks voluntary revocation of the following portions of applicant's present authority: (1) Between Prestonsburg, Ky. and Allen, Ky. over old U.S. Highways 23 and 460 (now designated as Kentucky Highway 1428); (2) Between Bardstown, Ky. and Hodgenville, Ky. over U.S. Highway 31–E; (3) Between Pittsburgh, Pa. and Washington, Pa. over U.S. Highway 19; (4) Between York, Pa. and Maryland Line, Md. over former U.S. Highway 111 (now designated as Pennsylvania Legislative Routes 892 and 127). Common control may be involved. If a hearing is deemed necessary, the applicant requests that Operating Testimony be held at Washington, D.C., and Public Witness Testimony be held at Louisville, Ky., Oxford, Ohio, Pittsburgh, Pa., and York, Pa.

No. MC 3647 (Sub-No. 454), filed May 17, 1974. Applicant: TRANSPORT OF NEW JERSEY, a Corporation, 180 Boyden Avenue, Maplewood, N.J. 07040. Applicant's representative: John F. Ward (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special round trip operations, beginning and ending at Brooklyn and Staten Island, N.Y.; and points in Camden, Essex, Hudson, Middlesex, Passaic and Union Counties, N.J., and extending to Penn National Race Course, located at or near Grantville, Pa., during the authorized racing season.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Newark, N.J.

No. MC 3700 (Sub-No. 71), filed May 15, 1974. Applicant: MANHATTAN TRANSIT COMPANY, a Corporation, Route 46, Elmwood Park, N.J. 07407. Applicant's representative: Robert E. Goldstein 8 W. 40th Street, New York, N.Y. 10018. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in round-trip operations, during the authorized racing seasons, beginning and ending at New York, N.Y., and extending to Penn National Race Course, located at or near Grantville, Pa.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 61802 (Sub-No. 8), filed May 15, 1974. Applicant: THE COLONIAL TRANSIT COMPANY, INC., 310 Charlotte Street, Fredericksburg, Va. 22401. Applicant's representative: L. C. Major, Jr., Suite 301 Tavern Square, 421 King Street, Alexandria, Va. 22314. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, from Dale City, Va., over Virginia Highway 640 to junction with Virginia Highway 253, thence over Virginia Highway 253 to junction with Interstate Highway 95, thence over Interstate Highway 95 to Washington, D.C., and return over the same route, serving the intermediate points of Lake Ridge and Occoquan, Va.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 82965 (Sub-No. 3), filed May 24, 1974. Applicant: AMADOR STAGE LINES, INC., 213–13th Street, P.O. Box 15707, Sacramento, Calif. 95813. Applicant's representative: Raymond A. Greene, Jr., 100 Pine Street, Suite 2550, San Francisco, Calif. 94111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special operations and charter operations, in round trip sight-seeing and pleasure tours, beginning and ending at points in San Francisco, San Mateo, Santa Clara, Alameda, and Contra Costa Counties, Calif., and extending to points in the United States including Alaska, but excluding Hawaii.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 99581 (Sub-No. 3), filed May 6, 1974. Applicant: HORACE SIMMONS, doing business as, VACA VALLEY BUS LINES, 321 State Street, Fairfield, Calif. 94533. Applicant's representative: Daniel W. Baker, 100 Pine Street, San Francisco, Calif. 94111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special and charter operations, in round trip sightseeing or pleasure tours, beginning and ending at points in the Counties of Marin, Napa, Solano and Sonoma, points on and north of State Highway 4 in Contra Costa County, and the City of Walnut Creek, Calif., and extending to points in the United States (excluding Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at San Francisco, Calif.

BROKERAGE APPLICATIONS

No. MC 130237, filed April 5, 1974. Applicant: SOUTH PENN MOTOR CLUB, a Corporation, 230 Lincoln Way East, Chambersburg, Pa. 17201. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101. Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Chambersburg, Pa., to sell or offer to sell the transportation of *passengers and their baggage*, as individuals and in groups, in special and charter operations in one-way and round-trip tours, by motor common carrier under arrangements with rail, water and air carriers, beginning and/or ending at points in Franklin County, Pa., and extending to points in the United States, including Alaska and Hawaii.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at (1) Harrisburg, Pa.; (2) Washington, D.C.

No. MC–130238 (Correction), filed April 4, 1974, published in the FEDERAL REGISTER issue of May 9, 1974, and republished as corrected this issue. Applicant: AUTOMOBILE CLUB OF SOUTHERN INDIANA INCORPORATED, 300 Southeast Riverside Drive, Evansville, Ind. 47713. Applicant's representative: William H. Van Deest, 1167 Lombard Avenue, Evansville, Ind. 47715. Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Evansville, Ind., to sell or offer to sell the transportation of *passengers and their baggage*, in round trip all expense paid sightseeing and pleasure tours, beginning and ending at Evansville, Ind., and extending to points in the United States (except Alaska and Hawaii).

NOTE.—The purpose of this republication is to more correctly indicate the nature of the proposed operations. If a hearing is deemed necessary, applicant requests it be held at either Evansville, Ind., Louisville, Ky., or Indianapolis, Ind.

No. MC 130248, filed May 28, 1974. Applicant: EAST TENNESSEE AUTOMOBILE CLUB, INC., 100 West Fifth Avenue, Knoxville, Tenn. 37917. Applicant's representative: Ben F. McAuley, 5th Floor Valley Fidelity Bank Building, Knoxville, Tenn. 37901. Authority sought to engage in operation, in interstate or foreign commerce, as a *broker*, at Knoxville, and Kingsport, Tenn., and Bristol, Va., to sell to common motor carriers the transportation of *individual and groups of passengers and their baggage*, from points in Anderson, Blount, Bradley, Campbell, Carter, Claiborne, Cock, Grainger, Greene, Hamblem, Hancock, Hawkins, Jefferson, Johnson, Knox, Loudon, McMinn, Meigs, Monroe, Morgan, Polk, Rhea, Roane, Scott, Sevier, Sullivan, Union, Unicoi, and Washington Counties, Tenn., and points in Scott and Washington Counties, Va., to points in the United States, including Alaska but excluding Hawaii.

NOTE.—If a hearing is deemed necessary applicant requests it be held at Knoxville, or Nashville, Tenn.

FREIGHT FORWARDER APPLICATIONS

No. FF–347 (Sub-No. 1), filed May 6, 1974. Applicant: SAL, INC., 10 Parsonage Road, P.O. Box 900, Edsson, N.J. 08817. Applicant's representative: Warren Price, 900 17th Street NW., Washington, D.C. 20006. Authority sought to engage in operation, in interstate commerce, as a *freight forwarder*, through use of the facilities of common carriers by motor, water, and rail, in the transportation of *General Commodities* in containers (except used household goods, unaccompanied baggage, used automobiles, and commodities in bulk), from ports on the Pacific Coast of the United States (except Alaska and Hawaii), to points in Illinois, Texas, Kansas, Missouri, Wisconsin, Minnesota, New York, and Michigan, restricted to shipments having an immediate prior movement in foreign commerce, in containers.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. FF–451, filed April 28, 1974. Applicant: BURLINGTON NORTHERN AIR FREIGHT INC., 9830 Bellanca Avenue, Los Angeles, Calif. 90045. Applicant's representative: Richard J. Schreiber, 547 West Jackson Boulevard, Chicago, Ill. 60606. Authority sought to engage in operation, in interstate commerce, as a *freight forwarder*, through use of the facilities of common carriers by motor, rail, and express, in the transportation of *General Commodities* (except Classes A and B explosives, commodities which because of their size and weight are not conducive to air shipment, unaccompanied baggage or motor vehicles), between points in the United States (including Alaska and Hawaii), restricted to shipments having a prior or subsequent movement by air.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill., or Los Angeles, Calif., or Washington, D.C.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74–14638 Filed 6–26–74;8:45 am]

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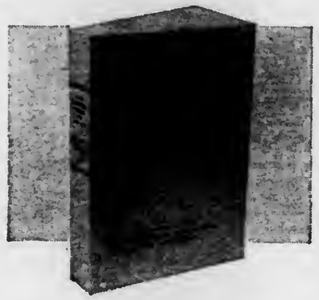
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federal register

THURSDAY, JUNE 27, 1974

WASHINGTON, D.C.

Volume 39 ■ Number 125

PART II

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

■

OCCUPATIONAL SAFETY AND HEALTH STANDARDS

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Title 29—Labor

CHAPTER XVII—OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR

PART 1910—OCCUPATIONAL SAFETY AND HEALTH STANDARDS

Pursuant to authority in sections 6 and 8(g) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1593, 1600; 29 U.S.C. 655, 657) and in Secretary of Labor's Order No. 12–71 (36 FR 8754), Part 1910 of Title 29 of the Code of Federal Regulations is hereby republished in its entirety. The purpose of this republication is to update the present occupational safety and health standards by incorporating all changes made up to June 3, 1974, and thereby improve their usefulness and facilitate their enforcement.

Since this republication does not make any substantive change in the standards, it is not necessary to provide notice of proposed rulemaking, opportunity for public participation therein, nor any delay in effective date under either section 6(b) of the Williams-Steiger Occupational Safety and Health Act of 1970 or 5 U.S.C. 553. For the same reason, good cause is found for not following the regular procedure for rulemaking and for making this republication effective immediately.

Signed at Washington, D.C., this 28th day of May, 1974.

JOHN STENDER,
Assistant Secretary of Labor.

Accordingly, Part 1910 is republished in its entirety to read as set forth below:

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AUTHORITY: The provisions of this Part 1910 issued under secs. 6(a), 8(g), 84 Stat. 1593, 1598; 29 U.S.C. 655, 657, unless otherwise noted.

Subpart A—General

§ 1910.1 Purpose and scope.

(a) Section 6(a) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1593) provides that "without regard to chapter 5 of title 5, United States Code, or to the other subsections of this section, the Secretary shall, as soon as practicable during the period beginning with the effective date of this Act and ending 2 years after such date, by rule promulgate as an occupational safety or health standard any national consensus standard, and any established Federal standard, unless he determines that the promulgation of such a standard would not result in improved safety or health for specifically designated employees." The legislative purpose of this provision is to establish, as rapidly as possible and without regard to the rule-making provisions of the Administrative Procedure Act, standards with which industries are generally familiar, and on whose adoption interested and affected persons have already had an opportunity to express their views. Such standards are either (1) national consensus standards on whose adoption affected persons have reached substantial agreement, or (2) Federal standards already established by Federal statutes or regulations.

(b) This part carries out the directive to the Secretary of Labor under section 6(a) of the Act. It contains occupational safety and health standards which have been found to be national consensus standards or established Federal standards.

§ 1910.2 Definitions.

As used in this part, unless the context clearly requires otherwise:

(a) "Act" means the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1590).

(b) "Assistant Secretary of Labor" means the Assistant Secretary of Labor for Occupational Safety and Health;

(c) "Employer" means a person engaged in a business affecting commerce who has employees, but does not include the United States or any State or political subdivision of a State;

(d) "Employee" means an employee of an employer who is employed in a business of his employer which affects commerce;

(e) "Commerce" means trade, traffic, commerce, transportation, or communication among the several States, or between a State and any place outside thereof, or within the District of Columbia, or a possession of the United States (other than the Trust Territory of the Pacific Islands), or between points in the same State but through a point outside thereof;

(f) "Standard" means a standard which requires conditions, or the adoption or use of one or more practices, means, methods, operations, or processes, reasonably necessary or appropriate to provide safe or healthful employment and places of employment;

(g) "National consensus standard" means any standard or modification thereof which (1) has been adopted and promulgated by a nationally recognized standards-producing organization under procedures whereby it can be determined by the Secretary of Labor or by the Assistant Secretary of Labor that persons interested and affected by the scope or provisions of the standard have reached substantial agreement on its adoption, (2) was formulated in a manner which afforded an opportunity for diverse views to be considered, and (3) has been designated as such a standard by the Secretary or the Assistant Secretary, after consultation with other appropriate Federal agencies; and

(h) "Established Federal standard" means any operative standard established by any agency of the United States and in effect on April 28, 1971, or contained in any Act of Congress in force on the date of enactment of the Williams-Steiger Occupational Safety and Health Act.

§ 1910.3 Petitions for the issuance, amendment, or repeal of a standard.

(a) Any interested person may petition in writing the Assistant Secretary of Labor to promulgate, modify, or revoke a standard. The petition should set forth the terms or the substance of the rule desired, the effects thereof if promulgated, and the reasons therefor.

(b) (1) The relevant legislative history of the Act indicates congressional recognition of the American National Standards Institute and the National Fire Protection Association as the major sources of national consensus standards. National consensus standards adopted on May 29, 1971, pursuant to section 6(a) of the Act are from those two sources. However, any organization which deems itself a producer of national consensus standards, within the meaning of section 3(9) of the Act, is invited to submit in writing to the Assistant Secretary of Labor at any time prior to February 1, 1973, all relevant information which may enable the Assistant Secretary to determine whether any of its standards satisfy the requirements of the definition of "national consensus standard" in section 3(9) of the Act.

(2) Within a reasonable time after the receipt of a submission pursuant to subparagraph (1) of this paragraph, the Assistant Secretary of Labor shall publish or cause to be published in the FEDERAL REGISTER a notice of such submission, and shall afford interested persons a reasonable opportunity to present written data, views, or arguments with regard to the question whether any standards of the organization making the submission are national consensus standards.

§ 1910.4 Amendments to this part.

(a) The Assistant Secretary of Labor shall have all of the authority of the Secretary of Labor under §§ 3(9) and 6(a) of the Act.

(b) The Assistant Secretary of Labor may at any time before April 28, 1973, on his own motion or upon the written petition of any person, by rule promulgate as a standard any national consensus standard and any established Federal standard, pursuant to and in accordance with section 6(a) of the Act, and, in addition, may modify or revoke any standard in this Part 1910. In the event of conflict among any such standards, the Assistant Secretary of Labor shall take the action necessary to eliminate the conflict, including the revocation or modification of a standard in this part, so as to assure the greatest protection of the safety or health of the affected employees.

§ 1910.5 Applicability of standards.

(a) Except as provided in paragraph (b) of this section, the standards contained in this part shall apply with respect to employments performed in a workplace in a State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, Trust Territory of the Pacific Islands, Wake Island, Outer Continental Shelf lands defined in the Outer Continental Shelf Lands Act, Johnston Island, and the Canal Zone.

(b) None of the standards in this part shall apply to working conditions of employees with respect to which Federal agencies other than the Department of Labor, or State agencies acting under section 274 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2021), exercise statutory authority to prescribe or enforce standards or regulations affecting occupational safety or health.

(c) (1) If a particular standard is specifically applicable to a condition, practice, means, method, operation, or process, it shall prevail over any different general standard which might otherwise

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be applicable to the same condition, practice, means, method, operation, or process. For example, § 1501.23(c)(3) of this title prescribes personal protective equipment for certain ship repairmen working in specified areas. Such a standard shall apply, and shall not be deemed modified nor superseded by any different general standard whose provisions might otherwise be applicable, to the ship repairmen working in the areas specified in § 1915.23(c)(3).

(2) On the other hand, any standard shall apply according to its terms to any employment and place of employment in any industry, even though particular standards are also prescribed for the industry, as in Subpart B or Subpart R of this part, to the extent that none of such particular standards applies. To illustrate, the general standard regarding noise exposure in § 1910.95 applies to employments and places of employment in pulp, paper, and paperboard mills covered by § 1910.261.

(d) In the event a standard protects on its face a class of persons larger than employees, the standard shall be applicable under this part only to employees and their employment and places of employment.

(e) [Reserved]

(f) An employer who is in compliance with any standard in this part shall be deemed to be in compliance with the requirement of section 5(a)(1) of the Act, but only to the extent of the condition, practice, means, method, operation, or process covered by the standard.

§ 1910.6 Incorporation by reference.

(a) The standards of agencies of the U.S. Government and organizations which are not agencies of the U.S. Government which are legally incorporated by reference in this part, have the same force and effect as other standards in this part.

(b) Copies of the standards which are incorporated by reference may be examined at the national office of the Occupational Safety and Health Administration, U.S. Department of Labor, Washington, D.C. 20210, or at any of its regional offices. Copies of such private standards may be obtained from the issuing organizations. Their names and addresses are listed in the pertinent subparts of this part.

(c) Any changes in the standards incorporated by reference in this part and an official historic file of such changes are available for inspection at the national office of the Occupational Safety and Health Administration, U.S. Department of Labor, Washington, D.C. 20210.

Subpart B—Adoption and Extension of Established Federal Standards

§ 1910.11 Scope and purpose.

(a) The provisions of this Subpart B adopt and extend the applicability of, established Federal standards in effect on April 28, 1971, with respect to every employer, employee, and employment covered by the Act.

(b) It bears emphasis that only standards (i.e., substantive rules) relating to safety or health are adopted by any incorporations by reference of standards prescribed elsewhere in this chapter or this title. Other materials contained in the referenced parties are not adopted. Illustrations of the types of materials which are not adopted are these. The incorporations by reference of Parts 1915, 1916, 1917, 1918 in §§ 1910.13, 1910.14, 1910.15, and 1910.16 are not intended to include the discussion in those parts of the coverage of the Longshoremen's and Harbor Workers' Compensation Act or the penalty provisions of the Act. Similarly, the incorporation by reference of Part 1926 in § 1910.12 is not intended to include references to interpretative rules having relevance to the application of the Construction Safety Act, but having no relevance to the application to the Occupational Safety and Health Act.

(Sec. 8(g), 84 Stat. 1600, 29 U.S.C. 657) [37 FR 26008, Dec. 7, 1972]

§ 1910.12 Construction work.

(a) *Standards.* The standards prescribed in Part 1926 of this chapter are adopted as occupational safety and health standards under section 6 of the Act and shall apply, according to the provisions thereof, to every employment and place of employment of every employee engaged in construction work. Each employer shall protect the employment and places of employment of each of his employees engaged in construction work by complying with the appropriate standards prescribed in this paragraph.

(b) *Definition.* For purposes of this section, "construction work" means work for construction, alteration, and/or repair, including painting and decorating. See discussion of these terms in § 1926.13 of this title.

(c) *Construction Safety Act distinguished.* This section adopts as occupational safety and health standards under section 6 of the Act the standards which are prescribed in Part 1926 of this chapter. Thus, the standards (substantive rules) published in Subpart C and the following subparts of Part 1926 of this chapter are applied. This section does not incorporate Subparts A and B of Part 1926 of this chapter. Subparts A and B have pertinence only to the application of section 107 of the Contract Work Hours and Safety Standards Act (the Construction Safety Act). For example, the interpretation of the term "subcontractor" in paragraph (c) of § 1926.13 of this chapter is significant in discerning the coverage of the Construction Safety Act and duties thereunder. However, the term "subcontractor" has no significance in the application of the Act, which was enacted under the Commerce Clause and which establishes duties for "employers" which are not dependent for their application upon any contractual relationship with the Federal Government or upon any form of Federal financial assistance.

(d) For the purposes of this part, to the extent that it may not already be included in paragraph (b) of this section, "construction work" includes the erection of new electric transmission and distribution lines and equipment, and the alteration, conversion, and improvement of the existing transmission and distribution lines and equipment.

(Sec. 107, 83 Stat. 96, 40 U.S.C. 333) [37 FR 22102, Oct. 18, 1972, as amended at 37 FR 24883, Nov. 22, 1972]

§ 1910.13 Ship repairing.

(a) *Adoption and extension of established safety and health standards for ship repairing.* The standards prescribed by Part 1501 of this title and in effect on April 28, 1971, are adopted as occupational safety or health standards under section 6(a) of the Act and shall apply, according to the provisions thereof, to every employment and place of employment of every employee engaged in ship repair or a related employment. Each employer shall protect the employment and places of employment of each of his employees engaged in ship repair or a related employment, by complying with the appropriate standards prescribed by this paragraph.

(b) *Definitions.* For purposes of this section:

(1) "Ship repair means any repair of a vessel, including, but not restricted to, alterations, conversions, installations, cleaning, painting, and maintenance work;

(2) "Related employment" means any employment performed as an incident to, or in conjunction with, ship repair work, including, but not restricted to, inspection, testing, and employment as a watchman; and

(3) "Vessel" includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water, including special purpose floating structures not primarily designed for, or used as a means of, transportation on water.

§ 1910.14 Shipbuilding.

(a) *Adoption and extension of established safety and health standards for shipbuilding.* The standards prescribed by Part 1502 of this title and in effect on April 28, 1971, are adopted as occupational safety or health standards under section 6(a) of the Act and shall apply, according to the provisions thereof, to every employment and place of employment of every employee engaged in shipbuilding or a related employment. Each employer shall protect the employment and places of employment of each of his employees engaged in shipbuilding or a related employment, by complying with the appropriate standards prescribed by this paragraph.

(b) *Definitions.* For purposes of this section:

(1) "Shipbuilding" means the construction of a vessel, including the installation of machinery and equipment;

(2) "Related employment" means any employment performed as an incident to, or in conjunction with, shipbuilding work, including, but not restricted to, inspection, testing trials, and employment as a watchman: and

(3) "Vessel" includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water, including special purpose floating structures not primarily designed for, or used as a means of, transportation on water.

§ 1910.15 Shipbreaking.

(a) *Adoption and extension of established safety and health standards for shipbreaking.* The standards prescribed by Part 1503 of this title and in effect on April 28, 1971, are adopted as occupational safety or health standards under section 6(a) of the Act and shall apply, according to the provisions thereof, to every employment and place of employment of every employee engaged in shipbreaking or a related employment. Each employer shall protect the employment and places of employment of each of his employees engaged in shipbreaking or a related employment, by complying with the appropriate standards prescribed by this paragraph.

(b) *Definitions.* For purposes of this section:

(1) "Shipbreaking" means any breaking down of a vessel's structure for the purpose of scrapping the vessel, including the removal of gear, equipment, or any component part of a vessel;

(2) "Related employment" means any employment performed as an incident to, or in conjunction with, shipbreaking work, including, but not restricted to, inspection, survey, and employment as a watchman; and

(3) "Vessel" includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water, including special purpose floating structures not primarily designed for, or used as a means of, transportation on water.

§ 1910.16 Longshoring.

(a) *Adoption and extension of established safety and health standards for longshoring.* The standards prescribed by Part 1504 of this title and in effect on April 28, 1971, are adopted as occupational safety or health standards under section 6(a) of the Act and shall apply, according to the provisions thereof, to every employment and place of employment of every employee engaged in longshoring operations or a related employment. Each employer shall protect the employment and places of employment of each of his employees engaged in a longshoring operation or a related employment, by complying with the appropriate standards prescribed by this paragraph.

(b) *Definitions.* For purposes of this section:

(1) "Longshoring operation" means the loading, unloading, moving, or handling of, cargo, ship's stores, gear, etc., into, in, on, or out of any vessel;

(2) "Related employment" means any employment performed as an incident to or in conjunction with, longshoring operations including, but not restricted to, securing cargo, rigging, and employment as a porter, checker, or watchman; and

(3) "Vessel" includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water, including special purpose floating structures not primarily designed for, or used as a means of, transportation on water.

§ 1910.17 Effective dates.

(a) Except as provided in paragraphs (b) and (c) of this section, the standards prescribed in this Subpart B shall be effective on August 27, 1971.

(b) (1) To the extent that the standards prescribed in § 1910.12 apply to light residential construction or to other construction work, as defined in § 1910.12(b), which is not subject to the construction safety standards published in Part 1926 of this title, their application is delayed until September 27, 1971.

(2) For the purpose of subparagraph (1) of this paragraph, "light residential construction" is limited to the construction of homes and apartments which do not exceed three stories in height, and which have no elevator.

(c) Except as provided in paragraph (b) of this section, whenever any employment or place of employment is, or becomes, subject to any safety and health standard prescribed in Part 1915, 1916, 1917, 1918, or 1926 of this title on a date before August 27, 1971, by virtue of the Construction Safety Act or the Longshoremen's and Harbor Workers' Compensation Act, that occupational safety and health standard as incorporated by reference in this subpart shall also become effective under the Williams-Steiger Occupational Safety and Health Act of 1970 on that date.

§ 1910.18 Changes in established Federal standards.

Whenever an occupational safety and health standard adopted and incorporated by reference in this Subpart B is changed pursuant to section 6(b) of the Act and the statute under which the standard was originally promulgated, and in accordance with Part 1911 of this chapter, the standard shall be deemed changed for purposes of that statute and this Subpart B, and shall apply under this Subpart B. For the purposes of this section, a change in a standard includes any amendment, addition, or repeal, in whole or in part, of any standard.

§ 1910.19 Asbestos dust.

Section 1910.93a shall apply to the exposure of every employee to asbestos dust in every employment and place of employment covered by § 1910.12, § 1910.13, § 1910.14, § 1910.15, or § 1910.16, in lieu of any different standard on exposure to asbestos dust which would otherwise be applicable by virtue of any of those sections.

Subpart C—[Reserved]

Subpart D—Walking-Working Surfaces

§ 1910.21 Definitions.

(a) As used in § 1910.23, unless the context requires otherwise, floor and wall opening, railing and toe board terms shall have the meanings ascribed in this paragraph.

(1) *Floor hole.* An opening measuring less than 12 inches but more than 1 inch in its least dimension, in any floor, platform, pavement, or yard, through which materials but not persons may fall; such as a belt hole, pipe opening, or slot opening.

(2) *Floor opening.* An opening measuring 12 inches or more in its least dimension, in any floor, platform, pavement, or yard through which persons may fall; such as a hatchway, stair or ladder opening, pit, or large manhole. Floor openings occupied by elevators, dumb waiters, conveyors, machinery, or containers are excluded from this subpart.

(3) *Handrail.* A single bar or pipe supported on brackets from a wall or partition, as on a stairway or ramp, to furnish persons with a handhold in case of tripping.

(4) *Platform.* A working space for persons, elevated above the surrounding floor or ground; such as a balcony or platform for the operation of machinery and equipment.

(5) *Runway.* A passageway for persons, elevated above the surrounding floor or ground level, such as a footwalk along shafting or a walkway between buildings.

(6) *Standard railing.* A vertical barrier erected along exposed edges of a floor opening, wall opening, ramp, platform, or runway to prevent falls of persons.

(7) *Standard strength and construction.* Any construction of railings, covers, or other guards that meets the requirements of § 1910.23.

(8) *Stair railing.* A vertical barrier erected along exposed sides of a stairway to prevent falls of persons.

(9) *Toeboard.* A vertical barrier at floor level erected along exposed edges of a floor opening, wall opening, platform, runway, or ramp to prevent falls of materials.

(10) *Wall hole.* An opening less than 30 inches but more than 1 inch high, of unrestricted width, in any wall or partition; such as a ventilation hole or drainage scupper.

(11) *Wall opening.* An opening at least 30 inches high and 18 inches wide, in any wall or partition, through which persons may fall; such as a yard-arm doorway or chute opening.

(b) As used in § 1910.24, unless the context requires otherwise, fixed industrial stair terms shall have the meaning ascribed in this paragraph.

(1) *Handrail.* A single bar or pipe supported on brackets from a wall or partition to provide a continuous handhold for persons using a stair.

(2) *Nose, nosing.* That portion of a tread projecting beyond the face of the riser immediately below.

(3) *Open riser.* The air space between the treads of stairways without upright members (risers).

(4) *Platform.* An extended step or landing breaking a continuous run of stairs.

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(5) *Railing.* A vertical barrier erected along exposed sides of stairways and platforms to prevent falls of persons. The top member of railing usually serves as a handrail.

(6) *Rise.* The vertical distance from the top of a tread to the top of the next higher tread.

(7) *Riser.* The upright member of a step situated at the back of a lower tread and near the leading edge of the next higher tread.

(8) *Stairs, stairway.* A series of steps leading from one level or floor to another, or leading to platforms, pits, boiler rooms, crossovers, or around machinery, tanks, and other equipment that are used more or less continuously or routinely by employees, or only occasionally by specific individuals. A series of steps and landings having three or more risers constitutes stairs or stairway.

(9) *Tread.* The horizontal member of a step.

(10) *Tread run.* The horizontal distance from the leading edge of a tread to the leading edge of an adjacent tread.

(11) *Tread width.* The horizontal distance from front to back of tread including nosing when used.

(c) As used in § 1910.25, unless the context requires otherwise, portable wood ladders terms shall have the meanings ascribed in this paragraph.

(1) *Ladders.* A ladder is an appliance usually consisting of two side rails joined at regular intervals by crosspieces called steps, rungs, or cleats, on which a person may step in ascending or descending.

(2) *Stepladder.* A stepladder is a self-supporting portable ladder, nonadjustable in length, having flat steps and a hinged back. Its size is designated by the overall length of the ladder measured along the front edge of the side rails.

(3) *Single ladder.* A single ladder is a non-self-supporting portable ladder, nonadjustable in length, consisting of but one section. Its size is designated by the overall length of the side rail.

(4) *Extension ladder.* An extension ladder is a non-self-supporting portable ladder adjustable in length. It consists of two or more sections traveling in guides or brackets so arranged as to permit length adjustment. Its size is designated by the sum of the lengths of the sections measured along the side rails.

(5) *Sectional ladder.* A sectional ladder is a non-self-supporting portable ladder, nonadjustable in length, consisting of two or more sections of ladder so constructed that the sections may be combined to function as a single ladder. Its size is designated by the overall length of the assembled sections.

(6) *Trestle ladder.* A trestle ladder is a self-supporting portable ladder, nonadjustable in length, consisting of two sections hinged at the top to form equal angles with the base. The size is designated by the length of the side rails measured along the front edge.

(7) *Extension trestle ladder.* An extension trestle ladder is a self-supporting portable ladder, adjustable in length, consisting of a trestle ladder base and a vertically adjustable single ladder, with suitable means for locking the ladders together. The size is designated by the length of the trestle ladder base.

(8) *Special-purpose ladder.* A special-purpose ladder is a portable ladder which represents either a modification or a combination of design or construction features in one of the general-purpose types of ladders previously defined, in order to adapt the ladder to special or specific uses.

(9) *Trolley ladder.* A trolley ladder is a semifixed ladder, nonadjustable in length, supported by attachments to an overhead track, the plane of the ladder being at right angles to the plane of motion.

(10) *Side-rolling ladder.* A side-rolling ladder is a semifixed ladder, nonadjustable in length, supported by attachments to a guide rail, which is generally fastened to shelving, the plane of the ladder being also its plane of motion.

(11) *Wood characteristics.* Wood characteristics are distinguishing features which by their extent and number determine the quality of a piece of wood.

(12) *Wood irregularities.* Wood irregularities are natural characteristics in or on wood that may lower its durability, strength, or utility.

(13) *Cross grain.* Cross grain (slope of grain) is a deviation of the fiber direction from a line parallel to the sides of the piece.

(14) *Knot.* A knot is a branch or limb, imbedded in the tree and cut through in the process of lumber manufacture, classified according to size, quality, and occurrence. The size of the knot is determined as the average diameter on the surface of the piece.

(15) *Pitch and bark pockets.* A pitch pocket is an opening extending parallel to the annual growth rings containing, or that has contained, pitch, either solid or liquid. A bark pocket is an opening between annual growth rings that contains bark.

(16) *Shake.* A shake is a separation along the grain, most of which occurs between the rings of annual growth.

(17) *Check.* A check is a lengthwise separation of the wood, most of which occurs across the rings of annual growth.

(18) *Wane.* Wane is bark, or the lack of wood from any cause, on the corner of a piece.

(19) *Decay.* Decay is disintegration of wood substance due to action of wood-destroying fungi. It is also known as dote and rot.

(20) *Compression failure.* A compression failure is a deformation (buckling) of the fibers due to excessive compression along the grain.

(21) *Compression wood.* Compression wood is an aberrant (abnormal) and highly variable type of wood structure occurring in softwood species. The wood commonly has density somewhat higher than does normal wood, but somewhat lower stiffness and tensile strength for its weight in addition to high longitudinal shrinkage.

(22) *Low density.* Low-density wood is that which is exceptionally light in weight and usually deficient in strength properties for the species.

(d) As used in § 1910.26, unless the context requires otherwise, portable metal ladder terms shall have the meanings ascribed in this paragraph.

(1) *Ladder.* A ladder is an appliance usually consisting of two side rails joined at regular intervals by crosspieces called steps, rungs, or cleats, on which a person may step in ascending or descending.

(2) *Step ladder.* A step ladder is a self-supporting portable ladder, nonadjustable in length, having flat steps and a hinged back. Its size is designated by the overall length of the ladder measured along the front edge of the side rails.

(3) *Single ladder.* A single ladder is a non-self-supporting portable ladder, nonadjustable in length, consisting of but one section. Its size is designated by the overall length of the side rail.

(4) *Extension ladder.* An extension ladder is a non-self-supporting portable ladder adjustable in length. It consists of two or more sections traveling in guides or brackets so arranged as to permit length adjustment. Its size is designated by the sum of the lengths of the sections measured along the side rails.

(5) *Platform ladder.* A self-supporting ladder of fixed size with a platform provided at the working level. The size is determined by the distance along the front rail from the platform to the base of the ladder.

(6) *Sectional ladder.* A sectional ladder is a non-self-supporting portable ladder, non-adjustable in length, consisting of two or more sections so constructed that the sections may be combined to function as a single ladder. Its size is designated by the overall length of the assembled sections.

(7) *Trestle ladder.* A trestle ladder is a self-supporting portable ladder, nonadjustable in length, consisting of two sections, hinged at the top to form equal angles with the base. The size is designated by the length of the side rails measured along the front edge.

(8) *Extension trestle ladder.* An extension trestle ladder is a self-supporting portable ladder, adjustable in length, consisting of a trestle ladder base and a vertically adjustable single ladder, with suitable means for locking the ladders together. The size is designated by the length of the trestle ladder base.

(9) *Special-purpose ladder.* A special-purpose ladder is a portable ladder which represents either a modification or a combination of design or construction features in one of the general-purpose types of ladders previously defined, in order to adapt the ladder to special or specific uses.

(e) As used in § 1910.27, unless the context requires otherwise, fixed ladder terms shall have the meanings ascribed in this paragraph.

(1) *Ladder.* A ladder is an appliance usually consisting of two side rails joined at regular intervals by crosspieces called steps, rungs, or cleats, on which a person may step in ascending or descending.

(2) *Fixed ladder.* A fixed ladder is a ladder permanently attached to a structure, building, or equipment.

(3) *Individual-rung ladder.* An individual-rung ladder is a fixed ladder each

rung of which is individually attached to a structure, building, or equipment.

(4) *Rail ladder.* A rail ladder is a fixed ladder consisting of side rails joined at regular intervals by rungs or cleats and fastened in full length or in sections to a building, structure, or equipment.

(5) *Railings.* A railing is any one or a combination of those railings constructed in accordance with § 1910.23. A standard railing is a vertical barrier erected along exposed edges of floor openings, wall openings, ramps, platforms, and runways to prevent falls of persons.

(6) *Pitch.* Pitch is the included angle between the horizontal and the ladder, measured on the opposite side of the ladder from the climbing side.

(7) *Fastenings.* A fastening is a device to attach a ladder to a struoture, building, or equipment.

(8) *Rungs.* Rungs are ladder crosspieces of circular or oval cross-section on which a person may step in ascending or descending.

(9) *Cleats.* Cleats are ladder crosspieces of rectangular cross-section placed on edge on which a person may step in ascending or descending.

(10) *Steps.* Steps are the flat crosspieces of a ladder on which a person may step in ascending or descending.

(11) *Cage.* A cage is a guard that may be referred to as a cage or basket guard which is an enclosure that is fastened to the side rails of the fixed ladder or to the structure to encircle the climbing space of the ladder for the safety of the person who must climb the ladder.

(12) *Well.* A well is a permanent complete enclosure around a fixed ladder, which is attached to the walls of the well. Proper clearances for a well will give the person who must climb the ladder the same protection as a cage.

(13) *Ladder safety device.* A ladder safety device is any device, other than a cage or well, designed to eliminate or reduce the possibility of accidental falls and which may incorporate such features as life belts, friction brakes, and sliding attachments.

(14) *Grab bars.* Grab bars are individual handholds placed adjacent to or as an extension above ladders for the purpose of providing access beyond the limits of the ladder.

(15) *Through ladder.* A through ladder is one from which a man getting off at the top must step through the ladder in order to reach the landing.

(16) *Side-step ladder.* A side-step ladder is one from which a man getting off at the top must step sideways from the ladder in order to reach the landing.

(f) As used in § 1910.28, unless the context requires otherwise, scaffolding terms shall have the meaning ascribed in this paragraph.

(1) *Bearer.* A horizontal member of a scaffold upon which the platform rests and which may be supported by ledgers.

(2) *Boatswain's chair.* A seat supported by slings attached to a suspended rope, designed to accommodate one workman in a sitting position.

(3) *Brace.* A tie that holds one scaffold member in a fixed position with respect to another member.

(4) *Bricklayers' square scaffold.* A scaffold composed of framed wood squares which support a platform limited to light and medium duty.

(5) *Carpenters' bracket scaffold.* A scaffold consisting of wood or metal brackets supporting a platform.

(6) *Coupler.* A device for locking together the component parts of a tubular metal scaffold. The material used for the couplers shall be of a structural type, such as a drop-forged steel, malleable iron, or structural grade aluminum. The use of gray cast iron is prohibited.

(7) *Crawling board or chicken ladder.* A plank with cleats spaced and secured at equal intervals, for use by a worker on roofs, not designed to carry any material.

(8) *Double pole or independent pole scaffold.* A scaffold supported from the base by a double row of uprights, independent of support from the walls and constructed of uprights, ledgers, horizontal platform bearers, and diagonal bracing.

(9) *Float or ship scaffold.* A scaffold hung from overhead supports by means of ropes and consisting of a substantial platform having diagonal bracing underneath, resting upon and securely fastened to two parallel plank bearers at right angles to the span.

(10) *Guardrail.* A rail secured to uprights and erected along the exposed sides and ends of platforms.

(11) *Heavy duty scaffold.* A scaffold designed and constructed to carry a working load not to exceed 75 pounds per square foot.

(12) *Horse scaffold.* A scaffold for light or medium duty, composed of horses supporting a work platform.

(13) *Interior hung scaffold.* A scaffold suspended from the ceiling or roof structure.

(14) *Ladder jack scaffold.* A light duty scaffold supported by brackets attached to ladders.

(15) *Ledger (stringer).* A horizontal scaffold member which extends from post to post and which supports the putlogs or bearer forming a tie between the posts.

(16) *Light duty scaffold.* A scaffold designed and constructed to carry a working load not to exceed 25 pounds per square foot.

(17) *Manually propelled mobile scaffold.* A portable rolling scaffold supported by casters.

(18) *Masons' adjustable multiple-point suspension scaffold.* A scaffold having a continuous platform supported by bearers suspended by wire rope from overhead supports, so arranged and operated as to permit the raising or lowering of the platform to desired working positions.

(19) *Maximum intended load.* The total of all loads including the working load, the weight of the scaffold, and such other loads as may be reasonably anticipated.

(20) *Medium duty scaffold.* A scaffold designed and constructed to carry a working load not to exceed 50 pounds per square foot.

(21) *Mid-rail.* A rail approximately midway between the guardrail and platform, used when required, and secured to the uprights erected along the exposed sides and ends of platforms.

(22) *Needle beam scaffold.* A light duty scaffold consisting of needle beams supporting a platform.

(23) *Outrigger scaffold.* A scaffold supported by outriggers or thrustouts projecting beyond the wall or face of the building or structure, the inboard ends of which are secured inside of such a building or structure.

(24) *Putlog.* A scaffold member upon which the platform rests.

(25) *Roofing bracket.* A bracket used in sloped roof construction, having provisions for fastening to the roof or supported by ropes fastened over the ridge and secured to some suitable object.

(26) *Runner.* The lengthwise horizontal bracing or bearing members or both.

(27) *Scaffold.* Any temporary elevated platform and its supporting structure used for supporting workmen or materials or both.

(28) *Single-point adjustable suspension scaffold.* A manually or power-operated unit designed for light duty use, supported by a single wire rope from an overhead support so arranged and operated as to permit the raising or lowering of the platform to desired working positions.

(29) *Single pole scaffold.* Platforms resting on putlogs or crossbeams, the outside ends of which are supported on ledgers secured to a single row of posts or uprights and the inner ends of which are supported on or in a wall.

(30) *Stone setters' adjustable multiple-point suspension scaffold.* A swinging-type scaffold having a platform supported by hangers suspended at four points so as to permit the raising or lowering of the platform to the desired working position by the use of hoisting machines.

(31) *Toeboard.* A barrier secured along the sides and ends of a platform, to guard against the falling of material.

(32) *Tube and coupler scaffold.* An assembly consisting of tubing which serves as posts, bearers, braces, ties, and runners, a base supporting the posts, and special couplers which serve to connect the uprights and to join the various members.

(33) *Tubular welded frame scaffold.* A sectional, panel, or frame metal scaffold substantially built up of prefabricated welded sections which consist of posts and horizontal bearer with intermediate members. Panels or frames shall be braced with diagonal or cross braces.

(34) *Two-point suspension scaffold (swinging scaffold).* A scaffold, the platform of which is supported by hangers (stirrups) at two points, suspended from overhead supports so as to permit the raising or lowering of the platform to the desired working position by tackle or hoisting machines.

(35) *Window jack scaffold.* A scaffold, the platform of which is supported by a bracket or jack which projects through a window opening.

(36) *Working load.* Load imposed by men, materials, and equipment.

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(g) As used in § 1910.29, unless the context requires otherwise, manually propelled mobile ladder stand and scaffold (tower) terms shall have the meaning ascribed in this paragraph.

(1) *Bearer.* A horizontal member of a scaffold upon which the platform rests and which may be supported by ledgers.

(2) *Brace.* A tie that holds one scaffold member in a fixed position with respect to another member.

(3) *Climbing ladder.* A separate ladder with equally spaced rungs usually attached to the scaffold structure for climbing and descending.

(4) *Coupler.* A device for locking together the components of a tubular metal scaffold which shall be designed and used to safely support the maximum intended loads.

(5) *Design working load.* The maximum intended load, being the total of all loads including the weight of the men, materials, equipment, and platform.

(6) *Equivalent.* Alternative design or features, which will provide an equal degree or factor of safety.

(7) *Guardrail.* A barrier secured to uprights and erected along the exposed sides and ends of platforms to prevent falls of persons.

(8) *Handrail.* A rail connected to a ladder stand running parallel to the slope and/or top step.

(9) *Ladder stand.* A mobile fixed size self-supporting ladder consisting of a wide flat tread ladder in the form of stairs. The assembly may include handrails.

(10) *Ledger (stringer).* A horizontal scaffold member which extends from post to post and which supports the bearer forming a tie between the posts.

(11) *Mobile scaffold (tower).* A light, medium, or heavy duty scaffold mounted on casters or wheels.

(12) *Mobile.* "Manually propelled."

(13) *Mobile work platform.* Generally a fixed work level one frame high on casters or wheels, with bracing diagonally from platform to vertical frame.

(14) *Runner.* The lengthwise horizontal bracing and/or bearing members.

(15) *Scaffold.* Any temporary elevated platform and its necessary vertical, diagonal, and horizontal members used for supporting workmen and materials. (Also known as a scaffold tower.)

(16) *Toeboard.* A barrier at platform level erected along the exposed sides and ends of a scaffold platform to prevent falls of materials.

(17) *Tube and coupler scaffold.* An assembly consisting of tubing which serves as posts, bearers, braces, ties, and runners, a base supporting the posts, and uprights, and serves to join the various members, usually used in fixed locations.

(18) *Tubular welded frame scaffold.* A sectional, panel, or frame metal scaffold substantially built up of prefabricated welded sections, which consist of posts and bearers with intermediate connecting members and braced with diagonal or cross braces.

(19) *Tubular welded sectional folding scaffold.* A sectional, folding metal scaffold either of ladder frame or inside stairway design, substantially built of prefabricated welded sections, which consist of end frames, platform frame, inside inclined stairway frame and braces, or hinged connected diagonal and horizontal braces, capable of being folded into a flat package when the scaffold is not in use.

(20) *Work level.* The elevated platform, used for supporting workmen and their materials, comprising the necessary vertical, horizontal, and diagonal braces, guardrails, and ladder for access to the work platform.

§ 1910.22 General requirements.

This section applies to all permanent places of employment, except where domestic, mining, or agricultural work only is performed. Measures for the control of toxic materials are considered to be outside the scope of this section.

(a) *Housekeeping.* (1) All places of employment, passageways, storerooms, and service rooms shall be kept clean and orderly and in a sanitary condition.

(2) The floor of every workroom shall be maintained in a clean and, so far as possible, a dry condition. Where wet processes are used, drainage shall be maintained, and false floors, platforms, mats, or other dry standing places should be provided where practicable.

(3) To facilitate cleaning, every floor, working place, and passageway shall be kept free from protruding nails, splinters, holes, or loose boards.

(b) *Aisles and passageways.* (1) Where mechanical handling equipment is used, sufficient safe clearances shall be allowed for aisles, at loading docks, through doorways and wherever turns or passage must be made. Aisles and passageways shall be kept clear and in good repairs, with no obstruction across or in aisles that could create a hazard.

(2) Permanent aisles and passageways shall be appropriately marked.

(c) *Covers and guardrails.* Covers and/or guardrails shall be provided to protect personnel from the hazards of open pits, tanks, vats, ditches, etc.

(d) *Floor loading protection.* (1) In every building or other structure, or part thereof, used for mercantile, business, industrial, or storage purposes, the loads approved by the building official shall be marked on plates of approved design which shall be supplied and securely affixed by the owner of the building, or his duly authorized agent, in a conspicuous place in each space to which they relate. Such plates shall not be removed or defaced but, if lost, removed, or defaced, shall be replaced by the owner or his agent.

(2) It shall be unlawful to place, or cause, or permit to be placed, on any floor or roof of a building or other structure a load greater than that for which such floor or roof is approved by the building official.

§ 1910.23 Guarding floor and wall openings and holes.

(a) *Protection for floor openings.* (1) Every stairway floor opening shall be guarded by a standard railing constructed in accordance with paragraph (e) of this section. The railing shall be provided on all exposed sides (except at entrance to stairway). For infrequently used stairways where traffic across the opening prevents the use of fixed standard railing (as when located in aisle spaces, etc.), the guard shall consist of a hinged floor opening cover of standard strength and construction and removable standard railings on all exposed sides (except at entrance to stairway).

(2) Every ladderway floor opening or platform shall be guarded by a standard railing with standard toeboard on all exposed sides (except at entrance to opening), with the passage through the railing either provided with a swinging gate or so offset that a person cannot walk directly into the opening.

(3) Every hatchway and chute floor opening shall be guarded by one of the following:

(i) Hinged floor opening cover of standard strength and construction equipped with standard railings or permanently attached thereto so as to leave only one exposed side. When the opening is not in use, the cover shall be closed or the exposed side shall be guarded at both top and intermediate positions by removable standard railings.

(ii) A removable railing with toeboard on not more than two sides of the opening and fixed standard railings with toeboards on all other exposed sides. The removable railings shall be kept in place when the opening is not in use and should preferably be hinged or otherwise mounted so as to be conveniently replaceable.

Where operating conditions necessitate the feeding of material into any hatchway or chute opening, protection shall be provided to prevent a person from falling through the opening.

(4) Every skylight floor opening and hole shall be guarded by a standard skylight screen or a fixed standard railing on all exposed sides.

(5) Every pit and trapdoor floor opening, infrequently used, shall be guarded by a floor opening cover of standard strength and construction which should be hinged in place. While the cover is not in place, the pit or trap opening shall be constantly attended by someone or shall be protected on all exposed sides by removable standard railings.

(6) Every manhole floor opening shall be guarded by a standard manhole cover which need not be hinged in place. While the cover is not in place, the manhole opening shall be constantly attended by someone or shall be protected by removable standard railings.

(7) Every temporary floor opening shall have standard railings, or shall be constantly attended by someone.

(8) Every floor hole into which persons can accidentally walk shall be guarded by either:

(i) A standard railing with standard toeboard on all exposed sides, or

(ii) A floor hole cover of standard strength and construction that should be hinged in place. While the cover is not in place, the floor hole shall be constantly attended by someone or shall be protected by a removable standard railing.

(9) Every floor hole into which persons cannot accidentally walk (on account of fixed machinery, equipment, or walls) shall be protected by a cover that leaves no openings more than 1 inch wide. The cover shall be securely held in place to prevent tools or materials from falling through.

(10) Where doors or gates open directly on a stairway, a platform shall be provided, and the swing of the door shall not reduce the effective width to less than 20 inches.

(b) *Protection for wall openings and holes.* (1) Every wall opening from which there is a drop of more than 4 feet shall be guarded by one of the following:

(i) Rail, roller, picket fence, half door, or equivalent barrier.

The guard may be removable but should preferably be hinged or otherwise mounted so as to be conveniently replaceable. Where there is exposure below to falling materials, a removable toe board or the equivalent shall also be provided. When the opening is not in use for handling materials, the guard shall be kept in position regardless of a door on the opening. In addition, a grab handle shall be provided on each side of the opening with its center approximately 4 feet above floor level and of standard strength and mounting.

(ii) Extension platform onto which materials can be hoisted for handling, and which shall have side rails or equivalent guards of standard specifications.

(2) Every chute wall opening from which there is a drop of more than 4 feet shall be guarded by one or more of the barriers specified in subparagraph (1) of this paragraph, or as required by the conditions.

(3) Every window wall opening at a stairway landing, floor, platform, or balcony, from which there is a drop of more than 4 feet, and where the bottom of the opening is less than 3 feet above the platform or landing, shall be guarded by standard slats, standard grill work (as specified in paragraph (e)(11) of this section), or standard railing.

Where the window opening is below the landing, or platform, a standard toe board shall be provided.

(4) Every temporary wall opening shall have adequate guards but these need not be of standard construction.

(5) Where there is a hazard of materials falling through a wall hole, and the lower edge of the near side of the hole is less than 4 inches above the floor, and the far side of the hole more than 5 feet above the next lower level, the hole shall be protected by a standard toeboard, or an enclosing screen either of solid construction, or as specified in paragraph (e)(11) of this section.

(c) *Protection of open-sided floors, platforms, and runways.* (1) Every open-sided floor or platform 4 feet or more above adjacent floor or ground level shall be guarded by a standard railing (or the equivalent as specified in paragraph (e)(3) of this section) on all open sides, except where there is entrance to a ramp, stairway, or fixed ladder. The railing shall be provided with a toeboard wherever, beneath the open sides,

(i) Persons can pass,

(ii) There is moving machinery, or

(iii) There is equipment with which falling materials could create a hazard.

(2) Every runway shall be guarded by a standard railing (or the equivalent as specified in paragraph (e)(3) of this section) on all open sides 4 feet or more above floor or ground level. Wherever tools, machine parts, or materials are likely to be used on the runway, a toeboard shall also be provided on each exposed side.

Runways used exclusively for special purposes (such as oiling, shafting, or filling tank cars) may have the railing on one side omitted where operating conditions necessitate such omission, providing the falling hazard is minimized by using a runway of not less than 18 inches wide. Where persons entering upon runways become thereby exposed to machinery, electrical equipment, or other danger not a falling hazard, additional guarding than is here specified may be essential for protection.

(3) Regardless of height, open-sided floors, walkways, platforms, or runways above or adjacent to dangerous equipment, pickling or galvanizing tanks, degreasing units, and similar hazards shall be guarded with a standard railing and toe board.

(d) *Stairway railings and guards.* (1) Every flight of stairs having four or more risers shall be equipped with standard stair railings or standard handrails as specified in subdivisions (i) through (v) of this subparagraph, the width of the stair to be measured clear of all obstructions except handrails:

(i) On stairways less than 44 inches wide having both sides enclosed, at least one handrail, preferably on the right side descending.

(ii) On stairways less than 44 inches wide having one side open, at least one stair railing on open side.

(iii) On stairways less than 44 inches wide having both sides open, one stair railing on each side.

(iv) On stairways more than 44 inches wide but less than 88 inches wide, one handrail on each enclosed side and one stair railing on each open side.

(v) On stairways 88 or more inches wide, one handrail on each enclosed side, one stair railing on each open side, and one intermediate stair railing located approximately midway of the width.

(2) Winding stairs shall be equipped with a handrail offset to prevent walking on all portions of the treads having width less than 6 inches.

(e) *Railing, toe boards, and cover specifications.* (1) A standard railing shall consist of top rail, intermediate rail, and posts, and shall have a vertical height of 42 inches nominal from upper surface of top rail to floor, platform, runway, or ramp level. The top rail shall be smooth-surfaced throughout the length of the railing. The intermediate rail shall be approximately halfway between the top rail and the floor, platform, runway, or ramp. The ends of the rails shall not overhang the terminal posts except where such overhang does not constitute a projection hazard.

(2) A stair railing shall be of construction similar to a standard railing but the vertical height shall be not more than 34 inches nor less than 30 inches from upper surface of top rail to surface of tread in line with face of riser at forward edge of tread.

(3) Minimum requirements for standard railings under various types of construction are specified in the following subdivisions. Dimensions specified are based on the U.S. Department of Agriculture Wood Handbook, No. 72, 1955 (No. 1 [S4S] Southern Yellow Pine [Modulus of Rupture 7,400 p.s.i.]) for wood; ANSI G41.5–1970, American National Standard Specifications for Structural Steel, for structural steel; and ANSI B125.1–1970, American National Standard Specifications for Welded and Seamless Steel Pipe, for pipe.

(i) For wood railings, the posts shall be of at least 2-inch by 4-inch stock spaced not to exceed 6 feet; the top and intermediate rails shall be of at least 2-inch by 4-inch stock. If top rail is made of two right-angle pieces of 1-inch by 4-inch stock, posts may be spaced on 8-foot centers, with 2-inch by 4-inch intermediate rail.

(ii) For pipe railings, posts and top and intermediate railings shall be at least 1½ inches nominal diameter with posts spaced not more than 8 feet on centers.

(iii) For structural steel railings, posts and top and intermediate rails shall be of 2-inch by 2-inch by ¾-inch angles or other metal shapes of equivalent bending strength with posts spaced not more than 8 feet on centers.

(iv) The anchoring of posts and framing of members for railings of all types shall be of such construction that the completed structure shall be capable of withstanding a load of at least 200 pounds applied in any direction at any point on the top rail.

(v) Other types, sizes, and arrangements of railing construction are acceptable provided they meet the following conditions:

(a) A smooth-surfaced top rail at a height above floor, platform, runway, or ramp level of 42 inches nominal;

(b) A strength to withstand at least the minimum requirement of 200 pounds top rail pressure;

(c) Protection between top rail and floor, platform, runway, ramp, or stair treads, equivalent at least to that afforded by a standard intermediate rail;

(d) Elimination of overhang of rail ends unless such overhang does not constitute a hazard; such as, baluster railings, scrollwork railings, paneled railings.

(4) A standard toeboard shall be 4 inches nominal in vertical height from its top edge to the level of the floor, platform, runway, or ramp. It shall be securely fastened in place and with not more than ¼-inch clearance above floor level. It may be made of any substantial

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material either solid or with openings not over 1 inch in greatest dimension.

Where material is piled to such height that a standard toeboard does not provide protection, paneling from floor to intermediate rail, or to top rail shall be provided.

(5) (i) A handrail shall consist of a lengthwise member mounted directly on a wall or partition by means of brackets attached to the lower side of the handrail so as to offer no obstruction to a smooth surface along the top and both sides of the handrail. The handrail shall be of rounded or other section that will furnish an adequate handhold for anyone grasping it to avoid falling. The ends of the handrail should be turned in to the supporting wall or otherwise arranged so as not to constitute a projection hazard.

(ii) The height of handrails shall be not more than 34 inches nor less than 30 inches from upper surface of handrail to surface of tread in line with face of riser or to surface of ramp.

(iii) The size of handrails shall be: When of hardwood, at least 2 inches in diameter; when of metal pipe, at least 1½ inches in diameter. The length of brackets shall be such as will give a clearance between handrail and wall or any projection thereon of at least 3 inches. The spacing of brackets shall not exceed 8 feet.

(iv) The mounting of handrails shall be such that the completed structure is capable of withstanding a load of at least 200 pounds applied in any direction at any point on the rail.

(6) All handrails and railings shall be provided with a clearance of not less than 3 inches between the handrail or railing and any other object.

(7) Floor opening covers may be of any material that meets the following strength requirements:

(i) Trench or conduit covers and their supports, when located in plant roadways, shall be designed to carry a truck rear-axle load of at least 20,000 pounds.

(ii) Manhole covers and their supports, when located in plant roadways, shall comply with local standard highway requirements if any; otherwise, they shall be designed to carry a truck rear-axle load of at least 20,000 pounds.

(iii) The construction of floor opening covers may be of any material that meets the strength requirements. Covers projecting not more than 1 inch above the floor level may be used providing all edges are chamfered to an angle with the horizontal of not over 30 degrees. All hinges, handles, bolts, or other parts shall set flush with the floor or cover surface.

(8) Skylight screens shall be of such construction and mounting that they are capable of withstanding a load of at least 200 pounds applied perpendicularly at any one area on the screen. They shall also be of such construction and mounting that under ordinary loads or impacts, they will not deflect downward sufficiently to break the glass below them. The construction shall be of grillwork with openings not more than 4 inches long or of slatwork with openings not more than 2 inches wide with length unrestricted.

(9) Wall opening barriers (rails, rollers, picket fences, and half doors) shall be of such construction and mounting that, when in place at the opening, the barrier is capable of withstanding a load of at least 200 pounds applied in any direction (except upward) at any point on the top rail or corresponding member.

(10) Wall opening grab handles shall be not less than 12 inches in length and shall be so mounted as to give 3 inches clearance from the side framing of the wall opening. The size, material, and anchoring of the grab handle shall be such that the completed structure is capable of withstanding a load of at least 200 pounds applied in any direction at any point of the handle.

(11) Wall opening screens shall be of such construction and mounting that they are capable of withstanding a load of at least 200 pounds applied horizontally at any point on the near side of the screen. They may be of solid construction, of grillwork with openings not more than 8 inches long, or of slatwork with openings not more than 4 inches wide with length unrestricted.

§ 1910.24 Fixed industrial stairs.

(a) *Application of requirements.* This section contains specifications for the safe design and construction of fixed general industrial stairs. This classification includes interior and exterior stairs around machinery, tanks, and other equipment, and stairs leading to or from floors, platforms, or pits. This section does not apply to stairs used for fire exit purposes, to construction operations to private residences, or to articulated stairs, such as may be installed on floating roof tanks or on dock facilities, the angle of which changes with the rise and fall of the base support.

(b) *Where fixed stairs are required.* Fixed stairs shall be provided for access from one structure level to another where operations necessitate regular travel between levels, and for access to operating platforms at any equipment which requires attention routinely during operations. Fixed stairs shall also be provided where access to elevations is daily or at each shift for such purposes as gauging, inspection, regular maintenance, etc., where such work may expose employees to acids, caustics, gases, or other harmful substances, or for which purposes the carrying of tools or equipment by hand is normally required. (It is not the intent of this section to preclude the use of fixed ladders for access to elevated tanks, towers, and similar structures, overhead traveling cranes, etc., where the use of fixed ladders is common practice.) Spiral stairways shall not be permitted except for special limited usage and secondary access situations where it is not practical to provide a conventional stairway. Winding stairways may be installed on tanks and similar round structures where the diameter of the structure is not less than five (5) feet.

(c) *Stair strength.* Fixed stairways shall be designed and constructed to carry a load of five times the normal live load anticipated but never of less strength than to carry safely a moving concentrated load of 1,000 pounds.

(d) *Stair width.* Fixed stairways shall have a minimum width of 22 inches.

(e) *Angle of stairway rise.* Fixed stairs shall be installed at angles to the horizontal of between 30° and 50°. Any uniform combination of rise/tread dimensions may be used that will result in a stairway at an angle to the horizontal within the permissible range. Table D–1 gives rise/tread dimensions which will produce a stairway within the permissible range, stating the angle to the horizontal produced by each combination. However, the rise/tread combinations are not limited to those given in Table D–1.

(f) *Stair treads.* Each tread and the top landing of a stairway, where risers are used, should have a nose which extends one-half inch to 1 inch beyond the face of the lower riser. Noses should have an even leading edge. All treads shall be reasonably slip-resistant and the nosings shall be of nonslip finish. Welded bar grating treads without nosings are acceptable providing the leading edge can be readily identified by personnel descending the stairway and provided the tread is serrated or is of definite nonslip design. Rise height and tread width shall be uniform throughout any flight of stairs including any foundation structure used as one or more treads of the stairs.

TABLE D–1

Angle to horizontal	Rise (in inches)	Tread run (in inches)
30°35′	6¼	11
32°05′	6½	10⅝
32°41′	7	10½
35°16′	7¼	10¼
36°52′	7½	10
38°29′	7¾	9⅝
40°08′	8	9½
41°44′	8¼	9⅜
43°22′	8½	9
45°00′	8¾	8¾
46°38′	9	8½
48°16′	9¼	8¼
49°54′	9½	8

(g) *Length of stairways.* Long flights of stairs, unbroken by landings or intermediate platforms, should be avoided. Consideration should be given to providing intermediate platforms where practical and where such stairways are in frequent use. Stairway platforms shall be no less than the width of a stairway and a minimum of 30 inches in length measured in the direction of travel.

(h) *Railings and handrails.* Standard railings shall be provided on the open sides of all exposed stairways and stair platforms. Handrails shall be provided on at least one side of closed stairways, preferably on the right side descending. Stair railings and handrails shall be installed in accordance with the provisions of § 1910.23.

(i) *Vertical clearance.* Vertical clearance above any stair tread to an overhead obstruction shall be at least 7 feet measured from the leading edge of the tread.

(j) *Open risers.* Stairs having treads of less than 9-inch width should have open risers.

(k) *General.* Open grating type treads are desirable for outside stairs.

§ 1910.25 Portable wood ladders.

(a) *Application of requirements.* This section is intended to prescribe rules and establish minimum requirements for the construction, care, and use of the common types of portable wood ladders, in order to insure safety under normal conditions of usage. Other types of special ladders, fruitpicker's ladders, combination step and extension ladders, stockroom step ladders, aisle-way step ladders, shelf ladders, and library ladders are not specifically covered by this section.

(b) *Materials*—(1) *Requirements applicable to all wood parts.* (i) All wood parts shall be of the species specified in Table D–5, seasoned to a moisture content of not more than 15 percent; smoothly machined and dressed on all sides; free from sharp edges and splinters; sound and free by accepted visual inspection from shake, wane, compression failures, decay, or other irregularities except as hereinafter provided. Low-density wood shall not be used.

(ii) Black streaks in western hemlock shall not be considered an irregularity, except that chambers associated with black streaks, when present in the part, shall be limited as specified for pitch and bark pockets.

(2) *Permissible irregularities in side rails and back rails.* (i) The general slope of grain in side rails of minimum dimension shall not be steeper than 1 in 12, except that for ladders under 10 feet in length and having flat steps for treads, the general slope of grain shall not be steeper than 1 in 10. The slope of grain in areas of local grain deviation shall not be steeper than 1 in 12 or 1 in 10 as specified above when occurring on the edges or in the outer one-fourth of the width of the wide face. Local areas of grain deviation within the center half of the width of the wide face may contain grain slope as steep as 1 in 8. Local deviations of grain associated with otherwise permissible irregularities are permitted.

(ii) Knots shall not appear in narrow faces of side rails. Knots, if tight and sound and less than one-half inch in diameter, are permitted on the wide face provided they are at least one-half inch back from either edge and not more frequent than 1 to any 3 feet of ladder length.

(iii) Pitch and bark pockets are permitted provided they are not more than one-eighth inch in width, or more than 2 inches in length, or more than one-half inch in depth, and then only if they are not more frequent than 1 to any 3 feet of ladder length.

(iv) Checks are permitted on side rails provided they are not more than 6 inches in length or more than one-half inch in depth.

(v) Occurrences of compression wood in relatively small amounts and positively identified by competent and conscientious visual inspection of side rails are permitted provided no single streak shall exceed one-half inch in width nor shall the aggregate of streaks exceed one-fourth of the face of the side rail. Borderline forms of compression wood not positively identified by competent and conscientious visual inspection are permitted. Ladder parts containing bow or crook which would interfere with the operation of the ladder shall not be used.

(3) *Permissible irregularities in flat steps, rungs, and cleats.* (i) The general slope of grain in flat steps of minimum dimension shall not be steeper than 1 in 12, except that for ladders under 10 feet in length the slope of grain shall not be steeper than 1 in 10. The slope of grain in areas of local deviation shall not be steeper than 1 in 12 or 1 in 10 as specified above. For all ladders, cross grain not steeper than 1 in 10 are permitted in lieu of 1 in 12, provided the size is increased to afford at least 15 percent greater calculated strength than for ladders built to minimum dimensions. Local deviations of grain associated with otherwise permissible irregularities are permitted.

(ii) The general slope of grain and that in areas of local deviations of grain shall not be steeper than 1 in 15 in rungs and cleats. For all ladders cross grain not steeper than 1 in 12 are permitted in lieu of 1 in 15, provided the size is increased to afford at least 15 percent greater calculated strength for ladders built to minimum dimensions. Local deviations of grain associated with otherwise permissible irregularities are permitted.

(iii) Knots over one-eighth inch in diameter shall not appear in rungs. Knots shall not appear in the narrow faces of flat steps and cleats. Knots appearing in the wide faces of flat steps and cleats shall not exceed a diameter of one-fourth inch.

(4) *Classification of species of wood.* Table D–5 gives a list of native woods, divided into four groups on the basis of mechanical properties considered from the standpoint of use for ladder construction.

(i) All minimum dimensions and specifications set forth hereinafter for side rails and flat steps are based on the species of wood listed in Group 3 in Table D–5 except where otherwise provided. The species of all other groups may be substituted for those of Group 3 when used in sizes that provide at least equivalent strength. (See Table D–5 for suggested methods of size adjustment.)

(ii) All minimum dimensions and specifications set forth hereinafter for rungs and cleats are based on the species of wood listed in Group 1 in Table D–5. Cleats may be made of species of any other group provided that the cross-sectional dimensions specified for Group 1 species are increased by the factors shown in this subdivision (based on the percentages of Table D–5) for the species group of which the cleats are to be made.

FACTOR FOR INCREASE IN

Species group	Each dimension	Width only (thickness unchanged)
1	1.00	1.00
2	1.03	1.06
3	1.11	1.10
4	1.17	1.20

(5) *Metal parts.* All metal parts shall be made of aluminum, steel, wrought iron, malleable iron, or other material, adequate in strength for the purpose intended.

(c) *Construction requirements*—(1) *Basis of requirements.* (i) Dimensions specified hereinafter for wood ladders are the minimum dressed cross-sectional dimensions for the types of ladders herein designated, based on the species of woods specified in paragraph (b)(4) of this section, at a moisture content of 15 percent. The dimensions for side rails are based on a mortise or gain as specified for the various types of ladders for step or rung attachments. Where the strength of the side rails or back legs is reduced by a greater mortise or gain than shown, or where it is desired to use a cross section for any wood part either dimension of which is less than that specified, the required dimensions may be found as indicated in subdivision (ii) of this subparagraph.

(ii) For the side rails of single extension and sectional ladders, the proposed section shall develop an actual stress per square inch not greater than 2,150 pounds for Group 1 woods, 2,000 pounds for Group 2 woods, 1,600 pounds for Group 3 woods, or 1,375 pounds for Group 4 woods when computed by the following formula applying to rectangular sections, with a maximum tolerance of 5 percent over these stresses:

$$S=\frac{3LD\,(P+W/16)}{2B\,(D^2-d^2)}=\frac{1.5LD\,(25+W/16)}{B\,(D^2-0.67)}$$

P=25 pounds, which is the normal component on each rail of a load of 200 pounds at the center of the ladder, equally distributed between the rails, when the foot of the ladder is moved out of the perpendicular by one-quarter of its length.
S=Stress in extreme fiber in pounds per square inch.
W=Weight of ladder in pounds.
L=Maximum working length of ladder in inches.
B=Net thickness of each side rail in inches.
D=Depth of side rail in inches.
d=Diameter of hole board for rung (d^2 shall be taken as not less than 0.67).

(iii) Adjustment of sizes for wood parts of stepladders and other ladder types covered by this section may be made as follows:

(a) The dimensions specified in later sections for parts having rectangular cross sections generally represent only one of a number of possible combinations of thickness and width which could satisfy the requirements for strength and stiffness. Depending upon the material sizes available, manufacturing practices, and like factors, parts produced by a particular manufacturer may or may not agree exactly with the sizes given later. The following provisions provide means for determining equality of load-carrying capacity of parts of different

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sizes or of determining sizes needed to provide equality.

(b) Any changes in dimensions shall result in a change in the width-thickness ratio for side rails of back legs not greater than 25 percent from the ratio for a corresponding ladder as now covered in this section.

(c) Where both dimensions are different from those specified, the load-carrying capacity in bending of a part will be equal to or greater than that of a part of specified dimensions if the ratio P_2/P_1 is not less than 1, where

$$\frac{P_2}{P_1}=\frac{B_2D_2^2}{B_1D_1^2}$$

and

B = Dimension of the part at right angles to the direction of load (width of a step, thickness of a side rail or back leg).

D = Dimension of the part parallel to the direction of load (thickness of a step, width of a side rail or back leg).

B_1, D_1 = Dimensions as specified.

B_2, D_2 = Dimensions of part being considered.

(d) The dimensions to be used in the computations are net dimensions. For example, in the case of a stepladder side rail, the dimension B is to be taken as the gross thickness of the rail minus the depth of the gain for the steps. Where there is a rung hole at the center of depth of a rail, a somewhat more accurate comparison may be made by the use of the formula

$$\frac{P_2}{P_1}=\frac{B_2D_2\,(D_2^2-d^2)}{B_1D_1\,(D_1^2-d^2)}$$

where the symbols have the same meanings as before and d is the diameter of the hole for the rung tenon. In most instances the difference in results calculated by this and by the earlier formula will be slight.

(2) *Portable stepladders.* Stepladders longer than 20 feet shall not be supplied. Stepladders as hereinafter specified shall be of three types:

Type I—Industrial stepladder, 3 to 20 feet for heavy duty, such as utilities, contractors, and industrial use.

Type II—Commercial stepladder, 3 to 12 feet for medium duty, such as painters, offices, and light industrial use.

Type III—Household stepladder, 3 to 6 feet for light duty, such as light household use.

(i) *General requirements.* (a) Slope is the inclination of side rails or back legs with respect to the vertical and is expressed as a deviation from the vertical per unit length of the member. Stepladders shall be so constructed, that when in the open position, the slope of the front section shall not be less than 3½ inches and the slope of the back section not less than 2 inches, for each 12-inch length of side rail.

(b) A uniform step spacing shall be employed which shall be not more than 12 inches. Steps shall be parallel and level when the ladder is in position for use.

(c) The minimum width between side rails at the top, inside to inside, shall be not less than 11½ inches. From top to bottom, the side rails shall spread at least 1 inch for each foot of length of stepladder.

(d) When minimum thickness of side rails is used, steps shall be closely fitted into the grooves in the side rails one-eighth inch in depth with a tolerance of one thirty-second inch, and shall be firmly secured as hereinafter described; or they shall be closely fitted into metal brackets of an equivalent strength, which in turn shall be firmly secured to the side rails. The depth of groove herein provided may be increased in proportion to the thickness of side rails as provided in subdivisions (ii) (a), (iii) (a), and (iv) (a) of this subparagraph.

(e) All stepladders shall have a top with wood or metal brackets or fittings tightly secured to the top, side rails, and back legs, to allow free swinging of the back section without excessive play or wear at the joints.

(f) A metal spreader or locking device of sufficient size and strength to securely hold the front and back sections in open positions shall be a component of each stepladder. The spreader shall have all sharp points covered or removed to protect the user. For Type III ladder, the pail shelf and spreader may be combined in one unit (the so-called shelf-lock ladder).

(g) When measured along the front edge of the side rails, all stepladders shall measure within 3 inches of the specified length.

(h) Where bucket shelves are provided, they shall be constructed to support a load of 25 pounds and shall be so fastened that they can be folded up when the ladder is closed.

(i) All metal parts and fittings shall be securely attached by means of rivets, bolts, screws, or equivalent fasteners.

(ii) *Type I industrial stepladder.* (a) (1) The minimum dimensions of the parts of the Type I stepladder shall be as shown in Table D–2 when made of Group 2 or Group 3 woods.

(2) The minimum thickness of side rails provides for the cutting of a groove of one-eighth inch in depth with the tolerance indicated in subdivisions (i) (d) of this subparagraph, and shall be increased when grooves of greater depth are used.

(b) Steps shall be secured with at least two 6–d nails at each end, or the equivalent thereof. Each step shall be reinforced by a steel rod not less than 0.160 inch in diameter with standard commercial tolerances, which shall pass through metal washers of sufficient thickness and diameter on each end to prevent pressing—into the side rails, and a truss block which shall be fitted between the rod and the center of each step, or by a metal angle brace on each end firmly secured to the steps and side rails, or by construction of equivalent strength and construction is used, the bottom step safety. Where the rod reinforcement shall be provided further with a metal angle brace on each end which shall be securely attached to the bottom step and side rails. In addition, all steps 3⅝ inches wide and 27 inches or more in overall length and all steps 4¼ inches wide and 32 inches or more in overall length shall be provided with a metal angle brace at each end securely attached to the step and side rail.

(c) The back section shall be braced by one of the following methods:

(1) The back legs shall be braced with 1⅛-inch diameter rungs of Group 1 woods (see Table D–5), or material of equivalent strength, having ⅞-inch diameter tenons or oval wood rungs, or rectangular wood rungs of equivalent strength, spaced not more than 12 inches apart. The back legs shall be bored with holes either extending through the legs or to within three-sixteenths inch of the outside face of the legs, the size of the hole to be such as to insure a tight fit for the rung. The shoulder of the rung shall be forced firmly against the leg, and the tenon secured in place with a nail, or the equivalent thereof, to prevent turning of the rungs. The back legs shall be braced by a metal angle brace on each side, securely fastened to the rung and the back legs, one rung to be braced for each 4 feet of length or fraction thereof, on ladders 4 feet or more in length, with braces required only on the bottom rung for ladders that are 4 feet or shorter. Where rungs are more than 28 inches in length between the back legs they shall be provided with center bearing consisting of a wood bar not less than ¾ by 2 inches in cross-section securely nailed to each rung passing through it and long enough to include each rung longer than 28 inches.

(2) The back leg shall be braced with horizontal wood bars of Group 1, 2, or 3 woods in Table D–5 and not less than ¾ by 2½ inches in cross-section, spaced not more than 12 inches apart. The ends of the bars shall fit into metal sockets of not less than 20-gauge (Manufacturers Standard) steel, or other material of equivalent strength, or into mortises of not less than one-eighth inch (tolerance of ±one-thirty-second inch) in depth in the back legs. A steel rod not less than 0.160 inch in diameter with standard commercial tolerance shall pass through the back legs, the bar, and at each end through metal washers of sufficient diameter and thickness to prevent passing into the back legs. The back legs shall also be braced by a metal angle brace on each side, securely fastened to the bar and to the legs, one bar to be so braced for at least each 4 feet of length or fraction thereof, with braces required only on bottom bar for ladders that are 4 feet or shorter. Metal sockets when used shall be attached to the back legs by rivets or by means of a rod running through the socket or equivalent thereof.

TABLE D–2

DIMENSIONS FOR TYPE I STEP LADDER

	Length, 12 feet and less		Length, 14 and 16 feet		Length, 18 and 20 feet	
	Thickness (inch)	Depth (inches)	Thickness (inch)	Depth (inches)	Thickness (inch)	Depth (inches)
Side rails	5/8	3 1/4	5/8	3 1/4	1 1/16	3 1/8
Back legs	3/4	2 1/4	3/4	2 3/4	1 1/16	2 1/2
Steps	1/2	3 5/8	1/2	4 1/4	3/4	4 1/2
Tops	3/4	5 1/8	3/4	5 1/8	3/4	5 1/8

TABLE D–3

DIMENSIONS FOR TYPE II STEP LADDER

	Length, 3 to 8 feet		Length, 10 feet		Length, 12 feet	
	Thickness (inch)	Depth (inches)	Thickness (inch)	Depth (inches)	Thickness (inch)	Depth (inches)
Side rails	5/8	2 5/8	5/8	2 5/8	3/4	3
Back legs	3/4	1 5/8	3/4	1 5/8	3/4	2
Steps	3/4	3 1/8	3/4	3 1/8	3/4	3 1/8
Tops	3/4	5	3/4	5	3/4	5

(d) The back legs shall be reinforced by a rivet through the depth of the leg above the hinge point, by metal plates or collars at the hinge point, or by other means suitable for preventing splitting of the back leg from the hinge pin to the top.

(iii) *Type II commercial stepladder.* (a) (1) The minimum dimensions of the parts of the Type II stepladder shall be as given in Table D–3 when made of Group 2 or Group 3 woods.

(2) The minimum thickness of side rails provides for the cutting of a groove of one-eighth inch in depth with the tolerance indicated in subdivision (i) (d) of this subparagraph, and shall be increased when grooves of greater depth are used.

(b) Steps shall be secured with at least two 6-d nails at each end, or the equivalent thereof. Each step shall be reinforced by by a steel rod not less than 0.160 inch in diameter with standard commercial tolerances which shall pass through metal washers of sufficient thickness and diameter on each end to prevent pressing into the side rails, and a truss block shall be fitted between the truss rod and center of each step; or by a metal angle brace on each end firmly secured to the steps and side rails; or by construction of equivalent strength and safety. Where the rod reinforcement construction is used, the bottom step shall be provided further with a metal angle brace on each end which shall be securely attached to the bottom step and side rails. In addition all steps 27 inches or more in overall length shall be provided with a metal angle brace at each end securely attached to the step and side rails.

(c) The back legs shall be braced by one of the three following methods:

(1) (i) With ⅞-inch diameter wood dowels of Group 1 woods (see Table D–5) or material of equivalent strength having not less than ⅞-inch tenons firmly secured in the back legs and spaced not more than 12 inches apart. The back legs shall be bored with holes either extending through the legs or to within three-sixteenths inch of the outside face of the legs, the size of the hole to be such as to insure a tight fit for the dowel. The shoulder of the dowel shall be forced firmly against the leg and the tenon secured in place with a nail, or the equivalent thereof, to prevent turning of the dowel.

(ii) A bar connecting two or more of the dowels shall be provided on all ladders of 6 feet or more. The cross-sectional dimensions of the bar shall be the same as the cross-sectional dimensions of the back legs, and the dowels shall pass through holes at the centerline of the bar. The bar shall be attached at the center of the length of the lower two dowels on a 6-foot ladder and shall extend upward one dowel for each 2 feet of added length.

(2) With wood dowels as set forth in this subdivision (iii) (c) (1), plus an inverted V bracing of ¾- by 1½-inch material through which the dowels extend, the length of the V to extend two-thirds of the way up the back.

(3) With horizontal bracing of Group 1, 2, 3, or 4 woods (see Table D–5) not less than ¾ by 2 inches in cross-section, the ends of which shall fit into metal sockets of not less than 20-gauge (Manufacturing Standard), steel, or other material of equivalent strength or into mortises not less than one-eighth inch in depth in back legs. The bars shall be reinforced by steel rods not less than 0.160 inch in diameter with standard commercial tolerances which shall pass through the back legs, the bar, and, at each end, through metal washers of sufficient diameter and thickness to prevent pressing into the back legs. The spacing of such braces shall not exceed 3 feet, and there shall be one brace on 3- and 4-foot ladders, two braces on 5- and 6-foot ladders, three braces on 7- and 8-foot ladders, and four braces on 10- and 12-foot ladders. The bottom bar shall not be more than 18 inches from the bottom of the ladder, and, where only one bar is used, it shall be braced by a metal angle brace on each end securely attached to the bar and the back leg.

(iv) *Type III household stepladder.* (a) The minimum dimensions of the parts of the Type III stepladder shall be as follows when made of Group 2 or Group 3 woods:

	Length, 3 to 6 feet	
	Thickness (inch)	Depth (inches)
Side rails	1/2	2 1/2
Back legs	1/2	1 9/16
Steps	3/4	3
Top	1/2	5

The minimum thicknesses of side rails provide for the cutting of a groove one-eighth inch in depth with the tolerance indicated in subdivision (i) (d) of this subparagraph, and shall be increased when grooves of greater depth are used.

(b) Steps shall be secured with at least one 6-d nail at each end, or the equivalent thereof. Each step shall be reinforced by a steel rod not less than 0.160 inch in diameter with standard commercial tolerance which shall pass through metal washers of sufficient thickness and diameter to prevent pressing into the side rails, or by a metal brace at each end firmly secured to steps and side rails or by construction of equivalent strength and safety. Where the rod reinforcement construction is used, the bottom step shall be provided further with a metal angle brace on each end which shall be securely attached to the bottom step and side rail.

(c) Back legs shall be braced by one of the two following methods or by construction of equivalent strength and safety:

(1) By diagonal slats of groups 1, 2, 3, or 4 wood (see Table D–5) not less than ⅞ by 1¼ inches securely fastened to the back legs by nails, screws, or the equivalent thereof.

(2) With horizontal bracing of Groups 1, 2, 3, or 4 wood (see Table D–5) not less than ⅝ by 1⅝ inches in cross section, the ends of which shall fit into metal sockets of not less than 20-gauge (Manufacturing Standard) steel or other material of equivalent strength or into mortises not less than one-eighth inch in depth in back legs. The bars shall be reinforced by steel rods not less than 0.160 inch in diameter with standard commercial tolerances which shall pass through the back leg, the bar, and at each end through metal washers of sufficient diameter and thickness to prevent pressing into each leg. The spacing of such bars shall not exceed 3 feet, and there shall be one brace on 3- and 4-foot ladders, two braces on 5- and 6-foot ladders. The bottom bar shall be not more than 18 inches from the bottom of the ladder.

(3) *Portable rung ladders.* Portable rung ladders as herein specified shall be of four types, as follows: single ladder; two-section extension ladder; sectional ladder; trestle and extension trestle ladder.

(i) *General requirements.* (a) The base or lower portion of a ladder may have either parallel sides or flared sides in accordance with commercial practice.

(b) Rungs shall be parallel, level, and uniformly spaced. The spacing shall be not more than 12 inches, except as hereinafter specified.

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(c) All holes for wood rungs shall either extend through the side rails or be bored so as to give at least a thirteen-sixteenths-inch length of bearing to the rung tenon. In through-bored construction, the rungs shall extend at least flush with the outside rail surface. All holes shall be located on the center line of the wide face of the side rails and shall be of such size as to insure a tight fit for the rung. The shoulder of the rung shall be forced firmly against the side rails and the tenon secured in place with a nail or the equivalent thereof, for the sole purpose of preventing the turning of the rung and maintaining the rung position in the side rail.

(d) Round rungs shall be of Group 1 woods (see Table D-5), shall be not less than 1⅛ inches in diameter for lengths up to 36 inches between side rails and 1¼ inches in diameter for lengths over 36 up to and including 72 inches, and shall have not less than seven-eighths-inch-diameter tenons, or rungs of equivalent strength and bearing shall be provided. When rungs are 28 inches or more in length between side rails, they shall, in addition, be provided with center bearing.

(e) Oval rungs or rungs of any other cross section may be used provided they are secured by a nail at each end or the equivalent thereof, and have at least the same strength and bearing as round rungs of the same length.

(f) All metal parts and fittings shall be securely attached by means of rivets, bolts, screws, or equivalent fasteners.

(g) The construction and assembly of the movable parts shall be such that they shall operate freely and securely without binding or unnecessary play.

(h) When measured along the side rails, no rung ladder or section thereof shall be more than 4 inches shorter than the specified length.

(i) Nonslip bases shall be securely bolted, riveted, or attached by equivalent construction to the side rails.

(j) Hooks shall be securely bolted or riveted to the side rails or equivalent construction and shall be of such dimensions as to withstand the loads imposed upon them.

(ii) *Single ladder.* (a) Single ladders longer than 30 feet shall not be supplied.

(b) The minimum dimensions of the side rails of the single ladder shall be as follows when made of group 2 or group 3 woods:

Length of ladder (feet)	Thickness (inches)	Depth (inches)
Up to and including 16	1¼	2¼
Over 16 up to and including 22	1¼	2¾
Over 22 up to and including 30	1¼	3

(c) Smaller side rails will be acceptable in all ladders of this type when reinforced by a steel wire, rod, or strap running the length of the side rails and adequately secured thereto. Where such reinforcement is used, the reinforced rails shall be equivalent in strength to the side rails specified in this subdivision (ii) (b).

(d) With the width between the side rails at the base, inside to inside, shall be at least 11½ inches for all ladders up to and including 10 feet. Such minimum widths shall be increased at least one-fourth inch for each additional 2 feet of length.

(iii) *Two-section ladder.* (a) Two-section extension ladders longer than 60 feet shall not be supplied. All ladders of this type shall consist of two sections, one to fit within the side rails of the other, and arranged in such a manner that the upper section can be raised and lowered.

(b) The minimum dimensions of the side rails of the two-section extension ladder shall be not less than specified in Table D-4 of this section.

(c) The minimum dimensions of side rails set forth in Table D-4 are based on the maximum working length, which is the size of ladder less the minimum overlap, which shall be as follows:

Size of ladder (feet):	Overlap (feet)
Up to and including 36	3
Over 36 up to and including 48	4
Over 48 up to and including 60	5

(d) Smaller side rails will be acceptable in all ladders of this type when reinforced by a steel wire, rod, or strap running the length of the side rails and adequately secured thereto. Where such reinforcement is used, the reinforced rails shall be equivalent in strength to the side rails specified in Table D-4.

(e) The minimum distance between side rails of the bottom section, inside to inside, shall be 14½ inches on ladders up to and including 28 feet; 16 inches on all ladders over 28 feet up to and including 40 feet; 18 inches on all ladders over 40 feet.

(f) All locks and guide irons shall be of metal and shall be of such construction and strength as to develop the full strength of the side rails. All locks shall be positive in their action. The guide irons shall be securely attached and so placed as to prevent the upper section from tipping or falling out while raising, lowering, or in use.

(g) (1) Ladders of this type may be equipped with a rope and pulley, which shall be securely attached to the ladder in such manner as not to weaken either the rungs or the side rails. The pulley shall be not less than 1¼ inches in diameter.

(2) The rope used with the pulley shall be not less than five-sixteenths inch in diameter having a minimum breaking strength of 560 pounds, and shall be sufficient length for the purpose intended.

(iv) *Sectional ladder.* (a) Assembled combinations of sectional ladders longer than lengths specified in this subdivision shall not be used.

(b) The minimum dimensions of side rails shall be as follows for Group 2 or Group 3 woods:

Assembled length of ladder (feet)	Thickness (inches)	Depth (inches)
Up to and including 21	1¼	2¾
Over 21 up to and including 31	1¼	3¼

(c) Ladders of this type shall have either straight sides slightly converging toward the top of each section, or shall have flaring sides at the bottom of the first (or bottom) section, with the top section having converging side rails to a width that shall be not less than 4 inches. Except for the top section, the minimum width between side rails shall be 11 inches.

(1) Adjacent sections shall be jointed by means of a groove in the bottom end of each rail of the upper of the two sections setting firmly over extensions outside the side rails, of the topmost rung of the next lower section and, at the same time, a groove in the top end of each rail of the lower of the two sections setting firmly over the bottom rung, inside the side rails, of the section next above.

(2) The distance between the two rungs (top-most rung of one section, bottom rung of the section next above) mentioned in this subdivision (iv) (c) (1) shall not be less than 1 foot.

(3) The fit between rail grooves and rungs mentioned in this subdivision (iv) (c) (1) shall be such as to provide a good fit without binding or unnecessary play.

(4) The grooved ends of the sections shall be reinforced with a metal plate of not less than 18-gauge (Manufacturing Standard) material properly secured thereto, and a rivet adjacent to the groove, extending through the depth of the rail, or the equivalent thereof.

TABLE D-4—DIMENSIONS OF SIDE RAILS FOR TWO-SECTION LADDER

Size of ladder, overall length (feet)	Rail	
	Thickness (inches)	Depth (inches)
For group 2 woods		
16	1 1/16 ×	2
20	1 1/16 ×	2¼
24	1 1/16 ×	2⅝
28	1 1/16 ×	2¾
32	1⅛ ×	2¾
36	1 1/16 ×	2¾
40	1 1/16 ×	2¾
44	1 1/16 ×	3
For group 3 woods		
16	1⅛ ×	2
20	1⅛ ×	2¼
24	1⅛ ×	2⅝
28	1⅛ ×	2¾
32	1 1/16 ×	2¾
36	1 1/16 ×	3
40	1¼ ×	3
44	1¼ ×	3¼
48–52	1¼ ×	3½
56–60	1¼ ×	3¾

(v) *Trestle and extension trestle ladder.* (a) Trestle ladders, or extension sections or base sections of extension trestle ladders longer than 20 feet shall not be supplied.

(b) The minimum dimensions of the side rails of the trestle ladder, or the base sections of the extension trestle ladder, shall be as follows for Group 2 or Group 3 woods:

Size of ladder (feet)	Thickness (inches)	Depth (inches)
Up to and including 16	1 1/16	2¾
Over 16 up to and including 20	1 1/16	3

The minimum dimensions of the side rails of the extension section of the extension trestle ladder, which shall have parallel sides, shall be as follows for Group 2 or Group 3 woods:

Size of ladder (feet)	Thickness (inches)	Depth (inches)
Up to and including 12	1 1/16	2¼
Over 12 up to and including 16	1 1/16	2½
Over 16 up to and including 20	1 1/16	2¾

(c) Trestle ladders and base sections of extension trestle ladders shall be so spread that when in an open position the spread of the trestle at the bottom, inside to inside, shall be at least 5½ inches per foot of the length of the ladder.

(d) The width between the side rails at the base of the trestle ladder and base sections of the extension trestle ladder shall be at least 21 inches for all ladders and sections up to and including 6 feet. Longer lengths shall be increased at least 1 inch for each additional foot of length. The width between the side rails of the extension sections of the trestle ladder shall be not less than 12 inches.

(e) The tops of the side rails of the trestle ladder and of the base section of the extension trestle ladder shall be beveled, or equivalent construction, and shall be provided further with a metal hinge to prevent spreading.

(f) A metal spreader or locking device to hold the front and back sections in an open position, and to hold the extension section securely in the elevated position, shall be a component of all extension trestle ladders and all trestle ladders over 12 feet in length.

(g) Rungs shall be parallel and level. On the trestle ladder, or on the base sections of the extension trestle ladder, rungs shall be spaced not less than 8 inches or more than 18 inches apart; on the extension section of the extension trestle ladder, rungs shall be spaced not less than 6 inches or more than 12 inches apart.

(4) *Special-purpose ladders.* All special-purpose ladders shall comply with the appropriate requirements of subparagraphs (1), (2), and (3) of this paragraph, except as hereinafter modified in this subparagraph.

(i) *Platform stepladder.* A platform stepladder is a modification of a portable stepladder with a working platform provided near the top.

(a) Platform stepladders shall be made in accordance with the requirements of type I stepladders or in accordance with the requirements for type II stepladders.

(b) The slope of the back section shall be such that a vertical from the back edge of the platform will strike the floor at a distance measured toward the front section of not less than 3 inches from the base of the back section.

(c) The minimum width between side rails at the platform shall be not less than 15 inches.

(d) The back legs and side rails shall extend at least 24 inches above the platform and shall be connected with a top member to form a three-sided rail, or equivalent construction shall be provided.

(e) Platforms shall be so constructed as to be capable of supporting a load of 200 pounds placed at any point on the platform.

(f) A separate spreader may be omitted from platform ladders in which the height to the platform is 6 feet or less. If the spreader is omitted, the platform shall be so designed as to function as a spreader or locking device to hold the front and back sections securely in an open position, with the connection between side rails and back legs being through the metal parts of the platform. The wood parts of a combined wood and metal platform functioning as a spreader shall not be depended upon to contribute to the spreading or locking action.

(ii) *Painter's stepladder.* (a) Painter's stepladders longer than 12 feet shall not be supplied.

(b) Painter's stepladders shall be made in accordance with the requirements of type II stepladders except for the following:

(1) The top may be omitted.

(2) A rope spreader may be substituted for the metal spreader required in subparagraph (2) (i) (f) of this paragraph. The rope shall not be less than No. 6 sash cord or its equivalent.

(iii) *Mason's ladder.* A mason's ladder is a special type of single ladder intended for use in heavy construction work.

(a) Mason's ladders longer than 40 feet shall not be supplied.

(b) The minimum dimensions of the side rails when made of Group 2 or Group 3 woods and rungs (Group 1 woods) of the mason's ladder shall be as follows:

Length of ladder (feet)	Side rails		Diameter	
	Thickness (inches)	Depth (inches)	Rung (inches)	Tenon (inches)
Up to and including 22	1¼	3½	1⅜	1
Over 22 up to and including 40	1¼	4½	1⅜	1

(c) The width between the side rails at the bottom rung, inside to inside, shall be not less than 12 inches for all ladders up to and including 10 feet. Such minimum widths shall be increased by at least one-fourth inch for each additional 2 feet of length.

(d) Rungs shall be parallel and level and shall be spaced not less than 8 inches or more than 12 inches apart.

(5) *Trolley and side-rolling ladders*—(i) *Length.* Trolley ladders and side-rolling ladders longer than 20 feet should not be supplied.

(ii) *Dimensions.* The dimensions of the side rails shall not be less than the following for Group 2 or Group 3 woods:

Length of side rails (feet)	Thickness (inch)	Depth (inches)
Up to and including 10	25/32	3
Over 10 up to and including 20	25/32	3½

The minimum thicknesses of side rails provide for the cutting of a groove not over one-eighth inch in depth and shall be increased when grooves of greater depth are used. Flat steps shall have the following minimum dimensions for Group 2 or Group 3 woods:

Length of step (inches)	Thickness (inch)	Width (inches)
Up to and including 16	25/32	3
Over 16 up to and including 20	25/32	3¼
Over 20 up to and including 24	25/32	3½
Over 24 up to and including 28	25/32	4

(iii) *Width.* The width between the side rails, inside to inside, shall be at least 12 inches.

(iv) *Step attachment.* Flat steps shall be inset in the side rails one-eighth inch and secured with at least two 6-d nails at each end or the equivalent thereof. They shall be reinforced with angle braces or a 3/16-inch steel rod.

(v) *Locking device.* Locking devices should be provided on all trolley ladders.

(vi) *Tracks.* (a) Tracks shall be wood, or metal (excluding cast iron), or a combination of these materials.

(b) Tracks for the top end of ladders shall be fastened securely and shall be so constructed that the wheels will not jump the track. Tracks shall be so designed as to provide for all probable loads to which they will be subjected.

(c) The supports shall be securely fastened by lag screws, machine, hook, or toggle bolts, or their equivalent.

(d) Track for side-rolling ladders shall be supported by metal or wood brackets securely screwed or bolted to shelving or other permanent structure at not over 3 feet.

(vii) *Wheel carriages.* (a) Wheel carriages shall be so designed as to provide for all loads to which they will be subjected. Two-point suspension should be used.

(b) The wheel carriage for the top end of the ladder shall be securely fastened to the top of the ladder with metal brackets bolted either to the side rails or to the top step. When bolted to the top step, this step shall be secured to the side rails with metal braces in addition to those otherwise provided. The wheel carriage shall be so designed that a loose or broken wheel will not allow the ladder to drop or become detached from the track.

(c) The wheel carriage for the bottom end of the ladder shall be securely fastened to the bottom of the ladder.

(d) The wheels at the upper end of the ladder shall have minimum wheel base of 8 inches.

(e) When wheels are used at the bottom of the ladder, there shall be at least one wheel supporting each side rail.

(f) Running gear for bottoms of both trolley and side-rolling ladders shall be so designed and constructed as to provide for any load to which they will be subjected.

(d) *Care and use of ladders*—(1) *Care.* To insure safety and serviceability the following precautions on the care of ladders shall be observed:

(i) Ladders shall be maintained in good condition at all times, the joint between the steps and side rails shall be

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tight, all hardware and fittings securely attached, and the movable parts shall operate freely without binding or undue play.

(ii) Metal bearings of locks, wheels, pulleys, etc., shall be frequently lubricated.

(iii) Frayed or badly worn rope shall be replaced.

(iv) Safety feet and other auxiliary equipment shall be kept in good condition to insure proper performance.

(v) Ladders should be stored in such a manner as to provide ease of access or inspection, and to prevent danger of accident when withdrawing a ladder for use.

(vi) Wood ladders, when not in use, should be stored at a location where they will not be exposed to the elements, but where there is good ventilation. They shall not be stored near radiators, stoves, steam pipes, or other places subjected to excessive heat or dampness.

(vii) Ladders stored in a horizontal position should be supported at a sufficient number of points to avoid sagging and permanent set.

(viii) Ladders carried on vehicles should be adequately supported to avoid sagging and securely fastened in position to minimize chafing and the effects of road shocks.

(ix) Ladders should be kept coated with a suitable protective material. The painting of ladders is satisfactory providing the ladders are carefully inspected prior to painting by competent and experienced inspectors acting for, and responsible to, the purchaser, and providing the ladders are not for resale.

(x) Ladders shall be inspected frequently and those which have developed defects shall be withdrawn from service for repair or destruction and tagged or marked as "Dangerous, Do Not Use."

(xi) Rungs should be kept free of grease and oil.

(2) *Use.* The following safety precautions shall be observed in connection with the use of ladders:

(i) Portable rung and cleat ladders shall, where possible, be used at such a pitch that the horizontal distance from the top support to the foot of the ladder is one-quarter of the working length of the ladder (the length along the ladder between the foot and the top support). The ladder shall be so placed as to prevent slipping, or it shall be lashed, or held in position. Ladders shall not be used in a horizontal position as platforms, runways, or scaffolds;

(ii) Ladders for which dimensions are specified should not be used by more than one man at a time nor with ladder jacks and scaffold planks where use by more than one man is anticipated. In such cases, specially designed ladders with larger dimensions of the parts should be procured;

(iii) Portable ladders shall be so placed that the side rails have a secure footing. The top rest for portable rung and cleat ladders shall be reasonably rigid and shall have ample strength to support the applied load;

(iv) Ladders shall not be placed in front of doors opening toward the ladder unless the door is blocked upon, locked, or guarded.

(v) Ladders shall not be placed on boxes, barrels, or other unstable bases to obtain additional height;

(vi) To support the top of the ladder at a window opening, a board should be attached across the back of the ladder, extending across the window and providing firm support against the building walls or window frames;

(vii) When ascending or descending, the user should face the ladder;

(viii) Ladders with broken or missing steps, rungs, or cleats, broken side rails, or other faulty equipment shall not be used; improvised repairs shall not be made.

(ix) Short ladders shall not be spliced together to provide long sections;

(x) Ladders made by fastening cleats across a single rail shall not be used;

(xi) Ladders shall not be used as guys, braces, or skids, or for other than their intended purposes;

(xii) Tops of the ordinary types of stepladders shall not be used as steps;

(xiii) On two-section extension ladders the minimum overlap for the two sections in use shall be as follows:

Size of ladder (feet):	Overlap (feet)
Up to and including 36	3
Over 36 up to and including 48	4
Over 48 up to and including 60	5

(xiv) Portable rung ladders with reinforced rails (see paragraphs (c)(3)(ii)(c) and (iii)(d) this section) shall be used only with the metal reinforcement on the under side. Ladders of this type should be used with great care near electrical conductors, since the reinforcing itself is a good conductor;

(xv) No ladder should be used to gain access to a roof unless the top of the ladder shall extend at least 3 feet above the point of support, at eave, gutter, or roof line;

(xvi) Adjustment of extension ladders should only be made by the user when standing at the base of the ladder, so that the user may observe when the locks are properly engaged. Adjustment of extension ladders from the top of the ladder (or any level over the locking device) is a dangerous practice and should not be attempted. Adjustment should not be made while the user is standing on the ladder.

(xvii) Middle and top sections of sectional or window cleaner's ladders should not be used for bottom section unless the user equips them with safety shoes.

(xviii) Extension ladders should always be erected so that the upper section is resting on the bottom section.

(xix) The user should equip all portable rung ladders with nonslip bases when there is a hazard of slipping. Nonslip bases are not intended as a substitute for care in safely placing, lashing, or holding a ladder that is being used upon oily, metal, concrete, or slippery surfaces.

(xx) The bracing on the back legs of step ladders is designed solely for increasing stability and not for climbing.

(xxi) When service conditions warrant, hooks may be attached at or near the top of portable ladders to give added security.

TABLE D-5—CLASSIFICATION OF VARIOUS SPECIES OF WOOD ACCEPTABLE FOR USE IN LADDERS

The species are listed alphabetically within each group. The position of any species within a group therefore bears no relation to its strength or acceptability.

Where ladders are desired for use under conditions favorable to decay, it is recommended that the heartwood of decay-resistant species be used, or that the wood be given a treatment with a wood preservative. The species having the most durable heartwood are marked with an asterisk (*), and these should be preferred where resistance to decay is required.

GROUP 1

The allowable fiber stress in bending for the species listed herein when used for side rails shall not exceed 2,150 pounds per square inch. These species may be substituted for Group 2 woods on the following basis: The dimensions may be not more than 10 percent smaller for each cross-section dimension, or the thickness may remain unchanged, in which case the width may not be more than 15 percent smaller if used edgewise (as in a rail) or 25 percent smaller if used flatwise (as in a tread).

White ash	Fraxinus americana, pennsylvanica, quadrangulata
Beech	Fagus grandifolia
Birch	Betula lenta, alleghaniensis, nigra (2)
Rock elm	Ulmus thomasii
Hickory	Carya ovata, laciniosa, tomentosa, glabra
Locust*	Robinia pseudoacacia, Gleditsia triacanthos
Hard maple	Acer nigrum, saccharum
Red maple	Acer rubrum (3)
Red oak	Quercus velutina, marilandica, kelloggii, falcata var. pagodaefolia, laurifolia, ellipsoidalis, rubra, nuttallii, palustris, coccinea, shumardii, falcata, laevis, phellos
White oak	Quercus arizonica, douglasii, macrocarpa, lobata, prinus, muehlenbergii, emoryi, gambelii, oblongifolia, virginiana, garryana, lyrata, stellata, michauxii, bicolor, alba
Pecan	Carya illinoensis, cordiformis, myristicaeformis (4), aquatica (4)
Persimmon	Diospyros virginiana

GROUP 2

The allowable fiber stress in bending for the species listed herein when used for side rails shall not exceed 2,000 pounds per square inch. These species may be substituted for Group 3 woods on the following basis: The dimensions may be not more than 7½ percent smaller for each cross-section dimension, or the thickness may remain unchanged, in which case the width may be not more than 11 percent smaller if used edgewise (as in a rail) or 20 percent smaller if used flatwise (as in a tread).

Douglas fir (coast region)	Pseudotsuga menziesii
Western larch	Larix occidentalis
Southern yellow pine	Pinus taeda, palustris, echinata, elliotii, rigida, virginiana

GROUP 3

The allowable fiber stress in bending for the species listed herein when used for side rails shall not exceed 1,600 pounds per square inch.

Red alder	Alnus ruba, rhombifolia (2)
Oregon ash	Fraxinus latifolia
Pumpkin ash	Fraxinus profunda
Alaska cedar*	Chamaecyparis nootkatensis
Port Orford cedar.*	Chamaecyparis lawsoniana
Cucumber	Magnolia acuminata
Cypress*	Taxodium distichum
Soft elm	Ulmus americana, rubra
Douglas fir (Rocky Mountain type).	Pseudotsuga menziesii var. glauca
Noble fir	Abies procera
Gum	Liquidambar styraciflua
West coast hemlock.	Tsuga heterophylla
Magnolia	Magnolia grandiflora
Oregon maple	Acer macrophyllum
Norway pine	Pinus resinosa
Poplar	Liriodendron tulipifera
Redwood*	Sequoia sempervirens
Eastern spruce	Picea glauca, rubens
Sitka spruce	Picea sitchensis
Sycamore	Platanus occidentalis
Tamarack	Larix laricina
Tupelo	Nyssa aquatica, sylvatica

GROUP 4

The allowable fiber stress in bending for the species listed herein when used for side rails shall not exceed 1,375 pounds per square inch. These species may be substituted for Group 3 woods on the following basis: The dimensions shall be at least 5 percent greater for each cross-section dimension, or the thickness may remain unchanged, in which case the width shall be at least 7½ percent greater if used edgewise (as in a rail) or 15 percent greater if used flatwise (as in a tread).

Aspen	Populus tremuloides, grandidentata
Basswood	Tilia americana, heterophylla (2)
Buckeye	Aesculus octandra, glabra (2)
Butternut	Juglanscinerea
Incense cedar*	Libocedrus decurrens
Western red cedar.*	Thuja plicata
Cottonwood	Populus balsamifera, deltoides, sargentii, heterophylla
White fir	Abies concolor, grandis, amabilis, lasiocarpa, magnifica
Hackberry	Celtis occidentalis, laevigata (2)
Eastern hemlock	Tsuga canadensis
Holly	Ilex opaca
Soft maple	Acer saccharinum
Lodgepole pine	Pinus contorta
Idaho white pine	Pinus monticola
Northern white pine.	Pinus strobus
Ponderosa pine	Pinus ponderosa, pinus jeffreyi (Jeffrey pine)
Sugar pine	Pinus lambertiana
Engelmann spruce.	Picea engelmannii

NOTE 1: The common and scientific names of species used conform to the American Lumber Standards nomenclature and in most cases to U.S. Department of Agriculture Handbook No. 41, "Check List of Native and Naturalized Trees of the United States (including Alaska)," by Elbert L. Little. These publications can be obtained from the Superintendent of Documents, Washington, D.C. 20225.

NOTE 2: This species is commonly associated with others of the same genus under American Lumber Standards nomenclature, but no strength tests have been made on it at the Forest Products Laboratory.

NOTE 3: Included under soft maple in American Lumber Standards nomenclature.

NOTE 4: This species is not included under this common name in American Lumber Standards nomenclature, but strength data are available and it is accordingly included in this classification.

§ 1910.26 Portable metal ladders.

(a) *Requirements*—(1) *General.* Specific design and construction requirements are not part of this section because of the wide variety of metals and design possibilities. However, the design shall be such as to produce a ladder without structural defects or accident hazards such as sharp edges, burrs, etc. The metal selected shall be of sufficient strength to meet the test requirements, and shall be protected against corrosion unless inherently corrosion-resistant.

(i) Because of the varied conditions, and the wide variety of ladder uses, ladders may be designed with parallel side rails, with side rails varying uniformly in separation along the length (tapered), or with side rails flaring at the base to increase stability.

(ii) The design of the side rails shall be such as to insure a product which will conform to the requirements of this section.

(iii) The spacing of rungs or steps shall be on 12-inch centers.

(iv) Rungs or steps to side rail connections should be so constructed as to insure rigidity as well as strength.

(v) Rungs and steps shall be corrugated, knurled, dimpled, coated with skid-resistant material, or otherwise treated to minimize the possibility of slipping.

(vi) Hardware shall meet strength requirements of the ladder's component parts, and shall be of a material that is protected against corrosion unless inherently corrosion-resistant. Metals shall be so selected as to avoid excessive galvanic action.

(2) *General specifications — straight and extension ladders.* (i) The minimum width between side rails of a straight ladder or any section of an extension ladder shall be 12 inches.

(ii) The length of single ladders or individual sections of ladders shall not exceed 30 feet. Two-section ladders shall not exceed 48 feet in length and over two-section ladders shall not exceed 60 feet in length.

(iii) Based on the nominal length of the ladder, each section of a multisection ladder shall overlap the adjacent section by at least the number of feet stated in the following:

Nominal length of ladder (feet):	Overlap (feet)
Up to and including 36	3
Over 36, up to and including 48	4
Over 48, up to 60	5

(iv) Extension ladders shall be equipped with positive stops which will insure the overlap specified in the table above.

(v)(*a*) Extension ladders may be equipped with a rope and pulley which shall be securely attached to the ladder in such a manner as not to weaken either the rungs or the side rails. The pulley shall be not less than 1¼ inches in diameter.

(*b*) The rope used with the pulley shall be not less than five-sixteenths inch in diameter, having a minimum breaking strength of 560 pounds, and shall be of sufficient length for the purpose intended.

(3) *General specifications—step ladders.* (i) Step ladders shall be designed and constructed to give a minimum slope of 3½ inches per foot of length of the front section, and a minimum slope of 2 inches per foot of length of the back section, except that special ladders designed for straight-in-wall work shall maintain at least 1¼-inch back slope per foot of length.

(ii) The minimum width between the side rails at the top step shall be 12 inches. The width spread of the side rails shall increase a minimum of 1 inch per foot of length. The width of the step or tread shall not be less than 3 inches.

(iii) The length of a stepladder is measured by the length of the front rail. To be classified as a standard length ladder, the measured length shall be within plus or minus one-half inch of the specified length. Stepladders shall not exceed 20 feet in length.

(iv) The pail shelf shall be designed to fold completely within the ladder.

(v) The back section may be designed with either rungs or cross bracing as long as it meets the general and testing requirements.

(vi) Steps shall be corrugated, knurled, dimpled, coated with skid-resistant materials, or otherwise treated to minimize the possibility of slipping.

(vii) The bottoms of the four rails are to be supplied with insulating nonslip material for the safety of the user.

(viii) A metal spreader or locking device of sufficient size and strength to securely hold the front and back sections in the open position shall be a component of each stepladder. The spreader shall have all sharp points or edges covered or removed to protect the user.

(4) *General specifications—trestles and extension trestle ladders.* (i) Trestle ladders or extension sections or base sections of extension trestle ladders shall be not more than 20 feet in length.

(ii) The minimum distance between side rails of the trestle or extension section at the narrowest point shall not be less than 12½ inches. The width spread shall not be less than 1 inch per foot of length of side rail.

(iii) Spread of base when section is open shall not be less than 5½ inches per foot of base section side rail.

(iv) The extension locking device shall be designed to withstand all load tests.

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(v) A metal spreader or locking device of sufficient size and strength to securely hold the front and back sections in the open position shall be a component of each trestle ladder. The spreader shall have all sharp points or edges covered or removed to protect the user.

(5) *General specifications—platform ladders.* (i) The length of a platform ladder shall not exceed 20 feet. The length of a platform ladder shall be measured along the front rail from the floor to the platform.

(ii) Minimum width between side rails at platform level shall be 14 inches. Width spread shall not be less than 1 inch per foot of rise.

(iii) Slope of the front rail when unit is in open position shall not be less than 3½ inches per foot of rise, and the back section shall have a minimum slope of 1 inch per foot of rise.

(iv) The platform shall be at least 20 inches from the top of the ladder, and shall have an area of not less than 200 square inches nor more than 400 square inches.

(v) The back legs and side rails of a platform ladder shall extend at least 20 inches above the platform and shall be connected with the top member to form a three-sided top guard rail, or equivalent construction shall be provided.

(vi) Spreaders shall be provided where the hinging apparatus is not designed to lock the unit open.

(b) *Testing.* (1) *General.* The following tests are intended to insure uniform testing methods for metal ladders.

(2) *Straight and extension ladders.* (i) Ladder inclined strength is measured by placing the ladder unit in a flat, horizontal position, supported 6 inches from the ends of the side rails. When testing extensions, the unit is opened to the required overlap. A load of 200 pounds is applied equally to the side rails at the center of the unit by means of a beam. The ladder must withstand this test with no permanent deformation or other visible weakening of the structure. This test is based on a 200-pound man using the ladder, set at 75½° to the ground. With the man on the center rung, the component of his 200-pound weight at right angles to the ladder will be 50 pounds. Applying the load factor of 4, the test weight becomes 200 pounds.

(ii) Test unit need only be of sufficient length for test purposes and is to consist of the base and fly sections of an extension ladder with all the hardware or fittings attached. The ladder unit is placed in a vertical position and a downward load of 775 pounds equally distributed on the ends of the side rails of the upper portion of the test unit. The unit shall withstand this test with no permanent deformation or other visible weakening of the structure.

(iii) A test unit of at least three rungs is to be used from the maximum width portion of the ladder. A load of 800 pounds shall be applied to a 3½-inch wide block resting on the center of the widest rung. A rung of 14 inches or less in length shall withstand this test with no permanent deformation or other visible weakening of the structure. A rung of more than 14 inches in length may have a permanent deflection of not more than one-eighth inch provided the rung cross section is not deformed and there is no other visible weakening of the structure.

(iv) With at least a three-rung test unit set in a vertical position, a load of 800 pounds shall be applied to a 3½-inch wide block resting on the center rung as near to the side rail as possible. On removing the load, the unit must show no indication of failure in the fasteners attaching the rungs to the side rail.

(v) The rung shall be so secured to the side rail that a torque load of 360 inch-pounds applied to the rung at a side rail shall cause no visible relative motion between the rung and the side rail.

(vi) With the ladder extended to its maximum working length, and resting horizontally on level supports located 6 inches from each end of the ladder, a weight of 50 pounds shall be suspended from one of the side rails midway between supports.

The deflection of the loaded rail, and the difference in deflection between the loaded and unloaded rails shall not exceed the values in Table D–6.

(vii) Deflections in Table D–6 are to be determined by measuring, at the midpoint between supports, the distance from the outside edges of both rails to the floor or other reference surface both before and after the test load of 50 pounds is applied to one rail of the ladder. The test is to be repeated loading the other rail of the ladder. The angle (a) between the loaded and unloaded rails and the horizontal is to be calculated from the trigonometric equation:

$$\text{Sine } a = \frac{\text{Difference in deflection}}{\text{Ladder width}}$$

(3) *Step, trestle, extension trestle, and platform ladders.* (i) (*a*) Load test of the entire ladder is made with the ladder in an open position, and an 800-pound load applied to the center of the top. Resistance to side rail bending is tested by placing an 800-pound load on the center of the middle step. The strength of the step section is tested by applying an 800-pound load to a 3½-inch-wide block resting on the center of the longest or bottom step. The pail shelf shall be so constructed as to support a distributed load of 50 pounds.

(*b*) In each test case, the unit must withstand the load without failure or permanent deformation.

(ii) Set ladder in open position on a level floor. Place a 200-pound distributed load on the top step. The ladder is then subjected to a horizontal pulling load, applied at the top step, of 12-pound force to the side; 58-pound force to the front; 33-pound force to the back. In each test, all side rails must remain on the floor.

TABLE D–6—TABLE OF DEFLECTIONS

Length of ladder in feet	Maximum deflection of loaded rail in inches	Maximum difference in deflection between loaded and unloaded rails in degrees from horizontal
20	3.0	3.6
24	3.8	4.7
28	4.5	5.4
32	5.5	5.7
36	6.4	6.1
40	7.2	6.6
44	8.0	6.5
48	8.8	6.5

(c) *Care and maintenance of ladders—*(1) *General.* To get maximum serviceability, safety, and to eliminate unnecessary damage of equipment, good safe practices in the use and care of ladder equipment must be employed by the users.

The following rules and regulations are essential to the life of the equipment and the safety of the user.

(2) *Care of ladders.* (i) Ladders, like any tool, must be handled with care and not subject to unnecessary dropping, jarring, or misuse. They are designed for a specific purpose or use; therefore, any variation from this use constitutes a mishandling of the equipment.

(ii) Ladders should be stored on racks designed to protect the ladder when not in use. The racks should have sufficient supporting points to prevent any possibility of excessive sagging.

(iii) Ladders transported on vehicles must be properly supported. Supporting points should be of a softer material, such as hardwood or rubber-covered iron pipe, to minimize the chafing and effects of road shock. Tying the ladder to each support point will greatly reduce damage due to road shock.

(iv) Ladders must be maintained in good usable condition at all times. Hardware fittings and accessories should be checked frequently and kept in good working condition.

(v) Ropes or cables should be inspected frequently and replaced if defective.

(vi) Complete ladder inspection should be periodical. If a ladder is involved in any of the following, immediate inspection is necessary:

(*a*) If ladders tip over, inspect ladder for side rails dents or bends, or excessively dented rungs; check all rung-to-side-rail connections; check hardware connections; check rivets for shear.

(*b*) If ladders are exposed to excessive heat as in the case of fire, the ladder should be inspected visually for damage and tested for deflection and strength characteristics. In doubtful cases, refer to manufacturer.

(*c*) If ladders are to be subjected to certain acids or alkali solutions, a protective coating such as asphalt and varnish should be applied to the equipment.

(*d*) If ladders are exposed to oil and grease, equipment should be cleaned of oil, grease, or slippery materials. This can easily be done with a solvent or steam cleaning.

(vii) Ladders having defects are to be marked and taken out of service until repaired by either maintenance department or the manufacturer.

(3) *Use of ladders.* (i) Portable nonself-supporting ladders should be erected at a pitch of 75½ degrees for maximum balance and strength. A simple rule for setting up a ladder at the proper angle is to place the base a distance from the vertical wall equal to one-fourth the working length of the ladder.

(ii) Portable ladders are designed as a one-man working ladder based on a 200-pound load.

(iii) The ladder base section must be placed with a secure footing. Safety shoes of good substantial design should be installed on all ladders. Where ladders with no safety shoes or spikes are used on hard, slick surfaces, a foot-ladder board should be employed.

(iv) The top of the ladder must be placed with the two rails supported, unless equipped with a single support attachment. Such an attachment should be substantial and large enough to support the ladder under load.

(v) When ascending or descending, the climber must face the ladder.

(vi) Ladders must not be tied or fastened together to provide longer sections. They must be equipped with the hardware fittings necessary if the manufacturer endorses extended uses.

(vii) Ladders should not be used as a brace, skid, guy or gin pole, gangway, or for other uses than that for which they were intended, unless specifically recommended for use by the manufacturer.

(viii) Users are cautioned to take proper safety measures when metal ladders are used in areas containing electric circuits to prevent short circuits or electrical shock.

§ 1910.27 Fixed ladders.

(a) *Design requirements—*(1) *Design considerations.* All ladders, appurtenances, and fastenings shall be designed to meet the following load requirements:

(i) The minimum design live load shall be a single concentrated load of 200 pounds.

(ii) The number and position of additional concentrated live-load units of 200 pounds each as determined from anticipated usage of the ladder shall be considered in the design.

(iii) The live loads imposed by persons occupying the ladder shall be considered to be concentrated at such points as will cause the maximum stress in the structural member being considered.

(iv) The weight of the ladder and attached appurtenances together with the live load shall be considered in the design of rails and fastenings.

(2) *Design stresses.* Design stresses for wood components of ladders shall not exceed those specified in § 1910.25. All wood parts of fixed ladders shall meet the requirements of § 1910.25(b).

For fixed ladders consisting of wood side rails and wood rungs or cleats, used at a pitch in the range 75 degrees to 90 degrees, and intended for use by no more than one person per section, single ladders as described in § 1910.25(c)(3)(ii) are acceptable.

(b) *Specific features—*(1) *Rungs and cleats.* (i) All rungs shall have a minimum diameter of three-fourths inch for metal ladders, except as covered in subparagraph (7)(i) of this paragraph, and a minimum diameter of 1⅛ inches for wood ladders.

(ii) The distance between rungs, cleats, and steps shall not exceed 12 inches and shall be uniform throughout the length of the ladder.

(iii) The minimum clear length of rungs or cleats shall be 16 inches.

(iv) Rungs, cleats, and steps shall be free of splinters, sharp edges, burrs, or projections which may be a hazard.

(v) The rungs of an individual-rung ladder shall be so designed that the foot cannot slide off the end. A suggested design is shown in figure D–1.

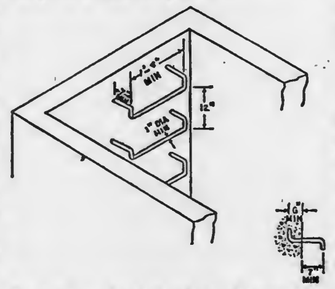


FIGURE D–1.—Suggested design for rungs on individual-rung ladders.

(2) *Side rails.* Side rails which might be used as a climbing aid shall be of such cross sections as to afford adequate gripping surface without sharp edges, splinters, or burrs.

(3) *Fastenings.* Fastenings shall be an integral part of fixed ladder design.

(4) *Splices.* All splices made by whatever means shall meet design requirements as noted in paragraph (a) of this section. All splices and connections shall have smooth transition with original members and with no sharp or extensive projections.

(5) *Electrolytic action.* Adequate means shall be employed to protect dissimilar metals from electrolytic action when such metals are joined.

(6) *Welding.* All welding shall be in accordance with the "Code for Welding in Building Construction" (AWSD1.0–1966).

(7) *Protection from deterioration.* (i) Metal ladders and appurtenances shall be painted or otherwise treated to resist corrosion and rusting when location demands. Ladders formed by individual metal rungs imbedded in concrete, which serve as access to pits and to other areas under floors, are frequently located in an atmosphere that causes corrosion and rusting. To increase rung life in such atmosphere, individual metal rungs shall have a minimum diameter of 1 inch or shall be painted or otherwise treated to resist corrosion and rusting.

(ii) Wood ladders, when used under conditions where decay may occur, shall be treated with a nonirritating preservative, and the details shall be such as to prevent or minimize the accumulation of water on wood parts.

(iii) When different types of materials are used in the construction of a ladder, the materials used shall be so treated as to have no deleterious effect one upon the other.

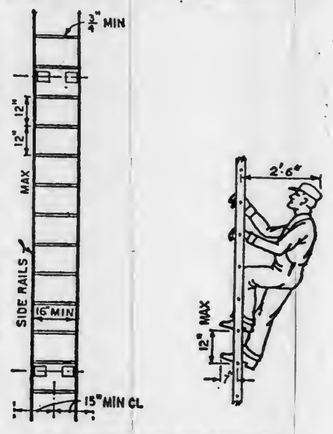
(c) *Clearance—*(1) *Climbing side.* On fixed ladders, the perpendicular distance from the centerline of the rungs to the nearest permanent object on the climbing side of the ladder shall be 36 inches for a pitch of 76 degrees, and 30 inches for a pitch of 90 degrees (fig. D–2 of this section), with minimum clearances for intermediate pitches varying between these two limits in proportion to the slope, except as provided in subparagraphs (3) and (5) of this paragraph.

(2) *Ladders without cages or wells.* A clear width of at least 15 inches shall be provided each way from the centerline of the ladder in the climbing space, except when cages or wells are necessary.

(3) *Ladders with cages or baskets.* Ladders equipped with cage or basket are excepted from the provisions of subparagraphs (1) and (2) of this paragraph, but shall conform to the provisions of paragraph (d)(1)(v) of this section. Fixed ladders in smooth-walled wells are excepted from the provisions of subparagraph (1) of this paragraph, but shall conform to the provisions of paragraph (d)(1)(vi) of this section.

(4) *Clearance in back of ladder.* The distance from the centerline of rungs, cleats, or steps to the nearest permanent object in back of the ladder shall be not less than 7 inches, except that when unavoidable obstructions are encountered, minimum clearances as shown in figure D–3 shall be provided.

(5) *Clearance in back of grab bar.* The distance from the centerline of the grab bar to the nearest permanent ob-



RAIL LADDER WITH BAR STEEL RAILS AND ROUND STEEL RUNGS

FIG. D–2

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Minimum Ladder Clearances

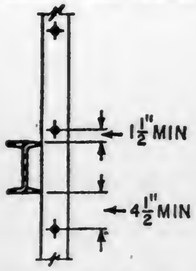


FIG. D-3

Clearance for Unavoidable Obstruction at Rear of Fixed Ladder

ject in back of the grab bars shall be not less than 4 inches. Grab bars shall not protrude on the climbing side beyond the rungs of the ladder which they serve.

(6) *Step-across distance.* The step-across distance from the nearest edge of ladder to the nearest edge of equipment or structure shall be not more than 12 inches, or less than 2½ inches (fig. D-4.

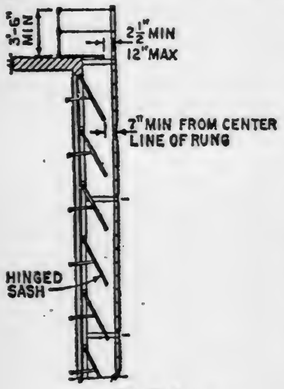
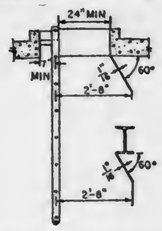


Fig. D-4
Ladder Far from Wall

(7) *Hatch cover.* Counterweighted hatch covers shall open a minimum of 60 degrees from the horizontal. The distance from the centerline of rungs or cleats to the edge of the hatch opening on the climbing side shall be not less than 24 inches for offset wells or 30 inches for straight wells. There shall be no protruding potential hazards within 24 inches of the centerline of rungs or cleats; any such hazards within 30 inches of the centerline of the rungs or cleats shall be fitted with deflector plates placed at an angle of 60 degrees from the horizontal as indicated in figure D-5.



Deflector Plates for Head Hazards

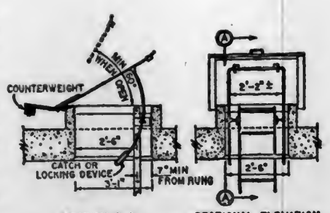
Fig. D-5

The relationship of a fixed ladder to an acceptable counterweighted hatch cover is illustrated in figure D-6.

(d) *Special requirements*—(1) *Cages or wells.* (i) Cages or wells (except on chimney ladders) shall be built, as shown on the applicable drawings, covered in detail in figures D-7, D-8, and D-9, or of equivalent construction.

(ii) Cages or wells (except as provided in subparagraph (5) of this paragraph) conforming to the dimensions shown in figures D-7, D-8, and D-9 shall be provided on ladders of more than 20 feet to a maximum unbroken length of 30 feet.

(iii) Cages shall extend a minimum of 42 inches above the top of landing, unless other acceptable protection is provided.

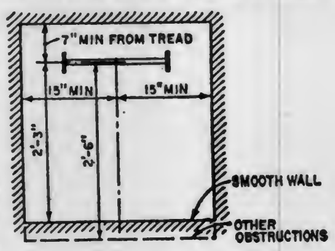


Relationship of Fixed Ladder to a Safe Access Hatch

Fig. D-6

(iv) Cages shall extend down the ladder to a point not less than 7 feet nor more than 8 feet above the base of the ladder, with bottom flared not less than 4 inches, or portion of cage opposite ladder shall be carried to the base.

(v) Cages shall not extend less than 27 nor more than 28 inches from the centerline of the rungs of the ladder. Cage shall not be less than 27 inches in width. The inside shall be clear of projections. Vertical bars shall be located at a maximum spacing of 40 degrees around the circumference of the cage; this will give a maximum spacing of approximately 9½ inches, center to center.



Clearance Diagram for Fixed Ladder in Well

Figure D-7

jacent sections. Where installation conditions (even for a short, unbroken length) require that adjacent sections be offset, landing platforms shall be provided at each offset.

(i) Where a man has to step a distance greater than 12 inches from the centerline of the rung of a ladder to the nearest edge of structure or equipment, a landing platform shall be provided. The minimum step-across distance shall be 2½ inches.

(ii) All landing platforms shall be equipped with standard railings and toeboards, so arranged as to give safe access to the ladder. Platforms shall be not less than 24 inches in width and 30 inches in length.

(iii) One rung of any section of ladder shall be located at the level of the landing laterally served by the ladder. Where access to the landing is through the ladder, the same rung spacing as used on the ladder shall be used from the landing platform to the first rung below the landing.

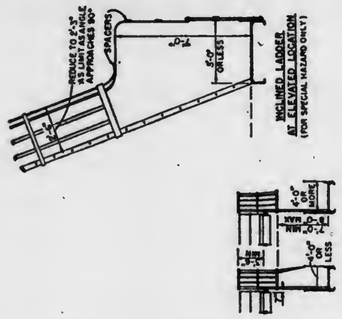


FIGURE D-9.—Cages—Special applications.

(vi) Ladder wells shall have a clear width of at least 15 inches measured each way from the centerline of the ladder. Smooth-walled wells shall be a minimum of 27 inches from the centerline of rungs to the well wall on the climbing side of the ladder. Where other obstructions on the climbing side of the ladder exist, there shall be a minimum of 30 inches from the centerline of the rungs.

(2) *Landing platforms.* When ladders are used to ascend to heights exceeding 20 feet (except on chimneys), landing platforms shall be provided for each 30 feet of height or fraction thereof, except that, where no cage, well, or ladder safety device is provided, landing platforms shall be provided for each 20 feet of height or fraction thereof. Each ladder section shall be offset from adjacent sections. Where installation conditions (even for a short, unbroken length) require that adjacent sections be offset, landing platforms shall be provided at each offset.

(i) Where a man has to step a distance greater than 12 inches from the centerline of the rung of a ladder to the nearest edge of structure or equipment, a landing platform shall be provided. The minimum step-across distance shall be 2½ inches.

(ii) All landing platforms shall be equipped with standard railings and toeboards, so arranged as to give safe access to the ladder. Platforms shall be not less than 24 inches in width and 30 inches in length.

(iii) One rung of any section of ladder shall be located at the level of the landing laterally served by the ladder. Where access to the landing is through the ladder, the same rung spacing as used on the ladder shall be used from the landing platform to the first rung below the landing.

(3) *Ladder extensions.* The side rails of through or side-step ladder extensions shall extend 3½ feet above parapets and landings. For through ladder extensions, the rungs shall be omitted from the extension and shall have not less than 18 nor more than 24 inches clearance between rails. For side-step or offset fixed ladder sections, at landings, the side rails and rungs shall be carried to the next regular rung beyond or above the 3½ feet minimum (fig. D-10).

(4) *Grab bars.* Grab bars shall be spaced by a continuation of the rung spacing when they are located in the horizontal position. Vertical grab bars shall have the same spacing as the ladder side rails. Grab-bar diameters shall be the equivalent of the round-rung diameters.

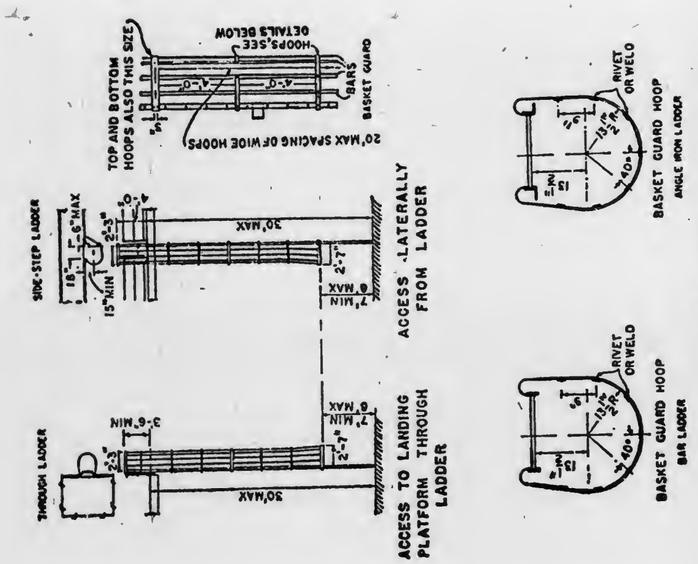


Fig. D-8

Cages for Ladders More Than 20 Feet High

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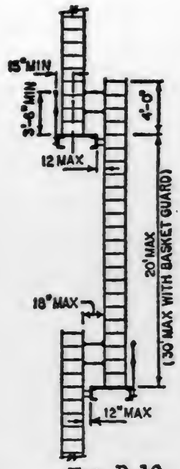


FIG. D-10

Offset Fixed Ladder Sections

(5) *Ladder safety devices.* Ladder safety devices may be used on tower, water tank, and chimney ladders over 20 feet in unbroken length in lieu of cage protection. No landing platform is required in these cases. All ladder safety devices such as those that incorporate lifebelts, friction brakes, and sliding attachments shall meet the design requirements of the ladders which they serve.

(e) *Pitch*—(1) *Preferred pitch.* The preferred pitch of fixed ladders shall be considered to come in the range of 75 degrees and 90 degrees with the horizontal (fig. D-11).

(2) *Substandard pitch.* Fixed ladders shall be considered as substandard if they are installed within the substandard pitch range of 60 and 75 degrees with the horizontal. Substandard fixed ladders are permitted only where it is found necessary to meet conditions of installation. This substandard pitch range shall be considered as a critical range to be avoided, if possible.

(3) *Scope of coverage in this section.* This section covers only fixed ladders within the pitch range of 60 degrees and 90 degrees with the horizontal.

(4) *Pitch greater than 90 degrees.* Ladders having a pitch in excess of 90 degrees with the horizontal are prohibited.

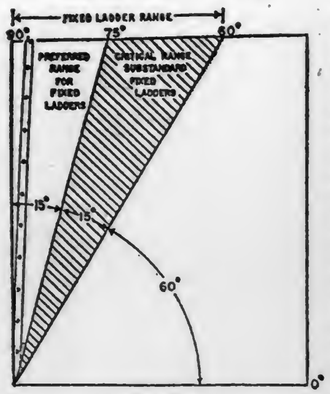


FIG. D-11

Pitch of Fixed Ladders

(f) *Maintenance.* All ladders shall be maintained in a safe condition. All ladders shall be inspected regularly, with the intervals between inspections being determined by use and exposure.

§ 1910.28 Safety requirements for scaffolding.

(a) *General requirements for all scaffolds.* (1) Scaffolds shall be furnished and erected in accordance with this standard for persons engaged in work that cannot be done safely from the ground or from solid construction, except that ladders used for such work shall conform to § 1910.25 and § 1910.26.

(2) The footing or anchorage for scaffolds shall be sound, rigid, and capable of carrying the maximum intended load without settling or displacement. Unstable objects such as barrels, boxes, loose brick, or concrete blocks shall not be used to support scaffolds or planks.

(3) Guardrails and toeboards shall be installed on all open sides and ends of platforms more than 10 feet above the ground or floor except:

(i) Scaffolding wholly within the interior of a building and covering the entire floor area of any room therein and not having any side exposed to a hoistway, elevator shaft, stairwell, or other floor openings, and

(ii) Needle-beam scaffolds and floats in use by structural iron workers.

Guardrails should all be 2 x 4 inches or the equivalent, installed no less than 36 inches or not more than 42 inches high, with a midrail, when required, of 1- x 4-inch lumber or equivalent. Supports should be at intervals not to exceed ten feet. Toeboards shall be a minimum of 4 inches in height.

(4) Scaffolds and their components shall be capable of supporting without failure at least four times the maximum intended load.

(5) Scaffolds and other devices mentioned or described in this section shall be maintained in safe condition. Scaffolds shall not be altered or moved horizontally while they are in use or occupied.

(6) Any scaffold damaged or weakened from any cause shall be immediately repaired and shall not be used until repairs have been completed.

(7) Scaffolds shall not be loaded in excess of the working load for which they are intended.

(8) All load-carrying timber members of scaffold framing shall be a minimum of 1,500 *f.* (Stress Grade) construction grade lumber. All dimensions are nominal sizes as provided in the American Lumber Standards, except that where rough sizes are noted, only rough or undressed lumber of the size specified will satisfy minimum requirements. (NOTE: Where nominal sizes of lumber are used in place of rough sizes, the nominal size lumber shall be such as to provide equivalent strength to that specified in tables D-7 through D-12 and D-16.)

(9) All planking shall be Scaffold Grade as recognized by grading rules for the species of wood used. The maximum permissible spans for 2- x 9-inch or wider planks are shown in the following table:

	Material				
	Full thickness undressed lumber			Nominal thickness lumber	
Working load (p.s.f.)	25	50	75	25	50
Permissible span (ft.)	10	8	6	8	9

The maximum permissible span for 1¼ x 9-inch or wider plank of full thickness is 4 feet with medium loading of 50 p.s.f.

(10) Nails or bolts used in the construction of scaffolds shall be of adequate size and in sufficient numbers at each connection to develop the designed strength of the scaffold. Nails shall not be subjected to a straight pull and shall be driven full length.

(11) All planking or platforms shall be overlapped (minimum 12 inches) or secured from movement.

(12) An access ladder or equivalent safe access shall be provided.

(13) Scaffold planks shall extend over their end supports not less than 6 inches nor more than 18 inches.

(14) The poles, legs, or uprights of scaffolds shall be plumb, and securely and rigidly braced to prevent swaying and displacement.

(15) Materials being hoisted onto a scaffold shall have a tag line.

(16) Overhead protection shall be provided for men on a scaffold exposed to overhead hazards.

(17) Scaffolds shall be provided with a screen between the toeboard and the guardrail, extending along the entire opening, consisting of No. 18 gauge U.S. Standard Wire one-half-inch mesh or the equivalent, where persons are required to work or pass under the scaffolds.

(18) Employees shall not work on scaffolds during storms or high winds.

(19) Employees shall not work on scaffolds which are covered with ice or snow, unless all ice or snow is removed and planking sanded to prevent slipping.

(20) Tools, materials, and debris shall not be allowed to accumulate in quantities to cause a hazard.

(21) Only treated or protected fiber rope shall be used for or near any work involving the use of corrosive substances or chemicals.

(22) Wire or fiber rope used for scaffold suspension shall be capable of supporting at least six times the intended load.

(23) When acid solutions are used for cleaning buildings over 50 feet in height, wire rope supported scaffolds shall be used.

(24) The use of shore scaffolds or lean-to scaffolds is prohibited.

(25) Lumber sizes, when used in this section, refer to nominal sizes except where otherwise stated.

(26) Scaffolds shall be secured to permanent structures, through use of anchor bolts, reveal bolts, or other equivalent means. Window cleaners' anchor bolts shall not be used.

(27) Special precautions shall be taken to protect scaffold members, including any wire or fiber ropes, when using a heat-producing process.

(b) *General requirements for wood pole scaffolds.* (1) Scaffold poles shall bear on a foundation of sufficient size and strength to spread the load from the poles over a sufficient area to prevent settlement. All poles shall be set plumb.

(2) Where wood poles are spliced, the ends shall be squared and the upper section shall rest squarely on the lower section. Wood splice plates shall be provided on at least two adjacent sides and shall not be less than 4 feet 0 inches in length, overlapping the abutted ends equally, and have the same width and not less than the cross-sectional area of the pole. Splice plates of other materials of equivalent strength may be used.

(3) Independent pole scaffolds shall be set as near to the wall of the building as practicable.

(4) All pole scaffolds shall be securely guyed or tied to the building or structure. Where the height or length exceeds 25 feet, the scaffold shall be secured at intervals not greater than 25 feet vertically and horizontally.

(5) Putlogs or bearers shall be set with their greater dimensions vertical, long enough to project over the ledgers of the inner and outer rows of poles at least 3 inches for proper support.

(6) Every wooden putlog on single pole scaffolds shall be reinforced with a 3/16 x 2-inch steel strip or equivalent secured to its lower edge throughout its entire length.

(7) Ledgers shall be long enough to extend over two pole spaces. Ledgers shall not be spliced between the poles. Ledgers shall be reinforced by bearing blocks securely nailed to the side of the pole to form a support for the ledger.

(8) Diagonal bracing shall be provided to prevent the poles from moving in a direction parallel with the wall of the building, or from buckling.

(9) Cross bracing shall be provided between the inner and outer sets of poles in independent pole scaffolds. The free ends of pole scaffolds shall be cross braced.

(10) Full diagonal face bracing shall be erected across the entire face of pole scaffolds in both directions. The braces shall be spliced at the poles.

(11) Platform planks shall be laid with their edges close together so the platform will be tight with no spaces through which tools or fragments of material can fall.

(12) Where planking is lapped, each plank shall lap its end supports at least 12 inches. Where the ends of planks abut each other to form a flush floor, the butt joint shall be at the centerline of a pole. The abutted ends shall rest on separate bearers. Intermediate beams shall be provided where necessary to prevent dislodgment of planks due to deflection, and the ends shall be nailed or cleated to prevent their dislodgment.

(13) When a scaffold turns a corner, the platform planks shall be laid to prevent tipping. The planks that meet the corner putlog at an angle shall be laid first, extending over the diagonally placed putlog far enough to have a good safe bearing, but not far enough to involve any danger from tipping. The planking running in the opposite direction at right angles shall be laid so as to extend over and rest on the first layer of planking.

(14) When moving platforms to the next level, the old platform shall be left undisturbed until the new putlogs or bearers have been set in place, ready to receive the platform planks.

(15) Guardrails not less than 2 x 4 inches or the equivalent and not less than 36 inches or more than 42 inches high, with a mid-rail, when required, of 1 x 4-inch lumber or equivalent, and toeboards, shall be installed at all open sides on all scaffolds more than 10 feet above the ground or floor. Toeboards shall be a minimum of 4 inches in height. Wire mesh shall be installed in accordance with paragraph (a)(17) of this section.

(16) All wood pole scaffolds 60 feet or less in height shall be constructed and erected in accordance with tables D-7 through D-12 of this section. If they are over 60 feet in height they shall be designed by a registered professional engineer and constructed and erected in accordance with such design. A copy of the typical drawings and specifications shall be made available to the employer and for inspection purposes.

TABLE D-7—MINIMUM NOMINAL SIZE AND MAXIMUM SPACING OF MEMBERS OF SINGLE POLE SCAFFOLDS LIGHT DUTY

	Maximum height of scaffold	
	20 feet	60 feet
Uniformly distributed load	Not to exceed 25 pounds per square foot:	
Poles or uprights	2 by 4 in.	4 by 4 in.
Pole spacing (longitudinal)	6 ft. 0 in.	10 ft. 0 in.
Maximum width of scaffold	5 ft. 0 in.	5 ft. 0 in.
Bearers or putlogs to 3 ft. 0 in. width	2 by 4 in.	2 by 4 in:
Bearers or putlogs to 5 ft. 0 in. width	2 by 6 in. or 3 by 4 in.	2 by 6 in. or 3 by 4 in: (rough).
Ledgers	1 by 4 in.	1¼ by 9 in:
Planking	1¼ by 9 in. (rough)	2 by 9 in:
Vertical spacing of horizontal members	7 ft. 0 in.	7 ft. 0 in:
Bracing, horizontal and diagonal	1 by 4 in.	1 by 4 in:
Tie-ins	1 by 4 in.	1 by 4 in:
Toeboards	4 in. high (minimum)	4 in. high (minimum):
Guardrail	2 by 4 in.	2 by 4 in:

All members except planking are used on edge.

(17) Wood-pole scaffolds shall not be erected beyond the reach of effective firefighting apparatus.

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TABLE D–8—MINIMUM NOMINAL SIZE AND MAXIMUM SPACING OF MEMBERS OF SINGLE POLE SCAFFOLDS

MEDIUM DUTY

Uniformly distributed load.	Not to exceed 50 pounds per square foot.
Maximum height of scaffold.	60 ft.
Poles or uprights	4 by 4 in.
Pole spacing (longitudinal).	8 ft. 0 in.
Maximum width of scaffold.	5 ft. 0 in.
Bearers or putlogs	2 by 9 in. or 3 by 4 in.
Spacing of bearers or putlogs.	8 ft. 0 in.
Ledgers	2 by 9 in.
Vertical spacing of horizontal members.	9 ft. 0 in.
Bracing, horizontal	1 by 6 in. or 1¼ by 4 in.
Bracing, diagonal	1 by 4 in.
Tie-ins	1 by 4 in.
Planking	2 by 9 in.
Toeboards	4 in. high (minimum).
Guardrail	2 by 4 in.

All members except planking are used on edge.

TABLE D–9—MINIMUM NOMINAL SIZE AND MAXIMUM SPACING OF MEMBERS OF SINGLE POLE SCAFFOLDS

HEAVY DUTY

Uniformly distributed load.	Not to exceed 75 pounds per square foot.
Maximum height of scaffold.	60 ft.
Poles or uprights	4 by 4 in.
Pole spacing (longitudinal).	6 ft. 0 in.
Maximum width of scaffold.	5 ft. 0 in.
Bearers or putlogs	2 by 9 in. or 3 by 5 in. (rough).
Spacing of bearers or putlogs.	6 ft. 0 in.
Ledgers	2 by 9 in.
Vertical spacing of horizontal members.	6 ft. 6 in.
Bracing, horizontal and diagonal.	2 by 4 in.
Tie-ins	1 by 4 in.
Planking	2 by 9 in.
Toeboards	4 in. high (minimum).
Guardrail	2 by 4 in.

All members except planking are used on edge.

TABLE D–10—MINIMUM NOMINAL SIZE AND MAXIMUM SPACING OF MEMBERS OF INDEPENDENT POLE SCAFFOLDS LIGHT DUTY

	Maximum height of scaffold	
	30 feet	60 feet
Uniformly distributed load	Not to exceed 25 pounds per square foot.	
Poles or uprights	2 by 4 in.	4 by 4 in.
Pole spacing (longitudinal)	6 ft. 0 in.	10 ft. 0 in.
Pole spacing (transverse)	6 ft. 0 in.	10 ft. 0 in.
Ledgers	1¼ by 4 in.	1¼ by 9 in.
Bearers to 3 ft. 0 in. span	2 by 4 in.	2 by 4 in.
Bearers to 10 ft. 0 in. span	2 by 6 in. or 3 by 4 in.	2 by 9 (rough) or 3 by 8 in.
Planking	1¼ by 9 in.	2 by 9 in.
Vertical spacing of horizontal members	7 ft. 0 in.	7 ft. 6 in.
Bracing, horizontal and diagonal	1 by 4 in.	1 by 4 in.
Tie-ins	1 by 4 in.	1 by 4 in.
Toeboards	4 in. high	4 in. high (minimum).
Guardrail	2 by 4 in.	2 by 4 in.

All members except planking are used on edge.

TABLE D–11—MINIMUM NOMINAL SIZE AND MAXIMUM SPACING OF MEMBERS OF INDEPENDENT POLE SCAFFOLDS

MEDIUM DUTY

Uniformly distributed load.	Not to exceed 50 pounds per square foot.
Maximum height of scaffold.	60 ft.
Poles or uprights	4 by 4 in.
Pole spacing (longitudinal).	8 ft. 0 in.
Pole spacing (transverse).	8 ft. 0 in.
Ledgers	2 by 9 in.
Vertical spacing of horizontal members.	6 ft. 0 in.
Spacing of bearers	8 ft. 0 in.
Bearers	2 by 9 in. (rough) or 2 by 10 in.
Bracing, horizontal	1 by 6 in. or 1¼ by 4 in.
Bracing, diagonal	1 by 4 in.
Tie-ins	1 by 4 in.
Planking	2 by 9 in.
Toeboards	4 in. high (minimum).
Guardrail	2 by 4 in.

All members except planking are used on edge.

TABLE D–12—MINIMUM NOMINAL SIZE AND MAXIMUM SPACING OF MEMBERS OF INDEPENDENT POLE SCAFFOLDS

HEAVY DUTY

Uniformly distributed load.	Not to exceed 75 pounds per square foot.
Maximum height of scaffold.	60 ft.
Poles or uprights	4 by 4 in.
Pole spacing (longitudinal).	6 ft. 0 in.
Pole spacing (transverse).	8 ft. 0 in.
Ledgers	2 by 9 in.
Vertical spacing of horizontal members.	4 ft. 6 in.
Bearers	2 by 9 in. (rough).
Bracing, horizontal and diagonal.	2 by 4 in.
Tie-ins	1 by 4 in.
Planking	2 by 9 in.
Toeboards	4 in. high (minimum).
Guardrail	2 by 4 in.

All members except planking are used on edge.

TABLE D–13—TUBE AND COUPLER SCAFFOLDS LIGHT DUTY

Uniformly distributed load..... Not to exceed 25 p.s.f.
Post spacing (longitudinal)..... 10 ft. 0 in.
Post spacing (transverse)..... 6 ft. 0 in.

Working levels	Additional planked levels	Maximum height
1	8	125 ft.
2	4	125 ft.
3	0	91 ft. 0 in.

TABLE D–14—TUBE AND COUPLER SCAFFOLDS MEDIUM DUTY

Uniformly distributed load..... Not to exceed 50 p.s.f.
Post spacing (longitudinal)..... 8 ft. 0 in.
Post spacing (transverse)..... 6 ft. 0 in.

Working levels	Additional planked levels	Maximum height
1	6	125 ft.
2	0	78 ft. 0 in.

TABLE D–15—TUBE AND COUPLER SCAFFOLDS HEAVY DUTY

Uniformly distributed load..... Not to exceed 75 p.s.f.
Post spacing (longitudinal)..... 6 ft. 6 in.
Post spacing (traverse)..... 6 ft. 0 in.

Working levels	Additional planked levels	Maximum height
1	6	125 ft.

(c) *Tube and coupler scaffolds.* (1) A light-duty tube and coupler scaffold shall have all posts, bearers, runners, and bracing of nominal 2-inch O.D. steel tubing. The posts shall be spaced no more than 6 feet apart by 10 feet along the length of the scaffold. Other structural metals when used must be designed to carry an equivalent load.

(2) A medium-duty tube and coupler scaffold shall have all posts, runners, and bracing of nominal 2-inch O.D. steel tubing. Posts spaced not more than 6 feet apart by 8 feet along the length of the scaffold shall have bearers of nominal 2½-inch O.D. steel tubing. Posts spaced not more than 5 feet apart by 8 feet along the length of the scaffold shall have bearers of nominal 2-inch O.D. steel tubing. Other structural metals when used must be designed to carry an equivalent load.

(3) A heavy-duty tube and coupler scaffold shall have all posts, runners, and bracing of nominal 2-inch O.D. steel tubing, with the posts spaced not more than 6 feet apart by 6 feet 6 inches along the length of the scaffold. Other structural metals when used must be designed to carry an equivalent load.

(4) Tube and coupler scaffolds shall be limited in heights and working levels to those permitted in tables D–13, 14, and 15, of this section. Drawings and specifications of all tube and coupler scaffolds above the limitations in tables D–13, 14, and 15 of this section shall be designed by a registered professional engineer and copies made available to the employer and for inspection purposes.

(5) All tube and coupler scaffolds shall be constructed and erected to support four times the maximum intended loads as set forth in tables D–13, 14, and 15 of this section, or as set forth in the specifications by a registered professional engineer, copies which shall be made available to the employer and for inspection purposes.

(6) All tube and coupler scaffolds shall be erected by competent and experienced personnel.

(7) Posts shall be accurately spaced, erected on suitable bases, and maintained plumb.

(8) Runners shall be erected along the length of the scaffold located on both the inside and the outside posts at even height. Runners shall be interlocked to form continuous lengths and coupled to each post. The bottom runners shall be located as close to the base as possible. Runners shall be placed not more than 6 feet 6 inches on centers.

(9) Bearers shall be installed transversely between posts and shall be securely coupled to the posts bearing on the runner coupler. When coupled directly to the runners, the coupler must be kept as close to the posts as possible.

(10) Bearers shall be at least 4 inches but not more than 12 inches longer than the post spacing or runner spacing. Bearers may be cantilevered for use as brackets to carry not more than two planks.

(11) Cross bracing shall be installed across the width of the scaffold at least every third set of posts horizontally and every fourth runner vertically. Such bracing shall extend diagonally from the inner and outer runners upward to the next outer and inner runners.

(12) Longitudinal diagonal bracing shall be installed at approximately a 45-degree angle from near the base of the first outer post upward to the extreme top of the scaffold. Where the longitudinal length of the scaffold permits, such bracing shall be duplicated beginning at every fifth post. In a similar manner, longitudinal diagonal bracing shall also be installed from the last post extending back and upward toward the first post. Where conditions preclude the attachment of this bracing to the posts, it may be attached to the runners.

(13) The entire scaffold shall be tied to and securely braced against the building at intervals not to exceed 30 feet horizontally and 26 feet vertically.

(14) Guardrails not less than 2×4 inches or the equivalent and not less than 36 inches or more than 42 inches high, with a mid-rail, when required, of 1×4-inch lumber or equivalent, and toeboards, shall be installed at all open sides on all scaffolds more than 10 feet above the ground or floor. Toeboards shall be a minimum of 4 inches in height. Wire mesh shall be installed in accordance with paragraph (a)(17) of this section.

(d) *Tubular welded frame scaffolds.* (1) Metal tubular frame scaffolds, including accessories such as braces, brackets, trusses, screw legs, ladders, etc., shall be designed and proved to safely support four times the maximum intended load.

(2) Spacing of panels or frames shall be consistent with the loads imposed.

(3) Scaffolds shall be properly braced by cross bracing or diagonal braces, or both, for securing vertical members together laterally, and the cross braces shall be of such length as will automatically square and align vertical members so that the erected scaffold is always plumb, square, and rigid. All brace connections shall be made secure.

(4) Scaffold legs shall be set on adjustable bases or plain bases placed on mud sills or other foundations adequate to support the maximum intended load.

(5) The frames shall be placed one on top of the other with coupling or stacking pins to provide proper vertical alinement of the legs.

(6) Where uplift may occur, panels shall be locked together vertically by pins or other equivalent suitable means.

(7) Guardrails not less than 2 x 4 inches or the equivalent and not less than 36 inches or more than 42 inches high, with a mid-rail, when required, of 1- x 4-inch lumber or equivalent, and toeboards, shall be installed at all open sides on all scaffolds more than 10 feet above the ground or floor. Toeboards shall be a minimum of 4 inches in height. Wire mesh shall be installed in accordance with paragraph (a)(17) of this section.

(8) All tubular metal scaffolds shall be constructed and erected to support four times the maximum intended loads.

(9) To prevent movement, the scaffold shall be secured to the building or structure at intervals not to exceed 30 feet horizontally and 26 feet vertically.

(10) Maximum permissible spans of planking shall be in conformity with paragraph (a)(9) of this section.

(11) Drawings and specifications for all frame scaffolds over 125 feet in height above the base plates shall be designed by a registered professional engineer and copies made available to the employer and for inspection purposes.

(12) All tubular welded frame scaffolds shall be erected by competent and experienced personnel.

(13) Frames and accessories for scaffolds shall be maintained in good repair and every defect, unsafe condition, or noncompliance with this section shall be immediately corrected before further use of the scaffold. Any broken, bent, excessively rusted, altered, or otherwise structurally damaged frames or accessories shall not be used.

(14) Periodic inspections shall be made of all welded frames and accessories, and any maintenance, including painting, or minor corrections authorized by the manufacturer, shall be made before further use.

(e) *Outrigger scaffolds.* (1) Outrigger beams shall extend not more than 6 feet beyond the face of the building. The inboard end of outrigger beams, measured from the fulcrum point to the extreme point of support, shall be not less than one and one-half times the outboard end in length. The beams shall rest on edge, the sides shall be plumb, and the edges shall be horizontal. The fulcrum point of the beam shall rest on a secure bearing at least 6 inches in each horizontal dimension. The beam shall be secured in place against movement and shall be securely braced at the fulcrum point against tipping.

(2) The inboard ends of outrigger beams shall be securely supported either by means of struts bearing against sills in contact with the overhead beams or ceiling, or by means of tension members secured to the floor joists underfoot, or by both if necessary. The inboard ends of outrigger beams shall be secured against tipping and the entire supporting structure shall be securely braced in both directions to prevent any horizontal movement.

(3) Unless outrigger scaffolds are designed by a licensed professional engineer, they shall be constructed and erected in accordance with table D–16. Outrigger scaffolds designed by a registered professional engineer shall be constructed and erected in accordance with such design. A copy of the detailed drawings and specifications showing the sizes and spacing of members shall be kept on the job.

(4) Planking shall be laid tight and shall extend to within 3 inches of the building wall. Planking shall be nailed or bolted to outriggers.

(5) Where there is danger of material falling from the scaffold, a wire mesh or other enclosure shall be provided between the guardrail and the toeboard.

(6) Where additional working levels are required to be supported by the outrigger method, the plans and specifications of the outrigger and scaffolding structure shall be designed by a registered professional engineer.

TABLE D–16—MINIMUM NOMINAL SIZE AND MAXIMUM SPACING OF MEMBERS OF OUTRIGGER SCAFFOLDS

	Light duty	Medium duty
Maximum scaffold load	25 p.s.f.	50 p.s.f.
Outrigger size	2 x 10 in.	3 x 10 in.
Maximum outrigger spacing.	10 ft 0 in.	6 ft 0 in.
Planking	2 x 9 in.	2 x 9 in.
Guardrail	2 x 4 in.	2 x 4 in.
Guardrail uprights	2 x 4 in.	2 x 4 in.
Toeboards	4 in. (minimum).	4 in. (minimum).

(f) *Masons' adjustable multiple-point suspension scaffolds.* (1) The scaffold shall be capable of sustaining a working load of 50 pounds per square foot and shall not be loaded in excess of that figure.

(2) The scaffold shall be provided with hoisting machines that meet the requirements of Underwriters' Laboratories or Factory Mutual Engineering Corp.

(3) The platform shall be supported by wire ropes in conformity with paragraph (a)(22) of this section, suspended from overhead outrigger beams.

(4) The scaffold outrigger beams shall consist of structural metal securely fastened or anchored to the frame or floor system of the building or structure.

(5) Each outrigger beam shall be equivalent in strength to at least a standard 7-inch, 15.3-pound steel I-beam, be

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at least 15 feet long, and shall not project more than 6 feet 6 inches beyond the bearing point.

(6) Where the overhang exceeds 6 feet 6 inches, outrigger beams shall be composed of stronger beams or multiple beams and be installed in accordance with approved designs and instructions.

(7) If channel iron outrigger beams are used in place of I-beams, they shall be securely fastened together with the flanges turned out.

(8) All outrigger beams shall be set and maintained with their webs into vertical position.

(9) A stop bolt shall be placed at each end of every outrigger beam.

(10) The outrigger beam shall rest on suitable wood-bearing blocks.

(11) All parts of the scaffold such as bolts, nuts, fittings, clamps, wire rope, and outrigger beams and their fastenings, shall be maintained in sound and good working condition and shall be inspected before each installation and periodically thereafter.

(12) The free end of the suspension wire ropes shall be equipped with proper size thimbles and be secured by splicing or other equivalent means. The running ends shall be securely attached to the hoisting drum and at least four turns of rope shall at all times remain on the drum.

(13) Where a single outrigger beam is used, the steel shackles or clevises with which the wire ropes are attached to the outrigger beams shall be placed directly over the hoisting drums.

(14) The scaffold platform shall be equivalent in strength to at least 2-inch planking. (For maximum planking spans see paragraph (a) (9) of this section.)

(15) Guardrails not less than 2 x 4 inches or the equivalent and not less than 36 inches or more than 42 inches high, with a mid-rail, when required, of 1 x 4-inch lumber or equivalent, and toeboards, shall be installed at all open sides on all scaffolds more than 10 feet above the ground or floor. Toeboards shall be a minimum of 4 inches in height. Wire mesh shall be installed in accordance with paragraph (a) (17) of this section.

(16) Overhead protection shall be provided on the scaffold, not more than 9 feet above the platform, consisting of 2-inch planking or material of equivalent strength laid tight, when men are at work on the scaffold and an overhead hazard exists.

(17) Each scaffold shall be installed or relocated in accordance with designs and instructions, of a registered professional engineer, and supervised by a competent, designated person.

(g) *Two-point suspension scaffolds (swinging scaffolds).* (1) Two-point suspension scaffold platforms shall be not less than 20 inches nor more than 36 inches wide overall. The platform shall be securely fastened to the hangers by U-bolts or by other equivalent means.

(2) The hangers of two-point suspension scaffolds shall be made of wrought iron, mild steel, or other equivalent material having a cross-sectional area capable of sustaining four times the maximum intended load, and shall be designed with a support for guardrail, intermediate rail, and toeboard.

(3) When hoisting machines are used on two-point suspension scaffolds, such machines shall be of a design tested and approved by Underwriters' Laboratories or Factory Mutual Engineering Corp.

(4) The roof irons or hooks shall be of wrought iron, mild steel, or other equivalent material of proper size and design, securely installed and anchored. Tiebacks of three-fourth inch manila rope or the equivalent shall serve as a secondary means of anchorage, installed at right angles to the face of the building whenever possible and secured to a structurally sound portion of the building.

(5) Guardrails not less than 2 x 4 inches or the equivalent and not less than 36 inches or more than 42 inches high, with a mid-rail, when required, of 1- x 4-inch lumber or equivalent, and toeboards, shall be installed at all open sides on all scaffolds more than 10 feet above the ground or floor. Toeboards shall be a minimum of 4 inches in height. Wire mesh shall be installed in accordance with paragraph (a) (17) of this section.

(6) Two-point suspension scaffolds shall be suspended by wire or fiber ropes. Wire and fiber ropes shall conform to paragraph (a) (22) of this section.

(7) The blocks for fiber ropes shall be of standard 6-inch size, consisting of at least one double and one single block. The sheaves of all blocks shall fit the size of rope used.

(8) All wire ropes, fiber ropes, slings, hangers, platforms, and other supporting parts shall be inspected before every installation. Periodic inspections shall be made while the scaffold is in use.

(9) On suspension scaffolds designed for a working load of 500 pounds no more than two men shall be permitted to work at one time. On suspension scaffolds with a working load of 750 pounds, no more than three men shall be permitted to work at one time. Each workman shall be protected by a safety lifebelt attached to a lifeline. The lifeline shall be securely attached to substantial members of the structure (not scaffold), or to securely rigged lines, which will safely suspend the workman in case of a fall.

(10) Where acid solutions are used, fiber ropes are not permitted unless acidproof.

(11) Two-point suspension scaffolds shall be securely lashed to the building or structure to prevent them from swaying. Window cleaners' anchors shall not be used for this purpose.

(12) The platform of every two-point suspension scaffold shall be one of the following types:

(i) The side stringer of ladder-type platforms shall be clear straight-grained spruce or materials of equivalent strength and durability. The rungs shall be of straight-grained oak, ash, or hickory, at least 1⅛ inch in diameter, with seven-eighth inch tenons mortised into the side stringers at least seven-eighth inch. The stringers shall be tied together with the tie rods not less than one-quarter inch in diameter, passing through the stringers and riveted up tight against washers on both ends. The flooring strips shall be spaced not more than five-eighth inch apart except at the side rails where the space may be 1 inch. Ladder-type platforms shall be constructed in accordance with table D–17.

(ii) Plank-type platforms shall be composed of not less than nominal 2- x 8-inch unspliced planks, properly cleated together on the underside starting 6 inches from each end; intervals in between shall not exceed 4 feet. The plank-type platform shall not extend beyond the hangers more than 18 inches. A bar or other effective means shall be securely fastened to the platform at each end to prevent its slipping off the hanger. The span between hangers for plank-type platforms shall not exceed 10 feet.

(iii) Beam platforms shall have side stringers of lumber not less than 2 x 6 inches set on edge. The span between hangers shall not exceed 12 feet when beam platforms are used. The flooring shall be supported on 2- and 6-inch crossbeams, laid flat and set into the upper edge of the stringers with a snug fit, at intervals of not more than 4 feet, securely nailed in place. The flooring shall be of 1- x 6-inch material properly nailed. Floorboards shall not be spaced more than one-half inch apart.

TABLE D–17—SCHEDULE FOR LADDER-TYPE PLATFORMS

	Length of platform (feet)				
	12	14 & 16	18 & 20	22 & 24	28 & 30
Side stringers, minimum cross section (finished sizes):					
At ends (in.)	1⅝ x 2½	1⅝ x 2½	1⅝ x 3	1⅝ x 3	1⅝ x 3¼
At middle (in.)	1⅝ x 3½	1⅝ x 3½	1⅝ x 4	1⅝ x 4½	1⅝ x 5
Reinforcing strip (minimum)	A ⅛x1½-in. steel reinforcing strip or its equivalent shall be attached to the side or underside full length.				
Rungs	Rungs shall be 1⅛-in. minimum, diameter with at least ⅞-in. diameter tenons, and the maximum spacing shall be 12 in. center to center.				
Tie rods:					
Number (minimum)	3	4	4	5	6
Diameter (minimum)	⅝ in.	⅝ in.	⅝ in.	⅝ in.	⅝ in.
Flooring, minimum finished size (in.)	1½ x 2½	1½ x 2½	1½ x 2½	1½ x 2½	1½ x 2½

(h) *Stone setters' adjustable multiple-point suspension scaffolds.* (1) The scaffold shall be capable of sustaining a working load of 25 pounds per square foot and shall not be overloaded. Scaffolds shall not be used for storage of stone or other heavy materials.

(2) The hoisting machine and its supports shall be of a type tested and listed by Underwriters' Laboratories or Factory Mutual Engineering Corp.

(3) The platform shall be securely fastened to the hangers by U-bolts or other equivalent means.

(4) The scaffold unit shall be suspended from metal outriggers, iron brackets, wire rope slings, or iron hooks which will safely support the maximum intended load.

(5) Outriggers when used shall be set with their webs in a vertical position, securely anchored to the building or structure and provided with stop bolts at each end.

(6) The scaffold shall be supported by wire rope conforming with paragraph (a) (22) of this section, suspended from overhead supports.

(7) The free ends of the suspension wire ropes shall be equipped with proper size thimbles, secured by splicing or other equivalent means. The running ends shall be securely attached to the hoisting drum and at least four turns of rope shall remain on the drum at all times.

(8) Guardrails not less than 2 by 4 inches or the equivalent and not less than 36 inches or more than 42 inches high, with a mid-rail, when required, of 1- by 4-inch lumber or equivalent, and toeboards, shall be installed at all open sides on all scaffolds more than 10 feet above the ground or floor. Toeboards shall be a minimum of 4 inches in height. Wire mesh shall be installed in accordance with paragraph (a) (17) of this section.

(9) When two or more scaffolds are used on a building or structure they shall not be bridged one to the other but shall be maintained at even height with platforms butting closely.

(10) Each scaffold shall be installed or relocated in accordance with designs and instructions of a registered professional engineer, and such installation or relocation shall be supervised by a competent designated person.

(i) *Single-point adjustable suspension scaffolds.* (1) The scaffolding, including power units or manually operated winches, shall be of a type tested and listed by Underwriters' Laboratories or Factory Mutual Engineering Corp.

(2) The power units may be either electrically or air motor driven.

(3) All power-operated gears and brakes shall be enclosed.

(4) In addition to the normal operating brake, all-power driven units must have an emergency brake which engages automatically when the normal speed of descent is exceeded.

(5) Guards, mid-rails, and toeboards shall completely enclose the cage or basket. Guardrails shall be no less than 2 by 4 inches or the equivalent installed no less than 36 inches nor more than 42 inches above the platform. Mid-rails shall be 1 by 6 inches or the equivalent, installed equidistant between the guardrail and the platform. Toeboards shall be a minimum of 4 inches in height.

(6) The hoisting machines, cables, and equipment shall be regularly serviced and inspected after each installation and every 30 days thereafter.

(7) The units may be combined to form a two-point suspension scaffold. Such scaffold shall comply with paragraph (g) of this section.

(8) The supporting cable shall be straight for its entire length, and the operator shall not sway the basket and fix the cable to any intermediate points to change his original path of travel.

(9) Equipment shall be maintained and used in accordance with the manufacturers' instructions.

(10) Suspension methods shall conform to applicable provisions of paragraphs (f) and (g) of this section.

(j) *Boatswain's chairs.* (1) The chair seat shall be not less than 12 by 24 inches, and of 1-inch thickness. The seat shall be reinforced on the underside to prevent the board from splitting.

(2) The two fiber rope seat slings shall be of ⅝-inch diameter, reeved through the four seat holes so as to cross each other on the underside of the seat.

(3) Seat slings shall be of at least ⅜-inch wire rope when a workman is conducting a heat producing process such as gas or arc welding.

(4) The workman shall be protected by a safety life belt attached to a lifeline. The lifeline shall be securely attached to substantial members of the structure (not scaffold), or to securely rigged lines, which will safely suspend the worker in case of a fall.

(5) The tackle shall consist of correct size ball bearing or bushed blocks and properly spliced ⅝-inch diameter first-grade manila rope.

(6) The roof irons, hooks, or the object to which the tackle is anchored shall be securely installed. Tiebacks when used shall be installed at right angles to the face of the building and securely fastened to a chimney.

(k) *Carpenters' bracket scaffolds.* (1) The brackets shall consist of a triangular wood frame not less than 2 by 3 inches in cross section, or of metal of equivalent strength. Each member shall be properly fitted and securely joined.

(2) Each bracket shall be attached to the structure by means of one of the following:

(i) A bolt no less than five-eighths inch in diameter which shall extend through the inside of the building wall.

(ii) A metal stud attachment device.

(iii) Welding to steel tanks.

(iv) Hooking over a well-secured and adequately strong supporting member.

The brackets shall be spaced no more than 10 feet apart.

(3) No more than two persons shall occupy any given 10 feet of a bracket scaffold at any one time. Tools and materials shall not exceed 75 pounds in addition to the occupancy.

(4) The platform shall consist of not less than two 2- by 9-inch nominal size planks extending not more than 18 inches or less than 6 inches beyond each end support.

(5) Guardrails not less than 2 by 4 inches or the equivalent and not less than 36 inches or more than 42 inches high, with a mid-rail, when required, of 1- by 4-inch lumber or equivalent, and toeboards, shall be installed at all open sides on all scaffolds more than 10 feet above the ground or floor. Toeboards shall be a minimum of 4 inches in height. Wire mesh shall be installed in accordance with paragraph (a) (17) of this section.

(l) *Bricklayers' square scaffolds.* (1) The squares shall not exceed 5 feet in width and 5 feet in height.

(2) Members shall be not less than those specified in Table D–18.

(3) The squares shall be reinforced on both sides of each corner with 1- by 6-inch gusset pieces. They shall also have braces 1 by 8 inches on both sides running from center to center of each member, or other means to secure equivalent strength and rigidity.

(4) The squares shall be set not more than 5 feet apart for medium duty scaffolds, and not more than 8 feet apart for light duty scaffolds. Bracing 1 x 8 inches, extending from the bottom of each square to the top of the next square, shall be provided on both front and rear sides of the scaffold.

TABLE D–18—MINIMUM DIMENSIONS FOR BRICKLAYERS' SQUARE SCAFFOLD MEMBERS

Members:	*Dimensions (inches)*
Bearers or horizontal members	2 by 6.
Legs	2 by 6.
Braces at corners	1 by 6.
Braces diagonally from center frame	1 by 6.

(5) Platform planks shall be at least 2- by 9-inch nominal size. The ends of the planks shall overlap the bearers of the squares and each plank shall be supported by not less than three squares.

(6) Bricklayers' square scaffolds shall not exceed three tiers in height and shall be so constructed and arranged that one square shall rest directly above the other. The upper tiers shall stand on a continuous row of planks laid across the next lower tier and be nailed down or otherwise secured to prevent displacement.

(7) Scaffolds shall be level and set upon a firm foundation.

(m) *Horse scaffolds.*

(1) Horse scaffolds shall not be constructed or arranged more than two tiers or 10 feet in height.

(2) The members of the horses shall be not less than those specified in Table D–19.

(3) Horses shall be spaced not more than 5 feet for medium duty and not more than 8 feet for light duty.

(4) When arranged in tiers, each horse shall be placed directly over the horse in the tier below.

(5) On all scaffolds arranged in tiers, the legs shall be nailed down to the planks to prevent displacement or thrust and each tier shall be substantially cross braced.

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TABLE D-19—MINIMUM DIMENSIONS FOR HORSE SCAFFOLD MEMBERS

Members:	Dimensions (inches)
Horizontal members or bearers	3 by 4.
Legs	1¼ by 4½.
Longitudinal brace between legs	1 by 6.
Gusset brace at top of legs	1 by 8.
Half diagonal braces	1¼ by 4½.

(6) Horses or parts which have become weak or defective shall not be used.

(7) Guardrails not less than 2 by 4 inches or the equivalent and not less than 36 inches or more than 42 inches high with a mid-rail, when required, of 1- by 4-inch lumber or equivalent and toeboards, shall be installed at all open sides on all scaffolds more than 10 feet above the ground or floor. Toeboards shall be a minimum of 4 inches in height. Wire mesh shall be installed in accordance with paragraph (a)(17) of this section.

(n) *Needle beam scaffold.* (1) Wood needle beams shall be in accordance with paragraph (a) (5) and (9) of this section, and shall be not less than 4 by 6 inches in size, with the greater dimension placed in a vertical direction. Metal beams or the equivalent conforming to paragraph (a) (4) and (8) of this section may be used.

(2) Ropes or hangers shall be provided for supports. The span between supports on the needle beam shall not exceed 10 feet for 4- by 6-inch timbers. Rope supports shall be equivalent in strength to 1-inch diameter first-grade manila rope.

(3) The ropes shall be attached to the needle beams by a scaffold hitch or a properly made eye splice. The loose end of the rope shall be tied by a bowline knot or by a round turn and one-half hitch.

(4) The platform span between the needle beams shall not exceed 8 feet when using 2-inch scaffold plank. For spans greater than 8 feet, platforms shall be designed based on design requirements for the special span. The overhang of each end of the platform planks shall be not less than 1 foot and not more than 18 inches.

(5) When one needle beam is higher than the other or when the platform is not level the platform shall be secured against slipping.

(6) All unattached tools, bolts, and nuts used on needle beam scaffolds shall be kept in suitable containers.

(7) One end of a needle beam scaffold may be supported by a permanent structural member conforming to paragraph (a) (4) and (8) of this section.

(8) Each man working on a needle beam scaffold 20 feet or more above the ground or floor and working with both hands, shall be protected by a safety life belt attached to a lifeline. The lifeline shall be securely attached to substantial members of the structure (not scaffold), or to securely rigged lines, which will safely suspend the workman in case of a fall.

(o) *Plasterers', decorators', and large area scaffolds.* (1) Plasterers', decorators', lathers', and ceiling workers' inside scaffolds shall be constructed in accordance with the general requirements set forth for independent wood pole scaffolds.

(2) Guardrails not less than 2 by 4 inches or the equivalent and not less than 36 inches or more than 42 inches high, with a mid-rail, when required, of 1- by 4-inch lumber or equivalent, and toeboards, shall be installed at all open sides on all scaffolds more than 10 feet above the ground or floor. Toeboards shall be a minimum of 4 inches in height. Wire mesh shall be installed in accordance with paragraph (a)(17) of this section.

(3) All platform planks shall be laid with the edges close together.

(4) When independent pole scaffold platforms are erected in sections, such sections shall be provided with connecting runways equipped with substantial guardrails.

(p) *Interior hung scaffolds.* (1) An interior hung scaffold should be hung or suspended from the roof structure or substantial ceiling beams.

(2) The suspended steel wire rope shall conform to paragraph (a)(22) of this section. Wire may be used providing the strength requirements of paragraph (a)(22) of this section are met.

(3) For hanging wood scaffolds, the following minimum nominal size material is recommended:

(i) Supporting bearers 2 by 9 inches on edge.

(ii) Planking 2 by 9 inches or 2 by 10 inches, with maximum span 7 feet for heavy duty and 10 feet for light duty or medium duty.

(4) Steel tube and coupler members may be used for hanging scaffolds with both types of scaffold designed to sustain a uniform distributed working load up to heavy duty scaffold loads with a safety factor of four.

(5) When a hanging scaffold is supported by means of wire rope, such wire rope shall be wrapped at least twice around the supporting members and twice around the bearers of the scaffold, with each end of the wire rope secured by at least three standard wire-rope clips.

(6) All overhead supporting members shall be inspected and checked for strength before the scaffold is erected.

(7) Guardrails not less than 2 by 4 inches or the equivalent and not less than 36 inches or more than 42 inches high, with a mid-rail, when required, of 1- by 4-inch lumber or equivalent, and toeboards, shall be installed at all open sides on all scaffolds more than 10 feet above the ground or floor. Toeboards shall be a minimum of 4 inches in height. Wire mesh shall be installed in accordance with paragraph (a)(17) of this section.

(q) *Ladder-jack scaffolds.* (1) All ladder-jack scaffolds shall be limited to light duty and shall not exceed a height of 20 feet above the floor or ground.

(2) All ladders used in connection with ladder-jack scaffolds shall be heavy-duty ladders and shall be designed and constructed in accordance with § 1910.25 and § 1910.26.

(3) The ladder jack shall be so designed and constructed that it will bear on the side rails in addition to the ladder rungs, or if bearing on rungs only, the bearing area shall be at least 10 inches on each rung.

(4) Ladders used in conjunction with ladder jacks shall be so placed, fastened, held, or equipped with devices so as to prevent slipping.

(5) The wood platform planks shall be not less than 2 inches nominal in thickness. Both metal and wood platform planks shall overlap the bearing surface not less than 12 inches. The span between supports for wood shall not exceed 8 feet. Platform width shall be not less than 18 inches.

(6) Not more than two persons shall occupy any given 8 feet of any ladder-jack scaffold at any one time.

(r) *Window-jack scaffolds.* (1) Window-jack scaffolds shall be used only for the purpose of working at the window opening through which the jack is placed.

(2) Window jacks shall not be used to support planks placed between one window jack and another or for other elements of scaffolding.

(3) Window-jack scaffolds shall be provided with suitable guardrails unless safety belts with lifelines are attached and provided for the workman. Window-jack scaffolds shall be used by one man only.

(s) *Roofing brackets.* (1) Roofing brackets shall be constructed to fit the pitch of the roof.

(2) Brackets shall be secured in place by nailing in addition to the pointed metal projections. The nails shall be driven full length into the roof. When rope supports are used, they shall consist of first-grade manila of at least three-quarter-inch diameter, or equivalent.

(3) A substantial catch platform shall be installed below the working area of roofs more than 20 feet from the ground to eaves with a slope greater than 3 inches in 12 inches without a parapet. In width the platform shall extend 2 feet beyond the projection of the eaves and shall be provided with a safety rail, mid-rail, and toeboard. This provision shall not apply where employees engaged in work upon such roofs are protected by a safety belt attached to a lifeline.

(t) *Crawling boards or chicken ladders.* (1) Crawling boards shall be not less than 10 inches wide and 1 inch thick, having cleats 1 x 1½ inches. The cleats shall be equal in length to the width of the board and spaced at equal intervals not to exceed 24 inches. Nails shall be driven through and clinched on the underside. The crawling board shall extend from the ridge pole to the eaves when used in connection with roof construction, repair, or maintenance.

(2) A firmly fastened lifeline of at least three-quarter-inch rope shall be strung beside each crawling board for a handhold.

(3) Crawling boards shall be secured to the roof by means of adequate ridge hooks or equivalent effective means.

(u) *Float or ship scaffolds.* (1) Float or ship scaffolds shall support not more than three men and a few light tools, such as those needed for riveting, bolting, and welding. They shall be constructed in accordance with subparagraphs (2) through (6) of this paragraph, unless substitute designs and materials provide equivalent strength, stability, and safety.

(2) The platform shall be not less than 3 feet wide and 6 feet long, made of three-quarter-inch plywood, equivalent to American Plywood Association Grade B–B, Group I, Exterior.

(3) Under the platform, there shall be two supporting bearers made from 2- x 4-inch, or 1- x 10-inch rough, selected lumber, or better. They shall be free of knots or other flaws and project 6 inches beyond the platform on both sides. The ends of the platform shall extend about 6 inches beyond the outer edges of the bearers. Each bearer shall be securely fastened to the platform.

(4) An edging of wood not less than ¾ x 1½ inches, or equivalent, shall be placed around all sides of the platform to prevent tools from rolling off.

(5) Supporting ropes shall be 1-inch diameter manila rope or equivalent, free from deterioration, chemical damage, flaws, or other imperfections. Rope connections shall be such that the platform cannot shift or slip. If two ropes are used with each float, they should be arranged so as to provide four ends which are to be securely fastened to an overhead support. Each of the two supporting ropes shall be hitched around one end of a bearer and pass under the platforms to the other end of the bearer where it is hitched again, leaving sufficient rope at each end for the supporting ties.

(6) Each workman shall be protected by a safety lifebelt attached to a lifeline. The lifeline shall be securely attached to substantial members of the structure (not scaffold), or to securely rigged lines, which will safely suspend the workman in case of a fall.

(v) *Scope.* This section establishes safety requirements for the construction, operation, maintenance, and use of scaffolds used in the construction, alteration, demolition, and maintenance of buildings and structures.

§ 1910.29 Manually propelled mobile ladder stands and scaffolds (towers).

(a) *General requirements*—(1) *Application.* This section is intended to prescribe rules and requirements for the design, construction, and use of mobile work platforms (including ladder stands but not including aerial ladders) and rolling (mobile) scaffolds (towers). This standard is promulgated to aid in providing for the safety of life, limb, and property, by establishing minimum standards for structural design requirements and for the use of mobile work platforms and towers.

(2) *Working loads.* (i) Work platforms and scaffolds shall be capable of carrying the design load under varying circumstances depending upon the conditions of use. Therefore, all parts and appurtenances necessary for their safe and efficient utilization must be integral parts of the design.

(ii) Specific design and construction requirements are not a part of this section because of the wide variety of materials and design possibilities. However, the design shall be such as to produce a mobile ladder stand or scaffold that will safely sustain the specified loads. The material selected shall be of sufficient strength to meet the test requirements and shall be protected against corrosion or deterioration.

(a) The design working load of ladder stands shall be calculated on the basis of one or more 200-pound persons together with 50 pounds of equipment each.

(b) The design load of all scaffolds shall be calculated on the basis of:

Light—Designed and constructed to carry a working load of 25 pounds per square foot.

Medium—Designed and constructed to carry a working load of 50 pounds per square foot.

Heavy—Designed and constructed to carry a working load of 75 pounds per square foot.

All ladder stands and scaffolds shall be capable of supporting at least four times the design working load.

(iii) The materials used in mobile ladder stands and scaffolds shall be of standard manufacture and conform to standard specifications of strength, dimensions, and weights, and shall be selected to safely support the design working load.

(iv) Nails, bolts, or other fasteners used in the construction of ladders, scaffolds, and towers shall be of adequate size and in sufficient numbers at each connection to develop the designed strength of the unit. Nails shall be driven full length. (All nails should be immediately withdrawn from dismantled lumber.)

(v) All exposed surfaces shall be free from sharp edges, burrs or other safety hazards.

(3) *Work levels.* (i) The maximum work level height shall not exceed four (4) times the minimum or least base dimension of any mobile ladder stand or scaffold. Where the basic mobile unit does not meet this requirement, suitable outrigger frames shall be employed to achieve this least base dimension, or provisions shall be made to guy or brace the unit against tipping.

(ii) The minimum platform width for any work level shall not be less than 20 inches for mobile scaffolds (towers). Ladder stands shall have a minimum step width of 16 inches.

(iii) The supporting structure for the work level shall be rigidly braced, using adequate cross bracing or diagonal bracing with rigid platforms at each work level.

(iv) The steps of ladder stands shall be fabricated from slip resistant treads.

(v) The work level platform of scaffolds (towers) shall be of wood, aluminum, or plywood planking, steel or expanded metal, for the full width of the scaffold, except for necessary openings. Work platforms shall be secured in place. All planking shall be 2-inch (nominal) scaffold grade minimum 1,500 *f.* (stress grade) construction grade lumber or equivalent.

(vi) All scaffold work levels 10 feet or higher above the ground or floor shall have a standard (4-inch nominal) toeboard.

(vii) All work levels 10 feet or higher above the ground or floor shall have a guardrail of 2- by 4-inch nominal or the equivalent installed no less than 36 inches or more than 42 inches high, with a mid-rail, when required, of 1- by 4-inch nominal lumber or equivalent.

(viii) A climbing ladder or stairway shall be provided for proper access and egress, and shall be affixed or built into the scaffold and so located that its use will not have a tendency to tip the scaffold. A landing platform shall be provided at intervals not to exceed 30 feet.

(4) *Wheels or casters.* (i) Wheels or casters shall be properly designed for strength and dimensions to support four (4) times the design working load.

(ii) All scaffold casters shall be provided with a positive wheel and/or swivel lock to prevent movement. Ladder stands shall have at least two (2) of the four (4) casters and shall be of the swivel type.

(iii) Where leveling of the elevated work platform is required, screw jacks or other suitable means for adjusting the height shall be provided in the base section of each mobile unit.

(b) *Mobile tubular welded frame scaffolds*—(1) *General.* Units shall be designed to comply with the requirements of paragraph (a) of this section.

(2) *Bracing.* Scaffolds shall be properly braced by cross braces and/or diagonal braces for securing vertical members together laterally. The cross braces shall be of a length that will automatically square and align vertical members so the erected scaffold is always plumb, square, and rigid.

(3) *Spacing.* Spacing of panels or frames shall be consistent with the loads imposed. The frames shall be placed one on top of the other with coupling or stacking pins to provide proper vertical alignment of the legs.

(4) *Locking.* Where uplift may occur, panels shall be locked together vertically by pins or other equivalent means.

(5) *Erection.* Only the manufacturer of a scaffold or his qualified designated agent shall be permitted to erect or supervise the erection of scaffolds exceeding 50 feet in height above the base, unless such structure is approved in writing by a registered professional engineer, or erected in accordance with instructions furnished by the manufacturer.

(c) *Mobile tubular welded sectional folding scaffolds*—(1) *General.* Units including sectional stairway and sectional ladder scaffolds shall be designed to comply with the requirements of paragraph (a) of this section.

(2) *Stairway.* An integral stairway and work platform shall be incorporated into the structure of each sectional folding stairway scaffold.

(3) *Bracing.* An integral set of pivoting and hinged folding diagonal and horizontal braces and a detachable work platform shall be incorporated into the

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structure of each sectional folding ladder scaffold.

(4) *Sectional folding stairway scaffolds.* Sectional folding stairway scaffolds shall be designed as medium duty scaffolds except for high clearance. These special base sections shall be designed as light duty scaffolds. When upper sectional folding stairway scaffolds are used with a special high clearance base, the load capacity of the entire scaffold shall be reduced accordingly. The width of a sectional folding stairway scaffold shall not exceed 4½ feet. The maximum length of a sectional folding stairway scaffold shall not exceed 6 feet.

(5) *Sectional folding ladder scaffolds.* Sectional folding ladder scaffolds shall be designed as light duty scaffolds including special base (open end) sections which are designed for high clearance. For certain special applications the six-foot (6') folding ladder scaffolds, except for special high clearance base sections, shall be designed for use as medium duty scaffolds. The width of a sectional folding ladder scaffold shall not exceed 4½ feet. The maximum length of a sectional folding ladder scaffold shall not exceed 6 feet 6 inches for a six-foot (6') long unit, 8 feet 6 inches for an eight-foot (8') unit or 10 feet 6 inches for a ten-foot (10') long unit.

(6) *End frames.* The end frames of sectional ladder and stairway scaffolds shall be designed so that the horizontal bearers provide supports for multiple planking levels.

(7) *Erection.* Only the manufacturer of the scaffold or his qualified designated agent shall be permitted to erect or supervise the erection of scaffolds exceeding 50 feet in height above the base, unless such structure is approved in writing by a licensed professional engineer, or erected in accordance with instructions furnished by the manufacturer.

(d) *Mobile tube and coupler scaffolds*—(1) *Design.* Units shall be designed to comply with the applicable requirements of paragraph (a) of this section.

(2) *Material.* The material used for the couplers shall be of a structural type, such as a drop-forged steel, malleable iron or structural grade aluminum. The use of gray cast iron is prohibited.

(3) *Erection.* Only the manufacturer of the scaffold or his qualified designated agent shall be permitted to erect or supervise the erection of scaffolds exceeding 50 feet in height above the base, unless such structure is approved in writing by a licensed professional engineer, or erected in accordance with instructions furnished by the manufacturer.

(e) *Mobile work platforms*—(1) *Design.* Units shall be designed for the use intended and shall comply with the requirements of paragraph (a) of this section.

(2) *Base width.* The minimum width of the base of mobile work platforms shall not be less than 20 inches.

(3) *Bracing.* Adequate rigid diagonal bracing to vertical members shall be provided.

(f) *Mobile ladder stands.*

(1) *Design.* Units shall comply with applicable requirements of paragraph (a) of this section.

(2) *Base width.* The minimum base width shall conform to paragraph (a)(3)(i) of this section. The maximum length of the base section shall be the total length of combined steps and top assembly, measured horizontally, plus five-eighths inch per step of rise.

(3) *Steps.* Steps shall be uniformly spaced, and sloped, with a rise of not less than nine (9) inches, nor more than ten (10) inches, and a depth of not less seven (7) inches. The slope of the steps section shall be a minimum of fifty-five (55) degrees and a maximum of sixty (60) degrees measured from the horizontal.

(4) *Handrails.* (i) Units having more than five (5) steps or 60 inches vertical height to the top step shall be equipped with handrails.

(ii) Handrails shall be a minimum of 29 inches high. Measurements shall be taken vertically from the center of the step.

(5) *Loading.* The load (see paragraph (a)(2)(ii)(a) of this section) shall be applied uniformly to a 3½ inches wide area front to back at the center of the width span with a safety factor of four (4).

§ 1910.30 Other working surfaces.

(a) *Dockboards (bridge plates).* (1) Portable and powered dockboards shall be strong enough to carry the load imposed on them.

(2) Portable dockboards shall be secured in position, either by being anchored or equipped with devices which will prevent their slipping.

(3) Powered dockboards shall be designed and constructed in accordance with Commercial Standard CS202–56 (1961) "Industrial Lifts and Hinged Loading Ramps published by the U.S. Department of Commerce.

(4) Handholds, or other effective means, shall be provided on portable dockboards to permit safe handling.

(5) Positive protection shall be provided to prevent railroad cars from being moved while dockboards or bridge plates are in position.

(b) *Forging machine area.* (1) Machines shall be so located as to give (i) enough clearance between machines so that the movement of one operator will not interfere with the work of another, (ii) ample room for cleaning machines and handling the work, including material and scrap. The arrangement of machines shall be such that operators will not stand in aisles.

(2) Aisles shall be provided of sufficient width to permit the free movement of employees bringing and removing material. This aisle space is to be independent of working and storage space and should be defined by marking.

(3) Wood platforms used on the floor in front of machines shall be substantially constructed.

(c) *Veneer machinery.* (1) Sides of steam vats shall extend to a height of not less than 36 inches above the floor, working platform, or ground.

(2) Large steam vats divided into sections shall be provided with substantial walkways between sections. Each walkway shall be provided with a standard handrail on each exposed side. These handrails may be removable, if necessary.

(3) Covers shall be removed only from that portion of steaming vats on which men are working and a portable railing shall be placed at this point to protect the operators.

(4) Workmen shall not ride or step on logs in steam vats.

§ 1910.31 Sources of standards.

The standards in this Subpart D are devised from the following sources:

Standard	Source
§ 1910.22(a)	ANSI Z4.1–1968, Requirements for Sanitation in Places of Employment.
§ 1910.22 (b) and (c).	41 CFR 50–204.3.
§ 1910.22(d)	ANSI A58.1–1955, Minimum Design Loads in Building and Other Structures.
§ 1910.23	ANSI A12.1–1967, Safety Requirements for Floor and Wall Openings, Railings, and Toeboards.
§ 1910.24	ANSI A64.1–1968, Requirements for Fixed Industrial Stairs.
§ 1910.25	ANSI A14.1–1968, Safety Code for Portable Wood Ladders.
§ 1910.26	ANSI A14.2–1956, Portable Metal Ladders.
§ 1910.27	ANSI A14.3–1956, Safety Code for Fixed Ladders.
§ 1910.28	ANSI A10.8–1969, Safety Requirements for Scaffolding.
§ 1910.29	ANSI A92.1–1971, Standard for Manually Propelled Mobile Ladder Stands and Scaffolds.
§ 1910.30(a)	ANSI B56.1—1969, Safety Standard for Powered Industrial Trucks.
§ 1910.30(b)	ANSI B24.1–1963, Safety Standard for Forging.
§ 1910.30(c)	ANSI O1.1–1954 (R1961), Safety Code for Woodworking Machinery.

§ 1910.32 Standards organizations.

The following organizations have been referenced in this Subpart D:

American National Standards Institute, 1430 Broadway, New York, NY 10018.

Underwriters' Laboratories, Inc., 207 East Ohio Street, Chicago, IL 60611.

Factory Mutual Engineering Corp., Post Office Box 688, Norwood, MA 02062.

Subpart E—Means of Egress

§ 1910.35 Definitions.

As used in this subpart

(a) *Means of egress.* A means of egress is a continuous and unobstructed way of exit travel from any point in a building or structure to a public way and consists

of three separate and distinct parts: the way of exit access, the exit, and the way of exit discharge. A means of egress comprises the vertical and horizontal ways of travel and shall include intervening room spaces, doorways, hallways, corridors, passageways, balconies, ramps, stairs, enclosures, lobbies, escalators, horizontal exits, courts, and yards.

(b) *Exit access.* Exit access is that portion of a means of egress which leads to an entrance to an exit.

(c) *Exit.* Exit is that portion of a means of egress which is separated from all other spaces of the building or structure by construction or equipment as required in this subpart to provide a protected way of travel to the exit discharge.

(d) *Exit discharge.* Exit discharge is that portion of a means of egress between the termination of an exit and a public way.

(e) *Low hazard contents.* Low hazard contents shall be classified as those of such low combustibility that no self-propagating fire therein can occur and that consequently the only probable danger requiring the use of emergency exits will be from panic, fumes, or smoke, or fire from some external source.

(f) *High-hazard contents.* High-hazard contents shall be classified as those which are liable to burn with extreme rapidity or from which poisonous fumes or explosions are to be feared in the event of fire.

(g) *Ordinary hazard contents.* Ordinary hazard contents shall be classified as those which are liable to burn with moderate rapidity and to give off a considerable volume of smoke but from which neither poisonous fumes nor explosions are to be feared in case of fire.

(h) *Approved.* For the purposes of this subpart approved shall mean listed or approved equipment by a nationally recognized testing laboratory.

§ 1910.36 General requirements.

(a) *Application.* This subpart contains general fundamental requirements essential to providing a safe means of egress from fire and like emergencies. Nothing in this subpart shall be construed to prohibit a better type of building construction, more exits, or otherwise safer conditions than the minimum requirements specified in this subpart. Exits from vehicles, vessels, or other mobile structures are not covered by this subpart.

(b) *Fundamental requirements.* (1) Every building or structure, new or old, designed for human occupancy shall be provided with exits sufficient to permit the prompt escape of occupants in case of fire or other emergency. The design of exits and other safeguards shall be such that reliance for safety to life in case of fire or other emergency will not depend solely on any single safeguard; additional safeguards shall be provided for life safety in case any single safeguard is ineffective due to some human or mechanical failure.

(2) Every building or structure shall be so constructed, arranged, equipped, maintained, and operated as to avoid undue danger to the lives and safety of its occupants from fire, smoke, fumes, or resulting panic during the period of time reasonably necessary for escape from the building or structure in case of fire or other emergency.

(3) Every building or structure shall be provided with exits of kinds, numbers, location, and capacity appropriate to the individual building or structure, with due regard to the character of the occupancy, the number of persons exposed, the fire protection available, and the height and type of construction of the building or structure, to afford all occupants convenient facilities for escape.

(4) In every building or structure exits shall be so arranged and maintained as to provide free and unobstructed egress from all parts of the building or structure at all times when it is occupied. No lock or fastening to prevent free escape from the inside of any building shall be installed except in mental, penal, or corrective institutions where supervisory personnel is continually on duty and effective provisions are made to remove occupants in case of fire or other emergency.

(5) Every exit shall be clearly visible or the route to reach it shall be conspicuously indicated in such a manner that every occupant of every building or structure who is physically and mentally capable will readily know the direction of escape from any point, and each path of escape, in its entirety, shall be so arranged or marked that the way to a place of safety outside is unmistakable. Any doorway or passageway not constituting an exit or way to reach an exit, but of such a character as to be subject to being mistaken for an exit, shall be so arranged or marked as to minimize its possible confusion with an exit and the resultant danger of persons endeavoring to escape from fire finding themselves trapped in a dead-end space, such as a cellar or storeroom, from which there is no other way out.

(6) In every building or structure equipped for artificial illumination, adequate and reliable illumination shall be provided for all exit facilities.

(7) In every building or structure of such size, arrangement, or occupancy that a fire may not itself provide adequate warning to occupants, fire alarm facilities shall be provided where necessary to warn occupants of the existence of fire so that they may escape, or to facilitate the orderly conduct of fire exit drills.

(8) Every building or structure, section, or area thereof of such size, occupancy, and arrangement that the reasonable safety of numbers of occupants may be endangered by the blocking of any single means of egress due to fire or smoke, shall have at least two means of egress remote from each other, so arranged as to minimize any possibility that both may be blocked by any one fire or other emergency conditions.

(9) Compliance with this subpart shall not be construed as eliminating or reducing the necessity for other provisions for safety of persons using a structure under normal occupancy conditions, nor shall any provision of the subpart be construed as requiring or permitting any condition that may be hazardous under normal occupancy conditions.

(c) *Protection of employees exposed by construction and repair operations.* (1) No building or structure under construction shall be occupied in whole or in part until all exit facilities required for the part occupied are completed and ready for use.

(2) No existing building shall be occupied during repairs or alterations unless all existing exits and any existing fire protection are continuously maintained, or in lieu thereof other measures are taken which provide equivalent safety.

(3) No flammable or explosive substances or equipment for repairs or alterations shall be introduced in a building of normally low or ordinary hazard classification while the building is occupied, unless the condition of use and safeguards provided are such as not to create any additional danger or handicap to egress beyond the normally permissible conditions in the building.

(d) *Maintenance.* (1) Every required exit, way of approach thereto, and way of travel from the exit into the street or open space, shall be continuously maintained free of all obstructions or impediments to full instant use in the case of fire or other emergency.

(2) Every automatic sprinkler system, fire detection and alarm system, exit lighting, fire door, and other item of equipment, where provided, shall be continuously in proper operating condition.

§ 1910.37 Means of egress, general.

(a) *Permissible exit components.* An exit shall consist only of the approved components. Exit components shall be constructed as an integral part of the building or shall be permanently affixed thereto.

(b) *Protective enclosure of exits.* When an exit is protected by separation from other parts of the building the separating construction shall meet the following requirements.

(1) The separation shall have at least a 1-hour fire resistance rating when the exit connects three stories or less. This applies whether the stories connected are above or below the story at which exit discharge begins.

(2) The separation shall have at least a 2-hour fire resistance rating when the exit connects four or more stories, whether above or below the floor of discharge. It shall be constructed of noncombustible materials, and shall be supported by construction having at least a 2-hour fire resistance rating.

(3) Any opening therein shall be protected by an approved self-closing fire door.

(4) Openings in exit enclosures shall be confined to those necessary for access to the enclosure from normally occupied spaces and for egress from the enclosure.

(c) *Width and capacity of means of egress.* (1) The capacity in number of persons per unit of exit width for approved components of means of egress shall be as follows:

(i) Level Egress Components (including Class A Ramps) 100 persons.

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(ii) Inclined Egress Components (including Class B Ramps) 60 persons.

(iii) A ramp shall be designated as Class A or Class B in accordance with the following Table E–1:

TABLE E–1

	Class A	Class B
Width	44 inches and greater.	30 to 44 inches.
Slope	1 to 1⅜ inches in 12 inches.	1⅜ to 2 inches in 12 inches.
Maximum height between landings.	No limit	12 feet.

(2) Means of egress shall be measured in units of exit width of 22 inches. Fractions of a unit shall not be counted, except that 12 inches added to one or more full units shall be counted as one-half a unit of exit width.

(3) Units of exit width shall be measured in the clear at the narrowest point of the means of egress except that a handrail may project inside the measured width on each side not more than 5 inches and a stringer may project inside the measured width not more than 1½ inches. An exit or exit access door swinging into an aisle or passageway shall not restrict the effective width thereof at any point during its swing to less than the minimum widths hereafter specified.

(d) *Egress capacity and occupant load.* (1) The capacity of means of egress for any floor, balcony, tier, or other occupied space shall be sufficient for the occupant load thereof. The occupant load shall be the maximum number of persons that may be in the space at any time.

(2) Where exits serve more than one floor, only the occupant load of each floor considered individually need be used in computing the capacity of the exits at that floor, provided that exit capacity shall not be decreased in the direction of exit travel.

(e) *Arrangement of exits.* When more than one exit is required from a story, at least two of the exits shall be remote from each other and so arranged as to minimize any possibility that both may be blocked by any one fire or other emergency condition.

(f) *Access to exits.* (1) Exits shall be so located and exit accesss shall be so arranged that exits are readily accessible at all times. Where exits are not immediately accessible from an open floor area, safe and continuous passageways, aisles, or corridors leading directly to every exit and so arranged as to provide convenient access for each occupant to at least two exits by separate ways of travel, except as a single exit or limited dead ends are permitted by other provisions of this subpart, shall be maintained.

(2) A door from a room to an exit or to a way of exit access shall be of the side-hinged, swinging type. It shall swing with exit travel when the room is occupied by more than 50 persons or used for a high hazard occupancy.

(3) In no case shall access to an exit be through a bathroom, or other room subject to locking, except where the exit is required to serve only the room subject to locking.

(4) Ways of exit access and the doors to exits to which they lead shall be so designed and arranged as to be clearly recognizable as such. Hangings or draperies shall not be placed over exit doors or otherwise so located as to conceal or obscure any exit. Mirrors shall not be placed on exit doors. Mirrors shall not be placed in or adjacent to any exit in such a manner as to confuse the direction of exit.

(5) Exit access shall be so arranged that it will not be necessary to travel toward any area of high hazard occupancy in order to reach the nearest exit, unless the path of travel is effectively shielded from the high hazard location by suitable partitions or other physical barriers.

(6) The minimum width of any way of exit access shall in no case be less than 28 inches. Where a single way of exit access leads to an exit, its capacity in terms of width shall be at least equal to the required capacity of the exit to which it leads. Where more than one way of exit access leads to an exit, each shall have a width adequate for the number of persons it must accommodate.

(g) *Exterior ways of exit access.* (1) Access to an exit may be by means of any exterior balcony, porch, gallery, or roof that conforms to the requirements of this section.

(2) Exterior ways of exit access shall have smooth, solid floors, substantially level, and shall have guards on the unenclosed sides.

(3) Where accumulation of snow or ice is likely because of the climate, the exterior way of exit access shall be protected by a roof, unless it serves as the sole normal means of access to the rooms or spaces served, in which case it may be assumed that snow and ice will be regularly removed in the course of normal occupancy.

(4) A permanent, reasonably straight path of travel shall be maintained over the required exterior way of exit access. There shall be no obstruction by railings, barriers, or gates that divide the open space into sections appurtenant to individual rooms, apartments, or other uses. Where the Assistant Secretary of Labor or his duly authorized representative finds the required path of travel to be obstructed by furniture or other movable objects, he may require that they be fastened out of the way or he may require that railings or other permanent barriers be installed to protect the path of travel against encroachment.

(5) An exterior way of exit access shall be so arranged that there are no dead ends in excess of 20 feet. Any unenclosed exit served by an exterior way of exit access shall be so located that no part of the exit extends past a vertical plane 20 feet and one-half the required width of the exit from the end of and at right angles to the way of exit access.

(6) Any gallery, balcony, bridge, porch or other exterior exit access that projects beyond the outside wall of the building shall comply with the requirements of this section as to width and arrangement.

(h) *Discharge from exits.* (1) All exits shall discharge directly to the street, or to a yard, court, or other open space that gives safe access to a public way. The streets to which the exits discharge shall be of width adequate to accommodate all persons leaving the building. Yards, courts, or other open spaces to which exits discharge shall also be of adequate width and size to provide all persons leaving the building with ready access to the street.

(2) Stairs and other exits shall be so arranged as to make clear the direction of egress to the street. Exit stairs that continue beyond the floor of discharge shall be interrupted at the floor of discharge by partitions, doors, or other effective means.

(i) *Headroom.* Means of egress shall be so designed and maintained as to provide adequate headroom, but in no case shall the ceiling height be less than 7 feet 6 inches nor any projection from the ceiling be less than 6 feet 8 inches from the floor.

(j) *Changes in elevation.* Where a means of egress is not substantially level, such differences in elevation shall be negotiated by stairs or ramps.

(k) *Maintenance and workmanship* (1) Doors, stairs, ramps, passages, signs, and all other components of means of egress shall be of substantial, reliable construction and shall be built or installed in a workmanlike manner.

(2) Means of egress shall be continuously maintained free of all obstructions or impediments to full instant use in the case of fire or other emergency.

(3) Any device or alarm installed to restrict the improper use of an exit shall be so designed and installed that it cannot, even in cases of failure, impede or prevent emergency use of such exit.

(l) *Furnishings and decorations.* (1) No furnishings, decorations, or other objects shall be so placed as to obstruct exits, access thereto, egress therefrom, or visibility thereof.

(2) No furnishings or decorations of an explosive or highly flammable character shall be used in any occupancy.

(m) *Automatic sprinkler systems.* All automatic sprinkler systems shall be continuously maintained in reliable operating condition at all times, and such periodic inspections and tests shall be made as are necessary to assure proper maintenance.

(n) *Alarm and fire protection systems.* (1) Systems shall be under the supervision of a responsible person who shall cause proper tests to be made at weekly intervals and have general charge of all alterations and additions.

(2) Fire alarm signaling equipment shall be restored to service as promptly as possible after each test or alarm, and shall be kept in normal condition for operation. Equipment requiring rewinding or replenishing shall be rewound or replenished as promptly as possible after each test or alarm.

(o) *Fire retardant paints.* Fire retardant paints or solutions shall be renewed

at such intervals as necessary to maintain the necessary flame retardant properties.

(p) [Reserved]

(q) *Exit marking.* (1) Exits shall be marked by a readily visible sign. Access to exits shall be marked by readily visible signs in all cases where the exit or way to reach it is not immediately visible to the occupants.

(2) Any door, passage, or stairway which is neither an exit nor a way of exit access, and which is so located or arranged as to be likely to be mistaken for an exit, shall be identified by a sign reading "Not an Exit" or similar designation, or shall be identified by a sign indicating its actual character, such as "To Basement," "Storeroom," "Linen Closet," or the like.

(3) Every required sign designating an exit or way of exit access shall be so located and of such size, color, and design as to be readily visible. No decorations, furnishings, or equipment which impair visibility of an exit sign shall be permitted, nor shall there be any brightly illuminated sign (for other than exit purposes), display, or object in or near the line of vision to the required exit sign of such a character as to so detract attention from the exit sign that it may not be noticed.

(4) Every exit sign shall be distinctive in color and shall provide contrast with decorations, interior finish, or other signs.

(5) A sign reading "Exit", or similar designation, with an arrow indicating the direction, shall be placed in every location where the direction of travel to reach the nearest exit is not immediately apparent.

(6) Every exit sign shall be suitably illuminated by a reliable light source giving a value of not less than 5 footcandles on the illuminated surface. Artificial lights giving illumination to exit signs other than the internally illuminated types shall have screens, discs, or lenses of not less than 25 square inches area made of translucent material to show red or other specified designating color on the side of the approach.

(7) Each internally illuminated exit sign shall be provided in all occupancies where reduction of normal illumination is permitted.

(8) Every exit sign shall have the word "Exit" in plainly legible letters not less than 6 inches high, with the principal strokes of letters not less than three-fourths-inch wide.

§ 1910.38 Specific means of egress requirements by occupancy. [Reserved]

§ 1910.39 Sources of standards.

The entire subpart is promulgated from NFPA 101–1970, Life Safety Code.

§ 1910.40 Standards organizations.

Specific standards of the following organization have been referenced in this subpart. Copies of the standards may be obtained from the issuing organization:

National Fire Protection Association, 60 Batterymarch Street, Boston, MA 02110.

Subpart F—Powered Platforms, Manlifts, and Vehicle-Mounted Work Platforms

§ 1910.66 Powered platforms for exterior building maintenance.

(a) *Definitions applicable to this section.*—(1) *Angulated roping.* A system of platform suspension in which the upper wire rope sheaves or suspension points are closer to the plane of the building face than the corresponding attachment points on the platform, thus causing the platform to press against the face of the building during its vertical travel.

(2) *ANSI.* American National Standards Institute.

(3) *Babbitted fastenings.* The method of providing wire rope attachments in which the ends of the wire strands are bent back and are held in a tapered socket by means of poured molten babbitt metal.

(4) *Brake—disc type.* A brake in which the holding effect is obtained by frictional resistance between one or more faces of discs keyed to the rotating member to be held and fixed discs keyed to the stationary or housing member (pressure between the discs being applied axially).

(5) *Brake—self-energizing band type.* An essentially unidirectional brake in which the holding effect is obtained by the snubbing action of a flexible band wrapped about a cylindrical wheel or drum affixed to the rotating member to be held, the connections and linkages being so arranged that the motion of the brake wheel or drum will act to increase the tension or holding force of the band.

(6) *Brake—shoe type.* A brake in which the holding effect is obtained by applying the direct pressure of two or more segmental friction elements held to a stationary member against a cylindrical wheel or drum affixed to the rotating member to be held.

(7) *Building face rollers.* A specialized form of guide roller designed to contact a portion of the outer face or wall structure of the building, and to assist in stabilizing the operators' platform during vertical travel.

(8) *Continuous pressure.* Operation by means of buttons or switches, any one of which may be used to control the movement of the working platform or roof car, only as long as the button or switch is manually maintained in the actuating position.

(9) *Control.* A system governing starting, stopping, direction, acceleration, speed, and retardation of moving members.

(10) *Controller.* A device or group of devices, usually contained in a single enclosure, which serves to control in some predetermined manner the apparatus to which it is connected.

(11) *Electrical ground.* A conducting connection between an electrical circuit or equipment and the earth, or some conducting body which serves in place of the earth.

(12) *Guide roller.* A rotating, bearing-mounted, generally cylindrical member, operating separately or as part of a guide shoe assembly, attached to the platform, and providing rolling contact with building guideways, or other building contact members.

(13) *Guide shoe.* An assembly of rollers, slide members, or the equivalent, attached as a unit to the operators' platform, and designed to engage with the building members provided for the vertical guidance of the operators' platform.

(14) *Interlock.* A device actuated by the operation of some other device with which it is directly associated, to govern succeeding operations of the same or allied devices.

(15) *Operating* device. A pushbutton, lever, or other manual device used to actuate a control.

(16) *Powered platform.* Equipment to provide access to the exterior of a building for maintenance, consisting of a suspended power-operated working platform, a roof car, or other suspension means, and the requisite operating and control devices.

(17) *Rated load.* The combined weight of employees, tools, equipment, and other material which the working platform is designed and installed to lift.

(18) *Relay, direction.* An electrically energized contactor responsive to an initiating control circuit, which in turn causes a moving member to travel in a particular direction.

(19) *Relay, potential for vertical travel.* An electrically energized contactor responsive to initiating control circuit, which in turn controls the operation of a moving member in both directions. This relay usually operates in conjunction with direction relays, as covered under the definition, "relay, direction."

(20) *Roof car.* A structure for the suspension of a working platform, providing for its horizontal movement to working positions.

(21) *Roof-powered platform.* A powered platform having the raising and lowering mechanism located on a roof car.

(22) *Self-powered platform.* A powered platform having the raising and lowering mechanism located on the working platform.

(23) *Traveling cable.* A cable made up of electrical or communication conductors or both, and providing electrical connection between the working platform and the roof car or other fixed point.

(24) *Weatherproof.* Equipment so constructed or protected that exposure to the weather will not interfere with its proper operation.

(25) *Working platform.* The suspended structure arranged for vertical travel which provides access to the exterior of the building or structure.

(26) *Yield point.* The stress at which the material exhibits a permanent set of 0.2 percent.

(27) *Zinced fastenings.* The method of providing wire rope attachments in which the splayed or fanned wire ends are held in a tapered socket by means of poured molten zinc.

(b) *General requirements*—(1) *Application.* (1) This section establishes safety requirements for the design, con-

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struction, installation, operation, maintenance, inspection, and use of power-operated platforms for exterior building maintenance. The requirements of this section do not apply to temporary equipment used for construction work; or to devices which are raised and lowered manually.

(ii) The purpose of this standard is to provide for the safety of life and limb of users of exterior powered platforms, as well as of others who may be exposed. The equipment described in this section is intended for use by one or more workmen who are engaged in exterior work, such as window cleaning, caulking, metal-polishing, and general exterior building maintenance or repairs.

(2) *Existing and new equipment.* This section applies to all powered platforms installed subsequent to the effective date of these regulations with the exception of powered platforms installed for emergency purposes.

(3) *Design requirements.* All new powered platforms for exterior building maintenance purchased and used after the effective date of these regulations shall meet all of the design, construction, installation, and maintenance requirements of Part II and III of the "American National Standard Safety Requirements for Powered Platforms for Exterior Building Maintenance ANSI A120.1–1970" and of this section. Reference shall be made to appropriate parts of ANSI A120.1–1970 for detail specifications for equipment and special installations.

(4) *Limitation.* The requirements of this section apply only to electric powered platforms. It is not the intent of this section to prohibit the use of other types of power. Installation of powered platforms using other types of power is permitted, provided such platforms have adequate protective devices for the type of power used, and otherwise provide for reasonable safety of life and limb to users of equipment and to others who may be exposed.

(5) *Types of powered platforms.* (i) For the purpose of applying this standard, powered platforms are divided into two basic types, Type F and Type T.

(ii) Powered platforms designated as Type F shall meet all the requirements in Part II of ANSI A120.1—1970, American National Standard Safety Requirements for Powered Platforms for Exterior Building Maintenance. A basic requirement of Type F equipment is that the work platform is suspended by at least four wire ropes and designed so that failure of any one wire rope will not substantially alter the normal position of the working platform. Another basic requirement of Type F equipment is that only one layer of hoisting rope is permitted on winding drums. Type F powered platforms may be either roof-powered or self-powered.

(iii) Powered platforms designated as Type T shall meet all the requirements in Part III of ANSI A120.1—1970 American National Standard Safety Requirement for Powered Platforms for Exterior Building Maintenance. A basic requirement of Type T equipment is that the working platform is suspended by at least two wire ropes. Failure of one wire rope would not permit the working platform to fall to the ground, but would upset its normal position. The employer shall require employees working on Type T equipment to wear safety belts, which are attached by lifelines to either the working platform or the building structure. Type T powered platforms may be either roof-powered or self-powered.

(iv) The requirements of this section apply to powered platforms with winding drum type hoisting machines. It is not the intent of this section to prohibit powered platforms using other types of hoisting machines such as, but not limited to, traction drum hoisting machines, air powered machines, hydraulic powered machines, and internal combustion machines. Installation of powered platforms with other types of hoisting machines is permitted, provided adequate protective devices are used, and provided reasonable safety of life and limb to users of the equipment and to others who may be exposed is assured.

(c) *Type F powered platforms*—(1) *Roof car, general.* (i) A roof car shall be provided whenever it is necessary to move the working platform horizontally to working or storage positions.

(ii) The maximum rated speed at which a power traversed roof car may be moved in a horizontal direction shall be 50 feet per minute.

(2) *Movement and positioning of roof car.* (i) Provision shall be made to protect against having the roof car leave the roof or enter roof areas not designed for travel.

(ii) The horizontal motion of the roof cars shall be positively controlled so as to insure proper movement and positioning of the roof car.

(iii) Roof car positioning devices shall be provided to insure that the working platform is placed and retained in proper position for vertical travel and during storage.

(iv) Mechanical stops shall be provided to prevent the traversing of the roof car beyond its normal limits of travel. Such stops shall be capable of withstanding a force equal to 100 percent of the inertial effect of the roof car in motion with traversing power applied.

(v) (*a*) The operating device of a power-operated roof car for traversing shall be located on the roof car, the working platform, or both, and shall be of the continuous pressure weatherproof electric type. If more than one operating device is provided, they shall be so arranged that traversing is possible only from one operating device at a time.

(*b*) The operating device shall be so connected that it is not operable until:

(*1*) The working platform is located at its uppermost position of travel and is not in contact with the building face or fixed vertical guides in the face of the building; and

(*2*) All protective devices and interlocks are in a position for traversing.

(3) *Roof car stability.* Roof car stability shall be determined by either subdivision (i) or (ii) of this subparagraph, whichever is greater.

(i) The roof car shall be continuously stable, considering overturning moment as determined by 125 percent rated load, plus maximum dead load and the prescribed wind loading.

(ii) The roof car and its anchorages shall be capable of resisting accidental over-tensioning of the wire ropes suspending the working platform and this calculated value shall include the effect of one and one-half times the value. For this calculation, the simultaneous effect of one-half wind load shall be included, and the design stresses shall not exceed those referred to in paragraph (b) (3) of this section.

(iii) If the load on the motors is at any time in excess of three times that required for lifting the working platform with its rated load, the motor shall stall.

(4) *Access to the roof car.* Safe access to the roof car and from the roof car to the working platform shall be provided. If the access to the roof car at any point of its travel is not over the roof area or where otherwise necessary for safety, self-closing, self-locking gates shall be provided. Applicable provisions of the American National Standard Safety Requirements for Floor and Wall Openings, Railings and Toeboard, A12.1–1967, shall apply.

(5) *Means for maintenance, repair, and storage.* Means shall be provided to run the roof car away from the roof perimeter, where necessary, and to provide a safe area for maintenance, repairs, and storage. Provisions shall be made to secure the machine in the stored position. For stored machines subject to wind forces, see special design and anchorage requirements for "wind forces" in Part II, section 10.5.1.1 of ANSI A120.1—1970, American National Standards Safety Requirements for Powered Platforms for Exterior Building Maintenance.

(6) *General requirements for working platforms.* The working platform shall be of girder or truss construction and shall be adequate to support its rated load under any position of loading, and comply with the provisions set forth in section 10 of ANSI A120.1—1970, American National Standard Safety Requirements for Powered Platforms for Exterior Building Maintenance.

(7) *Load rating plate.* Each working platform shall bear a manufacturer's load rating plate, conspicuously posted; stating the maximum permissible rated load. Load rating plates shall be made of noncorrosive material and shall have letters and figures stamped, etched, or cast on the surface. The minimum height of the letters and figures shall be one-fourth inch.

(8) *Minimum size.* The working platform shall have a minimum net width of 24 inches.

(9) *Guardrails.* Working platforms shall be furnished with permanent guard rails not less than 36 inches high, and not more than 42 inches high at the front (building side). At the rear, and on the sides, the rail shall not be less than 42 inches high. An intermediate guardrail shall be provided around the entire platform between the top guardrail and the toeboard.

(10) *Toeboards.* A 4-inch toeboard shall be provided along all sides of the working platform.

(11) *Open spaces between guardrails and toeboards.* The spaces between the intermediate guardrail and platform toeboard on the building side of the working platform, and between the top guardrail and the toeboard on other sides of the platform, shall be filled with metallic mesh or similar material that will reject a ball 1 inch in diameter. The installed mesh shall be capable of withstanding a load of 100 pounds applied horizontally over any area of 144 square inches. If the space between the platform and the building face does not exceed 8 inches, and the platform is restrained by guides, the mesh may be omitted on the front side.

(12) *Flooring.* The platform flooring shall be of the nonskid type, and if of open construction, shall reject a $\frac{9}{16}$-inch diameter ball, or be provided with a screen below the floor to reject a $\frac{9}{16}$-inch diameter ball.

(13) *Access gates.* Where access gates are provided, they shall be self-closing and self-locking.

(14) *Operating device for vertical movement of the working platform.* (i) The normal operating device for the working platform shall be located on the working platform and shall be of the continuous pressure weatherproof electric type.

(ii) The operating device shall be operable only when all electrical protective devices and interlocks on the working platform are in position for normal service, and the roof car, if provided, is at an established operating point.

(15) *Emergency electric operative device.* (i) In addition, on roof-powered platforms, an emergency electric operating device shall be provided near the hoisting machine for use in the event of failure of the normal operating device for the working platform, or failure of the traveling cable system. The emergency operating device shall be mounted in a locked compartment and shall have a legend mounted thereon reading: "For Emergency Operation Only. Establish Communication With Personnel on Working Platform Before Use."

(ii) A key for unlocking the compartment housing the emergency operating device shall be mounted in a break-glass receptacle located near the emergency operating device.

(16) *Manual cranking for emergency operation.* Emergency operation of the main drive machine may be provided to allow manual cranking. This provision for manual operation shall be designed so that not more than two persons will be required to perform this operation. The access to this provision shall include a means to automatically make the machine inoperative electrically while under the emergency manual operation. The design shall be such that the emergency brake is operative at or below governor tripping speed during manual operation.

(17) *Arrangement and guarding of hoisting equipment.* (i) Hoisting equipment shall consist of a power-driven drum or drum contained in the roof car (roof-powered platforms) or contained on the working platform (self-powered platform).

(ii) The hoisting equipment shall be power-operated in both up and down directions.

(iii) Guard or other protective devices shall be installed wherever rotating shafts or other mechanisms or gears may expose personnel to a hazard.

(iv) Friction devices or clutches shall not be used for connecting the main driving mechanism to the drum or drums. Belt- or chain-driven machines are prohibited.

(18) *Hoisting motors.* (i) Hoisting motors shall be electric and of weatherproof construction.

(ii) Hoisting motors shall be in conformance with applicable provisions of subparagraph (22) of this paragraph, Electrical wiring and equipment.

(iii) Hoisting motors shall be directly connected to the hoisting machinery. Motor couplings, if used, shall be of steel construction.

(19) *Brakes.* The hoisting machine(s) shall have two independent braking means, each designed to stop and hold the working platform with 125 percent of rated load.

(20) *Hoisting ropes and rope connections.* (i) Working platforms shall be suspended by wire ropes of either 6 x 19 or 6 x 37 classification, preformed or nonpreformed.

(ii) The minimum grade of the wire rope shall be improved plow steel. Ropes shall be fabricated of drawn galvanized or bright wire. Drawn galvanized wire rope shall be fabricated of individual wires on which the zinc coating has been applied at an intermediate size, and the wire then drawn to finished size and to the same tolerances and with the same mechanical properties as for uncoated wire of equal grade.

(iii) The minimum factor of safety shall be ten, and shall be calculated by the following formula:

$$F = \frac{S \times N}{W}$$

Where

S = Manufacturer's rated breaking strength of one rope.

N = Number of ropes under load.

W = Maximum static load on all ropes with the platform and its rated load at any point of its travel.

(iv) Hoisting ropes shall be sized to conform with the required factor of safety, but in no case shall the size be less than five-sixteenths-inch diameter.

(v) Winding drums shall have at least three turns of rope remaining when the platform has landed at the lowest possible point of its travel.

(vi) The lengthening or repairing of wire rope by the joining of two or more lengths is prohibited.

(vii) The nondrum ends of the hoisting ropes shall be provided with individual shackle rods which will permit individual adjustment of rope lengths, if required.

(viii) Reverse bends in rope arrangement should be avoided. More than two reverse bends in each rope is prohibited.

(21) *Rope tag data.* (i) A metal data tag shall be securely attached to one of the wire rope fastenings. This data tag shall bear the following wire rope data:

(*a*) The diameter in inches.

(*b*) Construction classification.

(*c*) Whether nonpreformed or preformed.

(*d*) The grade of material used.

(*e*) The manufacturer's rated breaking strength.

(*f*) Name of the manufacturer of the rope.

(*g*) The month and year the ropes were installed.

(*h*) Name of the person or firm who installed ropes.

(ii) Noncorrosive metal data tags shall be used. The minimum height of the letters, stamped or etched, shall be one-sixteenth inch.

(iii) A new tag shall be installed at each rope renewal. When ropes are refastened, the original tag shall be retained and a supplemental tag showing the date of refastening and the name of the person or firm who refastened the ropes shall be provided.

(22) *Electrical wiring and equipment.* (i) All electrical equipment and wiring shall conform to the requirements of the National Electrical Code, NFPA 70–1971; ANSI C1–1971 (Rev. of C1–1968), except as modified by ANSI A120.1–1970 "American National Standard Safety Requirements for Powered Platforms for Exterior Building Maintenance." For detail design specifications for electrical equipment, see Part 2, ANSI A120.1–1970.

(ii) All motors and operation and control equipment shall be supplied from a single power source.

(iii) The power supply for the powered platform shall be an independent circuit supplied through a fused disconnect switch.

(iv) Electrical conductor parts of the power supply system shall be protected against accidental contact.

(v) Electrical grounding shall be provided.

(*a*) Provision for electrical grounding shall be included with the power-supply system.

(*b*) Controller cabinets, motor frames, hoisting machines, the working platform, roof car and roof car track system, and noncurrent carrying parts of electrical equipment, where provided, shall be grounded.

(*c*) The controller, where used, shall be so designed and installed that a single ground or short circuit will not prevent both the normal and final stopping device from stopping the working platform.

(*d*) Means shall be provided on the roof car and working platform for grounding portable electric tools.

(*e*) The working platform shall be grounded through a grounding connection in a traveling cable. Electrically powered tools utilized on the working platform shall be grounded.

(vi) Electrical receptacles located on the roof or other exterior location shall

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be of a weatherproof type and shall be located so as not to be subject to contact with water or accumulated snow. The receptacles shall be grounded and the electric cable shall include a grounding conductor. The receptacle and plug shall be a type designed to avoid hazard to persons inserting or withdrawing the plug. Provision shall be made to prevent application of cable strain directly to the plug and receptacle.

(vii) Electric runway conductor systems shall be of the type designed for use in exterior locations and shall be located so as not to be subject to contact with water or accumulated snow. The conductors, collectors, and disconnecting means shall conform to the same requirements as those for cranes and hoists in Article 610 of the National Electrical Code, NFPA 70–1971; ANSI C1–1971 (Rev. of C1–1968). A grounded conductor shall parallel the power conductors and be so connected that it cannot be opened by the disconnecting means. The system shall be designed to avoid hazard to persons in the area.

(viii) Electrical protective devices and interlocks of the weatherproof type shall be provided.

(ix) Where the installation includes a roof car, electric contact(s) shall be provided and so connected that the operating devices for the working platform shall be operative only when the roof car is located and mechanically retained at an established operating point.

(x) Where the powered platform includes a power-operated roof car, the operating device for the roof car shall be inoperative when the roof car is mechanically retained at an established operating point.

(xi) An electric contact shall be provided and so connected that it will cause the down direction relay for vertical travel to open if the tension in the traveling cable exceeds safe limits.

(xii) An automatic overload device shall be provided to cut off the electrical power to the circuit in all hoisting motors for travel in the up direction, should the load applied to the hoisting ropes at either end of the working platform exceed 125 percent of its normal tension with rated load, as shown on the manufacturer's data plate on the working platform.

(xiii) An automatic device shall be provided for each hoisting rope which will cut off the electrical power to the hoisting motor or motors in the down direction and apply the brakes if any hoisting rope becomes slack.

(xiv) Upper and lower directional limit devices shall be provided to prevent the travel of the working platform beyond the normal upper and lower limits of travel.

(xv) Operation of a directional limit device shall prevent further motion in the appropriate direction, if the normal limit of travel has been reached.

(xvi) Directional limit devices, if driven from the hoisting machine by chains, tapes, or cables, shall incorporate a device to disconnect the electric power from the hoisting machine and apply both the primary and secondary brakes in the event of failure of the driving means.

(xvii) Final terminal stopping devices of the working platform:

(*a*) Final terminal stopping devices for the working platform shall be provided as a secondary means of preventing the working platform from overtraveling at the terminals.

(*b*) The device shall be set to function as close to each terminal landing as practical, but in such a way that under normal operating conditions it will not function when the working platform is stopped by the normal terminal stopping device.

(*c*) Operation of the final terminal stopping device shall open the potential relay for vertical travel, thereby disconnecting the electric power from the hoisting machine, and applying both the primary and secondary brakes.

(*d*) The final terminal stopping device for the upper limit of travel shall be mounted so that it is operated directly by the motion of the working platform itself.

(xviii) Emergency stop switches shall be provided in or adjacent to each operating device.

(xix) Emergency stop switches shall:

(*a*) Have red operating buttons or handles.

(*b*) Be conspicuously and permanently marked "Stop".

(*c*) Be the manually opened and manually closed type.

(*d*) Be positively opened with the opening not solely dependent on springs.

(xx) The manual operation of an emergency stop switch associated with an operating device for the working platform shall open the potential relay for vertical travel, thereby disconnecting the electric power from the hoisting machine and applying both the primary and secondary brakes.

(xxi) The manual operation of the emergency stop switch associated with the operating device for a power-driven roof car shall cause the electrical power to the traverse machine to be interrupted, and the traverse machine brake to apply.

(23) *Requirements for emergency communications.* (i) Communication equipment shall be provided for each powered platform for use in an emergency.

(ii) Two-way communication shall be established between personnel on the roof and personnel on the stalled working platform before any emergency operation of the working platform is undertaken by personnel on the roof.

(iii) The equipment shall permit two-way voice communication between the working platform and

(*a*) Designated personnel continuously available while the powered platform is in use; and

(*b*) Designated personnel on roof-powered platforms, undertaking emergency operation of the working platform by means of the emergency operating device located near the hoisting machine.

(iv) The emergency communication equipment shall be one of the following types:

(*a*) Telephone connected to the central telephone exchange system; or

(*b*) Telephones on a limited system or an approved two-way radio system, provided designated personnel are available to receive a message during the time the powered platform is in use.

(d) *Type T powered platforms*—(1) *Roof car.* The requirements of paragraphs (c)(1) through (c)(5) of this section shall apply to Type T powered platforms.

(2) *Working platform.* The requirements of paragraphs (c)(6) through (c)(16) of this section apply to Type T powered platforms.

(i) The working platform shall be suspended by at least two wire ropes.

(ii) The maximum rated speed at which the working platform of self-powered platforms may be moved in a vertical direction shall not exceed 35 feet per minute.

(3) *Hoisting equipment.* The requirements of paragraphs (c) (17) and (18) of this section shall apply to Type T powered platforms.

(4) *Brakes.* Brakes requirements of paragraph (c)(19) of this section shall apply.

(5) *Hoisting ropes and rope connections.* (i) Paragraph (c)(20) (i) through (vi) and (viii) of this section shall apply to type T powered platforms.

(ii) Adjustable shackle rods in subparagraph (c)(20)(vii) of this section shall apply to type T powered platforms if the working platform is suspended by more than two wire ropes.

(6) *Electrical wiring and equipment.* (i) The requirements of paragraph (c)(22) (i) through (vi) of this section shall apply to type T powered platforms. "Circuit protection limitation," "powered platform electrical service system," all operating services and control equipment shall comply with the specifications contained in Part 2, section 26, of ANSI A120.1–1970.

(ii) For electrical protective devices the requirements of paragraph (c)(22) (i) through (viii) of this section shall apply to type T powered platforms. Requirements for the "circuit potential limitation" shall be in accordance with the specifications contained in Part 2, section 26, of ANSI A120.1–1970.

(7) *Emergency communications.* All the requirements of paragraph (c)(23) of this section shall apply to type T powered platforms.

(8) *Safety belts and lifelines.* (i) Each employee on the working platform of type T powered platforms shall be provided with a safety belt with means for attachment to a lifeline on the roof or to the working platform. It is recommended that safety belts, lines and other components, including fastening means and anchorages to the working platform, building, or structure, be capable of withstanding a static load of 4,000 pounds without damage or permanent deformation of any part.

(ii) Fastening devices should be of the self-closing type, equipped with a locking device to prevent accidental opening of the fastening device.

(iii) Harness-type belts are recommended. If body-type belts are used, it is recommended that the portion of the belt bearing on the front of the wearer's body have a minimum width of 3 inches.

(iv) It is recommended that the line used to connect the belt to the platform, or to a lifeline attached to the building, have a maximum length of 5 feet.

(e) *Inspections and tests*—(1) *Inspections and tests of new installations and alterations.* All powered platform installations shall, on their completion, and before being placed in service, be subjected to an acceptance test in the field to determine that all parts of the installation conform to applicable requirements of this standard, and that all safety and operating equipment functions as required. A similar inspection and test shall be made following a major alteration to an existing installation.

(2) *Periodic inspections and tests.* Each installation shall undergo a periodic inspection and test at least every 12 months. All parts of the equipment shall be inspected, and where necessary, tested to determine that they are in safe operating condition.

(3) *Maintenance inspections and tests.* Each installation shall undergo a maintenance inspection and test every 30 days, except where the cleaning cycle is less than 30 days such inspection and test shall be made prior to each cleaning cycle. The results of these inspections and tests shall be recorded in a log which is available for review by the Assistant Secretary of Labor or his designated representative. Each log entry shall include the date of the inspection or test and shall be signed by the person making the inspection or test.

(4) *Special inspection of governors and secondary brakes.* (i) Special inspections and tests of the governor and secondary braking system shall be made at intervals not exceeding 1 year.

(ii) The inspection and test shall include a verification that the initiating device for the secondary breaking operates at the proper overspeed.

(iii) If adequate tests cannot be performed in the field, the initiating device may be removed from the powered platform and sent to a shop equipped to make such a test.

(iv) The inspection shall include a verification of the proper functioning of the secondary brake. If an adequate test cannot be performed in the field, the hoisting machine may be removed from the building and sent to a shop equipped to make such a test.

(v) If any hoisting machine or initiating device for the secondary brake system is removed from the building for testing, all reinstalled and directly related components shall be reinspected prior to returning the powered platform installation to service.

(5) *Adverse weather.* The operation of powered platforms during severe adverse weather conditions is prohibited.

(6) *Maintenance.* (i) Required maintenance. All parts of equipment on which safe operation depends shall be maintained in proper working order so that they perform the function for which they are intended.

(ii) Broken or worn parts, worn switch contacts, brushes, and short flexible conductors of electrical devices, which may interfere with safe operation, shall be replaced promptly. Electrical receptacles and plugs shall be replaced promptly when worn or damaged. All electrical connections shall be kept tight.

(iii) Components of the electrical service system and traveling cables shall be replaced when damaged or substantially abraded.

(iv) Gears, shafts, bearings, brakes, and hoisting drums shall be maintained in proper alinement. Gears shall be replaced promptly when there is evidence of appreciable wear.

(7) *Cleaning.* (i) Controller contactors and relays shall be kept clean and free from dirt.

(ii) All other parts shall be kept clean, if their proper functioning would be affected by the presence of dirt or other contaminants.

(8) *Periodic reshackling of hoisting ropes.* The hoisting ropes shall be reshackled at the nondrum ends at intervals not exceeding 24 months. In reshackling the ropes, a sufficient length shall be cut from the end of the rope to remove damaged or fatigued portions.

(9) *Making safety devices inoperative.* No person shall at any time make any required safety device or electrical protective device inoperative, except when necessary during tests, inspections, and maintenance. Immediately upon completion of such test, inspections, and maintenance, the devices shall be restored to their normal operating condition.

(10) *Damaged rope.* Wire ropes shall be replaced whenever there are six or more broken wires in any one lay of the wire rope, or whenever the ropes are damaged or in a deteriorated condition.

(11) *Roof track system.* Roof track systems, tiedowns, or similar equipment, if provided, shall be maintained in proper working order so that they perform the function for which they are intended.

(12) *Building face guiding members.* T-rails, indented mullions, or equivalent guides located in the face of the building, if provided, shall be maintained in proper working order so that they perform the function for which they are intended. Brackets for cable stabilizers, if provided, shall similarly be maintained in proper working order.

§ 1910.67 Vehicle-mounted elevating and rotating work platforms.

(a) *Definitions applicable to this section*—(1) *Aerial device.* Any vehicle-mounted device, telescoping or articulating, or both, which is used to position personnel.

(2) *Aerial ladder.* An aerial device consisting of a single- or multiple-section extensible ladder.

(3) *Articulating boom platform.* An aerial device with two or more hinged boom sections.

(4) *Extensible boom platform.* An aerial device (except ladders) with a telescopic or extensible boom. Telescopic derricks with personnel platform attachments shall be considered to be extensible boom platforms when used with a personnel platform.

(5) *Insulated aerial device.* An aerial device designed for work on energized lines and apparatus.

(6) *Mobile unit.* A combination of an aerial device, its vehicle, and related equipment.

(7) *Platform.* Any personnel-carrying device (basket or bucket) which is a component of an aerial device.

(8) *Vehicle.* Any carrier that is not manually propelled.

(9) *Vertical tower.* An aerial device designed to elevate a platform in a substantially vertical axis.

(b) *General requirements*—(1) *Application.* (i) This section relates to the following types of vehicle-mounted aerial devices used to elevate personnel to job sites above ground:

(*a*) Extensible boom platforms.
(*b*) Aerial ladders.
(*c*) Articulating boom platforms.
(*d*) Vertical towers.
(*e*) A combination of any of the above.

These devices are made of metal, wood, fiberglass reinforced plastic (FRP), or other material and are powered or manually operated, whether or not they are capable of rotating about a substantially vertical axis.

(ii) The requirements of this section do not include any matter relating to firefighting equipment or any matter relating to the vehicles upon which aerial devices are mounted, except in respect to a vehicle being a stable support for the aerial device.

(2) *Design requirements.* All new vehicle-mounted elevating and rotating work platforms after the effective date of these regulations shall meet the design, construction, and test specifications of the "American National Standard for Vehicle-Mounted Elevating and Rotating Work Platforms ANSI A92.2–1969."

§ 1910.68 Manlifts.

(a) *Definitions applicable to this section*—(1) *Handhold (Handgrip).* A handhold is a device attached to the belt which can be grasped by the passenger to provide a means of maintaining balance.

(2) *Open type.* One which has a handgrip surface fully exposed and capable of being encircled by the passenger's fingers.

(3) *Closed type.* A cup-shaped device, open at the top in the direction of travel of the step for which it is to be used, and closed at the bottom, into which the passenger may place his fingers.

(4) *Limit switch.* A device, the purpose of which is to cut off the power to the motor and apply the brake to stop the carrier in the event that a loaded step passes the terminal landing.

(5) *Manlift.* A device consisting of a power-driven endless belt moving in one direction only, and provided with steps or platforms and handholds attached to

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it for the transportation of personnel from floor to floor.

(6) *Rated speed.* Rated speed is the speed for which the device is designed and installed.

(7) *Split-rail switch.* An electric limit switch operated mechanically by the rollers on the manlift steps. It consists of an additional hinged or "split" rail, mounted on the regular guiderail, over which the step rollers pass. It is spring-loaded in the "split" position. If the step supports no load, the rollers will "bump" over the switch; if a loaded step should pass over the section, the split rail will be forced straight, tripping the switch and opening the electrical circuit.

(8) *Step (platform).* A step is a passenger carrying unit.

(9) *Travel.* The travel is the distance between the centers of the top and bottom pulleys.

(b) *General requirements*—(1) *Application.* This section applies to the construction, maintenance, inspection, and operation of manlifts in relation to accident hazards. Manlifts covered by this section consist of platforms or brackets and accompanying handholds mounted on, or attached to an endless belt, operating vertically in one direction only and being supported by, and driven through pulleys, at the top and bottom. These manlifts are intended for conveyance of persons only. It is not intended that this section cover moving stairways, elevators with enclosed platforms ("Paternoster" elevators), gravity lifts, nor conveyors used only for conveying material. This section applies to manlifts used to carry only personnel trained and authorized by the employer in their use.

(2) *Purpose.* The purpose of this section is to provide reasonable safety for life and limb.

(3) *Design requirements.* All new manlift installations and equipment installed after the effective date of these regulations shall meet the design requirements of the "American National Safety Standard for Manlifts ANSI A90.1–1969", and the requirements of this section.

(4) Reference to other codes and subparts. The following codes, and subparts of this part, are applicable to this section. Safety Code for Mechanical Power Transmission Apparatus ANSI B15.1–1953 (R 1958) and Subpart O; National Electrical Code, NFPA 70–1971; ANSI C1–1971 (Rev. of C1–1968) and Subpart S; Safety Code for Fixed Ladders, ANSI A14.3–1956 and Safety Requirements for Floor and Wall Openings, Railings and Toeboards, ANSI A12.1–1967 and Subpart D.

(5) *Floor openings*—(i) *Allowable size.* Floor openings for both the "up" and "down" runs shall be not less than 28 inches nor more than 36 inches in width for a 12-inch belt; not less than 34 inches nor more than 38 inches for a 14-inch belt; and not less than 36 inches nor more than 40 inches for a 16-inch belt and shall extend not less than 24 inches, nor more than 28 inches from the face of the belt.

(ii) *Uniformity.* All floor openings for a given manlift shall be uniform in size and shall be approximately circular, and each shall be located vertically above the opening below it.

(6) *Landing*—(i) *Vertical clearance.* The clearance between the floor or mounting platform and the lower edge for the conical guard above it required by subparagraph (7) of this paragraph shall not be less than 7 feet 6 inches. Where this clearance cannot be obtained no access to the manlift shall be provided and the manlift runway shall be enclosed where it passes through such floor.

(ii) *Clear landing space.* The landing space adjacent to the floor openings shall be free from obstruction and kept clear at all times. This landing space shall be at least 2 feet in width from the edge of the floor opening used for mounting and dismounting.

(iii) *Lighting and landing.* Adequate lighting, not less than 5-foot candles, shall be provided at each floor landing at all times when the lift is in operation.

(iv) *Landing surface.* The landing surfaces at the entrances and exits to the manlift shall be constructed and maintained as to provide safe footing at all times.

(v) *Emergency landings.* Where there is a travel of 50 feet or more between floor landings, one or more emergency landings shall be provided so that there will be a landing (either floor or emergency) for every 25 feet or less of manlift travel.

(*a*) Emergency landings shall be accessible from both the "up" and "down" rungs of the manlift and shall give access to the ladder required in subparagraph (12) of this paragraph.

(*b*) Emergency landings shall be completely enclosed with a standard railing and toeboard.

(c) Platforms constructed to give access to bucket elevators or other equipment for the purpose of inspection, lubrication, and repair may also serve as emergency landings under this rule. All such platforms will then be considered part of the emergency landing and shall be provided with standard railings and toeboards.

(7) *Guards on underside of floor openings*—(i) *Fixed type.* On the ascending side of the manlift floor openings shall be provided with a bevel guard or cone meeting the following requirements:

(*a*) The cone shall make an angle of not less than 45° with the horizontal. An angle of 60° or greater shall be used where ceiling heights permit.

(*b*) The lower edge of this guard shall extend at least 42 inches outward from any handhold on the belt. It shall not extend beyond the upper surface of the floor above.

(c) The cone shall be made of not less than No. 18 U.S. gauge sheet steel or material of equivalent strength or stiffness. The lower edge shall be rolled to a minimum diameter of one-half inch and the interior shall be smooth with no rivets, bolts or screws protruding.

(ii) *Floating type.* In lieu of the fixed guards specified in subdivision (i) of this subparagraph a floating type safety cone may be used, such floating cones to be mounted on hinges at least 6 inches below the underside of the floor and so constructed as to actuate a limit switch should a force of 2 pounds be applied on the edge of the cone closest to the hinge. The depth of this floating cone need not exceed 12 inches.

(8) *Protection of entrances and exits*—(i) *Guardrail requirement.* The entrances and exits at all floor landings affording access to the manlift shall be guarded by a maze (staggered railing) or a handrail equipped with self-closing gates.

(ii) *Construction.* The rails shall be standard guardrails with toeboards meeting the provisions of the Safety Requirements for Floor and Wall Openings, Railings and Toeboards, ANSI A12.1–1967 and section 1910.23.

(iii) *Gates.* Gates, if used, shall open outward and shall be self-closing. Corners of gates shall be rounded.

(iv) *Maze.* Maze or staggered openings shall offer no direct passage between enclosure and outer floor space.

(v) Except where building layout prevents, entrances at all landings shall be in the same relative position.

(vi) If located in buildings to which the public has access, such manlift or manlifts shall be located in an enclosure protected by self-closing spring-locked doors. Keys to such doors shall be limited to authorized personnel.

(9) *Guards for openings*—(i) *Construction.* The floor opening at each landing shall be guarded on sides not used for entrance or exit by a wall, a railing and toeboard or by panels of wire mesh of suitable strength.

(ii) *Height and location.* Such rails or guards shall be at least 42 inches in height on the up-running side and 66 inches on the down-running side.

(10) *Bottom arrangement*—(i) *Bottom landing.* At the bottom landing the clear area shall be not smaller than the area enclosed by the guardrails on the floors above, and any wall in front of the down-running side of the belt shall be not less than 48 inches from the face of the belt. This space shall not be encroached upon by stairs or ladders.

(ii) *Location of lower pulley.* The lower (boot) pulley shall be installed so that it is supported by the lowest landing served. The sides of the pulley support shall be guarded to prevent contact with the pulley or the steps.

(iii) *Mounting platform.* A mounting platform shall be provided in front or to one side of the uprun at the lowest landing, unless the floor level is such that the following requirement can be met: The floor or platform shall be at or above the point at which the upper surface of the ascending step completes its turn and assumes a horizontal position.

(iv) *Guardrails.* To guard against persons walking under a descending step, the area on the downside of the manlift shall be guarded in accordance with subparagraph (8) of this paragraph. To guard against a person getting between the mounting platform and

an ascending step, the area between the belt and the platform shall be protected by a guardrail.

(11) *Top arrangements*—(i) *Clearance from floor.* A top clearance shall be provided of at least 11 feet above the top terminal landing. This clearance shall be maintained from a plane through each face of the belt to a vertical cylindrical plane having a diameter 2 feet greater than the diameter of the floor opening, extending upward from the top floor to the ceiling on the up-running side of the belt. No encroachment of structural or machine supporting members within this space will be permitted.

(ii) *Pulley clearance.* (*a*) There shall be a clearance of at least 5 feet between the center of the head pulley shaft and any ceiling obstruction.

(*b*) The center of the head pulley shaft shall be not less than 6 feet above the top terminal landing.

(iii) *Emergency grab rail.* An emergency grab bar or rail and platform shall be provided at the head pulley when the distance to the head pulley is over 6 feet above the top landing, otherwise only a grab bar or rail is to be provided to permit the rider to swing free should the emergency stops become inoperative.

(12) *Emergency exit ladder.* A fixed metal ladder accessible from both the "up" and "down" run of the manlift shall be provided for the entire travel of the manlift. Such ladder shall be in accordance with the existing ANSI A14.3–1956. Safety Code for Fixed Ladders and section 1910.27.

(13) *Superstructure bracing.* Manlift rails shall be secured in such a manner as to avoid spreading, vibration, and misalinement.

(14) *Illumination*—(i) *General.* Both runs of the manlift shall be illuminated at all times when the lift is in operation. An intensity of not less than 1-foot candle shall be maintained at all points. (However, see subparagraph (6) (iii) of this paragraph for illumination requirements at landings.)

(ii) *Control of illumination.* Lighting of manlift runways shall be by means of circuits permanently tied in to the building circuits (no switches), or shall be controlled by switches at each landing. Where separate switches are provided at each landing, any switch shall turn on all lights necessary to illuminate the entire runway.

(15) *Weather protection.* The entire manlift and its driving mechanism shall be protected from the weather at all times.

(c) *Mechanical requirements*—(1) *Machines, general*—(i) *Brakes.*—Brakes provided for stopping and holding a manlift shall be inherently self-engaging, by requiring power or force from an external source to cause disengagement. The brake shall be electrically released, and shall be applied to the motor shaft for direct-connected units or to the input shaft for belt-driven units. The brake shall be capable of stopping and holding the manlift when the descending side is loaded with 250 lb on each step.

(ii) *Belt.* (*a*) The belts shall be of hard-woven canvas, rubber-coated canvas, leather, or other material meeting the strength requirements of paragraph (b) (3) of this section and having a coefficient of friction such that when used in conjunction with an adequate tension device it will meet the brake test specified in subdivision (i) of this subparagraph.

(*b*) The width of the belt shall be not less than 12 inches for a travel not exceeding 100 feet, not less than 14 inches for a travel greater than 100 feet but not exceeding 150 feet and 16 inches for a travel exceeding 150 feet.

(c) A belt that has become torn while in use on a manlift shall not be spliced and put back in service.

(2) *Speed*—(i) *Maximum speed.* No manlift designed for a speed in excess of 80 feet per minute shall be installed.

(3) *Platforms or steps*—(i) *Minimum depth.* Steps or platforms shall be not less than 12 inches nor more than 14 inches deep, measured from the belt to the edge of the step or platform.

(ii) *Width.* The width of the step or platform shall be not less than the width of the belt to which it is attached.

(iii) *Distance between steps.* The distance between steps shall be equally spaced and not less than 16 feet measured from the upper surface of one step to the upper surface of the next step above it.

(iv) *Angle of step.* The surface of the step shall make approximately a right angle with the "up" and "down" run of the belt, and shall travel in the approximate horizontal position with the "up" and "down" run of the belt.

(v) *Surfaces.* The upper or working surfaces of the step shall be of a material having inherent nonslip characteristics (coefficient of friction not less than 0.5) or shall be covered completely by a nonslip tread securely fastened to it.

(vi) *Strength of step supports.* When subjected to a load of 400 pounds applied at the approximate center of the step, step frames, or supports and their guides shall be of adequate strength to:

(*a*) Prevent the disengagement of any step roller.

(*b*) Prevent any appreciable misalinement.

(c) Prevent any visible deformation of the steps or its support.

(vii) *Prohibition of steps without handholds.* No steps shall be provided unless there is a corresponding handhold above or below it meeting the requirements of subparagraph (4) of this paragraph. If a step is removed for repairs or permanently, the handholds immediately above and below it shall be removed before the lift is again placed in service.

(4) *Handholds*—(i) *Location.* Handholds attached to the belt shall be provided and installed so that they are not less than 4 feet nor more than 4 feet 8 inches above the step tread. These shall be so located as to be available on the both "up" and "down" run of the belt.

(ii) *Size.* The grab surface of the handhold shall be not less than 4½ inches in width, not less than 3 inches in depth, and shall provide 2 inches of clearance from the belt. Fastenings for handholds shall be located not less than 1 inch from the edge of the belt.

(iii) *Strength.* The handhold shall be capable of withstanding, without damage, a load of 300 pounds applied parallel to the run of the belt.

(iv) *Prohibition of handhold without steps.* No handhold shall be provided without a corresponding step. If a handhold is removed permanently or temporarily, the corresponding step and handhold for the opposite direction of travel shall also be removed before the lift is again placed in service.

(v) *Type.* All handholds shall be of the closed type.

(5) *Up limit stops*—(i) *Requirements.* Two separate automatic stop devices shall be provided to cut off the power and apply the brake when a loaded step passes the upper terminal landing. One of these shall consist of a split-rail switch mechanically operated by the step roller and located not more than 6 inches above the top terminal landing. The second automatic stop device may consist of any of the following:

(*a*) Any split-rail switch placed 6 inches above and on the side opposite the first limit switch.

(*b*) An electronic device.

(c) A switch actuated by a lever, rod, or plate, the latter to be placed on the "up" side of the head pulley so as to just clear a passing step.

(ii) *Manual reset location.* After the manlift has been stopped by a stop device it shall be necessary to reset the automatic stop manually. The device shall be so located that a person resetting it shall have a clear view of both the "up" and "down" runs of the manlift. It shall not be possible to reset the device from any step or platform.

(iii) *Cut-off point.* The initial limit stop device shall function so that the manlift will be stopped before the loaded step has reached a point 24 inches above the top terminal landing.

(iv) *Electrical requirements.* (*a*) Where such switches open the main motor circuit directly they shall be of the multipole type.

(*b*) Where electronic devices are used they shall be so designed and installed that failure will result in shutting off the power to the driving motor.

(c) Where flammable vapors or dusts may be present all electrical installations shall be in accordance with the National Electrical Code, NFPA 70–1971; ANSI C1–1971 (Rev. of C1–1968), requirements for such locations.

(*d*) Unless of the oil-immersed type controller contacts carrying the main motor current shall be copper to carbon or equal, except where the circuit is broken at two or more points simultaneously.

(6) *Emergency stop*—(i) *General.* An emergency stop means shall be provided.

(ii) *Location.* This stop means shall be within easy reach of the ascending and descending runs of the belt.

(iii) *Operation.* This stop means shall be so connected with the control lever or operating mechanism that it will cut

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off the power and apply the brake when pulled in the direction of travel.

(iv) *Rope.* If rope is used, it shall be not less than three-eighths inch in diameter. Wire rope, unless marlin-covered, shall not be used.

(7) *Instruction and warning signs—*(i) *Instruction signs at landings or belts.* Signs of conspicuous and easily read style giving instructions for the use of the manlift shall be posted at each landing or stenciled on the belt.

(*a*) Such signs shall be of letters not less than 1 inch in height and of a color having high contrast with the surface on which it is stenciled or painted (white or yellow on black or black on white or gray).

(*b*) The instructions shall read approximately as follows:

Face the Belt.
Use the Handholds.
To Stop—Pull Rope.

(ii) *Top floor warning sign and light.* (*a*) At the top floor an illuminated sign shall be displayed bearing the following wording:

"TOP FLOOR—GET OFF"

Signs shall be in block letters not less than 2 inches in height. This sign shall be located within easy view of an ascending passenger and not more than 2 feet above the top terminal landing.

(*b*) In addition to the sign required by subdivision (*a*) of this subdivision, a red warning light of not less than 40-watt rating shall be provided immediately below the upper landing terminal and so located as to shine in the passenger's face.

(iii) *Visitor warning.* A conspicuous sign having the following legend—AUTHORIZED PERSONNEL ONLY—shall be displayed at each landing. The sign shall be of block letters not less than 2 inches in height and shall be of a color offering high contrast with the background color.

(d) *Operating rules—*(1) *Proper use of manlifts.* No freight, packaged goods, pipe, lumber, or construction materials of any kind shall be handled on any manlift.

(e) *Periodic inspection—*(1) *Frequency.* All manlifts shall be inspected by a competent designated person at intervals of not more than 30 days. Limit switches shall be checked weekly. Manlifts found to be unsafe shall not be operated until properly repaired.

(2) *Items covered.* This periodic inspection shall cover but is not limited to the following items:

Steps.
Step Fastenings.
Rails.
Rail Supports and Fastenings.
Rollers and Slides.
Belt and Belt Tension.
Handholds and Fastenings.
Floor Landings.
Guardrails.
Lubrication.
Limit Switches.
Warning Signs and Lights.
Illumination.
Drive Pulley.
Bottom (boot) Pulley and Clearance.
Pulley Supports.
Motor.
Driving Mechanism.
Brake.
Electrical Switches.
Vibration and Misalignment.
"Skip" on up or down run when mounting step (indicating worn gears).

(3) *Inspection log.* A written record shall be kept of findings at each inspection. Records of inspection shall be made available to the Assistant Secretary of Labor or his duly authorized representative.

(SOURCE: ANSI A90.1–1969 Safety Code for Manlifts.)

[37 FR 22102, Oct. 18, 1972, as amended at 38 FR 16223, June 21, 1973]

§ 1910.69 Sources of standards.

Sec.	Source
1910.66	ANSI A120.1–1970 Safety Code for Powered Platforms for Exterior Building Maintenance.
1910.67	ANSI A92.2–1969. American National Standard for Vehicle-Mounted Elevating and Rotating Work Platforms.
1910.68	ANSI A90.1–1969 Safety Code for Manlifts.

§ 1910.70 Standards organizations.

Specific standards of the following organizations have been referenced in this subpart. Copies of the standards may be obtained from the issuing organization.

American National Standards Institute, 1430 Broadway, New York, NY 10018.

Subpart G—Occupational Health and Environmental Control

§ 1910.93 Air contaminants.

An employee's exposure to any material listed in table G–1, G–2, or G–3 of this section shall be limited in accordance with the requirements of the following paragraphs of this section.

(a) Table G–1:

(1) *Materials with names preceded by "C"—Ceiling Values.* An employee's exposure to any material in table G–1, the name of which is preceded by a "C" (e.g., C Boron trifluoride), shall at no time exceed the ceiling value given for that material in the table.

(2) *Other materials—8-hour time weighted averages.* An employee's exposure to any material in table G–1, the name of which is not preceded by "C", in any 8-hour work shift of a 40-hour work week, shall not exceed the 8-hour time weighted average given for that material in the table.

(b) Table G–2:

(1) *8-hour time weighted averages.* An employee's exposure to any material listed in table G–2, in any 8-hour work shift of a 40-hour work week, shall not exceed the 8-hour time weighted average limit given for that material in the table.

(2) *Acceptable ceiling concentrations.* An employee's exposure to a material listed in table G–2 shall not exceed at any time during an 8-hour shift the acceptable ceiling concentration limit given for the material in the table, except for a time period, and up to a concentration not exceeding the maximum duration and concentration allowed in the column under "acceptable maximum peak above the acceptable ceiling concentration for an 8-hour shift".

(3) *Example.* During an 8-hour work shift, an employee may be exposed to a concentration of Benzene above 25 p.p.m. (but never above 50 p.p.m.) only for a maximum period of 10 minutes. Such exposure must be compensated by exposures to concentrations less than 10 p.p.m. so that the cumulative exposure for the entire 8-hour work shift does not exceed a weighted average of 10 p.p.m.

(c) Table G–3: An employee's exposure to any material listed in table G–3, in any 8-hour work shift of a 40-hour work week, shall not exceed the 8-hour time weighted average limit given for that material in the table.

(d) Computation formulae:

(1) (i) The cumulative exposure for an 8-hour work shift shall be computed as follows:

$$E = \frac{C_1T_1 + C_2T_2 + \ldots C_nT_n}{8}$$

Where:

E is the equivalent exposure for the working shift.

C is the concentration during any period of time *T* where the concentration remains constant.

T is the duration in hours of the exposure at the concentration *C*.

The value of *E* shall not exceed the 8-hour time weighted average limit in table G–1, G–2, or G–3 for the material involved.

(ii) To illustrate the formula prescribed in subdivision (i) of this subparagraph, note that isoamyl acetate has an 8-hour time weighted average limit of 100 p.p.m. (table G–1). Assume that an employee is subject to the following exposure:

Two hours exposure at 150 p.p.m.
Two hours exposure at 75 p.p.m.
Four hours exposure at 50 p.p.m.

Substituting this information in the formula, we have

$$\frac{2\times150+2\times75+4\times50}{8}=81.25 \text{ p.p.m.}$$

Since 81.25 p.p.m. is less than 100 p.p.m., the 8-hour time weighted average limit, the exposure is acceptable.

(2) (i) In case of a mixture of air contaminants an employer shall compute the equivalent exposure as follows:

$$E_m = \frac{C_1}{L_1} + \frac{C_2}{L_2} + \ldots \frac{C_n}{L_n}$$

Where:

E_m is the equivalent exposure for the mixture.

C is the concentration of a particular contaminant.

L is the exposure limit for that contaminant, from table G–1, G–2, or G–3.

The value of E_m shall not exceed unity (1).

(ii) To illustrate the formula prescribed in subdivision (i) of this subparagraph, consider the following exposures:

Material	Actual concentration of 8-hour exposure	8-hour time weighted average exposure limit
Acetone (Table G–1)	500 p.p.m	1,000 p.p.m.
2-Butanone (Table G–1)	45 p.p.m	200 p.p.m.
Toluene (Table G–2)	40 p.p.m	200 p.p.m.

Substituting in the formula, we have:

$$E_m = \frac{500}{1{,}000} + \frac{45}{200} + \frac{40}{200}$$

$$E_m = 0.500 + 0.225 + 0.200$$

$$E_m = 0.925$$

Since E_m is less than unity (1), the exposure combination is within acceptable limits.

(e) To achieve compliance with paragraph (a) through (d) of this section, administrative or engineering controls must first be determined and implemented whenever feasible. When such controls are not feasible to achieve full compliance, protective equipment or any other protective measures shall be used to keep the exposure of employees to air contaminants within the limits prescribed in this section. Any equipment and/or technical measures used for this purpose must be approved for each particular use by a competent industrial hygienist or other technically qualified person. Whenever respirators are used, their use shall comply with § 1910.134.

TABLE G–1

Substance	p.p.m.[a]	mg./M³ [b]
Acetaldehyde	200	360
Acetic acid	10	25
Acetic anhydride	5	20
Acetone	1,000	2,400
Acetonitrile	40	70
Acetylene dichloride, see 1, 2-Dichloroethylene		
Acetylene tetrabromide	1	14
Acrolein	0.1	0.25
Acrylamide—Skin		0.5
Acrylonitrile—Skin	20	45
Aldrin—Skin		0.25
Allyl alcohol—Skin	2	5
Allyl chloride	1	3
**C Allyl glycidyl ether (AGE)	10	45
Allyl propyl disulfide	2	12
2-Aminoethanol, see Ethanolamine		
2-Aminopyridine	0.5	2
**Ammonia	50	35
Ammonium sulfamate (Ammate)		15
n-Amyl acetate	100	525
sec-Amyl acetate	125	650
Aniline—Skin	5	19
Anisidine (o, p-isomers)—Skin		0.5
Antimony and compounds (as Sb)		0.5
ANTU (alpha naphthyl thiourea)		0.3
Arsenic and compounds (as As)		0.5
Arsine	0.05	0.2
Azinphos-methyl—Skin		0.2
Barium (soluble compounds)		0.5
p-Benzoquinone, see Quinone		
Benzoyl peroxide		5
Benzyl chloride	1	5
Biphenyl, see Diphenyl		
Bisphenol A, see Diglycidyl ether		
Boron oxide		15
C Boron trifluoride	1	3
Bromine	0.1	0.7
Bromoform—Skin	0.5	5
Butadiene (1, 3-butadiene)	1,000	2,200
Butanethiol, see Butyl mercaptan		
2-Butanone	200	590
2-Butoxy ethanol (Butyl Cellosolve)—Skin	50	240
Butyl acetate (n-butyl acetate)	150	710
sec-Butyl acetate	200	950
tert-Butyl acetate	200	950
Butyl alcohol	100	300
sec-Butyl alcohol	150	450
tert-Butyl alcohol	100	300
C Butylamine—Skin	5	15
C tert-Butyl chromate (as CrO_3)—Skin		0.1
n-Butyl glycidyl ether (BGE)	50	270
*Butyl mercaptan	10	35
p-tert-Butyltoluene	10	60
Calcium arsenate		1
Calcium oxide		5
**Camphor	2	
Carbaryl (Sevin®)		5
Carbon black		3.5
Carbon dioxide	5,000	9,000
Carbon monoxide	50	55
Chlordane—Skin		0.5
Chlorinated camphene—Skin		0.5
Chlorinated diphenyl oxide		0.5
*Chlorine	1	3
Chlorine dioxide	0.1	0.3
C Chlorine trifluoride	0.1	0.4
C Chloroacetaldehyde	1	3
α-Chloroacetophenone (phenacylchloride)	0.05	0.3
Chlorobenzene (monochlorobenzene)	75	350
o-Chlorobenzylidene malononitrile (OCBM)	0.05	0.4
Chlorobromomethane	200	1,060
2-Chloro-1,3-butadiene, see Chloroprene		
Chlorodiphenyl (42 percent Chlorine)—Skin		1
Chlorodiphenyl (54 percent Chlorine)—Skin		0.5
1-Chloro,2,3-epoxypropane, see Epichlorhydrin		
2-Chloroethanol, see Ethylene chlorohydrin		
Chloroethylene, see Vinyl chloride		
C Chloroform (trichloromethane)	50	240
1-Chloro-1-nitropropane	20	100
Chloropicrin	0.1	0.7
Chloroprene (2-chloro-1,3-butadiene)—Skin	25	90
Chromium, sol. chromic, chromous salts as Cr		0.5
Metal and insol. salts		1
Coal tar pitch volatiles (benzene soluble fraction) anthracene, BaP, phenanthrene, acridine, chrysene, pyrene		0.2
Cobalt, metal fume and dust		0.1
Copper fume		0.1
Dusts and Mists		1
Cotton dust (raw)		1
Crag® herbicide		15
Cresol (all isomers)—Skin	5	22
Crotonaldehyde	2	6
Cumene—Skin	50	245
Cyanide (as CN)—Skin		5
Cyclohexane	300	1,050
Cyclohexanol	50	200
Cyclohexanone	50	200
Cyclohexene	300	1,015
Cyclopentadiene	75	200
2, 4-D		10
DDT—Skin		1
DDVP, see Dichlorvos		
Decaborane—Skin	0.05	0.3
Demeton®—Skin		0.1
Diacetone alcohol (4-hydroxy-4-methyl-2-pentanone)	50	240
1,2-diaminoethane, see Ethylenediamine		
Diazomethane	0.2	0.4
Diborane	0.1	0.1
Dibutylphthalate		5
C o-Dichlorobenzene	50	300
p-Dichlorobenzene	75	450
Dichlorodifluoromethane	1,000	4,950
1,3-Dichloro-5,5-dimethyl hydantoin		0.2
1,1-Dichloroethane	100	400
1,2-Dichloroethylene	200	790
C Dichloroethyl ether—Skin	15	90
Dichloromethane, see Methylenechloride		
Dichloromonofluoromethane	1,000	4,200
C 1,1-Dichloro-1-nitroethane	10	60
1,2-Dichloropropane, see Propylenedichloride		
Dichlorotetrafluoroethane	1,000	7,000
Dichlorvos (DDVP)—Skin		1
Dieldrin—Skin		0.25
Diethylamine	25	75
Diethylamino ethanol—Skin	10	50
Diethylether, see Ethyl ether		
Difluorodibromomethane	100	860
C Diglycidyl ether (DGE)	0.5	2.8
Dihydroxybenzene, see Hydroquinone		
Diisobutyl ketone	50	290
Diisopropylamine—Skin	5	20
Dimethoxymethane, see Methylal		
Dimethyl acetamide—Skin	10	35
Dimethylamine	10	18
Dimethylaminobenzene, see Xylidene		
Dimethylaniline(N-dimethylaniline)—Skin	5	25
Dimethylbenzene, see Xylene		
Dimethyl 1,2-dibromo-2,2-dichloroethyl phosphate, (Dibrom)		3
Dimethylformamide—Skin	10	30
2,6-Dimethylheptanone, see Diisobutyl ketone		
1,1-Dimethylhydrazine—Skin	0.5	1
Dimethylphthalate		5
Dimethylsulfate—Skin	1	5
Dinitrobenzene (all isomers)—Skin		1
Dinitro-o-cresol—Skin		0.2
Dinitrotoluene—Skin		1.5
Dioxane (Diethylene dioxide)—Skin	100	360
Diphenyl	0.2	1
Diphenylmethane diisocyanate (see Methylene bisphenyl isocyanate (MDI))		
Dipropylene glycol methyl ether—Skin	100	600
Di-sec, octyl phthalate (Di-2-ethylhexylphthalate)		5
Endrin—Skin		0.1
Epichlorhydrin—Skin	5	19
EPN—Skin		0.5
1,2-Epoxypropane, see Propyleneoxide		
2,3-Epoxy-1-propanol, see Glycidol		
Ethanethiol, see Ethylmercaptan		
Ethanolamine	3	6
2-Ethoxyethanol—Skin	200	740
2-Ethoxyethylacetate (Cellosolve acetate)—Skin	100	540
Ethyl acetate	400	1,400
Ethyl acrylate—Skin	25	100
Ethyl alcohol (ethanol)	1,000	1,900
Ethylamine	10	18
Ethyl sec-amyl ketone (5-methyl-3-heptanone)	25	130
Ethyl benzene	100	435
Ethyl bromide	200	890
Ethyl butyl ketone (3-Heptanone)	50	230
Ethyl chloride	1,000	2,600
Ethyl ether	400	1,200
Ethyl formate	100	300
C Ethyl mercaptan	10	25
Ethyl silicate	100	850
Ethylene chlorohydrin—Skin	5	16
Ethylenediamine	10	25
Ethylene dibromide, see 1,2-Dibromoethane		
Ethylene dichloride, see 1,2-Dichloroethane		
C Ethylene glycol dinitrate and/or Nitroglycerin—Skin	0.2	1
Ethylene glycol monomethyl ether acetate, see Methyl cellosolve acetate		
Ethylene imine—Skin	0.5	1
Ethylene oxide	50	90
Ethylidine chloride, see 1,1-Dichloroethane		
N-Ethylmorpholine—Skin	20	94
Ferbam		15
Ferrovanadium dust		1
Fluoride (as F)		2.5
Fluorine	0.1	0.2
Fluorotrichloromethane	1,000	5,600
Formic acid	5	9
Furfural—Skin	5	20
Furfuryl alcohol	50	200
Glycidol (2,3-Epoxy-1-propanol)	50	150
Glycol monoethyl ether, see 2-Ethoxyethanol		
Guthion ®, see Azinphos-methyl		
Hafnium		0.5
Heptachlor—Skin		0.5
Heptane (n-heptane)	500	2,000
Hexachloroethane—Skin	1	10
Hexachloronaphthalene—Skin		0.2
Hexane (n-hexane)	500	1,800
2-Hexanone	100	410
Hexone (Methyl isobutyl ketone)	100	410
sec-Hexyl acetate	50	300
Hydrazine—Skin	1	1.3
Hydrogen bromide	3	10
C Hydrogen chloride	5	7
Hydrogen cyanide—Skin	10	11
Hydrogen peroxide (90%)	1	1.4

See footnotes at end of table.

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TABLE G-1—Continued

Substance	p.p.m.[a]	mg./M³ [b]
Hydrogen selenide	0.05	0.2
Hydroquinone		2
C Iodine	0.1	1
Iron oxide fume		10
Isoamyl acetate	100	525
Isoamyl alcohol	100	360
Isobutyl acetate	150	700
Isobutyl alcohol	100	300
Isophorone	25	140
Isopropyl acetate	250	950
Isopropyl alcohol	400	980
Isopropylamine	5	12
Isopropylether	500	2,100
Isopropyl glycidyl ether (IGE)	50	240
Ketene	0.5	0.9
Lead arsenate		0.15
Lindane—Skin		0.5
Lithium hydride		0.025
L.P.G. (liquified petroleum gas)	1,000	1,800
Magnesium oxide fume		15
Malathion—Skin		15
Maleic anhydride	0.25	1
C Manganese		5
Mesityl oxide	25	100
Methanethiol, see Methyl mercaptan		
Methoxychlor		15
2-Methoxyethanol, see Methyl cellosolve		
Methyl acetate	200	610
Methyl acetylene (propyne)	1,000	1,650
Methyl acetylene-propadiene mixture (MAPP)	1,000	1,800
Methyl acrylate—Skin	10	35
Methylal (dimethoxymethane)	1,000	3,100
Methyl alcohol (methanol)	200	260
Methylamine	10	12
Methyl amyl alcohol, see Methyl isobutyl carbinol		
Methyl (n-amyl) ketone (2-Heptanone)	100	465
C Methyl bromide—Skin	20	80
Methyl butyl ketone, see 2-Hexanone		
Methyl cellosolve—Skin	25	80
Methyl cellosolve acetate—Skin	25	120
Methyl chloroform	350	1,900
Methylcyclohexane	500	2,000
Methylcyclohexanol	100	470
o-Methylcyclohexanone—Skin	100	460
Methyl ethyl ketone (MEK), see 2-Butanone		
Methyl formate	100	250
Methyl iodide—Skin	5	28
Methyl isobutyl carbinol—Skin	25	100
Methyl isobutyl ketone, see Hexone		
Methyl isocyanate—Skin	0.02	0.05
C Methyl mercaptan	10	20
Methyl methacrylate	100	410
Methyl propyl ketone, see 2-Pentanone		
C α Methyl styrene	100	480
C Methylene bisphenyl Isocyanate (MDI)	0.02	0.2
Molybdenum:		
Soluble compounds		5
Insoluble compounds		15
Monomethyl aniline—Skin	2	9
C Monomethyl hydrazine—Skin	0.2	0.35
Morpholine—Skin	20	70
Naphtha (coaltar)	100	400
Naphthalene	10	50
Nickel carbonyl	0.001	0.007
Nickel, metal and soluble cmpds, as Ni		1
Nicotine—Skin		0.5
Nitric acid	2	5
Nitric oxide	25	30
p-Nitroaniline—Skin	1	6
Nitrobenzene—Skin	1	5
p-Nitrochlorobenzene—Skin		1
Nitroethane	100	310
Nitrogen dioxide	5	9

See footnotes at end of table.

TABLE G-1—Continued

Substance	p.p.m.[a]	mg./M³ [b]
Nitrogen trifluoride	10	29
Nitroglycerin—Skin	0.2	2
Nitromethane	100	250
1-Nitropropane	25	90
2-Nitropropane	25	90
Nitrotoluene—Skin	5	30
Nitrotrichloromethane, see Chloropicrin		
Octachloronaphthalene—Skin		0.1
*Octane	500	2,350
*Oil mist, mineral		5
Osmium tetroxide		0.002
Oxalic acid		1
Oxygen difluoride	0.05	0.1
Ozone	0.1	0.2
Paraquat—Skin		0.5
Parathion—Skin		0.11
Pentaborane	0.005	0.01
Pentachloronaphthalene—Skin		0.5
Pentachlorophenol—Skin		0.5
*Pentane	1,000	2,950
2-Pentanone	200	700
Perchloromethyl mercaptan	0.1	0.8
Perchloryl fluoride	3	13.5
Petroleum distillates (naphtha)	500	2,000
Phenol—Skin	5	19
p-Phenylene diamine—Skin		0.1
Phenyl ether (vapor)	1	7
Phenyl ether-biphenyl mixture (vapor)	1	7
Phenylethylene, see Styrene		
Phenyl glycidyl ether (PGE)	10	60
Phenylhydrazine—Skin	5	22
Phosdrin (Mevinphos ®)—Skin		0.1
Phosgene (carbonyl chloride)	0.1	0.4
Phosphine	0.3	0.4
Phosphoric acid		1
Phosphorus (yellow)		0.1
Phosphorus pentachloride		1
Phosphorus pentasulfide		1
Phosphorus trichloride	0.5	3
Phthalic anhydride	2	12
Picric acid—Skin		0.1
Pival ® (2-Pivalyl-1,3-indandione)		0.1
Platinum (Soluble salts) as Pt		0.002
Propargyl alcohol—Skin	1	2
Propane	1,000	1,800
n-Propyl acetate	200	840
Propyl alcohol	200	500
n-Propyl nitrate	25	110
Propylene dichloride	75	350
Propylene imine—Skin	2	5
Propylene oxide	100	240
Propyne, see Methylacetylene		
Pyrethrum		5
Pyridine	5	15
Quinone	0.1	0.4
RDX—Skin		1.5
Rhodium, Metal fume and dusts, as Rh		0.1
Soluble salts		0.001
Ronnel		10
Rotenone (commercial)		5
Selenium compounds (as Se)		0.2
Selenium hexafluoride	0.05	0.4
Silver, metal and soluble compounds		0.01
Sodium fluoroacetate (1080)—Skin		0.05
Sodium hydroxide		2
Stibine	0.1	0.5
*Stoddard solvent	500	2,950
Strychnine		0.15
Sulfur dioxide	5	13
Sulfur hexafluoride	1,000	6,000
Sulfuric acid		1
Sulfur monochloride	1	6
Sulfur pentafluoride	0.025	0.25
Sulfuryl fluoride	5	20
Systox, see Demeton ®		
2,4,5T		10

TABLE G-1—Continued

Substance	p.p.m.[a]	mg./M³ [b]
Tantalum		5
TEDP—Skin		0.2
Tellurium		0.1
Tellurium hexafluoride	0.02	0.2
TEPP—Skin		0.05
C Terphenyls	1	9
1,1,1,2-Tetrachloro-2,2-difluoroethane	500	4,170
1,1,2,2-Tetrachloro-1,2-difluoroethane	500	4,170
1,1,2,2-Tetrachloroethane—Skin	5	35
Tetrachloroethylene, see Perchloroethylene		
Tetrachloromethane, see Carbon tetrachloride		
Tetrachloronaphthalene—Skin		2
Tetraethyl lead (as Pb)—Skin		0.075
Tetrahydrofuran	200	590
Tetramethyl lead (as Pb)—Skin		0.07
Tetramethyl succinonitrile—Skin	0.5	3
Tetranitromethane	1	8
Tetryl (2,4,6-trinitrophenylmethylnitramine)—Skin		1.5
Thallium (soluble compounds)—Skin as Tl		0.1
Thiram		5
Tin (inorganic cmpds, except oxides		2
Tin (organic cmpds)		0.1
C Toluene-2,4-diisocyanate	0.02	0.14
o-Tolnidine—Skin	5	22
Toxaphene, see Chlorinated camphene		
Tributyl phosphate		5
1,1,1-Trichloroethane, see Methyl chloroform		
1,1,2-Trichloroethane—Skin	10	45
Titaniumdioxide		15
Trichloromethane, see Chloroform		
Trichloronaphthalene—Skin		5
1,2,3-Trichloropropane	50	300
1,1,2-Trichloro 1,2,2-trifluoroethane	1,000	7,600
Triethylamine	25	100
Trifluoromonobromomethane	1,000	6,100
2,4,6-Trinitrophenol, see Picric acid		
2,4,6-Trinitrophenylmethylnitramine, see Tetryl		
Trinitrotoluene—Skin		1.5
Triorthocresyl phosphate		0.1
Triphenyl phosphate		1
Turpentine	100	560
Uranium (soluble compounds)		0.05
Uranium (insoluble compounds)		0.25
C Vanadium:		
V_2O_5 dust		0.5
V_2O_5 fume		0.1
Vinyl benzene, see Styrene		
Vinylcyanide, see Acrylonitrile		
Vinyl toluene	100	480
Warfarin		0.1
Xylene (xylol)	100	435
Xylidine—Skin	5	25
Yttrium		1
Zinc chloride fume		1
Zinc oxide fume		5
Zirconium compounds (as Zr)		5

*1970 Addition.

[a] Parts of vapor or gas per million parts of contaminated air by volume at 25° C. and 760 mm. Hg pressure.

[b] Approximate milligrams of particulate per cubic meter of air.
(No footnote "c" is used to avoid confusion with ceiling value notations.)

[d] An atmospheric concentration of not more than 0.02 p.p.m., or personal protection may be necessary to avoid headache.

[e] As sampled by method that does not collect vapor.

[f] For control of general room air, biologic monitoring is essential for personnel control.

TABLE G-2

Material	8-hour time weighted average	Acceptable ceiling concentration	Acceptable maximum peak above the acceptable ceiling concentration for an 8-hour shift: Concentration	Maximum duration
Benzene (Z37.4-1969)	10 p.p.m	25 p.p.m	50 p.p.m	10 minutes.
Beryllium and beryllium compounds (Z37.29-1970).	2 μg./M³	5 μg./M³	25 μg./M³	30 minutes.
Cadmium fume (Z37.5-1970)	0.1 mg./M³	3 mg./M³		
Cadmium dust (Z37.5-1970)	0.2 mg./M³	0.6 mg./M³		
Carbon disulfide (Z37.3-1968)	20 p.p.m	30 p.p.m	100 p.p.m	Do.
Carbon tetrachloride (Z37.17-1967)	10 p.p.m	25 p.p.m	200 p.p.m	5 minutes in any 4 hours.
Ethylene dibromide (Z37.31-1970)	20 p.p.m	30 p.p.m	50 p.p.m	5 minutes.
Ethylene dichloride (Z37.21-1969)	50 p.p.m	100 p.p.m	200 p.p.m	5 minutes in any 3 hours.
Formaldehyde (Z37.16-1967)	3 p.p.m	5 p.p.m	10 p.p.m	30 minutes.
Hydrogen fluoride (Z37.28-1969)	do	do		
Fluoride as dust (Z37.28-1969)	2.5 mg./M³			
Lead and its inorganic compounds (Z37.11-1969).	0.2 mg./M³			
Methyl chloride (Z37.18-1969)	100 p.p.m	200 p.p.m	300 p.p.m	5 minutes in any 3 hours.
Methylene chloride (Z37.3-1969)	500 p.p.m	1,000 p.p.m	2,000 p.p.m	5 minutes in any 2 hours.
Organo (alkyl) mercury (Z37.30-1969)	0.01 mg./M³	0.04 mg./M³		
Styrene (Z37.15-1969)	100 p.p.m	200 p.p.m	600 p.p.m	5 minutes in any 3 hours.
Trichloroethylene (Z37.19-1967)	do	do	300 p.p.m	5 minutes in any 2 hours.
Tetrachloroethylene (Z37.22-1967)	do	do	do	5 minutes in any 3 hours.
Toluene (Z37.12-1967)	200 p.p.m	300 p.p.m	500 p.p.m	10 minutes.
Hydrogen sulfide (Z37.2-1966)		20 p.p.m	50 p.p.m	10 minutes once only if no other measurable exposure occurs.
Mercury (Z37.8-1971)		1 mg./10M³		
Chromic acid and chromates (Z37.7-1971)		do[3]		

TABLE G-3—MINERAL DUSTS

Substance	Mppcf[a]	Mg/M³	Aerodynamic diameter (unit density sphere)	Percent passing selector
Silica:				
Crystalline:				
Quartz (respirable)	250[f]	10mg/M³ [m]	2	90
	%SiO₂+5	%SiO₂+2 30mg/M³	2.5	75
			3.5	50
Quartz (total dust)		%SiO₂+2	5.0	25
			10	0
Cristobalite: Use ½ the value calculated from the count or mass formulae for quartz.				
Tridymite: Use ½ the value calculated from the formulae for quartz.				
Amorphous, including natural diatomaceous earth	20	80mg/M³ %SiO₂		
Silicates (less than 1% crystalline silica):				
Mica	20			
Soapstone	20			
Talc (non-asbestos-form)	20[e]			
Talc (fibrous). Use asbestos limit.				
Tremolite (see talc, fibrous)				
Portland cement	50			
Graphite (natural)	15			
Coal dust (respirable fraction less than 5% SiO₂)		2.4mg/M³ or 10mg/M³		
For more than 5% SiO₂		%SiO₂+2		
Inert or Nuisance Dust:				
Respirable fraction	15	5mg/M³		
Total dust	50	15mg/M³		

NOTE: Conversion factors—
mppcf×35.3=million particles per cubic meter
=particles per c.c.

[a] Millions of particles per cubic foot of air, based on impinger samples counted by light-field technics.

[f] The percentage of crystalline silica in the formula is the amount determined from air-borne samples, except in those instances in which other methods have been shown to be applicable.

[j] As determined by the membrane filter method at 430×phase contrast magnification.

[m] Both concentration and percent quartz for the application of this limit are to be determined from the fraction passing a size-selector with the following characteristics:

[n] Containing < 1% quartz; if > 1% quartz, use quartz limit.

The measurements under this note refer to the use of an AEC instrument. If the respirable fraction of coal dust is determined with a MRE the figure corresponding to that of 2.4 Mg/M³ in the table for coal dust is 4.5 Mg/M³.

§ 1910.93a Asbestos.

(a) *Definitions.* For the purpose of this section, (1) "Asbestos" includes chrysotile, amosite, crocidolite, tremolite, anthophyllite, and actinolite.

(2) "Asbestos fibers" means asbestos fibers longer than 5 micrometers.

(b) *Permissible exposure to airborne concentrations of asbestos fibers*—(1) *Standard effective July 7, 1972.* The 8-hour time-weighted average airborne concentrations of asbestos fibers to which any employee may be exposed shall not exceed five fibers, longer than 5 micrometers, per cubic centimeter of air, as determined by the method prescribed in paragraph (e) of this section.

(2) *Standard effective July 1, 1976.* The 8-hour time-weighted average airborne concentrations of asbestos fibers to which any employee may be exposed shall not exceed two fibers, longer than 5 micrometers, per cubic centimeter of air, as determined by the method prescribed in paragraph (e) of this section.

(3) *Ceiling concentration.* No employee shall be exposed at any time to airborne concentrations of asbestos fibers in excess of 10 fibers, longer than 5 micrometers, per cubic centimeter of air, as determined by the method prescribed in paragraph (e) of this section.

(c) *Methods of compliance*—(1) *Engineering methods.* (i) *Engineering controls.* Engineering controls, such as, but not limited to, isolation, enclosure, exhaust ventilation, and dust collection, shall be used to meet the exposure limits prescribed in paragraph (b) of this section.

(ii) *Local exhaust ventilation.* (a) Local exhaust ventilation and dust collection systems shall be designed, constructed, installed, and maintained in accordance with the American National Standard Fundamentals Governing the Design and Operation of Local Exhaust Systems, ANSI Z9.2–1971, which is incorporated by reference herein.

(b) See § 1910.6 concerning the availability of ANSI Z9.2–1971, and the maintenance of a historic file in connection therewith. The address of the American National Standards Institute is given in § 1910.100.

(iii) *Particular tools.* All hand-operated and power-operated tools which may produce or release asbestos fibers in excess of the exposure limits prescribed in paragraph (b) of this section, such as, but not limited to, saws, scorers, abrasive wheels, and drills, shall be provided with local exhaust ventilation systems in accordance with subdivision (ii) of this subparagraph.

(2) *Work practices*—(i) *Wet methods.* Insofar as practicable, asbestos shall be handled, mixed, applied, removed, cut, scored, or otherwise worked in a wet state sufficient to prevent the emission of airborne fibers in excess of the exposure limits prescribed in paragraph (b) of this section, unless the usefulness of the product would be diminished thereby.

(ii) *Particular products and operations.* No asbestos cement, mortar, coating, grout, plaster, or similar material containing asbestos shall be removed from bags, cartons, or other containers in which they are shipped, without being either wetted, or enclosed, or ventilated so as to prevent effectively the release of airborne asbestos fibers in excess of the limits prescribed in paragraph (b) of this section.

(iii) *Spraying, demolition, or removal.* Employees engaged in the spraying of asbestos, the removal, or demolition of pipes, structures, or equipment covered or insulated with asbestos, and in the removal or demolition of asbestos insulation or coverings shall be provided with respiratory equipment in accordance with paragraph (d)(2)(iii) of this section and with special clothing in accordance with paragraph (d)(3) of this section.

(d) *Personal protective equipment*—(1) Compliance with the exposure limits prescribed by paragraph (b) of this section may not be achieved by the use of respirators or shift rotation of employees, except:

(i) During the time period necessary to install the engineering controls and to institute the work practices required by paragraph (c) of this section;

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(ii) In work situations in which the methods prescribed in paragraph (c) of this section are either technically not feasible or feasible to an extent insufficient to reduce the airborne concentrations of asbestos fibers below the limits prescribed by paragraph (b) of this section; or

(iii) In emergencies.

(iv) Where both respirators and personnel rotation are allowed by subdivisions (i), (ii), or (iii) of this subparagraph, and both are practicable, personnel rotation shall be preferred and used.

(2) Where a respirator is permitted by subparagraph (1) of this paragraph, it shall be selected from among those approved by the Bureau of Mines, Department of the Interior, or the National Institute for Occupational Safety and Health, Department of Health, Education, and Welfare, under the provisions of 30 CFR Part 11 (37 F.R. 6244, Mar. 25, 1972), and shall be used in accordance with subdivisions (i), (ii), (iii), and (iv) of this subparagraph.

(i) *Air purifying respirators.* A reusable or single use air purifying respirator, or a respirator described in subdivision (ii) or (iii) of this subparagraph, shall be used to reduce the concentrations of airborne asbestos fibers in the respirator below the exposure limits prescribed in paragraph (b) of this section, when the ceiling or the 8-hour time-weighted average airborne concentrations of asbestos fibers are reasonably expected to exceed no more than 10 times those limits.

(ii) *Powered air purifying respirators.* A full facepiece powered air purifying respirator, or a powered air purifying respirator, or a respirator described in subdivision (iii) of this subparagraph, shall be used to reduce the concentrations of airborne asbestos fibers in the respirator below the exposure limits prescribed in paragraph (b) of this section, when the ceiling or the 8-hour time-weighted average concentrations of asbestos fibers are reasonably expected to exceed 10 times, but not 100 times, those limits.

(iii) *Type "C" supplied-air respirators, continuous flow or pressure-demand class.* A type "C" continuous flow or pressure-demand, supplied-air respirator shall be used to reduce the concentrations of airborne asbestos fibers in the respirator below the exposure limits prescribed in paragraph (b) of this section, when the ceiling or the 8-hour time-weighted average airborne concentrations of asbestos fibers are reasonably expected to exceed 100 times those limits.

(iv) *Establishment of a respirator program.* (a) The employer shall establish a respirator program in accordance with the requirements of the American National Standards Practices for Respiratory Protection, ANSI Z88.2–1969, which is incorporated by reference herein.

(b) See § 1910.6 concerning the availability of ANSI Z88.2–1969 and the maintenance of an historic file in connection therewith. The address of the American National Standards Institute is given in § 1910.100.

(c) No employee shall be assigned to tasks requiring the use of respirators if, based upon his most recent examination, an examining physician determines that the employee will be unable to function normally wearing a respirator, or that the safety or health of the employee or other employees will be impaired by his use of a respirator. Such employee shall be rotated to another job or given the opportunity to transfer to a different position whose duties he is able to perform with the same employer, in the same geographical area and with the same seniority, status, and rate of pay he had just prior to such transfer, if such a different position is available.

(3) Special clothing: The employer shall provide, and require the use of, special clothing, such as coveralls or similar whole body clothing, head coverings, gloves, and foot coverings for any employee exposed to airborne concentrations of asbestos fibers, which exceed the ceiling level prescribed in paragraph (b) of this section.

(4) Change rooms: (i) At any fixed place of employment exposed to airborne concentrations of asbestos fibers in excess of the exposure limits prescribed in paragraph (b) of this section, the employer shall provide change rooms for employees working regularly at the place.

(ii) Clothes lockers: The employer shall provide two separate lockers or containers for each employee, so separated or isolated as to prevent contamination of the employee's street clothes from his work clothes.

(iii) Laundering: (a) Laundering of asbestos contaminated clothing shall be done so as to prevent the release of airborne asbestos fibers in excess of the exposure limits prescribed in paragraph (b) of this section.

(b) Any employer who gives asbestos-contaminated clothing to another person for laundering shall inform such person of the requirement in (a) of this subdivision to effectively prevent the release of airborne asbestos fibers in excess of the exposure limits prescribed in paragraph (b) of this section.

(c) Contaminated clothing shall be transported in sealed impermeable bags, or other closed, impermeable containers, and labeled in accordance with paragraph (g) of this section.

(e) *Method of measurement.* All determinations of airborne concentrations of asbestos fibers shall be made by the membrane filter method at 400–450 × (magnification) (4 millimeter objective) with phase contrast illumination.

(f) *Monitoring*—(1) *Initial determinations.* Within 6 months of the publication of this section, every employer shall cause every place of employment where asbestos fibers are released to be monitored in such a way as to determine whether every employee's exposure to asbestos fibers is below the limits prescribed in paragraph (b) of this section. If the limits are exceeded, the employer shall immediately undertake a compliance program in accordance with paragraph (c) of this section.

(2) *Personal monitoring*—(i) Samples shall be collected from within the breathing zone of the employees, on membrane filters of 0.8 micrometer porosity mounted in an open-face filter holder. Samples shall be taken for the determination of the 8-hour time-weighted average airborne concentrations and of the ceiling concentrations of asbestos fibers.

(ii) Sampling frequency and patterns. After the initial determinations required by subparagraph (1) of this paragraph, samples shall be of such frequency and pattern as to represent with reasonable accuracy the levels of exposure of employees. In no case shall the sampling be done at intervals greater than 6 months for employees whose exposure to asbestos may reasonably be foreseen to exceed the limits prescribed by paragraph (b) of this section.

(3) *Environmental monitoring*—(i) samples shall be collected from areas of a work environment which are representative of the airborne concentrations of asbestos fibers which may reach the breathing zone of employees. Samples shall be collected on a membrane filter of 0.8 micrometer porosity mounted in an open-face filter holder. Samples shall be taken for the determination of the 8-hour time-weighted average airborne concentrations and of the ceiling concentrations of asbestos fibers.

(ii) *Sampling frequency and patterns.* After the initial determinations required by subparagraph (1) of this paragraph, samples shall be of such frequency and pattern as to represent with reasonable accuracy the levels of exposure of the employees. In no case shall sampling be at intervals greater than 6 months for employees whose exposures to asbestos may reasonably be foreseen to exceed the exposure limits prescribed in paragraph (b) of this section.

(4) *Employee observation of monitoring.* Affected employees, or their representatives, shall be given a reasonable opportunity to observe any monitoring required by this paragraph and shall have access to the records thereof.

(g) *Caution signs and labels.* (1) *Caution signs.* (i) *Posting.* Caution signs shall be provided and displayed at each location where airborne concentrations of asbestos fibers may be in excess of the exposure limits prescribed in paragraph (b) of this section. Signs shall be posted at such a distance from such a location so that an employee may read the signs and take necessary protective steps before entering the area marked by the signs. Signs shall be posted at all approaches to areas containing excessive concentrations of airborne asbestos fibers.

(ii) *Sign specifications.* The warning signs required by subdivision (i) of this subparagraph shall conform to the requirements of 20" x 14" vertical format signs specified in § 1910.145(d)(4), and to this subdivision. The signs shall display the following legend in the lower panel, with letter sizes and styles of a visibility at least equal to that specified in this subdivision.

Legend	*Notation*
Asbestos	1" Sans Serif, Gothic or Block.
Dust Hazard	¾" Sans Serif, Gothic or Block.
Avoid Breathing Dust	¼" Gothic.
Wear Assigned Protective Equipment.	¼" Gothic.
Do Not Remain In Area Unless Your Work Requires It.	¼" Gothic.
Breathing Asbestos Dust May Be Hazardous To Your Health.	14 point Gothic.

Spacing between lines shall be at least equal to the height of the upper of any two lines.

(2) *Caution labels*—(i) *Labeling.* Caution labels shall be affixed to all raw materials, mixtures, scrap, waste, debris, and other products containing asbestos fibers, or to their containers, except that no label is required where asbestos fibers have been modified by a bonding agent, coating, binder, or other material so that during any reasonably foreseeable use, handling, storage, disposal, processing, or transportation, no airborne concentrations of asbestos fibers in excess of the exposure limits prescribed in paragraph (b) of this section will be released.

(ii) *Label specifications.* The caution labels required by subdivision (i) of this subparagraph shall be printed in letters of sufficient size and contrast as to be readily visible and legible. The label shall state:

CAUTION

Contains Asbestos Fibers

Avoid Creating Dust

Breathing Asbestos Dust May Cause Serious Bodily Harm

(h) *Housekeeping*—(1) *Cleaning.* All external surfaces in any place of employment shall be maintained free of accumulations of asbestos fibers if, with their dispersion, there would be an excessive concentration.

(2) *Waste disposal.* Asbestos waste, scrap, debris, bags, containers, equipment, and asbestos-contaminated clothing, consigned for disposal, which may produce in any reasonably foreseeable use, handling, storage, processing, disposal, or transportation airborne concentrations of asbestos fibers in excess of the exposure limits prescribed in paragraph (b) of this section shall be collected and disposed of in sealed impermeable bags, or other closed, impermeable containers.

(i) *Recordkeeping*—(1) *Exposure records.* Every employer shall maintain records of any personal or environmental monitoring required by this section. Records shall be maintained for a period of at least 3 years and shall be made available upon request to the Assistant Secretary of Labor for Occupational Safety and Health, the Director of the National Institute for Occupational Safety and Health, and to authorized representatives of either.

(2) *Employee access.* Every employee and former employee shall have reasonable access to any record required to be maintained by subparagraph (1) of this paragraph, which indicates the employee's own exposure to asbestos fibers.

(3) *Employee notification.* Any employee found to have been exposed at any time to airborne concentrations of asbestos fibers in excess of the limits prescribed in paragraph (b) of this section shall be notified in writing of the exposure as soon as practicable but not later than 5 days of the finding. The employee shall also be timely notified of the corrective action being taken.

(j) *Medical examinations*—(1) *General.* The employer shall provide or make available at his cost, medical examinations relative to exposure to asbestos required by this paragraph.

(2) *Preplacement.* The employer shall provide or make available to each of his employees, within 30 calendar days following his first employment in an occupation exposed to airborne concentrations of asbestos fibers, a comprehensive medical examination, which shall include, as a minimum, a chest roentgenogram (posterior-anterior 14 x 17 inches), a history to elicit symptomatology of respiratory disease, and pulmonary function tests to include forced vital capacity (FVC) and forced expiratory volume at 1 second ($FEV_{1.0}$).

(3) *Annual examinations.* On or before January 31, 1973, and at least annually thereafter, every employer shall provide, or make available, comprehensive medical examinations to each of his employees engaged in occupations exposed to airborne concentrations of asbestos fibers. Such annual examination shall include, as a minimum, a chest roentgenogram (posterior-anterior 14 x 17 inches), a history to elicit symptomatology of respiratory disease, and pulmonary function tests to include forced vital capacity (FVC) and forced expiratory volume at 1 second ($FEV_{1.0}$).

(4) *Termination of employment.* The employer shall provide, or make available, within 30 calendar days before or after the termination of employment of any employee engaged in an occupation exposed to airborne concentrations of asbestos fibers, a comprehensive medical examination which shall include, as a minimum, a chest roentgenogram (posterior-anterior 14 x 17 inches), a history to elicit symptomatology of respiratory disease, and pulmonary function tests to include forced vital capacity (FVC) and forced expiratory volume at 1 second ($FEV_{1.0}$).

(5) *Recent examinations.* No medical examination is required of any employee, if adequate records show that the employee has been examined in accordance with this paragraph within the past 1-year period.

(6) *Medical records*—(i) *Maintenance.* Employers of employees examined pursuant to this paragraph shall cause to be maintained complete and accurate records of all such medical examinations. Records shall be retained by employers for at least 20 years.

(ii) *Access.* The contents of the records of the medical examinations required by this paragraph shall be made available, for inspection and copying, to the Assistant Secretary of Labor for Occupational Safety and Health, the Director of NIOSH, or authorized physicians and medical consultants of either of them, and, upon the request of an employee or former employee, to his physician. Any physician who conducts a medical examination required by this paragraph shall furnish to the employer of the examined employee all the information specifically required by this paragraph, and any other medical information related to occupational exposure to asbestos fibers.

§ 1910.93b Coal tar pitch volatiles; interpretation of term.

As used in § 1910.93 (Table G–1), coal tar pitch volatiles include the fused polycyclic hydrocarbons which volatilize from the distillation residues of coal, petroleum, wood, and other organic matter.

(Sec. 8(g), 84 Stat. 1600, 29 U.S.C. 657) [37 FR 24749, Nov. 21, 1972]

§ 1910.93c 4-Nitrobiphenyl.

(a) *Scope and application.* (1) This section applies to any area in which 4-Nitrobiphenyl, Chemical Abstracts Service Registry Number 92933 is manufactured, processed, repackaged, released, handled, or stored, but shall not apply to trans-shipment in sealed containers, except for the labeling requirements under paragraphs (e)(2), (3), and (4) of this section.

(2) This section shall not apply to solid or liquid mixtures containing less than 0.1 percent by weight or volume of 4-Nitrobiphenyl.

(b) *Definitions.* For the purposes of this section: (1) "Absolute filter" is one capable of retaining 99.97 percent of a mono disperse aerosol of 0.3 μm particles.

(2) "Authorized employee" means an employee whose duties require him to be in the regulated area and who has been specifically assigned by the employer.

(3) "Clean change room" means a room where employees put on clean clothing and/or protective equipment in an environment free of 4-Nitrobiphenyl. The clean change room shall be contiguous to and have an entry from a shower room, when the shower room facilities are otherwise required in this section.

(4) "Closed system" means an operation involving 4-Nitrobiphenyl where containment prevents the release of 4-Nitrobiphenyl into regulated areas, nonregulated areas, or the external environment.

(5) "Decontamination" means the inactivation of 4-Nitrobiphenyl or its safe disposal.

(6) "Director" means the Director, National Institute for Occupational Safety and Health, or any person directed by him or the Secretary of Health, Education, and Welfare to act for the Director.

(7) "Disposal" means the safe removal of 4-Nitrobiphenyl from the work environment.

(8) "Emergency" means an unforeseen circumstance or set of circumstances resulting in the release of 4-Nitrobiphenyl

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which may result in exposure to or contact with 4-Nitrobiphenyl.

(9) "External environment" means any environment external to regulated and nonregulated areas.

(10) "Isolated system" means a fully enclosed structure other than the vessel of containment of 4-Nitrobiphenyl, which is impervious to the passage of 4-Nitrobiphenyl, and which would prevent the entry of 4-Nitrobiphenyl into regulated areas, nonregulated areas, or the external environment, should leakage or spillage from the vessel of containment occur.

(11) "Laboratory type hood" is a device enclosed on three sides and the top and bottom, designed and maintained so as to draw air inward at an average linear face velocity of 150 feet per minute with a minimum of 125 feet per minute; designed, constructed, and maintained in such a way that an operation involving 4-Nitrobiphenyl within the hood does not require the insertion of any portion of any employee's body other than his hands and arms.

(12) "Nonregulated area" means any area under the control of the employer where entry and exit is neither restricted nor controlled.

(13) "Open-vessel system" means an operation involving 4-Nitrobiphenyl in an open vessel, which is not in an isolated system, a laboratory type hood, nor in any other system affording equivalent protection against the entry of 4-Nitrobiphenyl into regulated areas, nonregulated areas, or the external environment.

(14) "Protective clothing" means clothing designed to protect an employee against contact with or exposure to 4-Nitrobiphenyl.

(15) "Regulated area" means an area where entry and exit is restricted and controlled.

(c) "Requirements for areas containing 4-Nitrobiphenyl." A regulated area shall be established by an employer where 4-Nitrobiphenyl is manufactured, processed, used, repackaged, released, handled or stored. All such areas shall be controlled in accordance with the requirements for the following category or categories describing the operation involved: (1) *Isolated systems.* Employees working with 4-Nitrobiphenyl within an isolated system such as a "glove box" shall wash their hands and arms upon completion of the assigned task and before engaging in other activities not associated with the isolated system.

(2) *Closed system operation.* Within regulated areas where 4-Nitrobiphenyl is stored in sealed containers, or contained in a closed system, including piping systems, with any sample ports or openings closed while 4-Nitrobiphenyl is contained within: (i) Access shall be restricted to authorized employees only;

(ii) Employees shall be required to wash hands, forearms, face and neck upon each exit from the regulated areas, close to the point of exit and before engaging in other activities.

(3) *Open vessel system operations.* Open vessel system operations as defined in paragraph (b) (13) of this section are prohibited.

(4) *Transfer from a closed system, charging or discharging point operations, or otherwise opening a closed system.* In operations involving "laboratory type hoods," or in locations where 4-Nitrobiphenyl is contained in an otherwise "closed system," but is transferred, charged, or discharged into other normally closed containers, the provisions of this subparagraph shall apply. (i) Access shall be restricted to authorized employees only;

(ii) Each operation shall be provided with continuous local exhaust ventilation so that air movement is always from ordinary work areas to the operation. Exhaust air shall not be discharged to regulated areas, nonregulated areas or the external environment unless decontaminated. Clean makeup air shall be introduced in sufficient volume to maintain the correct operation of the local exhaust system.

(iii) Employees shall be provided with, and required to wear, clean, full body protective clothing (smocks, coveralls, or long-sleeved shirt and pants), shoe covers and gloves prior to entering the regulated area.

(iv) Employees engaged in 4-Nitrobiphenyl handling operations shall be provided with and required to wear and use a half-face, filter-type respirator for dusts, mists, and fumes, in accordance with § 1910.134. A respirator affording higher levels of protection may be substituted.

(v) Prior to each exit from a regulated area, employees shall be required to remove and leave protective clothing and equipment at the point of exit and at the last exit of the day, to place used clothing and equipment in impervious containers at the point of exit for purposes of decontamination or disposal. The contents of such impervious containers shall be identified, as required under paragraphs (e) (2), (3), and (4) of this section.

(vi) Employees shall be required to wash hands, forearms, face and neck on each exit from the regulated area, close to the point of exit, and before engaging in other activities.

(vii) Employees shall be required to shower after the last exit of the day.

(viii) Drinking fountains are prohibited in the regulated area.

(5) *Maintenance and decontamination activities.* In cleanup of leaks or spills, maintenance or repair operations on contaminated systems or equipment, or any operations involving work in an area where direct contact with 4-Nitrobiphenyl could result, each authorized employee entering that area shall: (i) Be provided with and required to wear clean, impervious garments, including gloves, boots and continuous-air supplied hood in accordance with § 1910.134.

(ii) Be decontaminated before removing the protective garments and hood;

(iii) Be required to shower upon removing the protective garments and hood.

(6) *Laboratory activities.* The requirements of this subparagraph shall apply to research and quality control activities involving the use of 4-Nitrobiphenyl. (i) Mechanical pipetting aids shall be used for all pipetting procedures.

(ii) Experiments, procedures and equipment which could produce aerosols shall be confined to laboratory-type hoods or glove boxes.

(iii) Surfaces on which 4-Nitrobiphenyl is handled shall be protected from contamination.

(iv) Contaminated wastes and animal carcasses shall be collected in impervious containers which are closed and decontaminated prior to removal from the work area. Such wastes and carcasses shall be incinerated in such a manner that no carcinogenic products are released.

(v) All other forms of 4-Nitrobiphenyl shall be inactivated prior to disposal.

(vi) Laboratory vacuum systems shall be protected with high-efficiency scrubbers or with disposable absolute filters.

(vii) Employees engaged in animal support activities shall be (*a*) provided with, and required to wear, a complete protective clothing change, clean each day, including coveralls or pants and shirt, foot covers, head covers, gloves, and appropriate respiratory protective equipment or devices; and

(*b*) Prior to each exit from a regulated area, employees shall be required to remove and leave protective clothing and equipment at the point of exit and at the last exit of the day, to place used clothing and equipment in impervious containers at the point of exit for purposes of decontamination or disposal. The contents of such impervious containers shall be identified as required under paragraphs (e) (2), (3), and (4) of this section.

(c) Required to wash hands, forearms, face and neck upon each exit from the regulated area close to the point of exit, and before engaging in other activities; and

(*d*) Required to shower after the last exit of the day.

(viii) Employees, other than those engaged only in animal support activities, each day shall be (*a*) provided with and required to wear a clean change of appropriate laboratory clothing, such as a solid front gown, surgical scrub suit, or fully buttoned laboratory coat.

(*b*) Prior to each exit from a regulated area, employees shall be required to remove and leave protective clothing and equipment at the point of exit and at the last exit of the day, to place used clothing and equipment in impervious containers at the point of exit for purposes of decontamination or disposal. The contents of such impervious containers shall be identified as required under paragraphs (e) (2), (3), and (4) of this section.

(c) Required to wash hands, forearms, face and neck upon each exit from the regulated area close to the point of exit, and before engaging in other activities.

(ix) Air pressure in laboratory areas and animal rooms where 4-Nitrobiphenyl is handled and bioassay studies are performed shall be negative in relation to the pressure in surrounding areas. Exhaust air shall not be discharged to regulated areas, nonregulated areas or the external environment unless decontaminated.

(x) There shall be no connection between regulated areas and any other areas through the ventilation system.

(xi) A current inventory of 4-Nitrobiphenyl shall be maintained.

(xii) Ventilated apparatus such as laboratory type hoods, shall be tested at least semi-annually or immediately after ventilation modification or maintenance operations, by personnel fully qualified to certify correct containment and operation.

(d) *General regulated area requirements*—(1) *Employee identification.* A daily roster of employees entering regulated areas shall be established and maintained. The rosters or a summary of the rosters, shall be retained for a period of 20 years. The rosters and/or summaries shall be provided upon request to authorized representatives of the Assistant Secretary and the Director. In the event that the employer ceases business without a successor, rosters shall be forwarded by registered mail to the Director.

(2) *Emergencies.* In an emergency, immediate measures including, but not limited to, the requirements of subdivisions (i), (ii), (iii), (iv), and (v) of this subparagraph shall be implemented. (i) The potentially affected area shall be evacuated as soon as the emergency has been determined.

(ii) Hazardous conditions created by the emergency shall be eliminated and the potentially affected area shall be decontaminated prior to the resumption of normal operations.

(iii) Special medical surveillance by a physician shall be instituted within 24 hours for employees present in the potentially affected area at the time of the emergency. A report of the medical surveillance and any treatment shall be included in the incident report, in accordance with paragraph (f) (2) of this section.

(iv) Where an employee has a known contact with 4-Nitrobiphenyl such employee shall be required to shower as soon as possible, unless contraindicated by physical injuries.

(v) An incident report on the emergency shall be reported as provided in paragraph (f) (2) of this section.

(3) *Hygiene facilities and practices.* (i) Storage or consumption of food, storage or use of containers of beverages, storage or application of cosmetics, smoking, storage of smoking materials, tobacco products or other products for chewing, or the chewing of such products, are prohibited in regulated areas.

(ii) Where employees are required by this section to wash, washing facilities shall be provided in accordance with § 1910.141(d) (1) and (2) (ii) through (vii).

(iii) Where employees are required by this section to shower, shower facilities shall be provided in accordance with § 1910.141(d) (3).

(iv) Where employees wear protective clothing and equipment, clean change rooms shall be provided, in accordance with § 1910.141(e), for the number of such employees required to change clothes.

(v) Where toilets are in regulated areas, such toilets shall be in a separate room.

(4) *Contamination control.* (i) Regulated areas, except for outdoor systems, shall be maintained under pressure negative with respect to nonregulated areas. Local exhaust ventilation may be used to satisfy this requirement. Clean makeup air in equal volume shall replace air removed.

(ii) Any equipment, material, or other item taken into or removed from a regulated area shall be done so in a manner that does not cause contamination in nonregulated areas or the external environment.

(iii) Decontamination procedures shall be established and implemented to remove 4-Nitrobiphenyl from the surfaces of materials, equipment and the decontamination facility.

(iv) Dry sweeping and dry mopping are prohibited.

(e) *Signs, information and training*—(1) *Signs.* (i) Entrances to regulated areas shall be posted with signs bearing the legend:

CANCER-SUSPECT AGENT

AUTHORIZED PERSONNEL ONLY

(ii) Entrances to regulated areas containing operations covered in paragraph (c) (5) of this section shall be posted with signs bearing the legend:

CANCER-SUSPECT AGENT EXPOSED IN THIS AREA

IMPERVIOUS SUIT INCLUDING GLOVES, BOOTS, AND AIR-SUPPLIED HOOD REQUIRED AT ALL TIMES

AUTHORIZED PERSONNEL ONLY

(iii) Appropriate signs and instructions shall be posted at the entrance to, and exit from, regulated areas, informing employees of the procedures that must be followed in entering and leaving a regulated area.

(2) *Container contents identification.* (i) Containers of 4-Nitrobiphenyl and containers required under paragraphs (c) (4) (v) and (c) (6) (vii) (*b*), and (c) (6) (viii) (*b*) of this section which are accessible only to, and handled only by, authorized employees, or by other employees trained in accordance with subparagraph (5) of this paragraph, may have contents identification limited to a generic or proprietary name, or other proprietary identification, of the carcinogen and percent.

(ii) Containers of 4-Nitrobiphenyl and containers required under paragraphs (c) (4) (v), (c) (6) (vii) (*b*), and (c) (6) (viii) (*b*) of this section which are accessible to, or handled by employees other than authorized employees or employees trained in accordance with subparagraph (5) of this paragraph shall have contents identification which includes the full chemical name and Chemical Abstracts Service Registry number as listed in paragraph (a) (1) of this section.

(iii) Containers shall have the warning words "CANCER-SUSPECT AGENT" displayed immediately under or adjacent to the contents identification.

(iv) Containers which have 4-Nitrobiphenyl contents with corrosive or irritating properties shall have label statements warning of such hazards, noting, if appropriate, particularly sensitive or affected portions of the body.

(3) *Lettering.* Lettering on signs and instructions required by subparagraph (1) shall be a minimum letter height of 2 inches. Labels on containers required under this section shall not be less than ½ the size of the largest lettering on the package, and not less than 8 point type in any instance. *Provided,* That no such required lettering need be more than 1 inch in height.

(4) *Prohibited statements.* No statement shall appear on or near any required sign, label, or instruction which contradicts or detracts from the effect of any required warning, information or instruction.

(5) *Training and indoctrination.* (i) Each employee prior to being authorized to enter a regulated area, shall receive a training and indoctrination program including, but not necessarily limited to: (*a*) The nature of the carcinogenic hazards of 4-Nitrobiphenyl, including local and systemic toxicity;

(*b*) The specific nature of the operation involving 4-Nitrobiphenyl which could result in exposure;

(*c*) The purpose for and application of the medical surveillance program, including, as appropriate, methods of self-examination;

(*d*) The purpose for and application of decontamination practices and purposes;

(*e*) The purpose for and significance of emergency practices and procedures;

(*f*) The employee's specific role in emergency procedures;

(*g*) Specific information to aid the employee in recognition and evaluation of conditions and situations which may result in the release of 4-Nitrobiphenyl;

(*h*) The purpose for and application of specific first aid procedures and practices;

(*i*) A review of this section at the employee's first training and indoctrination program and annually thereafter.

(ii) Specific emergency procedures shall be prescribed, and posted, and employees shall be familiarized with their terms, and rehearsed in their application.

(iii) All materials relating to the program shall be provided upon request to authorized representatives of the Assistant Secretary and the Director.

(f) *Reports*—(1) *Operations.* Not later than March 1, 1974, the information required in subdivisions (i), (ii), (iii), and (iv) of this subparagraph shall be reported in writing to the nearest OSHA Area Director. Any changes in such information shall be similarly reported in writing within 15 calendar days of such

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change. (i) A brief description and in-plant location of the area(s) regulated and the address of each regulated area;

(ii) The name(s) and other identifying information as to the presence of 4-Nitrobiphenyl in each regulated area:

(iii) The number of employees in each regulated area, during normal operations including maintenance activities; and

(iv) The manner in which 4-Nitrobiphenyl is present in each regulated area; e.g. whether it is manufactured, processed, used, repackaged, released, stored, or otherwise handled.

(2) *Incidents.* Incidents which result in the release of 4-Nitrobiphenyl into any area where employees may be potentially exposed shall be reported in accordance with this subparagraph. (i) A report of the occurrence of the incident and the facts obtainable at that time including a report on any medical treatment of affected employees shall be made within 24 hours to the nearest OSHA Area Director.

(ii) A written report shall be filed with the nearest OSHA Area Director within 15 calendar days thereafter and shall include: (*a*) A specification of the amount of material released, the amount of time involved, and an explanation of the procedure used in determining this figure;

(*b*) A description of the area involved, and the extent of known and possible employee exposure and area contamination; and

(*c*) A report of any medical treatment of affected employees, and any medical surveillance program implemented; and

(*d*) An analysis of the circumstances of the incident, and measures taken or to be taken, with specific completion dates, to avoid further similar releases.

(g) *Medical surveillance.* At no cost to the employee, a program of medical surveillance shall be established and implemented for employees considered for assignment to enter regulated areas, and for authorized employees. (1) *Examinations.* (i) Before an employee is assigned to enter a regulated area, a preassignment physical examination by a physician shall be provided. The examination shall include the personal history of the employee, family and occupational background, including genetic and environmental factors.

(ii) Authorized employees shall be provided periodic physical examinations, not less often than annually, following the preassignment examination.

(iii) In all physical examinations, the examining physician shall consider whether there exist conditions of increased risk, including reduced immunological competence, those undergoing treatment with steroids or cytotoxic agents, pregnancy and cigarette smoking.

(2) *Records.* (i) Employers of employees examined pursuant to this paragraph shall cause to be maintained complete and accurate records of all such medical examinations. Records shall be maintained for the duration of the employee's employment. Upon termination of the employee's employment, including retirement or death, or in the event that the employer ceases business without a successor, records, or notarized true copies thereof, shall be forwarded by registered mail to the Director.

(ii) Records required by this paragraph shall be provided upon request to authorized representatives of the Assistant Secretary or the Director; and upon request of an employee or former employee, to a physician designated by the employee or to a new employer.

(iii) Any physician who conducts a medical examination required by this paragraph shall furnish to the employer a statement of the employee's suitability for employment in the specific exposure.

§ 1910.93d alpha-Naphthylamine.

(a) *Scope and application.* (1) This section applies to any area in which alpha-Naphthylamine, Chemical Abstracts Service Registry Number 134327 is manufactured, processed, repackaged, released, handled, or stored, but shall not apply to trans-shipment in sealed containers, except for the labeling requirements under paragraphs (e)(2), (3), and (4) of this section.

(2) This section shall not apply to solid or liquid mixtures containing less than 1.0 percent by weight or volume of alpha-Naphthylamine.

(3) This section will not apply to operations involving the destructive distillation of carbonaceous materials, such as occurs in coke ovens.

(b) *Definitions.* For the purposes of this section: (1) "Absolute filter" is one capable of retaining 99.97 percent of a mono disperse aerosol of 0.3 μm particles.

(2) "Authorized employee" means an employee whose duties require him to be in the regulated area and who has been specifically assigned by the employer.

(3) "Clean change room" means a room where employees put on clean clothing and/or protective equipment in an environment free of alpha-Naphthylamine. The clean change room shall be contiguous to and have an entry from a shower room, when the shower room facilities are otherwise required in this section.

(4) "Closed system" means an operation involving alpha-Naphthylamine where containment prevents the release of alpha-Naphthylamine into regulated areas, nonregulated areas, or the external environment.

(5) "Decontamination" means the inactivation of alpha-Naphthylamine or its safe disposal.

(6) "Director" means the Director, National Institute for Occupational Safety and Health, or any person directed by him or the Secretary of Health, Education, and Welfare to act for the Director.

(7) "Disposal" means the safe removal of alpha-Naphthylamine from the work environment.

(8) "Emergency" means an unforeseen circumstance or set of circumstances resulting in the release of alpha-Naphthylamine which may result in exposure to or contact with alpha-Naphthylamine.

(9) "External environment" means any environment external to regulated and nonregulated areas.

(10) "Isolated system" means a fully enclosed structure other than the vessel of containment of alpha-Naphthylamine, which is impervious to the passage of alpha-Naphthylamine, and which would prevent the entry of alpha-Naphthylamine into regulate areas, nonregulated areas, or the external environment, should leakage or spillage from the vessel of containment occur.

(11) "Laboratory type hood" is a device enclosed on three sides and the top and bottom, designed and maintained so as to draw air inward at an average linear face velocity of 150 feet per minute with a minimum of 125 feet per minute; designed, constructed, and maintained in such a way that an operation involving alpha-Naphthylamine within the hood does not require the insertion of any portion of any employee's body other than his hands and arms.

(12) "Nonregulated area" means any area under the control of the employer where entry and exit is neither restricted nor controlled.

(13) "Open-vessel system" means an operation involving alpha-Naphthylamine in an open vessel, which is not in an isolated system, a laboratory type hood, nor in any other system affording equivalent protection against the entry of alpha-Naphthylamine into regulated areas, nonregulated areas, or the external environment.

(14) "Protective clothing" means clothing designed to protect an employee against contact with or exposure to alpha-Naphthylamine.

(15) "Regulated area" means an area where entry and exit is restricted and controlled.

(c) *Requirements for areas containing alpha-Naphthylamine.* A regulated area shall be established by an employer where alpha-Naphthylamine is manufactured, processed, used, repackaged, released, handled or stored. All such areas shall be controlled in accordance with the requirements for the following category or categories describing the operation involved: (1) *Isolated systems.* Employees working with alpha-Naphthylamine within an isolated system, such as a "glove box" shall wash their hands and arms upon completion of the assigned task and before engaging in other activities not associated with the isolated system.

(2) *Closed system operation.* Within regulated areas where alpha-Naphthylamine is stored in sealed containers, or contained in a closed system, including piping systems, with any sample ports or openings closed while alpha-Naphthylamine is contained within: (i) Access shall be restricted to authorized employees only;

(ii) Employees shall be required to wash hands, forearms, face and neck upon each exit from the regulated areas, close to the point of exit and before engaging in other activities.

(3) *Open vessel system operations.* Open vessel system operations as defined in paragraph (b)(13) of this section are prohibited.

(4) *Transfer from a closed system, charging or discharging point operations, or otherwise opening a closed system.* In operations involving "laboratory type hoods," or in locations where alpha-Naphthylamine is contained in an otherwise "closed system," but is transferred, charged, or discharged into other normally closed containers, the provisions of this subparagraph shall apply. (i) Access shall be restricted to authorized employees only;

(ii) Each operation shall be provided with continuous local exhaust ventilation so that air movement is always from ordinary work areas to the operation. Exhaust air shall not be discharged to regulated areas, nonregulated areas or the external environment unless decontaminated. Clean makeup air shall be introduced in sufficient volume to maintain the correct operation of the local exhaust system.

(iii) Employees shall be provided with, and required to wear, clean, full body protective clothing (smocks, coveralls, or long-sleeved shirt and pants), and shoe covers and gloves prior to entering a regulated area.

(iv) Employees engaged in alpha-Naphthylamine handling operations shall be provided with and required to wear and use a half-face, filter-type respirator for dusts, mists, and fumes, in accordance with § 1910.134. A respirator affording higher levels of protection may be substituted.

(v) Prior to each exit from a regulated area, employees shall be required to remove and leave protective clothing and equipment at the point of exit and at the last exist of the day, to place used clothing and equipment in impervious containers at the point of exit for purposes of decontamination or disposal. The contents of such impervious containers shall be identified as required under paragraphs (e)(2), (3), and (4) of this section.

(vi) Employees shall be required to wash hands, forearms, face and neck on each exit from the regulated area, close to the point of exit, and before engaging in other activities.

(vii) Employees shall be required to shower after the last exit of the day.

(viii) Drinking fountains are prohibited in the regulated area.

(5) *Maintenance and decontamination activities.* In cleanup of leaks or spills, maintenance or repair operations on contaminated systems or equipment, or any operations involving work in an area where direct contact with alpha-Naphthylamine could result, each authorized employee entering that area shall:

(i) Be provided with and required to wear clean, impervious garments, including gloves, boots and continuous-air supplied hood in accordance with § 1910.134.

(ii) Be decontaminated before removing the protective garments and hood;

(iii) Be required to shower upon removing the protective garments and hood.

(6) *Laboratory activities.* The requirements of this subparagraph shall apply to research and quality control activities involving the use of alpha-Naphthylamine. (i) Mechanical pipetting aids shall be used for all pipetting procedures.

(ii) Experiments, procedures and equipment which could produce aerosols shall be confined to laboratory-type hoods or glove boxes.

(iii) Surfaces on which alpha-Naphthylamine is handled shall be protected from contamination.

(iv) Contaminated wastes and animal carcasses shall be collected in impervious containers which are closed and decontaminated prior to removal from the work area. Such wastes and carcasses shall be incinerated in such a manner that no carcinogenic products are released.

(v) All other forms of alpha-Naphthylamine shall be inactivated prior to disposal.

(vi) Laboratory vacuum systems shall be protected with high-efficiency scrubbers or with disposable absolute filters.

(vii) Employees engaged in animal support activities shall be (*a*) provided with, and required to wear, a complete protective clothing change, clean each day, including coveralls, or pants and shirt, foot covers, head covers, gloves, and appropriate respiratory protective equipment or devices; and

(*b*) Prior to each exit from a regulated area, employees shall be required to remove and leave protective clothing and equipment at the point of exit and at the last exit of the day, to place used clothing and equipment in impervious containers at the point of exit for purposes of decontamination or disposal. The contents of such impervious containers shall be identified as required under paragraphs (e)(2), (3), and (4) of this section.

(c) Required to wash hands, forearms, face and neck upon each exit from the regulated area close to the point of exit, and before engaging in other activities; and

(*d*) Required to shower after the last exit of the day.

(viii) Employees, other than those engaged only in animal support activities, each day shall be (*a*) provided with and required to wear a clean change of appropriate laboratory clothing, such as a solid front grown, surgical scrub suit, or fully buttoned laboratory coat.

(*b*) Prior to each exit from a regulated area, employees shall be required to remove and leave protective clothing and equipment at the point of exit and at the last exit of the day, to place used clothing and equipment in impervious containers at the point of exit for purposes of decontamination or disposal. The contents of such impervious containers shall be identified as required under paragraphs (e)(2), (3), and (4) of this section.

(c) Required to wash hands, forearms, face and neck upon each exit from the regulated area close to the point of exit, and before engaging in other activities.

(ix) Air pressure in laboratory areas and animal rooms where alpha-Naphthylamine is handled and bioassay studies are performed shall be negative in relation to the pressure in surrounding areas. Exhaust air shall not be discharged to regulated areas, nonregulated areas or the external environment unless decontaminated.

(x) There shall be no connection between regulated areas and any other areas through the ventilation system.

(xi) A current inventory of alpha-Naphthylamine shall be maintained.

(xii) Ventilated apparatus such as laboratory type hoods, shall be tested at least semi-annually or immediately after ventilation modification or maintenance operations, by personnel fully qualified to certify correct containment and operation.

(d) *General regulated area requirements.*—(1) *Employee identification.* A daily roster of employees entering regulated areas shall be established and maintained. The rosters or a summary of the rosters, shall be retained for a period of 20 years. The rosters and/or summaries shall be provided upon request to authorized representatives of the Assistant Secretary and the Director. In the event that the employer ceases business without a successor, rosters shall be forwarded by registered mail to the Director.

(2) *Emergencies.* In an emergency, immediate measures including, but not limited to, the requirements of subdivisions (i), (ii), (iii), (iv), and (v) of this subparagraph shall be implemented. (i) The potentially affected area shall be evacuated as soon as the emergency has been determined.

(ii) Hazardous conditions created by the emergency shall be eliminated and the potentially affected areas shall be decontaminated prior to the resumption of normal operations.

(iii) Special medical surveillance by a physician shall be instituted within 24 hours for employees present in the potentially affected area at the time of the emergency. A report of the medical surveillance and any treatment shall be included in the incident report, in accordance with paragraph (f)(2) of this section.

(iv) Where an employee has a known contact with alpha-Naphthylamine, such employee shall be required to shower as soon as possible, unless contraindicated by physical injuries.

(v) An incident report on the emergency shall be reported as provided in paragraph (f)(2) of this section.

(3) *Hygiene facilities and practices.* (i) Storage or consumption of food, storage or use of containers of beverages, storage or application of cosmetics, smoking, storage of smoking materials, tobacco products or other products for chewing, or the chewing of such products, are prohibited in regulated areas.

(ii) Where employees are required by this section to wash, washing facilities shall be provided in accordance with § 1910.141(d)(1) and (2)(ii) through (vii).

(iii) Where employees are required by this section to shower, shower facilities shall be provided in accordance with § 1910.141(d)(3).

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(iv) Where employees wear protective clothing and equipment clean change rooms shall be provided, in accordance with § 1910.141(e), for the number of such employees required to change clothes.

(v) Where toilets are in regulated areas, such toilets shall be in a separate room.

(4) *Contamination control.* (i) Regulated areas, except for outdoor systems, shall be maintained under pressure negative with respect to nonregulated areas. Local exhaust ventilation may be used to satisfy this requirement. Clean makeup air in equal volume shall replace air removed.

(ii) Any equipment, material, or other item taken into or removed from a regulated area shall be done so in a manner that does not cause contamination in nonregulated areas or the external environment.

(iii) Decontamination procedures shall be established and implemented to remove alpha-Naphthylamine from the surfaces of materials, equipment and the decontamination facility.

(iv) Dry sweeping and dry mopping are prohibited.

(e) *Signs, information and training*—(1) *Signs.* (i) Entrances to regulated areas shall be posted with signs bearing the legend:

CANCER-SUSPECT AGENT
AUTHORIZED PERSONNEL ONLY

(ii) Entrances to regulated areas containing operations covered in paragraph (c)(5) of this section shall be posted with signs bearing the legend:

CANCER-SUSPECT AGENT EXPOSED IN THIS AREA

IMPERVIOUS SUIT INCLUDING GLOVES, BOOTS, AND AIR-SUPPLIED HOOD REQUIRED AT ALL TIMES

AUTHORIZED PERSONNEL ONLY

(iii) Appropriate signs and instructions shall be posted at the entrance to, and exit from, regulated areas, informing employees of the procedures that must be followed in entering and leaving a regulated area.

(2) *Container contents identification.* (i) Containers of alpha-Naphthylamine and containers required under paragraphs (c)(4)(v) and (c)(6)(vii)(b), and (c)(6)(viii)(b) of this section which are accessible only to, and handled only by, authorized employees, or by other employees trained in accordance with subparagraph (5) of this paragraph, may have contents identification limited to a generic or proprietary name, or other proprietary identification, of the carcinogen and percent.

(ii) Containers of alpha-Naphthylamine and containers required under paragraphs (c)(4)(v), (c)(6)(vii)(b), and (c)(6)(viii)(b) of this section which are accessible to, or handled by, employees other than authorized employees or employees trained in accordance with subparagraph (5) of this paragraph shall have contents identification which includes the full chemical name and Chemical Abstracts Service Registry number as listed in paragraph (a)(1) of this section.

(iii) Containers shall have the warning words "CANCER-SUSPECT AGENT" displayed immediately under or adjacent to the contents identification.

(iv) Containers which have alpha-Naphthylamine contents with corrosive or irritating properties shall have label statements warning of such hazards, noting, if appropriate, particularly sensitive or affected portions of the body.

(3) *Lettering.* Lettering on signs and instructions required by subparagraph (1) of this paragraph shall be a minimum letter height of 2 inches. Labels on containers required under this section shall not be less than ½ the size of the largest lettering on the package, and not less than 8 point type in any instance: *Provided,* That no such required lettering need be more than 1 inch in height.

(4) *Prohibited statements.* No statement shall appear on or near any required sign, label, or instruction which contradicts or detracts from the effect of any required warning, information or instruction.

(5) *Training and indoctrination.* (i) Each employee prior to being authorized to enter a regulated area, shall receive a training and indoctrination program including, but not necessarily limited to:

(*a*) The nature of the carcinogenic hazards of alpha-Naphthylamine, including local and systemic toxicity;

(*b*) The specific nature of the operation involving alpha-Naphthylamine which could result in exposure;

(*c*) The purpose for and application of the medical surveillance program, including, as appropriate, methods of self-examination;

(*d*) The purpose for and application of decontamination practices and purposes;

(*e*) The purpose for and significance of emergency practices and procedures;

(*f*) The employee's specific role in emergency procedures;

(*g*) Specific information to aid the employee in recognition and evaluation of conditions and situations which may result in the release of alpha-Naphthylamine;

(*h*) The purpose for and application of specific first aid procedures and practices;

(*i*) A review of this section at the employee's first training and indoctrination program and annually thereafter.

(ii) Specific emergency procedures shall be prescribed, and posted, and employees shall be familiarized with their terms, and rehearsed in their application.

(iii) All materials relating to the program shall be provided upon request to authorized representatives of the Assistant Secretary and the Director.

(f) *Reports*—(1) *Operations.* Not later than March 1, 1974, the informaton required in subdivisions (i), (ii), (iii), and (iv) of this subparagraph shall be reported in writing to the nearest OSHA Area Director. Any changes in such information shall be similarly reported in writing within 15 calendar days of such change. (i) A brief description and in-

plant location of the area(s) regulated and the address of each regulated area;

(ii) The name(s) and other identifying information as to the presence of alpha-Naphthylamine in each regulated area;

(iii) The number of employees in each regulated area, during normal operations including maintenance activities; and

(iv) The manner in which alpha-Naphthylamine is present in each regulated area; e.g. whether it is manufactured, processed, used, repackaged, released, stored, or otherwise handled.

(2) *Incidents.* Incidents which result in the release of alpha-Naphthylamine into any area where employees may be potentially exposed shall be reported in accordance with this subparagraph. (i) A report of the occurrence of the incident and the facts obtainable at that time including a report on any medical treatment of affected employees shall be made within 24 hours to the nearest OSHA Area Director.

(ii) A written report shall be filed with the nearest OSHA Area Director within 15 calendar days thereafter and shall include:

(*a*) A specification of the amount of material released, the amount of time involved, and an explanation of the procedure used in determining this figure;

(*b*) A description of the area involved, and the extent of known and possible employee exposure and area contamination; and

(*c*) A report of any medical treatment of affected employees, and any medical surveillance program implemented; and

(*d*) An analysis of the circumstances of the incident, and measures taken or to be taken, with specific completion dates, to avoid further similar releases.

(g) *Medical surveillance.* At no cost to the employee, a program of medical surveillance shall be established and implemented for employees considered for assignment to enter regulated areas, and for authorized employees. (1) *Examinations.* (i) Before an employee is assigned to enter a regulated area, a preassignment physical examination by a physician shall be provided. The examination shall include the personal history of the employee, family and occupational background, including genetic and environmental factors.

(ii) Authorized employees shall be provided periodic physical examinations, not less often than annually, following the preassignment examination.

(iii) In all physical examinations, the examining physician shall consider whether there exist conditions of increased risk, including reduced immunological competence, those undergoing treatment with steroids or cytotoxic agents, pregnancy and cigarette smoking.

(2) *Records.* (i) Employers of employees examined pursuant to this paragraph shall cause to be maintained complete and accurate records of all such medical examinations. Records shall be maintained for the duration of the employee's employment. Upon termination of the employee's employment, including

retirement or death, or in the event that the employer ceases business without a successor, records, or notarized true copies thereof, shall be forwarded by registered mail to the Director.

(ii) Records required by this paragraph shall be provided upon request to authorized representatives of the Assistant Secretary or the Director; and upon request of an employee or former employee, to a physician designated by the employee or to a new employer.

(iii) Any physician who conducts a medical examination required by this paragraph shall furnish to the employer a statement of the employee's suitability for employment in the specific exposure.

§ 1910.93e 4,4'-Methylene bis(2-chloroaniline).

(a) *Scope and application.* (1) This section applies to any area in which 4,4'-Methylene bis(2-chloroaniline), Chemical Abstracts Service Registry Number 101144 is manufactured, processed, repackaged, released, handled, or stored, but shall not apply to trans-shipment in sealed containers, except for the labeling requirements under paragraphs (e)(2), (3), and (4) of this section.

(2) This section shall not apply to solid or liquid mixtures containing less than 1.0 percent by weight or volume of 4,4'-Methylene bis(2-chloroaniline).

(b) *Definitions.* For the purposes of this section: (1) "Absolute filter" is one capable of retaining 99.97 percent of a mono disperse aerosol of 0.3 μm particles.

(2) "Authorized employee" means an employee whose duties require him to be in the regulated area and who has been specifically assigned by the employer.

(3) "Clean change room" means a room where employees put on clean clothing and/or protective equipment in an environment free of 4,4'-Methylene bis(2-chloroaniline). The clean change room shall be contiguous to and have an entry from a shower room, when the shower room facilities are otherwise required in this section.

(4) "Closed system" mean an operation involving 4,4'-Methylene bis(2-chloroaniline) where containment prevents the release of 4,4'-Methylene bis (2-chloroaniline) into regulated areas, nonregulated areas, or the external environment.

(5) "Decontamination" means the inactivation of 4,4'-Methylene bis(2-chloroaniline) or its safe disposal.

(6) "Director" means the Director, National Institute for Occupational Safety and Health, or any person directed by him or the Secretary of Health, Education, and Welfare to act for the Director.

(7) "Disposal" means the safe removal of 4,4'-Methylene bis(2-chloroaniline) from the work environment.

(8) "Emergency" means an unforeseen circumstance or set of circumstances resulting in the release of 4,4'-Methylene bis(2-chloroaniline) which may result in exposure to or contact with 4,4'-Methylene bis(2-chloroaniline).

(9) "External environment" means any environment external to regulated and nonregulated areas.

(10) "Isolated system" means a fully enclosed structure other than the vessel of containment, of 4,4'-Methylene bis (2-chloroaniline), which is impervious to the passage of 4,4'-Methylene bis (2-chloroaniline), and which would prevent the entry of 4,4'-Methylene bis (2-chloroaniline) into regulated areas, nonregulated areas, or the external environment, should leakage or spillage from the vessel of containment occur.

(11) "Laboratory type hood" is a device enclosed on three sides and the top and bottom, designed and maintained so as to draw air inward at an average linear face velocity of 150 feet per minute with a minimum of 125 feet per minute; designed, constructed, and maintained in such a way that an operation involving 4,4'-Methylene bis(2-chloroaniline) within the hood does not require the insertion of any portion of any employee's body other than his hands and arms.

(12) "Nonregulated area" means any area under the control of the employer where entry and exit is neither restricted nor controlled.

(13) "Open-vessel system" means an operation involving 4,4'-Methylene bis (2-chloroaniline) in an open vessel, which is not in an isolated system, a laboratory type hood, nor in any other system affording equivalent protection against the entry of 4,4'-Methylene bis (2-chloroaniline) into regulated areas, nonregulated areas, or the external environment.

(14) "Protective clothing" means clothing designed to protect an employee against contact with or exposure to 4,4'-Methylene bis(2-chloroaniline).

(15) "Regulated area" means an area where entry and exit is restricted and controlled.

(c) *Requirements for areas containing 4,4'-Methylene bis(2-chloroaniline).* A regulated area shall be established by an employer where 4,4'-Methylene bis(2-chloroaniline) is manufactured, processed, used, repackaged, released, handled or stored. All such areas shall be controlled in accordance with the requirements for the following category or categories describing the operation involved: (1) *Isolated systems.* Employees working with 4,4'-Methylene bis(2-chloroaniline) within an isolated system, such as a "glove box" shall wash their hands and arms upon completion of the assigned task and before engaging in other activities not associated with the isolated system.

(2) *Closed system operation.* Within regulated areas where 4,4'-Methylene bis(2-chloroaniline) is stored in sealed containers, or contained in a closed system, including piping systems, with any sample ports or openings closed while 4,4'-Methylene bis(2-chloroaniline is contained within: (i) Access shall be restricted to authorized employees only;

(ii) Employees shall be required to wash hands, forearms, face and neck upon each exit from the regulated areas, close to the point of exit and before engaging in other activities.

(3) *Open vessel system operations.* Open vessel system operations as defined in paragraph (b)(13) of this section are prohibited.

(4) *Transfer from a closed system, charging or discharging point operations, or otherwise opening a closed system.* In operations involving "laboratory type hoods," or in locations where 4,4'-Methylene bis(2-chloroaniline) is contained in an otherwise "closed system," but is transferred, charged, or discharged into other normally closed containers, the provisions of this subparagraph shall apply. (i) Access shall be restricted to authorized employees only;

(ii) Each operation shall be provided with continuous local exhaust ventilation so that air movement is always from ordinary work areas to the operation. Exhaust air shall not be discharged to regulated areas, nonregulated areas or the external environment unless decontaminated. Clean makeup air shall be introduced in sufficient volume to maintain the correct operation of the local exhaust system.

(iii) Employees shall be provided with, and required to wear, clean, full body protective clothing (smocks, coveralls, or long-sleeved shirt and pants), shoe covers and gloves prior to entering the regulated area.

(iv) Employees engaged in 4,4'-Methylene bis(2-chloroaniline) handling operations shall be provided with and required to wear and use a half-face, filter-type respirator for dusts, mists, and fumes, in accordance with § 1910.134. A respirator affording higher levels of protection may be substituted.

(v) Prior to each exit from a regulated area, employees shall be required to remove and leave protective clothing and equipment at the point of exit and at the last exit of the day, to place used clothing and equipment in impervious containers at the point of exit for purposes of decontamination or disposal. The contents of such impervious containers shall be identified, as required under paragraphs (e)(2), (3), and (4) of this section.

(vi) Employees shall be required to wash hands, forearms, face and neck on each exit from the regulated area, close to the point of exit, and before engaging in other activities.

(vii) Employees shall be required to shower after the last exit of the day.

(viii) Drinking fountains are prohibited in the regulated area.

(5) *Maintenance and decontamination activities.* In cleanup of leaks or spills, maintenance or repair operations on contaminated systems or equipment, or any operations involving work in an area where direct contact with 4,4'-Methylene bis(2-chloroaniline) could result, each authorized employee entering that area shall: (i) Be provided with and required to wear clean, impervious garments, including gloves, boots and continuous-air supplied hood in accordance with § 1910.134.

(ii) Be decontaminated before removing the protective garments and hood;

(iii) Be required to shower upon removing the protective garments and hood.

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(6) *Laboratory activities.* The requirements of this subparagraph shall apply to research and quality control activities involving the use of 4,4'-Methylene bis (2-chloroaniline). (i) Mechanical pipetting aids shall be used for all pipetting procedures.

(ii) Experiments, procedures and equipment which could produce aerosols shall be confined to laboratory-type hoods or glove boxes.

(iii) Surfaces on which 4,4'-Methylene bis(2-chloroaniline) is handled shall be protected from contamination.

(iv) Contaminated wastes and animal carcasses shall be collected in impervious containers which are closed and decontaminated prior to removal from the work area. Such wastes and carcasses shall be incinerated in such a manner that no carcinogenic products are released.

(v) All other forms of 4,4'-Methylene bis(2-chloroaniline) shall be inactivated prior to disposal.

(vi) Laboratory vacuum systems shall be protected with high-efficiency scrubbers or with disposable absolute filters.

(vii) Employees engaged in animal support activities shall be (*a*) provided with, and required to wear, a complete protective clothing change, clean each day, including coveralls or pants and shirt, foot covers, head covers, gloves, and appropriate respiratory protective equipment or devices; and

(*b*) Prior to each exit from a regulated area, employees shall be required to remove and leave protective clothing and equipment at the point of exit and at the last exit of the day, to place used clothing and equipment in impervious containers at the point of exit for purposes of decontamination or disposal. The contents of such impervious containers shall be identified as required under paragraphs (e)(2), (3), and (4) of this section.

(c) Required to wash hands, forearms, face and neck upon each exit from the regulated area close to the point of exit, and before engaging in other activities; and

(*d*) Required to shower after the last exit of the day.

(viii) Employees, other than those engaged only in animal support activities, each day shall be (*a*) provided with and required to wear a clean change of appropriate laboratory clothing, such as a solid front gown, surgical scrub suit, or fully buttoned laboratory coat.

(*b*) Prior to each exit from a regulated area, employees shall be required to remove and leave protective clothing and equipment at the point of exit and at the last exit of the day, to place used clothing and equipment in impervious containers at the point of exit for purposes of decontamination or disposal. The contents of such impervious containers shall be identified as required under paragraphs (e)(2), (3), and (4) of this section.

(c) Required to wash hands, forearms, face and neck upon each exit from the regulated area close to the point of exit, and before engaging in other activities.

(ix) Air pressure in laboratory areas and animal rooms where 4,4'-Methylene bis(2-chloroaniline) is handled and bioassay studies are performed shall be negative in relation to the pressure in surrounding areas. Exhaust air shall not be discharged to regulated areas, nonregulated areas or the external environment unless decontaminated.

(x) There shall be no connection between regulated areas and any other areas through the ventilation system.

(xi) A current inventory of 4,4'-Methylene bis(2-chloroaniline) shall be maintained.

(xii) Ventilated apparatus such as laboratory type hoods, shall be tested at least semi-annually or immediately after ventilation modification or maintenance operations, by personnel fully qualified to certify correct containment and operation.

(7) *Premixed solutions.* Where 4,4'-Methylene bis(2-chloroaniline) is present only in a single solution at a temperature not exceeding 120°F. the establishment of a regulated area is not required; however, (i) Only authorized employees shall be permitted to handle such materials;

(ii) Each day employees shall be provided with and required to wear a clean change of protective clothing (smocks, coveralls, or long-sleeved shirts and pants), gloves, and other protective garments and equipment necessary to prevent contact with the solution in the processed used;

(iii) Employees shall be required to remove and leave protective clothing and equipment when leaving the work area at the end of the work day, or at any time solution is spilled on such clothing or equipment. Used clothing and equipment shall be placed in impervious containers for purposes of decontamination or disposal. The contents of such impervious containers shall be identified, as required under paragraphs (e)(2), (3), and (4) of this section.

(iv) Employees shall be required to wash hands and face after removing such clothing and equipment and before engaging in other activities;

(v) Employees assigned to work covered by this subparagraph shall be deemed to be working in regulated areas for the purposes of paragraphs (d)(1), (2), (3)(i) and (ii), and (4)(iii) and (iv), (e), (f), and (g) of this section;

(vi) Work areas where solution may be spilled shall be (*a*) covered daily or after any spill with a clean covering; or

(*b*) Clean thoroughly daily and after any spill.

(d) *General regulated area requirements*—(1) *Employee identification.* A daily roster of employees entering regulated areas shall be established and maintained. The rosters or a summary of the rosters shall be retained for a period of 20 years. The rosters and/or summaries shall be provided upon request to authorized representatives of the Assistant Secretary and the Director. In the event that the employer ceases business without a successor, rosters shall be forwarded by registered mail to the Director.

(2) *Emergencies.* In an emergency, immediate measures including, but not limited to, the requirements of subdivisions (i), (ii), (iii), (iv), and (v) of this subparagraph shall be implemented. (i) The potentially affected area shall be evacuated as soon as the emergency has been determined.

(ii) Hazardous conditions created by the emergency shall be eliminated and the potentially affected area shall be decontaminated prior to the resumption of normal operations.

(iii) Special medical surveillance by a physician shall be instituted within 24 hours for employees present in the potentially affected area at the time of the emergency. A report of the medical surveillance and any treatment shall be included in the incident report, in accordance with paragraph (f)(2) of this section.

(iv) Where an employee has a known contact with 4,4'-Methylene bis(2-chloroaniline) such employee shall be required to shower as soon as possible, unless contraindicated by physical injuries.

(v) An incident report on the emergency shall be reported as provided in paragraph (f)(2) of this section.

(3) *Hygiene facilities and practices.* (i) Storage or consumption of food, storage or use of containers of beverages, storage or application of cosmetics, smoking, storage of smoking materials, tobacco products or other products for chewing, or the chewing of such products, are prohibited in regulated areas.

(ii) Where employees are required by this section to wash, washing facilities shall be provided in accordance with § 1910.141(d)(1) and (2)(ii) through (vii).

(iii) Where employees are required by this section to shower facilities shall be provided in accordance with § 1910.141(d)(3).

(iv) Where employees wear protective clothing and equipment clean change rooms shall be provided, in accordance with § 1910.141(e), for the number of such employees required to change clothes.

(v) Where toilets are in regulated areas, such toilets shall be in a separate room.

(4) *Contamination control.* (i) Regulated areas, except for outdoor systems, shall be maintained under pressure negative with respect to nonregulated areas. Local exhaust ventilation may be used to satisfy this requirement. Clean makeup air in equal volume shall replace air removed.

(ii) Any equipment, material, or other item taken into or removed from a regulated area shall be done so in a manner that does not cause contamination in nonregulated areas or the external environment.

(iii) Decontamination procedures shall be established and implemented to remove 4,4'-Methylene bis(2-chloroaniline) from the surfaces of materials, equipment and the decontamination facility.

(iv) Dry sweeping and dry mopping are prohibited.

(e) *Signs, information and training*—(1) *Signs.* (i) Entrances to regulated areas shall be posted with signs bearing the legend:

CANCER-SUSPECT AGENT

AUTHORIZED PERSONNEL ONLY

(ii) Entrances to regulated areas containing operations covered in paragraph (c)(5) of this section shall be posted with signs bearing the legend:

CANCER-SUSPECT AGENT EXPOSED IN THIS AREA

IMPERVIOUS SUIT INCLUDING GLOVES, BOOTS, AND AIR-SUPPLIES HOOD REQUIRED AT ALL TIMES

AUTHORIZED PERSONNEL ONLY

(iii) Appropriate signs and instructions shall be posted at the entrance to, and exit from, regulated areas, informing employees of the procedures that must be followed in entering and leaving a regulated area.

(2) *Container contents identification.* (i) Containers of 4,4'-Methylene bis(2-chloroaniline) and containers required under paragraphs (c)(4)(v) and (c)(6)(vii)(*b*), and (c)(6)(viii)(*b*) and (c)(7)(iii) of this section which are accessible only to, and handled only by, authorized employees, or by other employees trained in accordance with subparagraph (5) of this paragraph, may have contents identification limited to a generic or proprietary name, or other proprietary identification, of the carcinogen and percent.

(ii) Containers of 4,4'-Methylene bis(2-chloroaniline) and containers required under paragraphs (c)(4)(v), (c)(6)(vii)(*b*), and (c)(6)(viii)(*b*) and (c)(7)(iii) of this section which are accessible to, or handled by employees other than authorized employees or employees trained in accordance with subparagraph 5 of this paragraph shall have contents identification which includes the full chemical name and Chemical Abstracts Service Registry number as listed in paragraph (a)(1) of this section.

(iii) Containers shall have the warning words "CANCER-SUSPECT AGENT" displayed immediately under or adjacent to the contents identification.

(iv) Containers which have 4,4'-Methylene bis(2-chloroaniline) contents with corrosive or irritating properties shall have label statements warning of such hazards, noting, if appropriate, particularly sensitive or affected portions of the body.

(3) *Lettering.* Lettering on signs and instructions required by subparagraph (1) of this paragraph shall be a minimum letter height of 2 inches. Labels on containers required under this section shall not be less than ½ the size of the largest lettering on the package, and not less than 8 point type in any instance; provided that no such required lettering need be more than 1 inch in height.

(4) *Prohibited statements.* No statement shall appear on or near any required sign, label, or instruction which contradicts or detracts from the effect of any required warning, information or instruction.

(5) *Training and indoctrination.* (i) Each employee prior to being authorized to enter a regulated area, shall receive a training and indoctrination program including, but not necessarily limited to: (*a*) The nature of the carcinogenic hazards of 4,4'-Methylene bis(2-chloroaniline), including local and systemic toxicity;

(*b*) The specific nature of the operation involving 4,4'-Methylene bis(2-chloroaniline) which could result in exposure;

(*c*) The purpose for and application of the medical surveillance program, including, as appropriate, methods of self-examination;

(*d*) The purpose for and application of decontamination practices and purposes;

(*e*) The purpose for and significance of emergency practices and procedures;

(*f*) The employee's specific role in emergency procedures;

(*g*) Specific information to aid the employee in recognition and evaluation of conditions and situations which may result in the release of 4,4'-Methylene bis(2-chloroaniline);

(*h*) The purpose for and application of specific first aid procedures and practices;

(*i*) A review of this section at the employee's first training and indoctrination program and annually thereafter.

(ii) Specific emergency procedures shall be prescribed, and posted, and employees, shall be familiarized with their terms, and rehearsed in their application.

(iii) All materials relating to the program shall be provided upon request to authorized representatives of the Assistant Secretary and the Director.

(f) *Reports*—(1) *Operations.* Not later than March 1, 1974, the information required in subdivisions (i), (ii), (iii), and (iv) of this subparagraph shall be reported in writing to the nearest OSHA Area Director. Any changes in such information shall be similarly reported in writing within 15 calendar days of such change. (i) A brief description and in-plant location of the area(s) regulated and the address of each regulated area;

(ii) The name(s) and other identifying information as to the presence of 4,4'-Methylene bis(2-chloroaniline) in each regulated area;

(iii) The number of employees in each regulated area, during normal operations including maintenance activities; and

(iv) The manner in which 4,4'-Methylene bis(2-chloroaniline) is present in each regulated area; e.g. whether it is manufactured, processed, used, repackaged, released, stored, or otherwise handled.

(2) *Incidents.* Incidents which result in the release of 4,4'-Methylene bis(2-chloroaniline) into any area where employees may be potentially exposed shall be reported in accordance with this subparagraph. (i) A report of the occurrence of the incident and the facts obtainable at that time including a report on any medical treatment of affected employees shall be made within 24 hours to the nearest OSHA Area Director.

(ii) A written report shall be filed with the nearest OSHA Area Director within 15 calendar days thereafter and shall include: (*a*) A specification of the amount of material released, the amount of time involved, and an explanation of the procedure used in determining this figure;

(*b*) A description of the area involved, and the extent of known and possible employee exposure and area contamination; and

(*c*) A report of any medical treatment of affected employees and any medical surveillance program implemented; and

(*d*) An analysis of the circumstances of the incident, and measures taken or to be taken, with specific completion dates, to avoid further similar releases.

(g) *Medical surveillance.* At no cost to the employee, a program of medical surveillance shall be established and implemented for employees considered for assignment to enter regulated areas, and for authorized employees. (1) *Examinations.* (i) Before an employee is assigned to enter a regulated area, a preassignment physical examination by a physician shall be provided. The examination shall include the personal history of the employee, family and occupational background, including genetic and environmental factors.

(ii) Authorized employees shall be provided periodic physical examinations, not less often than annually, following the preassignment examination.

(iii) In all physical examinations, the examining physician shall consider whether there exist conditions of increased risk, including reduced immunological competence, those undergoing treatment with steroids or cytotoxic agents, pregnancy and cigarette smoking.

(2) *Records.* (i) Employers of employees examined pursuant to this paragraph shall cause to be maintained complete and accurate records of all such medical examinations. Records shall be maintained for the duration of the employee's employment. Upon termination of the employee's employment, including retirement or death, or in the event that the employer ceases business without a successor, records, or notarized true copies thereof, shall be forwarded by registered mail to the Director.

(ii) Records required by this paragraph shall be provided upon request to authorized representatives of the Assistant Secretary or the Director; and upon request of an employee or former employee, to a physician designated by the employee or to a new employer.

(iii) Any physician who conducts a medical examination required by this paragraph shall furnish to the employer a statement of the employee's suitability for employment in the specific exposure.

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§ 1910.93f Methyl chloromethyl ether.

(a) *Scope and application.* (1) This section applies to any area in which methyl chloromethyl ether, Chemical Abstracts Service Registry Number 107302 is manufactured, processed, repackaged, released, handled, or stored, but shall not apply to trans-shipment in sealed containers, except for the labeling requirements under paragraphs (e)(2), (3), and (4) of this section.

(2) This section shall not apply to solid or liquid mixtures containing less than 0.1 percent by weight or volume of methyl chloromethyl ether.

(b) *Definitions.* For the purposes of this section: (1) "Absolute filter" is one capable of retaining 99.97 percent of a mono disperse aerosol of 0.3 μm particles.

(2) "Authorized employee" means an employee whose duties require him to be in the regulated area and who has been specifically assigned by the employer.

(3) "Clean change room" means a room where employees put on clean clothing and/or protective equipment in an environment free of methyl chloromethyl ether. The clean change room shall be contiguous to and have an entry from a shower room, when the shower room facilities are otherwise required in this section.

(4) "Closed system" means an operation involving methyl chloromethyl ether where containment prevents the release of methyl chloromethyl ether into regulated areas, nonregulated areas, or the external environment.

(5) "Decontamination" means the inactivation of methyl chloromethyl ether or its safe disposal.

(6) "Director" means the Director, National Institute for Occupational Safety and Health, or any person directed by him or the Secretary of Health, Education, and Welfare to act for the Director.

(7) "Disposal" means the safe removal of methyl chloromethyl ether from the work environment.

(8) "Emergency" means an unforeseen circumstance or set of circumstances resulting in the release of methyl chloromethyl ether which may result in exposure to or contact with methyl chloromethyl ether.

(9) "External environment" means any environment external to regulated and nonregulated areas.

(10) "Isolated system" means a fully enclosed structure other than the vessel of containment of methyl chloromethyl ether, which is impervious to the passage of methyl chloromethyl ether, and which would prevent the entry of methyl chloromethyl ether into regulated areas, nonregulated areas, or the external environment, should leakage or spillage from the vessel of containment occur.

(11) "Laboratory type hood" is a device enclosed on three sides and the top and bottom, designed and maintained so as to draw air inward at an average linear face velocity of 150 feet per minute with a minimum of 125 feet per minute; designed, constructed, and maintained in such a way that an operation involving methyl chloromethyl ether within the hood does not require the insertion of any portion of any employee's body other than his hands and arms.

(12) "Nonregulated area" means any area under the control of the employer where entry and exit is neither restricted nor controlled.

(13) "Open-vessel system" means an operation involving methyl chloromethyl ether in an open vessel, which is not in an isolated system, a laboratory type hood, nor in any other system affording equivalent protection against the entry of methyl chloromethyl ether into regulated areas, nonregulated areas, or the external environment.

(14) "Protective clothing" means clothing designed to protect an employee against contact with or exposure to methyl chloromethyl ether.

(15) "Regulated area" means an area where entry and exit is restricted and controlled.

(c) *Requirements for areas containing methyl chloromethyl ether.* A regulated area shall be established by an employer where methyl chloromethyl ether is manufactured, processed, used, repackaged, released, handled or stored. All such areas shall be controlled in accordance with the requirements for the following category or categories describing the operation involved: (1) *Isolated systems.* Employees working with methyl chloromethyl ether within an isolated system, such as a "glove box" shall wash their hands and arms upon completion of the assigned task and before engaging in other activities not associated with the isolated system.

(2) *Closed system operation.* Within regulated areas where methyl chloromethyl ether is stored in sealed containers, or contained in a closed system, including piping systems, with any sample ports or openings closed while methyl chloromethyl ether is contained within. Access shall be restricted to authorized employees only.

(3) *Open vessel system operations.* Open vessel system operations as defined in paragraph (b)(13) of this section are prohibited.

(4) *Transfer from a closed system, charging or discharging point operations, or otherwise opening a closed system.* In operations involving "laboratory type hoods," or in locations where methyl chloromethyl ether is contained in an otherwise "closed system," but is transferred, charged, or discharged into other normally closed containers, the provisions of this subparagraph shall apply. (i) Access shall be restricted to authorized employees only;

(ii) Each operation shall be provided with continuous local exhaust ventilation so that air movement is always from ordinary work areas to the operation. Exhaust air shall not be discharged to regulated areas, nonregulated areas or the external environment unless decontaminated. Clean makeup air shall be introduced in sufficient volume to maintain the correct operation of the local exhaust system.

(iii) Employees shall be provided with, and required to wear, clean, full body protective clothing (smocks, coveralls, or long-sleeved shirt and pants), and gloves prior to entering the regulated area.

(iv) Employees engaged in methyl chloromethyl ether handling operations shall be provided with and required to wear and use a full-face, supplied air respirator, of the continuous flow or pressure-demand type, in accordance with § 1910.134.

(v) Prior to each exit from a regulated area, employees shall be required to remove and leave protective clothing and equipment at the point of exit and at the last exit of the day, to place used clothing and equipment in impervious containers at the point of exit for purposes of decontamination or disposal. The contents of such impervious containers shall be identified, as required under paragraphs (e)(2), (3), and (4) of this section.

(vi) Drinking fountains are prohibited in the regulated area.

(5) *Maintenance and decontamination activities.* In cleanup of leaks or spills, maintenance or repair operations on contaminated systems or equipment, or any operations involving work in an area where direct contact with methyl chloromethyl ether could result, each authorized employee entering that area shall: (i) Be provided with and required to wear clean, impervious garments, including gloves, boots and continuous-air supplied hood in accordance with § 1910.134.

(ii) Be decontaminated before removing the protective garments and hood;

(iii) Be required to shower upon removing the protective garments and hood.

(6) *Laboratory activities.* The requirements of this subparagraph shall apply to research and quality control activities involving the use of methyl chloromethyl ether. (i) Mechanical pipetting aids shall be used for all pipetting procedures.

(ii) Experiments, procedures and equipment which could produce aerosols shall be confined to laboratory-type hoods or glove boxes.

(iii) Surfaces on which methyl chloromethyl ether is handled shall be protected from contamination.

(iv) Contaminated wastes and animal carcasses shall be collected in impervious containers which are closed and decontaminated prior to removal from the work area. Such wastes and carcasses shall be incinerated in such a manner that no carcinogenic products are released.

(v) All other forms of methyl chloromethyl ether shall be inactivated prior to disposal.

(vi) Laboratory vacuum systems shall be protected with high-efficiency scrubbers.

(vii) Employees engaged in animal support activities shall be (*a*) provided with, and required to wear, a complete protective clothing change, clean each day, including coveralls or pants and shirt, foot covers, head covers, gloves, and appropriate respiratory protective equipment or devices; and

(*b*) Prior to each exit from a regulated area, employees shall be required to remove and leave protective clothing and equipment at the point of exit and at the last exit of the day, to place used clothing and equipment in impervious containers at the point of exit for purposes of decontamination or disposal. The contents of such impervious containers shall be identified as required under paragraphs (e)(2), (3), and (4) of this section.

(*c*) Required to shower after the last exit of the day.

(viii) Employees, other than those engaged only in animal support activities, each day shall be (*a*) provided with and required to wear a clean change of appropriate laboratory clothing, such as a solid front gown, surgical scrub suit, or fully buttoned laboratory coat.

(*b*) Prior to each exit from a regulated area, employees shall be required to remove and leave protective clothing and equipment at the point of exit and at the last exit of the day, to place used clothing and equipment in impervious containers at the point of exit for purposes of decontamination or disposal. The contents of such impervious containers shall be identified as required under paragraphs (e)(2), (3), and (4) of this section.

(*c*) Required to wash hands, forearms, face and neck upon each exit from the regulated area close to the point of exit, and before engaging in other activities.

(ix) Air pressure in laboratory areas and animal rooms where methyl chloromethyl ether is handled and bioassay studies are performed shall be negative in relation to the pressure in surrounding areas. Exhaust air shall not be discharged to regulated areas, nonregulated areas or the external environment unless decontaminated.

(x) There shall be no connection between regulated areas and any other areas through the ventilation system.

(xi) A current inventory of methyl chloromethyl ether shall be maintained.

(xii) Ventilated apparatus such as laboratory type hoods, shall be tested at least semi-annually or immediately after ventilation modification or maintenance operations, by personnel fully qualified to certify correct containment and operation.

(d) *General regulated area requirements.*—(1) *Employee identification.* A daily roster of employees entering regulated areas shall be established and maintained. The rosters or a summary of the rosters, shall be retained for a period of 20 years. The rosters and/or summaries shall be provided upon request to authorized representatives of the Assistant Secretary and the Director. In the event that the employer ceases business without a successor, rosters shall be forwarded by registered mail to the Director.

(2) *Emergencies.* In an emergency, immediate measures including, but not limited to, the requirements of subdivisions (i), (ii), (iii), (iv), and (v) of this subparagraph shall be implemented. (i) The potentially affected area shall be evacuated as soon as the emergency has been determined.

(ii) Hazardous conditions created by the emergency shall be eliminated and the potentially affected area shall be decontaminated prior to the resumption of normal operations.

(iii) Special medical surveillance by a physician shall be instituted within 24 hours for employees present in the potentially affected area at the time of the emergency. A report of the medical surveillance and any treatment shall be included in the incident report, in accordance with paragraph (f)(2) of this section.

(iv) Where an employee has a known contact with methyl chloromethyl ether, such employee shall be required to shower as soon as possible, unless contraindicated by physical injuries.

(v) An incident report on the emergency shall be reported as provided in paragraph (f)(2) of this section.

(3) *Hygiene facilities and practices.* (i) Storage or consumption of food, storage or use of containers of beverages, storage or application of cosmetics, smoking, storage of smoking materials, tobacco products or other products for chewing, or the chewing of such products, are prohibited in regulated areas.

(ii) Where employees wear protective clothing and equipment clean change rooms shall be provided, in accordance with § 1910.141(e), for the number of such employees required to change clothes.

(iii) Where toilets are in regulated areas, such toilets shall be in a separate room.

(iv) Where employees are required by this section to shower, shower facilities shall be provided in accordance with § 1910.141(d)(1) and (2)(ii) through (vii).

(v) Where employees are required by this section to shower, shower facilities shall be provided in accordance with § 1910.141(d)(3).

(4) *Contamination control.* (i) Regulated areas, except for outdoor systems, shall be maintained under pressure negative with respect to nonregulated areas. Local exhaust ventilation may be used to satisfy this requirement. Clean makeup air in equal volume shall replace air removed.

(ii) Any equipment, material, or other item taken into or removed from a regulated area shall be done so in a manner that does not cause contamination in nonregulated areas or the external environment.

(iii) Decontamination procedures shall be established and implemented to remove methyl chloromethyl ether from the surfaces of materials, equipment and the decontamination facility.

(e) *Signs, information and training.*—(1) *Signs.* (i) Entrances to regulated areas shall be posted with signs bearing the legend:

CANCER-SUSPECT AGENT
AUTHORIZED PERSONNEL ONLY

(ii) Entrances to regulated areas containing operations covered in paragraph (c)(5) of this section shall be posted with signs bearing the legend:

CANCER-SUSPECT AGENT EXPOSED IN THIS AREA

IMPERVIOUS SUIT INCLUDING GLOVES, BOOTS, AND AIR-SUPPLIED HOOD REQUIRED AT ALL TIMES

AUTHORIZED PERSONNEL ONLY

(iii) Appropriate signs and instructions shall be posted at the entrance to, and exit from, regulated areas, informing employees of the procedures that must be followed in entering and leaving a regulated area.

(2) *Container contents identification.* (i) Containers of methyl chloromethyl ether and containers required under paragraphs (c)(4)(v) and (c)(6)(vii)(*b*), and (c)(6)(viii)(*b*) of this section which are accessible only to, and handled only by, authorized employees, or by other employees trained in accordance with subparagaph (5) of this paragraph, may have contents identification limited to a generic or proprietary name, or other proprietary identification, of the carcinogen and percent.

(ii) Containers of methyl chloromethyl ether and containers required under paragraphs (c)(4)(v), (c)(6)(vii)(*b*), and (c)(6)(viii)(*b*) of this section which are accessible to, or handled by, employees other than authorized employees or employees trained in accordance with subparagraph (5) of this paragraph shall have contents identification which includes the full chemical name and Chemical Abstracts Service Registry number as listed in paragraph (a)(1) of this section.

(iii) Containers shall have the warning words "CANCER-SUSPECT AGENT" displayed immediately under or adjacent to the contents identification.

(iv) Containers which have methyl chloromethyl ether contents with corrosive or irritating properties shall have label statements warning of such hazards, noting, if appropriate, particularly sensitive or affected portions of the body.

(3) *Lettering.* Lettering on signs and instructions required by subparagraph (1) of this paragraph shall be a minimum letter height of 2 inches. Labels on containers required under this section shall not be less than ½ the size of the largest lettering on the package, and not less than 8 point type in any instance: *Provided,* That no such required lettering need be more than 1 inch in height.

(4) *Prohibited statements.* No statement shall appear on or near any required sign, label, or instruction which contradicts or detracts from the effect of any required warning, information or instruction.

(5) *Training and indoctrination.* (i) Each employee prior to being authorized to enter a regulated area, shall receive a training and indoctrination program including, but not necessarily limited to: (*a*) The nature of the carcinogenic hazards of methyl chloromethyl ether, including local and systemic toxicity;

(*b*) The specific nature of the operation involving methyl chloromethyl ether which could result in exposure;

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(c) The purpose for and application of the medical surveillance program, including, as appropriate, methods of self-examination;

(d) The purpose for and application of decontamination practices and purposes;

(e) The purpose for and significance of emergency practices and procedures;

(f) The employee's specific role in emergency procedures;

(g) Specific information to aid the employee in recognition and evaluation of conditions and situations which may result in the release of methyl chloromethyl ether;

(h) The purpose for and application of specific first aid procedures and practices;

(i) A review of this section at the employee's first training and indoctrination program and annually thereafter.

(ii) Specific emergency procedures shall be prescribed, and posted, and employees shall be familiarized with their terms, and rehearsed in their application.

(iii) All materials relating to the program shall be provided upon request to authorized representatives of the Assistant Secretary and the Director.

(f) *Reports*—(1) *Operations.* Not later than March 1, 1974, the information required in subdivisions (i), (ii), (iii), and (iv) of this subparagraph shall be reported in writing to the nearest OSHA Area Director. Any changes in such information shall be similarly reported in writing within 15 calendar days of such change. (i) A brief description and in-plant location of the area(s) regulated and the address of each regulated area;

(ii) The name(s) and other identifying information as to the presence of methyl chloromethyl ether in each regulated area;

(iii) The number of employees in each regulated area, during normal operations including maintenance activities; and

(iv) The manner in which methyl chloromethyl ether is present in each regulated area; e.g. whether it is manufactured, processed, used, repackaged, released, stored, or otherwise handled.

(2) *Incidents.* Incidents which result in the release of methyl chloromethyl ether into any area where employees may be potentially exposed shall be reported in accordance with this subparagraph.

(i) A report of the occurrence of the incident and the facts obtainable at that time including a report on any medical treatment of affected employees shall be made within 24 hours to the nearest OSHA Area Director.

(ii) A written report shall be filed with the nearest OSHA Area Director within 15 calendar days thereafter and shall include: (a) A specification of the amount of material released, the amount of time involved, and an explanation of the procedure used in determining this figure;

(b) A description of the area involved, and the extent of known and possible employee exposure and area contamination; and

(c) A report of any medical treatment of affected employees, and any medical surveillance program implemented; and

(d) An analysis of the circumstances be taken, with specific completion dates, of the incident, and measures taken or to to avoid further similar releases.

(g) *Medical surveillance.* At no cost to the employee, a program of medical surveillance shall be established and implemented for employees considered for assignment to enter regulated areas, and for authorized employees. (1) *Examinations.* (i) Before an employee is assigned to enter a regulated area, a preassignment physical examination by a physician shall be provided. The examination shall include the personal history of the employee, family and occupational background, including genetic and environmental factors.

(ii) Authorized employees shall be provided periodic physical examinations, not less often than annually, following the preassignment examination.

(iii) In all physical examinations, the examining physician shall consider whether there exist conditions of increased risk, including reduced immunological competence, those undergoing treatment with steroids or cytotoxic agents, pregnancy and cigarette smoking.

(2) *Records.* (i) Employers of employees examined pursuant to this paragraph shall cause to be maintained complete and accurate records of all such medical examinations. Records shall be maintained for the duration of the employee's employment. Upon termination of the employee's employment, including retirement or death, or in the event that the employer ceases business without a successor, records, or notarized true copies thereof, shall be forwarded by registered mail to the Director.

(ii) Records required by this paragraph shall be provided upon request to authorized representatives of the Assistant Secretary or the Director; and upon request of an employee or former employee, to a physician designated by the employee or to a new employer.

(iii) Any physician who conducts a medical examination required by this paragraph shall furnish to the employer a statement of the employee's suitability for employment in the specific exposure.

§ 1910.93g 3,3'-Dichlorobenzidine (and its salts).

(a) *Scope and application.* (1) This section applies to any area in which 3,3'-Dichlorobenzidine (or its salts), Chemical Abstracts Service Registry Number 91941 is manufactured, processed, repackaged, released, handled, or stored, but shall not apply to trans-shipment in sealed containers except for the labeling requirements under paragraphs (e) (2), (3), and (4) of this section.

(2) This section shall not apply to solid or liquid mixtures containing less than 1 percent by weight or volume of 3,3'-Dichlorobenzidine (or its salts).

(b) *Definitions.* For the purposes of this section: (1) "Absolute filter" is one capable of retaining 99.97 percent of a mono disperse aerosol of 0.3 μm particles.

(2) "Authorized employee" means an employee whose duties require him to be in the regulated area and who has been specifically assigned by the employer.

(3) "Clean change room" means a room where employees put on clean clothing and/or protective equipment in an environment free of 3,3'-Dichlorobenzidine (or its salts). The clean change room shall be contiguous to and have an entry from a shower room, when the shower room facilities are otherwise required in this section.

(4) "Closed system" means an operation involving 3,3'-Dichlorobenzidine (or its salts) where containment prevents the release of 3,3'-Dichlorobenzidine (or its salts) into regulated areas, nonregulated areas, or the external environment.

(5) "Decontamination" means the inactivation of 3,3'-Dichlorobenzidine or its safe disposal.

(6) "Director" means the Director, National Institute for Occupational Safety and Health, or any person directed by him or the Secretary of Health, Education, and Welfare to act for the Director.

(7) "Disposal" means the safe removal of 3,3'-Dichlorobenzidine (or its salts) from the work environment.

(8) "Emergency" means an unforeseen circumstance or set of circumstances resulting in the release of 3,3'-Dichlorobenzidine (or its salts) which may result in exposure to or contact with 3,3'-Dichlorobenzidine (or its salts).

(9) "External environment" means any environment external to regulated and nonregulated areas.

(10) "Isolated system" means a fully enclosed structure other than the vessel of containment, of 3,3'-Dichlorobenzidine (or its salts), which is impervious to the passage of 3,3'-Dichlorobenzidine (or its salts) and which would prevent the entry of 3,3'-Dichlorobenzidine (or its salts) into regulated areas, nonregulated areas, or the external environment, should leakage or spillage from the vessel of containment occur.

(11) "Laboratory type hood" is a device enclosed on three sides and the top and bottom, designed and maintained so as to draw air inward at an average linear face velocity of 150 feet per minute with a minimum of 125 feet per minute; designed, constructed, and maintained in such a way that an operation involving 3,3'-Dichlorobenzidine (or its salts) within the hood does not require the insertion of any portion of any employee's body other than his hands and arms.

(12) "Nonregulated area" means any area under the control of the employer where entry and exit is neither restricted nor controlled.

(13) "Open-vessel system" means an operation involving 3,3'-Dichlorobenzidine (or its salts) in an open vessel, which is not in an isolated system, a laboratory type hood, nor in any other system affording equivalent protection against the entry of 3,3'-Dichlorobenzidine (or its salts) into regulated areas, nonregulated areas, or the external environment.

(14) "Protective clothing" means clothing designed to protect an employee

against contact with or exposure to 3,3'-Dichlorobenzidine (or its salts).

(15) "Regulated area" means an area where entry and exit is restricted and controlled.

(c) *Requirements for areas containing 3,3'-Dichlorobenzidine (or its salts).* A regulated area shall be established by an employer where 3,3'-Dichlorobenzidine (or its salts) is manufactured, processed, used, repackaged, released, handled or stored. All such areas shall be controlled in accordance with the requirements for the following category or categories describing the operation involved: (1) *Isolated systems.* Employees working with 3,3'-Dichlorobenzidine (or its salts) within an isolated system, such as a "glove box" shall wash their hands and arms upon completion of the assigned task and before engaging in other activities not associated with the isolated system.

(2) *Closed system operation.* Within regulated areas where 3,3'-Dichlorobenzidine (or its salts) is stored in sealed containers, or contained in a closed system, including piping systems, with any sample ports or openings closed while 3,3'-Dichlorobenzidine (or its salts) is contained within: (i) Access shall be restricted to authorized employees only;

(ii) Employees shall be required to wash hands, forearms, face and neck upon each exit from the regulated areas, close to the point of exit and before engaging in other activities.

(3) *Open vessel system operations.* Open vessel system operations as defined in paragraph (b) (13) of this section are prohibited.

(4) *Transfer from a closed system, charging or discharging point operations, or otherwise opening a closed system.* In operations involving "laboratory type hoods," or in locations where 3,3'-Dichlorobenzidine (or its salts) is contained in an otherwise "closed system," but is transferred, charged, or discharged into other normally closed containers, the provisions of this subparagraph shall apply. (i) Access shall be restricted to authorized employees only;

(ii) Each operation shall be provided with continuous local exhaust ventilation so that air movement is always from ordinary work areas to the operation. Exhaust air shall not be discharged to regulated areas, nonregulated areas or the external environment unless decontaminated. Clean makeup air shall be introduced in sufficient volume to maintain the correct operation of the local exhaust system.

(iii) Employees shall be provided with, and required to wear, clean, full body protective clothing (smocks, coveralls, or long-sleeved shirt and pants), shoe covers and gloves prior to entering the regulated area.

(iv) Employees engaged in 3,3'-Dichlorobenzidine (or its salts) handling operations shall be provided with and required to wear and use a half-face, filter-type respirator for dusts, mists, and fumes, in accordance with § 1910.134. A respirator affording higher levels of protection may be substituted.

(v) Prior to each exit from a regulated area, employees shall be required to remove and leave protective clothing and equipment at the point of exit and at the last exit of the day, to place used clothing and equipment in impervious containers at the point of exit for purposes of decontamination or disposal. The contents of such impervious containers shall be identified, as required under paragraphs (e) (2), (3), and (4) of this section.

(vi) Employees shall be required to wash hands, forearms, face and neck on each exit from the regulated area, close to the point of exit, and before engaging in other activities.

(vii) Employees shall be required to shower after the last exit of the day,

(viii) Drinking fountains are prohibited in the regulated area.

(5) *Maintenance and decontamination activities.* In cleanup of leaks or spills, maintenance or repair operations on contaminated systems or equipment, or any operations involving work in an area where direct contact with 3,3'-Dichlorobenzidine (or its salts) could result, each authorized employee entering that area shall: (i) Be provided with and required to wear clean, impervious garments, including gloves, boots and continuous-air supplied hood in accordance with § 1910.134.

(ii) Be decontaminated before removing the protective garments and hood;

(iii) Be required to shower upon removing the protective garments and hood.

(6) *Laboratory activities.* The requirements of this subparagraph shall apply to research and quality control activities involving the use of 3,3'-Dichlorobenzidine (or its salts). (i) Mechanical pipetting aids shall be used for all pipetting procedures.

(ii) Experiments, procedures and equipment which could produce aerosols shall be confined to laboratory-type hoods or glove boxes.

(iii) Surfaces on which 3,3'-Dichlorobenzidine (or its salts) is handled shall be protected from contamination.

(iv) Contaminated wastes and animal carcasses shall be collected in impervious containers which are closed and decontaminated prior to removal from the work area. Such wastes and carcasses shall be incinerated in such a manner that no carcinogenic products are released.

(v) All other forms of 3,3'-Dichlorobenzidine (or its salts) shall be inactivated prior to disposal.

(vi) Laboratory vacuum systems shall be protected with high-efficiency scrubbers or with disposable absolute filters.

(vii) Employees engaged in animal support activities shall be (a) provided with, and required to wear, a complete protective clothing change, clean each day, including coveralls or pants and shirt, foot covers, head covers, gloves, and appropriate respiratory protective equipment or devices; and

(b) Prior to each exist from a regulated area, employees shall be required to remove and leave protective clothing and equipment at the point of exit and at the last exit of the day, to place used clothing and equipment in impervious containers at the point of exit for purposes of decontamination or disposal. The contents of such impervious containers shall be identified as required under paragraphs (e) (2), (3), and (4) of this section.

(c) Required to wash hands, forearms, face and neck upon each exit from the regulated area close to the point of exit, and before engaging in other activities; and

(d) Required to shower after the last exit of the day.

(viii) Employees, other than those engaged only in animal support activities, each day shall be (a) provided with and required to wear a clean change of appropriate laboratory clothing, such as a solid front gown, surgical scrub suit, or fully buttoned laboratory coat.

(b) Prior to each exit from a regulated area, employees shall be required to remove and leave protective clothing and equipment at the point of exit and at the last exit of the day, to place used clothing and equipment in impervious containers at the point of exit for purposes of decontamination or disposal. The contents of such impervious containers shall be identified as required under paragraphs (e) (2), (3), and (4) of this section.

(c) Required to wash hands, forearms, face and neck upon each exit from the regulated area close to the point of exit, and before engaging in other activities.

(ix) Air pressure in laboratory areas and animal rooms where 3,3'-Dichlorobenzidine (or its salts) is handled and bioassay studies are performed shall be negative in relation to the pressure in surrounding areas. Exhaust air shall not be discharged to regulated areas, nonregulated areas or the external environment unless decontaminated.

(x) There shall be no connection between regulated areas and any other areas through the ventilation system.

(xi) A current inventory of 3,3'-Dichlorobenzidine (or its salts) shall be maintained.

(xii) Ventilated apparatus such as laboratory type hoods, shall be tested at least semi-annually or immediately after ventilation modification or maintenance operations, by personnel fully qualified to certify correct containment and operation.

(d) *General regulated area requirements*—(1) *Employee identification.* A daily roster of employees entering regulated areas shall be established and maintained. The rosters or a summary of the rosters, shall be retained for a period of 20 years. The rosters and/or summaries shall be provided upon request to authorized representatives of the Assistant Secretary and the Director. In the event that the employer ceases business without a successor, rosters shall be forwarded by registered mail to the Director.

(2) *Emergencies.* In an emergency, immediate measures including, but not limited to, the requirements of subdivisions (i), (ii), (iii), (iv), and (v) of this

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subparagraph shall be implemented. (i) The potentially affected area shall be evacuated as soon as the emergency has been determined.

(ii) Hazardous conditions created by the emergency shall be eliminated and the potentially affected area shall be decontaminated prior to the resumption of normal operations.

(iii) Special medical surveillance by a physician shall be instituted within 24 hours for employees present in the potentially affected area at the time of the emergency. A report of the medical surveillance and any treatment shall be included in the incident report, in accordance with paragraph (f)(2) of this section.

(iv) Where ar employee has a known contact with 3,3'-Dichlorobenzidine (or its salts), such employee shall be required to shower as soon as possible, unless contraindicated by physical injuries.

(v) An incident report on the emergency shall be reported as provided in paragraph (f)(2) of this section.

(3) *Hygiene facilities and practices.* (i) Storage or consumption of food, storage or use of containers of beverages, storage or application of cosmetics, smoking, storage of smoking materials, tobacco products or other products for chewing, or the chewing of such products, are prohibited in regulated areas.

(ii) Where employees are required by this section to wash, washing facilities shall be provided in accordance with § 1910.141(d)(1) and (2)(ii) through (vii).

(iii) Where employees are required by this section to shower, shower facilities shall be provided in accordance with § 1910.141(d)(3).

(iv) Where employees wear protective clothing and equipment clean change rooms shall be provided, in accordance with § 1910.141(e), for the number of such employees required to change clothes.

(v) Where toilets are in regulated areas, such toilets shall be in a separate room.

(4) *Contamination control.* (i) Regulated areas, except for outdoor systems, shall be maintained under pressure negative with respect to nonregulated areas. Local exhaust ventilation may be used to satisfy this requirement. Clean makeup air in equal volume shall replace air removed.

(ii) Any equipment, material, or other item taken into or removed from a regulated area shall be done so in a manner that does not cause contamination in nonregulated areas or the external environment.

(iii) Decontamination procedures shall be established and implemented to remove 3,3'-Dichlorobenzidine (or its salts) from the surfaces of materials, equipment and the decontamination facility.

(iv) Dry sweeping and dry mopping are prohibited.

(e) *Signs, information and training.*— (1) *Signs.* (i) Entrances to regulated areas shall be posted with signs bearing the legend:

CANCER-SUSPECT AGENT

AUTHORIZED PERSONNEL ONLY

(ii) Entrances to regulated areas containing operations covered in paragraph (c)(5) of this section shall be posted with signs bearing the legend:

CANCER-SUSPECT AGENT EXPOSED IN THIS AREA

IMPERVIOUS SUIT INCLUDING GLOVES, BOOTS, AND AIR-SUPPLIED HOOD REQUIRED AT ALL TIMES

AUTHORIZED PERSONNEL ONLY

(iii) Appropriate signs and instructions shall be posted at the entrance to, and exit from, regulated areas, informing employees of the procedures that must be followed in entering and leaving a regulated area.

(2) *Container contents identification.* (i) Containers of 3,3'-Dichlorobenzidine (or its salts) and containers required under paragraphs (c)(4)(v) and (c)(6)(vii)(b), and (c)(6)(viii)(b) of this section which are accessible only to, and handled only by, authorized employees, or by other employees trained in accordance with subparagraph (5) of this paragraph, may have contents identification limited to a generic or proprietary name, or other proprietary identification, of the carcinogen and percent.

(ii) Containers of 3,3'-Dichlorobenzidine (or its salts) and containers required under paragraphs (c)(4)(v), (c)(6)(vii)(b), and (c)(6)(viii)(b) of this section which are accessible to, or handled by, employees other than authorized employees or employees trained in accordance with subparagraph (5) of this paragraph shall have contents identification which includes the full chemical name and Chemical Abstracts Service Registry number as listed in paragraph (a)(1) of this section.

(iii) Containers shall have the warning words "CANCER-SUSPECT AGENT" displayed immediately under or adjacent to the contents identification.

(iv) Containers which have 3,3'-Dichlorobenzidine (or its salts) contents with corrosive or irritating properties shall have label statements warning of such hazards, noting, if appropriate, particularly sensitive or affected portions of the body.

(3) *Lettering.* Lettering on signs and instructions required by subparagraph (1) of this paragraph shall be a minimum letter height of 2 inches. Labels on containers required under this section shall not be less than ½ the size of the largest lettering on the package, and not less than 8 point type in any instance: *Provided,* That no such required lettering need be more than 1 inch in height.

(4) *Prohibited statements.* No statement shall appear on or near any required sign, label, or instruction which contradicts or detracts from the effect of any required warning, information or instruction.

(5) *Training and indoctrination.* (i) Each employee prior to being authorized to enter a regulated area, shall receive a training and indoctrination program including, but not necessarily limited to:

(a) The nature of the carcinogenic hazards of 3,3'-Dichlorobenzidine (or its salts), including local and systemic toxicity;

(b) The specific nature of the operation involving 3,3'-Dichlorobenzidine (or its salts) which could result in exposure;

(c) The purpose for and application of the medical surveillance program, including, as appropriate, methods of self-examination;

(d) The purpose for and application of decontamination practices and purposes;

(e) The purpose for and significance of emergency practices and procedures;

(f) The employee's specific role in emergency procedures;

(g) Specific information to aid the employee in recognition and evaluation of conditions and situations which may result in the release of 3,3'-Dichlorobenzidine (or its salts);

(h) The purpose for and application of specific first aid procedures and practices;

(i) A review of this section at the employee's first training and indoctrination program and annually thereafter.

(ii) Specific emergency procedures shall be prescribed, and posted, and employees shall be familiarized with their terms, and rehearsed in their application.

(iii) All materials relating to the program shall be provided upon request to authorized representatives of the Assistant Secretary and the Director.

(f) *Reports.*—(1) *Operations.* Not later than March 1, 1974, the information required in subdivisions (i), (ii), (iii), and (iv) of this subparagraph shall be reported in writing to the nearest OSHA Area Director. Any changes in such information shall be similarly reported in writing within 15 calendar days of such change. (i) A brief description and in-plant location of the area(s) regulated and the address of each regulated area;

(ii) The name(s) and other identifying information as to the presence of 3,3'-Dichlorobenzidine (or its salts) in each regulated area;

(iii) The number of employees in each regulated area, during normal operations including maintenance activities; and

(iv) The manner in which 3,3'-Dichlorobenzidine (or its salts) is present in each regulated area; e.g. whether it is manufactured, processed, used, repackaged, released, stored, or otherwise handled.

(2) *Incidents.* Incidents which result in the release of 3,3'-Dichlorobenzidine (or its salts) into any area where employees may be potentially exposed shall be reported in accordance with this subparagraph. (i) A report of the occurrence of the incident and the facts obtainable at that time including a report on any medical treatment of affected employees shall be made within 24 hours to the nearest OSHA Area Director.

(ii) A written report shall be filed with the nearest OSHA Area Director within 15 calendar days thereafter and shall include: (a) A specification of the amount of material released, the amount of time involved, and an explanation of the procedure used in determining this figure;

(b) A description of the area involved, and the extent of known and possible employee exposure and area contamination, and

(c) A report of any medical treatment of affected employees, and any medical surveillance program implemented; and

(d) An analysis of the circumstances of the incident, and measures taken or to be taken, with specific completion dates, to avoid further similar releases.

(g) *Medical surveillance.* At no cost to the employee, a program of medical surveillance shall be established and implemented for employees considered for assignment to enter regulated areas, and for authorized employees.

(1) *Examinations.* (i) Before an employee is assigned to enter a regulated area, a preassignment physical examination by a physician shall be provided. The examination shall include the personal history of the employee, family and occupational background, including genetic and environmental factors.

(ii) Authorized employees shall be provided periodic physical examinations, not less often than annually, following the preassignment examination.

(iii) In all physical examinations, the examining physician shall consider whether there exist conditions of increased risk, including reduced immunological competence, those undergoing treatment with steroids of cytotoxic agents, pregnancy and cigarette smoking.

(2) *Records.* (i) Employers of employees examined pursuant to this paragraph shall cause to be maintained complete and accurate records of all such medical examinations. Records shall be maintained for the duration of the employee's employment. Upon termination of the employee's employment, including retirement or death, or in the event that the employer ceases business without a successor, records, or notarized true copies thereof, shall be forwarded by registered mail to the Director.

(ii) Records required by this paragraph shall be provided upon request to authorized representatives of the Assistant Secretary or the Director; and upon request of an employee or former employee, to a physician designated by the employee or to a new employer.

(iii) Any physician who conducts a medical examination required by this paragraph shall furnish to the employer a statement of the employee's suitability for employment in the specific exposure.

§ 1910.93h bis-Chloromethyl ether.

(a) *Scope and application.* (1) This section applies to any area in which bis-chloromethyl ether, Chemical Abstracts Service Registry Number 542881 is manufactured, processed, repackaged, released, handled, or stored, but shall not apply to trans-shipment in sealed containers, except for the labeling requirements under paragraphs (e)(2), (3), and (4) of this section.

(2) This section shall not apply to solid or liquid mixtures containing less than 0.1 percent by weight or volume of bis-chloromethyl ether.

(b) *Definitions.* For the purposes of this section: (1) "Absolute filter" is one capable of retaining 99.97 percent of a mono disperse aerosol of 0.3 μm particles.

(2) "Authorized employee" means an employee whose duties require him to be in the regulated area and who has been specifically assigned by the employer.

(3) "Clean change room" means a room where employees put on clean clothing and/or protective equipment in an environment free of bis-chloromethyl ether. The clean change room shall be contiguous to and have an entry from a shower room, when the shower room facilities are otherwise required in this section.

(4) "Closed system" means an operation involving bis-chloromethyl ether where containment prevents the release of bis-chloromethyl ether into regulated areas, nonregulated areas, or the external environment.

(5) "Decontamination" means the inactivation of bis-chloromethyl ether or its safe disposal.

(6) "Director" means the Director, National Institute for Occupational Safety and Health, or any person directed by him or the Secretary of Health, Education, and Welfare to act for the Director.

(7) "Disposal" means the safe removal of bis-chloromethyl ether from the work environment.

(8) "Emergency" means an unforeseen circumstance or set of circumstances resulting in the release of bis-chloromethyl ether which may result in exposure to or contact with bis-chloromethyl ether.

(9) "External environment" means any environment external to regulated and nonregulated areas.

(10) "Isolated system" means a fully enclosed structure other than the vessel of containment, of bis-chloromethyl ether, which is impervious to the passage of, bis-chloromethyl ether and which would prevent the entry of bis-chloromethyl ether into regulated areas, nonregulated areas, or the external environment, should leakage or spillage from the vessel of containment occur.

(11) "Laboratory type hood" is a device enclosed on three sides and the top and bottom, designed and maintained so as to draw air inward at an average linear face velocity of 150 feet per minute with a minimum of 125 feet per minute; designed, constructed, and maintained in such a way that an operation involving bis-chloromethyl ether within the hood does not require the insertion of any portion of any employee's body other than his hands and arms.

(12) "Nonregulated area" means any area under the control of the employer where entry and exit is neither restricted nor controlled.

(13) "Open-vessel system" means an operation involving bis-chloromethyl ether in an open vessel, which is not in an isolated system, a laboratory type hood, nor in any other system affording equivalent protection against the entry of bis-chloromethyl ether into regulated areas, nonregulated areas, or the external environment.

(14) "Protective clothing" means clothing designed to protect an employee against contact with or exposure to bis-chloromethyl ether.

(15) "Regulated area" means an area where entry and exit is restricted and controlled.

(c) *Requirements for areas containing bis-chloromethyl ether.* A regulated area shall be established by an employer where bis-chloromethyl ether is manufactured, processed, used, repackaged, released, handled or stored. All such areas shall be controlled in accordance with the requirements for the following category or categories describing the operation involved: (1) *Isolated systems.* Employees working with bis-chloromethyl ether within an isolated system, such as a "glove box" shall wash their hands and arms upon completion of the assigned task and before engaging in other activities not associated with the isolated system.

(2) *Closed system operation.* Within regulated areas where bis-chloromethyl ether is stored in sealed containers, or contained in a closed system, including piping systems, with any sample ports or openings closed while bis-chloromethyl ether is contained within. Access shall be restricted to authorized employees only.

(3) *Open vessel system operations.* Open vessel system operations as defined in paragraph (b)(13) of this section are prohibited.

(4) *Transfer from a closed system, charging or discharging point operations, or otherwise opening a closed system.* In operations involving "laboratory type hoods," or in locations where bis-chloromethyl ether is contained in an otherwise "closed system," but is transferred, charged, or discharged into other normally closed containers, the provisions of this subparagraph shall apply. (i) Access shall be restricted to authorized employees only;

(ii) Each operation shall be provided with continuous local exhaust ventilation so that air movement is always from ordinary work areas to the operation. Exhaust air shall not be discharged to regulated areas, nonregulated areas or the external environment unless decontaminated. Clean makeup air shall be introduced in sufficient volume to maintain the correct operation of the local exhaust system.

(iii) Employees shall be provided with, and required to wear, clean, full body protective clothing (smocks, coveralls, or long-sleeved shirt and pants), and gloves prior to entering the regulated area.

(iv) Employees engaged in bis-chloromethyl ether handling operations shall be provided with and required to wear and use a full-face, supplied air respirator, of the continuous flow or pressure-demand type, in accordance with § 1910.134.

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(v) Prior to each exit from a regulated area, employees shall be required to remove and leave protective clothing and equipment at the point of exit and at the last exit of the day, to place used clothing and equipment in impervious containers at the point of exit for purposes of decontamination or disposal. The contents of such impervious containers shall be identified, as required under paragraphs (e)(2), (3), and (4) of this section.

(vi) Drinking fountains are prohibited in the regulated area.

(5) *Maintenance and decontamination activities.* In cleanup of leaks or spills, maintenance or repair operations on contaminated systems or equipment, or any operations involving work in an area where direct contact with bis-chloromethyl ether could result, each authorized employee entering that area shall: (i) Be provided with and required to wear clean, impervious garments, including gloves, boots and continuous-air supplied hood in accordance with § 1910.134.

(ii) Be decontaminated before removing the protective garments and hood;

(iii) Be required to shower upon removing the protective garments and hood.

(6) *Laboratory activities.* The requirements of this subparagraph shall apply to research and quality control activities involving the use of bis-chloromethyl ether. (i) Mechanical pipetting aids shall be used for all pipetting procedures.

(ii) Experiments, procedures and equipment which could produce aerosols shall be confined to laboratory-type hoods or glove boxes.

(iii) Surfaces on which bis-chloromethyl ether is handled shall be protected from contamination.

(iv) Contaminated wastes and animal carcasses shall be collected in impervious containers which are closed and decontaminated prior to removal from the work area. Such wastes and carcasses shall be incinerated in such a manner that no carcinogenic products are released.

(v) All other forms of bis-chloromethyl ether shall be inactivated prior to disposal.

(vi) Laboratory vacuum systems shall be protected with high-efficiency scrubbers.

(vii) Employees engaged in animal support activities shall be (*a*) provided with, and required to wear, a complete protective clothing change, clean each day, including coveralls or pants and shirt, foot covers, head covers, gloves, and appropriate respiratory protective equipment or devices; and

(*b*) Prior to each exit from a regulated area, employees shall be required to remove and leave protective clothing and equipment at the point of exit and at the last exit of the day, to place used clothing and equipment in impervious containers at the point of exit for purposes of decontamination or disposal. The contents of such impervious containers shall be identified as required under paragraphs (e)(2), (3), and (4) of this section.

(c) Required to shower after the last exit of the day.

(viii) Employees, other than those engaged only in animal support activities, each day shall be (*a*) provided with and required to wear a clean change of appropriate laboratory clothing, such as a solid front gown, surgical scrub suit, or fully buttoned laboratory coat.

(*b*) Prior to each exit from a regulated area, employees shall be required to remove and leave protective clothing and equipment at the point of exit and at the last exit of the day, to place used clothing and equipment in impervious containers at the point of exit for purposes of decontamination or disposal. The contents of such impervious containers shall be identified as required under paragraphs (e)(2), (3), and (4) of this section.

(c) Required to wash hands, forearms, face and neck upon each exit from the regulated area close to the point of exit, and before engaging in other activities.

(ix) Air pressure in laboratory areas and animal rooms where bis-chloromethyl ether is handled and bioassay studies are performed shall be negative in relation to the pressure in surrounding areas. Exhaust air shall not be discharged to regulated areas, nonregulated areas or the external environment unless decontaminated.

(x) There shall be no connection between regulated areas and any other areas through the ventilation system.

(xi) A current inventory of bis-chloromethyl ether shall be maintained.

(xii) Ventilated apparatus such as laboratory type hoods, shall be tested at least semi-annually or immediately after ventilation modification or maintenance operations, by personnel fully qualified to certify correct containment and operation.

(d) *General regulated area requirements*—(1) *Employee identification.* A daily roster of employees entering regulated areas shall be established and maintained. The rosters or a summary of the rosters, shall be retained for a period of 20 years. The rosters and/or summaries shall be provided upon request to authorized representatives of the Assistant Secretary and the Director. In the event that the employer ceases business without a successor, rosters shall be forwarded by registered mail to the Director.

(2) *Emergencies.* In an emergency, immediate measures including, but not limited to, the requirements of subdivisions (i), (ii), (iii), (iv), and (v) of this subparagraph shall be implemented. (i) The potentially affected area shall be evacuated as soon as the emergency has been determined.

(ii) Hazardous conditions created by the emergency shall be eliminated and the potentially affected area shall be decontaminated prior to the resumption of normal operations.

(iii) Special medical surveillance by a physician shall be instituted within 24 hours for employees present in the potentially affected area at the time of the emergency. A report of the medical surveillance and any treatment shall be included in the incident report, in accordance with paragraph (f)(2) of this section.

(iv) Where an employee has a known contact with bis-choromethyl ether such employee shall be required to shower as soon as possible, unless contraindicated by physical injuries.

(v) An incident report on the emergency shall be reported as provided in paragraph (f)(2) of this section.

(3) *Hygiene facilities and practices.* (i) Storage or consumption of food, storage or use of containers of beverages, storage or application of cosmetics, smoking, storage of smoking materials, tobacco products or other products for chewing, or the chewing of such products, are prohibited in regulated areas.

(ii) Where employees wear protective clothing and equipment clean change rooms shall be provided, in accordance with § 1910.141(e), for the number of such employees required to change clothes.

(iii) Where toilets are in regulated areas, such toilets shall be in a separate room.

(iv) Where employees are required by this section to wash, washing facilities shall be provided in accordance with § 1910.141(d) (1) and (2) (ii) through (vii).

(v) Where employees are required by this section to shower, shower facilities shall be provided in accordance with § 1910.141(d)(3).

(4) *Contamination control.* (i) Regulated areas, except for outdoor systems, shall be maintained under pressure negative with respect to nonregulated areas. Local exhaust ventilation may be used to satisfy this requirement. Clean makeup air in equal volume shall replace air removed.

(ii) Any equipment, material, or other item taken into or removed from a regulated area shall be done so in a manner that does not cause contamination in nonregulated areas or the external environment.

(iii) Decontamination procedures shall be established and implemented to remove bis-chloromethyl ether from the surfaces of materials, equipment and the decontamination facility.

(e) *Signs, information and training.*—(1) *Signs.* (i) Entrances to regulated areas shall be posted with signs bearing the legend:

CANCER-SUSPECT AGENT

AUTHORIZED PERSONNEL ONLY

(ii) Entrances to regulated areas containing operations covered in paragraph (c)(5) of this section shall be posted with signs bearing the legend:

CANCER-SUSPECT AGENT EXPOSED IN THIS AREA

IMPERVIOUS SUIT INCLUDING GLOVES, BOOTS, AND AIR-SUPPLIED HOOD REQUIRED AT ALL TIMES

AUTHORIZED PERSONNEL ONLY

(iii) Appropriate signs and instructions shall be posted at the entrance to, and exit from, regulated areas, informing employees of the procedures that must be

followed in entering and leaving a regulated area.

(2) *Container contents identification.* (i) Containers of bis-chloromethyl ether and containers required under paragraphs (c)(4)(v) and (c)(6)(vii)(*b*), and (c)(6)(viii)(*b*) of this section which are accessible only to, and handled only by, authorized employees, or by other employees trained in accordance with subparagraph (5) of this paragraph, may have contents identification limited to a generic or proprietary name, or other proprietary identification, of the carcinogen and percent.

(ii) Containers of bis-chloromethyl ether and containers required under paragraphs (c)(4)(v), (c)(6)(vii)(*b*), and (c)(6)(viii)(*b*) of this section which are accessible to, or handled by, employees other than authorized employees or employees trained in accordance with subparagraph (5) of this paragraph shall have contents identification which includes the full chemical name and Chemical Abstracts Service Registry number as listed in paragraph (a)(1) of this section.

(iii) Containers shall have the warning words "CANCER-SUSPECT AGENT" displayed immediately under or adjacent to the contents identification.

(iv) Containers which have bis-chloromethyl ether contents with corrosive or irritating properties shall have label statements warning of such hazards, noting, if appropriate, particularly sensitive or affected portions of the body.

(3) *Lettering.* Lettering on signs and instructions required by subparagraph (1) of this paragraph shall be a minimum letter height of 2 inches. Labels on containers required under this section shall not be less than ½ the size of the largest lettering on the package, and not less than 8 point type in any instance: *Provided*, That no such required lettering need be more than 1 inch in height.

(4) *Prohibited statements.* No statement shall appear on or near any required sign, label, or instruction which contradicts or detracts from the effect of any required warning, information or instruction.

(5) *Training and indoctrination.* (i) Each employee prior to being authorized to enter a regulated area, shall receive a training and indoctrination program including, but not necessarily limited to: (*a*) The nature of the carcinogenic hazards of bis-chloromethyl ether, including local and systemic toxicity;

(*b*) The specific nature of the operation involving bis-chloromethyl ether which could result in exposure;

(*c*) The purpose for and application of the medical surveillance program, including, as appropriate, methods of self-examination;

(*d*) The purpose for and application of decontamination practices and purposes;

(*e*) The purpose for and significance of emergency practices and procedures;

(*f*) The employee's specific role in emergency procedures;

(*g*) Specific information to aid the employee in recognition and evaluation of conditions and situations which may result in the release of bis-chloromethyl ether;

(*h*) The purpose for and application of specific first aid procedures and practices;

(*i*) A review of this section at the employee's first training and indoctrination program and annually thereafter.

(ii) Specific emergency procedures shall be prescribed, and posted, and employees shall be familiarized with their terms, and rehearsed in their application.

(iii) All materials relating to the program shall be provided upon request to authorized representatives of the Assistant Secretary and the Director.

(f) *Reports*—(1) *Operations.* Not later than March 1, 1974, the information required in subdivisions (i), (ii), (iii), and (iv) of this subparagraph shall be reported in writing to the nearest OSHA Area Director. Any changes in such information shall be similarly reported in writing within 15 calendar days of such change. (i) A brief description and in-plant location of the area(s) regulated and the address of each regulated area;

(ii) The name(s) and other identifying information as to the presence of bis-chloromethyl ether in each regulated area;

(iii) The number of employees in each regulated area, during normal operations including maintenance activities; and

(iv) The manner in which bis-chloromethyl ether is present in each regulated area; e.g. whether it is manufactured, processed, used, repackaged, released, stored, or otherwise handled.

(2) *Incidents.* Incidents which result in the release of bis-chloromethyl ether into any area where employees may be potentially exposed shall be reported in accordance with this subparagraph. (i) A report of the occurrence of the incident and the facts obtainable at that time including a report on any medical treatment of affected employees shall be made within 24 hours to the nearest OSHA Area Director.

(ii) A written report shall be filed with the nearest OSHA Area Director within 15 calendar days thereafter and shall include:

(*a*) A specification of the amount of material released, the amount of time involved, and an explanation of the procedure used in determining this figure;

(*b*) A description of the area involved, and the extent of known and possible employee exposure and area contamination; and

(*c*) A report of any medical treatment of affected employees, and any medical surveillance program implemented; and

(*d*) An analysis of the circumstances of the incident, and measures taken or to be taken, with specific completion dates, to avoid further similar releases.

(g) *Medical surveillance.* At no cost to the employee, a program of medical surveillance shall be established and implemented for employees considered for assignment to enter regulated areas, and for authorized employees. (1) *Examinations.* (i) Before an employee is assigned to enter a regulated area, a preassignment physical examination by a physician shall be provided. The examination shall include the personal history of the employee, family and occupational background, including genetic and environmental factors.

(ii) Authorized employees shall be provided periodic physical examinations, not less often than annually, following the preassignment examination.

(iii) In all physical examinations, the examining physician shall consider whether there exist conditions of increased risk, including reduced immunological competence, those undergoing treatment with steriods or cytotoxic agents, pregnancy and cigarette smoking.

(2) *Records.* (i) Employers of employees examined pursuant to this paragraph shall cause to be maintained complete and accurate records of all such medical examniations. Records shall be maintained for the duration of the employee's employment. Upon termination of the employee's employment, including retirement or death, or in the event that the employer ceases business without a successor, records, or notarized true copies thereof, shall be forwarded by registered mail to the Director.

(ii) Records required by this paragraph shall be provided upon request to authorized representatives of the Assistant Secretray or the Director; and upon request of an employee or to a new employer.

(iii) Any physician who conducts a medical examination required by this paragraph shall furnish to the employer a statement of the employee's suitability for employment in the specific exposure.

§ 1910.93i beta-Naphthylamine.

(a) *Scope and application.* (1) This section applies to any area in which beta-Naphthylamine, Chemical Abstracts Service Registry Number 91598 is manufactured, processed, repackaged, released, handled, or stored, but shall not apply to trans-shipment in sealed containers, except for the labeling requirements under paragraphs (e)(2), (3), and (4) of this section.

(2) This section shall not apply to solid or liquid mixtures containing less than 0.1 percent by weight or volume of beta-Naphthylamine.

(3) This section will not apply to operations involving the destructive distillation of carbonaceous materials, such as occurs in coke ovens.

(b) *Definitions.* For the purposes of this section: (1) "Absolute filter" is one capable of retaining 99.97 percent of a mono disperse aerosol of 0.3 μm particles.

(2) "Authorized employee" means an employee whose duties require him to be in the regulated area and who has been specifically assigned by the employer.

(3) "Clean change room" means a room where employees put on clean clothing and/or protective equipment in an environment free of beta-Naphthylamine. The clean change room shall be contiguous to and have an entry from a shower room, when the shower room facilities are otherwise required in this section.

(4) "Closed system" means an operation involving beta-Naphthylamine

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where containment prevents the release of beta-Naphthylamine into regulated areas, nonregulated areas, or the external environment.

(5) "Decontamination" means the inactivation of beta-Naphthylamine or its safe disposal.

(6) "Director" means the Director, National Institute for Occupational Safety and Health, or any person directed by him or the Secretary of Health, Education, and Welfare to act for the Director.

(7) "Disposal" means the safe removal of beta-Naphthylamine from the work environment.

(8) "Emergency" means an unforeseen circumstance or set of circumstances resulting in the release of beta-Naphthylamine which may result in exposure to or contact with beta-Naphthylamine.

(9) "External environment" means any environment external to regulated and nonregulated areas.

(10) "Isolated system" means a fully enclosed structure other than the vessel of containment of beta-Naphthylamine, which is impervious to the passage of beta-Naphthylamine, and which would prevent the entry of beta-Naphthylamine into regulated areas, nonregulated areas, or the external environment, should leakage or spillage from the vessel of containment occur.

(11) "Laboratory type hood" is a device enclosed on three sides and the top and bottom, designed and maintained so as to draw air inward at an average linear face velocity of 150 feet per minute with a minimum of 125 feet per minute; designed, constructed, and maintained in such a way that an operation involving beta-Naphthylamine within the hood does not require the insertion of any portion of any employee's body other than his hands and arms.

(12) "Nonregulated area" means any area under the control of the employer where entry and exit is neither restricted nor controlled.

(13) "Open-vessel system" means an operation involving beta-Naphthylamine in an open vessel, which is not in an isolated system, a laboratory type hood, nor in any other system affording equivalent protection against the entry of beta-Naphthylamine into regulated areas, nonregulated areas, or the external environment.

(14) "Protective clothing" means clothing designed to protect an employee against contact with or exposure to beta-Naphthylamine.

(15) "Regulated area" means an area where entry and exit is restricted and controlled.

(c) *Requirements for areas containing beta-Naphthylamine.* A regulated area shall be established by an employer where beta-Naphthylamine is manufactured, processed, used, repackaged, released, handled or stored. All such areas shall be controlled in accordance with the requirements for the following category or categories describing the operation involved: (1) *Isolated systems.* Employees working with beta-Naphthylamine within an isolated system, such as a "glove box" shall wash their hands and arms upon completion of the assigned task and before engaging in other activities not associated with the isolated system.

(2) *Closed system operation.* Within regulated areas where beta-Naphthylamine is stored in sealed containers, or contained in a closed system, including piping systems, with any sample ports or openings closed while beta-Napthylamine is contained within: (i) Access shall be restricted to authorized employees only;

(ii) Employees shall be required to wash hands, forearms, face and neck upon each exit from the regulated areas, close to the point of exit and before engaging in other activities.

(3) *Open vessel system operations.* Open vessel system operations as defined in paragraph (b)(13) of this section are prohibited.

(4) *Transfer from a closed system, charging or discharging point operations, or otherwise opening a closed system.* In operations involving "laboratory type hoods," or in locations where beta-Naphthylamine is contained in an otherwise "closed system," but is transferred, charged, or discharged into other normally closed containers, the provisions of this subparagraph shall apply. (i) Access shall be restricted to authorized employees only.

(ii) Each operation shall be provided with continuous local exhaust ventilation so that air movement is always from ordinary work areas to the operation. Exhaust air shall not be discharged to regulated areas, nonregulated areas or the external environment unless decontaminated. Clean makeup air shall be introduced in sufficient volume to maintain the correct operation of the local exhaust system.

(iii) Employees shall be provided with, and required to wear, clean, full body protective clothing (smocks, coveralls, or long-sleeved shirt and pants), shoe covers and gloves prior to entering the regulated area.

(iv) Employees engaged in beta-Naphthylamine handling operations shall be provided with and required to wear and use a half-face, filter-type respirator for dusts, mists, and fumes, in accordance with § 1910.134. A respirator affording higher levels of protection may be substituted.

(v) Prior to each exit from a regulated area, employees shall be required to remove and leave protective clothing and equipment at the point of exit and at the last exit of the day, to place used clothing and equipment in impervious containers at the point of exit for purposes of decontamination or disposal. The contents of such impervious containers shall be identified, as required under paragraphs (e)(2), (3), and (4) of this section.

(vi) Employees shall be required to wash hands, forearms, face and neck on each exit from the regulated area, close to the point of exit, and before engaging in other activities.

(vii) Employees shall be required to shower after the last exit of the day.

(viii) Drinking fountains are prohibited in the regulated area.

(5) *Maintenance and decontamination activities.* In cleanup of leaks or spills, maintenance or repair operations on contaminated systems or equipment, where direct contact with beta-Naphthylamine could result, each authorized employee entering that area shall: (i) Be provided with and required to wear clean, impervious garments, including gloves, boots and continuous-air supplied hood in accordance with § 1910.134.

(ii) Be decontaminated before removing the protective garments and hood;

(iii) Be required to shower upon removing the protective garments and hood.

(6) *Laboratory activities.* The requirements of this subparagraph shall apply to research and quality control activities involving the use of beta-Naphthylamine. (i) Mechanical pipetting aids shall be used for all pipetting procedures.

(ii) Experiments, procedures and equipment which could produce aerosols shall be confined to laboratory-type hoods or glove boxes.

(iii) Surfaces on which beta-Naphthylamine is handled shall be protected from contamination.

(iv) Contaminated wastes and animal carcasses shall be collected in impervious containers which are closed and decontamined prior to removal from the work area. Such wastes and carcasses shall be incinerated in such a manner that no carcinogenic products are released.

(v) All other forms of beta-Naphthylamine shall be inactivated prior to disposal.

(vi) Laboratory vacuum systems shall be protected with high-efficiency scrubbers or with disposable absolute filters.

(vii) Employees engaged in animal support activities shall be (*a*) provided with, and required to wear, a complete protective clothing change, clean each day, including coveralls or pants and shirt, foot covers, head covers, gloves, and appropriate respiratory protective equipment or devices; and

(*b*) Prior to each exit from a regulated area, employees shall be required to remove and leave protective clothing and equipment at the point of exit and at the last exit of the day, to place used clothing and equipment in impervious containers at the point of exit for purposes of decontamination or disposal. The contents of such impervious containers shall be identified as required under paragraphs (e)(2), (3), and (4) of this section.

(c) Required to wash hands, forearms, face and neck upon each exit from the regulated area close to the point of exit, and before engaging in other activities; and

(*d*) Required to shower after the last exit of the day.

(viii) Employees, other than those engaged only in animal support activities, each day shall be (*a*) provided with and required to wear a clean change of appropriate laboratory clothing, such as a solid front gown, surgical scrub suit, or fully buttoned laboratory coat.

(*b*) Prior to each exit from a regulated area, employees shall be required to remove and leave protective clothing and equipment at the point of exit and at the last exit of the day, to place used clothing and equipment in impervious containers at the point of exit for purposes of decontamination or disposal. The contents of such impervious containers shall be identified as required under paragraphs (e)(2), (3), and (4) of this section.

(c) Required to wash hands, forearms, face and neck upon each exit from the regulated area close to the point of exit, and before engaging in other activities.

(ix) Air pressure in laboratory areas and animal rooms where beta-Naphthylamine is handled and bioassay studies are performed shall be negative in relation to the pressure in surrounding areas. Exhaust air shall not be discharged to regulated areas, nonregulated areas or the external environment unless decontaminated.

(x) There shall be no connection between regulated areas and any other areas through the ventilation system.

(xi) A current inventory of beta-Naphthylamine shall be maintained.

(xii) Ventilated apparatus such as laboratory type hoods, shall be tested at least semi-annually or immediately after ventilation modification or maintenance operations, by personnel fully qualified to certify correct containment and operation.

(d) *General regulated area requirements*—(1) *Employee identification.* A daily roster of employees entering regulated areas shall be established and maintained. The rosters or a summary of the rosters, shall be retained for a period of 20 years. The rosters and/or summaries shall be provided upon request to authorized representatives of the Assistant Secretary and the Director. In the event that the employer ceases business without a successor, rosters shall be forwarded by registered mail to the Director.

(2) *Emergencies.* In an emergency, immediate measures including, but not limited to, the requirements of subdivisions (i), (ii), (iii), (iv), and (v) of this subparagraph shall be implemented. (i) The potentially affected area shall be evacuated as soon as the emergency has been determined.

(ii) Hazardous conditions created by the emergency shall be eliminated and the potentially affected area shall be decontaminated prior to the resumption of normal operations.

(iii) Special medical surveillance by a physician shall be instituted within 24 hours for employees present in the potentially affected area at the time of the emergency. A report of the medical surveillance and any treatment shall be included in the incident report, in accordance with paragraph (f)(2) of this section.

(iv) Where an employee has a known contact with beta-Napthylamine, such employee shall be required to shower as soon as possible, unless contraindicated by physical injuries.

(v) An incident report on the emergency shall be reported as provided in paragraph (f)(2) of this section.

(3) *Hygiene facilities and practices.* (i) Storage or consumption of food, storage or use of containers of beverages, storage or application of cosmetics, smoking, storage of smoking materials, tobacco products or other products for chewing, or the chewing of such products, are prohibited in regulated areas.

(ii) Where employees are required by this section to wash, washing facilities shall be provided in accordance with § 1910.141(d)(1) and (2)(ii) through (vii).

(iii) Where employees are required by this section to shower, shower facilities shall be provided in accordance with § 1910.141(d)(3).

(iv) Where employees wear protective clothing and equipment, clean change rooms shall be provided, in accordance with § 1910.141(e), for the number of such employees required to change clothes.

(v) Where toilets are in regulated areas, such toilets shall be in a separate room.

(4) *Contamination control.* (i) Regulated areas, except for outdoor systems, shall be maintained under pressure negative with respect to nonregulated areas. Local exhaust ventilation may be used to satisfy this requirement. Clean makeup air in equal volume shall replace air removed.

(ii) Any equipment, material, or other item taken into or removed from a regulated area shall be done so in a manner that does not cause contamination in nonregulated areas or the external environment.

(iii) Decontamination procedures shall be established and implemented to remove beta-Naphthylamine from the surfaces of materials, equipment and the decontamination facility.

(iv) Dry sweeping and dry mopping are prohibited.

(e) *Signs, information and training*—(1) *Signs.* (i) Entrances to regulated areas shall be posted with signs bearing the legend:

CANCER-SUSPECT AGENT

AUTHORIZED PERSONNEL ONLY

(ii) Entrances to regulated areas containing operations covered in paragraph (c)(5) of this section shall be posted with signs bearing the legend:

CANCER-SUSPECT AGENT EXPOSED IN THIS AREA

IMPERVIOUS SUIT INCLUDING GLOVES, BOOTS, AND AIR-SUPPLIED HOOD REQUIRED AT ALL TIMES

AUTHORIZED PERSONNEL ONLY

(iii) Appropriate signs and instructions shall be posted at the entrance to, and exit from, regulated areas, informing employees of the procedures that must be followed in entering and leaving a regulated area.

(2) *Container contents identification.* (i) Containers of beta-Naphthylamine and containers required under paragraphs (c)(4)(v) and (c)(6)(vii)(*b*), and (c)(6)(viii)(*b*) of this section which are accessible only to, and handled only by, authorized employees, or by other employees trained in accordance with subparagraph (5) of this paragraph, may have contents identification limited to a generic or proprietary name, or other proprietary identification, of the carcinogen and percent.

(ii) Containers of beta-Naphthylamine and containers required under paragraphs (c)(4)(v), (c)(6)(vii)(*b*), and (c)(6)(viii)(*b*) of this section which are accessible to, or handled by employees other than authorized employees or employees trained in accordance with subparagraph (5) of this paragraph shall have contents identification which includes the full chemical name and Chemical Abstracts Service Registry number as listed in paragraph (a)(1) of this section.

(iii) Containers shall have the warning words "CANCER-SUSPECT AGENT" displayed immediately under or adjacent to the contents identification.

(iv) Containers which have beta-Naphthylamine contents with corrosive or irritating properties shall have label statements warning of such hazards, noting, if appropriate, particularly sensitive or affected portions of the body.

(3) *Lettering.* Lettering on signs and instructions required by subparagraph (1) shall be a minimum letter height of 2 inches. Labels on containers required under this section shall not be less than ½ the size of the largest lettering on the package, and not less than 8 point type in any instance: *Provided,* That no such required lettering need be more than 1 inch in height.

(4) *Prohibited statements.* No statement shall appear on or near any required sign, label, or instruction which contradicts or detracts from the effect of any required warning, information or instruction.

(5) *Training and indoctrination.* (i) Each employee prior to being authorized to enter a regulated area, shall receive a training and indoctrination program including, but not necessarily limited to: (*a*) The nature of the carcinogenic hazards of beta-Naphthylamine, including local and systemic toxicity;

(*b*) The specific nature of the operation involving beta-Naphthylamine which could result in exposure;

(c) The purpose for and application of the medical surveillance program, including, as appropriate, methods of self-examination;

(*d*) The purpose for and application of decontamination practices and purposes;

(*e*) The purpose for and significance of emergency practices and procedures;

(*f*) The employee's specific role in emergency procedures;

(*g*) Specific information to aid the employee in recognition and evaluation of conditions and situations which may result in the release of beta-Naphthylamine;

(*h*) The purpose for and application of specific first aid procedures and practices;

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(f) A review of this section at the employee's first training and indoctrination program and annually thereafter.

(ii) Specific emergency procedures shall be prescribed, and posted, and employees shall be familiarized with their terms, and rehearsed in their application.

(iii) All materials relating to the program shall be provided upon request to authorized representatives of the Assistant Secretary and the Director.

(f) *Reports*—(1) *Operations.* Not later than March 1, 1974, the information required in subdivisions (i), (ii), (iii), and (iv) of this subparagraph shall be reported in writing to the nearest OSHA Area Director. Any changes in such information shall be similarly reported in writing within 15 calendar days of such change. (i) A brief description and in-plant location of the area(s) regulated and the address of each regulated area;

(ii) The name(s) and other identifying information as to the presence of beta-Naphthylamine in each regulated area;

(iii) The number of employees in each regulated area, during normal operations including maintenance activities; and

(iv) The manner in which beta-Naphthylamine is present in each regulated area; e.g. whether it is manufactured, processed, used, repackaged, released, stored, or otherwise handled.

(2) *Incidents.* Incidents which result in the release of beta-Naphthylamine into any area where employees may be potentially exposed shall be reported in accordance with this subparagraph. (i) A report of the occurrence of the incident and the facts obtainable at that time including a report on any medical treatment of affected employees shall be made within 24 hours to the nearest OSHA Area Director.

(ii) A written report shall be filed with the nearest OSHA Area Director within 15 calendar days thereafter and shall include: (a) A specification of the amount of material released, the amount of time involved, and an explanation of the procedure used in determining this figure;

(b) A description of the area involved, and the extent of known and possible employee exposure and area contamination;

(c) A report of any medical treatment of affected employees, and any medical surveillance program implemented; and

(d) An analysis of the circumstances of the incident, and measures taken or to be taken, with specific completion dates, to avoid further similar releases.

(g) *Medical surveillance.* At no cost to the employee, a program of medical surveillance shall be established and implemented for employees considered for assignment to enter regulated areas, and for authorized employees. (1) *Examinations.* (i) Before an employee is assigned to enter a regulated area, a preassignment physical examination by a physician shall be provided. The examination shall include the personal history of the employee, family and occupational background, including genetic and environmental factors.

(ii) Authorized employees shall be provided periodic physical examinations, not less often than annually, following the preassignment examination.

(iii) In all physical examinations the examining physician shall consider whether there exist conditions of increased risk, including reduced immunological competence, those undergoing treatment with steroids or cytotoxic agents, pregnancy and cigarette smoking.

(2) *Records.* (i) Employers of employees examined pursuant to this paragraph shall cause to be maintained complete and accurate records of all such medical examinations. Records shall be maintained for the duration of the employee's employment. Upon termination of the employee's employment, including retirement or death, or in the event that the employer ceases business without a successor, records, or notarized true copies thereof, shall be forwarded by registered mail to the Director.

(ii) Records required by this paragraph shall be provided upon request to authorized representatives of the Assistant Secretary or the Director; and upon request of an employee or former employee, to a physician designated by the employee or to a new employer.

(iii) Any physician who conducts a medical examination required by this paragraph shall furnish to the employer a statement of the employee's suitability for employment in the specific exposure.

§ 1910.93j Benzidine.

(a) *Scope and application.* (1) This section applies to any area in which Benzidine, Chemical Abstracts Service Registry Number 92875 is manufactured, processed, repackaged, released, handled, or stored, but shall not apply to transshipment in sealed containers, except for the labeling requirements under paragraphs (e)(2), (3), and (4) of this section.

(2) This section shall not apply to solid or liquid mixtures containing less than 0.1 percent by weight or volume in Benzidine.

(b) *Definitions.* For the purposes of this section: (1) "Absolute filter" is one capable of retaining 99.97 percent of a mono dispense aerosol of 0.3 μm particles.

(2) "Authorized employee" means an employee whose duties require him to be in the regulated area and who has been specifically assigned by the employer.

(3) "Clean change room" means a room where employees put on clean clothing and/or protective equipment in an environment free of Benzidine. The clean change room shall be contiguous to and have an entry from a shower room, when the shower room facilities are otherwise required in this section.

(4) "Closed system" means an operation involving Benzidine where containment prevents the release of Benzidine into regulated areas, nonregulated areas, or the external environment.

(5) "Decontamination" means the inactivation of Benzidine or its safe disposal.

(6) "Director" means the Director, National Institute for Occupational Safety and Health, or any person directed by him or the Secretary of Health, Education, and Welfare to act for the Director.

(7) "Disposal" means the safe removal of Benzidine from the work environment.

(8) "Emergency" means an unforeseen circumstance or set of circumstances resulting in the release of Benzidine which may result in exposure to or contact with Benzidine.

(9) "External environment" means any environment external to regulated and nonregulated areas.

(10) "Isolated system" means a fully enclosed structure other than the vessel of containment of Benzidine, which is impervious to the passage of Benzidine, and which would prevent the entry of Benzidine into regulated areas, nonregulated areas, or the external environment, should leakage or spillage from the vessel of containment occur.

(11) "Laboratory type hood" is a device enclosed on three sides and the top and bottom, designed and maintained so as to draw air inward at an average linear face velocity of 150 feet per minute with a minimum of 125 feet per minute; designed, constructed, and maintained in such a way that an operation involving Benzidine within the hood does not require the insertion of any portion of any employee's body other than his hands and arms.

(12) "Nonregulated area" means any area under the control of the employer where entry and exit is neither restricted nor controlled.

(13) "Open-vessel system" means an operation involving Benzidine in an open vessel, which is not in an isolated system, a laboratory type hood, nor in any other system affording equivalent protection against the entry of Benzidine into regulated areas, nonregulated areas, or the external environment.

(14) "Protective clothing" means clothing designed to protect an employee against contact with or exposure to Benzidine.

(15) "Regulated area" means an area where entry and exit is restricted and controlled.

(c) *Requirements for areas containing Benzidine.* A regulated area shall be established by an employer where Benzidine is manufactured, processed, used, repackaged, released, handled or stored. All such areas shall be controlled in accordance with the requirements for the following category or categories describing the operation involved: (1) *Isolated systems.* Employees working with Benzidine within an isolated system, such as a "glove box" shall wash their hands and arms upon completion of the assigned task and before engaging in other activities not associated with the isolated system.

(2) *Closed system operation.* Within regulated areas where Benzidine is stored in sealed containers, or contained in a closed system, including piping systems, with any sample ports or openings closed while Benzidine is contained within: (i) Access shall be restricted to authorized employees only;

(ii) Employees shall be required to wash hands, forearms, face and neck upon each exit from the regulated areas, close to the point of exit and before engaging in other activities.

(3) *Open vessel system operations.* Open vessel system operations as defined in paragraph (b)(13) of this section are prohibited.

(4) *Transfer from a closed system, charging or discharging point operations, or otherwise opening a closed system.* In operations involving "laboratory type hoods," or in locations where Benzidine is contained in an otherwise "closed system," but is transferred, charged, or discharged into other normally closed containers, the provisions of this subparagraph shall apply. (i) Access shall be restricted to authorized employees only;

(ii) Each operation shall be provided with continuous local exhaust ventilation so that air movement is always from ordinary work areas to the operation. Exhaust air shall not be discharged to regulated areas, nonregulated areas or the external environment unless decontaminated. Clean makeup air shall be introduced in sufficient volume to maintain the correct operation of the local exhaust system.

(iii) Employees shall be provided with, and required to wear, clean, full body protective clothing (smocks, coveralls, or long-sleeved shirt and pants), shoe covers and gloves prior to entering the regulated area.

(iv) Employees engaged in Benzidine handling operations shall be provided with and required to wear and use a half-face, filter-type respirator for dusts, mists, and fumes, in accordance with § 1910.134. A respirator affording higher levels of protection may be substituted.

(v) Prior to each exit from a regulated area, employees shall be required to remove and leave protective clothing and equipment at the point of exit and at the last exit of the day, to place used clothing and equipment in impervious containers at the point of exit for purposes of decontamination or disposal. The contents of such impervious containers shall be identified, as required under paragraphs (e)(2), (3), and (4) of this section.

(vi) Employees shall be required to wash hands, forearms, face and neck on each exit from the regulated area, close to the point of exit, and before engaging in other activities.

(vii) Employees shall be required to shower after the last exit of the day.

(viii) Drinking fountains are prohibited in the regulated area.

(5) *Maintenance and decontamination activities.* In cleanup of leaks or spills, maintenance or repair operations on contaminated systems or equipment, where direct contact with Benzidine could result, each authorized employee entering that area shall: (i) Be provided with and required to wear clean, impervious garments, including gloves, boots and continuous-air supplied hood in accordance with § 1910.134.

(ii) Be decontaminated before removing the protective garments and hood;

(iii) Be required to shower upon removing the protective garments and hood.

(6) *Laboratory activities.* The requirements of this subparagraph shall apply to research and quality control activities involving the use of Benzidine. (i) Mechanical pipetting aids shall be used for all pipetting procedures.

(ii) Experiments, procedures and equipment which could produce aerosols shall be confined to laboratory-type hoods or glove boxes.

(iii) Surfaces on which Benzidine is handled shall be protected from contamination.

(iv) Contaminated wastes and animal carcasses shall be collected in impervious containers which are closed and decontaminated prior to removal from the work area. Such wastes and carcasses shall be incinerated in such a manner that no carcinogenic products are released.

(v) All other forms of Benzidine shall be inactivated prior to disposal.

(vi) Laboratory vacuum systems shall be protected with high-efficiency scrubbers or with disposable absolute filters.

(vii) Employees engaged in animal support activities shall be (a) provided with, and required to wear, a complete protective clothing change, clean each day, including coveralls or pants and shirt, foot covers, head covers, gloves, and appropriate respiratory protective equipment or devices; and

(b) Prior to each exit from a regulated area, employees shall be required to remove and leave protective clothing and equipment at the point of exit and at the last exit of the day, to place used clothing and equipment in impervious containers at the point of exit for purposes of decontamination or disposal. The contents of such impervious containers shall be identified as required under paragraphs (e)(2), (3), and (4) of this section.

(c) Required to wash hands, forearms, face and neck upon each exit from the regulated area close to the point of exit, and before engaging in other activities; and

(d) Required to shower after the last exit of the day.

(viii) Employees, other than those engaged only in animal support activities, each day shall be (a) provided with and required to wear a clean change of appropriate laboratory clothing, such as a solid front gown, surgical scrub suit, or fully buttoned laboratory coat.

(b) Prior to each exit from a regulated area, employees shall be required to remove and leave protective clothing and equipment at the point of exit and at the last exit of the day, to place used clothing and equipment in impervious containers at the point of exit for purposes of decontamination or disposal. The contents of such impervious containers shall be identified as required under paragraphs (e)(2), (3), and (4) of this section.

(c) Required to wash hands, forearms, face and neck upon each exit from the regulated area close to the point of exit, and before engaging in other activities.

(ix) Air pressure in laboratory areas and animal rooms where Benzidine is handled and bioassay studies are performed shall be negative in relation to the pressure in surrounding areas. Exhaust air shall not be discharged to regulated areas, nonregulated areas or the external environment unless decontaminated.

(x) There shall be no connection between regulated areas and any other areas through the ventilation system.

(xi) A current inventory of Benzidine shall be maintained.

(xii) Ventilated apparatus such as laboratory type hoods, shall be tested at least semi-annually or immediately after ventilation modification or maintenance operations, by personnel fully qualified to certify correct containment and operation.

(d) *General regulated area requirements*—(1) *Employee identification.* A daily roster of employees entering regulated areas shall be established and maintained. The rosters or a summary of the rosters, shall be retained for a period of 20 years. The rosters and/or summaries shall be provided upon request to authorized representatives of the Assistant Secretary and the Director. In the event that the employer ceases business without a successor, rosters shall be forwarded by registered mail to the Director.

(2) *Emergencies.* In an emergency, immediate measures including, but not limited to, the requirements of subdivisions (i), (ii), (iii), (iv), and (v) of this subparagraph shall be implemented. (i) The potentially affected area shall be evacuated as soon as the emergency has been determined.

(ii) Hazardous conditions created by the emergency shall be eliminated and the potentially affected area shall be decontaminated prior to the resumption of normal operations.

(iii) Special medical surveillance by a physician shall be instituted within 24 hours for employees present in the potentially affected area at the time of the emergency. A report of the medical surveillance and any treatment shall be included in the incident report, in accordance with paragraph (f)(2) of this section.

(iv) Where an employee has a known contact with Benzidine such employee shall be required to shower as soon as possible unless contraindicated by physical injuries.

(v) An incident report on the emergency shall be reported as provided in paragraph (f)(2) of this section.

(3) *Hygiene facilities and practices.* (i) Storage or consumption of food, storage or use of containers of beverages, storage or application of cosmetics, smoking, storage of smoking materials, tobacco products or other products for chewing, or the chewing of such products, are prohibited in regulated areas.

(ii) Where employees are required by this section to wash, washing facilities shall be provided in accordance with

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§ 1910.141(d)(1) and (2)(ii) through (vii).

(iii) Where employees are required by this section to shower, shower facilities shall be provided in accordance with § 1910.141(d)(3).

(iv) Where employees wear protective clothing and equipment clean change rooms shall be provided, in accordance with § 1910.141(e), for the number of such employees required to change clothes.

(v) Where toilets are in regulated areas, such toilets shall be in a separate room.

(4) *Contamination control.* (i) Regulated areas, except for outdoor systems, shall be maintained under pressure negative with respect to nonregulated areas. Local exhaust ventilation may be used to satisfy this requirement. Clean makeup air in equal volume shall replace air removed.

(ii) Any equipment, material, or other item taken into or removed from a regulated area shall be done so in a manner that does not cause contamination in nonregulated areas or the external environment.

(iii) Decontamination procedures shall be established and implemented to remove Benzidine from the surfaces of materials, equipment and the decontamination facility.

(iv) Dry sweeping and dry mopping are prohibited.

(e) *Signs, information and training.*—(1) *Signs.* (i) Entrances to regulated areas shall be posted with signs bearing the legend:

CANCER-SUSPECT AGENT
AUTHORIZED PERSONNEL ONLY

(ii) Entrances to regulated areas containing operations covered in paragraph (c)(5) of this section shall be posted with signs bearing the legend:

CANCER-SUSPECT AGENT EXPOSED IN THIS AREA

IMPERVIOUS SUIT INCLUDING GLOVES, BOOTS, AND AIR-SUPPLIED HOOD REQUIRED AT ALL TIMES

AUTHORIZED PERSONNEL ONLY

(iii) Appropriate signs and instructions shall be posted at the entrance to, and exit from, regulated areas, informing employees of the procedures that must be followed in entering and leaving a regulated area.

(2) *Container contents identification.* (i) Containers of Benzidine and containers required under paragraphs (c)(4)(v) and (c)(6)(vii)(b), and (c)(6)(viii)(b) of this section which are accessible only to, and handled only by, authorized employees, or by other employees trained in accordance with subparagraph (5) of this paragraph, may have contents identification limited to a generic or proprietary name, or other proprietary identification, of the carcinogen and percent.

(ii) Containers of Benzidine and containers required under paragraphs (c)(4)(v), (c)(6)(vii)(b), and (c)(6)(viii)(b) of this section which are accessible to, or handled by employees other than authorized employees or employees trained in accordance with subparagraph (5) of this paragraph shall have contents identification which includes the full chemical name and Chemical Abstracts Service Registry number as listed in paragraph (a)(1) of this section.

(iii) Containers shall have the warning words "CANCER-SUSPECT AGENT" displayed immediately under or adjacent to the contents identification.

(iv) Containers which have Benzidine contents with corrosive or irritating properties shall have label statements warning of such hazards, noting, if appropriate, particularly sensitive or affected portions of the body.

(3) *Lettering.* Lettering on signs and instructions required by subparagraph (1) of this paragraph shall be a minimum letter height of 2 inches. Labels on containers required under this section shall not be less than ½ the size of the largest lettering on the package, and not less than 8 point type in any instance: *Provided,* That no such required lettering need be more than 1 inch in height.

(4) *Prohibited statements.* No statement shall appear on or near any required sign, label, or instruction which contradicts or detracts from the effect of any required warning, information or instruction.

(5) *Training and indoctrination.* (i) Each employee prior to being authorized to enter a regulated area, shall receive a training and indoctrination program including, but not necessarily limited to: (*a*) The nature of the carcinogenic hazards of Benzidine, including local and systemic toxicity;

(*b*) The specific nature of the operation involving Benzidine which could result in exposure;

(*c*) The purpose for and application of the medical surveillance program, including, as appropriate, methods of self-examination;

(*d*) The purpose for and application of decontamination practices and purposes;

(*e*) The purpose for and significance of emergency practices and procedures;

(*f*) The employee's specific role in emergency procedures;

(*g*) Specific information to aid the employee in recognition and evaluation of conditions and situations which may result in the release of Benzidine;

(*h*) The purpose for and application of specific first aid procedures and practices;

(*i*) A review of this section at the employee's first training and indoctrination program and annually thereafter.

(ii) Specific emergency procedures shall be prescribed, and posted, and employees shall be familiarized with their terms, and rehearsed in their application.

(iii) All materials relating to the program shall be provided upon request to authorized representatives of the Assistant Secretary and the Director.

(f) *Reports.*—(1) *Operations.* Not later than March 1, 1974, the information required in subdivisions (i), (ii), (iii), and (iv) of this subparagraph shall be reported in writing to the nearest OSHA Area Director. Any changes in such information shall be similarly reported in writing within 15 calendar days of such change. (i) A brief description and in-plant location of the area(s) regulated and the address of each regulated area;

(ii) The name(s) and other identifying information as to the presence of Benzidine in each regulated area;

(iii) The number of employees in each regulated area, during normal operations including maintenance activities; and

(iv) The manner in which Benzidine is present in each regulated area; e.g. whether it is manufactured, processed, used, repackaged, released, stored, or otherwise handled.

(2) *Incidents.* Incidents which result in the release of Benzidine into any area where employees may be potentially exposed shall be reported in accordance with this subparagraph. (i) A report of the occurrence of the incident and the facts obtainable at that time including a report on any medical treatment of affected employees shall be made within 24 hours to the nearest OSHA Area Director.

(ii) A written report shall be filed with the nearest OSHA Area Director within 15 calendar days thereafter and shall include: (*a*) A specification of the amount of material released, the amount of time involved, and an explanation of the procedure used in determining this figure;

(*b*) A description of the area involved, and the extent of known and possible employee exposure and area contamination; and

(*c*) A report of any medical treatment of affected employees, and any medical surveillance program implemented; and

(*d*) An analysis of the circumstances of the incident, and measures taken or to be taken, with specific completion dates, to avoid further similar releases.

(g) *Medical surveillance.* At no cost to the employee, a program of medical surveillance shall be established and implemented for employees considered for assignment to enter regulated areas, and for authorized employees. (1) *Examinations.* (i) Before an employee is assigned to enter a regulated area, a preassignment physical examination by a physician shall be provided. The examination shall include the personal history of the employee, family and occupational background, including genetic and environmental factors.

(ii) Authorized employees shall be provided periodic physical examinations, not less often than annually, following the preassignment examination.

(iii) In all physical examinations, the examining physician shall consider whether there exist conditions of increased risk, including reduced immunological competence, those undergoing treatment with steroids or cytotoxic agents, pregnancy and cigarette smoking.

(2) *Records.* (i) Employers of employees examined pursuant to this paragraph shall cause to be maintained complete and accurate records of all such medical examinations. Records shall be maintained for the duration of the employee's employment. Upon termination of the employee's employment, including retirement or death, or in the event that the employer ceases business without a successor, records, or notarized true copies thereof, shall be forwarded by registered mail to the Director.

(ii) Records required by this paragraph shall be provided upon request to authorized representatives of the Assistant Secretary or the Director; and upon request of an employee or former employee, to a physician designated by the employee or to a new employer.

(iii) Any physician who conducts a medical examination required by this paragraph shall furnish to the employer a statement of the employee's suitability for employment in the specific exposure.

§ 1910.93k 4-Aminodiphenyl.

(a) *Scope and application.* (1) This section applies to any area in which 4-Aminodiphenyl, Chemical Abstracts Service Registry Number 92671 is manufactured, processed, repackaged, released, handled, or stored, but shall not apply to trans-shipment in sealed containers, except for the labeling requirements under paragraphs (e)(2), (3), and (4) of this section.

(2) This section shall not apply to solid or liquid mixtures containing less than 0.1 percent by weight or volume of 4-Aminodiphenyl.

(b) *Definitions.* For the purposes of this section: (1) "Absolute filter" is one capable of retaining 99.97 percent of a mono disperse aerosol of 0.3 μm particles.

(2) "Authorized employee" means an employee whose duties require him to be in the regulated area and who has been specifically assigned by the employer.

(3) "Clean change room" means a room where employees put on clean clothing and/or protective equipment in an environment free of 4-Aminodiphenyl. The clean change room shall be contiguous to and have an entry from a shower room, when the shower room facilities are otherwise required in this section.

(4) "Closed system" means an operation involving 4-Aminodiphenyl where containment prevents the release of 4-Aminodiphenyl into regulated areas, nonregulated area, or the external environment.

(5) "Decontamination" means the inactivation of 4-Aminodiphenyl or its safe disposal.

(6) "Director" means the Director, National Institute for Occupational Safety and Health, or any person directed by him or the Secretary of Health, Education, and Welfare to act for the Director.

(7) "Disposal" means the safe removal of 4-Aminodiphenyl from the work environment.

(8) "Emergency" means an unforeseen circumstance or set of circumstances resulting in the release of 4-Aminodiphenyl which may result in exposure to or contact with 4-Aminodiphenyl.

(9) "External environment" means any environment external to regulated and nonregulated areas.

(10) "Isolated system" means a fully enclosed structure other than the vessel of containment of 4-Aminodiphenyl, which is impervious to the passage of 4-Aminodiphenyl, and which would prevent the entry of 4-Aminodiphenyl into regulated areas, nonregulated areas, or the external environment, should leakage or spillage from the vessel of containment occur.

(11) "Laboratory type hood" is a device enclosed on three sides and the top and bottom, designed and maintained so as to draw air inward at an average linear face velocity of 150 feet per minute with a minimum of 125 feet per minute; designed, constructed, and maintained in such a way that an operation involving 4-Aminodiphenyl within the hood does not require the insertion of any portion of any employee's body other than his hands and arms.

(12) "Nonregulated area" means any area under the control of the employer where entry and exit is neither restricted nor controlled.

(13) "Open-vessel system" means an operation involving 4-Aminodiphenyl in an open vessel, which is not in an isolated system, a laboratory type hood, nor in any other system affording equivalent protection against the entry of 4-Aminodiphenyl into regulated areas, nonregulated areas, or the external environment.

(14) "Protective clothing" means clothing designed to protect an employee against contact with or exposure to 4-Aminodiphenyl.

(15) "Regulated area" means an area where entry and exit is restricted and controlled.

(c) *Requirements for areas containing 4-Aminodiphenyl.* A regulated area shall be established by an employer where 4-Aminodiphenyl is manufactured, processed, used, repackaged, released, handled or stored. All such areas shall be controlled in accordance with the requirements for the following category or categories describing the operation involved: (1) *Isolated systems.* Employees working with 4-Aminodiphenyl within an isolated system, such as a "glove box" shall wash their hands and arms upon completion of the assigned task and before engaging in other activities not associated with the isolated system.

(2) *Closed system operation.* Within regulated areas where 4-Aminodiphenyl is stored in sealed containers, or contained in a closed system, including piping systems, with any sample ports or openings closed while 4-Aminodiphenyl is contained within: (i) Access shall be restricted to authorized employees only;

(ii) Employees shall be required to wash hands, forearms, face and neck upon each exit from the regulated areas, close to the point of exit and before engaging in other activities.

(3) *Open vessel system operations.* Open vessel system operations as defined in paragraph (b)(13) of this section are prohibited.

(4) *Transfer from a closed system, charging or discharging point operations, or otherwise opening a closed system.* In operations involving "laboratory type hoods," or in locations where 4-Aminodiphenyl is contained in an otherwise "closed system," but is transferred, charged, or discharged into other normally closed containers, the provisions of this subparagraph shall apply. (i) Access shall be restricted to authorized employees only;

(ii) Each operation shall be provided with continuous local exhaust ventilation so that air movement is always from ordinary work areas to the operation. Exhaust air shall not be discharged to regulated areas, nonregulated areas or the external environment unless decontaminated. Clean makeup air shall be introduced in sufficient volume to maintain the correct operation of the local exhaust system.

(iii) Employees shall be provided with, and required to wear, clean, full body protective clothing (smocks, coveralls, or long-sleeved shirt and pants), shoe covers and gloves prior to entering the regulated area.

(iv) Employees engaged in 4-Aminodiphenyl handling operations shall be provided with and required to wear and use a half-face, filter-type respirator for dusts, mists, and fumes, in accordance with § 1910.134. A respirator affording higher levels of protection may be substituted.

(v) Prior to each exit from a regulated area, employees shall be required to remove and leave protective clothing and equipment at the point of exit and at the last exit of the day, to place used clothing and equipment in impervious containers at the point of exit for purposes of decontamination or disposal. The contents of such impervious containers shall be identified, as required under paragraphs (e)(2), (3), and (4) of this section.

(vi) Employees shall be required to wash hands, forearms, face and neck on each exit from the regulated area, close to the point of exit, and before engaging in other activities.

(vii) Employees shall be required to shower after the last exit of the day.

(viii) Drinking fountains are prohibited in the regulated area.

(5) *Maintenance and decontamination activities.* In cleanup of leaks or spills, maintenance or repair operations on contaminated systems or equipment, where direct contact with 4-Aminodiphenyl could result, each authorized employee entering that area shall: (i) Be provided with and required to wear clean, impervious garments, including gloves, boots and continuous-air supplied hood in accordance with § 1910.134.

(ii) Be decontaminated before removing the protective garments and hood;

(iii) Be required to shower upon removing the protective garments and hood.

(6) *Laboratory activities.* The requirements of this subparagraph shall apply to research and quality control activities involving the use of 4-Aminodiphenyl. (i) Mechanical pipetting aids shall be used for all pipetting procedures.

(ii) Experiments, procedures and equipment which could produce aerosols

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shall be confined to laboratory-type hoods or glove boxes.

(iii) Surfaces on which 4-Aminodiphenyl is handled shall be protected from contamination.

(iv) Contaminated wastes and animal carcasses shall be collected in impervious containers which are closed and decontaminated prior to removal from the work area. Such wastes and carcasses shall be incinerated in such a manner that no carcinogenic products are released.

(v) All other forms of 4-Aminodiphenyl shall be inactivated prior to disposal.

(vi) Laboratory vacuum systems shall be protected with high-efficiency scrubbers or with disposable absolute filters.

(vii) Employees engaged in animal support activities shall be (*a*) provided with, and required to wear, a complete protective clothing change, clean each day, including coveralls or pants and shirt, foot covers, head covers, gloves, and appropriate respiratory protective equipment or devices; and

(*b*) Prior to each exit from a regulated area, employees shall be required to remove and leave protective clothing and equipment at the point of exit and at the last exit of the day, to place used clothing and equipment in impervious containers at the point of exit for purposes of decontamination or disposal. The contents of such impervious containers shall be identified as required under paragraphs (e)(2), (3), and (4) of this section.

(*c*) Required to wash hands, forearms, face and neck upon each exit from the regulated area close to the point of exit, and before engaging in other activities; and

(*d*) Required to shower after the last exit of the day.

(viii) Employees, other than those engaged only in animal support activities, each day shall be (*a*) provided with and required to wear a clean change of appropriate laboratory clothing, such as a solid front gown, surgical scrub suit, or fully buttoned laboratory coat.

(*b*) Prior to each exit from a regulated area, employees shall be required to remove and leave protective clothing and equipment at the point of exit and at the last exit of the day, to place used clothing and equipment in impervious containers at the point of exit for purposes of decontamination or disposal. The contents of such impervious containers shall be identified as required under paragraphs (e)(2), (3), and (4) of this section.

(*c*) Required to wash hands, forearms, face and neck upon each exit from the regulated area close to the point of exit, and before engaging in other activities.

(ix) Air pressure in laboratory areas and animal rooms where 4-Aminodiphenyl is handled and bioassay studies are performed shall be negative in relation to the pressure in surrounding areas. Exhaust air shall not be discharged to regulated areas, nonregulated areas or the external environment unless decontaminated.

(x) There shall be no connection between regulated areas and any other areas through the ventilation system.

(xi) A current inventory of 4-Aminodiphenyl shall be maintained.

(xii) Ventilated apparatus such as laboratory type hoods, shall be tested at least semi-annually or immediately after ventilation modification or maintenance operations, by personnel fully qualified to certify correct containment and operation.

(d) *General regulated area requirements*—(1) *Employee identification.* A daily roster of employees entering regulated areas shall be established and maintained. The rosters, or a summary of the rosters, shall be retained for a period of 20 years. The rosters and/or summaries shall be provided upon request to authorized representatives of the Assistant Secretary and the Director. In the event that the employer ceases business without a successor, rosters shall be forwarded by registered mail to the Director.

(2) *Emergencies.* In an emergency, immediate measures including, but not limited to, the requirements of subdivisions (i), (ii), (iii), (iv), and (v) of this subparagraph shall be implemented. (i) The potentially affected area shall be evacuated as soon as the emergency has been determined.

(ii) Hazardous conditions created by the emergency shall be eliminated and the potentially affected area shall be decontaminated prior to the resumption of normal operations.

(iii) Special medical surveillance by a physician shall be instituted within 24 hours for employees present in the potentially affected area at the time of the emergency. A report of the medical surveillance and any treatment shall be included in the incident report, in accordance with paragraph (f)(2) of this section.

(iv) Where an employee has a known contact with 4-Aminodiphenyl such employee shall be required to shower as soon as possible, unless contraindicated by physical injuries.

(v) An incident report on the emergency shall be reported as provided in paragraph (f)(2) of this section.

(3) *Hygiene facilities and practices.* (i) Storage or consumption of food, storage or use of containers of beverages, storage or application of cosmetics, smoking, storage of smoking materials, tobacco products or other products for chewing, or the chewing of such products, are prohibited in regulated areas.

(ii) Where employees are required by this section to wash, washing facilities shall be provided in accordance with § 1910.141(d)(1) and (2)(ii) through (vii).

(iii) Where employees are required by this section to shower, shower facilities shall be provided in accordance with § 1910.141(d)(3).

(iv) Where employees wear protective clothing and equipment clean change rooms shall be provided, in accordance with § 1910.141(e), for the number of such employees required to change clothes.

(v) Where toilets are in regulated areas, such toilets shall be in a separate room.

(4) *Contamination control.* (i) Regulated areas, except for outdoor systems, shall be maintained under pressure negative with respect to nonregulated areas. Local exhaust ventilation may be used to satisfy this requirement. Clean makeup air in equal volume shall replace air removed.

(ii) Any equipment, material, or other item taken into or removed from a regulated area shall be done so in a manner that does not cause contamination in nonregulated areas or the external environment.

(iii) Decontamination procedures shall be established and implemented to remove 4-Aminodiphenyl from the surfaces of materials, equipment and the decontamination facility.

(iv) Dry sweeping and dry mopping are prohibited.

(e) *Signs, information and training*—(1) *Signs.* (i) Entrances to regulated areas shall be posted with signs bearing the legend:

CANCER-SUSPECT AGENT
AUTHORIZED PERSONNEL ONLY

(ii) Entrances to regulated areas containing operations covered in paragraph (c)(5) of this section shall be posted with signs bearing the legend:

CANCER-SUSPECT AGENT EXPOSED IN THIS AREA

IMPERVIOUS SUIT INCLUDING GLOVES, BOOTS, AND AIR-SUPPLIED HOOD REQUIRED AT ALL TIMES

AUTHORIZED PERSONNEL ONLY

(iii) Appropriate signs and instructions shall be posted at the entrance to, and exit from, regulated areas, informing employees of the procedures that must be followed in entering and leaving a regulated area.

(2) *Container contents identification.* (i) Containers of 4-Aminodiphenyl and containers required under paragraphs (c)(4)(v) and (c)(6)(vii)(*b*), and (c)(6)(viii)(*b*) of this section which are accessible only to, and handled only by, authorized employees, or by other employees trained in accordance with subparagraph (5) of this paragraph, may have contents identification limited to a generic or proprietary name, or other proprietary identification, of the carcinogen and percent.

(ii) Containers of 4-Aminodiphenyl and containers required under paragraphs (c)(4)(v), (c)(6)(vii)(*b*), and (c)(6)(viii)(*b*) of this section which are accessible to, or handled by, employees other than authorized employees or employees trained in accordance with subparagraph (5) of this paragraph shall have contents identification which includes the full chemical name and Chemical Abstracts Service Registry number as listed in paragraph (a)(1) of this section.

(iii) Containers shall have the warning words "CANCER-SUSPECT AGENT"

displayed immediately under or adjacent to the contents identification.

(iv) Containers which have 4-Aminodiphenyl contents with corrosive or irritating properties shall have label statements warning of such hazards, noting, if appropriate, particularly sensitive or affected portions of the body.

(3) *Lettering.* Lettering on signs and instructions required by subparagraph (1) shall be a minimum letter height of 2 inches. Labels on containers required under this section shall not be less than ½ the size of the largest lettering on the package, and not less than 8 point type in any instance: *Provided*, That no such required lettering need be more than 1 inch in height.

(4) *Prohibited statements.* No statement shall appear on or near any required sign, label, or instruction which contradicts or detracts from the effect of any required warning, information or instruction.

(5) *Training and indoctrination.* (i) Each employee prior to being authorized to enter a regulated area, shall receive a training and indoctrination program including, but not necessarily limited to: (*a*) The nature of the carcinogenic hazards of 4-Aminodiphenyl, including local and systemic toxicity;

(*b*) The specific nature of the operation involving 4-Aminodiphenyl which could result in exposure;

(*c*) The purpose for and application of the medical surveillance program, including, as appropriate, methods of self-examination;

(*d*) The purpose for and application of decontamination practices and purposes;

(*e*) The purpose for and significance of emergency practices and procedures;

(*f*) The employee's specific role in emergency procedures;

(*g*) Specific information to aid the employee in recognition and evaluation of conditions and situations which may result in the release of 4-Aminodiphenyl;

(*h*) The purpose for and application of specific first aid procedures and practices;

(*i*) A review of this section at the employee's first training and indoctrination program and annually thereafter.

(ii) Specific emergency procedures shall be prescribed, and posted, and employees shall be familiarized with their terms, and rehearsed in this application.

(iii) All materials relating to the program shall be provided upon request to authorized representatives of the Assistant Secretary and the Director.

(f) *Reports*—(1) *Operations.* Not later than March 1, 1974, the information required in subdivisions (i), (ii), (iii), and (iv) of this subparagraph shall be reported in writing to the nearest OSHA Area Director. Any changes in such information shall be similarly reported in writing within 15 calendar days of such change. (i) A brief description and in-plant location of the area(s) regulated and the address of each regulated area;

(ii) The name(s) and other identifying information as to the presence of 4-Aminodiphenyl in each regulated area;

(iii) The number of employees in each regulated area, during normal operations including maintenance activities; and

(iv) The manner in which 4-Aminodiphenyl is present in each regulated area; e.g. whether it is manufactured, processed, used, repackaged, released, stored, or otherwise handled.

(2) *Incidents.* Incidents which result in the release of 4-Aminodiphenyl into any area where employees may be potentially exposed shall be reported in accordance with this subparagraph. (i) A report of the occurrence of the incident and the facts obtainable at that time including a report on any medical treatment of affected employees shall be made within 24 hours to the nearest OSHA Area Director.

(ii) A written report shall be filed with the nearest OSHA Area Director within 15 calendar days thereafter and shall include: (*a*) A specification of the amount of material released, the amount of time involved, and an explanation of the procedure used in determining this figure;

(*b*) A description of the area involved, and the extent of known and possible employee exposure and area contamination; and

(*c*) A report of any medical treatment of affected employees, and any medical surveillance program implemented; and

(*d*) An analysis of the circumstances of the incident, and measures taken or to be taken, with specific completion dates, to avoid further similar releases.

(g) *Medical surveillance.* At no cost to the employee, a program of medical surveillance shall be established and implemented for employees considered for assignment to enter regulated areas, and for authorized employees. (1) *Examinations.* (i) Before an employee is assigned to enter a regulated area, a preassignment physical examination by a physician shall be provided. The examination shall include the personal history of the employee, family and occupational background, including genetic and environmental factors.

(ii) Authorized employees shall be provided periodic physical examinations, not less often than annually, following the preassignment examination.

(iii) In all physical examinations, the examining physician shall consider whether there exist conditions of increased risk, including reduced immunological competence, those undergoing treatment with steroids or cytotoxic agents, pregnancy and cigarette smoking.

(2) *Records.* (i) Employers of employees examined pursuant to this paragraph shall cause to be maintained complete and accurate records of all such medical examinations. Records shall be maintained for the duration of the employee's employment. Upon termination of the employee's employment, including retirement or death, or in the event that the employer ceases business without a successor, records, or notarized true copies thereof, shall be forwarded by registered mail to the Director.

(ii) Records required by this paragraph shall be provided upon request to authorized representatives of the Assistant Secretary or the Director; and upon request of an employee or former employee, to a physician designated by the employee or to a new employer.

(iii) Any physician who conducts a medical examination required by this paragraph shall furnish to the employer a statement of the employee's suitability for employment in the specific exposure.

§ 1910.931 **Ethyleneimine.**

(a) *Scope and application.* (1) This section applies to any area in which Ethyleneimine, Chemical Abstracts Service Registry Number 151564 is manufactured, processed, repackaged, released, handled, or stored, but shall not apply to trans-shipment in sealed containers, except for the labeling requirements under paragraphs (e)(2), (3), and (4) of this section.

(2) This section shall not apply to solid or liquid mixtures containing less than 1.0 percent by weight or volume of Ethyleneimine.

(b) *Definitions.* For the purposes of this section: (1) "Absolute filter" is one capable of retaining 99.97 percent of a mono disperse aerosol of 0.3 μm particles.

(2) "Authorized employee" means an employee whose duties require him to be in the regulated area and who has been specifically assigned by the employer.

(3) "Clean change room" means a room where employees put on clean clothing and/or protective equipment in an environment free of Ethyleneimine. The clean change room shall be contiguous to and have an entry from a shower room, when the shower room facilities are otherwise required in this section.

(4) "Closed system" means an operation involving Ethyleneimine where containment prevents the release of Ethyleneimine into regulated areas, nonregulated areas, or the external environment.

(5) "Decontamination" means the inactivation of Ethyleneimine or its safe disposal.

(6) "Director" means the Director, National Institute for Occupational Safety and Health, or any person directed by him or the Secretary of Health, Education, and Welfare to act for the Director.

(7) "Disposal" means the safe removal of Ethyleneimine from the work environment.

(8) "Emergency" means an unforeseen circumstance or set of circumstances resulting in the release of Ethyleneimine which may result in exposure to or contact with Ethyleneimine.

(9) "External environment" means any environment external to regulated and nonregulated areas.

(10) "Isolated system" means a fully enclosed structure other than the vessel of containment of Ethyleneimine, which is impervious to the passage of Ethyleneimine, and which would prevent the entry of Ethyleneimine into regulated areas, nonregulated areas, or the external environment, should leakage or spillage from the vessel of containment occur.

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(11) "Laboratory type hood" is a device enclosed on three sides and the top and bottom, designed and maintained so as to draw air inward at an average linear face velocity of 150 feet per minute with a minimum of 125 feet per minute; designed, constructed, and maintained in such a way that an operation involving Ethyleneimine within the hood does not require the insertion of any portion of any employee's body other than his hands and arms.

(12) "Nonregulated area" means any area under the control of the employer where entry and exit is neither restricted nor controlled.

(13) "Open-vessel system" means an operation involving Ethyleneimine in an open vessel, which is not in an isolated system, a laboratory type hood, nor in any other system affording equivalent protection against the entry of Ethyleneimine into regulated areas, nonregulated areas, or the external environment.

(14) "Protective clothing" means clothing designed to protect an employee against contact with or exposure to Ethyleneimine.

(15) "Regulated area" means an area where entry and exit is restricted and controlled.

(c) *Requirements for areas containing Ethyleneimine.* A regulated area shall be established by an employer where Ethyleneimine is manufactured, processed, used, repackaged, released, handled or stored. All such areas shall be controlled in accordance with the requirements for the following category or categories describing the operation involved: (1) *Isolated systems.* Employees working with Ethyleneimine within an isolated system, such as a "glove box" shall wash their hands and arms upon completion of the assigned task and before engaging in other activities not associated with the isolated system.

(2) *Closed system operation.* Within regulated areas where Ethyleneimine is stored in sealed containers, or contained in a closed system, including piping systems, with any sample ports or openings closed while Ethyleneimine is contained within: Access shall be restricted to authorized employees only.

(3) *Open vessel system operations.* Open vessel system operations as defined in paragraph (b)(13) of this section are prohibited.

(4) *Transfer from a closed system, charging or discharging point operations, or otherwise opening a closed system.* In operations involving "laboratory type hoods," or in locations where Ethyleneimine is contained in an otherwise "closed system," but is transferred, charged, or discharged into other normally closed containers, the provisions of this subparagraph shall apply. (i) Access shall be restricted to authorized employees only;

(ii) Each operation shall be provided with continuous local exhaust ventilation so that air movement is always from ordinary work areas to the operation. Exhaust air shall not be discharged to regulated areas, nonregulated areas or the external environment unless decontaminated. Clean makeup air shall be introduced in sufficient volume to maintain the correct operation of the local exhaust system.

(iii) Employees shall be provided with, and required to wear, clean, full body protective clothing (smocks, coveralls, or long-sleeved shirt and pants), and gloves prior to entering the regulated area.

(iv) Employees engaged in Ethyleneimine handling operations shall be provided with and required to wear and use a full-face, supplied air respirator, of the continuous flow or pressure-demand type, in accordance with § 1910.134.

(v) Prior to each exit from a regulated area, employees shall be required to remove and leave protective clothing and equipment at the point of exit and at the last exit of the day, to place used clothing and equipment in impervious containers at the point of exit for purposes of decontamination or disposal. The contents of such impervious containers shall be identified, as required under paragraphs (e)(2), (3), and (4) of this section.

(vi) Drinking fountains are prohibited in the regulated area.

(5) *Maintenance and decontamination activities.* In cleanup of leaks or spills, maintenance or repair operations on contaminated systems or equipment, where direct contact with Ethyleneimine could result, each authorized employee entering that area shall: (i) Be provided with and required to wear clean, impervious garments, including gloves, boots and continuous-air supplied hood in accordance with § 1910.134.

(ii) Be decontaminated before removing the protective garments and hood;

(iii) Be required to shower upon removing the protective garments and hood.

(6) *Laboratory activities.* The requirements of this subparagraph shall apply to research and quality control activities involving the use of Ethyleneimine. (i) Mechanical pipetting aids shall be used for all pipetting procedures.

(ii) Experiments, procedures and equipment which could produce aerosols shall be confined to laboratory-type hoods or glove boxes.

(iii) Surfaces on which Ethyleneimine is handled shall be protected from contamination.

(iv) Contaminated wastes and animal carcasses shall be collected in impervious containers which are closed and decontaminated prior to removal from the work area. Such wastes and carcasses shall be incinerated in such a manner that no carcinogenic products are released.

(v) All other forms of Ethyleneimine shall be inactivated prior to disposal.

(vi) Laboratory vacuum systems shall be protected with high-efficiency scrubbers.

(vii) Employees engaged in animal support activities shall be (*a*) provided with, and required to wear, a complete protective clothing change, clean each day, including coveralls or pants and shirt, foot covers, head covers, gloves, and appropriate respiratory protective equipment or devices; and

(*b*) Prior to each exit from a regulated area, employees shall be required to remove and leave protective clothing and equipment at the point of exit and at the last exit of the day, to place used clothing and equipment in impervious containers at the point of exit for purposes of decontamination or disposal. The contents of such impervious containers shall be identified as required under paragraphs (e)(2), (3), and (4) of this section.

(c) Required to shower after the last exit of the day.

(viii) Employees, other than those engaged only in animal support activities, each day shall be (*a*) provided with and required to wear a clean change of appropriate laboratory clothing, such as a solid front gown, surgical scrub suit, or fully buttoned laboratory coat.

(*b*) Prior to each exit from a regulated area, employees shall be required to remove and leave protective clothing and equipment at the point of exit and at the last exit of the day, to place used clothing and equipment in impervious containers at the point of exit for purposes of decontamination or disposal. The contents of such impervious containers shall be identified as required under paragraphs (e)(2), (3), and (4) of this section.

(c) Required to wash hands, forearms, face and neck upon each exit from the regulated area close to the point of exit, and before engaging in other activities.

(ix) Air pressure in laboratory areas and animal rooms where Ethyleneimine is handled and bioassay studies are performed shall be negative in relation to the pressure in surrounding areas. Exhaust air shall not be discharged to regulated areas, nonregulated areas or the external environment unless decontaminated.

(x) There shall be no connection between regulated areas and any other areas through the ventilation system.

(xi) A current inventory of Ethyleneimine shall be maintained.

(xii) Ventilated apparatus, such as laboratory type hoods, shall be tested at least semi-annually or immediately after ventilation modification or maintenance operations, by personnel fully qualified to certify correct containment and operation.

(d) *General regulated area requirements.*—(1) *Employee identification.* A daily roster of employees entering regulated areas shall be established and maintained. The rosters or a summary of the rosters, shall be retained for a period of 20 years. The rosters and/or summaries shall be provided upon request to authorized representatives of the Assistant Secretary and the Director. In the event that the employer ceases business without a successor, rosters shall be forwarded by registered mail to the Director.

(2) *Emergencies.* In an emergency, immediate measures including, but not limited to, the requirements of subdivisions (i), (ii), (iii), (iv), and (v) of this subparagraph shall be implemented. (i) The potentially affected area shall be evacuated as soon as the emergency has been determined.

(ii) Hazardous conditions created by the emergency shall be eliminated and the potentially affected area shall be decontaminated prior to the resumption of normal operations.

(iii) Special medical surveillance by a physician shall be instituted within 24 hours for employees present in the potentially affected area at the time of the emergency. A report of the medical surveillance and any treatment shall be included in the incident report, in accordance with paragraph (f)(2) of this section.

(iv) Where an employee has a known contact with Ethyleneimine, such employee shall be required to shower as soon as possible, unless contraindicated by physical injuries.

(v) An incident report on the emergency shall be reported as provided in paragraph (f)(2) of this section.

(vi) Emergency deluge showers and eyewash fountains supplied with running potable water shall be located near, within sight of, and on the same level with locations where a direct exposure of Ethyleneimine would be most likely as a result of equipment failure, or improper work practice.

(3) *Hygiene facilities and practices.* (i) Storage or consumption of food, storage or use of containers of beverages, storage or application of cosmetics, smoking, storage of smoking materials, tobacco products or other products for chewing, or the chewing of such products, are prohibited in regulated areas.

(ii) Where employees wear protective clothing and equipment clean change rooms shall be provided, in accordance with § 1910.141(e), for the number of such employees required to change clothes.

(iii) Where toilets are in regulated areas, such toilets shall be in a separate room.

(iv) Where employees are required by this section to wash, washing facilities shall be provided in accordance with § 1910.141(d)(1) and (2)(ii) through (vii).

(v) Where employees are required by this section to shower, shower facilities shall be provided in accordance with § 1910.141(d)(3).

(4) *Contamination control.* (i) Regulated areas, except for outdoor systems, shall be maintained under pressure negative with respect to nonregulated areas. Local exhaust ventilation may be used to satisfy this requirement. Clean makeup air in equal volume shall replace air removed.

(ii) Any equipment, material, or other item taken into or removed from a regulated area shall be done so in a manner that does not cause contamination in nonregulated areas or the external environment.

(iii) Decontamination procedures shall be established and implemented to remove Ethyleneimine from the surfaces of materials, equipment and the decontamination facility.

(e) *Signs, information and training.*—(1) *Signs.* (i) Entrances to regulated areas shall be posted with signs bearing the legend:

CANCER-SUSPECT AGENT
AUTHORIZED PERSONNEL ONLY

(ii) Entrances to regulated areas containing operations covered in paragraph (c)(5) of this section shall be posted with signs bearing the legend:

CANCER-SUSPECT AGENT EXPOSED IN THIS AREA

IMPERVIOUS SUIT INCLUDING GLOVES, BOOTS, AND AIR-SUPPLIED HOOD REQUIRED AT ALL TIMES

AUTHORIZED PERSONNEL ONLY

(iii) Appropriate signs and instructions shall be posted at the entrance to, and exit from, regulated areas, informing employees of the procedures that must be followed in entering and leaving a regulated area.

(2) *Container contents identification.* (i) Containers of Ethyleneimine and containers required under paragraphs (c)(4)(v) and (c)(6)(vii)(*b*), and (c)(6)(viii)(*b*) of this section which are accessible only to, and handled only by, authorized employees, or by other employees trained in accordance with subparagraph (5) of this paragraph, may have contents identification limited to a generic or proprietary name, or other proprietary identification, of the carcinogen and percent.

(ii) Containers of Ethyleneimine and containers required under paragraphs (c)(4)(v), (c)(6)(vii)(*b*), and (c)(6)(viii)(*b*) of this section which are accessible to, or handled by employees other than authorized employees or employees trained in accordance with subparagraph 5 of this paragraph shall have contents identification which includes the full chemical name and Chemical Abstracts Service Registry number as listed in paragraph (a)(1) of this section.

(iii) Containers shall have the warning words "CANCER-SUSPECT AGENT" displayed immediately under or adjacent to the contents identification.

(iv) Containers which have Ethyleneimine contents with corrosive or irritating properties shall have label statements warning of such hazards, noting, if appropriate, particularly sensitive or affected portions of the body.

(3) *Lettering.* Lettering on signs and instructions required by subparagraph (1) of this paragraph shall be a minimum letter height of 2 inches. Labels on containers required under this section shall not be less than ½ the size of the largest lettering on the package, and not less than 8 point type in any instance: *Provided*, That no such required lettering need be more than 1 inch in height.

(4) *Prohibited statements.* No statement shall appear on or near any required sign, label, or instruction which contradicts or detracts from the effect of any required warning, information or instruction.

(5) *Training and indoctrination.* (i) Each employee prior to being authorized to enter a regulated area, shall receive a training and indoctrination program including, but not necessarily limited to: (*a*) The nature of the carcinogenic hazards of Ethyleneimine, including local and systemic toxicity;

(*b*) The specific nature of the operation involving Ethyleneimine which could result in exposure;

(*c*) The purpose for and application of the medical surveillance program, including, as appropriate, methods of self-examination;

(*d*) The purpose for and application of decontamination practices and purposes;

(*e*) The purpose for and significance of emergency practices and procedures;

(*f*) The employee's specific role in emergency procedures;

(*g*) Specific information to aid the employee in recognition and evaluation of conditions and situations which may result in the release of Ethyleneimine;

(*h*) The purpose for and application of specific first aid procedures and practices;

(*i*) A review of this section at the employee's first training and indoctrination program and annually thereafter.

(ii) Specific emergency procedures shall be prescribed, and posted, and employees shall be familiarized with their terms, and rehearsed in their application.

(iii) All materials relating to the program shall be provided upon request to authorized representatives of the Assistant Secretary and the Director.

(f) *Reports* — (1) *Operations.* Not later than March 1, 1974, the information required in subdivisions (i), (ii), (iii), and (iv) of this subparagraph shall be reported in writing to the nearest OSHA Area Director. Any changes in such information shall be similarly reported in writing within 15 calendar days of such change. (i) A brief description and in-plant location of the area(s) regulated and the address of each regulated area;

(ii) The name(s) and other identifying information as to the presence of Ethyleneimine in each regulated area;

(iii) The number of employees in each regulated area, during normal operations including maintenance activities; and

(iv) The manner in which Ethyleneimine is present in each regulated area; e.g. whether it is manufactured, processed, used, repackaged, released, stored, or otherwise handled.

(2) *Incidents.* Incidents which result in the release of Ethyleneimine into any area where employees may be potentially exposed shall be reported in accordance with this subparagraph. (i) A report of the occurrence of the incident and the facts obtainable at that time including a report on any medical treatment of affected employees shall be made within 24 hours to the nearest OSHA Area Director.

(ii) A written report shall be filed with the nearest OSHA Area Director within 15 calendar days thereafter and shall include: (*a*) A specification of the amount of material released, the amount of time involved, and an explanation of the pro-

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cedure used in determining this figure;

(b) A description of the area involved, and the extent of known and possible employee exposure and area contamination; and

(c) A report of any medical treatment of affected employees, and any medical surveillance program implemented; and

(d) An analysis of the circumstances of the incident, and measures taken or to be taken, with specific completion dates, to avoid further similar releases.

(g) *Medical surveillance.* At no cost to the employee, a program of medical surveillance shall be established and implemented for employees considered for assignment to enter regulated areas, and for authorized employees. (1) *Examinations.* (i) Before an employee is assigned to enter a regulated area, a preassignment physical examination by a physician shall be provided. The examination shall include the personal history of the employee, family and occupational background, including genetic and environmental factors.

(ii) Authorized employees shall be provided periodic physical examinations, not less often than annually, following the preassignment examination.

(iii) In all physical examinations, the examining physician shall consider whether there exist conditions of increased risk, including reduced immunological competence, those undergoing treatment with steroids or cytotoxic agents, pregnancy and cigarette smoking.

(2) *Records.* (i) Employers of employees examined pursuant to this paragraph shall cause to be maintained complete and accurate records of all such medical examinations. Records shall be maintained for the duration of the employee's employment. Upon termination of the employee's employment, including retirement or death, or in the event that the employer ceases business without a successor, records, or notarized true copies thereof, shall be forwarded by registered mail to the Director.

(ii) Records required by this paragraph shall be provided upon request to authorized representatives of the Assistant Secretary or the Director; and upon request of an employee or former employee, to a physician designated by the employee or to a new employer.

(iii) Any physician who conducts a medical examination required by this paragraph shall furnish to the employer a statement of the employee's suitability for employment in the specific exposure.

§ 1910.93m beta-Propiolactone.

(a) *Scope and application.* (1) This section applies to any area in which beta-Propiolactone, Chemical Abstracts Service Registry Number 57578 is manufactured, processed, repackaged, released, handled, or stored, but shall not apply to trans-shipment in sealed containers, except for the labeling requirements under paragraphs (e) (2), (3), and (4) of this section.

(2) This section shall not apply to solid or liquid mixtures containing less than 1.0 percent by weight or volume of beta-Propiolactone.

(b) *Definitions.* For the purposes of this section: (1) "Absolute filter" is one capable of retaining 99.97 percent of a mono disperse aerosol of 0.3 μm particles.

(2) "Authorized employee" means an employee whose duties require him to be in the regulated area and who has been specifically assigned by the employer.

(3) "Clean change room" means a room where employees put on clean clothing and/or protective equipment in an environment free of beta-Propiolactone. The clean change room shall be contiguous to and have an entry from a shower room, when the shower room facilities are otherwise required in this section.

(4) "Closed system" means an operation involving beta-Propiolactone where containment prevents the release of beta-Propiolactone into regulated areas, nonregulated areas, or the external environment.

(5) "Decontamination" means the inactivation of beta-Propiolactone or its safe disposal.

(6) "Director" means the Director, National Institute for Occupational Safety and Health, or any person directed by him or the Secretary of Health, Education, and Welfare to act for the Director.

(7) "Disposal" means the safe removal of beta-Propiolactone from the work environment.

(8) "Emergency" means an unforeseen circumstance or set of circumstances resulting in the release of beta-Propiolactone which may result in exposure to or contact with beta-Propiolactone.

(9) "External environment" means any environment external to regulated and nonregulated areas.

(10) "Isolated system" means a fully enclosed structure other than the vessel of containment of beta-Propiolactone, which is impervious to the passage of beta-Propiolactone, and which would prevent the entry of beta-Propiolactone into regulated areas, nonregulated areas, or the external environment, should leakage or spillage from the vessel of containment occur.

(11) "Laboratory type hood" is a device enclosed on three sides and the top and bottom, designed and maintained so as to draw air inward at an average linear face velocity of 150 feet per minute with a minimum of 125 feet per minute; designed, constructed, and maintained in such a way that an operation involving beta-Propiolactone within the hood does not require the insertion of any portion of any employee's body other than his hands and arms.

(12) "Nonregulated area" means any area under the control of the employer where entry and exit is neither restricted nor controlled.

(13) "Open-vessel system" means an operation involving beta-Propiolactone in an open vessel, which is not in an isolated system, a laboratory type hood, nor in any other system affording equivalent protection against the entry of beta-Propiolactone into regulated areas, nonregulated areas, or the external environment.

(14) "Protective clothing" means clothing designed to protect an employee against contact with or exposure to beta-Propiolactone.

(15) "Regulated area" means an area where entry and exit is restricted and controlled.

(c) *Requirements for areas containing beta-Propiolactone.* A regulated area shall be established by an employer where beta-Propiolactone is manufactured, processed, used, repackaged, released, handled or stored. All such areas shall be controlled in accordance with the requirements for the following category or categories describing the operation involved: (1) *Isolated systems.* Employees working with beta-Propiolactone within an isolated system, such as a "glove box" shall wash their hands and arms upon completion of the assigned task and before engaging in other activities not associated with the isolated system.

(2) *Closed system operation.* Within regulated areas where beta-Propiolactone is stored in sealed containers, or contained in a closed system, including piping systems, with any sample ports or openings closed while beta-Propiolactone is contained within. Access shall be restricted to authorized employees only.

(3) *Open vessel system operations.* Open vessel system operations as defined in paragraph (b) (13) of this section are prohibited.

(4) *Transfer from a closed system, charging or discharging point operations, or otherwise opening a closed system.* In operations involving "laboratory type hoods," or in locations where beta-Propiolactone is contained in an otherwise "closed system," but is transferred, charged, or discharged into other normally closed containers, the provisions of this subparagraph shall apply. (i) Access shall be restricted to authorized employees only;

(ii) Each operation shall be provided with continuous local exhaust ventilation so that air movement is always from ordinary work areas to the operation. Exhaust air shall not be discharged to regulated areas, nonregulated areas or the external environment unless decontaminated. Clean makeup air shall be introduced in sufficient volume to maintain the correct operation of the local exhaust system.

(iii) Employees shall be provided with, and required to wear, clean, full body protective clothing (smocks, coveralls, or long-sleeved shirt and pants), shoe covers and gloves prior to entering the regulated area.

(iv) Employees engaged in beta-Propiolactone handling operations shall be provided with and required to wear and use a full-face, supplied air respirator, of the continuous flow or pressure-demand type, in accordance with § 1910.134.

(v) Prior to each exit from a regulated area, employees shall be required to remove and leave protective clothing and equipment at the point of exit and at the last exit of the day, to place used clothing and equipment in impervious containers at the point of exit for purposes of decontamination or disposal. The contents of such impervious containers shall be identified, as required under paragraphs (e) (2), (3), and (4) of this section.

(vi) Drinking fountains are prohibited in the regulated area.

(5) *Maintenance and decontamination activities.* In cleanup of leaks or spills, maintenance or repair operations on contaminated systems or equipment, where direct contact with beta-Propiolactone could result, each authorized employee entering that area shall: (i) Be provided with and required to wear clean, impervious garments, including gloves, boots and continuous-air supplied hood in accordance with § 1910.134.

(ii) Be decontaminated before removing the protective garments and hood;

(iii) Be required to shower upon removing the protective garments and hood.

(6) *Laboratory activities.* The requirements of this subparagraph shall apply to research and quality control activities involving the use of beta-Propiolactone. (i) Mechanical pipetting aids shall be used for all pipetting procedures.

(ii) Experiments, procedures and equipment which could produce aerosols shall be confined to laboratory-type hoods or glove boxes.

(iii) Surfaces on which beta-Propiolactone is handled shall be protected from contamination.

(iv) Contaminated wastes and animal carcasses shall be collected in impervious containers which are closed and decontaminated prior to removal from the work area. Such wastes and carcasses shall be incinerated in such a manner that no carcinogenic products are released.

(v) All other forms of beta-Propiolactone shall be inactivated prior to disposal.

(vi) Laboratory vacuum systems shall be protected with high-efficiency scrubbers.

(vii) Employees engaged in animal support activities shall be (a) provided with, and required to wear, a complete protective clothing change, clean each day, including coveralls or pants and shirt, foot covers, head covers, gloves, and appropriate respiratory protective equipment or devices; and

(b) Prior to each exit from a regulated area, employees shall be required to remove and leave protective clothing and equipment at the point of exit and at the last exit of the day, to place used clothing and equipment in impervious containers at the point of exit for purposes of decontamination or disposal. The contents of such impervious containers shall be identified as required under paragraphs (e) (2), (3), and (4) of this section.

(c) Required to shower after the last exit of the day.

(viii) Employees, other than those engaged only in animal support activities, each day shall be (a) provided with and required to wear a clean change of appropriate laboratory clothing, such as a solid front gown, surgical scrub suit, or fully buttoned laboratory coat.

(b) Prior to each exit from a regulated area, employees shall be required to remove and leave protective clothing and equipment at the point of exit and at the last exit of the day, to place used clothing and equipment in impervious containers at the point of exit for purposes of decontamination or disposal. The contents of such impervious containers shall be identified as required under paragraphs (e) (2), (3), and (4) of this section.

(c) Required to wash hands, forearms, face and neck upon each exit from the regulated area close to the point of exit, and before engaging in other activities.

(ix) Air pressure in laboratory areas and animal rooms where beta-Propiolactone is handled and bioassay studies are performed shall be negative in relation to the pressure in surrounding areas. Exhaust air shall not be discharged to regulated areas, nonregulated areas or the external environment unless decontaminated.

(x) There shall be no connection between regulated areas and any other areas through the ventilation system.

(xi) A current inventory of beta-Propiolactone shall be maintained.

(xii) Ventilated apparatus such as laboratory type hoods, shall be tested at least semi-annually or immediately after ventilation modification or maintenance operations, by personnel fully qualified to certify correct containment and operation.

(d) *General regulated area requirements.*—(1) *Employee identification.* A daily roster of employees entering regulated areas shall be established and maintained. The rosters or a summary of the rosters shall be retained for a period of 20 years. The rosters and/or summaries shall be provided upon request to authorized representatives of the Assistant Secretary and the Director. In the event that the employer ceases business without a successor, rosters shall be forwarded by registered mail to the Director.

(2) *Emergencies.* In an emergency, immediate measures including, but not limited to, the requirements of subdivisions (i), (ii), (iii), (iv), and (v) of this subparagraph shall be implemented. (i) The potentially affected area shall be evacuated as soon as the emergency has been determined.

(ii) Hazardous conditions created by the emergency shall be eliminated and the potentially affected area shall be decontaminated prior to the resumption of normal operations.

(iii) Special medical surveillance by a physician shall be instituted within 24 hours for employees present in the potentially affected area at the time of the emergency. A report of the medical surveillance and any treatment shall be included in the incident report, in accordance with paragraph (f) (2) of this section.

(iv) Where an employee has a known contact with beta-Propiolactone, such employee shall be required to shower as soon as possible, unless contraindicated by physical injuries.

(v) An incident report on the emergency shall be reported as provided in paragraph (f) (2) of this section.

(vi) Emergency deluge showers and eyewash fountains supplied with running potable water shall be located near, within sight of, and on the same level with locations where a direct exposure to beta-Propiolactone would be most likely as a result of equipment failure, or improper work practice.

(3) *Hygiene facilities and practices.* (i) Storage or consumption of food, storage or use of containers of beverages, storage or application of cosmetics, smoking, storage of smoking materials, tobacco products or other products for chewing, or the chewing of such products, are prohibited in regulated areas.

(ii) Where employees wear protective clothing and equipment clean change rooms shall be provided, in accordance with § 1910.141(e), for the number of such employees required to change clothes.

(iii) Where toilets are in regulated areas, such toilets shall be in a separate room.

(iv) Where employees are required by this section to wash, washing facilities shall be provided in accordance with § 1910.141(d) (1) and (2) (ii) through (vii).

(v) Where employees are required by this section to shower, shower facilities shall be provided in accordance with § 1910.141(d) (3).

(4) *Contamination control.* (i) Regulated areas, except for outdoor systems, shall be maintained under pressure negative with respect to nonregulated areas. Local exhaust ventilation may be used to satisfy this requirement. Clean makeup air in equal volume shall replace air removed.

(ii) Any equipment, material, or other item taken into or removed from a regulated area shall be done so in a manner that does not cause contamination in nonregulated areas or the external environment.

(iii) Decontamination procedures shall be established and implemented to remove beta-Propiolactone from the surfaces of materials, equipment and the decontamination facility.

(e) *Signs, information and training.*—(1) *Signs.* (i) Entrances to regulated areas shall be posted with signs bearing the legend:

CANCER-SUSPECT AGENT

AUTHORIZED PERSONNEL ONLY

(ii) Entrances to regulated areas containing operations covered in paragraph (c) (5) of this section shall be posted with signs bearing the legend:

CANCER-SUSPECT AGENT EXPOSED IN THIS AREA

IMPERVIOUS SUIT INCLUDING GLOVES, BOOTS, AND AIR-SUPPLIED HOOD REQUIRED AT ALL TIMES

AUTHORIZED PERSONNEL ONLY

(iii) Appropriate signs and instructions shall be posted at the entrance to, and exit from, regulated areas, informing

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employees of the procedures that must be followed in entering and leaving a regulated area.

(2) *Container contents identification.* (i) Containers of beta-Propiolactone and containers required under paragraphs (c)(4)(v) and (c)(6)(vii)(b), and (c)(6)(viii)(b) of this section which are accessible only to, and handled only by, authorized employees, or by other employees trained in accordance with subparagraph (5) of this paragraph, may have contents identification limited to a generic or proprietary name, or other proprietary identification, of the carcinogen and percent.

(ii) Containers of beta-Propiolactone and containers required under paragraphs (c)(4)(v), (c)(6)(vii)(b), and (c)(6)(viii)(b) of this section which are accessible to, or handled by, employees other than authorized employees or employees trained in accordance with subparagraph (5) of this paragraph shall have contents identification which includes the full chemical name and Chemical Abstracts Service Registry number as listed in paragraph (a)(1) of this section.

(iii) Containers shall have the warning words "CANCER-SUSPECT AGENT" displayed immediately under or adjacent to the contents identification.

(iv) Containers which have beta-Propiolactone contents with corrosive or irritating properties shall have label statements warning of such hazards, noting, if appropriate, particularly sensitive or affected portions of the body.

(3) *Lettering.* Lettering on signs and instructions required by subparagraph (1) shall be a minimum letter height of 2 inches. Labels on containers required under this section shall not be less than ½ the size of the largest lettering on the package, and not less than 8 point type in any instance: *Provided*, That no such required lettering need be more than 1 inch in height.

(4) *Prohibited statements.* No statement shall appear on or near any required sign, label, or instruction which contradicts or detracts from the effect of any required warning, information or instruction.

(5) *Training and indoctrination.* (i) Each employee prior to being authorized to enter a regulated area, shall receive a training and indoctrination program including, but not necessarily limited to: (*a*) The nature of the carcinogenic hazards of beta-Propiolactone, including local and systemic toxicity;

(*b*) The specific nature of the operation involving beta-Propiolactone which could result in exposure;

(*c*) The purpose for and application of the medical surveillance program, including, as appropriate, methods of self-examination;

(*d*) The purpose for and application of decontamination practices and purposes;

(*e*) The purpose for and significance of emergency practices and procedures;

(*f*) The employee's specific role in emergency procedures;

(*g*) Specific information to aid the employee in recognition and evaluation of conditions and situations which may result in the release of beta-Propiolactone;

(*h*) The purpose for and application of specific first aid procedures and practices;

(*i*) A review of this section at the employee's first training and indoctrination program and annually thereafter.

(ii) Specific emergency procedures shall be prescribed, and posted, and employees shall be familiarized with their terms, and rehearsed in their application.

(iii) All materials relating to the program shall be provided upon request to authorized representatives of the Assistant Secretary and the Director.

(*f*) *Reports*—(1) *Operations.* Not later than March 1, 1974, the information required in subdivisions (i), (ii), (iii), and (iv) of this subparagraph shall be reported in writing to the nearest OSHA Area Director. Any changes in such information shall be similarly reported in writing within 15 calendar days of such change. (i) A brief description and in-plant location of the area(s) regulated and the address of each regulated area;

(ii) The name(s) and other identifying information as to the presence of beta-Propiolatcone in each regulated area;

(iii) The number of employees in each regulated area, during normal operations including maintenance activities; and

(iv) The manner in which beta-Propiolactone is present in each regulated area; e.g. whether it is manufactured, processed, used, repackaged, released, stored, or otherwise handled.

(2) *Incidents.* Incidents which result in the release of beta-Propiolactone into any area where employees may be potentially exposed shall be reported in accordance with this subparagraph. (i) A report of the occurrence of the incident and the facts obtainable at that time including a report on any medical treatment of affected employees shall be made within 24 hours to the nearest OSHA Area Director.

(ii) A written report shall be filed with the nearest OSHA Area Director within 15 calendar days thereafter and shall include: (*a*) A specification of the amount of material released, the amount of time involved, and an explanation of the procedure used in determining this figure;

(*b*) A description of the area involved, and the extent of known and possible employee exposure and area contamination; and

(*c*) A report of any medical treatment of affected employees, and any medical surveillance program implemented; and

(*d*) An analysis of the circumstances of the incident, and measures taken or to be taken, with specific completion dates, to avoid further similar releases.

(*g*) *Medical surveillance.* At no cost to the employee, a program of medical surveillance shall be established and implemented for employees considered for assignment to enter regulated areas, and for authorized employees. (1) *Examinations.* (i) Before an employee is assigned to enter a regulated area, a preassignment physical examination by a physician shall be provided. The examination shall include the personal history of the employee, family and occupational background, including genetic and environmental factors.

(ii) Authorized employees shall be provided periodic physical examinations, not less often than annually, following the preassignment examination.

(iii) In all physical examinations, the examining physician shall consider whether there exist conditions of increased risk, including reduced immunological competence, those undergoing treatment with steroids or cytotoxic agent, pregnancy and cigarette smoking.

(2) *Records.* (i) Employers of employees examined pursuant to this paragraph shall cause to be maintained complete and accurate records of all such medical examinations. Records shall be maintained for the duration of the employee's employment. Upon termination of the employee's employment, including retirement or death, or in the event that the employer ceases business without a successor, records, or notarized true copies thereof, shall be forwarded by registered mail to the Director.

(ii) Records required by this paragraph shall be provided upon request to authorized representatives of the Assistant Secretary or the Director; and upon request of an employee or former employee, to a physician designated by the employee or to a new employer.

(iii) Any physician who conducts a medical examination required by this paragraph shall furnish to the employer a statement of the employee's suitability for employment in the specific exposure.

§ 1910.93n 2-Acetylaminofluorene.

(a) *Scope and application.* (1) This section applies to any area in which 2-Acetylaminofluorene, Chemical Abstracts Service Registry Number 53963 is manufactured, processed, repackaged, released, handled, or stored, but shall not apply to trans-shipment in sealed containers, except for the labeling requirements under paragraphs (e)(2), (3), and (4) of this section.

(2) This section shall not apply to solid or liquid mixtures containing less than 1.0 percent by weight or volume of 2-Acetylamino fluorene.

(b) *Definitions.* For the purposes of this section: (1) "Absolute filter" is one capable of retaining 99.97 percent of a mono disperse aerosol of 0.3 μm particles.

(2) "Authorized employee" means an employee who duties require him to be in the regulated area and who has been specifically assigned by the employer.

(3) "Clean change room" means a room where employees put on clean clothing and/or protective equipment in an environment free of 2-Acetylaminofluorene. The clean change room shall be contiguous to and have an entry from a shower room, when the shower room facilities are otherwise required in this section.

(4) "Closed system" means an operation involving 2-Acetylaminofluorene where containment prevents the release of 2-Acetylaminofluorene into regulated areas, nonregulated areas, or the external environment.

(5) "Decontamination" means the inactivation of 2-Acetylaminofluorene or its safe disposal.

(6) "Director" means the Director, National Institute for Occupational Safety and Health, or any person directed by him or the Secretary of Health, Education, and Welfare to act for the Director.

(7) "Disposal" means the safe removal of 2-Acetylaminofluorene from the work environment.

(8) "Emergency" means an unforeseen circumstance or set of circumstances resulting in the release of 2-Acetylaminofluorene which may result in exposure to or contact with 2-Acetylaminofluorene.

(9) "External environment" means any environment external to regulated and nonregulated areas.

(10) "Isolated system" means a fully enclosed structure other than the vessel of containment of 2-Acetylaminofluorene, which is impervious to the passage of 2-Acetylaminofluorene, and which would prevent the entry of 2-Acetylaminofluorene into regulated areas, nonregulated areas, or the external environment, should leakage or spillage from the vessel of containment occur.

(11) "Laboratory type hood" is a device enclosed on three sides and the top and bottom, designed and maintained so as to draw air inward at an average linear face velocity of 150 feet per minute with a minimum of 125 feet per minute; designed, constructed, and maintained in such a way that an operation involving 2-Acetylaminofluorene within the hood does not require the insertion of any portion of any employee's body other than his hands and arms.

(12) "Nonregulated area" means any area under the control of the employer where entry and exit is neither restricted nor controlled.

(13) "Open-vessel system" means an operation involving 2-Acetylaminofluorene in an open vessel, which is not in an isolated system, a laboratory type hood, nor in any other system affording equivalent protection against the entry of 2-Acetylaminofluorene into regulated areas, nonregulated areas, or the external environment.

(14) "Protective clothing" means clothing designed to protect an employee against contact with or exposure to 2-Acetylaminofluorene.

(15) "Regulated area" means an area where entry and exit is restricted and controlled.

(c) *Requirements for areas containing 2-Acetylaminofluorene.* A regulated area shall be established by an employer where 2-Acetylaminofluorene is manufactured, processed, used, repackaged, released, handled or stored. All such areas shall be controlled in accordance with the requirements for the following category or categories describing the operation involved: (1) *Isolated systems.* Employees working with 2-Acetylaminofluorene within an isolated system, such as a "glove box" shall wash their hands and arms upon completion of the assigned task and before engaging in other activities not associated with the isolated system.

(2) *Closed system operation.* Within regulated areas where 2-Acetylaminofluorene is stored in sealed containers, or contained in a closed system, including piping systems, with any sample ports or openings closed while 2-Acetylaminofluorene is contained within: (i) Access shall be restricted to authorized employees only;

(ii) Employees shall be required to wash hands, forearms, face and neck upon each exit from the regulated areas, close to the point of exit and before engaging in other activities.

(3) *Open vessel system operations.* Open vessel system operations as defined in paragraph (b)(13) of this section are prohibited.

(4) *Transfer from a closed system, charging or discharging point operations, or otherwise opening a closed system.* In operations involving "laboratory type hoods," or in locations where 2-Acetylaminofluorene is contained in an otherwise "closed system," but is transferred, charged, or discharged into other normally closed containers, the provisions of this subparagraph shall apply. (i) Access shall be restricted to authorized employees only;

(ii) Each operation shall be provided with continuous local exhaust ventilation so that air movement is always from ordinary work areas to the operation. Exhaust air shall not be discharged to regulated areas, nonregulated areas or the external environment unless decontaminated. Clean makeup air shall be introduced in sufficient volume to maintain the correct operation of the local exhaust system.

(iii) Employees shall be provided with, and required to wear, clean, full body protective clothing (smocks, coveralls, or long-sleeved shirt and pants), shoe covers and gloves prior to entering the regulated area.

(iv) Employees engaged in 2-Acetylaminofluorene handling operations shall be provided with and required to wear and use a half-face, filter-type respirator for dusts, mists, and fumes, in accordance with § 1910.134. A respirator affording higher levels of protection may be substituted.

(v) Prior to each exit from a regulated area, employees shall be required to remove and leave protective clothing and equipment at the point of exit and at the last exit of the day, to place used clothing and equipment in impervious containers at the point of exit for purposes of decontamination or disposal. The contents of such impervious containers shall be identified, as required under paragraphs (e)(2), (3), and (4) of this section.

(vi) Employees shall be required to wash hands, forearms, face and neck on each exit from the regulated area, close to the point of exit, and before engaging in other activities.

(vii) Employees shall be required to shower after the last exit of the day.

(viii) Drinking fountains are prohibited in the regulated area.

(5) *Maintenance and decontamination activities.* In cleanup of leaks or spills, maintenance or repair operations on contaminated systems or equipment, where direct contact with 2-Acetylaminofluorene could result, each authorized employee entering that area shall: (i) Be provided with and required to wear clean, impervious garments, including gloves, boots and continuous-air supplied hood in accordance with § 1910.134.

(ii) Be decontaminated before removing the protective garments and hood;

(iii) Be required to shower upon removing the protective garments and hood.

(6) *Laboratory activities.* The requirements of this subparagraph shall apply to research and quality control activities involving the use of 2-Acetylaminofluorene. (i) Mechanical pipetting aids shall be used for all pipetting procedures.

(ii) Experiments, procedures and equipment which could produce aerosols shall be confined to laboratory-type hoods or glove boxes.

(iii) Surfaces on which 2-Acetylaminofluorene is handled shall be protected from contamination.

(iv) Contaminated wastes and animal carcasses shall be collected in impervious containers which are closed and decontaminated prior to removal from the work area. Such wastes and carcasses shall be incinerated in such a manner that no carcinogenic products are released.

(v) All other forms of 2-Acetylaminofluorene shall be inactivated prior to disposal.

(vi) Laboratory vacuum systems shall be protected with high-efficiency scrubbers or with disposable absolute filters.

(vii) Employees engaged in animal support activities shall be (*a*) provided with, and required to wear, a complete protective clothing change, clean each day, including coveralls or pants and shirt, foot covers, head covers, gloves, and appropriate respiratory equipment or devices; and

(*b*) Prior to each exit from a regulated area, employees shall be required to remove and leave protective clothing and equipment at the point of exit and at the last exit of the day, to place used clothing and equipment in impervious containers at the point of exit for purposes of decontamination or disposal. The contents of such impervious containers shall be identified as required under paragraphs (e)(2), (3), and (4) of this section.

(c) Required to wash hands, forearms, face and neck upon each exit from the regulated area close to the point of exit, and before engaging in other activities; and

(*d*) Required to shower after the last exit of the day.

(viii) Employees, other than those engaged only in animal support activities, each day shall be (*a*) provided with and required to wear a clean change of appropriate laboratory clothing, such as a solid front gown, surgical scrub suit, or fully buttoned laboratory coat.

(*b*) Prior to each exit from a regulated area, employees shall be required to remove and leave protective clothing and

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equipment at the point of exit and at the last exit of the day, to place used clothing and equipment in impervious containers at the point of exit for purposes of decontamination or disposal. The contents of such impervious containers shall be identified as required under paragraphs (e)(2), (3), and (4) of this section.

(c) Required to wash hands, forearms, face and neck upon each exit from the regulated area close to the point of exit, and before engaging in other activities.

(ix) Air pressure in laboratory areas and animal rooms where 2-Acetylaminofluorene is handled and bioassay studies are performed shall be negative in relation to the pressure in surrounding areas. Exhaust air shall not be discharged to regulated areas, nonregulated areas or the external environment unless decontaminated.

(x) There shall be no connection between regulated areas and any other areas through the ventilation system.

(xi) A current inventory of 2-Acetylaminofluorene shall be maintained.

(xii) Ventilated apparatus such as laboratory type hoods, shall be tested at least semi-annually or immediately after ventilation modification or maintenance operations, by personnel fully qualified to certify correct containment and operation.

(d) *General regulated area requirements.*—(1) *Employee identification.* A daily roster of employees entering regulated areas shall be established and maintained. The rosters or a summary of the rosters shall be retained for a period of 20 years. The rosters and/or summaries shall be provided upon request to authorized representatives of the Assistant Secretary and the Director. In the event that the employer ceases business without a successor, rosters shall be forwarded by registered mail to the Director.

(2) *Emergencies.* In an emergency, immediate measures including, but not limited to, the requirements of subdivisions (i), (ii), (iii), (iv), and (v) of this subparagraph shall be implemented. (i) The potentially affected area shall be evacuated as soon as the emergency has been determined.

(ii) Hazardous conditions created by the emergency shall be eliminated and the potentially affected area shall be decontaminated prior to the resumption of normal operations.

(iii) Special medical surveillance by a physician shall be instituted within 24 hours for employees present in the potentially affected area at the time of the emergency. A report of the medical surveillance and any treatment shall be included in the incident report, in accordance with paragraph (f)(2) of this section.

(iv) Where an employee has a known contact with 2-Acetylaminofluorene, such employee shall be required to shower as soon as possible, unless contraindicated by physical injuries.

(v) An incident report on the emergency shall be reported as provided in paragraph (f)(2) of this section.

(3) *Hygiene facilities and practices.* (i) Storage or consumption of food, storage or use of containers of beverages, storage or application of cosmetics, smoking, storage of smoking materials, tobacco products or other products for chewing, or the chewing of such products, are prohibited in regulated areas.

(ii) Where employees are required by this section to wash, washing facilities shall be provided in accordance with § 1910.141(d)(1) and (2)(ii) through (vii).

(iii) Where employees are required by this section to shower, shower facilities shall be provided in accordance with § 1910.141(d)(3).

(iv) Where employees wear protective clothing and equipment clean change rooms shall be provided, in accordance with § 1910.141(e), for the number of such employees required to change clothes.

(v) Where toilets are in regulated areas, such toilets shall be in a separate room.

(4) *Contamination control.* (i) Regulated areas, except for outdoor systems, shall be maintained under pressure negative with respect to nonregulated areas. Local exhaust ventilation may be used to satisfy this requirement. Clean make-up air in equal volume shall replace air removed.

(ii) Any equipment, material, or other item taken into or removed from a regulated area shall be done so in a manner that does not cause contamination in nonregulated areas or the external environment.

(iii) Decontamination procedures shall be established and implemented to remove 2-Acetylaminofluorene from the surfaces of materials, equipment and the decontamination facility.

(iv) Dry sweeping and dry mopping are prohibited.

(e) *Signs, information and training.*—(1) *Signs.* (i) Entrances to regulated areas shall be posted with signs bearing the legend:

CANCER-SUSPECT AGENT
AUTHORIZED PERSONNEL ONLY

(ii) Entrances to regulated areas containing operations covered in paragraph (c)(5) of this section shall be posted with signs bearing the legend:

CANCER-SUSPECT AGENT EXPOSED IN THIS AREA

IMPERVIOUS SUIT INCLUDING GLOVES, BOOTS, AND AIR-SUPPLIED HOOD REQUIRED AT ALL TIMES

AUTHORIZED PERSONNEL ONLY

(iii) Appropriate signs and instructions shall be posted at the entrance to, and exit from, regulated areas, informing employees of the procedures that must be followed in entering and leaving a regulated area.

(2) *Container contents identification.* (i) Containers of 2-Acetylaminofluorene and containers required under paragraphs (c)(4)(v) and (c)(6)(vii)(b), and (c)(6)(viii)(b) of this section which are accessible only to, and handled only by, authorized employees, or by other employees trained in accordance with subparagraph (5) of this paragraph, may have contents identification limited to a generic or proprietary name, or other proprietary identification, of the carcinogen and percent.

(ii) Containers of 2-Acetylaminofluorene and containers required under paragraphs (c)(4)(v), (c)(6)(vii)(b), and (c)(6)(viii)(b) of this section which are accessible to, or handled by, employees other than authorized employees or employees trained in accordance with subparagraph (5) of this paragraph shall have contents identification which includes the full chemical name and Chemical Abstracts Service Registry number as listed in paragraph (a)(1) of this section.

(iii) Containers shall have the warning words "CANCER-SUSPECT AGENT" displayed immediately under or adjacent to the contents identification.

(iv) Containers which have 2-Acetylaminofluorene contents with corrosive or irritating properties shall have label statements warning of such hazards, noting, if appropriate, particularly sensitive or affected portions of the body.

(3) *Lettering.* Lettering on signs and instructions required by subparagraph (1) shall be a minimum letter height of 2 inches. Labels on containers required under this section shall not be less than ½ the size of the largest lettering on the package, and not less than 8 point type in any instance; *Provided,* That no such required lettering need be more than 1 inch in height.

(4) *Prohibited statements.* No statement shall appear on or near any required sign, label, or instruction which contradicts or detracts from the effect of any required warning, information or instruction.

(5) *Training and indoctrination.* (i) Each employee prior to being authorized to enter a regulated area, shall receive a training and indoctrination program including, but not necessarily limited to: (*a*) The nature of the carcinogenic hazards of 2-Acetylaminofluorene, including local and systemic toxicity;

(*b*) The specific nature of the operation involving 2-Acetylaminofluorene which could result in exposure;

(*c*) The purpose for and application of the medical surveillance program, including, as appropriate, methods of self-examination;

(*d*) The purpose for and application of decontamination practices and purposes;

(*e*) The purpose for and significance of emergency practices and procedures;

(*f*) The employee's specific role in emergency procedures;

(*g*) Specific information to aid the employee in recognition and evaluation of conditions and situations which may result in the release of 2-Acetylaminofluorene;

(*h*) The purpose for and application of specific first aid procedures and practices;

(*i*) A review of this section at the employee's first training and indoctrination program and annually thereafter.

(ii) Specific emergency procedures shall be prescribed, and posted, and employees, shall be familiarized with their terms, and rehearsed in their application.

(iii) All materials relating to the program shall be provided upon request to authorized representatives of the Assistant Secretary and the Director.

(f) *Reports.*—(1) *Operations.* Not later than March 1, 1974, the information required in subdivisions (i), (ii), (iii), and (iv) of this subparagraph shall be reported in writing to the nearest OSHA Area Director. Any changes in such information shall be similarly reported in writing within 15 calendar days of such change. (i) A brief description and in-plant location of the area(s) regulated and the address of each regulated area;

(ii) The name(s) and other identifying information as to the presence of 2-Acetylaminofluorene in each regulated area;

(iii) The number of employees in each regulated area, during normal operations including maintenance activities; and

(iv) The manner in which 2-Acetylaminofluorene is present in each regulated area; e.g. whether it is manufactured, processed, used, repackaged, released, stored, or otherwise handled.

(2) *Incidents.* Incidents which result in the release of 2-Acetylaminofluorene into any area where employees may be potentially exposed shall be reported in accordance with this subparagraph. (i) A report of the occurrence of the incident and the facts obtainable at that time including a report on any medical treatment of affected employees shall be made within 24 hours to the nearest OSHA Area Director.

(ii) A written report shall be filed with the nearest OSHA Area Director within 15 calendar days thereafter and shall include:

(*a*) A specification of the amount of material released, the amount of time involved, and an explanation of the procedure used in determining this figure;

(*b*) A description of the area involved, and the extent of known and possible employee exposure and area contamination; and

(*c*) A report of any medical treatment of affected employees, and any medical surveillance program implemented; and

(*d*) An analysis of the circumstances of the incident, and measures taken or to be taken, with specific completion dates, to avoid further similar releases.

(g) *Medical surveillance.* At no cost to the employee, a program of medical surveillance shall be established and implemented for employees considered for assignment to enter regulated areas, and for authorized employees. (1) *Examinations.* (i) Before an employee is assigned to enter a regulated area, a preassignment physical examination by a physician shall be provided. The examination shall include the personal history of the employee, family and occupational background, including genetic and environmental factors.

(ii) Authorized employees shall be provided periodic physical examinations, not less often than annually, following the preassignment examination.

(iii) In all physical examinations, the examining physician shall consider whether there exist conditions of increased risk, including reduced immunological competence, those undergoing treatment with steroids or cytotoxic agents, pregnancy and cigarette smoking.

(2) *Records.* (i) Employers of employees examined pursuant to this paragraph shall cause to be maintained complete and accurate records of all such medical examinations. Records shall be maintained for the duration of the employee's employment. Upon termination of the employee's employment, including retirement or death, or in the event that the employer ceases business without a successor, records, or notarized true copies thereof, shall be forwarded by registered mail to the Director.

(ii) Records required by this paragraph shall be provided upon request to authorized representatives of the Assistant Secretary or the Director; and upon request of an employee or former employee, to a physician designated by the employee or to a new employer.

(iii) Any physician who conducts a medical examination required by this paragraph shall furnish to the employer a statement of the employee's suitability for employment in the specific exposure.

§ 1910.93o 4-Dimethylaminoazobenzene.

(a) *Scope and application.* (1) This section applies to any area in which 4-Dimethylaminoazobenzene, Chemical Abstracts Service Registry Number 60117 is manufactured, processed, repackaged, released, handled, or stored, but shall not apply to trans-shipment in sealed containers, except for the labeling requirements under paragraphs (e)(2), (3), and (4) of this section.

(2) This section shall not apply to solid or liquid mixtures containing less than 1.0 percent by weight or volume of 4-Dimethylaminoazobenzene.

(b) *Definitions.* For the purposes of this section: (1) "Absolute filter" is one capable of retaining 99.97 percent of a mono disperse aerosol of 0.3 μm particles.

(2) "Authorized employee" means an employee whose duties require him to be in the regulated area and who has been specifically assigned by the employer.

(3) "Clean change room" means a room where employees put on clean clothing and/or protective equipment in an environment free of 4-Dimethylaminoazobenzene. The clean change room shall be contiguous to and have an entry from a shower room, when the shower room facilities are otherwise required in this section.

(4) "Closed system" means an operation involving 4-Dimethylaminoazobenzene where containment prevents the release of 4-Dimethylaminoazobenzene into regulated areas, nonregulated areas, or the external environment.

(5) "Decontamination" means the inactivation of 4-Dimethylaminoazobenzene or its safe disposal.

(6) "Director" means the Director, National Institute for Occupational Safety and Health, or any person directed by him or the Secretary of Health, Education, and Welfare to act for the Director.

(7) "Disposal" means the safe removal of 4-Dimethylaminoazobenzene from the work environment.

(8) "Emergency" means an unforeseen circumstance or set of circumstances resulting in the release of 4-Dimethylaminoazobenzene which may result in exposure to or contact with 4-Dimethylaminoazobenzene.

(9) "External environment" means any environment external to regulated and nonregulated areas.

(10) "Isolated system" means a fully enclosed structure other than the vessel of containment of 4-Dimethylaminoazobenzene, which is impervious to the passage of 4-Dimethylaminoabenzene which would prevent the entry of 4-Dimethylaminoazobenzene into regulated areas, nonregulated areas, or the external environment, should leakage or spillage from the vessel of containment occur.

(11) "Laboratory type hood" is a device enclosed on three sides and the top and bottom, designed and maintained so as to draw air inward at an average linear face velocity of 150 feet per minute with a minimum of 125 feet per minute; designed, constructed, and maintained in such a way that an operation involving 4-Dimethylaminoazobenzene within the hood does not require the insertion of any portion of any employee's body other than his hands and arms.

(12) "Nonregulated area" means any area under the control of the employer where entry and exit is neither restricted nor controlled.

(13) "Open-vessel system" means an operation involving 4-Dimethylaminoazobenzene in an open vessel, which is not in an isolated system, a laboratory type hood, nor in any other system affording equivalent protection against the entry of 4-Dimethylaminoazobenzene into regulated areas, nonregulated areas, or the external environment.

(14) "Protective clothing" means clothing designed to protect an employee against contact with or exposure to 4-Dimethylaminoazobenzene.

(15) "Regulated area" means an area where entry and exit is restricted and controlled.

(c) *Requirements for areas containing 4-Dimethylaminoazobenzene.* A regulated area shall be established by an employer where 4-Dimethylaminoazobenzene is manufactured, processed, used, repackaged, released, handled or stored. All such areas shall be controlled in accordance with the requirements for the following category or categories describing the operation involved: (1) *Isolated systems.* Employees working with 4-Dimethylaminoazobenzene within an isolated system, such as a "glove box" shall wash their hands and arms upon completion of the assigned task and before engaging in other activities not associated with the isolated system.

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(2) *Closed system operation.* Within regulated areas where 4-Dimethylaminoazobenzene is stored in sealed containers, or contained in a closed system, including piping systems, with any sample ports or openings closed while 4-Dimethylaminoazobenzene is contained within: (i) Access shall be restricted to authorized employees only;

(ii) Employees shall be required to wash hands, forearms, face and neck upon each exit from the regulated areas, close to the point of exit and before engaging in other activities.

(3) *Open vessel system operations.* Open vessel system operations as defined in paragraph (b)(13) of this section are prohibited.

(4) *Transfer from a closed system, charging or discharging point operations, or otherwise opening a closed system.* In operations involving "laboratory type hoods," or in locations where 4-Dimethylaminoazobenzene is contained in an otherwise "closed system," but is transferred, charged, or discharged into other normally closed containers, the provisions of this subparagraph shall apply. (i) Access shall be restricted to authorized employees only;

(ii) Each operation shall be provided with continuous local exhaust ventilation so that air movement is always from ordinary work areas to the operation. Exhaust air shall not be discharged to regulated areas, nonregulated areas or the external environment unless decontaminated. Clean makeup air shall be introduced in sufficient volume to maintain the correct operation of the local exhaust system.

(iii) Employees shall be provided with, and required to wear, clean, full body protective clothing (smocks, coveralls, or long-sleeved shirt and pants), shoe covers, and gloves prior to entering the regulated area.

(iv) Employees engaged in 4-Dimethylaminoazobenzene handling operations shall be provided with and required to wear and use a half-face, filter-type respirator for dusts, mists, and fumes, in accordance with § 1910.134. A respirator affording higher levels of protection may be substituted.

(v) Prior to each exit from a regulated area, employees shall be required to remove and leave protective clothing and equipment at the point of exit and at the last exit of the day, to place used clothing and equipment in impervious containers at the point of exit for purposes of decontamination or disposal. The contents of such impervious containers shall be identified, as required under paragraphs (e)(2), (3), and (4) of this section.

(vi) Employees shall be required to wash hands, forearms, face and neck on each exit from the regulated area, close to the point of exit, and before engaging in other activities.

(vii) Employees shall be required to shower after the last exist of the day.

(viii) Drinking fountains are prohibited in the regulated area.

(5) *Maintenance and decontamination activities.* In cleanup of leaks or spills, maintenance or repair operations on contaminated systems or equipment, where direct contact with 4-Dimethylaminoazobenzene could result, each authorized employee entering that area shall: (i) Be provided with and required to wear clear, impervious garments, including gloves, boots and continuous-air supplied hood in accordance with § 1910.134.

(ii) Be decontaminated before removing the protective garments and hood;

(iii) Be required to shower upon removing the protective garments and hood.

(6) *Laboratory activities.* The requirements of this subparagraph shall apply to research and quality control activities involving the use of 4-Dimethylaminoazobenzene. (i) Mechanical pipetting aids shall be used for all pipetting procedures.

(ii) Experiments, procedures and equipment which could produce aerosols shall be confined to laboratory-type hoods or glove boxes.

(iii) Surface on which 4-Dimethylaminoazobenzene is handled shall be protected from contamination.

(iv) Contaminated wastes and animal carcasses shall be collected in impervious containers which are closed and decontaminated prior to removal from the work area. Such wastes and carcasses shall be incinerated in such a manner that no carcinogenic products are released.

(v) All other forms of 4-Dimethylaminoazobenzene shall be inactivated prior to disposal.

(vi) Laboratory vacuum systems shall be protected with high-efficiency scrubbers or with disposable absolute filters.

(vii) Employees engaged in animal support activities shall be (*a*) provided with, and required to wear, a complete protective clothing change, clean each day, including coveralls or pants and shirt, foot covers, head covers, gloves, and appropriate respiratory protective equipment or devices; and

(*b*) Prior to each exit from a regulated area, employees shall be required to remove and leave protective clothing and equipment at the point of exit and at the last exit of the day, to place used clothing and equipment in impervious containers at the point of exit for purposes of decontamination or disposal. The contents of such impervious containers shall be identified as required under paragraphs (e)(2), (3), and (4) of this section.

(c) Required to wash hands, forearms, face and neck upon each exit from the regulated area close to the point of exit, and before engaging in other activities; and

(*d*) Required to shower after the last exit of the day.

(viii) Employees, other than those engaged only in animal support activities, each day shall be (*a*) provided with and required to wear a clean change of appropriate laboratory clothing, such as a solid front gown, surgical scrub suit, or fully buttoned laboratory coat.

(*b*) Prior to each exit from a regulated area, employees shall be required to remove and leave protective clothing and equipment at the point of exit and at the last exit of the day, to place used clothing and equipment in impervious containers at the point of exit for purposes of decontamination or disposal. The contents of such impervious containers shall be identified as required under paragraphs (e)(2), (3), and (4) of this section.

(c) Required to wash hands, forearms, face and neck upon each exit from the regulated area close to the point of exit, and before engaging in other activities.

(ix) Air pressure in laboratory areas and animal rooms where 4-Dimethylaminoazobenzene is handled and bioassay studies are performed shall be negative in relation to the pressure in surrounding areas. Exhaust air shall not be discharged to regulated areas, nonregulated areas or the external environment unless decontaminated.

(x) There shall be no connection between regulated areas and any other areas through the ventilation system.

(xi) A current inventory of 4-Dimethylaminoazobenzene shall be maintained.

(xii) Ventilated apparatus such as laboratory type hoods, shall be tested at least semi-annually or immediately after ventilation modification or maintenance operations, by personnel fully qualified to certify correct containment and operation.

(d) *General regulated area requirements*—(1) *Employee identification.* A daily roster of employees entering regulated areas shall be established and maintained. The rosters or a summary of the rosters, shall be retained for a period of 20 years. The rosters and/or summaries shall be provided upon request to authorized representatives of the Assistant Secretary and the Director. In the event that the employer ceases business without a successor, rosters shall be forwarded by registered mail to the Director.

(2) *Emergencies.* In an emergency, immediate measures including, but not limited to, the requirements of subdivisions (i), (ii), (iii), (iv), and (v) of this subparagraph shall be implemented. (i) The potentially affected area shall be evacuated as soon as the emergency has been determined.

(ii) Hazardous conditions created by the emergency shall be eliminated and the potentially affected area shall be decontaminated prior to the resumption of normal operations.

(iii) Special medical surveillance by a physician shall be instituted within 24 hours for employees present in the potentially affected area at the time of the emergency. A report of the medical surveillance and any treatment shall be included in the incident report, in accordance with paragraph (f)(2) of this section.

(iv) Where an employee has a known contact with 4-Dimethylaminoazobenzene, such employee shall be required to shower as soon as possible, unless contraindicated by physical injuries.

(v) An incident report on the emergency shall be reported as provided in paragraph (f)(2) of this section.

(3) *Hygiene facilities and practices.* (i) Storage or consumption of food, storage or use of containers of beverages, storage or application of cosmetics, smoking, storage of smoking materials, tobacco products or other products for chewing, or the chewing of such products, are prohibited in regulated areas.

(ii) Where employees are required by this section to wash, washing facilities shall be provided in accordance with § 1910.141(d)(1) and (2)(ii) through (vii).

(iii) Where employees are required by this section to shower, shower facilities shall be provided in accordance with § 1910.141(d)(3).

(iv) Where employees wear protective clothing and equipment clean change rooms shall be provided, in accordance with § 1910.141(e), for the number of such employees required to change clothes.

(v) Where toilets are in regulated areas, such toilets shall be in a separate room.

(4) *Contamination control.* (i) Regulated areas, except for outdoor systems, shall be maintained under pressure negative with respect to nonregulated areas. Local exhaust ventilation may be used to satisfy this requirement. Clean makeup air in equal volume shall replace air removed.

(ii) Any equipment, material, or other item taken into or removed from a regulated area shall be done so in a manner that does not cause contamination in nonregulated areas or the external environment.

(iii) Decontamination procedures shall be established and implemented to remove 4-Dimethylaminoazobenzene from the surfaces of materials, equipment and the decontamination facility.

(iv) Dry sweeping and dry mopping are prohibited.

(e) *Signs, information and training*—(1) *Signs.* (i) Entrances to regulated areas shall be posted with signs bearing the legend:

CANCER-SUSPECT AGENT

AUTHORIZED PERSONNEL ONLY

(ii) Entrances to regulated areas containing operations covered in paragraph (c)(5) of this section shall be posted with signs bearing the legend:

CANCER-SUSPECT AGENT EXPOSED IN THIS AREA

IMPERVIOUS SUIT INCLUDING GLOVES, BOOTS, AND AIR-SUPPLIED HOOD REQUIRED AT ALL TIMES

AUTHORIZED PERSONNEL ONLY

(iii) Appropriate signs and instructions shall be posted at the entrance to, and exit from, regulated areas, informing employees of the procedures that must be followed in entering and leaving a regulated area.

(2) *Container contents identification.* (i) Containers of 4-Dimethylaminoazobenzene and containers required under paragraphs (c)(4)(v) and (c)(6)(vii)(*b*), and (c)(6)(viii)(*b*) of this section which are accessible only to, and handled only by, authorized employees, or by other employees trained in accordance with subparagraph (5) of this paragraph, may have contents identification limited to a generic or proprietary name, or other proprietary identification, of the carcinogen and percent.

(ii) Containers of 4-Dimethylaminoazobenzene and containers required under paragraphs (c)(4)(v), (c)(6)(vii)(*b*), and (c)(6)(viii)(*b*) of this section which are accessible to, or handled by employees other than authorized employees or employees trained in accordance with subparagraph (5) of this paragraph shall have contents identification which includes the full chemical name and Chemical Abstracts Service Registry number as listed in paragraph (a)(1) of this section.

(iii) Containers shall have the warning words "CANCER-SUSPECT AGENT" displayed immediately under or adjacent to the contents identification.

(iv) Containers which have 4-Dimethylaminoazobenzene contents with corrosive or irritating properties shall have label statements warning of such hazards, noting, if appropriate, particularly sensitive or affected portions of the body.

(3) *Lettering.* Lettering on signs and instructions required by subparagraph (1) of this paragraph shall be a minimum letter height of 2 inches. Labels on containers required under this section shall not be less than ½ the size of the largest lettering on the package, and not less than 8 point type in any instance: *Provided,* That no such required lettering need be more than 1 inch in height.

(4) *Prohibited statements.* No statement shall appear on or near any required sign, label, or instruction which contradicts or detracts from the effect of any required warning, information or instruction.

(5) *Training and indoctrination.* (i) Each employee prior to being authorized to enter a regulated area, shall receive a training and indoctrination program including, but not necessarily limited to: (*a*) The nature of the carcinogenic hazards of 4-Dimethylaminoazobenzene, including local and systemic toxicity;

(*b*) The specific nature of the operation involving 4-Dimethyiaminoazobenzene which could result in exposure;

(c) The purpose for and application of the medical surveillance program, including, as appropriate, methods of self-examination;

(*d*) The purpose for and application of decontamination practices and purposes;

(*e*) The purpose for and significance of emergency practices and procedures;

(*f*) The employee's specific role in emergency procedures;

(*g*) Specific information to aid the employee in recognition and evaluation of conditions and situations which may result in the release of 4-Dimethylaminoazobenzene;

(*h*) The purpose for and application of specific first aid procedures and practices;

(*i*) A review of this section at the employee's first training and indoctrination program and annually thereafter.

(ii) Specific emergency procedures shall be prescribed, and posted, and employees shall be familiarized with their terms, and rehearsed in their application.

(iii) All materials relating to the program shall be provided upon request to authorized representatives of the Assistant Secretary and the Director.

(f) *Reports*—(1) *Operations.* Not later than March 1, 1974, the information required in subdivisions (i), (ii), (iii), and (iv) of this subparagraph shall be reported in writing to the nearest OSHA Area Director. Any changes in such information shall be similarly reported in writing within 15 calendar days of such change. (i) A brief description and in-plant location of the area(s) regulated and the address of each regulated area;

(ii) The name(s) and other identifying information as to the presence of 4-Dimethylaminoazobenzene in each regulated area;

(iii) The number of employees in each regulated area, during normal operations including maintenance activities; and

(iv) The manner in which 4-Dimethylaminoazobenzene is present in each regulated area; e.g. whether it is manufactured, processed, used, repackaged, released, stored, or otherwise handled.

(2) *Incidents.* Incidents which result in the release of 4-Dimethylaminoazobenzene into any area where employees may be potentially exposed shall be reported in accordance with this subparagraph. (i) A report of the occurrence of the incident and the facts obtainable at that time including a report on any medical treatment of affected employees shall be made within 24 hours to the nearest OSHA Area Director.

(ii) A written report shall be filed with the nearest OSHA Area Director within 15 calendar days thereafter and shall include: (*a*) A specification of the amount of material released, the amount of time involved, and an explanation of the procedure used in determining this figure;

(*b*) A description of the area involved, and the extent of known and possible employee exposure and area contamination; and

(c) A report of any medical treatment of affected employees, and any medical surveillance program implemented; and

(*d*) An analysis of the circumstances of the incident, and measures taken or to be taken, with specific completion dates, to avoid further similar releases.

(g) *Medical surveillance.* At no cost to the employee, a program of medical surveillance shall be established and implemented for employees considered for assignment to enter regulated areas, and for authorized employees. (1) *Examinations.* (i) Before an employee is assigned to enter a regulated area, a preassignment physical examination by a physician shall be provided. The examination shall include the personal history of the employee, family and occupational background, including genetic and environmental factors.

(ii) Authorized employees shall be provided periodic physical examinations, not less often than annually, following the preassignment examination.

(iii) In all physical examinations, the examining physician shall consider whether there exist conditions of in-

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creased risk, including reduced immunological competence, those undergoing treatment with steroids or cytotoxic agents, pregnancy and cigarette smoking.

(2) *Records.* (i) Employers of employees examined pursuant to this paragraph shall cause to be maintained complete and accurate records of all such medical examinations. Records shall be maintained for the duration of the employee's employment. Upon termination of the employee's employment, including retirement or death, or in the event that the employer ceases business without a successor, records, or notarized true copies thereof, shall be forwarded by registered mail to the Director.

(ii) Records required by this paragraph shall be provided upon request to authorized representatives of the Assistant Secretary or the Director; and upon request of an employee or former employee, to a physician designated by the employee or to a new employer.

(iii) Any physician who conducts a medical examination required by this paragraph shall furnish to the employer a statement of the employee's suitability for employment in the specific exposure.

§ 1910.93p N-Nitrosodimethylamine.

(a) *Scope and application.* (1) This section applies to any area in which N-Nitrosodimethylamine, Chemical Abstracts Service Registry Number 62759 is manufactured, processed, repackaged, released, handled, or stored, but shall not apply to trans-shipment in sealed containers, except for the labeling requirements under paragraphs (e)(2), (3), and (4) of this section.

(2) This section shall not apply to solid or liquid mixtures containing less than 1.0% by weight or volume of N-Nitrosodimethylamine.

(b) *Definitions.* For the purposes of this section: (1) "Absolute filter" is one capable of retaining 99.97 percent of a mono disperse aerosol of 0.3 μm particles.

(2) "Authorized employee" means an employee whose duties require him to be in the regulated area and who has been specifically assigned by the employer.

(3) "Clean change room" means a room where employees put on clean clothing and/or protective equipment in an environment free of N-Nitrosodimethylamine. The clean change room shall be contiguous to and have an entry from a shower room, when the shower room facilities are otherwise required in this section.

(4) "Closed system" means an operation involving N-Nitrosodimethylamine where containment prevents the release of N-Nitrosodimethylamine into regulated areas, nonregulated areas, or the external environment.

(5) "Decontamination" means the inactivation of N-Nitrosodimethylamine or its safe disposal.

(6) "Director" means the Director, National Institute for Occupational Safety and Health, or any person directed by him or the Secretary of Health, Education, and Welfare to act for the Director.

(7) "Disposal" means the safe removal of N-Nitrosodimethylamine from the work environment.

(8) "Emergency" means an unforeseen circumstance or set of circumstances resulting in the release of N-Nitrosodimethylamine which may result in exposure to or contact with N-Nitrosodimethylamine.

(9) "External environment" means any environment external to regulated and nonregulated areas.

(10) "Isolated system" means a fully enclosed structure other than the vessel of containment of N-Nitrosodimethylamine, which is impervious to the passage of N-Nitrosodimethylamine, and which would prevent the entry of N-Nitrosodimethylamine into regulated areas, nonregulated areas, or the external environment, should leakage or spillage from the vessel of containment occur.

(11) "Laboratory type hood" is a device enclosed on three sides and the top and bottom, designed and maintained so as to draw air inward at an average linear face velocity of 150 feet per minute with a minimum of 125 feet per minute; designed, constructed, and maintained in such a way that an operation involving N-Nitrosodimethylamine within the hood does not require the insertion of any portion of any employee's body other than his hands and arms.

(12) "Nonregulated area" means any area under the control of the employer where entry and exit is neither restricted nor controlled.

(13) "Open-vessel system" means an operation involving N-Nitrosodimethylamine in an open vessel, which is not in an isolated system, a laboratory type hood, nor in any other system affording equivalent protection against the entry of N-Nitrosodimethylamine into regulated areas, nonregulated areas, or the external environment.

(14) "Protective clothing" means clothing designed to protect an employee against contact with or exposure to N-Nitrosodimethylamine.

(15) "Regulated area" means an area where entry and exit is restricted and controlled.

(c) *Requirements for areas containing N-Nitrosodimethylamine.* A regulated area shall be established by an employer where N-Nitrosodimethylamine is manufactured, processed, used, repackaged, released, handled or stored. All such areas shall be controlled in accordance with the requirements for the following category or categories describing the operation involved: (1) *Isolated systems.* Employees working with N-Nitrosodimethylamine within an isolated system, such as a "glove box" shall wash their hands and arms upon completion of the assigned task and before engaging in other activities not associated with the isolated system.

(2) *Closed system operation.* Within regulated areas where N-Nitrosodimethylamine is stored in sealed containers, or contained in a closed system, including piping systems, with any sample ports or openings closed while N-Nitrosodimethylamine is contained within: (i) Access shall be restricted to authorized employees only;

(ii) Employees shall be required to wash hands, forearms, face and neck upon each exit from the regulated areas, close to the point of exit and before engaging in other activities.

(3) *Open vessel system operations.* Open vessel system operations as defined in paragraph (b)(13) of this section are prohibited.

(4) *Transfer from a closed system, charging or discharging point operations, or otherwise opening a closed system.* In operations involving "laboratory type hoods," or in locations where N-Nitrosodimethylamine is contained in an otherwise "closed system," but is transferred, charged, or discharged into other normally closed containers, the provisions of this subparagraph shall apply. (i) Access shall be restricted to authorized employees only;

(ii) Each operation shall be provided with continuous local exhaust ventilation so that air movement is always from ordinary work areas to the operation. Exhaust air shall not be discharged to regulated areas, nonregulated areas or the external environment unless decontaminated. Clean makeup air shall be introduced in sufficient volume to maintain the correct operation of the local exhaust system.

(iii) Employees shall be provided with, and required to wear, clean, full body protective clothing (smocks, coveralls, or long-sleeved shirt and pants), shoe covers, and gloves prior to entering the regulated area.

(iv) Employees engaged in N-Nitrosodimethylamine handling operations shall be provided with and required to wear and use a half-face, filter-type respirator for dusts, mists, and fumes, in accordance with § 1910.134. A respirator affording higher levels of protection may be substituted.

(v) Prior to each exit from a regulated area, employees shall be required to remove and leave protective clothing and equipment at the point of exit and at the last exit of the day, to place used clothing and equipment in impervious containers at the point of exit for purposes of decontamination or disposal. The contents of such impervious containers shall be identified, as required under paragraphs (e)(2), (3), and (4) of this section.

(vi) Employees shall be required to wash hands, forearms, face and neck on each exit from the regulated area, close to the point of exit, and before engaging in other activities.

(vii) Employees shall be required to shower after the last exit of the day.

(viii) Drinking fountains are prohibited in the regulated area.

(5) *Maintenance and decontamination activities.* In cleanup of leaks or spills, maintenance or repair operations on contaminated systems or equipment, where direct contact with N-Nitrosodimethylamine could result, each authorized employee entering that area shall: (i) Be provided with and required to wear clean, impervious garments, including gloves, boots and continuous-air supplied hood in accordance with § 1910.134.

(ii) Be decontaminated before removing the protective garments and hood;

(iii) Be required to shower upon removing the protective garments and hood.

(6) *Laboratory activities.* The requirements of this subparagraph shall apply to research and quality control activities involving the use of N-Nitrosodimethylamine. (i) Mechanical pipetting aids shall be used for all pipetting procedures.

(ii) Experiments, procedures and equipment which could produce aerosols shall be confined to laboratory-type hoods or glove boxes.

(iii) Surfaces on which N-Nitrosodimethylamine is handled shall be protected from contamination.

(iv) Contaminated wastes and animal carcasses shall be collected in impervious containers which are closed and decontaminated prior to removal from the work area. Such wastes and carcasses shall be incinerated in such a manner that no carcinogenic products are released.

(v) All other forms of N-Nitrosodimethylamine shall be inactivated prior to disposal.

(vi) Laboratory vacuum systems shall be protected with high-efficiency scrubbers or with disposable absolute filters.

(vii) Employees engaged in animal support activities shall be (*a*) provided with, and required to wear, a complete protective clothing change, clean each day, including coveralls or pants and shirt, foot covers, head covers, gloves, and appropriate respiratory protective equipment or devices; and

(*b*) Prior to each exit from a regulated area, employees shall be required to remove and leave protective clothing and equipment at the point of exit and at the last exit of the day, to place used clothing and equipment in impervious containers at the point of exit for purposes of decontamination or disposal. The contents of such impervious containers shall be identified as required under paragraphs (e)(2), (3), and (4) of this section.

(*c*) Required to wash hands, forearms, face and neck upon each exit from the regulated area close to the point of exit, and before engaging in other activities; and

(*d*) Required to shower after the last exit of the day.

(viii) Employees, other than those engaged only in animal support activities, each day shall be (*a*) provided with and required to wear a clean change of appropriate laboratory clothing, such as a solid front gown, surgical scrub suit, or fully buttoned laboratory coat.

(*b*) Prior to each exit from a regulated area, employees shall be required to remove and leave protective clothing and equipment at the point of exit and at the last exit of the day, to place used clothing and equipment in impervious containers at the point of exit for purposes of decontamination or disposal. The contents of such impervious containers shall be identified as required under paragraphs (e)(2), (3), and (4) of this section.

(*c*) Required to wash hands, forearms, face and neck upon each exit from the regulated area close to the point of exit, and before engaging in other activities.

(ix) Air pressure in laboratory areas and animal rooms where N-Nitrosodimethylamine is handled and bioassay studies are performed shall be negative in relation to the pressure in surrounding areas. Exhaust air shall not be discharged to regulated areas, nonregulated areas or the external environment unless decontaminated.

(x) There shall be no connection between regulated areas and any other areas through the ventilation system.

(xi) A current inventory of N-Nitrosodimethylamine shall be maintained.

(xii) Ventilated apparatus such as laboratory type hoods, shall be tested at least semi-annually or immediately after ventilation modification or maintenance operations, by personnel fully qualified to certify correct containment and operation.

(d) *General regulated area requirements*—(1) *Employee identification.* A daily roster of employees entering regulated areas shall be established and maintained. The rosters or a summary of the rosters shall be retained for a period of 20 years. The rosters and/or summaries shall be provided upon request to authorized representatives of the Assistant Secretary and the Director. In the event that the employer ceases business without a successor, rosters shall be forwarded by registered mail to the Director.

(2) *Emergencies.* In an emergency, immediate measures including, but not limited to, the requirements of subdivisions (i), (ii), (iii), (iv), and (v) of this subparagraph shall be implemented. (i) The potentially affected area shall be evacuated as soon as the emergency has been determined.

(ii) Hazardous conditions created by the emergency shall be eliminated and the potentially affected area shall be decontaminated prior to the resumption of normal operations.

(iii) Special medical surveillance by a physician shall be instituted within 24 hours for employees present in the potentially affected area at the time of the emergency. A report of the medical surveillance and any treatment shall be included in the incident report, in accordance with paragraph (f)(2) of this section.

(iv) Where an employee has a known contact with N-Nitrosodimethylamine, such employee shall be required to shower as soon as possible, unless contraindicated by physical injuries.

(v) An incident report on the emergency shall be reported as provided in paragraph (f)(2) of this section.

(3) *Hygiene facilities and practices.* (i) Storage or consumption of food, storage or use of containers of beverages, storage or application of cosmetics, smoking, storage of smoking materials, tobacco products or other products for chewing, or the chewing of such products, are prohibited in regulated areas.

(ii) Where employees are required by this section to wash, washing facilities shall be provided in accordance with § 1910.141(d)(1) and (2)(ii) through (vii).

(iii) Where employees are required by this section to shower, shower facilities shall be provided in accordance with § 1910.141(d)(3).

(iv) Where employees wear protective clothing and equipment clean change rooms shall be provided, in accordance with § 1910.141(e), for the number of such employees required to change clothes.

(v) Where toilets are in regulated areas, such toilets shall be in a separate room.

(4) *Contamination control.* (i) Regulated areas, except for outdoor systems, shall be maintained under pressure negative with respect to nonregulated areas. Local exhaust ventilation may be used to satisfy this requirement. Clean makeup air in equal volume shall replace air removed.

(ii) Any equipment, material, or other item taken into or removed from a regulated area shall be done so in a manner that does not cause contamination in nonregulated areas or the external environment.

(iii) Decontamination procedures shall be established and implemented to remove N-Nitrosodimethylamine from the surfaces of materials, equipment and the decontamination facility.

(iv) Dry sweeping and dry mopping are prohibited.

(e) *Signs, information and training*—(1) *Signs.* (i) Entrances to regulated areas shall be posted with signs bearing the legend:

CANCER-SUSPECT AGENT

AUTHORIZED PERSONNEL ONLY

(ii) Entrances to regulated areas containing operations covered in paragraph (c)(5) of this section shall be posted with signs bearing the legend:

CANCER-SUSPECT AGENT EXPOSED IN THIS AREA

IMPERVIOUS SUIT INCLUDING GLOVES, BOOTS, AND AIR-SUPPLIED HOOD REQUIRED AT ALL TIMES

AUTHORIZED PERSONNEL ONLY

(iii) Appropriate signs and instructions shall be posted at the entrance to, and exit from, regulated areas, informing employees of the procedures that must be followed in entering and leaving a regulated area.

(2) *Container contents identification.* (i) Containers of N-Nitrosodimethylamine and containers required under paragraphs (c)(4)(v) and (c)(6)(vii)(*b*), and (c)(6)(viii)(*b*) of this section which are accessible only to, and handled only by, authorized employees, or by other employees trained in accordance with subparagraph (5) of this paragraph, may have contents identification limited to a generic or proprietary name, or other proprietary identification, of the carcinogen and percent.

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(ii) Containers of N-Nitrosodimethylamine and containers required under paragraphs (c)(4)(v), (c)(6)(vii)(b), and (c)(6)(viii)(b) of this section which are accessible to, or handled by employees other than authorized employees or employees trained in accordance with subparagraph (5) of this paragraph shall have contents identification which includes the full chemical name and Chemical Abstracts Service Registry number as listed in paragraph (a)(1) of this section.

(iii) Containers shall have the warning words "CANCER-SUSPECT AGENT" displayed immediately under or adjacent to the contents identification.

(iv) Containers which have N-Nitrosodimethylamine contents with corrosive or irritating properties shall have label statements warning of such hazards, noting, if appropriate, particularly sensitive or affected portions of the body.

(3) *Lettering.* Lettering on signs and instructions required by subparagraph (1) of this paragraph shall be a minimum letter height of 2 inches. Labels on containers required under this section shall not be less than ½ the size of the largest lettering on the package, and not less than 8 point type in any instance: *Provided,* That no such required lettering need be more than 1 inch in height.

(4) *Prohibited statements.* No statement shall appear on or near any required sign, label, or instruction which contradicts or detracts from the effect of any required warning, information or instruction.

(5) *Training and indoctrination.* (i) Each employee prior to being authorized to enter a regulated area, shall receive a training and indoctrination program including, but not necessarily limited to:

(*a*) The nature of the carcinogenic hazards of N-Nitrosodimethylamine, including local and systemic toxicity;

(*b*) The specific nature of the operation involving N-Nitrosodimethylamine which could result in exposure;

(*c*) The purpose for and application of the medical surveillance program, including, as appropriate, methods of self-examination;

(*d*) The purpose of and application of decontamination practices and purposes;

(*e*) The purpose for and significance of emergency practices and procedures;

(*f*) The employee's specific role in emergency procedures;

(*g*) Specific information to aid the employee in recognition and evaluation of conditions and situations which may result in the release of N-Nitrosodimethylamine;

(*h*) The purpose for and application of specific first aid procedures and practices.

(*i*) A review of this section at the employee's first training and indoctrination program and annually thereafter.

(ii) Specific emergency procedures shall be prescribed, and posted, and employees shall be familiarized with their terms, and rehearsed in their application.

(iii) All materials relating to the program shall be provided upon request to authorized representatives of the Assistant Secretary and the Director.

(f) *Reports*—(1) *Operations.* Not later than March 1, 1974, the information required in subdivisions (i), (ii), (iii), and (iv) of this paragraph shall be reported in writing to the nearest OSHA Area Director. Any changes in such information shall be similarly reported in writing within 15 calendar days of such change.

(i) A brief description and in-plant location of the area(s) regulated and the address of each regulated area;

(ii) The name(s) and other identifying information as to the presence of N-Nitrosodimethylamine in each regulated area;

(iii) The number of employees in each regulated area, during normal operations including maintenance activities; and

(iv) The manner in which N-Nitrosodimethylamine is present in each regulated area; e.g. whether it is manufactured, processed, used, repackaged, released, stored, or otherwise handled.

(2) *Incidents.* Incidents which result in the release of N-Nitrosodimethylamine into any area where employees may be potentially exposed shall be reported in accordance with this subparagraph.

(i) A report of the occurrence of the incident and the facts obtainable at that time including a report on any medical treatment of affected employees shall be made within 24 hours to the nearest OSHA Area Director.

(ii) A written report shall be filed with the nearest OSHA Area Director within 15 calendar days thereafter and shall include: (*a*) A specification of the amount of material released, the amount of time involved, and an explanation of the procedure used in determining this figure;

(*b*) A description of the area involved, and the extent of known and possible employee exposure and area contamination; and

(*c*) A report of any medical treatment of affected employees, and any medical surveillance program implemented; and

(*d*) An analysis of the circumstances of the incident, and measures taken or to be taken, with specific completion dates, to avoid further similar releases.

(g) *Medical surveillance.* At no cost to the employee, a program of medical surveillance shall be established and implemented for employees considered for assignment to enter regulated areas, and for authorized employees. (1) *Examinations.* (i) Before an employee is assigned to enter a regulated area, a preassignment physical examination by a physician shall be provided. The examination shall include the personal history of the employee, family and occupational background, including genetic and environmental factors.

(ii) Authorized employees shall be provided periodic physical examinations, not less often than annually, following the preassignment examination.

(iii) In all physical examinations, the examining physician shall consider whether there exist conditions of increased risk, including reduced immunological competence, those undergoing treatment with steroids or cytotoxic agents, pregnancy and cigarette smoking.

(2) *Records.* (i) Employers of employees examined pursuant to this paragraph shall cause to be maintained complete and accurate records of all such medical examinations. Records shall be maintained for the duration of the employee's employment. Upon termination of an employee's employment, including retirement or death, or in the event that the employer ceases business without a successor, records, or notarized true copies thereof, shall be forwarded by registered mail to the Director.

(ii) Records required by this paragraph shall be provided upon request to authorized representatives of the Assistant Secretary or the Director, and, upon request of an employee or former employee, to a physician designated by the employee or to a new employer.

(iii) Any physician who conducts a medical examination required by this paragraph shall furnish to the employer a statement of the employee's suitability for employment in the specific exposure.

§ 1910.93q Vinyl chloride.

(a) *Scope and application.* (1) This section applies to any area or operation in which vinyl chloride (chloroethene), Chemical Abstracts Service Registry Number 75015, is manufactured, reacted, handled, processed, released, repacked, or stored.

(2) This section does not apply to the handling, storage, or other use of vinyl chloride polymers and copolymers in the form of fabricated products.

(b) *Permissible exposure.* The occupational environment shall be controlled so that no employee is exposed to vinyl chloride at a concentration in excess of 50 parts per million (ppm) (127.0 mg/cum).

(c) *Monitoring*—(1) *Initial monitoring.* As soon as possible but not later than April 22, 1974, every employer of an employee working in an area or operation in which vinyl chloride is manufactured, reacted, handled, processed, released, repacked, or stored shall begin monitoring the ambient air of the area to determine whether it contains vinyl chloride in concentrations in excess of 50 ppm.

(2) *Frequency.* Monitoring of a sufficient number of employees so that a representative sample of exposures to vinyl chloride may be determined shall be accomplished not less frequently than weekly until all results for three consecutive weeks are at or below 50 ppm. Thereafter, monitoring shall be conducted not less frequently than monthly so long as the concentrations of vinyl chloride do not exceed 50 ppm. If a monitoring sample reveals vinyl chloride in concentrations in excess of 50 ppm, weekly monitoring shall be resumed until all results for three consecutive weeks are at or below 50 ppm.

(3) *Method of monitoring.* Personnel monitoring shall be accomplished by collecting samples by suitable devices worn by the employee. The samples shall be analyzed by gas chromatography or by any other method which is of equivalent sensitivity. The analytical procedure shall be sensitive to 5 ppm of vinyl chloride in air with an accuracy of ±20 percent for a ten minute air sample.

(4) *Employee observation of monitoring.* Employees working in an area or operation whose ambient air is monitored, or their representatives, shall be given a reasonable opportunity to observe the personnel monitoring required by this section.

(5) *Recordkeeping.* The results of all monitoring shall be recorded in writing. The records shall be retained for at least 5 years and shall be made available for inspection and copying by representatives of the Assistant Secretary of Labor for Occupational Safety and Health and the Director of the National Institute for Occupational Safety and Health (NIOSH).

(6) *Employee access.* Each employee and former employee shall have access to such records of the results of monitoring required by this section as will indicate his own exposure to airborne concentrations of vinyl chloride.

(7) *Employee notification.* Each employer shall promptly notify any employee who has been or is being exposed to vinyl chloride in concentrations in excess of 50 ppm, and shall inform him of the corrective action being taken.

(d) *Compliance.* (1) Whenever any monitoring sample reveals vinyl chloride at a concentration in excess of 50 ppm, or whenever any accident, such as rupture of equipment or spillage, indicates the likelihood of a greater than usual release of vinyl chloride into the ambient air, all employees exposed to such concentrations shall be withdrawn to a safe area and shall not be permitted to reenter the work area unless they wear either Type C continuous flow or pressure demand air supplied respirators or self-contained breathing apparatus.

(2) Work which may reasonably be expected to release vinyl chloride in concentrations in excess of 50 ppm, such as repair, maintenance or cleaning of reactors or other equipment containing vinyl chloride, shall be accomplished only by employees wearing Type C continuous flow or pressure demand air supplied respirators or self-contained breathing apparatus.

(3) In any case covered by paragraphs (d)(1) or (d)(2) of this section, in addition to providing the required respirators, the employer shall examine and analyze the source of the excessive concentrations of vinyl chloride in order to determine feasible engineering or operational controls appropriate to reduce the airborne concentrations to the permissable level. Such controls shall be implemented as quickly as possible.

(4) Periodic tests shall be conducted for equipment leaks and for emissions of vinyl chloride which may result from work practices.

3. In 29 CFR Part 1910, § 1910.19 is revised to read as follows:

§ 1910.19 Special provisions for air contaminants.

(a) *Asbestos dust.* Section 1910.93a shall apply to the exposure of every employee to asbestos dust in every employment and place of employment covered by § 1910.12, § 1910.13, § 1910.14, § 1910.15, or § 1910.16, in lieu of any different standard on exposure to asbestos dust which would otherwise be applicable by virtue of any of those sections.

(b) *Vinyl chloride.* Section 1910.93q shall apply to the exposure of every employee to vinyl chloride in every employment and place of employment covered by § 1910.12, § 1910.13, § 1910.14, § 1910.15, or § 1910.16, in lieu of any different standard on exposure to vinyl chloride which would otherwise be applicable by virtue of any of those sections.

§ 1910.94 Ventilation.

(a) *Abrasive blasting*—(1) *Definitions applicable to this paragraph.*—(i) *Abrasive.* A solid substance used in an abrasive blasting operation.

(ii) *Abrasive-blasting respirator.* A continuous flow air-line respirator constructed so that it will cover the wearer's head, neck, and shoulders to protect him from rebounding abrasive.

(iii) *Blast cleaning barrel.* A complete enclosure which rotates on an axis, or which has an internal moving tread to tumble the parts, in order to expose various surfaces of the parts to the action of an automatic blast spray.

(iv) *Blast cleaning room.* A complete enclosure in which blasting operations are performed and where the operator works inside of the room to operate the blasting nozzle and direct the flow of the abrasive material.

(v) *Blasting cabinet.* An enclosure where the operator stands outside and operates the blasting nozzle through an opening or openings in the enclosure.

(vi) *Clean air.* Air of such purity that it will not cause harm or discomfort to an individual if it is inhaled for extended periods of time.

(vii) *Dust collector.* A device or combination of devices for separating dust from the air handled by an exhaust ventilation system.

(viii) *Exhaust ventilation system.* A system for removing contaminated air from a space, comprising two or more of the following elements (*a*) enclosure or hood, (*b*) duct work, (*c*) dust collecting equipment, (*d*) exhauster, and (*e*) discharge stack.

(ix) *Particulate-filter respirator.* An air purifying respirator, commonly referred to as a dust or a fume respirator, which removes most of the dust or fume from the air passing through the device.

(x) *Respirable dust.* Airborne dust in sizes capable of passing through the upper respiratory system to reach the lower lung passages.

(xi) *Rotary blast cleaning table.* An enclosure where the pieces to be cleaned are positioned on a rotating table and are passed automatically through a series of blast sprays.

(xii) *Abrasive blasting.* The forcible application of an abrasive to a surface by pneumatic pressure, hydraulic pressure, or centrifugal force.

(2) *Dust hazards from abrasive blasting.* (i) Abrasives and the surface coatings on the materials blasted are shattered and pulverized during blasting operations and the dust formed will contain particles of respirable size. The composition and toxicity of the dust from these sources shall be considered in making an evaluation of the potential health hazards.

(ii) The concentration of respirable dust or fume in the breathing zone of the abrasive-blasting operator or any other worker shall be kept below the levels specified in § 1910.93.

(iii) Organic abrasives which are combustible shall be used only in automatic systems. Where flammable or explosive dust mixtures may be present, the construction of the equipment, including the exhaust system and all electric wiring, shall conform to the requirements of American National Standard Installation of Blower and Exhaust Systems for Dust, Stock, and Vapor Removal or Conveying, Z33.1–1961 (NFPA 91–1961), and the National Electrical Code, NFPA 70–1971; ANSI C1–1971 (Rev. of C1–1968). The blast nozzle shall be bonded and grounded to prevent the build up of static charges. Where flammable or explosive dust mixtures may be present, the abrasive blasting enclosure, the ducts, and the dust collector shall be constructed with loose panels or explosion venting areas, located on sides away from any occupied area, to provide for pressure relief in case of explosion, following the principles set forth in the National Fire Protection Association Explosion Venting Guide. NFPA 68–1954.

(3) *Blast-cleaning enclosures.* (i) Blast-cleaning enclosures shall be exhaust ventilated in such a way that a continuous inward flow of air will be maintained at all openings in the enclosure during the blasting operation.

(*a*) All air inlets and access openings shall be baffled or so arranged that by the combination of inward air flow and baffling the escape of abrasive or dust particules into an adjacent work area will be minimized and visible spurts of dust will not be observed.

(*b*) The rate of exhaust shall be sufficient to provide prompt clearance of the dust-laden air within the enclosure after the cessation of blasting.

(*c*) Before the enclosure is opened, the blast shall be turned off and the exhaust system shall be run for a sufficient period of time to remove the dusty air within the enclosure.

(*d*) Safety glass protected by screening shall be used in observation windows, where hard deep-cutting abrasives are used.

(*e*) Slit abrasive-resistant baffles shall be installed in multiple sets at all small access openings where dust might escape, and shall be inspected regularly and replaced when needed.

(*f*) Doors shall be flanged and tight when closed.

(2) Doors on blast-cleaning rooms shall be operable from both inside and outside, except that where there is a small operator access door, the large work access door may be closed or opened from the outside only.

(4) *Exhaust ventilation systems.* (i) The construction, installation, inspection, and maintenance of exhaust systems shall conform to the principles and

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requirements set forth in American National Standard Fundamentals Governing the Design and Operation of Local Exhaust Systems, Z9.2–1960, and ANSI Z33.1–1961.

(*a*) When dust leaks are noted, repairs shall be made as soon as possible.

(*b*) The static pressure drop at the exhaust ducts leading from the equipment shall be checked when the installation is completed and periodically thereafter to assure continued satisfactory operation. Whenever an appreciable change in the pressure drop indicates a partial blockage, the system shall be cleaned and returned to normal operating condition.

(ii) In installations where the abrasive is recirculated, the exhaust ventilation system for the blasting enclosure shall not be relied upon for the removal of fines from the spent abrasive instead of an abrasive separator. An abrasive separator shall be provided for the purpose.

(iii) The air exhausted from blast-cleaning equipment shall be discharged through dust collecting equipment. Dust collectors shall be set up so that the accumulated dust can be emptied and removed without contaminating other working areas.

(5) *Personal protective equipment.* (i) Only respiratory protective equipment approved by the Bureau of Mines, U.S. Department of the Interior (see 30 CFR Part 11) shall be used for protection of personnel against dusts produced during abrasive-blasting operations.

(ii) Abrasive-blasting respirators shall be worn by all abrasive-blasting operators:

(*a*) When working inside of blast-cleaning rooms, or

(*b*) When using silica sand in manual blasting operations where the nozzle and blast are not physically separated from the operator in an exhaust ventilated enclosure, or

(*c*) Where concentrations of toxic dust dispersed by the abrasive blasting may exceed the limits set in § 1910.93 and the nozzle and blast are not physically separated from the operator in an exhaust-ventilated enclosure.

(iii) Particulate filter respirators, commonly referred to as dust-filter respirators, properly fitted, may be used for short, intermittent, or occasional dust exposures such as cleanup, dumping of dust collectors, or unloading shipments of sand at a receiving point, when it is not feasible to control the dust by enclosure, exhaust ventilation, or other means. Respirators used shall be approved (see 30 CFR Part 11) for protection against the specific type of dust encountered.

(*a*) Dust-filter respirators may be used to protect the operator of outside abrasive-blasting operations where nonsilica abrasives are used on materials having low toxicities.

(*b*) Dust-filter respirators shall not be used for continuous protection where silica sand is used as the blasting abrasive, or toxic materials are blasted.

(iv) A respiratory protection program as defined and described in § 1910.134 (a) and (b), shall be established wherever it is necessary to use respiratory protective equipment.

(v) Operators shall be equipped with heavy canvas or leather gloves and aprons or equivalent protection to protect them from the impact of abrasives. Safety shoes shall be worn to protect against foot injury where heavy pieces of work are handled.

(*a*) Safety shoes shall conform to the requirements of American National Standard for Men's Safety-Toe Footwear, Z41.1–1967.

(*b*) Equipment for protection of the eyes and face shall be supplied to the operator when the respirator design does not provide such protection and to any other personnel working in the vicinity of abrasive blasting operations. This equipment shall conform to the requirements of § 1910.133.

(6) *Air supply and air compressors.* The air for abrasive-blasting respirators shall be free of harmful quantities of dusts, mists, or noxious gases, and shall meet the requirements for air purity set forth in ANSI Z9.2–1960. The air from the regular compressed air line of the plant may be used for the abrasive-blasting respirator if (i) a trap and carbon filter are installed and regularly maintained, to remove oil, water, scale, and odor, (ii) a pressure reducing diaphragm or valve is installed to reduce the pressure down to requirements of the particular type of abrasive-blasting respirator, and (iii) an automatic control is provided to either sound an alarm or shut down the compressor in case of overheating.

(7) *Operational procedures and general safety.* Dust shall not be permitted to accumulate on the floor or on ledges outside of an abrasive-blasting enclosure, and dust spills shall be cleaned up promptly. Aisles and walkways shall be kept clear of steel shot or similar abrasive which may create a slipping hazard.

(8) *Scope.* This paragraph (a) applies to all operations where an abrasive is forcibly applied to a surface by pneumatic or hydraulic pressure, or by centrifugal force. It does not apply to steam blasting, or steam cleaning, or hydraulic cleaning methods where work is done without the aid of abrasives.

(b) *Grinding, polishing, and buffing operations*—(1) *Definitions applicable to this paragraph*—(i) *Abrasive cutting-off wheels.* Organic-bonded wheels, the thickness of which is not more than one forty-eighth of their diameter for those up to, and including, 20 inches in diameter, and not more than one-sixtieth of their diameter for those larger than 20 inches in diameter, used for a multitude of operations variously known as cutting, cutting off, grooving, slotting, coping, and jointing, and the like. The wheels may be "solid" consisting of organic-bonded abrasive material throughout, "steel centered" consisting of a steel disc with a rim of organic-bonded material moulded around the periphery, or of the "inserted tooth" type consisting of a steel disc with organic-bonded abrasive teeth or inserts mechanically secured around the periphery.

(ii) *Belts.* All power-driven, flexible, coated bands used for grinding, polishing, or buffing purposes.

(iii) *Branch pipe.* The part of an exhaust system piping that is connected directly to the hood or enclosure.

(iv) *Cradle.* A movable fixture, upon which the part to be ground or polished is placed.

(v) *Disc wheels.* All power-driven rotatable discs faced with abrasive materials, artificial or natural, and used for grinding or polishing on the side of the assembled disc.

(vi) *Entry loss.* The loss in static pressure caused by air flowing into a duct or hood. It is usually expressed in inches of water gauge.

(vii) *Exhaust system.* A system consisting of branch pipes connected to hoods or enclosures, one or more header pipes, an exhaust fan, means for separating solid contaminants from the air flowing in the system, and a discharge stack to outside.

(viii) *Grinding wheels.* All power-driven rotatable grinding or abrasive wheels, except disc wheels as defined in this standard, consisting of abrasive particles held together by artificial or natural bonds and used for peripheral grinding.

(ix) *Header pipe (main pipe).* A pipe into which one or more branch pipes enter and which connects such branch pipes to the remainder of the exhaust system.

(x) *Hoods and enclosures.* The partial or complete enclosure around the wheel or disc through which air enters an exhaust system during operation.

(xi) *Horizontal double-spindle disc grinder.* A grinding machine carrying two power-driven, rotatable, coaxial, horizontal spindles upon the inside ends of which are mounted abrasive disc wheels used for grinding two surfaces simultaneously.

(xii) *Horizontal single-spindle disc grinder.* A grinding machine carrying an abrasive disc wheel upon one or both ends of a power-driven, rotatable single horizontal spindle.

(xiii) *Polishing and buffing wheels.* All power-driven rotatable wheels composed all or in part of textile fabrics, wood, felt, leather, paper, and may be coated with abrasives on the periphery of the wheel for purposes of polishing, buffing, and light grinding.

(xiv) *Portable grinder.* Any power-driven rotatable grinding, polishing, or buffing wheel mounted in such manner that it may be manually manipulated.

(xv) *Scratch brush wheels.* All power-driven rotatable wheels made from wire or bristles, and used for scratch cleaning and brushing purposes.

(xvi) *Swing-frame grinder.* Any power-driven rotatable grinding, polishing, or buffing wheel mounted in such a manner that the wheel with its supporting framework can be manipulated over stationary objects.

(xvii) *Velocity pressure (vp).* The kinetic pressure in the direction of flow necessary to cause a fluid at rest to flow at a given velocity. It is usually expressed in inches of water gage.

(xviii) *Vertical spindle disc grinder.* A grinding machine having a vertical, rotatable power-driven spindle carrying a horizontal abrasive disc wheel.

(2) *Application.* (i) Every establishment performing dry grinding, dry polishing, or buffing shall provide suitable hood or enclosures that are connected to exhaust systems.

(ii) Such exhaust systems shall be operated continuously whenever such operations are carried on, and be capable of preventing contaminants from entering the breathing zone.

(3) *Hood and branch pipe requirements.* (i) Hoods connected to exhaust systems shall be used, and such hoods shall be designed, located, and placed so that the dust or dirt particles shall fall or be projected into the hoods in the direction of the air flow. No wheels, discs, straps, or belts shall be operated in such manner and in such direction as to cause the dust and dirt particles to be thrown into the operator's breathing zone.

(ii) Grinding wheels on floor stands, pedestals, benches, and special-purpose grinding machines and abrasive cutting-off wheels shall have not less than the minimum exhaust volumes shown in Table G–4 with a recommended minimum duct velocity of 4,500 feet per minute in the branch and 3,500 feet per minute in the main. The entry losses from all hoods except the vertical-spindle disc grinder hood, shall equal 0.65 velocity pressure for a straight takeoff and 0.45 velocity pressure for a tapered takeoff. The entry loss for the vertical-spindle disc grinder hood is shown in figure G–1 (following § 1910.94(b)).

For any wheel wider than wheel diameters shown in Table G–4, increase the

TABLE G–4—GRINDING AND ABRASIVE CUTTING-OFF WHEELS

Wheel diameter (inches)	Wheel width (inches)	Minimum exhaust volume (feet³/min.)
To 9	1½	220
Over 9 to 16	2	300
Over 16 to 19	3	500
Over 19 to 24	4	610
Over 24 to 30	5	880
Over 30 to 36	6	1,200

exhaust volume by the ratio of the new width to the width shown.

Example:

If wheel width=4½ inches, then

$$\frac{4.5}{4}\times 610 = 686 \text{ (rounded to 690)}.$$

(iii) Scratch-brush wheels and all buffing and polishing wheels mounted on floor stands, pedestals, benches, or special-purpose machines shall have not less than the minimum exhaust volume shown in Table G–5.

TABLE G–5—BUFFING AND POLISHING WHEELS

Wheel diameter (inches)	Wheel width (inches)	Minimum exhaust volume (feet³/min.)
To 9	2	300
Over 9 to 16	3	500
Over 16 to 19	4	610
Over 19 to 24	5	740
Over 24 to 30	6	1,040
Over 30 to 36	8	1,200

(iv) Grinding wheels or discs for horizontal single-spindle disc grinders shall be hooded to collect the dust or dirt generated by the grinding operation and the hoods shall be connected to branch pipes having exhaust volumes as shown in Table G–6.

TABLE G–6—HORIZONTAL SINGLE-SPINDLE DISC GRINDER

Disc diameter (inches):	Exhaust volume (ft.³/min.)
Up to 12	220
Over 12 to 19	390
Over 19 to 30	610
Over 30 to 36	880

(v) Grinding wheels or discs for horizontal double-spindle disc grinders shall have a hood enclosing the grinding chamber and the hood shall be connected to one or more branch pipes having exhaust volumes as shown in Table G–7.

TABLE G–7—HORIZONTAL DOUBLE-SPINDLE DISC GRINDER

Disc diameter (inches):	Exhaust volume (ft.³/min.)
Up to 19	610
Over 19 to 25	880
Over 25 to 30	1,200
Over 30 to 53	1,770
Over 53 to 72	6,280

(vi) Grinding wheels or discs for vertical single-spindle disc grinders shall be encircled with hoods to remove the dust generated in the operation. The hoods shall be connected to one or more branch pipes having exhaust volumes as shown in Table G–8.

TABLE G–8—VERTICAL SPINDLE DISC GRINDER

Disc diameter (inches)	One-half or more of disc covered		Disc not covered	
	Number[1]	Exhaust foot³/min.	Number[1]	Exhaust foot³/min.
Up to 20	1	500	2	780
Over 20 to 30	2	780	2	1,480
Over 30 to 53	2	1,770	4	3,530
Over 53 to 72	2	3,140	5	6,010

[1] Number of exhaust outlets around periphery of hood, or equal distribution provided by other means.

(vii) Grinding and polishing belts shall be provided with hoods to remove dust and dirt generated in the operations and the hoods shall be connected to branch pipes having exhaust volumes as shown in Table G–9.

TABLE G–9—GRINDING AND POLISHING BELTS

Belts width (inches):	Exhaust volume (ft.³/min.)
Up to 3	220
Over 3 to 5	300
Over 5 to 7	390
Over 7 to 9	500
Over 9 to 11	610
Over 11 to 13	740

(viii) Cradles and swing-frame grinders. Where cradles are used for handling the parts to be ground, polished, or buffed, requiring large partial enclosures to house the complete operation, a minimum average air velocity of 150 feet per minute shall be maintained over the entire opening of the enclosure. Swing-frame grinders shall also be exhausted in the same manner as provided for cradles. (See fig. G–3)

(ix) Where the work is outside the hood, air volumes must be increased as shown in American Standard Fundamentals Governing the Design and Operation of Local Exhaust Systems, Z9.2–1960 (section 4, exhaust hoods).

(4) *Exhaust systems.* (i) Exhaust systems for grinding, polishing, and buffing operations should be designed in accordance with American Standard Fundamentals Governing the Design and Operation of Local Exhaust Systems, Z9.2–1960.

(ii) Exhaust systems for grinding, polishing, and buffing operations shall be tested in the manner described in American Standard Fundamentals Governing the Design and Operation of Local Exhaust Systems, Z9.2–1960.

(iii) All exhaust systems shall be provided with suitable dust collectors.

(5) *Hood and enclosure design.* (i) (*a*) It is the dual function of grinding and abrasive cutting-off wheel hoods to protect the operator from the hazards of bursting wheels as well as to provide a means for the removal of dust and dirt generated. All hoods shall be not less in structural strength than specified in the American National Standard Safety Code for the Use, Care, and Protection of Abrasive Wheels, B7.1–1970.

(*b*) Due to the variety of work and types of grinding machines employed, it is necessary to develop hoods adaptable to the particular machine in question, and such hoods shall be located as close as possible to the operation.

(ii) Exhaust hoods for floor stands, pedestals, and bench grinders shall be designed in accordance with figure G–2. The adjustable tongue shown in the figure shall be kept in working order and shall be adjusted within one-fourth inch of the wheel periphery at all times.

(iii) Swing-frame grinders shall be provided with exhaust booths as indicated in figure G–3.

(iv) Portable grinding operations,

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whenever the nature of the work permits, shall be conducted within a partial enclosure. The opening in the enclosure shall be no larger than is actually required in the operation and an average face air velocity of not less than 200 feet per minute shall be maintained.

(v) Hoods for polishing and buffing and scratch-brush wheels shall be constructed to conform as closely to figure G–4 as the nature of the work will permit.

(vi) Cradle grinding and polishing operations shall be performed within a partial enclosure similar to figure G–5. The operator shall be positioned outside the working face of the opening of the enclosure. The face opening of the enclosure should not be any greater in area than that actually required for the performance of the operation and the average air velocity into the working face of the enclosure shall not be less than 150 feet per minute.

(vii) Hoods for horizontal single-spindle disc grinders shall be constructed to conform as closely as possible to the hood shown in figure G–6. It is essential that there be a space between the back of the wheel and the hood, and a space around the periphery of the wheel of at least 1 inch in order to permit the suction to act around the wheel periphery. The opening on the side of the disc shall be no larger than is required for the grinding operation, but must never be less than twice the area of the branch outlet.

(viii) Horizontal double-spindle disc grinders shall have a hood encircling the wheels and grinding chamber similar to that illustrated in figure G–7. The openings for passing the work into the grinding chamber should be kept as small as possible, but must never be less than twice the area of the branch outlets.

(ix) Vertical-spindle disc grinders shall be encircled with a hood so constructed that the heavy dust is drawn off a surface of the disc and the lighter dust exhausted through a continuous slot at the top of the hood as shown in figure G–1.

(x) Grinding and polishing belt hoods shall be constructed as close to the operation as possible. The hood should extend almost to the belt, and 1-inch wide openings should be provided on either side. Figure G–8 shows a typical hood for a belt operation.

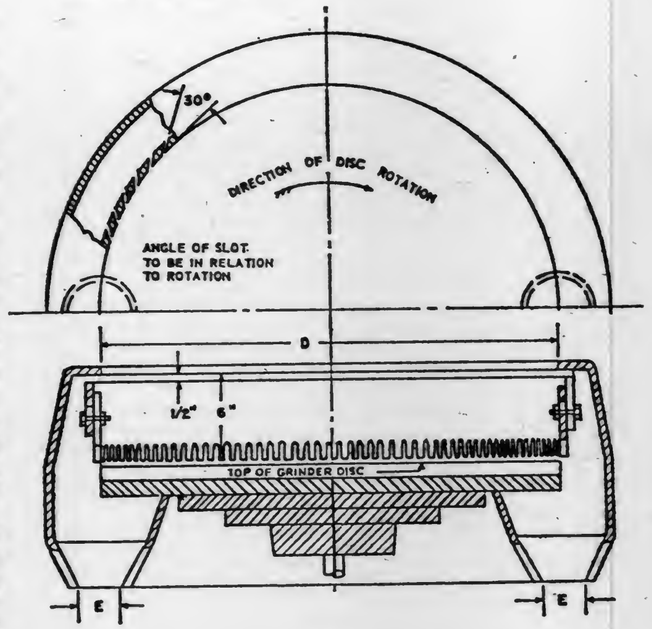


Fig. G–1
Vertical Spindle Disc Grinder Exhaust Hood and Branch Pipe Connections

Dia D, Inches		Exhaust E		Volume Exhausted	Note
Min	Max	No. Pipes	Dia	at 4,500 ft/min ft³/min	
	20	1	4½	500	When one-half or more of the disc can be hooded, use exhaust ducts as shown at the left.
Over 20	30	2	4	780	
Over 30	72	2	6	1,770	
Over 53	72	2	8	3,140	
	20	2	4	780	When no hood can be used over disc, use exhaust ducts as shown at left.
Over 20	30	2	5½	1,480	
Over 30	53	4	6	3,530	
Over 53	72	5	7	5,410	

Entry loss = 1.0 slot velocity pressure + 0.5 branch velocity pressure
Minimum slot velocity = 2,000 ft/min – ¼-inch slot width

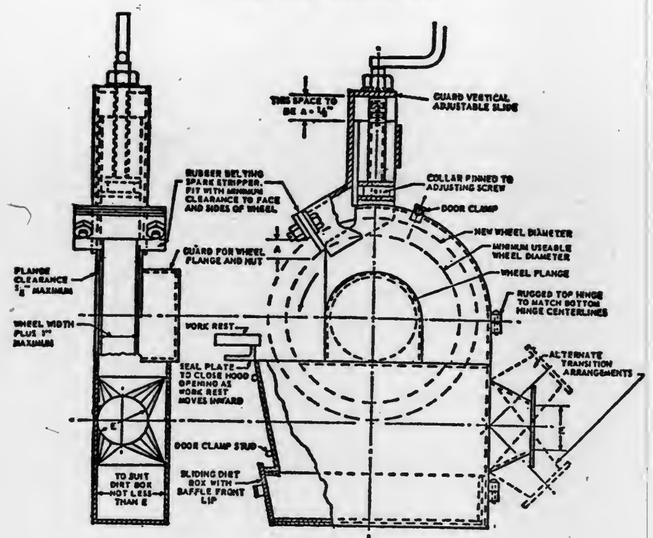


Fig. G-2
Standard Grinder Hood

Wheel Dimension			Exhaust Outlet, Inches	Volume of Air at 4,500 ft/min
Diameter, Inches		Width, Inches		
Min = d	Max = D	Max	E	
	9	1⅝	3	220
Over 9	16	2	4	390
Over 16	19	3	4½	500
Over 19	24	4	5	610
Over 24	30	5	6	880
Over 30	36	6	7	1,200

Entry loss = 0.45 velocity pressure for tapered takeoff
0.65 velocity pressure for straight takeoff

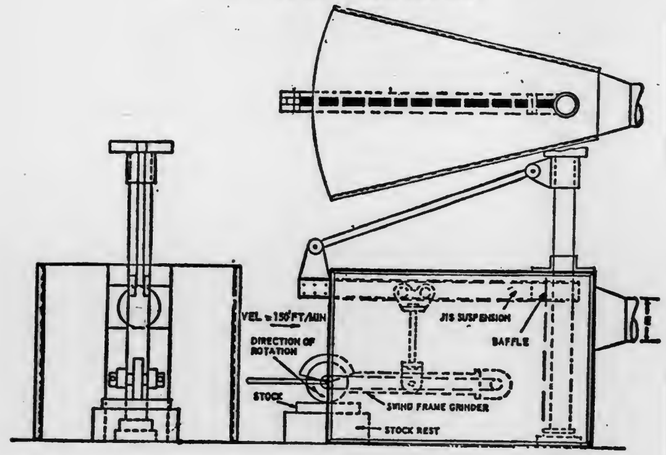


Fig. G-3
A Method of Applying an Exhaust Enclosure to Swing-Frame Grinders
NOTE: Baffle to reduce front opening as much as possible

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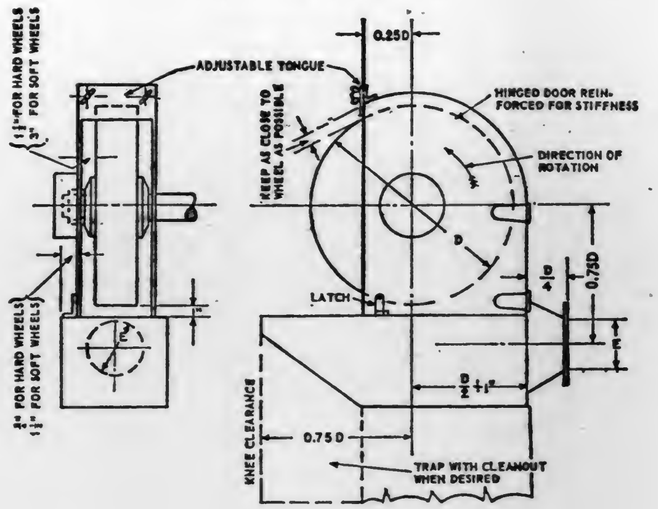


Fig. G-4
Standard Buffing and Polishing Hood

Wheel Dimension, Inches			Exhaust Outlet, Inches	Volume of Air at 4,500 ft/min
Diameter		Width		
Min = *d*	Max = *D*	Max	*E*	
	9	2	3½	300
Over 9	16	3	4	500
Over 16	19	4	5	610
Over 19	24	5	5½	740
Over 24	30	6	6¼	1,040
Over 30	36	6	7	1,200

Entry loss = 0.45 velocity pressure for tapered takeoff
0.65 velocity pressure for straight takeoff

TABLE H-12—MAXIMUM ALLOWABLE SIZE OF CONTAINERS AND PORTABLE TANKS

Container type	Flammable liquids			Combustible liquids	
	Class IA	Class IB	Class IC	Class II	Class III
Glass or approved plastic	1 pt.	1 qt.	1 gal.	1 gal.	1 gal.
Metal (other than DOT drums)	1 gal.	5 gal.	5 gal.	5 gal.	5 gal.
Safety cans	2 gal.	5 gal.	5 gal.	5 gal.	5 gal.
Metal drums (DOT spec.)	60 gal.	60 gal.	60 gal.	60 gal.	60 gal.
Approved portable tanks	660 gal.	660 gal.	660 gal.	660 gal.	660 gal.

Container exemptions: (a) Medicines, beverages, foodstuffs, cosmetics, and other common consumer items, when packaged according to commonly accepted practices, shall be exempt from the requirements of § 1910.106 (d) (2) (i) and (ii).

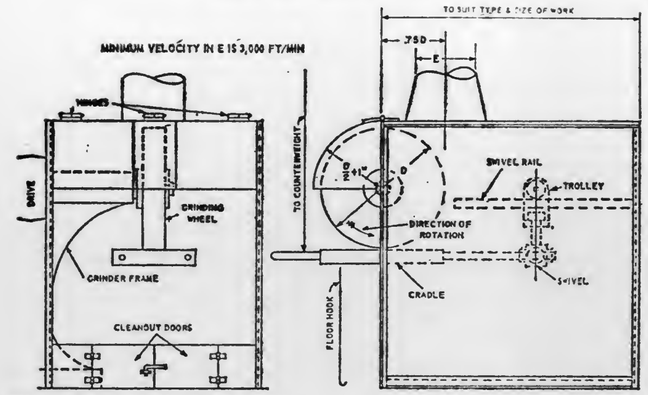


Fig. G-5
Cradle Polishing or Grinding Enclosure
Entry loss = 0.45 velocity pressure for tapered takeoff

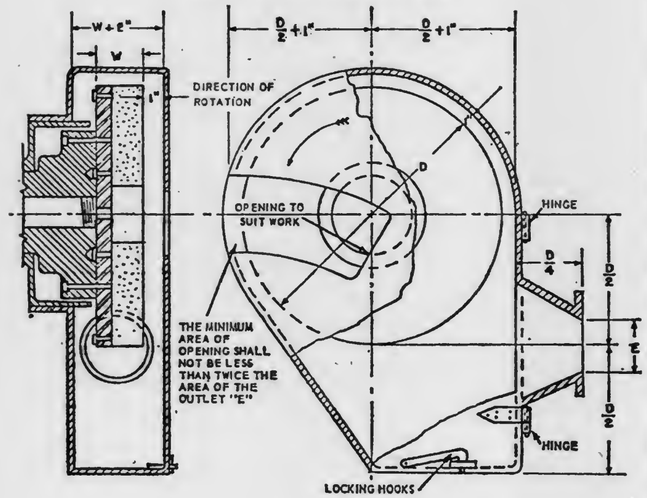


Fig. G-6
Horizontal Single-Spindle Disc Grinder Exhaust Hood and Branch Pipe Connections

Dia *D*, Inches		Exhaust *E*	Volume Exhausted at 4,500 ft/min ft³/min
Min	Max	Dia. Inches	
	12	3	220
Over 12	19	4	390
Over 19	30	5	610
Over 30	36	6	880

NOTE: If grinding wheels are used for disc grinding purposes, hoods must conform to structural strength and materials as described in 9.1.

Entry loss = 0.45 velocity pressure for tapered takeoff

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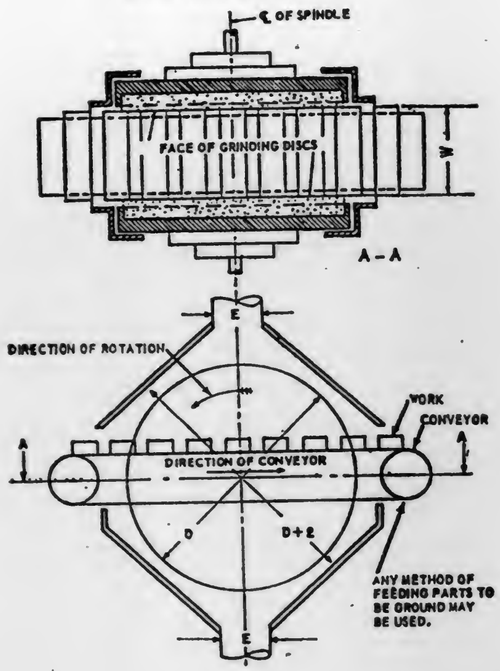


Fig. G-7

Horizontal Double-Spindle Disc Grinder Exhaust Hood and Branch Pipe Connections

Disc Dia, Inches		Exhaust *E*		Volume Exhausted at 4,500 ft³/min ft³/min	Note
Min	Max	No. Pipes	Dia		
	19	1	5	610	When width "W" permits, exhaust ducts should be as near heaviest grinding as possible.
Over 19	25	1	6	880	
Over 25	30	1	7	1,200	
Over 30	53	2	6	1,270	
Over 53	72	4	8	2,280	

Entry loss = 0.45 velocity pressure for tapered takeoff

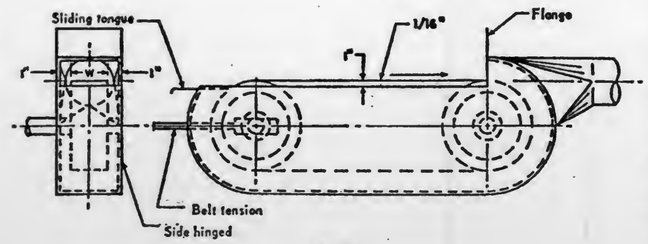


Fig. G-8

A Typical Hood for a Belt Operation

Belt Width W, Inches	Exhaust Volume, ft³/min
up to 3	220
3 to 5	300
5 to 7	390
7 to 9	500
9 to 11	610
11 to 13	740

Minimum duct velocity = 4,500 ft/min branch, 3,500 ft/min main
Entry loss = 0.45 velocity pressure for tapered takeoff
0.65 velocity pressure for straight takeoff

(6) *Scope.* This paragraph (b), prescribes the use of exhaust hood enclosures and systems in removing dust, dirt, fumes, and gases generated through the grinding, polishing, or buffing of ferrous and nonferrous metals.

(c) *Spray-finishing operations*—(1) *Definitions applicable to this paragraph*—(i) *Spray-finishing operations.* Spray-finishing operations are employment of methods wherein organic or inorganic materials are utilized in dispersed form for deposit on surfaces to be coated, treated, or cleaned. Such methods of deposit may involve either automatic, manual, or electrostatic deposition but do not include metal spraying or metallizing, dipping, flow coating, roller coating, tumbling, centrifuging, or spray washing and degreasing as conducted in self-contained washing and degreasing machines or systems.

(ii) *Spray booth.* Spray booths are defined and described in § 1910.107(a). (See sections 103, 104, and 105 of the Standard for Spray Finishing Using Flammable and Combustible Materials, NFPA No. 33–1969).

(iii) *Spray room.* A spray room is a room in which spray-finishing operations not conducted in a spray booth are performed separately from other areas.

(iv) *Minimum maintained velocity.* Minimum maintained velocity is the velocity of air movement which must be maintained in order to meet minimum specified requirements for health and safety.

(2) *Location and application.* Spray booths or spray rooms are to be used to enclose or confine all operations. Spray-finishing operations shall be located as provided in sections 201 through 206 of the Standard for Spray Finishing Using Flammable and Combustible Materials, NFPA No. 33–1969.

(3) *Design and construction of spray booths.* (i) Spray booths shall be designed and constructed in accordance with § 1910.107(b) (1)–(4) and (6)–(10) (see sections 301–304 and 306–310 of the Standard for Spray Finishing Using Flammable and Combustible Materials, NFPA No. 33–1969), for general construction specifications. For a more detailed discussion of fundamentals relating to this subject, see ANSI Z9.2–1960.

(a) Lights, motors, electrical equipment, and other sources of ignition shall conform to the requirements of § 1910.107 (b) (10) and (c). (See section 310 and chapter 4 of the Standard for Spray Finishing Using Flammable and Combustible Materials, NFPA No. 33–1969.)

(b) In no case shall combustible material be used in the construction of a spray booth and supply or exhaust duct connected to it.

(ii) Unobstructed walkways shall not be less than 6½ feet high and shall be maintained clear of obstruction from any work location in the booth to a booth exit or open booth front. In booths where the open front is the only exit, such exits shall be not less than 3 feet wide. In booths having multiple exits, such exits shall not be less than 2 feet wide, provided that the maximum distance from the work location to the exit is 25 feet or less. Where booth exits are provided with doors, such doors shall open outward from the booth.

(iii) Baffles, distribution plates, and dry-type overspray collectors shall conform to the requirements of § 1910.107 (b) (4) and (5). (See sections 304 and 305 of the Standard for Spray Finishing Using Flammable and Combustible Materials, NFPA No. 33–1969.)

(a) Overspray filters shall be installed and maintained in accordance with the requirements of § 1910.107(b)(5), (see section 305 of the Standard for Spray Finishing Using Flammable and Combustible Materials, NFPA No. 33–1969), and shall only be in a location easily accessible for inspection, cleaning, or replacement.

(b) Where effective means, independent of the overspray filters, are installed which will result in design air distribution across the booth cross section, it is permissible to operate the booth without the filters in place.

(iv) (a) For wet or water-wash spray booths, the water-chamber enclosure, within which intimate contact of contaminated air and cleaning water or other cleaning medium is maintained, if made of steel, shall be 18 gage or heavier and adequately protected against corrosion.

(b) Chambers may include scrubber spray nozzles, headers, troughs, or other devices. Chambers shall be provided with adequate means for creating and maintaining scrubbing action for removal of particulate matter from the exhaust air stream.

(v) Collecting tanks shall be of welded steel construction or other suitable noncombustible material. If pits are used as collecting tanks, they shall be concrete, masonry, or other material having similar properties.

(a) Tanks shall be provided with weirs, skimmer plates, or screens to prevent sludge and floating paint from entering the pump suction box. Means for automatically maintaining the proper water level shall also be provided. Fresh water inlets shall not be submerged. They shall terminate at least one pipe diameter above the safety overflow level of the tank.

(b) Tanks shall be so constructed as to discourage accumulation of hazardous deposits.

(vi) Pump manifolds, risers, and headers shall be adequately sized to insure sufficient water flow to provide efficient operation of the water chamber.

(4) *Design and construction of spray rooms.* (i) Spray rooms, including floors, shall be constructed of masonry, concrete, or other noncombustible material.

(ii) Spray rooms shall have noncombustible fire doors and shutters.

(iii) Spray rooms shall be adequately ventilated so that the atmosphere in the breathing zone of the operator shall be maintained in accordance with the requirements of subparagraph (6) (ii) of this paragraph.

(iv) Spray rooms used for production spray-finishing operations shall conform to the requirements for spray booths.

(5) *Ventilation.* (i) Ventilation shall be provided in accordance with provisions of § 1910.107(d) (see chapter 5 of the Standard for Spray Finishing Using Flammable or Combustible Materials, NFPA No. 33–1969), and in accordance with the following:

(a) Where a fan plenum is used to equalize or control the distribution of exhaust air movement through the booth, it shall be of sufficient strength or rigidity to withstand the differential air pressure or other superficially imposed loads for which the equipment is designed and also to facilitate cleaning. Construction specifications shall be at least equivalent to those of subdivision (iii) of this subparagraph.

(b) All fan ratings shall be in accordance with Air Moving and Conditioning Association Standard Test Code for Testing Air Moving Devices, Bulletin 210, April 1962.

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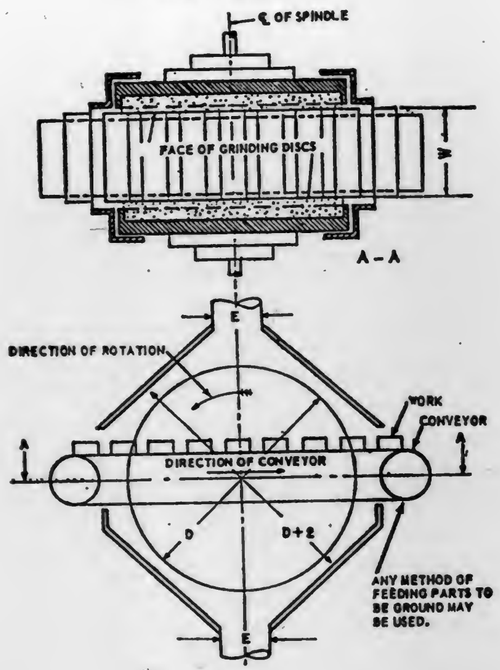


Fig. G-7

Horizontal Double-Spindle Disc Grinder Exhaust Hood and Branch Pipe Connections

Disc Dia, Inches		Exhaust *E*		Volume Exhausted at 4,500 ft/min ft³/min	Note
Min	Max	No. Pipes	Dia		
	19	1	5	610	When width "W" permits, exhaust ducts should be as near heaviest grinding as possible.
Over 19	25	1	6	880	
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Over 30	53	2	6	1,970	
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Entry loss = 0.45 velocity pressure for tapered takeoff

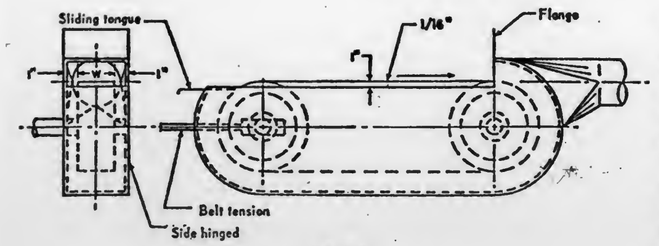


Fig. G-8

A Typical Hood for a Belt Operation

Belt Width W, Inches	Exhaust Volume, ft³/min
up to 3	220
3 to 5	300
5 to 7	380
7 to 9	500
9 to 11	610
11 to 13	740

Minimum duct velocity = 4,500 ft/min branch, 3,500 ft/min main
Entry loss = 0.45 velocity pressure for tapered takeoff
0.65 velocity pressure for straight takeoff

(6) *Scope.* This paragraph (b), prescribes the use of exhaust hood enclosures and systems in removing dust, dirt, fumes, and gases generated through the grinding, polishing, or buffing of ferrous and nonferrous metals.

(c) *Spray-finishing operations*—(1) *Definitions applicable to this paragraph*—(i) *Spray-finishing operations.* Spray-finishing operations are employment of methods wherein organic or inorganic materials are utilized in dispersed form for deposit on surfaces to be coated, treated, or cleaned. Such methods of deposit may involve either automatic, manual, or electrostatic deposition but do not include metal spraying or metallizing, dipping, flow coating, roller coating, tumbling, centrifuging, or spray washing and degreasing as conducted in self-contained washing and degreasing machines or systems.

(ii) *Spray booth.* Spray booths are defined and described in § 1910.107(a). (See sections 103, 104, and 105 of the Standard for Spray Finishing Using Flammable and Combustible Materials, NFPA No. 33–1969).

(iii) *Spray room.* A spray room is a room in which spray-finishing operations not conducted in a spray booth are performed separately from other areas.

(iv) *Minimum maintained velocity.* Minimum maintained velocity is the velocity of air movement which must be maintained in order to meet minimum specified requirements for health and safety.

(2) *Location and application.* Spray booths or spray rooms are to be used to enclose or confine all operations. Spray-finishing operations shall be located as provided in sections 201 through 206 of the Standard for Spray Finishing Using Flammable and Combustible Materials, NFPA No. 33–1969.

(3) *Design and construction of spray booths.* (i) Spray booths shall be designed and constructed in accordance with § 1910.107(b) (1)–(4) and (6)–(10) (see sections 301–304 and 306–310 of the Standard for Spray Finishing Using Flammable and Combustible Materials, NFPA No. 33–1969), for general construction specifications. For a more detailed discussion of fundamentals relating to this subject, see ANSI Z9.2–1960.

(a) Lights, motors, electrical equipment, and other sources of ignition shall conform to the requirements of § 1910.107 (b) (10) and (c). (See section 310 and chapter 4 of the Standard for Spray Finishing Using Flammable and Combustible Materials, NFPA No. 33–1969.)

(b) In no case shall combustible material be used in the construction of a spray booth and supply or exhaust duct connected to it.

(ii) Unobstructed walkways shall not be less than 6½ feet high and shall be maintained clear of obstruction from any work location in the booth to a booth exit or open booth front. In booths where the open front is the only exit, such exits shall be not less than 3 feet wide. In booths having multiple exits, such exits shall not be less than 2 feet wide, provided that the maximum distance from the work location to the exit is 25 feet or less. Where booth exits are provided with doors, such doors shall open outward from the booth.

(iii) Baffles, distribution plates, and dry-type overspray collectors shall conform to the requirements of § 1910.107 (b) (4) and (5). (See sections 304 and 305 of the Standard for Spray Finishing Using Flammable and Combustible Materials, NFPA No. 33–1969.)

(a) Overspray filters shall be installed and maintained in accordance with the requirements of § 1910.107(b)(5), (see section 305 of the Standard for Spray Finishing Using Flammable and Combustible Materials, NFPA No. 33–1969), and shall only be in a location easily accessible for inspection, cleaning, or replacement.

(b) Where effective means, independent of the overspray filters, are installed which will result in design air distribution across the booth cross section, it is permissible to operate the booth without the filters in place.

(iv) (a) For wet or water-wash spray booths, the water-chamber enclosure, within which intimate contact of contaminated air and cleaning water or other cleaning medium is maintained, if made of steel, shall be 18 gage or heavier and adequately protected against corrosion.

(b) Chambers may include scrubber spray nozzles, headers, troughs, or other devices. Chambers shall be provided with adequate means for creating and maintaining scrubbing action for removal of particulate matter from the exhaust air stream.

(v) Collecting tanks shall be of welded steel construction or other suitable noncombustible material. If pits are used as collecting tanks, they shall be concrete, masonry, or other material having similar properties.

(a) Tanks shall be provided with weirs, skimmer plates, or screens to prevent sludge and floating paint from entering the pump suction box. Means for automatically maintaining the proper water level shall also be provided. Fresh water inlets shall not be submerged. They shall terminate at least one pipe diameter above the safety overflow level of the tank.

(b) Tanks shall be so constructed as to discourage accumulation of hazardous deposits.

(vi) Pump manifolds, risers, and headers shall be adequately sized to insure sufficient water flow to provide efficient operation of the water chamber.

(4) *Design and construction of spray rooms.* (i) Spray rooms, including floors, shall be constructed of masonry, concrete, or other noncombustible material.

(ii) Spray rooms shall have noncombustible fire doors and shutters.

(iii) Spray rooms shall be adequately ventilated so that the atmosphere in the breathing zone of the operator shall be maintained in accordance with the requirements of subparagraph (6)(ii) of this paragraph.

(iv) Spray rooms used for production spray-finishing operations shall conform to the requirements for spray booths.

(5) *Ventilation.* (i) Ventilation shall be provided in accordance with provisions of § 1910.107(d) (see chapter 5 of the Standard for Spray Finishing Using Flammable or Combustible Materials, NFPA No. 33–1969), and in accordance with the following:

(a) Where a fan plenum is used to equalize or control the distribution of exhaust air movement through the booth, it shall be of sufficient strength or rigidity to withstand the differential air pressure or other superficially imposed loads for which the equipment is designed and also to facilitate cleaning. Construction specifications shall be at least equivalent to those of subdivision (iii) of this subparagraph.

(b) All fan ratings shall be in accordance with Air Moving and Conditioning Association Standard Test Code for Testing Air Moving Devices, Bulletin 210, April 1962.

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(ii) Inlet or supply ductwork used to transport makeup air to spray booths or surrounding areas shall be constructed of noncombustible materials.

(*a*) If negative pressure exists within inlet ductwork, all seams and joints shall be sealed if there is a possibility of infiltration of harmful quantities of noxious gases, fumes, or mists from areas through which ductwork passes.

(*b*) Inlet ductwork shall be sized in accordance with volume flow requirements and provide design air requirements at the spray booth.

(*c*) Inlet ductwork shall be adequately supported throughout its length to sustain at least its own weight plus any negative pressure which is exerted upon it under normal operating conditions.

(iii) Ducts shall be so constructed as to provide structural strength and stability at least equivalent to sheet steel of not less than the following thickness:

Diameter or Greater Dimension	(U.S. gauge)
Up to 8 inches inclusive	No. 24
Over 8 inches to 18 inches inclusive	No. 22
Over 18 inches to 30 inches inclusive	No. 20
Over 30 inches	No. 18

(*a*) Exhaust ductwork shall be adequately supported throughout its length to sustain its weight plus any normal accumulation in interior during normal operating conditions and any negative pressure exerted upon it.

(*b*) Exhaust ductwork shall be sized in accordance with good design practice which shall include consideration of fan capacity, length of duct, number of turns and elbows, variation in size, volume, and character of materials being exhausted. See American National Standard Z9.2–1960 for further details and explanation concerning elements of design.

(*c*) Longitudinal joints in sheet steel ductwork shall be either lock-seamed, riveted, or welded. For other than steel construction, equivalent securing of joints shall be provided.

(*d*) Circumferential joints in ductwork shall be substantially fastened together and lapped in the direction of airflow. At least every fourth joint shall be provided with connecting flanges, bolted together, or of equivalent fastening security.

(*e*) Inspection or clean-out doors shall be provided for every 9 to 12 feet of running length for ducts up to 12 inches in diameter, but the distance between clean-out doors may be greater for larger pipes. (See 8.3.21 of American National Standard Z9.1–1951.) A clean-out door or doors shall be provided for servicing the fan, and where necessary, a drain shall be provided.

(*f*) Where ductwork passes through a combustible roof or wall, the roof or wall shall be protected at the point of penetration by open space or fire-resistive material between the duct and the roof or wall. When ducts pass through firewalls, they shall be provided with automatic fire dampers on both sides of the wall, except that three-eighth-inch steel plates may be used in lieu of automatic fire dampers for ducts not exceeding 18 inches in diameter.

(*g*) Ductwork used for ventilating any process covered in this standard shall not be connected to ducts ventilating any other process or any chimney or flue used for conveying any products of combustion.

(6) *Velocity and air flow requirements.* (i) Except where a spray booth has an adequate air replacement system, the velocity of air into all openings of a spray booth shall be not less than that specified in Table G–10 for the operating conditions specified. An adequate air replacement system is one which introduces replacement air upstream or above the object being sprayed and is so designed that the velocity of air in the booth cross section is not less than that specified in Table G–10 when measured upstream or above the object being sprayed.

Table G-10—Minimum Maintained Velocities Into Spray Booths

Operating conditions for objects completely inside booth	Crossdraft, f.p.m.	Airflow velocities, f.p.m. Design	Range
Electrostatic and automatic airless operation contained in booth without operator.	Negligible	50 large booth	50–75
		100 small booth	75–125
Air-operated guns, manual or automatic	Up to 50	100 large booth	75–125
		150 small booth	125–175
Air-operated guns, manual or automatic	Up to 100	150 large booth	125–175
		200 small booth	150–250

Notes:
(1) Attention is invited to the fact that the effectiveness of the spray booth is dependent upon the relationship of the depth of the booth to its height and width.
(2) Crossdrafts can be eliminated through proper design and such design should be sought. Crossdrafts in excess of 100 fpm (feet per minute) should not be permitted.
(3) Excessive air pressures result in loss of both efficiency and material waste in addition to creating a backlash that may carry overspray and fumes into adjacent work areas.
(4) Booths should be designed with velocities shown in the column headed "Design." However, booths operating with velocities shown in the column headed "Range" are in compliance with this standard.

(ii) In addition to the requirements in subdivision (i) of this subparagraph the total air volume exhausted through a spray booth shall be such as to dilute solvent vapor to at least 25 percent of the lower explosive limit of the solvent being sprayed. An example of the method of calculating this volume is given below.

Example: To determine the lower explosive limits of the most common solvents used in spray finishing, see Table G–11. Column 1 gives the number of cubic feet of vapor per gallon of solvent and column 2 gives the lower explosive limit (LEL) in percentage by volume of air. Note that the quantity of solvent will be diminished by the quantity of solids and nonflammables contained in the finish.

To determine the volume of air in cubic feet necessary to dilute the vapor from 1 gallon of solvent to 25 percent of the lower explosive limit, apply the following formula:

$$\text{Dilution volume required per gallon of solvent} = \frac{4\,(100-\text{LEL})\ (\text{cubic feet of vapor per gallon})}{\text{LEL}}$$

Using toluene as the solvent.
(1) LEL of toluene from Table G–11, column 2, is 1.4 percent.
(2) Cubic feet of vapor per gallon from Table G–11, column 1, is 30.4 cubic feet per gallon.
(3) Dilution volume required $= \frac{4\,(100-1.4)\ 30.4}{1.4} = 8{,}564$ cubic feet.
(4) To convert to cubic feet per minute of required ventilation, multiply the dilution volume required per gallon of solvent by the number of gallons of solvent evaporated per minute.

Table G–11—Lower Explosive Limit of Some Commonly Used Solvents

Solvent	Cubic feet per gallon of vapor of liquid at 70° F.	Lower explosive limit in percent by volume of air at 70° F.
	Column 1	*Column 2*
Acetone	44.0	2.6
Amyl Acetate (iso)	21.6	[1] 1.0
Amyl Alcohol (n)	29.6	1.2
Amyl Alcohol (iso)	29.6	1.2
Benzene	36.8	[1] 1.4
Butyl Acetate (n)	24.8	1.7
Butyl Alcohol (n)	35.2	1.4
Butyl Cellosolve	24.8	1.1
Cellosolve	33.6	1.8
Cellosolve Acetate	23.2	1.7
Cyclohexanone	31.2	[1] 1.1
1,1 Dichloroethylene	42.4	5.9
1,2 Dichloroethylene	42.4	9.7
Ethyl Acetate	32.8	2.5
Ethyl Alcohol	55.2	4.3
Ethyl Lactate	28.0	[1] 1.5
Methyl Acetate	46.0	3.1
Methyl Alcohol	80.8	7.3
Methyl Cellosolve	40.8	2.5
Methyl Ethyl Ketone	36.0	1.8
Methyl n-Propyl Ketone	30.4	1.5
Naphtha (VM&P) (76° Naphtha)	22.4	0.9
Naphtha (100° Flash) Safety Solvent—Stoddard Solvent	23.2	1.0
Propyl Acetate (n)	27.2	2.8
Propyl Acetate (iso)	28.0	1.1
Propyl Alcohol (n)	44.8	2.1
Propyl Alcohol (iso)	44.0	2.0
Toluene	30.4	1.4
Turpentine	20.8	0.8
Xylene (o)	30.4	1.0

[1] At 212° F.

(iii) (*a*) When an operator must position himself in a booth downstream of the object being sprayed, an air supplied respirator or other type of respirator approved by the Bureau of Mines, U.S. Department of the Interior or specified in ANSI Z88.2–1969 for the material being sprayed should be used by the operator.

(*b*) Where downdraft booths are provided with doors, such doors shall be closed when spray painting.

(7) *Make-up air.* (i) Clean fresh air, free of contamination from adjacent industrial exhaust systems, chimneys, stacks, or vents, shall be supplied to a spray booth or room in quantities equal to the volume of air exhausted through the spray booth.

(ii) Where a spray booth or room receives make-up air through self-closing doors, dampers, or louvers, they shall be fully open at all times when the booth or room is in use for spraying. The velocity of air through such doors, dampers, or louvers shall not exceed 200 feet per minute. If the fan characteristics are such that the required air flow through the booth will be provided, higher velocities through the doors, dampers, or louvers may be used.

(iii) (*a*) Where the air supply to a spray booth or room is filtered, the fan static pressure shall be calculated on the assumption that the filters are dirty to the extent that they require cleaning or replacement.

(*b*) The rating of filters shall be governed by test data supplied by the manufacturer of the filter. A pressure gage shall be installed to show the pressure drop across the filters. This gage shall be marked to show the pressure drop at which the filters require cleaning or replacement. Filters shall be replaced or cleaned whenever the pressure drop across them becomes excessive or whenever the air flow through the face of the booth falls below that specified in Table G–10.

(iv) (*a*) Means for heating make-up air to any spray booth or room, before or at the time spraying is normally performed, shall be provided in all places where the outdoor temperature may be expected to remain below 55° F. for appreciable periods of time during the operation of the booth except where adequate and safe means of radiant heating for all operating personnel affected is provided. The replacement air during the heating seasons shall be maintained at not less than 65° F. at the point of entry into the spray booth or spray room. When otherwise unheated make-up air would be at a temperature of more than 10° F. below room temperature, its temperature shall be regulated as provided in section 3.6.3 of ANSI Z9.2–1960.

(*b*) As an alternative to an air replacement system complying with the preceding section, general heating of the building in which the spray room or booth is located may be employed provided that all occupied parts of the building are maintained at not less than 65° F. when the exhaust system is in operation or the general heating system supplemented by other sources of heat may be employed to meet this requirement.

(*c*) No means of heating make-up air shall be located in a spray booth.

(*d*) Where make-up air is heated by coal or oil, the products of combustion shall not be allowed to mix with the make-up air, and the products of combustion shall be conducted outside the building through a flue terminating at a point remote from all points where make-up air enters the building.

(*e*) Where make-up air is heated by gas, and the products of combustion are not mixed with the make-up air but are conducted through an independent flue to a point outside the building remote from all points where make-up air enters the building, it is not necessary to comply with (*f*) of this subdivision.

(*f*) Where make-up air to any manually operated spray booth or room is heated by gas and the products of combustion are allowed to mix with the supply air, the following precautions must be taken:

(*1*) The gas must have a distinctive and strong enough odor to warn workmen in a spray booth or room of its presence if in an unburned state in the make-up air.

(*2*) The maximum rate of gas supply to the make-up air heater burners must not exceed that which would yield in excess of 200 p.p.m. (parts per million) of carbon monoxide or 2,000 p.p.m. of total combustible gases in the mixture if the unburned gas upon the occurrence of flame failure were mixed with all of the make-up air supplied.

(*3*) A fan must be provided to deliver the mixture of heated air and products of combustion from the plenum chamber housing the gas burners to the spray booth or room.

(8) *Scope.* Spray booths or spray rooms are to be used to enclose or confine all spray finishing operations covered by this paragraph (c). This paragraph does not apply to the spraying of the exteriors of buildings, fixed tanks, or similar structures, nor to small portable spraying apparatus not used repeatedly in the same location.

(d) *Open surface tanks*—(1) *General.* (i) This paragraph applies to all operations involving the immersion of materials in liquids, or in the vapors of such liquids, for the purpose of cleaning or altering the surface or adding to or imparting a finish thereto or changing the character of the materials, and their subsequent removal from the liquid or vapor, draining, and drying. These operations include washing, electroplating, anodizing, pickling, quenching, dying, dipping, tanning, dressing, bleaching, degreasing, alkaline cleaning, stripping, rinsing, digesting, and other similar operations.

(ii) Except where specific construction specifications are prescribed in this section, hoods, ducts, elbows, fans, blowers, and all other exhaust system parts, components, and supports thereof shall be so constructed as to meet conditions of service and to facilitate maintenance and shall conform in construction to the specifications contained in American National Standard Fundamentals Governing the Design and Operation of Local Exhaust Systems, Z9.2–1960.

(2) *Classification of open-surface tank operations.* (i) Open-surface tank operations shall be classified into 16 classes, numbered A–1 to D–4, inclusive.

(ii) *Determination of class.* Class is determined by two factors, hazard potential designated by a letter from A to D, inclusive, and rate of gas, vapor, or mist evolution designated by a number from 1 to 4, inclusive (for example, B.3).

(iii) Hazard potential is an index, on a scale of from A to D, inclusive, of the severity of the hazard associated with the substance contained in the tank because of the toxic, flammable, or explosive nature of the vapor, gas, or mist produced therefrom. The toxic hazard is determined from the concentration, measured in parts by volume of a gas or vapor, per million parts by volume of contaminated air (p.p.m.), or in milligrams of mist per cubic meter of air (mg./m.^{3}), below which ill effects are unlikely to occur to the exposed worker. The concentrations shall be those in § 1910.93.

(iv) The relative fire or explosion hazard is measured in degrees Fahrenheit in terms of the closed-cup flash point of the substance in the tank. Detailed information on the prevention of fire hazards in dip tanks may be found in Dip Tanks Containing Flammable or Combustible Liquids, NFPA No. 34–1966, National Fire Protection Association. Where the tank contains a mixture of liquids, other than organic solvents, whose effects are additive, the hygienic standard of the most toxic component (for example, the one having the lowest p.p.m. or mg./m.^{3}) shall be used, except where such substance constitutes an insignificantly small fraction of the mixture. For mixtures of organic solvents, their combined effect, rather than that of either individually, shall determine the hazard potential. In the absence of information to the contrary, the effects shall be considered as additive. If the sum of the ratios of the airborne concentration of each contaminant to the toxic concentration of that contaminant exceeds unity, the toxic concentration shall be considered to have been exceeded. (See Note A to subdivision (v) of this subparagraph.)

(v) Hazard potential shall be determined from Table G–12, with the value indicating greater hazard being used. When the hazardous material may be either a vapor with a threshhold limit value (*TLV*) in p.p.m. or a mist with a *TLV* in mg./m.^{3}, the *TLV* indicating the greater hazard shall be used (for example, A takes precedence over B or C; B over C; C over D).

Note A:

$$\frac{c_1}{TLV_1}+\frac{c_2}{TLV_2}+\frac{c_3}{TLV_3}+\ldots\frac{c_x}{TLV_x}>1$$

where:
c = Concentration measured at the operation in p.p.m.

Table G–12—Determination of Hazard Potential

Hazard potential	Toxicity group: Gas or vapor (p.p.m.)	Mist (mg./m^3)	Flash point (in degrees F.)
A	0–10	0–0.1	----
B	11–100	0.11–1.0	Under 100
C	101–500	1.1–10	100–200
D	Over 500	Over 10	Over 200

(vi) Rate of gas, vapor, or mist evolution is a numerical index, on a scale of from 1 to 4, inclusive, both of the relative capacity of the tank to produce gas, vapor, or mist and of the relative energy with which it is projected or carried upwards from the tank. Rate is evaluated in terms of

(*a*) The temperature of the liquid in the tank in degrees Fahrenheit;

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(b) The number of degrees Fahrenheit that this temperature is below the boiling point of the liquid in degrees Fahrenheit;

(c) The relative evaporation of the liquid in still air at room temperature in an arbitrary scale—fast, medium, slow, or nil; and

(d) The extent that the tank gases or produces mist in an arbitrary scale—high, medium, low, and nil. (See Table G–13, Note 2.) Gassing depends upon electrochemical or mechanical processes, the effects of which have to be individually evaluated for each installation (see Table G–13, Note 3).

(vii) Rate of evolution shall be determined from Table G–13. When evaporation and gassing yield different rates, the lowest numerical value shall be used.

TABLE G–13—DETERMINATION OF RATE OF GAS, VAPOR, OR MIST EVOLUTION[1]

Rate	Liquid temperature,[2] F.	Degrees below boiling point	Relative evaporation [4]	Gassing [3]
1	Over 200	0–20	Fast	High.
2	150–200	21–50	Medium	Medium.
3	94–149	51–100	Slow	Low.
4	Under 94	Over 100	Nil	Nil.

NOTE 1. In certain classes of equipment, specifically vapor degreasers, an internal condenser or vapor level thermostat is used to prevent the vapor from leaving the tank during normal operation. In such cases, rate of vapor evolution from the tank into the workroom is not dependent upon the factors listed in the table, but rather upon abnormalities of operating procedure, such as carryout of vapors from excessively fast action, dragout of liquid by entrainment in parts, contamination of solvent by water and other materials, or improper heat balance. When operating procedure is excellent, effective rate of evolution may be taken as 4. When operating procedure is average, the effective rate of evolution may be taken as 3. When operation is poor, a rate of 2 or 1 is indicated, depending upon observed conditions.

NOTE 2. Relative evaporation rate is determined according to the methods described by A. K. Doolittle in Industrial and Engineering Chemistry, vol. 27, p. 1169, (3) where time for 100-percent evaporation is as follows: Fast: 0–3 hours; Medium: 3–12 hours; Slow: 12–50 hours; Nil: more than 50 hours.

NOTE 3. Gassing means the formation by chemical or electrochemical action of minute bubbles of gas under the surface of the liquid in the tank and is generally limited to aqueous solutions.

(3) *Ventilation.* Where ventilation is used to control potential exposures to workers as defined in subparagraph (2) (iii) of this paragraph, it shall be adequate to reduce the concentration of the air contaminant to the degree that a hazard to the worker does not exist. Methods of ventilation are discussed in American National Standard Fundamentals Governing the Design and Operation of Local Exhaust Systems, Z9.2–1960.

(4) *Control requirements.* (i) Control velocities shall conform to Table G–14 in all cases where the flow of air past the breathing or working zone of the operator and into the hoods is undisturbed by local environmental conditions, such as open windows, wall fans, unit heaters, or moving machinery.

(ii) All tanks exhausted by means of hoods which

(a) Project over the entire tank;

(b) Are fixed in position in such a location that the head of the workman, in all his normal operating positions while working at the tank, is in front of all hood openings; and

(c) Are completely enclosed on at least two sides, shall be considered to be exhausted through an enclosing hood.

(d) The quantity of air in cubic feet per minute necessary to be exhausted through an enclosing hood shall be not less than the product of the control velocity times the net area of all openings in the enclosure through which air can flow into the hood.

TABLE G–14—CONTROL VELOCITIES IN FEET PER MINUTE (F.P.M.) FOR UNDISTURBED LOCATIONS

Class	Enclosing hood		Lateral exhaust [1]	Canopy hood [2]	
	One open side	Two open sides		Three open sides	Four open sides
B–1 and A–2	100	150	150	Do not use	Do not use
A–3 (Note 2), B–1, B–2, and C–1	75	100	100	125	175
A–3, C–2, and D–1 (Note 3)	65	90	75	100	150
B–4 (Note 2), C–3, and D–2 (Note 3)	50	75	50	75	125
A–4, C–4, D–3 (Note 3), and D–4	General room ventilation required.				

NOTES:
1. See Table G–15 for computation of ventilation rate.
2. Do not use canopy hood for Hazard Potential A processes.
3. Where complete control of hot water is desired, design as next highest class.

(iii) All tanks exhausted by means of hoods which do not project over the entire tank, and in which the direction of air movement into the hood or hoods is substantially horizontal, shall be considered to be laterally exhausted. The quantity of air in cubic feet per minute necessary to be laterally exhausted per square foot of tank area in order to maintain the required control velocity shall be determined from Table G–15 for all variations in ratio of tank width (W) to tank length (L). The total quantity of air in cubic feet per minute required to be exhausted per tank shall be not less than the product of the area of tank surface times the cubic feet per minute per square foot of tank area, determined from Table G–15.

(a) For lateral exhaust hoods over 42 inches wide, or where it is desirable to reduce the amount of air removed from the workroom, air supply slots or orifices shall be provided along the side or the center of the tank opposite from the exhaust slots. The design of such systems shall meet the following criteria:

(1) The supply air volume plus the entrained air shall not exceed 50 percent of the exhaust volume.

(2) The velocity of the supply airstream as it reaches the effective control area of the exhaust slot shall be less than the effective velocity over the exhaust slot area.

(3) The vertical height of the receiving exhaust hood, including any baffle, shall not be less than one-quarter the width of the tank.

(4) The supply airstream shall not be allowed to impinge on obstructions between it and the exhaust slot in such a manner as to significantly interfere with the performance of the exhaust hood.

TABLE G–15—MINIMUM VENTILATION RATE IN CUBIC FEET OF AIR PER MINUTE PER SQUARE FOOT OF TANK AREA FOR LATERAL EXHAUST

Required minimum control velocity, f.p.m. (from Table G–14)	C.f.m. per sq. ft. to maintain required minimum velocities at following ratios (tank width (W) /tank length (L)).[1,3]				
	0.0–0.09	0.1–0.24	0.25–0.49	0.5–0.99	1.0–2.0
Hood along one side or two parallel sides of tank when one hood is against a wall or baffle.[2] Also for a manifold along tank centerline.[4]					
50	50	60	75	90	100
75	75	90	110	130	150
100	100	125	150	175	200
150	150	190	225	260	300
Hood along one side or two parallel sides of free standing tank not against wall or baffle.					
50	75	90	100	110	125
75	110	130	150	170	190
100	150	175	200	225	250
150	225	260	300	340	375

[1] It is not practicable to ventilate across the long dimension of a tank whose ratio $\frac{W}{L}$ exceeds 2.0.

It is undesirable to do so when $\frac{W}{L}$ exceeds 1.0. For circular tanks with lateral exhaust along up to ½ the circumference, use $W/L=1.0$; for over one-half the circumference use $W/L=0.5$.

[2] Baffle is a vertical plate the same length as the tank, and with the top of the plate as high as the tank is wide. If the exhaust hood is on the side of a tank against a building wall or close to it, it is perfectly baffled.

[3] Use $\frac{W}{2}$ as tank width in computing when manifold is along centerline, or when hoods are used on two parallel sides of a tank.

Tank Width (W) means the effective width over which the hood must pull air to operate (for example, where the hood face is set back from the edge of the tank, this set back must be added in measuring tank width). The surface area of tanks can frequently be reduced and better control obtained (particularly on conveyorized systems) by using covers extending from the upper edges of the slots toward the center of the tank.

(5) Since most failure of push-pull systems result from excessive supply air volumes and pressures, methods of measuring and adjusting the supply air shall be provided. When satisfactory control has been achieved, the adjustable features of the hood shall be fixed so that they will not be altered.

(iv) All tanks exhausted by means of hoods which project over the entire tank, and which do not conform to the definition of enclosing hoods, shall be considered to be overhead canopy hoods. The quantity of air in cubic feet per minute necessary to be exhausted through a canopy hood shall be not less than the product of the control velocity times the net area of all openings between the bottom edges of the hood and the top edges of the tank.

(v) The rate of vapor evolution (including steam or products of combustion) from the process shall be estimated. If the rate of vapor evolution is equal to or greater than 10 percent of the calculated exhaust volume required, the exhaust volume shall be increased in equal amount.

(5) *Spray cleaning and degreasing.* Wherever spraying or other mechanical means are used to disperse a liquid above an open-surface tank, control must be provided for the airborne spray. Such operations shall be enclosed as completely as possible. The inward air velocity into the enclosure shall be sufficient to prevent the discharge of spray into the workroom. Mechanical baffles may be used to help prevent the discharge of spray. Spray painting operations are covered by paragraph (c) of this section.

(6) *Control means other than ventilation.* Tank covers, foams, beads, chips, or other materials floating on the tank surface so as to confine gases, mists, or vapors to the area under the cover or to the foam, bead, or chip layer; or surface tension depressive agents added to the liquid in the tank to minimize mist formation, or any combination thereof, may all be used as gas, mist, or vapor control means for open-surface tank operations, provided that they effectively reduce the concentrations of hazardous materials in the vicinity of the worker below the limits set in accordance with subparagraph (2) of this paragraph.

(7) *System design.* (i) The equipment for exhausting air shall have sufficient capacity to produce the flow of air required in each of the hoods and openings of the system.

(ii) The capacity required in subdivision (i) of this subparagraph shall be obtained when the airflow producing equipment is operating against the following pressure losses, the sum of which is the static pressure:

(a) Entrance losses into the hood.

(b) Resistance to airflow in branch pipe including bends and transformations.

(c) Entrance loss into the main pipe.

(d) Resistance to airflow in main pipe including bends and transformations.

(e) Resistance of mechanical equipment; that is, filters, washers, condensers, absorbers, etc., plus their entrance and exit losses.

(f) Resistance in outlet duct and discharge stack.

(iii) Two or more operations shall not be connected to the same exhaust system where either one or the combination of the substances removed may constitute a fire, explosion, or chemical reaction hazard in the duct system. Traps or other devices shall be provided to insure that condensate in ducts does not drain back into any tank.

(iv) The exhaust system, consisting of hoods, ducts, air mover, and discharge outlet, shall be designed in accordance with American National Standard Fundamentals Governing the Design and Operation of Local Exhaust Systems, Z9.2–1960, or the manual, Industrial Ventilation, published by the American Conference of Governmental Industrial Hygienists 1970. Airflow and pressure loss data provided by the manufacturer of any air cleaning device shall be included in the design calculations.

(8) *Operation.* (i) The required airflow shall be maintained at all times during which gas, mist, or vapor is emitted from the tank, and at all times the tank, the draining, or the drying area is in operation or use. When the system is first installed, the airflow from each hood shall be measured by means of a pitot traverse in the exhaust duct and corrective action taken if the flow is less than that required. When the proper flow is obtained, the hood static pressure shall be measured and recorded. At intervals of not more than 3 months operation, or after a prolonged shutdown period, the hoods and duct system shall be inspected for evidence of corrosion or damage. In any case where the airflow is found to be less than required, it shall be increased to the required value. (Information on airflow and static pressure measurement and calculations may be found in American National Standard Fundamental Governing the Design and Operation of Local Exhaust Systems, Z9.2–1960, or in the manual, Industrial Ventilation, published by the American Conference of Governmental Industrial Hygienists.)

(ii) The exhaust system shall discharge to the outer air in such a manner that the possibility of its effluent entering any building is at a minimum. Recirculation shall only be through a device for contaminant removal which will prevent the creation of a health hazard in the room or area to which the air is recirculated.

(iii) A volume of outside air in the range of 90 percent to 110 percent of the exhaust volume shall be provided to each room having exhaust hoods. The outside air supply shall enter the workroom in such a manner as not to be detrimental to any exhaust hood. The airflow of the makeup air system shall be measured on installation. Periodically, thereafter, the airflow should be remeasured, and corrective action shall be taken when the airflow is below that required. The makeup air shall be uncontaminated.

(9) *Personal protection.* (i) All employees working in and around open-surface tank operations must be instructed as to the hazards of their respective jobs, and in the personal protection and first aid procedures applicable to these hazards.

(ii) All persons required to work in such a manner that their feet may become wet shall be provided with rubber or other impervious boots or shoes, rubbers, or wooden-soled shoes sufficient to keep feet dry.

(iii) All persons required to handle work wet with a liquid other than water shall be provided with gloves impervious to such a liquid and of a length sufficient to prevent entrance of liquid into the tops of the gloves. The interior of gloves shall be kept free from corrosive or irritating contaminants.

(iv) All persons required to work in such a manner that their clothing may become wet shall be provided with such aprons, coats, jackets, sleeves, or other garments made of rubber, or of other materials impervious to liquids other than water, as are required to keep their clothing dry. Aprons shall extend well below the top of boots to prevent liquid splashing into the boots. Provision of dry, clean, cotton clothing along with rubber shoes or short boots and an apron impervious to liquids other than water shall be considered a satisfactory substitute where small parts are cleaned, plated, or acid dipped in open tanks and rapid work is required.

(v) Whenever there is a danger of splashing, for example, when additions are made manually to the tanks, or when acids and chemicals are removed from the tanks, the employees so engaged shall be required to wear either tight-fitting chemical goggles or an effective face shield. See § 1910.133.

(vi) When, during emergencies as described in subparagraph (11) (v) of this paragraph, workers must be in areas where concentrations of air contaminants are greater than the limit set by subparagraph (2) (iii) of this paragraph, or oxygen concentrations are less than 19.5 percent, they shall be required to wear respirators adequate to reduce their exposure to a level below these limits, or to provide adequate oxygen. Such respirators shall also be provided in marked, quickly accessible storage compartments built for the purpose, when there exists the possibility of accidental release of hazardous concentrations of air contaminants. Respirators shall be approved by the U.S. Bureau of Mines, U.S. Department of the Interior and shall be selected by a competent industrial hygienist or other technically qualified source. Respirators shall be used in accordance with § 1910.134, and persons who may require them shall be trained in their use.

(vii) Near each tank containing a liquid which may burn, irritate, or otherwise be harmful to the skin if splashed upon the worker's body, there shall be a supply of clean cold water. The water pipe (carrying a pressure not exceeding 25 pounds) shall be provided with a quick opening valve and at least 48 inches of hose not smaller than three-fourths inch, so that no time may be lost in washing off liquids from the skin or clothing. Alternatively, deluge showers and eye flushes shall be provided in

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cases where harmful chemicals may be splashed on parts of the body.

(viii) Operators with sores, burns, or other skin lesions requiring medical treatment shall not be allowed to work at their regular operations until so authorized by a physician. Any small skin abrasions, cuts, rash, or open sores which are found or reported shall be treated by a properly designated person so that chances of exposures to the chemicals are removed. Workers exposed to chromic acids shall have a periodic examination made of the nostrils and other parts of the body, to detect incipient ulceration.

(ix) Sufficient washing facilities, including soap, individual towels, and hot water, shall be provided for all persons required to use or handle any liquids which may burn, irritate, or otherwise be harmful to the skin, on the basis of at least one basin (or its equivalent) with a hot water faucet for every 10 employees. See § 1910.141(d).

(x) Locker space or equivalent clothing storage facilities shall be provided to prevent contamination of street clothing.

(xi) First aid facilities specific to the hazards of the operations conducted shall be readily available.

(10) *Special precautions for cyanide.* Dikes or other arrangements shall be provided to prevent the possibility of intermixing of cyanide and acid in the event of tank rupture.

(11) *Inspection, maintenance, and installation.*

(i) Floors and platforms around tanks shall be prevented from becoming slippery both by original type of construction and by frequent flushing. They shall be firm, sound, and of the design and construction to minimize the possibility of tripping.

(ii) Before cleaning the interior of any tank, the contents shall be drained off, and the cleanout doors shall be opened where provided. All pockets in tanks or pits, where it is possible for hazardous vapors to collect, shall be ventilated and cleared of such vapors.

(iii) Tanks which have been drained to permit employees to enter for the purposes of cleaning, inspection, or maintenance may contain atmospheres which are hazardous to life or health, through the presence of flammable or toxic air contaminants, or through the absence of sufficient oxygen. Before employees shall be permitted to enter any such tank, appropriate tests of the atmosphere shall be made to determine if the limits set by subparagraph (2) (iii) of this paragraph are exceeded, or if the oxygen concentration is less than 19.5 percent.

(iv) If the tests made in accordance with subdivision (iii) of this subparagraph indicate that the atmosphere in the tank is unsafe, before any employee is permitted to enter the tank, the tank shall be ventilated until the hazardous atmosphere is removed, and ventilation shall be continued so as to prevent the occurrence of a hazardous atmosphere as long as an employee is in the tank.

(v) If, in emergencies, such as rescue work, it is necessary to enter a tank which may contain a hazardous atmosphere, suitable respirators, such as self-contained breathing apparatus; hose mask with blower, if there is a possibility of oxygen deficiency; or a gas mask, selected and operated in accordance with subparagraph (9) (vi) of this paragraph, shall be used. If a contaminant in the tank can cause dermatitis, or be absorbed through the skin, the employee entering the tank shall also wear protective clothing. At least one trained standby employee, with suitable respirator, shall be present in the nearest uncontaminated area. The standby employee must be able to communicate with the employee in the tank and be able to haul him out of the tank with a lifeline if necessary.

(vi) Maintenance work requiring welding or open flame, where toxic metal fumes such as cadmium, chromium, or lead may be evolved, shall be done only with sufficient local exhaust ventilation to prevent the creation of a health hazard, or be done with respirators selected and used in accordance with subparagraph (9) (vi) of this paragraph. Welding, or the use of open flames near any solvent cleaning equipment shall be permitted only after such equipment has first been thoroughly cleared of solvents and vapors.

(12) *Vapor degreasing tanks.* (i) In any vapor degreasing tank equipped with a condenser or vapor level thermostat, the condenser or thermostat shall keep the level of vapors below the top edge of the tank by a distance at least equal to one-half the tank width, or at least 36 inches, whichever is shorter.

(ii) Where gas is used as a fuel for heating vapor degreasing tanks, the combustion chamber shall be of tight construction, except for such openings as the exhaust flue, and those that are necessary for supplying air for combustion. Flues shall be of corrosion-resistant construction and shall extend to the outer air. If mechanical exhaust is used on this flue, a draft diverter shall be used. Special precautions must be taken to prevent solvent fumes from entering the combustion air of this or any other heater when chlorinated or fluorinated hydrocarbon solvents (for example, trichloroethylene, Freon) are used.

(iii) Heating elements shall be so designed and maintained that their surface temperature will not cause the solvent or mixture to decompose, break down, or be converted into an excessive quantity of vapor.

(iv) Tanks or machines of more than 4 square feet of vapor area, used for solvent cleaning or vapor degreasing, shall be equipped with suitable cleanout or sludge doors located near the bottom of each tank or still. These doors shall be so designed and gasketed that there will be no leakage of solvent when they are closed.

(13) *Scope.* (i) This paragraph (d) applies to all operations involving the immersion of materials in liquids, or in the vapors of such liquids, for the purpose of cleaning or altering their surfaces, or adding or imparting a finish thereto, or changing the character of the materials, and their subsequent removal from the liquids or vapors, draining, and drying. Such operations include washing, electroplating, anodizing, pickling, quenching, dyeing, dipping, tanning, dressing, bleaching, degreasing, alkaline cleaning, stripping, rinsing, digesting, and other similar operations, but do not include molten materials handling operations, or surface coating operations.

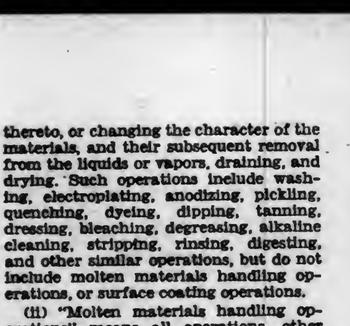
(ii) "Molten materials handling operations" means all operations, other than welding, burning, and soldering operations, involving the use, melting, smelting, or pouring of metals, alloys, salts, or other similar substances in the molten state. Such operations also include heat treating baths, descaling baths, die casting stereotyping, galvanizing, tinning, and similar operations.

(iii) "Surface coating operations" means all operations involving the application of protective, decorative, adhesive, or strengthening coating or impregnation to one or more surfaces, or into the interstices of any object or material, by means of spraying, spreading, flowing, brushing, roll coating, pouring, cementing, or similar means; and any subsequent draining or drying operations, excluding open-tank operations.

§ 1910.95 Occupational noise exposure.

(a) Protection against the effects of noise exposure shall be provided when the sound levels exceed those shown in Table G–16 when measured on the A scale of a standard sound level meter at slow response. When noise levels are determined by octave band analysis, the equivalent A-weighted sound level may be determined as follows:

Figure G-9



Equivalent sound level contours. Octave band sound pressure levels may be converted to the equivalent A-weighted sound level by plotting them on this graph and noting the A-weighted sound level corresponding to the point of highest penetration into the sound level contours. This equivalent A-weighted sound level, which may differ from the actual A-weighted sound level of the noise, is used to determine exposure limits from Table 1.G–16.

(b) (1) When employees are subjected to sound exceeding those listed in Table G–16, feasible administrative or engineering controls shall be utilized. If such controls fail to reduce sound levels within the levels of Table G–16, personal protective equipment shall be provided and used to reduce sound levels within the levels of the table.

(2) If the variations in noise level involve maxima at intervals of 1 second or less, it is to be considered continuous.

(3) In all cases where the sound levels exceed the values shown herein, a continuing, effective hearing conservation program shall be administered.

Table G–16—Permissible Noise Exposures[1]

Duration per day, hours	Sound level dBA slow response
8	90
6	92
4	95
3	97
2	100
1½	102
1	105
½	110
¼ or less	115

[1] When the daily noise exposure is composed of two or more periods of noise exposure of different levels, their combined effect should be considered, rather than the individual effect of each. If the sum of the following fractions: $C_1/T_1+C_2/T_2$ C_n/T_n exceeds unity, then, the mixed exposure should be considered to exceed the limit value. C_n indicates the total time of exposure at a specified noise level, and T_n indicates the total time of exposure permitted at that level.

Exposure to impulsive or impact noise should not exceed 140 dB peak sound pressure level.

§ 1910.96 Ionizing radiation.

(a) *Definitions applicable to this section.* (1) "Radiation" includes alpha rays, beta rays, gamma rays, X-rays, neutrons, high-speed electrons, high-speed protons, and other atomic particles; but such term does not include sound or radio waves, or visible light, or infrared or ultraviolet light.

(2) "Radioactive material" means any material which emits, by spontaneous nuclear disintegration, corpuscular or electromagnetic emanations.

(3) "Restricted area" means any area access to which is controlled by the employer for purposes of protection of individuals from exposure to radiation or radioactive materials.

(4) "Unrestricted area" means any area access to which is not controlled by the employer for purposes of protection of individuals from exposure to radiation or radioactive materials.

(5) "Dose" means the quantity of ionizing radiation absorbed, per unit of mass, by the body or by any portion of the body. When the provisions in this section specify a dose during a period of time, the dose is the total quantity of radiation absorbed, per unit of mass, by the body or by any portion of the body during such period of time. Several different units of dose are in current use. Definitions of units used in this section are set forth in subparagraphs (6) and (7) of this paragraph.

(6) "Rad" means a measure of the dose of any ionizing radiation to body tissues in terms of the energy absorbed per unit of mass of the tissue. One rad is the dose corresponding to the absorption of 100 ergs per gram of tissue (1 millirad (mrad) = 0.001 rad).

(7) "Rem" means a measure of the dose of any ionizing radiation to body tissue in terms of its estimated biological effect relative to a dose of 1 roentgen (r) of X-rays (1 millirem (mrem) = 0.001 rem). The relation of the rem to other dose units depends upon the biological effect under consideration and upon the conditions for irradiation. Each of the following is considered to be equivalent to a dose of 1 rem:

(i) A dose of 1 roentgen due to X- or gamma radiation;

(ii) A dose of 1 rad due to X-, gamma, or beta radiation;

(iii) A dose of 0.1 rad due to neutrons or high energy protons;

(iv) A dose of 0.05 rad due to particles heavier than protons and with sufficient energy to reach the lens of the eye;

(v) If it is more convenient to measure the neutron flux, or equivalent, than to determine the neutron dose in rads, as provided in subdivision (iii) of this subparagraph, 1 rem of neutron radiation may, for purposes of the provisions in this section be assumed to be equivalent to 14 million neutrons per square centimeter incident upon the body; or, if there is sufficient information to estimate with reasonable accuracy the approximate distribution in energy of the neutrons, the incident number of neutrons per square centimeter equivalent to 1 rem may be estimated from Table G–17:

Table G–17—Neutron Flux Dose Equivalents

Neutron energy (million electron volts (Mev))	Number of neutrons per square centimeter equivalent to a dose of 1 rem (neutrons/cm²)	Average flux to deliver 100 millirem in 40 hours (neutrons/cm² per sec.)
Thermal	970 × 10⁶	670
0.0001	720 × 10⁶	500
0.005	820 × 10⁶	570
0.02	400 × 10⁶	280
0.1	120 × 10⁶	80
0.5	43 × 10⁶	30
1.0	26 × 10⁶	18
2.5	29 × 10⁶	20
5.0	28 × 10⁶	18
7.5	24 × 10⁶	17
10	24 × 10⁶	17
10 to 30	14 × 10⁶	10

(8) For determining exposures to X- or gamma rays up to 3 Mev., the dose limits specified in this section may be assumed to be equivalent to the "air dose". For the purpose of this section "air dose" means that the dose is measured by a properly calibrated appropriate instrument in air at or near the body surface in the region of the highest dosage rate.

(b) *Exposure of individuals to radiation in restricted areas.* (1) Except as provided in subparagraph (2) of this paragraph, no employer shall possess, use, or transfer sources of ionizing radiation in such a manner as to cause any individual in a restricted area to receive in any period of one calendar quarter from sources in the employer's possession or control a dose in excess of the limits specified in Table G–18:

Table G–18

	Rems per calendar quarter
Whole body: Head and trunk; active blood-forming organs; lens of eyes; or gonads	1¼
Hands and forearms; feet and ankles	18¾
Skin of whole body	7½

(2) An employer may permit an individual in a restricted area to receive doses to the whole body greater than those permitted under subparagraph (1) of this paragraph, so long as:

(i) During any calendar quarter the dose to the whole body shall not exceed 3 rems; and

(ii) The dose to the whole body, when added to the accumulated occupational dose to the whole body, shall not exceed 5 (N–18) rems, where "N" equals the individual's age in years at his last birthday; and

(iii) The employer maintains adequate past and current exposure records which show that the addition of such a dose will not cause the individual to exceed the amount authorized in this subparagraph. As used in this subparagraph "Dose to the whole body" shall be deemed to include any dose to the whole body, gonad, active bloodforming organs, head and trunk, or lens of the eye.

(3) No employer shall permit any employee who is under 18 years of age to receive in any period of one calendar quarter a dose in excess of 10 percent of the limits specified in Table G–18.

(4) "Calendar quarter" means any 3-month period determined as follows:

(i) The first period of any year may begin on any date in January: *Provided*, That the second, third, and fourth periods accordingly begin on the same date in April, July, and October, respectively, and that the fourth period extends into January of the succeeding year, if necessary to complete a 3-month quarter. During the first year of use of this method of determination, the first period for that year shall also include any additional days in January preceding the starting date for the first period; or

(ii) The first period in a calendar year of 13 complete, consecutive calendar weeks; the second period in a calendar year of 13 complete consecutive weeks; the third period in a calendar year of 13 complete, consecutive calendar weeks; the fourth period in a calendar year of 13 complete, consecutive calendar weeks. If at the end of a calendar year there are any days not falling within a complete calendar week of that year, such days shall be included within the last complete calendar week of that year. If at the beginning of any calendar year there are days not falling within a complete calendar week of that year, such days shall be included within the last complete calendar week of the previous year; or

(iii) The four periods in a calendar year may consist of the first 14 complete, consecutive calendar weeks; the next 12 complete, consecutive calendar

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weeks, the next 14 complete, consecutive calendar weeks, and the last 12 complete, consecutive calendar weeks. If at the end of a calendar year there are any days not falling within a complete calendar week of that year, such days shall be included (for purposes of this section) within the last complete calendar week of the year. If at the beginning of any calendar year there are days not falling within a complete calendar week of that year, such days shall be included (for purposes of this section) within the last complete week of the previous year.

(5) No employer shall change the method used by him to determine calendar quarters except at the beginning of a calendar year.

(c) *Exposure to airborne radioactive material.* (1) No employer shall possess, use or transport radioactive material in such a manner as to cause any employee, within a restricted area, to be exposed to airborne radioactive material in an average concentration in excess of the limits specified in Table 1 of Appendix B to 10 CFR Part 20. The limits given in Table 1 are for exposure to the concentrations specified for 40 hours in any workweek of 7 consecutive days. In any such period where the number of hours of exposure is less than 40, the limits specified in the table may be increased proportionately. In any such period where the number of hours of exposure is greater than 40, the limits specified in the table shall be decreased proportionately.

(2) No employer shall possess, use, or transfer radioactive material in such a manner as to cause any individual within a restricted area, who is under 18 years of age, to be exposed to airborne radioactive material in an average concentration in excess of the limits specified in Table II of Appendix B to 10 CFR Part 20. For purposes of this subparagraph, concentrations may be averaged over periods not greater than 1 week.

(3) "Exposed" as used in this paragraph means that the individual is present in an airborne concentration. No allowance shall be made for the use of protective clothing or equipment, or particle size.

(d) *Precautionary procedures and personal monitoring.* (1) Every employer shall make such surveys as may be necessary for him to comply with the provisions in this section. "Survey" means an evaluation of the radiation hazards incident to the production, use, release, disposal, or presence of radioactive materials or other sources of radiation under a specific set of conditions. When appropriate, such evaluation includes a physical survey of the location of materials and equipment, and measurements of levels of radiation or concentrations of radioactive material present.

(2) Every employer shall supply appropriate personnel monitoring equipment, such as film badges, pocket chambers, pocket dosimeters, or film rings, to, and shall require the use of such equipment by:

(i) Each employee who enters a restricted area under such circumstances that he receives, or is likely to receive, a dose in any calendar quarter in excess of 25 percent of the applicable value specified in paragraph (b) (1) of this section; and

(ii) Each employee under 18 years of age who enters a restricted area under such circumstances that he receives, or is likely to receive, a dose in any calendar quarter in excess of 5 percent of the applicable value specified in paragraph (b) (1) of this section; and

(iii) Each employee who enters a high radiation area.

(3) As used in this section:

(i) "Personnel monitoring equipment" means devices designed to be worn or carried by an individual for the purpose of measuring the dose received (e.g., film badges, pocket chambers, pocket dosimeters, film rings, etc.);

(ii) "Radiation area" means any area, accessible to personnel, in which there exists radiation at such levels that a major portion of the body could receive in any 1 hour a dose in excess of 5 millirem, or in any 5 consecutive days a dose in excess of 100 millirem; and

(iii) "High radiation area" means any area, accessible to personnel, in which there exists radiation at such levels that a major portion of the body could receive in any one hour a dose in excess of 100 millirem.

(e) *Caution signs, labels, and signals—*(1) *General.* (i) Symbols prescribed by this paragraph shall use the conventional radiation caution colors (magenta or purple on yellow background). The symbol prescribed by this paragraph is the conventional three-bladed design:

RADIATION SYMBOL

1. Cross-hatched area is to be magenta or purple.
2. Background is to be yellow.

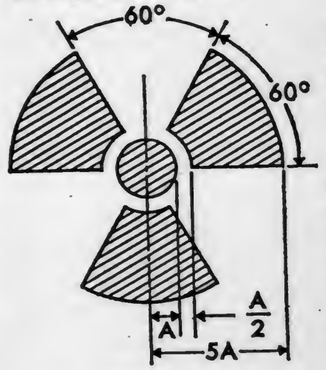


FIGURE G–10

(ii) In addition to the contents of signs and labels prescribed in this paragraph, employers may provide on or near such signs and labels any additional information which may be appropriate in aiding individuals to minimize exposure to radiation or to radioactive material.

(2) *Radiation area.* Each radiation area shall be conspicuously posted with a sign or signs bearing the radiation caution symbol described in subparagraph (1) of this paragraph and the words:

CAUTION

RADIATION AREA

(3) *High radiation area.* (i) Each high radiation area shall be conspicuously posted with a sign or signs bearing the radiation caution symbol and the words:

CAUTION

HIGH RADIATION AREA

(ii) Each high radiation area shall be equipped with a control device which shall either cause the level of radiation to be reduced below that at which an individual might receive a dose of 100 millirems in 1 hour upon entry into the area or shall energize a conspicuous visible or audible alarm signal in such a manner that the individual entering and the employer or a supervisor of the activity are made aware of the entry. In the case of a high radiation area established for a period of 30 days or less, such control device is not required.

"airborne radioactivity area" means:

(4) *Airborne radioactivity area.* (i) As used in the provisions of this section,

(a) Any room, enclosure, or operating area in which airborne radioactive materials, composed wholly or partly of radioactive material, exist in concentrations in excess of the amounts specified in column 1 of Table 1 of Appendix B to 10 CFR Part 20 or

(b) Any room, enclosure, or operating area in which airborne radioactive materials exist in concentrations which, averaged over the number of hours in any week during which individuals are in the area, exceed 25 percent of the amounts specified in column 1 of Table 1 of Appendix B to 10 CFR Part 20.

(ii) Each airborne radioactivity area shall be conspicuously posted with a sign or signs bearing the radiation caution symbol described in subparagraph (1) of this paragraph and the words:

CAUTION

AIRBORNE RADIOACTIVITY AREA

(5) *Additional requirements.*

(i) Each area or room in which radioactive material is used or stored and which contains any radioactive material (other than natural uranium or thorium) in any amount exceeding 10 times the quantity of such material specified in Appendix C to 10 CFR Part 20 shall be conspicuously posted with a sign or signs bearing the radiation caution symbol described in subparagraph (1) of this paragraph and the words:

CAUTION

RADIOACTIVE MATERIALS

(ii) Each area or room in which natural uranium or thorium is used or stored in an amount exceeding 100 times the quantity of such material specified in 10 CFR Part 20 shall be conspicuously posted with a sign or signs bearing the radiation caution symbol described in subparagraph (1) of this paragraph and the words:

CAUTION

RADIOACTIVE MATERIALS

(6) *Containers.* (i) Each container in which is transported, stored, or used a quantity of any radioactive material (other than natural uranium or thorium) greater than the quantity of such material specified in Appendix C to 10 CFR Part 20 shall bear a durable, clearly visible label bearing the radiation caution symbol described in subparagraph (1) of this paragraph and the words:

CAUTION

RADIOACTIVE MATERIALS

(ii) Each container in which natural uranium or thorium is transported, stored, or used in a quantity greater than 10 times the quantity specified in Appendix C to 10 CFR Part 20 shall bear a durable, clearly visible label bearing the radiation caution symbol described in subparagraph (1) of this paragraph and the words:

CAUTION

RADIOACTIVE MATERIALS

(iii) Notwithstanding the provisions of subdivisions (i) and (ii) of this subparagraph a label shall not be required:

(a) If the concentration of the material in the container does not exceed that specified in column 2 of Table 1 of Appendix B to 10 CFR Part 20, or

(b) For laboratory containers, such as beakers, flasks, and test tubes, used transiently in laboratory procedures, when the user is present.

(iv) Where containers are used for storage, the labels required in this subparagraph shall state also the quantities and kinds of radioactive materials in the containers and the date of measurement of the quantities.

(f) *Immediate evacuation warning signal—*(1) *Signal characteristics.* (i) The signal shall be a midfrequency complex sound wave amplitude modulated at a subsonic frequency. The complex sound wave in free space shall have a fundamental frequency (f_1) between 450 and 500 hertz (Hz) modulated at a subsonic rate between 4 and 5 hertz.

(ii) The signal generator shall not be less than 75 decibels at every location where an individual may be present whose immediate, rapid, and complete evacuation is essential.

(iii) A sufficient number of signal units shall be installed such that the requirements of subdivision (ii) of this subparagraph are met at every location where an individual may be present whose immediate, rapid, and complete evacuation is essential.

(iv) The signal shall be unique in the plant or facility in which it is installed.

(v) The minimum duration of the signal shall be sufficient to insure that all affected persons hear the signal.

(vi) The signal-generating system shall respond automatically to an initiating event without requiring any human action to sound the signal.

(2) *Design objectives.* (i) The signal-generating system shall be designed to incorporate components which enable the system to produce the desired signal each time it is activated within one-half second of activation.

(ii) The signal-generating system shall be provided with an automatically activated secondary power supply which is adequate to simultaneously power all emergency equipment to which it is connected, if operation during power failure is necessary, except in those systems using batteries as the primary source of power.

(iii) All components of the signal-generating system shall be located to provide maximum practicable protection against damage in case of fire, explosion, corrosive atmosphere, or other environmental extremes consistent with adequate system performance.

(iv) The signal-generating system shall be designed with the minimum number of components necessary to make it function as intended, and should utilize components which do not require frequent servicing such as lubrication or cleaning.

(v) Where several activating devices feed activating information to a central signal generator, failure of any activating device shall not render the signal-generator system inoperable to activating information from the remaining devices.

(vi) The signal-generating system shall be designed to enhance the probability that alarm occurs only when immediate evacuation is warranted. The number of false alarms shall not be so great that the signal will come to be disregarded and shall be low enough to minimize personal injuries or excessive property damage that might result from such evacuation.

(3) *Testing.* (i) Initial tests, inspections, and checks of the signal-generating system shall be made to verify that the fabrication and installation were made in accordance with design plans and specifications and to develop a thorough knowledge of the performance of the system and all components under normal and hostile conditions.

(ii) Once the system has been placed in service, periodic tests, inspections, and checks shall be made to minimize the possibility of malfunction.

(iii) Following significant alterations or revisions to the system, tests and checks similar to the initial installation tests shall be made.

(iv) Tests shall be designed to minimize hazards while conducting the tests.

(v) Prior to normal operation the signal-generating system shall be checked physically and functionally to assure reliability and to demonstrate accuracy and performance. Specific tests shall include:

(a) All power sources.

(b) Calibration and calibration stability.

(c) Trip levels and stability.

(d) Continuity of function with loss and return of required services such as AC or DC power, air pressure, etc.

(e) All indicators.

(f) Trouble indicator circuits and signals, where used.

(g) Air pressure (if used).

(h) Determine that sound level of the signal is within the limit of subparagraph (1) (ii) of this paragraph at all points that require immediate evacuation.

(vi) In addition to the initial startup and operating tests, periodic scheduled performance tests and status checks must be made to insure that the system is at all times operating within design limits and capable of the required response. Specific periodic tests or checks or both shall include:

(a) Adequacy of signal activation device.

(b) All power sources.

(c) Function of all alarm circuits and trouble indicator circuits including trip levels.

(d) Air pressure (if used).

(e) Function of entire system including operation without power where required.

(f) Complete operational tests including sounding of the signal and determination that sound levels are adequate.

(vii) Periodic tests shall be scheduled on the basis of need, experience, difficulty, and disruption of operations. The entire system should be operationally tested at least quarterly.

(viii) All employees whose work may necessitate their presence in an area covered by the signal shall be made familiar with the actual sound of the signal—preferably as it sounds at their work location. Before placing the system into operation, all employees normally working in the area shall be made acquainted with the signal by actual demonstration at their work locations.

(g) *Exceptions from posting requirements.* Notwithstanding the provisions of paragraph (e) of this section:

(1) A room or area is not required to be posted with a caution sign because of the presence of a sealed source, provided the radiation level 12 inches from the surface of the source container or housing does not exceed 5 millirem per hour.

(2) Rooms or other areas in onsite medical facilities are not required to be posted with caution signs because of the presence of patients containing radioactive material, provided that there are personnel in attendance who shall take the precautions necessary to prevent the exposure of any individual to radiation or radioactive material in excess of the limits established in the provisions of this section.

(3) Caution signs are not required to be posted at areas or rooms containing radioactive materials for periods of less than 8 hours: *Provided,* That

(i) The materials are constantly attended during such periods by an individual who shall take the precautions necessary to prevent the exposure of any individual to radiation or radioactive materials in excess of the limits established in the provisions of this section; and

(ii) Such area or room is subject to the employer's control.

(h) *Exemptions for radioactive materials packaged for shipment.* Radioactive materials packaged and labeled in accordance with regulations of the Department of Transportation published in 49 CFR Chapter I, are exempt from the labeling and posting requirements of this

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subpart during shipment, provided that the inside containers are labeled in accordance with the provisions of paragraph (e) of this section.

(i) *Instruction of personnel, posting.* (1) Employers regulated by the Atomic Energy Commission shall be governed by 10 CFR Part 20 standards. Employers in a State named in paragraph (p)(3) of this section shall be governed by the requirements of the laws and regulations of that State. All other employers shall be regulated by the following:

(2) All individuals working in or frequenting any portion of a radiation area shall be informed of the occurrence of radioactive materials or of radiation in such portions of the radiation area; shall be instructed in the safety problems associated with exposure to such materials or radiation and in precautions or devices to minimize exposure; shall be instructed in the applicable provisions of this section for the protection of employees from exposure to radiation or radioactive materials; and shall be advised of reports of radiation exposure which employees may request pursuant to the regulations in this section.

(3) Each employer to whom this section applies shall post a current copy of its provisions and a copy of the operating procedures applicable to the work conspicuously in such locations as to insure that employees working in or frequenting radiation areas will observe these documents on the way to and from their place of employment, or shall keep such documents available for examination of employees upon request.

(j) *Storage of radioactive materials.* Radioactive materials stored in a nonradiation area shall be secured against unauthorized removal from the place of storage.

(k) *Waste disposal.* No employer shall dispose of radioactive material except by transfer to an authorized recipient, or in a manner approved by the Atomic Energy Commission or a State named in paragraph (p)(3) of this section.

(l) *Notification of incidents*—(1) *Immediate notification.* Each employer shall immediately notify the Assistant Secretary of Labor or his duly authorized representative, for employees not protected by the Atomic Energy Commission by means of 10 CFR Part 20; paragraph (p)(2) of this section, or the requirements of the laws and regulations of States named in paragraph (p)(3) of this section, by telephone or telegraph of any incident involving radiation which may have caused or threatens to cause:

(i) Exposure of the whole body of any individual to 25 rems or more of radiation; exposure of the skin of the whole body of any individual to 150 rems or more of radiation; or exposure of the feet, ankles, hands, or forearms of any individual to 375 rems or more of radiation; or

(ii) The release of radioactive material in concentrations which, if averaged over a period of 24 hours, would exceed 5,000 times the limit specified for such materials in Table II of Appendix B to 10 CFR Part 20.

(iii) A loss of 1 working week or more of the operation of any facilities affected; or

(iv) Damage to property in excess of $100,000.

(2) *Twenty-four hour notification.* Each employer shall within 24 hours following its occurrence notify the Assistant Secretary of Labor or his duly authorized representative for employees not protected by the Atomic Energy Commission by means of 10 CFR Part 20; paragraph (p)(2) of this section, or the requirements of the laws and applicable regulations of States named in paragraph (p)(3) of this section, by telephone or telegraph of any incident involving radiation which may have caused or threatens to cause:

(i) Exposure of the whole body of any individual to 5 rems or more of radiation; exposure of the skin of the whole body of any individual to 30 rems or more of radiation; or exposure of the feet, ankles, hands, or forearms to 75 rems or more of radiation; or

(ii) A loss of 1 day or more of the operation of any facilities; or

(iii) Damage to property in excess of $10,000.

(m) *Reports of overexposure and excessive levels and concentrations.* (1) In addition to any notification required by paragraph (l) of this section each employer shall make a report in writing within 30 days to the Assistant Secretary of Labor or his duly authorized representative, for employees not protected by the Atomic Energy Commission by means of 10 CFR Part 20; or under paragraph (p)(2) of this section, or the requirements of the laws and regulations of States named in paragraph (p)(3) of this section, of each exposure of an individual to radiation or concentrations of radioactive material in excess of any applicable limit in this section. Each report required under this subparagraph shall describe the extent of exposure of persons to radiation or to radioactive material; levels of radiation and concentration of radioactive material involved, the cause of the exposure, levels of concentrations; and corrective steps taken or planned to assure against a recurrence.

(2) In any case where an employer is required pursuant to the provisions of this paragraph to report to the U.S. Department of Labor any exposure of an individual to radiation or to concentrations of radioactive material, the employer shall also notify such individual of the nature and extent of exposure. Such notice shall be in writing and shall contain the following statement: "You should preserve this report for future reference."

(n) *Records.* (1) Every employer shall maintain records of the radiation exposure of all employees for whom personnel monitoring is required under paragraph (d) of this section and advise each of his employees of his individual exposure on at least an annual basis.

(2) Every employer shall maintain records in the same units used in tables in paragraph (b) of this section and Appendix B to 10 CFR Part 20.

(o) *Disclosure to former employee of individual employee's record.* (1) At the request of a former employee an employer shall furnish to the employee a report of the employee's exposure to radiation as shown in records maintained by the employer pursuant to paragraph (n)(1) of this section. Such report shall be furnished within 30 days from the time the request is made, and shall cover each calendar quarter of the individual's employment involving exposure to radiation or such lesser period as may be requested by the employee. The report shall also include the results of any calculations and analysis of radioactive material deposited in the body of the employee. The report shall be in writing and contain the following statement: "You should preserve this report for future reference."

(2) The former employee's request should include appropriate identifying data, such as social security number and dates and locations of employment.

(p) *Atomic Energy Commission licensees—AEC contractors operating AEC plants and facilities—AEC Agreement State licensees or registrants.* (1) Any employer who possesses or uses source material, byproduct material, or special nuclear material, as defined in the Atomic Energy Act of 1954, as amended, under a license issued by the Atomic Energy Commission and in accordance with the requirements of 10 CFR Part 20 shall be deemed to be in compliance with the requirements of this section with respect to such possession and use.

(2) AEC contractors operating AEC plants and facilities: Any employer who possesses or uses source material, byproduct material, special nuclear material, or other radiation sources under a contract with the Atomic Energy Commission for the operation of AEC plants and facilities and in accordance with the standards, procedures, and other requirements for radiation protection established by the Commission for such contract pursuant to the Atomic Energy Act of 1954 as amended (42 U.S.C. 2011 et seq.), shall be deemed to be in compliance with the requirements of this section with respect to such possession and use.

(3) AEC-agreement State licensees or registrants:

(i) *Atomic Energy Act sources.* Any employer who possesses or uses source material, byproduct material, or special nuclear material, as defined in the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 et seq.), and has either registered such sources with, or is operating under a license issued by, a State which has an agreement in effect with the Atomic Energy Commission pursuant to section 274(b) (42 U.S.C. 2021(b)) of the Atomic Energy Act of 1954, as amended, and in accordance with the requirements of that State's laws and regulations shall be deemed to be in compliance with the radiation requirements of this section, insofar as his possession and use of such material is concerned, unless the Secretary of Labor, after conference

with the Atomic Energy Commission, shall determine that the State's program for control of these radiation sources is incompatible with the requirements of this section. Such agreements currently are in effect only in the States of Alabama, Arkansas, California, Kansas, Kentucky, Florida, Mississippi, New Hampshire, New York, North Carolina, Texas, Tennessee, Oregon, Idaho, Arizona, Colorado, Louisiana, Nebraska, Washington, Maryland, North Dakota, South Carolina, and Georgia.

(ii) *Other sources.* Any employer who possesses or uses radiation sources other than source material, byproduct material, or special nuclear material, as defined in the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 et seq.), and has either registered such sources with, or is operating under a license issued by a State which has an agreement in effect with the Atomic Energy Commission pursuant to section 274(b) (42 U.S.C. 2021(b)) of the Atomic Energy Act of 1954, as amended, and in accordance with the requirements of that State's laws and regulations shall be deemed to be in compliance with the radiation requirements of this section, insofar as his possession and use of such material is concerned, provided the State's program for control of these radiation sources is the subject of a currently effective determination by the Assistant Secretary of Labor that such program is compatible with the requirements of this section. Such determinations currently are in effect only in the States of Alabama, Arkansas, California, Kansas, Kentucky, Florida, Mississippi, New Hampshire, New York, North Carolina, Texas, Tennessee, Oregon, Idaho, Arizona, Colorado, Louisiana, Nebraska, Washington, Maryland, North Dakota, South Carolina, and Georgia.

(q) [Reserved]

(r) *Radiation standards for mining.* (1) For the purpose of this paragraph, a "working level" is defined as any combination of radon daughters in 1 liter of air which will result in the ultimate emission of 1.3×10^5 million electron volts of potential alpha energy. The numerical value of the "working level" is derived from the alpha energy released by the total decay of short-lived radon daughter products in equilibrium with 100 picocuries of radon 222 per liter of air. A working level month is defined as the exposure received by a worker breathing air at one working level concentration for 4⅓ weeks of 40 hours each.

(2) Occupational exposure to radon daughters in mines shall be controlled so that no individual will receive an exposure of more than 2 working level months in any calendar quarter and no more than 4 working level months in any calendar year. Actual exposures shall be kept as far below these values as practicable.

(3)(i) For uranium mines, records of environmental concentrations in the occupied parts of the mine, and of the time spent in each area by each person involved in an underground work shall be established and maintained. These records shall be in sufficient detail to permit calculations of the exposures, in units of working level months, of the individuals and shall be available for inspection by the Secretary of Labor or his authorized agents.

(ii) For other than uranium mines and for surface workers in all mines, subdivision (i) of this subparagraph will be applicable: *Provided, however,* That if no environmental sample shows a concentration greater than 0.33 working level in any occupied part of the mine, the maintenance of individual occupancy records and the calculation of individual exposures will not be required.

(4)(i) At the request of an employee (or former employee) a report of the employee's exposure to radiation as shown in records maintained by the employer pursuant to subparagraph (3) of this paragraph, shall be furnished to him. The report shall be in writing and contain the following statement:

> This report is furnished to you under the provisions of the U.S. Department of Labor, Ionizing Radiation Safety and Health Standards (29 CFR 1910.96(r)). You should preserve this report for future reference.

(ii) The former employee's request should include appropriate identifying data, such as social security number and dates and locations of employment.

§ 1910.97 Nonionizing radiation.

(a) *Electromagnetic radiation*—(1) *Definitions applicable to this paragraph.* (i) The term "electromagnetic radiation" is restricted to that portion of the spectrum commonly defined as the radio frequency region, which for the purpose of this specification shall include the microwave frequency region.

(ii) *Partial body irradiation.* Pertains to the case in which part of the body is exposed to the incident electromagnetic energy.

(iii) *Radiation protection guide.* Radiation level which should not be exceeded without careful consideration of the reasons for doing so.

(iv) The word "symbol" as used in this specification refers to the overall design, shape, and coloring of the rf radiation sign shown in figure G–11.

(v) *Whole body irradiation.* Pertains to the case in which the entire body is exposed to the incident electromagnetic energy or in which the cross section of the body is smaller than the cross section of the incident radiation beam.

(2) *Radiation protection guide.* (i) For normal environmental conditions and for incident electromagnetic energy of frequencies from 10 MHz to 100 GHz, the radiation protection guide is 10 mW/cm.² (milliwatt per square centimeter) as averaged over any possible 0.1-hour period. This means the following:

> Power density: 10 mW./cm.² for periods of 0.1-hour or more.
> Energy density: 1 mW.-hr./cm.² (milliwatt hour per square centimeter) during any 0.1-hour period.

This guide applies whether the radiation is continuous or intermittent.

(ii) These formulated recommendations pertain to both whole body irradiation and partial body irradiation. Partial body irradiation must be included since it has been shown that some parts of the human body (e.g., eyes, testicles) may be harmed if exposed to incident radiation levels significantly in excess of the recommended levels.

(3) *Warning symbol.* (i) The warning symbol for radio frequency radiation hazards shall consist of a red isosceles triangle above an inverted black isosceles triangle, separated and outlined by an aluminum color border. The words "Warning—Radio-Frequency Radiation Hazard" shall appear in the upper triangle. See figure G–11.

(ii) American National Standard Safety Color Code for Marking Physical Hazards and the Identification of Certain Equipment, Z53.1–1953, shall be used for color specification. All lettering and the border shall be of aluminum color.

(iii) The inclusion and choice of warning information or precautionary instructions is at the discretion of the user. If such information is included it shall appear in the lower triangle of the warning symbol.

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1. Place handling and mounting instructions on reverse side.
2. D = Scaling unit.
3. Lettering: Ratio of letter height to thickness of letter lines.
   Upper triangle: 5 to 1 Large
   6 to 1 Medium
   Lower triangle 4 to 1 Small
   6 to 1 Medium
4. Symbol is square, triangles are right-angle isosceles.

Fig. G-11
Radio-Frequency Radiation Hazard Warning Symbol

(4) *Scope.* This section applies to all radiations originating from radio stations, radar equipment, and other possible sources of electromagnetic radiation such as used for communication, radio navigation, and industrial and scientific purposes. This section does not apply to the deliberate exposure of patients by, or under the direction of, practitioners of the healing arts.

§ 1910.98 Effective dates.

(a) The provisions of this Subpart G shall become effective on August 27, 1971, except as provided in the remaining paragraphs of this section.

(b) The following provisions shall become effective on February 15, 1972: § 1910.94 (a)(2)(iii), (a)(3), (a)(4), (b), (c)(2), (c)(3), (c)(4), (c)(5), (o)(6)(i), (o)(6)(ii), (d)(1)(ii), (d)(3), (d)(4), (d)(5), and (d)(7).

(c) Notwithstanding anything in paragraph (a), (b), or (d) of this section, any provision in any other section of this subpart which contains in itself a specific effective date or time limitation shall become effective on such date or shall apply in accordance with such limitation.

(d) Notwithstanding anything in paragraph (a) of this section, if any standard in 41 CFR Part 50–204, other than a national consensus standard incorporated by reference in § 50–204.2(a)(1), is or becomes applicable at any time to any employment and place of employment, by virtue of the Walsh-Healey Public Contracts Act, or the Service Contract Act of 1965, or the National Foundation on Arts and Humanities Act of 1965, any corresponding established Federal standard in this Subpart G which is derived from 41 CFR Part 50–204 shall also become effective, and shall be applicable to such employment and place of employment, on the same date.

§ 1910.99 Sources of standards.

Section	Source
1910.93	41 CFR 50–204.50, except for Table G–2, the source of which is American National Standards Institute, Z37 series.
1910.94(a)	ANSI N2.3–1967, Immediate and Safe Practices, of Abrasive Blasting Operations.
1910.94(b)	ANSI Z43.1–966, Ventilation Control of Grinding, Polishing, and Buffing Operations.
1910.94(c)	ANSI Z9.3–1970, Safety Code for the Design, Construction and Ventilation of Spray Finishing Operations.
1910.94(d)	ANSI Z9.1–1969, Safety Code for Ventilation and Operation of Open-Surface Tanks.
1910.95	41 CFR 50–204.10.
1910.96 (a) through (e) and (g) through (r).	41 CFR 50–204.20.
1910.96(f)	ANSI N2.3–1967, Immediate Evacuation Signal for Use in Industrial Installations Where Radiation Exposure May Occur.
1910.97	ANSI C95.1–1966, Safety Level of Electromagnetic Radiation with Respect to Personnel and American National Standards Institute C95.2–1966, Radio Frequency Radiation Hazard and Warning Signal.

§ 1910.100 Standards organizations.

Specific standards of the following organizations have been referenced in this subpart. Copies of the standards may be obtained from the issuing organization.

American Conference of Governmental Industrial Hygienists, 1014 Broadway, Cincinnati, OH 45202.
American National Standards Institute, 1430 Broadway, New York, NY 10018.
National Fire Protection Association, 60 Batterymarch Street, Boston, MA 02110.

Subpart H—Hazardous Materials

§ 1910.101 Compressed gases (general requirements).

(a) *Inspection of compressed gas cylinders.* Each employer shall determine that compressed gas cylinders under his control are in a safe condition to the extent that this can be determined by visual inspection. Visual and other inspections shall be conducted as prescribed in the Hazardous Materials Regulations of the Department of Transportation (49 CFR Parts 171–179 and 14 CFR Part 103). Where those regulations are not applicable, visual and other inspections shall be conducted in accordance with Compressed Gas Association Pamphlets C–6–1968 and C–8–1962.

(b) *Compressed gases.* The in-plant handling, storage, and utilization of all compressed gases in cylinders, portable tanks, rail tankcars, or motor vehicle cargo tanks shall be in accordance with Compressed Gas Association Pamphlet P–1–1965.

(c) *Safety relief devices for compressed gas containers.* Compressed gas cylinders, portable tanks, and cargo tanks shall have pressure relief devices installed and maintained in accordance with Compressed Gas Association Pamphlets S–1.1–1963 and 1965 addenda and S–1.2–1963.

§ 1910.102 Acetylene.

(a) *Cylinders.* The in-plant transfer, handling, storage, and utilization of acetylene in cylinders shall be in accordance with Compressed Gas Association Pamphlet G–1–1966.

(b) *Piped systems.* The piped systems for the inplant transfer and distribution of acetylene shall be designed, installed, maintained, and operated in accordance with Compressed Gas Association Pamphlet G–1.3–1959.

(c) *Generators and filling cylinders.* Plants for the generation of acetylene and the charging (filling) of acetylene cylinders shall be designed, constructed, and tested in accordance with the standards prescribed in Compressed Gas Association Pamphlet G–1.4–1966.

§ 1910.103 Hydrogen.

(a) *General*—(1) *Definitions.* As used in this section (i) Gaseous hydrogen system is one in which the hydrogen is delivered, stored and discharged in the gaseous form to consumer's piping. The system includes stationary or movable containers, pressure regulators, safety relief devices, manifolds, interconnecting piping and controls. The system terminates at the point where hydrogen at service pressure first enters the consumer's distribution piping.

(ii) Approved—Means unless otherwise indicated listed or approved by the following nationally recognized testing laboratories: Underwriters' Laboratories, Inc., and Factory Mutual Engineering Corp.

(iii) Listed—See "approved".

(iv) ASME—American Society of Mechanical Engineers.

(v) DOT Specifications—Regulations of the Department of Transportation published in 49 CFR Chapter I.

(vi) DOT regulations—See § 1910.103 (a)(1)(v).

(2) *Scope*—(i) *Gaseous hydrogen systems.* (a) Paragraph (b) of this section applies to the installation of gaseous hydrogen systems on consumer premises where the hydrogen supply to the consumer premises originates outside the consumer premises and is delivered by mobile equipment.

(b) Paragraph (b) of this section does not apply to gaseous hydrogen systems having a total hydrogen content of less than 400 cubic feet, nor to hydrogen manufacturing plants or other establishments operated by the hydrogen supplier or his agent for the purpose of storing hydrogen and refilling portable containers, trailers, mobile supply trucks, or tank cars.

(ii) *Liquefied hydrogen systems.* (a) Paragraph (c) of this section applies to the installation of liquefied hydrogen systems on consumer premises.

(b) Paragraph (c) of this section does not apply to liquefied hydrogen portable containers of less than 150 liters (39.63 gallons) capacity; nor to liquefied hydrogen manufacturing plants or other establishments operated by the hydrogen supplier or his agent for the sole purpose of storing liquefied hydrogen and refilling portable containers, trailers, mobile supply trucks, or tank cars.

(b) *Gaseous hydrogen systems*—(1) *Design.*

(i) *Containers.* (a) Hydrogen containers shall comply with one of the following:

(1) Designed, constructed, and tested in accordance with appropriate requirements of ASME Boiler and Pressure Vessel Code, Section VIII—Unfired Pressure Vessels—1968.

(2) Designed, constructed, tested and maintained in accordance with U.S. Department of Transportation Specifications and Regulations.

(b) Permanently installed containers shall be provided with substantial noncombustible supports on firm noncombustible foundations.

(c) Each portable container shall be legibly marked with the name "Hydrogen" in accordance with "Marking Portable Compressed Gas Containers to Identify the Material Contained" ANSI Z48.1—1954. Each manifolded hydrogen supply unit shall be legibly marked with the name Hydrogen or a legend such as "This unit contains hydrogen."

(ii) *Safety relief devices.* (a) Hydrogen containers shall be equipped with safety relief devices as required by the ASME Boiler and Pressure Vessel Code, Section VIII Unfired Pressure Vessels, 1968 or the DOT Specifications and Regulations under which the container is fabricated.

(b) Safety relief devices shall be arranged to discharge upward and unobstructed to the open air in such a manner as to prevent any impingement of escaping gas upon the container, adjacent structure or personnel. This requirement does not apply to DOT Specification containers having an internal volume of 2 cubic feet or less.

(c) Safety relief devices or vent piping shall be designed or located so that moisture cannot collect and freeze in a manner which would interfere with proper operation of the device.

(iii) *Piping, tubing, and fittings.*—(a) Piping, tubing, and fittings shall be suitable for hydrogen service and for the pressures and temperatures involved. Cast iron pipe and fittings shall not be used.

(b) Piping and tubing shall conform to Section 2—"Industrial Gas and Air Piping"—Code for Pressure Piping, ANSI B31.1–1967 with addenda B31.1–1969.

(c) Joints in piping and tubing may be made by welding or brazing or by use of flanged, threaded, socket, or compression fittings. Gaskets and thread sealants shall be suitable for hydrogen service.

(iv) *Equipment assembly.* (a) Valves, gauges, regulators, and other accessories shall be suitable for hydrogen service.

(b) Installation of hydrogen systems shall be supervised by personnel familiar with proper practices with reference to their construction and use.

(c) Storage containers, piping, valves, regulating equipment, and other accessories shall be readily accessible, and shall be protected against physical damage and against tampering.

(d) Cabinets or housings containing hydrogen control or operating equipment shall be adequately ventilated.

(e) Each mobile hydrogen supply unit used as part of a hydrogen system shall be adequately secured to prevent movement.

(f) Mobile hydrogen supply units shall be electrically bonded to the system before discharging hydrogen.

(v) *Marking.* The hydrogen storage location shall be permanently placarded as follows: "HYDROGEN—FLAMMABLE GAS—NO SMOKING—NO OPEN FLAMES," or equivalent.

(vi) *Testing.* After installations, all piping, tubing, and fittings shall be tested and proved hydrogen gas tight at maximum operating pressure.

(2) *Location*—(i) *General.* (a) The system shall be located so that it is readily accessible to delivery equipment and to authorized personnel.

(b) Systems shall be located above ground.

(c) Systems shall not be located beneath electric power lines.

(d) Systems shall not be located close to flammable liquid piping or piping of other flammable gases.

(e) Systems near aboveground flammable liquid storage shall be located on ground higher than the flammable liquid storage except when dikes, diversion curbs, grading, or separating solid walls are used to prevent accumulation of flammable liquids under the system.

(ii) *Specific requirements.* (a) The location of a system, as determined by the maximum total contained volume of hydrogen, shall be in the order of preference as indicated by Roman numerals in Table H–1.

TABLE H-1

Nature of location	Size of hydrogen system		
	Less than 3,000 CF	3,000 CF to 15,000 CF	In excess of 15,000 CF
Outdoors	I	I	I.
In a separate building	II	II	II.
In a special room	III	III	Not permitted.
Inside buildings not in a special room and exposed to other occupancies.	IV	Not permitted.	Not permitted.

(b) The minimum distance in feet from a hydrogen system of indicated capacity located outdoors, in separate buildings or in special rooms to any specified outdoor exposure shall be in accordance with Table H–2.

(c) The distances in Table H–2 Items 1, 14, and 3 to 10 inclusive do not apply where protective structures such as adequate fire walls are located between the system and the exposure.

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TABLE H-2

	Type of outdoor exposure	Size of hydrogen system: Less than 3,000 CF	3,000 CF to 15,000 CF	In excess of 15,000 CF
1. Building or structure	Wood frame construction*	10	25	50
	Heavy timber, noncombustible or ordinary construction*	0	10	**25
	Fire-resistive construction*	0	0	0
2. Wall openings	Not above any part of a system	10	10	10
	Above any part of a system	25	25	25
3. Flammable liquids above ground.	0 to 1,000 gallons	10	25	25
	In excess of 1,000 gallons	25	50	50
4. Flammable liquids below ground—0 to 1,000 gallons.	Vent or fill opening of tank	10	10	10
		25	25	25
5. Flammable liquids below ground—in excess of 1,000 gallons.	Tank	20	20	20
	Vent or fill opening of tank	25	25	25
6. Flammable gas storage, either high pressure or low pressure.	0 to 15,000 CF capacity	10	25	25
	In excess of 15,000 CF capacity	25	50	50
7. Oxygen storage	12,000 CF or less	Refer to NFPA No. 51, gas systems for welding and cutting (1969).		
	More than 12,000 CF	Refer to NFPA No. 566, bulk oxygen systems at consumer sites (1969).		
8. Fast burning solids such as ordinary lumber, excelsior or paper		50	50	50
9. Slow burning solids such as heavy timber or coal		25	25	25
10. Open flames and other sources of ignition		25	25	25
11. Air compressor intakes or inlets to ventilating or air-conditioning equipment		50	50	50
12. Concentration of people***		25	50	50
13. Public sidewalks		15	15	15
14. Line of adjoining property which may be built upon		5	5	5

*Refer to NFPA No. 220 Standard Types of Building Construction for definitions of various types of construction. (1969 Ed.)
**But not less than one-half the height of adjacent side wall of the structure.
***In congested areas such as offices, lunchrooms, locker rooms, time-clock areas, and places of public assembly.

(d) Hydrogen systems of less than 3,000 CF when located inside buildings and exposed to other occupancies shall be situated in the building so that the system will be as follows:

(1) In an adequately ventilated area as in subparagraph (3)(ii)(b) of this paragraph.

(2) Twenty feet from stored flammable materials or oxidizing gases.

(3) Twenty-five feet from open flames, ordinary electrical equipment or other sources of ignition.

(4) Twenty-five feet from concentrations of people.

(5) Fifty feet from intakes of ventilation or air-conditioning equipment and air compressors.

(6) Fifty feet from other flammable gas storage.

(7) Protected against damage or injury due to falling objects or working activity in the area.

(8) More than one system of 3,000 CF or less may be installed in the same room, provided the systems are separated by at least 50 feet. Each such system shall meet all of the requirements of this paragraph.

(3) *Design consideration at specific locations*—(i) *Outdoor locations.* (a) Where protective walls or roofs are provided, they shall be constructed of noncombustible materials.

(b) Where the enclosing sides adjoin each other, the area shall be properly ventilated.

(c) Electrical equipment within 15 feet shall be in accordance with subpart S of this part.

(ii) *Separate buildings.* (a) Separate buildings shall be built of at least noncombustible construction. Windows and doors shall be located so as to be readily accessible in case of emergency. Windows shall be of glass or plastic in metal frames.

(b) Adequate ventilation to the outdoors shall be provided. Inlet openings shall be located near the floor in exterior walls only. Outlet openings shall be located at the high point of the room in exterior walls or roof. Inlet and outlet openings shall each have minimum total area of one (1) square foot per 1,000 cubic feet of room volume. Discharge from outlet openings shall be directed or conducted to a safe location.

(c) Explosion venting shall be provided in exterior walls or roof only. The venting area shall be equal to not less than 1 square foot per 30 cubic feet of room volume and may consist of any one or any combination of the following: walls of light, noncombustible material, preferably single thickness, single strength glass; lightly fastened hatch covers; lightly fastened swinging doors in exterior walls opening outward; lightly fastened walls or roof designed to relieve at a maximum pressure of 25 pounds per square foot.

(d) There shall be no sources of ignition from open flames, electrical equipment, or heating equipment.

(e) Electrical equipment shall be in accordance with subpart S of this part for Class I, Division 2 locations.

(f) Heating, if provided, shall be by steam, hot water, or other indirect means.

(iii) *Special rooms.* (a) Floor, walls, and ceiling shall have a fire-resistance rating of at least 2 hours. Walls or partitions shall be continuous from floor to ceiling and shall be securely anchored. At least one wall shall be an exterior wall. Openings to other parts of the building shall not be permitted. Windows and doors shall be in exterior walls and shall be located so as to be readily accessible in case of emergency. Windows shall be of glass or plastic in metal frames.

(b) Ventilation shall be as provided in subdivision (ii)(b) of this subparagraph.

(c) Explosion venting shall be as provided in subdivision (ii)(c) of this subparagraph.

(d) There shall be no sources of ignition from open flames, electrical equipment, or heating equipment.

(e) Electrical equipment shall be in accordance with Article 501 of the National Electrical Code, NFPA 70–1971; ANSI C1–1971 (Rev. of C1–1968), for Class I Division 2 locations.

(f) Heating, if provided, shall be by steam, hot water, or indirect means.

(4) *Operating instructions.* For installations which require any operation of equipment by the user, legible instructions shall be maintained at operating locations.

(5) *Maintenance.* The equipment and functioning of each charged gaseous hydrogen system shall be maintained in a safe operating condition in accordance with the requirements of this section. The area within 15 feet of any hydrogen container shall be kept free of dry vegetation and combustible material.

(c) *Liquefied hydrogen systems*—(1) *Design*—(i) *Containers.* (a) Hydrogen containers shall comply with the following: Storage containers shall be designed, constructed, and tested in accordance with appropriate requirements of the ASME Boiler and Pressure Vessel Code, Section VIII—Unfired Pressure Vessels (1968) or applicable provisions of API Standard 620, Recommended Rules for Design and Construction of Large, Welded, Low-Pressure Storage Tanks, Second Edition (June 1963) and Appendix R (April 1965).

(b) Portable containers shall be designed, constructed and tested in accordance with DOT Specifications and Regulations.

(ii) *Supports.* Permanently installed containers shall be provided with substantial noncombustible supports securely anchored on firm noncombustible foundations. Steel supports in excess of 18 inches in height shall be protected with a protective coating having a 2-hour fire-resistance rating.

(iii) *Marking.* Each container shall be legibly marked to indicate "LIQUEFIED HYDROGEN—FLAMMABLE GAS."

(iv) *Safety relief devices.* (a)(1) Stationary liquefied hydrogen containers shall be equipped with safety relief devices sized in accordance with CGA Pamphlet S–1, Part 3, Safety Relief Device Standards for Compressed Gas Storage Containers.

(2) Portable liquefied hydrogen containers complying with the U.S. Department of Transportation Regulations shall be equipped with safety relief devices as required in the U.S. Department of Transportation Specifications and Regulations. Safety relief devices shall be sized in accordance with the requirements of CGA Pamphlet S–1, Safety Relief Device Standards, Part 1, Compressed Gas Cylinders and Part 2, Cargo and Portable Tank Containers.

(b) Safety relief devices shall be arranged to discharge unobstructed to the outdoors and in such a manner as to prevent impingement of escaping liquid or gas upon the container, adjacent structures or personnel. See subparagraph (2)(i)(f) of this paragraph for venting of safety relief devices in special locations.

(c) Safety relief devices or vent piping shall be designed or located so that moisture cannot collect and freeze in a manner which would interfere with proper operation of the device.

(d) Safety relief devices shall be provided in piping wherever liquefied hydrogen could be trapped between closures.

(v) *Piping, tubing, and fittings.* (a) Piping, tubing, and fittings and gasket and thread sealants shall be suitable for hydrogen service at the pressures and temperatures involved. Consideration shall be given to the thermal expansion and contraction of piping systems when exposed to temperature fluctuations of ambient to liquefied hydrogen temperatures.

(b) Gaseous hydrogen piping and tubing (above −20° F.) shall conform to the applicable sections of Pressure Piping Section 2—Industrial Gas and Air Piping, ANSI B31.1–1967 with addenda B31.1–1968. Design of liquefied hydrogen or cold (−20° F. or below) gas piping shall use Petroleum Refinery Piping ANSI B31.3–1966 or Refrigeration Piping ANSI B31.5–1966 with addenda B31.5a–1968 as a guide.

(c) Joints in piping and tubing shall preferably be made by welding or brazing; flanged, threaded, socket, or suitable compression fittings may be used.

(d) Means shall be provided to minimize exposure of personnel to piping operating at low temperatures and to prevent air condensate from contacting piping, structural members, and surfaces not suitable for cryogenic temperatures. Only those insulating materials which are rated nonburning in accordance with ASTM Procedures D1692–68 may be used. Other protective means may be used to protect personnel. The insulation shall be designed to have a vapor-tight seal in the outer covering to prevent the condensation of air and subsequent oxygen enrichment within the insulation. The insulation material and outside shield shall also be of adequate design to prevent attrition of the insulation due to normal operating conditions.

(e) Uninsulated piping and equipment which operate at liquefied-hydrogen temperature shall not be installed above asphalt surfaces or other combustible materials in order to prevent contact of liquid air with such materials. Drip pans may be installed under uninsulated piping and equipment to retain and vaporize condensed liquid air.

(vi) *Equipment assembly.* (a) Valves, gauges, regulators, and other accessories shall be suitable for liquefied hydrogen service and for the pressures and temperatures involved.

(b) Installation of liquefied hydrogen systems shall be supervised by personnel familiar with proper practices and with reference to their construction and use.

(c) Storage containers, piping, valves, regulating equipment, and other accessories shall be readily accessible and shall be protected against physical damage and against tampering. A shutoff valve shall be located in liquid product withdrawal lines as close to the container as practical. On containers of over 2,000 gallons capacity, this shutoff valve shall be of the remote control type with no connections, flanges, or other appurtenances (other than a welded manual shutoff valve) allowed in the piping between the shutoff valve and its connection to the inner container.

(d) Cabinets or housings containing hydrogen control equipment shall be ventilated to prevent any accumulation of hydrogen gas.

(vii) *Testing.* (a) After installation, all field-erected piping shall be tested and proved hydrogen gas-tight at operating pressure and temperature.

(b) Containers if out of service in excess of 1 year shall be inspected and tested as outlined in (a) of this subdivision. The safety relief devices shall be checked to determine if they are operable and properly set.

(viii) *Liquefied hydrogen vaporizers.* (a) The vaporizer shall be anchored and its connecting piping shall be sufficiently flexible to provide for the effect of expansion and contraction due to temperature changes.

(b) The vaporizer and its piping shall be adequately protected on the hydrogen and heating media sections with safety relief devices.

(c) Heat used in a liquefied hydrogen vaporizer shall be indirectly supplied utilizing media such as air, steam, water, or water solutions.

(d) A low temperature shutoff switch shall be provided in the vaporizer discharge piping to prevent flow of liquefied hydrogen in the event of the loss of the heat source.

(ix) *Electrical systems.* (a) Electrical wiring and equipment located within 3 feet of a point where connections are regularly made and disconnected, shall be in accordance with subpart S of this part, for Class I, Group B, Division 1 locations.

(b) Except as provided in (a) of this subdivision, electrical wiring, and equipment located within 25 feet of a point where connections are regularly made and disconnected or within 25 feet of a liquid hydrogen storage container, shall be in accordance with subpart S of this part, for Class I, Group B, Division 2 locations. When equipment approved for class I, group B atmospheres is not commercially available, the equipment may be—

(1) Purged or ventilated in accordance with NFPA No. 496–1967, Standard for Purged Enclosures for Electrical Equipment in Hazardous Locations,

(2) Intrinsically safe, or

(3) Approved for Class I, Group C atmospheres. This requirement does not apply to electrical equipment which is installed on mobile supply trucks or tank cars from which the storage container is filled.

(x) *Bonding and grounding.* The liquefied hydrogen container and associated piping shall be electrically bonded and grounded.

(2) *Location of liquefied hydrogen storage*—(i) *General requirements.* (a) The storage containers shall be located so that they are readily accessible to mobile supply equipment at ground level and to authorized personnel.

(b) The containers shall not be exposed by electric power lines, flammable liquid lines, flammable gas lines, or lines carrying oxidizing materials.

(c) When locating liquified hydrogen storage containers near above-ground flammable liquid storage or liquid oxygen storage, it is advisable to locate the liquefied hydrogen container on ground higher than flammable liquid storage or liquid oxygen storage.

(d) Where it is necessary to locate the liquefied hydrogen container on ground that is level with or lower than adjacent flammable liquid storage or liquid oxygen storage, suitable protective means shall be taken (such as by diking, diversion curbs, grading), with respect to the adjacent flammable liquid storage or liquid oxygen storage, to prevent accumulation of liquids within 50 feet of the liquefied hydrogen container.

(e) Storage sites shall be fenced and posted to prevent entrance by unauthorized personnel. Sites shall also be placarded as follows: "Liquefied Hydrogen—Flammable Gas—No Smoking—No Open Flames."

(f) If liquified hydrogen is located in (as specified in Table H–3) a separate building, in a special room, or inside buildings when not in a special room and exposed to other occupancies, containers shall have the safety relief devices vented unobstructed to the outdoors at a minimum elevation of 25 feet above grade to a safe location as required in subparagraph (1)(iv)(b) of this paragraph.

(ii) *Specific requirements.* (a) The location of liquefied hydrogen storage, as determined by the maximum total quantity of liquified hydrogen, shall be in the order of preference as indicated by Roman numerals in the following Table H–3:

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TABLE H-3—MAXIMUM TOTAL QUANTITY OF LIQUEFIED HYDROGEN STORAGE PERMITTED

Nature of location	Size of hydrogen storage (capacity in gallons)			
	39.63 (150 liters) to 50	51 to 300	301 to 600	In excess of 600
Outdoors	I	I	I	I
In a separate building	II	II	II	Not permitted.
In a special room	III	III	Not permitted	Not permitted.
Inside buildings not in a special room and exposed to other occupancies.	IV	Not permitted	Not permitted	Not permitted.

NOTE: This table does not apply to the storage in dewars of the type generally used in laboratories for experimental purposes.

(b) The minimum distance in feet from liquefied hydrogen systems of indicated storage capacity located outdoors, in a separate building, or in a special room to any specified exposure shall be in accordance with Table H-4.

TABLE H-4—MINIMUM DISTANCE (FEET) FROM LIQUEFIED HYDROGEN SYSTEMS TO EXPOSURE

Type of exposure	Liquefied hydrogen storage (capacity in gallons)		
	39.63 (150 liters) to 3,500	3,501 to 15,000	15,001 to 30,000
1. Fire-resistive building and fire walls*	5	5	5
2. Noncombustible building*	25	50	75
3. Other buildings*	50	75	100
4. Wall openings, air-compressor intakes, inlets for air-conditioning or ventilating equipment	75	75	75
5. Flammable liquids (above ground and vent or fill openings if below ground) (see 513 and 514)	50	75	100
6. Between stationary liquefied hydrogen containers	5	5	5
7. Flammable gas storage	50	75	100
8. Liquid oxygen storage and other oxidizers (see 513 and 514)	100	100	100
9. Combustible solids	50	75	100
10. Open flames, smoking, and welding	50	50	50
11. Concentrations of people†	75	75	75
12. Public ways, railroads, and property lines	25	50	75

*Refer to Standard Types of Building Construction, NFPA No. 220-1969, for definitions of various types of construction.
†In congested areas such as offices, lunchrooms, locker rooms, time-clock areas, and places of public assembly.

NOTE 1: The distance in Nos. 2, 3, 5, 7, 9, and 12 in Table H-4 may be reduced where protective structures, such as firewalls equal to height of top of the container, to safeguard the liquefied hydrogen storage system, are located between the liquefied hydrogen storage installation and the exposure.

NOTE 2: Where protective structures are provided, ventilation and confinement of product should be considered. The 5-foot distance in Nos. 1 and 6 facilitates maintenance and enhances ventilation.

(iii) *Handling of liquefied hydrogen inside buildings other than separate buildings and special rooms.* Portable liquefied hydrogen containers of 50 gallons or less capacity as permitted in Table H-3 and in compliance with subdivision (i) (f) of this subparagraph when housed inside buildings not located in a special room and exposed to other occupancies shall comply with the following minimum requirements:

(a) Be located 20 feet from flammable liquids and readily combustible materials such as excelsior or paper.

(b) Be located 25 feet from ordinary electrical equipment and other sources of ignition including process or analytical equipment.

(c) Be located 25 feet from concentrations of people.

(d) Be located 50 feet from intakes of ventilation and air-conditioning equipment or intakes of compressors.

(e) Be located 50 feet from storage of other flammable-gases or storage of oxidizing gases.

(f) Containers shall be protected against damage or injury due to falling objects or work activity in the area.

(g) Containers shall be firmly secured and stored in an upright position.

(h) Welding or cutting operations, and smoking shall be prohibited while hydrogen is in the room.

(i) The area shall be adequately ventilated. Safety relief devices on the containers shall be vented directly outdoors or to a suitable hood. See subparagraph (1) (iv) (b) of this paragraph and subdivision (i) (f) of this subparagraph.

(3) *Design considerations at specific locations*—(i) *Outdoor locations.* (a) Outdoor location shall mean outside of any building or structure, and includes locations under a weather shelter or canopy provided such locations are not enclosed by more than two walls set at right angles and are provided with ventspace between the walls and vented roof or canopy.

(b) Roadways and yard surfaces located below liquefied hydrogen piping, from which liquid air may drip, shall be constructed of noncombustible materials.

(c) If protective walls are provided, they shall be constructed of noncombustible materials and in accordance with the provisions of subdivision (a) of this subdivision as applicable.

(d) Electrical wiring and equipment shall comply with subparagraph (1) (ix) (a) and (b) of this paragraph.

(e) Adequate lighting shall be provided for nighttime transfer operation.

(ii) *Separate buildings.* (a) Separate buildings shall be of light noncombustible construction on a substantial frame. Walls and roofs shall be lightly fastened and designed to relieve at a maximum internal pressure of 25 pounds per square foot. Windows shall be of shatterproof glass or plastic in metal frames. Doors shall be located in such a manner that they will be readily accessible to personnel in an emergency.

(b) Adequate ventilation to the outdoors shall be provided. Inlet openings shall be located near the floor level in exterior walls only. Outlet openings shall be located at the high point of the room in exterior walls or roof. Both the inlet and outlet vent openings shall have a minimum total area of 1 square foot per 1,000 cubic feet of room volume. Discharge from outlet openings shall be directed or conducted to a safe location.

(c) There shall be no sources of ignition.

(d) Electrical wiring and equipment shall comply with subparagraph (1) (ix) (a) and (b) of this paragraph except that the provisions of subparagraph (1) (ix) (b) of this paragraph shall apply to all electrical wiring and equipment in the separate building.

(e) Heating, if provided, shall be by steam, hot water, or other indirect means.

(iii) *Special rooms.* (a) Floors, walls, and ceilings shall have a fire resistance rating of at least 2 hours. Walls or partitions shall be continuous from floor to ceiling and shall be securely anchored. At least one wall shall be an exterior wall. Openings to other parts of the building shall not be permitted. Windows and doors shall be in exterior walls and doors shall be located in such a manner that they will be accessible in an emergency. Windows shall be of shatterproof glass or plastic in metal frames.

(b) Ventilation shall be as provided in subdivision (ii) (b) of this subparagraph.

(c) Explosion venting shall be provided in exterior walls or roof only. The venting area shall be equal to not less than 1 square foot per 3) cubic feet of room volume and may consist of any one or any combination of the following: walls of light noncombustible material; lightly fastened hatch covers; lightly fastened swinging doors opening outward in exterior walls; lightly fastened walls or roofs designed to relieve at a maximum pressure of 25 pounds per square foot.

(d) There shall be no sources of ignition.

(e) Electrical wiring and equipment shall comply with subparagraph (1) (ix) (a) and (b) of this paragraph except that the provision of subparagraph (1) (ix) (b) of this paragraph shall apply to all electrical wiring and equipment in the special room.

(f) Heating, if provided, shall be steam, hot water, or by other indirect means.

(4) *Operating instructions*—(i) *Written instructions.* For installation which require any operation of equipment by the user, legible instructions shall be maintained at operating locations.

(ii) *Attendant.* A qualified person shall be in attendance at all times while the mobile hydrogen supply unit is being unloaded.

(iii) *Security.* Each mobile liquefied hydrogen supply unit used as part of a hydrogen system shall be adequately secured to prevent movement.

(iv) *Grounding.* The mobile liquefied hydrogen supply unit shall be grounded for static electricity.

(5) *Maintenance.* The equipment and functioning of each charged liquefied hydrogen system shall be maintained in a safe operating condition in accordance with the requirements of this section. Weeds or similar combustibles shall not be permitted within 25 feet of any liquefied hydrogen equipment.

§ 1910.104 Oxygen.

(a) *Scope.* This section applies to the installation of bulk oxygen systems on industrial and institutional consumer premises. This section does not apply to oxygen manufacturing plants or other establishments operated by the oxygen supplier or his agent for the purpose of storing oxygen and refilling portable containers, trailers, mobile supply trucks, or tank cars, nor to systems having capacities less than those stated in paragraph (b) (1) of this section.

(b) *Bulk oxygen systems.*—(1) *Definition.* As used in this section: A bulk oxygen system is an assembly of equipment, such as oxygen storage containers, pressure regulators, safety devices, vaporizers, manifolds, and interconnecting piping, which has storage capacity of more than 13,000 cubic feet of oxygen, Normal Temperature and Pressure (NTP), connected in service or ready for service, or more than 25,000 cubic feet of oxygen (NTP) including unconnected reserves on hand at the site. The bulk oxygen system terminates at the point where oxygen at service pressure first enters the supply line. The oxygen containers may be stationary or movable, and the oxygen may be stored as gas or liquid.

(2) *Location*—(i) *General.* Bulk oxygen storage systems shall be located above ground out of doors, or shall be installed in a building of noncombustible construction, adequately vented, and used for that purpose exclusively. The location selected shall be such that containers and associated equipment shall not be exposed by electric power lines, flammable or combustible liquid lines, or flammable gas lines.

(ii) *Accessibility.* The system shall be located so that it is readily accessible to mobile supply equipment at ground level and to authorized personnel.

(iii) *Leakage.* Where oxygen is stored as a liquid, noncombustible surfacing shall be provided in an area in which any leakage of liquid oxygen might fall during operation of the system and filling of a storage container. For purposes of this paragraph, asphaltic or bituminous paving is considered to be combustible.

(iv) *Elevation.* When locating bulk oxygen systems near above-ground flammable or combustible liquid storage which may be either indoors or outdoors, it is advisable to locate the system on ground higher than the flammable or combustible liquid storage.

(v) *Dikes.* Where it is necessary to locate a bulk oxygen system on ground lower than adjacent flammable or combustible liquid storage suitable means shall be taken (such as by diking, diversion curbs, or grading) with respect to the adjacent flammable or combustible liquid storage to prevent accumulation of liquids under the bulk oxygen system.

(3) *Distance between systems and exposures*—(i) *General.* The minimum distance from any bulk oxygen storage container to exposures, measured in the most direct line except as indicated in subdivisions (vi) and (viii) of this subparagraph, shall be as indicated in subdivisions (ii) to (xviii) of this subparagraph inclusive.

(ii) *Combustible structures.* Fifty feet from any combustible structures.

(iii) *Fire resistive structures.* Twenty-five feet from any structures with fire-resistive exterior walls or sprinklered buildings of other construction, but not less than one-half the height of adjacent side wall of the structure.

(iv) *Openings.* At least 10 feet from any opening in adjacent walls of fire resistive structures. Spacing from such structures shall be adequate to permit maintenance, but shall not be less than 1 foot.

(v) *Flammable liquid storage aboveground.*

Distance (feet)	Capacity (gallons)
50	0-1000
90	1001 or more

(vi) *Flammable liquid storage belowground.*

Distance measured horizontally from oxygen storage container to flammable liquid tank (feet)	Distance from oxygen storage container to filling and vent connections or openings to flammable liquid tank (feet)	Capacity gallons
15	50	0-1000.
30	50	1001 or more

(vii) *Combustible liquid storage aboveground.*

Distance (feet)	Capacity (gallons)
25	0-1000
50	1001 or more

(viii) *Combustible liquid storage belowground.*

Distance measured horizontally from oxygen storage container to combustible liquid tank (feet)	Distance from oxygen storage container to filling and vent connections or openings to combustible liquid tank (feet)
15	40

(ix) *Flammable gas storage.* (Such as compressed flammable gases, liquefied flammable gases and flammable gases in low pressure gas holders):

Distance (feet)	Capacity (cu. ft. NTP)
50	Less than 6000
90	6000 or more

(x) *Highly combustible materials.* Fifty feet from solid materials which burn rapidly, such as excelsior or paper.

(xi) *Slow-burning materials.* Twenty-five feet from solid materials which burn slowly, such as coal and heavy timber.

(xii) *Ventilation.* Seventy-five feet in one direction and 35 feet in approximately 90° direction from confining walls (not including firewalls less than 20 feet high) to provide adequate ventilation in courtyards and similar confining areas.

(xiii) *Congested areas.* Twenty-five feet from congested areas such as offices, lunchrooms, locker rooms, time clock areas, and similar locations where people may congregate.

(xiv) *Public areas.* Fifty feet from places of public assembly.

(xv) *Patients.* Fifty feet from areas occupied by nonambulatory patients.

(xvi) *Sidewalks.* Ten feet from any public sidewalk.

(xvii) *Adjacent property.* Five feet from any line of adjoining property.

(xviii) *Exceptions.* The distances in subdivisions (ii), (iii), (v) to (xi) inclusive, (xvi), and (xvii) of this subparagraph do not apply where protective structures such as firewalls of adequate height to safeguard the oxygen storage systems are located between the bulk oxygen storage installation and the exposure. In such cases, the bulk oxygen storage installation may be a minimum distance of 1 foot from the firewall.

(4) *Storage containers*—(i) *Foundations and supports.* Permanently installed containers shall be provided with substantial noncombustible supports on firm noncombustible foundations.

(ii) *Construction—liquid.* Liquid oxygen storage containers shall be fabricated from materials meeting the impact test requirements of paragraph UG-84 of ASME Boiler and Pressure Vessel Code, Section VIII—Unfired Pressure Vessels—1968. Containers operating at pressures above 15 pounds per square inch gage (p.s.i.g.) shall be designed, constructed, and tested in accordance with appropriate requirements of ASME Boiler and Pressure Vessel Code, Section VIII—Unfired Pressure Vessels—1968. Insulation surrounding the liquid oxygen container shall be noncombustible.

(iii) *Construction—gaseous.* High-pressure gaseous oxygen containers shall comply with one of the following:

(a) Designed, constructed, and tested in accordance with ASME Boiler and Pressure Vessel Code, Section VIII—Unfired Pressure Vessels—1968.

(b) Designed, constructed, tested, and maintained in accordance with DOT Specifications and Regulations.

(5) *Piping, tubing, and fittings*—(i) *Selection.* Piping, tubing, and fittings shall be suitable for oxygen service and for the pressures and temperatures involved.

(ii) *Specification.* Piping and tubing shall conform to Section 2—Gas and Air Piping Systems of Code for Pressure Piping, ANSI, B31.1-1967 with addenda B31.10a-1969.

(iii) *Fabrication.* Piping or tubing for operating temperatures below —20° F. shall be fabricated from materials meeting the impact test requirements of paragraph UG-84 of ASME Boiler and Pressure Vessel Code, Section VIII—Unfired Pressure Vessels—1968, when tested at the minimum operating temperature to which the piping may be subjected in service.

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(6) *Safety relief devices*—(i) *General.* Bulk oxygen storage containers, regardless of design pressure shall be equipped with safety relief devices as required by the ASME code or the DOT specifications and regulations.

(ii) *DOT containers.* Bulk oxygen storage containers designed and constructed in accordance with DOT specification shall be equipped with safety relief devices as required thereby.

(iii) *ASME containers.* Bulk oxygen storage containers designed and constructed in accordance with the ASME Boiler and Pressure Vessel Code, Section VIII—Unfired Pressure Vessel—1968 shall be equipped with safety relief devices meeting the provisions of the Compressed Gas Association Pamphlet "Safety Relief Device Standards for Compressed Gas Storage Containers," S–1, Part 3.

(iv) *Insulation.* Insulation casings on liquid oxygen containers shall be equipped with suitable safety relief devices.

(v) *Reliability.* All safety relief devices shall be so designed or located that moisture cannot collect and freeze in a manner which would interfere with proper operation of the device.

(7) *Liquid oxygen vaporizers*—(i) *Mounts and couplings.* The vaporizer shall be anchored and its connecting piping be sufficiently flexible to provide for the effect of expansion and contraction due to temperature changes.

(ii) *Relief devices.* The vaporizer and its piping shall be adequately protected on the oxygen and heating medium sections with safety relief devices.

(iii) *Heating.* Heat used in an oxygen vaporizer shall be indirectly supplied only through media such as steam, air, water, or water solutions which do not react with oxygen.

(iv) *Grounding.* If electric heaters are used to provide the primary source of heat, the vaporizing system shall be electrically grounded.

(8) *Equipment assembly and installation*—(i) *Cleaning.* Equipment making up a bulk oxygen system shall be cleaned in order to remove oil, grease or other readily oxidizable materials before placing the system in service.

(ii) *Joints.* Joints in piping and tubing may be made by welding or by use of flanged, threaded, slip, or compression fittings. Gaskets or thread sealants shall be suitable for oxygen service.

(iii) *Accessories.* Valves, gages, regulators, and other accessories shall be suitable for oxygen service.

(iv) *Installation.* Installation of bulk oxygen systems shall be supervised by personnel familiar with proper practices with reference to their construction and use.

(v) *Testing.* After installation all field erected piping shall be tested and proved gas tight at maximum operating pressure. Any medium used for testing shall be oil free and nonflammable.

(vi) *Security.* Storage containers, piping, valves, regulating equipment, and other accessories shall be protected against physical damage and against tampering.

(vii) *Venting.* Any enclosure containing oxygen control or operating equipment shall be adequately vented.

(viii) *Placarding.* The bulk oxygen storage location shall be permanently placarded to indicate: "OXYGEN—NO SMOKING—NO OPEN FLAMES", or an equivalent warning.

(ix) *Electrical wiring.* Bulk oxygen installations are not hazardous locations as defined and covered in subpart S of this part. Therefore, general purpose or weatherproof types of electrical wiring and equipment are acceptable depending upon whether the installation is indoors or outdoors. Such equipment shall be installed in accordance with the applicable provisions of subpart S of this part.

(9) *Operating instructions.* For installations which require any operation of equipment by the user, legible instructions shall be maintained at operating locations.

(10) *Maintenance.* The equipment and functioning of each charged bulk oxygen system shall be maintained in a safe operating condition in accordance with the requirements of this section. Wood and long dry grass shall be cut back within 15 feet of any bulk oxygen storage container.

§ 1910.105 Nitrous oxide.

The piped systems for the in-plant transfer and distribution of nitrous oxide shall be designed, installed, maintained, and operated in accordance with Compressed Gas Association Pamphlet G–8.1–1964.

§ 1910.106 Flammable and combustible liquids.

(a) *Definitions.* As used in this section:

(1) Aerosol shall mean a material which is dispensed from its container as a mist, spray, or foam by a propellant under pressure.

(2) Atmospheric tank shall mean a storage tank which has been designed to operate at pressures from atmospheric through 0.5 p.s.i.g.

(3) Automotive service station shall mean that portion of property where flammable or combustible liquids used as motor fuels are stored and dispensed from fixed equipment into the fuel tanks of motor vehicles and shall include any facilities available for the sale and service of tires, batteries, and accessories, and for minor automotive maintenance work. Major automotive repairs, painting, body and fender work are excluded.

(4) Basement shall mean a story of a building or structure having one-half or more of its height below ground level and to which access for fire fighting purposes is unduly restricted.

(5) Boiling point shall mean the boiling point of a liquid at a pressure of 14.7 pounds per square inch absolute (p.s.i.a.) (760 mm.). Where an accurate boiling point is unavailable for the material in question, or for mixtures which do not have a constant boiling point, for purposes of this section the 10 percent point of a distillation performed in accordance with the Standard Method of Test for Distillation of Petroleum Products, ASTM D–86–62, may be used as the boiling point of the liquid.

(6) Bollover shall mean the expulsion of crude oil (or certain other liquids) from a burning tank. The light fractions of the crude oil burnoff producing a heat wave in the residue, which on reaching a water strata may result in the expulsion of a portion of the contents of the tank in the form of froth.

(7) Bulk plant shall mean that portion of a property where flammable or combustible liquids are received by tank vessel, pipelines, tank car, or tank vehicle, and are stored or blended in bulk for the purpose of distributing such liquids by tank vessel, pipeline, tank car, tank vehicle, or container.

(8) Chemical plant shall mean a large integrated plant or that portion of such a plant other than a refinery or distillery where flammable or combustible liquids are produced by chemical reactions or used in chemical reactions.

(9) Closed container shall mean a container as herein defined, so sealed by means of a lid or other device that neither liquid nor vapor will escape from it at ordinary temperatures.

(10) Crude petroleum shall mean hydrocarbon mixtures that have a flash point below 150° F. and which have not been processed in a refinery.

(11) Distillery shall mean a plant or that portion of a plant where flammable or combustible liquids produced by fermentation are concentrated, and where the concentrated products may also be mixed, stored, or packaged.

(12) Fire area shall mean an area of a building separated from the remainder of the building by construction having a fire resistance of at least 1 hour and having all communicating openings properly protected by an assembly having a fire resistance rating of at least 1 hour.

(13) Flammable aerosol shall mean an aerosol which is required to be labeled "Flammable" under the Federal Hazardous Substances Labeling Act (15 U.S.C. 1261). For the purposes of paragraph (d) of this section, such aerosols are considered Class IA liquids.

(14) "Flashpoint" means the minimum temperature at which a liquid gives off vapor within a test vessel in sufficient concentration to form an ignitable mixture with air near the surface of the liquid, and shall be determined as follows:

(i) For a liquid which has a viscosity of less than 45 SUS at 100°F. (37.8°C.), does not contain suspended solids, and does not have a tendency to form a surface film while under test, the procedure specified in the Standard Method of Test for Flashpoint by Tag Closed Tester (ASTM D–56–70) shall be used.

(ii) For a liquid which has a viscosity of 45 SUS or more at 100°F. (37.8°C.), or contains suspended solids, or has a tendency to form a surface film while under test, the Standard Method of Test for Flashpoint by Pensky-Martens Closed Tester (ASTM D–93–71) shall be used, except that the methods specified in Note 1 to section 1.1 of ASTM D–93–71 may be used for the respective materials specified in the Note.

(iii) For a liquid that is a mixture of compounds that have different volatilities and flashpoints, its flashpoint shall be determined by using the procedure specified in paragraph (a) (14) (i) or (ii) of this section on the liquid in the form it is shipped. If the flashpoint, as determined by this test, is 100°F. (37.8°C.) or higher, an additional flashpoint determination shall be run on a sample of the liquid evaporated to 90 percent of its original volume, and the lower value of the two tests shall be considered the flashpoint of the material.

(iv) Organic peroxides, which undergo autoaccelerating thermal decomposition, are excluded from any of the flashpoint determination methods specified in this subparagraph.

(15) Hotel shall mean buildings or groups of buildings under the same management in which there are sleeping accommodations for hire, primarily used by transients who are lodged with or without meals including but not limited to inns, clubs, motels, and apartment hotels.

(16) Institutional occupancy shall mean the occupancy or use of a building or structure or any portion thereof by persons harbored or detained to receive medical, charitable or other care or treatment, or by persons involuntarily detained.

(17) Liquid shall mean, for the purpose of this section, any material which has a fluidity greater than that of 300 penetration asphalt when tested in accordance with ASTM Test for Penetration for Bituminous Materials, D–5–65. When not otherwise identified, the term liquid shall include both flammable and combustible liquids.

(18) "Combustible liquid" means any liquid having a flashpoint at or above 100°F. (37.8°C.). Combustible liquids shall be divided into two classes as follows:

(i) "Class II liquids" shall include those with flashpoints at or above 100°F. (37.8°C.) and below 140°F. (60°C.), except any mixture having components with flashpoints of 200°F. (93.3°C.) or higher, the volume of which make up 99 percent or more of the total volume of the mixture.

(ii) "Class III liquids" shall include those with flashpoints at or above 140°F. (60°C.). Class III liquids are subdivided into two subclasses:

(*a*) "Class IIIA liquids" shall include those with flashpoints at or above 140°F. (60°C.) and below 200°F. (93.3°C.), except any mixture having components with flashpoints of 200°F. (93.3°C.), or higher, the total volume of which make up 99 percent or more of the total volume of the mixture.

(*b*) "Class IIIB liquids" shall include those with flashpoints at or above 200°F. (93.3°C.). This section does not cover Class IIIB liquids. Where the term "Class III liquids" is used in this section, it shall mean only Class IIIA liquids.

(iii) When a combustible liquid is heated for use to within 30°F. (16.7°C.) of its flashpoint, it shall be handled in accordance with the requirements for the next lower class of liquids.

(19) "Flammable liquid" means any liquid having a flashpoint below 100°F. (37.8°C.), except any mixture having components with flashpoints of 100°F. (37.8°C.) or higher, the total of which make up 99 percent or more of the total volume of the mixture. Flammable liquids shall be known as Class I liquids. Class I liquids are divided into three classes as follows:

(i) Class IA shall include liquids having flashpoints below 73°F. (22.8°C.) and having a boiling point below 100°F. (37.8°C.).

(ii) Class IB shall include liquids having flashpoints below 73°F. (22.8°C.) and having a boiling point at or above 100°F. (37.8°C.).

(iii) Class IC shall include liquids having flashpoints at or above 73°F. (22.8°C.) and below 100°F. (37.8°C.).

(20) Unstable (reactive) liquid shall mean a liquid which in the pure state or as commercially produced or transported will vigorously polymerize, decompose, condense, or will become self-reactive under conditions of shocks, pressure, or temperature.

(21) Low-pressure tank shall mean a storage tank which has been designed to operate at pressures above 0.5 p.s.i.g. but not more than 15 p.s.i.g.

(22) Marine service station shall mean that portion of a property where flammable or combustible liquids used as fuels are stored and dispensed from fixed equipment on shore, piers, wharves, or floating docks into the fuel tanks of self-propelled craft, and shall include all facilities used in connection therewith.

(23) Mercantile occupancy shall mean the occupancy or use of a building or structure or any portion thereof for the displaying, selling, or buying of goods, wares, or merchandise.

(24) Office occupancy shall mean the occupancy or use of a building or structure or any portion thereof for the transaction of business, or the rendering or receiving of professional services.

(25) Portable tank shall mean a closed container having a liquid capacity over 60 U.S. gallons and not intended for fixed installation.

(26) Pressure vessel shall mean a storage tank or vessel which has been designed to operate at pressures above 15 p.s.i.g.

(27) Protection for exposure shall mean adequate fire protection for structures on property adjacent to tanks, where there are employees of the establishment.

(28) Refinery shall mean a plant in which flammable or combustible liquids are produced on a commercial scale from crude petroleum, natural gasoline, or other hydrocarbon sources.

(29) Safety can shall mean an approved container, of not more than 5 gallons capacity, having a spring-closing lid and spout cover and so designed that it will safely relieve internal pressure when subjected to fire exposure.

(30) Vapor pressure shall mean the pressure, measured in pounds per square inch (absolute) exerted by a volatile liquid as determined by the "Standard Method of Test for Vapor Pressure of Petroleum Products (Reid Method)," American Society for Testing and Materials ASTM D323–68.

(31) Ventilation as specified in this section is for the prevention of fire and explosion. It is considered adequate if it is sufficient to prevent accumulation of significant quantities of vapor-air mixtures in concentration over one-fourth of the lower flammable limit.

(32) Storage: Flammable or combustible liquids shall be stored in a tank or in a container that complies with paragraph (d) (2) of this section.

(33) Barrel shall mean a volume of 42 U.S. gallons.

(34) Container shall mean any can, barrel, or drum.

(35) Approved unless otherwise indicated, approved, or listed by at least one of the following nationally recognized testing laboratories: Underwriters' Laboratories, Inc.; Factory Mutual Engineering Corp.

(36) Listed see "approved" in § 1910 106(a)(35).

(37) "SUS" means Saybolt Universal Seconds as determined by the Standard Method of Test for Saybolt Viscosity (ASTM D–88–56), and may be determined by use of the SUS conversion tables specified in ASTM Method D2161–66 following determination of viscosity in accordance with the procedures specified in the Standard Method of Test for Viscosity of Transparent and Opaque Liquids (ASTM D445–65).

(38) "Viscous" means a viscosity of 45 SUS or more.

(b) *Tank storage*—(1) *Design and construction of tanks*—(i) *Materials.* (*a*) Tanks shall be built of steel except as provided in (*b*) through (*e*) of this subdivision.

(*b*) Tanks may be built of materials other than steel for installation underground or if required by the properties of the liquid stored. Tanks located above ground or inside buildings shall be of noncombustible construction.

(*c*) Tanks built of materials other than steel shall be designed to specifications embodying principles recognized as good engineering design for the material used.

(*d*) Unlined concrete tanks may be used for storing flammable or combustible liquids having a gravity of 40° API or heavier. Concrete tanks with special lining may be used for other services provided the design is in accordance with sound engineering practice.

(*e*) Tanks may have combustible or noncombustible linings.

(*f*) Special engineering consideration shall be required if the specific gravity of the liquid to be stored exceeds that of water or if the tanks are designed to contain flammable or combustible liquids at a liquid temperature below 0° F.

(ii) *Fabrication.* (*a*) Tanks may be of any shape or type consistent with sound engineering design.

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(b) Metal tanks shall be welded, riveted, and caulked, brazed, or bolted, or constructed by use of a combination of these methods. Filler metal used in brazing shall be nonferrous metal or an alloy having a melting point above 1000° F. and below that of the metal joined.

(iii) *Atmospheric tanks.* (a) Atmospheric tanks shall be built in accordance with acceptable good standards of design. Atmospheric tanks may be built in accordance with:

(1) Underwriters' Laboratories, Inc., Subjects No. 142, Standard for Steel Aboveground Tanks for Flammable and Combustible Liquids, 1968; No. 58, Standard for Steel Underground Tanks for Flammable and Combustible Liquids, Fifth Edition, December 1961; or No. 80, Standard for Steel Inside Tanks for Oil-Burner Fuel, September 1963.

(2) American Petroleum Institute Standards No. 12A, Specification for Oil Storage Tanks with Riveted Shells, Seventh Edition, September 1951, or No. 650, Welded Steel Tanks for Oil Storage, Third Edition, 1966.

(3) American Petroleum Institute Standards No. 12B, Specification for Bolted Production Tanks, Eleventh Edition, May 1958, and Supplement 1, March 1962; No. 12D, Specification for Large Welded Production Tanks, Seventh Edition, August 1957; or No. 12F, Specification for Small Welded Production Tanks, Fifth Edition, March 1961. Tanks built in accordance with these standards shall be used only as production tanks for storage of crude petroleum in oil-producing areas.

(b) Tanks designed for underground service not exceeding 2,500 gallons capacity may be used aboveground.

(c) Low-pressure tanks and pressure vessels may be used as atmospheric tanks.

(d) Atmospheric tanks shall not be used for the storage of a flammable or combustible liquid at a temperature at or above its boiling point.

(iv) *Low pressure tanks.* (a) The normal operating pressure of the tank shall not exceed the design pressure of the tank.

(b) Low-pressure tanks shall be built in accordance with acceptable standards of design. Low-pressure tanks may be built in accordance with:

(1) American Petroleum Institute Standard No. 620. Recommended Rules for the Design and Construction of Large, Welded, Low-Pressure Storage Tanks, Third Edition, 1966.

(2) The principles of the Code for Unfired Pressure Vessels, Section VIII of the ASME Boiler and Pressure Vessels Code, 1968.

(c) Atmospheric tanks built according to Underwriters' Laboratories, Inc., requirements in subdivision (iii)(a) of this subparagraph may be used for operating pressures not exceeding 1 p.s.i.g. and shall be limited to 2.5 p.s.i.g. under emergency venting conditions.

(d) Pressure vessels may be used as low-pressure tanks.

(v) *Pressure vessels.* (a) The normal operating pressure of the vessel shall not exceed the design pressure of the vessel.

(b) Pressure vessels shall be built in accordance with the Code for Unfired Pressure Vessels, Section VIII of the ASME Boiler and Pressure Vessel Code 1968.

(vi) *Provisions for internal corrosion.* When tanks are not designed in accordance with the American Petroleum Institute, American Society of Mechanical Engineers, or the Underwriters' Laboratories, Inc.'s, standards, or if corrosion is anticipated beyond that provided for in the design formulas used, additional metal thickness or suitable protective coatings or linings shall be provided to compensate for the corrosion loss expected during the design life of the tank.

(2) *Installation of outside aboveground tanks.*—(i) *Location with respect to property lines and public ways.* (a) Every aboveground tank for the storage of flammable or combustible liquids, except those liquids with boil-over characteristics and unstable liquids, operating at pressures not in excess of 2.5 p.s.i.g. and equipped with emergency venting which will not permit pressures to exceed 2.5 p.s.i.g. shall be located in accordance with Table H–5.

(b) Every aboveground tank for the storage of flammable or combustible liquids, except those liquids with boil-over characteristics and unstable flammable or combustible liquids, operating at pressures exceeding 2.5 p.s.i.g. or equipped with emergency venting which will permit pressures to exceed 2.5 p.s.i.g. shall be located in accordance with Table H–6.

TABLE H-5

Type of tank	Protection	Minimum distance in feet from property line which may be built upon, including the opposite side of a public way	Minimum distance in feet from nearest side of any public way or from nearest important building and shall be not less than 5 feet
Floating roof	Protection for exposures.	½ times diameter of tank but need not exceed 90 ft.	¼ times diameter of tank but need not exceed 30 ft.
	None	Diameter of tank but need not exceed 175 ft.	¼ times diameter of tank but need not exceed 30 ft.
Vertical with weak roof to shell seam:	Approved foam or inerting system on the tank.	½ times diameter of tank but need not exceed 90 ft. and shall not be less than 5 ft.	¼ times diameter of tank but need not exceed 30 ft.
	Protection for exposures.	Diameter of tank but need not exceed 175 ft.	½ times diameter of tank but need not exceed 60 ft.
	None	2 times diameter of tank but need not exceed 350 ft.	½ times diameter of tank but need not exceed 60 ft.
Horizontal and vertical, with emergency relief venting to limit pressures to 2.5 p.s.i.g.	Approved inerting system on the tank or approved foam system on vertical tanks.	½ times Table H–9 but shall not be less than 5 ft.	½ times Table H–9.
	Protection for exposures.	Table H–9	Table H–9.
	None	2 times Table H–9	Table H–9.

TABLE H-6

Type of tank	Protection	Minimum distance in feet from property line which may be built upon, including the opposite side of a public way	Minimum distance in feet from nearest side of any public way or from nearest important building
Any type	Protection for exposures.	1½ times Table H–9 but shall not be less than 25 ft.	1½ times Table H–9 but shall not be less than 25 ft.
	None	3 times Table H–9 but shall not be less than 50 ft.	1½ times Table H–9 but shall not be less than 25 ft.

(c) Every aboveground tank for the storage of flammable or combustible liquids with boil-over characteristics shall be located in accordance with Table H–7.

TABLE H-7

Type of tank	Protection	Minimum distance in feet from property line which may be built upon, including the opposite side of a public way	Minimum distance in feet from nearest side of any public way or from nearest important building
Floating roof	Protection for exposures.	Diameter of tank but need not exceed 175 ft.	¼ times diameter of tank but need not exceed 60 ft.
	None	2 times diameter of tank but need not exceed 350 ft.	½ times diameter of tank but need not exceed 60 ft.
Fixed roof	Approved foam or inerting system.	Diameter of tank but need not exceed 175 ft.	¼ times diameter of tank but need not exceed 60 ft.
	Protection for exposures.	2 times diameter of tank but need not exceed 350 ft.	½ times diameter of tank but need not exceed 120 ft.
	None	4 times diameter of tank but need not exceed 350 ft.	½ times diameter of tank but need not exceed 120 ft.

(d) Every aboveground tank for the storage of unstable liquids shall be located in accordance with Table H–8.

TABLE H-8

Type of tank	Protection	Minimum distance in feet from property line which may be built upon, including the opposite side of a public way	Minimum distance in feet from nearest side of any public way or from nearest important building
Horizontal and vertical tanks with emergency relief venting to permit pressure not in excess of 2.5 p.s.i.g.	Tank protected with any one of the following: Approved water spray, approved inerting, approved insulation and refrigeration, approved barricade.	See table H–9, but the distance may be not less than 25 ft.	Not less than 25 ft.
	Protection for exposures	2½ times table H–9 but not less than 50 ft.	Not less than 50 ft.
	None	5 times table H–9 but not less than 100 ft.	Not less than 100 ft.
Horizontal and vertical tanks with emergency relief venting to permit pressure over 2.5 p.s.i.g.	Tank protected with any one of the following: Approved water spray, approved inerting, approved insulation and refrigeration, approved barricade.	2 times table H–9 but not less than 50 ft.	Not less than 50 ft.
	Protection for exposures	4 times table H–9 but not less than 100 ft.	Not less than 100 ft.
	None	8 times table H–9 but not less than 150 ft.	Not less than 150 ft.

(e) Reference minimum distances for use in Tables H–5 to H–8, inclusive.

TABLE H-9

Capacity tank gallons	Minimum distance in feet from property line which may be built upon, including the opposite side of a public way	Minimum distance in feet from nearest side of any public way or from nearest important building
275 or less	5	5
276 to 750	10	5
751 to 12,000	15	5
12,001 to 30,000	20	5
30,001 to 50,000	30	10
50,001 to 100,000	50	15
100,001 to 500,000	80	25
500,001 to 1,000,000	100	35
1,000,001 to 2,000,000	135	45
2,000,001 to 3,000,000	165	55
3,000,001 or more	175	60

(f) Where end failure or horizontal pressure tanks and vessels may expose property, the tank shall be placed with the longitudinal axis parallel to the nearest important exposure.

(ii) *Spacing (shell-to-shell) between aboveground tanks.* (a) The distance between any two flammable or combustible liquid storage tanks shall not be less than 3 feet.

(b) Except as provided in subdivision (c) of this subdivision, the distance between any two adjacent tanks shall not be less than one-sixth the sum of their diameters. When the diameter of one tank is less than one-half the diameter of the adjacent tank, the distance between the two tanks shall not be less than one-half the diameter of the smaller tank.

(c) Where crude petroleum in conjunction with production facilities are located in noncongested areas and have capacities not exceeding 126,000 gallons (3,000 barrels), the distance between such tanks shall not be less than 3 feet.

(d) Where unstable flammable or combustible liquids are stored, the distance between such tanks shall not be less than one-half the sum of their diameters.

(e) When tanks are compacted in three or more rows or in an irregular pattern, greater spacing or other means shall be provided so that inside tanks are accessible for firefighting purposes.

(f) The minimum separation between a liquefied petroleum gas container and a flammable or combustible liquid storage tank shall be 20 feet, except in the case of flammable or combustible liquid tanks operating at pressures exceeding 2.5 p.s.i.g. or equipped with emergency venting which will permit pressures to exceed 2.5 p.s.i.g. in which case the provisions of subdivisions (a) and (b) of this subdivision shall apply. Suitable means shall be taken to prevent the accumulation of flammable or combustible liquids under adjacent liquefied petroleum gas containers such as by diversion curbs or grading. When flammable or combustible liquid storage tanks are within a diked area, the liquefied petroleum gas containers shall be outside the diked area and at least 10 feet away from the centerline of the wall of the diked area. The foregoing provisions shall not apply when liquefied petroleum gas containers of 125 gallons or less capacity are installed adjacent to fuel oil supply tanks of 550 gallons or less capacity.

(iii) *Location of outside aboveground tanks with respect to important buildings on same property.* Every outside aboveground tank shall be separated from important buildings on the same property by distances not less than those specified in subdivisions (i) (a), (b), (c), and (d) of this subparagraph, whichever is applicable. The appropriate distance column in Tables H–5, H–6, H–7, H–8, or H–9, that shall be used shall be the one reading: "Minimum Distance in Feet from Nearest Side of Any Public Way or From Nearest Important Building."

(iv) *Normal venting for aboveground tanks.* (a) Atmospheric storage tanks shall be adequately vented to prevent the development of vacuum or pressure sufficient to distort the roof of a cone roof tank or exceeding the design pressure in the case of other atmospheric tanks, as a result of filling or emptying, and atmospheric temperature changes.

(b) Normal vents shall be sized either in accordance with: (1) the American Petroleum Institute Standard 2000 (1968), Venting Atmospheric and Low-Pressure Storage Tanks; or (2) other accepted standard; or (3) shall be at least as large as the filling or withdrawal connection, whichever is larger but in no case less than 1¼ inch nominal inside diameter.

(c) Low-pressure tanks and pressure vessels shall be adequately vented to prevent development of pressure or vacuum, as a result of filling or emptying and atmospheric temperature changes, from exceeding the design pressure of the tank or vessel. Protection shall also be provided to prevent overpressure from any pump discharging into the tank or vessel when the pump discharge pressure can exceed the design pressure of the tank or vessel.

(d) If any tank or pressure vessel has more than one fill or withdrawal connection and simultaneous filling or withdrawal can be made, the vent size shall be based on the maximum anticipated simultaneous flow.

(e) Unless the vent is designed to limit the internal pressure 2.5 p.s.i. or less, the outlet of vents and vent drains shall be arranged to discharge in such a manner as to prevent localized overheating of any part of the tank in the event vapors from such vents are ignited.

(f) Tanks and pressure vessels storing Class IA liquids shall be equipped with venting devices which shall be normally closed except when venting to pressure or vacuum conditions. Tanks and pressure vessels storing Class IB and IC liquids shall be equipped with venting devices which shall be normally closed except when venting under pressure or vacuum conditions, or with approved flame arresters.

Exemption: Tanks of 3,000 bbls. capacity or less containing crude petroleum in crude-producing areas; and, outside aboveground atmospheric tanks under 1,000 gallons capacity containing other than Class IA flammable liquids may have open vents. (See subdivision (vi) (b) of this subparagraph.)

(g) Flame arresters or venting devices required in subdivision (f) of this subdivision may be omitted for Class IB and IC liquids where conditions are such that their use may, in case of obstruction, result in tank damage.

(v) *Emergency relief venting for fire exposure for aboveground tanks.* (a)

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Every aboveground storage tank shall have some form of construction or device that will relieve excessive internal pressure caused by exposure fires.

(*b*) In a vertical tank the construction referred to in subdivision (*a*) of this subdivision may take the form of a floating roof, lifter roof, a weak roof-to-shell seam, or other approved pressure relieving construction. The weak roof-to-shell seam shall be constructed to fail preferential to any other seam.

(*c*) Where entire dependence for emergency relief is placed upon pressure relieving devices, the total venting capacity of both normal and emergency vents shall be enough to prevent rupture of the shell or bottom of the tank if vertical, or of the shell or heads if horizontal. If unstable liquids are stored, the effects of heat or gas resulting from polymerization, decomposition, condensation, or self-reactivity shall be taken into account. The total capacity of both normal and emergency venting devices shall be not less than that derived from Table H–10 except as provided in subdivision (*e*) or (*f*) of this subdivision. Such device may be a self-closing manhole cover, or one using long bolts that permit the cover to lift under internal pressure, or an additional or larger relief valve or valves. The wetted area of the tank shall be calculated on the basis of 55 percent of the total exposed area of a sphere or spheroid, 75 percent of the total exposed area of a horizontal tank and the first 30 feet above grade of the exposed shell area of a vertical tank.

TABLE H-10—WETTED AREA VERSUS CUBIC FEET FREE AIR PER HOUR

(14.7 psia and 60° F.)

Square feet	CFH	Square feet	CFH	Square feet	CFH
20	21,100	200	211,000	1,000	524,000
30	31,600	250	239,000	1,200	557,000
40	42,100	300	265,000	1,400	587,000
50	52,700	350	288,000	1,600	614,000
60	63,200	400	312,000	1,800	639,000
70	73,700	500	354,000	2,000	662,000
80	84,200	600	392,000	2,400	704,000
90	94,800	700	428,000	2,800 and over	742,000
100	105,000	800	462,000		
120	126,000	900	493,000		
140	147,000	1,000	524,000		
160	168,000				
180	190,000				
200	211,000				

(*d*) For tanks and storage vessels designed for pressure over 1 p.s.i.g., the total rate of venting shall be determined in accordance with Table H–10, except that when the exposed wetted area of the surface is greater than 2,800 square feet, the total rate of venting shall be calculated by the following formula:

$$CFH = 1{,}107A^{0.82}$$

Where:

CFH = Venting requirement, in cubic feet of free air per hour.

A = Exposed wetted surface, in square feet.

NOTE: The foregoing formula is based on $Q = 21{,}000A^{0.82}$.

(*e*) The total emergency relief venting capacity for any specific stable liquid may be determined by the following formula:

$$V = \frac{1337}{L\sqrt{M}}$$

V = Cubic feet of free air per hour from Table H–10.

L = Latent heat of vaporization of specific liquid in B.t.u. per pound.

M = Molecular weight of specific liquids.

(*f*) The required airflow rate of subdivision (*c*) or (*e*) of this subdivision may be multiplied by the appropriate factor listed in the following schedule when protection is provided as indicated. Only one factor may be used for any one tank.

0.5 for drainage in accordance with subdivision (vii)(*b*) of this subparagraph for tanks over 200 square feet of wetted area.

0.3 for approved water spray.

0.3 for approved insulation.

0.15 for approved water spray with approved insulation.

(*g*) The outlet of all vents and vent drains on tanks equipped with emergency venting to permit pressures exceeding 2.5 p.s.i.g. shall be arranged to discharge in such a way as to prevent localized overheating of any part of the tank, in the event vapors from such vents are ignited.

(*h*) Each commercial tank venting device shall have stamped on it the opening pressure, the pressure at which the valve reaches the full open position, and the flow capacity at the latter pressure, expressed in cubic feet per hour of air at 60° F. and at a pressure of 14.7 p.s.i.a.

(*i*) The flow capacity of tank venting devices 12 inches and smaller in nominal pipe size shall be determined by actual test of each type and size of vent. These flow tests may be conducted by the manufacturer if certified by a qualified impartial observer, or may be conducted by an outside agency. The flow capacity of tank venting devices larger than 12 inches nominal pipe size, including manhole covers with long bolts or equivalent, may be calculated provided that the opening pressure is actually measured, the rating pressure and corresponding free orifice area are stated, the word "calculated" appears on the nameplate, and the computation is based on a flow coefficient of 0.5 applied to the rated orifice area.

(vi) *Vent piping for aboveground tanks.* (*a*) Vent piping shall be constructed in accordance with paragraph (*c*) of this section.

(*b*) Where vent pipe outlets for tanks storing Class I liquids are adjacent to buildings or public ways, they shall be located so that the vapors are released at a safe point outside of buildings and not less than 12 feet above the adjacent ground level. In order to aid their dispersion, vapors shall be discharged upward or horizontally away from closely adjacent walls. Vent outlets shall be located so that flammable vapors will not be trapped by eaves or other obstructions and shall be at least five feet from building openings.

(*c*) When tank vent piping is manifolded, pipe sizes shall be such as to discharge, within the pressure limitations of the system, the vapors they may be required to handle when manifolded tanks are subject to the same fire exposure.

(vii) *Drainage, dikes, and walls for aboveground tanks.*—(*a*) *Drainage and diked areas.* The area surrounding a tank or a group of tanks shall be provided with drainage as in subdivision (*b*) of this subdivision, or shall be diked as provided in subdivision (*c*) of this subdivision, to prevent accidental discharge of liquid from endangering adjoining property or reaching waterways.

(*b*) *Drainage.* Where protection of adjoining property or waterways is by means of a natural or manmade drainage system, such systems shall comply with the following:

(*1*) A slope of not less than 1 percent away from the tank toward the drainage system shall be provided.

(*2*) The drainage system shall terminate in vacant land or other area or in an impounding basin having a capacity not smaller than that of the largest tank served. This termination area and the route of the drainage system shall be so located that, if the flammable or combustible liquids in the drainage system are ignited, the fire will not seriously expose tanks or adjoining property.

(*3*) The drainage system, including automatic drainage pumps, shall not discharge to adjoining property, natural water courses, public sewers, or public drains unless the discharge of flammable or combustible liquids would not constitute a hazard, or the system is so designed that it will not permit flammable or combustible liquids to be released.

(*c*) *Diked areas.* Where protection of adjoining property or waterways is accomplished by retaining the liquid around the tank by means of a dike, the volume of the diked area shall comply with the following requirements:

(*1*) Except as provided in subdivision (*2*) of this subdivision, the volumetric capacity of the diked area shall not be less than the greatest amount of liquid that can be released from the largest tank within the diked area, assuming a full tank. The capacity of the diked area enclosing more than one tank shall be calculated by deducting the volume of the tanks other than the largest tank below the height of the dike.

(*2*) For a tank or group of tanks with fixed roofs containing crude petroleum with boilover characteristics, the volumetric capacity of the diked area shall be not less than the capacity of the largest tank served by the enclosure, assuming a full tank. The capacity of the diked enclosure shall be calculated by deducting the volume below the height of the dike of all tanks within the enclosure.

(*3*) Walls of the diked area shall be of earth, steel, concrete or solid masonry designed to be liquidtight and to withstand a full hydrostatic head. Earthen walls 3 feet or more in height shall have a flat section at the top not less than 2 feet wide. The slope of an earthen wall shall be consistent with the angle of repose of the material of which the wall is constructed.

(*4*) The walls of the diked area shall be restricted to an average height of 6 feet above interior grade.

(*5*) Where provision is made for draining water from diked areas, drainage shall be provided at a uniform slope of not less than 1 percent away from tanks toward a sump, drainbox, or other safe means of disposal located at the greatest practical distance from the tank. Such drains shall normally be controlled in a manner so as to prevent flammable or combustible liquids from entering natural water courses, public sewers, or public drains, if their presence would constitute a hazard. Control of drainage shall be accessible under fire conditions.

(*6*) No loose combustible material, empty or full drum or barrel, shall be permitted within the diked area.

(*7*) Each diked area containing two or more tanks shall be subdivided preferably by drainage channels or at least by intermediate curbs in order to prevent spills from endangering adjacent tanks within the diked area as follows:

(*i*) When storing normally stable liquids in vertical cone roof tanks constructed with weak roof-to-shell seam or approved floating roof tanks or when storing crude petroleum in producing areas in any type of tank, one subdivision for each tank in excess of 10,000 bbls. and one subdivision for each group of tanks (no tank exceeding 10,000 bbls. capacity) having an aggregate capacity not exceeding 15,000 bbls.

(*ii*) When storing normally stable flammable or combustible liquids in tanks not covered in subdivision (*i*) of this subdivision, one subdivision for each tank in excess of 100,000 gallons (2,500 bbls.) and one subdivision for each group of tanks (no tank exceeding 100,000 gallons capacity) having an aggregate capacity not exceeding 150,000 gallons (3,570 bbls.).

(*iii*) When storing unstable liquids in any type of tank, one subdivision for each tank except that tanks installed in accordance with the drainage requirements of NFPA 15–1969, Standard for Water Spray Fixed Systems for Fire Protection shall require no additional subdivision.

(*iv*) The drainage channels or intermediate curbs shall be located between tanks so as to take full advantage of the available space with due regard for the individual tank capacities. Intermediate curbs, where used, shall be not less than 18 inches in height.

(viii) *Tank openings other than vents for aboveground tanks.* (*a*) Connections for all tank openings shall be vaportight and liquidtight. Vents are covered in subdivisions (iv) through (vi) of this subparagraph.

(*b*) Each connection to an aboveground tank through which liquid can normally flow shall be provided with an internal or an external valve located as close as practical to the shell of the tank. Such valves, when external, and their connections to the tank shall be of steel except when the chemical characteristics of the liquid stored are incompatible with steel. When materials other than steel are necessary, they shall be suitable for the pressures, structural stresses, and temperatures involved, including fire exposures.

(*c*) Each connection below the liquid level through which liquid does not normally flow shall be provided with a liquid-tight closure. This may be a valve, plug, or blind, or a combination of these.

(*d*) Openings for gaging shall be provided with a vaportight cap or cover.

(*e*) For Class IB and Class IC liquids other than crude oils, gasolines, and asphalts, the fill pipe shall be so designed and installed as to minimize the possibility of generating static electricity. A fill pipe entering the top of a tank shall terminate within 6 inches of the bottom of the tank and shall be installed to avoid excessive vibration.

(*f*) Filling and emptying connections which are made and broken shall be located outside of buildings at a location free from any source of ignition and not less than 5 feet away from any building opening. Such connection shall be closed and liquidtight when not in use. The connection shall be properly identified.

(3) *Installation of underground tanks.*—(i) *Location.* Excavation for underground storage tanks shall be made with due care to avoid undermining of foundations of existing structures. Underground tanks or tanks under buildings shall be so located with respect to existing building foundations and supports that the loads carried by the latter cannot be transmitted to the tank. The distance from any part of a tank storing Class I liquids to the nearest wall of any basement or pit shall be not less than 1 foot, and to any property line that may be built upon, not less than 3 feet. The distance from any part of a tank storing Class II or Class III liquids to the nearest wall of any basement, pit or property line shall be not less than 1 foot.

(ii) *Depth and cover.* Underground tanks shall be set on firm foundations and surrounded with at least 6 inches of noncorrosive, inert materials such as clean sand, earth, or gravel well tamped in place. The tank shall be placed in the hole with care since dropping or rolling the tank into the hole can break a weld, puncture or damage the tank, or scrape off the protective coating of coated tanks. Tanks shall be covered with a minimum of 2 feet of earth, or shall be covered with not less than 1 foot of earth, on top of which shall be placed a slab of reinforced concrete not less than 4 inches thick. When underground tanks are, or are likely to be, subject to traffic, they shall be protected against damage from vehicles passing over them by at least 3 feet of earth cover, or 18 inches of well-tamped earth, plus 6 inches of reinforced concrete or 8 inches of asphaltic concrete. When asphaltic or reinforced concrete paving is used as part of the protection, it shall extend at least 1 foot horizontally beyond the outline of the tank in all directions.

(iii) *Corrosion protection.* Corrosion protection for the tank and its piping shall be provided by one or more of the following methods:

(*a*) Use of protective coatings or wrappings;

(*b*) Cathodic protection; or,

(*c*) Corrosion resistant materials of construction.

(iv) *Vents.* (*a*) Location and arrangement of vents for Class I liquids. Vent pipes from tanks storing Class I liquids shall be so located that the discharge point is outside of buildings, higher than the fill pipe opening, and not less than 12 feet above the adjacent ground level. Vent pipes shall discharge only upward in order to disperse vapors. Vent pipes 2 inches or less in nominal inside diameter shall not be obstructed by devices that will cause excessive back pressure. Vent pipe outlets shall be so located that flammable vapors will not enter building openings, or be trapped under eaves or other obstructions. If the vent pipe is less than 10 feet in length, or greater than 2 inches in nominal inside diameter, the outlet shall be provided with a vacuum and pressure relief device or there shall be an approved flame arrester located in the vent line at the outlet or within the approved distance from the outlet.

(*b*) Size of vents. Each tank shall be vented through piping adequate in size to prevent blow-back of vapor or liquid at the fill opening while the tank is being filled. Vent pipes shall be not less than 1¼ inch nominal inside diameter.

TABLE H-11—VENT LINE DIAMETERS

Maximum flow GPM	Pipe length*		
	50 feet	100 feet	200 feet
	Inches	*Inches*	*Inches*
100	1¼	1¼	1¼
200	1¼	1¼	1¼
300	1¼	1¼	1½
400	1¼	1¼	2
500	1½	1¼	2
600	1½	2	2
700	2	2	2
800	2	2	2
900	2	2	2
1,000	2	2	3

*Vent lines of 50 ft., 100 ft., and 200 ft. of pipe plus 7 ells.

(*c*) Location and arrangement of vents for Class II or Class III liquids. Vent pipes from tanks storing Class II or Class III flammable liquids shall terminate outside of the building and higher than the fill pipe opening. Vent outlets shall be above normal snow level. They may be fitted with return bends, coarse screens or other devices to minimize ingress of foreign material.

(*d*) Vent piping shall be constructed in accordance with paragraph (*c*) of this section. Vent pipes shall be so laid as to drain toward the tank without sags or traps in which liquid can collect. They shall be located so that they will not be subjected to physical damage. The tank end of the vent pipe shall enter the tank through the top.

(*e*) When tank vent piping is manifolded, pipe sizes shall be such as to discharge, within the pressure limitations of the system, the vapors they may be

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required to handle when manifolded tanks are filled simultaneously.

(v) *Tank openings other than vents.* (*a*) Connections for all tank openings shall be vapor or liquid tight.

(*b*) Openings for manual gaging, if independent of the fill pipe, shall be provided with a liquid-tight cap or cover. If inside a building, each such opening shall be protected against liquid overflow and possible vapor release by means of a spring loaded check valve or other approved device.

(*c*) Fill and discharge lines shall enter tanks only through the top. Fill lines shall be sloped toward the tank.

(*d*) For Class IB and Class IC liquids other than crude oils, gasolines, and asphalts, the fill pipe shall be so designed and installed as to minimize the possibility of generating static electricity by terminating within 6 inches of the bottom of the tank.

(*e*) Filling and emptying connections which are made and broken shall be located outside of buildings at a location free from any source of ignition and not less than 5 feet away from any building opening. Such connection shall be closed and liquidtight when not in use. The connection shall be properly identified.

(4) *Installation of tanks inside of buildings*—(i) *Location.* Tanks shall not be permitted inside of buildings except as provided in paragraphs (e), (g), (h), or (i) of this section.

(ii) *Vents.* Vents for tanks inside of buildings shall be as provided in subparagraphs (2) (iv), (v), (vi)(*b*), and (3) (iv) of this paragraph, except that emergency venting by the use of weak roof seams on tanks shall not be permitted. Vents shall discharge vapors outside the buildings.

(iii) *Vent piping.* Vent piping shall be constructed in accordance with paragraph (c) of this section.

(iv) *Tank openings other than vents.* (*a*) Connections for all tank openings shall be vapor or liquidtight. Vents are covered in subdivision (ii) of this subparagraph.

(*b*) Each connection to a tank inside of buildings through which liquid can normally flow shall be provided with an internal or an external valve located as close as practical to the shell of the tank. Such valves, when external, and their connections to the tank shall be of steel except when the chemical characteristics of the liquid stored are incompatible with steel. When materials other than steel are necessary, they shall be suitable for the pressures, structural stresses, and temperatures involved, including fire exposures.

(*c*) Flammable or combustible liquid tanks located inside of buildings, except in one-story buildings designed and protected for flammable or combustible liquid storage, shall be provided with an automatic-closing heat-actuated valve on each withdrawal connection below the liquid level, except for connections used for emergency disposal, to prevent continued flow in the event of fire in the vicinity of the tank. This function may be incorporated in the valve required in (*b*) of this subdivision, and if a separate valve, shall be located adjacent to the valve required in (*b*) of this subdivision.

(*d*) Openings for manual gaging, if independent of the fill pipe (see (*f*) of this subdivision), shall be provided with a vaportight cap or cover. Each such opening shall be protected against liquid overflow and possible vapor release by means of a spring loaded check valve or other approved device.

(*e*) For Class IB and Class IC liquids other than crude oils, gasolines, and asphalts, the fill pipe shall be so designed and installed as to minimize the possibility of generating static electricity by terminating within 6 inches of the bottom of the tank.

(*f*) The fill pipe inside of the tank shall be installed to avoid excessive vibration of the pipe.

(*g*) The inlet of the fill pipe shall be located outside of buildings at a location free from any source of ignition and not less than 5 feet away from any building opening. The inlet of the fill pipe shall be closed and liquidtight when not in use. The fill connection shall be properly identified.

(*h*) Tanks inside buildings shall be equipped with a device, or other means shall be provided, to prevent overflow into the building.

(5) *Supports, foundations, and anchorage for all tank locations*—(i) *General.* Tank supports shall be installed on firm foundations. Tank supports shall be of concrete, masonry, or protected steel. Single wood timber supports (not cribbing) laid horizontally may be used for outside aboveground tanks if not more than 12 inches high at their lowest point.

(ii) *Fire resistance.* Steel supports or exposed piling shall be protected by materials having a fire resistance rating of not less than 2 hours, except that steel saddles need not be protected if less than 12 inches high at their lowest point. Water spray protection or its equivalent may be used in lieu of fire-resistive materials to protect supports.

(iii) *Spheres.* The design of the supporting structure for tanks such as spheres shall receive special engineering consideration.

(iv) *Load distribution.* Every tank shall be so supported as to prevent the excessive concentration of loads on the supporting portion of the shell.

(v) *Foundations.* Tanks shall rest on the ground or on foundations made of concrete, masonry, piling, or steel. Tank foundations shall be designed to minimize the possibility of uneven settling of the tank and to minimize corrosion in any part of the tank resting on the foundation.

(vi) *Flood areas.* Where a tank is located in an area that may be subjected to flooding, the applicable precautions outlined in this subdivision shall be observed.

(*a*) No aboveground vertical storage tank containing a flammable or combustible liquid shall be located so that the allowable liquid level within the tank is below the established maximum flood stage, unless the tank is provided with a guiding structure such as described in (*m*), (*n*), and (*o*) of this subdivision.

(*b*) Independent water supply facilities shall be provided at locations where there is no ample and dependable public water supply available for loading partially empty tanks with water.

(*c*) In addition to the preceding requirements, each tank so located that more than 70 percent, but less than 100 percent, of its allowable liquid storage capacity will be submerged at the established maximum flood stage, shall be safeguarded by one of the following methods: Tank shall be raised, or its height shall be increased, until its top extends above the maximum flood stage a distance equivalent to 30 percent or more of its allowable liquid storage capacity: *Provided, however,* That the submerged part of the tank shall not exceed two and one-half times the diameter. Or, as an alternative to the foregoing, adequate noncombustible structural guides, designed to permit the tank to float vertically without loss of product, shall be provided.

(*d*) Each horizontal tank so located that more than 70 percent of its storage capacity will be submerged at the established flood stage, shall be anchored, attached to a foundation of concrete or of steel and concrete, of sufficient weight to provide adequate load for the tank when filled with flammable or combustible liquid and submerged by flood waters to the established flood stage, or adequately secured by other means.

(*e*) Spherical and spheroidal tanks shall be protected by applicable methods as specified for either vertical or horizontal tanks.

(*f*) At locations where there is no ample and dependable water supply, or where filling of underground tanks with liquids is impracticable because of the character of their contents, their use, or for other reasons, each tank shall be safeguarded against movement when empty and submerged by high ground water or flood waters by anchoring, weighting with concrete or other approved solid loading material, or securing by other means. Each such tank shall be so constructed and installed that it will safely resist external pressures due to high ground water or flood waters.

(*g*) At locations where there is an ample and dependable water supply available, underground tanks containing flammable or combustible liquids, so installed that more than 70 percent of their storage capacity will be submerged at the maximum flood stage, shall be so anchored, weighted, or secured by other means, as to prevent movement of such tanks when filled with flammable or combustible liquids, and submerged by flood waters to the established flood stage.

(*h*) Pipe connections below the allowable liquid level in a tank shall be provided with valves or cocks located as closely as practicable to the tank shell. Such valves and their connections to tanks shall be of steel or other material suitable for use with the liquid being stored. Cast iron shall not be permitted.

(*i*) At locations where an independent water supply is required, it shall be entirely independent of public power and water supply. Independent source of water shall be available when flood waters reach a level not less than 10 feet below the bottom of the lowest tank on a property.

(*j*) The self-contained power and pumping unit shall be so located or so designed that pumping into tanks may be carried on continuously throughout the rise in flood waters from a level 10 feet below the lowest tank to the level of the potential flood stage.

(*k*) Capacity of the pumping unit shall be such that the rate of rise of water in all tanks shall be equivalent to the established potential average rate of rise of flood waters at any stage.

(*l*) Each independent pumping unit shall be tested periodically to insure that it is in satisfactory operating condition.

(*m*) Structural guides for holding floating tanks above their foundations shall be so designed that there will be no resistance to the free rise of a tank, and shall be constructed of noncombustible material.

(*n*) The strength of the structure shall be adequate to resist lateral movement of a tank subject to a horizontal force in any direction equivalent to not less than 25 pounds per square foot acting on the projected vertical cross-sectional area of the tank.

(*o*) Where tanks are situated on exposed points or bends in a shoreline where swift currents in flood waters will be present, the structures shall be designed to withstand a unit force of not less than 50 pounds per square foot.

(*p*) The filling of a tank to be protected by water loading shall be started as soon as flood waters reach a dangerous flood stage. The rate of filling shall be at least equal to the rate of rise of the floodwaters (or the established average potential rate of rise).

(*q*) Sufficient fuel to operate the water pumps shall be available at all times to insure adequate power to fill all tankage with water.

(*r*) All valves on connecting pipelines shall be closed and locked in closed position when water loading has been completed.

(*s*) Where structural guides are provided for the protection of floating tanks, all rigid connections between tanks and pipelines shall be disconnected and blanked off or blinded before the floodwaters reach the bottom of the tank, unless control valves and their connections to the tank are of a type designed to prevent breakage between the valve and the tank shell.

(*t*) All valves attached to tanks other than those used in connection with water loading operations shall be closed and locked.

(*u*) If a tank is equipped with a swing line, the swing pipe shall be raised to and secured at its highest position.

(*v*) Inspections. The Assistant Secretary or his designated representative shall make periodic inspections of all plants where the storage of flammable or combustible liquids is such as to require compliance with the foregoing requirements, in order to assure the following:

(*1*) That all flammable or combustible liquid storage tanks are in compliance with these requirements and so maintained.

(2) That detailed printed instructions of what to do in flood emergencies are properly posted.

(3) That station operators and other employees depended upon to carry out such instructions are thoroughly informed as to the location and operation of such valves and other equipment necessary to effect these requirements.

(vii) *Earthquake areas.* In areas subject to earthquakes, the tank supports and connections shall be designed to resist damage as a result of such shocks.

(6) *Sources of ignition.* In locations where flammable vapors may be present, precautions shall be taken to prevent ignition by eliminating or controlling sources of ignition. Sources of ignition may include open flames, lightning, smoking, cutting and welding, hot surfaces, frictional heat, sparks (static, electrical, and mechanical), spontaneous ignition, chemical and physical-chemical reactions, and radiant heat.

(7) *Testing*—(i) *General.* All tanks, whether shop built or field erected, shall be strength tested before they are placed in service in accordance with the applicable paragraphs of the code under which they were built. The American Society of Mechanical Engineers (ASME) code stamp, American Petroleum Institute (API) monogram, or the label of the Underwriters' Laboratories, Inc., on a tank shall be evidence of compliance with this strength test. Tanks not marked in accordance with the above codes shall be strength tested before they are placed in service in accordance with good engineering principles and reference shall be made to the sections on testing in the codes listed in subparagraphs (1) (iii) (*a*), (iv) (*b*), or (v) (*b*) of this paragraph.

(ii) *Strength.* When the vertical length of the fill and vent pipes is such that when filled with liquid the static head imposed upon the bottom of the tank exceeds 10 pounds per square inch, the tank and related piping shall be tested hydrostatically to a pressure equal to the static head thus imposed.

(iii) *Tightness.* In addition to the strength test called for in subdivisions (i) and (ii) of this subparagraph, all tanks and connections shall be tested for tightness. Except for underground tanks, this tightness test shall be made at operating pressure with air, inert gas, or water prior to placing the tank in service. In the case of field-erected tanks the strength test may be considered to be the test for tank tightness. Underground tanks and piping, before being covered, enclosed, or placed in use, shall be tested for tightness hydrostatically, or with air pressure at not less than 3 pounds per square inch and not more than 5 pounds per square inch.

(iv) *Repairs.* All leaks or deformations shall be corrected in an acceptable manner before the tank is placed in service. Mechanical caulking is not permitted for correcting leaks in welded tanks except pinhole leaks in the roof.

(v) *Derated operations.* Tanks to be operated at pressures below their design pressure may be tested by the applicable provisions of subdivisions (i) or (ii) of this subparagraph, based upon the pressure developed under full emergency venting of the tank.

(c) *Piping, valves, and fittings*—(1) *General*—(i) *Design.* The design (including selection of materials) fabrication, assembly, test, and inspection of piping systems containing flammable or combustible liquids shall be suitable for the expected working pressures and structural stresses. Conformity with the applicable provisions of Pressure Piping, ANSI B31 series and the provisions of this paragraph, shall be considered prima facie evidence of compliance with the foregoing provisions.

(ii) *Exceptions.* This paragraph does not apply to any of the following:

(*a*) Tubing or casing on any oil or gas wells and any piping connected directly thereto.

(*b*) Motor vehicle, aircraft, boat, or portable or stationary engines.

(c) Piping within the scope of any applicable boiler and pressures vessel code.

(iii) *Definitions.* As used in this paragraph, piping systems consist of pipe, tubing, flanges, bolting, gaskets, valves, fittings, the pressure containing parts of other components such as expansion joints and strainers, and devices which serve such purposes as mixing, separating, snubbing, distributing, metering, or controlling flow.

(2) *Materials for piping, valves, and fittings*—(i) *Required materials.* Materials for piping, valves, or fittings shall be steel, nodular iron, or malleable iron, except as provided in paragraph (c) (2) (ii), (iii) and (iv) of this section.

(ii) *Exceptions.* Materials other than steel, nodular iron, or malleable iron may be used underground, or if required by the properties of the flammable or combustible liquid handled. Material other than steel, nodular iron, or malleable iron shall be designed to specifications embodying principles recognized as good engineering practices for the material used.

(iii) *Linings.* Piping, valves, and fittings may have combustible or noncombustible linings.

(iv) *Low-melting materials.* When low-melting point materials such as aluminum and brass or materials that soften on fire exposure such as plastics, or nonductile materials such as cast iron, are necessary, special consideration shall be given to their behavior on fire exposure. If such materials are used in aboveground piping systems or inside buildings, they shall be suitably protected against fire exposure or so located that any spill resulting from the failure of these materials could not unduly expose persons, important buildings or structures or can be readily controlled by remote valves.

(3) *Pipe joints.* Joints shall be made liquid tight. Welded or screwed joints or approved connectors shall be used.

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Threaded joints and connections shall be made up tight with a suitable lubricant or piping compound. Pipe joints dependent upon the friction characteristics of combustible materials for mechanical continuity of piping shall not be used inside buildings. They may be used outside of buildings above or below ground. If used aboveground, the piping shall either be secured to prevent disengagement at the fitting or the piping system shall be so designed that any spill resulting from such disengagement could not unduly expose persons, important buildings or structures, and could be readily controlled by remote valves.

(4) *Supports.* Piping systems shall be substantially supported and protected against physical damage and excessive stresses arising from settlement, vibration, expansion, or contraction.

(5) *Protection against corrosion.* All piping for flammable or combustible liquids, both aboveground and underground, where subject to external corrosion, shall be painted or otherwise protected.

(6) *Valves.* Piping systems shall contain a sufficient number of valves to operate the system properly and to protect the plant. Piping systems in connection with pumps shall contain a sufficient number of valves to control properly the flow of liquid in normal operation and in the event of physical damage. Each connection to pipelines, by which equipments such as tankcars or tank vehicles discharge liquids by means of pumps into storage tanks, shall be provided with a check valve for automatic protection against backflow if the piping arrangement is such that backflow from the system is possible.

(7) *Testing.* All piping before being covered, enclosed, or placed in use shall be hydrostatically tested to 150 percent of the maximum anticipated pressure of the system, or pneumatically tested to 110 percent of the maximum anticipated pressure of the system, but not less than 5 pounds per square inch gage at the highest point of the system. This test shall be maintained for a sufficient time to complete visual inspection of all joints and connections, but for at least 10 minutes.

(d) *Container and portable tank storage*—(1) *Scope*—(i) *General.* This paragraph shall apply only to the storage of flammable or combustible liquids in drums or other containers (including flammable aerosols) not exceeding 60 gallons individual capacity and those portable tanks not exceeding 660 gallons individual capacity.

(ii) *Exceptions.* This paragraph shall not apply to the following:

(*a*) Storage of containers in bulk plants, service stations, refineries, chemical plants, and distilleries;

(*b*) Class I or Class II liquids in the fuel tanks of a motor vehicle, aircraft, boat, or portable or stationary engine;

(*c*) Flammable or combustible paints, oils, varnishes, and similar mixtures used for painting or maintenance when not kept for a period in excess of 30 days;

(*d*) Beverages when packaged in individual containers not exceeding 1 gallon in size.

(2) *Design, construction, and capacity of containers*—(i) *General.* Only approved containers and portable tanks shall be used. Metal containers and portable tanks meeting the requirements of and containing products authorized by Chapter I, Title 49 of the Code of Federal Regulations (regulations issued by the Hazardous Materials Regulations Board, Department of Transportation), shall be deemed to be acceptable.

(ii) *Emergency venting.* Each portable tank shall be provided with one or more devices installed in the top with sufficient emergency venting capacity to limit internal pressure under fire exposure conditions to 10 p.s.i.g., or 30 percent of the bursting pressure of the tank, whichever is greater. The total venting capacity shall be not less than that specified in paragraphs (b)(2)(v)(*c*) or (*e*) of this section. At least one pressure-actuated vent having a minimum capacity of 6,000 cubic feet of free air (14.7 p.s.i.a. and 60° F.) shall be used. It shall be set to open at not less than 5 p.s.i.g. If fusible vents are used, they shall be actuated by elements that operate at a temperature not exceeding 300° F.

(iii) *Size.* Flammable and combustible liquid containers shall be in accordance with Table H–12, except that glass or plastic containers of no more than 1-gallon capacity may be used for a Class IA or IB flammable liquid if:

(*a*) (*1*) Such liquid either would be rendered unfit for its intended use by contact with metal or would excessively corrode a metal container so as to create a leakage hazard; and

(*2*) The user's process either would require more than 1 pint of a Class IA liquid or more than 1 quart of a Class IB liquid of a single assay lot to be used at one time, or would require the maintenance of an analytical standard liquid of a quality which is not met by the specified standards of liquids available, and the quantity of the analytical standard liquid required to be used in any one control process exceeds one-sixteenth the capacity of the container allowed under Table H–12 for the class of liquid; or

(*b*) The containers are intended for direct export outside the United States.

(3) *Design, construction, and capacity of storage cabinets*—(i) *Maximum capacity.* Not more than 60 gallons of Class I or Class II liquids, nor more than 120 gallons of Class III liquids may be stored in a storage cabinet.

(ii) *Fire resistance.* Storage cabinets shall be designed and constructed to limit the internal temperature to not more than 325° F. when subjected to a 10-minute fire test using the standard time-temperature curve as set forth in Standard Methods of Fire Tests of Building Construction and Materials, NFPA 251–1969. All joints and seams shall remain tight and the door shall remain securely closed during the fire test. Cabinets shall be labeled in conspicuous lettering, "Flammable—Keep Fire Away."

(*a*) Metal cabinets constructed in the following manner shall be deemed to be in compliance. The bottom, top, door, and sides of cabinet shall be at least No. 18 gage sheet iron and double walled with 1½-inch air space. Joints shall be riveted, welded or made tight by some equally effective means. The door shall be provided with a three-point lock, and the door sill shall be raised at least 2 inches above the bottom of the cabinet.

(*b*) Wooden cabinets constructed in the following manner shall be deemed in compliance. The bottom, sides, and top shall be constructed of an approved grade of plywood at least 1 inch in thickness, which shall not break down or delaminate under fire conditions. All joints shall be rabbetted and shall be fastened in two directions with flathead woodscrews. When more than one door is used, there shall be a rabbetted overlap of not less than 1 inch. Hinges shall be mounted in such a manner as not to lose their holding capacity due to loosening or burning out of the screws when subjected to the fire test.

(4) *Design and construction of inside storage rooms*—(i) *Construction.* Inside storage rooms shall be constructed to meet the required fire-resistive rating for their use. Such construction shall comply with the test specifications set forth in Standard Methods of Fire Tests of Building Construction and Materials, NFPA 251–1969. Where an automatic sprinkler system is provided, the system shall be designed and installed in an acceptable manner. Openings to other rooms or buildings shall be provided with noncombustible liquid-tight raised sills or ramps at least 4 inches in height, or the floor in the storage area shall be at least 4 inches below the surrounding floor. Openings shall be provided with approved self-closing fire doors. The room shall be liquid-tight where the walls join the floor. A permissible alternate to the sill or ramp is an open-grated trench inside of the room which drains to a safe location. Where other portions of the building or other properties are exposed, windows shall be protected as set forth in the Standard for Fire Doors and Windows, NFPA No. 80–1968, for Class E or F openings. Wood at least 1 inch nominal thickness may be used for shelving, racks, dunnage, scuffboards, floor overlay, and similar installations.

(ii) *Rating and capacity.* Storage in inside storage rooms shall comply with Table H–13.

TABLE H–13—STORAGE IN INSIDE ROOMS

Fire protection* provided	Fire resistance	Maximum size	Total allowable quantities (gals./sq. ft./floor area)
Yes	2 hours	500 sq. ft.	10
No	2 hours	500 sq. ft.	4
Yes	1 hour	150 sq. ft.	4
No	1 hour	150 sq. ft.	2

*Fire protection system shall be sprinkler, water spray, carbon dioxide, or other system.

(iii) *Wiring.* Electrical wiring and equipment located in inside storage rooms used for Class I liquids shall be approved under subpart S of this part for Class I, Division 2 Hazardous Locations; for Class II and Class III liquids, shall be approved for general use.

(iv) *Ventilation.* Every inside storage room shall be provided with either a gravity or a mechanical exhaust ventilation system. Such system shall be designed to provide for a complete change of air within the room at least six times per hour. If a mechanical exhaust system is used, it shall be controlled by a switch located outside of the door. The ventilating equipment and any lighting fixtures shall be operated by the same switch. A pilot light shall be installed adjacent to the switch if Class I flammable liquids are dispensed within the room. Where gravity ventilation is provided, the fresh air intake, as well as the exhaust outlet from the room, shall be on the exterior of the building in which the room is located.

(v) *Storage in inside storage rooms.* In every inside storage room there shall be maintained one clear aisle at least 3 feet wide. Containers over 30 gallons capacity shall not be stacked one upon the other. Dispensing shall be by approved pump or self-closing faucet only.

(5) *Storage inside building*—(i) *Egress.* Flammable or combustible liquids, including stock for sale, shall not be stored so as to limit use of exits, stairways, or areas normally used for the safe egress of people.

(ii) *Containers.* The storage of flammable or combustible liquids in containers or portable tanks shall comply with subdivisions (iii) through (v) of this subparagraph.

(iii) *Office occupancies.* Storage shall be prohibited except that which is required for maintenance and operation of building and operation of equipment. Such storage shall be kept in closed metal containers stored in a storage cabinet or in safety cans or in an inside storage room not having a door that opens into that portion of the building used by the public.

(iv) *Mercantile occupancies and other retail stores.*

(*a*) In rooms or areas accessible to the public, storage shall be limited to quantities needed for display and normal merchandising purposes but shall not exceed 2 gallons per square foot of gross floor area. The gross floor area used for computing the maximum quantity permitted shall be considered as that portion of the store actually being used for merchandising flammable and combustible liquids.

(*b*) Where the aggregate quantity of additional stock exceeds 60 gallons of Class IA, or 120 gallons of Class IB, or 180 gallons of Class IC, or 240 gallons of Class II, or 500 gallons of Class III liquids, or any combination of Class I and Class II liquids exceeding 240 gallons, it shall be stored in a room or portion of the building that complies with the construction provisions for an inside storage room as prescribed in subparagraph (4) of this paragraph. For water miscible liquids, these quantities may be doubled.

(*b*) Where the aggregate quantity of additional stock exceeds 60 gallons of Class IA, 120 gallons of Class IB, 180 gallons of Class IC, 240 gallons of Class II, or 500 gallons of combustible liquids, or any combination of flammable liquids exceeding 240 gallons, it shall be stored in a room or portion of the building that complies with the construction provisions for an inside storage room as prescribed in subparagraph (4) of this paragraph. For water miscible liquids, these quantities may be doubled.

(*c*) Containers in a display area shall not be stacked more than 3 feet or two containers high, whichever is the greater, unless the stacking is done on fixed shelving or is otherwise satisfactorily secured.

(*d*) Shelving shall be of stable construction, of sufficient depth and arrangement such that containers displayed thereon shall not be easily displaced.

(*e*) Leaking containers shall be removed to a storage room or taken to a safe location outside the building and the contents transferred to an undamaged container.

(v) *General purpose public warehouses.* Storage shall be in accordance with Table H–14 or H–15 and in buildings or in portions of such buildings cut off by standard firewalls. Material creating no fire exposure hazard to the flammable or combustible liquids may be stored in the same area.

TABLE H–14—INDOOR CONTAINER STORAGE

Class liquid	Storage level	Protected storage maximum per pile		Unprotected storage maximum per pile	
		Gallons	Height	Gallons	Height
A	Ground and upper floors	2,750 (50)	2 ft. (1)	660 (12)	3 ft. (1)
	Basement	Not permitted		Not permitted	
B	Ground and upper floors	5,500 (100)	6 ft. (2)	1,375 (25)	3 ft. (1)
	Basement	Not permitted		Not permitted	
C	Ground and upper floors	16,500 (300)	6 ft. (2)	4,125 (75)	3 ft. (1)
	Basement	Not permitted		Not permitted	
II	Ground and upper floors	16,500 (300)	9 ft. (3)	4,125 (75)	9 ft. (3)
	Basement	5,500 (100)	9 ft. (3)	Not permitted	
III	Ground and upper floors	55,000 (1,000)	15 ft. (5)	13,750 (250)	12 ft. (4)
	Basement	8,250 (450)	9 ft. (3)	Not permitted	

NOTE 1: When 2 or more classes of materials are stored in a single pile, the maximum gallonage permitted in that pile shall be the smallest of the 2 or more separate maximum gallonages.
NOTE 2: Aisles shall be provided so that no container is more than 12 ft. from an aisle. Main aisles shall be at least 8 ft. wide and side aisles at least 4 ft. wide.
(Numbers in parentheses indicate corresponding number of 55-gal. drums.)
NOTE 3: Each pile shall be separated from each other by at least 4 ft.

TABLE H–15—INDOOR PORTABLE TANK STORAGE

Class liquid	Storage level	Protected storage maximum per pile		Unprotected storage maximum per pile	
		Gallons	Height	Gallons	Height
IA	Ground and upper floors	Not permitted		Not permitted	
	Basement	Not permitted		Not permitted	
IB	Ground and upper floors	20,000	7 ft.	2,000	7 ft.
	Basement	Not permitted		Not permitted	
IC	Ground and upper floors	40,000	14 ft.	5,500	7 ft.
	Basement	Not permitted		Not permitted	
II	Ground and upper floors	40,000	14 ft.	5,500	7 ft.
	Basement	20,000	7 ft.	Not permitted	
III	Ground and upper floors	60,000	14 ft.	22,000	7 ft.
	Basement	20,000	7 ft.	Not permitted	

NOTE 1: When 2 or more classes of materials are stored in a single pile, the maximum gallonage permitted in that pile shall be the smallest of the 2 or more separate maximum gallonages.
NOTE 2: Aisles shall be provided so that no portable tank is more than 12 ft. from an aisle. Main aisles shall be at least 8 ft. wide and side aisles at least 4 ft. wide.
NOTE 3: Each pile shall be separated from each other by at least 4 ft.

(vi) *Flammable and combustible liquid warehouses or storage buildings.* (*a*) If the storage building is located 50 feet or less from a building or line of adjoining property that may be built upon, the exposing wall shall be a blank wall having a fire-resistance rating of at least 2 hours.

(*b*) The total quantity of liquids within a building shall not be restricted, but the arrangement of storage shall comply with Table H–14 or H–15.

(*c*) Containers in piles shall be separated by pallets or dunnage where necessary to provide stability and to prevent excessive stress on container walls.

(*d*) Portable tanks stored over one tier high shall be designed to nest securely, without dunnage, and adequate materials handling equipment shall be available to handle tanks safely at the upper tier level.

(*e*) No pile shall be closer than 3 feet

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to the nearest beam, chord, girder, or other obstruction, and shall be 3 feet below sprinkler deflectors or discharge orifices of water spray, or other overhead fire protection systems.

(*f*) Aisles of at least 3 feet wide shall be provided where necessary for reasons of access to doors, windows or standpipe connections.

(6) *Storage outside buildings*—(i) *General.* Storage outside buildings shall be in accordance with Table H–16 or H–17, and subdivisions (ii) and (iv) of this subparagraph.

TABLE H–16—OUTDOOR CONTAINER STORAGE

1 Class	2 Maximum per pile (see note 1)	3 Distance between piles (see note 2)	4 Distance to property line that can be built upon (see notes 3 and 4)	5 Distance to street, alley, public way (see note 4)
	gal.	*ft.*	*ft.*	*ft.*
IA	1,100	5	20	10
IB	2,200	5	20	10
IC	4,400	5	20	10
II	8,800	5	10	5
III	22,000	5	10	5

NOTE 1: When 2 or more classes of materials are stored in a single pile, the maximum gallonage in that pile shall be the smallest of the 2 or more separate gallonages.
NOTE 2: Within 200 ft. of each container, there shall be a 12-ft. wide access way to permit approach of fire control apparatus.
NOTE 3: The distances listed apply to properties that have protection for exposures as defined. If there are exposures, and such protection for exposures does not exist, the distances in column 4 shall be doubled.
NOTE 4: When total quantity stored does not exceed 50 percent of maximum per pile, the distances in columns 4 and 5 may be reduced 50 percent, but not less than 3 ft.

(ii) *Maximum storage.* A maximum of 1,100 gallons of flammable or combustible liquids may be located adjacent to buildings located on the same premises and under the same management provided the provisions of subdivisions (*a*) and (*b*) of this subdivision are complied with.

(*a*) The building shall be a one-story building devoted principally to the handling and storing of flammable or combustible liquids or the building shall have 2-hour fire-resistive exterior walls having no opening within 10 feet of such storage.

(*b*) Where quantity stored exceeds 1,100 gallons, or provisions of subdivision (*a*) of this subdivision cannot be met, a minimum distance of 10 feet between buildings and nearest container of flammable or combustible liquid shall be maintained.

TABLE H–17—OUTDOOR PORTABLE TANK STORAGE

1 Class	2 Maximum per pile	3 Distance between piles	4 Distance to property line that can be built upon	5 Distance to street, alley, public way
	gal.	*ft.*	*ft.*	*ft.*
IA	2,200	5	20	10
IB	4,400	5	20	10
IC	8,800	5	20	10
II	17,600	5	10	5
III	44,000	5	10	5

NOTE 1: When 2 or more classes of materials are stored in a single pile, the maximum gallonage in that pile shall be the smallest of the 2 or more separate gallonages.
NOTE 2: Within 200 ft. of each portable tank, there shall be a 12-ft. wide access way to permit approach of fire control apparatus.
NOTE 3: The distances listed apply to properties that have protection for exposures as defined. If there are exposures, and such protection for exposures does not exist, the distances in column 4 shall be doubled.
NOTE 4: When total quantity stored does not exceed 50 percent of maximum per pile, the distances in columns 4 and 5 may be reduced 50 percent, but not less than 3 ft.

(iii) *Spill containment.* The storage area shall be graded in a manner to divert possible spills away from buildings or other exposures or shall be surrounded by a curb at least 6 inches high. When curbs are used, provisions shall be made for draining of accumulations of ground or rain water or spills of flammable or combustible liquids. Drains shall terminate at a safe location and shall be accessible to operation under fire conditions.

(iv) *Security.* The storage area shall be protected against tampering or trespassers where necessary and shall be kept free of weeds, debris and other combustible material not necessary to the storage.

(7) *Fire control*—(i) *Extinguishers.* Suitable fire control devices, such as small hose or portable fire extinguishers, shall be available at locations where flammable or combustible liquids are stored.

(*a*) At least one portable fire extinguisher having a rating of not less than 12–B units shall be located outside of, but not more than 10 feet from, the door opening into any room used for storage.

(*b*) At least one portable fire extinguisher having a rating of not less than 12–B units must be located not less than 10 feet, nor more than 25 feet, from any Class I or Class II liquid storage area located outside of a storage room but inside a building.

(ii) *Sprinklers.* When sprinklers are provided, they shall be installed in accordance with § 1910.159.

(iii) *Open flames and smoking.* Open flames and smoking shall not be permitted in flammable or combustible liquid storage areas.

(iv) *Water reactive materials.* Materials which will react with water shall not be stored in the same room with flammable or combustible liquids.

(*a*) *Industrial plants*—(1) *Scope*—(i) *Application.* This paragraph shall apply to those industrial plants where:

(*a*) The use of flammable or combustible liquids is incidental to the principal business, or

(*b*) Where flammable or combustible liquids are handled or used only in unit physical operations such as mixing, drying, evaporating, filtering, distillation, and similar operations which do not involve chemical reaction. This paragraph shall not apply to chemical plants, refineries or distilleries.

(ii) *Exceptions.* Where portions of such plants involve chemical reactions such as oxidation, reduction, halogenation, hydrogenation, alkylation, polymerization, and other chemical processes, those portions of the plant shall be in accordance with paragraph (h) of this section.

(2) *Incidental storage or use of flammable and combustible liquids*—(i) *Application.* This subparagraph shall be applicable to those portions of an industrial plant where the use and handling of flammable or combustible liquids is only incidental to the principal business, such as automobile assembly, construction of electronic equipment, furniture manufacturing, or other similar activities.

(ii) *Containers.* Flammable or combustible liquids shall be stored in tanks or closed containers.

(*a*) Except as provided in subdivisions (*b*) and (*c*) of this subdivision, all storage shall comply with paragraph (d) (3) or (4) of this section.

(*b*) The quantity of liquid that may be located outside of an inside storage room or storage cabinet in a building or in any one fire area of a building shall not exceed:

(*1*) 25 gallons of Class IA liquids in containers

(*2*) 120 gallons of Class IB, IC, II, or III liquids in containers

(*3*) 660 gallons of Class IB, IC, II, or III liquids in a single portable tank.

(*c*) Where large quantities of flammable or combustible liquids are necessary, storage may be in tanks which shall comply with the applicable requirements of paragraph (b) of this section.

(iii) *Separation and protection.* Areas in which flammable or combustible liquids are transferred from one tank or container to another container shall be separated from other operations in the building by adequate distance or by construction having adequate fire resistance. Drainage or other means shall be provided to control spills. Adequate natural or mechanical ventilation shall be provided.

(iv) *Handling liquids at point of final use.* (*a*) Flammable liquids shall be kept in covered containers when not actually in use.

(*b*) Where flammable or combustible liquids are used or handled, except in closed containers, means shall be provided to dispose promptly and safely of leakage or spills.

(*c*) Class I liquids may be used only where there are no open flames or other sources of ignition within the possible path of vapor travel.

(*d*) Flammable or combustible liquids shall be drawn from or transferred into vessels, containers, or portable tanks within a building only through a closed piping system, from safety cans, by means of a device drawing through the top, or from a container or portable tanks by gravity through an approved self-closing valve. Transferring by means of air pressure on the container or portable tanks shall be prohibited.

(3) *Unit physical operations*—(i) *Application.* This subparagraph shall be applicable in those portions of industrial plants where flammable or combustible liquids are handled or used in unit physical operations such as mixing, drying, evaporating, filtering, distillation, and similar operations which do not involve chemical change. Examples are plants compounding cosmetics, pharmaceuticals, solvents, cleaning fluids, insecticides, and similar types of activities.

(ii) *Location.* Industrial plants shall be located so that each building or unit of equipment is accessible from at least one side for firefighting and fire control purposes. Buildings shall be located with respect to lines of adjoining property which may be built upon as set forth in paragraph (h) (2) (i) and (ii) of this section except that the blank wall referred to in paragraph (h) (2) (ii) of this section shall have a fire resistance rating of at least 2 hours.

(iii) *Chemical processes.* Areas where unstable liquids are handled or small scale unit chemical processes are carried on shall be separated from the remainder of the plant by a fire wall of 2-hour minimum fire resistance rating.

(iv) *Drainage.* (*a*) Emergency drainage systems shall be provided to direct flammable or combustible liquid leakage and fire protection water to a safe location. This may require curbs, scuppers, or special drainage systems to control the spread of fire; see paragraph (b) (2) (vii) (*b*) of this section.

(*b*) Emergency drainage systems, if connected to public sewers or discharged into public waterways, shall be equipped with traps or separators.

(*c*) The industrial plant shall be designed and operated to prevent the normal discharge of flammable or combustible liquids into public waterways, public sewers, or adjoining property.

(v) *Ventilation.* (*a*) Areas as defined in subdivision (i) of this subparagraph using Class I liquids shall be ventilated at a rate of not less than 1 cubic foot per minute per square foot of solid floor area. This shall be accomplished by natural or mechanical ventilation with discharge or exhaust to a safe location outside of the building. Provision shall be made for introduction of makeup air in such a manner as not to short circuit the ventilation. Ventilation shall be arranged to include all floor areas or pits where flammable vapors may collect.

(*b*) Equipment used in a building and the ventilation of the building shall be designed so as to limit flammable vapor-air mixtures under normal operating conditions to the interior of equipment, and to not more than 5 feet from equipment which exposes Class I liquids to the air. Examples of such equipment are dispensing stations, open centrifuges, plate and frame filters, open vacuum filters, and surfaces of open equipment.

(vi) *Storage and handling.* The storage, transfer, and handling of liquid shall comply with paragraph (h) (4) of this section.

(4) *Tank vehicle and tank car loading and unloading.* (i) Tank vehicle and tank car loading or unloading facilities shall be separated from aboveground tanks, warehouses, other plant buildings or nearest line of adjoining property which may be built upon by a distance of 25 feet for Class I liquids and 15 feet for Class II and Class III liquids measured from the nearest position of any fill stem. Buildings for pumps or shelters for personnel may be a part of the facility. Operations of the facility shall comply with the appropriate portions of paragraph (f) (3) of this section.

(5) *Fire control*—(i) *Portable and special equipment.* Portable fire extinguishment and control equipment shall be provided in such quantities and types as are needed for the special hazards of operation and storage.

(ii) *Water supply.* Water shall be available in volume and at adequate pressure to supply water hose streams, foam-producing equipment, automatic sprinklers, or water spray systems as the need is indicated by the special hazards of operation, dispensing and storage.

(iii) *Special extinguishers.* Special extinguishing equipment such as that utilizing foam, inert gas, or dry chemical shall be provided as the need is indicated by the special hazards of operation dispensing and storage.

(iv) *Special hazards.* Where the need is indicated by special hazards of operation, flammable or combustible liquid processing equipment, major piping, and supporting steel shall be protected by approved water spray systems, deluge systems, approved fire-resistant coatings, insulation, or any combination of these.

(v) *Maintenance.* All plant fire protection facilities shall be adequately maintained and periodically inspected and tested to make sure they are always in satisfactory operating condition, and they will serve their purpose in time of emergency.

(6) *Sources of ignition*—(i) *General.* Adequate precautions shall be taken to prevent the ignition of flammable vapors. Sources of ignition include but are not limited to open flames; lightning; smoking; cutting and welding; hot surfaces; frictional heat; static, electrical, and mechanical sparks; spontaneous ignition, including heat-producing chemical reactions; and radiant heat.

(ii) *Grounding.* Class I liquids shall not be dispensed into containers unless the nozzle and container are electrically interconnected. Where the metallic floor-plate on which the container stands while filling is electrically connected to the fill stem or where the fill stem is bonded to the container during filling operations by means of a bond wire, the provisions of this section shall be deemed to have been complied with.

(7) *Electrical*—(i) *Equipment.* (*a*) All electrical wiring and equipment shall be installed according to the requirements of Subpart S of this part.

(*b*) Locations where flammable vapor-air mixtures may exist under normal operations shall be classified Class I, Division 1 according to the requirements of Subpart S of this part. For those pieces of equipment installed in accordance with subparagraph (3) (v) (*b*) of this paragraph, the Division 1 area shall extend 5 feet in all directions from all points of vapor liberation. All areas within pits shall be classified Division 1 if any part of the pit is within a Division 1 or 2 classified area, unless the pit is provided with mechanical ventilation.

(*c*) Locations where flammable vapor-air mixtures may exist under abnormal conditions and for a distance beyond Division 1 locations shall be classified Division 2 according to the requirements of Subpart S of this part. These locations include an area within 20 feet horizontally, 3 feet vertically beyond a Division 1 area, and up to 3 feet above floor or grade level within 25 feet, if indoors, or 10 feet if outdoors, from any pump, bleeder, withdrawal fitting, meter, or similar device handling Class I liquids. Pits provided with adequate mechanical ventilation within a Division 1 or 2 area shall be classified Division 2. If Class II or Class III liquids only are handled, then ordinary electrical equipment is satisfactory though care shall be used in locating electrical apparatus to prevent hot metal from falling into open equipment.

(*d*) Where the provisions of subdivisions (*a*), (*b*), and (*c*), of this subdivision require the installation of electrical equipment suitable for Class I, Division 1 or Division 2 locations, ordinary electrical equipment including switchgear may be used if installed in a room or enclosure which is maintained under positive pressure with respect to the hazardous area. Ventilation makeup air shall be uncontaminated by flammable vapors.

(8) *Repairs to equipment.* Hot work, such as welding or cutting operations, use of spark-producing power tools, and chipping operations shall be permitted only under supervision of an individual in responsible charge. The individual in responsible charge shall make an inspection of the area to be sure that it is safe for the work to be done and that safe procedures will be followed for the work specified.

(9) *Housekeeping*—(i) *General.* Maintenance and operating practices shall be in accordance with established procedures which will tend to control leakage and prevent the accidental escape of flammable or combustible liquids. Spills shall be cleaned up promptly.

(ii) *Access.* Adequate aisles shall be maintained for unobstructed movement

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of personnel and so that fire protection equipment can be brought to bear on any part of flammable or combustible liquid storage, use, or any unit physical operation.

(iii) *Waste and residue.* Combustible waste material and residues in a building or unit operating area shall be kept to a minimum, stored in covered metal receptacles and disposed of daily.

(iv) *Clear zone.* Ground area around buildings and unit operating areas shall be kept free of weeds, trash, or other unnecessary combustible materials.

(f) *Bulk plants*—(1) *Storage*—(i) *Class I liquids.* Class I liquids shall be stored in closed containers, or in storage tanks above ground outside of buildings, or underground in accordance with paragraph (b) of this section.

(ii) *Class II and III liquids.* Class II and Class III liquids shall be stored in containers, or in tanks within buildings or above ground outside of buildings, or underground in accordance with paragraph (b) of this section.

(iii) *Piling containers.* Containers of flammable or combustible liquids when piled one upon the other shall be separated by dunnage sufficient to provide stability and to prevent excessive stress on container walls. The height of the pile shall be consistent with the stability and strength of containers.

(2) *Buildings*—(i) *Exits.* Rooms in which flammable or combustible liquids are stored or handled by pumps shall have exit facilities arranged to prevent occupants from being trapped in the event of fire.

(ii) *Heating.* Rooms in which Class I liquids are stored or handled shall be heated only by means not constituting a source of ignition, such as steam or hot water. Rooms containing heating appliances involving sources of ignition shall be located and arranged to prevent entry of flammable vapors.

(iii) *Ventilation.* (*a*) Ventilation shall be provided for all rooms, buildings, or enclosures in which Class I liquids are pumped or dispensed. Design of ventilation systems shall take into account the relatively high specific gravity of the vapors. Ventilation may be provided by adequate openings in outside walls at floor level unobstructed except by louvers or coarse screens. Where natural ventilation is inadequate, mechanical ventilation shall be provided.

(*b*) Class I liquids shall not be stored or handled within a building having a basement or pit into which flammable vapors may travel, unless such area is provided with ventilation designed to prevent the accumulation of flammable vapors therein.

(*c*) Containers of Class I liquids shall not be drawn from or filled within buildings unless provision is made to prevent the accumulation of flammable vapors in hazardous concentrations. Where mechanical ventilation is required, it shall be kept in operation while flammable liquids are being handled.

(3) *Loading and unloading facilities*—(i) *Separation.* Tank vehicle and tank car loading or unloading facilities shall be separated from aboveground tanks, warehouses, other plant buildings or nearest line of adjoining property that may be built upon by a distance of 25 feet for Class I liquids and 15 feet for Class II and Class III liquids measured from the nearest position of any fill spout. Buildings for pumps or shelters for personnel may be a part of the facility.

(ii) *Class restriction.* Equipment such as piping, pumps, and meters used for the transfer of Class I liquids between storage tanks and the fill stem of the loading rack shall not be used for the transfer of Class II or Class III liquids.

(iii) *Valves.* Valves used for the final control for filling tank vehicles shall be of the self-closing type and manually held open except where automatic means are provided for shutting off the flow when the vehicle is full or after filling of a preset amount.

(iv) *Static protection.* (*a*) Bonding facilities for protection against static sparks during the loading of tank vehicles through open domes shall be provided:

(*1*) Where Class I liquids are loaded, or

(2) Where Class II or Class III liquids are loaded into vehicles which may contain vapors from previous cargoes of Class I liquids.

(*b*) Protection as required in (*a*) of this subdivision (iv) shall consist of a metallic bond wire permanently electrically connected to the fill stem or to some part of the rack structure in electrical contact with the fill stem. The free end of such wire shall be provided with a clamp or equivalent device for convenient attachment to some metallic part in electrical contact with the cargo tank of the tank vehicle.

(*c*) Such bonding connection shall be made fast to the vehicle or tank before dome covers are raised and shall remain in place until filling is completed and all dome covers have been closed and secured.

(*d*) Bonding as specified in (*a*), (*b*), and (*c*) of this subdivision is not required:

(*1*) Where vehicles are loaded exclusively with products not having a static accumulating tendency, such as asphalt, most crude oils, residual oils, and water soluble liquids;

(*2*) Where no Class I liquids are handled at the loading facility and the tank vehicles loaded are used exclusively for Class II and Class III liquids; and

(*3*) Where vehicles are loaded or unloaded through closed bottom or top connections.

(*e*) Filling through open domes into the tanks of tank vehicles or tank cars, that contain vapor-air mixtures within the flammable range or where the liquid being filled can form such a mixture, shall be by means of a downspout which extends near the bottom of the tank. This precaution is not required when loading liquids which are nonaccumulators of static charges.

(v) *Stray currents.* Tank car loading facilities where Class I liquids are loaded through open domes shall be protected against stray currents by bonding the pipe to at least one rail and to the rack structure if of metal. Multiple lines entering the rack area shall be electrically bonded together. In addition, in areas where excessive stray currents are known to exist, all pipe entering the rack area shall be provided with insulating sections to electrically isolate the rack piping from the pipelines. No bonding between the tank car and the rack or piping is required during either loading or unloading of Class II or III liquids.

(vi) *Container filling facilities.* Class I liquids shall not be dispensed into containers unless the nozzle and container are electrically interconnected. Where the metallic floorplate on which the container stands while filling is electrically connected to the fill stem or where the fill stem is bonded to the container during filling operations by means of a bond wire, the provisions of this section shall be deemed to have been complied with.

(4) *Wharves*—(i) *Definition, application.* The term wharf shall mean any wharf, pier, bulkhead, or other structure over or contiguous to navigable water used in conjunction with a bulk plant, the primary function of which is the transfer of flammable or combustible liquid cargo in bulk between the bulk plant and any tank vessel, ship, barge, lighter boat, or other mobile floating craft; and this subparagraph shall apply to all such installations except Marine Service Stations as covered in paragraph (g) of this section.

(ii) *Package cargo.* Package cargo of flammable and combustible liquids, including full and empty drums, bulk fuel, and stores may be handled over a wharf and at such times and places as may be agreed upon by the wharf superintendent and the senior deck officer on duty.

(iii) *Location.* Wharves at which flammable or combustible liquid cargoes are to be transferred in bulk quantities to or from tank vessels shall be at least 100 feet from any bridge over a navigable waterway, or from an entrance to or superstructure of any vehicular or railroad tunnel under a waterway. The termination of the wharf loading or unloading fixed piping shall be at least 200 feet from a bridge or from an entrance to or superstructure of a tunnel.

(iv) *Design and construction.* Substructure and deck shall be substantially designed for the use intended. Deck may employ any material which will afford the desired combination of flexibility, resistance to shock, durability, strength, and fire resistance. Heavy timber construction is acceptable.

(v) *Tanks.* Tanks used exclusively for ballast water or Class II or Class III liquids may be installed on suitably designed wharves.

(vi) *Pumps.* Loading pumps capable of building up pressures in excess of the safe working pressure of cargo hose or loading arms shall be provided with bypasses, relief valves, or other arrangement to protect the loading facilities against excessive pressure. Relief devices shall be tested at not more than yearly intervals to determine that they function satisfactorily at the pressure at which they are set.

(vii) *Hoses and couplings.* All pressure hoses and couplings shall be inspected at intervals appropriate to the service. The hose and couplings shall be tested with the hose extended and using the "inservice maximum operating pressures." Any hose showing material deteriorations, signs of leakage, or weakness in its carcass or at the couplings shall be withdrawn from service and repaired or discarded.

(viii) *Piping and fittings.* Piping, valves, and fittings shall be in accordance with paragraph (c) of this section, with the following exceptions and additions:

(*a*) Flexibility of piping shall be assured by appropriate layout and arrangement of piping supports so that motion of the wharf structure resulting from wave action, currents, tides, or the mooring of vessels will not subject the pipe to repeated strain beyond the elastic limit.

(*b*) Pipe joints depending upon the friction characteristics of combustible materials or grooving of pipe ends for mechanical continuity of piping shall not be used.

(*c*) Swivel joints may be used in piping to which hoses are connected, and for articulated swivel-joint transfer systems, provided that the design is such that the mechanical strength of the joint will not be impaired if the packing material should fail, as by exposure to fire.

(*d*) Piping systems shall contain a sufficient number of valves to operate the system properly and to control the flow of liquid in normal operation and in the event of physical damage.

(*e*) In addition to the requirements of subdivision (*d*) of this subdivision, each line conveying flammable liquids leading to a wharf shall be provided with a readily accessible block valve located on shore near the approach to the wharf and outside of any diked area. Where more than one line is involved, the valves shall be grouped in one location.

(*f*) Means of easy access shall be provided for cargo line valves located below the wharf deck.

(*g*) Pipelines on flammable or combustible liquids wharves shall be adequately bonded and grounded. If excessive stray currents are encountered, insulating joints shall be installed. Bonding and grounding connections on all pipelines shall be located on wharfside of hose-riser insulating flanges, if used, and shall be accessible for inspection.

(*h*) Hose or articulated swivel-joint pipe connections used for cargo transfer shall be capable of accommodating the combined effects of change in draft and maximum tidal range, and mooring lines shall be kept adjusted to prevent the surge of the vessel from placing stress on the cargo transfer system.

(*i*) Hose shall be supported so as to avoid kinking and damage from chafing.

(ix) *Fire protection.* Suitable portable fire extinguishers with a rating of not less than 12–BC shall be located within 75 feet of those portions of the facility where fires are likely to occur, such as hose connections, pumps, and separator tanks.

(*a*) Where piped water is available, ready-connected fire hose in size appropriate for the water supply shall be provided so that manifolds where connections are made and broken can be reached by at least one hose stream.

(*b*) Material shall not be placed on wharves in such a manner as to obstruct access to firefighting equipment, or important pipeline control valves.

(*c*) Where the wharf is accessible to vehicle traffic, an unobstructed roadway to the shore end of the wharf shall be maintained for access of firefighting apparatus.

(x) *Operations control.* Loading or discharging shall not commence until the wharf superintendent and officer in charge of the tank vessel agree that the tank vessel is properly moored and all connections are properly made. Mechanical work shall not be performed on the wharf during cargo transfer, except under special authorization based on a review of the area involved, methods to be employed, and precautions necessary.

(5) *Electrical equipment*—(i) *Application.* This subparagraph shall apply to areas where Class I liquids are stored or handled. For areas where Class II or Class III liquids only are stored or handled, the electrical equipment may be installed in accordance with the provisions of subpart S of this part, for ordinary locations.

(ii) *Conformance.* All electrical equipment and wiring shall be of a type specified by and shall be installed in accordance with subpart S of this part.

(iii) *Classification.* So far as it applies Table H–18 shall be used to delineate and classify hazardous areas for the purpose of installation of electrical equipment under normal circumstances. In Table H–18 a classified area shall not extend beyond an unpierced wall, roof, or other solid partition. The area classifications listed shall be based on the premise that the installation meets the applicable requirements of this section in all respects.

(6) *Sources of ignition.* Class I liquids shall not be handled, drawn, or dispensed where flammable vapors may reach a source of ignition. Smoking shall be prohibited except in designated localities. "No Smoking" signs shall be conspicuously posted where hazard from flammable liquid vapors is normally present.

(7) *Drainage and waste disposal.* Provision shall be made to prevent flammable or combustible liquids which may be spilled at loading or unloading points from entering public sewers and drainage systems, or natural waterways. Connection to such sewers, drains, or waterways by which flammable or combustible liquids might enter shall be provided with separator boxes or other approved means whereby such entry is precluded. Crankcase drainings and flammable or combustible liquids shall not be dumped into sewers, but shall be stored in tanks or tight drums outside of any building until removed from the premises.

(8) *Fire control.* Suitable fire-control devices, such as small hose or portable fire extinguishers, shall be available to locations where fires are likely to occur. Additional fire-control equipment may be required where a tank of more than 50,000 gallons individual capacity contains Class I liquids and where an unusual exposure hazard exists from surrounding property. Such additional fire-control equipment shall be sufficient to extinguish a fire in the largest tank. The design and amount of such equipment shall be in accordance with approved engineering standards.

(g) *Service stations*—(1) *Storage and handling*—(i) *General provisions.* (*a*) Liquids shall be stored in approved closed containers not exceeding 60 gallons capacity, in tanks located underground, in tanks in special enclosures as described in subdivision (ii) of this subparagraph, or in aboveground tanks as provided for in subparagraphs (4) (ii), (b), (c) and (*d*) of this paragraph.

(*b*) Aboveground tanks, located in an adjoining bulk plant, may be connected by piping to service station underground tanks if, in addition to valves at aboveground tanks, a valve is also installed within control of service station personnel.

(*c*) Apparatus dispensing Class I liquids into the fuel tanks of motor vehicles of the public shall not be located at a bulk plant unless separated by a fence or similar barrier from the area in which bulk operations are conducted.

(*d*) [Revoked]

(*e*) The provisions of (*a*) of this subdivision shall not prohibit the dispensing of flammable liquids in the open from a tank vehicle to a motor vehicle. Such dispensing shall be permitted provided:

(*1*) The tank vehicle complies with the requirements covered in the Standard on Tank Vehicles for Flammable Liquids, NFPA 385–1966.

(2) The dispensing is done on premises not open to the public.

(3) [Revoked]

(*4*) The dispensing hose does not exceed 50 feet in length.

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TABLE H-18—ELECTRICAL EQUIPMENT HAZARDOUS AREAS—BULK PLANTS

Location	NEC Class I Group D division	Extent of classified area
Tank vehicle and tank car:[1]		
Loading through open dome	1	Within 3 feet of edge of dome, extending in all directions.
	2	Area between 3 feet and 5 feet from edge of dome, extending in all directions.
Loading through bottom connections with atmospheric venting.	1	Within 3 feet of point of venting to atmosphere extending in all directions.
	2	Area between 3 feet and 5 feet from point of venting to atmosphere, extending in all directions. Also up to 18 inches above grade within a horizontal radius of 10 feet from point of loading connection.
Loading through closed dome with atmospheric venting.	1	Within 3 feet of open end of vent, extending in all directions.
	2	Area between 3 feet and 5 feet from open end of vent, extending in all directions. Also within 3 feet of edge of dome, extending in all directions.
Loading through closed dome with vapor recovery.	2	Within 3 feet of point of connection of both fill and vapor lines, extending in all directions.
Bottom loading with vapor recovery or any bottom unloading.	2	Within 3 feet of point of connections extending in all directions. Also up to 18 inches above grade within a horizontal radius of 10 feet from point of connection.
Drum and container filling:		
Outdoors, or indoors with adequate ventilation.	1	Within 3 feet of vent and fill opening, extending in all directions.
	2	Area between 3 feet and 5 feet from vent or fill opening, extending in all directions. Also up to 18 inches above floor or grade level within a horizontal radius of 10 feet from vent or fill opening.
Outdoors, or indoors with adequate ventilation.	1	Within 3 feet of vent and fill opening, extending in all directions.
	2	Area between 3 feet and 5 feet from vent or fill opening, extending in all directions. Also up to 18 inches above floor or grade level within a horizontal radius of 10 feet from vent or fill opening.
Tank—Aboveground:		
Shell, ends, or roof and dike area	2	Within 10 feet from shell, ends, or roof of tank, Area inside dikes to level of top of dike.
Vent	1	Within 3 feet of open end of vent, extending in all directions.
	2	Area between 3 feet and 10 feet from open end of vent, extending in all directions.
Floating roof	1	Area above the roof and within the shell.
Pits:		
Without mechanical ventilation	1	Entire area within pit if any part is within a Division 1 or 2 classified area.
With mechanical ventilation	2	Entire area within pit if any part is within a Division 1 or 2 classified area.
Containing valves, fittings or piping, and not within a Division 1 or 2 classified area.	2	Entire pit.
Pumps, bleeders, withdrawal fittings, meters and similar devices:		
Indoors	2	Within 5 feet of any edge of such devices, extending in all directions. Also up to 3 feet above floor or grade level within 25 feet horizontally from any edge of such devices.
Outdoors	2	Within 3 feet of any edge of such devices, extending in all directions. Also up to 18 inches above grade level within 10 feet horizontally from any edge of such devices.
Storage and repair garage for tank vehicles	1	All pits or spaces below floor level.
	2	Area up to 18 inches above floor or grade level for entire storage or repair garage.
Drainage ditches, separators, impounding basins.	2	Area up to 18 inches above ditch, separator or basin. Also up to 18 inches above grade within 15 feet horizontally from any edge.
Garages for other than tank vehicles	Ordinary	If there is any opening to these rooms within the extent of an outdoor classified area, the entire room shall be classified the same as the area classification at the point of the opening.
Outdoor drum storage	Ordinary	
Indoor warehousing where there is no flammable liquid transfer.	Ordinary	If there is any opening to these rooms within the extent of an indoor classified area, the room shall be classified the same as if the wall, curb or partition did not exist.
Office and rest rooms	Ordinary	

[1] When classifying the extent of the area, consideration shall be given to the fact that tank cars or tank vehicles may be spotted at varying points. Therefore, the extremities of the loading or unloading positions shall be used.

(5) The dispensing nozzle is a listed automatic-closing type without a latch-open device.

(f) Class I liquids shall not be stored or handled within a building having a basement or pit into which flammable vapors may travel, unless such area is provided with ventilation designed to prevent the accumulation of flammable vapors therein.

(g) Accurate inventory records shall be maintained and reconciled on all Class I liquid storage tanks for possible indication of leakage from tanks or piping.

(ii) *Special enclosures.* (a) When installation of tanks in accordance with paragraph (b) (3) of this section is impractical because of property or building limitations, tanks for flammable or combustible liquids may be installed in buildings if properly enclosed.

(b) The enclosure shall be substantially liquid and vaportight without backfill. Sides, top, and bottom of the enclosure shall be of reinforced concrete at least 6 inches thick, with openings for inspection through the top only. Tank connections shall be so piped or closed that neither vapors nor liquid can escape into the enclosed space. Means shall be provided whereby portable equipment may be employed to discharge to the outside any liquid or vapors which might accumulate should leakage occur.

(c) At automotive service stations provided in connection with tenant or customer parking facilities at or below grade level in large buildings of commercial, mercantile, or residential occupancy, tanks containing Class I liquids, installed of necessity in accordance with (b) of this subdivision, shall not exceed 6,000 gallons individual or 18,000 gallons aggregate capacity.

(iii) *Inside buildings.* (a) Except where stored in tanks as provided in subdivision (ii) of this subparagraph, no Class I liquids shall be stored within any service station building except in closed containers of aggregate capacity not exceeding 60 gallons. One container not exceeding 60 gallons capacity equipped with an approved pump is permitted.

(b) Class I liquids may be transferred from one container to another in lubrication or service rooms of a service station building provided the electrical installation complies with Table H-19 and provided that any heating equipment complies with subparagraph (6) of this paragraph.

(c) Class II and Class III liquids may be stored and dispensed inside service station buildings from tanks of not more than 120 gallons capacity each.

(iv) *Labeling.* No sale or purchase of any Class I, II, or III liquids shall be made in containers unless such containers are clearly marked with the name of the product contained therein.

(v) *Dispensing into portable containers.* No delivery of any Class I liquids shall be made into portable containers unless the container is constructed of metal, has a tight closure with screwed or spring cover, and is fitted with a spout or so designed that the contents can be poured without spilling.

(2) *Private stations.* Service stations not accessible to or open to the public do not require an attendant or supervisor. Such stations may be used by commercial, industrial, governmental, or manufacturing establishments.

(3) *Dispensing systems*—(i) *Location.* Dispensing devices at automotive service stations shall be so located that all parts of the vehicle being served will be on the premises of the service station.

(ii) *Inside location.* Approved dispensing units may be located inside of buildings. The dispensing area shall be separated from other areas in an approved manner. The dispensing unit and its piping shall be mounted either on a concrete island or protected against collision damage by suitable means and shall be located in a position where it cannot be struck by a vehicle descending a ramp or other slope out of control. The dispensing area shall be provided with an approved mechanical or gravity ventilation system. When dispensing units are located below grade, only approved mechanical ventilation shall be used and the entire dispensing area shall be protected by an approved automatic sprinkler system. Ventilating systems shall be electrically interlocked with gasoline dispensing units so that the dispensing units cannot be operated unless the ventilating fan motors are energized.

(iii) *Emergency power cutoff.* A clearly identified and easily accessible switch(es) or a circuit breaker(s) shall be provided at a location remote from dispensing devices, including remote pumping systems, to shut off the power to all dispensing devices in the event of an emergency.

(iv) *Dispensing units.* (a) Class I liquids shall be transferred from tanks by means of fixed pumps so designed and equipped as to allow control of the flow and to prevent leakage or accidental discharge.

(b) (1) Only listed devices may be used for dispensing Class I liquids. No such device may be used if it shows evidence of having been dismantled.

(2) Every dispensing device for Class I liquids installed after December 31, 1978, shall contain evidence of listing so placed that any attempt to dismantle the device will result in damage to such evidence, visible without disassembly or dismounting of the nozzle.

(c) Class I liquids shall not be dispensed by pressure from drums, barrels, and similar containers. Approved pumps taking suction through the top of the container or approved self-closing faucets shall be used.

(d) The dispensing units, except those attached to containers, shall be mounted either on a concrete island or protected against collision damage by suitable means.

(v) *Remote pumping systems.*

(a) This subdivision shall apply to systems for dispensing Class I liquids where such liquids are transferred from storage to individual or multiple dispensing units by pumps located elsewhere than at the dispensing units.

(b) Pumps shall be designed or equipped so that no part of the system will be subjected to pressures above its allowable working pressure. Pumps installed above grade, outside of buildings, shall be located not less than 10 feet from lines of adjoining property which may be built upon, and not less than 5 feet from any building opening. When an outside pump location is impractical, pumps may be installed inside of buildings, as provided for dispensers in subdivision (ii) of this subparagraph, or in pits as provided in subdivision (c) of this subdivision. Pumps shall be substantially anchored and protected against physical damage by vehicles.

(c) Pits for subsurface pumps or piping manifolds of submersible pumps shall withstand the external forces to which they may be subjected without damage to the pump, tank, or piping. The pit shall be no larger than necessary for inspection and maintenance and shall be provided with a fitted cover.

(d) A control shall be provided that will permit the pump to operate only when a dispensing nozzle is removed from its bracket on the dispensing unit and the switch on this dispensing unit is manually actuated. This control shall also stop the pump when all nozzles have been returned to their brackets.

(e) An approved impact valve, incorporating a fusible link, designed to close automatically in the event of severe impact or fire exposure shall be properly installed in the dispensing supply line at the base of each individual dispensing device.

(f) Testing. After the completion of the installation, including any paving, that section of the pressure piping system between the pump discharge and the connection for the dispensing facility shall be tested for at least 30 minutes at the maximum operating pressure of the system. Such tests shall be repeated at 5-year intervals thereafter.

(vi) *Delivery nozzles.* (a) Hose-nozzle valves of either the manual or automatic-closing type for dispensing Class I liquids into a fuel tank or into a container shall be manually held open during the dispensing operation except as provided in subdivision (b) of this subdivision.

(b) On any service station dispenser accessible to the public a listed automatic type nozzle with hold-open latch is permitted only when all dispensing of Class I liquids is to be done by the service station attendant.

(c) If the dispensing of Class I liquids at a service station available and open to the public is to be done by a person other than the service station attendant, the nozzle shall be a listed automatic-closing type without a hold-open latch.

(vii) [Revoked]

(4) *Marine service stations*—(i) *Dispensing.* (a) The dispensing area shall be located away from other structures so as to provide room for safe ingress and egress of craft to be fueled. Dispensing units shall in all cases be at least 20 feet from any activity involving fixed sources of ignition.

(b) Dispensing shall be by approved dispensing units with or without integral pumps and may be located on open piers, wharves, or floating docks or on shore or on piers of the solid fill type.

(c) Dispensing nozzles shall be automatic-closing without a hold-open latch.

(ii) *Tanks and pumps.* (a) Tanks, and pumps not integral with the dispensing unit, shall be on shore or on a pier of the solid fill type, except as provided in subdivisions (b) and (c) of this subdivision.

TABLE H-19—ELECTRICAL EQUIPMENT HAZARDOUS AREAS—SERVICE STATIONS

Location	NEC Class I Group D division	Extent of classified area
Underground tank:		
Fill opening	1	Any pit, box or space below grade level, any part of which is within the Division 1 or 2 classified area.
	2	Up to 18 inches above grade level within a horizontal radius of 10 feet from a loose fill connection and within a horizontal radius of 5 feet from a tight fill connection.
Vent—Discharging upward	1	Within 3 feet of open end of vent, extending in all directions.
	2	Area between 3 feet and 5 feet of open end of vent, extending in all directions.
Dispenser:		
Pits	1	Any pit, box or space below grade level, any part of which is within the Division 1 or 2 classified area.
Dispenser enclosure	1	The area 4 feet vertically above base within the enclosure and 18 inches horizontally in all directions.
Outdoor	2	Up to 18 inches above grade level within 20 feet horizontally of any edge of enclosure.
Indoor:		
With mechanical ventilation	2	Up to 18 inches above grade or floor level within 20 feet horizontally of any edge of enclosure.
With gravity ventilation	2	Up to 18 inches above grade or floor level within 25 feet horizontally of any edge of enclosure.
Remote pump—Outdoor	1	Any pit, box or space below grade level if any part is within a horizontal distance of 10 feet from any edge of pump.
	2	Within 3 feet of any edge of pump, extending in all directions. Also up to 18 inches above grade level within 10 feet horizontally from any edge of pump.
Remote pump—Indoor	1	Entire area within any pit.
	2	Within 5 feet of any edge of pump, extending in all directions. Also up to 3 feet above floor or grade level within 25 feet horizontally from any edge of pump.
Lubrication or service room	1	Entire area within any pit.
	2	Area up to 18 inches above floor or grade level within entire lubrication room.
Dispenser for Class I liquids	2	Within 3 feet of any fill or dispensing point, extending in all directions.
Special enclosure inside building per § 1910.-106 (f) (1) (ii).	1	Entire enclosure.
Sales, storage and rest rooms	Ordinary	If there is any opening to these rooms within the extent of a Division 1 area, the entire room shall be classified as Division 1.

(b) Where shore location would require excessively long supply lines to dispensers, tanks may be installed on a pier provided that applicable portions of paragraph (b) of this section relative to spacing, diking, and piping are complied with and the quantity so stored does not exceed 1,100 gallons aggregate capacity.

(c) Shore tanks supplying marine service stations may be located above ground, where rock ledges or high water table make underground tanks impractical.

(d) Where tanks are at an elevation which would produce gravity head on the dispensing unit, the tank outlet shall be equipped with a pressure control valve positioned adjacent to and outside the tank block valve specified in paragraph (b) (2) (ix) (b) of this section, so adjusted that liquid cannot flow by gravity from the tank in case of piping or hose failure.

(iii) *Piping.* (a) Piping between shore tanks and dispensing units shall be as described in paragraph (c) of this section, except that, where dispensing is from a floating structure, suitable lengths of oil-resistant flexible hose may be employed between the shore piping and the piping on the floating structure as made necessary by change in water level or shoreline.

(b) A readily accessible valve to shut off the supply from shore shall be provided in each pipeline at or near the approach to the pier and at the shore end of each pipeline adjacent to the point where flexible hose is attached.

(c) Piping shall be located so as to be protected from physical damage.

(d) Piping handling Class I liquids shall be grounded to control stray currents.

(5) *Electrical equipment*—(i) *Application.* This subparagraph shall apply to areas where Class I liquids are stored or

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handled. For areas where Class II or Class III liquids are stored or handled the electrical equipment may be installed in accordance with the provisions of Subpart S of this part, for ordinary locations.

(ii) All electrical equipment and wiring shall be of a type specified by and shall be installed in accordance with Subpart S of this part.

(iii) So far as it applies, Table H–19 shall be used to delineate and classify hazardous areas for the purpose of installation of electrical equipment under normal circumstances. A classified area shall not extend beyond an unpierced wall, roof, or other solid partition.

(iv) The area classifications listed shall be based on the assumption that the installation meets the applicable requirements of this section in all respects.

(6) *Heating equipment*—(i) *Conformance.* Heating equipment shall be installed as provided in subdivisions (ii) through (v) of this subparagraph.

(ii) *Application.* Heating equipment may be installed in the conventional manner in an area except as provided in subdivisions (iii), (iv), or (v) of this subparagraph.

(iii) *Special room.* Heating equipment may be installed in a special room separated from an area classified by Table H–19 by walls having a fire resistance rating of at least 1 hour and without any openings in the walls within 8 feet of the floor into an area classified in Table H–19. This room shall not be used for combustible storage and all air for combustion purposes shall come from outside the building.

(iv) *Work areas.* Heating equipment using gas or oil fuel may be installed in the lubrication, sales, or service room where there is no dispensing or transferring of Class I liquids provided the bottom of the combustion chamber is at least 18 inches above the floor and the heating equipment is protected from physical damage by vehicles. Heating equipment using gas or oil fuel listed for use in garages may be installed in the lubrication or service room where Class I liquids are dispensed provided the equipment is installed at least 8 feet above the floor.

(v) *Electric heat.* Electrical heating equipment shall conform to subparagraph (5) of this paragraph.

(7) *Drainage and waste disposal.* Provision shall be made in the area where Class I liquids are dispensed to prevent spilled liquids from flowing into the interior of service station buildings. Such provision may be by grading driveways, raising door sills, or other equally effective means. Crankcase drainings and flammable or combustible liquids shall not be dumped into sewers but shall be stored in tanks or drums outside of any building until removed from the premises.

(8) *Sources of ignition.* In addition to the previous restrictions of this paragraph, the following shall apply: There shall be no smoking or open flames in the areas used for fueling, servicing fuel systems for internal combustion engines, receiving or dispensing of flammable or combustible liquids. Conspicuous and legible signs prohibiting smoking shall be posted within sight of the customer being served. The motors of all equipment being fueled shall be shut off during the fueling operation.

(9) *Fire control.* Each service station shall be provided with at least one fire extinguisher having a minimum approved classification of 6 B, C located so that an extinguisher will be within 75 feet of each pump, dispenser, underground fill pipe opening, and lubrication or service room.

(h) *Processing plants*—(1) *Scope.* This paragraph shall apply to those plants or buildings which contain chemical operations such as oxidation, reduction, halogenation, hydrogenation, alkylation, polymerization, and other chemical processes but shall not apply to chemical plants, refineries or distilleries.

(2) *Location*—(i) *Classification.* The location of each processing vessel shall be based upon its flammable or combustible liquid capacity. Processing vessels shall be located, with respect to distances to lines of adjoining property which may be built upon, in accordance with Table H–20, except when the processing plant is designed in accordance with subdivision (ii) of this subparagraph.

TABLE H–20

Processing vessels with emergency relief venting to permit pressure	Stable liquids	Unstable liquids
Not in excess of 2.5 p.s.i.g.	Table H–9	2½ times Table H–9
Over 2.5 p.s.i.g.	1½ times Table H–9	4 times Table H–9

(ii) *Exception.* The distances required in subdivision (i) of this subparagraph may be waived when the vessels are housed within a building and the exterior wall facing the line of adjoining property which may be built upon is a blank wall having a fire-resistance rating of not less than 4 hours. When Class IA or unstable liquids are handled, the blank wall shall have explosion resistance in accordance with good engineering practice, see subparagraph (3)(iv) of this paragraph.

(3) *Processing building*—(i) *Construction.* (a) Processing buildings shall be of fire-resistance or noncombustible construction, except heavy timber construction with load-bearing walls may be permitted for plants utilizing only stable Class II or Class III liquids. Except as provided in subparagraph (2)(ii) of this paragraph or in the case of explosion resistant walls used in conjunction with explosion relieving facilities, see subparagraph (3)(iv) of this paragraph, load-bearing walls are prohibited. Buildings shall be without basements or covered pits.

(b) Areas shall have adequate exit facilities arranged to prevent occupants from being trapped in the event of fire. Exits shall not be exposed by the drainage facilities described in subdivision (ii) of this subparagraph.

(ii) *Drainage.* (a) Emergency drainage systems shall be provided to direct flammable or combustible liquid leakage and fire protection water to a safe location. This may require curbs, scuppers, or special drainage systems to control the spread of fire, see paragraph (b)(2)(vii)(b) of this section.

(b) Emergency drainage systems, if connected to public sewers or discharged into public waterways, shall be equipped with traps or separators.

(c) The processing plant shall be designed and operated to prevent the normal discharge of flammable or combustible liquids to public waterways, public sewers, or adjoining property.

(iii) *Ventilation.* (a) Enclosed processing buildings shall be ventilated at a rate of not less than 1 cubic foot per minute per square foot of solid floor area. This shall be accomplished by natural or mechanical ventilation with discharge or exhaust to a safe location outside of the building. Provision shall be made for introduction of makeup air in such a manner as not to short circuit the ventilation. Ventilation shall be arranged to include all floor areas or pits where flammable vapors may collect.

(b) Equipment used in a building and the ventilation of the building shall be designed so as to limit flammable vapor-air mixtures under normal operating conditions to the interior of equipment, and to not more than 5 feet from equipment which exposes Class I liquids to the air. Examples of such equipment are dispensing stations, open centrifuges, plate and frame filters, open vacuum filters, and surfaces of open equipment.

(iv) *Explosion relief.* Areas where Class IA or unstable liquids are processed shall have explosion venting through one or more of the following methods:

(a) Open air construction.

(b) Lightweight walls and roof.

(c) Lightweight wall panels and roof hatches.

(d) Windows of explosion venting type.

(4) *Liquid handling*—(i) *Storage.* (a) The storage of flammable or combustible liquids in tanks shall be in accordance with the applicable provisions of paragraph (b) of this section.

(b) If the storage of flammable or combustible liquids in outside aboveground or underground tanks is not practical because of temperature or production considerations, tanks may be permitted inside of buildings or structures in accordance with the applicable provisions of paragraph (b) of this section.

(c) Storage tanks inside of buildings shall be permitted only in areas at or above grade which have adequate drainage and are separated from the processing area by construction having a fire resistance rating of at least 2 hours.

(d) The storage of flammable or combustible liquids in containers shall be in accordance with the applicable provisions of paragraph (d) of this section.

(ii) *Piping, valves, and fittings.* (a) Piping, valves, and fittings shall be in accordance with paragraph (c) of this section.

(b) Approved flexible connectors may be used where vibration exists or where frequent movement is necessary. Approved hose may be used at transfer stations.

(c) Piping containing flammable or combustible liquids shall be identified.

(iii) *Transfer.* (a) The transfer of large quantities of flammable or combustible liquids shall be through piping by means of pumps or water displacement. Except as required in process equipment, gravity flow shall not be used. The use of compressed air as a transferring medium is prohibited.

(b) Positive displacement pumps shall be provided with pressure relief discharging back to the tank or to pump suction.

(iv) *Equipment.* (a) Equipment shall be designed and arranged to prevent the unintentional escape of liquids and vapors and to minimize the quantity escaping in the event of accidental release.

(b) Where the vapor space of equipment is usually within the flammable range, the probability of explosion damage to the equipment can be limited by inerting, by providing an explosion suppression system, or by designing the equipment to contain the peak explosion pressure which may be modified by explosion relief. Where the special hazards of operation, sources of ignition, or exposures indicate a need, consideration shall be given to providing protection by one or more of the above means.

(5) *Tank vehicle and tank car loading and unloading.* Tank vehicle and tank car loading or unloading facilities shall be separated from aboveground tanks, warehouses, other plant buildings, or nearest line of adjoining property which may be built upon by a distance of 25 feet for Class I liquids and 15 feet for Class II and Class III liquids measured from the nearest position of any fill stem. Buildings for pumps or shelters for personnel may be a part of the facility. Operations of the facility shall comply with the appropriate portions of paragraph (f)(3) of this section.

(6) *Fire control*—(i) *Portable extinguishers.* Approved portable fire extinguishers of appropriate size, type, and number shall be provided.

(ii) *Other controls.* Where the special hazards of operation or exposure indicate a need, the following fire control provision shall be provided.

(a) A reliable water supply shall be available in pressure and quantity adequate to meet the probable fire demands.

(b) Hydrants shall be provided in accordance with accepted good practice.

(c) Hose connected to a source of water shall be installed so that all vessels, pumps, and other equipment containing flammable or combustible liquids can be reached with at least one hose stream. Nozzles that are capable of discharging a water spray shall be provided.

(d) Processing plants shall be protected by an approved automatic sprinkler system or equivalent extinguishing system. If special extinguishing systems including but not limited to those employing foam, carbon dioxide, or dry chemical are provided, approved equipment shall be used and installed in an approved manner.

(iii) *Alarm systems.* An approved means for prompt notification of fire to those within the plant and any public fire department available shall be provided. It may be advisable to connect the plant system with the public system where public fire alarm system is available.

(iv) *Maintenance.* All plant fire protection facilities shall be adequately maintained and periodically inspected and tested to make sure they are always in satisfactory operating condition and that they will serve their purpose in time of emergency.

(7) *Sources of ignition*—(i) *General.* (a) Precautions shall be taken to prevent the ignition of flammable vapors. Sources of ignition include but are not limited to open flames; lightning; smoking; cutting and welding; hot surfaces; frictional heat; static, electrical, and mechanical sparks; spontaneous ignition, including heat-producing chemical reactions; and radiant heat.

(b) Class I liquids shall not be dispensed into containers unless the nozzle and container are electrically interconnected. Where the metallic floorplate on which the container stands while filling is electrically connected to the fill stem or where the fill stem is bonded to the container during filling operations by means of a bond wire, the provisions of this section shall be deemed to have been complied with.

(ii) *Maintenance and repair.* (a) When necessary to do maintenance work in a flammable or combustible liquid processing area, the work shall be authorized by a responsible representative of the employer.

(b) Hot work, such as welding or cutting operations, use of spark-producing power tools, and chipping operations shall be permitted only under supervision of an individual in responsible charge who shall make an inspection of the area to be sure that it is safe for the work to be done and that safe procedures will be followed for the work specified.

(iii) *Electrical.* (a) All electrical wiring and equipment within storage or processing areas shall be installed in accordance with nationally recognized good practice.

(b) Locations where flammable vapor-air mixtures may exist under normal operations shall be classified Class I, Division 1 according to the requirements of Subpart S of this part. For those pieces of equipment installed in accordance with subparagraph (3)(iii)(b) of this paragraph, the Division 1 area shall extend 5 feet in all directions from all points of vapor liberation. All areas within pits shall be classified Division 1 if any part of the pit is within a Division 1 or 2 classified area, unless the pit is provided with mechanical ventilation.

(c) Locations where flammable vapor-air mixtures may exist under abnormal conditions and for a distance beyond Division 1 locations shall be classified Division 2 according to the requirements of Subpart S of this Part. These locations include an area within 20 feet horizontally, 3 feet vertically beycnd a Division 1 area, and up to 3 feet above floor or grade level within 25 feet, if indoors, or 10 feet if outdoors, from any pump, bleeder, withdrawal fitting, meter, or similar device handling Class I liquids. Pits provided with adequate mechanical ventilation within a Division 1 or 2 area shall be classified Division 2. If Class II or Class III liquids only are handled, then ordinary electrical equipment is satisfactory though care shall be used in locating electrical apparatus to prevent hot metal from falling into open equipment.

(d) Where the provisions of (a), (b), and (c), of this subdivision (iii) require the installation of explosion-proof equipment, ordinary electrical equipment including switchgear may be used if installed in a room or enclosure which is maintained under positive pressure with respect to the hazardous area. Ventilation makeup air shall be uncontaminated by flammable vapors.

(8) *Housekeeping*—(i) *General.* Maintenance and operating practices shall be in accordance with established procedures which will tend to control leakage and prevent the accidental escape of flammable or combustible liquids. Spills shall be cleaned up promptly.

(ii) *Access.* Adequate aisles shall be maintained for unobstructed movement of personnel and so that fire protection equipment can be brought to bear on any part of the processing equipment.

(iii) *Waste and residues.* Combustible waste material and residues in a building or operating area shall be kept to a minimum, stored in closed metal waste cans, and disposed of daily.

(iv) *Clear zone.* Ground area around buildings and operating areas shall be kept free of tall grass, weeds, trash, or other combustible materials.

(i) *Refineries, chemical plants, and distilleries*—(1) *Storage tanks.* Flammable or combustile liquids shall be stored in tanks, in containers, or in portable tanks. Tanks shall be installed in accordance with paragraph (b) of this section. Tanks for the storage of flammable or combustile liquids in tank farms and in locations other than process areas shall be located in accordance with paragraph (b)(2)(i) and (ii) of this section.

(2) *Wharves.* Wharves handling flammable or combustible liquids shall be in accordance with paragraph (f)(4) of this section.

(3) *Fired and unfired pressure vessels*—(i) *Fired vessels.* Fired pressure vessels shall be constructed in accordance with the Code for Fired Pressure Vessels, Section I of the ASME Boiler and Pressure Vessel Code—1968.

(ii) Unfired vessels shall be constructed in accordance with the Code for Unfired Pressure Vessels, Section VIII of the ASME Boiler and Pressure Vessel Code—1968.

(4) *Location of process units.* Process units shall be located so that they are accessible from at least one side for the purpose of fire control. Where topographical conditions are such that flammable or combustible liquids may flow from a processing area so as to constitute

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a fire hazard to property of others, provision shall be made to divert or impound the flow by curbs, drains, or other suitable means.

(5) *Fire control*—(i) *Portable equipment.* Portable fire extinguishment and control equipment shall be provided in such quantities and types as are needed for the special hazards of operation and storage.

(ii) *Water supply.* Water shall be available in volume and at adequate pressure to supply water hose streams, foam producing equipment, automatic sprinklers, or water spray systems as the need is indicated by the special hazards of operation and storage.

(iii) *Special equipment.* Special extinguishing equipment such as that utilizing foam, inert gas, or dry chemical shall be provided as the need is indicated by the special hazards of operation and storage.

(j) *Scope.* This section applies to the handling, storage, and use of flammable and combustible liquids with a flash point below 200° F. This section does not apply to:

(1) Bulk transportation of flammable and combustible liquids;

(2) Storage, handling, and use of fuel oil tanks and containers connected with oil burning equipment;

(3) Storage of flammable and combustible liquids on farms;

(4) Liquids without flashpoints that may be flammable under some conditions, such as certain halogenated hydrocarbons and mixtures containing halogenated hydrocarbons;

(5) Mists, sprays, or foams, except flammable aerosols covered in paragraph (d) of this section; or

(6) Installations made in accordance with requirements of the following standards:

(i) National Fire Protection Association Standard for Drycleaning Plants, NFPA No. 32–1970;

(ii) National Fire Protection Association Standard for the Manufacture of Organic Coatings, NFPA No. 35–1970;

(iii) National Fire Protection Association Standard for Solvent Extraction Plants, NFPA No. 36–1967; or

(iv) National Fire Protection Association Standard for the Installation and Use of Stationary Combustion Engines and Gas Turbines, NFPA No. 37–1970.

§ 1910.107 Spray finishing using flammable and combustible materials.

(a) *Definitions applicable to this section*—(1) *Aerated solid powders.* Aerated powders shall mean any powdered material used as a coating material which shall be fluidized within a container by passing air uniformly from below. It is common practice to fluidize such materials to form a fluidized powder bed and then dip the part to be coated into the bed in a manner similar to that used in liquid dipping. Such beds are also used as sources for powder spray operations.

(2) *Spraying area.* Any area in which dangerous quantities of flammable vapors or mists, or combustible residues, dusts, or deposits are present due to the operation of spraying processes.

(3) *Spray booth.* A power-ventilated structure provided to enclose or accommodate a spraying operation to confine and limit the escape of spray, vapor, and residue, and to safely conduct or direct them to an exhaust system.

(4) *Waterwash spray booth.* A spray booth equipped with a water washing system designed to minimize dusts or residues entering exhaust ducts and to permit the recovery of overspray finishing material.

(5) *Dry spray booth.* A spray booth not equipped with a water washing system as described in subparagraph (4) of this paragraph. A dry spray booth may be equipped with (i) distribution or baffle plates to promote an even flow of air through the booth or cause the deposit of overspray before it enters the exhaust duct; or (ii) overspray dry filters to minimize dusts; or (iii) overspray dry filters to minimize dusts or residues entering exhaust ducts; or (iv) overspray dry filter rolls designed to minimize dusts or residues entering exhaust ducts; or (v) where dry powders are being sprayed, with powder collection systems so arranged in the exhaust to capture oversprayed material.

(6) *Fluidized bed.* A container holding powder coating material which is aerated from below so as to form an air-supported expanded cloud of such material through which the preheated object to be coated is immersed and transported.

(7) *Electrostatic fluidized bed.* A container holding powder coating material which is aerated from below so as to form an air-supported expanded cloud of such material which is electrically charged with a charge opposite to the charge of the object to be coated; such object is transported through the container immediately above the charged and aerated materials in order to be coated.

(8) *Approved.* Shall mean approved and listed by the following nationally recognized testing laboratories: Underwriters' Laboratories, Inc.; Factory Mutual Engineering Corp.

(9) *Listed.* See "approved" in § 1910.107 (a) (8).

(b) *Spray booths*—(1) *Construction.* Spray booths shall be substantially constructed of steel, securely and rigidly supported, or of concrete or masonry except that aluminum or other substantial noncombustible material may be used for intermittent or low volume spraying. Spray booths shall be designed to sweep air currents toward the exhaust outlet.

(2) *Interiors.* The interior surfaces of spray booths shall be smooth and continuous without edges and otherwise designed to prevent pocketing of residues and facilitate cleaning and washing without injury.

(3) *Floors.* The floor surface of a spray booth and operator's working area, if combustible, shall be covered with noncombustible material of such character as to facilitate the safe cleaning and removal of residues.

(4) *Distribution or baffle plates.* Distribution or baffle plates, if installed to promote an even flow of air through the booth or cause the deposit of overspray before it enters the exhaust duct, shall be of noncombustible material and readily removable or accessible on both sides for cleaning. Such plates shall not be located in exhaust ducts.

(5) *Dry type overspray collectors—(exhaust air filters).* In conventional dry type spray booths, overspray dry filters or filter rolls, if installed, shall conform to the following:

(i) The spraying operations except electrostatic spraying operations shall be so designed, installed and maintained that the average air velocity over the open face of the booth (or booth cross section during spraying operations) shall be not less than 100 linear feet per minute. Electrostatic spraying operations may be conducted with an air velocity over the open face of the booth of not less than 60 linear feet per minute, or more, depending on the volume of the finishing material being applied and its flammability and explosion characteristics. Visible gauges or audible alarm or pressure activated devices shall be installed to indicate or insure that the required air velocity is maintained. Dry spray booths equipped with a filter roll which is automatically advanced when the air velocity is reduced to that specified in this subdivision should be arranged to cause shutdown of spraying operations if the filter roll fails to advance automatically. Maintenance procedures should be established to assure replacing filter pads before excessive restriction to airflow occurs. Filter pads should be inspected after each period of use and clogged filter pads discarded and replaced. Filter rolls shall be inspected to insure proper replacement of filter media.

(ii) All discarded filter pads and filter rolls shall be immediately removed to a safe, well-detached location or placed in a water-filled metal container and disposed of at the close of the day's operation unless maintained completely in water.

(iii) The location of filters in a spray booth shall be so as to not reduce the effective booth enclosure of the articles being sprayed.

(iv) Space within the spray booth on the downstream and upstream sides of filters shall be protected with approved automatic sprinklers.

(v) Filters or filter rolls shall not be used when applying a spray material know to be highly susceptible to spontaneous heating and ignition.

(vi) Clean filters or filter rolls shall be noncombustible or of a type having a combustibility not in excess of class 2 filters as listed by Underwriters' Laboratories, Inc. Filters and filter rolls shall not be alternately used for different types of coating materials, where the combination of materials may be conducive to spontaneous ignition. See also paragraph (g) (6) of this section.

(6) *Frontal area.* Each spray booth having a frontal area larger than 9 square feet shall have a metal deflector or curtain not less than 2½ inches deep installed at the upper outer edge of the booth over the opening.

(7) *Conveyors.* Where conveyors are arranged to carry work into or out of spray booths, the openings therefor shall be as small as practical.

(8) *Separation of operations.* Each spray booth shall be separated from other operations by not less than 3 feet, or by a greater distance, or by such partition or wall as to reduce the danger from juxtaposition of hazardous operations. See also paragraph (c) (1) of this section.

(9) *Cleaning.* Spray booths shall be so installed that all portions are readily accessible for cleaning. A clear space of not less than 3 feet on all sides shall be kept free from storage or combustible construction.

(10) *Illumination.* When spraying areas are illuminated through glass panels or other transparent materials, only fixed lighting units shall be used as a source of illumination. Panels shall effectively isolate the spraying area from the area in which the lighting unit is located, and shall be of a noncombustible material of such a nature or so protected that breakage will be unlikely. Panels shall be so arranged that normal accumulations of residue on the exposed surface of the panel will not be raised to a dangerous temperature by radiation or conduction from the source of illumination.

(c) *Electrical and other sources of ignition*—(1) *Conformance.* All electrical equipment, open flames and other sources of ignition shall conform to the requirements of this paragraph, except as follows:

(i) Electrostatic apparatus shall conform to the requirements of paragraphs (h) and (i) of this section;

(ii) Drying, curing, and fusion apparatus shall conform to the requirements of paragraph (j) of this section;

(iii) Automobile undercoating spray operations in garages shall conform to the requirements of paragraph (k) of this section.

(iv) Powder coating equipment shall conform to the requirements of paragraph (l) of this section.

(2) *Minimum separation.* There shall be no open flame or spark producing equipment in any spraying area nor within 20 feet thereof, unless separated by a partition.

(3) *Hot surfaces.* Space-heating appliances, steampipes, or hot surfaces shall not be located in a spraying area where deposits of combustible residues may readily accumulate.

(4) *Wiring conformance.* Electrical wiring and equipment shall conform to the provisions of this paragraph and shall otherwise be in accordance with subpart S of this part.

(5) *Combustible residues, areas.* Unless specifically approved for locations containing both deposits of readily ignitable residue and explosive vapors, there shall be no electrical equipment in any spraying area, whereon deposits of combustible residues may readily accumulate, except wiring in rigid conduit or in boxes or fittings containing no taps, splices, or terminal connections.

(6) *Wiring type approved.* Electrical wiring and equipment not subject to deposits of combustible residues but located in a spraying area as herein defined shall be of explosion-proof type approved for Class I, group D locations and shall otherwise conform to the provisions of subpart S of this part, for Class I, Division 1, Hazardous Locations. Electrical wiring, motors, and other equipment outside of but within twenty (20) feet of any spraying area, and not separated therefrom by partitions, shall not produce sparks under normal operating conditions and shall otherwise conform to the provisions of subpart S of this part for Class I, Division 2 Hazardous Locations.

(7) *Lamps.* Electric lamps outside of, but within twenty (20) feet of any spraying area, and not separated therefrom by a partition, shall be totally enclosed to prevent the falling of hot particles and shall be protected from mechanical injury by suitable guards or by location.

(8) *Portable lamps.* Portable electric lamps shall not be used in any spraying area during spraying operations. Portable electric lamps, if used during cleaning or repairing operations, shall be of the type approved for hazardous Class I locations.

(9) *Grounding.* (i) All metal parts of spray booths, exhaust ducts, and piping systems conveying flammable or combustible liquids or aerated solids shall be properly electrically grounded in an effective and permanent manner.

(ii) "Airless" high-fluid pressure spray guns and any conductive object being sprayed should be properly electrically grounded.

(d) *Ventilation*—(1) *Conformance.* Ventilating and exhaust systems shall be in accordance with the Standard for Blower and Exhaust Systems for Vapor Removal, NFPA No. 91–1961, where applicable and shall also conform to the provisions of this section.

(2) *General.* All spraying areas shall be provided with mechanical ventilation adequate to remove flammable vapors, mists, or powders to a safe location and to confine and control combustible residues so that life is not endangered. Mechanical ventilation shall be kept in operation at all times while spraying operations are being conducted and for a sufficient time thereafter to allow vapors from drying coated articles and drying finishing material residue to be exhausted.

(3) *Independent exhaust.* Each spray booth shall have an independent exhaust duct system discharging to the exterior of the building, except that multiple cabinet spray booths in which identical spray finishing material is used with a combined frontal area of not more than 18 square feet may have a common exhaust. If more than one fan serves one booth, all fans shall be so interconnected that one fan cannot operate without all fans being operated.

(4) *Fan-rotating element.* The fan-rotating element shall be nonferrous or nonsparking or thet casing shall consist of or be lined with such material. There shall be ample clearance between the fan-rotating element and the fan casing to avoid a fire by friction, necessary allowance being made for ordinary expansion and loading to prevent contact between moving parts and the duct or fan housing. Fan blades shall be mounted on a shaft sufficiently heavy to maintain perfect alignment even when the blades of the fan are heavily loaded, the shaft preferably to have bearings outside the duct and booth. All bearings shall be of the self-lubricating type, or lubricated from the outside duct.

(5) *Electric motors.* Electric motors driving exhaust fans shall not be placed inside booths or ducts. See also paragraph (c) of this section.

(6) *Belts.* Belts shall not enter the duct or booth unless the belt and pulley within the duct or booth are thoroughly enclosed.

(7) *Exhaust ducts.* Exhaust ducts shall be constructed of steel and shall be substantially supported. Exhaust ducts without dampers are preferred; however, if dampers are installed, they shall be maintained so that they will be in a full open position at all times the ventilating system is in operation.

(i) Exhaust ducts shall be protected against mechanical damage and have a clearance from unprotected combustible construction or other combustible material of not less than 18 inches.

(ii) If combustible construction is provided with the following protection applied to all surfaces within 18 inches, clearances may be reduced to the distances indicated:

(a) 28-gage sheet metal on ¼-inch asbestos mill board.	12 inches.
(b) 28-gage sheet metal on ⅛-inch asbestos mill board spaced out 1 inch on noncombustible spacers.	9 inches.
(c) 22-gage sheet metal on 1-inch rockwool batts reinforced with wire mesh or the equivalent.	3 inches.

(d) Where ducts are protected with an approved automatic sprinkler system, properly maintained, the clearance required in subdivision (i) of this subparagraph may be reduced to 6 inches.

(8) *Discharge clearance.* Unless the spray booth exhaust duct terminal is from a water-wash spray booth, the terminal discharge point shall be not less than 6 feet from any combustible exterior wall or roof nor discharge in the direction of any combustible construction or unprotected opening in any noncombustible exterior wall within 25 feet.

(9) *Air exhaust.* Air exhaust from spray operations shall not be directed so that it will contaminate makeup air being introduced into the spraying area or other ventilating intakes, nor directed so as to create a nuisance. Air exhausted from spray operations shall not be recirculated.

(10) *Access doors.* When necessary to facilitate cleaning, exhaust ducts shall be provided with an ample number of access doors.

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(11) *Room intakes.* Air intake openings to rooms containing spray finishing operations shall be adequate for the efficient operation of exhaust fans and shall be so located as to minimize the creation of dead air pockets.

(12) *Drying spaces.* Freshly sprayed articles shall be dried only in spaces provided with adequate ventilation to prevent the formation of explosive vapors. In the event adequate and reliable ventilation is not provided such drying spaces shall be considered a spraying area. See also paragraph (j) of this section.

(e) *Flammable and combustible liquids—storage and handling*—(1) *Conformance.* The storage of flammable or combustible liquids in connection with spraying operations shall conform to the requirements of § 1910.106, where applicable.

(2) *Quantity.* The quantity of flammable or combustible liquids kept in the vicinity of spraying operations shall be the minimum required for operations and should ordinarily not exceed a supply for 1 day or one shift. Bulk storage of portable containers of flammable or combustible liquids shall be in a separate, constructed building detached from other important buildings or cut off in a standard manner.

(3) *Containers.* Original closed containers, approved portable tanks, approved safety cans or a properly arranged system of piping shall be used for bringing flammable or combustible liquids into spray finishing room. Open or glass containers shall not be used.

(4) *Transferring liquids.* Except as provided in subparagraph (5) of this paragraph the withdrawal of flammable and combustible liquids from containers having a capacity of greater than 60 gallons shall be by approved pumps. The withdrawal of flammable or combustible liquids from containers and the filling of containers, including portable mixing tanks, shall be done only in a suitable mixing room or in a spraying area when the ventilating system is in operation. Adequate precautions shall be taken to protect against liquid spillage and sources of ignition.

(5) *Spraying containers.* Containers supplying spray nozzles shall be of closed type or provided with metal covers kept closed. Containers not resting on floors shall be on metal supports or suspended by wire cables. Containers supplying spray nozzles by gravity flow shall not exceed 10 gallons capacity. Original shipping containers shall not be subject to air pressure for supplying spray nozzles. Containers under air pressure supplying spray nozzles shall be of limited capacity, not exceeding that necessary for 1 day's operation; shall be designed and approved for such use; shall be provided with a visible pressure gage; and shall be provided with a relief valve set to operate in conformance with the requirements of the Code for Unfired Pressure Vessels, Section VIII of the ASME Boiler and Pressure Vessel Code—1968. Containers under air pressure supplying spray nozzles, air-storage tanks and coolers shall conform to the standards of the Code for Unfired Pressure Vessels, Section VIII of the ASME Boiler and Pressure Vessel Code—1968 for construction, tests, and maintenance.

(6) *Pipes and hoses.* (i) All containers or piping to which is attached a hose or flexible connection shall be provided with a shutoff valve at the connection. Such valves shall be kept shut when spraying operations are not being conducted.

(ii) When a pump is used to deliver products, automatic means shall be provided to prevent pressure in excess of the design working pressure of accessories, piping, and hose.

(iii) All pressure hose and couplings shall be inspected at regular intervals appropriate to this service. The hose and couplings shall be tested with the hose extended, and using the "inservice maximum operating pressures." Any hose showing material deteriorations, signs of leakage, or weakness in its carcass or at the couplings, shall be withdrawn from service and repaired or discarded.

(iv) Piping systems conveying flammable or combustible liquids shall be of steel or other material having comparable properties of resistance to heat and physical damage. Piping systems shall be properly bonded and grounded.

(7) *Spray liquid heaters.* Electrically powered spray liquid heaters shall be approved and listed for the specific location in which used (see paragraph (c) of this section). Heaters shall not be located in spray booths nor other locations subject to the accumulation of deposits or combustible residue. Agitators, if used, should preferably be driven by compressed air, water, or low-pressure steam. If an electric motor is used, see paragraph (c) of this section.

(8) *Pump relief.* If flammable or combustible liquids are supplied to spray nozzles by positive displacement pumps, the pump discharge line shall be provided with an approved relief valve discharging to a pump suction or a safe detached location, or a device provided to stop the prime mover if the discharge pressure exceeds the safe operating pressure of the system.

(9) *Grounding.* Whenever flammable or combustible liquids are transferred from one container to another, both containers shall be effectively bonded and grounded to prevent discharge sparks of static electricity.

(f) *Protection*—(1) *Conformance.* In sprinklered buildings, the automatic sprinkler system in rooms containing spray finishing operations shall conform to the Standard for the Installation of Sprinkler Systems, NFPA 13–1969, provisions for Extra Hazard Occupancy, and in unsprinklered buildings where sprinklers are installed only to protect spraying areas, the installation shall conform to such standards insofar as they may be applicable. Sprinkler installations shall also conform to the provisions of this paragraph. Sprinkler heads shall be located to effect water distribution throughout the entire booth.

(2) *Valve access.* Automatic sprinklers protecting each spray booth (together with its connecting exhaust) shall be under an accessibly located separate outside stem and yoke (OS&Y) subcontrol valve.

(3) *Cleaning of heads.* Sprinklers protecting spraying areas shall be kept as free from deposits as practical by cleaning daily if necessary. (See also paragraph (g) of this section.)

(4) *Portable extinguishers.* An adequate supply of suitable portable fire extinguishers shall be installed near all spraying areas.

(g) *Operations and maintenance.*—(1) *Spraying.* Spraying shall not be conducted outside of predetermined spraying areas.

(2) *Cleaning.* All spraying areas shall be kept as free from the accumulation of deposits of combustible residues as practical, with cleaning conducted daily if necessary. Scrapers, spuds, or other such tools used for cleaning purposes shall be of nonsparking material.

(3) *Residue disposal.* Residue scrapings and debris contaminated with residue shall be immediately removed from the premises and properly disposed of. Approved metal waste cans shall be provided wherever rags or waste are impregnated with finishing material and all such rags or waste deposited therein immediately after use. The contents of waste cans shall be properly disposed of at least once daily or at the end of each shift.

(4) *Clothing storage.* Spray finishing employees' clothing shall not be left on the premises overnight unless kept in metal lockers.

(5) *Cleaning solvents.* The use of solvents for cleaning operations shall be restricted to those having flashpoints not less than 100° F.; however, for cleaning spray nozzles and auxiliary equipment, solvents having flashpoints not less than those normally used in spray operations may be used. Such cleaning shall be conducted inside spray booths and ventilating equipment operated during cleaning.

(6) *Hazardous materials combinations.* Spray booths shall not be alternately used for different types of coating materials, where the combination of the materials may be conducive to spontaneous ignition, unless all deposits of the first used material are removed from the booth and exhaust ducts prior to spraying with the second used material.

(7) *"No Smoking" signs.* "No smoking" signs in large letters on contrasting color background shall be conspicuously posted at all spraying areas and paint storage rooms.

(h) *Fixed electrostatic apparatus*—(1) *Conformance.* Where installation and use of electrostatic spraying equipment is used, such installation and use shall conform to all other paragraphs of this section, and shall also conform to the requirements of this paragraph.

(2) *Type approval.* Electrostatic apparatus and devices used in connection with coating operations shall be of approved types.

(3) *Location.* Transformers, power packs, control apparatus, and all other electrical portions of the equipment, with the exception of high-voltage grids, electrodes, and electrostatic atomizing heads and their connections, shall be located outside of the spraying area, or shall otherwise conform to the requirements of paragraph (c) of this section.

(4) *Support.* Electrodes and electrostatic atomizing heads shall be adequately supported in permanent locations and shall be effectively insulated from the ground. Electrodes and electrostatic atomizing heads which are permanently attached to their bases, supports, or reciprocators, shall be deemed to comply with this section. Insulators shall be nonporous and noncombustible.

(5) *Insulators, grounding.* High-voltage leads to electrodes shall be properly insulated and protected from mechanical injury or exposure to destructive chemicals. Electrostatic atomizing heads shall be effectively and permanently supported on suitable insulators and shall be effectively guarded against accidental contact or grounding. An automatic means shall be provided for grounding the electrode system when it is electrically deenergized for any reason. All insulators shall be kept clean and dry.

(6) *Safe distance.* A safe distance shall be maintained between goods being painted and electrodes or electrostatic atomizing heads or conductors of at least twice the sparking distance. A suitable sign indicating this safe distance shall be conspicuously posted near the assembly.

(7) *Conveyors required.* Goods being painted using this process are to be supported on conveyors. The conveyors shall be so arranged as to maintain safe distances between the goods and the electrodes or electrostatic atomizing heads at all times. Any irregularly shaped or other goods subject to possible swinging or movement shall be rigidly supported to prevent such swinging or movement which would reduce the clearance to less than that specified in subparagraph (6) of this paragraph.

(8) *Prohibition.* This process is not acceptable where goods being coated are manipulated by hand. When finishing materials are applied by electrostatic equipment which is manipulated by hand, see paragraph (i) of this section for applicable requirements.

(9) *Fail-safe controls.* Electrostatic apparatus shall be equipped with automatic controls which will operate without time delay to disconnect the power supply to the high voltage transformer and to signal the operator under any of the following conditions:

(i) Stoppage of ventilating fans or failure of ventilating equipment from any cause.

(ii) Stoppage of the conveyor carrying goods through the high voltage field.

(iii) Occurrence of a ground or of an imminent ground at any point on the high voltage system.

(iv) Reduction of clearance below that specified in subparagraph (6) of this paragraph.

(10) *Guarding.* Adequate booths, fencing, railings, or guards shall be so placed about the equipment that they, either by their location or character or both, assure that a safe isolation of the process is maintained from plant storage or personnel. Such railings, fencing, and guards shall be of conducting material, adequately grounded.

(11) *Ventilation.* Where electrostatic atomization is used the spraying area shall be so ventilated as to insure safe conditions from a fire and health standpoint.

(12) *Fire protection.* All areas used for spraying, including the interior of the booth, shall be protected by automatic sprinklers where this protection is available. Where this protection is not available, other approved automatic extinguishing equipment shall be provided.

(i) *Electrostatic hand spraying equipment*—(1) *Application.* This paragraph shall apply to any equipment using electrostatically charged elements for the atomization and/or, precipitation of materials for coatings on articles, or for other similar purposes in which the atomizing device is hand held and manipulated during the spraying operation.

(2) *Conformance.* Electrostatic hand spraying equipment shall conform with the other provisions of this section.

(3) *Equipment approval and specifications.* Electrostatic hand spray apparatus and devices used in connection with coating operations shall be of approved types. The equipment should be so designed that the maximum surface temperature of the equipment in the spraying area shall not exceed 150° F. under any condition. The high voltage circuits shall be designed so as to not produce a spark of sufficient intensity to ignite any vapor-air mixtures nor result in appreciable shock hazard upon coming in contact with a grounded object under all normal operating conditions. The electrostatically charged exposed elements of the handgun shall be capable of being energized only by a switch which also controls the coating material supply.

(4) *Electrical support equipment.* Transformers, powerpacks, control apparatus, and all other electrical portions of the equipment, with the exception of the handgun itself and its connections to the power supply shall be located outside of the spraying area or shall otherwise conform to the requirements of paragraph (c) of this section.

(5) *Spray gun ground.* The handle of the spraying gun shall be electrically connected to ground by a metallic connection and to be so constructed that the operator in normal operating position is in intimate electrical contact with the grounded handle.

(6) *Grounding—general.* All electrically conductive objects in the spraying area shall be adequately grounded. This requirement shall apply to paint containers, wash cans, and any other objects or devices in the area. The equipment shall carry a prominent permanently installed warning regarding the necessity for this grounding feature.

(7) *Maintenance of grounds.* Objects being painted or coated shall be maintained in metallic contact with the conveyor or other grounded support. Hooks shall be regularly cleaned to insure this contact and areas of contact shall be sharp points or knife edges where possible. Points of support of the object shall be concealed from random spray where feasible and where the objects being sprayed are supported from a conveyor, the point of attachment to the conveyor shall be so located as to not collect spray material during normal operation.

(8) *Interlocks.* The electrical equipment shall be so interlocked with the ventilation of the spraying area that the equipment cannot be operated unless the ventilation fans are in operation.

(9) *Ventilation.* The spraying operation shall take place within a spray area which is adequately ventilated to remove solvent vapors released from the operation.

(j) *Drying, curing, or fusion apparatus*—(1) *Conformance.* Drying, curing, or fusion apparatus in connection with spray application of flammable and combustible finishes shall conform to the Standard for Ovens and Furnaces, NFPA 86A-1969, where applicable and shall also conform with the following requirements of this subparagraph.

(2) *Alternate use prohibited.* Spray booths, rooms, or other enclosures used for spraying operations shall not alternately be used for the purpose of drying by any arrangement which will cause a material increase in the surface temperature of the spray booth, room, or enclosure.

(3) *Adjacent system interlocked.* Except as specifically provided in subparagraph (4) of this paragraph, drying, curing, or fusion units utilizing a heating system having open flames or which may produce sparks shall not be installed in a spraying area, but may be installed adjacent thereto when equipped with an interlocked ventilating system arranged to:

(i) Thoroughly ventilate the drying space before the heating system can be started;

(ii) Maintain a safe atmosphere at any source of ignition;

(iii) Automatically shut down the heating system in the event of failure of the ventilating system.

(4) *Alternate use permitted.* Automobile refinishing spray booths or enclosures, otherwise installed and maintained in full conformity with this section, may alternately be used for drying with portable electrical infrared drying apparatus when conforming with the following:

(i) Interior (especially floors) of spray enclosures shall be kept free of overspray deposits.

(ii) During spray operations, the drying apparatus and electrical connections and wiring thereto shall not be located within spray enclosure nor in any other location where spray residues may be deposited thereon.

(iii) The spraying apparatus, the drying apparatus, and the ventilating system of the spray enclosure shall be equipped with suitable interlocks so arranged that:

(a) The spraying apparatus cannot be operated while the drying apparatus is inside the spray enclosure.

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(b) The spray enclosure will be purged of spray vapors for a period of not less than 3 minutes before the drying apparatus can be energized.

(c) The ventilating system will maintain a safe atmosphere within the enclosure during the drying process and the drying apparatus will automatically shut off in the event of failure of the ventilating system.

(iv) All electrical wiring and equipment of the drying apparatus shall conform with the applicable sections of Subpart S of this Part. Only equipment of a type approved for Class I, Division 2 hazardous locations shall be located within 18 inches of floor level. All metallic parts of the drying apparatus shall be properly electrically bonded and grounded.

(v) The drying apparatus shall contain a prominently located, permanently attached warning sign indicating that ventilation should be maintained during the drying period and that spraying should not be conducted in the vicinity that spray will deposit on apparatus.

(k) *Automobile undercoating in garages.* Automobile undercoating spray operations in garages, conducted in areas having adequate natural or mechanical ventilation, are exempt from the requirements pertaining to spray finishing operations, when using undercoating materials not more hazardous than kerosene (as listed by Underwriters' Laboratories in respect to fire hazard rating 30–40) or undercoating materials using only solvents listed as having a flash point in excess of 100° F. Undercoating spray operations not conforming to these provisions are subject to all requirements of this section pertaining to spray finishing operations.

(l) *Powder coating*—(1) *Electrical and other sources of ignition.* Electrical equipment and other sources of ignition shall conform to the requirements of paragraph (c) (1) (i)–(iv), (8) and (9) (i) of this section and Subpart S of this Part.

(2) *Ventilation.* (i) In addition to the provisions of paragraph (d) of this section, where applicable, exhaust ventilation shall be sufficient to maintain the atmosphere below the lowest explosive limits for the materials being applied. All nondeposited air-suspended powders shall be safely removed via exhaust ducts to the powder recovery cyclone or receptacle. Each installation shall be designed and operated to meet the foregoing performance specification.

(ii) Powders shall not be released to the outside atmosphere.

(3) *Drying, curing, or fusion equipment.* The provisions of the Standard for ovens and furnaces, NFPA No. 86A–1969 shall apply where applicable.

(4) *Operation and maintenance.* (i) All areas shall be kept free of the accumulation of powder coating dusts, particularly such horizontal surfaces as ledges, beams, pipes, hoods, booths, and floors.

(ii) Surfaces shall be cleaned in such manner as to avoid scattering dust to other places or creating dust clouds.

(iii) "No Smoking" signs in large letters on contrasting color background shall be conspicuously posted at all powder coating areas and powder storage rooms.

(5) *Fixed electrostatic spraying equipment.* The provisions of paragraph (h) of this section and other subparagraphs of this paragraph shall apply to fixed electrostatic equipment, except that electrical equipment not covered therein shall conform to subparagraph (1) of this paragraph.

(6) *Electrostatic hand spraying equipment.* The provisions of paragraph (i) of this section and other subparagraphs of this paragraph, shall apply to electrostatic handguns when used in powder coating, except that electrical equipment not covered therein shall conform to subparagraph (1) of this paragraph.

(7) *Electrostatic fluidized beds.* (i) Electrostatic fluidized beds and associated equipment shall be of approved types. The maximum surface temperature of this equipment in the coating area shall not exceed 150° F. The high voltage circuits shall be so designed as to not produce a spark of sufficient intensity to ignite any powder-air mixtures nor result in appreciable shock hazard upon coming in contact with a grounded object under normal operating conditions.

(ii) Transformers, powerpacks, control apparatus, and all other electrical portions of the equipment, with the exception of the charging electrodes and their connections to the power supply shall be located outside of the powder coating area or shall otherwise conform to the requirements of subparagraph (1) of this paragraph.

(iii) All electrically conductive objects within the charging influence of the electrodes shall be adequately grounded. The powder coating equipment shall carry a prominent, permanently installed warning regarding the necessity for grounding these objects.

(iv) Objects being coated shall be maintained in contact with the conveyor or other support in order to insure proper grounding. Hangers shall be regularly cleaned to insure effective contact and areas of contact shall be sharp points or knife edges where possible.

(v) The electrical equipment shall be so interlocked with the ventilation system that the equipment cannot be operated unless the ventilation fans are in operation.

(m) *Organic peroxides and dual component coatings*—(1) *Conformance.* All spraying operations involving the use of organic peroxides and other dual component coatings shall be conducted in approved sprinklered spray booths meeting the requirements of this section.

(2) *Smoking.* Smoking shall be prohibited and "No Smoking" signs shall be prominently displayed and only nonsparking tools shall be used in any area where organic peroxides are stored, mixed or applied.

(n) *Scope.* This section applies to flammable and combustible finishing materials when applied as a spray by compressed air, "airless" or "hydraulic atomization," steam, electrostatic methods, or by any other means in continuous or intermittent processes. The section also covers the application of combustible powders by powder spray guns, electrostatic powder spray guns, fluidized beds, or electrostatic fluidized beds. The section does not apply to outdoor spray application of buildings, tanks, or other similar structures, nor to small portable spraying apparatus not used repeatedly in the same location.

§ 1910.108 Dip tanks containing flammable or combustible liquids.

(a) *Definitions applicable to this section*—(1) *Dip tank.* Shall mean a tank, vat, or container of flammable or combustible liquid in which articles or materials are immersed for the purpose of coating, finishing, treating, or similar processes.

(2) *Vapor area.* Shall mean any area containing dangerous quantities of flammable vapors in the vicinity of dip tanks, their drainboards or associated drying, conveying, or other equipment, during operation or shutdown periods.

(3) *Approved.* Unless otherwise indicated, approval or listing by at least one of the following nationally recognized testing laboratories: Underwriters' Laboratories, Inc.; Factory Mutual Engineering Corp.

(4) *Listed.* See "approved" in paragraph (a) (3) of this section.

(b) *Ventilation*—(1) *Vapor area ventilation.* Vapor areas as defined in paragraph (a) (2) of this section shall be limited to the smallest practical space by maintaining a properly designed system of mechanical ventilation arranged to move air from all directions towards the vapor area origin and thence to a safe outside location. Ventilating systems shall conform to the Standards for Blower and Exhaust Systems (NFPA Pamphlet No. 91–1969). Required ventilating systems shall be so arranged that the failure of any ventilating fan shall automatically stop any dipping conveyor system. See also paragraph (c) (6) of this section.

(2) *Ventilation combined with drying.* When a required ventilating system serves associated drying operations utilizing a heating system which may be a source of ignition, means shall be provided for preventilation before the heating system can be started; the failure of any ventilating fan shall automatically shut down the heating system; and the installation shall otherwise conform to the Standard for Ovens and Furnaces (NFPA No. 86A–1969).

(c) *Construction of dip tanks*—(1) *General.* Dip tanks, including drainboards if provided, shall be constructed of substantial noncombustible material, and their supports shall be of heavy metal, reinforced concrete, or masonry. Where dip tanks extend through a floor to the story below or where the weakening of the tank supports by fire may result in the tank collapse, supports should be of material having not less than 1-hour fire resistance.

(2) *Overflow pipes.* (i) Dip tanks of over 150 gallons in capacity or 10 square feet in liquid surface area shall be equipped with a properly trapped overflow pipe leading to a safe location outside buildings. Smaller dip tanks should also be so equipped, where practical. The discharge of the overflow pipe should be so located and arranged that if the entire combustible contents of the dip tank is overflowed through overflow pipe by the application of water during fire fighting, property will not be endangered. The size of the overflow pipe should be sufficient to conduct the maximum rate of flow of water expected to be applied to the liquid surface of the dip tank from automatic sprinklers or from other sources in the event of fire.

(ii) Overflow pipes shall be of sufficient capacity to overflow the maximum delivery of dip tank liquid fill pipes but shall not be less than 3 inches in diameter and shall be increased in size depending upon the area of the liquid surface and the length and pitch of pipe.

(iii) Piping connections on drains and overflow lines shall be designed so as to permit ready access for inspection and cleaning of the interior.

(iv) The bottom of the overflow connection shall be not less than 6 inches below the top of the tank. See also subparagraph (6) of this paragraph and paragraph (g) (3) (ii) of this section.

(3) *Bottom drains.* (i) Dip tanks over 500 gallons in liquid capacity shall be equipped with bottom drains automatically and manually arranged to quickly drain the tank in the event of fire, unless the viscosity of the liquid at normal atmospheric temperature makes this impractical. Manual operation shall be from a safely accessible location. Where gravity flow is not practicable, automatic pumps shall be required.

(ii) Such drain shall be trapped and discharge to a closed properly vented salvage tank or to a safe location outside which will not endanger property.

(iii) According to tank capacity the diameter of bottom drainpipe shall be not less than the following:

Gallons:	Inches
500 to 750	3
750 to 1,000	4
1,000 to 2,500	5
2,500 to 4,000	6
Over 4,000	8

(4) *Salvage tanks.* The capacity of the salvage tank shall be greater than the capacity of the dip tank or tanks to which they are connected.

(5) *Automatic extinguishing facilities.* Except as noted in paragraph (h) (1) (v) of this section (applying to hardening and tempering tanks), all dip tanks exceeding 150 gallons liquid capacity or having a liquid surface area exceeding 4 square feet shall be protected with at least one of the automatic extinguishing facilities conforming to paragraph (g) (2), (3), (4), (5), or (6) of this section.

(6) *Conveyor systems.* Dip tanks utilizing a conveyor system shall be so arranged that in the event of fire, the conveyor system shall automatically cease motion and required bottom drains shall open. Conveyor systems shall automatically cease motion unless required ventilation is in full operation. See also paragraph (b) (1) of this section.

(7) *Heating dip tank liquids.* When dip tank liquids are artificially heated, either by the dipping of heated articles, or by other application of heat to the liquid, provision shall be made to prevent a temperature rise greater than 50° F. below the flashpoint of the liquid. See also paragraph (h) (1) of this section.

(d) *Liquids used in dip tanks, storage and handling.* The storage of flammable and combustible liquids in connection with dipping operation shall conform to the requirements of section 1910.106, where applicable. Where portable containers are used for the replenishment of flammable and combustible liquids, provision shall be made so that both the container and tank shall be positively grounded and electrically bonded to prevent static electric sparks.

(e) *Electrical and other sources of ignition*—(1) *Vapor areas.* (i) There shall be no open flames, spark producing devices, or heated surfaces having a temperature sufficient to ignite vapors in any vapor area. Except as specifically permitted in paragraph (h) (3) of this section, relating to electrostatic apparatus, electrical wiring and equipment in any vapor area (as defined in paragraph (a) (2) of this section) shall be explosion proof type according to the requirements of Subpart S of this part for Class I, Group D locations and shall otherwise conform to Subpart S of this part.

(ii) Unless specifically approved for locations containing both deposits of readily ignitable residues and explosive vapors, there shall be no electrical equipment in the vicinity of dip tanks or associated drainboards or drying operations which are subject to splashing or dripping of dip tank liquids, except wiring in rigid conduit or in threaded boxes or fittings containing no taps, splices, or terminal connections, and except as specifically permitted in paragraph (h) (3) of this section.

(2) *Adjacent areas.* In any floorspace outside a vapor area but within 20 feet therefrom, and not separated by tight partitions, there shall be no open flames or spark producing devices except as specifically permitted in NFPA Standard No. 86A–1969, Ovens and Furnaces, paragraph 200–7, and electrical wiring and equipment shall conform to the provisions of Subpart S of this part.

(f) *Operations and maintenance*—(1) *General.* Areas in the vicinity of dip tanks shall be kept as clear of combustible stock as practical and shall be kept entirely free of combustible debris.

(2) *Waste cans.* When waste or rags are used in connection with dipping operations, approved metal waste cans shall be provided and all impregnated rags or waste deposited therein immediately after use. The contents of waste cans shall be properly disposed of at least once daily at the end of each shift.

(3) *Inspection.* Periodic inspection or tests of all dip tank facilities shall be made, including covers, overflow pipe inlets and discharge, bottom drains and valves, electrical wiring and equipment and grounding connections, ventilating facilities, and all extinguishing equipment. Any defects found shall be promptly corrected.

(4) *Warning signs.* "No Smoking" signs in large letters on contrasting color background shall be conspicuously posted in the vicinity of dip tanks.

(g) *Extinguishment*—(1) *Extinguishers.* Areas in the vicinity of dip tanks shall be provided with manual fire extinguishers suitable for flammable and combustible liquid fires, conforming to Standard for Portable Fire Extinguishers NFPA No. 10–1970.

(2) *Automatic water spray extinguishing systems.* Such systems shall conform to NFPA Standard for Water Spray Systems for Fire Protection NFPA No. 15–1969 and shall be arranged to protect tanks, drainboards, and stock over drainboards.

(3) *Automatic foam extinguishing systems.* Automatic foam extinguishing systems shall conform to NFPA Standard for Foam Extinguishing Systems, NFPA No. 11–1970 and;

(i) Foam producing material selected shall be suitable for intended use, taking into account characteristics of the dip tank liquid;

(ii) Overflow pipe shall be arranged to prevent the floating away of foam and clogging overflow pipe. This may be accomplished by either of the following:

(a) Overflow pipe may be extended through tank wall and terminated in an ell pointing downward. The bottom of the overflow pipe at the point it pierces tank wall should not be over 2 inches above the opening or face of the ell.

(b) Overflow pipe inlet may be provided with a removable screen of ¼-inch mesh having an area at least twice the cross-sectional area of overflow pipe. Screens which may be clogged by dip tank ingredients shall be inspected and cleaned periodically.

(4) *Automatic carbon dioxide systems.* Automatic carbon dioxide systems shall conform to NFPA Standard for Carbon Dioxide Extinguishing Systems, NFPA No. 12–1968, and shall be arranged to protect both dip tanks and drainboards and unless stock over drainboards is otherwise protected with automatic extinguishing facilities, shall also be arranged to protect such stock.

(5) *Dry chemical extinguishing systems.* Dry chemical extinguishing systems shall conform to NFPA Standard for Dry Chemical Extinguishing Systems NFPA No. 17–1969 and shall be arranged to protect both dip tanks and drainboards, and unless stock over drainboards is otherwise protected with automatic extinguishing facilities, shall also be arranged to protect such stock.

(6) *Dip tank covers.* (i) Covers arranged to close automatically in the event of fire shall be actuated by approved automatic devices and shall also be arranged for manual operation.

(ii) Covers shall be of substantial noncombustible material or of tin-clad type with enclosing metal applied with locked joints.

(iii) Chains or wire rope shall be used for cover support or operating mecha-

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nism where the burning of a cord would interfere with the action of a device.

(iv) Covers shall be kept closed when tanks are not in use.

(h) *Special dip tank applications*—(1) *Hardening and tempering tanks.* (i) Tanks shall be located as far as practicable from furnaces and shall not be located on or near combustible floors.

(ii) Tanks shall be provided with a noncombustible hood and vent or other equally effective means of venting to the outside of the building to serve as a vent in case of fire. All such vent ducts shall be treated as flues and be kept well away from combustible roofs or materials.

(iii) Tanks shall be so designed that the maximum workload is incapable of raising the temperature of the cooling medium to within 50° below its flashpoint, or such tanks shall be equipped with circulating cooling systems which will accomplish the same result.

(iv) Tanks shall be equipped with a high temperature limit switch arranged to sound an alarm when the temperature of the quenching medium reaches within 50° F. below the flashpoint. If practical from an operating standpoint, such limit switches shall also shut down conveying equipment supplying work to the tank.

(v) The provisions of paragraph (c) (5) of this section shall apply to tanks having a liquid surface area of 25 square feet or more or a capacity of 500 gallons or more.

(vi) Air under pressure shall not be used to fill or to agitate oil tanks.

(vii) Drain facilities from the bottom of the tank may be combined with the oil circulating system or arranged independently to drain the oil to a safe location. The drain valve shall be operated automatically with approved heat actuated devices or manually, and if the latter, the valve shall be operated from a safe distance.

(2) *Flow coat; general.* (i) Except as modified in this paragraph, all of the preceding standards for dip tanks apply.

(ii) All piping shall be strongly erected and rigidly supported.

(iii) Paint shall be supplied by direct low-pressure pumping arranged to automatically shut down by means of approved heat actuated devices, in the case of fire, or paint may be supplied by a gravity tank not exceeding 10 gallons in capacity.

(iv) The area of the sump and any areas on which paint flows should be considered the area of dip tank.

(3) *Electrostatic apparatus; general.* (i) Installation and use of electrostatic detearing equipment shall conform to paragraphs (a) through (g) of this section.

(ii) Electrostatic apparatus and devices used in connection with paint detearing operation shall be of approved types.

(iii) Transformers, powerpacks, control apparatus, and all other electrical portions of the equipment, with the exception of high voltage grids and their connections, shall be located outside the vapor area or shall conform to the requirements of paragraph (e) of this section.

(iv) Electrodes shall be of substantial construction, shall be rigidly supported in permanent locations and shall be effectively insulated from ground. Insulators shall be nonporous and noncombustible.

(v) High voltage leads to electrodes shall be effectively and permanently supported on suitable insulators, and shall be effectively guarded against accidental contact or grounding. An automatic means shall be provided for grounding and discharging any accumulated residual charge on the electrode assembly or the secondary circuit of the high voltage transformer when the transformer primary is disconnected from the source of supply.

(vi) A space shall be maintained between goods being deteared and electrodes or conductors of at least twice the sparking distance. A suitable sign stating the sparking distance shall be conspicuously posted near the assembly.

(vii) Goods being deteared using this electrostatic process are to be supported on conveyors. The conveyors shall be so arranged as to maintain safe distances between the goods and the electrodes at all times. All goods shall be so supported as to prevent any swinging or movement which would reduce the clearance to less than specified in subdivision (vi) of this subparagraph.

(viii) This electrostatic process is not approved where goods being deteared are manipulated by hand.

(ix) Electrostatic apparatus shall be equipped with automatic controls which will operate without time delay to disconnect the power supply to the high voltage transformer and to signal the operator under any of the following conditions:

(*a*) Stoppage of ventilating fans or failure of ventilating equipment from any cause.

(*b*) Stoppage of the conveyor carrying goods past the high voltage grid.

(*c*) Occurrence of a ground or of an imminent ground at any point on the high voltage system.

(*d*) Reduction of clearance below that specified in subdivision (vi) of this subparagraph.

(x) Adequate fencing, railings, or guards shall be so placed about the equipment that they, either by their location or character or both, assure that a safe isolation of the process is maintained from plant storage or personnel. Such railings, fencing and guards shall be of conducting material, adequately grounded, and should be at least 5 feet from processing equipment.

(xi) Electrode insulators shall be kept clean and dry.

(xii) The detearing area shall be ventilated by exhausting adequate air from the area as specified in paragraph (b) of this section.

(xiii) All areas for detearing shall be protected by automatic sprinklers where this protection is available. Where this protection is not available, other approved automatic extinguishing equipment shall be provided.

(xiv) Drip plates and screens subject to paint deposits shall be removable and shall be taken to a safe place for cleaning.

(4) *Roll coating.* (i) The processes of roll coating, spreading, and impregnating, in which fabrics, paper, or other materials are passed directly through a tank or trough containing flammable or combustible liquids, or over the surface of a roller that revolves partially submerged in a Class I or Class II liquid, as these terms are defined in §1910.106 (a), shall conform to the applicable requirements of paragraphs (a) through (g) of this section, and in addition shall conform to subdivision (ii) of this subparagraph.

(ii) Adequate arrangements shall be made to prevent sparks from static electricity by electrically bonding and grounding all metallic rotating and other parts of machinery and equipment and by the installation of static collectors or maintaining a conductive atmosphere such as a high relative humidity.

§ 1910.109 Explosives and blasting agents.

(a) *Definitions applicable to this section*—(1) *Blasting agent.* Blasting agent—any material or mixture, consisting of a fuel and oxidizer, intended for blasting, not otherwise classified as an explosive and in which none of the ingredients are classified as an explosive, provided that the finished product, as mixed and packaged for use or shipment, cannot be detonated by means of a No. 8 test blasting cap when unconfined.

(2) *Explosive-actuated power devices.* Explosive-actuated power device—any tool or special mechanized device which is actuated by explosives, but not including propellant-actuated power devices. Examples of explosive-actuated power devices are jet tappers and jet perforators.

(3) *Explosive.* Explosive—any chemical compound, mixture, or device, the primary or common purpose of which is to function by explosion, i.e., with substantially instantaneous release of gas and heat, unless such compound, mixture, or device is otherwise specifically classified by the U.S. Department of Transportation; see 49 CFR Chapter I. The term "explosives" shall include all material which is classified as Class A, Class B, and Class C explosives by the U.S. Department of Transportation, and includes, but is not limited to dynamite, black powder, pellet powders, initiating explosives, blasting caps, electric blasting caps, safety fuse, fuse lighters, fuse igniters, squibs, cordeau detonant fuse, instantaneous fuse, igniter cord, igniters, small arms ammunition, small arms ammunition primers, smokeless propellant, cartridges for propellant-actuated power devices, and cartridges for industrial guns. Commercial explosives are those explosives which are intended to be used in commercial or industrial operations.

NOTE 1: Classification of explosives is described by the U.S. Department of Transportation as follows (see 49 CFR Chapter I):

(i) *Class A explosives.* Possessing, detonating, or otherwise maximum hazard; such as dynamite, nitroglycerin, picric acid, lead azide, fulminate of mercury, black powder, blasting caps, and detonating primers.

(ii) *Class B explosives.* Possessing flammable hazard, such as propellant explosives (including some smokeless propellants), photographic flash powders, and some special fireworks.

(iii) *Class C explosives.* Includes certain types of manufactured articles which contain Class A or Class B explosives, or both, as components but in restricted quantities.

(iv) *Forbidden or not acceptable explosives.* Explosives which are forbidden or not acceptable for transportation by common carriers by rail freight, rail express, highway, or water in accordance with the regulations of the U.S. Department of Transportation, 49 CFR Chapter I.

(4) *Highway.* Highway—any public street, public alley, or public road.

(5) *Inhabited building.* Inhabited building—a building or structure regularly used in whole or part as a place of human habitation. The term "inhabited building" shall also mean any church, school, store, railway passenger station, airport terminal for passengers, and any other building or structure where people are accustomed to congregate or assemble but excluding any building or structure occupied in connection with the manufacture, transportation, storage, and use of explosives.

(6) *Magazine.* Magazine—any building or structure, other than an explosives manufacturing building, used for the storage of explosives.

(7) *Motor vehicle.* Motor vehicle—any self-propelled vehicle, truck, tractor, semitrailer, or truck-full trailers used for the transportation of freight over public highways.

(8) *Propellant-actuated power devices.* Propellant-actuated power devices—any tool or special mechanized device or gas generator system which is actuated by a smokeless propellant or which releases and directs work through a smokeless propellant charge.

(9) *Public conveyance.* Public conveyance—any railroad car, streetcar, ferry, cab, bus, airplane, or other vehicle which is carrying passengers for hire.

(10) *Pyrotechnics.* Pyrotechnics—any combustible or explosive compositions or manufactured articles designed and prepared for the purpose of producing audible or visible effects which are commonly referred to as fireworks.

(11) *Railway.* Railway—any steam, electric, diesel electric, or other railroad or railway which carries passengers for hire on the particular line or branch in the vicinity where explosives are stored or where explosives manufacturing buildings are situated.

(12) *Semiconductive hose.* Semiconductive hose—a hose with an electrical resistance high enough to limit flow of stray electric currents to safe levels, yet not so high as to prevent drainage of static electric charges to ground; hose of not more than 2 megohms resistance over its entire length and of not less than 5,000 ohms per foot meets the requirement.

(13) *Small arms ammunition.* Small arms ammunition—any shotgun, rifle, pistol, or revolver cartridge, and cartridges for propellant-actuated power devices and industrial guns. Military-type ammunition containing explosive-bursting charges, incendiary, tracer, spotting, or pyrotechnic projectiles is excluded from this definition.

(14) *Small arms ammunition primers.* Small arms ammunition primers—small percussion-sensitive explosive charges, encased in a cup, used to ignite propellant powder.

(15) *Smokeless propellants.* Smokeless propellants—solid propellants, commonly called smokeless powders in the trade, used in small arms ammunition, cannon, rockets, propellant-actuated power devices, etc.

(16) *Special industrial explosives devices.* Special industrial explosives devices—explosive-actuated power devices and propellant-actuated power devices.

(17) *Special industrial explosives materials.* Special industrial explosives materials—shaped materials and sheet forms and various other extrusions, pelets, and packages of high explosives, which include dynamite, trinitrotoluene (TNT), pentaerythritol tetranitrate (PETN), hexahydro-1,3,5-trinitro-s-triazine (RDX), and other similar compounds used for high-energy-rate forming, expanding, and shaping in metal fabrication, and for dismemberment and quick reduction of scrap metal.

(18) *Water gels or slurry explosives.* These comprise a wide variety of materials used for blasting. They all contain substantial proportions of water and high proportions of ammonium nitrate, some of which is in solution in the water. Two broad classes of water gels are (i) those which are sensitized by a material classed as an explosive, such as TNT or smokeless powder, (ii) those which contain no ingredient classified as an explosive; these are sensitized with metals such as aluminum or with other fuels. Water gels may be premixed at an explosives plant or mixed at the site immediately before delivery into the borehole.

(19) *DOT specifications.* Regulations of the Department of Transportation published in 49 CFR Chapter I.

(20) *DOT regulations.* See § 1910.109 (a)(19).

(21) *DOT requirements.* See § 1910.109 (a)(19).

(b) *Miscellaneous provisions* — (1) *General hazard.* No person shall store, handle, or transport explosives or blasting agents when such storage, handling, and transportation of explosives or blasting agents constitutes an undue hazard to life and property.

(2) *Unauthorized recipients.* No person shall sell or give away any explosive or blasting agent to any unauthorized person.

(3) *Display.* No person shall sell, display, or expose for sale any explosive or blasting agent on any highway, street, sidewalk, public way, or public place.

(c) *Storage of explosives*—(1) *General provisions.* (i) All Class A, Class B, Class C explosives, and special industrial explosives, and any newly developed and unclassified explosives, shall be kept in magazines which meet the requirements of this paragraph.

(ii) Blasting caps, electric blasting caps, detonating primers, and primed cartridges shall not be stored in the same magazine with other explosives.

(iii) Ground around magazines shall slope away for drainage. The land surrounding magazines shall be kept clear of brush, dried grass, leaves, and other materials for a distance of at least 25 feet.

(iv) Magazines as required by this paragraph shall be of two classes; namely, Class I magazines, and Class II magazines.

(v) Class I magazines shall be required where the quantity of explosives stored is more than 50 pounds. Class II magazines may be used where the quantity of explosives stored is 50 pounds or less.

(vi) Class I magazines shall be located away from inhabited buildings, passenger railways, and public highways and from other magazines in conformity with Table H-21.

TABLE H-21—AMERICAN TABLE OF DISTANCES FOR STORAGE OF EXPLOSIVES

As revised and approved by the Institute of Makers of Explosives, June 6, 1964

Explosives		Distances in feet when storage is barricaded			
Pounds over	Pounds not over	Inhabited buildings	Passenger railways	Public highways	Separation of magazines
2	5	70	30	30	6
5	10	90	35	35	8
10	20	110	45	45	10
20	30	125	50	50	11
30	40	140	55	55	12
40	50	150	60	60	14
50	75	170	70	70	15
75	100	190	75	75	16
100	125	200	80	80	18
125	150	215	85	85	19
150	200	235	95	95	21
200	250	255	105	105	23
250	300	270	110	110	24
300	400	295	120	120	27
400	500	320	130	130	29
500	600	340	135	135	31
600	700	355	145	145	32
700	800	375	150	150	33
800	900	390	155	155	35
900	1,000	400	160	160	36
1,000	1,200	425	170	165	39
1,200	1,400	450	180	170	41
1,400	1,600	470	190	175	43
1,600	1,800	490	195	180	44
1,800	2,000	505	205	185	46
2,000	2,400	545	220	190	49
2,400	3,000	580	235	195	52
3,000	4,000	635	255	210	58
4,000	5,000	685	275	225	61
5,000	6,000	730	295	235	65
6,000	7,000	770	310	245	68
7,000	8,000	800	320	250	72
8,000	9,000	835	335	255	75
9,000	10,000	865	345	260	78
10,000	12,000	875	370	270	82
12,000	14,000	885	390	275	87
14,000	16,000	900	405	280	90
16,000	18,000	940	420	285	94
18,000	20,000	975	435	290	98
20,000	25,000	1,055	470	315	105
25,000	30,000	1,130	500	340	112
30,000	35,000	1,205	525	360	119
35,000	40,000	1,275	550	380	124
40,000	45,000	1,340	570	400	129
45,000	50,000	1,400	590	420	135
50,000	55,000	1,460	610	440	140
55,000	60,000	1,515	630	455	145
60,000	65,000	1,565	645	470	150
65,000	70,000	1,610	660	485	155
70,000	75,000	1,655	675	500	160

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TABLE II-21—AMERICAN TABLE OF DISTANCES FOR STORAGE OF EXPLOSIVES—Continued

As revised and approved by the Institute of Makers of Explosives, June 5, 1964

Explosives		Distances in feet when storage is barricaded			
Pounds over	Pounds not over	Inhabited buildings	Passenger railways	Public highways	Separation of magazines
75,000	80,000	1,695	690	510	165
80,000	85,000	1,730	705	520	170
85,000	90,000	1,760	720	530	175
90,000	95,000	1,790	730	540	180
95,000	100,000	1,815	745	545	185
100,000	110,000	1,835	770	550	195
110,000	120,000	1,855	790	555	205
120,000	130,000	1,875	810	560	215
130,000	140,000	1,890	835	565	225
140,000	150,000	1,900	850	570	235
150,000	160,000	1,935	870	580	245
160,000	170,000	1,965	890	590	255
170,000	180,000	1,990	905	600	265
180,000	190,000	2,010	920	605	275
190,000	200,000	2,030	935	610	285
200,000	210,000	2,055	955	620	295
210,000	220,000	2,100	980	635	315
220,000	230,000	2,155	1,010	650	335
230,000	250,000	2,215	1,040	670	360
250,000	275,000	2,275	1,075	690	385

NOTE 1. "Natural barricade" means natural features of the ground, such as hills, or timber of sufficient density that the surrounding exposures which require protection cannot be seen from the magazine when the trees are bare of leaves.

NOTE 2. "Artificial barricade" means an artificial mound or revetted wall of earth of a minimum thickness of three feet.

NOTE 3. "Barricaded" means that a building containing explosives is effectually screened from a magazine, building, railway, or highway, either by a natural barricade, or by an artificial barricade of such height that a straight line from the top of any sidewall of the building containing explosives to the eave line of any magazine, or building, or to a point 12 feet above the center of a railway or highway, will pass through such intervening natural or artificial barricade.

NOTE 4. When two or more storage magazines are located on the same property, each magazine must comply with the minimum distances specified from inhabited buildings, railways, and highways, and in addition, they should be separated from each other by not less than the distances shown for "Separation of Magazines," except that the quantity of explosives contained in cap magazines shall govern in regard to the spacing of said cap magazines from magazines containing other explosives. If any two or more magazines are separated from each other by less than the specified "Separation of Magazines" distances, then such two or more magazines, as a group, must be considered as one magazine, and the total quantity of explosives stored in such group must be treated as if stored in a single magazine located on the site of any magazine of the group, and must comply with the minimum of distances specified from other magazines, inhabited buildings, railways, and highways.

NOTE 5. This table applies only to the manufacture and permanent storage of commercial explosives. It is not applicable to transportation of explosives, or any handling or temporary storage necessary or incident thereto. It is not intended to apply to bombs, projectiles, or other heavily encased explosives.

(vii) Except as provided in subdivision (viii) of this subparagraph, class II magazines shall be located in conformity with Table H–21, but may be permitted in warehouses and in wholesale and retail establishments when located on a floor which has an entrance at outside grade level and the magazine is located not more than 10 feet from such an entrance. Two class II magazines may be located in the same building when one is used only for blasting caps in quantities not in excess of 5,000 caps and a distance of 10 feet is maintained between magazines.

(viii) When used for temporary storage at a site for blasting operations, class II magazines shall be located away from neighboring inhabited buildings, railways, highways, and other magazines. A distance of at least one hundred and fifty (150) feet shall be maintained between class II magazines and the work in progress when the quantity of explosives kept therein is in excess of 25 pounds, and at least 50 feet when the quantity of explosives is 25 pounds, or less.

(ix) This paragraph (c) does not apply to:

(*a*) Stocks of small arms ammunition, propellant-actuated power cartridges, small arms ammunition primers in quantities of less than 750,000, or of smokeless propellants in quantities less than 750 pounds;

(*b*) Explosive-actuated power devices when in quantities less than 50 pounds net weight of explosives;

(*c*) Fuse lighters and fuse igniters;

(*d*) Safety fuses other than cordeau detonant fuses.

(2) *Construction of magazines—general.* (i) Magazines shall be constructed in conformity with the provisions of this paragraph.

(ii) Magazines for the storage of explosives, other than black powder, Class B and Class C explosives shall be bullet resistant, weather resistant, fire resistant, and ventilated sufficiently to protect the explosive in the specific locality. Magazines used only for storage of black powder, Class B and Class C explosives shall be weather resistant, fire-resistant, and have ventilation. Magazines for storage of blasting and electric blasting caps shall be weather resistant, fire-resistant, and ventilated.

(iii) Property upon which Class I magazines are located and property where Class II magazines are located outside of buildings shall be posted with signs reading "Explosives—Keep Off." Such signs shall be located so as to minimize the possibility of a bullet traveling in the direction of the magazine if anyone shoots at the sign.

(iv) Magazines requiring heat shall be heated by either hot-water radiant heating with the magazine building; or air directed into the magazine building over either hot water or low pressure steam (15 p.s.i.g.) coils located outside the magazine building.

(v) The magazine heating systems shall meet the following requirements:

(*a*) The radiant heating coils within the building shall be installed in such a manner that the explosives or explosives containers cannot contact the coils and air is free to circulate between the coils and the explosives or explosives containers.

(*b*) The heating ducts shall be installed in such a manner that the hot-air discharge from the duct is not directed against the explosives or explosives containers.

(*c*) The heating device used in connection with a magazine shall have controls which prevent the ambient building temperature from exceeding 130° F.

(*d*) The electric fan or pump used in the heating system for a magazine shall be mounted outside and separate from the wall of the magazine and shall be grounded.

(*e*) The electric fan motor and the controls for electrical heating devices used in heating water or steam shall have overloads and disconnects, which comply with subpart S of this part. All electrical switch gear shall be located a minimum distance of 25 feet from the magazine.

(*f*) The heating source for water or steam shall be separated from the magazine by a distance of not less than 25 feet when electrical and 50 feet when fuel fired. The area between the heating unit and the magazine shall be cleared of all combustible materials.

(*g*) The storage of explosives and explosives containers in the magazine shall allow uniform air circulation so product temperature uniformity can be maintained.

(vi) When lights are necessary inside the magazine, electric safety flashlight, or electric safety lanterns shall be used.

(3) *Construction of Class I magazines.* (i) Class I magazines shall be of masonry construction or of wood or of metal construction, or a combination of these types. Thickness of masonry units shall not be less than 8 inches. Hollow masonry units used in construction required to be bullet resistant shall have all hollow spaces filled with weak cement or well-tamped sand. Wood constructed walls, required to be bullet resistant, shall have at least a 6-inch space between interior and exterior sheathing and the space between sheathing shall be filled with well-tamped sand. Metal wall construction, when required to be bullet resistant, shall be lined with brick at least 4 inches in thickness or shall have at least a 6-inch sandfill between interior and exterior walls.

(ii) Floors and roofs of masonry magazines may be of wood construction. Wood floors shall be tongue and grooved lumber having a nominal thickness of 1 inch.

(iii) Roofs required to be bullet resistant shall be protected by a sand tray located at the line of eaves and covering the entire area except that necessary for ventilation. Sand in the sand tray shall be maintained at a depth of not less than 4 inches.

(iv) All wood at the exterior of magazines, including eaves, shall be protected by being covered with black or galvanized steel or aluminum metal of thickness of not less than No. 26 gage. All nails exposed to the interior of magazines shall be well countersunk.

(v) Foundations for magazines shall be of substantial construction and arranged to provide good cross ventilation.

(vi) Magazines shall be ventilated sufficiently to prevent dampness and heating of stored explosives. Ventilating openings shall be screened to prevent the entrance of sparks.

(vii) Openings to magazines shall be restricted to that necessary for the placement and removal of stocks of explosives. Doors for openings in magazines for Class A explosives shall be bullet resistant. Doors for magazines not required to be bullet resistant shall be designed to prevent unauthorized entrance to the magazine.

(viii) Magazines shall be provided with substantial means for locking; locks shall be provided and magazine doors shall be kept locked, except during the time of placement and removal of stocks of explosives.

(ix) Provisions shall be made to prevent the piling of stocks of explosives directly against masonry walls, brick-lined or sand-filled metal walls and single-thickness metal walls; such protection, however, shall not interfere with proper ventilation at the interior of side and end walls.

(4) *Construction of Class II magazines.* (i) Class II magazines shall be of wood or metal construction, or a combination thereof.

(ii) Wood magazines of this class shall have sides, bottom, and cover constructed of 2-inch hardwood boards well braced at corners and protected by being entirely covered with sheet metal of not less than No. 20 gage. All nails exposed to the interior of the magazine shall be well countersunk. All metal magazines of this class shall have sides, bottom, and cover constructed of sheet metal, and shall be lined with three-eighths-inch plywood or equivalent. Edges of metal covers shall overlap sides at least 1 inch.

(iii) Covers for both wood- and metal-constructed magazines of this class shall be provided with substantial strap hinges and shall be provided with substantial means for locking. Covers shall be kept locked except during the placement or removal of explosives.

(iv) Magazines of this class shall be painted red and shall bear lettering in white, on all sides and top, at least 3 inches high, "Explosives—Keep Fire Away." Class II magazines when located in warehouses, and in wholesale and retail establishments shall be provided with substantial wheels or casters to facilitate easy removal in the case of fire. Where necessary due to climatic conditions, Class II magazines shall be ventilated.

(5) *Storage within magazines.* (i) Packages of explosives shall be laid flat with top side up. Black powder when stored in magazines with other explosives shall be stored separately. Black powder stored in kegs shall be stored on ends, bungs down, or on side, seams down. Corresponding grades and brands shall be stored together in such a manner that brands and grade marks show. All stocks shall be stored so as to be easily counted and checked. Packages of explosives shall be piled in a stable manner. When any kind of explosive is removed from a magazine for use, the oldest explosive of that particular kind shall always be taken first.

(ii) Packages of explosives shall not be unpacked or repacked in a magazine nor within 50 feet of a magazine or in close proximity to other explosives. Tools used for opening packages of explosives shall be constructed of nonsparking materials, except that metal slitters may be used for opening fiberboard boxes. A wood wedge and a fiber, rubber, or wood mallet shall be used for opening or closing wood packages of explosives. Opened packages of explosives shall be securely closed before being returned to a magazine.

(iii) Magazines shall not be used for the storage of any metal tools nor any commodity except explosives, but this restriction shall not apply to the storage of blasting agents and blasting supplies.

(iv) Magazine floors shall be regularly swept, kept clean, dry, free of grit, paper, empty used packages, and rubbish. Brooms and other cleaning utensils shall not have any spark-producing metal parts. Sweepings from floors of magazines shall be properly disposed of. Magazine floors stained with nitroglycerin shall be cleaned according to instructions by the manufacturer.

(v) When any explosive has deteriorated to an extent that it is in an unstable or dangerous condition, or if nitroglycerin leaks from any explosives, then the person in possession of such explosive shall immediately proceed to destroy such explosive in accordance with the instructions of the manufacturer. Only experienced persons shall be allowed to do the work of destroying explosives.

(vi) When magazines need inside repairs, all explosives shall be removed therefrom and the floors cleaned. In making outside repairs, if there is a possibility of causing sparks or fire the explosives shall be removed from the magazine. Explosives removed from a magazine under repair shall either be placed in another magazine or placed a safe distance from the magazine where they shall be properly guarded and protected until repairs have been completed, when they shall be returned to the magazine.

(vii) Smoking, matches, open flames, spark-producing devices, and firearms (except firearms carried by guards) shall not be permitted inside of or within 50 feet of magazines. The land surrounding a magazine shall be kept clear of all combustible materials for a distance of at least 25 feet. Combustible materials shall not be stored within 50 feet of magazines.

(viii) Magazines shall be in the charge of a competent person at all times who shall be at least 21 years of age, and who shall be held responsible for the enforcement of all safety precautions.

(ix) Explosives recovered from blasting misfires shall be placed in a separate magazine until competent personnel has determined from the manufacturer the method of disposal. Caps recovered from blasting misfires shall not be reused. Such explosives and caps shall then be disposed of in the manner recommended by the manufacturer.

(d) *Transportation of explosives—*(1) *General provisions.* (i) No employee shall be allowed to smoke, carry matches or any other flame-producing device, or carry any firearms or loaded cartridges while in or near a motor vehicle transporting explosives; or drive, load, or unload such vehicle in a cafeless or reckless manner.

(ii) Explosives shall not be carried or transported in or upon a public conveyance or vehicle carrying passengers for hire.

(iii) Explosives shall not be transferred from one vehicle to another within the confines of any jurisdiction (city, county, State, or other area) without informing the fire and police departments thereof. In the event of breakdown or collision the local fire and police departments shall be promptly notified to help safeguard such emergencies. Explosives shall be transferred from the disabled vehicle to another only, when proper and qualified supervision is provided.

(iv) Blasting caps or electric blasting caps shall not be transported over the highways on the same vehicles with other explosives.

(2) *Transportation vehicles.* (i) Vehicles used for transporting explosives shall be strong enough to carry the load without difficulty and be in good mechanical condition. If vehicles do not have a closed body, the body shall be covered with a flameproof and moisture-proof tarpaulin or other effective protection against moisture and sparks. All vehicles used for the transportation of explosives shall have tight floors and any exposed spark-producing metal on the inside of the body shall be covered with wood or other nonsparking materials to prevent contact with packages of explosives. Packages of explosives shall not be loaded above the sides of an open-body vehicle.

(ii) Every vehicle used for transporting explosives and oxidizing materials listed in (*a*) of this subdivision shall be marked as follows:

(*a*) Exterior markings or placards required on applicable vehicles shall be as follows for the various classes of commodities:

Commodity	*Type of marking or placard*
Explosives, Class A, any quantity or a combination of Class A and Class B explosives.	Explosives A (Red letters on white background).
Explosives, Class B, any quantity.	Explosives B (Red letters on white background).
Oxidizing material (blasting agents, ammonium nitrate, etc.), 1,000 pounds or more gross weight.	Oxidizers (Yellow letters on black background).

(*b*) Each marking or placard shall consist of letters not less than 4 inches high, in the color specified, using approximately a ⅝-inch stroke. The placard must be larger than the lettering required thereon by at least 1 inch at the top and bottom sides. Such marking or placard described in subdivision (*a*)

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shall be contained in an area on the vehicle which has no other marking, lettering, or graphic display, for at least 3 inches in each direction.

(c) Such markings or placards shall be displayed at the front, rear, and on each side of the motor vehicle or trailer, or other cargo carrying body while it contains explosives or other dangerous articles of such type and in such quantity as specified in (a) of this subdivision. The front marking or placard may be displayed on the front of either the truck, truck body, truck tractor or the trailer.

(d) Any motor vehicle, trailer, or other cargo-carrying body containing more than one kind of explosive as well as an oxidizing material requiring a placard under the provisions of subdivision (a), the aggregate gross weight of which totals 1,000 pounds or more, shall be marked or placarded "Dangerous" as well as "Explosive A" or "Explosive B" as appropriate. If explosives Class A and explosives Class B are loaded on the same vehicle, the "Explosives B" marking need not be displayed.

(e) In any combination of two or more vehicles containing explosives or other dangerous articles each vehicle shall be marked or placarded as to its contents and in accordance with (a) and (c) of this subdivision.

(iii) Each motor vehicle used for transporting explosives shall be equipped with a minimum of two extinguishers, each having a rating of at least 10-BC.

(a) Only extinguishers listed or approved by Underwriters' Laboratories, Inc., or the Factory Mutual Engineering Corp. shall be deemed suitable for use on explosives-carrying vehicles.

(b) Extinguishers shall be filled and ready for immediate use and located near the driver's seat. Extinguishers shall be examined periodically by a competent person.

(iv) A motor vehicle used for transporting explosives shall be given the following inspection to determine that it is in proper condition for safe transportation of explosives:

(a) Fire extinguishers shall be filled and in working order.

(b) All electrical wiring shall be completely protected and securely fastened to prevent short-circuiting.

(c) Chassis, motor, pan, and underside of body shall be reasonably clean and free of excess oil and grease.

(d) Fuel tank and feedline shall be secure and have no leaks.

(e) Brakes, lights, horn, windshield wipers, and steering apparatus shall function properly.

(f) Tires shall be checked for proper inflation and defects.

(g) The vehicle shall be in proper condition in every other respect and acceptable for handling explosives.

(3) *Operation of transportation vehicles.* (i) Vehicles transporting explosives shall only be driven by and be in the charge of a driver who is physically fit, careful, capable, reliable, able to read and write the English language, and not addicted to the use, or under the influence of intoxicants, narcotics, or other dangerous drugs, and not less than 21 years of age. He shall be familiar with the traffic regulations, State laws, and the provisions of this section.

(ii) Except under emergency conditions, no vehicle transporting explosives shall be parked before reaching its destination, even though attended, on any public street adjacent to or in proximity to any bridge, tunnel, dwelling, building, or place where people work, congregate, or assemble.

(iii) Every motor vehicle transporting any quantity of Class A or Class B explosives shall, at all times, be attended by a driver or other attendant of the motor carrier. This attendant shall have been made aware of the class of the explosive material in the vehicle and of its inherent dangers, and shall have been instructed in the measures and procedures to be followed in order to protect the public from those dangers. He shall have been made familiar with the vehicle he is assigned, and shall be trained, supplied with the necessary means, and authorized to move the vehicle when required.

(a) For the purpose of this subdivision, a motor vehicle shall be deemed "attended" only when the driver or other attendant is physically on or in the vehicle, or has the vehicle within his field of vision and can reach it quickly and without any kind of interference "attended" also means that the driver or attendant is awake, alert, and not engaged in other duties or activities which may divert his attention from the vehicle, except for necessary communication with public officers, or representatives of the carrier shipper, or consignee, or except for necessary absence from the vehicle to obtain food or to provide for his physical comfort.

(b) However, an explosive-laden vehicle may be left unattended if parked within a securely fenced or walled area with all gates or entrances locked where parking of such vehicle is otherwise permissible, or at a magazine site established solely for the purpose of storing explosives.

(iv) No spark-producing metal, spark-producing metal tools, oils, matches, firearms, electric storage batteries, flammable substances, acids, oxidizing materials, or corrosive compounds shall be carried in the body of any motor truck and/or vehicle transporting explosives, unless the loading of such dangerous articles and the explosives comply with U.S. Department of Transportation regulations.

(v) Vehicles transporting explosives shall avoid congested areas and heavy traffic. Where routes through congested areas have been designated by local authorities such routes shall be followed.

(vi) Delivery shall only be made to authorized persons and into authorized magazines or authorized temporary storage or handling areas.

(e) *Use of explosives and blasting agents*—(1) *General provisions.* (i) While explosives are being handled or used, smoking shall not be permitted and no one near the explosives shall possess matches, open light or other fire or flame. No person shall be allowed to handle explosives while under the influence of intoxicating liquors, narcotics, or other dangerous drugs.

(ii) Original containers or Class II magazines shall be used for taking detonators and other explosives from storage magazines to the blasting area.

(iii) When blasting is done in congested areas or in close proximity to a structure, railway, or highway or any other installation that may be damaged, the blast shall be covered before firing with a mat constructed so that it is capable of preventing fragments from being thrown.

(iv) Persons authorized to prepare explosive charges or conduct blasting operations shall use every reasonable precaution, including but not limited to warning signals, flags, barricades, or woven wire mats to insure the safety of the general public and workmen.

(v) Blasting operations shall be conducted during daylight hours.

(vi) Whenever blasting is being conducted in the vicinity of gas, electric, water, fire alarm, telephone, telegraph, and steam utilities, the blaster shall notify the appropriate representatives of such utilities at least 24 hours in advance of blasting, specifying the location and intended time of such blasting. Verbal notice shall be confirmed with written notice.

(vii) Due precautions shall be taken to prevent accidental discharge of electric blasting caps from current induced by radar, radio transmitters, lightning, adjacent powerlines, dust storms, or other sources of extraneous electricity. These precautions shall include:

(a) The suspension of all blasting operations and removal of persons from the blasting area during the approach and progress of an electric storm.

(b) The posting of signs warning against the use of mobile radio transmitters on all roads within 350 feet of the blasting operations.

(2) *Storage at use sites.* (i) Empty boxes and paper and fiber packing materials which have previously contained high explosives shall not be used again for any purpose, but shall be destroyed by burning at an approved isolated location out of doors, and no person shall be nearer than 100 feet after the burning has started.

(ii) Containers of explosives shall not be opened in any magazine or within 50 feet of any magazine. In opening kegs or wooden cases, no sparking metal tools shall be used; wooden wedges and either wood, fiber or rubber mallets shall be used. Nonsparking metallic slitters may be used for opening fiberboard cases.

(iii) Explosives or blasting equipment that are obviously deteriorated or damaged shall not be used.

(iv) No explosives shall be abandoned.

(3) *Loading of explosives in blast holes.* (i) All drill holes shall be sufficiently large to admit freely the insertion of the cartridges of explosives.

(ii) Tamping shall be done only with wood rods without exposed metal parts, but nonsparking metal connectors may be used for jointed poles. Violent tamping shall be avoided. Primed cartridges shall not be tamped.

(iii) When loading blasting agents pneumatically over electric blasting caps, semiconductive delivery hose shall be used and the equipment shall be bonded and grounded.

(iv) No holes shall be loaded except those to be fired in the next round of blasting. After loading, all remaining explosives shall be immediately returned to an authorized magazine.

(v) Drilling shall not be started until all remaining butts of old holes are examined with a wooden stick for unexploded charges, and if any are found, they shall be refired before work proceeds.

(vi) No person shall be allowed to deepen drill holes which have contained explosives.

(vii) After loading for a blast is completed, all excess blasting caps or electric blasting caps and other explosives shall immediately be returned to their separate storage magazines.

(4) *Initiation of explosive charges.* (i) Only electric blasting caps shall be used for blasting operations in congested districts, or on highways, or adjacent to highways open to traffic, except where sources of extraneous electricity make such use dangerous.

(ii) When fuse is used, the blasting cap shall be securely attached to the safety fuse with a standard-ring type cap crimper. All primers shall be assembled at least 50 feet from any magazine.

(iii) Primers shall be made up only as required for each round of blasting.

(iv) No blasting cap shall be inserted in the explosives without first making a hole in the cartridge for the cap with a wooden punch of proper size or standard cap crimper.

(v) Explosives shall not be extracted from a hole that has once been charged or has misfired unless it is impossible to detonate the unexploded charge by insertion of a fresh additional primer.

(vi) If there are any misfires while using cap and fuse, all persons shall be required to remain away from the charge for at least 1 hour. If electric blasting caps are used and a misfire occurs, this waiting period may be reduced to 30 minutes. Misfires shall be handled under the direction of the person in charge of the blasting and all wires shall be carefully traced and search made for unexploded charges.

(vii) Blasters, when testing circuits to charged holes, shall use only blasting galvanometers designed for this purpose.

(viii) Only the employee making leading wire connections in electrical firing shall be allowed to fire the shot. Leading wires shall remain shorted and not be connected to the blasting machine or other source of current until the charge is to be fired.

(5) *Warning required.* Before a blast is fired, the employer shall require that a loud warning signal be given by the person in charge, who has made certain that all surplus explosives are in a safe place, all persons and vehicles are at a safe distance or under sufficient cover, and that an adequate warning has been given.

(f) *Explosives at piers, railway stations, and cars or vessels not otherwise specified in this standard*—(1) *Railway cars.* Except in an emergency and with permission of the local authority, no person shall have or keep explosives in a railway car unless said car and contents and methods of loading are in accordance with the U.S. Department of Transportation Regulations for the Transportation of Explosives, 49 CFR Chapter I.

(2) *Packing and marking.* No person shall deliver any explosive to any carrier unless such explosive conforms in all respects, including marking and packing, to the U.S. Department of Transportation Regulations for the Transportation of Explosives.

(3) *Marking cars.* Every railway car containing explosives which has reached its designation, or is stopped in transit so as no longer to be in interstate commerce, shall have attached to both sides and ends of the car, cards with the words "Explosives — Handle Carefully — Keep Fire Away" in red letters at least 1½ inches high on a white background.

(4) *Storage.* Any explosives at a railway facility, truck terminal, pier, wharf, harbor facility, or airport terminal, whether for delivery to a consignee, or forwarded to some other destination, shall be kept in a safe place, isolated as far as practicable and in such manner that they can be easily and quickly removed.

(5) *Hours of transfer.* Explosives shall not be delivered to or received from any railway station, truck terminal, pier, wharf, harbor facility, or airport terminal between the hours of sunset and sunrise.

(g) *Blasting agents*—(1) *General.* Unless otherwise set forth in this paragraph, blasting agents, excluding water gels, shall be transported, stored, and used in the same manner as explosives. Water gels are covered in paragraph (h) of this section.

(2) *Fixed location mixing.* (i) Buildings or other facilities used for mixing blasting agents shall be located, with respect to inhabited buildings, passenger railroads, and public highways, in accordance with Table H-21. In determining the distance separating highways, railroads, and inhabited buildings from potential explosions (as prescribed in Table H-21), the sum of all masses which may propagate (i.e., lie at distances less than prescribed in Table H-22) from either individual or combined donor masses are included. However, when the ammonium nitrate must be included, only 50 percent of its weight shall be used because of its reduced blast effects.

(ii) Buildings used for the mixing of blasting agents shall conform to the requirements of this section.

(a) Buildings shall be of noncombustible construction or sheet metal on wood studs.

(b) Floors in a mixing plant shall be of concrete or of other nonabsorbent materials.

(c) All fuel oil storage facilities shall be separated from the mixing plant and located in such a manner that in case of tank rupture, the oil will drain away from the mixing plant building.

(d) The building shall be well ventilated.

(e) Heating units which do not depend on combustion processes, when properly designed and located, may be used in the building. All direct sources of heat shall be provided exclusively from units located outside the mixing building.

(f) All internal-combustion engines used for electric power generation shall be located outside the mixing plant building, or shall be properly ventilated and isolated by a firewall. The exhaust systems on all such engines shall be located so any spark emission cannot be a hazard to any materials in or adjacent to the plant.

(iii) Equipment used for mixing blasting agents shall conform to the requirements of this subdivision.

(a) The design of the mixer shall minimize the possibility of frictional heating, compaction, and especially confinement. All bearings and drive assemblies shall be mounted outside the mixer and protected against the accumulation of dust. All surfaces shall be accessible for cleaning.

(b) Mixing and packaging equipment shall be constructed of materials compatible with the fuel-ammonium nitrate composition.

(c) Suitable means shall be provided to prevent the flow of fuel oil to the mixer in case of fire. In gravity flow systems an automatic spring-loaded shutoff valve with fusible link shall be installed.

(iv) The provisions of this subdivision shall be considered when determining blasting agent compositions.

(a) The sensitivity of the blasting agent shall be determined by means of a No. 8 test blasting cap at regular intervals and after every change in formulation.

(b) Oxidizers of small particle size, such as crushed ammonium nitrate prills or fines, may be more sensitive than coarser products and shall, therefore, be handled with greater care.

(c) No hydrocarbon liquid fuel with flashpoint lower than that of No. 2 diesel fuel oil 125° F. minimum shall be used.

(d) Crude oil and crankcase oil shall not be used.

(e) Metal powders such as aluminum shall be kept dry and shall be stored in containers or bins which are moisture-resistant or weathertight. Solid fuels shall be used in such manner as to minimize dust explosion hazards.

(f) Peroxides and chlorates shall not be used.

(v) All electrical switches, controls, motors, and lights located in the mixing room shall conform to the requirements in subpart S of this part for Class II, Division 2 locations; otherwise they shall be located outside the mixing room. The

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frame of the mixer and all other equipment that may be used shall be electrically bonded and be provided with a continuous path to the ground.

(vi) Safety precautions at mixing plants shall include the requirements of this subdivision.

(a) Floors shall be constructed so as to eliminate floor drains and piping into which molten materials could flow and be confined in case of fire.

(b) The floors and equipment of the mixing and packaging room shall be cleaned regularly and thoroughly to prevent accumulation of oxidizers or fuels and other sensitizers.

(c) The entire mixing and packaging plant shall be cleaned regularly and thoroughly to prevent excessive accumulation of dust.

(d) Smoking, matches, open flames, spark-producing devices, and firearms (except firearms carried by guards) shall not be permitted inside of or within 50 feet of any building or facility used for the mixing of blasting agents.

(e) The land surrounding the mixing plant shall be kept clear of brush, dried grass, leaves, and other materials for a distance of at least 25 feet.

(f) Empty ammonium nitrate bags shall be disposed of daily in a safe manner.

(g) No welding shall be permitted or open flames used in or around the mixing or storage area of the plant unless the equipment or area has been completely washed down and all oxidizer material removed.

(h) Before welding or repairs to hollow shafts, all oxidizer material shall be removed from the outside and inside of the shaft and the shaft vented with a minimum one-half inch diameter opening.

(i) Explosives shall not be permitted inside of or within 50 feet of any building or facility used for the mixing of blasting agents.

(3) *Bulk delivery and mixing vehicles.* (i) The provisions of this subparagraph shall apply to off-highway private operations as well as to all public highway movements.

(ii) A bulk vehicle body for delivering and mixing blasting agents shall conform with the requirements of this subdivision (ii).

(a) The body shall be constructed of noncombustible materials.

(b) Vehicles used to transport bulk premixed blasting agents on public highways shall have closed bodies.

(c) All moving parts of the mixing system shall be designed as to prevent a heat buildup. Shafts or axles which contact the product shall have outboard bearings with 1-inch minimum clearance between the bearings and the outside of the product container. Particular attention shall be given to the clearances on all moving parts.

(d) A bulk delivery vehicle shall be strong enough to carry the load without difficulty and be in good mechanical condition.

(iii) Operation of bulk delivery vehicles shall conform to the requirements of this subdivision. These include the placarding requirements as specified by Department of Transportation.

(a) The operator shall be trained in the safe operation of the vehicle together with its mixing, conveying, and related equipment. The employer shall assure that the operator is familiar with the commodities being delivered and the general procedure for handling emergency situations.

(b) The hauling of either blasting caps or other explosives but not both, shall be permitted on bulk trucks provided that a special wood or nonferrous-lined container is installed for the explosives. Such blasting caps or other explosives shall be in DOT-specified shipping containers: see 49 CFR Chapter I.

(c) No person shall smoke, carry matches or any flame-producing device, or carry any firearms while in or about bulk vehicles effecting the mixing transfer or down-the-hole loading of blasting agents at or near the blasting site.

(d) Caution shall be exercised in the movement of the vehicle in the blasting area to avoid driving the vehicle over or dragging hoses over firing lines, cap wires, or explosive materials. The employer shall assure that the driver, in moving the vehicle, has assistance of a second person to guide his movements.

(e) No intransit mixing of materials shall be performed.

(iv) Pneumatic loading from bulk delivery vehicles into blastholes primed with electric blasting caps or other static-sensitive systems shall conform to the requirements of this subdivision.

(a) A positive grounding device shall be used to prevent the accumulation of static electricity.

(b) A discharge hose shall be used that has a resistance range that will prevent conducting stray currents, but that is conductive enough to bleed off static buildup.

(c) A qualified person shall evaluate all systems to determine if they will adequately dissipate static under potential field conditions.

(v) Repairs to bulk delivery vehicles shall conform to the requirements of this section.

(a) No welding or open flames shall be used on or around any part of the delivery equipment unless it has been completely washed down and all oxidizer material removed.

(b) Before welding or making repairs to hollow shafts, the shaft shall be thoroughly cleaned inside and out and vented with a minimum one-half-inch diameter opening.

(4) *Bulk storage bins.* (i) The bin, including supports, shall be constructed of compatible materials, waterproof, and adequately supported and braced to withstand the combination of all loads including impact forces arising from product movement within the bin and accidental vehicle contact with the support legs.

(ii) The bin discharge gate shall be designed to provide a closure tight enough to prevent leakage of the stored product. Provision shall also be made so that the gate can be locked.

(iii) Bin loading manways or access hatches shall be hinged or otherwise attached to the bin and be designed to permit locking.

(iv) Any electrically driven conveyors for loading or unloading bins shall conform to the requirements of Subpart S of this Part. They shall be designed to minimize damage from corrosion.

(v) Bins containing blasting agent shall be located, with respect to inhabited buildings, passenger railroads, and public highways, in accordance with Table H–21 and separation from other blasting agent storage and explosives storage shall be in conformity with Table H–22.

(vi) Bins containing ammonium nitrate shall be separated from blasting agent storage and explosives storage in conformity with Table H–22.

TABLE H–22—TABLE OF RECOMMENDED SEPARATION DISTANCES OF AMMONIUM NITRATE AND BLASTING AGENTS FROM EXPLOSIVES OR BLASTING AGENTS [1, 2]

Donor weight		Minimum separation distance of receptor when barricaded [3] (ft.)		Minimum thickness of artificial barricades [3] (in.)
Pounds over	Pounds not over	Ammonium nitrate [4]	Blasting agent [5]	
	100	3	11	12
100	300	4	14	12
300	600	5	18	12
600	1,000	6	22	12
1,000	1,000	7	26	12
1,000	2,000	8	29	12
2,000	3,000	9	32	15
3,000	4,000	10	36	15
4,000	6,000	11	40	15
6,000	8,000	12	43	20
8,000	10,000	13	47	20
10,000	12,000	14	50	20
12,000	16,000	16	54	25
16,000	20,000	16	58	25
20,000	25,000	18	65	25
25,000	30,000	19	68	30
30,000	35,000	20	72	30
35,000	40,000	21	76	30
40,000	45,000	22	79	35
45,000	50,000	23	83	35
50,000	55,000	24	86	35
55,000	60,000	25	90	35
60,000	70,000	26	94	40
70,000	80,000	28	101	40
80,000	90,000	30	108	40
90,000	100,000	32	115	40
100,000	120,000	34	122	50
120,000	140,000	37	133	50
140,000	160,000	40	144	50
160,000	180,000	44	158	50
180,000	200,000	48	173	50
200,000	220,000	52	187	60
220,000	250,000	56	202	60
250,000	275,000	60	216	60
275,000	300,000	64	230	60

Notes to Table of Recommended Separation Distances of Ammonium Nitrate and Blasting Agents from Explosives or Blasting Agents:

NOTE 1. These distances apply to the separation of stores only. Table H–21 shall be used in determining separation distances from inhabited buildings, passenger railways, and public highways.

NOTE 2. When the ammonium nitrate and/or blasting agent is not barricaded, the distances shown in the table shall be multiplied by six. These distances allow for the possibility of high velocity metal fragments from mixers, hoppers, truck bodies, sheet metal structures, metal containers, and the like which may enclose the "donor". Where storage is in bullet-resistant magazines recommended for explosives or where the storage is protected by a bullet-resistant wall, distances, and barricade thicknesses in excess of those prescribed in Table H–21 are not required.

NOTE 3. The distances in the table apply to ammonium nitrate that passes the insensitivity test prescribed in the definition of ammonium nitrate fertilizer promulgated by the National Plant Food Institute*; and ammonium nitrate failing to pass said test shall be stored at separation distances determined by competent persons. (*Definition and Test Procedures for Ammonium Nitrate Fertilizer, National Plant Food Institute, November 1964.)

NOTE 4. These distances apply to nitrocarbo-nitrates and blasting agents which pass the insensitivity test prescribed in the U.S. Department of Transportation (DOT) regulations.

NOTE 5. Earth, or sand dikes, or enclosures filled with the prescribed minimum thickness of earth or sand are acceptable artificial barricades. Natural barricades, such as hills or timber of sufficient density that the surrounding exposures which require protection cannot be seen from the "donor" when the trees are bare of leaves, are also acceptable.

NOTE 6. When the ammonium nitrate must be counted in determining the distances to be maintained from inhabited buildings, passenger railways and public highways, it may be counted at one-half its actual weight because its blast effect is lower.

NOTE 7. Guide to use of table of recommended separation distances of ammonium nitrate and blasting agents from explosives or blasting agents.

(a) Sketch location of all potential donor and acceptor materials together with the maximum mass of material to be allowed in that vicinity. (Potential donors are high explosives, blasting agents, and combination of masses of detonating materials. Potential acceptors are high explosives, blasting agents, and ammonium nitrate.)

(b) Consider separately each donor mass in combination with each acceptor mass. If the masses are closer than table allowance (distances measured between nearest edges), the combination of masses becomes a new potential donor of weight equal to the total mass. When individual masses are considered as donors, distances to potential acceptors shall be measured between edges. When combined masses within propagating distance of each other are considered as a donor, the appropriate distance to the edge of potential acceptors shall be computed as a weighted distance from the combined masses.

Calculation of weighted distance from combined masses:

Let M_a, M_b . . . M_n be donor masses to be combined.

M_t is a potential acceptor mass.

D_{at} is distance from M_a to M_t (edge to edge).

D_{bt} is distance from M_b to M_t (edge to edge), etc.

To find weighted distance $[D_{t(a,b\ldots n)}]$ from combined masses to M_t, add the products of the individual masses and distances and divide the total by the sum of the masses thus:

$$D_{t(a,b,\ldots n)}=\frac{M_a\times D_{at}+M_b\times D_{bt}\ldots+M_n\times D_{tn}}{M_a+M_b\ldots+M_n}$$

Propagation is possible if either an individual donor mass is less than the tabulated distance from an acceptor or a combined mass is less than the weighted distance from an acceptor.

(c) In determining the distances separating highways, railroads, and inhabited buildings from potential explosions (as prescribed in Table H–21), the sum of all masses which may propagate (i.e., lie at distances less than prescribed in the Table) from *either* individual or combined donor masses are included. However, when the ammonium nitrate must be included, only 50 percent of its weight shall be used because of its reduced blast effects. In applying Table H–21 to distances from highways, railroads, and inhabited buildings, distances are measured from the nearest edge of potentially explodable material as prescribed in Table H–21, Note 5.

(d) When all or part of a potential acceptor comprises Explosives Class A as defined in DOT regulations, storage in bullet-resistant magazines is required. Safe distances to stores in bullet-resistant magazines may be obtained from the intermagazine distances prescribed in Table H–21.

(e) Barricades must not have line-of-sight openings between potential donors and acceptors which permit blast or missiles to move directly between masses.

(f) Good housekeeping practices shall be maintained around any bin containing ammonium nitrate or blasting agent. This includes keeping weeds and other combustible materials cleared within 25 feet of such bin. Accumulation of spilled product on the ground shall be prevented.

(5) *Storage of blasting agents and supplies.* (i) Blasting agents and oxidizers used for mixing of blasting agents shall be stored in the manner set forth in this subdivision.

(a) Blasting agents or ammonium nitrate, when stored in conjunction with explosives, shall be stored in the manner set forth in paragraph (c) of this section for explosives. The mass of blasting agents and one-half the mass of ammonium nitrate shall be included when computing the total quantity of explosives for determining distance requirements.

(b) Blasting agents, when stored entirely separate from explosives, may be stored in the manner set forth in paragraph (c) of this section or in one-story warehouses (without basements) which shall be:

(1) Noncombustible or fire resistive;

(2) Constructed so as to eliminate open floor drains and piping into which molten materials could flow and be confined in case of fire;

(3) Weather resistant;

(4) Well ventilated; and

(5) Equipped with a strong door kept securely locked except when open for business.

(c) Semitrailer or full-trailer vans used for highway or onsite transportation of the blasting agents are satisfactory for temporarily storing these materials, provided they are located in accordance with Table H–21 with respect to inhabited buildings, passenger railways, and public highways and according to Table H–22 with respect to one another. Trailers shall be provided with substantial means for locking, and the trailer doors shall be kept locked, except during the time of placement and removal of stocks of blasting agents.

(ii) Warehouses used for the storage of blasting agents separate from explosives shall be located as set forth in this subdivision.

(a) Warehouses used for the storage of blasting agents shall be located in accordance with the provisions of Table H–21 with respect to inhabited buildings, passenger railways, and public highways, and according to Table H–22 with respect to one another.

(b) If both blasting agents and ammonium nitrate are handled or stored within the distance limitations prescribed through subparagraph (2) of this paragraph, one-half the mass of the ammonium nitrate shall be added to the mass of the blasting agent when computing the total quantity of explosives for determining the proper distance for compliance with Table H–21.

(iii) Smoking, matches, open flames, spark producing devices, and firearms are prohibited inside of or within 50 feet of any warehouse used for the storage of blasting agents. Combustible materials shall not be stored within 50 feet of warehouses used for the storage of blasting agents.

(iv) The interior of warehouses used for the storage of blasting agents shall be kept clean and free from debris and empty containers. Spilled materials shall be cleaned up promptly and safely removed. Combustible materials, flammable liquids, corrosive acids, chlorates, or nitrates shall not be stored in any warehouse used for blasting agents unless separated therefrom by a fire resistive separation of not less than 1 hour resistance. The provisions of this subdivision shall not prohibit the storage of blasting agents together with nonexplosive blasting supplies.

(v) Piles of ammonium nitrate and warehouses containing ammonium nitrate shall be adequately separated from readily combustible fuels.

(vi) Caked oxidizers, either in bags or in bulk, shall not be loosened by blasting.

(vii) Every warehouse used for the storage of blasting agents shall be under the supervision of a competent person who shall be not less than 21 years of age.

(6) *Transportation of packaged blasting agents.* (i) When blasting agents are transported in the same vehicle with explosives, all of the requirements of paragraph (d) of this section shall be complied with.

(ii) Vehicles transporting blasting agents shall only be driven by and be in charge of a driver at least twenty-one (21) years of age who is capable, careful, reliable, and in possession of a valid motor vehicle operator's license. Such a person shall also be familiar with the States vehicle and traffic laws.

(iii) No matches, firearms, acids, or other corrosive liquids shall be carried in the bed or body of any vehicle containing blasting agents.

(iv) No person shall be permitted to ride upon, drive, load, or unload a vehicle containing blasting agents while smoking or under the influence of intoxicants, narcotics, or other dangerous drugs.

(v) It is prohibited for any person to transport or carry any blasting agents upon any public vehicle carrying passengers for hire.

(vi) Vehicles transporting blasting agents shall be in safe operating condition at all times.

(vii) When offering blasting agents for transportation on public highways the packaging, marking, and labeling of containers of blasting agents shall comply with the requirements of DOT.

(viii) Vehicles used for transporting blasting agents on public highways shall

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be placarded in accordance with DOT regulations.

(7) *Use of blasting agents.* Persons using blasting agents shall comply with all of the applicable provisions of paragraph (e) of this section.

(h) *Water gel (Slurry) explosives and blasting agents*—(1) *General provisions.* Unless otherwise set forth in this paragraph, water gels shall be transported, stored and used in the same manner as explosives or blasting agents in accordance with the classification of the product.

(2) *Types and classifications.* (i) Water gels containing a substance in itself classified as an explosive shall be classified as an explosive and manufactured, transported, stored, and used as specified for "explosives" in this section, except as noted in subdivision (iv) of this subparagraph.

(ii) Water gels containing no substance in itself classified as an explosive and which are cap-sensitive as defined in paragraph (a) of this section under Blasting Agent shall be classified as an explosive and manufactured, transported, stored and used as specified for "explosives" in this section.

(iii) Water gels containing no substance in itself classified as an explosive and which are not cap-sensitive as defined in paragraph (a) of this section under Blasting Agent shall be classified as blasting agents and manufactured, transported, stored, and used as specified for "blasting agents" in this section.

(iv) When tests on specific formulations of water gels result in Department of Transportation classification as a Class B explosive, bullet-resistant magazines are not required, see paragraph (c)(2)(ii) of this section.

(3) *Fixed location mixing.* (i)(a) Buildings or other facilities used for mixing water gels shall be located with respect to inhabited buildings, passenger railroads and public highways, in accordance with Table H–21.

(b) In determining the distances separating highways, railroads, and inhabited buildings from potential explosions (as prescribed in Table H–21), the sum of all masses that may propagate (i.e., lie at distances less than prescribed in Table H–22) from either individual or combined donor masses are included. However, when the ammonium nitrate must be included, only 50 percent of its weight shall be used because of its reduced blast effects.

(ii) Buildings used for the mixing of water gels shall conform to the requirements of this subdivision.

(a) Buildings shall be of noncombustible construction or sheet metal on wood studs.

(b) Floors in a mixing plant shall be of concrete or of other nonabsorbent materials.

(c) Where fuel oil is used all fuel oil storage facilities shall be separated from the mixing plant and located in such a manner that in case of tank rupture, the oil will drain away from the mixing plant building.

(d) The building shall be well ventilated.

(e) Heating units that do not depend on combustion processes, when properly designed and located, may be used in the building. All direct sources of heat shall be provided exclusively from units located outside of the mixing building.

(f) All internal-combustion engines used for electric power generation shall be located outside the mixing plant building, or shall be properly ventilated and isolated by a firewall. The exhaust systems on all such engines shall be located so any spark emission cannot be a hazard to any materials in or adjacent to the plant.

(iii) Ingredients of water gels shall conform to the requirements of this subdivision.

(a) Ingredients in themselves classified as Class A or Class B explosives shall be stored in conformity with paragraph (c) of this section.

(b) Nitrate-water solutions may be stored in tank cars, tank trucks, or fixed tanks without quantity or distance limitations. Spills or leaks which may contaminate combustible materials shall be cleaned up immediately.

(c) Metal powders such as aluminum shall be kept dry and shall be stored in containers or bins which are moisture-resistant or weathertight. Solid fuels shall be used in such manner as to minimize dust explosion hazards.

(d) Ingredients shall not be stored with imcompatible materials.

(e) Peroxides and chlorates shall not be used.

(iv) Mixing equipment shall comply with the requirements of this subdivision.

(a) The design of the processing equipment, including mixing and conveying equipment, shall be compatible with the relative sensitivity of the materials being handled. Equipment shall be designed to minimize the possibility of frictional heating, compaction, overloading, and confinement.

(b) Both equipment and handling procedures shall be designed to prevent the introduction of foreign objects or materials.

(c) Mixers, pumps, valves, and related equipment shall be designed to permit regular and periodic flushing, cleaning, dismantling, and inspection.

(d) All electrical equipment including wiring, switches, controls, motors, and lights, shall conform to the requirements of Subpart S of this part.

(e) All electric motors and generators shall be provided with suitable overload protection devices. Electrical generators, motors, proportioning devices, and all other electrical enclosures shall be electrically bonded. The grounding conductor to all such electrical equipment shall be effectively bonded to the service-entrance ground connection and to all equipment ground connections in a manner so as to provide a continuous path to ground.

(v) Mixing facilities shall comply with the fire prevention requirements of this subdivision.

(a) The mixing, loading, and ingredient transfer areas where residues or spilled materials may accumulate shall be cleaned periodically. A cleaning and collection system for dangerous residues shall be provided.

(b) A daily visual inspection shall be made of mixing, conveying, and electrical equipment to establish that such equipment is in good operating condition. A program of systematic maintenance shall be conducted on regular schedule.

(c) Heaters which are not dependent on the combustion process within the heating unit may be used within the confines of processing buildings, or compartments, if provided with temperature and safety controls and located away from combustible materials and the finished product.

(4) *Bulk delivery and mixing vehicles.* (i) The design of vehicles shall comply with the requirements of this subdivision.

(a) Vehicles used over public highways for the bulk transportation of water gels or of ingredients classified as dangerous commodities, shall meet the requirements of th Department of Transportation and shall meet the requirements of paragraphs (d) and (g)(6) of this section.

(b) When electric power is supplied by a self-contained motor generator located on the vehicle the generator shall be at a point separate from where the water gel is discharged.

(c) The design of processing equipment and general requirements shall conform to subparagraphs (3) (iii) and (iv) of this paragraph.

(d) A positive action parking brake which will set the wheel brakes on at least one axle shall be provided on vehicles when equipped with air brakes and shall be used during bulk delivery operations. Wheel chocks shall supplement parking brakes whenever conditions may require.

(ii) Operation of bulk delivery and mixing vehicles shall comply with the requirements of this subdivision.

(a) The placarding requirements contained in DOT regulations apply to vehicles carrying water gel explosives or blasting agents.

(b) The operator shall be trained in the safe operation of the vehicle together with its mixing, conveying, and related equipment. He shall be familiar with the commodities being delivered and the general procedure for handling emergency situations.

(c) The hauling of either blasting caps or other explosives, but not both, shall be permitted on bulk trucks provided that a special wood or nonferrous-lined container is installed for the explosives. Such blasting caps or other explosives shall be in DOT-specified shipping containers; see 49 CFR Chapter I.

(d) No person shall be allowed to smoke, carry matches or any flame-producing device, or carry any firearms while in or about bulk vehicles effecting the mixing, transfer, or down-the-hole loading of water gels at or near the blasting site.

(e) Caution shall be exercised in the movement of the vehicle in the blasting area to avoid driving the vehicle over or dragging hoses over firing lines, cap wires, or explosive materials. The employer shall furnish the driver the assistance of a second person to guide the driver's movements.

(f) No intransit mixing of materials shall be performed.

(g) The location chosen for water gel or ingredient transfer from a support vehicle into the borehole loading vehicle shall be away from the blasthole site when the boreholes are loaded or in the process of being loaded.

(i) *Storage of ammonium nitrate*—(1) *Scope and definitions.* (i)(a) Except as provided in subdivision (d) of this subdivision this paragraph applies to the storage of ammonium nitrate in the form of crystals, flakes, grains, or prills including fertilizer grade, dynamite grade, nitrous oxide grade, technical grade, and other mixtures containing 60 percent or more ammonium nitrate by weight but does not apply to blasting agents.

(b) This paragraph does not apply to the transportation of ammonium nitrate.

(c) This paragraph does not apply to storage under the jurisdiction of and in compliance with the regulations of the U.S. Coast Guard (see 46 CFR Parts 146–149).

(d) The storage of ammonium nitrate and ammonium nitrate mixtures that are more sensitive than allowed by the "Definition of Test Procedures for Ammonium Nitrate Fertilizer" is prohibited.

(e) Nothing in this paragraph shall apply to the production of ammonium nitrate or to the storage of ammonium nitrate on the premises of the producing plant, provided that no distinct undue hazard to the public is created.

(ii) (a) The definition and test procedures for ammonium nitrate fertilizer are those found in the bulletin, "Definition and Test Procedures for Ammonium Nitrate Fertilizer", available from the National Plant Food Institute, 1700 K Street NW., Washington, DC 20006. This definition limits the contents of organic materials, metals, sulfur, etc., in a product that may be classified ammonium nitrate fertilizer.

(b) The standards for ammonium nitrate (nitrous oxide grade) are those found in the "Specifications, Properties, and Recommendations for Packaging, Transportation, Storage, and Use of Ammonium Nitrate", available from the Compressed Gas Association, Inc., 500 Fifth Avenue, New York, NY 10036.

(2) *General provisions.* (i) This paragraph applies to all persons storing, having, or keeping ammonium nitrate, and to the owner or lessee of any building, premises, or structure in which ammonium nitrate is stored in quantities of 1,000 pounds or more.

(ii) Approval of large quantity storage shall be subject to due consideration of the fire and explosion hazards, including exposure to toxic vapors from burning or decomposing ammonium nitrate.

(iii) (a) Storage buildings shall not have basements unless the basements are open on at least one side. Storage buildings shall not be over one story in height.

(b) Storage buildings shall have adequate ventilation or be of a construction that will be self-ventilating in the event of fire.

(c) The wall on the exposed side of a storage building within 50 feet of a combustible building, forest, piles of combustible materials and similar exposure hazards shall be of fire-resistive construction. In lieu of the fire-resistive wall, other suitable means of exposure protection such as a free standing wall may be used. The roof coverings shall be Class C or better, as defined in the Manual on Roof Coverings, NFPA 203M–1970.

(d) All flooring in storage and handling areas, shall be of noncombustible material or protected against impregnation by ammonium nitrate and shall be without open drains, traps, tunnels, pits, or pockets into which any molten ammonium nitrate could flow and be confined in the event of fire.

(e) The continued use of an existing storage building or structure not in strict conformity with this paragraph may be approved in cases where such continued use will not constitute a hazard to life or adjoining property.

(f) Buildings and structures shall be dry and free from water seepage through the roof, walls, and floors.

(3) *Storage of ammonium nitrate in bags, drums, or other containers.* (i) (a) Bags and containers used for ammonium nitrate must comply with specifications and standards required for use in interstate commerce (see 49 CFR Chapter I).

(b) Containers used on the premises in the actual manufacturing or processing need not comply with provisions of subdivision (a) of this subdivision.

(ii) (a) Containers of ammonium nitrate shall not be accepted for storage when the temperature of the ammonium nitrate exceeds 130° F.

(b) Bags of ammonium nitrate shall not be stored within 30 inches of the storage building walls and partitions.

(c) The height of piles shall not exceed 20 feet. The width of piles shall not exceed 20 feet and the length 50 feet except that where the building is of noncombustible construction or is protected by automatic sprinklers the length of piles shall not be limited. In no case shall the ammonium nitrate be stacked closer than 36 inches below the roof or supporting and spreader beams overhead.

(d) Aisles shall be provided to separate piles by a clear space of not less than 3 feet in width. At least one service or main aisle in the storage area shall be not less than 4 feet in width.

(4) *Storage of bulk ammonium nitrate.* (i) (a) Warehouses shall have adequate ventilation or be capable of adequate ventilation in case of fire.

(b) Unless constructed of noncombustible material or unless adequate facilities for fighting a roof fire are available, bulk storage structures shall not exceed a height of 40 feet.

(ii) (a) Bins shall be clean and free of materials which may contaminate ammonium nitrate.

(b) Due to the corrosive and reactive properties of ammonium nitrate, and to avoid contamination, galvanized iron, copper, lead, and zinc shall not be used in a bin construction unless suitably protected. Aluminum bins and wooden bins protected against impregnation by ammonium nitrate are permissible. The partitions dividing the ammonium nitrate storage from other products which would contaminate the ammonium nitrate shall be of tight construction.

(c) The ammonium nitrate storage bins or piles shall be clearly identified by signs reading "Ammonium Nitrate" with letters at least 2 inches high.

(iii) (a) Piles or bins shall be so sized and arranged that all material in the pile is moved out periodically in order to minimize possible caking of the stored ammonium nitrate.

(b) Height or depth of piles shall be limited by the pressure-setting tendency of the product. However, in no case shall the ammonium nitrate be piled higher at any point than 36 inches below the roof or supporting and spreader beams overhead.

(c) Ammonium nitrate shall not be accepted for storage when the temperature of the product exceeds 130° F.

(d) Dynamite, other explosives, and blasting agents shall not be used to break up or loosen caked ammonium nitrate.

(5) *Contaminants.* (i) (a) Ammonium nitrate shall be in a separate building or shall be separated by approved type fire-walls of not less than 1 hour fire-resistance rating from storage of organic chemicals, acids, or other corrosive materials, materials that may require blasting during processing or handling, compressed flammable gases, flammable and combustible materials or other contaminating substances, including but not limited to animal fats, baled cotton, baled rags, baled scrap paper, bleaching powder, burlap or cotton bags, caustic soda, coal, coke, charcoal, cork, camphor, excelsior, fibers of any kind, fish oils, fish meal, foam rubber, hay, lubricating oil, linseed oil, or other oxidizable or drying oils, naphthalene, oakum, oiled clothing, oiled paper, oiled textiles, paint, straw, sawdust, wood shavings, or vegetable oils. Walls referred to in this subdivision need extend only to the underside of the roof.

(b) In lieu of separation walls, ammonium nitrate may be separated from the materials referred to in subdivision (a) of this subdivision by a space of at least 30 feet.

(c) Flammable liquids such as gasoline, kerosene, solvents, and light fuel oils shall not be stored on the premises except when such storage conforms to § 1910.106, and when walls and sills or curbs are provided in accordance with subdivisions (a) or (b) of this subdivision.

(d) LP-Gas shall not be stored on the premises except when such storage conforms to § 1910.110.

(ii) (a) Sulfur and finely divided metals shall not be stored in the same building with ammonium nitrate except when such storage conforms to paragraphs (a) through (h) of this section.

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(b) Explosives and blasting agents shall not be stored in the same building with ammonium nitrate except on the premises of makers, distributors, and user-compounders of explosives or blasting agents.

(c) Where explosives or blasting agents are stored in separate buildings, other than on the premises of makers, distributors, and user-compounders of explosives or blasting agents, they shall be separated from the ammonium nitrate by the distances and/or barricades specified in Table H–22 of this subpart, but by not less than 50 feet.

(d) Storage and/or operations on the premises of makers, distributors, and user-compounders of explosives or blasting agents shall be in conformity with paragraphs (a) through (h) of this section.

(6) *General precautions.* (i) Electrical installations shall conform to the requirements of subpart S of this part, for ordinary locations. They shall be designed to minimize damage from corrosion.

(ii) In areas where lightning storms are prevalent, lightning protection shall be provided. (See the Lightning Protection Code, NFPA 78–1968.)

(iii) Provisions shall be made to prevent unauthorized personnel from entering the ammonium nitrate storage area.

(7) *Fire protection.* (i) Not more than 2,500 tons of bagged ammonium nitrate shall be stored in a building or structure not equipped with an automatic sprinkler system. Sprinkler systems shall be of approved type and installed in accordance with the Standard for the Installation of Sprinkler Systems, NFPA 13–1969.

(ii) (*a*) Suitable fire control devices such as small hose or portable extinguishers shall be provided throughout the warehouse and in the loading and unloading areas. See the Standard for the Installation of Portable Fire Extinguishers, NFPA 10–1970, and the Standard for the Installation of Standpipe and Hose Systems, NFPA 14–1970.

(b) Water supplies and fire hydrants shall be available in accordance with recognized good practices.

(j) *Small arms ammunition, small arms primers, and small arms propellants*—(1) *Scope.* This paragraph does not apply to in-process storage and intraplant transportation during manufacture of small arms ammunition, small arms primers, and smokeless propellants.

(2) *Small arms ammunition.* (i) No quantity limitations are imposed on the storage of small arms ammunition in warehouses, retail stores, and other general occupancy facilities, except those imposed by limitations of storage facilities.

(ii) Small arms ammunition shall be separated from flammable liquids, flammable solids as classified in 49 CFR Part 172, and from oxidizing materials, by a fire-resistive wall of 1-hour rating or by a distance of 25 feet.

(iii) Small arms ammunition shall not be stored together with Class A or Class B explosives unless the storage facility is adequate for this latter storage.

(3) *Smokeless propellants.* (i) All smokeless propellants shall be stored in shipping containers specified in 49 CFR 173.93 for smokeless propellants.

(ii) Not more than 20 pounds of smokeless propellants, in containers of 1 pound maximum capacity, shall be displayed in commercial establishments.

(iii) Commercial stocks of smokeless propellants over 20 pounds and not more than 100 pounds shall be stored in portable wooden boxes having walls of at least 1 inch nominal thickness.

(iv) Commercial stocks in quantities not to exceed 750 pounds shall be stored in nonportable storage cabinets having wooden walls of at least 1 inch nominal thickness. Not more than 400 pounds shall be permitted in any one cabinet.

(v) Quantities in excess of 750 pounds shall be stored in magazines in accordance with paragraph (c) of this section.

(4) *Small arms ammunition primers.* (i) Small arms ammunition primers shall not be stored except in the original shipping container in accordance with the requirements of 49 CFR 173.107 for small arms ammunition primers.

(ii) Not more than 10,000 small arms ammunition primers may be displayed in commercial establishments.

(iii) Small arms ammunition primers shall be separated from flammable liquids, flammable solids as classified in 49 CFR Part 172, and oxidizing materials by a fire-resistive wall of 1-hour rating or by a distance of 25 feet.

(iv) Not more than 750,000 small arms ammunition primers shall be stored in any one building, except as provided in subdivision (v) of this subparagraph. Not more than 100,000 shall be stored in any one pile. Piles shall be at least 15 feet apart.

(v) Quantities of small arms ammunition primers in excess of 750,000 shall be stored in magazines in accordance with paragraph (c) of this section.

(k) *Scope.* This section applies to the manufacture, keeping, having, storage, sale, transportation, and use of explosives, blasting agents, and pyrotechnics. This section does not apply to the sale and use (public display) of pyrotechnics, commonly known as fireworks, nor to the use of explosives in the form prescribed by the official U.S. Pharmacopeia.

§ 1910.110 Storage and handling of liquefied petroleum gases.

(a) *Definitions applicable to this section.* As used in this section:

(1) API–ASME container—A container constructed in accordance with the requirements of paragraph (b)(3)(iii) of this section.

(2) ASME container—A container constructed in accordance with the requirements of paragraph (b)(3)(i) of this section.

(3) Container assembly—An assembly consisting essentially of the container and fittings for all container openings, including shutoff valves, excess flow valves, liquid-level gaging devices, safety relief devices, and protective housing.

(4) Containers—All vessels, such as tanks, cylinders, or drums, used for transportation or storing liquefied petroleum gases.

(5) DOT—Department of Transportation.

(6) DOT container—A container constructed in accordance with the applicable requirements of 49 CFR Chapter 1.

(7) "Liquified petroleum gases"—"LPG" and "LP-Gas"—Any material which is composed predominantly of any of the following hydrocarbons, or mixtures of them; propane, propylene, butanes (normal butane or iso-butane), and butylenes.

(8) Movable fuel storage tenders or farm carts—Containers not in excess of 1,200 gallons water capacity, equipped with wheels to be towed from one location of usage to another. They are basically nonhighway vehicles, but may occasionally be moved over public roads or highways. They are used as a fuel supply for farm tractors, construction machinery and similar equipment.

(9) P.S.I.G.—pounds per square inch gauge.

(10) P.S.I.A.—pounds per square inch absolute.

(11) Systems—an assembly of equipment consisting essentially of the container or containers, major devices such as vaporizers, safety relief valves, excess flow valves, regulators, and piping connecting such parts.

(12) Vaporizer-burner—an integral vaporizer-burner unit, dependent upon the heat generated by the burner as the source of heat to vaporize the liquid used for dehydrators or dryers.

(13) Ventilation, adequate—when specified for the prevention of fire during normal operation, ventilation shall be considered adequate when the concentration of the gas in a gas-air mixture does not exceed 25 percent of the lower flammable limit.

(14) Approved—unless otherwise indicated, listing or approval by the following nationally recognized testing laboratories: Underwriters' Laboratories, Inc.; Factual Mutual Engineering Corp.

(15) Listed—see "approved" in § 1910.110(14).

(16) DOT Specifications—regulations of the Department of Transportation published in 49 CFR Chapter I.

(17) DOT regulations—see § 1910.110(a)(16).

(18) DOT requirements—see § 1910.110(a)(16).

(19) DOT cylinders—cylinders meeting the requirements of 49 CFR Chapter I.

(b) *Basic rules.*—(1) *Odorizing gases.* (i) All liquefied petroleum gases shall be effectively odorized by an approved agent of such character as to indicate positively, by distinct odor, the presence of gas down to concentration in air of not over one-fifth the lower limit of flammability. Odorization, however, is not required if harmful in the use of further processing of the liquefied petroleum gas, or if odorization will serve no useful purpose as a warning agent in such use or further processing.

(ii) The odorization requirement of subdivision (i) of this subparagraph shall be considered to be met by the use of 1.0 pounds of ethyl mercaptan, 1.0 pounds of thiophane or 1.4 pounds of amyl mercaptan per 10,000 gallons of LP-Gas. However, this listing of odorants and quantities shall not exclude the use of other odorants that meet the odorization requirements of subdivision (i) of this subparagraph.

(2) *Approval of equipment and systems.* (i) Each system utilizing DOT containers in accordance with 49 CFR Part 178 shall have its container valves, connectors, manifold valve assemblies, and regulators approved.

(ii) Each system for domestic or commercial use utilizing containers of 2,000 gallons or less water capacity, other than those constructed in accordance with 49 CFR Part 178, shall consist of a container assembly and one or more regulators, and may include other parts. The system as a unit or the container assembly as a unit, and the regulator or regulators, shall be individually listed.

(iii) In systems utilizing containers of over 2,000 gallons water capacity, each regulator, container valve, excess flow valve, gaging device, and relief valve installed on or at the container, shall have its correctness as to design, construction, and performance determined by listing by Underwriters' Laboratories, Inc., or Factory Mutual Engineering Corp.

(3) *Requirements for construction and original test of containers.* (i) Containers used with systems embodied in paragraphs (d), (e), (g), and (h) of this section, except as provided in paragraphs (e)(3)(iii) and (g)(2)(i) of this section, shall be designed, constructed, and tested in accordance with the Rules for Construction of Unfired Pressure Vessels, section VIII, Division 1, American Society of Mechanical Engineers (ASME) Boiler and Pressure Vessel Code, 1968 edition.

(ii) Containers constructed according to the 1949 and earlier editions of the ASME Code do not have to comply with paragraphs U–2 through U–10 and U–19 thereof. Containers constructed according to paragraph U–70 in the 1949 and earlier editions are not authorized.

(iii) Containers designed, constructed, and tested prior to July 1, 1961, according to the Code for Unfired Pressure Vessels for Petroleum Liquids and Gases, 1951 edition with 1954 Addenda, of the American Petroleum Institute and the American Society of Mechanical Engineers shall be considered in conformance. Containers constructed according to API–ASME Code do not have to comply with section I or with appendix to section I. Paragraphs W–601 to W–606 inclusive in the 1943 and earlier editions do not apply.

(iv) The provisions of subdivision (i) of this subparagraph shall not be construed as prohibiting the continued use or reinstallation of containers constructed and maintained in accordance with the standard for the Storage and Handling of Liquefied Petroleum Gases NFPA No. 58 in effect at the time of fabrication.

(v) Containers used with systems embodied in paragraph (b), (d)(3)(iii), and (f) of this section, shall be constructed, tested, and stamped in accordance with DOT specifications effective at the date of their manufacture.

(4) *Welding of containers.* (i) Welding to the shell, head, or any other part of the container subject to internal pressure, shall be done in compliance with the code under which the tank was fabricated. Other welding is permitted only on saddle plates, lugs, or brackets attached to the container by the tank manufacturer.

(ii) Where repair or modification involving welding of DOT containers is required, the container shall be returned to a qualified manufacturer making containers of the same type, and the repair or modification made in compliance with DOT regulations.

(5) *Markings on containers.* (i) Each container covered in subparagraph (3)(i) of this paragraph, except as provided in subparagraph (3)(iv) of this paragraph shall be marked as specified in the following:

(*a*) With a marking identifying compliance with, and other markings required by, the rules of the reference under which the container is constructed; or with the stamp and other markings required by the National Board of Boiler and Pressure Vessel Inspectors.

(*b*) With notation as to whether the container is designed for underground or aboveground installation or both. If intended for both and different style hoods are provided, the marking shall indicate the proper hood for each type of installation.

(*c*) With the name and address of the supplier of the container, or with the trade name of the container.

(*d*) With the water capacity of the container in pounds or gallons, U.S. Standard.

(*e*) With the pressure in p.s.i.g., for which the container is designed.

(*f*) With the wording "This container shall not contain a product having a vapor pressure in excess of — p.s.i.g. at 100° F.," see subparagraph (14)(viii) of this paragraph.

(*g*) With the tare weight in pounds or other identified unit of weight for containers with a water capacity of 300 pounds or less.

(*h*) With marking indicating the maximum level to which the container may be filled with liquid at temperatures between 20° F. and 130° F., except on containers provided with fixed maximum level indicators or which are filled by weighing. Markings shall be increments of not more than 20° F. This marking may be located on the liquid level gaging device.

(*i*) With the outside surface area in square feet.

(ii) Markings specified shall be on a metal nameplate attached to the container and located in such a manner as to remain visible after the container is installed.

(iii) When LP-Gas and one or more other gases are stored or used in the same area, the containers shall be marked to identify their content. Marking shall be in compliance with American National Standard Z48.1–1954, "Method of Marking Portable Compressed Gas Containers To Identify the Material Contained."

(6) *Location of containers and regulating equipment.* (i) Containers, and first stage regulating equipment if used, shall be located outside of buildings, except under one or more of the following:

(*a*) In buildings used exclusively for container charging, vaporization pressure reduction, gas mixing, gas manufacturing, or distribution.

(*b*) When portable use is necessary and in accordance with paragraph (c)(5) of this section.

(*c*) LP-Gas fueled stationary or portable engines in accordance with paragraph (e)(11) or (12) of this section.

(*d*) LP-Gas fueled industrial trucks used in accordance with paragraph (e)(13) of this section.

(*e*) LP-Gas fueled vehicles garaged in accordance with paragraph (e)(14) of this section.

(*f*) Containers awaiting use or resale when stored in accordance with paragraph (f) of this section.

(ii) Each individual container shall be located with respect to the nearest important building or group of buildings or line of adjoining property which may be built on in accordance with Table H–23.

TABLE H–23

Water capacity per container	Minimum distances: Containers: Underground	Containers: Aboveground	Between aboveground containers
Less than 125 gals [1]	10 feet	None	None.
125 to 250 gallons	10 feet	10 feet	None.
251 to 500 gallons	10 feet	10 feet	3 feet.
501 to 2,000 gallons	25 feet [2]	25 feet [2]	3 feet.
2,001 to 30,000 gallons	50 feet	50 feet	5 feet.
30,001 to 70,000 gallons	50 feet	75 feet	¼ of sum of diameters of adjacent containers.
70,001 to 90,000 gallons	50 feet	100 feet	¼ of sum of diameters of adjacent containers.

[1] If the aggregate water capacity of a multi-container installation at a consumer site is 501 gallons or greater, the minimum distance shall comply with the appropriate portion of this table, applying the aggregate capacity rather than the capacity per container. If more than one installation is made, each installation shall be separated from another installation by at least 25 feet. Do not apply the MINIMUM DISTANCES BETWEEN ABOVEGROUND CONTAINERS to such installations.

[2] NOTE: The above distance requirements may be reduced to not less than 10 feet for a single container of 1,200 gallons water capacity or less, providing such a container is at least 25 feet from any other LP-Gas container of more than 126 gallons water capacity.

(iii) Containers installed for use shall not be stacked one above the other.

(iv) In industrial installations involving containers of 180,000 gallons aggregate water capacity or more, where serious mutual exposures between the container and adjacent properties prevail, firewalls or other means of special protection designed and constructed in accordance with good engineering practices are required.

(v) In the case of buildings devoted exclusively to gas manufacturing and distributing operations, the distances required by Table H–23 may be reduced provided that in no case shall containers

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of water capacity exceeding 500 gallons be located closer than 10 feet to such gas manufacturing and distributing buildings.

(vi) Readily ignitible material such as weeds and long dry grass shall be removed within 10 feet of any container.

(vii) The minimum separation between liquefied petroleum gas containers and flammable liquid tanks shall be 20 feet, and the minimum separation between a container and the centerline of the dike shall be 10 feet. The foregoing provision shall not apply when LP-Gas containers of 125 gallons or less capacity are installed adjacent to Class III flammable liquid tanks of 275 gallons or less capacity.

(viii) Suitable means shall be taken to prevent the accumulation of flammable liquids under adjacent liquefied petroleum gas containers, such as by diking, diversion curbs, or grading.

(ix) When dikes are used with flammable liquid tanks, no liquefied petroleum gas containers shall be located within the diked area.

(7) *Container valves and container accessories.* (i) Valves, fittings, and accessories connected directly to the container including primary shutoff valves, shall have a rated working pressure of at least 250 p.s.i.g. and shall be of material and design suitable for LP-Gas service. Cast iron shall not be used for container valves, fittings, and accessories. This does not prohibit the use of container valves made of malleable or nodular iron.

(ii) Connections to containers, except safety relief connections, liquid level gaging devices, and plugged openings, shall have shutoff valves located as close to the container as practicable.

(iii) Excess flow valves, where required shall close automatically at the rated flows of vapor or liquid as specified by the manufacturer. The connections or line including valves, fittings, etc., being protected by an excess flow valve shall have a greater capacity than the rated flow of the excess flow valve.

(iv) Liquid level gaging devices which are so constructed that outward flow of container contents shall not exceed that passed by a No. 54 drill size opening, need not be equipped with excess flow valves.

(v) Openings from container or through fittings attached directly on container to which pressure gage connection is made, need not be equipped with shutoff or excess flow valves if such openings are restricted to not larger than No. 54 drill size opening.

(vi) Except as provided in paragraph (c)(5)(i)(*b*) of this section, excess flow and back pressure check valves where required by this section shall be located inside of the container or at a point outside where the line enters the container; in the latter case, installation shall be made in such manner that any undue strain beyond the excess flow or back pressure check valve will not cause breakage between the container and such valve.

(vii) Excess flow valves shall be designed with a bypass, not to exceed a No. 60 drill size opening to allow equalization of pressures.

(viii) Containers of more than 30 gallons water capacity and less than 2,000 gallons water capacity, filled on a volumetric basis, and manufactured after December 1, 1963, shall be equipped for filling into the vapor space.

(8) *Piping—including pipe, tubing, and fittings.* (i) Pipe, except as provided in paragraphs (e)(6)(i) and (g)(10)(iii), of this section shall be wrought iron or steel (black or galvanized), brass, copper, or aluminum alloy. Aluminum alloy pipe shall be at least Schedule 40 in accordance with the specifications for Aluminum Alloy Pipe, American National Standards Institute (ANSI) H38.-7–1969 (ASTM, B241–69), except that the use of alloy 5456 is prohibited and shall be suitably marked at each end of each length indicating compliance with American National Standard Institute Specifications. Aluminum Alloy pipe shall be protected against external corrosion when it is in contact with dissimilar metals other than galvanized steel, or its location is subject to repeated wetting by such liquids as water (except rain water), detergents, sewage, or leaking from other piping, or it passes through flooring, plaster, masonry, or insulation. Galvanized sheet steel or pipe, galvanized inside and out, may be considered suitable protection. The maximum nominal pipe size for aluminum pipe shall be three-fourths inch and shall not be used for pressures exceeding 20 p.s.i.g. Aluminum alloy pipe shall not be installed within 6 inches of the ground.

(*a*) Vapor piping with operating pressures not exceeding 125 p.s.i.g. shall be suitable for a working pressure of at least 125 p.s.i.g. Pipe shall be at least Schedule 40 (ASTM A–53–69, Grade B Electric Resistance Welded and Electric Flash Welded Pipe or equal).

(*b*) Vapor piping with operating pressures over 125 p.s.i.g. and all liquid piping shall be suitable for a working pressure of at least 250 p.s.i.g. Pipe shall be at least Schedule 80 if joints are threaded or threaded and back welded. At least Schedule 40 (ASTM A–53–69 Grade B Electric Resistance Welded and Electric Flash Welded Pipe or equal) shall be used if joints are welded, or welded and flanged.

(ii) Tubing shall be seamless and of copper, brass, steel, or aluminum alloy. Copper tubing shall be of type K or L or equivalent as covered in the Specification for Seamless Copper Water Tube, ANSI H23.1–1970 (ASTM B88–69). Aluminum alloy tubing shall be of Type A or B or equivalent as covered in Specification ASTM B210–68 and shall be suitably marked every 18 inches indicating compliance with ASTM Specifications. The minimum nominal wall thickness of copper tubing and aluminum alloy tubing shall be as specified in Table H–24 and Table H–25.

TABLE H–24—WALL THICKNESS OF COPPER TUBING [1]

NOTE: The standard size by which tube is designated is ⅛-inch smaller than its nominal outside diameter.

Standard size (inches)	Nominal O.D. (inches)	Nominal wall thickness (inches)	
		Type K	Type L
¼	0.375	0.035	0.030
⅜	0.500	0.049	0.035
½	0.625	0.049	0.040
⅝	0.750	0.049	0.042
¾	0.875	0.065	0.045
1	1.125	0.065	0.050
1¼	1.375	0.065	0.055
1½	1.625	0.072	0.060
2	2.125	0.083	0.070

[1] Based on data in Specification for Seamless Copper Water Tube, ANSI H23.1–1970 (ASTM B–88–69).

TABLE H–25—WALL THICKNESS OF ALUMINUM ALLOY TUBING [1]

Outside diameter (inches)	Nominal wall thickness (inches)	
	Type A	Type B
¼	0.035	0.049
⅜	0.035	0.049
½	0.042	0.049
¾	0.049	0.058

[1] Based on data in Standard Specification for Aluminum-Alloy Drawn Seamless Coiled Tubes for Special Purpose Applications, ASTM B210–68.

Aluminum alloy tubing shall be protected against external corrosion when it is in contact with dissimilar metals other than galvanized steel, or its location is subject to repeated wetting by liquids such as water (except rainwater), detergents, sewage, or leakage from other piping, or it passes through flooring, plaster, masonry, or insulation. Galvanized sheet steel or pipe, galvanized inside and out, may be considered suitable protection. The maximum outside diameter for aluminum alloy tubing shall be three-fourths inch and shall not be used for pressures exceeding 20 p.s.i.g. Aluminum alloy tubing shall not be installed within 6 inches of the ground.

(iii) In systems where the gas in liquid form without pressure reduction enters the building, only heavy walled seamless brass or copper tubing with an internal diameter not greater than three thirty-seconds inch, and a wall thickness of not less than three sixty-fourths inch shall be used. This requirement shall not apply to research and experimental laboratories, buildings, or separate fire divisions of buildings used exclusively for housing internal combustion engines, and to commercial gas plants or bulk stations where containers are charged, nor to industrial vaporizer buildings, nor to buildings, structures, or equipment under construction or undergoing major renovation.

(iv) Pipe joints may be screwed, flanged, welded, soldered, or brazed with a material having a melting point exceeding 1,000° F. Joints on seamless copper, brass, steel, or aluminum alloy gas tubing shall be made by means of approved gas tubing fittings, or soldered or brazed with a material having a melting point exceeding 1,000° F.

(v) For operating pressures of 125 p.s.i.g. or less, fittings shall be designed

for a pressure of at least 125 p.s.i.g. For operating pressures above 125 p.s.i.g., fittings shall be designed for a minimum of 250 p.s.i.g.

(vi) The use of threaded cast iron pipe fittings such as ells, tees, crosses, couplings, and unions is prohibited. Aluminum alloy fittings shall be used with aluminum alloy pipe and tubing. Insulated fittings shall be used where aluminum alloy pipe or tubing connects with a dissimilar metal.

(vii) Strainers, regulators, meters, compressors, pumps, etc., are not to be considered as pipe fittings. This does not prohibit the use of malleable, nodular, or higher strength gray iron for such equipment.

(viii) All materials such as valve seats, packing, gaskets, diaphragms, etc., shall be of such quality as to be resistant to the action of liquified petroleum gas under the service conditions to which they are subjected.

(ix) All piping, tubing, or hose shall be tested after assembly and proved free from leaks at not less than normal operating pressures. After installation, piping and tubing of all domestic and commercial systems shall be tested and proved free of leaks using a manometer or equivalent device that will indicate a drop in pressure. Test shall not be made with a flame.

(x) Provision shall be made to compensate for expansion, contraction, jarring, and vibration, and for settling. This may be accomplished by flexible connections.

(xi) Piping outside buildings may be buried, above ground, or both, but shall be well supported and protected against physical damage. Where soil conditions warrant, all piping shall be protected against corrosion. Where condensation may occur, the piping shall be pitched back to the container, or suitable means shall be provided for revaporization of the condensate.

(9) *Hose specifications.* (i) Hose shall be fabricated of materials that are resistant to the action of LP-Gas in the liquid and vapor phases. If wire braid is used for reinforcing the hose, it shall be of corrosion-resistant material such as stainless steel.

(ii) Hose subject to container pressure shall be marked "LP-Gas" or "LPG" at not greater than 10-foot intervals.

(iii) Hose subject to container pressure shall be designed for a bursting pressure of not less than 1,250 p.s.i.g.

(iv) Hose subject to container pressure shall have its correctness as to design construction and performance determined by being listed (see § 1910.110 (a)(15)).

(v) Hose connections subject to container pressure shall be capable of withstanding, without leakage, a test pressure of not less than 500 p.s.i.g.

(vi) Hose and hose connections on the low-pressure side of the regulator or reducing valve shall be designed for a bursting pressure of not less than 125 p.s.i.g. or five times the set pressure of the relief devices protecting that portion of the system, whichever is higher.

(vii) Hose may be used on the low-pressure side of regulators to connect to other than domestic and commercial gas appliances under the following conditions:

(*a*) The appliances connected with hose shall be portable and need a flexible connection.

(*b*) For use inside buildings the hose shall be of minimum practical length, but shall not exceed 6 feet except as provided in pargraph (c)(5)(i)(*g*) of this section and shall not extend from one room to another, nor pass through any walls, partitions, ceilings, or floors. Such hose shall not be concealed from view or used in a concealed location. For use outside of buildings, the hose may exceed this length but shall be kept as short as practical.

(*c*) The hose shall be approved and shall not be used where it is likely to be subjected to temperatures above 125° F. The hose shall be securely connected to the appliance and the use of rubber slip ends shall not be permitted.

(*d*) The shutoff valve for an appliance connected by hose shall be in the metal pipe or tubing and not at the appliance end of the hose. When shutoff valves are installed close to each other, precautions shall be taken to prevent operation of the wrong valve.

(*e*) Hose used for connecting to wall outlets shall be protected from physical damage.

(10) *Safety devices.* (i) Every container except those constructed in accordance with DOT specifications and every vaporizer (except motor fuel vaporizers and except vaporizers described in subparagraph (11)(ii)(*c*) of this paragraph and paragraph (d)(4)(v)(*a*) of this section) whether heated by artificial means or not, shall be provided with one or more safety relief valves of spring-loaded or equivalent type. These valves shall be arranged to afford free vent to the outer air with discharge not less than 5 feet horizontally away from any opening into the building which is below such discharge. The rate of discharge shall be in accordance with the requirements of subdivision (ii) of this subparagraph or subdivision (iii) of this subparagraph in the case of vaporizers.

(ii) Minimum required rate of discharge in cubic feet per minute of air at 120 percent of the maximum permitted start to discharge pressure for safety relief valves to be used on containers other than those constructed in accordance with DOT specification shall be as follows:

Surface area (sq. ft.)	*Flow rate CFM air*
20 or less	626
25	751
30	872
35	990
40	1,100
45	1,220
50	1,330
55	1,430
60	1,540
65	1,640
70	1,750
75	1,850
80	1,950
85	2,050
90	2,150
95	2,240
100	2,340
105	2,440
110	2,530
115	2,630
120	2,720
125	2,810
130	2,900
135	2,990
140	3,080
145	3,170
150	3,260
155	3,350
160	3,440
165	3,530
170	3,620
175	3,700
180	3,790
185	3,880
190	3,960
195	4,050
200	4,130
210	4,300
220	4,470
230	4,630
240	4,800
250	4,960
260	5,130
270	5,290
280	5,450
290	5,610
300	5,760
310	5,920
320	6,080
330	6,230
340	6,390
350	6,540
360	6,690
370	6,840
380	7,000
390	7,150
400	7,300
450	8,040
500	8,760
550	9,470
600	10,170
650	10,860
700	11,550
750	12,220
800	12,880
850	13,540
900	14,190
950	14,830
1,000	15,470
1,050	16,100
1,100	16,720
1,150	17,350
1,200	17,960
1,250	18,570
1,300	19,180
1,350	19,780
1,400	20,380
1,450	20,980
1,500	21,570
1,550	22,160
1,600	22,740
1,650	23,320
1,700	23,900
1,750	24,470
1,800	25,050
1,850	25,620
1,900	26,180
1,950	26,750
2,000	27,310

Surface area=total outside surface area of container in square feet.

When the surface area is not stamped on the nameplate or when the marking is not legible, the area can be calculated by using one of the following formulas:

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(1) Cylindrical container with hemispherical heads:

Area=Overall length×outside diameter×3.1416.

(2) Cylindrical container with other than hemispherical heads:

Area=(Overall length+0.8 outside diameter)×outside diameter×3.1416.

NOTE: This formula is not exact, but will give results within the limits of practical accuracy for the sole purpose of sizing relief valves.

(3) Spherical container:

Area=Outside diameter squared×3.1416.

Flow Rate-CFM Air=Required flow capacity in cubic feet per minute of air at standard conditions, 60 F. and atmospheric pressure (14.7 p.s.i.a.).

The rate of discharge may be interpolated for intermediate values of surface area. For containers with total outside surface area greater than 2,000 square feet, the required flow rate can be calculated using the formula, Flow Rate-CFM Air=53.632 $A^{0.82}$.

A=total outside surface area of the container in square feet.

Valves not marked "Air" have flow rate marking in cubic feet per minute of liquefied petroleum gas. These can be converted to ratings in cubic feet per minute of air by multiplying the liquefied petroleum gas ratings by factors listed below. Air flow ratings can be converted to ratings in cubic feet per minute of liquefied petroleum gas by dividing the air ratings by the factors listed below.

AIR CONVERSION FACTORS

Container type	100	125	150	175	200
Air conversion factor	1.162	1.142	1.113	1.078	1.010

(iii) Minimum Required Rate of Discharge for Safety Relief Valves for Liquefied Petroleum Gas Vaporizers (Steam Heated, Water Heated, and Direct Fired).

The minimum required rate of discharge for safety relief valves shall be determined as follows:

(a) Obtain the total surface area by adding the surface area of vaporizer shell in square feet directly in contact with LP-Gas and the heat exchanged surface area in square feet directly in contact with LP-Gas.

(b) Obtain the minimum required rate of discharge in cubic feet of air per minute, at 60° F. and 14.7 p.s.i.a. from subdivision (ii) of this subparagraph, for this total surface area.

(iv) Container and vaporizer safety relief valves shall be set to start-to-discharge, with relation to the design pressure of the container, in accordance with Table H–26.

TABLE H-26

Containers	Minimum (percent)	Maximum (percent)
ASME Code; Par. U-68, U-69—1949 and earlier editions	110	[1] 125
ASME Code; Par. U-200, U-201—1949 edition	88	[1] 100
ASME Code—1950, 1952, 1956, 1959, 1962, 1965 and 1968 (Division 1) editions	88	[1] 100
API—ASME Code—all editions	88	[1] 100
DOT—As prescribed in 49 CFR Chapter I		

[1] Manufacturers of safety relief valves are allowed a plus tolerance not exceeding 10 percent of the set pressure marked on the valve.

(v) Safety relief devices used with systems employing containers other than those constructed according to DOT specifications shall be so constructed as to discharge at not less than the rates shown in subdivision (ii) of this subparagraph, before the pressure is in excess of 120 percent of the maximum (not including the 10 percent referred to in subdivision (iv) of this subparagraph) permitted start to discharge pressure setting of the device.

(vi) In certain locations sufficiently sustained high temperatures prevail which require the use of a lower vapor pressure product to be stored or the use of a higher designed pressure vessel in order to prevent the safety valves opening as the result of these temperatures. As an alternative the tanks may be protected by cooling devices such as by spraying, by shading, or other effective means.

(vii) Safety relief valves shall be arranged so that the possibility of tampering will be minimized. If pressure setting or adjustment is external, the relief valves shall be provided with approved means for sealing adjustment.

(viii) Shutoff valves shall not be installed between the safety relief devices and the container, or the equipment or piping to which the safety relief device is connected except that a shutoff valve may be used where the arrangement of this valve is such that full required capacity flow through the safety relief device is always afforded.

(ix) Safety relief valves shall have direct communication with the vapor space of the container at all times.

(x) Each container safety relief valve used with systems covered by paragraphs (d), (e), (g), and (h) of this section, except as provided in paragraph (e)(3)(iii) of this section shall be plainly and permanently marked with the following: "Container Type" of the pressure vessel on which the valve is designed to be installed; the pressure in p.s.i.g. at which the valve is set to discharge; the actual rate of discharge of the valve in cubic feet per minute of air at 60° F. and 14.7 p.s.i.a.; and the manufacturer's name and catalog number, for example: T200–250–4050 AIR—indicating that the valve is suitable for use on a Type 200 container, that it is set to start to discharge at 250 p.s.i.g.; and that its rate of discharge is 4,050 cubic feet per minute of air as determined in subdivision (ii) of this subparagraph.

(xi) Safety relief valve assemblies, including their connections, shall be of sufficient size so as to provide the rate of flow required for the container on which they are installed.

(xii) A hydrostatic relief valve shall be installed between each pair of shutoff valves on liquefied petroleum gas liquid piping so as to relieve into a safe atmosphere. The start-to-discharge pressure setting of such relief valves shall not be in excess of 500 p.s.i.g. The minimum setting on relief valves installed in piping connected to other than DOT containers shall not be lower than 140 percent of the container relief valve setting and in piping connected to DOT containers not lower than 400 p.s.i.g. Such a relief valve should not be installed in the pump discharge piping if the same protection can be provided by installing the relief valve in the suction piping. The start-to-discharge pressure setting of such a relief valve, if installed on the discharge side of a pump, shall be greater than the maximum pressure permitted by the recirculation device in the system.

(xiii) The discharge from any safety relief device shall not terminate in or beneath any building, except relief devices covered by subparagraphs (6)(i)(a)–(c) of this paragraph, or paragraphs, (c)(4)(i) or (5) of this section.

(xiv) Container safety relief devices and regulator relief vents shall be located not less than five (5) feet in any direction from air openings into sealed combustion system appliances or mechanical ventilation air intakes.

(11) *Vaporizer and housing.* (i) Indirect fired vaporizers utilizing steam, water, or other heating medium shall be constructed and installed as follows:

(a) Vaporizers shall be constructed in accordance with the requirements of subparagraph (3)(i)–(iii) of this paragraph and shall be permanently marked as follows:

(1) With the code marking signifying the specifications to which the vaporizer is constructed.

(2) With the allowable working pressure and temperature for which the vaporizer is designed.

(3) With the sum of the outside surface area and the inside heat exchange surface area expressed in square feet.

(4) With the name or symbol of the manufacturer.

(b) Vaporizers having an inside diameter of 6 inches or less exempted by the ASME Unfired Pressure Vessel Code, Section VIII of the ASME Boiler and Pressure Vessel Code—1968 shall have a design pressure not less than 250 p.s.i.g. and need not be permanently marked.

(c) Heating or cooling coils shall not be installed inside a storage container.

(d) Vaporizers may be installed in buildings, rooms, sheds, or lean-tos used exclusively for gas manufacturing or distribution, or in other structures of light, noncombustible construction or equivalent, well ventilated near the floor line and roof.

When vaporizing and/or mixing equipment is located in a structure or building not used exclusively for gas manufacturing or distribution, either attached to or within such a building, such structure or room shall be separated from the remainder of the building by a wall designed to withstand a static pressure of at least 100 pounds per square foot. This wall shall have no openings or pipe or conduit passing through it. Such structure or room shall be provided with adequate ventilation and shall have a roof or at least one exterior wall of lightweight construction.

(e) Vaporizers shall have, at or near the discharge, a safety relief valve providing an effective rate of discharge in accordance with subparagraph (10)(iii) of this paragraph, except as provided in paragraph (d)(4)(v)(a), of this section.

(f) The heating medium lines into and leaving the vaporizer shall be provided with suitable means for preventing the flow of gas into the heat systems in the event of tube rupture in the vaporizer. Vaporizers shall be provided with suitable automatic means to prevent liquid passing through the vaporizers to the gas discharge piping.

(g) The device that supplies the necessary heat for producing steam, hot water, or other heating medium may be installed in a building, compartment, room, or lean-to which shall be ventilated near the floorline and roof to the outside. The device location shall be separated from all compartments or rooms containing liquefied petroleum gas vaporizers, pumps, and central gas mixing devices by a wall designed to withstand a static pressure of at least 100 pounds per square foot. This wall shall have no openings or pipes or conduit passing through it. This requirement does not apply to the domestic water heaters which may supply heat for a vaporizer in a domestic system.

(h) Gas-fired heating systems supplying heat exclusively for vaporization purposes shall be equipped with automatic safety devices to shut off the flow of gas to main burners, if the pilot light should fail.

(i) Vaporizers may be an integral part of a fuel storage container directly connected to the liquid section or gas section or both.

(j) Vaporizers shall not be equipped with fusible plugs.

(k) Vaporizer houses shall not have unprotected drains to sewers or sump pits.

(ii) Atmospheric vaporizers employing heat from the ground or surrounding air shall be installed as follows:

(a) Buried underground, or

(b) Located inside the building close to a point at which pipe enters the building provided the capacity of the unit does not exceed 1 quart.

(c) Vaporizers of less than 1 quart capacity heated by the ground or surrounding air, need not be equipped with safety relief valves provided that adequate tests demonstrate that the assembly is safe without safety relief valves.

(iii) Direct gas-fired vaporizers shall be constructed, marked, and installed as follows:

(a)(1) In accordance with the requirements of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code—1968 that are applicable to the maximum working conditions for which the vaporizer is designed.

(2) With the name of the manufacturer; rated BTU input to the burner; the area of the heat exchange surface in square feet; the outside surface of the vaporizer in square feet; and the maximum vaporizing capacity in gallons per hour.

(b)(1) Vaporizers may be connected to the liquid section or the gas section of the storage container, or both; but in any case there shall be at the container a manually operated valve in each connection to permit completely shutting off when desired, of all flow of gas or liquid from container to vaporizer.

(2) Vaporizers with capacity not exceeding 35 gallons per hour shall be located at least 5 feet from container shutoff valves. Vaporizers having capacity of more than 35 gallons but not exceeding 100 gallons per hour shall be located at least 10 feet from the container shutoff valves. Vaporizers having a capacity greater than 100 gallons per hour shall be located at least 15 feet from container shutoff valves.

(c) Vaporizers may be installed in buildings, rooms, housings, sheds, or lean-tos used exclusively for vaporizing or mixing of liquefied petroleum gas. Vaporizing housing structures shall be of noncombustible construction, well ventilated near the floorline and the highest point of the roof. When vaporizer and/or mixing equipment is located in a structure or room attached to or within a building, such structure or room shall be separated from the remainder of the building by a wall designed to withstand a static pressure of at least 100 pounds per square foot. This wall shall have no openings or pipes or conduit passing through it. Such structure or room shall be provided with adequate ventilation, and shall have a roof or at least one exterior wall of lightweight construction.

(d) Vaporizers shall have at or near the discharge, a safety relief valve providing an effective rate of discharge in accordance with subparagraph (10)(iii) of this paragraph. The relief valve shall be so located as not to be subjected to temperatures in excess of 140° F.

(e) Vaporizers shall be provided with suitable automatic means to prevent liquid passing from the vaporizer to the gas discharge piping of the vaporizer.

(f) Vaporizers shall be provided with means for manually turning off the gas to the main burner and pilot.

(g) Vaporizers shall be equipped with automatic safety devices to shut off the flow of gas to main burners if the pilot light should fail. When the flow through the pilot exceeds 2,000 B.t.u. per hour, the pilot also shall be equipped with an automatic safety device to shut off the flow of gas to the pilot should the pilot flame be extinguished.

(h) Pressure regulating and pressure reducing equipment if located within 10 feet of a direct fired vaporizer shall be separated from the open flame by a substantially airtight noncombustible partition or partitions.

(i) Except as provided in (c) of this subdivision, the following minimum distances shall be maintained between direct fired vaporizers and the nearest important building or group of buildings or line of adjoining property which may be built upon:

Ten feet for vaporizers having a capacity of 15 gallons per hour or less vaporizing capacity.

Twenty-five feet for vaporizers having a vaporizing capacity of 16 to 100 gallons per hour.

Fifty feet for vaporizers having a vaporizing capacity exceeding 100 gallons per hour.

(j) Direct fired vaporizers shall not raise the product pressure above the design pressure of the vaporizer equipment nor shall they raise the product pressure within the storage container above the pressure shown in the second column of Table H–31.

(k) Vaporizers shall not be provided with fusible plugs.

(l) Vaporizers shall not have unprotected drains to sewers or sump pits.

(iv) Direct gas-fired tank heaters shall be constructed and installed as follows:

(a) Direct gas-fired tank heaters, and tanks to which they are applied, shall only be installed above ground.

(b) Tank heaters shall be permanently marked with the name of the manufacturer, the rated B.t.u. input to the burner, and the maximum vaporizing capacity in gallons per hour.

(c) Tank heaters may be an integral part of a fuel storage container directly connected to the container liquid section, or vapor section, or both.

(d) Tank heaters shall be provided with a means for manually turning off the gas to the main burner and pilot.

(e) Tank heaters shall be equipped with an automatic safety device to shut off the flow of gas to main burners, if the pilot light should fail. When flow through pilot exceeds 2,000 B.t.u. per hour, the pilot also shall be equipped with an automatic safety device to shut off the flow of gas to the pilot should the pilot flame be extinguished.

(f) Pressure regulating and pressure reducing equipment if located within 10 feet of a direct fired tank heater shall be separated from the open flame by a substantially airtight noncombustible partition.

(g) The following minimum distances shall be maintained between a storage tank heated by a direct fired tank heater and the nearest important building or group of buildings or line of adjoining property which may be built upon:

Ten feet for storage containers of less than 500 gallons water capacity.

Twenty-five feet for storage containers of 500 to 1,200 gallons water capacity.

Fifty feet for storage containers of over 1,200 gallons water capacity.

(h) No direct fired tank heater shall raise the product pressure within the storage container over 75 percent of the pressure set out in the second column of Table H–31.

(v) The vaporizer section of vaporizer-burners used for dehydrators or dryers shall be located outside of buildings; they shall be constructed and installed as follows:

(a) Vaporizer-burners shall have a minimum design pressure of 250 p.s.i.g. with a factor of safety of five.

(b) Manually operated positive shutoff valves shall be located at the containers to shut off all flow to the vaporizer-burners.

(c) Minimum distances between storage containers and vaporizer-burners shall be as follows:

Water capacity per container (gallons)	*Minimum distances (feet)*
Less than 501	10
501 to 2,000	25
Over 2,000	50

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(*d*) The vaporizer section of vaporizer-burners shall be protected by a hydrostatic relief valve. The relief valve shall be located so as not to be subjected to temperatures in excess of 140° F. The start-to-discharge pressure setting shall be such as to protect the components involved, but not less than 250 p.s.i.g. The discharge shall be directed upward and away from component parts of the equipment and away from operating personnel.

(*e*) Vaporizer-burners shall be provided with means for manually turning off the gas to the main burner and pilot.

(*f*) Vaporizer-burners shall be equipped with automatic safety devices to shut off the flow of gas to the main burner and pilot in the event the pilot is extinguished.

(*g*) Pressure regulating and control equipment shall be located or protected so that the temperatures surrounding this equipment shall not exceed 140° F. except that equipment components may be used at higher temperatures if designed to withstand such temperatures.

(*h*) Pressure regulating and control equipment when located downstream of the vaporizer shall be designed to withstand the maximum discharge temperature of the vapor.

(*i*) The vaporizer section of vaporizer-burners shall not be provided with fusible plugs.

(*j*) Vaporizer coils or jackets shall be made of ferrous metal or high temperature alloys.

(*k*) Equipment utilizing vaporizer-burners shall be equipped with automatic shutoff devices upstream and downstream of the vaporizer section connected so as to operate in the event of excessive temperature, flame failure, and, if applicable, insufficient airflow.

(12) *Filling densities.* (i) The "filling density" is defined as the percent ratio of the weight of the gas in a container to the weight of water the container will hold at 60° F. All containers shall be filled according to the filling densities shown in Table H–27.

TABLE H–27—MAXIMUM PERMITTED FILLING DENSITY

Specific gravity at 60° F. (15.6° C.)	Aboveground containers		Underground containers, all capacities
	0 to 1,200 U.S. gals. (1,000 imp. gal., 4,550 liters) total water cap.	Over 1,200 U.S. gals. (1,000 imp. gal., 4,550 liters) total water cap.	
	Percent	*Percent*	*Percent*
0.496–0.503	41	44	45
.504–.510	42	45	46
.511–.519	43	46	47
.520–.527	44	47	48
.528–.536	45	48	49
.537–.544	46	49	50
.545–.552	47	50	51
.553–.560	48	51	52
.561–.568	49	52	53
.569–.576	50	53	54
.577–.584	51	54	55
.585–.592	52	55	56
.593–.600	53	56	57

(ii) Except as provided in subdivision (iii) of this subparagraph, any container including mobile cargo tanks and portable tank containers regardless of size or construction, shipped under DOT jurisdiction or constructed in accordance with 49 CFR Chapter I Specifications shall be charged according to 49 CFR Chapter I requirements.

(iii) Portable containers not subject to DOT jurisdiction (such as, but not limited to, motor fuel containers on industrial and lift trucks, and farm tractors covered in paragraph (e) of this section, or containers recharged at the installation) may be filled either by weight, or by volume using a fixed length dip tube gaging device.

(13) *LP-Gas in buildings.* (i) Vapor shall be piped into buildings at pressures in excess of 20 p.s.i.g. only if the buildings or separate areas thereof, (*a*) are constructed in accordance with this section; (*b*) are used excusively to house equipment for vaporization, pressure reduction, gas mixing, gas manufacturing, or distribution, or to house internal combustion engines; industrial processes, research and experimental laboratories, or equipment and processes using such gas and having similar hazard; (*c*) buildings, structures, or equipment under construction or undergoing major renovation.

(ii) Liquid may be permitted in buildings as follows:

(*a*) Buildings, or separate areas of buildings, used exclusively to house equipment for vaporization, pressure reduction, gas mixing, gas manufacturing, or distribution, or to house internal combustion engines, industrial processes, research and experimental laboratories, or equipment and processes using such gas and having similar hazard; and when such buildings, or separate areas thereof are constructed in accordance with this section.

(*b*) Buildings, structures, or equipment under construction or undergoing major renovation provided the temporary piping meets the following conditions:

(*1*) Liquid piping inside the building shall conform to the requirements of subparagraph (8) of this paragraph, and shall not exceed three-fourths iron pipe size. Copper tubing with an outside diameter of three-fourths inch or less may be used provided it conforms to Type K of Specifications for Seamless Water Tube, ANSI H23.1–1970 (ASTM B88–69) (see Table H–24). All such piping shall be protected against construction hazards. Liquid piping inside buildings shall be kept to a minimum. Such piping shall be securely fastened to walls or other surfaces so as to provide adequate protection from breakage and so located as to subject the liquid line to lowest ambient temperatures.

(*2*) A shutoff valve shall be installed in each intermediate branch line where it takes off the main line and shall be readily accessible. A shutoff valve shall also be placed at the appliance end of the intermediate branch line. Such shutoff valve shall be upstream of any flexible connector used with the appliance.

(*3*) Suitable excess flow valves shall be installed in the container outlet line supplying liquid LP-Gas to the building. A suitable excess flow valve shall be installed immediately downstream of each shutoff valve. Suitable excess flow valves shall be installed where piping size is reduced and shall be sized for the reduced size piping.

(*4*) Hydrostatic relief valves shall be installed in accordance with subparagraph (10)(xii) of this paragraph.

(*5*) The use of hose to carry liquid between the container and the building or at any point in the liquid line, except at the appliance connector, shall be prohibited.

(*6*) Where flexible connectors are necessary for appliance installation, such connectors shall be as short as practicable and shall comply with subparagraph (8)(ii) or (9) of this paragraph.

(*7*) Release of fuel when any section of piping or appliances is disconnected shall be minimized by either of the following methods:

(*i*) Using an approved automatic quick-closing coupling (a type closing in both directions when coupled in the fuel line), or

(*ii*) Closing the valve nearest to the appliance and allowing the appliance to operate until the fuel in the line is consumed.

(iii) Portable containers shall not be taken into buildings except as provided in subparagraph (6)(i) of this paragraph.

(14) *Transfer of liquids.* The employer shall assure that (i) at least one attendant shall remain close to the transfer connection from the time the connections are first made until they are finally disconnected, during the transfer of the product.

(ii) Containers shall be filled or used only upon authorization of the owner.

(iii) Containers manufactured in accordance with specifications of 49 CFR Part 178 and authorized by 49 CFR Chapter 1 as a "single trip" or "nonrefillable container" shall not be refilled or reused in LP-Gas service.

(iv) Gas or liquid shall not be vented to the atmosphere to assist in transferring contents of one container to another, except as provided in paragraph (e)(5)(iv) of this section and except that this shall not preclude the use of listed pump utilizing LP-Gas in the vapor phase as a source of energy and venting such gas to the atmosphere at a rate not to exceed that from a No. 31 drill size opening and provided that such venting and liquid transfer shall be located not less than 50 feet from the nearest important building.

(v) Filling of fuel containers for industrial trucks or motor vehicles from industrial bulk storage containers shall be performed not less than 10 feet from the nearest important masonry-walled building or not less than 25 feet from the nearest important building or other construction and, in any event, not less than 25 feet from any building opening.

(vi) Filling of portable containers, containers mounted on skids, fuel containers on farm tractors, or similar applications, from storage containers used in domestic or commercial service, shall be performed not less than 50 feet from the nearest important building.

(vii) The filling connection and the vent from the liquid level gages in containers, filled at point of installation, shall not be less than 10 feet in any direction from air openings into sealed combustion system appliances or mechanical ventilation air intakes.

(viii) Fuel supply containers shall be gaged and charged only in the open air or in buildings especially provided for that purpose.

(ix) The maximum vapor pressure of the product at 100° F. which may be transferred into a container shall be in accordance with paragraphs (d)(2) and (e)(3) of this section. (For DOT containers use DOT requirements.)

(x) Marketers and users shall exercise precaution to assure that only those gases for which the system is designed, examined, and listed, are employed in its operation, particularly with regard to pressures.

(xi) Pumps or compressors shall be designed for use with LP-Gas. When compressors are used they shall normally take suction from the vapor space of the container being filled and discharge to the vapor space of the container being emptied.

(xii) Pumping systems, when equipped with a positive displacement pump, shall include a recirculating device which shall limit the differential pressure on the pump under normal operating conditions to the maximum differential pressure rating of the pump. The discharge of the pumping system shall be protected so that pressure does not exceed 350 p.s.i.g. If a recirculation system discharges into the supply tank and contains a manual shutoff valve, an adequate secondary safety recirculation system shall be incorporated which shall have no means of rendering it inoperative. Manual shutoff valves in recirculation systems shall be kept open except during an emergency or when repairs are being made to the system.

(xiii) When necessary, unloading piping or hoses shall be provided with suitable bleeder valves for relieving pressure before disconnection.

(xiv) Agricultural air moving equipment, including crop dryers, shall be shut down when supply containers are being filled unless the air intakes and sources of ignition on the equipment are located 50 feet or more from the container.

(xv) Agricultural equipment employing open flames or equipment with integral containers, such as flame cultivators, weed burners, and, in addition, tractors, shall be shut down during refueling.

(15) *Tank car or transport truck loading or unloading points and operations.* (i) The track of tank car siding shall be relatively level.

(ii) A "Tank Car Connected" sign, as covered by DOT rules, shall be installed at the active end or ends of the siding while the tank car is connected.

(iii) While cars are on sidetrack for loading or unloading, the wheels at both ends shall be blocked on the rails.

(iv) The employer shall insure that an employee is in attendance at all times while the tank car, cars, or trucks are being loaded or unloaded.

(v) A backflow check valve, excess-flow valve, or a shutoff valve with means of remote closing, to protect against uncontrolled discharge of LP-Gas from storage tank piping shall be installed close to the point where the liquid piping and hose or swing joint pipe is connected.

(vi) Except as provided in subdivision (vii) of this subparagraph, when the size (diameter) of the loading or unloading hoses and/or piping is reduced below the size of the tank car or transport truck loading or unloading connections, the adaptors to which lines are attached shall be equipped with either a backflow check valve, a properly sized excess flow valve, or shutoff valve with means of remote closing, to protect against uncontrolled discharge from the tank car or transport truck.

(vii) The requirement of subdivision (vi) of this subparagraph shall not apply if the tank car or transport is equipped with a quick-closing internal valve that can be remotely closed.

(viii) The tank car or transport truck loading or unloading point shall be located with due consideration to the following:

(*a*) Proximity to railroads and highway traffic.

(*b*) The distance of such unloading or loading point from adjacent property.

(*c*) With respect to buildings on installer's property.

(*d*) Nature of occupancy.

(*e*) Topography.

(*f*) Type of construction of buildings.

(*g*) Number of tank cars or transport trucks that may be safely loaded or unloaded at one time.

(*h*) Frequency of loading or unloading.

(ix) Where practical, the distance of the unloading or loading point shall conform to the distances in subparagraph (6)(ii) of this paragraph.

(16) *Instructions.* Personnel performing installation, removal, operation, and maintenance work shall be properly trained in such function.

(17) *Electrical equipment and other sources of ignition.* (i) Electrical equipment and wiring shall be of a type specified by and shall be installed in accordance with Subpart S of this part, for ordinary locations except that fixed electrical equipment in classified areas shall comply with subparagraph (18) of this paragraph.

(ii) Open flames or other sources of ignition shall not be permitted in vaporizer rooms (except those housing direct-fired vaporizers), pumphouses, container charging rooms or other similar locations. Direct-fired vaporizers shall not be permitted in pumphouses or container charging rooms.

(iii) Liquefied petroleum gas storage containers do not require lightning protection.

(iv) Since liquefied petroleum gas is contained in a closed system of piping and equipment, the system need not be electrically conductive or electrically bonded for protection against static electricity.

(v) Open flames (except as provided for in subparagraph (11) of this paragraph), cutting or welding, portable electric tools, and extension lights capable of igniting LP-Gas, shall not be permitted within classified areas specified in Table H–28 unless the LP-Gas facilities have been freed of all liquid and vapor, or special precautions observed under carefully controlled conditions.

TABLE H–28

Part	Location	Extent of classified area [1]	Equipment shall be suitable for National Electrical Code, Class 1, Group D [2]
A	Storage containers other than DOT cylinders.	Within 15 feet in all directions from connections, except connections otherwise covered in Table H–28.	Division 2.
B	Tank vehicle and tank car loading and unloading. [3]	Within 5 feet in all directions from connections regularly made or disconnected for product transfer.	Division 1.
		Beyond 5 feet but within 15 feet in all directions from a point where connections are regularly made or disconnected and within the cylindrical volume between the horizontal equator of the sphere and grade. (See Figure H–1).	Division 2.
C	Gage vent openings other than those on DOT cylinders.	Within 5 feet in all directions from point of discharge.	Division 1.
		Beyond 5 feet but within 15 feet in all directions from point of discharge.	Division 2.
D	Relief valve discharge other than those on DOT cylinders.	Within direct path of discharge.	Divison 1: *Note*—Fixed electrical equipment should preferably not be installed.
		Within 5 feet in all directions from point of discharge:	Division 1.
		Beyond 5 feet but within 15 feet in all directions from point of discharge except within the direct path of discharge.	Division 2.
E	Pumps, compressors, gas-air mixers and vaporizers other than direct fired.	----------	
	Indoors without ventilation...	Entire room and any adjacent room not separated by a gastight partition.	Division 1.
		Within 15 feet of the exterior side of any exterior wall or roof that is not vaportight or within 15 feet of any exterior opening.	Division 2.
	Indoors with adequate ventilation. [4]	Entire room and any adjacent room not separated by a gastight partition.	Division 2.
	Outdoors in open air at or abovegrade.	Within 15 feet in all directions from this equipment and within the cylindrical volume between the horizontal equator of the sphere and grade. See Figure H–1.	Division 2.

See footnotes at end of table.

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TABLE H-28—Continued

Part	Location	Extent of classified area [2]	Equipment shall be suitable for National Electrical Code, Class 1, Group D [3]
F	Service Station Dispensing Units.	Entire space within dispenser enclosure, and 18 inches horizontally from enclosure exterior up to an elevation 4 ft. above dispenser base. Entire pit or open space beneath dispenser.	Division 1.
		Up to 18 inches abovegrade within 20 ft. horizontally from any edge of enclosure. Note: For pits within this area, see Part F of this table.	Division 2.
G	Pits or trenches containing or located beneath LP-Gas valves, pumps, compressors, regulators, and similar equipment.		
	Without mechanical ventilation.	Entire pit or trench	Division 1.
		Entire room and any adjacent room not separated by a gastight partition.	Division 2.
		Within 15 feet in all directions from pit or trench when located outdoors.	Division 2.
	With adequate mechanical ventilation.	Entire pit or trench	Division 2.
		Entire room and any adjacent room not separated by a gastight partition.	Division 2.
		Within 15 feet in all directions from pit or trench when located outdoors.	Division 2.
H	Special buildings or rooms for storage of portable containers.	Entire room	Division 2.
	Pipelines and connections containing operational bleeds, drips, vents or drains.	Within 5 ft. in all directions from point of discharge	Division 1.
		Beyond 5 ft. from point of discharge, same as Part E of this table.	
I	Container filling:		
	Indoors without ventilation	Entire room	Division 1.
	Indoors with adequate ventilation.[4]	Within 5 feet in all directions from connections regularly made or disconnected for product transfer.	Division 1.
		Beyond 5 feet and entire room	Division 2.
	Outdoors in open air	Within 5 feet in all directions from connections regularly made or disconnected for product transfer.	Division 1.
		Beyond 5 feet but within 15 feet in all directions from a point where connections are regularly made or disconnected and within the cylindrical volume between the horizontal equator of the sphere and grade. (See Figure H-1)	Division 2.

[1] The classified area shall not extend beyond an unpierced wall, roof, or solid vaportight partition.
[2] See Subpart S of this part.
[3] When classifying extent of hazardous area, consideration shall be given to possible variations in the spotting of tank cars and tank vehicles at the unloading points and the effect these variations of actual spotting point may have on the point of connection.
[4] Ventilation, either natural or mechanical, is considered adequate when the concentration of the gas in a gas-air mixture does not exceed 25 percent of the lower flammable limit under normal operating conditions.

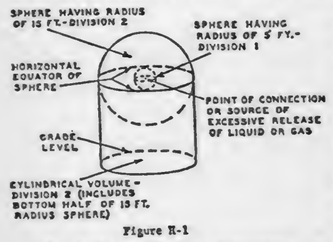


Figure H-1

(18) *Fixed electrical equipment in classified areas.* Fixed electrical equipment and wiring installed within classified areas specified in Table H-28 shall comply with Table H-28 and shall be installed in accordance with Subpart S of this part. This provision does not apply to fixed electrical equipment at residential or commercial installations of LP-Gas systems or to systems covered by paragraph (e) or (g) of this section.

(19) *Liquid-level gaging device.* (i) Each container manufactured after December 31, 1965, and filled on a volumetric basis shall be equipped with a fixed liquid-level gage to indicate the maximum permitted filling level as provided in subdivision (v) of this subparagraph. Each container manufactured after December 31, 1969, shall have permanently attached to the container adjacent to the fixed level gage a marking showing the percentage full that will be shown by that gage. When a variable liquid-level gage is also provided, the fixed liquid-level gage will also serve as a means for checking the variable gage. These gages shall be used in charging containers as required in subparagraph (12) of this paragraph.

(ii) All variable gaging devices shall be arranged so that the maximum liquid level for butane, for a 50–50 mixture of butane and propane, and for propane, to which the container may be charged is readily determinable. The markings indicating the various liquid levels from empty to full shall be on the system nameplate or gaging device or part may be on the system nameplate and part on the gaging device. Dials of magnetic or rotary gages shall show whether they are for cylindrical or spherical containers and whether for aboveground or underground service. The dials of gages intended for use only on aboveground containers of over 1,200 gallons water capacity shall be so marked.

(iii) Gaging devices that require bleeding of the product to the atmosphere, such as the rotary tube, fixed tube, and slip tube, shall be designed so that the bleed valve maximum opening is not larger than a No. 54 drill size, unless provided with excess flow valve.

(iv) Gaging devices shall have a design working pressure of at least 250 p.s.i.g.

(v) Length of tube or position of fixed liquid-level gage shall be designed to indicate the maximum level to which the container may be filled for the product contained. This level shall be based on the volume of the product at 40° F. at its maximum permitted filling density for aboveground containers and at 50° F. for underground containers. The employer shall calculate the filling point for which the fixed liquid level gage shall be designed according to the method in this subdivision.

(a) It is impossible to set out in a table the length of a fixed dip tube for various capacity tanks because of the varying tank diameters and lengths and because the tank may be installed either in a vertical or horizontal position. Knowing the maximum permitted filling volume in gallons, however, the length of the fixed tube can be determined by the use of a strapping table obtained from the container manufacturer. The length of the fixed tube should be such that when its lower end touches the surface of the liquid in the container, the contents of the container will be the maximum permitted volume as determined by the following formula:

$$\frac{\text{Water capacity (gals.) of container}^{*} \times \text{filling density}^{**}}{\text{Specific gravity of LP-Gas}^{*} \times \text{volume correction factor}^{\dagger} \times 100} = \text{Maximum volume of LP-Gas}$$

*Measured at 60° F.
**From subparagraph (12) of this paragraph "Filling Densities."
†For aboveground containers the liquid temperature is assumed to be 40° F. and for underground containers the liquid temperature is assumed to be 50° F. To correct the liquid volumes at these temperatures to 60° F. the following factors shall be used.

(b) Formula for determining maximum volume of liquefied petroleum gas for which a fixed length of dip tube shall be set:

TABLE H-29—VOLUME CORRECTION FACTORS

Specific gravity	Aboveground	Underground
0.500	1.033	1.017
.510	1.031	1.016
.520	1.029	1.015
.530	1.028	1.014
.540	1.026	1.013
.550	1.025	1.013
.560	1.024	1.012
.570	1.023	1.011
.580	1.021	1.011
.590	1.020	1.010

Example: Assume a 100-gallon total water capacity tank for aboveground storage of propane having a specific gravity of 0.510 of 60° F.

$$\frac{100 \text{ (gals.)} \times 42 \text{ (filling density from subparagraph (12) of this paragraph)}}{0.510 \times 1.031 \text{ (correction factor from Table H-29)} \times 100} = \frac{4200}{52.6}$$

$\frac{4200}{52.6}$ = 79.8 gallons propane, the maximum amount permitted to be placed in a 100-gallon total water capacity aboveground container equipped with a fixed dip tube.

$$\frac{\text{Maximum volume of LP-Gas (from formula in subdivision (b) of this subdivision)} \times 100}{\text{Total water content of container in gallons}} = \text{Maximum percent of LP-Gas}$$

	Aboveground, pounds per gallon	Underground, pounds per gallon
Propane	4.37	4.31
N Butane	4.97	4.92

(vi) Fixed liquid-level gages used on containers other than DOT containers shall be stamped on the exterior of the gage with the letters "DT" followed by the vertical distance (expressed in inches and carried out to one decimal place) from the top of container to the end of the dip tube or to the centerline of the gage when it is located at the maximum permitted filling level. For portable containers that may be filled in the horizontal and/or vertical position the letters "DT" shall be followed by "V" with the vertical distance from the top of the container to the end of the dip tube for vertical filling and with "H" followed by the proper distance for horizontal filling. For DOT containers the stamping shall be placed both on the exterior of the gage and on the container. On aboveground or cargo containers where the gages are positioned at specific levels, the marking may be specified in percent of total tank contents and the marking shall be stamped on the container.

(vii) Gage glasses of the columnar type shall be restricted to charging plants where the fuel is withdrawn in the liquid phase only. They shall be equipped with valves having metallic handwheels, with excess flow valves, and with extra-heavy glass adequately protected with a metal housing applied by the gage manufacturer. They shall be shielded against the direct rays of the sun. Gage glasses of the columnar type are prohibited on tank trucks, and on motor fuel tanks, and on containers used in domestic, commercial, and industrial installations.

(viii) Gaging devices of the float, or equivalent type which do not require flow for their operation and having connections extending to a point outside the container do not have to be equipped with excess flow valves provided the piping and fittings are adequately designed to withstand the container pressure and are properly protected against physical damage and breakage.

(20) *Requirements for appliances.* (i) Except as provided in subdivision (ii) of this subparagraph, new commercial and industrial gas consuming appliances shall be approved.

(ii) Any appliance that was originally manufactured for operation with a gaseous fuel other than LP-Gas and is in good condition may be used with LP-Gas only after it is propertly converted, adapted, and tested for performance with LP-Gas before the appliance is placed in use.

(iii) Unattended heaters used inside buildings for the purpose of animal or poultry production or care shall be equipped with an approved automatic device designed to shut off the flow of gas to the main burners, and pilot if used, in the event of flame extinguishment.

(c) The maximum volume of LP-Gas which can be placed in a container when determining the length of the dip tube expressed as a percentage of total water content of the container is calculated by the following formula.

(d) The maximum weight of LP-Gas which may be placed in a container *for determining the length of a fixed dip tube* is determined by multiplying the maximum volume of liquefied petroleum gas obtained by the formula in (b) of this subdivision by the pounds of liquefied petroleum gas in a gallon at 40° F. for aboveground and at 50° F. for underground containers. For example, typical pounds per gallon are specified below:

(iv) All commercial, industrial, and agricultural appliances or equipment shall be installed in accordance with the requirements of this section and in accordance with the following:

(a) Domestic and commercial appliances—NFPA 54–1969, Standard for the Installation of Gas Appliances and Gas Piping.

(b) Industrial appliances—NFPA 54A–1969, Standard for the Installation of Gas Piping and Gas Equipment on Industrial Premises and Certain Other Premises.

(c) Standard for the Installation and Use of Stationary Combustion Engines and Gas Turbines—NFPA 37–1970.

(d) Standard for the Installation of Equipment for the Removal of Smoke and Grease-Laden Vapors from Commercial Cooking Equipment, NFPA 96–1970.

(c) *Cylinder systems*—(1) *Application.* This paragraph applies specifically to systems utilizing containers constructed in accordance with DOT Specifications. All requirements of paragraph (b) of this section apply to this paragraph unless otherwise noted in paragraph (b) of this section.

(2) *Marking of containers.* (i) Containers shall be marked in accordance with DOT regulations. Additional markings not in conflict with DOT regulations may be used.

(ii) Except as provided in subdivision (iii) of this subparagraph each container shall be marked with its water capacity in pounds or other identified unit of weight.

(iii) If a container is filled and maintained only by the owner or his representative and if the water capacity of each container is identified by a code, compliance with subdivision (ii) of this subparagraph is not required.

(iv) Each container shall be marked with its tare weight in pounds or other identified unit of weight including all permanently attached fittings but not the cap.

(3) *Description of a system.* A system shall include the container base or bracket, containers, container valves, connectors, manifold valve assembly, regulators, and relief valves.

(4) *Containers and regulating equipment installed outside of buildings or structures.* (i) Containers shall not be buried below ground. However, this shall not prohibit the installation in a compartment or recess below grade level, such as a niche in a slope or terrace wall which is used for no other purpose, providing that the container and regulating equipment are not in contact with the ground and the compartment or recess is drained and ventilated horizontally to the outside air from its lowest level, with the outlet at least 3 feet away from any building opening which is below the level of such outlet.

Except as provided in paragraph (b) (10) (xiii) of this section, the discharge from safety relief devices shall be located not less than 3 feet horizontally away from any building opening which is below the level of such discharge and shall not terminate beneath any building unless

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such space is well ventilated to the outside and is not enclosed on more than two sides.

(ii) Containers shall be set upon firm foundation or otherwise firmly secured; the possible effect on the outlet piping of settling shall be guarded against by a flexible connection or special fitting.

(5) *Containers and equipment used inside of buildings or structures.* (i) When operational requirements make portable use of containers necessary and their location outside of buildings or structure is impracticable, containers and equipment are permitted to be used inside of buildings or structures in accordance with (*a*) through (*l*) of this subdivision, and, in addition, such other provisions of this subparagraph as are applicable to the particular use or occupancy.

(*a*) Containers in use shall mean connected for use.

(*b*) Systems utilizing containers having a water capacity greater than 2½ pounds (nominal 1 pound LP-Gas capacity) shall be equipped with excess flow valves. Such excess flow valves shall be either integral with the container valves or in the connections to the container valve outlets. In either case, an excess flow valve shall be installed in such a manner that any undue strain beyond the excess flow valve will not cause breakage between the container and the excess flow valve. The installation of excess flow valves shall take into account the type of valve protection provided.

(*c*) Regulators, if used, shall be either directly connected to the container valves or to manifolds connected to the container values. The regulator shall be suitable for use with LP-Gas. Manifolds and fittings connecting containers to pressure regulator inlets shall be designed for at least 250 p.s.i.g. service pressure.

(*d*) Valves on containers having a water capacity greater than 50 pounds (nominal 20 pounds LP-Gas capacity) shall be protected while in use.

(*e*) Containers shall be marked in accordance with paragraph (b)(5)(iii) of this section and subparagraph (2) of this paragraph.

(*f*) Pipe or tubing shall conform to paragraph (b)(8) of this section except that aluminum pipe or tubing shall not be used.

(*g*) (*1*) Hose shall be designed for a working pressure of at least 250 p.s.i.g. Hose and hose connections shall have their correctness as to design, construction and performance determined by listing by Underwriters' Laboratories, Inc., or Factory Mutual Engineering Corp. The hose length may exceed the length specified in paragraph (b)(9)(vii)(*b*) of this section, but shall be as short as practicable.

(2) Hose shall be long enough to permit compliance with spacing provisions of this subparagraph without kinking or straining or causing hose to be so close to a burner as to be damaged by heat.

(*h*) Portable heaters, including salamanders, shall be equipped with an approved automatic device to shut off the flow of gas to the main burner, and pilot if used, in the event of flame extinguishment. Such heaters having inputs above 50,000 B.t.u. manufactured on or after May 17, 1967, and such heaters having inputs above 100,000 B.t.u. manufactured before May 17, 1967, shall be equipped with either.

(*1*) A pilot which must be lighted and proved before the main burner can be turned on; or

(2) An electric ignition system.

The provisions of this subdivision (*h*) do not apply to tar kettle burners, torches, melting pots, nor do they apply to portable heaters under 7,500 B.t.u.h. input when used with containers having a maximum water capacity of 2½ pounds. Container valves, connectors, regulators, manifolds, piping, and tubing shall not be used as structural supports for heaters.

(i) Containers, regulating equipment, manifolds, pipe, tubing, and hose shall be located so as to minimize exposure to abnormally high temperatures (such as may result from exposure to convection or radiation from heating equipment or installation in confined spaces), physical damage, or tampering by unauthorized persons.

(*j*) Heat producing equipment shall be located and used so as to minimize the possibility of ignition of combustibles.

(*k*) Containers having a water capacity greater than 2½ pounds (norminal 1 pound LP-Gas capacity) connected for use, shall stand on a firm and substantially level surface and, when necessary, shall be secured in an upright position.

(*l*) Containers, including the valve protective devices, shall be installed so as to minimize the probability of impingement of discharge of safety relief devices upon containers.

(ii) Containers having a maximum water capacity of 2½ pounds (nominal 1 pound LP-Gas capacity) are permitted to be used inside of buildings as part of approved self-contained hand torch assemblies or similar appliances.

(iii) Containers having a maximum water capacity of 12 pounds (nominal 5 pounds LP-Gas capacity) are permitted to be used temporarily inside of buildings for public exhibition or demonstration purposes, including use for classroom demonstrations.

(iv) (*a*) When buildings frequented by the public are open to the public, containers are permitted to be used for repair or minor renovation as follows:

(*1*) The maximum water capacity of individual containers shall be 50 pounds (nominal 20 pounds LP-Gas capacity).

(2) The number of LP-Gas containers shall not exceed the number of workmen assigned to using the LP-Gas.

(3) Containers having a water capacity greater than 2½ pounds (nominal 1 pound LP-Gas capacity) shall not be left unattended in such buildings.

(*b*) When buildings frequented by the public are not open to the public, containers are permitted to be used for repair or minor renovations, as follows:

The provisions of subdivision (v) of this subparagraph shall apply except that containers having a water capacity greater than 2½ pounds (nominal 1 pound LP-Gas capacity) shall not be left unattended in such buildings.

(v) Containers are permitted to be used in buildings or structures under construction or undergoing major renovation when such buildings or structures are not occupied by the public, as follows:

(*a*) The maximum water capacity of individual containers shall be 245 pounds (nominal 100 pounds LP-Gas capacity).

(*b*) For temporary heating such as curing concrete, drying plaster and similar applications, heaters (other than integral heater-container units) shall be located at least 6 feet from any LP-Gas container. This shall not prohibit the use of heaters specifically designed for attachment to the container or to a supporting standard, provided they are designed and installed so as to prevent direct or radiant heat application from the heater onto the container. Blower and radiant type heaters shall not be directed toward any LP-Gas container within 20 feet.

(*c*) If two or more heater-container units, of either the integral or nonintegral type, are located in an unpartitioned area on the same floor, the container or containers of each unit shall be separated from the container or containers of any other unit by at least 20 feet.

(*d*) When heaters are connected to containers for use in an unpartitioned area on the same floor, the total water capacity of containers manifolded together for connection to a heater or heaters shall not be greater than 735 pounds (nominal 300 pounds LP-Gas capacity). Such manifolds shall be separated by at least 20 feet.

(*e*) On floors on which heaters are not connected for use, containers are permitted to be manifolded together for connection to a heater or heaters on another floor, *Provided*:

(*1*) The total water capacity of containers connected to any one manifold is not greater than 2,450 pounds (nominal 1,000 pounds LP-Gas capacity) and;

(2) Where more than one manifold having a total water capacity greater than 735 pounds (nominal 300 pounds LP-Gas capacity) are located in the same unpartitioned area, they shall be separated by at least 50 feet.

(*f*) Storage of containers awaiting use shall be in accordance with paragraph (f) of this section.

(vi) Containers are permitted to be used in industrial occupancies for processing, research, or experimental purposes as follows:

(*a*) The maximum water capacity of individual containers shall be 245 pounds (nominal 100 pounds LP-Gas capacity).

(*b*) Containers connected to a manifold shall have a total water capacity not greater than 735 pounds (nominal 300 pounds LP-Gas capacity) and not more than one such manifold may be located in the same room unless separated at least 20 feet from a similar unit.

(*c*) The amount of LP-Gas in containers for research and experimental use shall be limited to the smallest practical quantity.

(vii) (*a*) Containers are permitted to be used in industrial occupancies with essentially noncombustible contents where portable equipment for space heating is essential and where a permanent heating installation is not practical, as follows:

(*b*) Containers and heaters shall comply with and be used in accordance with subdivision (v) of this subparagraph.

(viii) Containers are permitted to be used in buildings for temporary emergency heating purposes, if necessary to prevent damage to the buildings or contents, when the permanent heating system is temporarily out of service, as follows:

(*a*) Containers and heaters shall comply with and be used in accordance with subdivision (v) of this subparagraph.

(*b*) The temporary heating equipment shall not be left unattended.

(ix) Containers are permitted to be used temporarily in buildings for training purposes related in installation and use of LP-gas systems, as follows:

(*a*) The maximum water capacity of individual containers shall be 245 pounds (nominal 100 pounds LP-Gas capacity), but the maximum quantity of LP-Gas that may be placed in each container shall be 20 pounds.

(*b*) If more than one such container is located in the same room, the containers shall be separated by at least 20 feet.

(*c*) Containers shall be removed from the building when the training class has terminated.

(6) *Container valves and accessories.*

(i) Valves in the assembly of multiple container systems shall be arranged so that replacement of containers can be made without shutting off the flow of gas in the system.

NOTE: This provision is not to be construed as requiring an automatic changeover device.

(ii) Regulators and low-pressure relief devices shall be rigidly attached to the cylinder valves, cylinders, supporting standards, the building walls or otherwise rigidly secured and shall be so installed or protected that the elements (sleet, snow, or ice) will not affect their operation.

(iii) Valves and connections to the containers shall be protected while in transit, in storage, and while being moved into final utilization, as follows:

(*a*) By setting into the recess of the container to prevent the possibility of their being struck if the container is dropped upon a flat surface, or

(*b*) By ventilated cap or collar, fastened to the container capable of withstanding a blow from any direction equivalent to that of a 30-pound weight dropped 4 feet. Construction must be such that a blow will not be transmitted to the valve or other connection.

(iv) When containers are not connected to the system, the outlet valves shall be kept tightly closed or plugged, even though containers are considered empty.

(v) Containers having a water capacity in excess of 50 pounds (approximately 21 pounds LP-Gas capacity), recharged at the installation, shall be provided with excess flow or backflow check valves to prevent the discharge of container contents in case of failure of the filling or equalizing connection.

(7) *Safety devices.* (i) Containers shall be provided with safety devices as required by DOT regulations.

(ii) A final stage regulator of an LP-Gas system (excluding any appliance regulator) shall be equipped on the low-pressure side with a relief valve which is set to start to discharge within the limits specified in Table H–30.

TABLE H-30

Regulator delivery pressure	Relief valve start-to-discharge pressure setting (percent of regulator delivery pressure)	
	Minimum	Maximum
1 p.s.i.g. or less	200	300
Above 1 p.s.i.g. but not over 3 p.s.i.g.	140	200
Above 3 p.s.i.g.	125	200

(iii) When a regulator or pressure relief valve is used inside a building for other than purposes specified in paragraph (b)(6)(i)(*a*)–(*g*) of this section, the relief valve and the space above the regulator and relief valve diaphragms shall be vented to the outside air with the discharge outlet located not less than 3 feet horizontally away from any building opening which is below such discharge. These provisions do not apply to individual appliance regulators when protection is otherwise provided nor to subparagraph (5) of this paragraph and paragraph (b)(10)(xiii) of this section. In buildings devoted exclusively to gas distribution purposes, the space above the diaphragm need not be vented to the outside.

(8) *Reinstallation of containers.* Containers shall not be reinstalled unless they are requalified in accordance with DOT regulations.

(9) *Permissible product.* A product shall not be placed in a container marked with a service pressure less than four-fifths of the maximum vapor pressure of product at 130° F.

(d) *Systems utilizing containers other than DOT containers.*

(1) *Application.* This paragraph applies specifically to systems utilizing storage containers other than those constructed in accordance with DOT specifications. Paragraph (b) of this section applies to this paragraph unless otherwise noted in paragraph (b) of this section.

(2) *Design pressure and classification of storage containers.* Storage containers shall be designed and classified in accordance with Table H–31.

TABLE H-31

Container type	For gases with vapor press. Not to exceed lb. per sq. in. gage at 100° F. (37.8° C.)	Minimum design pressure of container, lb. per sq. in. gage	
		1949 and earlier editions of ASME Code (Par. U–68, U–69)	1949 edition of ASME Code (Par. U–200, U–201); 1950, 1952, 1956, 1959, 1962, 1965, and 1968 (Division 1) editions of ASME Code; All editions of API–ASME Code[3]
[1] 80	[1] 80	[1] 80	[1] 100
100	100	100	125
125	125	125	156
150	150	150	187
175	175	175	219
[2] 200	215	200	250

[1] New storage containers of the 80 type have not been authorized since Dec. 31, 1947.

[2] Container type may be increased by increments of 25. The minimum design pressure of containers shall be 100% of the container type designation when constructed under 1949 or earlier editions of the ASME Code (Par. U–68 and U–69). The minimum design pressure of containers shall be 125% of the container type designation when constructed under: (1) the 1949 ASME Code (Par. U–200 and U–201), (2) 1950, 1952, 1956, 1959, 1962, 1965, and 1968 (Division 1) editions of the ASME Code, and (3) all editions of the API–ASME Code.

[3] Construction of containers under the API-ASME Code is not authorized after July 1, 1961.

(3) *Container valves and accessories, filler pipes, and discharge pipes.* (i) The filling pipe inlet terminal shall not be located inside a building. For containers with a water capacity of 125 gallons or more, such terminals shall be located not less than 10 feet from any building (see paragraph (b)(6)(ii) of this section), and preferably not less than 5 feet from any driveway, and shall be located in a protective housing built for the purpose.

(ii) The filling connection shall be fitted with one of the following:

(*a*) Combination back-pressure check valve and excess flow valve.

(*b*) One double or two single back-pressure check valves.

(*c*) A positive shutoff valve, in conjunction with either:

(*1*) An internal back pressure valve, or

(2) An internal excess flow valve.

(iii) All openings in a container shall be equipped with approved automatic excess flow valves except in the following: filling connections as provided in subdivision (ii) of this subparagraph; safety relief connections, liquid-level gaging devices as provided in paragraphs (b)(7)(iv), (19)(iii), and (19)(viii) of this section; pressure gage connections as provided in paragraph (b)(7)(v) of this section, as provided in subdivisions (iv), (vi), and (vii) of this subparagraph.

(iv) An excess flow valve is not required in the withdrawal service line providing the following are complied with:

(*a*) Such systems' total water capacity does not exceed 2,000 U.S. gallons.

(*b*) The discharge from the service outlet is controlled by a suitable manually operated shutoff valve which is:

(*1*) Threaded directly into the service outlet of the container; or

(2) Is an integral part of a substantial fitting threaded into or on the service outlet of the container; or

(3) Threaded directly into a substantial fitting threaded into or on the service outlet of the container.

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(c) The shutoff valve is equipped with an attached handwheel or the equivalent.

(d) The controlling orifice between the contents of the container and the outlet of the shutoff valve does not exceed five-sixteenths inch in diameter for vapor withdrawal systems and one-eighth inch in diameter for liquid withdrawal systems.

(e) An approved pressure-reducing regulator is directly attached to the outlet of the shutoff valve and is rigidly supported, or that an approved pressure-reducing regulator is attached to the outlet of the shutoff valve by means of a suitable flexible connection, provided the regulator is adequately supported and properly protected on or at the tank.

(v) All inlet and outlet connections except safety relief valves, liquid level gaging devices and pressure gages on containers of 2,000 gallons water capacity, or more, and on any container used to supply fuel directly to an internal combustion engine, shall be labeled to designate whether they communicate with vapor or liquid space. Labels may be on valves.

(vi) In lieu of an excess flow valve openings may be fitted with a quick-closing internal valve which, except during operating periods shall remain closed. The internal mechanism for such valves may be provided with a secondary control which shall be equipped with a fusible plug (not over 220° F. melting point) which will cause the internal valve to close automatically in case of fire.

(vii) Not more than two plugged openings shall be permitted on a container of 2,000 gallons or less water capacity.

(viii) Containers of 125 gallons water capacity or more manufactured after July 1, 1961, shall be provided with an approved device for liquid evacuation, the size of which shall be three-fourths inch National Pipe Thread minimum. A plugged opening will not satisfy this requirement.

(4) *Safety devices.* (i) All safety devices shall comply with the following:

(a) All container safety relief devices shall be located on the containers and shall have direct communication with the vapor of space of the container.

(b) In industrial and gas manufacturing plants, discharge pipe from safety relief valves on pipe lines within a building shall discharge vertically upward and shall be piped to a point outside a building.

(c) Safety relief device discharge terminals shall be so located as to provide protection against physical damage and such discharge pipes shall be fitted with loose raincaps. Return bends and restrictive pipefittings shall not be permitted.

(d) If desired, discharge lines from two or more safety relief devices located on the same unit, or similar lines from two or more different units, may be run into a common discharge header, provided that the cross-sectional area of such header be at least equal to the sum of the cross-sectional area of the individual discharge lines, and that the setting of safety relief valves are the same.

(e) Each storage container of over 2,000 gallons water capacity shall be provided with a suitable pressure gage.

(f) A final stage regulator of an LP-Gas system (excluding any appliance regulator) shall be equipped on the low-pressure side with a relief valve which is set to start to discharge within the limits specified in Table H-30.

(g) When a regulator or pressure relief valve is installed inside a building, the relief valve and the space above the regulator and relief valve diaphragms shall be vented to the outside air with the discharge outlet located not less than 3 feet horizontally away from any opening into the building which is below such discharge. (These provisions do not apply to individual appliance regulators when protection is otherwise provided. In buildings devoted exclusively to gas distribution purposes, the space above the diaphragm need not be vented to the outside.)

(ii) Safety devices for aboveground containers shall be provided as follows:

(a) Containers of 1,200 gallons water capacity or less which may contain liquid fuel when installed above ground shall have the rate of discharge required by paragraph (b) (10) (ii) of this section provided by a spring-loaded relief valve or valves. In addition to the required spring-loaded relief valve(s), suitable fuse plug(s) may be used provided the total discharge area of the fuse plug(s) for each container does not exceed 0.25 square inch.

(b) The fusible metal of the fuse plugs shall have a yield temperature of 208° F. minimum and 220° F. maximum. Relief valves and fuse plugs shall have direct communication with the vapor space of the container.

(c) On a container having a water capacity greater than 125 gallons, but not over 2,000 gallons, the discharge from the safety relief valves shall be vented away from the container vertically upwards and unobstructed to the open air in such a manner as to prevent any impingement of escaping gas upon the container; loose-fitting rain caps shall be used. Suitable provision shall be made for draining condensate which may accumulate in the relief valve or its discharge pipe.

(d) On containers of 125 gallons water capacity or less, the discharge from safety relief devices shall be located not less than 5 feet horizontally away from any opening into the building below the level of such discharge.

(e) On a container having a water capacity greater than 2,000 gallons, the discharge from the safety relief valves shall be vented away from the container vertically upwards to a point at least 7 feet above the container, and unobstructed to the open air in such a manner as to prevent any impingement of escaping gas upon the container; loose-fitting rain caps shall be used. Suitable provision shall be made so that any liquid or condensate that may accumulate inside of the safety relief valve or its discharge pipe will not render the valve inoperative. If a drain is used, a means shall be provided to protect the container, adjacent containers, piping, or equipment against impingement of flame resulting from ignition of product escaping from the drain.

(iii) On all containers which are installed underground and which contain no liquid fuel until buried and covered, the rate of discharge of the spring-loaded relief valve installed thereon may be reduced to a minimum of 30 percent of the rate of discharge specified in paragraph (b) (10) (ii) of this section. Containers so protected shall not be uncovered after installation until the liquid fuel has been removed therefrom. Containers which may contain liquid fuel before being installed under ground and before being completely covered with earth are to be considered aboveground containers when determining the rate of discharge requirement of the relief valves.

(iv) On underground containers of more than 2,000 gallons water capacity, the discharge from safety relief devices shall be piped vertically and directly upward to a point at least 7 feet above the ground.

Where there is a probability of the manhole or housing becoming flooded, the discharge from regulator vent lines shall be above the highest probable water level. All manholes or housings shall be provided with ventilated louvers or their equivalent, the area of such openings equaling or exceeding the combined discharge areas of the safety relief valves and other vent lines which discharge their content into the manhole housing.

(v) Safety devices for vaporizers shall be provided as follows:

(a) Vaporizers of less than 1 quart total capacity, heated by the ground or the surrounding air, need not be equipped with safety relief valves provided that adequate tests certified by any of the authorities referred to in paragraph (b) (2) of this section, demonstrate that the assembly is safe without safety relief valves.

(b) No vaporizer shall be equipped with fusible plugs.

(c) In industrial and gas manufacturing plants, safety relief valves on vaporizers within a building shall be piped to a point outside the building and be discharged upward.

(5) *Reinstallation of containers.* Containers may be reinstalled if they do not show any evidence of harmful external corrosion or other damage. Where containers are reinstalled underground, the corrosion resistant coating shall be put in good condition (see subparagraph (7) (vi) of this paragraph). Where containers are reinstalled above ground, the safety devices and gaging devices shall comply with subparagraph (4) of this paragraph and paragraph (b) (19) of this section respectively for aboveground containers.

(6) *Capacity of containers.* A storage container shall not exceed 90,000 gallons water capacity.

(7) *Installation of storage containers.* (i) Containers installed above ground, except as provided in subdivision (vii) of this subparagraph, shall be provided with substantial masonry or noncombustible structural supports on firm masonry foundation.

(ii) Aboveground containers shall be supported as follows:

(a) Horizontal containers shall be mounted on saddles in such a manner as to permit expansion and contraction. Structural metal supports may be employed when they are protected against fire in an approved manner. Suitable means of preventing corrosion shall be provided on that portion of the container in contact with the foundations or saddles.

(b) Containers of 2,000 gallons water capacity or less may be installed with nonfireproofed ferrous metal supports if mounted on concrete pads or footings, and if the distance from the outside bottom of the container shell to the concrete pad, footing, or the ground does not exceed 24 inches.

(iii) Any container may be installed with nonfireproofed ferrous metal supports if mounted on concrete pads or footings, and if the distance from the outside bottom of the container to the ground does not exceed 5 feet, provided the container is in an isolated location.

(iv) Containers may be partially buried providing the following requirements are met:

(a) The portion of the container below the surface and for a vertical distance not less than 3 inches above the surface of the ground is protected to resist corrosion, and the container is protected against settling and corrosion as required for fully buried containers.

(b) Spacing requirements shall be as specified for underground tanks in paragraph (b) (6) (ii) of this section.

(c) Relief valve capacity shall be as required for aboveground containers.

(d) Container is located so as not to be subject to vehicular damage, or is adequately protected against such damage.

(e) Filling densities shall be as required for above-ground containers.

(v) Containers buried underground shall be placed so that the top of the container is not less than 6 inches below grade. Where an underground container might be subject to abrasive action or physical damage due to vehicular traffic or other causes, then it shall be:

(a) Placed not less than 2 feet below grade, or

(b) Otherwise protected against such physical damage.

It will not be necessary to cover the portion of the container to which manhole and other connections are affixed; however, where necessary, protection shall be provided against vehicular damage. When necessary to prevent floating, containers shall be securely anchored or weighted.

(vi) (a) Containers shall be given a protective coating before being placed under ground. This coating shall be equivalent to hot-dip galvanizing or to two coatings of red lead followed by a heavy coating of coal tar or asphalt. In lowering the container into place, care shall be exercised to prevent damage to the coating. Any damage to the coating shall be repaired before backfilling.

(b) Containers shall be set on a firm foundation (firm earth may be used) and surrounded with earth or sand firmly tamped in place. Backfill should be free of rocks or other abrasive materials.

(vii) Containers with foundations attached (portable or semiportable containers with suitable steel "runners" or "skids" and popularly known in the industry as "skid tanks") shall be designed, installed, and used in accordance with these rules subject to the following provisions:

(a) If they are to be used at a given general location for a temporary period not to exceed 6 months they need not have fire-resisting foundations or saddles but shall have adequate ferrous metal supports.

(b) They shall not be located with the outside bottom of the container shell more than 5 feet above the surface of the ground unless fire-resisting supports are provided.

(c) The bottom of the skids shall not be less than 2 inches or more than 12 inches below the outside bottom of the container shell.

(d) Flanges, nozzles, valves, fittings, and the like, having communication with the interior of the container, shall be protected against physical damage.

(e) When not permanently located on fire-resisting foundations, piping connections shall be sufficiently flexible to minimize the possibility of breakage or leakage of connections if the container settles, moves, or is otherwise displaced.

(f) Skids, or lugs for attachment of skids, shall be secured to the container in accordance with the code or rules under which the container is designed and built (with a minimum factor of safety of four) to withstand loading in any direction equal to four times the weight of the container and attachments when filled to the maximum permissible loaded weight.

(viii) Field welding where necessary shall be made only on saddle plates or brackets which were applied by the manufacturer of the tank.

(ix) For aboveground containers, secure anchorage or adequate pier height shall be provided against possible container flotation wherever sufficiently high floodwater might occur.

(x) When permanently installed containers are interconnected, provision shall be made to compensate for expansion, contraction, vibration, and settling of containers, and interconnecting piping. Where flexible connections are used, they shall be of an approved type and shall be designed for a bursting pressure of not less than five times the vapor pressure of the product at 100° F. The use of nonmetallic hose is prohibited for permanently interconnecting such containers.

(xi) Container assemblies listed for interchangeable installation above ground or under ground shall conform to the requirements for aboveground installations with respect to safety relief capacity and filling density. For installation above ground all other requirements for aboveground installations shall apply. For installation under ground all other requirements for underground installations shall apply.

(8) *Protection of container accessories.* (i) Valves, regulating, gaging, and other container accessory equipment shall be protected against tampering and physical damage. Such accessories shall also be so protected during the transit of containers intended for installation underground.

(ii) On underground or combination aboveground-underground containers, the service valve handwheel, the terminal for connecting the hose, and the opening through which there can be a flow from safety relief valves shall be at least 4 inches above the container and this opening shall be located in the dome or housing. Underground systems shall be so installed that all the above openings, including the regulator vent, are located above the normal maximum water table.

(iii) All connections to underground containers shall be located within a substantial dome, housing, or manhole and with access thereto protected by a substantial cover.

(9) *Drips for condensed gas.* Where vaporized gas on the low-pressure side of the system may condense to a liquid at normal operating temperatures and pressures, suitable means shall be provided for revaporization of the condensate.

(10) *Damage from vehicles.* When damage to LP-Gas systems from vehicular traffic is a possibility, precautions against such damage shall be taken.

(11) *Pits and drains.* Every effort should be made to avoid the use of pits, except pits fitted with automatic flammable vapor detecting devices. No drains or blowoff lines shall be directed into or in proximity to sewer systems used for other purposes.

(12) *General provisions applicable to systems in industrial plants (of 2,000 gallons water capacity and more) and to bulk filling plants.* (i) When standard watch service is provided, it shall be extended to the LP-Gas installation and personnel properly trained.

(ii) If loading and unloading are normally done during other than daylight hours, adequate lights shall be provided to illuminate storage containers, control valves, and other equipment.

(iii) Suitable roadways or means of access for extinguishing equipment such as wheeled extinguishers or fire department apparatus shall be provided.

(iv) To minimize trespassing or tampering, the area which includes container appurtenances, pumping equipment, loading and unloading facilities, and cylinder-filling facilities shall be enclosed with at least a 6-foot-high industrial type fence unless otherwise adequately protected. There shall be at least two means of emergency access.

(13) *Container-charging plants.* (i) The container-charging room shall be located not less than:

(a) Ten feet from bulk storage containers.

(b) Twenty-five feet from line of adjoining property which may be built upon.

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(ii) Tank truck filling station outlets shall be located not less than:

(a) Twenty-five feet from line of adjoining property which may be built upon.

(b) Ten feet from pumps and compressors if housed in one or more separate buildings.

(iii) The pumps or compressors may be located in the container-charging room or building, in a separate building, or outside of buildings. When housed in a separate building, such building (a small noncombustible weather cover is not to be construed as a building) shall be located not less than:

(a) Ten feet from bulk storage tanks.

(b) Twenty-five feet from line of adjoining property which may be built upon.

(c) Twenty-five feet from sources of ignition.

(iv) When a part of the container-charging building is to be used for a boiler room or where open flames or similar sources of ignition exist or are employed, the space to be so occupied shall be separated from container charging room by a partition wall or walls of fire-resistant construction continuous from floor to roof or ceiling. Such separation walls shall be without openings and shall be joined to the floor, other walls, and ceiling or roof in a manner to effect a permanent gas-tight joint.

(v) Electrical equipment and installations shall conform with paragraphs (b) (17) and (18) of this section.

(14) *Fire protection.* (i) Each bulk plant shall be provided with at least one approved portable fire extinguisher having a minimum rating of 12–B, C.

(ii) In industrial installations involving containers of 150,000 gallons aggregate water capacity or more, provision shall be made for an adequate supply of water at the container site for fire protection in the container area, unless other adequate means for fire control are provided. Water hydrants shall be readily accessible and so spaced as to provide water protection for all containers. Sufficient lengths of firehose shall be provided at each hydrant location on a hose cart, or other means provided to facilitate easy movement of the hose in the container area. It is desirable to equip the outlet of each hose line with a combination fog nozzle. A shelter shall be provided to protect the hose and its conveyor from the weather.

(15) *Painting.* Aboveground containers shall be kept properly painted.

(16) *Lighting.* Electrical equipment and installations shall conform to paragraphs (b) (17) and (18) of this section.

(17) *Vaporizers for internal combustion engines.* The provisions of paragraph (e) (8) of this section shall apply.

(18) *Gas regulating and mixing equipment for internal combustion engines.* The provisions of paragraph (e) (9) of this section shall apply.

(e) *Liquefied petroleum gas as a motor fuel*—(1) *Application.* (i) This paragraph applies to internal combustion engines, fuel containers, and pertinent equipment for the use of liquefied petroleum gases as a motor fuel on easily movable, readily portable units including self-propelled vehicles.

(ii) Fuel containers and pertinent equipment for internal combustion engines using liquefied petroleum gas where installation is of the stationary type are covered by paragraph (d) of this section. This paragraph does not apply to containers for transportation of liquefied petroleum gases nor to marine fuel use. All requirements of paragraph (b) of this section apply to this paragraph, unless otherwise noted in paragraph (b) of this section.

(2) *General.* (i) Fuel may be used from the cargo tank of a truck while in transit, but not from cargo tanks on trailers or semitrailers. The use of fuel from the cargo tanks to operate stationary engines is permitted providing wheels are securely blocked.

(ii) Passenger-carrying vehicles shall not be fueled while passengers are on board.

(iii) Industrial trucks (including lift trucks) equipped with permanently mounted fuel containers shall be charged outdoors. Charging equipment shall comply with the provisions of paragraph (h) of this section.

(iv) LP-Gas fueled industrial trucks shall comply with the Standard for Type Designations, Areas of Use, Maintenance and Operation of Powered Industrial Trucks, NFPA 505–1969.

(v) Engines on vehicles shall be shut down while fueling if the fueling operation involves venting to the atmosphere.

(3) *Design pressure and classification of fuel containers.* (i) Except as covered in subdivisions (ii) and (iii) of this subparagraph, containers shall be in accordance with Table H–32.

(ii) Fuel containers for use in industrial trucks (including lift trucks) shall be either DOT containers authorized for LP-Gas service having a minimum service pressure of 240 p.s.i.g. or minimum Container Type 250. Under 1950 and later ASME codes, this means a 312.5-p.s.i.g. design pressure container.

TABLE H–32

Container type	For gases with vapor press. not to exceed lb. per sq. in. gage at 100° F. (37.8 C.)	Minimum design pressure of container lb. per sq. in. gage: 1949 and earlier editions of ASME Code (Par. U–68, U–69)	1949 edition of ASME Code (Par. U–200, U–201); 1950, 1952, 1956, 1959, 1962, 1965, and 1968 (Division 1) editions of ASME Code; All editions of API–ASME Code[2]
[1]200	215	200	250

[1] Container type may be increased by increments of 25. The minimum design pressure of containers shall be 100% of the container type designation when constructed under 1949 or earlier editions of the ASME Code (Par. U–68 and U–69). The minimum design pressure of containers shall be 125% of the container type designation when constructed under: (1) the 1949 ASME Code (Par. U–200 and U–201), (2) 1950, 1952, 1956, 1959, 1962, 1965, and 1968 (Division 1) editions of the ASME Code, and (3) all editions of the API–ASME Code.

[2] Construction of containers under the API–ASME Code is not authorized after July 1, 1961.

(iii) Containers manufactured and maintained under DOT specifications and regulations may be used as fuel containers. When so used they shall conform to all requirements of this paragraph.

(iv) All container inlets and outlets except safety relief valves and gaging devices shall be labeled to designate whether they communicate with vapor or liquid space. Labels may be on valves.

(4) *Installation of fuel containers.* (i) Containers shall be located in a place and in a manner to minimized the possibility of damage to the container. Containers located in the rear of trucks and buses, when protected by substantial bumpers, will be considered in conformance with this requirement. Fuel containers on passenger-carrying vehicles shall be installed as far from the engine as is practicable, and the passenger space and any space containing radio equipment shall be sealed from the container space to prevent direct seepage of gas to these spaces. The container compartment shall be vented to the outside. In case the fuel container is mounted near the engine or the exhaust system, the container shall be shielded against direct heat radiation.

(ii) Containers shall be installed with as much clearance as practicable but never less than the minimum road clearance of the vehicle under maximum spring deflection. This minimum clearance shall be to the bottom of the container or to the lowest fitting on the container or housing, whichever is lower.

(iii) Permanent and removable fuel containers shall be securely mounted to prevent jarring loose, slipping, or rotating, and the fastenings shall be designed and constructed to withstand static loading in any direction equal to twice the weight of the tank and attachments when filled with fuel using a safety factor of not less than four based on the ultimate strength of the material to be used. Field welding, when necessary, shall be made only on saddle plates, lugs or brackets, originally attached to the container by the tank manufacturer.

(iv) Fuel containers on buses shall be permanently installed.

(v) Containers from which vapor only is to be withdrawn shall be installed and equipped with suitable connections to minimize the accidental withdrawal of liquid.

(5) *Valves and accessories.* (i) Container valves and accessories shall have a rated working pressure of at least 250 p.s.i.g., and shall be of a type suitable for liquefied petroleum gas service.

(ii) The filling connection shall be fitted with an approved double back-pressure check valve, or a positive shut-off in conjunction with an internal back-pressure check valve. On a removable container the filler valve may be a hand operated shutoff valve with an internal excess flow valve. Main shutoff valves on the container on liquid and vapor lines must be readily accessible.

(iii) With the exceptions of subdivision (iv) (c) of this subparagraph, filling connections equipped with approved automatic back-pressure check valves, and safety relief valves, all connections to containers having openings for the flow of gas in excess of a No. 54 drill size shall be equipped with approved automatic excess flow valves to prevent discharge of content in case connections are broken.

(iv) Liquid-level gaging devices:

(a) Variable liquid-level gages which require the venting of fuel to the atmosphere shall not be used on fuel containers of industrial trucks (including lift trucks).

(b) On portable containers that may be filled in the vertical and/or horizontal position, the fixed liquid-level gage must indicate maximum permitted filling level for both vertical and horizontal filling with the container oriented to place the safety relief valve in communication with the vapor space.

(c) In the case of containers used solely in farm tractor service, and charged at a point at least 50 feet from any important building, the fixed liquid-level gaging device may be so constructed that the outward flow of container content exceeds that passed by a No. 54 drill size opening, but in no case shall the flow exceed that passed by a No. 31 drill-size opening. An excess flow valve is not required. Fittings equipped with such restricted drill size opening and container on which they are used shall be marked to indicate the size of the opening.

(d) All valves and connections on containers shall be adequately protected to prevent damage due to accidental contact with stationary objects or from loose objects thrown up from the road, and all valves shall be safeguarded against damage due to collision, overturning or other accident. For farm tractors where parts of the vehicle provide such protection to valves and fittings, the foregoing requirements shall be considered fulfilled. However, on removable type containers the protection for the fittings shall be permanently attached to the container.

(e) Exchange of removable fuel containers preferably should be done outdoors but may be done indoors. When removable fuel containers are used, means shall be provided in the fuel system to minimize the escape of fuel when the containers are exchanged. This may be accomplished by either of the following methods:

(1) Using an approved automatic quick-closing coupling (a type closing in both directions when uncoupled) in the fuel line, or

(2) Closing the valve at the fuel container and allowing the engine to run until the fuel in the line is consumed.

(6) *Piping—including pipe, tubing, and fittings.* (i) Pipe from fuel container to first-stage regulator shall be not less than schedule 80 wrought iron or steel (black or galvanized), brass or copper; or seamless copper, brass, or steel tubing. Steel tubing shall have a minimum wall thickness of 0.049 inch. Steel pipe or tubing shall be adequately protected against exterior corrosion. Copper tubing shall be types K or L or equivalent having a minimum wall thickness of 0.032 inch. Approved flexible connections may be used between container and regulator or between regulator and gas-air mixer within the limits of approval. The use of aluminum pipe or tubing is prohibited. In the case of removable containers an approved flexible connection shall be used between the container and the fuel line.

(ii) All piping shall be installed, braced, and supported so as to reduce to a minimum the possibility of vibration strains or wear.

(7) *Safety devices.* (i) Spring-loaded internal type safety relief valves shall be used on all motor fuel containers.

(ii) The discharge outlet from safety relief valves shall be located on the outside of enclosed spaces and as far as practicable from possible sources of ignition, and vented upward within 45 degrees of the vertical in such a manner as to prevent impingement of escaping gas upon containers, or parts of vehicles, or on vehicles in adjacent lines of traffic. A rain cap or other protector shall be used to keep water and dirt from collecting in the valve.

(iii) When a discharge line from the container safety relief valve is used, the line shall be metallic, other than aluminum, and shall be sized, located, and maintained so as not to restrict the required flow of gas from the safety relief valve. Such discharge line shall be able to withstand the pressure resulting from the discharge of vapor when the safety relief valve is in the full open position. When flexibility is necessary, flexible metal hose or tubing shall be used.

(iv) Portable containers equipped for volumetric filling may be filled in either the vertical or horizontal position only when oriented to place the safety relief valve in communication with the vapor space.

(v) Paragraph (b) (10) (xii) of this section for hydrostatic relief valves shall apply.

(8) *Vaporizers.* (i) Vaporizers and any part thereof and other devices that may be subjected to container pressure shall have a design pressure of at least 250 p.s.i.g.

(ii) Each vaporizer shall have a valve or suitable plug which will permit substantially complete draining of the vaporizer. It shall be located at or near the lowest portion of the section occupied by the water or other heating medium.

(iii) Vaporizers shall be securely fastened so as to minimize the possibility of becoming loosened.

(iv) Each vaporizer shall be permanently marked at a visible point as follows:

(a) With the design pressure of the fuel-containing portion in p.s.i.g.

(b) With the water capacity of the fuel-containing portion of the vaporizer in pounds.

(v) Devices to supply heat directly to a fuel container shall be equipped with an automatic device to cut off the supply of heat before the pressure inside the fuel container reaches 80 percent of the start to discharge pressure setting of the safety relief device on the fuel container.

(vi) Engine exhaust gases may be used as a direct source of heat supply for the vaporization of fuel if the materials of construction of those parts of the vaporizer in contact with exhaust gases are resistant to the corrosive action of exhaust gases and the vaporizer system is designed to prevent excessive pressures.

(vii) Vaporizers shall not be equipped with fusible plugs.

(9) *Gas regulating and mixing equipment.* (i) Approved automatic pressure reducing equipment shall be installed in a secure manner between the fuel supply container and gas-air mixer for the purpose of reducing the pressure of the fuel delivered to the gas-air mixer.

(ii) An approved automatic shutoff valve shall be provided in the fuel system at some point ahead of the inlet of the gas-air mixer, designed to prevent flow of fuel to the mixer when the ignition is off and the engine is not running. In the case of industrial trucks and engines operating in buildings other than those used exclusively to house engines, the automatic shutoff valve shall be designed to operate if the engine should stop. Atmospheric type regulators (zero governors) shall be considered adequate as an automatic shutoff valve only in cases of outdoor operation such as farm tractors, construction equipment, irrigation pump engines, and other outdoor stationary engine installations.

(iii) The source of the air for combustion shall be completely isolated from the passenger compartment, ventilating system, or air-conditioning system.

(10) *Capacity of containers.* No single fuel container used on passenger carrying vehicles shall exceed 200 gallons water capacity. No single fuel container on other vehicles normally operating on the highway shall exceed 300 gallons water capacity except as provided in subparagraph (2) (i) of this paragraph.

(11) *Stationary engines in buildings.* Stationary engines and gas turbines installed in buildings, including portable engines used instead of or to supplement stationary engines, shall comply with the Standard for the Institution and Use of Stationary Combustion Engines and Gas Turbines, NFPA 37–1970, and the appropriate provisions of paragraphs (b), (c), and (d) of this section.

(12) *Portable engines in buildings.* (i) Portable engines may be used in buildings only for emergency use, except as provided by subparagraph (11) of this paragraph.

(ii) Exhaust gases shall be discharged to outside the building or to an area where they will not constitute a hazard.

(iii) Provision shall be made to supply sufficient air for combustion and cooling.

(iv) An approved automatic shutoff valve shall be provided in the fuel system ahead of the engine, designed to prevent flow of fuel to the engine when the ignition is off or if the engine should stop.

(v) The capacity of LP-Gas containers used with such engines shall comply with the applicable occupancy provision of paragraph (c) (5) of this section.

(13) *Industrial trucks inside buildings.* (i) LP-Gas-fueled industrial trucks are permitted to be used in buildings and structures.

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(ii) No more than two LP-Gas containers shall be used on an industrial truck for motor fuel purposes.

(iii) LP-Gas-fueled industrial trucks are permitted to be used in buildings frequented by the public, when occupied by the public. The total water capacity of containers on each industrial truck shall not exceed 105 pounds (nominal 45 pounds LP-Gas).

(iv) Trucks shall not be left unattended in areas occupied by the public.

(v) Industrial trucks shall not be parked and left unattended in areas of possible excessive heat or sources of ignition.

(14) *Garaging LP-Gas-fueled vehicles.* (i) LP-Gas-fueled vehicles may be stored or serviced inside garages provided there are no leaks in the fuel system and the fuel tanks are not filled beyond the maximum filling capacity specified in paragraph (b) (12) (i) of this section.

(ii) LP-Gas-fueled vehicles being repaired in garages shall have the container shutoff valve closed except when fuel is required for engine operation.

(iii) Such vehicles shall not be parked near sources of heat, open flames, or similar sources of ignition or near open pits unless such pits are adequately ventilated.

(f) *Storage of containers awaiting use or resale*—(1) *Application.* This paragraph shall apply to the storage of portable containers not in excess of 1,000 pounds water capacity, filled or partially filled, at user location but not connected for use, or in storage for resale by dealers or resellers. This paragraph shall not apply to containers stored at charging plants or at plants devoted primarily to the storage and distribution of LP-Gas or other petroleum products.

(2) *General.* (i) Containers in storage shall be located so as to minimize exposure to excessive temperature rise, physical damage, or tampering by unauthorized persons.

(ii) Containers when stored inside shall not be located near exits, stairways, or in areas normally used or intended for the safe exit of people.

(iii) Container valves shall be protected while in storage as follows:

(*a*) By setting into recess of container to prevent the possibility of their being struck if the container is dropped upon a flat surface, or

(*b*) By ventilated cap or collar, fastened to container capable of withstanding blow from any direction equivalent to that of a 30-pound weight dropped 4 feet. Construction must be such that a blow will not be transmitted to a valve or other connection.

(iv) The outlet valves of containers in storage shall be closed.

(v) Empty containers which have been in LP-Gas service should preferably be stored in the open. When stored inside, they shall be considered as full containers for the purpose of determining the maximum quantity of LP-Gas permitted by this paragraph.

(3) *Storage within buildings frequented by the public.* (i) DOT specification containers having a maximum individual water capacity of 2½ pounds, used with completely self-contained hand torches and similar applications, are permitted to be stored or displayed in a building frequented by the public. The display of such containers shall be limited to a total of 24 units of each brand and size. The total quantity on display and in storage shall not exceed 200 pounds LP-Gas.

(ii) Storage as provided in subparagraph (5) of this paragraph shall not be permitted within or attached to such a building.

(4) *Storage within buildings not frequented by the public (such as industrial buildings).* (i) The quantity of LP-Gas stored shall not exceed 300 pounds (approximately 2,550 cubic feet in vapor form) except as provided in subparagraph (5) of this paragraph.

(ii) Containers carried as a part of service equipment on highway mobile vehicles are not to be considered in the total storage capacity in subdivision (i) of this subparagraph provided such vehicles are stored in private garages, and are limited to one container per vehicle with an LP-Gas capacity of not more than 100 pounds. All container valves shall be closed.

(5) *Storage within special buildings or rooms.* (i) The quantity of LP-Gas stored in special buildings or rooms shall not exceed 10,000 pounds.

(ii) The walls, floors, and ceilings of container storage rooms that are within or adjacent to other parts of the building shall be constructed of material having at least a 2-hour fire resistance rating.

(iii) A portion of the exterior walls or roof having an area not less than 10 percent of that of the combined area of the enclosing walls and roof shall be of explosion relieving construction.

(iv) Each opening from such storage rooms to other parts of the building shall be protected by a 1½ hour (B) fire door listed by Underwriters' Laboratories Inc.

(v) Such rooms shall have no open flames for heating or lighting.

(vi) Such rooms shall be adequately ventilated both top and bottom to the outside only. The openings from such vents shall be at least 5 feet away from any other opening into any building.

(vii) The floors of such rooms shall not be below ground level. Any space below the floor shall be of solid fill or properly ventilated to the open air.

(viii) Such storage rooms shall not be located adjoining the line of property occupied by schools, churches, hospitals, athletic fields or other points of public gathering.

(ix) Fixed electrical equipment shall be installed in accordance with paragraph (b) (18) of this section.

(6) *Storage outside of buildings.* (i) Storage outside of buildings, for containers awaiting use or resale, shall be located in accordance with Table H-33 with respect to:

(*a*) the nearest important building or group of buildings;

(*b*) the line of adjoining property which may be built upon;

(*c*) busy thoroughfares;

(*d*) the line of adjoining property occupied by schools, churches, hospitals, athletic fields, or other points of public gathering.

TABLE H-33

Quantity of LP-Gas Stored:	*Distance*
500 pounds or less	0
501 to 2,500 pounds	0*
2,501 to 6,000 pounds	10 feet
6,001 to 10,000 pounds	20 feet
Over 10,000 pounds	25 feet

*Container or containers shall be at least 10 feet from any building on adjoining property, any sidewalk, or any of the exposures described in § 1910.110(f) (6) (i) (*c*) or (*d*) of this paragraph.

(ii) Containers shall be in a suitable enclosure or otherwise protected against tampering.

(7) *Fire protection.* Storage locations other than supply depots separated and located apart from dealer, reseller, or user establishments shall be provided with at least one approved portable fire extinguisher having a minimum rating of 8-B, C.

(g) *LP-Gas system installations on commercial vehicles*—(1) *Application.* This paragraph applies to LP-Gas-system installations on vehicles (whether self-propelled or of the trailer or semi-trailer type) used for commercial, construction, or public service purposes such as mobile libraries and clinics; to all exchangeable container systems with container capacities greater than 105 pounds water capacity (approximately 45 pounds LP-Gas capacity) and to systems using containers permanently mounted on vehicles. It does not apply to LP-Gas motor fuel systems covered by paragraph (e) of this section. Paragraph (b) of this section applies to this paragraph unless otherwise noted. When such a vehicle is permanently parked, and LP-Gas is supplied from a system not mounted on and secured to the unit, paragraphs (c) and (d) of this section shall apply.

(2) *Construction and marking of containers.* Containers shall be constructed in accordance with paragraph (b) (3) of this section, and marked in accordance with the applicable requirements of paragraph (b) (5) of this section, and shall also meet the following:

(i) Containers designed for use as portable cylinders shall be constructed in accordance with DOT specifications, and in accordance with paragraph (b) (3) (v) of this section; where applicable.

(ii) All other containers whether designed for permanent mounting, or for portable or semiportable use (such as skid tanks), shall be constructed as provided for by paragraphs (b) (3) (i) and (iv) of this section. Mounting, securing, and protection of such containers shall be as in subdivisions (iii) and (iv) of this subparagraph.

(iii) Permanently installed containers shall meet the requirements of subdivision (*a*) of this subdivision with regard to container valves and accessories, and subdivision (b) of this subdivision as to mounting.

(*a*) (*1*) Nonrecessed container fittings and appurtenances shall be protected against damage by either:

(*i*) Their location.

(*ii*) The vehicle frame or bumper, or

(*iii*) A protective housing. The protective housing, if used, shall comply with the requirements under which the tanks are fabricated with respect to design and construction and shall be designed to withstand static loadings in any direction equal to twice the weight of the tank and attachments when filled with the lading using a safety factor of not less than four, based on the ultimate strength of the material to be used. The housing shall be provided with a weather cover if necessary to insure proper operation of valves and safety devices.

(2) Manually operated shutoff valves, except as covered in paragraph (e) (2) (i) of this section, or self-closing internal valves shall be closed except during transfer operations.

(*b*) (*1*) Tank motor vehicles with frames not made integral with the tank, as by welding, shall be provided with turnbuckles or similar positive devices for drawing the tank down tight on the frame. In addition, suitable stops or anchors shall be attached to the frame and/or the tank to prevent relative motion between them due to starting, stopping, and turning. The stops and anchors shall be so installed as to be readily accessible for inspection and maintenance.

(2) Any tank motor vehicle designed and constructed so that the cargo tank constitutes in whole or in part the stress member used in lieu of a frame shall be supported by external cradles subtending at least 120 degrees of the shell circumference. The design calculations shall include beam stress, shear stress, torsion stress, bending moment, and acceleration stress for the cargo tank as a whole using a factor of safety of four, based on the ultimate tensile strength of the material. Maximum concentrated stresses which might be created at pads and cradles due to shear, bending, and torsion shall also be calculated in accordance with Appendix G of the American Society of Mechanical Engineers, Unfired Pressure Vessel Code, 1968. Fully loaded vehicles shall be assumed to be operating under highway conditions equal to two "g" loading. The effects of fatigue shall be taken into consideration. Cargo tanks mounted on frames may be supported by longitudinal members attached to pads providing the above-stated factors are taken into account.

(3) Where any tank support is attached to any part of a tank head, the stresses imposed upon the head shall be provided for as required in (2) of this subdivision.

(*4*) Tank supports, stops, anchors, and bumpers shall not be welded directly to the tank but shall be attached by means of pads of the same material as the tank. The pad thickness shall be not less than one-fourth inch, or the thickness of the shell material if less, and no greater than the shell material. Each pad shall extend at least four times its thickness, in each direction, beyond the weld attaching the support, bumper, stop, or anchor. Each pad shall be preformed to an inside radius no greater than the outside radius of the tank at the place of attachment. Each pad corner shall be rounded to a radius at least one-fourth the width of the pad, and no greater than one-half the width of the pad. Weepholes and telltale holes, if used, shall be drilled or punched before the pads are attached to the tank. Each pad shall be attached to the tank by continuous fillet welding using filler material having properties conforming to the recommendations of the maker of the shell and head material.

(iv) Portable or semiportable containers (skid tanks as covered by paragraph (d) (7) (vii) of this section) shall meet the applicable requirements of (*a*) to (*f*) of this subdivision inclusive with regard to container valves and accessories and paragraph (e) (4) (iii) of this section as to mounting. Containers designed for permanent installation as part of systems under paragraph (d) of this section shall not be used.

(*a*) Nonrecessed container fittings and appurtenances shall be protected against damage by either—

(*1*) Their location.

(2) The vehicle frame or bumper, or

(3) A protective housing. The protective housing, if used, shall comply with the requirements under which the tanks are fabricated with respect to design and construction and shall be designed to withstand static loadings in any direction equal to twice the weight of the tank and attachments when filled with the lading using a safety factor of not less than four, based on the ultimate strength of the material to be used. The housing shall be provided with a weather cover if necessary to insure proper operation of valves and safety devices.

(*b*) Filling connections shall be provided with approved automatic back pressure check valves, excess flow check valves or quick closing internal valves to prevent excessive escape of gas in case the filling connection is broken, except that where the filling and discharge connect on a common opening in the container shell, and that opening is fitted with a quick-closing internal valve as specified in subdivision (c) of this subdivision, the automatic valve shall not be required. In addition every inlet and outlet connection shall be equipped with a manually or automatically operated shutoff valve. Liquid discharge openings, except those for engine fuel lines, on tanks built after September 1, 1965, shall be fitted with a remotely controlled internal shutoff valve. Such valve shall conform to the following requirements:

(*1*) The seat of the valve shall be inside the tank, or in the opening nozzle or flange, or in a companion flange bolted to the nozzle or flange.

(2) All parts of the valve inside the tank, nozzle, or companion flange shall be made of material not subject to corrosion or other deterioration in the presence of the lading.

(3) The arrangement of parts shall be such that damage to parts exterior to the tank will not prevent effective seating of the valve.

(*4*) The valve may be operated normally by mechanical means, by hydraulic means, or by air, or gas pressure.

(5) The valve shall be provided with remote means of automatic closure, both mechanical and thermal, in at least two places for tanks over 3,500 gallons water capacity. These remote control stations shall be located at each end of the tank and diagonally opposite each other. The thermal control mechanism shall have a fusible element with a melting point not over 220° F. or less than 208° F. At least one remote control station shall be provided for tanks of 3,500 gallons water capacity or less, and such actuating means may be mechanical.

(*c*) All other connections to containers, except those used for gaging devices, thermometer wells, safety relief devices, and plugged openings, shall be provided with suitable automatic excess flow valves, or in lieu thereof may be fitted with quick-closing internal valves.

The control mechanism for the internal valve shall be provided with a secondary control, remote from the fill or discharge connections (for use in the event of accidents or fire during delivery operations), and such control mechanism shall have a fusible element with a melting point not over 220° F. or less than 208° F.

(*d*) Manually operated shutoff valves, except as covered in paragraphs (e) (2) (i) of this section, or self-closing internal valves shall be closed except during transfer operations.

(*e*) Excess flow valves shall close automatically at the rated flow of vapor or liquid as specified by the valve manufacturers. The flow rating of the piping beyond the excess flow valve shall be greater than that of the excess flow valve and such rating shall include valves, fittings, and hose, except, when branching or necessary restrictions are incorporated in such a piping system so that flow ratings are less than that of the excess flow valve at the tank, then additional excess flow valves shall be installed in the piping where such flow rate is reduced.

(*f*) Container inlets and outlets, except those used for safety relief valves, liquid-level gaging devices, and pressure gages, shall be labeled to designate whether they communicate with vapor or liquid space when the container is filled to maximum permitted filling density. Labels may be on valves.

(3) *Capacity of a system.* No single fuel container used on passenger carrying vehicles shall exceed 200 gallons water capacity.

(4) *Description of a system.* A system consists of an assembly of equipment installed on a commercial vehicle.

(5) *Location of containers and systems.* (i) Containers shall not be installed, transported, or stored (even temporarily) inside any vehicle covered by this paragraph except as provided by the applicable regulations of DOT.

(ii) Containers, control valves, and regulating equipment comprising a complete system shall be suitably protected against damage and weather. Systems may be installed in a recess vaportight to the inside of the vehicle and accessible from and vented to the outside.

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(iii) Systems installed outside of mobile units shall be so located that discharge from safety relief devices shall be not less than 3 feet horizontally away from any opening into the unit below the level of such discharge. When the system is located in a recess vaportight to the inside, vent openings in such recess shall be not less than 3 feet horizontally away from any opening into the mobile unit below the level of these vents.

(iv) There shall be no fuel connection between tractor and trailer or other vehicle units.

(v) The container or container carrier shall be secured in place by fastenings designed and constructed with a minimum safety factor of four to withstand loading in any direction equal to twice the weight of the container when filled to normal capacity with LP-Gas.

(6) *Container valves and accessories.* Container valves and accessories shall be provided, protected and mounted as follows:

(i) Systems utilizing DOT cylinders in accordance with paragraph (c)(6) of this section.

(ii) All other systems in accordance with paragraph (d)(3)(ii) through (vii) of this section.

(iii) Portable, semiportable and permanently mounted containers shall be mounted and protected as provided under subparagraph (2) (ii) through (iv) of this paragraph.

(7) *Safety-relief devices.* (i) DOT containers shall be provided with safety-relief devices as required by the regulations of DOT.

(ii) ASME containers and API-ASME containers shall be provided with safety-relief devices as required by paragraph (b)(10) of this section.

(iii) (*a*) A final stage regulator of an LP-Gas system (excluding any appliance regulator) shall be equipped on the low-pressure side with a relief valve which is set to start to discharge within the limits specified in Table H-30.

(*b*) The relief valve and space above the regulator and relief valve diaphragms shall be vented to the outside air and terminate at a position to minimize the possibility of vapors accumulating at sources of ignition.

(iv) Whenever equipment such as a cargo heater or cooler on commercial vehicles is a type designed to be in operation while in transit, suitable means to stop the flow such as an excess flow valve or other device, shall be installed. This device will be actuated to stop the flow in the event of a break in the fuel supply line. All excess flow valves shall comply with paragraph (b)(7)(iii) of this section.

(8) *System design and line pressure.* Systems may be of either vapor withdrawal or liquid withdrawal type and shall comply with the applicable requirements for the type of usage involved.

(9) *System enclosure and mounting.* (i) Housing or enclosures shall be designed to provide proper ventilation.

(ii) Hoods, domes, or removable portions of cabinets shall be provided with means to keep them firmly in place during transit.

(iii) Provision shall be incorporated in the assembly to hold the containers firmly in position and prevent their movement during transit in accordance with paragraph (e)(4)(iii) of this section.

(iv) Containers shall be mounted on a substantial support or base secured firmly to the vehicle chassis. Neither the container nor its support shall extend below the frame.

(10) *Piping—including pipe, tubing, and fittings.* (i) Regulators shall be connected directly to the container valve outlet or mounted securely by means of a support bracket and connected to the container valve or valves with a listed high pressure flexible connector.

(ii) Provision shall be made between the regulator outlet and the gas service lines by either a flexible connector or a tubing loop to provide for expansion, contraction, jarring, and vibration.

(iii) Pipe, tubing, and fittings shall conform to paragraph (b)(8) of this section except that the use of aluminum alloy piping is prohibited. Steel tubing shall have a minimum wall thickness of 0.049 inch. Steel piping or tubing shall be adequately protected against exterior corrosion.

(iv) Approved gas tubing fittings shall be employed for making tubing connections.

(v) The fuel line shall be firmly fastened in a protected location and where under the vehicle and outside and below any insulation or false bottom, fastenings shall be such as to prevent abrasion or damage to the gasline due to vibration. Where the fuel line passes through structural members or floors, a rubber grommet or equivalent shall be installed to prevent chafing.

(vi) The fuel line shall be installed to enter the vehicle through the floor directly beneath or adjacent to the appliance which it serves. When a branch line is required the tee connection shall be in the main fuel line and located under the floor and outside the vehicle.

(vii) All parts of the system assembly shall be so designed and secured as to preclude such parts working loose during transit.

(11) *Appliances.* (i) LP-Gas appliances shall be approved for use on commercial vehicles.

(ii) In the case of vehicles not intended for human occupancy and where the gas-fired heating appliance is used to protect the cargo, such heater may be of the unvented type but provision shall be made to dispose of the products of combustion to the outside.

(iii) In the case of vehicles intended for human occupancy, all gas-fired heating appliances, including water heaters, shall be designed or installed to provide for complete separation of the combustion system from the atmosphere of the living space. Such appliances shall be installed with the combustion air inlet assembly furnished as a component of the appliance and, also, with either—

(*a*) The flue gas outlet assembly furnished as a component of the appliance, or

(*b*) A listed roof jack if the appliance is listed for such use.

The combustion air inlet assembly, flue gas outlet assembly, and roof jack shall extend to the outside atmosphere.

(iv) Provision shall be made to insure an adequate supply of outside air for combustion.

(v) All gas-fired heating appliances and water heaters shall be equipped with an approved automatic device designed to shut off the flow of gas to the main burner and to the pilot in the event the pilot flame is extinguished.

(vi) Gas-fired appliances installed in the cargo space shall be located so they are readily accessible.

(vii) Appliances shall be constructed or protected to reduce to a minimum possible damage or impaired operation resulting from cargo shifting or handling.

(viii) Appliances inside the vehicle shall be located so that a fire at an appliance will not block egress of persons therefrom.

(12) *General precautions.* (i) DOT containers shall be marked, maintained, and requalified for use in accordance with the regulations of DOT.

(ii) Requalification of containers for continued service is the responsibility of the owner; containers shall be stamped with the date of requalification. When DOT cylinders are requalified by retesting, such retest shall be made in accordance with DOT regulations.

(iii) Containers shall not be charged with fuel unless they bear the proper markings of the code or specifications under which they were constructed, and in addition, with their water capacity. In the case of cylinders or portable containers filled by weight, the container shall be marked with its tareweight.

(iv) DOT containers which have been involved in a fire shall not be recharged until they have been requalified for service according to DOT regulations.

(v) American Petroleum Institute–American Society of Mechanical Engineers (API–ASME) containers or ASME containers which have been involved in a fire shall not be recharged until they have been retested in accordance with the requirements for their original hydrostatic test and found to be suitable for continued service.

(vi) Containers shall not be charged without the consent of the owner.

(vii) A permanent caution plate shall be provided on the appliance or adjacent to the container outside of any enclosure. It shall include the word "Caution" and following instructions, or instructions embodying substantially similar language.

(*a*) Be sure all appliance valves are closed before opening container valve.

(*b*) Connections at appliances, regulators, and containers must be checked periodically for leaks with soapy water or its equivalent.

(*c*) Never use a match or flame to check for leaks.

(*d*) Container valves must be closed when the equipment is not in use.

(13) *Charging of containers.* Containers shall be charged as provided in paragraph (b)(12) of this section.

(14) *Fire extinguisher.* Mobile cookunits shall be provided with at least one approved portable fire extinguisher having a minimum rating of 8–B,C.

(h) *Liquefied petroleum gas service stations*—(1) *Application.* This paragraph applies to storage containers, and dispensing devices, and pertinent equipment in service stations where LP-Gas is stored and is dispensed into fuel tanks of motor vehicles. See paragraph (e) of this section for requirements covering use of LP-Gas as a motor fuel. All requirements of paragraph (b) of this section apply to this paragraph unless otherwise noted.

(2) *Design pressure and classification of storage containers.* Storage containers shall be designed and classified in accordance with Table H-34.

TABLE H-34

Container type	For gases with vapor pressure not to exceed lb. per sq. in. gage of 100° F. (37.8 C.)	Minimum design pressure of container, lb. per sq. in. gage		
		1949 and earlier editions of ASME Code (Par. U-68, U-69)	1949 edition of ASME Code (Par. U-200, U-201); 1950, 1952, 1956, 1959, 1962, 1965 and 1968 (Division 1) editions of ASME Code, all editions of API-ASME Code [2]
[1] 200	215	200	250

[1] Container type may be increased by increments of 25. The minimum design pressure of containers shall be 100 percent of the container type designation when constructed under 1949 or earlier editions of the ASME Code (Par. U-68 and U-69). The minimum design pressure of containers shall be 125 percent of the container type designation when constructed under: (1) the 1949 ASME Code (Paragraphs U-200 and U-201), (2) 1950, 1952, 1956, 1959, 1962, 1965, and 1968 (Division 1) editions of the ASME Code, and (3) all editions of the API-ASME Code.

[2] Construction of containers under the API-ASME Code is not authorized after July 1, 1961.

(3) *Container valves and accessories.* (i) A filling connection on the container shall be fitted with one of the following:

(*a*) A combination back-pressure check and excess flow valve.

(*b*) One double or two single back-pressure valves.

(*c*) A positive shutoff valve, in conjunction with either.

(*1*) An internal back-pressure valve, or

(2) An internal excess flow valve.

In lieu of an excess flow valve, filling connections may be fitted with a quick-closing internal valve, which shall remain closed except during operating periods. The mechanism for such valves may be provided with a secondary control which will cause it to close automatically in case of fire. When a fusible plug is used its melting point shall not exceed 220° F.

(ii) A filling pipe inlet terminal not on the container shall be fitted with a positive shutoff valve in conjunction with either;

(*a*) A back pressure check valve, or

(*b*) An excess flow check valve.

(iii) All openings in the container except those listed below shall be equipped with approved excess flow check valves:

(*a*) Filling connections as provided in subdivision (i) of this subparagraph.

(*b*) Safety relief connections as provided in paragraph (b)(7)(ii) of this section.

(*c*) Liquid-level gaging devices as provided in paragraphs (b)(7)(iv) and (19)(iv) of this section.

(*d*) Pressure gage connections as provided in paragraph (b)(7)(v) of this section.

(iv) All container inlets and outlets except those listed below shall be labeled to designate whether they connect with vapor or liquid (labels may be on valves):

(*a*) Safety relief valves.

(*b*) Liquid-level gaging devices.

(*c*) Pressure gages.

(v) Each storage container shall be provided with a suitable pressure gage.

(4) *Safety-relief valves.* (i) All safety-relief devices shall be installed as follows:

(*a*) On the container and directly connected with the vapor space.

(*b*) Safety-relief valves and discharge piping shall be protected against physical damage. The outlet shall be provided with loose-fitting rain caps. There shall be no return bends or restrictions in the discharge piping.

(*c*) The discharge from two or more safety relief valves having the same pressure settings may be run into a common discharge header. The cross-sectional area of such header shall be at least equal to the sum of the cross-sectional areas of the individual discharges.

(*d*) Discharge from any safety relief device shall not terminate in any building nor beneath any building.

(ii) Aboveground containers shall be provided with safety relief valves as follows:

(*a*) The rate of discharge, which may be provided by one or more valves, shall be not less than that specified in paragraph (b)(10)(ii) of this section.

(*b*) The discharge from safety relief valves shall be vented to the open air unobstructed and vertically upwards in such a manner as to prevent any impingement of escaping gas upon the container; loose-fitting rain caps shall be used. On a container having a water capacity greater than 2,000 gallons, the discharge from the safety relief valves shall be vented away from the container vertically upwards to a point at least 7 feet above the container. Suitable provisions shall be made so that any liquid or condensate that may accumulate inside of the relief valve or its discharge pipe will not render the valve inoperative. If a drain is used, a means shall be provided to protect the container, adjacent containers, piping, or equipment against impingement of flame resulting from ignition of the product escaping from the drain.

(iii) Underground containers shall be provided with safety relief valves as follows:

(*a*) The discharge from safety-relief valves shall be piped vertically upward to a point at least 10 feet above the ground. The discharge lines or pipes shall be adequately supported and protected against physical damage.

(*b*) Where there is a probability of the manhole or housing becoming flooded, the discharge from regulator vent lines should be above the highest probable water level.

(*c*) If no liquid is put into a container until after it is buried and covered, the rate of discharge of the relief valves may be reduced to not less than 30 percent of the rate shown in paragraph (b)(10)(ii) of this section. If liquid fuel is present during installation of containers, the rate of discharge shall be the same as for aboveground containers. Such containers shall not be uncovered until emptied of liquid fuel.

(5) *Capacity of liquid containers.* Individual liquid storage containers shall not exceed 30,000 gallons water capacity.

(6) *Installation of storage containers.* (i) (*a*) Each storage container used exclusively in service station operation shall comply with the following table which specifies minimum distances to a building, groups of buildings, and adjoining property lines which may be built upon.

Water capacity per container (gallons)	Minimum distances	
	Aboveground and underground (feet)	Between aboveground containers (feet)
Up to 2,000	25	3
Over 2,000	50	5

NOTE: The above distances may be reduced to not less than 10 feet for service station buildings of other than wood frame construction.

(*b*) Readily ignitible material including weeds and long dry grass, shall be removed within 10 feet of containers.

(*c*) The minimum separation between LP-Gas containers and flammable liquid tanks shall be 20 feet and the minimum separation between a container and the centerline of the dike shall be 10 feet.

(*d*) LP-Gas containers located near flammable liquid containers shall be protected against the flow or accumulation of flammable liquids by diking, diversion curbs, or grading.

(*e*) LP-Gas containers shall not be located within diked areas for flammable liquid containers.

(*f*) Field welding is permitted only on saddle plates or brackets which were applied by the container manufacturer.

(*g*) When permanently installed containers are interconnected, provision shall be made to compensate for expansion, contraction, vibration, and settling of containers and interconnecting piping. Where flexible connections are used, they shall be of an approved type and shall be designed for a bursting pressure of not less than five times the vapor pressure of the product at 100° F. The use of nonmetallic hose is prohibited for interconnecting such containers.

(*h*) Where high water table or flood conditions may be encountered protection against container flotation shall be provided.

(ii) Aboveground containers shall be installed in accordance with this subdivision.

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(a) Containers may be installed horizontally or vertically.

(b) Containers shall be protected by crash rails or guards to prevent physical damage unless they are so protected by virtue of their location. Vehicles shall not be serviced within 10 feet of containers.

(c) Container foundations shall be of substantial masonry or other noncombustible material. Containers shall be mounted on saddles which shall permit expansion and contraction, and shall provide against the excessive concentration of stresses. Corrosion protection shall be provided for tank-mounting areas. Structural metal container supports shall be protected against fire. This protection is not required on prefabricated storage and pump assemblies, mounted on a common base, with container bottom not more than 24 inches above ground and whose water capacity is 2,000 gallons or less if the piping connected to the storage and pump assembly is sufficiently flexible to minimize the possibility of breakage or leakage in the event of failure of the container supports.

(iii) Underground containers shall be installed in accordance with this subdivision.

(a) Containers shall be given a protective coating before being placed under ground. This coating shall be equivalent to hot-dip galvanizing or to two coatings of red lead followed by a heavy coating of coal tar or asphalt. In lowering the container into place, care shall be exercised to minimize abrasion or other damage to the coating. Damage to the coating shall be repaired before backfilling.

(b) Containers shall be set on a firm foundation (firm earth may be used) and surrounded with earth or sand firmly tamped in place. Backfill should be free of rocks or other abrasive materials.

(c) A minimum of 2 feet of earth cover shall be provided. Where ground conditions make compliance with this requirement impractical, equivalent protection against physical damage shall be provided. The portion of the container to which manhole and other connections are attached need not be covered. If the location is subjected to vehicular traffic, containers shall be protected by a concrete slab or other cover adequate to prevent the weight of a loaded vehicle imposing concentrated direct loads on the container shell.

(7) *Protection of container fittings.* Valves, regulators, gages, and other container fittings shall be protected against tampering and physical damage.

(8) *Transport truck unloading point.* (i) During unloading, the transport truck shall not be parked on public thoroughfares and shall be at least 5 feet from storage containers, and shall be positioned so that shutoff valves are readily accessible.

(ii) The filling pipe inlet terminal shall not be located within a building nor within 10 feet of any building or driveway. It shall be protected against physical damage.

(9) *Piping, valves, and fittings.* (i) Piping may be underground, aboveground, or a combination of both. It shall be well supported and protected against physical damage and corrosion.

(ii) Piping laid beneath driveways shall be installed to prevent physical damage by vehicles.

(iii) Piping shall be wrought iron or steel (black or galvanized), brass or copper pipe; or seamless copper, brass, or steel tubing and shall be suitable for a minimum pressure of 250 p.s.i.g. Pipe joints may be screwed, flanged, brazed, or welded. The use of aluminum alloy piping or tubing is prohibited.

(iv) All shutoff valves (liquid or gas) shall be suitable for liquefied petroleum gas service and designed for not less than the maximum pressure to which they may be subjected. Valves which may be subjected to container pressure shall have a rated working pressure of at least 250 p.s.i.g.

(v) All materials used for valve seats, packing, gaskets, diaphragms, etc., shall be resistant to the action of LP-Gas.

(vi) Fittings shall be steel, malleable iron, or brass having a minimum working pressure of 250 p.s.i.g. Cast iron pipe fittings, such as ells, tees, and unions shall not be used.

(vii) All piping shall be tested after assembly and proved free from leaks at not less than normal operating pressures.

(viii) Provision shall be made for expansion, contraction, jarring, and vibration, and for settling. This may be accomplished by flexible connections.

(10) *Pumps and accessories.* All pumps and accessory equipment shall be suitable for LP-Gas service, and designed for not less than the maximum pressure to which they may be subjected. Accessories shall have a minimum rated working pressure of 250 p.s.i.g. Positive displacement pumps shall be equipped with suitable pressure actuated bypass valves permitting flow from pump discharge to storage container or pump suction.

(11) *Dispensing devices.* (i) Meters, vapor separators, valves, and fittings in the dispenser shall be suitable for LP-Gas service and shall be designed for a minimum working pressure of 250 p.s.i.g.

(ii) Provisions shall be made for venting LP-Gas contained in a dispensing device to a safe location.

(iii) Pumps used to transfer LP-Gas shall be equipped to allow control of the flow and to prevent leakage or accidental discharge. Means shall be provided outside the dispensing device to readily shut off the power in the event of fire or accident.

(iv) A manual shutoff valve and an excess flow check valve shall be installed downstream of the pump and ahead of the dispenser inlet.

(v) (a) Dispensing hose shall be resistant to the action of LP-Gas in the liquid phase and designed for a minimum bursting pressure of 1,250 p.s.i.g.

(b) An excess flow check valve or automatic shutoff valve shall be installed at the terminus of the liquid line at the point of attachment of the dispensing hose.

(vi) (a) LP-Gas dispensing devices shall be located not less than 10 feet from aboveground storage containers greater than 2,000 gallons water capacity. The dispensing devices shall not be less than 20 feet from any building (not including canopies), basement, cellar, pit, or line of adjoining property which may be built upon and not less than 10 feet from sidewalks, streets, or thoroughfares. No drains or blowoff lines shall be directed into or in proximity to the sewer systems used for other purposes.

(b) LP-Gas dispensing devices shall be installed on a concrete foundation or as part of a complete storage and dispensing assembly mounted on a common base, and shall be adequately protected from physical damage.

(c) LP-Gas dispensing devices shall not be installed within a building except that they may be located under a weather shelter or canopy provided this area is not enclosed on more than two sides. If the enclosing sides are adjacent to each other, the area shall be properly ventilated.

(vii) The dispensing of LP-Gas into the fuel container of a vehicle shall be performed by a competent attendant who shall remain at the LP-Gas dispenser during the entire transfer operation.

(12) *Additional rules.* There shall be no smoking on the driveway of service stations in the dispensing areas or transport truck unloading areas. Conspicuous signs prohibiting smoking shall be posted within sight of the customer being served. Letters on such signs shall be not less than 4 inches high. The motors of all vehicles being fueled shall be shut off during the fueling operations.

(13) *Electrical.* Electrical equipment and installations shall conform to paragraphs (b) (17) and (18) of this section.

(14) *Fire protection.* Each service station shall be provided with at least one approved portable fire extinguisher having at least an 8-B, C, rating.

(i) *Scope*—(1) *Application.* (i) Paragraph (b) of this section applies to installations made in accordance with the requirements of paragraphs (c), (d), (e), (g), and (h) of this section, except as noted in each of those paragraphs.

(ii) Paragraphs (c) through (h) of this section apply as provided in each of those paragraphs.

(2) *Inapplicability.* This section does not apply to:

(i) Marine and pipeline terminals, natural gas processing plants, refineries, or tank farms other than those at industrial sites.

(ii) LP-Gas refrigerated storage systems;

(iii) LP-Gas when used with oxygen. The requirements of § 1910.252 shall apply to such use;

(iv) LP-Gas when used in utility gas plants. The National Fire Protection Association Standard for the Storage and Handling of Liquefied Petroleum Gases at Utility Gas Plants, NFPA No. 59–1968, shall apply to such use;

(v) Low-pressure (not in excess of one-half pound per square inch or 14 inches water column) LP-Gas piping systems, and the installation and operation of residential and commercial appliances including their inlet connections, supplied through such systems. For such systems, the National Fire Protection Association Standard for the Installation of Gas Appliances and Gas Piping, NFPA 54–1969 shall apply.

(3) *Retroactivity.* Unless otherwise stated, it is not intended that the provisions of this section be retroactive.

(i) Existing plants, appliances, equipment, buildings, structures, and installations for the storage, handling or use of LP-Gas, which were in compliance with the current provisions of the National Fire Protection Association Standard for the Storage and Handling of Liquefied Petroleum Gases NFPA No. 58, at the time of manufacture or installation may be continued in use, if such continued use does not constitute a recognized hazard that is causing or is likely to cause death or serious physical harm to to employees.

(ii) Stocks of equipment and appliances on hand in such locations as manufacturers' storage, distribution warehouses, and dealers' storage and showrooms, which were in compliance with the current provisions of the National Fire Protection Association Standard for the Storage and Handling of Liquefied Petroleum Gases, NFPA No. 58, at the time of manufacture, may be placed in service, if such use does not constitute a recognized hazard that is causing or is likely to cause death or serious physical harm to employees.

§ 1910.111 Storage and handling of anhydrous ammonia.

(a) *General*—(1) *Scope.* (i) This standard is intended to apply to the design, construction, location, installation, and operation of anhydrous ammonia systems including refrigerated ammonia storage systems.

(ii) This standard does not apply to:

(a) Ammonia manufacturing plants.

(b) Refrigeration plants where ammonia is used solely as a refrigerant.

(2) *Definitions.* As used in this section.

(i) "Appurtenances"—All devices such as pumps, compressors, safety relief devices, liquid-level gaging devices, valves and pressure gages.

(ii) "Cylinder"—A container of 1,000 pounds of water capacity or less constructed in accordance with Department of Transportation specifications.

(iii) "Code"—The Boiler and Pressure Vessel Code, Section VIII, Unfired Pressure Vessels of the American Society of Mechanical Engineers (ASME)—1968.

(iv) "Container"—Includes all vessels, tanks, cylinders, or spheres used for transportation, storage, or application of anhydrous ammonia.

(v) "DOT"—U.S. Department of Transportation.

(vi) "Design pressure" is identical to the term "Maximum Allowable Working Pressure" used in the Code.

(vii) "Farm vehicle" (implement of husbandry)—A vehicle for use on a farm on which is mounted a container of not over 1,200 gallons water capacity.

(viii) "Filling density"—the percent ratio of the weight of the gas in a container to the weight of water at 60° F. that the container will hold.

(ix) "Gas"—Anhydrous ammonia in either the gaseous or liquefied state.

(x) "Gas mask"—Gas masks approved by the Bureau of Mines, U.S. Department of the Interior.

(xi) "Capacity"—Total volume of the container in standard U.S. gallons.

(xii) DOT specifications—Regulations of the Department of Transportation published in 49 CFR Chapter I.

(xiii) "DOT regulations"—See § 1910.111(a)(2)(xii).

(xiv) "DOT requirements"—See § 1910.111(a)(2)(xii).

(b) *Basic rules.* This paragraph applies to all paragraphs of this section unless otherwise noted.

(1) *Approval of equipment and systems.* Each appurtenance shall be approved in accordance with paragraph (b)(1)(i), (ii), (iii), or (iv) of this section.

(i) It was installed before February 8, 1973, and was approved, tested, and installed in accordance with either the provisions of the American National Standard for the Storage and Handling of Anhydrous Ammonia, K61.1, or the Fertilizer Institute Standards for the Storage and Handling of Agricultural Anhydrous Ammonia, M–1, in effect at the time of installation; or

(ii) It is accepted, or certified, or listed, or labeled, or otherwise determined to be safe by a nationally recognized testing laboratory, such as, but not limited to, Underwriter's Laboratories Inc. and Factory Mutual Research Corporation; or

(iii) It is a type which no nationally recognized testing laboratory does, or will undertake to, accept, certify, list, label, or determine to be safe; and such equipment is inspected or tested by any Federal, State, municipal, or other local authority responsible for enforcing occupational safety provisions of a Federal, State, municipal or other local law, code, or regulation pertaining to the storage, handling, transport, and use of anhydrous ammonia, and found to be in compliance with either the provisions of the American National Standard for the Storage and Handling of Anhydrous Ammonia, K61.1, or the Fertilizer Institute Standards for the Storage and Handling of Agricultural Anhydrous Ammonia, M–1, in effect at the time of installation; or

(iv) It is a custom-designed and custom-built unit, which no nationally recognized testing laboratory, or Federal, State, municipal or local authority responsible for the enforcement of a Federal, State, municipal, or local law, code or regulation pertaining to the storage, transportation and use of anhydrous ammonia is willing to undertake to accept, certify, list, label or determine to be safe, and the employer has on file a document attesting to its safe condition following the conduct of appropriate tests. The document shall be signed by a registered professional engineer or other person having special training or experience sufficient to permit him to form an opinion as to safety of the unit involved. The document shall set forth the test bases, test data and results, and also the qualifications of the certifying person.

(v) For the purposes of this paragraph (b)(1), the word "listed" means that equipment is of a kind mentioned in a list which is published by a nationally recognized laboratory which makes periodic inspection of the production of such equipment, and states such equipment meets nationally recognized standards or has been tested and found safe for use in a specified manner. "Labeled" means there is attached to it a label, symbol, or other identifying mark of a nationally recognized testing laboratory which, makes periodic inspections of the production of such equipment, and whose labeling indicates compliance with nationally recognized standards or tests to determine safe use in a specified manner. "Certified" means it has been tested and found by a nationally recognized testing laboratory to meet nationally recognized standards or to be safe for use in a specified manner, or is of a kind whose production is periodically inspected by a nationally recognized testing laboratory, and it bears a label, tag, or other record of certification.

(2) *Requirements for construction, original test and requalification of nonrefrigerated containers.* (i) Containers used with systems covered in paragraphs (c), (f), (g), and (h) of this section shall be constructed and tested in accordance with the Code except that construction under Table UW12 at a basic joint efficiency of under 80 percent is not authorized.

(ii) Containers built according to the Code do not have to comply with Paragraphs UG125 to UG128 inclusive, and Paragraphs UG132 and UG133 of the Code.

(iii) Containers exceeding 36 inches in diameter or 250 gallons water capacity shall be constructed to comply with one or more of the following:

(a) Containers shall be stress relieved after fabrication in accordance with the Code, or

(b) Cold-formed heads, when used, shall be stress relieved, or

(c) Hot-formed heads shall be used.

(iv) Welding to the shell, head, or any other part of the container subject to internal pressure shall be done in compliance with the Code. Other welding is permitted only on saddle plates, lugs, or brackets attached to the container by the container manufacturer.

(v) Containers used with systems covered in paragraph (c) of this section shall be constructed and tested in accordance with the DOT specifications.

(vi) The provisions of subdivision (i) of this subparagraph shall not be construed as prohibiting the continued use or reinstallation of containers constructed and maintained in accordance with the 1949, 1950, 1952, 1956, 1959, and 1962 editions of the Code or any revisions thereof in effect at the time of fabrication.

(3) *Marking nonrefrigerated containers.* (i) System nameplates, when required, shall be permanently attached to the system so as to be readily accessible for inspection and shall include markings

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as prescribed in subdivision (ii) of this subparagraph.

(ii) Each container or system covered in paragraphs (c), (f), (g), and (h) of this section shall be marked as specified in the following:

(a) With a notation "Anhydrous Ammonia."

(b) With a marking identifying compliance with the rules of the Code under which the container is constructed.

Under ground: Container and system nameplate.
Above ground: Container.

(c) With a notation whether the system is designed for underground or aboveground installation or both.

(d) With the name and address of the supplier of the system or the trade name of the system and with the date of fabrication.

Under ground and Above ground: System nameplate.

(e) With the water capacity of the container in pounds at 60° F. or gallons, U.S. Standard.

Under ground: Container and system nameplate.
Above ground: Container.

(f) With the design pressure in pounds per square inch.

Under ground: Container and system nameplate.
Above ground: Container.

(g) With the wall thickness of the shell and heads.

Under ground: Container and system nameplate.
Above ground: Container.

(h) With marking indicating the maximum level to which the container may be filled with liquid anhydrous ammonia at temperatures between 20° F. and 130° F. except on containers provided with fixed level indicators, such as fixed length dip tubes, or containers that are filled with weight. Markings shall be in increments of not more than 20° F.

(Sec. 6, 84 Stat. 1593 (29 U.S.C. 655)) [37 FR 22102, Oct. 18, 1972, as amended at 38 FR 3599, Feb. 8, 1973]

Above ground and under ground: System nameplate or on liquid-level gaging device.

(i) With the total outside surface area of the container in square feet.

Under ground: System nameplate.
Above ground: No requirement.

(j) Marking specified on the container shall be on the container itself or on a nameplate permanently attached to it.

(4) *Marking refrigerated containers.* Each refrigerated container shall be marked with nameplate on the outer covering in an accessible place as specified in the following:

(i) With the notation, "Anhydrous Ammonia."

(ii) With the name and address of the builder and the date of fabrication.

(iii) With the water capacity of the container in gallons, U.S. Standard.

(iv) With the design pressure.

(v) With the minimum temperature in degrees Fahrenheit for which the container was designed.

(vi) The maximum allowable water level to which the container may be filled for test purposes.

(vii) With the density of the product in pounds per cubic foot for which the container was designed.

(viii) With the maximum level to which the container may be filled with liquid anhydrous ammonia.

(5) *Location of containers.* (i) Consideration shall be given to the physiological effects of ammonia as well as to adjacent fire hazards in selecting the location for a storage container. Containers shall be located outside of buildings or in buildings or sections thereof especially provided for this purpose.

(ii) Permanent storage containers shall be located at least 50 feet from a dug well or other sources of potable water supply, unless the container is a part of a water-treatment installation.

(iii) Permanent storage containers shall be located outside densely populated areas.

(iv) Container locations shall comply with table H-35:

TABLE H-35

Nominal capacity of container (gallons)	Minimum distances (feet) from container to: Line of adjoining property which may be built upon highways and mainline of railroad	Place of public assembly	Institution occupancy
Over 500 to 2,000	25	150	250
Over 2,000 to 30,000	50	300	500
Over 30,000 to 100,000	50	450	750
Over 100,000	50	600	1,000

(v) Storage areas shall be kept free of readily ignitible materials such as waste, weeds, and long dry grass.

(6) *Container appurtenances.* (i) All appurtenances shall be designed for not less than the maximum working pressure of that portion of the system on which they are installed. All appurtenances shall be fabricated from materials proved suitable for anhydrous ammonia service.

(ii) All connections to containers except safety relief devices, gaging devices, or those fitted with No. 54 drill-size orifice shall have shutoff valves located as close to the container as practicable.

(iii) Excess flow valves where required by these standards shall close automatically at the rated flows of vapor or liquid as specified by the manufacturer. The connections and line including valves and fittings being protected by an excess flow valve shall have a greater capacity than the rated flow of the excess flow valve so that the valve will close in case of failure of the line or fittings.

(iv) Liquid-level gaging devices that require bleeding of the product to the atmosphere and which are so constructed that outward flow will not exceed that passed by a No. 54 drill-size opening need not be equipped with excess flow valves.

(v) Openings from the container or through fittings attached directly on the container to which pressure gage connections are made need not be equipped with excess flow valves if such openings are not larger than No. 54 drill size.

(vi) Excess flow and back pressure check valves where required by the standards in this section shall be located inside of the container or at a point outside as close as practicable to where the line enters the container. In the latter case installation shall be made in such manner that any undue strain beyond the excess flow or back pressure check valve will not cause breakage between the container and the valve.

(vii) Excess flow valves shall be designed with a bypass, not to exceed a No. 60 drill-size opening to allow equalization of pressures.

(viii) All excess flow valves shall be plainly and permanently marked with the name or trademark of the manufacturer, the catalog number, and the rated capacity.

(7) *Piping, tubing, and fittings.* (i) All piping, tubing, and fittings shall be made of material suitable for anhydrous ammonia service.

(ii) All piping, tubing, and fittings shall be designed for a pressure not less than the maximum pressure to which they may be subjected in service.

(iii) All refrigerated piping shall conform to the Refrigeration Piping Code, American National Standards Institute, B31.5–1966 with addenda B31.1a–1968 as it applies to ammonia.

(iv) Piping used on non-refrigerated systems shall be at least American Society for Testing and Materials (ASTM) A–53–69 Grade B Electric Resistance Welded and Electric Flash Welded Pipe or equal. Such pipe shall be at least schedule 40 when joints are welded, or welded and flanged. Such pipe shall be at least schedule 80 when joints are threaded. Threaded connections shall not be back-welded. Brass, copper, or galvanized steel pipe shall not be used.

(v) Tubing made of brass, copper, or other material subject to attack by ammonia shall not be used.

(vi) Cast iron fittings shall not be used but this shall not prohibit the use of fittings made specifically for ammonia service of malleable, nodular, or high strength gray iron meeting American Society for Testing and Materials (ASTM) A47–68, ASTM 395–68, or ASTM A126–66 Class B or C.

(vii) Joint compounds shall be resistant to ammonia.

(8) *Hose specifications.* (i) Hose used in ammonia service shall conform to the joint Agricultural Ammonia Institute—Rubber Manufacturers Association Specifications for Anhydrous Ammonia Hose.

(ii) Hose subject to container pressure shall be designed for a minimum working pressure of 350 p.s.i.g. and a minimum burst pressure of 1,750 p.s.i.g. Hose assemblies, when made up, shall be capable of withstanding a test pressure of 500 p.s.i.g.

(iii) Hose and hose connections located on the low-pressure side of flow control or pressure-reducing valves shall be designed for a bursting pressure of not less than five times the pressure setting of the safety relief devices protecting that

portion of the system but not less than 125 p.s.i.g. All connections shall be so designed and constructed that there will be no leakage when connected.

(iv) Where hose is to be used for transfering liquid from one container to another, "wet" hose is recommended. Such hose shall be equipped with approved shutoff valves at the discharge end. Provision shall be made to prevent excessive pressure in the hose.

(v) On all hose one-half inch outside diameter and larger, used for the transfer of anhydrous ammonia liquid or vapor, there shall be etched, cast, or impressed at 5-foot intervals the following information.

"Anhydrous Ammonia" xxx p.s.i.g. (maximum working pressure), manufacturer's name or trademark, year of manufacture.

In lieu of this requirement the same information may be contained on a nameplate permanently attached to the hose.

TABLE H-36

Minimum required rate of discharge in cubic feet per minute of air at 120 percent of the maximum permitted start to discharge pressure for safety relief valves.

Surface area (sq. ft.)	Flow rate CFM air
20	258
25	310
30	360
35	408
40	455
45	501
50	547
55	591
60	635
65	678
70	720
75	762
80	804
85	845
90	885
95	925
100	965
105	1,010
110	1,050
115	1,090
120	1,120
125	1,160
130	1,200
135	1,240
140	1,280
145	1,310
150	1,350
155	1,390
160	1,420
165	1,460
170	1,500
175	1,530
180	1,570
185	1,600
190	1,640
195	1,670
200	1,710
210	1,780
220	1,850
230	1,920
240	1,980
250	2,060
260	2,120
270	2,180
280	2,250
290	2,320
300	2,380
310	2,450
320	2,510
330	2,570
340	2,640
350	2,700
360	2,760
370	2,830
380	2,890
390	2,950
400	3,010
450	3,320
500	3,620
550	3,910
600	4,200
650	4,480
700	4,760
750	5,040
800	5,300
850	5,590
900	5,850
950	6,120
1,000	6,380
1,050	6,640
1,100	6,900
1,150	7,160
1,200	7,410
1,250	7,660
1,300	7,910
1,350	8,160
1,400	8,410
1,450	8,650
1,500	8,900
1,550	9,140
1,600	9,380
1,650	9,620
1,700	9,860
1,750	10,090
1,800	10,330
1,850	10,560
1,900	10,800
1,950	11,030
2,000	11,260
2,050	11,490
2,100	11,720
2,150	11,950
2,200	12,180
2,250	12,400
2,300	12,630
2,350	12,850
2,400	13,080
2,450	13,300
2,500	13,520

"Surface Area=total outside surface area of container in square feet. When the surface area is not stamped on the nameplate or when the marking is not legible the area can be calculated by using one of the following formulas:

(1) Cylindrical container with hemispherical heads:

Area=overall length in feet times outside diameter in feet times 3.1416.

(2) Cylindrical container with other than hemispherical heads:

Area=(overall length in feet plus 0.8 outside diameter in feet) times outside diameter in feet times 3.1416.

(3) Spherical container:

Area=outside diameter in feet squared times 3.1416."

"Flow Rate—CFM Air=cubic feet per minute of air required at standard conditions, 60° F. and atmospheric pressure (14.7 p.s.i.a.)."

"The rate of discharge may be interpolated for intermediate values of surface area. For containers with total outside surface area greater than 2,500 square feet, the required flow rate can be calculated using the formula: Flow Rate CFM Air=22.11 $A^{.82}$, where A=outside surface area of the container in square feet."

(9) *Safety relief devices.* (i) Every container used in systems covered by paragraphs (c), (f), (g), and (h) of this section shall be provided with one or more safety relief valves of the spring-loaded or equivalent type. The discharge from safety-relief valves shall be vented away from the container upward and unobstructed to the atmosphere. All relief-valve discharge openings shall have suitable rain caps that will allow free discharge of the vapor and prevent entrance of water. Provision shall be made for draining condensate which may accumulate. The rate of the discharge shall be in accordance with the provisions of Table H-36.

(ii) Container safety-relief valves shall be set to start-to-discharge as follows, with relation to the design pressure of the container:

Containers	Minimum (percent)	Maximum (percent)
ASME–U–88, U–69	110	125
ASME–U–200, U–201	95	100
ASME 1959, 1956, 1952, or 1962	95	100
API–ASME	95	100
U.S. Coast Guard	95	100

As required by DOT Regulations.

(iii) Safety relief devices used in systems covered by paragraphs (c), (f), (g), and (h) of this section shall be constructed to discharge at not less than the rates required in subdivision (i) of this subparagraph before the pressure is in excess of 120 percent (not including the 10 percent tolerance referred to in subdivision (ii) of this subparagraph) of the maximum permitted start-to-discharge pressure setting of the device.

(iv) Safety-relief valves shall be so arranged that the possibility of tampering will be minimized. If the pressure setting adjustment is external, the relief valves shall be provided with means for sealing the adjustment.

(v) Shutoff valves shall not be installed between the safety-relief valves and the container; except, that a shutoff valve may be used where the arrangement of this valve is such as always to afford full required capacity flow through the relief valves.

(vi) Safety-relief valves shall have direct communication with the vapor space of the container.

(vii) Each container safety-relief valve used with systems covered by paragraphs (c), (f), (g), and (h) of this section shall be plainly and permanently marked with the symbol "NH_3" or "AA"; with the pressure in pounds-per-square-inch gage at which the valve is set to start-to-discharge; with the actual rate of discharge of the valve at its full open position in cubic feet per minute of air at 60° F. and atmospheric pressure; and with the manufacturer's name and catalog number. Example: "NH_3 250—4050 Air" indicates that the valve is suitable for use on an anhydrous ammonia container, is set to start-to-discharge at a pressure of 250 p.s.i.g., and that its rate of discharge at full open position (subdivisions (ii) and (iii) of this subparagraph) is 4,050 cubic feet per minute of air.

(viii) The flow capacity of the relief valve shall not be restricted by any connection to it on either the upstream or downstream side.

(ix) A hydrostatic relief valve shall be installed between each pair of valves in the liquid ammonia piping or hose where

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liquid may be trapped so as to relieve into the atmosphere at a safe location.

(10) *General.* (i) Personnel required to handle ammonia should be trained in safe operating practices and in the proper action to take in the event of emergencies.

(ii) All stationary storage installations shall have at least two suitable gas masks in readily accessible locations. Full face masks with ammonia canisters as approved by the Bureau of Mines, U.S. Department of the Interior, are suitable for emergency action for most leaks, particularly those that occur outdoors. For protection in concentrated ammonia atmospheres self-contained breathing air apparatus is required.

(iii) Stationary storage installations shall have an easily accessible shower or a 50-gallon drum of water.

(iv) Each vehicle transporting ammonia in bulk except farm applicator vehicles shall carry a container of at least 5 gallons of water and shall be equipped with a full face mask.

(11) *Charging of containers.* (i) The filling densities for containers that are not refrigerated shall not exceed the following:

Type of container	Percent by weight	Percent by volume
Aboveground—Uninsulated	56	82
Aboveground—Uninsulated		87.5
Aboveground—Insulated	57	83.5
Underground—Uninsulated	58	85
DOT—In accord with DOT regulations.		

(ii) Aboveground uninsulated containers may be charged 87.5 percent by volume provided the temperature of the anhydrous ammonia being charged is determined to be not lower than 30° F. or provided the charging of the container is stopped at the first indication of frost or ice formation on its outside surface and is not resumed until such frost or ice has disappeared.

(iii) Any container, including DOT cargo and portable tanks, shipped under DOT jurisdiction shall be filled according to DOT regulations.

(iv) Refer to paragraph (d) of this section for filling densities of refrigerated storage containers.

(12) *Transfer of liquids.* (i) Anhydrous ammonia shall always be at a temperature suitable for the material of construction and the design of the receiving container.

(ii) The employer shall require the continuous presence of an attendant in the vicinity of the operation during such time as ammonia is being transferred.

(iii) Containers shall be charged or used only upon authorization of the owner.

(iv) Containers shall be gaged and charged only in the open atmosphere or in buildings or areas thereof provided for that purpose.

(v) Pumps used for transferring ammonia shall be those manufactured for that purpose.

(*a*) Pumps shall be designed for at least 250 p.s.i.g. working pressure.

(*b*) Positive displacement pumps shall have, installed off the discharged port, a constant differential relief valve discharging into the suction port of the pump through a line of sufficient size to carry the full capacity of the pump at relief valve setting, which setting and installation shall be according to the pump manufacturer's recommendations.

(*c*) On the discharge side of the pump, before the relief valve line, there shall be installed a pressure gage graduated from 0 to 400 p.s.i.

(*d*) Plant piping shall contain shutoff valves located as close as practical to pump connections.

(vi) Compressors used for transferring or refrigerating ammonia shall be recommended for ammonia service by the manufacturer.

(*a*) Compressors shall be designed for at least 250 p.s.i.g. working pressure.

(*b*) Plant piping shall contain shutoff valves located as close as practical to compressor connections.

(*c*) A relief valve large enough to discharge the full capacity of the compressor shall be connected to the discharge before any shutoff valve.

(*d*) Compressors shall have pressure gages at suction and discharge graduated to at least one and one-half times the maximum pressure that can be developed.

(*e*) Adequate means, such as drainable liquid trap, shall be provided on the compressor suction to minimize the entry of liquid into the compressor.

(*f*) Where necessary to prevent contamination, an oil separator shall be provided on the discharge side of the compressor.

(vii) Loading and unloading systems shall be protected by suitable devices to prevent emptying of the storage container or the container being loaded or unloaded in the event of severance of the hose. Backflow check valves or properly sized excess flow valves shall be installed where necessary to provide such protection. In the event that such valves are not practical, remotely operated shutoff valves may be installed.

(13) *Tank car unloading points and operations.* (i) Provisions for unloading tank cars shall conform to the applicable recommendations contained in the DOT regulations.

(ii) The employer shall insure that unloading operations are performed by reliable persons properly instructed and given the authority to monitor careful compliance with all applicable procedures.

(iii) Caution signs shall be so placed on the track or car as to give necessary warning to persons approaching the car from open end or ends of siding and shall be left up until after the car is unloaded and disconnected from discharge connections. Signs shall be of metal or other suitable material, at least 12 by 15 inches in size and bear the words "STOP—Tank Car Connected" or "STOP—Men at Work" the word, "STOP," being in letters at least 4 inches high and the other words in letters at least 2 inches high. The letters shall be white on a blue background.

(iv) The track of a tank car siding shall be substantially level.

(v) Brakes shall be set and wheels blocked on all cars being unloaded.

(14) *Liquid-level gaging device.* (i) Each container except those filled by weight shall be equipped with an approved liquid-level gaging device. A thermometer well shall be provided in all containers not utilizing a fixed liquid-level gaging device.

(ii) All gaging devices shall be arranged so that the maximum liquid level to which the container is filled is readily determined.

(iii) Gaging devices that require bleeding of the product to the atmosphere such as the rotary tube, fixed tube, and slip tube devices shall be designed so that the maximum opening of the bleed valve is not larger than No. 54 drill size unless provided with an excess flow valve. (This requirement does not apply to farm vehicles used for the application of ammonia as covered in paragraph (h) of this section.)

(iv) Gaging devices shall have a design pressure equal to or greater than the design pressure of the container on which they are installed.

(v) Fixed tube liquid-level gages shall be designed and installed to indicate that level at which the container is filled to 85 percent of its water capacity in gallons.

(vi) Gage glasses of the columnar type shall be restricted to stationary storage installations. They shall be equipped with shutoff valves having metallic handwheels, with excess-flow valves, and with extra heavy glass adequately protected with a metal housing applied by the gage manufacturer. They shall be shielded against the direct rays of the sun.

(15) *Painting of containers.* Aboveground uninsulated containers should have a reflective surface maintained in good condition.

(16) *Electrical equipment and wiring.* (i) Electrical equipment and wiring for use in ammonia installations shall be general purpose or weather resistant as appropriate.

(ii) Electrical systems shall be installed and maintained in accordance with Subpart S of this part.

(c) *Systems utilizing stationary, nonrefrigerated storage containers.* This paragraph applies to stationary, nonrefrigerated storage installations utilizing containers other than those covered in paragraph (e) of this section. Paragraph (b) of this section applies to this paragraph unless otherwise noted.

(1) *Design pressure and construction of containers.* The minimum design pressure for nonrefrigerated containers shall be 250 p.s.i.g.

(2) *Container valves and accessories, filling and discharge connections.* (i) Each filling connection shall be provided with combination back-pressure check valve and excess-flow valve; one double or two single back-pressure check valves; or a positive shutoff valve in conjunction with either an internal back-pressure check valve or an internal excess flow valve.

(ii) All liquid and vapor connections to containers except filling pipes, safety relief connections, and liquid-level gaging and pressure gage connections provided with orifices not larger than No. 54 drill size as required in paragraphs (b)(6) (iv) and (v) of this section shall be equipped with excess-flow valves.

(iii) Each storage container shall be provided with a pressure gage graduated from 0 to 400 p.s.i. Gages shall be designated for use in ammonia service.

(iv) All containers shall be equipped with vapor return valves.

(3) *Safety-relief devices.* (i) Every container shall be provided with one or more safety-relief valves of the spring-loaded or equivalent type in accordance with paragraph (b)(9) of this section.

(ii) The rate of discharge of spring-loaded safety relief valves installed on underground containers may be reduced to a minimum of 30 percent of the rate of discharge specified in Table H–36. Containers so protected shall not be uncovered after installation until the liquid ammonia has been removed. Containers which may contain liquid ammonia before being installed underground and before being completely covered with earth are to be considered aboveground containers when determining the rate of discharge requirements of the safety-relief valves.

(iii) On underground installations where there is a probability of the manhole or housing becoming flooded, the discharge from vent lines shall be located above the high water level. All manholes or housings shall be provided with ventilated louvers or their equivalent, the area of such openings equalling or exceeding combined discharge areas of safety-relief valves and vent lines which discharge their content into the manhole housing.

(iv) Vent pipes, when used, shall not be restricted or of smaller diameter than the relief-valve outlet connection.

(v) If desired, vent pipes from two or more safety-relief devices located on the same unit, or similar lines from two or more different units may be run into a common discharge header, provided the capacity of such header is at least equal to the sum of the capacities of the individual discharge lines.

(4) *Reinstallation of containers.* (i) Containers once installed under ground shall not later be reinstalled above ground or under ground, unless they successfully withstand hydrostatic pressure retests at the pressure specified for the original hydrostatic test as required by the code under which constructed and show no evidence of serious corrosion.

(ii) Where containers are reinstalled under ground, the corrosion-resistant coating shall be put in good condition; see subparagraph (5)(iv) of this paragraph. Where containers are reinstalled above ground, safety devices or gaging devices shall comply with paragraph (b)(9) of this section and this subparagraph respectively for aboveground containers.

(5) *Installation of storage containers* (i) Containers installed above ground, except as provided in subdivision (v) of this subparagraph shall be provided with substantial concrete or masonry supports, or structural steel supports on firm concrete or masonry foundations. All foundations shall extend below the frost line.

(ii) Horizontal aboveground containers shall be so mounted on foundations as to permit expansion and contraction. Every container shall be supported to prevent the concentration of excessive loads on the supporting portion of the shell. That portion of the container in contact with foundations or saddles shall be protected against corrosion.

(iii) Containers installed under ground shall be so placed that the top of the container is below the frost line and in no case less than 2 feet below the surface of the ground. Should ground conditions make compliance with these requirements impracticable, installation shall be made otherwise to prevent physical damage. It will not be necessary to cover the portion of the container to which manhole and other connections are affixed. When necessary to prevent floating, containers shall be securely anchored or weighted.

(iv) Underground containers shall be set on a firm foundation (firm earth may be used) and surrounded with earth or sand well tamped in place. The container, prior to being placed under ground, shall be given a corrosion resisting protective coating. The container thus coated shall be so lowered into place as to prevent abrasion or other damage to the coating.

(v) Containers with foundations attached (portable or semiportable tank containers with suitable steel "runners" or "skids" and commonly known in the industry as "skid tanks") shall be designed and constructed in accordance with subparagraph (1) of this paragraph.

(vi) Secure anchorage or adequate pier height shall be provided against container flotation wherever sufficiently high flood water might occur.

(vii) The distance between underground containers of over 2,000 gallons capacity shall be at least 5 feet.

(6) *Protection of appurtenances.*

(i) Valves, regulating, gaging, and other appurtenances shall be protected against tampering and physical damage. Such appurtenances shall also be protected during transit of containers.

(ii) All connections to underground containers shall be located within a dome, housing, or manhole and with access thereto by means of a substantial cover.

(7) *Damage from vehicles.* Precaution shall be taken against damage to ammonia systems from vehicles.

(d) *Refrigerated storage systems.* This paragraph applies to systems utilizing containers with the storage of anhydrous ammonia under refrigerated conditions. All applicable rules of paragraph (b) of this section apply to this paragraph unless otherwise noted.

(1) *Design of containers.*

(i) The design temperature shall be the minimum temperature to which the container will be refrigerated.

(ii) Containers with a design pressure exceeding 15 p.s.i.g. shall be constructed in accordance with paragraph (b)(2) of this section, and the materials shall be selected from those listed in API Standard 620, Recommended Rules for Design and Construction of Large, Welded, Low-Pressure Storage Tanks, Fourth Edition, 1970, Tables 2.02, R2.2, R2.2(A), R2.2.1, or R2.3.

(iii) Containers with a design pressure of 15 p.s.i.g. and less shall be constructed in accordance with the applicable requirements of API Standard 620 including its Appendix R.

(iv) When austenitic steels or nonferrous materials are used, the Code shall be used as a guide in the selection of materials for use at the design temperature.

(v) The filling density for refrigerated storage containers shall be such that the container will not be liquid full at a liquid temperature corresponding to the vapor pressure at the start-to-discharge pressure setting of the safety-rlief valve.

(2) *Installation of refrigerated storage containers.* (i) Containers shall be supported on suitable noncombustible foundations designed to accommodate the type of container being used.

(ii) Adequate protection against flotation or other water damage shall be provided wherever high flood water might occur.

(iii) Containers for product storage at less than 32° F. shall be supported in such a way, or heat shall be supplied, to prevent the effects of freezing and consequent frost heaving.

(3) *Shutoff valves.* When operating conditions make it advisable, a check valve shall be installed on the fill connection and a remotely operated shutoff valve on other connections located below the maximum liquid level.

(4) *Safety relief devices.* (i) Safety relief valves shall be set to start-to-discharge at a pressure not in excess of the design pressure of the container and shall have a total relieving capacity sufficient to prevent a maximum pressure in the container of more than 120 percent of the design pressure. Relief valves for refrigerated storage containers shall be self-contained spring-loaded, weight-loaded, or self-contained pilot-operated type.

(ii) The total relieving capacity shall be the larger of:

(*a*) Possible refrigeration system upset such as (*1*) cooling water failure, (2) power failure, (3) instrument air or instrument failure, (*4*) mechanical failure of any equipment, (5) excessive pumping rates.

(*b*) Fire exposure determined in accordance with Compressed Gas Association (CGA) S–1, Part 3, Safety Relief Device Standards for Compressed Gas Storage Containers, 1959, except that "A" shall be the total exposed surface area in square feet up to 25 foot above grade or to the equator of the storage container if it is a sphere, whichever is greater. If the relieving capacity required for fire exposure is greater than that required by (*a*) of this subdivision, the additional capacity may be provided by weak roof to shell seams in containers operating at essentially atmospheric

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pressure and having an inherently weak roof-to-shell seam. The weak roof-to-shell seam is not to be considered as providing any of the capacity required in (*a*) of this subdivision.

(iii) If vent lines are installed to conduct the vapors from the relief valve, the back pressure under full relieving conditions shall not exceed 50 percent of the start-to-discharge pressure for pressure balanced valves or 10 percent of the start-to-discharge pressure for conventional valves. The vent lines shall be installed to prevent accumulation of liquid in the lines.

(iv) The valve or valve installation shall provide weather protection.

(v) Atmospheric storage shall be provided with vacuum breakers. Ammonia gas, nitrogen, methane, or other inert gases can be used to provide a pad.

(5) *Protection of container appurtenances.* Appurtenances shall be protected against tampering and physical damage.

(6) *Reinstallation of refrigerated storage containers.* Containers of such size as to require field fabrication shall, when moved and reinstalled, be reconstructed and reinspected in complete accordance with the requirements under which they were constructed. The containers shall be subjected to a pressure retest and if rerating is necessary, rerating shall be in accordance with applicable requirements.

(7) *Damage from vehicles.* Precaution shall be taken against damage from vehicles.

(8) *Refrigeration load and equipment.*

(i) The total refrigeration load shall be computed as the sum of the following:

(*a*) Load imposed by heat flow into the container caused by the temperature differential between design ambient temperature and storage temperature.

(*b*) Load imposed by heat flow into the container caused by maximum sun radiation.

(c) Maximum load imposed by filling the container with ammonia warmer than the design storage temperature.

(ii) More than one storage container may be handled by the same refrigeration system.

(9) *Compressors.*

(i) A minimum of two compressors shall be provided either of which shall be of sufficient size to handle the loads listed in subparagraphs (8)(i) (*a*) and (*b*) of this paragraph. Where more than two compressors are provided minimum standby equipment equal to the largest normally operating equipment shall be installed. Filling compressors may be used as standby equipment for holding compressors.

(ii) Compressors shall be sized to operate with a suction pressure at least 10 percent below the minimum setting of the safety valve(s) on the storage container and shall withstand a suction pressure at least equal to 120 percent of the design pressure of the container.

(10) *Compressor drives.*

(i) Each compressor shall have its individual driving unit.

(ii) An emergency source of power of sufficient capacity to handle the loads listed in subparagraphs (8)(i) (*a*) and (*b*) of this paragraph shall be provided unless facilities are available to safely dispose of vented vapors while the refrigeration system is not operating.

(11) *Automatic control equipment.*

(i) The refrigeration system shall be arranged with suitable controls to govern the compressor operation in accordance with the load as evidenced by the pressure in the container(s).

(ii) An emergency alarm system shall be installed to function in the event the pressure in the container(s) rises to the maximum allowable operating pressure.

(iii) An emergency alarm and shutoff shall be located in the condenser system to respond to excess discharge pressure caused by failure of the cooling medium.

(iv) All automatic controls shall be installed in a manner to preclude operation of alternate compressors unless the controls will function with the alternate compressors.

(12) *Separators for compressors.*

(i) An entrainment separator of suitable size and design pressure shall be installed in the compressor suction line of lubricated compression. The separator shall be equipped with a drain and gaging device.

(ii) An oil separator of suitable size shall be installed in the compressor discharge line. It shall be designed for at least 250 p.s.i.g. and shall be equipped with a gaging device and drain valve.

(13) *Condensers.* The condenser system may be cooled by air or water or both. The condenser shall be designed for at least 250 p.s.i.g. Provision shall be made for purging noncondensibles either manually or automatically.

(14) *Receiver and liquid drain.* A receiver shall be provided with a liquid-level control to discharge the liquid ammonia to storage. The receiver shall be designed for at least 250 p.s.i.g. and be equipped with the necessary connections, safety valves, and gaging device.

(15) *Insulation.* Refrigerated containers and pipelines which are insulated shall be covered with a material of suitable quality and thickness for the temperatures encountered. Insulation shall be suitably supported and protected against the weather. Weatherproofing shall be of a type which will not support flame propagation.

(e) *Systems utilizing portable DOT containers.* (1) *Conformance.* Cylinders shall comply with DOT specifications and shall be maintained, filled, packaged, marked, labeled, and shipped to comply with 49 CFR Chapter I and Marking Portable Compressed Gas Containers to Identify the Material Contained, ANSI Z48.1–1954 (R1970).

(2) *Storage.* Cylinders shall be stored in an area free from ignitable debris and in such manner as to prevent external corrosion. Storage may be indoors or outdoors.

(3) *Heat protection.* Cylinders filled in accordance with DOT regulations will become liquid full at 145° F. Cylinders shall be protected from heat sources such as radiant flame and steampipes. Heat shall not be applied directly to cylinders to raise the pressure.

(4) *Protection.* Cylinders shall be stored in such manner as to protect them from moving vehicles or external damage.

(5) *Valve cap.* Any cylinder which is designed to have a valve protection cap shall have the cap securely in place when the cylinder is not in service.

(f) *Tank motor vehicles for the transportation of ammonia.* (1) This paragraph applies to containers and pertinent equipment mounted on tank motor vehicles including semitrailers and full trailers used for the transportation of ammonia. This paragraph does not apply to farm vehicles. For requirements covering farm vehicles, refer to paragraphs (g) and (h) of this section.

Paragraph (b) of this section applies to this paragraph unless otherwise noted. Containers and pertinent equipment for tank motor vehicles for the transportation of anhydrous ammonia, in addition to complying with the requirements of this section, shall also comply with the requirements of DOT.

(2) *Design pressure and construction of containers.* (i) The minimum design pressure for containers shall be that specified in the regulations of the DOT.

(ii) The shell or head thickness of any container shall not be less than three-sixteenth inch.

(iii) All container openings, except safety relief valves, liquid-level gaging devices, and pressure gages, shall be labeled to designate whether they communicate with liquid or vapor space.

(3) *Container appurtenances.* (i) All appurtenances shall be protected against physical damage.

(ii) All connections to containers, except filling connections, safety relief devices, and liquid-level and pressure gage connections, shall be provided with suitable automatic excess flow valves, or in lieu thereof, may be fitted with quick-closing internal valves, which shall remain closed except during delivery operations. The control mechanism for such valves may be provided with a secondary control remote from the delivery connections and such control mechanism shall be provided with a fusible section (melting point 208° F. to 220° F.) which will permit the internal valve to close automatically in case of fire.

(iii) Filling connections shall be provided with automatic back-pressure check valves, excess-flow valves, or quick-closing internal valves, to prevent backflow in case the filling connection is broken. Where the filling and discharge connect to a common opening in the container shell and that opening is fitted with a quick-closing internal valve as specified in subdivision (ii) of this subparagraph, the automatic valve shall not be required.

(iv) All containers shall be equipped for spray loading (filling in the vapor space) or with an approved vapor return valve of adequate capacity.

(4) *Piping and fittings.* (i) All piping, tubing, and fittings shall be securely mounted and protected against damage. Means shall be provided to protect hoses while the vehicle is in motion.

(ii) Fittings shall comply with paragraph (b)(6) of this section. Pipe shall be Schedule 80.

(5) *Safety relief devices.* (i) The discharge from safety relief valves shall be vented away from the container upward and unobstructed to the open air in such a manner as to prevent any impingement of escaping gas upon the container; loose-fitting rain caps shall be used. Size of discharge lines from safety valves shall not be smaller than the nominal size of the safety-relief valve outlet connection. Suitable provision shall be made for draining condensate which may accumulate in the discharge pipe.

(ii) Any portion of liquid ammonia piping which at any time may be closed at both ends shall be provided with a hydrostatic relief valve.

(6) *Transfer of liquids.* (i) The content of tank motor vehicle containers shall be determined by weight, by a suitable liquid-level gaging device, or other approved methods. If the content of a container is to be determined by liquid-level measurement, the container shall have a thermometer well so that the internal liquid temperature can be easily determined. This volume when converted to weight shall not exceed the filling density specified by the DOT.

(ii) Any pump, except a constant speed centrifugal pump, shall be equipped with a suitable pressure actuated bypass valve permitting flow from discharge to suction when the discharge pressure rises above a predetermined point. Pump discharge shall also be equipped with a spring-loaded safety relief valve set at a pressure not more than 135 percent of the setting of the bypass valve or more than 400 p.s.i.g., whichever is larger.

(iii) Compressors shall be equipped with manually operated shutoff valves on both suction and discharge connections. Pressure gages of bourdon-tube type shall be installed on the suction and discharge of the compressor before the shutoff valves. The compressor shall not be operated if either pressure gage is removed or is inoperative. A spring-loaded, safety-relief valve capable of discharging to atmosphere the full flow of gas from the compressor at a pressure not exceeding 300 p.s.i.g. shall be connected between the compressor discharge and the discharge shutoff valve.

(iv) Valve functions shall be clearly and legibly identified by metal tags or nameplates permanently affixed to each valve.

(7) *Full trailers and semitrailers.* (i) All full trailers shall be firmly and securely attached to the vehicle drawing them by means of suitable drawbars supplemented by a safety chain (or chains) or safety cables.

(ii) Every full trailer or semitrailer shall have a reliable system of brakes, and adequate provision shall be made to operate the brakes from the driver's seat.

(iii) Every full trailer shall be equipped with self-energizing brakes.

(iv) Full trailers shall be so designed that the towed vehicle will follow substantially in the path of the towing vehicle and will not whip or swerve dangerously from side to side.

(v) Where a fifth wheel is employed, it shall be ruggedly designed, securely fastened to both units, and equipped with a positive locking mechanism which will prevent separation of the two units except by manual release.

(8) *Protection against collision.* Each tank motor vehicle shall be provided with properly attached bumpers or chassis extension arranged to protect the tank, piping, valves, and fittings from physical damage in case of collision.

(9) *Chock blocks.* At least two chock blocks shall be provided. These blocks shall be placed to prevent rolling of the vehicle whenever it is parked during loading and unloading operations.

(10) *Portable tank containers (skid tanks).* Where portable tank containers are used for farm storage they shall comply with paragraph (c)(1) of this section. When portable tank containers are used in lieu of cargo tanks and are permanently mounted on tank motor vehicles for the transportation of ammonia, they shall comply with the requirements of this paragraph.

(g) *Systems mounted on farm vehicles other than for the application of ammonia.*—(1) *Application.* This paragraph applies to containers of 1,200 gallons capacity or less and pertinent equipment mounted on farm vehicles (implements of husbandry) and used other than for the application of ammonia to the soil. Paragraph (b) of this section applies to this paragraph unless otherwise noted.

(2) *Design pressure and classification of containers.* (i) The minimum design pressure for containers shall be 250 p.s.i.g.

(ii) The shell or head thickness of any container shall be not less than three-sixteenths of an inch.

(3) *Mounting containers.* (i) A suitable "stop" or "stops" shall be mounted on the vehicle or on the container in such a way that the container shall not be dislodged from its mounting due to the vehicle coming to a sudden stop. Back slippage shall also be prevented by proper methods.

(ii) A suitable "hold down" device shall be provided which will anchor the container to the vehicle at one or more places on each side of the container.

(iii) When containers are mounted on four-wheel trailers, care shall be taken to insure that the weight is distributed evenly over both axles.

(iv) When the cradle and the tank are not welded together suitable material shall be used between them to eliminate metal-to-metal friction.

(4) *Container appurtenances.* (i) All containers shall be equipped with a fixed liquid-level gage.

(ii) All containers with a capacity exceeding 250 gallons shall be equipped with a pressure gage having a dial graduated from 0–400 p.s.i.

(iii) The filling connection shall be fitted with combination back-pressure check valve and excess-flow valve; one double or two single back-pressure check valves; or a positive shutoff valve in conjunction with either an internal back-pressure check valve or an internal excess flow valve.

(iv) All containers with a capacity exceeding 250 gallons shall be equipped for spray loading or with an approved vapor return valve.

(v) All vapor and liquid connections except safety-relief valves and those specifically exempted by paragraph (b)(6)(v) of this section shall be equipped with approved excess-flow valves or may be fitted with quick-closing internal valves which, except during operating periods, shall remain closed.

(vi) Fittings shall be adequately protected from damage by a metal box or cylinder with open top securely fastened to the container or by rigid guards, well braced, welded to the container on both sides of the fittings or by a metal dome. If a metal dome is used, the relief valve shall be properly vented through the dome.

(vii) If a liquid withdrawal line is installed in the bottom of a container, the connections thereto, including hose, shall not be lower than the lowest horizontal edge of the vehicle axle.

(viii) Provision shall be made to secure both ends of the hose while in transit.

(5) *Marking the container.* There shall appear on each side and on the rear end of the container in letters at least 4 inches high, the words, "Caution—Ammonia" or the container shall be marked in accordance with DOT regulations.

(6) *Farm vehicles.*

(i) Farm vehicles shall conform with State regulations.

(ii) All trailers shall be securely attached to the vehicle drawing them by means of drawbars supplemented by suitable safety chains.

(iii) A trailer shall be constructed so that it will follow substantially in the path of the towing vehicle and will not whip or swerve dangerously from side to side.

(iv) All vehicles shall carry a can containing 5 gallons or more of water.

(h) *Systems mounted on farm vehicles for the application of ammonia.* (1) This paragraph applies to systems utilizing containers of 250 gallons capacity or less which are mounted on farm vehicles (implement of husbandry) and used for the application of ammonia to the soil. Paragraph (b) of this section applies to this paragraph unless otherwise noted. Where larger containers are used, they shall comply with paragraph (g) of this section.

(2) *Design pressure and classification of containers.* (i) The minimum design pressure for containers shall be 250 p.s.i.g.

(ii) The shell or head thickness of any container shall not be less than three-sixteenths inch.

(3) *Mounting of containers.* All containers and flow-control devices shall be securely mounted.

(4) *Container valves and accessories.* (i) Each container shall have a fixed liquid-level gage.

(ii) The filling connection shall be fitted with a combination back-pressure check valve and an excess-flow valve; one double or two single back-pressure check valves; or a positive shutoff valve

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in conjunction with an internal back-pressure check valve or an internal excess-flow valve.

(iii) The applicator tank may be filled by venting to open air provided the bleeder valve orifice does not exceed seven-sixteenths inch in diameter.

(iv) Regulation equipment may be connected directly to the tank coupling or flange, in which case a flexible connection shall be used between such regulating equipment and the remainder of the liquid withdrawal system. Regulating equipment not so installed shall be flexibly connected to the container shut-off valve.

(v) No excess flow valve is required in the liquid withdrawal line provided the controlling orifice between the contents of the container and the outlet of the shutoff valve does not exceed seven-sixteenths inch in diameter.

[36 FR 10466, May 21, 1971, as amended at 39 FR 3599, Feb. 8, 1973]

§ 1910.112 [Reserved]

§ 1910.113 [Reserved]

§ 1910.114 Effective dates.

(a) The provisions of this Subpart H shall become effective on August 27, 1971, except as provided in the remaining paragraphs of this section.

(b) The following provisions shall become effective on February 15, 1972:

§ 1910.101(b).
§ 1910.102.
§ 1910.103 (a)(2), (b)(1)(i), (b)(1)(iii), (b)(2)(ii), and (b)(3).
§ 1910.105.
§ 1910.106 (b)(1), (b)(2), (b)(3), and (b)(4).
§ 1910.106 (b)(5), (c)(1), (c)(2), (c)(3), (c)(4), (c)(5), (c)(6), (d)(2), (d)(3)(ii), (d)(4)(i), (d)(4)(iii), (d)(4)(iv), (d)(5)(v), (d)(5)(vi)(a), (e)(3)(iii), (e)(3)(v), (e)(4), (e)(7), (f)(2)(iii), (f)(3)(i), (f)(4)(iii), (f)(4)(iv), (f)(4)(viii), (f)(5), (g), (h), and (i).
§ 1910.107 (b)(1), (b)(2), (b)(3), (b)(4), (b)(5)(i), (b)(5)(iii), (b)(5)(iv), (b)(6), (b)(7), (b)(8), (b)(10), (c)(1), (c)(4), (c)(5), (c)(6), (c)(7), (d), (e)(7), (e)(8), (f)(1), (f)(2), (h), (i), (j), (l)(2), (l)(3), (l)(5), (l)(6), (l)(7), and (m)(1).
§ 1910.108 (b), (c), (e)(1), (g)(2), (g)(3), (g)(4), and (g)(5).
§ 1910.108 (g)(5) and (h).
§ 1910.110.
§ 1910.111.

(c) Notwithstanding anything in paragraph (a), (b), or (d) of this section, any provision in any other section of this subpart which contains in itself a specific effective date or time limitation shall become effective on such date or shall apply in accordance with such limitation.

(d) Notwithstanding anything in paragraph (a), or (b) of this section, if any standard in 41 CFR Part 50–204, other than a national consensus standard incorporated by reference in § 50–204.2(a)(1), is or becomes applicable at any time to any employment and place of employment, by virtue of the Walsh-Healey Public Contracts Act, or the Service Contract Act of 1965, or the National Foundation on Arts and Humanities Act of 1965, any corresponding established Federal standard in this Subpart H which is derived from 41 CFR Part 50–204 shall also become effective, and shall be applicable to such employment and place of employment, on the same date.

§ 1910.115 Sources of standards.

Sec.	Source
1910.101	41 CFR 50–204.67, 70, and 71.
1910.102	41 CFR 50–204.66.
1910.103	NFPA No. 50B–1968, Standard for Liquified Hydrogen Systems at Consumer Sites.
1910.104	NFPA No. 566–1965, Standard for the Installation of Bulk Oxygen Systems at Consumer Sites.
1910.105–106	NFPA No. 30–1969, Flammable and Combustible Liquids Code.
1910.107	NFPA No. 33–1969, Standard for Spray Finishing Using Flammable and Combustible Materials.
1910.108	NFPA No. 34–1966, Standard for Dip Tanks Containing Flammable or Combustible Liquids.
1910.109	NFPA No. 495–1970, Code for Manufacture, Transportation, Storage and Use of Explosives and Blasting Agents.
1910.110	NFPA 58–69, Standard for the Handling of Liquified Petroleum Gases.
1910.111	ANSI K61.1–1966, Storage and Handling of Anhydrous Ammonia.

§ 1910.116 Standards organizations.

National Fire Protection Association (NFPA), 60 Batterymarch Street, Boston, MA 02110.
National Plant Food Institute, 1700 K Street NW., Washington, DC 20006.
Compressed Gas Association, Inc., 500 Fifth Avenue, New York, NY 10036.
American Society of Mechanical Engineers Inc., United Engineering Center, 345 East 47th Street, New York, NY 10017.
American Petroleum Institute, 1801 K Street NW., Washington, DC 20006.
National Board of Boiler and Pressure Vessel Inspectors, 1155 North High Street, Columbus, OH 43201.
American National Standards Institute, 1430 Broadway, New York, NY 10018.
American Society for Testing and Materials (ASTM), 1916 Race Street, Philadelphia, PA 19103.
Underwriters' Laboratories, Inc. (UL), 207 East Ohio Street, Chicago, IL 60611.
Fertilizer Institute, 1015 18th Street NW., Washington, DC 20036.

(Sec. 6, 84 Stat. 1593 (29 U.S.C. 655)) [37 FR 22102, Oct. 16, 1972, as amended at 38 FR 3599, Feb. 8, 1973]

Subpart I—Personal Protective Equipment

§ 1910.132 General requirements.

(a) *Application.* Protective equipment, including personal protective equipment for eyes, face, head, and extremities, protective clothing, respiratory devices, and protective shields and barriers, shall be provided, used, and maintained in a sanitary and reliable condition wherever it is necessary by reason of hazards of processes or environment, chemical hazards, radiological hazards, or mechanical irritants encountered in a manner capable of causing injury or impairment in the function of any part of the body through absorption, inhalation or physical contact.

(b) *Employee-owned equipment.* Where employees provide their own protective equipment, the employer shall be responsible to assure its adequacy, including proper maintenance, and sanitation of such equipment.

(c) *Design.* All personal protective equipment shall be of safe design and construction for the work to be performed.

§ 1910.133 Eye and face protection.

(a) *General.* (1) Protective eye and face equipment shall be required where there is a reasonable probability of injury that can be prevented by such equipment. In such cases, employers shall make conveniently available a type of protector suitable for the work to be performed, and employees shall use such protectors. No unprotected person shall knowingly be subjected to a hazardous environmental condition. Suitable eye protectors shall be provided where machines or operations present the hazard of flying objects, glare, liquids, injurious radiation, or a combination of these hazards.

(2) Protectors shall meet the following minimum requirements:

(i) They shall provide adequate protection against the particular hazards for which they are designed.

(ii) They shall be reasonably comfortable when worn under the designated conditions.

(iii) They shall fit snugly and shall not unduly interfere with the movements of the wearer.

(iv) They shall be durable.

(v) They shall be capable of being disinfected.

(vi) They shall be easily cleanable.

(vii) Protectors should be kept clean and in good repair.

(3) Persons whose vision requires the use of corrective lenses in spectacles, and who are required by this standard to wear eye protection, shall wear goggles or spectacles of one of the following types:

(i) Spectacles whose protective lenses provide optical correction.

(ii) Goggles that can be worn over corrective spectacles without disturbing the adjustment of the spectacles.

(iii) Goggles that incorporate corrective lenses mounted behind the protective lenses.

(4) Every protector shall be distinctly marked to facilitate identification only of the manufacturer.

(5) When limitations or precautions are indicated by the manufacturer, they shall be transmitted to the user and care taken to see that such limitations and precautions are strictly observed.

(6) Design, construction, testing, and use of devices for eye and face protection shall be in accordance with American National Standard for Occupational and Educational Eye and Face Protection, Z87.1–1968.

§ 1910.134 Respiratory protection.

(a) *Permissible practice.* (1) In the control of those occupational diseases caused by breathing air contaminated with harmful dusts, fogs, fumes, mists, gases, smokes, sprays, or vapors, the primary objective shall be to prevent atmospheric contamination. This shall be accomplished as far as feasible by accepted engineering control measures (for example, enclosure or confinement of the operation, general and local ventilation, and substitution of less toxic materials). When effective engineering controls are not feasible, or while they are being instituted, appropriate respirators shall be used pursuant to the following requirements.

(2) Respirators shall be provided by the employer when such equipment is necessary to protect the health of the employee. The employer shall provide the respirators which are applicable and suitable for the purpose intended. The employer shall be responsible for the establishment and maintenance of a respiratory protective program which shall include the requirements outlined in paragraph (b) of this section.

(3) The employee shall use the provided respiratory protection in accordance with instructions and training received.

(b) *Requirements for a minimal acceptable program.* (1) Written standard operating procedures governing the selection and use of respirators shall be established.

(2) Respirators shall be selected on the basis of hazards to which the worker is exposed.

(3) The user shall be instructed and trained in the proper use of respirators and their limitations.

(4) Where practicable, the respirators should be assigned to individual workers for their exclusive use.

(5) Respirators shall be regularly cleaned and disinfected. Those issued for the exclusive use of one worker should be cleaned after each day's use, or more often if necessary. Those used by more than one worker shall be thoroughly cleaned and disinfected after each use.

(6) Respirators shall be stored in a convenient, clean, and sanitary location.

(7) Respirators used routinely shall be inspected during cleaning. Worn or deteriorated parts shall be replaced. Respirators for emergency use such as self-contained devices shall be thoroughly inspected at least once a month and after each use.

(8) Appropriate surveillance of work area conditions and degree of employee exposure or stress shall be maintained.

(9) There shall be regular inspection and evaluation to determine the continued effectiveness of the program.

(10) Persons should not be assigned to tasks requiring use of respirators unless it has been determined that they are physically able to perform the work and use the equipment. The local physician shall determine what health and physical conditions are pertinent. The respirator user's medical status should be reviewed periodically (for instance, annually).

(11) Approved or accepted respirators shall be used when they are available. The respirator furnished shall provide adequate respiratory protection against the particular hazard for which it is designed in accordance with standards established by competent authorities. The U.S. Department of Interior, Bureau of Mines, and the U.S. Department of Agriculture are recognized as such authorities. Although respirators listed by the U.S. Department of Agriculture continue to be acceptable for protection against specified pesticides, the U.S. Department of the Interior, Bureau of Mines, is the agency now responsible for testing and approving pesticide respirators.

(c) *Selection of respirators.* Proper selection of respirators shall be made according to the guidance of American National Standard Practices for Respiratory Protection Z88.2–1969.

(d) *Air quality.* (1) Compressed air, compressed oxygen, liquid air, and liquid oxygen used for respiration shall be of high purity. Oxygen shall meet the requirements of the United States Pharmacopoeia for medical or breathing oxygen. Breathing air shall meet at least the requirements of the specification for Grade D breathing air as described in Compressed Gas Association Commodity Specification G–7.1–1966. Compressed oxygen shall not be used in supplied-air respirators or in open circuit self-contained breathing apparatus that have previously used compressed air. Oxygen must never be used with air line respirators.

(2) Breathing air may be supplied to respirators from cylinders or air compressors.

(i) Cylinders shall be tested and maintained as prescribed in the Shipping Container Specification Regulations of the Department of Transportation (49 CFR Part 178).

(ii) The compressor for supplying air shall be equipped with necessary safety and standby devices. A breathing air-type compressor shall be used. Compressors shall be constructed and situated so as to avoid entry of contaminated air into the system and suitable in-line air purifying sorbent beds and filters installed to further assure breathing air quality. A receiver of sufficient capacity to enable the respirator wearer to escape from a contaminated atmosphere in event of compressor failure, and alarms to indicate compressor failure and overheating shall be installed in the system. If an oil-lubricated compressor is used, it shall have a high-temperature or carbon monoxide alarm, or both. If only a high-temperature alarm is used, the air from the compressor shall be frequently tested for carbon monoxide to insure that it meets the specifications in subparagraph (1) of this paragraph.

(3) Air line couplings shall be incompatible with outlets for other gas systems to prevent inadvertent servicing of air line respirators with nonrespirable gases or oxygen.

(4) Breathing gas containers shall be marked in accordance with American National Standard Method of Marking Portable Compressed Gas Containers to Identify the Material Contained, Z48.1–1954; Federal Specification BB–A–1034a, June 21, 1968, Air, Compressed for Breathing Purposes; or Interim Federal Specification GG–B–00675b, April 27, 1965, Breathing Apparatus, Self-Contained.

(e) *Use of respirators.* (1) Standard procedures shall be developed for respirator use. These should include all information and guidance necessary for their proper selection, use, and care. Possible emergency and routine uses of respirators should be anticipated and planned for.

(2) The correct respirator shall be specified for each job. The respirator type is usually specified in the work procedures by a qualified individual supervising the respiratory protective program. The individual issuing them shall be adequately instructed to insure that the correct respirator is issued. Each respirator permanently assigned to an individual should be durably marked to indicate to whom it was assigned. This mark shall not affect the respirator performance in any way. The date of issuance should be recorded.

(3) Written procedures shall be prepared covering safe use of respirators in dangerous atmospheres that might be encountered in normal operations or in emergencies. Personnel shall be familiar with these procedures and the available respirators.

(i) In areas where the wearer, with failure of the respirator, could be overcome by a toxic or oxygen-deficient atmosphere, at least one additional man shall be present. Communications (visual, voice, or signal line) shall be maintained between both or all individuals present. Planning shall be such that one individual will be unaffected by any likely incident and have the proper rescue equipment to be able to assist the other(s) in case of emergency.

(ii) When self-contained breathing apparatus or hose masks with blowers are used in atmospheres immediately dangerous to life or health, standby men must be present with suitable rescue equipment.

(iii) Persons using air line respirators in atmospheres immediately hazardous to life or health shall be equipped with safety harnesses and safety lines for lifting or removing persons from hazardous atmospheres or other and equivalent provisions for the rescue of persons from hazardous atmospheres shall be used. A standby man or men with suitable self-contained breathing apparatus shall be at the nearest fresh air base for emergency rescue.

(4) Respiratory protection is no better than the respirator in use, even though it is worn conscientiously. Frequent random inspections shall be conducted by a qualified individual to assure that respirators are properly selected, used, cleaned, and maintained.

(5) For safe use of any respirator, it is essential that the user be properly instructed in its selection, use, and maintenance. Both supervisors and workers

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shall be so instructed by competent persons. Training shall provide the men an opportunity to handle the respirator, have it fitted properly, test its face-piece-to-face seal, wear it in normal air for a long familiarity period, and, finally, to wear it in a test atmosphere.

(i) Every respirator wearer shall receive fitting instructions including demonstrations and practice in how the respirator should be worn, how to adjust it, and how to determine if it fits properly. Respirators shall not be worn when conditions prevent a good face seal. Such conditions may be a growth of beard, sideburns, a skull cap that projects under the facepiece, or temple pieces on glasses. Also, the absence of one or both dentures can seriously affect the fit of a facepiece. The worker's diligence in observing these factors shall be evaluated by periodic check. To assure proper protection, the facepiece fit shall be checked by the wearer each time he puts on the respirator. This may be done by following the manufacturer's facepiece fitting instructions.

(ii) Providing respiratory protection for individuals wearing corrective glasses is a serious problem. A proper seal cannot be established if the temple bars of eye glasses extend through the sealing edge of the full facepiece. As a temporary measure, glasses with short temple bars or without temple bars may be taped to the wearer's head. Wearing of contact lenses in contaminated atmospheres with a respirator shall not be allowed. Systems have been developed for mounting corrective lenses inside full facepieces. When a workman must wear corrective lenses as part of the facepiece, the facepiece and lenses shall be fitted by qualified individuals to provide good vision, comfort, and a gas-tight seal.

(iii) If corrective spectacles or goggles are required, they shall be worn so as not to affect the fit of the facepiece. Proper selection of equipment will minimize or avoid this problem.

(f) *Maintenance and care of respirators.* (1) A program for maintenance and care of respirators shall be adjusted to the type of plant, working conditions, and hazards involved, and shall include the following basic services:

(i) Inspection for defects (including a leak check),

(ii) Cleaning and disinfecting,

(iii) Repair,

(iv) Storage

Equipment shall be properly maintained to retain its original effectiveness.

(2) (i) All respirators shall be inspected routinely before and after each use. A respirator that is not routinely used but is kept ready for emergency use shall be inspected after each use and at least monthly to assure that it is in satisfactory working condition.

(ii) Self-contained breathing apparatus shall be inspected monthly. Air and oxygen cylinders shall be fully charged according to the manufacturer's instructions. It shall be determined that the regulator and warning devices function properly.

(iii) Respirator inspection shall include a check of the tightness of connections and the condition of the facepiece, headbands, valves, connecting tube, and canisters. Rubber or elastomer parts shall be inspected for pliability and signs of deterioration. Stretching and manipulating rubber or elastomer parts with a massaging action will keep them pliable and flexible and prevent them from taking a set during storage.

(iv) A record shall be kept of inspection dates and findings for respirators maintained for emergency use.

(3) Routinely used respirators shall be collected, cleaned, and disinfected as frequently as necessary to insure that proper protection is provided for the wearer. Each worker should be briefed on the cleaning procedure and be assured that he will always receive a clean and disinfected respirator. Such assurances are of greatest significance when respirators are not individually assigned to workers. Respirators maintained for emergency use shall be cleaned and disinfected after each use.

(4) Replacement or repairs shall be done only by experienced persons with parts designed for the respirator. No attempt shall be made to replace components or to make adjustment or repairs beyond the manufacturer's recommendations. Reducing or admission valves or regulators shall be returned to the manufacturer or to a trained technician for adjustment or repair.

(5) (i) After inspection, cleaning, and necessary repair, respirators shall be stored to protect against dust, sunlight, heat, extreme cold, excessive moisture, or damaging chemicals. Respirators placed at stations and work areas for emergency use should be quickly accessible at all times and should be stored in compartments built for the purpose. The compartments should be clearly marked. Routinely used respirators, such as dust respirators, may be placed in plastic bags. Respirators should not be stored in such places as lockers or tool boxes unless they are in carrying cases or cartons.

(ii) Respirators should be packed or stored so that the facepiece and exhalation valve will rest in a normal position and function will not be impaired by the elastomer setting in an abnormal position.

(iii) Instructions for proper storage of emergency respirators, such as gas masks and self-contained breathing apparatus, are found in "use and care" instructions usually mounted inside the carrying case lid.

(g) *Identification of gas mask canisters.* (1) The primary means of identifying a gas mask canister shall be by means of properly worded labels. The secondary means of identifying a gas mask canister shall be by a color code.

(2) All who issue or use gas masks falling within the scope of this section shall see that all gas mask canisters purchased or used by them are properly labeled and colored in accordance with these requirements before they are placed in service and that the labels and colors are properly maintained at all times thereafter until the canisters have completely served their purpose.

(3) On each canister shall appear in bold letters the following:

(i)—

Canister for _____
(Name for atmospheric contaminant)
or
Type N Gas Mask Canister

(ii) In addition, essentially the following wording shall appear beneath the appropriate phrase on the canister label: "For respiratory protection in atmospheres containing not more than ------ percent by volume of_____
_____."
(Name of atmospheric contaminant)

(iii) All of the markings specified above should be placed on the most conspicuous surface or surfaces of the canister.

(4) Canisters having a special high-efficiency filter for protection against radionuclides and other highly toxic particulates shall be labeled with a statement of the type and degree of protection afforded by the filter. The label shall be affixed to the neck end of, or to the gray stripe which is around and near the top of, the canister. The degree of protection shall be marked as the percent of penetration of the canister by a 0.3-micron-diameter dioctyl phthalate (DOP) smoke at a flow rate of 85 liters per minute.

(5) Each canister shall have a label warning that gas masks should be used only in atmospheres containing sufficient oxygen to support life (at least 16 percent by volume), since gas mask canisters are only designed to neutralize or remove contaminants from the air.

(6) Each gas mask canister shall be painted a distinctive color or combination of colors indicated in Table I-1. All colors used shall be such that they are clearly identifiable by the user and clearly distinguishable from one another. The color coating used shall offer a high degree of resistance to chipping, scaling, peeling, blistering, fading, and the effects of the ordinary atmospheres to which they may be exposed under normal conditions of storage and use. Appropriately colored pressure sensitive tape may be used for the stripes.

TABLE I-1

Atmospheric contaminants to be protected against	*Colors assigned**
Acid gases	White.
Hydrocyanic acid gas	White with ½-inch green stripe completely around the canister near the bottom.
Chlorine gas	White with ½-inch yellow stripe completely around the canister near the bottom.
Organic vapors	Black.
Ammonia gas	Green.
Acid gases and ammonia gas	Green with ½-inch white stripe completely around the canister near the bottom.
Carbon monoxide	Blue.
Acid gases and organic vapors	Yellow.
Hydrocyanic acid gas and chloropicrin vapor	Yellow with ½-inch blue stripe completely around the canister near the bottom.
Acid gases, organic vapors, and ammonia gases.	Brown.
Radioactive materials, excepting tritium and noble gases.	Purple (Magenta).
Particulates (dusts, fumes, mists, fogs, or smokes) in combination with any of the above gases or vapors.	Canister color for contaminant, as designated above, with ½-inch gray stripe completely around the canister near the top.
All of the above atmospheric contaminants	Red with ½-inch gray stripe completely around the canister near the top.

*Gray shall not be assigned as the main color for a canister designed to remove acids or vapors.

NOTE: Orange shall be used as a complete body, or stripe color to represent gases not included in this table. The user will need to refer to the canister label to determine the degree of protection the canister will afford.

§ 1910.135 Occupational head protection.

Helmets for the protection of heads of occupational workers from impact and penetration from falling and flying objects and from limited electric shock and burn shall meet the requirements and specifications established in American National Standard Safety Requirements for Industrial Head Protection, Z89.1–1969.

§ 1910.136 Occupational foot protection.

Safety-toe footwear for employees shall meet the requirements and specifications in American National Standard for Men's Safety-Toe Footwear, Z41.1–1967.

§ 1910.137 Electrical protective devices.

Rubber protective equipment for electrical workers shall conform to the requirements established in the American National Standards Institute Standards as specified in the following list:

Item	*Standard*
Rubber insulating gloves	J6.6–1967.
Rubber matting for use around electric apparatus.	J6.7–1935 (R1962).
Rubber insulating blankets.	J6.4–1970.
Rubber insulating hoods	J6.2–1950 (R1962).
Rubber insulating line hose.	J6.1–1950 (R1962).
Rubber insulating sleeves.	J6.5–1962.

§ 1910.138 Effective dates.

(a) The provisions of this Subpart I shall become effective on August 27, 1971, except that:

(1) Any provision in any other section of this subpart which contains in itself a specific effective date or time limitation shall become effective on such date or shall apply in accordance with such limitation; and

(2) If any standard in 41 CFR Part 50–204, other than a national consensus standard incorporated by reference in § 50–204.2(a)(1), is or becomes applicable at any time to any employment and place of employment, by virtue of the Walsh-Healey Public Contracts Act, or the Service Contract Act of 1965, or the National Foundation on Arts and Humanities Act of 1965, any corresponding established Federal standard in this Subpart I which is derived from 41 CFR Part 50–204 shall also become effective, and shall be applicable to such employment and place of employment, on the same date.

§ 1910.139 Sources of standards.

Sec.	*Source*
1910.132	41 CFR 50–204.7.
1910.133(a)	ANSI Z87.1–1968, Eye and Face Protection.
1910.134	ANSI Z88.2–1969, Standard Practice for Respiratory Protection.
1910.134 Table I–L	ANSI K13.1–1967, Identification of Gas Mask Canister.
1910.135	ASNI Z89.1–1969, Safety Requirements for Industrial Head Protection.
1910.136	ANSI Z41.1–1967, Men's Safety-Toe Footwear.
1910.137	ANSI Z9.4–1968, Ventilation and Safe Practices of Abrasive Blasting Operations.

§ 1910.140 Standards organizations.

Specific standards of the following organization have been referenced in this part. Copies of the referenced materials may be obtained from the issuing organization.

American National Standards Institute, 1430 Broadway, New York, NY 10018.

Subpart J—General Environmental Controls

§ 1910.141 Sanitation.

(a) *General.*—(1) *Scope.*—This section applies to permanent places of employment.

(2) *Definitions applicable to this section.*—(i) "Lavatory" means a basin or similar vessel used exclusively for washing of the hands, arms, faces, and head.

(ii) "Nonwater carriage toilet facility," means a toilet facility not connected to a sewer.

(iii) "Number of employees" means, unless otherwise specified, the maximum number of employees present at any one time on a regular shift.

(iv) "Personal service room," means a room used for activities not directly connected with the production or service function performed by the establishment. Such activities include, but are not limited to, first-aid, medical services, dressing, showering, toilet use, washing, and eating.

(v) "Potable water" means water which meets the quality standards prescribed in the U.S. Public Health Service Drinking Water Standards, published in 42 CFR part 72, or water which is approved for drinking purposes by the State or local authority having jurisdiction.

(vi) "Toilet facility," means a fixture maintained within a toilet room for the purpose of defecation or urination, or both.

(vii) "Toilet room," means a room maintained within or on the premises of any place of employment, containing toilet facilities for use by employees.

(viii) "Toxic material" means a material in concentration or amount which exceeds the applicable limit established by a standard, such as §§ 1910.93 and 1910.93a or, in the absence of an applicable standard, which is of such toxicity so as to constitute a recognized hazard that is causing or is likely to cause death or serious physical harm.

(ix) "Urinal" means a toilet facility maintained within a toilet room for the sole purpose of urination.

(x) "Water closet" means a toilet facility maintained within a toilet room for the purpose of both defecation and urination and which is flushed with water.

(xi) "Wet process" means any process or operation in a workroom which normally results in surfaces upon which employees may walk or stand becoming wet.

(3) *Housekeeping.*—(i) All places of employment shall be kept clean to the extent that the nature of the work allows.

(ii) The floor of every workroom shall be maintained, so far as practicable, in a dry condition. Where wet processes are used, drainage shall be maintained and false floors, platforms, mats, or other dry standing places shall be provided, where practicable, or appropriate waterproof footgear shall be provided.

(iii) To facilitate cleaning, every floor, working place, and passageway shall be kept free from protruding nails, splinters, loose boards, and unnecessary holes and openings.

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(4) *Waste disposal.*—(i) Any receptacle used for putrescible solid or liquid waste or refuse shall be so constructed that it does not leak and may be thoroughly cleaned and maintained in a sanitary condition. Such a receptacle shall be equipped with a solid tight-fitting cover, unless it can be maintained in a sanitary condition without a cover. This requirement does not prohibit the use of receptacles which are designed to permit the maintenance of a sanitary condition without regard to the aforementioned requirements.

(ii) All sweepings, solid or liquid wastes, refuse, and garbage shall be removed in such a manner as to avoid creating a menace to health and as often as necessary or appropriate to maintain the place of employment in a sanitary condition.

(5) *Vermin control.*—Every enclosed workplace shall be so constructed, equipped, and maintained, so far as reasonably practicable, as to prevent the entrance or harborage of rodents, insects, and other vermin. A continuing and effective extermination program shall be instituted where their presence is detected.

(b) *Water supply.*—(1) *Potable water.*—(i) Potable water shall be provided in all places of employment, for drinking, washing of the person, cooking, washing of foods, washing of cooking or eating utensils, washing of food preparation or processing premises, and personal service rooms.

(ii) Drinking fountain surfaces which become wet during fountain operation shall be constructed of materials impervious to water and not subject to oxidation. The nozzle of the fountain shall be at an angle and so located to prevent the return of water in the jet or bowl to the nozzle orifice. A guard shall be provided over the nozzle to prevent contact with the nozzle by the mouth or nose of persons using the drinking fountain. The drain from the bowl of the fountain shall not have a direct physical connection with a waste pipe, unless it is trapped.

(iii) Portable drinking water dispensers shall be designed, constructed, and serviced so that sanitary conditions are maintained, shall be capable of being closed, and shall be equipped with a tap.

(iv) Ice in contact with drinking water shall be made of potable water and maintained in a sanitary condition.

(v) Open containers such as barrels, pails, or tanks for drinking water from which the water must be dipped or poured, whether or not they are fitted with a cover, are prohibited.

(vi) A common drinking cup and other common utensils are prohibited.

(vii) Where single service cups (to be used but once) are supplied, both a sanitary container for the unused cups and a receptacle for disposing of the used cups shall be provided.

(2) *Nonpotable water.*—(i) Outlets for nonpotable water, such as water for industrial or firefighting purposes, shall be posted or otherwise marked in a manner that will indicate clearly that the water is unsafe and is not to be used for drinking, washing of the person, cooking, washing of food, washing of cooking or eating utensils, washing of food preparation or processing premises, or personal service rooms, or for washing clothes.

(ii) Construction of nonpotable water systems or systems carrying any other nonpotable substance shall be such as to prevent backflow or backsiphonage into a potable water system.

(iii) Nonpotable water shall not be used for washing any portion of the person, cooking or eating utensils, or clothing. Nonpotable water may be used for cleaning work premises, other than food processing and preparation premises and personal service rooms: *Provided*, That this nonpotable water does not contain concentrations of chemicals, fecal coliform, or other substances which could create insanitary conditions or be harmful to employees.

(c) *Toilet facilities.*—(1) *General.*—(i) Except as otherwise indicated in this subdivision (i), toilet facilities, in toilet rooms separate for each sex, shall be provided in all places of employment in accordance with table J–1 of this section. The number of facilities to be provided for each sex shall be based on the number of employees of that sex for whom the facilities are furnished. Where toilet rooms will be occupied by no more than one person at a time, can be locked from the inside, and contain at least one water closet, separate toilet rooms for each sex need not be provided. Where such single-occupancy rooms have more than one toilet facility, only one such facility in each toilet room shall be counted for the purpose of table J–1.

TABLE J–1

Number of employees:	Minimum number of water closets[1]
1 to 15	1.
16 to 35	2.
36 to 55	3.
56 to 80	4.
81 to 110	5.
111 to 150	6.
Over 150	1 additional fixture for each additional 40 employees.

[1] Where toilet facilities will not be used by women, urinals may be provided instead of water closets, except that the number of water closets in such cases shall not be reduced to less than ⅔ of the minimum specified.

(ii) The requirements of subdivision (i) of this subparagraph do not apply to mobile crews or to normally unattended work locations so long as employees working at these locations have transportation immediately available to nearby toilet facilities which meet the other requirements of this subparagraph.

(iii) The sewage disposal method shall not endanger the health of employees.

(iv) When persons other than employees are permitted the use of toilet facilities on the premise, the number of such facilities shall be appropriately increased in accordance with table J–1 of this section in determining the minimum number of toilet facilities required.

(v) Toilet paper with holder shall be provided for every water closet.

(vi) Covered receptacles shall be kept in all toilet rooms used by women.

(vii) For each three required toilet facilities at least one lavatory shall be located either in the toilet room or adjacent thereto. Where only one or two toilet facilities are provided at least one lavatory so located shall be provided.

(2) *Construction of toilet rooms.*—(i) Each water closet shall occupy a separate compartment with a door and walls or partitions between fixtures sufficiently high to assure privacy.

(ii) In all toilet rooms installed on or after August 31, 1971, the floor and sidewalls, including the angle formed by the floor and sidewalls, and excluding doorways and entrances, shall be watertight. The sidewalls shall be watertight to a height of at least 5 inches.

(iii) The floors, walls, ceilings, partitions, and doors of all toilet rooms shall be of a finish that can be easily cleaned. In installations made on or after August 31, 1971, cove bases shall be provided to facilitate cleaning.

(3) *Construction and installation of toilet facilities.* (i) Every water carriage toilet facility shall be set entirely free and open from all enclosing structures and shall be so installed that the space around the facility can be easily cleaned. This provision does not prohibit the use of wall-hung-type water closets or urinals.

(ii) Every water closet shall have a hinged seat made of substantial material having a nonabsorbent finish. Seats installed or replaced after June 4, 1973, shall be of the open-front type.

(iii) Nonwater carriage toilet facilities and disposal systems shall be in accordance with § 1910.143.

(d) *Washing facilities.*—(1) *General.*—Washing facilities shall be maintained in a sanitary condition.

(2) *Lavatories.*—(i) Lavatories shall be made available in all places of employment in accordance with the requirements for lavatories as set forth in table J–2 of this section. In a multiple-use lavatory, 24 lineal inches of wash sink or 20 inches of a circular basin, when provided with water outlets for each space, shall be considered equivalent to one lavatory. The requirements of this subdivision do not apply to mobile crews or to normally unattended work locations if employees working at these locations have transportation readily available to nearby washing facilities which meet the other requirements of this paragraph.

TABLE J–2

Type of employment	Number of employees	Minimum number of lavatories
Nonindustrial—office buildings, public buildings, and similar establishments.	1–15	1.
	16–35	2.
	36–60	3.
	61–90	4.
	91–125	5.
	Over 125	1 additional fixture for each additional 45 employees.
Industrial—factories, warehouses, loft buildings, and similar establishments.	1–100	1 fixture for each 10 employees.
	Over 100	1 fixture for each additional 15 employees.

(ii) Each lavatory shall be provided with hot and cold running water, or tepid running water.

(iii) Hand soap or similar cleansing agents shall be provided.

(iv) Individual hand towels or sections thereof, of cloth or paper, warm air blowers or clean individual sections of continuous cloth toweling, convenient to the lavatories, shall be provided.

(v) Receptacles shall be provided for disposal of used towels.

(vi) Warm air blowers shall provide air at not less than 90° F. and shall have means to automatically prevent the discharge of air exceeding 140° F.

(vii) Electrical components of warm air blowers shall meet the requirements of subpart S of this part.

(3) *Showers.*—(i) Whenever showers are required by a particular standard, the showers shall be provided in accordance with subdivisions (ii) through (v) of this subparagraph.

(ii) One shower shall be provided for each 10 employees of each sex, or numerical fraction thereof, who are required to shower during the same shift.

(iii) Body soap or other appropriate cleansing agents convenient to the showers shall be provided as specified in paragraph (d) (2) (iii) of this section.

(iv) Showers shall be provided with hot and cold water feeding a common discharge line.

(v) Employees who use showers shall be provided with individual clean towels.

(e) *Change rooms.*—Whenever employees are required by a particular standard to wear protective clothing because of the possibility of contamination with toxic materials, change rooms equipped with storage facilities for street clothes and separate storage facilities for the protective clothing shall be provided.

(f) *Clothes drying facilities.*—Where working clothes are provided by the employer and become wet or are washed between shifts, provision shall be made to insure that such clothing, is dry before reuse.

(g) *Consumption of food and beverages on the premises.*—(1) *Application.*—This paragraph shall apply only where employees are permitted to consume food or beverages, or both, on the premises.

(2) *Eating and drinking areas.*—No employee shall be allowed to consume food or beverages in a toilet room nor in any area exposed to a toxic material.

(3) *Waste disposal containers.*—Receptacles constructed of smooth, corrosion resistant, easily cleanable, or disposable materials, shall be provided and used for the disposal of waste food. The number, size, and location of such receptacles shall encourage their use and not result in overfilling. They shall be emptied not less frequently than once each working day, unless unused, and shall be maintained in a clean and sanitary condition. Receptacles shall be provided with a solid tight-fitting cover unless sanitary conditions can be maintained without use of a cover.

(4) *Sanitary storage.*—No food or beverages shall be stored in toilet rooms or in an area exposed to a toxic material.

(h) *Food handling.*—All employee food service facilities and operations shall be carried out in accordance with sound hygienic principles. In all places of employment where all or part of the food service is provided, the food dispensed shall be wholesome, free from spoilage, and shall be processed, prepared, handled, and stored in such a manner as to be protected against contamination.

[38 FR 10932, May 3, 1973]

§ 1910.142 Temporary labor camps.

(a) *Site.* (1) All sites used for camps shall be adequately drained. They shall not be subject to periodic flooding, nor located within 200 feet of swamps, pools, sink holes, or other surface collections of water unless such quiescent water surfaces can be subjected to mosquito control measures. The camp shall be located so the drainage from and through the camp will not endanger any domestic or public water supply. All sites shall be graded, ditched, and rendered free from depressions in which water may become a nuisance.

(2) All sites shall be adequate in size to prevent overcrowding of necessary structures. The principal camp area in which food is prepared and served and where sleeping quarters are located shall be at least 500 feet from any area in which livestock is kept.

(3) The grounds and open areas surrounding the shelters shall be maintained in a clean and sanitary condition free from rubbish, debris, waste paper, garbage, or other refuse.

(4) Whenever the camp is closed for the season or permanently, all garbage, manure, and other refuse shall be collected and so disposed of as to prevent nuisance. All abandoned privy pits shall be filled with earth and the grounds and buildings left in a clean and sanitary condition. If privy buildings remain, they shall be locked or otherwise secured to prevent entrance.

(b) *Shelter.* (1) Every shelter in the camp shall be constructed in a manner which will provide protection against the elements.

(2) Each room used for sleeping purposes shall contain at east 50 square feet of floor space for each occupant. At least a 7-foot ceiling shall be provided.

(3) Beds, cots, or bunks, and suitable storage facilities such as wall lockers for clothing and personal articles shall be provided in every room used for sleeping purposes. Such beds or similar facilities shall be spaced not closer than 36 inches both laterally and end to end, and shall be elevated at least 12 inches from the floor. If double-deck bunks are used, they shall be spaced not less than 48 inches both laterally and end to end. The minimum clear space between the lower and upper bunk shall be not less than 27 inches. Triple-deck bunks are prohibited.

(4) The floors of each shelter shall be constructed of wood, asphalt, or concrete. Wooden floors shall be of smooth and tight construction. The floors shall be kept in good repair.

(5) All wooden floors shall be elevated not less than 1 foot above the ground level at all points to prevent dampness and to permit free circulation of air beneath.

(6) Nothing in this section shall be construed to prohibit "banking" with earth or other suitable material around the outside walls in areas subject to extreme low temperatures.

(7) All living quarters shall be provided with windows the total of which shall be not less than one-tenth of the floor area. At least one-half of each window shall be so constructed that it can be opened for purposes of ventilation.

(8) All exterior openings shall be effectively screened with 16-mesh material. All screen doors shall be equipped with self-closing devices.

(9) In a room where workers cook, live, and sleep a minimum of 100 square feet per person shall be provided. Sanitary facilities shall be provided for storing and preparing food.

(10) In camps where cooking facilities are used in common, stoves (in ratio of one stove to 10 persons or one stove to two families) shall be provided in an enclosed and screened shelter. Sanitary facilities shall be provided for storing and preparing food.

(11) All heating, cooking, and water heating equipment shall be installed in accordance with State and local ordinances, codes, and regulations governing such installations. If a camp is used during cold weather, adequate heating equipment shall be provided.

(c) *Water supply.* (1) An adequate and convenient water supply, approved by the appropriate health authority, shall be provided in each camp for drinking, cooking, bathing, and laundry purposes.

(2) A water supply shall be deemed adequate if it is capable of delivering 35 gallons per person per day to the campsite at a peak rate of 2½ times the average hourly demand.

(3) The distribution lines shall be capable of supplying water at normal operating pressures to all fixtures for simultaneous operation. Water outlets shall be distributed throughout the camp in such a manner that no shelter is more than 100 feet from a yard hydrant if water is not piped to the shelters.

(4) Where water under pressure is available, one or more drinking fountains shall be provided for each 100 occupants or fraction thereof. The construction of drinking fountains shall comply with ANSI Standard Specifications for Drinking Fountains, Z4.2–1942, Common drinking cups are prohibited.

(d) *Toilet facilities.* (1) Toilet facilities adequate for the capacity of the camp shall be provided.

(2) Each toilet room shall be located so as to be accessible without any individual passing through any sleeping room. Toilet rooms shall have a window not less than 6 square feet in area opening directly to the outside area or otherwise be satisfactorily ventilated. All outside openings shall be screened with 16-mesh material. No fixture, water closet, chemical toilet, or urinal shall be

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located in a room used for other than toilet purposes.

(3) A toilet room shall be located within 200 feet of the door of each sleeping room. No privy shall be closer than 100 feet to any sleeping room, dining room, lunch area, or kitchen.

(4) Where the toilet rooms are shared, such as in multifamily shelters and in barracks type facilities, separate toilet rooms shall be provided for each sex. These rooms shall be distinctly marked "for men" and "for women" by signs printed in English and in the native language of the persons occupying the camp, or marked with easily understood pictures or symbols. If the facilities for each sex are in the same building, they shall be separated by solid walls or partitions extending from the floor to the roof or ceiling.

(5) Where toilet facilities are shared, the number of water closets or privy seats provided for each sex shall be based on the maximum number of persons of that sex which the camp is designed to house at any one time, in the ratio of one such unit to each 15 persons, with a minimum of two units for any shared facility.

(6) Urinals shall be provided on the basis of one unit or 2 linear feet of urinal trough for each 25 men. The floor from the wall and for a distance not less than 15 inches measured from the outward edge of the urinals shall be constructed of materials impervious to moisture. Where water under pressure is available, urinals shall be provided with an adequate water flush. Urinal troughs in privies shall drain freely into the pit or vault and the construction of this drain shall be such as to exclude flies and rodents from the pit.

(7) Every water closet installed on or after August 31, 1971, shall be located in a toilet room.

(8) Each toilet room shall be lighted naturally, or artificially by a safe type of lighting at all hours of the day and night.

(9) An adequate supply of toilet paper shall be provided in each privy, water closet, or chemical toilet compartment.

(10) Privies and toilet rooms shall be kept in a sanitary condition. They shall be cleaned at least daily.

(e) *Sewage disposal facilities.* In camps where public sewers are available, all sewer lines and floor drains from buildings shall be connected thereto.

(f) *Laundry, handwashing, and bathing facilities.* (1) Laundry, handwashing, and bathing facilities shall be provided in the following ratio:

(i) Handwash basin per family shelter or per six persons in shared facilities.

(ii) Shower head for every 10 persons.

(iii) Laundry tray or tub for every 30 persons.

(iv) Slop sink in each building used for laundry, hand washing, and bathing.

(2) Floors shall be of smooth finish but not slippery materials; they shall be impervious to moisture. Floor drains shall be provided in all shower baths, shower rooms, or laundry rooms to remove waste water and facilitate cleaning. All junctions of the curbing and the floor shall be coved. The walls and partitions of shower rooms shall be smooth and impervious to the height of splash.

(3) An adequate supply of hot and cold running water shall be provided for bathing and laundry purposes. Facilities for heating water shall be provided.

(4) Every service building shall be provided with equipment capable of maintaining a temperature of at least 70° F. during cold weather.

(5) Facilities for drying clothes shall be provided.

(6) All service buildings shall be kept clean.

(g) *Lighting.* Where electric service is available, each habitable room in a camp shall be provided with at least one ceiling-type light fixture and at least one separate floor- or wall-type convenience outlet. Laundry and toilet rooms and rooms where people congregate shall contain at least one ceiling- or wall-type fixture. Light levels in toilet and storage rooms shall be at least 20 foot-candles 30 inches from the floor. Other rooms, including kitchens and living quarters, shall be at least 30 foot-candles 30 inches from the floor.

(h) *Refuse disposal.* (1) Fly-tight, rodent-tight, impervious, cleanable or single service containers, approved by the appropriate health authority shall be provided for the storage of garbage. At least one such container shall be provided for each family shelter and shall be located within 100 feet of each shelter on a wooden, metal, or concrete stand.

(2) Garbage containers shall be kept clean.

(3) Garbage containers shall be emptied when full, but not less than twice a week.

(i) *Construction and operation of kitchens, dining hall, and feeding facilities.* (1) In all camps where central dining or multiple family feeding operations are permitted or provided, the food handling facilities shall comply with the requirements of the "Food Service Sanitation Ordinance and Code," Part V of the "Food Service Sanitation Manual," U.S. Public Health Service Publication 934 (1965).

(2) A properly constructed kitchen and dining hall adequate in size, separate from the sleeping quarters of any of the workers or their families, shall be provided in connection with all food handling facilities. There shall be no direct opening from living or sleeping quarters into a kitchen or dining hall.

(3) No person with any communicable disease shall be employed or permitted to work in the preparation, cooking, serving, or other handling of food, foodstuffs, or materials used therein, in any kitchen or dining room operated in connection with a camp or regularly used by persons living in a camp.

(j) *Insect and rodent control.* Effective measures shall be taken to prevent infestation by and harborage of animal or insect vectors or pests.

(k) *First aid.* (1) Adequate first aid facilities approved by a health authority shall be maintained and made available in every labor camp for the emergency treatment of injured persons.

(2) Such facilities shall be in charge of a person trained to administer first aid and shall be readily accessible for use at all times.

(l) *Reporting communicable disease.* (1) It shall be the duty of the camp superintendent to report immediately to the local health officer the name and address of any individual in the camp known to have or suspected of having a communicable disease.

(2) Whenever there shall occur in any camp a case of suspected food poisoning or an unusual prevalence of any illness in which fever, diarrhea, sore throat, vomiting, or jaundice is a prominent symptom, it shall be the duty of the camp superintendent to report immediately the existence of the outbreak to the health authority by telegram or telephone.

§ 1910.143 Nonwater carriage disposal systems.

(a) *Acceptable industrial disposal systems.* (1) The waste disposal systems described in subparagraphs (2), (3), (4), (5), (6), or (7) of this paragraph, may be used only where not prohibited by codes and regulations of local authorities, and where water closets are not feasible due either to the lack of an adequate water supply or to the location or temporary nature of the operation requiring the facility. The number of units required for a place of employment shall be as specified in §§ 1910.141 and 1910.142.

(2) Privies constructed in conformity with paragraph (b) of this section may be used for the disposal of human excreta where their use will not contaminate ground or surface water because of privy location, type of soil, or ground-water table.

(3) Chemical toilets constructed in conformity with paragraph (c) of this section may be used in place of privies or where a privy is not permitted due to possible contamination of ground and surface water.

(4) Recirculating toilets constructed in conformity with paragraph (f) of this section may be used in place of privies or chemical toilets.

(5) Combustion toilets constructed in conformity with paragraph (e) of this section may be used in place of privies, chemical toilets, or recirculating toilets.

(6) Portable toilets constructed in conformity with paragraph (g) of this section may be used for temporary or mobile installations. Such temporary units may be:

(i) Chemical, recirculating, or combustion toilets designed for installation in or as an integral part of a skid mounted portable privy building, or in a separate toilet room, or

(ii) Portable privies designed for installation over a manhole of a sanitary or a combined waste water sewer system.

(7) A seepage pit constructed in conformity with paragraph (d) of this section may be used for the disposal of waste water from culinary activity, temporary bathing facilities, and clothes washing facilities where there is no available piped water supply. Human excreta shall not be discharged into a seepage pit. All units described in this paragraph shall comply with applicable codes and regulations of local authorities.

(b) *Privy specifications.* (1) A privy pit shall be separated by a minimum distance of 100 feet between the privy and a well, spring, or other source of water supply for drinking, bathing, or culinary purposes.

(i) At no time shall the pit bottom of a privy extend into ground water, nor shall it be constructed within 100 feet of the shoreline of any open body of water. Phreatic water, such as may be found in surface soil at depths of 10 feet or less, shall not be interpreted as ground water unless there is evidence of positive directional flow through the pit.

(ii) The privy shall be so located and so constructed that no surface water may enter into the pit either as runoff or as flood water.

(iii) The pit shall be constructed of such material and in such a manner as to prevent rapid deterioration, provide adequate capacity, and facilitate maintenance in a satisfactory manner under ordinary conditions of usage.

(iv) The pit and seat area shall be vented by a flue or vent pipe having not less than 7 square inches cross-sectional area, so as to provide a continuous escape of odors.

(v) The pit shall provide a capacity of 50 cubic feet for each seat installed in the privy building. The vault within 16 inches of the surface grade shall not be counted as part of the 50-cubic-foot capacity.

(vi) Pit cribbing shall fit firmly and be in uniform contact with the earth walls on all sides, and shall rise at least 6 inches above the original ground line and descend to the full depth of the pit. However, pit cribbing below the soil line may be omitted in rock formations.

(vii) An earth plateau shall be constructed level with the top of the pit cribbing, and extend horizontally for a distance of at least 16 inches before sloping to the original ground level.

(2) Privy building shall be firmly anchored, rigidly constructed, and free from hostile surface features, such as exposed nail points, sharp edges, rough or broken boards, etc., and shall provide privacy and protection from the elements. It shall be ventilated by leaving a 4-inch opening at the top of all the walls just beneath the roof.

(i) The building shall be of fly-tight construction, doors shall be self-closing, and vent and building openings shall be screened with 16-mesh screen of durable material. The vent shall extend 12 inches above the roof.

(ii) The seat shall be so spaced as to provide a minimum clear space of 24 inches between each seat in multiple unit installations, and shall provide 12 inches clear space from the seat opening to the side wall in single and multiple units.

(iii) The seat riser shall have an inside clearance of not less than 21 inches from the front wall and not less than 24 inches from the rear wall of the privy building.

(iv) The seat top shall be not less than 12 inches nor more than 16 inches above the floor.

(v) The seat opening shall be covered with an attached, movable toilet seat and lid, so constructed and installed that when closed it will limit access of insects, and which can be raised to allow sanitary use as a urinal.

(vi) The floor and riser shall be built of impervious material or tongue and groove lumber, and in a manner to deny access of insects.

(vii) Where electricity is available, lighting shall be provided with an intensity of not less than 10 foot-candles 30 inches above the floor.

(viii) A conveniently located receptacle or dispenser containing an adequate supply of toilet paper shall be provided for each seat in each privy building.

(c) *Chemical toilet specifications.* (1) Rooms, buildings, or shelters housing chemical toilets shall be of sound construction and easy to clean, and shall provide shelter and privacy. The toilet rooms shall be ventilated to the outside and adequately lighted, and all openings into the toilet room shall be covered with 16-mesh screen. The minimum requirements given in subparagraphs (2) through (7) of this paragraph shall apply.

(2) Caustic receptacles shall be durable and corrosion proof, and provide a minimum capacity of 100 gallons per seat.

(3) The caustic receptacle charge per seat shall be a minimum of 25 pounds of caustic dissolved in 10 gallons of water.

(4) The chemical shall be drained and receptacle recharged every 6 months of continuous use, or at the beginning of each season of operation when in intermittent use, or when three-fourths full, whichever occurs first.

(5) Each seat in the building shall be provided with a conveniently located agitator.

(6) Receptacles shall be vented as prescribed in paragraph (b) (1) (iv) of this section.

(7) The receptacle shall be equipped with a manhole external to the privy building for cleaning and caustic removal purposes. The manhole shall be covered so as to prevent the escape of gases and odors.

(d) *Seepage pit construction.* (1) Seepage pit construction shall conform with requirements for privy pit construction in paragraph (b) (1) (i), (ii), (iii), (vi) and (vii) of this section. The seepage pit may be filled with stone or rubble of not less than nominal 1 inch diameter.

(2) Seepage pits shall be of such dimensions as to provide side wall area equal to at least 10 square feet per person served by the facility, or such greater area as may be required by the health agency having jurisdiction.

(3) Temporary piping connections from sinks or shower platforms may be discharged beneath the floor if they have traps in accordance with the provisions of American National Standard National Plumbing Code, A 40.8–1955.

(4) The platform covering the seepage pits shall be built of impervious material and in a manner to exclude insects.

(5) The platform shall be provided with an opening at least 1 foot in each dimension and have a rim at least 1 inch above the floor to prevent precipitation from accumulating on the platform floor.

(6) The platform opening shall be covered with a self-closing lid, so constructed that it can be easily opened by foot or hand, and so installed that when closed it will exclude insects and fit closely over the raised rim of the opening.

(e) *Combustion toilet.* (1) Combustion toilets and combustion toilet buildings, rooms, or shelters shall conform to the applicable specifications given for chemical toilets in paragraph (c) of this section.

(2) All external surfaces, including bowl and hopper, shall be easy to clean.

(3) The residue must be sterile and inert.

(4) The flue effluents must be free of bacteria.

(5) The combustion system and all fuel and electrical parts shall be safe and in compliance with applicable gas and electrical codes of local authorities. Where such codes do not exist, the installations shall comply with the National Electrical Code, NFPA 70–1971; ANSI C1–1971 (Rev. of 1968).

(f) *Recirculating toilet specifications.* (1) Recirculating toilet buildings, rooms, or shelters shall conform to the applicable specifications given for chemical toilets in paragraph (c) of this section.

(2) All materials, bowl, piping, and fittings shall be corrosion resistant.

(3) Waste passages shall have smooth surfaces and be free of obstructions, recesses, or chambers that would permit fouling.

(4) Flushing shall be accomplished by a single control so arranged as to be operated without special knowledge or effort.

(5) Recirculating toilets shall conform to "Self-Contained, Electrically Operated Recirculating, Chemically Controlled Toilet." International Association of Plumbing and Mechanical Officials Trailer Standard TSC 12–65.

(6) The unit shall be maintained and cleaned; and water, filter, and odor-controlling chemical shall be replaced in accordance with the instructions of the manufacturer.

(g) *Portable toilet construction.* (1) A portable toilet may comprise the seat and its treatment unit to be installed in a structure, or it may comprise an entire prefabricated, skid mounted, or otherwise portable structure containing a seat or treatment units with seat.

(2) No pit, tank, or other subsurface structure shall be construed as part of a portable toilet.

(i) Portable privies must be installed over a pit conforming to paragraph (b) (1) of this section, or a manhole that is part of a sanitary or combined waste water disposal system.

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(ii) No portable toilet shall discharge into a storm sewer.

(3) A portable building shall be rigidly constructed, ventilated by a screened opening or a vent having a cross-sectional area of at least 1 square foot per seat, and equipped with a floor, riser, and seat meeting the requirements of paragraph (b) (2) of this section or an equivalent individual stool and seat in prefabricated metal, fiber glass, plastic, or ceramic material.

(i) The structure shall provide privacy and protection from the elements.

(ii) An airtight seal shall be provided between the structure base and any pit, receptacle, or manhole over which it is placed.

(iii) Ventilation of the pit, receptacle, or manhole shall conform to paragraph (b) (1) (iv) of this section.

(4) A portable toilet shall be provided with facilities, requisite to its construction, for the removal of chemicals, ash, or residue. All surfaces subject to soiling shall be readily accessible and easily cleaned.

§ 1910.144 Safety color code for marking physical hazards.

(a) *Color identification*—(1) *Red.* Red shall be the basic color for the identification of:

(i) *Fire protection equipment and apparatus.* (*a*) Fire alarm boxes (pull boxes).

(*b*) Fire blanket boxes.

(*c*) Fire buckets or pails.

(*d*) Fire exit signs.

(*e*) Fire extinguishers (if painting the extinguisher is impractical or undesirable, color should be used on the housing, wall, or support to identify the location).

(*f*) Fire hose locations (color should be used on the reel, supports, or housing but not on the hose).

(*g*) Fire hydrants (industrial).

(*h*) Fire pumps.

(*i*) Fire sirens.

(*j*) Post indicator valves for sprinkler system (it is suggested that if a traffic hazard is involved, the top should be colored red, and the barrel or post yellow and black stripes).

(*k*) Sprinkler piping. (See ANSI Standard Scheme for the Identification of Piping Systems, A13.1–1956.)

(ii) *Danger.* Safety cans or other portable containers of flammable liquids having a flashpoint at or below 80° F. table containers of flammable liquids (open cup tester), excluding shipping containers, shall be painted red with some additional clearly visible identification either in the form of a yellow band around the can or the name of the contents conspicuously stenciled or painted on the can in yellow. Red lights shall be provided at barricades and at temporary obstructions, as specified in ANSI Safety Code for Building Construction, A10.2–1944. Danger signs shall be painted red.

(iii) *Stop.* Emergency stop bars on hazardous machines such as rubber mills, wire blocks, flat work ironers, etc., shall be red. Stop buttons or electrical switches which letters or other markings appear, used for emergency stopping of machinery shall be red.

(2) *Orange.* Orange shall be used as the basic color for designating dangerous parts of machines or energized equipment which may cut, crush, shock, or otherwise injure and to emphasize such hazards when enclosure doors are open or when gear belt, or other guards around moving equipment are open or removed, exposing unguarded hazards.

(3) *Yellow.* Yellow shall be the basic color for designating caution and for marking physical hazards such as: Striking against, stumbling, falling, tripping, and "caught in between." Solid yellow, yellow and black stripes, yellow and black checkers (or yellow with suitable contrasting background) should be used interchangeably, using the combination which will attract the most attention in the particular environment.

(4) *Green.* Green shall be used as the basic color for designating "Safety" and the location of first aid equipment (other than firefighting equipment).

(5) *Blue.* Blue shall be the basic color for designating caution, limited to warning against the starting, the use of, or the movement of equipment under repair or being worked upon.

(6) *Purple.* Purple shall be the basic color for designating radiation hazards. "Radiation" as used in this subparagraph refers to radiation types such as X-ray, alpha, beta, gamma, neutron, proton, deuteron, and meson. Yellow should be used in combination with purple for markers such as tags, labels, signs, and floor markers.

(7) *Black, white, or combinations of black and white.* Black, white, or a combination of these two, shall be the basic colors for the designation of traffic and housekeeping markings. Solid white, solid black, single color striping, alternate stripes of black and white, or black and white checkers should be used in accordance with local conditions.

(b) *Color specifications.* Colors shall meet the tests specified in section 3, Color Definitions, of ANSI Z53.1–1967, Safety Color Code for Marking Physical Hazards.

§ 1910.145 Specifications for accident prevention signs and tags.

(a) *Scope.* (1) These specifications apply to the design, application, and use of signs or symbols (as included in paragraphs (c) through (e) of this section) intended to indicate and, insofar as possible, to define specific hazards of a nature such that failure to designate them may lead to accidental injury to workers or the public, or both, or to property damage. These specifications are intended to cover all safety signs except those designed for streets, highways, railroads, and marine regulations. These specifications do not apply to plant bulletin boards or to safety posters.

(2) All new signs and replacements of old signs on or after August 31, 1971, shall be in accordance with these specifications.

(b) *Definitions.* As used in this section, the word "sign" refers to a surface on prepared for the warning of, or safety instructions of, industrial workers or members of the public who may be exposed to hazards. Excluded from this definition, however, are news releases, displays commonly known as safety posters, and bulletins used for employee education.

(c) *Classification of signs according to use*—(1) *Danger signs.* (i) Danger signs should be used only where an immediate hazard exists. There shall be no variation in the type of design of signs posted to warn of specific dangers and radiation hazards.

(ii) All employees shall be instructed that danger signs indicate immediate danger and that special precautions are necessary.

(2) *Caution signs.* (i) Caution signs shall be used only to warn against potential hazards or to caution against unsafe practices.

(ii) All employees shall be instructed that caution signs indicate a possible hazard against which proper precaution should be taken.

(3) *Safety instruction signs.* Safety instruction signs shall be used where there is a need for general instructions and suggestions relative to safety measures.

(d) *Sign design and colors*—(1) *Design features.* The colors, proportions, and location of the identification panels on each sign shall be in accordance with this paragraph. All signs shall be furnished with rounded or blunt corners and shall be free from sharp edges, burrs, splinters, or other sharp projections. The ends or heads of bolts or other fastening devices shall be located in such a way that they do not constitute a hazard. When conditions warrant the use of a sign size not covered in the following tables, the ratio of the depth of the identifying panel (Danger, Caution, etc.) to the width of the sign shall be as established in Tables J–1 to J–4.

TABLE J-1—STANDARD PROPORTIONS FOR DANGER SIGNS

Sign size, inches height, width	Black rectangular panel, inches height, width	Red oval, inches height, width	Word danger, height inches	Maximum space available for sign wording, inches
HORIZONTAL PATTERN				
7 x 10	3¼ x 9⅝	2⅞ x 8½	1⅞	2⅝ x 9⅝
10 x 14	4⅝ x 13⅝	4⅛ x 11⅞	2⅛	4¼ x 13⅝
14 x 20	6½ x 19⅝	5⅞ x 17	2⅞	6¼ x 19⅝
20 x 28	9¼ x 27½	8¼ x 23⅞	4⅛	9¼ x 27½
UPRIGHT PATTERN				
10 x 7	2⅝ x 6⅝	2½ x 5⅞	1⅛	6⅝ x 6⅝
14 x 10	3¼ x 9⅝	2⅞ x 8½	1⅝	9¼ x 9⅝
20 x 14	4⅝ x 13⅝	4⅛ x 11⅞	2⅛	14 x 13⅝
28 x 20	6½ x 19⅝	5⅞ x 17	2⅞	20⅝ x 19⅝

(2) *Danger signs.* (i) The colors red, black, and white shall be those of opaque glossy samples as specified in Table 1 of Fundamental Specification of Safety Colors for CIE Standard Source "C", American National Standard Z53.1–1967.

(ii) Standard Proportions shall be as indicated in Table J–1, and format shall be as in Fig. J–1.



Fig. J-1
Danger Sign

(3) *Radiation warning signs.* (i) Standard color of the background shall be yellow; the panel, reddish purple with yellow letters; the symbol, reddish purple; any letters used against the yellow background shall be black. The colors shall be those of opaque glossy samples as specified in Table 1 of American National Standard, Z53.1–1967.

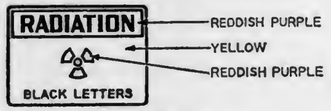


Fig. J-2
Radiation Warning Sign

(ii) The standard symbol shall be as in Figure J–3. Method of dimensioning, design, and orientation of the standard symbol (one blade pointed downward and centered on the vertical axis) shall be executed as illustrated. The symbol shall be prominently displayed, and of a size consistent with the size of the equipment or material or area to which it is attached.

(iii) Format shall be as in Figure J–2. Sign proportions shall be the same as those for danger signs in Table J–1.

(4) *Caution signs.* (i) Standard color of the background shall be yellow; and the panel, black with yellow letters. Any letters used against the yellow background shall be black. The colors shall be those of opaque glossy samples as specified in Table 1 of American National Standard Z53.1–1967.

(ii) Standard proportions shall be as indicated in Table J–2, and format shall be as in Figure J–4.

TABLE J-2—STANDARD PROPORTIONS FOR CAUTION SIGNS

Sign size inches height width	Black rectangular panel, inches height width	Word "Caution" height of letter, inches	Maximum space available for sign wording below panel inches height width
HORIZONTAL PATTERN			
7 x 10	2¾ x 9⅝	1⅝	3¼ x 9⅝
10 x 14	3¾ x 13⅝	2¼	5½ x 13⅝
14 x 20	5½ x 19⅝	2¾	9 x 19⅝
20 x 28	4¼ x 27½	3¾	14½ x 27½
UPRIGHT PATTERN			
10 x 7	1⅝ x 6⅝	1¼	7 x 6⅝
14 x 10	2¾ x 9⅝	1⅝	10¼ x 9⅝
20 x 14	3¾ x 13⅝	2¼	15½ x 13⅝
28 x 20	5½ x 19⅝	2¾	24 x 19⅝

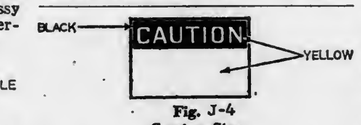
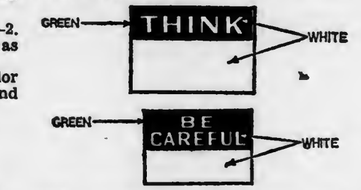


Fig. J-4
Caution Sign

(5) *Exit signs.* Exit signs shall be in accordance with § 1910.37(q).

(6) *Safety instruction signs.* (i) Standard color of the background shall be white; and the panel, green with white letters. Any letters used against the white background shall be black. The colors shall be those of opaque glossy samples as specified in Table 1 of American National Standard, Z53.1–1967.

(ii) Standard proportions shall be as indicated in Table J–3, and format shall be as in Figure J–5.



(Note: The words "Think" and "Be Careful," given here, are only illustrations. Other wordings may be used.)

Fig. J–5
Safety Instruction Signs

(7) *Directional signs.* (i) Standard color of the background shall be white; and the panel, black with white directional symbol. Any letters used against the white background shall be black. The colors shall be those of opaque glossy samples as specified in Table 1 of American National Standard Z53.1–1967.

(ii) Standard proportions shall be as indicated in Table J–4, and format shall be as in Figure J–6.

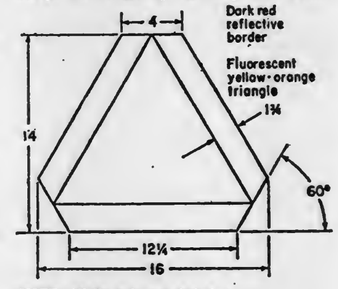


Fig. J-6
Directional Signs

(8) *In-plant traffic signs.* Regulatory and control signs required for the safe movement of vehicles and pedestrians on thoroughfares on plant property shall conform to the standards established in American National Standard Manual on Uniform Traffic Control Devices for Streets and Highways, D6.1–1961.

(9) *Informational signs.* Blue shall be the standard color for informational signs. It may be used as the background color for the complete sign or as a panel at the top of such types of "Notice" signs, which have a white background. The colors shall be those of opaque glossy samples as specified in Table 1 of American National Standard Z53.1–1967.

(10) *Slow-moving vehicle emblem.* This emblem (see fig. J–7) consists of a fluorescent yellow-orange triangle with a dark red reflective border. The yellow-orange fluorescent triangle is a highly visible color for daylight exposure. The reflective border defines the shape of the fluorescent color in daylight and creates a hollow red triangle in the path of motor vehicle headlights at night. The emblem is intended as a unique identification for, and it shall be used only on, vehicles which by design move slowly (25 m.p.h. or less)



NOTE: All dimensions are in inches.

Fig. J-7
Slow-Moving Vehicle Emblem

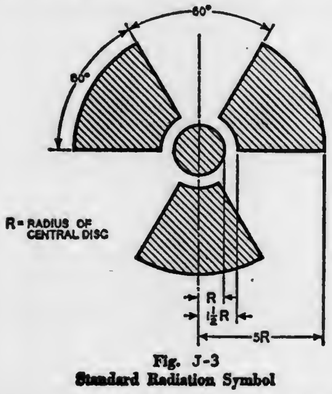


Fig. J-3
Standard Radiation Symbol

TABLE J-3—STANDARD PROPORTIONS FOR SAFETY INSTRUCTION SIGNS

Sign size, inches, height, width	Green rectangular panel, inches, height, width	Word "Think" height of letters, inches	Maximum space available for sign wording below panel, inches height, width	Sign size, inches height, width	Green panel, inches, height, width	Word "Be" height of letters, inches	Word "Careful" height of letters, inches	Maximum space available for sign wording below panel, inches, height, width
7 x 10	2¾ x 9⅝	1⅝	3⅛ x 9⅝	7 x 10	3½ x 9⅝	1¼	1⅜	2¾ x 9⅝
10 x 14	3¾ x 13⅝	2¼	5¼ x 13⅝	10 x 14	4⅝ x 13⅝	1⅝	2⅛	4 x 13⅝
14 x 20	5½ x 19⅝	2¾	9 x 19⅝	14 x 20	6⅝ x 19⅝	2¼	3⅛	6 x 19⅝
20 x 28	4¼ x 27½	3¾	14⅛ x 27½	20 x 28	9½ x 27½	3⅛	4⅜	9¼ x 27½

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TABLE J-4—STANDARD PROPORTIONS FOR DIRECTIONAL SIGNS

Sign size, inches height, width	Black rectangular panel, inches height, width	White arrow, inches				Maximum space for sign wording below panel height
		Overall length	Arrow head height, width	Arrow shaft height	Arrow tail height, width	
6½ x 14	3¼ x 13½	12⅝	2⅝ x 3	1⅛	2⅝ x 3½	2⅝ x 13⅝
9 x 20	4½ x 19½	18⅝	3⅝ x 4⅛	1⅝	3⅝ x 4½	3⅝ x 19⅝
12 x 28	6 x 27⅜	26⅛	5⅛ x 5⅝	2⅛	4⅝ x 6	4⅝ x 27⅛
15 x 36	7½ x 35⅛	34⅛	6⅝ x 6⅞	2⅝	5⅝ x 7½	6⅛ x 35⅛

on the public roads. The emblem is not a clearance marker for wide machinery nor is it intended to replace required lighting or marking of slow-moving vehicles. Neither the color film pattern and its dimensions nor the backing shall be altered to permit use of advertising or other markings. The material, location, mounting, etc., of the emblem shall be in accordance with the American Society of Agricultural Engineers Emblem for Identifying Slow-Moving Vehicles, ASAE R276, 1967, or ASAE S276.2 (ANSI B114.1–1971).

(11) *Symbols.* Symbols used on signs shall follow recognized practices, such as in Figure J–8. For radioactive materials, see symbol in Figure J–3.

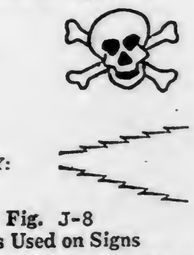


Fig. J–8
Symbols Used on Signs

(e) *Sign wordings*—(1) *Examples of wordings.* The lists in subparagraphs (3) through (7) of this paragraph are intended to serve as a guide for choosing the correct sign design for the message to be displayed.

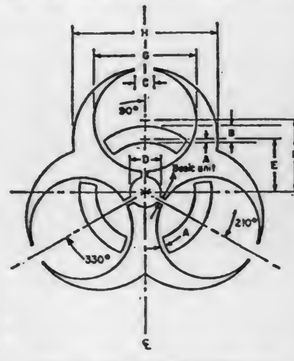
(2) *Nature of wording.* The wording of any sign should be easily read and concise. The sign should contain sufficient information to be easily understood. The wording should make a positive, rather than negative suggestion and should be accurate in fact.

(3) *Danger signs.*

Danger—Keep Off, Electric Current.
Danger—No Smoking, Matches, or Open Lights.
Danger—Men Working Above.
Danger—Not Room Enough Here to Clear Men on Cars.
Danger—Keep Away.
Danger—Men in Boiler.
Danger—Insufficient Clearance.
Danger—2,300 Volts.
Danger—Keep Out.
Danger—Crane Overhead.
Danger—Keep Off.

(4) *Biological hazard signs.* The biological hazard warning shall be used to signify the actual or potential presence of a biohazard and to identify equipment, containers, rooms, materials, experimental animals, or combinations thereof, which contain, or are contaminated with, viable hazardous agents. For the purpose of this subparagraph the term "biological hazard," or "biohazard," shall include only those infectious agents presenting a risk or potential risk to the well-being of man. The biohazard symbol shall be designed and proportioned as illustrated in figure J–9.

The symbol design shall be a fluorescent orange or orange-red color. Background color is optional as long as there is sufficient contrast for the symbol to be clearly defined. Appropriate wording may be used in association with the symbol to indicate the nature or identity of the hazard, name of individual responsible for its control, precautionary information, etc., but never should this information be superimposed on the symbol.



Dimension	A	B	C	D	E	F	G	H
Units	1	3½	4	6	11	15	21	30

Fig. J–9
Symbol for Biological Hazard

(5) *Caution signs.*

Caution—Do Not Operate, Men Working on Repairs.
Caution—Hands Off Switch, Men Working on Line.
Caution—Working on Machines, Do Not Start.
Caution—Goggles Must Be Worn When Operating This Machine.
Caution—This Door Must Be Kept Closed.
Caution—Electric Trucks, Go Slow.
Caution—This Space Must Be Kept Clear at All Times.
Caution—Stop Machinery to Clean, Oil, or Repair.
Caution—Keep Aisles Clear.
Caution—Operators of This Machine Shall Wear Snug Fitting Clothing—No Gloves.
Caution—Close Clearance.
Caution—Watch Your Step.
Caution—Electric Fence.

(6) *Safety instruction signs.*

Report All Injuries to the First-Aid Room at Once.
Walk—Don't Run.
Report All Injuries No Matter How Slight.
Think, If Safe Go Ahead.
Make Your Work Place Safe Before Starting the Job.
Report All Unsafe Conditions to Your Foreman.
Help Keep This Plant Safe and Clean.

(7) *Directional signs.*

This Way Out (below arrow panel).
This Way (inside arrow) Out (below arrow panel).
Fire Exit (below arrow panel).
Fire (inside arrow) Extinguisher (below arrow panel).
To the (inside arrow) Fire Escape (below arrow panel).
To the (inside arrow) First Aid (below arrow panel).
Manway (below arrow panel).
This Way to (inside arrow) First-Aid Room (below arrow panel).

(8) *Informational signs.*

No Trespassing Under Penalty of the Law.
This Elevator Is for Freight Only, Not for Passengers.
No Admittance Except to Employees on Duty.
No Admittance.
No Admittance, Apply at Office.
No Trespassing.
Men.
Women.
For Employees Only.
Office.

NOTE: When sign wordings such as those listed in this section are contemplated, care should be taken to be sure that they are suitable for the particular location at which the sign is to be placed and that wording meets the requirements of the intended purpose. When there is a reasonable doubt, a sign of a standard design should be used.

(f) *Accident prevention tags*—(1) *Scope and purpose.* (i) The tags are a temporary means of warning all concerned of a hazardous condition, defective equipment, radiation hazards, etc. The tags are not to be considered as a complete warning method, but should be used until a positive means can be employed to eliminate the hazard; for example, a "Do Not Start" tag on power equipment shall be used for a few moments or a very short time until the switch in the system can be locked out; a "Defective Equipment" tag shall be placed on a damaged ladder and immediate arrangements made for the ladder to be taken out of service and sent to the repair shop.

(ii) The purpose of this paragraph is to establish a set of specifications for tags based on experience and previous use. The tags are to be used in industry, mercantile establishments, or wherever such tags can be utilized to help prevent accidental injury to personnel or damage to property, or both.

(2) *Definitions.* The word "tag" as used in this paragraph refers to a surface (usually card, paper, pasteboard, or some temporary or nonpermanent material) on which letters or markings, or both, appear. These letters or markings, or both, are for warning (cautioning) or safety instruction of employees who may be exposed to hazards. They are to be affixed to the device in question by string, wire, or adhesive.

(3) *Do not start tags.* (i) The standard background color for Do Not Start tags shall be red. (See Fig. J–10.)

(ii) Letters shall be white or grey or etched, provided that a long lasting and sharp contrast results.

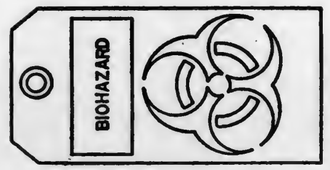
(iii) Do Not Start tags shall be placed in a conspicuous location or shall be placed in such a manner that they effectively block the starting mechanism which would cause hazardous conditions should the equipment be energized.

(4) *Danger tags.* (i) Danger tags should be used only where an immediate hazard exists. There should be no variation in the type of design of tags posted or hung to warn of specific dangers. (See Fig. J–11.)

(ii) All employees should be instructed that Danger tags indicate immediate danger and that special precautions are necessary.

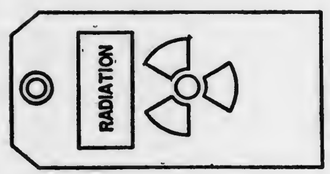
(5) *Caution tags.* (i) Caution tags should be used only to warn against potential hazards or to caution against unsafe practices. (See Fig. J–12.)

(ii) All employees should be instructed that Caution tags indicate a possible hazard against which proper precautions should be taken.



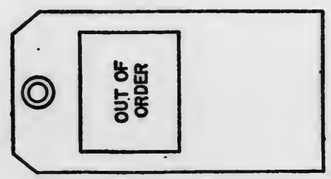
White tag
black letters on fluorescent-orange background and symbol

Fig. J–15
Biological Hazard Tag



Yellow tag
yellow letters in reddish-purple panel
(Added wording in black on yellow background)

Fig. J–14
Radiation Tag



White tag
white letters on black background

Fig. J–13
Out of Order Tag

Sec.	Source
1910.145	ANSI Z43–1970. Minimum requirements for Nonwater Carriage, Disposal Systems.
1910.144	ANSI Z53.1–1967, Safety Color Code for Marking Physical Hazards.
1910.145 (a)–(e)	ANSI Z35.1–1968, Specifications for Accident Prevention Signs, and ANSI B114.1–1971, Slow-Moving Vehicle Identification Emblem.
1910.145(f)	ANSI Z35.2–1968, Specifications for Accident Prevention Tags.

§ 1910.148 Standards organizations.

Standard and specifications of the following organizations have been referenced in this Subpart J:

American National Standards Institute, 1430 Broadway, New York, NY 10018.

National Association of Plumbing and Mechanical Officials, 5032 Alhambra Avenue, Los Angeles, CA 90032.

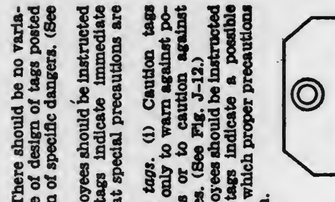
American Society of Agricultural Engineers, 2950 Niles Road, Post Office Box 229, St. Joseph, MI 49085.

Sec.	Source
1910.141	ANSI Z4.1–1968. Minimum Requirements for Sanitation in Places of Employment.
1910.142	ANSI Z4.4–1968, Minimum Requirements for Sanitation in Temporary Labor Camps.

§ 1910.146 [Reserved]

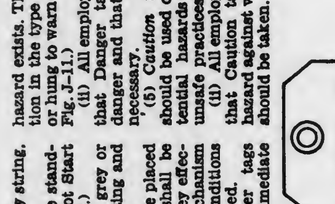
§ 1910.147 Sources of standards.

The standards in this Subpart J are derived from the following sources:



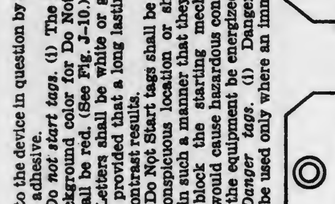
Yellow tag
yellow letters on a black background

Fig. J–12
Caution Tag



White tag
white letters on red oval with a black square

Fig. J–11
Danger Tag



White tag
white letters on red square

Fig. J–10
Do Not Start Tag

(6) *Out of order tags.* Out of Order tags should be used only for the specific purpose of indicating that a piece of equipment, machinery, etc., is out of order and to attempt to use it might present a hazard. (See Fig. J–13.)

(7) *Radiation tags.* (i) The standard background for Radiation tags shall be yellow; the panel shall be reddish purple. Any letters used against the yellow background shall be black. The colors shall be those of opaque glossy samples as specified in Table 1, Fundamental Specification of Safety Colors for CIE Standard Source "C" American National Standard Safety Color Code for Marking Physical Hazards and the Identification of Certain Equipment, Z53.1–1967.

(ii) The method of dimension, design, and orientation of the standard symbol (one blade pointed downward and centered on the vertical axis) shall be executed as illustrated in Figure J–14. The symbol shall be prominently displayed and of a size consistent with the size of the equipment or area in which it is to be used.

(8) *Biological hazard tags.* (i) The standard background color for the Biological Hazard symbol is optional as long

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§ 1910.149 Effective dates.

(a) The provisions of this Subpart J shall become effective on August 27, 1971, except as provided in the remaining paragraphs of this section.

(b) The following provisions shall become effective on February 15, 1972:

§ 1910.142(b)(2), (b)(5), (b)(7), (d)(6), (f), (g), (i)(1) and (2).

(c) Notwithstanding anything in paragraph (a), (b), or (d) of this section, any provision in any other section of this subpart which contains in itself a specific effective date or time limitation shall become effective on such date or shall apply in accordance with such limitation.

(d) Notwithstanding anything in paragraph (a) of this section, if any standard in 41 CFR Part 50–204, other than a national consensus standard incorporated by reference in 50–204.2 (a)(1), is or becomes applicable at any time to any employment and place of employment, by virtue of the Walsh-Healey Public Contracts Act, or the Service Contract Act of 1965, or the National Foundation on Arts and Humanities Act of 1965, any corresponding established Federal standard in this Subpart J which is derived from 41 CFR Part 50–204 shall also become effective, and shall be applicable to such employment and place of employment, on the same date.

[36 F.R. 15105, Aug. 13, 1971]

Subpart K—Medical and First Aid

§ 1910.151 Medical services and first aid.

(a) The employer shall ensure the ready availability of medical personnel for advice and consultation on matters of plant health.

(b) In the absence of an infirmary, clinic, or hospital in near proximity to the workplace which is used for the treatment of all injured employees, a person or persons shall be adequately trained to render first aid. First aid supplies approved by the consulting physician shall be readily available.

(c) Where the eyes or body of any person may be exposed to injurious corrosive materials, suitable facilities for quick drenching or flushing of the eyes and body shall be provided within the work area for immediate emergency use.

§ 1910.152 [Reserved]

§ 1910.153 Sources of standards.

The standard in § 1910.151 is derived from 41 CFR 50–204.6.

Subpart L—Fire Protection

§ 1910.156 Definitions applicable to this subpart.

(a) "Class A fires" are fires in ordinary combustible materials, such as wood, cloth, paper, and rubber.

(b) "Class B fires" are fires in flammable liquids, gases, and greases.

(c) "Class C fires" are fires which involve energized electrical equipment where the electrical nonconductivity of the extinguishing media is of importance. (When electrical equipment is deenergized, extinguishers for Class A or B fires may be used safely.)

(d) "Class D fires" are fires in combustible metals, such as magnesium, titanium, zirconium, sodium, and potassium.

(e) Classification of portable fire extinguishers: "Portable fire extinguishers" are classified for use on certain classes of fires and rated for relative extinguishing effectiveness at a temperature of plus 70° F. by nationally recognized testing laboratories. This is based upon the preceding classification of fires and the fire extinguishment potentials as determined by fire tests.

NOTE: The classification and rating system described in this section is that used by Underwriters' Laboratories, Inc. and Underwriters Laboratories of Canada and is based on extinguishing preplanned fires of determined size and description as follows:

(i) Class A rating—Wood and excelsior fires excluding deep-seated conditions.

(ii) Class B rating—Two-inch depth gasoline fires in square pans.

(iii) Class C rating—No fire test. Agent must be a nonconductor of electricity.

(iv) Class D rating—Special tests on specific combustible metal fires.

(f) A "light hazard" is a situation where the amount of combustibles or flammable liquids present is such that fires of small size may be expected. These may include offices, schoolrooms, churches, assembly halls, telephone exchanges, etc.

(g) An "ordinary hazard" is a situation where the amount of combustibles or flammable liquids present is such that fires of moderate size may be expected. These may include mercantile storage and display, auto showrooms, parking garages, light manufacturing, warehouses not classified as extra hazard, school shop areas, etc.

(h) An "extra hazard" is a situation where the amount of combustibles or flammable liquids present is such that fires of severe magnitude may be expected. These may include woodworking, auto repair, aircraft servicing, warehouses with high-piled (14 feet or higher) combustibles, and processes such as flammable liquid handling, painting, dipping, etc.

(i) Sprinkler system: A "sprinkler system," for fire protection purposes, is an integrated system of underground and overhead piping designed in accordance with fire protection engineering standards. The system includes a suitable water supply, such as a gravity tank, fire pump, reservoir, or pressure tank and/or connection by underground piping to a city main. The portion of the sprinkler system above ground is a network of specially sized or hydraulically designed piping installed in a building, structure or area, generally overhead, and to which sprinklers are connected in a systematic pattern. The system includes a controlling valve and a device for actuating an alarm when the system is in operation. The system is usually activated by heat from a fire and discharges water over the fire area.

NOTE: The design and installation of water supply facilities such as gravity tanks, fire pumps, reservoirs, or pressure tanks, and underground piping are covered by NFPA Standards No. 22–1970, Water Tanks For Private Fire Protection; No. 20–1970, Installation of Centrifugal Fire Pumps and No. 24–1970, Outside Protection.

(j) Sprinkler alarms: A "sprinkler alarm" unit is an assembly of apparatus approved for the service and so constructed and installed that any flow of water from a sprinkler system equal to or greater than that from a single automatic sprinkler will result in an audible alarm signal on the premises.

(k) Class of service—standpipe systems: "Standpipe systems" are grouped into three general classes of service for the intended used in the extinguishment of fire.

(1) Class I: For use by fire departments and those trained in handling heavy fire streams (2½-inch hose).

(2) Class II: For use primarily by the building occupants until the arrival of the fire department (small hose).

(3) Class III: For use by either fire departments and those trained in handling heavy hose streams or by the building occupants.

(l) Class I service: "Class I service" is a standpipe system capable of furnishing the effective fire streams required during the more advanced stages of fire on the inside of buildings or for exposure fire.

(m) Class II service: "Class II service" is a standpipe system which affords a ready means for the control of incipient fires by the occupants of buildings during working hours and by watchmen and those present during the night time and holidays.

(n) Class III service: "Class III service" is a standpipe system capable of furnishing the effective fire streams required during the more advanced stages of fire on the inside of buildings as well as providing a ready means for the control of fires by the occupants of the building.

(o) Standpipe systems: "Standpipe systems" are usually of the following types:

(1) A wet standpipe system having a supply valve open and water pressure maintained at all times.

(2) A standpipe system so arranged through the use of approved devices as to admit water to the system automatically by opening a hose valve.

(3) A standpipe system arranged to admit water to the system through manual operation of approved remote control devices located at each hose station.

(4) Dry standpipe having no permanent water supply.

See also paragraph (k) of this section.

(p) Type I storage: "Type I storage" is that in which combustible commodities or noncombustible commodities involving combustible packaging or storage aids are stored over 15 feet but not more than 21 feet high in solid piles or over 12 feet but not more than 21 feet high in piles that contain horizontal channels. Minor quantities of commodities of hazard greater than ordinary combustibles may be included without affecting this general classification.

(q) Type II storage: "Type II storage" is that in which combustible commodities or noncombustible commodities involving combustible packaging or storage aids are stored not over 15 feet high in solid piles or not over 12 feet high in piles that contain horizontal channels. Minor quantities of commodities of hazard greater than ordinary combustibles may be included without affecting this general classification.

(r) Type III storage: "Type III storage" is that in which the stored commodities, packaging, and storage aids are noncombustible or contain only a small concentration of combustibles which are incapable of producing a fire that would cause appreciable damage to the commodities stored or to noncombustible wall, floor or roof construction. Ordinary combustible commodities in completely sealed noncombustible containers may qualify in this classification. General commodity storage that is subject to frequent changing and storage of combustible packaging and storage aids is excluded from this category.

(s) "Approved": "Approved" means listed or approved by: (1) At least one of the following nationally recognized testing laboratories: Factory Mutual Engineering Corp.; Underwriters' Laboratories, Inc., or (2) Federal agencies such as Bureau of Mines, Department of the Interior; Department of Transportation, or U.S. Coast Guard, which issue approvals for such equipment.

PORTABLE FIRE SUPPRESSION EQUIPMENT

§ 1910.157 Portable fire extinguishers.

(a) *General requirements*—(1) *Operable condition.* Portable extinguishers shall be maintained in a fully charged and operable condition, and kept in their designated places at all times when they are not being used.

(2) *Location.* Extinguishers shall be conspicuously located where they will be readily accessible and immediately available in the event of fire. They shall be located along normal paths of travel.

(3) *Marking of location.* Extinguishers shall not be obstructed or obscured from view. In large rooms, and in certain locations where visual obstruction cannot be completely avoided, means shall be provided to indicate the location and intended use of extinguishers conspicuously.

(4) *Marking of extinguishers.* If extinguishers intended for different classes of fire are grouped, their intended use shall be marked conspicuously to insure choice of the proper extinguisher at the time of a fire.

(5) *Mounting of Extinguishers.* Extinguishers shall be installed on the hangers or in the brackets supplied, mounted in cabinets, or set on shelves unless the extinguishers are of the wheeled type.

(6) *Height of mounting.* Extinguishers having a gross weight not exceeding 40 pounds shall be installed so that the top of the extinguisher is not more than 5 feet above the floor. Extinguishers having a gross weight greater than 40 pounds (except wheeled types) shall be so installed that the top of the extinguisher is not more than 3½ feet above the floor.

(7) *Cabinet mounting.* Extinguisher mounted in cabinets or wall recesses or set on shelves shall be placed in a manner such that the extinguisher operating instructions face outward. The location of such extinguishers shall be marked conspicuously.

(8) *Vibrating locations.* Extinguishers installed under conditions where they are subject to severe vibration shall be installed in brackets specifically designed to cope with this vibration.

(9) *Temperature range.* Extinguishers shall be suitable for use within a temperature range of at least plus 40° to 120° Fahrenheit.

(10) *Extreme temperature exposure.* When extinguishers are installed in locations subjected to temperatures outside the range prescribed in this subparagraph, they shall be of a type approved or listed for the temperature to which they will be exposed, or placed in an enclosure capable of maintaining the temperature within the range prescribed in this subparagraph.

(b) *Selection of extinguishers*—(1) *General.* The selection of extinguishers for a given situation will depend upon the character of the fires anticipated, the construction and occupancy of the individual property, the vehicle or hazard to be protected, ambient-temperature conditions, and other factors. The number of extinguishers required shall be determined by reference to paragraph (c) of this section. Approved fire extinguishers shall be used to meet the requirements of this section.

(2) *Selection by hazard.* (i) Extinguishers shall be selected for the specific class or classes of hazards to be protected in accordance with the following paragraphs.

(ii) Extinguishers for protecting Class A hazards shall be selected from among the following: foam, loaded stream, multipurpose dry chemical, and water types. Certain smaller extinguishers which are charged with multipurpose dry chemical are rated on Class B and Class C fires, but have insufficient effectiveness to earn the minimum 1–A rating even though they have value in extinguishing smaller Class A fires.

Such smaller extinguishers shall not be used to meet the requirements of paragraph (c)(2)(i) of this section.

(iii) Extinguishers for protection of Class B hazards shall be selected from the following: bromotrifluoromethane, carbon dioxide, dry chemical, foam, loaded stream, and multipurpose dry chemical. Extinguishers with ratings less than 1–B shall not be considered in determining suitability.

(iv) Extinguishers for protection of Class C hazards shall be selected from the following: bromotrifluoromethane, carbon dioxide, dry chemical, and multipurpose dry chemical.

NOTE: Carbon dioxide extinguishers equipped with metal horns are not considered safe for use on fires in energized electrical equipment and, therefore, are not classified for use on Class C hazards.

(v) Extinguishers and extinguishing agents for the protection of Class D hazards shall be of types approved for use on the specific combustible-metal hazard.

(c) *Distribution of portable fire extinguishers*—(1) *General.* (i) The number of fire extinguishers needed to protect a property shall be determined as prescribed herein, considering the area and arrangement of the building or occupancy, the severity of the hazard, the anticipated classes of fires, and the distances to be traveled to reach extinguishers.

(ii) Fire extinguishers shall be provided for the protection of both the building structure, if combustible and the occupancy hazards contained therein.

(iii) Required building protection shall be provided by fire extinguishers suitable for Class A fires.

(iv) Occupancy hazard protection shall be provided by fire extinguishers suitable for such Class A, B, C, or D fire potentials as may be present.

(v) Extinguishers provided for building protection may be considered also for the protection of occupancies having a Class A fire potential.

(vi) Combustible buildings having an occupancy hazard subject to Class B, and/or Class C fires, shall have a standard complement of Class A fire extinguishers as required by Table L–1 for building protection, plus additional Class B and/or Class C extinguishers. Where fire extinguishers have more than one letter classification (such as 2–A: 20–B:C), they may be considered to satisfy the requirements of each letter class.

(vii) Rooms or areas shall be graded generally as light hazard, ordinary hazard, or extra hazard. Limited areas of greater or lesser hazard shall be protected as required.

(2) *Fire extinguisher size and placement for Class A hazards.* (i) Minimal sizes of fire extinguishers for the listed grades of hazard shall be provided on the basis of Table L–1. Extinguishers shall be located so that the maximum travel distances shall not exceed those specified in Table L–1.

TABLE L–1

Basic minimum extinguisher rating for area specified	Maximum travel distances to extinguishers (feet)	Areas to be protected per extinguisher		
		Light hazard occupancy (square feet)	Ordinary hazard occupancy (square feet)	Extra hazard occupancy (square feet)
1A	75	3,000	Note 1	Note 1
2A	75	6,000	3,000	Note 1
3A	75	9,000	4,500	3,000
4A	75	11,250	6,000	4,000
6A	75	11,250	9,000	6,000

NOTE 1: Not permitted except as specified in subdivision (ii) of this subparagraph.

(ii) The protection requirements specified in Table L–1 may be fulfilled by several extinguishers of lower ratings for ordinary or extrahazard occupancies.

(iii) Where the floor area of a building is less than that specified in Table L–1, at least one extinguisher of the minimum size recommended shall be provided.

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(iv) The protection requirements may be fulfilled with extinguishers of higher rating provided the travel distance to such larger extinguishers shall not exceed 75 feet.

(3) *Fire extinguisher size and placement for Class B fires other than for fires in flammable liquids of appreciable depth.* (i) Minimal sizes of fire extinguishers for the listed grades of hazard shall be provided on the basis of Table L–2. Extinguishers shall be located so that the maximum travel distances shall not exceed those specified in Table L–2.

TABLE L–2

Type of hazard	Basic minimum extinguisher rating	Maximum travel distance to extinguishers (feet)
Light	4B	50
Ordinary	8B	50
Extra	12B	50

NOTE: Where this section calls for minimum extinguisher ratings of 4–B, 8–B, or 12–B, the requirements may be met by existing extinguishers of multiple foam extinguishers as allowed by paragraph (e)(3)(ii) of this section. However, if a single extinguisher must be purchased to fulfill such requirements, the next higher rating shall be used.

(ii) Two or more extinguishers of lower rating, except for foam extinguishers, shall not be used to fulfill the protection requirements of Table L–2. Up to three foam extinguishers may be used to fulfill these requirements.

(iii) The protection requirements may be fulfilled with extinguishers of higher ratings provided the travel distance to such larger extinguishers shall not exceed 50 feet.

(4) *Fire extinguisher size and placement for Class B fires in flammable liquids of appreciable depth.* (i) For flammable liquid hazards of appreciable depth (Class B), such as in dip or quench tanks, Class B fire extinguishers shall be provided on the basis of one numerical unit of Class B extinguishing potential per square foot of flammable liquid surface of the largest tank hazard within the area.

NOTE: Appreciable depth is defined as a depth of a liquid greater than one-quarter inch.

(ii) Two or more extinguishers of lower ratings except for foam extinguishers, shall not be used in lieu of the extinguisher required for the largest tank. Up to three foam extinguishers may be used to fulfill these requirements.

(iii) Scattered or widely separated hazards shall be individually protected if the specified travel distances in subdivisions (i) and (iii) of subparagraph (3) of this paragraph (c) are exceeded. Likewise, extinguishers in the proximity of a hazard shall be carefully located so as to be accessible in the presence of a fire without undue danger to the operator.

(5) *Fire extinguisher size and placement for Class C hazards.* (i) Extinguishers with Class C ratings shall be required where energized electrical equipment may be encountered which would require a nonconducting extinguishing media. This will include fire either directly involving or surrounding electrical equipment. Since the fire itself is a Class A or Class B hazard the extinguishers are sized and located on the basis of the anticipated Class A or B hazard.

(d) *Inspection, maintenance, and hydrostatic tests*—(1) *General.* (i) The employer shall be responsible for such inspection, maintenance, and testing.

(ii) For details of conducting needed inspections, proper maintenance operations, and required tests, see NFPA No. 10A–1970, Maintenance and Use of Portable Fire Extinguishers.

(2) *Inspection.* (i) Extinguishers shall be inspected monthly, or at more frequent intervals when circumstances require, to insure they are in their designated places, to insure they have not been actuated or tampered with, and to detect any obvious physical damage, corrosion, or other impairments.

(ii) Any extinguishers showing defects shall be given a complete maintenance check.

(3) *Maintenance.* (i) At regular intervals, not more than 1 year apart, or when specifically indicated by an inspection, extinguishers shall be thoroughly examined and/or recharged or repaired to insure operability and safety; or replaced as needed.

(ii) Extinguishers removed from the premises to be recharged shall be replaced by spare extinguishers during the period they are gone.

(iii) Pails or drums of powder-extinguishing agents for scoop or shovel application to metal fires shall be kept full at all times.

(iv) Each extinguisher shall have a durable tag securely attached to show the maintenance or recharge date and the initials or signature of the person who performs this service.

(4) *Hydrostatic tests.* (i) If, at any time, an extinguisher shows evidence of corrosion or mechanical injury, it shall be subjected to a hydrostatic pressure test, or replaced.

(ii) For evaluating the condition of extinguisher cylinders made to Department of Transportation specifications (cf. 49 CFR Chapter I), see the Standard for Visual Inspection of Compressed Gas Cylinders (CGA C–6), published by the Compressed Gas Association, 500 Fifth Avenue, New York, NY 10036.

(iii) At intervals not exceeding those specified in Table L–3 and subdivision (iv) of this subparagraph, extinguishers shall be hydrostatically tested. The first hydrostatic retest may be conducted between the fifth and sixth years for those with a designated test interval of 5 years.

TABLE L–3

HYDROSTATIC TEST INTERVAL FOR EXTINGUISHERS

Extinguisher type:	Test interval year
Soda-acid	5
Cartridge-operated water and/or antifreeze	5

TABLE L–3—Continued

HYDROSTATIC TEST INTERVAL FOR EXTINGUISHERS

Extinguisher type:	Test interval year
Stored-pressure water and/or antifreeze	5
Wetting agent	5
Foam	5
Loaded stream	5
Dry chemical extinguishers with stainless steel shells, or soldered-brass shells	5
Carbon dioxide extinguishers	5
Dry chemical extinguishers with brazed-brass shells, mild-steel shell, or aluminum shells	12
Bromotrifluoromethane	12
Dry powder extinguishers for metal fires	12

NOTE: Cylinders under jurisdiction of the U.S. Department of Transportation (formerly Interstate Commerce Commission) may require hydrostatic testing at more frequent periods.

(iv) Nitrogen cylinders (or other cylinders used for inert-gas storage), such as found on wheeled extinguishers, shall be tested at a 5-year interval.

(v) On those extinguishers which are equipped with a shutoff nozzle at the outlet end of the hose, a hydrostatic test shall be performed on the hose with its couplings (but without the discharge nozzle) at the test interval specified for the unit on which the hose is installed.

(vi) The test pressure for dry chemical and dry powder hose assemblies requiring a hydrostatic test shall be at a test pressure of 300 pounds per square inch for a 1-minute period. Carbon dioxide hose assemblies requiring a hydrostatic test shall be at test pressure of 1,250 p.s.i. for a 1-minute period.

(vii) Hydrostatic tests are not required on fire pails, pump-type water and/or antifreeze extinguishers, and factory-sealed disposable (nonrefillable) containers. If such an extinguisher or water pail shows evidence of corrosion or mechanical injury, it may be unsafe or unsuitable for further use and shall be replaced with a new unit.

(viii) The hydrostatic test date shall be recorded on a record tag of metal or equally durable material, or a suitable metallized decal which shall be affixed (by a heatless process) to the shell of an extinguisher which favorably passes the hydrostatic test. The record tag shall contain the following information: Date of test, test pressure, and name or initials of person or agency making the test.

(ix) For extinguishers subjected to an original factory test pressure of 350 p.s.i. or greater, the test pressure shall be 75 percent of the factory test pressure (as noted on the extinguisher nameplate), but in no case less than 300 p.s.i., see Table L–4. For extinguishers subjected to an original factory test pressure of less than 350 p.s.i., the test pressure shall be 75 percent of the factory test pressure; see Table L–4. Pressure shall be applied at a rate of rise to reach the test pressure in approximately 1 minute, and the pressure shall be held for 1 minute, after which it shall be released.

TABLE L–4

HYDROSTATIC TEST PRESSURE REQUIREMENTS—NON-ICC SHELLS, SHELLS NOT SPECIFIED IN U.S. DEPARTMENT OF TRANSPORTATION REGULATIONS, (FORMERLY INTERSTATE COMMERCE COMMISSION)

Extinguisher type	Original factory test pressure	Requires hydrostatic test pressure
All dry chemical and dry powder.	400 p.s.i. or greater.	75% of factory test pressure.
	350–399 p.s.i.	300 p.s.i.
	below 350 p.s.i.	75% of factory test pressure.
Foam—500 p.s.i. factory test.	500	375.
Foam—350 p.s.i. factory test.	350	300.
Soda-acid—500 p.s.i. factory test.	500	375.
Soda-acid—350 p.s.i. factory test.	350	300.
Stored-pressure or cartridge-operated water-type (including antifreeze and loaded-stream).	400 p.s.i. or greater.	75% of factory test pressure.
	350–399 p.s.i.	300 p.s.i.
	below 350.	75% of factory test pressure.

(x) Carbon dioxide extinguishers, nitrogen cylinders, and other cylinders or cartridges used for the storage of inert, compressed gases shall be hydrostatically tested in accordance with the requirements of the U.S. Department of Transportation (formerly Interstate Commerce Commission); see 49 CFR Parts 171–190.

(xi) Extinguisher shells, cartridges, or cylinders which show leakage or permanent distortion in excess of specified limits, or which rupture, shall be removed from service.

§ 1910.158 Standpipe and hose systems.

(a) *General requirements*—(1) *Application.* Where standpipe and hose systems are provided they shall meet the design requirements of the National Fire Protection Association's Standard for the Installation of Standpipe and Hose Systems NFPA 14–1970 and the requirements of this section.

(2) *Closets and cabinets.* Closets and cabinets used to contain fire hose shall be of sufficient size to permit the installation of the necessary equipment at hose stations, and so designed as not to interfere with the prompt handling of the hose and equipment at time of fire. They shall be used for fire equipment only.

(3) *Protection of standpipes.* Standpipes shall be so located that they are protected against mechanical and fire damage.

(b) *Hose outlets*—(1) *Location of hose.* (i) Hose outlets shall be within easy reach of a person standing on the floor and in no case shall be over 6 feet from the floor. Hose stations shall be located conspicuously within the immediate area and where not likely to be obstructed. Hose may be located at one side of the standpipe and supplied by short lateral connections to the standpipe where necessary to avoid obstructions.

(ii) For Class III service, the outlets for large hose shall be located in a stairway enclosure, and for small hose the outlets shall be located in the corridor or space adjacent to the stairway enclosure.

(2) *Hose connections.* (i) Standpipes for Class I service shall be provided with 2½-inch hose connections on each floor.

(ii) Standpipes for Class II service shall be provided with 1½-inch hose connections on each floor.

(iii) Standpipes for Class III service shall be provided with both a 2½-inch and 1½-inch hose connection on each floor. The hose connections may be through one 2½-inch hose valve and an easily removable 2½-inch by 1½-inch adapter.

(3) *Hose.* Each hose outlet provided for the use of building occupants (Class II and III services) shall be equipped with approved small fire hose attached and ready for use. The maximum total length of unlined hose shall be 75 feet. The maximum total length of lined hose shall be 100 feet.

(4) *Hose racks or reels.* Each station provided with small hose shall be equipped with an approved rack, or an approved reel, securely fastened in position; provided, that an employer may continue to use a reel acquired prior to May 20, 1974, even though it is not approved, so long as it is in good working condition.

(5) *Hose valves.* (i) An approved hose valve shall be provided at each outlet for attachment of hose.

(ii) Where the static pressure at any standpipe outlet for small hose exceeds 100 pounds per square inch, an approved device shall be installed at the outlet to reduce the pressure so that the nozzle pressure will be approximately 80 pounds per square inch.

NOTE: Pressure reducers are not required on standpipe outlets for 2½-inch hose because it is assumed 2½-inch hose will be attached only when the persons likely to use it are trained in handling large streams.

(iii) National (American) Standard Fire Hose Coupling Screw Threads shall be used whenever they will fit existing equipment; see Standard for Screw Threads Gaskets for Fire Hose Couplings, NFPA No. 194–1968.

(6) *Nozzles.* Nozzles shall be of an approved type. Size of nozzles for small hose shall be not larger than one-half inch.

(7) *Dry standpipe identification.* Each hose connection on dry standpipes shall be provided with a conspicuous, durable, and permanently legible sign reading "Dry Standpipe for Fire Department Use Only."

(c) *Water supplies*—(1) *Minimum supply for Class I service.* (i) The minimum supply for Class I service shall be sufficient to provide 500 gallons per minute for a period of at least thirty (30) minutes.

(ii) Where more than one standpipe is required, the minimum supply shall be 500 gallons per minute for the first standpipe and 250 gallons per minute for each additional standpipe, the total supply not to exceed 2,500 gallons a minute, for a period of at least thirty (30) minutes.

(iii) The supply shall be sufficient to maintain a residual pressure of 65 pounds per square inch at the topmost outlet of each standpipe (including the roof outlet) with 500 gallons per minute flowing.

(2) *Minimum supply for Class II service.* The minimum supply for Class II service shall be sufficient to provide 100 gallons per minute for a period of at least thirty (30) minutes. The supply shall be sufficient to maintain a residual pressure of 65 pounds per square inch at the topmost outlet of each standpipe (including the roof outlet) with 100 gallons per minute flowing.

(3) *Minimum supply for Class III service.* The minimum supply for Class III service shall be the same as for Class I service.

(4) *Fire department connections.* (i) One or more fire department connections shall be provided for each Class I or Class III standpipe system.

(ii) In high-rise buildings having two or more zones, a fire department connection shall be provided for each zone.

(iii) Fire department connections shall be properly supported.

(iv) There shall be no shutoff valve in the fire department connection.

(v) An approved straightway check valve shall be installed in each fire department connection, located as near as practicable to the point where it joins the system.

(vi) The pipe between the check valve and the outside hose coupling shall be equipped with an approved automatic drip, arranged to discharge to a proper place.

(vii) Hose connections shall be approved type and shall be equipped with standard caps, properly secured and arranged for easy removal by fire departments.

(viii) Hose coupling threads shall conform to those used by the local fire department. (American) National Standard Fire-Hose Coupling Screw Threads shall be used whenever they will fit the local fire department hose threads; see standard for Screw Threads and Gaskets for Fire Hose Couplings, NFPA No. 194–1968.

(ix) Hose connections should be on the street side of buildings and shall be located and arranged so that hose lines can be readily and conveniently attached to the inlets without interference from any nearby objects including buildings, fences, posts, or other fire department connections.

(x) Hose connections shall be designated by a sign having raised letters at least one inch in size cast on a plate or fitting, reading "Standpipe."

(xi) If hose connection does not serve all of the building an appropriate and durable sign shall be attached indicating the portions of the building served.

(d) *Tests and maintenance*—(1) *Tests.* All new systems including yard piping shall be tested hydrostatically at not less than 200 pounds per square inch pressure for 2 hours, or at 50 pounds per square inch in excess of the normal pressure when the normal pressure is in excess of 150 pounds per square inch.

(2) *Periodic inspection.* (i) The tanks shall be kept properly filled, and where pressure tanks are employed, a pressure

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of at least 75 pounds per square inch shall be maintained at all times.

NOTE: For further details, see Standard for Water Tanks for Private Fire Protection, NFPA No. 22–1970.

(ii) The valves in the main connection to the automatic sources of water supply shall be open at all times. The hose valves should be frequently examined to see that they are tight.

NOTE: For further details, see Care of Fire Hose, NFPA No. 198–1969.

FIXED FIRE SUPPRESSION EQUIPMENT

§ 1910.159 Automatic sprinkler systems.

(a) *General requirements*—(1) *Design.* When automatic sprinkler systems are provided they shall meet design requirements of the National Fire Protection Association's Standard for the Installation of Sprinkler Systems NFPA No. 13–1969 and the requirements of this section.

(2) *Water supply.* Every automatic sprinkler system shall have at least one automatic water supply of adequate pressure, capacity and reliability.

(3) *Fire department connection.* A connection through which a fire department can pump water into the sprinkler system makes a desirable auxiliary supply. For this purpose, one or more fire department connections shall be provided in all cases.

(b) *Fire department connections*—(1) *Size.* Pipe size shall not be less than 4 inches for fire engine connections and not less than 6 inches for fireboat connections, except that 3-inch pipe may be used to connect a single hose connection to a 3-inch or smaller riser.

(2) *Valves.* (i) An approved straight-away check valve shall be installed in each fire department connection, located as near as practicable to the point where it joins the system.

(ii) There shall be no shutoff valve in the fire department connection.

(3) *Support.* Fire department connections shall be properly supported.

(4) *Hose connections.* (i) Hose connections shall be of approved type.

(ii) Hose coupling threads shall conform to those used by the local fire department. National (American) Standard Fire Hose Coupling Screw Threads shall be used whenever they will fit the local fire department hose.

(iii) Hose connections shall be equipped with caps, properly secured and arranged for easy removal by fire departments.

(iv) Hose connections shall be located and arranged so that hose lines can be readily and conveniently attached to the inlets without interference from any nearby objects including buildings, fences, posts, or other fire department connections.

(v) Hose connections shall be designated by a sign having raised letters at least 1 inch in size cast on plate or fitting reading for service designated: Viz—"AUTO-SPKR." or "OPEN SPKR."

(c) *Sprinkler alarms*—(1) *General.* (i) Waterflow alarms shall be provided on all sprinkler installations.

(ii) An alarm unit shall include an approved mechanical alarm, horn, or siren, or an approved weatherproof electric gong, bell, horn, or siren on the outside of the building or approved electric gongs, bells, horns, or sirens inside the building, or a combination of such devices.

(iii) All alarm apparatus shall be so located and installed that all parts are readily accessible for inspection, removal, and repair, and shall be substantially supported. Outdoor mechanical or electrically operated bells shall be of weatherproof and guarded type. On each alarm check valve used under conditions of variable water pressure, a retarding device shall be installed. Suitable valves shall be provided in the connections to retarding chambers, to permit repair or removal without shutting off sprinklers; these valves shall be so arranged that they may be locked or sealed in the open position.

(2) *Waterflow detecting devices.* (i) The alarm apparatus for a wet-pipe system shall consist of an approved alarm check valve or other approved water flow detecting alarm device with the necessary attachments required to give an alarm.

(ii) The alarm apparatus for a dry-pipe system shall consist of approved alarm attachments to the dry-pipe valve. When a dry-pipe valve is located on the system side of an alarm valve, the actuating device of the alarms for the dry-pipe valve may be connected to the alarms on the wet-pipe system.

(iii) The alarm apparatus for preaction and deluge systems shall consist of approved electric alarm attachments, actuated by a thermostatic system independently of flow of water in the system.

(3) *Drains.* Drains from alarm devices shall be so arranged that there will be no danger of freezing, and so that there will be no overflowing at the alarm apparatus, at domestic connections or elsewhere with the sprinkler drains wide open and under pressure.

(d) *Maintenance of sprinkler system.* A sprinkler system installed under this Standard must be properly maintained for efficient service. The employer is responsible for the condition of his sprinkler system and must use due diligence in keeping the system in good operating condition.

(e) *Sprinkler head clearance*—(1) *Type I storage.* Clearance of at least 36 inches shall be maintained between sprinkler deflectors and top of storage to reduce the possibility of obstruction to the distribution of water.

(2) *Type II storage.* Clearance of at least 18 inches shall be maintained between sprinkler deflectors and top of storage to reduce the possibility of obstruction to the distribution of water.

(3) *Type III storage.* In sprinklered buildings, at least 18 inches clearance between sprinkler deflectors and top of storage shall be maintained.

§ 1910.160 Fixed dry chemical extinguishing systems.

(a) *General requirements*—(1) *Design.* When dry chemical extinguishing systems are provided they shall meet the design requirements of the National Fire Protection Association's "Standard for Dry Chemical Extinguishing Systems" NFPA No. 17–1969 and the requirements of this section.

(2) *Safety requirements.* Where there is a possibility that personnel may be exposed to a dry chemical discharge, suitable safeguards shall be provided to insure prompt evacuation of such locations, and also to provide means for prompt rescue of any trapped personnel.

(b) *Alarms and indicators*—(1) *General.* Alarms and/or indicators are used to indicate the operation of the system, hazard to personnel, or failure of any supervised device or equipment. The devices may be audible or visual. The type, number, and location of the devices shall be such that their purpose is satisfactorily accomplished.

(2) *Operation alarm.* (i) An alarm or indicator shall be provided to show that the system has operated, that personnel response may be needed, and that the system should be charged.

(ii) Alarms indicating failure of supervised devices or equipment shall give prompt and positive indication of any failure and shall be distinctive from alarms indicating operation or hazardous conditions.

(c) *Inspection and maintenance*—(1) *Inspection and tests.* (i) At least annually, all dry chemical systems including alarms, shutdowns, and other associated equipment, shall be thoroughly inspected and checked for proper operation by a competent inspector.

(ii) The purpose of the inspection and testing prescribed by paragraph (c) of this section shall be not only to insure that the system is in full operating condition but also to indicate the probable continuance of that condition until the next inspection. Attention at this inspection shall be given to any extension of the hazard protected by the system.

(iii) The inspector's report, with recommendations, if any, shall be filed with the employer or with whomever is designated by the employer.

(iv) Between the regular annual inspection or tests, the system shall be inspected visually or otherwise by competent personnel, following a predetermined schedule.

(v) At least semiannually, all expellant gas containers shall be checked by pressure or weight against the required minimums.

(vi) At least semiannually, all stored pressure dry chemical containers shall be checked by pressure and weight against the required minimums.

(vii) Except for stored pressure systems, at least annually the dry chemical in the system storage container shall be sampled from the top center and also near the wall to determine the existence of lumps harder than will be friable when dropped from a height of 4 inches.

(2) *Maintenance.* (i) These fixed dry chemical systems shall be maintained in full operating condition at all times. Use, impairment, and restoration of this protection shall be reported promptly to the employer.

(ii) Any troubles or impairments shall be corrected at once by competent personnel.

§ 1910.161 Carbon dioxide extinguishing systems.

(a) *General requirements*—(1) *Design.* When carbon dioxide extinguishing systems are provided they shall meet the design requirements of the National Fire Protection Association's "Standard on Carbon Dioxide Extinguishing Systems" NFPA No. 12–1968 and the requirements of this section.

(2) *Safety requirements.* In any use of carbon dioxide where there is a possibility that employees may be trapped in, or enter into atmospheres made hazardous by a carbon dioxide discharge, suitable safeguards shall be provided to insure prompt evacuation of and to prevent entry into such atmospheres and also to provide means for prompt rescue of any trapped personnel. Such safety items as personnel training, warning signs, discharge alarms, predischarge alarms, and breathing apparatus shall be considered.

(b) *Inspection and maintenance*—(1) *Inspection and tests.* (i) At least annually, all carbon dioxide systems shall be thoroughly inspected and tested for proper operation by a competent engineer or inspector.

(ii) The goal of this inspection and testing shall be not only to insure that the system is in full operating condition but shall indicate the probable continuance of that condition until the next inspection.

(iii) Suitable discharge tests shall be made when any inspection indicates their advisability.

(iv) Between the regular service contract inspection or tests, the system shall be inspected visually or otherwise by competent personnel, following a schedule.

(v) At least semiannually, all high pressure cylinders shall be weighed. If, at any time, a container shows a loss in net content of more than 10 percent, it shall be refilled or replaced.

(vi) If, at any time, a low pressure container shows a loss of more than 10 percent, it shall be refilled, unless the minimum gas requirements are still provided.

(2) *Maintenance.* (i) These carbon dioxide systems shall be maintained in full operating condition at all times.

(ii) Any troubles or impairments shall be corrected at once by competent personnel.

§ 1910.162 Other special fixed extinguishing systems. [Reserved]

OTHER FIRE PROTECTION SYSTEMS

§ 1910.163 Local fire alarm signaling systems.

(a) *General requirements.* Where local fire alarm signaling systems are provided they shall meet the design requirements of the National Fire Protection Association's "Standard for the Installation, Maintenance, and Use of Local Protective Signaling Systems for Watchman, Fire Alarm and Supervisory Service." NFPA No. 72A–1967 and the requirements of this section.

(b) *Fire alarm boxes*—(1) *General.* Manual fire alarm boxes shall be approved for the particular application and shall be used only for fire protective signaling purposes. Combined fire alarm and watchman's signaling boxes are acceptable.

(2) *Mounting.* Each box shall be securely mounted.

(3) *Distribution.* Manual fire alarm boxes shall be distributed throughout the protected area so that they are unobstructed, readily accessible, and located in the normal path of exit from the area. Additional boxes shall be provided on each floor to obtain a maximum horizontal travel distance of 200 feet to the nearest box.

(c) *Maintenance.* All systems shall be under the supervision of qualified persons. These persons shall cause tests and inspections to be made at weekly intervals, and shall have general charge of all alterations and additions to the systems under their supervision.

§ 1910.164 Fire brigades. [Reserved]

§ 1910.165 Effective dates.

(a) The provisions of this Subpart L shall become effective on August 27, 1971, except as provided in the remaining paragraphs of this section.

(b) The following provisions shall become effective on February 15, 1972:

§ 1910.157(c).
§ 1910.158 (b) and (c).
§ 1910.159 (a), (b), and (c).
§ 1910.160(a).
§ 1910.161(a).

(c) Notwithstanding anything in paragraph (a), (b), or (d) of this section, any provision in any other section of this subpart which contains in itself a specific effective date or time limitation shall become effective on such date or shall apply in accordance with such limitation.

(d) Notwithstanding anything in paragraph (a) of this section, if any standard in 41 CFR Part 50–204, other than a national consensus standard incorporated by reference in § 50–204.2(a)(1), is or becomes applicable at any time to any employment and place of employment, by virtue of the Walsh-Healey Public Contracts Act, or the Service Contract Act of 1965, or the National Foundation on Arts and Humanities Act of 1965, any corresponding established Federal standard in this Subpart L which is derived from 41 CFR Part 50–204 shall also become effective, and shall be applicable to such employment and place of employment, on the same date.

§ 1910.165a Sources of standards.

Section	Source
1910.156(a)–(h)	NFPA No. 10–1970, Standard for the Installation of Portable Fire Extinguishers.
1910.156(i)–(j)	NFPA No. 13–1969, Standard for the Installation of Sprinkler Systems.
1910.156(k)–(o)	NFPA No. 14–1970, Standard for the Installation of Standpipe and Hose Systems.
1910.159(a)–(d)	NFPA No. 13–1969, Standard for the Installation of Sprinkler Systems.
1910.159(e)	NFPA No. 231–1970, Standard for Indoor General Storage.
1910.160	NFPA No. 17–1969, Standard for Dry Chemical Extinguishing Systems.
1910.161	NFPA No. 12–1968, Standard on Carbon Dioxide Extinguishing Systems.
1910.163	NFPA No. 72A–1967, Standard for the Installation, Maintenance, and Use of Local Protective Signalling Systems for Watchman, Fire Alarm and Supervisory Service.
1910.165(a)–(s)	NFPA No. 231–1970, Standard for Indoor General Storage.
1910.157	NFPA No. 10–1970, Standard for the Installation of Portable Fire Extinguishers.
1910.158	NFPA No. 14–1970, Standard for the Installation of Standpipe and Hose Systems.
1910.159(a)–(d)	NFPA No. 13–1969, Standard for the Installation of Sprinkler Systems.
1910.159(e)	NFPA No. 231–1970, Standard for Indoor General Storage.
1910.160	NFPA No. 17–1969, Standard for Dry Chemical Extinguishing Systems.
1910.161	NFPA No. 12–1968, Standard on Carbon Dioxide Extinguishing Systems.
1910.163	NFPA No. 72A–1967, Standard for the Installation, Maintenance, and Use of Local Protective Signalling Systems for Watchman, Fire Alarm and Supervisory Service.

§ 1910.165b Standards organizations.

Compressed Gas Association, Inc., 500 Fifth Avenue, New York, NY 10036.
National Fire Protection Association, 60 Batterymarch Street, Boston MA 02110.
American National Standards Institute, 1430 Broadway, New York, N.Y. 10018.

Subpart M—Compressed Gas and Compressed Air Equipment

§ 1910.166 Inspection of compressed gas cylinders.

(a) *Definitions.* As used in this section:

(1) High- and low-pressure cylinders: High-pressure cylinders means those cylinders with a marked service pressure of 900 p.s.i. or greater; low-pressure cylinders are those with a marked service pressure less than 900 p.s.i.

(2) Minimum allowable wall thickness: The minimum allowable wall thickness means the minimum wall thickness required by the specification under which the cylinder was manufactured.

(3) Dents: Dents (in cylinders) means deformations caused by the cylinder coming in contact with a blunt object in such a way that the thickness of metal is not materially impaired.

(4) Cuts, gouges, or digs: Cuts, gouges, or digs (in cylinders) means deformations caused by contact with a sharp object in such a way as to cut into or upset the metal of the cylinder, decreasing the wall thickness at that point.

(5) Corrosion or pitting: Means corrosion or pitting in cylinders involving the loss of wall thickness by corrosive media. There are several kinds of pitting or corrosion to be considered.

(6) Isolated pitting: Means isolated pits of small cross-section which do not effectively weaken the cylinder wall but are indicative of possible complete penetration and leakage. Since the pitting is isolated the original wall is essentially intact.

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(7) Line corrosion: Means pits which are not isolated but are connected or nearly connected to others in a narrow band or line. This condition is more serious than isolated pitting. Line corrosion frequently occurs in the area of intersection of the footring and bottom of a cylinder. This is sometimes referred to as "crevice corrosion."

(8) General corrosion: Means corrosion which covers considerable surface areas of the cylinder. It reduces the structural strength. It is often difficult to measure or estimate the depth of general corrosion because direct comparison with the original wall cannot always be made. General corrosion is often accompanied by pitting.

(9) "DOT" means the U.S. Department of Transportation.

(b) *General requirements*—(1) *Application.* (i) Each employer shall determine that compressed gas cylinders under his control are in a safe condition to the extent that this can be determined by visual and other inspection required by this subparagraph.

(ii) The requirements contained in this section are not intended to apply to cylinders manufactured under specification DOT (ICC)–3HT (49 CFR Ch. 1). Separate requirements covering service life and standards for visual inspection of these cylinders are contained in Compressed Gas Association Pamphlet C–8, "Standard for Requalification of ICC–3HT Cylinders."

(2) *Quality of inspection.* Experience in the inspection of cylinders is an important factor in determining the acceptability of a given cylinder for continued service. Users lacking this experience and having doubtful cylinders should return them to a manufacturer of the same type of cylinders for reinspection.

(c) *Inspection of low-pressure cylinders exempt from the hydrostatic test including acetylene cylinders*—(1) *Application.* This section covers cylinders of the type that are exempt from the hydrostatic retest requirements of the DOT by virtue of their exclusive use in certain noncorrosive gas service. They are not subject to internal corrosion and do not require internal shell inspection.

(2) *Preparation for inspection.* Rust, scale, caked paint, etc., shall be removed from the exterior surface so that the surface can be adequately observed. Facilities shall be provided for inverting the cylinder to facilitate inspection of the bottom. This is important because experience has shown this area to be the most susceptible to corrosion.

(3) *Exterior inspection.* Cylinders shall be checked as outlined below for corrosion, general distortion, or any other defect that might indicate a weakness which would render it unfit for service.

(i) To fix corrosion limits for all types, designs, and sizes of cylinders, and include them in this section is not practicable. Cylinders shall meet the requirements of this subdivision. Failure to meet any of the requirements of this subdivision is of itself cause for rejection of a cylinder.

(a) A cylinder shall be rejected when the tare weight is less than 95 percent of the original tare weight marked on the cylinder. When determining tare weight, be sure that the cylinder is empty.

(b) A cylinder shall be rejected when the remaining wall in an area having isolated pitting only is less than one-third of the minimum allowable wall thickness as determined under subdivision (ii), (iii), or (iv) of this subparagraph.

(c) A cylinder shall be rejected when line corrosion on the cylinder is 3 inches in length or over and the remaining wall is less than three-fourths of the minimum allowable wall thickness or when line corrosion is less than 3 inches in length and the remaining wall thickness is less than one-half the minimum allowable wall thickness as determined under subdivision (ii), (iii), or (iv) of this subparagraph.

(d) A cylinder shall be rejected when the remaining wall in an area of general corrosion is less than one-half of the minimum allowable wall thickness as determined under subdivision (ii), (iii), or (iv) of this subparagraph.

(ii) To use the criteria in subdivision (i) of this subparagraph, it is necessary to know the original wall thickness of the cylinder or the minimum allowable wall thickness. Table M–1 lists the minimum allowable wall thickness under DOT specifications (49 CFR Ch. 1) for a number of common size low-pressure cylinders.

TABLE M–1

Cylinder size O.D. x length (inches)	DOT Specification marking	Nominal water capacity (pounds)	Minimum allowable wall thickness (inches)
15 x 46	[1] 4B240	239	0.128
14 3/16 x 47	4E240	239	.140
14 3/16 x 46	4BA240	239	.096
14 3/16 x 28 5/16	4BA240	143	.096
11 3/16 x 32 1/16	4BA240	96	.078
11 3/16 x 18 1/16	4BA240	48	.078

[1] Without longitudinal seam.

(iii) When the wall thickness of the cylinder at manufacture is not known, and the actual wall thickness cannot be measured, this cylinder shall be rejected when the inspection reveals that the deepest pit in a general corrosion area exceeds three sixty-fourths inch. This is arrived at by considering that in no case shall the pitting exceed one-half the minimum allowable wall thickness which is 0.064 inch. When a pit measures 0.043 inch (approximately three sixty-fourths inch) in a corrosion area, general corrosion will already have removed 0.021 inch of the original wall and the total pit depth as compared to the initial wall will be 0.064 inch.

(iv) When the original wall thickness at manufacture is known, or the actual wall thickness is measured, this thickness less one and one-half times the maximum measured pit depth shall be 0.064 inch or greater. If it is less, the cylinder shall be rejected.

(v) Dents are of concern where the metal deformation is sharp and confined, or where they are near a weld. Where metal deformation is not sharp, dents of larger magnitude can be tolerated.

(vi) Where denting occurs so that any part of the deformation includes a weld, the maximum allowable dent depth shall be one-fourth inch.

(vii) When denting occurs so that no part of the deformation includes a weld, the cylinder shall be rejected if the depth of the dent is greater than one-tenth of the mean diameter of the dent.

(viii) Cuts, gouges, or digs reduce the wall thickness of the cylinder and in addition are considered to be stress raisers. Depth limits are set in this subparagraph; however, cylinders shall be rejected at one-half of the limit set whenever the length of the defect is 3 inches or more.

(a) When the original wall thickness at manufacture is not known, and the actual wall thickness cannot be measured a cylinder shall be rejected if the cut, gouge, or dig exceeds one-half of the minimum allowable wall thickness as determined under subdivision (ii), (iii), or (iv) of this subparagraph.

(b) When the original wall thickness at manufacture is known, or the actual wall thickness is measured, a cylinder shall be rejected if the original wall thickness minus the depth of the defect is less than one-half of the minimum allowable wall thickness as determined under subdivision (ii), (iii), or (iv) of this subparagraph.

(ix) Leaks can originate from a number of sources, such as defects in a welded or brazed seam, defects at the threaded opening, or from sharp dents, digs, gouges, or pits.

(a) To check for leaks, the cylinder shall be charged and carefully examined. All seams and pressure openings shall be coated with a soap or other suitable solution to detect the escape of gas. Any leakage is cause for rejection.

(b) Safety relief devices as defined in § 1910.167(a)(1) shall be tested for leaks before a charged cylinder is shipped from the cylinder filling plant.

(x) After fire damage, cylinders shall be carefully inspected for evidence of exposure to fire.

(a) Common evidences of exposure to fire are:

(1) Charring or burning of the paint or other protective coat,

(2) Burning or sintering of the metal,

(3) Distortion of the cylinder,

(4) Melted out fuse plugs,

(5) Burning or melting of valve.

(b) The evaluation of fire damage by DOT Regulations state that, "A cylinder which has been subjected to the action of fire must not again be placed in service until it has been properly reconditioned", in accordance with 49 CFR 173.34(f) The general intent of this requirement is to remove from service cylinders which have been subject to the action of fire which has changed the metallurgical structure or the strength properties of the steel, or in the case of acetylene cylinders caused breakdown of porous filler. This is normally determined by visual examination as covered above with particular emphasis to the condition of the protective coating. If the protective coating has been burnt off or if the cylinder body is burnt, warped, or distorted, it is assumed that the cylinder has been overheated and 49 CFR 173.34(f) shall be complied with. If, however, the protective coating is only dirtied from smoke or other debris, and is found by examination to be intact underneath, the cylinder shall not be considered affected within the scope of this requirement.

(xi) Cylinders are manufactured with a reasonably symmetrical shape. Cylinders which have definite visible bulges shall be removed from service and evaluated. Cylinders shall be rejected when a variation of 1 percent or more is found in the measured circumferences or in peripheral distances measured from the valve spud to the center seam (or equivalent fixed point).

(xii) Cylinder necks shall be examined for serious cracks, folds, and flaws. Neck cracks are normally detected by testing the neck during charging operations with a soap solution.

(xiii) Cylinder neck threads shall be examined whenever the valve is removed from the cylinder. Cylinders shall be rejected if the required number of effective threads are materially reduced, or if a gas tight seal cannot be obtained by reasonable valving methods. Gages shall be used to measure the number of effective threads.

(xiv) If the valve is noticeably tilted the cylinder shall be rejected.

(xv) The footring and headring of cylinders may become so distorted through service abuse that they no longer perform their functions:

(a) To cause the cylinder to remain stable and upright,

(b) To protect the valve. Rings shall be examined for distortion; for looseness, and for failure of welds. Appearances may often warrant rejection of the cylinder.

(d) *Low-pressure cylinders subject to hydrostatic testing.*—(1) *Application.* Cylinders covered in this section are low-pressure cylinders other than those covered in paragraph (c) of this section. They differ essentially from such cylinders in that they require a periodic hydrostatic retest which includes an internal and external examination. Defect limits for the external examination are prescribed in paragraph (c) of this section, with exceptions for aluminum cylinders shown in subparagraph (4) of this paragraph.

(2) *Preparation for inspection.* Flammable gas cylinders shall be purged before being examined with a light. Lamps used for flammable gas cylinder inspection shall be explosion proof.

(3) *Internal inspection.* Cylinders shall be inspected internally at least every time the cylinder is periodically retested. The examination shall be made with a light of sufficient intensity to clearly illuminate the interior walls.

(4) *External inspection of aluminum cylinders.* The inspection requirements of paragraph (c) of this section shall be met, except as follows:

(i) Aluminum cylinders shall be rejected when impairment to the surface (corrosion or mechanical defect) exceeds a depth where the remaining wall is less than three-fourths of the minimum allowable wall thickness required by the specification under which the cylinder was manufactured.

(ii) Aluminum cylinders subjected to the action of fire shall be removed from service.

(e) *High-pressure cylinders*—(1) *Application.* High-pressure cylinders are those with a marked service pressure of 900 p.s.i. or higher. They are seamless; no welding is permitted. The great bulk of such cylinders are of the 3A or 3AA types under DOT Specifications (49 CFR Ch. I).

(2) *Preparation for inspection.* (i) Cylinders shall be cleaned for inspection so that the inside and outside surfaces and all conditions can be observed. This shall include removal of scale and caked paint from the exterior and the thorough removal of internal scale. Cylinders with interior coating shall be examined for defects in the coating. If the coating is defective, it shall be removed.

(ii) A good inspection light of sufficient intensity to clearly illuminate the interior wall is mandatory for internal inspection. Flammable gas cylinders shall be purged before being examined with a light. Lamps for flammable gas cylinder inspection shall be explosion proof.

(3) *Exterior inspection.* (i) To fix corrosion limits for all types, designs, and sizes of cylinders, and include them in this section, is not practicable. Considerable judgment is required in evaluating cylinders fit for service. Experience is a major factor, aside from strength considerations for high pressure cylinders.

(ii) When the original wall thickness of the cylinder is not known, and the actual wall thickness cannot be measured, the cylinder is rejected if corrosion exceeds one thirty-second inch in depth. This is arrived at by subtracting from the minimum allowable wall at manufacture (0.221 inch), the limiting wall in service (0.195 inch), to give the maximum allowable corrosion limit of 0.026 inch, say one thirty-second inch.

(iii) When the wall thickness is known, or the actual wall thickness is measured, the difference between this known wall and the limiting value establishes the maximum corrosion figure. The normal hot forged cylinder of this size will have a measured wall of about 0.250 inch. Comparison of this with the limiting wall thickness shows that defects up to about one-sixteenth inch are allowable provided, of course, that the actual wall is measured or is known.

(iv) Cylinders with general corrosion are evaluated by subjecting them to a hydrostatic test. Thus, a cylinder with an elastic expansion of 227 cc. or greater shall be rejected. If areas of pronounced pitting are included within the general corrosion, the depth of such pitting should also be measured (with the high spots of the actual surface as a reference plane) and the criteria established in the first example apply. Thus, the maximum corrosion limit would be one thirty-second inch when the wall was not known.

(v) Any defect of appreciable depth having a sharp bottom is a stress raiser and even though a cylinder may be acceptable from a stress standpoint, it is common practice to remove such defects. After any such repair operation, verification of the cylinder strength and structure shall be made by a hydrostatic test or other suitable means.

(vi) Dents can be tolerated when the cylinder wall is not deformed excessively or abruptly. Generally speaking, dents are accepted up to a depth of about one-sixteenth inch when the major diameter of the dent is equal to or greater than 32 times the depth of the dent. Sharper dents than this are considered too abrupt and shall require rejection of the cylinder. On small diameter cylinders these general rules may have to be adjusted. Considerations of appearance play a major factor in the evaluation of dents.

(vii) Cylinders with arc or torch burns shall be removed from service. Defects of this nature may be recognized by one of the following conditions:

(a) Removal of metal by scarfing or cratering.

(b) A sintering or burning of the base metal.

(c) A hardened heat affected zone. A simple method for verifying the presence of small arc burns is to file the suspected area. The hardened zone will resist filing as compared to the softer base metal.

(viii) Cylinders are normally produced with a symmetrical shape. Cylinders with distinct visual bulges shall be removed from service until the nature of the defect is determined. Some cylinders may have small discontinuities related to the manufacturing process—mushroomed bottoms, offset shoulders, etc. These usually can be identified and are not normally cause for concern.

(ix) Cylinders shall be carefully inspected for evidences of exposure to fire. See paragraph (c)(3)(x) of this section.

(x) Cylinder necks shall be examined for serious cracks, folds, and flaws. See paragraphs (c)(3)(xii) and (xiii) of this section.

(f) *Internal inspection.* (1) Cylinders shall be inspected internally at least every time the cylinder is periodically retested. This examination shall be made with a light of sufficient intensity to clearly illuminate the interior walls.

(2) A hammer test consists of tapping a cylinder a light blow with a suitably sized hammer. A cylinder, emptied of liquid content, with a clean internal surface, standing free, will have a clear ring. Cylinders with internal corrosion will give a duller ring dependent upon the amount of corrosion and accumulation of foreign material. Such cylinders shall be investigated. The hammer test is very sensitive and is an easy, quick, and convenient test that can be made without removing the valve before each charging. It is an invaluable indicator of internal corrosion.

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§ 1910.167 Safety relief devices for compressed gas cylinders.

(a) *Definitions.* As used in this section:

(1) *Safety relief device.* A "safety relief device" is a device intended to prevent rupture of a cylinder under certain conditions of exposures. (The term as used herein shall include the approach channel, the operating parts, and the discharge channel.)

(2) *Approach channel.* An "approach channel" is the passage or passages through which gas must pass from the cylinder to reach the operating parts of the safety relief device.

(3) *Discharge channel.* A "discharge channel" is the passage or passages beyond the operating parts through which gas must pass to reach the atmosphere exclusive of any piping attached to the outlet of the device.

(4) *Safety relief device channel.* A "safety relief device channel" is the channel through which gas released by operation of the device must pass from the cylinder to the atmosphere exclusive of any piping attached to the inlet or outlet of the device.

(5) *Operating part.* The "operating part" of a safety relief device is the part of a safety relief device that normally closes the safety discharge channel but when moved from this position as a result of the action of heat or pressure, or a combination of the two, permits escape of gas from the cylinder.

(6) *Frangible disc.* A "frangible disc" is an operating part in the form of a disc, usually of metal and which is so held as to close the safety relief device channel under normal conditions. The disc is intended to burst at a predetermined pressure to permit the escape of gas.

(7) *Pressure opening.* A "pressure opening" is the orifice against which the frangible disc functions.

(8) *Rated bursting pressure.* A "rated bursting pressure" of a frangible disc is the maximum pressure for which the disc is designed to burst when in contact with the pressure opening for which it was designed when tested.

(9) *Fusible plug.* A "fusible plug" is an operating part in the form of a plug of suitable low melting material, usually a metal alloy, which closes the safety relief device channel under normal conditions and is intended to yield or melt at a predetermined temperature to permit the escape of gas.

(10) *Yield temperature.* The "yield temperature" of a fusible plug is the temperature at which the fusible metal or alloy will yield when tested.

(11) *Reinforced fusible plug.* A "reinforced fusible plug" is a fusible plug consisting of a core of suitable material having a comparatively high yield temperature surrounded by a low-melting point fusible metal of the required yield temperature.

(12) *Combination frangible disc-fusible plug.* A "combination frangible disc-fusible plug" is a frangible disc in combination with a low melting point fusible metal, intended to prevent its bursting at its predetermined bursting pressure unless the temperature also is high enough to cause yielding or melting of the fusible metal.

(13) *Safety relief valve.* A "safety relief valve" is a safety relief device containing an operating part that is held normally in a position closing the safety relief device channel by spring force and is intended to open and to close at predetermined pressures.

(14) *Combination safety relief valve and fusible plug.* A "combination safety relief valve and fusible plug" is a safety relief device utilizing a safety relief valve in combination with a fusible plug. This combination device may be an integral unit or separate units and is intended to open and to close at predetermined pressures or to open at a predetermined temperature.

(15) *Set pressure.* The "set pressure" of a safety relief valve is the pressure marked on the valve and at which it is set to start-to-discharge.

(16) *Start-to-discharge pressure.* The "start-to-discharge pressure" of a safety relief valve is the pressure at which the first bubble appears through a water seal of not over 4 inches on the outlet of the safety relief valve.

(17) *Flow capacity.* The "flow capacity" of a safety relief device is the capacity in cubic feet per minute of free air discharged at the required flow rating pressure.

(18) *Flow rating pressure.* The "flow rating pressure" is the pressure at which a safety relief device is rated for capacity.

(19) *Nonliquefied compressed gas.* A "nonliquefied compressed gas" is a gas, other than a gas in solution which under the charging pressure, is entirely gaseous at a temperature of 70° F.

(20) *Liquefied compressed gas.* A "liquefied compressed gas" is a gas which, under the charging pressure, is partially liquid at a temperature of 70° F. A flammable compressed gas which is normally nonliquefied at 70° F. but which is partially liquid under the charging pressure and temperature, shall follow the requirements for liquefied compressed gases.

(21) *Compressed gas in solution.* A "compressed gas in solution" (Acetylene) is a nonliquefied gas which is dissolved in a solvent.

(22) *Pressurized liquid compressed gas.* A "pressurized liquid compressed gas" is a compressed gas other than a compressed gas in solution, which cannot be liquefied at a temperature of 70° F., and which is maintained in the liquid state at a pressure not less than 40 p.s.i.a. by maintaining the gas at a temperature less than 70° F.

(23) *Test pressure of the cylinder.* The "test pressure of the cylinder" is the minimum pressure at which a cylinder must be tested as prescribed in DOT specifications for compressed gas cylinders 41 CFR Ch. I.

(24) *Free air or free gas.* "Free air" or "free gas" is air or gas measured at a pressure of 14.7 pounds per square inch absolute and a temperature of 60° F.

(25) *DOT regulations.* As used in this section "DOT regulations" refers to the U.S. Department of Transportation Regulations for Transportation of Explosives and Other Dangerous Articles by Land and Water in Rail Freight, Express and Baggage Services and by Motor Vehicle (Highway) and Water, including Specifications for Shipping Containers, Code of Federal Regulations, Title 49, Parts 171 to 178.

(b) *General requirements*—(1) *Application.* Compressed gas cylinder, portable tanks, and cargo tanks shall have pressure relief devices installed and maintained in accordance with Compressed Gas Association Pamphlets S–1.1–1963 and 1965 addenda and S–1.2–1963.

(2) *Types of safety relief devices.* Types of safety relief devices as covered by this section are designated as follows:

(i) Type CG–1: Frangible disc.

(ii) Type CG–2: Fusible plug or reinforced fusible plug utilizing a fusible alloy with yield temperature not over 170° F., nor less than 157° F. (165° F. nominal).

(iii) Type CG–3: Fusible plug or reinforced fusible plug utilizing a fusible alloy with yield temperature not over 220° F., nor less than 208° F. (212° F. nominal).

(iv) Type CG–4: Combination frangible disc-fusible plug, utilizing a fusible alloy with yield temperature not over 170° F., nor less than 157° F. (165° F. nominal).

(v) Type CG–5: Combination frangible disc-fusible plug, utilizing a fusible alloy with yield temperature not over 220° F., nor less than 208° F. (212° F. nominal).

(vi) Type CG–7: Safety relief valve.

(vii) Type CG–8: Combination safety relief valve and fusible plug.

(3) *Specifications and tests.* All safety relief devices covered by this section shall meet the design, construction, marking and test specification of the "Compressed Gas Association Safety Relief Device Standards Part 1—Cylinders for Compressed Gases: S1.1–1963."

(4) *Specific requirements for safety relief devices.* (i) Compressed gas cylinders, which under the Regulations of the Department of Transportation must be equipped with safety relief devices, shall be considered acceptable when equipped with devices of proper construction, location, and discharge capacity under the conditions prescribed in Table 1 of the Compressed Gas Associations Standard S–1.1–1963.

(ii) Only replacement parts or assemblies provided by the manufacturer shall be used unless the advisability of interchange is proved by adequate tests.

(iii) When a frangible disc is used with a compressed gas cylinder, the rated bursting pressure of the disc shall not exceed the minimum required test pressure of the cylinder with which the device is used, except for DOT–3E cylinders (49 CFR Ch. I) the rated bursting pressure of the device shall not exceed 4,500 pounds per square inch gage (p.s.i.g.).

(iv) When a safety relief valve is used on a compressed gas cylinder, the flow rating pressure shall not exceed the minimum required test pressure of the cylinder on which the safety relief valve is installed and the reseating pressure shall not be less than the pressure in a normally charged cylinder at 130° F.

(v) When fittings and piping are used on either the upstream or downstream side or both of a safety relief device or devices, the passages shall be so designed that the flow capacity of the safety relief device will not be reduced below the capacity required for the container on which the safety relief device assembly is installed, nor to the extent that the operation of the device could be impaired. Fittings, piping, and method of attachment shall be designed to withstand normal handling and the pressures developed when the device or devices function.

(vi) No shutoff valve shall be installed between the safety relief devices and the cylinder.

(5) *Maintenance requirements for safety relief devices.* (i) As a precaution to keep cylinder safety relief devices in reliable operating condition, care shall be taken in the handling or storing of compressed gas cylinders to avoid damage. Care shall also be exercised to avoid plugging by paint or other dirt accumulation of safety relief device channels or other parts which could interfere with the functioning of the device. Only qualified personnel shall be allowed to service safety relief devices.

(ii) Each time a compressed gas cylinder is received at a point for refilling, all safety relief devices shall be examined externally for corrosion, damage, plugging of external safety relief device channels, and mechanical defects such as leakage or extrusion of fusible metal. If there is any doubt regarding the suitability of the safety relief device for service the cylinder shall not be filled until it is equipped with a suitable device.

§ 1910.168 Safety relief devices for cargo and portable tanks storing compressed gases.

(a) *Definitions applicable to this section*—(1) *Cargo tank.* A "cargo tank" means any container designed to be permanently attached to any motor vehicle or other highway vehicle and in which is to be transported any compressed gas. The term "cargo tank" shall not be construed to include any tank used solely for the purpose of supplying fuel for the propulsion of the vehicle or containers fabricated under specifications for cylinders.

(2) *Portable tank.* A "portable tank" means any container designed primarily to be temporarily attached to a motor vehicle, other vehicle, railroad car other than tank car, or marine vessel, and equipped with skids, mountings, or accessories to facilitate handling of the container by mechanical means, in which is to be transported any compressed gas. The term "portable tank" shall not be construed to include any cargo tank, any tank car tank, or any tank of the DOT–106A and DOT–110A–W type.

(3) *Safety relief device.* A "safety relief device" means a device intended to prevent rupture of a container under certain conditions of exposure.

(4) *Safety relief valve.* A "safety relief valve" means a safety relief device containing an operating part that is held normally in a position closing the safety relief device channel by spring force and is intended to open and to close at predetermined pressures.

(5) *Set pressure.* The "set pressure" of a safety relief valve is the pressure marked on the valve and at which the valve is set to start-to-discharge.

(6) *Start-to-discharge pressure.* The "start-to-discharge pressure" of a safety relief valve is the pressure at which the first bubble appears through a water seal of not over 4 inches on the outlet of the valve.

NOTE: When the nature of the service requires the use of a metal-to-metal seat safety relief valve, with or without secondary sealing means, the start-to-discharge pressure may be considered the pressure at which an audible discharge occurs.

(7) *Reseating pressure.* The "reseating pressure" of a safety relief valve is the pressure at which leakage ceases through a water seal of not over 4 inches on the outlet of the valve.

(8) *Flow capacity.* The "flow capacity" of a safety relief device is the capacity in cubic feet per minute of free air discharged at the required flow rating pressure.

(9) *Flow rating pressure.* The "flow rating pressure" means the pressure at which a safety relief device is rated for capacity.

(10) *Free air or free gas.* "Free air" or "free gas" means air or gas measured at a pressure of 14.7 pounds per square inch absolute and a temperature of 60° F.

(11) *Frangible disc.* A "frangible disc" means a safety relief device in the form of a disc, usually of metal, which is so held as to close the safety relief device channel under normal conditions. The disc is intended to burst at a predetermined pressure to permit the escape of gas.

(12) *Fusible plug.* A "fusible plug" means a safety relief device in the form of a plug of suitable low-melting material, usually a metal alloy, which closes the safety relief device channel under normal conditions and is intended to yield or melt at a predetermined temperature to permit the escape of gas.

(13) *DOT design pressure.* The "DOT design pressure" is identical to the term "maximum allowable working pressure" as used in the "Code" and is the maximum gage pressure at the top of the tank in its operating position. To determine the minimum permissible thickness of physical characteristics of the different parts of the vessel, the static head of the lading shall be added to the DOT design pressure to determine the thickness of any specific part of the vessel. If vacuum insulation is used, the liquid container shall be designed for a pressure of 15 p.s.i. more than DOT design pressure, plus static head of the lading.

EXCEPTION: For containers constructed in accordance with paragraph U–68 or U–69 of section VIII of the ASME Boiler and Pressure Vessel Code, 1949 Edition, the maximum allowable working pressure for the purpose of these standards is considered to be 125 percent of the design pressure as provided in 49 CFR 173.315 of DOT Regulations.

(14) *Code.* "Code" is defined as paragraph U–68, U–69, U–200 or U–201 of section VIII of the Boiler and Pressure Vessel Code of the American Society of Mechanical Engineers, 1949 Edition; or section VIII of the Boiler and Pressure Vessel Code of the American Society of Mechanical Engineers, 1950, 1952, 1956, 1959, and 1962 Editions; or The Code for Unfired Pressure Vessels for Petroleum Liquids and Gases of the American Petroleum Institute and the American Society of Mechanical Engineers (API–ASME), 1951 Edition.

(15) *DOT regulations.* The "DOT regulations" refers to Department of Transportation Regulations for Transportation of Explosives and Other Dangerous Articles by Land and Water in Rail Freight, Express and Baggage Services and by Motor Vehicle (Highway) and Water, including Specification for Shipping Containers," Code of Federal Regulations, Title 49, Parts 171 to 178.

(b) *General requirements*—(1) *Application.* See § 1910.167(b)(1).

(2) *Specifications and tests.* All safety relief devices covered by this section shall meet the design, construction, marking, and test specifications of the "Compressed Gas Associations Safety Relief Device Standards Part 2—Cargo and Portable Tanks for Compressed Gases: S–1.2–1963."

(3) *Specific requirements for safety relief devices.* (i) Each container shall be provided with one or more safety relief devices which, unless otherwise specified, shall be safety relief valves of the spring-loaded type.

(ii) Safety relief valves shall be set to start-to-discharge at a pressure not in excess of 110 percent of the DOT design pressure of the container nor less than the DOT design pressure of the container except as follows:

(a) If an overdesigned container is used, the set pressure of the safety relief valve may be between the minimum required DOT design pressure for the lading and 110 percent of the DOT design pressure of the container used.

(b) For sulfur dioxide containers, a minimum set pressure of 120 and 110 p.s.i.g. is permitted for the 150 and 125 p.s.i.g. DOT design pressure containers, respectively.

(c) For carbon dioxide (refrigerated), nitrous oxide (refrigerated), and pressurized liquid argon, nitrogen and oxygen, there shall be no minimum set pressure.

(d) For butadiene, inhibited, and liquefied petroleum gas containers, a minimum set pressure of 90 percent of the minimum DOT design pressure permitted for these ladings may be used.

(e) For containers constructed in accord with paragraph U–68 or U–69 of the Code 1949 Edition, the set pressure marked on the safety relief valve may be 125 percent of the original DOT design pressure of the container.

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(iii) Only replacement parts or assemblies provided by the manufacturer of the device shall be used unless the suitability of interchange is proved by adequate tests.

(iv) Safety relief valves shall have direct communication with the vapor space of the container.

(v) Any portion of liquid piping or hose which at any time may be closed at each end must be provided with a safety relief device to prevent excessive pressure.

(vi) The additional restrictions of this subdivision apply to safety relief devices on containers for carbon dioxide or nitrous oxide which are shipped in refrigerated and insulated containers. The maximum operating pressure in the container may be regulated by the use of one or more pressure controlling devices, which devices shall not be in lieu of the safety relief valve required in subdivision (i) of this subparagraph.

(vii) All safety relief devices shall be so installed and located that the cooling effect of the contents will not prevent the effective operation of the device.

(viii) In addition to the safety relief valves required by subdivision (i) of this subparagraph each container for carbon dioxide may be equipped with one or more frangible disc safety relief devices of suitable design set to function at a pressure not exceeding two times the DOT design pressure of the container.

(ix) Subject to conditions of 49 CFR 173.315(a)(1) (DOT Regulations) for methyl chloride and sulfur dioxide optional portable tanks of 225 p.s.i.g. minimum DOT design pressure, one or more fusible plugs approved by the Bureau of Explosives, 63 Vesey Street, New York, NY 10007, may be used in lieu of safety relief valves of the spring-loaded type. If the container is over 30 inches long a safety relief device having the total required flow capacity must be at both ends.

(x) When storage containers for liquefied petroleum gas are permitted to be shipped in accordance with 49 CFR 173.315(j) (DOT Regulations), they must be equipped with safety relief devices in compliance with the requirements for safety relief devices on above-ground containers as specified in the National Fire Protection Association Pamphlet No. 58–1969 "Standard for the Storage and Handling of Liquefied Petroleum Gases."

(xi) When containers are filled by pumping equipment which has a discharge capacity in excess of the capacity of the container safety relief devices, and which is capable of producing pressures in excess of DOT design pressure of the container, precautions should be taken to prevent the development of pressures in the container in excess of 120 percent of its DOT design pressure. This may be done by providing additional capacity of the safety relief valves on the container, by providing a bypass on the pump discharge, or by any other suitable method.

(xii) This additional requirement applies to safety relief devices on containers for liquefied hydrogen and pressurized liquid argon, nitrogen, and oxygen. The liquid container shall be protected by one or more safety relief valves and one or more frangible discs.

(xiii) Safety relief devices shall be arranged to discharge unobstructed to the open air in such a manner as to prevent any impingement of escaping gas upon the container. Safety relief devices shall be arranged to discharge upward except this is not required for carbon dioxide, nitrous oxide and pressurized liquid argon, nitrogen, and oxygen.

(xiv) No shutoff valves shall be installed between the safety relief devices and the container except, in cases where two or more safety relief devices are installed on the same container, a shutoff valve may be used where the arrangement of the shutoff valve or valves is such as always to insure full required capacity flow through at least one safety relief device.

(4) *Maintenance requirements for safety relief devices.* (i) Care shall be exercised to avoid damage to safety relief devices. Care shall also be exercised to avoid plugging by paint or other dirt accumulation of safety relief device channels or other parts which could interfere with the functioning of the device.

(ii) Only qualified personnel shall be allowed to service safety relief devices. Any servicing or repairs which require resetting of safety relief valves shall be done only by or after consultation with the valve manufacturer.

(iii) Safety relief devices periodically shall be examined externally for corrosion, damage, plugging or external safety relief device channels, and mechanical defects such as leakage or extrusion of fusible metal. Valves equipped with secondary resilient seals shall have the seals inspected periodically. If there is any doubt regarding the suitability of the safety relief device for service the container shall not be filled until it is equipped with a suitable safety relief device.

§ 1910.169 Air receivers.

(a) *General requirements.*—(1) *Application.* This section applies to compressed air receivers, and other equipment used in providing and utilizing compressed air for performing operations such as cleaning, drilling, hoisting, and chipping. On the other hand, however, this section does not deal with the special problems created by using compressed air to convey materials nor the problems created when men work in compressed air as in tunnels and caissons. This section is not intended to apply to compressed air machinery and equipment used on transportation vehicles such as steam railroad cars, electric railway cars, and automotive equipment.

(2) *New and existing equipment* (i) All new air receivers installed after the effective date of these regulations shall be constructed in accordance with the 1968 edition of the A.S.M.E. Boiler and Pressure Vessel Code Section VIII.

(ii) All safety valves used shall be constructed, installed, and maintained in accordance with the A.S.M.E. Boiler and Pressure Vessel Code, Section VIII Edition 1968.

(b) *Installation and equipment requirements*—(1) *Installation.* Air receivers shall be so installed that all drains, handholes, and manholes therein are easily accessible. Air receivers should be supported with sufficient clearance to permit a complete external inspection and to avoid corrosion of external surfaces. Under no circumstances shall an air receiver be buried underground or located in an inaccessible place. The receiver should be located as close to the compressor or aftercooler as is possible in order to keep the discharge pipe short.

(2) *Drains and traps.* A drain pipe and valve shall be installed at the lowest point of every air receiver to provide for the removal of accumulated oil and water. Adequate automatic traps may be installed in addition to drain valves. The drain valve on the air receiver shall be opened and the receiver completely drained frequently and at such intervals as to prevent the accumulation of excessive amounts of liquid in the receiver.

(3) *Gages and valves.* (i) Every air receiver shall be equipped with an indicating pressure gage (so located as to be readily visible) and with one or more spring-loaded safety valves. The total relieving capacity of such safety valves shall be such as to prevent pressure in the receiver from exceeding the maximum allowable working pressure of the receiver by more than 10 percent.

(ii) No valve of any type shall be placed between the air receiver and its safety valve or valves.

(iii) Safety appliances, such as safety valves, indicating devices and controlling devices, shall be constructed, located, and installed so that they cannot be readily rendered inoperative by any means, including the elements.

(iv) All safety valves shall be tested frequently and at regular intervals to determine whether they are in good operating condition.

§ 1910.170 Sources of standards.

Sec.	Source
1910.166	41 CFR 50–204.65 referencing CGA C–6–1968, Standards for Visual Inspection of Compressed Gas Cylinders.
1910.167	41 CFR 50–204.71 and CGA Pamphlets S–1.1–1963 and 1965 addenda and S–1.2–1963 and 1965 addenda and S–1.2–1963, Safety Relief Device Standards.
1910.169	ANSI B–19, 1968 Safety Code for Compressed Air Machinery.

§ 1910.171 Standards organizations.

Specific standards of the following organizations have been referenced in this part. Copies of the referenced materials may be obtained from the issuing organizations.

Compressed Gas Association, Inc., 500 Fifth Avenue, New York, NY 10036.
American Society of Mechanical Engineers, Inc., United Engineering Center, 345 East 47th Street, New York, NY 10017.
National Fire Protection Association, 60 Batterymarch Street, Boston, MA 02110.
American National Standards Institute, 1430 Broadway, New York, NY 10018.

Subpart N—Materials Handling and Storage

EFFECTIVE DATE: The amendments appearing at 38 FR 14372, June 1, 1973 are effective July 31, 1973. For the text superseded by these amendments see 29 CFR (900–end) revised as of Jan. 1, 1972.

§ 1910.176 Handling materials—general.

(a) *Use of mechanical equipment.* Where mechanical handling equipment is used, sufficient safe clearances shall be allowed for aisles, at loading docks, through doorways and wherever turns or passage must be made. Aisles and passageways shall be kept clear and in good repair, with no obstruction across or in aisles that could create a hazard. Permanent aisles and passageways shall be appropriately marked.

(b) *Secure storage.* Storage of material shall not create a hazard. Bags, containers, bundles, etc., stored in tiers shall be stacked, blocked, interlocked and limited in height so that they are stable and secure against sliding or collapse.

(c) *Housekeeping.* Storage areas shall be kept free from accumulation of materials that constitute hazards from tripping, fire, explosion, or pest harborage. Vegetation control will be exercised when necessary.

(d) *Drainage.* Proper drainage shall be provided.

(e) *Clearance limits.* Clearance signs to warn of clearance limits shall be provided.

(f) *Rolling railroad cars.* Derail and/or bumper blocks shall be provided on spur railroad tracks where a rolling car could contact other cars being worked, enter a building, work or traffic area.

(g) *Guarding.* Covers and/or guardrails shall be provided to protect personnel from the hazards of open pits, tanks, vats, ditches, etc.

§ 1910.177 [Reserved]

§ 1910.178 Powered industrial trucks.

(a) *General requirements.*—(1) This section contains safety requirements relating to fire protection, design, maintenance, and use of fork trucks, tractors, platform lift trucks, motorized hand trucks, and other specialized industrial trucks powered by electric motors or internal combustion engines. This section does not apply to compressed air or nonflammable compressed gas-operated industrial trucks, nor to farm vehicles, nor to vehicles intended primarily for earth moving or over-the-road hauling.

(2) All new powered industrial trucks acquired and used by an employer after the effective date specified in paragraph (b) of § 1910.182 shall meet the design and construction requirements for powered industrial trucks established in the "American National Standard for Powered Industrial Trucks, Part II, ANSI B56.1–1969", except for vehicles intended primarily for earth moving or over-the-road hauling.

(3) Approved trucks shall bear a label or some other identifying mark indicating approval by the testing laboratory. See subparagraph (7) of this paragraph and paragraph 405 of "American National Standard for Powered Industrial Trucks, Part II, ANSI B56.1–1969", which is incorporated by reference in subparagraph (2) of this paragraph and which provides that if the powered industrial truck is accepted by a nationally recognized testing laboratory it should be so marked.

(4) Modifications and additions which affect capacity and safe operation shall not be performed by the customer or user without manufacturers prior written approval. Capacity, operation, and maintenance instruction plates, tags, or decals shall be changed accordingly.

(5) If the truck is equipped with front-end attachments other than factory installed attachments, the user shall request that the truck be marked to identify the attachments and show the approximate weight of the truck and attachment combination at maximum elevation with load laterally centered.

(6) The user shall see that all nameplates and markings are in place and are maintained in a legible condition.

(7) As used in this section, the term, "approved truck" or "approved industrial truck" means a truck that is listed or approved for fire safety purposes for the intended use by a nationally recognized testing laboratory, e.g., Underwriters' Laboratories, Inc.; Factory Mutual Engineering Corp., using nationally recognized testing standards.

(b) *Designations.* For the purpose of this standard there are eleven different designations of industrial trucks or tractors as follows: D, DS, DY, E, ES, EE, EX, G, GS, LP, and LPS.

(1) The D designated units are units similar to the G units except that they are diesel engine powered instead of gasoline engine powered.

(2) The DS designated units are diesel powered units that are provided with additional safeguards to the exhaust, fuel and electrical systems. They may be used in some locations where a D unit may not be considered suitable.

(3) The DY designated units are diesel powered units that have all the safeguards of the DS units and in addition do not have any electrical equipment including the ignition and are equipped with temperature limitation features.

(4) The E designated units are electrically powered units that have minimum acceptable safeguards against inherent fire hazards.

(5) The ES designated units are electrically powered units that, in addition to all of the requirements for the E units, are provided with additional safeguards to the electrical system to prevent emission of hazardous sparks and to limit surface temperatures. They may be used in some locations where the use of an E unit may not be considered suitable.

(6) The EE designated units are electrically powered units that have, in addition to all of the requirements for the E and ES units, the electric motors and all other electrical equipment completely enclosed. In certain locations the EE unit may be used where the use of an E and ES unit may not be considered suitable.

(7) The EX designated units are electrically powered units that differ from the E, ES, or EE units in that the electrical fittings and equipment are so designed, constructed and assembled that the units may be used in certain atmospheres containing flammable vapors or dusts.

(8) The G designated units are gasoline powered units having minimum acceptable safeguards against inherent fire hazards.

(9) The GS designated units are gasoline powered units that are provided with additional safeguards to the exhaust, fuel, and electrical systems. They may be used in some locations where the use of a G unit may not be considered suitable.

(10) The LP designated unit is similar to the G unit except that liquefied petroleum gas is used for fuel instead of gasoline.

(11) The LPS designated units are liquefied petroleum gas powered units that are provided with additional safeguards to the exhaust, fuel, and electrical systems. They may be used in some locations where the use of an LP unit may not be considered suitable.

(12) The atmosphere or location shall have been classified as to whether it is hazardous or nonhazardous prior to the consideration of industrial trucks being used therein and the type of industrial truck required shall be as provided in paragraph (d) of this section for such location.

(c) *Designated locations.* (1) The industrial trucks specified under subparagraph (2) of this paragraph are the minimum types required but industrial trucks having greater safeguards may be used if desired.

(2) For specific areas of use see Table N–1 which tabulates the information contained in this section. References in parentheses are to the corresponding classification as used in the National Electrical Code, NFPA 70–1971; ANSI C1–1971 (Rev. of C1–1968) for the convenience of persons familiar with those classifications.

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TABLE N-1

SUMMARY TABLE ON USE OF INDUSTRIAL TRUCKS IN VARIOUS LOCATIONS

Classes	Unclassified	Class I locations				Class II locations			Class III locations	
Description of classes	Locations not possessing atmospheres as described in other columns.	Locations in which flammable gases or vapors are, or may be, present in the air in quantities sufficient to produce explosive or ignitible mixtures:				Locations which are hazardous because of the presence of combustible dust:			Locations where easily ignitible fibers or flyings are present but not likely to be in suspension in quantities sufficient to produce ignitible mixtures:	
Groups in classes	None	A	B	C	D	E	F	G	None	
Examples of locations or atmospheres in classes and groups	Piers and wharves inside and outside general storage, general industrial or commercial properties.	Acetylene	Hydrogen	Ethyl ether	Gasoline Naphtha Alcohols Acetone Lacquer solvent Benzene	Metal dust	Carbon black coal dust, coke dust.	Grain dust flour dust, starch dust, organic dust.	Baled waste, cocoa fiber, cotton, excelsior, hemp, istle, jute, kapok; oakum, sisal, Spanish moss, synthetic fibers, tow.	
		1		2		1		2	1	2
Divisions (nature of hazardous conditions)	None	Above condition exists continuously, intermittently, or periodically under normal operating conditions:		Above condition may occur accidentally as due to a puncture of a storage drum:		Explosive mixture may be present under normal operating conditions, or where failure of equipment may cause the condition to exist simultaneously with arcing or sparking of electrical equipment, or where dusts of an electrically conducting nature may be present:		Explosive mixture not normally present, but where deposits of dust may cause heat rise in electrical equipment, or where such deposits may be ignited by arcs or sparks from electrical equipment:	Locations in which easily ignitible fibers or materials producing combustible flyings are handled, manufactured, or used:	Locations in which easily ignitible fibers are stored or handled (except in the process of manufacture):
Authorized uses of trucks by types in groups of classes and divisions										
Groups in classes	None	A	B	C	D	E	F	G	None	None
Types of trucks authorized:										
Diesel:										
Type D	D**									
Type DS					DS			DS		DS
Type DY					DY			DY	DY	DY
Electric:										
Type E	E**									E
Type ES					ES			ES		ES
Type EE					EE			EE	EE	EE
Type EX		EX			EX	EX	EX	EX	EX	EX
Gasoline:										
Type G	G**									
Type GS					GS			GS		GS
LP-Gas:										
Type LP	LP**									
Type LPS					LPS			LPS		LPS
Paragraph Ref. in No. 505	210.211	201 (a)	203 (a)	209 (a)	204 (a), (b)	202 (a)	205 (a)	209 (a)	206 (a), (b)	207 (a)	208 (a)

**Trucks conforming to these types may also be used—see subdivision (c)(2)(x) and (c)(2)(xii) of this section:

(i) Power-operated industrial trucks shall not be used in atmospheres containing hazardous concentration of acetylene, butadiene, ethylene oxide, hydrogen (or gases or vapors equivalent in hazard to hydrogen, such as manufactured gas), propylene oxide, acetaldehyde, cyclopropane, diethyl ether, ethylene, isoprene, or unsymmetrical dimethyl hydrazine (UDMH).

(ii) (*a*) Power-operated industrial trucks shall not be used in atmospheres containing hazardous concentrations of metal dust, including aluminum, magnesium, and their commercial alloys, other metals of similarly hazardous characteristics, or in atmospheres containing carbon black, coal or coke dust except approved power-operated industrial trucks designated as EX may be used in such atmospheres.

(*b*) In atmospheres where dust of magnesium, aluminum or aluminum bronze may be present, fuses, switches, motor controllers, and circuit breakers of trucks shall have enclosures specifically approved for such locations.

(iii) Only approved power-operated industrial trucks designated as EX may be used in atmospheres containing acetone, acrylonitrile, alcohol, ammonia, benzine, benzol, butane, ethylene dichloride, gasoline, hexane, lacquer solvent vapors, naphtha, natural gas, propane, propylene, styrene, vinyl acetate, vinyl chloride, or xylenes in quantities sufficient to produce explosive or ignitable mixtures and where such concentrations of these gases or vapors exist continuously, intermittently or periodically under normal operating conditions or may exist frequently because of repair, maintenance operations, leakage, breakdown or faulty operation of equipment.

(iv) Power-operated industrial trucks designated as DY, EE, or EX may be used in locations where volatile flammable liquids or flammable gases are handled, processed or used, but in which the hazardous liquids, vapors or gases will normally be confined within closed containers or closed systems from which they can escape only in case of accidental rupture or breakdown of such containers or systems, or in the case of abnormal operation of equipment; also in locations in which hazardous concentrations of gases or vapors are normally prevented by positive mechanical ventilation but which might become hazardous through failure or abnormal operation of the ventilating equipment; or in locations which are adjacent to Class I, Division 1 locations, and to which hazardous concentrations of gases or vapors might occasionally be communicated unless such communication is prevented by adequate positive-pressure ventilation from a source of clear air, and effective safeguards against ventilation failure are provided.

(v) In locations used for the storage of hazardous liquids in sealed containers or liquified or compressed gases in containers, approved power-operated industrial trucks designated as DS, ES, GS, or LPS may be used. This classification includes locations where volatile flammable liquids or flammable gases or vapors are used, but which, would become hazardous only in case of an accident or of some unusual operating condition. The quantity of hazardous material that might escape in case of accident, the adequacy of ventilating equipment, the total area involved, and the record of the industry or business with respect to explosions or fires are all factors that should receive consideration in determining whether or not the DS or DY, ES, EE, GS, LPS designated truck possesses sufficient safeguards for the location. Piping without valves, checks, meters and similar devices would not ordinarily be deemed to introduce a hazardous condition even though used for hazardous liquids or gases. Locations used for the storage of hazardous liquids or of liquified or compressed gases in sealed containers would not normally be considered hazardous unless subject to other hazardous conditions also.

(vi) (*a*) Only approved power-operated industrial trucks designated as EX shall be used in atmospheres in which combustible dust is or may be in suspension continuously, intermittently, or periodically under normal operating conditions, in quantities sufficient to produce explosive or ignitable mixtures, or where mechanical failure or abnormal operation of machinery or equipment might cause such mixtures to be produced.

(*b*) The EX classification usually includes the working areas of grain handling and storage plants, room containing grinders or pulverizers, cleaners, graders, scalpers, open conveyors or spouts, open bins or hoppers, mixers, or blenders, automatic or hopper scales, packing machinery, elevator heads and boots, stock distributors, dust and stock collectors (except all-metal collectors vented to the outside), and all similar dust producing machinery and equipment in grain processing plants, starch plants, sugar pulverizing plants, malting plants, hay grinding plants, and other occupancies of similar nature; coal pulverizing plants (except where the pulverizing equipment is essentially dust tight); all working areas where metal dusts and powders are produced, processed, handled, packed, or stored (except in tight containers); and other similar locations where combustible dust may, under normal operating conditions, be present in the air in quantities sufficient to produce explosive or ignitable mixtures.

(vii) Only approved power-operated industrial trucks designated as DY, EE, or EX shall be used in atmospheres in which combustible dust will not normally be in suspension in the air or will not be likely to be thrown into suspension by the normal operation of equipment or apparatus in quantities sufficient to produce explosive or ignitable mixtures but where deposits or accumulations of such dust may be ignited by arcs or sparks originating in the truck.

(viii) Only approved power-operated industrial trucks designated as DY, EE, or EX shall be used in locations which are hazardous because of the presence of easily ignitible fibers or flyings but in which such fibers or flyings are not likely to be in suspension in the air in quantities sufficient to produce ignitable mixtures.

(ix) Only approved power-operated industrial trucks designated as DS, DY, ES, EE, EX, GS, or LPS shall be used in locations where easily ignitable fibers are stored or handled, including outside storage, but are not being processed or manufactured. Industrial trucks designated as E, which have been previously used in these locations may be continued in use.

(x) On piers and wharves handling general cargo, any approved power-operated industrial truck designated as Type D, E, G, or LP may be used, or trucks which conform to the requirements for these types may be used.

(xi) If storage warehouses and outside storage locations are hazardous only the approved power-operated industrial truck specified for such locations in this paragraph (c)(2) shall be used. If not classified as hazardous, any approved power-operated industrial truck designated as Type D, E, G, or LP may be used, or trucks which conform to the requirements for these types may be used.

(xii) If general industrial or commercial properties are hazardous, only approved power-operated industrial trucks specified for such locations in this paragraph (c)(2) shall be used. If not classified as hazardous, any approved power-operated industrial truck designated as Type D, E, G, or LP may be used, or trucks which conform to the requirements of these types may be used.

(d) *Converted industrial trucks.* Power-operated industrial trucks that have been originally approved for the use of gasoline for fuel, when converted to the use of liquefied petroleum gas fuel in accordance with paragraph (q) of this section, may be used in those locations where G, GS or LP, and LPS designated trucks have been specified in the preceding paragraphs.

(e) *Safety guards.* (1) High Lift Rider trucks shall be fitted with an overhead guard manufactured in accordance with paragraph (a)(2) of this section, unless operating conditions do not permit.

(2) If the type of load presents a hazard, the user shall equip fork trucks with a vertical load backrest extension manufactured in accordance with paragraph (a)(2) of this section.

(f) *Fuel handling and storage.* (1) The storage and handling of liquid fuels such as gasoline and diesel fuel shall be in accordance with NFPA Flammable and Combustible Liquids Code (NFPA No. 30–1969).

(2) The storage and handling of liquefied petroleum gas fuel shall be in accordance with NFPA Storage and Handling of Liquefied Petroleum Gases (NFPA No. 58–1969).

(g) *Changing and charging storage batteries.* (1) Battery charging installations shall be located in areas designated for that purpose.

(2) Facilities shall be provided for flushing and neutralizing spilled electrolyte, for fire protection, for protecting charging apparatus from damage by trucks, and for adequate ventilation for dispersal of fumes from gassing batteries.

(3) When racks are used for support of batteries, they should be made of materials nonconductive to spark generation or be coated or covered to achieve this objective.

(4) A conveyor, overhead hoist, or equivalent material handling equipment shall be provided for handling batteries.

(5) Reinstalled batteries shall be properly positioned and secured in the truck.

(6) A carboy tilter or siphon shall be provided for handling electrolyte.

(7) When charging batteries, acid shall be poured into water; water shall not be poured into acid.

(8) Trucks shall be properly positioned and brake applied before attempting to change or charge batteries.

(9) When charging batteries, the vent caps should be kept in place to avoid electrolyte spray. Care shall be taken to assure that vent caps are functioning. The battery (or compartment) cover(s) shall be open to dissipate heat.

(10) Smoking shall be prohibited in the charging area.

(11) Precautions shall be taken to prevent open flames, sparks, or electric arcs in battery charging areas.

(12) Tools and other metallic objects shall be kept away from the top of uncovered batteries.

(h) *Lighting for operating areas.* (1) Controlled lighting of adequate intensity should be provided in operating areas. (See American National Standard Practice for Industrial Lighting, A11.1–1965 (R1970)).

(2) Where general lighting is less than 2 lumens per square foot, auxiliary directional lighting shall be provided on the truck.

(i) *Control of noxious gases and fumes.* (1) Concentration levels of carbon monoxide gas created by powered industrial truck operations shall not exceed the levels specified in § 1910.93.

(2) Questions concerning degree of concentration and methods of sampling to ascertain the conditions should be referred to a qualified industrial hygienist.

(j) *Dockboards (bridge plates).* See § 1910.30(a).

(k) *Trucks and railroad cars.* (1) The brakes of highway trucks shall be set and wheel chocks placed under the rear wheels to prevent the trucks from rolling while they are boarded with powered industrial trucks.

(2) Wheel stops or other recognized positive protection shall be provided to prevent railroad cars from moving during loading or unloading operations.

(3) Fixed jacks may be necessary to support a semitrailer and prevent upending during the loading or unloading when the trailer is not coupled to a tractor.

(4) Positive protection shall be provided to prevent railroad cars from being moved while dockboards or bridge plates are in position.

(l) *Operator training.* Only trained and authorized operators shall be permitted to operate a powered industrial

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truck. Methods shall be devised to train operators in the safe operation of powered industrial trucks.

(m) *Truck operations.* (1) Trucks shall not be driven up to anyone standing in front of a bench or other fixed object.

(2) No person shall be allowed to stand or pass under the elevated portion of any truck, whether loaded or empty.

(3) Unauthorized personnel shall not be permitted to ride on powered industrial trucks. A safe place to ride shall be provided where riding of trucks is authorized.

(4) The employer shall prohibit arms or legs from being placed between the uprights of the mast or outside the running lines of the truck.

(5) (i) When a powered industrial truck is left unattended, load engaging means shall be fully lowered, controls shall be neutralized, power shall be shut off, and brakes set. Wheels shall be blocked if the truck is parked on an incline.

(ii) A powered industrial truck is unattended when the operator is 25 ft or more away from the vehicle which remains in his view, or whenever the operator leaves the vehicle and it is not in his view.

(iii) When the operator of an industrial truck is dismounted and within 25 ft. of the truck still in his view, the load engaging means shall be fully lowered, controls neutralized, and the brakes set to prevent movement.

(6) A safe distance shall be maintained from the edge of ramps or platforms while on any elevated dock, or platform or freight car. Trucks shall not be used for opening or closing freight doors.

(7) Brakes shall be set and wheel blocks shall be in place to prevent movement of trucks, trailers, or railroad cars while loading or unloading. Fixed jacks may be necessary to support a semitrailer during loading or unloading when the trailer is not coupled to a tractor. The flooring of trucks, trailers, and railroad cars shall be checked for breaks and weakness before they are driven onto.

(8) There shall be sufficient headroom under overhead installations, lights, pipes, sprinkler system, etc.

(9) An overhead guard shall be used as protection against falling objects. It should be noted that an overhead guard is intended to offer protection from the impact of small packages, boxes, bagged material, etc., representative of the job application, but not to withstand the impact of a falling capacity load.

(10) A load backrest extension shall be used whenever necessary to minimize the possibility of the load or part of it from falling rearward.

(11) Only approved industrial trucks shall be used in hazardous locations.

(12) Whenever a truck is equipped with vertical only, or vertical and horizontal controls elevatable with the lifting carriage or forks for lifting personnel, the following additional precautions shall be taken for the protection of personnel being elevated.

(i) Use of a safety platform firmly secured to the lifting carriage and/or forks.

(ii) Means shall be provided whereby personnel on the platform can shut off power to the truck.

(iii) Such protection from falling objects as indicated necessary by the operating conditions shall be provided.

(13) [Reserved]

(14) Fire aisles, access to stairways, and fire equipment shall be kept clear.

(n) *Traveling.* (1) All traffic regulations shall be observed, including authorized plant speed limits. A safe distance shall be maintained approximately three truck lengths from the truck ahead, and the truck shall be kept under control at all times.

(2) The right of way shall be yielded to ambulances, fire trucks, or other vehicles in emergency situations.

(3) Other trucks traveling in the same direction at intersections, blind spots, or other dangerous locations shall not be passed.

(4) The driver shall be required to slow down and sound the horn at cross aisles and other locations where vision is obstructed. If the load being carried obstructs forward view, the driver shall be required to travel with the load trailing.

(5) Railroad tracks shall be crossed diagonally wherever possible. Parking closer than 8 feet from the center of railroad tracks is prohibited.

(6) The driver shall be required to look in the direction of, and keep a clear view of the path of travel.

(7) Grades shall be ascended or descended slowly.

(i) When ascending or descending grades in excess of 10 percent, loaded trucks shall be driven with the load upgrade.

(ii) Unloaded trucks should be operated on all grades with the load engaging means downgrade.

(iii) On all grades the load and load engaging means shall be tilted back if applicable, and raised only as far as necessary to clear the road surface.

(8) Under all travel conditions the truck shall be operated at a speed that will permit it to be brought to a stop in a safe manner.

(9) Stunt driving and horseplay shall not be permitted.

(10) The driver shall be required to slow down for wet and slippery floors.

(11) Dockboard or bridgeplates, shall be properly secured before they are driven over. Dockboard or bridgeplates shall be driven over carefully and slowly and their rated capacity never exceeded.

(12) Elevators shall be approached slowly, and then entered squarely after the elevator car is properly leveled. Once on the elevator, the controls shall be neutralized, power shut off, and the brakes set.

(13) Motorized hand trucks must enter elevator or other confined areas with load end forward.

(14) Running over loose objects on the roadway surface shall be avoided.

(15) While negotiating turns, speed shall be reduced to a safe level by means of turning the hand steering wheel in a smooth, sweeping motion. Except when maneuvering at a very low speed, the hand steering wheel shall be turned at a moderate, even rate.

(o) *Loading.* (1) Only stable or safely arranged loads shall be handled. Caution shall be exercised when handling off-center loads which cannot be centered.

(2) Only loads within the rated capacity of the truck shall be handled.

(3) The long or high (including multiple-tiered) loads which may affect capacity shall be adjusted.

(4) When attachments are used, particular care should be taken in securing, manipulating, positioning, and transporting the load. Trucks equipped with attachments shall be operated as partially loaded trucks when not handling a load.

(5) A load engaging means shall be placed under the load as far as possible; the mast shall be carefully tilted backward to stabilize the load.

(6) Extreme care shall be used when tilting the load forward or backward, particularly when high tiering. Tilting forward with load engaging means elevated shall be prohibited except to pick up a load. An elevated load shall not be tilted forward except when the load is in a deposit position over a rack or stack. When stacking or tiering, only enough backward tilt to stabilize the load shall be used.

(p) *Operation of the truck.* (1) If at any time a powered industrial truck is found to be in need of repair, defective, or in any way unsafe, the truck shall be taken out of service until it has been restored to safe operating condition.

(2) Fuel tanks shall not be filled while the engine is running. Spillage shall be avoided.

(3) Spillage of oil or fuel shall be carefully washed away or completely evaporated and the fuel tank cap replaced before restarting engine.

(4) No truck shall be operated with a leak in the fuel system until the leak has been corrected.

(5) Open flames shall not be used for checking electrolyte level in storage batteries or gasoline level in fuel tanks.

(q) *Maintenance of industrial trucks.* (1) Any power-operated industrial truck not in safe operating condition shall be removed from service. All repairs shall be made by authorized personnel.

(2) No repairs shall be made in Class I, II, and III locations.

(3) Those repairs to the fuel and ignition systems of industrial trucks which involve fire hazards shall be conducted only in locations designated for such repairs.

(4) Trucks in need of repairs to the electrical system shall have the battery disconnected prior to such repairs.

(5) All parts of any such industrial truck requiring replacement shall be replaced only by parts equivalent as to safety with those used in the original design.

(6) Industrial trucks shall not be altered so that the relative positions of the various parts are different from what they were when originally received from the manufacturer, nor shall they be altered either by the addition of extra parts not provided by the manufacturer or by the elimination of any parts, except as provided in subparagraph (12) of this paragraph. Additional counterweighting of fork trucks shall not be done unless approved by the truck manufacturer.

(7) Industrial trucks shall be examined before being placed in service, and shall not be placed in service if the examination shows any condition adversely affecting the safety of the vehicle. Such examination shall be made at least daily.

Where industrial trucks are used on a round-the-clock basis, they shall be examined after each shift. Defects when found shall be immediately reported and corrected.

(8) Water mufflers shall be filled daily or as frequently as is necessary to prevent depletion of the supply of water below 75 percent of the filled capacity. Vehicles with mufflers having screens or other parts that may become clogged shall not be operated while such screens or parts are clogged. Any vehicle that emits hazardous sparks or flames from the exhaust system shall immediately be removed from service, and not returned to service until the cause for the emission of such sparks and flames has been eliminated.

(9) When the temperature of any part of any truck is found to be in excess of its normal operating temperature, thus creating a hazardous condition, the vehicle shall be removed from service and not returned to service until the cause for such overheating has been eliminated.

(10) Industrial trucks shall be kept in a clean condition, free of lint, excess oil, and grease. Noncombustible agents should be used for cleaning trucks. Low flash point (below 100° F.) solvents shall not be used. High flash point (at or above 100° F.) solvents may be used. Precautions regarding toxicity, ventilation, and fire hazard shall be consonant with the agent or solvent used.

(11) Where it is necessary to use antifreeze in the engine cooling system, only those products having a glycol base shall be used.

(12) Industrial trucks originally approved for the use of gasoline for fuel may be converted to liquefied petroleum gas fuel provided the complete conversion results in a truck which embodies the features specified for LP or LPS designated trucks. Such conversion equipment shall be approved. The description of the component parts of this conversion system and the recommended method of installation on specific trucks are contained in the "Listed by Report."

[37 FR 22102, Oct. 18, 1972, as amended at 38 FR 14373, June 1, 1973]

§ 1910.179 Overhead and gantry cranes.

(a) *Definitions applicable to this section.* (1) A "crane" is a machine for lifting and lowering a load and moving it horizontally, with the hoisting mechanism an integral part of the machine. Cranes whether fixed or mobile are driven manually or by power.

(2) An "automatic crane" is a crane which when activated operates through a preset cycle or cycles.

(3) A "cab-operated crane" is a crane controlled by an operator in a cab located on the bridge or trolley.

(4) "Cantilever gantry crane" means a gantry or semigantry crane in which the bridge girders or trusses extend transversely beyond the crane runway on one or both sides.

(5) "Floor-operated crane" means a crane which is pendant or nonconductive rope controlled by an operator on the floor or an independent platform.

(6) "Gantry crane" means a crane similar to an overhead crane except that the bridge for carrying the trolley or trolleys is rigidly supported on two or more legs running on fixed rails or other runway.

(7) "Hot metal handling crane" means an overhead crane used for transporting or pouring molten material.

(8) "Overhead crane" means a crane with a movable bridge carrying a movable or fixed hoisting mechanism and traveling on an overhead fixed runway structure.

(9) "Power-operated crane" means a crane whose mechanism is driven by electric, air, hydraulic, or internal combustion means.

(10) A "pulpit-operated crane" is a crane operated from a fixed operator station not attached to the crane.

(11) A "remote-operated crane" is a crane controlled by an operator not in a pulpit or in the cab attached to the crane, by any method other than pendant or rope control.

(12) A "semigantry crane" is a gantry crane with one end of the bridge rigidly supported on one or more legs that run on a fixed rail or runway, the other end of the bridge being supported by a truck running on an elevated rail or runway.

(13) "Storage bridge crane" means a gantry type crane of long span usually used for bulk storage of material; the bridge girders or trusses are rigidly or nonrigidly supported on one or more legs. It may have one or more fixed or hinged cantilever ends.

(14) "Wall crane" means a crane having a jib with or without trolley and supported from a side wall or line of columns of a building. It is a traveling type and operates on a runway attached to the side wall or columns.

(15) "Appointed" means assigned specific responsibilities by the employer or the employer's representative.

(16) "ANSI" means the American National Standards Institute.

(17) An "auxiliary hoist" is a supplemental hoisting unit of lighter capacity and usually higher speed than provided for the main hoist.

(18) A "brake" is a device used for retarding or stopping motion by friction or power means.

(19) A "drag brake" is a brake which provides retarding force without external control.

(20) A "holding brake" is a brake that automatically prevents motion when power is off.

(21) "Bridge" means that part of a crane consisting of girders, trucks, end ties, footwalks, and drive mechanism which carries the trolley or trolleys.

(22) "Bridge travel" means the crane movement in a direction parallel to the crane runway.

(23) A "bumper" (buffer) is an energy absorbing device for reducing impact when a moving crane or trolley reaches the end of its permitted travel; or when two moving cranes or trolleys come in contact.

(24) The "cab" is the operator's compartment on a crane.

(25) "Clearance" means the distance from any part of the crane to a point of the nearest obstruction.

(26) "Collectors current" are contacting devices for collecting current from runway or bridge conductors.

(27) "Conductors, bridge" are the electrical conductors located along the bridge structure of a crane to provide power to the trolley.

(28) "Conductors, runway" (main) are the electrical conductors located along a crane runway to provide power to the crane.

(29) The "control braking means" is a method of controlling crane motor speed when in an overhauling condition.

(30) "Countertorque" means a method of control by which the power to the motor is reversed to develop torque in the opposite direction.

(31) "Dynamic" means a method of controlling crane motor speeds when in the overhauling condition to provide a retarding force.

(32) "Regenerative" means a form of dynamic braking in which the electrical energy generated is fed back into the power system.

(33) "Mechanical" means a method of control by friction.

(34) "Controller, spring return" means a controller which when released will return automatically to a neutral position.

(35) "Designated" means selected or assigned by the employer or the employer's representative as being qualified to perform specific duties.

(36) A "drift point" means a point on a travel motion controller which releases the brake while the motor is not energized. This allows for coasting before the brake is set.

(37) The "drum" is the cylindrical member around which the ropes are wound for raising or lowering the load.

(38) An "equalizer" is a device which compensates for unequal length or stretch of a rope.

(39) "Exposed" means capable of being contacted inadvertently. Applied to hazardous objects not adequately guarded or isolated.

(40) "Fail-safe" means a provision designed to automatically stop or safely control any motion in which a malfunction occurs.

(41) "Footwalk" means the walkway with handrail, attached to the bridge or trolley for access purposes.

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(42) A "hoist" is an apparatus which may be a part of a crane, exerting a force for lifting or lowering.

(43) "Hoist chain" means the load bearing chain in a hoist.

NOTE: Chain properties do not conform to those shown in ANSI B30.9–1971, Safety Code for Slings.

(44) "Hoist motion" means that motion of a crane which raises and lowers a load.

(45) "Load" means the total superimposed weight on the load block or hook.

(46) The "load block" is the assembly of hook or shackle, swivel, bearing, sheaves, pins, and frame suspended by the hoisting rope.

(47) "Magnet" means an electromagnetic device carried on a crane hook to pick up loads magnetically.

(48) "Main hoist" means the hoist mechanism provided for lifting the maximum rated load.

(49) A "man trolley" is a trolley having an operator's cab attached thereto.

(50) "Rated load" means the maximum load for which a crane or individual hoist is designed and built by the manufacturer and shown on the equipment nameplate(s).

(51) "Rope" refers to wire rope, unless otherwise specified.

(52) "Running sheave" means a sheave which rotates as the load block is raised or lowered.

(53) "Runway" means an assembly of rails, beams, girders, brackets, and framework on which the crane or trolley travels.

(54) "Side pull" means that portion of the hoist pull acting horizontally when the hoist lines are not operated vertically.

(55) "Span" means the horizontal distance center to center of runway rails.

(56) "Standby crane" means a crane which is not in regular service but which is used occasionally or intermittently as required.

(57) A "stop" is a device to limit travel of a trolley or crane bridge. This device normally is attached to a fixed structure and normally does not have energy absorbing ability.

(58) A "switch" is a device for making, breaking, or for changing the connections in an electric circuit.

(59) An "emergency stop switch" is a manually or automatically operated electric switch to cut off electric power independently of the regular operating controls.

(60) A "limit switch" is a switch which is operated by some part or motion of a power-driven machine or equipment to alter the electric circuit associated with the machine or equipment.

(61) A "main switch" is a switch controlling the entire power supply to the crane.

(62) A "master switch" is a switch which dominates the operation of contactors, relays, or other remotely operated devices.

(63) The "trolley" is the unit which travels on the bridge rails and carries the hoisting mechanism.

(64) "Trolley travel" means the trolley movement at right angles to the crane runway.

(65) "Truck" means the unit consisting of a frame, wheels, bearings, and axles which supports the bridge girders or trolleys.

(b) *General requirements*—(1) *Application.* This section applies to overhead and gantry cranes, including semigantry, cantilever gantry, wall cranes, storage bridge cranes, and others having the same fundamental characteristics. These cranes are grouped because they all have trolleys and similar travel characteristics.

(2) *New and existing equipment.* All new overhead and gantry cranes constructed and installed on or after August 31, 1971, shall meet the design specifications of the American National Standard Safety Code for Overhead and Gantry Cranes, ANSI B30.2.0–1967. Overhead and gantry cranes constructed before August 31, 1971, should be modified to conform to those design specifications by February 15, 1972, unless it can be shown that the crane cannot feasibly or economically be altered and that the crane substantially complies with the requirements of this section.

(3) *Modifications.* Cranes may be modified and rerated provided such modifications and the supporting structure are checked thoroughly for the new rated load by a qualified engineer or the equipment manufacturer. The crane shall be tested in accordance with paragraph (k)(2) of this section. New rated load shall be displayed in accordance with subparagraph (5) of this paragraph.

(4) *Wind indicators and rail clamps.* Outdoor storage bridges shall be provided with automatic rail clamps. A wind-indicating device shall be provided which will give a visible or audible alarm to the bridge operator at a predetermined wind velocity. If the clamps act on the rail heads, any beads or weld flash on the rail heads shall be ground off.

(5) *Rated load marking.* The rated load of the crane shall be plainly marked on each side of the crane, and if the crane has more than one hoisting unit, each hoist shall have its rated load marked on it or its load block and this marking shall be clearly legible from the ground or floor.

(6) *Clearance from obstruction.* (i) Minimum clearance of 3 inches overhead and 2 inches laterally shall be provided and maintained between crane and obstructions in conformity with Crane Manufacturers Association of America, Inc., Specification No. 61 (formerly the Electric Overhead Crane Institute, Inc).

(ii) Where passageways or walkways are provided obstructions shall not be placed so that safety of personnel will be jeopardized by movements of the crane.

(7) *Clearance between parallel cranes.* If the runways of two cranes are parallel, and there are no intervening walls or structure, there shall be adequate clearance provided and maintained between the two bridges.

(8) *Designated personnel.*—Only designated personnel shall be permitted to operate a crane covered by this section.

(c) *Cabs*—(1) *Cab location.* (i) The general arrangement of the cab and the location of control and protective equipment shall be such that all operating handles are within convenient reach of the operator when facing the area to be served by the load hook, or while facing the direction of travel of the cab. The arrangement shall allow the operator a full view of the load hook in all positions.

(ii) The cab shall be located to afford a minimum of 3 inches clearance from all fixed structures within its area of possible movement.

(iii) The clearance of the cab above the working floor or passageway should be not less than 7 feet.

(2) *Access to crane.* Access to the cab and/or bridge walkway shall be by a conveniently placed fixed ladder, stairs, or platform requiring no step over any gap exceeding 12 inches. Fixed ladders shall be in conformance with the American National Standard Safety Code for Fixed Ladders, ANSI A14.3–1956.

(3) *Fire extinguisher.* A carbon dioxide, dry-chemical, or equivalent hand fire extinguisher should be kept in the cab. Carbon tetrachloride extinguishers shall not be used.

(4) *Lighting.* Light in the cab shall be sufficient to enable the operator to see clearly enough to perform his work.

(d) *Footwalks and ladders*—(1) *Location of footwalks.* (i) If sufficient headroom is available on cab-operated cranes, a footwalk shall be provided on the drive side along the entire length of the bridge of all cranes having the trolley running on the top of the girders. To give sufficient access to the opposite side of the trolley, there should be provided either a footwalk mounted on the trolley, a suitable footwalk or platform in the building, or a footwalk on the opposite side of the crane at least twice the length of the trolley.

(ii) Footwalks should be located to give a headroom not less than 78 inches. In no case shall less than 48 inches be provided. If 48 inches of headroom cannot be provided, footwalks should be omitted from the crane and a stationary platform or landing stage built for workmen making repairs.

(2) *Construction of footwalks.* (i) Footwalks shall be of rigid construction and designed to sustain a distributed load of at least 50 pounds per square foot.

(ii) Footwalks shall have a walking surface of antislip type.

NOTE: Wood will meet this requirement.

(iii) Footwalks should be continuous and permanently secured.

(iv) Footwalks should have a clear passageway at least 18 inches wide except opposite the bridge motor, where they should be not less than 15 inches. The inner edge shall extend at least to the line of the outside edge of the lower cover plate or flange of the girder.

(3) *Toeboards and handrails for footwalks.* Toeboards and handrails shall be in compliance with section 1910.23 of this part.

(4) *Ladders and stairways.* (i) Gantry cranes shall be provided with ladders or stairways extending from the ground to the footwalk or cab platform.

(ii) Stairways shall be equipped with rigid and substantial metal handrails. Walking surfaces shall be of an antislip type.

(iii) Ladders shall be permanently and securely fastened in place and shall be constructed in compliance with § 1910.27.

(e) *Stops, bumpers, rail sweeps, and guards*—(1) *Trolley stops.* (i) Stops shall be provided at the limits of travel of the trolley.

(ii) Stops shall be fastened to resist forces applied when contacted.

(iii) A stop engaging the tread of the wheel shall be of a height at least equal to the radius of the wheel.

(2) *Bridge bumpers.*—(i) A crane shall be provided with bumpers or other automatic means providing equivalent effect, unless the crane travels at a slow rate of speed and has a faster deceleration rate due to the use of sleeve bearings, or is not operated near the ends of bridge and trolley travel, or is restricted to a limited distance by the nature of the crane operation and their is no hazard of striking any object in this limited distance, or is used in similar operating conditions. The bumpers shall be capable of stopping the crane (not including the lifted load) at an average rate of deceleration not to exceed 3 ft/s/s when traveling in either direction at 20 percent of the rated load speed.

(A) The bumpers shall have sufficient energy absorbing capacity to stop the crane when traveling at a speed of at least 40 percent of rated load speed.

(B) The bumper shall be so mounted that there is no direct shear on bolts.

(ii) Bumpers shall be so designed and installed as to minimize parts falling from the crane in case of breakage.

(3) *Trolley bumpers.*—(i) A trolley shall be provided with bumpers or other automatic means of equivalent effect, unless the trolley travels at a slow rate of speed, or is not operated near the ends of bridge and trolley travel, or is restricted to a limited distance of the runway and there is no hazard of striking any object in this limited distance, or is used in similar operating conditions. The bumpers shall be capable of stopping the trolley (not including the lifted load) at an average rate of deceleration not to exceed 4.7 ft/s/s when traveling in either direction at one-third of the rated load speed.

(ii) When more than one trolley is operated on the same bridge, each shall be equipped with bumpers or equivalent on their adjacent ends.

(iii) Bumpers or equivalent shall be designed and installed to minimize parts falling from the trolley in case of age.

(4) *Rail sweeps.* Bridge trucks shall be equipped with sweeps which extend below the top of the rail and project in front of the truck wheels.

(5) *Guards for hoisting ropes.* (i) If hoisting ropes run near enough to other parts to make fouling or chafing possible, guards shall be installed to prevent this condition.

(ii) A guard shall be provided to prevent contact between bridge conductors and hoisting ropes if they could come into contact.

(6) *Guards for moving parts.* (i) Exposed moving parts such as gears, set screws, projecting keys, chains, chain sprockets, and reciprocating components which might constitute a hazard under normal operating conditions shall be guarded.

(ii) Guards shall be securely fastened.

(iii) Each guard shall be capable of supporting without permanent distortion the weight of a 200-pound person unless the guard is located where it is impossible for a person to step on it.

(f) *Brakes*—(1) *Brakes for hoists.* (i) Each independent hoisting unit of a crane shall be equipped with at least one self-setting brake, hereafter referred to as a holding brake, applied directly to the motor shaft or some part of the gear train.

(ii) Each independent hoisting unit of a crane, except worm-geared hoists, the angle of whose worm is such as to prevent the load from accelerating in the lowering direction shall, in addition to a holding brake, be equipped with control braking means to prevent overspeeding.

(2) *Holding brakes:* (i) Holding brakes for hoist motors shall have not less than the following percentage of the full load hoisting torque at the point where the brake is applied.

(*a*) 125 percent when used with a control braking means other than mechanical.

(*b*) 100 percent when used in conjunction with a mechanical control braking means.

(c) 100 percent each if two holding brakes are provided.

(ii) Holding brakes on hoists shall have ample thermal capacity for the frequency of operation required by the service.

(iii) Holding brakes on hoists shall be applied automatically when power is removed.

(iv) Where necessary holding brakes shall be provided with adjustment means to compensate for wear.

(v) The wearing surface of all holding-brake drums or discs shall be smooth.

(vi) Each independent hoisting unit of a crane handling hot metal and having power control braking means shall be equipped with at least two holding brakes.

(3) *Control braking means.* (i) A power control braking means such as regenerative, dynamic or countertorque braking, or a mechanically controlled braking means shall be capable of maintaining safe lowering speeds of rated loads.

(ii) The control braking means shall have ample thermal capacity for the frequency of operation required by service.

(4) *Brakes for trolleys and bridges.* (i) Foot operated brakes shall not require an applied force of more than 70 pounds to develop manufacturer's rated brake torque.

(ii) Brakes may be applied by mechanical, electrical, pneumatic, hydraulic, or gravity means.

(iii) Where necessary brakes shall be provided with adjustment means to compensate for wear.

(iv) The wearing surface of all brake-drums or discs shall be smooth.

(v) All foot-brake pedals shall be constructed so that the operator's foot will not easily slip off the pedal.

(vi) Foot-operated brakes shall be equipped with automatic means for positive release when pressure is released from the pedal.

(vii) Brakes for stopping the motion of the trolley or bridge shall be of sufficient size to stop the trolley or bridge within a distance in feet equal to 10 percent of full load speed in feet per minute when traveling at full speed with full load.

(viii) If holding brakes are provided on the bridge or trolleys, they shall not prohibit the use of a drift point in the control circuit.

(ix) Brakes on trolleys and bridges shall have ample thermal capacity for the frequency of operation required by the service to prevent impairment of functions from overheating.

(5) *Application of trolley brakes.* (i) On cab-operated cranes with cab on trolley, a trolley brake shall be required as specified under subparagraph (4) of this paragraph.

(ii) A drag brake may be applied to hold the trolley in a desired position on the bridge and to eliminate creep with the power off.

(6) *Application of bridge brakes.* (i) On cab-operated cranes with cab on bridge, a bridge brake is required as specified under subparagraph (4) of this paragraph.

(ii) On cab-operated cranes with cab on trolley, a bridge brake of the holding type shall be required.

(iii) On all floor, remote and pulpit-operated crane bridge drives, a brake or noncoasting mechanical drive shall be provided.

(g) *Electric equipment*—(1) *General.* (i) Wiring and equipment shall comply with § 1910.309.

(ii) The control circuit voltage shall not exceed 600 volts for a.c. or d.c. current.

(iii) The voltage at pendant push-buttons shall not exceed 150 volts for a.c. and 300 volts for d.c.

(iv) Where multiple conductor cable is used with a suspended pushbutton station, the station must be supported in some satisfactory manner that will protect the electrical conductors against strain.

(v) Pendant control boxes shall be constructed to prevent electrical shock and shall be clearly marked for identification of functions.

(2) *Equipment.* (i) Electrical equipment shall be so located or enclosed that live parts will not be exposed to accidental contact under normal operating conditions.

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(ii) Electric equipment shall be protected from dirt, grease, oil, and moisture.

(iii) Guards for live parts shall be substantial and so located that they cannot be accidently deformed so as to make contact with the live parts.

(3) *Controllers.* (i) Cranes not equipped with spring-return controllers or momentary contact pushbuttons shall be provided with a device which will disconnect all motors from the line on failure of power and will not permit any motor to be restarted until the controller handle is brought to the "off" position, or a reset switch or button is operated.

(ii) Lever operated controllers shall be provided with a notch or latch which in the "off" position prevents the handle from being inadvertently moved to the "on" position. An "off" detent or spring return arrangement is acceptable.

(iii) The controller operating handle shall be located within convenient reach of the operator.

(iv) As far as practicable, the movement of each controller handle shall be in the same general directions as the resultant movements of the load.

(v) The control for the bridge and trolley travel shall be so located that the operator can readily face the direction of travel.

(vi) For floor-operated cranes, the controller or controllers if rope operated, shall automatically return to the "off" position when released by the operator.

(vii) Pushbuttons in pendant stations shall return to the "off" position when pressure is released by the crane operator.

(viii) Automatic cranes shall be so designed that all motions shall fail-safe if any malfunction of operation occurs.

(ix) Remote-operated cranes shall function so that if the control signal for any crane motion becomes ineffective the crane motion shall stop.

(4) *Resistors.* (i) Enclosures for resistors shall have openings to provide adequate ventilation, and shall be installed to prevent the accumulation of combustible matter too near to hot parts.

(ii) Resistor units shall be supported so as to be as free as possible from vibration.

(iii) Provision shall be made to prevent broken parts or molten metal falling upon the operator or from the crane.

(5) *Switches.* (i) The power supply to the runway conductors shall be controlled by a switch or circuit breaker located on a fixed structure, accessible from the floor, and arranged to be locked in the open position.

(ii) On cab-operated cranes a switch or circuit breaker of the enclosed type, with provision for locking in the open position, shall be provided in the leads from the runway conductors. A means of opening this switch or circuit breaker shall be located within easy reach of the operator.

(iii) On floor-operated cranes, a switch or circuit breaker of the enclosed type, with provision for locking in the open position, shall be provided in the leads from the runway conductors. This disconnect shall be mounted on the bridge or footwalk near the runway collectors. One of the following types of floor-operated disconnects shall be provided:

(*a*) Nonconductive rope attached to the main disconnect switch.

(*b*) An undervoltage trip for the main circuit breaker operated by an emergency stop button in the pendant pushbutton in the pendant pushbutton station.

(*c*) A main line contactor operated by a switch or pushbutton in the pendant pushbutton station.

(iv) The hoisting motion of all electric traveling cranes shall be provided with an overtravel limit switch in the hoisting direction.

(v) All cranes using a lifting magnet shall have a magnet circuit switch of the enclosed type with provision for locking in the open position. Means for discharging the inductive load of the magnet shall be provided.

(6) *Runway conductors.* Conductors of the open type mounted on the crane runway beams or overhead shall be so located or so guarded that persons entering or leaving the cab or crane footwalk normally could not come into contact with them.

(7) *Extension lamps.* If a service receptacle is provided in the cab or on the bridge of cab-operated cranes, it shall be a grounded three-prong type permanent receptacle, not exceeding 300 volts.

(h) *Hoisting equipment*—(1) *Sheaves.* (i) Sheave grooves shall be smooth and free from surface defects which could cause rope damage.

(ii) Sheaves carrying ropes which can be momentarily unloaded shall be provided with close-fitting guards or other suitable devices to guide the rope back into the groove when the load is applied again.

(iii) The sheaves in the bottom block shall be equipped with close-fitting guards that will prevent ropes from becoming fouled when the block is lying on the ground with ropes loose.

(iv) Pockets and flanges of sheaves used with hoist chains shall be of such dimensions that the chain does not catch or bind during operation.

(v) All running sheaves shall be equipped with means for lubrication. Permanently lubricated, sealed and/or shielded bearings meet this requirement.

(2) *Ropes.* (i) In using hoisting ropes, the crane manufacturer's recommendation shall be followed. The rated load divided by the number of parts of rope shall not exceed 20 percent of the nominal breaking strength of the rope.

(ii) Socketing shall be done in the manner specified by the manufacturer of the assembly.

(iii) Rope shall be secured to the drum as follows:

(*a*) No less than two wraps of rope shall remain on the drum when the hook is in its extreme low position.

(*b*) Rope end shall be anchored by a clamp securely attached to the drum, or by a socket arrangement approved by the crane or rope manufacturer.

(iv) Eye splices. [Reserved.]

(v) Rope clips attached with U-bolts shall have the U-bolts on the dead or short end of the rope. Spacing and number of all types of clips shall be in accordance with the clip manufacturer's recommendation. Clips shall be drop-forged steel in all sizes manufactured commercially. When a newly installed rope has been in operation for an hour, all nuts on the clip bolts shall be retightened.

(vi) Swaged or compressed fittings shall be applied as recommended by the rope or crane manufacturer.

(vii) Wherever exposed to temperatures, at which fiber cores would be damaged, rope having an independent wire-rope or wire-strand core, or other temperature-damage resistant core shall be used.

(viii) Replacement rope shall be the same size, grade, and construction as the original rope furnished by the crane manufacturer, unless otherwise recommended by a wire rope manufacturer due to actual working condition requirements.

(3) *Equalizers.* If a load is supported by more than one part of rope, the tension in the parts shall be equalized.

(4) *Hooks.* Hooks shall meet the manufacturer's recommendations and shall not be overloaded.

(i) *Warning device.* Except for floor-operated cranes a gong or other effective warning signal shall be provided for each crane equipped with a power traveling mechanism.

(j) *Inspection*—(1) *Inspection classification.* (i) Initial inspection. Prior to initial use all new and altered cranes shall be inspected to insure compliance with the provisions of this section.

(ii) Inspection procedure for cranes in regular service is divided into two general classifications based upon the intervals at which inspection should be performed. The intervals in turn are dependent upon the nature of the critical components of the crane and the degree of their exposure to wear, deterioration, or malfunction. The two general classifications are herein designated as "frequent" and "periodic" with respective intervals between inspections as defined below:

(*a*) Frequent inspection—Daily to monthly intervals.

(*b*) Periodic inspection—1 to 12-month intervals.

(2) *Frequent inspection.* The following items shall be inspected for defects at intervals as defined in subparagraph (1) (ii) of this paragraph or as specifically indicated, including observation during operation for any defects which might appear between regular inspections. All deficiencies such as listed shall be carefully examined and determination made as to whether they constitute a safety hazard:

(i) All functional operating mechanisms for maladjustment interfering with proper operation. Daily.

(ii) Deterioration or leakage in lines, tanks, valves, drain pumps, and other parts of air or hydraulic systems. Daily.

(iii) Hooks with deformation or cracks. Visual inspection daily; monthly inspection with signed reports. For hooks with cracks or having more than 15 percent in excess of normal throat opening or more than 10° twist from the plane of the unbent hook refer to paragraph (1) (3) (iii) (*a*) of this section.

(iv) Hoist or load attachment chains, including end connections, for excessive wear, twist, distorted links interfering with proper function, or stretch beyond manufacturer's recommendations. Visual inspection daily; monthly inspection with signed report.

(v) Rope slings, including end connections, for excessive wear, broken wires, stretch, kinking, or twisting. Visual inspection daily; monthly inspection with signed report.

(vi) All functional operating mechanisms for excessive wear of components.

(vii) Rope reeving for noncompliance with manufacturer's recommendations.

(3) *Periodic inspection.* Complete inspections of the crane shall be performed at intervals as generally defined in subparagraph (1) (ii) (*b*) of this paragraph, depending upon its activity, severity of service, and environment, or as specifically indicated below. These inspections shall include the requirements of subparagraph (2) of this paragraph and in addition the following items. Any deficiencies such as listed shall be carefully examined and determination made as to whether they constitute a safety hazard:

(i) Deformed, cracked, or corroded members.

(ii) Loose bolts or rivets.

(iii) Cracked or worn sheaves and drums.

(iv) Worn, cracked or distorted parts such as pins, bearings, shafts, gears, rollers, locking and clamping devices.

(v) Excessive wear on brake system parts, linings, pawls, and ratchets.

(vi) Load, wind, and other indicators over their full range, for any significant inaccuracies.

(vii) Gasoline, diesel, electric, or other powerplants for improper performance or noncompliance with applicable safety requirements.

(viii) Excessive wear of chain drive sprockets and excessive chain stretch.

(ix) Crane hooks. Magnetic particle or other suitable crack detecting inspection should be performed at least once each year.

(x) Electrical apparatus, for signs of pitting or any deterioration of controller contactors, limit switches and pushbutton stations.

(4) *Cranes not in regular use.* (i) A crane which has been idle for a period of 1 month or more, but less than 6 months, shall be given an inspection conforming with requirements of subparagraph (2) of this paragraph and paragraph (m) (2) of this section before placing in service.

(ii) A crane which has been idle for a period of over 6 months shall be given a complete inspection conforming with requirements of subparagraphs (2) and (3) of this paragraph and paragraph (m) (2) of this section before placing in service.

(iii) Standby cranes shall be inspected at least semi-annually in accordance with requirements of subparagraph (2) of this paragraph and paragraph (m) (2) of this section. Standby cranes exposed to adverse environment should be inspected more frequently.

(k) *Testing*—(1) *Operational tests.* (i) Prior to initial use all new and altered cranes shall be tested to insure compliance with this section including the following functions:

(*a*) Hoisting and lowering.

(*b*) Trolley travel.

(*c*) Bridge travel.

(*d*) Limit switches, locking and safety devices.

(ii) The trip setting of hoist limit switches shall be determined by tests with an empty hook traveling in increasing speeds up to the maximum speed. The actuating mechanism of the limit switch shall be located so that it will trip the switch, under all conditions, in sufficient time to prevent contact of the hook or hook block with any part of the trolley.

(2) *Rated load test.* Prior to initial use all new, extensively repaired, and altered cranes should be tested by or under the direction of an appointed or authorized person, confirming the load rating of the crane. The load rating should not be more than 80 percent of the maximum load sustained during the test. Test loads shall not be more than 125 percent of the rated load unless otherwise recommended by the manufacturer. The test reports shall be placed on file where readily available to appointed personnel.

(l) *Maintenance*—(1) *Preventive maintenance.* A preventive maintenance program based on the crane manufacturer's recommendations shall be established.

(2) *Maintenance procedure.* (i) Before adjustments and repairs are started on a crane the following precautions shall be taken:

(*a*) The crane to be repaired shall be run to a location where it will cause the least interference with other cranes and operations in the area.

(*b*) All controllers shall be at the off position.

(*c*) The main or emergency switch shall be open and locked in the open position.

(*d*) Warning or "out of order" signs shall be placed on the crane, also on the floor beneath or on the hook where visible from the floor.

(*e*) Where other cranes are in operation on the same runway, rail stops or other suitable means shall be provided to prevent interference with the idle crane.

(*f*) Where temporary protective rail stops are not available, or practical, a signalman should be placed at a visual vantage point for observing the approach of an active crane and warning its operator when reaching the limit of safe distance from the idle crane.

(ii) After adjustments and repairs have been made the crane shall not be operated until all guards have been reinstalled, safety devices reactivated and maintenance equipment removed.

(3) *Adjustments and repairs.* (i) Any unsafe conditions disclosed by the inspection requirements of paragraph (j) of this section shall be corrected before operation of the crane is resumed. Adjustments and repairs shall be done only by designated personnel.

(ii) Adjustments shall be maintained to assure correct functioning of components. The following are examples:

(*a*) All functional operating mechanisms.

(*b*) Limit switches.

(*c*) Control systems.

(*d*) Brakes.

(*e*) Power plants.

(iii) Repairs or replacements shall be provided promptly as needed for safe operation. The following are examples:

(*a*) Crane hooks showing defects described in paragraph (j) (2) (iii) of this section shall be discarded. Repairs by welding or reshaping are not generally recommended. If such repairs are attempted they shall only be done under competent supervision and the hook shall be tested to the load requirements of paragraph (k) (2) of this section before further use.

(*b*) Load attachment chains and rope slings showing defects described in paragraph (j) (2) (iv) and (v) of this section respectively.

(*c*) All critical parts which are cracked, broken, bent, or excessively worn.

(*d*) Pendant control stations shall be kept clean and function labels kept legible.

(m) *Rope inspection*—(1) *Running ropes.* A thorough inspection of all ropes shall be made at least once a month and a full written, dated, and signed report of rope condition kept on file where readily available to appointed personnel. Any deterioration, resulting in appreciable loss of original strength, such as described below, shall be carefully noted and determination made as to whether further use of the rope would constitute a safety hazard:

(i) Reduction of rope diameter below nominal diameter due to loss of core support, internal or external corrosion, or wear of outside wires.

(ii) A number of broken outside wires and the degree of distribution or concentration of such broken wires.

(iii) Worn outside wires.

(iv) Corroded or broken wires at end connections.

(v) Corroded, cracked, bent, worn, or improperly applied end connections.

(vi) Severe kinking, crushing, cutting, or unstranding.

(2) *Other ropes.* All rope which has been idle for a period of a month or more due to shutdown or storage of a crane on which it is installed shall be given a thorough inspection before it is placed in service. This inspection shall be for all types of deterioration and shall be performed by an appointed person whose approval shall be required for further use of the rope. A written and dated report of the rope condition shall be available for inspection.

(n) *Handling the load*—(1) *Size of load.* The crane shall not be loaded beyond its rated load except for test purposes as provided in paragraph (k) of this section.

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(2) *Attaching the load.* (i) The hoist chain or hoist rope shall be free from kinks or twists and shall not be wrapped around the load.

(ii) The load shall be attached to the load block hook by means of slings or other approved devices.

(iii) Care shall be taken to make certain that the sling clears all obstacles.

(3) *Moving the load.* (i) The load shall be well secured and properly balanced in the sling or lifting device before it is lifted more than a few inches.

(ii) Before starting to hoist the following conditions shall be noted:

(a) Hoist rope shall not be kinked.

(b) Multiple part lines shall not be twisted around each other.

(c) The hook shall be brought over the load in such a manner as to prevent swinging.

(iii) During hoisting care shall be taken that:

(a) There is no sudden acceleration or deceleration of the moving load.

(b) The load does not contact any obstructions.

(iv) Cranes shall not be used for side pulls except when specifically authorized by a responsible person who has determined that the stability of the crane is not thereby endangered and that various parts of the crane will not be overstressed.

(v) While any employee is on the load or hook, there shall be no hoisting, lowering, or traveling.

(vi) The employer shall require that the operator avoid carrying loads over people.

(vii) The operator shall test the brakes each time a load approaching the rated load is handled. The brakes shall be tested by raising the load a few inches and applying the brakes.

(viii) The load shall not be lowered below the point where less than two full wraps of rope remain on the hoisting drum.

(ix) When two or more cranes are used to lift a load one qualified responsible person shall be in charge of the operation. He shall analyze the operation and instruct all personnel involved in the proper positioning, rigging of the load, and the movements to be made.

(x) The employer shall insure that the operator does not leave his position at the controls while the load is suspended.

(xi) When starting the bridge and when the load or hook approaches near or over personnel, the warning signal shall be sounded.

(4) *Hoist limit switch.* (i) At the beginning of each operator's shift, the upper limit switch of each hoist shall be tried out under no load. Extreme care shall be exercised; the block shall be "inched" into the limit or run in at slow speed. If the switch does not operate properly, the appointed person shall be immediately notified.

(ii) The hoist limit switch which controls the upper limit of travel of the load block shall never be used as an operating control.

(o) *Other requirements, general*—(1) *Ladders.* (i) The employer shall insure that hands are free from encumbrances while personnel are using ladders.

(ii) Articles which are too large to be carried in pockets or belts shall be lifted and lowered by hand line.

(2) *Cabs.* (i) Necessary clothing and personal belongings shall be stored in such a manner as not to interfere with access or operation.

(ii) Tools, oil cans, waste, extra fuses, and other necessary articles shall be stored in the tool box, and shall not be permitted to lie loose in or about the cab.

(3) *Fire extinguishers.* The employer shall insure that operators are familiar with the operation and care of fire extinguishers provided.

[37 FR 22102, Oct. 18, 1972, as amended at 38 FR 14373, June 1, 1973]

§ 1910.180 Crawler locomotive and truck cranes.

(a) *Definitions applicable to this section.* (1) A "crawler crane" consists of a rotating superstructure with power plant, operating machinery, and boom, mounted on a base, equipped with crawler treads for travel. Its function is to hoist and swing loads at various radii.

(2) A "locomotive crane" consists of a rotating superstructure with powerplant, operating machinery and boom, mounted on a base or car equipped for travel on railroad track. It may be self-propelled or propelled by an outside source. Its function is to hoist and swing loads at various radii.

(3) A "truck crane" consists of a rotating superstructure with powerplant, operating machinery and boom, mounted on an automotive truck equipped with a powerplant for travel. Its function is to hoist and swing loads at various radii.

(4) A "wheel mounted crane" (wagon crane) consists of a rotating superstructure with powerplant, operating machinery and boom, mounted on a base or platform equipped with axles and rubber-tired wheels for travel. The base is usually propelled by the engine in the superstructure, but it may be equipped with a separate engine controlled from the superstructure. Its function is to hoist and swing loads at various radii.

(5) An "accessory" is a secondary part or assembly of parts which contributes to the overall function and usefulness of a machine.

(6) "Appointed" means assigned specific responsibilities by the employer or the employer's representative.

(7) "ANSI" means the American National Standards Institute.

(8) An "angle indicator" (boom) is an accessory which measures the angle of the boom to the horizontal.

(9) The "axis of rotation" is the vertical axis around which the crane superstructure rotates.

(10) "Axle" means the shaft or spindle with which or about which a wheel rotates. On truck- and wheel-mounted cranes it refers to an automotive type of axle assembly including housings, gearing, differential, bearings, and mounting appurtenances.

(11) "Axle" (bogie) means two or more automotive-type axles mounted in tandem in a frame so as to divide the load between the axles and permit vertical oscillation of the wheels.

(12) The "base" (mounting) is the traveling base or carrier on which the rotating superstructure is mounted such as a car, truck, crawlers, or wheel platform.

(13) The "boom" (crane) is a member hinged to the front of the rotating superstructure with the outer end supported by ropes leading to a gantry or A-frame and used for supporting the hoisting tackle.

(14) The "boom angle" is the angle between the longitudinal centerline of the boom and the horizontal. The boom longitudinal centerline is a straight line between the boom foot pin (heel pin) centerline and boom point sheave pin centerline.

(15) The "boom hoist" is a hoist drum and rope reeving system used to raise and lower the boom. The rope system may be all live reeving or a combination of live reeving and pendants.

(16) The "boom stop" is a device used to limit the angle of the boom at the highest position.

(17) A "brake" is a device used for retarding or stopping motion by friction or power means.

(18) A "cab" is a housing which covers the rotating superstructure machinery and/or operator's station. On truck-crane trucks a separate cab covers the driver's station.

(19) The "clutch" is a friction, electromagnetic, hydraulic, pneumatic, or positive mechanical device for engagement or disengagement of power.

(20) The "counterweight" is a weight used to supplement the weight of the machine in providing stability for lifting working loads.

(21) "Designated" means selected or assigned by the employer or the employer's representative as being qualified to perform specific duties.

(22) The "drum" is the cylindrical members around which ropes are wound for raising and lowering the load or boom.

(23) "Dynamic" (loading) means loads introduced into the machine or its components by forces in motion.

(24) The "gantry" (A-frame) is a structural frame, extending above the superstructure, to which the boom support ropes are reeved.

(25) A "jib" is an extension attached to the boom point to provide added boom length for lifting specified loads. The jib may be in line with the boom or offset to various angles.

(26) "Load" (working) means the external load, in pounds, applied to the crane, including the weight of load-attaching equipment such as load blocks, shackles, and slings.

(27) "Load block" (upper) means the assembly of hook or shackle, swivel, sheaves, pins, and frame suspended from the boom point.

(28) "Load block" (lower) means the assembly of hook or shackle, swivel, sheaves, pins, and frame suspended by the hoisting ropes.

(29) A "load hoist" is a hoist drum and rope reeving system used for hoisting and lowering loads.

(30) "Load ratings" are crane ratings in pounds established by the manufacturer in accordance with paragraph (c) of this section.

(31) "Outriggers" are extendable or fixed metal arms, attached to the mounting base, which rest on supports at the outer ends.

(32) "Rail clamp" means a tong-like metal device, mounted on a locomotive crane car, which can be connected to the track.

(33) "Reeving" means a rope system in which the rope travels around drums and sheaves.

(34) "Rope" refers to a wire rope unless otherwise specified.

(35) "Side loading" means a load applied at an angle to the vertical plane of the boom.

(36) A "standby crane" is a crane which is not in regular service but which is used occasionally or intermittently as required.

(37) A "standing (guy) rope" is a supporting rope which maintains a constant distance between the points of attachment to the two components connected by the rope.

(38) "Structural competence" means the ability of the machine and its components to withstand the stresses imposed by applied loads.

(39) "Superstructure" means the rotating upper frame structure of the machine and the operating machinery mounted thereon.

(40) "Swing" means the rotation of the superstructure for movement of loads in a horizontal direction about the axis of rotation.

(41) "Swing mechanism" means the machinery involved in providing rotation of the superstructure.

(42) "Tackle" is an assembly of ropes and sheaves arranged for hoisting and pulling.

(43) "Transit" means the moving or transporting of a crane from one jobsite to another.

(44) "Travel" means the function of the machine moving from one location to another, on a jobsite.

(45) The "travel mechanism" is the machinery involved in providing travel.

(46) "Wheelbase" means the distance between centers of front and rear axles. For a multiple axle assembly the axle center for wheelbase measurement is taken as the midpoint of the assembly.

(47) The "whipline" (auxiliary hoist) is a separate hoist rope system of lighter load capacity and higher speed than provided by the main hoist.

(48) A "winch head" is a power driven spool for handling of loads by means of friction between fiber or wire rope and spool.

(b) *General requirements*—(1) *Application.* This section applies to crawler cranes, locomotive cranes, wheel mounted cranes of both truck and self-propelled wheel type, and any variations thereof which retain the same fundamental characteristics. This section includes only cranes of the above types, which are basically powered by internal combustion engines or electric motors and which utilize drums and ropes. Cranes designed for railway and automobile wreck clearances are excepted. The requirements of this section are applicable only to machines when used as lifting cranes.

(2) *New and existing equipment.* All new crawler, locomotive, and truck cranes constructed and utilized on or after August 31, 1971, shall meet the design specifications of the American National Standard Safety Code for Crawler, Locomotive, and Truck Cranes, ANSI B30.5–1968. Crawler, locomotive, and truck cranes constructed prior to August 31, 1971, should be modified to conform to those design specifications by February 15, 1972, unless it can be shown that the crane cannot feasibly or economically be altered and that the crane substantially complies with the requirements of this section.

(3) *Designated personnel.*—Only designated personnel shall be permitted to operate a crane covered by this section.

(c) *Load ratings*—(1) *Load ratings—where stability governs lifting performance.* (i) The margin of stability for determination of load ratings, with booms of stipulated lengths at stipulated working radii for the various types of crane mountings, is established by taking a percentage of the loads which will produce a condition of tipping or balance with the boom in the least stable direction, relative to the mounting. The load ratings shall not exceed the following percentages for cranes, with the indicated types of mounting under conditions stipulated in subdivisions (ii) and (iii) of this subparagraph.

Type of crane mounting	Maximum load ratings (percent of tipping loads)
Locomotive, without outriggers:	
Booms 60 feet or less	85
Booms over 60 feet	[1] 85
Locomotive, using outriggers fully extended	80
Crawler, without outriggers	75
Crawler, using outriggers fully extended	85
Truck and wheel mounted without outriggers or using outriggers fully extended	85

[1] Unless this results in less than 30,000 pound-feet net stabilizing moment about the rail, which shall be minimum with such booms.

(ii) The following stipulations shall govern the application of the values in subdivision (i) of this subparagraph for locomotive cranes:

(a) Tipping with or without the use of outriggers occurs when half of the wheels farthest from the load leave the rail.

(b) The crane shall be standing on track which is level within 1 percent grade.

(c) Radius of the load is the horizontal distance from a projection of the axis of rotation to the rail support surface, before loading, to the center of vertical hoist line or tackle with load applied.

(d) Tipping loads from which ratings are determined shall be applied under static conditions only, i.e., without dynamic effect of hoisting, lowering, or swinging.

(e) The weight of all auxiliary handling devices such as hoist blocks, hooks, and slings shall be considered a part of the load rating.

(iii) Stipulations governing the application of the values in subdivision (i) of this subparagraph for crawler, truck, and wheel-mounted cranes shall be in accordance with Crane Load-Stability Test Code, Society of Automotive Engineers (SAE) J765.

(iv) The effectiveness of these preceding stability factors will be influenced by such additional factors as freely suspended loads, track, wind, or ground conditions, condition and inflation of rubber tires, boom lengths, proper operating speeds for existing conditions, and, in general, careful and competent operation. All of these shall be taken into account by the user.

(2) *Load rating chart.* A substantial and durable rating chart with clearly legible letters and figures shall be provided with each crane and securely fixed to the crane cab in a location easily visible to the operator while seated at his control station.

(d) *Inspection classification*—(1) *Initial inspection.* Prior to initial use all new and altered cranes shall be inspected to insure compliance with provisions of this section.

(2) *Regular inspection.* Inspection procedure for cranes in regular service is divided into two general classifications based upon the intervals at which inspection should be performed. The intervals in turn are dependent upon the nature of the critical components of the crane and the degree of their exposure to wear, deterioration, or malfunction. The two general classifications are herein designated as "frequent" and "periodic", with respective intervals between inspections as defined below:

(i) Frequent inspection: Daily to monthly intervals.

(ii) Periodic inspection: 1- to 12-month intervals, or as specifically recommended by the manufacturer.

(3) *Frequent inspection.* Items such as the following shall be inspected for defects at intervals as defined in subdivision (2)(i) of this subparagraph or as specifically indicated including observation during operation for any defects which might appear between regular inspections. Any deficiencies such as listed shall be carefully examined and determination made as to whether they constitute a safety hazard:

(i) All control mechanisms for maladjustment interfering with proper operation: Daily.

(ii) All control mechanisms for excessive wear of components and contamination by lubricants or other foreign matter.

(iii) All safety devices for malfunction.

(iv) Deterioration or leakage in air or hydraulic systems: Daily.

(v) Crane hooks with deformations or cracks. For hooks with cracks or having

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more than 15 percent in excess of normal throat opening or more than 10° twist from the plane of the unbent hook.

(vi) Rope reeving for noncompliance with manufacturer's recommendations.

(vii) Electrical apparatus for malfunctioning, signs of excessive deterioration, dirt, and moisture accumulation.

(4) *Periodic inspection.* Complete inspections of the crane shall be performed at intervals as generally defined in subparagraph (2)(ii) of this paragraph depending upon its activity, severity of service, and environment, or as specifically indicated below. These inspections shall include the requirements of subparagraph (3) of this paragraph and in addition, items such as the following. Any deficiencies such as listed shall be carefully examined and determination made as to whether they constitute a safety hazard:

(i) Deformed, cracked, or corroded members in the crane structure and boom.

(ii) Loose bolts or rivets.

(iii) Cracked or worn sheaves and drums.

(iv) Worn, cracked, or distorted parts such as pins, bearings, shafts, gears, rollers and locking devices.

(v) Excessive wear on brake and clutch system parts, linings, pawls, and ratchets.

(vi) Load, boom angle, and other indicators over their full range, for any significant inaccuracies.

(vii) Gasoline, diesel, electric, or other power plants for improper performance or noncompliance with safety requirements.

(viii) Excessive wear of chain-drive sprockets and excessive chain stretch.

(ix) Travel steering, braking, and locking devices, for malfunction.

(x) Excessively worn or damaged tires.

(5) *Cranes not in regular use.* (i) A crane which has been idle for a period of one month or more, but less than 6 months, shall be given an inspection conforming with requirements of subparagraph (3) of this paragraph and paragraph (g)(2)(ii) of this section before placing in service.

(ii) A crane which has been idle for a period of six months shall be given a complete inspection conforming with requirements of subparagraphs (3) and (4) of this paragraph and paragraph (g)(2)(ii) of this section before placing in service.

(iii) Standby cranes shall be inspected at least semiannually in accordance with requirements of subparagraph (3) of this paragraph and paragraph (g)(2)(ii) of this section. Such cranes which are exposed to adverse environment should be inspected more frequently.

(6) *Inspection records.* Written, dated, and signed inspection reports and records shall be made monthly on critical items in use such as brakes, crane hooks, and ropes. Records shall be kept readily available.

(e) *Testing*—(1) *Operational tests.* (i) In addition to prototype tests and quality-control measures, each new production crane shall be tested by the manufacturer to the extent necessary to insure compliance with the operational requirements of this paragraph including functions such as the following:

(a) Load hoisting and lowering mechanisms.

(b) Boom hoisting and lower mechanisms.

(c) Swinging mechanism.

(d) Travel mechanism.

(e) Safety devices.

(ii) Where the complete production crane is not supplied by one manufacturer such tests shall be conducted at final assembly.

(iii) Certified production-crane test results shall be made available.

(2) *Rated load test.* (i) Written reports shall be available showing test procedures and confirming the adequacy of repairs or alterations.

(ii) Test loads shall not exceed 110 percent of the rated load at any selected working radius.

(iii) Where rerating is necessary:

(a) Crawler, truck, and wheel-mounted cranes shall be tested in accordance with SAE Recommended Practice, Crane Load Stability Test Code J765 (April 1961).

(b) Locomotive cranes shall be tested in accordance with paragraph (c)(1)(i) and (ii) of this section.

(c) Rerating test report shall be readily available.

(iv) No cranes shall be rerated in excess of the original load ratings unless such rating changes are approved by the crane manufacturer or final assembler.

(f) *Maintenance procedure—General.* After adjustments and repairs have been made the crane shall not be operated until all guards have been reinstalled, safety devices reactivated, and maintenance equipment removed.

(g) *Rope inspection*—(1) *Running ropes.* A thorough inspection of all ropes in use shall be made at least once a month and a full written, dated, and signed report of rope condition kept on file where readily available. All inspections shall be performed by an appointed or authorized person. Any deterioration, resulting in appreciable loss of original strength, such as described below, shall be carefully noted and determination made as to whether further use of the rope would constitute a safety hazard:

(i) Reduction of rope diameter below nominal diameter due to loss of core support, internal or external corrosion, or wear of outside wires.

(ii) A number of broken outside wires and the degree of distribution of concentration of such broken wires.

(iii) Worn outside wires.

(iv) Corroded or broken wires at end connections.

(v) Corroded, cracked, bent, worn, or improperly applied end connections.

(vi) Severe kinking, crushing, cutting, or unstranding.

(2) *Other ropes.* (i) Heavy wear and/or broken wires may occur in sections in contact with equalizer sheaves or other sheaves where rope travel is limited, or with saddles. Particular care shall be taken to inspect ropes at these locations.

(ii) All rope which has been idle for a period of a month or more due to shut down or storage of a crane on which it is installed shall be given a thorough inspection before it is placed in service. This inspection shall be for all types of deterioration and shall be performed by an appointed or authorized person whose approval shall be required for further use of the rope. A written and dated report of the rope condition shall be available.

(iii) Particular care shall be taken in the inspection of nonrotating rope.

(h) *Handling the load*—(1) *Size of load.* (i) No crane shall be loaded beyond the rated load, except for test purposes as provided in paragraph (e) of this section.

(ii) When loads which are limited by structural competence rather than by stability are to be handled, it shall be ascertained that the weight of the load has been determined within plus or minus 10 percent before it is lifted.

(2) *Attaching the load.* (i) The hoist rope shall not be wrapped around the load.

(ii) The load shall be attached to the hook by means of slings or other approved devices.

(3) *Moving the load* (i) The employer shall assure that:

(a) The crane is level and where necessary blocked properly.

(b) The load is well secured and properly balanced in the sling or lifting device before it is lifted more than a few inches.

(ii) Before starting to hoist, the following conditions shall be noted:

(a) Hoist rope shall not be kinked.

(b) Multiple part lines shall not be twisted around each other.

(c) The hook shall be brought over the load in such a manner as to prevent swinging.

(d) If there is a slack rope condition, it should be determined that the rope is properly seated on the drum and in the sheaves.

(iii) During hoisting care shall be taken that:

(a) There is no sudden acceleration or deceleration of the moving load.

(b) The load does not contact any obstructions.

(iv) Side loading of booms shall be limited to freely suspended loads. Cranes shall not be used for dragging loads sideways.

(v) No hoisting, lowering, swinging, or traveling shall be done while anyone is on the load or hook.

(vi) The operator should avoid carrying loads over people.

(vii) On truck-mounted cranes, no loads shall be lifted over the front area except as approved by the crane manufacturer.

(viii) The operator shall test the brakes each time a load approaching the rated load is handled by raising it a few inches and applying the brakes.

(ix) Outriggers shall be used when the load to be handled at that particular radius exceeds the rated load without outriggers as given by the manufacturer for that crane. Where floats are used they

shall be securely attached to the outriggers. Wood blocks used to support outriggers shall:

(a) Be strong enough to prevent crushing.

(b) Be free from defects.

(c) Be of sufficient width and length to prevent shifting or toppling under load.

(x) Neither the load nor the boom shall be lowered below the point where less than two full wraps of rope remain on their respective drums.

(xi) Before lifting loads with locomotive cranes without using outriggers, means shall be applied to prevent the load from being carried by the truck springs.

(xii) When two or more cranes are used to lift one load, one designated person shall be responsible for the operation. He shall be required to analyze the operation and instruct all personnel involved in the proper positioning, rigging of the load, and the movements to be made.

(xiii) In transit the following additional precautions shall be exercised:

(a) The boom shall be carried in line with the direction of motion.

(b) The superstructure shall be secured against rotation, except when negotiating turns when there is an operator in the cab or the boom is supported on a dolly.

(c) The empty hook shall be lashed or otherwise restrained so that it cannot swing freely.

(xiv) Before traveling a crane with load, a designated person shall be responsible for determining and controlling safety. Decisions such as position of load, boom location, ground support, travel route, and speed of movement shall be in accord with his determinations.

(xv) A crane with or without load shall not be traveled with the boom so high that it may bounce back over the cab.

(xvi) When rotating the crane, sudden starts and stops shall be avoided. Rotational speed shall be such that the load does not swing out beyond the radii at which it can be controlled. A tag or restraint line shall be used when rotation of the load is hazardous.

(xvii) When a crane is to be operated at a fixed radius, the boom-hoist pawl or other positive locking device shall be engaged.

(xviii) Ropes shall not be handled on a winch head without the knowledge of the operator.

(xix) While a winch head is being used, the operator shall be within convenient reach of the power unit control lever.

(4) *Holding the load.* (i) The operator shall not be permitted to leave his position at the controls while the load is suspended.

(ii) No person should be permitted to stand or pass under a load on the hook.

(iii) If the load must remain suspended for any considerable length of time, the operator shall hold the drum from rotating in the lowering direction by activating the positive controllable means of the operator's station.

(i) *Other requirements*—(1) *Rail clamps.* Rail clamps shall not be used as a means of restraining tipping of a locomotive crane.

(2) *Ballast or counterweight.* Cranes shall not be operated without the full amount of any ballast or counterweight in place as specified by the maker, but truck cranes that have dropped the ballast or counterweight may be operated temporarily with special care and only for light loads without full ballast or counterweight in place. The ballast or counterweight in place specified by the manufacturer shall not be exceeded.

(3) *Cabs.* (i) Necessary clothing and personal belongings shall be stored in such a manner as to not interfere with access or operation.

(ii) Tools, oil cans, waste, extra fuses, and other necessary articles shall be stored in the tool box, and shall not be permitted to lie loose in or about the cab.

(4) *Refueling.* (i) Refueling with small portable containers shall be done with Underwriters' Laboratories or Factory Mutual Laboratories approved, or equivalent, safety type can equipped with an automatic closing cap and flame arrester.

(ii) Machines shall not be refueled with the engine running.

(5) *Fire extinguishers.* (i) A carbon dioxide, dry chemical, or equivalent fire extinguisher shall be kept in the cab or vicinity of the crane.

(ii) Operating and maintenance personnel shall be made familiar with the use and care of the fire extinguishers provided.

(6) *Swinging locomotive cranes.* A locomotive crane shall not be swung into a position where railway cars on an adjacent track might strike it, until it has been ascertained that cars are not being moved on the adjacent track and proper flag protection has been established.

(j) *Operating near electric power lines*—(1) *Clearances.* Except where the electrical distribution and transmission lines have been deenergized and visibly grounded at point of work or where insulating barriers not a part of or an attachment to the crane have been erected to prevent physical contact with the lines, cranes shall be operated proximate to, under, over, by, or near powerlines only in accordance with the following:

(i) For lines rated 50 kv. or below, minimum clearance between the lines and any part of the crane or load shall be 10 feet.

(ii) For lines rated over 50 kv. minimum, clearance between the lines and any part of the crane or load shall be 10 feet plus 0.4 inch for each 1 kv. over 50 kv., or twice the length of the line insulator but never less than 10 feet.

(iii) In transit with no load and boom lowered the clearance shall be a minimum of 4 feet.

(2) *Boom guards.* Cage-type boom guards, insulating links, or proximity warning devices may be used on cranes, but the use of such devices shall not operate to alter the requirements of subparagraph (1) of this paragraph.

(3) *Notification.* Before the commencement of operations near electrical lines, the owners of the lines or their authorized representative shall be notified and provided with all pertinent information. The cooperation of the owner shall be requested.

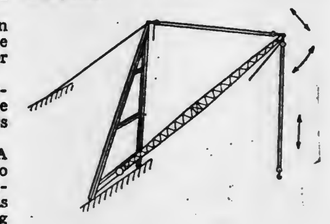
(4) *Overhead wires.* Any overhead wire shall be considered to be an energized line unless and until the person owning such line or the electrical utility authorities indicate that it is not an energized line.

[37 FR 22102, Oct. 18, 1972, as amended at 38 FR 14373, June 1, 1973]

§ 1910.181 Derricks.

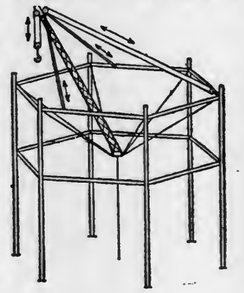
(a) *Definitions applicable to this section.* (1) A "derrick" is an apparatus consisting of a mast or equivalent member held at the head by guys or braces, with or without a boom, for use with a hoisting mechanism and operating ropes.

(2) "A-frame derrick" means a derrick in which the boom is hinged from a cross member between the bottom ends of two upright members spread apart at the lower ends and joined at the top; the boom point secured to the junction of the side members, and the side members are braced or guyed from this junction point.



A-FRAME

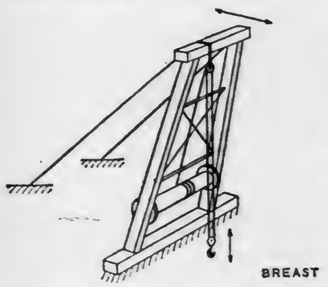
(3) A "basket derrick" is a derrick without a boom, similar to a gin pole, with its base supported by ropes attached to corner posts or other parts of the structure. The base is at a lower elevation than its supports. The location of the base of a basket derrick can be changed by varying the length of the rope supports. The top of the pole is secured with multiple reeved guys to position the top of the pole to the desired location by varying the length of the upper guy lines. The load is raised and lowered by ropes through a sheave or block secured to the top of the pole.



BASKET

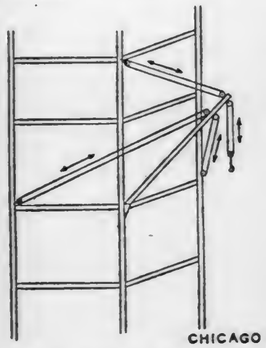
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(4) "Breast derrick" means a derrick without boom. The mast consists of two side members spread farther apart at the base than at the top and tied together at top and bottom by rigid members. The mast is prevented from tipping forward by guys connected to its top. The load is raised and lowered by ropes through a sheave or block secured to the top crosspiece.



BREAST

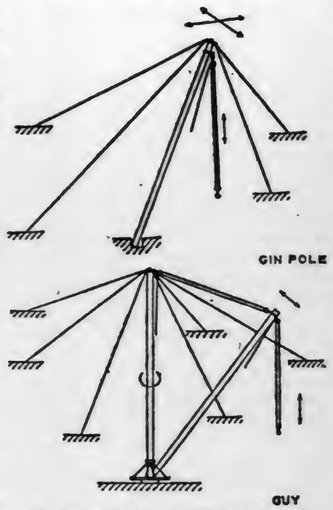
(5) "Chicago boom derrick" means a boom which is attached to a structure, an outside upright member of the structure serving as the mast, and the boom being stepped in a fixed socket clamped to the upright. The derrick is complete with load, boom, and boom point swing line falls.



CHICAGO BOOM

(6) A "gin pole derrick" is a derrick without a boom. Its guys are so arranged from its top as to permit leaning the mast in any direction. The load is raised and lowered by ropes reeved through sheaves or blocks at the top of the mast.

(7) "Guy derrick" means a fixed derrick consisting of a mast capable of being rotated, supported in a vertical position by guys, and a boom whose bottom end is hinged or pivoted to move in a vertical plane with a reeved rope between the head of the mast and the boom point for raising and lowering the boom, and a reeved rope from the boom point for raising and lowering the load.



GIN POLE

GUY

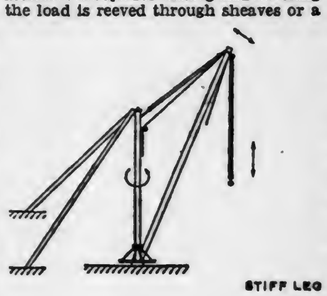
(8) "Shearleg derrick" means a derrick without a boom and similar to a breast derrick. The mast, wide at the bottom and narrow at the top, is hinged at the bottom and has its top secured by a multiple reeved guy to permit handling loads at various radii by means of load tackle suspended from the mast top.

(9) A "stiffleg derrick" is a derrick similar to a guy derrick except that the mast is supported or held in place by two or more stiff members, called stifflegs, which are capable of resisting either tensile or compressive forces. Sills are generally provided to connect the lower ends of the stifflegs to the foot of the mast.

(10) "Appointed" means assigned specific responsibilities by the employer or the employer's representative.

(11) "ANSI" means the American National Standards Institute.

(12) A boom is a timber or metal section or strut, pivoted or hinged at the heel (lower end) at a location fixed in height on a frame or mast or vertical member, and with its point (upper end) supported by chains, ropes, or rods to the upper end of the frame, mast, or vertical member. A rope for raising and lowering the load is reeved through sheaves or a block at the boom point. The length of the boom shall be taken as the straight line distance between the axis of the foot pin and the axis of the boom point sheave pin, or where used, the axis of the upper load block attachment pin.



STIFF LEG

(13) "Boom harness" means the block and sheave arrangement on the boom point to which the topping lift cable is reeved for lowering and raising the boom.

(14) The "boom point" is the outward end of the top section of the boom.

(15) "Derrick bullwheel" means a horizontal ring or wheel, fastened to the foot of a derrick, for the purpose of turning the derrick by means of ropes leading from this wheel to a powered drum.

(16) "Designated" means selected or assigned by the employer or employer's representative as being qualified to perform specific duties.

(17) "Eye" means a loop formed at the end of a rope by securing the dead end to the live end at the base of the loop.

(18) A "fiddle block" is a block consisting of two sheaves in the same plane held in place by the same cheek plates.

(19) The "foot bearing" or "foot block" (sill block) is the lower support on which the mast rotates.

(20) A "gudgeon pin" is a pin connecting the mast cap to the mast allowing rotation of the mast.

(21) A "guy" is a rope used to steady or secure the mast or other member in the desired position.

(22) "Load, working" means the external load, in pounds, applied to the derrick, including the weight of load attaching equipment such as load blocks, shackles, and slings.

(23) "Load block, lower" means the assembly of sheaves, pins, and frame suspended by the hoisting rope.

(24) "Load block, upper" means the assembly of sheaves, pins, and frame suspended from the boom.

(25) "Mast" means the upright member of the derrick.

(26) "Mast cap (spider)" means the fitting at the top of the mast to which the guys are connected.

(27) "Reeving" means a rope system in which the rope travels around drums and sheaves.

(28) "Rope" refers to wire rope unless otherwise specified.

(29) "Safety Hook" means a hook with a latch to prevent slings or load from accidentally slipping off the hook.

(30) "Side loading" is a load applied at an angle to the vertical plane of the boom.

(31) The "sill" is a member connecting the foot block and stiffleg or a member connecting the lower ends of a double member mast.

(32) A "standby derrick" is a derrick not in regular service which is used occasionally or intermittently as required.

(33) "Stiffleg" means a rigid member supporting the mast at the head.

(34) "Swing" means rotation of the mast and/or boom for movements of loads in a horizontal direction about the axis of rotation.

(b) *General requirements*—(1) *Application.* This section applies to guy, stiffleg, basket, breast, gin pole, Chicago boom and A-frame derricks of the stationary type, capable of handling loads at variable reaches and powered by hoists through systems of rope reeving, used to perform lifting hook work, single or multiple line bucket work, grab, grapple, and magnet work. Derricks may be permanently installed for temporary use as in construction work. The requirements of this section also apply to any modification of these types which retain their fundamental features, except for floating derricks.

(2) *New and existing equipment.* All new derricks constructed and installed on or after August 31, 1971, shall meet the design specifications of the American National Standard Safety Code for Derricks, ANSI B30.6–1969. Derricks constructed prior to August 31, 1971, should be modified to conform to those design specifications by February 15, 1972, unless it can be shown that the derrick cannot feasibly or economically be altered and that the derrick substantially complies with the requirements of this section.

(3) *Designated personnel.*—Only designated personnel shall be permitted to operate a derrick covered by this section.

(c) *Load ratings*—(1) *Rated load marking.* For permanently installed derricks with fixed lengths of boom, guy, and mast, a substantial, durable, and clearly legible rating chart shall be provided with each derrick and securely affixed where it is visible to personnel responsible for the safe operation of the equipment. The chart shall include the following data:

(i) Manufacturer's approved load ratings at corresponding ranges of boom angle or operating radii.

(ii) Specific lengths of components on which the load ratings are based.

(iii) Required parts for hoist reeving. Size and construction of rope may be shown either on the rating chart or in the operating manual.

(2) *Nonpermanent installations.* For nonpermanent installations, the manufacturer shall provide sufficient information from which capacity charts can be prepared for the particular installation. The capacity charts shall be located at the derricks or the jobsite office.

(d) *Inspection*—(1) *Inspection classification.* (i) Prior to initial use all new and altered derricks shall be inspected to insure compliance with the provisions of this section.

(ii) Inspection procedure for derricks in regular service is divided into two general classifications based upon the intervals at which inspection should be performed. The intervals in turn are dependent upon the nature of the critical components of the derrick and the degree of their exposure to wear, deterioration, or malfunction. The two general classifications are herein designated as frequent and periodic with respective intervals between inspections as defined below:

(*a*) Frequent inspection—Daily to monthly intervals.

(*b*) Periodic inspection—1- to 12-month intervals, or as specified by the manufacturer.

(2) *Frequent inspection.* Items such as the following shall be inspected for defects at intervals as defined in subparagraph (1) (ii) (*a*) of this paragraph or as specifically indicated, including observation during operation for any defects which might appear between regular inspections. Deficiencies shall be carefully examined for any safety hazard:

(i) All control mechanisms: Inspect daily for adjustment, wear, and lubrication.

(ii) All chords and lacing: Inspect daily, visually.

(iii) Tension in guys: Daily.

(iv) Plumb of the mast.

(v) Deterioration or leakage in air or hydraulic systems: Daily.

(vi) Derrick hooks for deformations or cracks; for hooks with cracks or having more than 15 percent in excess of normal throat opening or more than 10° twist from the plane of the unbent hook, refer to paragraph (e) (3) (iii) of this section.

(vii) Rope reeving; visual inspection for noncompliance with derrick manufacturer's recommendations.

(viii) Hoist brakes, clutches, and operating levers: check daily for proper functioning before beginning operations.

(ix) Electrical apparatus for malfunctioning, signs of excessive deterioration, dirt, and moisture accumulation.

(3) *Periodic inspection.* (i) Complete inspections of the derrick shall be performed at intervals as generally defined in subparagraph (1) (ii) (*b*) of this paragraph depending upon its activity, severity of service, and environment, or as specifically indicated below. These inspections shall include the requirements of subparagraph (2) of this paragraph and in addition, items such as the following. Deficiencies shall be carefully examined and a determination made as to whether they constitute a safety hazard:

(*a*) Structural members for deformations, cracks, and corrosion.

(*b*) Bolts or rivets for tightness.

(*c*) Parts such as pins, bearings, shafts, gears, sheaves, drums, rollers, locking and clamping devices, for wear, cracks, and distortion.

(*d*) Gudgeon pin for cracks, wear, and distortion each time the derrick is to be erected.

(*e*) Powerplants for proper performance and compliance with applicable safety requirements.

(*f*) Hooks: should be magnetic particle or other suitable crack detecting inspection should be performed at least once each year.

(ii) Foundation or supports shall be inspected for continued ability to sustain the imposed loads.

(4) *Derricks not in regular use.* (i) A derrick which has been idle for a period of 1 month or more, but less than 6 months, shall be given an inspection conforming with requirements of subparagraph (2) of this paragraph and paragraph (g) (3) of this section before placing in service.

(ii) A derrick which has been idle for a period of over 6 months shall be given a complete inspection conforming with requirements of subparagraphs (2) and (3) of this paragraph and paragraph (g) (3) of this section before placing in service.

(iii) Standby derricks shall be inspected at least semiannually in accordance with requirements of subparagraph (2) of this paragraph and paragraph (g) (3) of this section. Those exposed to adverse environment should be inspected more frequently.

(e) *Testing*—(1) *Operational tests.* Prior to initial use all new and altered derricks shall be tested to insure compliance with this section including the following functions:

(i) Load hoisting and lowering.

(ii) Boom up and down.

(iii) Swing.

(iv) Operation of clutches and brakes of hoist.

(2) *Anchorages.* All anchorages shall be approved by the appointed person. Rock and hairpin anchorages may require special testing.

(f) *Maintenance*—(1) *Preventive maintenance.* A preventive maintenance program based on the derrick manufacturer's recommendations shall be established.

(2) *Maintenance procedure.* (i) Before adjustments and repairs are started on a derrick the following precautions shall be taken:

(*a*) The derrick to be repaired shall be arranged so it will cause the least interference with other equipment and operations in the area.

(*b*) All hoist drum dogs shall be engaged.

(*c*) The main or emergency switch shall be locked in the open position, if an electric hoist is used.

(*d*) Warning or out of order signs shall be placed on the derrick and hoist.

(*e*) The repairs of booms of derricks shall either be made when the booms are lowered and adequately supported or safely tied off.

(*f*) A good communication system shall be set up between the hoist operator and the appointed individual in charge of derrick operations before any work on the equipment is started.

(*g*) Welding repairs shall be approved by an appointed person.

(ii) After adjustments and repairs have been made the derrick shall not be operated until all guards have been reinstalled, safety devices reactivated, and maintenance equipment removed.

(3) *Adjustments and repairs.* (i) Any unsafe conditions disclosed by inspection shall be corrected before operation of the derrick is resumed.

(ii) Adjustments shall be maintained to assure correct functioning of components.

(iii) Repairs or replacements shall be provided promptly as needed for safe operation. The following are examples

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of conditions requiring prompt repair or replacement:

(a) Hooks showing defects described in paragraph (d)(2)(vi) of this section shall be discarded.

(b) All critical parts which are cracked, broken, bent, or excessively worn.

(c) Pitted or burned electrical contacts should be corrected only by replacement and in sets. Controller parts should be lubricated as recommended by the manufacturer.

(d) All replacement and repaired parts shall have at least the original safety factor.

(g) *Rope inspection*—(1) *Running ropes.* A thorough inspection of all ropes in use shall be made at least once a month and a full written, dated, and signed report of rope condition kept on file where readily available. Any deterioration, resulting in appreciable loss of original strength, such as described below, shall be carefully noted and determination made as to whether further use of the rope would constitute a safety hazard:

(i) Reduction of rope diameter below nominal diameter due to loss of core support, internal or external corrosion, or wear of outside wires.

(ii) A number of broken outside wires and the degree of distribution or concentration of such broken wires.

(iii) Worn outside wires.

(iv) Corroded or broken wires at end connections.

(v) Corroded, cracked, bent, worn, or improperly applied end connections.

(vi) Severe kinking, crushing, cutting, or unstranding.

(2) *Limited travel ropes.* Heavy wear and/or broken wires may occur in sections in contact with equalizer sheaves or other sheaves where rope travel is limited, or with saddles. Particular care shall be taken to inspect ropes at these locations.

(3) *Idle ropes.* All rope which has been idle for a period of a month or more due to shutdown or storage of a derrick on which it is installed shall be given a thorough inspection before it is placed in service. This inspection shall be for all types of deterioration. A written and dated report of the rope condition shall be available.

(4) *Nonrotating ropes.* Particular care shall be taken in the inspection of nonrotating rope.

(h) *Operations of derricks.* Derrick operations shall be directed only by the individual specifically designated for that purpose.

(i) *Handling the load*—(1) *Size of load.* (i) No derrick shall be loaded beyond the rated load.

(ii) When loads approach the maximum rating of the derrick, it shall be ascertained that the weight of the load has been determined within plus or minus 10 percent before it is lifted.

(2) *Attaching the load.* (i) The hoist rope shall not be wrapped around the load.

(ii) The load shall be attached to the hook by means of slings or other suitable devices.

(3) *Moving the load.* (i) The load shall be well secured and properly balanced in the sling or lifting device before it is lifted more than a few inches.

(ii) Before starting to hoist, the following conditions shall be noted:

(a) Hoist rope shall not be kinked.

(b) Multiple part lines shall not be twisted around each other.

(c) The hook shall be brought over the load in such a manner as to prevent swinging.

(d) If there is a slack rope condition, it should be determined that the rope is properly seated on the drum and in the sheaves.

(iii) During hoisting, care shall be taken that:

(a) There is no sudden acceleration or deceleration of the moving load.

(b) Load does not contact any obstructions.

(iv) A derrick shall not be used for side loading except when specifically authorized by a responsible person who has determined that the various structural components will not be overstressed.

(v) No hoisting, lowering, or swinging shall be done while anyone is on the load or hook.

(vi) The operator should avoid carrying loads over people.

(vii) The operator shall test the brakes each time a load approaching the rated load is handled by raising it a few inches and applying the brakes.

(viii) Neither the load nor boom shall be lowered below the point where less than two full wraps of rope remain on their respective drums.

(ix) When rotating a derrick, sudden starts and stops shall be avoided. Rotational speed shall be such that the load does not swing out beyond the radius at which it can be controlled.

(x) Boom and hoisting rope systems shall not be twisted.

(4) *Holding the load.* (i) The operator shall not be allowed to leave his position at the controls while the load is suspended.

(ii) People should not be permitted to stand or pass under a load on the hook.

(iii) If the load must remain suspended for any considerable length of time, a dog, or pawl and ratchet, or other equivalent means, rather than the brake alone, shall be used to hold the load.

(5) *Use of winch heads.* (i) Ropes shall not be handled on a winch head without the knowledge of the operator.

(ii) While a winch head is being used, the operator shall be within convenient reach of the power unit control lever.

(6) *Securing boom.* Dogs, pawls, or other positive holding mechanism on the hoist shall be engaged. When not in use, the derrick boom shall:

(i) Be laid down;

(ii) Be secured to a stationary member, as nearly under the head as possible, by attachment of a sling to the load block; or

(iii) Be hoisted to a vertical position and secured to the mast.

(j) *Other requirements*—(1) *Guards.* (i) Exposed moving parts, such as gears, ropes, setscrews, projecting keys, chains, chain sprockets, and reciprocating components, which constitute a hazard under normal operating conditions shall be guarded.

(ii) Guards shall be securely fastened.

(iii) Each guard shall be capable of supporting without permanent distortion, the weight of a 200-pound person unless the guard is located where it is impossible for a person to step on it.

(2) *Hooks.* (i) Hooks shall meet the manufacturer's recommendations and shall not be overloaded.

(ii) Safety latch type hooks shall be used wherever possible.

(3) *Fire extinguishers.* (i) A carbon dioxide, dry chemical, or equivalent fire extinguisher shall be kept in the immediate vicinity of the derrick.

(ii) Operating and maintenance personnel shall be familiar with the use and care of the fire extinguishers provided.

(4) *Refueling.* (i) Refueling with portable containers shall be done with Underwriters' Laboratory, Inc. (UL), or Factory Mutual Laboratories approved, or equivalent, safety type containers equipped with automatic closing spout and flame arrester.

(ii) Machines shall not be refueled with the engine running.

(5) *Operating near electric powerlines.* (i) Except where the electrical distribution and transmission lines have been deenergized and visibly grounded at point of work or where insulating barriers not a part of or an attachment to the derrick have been erected to prevent physical contact with the lines, derricks shall be operated proximate to, under, over, by, or near powerlines only in accordance with the following:

(a) For lines rated 50 kv. or below minimum clearance between the lines and any part of the derrick or load shall be 10 feet.

(b) For lines rated over 50 kv. minimum clearance between the lines and any part of the derrick or load shall be 10 feet plus 0.4 inch for each 1 kv. over 50 kv., or use twice the length of the line insulator, but never less than 10 feet.

(ii) Cage-type boom guards, insulating links, or proximity warning devices may be used on derricks, but the use of such devices shall not operate to alter the requirements of subdivision (i) of this subparagraph.

(iii) Before the commencement of operations near electrical lines, the owners of the lines or their authorized representatives shall be notified and provided with all pertinent information. The owner's cooperation shall be requested.

(iv) Any overhead wire shall be considered to be an energized line until the owner of the line or their authorized representatives state that it is deenergized.

(6) *Cab or operating enclosure.* (i) Necessary clothing and personal belongings shall be stored in such a manner as to not interfere with access or operation.

(ii) Tools, oilcans, waste, extra fuses, and other necessary articles shall be stored in the toolbox, and shall not be permitted to lie loose in or about the cab or operating enclosure.

[37 FR 22102, Oct. 18, 1972, as amended at 38 FR 14373, June 1, 1973]

§ 1910.182 Effective dates.

(a) The provisions of this Subpart N shall become effective on August 27, 1971, except as provided in the remaining paragraphs of this section.

(b) The following provisions shall become effective on February 15, 1972:

§ 1910.177 (d) and (f).
§ 1910.178 (a) (2) and (3), (c), (e), and (m)(11).
§ 1910.179 (b)(8), (c), (d), (e), (f), (g), and (h).
§ 1910.180(c).

(c) Notwithstanding anything in paragraph (a), (b), or (d) of this section, any provision in any other section of this subpart which contains in itself a specific effective date or time limitation shall become effective on such date or shall apply in accordance with such limitation.

(d) Notwithstanding anything in paragraph (a) of this section, if any standard in 41 CFR Part 50–204, other than a national consensus standard incorporated by reference in § 50–204.2(a)(1), is or becomes applicable at any time to any employment and place of employment, by virtue of the Walsh-Healey Public Contracts Act, or the Service Contract Act of 1965, or the National Foundation on Arts and Humanities Act of 1965, any corresponding established Federal Standard in this Subpart N which is derived from 41 CFR Part 50–204 shall also become effective and shall be applicable to such employment and place of employment, on the same date.

§ 1910.183 Sources of standards.

Sec.	Source
1910.176	41 CFR 50–204.3.
1910.177	NFPA No. 231–1970, General Indoor Storage.
1910.178(a)(1)	NFPA No. 506–1969, Powered Industrial Trucks.
1910.178(a)(2)	ANSI B56.1–1969, Standard for Powered Industrial Trucks, Part II.
1910.178(a)(3)	NFPA No. 505–1969, Powered Industrial Trucks.
1910.178(a)(4)–(7)	ANSI B56.1–1969, Standard for Powered Industrial Trucks.
1910.178(b)–(d)	NFPA No. 505–1969, Powered Industrial Trucks.
1910.178(e)–(p)	ANSI B56.1–1969, Powered Industrial Trucks.
1910.178(q)	NFPA No. 505–1969, Powered Industrial Trucks.
Sec.	*Source*
1910.179	ANSI B30.2.0–1967, Safety Code for Overhead and Gantry Cranes.
1910.180	ANSI B30.5–1968, Safety Code for Crawler, Locomotive, and Truck Cranes.
1910.181	ANSI B30.6–1969, Safety Code for Derricks.

§ 1910.184 Standards organizations.

Specific standards of the following organizations have been referenced in this part. Copies of the referenced materials may be obtained from the issuing organizations.

American Society of Heating, Refrigeration, and Air Conditioning Engineers, Inc., 345 East 47th Street, New York, NY 10017.
Crane Manufacturers Association of America, Inc., 1 Thomas Circle NW., Washington, DC 20005.
American National Standards Institute, 1430 Broadway, New York, NY 10018.
National Fire Protection Association, 60 Batterymarch Street, Boston, MA 02110.
Society of Automotive Engineers, Inc., 485 Lexington Avenue, New York, NY 10017.

Subpart O—Machinery and Machine Guarding

§ 1910.211 Definitions.

(a) As used in §§ 1910.213 and 1910.214 unless the context clearly requires otherwise, the following woodworking machinery terms shall have the meaning prescribed in this paragraph.

(1) "Point of operations" means that point at which cutting, shaping, boring, or forming is accomplished upon the stock.

(2) "Push stick" means a narrow strip of wood or other soft material with a notch cut into one end and which is used to push short pieces of material through saws.

(3) "Block" means a short block of wood, provided with a handle similar to that of a plane and a shoulder at the rear end, which is used for pushing short stock over revolving cutters.

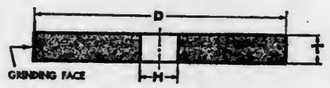
(b) As used in § 1910.215 unless the context clearly requires otherwise, the following abrasive wheel machinery terms shall have the meanings prescribed in this paragraph.

(1) "Type 1 straight wheels" means wheels having diameter, thickness, and hole size dimensions, and they should be used only on the periphery. Type 1 wheels shall be mounted between flanges.

LIMITATION: Hole dimension (H) should not be greater than two-thirds of wheel diameter dimension (D) for precision, cylindrical, centerless, or surface grinding applications. Maximum hole size for all other applications should not exceed one-half wheel diameter.

Figure No. 0-1

TYPE 1 STRAIGHT WHEELS



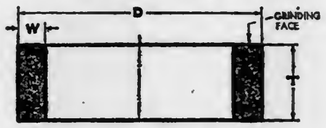
Type 1 — Straight Wheel.
Peripheral grinding wheel having a diameter, thickness and hole.

(2) "Type 2 cylinder wheels" means wheels having diameter, wheel thickness, and rim thickness dimensions. Grinding is performed on the rim face only, dimension W. Cylinder wheels may be plain, plate mounted, inserted nut, or of the projecting stud type.

LIMITATION: Rim height, T dimension, is generally equal to or greater than rim thickness, W dimension.

Figure No. 0-2

TYPE 2 CYLINDER WHEELS



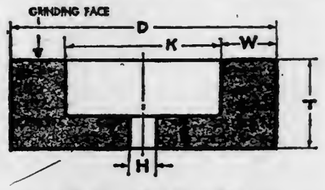
Type 2 — Cylinder Wheel
Side grinding wheel having a diameter, thickness and wall—wheel is mounted on the diameter.

(3) "Type 6 straight cup wheels" means wheels having diameter, thickness, hole size, rim thickness, and back thickness dimensions. Grinding is always performed on rim face, W dimension.

LIMITATION: Minimum back thickness, E dimension, should not be less than one-fourth T dimension. In addition, when unthreaded hole wheels are specified, the inside flat, K dimension, must be large enough to accommodate a suitable flange.

Figure No. 0-3

TYPE 6 STRAIGHT CUP WHEELS



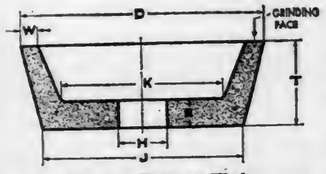
Type 6 — Straight-cup Wheel
Side grinding wheel having a diameter, thickness and hole with one side straight or flat and the opposite side recessed. This type, however, differs from Type 5 in that the grinding is performed on the wall of the abrasive created by the difference between the diameter of the recess and the outside diameter of the wheel. Therefore, the wall dimension "W" takes precedence over the diameter of the recess as an essential intermediate dimension to describe this shape type.

(4) "Type 11 flaring cup wheels" mean wheels having double diameter dimensions D and J, and in addition have thickness, hole size, rim and back thickness dimensions. Grinding is always performed on rim face, W dimension. Type 11 wheels are subject to all limitations of use and mounting listed for type 6 straight sided cup wheels definition.

LIMITATION: Minimum back thickness, E dimension, should not be less than one-fourth T dimension. In addition when unthreaded hole wheels are specified the inside flat, K dimension, shall be large enough to accommodate a suitable flange.

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Figure No. 0-4
TYPE 11 FLARING CUP WHEELS

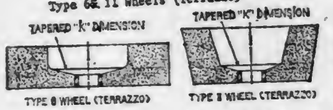


Type 11 — Flaring-cup Wheel
Side grinding wheel having a wall flared or tapered outward from the back. Wall thickness at the back is normally greater than at the grinding face (W).

(5) "Modified types 6 and 11 wheels (terrazzo)" mean some type 6 and 11 cup wheels used in the terrazzo trade having tapered K dimensions to match a special tapered flange furnished by the machine builder.

LIMITATION: These wheels shall be mounted only with a special tapered flange.

Figure No. 0-5
Type 6& 11 Wheels (Terrazzo)



Typical examples of modified types 6 and 11 wheels (terrazzo) showing tapered K dimensions.

(6) "Types 27 and 28 depressed center wheels" mean wheels having diameter, thickness, and hole size dimensions. Both types are reinforced, organic bonded wheels having offset hubs which permit side and peripheral grinding operations without interference with the mounting. Type 27 wheels are manufactured with flat grinding rims permitting notching and cutting operations. Type 28 wheels have saucer shaped grinding rims.

(i) Limitations: Special supporting, back adapter and inside flange nuts are required for the proper mounting of these types of wheels subject to limitations of § 1910.215(c)(4) (i) and (ii).

(ii) Mounts which are affixed to the wheel by the manufacturer may not require an inside nut and shall not be reused.

(7) "Type 27A depressed center, cutting-off wheels" mean wheels having diameter, thickness, and hole size dimensions. They are reinforced, organic bonded, offset hub type wheels, usually 16 inches diameter and larger, specially designed for use on cutting-off machines where mounting nut or outer flange interference cannot be tolerated.

LIMITATIONS: See § 1910.215(c)(1).

(8) "Surface feet per minute" (s.f.p.m.) means the distance in feet any one abrasive grain on the peripheral surface of a grinding wheel travels in 1 minute.

$$\text{Surface Feet Per Minute} = \frac{3.1416 \times \text{diameter in inches} \times \text{r.p.m.}}{12}$$

or

$$.262 \times \text{diameter in inches} \times \text{r.p.m.}$$

Examples: (a) 24-inch diameter wheel, 1,000 revolutions per minute. Surface Feet per minute $.262 \times 24 \times 1{,}000 = 6{,}288$ s.f.p.m.

(b) 12-inch diameter wheel, 1,000 revolutions per minute. Surface Feet per minute $.262 \times 12 \times 1{,}000 = 3{,}144$ s.f.p.m.

(9) "Flanges" means collars, discs or plates between which wheels are mounted and are referred to as adaptor, sleeve, or back up type. See paragraph (c) of § 1910.215 for full description.

(10) "Snagging" means grinding which removes relatively large amounts of material without regard to close tolerances or surface finish requirements.

(11) "Off-hand grinding" means the grinding of any material or part which is held in the operator's hand.

(12) "Safety guard" means an enclosure designed to restrain the pieces of the grinding wheel and furnish all possible protection in the event that the wheel is broken in operation. See paragraph (b) of § 1910.215.

(13) "Cutting off wheels" mean wheels having diameter thickness and hole size dimensions and are subject to all limitations of mounting and use listed for type 1 wheels, the definition in subparagraph (1) of this paragraph and paragraph (d) of § 1910.215. They may be steel centered, diamond abrasive or organic bonded abrasive of the plain or reinforced type.

(i) Limitation: Cutting off wheels are recommended only for use on specially designed and fully guarded machines and are subject to the following maximum thickness and hole size limitations.

Wheel diameter:	Max. thickness (inch)
6 inch and smaller	5/16
Larger than 6 inches to 12 inches	1/4
Larger than 12 inches to 23 inches	3/8
Larger than 23 inches	1/2

(ii) Maximum hole size for cutting-off wheels should not be larger than 1/4-wheel diameter.

(14) "Abrasive wheel" means a cutting tool consisting of abrasive grains held together by organic or inorganic bonds. Diamond and reinforced wheels are included.

(15) "Organic wheels" means wheels which are bonded by means of an organic material such as resin, rubber, shellac, or other similar bonding agent.

(16) "Inorganic wheels" means wheels which are bonded by means of inorganic material such as clay, glass, porcelain, sodium silicate, magnesium oxychloride, or metal. Wheels bonded with clay, glass, porcelain or related ceramic materials are characterized as "vitrified bonded wheels."

(c) As used in 1910.216, unless the context clearly requires otherwise, the following mills and calendars in the rubber and plastic industries terms shall have the meanings prescribed in this paragraph.

(1) "Bite" means the nip point between any two inrunning rolls.

(2) "Calender" means a machine equipped with two or more metal rolls revolving in opposite directions and used for continuously sheeting or plying up rubber and plastics compounds and for frictioning or coating materials with rubber and plastics compounds.

(3) "Mill" means a machine consisting of two adjacent metal rolls, set horizontally, which revolve in opposite directions (i.e., toward each other as viewed from above) used for the mechanical working of rubber and plastics compounds.

(d) As used in § 1910.217, unless the context clearly requires otherwise, the following power press terms shall have the meaning prescribed in this paragraph.

(1) "Antirepeat" means the part of the clutch/brake control system designed to limit the press to a single stroke if the tripping means is held operated. Antirepeat requires release of all tripping mechanisms before another stroke can be initiated. "Antirepeat" is also called single stroke reset or reset circuit.

(2) "Brake" means the mechanism used on a mechanical power press to stop and/or hold the crankshaft, either directly or through a gear train, when the clutch is disengaged.

(3) "Bolster plate" means the plate attached to the top of the bed of the press having drilled holes or T-slots for attaching the lower die or die shoe.

(4) "Clutch" means the coupling mechanism used on a mechanical power press to couple the flywheel to the crankshaft, either directly or through a gear train.

(5) "Full revolution clutch" means a type of clutch that, when tripped, cannot be disengaged until the crankshaft has completed a full revolution and the press slide a full stroke.

(6) "Part revolution clutch" means a type of clutch that can be disengaged at any point before the crankshaft has completed a full revolution and the press slide a full stroke.

(7) "Direct drive" means the type of driving arrangement wherein no clutch is used; coupling and decoupling of the driving torque is accomplished by energization and deenergization of a motor. Even though not employing a clutch, direct drives match the operational characteristics of "part revolution clutches" because the driving power may be disengaged during the stroke of the press.

(8) "Concurrent" means acting in conjunction, and is used to describe a situation wherein two or more controls exist in an operated condition at the same time.

(9) "Continuous" means uninterrupted multiple strokes of the slide without intervening stops (or other clutch control action) at the end of individual strokes.

(10) "Counterbalance" means the mechanism that is used to balance or support the weight of the connecting rods, slide, and slide attachments.

(11) "Device" means a press control or attachment that:

(i) Restrains the operator from inadvertently reaching into the point of operation, or

(ii) Prevents normal press operation if the operator's hands are inadvertently within the point of operation, or

(iii) Automatically withdraws the operator's hands if the operator's hands are inadvertently within the point of operation as the dies close.

(12) "Presence sensing device" means a device designed, constructed and arranged to create a sensing field or area and to deactivate the clutch control of the press when an operator's hand or any other parts of his body is within such field or area.

(13) "Gate or movable barrier device" means a movable barrier arranged to enclose the point of operation before the press stroke can be started.

(14) "Holdout or restraint device" means a mechanism, including attachments for operator's hands, that when anchored and adjusted prevent the operator's hands from entering the point of operation.

(15) "Pull-out device" means a mechanism attached to the operator's hands and connected to the upper die or slide of the press, that is designed, when properly adjusted, to withdraw the operator's hands as the dies close, if the operator's hands are inadvertently within the point of operation.

(16) "Sweep device" means a single or double arm (rod) attached to the upper die or slide of the press and designed to move the operator's hands to a safe position as the dies close, if the operator's hands are inadvertently within the point of operation.

(17) "Two hand control device" means a two hand trip that further requires concurrent pressure from both hands of the operator during a substantial part of the die-closing portion of the stroke of the press.

(18) "Die" means the tooling used in a press for cutting or forming material. An upper and a lower die make a complete set.

(19) "Die builder" means any person who builds dies for power presses.

(20) "Die set" means a tool holder held in alignment by guide posts and bushings and consisting of a lower shoe, an upper shoe or punch holder, and guide posts and bushings.

(21) "Die setter" means an individual who places or removes dies in or from mechanical power presses, and who, as a part of his duties, makes the necessary adjustments to cause the tooling to function properly and safely.

(22) "Die setting" means the process of placing or removing dies in or from a mechanical power press, and the process of adjusting the dies, other tooling and safeguarding means to cause them to function properly and safely.

(23) "Die shoe" means a plate or block upon which a die holder is mounted. A die shoe functions primarily as a base for the complete die assembly, and, when used, is bolted or clamped to the bolster plate or the face of slide.

(24) "Ejector" means a mechanism for removing work or material from between the dies.

(25) "Face of slide" means the bottom surface of the slide to which the punch or upper die is generally attached.

(26) "Feeding" means the process of placing or removing material within or from the point of operation.

(27) "Automatic feeding" means feeding wherein the material or part being processed is placed within or removed from the point of operation by a method or means not requiring action by an operator on each stroke of the press.

(28) "Semiautomatic feeding" means feeding wherein the material or part being processed is placed within or removed from the point of operation by an auxiliary means controlled by operator on each stroke of the press.

(29) "Manual feeding" means feeding wherein the material or part being processed is handled by the operator on each stroke of the press.

(30) "Foot control" means the foot operated control mechanism designed to be used with a clutch or clutch/brake control system.

(31) "Foot pedal" means the foot operated lever designed to operate the mechanical linkage that trips a full revolution clutch.

(32) "Guard" means a barrier that prevents entry of the operator's hands or fingers into the point of operation.

(33) "Die enclosure guard" means an enclosure attached to the die shoe or stripper, or both, in a fixed position.

(34) "Fixed barrier guard" means a die space barrier attached to the press frame.

(35) "Interlocked press barrier guard" means a barrier attached to the press frame and interlocked so that the press stroke cannot be started normally unless the guard itself, or its hinged or movable sections, enclose the point of operation.

(36) "Adjustable barrier guard" means a barrier requiring adjustment for each job or die setup.

(37) "Guide post" means the pin attached to the upper or lower die shoe, operating within the bushing on the opposing die shoe, to maintain the alignment of the upper and lower dies.

(38) "Hand feeding tool" means any hand held tool designed for placing or removing material or parts to be processed within or from the point of operation.

(39) "Inch" means an intermittent motion imparted to the slide (on machines using part revolution clutches) by momentary operation of the "Inch" operating means. Operation of the "Inch" operating means engages the driving clutch so that a small portion of one stroke or indefinite stroking can occur, depending upon the length of time the "Inch" operating means is held operated. "Inch" is a function used by the die setter for setup of dies and tooling, but is not intended for use during production operations by the operator.

(40) "Jog" means an intermittent motion imparted to the slide by momentary operation of the drive motor, after the clutch is engaged with the flywheel at rest.

(41) "Knockout" means a mechanism for releasing material from either die.

(42) "Liftout" means the mechanism also known as knockout.

(43) "Operator's station" means the complete complement of controls used by or available to an operator on a given operation for stroking the press.

(44) "Pinch point" means any point other than the point of operation at which it is possible for a part of the body to be caught between the moving parts of a press or auxiliary equipment, or between moving and stationary parts of a press or auxiliary equipment or between the material and moving part or parts of the press or auxiliary equipment.

(45) "Point of operation" means the area of the press where material is actually positioned and work is being performed during any process such as shearing, punching, forming, or assembling.

(46) "Press" means a mechanically powered machine that shears, punches, forms or assembles metal or other material by means of cutting, shaping, or combination dies attached to slides. A press consists of a stationary bed or anvil, and a slide (or slides) having a controlled reciprocating motion toward and away from the bed surface, the slide being guided in a definite path by the frame of the press.

(47) "Repeat" means an unintended or unexpected successive stroke of the press resulting from a malfunction.

(48) "Safety block" means a prop that, when inserted between the upper and lower dies or between the bolster plate and the face of the slide, prevents the slide from falling of its own deadweight.

(49) "Single stroke" means one complete stroke of the slide, usually initiated from a full open (or up) position, followed by closing (or down), and then a return to the full open position.

(50) "Single stroke mechanism" means an arrangement used on a full revolution clutch to limit the travel of the slide to one complete stroke at each engagement of the clutch.

(51) "Slide" means the main reciprocating press member. A slide is also called a ram, plunger, or platen.

(52) "Stop control" means an operator control designed to immediately deactivate the clutch control and activate the brake to stop slide motion.

(53) "Stripper" means a mechanism or die part for removing the parts or material from the punch.

(54) "Stroking selector" means the part of the clutch/brake control that determines the type of stroking when the operating means is actuated. The stroking selector generally includes positions for "Off" (Clutch Control), "Inch," "Single Stroke," and "Continuous" (when Continuous is furnished).

(55) "Trip or (tripping)" means activation of the clutch to "run" the press.

(56) "Turnover bar" means a bar used in die setting to manually turn the crankshaft of the press.

(57) "Two-hand trip" means a clutch actuating means requiring the concurrent use of both hands of the operator to trip the press.

(58) "Unitized tooling" means a type of die in which the upper and lower mem-

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bers are incorporated into a selfcontained unit so arranged as to hold the die members in alignment.

(e) As used in § 1910.218, unless the context clearly requires otherwise, the following forging and hot metal terms shall have the meaning prescribed in this paragraph.

(1) "Forging" means the product of work on metal formed to a desired shape by impact or pressure in hammers, forging machines (upsetters), presses, rolls, and related forming equipment. Forging hammers, counterblow equipment and high-energy-rate forging machines impart impact to the workpiece, while most other types of forging equipment impart squeeze pressure in shaping the stock. Some metals can be forged at room temperature, but the majority of metals are made more plastic for forging by heating.

(2) "Open framehammers (or blacksmith hammers)" mean hammers used primarily for the shaping of forgings by means of impact with flat dies. Open frame hammers generally are so constructed that the anvil assembly is separate from the operating mechanism and machine supports; it rests on its own independent foundation. Certain exceptions are forging hammers made with frame mounted on the anvil; e.g., the smaller, single-frame hammers are usually made with the anvil and frame in one piece.

(3) "Steam hammers" mean a type of drop hammer where the ram is raised for each stroke by a double-action steam cylinder and the energy delivered to the workpiece is supplied by the velocity and weight of the ram and attached upper die driven downward by steam pressure. Energy delivered during each stroke may be varied.

(4) "Gravity hammers" mean a class of forging hammer wherein energy for forging is obtained by the mass and velocity of a freely falling ram and the attached upper die. Examples: board hammers and air-lift hammers.

(5) "Forging presses" mean a class of forging equipment wherein the shaping of metal between dies is performed by mechanical or hydraulic pressure, and usually is accomplished with a single workstroke of the press for each die station.

(6) "Trimming presses" mean a class of auxiliary forging equipment which removes flash or excess metal from a forging. This trimming operation can also be done cold, as can coining, a product sizing operation.

(7) "High-energy-rate forging machines" mean a class of forging equipment wherein high ram velocities resulting from the sudden release of a compressed gas against a free piston impart impact to the workpiece.

(8) "Forging rolls" mean a class of auxiliary forging equipment wherein stock is shaped between power driven rolls bearing contoured dies. Usually used for preforming, roll forging is often employed to reduce thickness and increase length of stock.

(9) "Ring rolls" mean a class for forging equipment used for shaping weldless rings from pierced discs or thick-walled, ring-shaped blanks between rolls which control wall thickness, ring diameter, height and contour.

(10) "Bolt-headers" mean the same as an upsetter or forging machine except that the diameter of stock fed into the machine is much smaller, i.e., commonly three-fourths inch or less.

(11) Rivet making machines mean the same as upsetters and boltheaders when producing rivets with stock diameter of 1-inch or more. Rivet making with less than 1-inch diameter is usually a cold forging operation, and therefore not included in this subpart.

(12) Upsetters (or forging machines, or headers) type of forging equipment, related to the mechanical press, in which the main forming energy is applied horizontally to the workpiece which is gripped and held by prior action of the dies.

(f) As used in § 1910.219, unless the context clearly requires otherwise, the following mechanical power-transmission guarding terms shall have the meaning prescribed in this paragraph.

(1) "Belts" include all power transmission belts, such as flat belts, round belts, V-belts, etc., unless otherwise specified.

(2) "Belt shifter" means a device for mechanically shifting belts from tight to loose pulleys or vice versa, or for shifting belts on cones of speed pulleys.

(3) "Belt pole" (sometimes called a "belt shipper" or "shipper pole,") means a device used in shifting belts on and off fixed pulleys on line or countershaft where there are no loose pulleys.

(4) "Exposed to contact" means that the location of an object is such that a person is likely to come into contact with it and be injured.

(5) "Flywheels" include flywheels, balance wheels, and flywheel pulleys mounted and revolving on crankshaft of engine or other shafting.

(6) "Maintenance runway" means any permanent runway or platform used for oiling, maintenance, running adjustment, or repair work, but not for passageway.

(7) "Nip-point belt and pulley guard" means a device which encloses the pulley and is provided with rounded or rolled edge slots through which the belt passes.

(8) "Point of operation" means that point at which cutting, shaping, or forming is accomplished upon the stock and shall include such other points as may offer a hazard to the operator in inserting or manipulating the stock in the operation of the machine.

(9) "Prime movers" include steam, gas, oil, and air engines, motors, steam and hydraulic turbines, and other equipment used as a source of power.

(10) "Sheaves" mean grooved pulleys, and shall be so classified unless used as flywheels.

§ 1910.212 General requirements for all machines.

(a) *Machine guarding*—(1) *Types of guarding.* One or more methods of machine guarding shall be provided to protect the operator and other employees in the machine area from hazards such as those created by point of operation, ingoing nip points, rotating parts, flying chips and sparks. Examples of guarding methods are—barrier guards, two-hand tripping devices, electronic safety devices, etc.

(2) *General requirements for machine guards.* Guards shall be affixed to the machine where possible and secured elsewhere if for any reason attachment to the machine is not possible. The guard shall be such that it does not offer an accident hazard in itself.

(3) *Point of operation guarding.* (i) Point of operation is the area on a machine where work is actually performed upon the material being processed.

(ii) The point of operation of machines whose operation exposes an employee to injury, shall be guarded. The guarding device shall be in conformity with any appropriate standards therefor, or, in the absence of applicable specific standards, shall be so designed and constructed as to prevent the operator from having any part of his body in the danger zone during the operating cycle.

(iii) Special handtools for placing and removing material shall be such as to permit easy handling of material without the operator placing a hand in the danger zone. Such tools shall not be in lieu of other guarding required by this section, but can only be used to supplement protection provided.

(iv) The following are some of the machines which usually require point of operation guarding:

(a) Guillotine cutters.
(b) Shears.
(c) Alligator shears.
(d) Power presses.
(e) Milling machines.
(f) Power saws.
(g) Jointers.
(h) Portable power tools.
(i) Forming rolls and calenders.

(4) *Barrels, containers, and drums.* Revolving drums, barrels, and containers shall be guarded by an enclosure which is interlocked with the drive mechanism, so that the barrel, drum, or container cannot revolve unless the guard enclosure is in place.

(5) *Exposure of blades.* When the periphery of the blades of a fan is less than seven (7) feet above the floor or working level, the blades shall be guarded. The guard shall have openings no larger than one-half (½) inch.

(b) *Anchoring fixed machinery.* Machines designed for a fixed location shall be securely anchored to prevent walking or moving.

§ 1910.213 Woodworking machinery requirements.

(a) *Machine construction general.* (1) Each machine shall be so constructed as to be free from sensible vibration when the largest size tool is mounted and run idle at full speed.

(2) Arbors and mandrels shall be constructed so as to have firm and secure bearing and be free from play.

(3) The use of wooden bandsaw wheels other than those of commercial manufacture is prohibited.

(4) Any automatic cutoff saw that strokes continuously without the operator being able to control each stroke shall not be used.

(5) Saw frames or tables shall be constructed with lugs cast on the frame or with an equivalent means to limit the size of the saw blade that can be mounted, so as to avoid overspeed caused by mounting a saw larger than intended.

(6) Circular saw fences shall be so constructed that they can be firmly secured to the table or table assembly without changing their alignment with the saw. For saws with tilting tables or tilting arbors the fence shall be so constructed that it will remain in a line parallel with the saw, regardless of the angle of the saw with the table.

(7) Circular saw gages shall be so constructed as to slide in grooves or tracks that are accurately machined, to insure exact alignment with the saw for all positions of the guide.

(8) Hinged saw tables shall be so constructed that the table can be firmly secured in any position and in true alignment with the saw.

(9) All belts, pulleys, gears, shafts, and moving parts shall be guarded in accordance with the specific requirements of § 1910.219.

(10) It is recommended that each power-driven woodworking machine be provided with a disconnect switch that can be locked in the off position.

(11) The frames and all exposed, noncurrent-carrying metal parts of portable electric woodworking machinery operated at more than 90 volts to ground shall be grounded and other portable motors driving electric tools which are held in the hand while being operated shall be grounded if they operate at more than 90 volts to ground. The ground shall be provided through use of a separate ground wire and polarized plug and receptacle.

(12) For all circular saws where conditions are such that there is a possibility of contact with the portion of the saw either beneath or behind the table, that portion of the saw shall be covered with an exhaust hood, or, if no exhaust system is required, with a guard that shall be so arranged as to prevent accidental contact with the saw.

(13) Revolving double arbor saws shall be fully guarded in accordance with all the requirements for circular crosscut saws or with all the requirements for circular ripsaws, according to the kind of saws mounted on the arbors.

(14) No saw, cutter head, or tool collar shall be placed or mounted on a machine arbor unless the tool has been accurately machined to size and shape to fit the arbor.

(15) Combs (featherboards) or suitable jigs shall be provided at the workplace for use when a standard guard cannot be used, as in dadoing, grooving, jointing, moulding, and rabbeting.

(b) *Machine controls and equipment.* (1) A mechanical or electrical power control shall be provided on each machine to make it possible for the operator to cut off the power from each machine without leaving his position at the point of operation.

(2) On machines driven by belts and shafting, a locking-type belt shifter or an equivalent positive device shall be used.

(3) On applications where injury to the operator might result if motors were to restart after power failures, provision shall be made to prevent machines from automatically restarting upon restoration of power.

(4) Power controls and operating controls should be located within easy reach of the operator while he is at his regular work location, making it unnecessary for him to reach over the cutter to make adjustments. This does not apply to constant pressure controls used only for setup purposes.

(5) On each machine operated by electric motors, positive means shall be provided for rendering such controls or devices inoperative while repairs or adjustments are being made to the machines they control.

(6) Each operating treadle shall be protected against unexpected or accidental tripping.

(7) Feeder attachments shall have the feed rolls or other moving parts so covered or guarded as to protect the operator from hazardous points.

(c) *Hand-fed ripsaws.* (1) Each circular hand-fed ripsaw shall be guarded by a hood which shall completely enclose that portion of the saw above the table and that portion of the saw above the material being cut. The hood and mounting shall be arranged so that the hood will automatically adjust itself to the thickness of and remain in contact with the material being cut but it shall not offer any considerable resistance to insertion of material to saw or to passage of the material being sawed. The hood shall be made of adequate strength to resist blows and strains incidental to reasonable operation, adjusting, and handling, and shall be so designed as to protect the operator from flying splinters and broken saw teeth. It shall be made of material that is soft enough so that it will be unlikely to cause tooth breakage. The material should not shatter when broken, should be nonexplosive, and should be no more flammable than wood. The hood shall be so mounted as to insure that its operation will be positive, reliable, and in true alignment with the saw; and the mounting shall be adequate in strength to resist any reasonable side thrust or other force tending to throw it out of line.

(2) Each hand-fed circular ripsaw shall be furnished with a spreader to prevent material from squeezing the saw or being thrown back on the operator. The spreader shall be made of hard tempered steel, or its equivalent, and shall be thinner than the saw kerf. It shall be of sufficient width to provide adequate stiffness or rigidity to resist any reasonable side thrust or blow tending to bend or throw it out of position. The spreader shall be attached so that it will remain in true alignment with the saw even when either the saw or table is tilted, and should be placed so that there is not more than ½-inch space between the spreader and the back of the saw when the largest saw is mounted in the machine. The provision of a spreader in connection with grooving, dadoing, or rabbeting is not required. On the completion of such operations, the spreader shall be immediately replaced.

(3) Each hand-fed circular ripsaw shall be provided with nonkickback fingers or dogs so located as to oppose the thrust or tendency of the saw to pick up the material or to throw it back toward the operator. They shall be designed to provide adequate holding power for all the thicknesses of materials being cut.

(d) *Hand-fed crosscut table saws.* (1) Each circular crosscut table saw shall be guarded by a hood which shall meet all the requirements of paragraph (c)(1) of this section for hoods for circular ripsaws.

(2) Each circular crosscut saw should also be provided with a spreader which should meet all the requirements of paragraph (c)(2) of this section.

(e) *Circular resaws.* (1) Each circular resaw shall be guarded by a hood or shield of metal above the saw. This hood or shield shall be so designed as to guard against danger from flying splinters or broken saw teeth.

(2) Each circular resaw (other than self-feed saws with a roller or wheel at back of the saw) shall be provided with a spreader fastened securely behind the saw. The spreader shall be slightly thinner than the saw kerf and slightly thicker than the saw disk.

(f) *Self-feed circular saws.* (1) Feed rolls and saws shall be protected by a hood or guard to prevent the hands of the operator from coming in contact with the in-running rolls at any point. The guard shall be constructed of heavy material, preferably metal, and the bottom of the guard shall come down to within three-eighths inch of the plane formed by the bottom or working surfaces of the feed rolls. This distance (three-eighths inch) may be increased to three-fourths inch, provided the lead edge of the hood is extended to be not less than 5½ inches in front of the nip point between the front roll and the work.

(2) Each self-feed circular ripsaw shall be provided with sectional nonkickback fingers for the full width of the feed rolls. They shall be located in front of the saw and so arranged as to be in continual contact with the wood being fed.

(g) *Swing cutoff saws.* The requirements of this paragraph are also applicable to sliding cutoff saws mounted above the table.

(1) Each swing cutoff saw shall be provided with a hood that will completely enclose the upper half of the saw, the arbor end, and the point of operation at all positions of the saw. The hood shall be constructed in such a manner and of such material that it will protect the operator from flying splinters and broken saw teeth. Its hood shall be so designed that it will automatically cover the lower portion of the blade, so that when the saw is returned to the back of the table

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the hood will rise on top of the fence, and when the saw is moved forward the hood will drop on top of and remain in contact with the table or material being cut.

(2) Each swing cutoff saw shall be provided with an effective device to return the saw automatically to the back of the table when released at any point of its travel. Such a device shall not depend for its proper functioning upon any rope, cord, or spring. If there is a counterweight, the bolts supporting the bar and counterweight shall be provided with cotter pins; and the counterweight shall be prevented from dropping by either a bolt passing through both the bar and counterweight, or a bolt put through the extreme end of the bar, or, where the counterweight does not encircle the bar, a safety chain attached to it.

(3) Limit chains or other equally effective devices shall be provided to prevent the saw from swinging beyond the front or back edges of the table, or beyond a forward position where the gullets of the lowest saw teeth will rise above the table top.

(4) Inverted swing cutoff saws shall be provided with a hood that will cover the part of the saw that protrudes above the top of the table or above the material being cut. It shall automatically adjust itself to the thickness of and remain in contact with the material being cut.

(h) *Radial saws.* (1) The upper hood shall completely enclose the upper portion of the blade down to a point that will include the end of the saw arbor. The upper hood shall be constructed in such a manner and of such material that it will protect the operator from flying splinters, broken saw teeth, etc., and will deflect sawdust away from the operator. The sides of the lower exposed portion of the blade shall be guarded to the full diameter of the blade by a device that will automatically adjust itself to the thickness of the stock and remain in contact with stock being cut to give maximum protection possible for the operation being performed.

(2) Each radial saw used for ripping shall be provided with nonkickback fingers or dogs located on both sides of the saw so as to oppose the thrust or tendency of the saw to pick up the material or to throw it back toward the operator. They shall be designed to provide adequate holding power for all the thicknesses of material being cut.

(3) An adjustable stop shall be provided to prevent the forward travel of the blade beyond the position necessary to complete the cut in repetitive operations.

(4) Installation shall be in such a manner that the front end of the unit will be slightly higher than the rear, so as to cause the cutting head to return gently to the starting position when released by the operator.

(5) Ripping and ploughing shall be against the direction in which the saw turns. The direction of the saw rotation shall be conspicuously marked on the hood. In addition, a permanent label not less than 1½ inches by ¾ inch shall be affixed to the rear of the guard at approximately the level of the arbor, reading as follows: "Danger: Do Not Rip or Plough From This End". Such a label should be colored standard danger red.

(i) *Bandsaws and band resaws.* (1) All portions of the saw blade shall be enclosed or guarded, except for the working portion of the blade between the bottom of the guide rolls and the table. Bandsaw wheels shall be fully encased. The outside periphery of the enclosure shall be solid. The front and back of the band wheels shall be either enclosed by solid material or by wire mesh or perforated metal. Such mesh or perforated metal shall be not less than 0.037 inch (U.S. Gage No. 20), and the openings shall be not greater than three-eighths inch. Solid material used for this purpose shall be of an equivalent strength and firmness. The guard for the portion of the blade between the sliding guide and the upper-saw-wheel guard shall protect the saw blade at the front and outer side. This portion of the guard shall be self-adjusting to raise and lower with the guide. The upper-wheel guard shall be made to conform to the travel of the saw on the wheel, and the top member of the guard should have at least a 2-inch clearance outside the saw and be lined with smooth material, preferably metal. Effective brakes should be provided to stop the wheel in case of blade breakage.

(2) Each bandsaw machine shall be provided with a tension control device to indicate a proper tension for the standard saws used on the machine, in order to assist in the elimination of saw breakage due to improper tension.

(3) Feed rolls of band resaws shall be protected with a suitable guard to prevent the hands of the operator from coming in contact with the in-running rolls at any point. The guard shall be constructed of heavy material, preferably metal, and the edge of the guard shall come to within three-eighths inch of the plane formed by the inside face of the feed roll in contact with the stock being cut.

(j) *Jointers.* (1) Each hand-fed planer and jointer with horizontal head shall be equipped with a cylindrical cutting head, the knife projection of which shall not exceed one-eighth inch beyond the cylindrical body of the head.

(2) The opening in the table shall be kept as small as possible. The clearance between the edge of the rear table and the cutter head shall be not more than one-eighth inch. The table throat opening shall be not more than 2½ inches when tables are set or aligned with each other for zero cut.

(3) Each hand-fed jointer with a horizontal cutting head shall have an automatic guard which will cover all the section of the head on the working side of the fence or gage. The guard shall effectively keep the operator's hand from coming in contact with the revolving knives. The guard shall automatically adjust itself to cover the unused portion of the head and shall remain in contact with the material at all times.

(4) Each hand-fed jointer with horizontal cutting head shall have a guard which will cover the section of the head back of the gage or fence.

(5) Each wood jointer with vertical head shall have either an exhaust hood or other guard so arranged as to enclose completely the revolving head, except for a slot of such width as may be necessary and convenient for the application of the material to be jointed.

(k) *Tenoning machines.* (1) Feed chains and sprockets of all double end tenoning machines shall be completely enclosed, except for that portion of chain used for conveying the stock.

(2) At the rear ends of frames over which feed conveyors run, sprockets and chains shall be guarded at the sides by plates projecting beyond the periphery of sprockets and the ends of lugs.

(3) Each tenoning machine shall have all cutting heads, and saws if used, covered by metal guards. These guards shall cover at least the unused part of the periphery of the cutting head. If such a guard is constructed of sheet metal, the material used shall be not less than one-sixteenth inch in thickness, and if cast iron is used, it shall be not less than three-sixteenths inch in thickness.

(4) Where an exhaust system is used, the guard shall form part or all of the exhaust hood and shall be constructed of metal of a thickness not less than that specified in subparagraph (3) of this paragraph.

(l) *Boring and mortising machines.* (1) Safety-bit chucks with no projecting set screws shall be used.

(2) Boring bits should be provided with a guard that will enclose all portions of the bit and chuck above the material being worked.

(3) The top of the cutting chain and driving mechanism shall be enclosed.

(4) If there is a counterweight, one of the following or equivalent means shall be used to prevent its dropping:

(i) It shall be bolted to the bar by means of a bolt passing through both bar and counterweight;

(ii) A bolt shall be put through the extreme end of the bar;

(iii) Where the counterweight does not encircle the bar, a safety chain shall be attached to it;

(iv) Other types of counterweights shall be suspended by chain or wire rope and shall travel in a pipe or other suitable enclosure wherever they might fall and cause injury.

(5) Universal joints on spindles of boring machines shall be completely enclosed in such a way as to prevent accidental contact by the operator.

(6) Each operating treadle shall be covered by an inverted U-shaped metal guard, fastened to the floor, and of adequate size to prevent accidental tripping.

(m) *Wood shapers and similar equipment.* (1) The cutting heads of each wood shaper, hand-fed panel raiser, or other similar machine not automatically fed, shall be enclosed with a cage or adjustable guard so designed as to keep the operator's hand away from the cutting edge. The diameter of circular shaper guards shall be not less than the greatest

diameter of the cutter. In no case shall a warning device of leather or other material attached to the spindle be acceptable.

(2) Cylindrical heads should be used whenever the nature of the work will permit. Single cutter knives in shaper heads shall not be used unless properly balanced.

(3) All double-spindle shapers shall be provided with a spindle starting and stopping device for each spindle.

(n) *Planing, molding, sticking, and matching machines.* (1) Each planing, molding, sticking, and matching machine shall have all cutting heads, and saws if used, covered by a metal guard. If such guard is constructed of sheet metal, the material used shall be not less than 1/16 inch in thickness, and if cast iron is used, it shall be not less than three-sixteenths inch in thickness.

(2) Where an exhaust system is used, the guards shall form part or all of the exhaust hood and shall be constructed of metal of a thickness not less than that specified in subparagraph (1) of this paragraph.

(3) Feed rolls shall be guarded by a hood or suitable guard to prevent the hands of the operator from coming in contact with the in-running rolls at any point. The guard shall be fastened to the frame carrying the rolls so as to remain in adjustment for any thickness of stock.

(4) Surfacers or planers used in thicknessing multiple pieces of material simultaneously shall be provided with sectional infeed rolls having sufficient yield in the construction of the sections to provide feeding contact pressure on the stock, over the permissible range of variation in stock thickness specified or for which the machine is designed. In lieu of such yielding sectional rolls, suitable section kickback finger devices shall be provided at the infeed end.

(o) *Profile and swing-head lathes and wood heel turning machine.* (1) Each profile and swing-head lathe shall have all cutting heads covered by a metal guard. If such a guard is constructed of sheet metal, the material used shall be not less than one-sixteenth inch in thickness; and if cast iron is used, it shall not be less than three-sixteenths inch in thickness.

(2) Cutting heads on wood-turning lathes, whether rotating or not, shall be covered as completely as possible by hoods or shields, which should be hinged to the machines so that they can be thrown back for making adjustments.

(3) Shoe last and spoke lathes, doweling machines, wood heel turning machines, and other automatic wood-turning lathes of the rotating knife type shall be equipped with hoods enclosing the cutter blades completely except at the contact points while the stock is being cut.

(4) Lathes used for turning long pieces of wood stock held only between the two centers shall be equipped with long curved guards extending over the tops of the lathes in order to prevent the work pieces from being thrown out of the machines if they should become loose.

(5) Where an exhaust system is used, the guard shall form part or all of the exhaust hood and shall be constructed of metal of a thickness not less than that specified in subparagraph (1) of this paragraph.

(p) *Sanding machines.* (1) Feed rolls of self-feed sanding machines shall be protected with a semicylindrical guard to prevent the hands of the operator from coming in contact with the in-running rolls at any point. The guard shall be constructed of heavy material, preferably metal, and firmly secured to the frame carrying the rolls so as to remain in adjustment for any thickness of stock. The bottom of the guard should come down to within three-eighths inch of a plane formed by the bottom or contact face of the feed roll where it touches the stock.

(2) Each drum sanding machine shall have an exhaust hood, or other guard if no exhaust system is required, so arranged as to enclose the revolving drum, except for that portion of the drum above the table, if a table is used, which may be necessary and convenient for the application of the material to be finished.

(3) Each disk sanding machine shall have the exhaust hood, or other guard if no exhaust system is required, so arranged as to enclose the revolving disk, except for that portion of the disk above the table, if a table is used, which may be necessary for the application of the material to be finished.

(4) Belt sanding machines shall be provided with guards at each nip point where the sanding belt runs on to a pulley. These guards shall effectively prevent the hands or fingers of the operator from coming in contact with the nip points. The unused run of the sanding belt shall be guarded against accidental contact.

(q) *Veneer cutters and wringers.* (1) Veneer slicer knives shall be guarded to prevent accidental contact with knife edge, at both front and rear.

(2) Veneer clippers shall have automatic feed or shall be provided with a guard which will make it impossible to place a finger or fingers under the knife while feeding or removing the stock.

(3) Sprockets on chain or slat-belt conveyors shall be enclosed.

(4) Where practicable, hand and foot-power guillotine veneer cutters shall be provided with rods or plates or other satisfactory means, so arranged on the feeding side that the hands cannot reach the cutting edge of the knife while feeding or holding the stock in place.

(5) Power-driven guillotine veneer cutters, except continuous feed trimmers, shall be equipped with:

(i) Starting devices which require the simultaneous action of both hands to start the cutting motion and of at least one hand on a control during the complete stroke of the knife; or

(ii) An automatic guard which will remove the hands of the operator from the danger zone at every descent of the blade, used in conjunction with one-hand starting devices which require two distinct movements of the device to start the cutting motion, and so designed as to return positively to the nonstarting position after each complete cycle of the knife.

(6) Where two or more workers are employed at the same time on the same power-driven guillotine veneer cutter equipped with two-hand control, the device shall be so arranged that each worker shall be required to use both hands simultaneously on the controls to start the cutting motion, and at least one hand on a control to complete the cut.

(7) Power-driven guillotine veneer cutters, other than continuous trimmers, shall be provided, in addition to the brake or other stopping mechanism, with an emergency device which will prevent the machine from operating in the event of failure of the brake when the starting mechanism is in the nonstarting position.

(r) *Miscellaneous woodworking machines.* (1) The feed rolls of roll type glue spreaders shall be guarded by a semicylindrical guard. The bottom of the guard shall come to within three-eights inch of a plane formed by bottom or contact face of the feed roll where it touches the stock.

(2) Drag saws shall be so located as to give at least a 4-foot clearance for passage when the saw is at the extreme end of the stroke; or if such clearance is not obtainable, the saw and its driving mechanism shall be provided with a standard enclosure.

(3) For combination or universal woodworking machines each point of operation of any tool shall be guarded as required for such a tool in a separate machine.

(4) The mention of specific machines in paragraphs (a) thru (q) and this paragraph (r) of this section, inclusive, is not intended to exclude other woodworking machines from the requirement that suitable guards and exhaust hoods be provided to reduce to a minimum the hazard due to the point of operation of such machines.

(s) *Inspection and maintenance of woodworking machinery.* (1) Dull, badly set, improperly filed, or improperly tensioned saws shall be immediately removed from service, before they begin to cause the material to stick, jam, or kick back when it is fed to the saw at normal speed. Saws to which gum has adhered on the sides shall be immediately cleaned.

(2) All knives and cutting heads of woodworking machines shall be kept sharp, properly adjusted, and firmly secured. Where two or more knives are used in one head, they shall be properly balanced.

(3) Bearings shall be kept free from lost motion and shall be well lubricated.

(4) Arbors of all circular saws shall be free from play.

(5) Sharpening or tensioning of saw blades or cutters shall be done only by persons of demonstrated skill in this kind of work.

(6) Emphasis is placed upon the importance of maintaining cleanliness around woodworking machinery, particularly as regards the effective functioning of guards and the prevention of

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fire hazards in switch enclosures, bearings, and motors.

(7) All cracked saws shall be removed from service.

(8) The practice of inserting wedges between the saw disk and the collar to form what is commonly known as a "wobble saw" shall not be permitted.

(9) Push sticks or push blocks shall be provided at the work place in the several sizes and types suitable for the work to be done.

(10) Twists or kinks in bandsaws and band resaws shall be promptly removed with a hammer.

(11) To avoid vibration, brazed joints in bandsaws and band resaws shall be the same thickness as the saw blade.

(12) The knife blade of jointers shall be so installed and adjusted that it does not protrude more than one-eighth inch beyond the cylindrical body of the head. Push sticks or push blocks shall be provided at the work place in the several sizes and types suitable for the work to be done.

(13) Whenever veneer slicers or rotary veneer-cutting machines have been shutdown for the purpose of inserting logs or to make adjustments, operators shall make sure that machine is clear and other workmen are not in a hazardous position before starting the machine.

(14) Operators shall not ride the carriage of a veneer slicer.

§ 1910.214 Cooperage machinery.

(a) *Heading bolt sawing machine.* (1) Each heading saw shall be guarded by a hood curved to the contour of the saw. The hood shall cover the saw at least to the depth of the teeth, except for that portion actually used in making the cut. The exhaust hood shall be so arranged and maintained as to guard effectively the bottom portion of the saw. The hood shall be made of adequate strength to resist strains incidental to reasonable operation.

(2) The balance wheel shall be covered to enclose the rim and outside portion of the wheel. Expanded metal curved to fit the contour of the wheel is recommended.

(3) The swing carriage shall be provided with an effective device that will return the carriage automatically to a position in front of the saw. Such a device shall not depend entirely upon any rope, cord, or spring for its proper functioning. If a counterweight is used, a safety chain shall be attached to it to prevent dropping, should the bar break or the weight become disengaged. All bolts supporting the bar, weight, and chain shall be provided with cotter pins or equally effective devices. A bolt shall be put through the extreme end of the counterweight bar to prevent dropping of the weight.

(4) A limit stop shall be provided to prevent the carriage from swinging too far back and thereby exposing the unguarded portion of the saw to contact.

(b) *Bolt equalizer, stave, and heading saws (tilting table style).* (1) All heading and stave bolt equalizer saws shall be guarded by hoods, curved to the contour of the saws. The hood shall cover the saw at least to the depth of the teeth, except for that portion actually used in making the cut. The exhaust hood shall be so arranged and maintained as to guard effectively the bottom portion of the saws.

(2) Hoods shall be attached to each end of the tilting table and shall extend forward to cover the portion of the saws which cannot be enclosed by a stationary guard.

(3) A limit stop shall be provided to prevent the table from coming too far back and thereby exposing the unguarded portion of the saws to contact.

(c) *Barrel stave saws (cylindrical saws).* (1) Each machine of this type shall have the saw and the revolving part (head) to which the saw blade is bolted enclosed with a hinged guard to prevent accidental contact, except for that part of the saw immediately adjacent to the carriage, which is the point of operation of the saw.

(2) The exhaust hood shall be so arranged and maintained as to guard effectively the bottom portion of the saw. The hood shall be made of adequate strength to resist strains incidental to reasonable operation.

(d) *Hand-fed ripsaws.* (1) Each circular hand-fed ripsaw shall be guarded with a hood. The hood shall be stationary and cover the saw to a distance of approximately three-fourths inch above the stave being ripped. This will prevent the material being cut from being raised by upward centrifugal force of the saw in cases of pinching or binding before the stave reaches the splitter. The hood shall provide inside clearance between the top edge of saw and guard to allow an accidental blow to strike it to the table and not engage the teeth with the guard. The hood shall be constructed of heavy material, preferably metal. That portion of the saw remaining below the table shall be completely enclosed in an exhaust hood.

(2) Spreader requirements for this equipment are contained in § 1910.213 (c)(2).

(e) *Self-feed stave and heading equalizer saws.* (1) Self-feed equalizer saws shall be guarded with a hood guard which will cover the top and sides of the saws. The hood should adjust itself automatically to the thickness of, and remain in contact with, the material being cut.

(2) The portion of the saw blade extending beneath the mandrel shall be enclosed in an exhaust hood and be easily accessible for changing saws.

(f) *Stave and heading planers (single and double heads).* (1) The exhaust hood, or other guards, if no exhaust system is required, shall be so arranged and maintained as to guard effectively all cutting heads and knives of single and double planers.

(2) Feed rolls, except for such portion as may be necessary to admit stock, shall be completely enclosed.

(3) Pressure bars or holddown arrangements shall be properly adjusted to assure correct pressure and clearance at all times.

(g) *Stave jointing machines (wheel).* (1) Stave jointer wheels shall be covered on both sides with a removable metal hood connected to the exhaust system, except for that portion where the stock is applied to the knives.

(2) A limit stop should be installed on the frame to prevent any part of the carriage from coming in contact with any moving part of the wheel.

(3) The equipment described in subparagraphs (1) and (2) of this paragraph include double independent stave jointer wheels, double jointer stave wheels, single jointer stave wheels, and all kinds of keg stave jointer wheels.

(h) *Heading jointer and doweler machine (wheel).* (1) Each heading jointer shall be equipped with a removable guard covering the upper half of the wheel, except for that portion where the stock is applied to the knives.

(2) The lower portion of the wheel shall be guarded with sheet metal or expanded metal to prevent accidental contact with the knives.

(i) *Heading rounder.* The cutter head shall be enclosed in a hood attached to the exhaust system, arranged and maintained in such a manner as to guard effectively the entire cutting mechanism, except for that portion of the cutting head where the stock is applied.

(j) *Power windlass machine.* Windlass machines having counterweights shall operate with the weights in a stationary casing. On all machines having a friction gear, the gear shall be properly guarded.

(k) *Crozing machine (stationary heads).* Feed chains and sprockets shall be completely enclosed. This includes all types of barrel, keg, bucket, tub, and individual stave crozers, chamfering, crozing, and doweling machines.

(l) *Heading-up machine.* The outside portion and teeth of both drive gears for the racks shall be completely guarded. This includes all types of heading-up machines.

(m) *Head charring machine.* All tripping mechanisms shall be completely guarded.

(n) *Bilge truss hoop ring removing machine.* (1) Both eccentric cams and gear works on horizontal machines shall be guarded.

(2) Combined flywheel and gear shall be completely enclosed by a guard. This includes the horizontal and upright-type machines.

(o) *Hoop elevators and conveyors.* Lower sprockets and chains shall be guarded by complete enclosure to a height of at least 7 feet.

(p) *Barrel sanding machine.* Belt sanding machines shall be provided with guards at each nip point where the sanding belt runs onto a pulley. This guard may be a part of the exhaust system. The unused run of the sanding belt shall be enclosed.

(q) *Hoop drivers and trussers.* (1) All friction pulleys shall be enclosed by a guard. A hinged gate should be provided for that portion of the guard covering adjustments to the friction blocks.

(2) The foregoing recommendation covers drivers for keg hoops, tin barrel hoops, truss hoops, and both screw and rack and pinion-type hoop drivers.

(r) *Head sanding machine.* The exhaust hood of automatic horizontal disk head sanders shall be so arranged as to enclose each disk, except for that portion necessary for the application of the barrel being finished.

(s) *Hand jointer.* All hand-fed jointers shall be guarded in accordance with the provisions of § 1910.213(j).

(t) *Hoop punching and coiling machine.* Miter gears, spur gears, drive pulley, and pulley for coiling attachment shall be guarded. This includes the horizontal hoop punching and coiling machine as well as the upright hoop punching machine.

(u) *Hoop riveting machine.* The balance and drive wheels shall be effectively guarded. This includes automatic, single, and double hoop riveters.

(v) *Hoop flaring and expanding machine.* Gearing shall be completely enclosed.

(w) *Inspection and maintenance of cooperage machinery.* For inspection and maintenance of cooperage machinery see § 1910.213(s).

§ 1910.215 Abrasive wheel machinery.

(a) *General requirements*—(1) *Machine guarding.* Abrasive wheels shall be used only on machines provided with safety guards as defined in the following paragraphs of this section, except:

(i) Wheels used for internal work while within the work being ground;

(ii) Mounted wheels, used in portable operations, 2 inches and smaller in diameter; and

(iii) Types 16, 17, 18, 18R, and 19 cones, plugs, and threaded hole pot balls where the work offers protection.

(2) *Guard design.* The safety guard shall cover the spindle end, nut, and flange projections. The safety guard shall be mounted so as to maintain proper alignment with the wheel, and the strength of the fastenings shall exceed the strength of the guard, except:

(i) Safety guards on all operations where the work provides a suitable measure of protection to the operator, may be so constructed that the spindle end, nut, and outer flange are exposed; and where the nature of the work is such as to entirely cover the side of the wheel, the side covers of the guard may be omitted; and

(ii) The spindle end, nut, and outer flange may be exposed on machines designed as portable saws.

(3) *Flanges.* Grinding machines shall be equipped with flanges in accordance with paragraph (c) of this section.

(4) *Work rests.* On offhand grinding machines, work rests shall be used to support the work. They shall be of rigid construction and designed to be adjustable to compensate for wheel wear. Work rests shall be kept adjusted closely to the wheel with a maximum opening of one-eighth inch to prevent the work from being jammed between the wheel and the rest, which may cause wheel breakage. The work rest shall be securely clamped after each adjustment. The adjustment shall not be made with the wheel in motion.

(5) *Excluded machinery.* Natural sandstone wheels and metal, wooden, cloth, or paper discs, having a layer of abrasive on the surface are not covered by this section.

(b) *Guarding of abrasive wheel machinery*—(1) *Cup wheels.* Cup wheels (Types 6 and 11) shall be protected by:

(i) Safety guards as specified in subparagraphs (1) through (10) of this paragraph;

(ii) Band type guards as specified in subparagraph (11) of this paragraph; and

(iii) Special "Revolving Cup Guards" which mount behind the wheel and turn with it. They shall be made of steel or other material with adequate strength and shall enclose the wheel sides upward from the back far one-third of the wheel thickness. The mounting features shall conform with all requirements of this section. It is necessary to maintain clearance between the wheel side and the guard. This clearance shall not exceed one-sixteenth inch.

(2) *Guard exposure angles.* The maximum exposure angles specified in subparagraphs (3) through (8) of this paragraph shall not be exceeded. Visors or other accessory equipment shall not be included as a part of the guard when measuring the guard opening, unless such equipment has strength equal to that of the guard.

(3) *Bench and floor stands.* The angular exposure of the grinding wheel periphery and sides for safety guards used on machines known as bench and floor stands should not exceed 90° or one-fourth of the periphery. This exposure shall begin at a point not more than 65° above the horizontal plane of the wheel spindle. (See Figures O–6 and O–7 and subparagraph (9) of this paragraph.)



FIGURE NO. 0-6



FIGURE NO. 0-7

Wherever the nature of the work requires contact with the wheel below the horizontal plane of the spindle, the exposure shall not exceed 125°. (See Figures O–8 and O–9.)



FIGURE NO. 0-8



FIGURE NO. 0-9

(4) *Cylindrical grinders.* The maximum angular exposure of the grinding wheel periphery and sides for safety guards used on cylindrical grinding machines shall not exceed 180°. This exposure shall begin at a point not more than 65° above the horizontal plane of the wheel spindle. (See Figures O–10 and O–11 and subparagraph (9) of this paragraph.)



FIGURE NO. 0-10



FIGURE NO. 0-11

(5) *Surface grinders and cutting-off machines.* The maximum angular exposure of the grinding wheel periphery and sides for safety guards used on cutting-off machines and on surface grinding machines which employ the wheel periphery shall not exceed 150°. This exposure shall begin at a point not less than 15° below the horizontal plane of the wheel spindle. (See Figures O–12 and O–13)



FIGURE NO. 0-12



FIGURE NO. 0-13

(6) *Swing frame grinders.* The maximum angular exposure of the grinding wheel periphery and sides for safety guards used on machines known as swing frame grinding machines shall not exceed 180°, and the top half of the wheel shall be enclosed at all times. (See Figure O–14 and O–15.)



FIGURE NO. 0-14



FIGURE NO. 0-15

(7) *Automatic snagging machines.* The maximum angular exposure of the grinding wheel periphery and sides for safety guards used on grinders known as automatic snagging machines shall not exceed 180° and the top half of the wheel shall be enclosed at all times. (See Figures O–14 and O–15.)

(8) *Top grinding.* Where the work is applied to the wheel above the horizontal centerline, the exposure of the grinding wheel periphery shall be as small as possible and shall not exceed 60°. (See Figures O–16 and O–17.)



FIGURE NO. 0-16

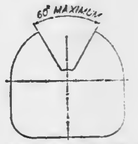


FIGURE NO. 0-17

(9) *Exposure adjustment.* Safety guards of the types described in subparagraphs (3) and (4) of this paragraph,

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where the operator stands in front of the opening, shall be constructed so that the peripheral protecting member can be adjusted to the constantly decreasing diameter of the wheel. The maximum angular exposure above the horizontal plane of the wheel spindle as specified in subparagraphs (3) and (4) of this paragraph shall never be exceeded, and the distance between the wheel periphery and the adjustable tongue or the end of the peripheral member at the top shall never exceed one-fourth inch. (See Figures O–18, O–19, O–20, O–21, O–22, and O–23.)

(10) *Material requirements and minimum dimensions.* (i) See Figures O–36 and O–37 and Table O–9 for minimum basic thickness of peripheral and side members for various types of safety guards and classes of service.

(ii) If operating speed does not exceed 8,000 surface feet per minute cast iron safety guards, malleable iron guards or other guards as described in subparagraph (10) (iii) of this paragraph shall be used.

(iii) Cast steel, or structural steel, safety guards as specified in Figures O–36 and O–37 and Table O–9 shall be used where operating speeds of wheels are faster than 8,000 surface feet per minute up to a maximum of 16,000 surface feet per minute.

(iv) For cutting-off wheels 16 inches diameter and smaller and where speed does not exceed 16,000 surface feet per minute, cast iron or malleable iron safety guards as specified in Figures O–36 and O–37, and in Table O–9 shall be used.



FIGURE NO. O-18



FIGURE NO. O-19

CORRECT

Showing adjustable tongue giving required angular protection for all sizes of wheel used.



FIGURE NO. O-20



FIGURE NO. O-21

CORRECT

Showing movable guard with opening small enough to give required protection for smallest size wheel used.



FIGURE NO. O-22



FIGURE NO. O-23

INCORRECT

Showing movable guard with size of opening correct for full size wheel but too large for smaller wheels.

(v) For cutting-off wheels larger than 16 inches diameter and where speed does not exceed 14,200 surface feet per minute, safety guards as specified in figures O–27 and O–28, and in Table O–1 shall be used.

(vi) For thread grinding wheels not exceeding 1 inch in thickness cast iron or malleable iron safety guards as specified in Figures O–36 and O–37, and in Table O–9 shall be used.

(11) *Band type guards—general specifications.* Band type guards shall conform to the following general specifications:

(i) The bands shall be of steel plate or other material of equal or greater strength. They shall be continuous, the ends being either riveted, bolted, or welded together in such a manner as to leave the inside free from projections.

(ii) The inside diameter of the band shall not be more than 1 inch larger than the outside diameter of the wheel, and shall be mounted as nearly concentric with the wheel as practicable.

(iii) The band shall be of sufficient width and its position kept so adjusted that at no time will the wheel protrude beyond the edge of the band a distance greater than that indicated in Figure O–29 and in Table O–2 or the wall thickness (W), whichever is smaller.

(12) *Guard design specifications.* Abrasive wheel machinery guards shall meet the design specifications of the American National Standard Safety Code for the Use, Care, and Protection of Abrasive Wheels, ANSI B7.1–1970. This requirement shall not apply to natural sandstone wheels or metal, wooden, cloth, or paper discs, having a layer of abrasive on the surface.

(c) *Flanges*—(1) *General requirements.* All abrasive wheels shall be mounted between flanges which shall not be less than one-third the diameter of the wheel.

(i) Exceptions:

(*a*) Mounted wheels.

(*b*) Portable wheels with threaded inserts or projecting studs.

(*c*) Abrasive discs (inserted nut, inserted washer and projecting stud type).

(*d*) Plate mounted wheels.

(*e*) Cylinders, cup, or segmental wheels that are mounted in chucks.

(*f*) Types 27 and 28 wheels.

(*g*) Certain internal wheels.

(*h*) Modified types 6 and 11 wheels (terrazzo).

(*i*) Cutting-off wheels, Types 1 and 27A (see subdivisions (ii) and (iii) of this subparagraph).

(ii) Type 1 cutting-off wheels are to be mounted between properly relieved flanges which have matching bearing surfaces. Such flanges shall be at least one-fourth the wheel diameter.

(iii) Type 27A cutting-off wheels are designed to be mounted by means of flat, not relieved, flanges having matching bearing surfaces and which may be less than one-third but shall not be less than one-fourth the wheel diameter. (See Figure O–24 for one such type of mounting.)

(iv) There are three general types of flanges:

(*a*) straight relieved flanges (see Figure O–32);

(*b*) straight unrelieved flanges (see Figure O–30);

(*c*) adaptor flanges (see Figures O–33 and O–34);

(v) Regardless of flange type used, the wheel shall always be guarded. Blotters shall be used in accordance with subparagraph (6) of this paragraph.

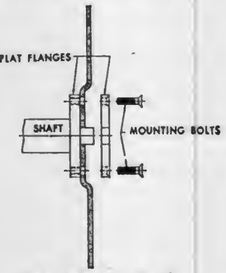


FIGURE NO. O-24

The Type 27A Wheel is mounted between flat non-relieved flanges of equal bearing surfaces.

(2) *Design and material.* (i) Flanges shall be of such design as to satisfactorily transmit the driving torque from the spindle to the grinding wheel.

(ii) Flanges may be made of steel, cast iron, or other material of equal or greater strength and rigidity.

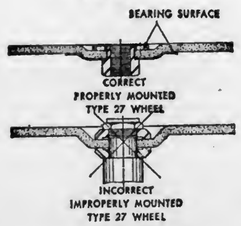
(iii) Flanges shall be designed with respect to rigidity so that when tightened, the radial width of bearing surface of contact on the wheel is maintained. (See Table O–6 and Figure O–32.)

(3) *Finish and balance.* Flanges shall be dimensionally accurate and in good balance. There shall be no rough surfaces or sharp edges.

(4) *Uniformity of diameter.* (i) Both flanges, of any type, between which a wheel is mounted, shall be of the same diameter and have equal bearing surface. Exceptions are set forth in the remaining subdivisions of this subparagraph.

(ii) Type 27 and Type 28 wheels, because of their shape and usage, require specially designed adaptors. The back flange shall extend beyond the central hub or raised portion and contact the wheel to counteract the side pressure on the wheel in use. The adaptor nut which is less than the minimum one-third diameter of wheel fits in the depressed side of wheel to prevent interference in side grinding and serves to drive the wheel by its clamping force against the depressed portion of the back flange. The variance in flange diameters, the adaptor nut being less than one-third wheel diameter, and the use of side pressure in wheel operation limits the use to reinforced organic bonded wheels. Mounts which are affixed to the wheel by the manufacturer shall not be reused. Type 27 and Type 28 wheels shall be used only with a safety guard located between wheel and operator during use. (See Figure O–24–A.)

FIGURE NO. O-24-A



Types 27 and 28 wheels, because of their shape, require specially designed adaptors.

(iii) Modified Types 6 and 11 wheels (terrazzo) with tapered K dimension.

(5) *Recess and undercut.* (i) Straight relieved flanges made according to Table O–6 and Figure O–32 shall be recessed at least one-sixteenth inch on the side next to the wheel for a distance as specified in Table O–6.

(ii) Straight flanges of the adaptor or sleeve type (Table O–7 and Figures O–33 and O–34) shall be undercut so that there will be no bearing on the sides of the wheel within one-eighth inch of the arbor hole.

(6) *Blotters.* (i) Blotters (compressible washers) shall always be used between flanges and abrasive wheel surfaces to insure uniform distribution of flange pressure. (See paragraph (d) (5) of this section.)

(ii) Exception:

(*a*) Mounted wheels.

(*b*) Abrasive discs (inserted nut, inserted washer, and projecting stud type).

(*c*) Plate mounted wheels.

(*d*) Cylinders, cups, or segmental wheels that are mounted in chucks.

(*e*) Types 27 and 28 wheels.

(*f*) Certain Type 1 and Type 27A cutting-off wheels.

(*g*) Certain internal wheels.

(*h*) Type 4 tapered wheels.

(*i*) Diamond wheels, except certain vitrified diamond wheels.

(*j*) Modified Types 6 and 11 wheel (terrazzo)—blotters applied flat side of wheel only.

(7) *Driving flange.* The driving flange shall be securely fastened to the spindle and the bearing surface shall run true. When more than one wheel is mounted between a single set of flanges, wheels may be cemented together or separated by specially designed spacers. Spacers shall be equal in diameter to the mounting flanges and have equal bearing surfaces. (See paragraph (d) (6) of this section.)

(8) *Dimensions.* (i) Tables O–4 and O–6 and Figures O–30 and O–32 show minimum dimensions for straight relieved and unrelieved flanges for use with wheels with small holes that fit directly on the machine spindle. Dimensions of such flanges shall never be less than indicated and should be greater where practicable.

(ii) Table O–5, and Table O–7 and Figures O–31, O–33, O–34 show minimum dimensions for straight adaptor flanges for use with wheels having holes larger than the spindle. Dimensions of such adaptor flanges shall never be less than indicated and should be greater where practicable.

(iii) Table O–8 and Figure O–35 show minimum dimensions for straight flanges that are an integral part of wheel sleeves which are frequently used on precision grinding machines. Dimensions of such flanges shall never be less than indicated and should be greater where practicable.

(9) *Repairs and maintenance.* All flanges shall be maintained in good condition. When the bearing surfaces become worn, warped, sprung, or damaged they should be trued or refaced. When refacing or truing, care shall be exercised to make sure that proper relief and rigidity is maintained as specified in subparagraphs (2) and (5) of this paragraph and they shall be replaced when they do not conform to these subparagraphs and Table O–4, Figure O–30, Table O–5, Figure O–31, Table O–6, Figure O–32, and Table O–8, Figure O–35. Failure to observe these rules might cause excessive flange pressure around the hole of the wheel. This is especially true of wheel-sleeve or adaptor flanges.

(d) *Mounting*—(1) *Inspection.* Immediately before mounting, all wheels shall be closely inspected and sounded by the user (ring test) to make sure they have not been damaged in transit, storage, or otherwise. The spindle speed of the machine shall be checked before mounting of the wheel to be certain that it does not exceed the maximum operating speed marked on the wheel. Wheels should be tapped gently with a light nonmetallic implement, such as the handle of a screwdriver for light wheels, or a wooden mallet for heavier wheels. If they sound cracked (dead), they shall not be used. This is known as the "Ring Test".

(i) Wheels must be dry and free from sawdust when applying the ring test, otherwise the sound will be deadened. It should also be noted that organic bonded wheels do not emit the same clear metallic ring as do vitrified and silicate wheels.

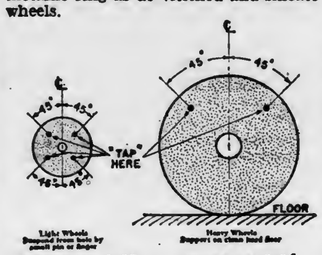


FIGURE NO. O-25 FIGURE NO. O-26

(ii) "Tap" wheels about 45° each side of the vertical centerline and about 1 or 2 inches from the periphery as indicated by the spots in Figure O–25 and Figure O–26. Then rotate the wheel 45° and repeat the test. A sound and undamaged wheel will give a clear metallic tone. If cracked, there will be a dead sound and not a clear "ring."

(2) *Arbor size.* Grinding wheels shall fit freely on the spindle and remain free under all grinding conditions. A controlled clearance between the wheel hole and the machine spindle (or wheel sleeves or adaptors) is essential to avoid excessive pressure from mounting and spindle expansion. To accomplish this, the machine spindle shall be made to nominal (standard) size plus zero minus .002 inch, and the wheel hole shall be made suitably oversize to assure safety clearance under the conditions of operating heat and pressure.

(3) *Surface condition.* All contact surfaces of wheels, blotters and flanges shall be flat and free of foreign matter.

(4) *Bushing.* When a bushing is used in the wheel hole it shall not exceed the width of the wheel and shall not contact the flanges.

(5) *Blotters.* When blotters or flange facings of compressible material are required, they shall cover entire contact area of wheel flanges. Highly compressible material such as blotting paper as normally used should not exceed .025 inch in thickness. If material of lower compressibility is used, greater thickness may be necessary. Blotters need not be used with the following types of wheels:

(i) Mounted wheels.

(ii) Abrasive discs (inserted nut, inserted washer, and projecting-stud type).

(iii) Plate mounted wheels.

(iv) Cylinders, cups, or segmental wheels that are mounted in chucks.

(v) Types 27 and 28 wheels.

(vi) Certain Type 1 and Type 27A cutting-off wheels.

(vii) Certain internal wheels.

(viii) Type 4 tapered wheels.

(ix) Diamond wheels, except certain vitrified diamond wheels.

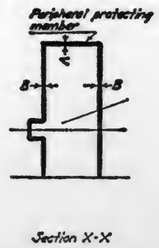
(6) *Multiple wheel mounting.* When more than one wheel is mounted between a single set of flanges, wheels may be cemented together or separated by specially designed spacers. Spacers shall be equal in diameter to the mounting flanges and have equal bearing surfaces. When mounting wheels which have not been cemented together, or ones which do not utilize separating spacers, care must be exercised to use wheels specially manufactured for that purpose.

(7) *Replacing safety guard.* After mounting a wheel, care should be taken to see that the safety guard is properly positioned before starting the wheel.

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FIGURE NO. 0-27



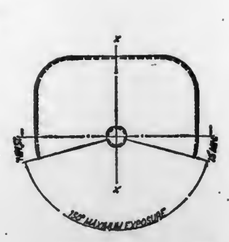


FIGURE NO. 0-28

TABLE O-1—MINIMUM BASIC THICKNESS FOR PERIPHERAL AND SIDE MEMBERS FOR SAFETY GUARDS USED WITH CUTTING-OFF WHEELS

Material used in construction of guard	Maximum thickness of cutting off wheel	Speed not to exceed	Cutting off wheel diameters: 6 to 11 inches A	6 to 11 inches B	Over 11 to 20 inches A	Over 11 to 20 inches B	Over 20 to 30 inches A	Over 20 to 30 inches B	Over 30 to 48 inches A	Over 30 to 48 inches B	Over 48 to 72 inches A	Over 48 to 72 inches B
Structural steel (min. tensile strength 60,000 p.s.i.)	1/4 inch or less	14,200 SFPM	1/16	1/16	3/32	3/32	1/8	1/8	5/16	5/16	1/4	1/4
	1/4 inch or less	16,000 SFPM	3/32	1/8	1/8	1/8	5/16	1/8	1/4	5/16	5/16	1/4

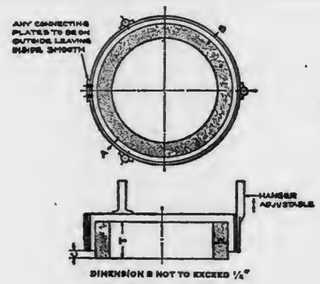


FIGURE NO. 0-29

TABLE O-2—EXPOSURE VERSUS WHEEL THICKNESS

Overall thickness of wheel (T) (inches)	Maximum exposure of wheel (C) (inches)
1/2	1/4
1	1/2
2	3/4
3	1
4	1 1/2
5 and over	2

TABLE O-3—GUIDE FOR CONSTRUCTION OF BAND TYPE GUARDS
[Maximum Wheel Speed 7,000 SFPM]

Minimum material specifications	Diameter of wheel	Minimum thickness of band A	Minimum diameter of rivets	Maximum distance between centers of rivets
	Inches	Inches	Inches	Inches
Hot rolled steel SAE 1008	Under 8	1/16	3/16	3/4
	8 to 24	1/8	1/4	1
	Over 24 to 30	1/4	3/8	1 1/4



FIGURE NO. 0-30

Driving flange secured to spindle for use only on portable wheels with threaded inserts or projecting studs.

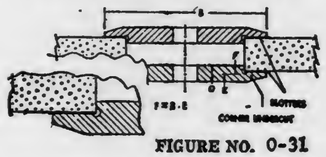


FIGURE NO. 0-31

TABLE O-4—MINIMUM DIMENSIONS FOR STRAIGHT UNRELIEVED FLANGES FOR WHEELS WITH THREADED INSERTS OR PROJECTING STUDS

A Diameter of wheel	B[1] Minimum outside diameter of flange	T Minimum thickness of flange
Inches	Inches	Inches
1	5/8	1/8
2	1	3/16
3	1	3/16
4	1 3/8	3/16
5	1 3/4	1/4
6	2	1/8

[1] NOTE: Must be large enough to extend beyond the bushing. Where prong anchor or cupback bushing are used, this footnote does not apply.

TABLE O-5—MINIMUM DIMENSIONS FOR STRAIGHT ADAPTOR FLANGE—FOR ORGANIC BONDED WHEELS OVER 1 1/4 INCHES THICK[1]

Wheel diameter	Wheel hole diameter	B Minimum flange diameter	D Minimum thickness of flange at bore	E Minimum thickness of flange at edge of undercut	F[1] (D-E) minimum thickness
Inches	Inches	Inches	Inches	Inches	Inches
12 to 14	4	6	3/16	5/16	1/8
	5	7	3/16	5/16	1/8
	6	8	3/16	5/16	1/8
Larger than 14 to 18	4	6	3/16	5/16	1/8
	5	7	3/16	5/16	1/8
	6	8	3/16	5/16	1/8
	7	9	3/16	5/16	1/8
	8	10	3/16	5/16	1/8
Larger than 18 to 24	6	8	1	1	1/8
	7	9	1	1	1/8
	8	10	1	1	1/8
	16	12	1	1	1/8
	12	14	1	1	1/8
Larger than 24 to 30	12	16	1	1	1/8
Larger than 30 to 36	12	16	1 3/16	1	3/16

[1] For wheels under 1 1/4 inches thick F dimension shall not exceed 40 percent of wheel thickness.

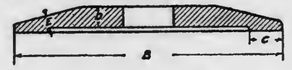


FIGURE NO. 0-32

Driving flange secured to spindle.

TABLE O-6—MINIMUM DIMENSIONS FOR STRAIGHT RELIEVED FLANGES

A Diameter of wheel	B Minimum outside diameter of flanges	C Radial width of bearing surface: Minimum	C Maximum	D Minimum thickness of flange at bore	E Minimum thickness of flange at edge of recess
Inches	Inches	Inches	Inches	Inches	Inches
1	3/8	1/16	1/8	1/16	1/16
2	3/4	1/16	3/16	1/16	3/32
3	1	1/16	3/16	1/16	3/32
4	1 3/8	1/16	3/16	1/16	1/8
5	1 3/4	1/16	1/8	1/8	1/8
6	2	1/8	1/8	3/16	1/16
7	2 1/2	1/8	1/8	3/16	1/16
8	3	1/8	1/8	3/16	1/16
10	3 1/2	1/16	1/4	3/16	1/8
12	4	1/16	1/4	1/8	1/16
14	4 1/2	1/8	1/4	1/8	1/16
16	5 1/2	1/8	1	1/8	1/16
18	6	1/8	1	1/8	1/8
20	7	1/8	1 1/4	1/8	1/8
22	7 1/2	1/8	1 1/4	1/8	1/16
24	8	1/8	1 1/4	1/8	1/16
26	8 1/2	1/8	1 1/4	1/8	1/8
28	10	1/8	1 1/2	1/8	1/8
30	10	1/8	1 1/2	3/16	1/8
36	12	1	2	1/8	1/8
42	14	1	2	1/8	1/8
48	16	1 1/4	2	1 1/8	1
60	20	1 1/4	2	1 1/4	1 1/4
72	24	1 1/2	2 1/2	1 1/8	1 1/4

[1] Flanges for wheels under 2 inches diameter may be unrelieved and shall be maintained flat and true.

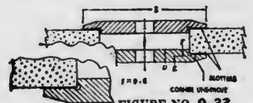


FIGURE NO. 0-33
Central Nut Mounting
Driving flange secured to spindle.

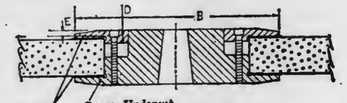


FIGURE NO. 0-34
Multiple Screw Mounting
Driving flange secured to spindle.

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TABLE O-7—MINIMUM DIMENSIONS FOR STRAIGHT FLANGES—FOR MECHANICAL GRINDERS 12,500 S.F.P.M. TO 16,500 S.F.P.M.[1]

Wheel diameter	Wheel hole diameter	B Minimum flange diameter	D Minimum thickness of flange at bore	E Minimum thickness of flange at edge of undercut	F[2] (D–E) minimum thickness
20	6	8	1	1/4	1/2
20	8	10	1 1/8	3/4	3/4
24	12	15	2	1	1
30	12	15	2	1	1
36	12	15	2	1	1

[1] Flanges shall be of steel, quality SAE 1040 or equivalent, annealed plate, heat treated to R_c 25–30.
[2] For wheels under 1¼ inch thick F dimension shall not exceed 40 percent of wheel thickness.

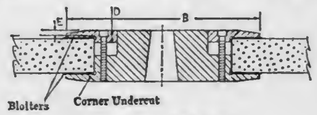


FIGURE NO. O-35

Driving flange secured to spindle.

TABLE O-8—MINIMUM DIMENSIONS FOR STRAIGHT FLANGES USED AS WHEEL SLEEVES FOR PRECISION GRINDING ONLY

Wheel diameter	Wheel hole diameter	B Minimum outside diameter of flange	D Minimum thickness of flange at bore	E Minimum thickness of flange at edge of undercut
Inches	*Inches*	*Inches*	*Inches*	*Inches*
12 to 14	5	7	1/8	7/16
Larger than 14 to 20	5	7	1/8	7/16
	6	8	1/8	7/16
	8	10	1/8	7/16
	10	11½	1/8	7/16
	12	13½	1/8	7/16
Larger than 20 to 30	8	10	3/16	1/2
	10	11½	3/16	1/2
	12	13½	3/16	1/2
	16	17½	3/16	1/2
Larger than 30 to 42	12	13½	3/16	1/2
	16	17½	3/16	1/2
	18	19½	3/16	1/2
	20	21½	3/16	1/2
Larger than 42 to 60	16	20	1	3/4
	20	24	1	3/4
	24	29	1 1/8	7/8

NOTE: These flanges may be clamped together by means of a central nut, or by a series of bolts or some other equivalent means of fastening. For hole sizes smaller than shown in this table, use table 12.

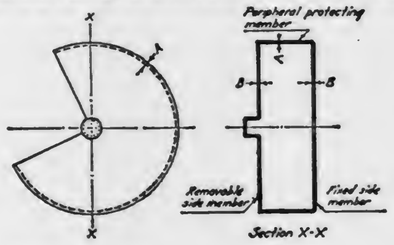


FIGURE NO. O-36

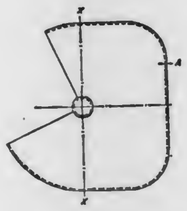


FIGURE NO. O-37

TABLE O-9—MINIMUM BASIC THICKNESSES OF PERIPHERAL AND SIDE MEMBERS FOR SAFETY GUARDS

Material used in construction of guard	Maximum thickness of grinding wheel	Grinding wheel diameters: 3 to 6 inches A	3 to 6 inches B	Over 6 to 12 inches A	Over 6 to 12 inches B	Over 12 to 16 inches A	Over 12 to 16 inches B	Over 16 to 20 inches A	Over 16 to 20 inches B	Over 20 to 24 inches A	Over 20 to 24 inches B	Over 24 to 30 inches A	Over 24 to 30 inches B	Over 30 to 48 inches A	Over 30 to 48 inches B
	Inches	*Inches*		*Inches*		*Inches*		*Inches*		*Inches*		*Inches*		*Inches*	
Material satisfactory[1] for speeds up to 8,000 S.F.P.M. Cast iron (min. tensile strength 20,000 p.s.i.) Class 20.	2	3/16	3/16	3/16	3/16	3/16	3/16	3/16	3/16	3/16	3/16	1	3/16	1 1/16	1
	4	3/16	3/16	3/16	3/16	3/16	3/16	3/16	3/16	1	3/16	1 1/16	3/16	1 1/16	1
	6	3/16	3/16	3/16	3/16	3/16	3/16	1	3/16	1 1/16	3/16	1 1/16	3/16	1 1/16	1 1/16
	8			3/16	3/16	3/16	3/16	1	3/16	1 1/16	3/16	1 1/16	3/16	1 1/16	1 1/16
	10			3/16	3/16	1/16	3/16	1	3/16	1 1/16	3/16	1 1/16	3/16	1 1/16	1 1/16
	16			1 1/16	1	1/16	1/4	1 1/16	1	1 5/16	1	1 5/16	1 5/16	1 1/16	1 5/16
	20					1 1/16	1	1 5/16	1 1/16	1 5/16	1 1/16	1 5/16	1 1/16	2	1 5/16
Material satisfactory[1] for speeds up to 9,000 S.F.P.M. Malleable iron (min. tensile strength 50,000 p.s.i.) Grade 32510.	2	3/16	3/16	3/16	3/16	3/16	3/16	3/16	3/16	3/16	3/16	3/16	3/16	1	3/16
	4	3/16	3/16	3/16	3/16	3/16	3/16	3/16	3/16	3/16	3/16	3/16	3/16	1 1/16	3/16
	6	3/16	3/16	3/16	3/16	3/16	3/16	3/16	3/16	3/16	3/16	1	3/16	1 1/16	3/16
	8			3/16	3/16	3/16	3/16	3/16	3/16	3/16	1	3/16	3/16	1 1/16	3/16
	10			3/16	3/16	3/16	3/16	3/16	3/16	3/16	3/16	1	3/16	1 1/16	3/16
	16					1 5/16	1 1/16	1 5/16	1 1/16	1	3/16	1 5/16	1 1/16	1 5/16	1
	20							1 5/16	3/16	1	3/16	1 5/16	1 1/16	1 5/16	1 5/16
Materials satisfactory[1] for speeds up to 16,000 S.F.P.M. Steel castings (min. tensile strength 60,000 p.s.i.) Grade V60-30.	2	3/16	3/16	3/16	3/16	3/16	3/16	3/16	3/16	3/16	3/16	3/16	3/16	1/16	3/16
	4	3/16	3/16	3/16	3/16	3/16	3/16	3/16	3/16	3/16	3/16	3/16	3/16	1	3/16
	6	3/16	3/16	3/16	3/16	3/16	3/16	3/16	3/16	3/16	1/16	1 1/16	1/16	1 1/16	3/16
	8			3/16	3/16	3/16	3/16	3/16	3/16	3/16	3/16	1 1/16	3/16	1 1/16	1
	10			1	3/16	1	1/16	1	1/16	1 1/16	1/16	1 1/16	1/16	1 1/16	1 1/16
	16					1 1/16	1 1/16	1 1/16	1 1/16	1 1/16	1 1/16	1 1/16	1 1/16	1 1/16	1 1/16
	20							1 1/16	1 1/16	1 1/16	1 1/16	1 1/16	1 1/16	2 1/16	1 1/16
Structural steel (min. tensile strength 60,000 p.s.i.).	2	1/16	1/16	3/16	1/16	3/16	1/16	3/16	1/16	3/16	1/16	3/16	1/16	1/16	1/16
	4	1/16	1/16	1/16	3/16	3/16	3/16	3/16	3/16	3/16	3/16	3/16	3/16	3/16	3/16
	6	3/16	1/16	1/16	3/16	3/16	3/16	3/16	3/16	3/16	3/16	3/16	3/16	3/16	3/16
	8			1/16	3/16	3/16	3/16	3/16	3/16	3/16	3/16	3/16	3/16	3/16	3/16
	10			3/16	1/16	3/16	3/16	3/16	3/16	3/16	3/16	3/16	3/16	3/16	3/16
	16					3/16	3/16	3/16	3/16	3/16	3/16	3/16	3/16	3/16	3/16
	20							3/16	3/16	3/16	3/16	3/16	3/16	3/16	3/16

[1] The recommendations listed in the above table are guides for the conditions stated. Other material, designs or dimensions affording equal or superior protection are also acceptable.

§ 1910.216 Mills and calenders in the rubber and plastics industries.

(a) *General requirements*—(1) *New installations.* All new installations on or after August 31, 1971, shall be in conformity with this section.

(2) *Existing installations.* All existing plant installations or equipment contracted for prior to August 31, 1971, shall comply with this section.

(3) *Auxiliary equipment.* Mechanical and electrical equipment and auxiliaries shall be installed in accordance with this section and Subpart S of this part.

(4) *Mill roll heights.* All new mill installations shall be installed so that the top of the operating rolls is not less than 50 inches above the level on which the operator stands, irrespective of the size of the mill. This distance shall apply to the actual working level, whether it be at the general floor level, in a pit, or on a platform.

(b) *Mill safety controls*—(1) *Safety trip control.* A safety trip control shall be provided in front and in back of each mill. It shall be accessible and shall operate readily on contact. The safety trip control shall be one of the following types or a combination thereof:

(i) *Pressure-sensitive body bars.* Installed at front and back of each mill having a 46-inch roll height or over. These bars shall operate readily by pressure of the mill operator's body. Pressure-sensitive body bars should be installed on new equipment.

(ii) *Safety triprod.* Installed in the front and in the back of each mill and located within 2 inches of a vertical plane tangent to the front and rear rolls. The top rods shall be not more than 72 inches above the level on which the operator stands. The triprods shall be accessible and shall operate readily whether the rods are pushed or pulled.

(iii) *Safety tripwire cable or wire center cord.* Installed in the front and in the back of each mill and located within 2 inches of a vertical plane tangent to the front and rear rolls. The cables shall not be more than 72 inches above the level on which the operator stands. The tripwire cable or wire center cord shall operate readily whether cable or cord is pushed or pulled.

(2) *Fixed guards.* A fixed bar across the front and one across the back of the mill approximately 40 inches vertically above the working level and 20 inches horizontally from the crown face of the roll should be used where they are applicable.

(3) *Auxiliary equipment.* All auxiliary equipment such as mill divider, support bars, spray pipes, feed conveyors, strip knives, etc., shall be located in such a manner as to avoid interference with access to and operation of safety devices.

(c) *Calender safety controls*—(1) *Safety trip, face.* A safety triprod, cable, or wire center cord shall be provided across each pair of in-running rolls extending the length of the face of the rolls. It shall be readily accessible and operate whether pushed or pulled. The safety tripping devices shall be located within reach of the operator and the bite.

(2) *Safety trip, side.* On both sides of the calender and near each end of the face of the roll, there shall be a cable or wire center cord connected to the safety trip. These lines should be not more than 12 inches from the faces of the respective rolls and not less than 2 inches from the calender frame. They should be anchored to the frame not more than 6 inches from the floor or operator's platform. They shall operate readily when pushed or pulled.

(d) *Protection by location*—(1) *Mills.* Where a mill is so installed that persons cannot normally reach through, over, under, or around to come in contact with the roll bite or be caught between a roll and an adjacent object, then, provided such elements are made a fixed part of a mill, safety control devices listed in paragraph (b) of this section shall not apply.

(2) *Calenders.* Where a calender is so installed that persons cannot normally reach through, over, under, or around to come in contact with the roll bite or be caught between a roll and an adjacent object, then, provided such elements are made a fixed part of a calender, safety control devices listed in paragraph (c) of this section shall not apply.

(e) *Trip and emergency switches.* All trip and emergency switches shall not be of the automatically resetting type, but shall require manual resetting.

(f) *Stopping limits*—(1) *Determination of distance of travel.* All measurements on mills and calenders shall be taken with the rolls running empty at maximum operating speed. Stopping distances shall be expressed in inches of surface travel of the roll from the instant the emergency stopping device is actuated.

(2) *Stopping limits for mills.* All mills irrespective of the size of the rolls or their arrangement (individually or group-driven) shall be stopped within a distance, as measured in inches of surface travel, not greater than 1½ percent of the peripheral no-load surface speeds of the respective rolls as determined in feet per minute.

(3) *Stopping limits for calenders.* (i) All calenders, irrespective of size of the rolls or their configuration, shall be stopped within a distance, as measured in inches of surface travel, not greater than 1¾ percent of the peripheral no-load surface speeds of the respective calender rolls as determined in feet per minute.

(ii) Where speeds above 250 feet per minute as measured on the surface of the drive roll are used, stopping distances of more than 1¾ percent are permissible. Such stopping distances shall be subject to engineering determination.

(g) *Alarm.* Where an exposure is created by the operation, and the operators are not within sight or hearing of other employees, a suitable alarm device should be provided so that assistance will be available in case of accidents.

§ 1910.217 Mechanical power presses.

(a) *General requirements*—(1) *New installations.* The requirements of this section pertaining to construction shall apply to all mechanical power presses installed on or after August 31, 1971.

(2) *Former installations.* All mechanical power presses installed prior to Au-

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gust 31, 1971, shall be brought into conformity with the requirements of this section not later than August 31, 1974.

(3) *All installations.* The requirements of this section pertaining to the care and use of mechanical power presses shall apply to all mechanical power press operations as of February 15, 1972.

(4) *Reconstruction and modification.* It shall be the responsibility of any person reconstructing, or modifying a mechanical power press to do so in accordance with paragraph (b) of this section.

(5) *Excluded machines.* Press brakes, hydraulic and pneumatic power presses, bulldozers, hot bending and hot metal presses, forging presses and hammers, riveting machines and similar types of fastener applicators are excluded from the requirements of this section.

(b) *Mechanical power press guarding and construction, general*—(1) *Hazards to personnel associated with broken or falling machine components.* Machine components shall be designed, secured, or covered to minimize hazards caused by breakage, or loosening and falling or release of mechanical energy (i.e. broken springs).

(2) *Brakes.*—Friction brakes provided for stopping or holding a slide movement shall be inherently self-engaging by requiring power or force from an external source to cause disengagement. Brake capacity shall be sufficient to stop the motion of the slide quickly and capable of holding the slide and its attachments at any point in its travel.

(3) *Machines using full revolution positive clutches.* (i) Machines using full revolution clutches shall incorporate a single-stroke mechanism.

(ii) If the single-stroke mechanism is dependent upon spring action, the spring(s) shall be of the compression type, operating on a rod or guided within a hole or tube, and designed to prevent interleaving of the spring coils in event of breakage.

(4) *Foot pedals (treadle).* (i) The pedal mechanism shall be protected to prevent unintended operation from falling or moving objects or by accidental stepping onto the pedal.

(ii) A pad with a nonslip contact area shall be firmly attached to the pedal.

(iii) The pedal return spring(s) shall be of the compression type, operating on a rod or guided within a hole or tube, or designed to prevent interleaving of spring coils in event of breakage.

(iv) If pedal counterweights are provided, the path of the travel of the weight shall be enclosed.

(5) *Hand operated levers.* (i) Hand-lever-operated power presses shall be equipped with a spring latch on the operating lever to prevent premature or accidental tripping.

(ii) The operating levers on hand-tripped presses having more than one operating station shall be interlocked to prevent the tripping of the press except by the "concurrent" use of all levers.

(6) *Two-hand trip.* (i) A two-hand trip shall have the individual operator's hand controls protected against unintentional operation and have the individual operator's hand controls arranged by design and construction and/or separation to require the use of both hands to trip the press and use a control arrangement requiring concurrent operation of the individual operator's hand controls.

(ii) Two-hand trip systems on full revolution clutch machines shall incorporate an antirepeat feature.

(iii) If two-hand trip systems are used on multiple operator presses, each operator shall have a separate set of controls.

(7) *Machines using part revolution clutches.* (i) The clutch shall release and the brake shall be applied when the external clutch engaging means is removed, deactivated, or deenergized.

(ii) A red color stop control shall be provided with the clutch/brake control system. Momentary operation of the stop control shall immediately deactivate the clutch and apply the brake. The stop control shall override any other control, and reactuation of the clutch shall require use of the operating (tripping) means which has been selected.

(iii) A means of selecting Off, "Inch," Single Stroke, and Continuous (when the continuous function is furnished) shall be supplied with the clutch/brake control to select type of operation of the press. Fixing of selection shall be by means capable of supervision by the employer.

(iv) The "Inch" operating means shall be designed to prevent exposure of the workers hands within the point of operation by:

(*a*) Requiring the concurrent use of both hands to actuate the clutch, or

(*b*) Being a single control protected against accidental actuation and so located that the worker cannot reach into the point of operation while operating the single control.

(v) Two-hand controls for single stroke shall conform to the following requirements:

(*a*) Each hand control shall be protected against unintended operation and arranged by design, construction, and/or separation so that the concurrent use of both hands is required to trip the press.

(*b*) The control system shall be designed to permit an adjustment which will require concurrent pressure from both hands during the die closing portion of the stroke.

(c) The control system shall incorporate an antirepeat feature.

(*d*) The control systems shall be designed to require release of all operators' hand controls before an interrupted stroke can be resumed. This requirement pertains only to those single-stroke, two-hand controls manufactured and installed on or after August 31, 1971.

(vi) [Reserved]

(vii) Controls for more than one operating station shall be designed to be activated and deactivated in complete sets of two operator's hand controls per operating station by means capable of being supervised by the employer. The clutch/brake control system shall be designed and constructed to prevent actuation of the clutch if all operating stations are bypassed.

(viii) Those clutch/brake control systems which contain both single and continuous functions shall be designed so that completion of continuous circuits may be supervised by the employer. The initiation of continuous run shall require a prior action or decision by the operator in addition to the selection of Continuous on the stroking selector, before actuation of the operating means will result in continuous stroking.

(ix) If foot control is provided, the selection method between hand and foot control shall be separate from the stroking selector and shall be designed so that the selection may be supervised by the employer.

(x) Foot operated tripping controls, if used, shall be protected so as to prevent operation from falling or moving objects, or from unintended operation by accidental stepping onto the foot control.

(xi) The control of air-clutch machines shall be designed to prevent a significant increase in the normal stopping time due to a failure within the operating valve mechanism, and to inhibit further operation if such failure does occur. This requirement shall apply only to those clutch/brake air-valve controls manufactured and installed on or after August 31, 1971, but shall not apply to machines intended only for continuous, automatic feeding applications.

(xii) The clutch/brake control shall incorporate an automatic means to prevent initiation or continued activation of the Single Stroke or Continuous functions unless the press drive motor is energized and in the forward direction.

(xiii) The clutch/brake control shall automatically deactivate in event of failure of the power or pressure supply for the clutch engaging means. Reactivation of the clutch shall require restoration of normal supply and the use of the tripping mechanism(s).

(xiv) The clutch/brake control shall automatically deactivate in event of failure of the counterbalance(s) air supply. Reactivation of the clutch shall require restoration of normal air supply and use of the tripping mechanism(s).

(xv) Selection of bar operation shall be by means capable of being supervised by the employer. A separate pushbutton shall be employed to activate the clutch, and the clutch shall be activated only if the driver motor is deenergized.

(8) *Electrical.* (i) A main power disconnect switch capable of being locked only in the Off position shall be provided with every power press control system.

(ii) The motor start button shall be protected against accidental operation.

(iii) All mechanical power press controls shall incorporate a type of drive motor starter that will disconnect the drive motor from the power source in event of control voltage or power source failure, and require operation of the motor start button to restart the motor when voltage conditions are restored to normal.

(iv) All a.c. control circuits and solenoid valve coils shall be powered by not more than a nominal 240-volt d.c. supply obtained from a transformer with an isolated secondary. Higher voltages that may be necessary for operation of machine or control mechanisms shall be isolated from any control mechanism handled by the operator, but motor starters with integral Start–Stop buttons may utilize line voltage control. All d.c. control circuits shall be powered by not more than a nominal 240–volt d.c. supply isolated from any higher voltages.

(v) All clutch/brake control electrical circuits shall be protected against the possibility of an accidental ground in the control circuit causing false operation of the press.

(vi) Electrical clutch/brake control circuits shall incorporate features to minimize the possibility of an unintended stroke in the event of the failure of a control component to function properly, including relays, limit switches, and static output circuits.

(9) *Slide counterbalance systems.* (i) Spring counterbalance systems when used shall incorporate means to retain system parts in event of breakage.

(ii) Spring counterbalances when used shall have the capability to hold the slide and its attachments at midstroke, without brake applied.

(iii) Air counterbalance cylinders shall incorporate means to retain the piston and rod in case of breakage or loosening.

(iv) Air counterbalance cylinders shall have adequate capability to hold the slide and its attachments at any point in stroke, without brake applied.

(v) Air counterbalance cylinders shall incorporate means to prevent failure of capability (sudden loss of pressure) in event of air supply failure.

(10) *Air controlling equipment.* Air controlling equipment shall be protected against foreign material and water entering the pneumatic system of the press. A means of air lubrication shall be provided when needed.

(11) *Hydraulic equipment.* The maximum anticipated working pressures in any hydraulic system on a mechanical power press shall not exceed the safe working pressure rating of any component used in that system.

(12) *Pressure vessels.* All pressure vessels used in conjunction with power presses shall conform to the American Society of Mechanical Engineers Code for Pressure Vessels, 1968 Edition.

(c) *Safeguarding the point of operation*—(1) *General requirements.* (i) It shall be the responsibility of the employer to provide and insure the usage of "point of operation guards" or properly applied and adjusted point of operation devices on every operation performed on a mechanical power press. See Table O–10.

(ii) The requirement of subdivision (i) of this subparagraph shall not apply when the point of operation opening is one-fourth inch or less. See Table O–10.

(2) *Point of operation guards.* (i) Every point of operation guard shall meet the following design, construction, application, and adjustment requirements:

(*a*) It shall prevent entry of hands or fingers into the point of operation by reaching through, over, under or around the guard;

(*b*) It shall conform to the maximum permissible openings of Table O–10;

(c) It shall, in itself, create no pinch point between the guard and moving machine parts;

(*d*) It shall utilize fasteners not readily removable by operator, so as to minimize the possibility of misuse or removal of essential parts;

(*e*) It shall facilitate its inspection, and

(*f*) It shall offer maximum visibility of the point of operation consistent with the other requirements.

(ii) A die enclosure guard shall be attached to the die shoe or stripper in a fixed position.

(iii) A fixed barrier guard shall be attached securely to the frame of the press or to the bolster plate.

(iv) An interlocked press barrier guard shall be attached to the press frame or bolster and shall be interlocked with the press clutch control so that the clutch cannot be activated unless the guard itself, or the hinged or movable sections of the guard are in position to conform to the requirements of Table O–10.

(v) With full revolution clutches, an interlocked press barrier guard shall be used only on single stroke.

(vi) The adjustable barrier guard shall be securely attached to the press bed, bolster plate, or die shoe, and shall be adjusted and operated in conformity with Table O–10 and the requirements of this subparagraph. Adjustments shall be made only by authorized personnel whose qualifications include a knowledge of the provisions of Table O–10 and this subparagraph.

(vii) A point of operation enclosure which does not meet the requirements of this subparagraph and Table O–10 shall be used only in conjunction with point of operation devices.

(3) *Point of operation devices.* (i) Point of operation devices shall protect the operator by:

(*a*) Preventing and/or stopping normal stroking of the press if the operator's hands are inadvertently placed in the point of operation; or

(*b*) Preventing the operator from inadvertently reaching into the point of operation or withdrawing his hands if they are inadvertently located in the point of operation, as the dies close; or

(*c*) Preventing the operator from inadvertently reaching into the point of operation at all times; or

(*d*) Requiring application of both of the operator's hands to machine operating controls during the die closing portion of the press stroke; or

(*e*) Locating single cycle operating controls so that the slide completes its downward travel before the operator's hands can inadvertently reach into the point of operation.

(ii) The gate or movable barrier device shall protect the operator in accordance with subdivision (i) (*a*) of this subparagraph, and shall enclose the point of operation before the press clutch can be actuated.

(*a*) When used with a power press having a full revolution clutch the device shall be operated only with a single-stroke mechanism, and shall be so applied as to make impossible any attempt, after tripping the clutch, to open the device and reach into the point of operation prior to die closure.

(*b*) When used with a part revolution clutch the device shall be interlocked into the clutch/brake control system to prevent or stop activation of the clutch unless the device is in its closed (protecting) position.

(iii) The presence sensing point of operation device shall protect the operator as provided in subdivision (i) (*a*) of this subparagraph and shall be interlocked into the clutch/brake control circuit to prevent or stop clutch activation and apply the brake if an operator's hand or other part of his body is detected in the sensing field of the device.

(*a*) The device shall not in itself create any hazard to the operator.

(*b*) The device shall not be used on machines using full revolution clutches.

(c) The device shall not be used as a tripping mechanism.

(*d*) The device shall be designed for failsafe.

(iv) The pull-out device shall protect the operator as specified in subdivision (i) (*b*) of this subparagraph, and shall include attachments for each of the operator's hands. Such attachments shall be connected to and operated only by the press slide or upper die, and shall be adjusted to prevent the operator from reaching into the point of operation or to withdraw the operator's hands from the point of operation before the dies close. A separate pull-out device shall be provided for each operator if more than one operator is required on a press.

(v) The sweep device shall protect the operator as specified in subdivision (i) (*b*) of this subparagraph, by moving his hands safely to a safe position if they are inadvertently in the point of operation as the dies close or prior to tripping the clutch. Devices operating in this manner shall have a barrier attached to the sweep arm in such a manner as to prevent the operator from reaching into the point of operation past the trailing edge of the sweep arm on the downward stroke of the press.

(*a*) The sweep device shall be activated by the slide or by motion of a foot pedal triprod.

(*b*) The sweep device shall be designed, installed and operated so as to prevent the operator from reaching into the point of operation before the dies close.

(c) The sweep device shall be installed so that it will not itself create an impact or shear hazard between the sweep arm and the press tie rods, dies, or any other part of the press or barrier.

(*d*) Partial enclosures conforming with this subparagraph insofar as the area of entry which they protect shall be provided on both sides of the point of operation to prevent the operator from reaching around or behind the sweep device and into the point of operation after the dies start to close. Side partial enclosures shall not themselves create a pinch point or shear hazard.

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(vi) A holdout or a restraint device shall protect the operator as specified in subdivision (i)(c) of this subparagraph and shall include attachments for each of the operator's hands. Such attachments shall be securely anchored and adjusted in such a way that the operator is restrained from reaching into the point of operation. A separate set of restraints shall be provided for each operator if more than one operator is required on a press.

(vii) The two-hand control devices shall protect the operator as specified in subdivision (i)(d) of this subparagraph. In press operations requiring more than one operator, separate two-hand controls shall be provided for each operator.

(viii) The two-hand trip shall protect the operator as specified in subdivision (i)(e) of this subparagraph. When a two-hand trip is used as a point of operation device it shall meet the construction requirements of paragraph (b)(6) of this section.

(ix) Two-hand tripping devices used with full revolution clutches shall be considered as a point of operation device only when installed on presses of high speed, short stroke, or by having these control mechanisms mounted at a distance away from the point of operation so as to insure that the operator cannot inadvertently reach into the point of operation after tripping the clutch and at any time prior to die closure.

(4) *Hand feeding tools.* Hand feeding tools are intended for placing and removing materials in and from the press. Hand feeding tools are not a point of operation guard or protection device and shall not be used in lieu of the "guards" or devices required in this section.

(d) *Design, construction, setting, and feeding of dies*—(1) *General requirements.* It shall be the responsibility of the employer to institute die procurement, construction and modification policies and procedures that will eliminate by August 31, 1974, the need for the operator to place his hands or fingers within the point of operation. Effective August 31, 1974, the employer shall:

(i) Use dies designed and constructed to eliminate hazards to operating personnel.

(ii) Furnish and enforce the use of a handtool specifically designed for the purpose of freeing and/or removing stuck work or scrap pieces from the die to avoid requiring the operator to place his hands or fingers within the point of operation, and

(iii) Furnish and enforce the use of hand feeding tools when necessary with manual feeding methods to avoid requiring the operator to place his hands or fingers within the point of operation.

(2) *Ejecting stock and scrap.* (i) Dies shall be designed to permit use of press knockouts and lower liftouts where the press is so equipped.

(ii) Spring or rubber strippers or an equivalent means shall be provided on punching or piercing dies, to prevent material from riding up with the punch, except where a special mechanism is provided for scrap ejection. Dies should be designed to allow automatic ejection of stock and scrap.

(3) *Scrap handling.* The employer shall provide means for handling scrap from roll feed or random length stock operations. Scrap cutters used in conjunction with scrap handling systems shall be safeguarded in accordance with paragraph (b) of this section and with § 1910.219.

(4) *Guide post hazard.* The hazard created by a guide post (when it is located in the immediate vicinity of the operator) when separated from its bushing by more than one-fourth inch shall be considered as a point of operation hazard and be protected in accordance with paragraph (c) of this section.

(5) *Unitized tooling.* If unitized tooling is used, the opening between the top of the punch holder and the face of the slide, or striking pad, shall be safeguarded in accordance with the requirements of paragraph (b) of this section.

(6) *Tonnage, stroke, and weight designation.* All dies shall be:

(i) Stamped with the tonnage and stroke requirements, or have these characteristics recorded if these records are readily available to the die setter;

(ii) Stamped to indicate upper die weight when necessary for air counterbalance pressure adjustment; and

(iii) Stamped to indicate complete die weight when handling equipment may become overloaded.

(7) *Die fastening.* Provision shall be made in both the upper and lower shoes for securely mounting the die to the bolster and slide. Where clamp caps or setscrews are used in conjunction with punch stems, additional means of securing the upper shoe to the slide shall be used.

(8) *Die handling.* Handling equipment attach points shall be provided on all dies requiring mechanical handling.

(9) *Diesetting.* (i) The employer shall establish a diesetting procedure that will insure compliance with paragraph (b) of this section.

(ii) The employer shall provide spring loaded turnover bars, for presses designed to accept such turnover bars.

(iii) The employer shall provide die stops or other means to prevent losing control of the die while setting or removing dies in presses which are inclined.

(iv) The employer shall provide and enforce the use of safety blocks for use whenever dies are being adjusted or repaired in the press.

(v) The employer shall provide brushes, swabs, lubricating rolls, and automatic or manual pressure guns so that operators and diesetters shall not be required to reach into the point of operation or other hazard areas to lubricate material, punches or dies.

(e) *Inspection, maintenance, and modification of presses*—(1) *Inspection and maintenance records.* It shall be the responsibility of the employer to establish and follow a program of periodic and regular inspections of his power presses to insure that all their parts, auxiliary equipment, and safeguards are in a safe operating condition and adjustment. The employer shall maintain records of these inspections and the maintenance work performed.

(2) *Modification.* It shall be the responsibility of any person modifying a power press to furnish instructions with the modification to establish new or changed guidelines for use and care of the power press so modified.

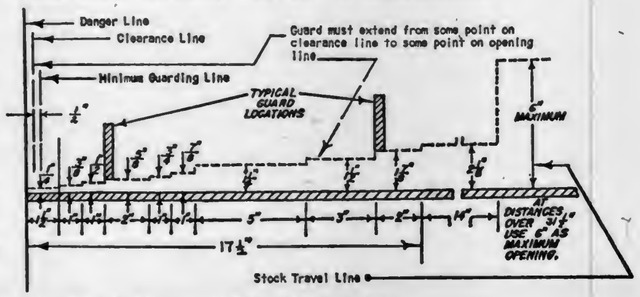
(3) *Training of maintenance personnel.* It shall be the responsibility of the employer to insure the original and continuing competence of personnel caring for, inspecting, and maintaining power presses.

(f) *Operation of power presses*—(1) *Employment of minors.* The employer shall permit no one under 18 years of age to operate or assist in the operation of machinery covered in this section, except that this paragraph shall not be deemed to prohibit the employment of persons who are 16 or 17 years of age in an apprenticeship training program which meets the requirements contained in §§ 570.59 and 570.50 (b) and (c) of this title.

(2) *Instruction to operators.* The employer shall train and instruct the operator in the safe method of work before starting work on any operation covered by this section. The employer shall insure by adequate supervision that correct operating procedures are being followed.

(3) *Work area.* The employer shall provide clearance between machines so that movement of one operator will not interfere with the work of another. Ample room for cleaning machines, handling material, work pieces, and scrap shall also be provided. All surrounding floors shall be kept in good condition and free from obstructions, grease, oil, and water.

(4) *Overloading.* The employer shall operate his presses within the tonnage and attachment weight ratings specified by the manufacturer.



Explanation of above diagram:

This diagram shows the accepted safe openings between the bottom edge of a guard and feed table at various distances from the danger line (point of operation).

The *clearance line* marks the distance required to prevent contact between guard and moving parts.

The *minimum guarding line* is the distance between the infeed side of the guard and the danger line which is one-half inch from the danger line.

The various openings are such that for average size hands an operator's fingers won't reach the point of operation.

After installation of point of operation guards and before a job is released for operation a check should be made to verify that the guard will prevent the operator's hands from reaching the point of operation.

TABLE O–10

Distance of opening from point of operation hazard (inches)	*Maximum width of opening (inches)*
½ to 1½	¼
1½ to 2½	⅜
2½ to 3½	½
3½ to 5½	⅝
5½ to 6½	¾
6½ to 7½	⅞
7½ to 12½	1¼
12½ to 15½	1½
15½ to 17½	1⅞
17½ to 31½	2¼

This table shows the distances that guards shall be positioned from the danger line in accordance with the required openings.

(Secretary of Labor's Order 12–71, 36 FR 8754) [37 FR 22102, Oct. 18, 1972, as amended at 37 FR 23719, Nov. 8, 1972; 38 FR 16223, June 21, 1973]

§ 1910.218 Forging machines.

(a) *General requirements*—(1) *Use of lead.* The safety requirements of this subparagraph apply to lead casts or other use of lead in the forge shop or die shop.

(i) Thermostatic control of heating elements shall be provided to maintain proper melting temperature and prevent overheating.

(ii) Fixed or permanent lead pot installations shall be exhausted.

(iii) Portable units shall be used only in areas where good, general room ventilation is provided.

(iv) Personal protective equipment (gloves, goggles, aprons, and other items) shall be worn.

(v) A covered container shall be provided to store dross skimmings.

(vi) Equipment shall be kept clean, particularly from accumulations of yellow lead oxide.

(2) *Inspection and maintenance.* It shall be the responsibility of the employer to maintain all forge shop equipment in a condition which will insure continued safe operation. This responsibility includes:

(i) Establishing periodic and regular maintenance safety checks and keeping records of these inspections.

(ii) Scheduling and recording inspection of guards and point of operation protection devices at frequent and regular intervals.

(iii) Training personnel for the proper inspection and maintenance of forging machinery and equipment.

(iv) All overhead parts shall be fastened or protected in such a manner that they will not fly off or fall in event of failure.

(3) *Hammers and presses.* (i) All hammers shall be positioned or installed in such a manner that they remain on or are anchored to foundations sufficient to support them according to applicable engineering standards.

(ii) All presses shall be installed in such a manner that they remain where they are positioned or they are anchored to foundations sufficient to support them according to applicable engineering standards.

(iii) Means shall be provided for disconnecting the power to the machine and for locking out or rendering cycling controls inoperable.

(iv) The ram shall be blocked when dies are being changed or other work is being done on the hammer. Blocks or wedges shall be made of material the strength and construction of which should meet or exceed the specifications and dimensions shown in Table O–11.

TABLE O–11—STRENGTH AND DIMENSIONS FOR WOOD RAM PROPS

Size of timber, inches[1]	Square inches in cross section	Minimum allowable crushing strength parallel to grain, p.s.i.[2] C	Maximum static load within short column range[3]	Safety factor	Maximum recommended weight of forging hammer for timber used	Maximum allowable length of timber, inches
4 x 4	16	5,000	80,000	10	8,000	44
6 x 6	36	5,000	180,000	10	18,000	66
8 x 8	64	5,000	320,000	10	32,000	88
10 x 10	100	5,000	500,000	10	50,000	100
12 x 12	144	5,000	720,000	10	72,000	122

[1] Actual dimension.

[2] Adapted from U.S. Department of Agriculture Technical Bulletin 479. Hardwoods recommended are those whose ultimate crushing strengths in compression parallel to grain are 5,000 p.s.i. (pounds per square inch) or greater.

[3] Slenderness ratio formula for short columns is $L/d=11$, where L=length of timber in inches and d=least dimension in inches; this ratio should not exceed 11.

(v) Tongs shall be of sufficient length to clear the body of the worker in case of kickback, and shall not have sharp handle ends. The worker should be instructed in the proper body position when using tongs. Tongs should be checked periodically to see that they remain at the proper hardness level for the job. When rings or equivalent devices for locking tongs are used they should be inspected periodically to insure safe condition.

(vi) Oil swabs, or scale removers, or other devices to remove scale shall be provided. These devices shall be long enough to enable a man to reach the full length of the die without placing his hand or arm between the dies.

(vii) Material handling equipment shall be of adequate strength, size, and dimension to handle diesetting operations safely.

(viii) A scale guard of substantial construction shall be provided at the back of every hammer, so arranged as to stop flying scale.

(ix) A scale guard of substantial construction shall be provided at the back of every press, so arranged as to stop flying scale.

(b) *Hammers, general*—(1) *Keys.* Die keys and shims shall be made from a grade of material that will not unduly crack or splinter, and should not project more than 2 inches in front and 4 inches in back of ram or die.

(2) *Foot operated devices.* All foot operated devices (i.e., treadles, pedals, bars, valves, and switches) shall be substantially and effectively protected from unintended operation.

(c) *Presses.* All manually operated valves and switches shall be clearly identified and readily accessible.

(d) *Power-driven hammers*—(1) *Safety cylinder head.* Every steam or airhammer shall have a safety cylinder head to act as a cushion if the rod should break or pullout of the ram.

(2) *Shutoff valve.* Steam hammers shall be provided with a quick closing emergency valve in the admission pipeline at a convenient location. This valve shall be closed and locked in the off position while the hammer is being adjusted, repaired, or serviced, or when the dies are being changed.

(3) *Cylinder draining.* Steam hammers shall be provided with a means of cylinder draining, such as a self-draining arrangement or a quick-acting drain cock.

(4) *Pressure pipes.* Steam or air piping shall conform to the specifications of American National Standard ANSI B31.1.0–1967, Power Piping with Addenda issued before April 28, 1971.

(e) *Gravity hammers*—(1) *Air-lift hammers.* (i) Air-lift hammers shall have a safety cylinder head as required in paragraph (d)(1) of this section.

(ii) Air-lift hammers shall have an air shutoff valve as required in paragraph (d)(2) of this section and should be conveniently located and distinctly marked for ease of identification.

(iii) Air-lift hammers shall be provided with two drain cocks: one on main head cylinder, and one on clamp cylinder.

(iv) Air piping shall conform to the specifications of the ANSI B31.1.0–1967, Power Piping with addenda issued before April 28, 1971.

(2) *Board drophammers.* (i) A suitable enclosure shall be provided to prevent damaged or detached boards from falling. The board enclosure shall be securely fastened to the hammer.

(ii) All major assemblies and fittings which can loosen and fall shall be properly secured in place.

(f) *Forging presses*—(1) *Mechanical forging presses.* When dies are being changed or maintenance is being performed on the press, the following shall be accomplished:

(i) The power to the press shall be locked out.

(ii) The flywheel shall be at rest.

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(iii) The ram shall be blocked with a material the strength of which shall meet or exceed the specifications or dimensions shown in Table O–11.

(2) *Hydraulic forging presses.* When dies are being changed or maintenance is being performed on the press, the following shall be accomplished:

(i) The hydraulic pumps and power apparatus shall be locked out.

(ii) The ram shall be blocked with a material the strength of which shall meet or exceed the specifications or dimensions shown in Table O–11.

(g) *Trimming presses*—(1) *Hot trimming presses.* The requirements of paragraph (f)(1) of this section shall also apply to hot trimming presses.

(2) *Cold trimming presses.* Cold trimming presses shall be safeguarded in accordance with § 1910.217(c).

(h) *Upsetters*—(1) *General requirements.* All upsetters shall be installed so that they remain on their supporting foundations.

(2) *Lockouts.* Upsetters shall be provided with a means for locking out the power at its entry point to the machine and rendering its cycling controls inoperable.

(3) *Manually operated controls.* All manually operated valves and switches shall be clearly identified and readily accessible.

(4) *Tongs.* Tongs shall be of sufficient length to clear the body of the worker in case of kickback, and shall not have sharp handle ends. The worker should be instructed in the proper body position when using tongs. Tongs should be checked periodically to see that they remain at the proper hardness level for the job. When rings or equivalent devices for locking tongs are used they should be inspected periodically to ensure safe condition.

(5) *Changing dies.* When dies are being changed, maintenance performed, or any work done on the machine, the power to the upsetter shall be locked out, and the flywheel shall be at rest.

(i) *Other forging equipment*—(1) *Boltheading.* The provisions of paragraph (h) of this section shall apply to boltheading.

(2) *Rivet making.* The provisions of paragraph (h) of this section shall apply to rivet making.

(j) *Other forge facility equipment*—(1) *Billet shears.* A positive-type lockout device for disconnecting the power to the shear shall be provided.

(2) *Saws.* Every saw shall be provided with a guard of not less than one-eighth inch sheet metal positioned to stop flying sparks. Suitable means should be provided to trap sparks below the saw. A tank of water placed below the saw is also desirable.

(3) *Conveyors.* Conveyor power transmission equipment shall be guarded in accordance with ANSI B20.1–1957, Safety Code for Conveyors, Cableways, and Related Equipment.

(4) *Shot blast.* The cleaning chamber shall have doors or guards to protect operators.

(5) *Grinding.* Personal protective equipment shall be used in grinding operations, and equipment shall be used and maintained in accordance with ANSI B7.1–1970, Safety Code for the Use, Care, and Protection of Abrasive Wheels, and with § 1910.215.

§ 1910.219 Mechanical power-transmission apparatus.

(a) *General requirements.* (1) This section covers all types and shapes of power-transmission belts, except the following when operating at two hundred and fifty (250) feet per minute or less: (i) Flat belts one (1) inch or less in width, (ii) flat belts two (2) inches or less in width which are free from metal lacings or fasteners, (iii) round belts one-half (½) inch or less in diameter; and (iv) single strand V-belts, the width of which is thirteen thirty-seconds (13/32) inch or less.

(2) Vertical and inclined belts (paragraphs (e) (3) and (4) of this section) if not more than two and one-half (2½) inches wide and running at a speed of less than one thousand (1,000) feet per minute, and if free from metal lacings or fastenings may be guarded with a nip-point belt and pulley guard.

(3) For the Textile Industry, because of the presence of excessive deposits of lint, which constitute a serious fire hazard, the sides and face sections only of nip-point belt and pulley guards are required, provided the guard shall extend at least six (6) inches beyond the rim of the pulley on the in-running and off-running sides of the belt and at least two (2) inches away from the rim and face of the pulley in all other directions.

(4) This section covers the principal features with which power transmission safeguards shall comply.

(b) *Prime-mover guards*—(1) *Flywheels.* Flywheels located so that any part is seven (7) feet or less above floor or platform shall be guarded in accordance with the requirements of this subparagraph:

(i) With an enclosure of sheet, perforated, or expanded metal, or woven wire;

(ii) With guard rails placed not less than fifteen (15) inches nor more than twenty (20) inches from rim. When flywheel extends into pit or is within 12 inches of floor, a standard toeboard shall also be provided;

(iii) When the upper rim of flywheel protrudes through a working floor, it shall be entirely enclosed or surrounded by a guardrail and toeboard.

(iv) For flywheels with smooth rims five (5) feet or less in diameter, where the preceding methods cannot be applied, the following may be used: A disk attached to the flywheel in such manner as to cover the spokes of the wheel on the exposed side and present a smooth surface and edge, at the same time providing means for periodic inspection. An open space, not exceeding four (4) inches in width, may be left between the outside edge of the disk and the rim of the wheel if desired, to facilitate turning the wheel over. Where a disk is used, the keys or other dangerous projections not covered by disk shall be cut off or covered. This subdivision does not apply to flywheels with solid web centers.

(v) Adjustable guard to be used for starting engine or for running adjustment may be provided at the flywheel of gas or oil engines. A slot opening for jack bar will be permitted.

(vi) Wherever flywheels are above working areas, guards shall be installed having sufficient strength to hold the weight of the flywheel in the event of a shaft or wheel mounting failure.

(2) *Cranks and connecting rods.* Cranks and connecting rods, when exposed to contact, shall be guarded in accordance with paragraphs (m) and (n) of this section, or by a guardrail as described in paragraph (o)(5) of this section.

(3) *Tail rods or extension piston rods.* Tail rods or extension piston rods shall be guarded in accordance with paragraphs (m) and (o) of this section, or by a guardrail on sides and end, with a clearance of not less than fifteen (15) nor more than twenty (20) inches when rod is fully extended.

(4) *Governor balls.* Governor balls six (6) feet or less from the floor or other working level, when exposed to contact, shall be provided with an enclosure extending to the top of the governor balls when at their highest position. The material used in the construction of this enclosure shall conform to paragraphs (m) and (o) of this section.

(c) *Shafting*—(1) *Installation.* (i) Each continuous line of shafting shall be secured in position against excessive endwise movement.

(ii) Inclined and vertical shafts, particularly inclined idler shafts, shall be securely held in position against endwise thrust.

(2) *Guarding horizontal shafting.* (i) All exposed parts of horizontal shafting seven (7) feet or less from floor or working platform, excepting runways used exclusively for oiling, or running adjustments, shall be protected by a stationary casing enclosing shafting completely or by a trough enclosing sides and top or sides and bottom of shafting as location requires.

(ii) Shafting under bench machines shall be enclosed by a stationary casing, or by a trough at sides and top or sides and bottom, as location requires. The sides of the trough shall come within at least six (6) inches of the underside of table, or if shafting is located near floor within six (6) inches of floor. In every case the sides of trough shall extend at least two (2) inches beyond the shafting or protuberance.

(3) *Guarding vertical and inclined shafting.* Vertical and inclined shafting seven (7) feet or less from floor or working platform, excepting maintenance runways, shall be enclosed with a stationary casing in accordance with requirements of paragraphs (m) and (o) of this section.

(4) *Projecting shaft ends.* (i) Projecting shaft ends shall present a smooth edge and end and shall not project more than one-half the diameter of the shaft unless guarded by nonrotating caps or safety sleeves.

(ii) Unused keyways shall be filled up or covered.

(5) *Power-transmission apparatus located in basements.* All mechanical power transmission apparatus located in basements, towers, and rooms used exclusively for power transmission equipment shall be guarded in accordance with this section, except that the requirements for safeguarding belts, pulleys, and shafting need not be complied with when the following requirements are met:

(i) The basement, tower, or room occupied by transmission equipment is locked against unauthorized entrance.

(ii) The vertical clearance in passageways between the floor and power transmission beams, ceiling, or any other objects, is not less than five feet six inches (5 ft. 6 in.).

(iii) The intensity of illumination conforms to the requirements of ANSI A11.1–1965 (R–1970).

(iv) The footing is dry, firm, and level.

(v) The route followed by the oiler is protected in such manner as to prevent accident.

(d) *Pulleys*—(1) *Guarding.* Pulleys, any parts of which are seven (7) feet or less from the floor or working platform, shall be guarded in accordance with the standards specified in paragraphs (m) and (o) of this section. Pulleys serving as balance wheels (e.g., punch presses) on which the point of contact between belt and pulley is more than six feet six inches (6 ft. 6 in.) from the floor or platform may be guarded with a disk covering the spokes.

(2) *Location of pulleys.* (i) Unless the distance to the nearest fixed pulley, clutch, or hanger exceeds the width of the belt used, a guide shall be provided to prevent the belt from leaving the pulley on the side where insufficient clearance exists.

(ii) Where there are overhanging pulleys on line, jack, or countershafts with no bearing between the pulley and the outer end of the shaft, a guide to prevent the belt from running off the pulley should be provided.

(3) *Broken pulleys.* Pulleys with cracks, or pieces broken out of rims, shall not be used.

(4) *Pulley speeds.* Pulleys intended to operate at rim speed in excess of manufacturers normal recommendations shall be specially designed and carefully balanced for the speed at which they are to operate.

(5) *Composition and wood pulleys.* Composition or laminated wood pulleys shall not be installed where they are subjected to influences detrimental to their structural composition.

(e) *Belt, rope, and chain drives*—(1) *Horizontal belts and ropes.* (i) Where both runs of horizontal belts are seven (7) feet or less from the floor level, the guard shall extend to at least fifteen (15) inches above the belt or to a standard height (see Table O–12), except that where both runs of a horizontal belt are 42 inches or less from the floor, the belt shall be fully enclosed in accordance with paragraphs (m) and (o) of this section.

(ii) In powerplants or power-development rooms, a guardrail may be used in lieu of the guard required by subdivision (i) of this subparagraph.

(2) *Overhead horizontal belts.* (i) Overhead horizontal belts, with lower parts seven (7) feet or less from the floor or platform, shall be guarded on sides and bottom in accordance with paragraph (o)(3) of this section.

(ii) Horizontal overhead belts more than seven (7) feet above floor or platform shall be guarded for their entire length under the following conditions:

(a) If located over passageways or work places and traveling 1,800 feet or more per minute.

(b) If center to center distance between pulleys is ten (10) feet or more.

(c) If belt is eight (8) inches or more in width.

(iii) Where the upper and lower runs of horizontal belts are so located that passage of persons between them would be possible, the passage shall be either:

(a) Completely barred by a guardrail or other barrier in accordance with paragraphs (m) and (o) of this section; or

(b) Where passage is regarded as necessary, there shall be a platform over the lower run guarded on either side by a railing completely filled in with wire mesh or other filler, or by a solid barrier. The upper run shall be so guarded as to prevent contact therewith either by the worker or by objects carried by him. In powerplants only the lower run of the belt need be guarded.

(iv) Overhead chain and link belt drives are governed by the same rules as overhead horizontal belts and shall be guarded in the same manner as belts.

(v) American or Continuous System rope drives so located that the condition of the rope (particularly the splice) cannot be constantly and conveniently observed, shall be equipped with a telltale device (preferably electric-bell type) that will give warning when rope begins to fray.

(3) *Vertical and inclined belts.* (i) Vertical and inclined belts shall be enclosed by a guard conforming to standards in paragraphs (m) and (o) of this section.

(ii) All guards for inclined belts shall be arranged in such a manner that a minimum clearance of seven (7) feet is maintained between belt and floor at any point outside of guard.

(4) *Vertical belts.* Vertical belts running over a lower pulley more than seven (7) feet above floor or platform shall be guarded at the bottom in the same manner as horizontal overhead belts, if conditions are as stated in subparagraphs (2)(ii) (a) and (c) of this paragraph.

(5) *Cone-pulley belts.* (i) The cone belt and pulley shall be equipped with a belt shifter so constructed as to adequately guard the nip point of the belt and pulley. If the frame of the belt shifter does not adequately guard the nip point of the belt and pulley, the nip point shall be further protected by means of a vertical guard placed in front of the pulley and extending at least to the top of the largest step of the cone.

(ii) If the belt is of the endless type or laced with rawhide laces, and a belt shifter is not desired, the belt will be considered guarded if the nip point of the belt and pulley is protected by a nip point guard located in front of the cone extending at least to the top of the largest step of the cone, and formed to show the contour of the cone in order to give the nip point of the belt and pulley the maximum protection.

(iii) If the cone is located less than 3 feet from the floor or working platform, the cone pulley and belt shall be guarded to a height of 3 feet regardless of whether the belt is endless or laced with rawhide.

(6) *Belt tighteners.* (i) Suspended counterbalanced tighteners and all parts thereof shall be of substantial construction and securely fastened; the bearings shall be securely capped. Means must be provided to prevent tightener from falling, in case the belt breaks.

(ii) Where suspended counterweights are used and not guarded by location, they shall be so encased as to prevent accident.

(f) *Gears, sprockets, and chains*—(1) *Gears.* Gears shall be guarded in accordance with one of the following methods:

(i) By a complete enclosure; or

(ii) By a standard guard as described in paragraph (o) of this section, at least seven (7) feet high extending six (6) inches above the mesh point of the gears; or

(iii) By a band guard covering the face of gear and having flanges extended inward beyond the root of the teeth on the exposed side or sides. Where any portion of the train of gears guarded by a band guard is less than six (6) feet from the floor a disk guard or a complete enclosure to the height of six (6) feet shall be required.

(2) *Hand-operated gears.* Subparagraph (1) of this paragraph does not apply to hand-operated gears used only to adjust machine parts and which do not continue to move after hand power is removed. However, the guarding of these gears is highly recommended.

(3) *Sprockets and chains.* All sprocket wheels and chains shall be enclosed unless they are more than seven (7) feet above the floor or platform. Where the drive extends over other machine or working areas, protection against falling shall be provided. This subparagraph does not apply to manually operated sprockets.

(4) *Openings for oiling.* When frequent oiling must be done, openings with hinged or sliding self-closing covers shall be provided. All points not readily accessible shall have oil feed tubes if lubricant is to be added while machinery is in motion.

(g) *Guarding friction drives.* The driving point of all friction drives when exposed to contact shall be guarded, all arm or spoke friction drives and all web friction drives with holes in the web shall be entirely enclosed, and all projecting belts on friction drives where exposed to contact shall be guarded.

(h) *Keys, setscrews, and other projections.* (1) All projecting keys, set-

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screws, and other projections in revolving parts shall be removed or made flush or guarded by metal cover. This subparagraph does not apply to keys or setscrews within gear or sprocket casings or other enclosures, nor to keys, setscrews, or oilcups in hubs of pulleys less than twenty (20) inches in diameter where they are within the plane of the rim of the pulley.

(2) It is recommended, however, that no projecting setscrews or oilcups be used in any revolving pulley or part of machinery.

(i) *Collars and couplings*—(1) *Collars.* All revolving collars, including split collars, shall be cylindrical, and screws or bolts used in collars shall not project beyond the largest periphery of the collar.

(2) *Couplings.* Shaft couplings shall be so constructed as to present no hazard from bolts, nuts, setscrews, or revolving surfaces. Bolts, nuts, and setscrews will, however, be permitted where they are covered with safety sleeves or where they are used parallel with the shafting and are countersunk or else do not extend beyond the flange of the coupling.

(j) *Bearings and facilities for oiling.* Self lubricating bearings are recommended and all drip cups and pans shall be securely fastened.

(k) *Guarding of clutches, cutoff couplings, and clutch pulleys*—(1) *Guards.* Clutches, cutoff couplings, or clutch pulleys having projecting parts, where such clutches are located seven (7) feet or less above the floor or working platform, shall be enclosed by a stationary guard constructed in accordance with this section. A "U" type guard is permissible.

(2) *Engine rooms.* In engine rooms a guardrail, preferably with toeboard, may be used instead of the guard required by subparagraph (1) of this paragraph, provided such a room is occupied only by engine room attendants.

(3) *Bearings.* A bearing support immediately adjacent to a friction clutch or cutoff coupling shall have self-lubricating bearings requiring attention at infrequent intervals.

(l) *Belt shifters, clutches, shippers, poles, perches, and fasteners*—(1) *Belt shifters.* (i) Tight and loose pulleys on all new installations made on or after August 31, 1971, shall be equipped with a permanent belt shifter provided with mechanical means to prevent belt from creeping from loose to tight pulley. It is recommended that old installations be changed to conform to this rule.

(ii) Belt shifter and clutch handles shall be rounded and be located as far as possible from danger of accidental contact, but within easy reach of the operator. Where belt shifters are not directly located over a machine or bench, the handles shall be cut off six feet six inches (6 ft. 6 in.) above floor level.

(iii) All belt and clutch shifters of the same type in each shop should move in the same direction to stop machines, i.e., either all right or all left. This does not apply to friction clutch on countershaft carrying two clutch pulleys with open and crossed belts, respectively. In this case the shifter handle has three positions and the machine is at a standstill when clutch handle is in the neutral or center position.

(2) *Belt shippers and shipper poles.* The use of belt poles as substitutes for mechanical shifters is not recommended. Where necessity compels their use, they shall be of sufficient size to enable workmen to grasp them securely. (A two-inch (2 in.) diameter or 1⅛ by 2 inches cross-section is suggested.) Poles shall be smooth and preferably of straight grain hardwood, such as ash or hickory. The edges of rectangular poles should be rounded. Poles should extend from the top of the pulley to within about forty (40) inches of floor or working platform.

(3) *Belt perches.* Where loose pulleys or idlers are not practicable, belt perches in form of brackets, rollers, etc., shall be used to keep idle belts away from the shafts. Perches should be substantial and designed for the safe shifting of belts.

(4) *Belt fasteners.* Belts which of necessity must be shifted by hand and belts within seven (7) feet of the floor or working platform which are not guarded in accordance with this section shall not be fastened with metal in any case, nor with any other fastening which by construction or wear will constitute an accident hazard.

(m) *Standard guards—general requirements*—(1) *Materials.* (i) Standard conditions shall be secured by the use of the following materials. Expanded metal, perforated or solid sheet metal, wire mesh on a frame of angle iron, or iron pipe securely fastened to floor or to frame of machine.

(ii) All metal should be free from burrs and sharp edges.

(iii) Wire mesh should be of the type in which the wires are securely fastened at every cross point either by welding, soldering, or galvanizing, except in case of diamond or square wire mesh made of No. 14 gage wire, ¾-inch mesh or heavier.

(2) *Methods of manufacture.* (i) Expanded metal, sheet or perforated metal, and wire mesh shall be securely fastened to frame by one of the following methods:

(a) With rivets or bolts spaced not more than five (5) inches center to center. In case of expanded metal or wire mesh, metal strips or clips shall be used to form a washer for rivets or bolts.

(b) by welding to frame every four (4) inches.

(c) By weaving through channel or angle frame, or if No. 14 gage ¾-inch mesh or heavier is used by bending entirely around rod frames.

(d) Where openings in pipe railing are to be filled in with expanded metal, wire mesh or sheet metal, the filler material shall be made into panels with rolled edges or bound with "V" or "U" edging of No. 24 gage or heavier sheet metal fastened to the panels with bolts or rivets spaced not more than five (5) inches center to center. The bound panels shall be fastened to the railing by sheet-metal clips spaced not more than five (5) inches center to center.

(e) Diamond or square mesh made of crimped wire fastened into channels, angle or round-iron frames, may also be used as a filler in guards. Size of mesh shall correspond to Table O–12.

(ii) Where the design of guards requires filler material of greater area than 12 square feet, additional frame members shall be provided to maintain panel area within this limit.

(iii) All joints of framework shall be made equivalent in strength to the material of the frame.

(n) *Disk, shield, and "U" guards*—(1) *Disk guards.* A disk guard shall consist of a sheet-metal disk not less than No. 22 gage fastened by "U" bolts or rivets to spokes of pulleys, flywheels, or gears. Where possibility of contact with sharp edges of the disk exists, the edge shall be rolled or wired. In all cases the nuts shall be provided with locknuts which shall be placed on the unexposed side of the wheel.

(2) *Shield guards.* (i) A shield guard shall consist of a frame filled in with wire mesh, expanded, perforated, or solid sheet metal.

(ii) If area of shield does not exceed six (6) square feet the wire mesh or expanded metal may be fastened in a framework of ⅜-inch solid rod, ¾-inch by ¾-inch by ⅛-inch angle iron or metal construction of equivalent strength. Metal shields may have edges entirely rolled around a ⅜-inch solid iron rod.

(3) *"U" guards.* A "U" guard consisting of a flat surface with edge members shall be designed to cover the under surface and lower edge of a belt, multiple chain, or rope drive. It shall be constructed of materials specified in Table O–12, and shall conform to the requirements of paragraphs (o) (3) and (4) of this section. Edges shall be smooth and, if size of guard requires, these edges shall be reinforced by rolling, wiring, or by binding with angle or flat iron.

(o) *Approved materials*—(1) *Minimum requirements.* The materials and dimensions specified in this paragraph shall apply to all guards, except horizontal overhead belts, rope, cable, or chain guards more than seven (7) feet above floor, or platform. (For the latter, see Table O–13.)

TABLE O–12—TABLE OF STANDARD MATERIALS AND DIMENSIONS

Material	Clearance from moving part at all points	Largest mesh or opening allowable	Minimum gauge (U.S. Standard) or thickness	Minimum height of guard from floor or platform level
	Inches	*Inches*		*Feet*
Woven wire	Under 2	½	No. 16	7
	2–4	½	No. 16	7
	Under 4	½	No. 16	7
	4–15	2	No. 12	7
Expanded metal	Under 4	½	No. 18	7
	4–15	2	No. 13	7
Perforated metal	Under 4	½	No. 20	7
	4–15	2	No. 14	7
Sheet metal	Under 4		No. 22	7
	4–15		No. 22	7
Wood or metal strip crossed	Under 4	½	Wood ¾ Metal No. 16	7
	4–15	2	Wood ¾ Metal No. 16	7
Wood or metal strip not crossed	Under 4	½ width	Wood ¾ Metal No. 16	7
	4–15	1 width	Wood ¾ Metal No. 16	7
Standard rail	Min. 15			
	Max. 20			

(i) Minimum dimensions of materials for the framework of all guards, except as noted in subdivision (i) (c) shall be angle iron 1 inch by 1 inch by ⅛ inch, metal pipe of ¾-inch inside diameter or metal construction of equivalent strength.

(a) All guards shall be rigidly braced every three (3) feet or fractional part of their height to some fixed part of machinery or building structure. Where guard is exposed to contact with moving equipment additional strength may be necessary.

(b) The framework for all guards fastened to floor or working platform and without other support or bracing shall consist of 1½-inch by 1½-inch by ⅛-inch angle iron, metal pipe of 1½-inch inside diameter, or metal construction of equivalent strength. All rectangular guards shall have at least four upright frame members each of which shall be carried to the floor and be securely fastened thereto. Cylindrical guards shall have at least three supporting members carried to floor.

(c) Guards thirty (30) inches or less in height and with a total surface area not in excess of ten (10) square feet may have a framework of ⅜-inch solid rod, ¾-inch by ¾-inch by ⅛-inch angle, or metal construction of equivalent strength. The filling material shall correspond to the requirements of Table O–12.

(ii) The specifications given in Table O–12 and subdivision (i) of this subparagraph are minimum requirements; where guards are exposed to unusual wear, deterioration or impact, heavier material and construction should be used to protect amply against the specific hazards involved.

(2) *Wood guards.* (i) Wood guards may be used in the woodworking and chemical industries, in industries where the presence of fumes or where manufacturing conditions would cause the rapid deterioration of metal guards; also in construction work and in locations outdoors where extreme cold or extreme heat make metal guards and railings undesirable. In all other industries, wood guards shall not be used.

(ii) (a) Wood shall be sound, tough, and free from any loose knots.

(b) Guards shall be made of planed lumber not less than one (1) inch rough board measure, and edges and corners rounded off.

(c) Wood guards shall be securely fastened together with wood screws, hardwood dowel pins, bolts, or rivets.

(d) While no definite dimensions are given under this heading for framework or filler materials, wood guards shall be equal in strength and rigidity to metal guards specified in subparagraphs (1) (i) and (ii) of this paragraph and Table O–12.

(e) For construction of standard wood railing, see subpargraph (5) of this paragraph.

(3) *Guards for horizontal overhead belts.* (i) Guards for horizontal overhead belts shall run the entire length of the belt and follow the line of the pulley to the ceiling or be carried to the nearest wall, thus enclosing the belt effectively. Where belts are so located as to make it impracticable to carry the guard to wall or ceiling, construction of guard shall be such as to enclose completely the top and bottom runs of belt and the face of pulleys.

(ii) The guard and all its supporting members shall be securely fastened to wall or ceiling by gimlet-point lag screws or through bolts. In case of masonry construction, expansion bolts shall be used. The use of bolts placed horizontally through floor beams or ceiling rafters is recommended.

(iii) Suitable reinforcement shall be provided for the ceiling rafters or overhead floor beams, where such is necessary, to sustain safely the weight and stress likely to be imposed by the guard. The interior surface of all guards, by which is meant the surface of the guard with which a belt will come in contact, shall be smooth and free from all projections of any character, except where construction demands it; protruding shallow roundhead rivets may be used. Overhead belt guards shall be at least one-quarter wider than belt which they protect, except that this clearance need not in any case exceed six (6) inches on each side. Overhead rope drive and block and roller-chain-drive guards shall be not less than six (6) inches wider than the drive on each side. In overhead silent chain-drive guards where the chain is held from lateral displacement on the sprockets, the side clearances required on drives of twenty (20) inch centers or under shall be not less than one-fourth inch from the nearest moving chain part, and on drives of over twenty (20) inch centers a minimum of one-half inch from the nearest moving chain part.

(iv) Table O–13 gives the sizes of materials to be used and the general construction specifications of guards for belts ten (10) inches or more in width. No material for overhead belt guards should be smaller than that specified in Table O–13 for belts ten (10) to fourteen (14) inches wide, even if the overhead belt is less than ten (10) inches in width. However, No. 20 gage sheet metal may be used as a filler on guards for belts less than ten (10) inches wide. Expanded metal because of the sharp edges, should not be used as a filler in horizontal belt guards.

(v) For clearance between guards and belts, ropes or chains of various center to center dimensions between the shafts, see bottom of Table O–13.

(4) *Guards for horizontal overhead rope and chain drives.* Overhead-rope and chain-drive guard construction shall conform to the rules for overhead-belt guard construction of similar width, except that the filler material shall be of the solid type as shown in Table O–13, unless the fire hazard demands the use of open construction. A side guard member of the same solid filling material should be carried up in a vertical position two (2) inches above the level of the lower run of the rope or chain drive and two (2) inches within the periphery of the pulleys which the guard encloses thus forming a trough. These side filler members should be reinforced on the edges with 1½-inch by ¼-inch flat steel, riveted to the filling material at not greater than eight (8) inch centers; the reinforcing strip should be fastened or bolted to all guard supporting members with at least one ⅜-inch rivet or bolt at each intersection, and the ends should be secured to the ceiling with lag screws or bolts. The filling material shall be fastened to the framework of the guard and the filler supports by 5/16-inch rivets spaced on 4-inch centers. The width of the multiple drive shall be determined by measuring the distance from the outside of the first to the outside of the last rope or chain in the group accommodated by the pulley.

(5) *Guardrails and toeboards.* (i) Guardrail shall be forty-two (42) inches in height, with midrail between top rail and floor.

(ii) Posts shall be not more than eight (8) feet apart; they are to be permanent and substantial, smooth, and free from protruding nails, bolts, and splinters. If made of pipe, the post shall be one and one-fourth (1¼) inches inside diameter, or larger. If made of metal shapes or bars, their section shall be equal in strength to that of one and one-half (1½) by one and one-half (1½) by three-sixteenths (3/16) inch angle iron. If made of wood, the posts shall be two by four (2 x 4) inches or larger. The upper rail shall be two by four (2 x 4) inches, or two one by four (1 x 4) strips, one at the top and one at the side of posts. The midrail may be one by four (1

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x 4) inches or more. The rails (metal shapes, metal bars, or wood), should be on that side of the posts which gives the best protection and support. Where panels are fitted with expanded metal or wire mesh as noted in Table O–12 the middle rails may be omitted. Where guard is exposed to contact with moving equipment, additional strength may be necessary.

(iii) Toeboards shall be four (4) inches or more in height, of wood, metal, or of metal grill not exceeding one (1) inch mesh. Toeboards at flywheel pits should preferably be placed as close to edge of the pit as possible.

(p) *Care of equipment*—(1) *General.* All power-transmission equipment shall be inspected at intervals not exceeding 60 days and be kept in good working condition at all times.

(2) *Shafting.* (i) Shafting shall be kept in alignment, free from rust and excess oil or grease.

(ii) Where explosives, explosive dusts, flammable vapors or flammable liquids exist, the hazard of static sparks from shafting shall be carefully considered.

(3) *Bearings.* Bearings shall be kept in alignment and properly adjusted.

(4) *Hangers.* Hangers shall be inspected to make certain that all supporting bolts and screws are tight and that supports of hanger boxes are adjusted properly.

(5) *Pulleys.* (i) Pulleys shall be kept in proper alignment to prevent belts from running off.

TABLE O–13—HORIZONTAL OVERHEAD BELTS, ROPES, AND CHAINS 7 FEET OR MORE ABOVE FLOOR OR PLATFORM

	Width			
	From 10" to 14" inclusive	Over 14" to 24" inclusive	Over 24"	Material
MEMBERS				
Framework	1½" x 1½" x ¼"	2" x 2" x 3/16"	3" x 3" x 3/16"	Angle iron.
Filler (belt guards)	1½" x 3/16"	2" x 3/16"	2" x 3/16"	Flat iron.
Filler and vertical side member.	No. 20 A. W. G.	No. 18 A. W. G.	No. A. W. G.	Solid sheet metal.
Filler supports	2" x 3/16" flat iron	2" x 3/16" flat iron	2½" x 2½" x ¼" angle	Flat and angle.
Guard supports	2" x 3/16"	2" x 3/16"	2½" x 3/16"	Flat iron.
FASTENINGS				
Filler supports to framework	(2) 3/16"	(2) 3/16"	(3) ½"	Rivets.
Filler flats to supports (belt guards).	(1) 3/16"	(1) 3/16"	(2) ½"	Flush rivets.
Filler to frame and supports (chain guards).	3/16" rivets spaced	8" centers on sides and 4" centers on bottom.		
Guard supports to frame work.	(2) 3/16"	(2) 3/16"	(2) 3/16"	Rivets or bolts.
Guard and supports to overhead ceiling.	¼" x 3½" lag screws or ½" bolts.	½" x 4" lag screws or ½" bolts.	¾" x 6" lag screws or ¾" bolts.	Lag screws or bolts.
DETAILS—SPACING, ETC.				
Width of guards	One-quarter wider than belt, rope, or chain drive.			
Spacing between filler supports.	20' C. to C.	16' C. to C.	16' C. to C.	
Spacing between filler flats (belt guards).	2' apart	2½' apart	3' apart	
Spacing between guard supports	36' C. to C.	36' C. to C.	36' C. to C.	
OTHER BELT GUARD FILLING PERMITTED				
Sheet metal fastened as in chain guards.	No. 20 A. W. G.	No. 18 A. W. G.	No. 18 A. W. G.	Solid or perforated.
Woven wire, 2" mesh	No. 12 A. W. G.	No. 10 A. W. G.	No. 8 A. W. G.	

CLEARANCE FROM OUTSIDE OF BELT, ROPE, OR CHAIN DRIVE TO GUARD

	Up to 15' inclusive	Over 15' to 25' inclusive.	Over 25' to 40' inclusive.	Over 40'.
Distance center to center of shafts.	6"	10"	15"	20'.
Clearance from belt, or chain to guard.				

(ii) One or both pulleys carrying a nonshifting belt should have crowned faces.

(iii) Cast-iron pulleys should be tested frequently with a hammer to disclose cracks in rim or spokes. It should be borne in mind that the sound is usually the pulley.

(iv) Split pulleys should be inspected to ascertain if all bolts holding together the sections of the pulley are tight.

(6) *Care of belts.* (i) Quarter-twist belts when installed without an idler can be used on drives running in one direction only. They will run off a pulley when direction of motion is reversed.

(ii) Inspection shall be made of belts, lacings, and fasteners and such equipment kept in good repair.

(iii) Where possible, dressing should not be applied when belt or rope is in motion; but, if this is necessary, it should be applied where belts or rope leave pulley, not where they approach. The same precautions apply to lubricating chains. In the case of V-belts, belt dressing is neither necessary nor advisable.

(7) *Lubrication.* The regular oilers shall wear tight-fitting clothing and should use cans with long spouts to keep their hands out of danger. Machinery shall be oiled when not in motion, wherever possible.

§ 1910.220 Effective dates.

(a) The provisions of this Subpart O shall become effective on August 27, 1971, except as provided in the remaining paragraphs of this section.

(b) The following provisions shall become effective on February 15, 1972:

§ 1910.212(a).
§ 1910.213 (a), (b), (c), (d), (e), (f), (g), (h), (i), (j), (k), (l), (m), (n), (o), (p), (q), and (r).
§ 1910.214 (a), (b), (c), (d), (e), (f), (g), (h), (i), (j), (k), (l), (m), (n), (o), (p), (q), (r), (s), (t), (u), and (v).
§ 1910.215 (a) and (b).
§ 1910.216 (a), (b), (c), and (f).
§ 1910.217 (a), (b), (c), and (d).
§ 1910.218 (a), (b), (d), (e), (g), and (j).
§ 1910.219 (b), (c), (d), (e), (f), (g), (h), (i), and (k).

(c) Notwithstanding anything in paragraph (a), (b), or (d) of this section, any provision in any other section of this subpart which contains in itself a specific effective date or time limitation shall become effective on such date or shall apply in accordance with such limitation.

(d) Notwithstanding anything in paragraph (a) or (b) of this section, if any standard in 41 CFR Part 50–204, other than a national consensus standard incorporated by reference in § 50–204.2 (a)(1), is or becomes applicable at any time to any employment and place of employment, by virtue of the Walsh-Healey Public Contracts Act, or the Service Contract Act of 1965, or the National Foundation on Arts and Humanities Act of 1965, any corresponding established Federal standard in this Subpart O which is derived from 41 CFR Part 50–204 shall also become effective, and shall be applicable to such employment and place of employment, on the same date.

[36 F.R. 15106, Aug. 13, 1971]

§ 1910.221 Sources of standards.

The standards contained in this Subpart O are derived from the following sources:

Section	Source
§ 1910.212	41 CFR 50–204.5.
§ 1910.213	AMCI 01.1–1954 (R1961), Safety Code for Woodworking Machinery.
§ 1910.214	ANSI 01.1–1954–(R 1961), Safety Code for Woodworking Machinery.
§ 1910.215	ANSI B7.1–1970, Safety Code for Abrasive Wheels.
§ 1910.216	ANSI B28.1–1967, Safety Code for Mills Calenders in the Rubber and Plastic Industries.
§ 1910.217	ANSI B11.1–1971, Safety Standard for Construction, Care and Use of Mechanical Power Presses.
§ 1910.218	ANSI B24.1 1971 Safety Standard for Forging.
§ 1910.219	ANSI B15.1–1953–(P 1958) Safety Code for Mechanical Power Transmission Apparatus

§ 1910.222 Standards organizations.

The standards and specifications of the following organizations have been referenced in this Subpart O: Copies of the references materials may be obtained from the issuing organizations

1. American National Standards Institute, Inc., 1430 Broadway, New York, NY 10018.
2. American Society of Mechanical Engineers, 345 East 47 Street, New York, NY 10017.

Subpart P—Hand and Portable Powered Tools and Other Hand-Held Equipment

§ 1910.241 Definitions.

As used in this subpart:

(a) *Explosive-actuated fastening tool terms*—(1) *Hammer-operated piston tool—low-velocity type.* A tool which, by means of a heavy mass hammer supplemented by a load, moves a piston designed to be captive to drive a stud, pin, or fastener into a work surface, always starting the fastener at rest and in contact with the work surface. It shall be so designed that when used with any load that accurately chambers in it and that is commercially available at the time the tool is submitted for approval, it will not cause such stud, pin, or fastener to have a mean velocity in excess of 300 feet per second when measured 6.5 feet from the muzzle end of the barrel.

(2) *High-velocity tool.* A tool or machine which, when used with a load, propels or discharges a stud, pin, or fastener, at velocities in excess of 300 feet per second when measured 6.5 feet from the muzzle end of the barrel, for the purpose of impinging it upon, affixing it to, or penetrating another object or material.

(3) *Low-velocity piston tool.* A tool that utilizes a piston designed to be captive to drive a stud, pin, or fastener into a work surface. It shall be so designed that when used with any load that accurately chambers in it and that is commercially available at the time the tool is submitted for approval, it will not cause such stud, pin, or fastener to have a mean velocity in excess of 300 feet per second when measured 6.5 feet from the muzzle end of the barrel.

(4) *Stud, pin, or fastener.* A fastening device specifically designed and manufactured for use in explosive-actuated fastening tools.

(5) *To chamber.* To fit properly without the use of excess force, the case being duly supported.

(6) *Explosive powerload, also known as load.* Any substance in any form capable of producing a propellant force.

(7) *Tool.* An explosive-actuated fastening tool, unless otherwise indicated, and all accessories pertaining thereto.

(8) *Protective shield or guard.* A device or guard attached to the muzzle end of the tool, which is designed to confine flying particles.

(b) *Abrasive wheel terms*—(1) *Mounted wheels.* Mounted wheels, usually 2-inch diameter or smaller, and of various shapes, may be either organic or inorganic bonded abrasive wheels. They are secured to plain or threaded steel mandrels.

(2) *Tuck pointing.* Removal, by grinding, of cement, mortar, or other nonmetallic jointing material.

(3) *Tuck pointing wheels.* Tuck pointing wheels, usually Type 1, reinforced organic bonded wheels have diameter, thickness and hole size dimension. They are subject to the same limitations of use and mounting as Type 1 wheels defined in subparagraph (10) of this paragraph.

LIMITATION: Wheels used for tuck pointing should be reinforced, organic bonded. (See § 1910.243(c)(1)(ii)(c).)

(4) *Portable grinding.* A grinding operation where the grinding machine is designed to be hand held and may be easily moved from one location to another.

(5) *Organic bonded wheels.* Organic wheels are wheels which are bonded by means of an organic material such as resin, rubber, shellac, or other similar bonding agent.

(6) *Safety guard.* A safety guard is an enclosure designed to restrain the pieces of the grinding wheel and furnish all possible protection in the event that the wheel is broken in operation.

(7) *Reinforced wheels.* The term "reinforced" as applied to grinding wheels shall define a class of organic wheels which contain strengthening fabric or filament. The term "reinforced" does not cover wheels using such mechanical additions as steel rings, steel cup backs or wire or tape winding.

(8) *Type 11 flaring cup wheels.* Type 11 flaring cup wheels have double diameter dimensions D and J, and in addition have thickness, hole size, rim and back thickness dimensions. Grinding is always performed on rim face, W dimension. Type 11 wheels are subject to all limitations of use and mounting listed for Type 6 straight sided cup wheels definition in subparagraph (9) of this paragraph.

TYPE 11 FLARING CUP WHEELS

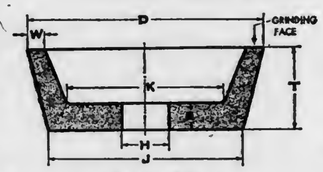


Figure P-1

Type 11 — Flaring-cup Wheel
Side grinding wheel having a wall flared or tapered outward from the back. Wall thickness at the back is normally greater than at the grinding face (W).

LIMITATION: Minimum back thickness, K dimension, should not be less than one-fourth T dimension. In addition when unthreaded hole wheels are specified the inside flat, K dimension, shall be large enough to accommodate a suitable flange.

(9) *Type 6 straight cup wheels.* Type 6 cup wheels have diameter, thickness, hole size, rim thickness, and back thickness dimensions. Grinding is always performed on rim face, W dimension.

LIMITATION: Minimum back thickness, K dimension, should not be less than one-fourth T dimension. In addition, when unthreaded hole wheels are specified, the inside flat, K dimension, must be large enough to accommodate a suitable flange.

TYPE 6 STRAIGHT CUP WHEELS

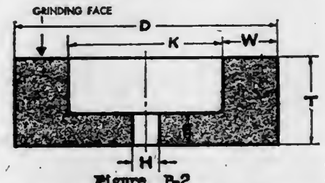


Figure P-2

Type 6 — Straight-cup Wheel
Side grinding wheel having a diameter, thickness and hole with one side straight or flat and the opposite side recessed. This type, however, differs from Type 5 in that the grinding is performed on the wall of the abrasive created by the difference between the diameter of the recess and the outside diameter of the wheel. Therefore, the wall dimension "W" takes precedence over the diameter of the recess as an essential intermediate dimension to describe this shape type.

(10) *Type 1 straight wheels.* Type 1 straight wheels have diameter, thickness, and hole size dimensions and should be used only on the periphery. Type 1 wheels shall be mounted between flanges.

LIMITATION: Hole dimension (H) should not be greater than two-thirds of wheel diameter dimension (D) for precision, cylindrical, centerless, or surface grinding applications. Maximum hole size for all other applications should not exceed one-half wheel diameter.

TYPE 1 STRAIGHT WHEELS

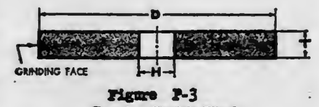


Figure P-3

Type 1 — Straight Wheel
Peripheral grinding wheel having a diameter, thickness and hole.

(c) *Power lawnmower terms*—(1) *Blade tip circle.* The path described by the outermost point of the blade as it is rotated about its shaft axis.

(2) *Guards.* A part or an assembly provided for shielding a hazardous area of a machine.

(3) *Catcher assemblies.* Parts or combinations of parts which provide a means for collecting grass clippings or debris.

(4) *Walk-behind mower.* A mower either pushed or self-propelled and normally guided by the operator walking behind the unit.

(5) *Operator area, walk-behind mowers.* For discharge interference purposes, that area confined within a circle no smaller than 30 inches in diameter, the center of which is located to the rear of the mower on its longitudinal centerline 30 inches behind the nearest blade tip circle.

(6) *Power reel mower.* A lawn-cutting machine utilizing a power source to rotate one or more helically formed blades about a horizontal axis to provide a shearing action with a stationary cutter bar or bed knife.

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(7) *Power rotary mower.* A lawn-cutting machine utilizing a power source to rotate one or more cutting blades about a vertical axis.

(8) *Lowest blade position.* The lowest blade position under static conditions.

(9) *Riding mower.* A powered, self-propelled lawn-cutting vehicle on which the operator rides and controls the machine.

(10) *Sulky type mower.* Normally, a walk-behind mower which has been converted to a riding mower by the addition of a sulky.

(11) *Deadman control.* A control designed so that it will automatically interrupt power to a drive when the operator's actuating force is removed.

(d) *Jack terms*—(1) *Jack.* A jack is an appliance for lifting and lowering or moving horizontally a load by application of a pushing force.

NOTE: Jacks may be of the following types: Lever and ratchet, screw and hydraulic.

(2) *Rating.* The rating of a jack is the maximum working load for which it is designed to lift safely that load throughout its specified amount of travel.

NOTE: To raise the rated load of a jack, the point of application of the load, the applied force, and the length of lever arm should be those designated by the manufacturer for the particular jack considered.

§ 1910.242 Hand and portable powered tools and equipment, general.

(a) *General requirements.* Each employer shall be responsible for the safe condition of tools and equipment used by employees, including tools and equipment which may be furnished by employees.

(b) *Compressed air used for cleaning.* Compressed air shall not be used for cleaning purposes except where reduced to less than 30 p.s.i. and then only with effective chip guarding and personal protective equipment.

§ 1910.243 Guarding of portable powered tools.

(a) *Portable powered tools.*—(1) *Portable circular saws.*—(i) All portable, power-driven circular saws having a blade diameter greater than 2 in shall be equipped with guards above and below the base plate or shoe. The upper guard shall cover the saw to the depth of the teeth, except for the minimum arc required to permit the base to be tilted for bevel cuts. The lower guard shall cover the saw to the depth of the teeth, except for the minimum arc required to allow proper retraction and contact with the work. When the tool is withdrawn from the work, the lower guard shall automatically and instantly return to covering position.

(ii) Paragraph (a)(1)(i) of this section does not apply to circular saws used in the meat industry for meat cutting purposes.

(2) *Switches and controls.*—(i) All hand-held powered circular saws having a blade diameter greater than 2 inches, electric, hydraulic or pneumatic chain saws, and percussion tools without positive accessory holding means shall be equipped with a constant pressure switch or control that will shut off the power when the pressure is released. All hand-held gasoline powered chain saws shall be equipped with a constant pressure throttle control that will shut off the power to the saw chain when the pressure is released.

(ii) All hand-held powered drills, tappers, fastener drivers, horizontal, vertical, and angle grinders with wheels greater than 2 inches in diameter, disc sanders with discs greater than 2 inches in diameter, belt sanders, reciprocating saws, saber, scroll, and jig saws with blade shanks greater than a nominal one-fourth inch, and other similarly operating powered tools shall be equipped with a constant pressure switch or control, and may have a lock-on control provided that turnoff can be accomplished by a single motion of the same finger or fingers that turn it on.

(iii) (*a*) All other hand-held powered tools, such as, but not limited to, platen sanders, grinders with wheels 2 inches in diameter or less, disc sanders with discs 2 inches in diameter or less, routers, planers, laminate trimmers, nibblers, shears, saber, scroll, and jig saws with blade shanks a nominal one-fourth of an inch wide or less, may be equipped with either a positive "on-off" control, or other controls as described by paragraph (a)(2)(i) and (ii) of this section.

(*b*) Saber, scroll, and jig saws with nonstandard blade holders may use blades with shanks which are nonuniform in width, provided the narrowest portion of the blade shank is an integral part in mounting the blade.

(*c*) Blade shank width shall be measured at the narrowest portion of the blade shank when saber, scroll, and jig saws have nonstandard blade holders.

(*d*) "Nominal" in this subparagraph means ±0.05 inch.

(iv) The operating control on hand-held power tools shall be so located as to minimize the possibility of its accidental operation, if such accidental operation would constitute a hazard to employees.

(v) This subparagraph does not apply to concrete vibrators, concrete breakers, powered tampers, jack hammers, rock drills, garden appliances, household and kitchen appliances, personal care appliances, medical or dental equipment, or to fixed machinery.

(3) *Portable belt sanding machines.* Belt sanding machines shall be provided with guards at each nip point where the sanding belt runs onto a pulley. These guards shall effectively prevent the hands or fingers of the operator from coming in contact with the nip points. The unused run of the sanding belt shall be guarded against accidental contact.

(4) *Cracked saws.* All cracked saws shall be removed from service.

(5) *Grounding.*—Portable electric powered tools shall meet the electrical requirements of subpart S of this part.

(b) *Pneumatic powered tools and hose*—(1) *Tool retainer.*—A tool retainer shall be installed on each piece of utilization equipment which, without such a retainer, may eject the tool.

(2) *Airhose.*—Hose and hose connections used for conducting compressed air to utilization equipment shall be designed for the pressure and service to which they are subjected.

(c) *Portable abrasive wheels.*—(1) *General requirements.*—Abrasive wheels shall be used only on machine provided with safety guards as defined in paragraph (c)(1) through (4) of this section.

(i) *Exceptions.*—The requirements of this subparagraph (1) shall not apply to the following classes of wheels and conditions:

(*a*) Wheels used for internal work while within the work being ground;

(*b*) Mounted wheels used in portable operations 2 inches and smaller in diameter; (see definition § 1910.241(b)(1)); and

(*c*) Types 16, 17, 18, 18R, and 19 cones, and plugs, and threaded hole pot balls where the work offers protection.

(ii) (*a*) A safety guard shall cover the spindle end, nut and flange projections. The safety guard shall be mounted so as to maintain proper alignment with the wheel, and the strength of the fastenings shall exceed the strength of the guard.

(*b*) *Exception.*—Safety guards on all operations where the work provides a suitable measure of protection to the operator may be so constructed that the spindle end, nut and outer flange are exposed. Where the nature of the work is such as to entirely cover the side of the wheel, the side covers of the guard may be omitted.

(*c*) *Exception.*—The spindle end, nut, and outer flange may be exposed on portable machines designed for, and used with, type 6, 11, 27, and 28 abrasive wheels, cutting off wheels, and tuck pointing wheels.

(2) *Cup wheels.* Cup wheels (Types 6 and 11) shall be protected by:

(i) Safety guards as specified in subparagraph (1) of this paragraph; or,

(ii) Special "revolving cup guards" which mount behind the wheel and turn with it. They shall be made of steel or other material with adequate strength and shall enclose the wheel sides upward from the back for one-third of the wheel thickness. The mounting features shall conform with all regulations. (See subparagraph (5) of this paragraph.) It is necessary to maintain clearance between the wheel side and the guard. The clearance shall not exceed one-sixteenth inch; or,

(iii) Some other form of guard that will insure as good protection as that which would be provided by the guards specified in subdivision (i) or (ii) of this subparagraph.

(3) *Vertical portable grinders.* Safety guards used on machines known as right angle head or vertical portable grinders shall have a maximum exposure angle of 180°, and the guard shall be so located so as to be between the operator and the wheel during use. Adjustment of guard shall be such that pieces of an accidentally broken wheel will be deflected away from the operator. (See Figure P–4.)

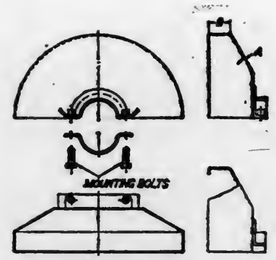


FIGURE NO. P-4

(4) *Other portable grinders.* The maximum angular exposure of the grinding wheel periphery and sides for safety guards used on other portable grinding machines shall not exceed 180° and the top half of the wheel shall be enclosed at all times. (See Figures P–5 and P–6.)



FIGURE NO. P-5



FIGURE NO. P-6

(5) *Mounting and inspection of abrasive wheels.* (i) Immediately before mounting, all wheels shall be closely inspected and sounded by the user (ring test, see Subpart O, § 1910.215(d)(1)) to make sure they have not been damaged in transit, storage, or otherwise. The spindle speed of the machine shall be checked before mounting of the wheel to be certain that it does not exceed the maximum operating speed marked on the wheel.

(ii) Grinding wheels shall fit freely on the spindle and remain free under all grinding conditions. A controlled clearance between the wheel hole and the machine spindle (or wheel sleeves or adaptors) is essential to avoid excessive pressure from mounting and spindle expansion. To accomplish this, the machine spindle shall be made to nominal (standard) size plus zero minus .002 inch, and the wheel hole shall be made suitably oversize to assure safety clearance under the conditions of operating heat and pressure.

(iii) All contact surfaces of wheels, blotters, and flangers shall be flat and free of foreign matter.

(iv) When a bushing is used in the wheel hole it shall not exceed the width of the wheel and shall not contact the flanges.

(v) Requirements for the use of flanges and blotters, see Subpart O, § 1910.215(c).

(6) *Excluded machinery.*—Natural sandstone wheels and metal, wooden, cloth, or paper discs, having a layer of abrasive on the surface are not covered by this paragraph.

(d) *Explosive actuated fastening tools*—(1) *General requirements.* (i) Explosive-actuated fastening tools which are actuated by explosives or any similar means and propel a stud, pin, fastener, or other object for the purpose of affixing it by penetration to any other object shall meet the design requirements in "American National Standard Safety Requirements for Explosive-Actuated Fastening Tools," ANSI A10.3–1970. This requirement does not apply to devices designed for attaching objects to soft construction materials, such as wood, plaster, tar, dry wallboard, and the like, or to stud welding equipment.

(ii) Operators and assistants using tools shall be safeguarded by means of eye protection. Head and face protection shall be used, as required by working conditions, as set forth in Subpart I.

(2) *Inspection, maintenance, and tool handling*—(i) *High-velocity tools.* Tools of this type shall have the characteristics outlined in (*a*) through (*h*) of this subdivision and, at the discretion of the manufacturer, any additional safety features he may wish to incorporate.

(*a*) The muzzle end of the tool shall have a protective shield or guard at least 3½ inches in diameter, mounted perpendicular to and concentric with the barrel, and designed to confine any flying fragments or particles that might otherwise create a hazard at the time of firing.

(*b*) Where a standard shield or guard cannot be used, or where it does not cover all apparent avenues through which flying particles might escape, a special shield, guard, fixture, or jig designed and built by the manufacturer of the tool being used, which provides this degree of protection, shall be used as a substitute.

(*c*) The tool shall be so designed that it cannot be fired unless it is equipped with a standard protective shield or guard, or a special shield, guard, fixture, or jig.

(*d*) (*1*) The firing mechanism shall be so designed that the tool cannot fire during loading or preparation to fire, or if the tool should be dropped while loaded.

(*2*) Firing of the tool shall be dependent upon at least two separate and distinct operations of the operator, with the final firing movement being separate from the operation of bringing the tool into the firing position.

(*e*) The tool shall be so designed as not to be operable other than against a work surface, and unless the operator is holding the tool against the work surface with a force at least 5 pounds greater than the total weight of the tool.

(*f*) The tool shall be so designed that it will not operate when equipped with the standard guard indexed to the center position if any bearing surface of the guard is tilted more than 8° from contact with the work surface.

(*g*) The tool shall be so designed that positive means of varying the power are available or can be made available to the operator as part of the tool, or as an auxiliary, in order to make it possible for the operator to select a power level adequate to perform the desired work without excessive force.

(*h*) The tool shall be so designed that all breeching parts will be reasonably visible to allow a check for any foreign matter that may be present.

(ii) Tools of the low-velocity-piston type shall have the characteristics outlined in (*a*) through (*e*) of this subdivision and, at the discretion of the manufacturer, any additional safety features he may wish to incorporate.

(*a*) The muzzle end of the tool shall be designed so that suitable protective shields, guards, jigs, or fixtures, designed and built by the manufacturer of the tool being used, can be mounted perpendicular to the barrel. A standard spall shield shall be supplied with each tool.

(*b*) (*1*) The tool shall be designed so that it shall not in ordinary usage propel or discharge a stud, pin, or fastener while loading or during preparation to fire, or if the tool should be dropped while loaded.

(2) Firing of the tool shall be dependent upon at least two separate and distinct operations of the operator, with the final firing movement being separate from the operation of bringing the tool into the firing position.

(*c*) The tool shall be so designed as not to be operable other than against a work surface, and unless the operator is holding the tool against the work surface with a force at least 5 pounds greater than the total weight of the tool.

(*d*) The tool shall be so designed that positive means of varying the power are available or can be made available to the operator as part of the tool, or as an auxiliary, in order to make it possible for the operator to select a power level adequate to perform the desired work without excessive force.

(*e*) The tool shall be so designed that all breeching parts will be reasonably visible to allow a check for any foreign matter that may be present.

(iii) Tools of the hammer-operated piston tools—low-velocity type shall have the characteristics outlined in (*a*) through (*e*) of this subdivision and, at the discretion of the manufacturer, any additional safety features he may wish to incorporate.

(*a*) The muzzle end of the tool shall be so designed that suitable protective shields, guards, jigs, or fixtures, designed and built by the manufacturer of the tool being used, can be mounted perpendicular to the barrel. A standard spall shield shall be supplied with each tool.

(*b*) The tool shall be so designed that it shall not in ordinary usage propel or discharge a stud, pin, or fastener while loading, or during preparation to fire, or

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if the tool should be dropped while loaded.

(c) Firing of the tool shall be dependent upon at least two separate and distinct operations of the operator, with the final firing movement being separate from the operation of bringing the tool into the firing position.

(d) The tool shall be so designed that positive means of varying the power are available or can be made available to the operator as part of the tool, or as an auxiliary, in order to make it possible for the operator to select a power level adequate to perform the desired work without excessive force.

(e) The tool shall be so designed that all breeching parts will be reasonably visible to allow a check for any foreign matter that may be present.

(3) *Requirements for loads and fasteners.* (i) There shall be a standard means of identifying the power levels of loads used in tools. Such means of identification shall be a uniform color and numbering system, as shown in Table P-1. Colors and printed descriptions shall be strikingly printed on the container to provide a visual indication of the power level of the load.

(ii) Caseless loads shall be coded to identify similar powerload levels by color, number, configuration, or other appropriate method.

TABLE P-1—IDENTIFICATION OF CASED LOADS

Power level	Color identification		Nominal velocity (±45 f.p.s)
	Case color	Load color	
1	Brass	Gray	300
2	Brass	Brown	390
3	Brass	Green	480
4	Brass	Yellow	570
5	Brass	Red	660
6	Brass	Purple	750
7	Nickel	Gray	840
8	Nickel	Brown	930
9	Nickel	Green	1,020
10	Nickel	Yellow	1,110
11	Nickel	Red	1,200
12	Nickel	Purple	1,290

NOTE: The nominal velocity applies to ½-inch diameter 350-grain ballistic slug fired in a test device and has no reference to actual fastener velocity developed in any specific size or type of tool.

(iii) No load (cased or caseless) shall be used if it will accurately chamber in any existing approved commercially available low-velocity piston tool or hammer operated piston tool—low-velocity type and will cause a fastener to have a mean velocity in excess of 300 feet per second when measured 6.5 feet from the muzzle end of the barrel. No individual test firing of a series shall exceed 300 feet per second by more than 8 percent.

(iv) Fasteners used in tools shall be only those specifically manufactured for use in such tools.

(4) *Operating requirements.* (i) Before using a tool, the operator shall inspect it to determine to his satisfaction that it is clean, that all moving parts operate freely, and that the barrel is free from obstructions.

(ii) When a tool develops a defect during use, the operator shall immediately cease to use it, until it is properly repaired.

(iii) Tools shall not be loaded until just prior to the intended firing time. Neither loaded nor empty tools are to be pointed at any workmen, and hands should be kept clear of the open barrel end.

(iv) No tools shall be loaded unless being prepared for immediate use, nor shall an unattended tool be left loaded.

(v) In case of a misfire, the operator shall hold the tool in the operating position for at least 30 seconds. He shall then try to operate the tool a second time. He shall wait another 30 seconds, holding the tool in the operating position; then he shall proceed to remove the explosive load in strict accordance with the manufacturer's instructions. Misfired cartridges should be placed carefully in a metal container filled with water, and returned to the supervisor for disposal.

(vi) A tool shall never be left unattended in a place where it would be available to unauthorized persons.

(vii) Fasteners shall not be driven into very hard or brittle materials including, but not limited to, cast iron, glazed tile, surface-hardened steel, glass block, live rock, face brick, or hollow tile.

(viii) Driving into materials easily penetrated shall be avoided unless such materials are backed by a substance that will prevent the pin or fastener from passing completely through and creating a flying-missile hazard on the other side.

(ix) (*a*) Fasteners shall not be driven directly into materials such as brick or concrete closer than 3 inches from the unsupported edge or corner, or into steel surfaces closer than one-half inch from the unsupported edge or corner, unless a special guard, fixture, or jig is used. (Exception: Low-velocity tools may drive no closer than 2 inches from an edge in concrete or one-fourth inch in steel.)

(*b*) When fastening other materials, such as a 2- by 4-inch wood section to a concrete surface, it is permissible to drive a fastener of no greater than 7/32-inch shank diameter not closer than 2 inches from the unsupported edge or corner of the work surface.

(x) Fasteners shall not be driven through existing holes unless a positive guide is used to secure accurate alignment.

(xi) No fastener shall be driven into a spalled area caused by an unsatisfactory fastening.

(xii) Tools shall not be used in an explosive or flammable atmosphere.

(xiii) All tools shall be used with the correct shield, guard, or attachment recommended by the manufacturer.

(xiv) Any tool found not in proper working order shall be immediately removed from service. The tool shall be inspected at regular intervals and shall be repaired in accordance with the manufacturer's specifications.

(*e*) *Power lawnmowers*—(1) *General requirements.* (i) Power lawnmowers of the walk-behind, riding-rotary, and reel power lawnmowers designed for sale to the general public shall meet the design specifications in "American National Standard Safety Specifications for Power Lawnmowers" ANSI B71.1–X1968. These specifications do not apply to sulky-type mowers, flail mowers, sicklebar mowers, or mowers designed for commercial use.

(ii) All power-driven chains, belts, and gears shall be so positioned or otherwise guarded to prevent the operator's accidental contact therewith, during normal starting, mounting, and operation of the machine.

(iii) A shutoff device shall be provided to stop operation of the motor or engine. This device shall require manual and intentional reactivation to restart the motor or engine.

(iv) All positions of the operating controls shall be clearly identified.

(v) The words, "Caution. Be sure the operating control(s) is in neutral before starting the engine," or similar wording shall be clearly visible at an engine starting control point on self-propelled mowers.

(2) *Walk-behind and riding rotary mowers.* (i) The mower blade shall be enclosed except on the bottom and the enclosure shall extend to or below the lowest cutting point of the blade in the lowest blade position.

(ii) Guards which must be removed to install a catcher assembly shall comply with the following:

(*a*) Warning instructions shall be affixed to the mower near the opening stating that the mower shall not be used without either the catcher assembly or the guard in place.

(*b*) The catcher assembly or the guard shall be shipped and sold as part of the mower.

(c) The instruction manual shall state that the mower shall not be used without either the catcher assembly or the guard in place.

(*d*) The catcher assembly, when properly and completely installed, shall not create a condition which violates the limits given for the guarded opening.

(iii) Openings in the blade enclosure, intended for the discharge of grass, shall be limited to a maximum vertical angle of the opening of 30°. Measurements shall be taken from the lowest blade position.

(iv) The total effective opening area of the grass discharge opening(s) shall not exceed 1,000 square degrees on units having a width of cut less than 27½ inches, or 2,000 square degrees on units having a width of cut 27½ inches or over.

(v) The word "Caution." or stronger wording, shall be placed on the mower at or near each discharge opening.

(vi) [Reserved]

(vii) Blade(s) shall stop rotating from the manufacturer's specified maximum speed within 15 seconds after declutching, or shutting off power.

(viii) In a multipiece blade, the means of fastening the cutting members to the body of the blade or disc shall be so designed that they will not become worn to a hazardous condition before the cutting members themselves are worn beyond use.

(ix) The maximum tip speed of any blade shall be 19,000 feet per minute.

(3) *Walk-behind rotary mowers.* (i) The horizontal angle of the opening(s) in the blade enclosure, intended for the discharge of grass, shall not contact the operator area.

(ii) There shall be one of the following at all openings in the blade enclosure intended for the discharge of grass:

(*a*) A minimum unobstructed horizontal distance of 3 inches from the end of the discharge chute to the blade tip circle.

(*b*) A rigid bar fastened across the discharge opening, secured to prevent removal without the use of tools. The bottom of the bar shall be no higher than the bottom edge of the blade enclosure.

(iii) The highest point(s) of the front of the blade enclosure, except discharge openings, shall be such that any line extending a maximum of 15° downward from the horizontal toward the blade shaft axis (axes) shall not intersect the horizontal plane within the blade tip circle. The highest point(s) on the blade enclosure front, except discharge-openings, shall not exceed 1¼ inches above the lowest cutting point of the blade in the lowest blade position. Mowers with a swingover handle are to be considered as having no front in the blade enclosure and therefore shall comply with subparagraph (2) (i) of this paragraph.

(iv) The mower handle shall be fastened to the mower so as to prevent loss of control by unintentional uncoupling while in operation.

(v) A positive upstop or latch shall be provided for the mower handle in the normal operating position(s). The upstop shall not be subject to unintentional disengagement during normal operation of the mower. The upstop or latch shall not allow the center or the handle grips to come closer than 17 inches horizontally behind the closest path of the mower blade(s) unless manually disengaged.

(vi) A swing-over handle, which complies with the above requirements, will be permitted.

(vii) Wheel drive disengaging controls, except deadman controls, shall move opposite to the direction of the vehicle motion in order to disengage the drive. Deadman controls shall comply with § 1910.241(c)(11) and may operate in any direction to disengage the drive.

(4) *Riding rotary mowers.* (i) The highest point(s) of all openings in the blade enclosure, front shall be limited by a vertical angle of opening of 15° and a maximum distance of 1¼ inches above the lowest cutting point of the blade in the lowest blade position.

(ii) Opening(s) shall be placed so that grass or debris will not discharge directly toward any part of an operator seated in a normal operator position.

(iii) There shall be one of the following at all openings in the blade enclosure intended for the discharge of grass:

(*a*) A minimum unobstructed horizontal distance of 6 inches from the end of the discharge chute to the blade tip circle.

(*b*) A rigid bar fastened across the discharge opening, secured to prevent removal without the use of tools. The bottom of the bar shall be no higher than the bottom edge of the blade enclosure.

(iv) Mowers shall be provided with stops to prevent jackknifing or locking of the steering mechanism.

(v) Vehicle stopping means shall be provided.

(vi) Hand-operated wheel drive disengaging controls shall move opposite to the direction of vehicle motion in order to disengage the drive. Foot-operated wheel drive disengaging controls shall be depressed to disengage the drive. Deadman controls, both hand and foot operated, shall comply with § 1910.241(c)(11) and may operate in any direction to disengage the drive.

[37 FR 22102, Oct. 18, 1972, as amended at 38 FR 14373, 38 FR 14374, June 1, 1973]

§ 1910.244 Other portable tools and equipment.

(a) *Jacks*—(1) *Loading and marking.* (i) The operator shall make sure that the jack used has a rating sufficient to lift and sustain the load.

(ii) The rated load shall be legibly and permanently marked in a prominent location on the jack by casting, stamping, or other suitable means.

(2) *Operation and maintenance.* (i) In the absence of a firm foundation, the base of the jack shall be blocked. If there is a possibility of slippage of the cap, a block shall be placed in between the cap and the load.

(ii) The operator shall watch the stop indicator, which shall be kept clean, in order to determine the limit of travel. The indicated limit shall not be overrun.

(iii) After the load has been raised, it shall be cribbed, blocked, or otherwise secured at once.

(iv) Hydraulic jacks exposed to freezing temperatures shall be supplied with an adequate antifreeze liquid.

(v) All jacks shall be properly lubricated at regular intervals. The lubricating instructions of the manufacturer should be followed, and only lubricants recommended by him should be used.

(vi) Each jack shall be thoroughly inspected at times which depend upon the service conditions. Inspections shall be not less frequent than the following:

(*a*) For constant or intermittent use at one locality, once every 6 months,

(*b*) For jacks sent out of shop for special work, when sent out and when returned,

(c) For a jack subjected to abnormal load or shock, immediately before and immediately thereafter.

(vii) Repair or replacement parts shall be examined for possible defects.

(viii) Jacks which are out of order shall be tagged accordingly, and shall not be used until repairs are made.

(b) *Abrasive blast cleaning nozzles.* The blast cleaning nozzles shall be equipped with an operating valve which must be held open manually. A support shall be provided on which the nozzle may be mounted when it is not in use.

§ 1910.245 Effective dates.

(a) The provisions of this Subpart P shall become effective on August 27, 1971, except as provided in the remaining paragraphs of this section.

(b) The following provisions shall become effective on February 15, 1972:

§ 1910.243 (a)(1), (a)(2), (a)(3), (b)(1), (c)(1), (c)(2), (c)(3), (d)(1), (d)(2), and (e).

(c) Notwithstanding anything in paragraph (a), (b), or (d) of this section, any provision in any other section of this subpart which contains in itself a specific effective date or time limitation shall become effective on such date or shall apply in accordance with such limitation.

(d) Notwithstanding anything in paragraph (a) of this section, if any standard in 41 CFR Part 50–204, other than a national consensus standard incorporated by reference in § 50–204.2 (a)(1), is or becomes applicable at any time to any employment and place of employment, by virtue of the Walsh-Healey Public Contracts Act, or the Service Contract Act of 1965, or the National Foundation on Arts and Humanities Act of 1965, any corresponding established Federal standard in this Subpart P which is derived from 41 CFR Part 50–204 shall also become effective, and shall be applicable to such employment and place of employment, on the same date.

§ 1910.246 Sources of standards.

Sec.	Source
1910.241(a)	ANSI A10.3 (1970), Safety Requirements for Explosive Actuated Fastening Tools.
1910.241(b)	ANSI B7.1–1970, Safety Code for the Use, Care, and Protection of Abrasive Wheels.
1910.241(c)	ANSI B71.1–1968, Safety Specifications for Power Lawn Mowers.
1910.241(d)	ANSI B30.1–1943, Safety Code for Jacks.
1910.242	41 CFR 50–204.4 and 50–204.8.
1910.243(a)	ANSI O1.1–1954 (R1961), Safety Code for Woodworking Machines.
1910.243(b)	ANSI B19.1–1938, Compressed Air Machinery and Equipment.
1910.243(c)	ANSI B7.1–1970, Safety Code for the Use, Care, and Protection of Abrasive Wheels.
1910.243(d)	ANSI A10.3–1970, Explosive Actuated Fastening Tools.
1910.243(e)	ANSI B71–1968, Safety Specifications for Power Lawn Mowers.
1910.244(a)	ANSI B30.1–1943, (R1952), Safety Code for Jacks.
1910.244(b)	ANSI Z9.4–1968, Ventilation and Safe Practices of Abrasive Blasting Operations.

§ 1910.247 Standards organizations.

Specific standards of the following organization have been referenced in this subpart. Copies of the referenced materials may be obtained from the issuing organization.

American National Standards Institute, 1430 Broadway, New York, N.Y. 10018.

Subpart Q—Welding, Cutting, and Brazing

§ 1910.251 Definitions.

As used in this subpart:

(a) "Welder" and "welding operator" mean any operator of electric or gas welding and cutting equipment.

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(b) "Approved" means listed or approved by a nationally recognized testing laboratory, such as Factory Mutual Engineering Corp., or Underwriters' Laboratories, Inc.

(c) All other welding terms are used in accordance with American Welding Society—Terms and Definitions—A3.0–1969.

§ 1910.252 Welding, cutting, and brazing.

(a) *Installation and operation of oxygen-fuel gas systems for welding and cutting*—(1) *General requirements.* (i) *Flammable mixture.* Mixtures of fuel gases and air or oxygen may be explosive and shall be guarded against. No device or attachment facilitating or permitting mixtures of air or oxygen with flammable gases prior to consumption, except at the burner or in a standard torch, shall be allowed unless approved for the purpose.

(ii) *Maximum pressure.* Under no condition shall acetylene be generated, piped (except in approved cylinder manifolds) or utilized at a pressure in excess of 15 p.s.i. gage pressure or 30 p.s.i. absolute pressure. (The 30 p.s.i. absolute pressure limit is intended to prevent unsafe use of acetylene in pressurized chambers such as caissons, underground excavations or tunnel construction.) This requirement is not intended to apply to storage of acetylene dissolved in a suitable solvent in cylinders manufactured and maintained according to U.S. Department of Transportation requirements, or to acetylene for chemical use. The use of liquid acetylene shall be prohibited.

(iii) *Apparatus.* Only approved apparatus such as torches, regulators or pressure-reducing valves, acetylene generators, and manifolds shall be used.

(iv) *Personnel.* Workmen in charge of the oxygen or fuel-gas supply equipment, including generators, and oxygen or fuel-gas distribution piping systems shall be instructed and judged competent by their employers for this important work before being left in charge. Rules and instructions covering the operation and maintenance of oxygen or fuel-gas supply equipment including generators, and oxygen or fuel-gas distribution piping systems shall be readily available.

(2) *Cylinders and containers*—(i) *Approval and marking.* (a) All portable cylinders used for the storage and shipment of compressed gases shall be constructed and maintained in accordance with the regulations of the U.S. Department of Transportation, 49 CFR Parts 171–179.

(b) Compressed gas cylinders shall be legibly marked, for the purpose of identifying the gas content, with either the chemical or the trade name of the gas. Such marking shall be by means of stenciling, stamping, or labeling, and shall not be readily removable. Whenever practical, the marking shall be located on the shoulder of the cylinder. This method conforms to the American National Standard Method for Marking Portable Compressed Gas Containers to Identify the Material Contained, ANSI Z48.1–1954.

(c) Compressed gas cylinders shall be equipped with connections complying with the American National Standard Compressed Gas Cylinder Valve Outlet and Inlet Connections, ANSI B57.1–1965.

(d) All cylinders with a water weight capacity of over 30 pounds shall be equipped with means of connecting a valve protection cap or with a collar or recess to protect the valve.

(ii) *Storage of cylinders—general.* (a) Cylinders shall be kept away from radiators and other sources of heat.

(b) Inside of buildings, cylinders shall be stored in a well-protected, well-ventilated, dry location, at least 20 feet from highly combustible materials such as oil or excelsior. Cylinders should be stored in definitely assigned places away from elevators, stairs, or gangways. Assigned storage spaces shall be located where cylinders will not be knocked over or damaged by passing or falling objects, or subject to tampering by unauthorized persons. Cylinders shall not be kept in unventilated enclosures such as lockers and cupboards.

(c) Empty cylinders shall have their valves closed.

(d) Valve protection caps, where cylinder is designed to accept a cap, shall always be in place, hand-tight, except when cylinders are in use or connected for use.

(iii) *Fuel-gas cylinder storage.* Inside a building, cylinders, except those in actual use or attached ready for use, shall be limited to a total gas capacity of 2,000 cubic feet or 300 pounds of liquefied petroleum gas.

(a) For storage in excess of 2,000 cubic feet total gas capacity of cylinders or 300 pounds of liquefied petroleum gas, a separate room or compartment conforming to the requirements specified in subparagraphs (6)(vi)(a) (8) and (9) of this paragraph shall be provided, or cylinders shall be kept outside or in a special building. Special buildings, rooms or compartments shall have no open flame for heating or lighting and shall be well ventilated. They may also be used for storage of calcium carbide in quantities not to exceed 600 pounds, when contained in metal containers complying with subparagraphs (7)(i) (a) and (b) of this paragraph. Signs should be conspicuously posted in such rooms reading, "Danger—No Smoking, Matches or Open Lights," or other equivalent wording.

(b) Acetylene cylinders shall be stored valve end up.

(iv) *Oxygen storage.* (a) Oxygen cylinders shall not be stored near highly combustible material, especially oil and grease; or near reserve stocks of carbide and acetylene or other fuel-gas cylinders, or near any other substance likely to cause or accelerate fire; or in an acetylene generator compartment.

(b) Oxygen cylinders stored in outside generator houses shall be separated from the generator or carbide storage rooms by a noncombustible partition having a fire-resistance rating of at least 1 hour. This partition shall be without openings and shall be gastight.

(c) Oxygen cylinders in storage shall be separated from fuel-gas cylinders or combustible materials (especially oil or grease), a minimum distance of 20 feet or by a noncombustible barrier at least 5 feet high having a fire-resistance rating of at least one-half hour.

(d) Where a liquid oxygen system is to be used to supply gaseous oxygen for welding or cutting and the system has a storage capacity of more than 13,000 cubic feet of oxygen (measured at 14.7 p.s.i.a. and 70° F.), connected in service or ready for service, or more than 25,000 cubic feet of oxygen (measured at 14.7 p.s.i.a. and 70° F), including unconnected reserves on hand at the site, it shall comply with the provisions of the Standard for Bulk Oxygen Systems at Consumer Sites, NFPA No. 566–1965.

(v) *Operating procedures.* (a) Cylinders, cylinder valves, couplings, regulators, hose, and apparatus shall be kept free from oily or greasy substances. Oxygen cylinders or apparatus shall not be handled with oily hands or gloves. A jet of oxygen must never be permitted to strike an oily surface, greasy clothes, or enter a fuel oil or other storage tank.

(b) (1) When transporting cylinders by a crane or derrick, a cradle, boat, or suitable platform shall be used. Slings or electric magnets shall not be used for this purpose. Valve-protection caps, where cylinder is designed to accept a cap, shall always be in place.

(2) Cylinders shall not be dropped or struck or permitted to strike each other violently.

(3) Valve-protection caps shall not be used for lifting cylinders from one vertical position to another. Bars shall not be used under valves or valve-protection caps to pry cylinders loose when frozen to the ground or otherwise fixed; the use of warm (not boiling) water is recommended. Valve-protection caps are designed to protect cylinder valves from damage.

(4) Unless cylinders are secured on a special truck, regulators shall be removed and valve-protection caps, when provided for, shall be put in place before cylinders are moved.

(5) Cylinders not having fixed hand wheels shall have keys, handles, or nonadjustable wrenches on valve stems while these cylinders are in service. In multiple cylinder installations only one key or handle is required for each manifold.

(6) Cylinder valves shall be closed before moving cylinders.

(7) Cylinder valves shall be closed when work is finished.

(8) Valves of empty cylinders shall be closed.

(9) Cylinders shall be kept far enough away from the actual welding or cutting operation so that sparks, hot slag, or flame will not reach them, or fire-resistant shields shall be provided.

(10) Cylinders shall not be placed where they might become part of an electric circuit. Contacts with third rails, trolley wires, etc., shall be avoided. Cylinders shall be kept away from radiators,

piping systems, layout tables, etc., that may be used for grounding electric circuits such as for arc welding machines. Any practice such as the tapping of an electrode against a cylinder to strike an arc shall be prohibited.

(11) Cylinders shall never be used as rollers or supports, whether full or empty.

(12) The numbers and markings stamped into cylinders shall not be tampered with.

(13) No person, other than the gas supplier, shall attempt to mix gases in a cylinder. No one, except the owner of the cylinder or person authorized by him, shall refill a cylinder.

(14) No one shall tamper with safety devices in cylinders or valves.

(15) Cylinders shall not be dropped or otherwise roughly handled.

(16) Unless connected to a manifold, oxygen from a cylinder shall not be used without first attaching an oxygen regulator to the cylinder valve. Before connecting the regulator to the cylinder valve, the valve shall be opened slightly for an instant and then closed. Always stand to one side of the outlet when opening the cylinder valve.

(17) A hammer or wrench shall not be used to open cylinder valves. If valves cannot be opened by hand, the supplier shall be notified.

(18) (i) Cylinder valves shall not be tampered with nor should any attempt be made to repair them. If trouble is experienced, the supplier should be sent a report promptly indicating the character of the trouble and the cylinder's serial number. Supplier's instructions as to its disposition shall be followed.

(ii) Complete removal of the stem from a diaphragm-type cylinder valve shall be avoided.

(c) (1) Fuel-gas cylinders shall be placed with valve end up whenever they are in use. Liquefied gases shall be stored and shipped with the valve end up.

(2) Cylinders shall be handled carefully. Rough handling, knocks, or falls are liable to damage the cylinder, valve or safety devices and cause leakage.

(3) Before connecting a regulator to a cylinder valve, the valve shall be opened slightly and closed immediately. The valve shall be opened while standing to one side of the outlet; never in front of it. Never crack a fuel-gas cylinder valve near other welding work or near sparks, flame, or other possible sources of ignition.

(4) Before a regulator is removed from a cylinder valve, the cylinder valve shall be closed and the gas released from the regulator.

(5) Nothing shall be placed on top of an acetylene cylinder when in use which may damage the safety device or interfere with the quick closing of the valve.

(6) If cylinders are found to have leaky valves or fittings which cannot be stopped by closing of the valve, the cylinders shall be taken outdoors away from sources of ignition and slowly emptied.

(7) A warning should be placed near cylinders having leaking fuse plugs or other leaking safety devices not to approach them with a lighted cigarette or other source of ignition. Such cylinders should be plainly tagged; the supplier should be promptly notified and his instructions followed as to their return.

(8) Safety devices shall not be tampered with.

(9) Fuel-gas shall never be used from cylinders through torches or other devices equipped with shutoff valves without reducing the pressure through a suitable regulator attached to the cylinder valve or manifold.

(10) The cylinder valve shall always be opened slowly.

(11) An acetylene cylinder valve shall not be opened more than one and one-half turns of the spindle, and preferably no more than three-fourths of a turn.

(12) Where a special wrench is required it shall be left in position on the stem of the valve while the cylinder is in use so that the fuel-gas flow can be quickly turned off in case of emergency. In the case of manifolded or coupled cylinders at least one such wrench shall always be available for immediate use.

(3) *Manifolding of cylinders*—(i) *Fuel-gas manifolds.* (a) Manifolds shall be approved either separately for each component part or as an assembled unit.

(b) Except as provided in subdivision (c) of this subdivision fuel-gas cylinders connected to one manifold inside a building shall be limited to a total capacity not exceeding 300 pounds of liquefied petroleum gas or 3,000 cubic feet of other fuel-gas. More than one such manifold with connected cylinders may be located in the same room provided the manifolds are at least 50 feet apart or separated by a noncombustible barrier at least 5 feet high having a fire-resistance rating of at least one-half hour.

(c) Fuel-gas cylinders connected to one manifold having an aggregate capacity exceeding 300 pounds of liquefied petroleum gas or 3,000 cubic feet of other fuel-gas shall be located outdoors, or in a separate building or room constructed in accordance with subparagraphs (6)(vi)(a) (8) and (9) of this paragraph.

(d) Separate manifold buildings or rooms may also be used for the storage of drums of calcium carbide and cylinders containing fuel gases as provided in subparagraph (2)(iii) of this paragraph. Such buildings or rooms shall have no open flames for heating or lighting and shall be well-ventilated.

(e) High-pressure fuel-gas manifolds shall be provided with approved pressure regulating devices.

(ii) *High-pressure oxygen manifolds (for use with cylinders having a Department of Transportation service pressure above 200 p.s.i.g.).* (a) Manifolds shall be approved either separately for each component part or as an assembled unit.

(b) Oxygen manifolds shall not be located in an acetylene generator room. Oxygen manifolds shall be separated from fuel-gas cylinders or combustible materials (especially oil or grease), a minimum distance of 20 feet or by a noncombustible barrier at least 5 feet high having a fire-resistance rating of at least one-half hour.

(c) Except as provided in subdivision (d) of this subdivision oxygen cylinders connected to one manifold shall be limited to a total gas capacity of 6,000 cubic feet. More than one such manifold with connected cylinders may be located in the same room provided the manifolds are at least 50 feet apart or separated by a noncombustible barrier at least 5 feet high having a fire-resistance rating of at least one-half hour.

(d) An oxygen manifold, to which cylinders having an aggregate capacity of more than 6,000 cubic feet of oxygen are connected, should be located outdoors or in a separate noncombustible building. Such a manifold, if located inside a building having other occupancy, shall be located in a separate room of noncombustible construction having a fire-resistance rating of at least one-half hour or in an area with no combustible material within 20 feet of the manifold.

(e) An oxygen manifold or oxygen bulk supply system which has storage capacity of more than 13,000 cubic feet of oxygen (measured at 14.7 p.s.i.a. and 70° F.), connected in service or ready for service, or more than 25,000 cubic feet of oxygen (measured at 14.7 p.s.i.a. and 70° F.), including unconnected reserves on hand at the site, shall comply with the provisions of the Standard for Bulk Oxygen Systems at Consumer Sites, NFPA No. 566–1965.

(f) High-pressure oxygen manifolds shall be provided with approved pressure-regulating devices.

(iii) *Low-pressure oxygen manifolds (for use with cylinders having a Department of Transportation service pressure not exceeding 200 p.s.i.g.).* (a) Manifolds shall be of substantial construction suitable for use with oxygen at a pressure of 250 p.s.i.g. They shall have a minimum bursting pressure of 1,000 p.s.i.g. and shall be protected by a safety relief device which will relieve at a maximum pressure of 500 p.s.i.g. DOT–4L200 cylinders have safety devices which relieve at a maximum pressure of 250 p.s.i.g. (or 235 p.s.i.g. if vacuum insulation is used).

(b) Hose and hose connections subject to cylinder pressure shall comply with subparagraph (5)(v) of this paragraph. Hose shall have a minimum bursting pressure of 1,000 p.s.i.g.

(c) The assembled manifold including leads shall be tested and proven gastight at a pressure of 300 p.s.i.g. The fluid used for testing oxygen manifolds shall be oil-free and not combustible.

(d) The location of manifolds shall comply with subdivisions (ii) (b), (c), (d), and (e) of this subdivision.

(e) The following sign shall be conspicuously posted at each manifold:

Low-Pressure Manifold
Do Not Connect High-Pressure Cylinders
Maximum Pressure—250 P.S.I.G.

(iv) *Portable outlet headers.* (a) Portable outlet headers shall not be used indoors except for temporary service where the conditions preclude a direct supply

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from outlets located on the service piping system.

(b) Each outlet on the service piping from which oxygen or fuel-gas is withdrawn to supply a portable outlet header shall be equipped with a readily accessible shutoff valve.

(c) Hose and hose connections used for connecting the portable outlet header to the service piping shall comply with subparagraph (5) (v) of this paragraph.

(d) Master shutoff valves for both oxygen and fuel-gas shall be provided at the entry end of the portable outlet header.

(e) Portable outlet headers for fuel-gas service shall be provided with an approved hydraulic back-pressure valve installed at the inlet and preceding the service outlets, unless an approved pressure-reducing regulator, an approved back-flow check valve, or an approved hydraulic back-pressure valve is installed at each outlet. Outlets provided on headers for oxygen service may be fitted for use with pressure-reducing regulators or for direct hose connection.

(f) Each service outlet on portable outlet headers shall be provided with a valve assembly that includes a detachable outlet seal cap, chained or otherwise attached to the body of the valve.

(g) Materials and fabrication procedures for portable outlet headers shall comply with subparagraphs (4) (i), (ii), and (v) of this paragraph.

(h) Portable outlet headers shall be provided with frames which will support the equipment securely in the correct operating position and protect them from damage during handling and operation.

(v) *Manifold operating procedures.* (a) Cylinder manifolds shall be installed under the supervision of someone familiar with the proper practices with reference to their construction and use.

(b) All component parts used in the methods of manifolding described in subdivision (i) of this subdivision shall be approved as to materials, design and construction either separately or as an assembled unit.

(c) All manifolds and parts used in methods of manifolding shall be used only for the gas or gases for which they are approved.

(d) When acetylene cylinders are coupled, approved flash arresters shall be installed between each cylinder and the coupler block. For outdoor use only, and when the number of cylinders coupled does not exceed three, one flash arrester installed between the coupler block and regulator is acceptable.

(e) Each fuel-gas cylinder lead should be provided with a backflow check valve.

(f) The aggregate capacity of fuel-gas cylinders connected to a portable manifold inside a building shall not exceed 3,000 cubic feet of gas.

(g) Acetylene and liquefied fuel-gas cylinders shall be manifolded in a vertical position.

(h) The pressure in the gas cylinders connected to and discharged simultaneously through a common manifold shall be approximately equal.

(4) *Service piping systems*—(i) *Materials and design.* (a) (1) Piping and fittings shall comply with Section 2, Industrial Gas and Air Piping Systems, of the American National Standard Code for Pressure Piping ANSI B31.1, 1967, insofar as it does not conflict with subdivisions (i) and (ii) of this subdivision:

(i) Pipe shall be at least Schedule 40 and fittings shall be at least standard weight in sizes up to and including 6-inch nominal.

(ii) Copper tubing shall be Types K or L in accordance with the Standard Specification for Seamless Copper Water Tube, ASTM B88–66a.

(2) Piping shall be steel, wrought iron, brass or copper pipe, or seamless copper, brass or stainless steel tubing, except as provided in (b) and (c) of this subdivision.

(b) (1) Oxygen piping and fittings at pressures in excess of 700 p.s.i.g., shall be stainless steel or copper alloys.

(2) Hose connections and hose complying with subparagraph (5) (v) of this paragraph may be used to connect the outlet of a manifold pressure regulator to piping providing the working pressure of the piping is 250 p.s.i.g. or less and the length of the hose does not exceed 5 feet. Hose shall have a minimum bursting pressure of 1,000 p.s.i.g.

(3) When oxygen is supplied to a service piping system from a low-pressure oxygen manifold without an intervening pressure regulating device, the piping system shall have a minimum design pressure of 250 p.s.i.g. A pressure regulating device shall be used at each station outlet when the connected equipment is for use at pressures less than 250 p.s.i.g.

(c) (1) Piping for acetylene or acetylenic compounds shall be steel or wrought iron.

(2) Unalloyed copper shall not be used for acetylene or acetylenic compounds except in listed equipment.

(ii) *Piping joints.* (a) Joints in steel or wrought iron piping shall be welded, threaded or flanged. Fittings, such as ells, tees, couplings, and unions, may be rolled, forged or cast steel, malleable iron or nodular iron. Gray or white cast iron fittings are prohibited.

(b) Joints in brass or copper pipe shall be welded, brazed, threaded, or flanged. If of the socket type, they shall be brazed with silver-brazing alloy or similar high melting point (not less than 800° F.) filler metal.

(c) Joints in seamless copper, brass, or stainless steel tubing shall be approved gas tubing fittings or the joints shall be brazed. If of the socket type, they shall be brazed with silver-brazing alloy or similar high melting point (not less than 800° F.) filler metal.

(iii) *Installation.* (a) Distribution lines shall be installed and maintained in a safe operating condition.

(b) Piping located inside or outside of buildings may be placed above or below ground. All piping shall be run as directly as practicable, protected against physical damage, proper allowance being made for expansion and contraction, jarring and vibration. Pipe laid underground in earth shall be located below the frost line and protected against corrosion. After assembly, piping shall be thoroughly blown out with air, nitrogen, or carbon dioxide to remove foreign materials. For oxygen piping, only oil-free air, oil-free nitrogen, or oil-free carbon dioxide shall be used.

(c) Only piping which has been welded or brazed shall be installed in tunnels, trenches or ducts. Shutoff valves shall be located outside such conduits. Oxygen piping may be placed in the same tunnel, trench or duct with fuel-gas pipelines, provided there is good natural or forced ventilation.

(d) Low points in piping carrying moist gas shall be drained into drip pots constructed so as to permit pumping or draining out the condensate at necessary intervals. Drain valves shall be installed for this purpose having outlets normally closed with screw caps or plugs. No open end valves or petcocks shall be used, except that in drips located out of doors, underground, and not readily accessible, valves may be used at such points if they are equipped with means to secure them in the closed position. Pipes leading to the surface of the ground shall be cased or jacketed where necessary to prevent loosening or breaking.

(e) Gas cocks or valves shall be provided for all buildings at points where they will be readily accessible for shutting off the gas supply to these buildings in any emergency. Underground valve boxes or manholes should be avoided wherever possible. There shall also be provided a shutoff valve in the discharge line from the generator, gas holder, manifold or other source of supply.

(f) Shutoff valves shall not be installed in safety relief lines in such a manner that the safety relief device can be rendered ineffective.

(g) Fittings and lengths of pipe shall be examined internally before assembly and, if necessary, freed from scale or dirt. Oxygen piping and fittings shall be washed out with a suitable solution which will effectively remove grease and dirt but will not react with oxygen. Hot water solutions of caustic soda or trisodium phosphate are effective cleaning agents for this purpose.

(h) Piping shall be thoroughly blown out after assembly to remove foreign materials. For oxygen piping, oil-free air, oil-free nitrogen, or oil-free carbon dioxide shall be used. For other piping, air or inert gas may be used.

(i) When flammable gas lines or other parts of equipment are being purged of air or gas, open lights or other sources of ignition shall not be permitted near uncapped openings.

(j) No welding or cutting shall be performed on an acetylene or oxygen pipeline, including the attachment of hangers or supports, until the line has been purged. Only oil-free air, oil-free nitrogen, or oil-free carbon dioxide shall be used to purge oxygen lines.

(iv) *Painting and signs.* (a) Underground pipe and tubing and outdoor ferrous pipe and tubing shall be covered or painted with a suitable material for protection against corrosion.

(b) Aboveground piping systems shall be marked in accordance with the American National Standard Scheme for the Identification of Piping Systems, ANSI A13.1–1956.

(c) Station outlets shall be marked to indicate the name of the gas.

(v) *Testing.* (a) Piping systems shall be tested and proved gastight at 1½ times the maximum operating pressure, and shall be thoroughly purged of air before being placed in service. The material used for testing oxygen lines shall be oil free and noncombustible. Flames shall not be used to detect leaks.

(b) When flammable gas lines or other parts of equipment are being purged of air or gas, sources of ignition shall not be permitted near uncapped openings.

(5) *Protective equipment, hose, and regulators*—(i) *General.* Equipment shall be installed and used only in the service for which it is approved and as recommended by the manufacturer.

(ii) *Pressure relief devices.* Service piping systems shall be protected by pressure relief devices set to function at not more than the design pressure of the systems and discharging upwards to a safe location.

(iii) *Piping protective equipment.* (a) The fuel-gas and oxygen piping systems, including portable outlet headers shall incorporate the protective equipment shown in Figures Q–1, Q–2, and Q–3.

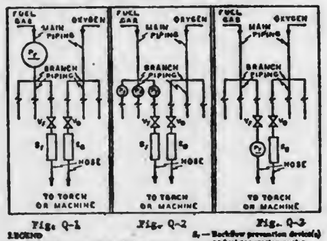


Fig. Q–1 Fig. Q–2 Fig. Q–3

LEGEND
P_F—Protective equipment in fuel gas piping
V_F—Fuel gas station outlet valve
V_O—Oxygen station outlet valve
S_F—Backflow prevention device(s) at fuel gas station outlet
S_O—Backflow prevention device(s) at oxygen station outlet

When only a portion of a fuel-gas system is to be used with oxygen, only that portion need comply with subparagraph (5) (iii) (a) of this paragraph.

(b) Approved protective equipment (designated P_F in Figs. Q–1, Q–2, and Q–3) shall be installed in fuel-gas piping to prevent:

(1) Backflow of oxygen into the fuel-gas supply system;

(2) Passage of a flash back into the fuel-gas supply system; and

(3) Excessive back pressure of oxygen in the fuel-gas supply system. The three functions of the protective equipment may be combined in one device or may be provided by separate devices.

(i) The protective equipment shall be located in the main supply line, as in Figure Q–1 or at the head of each branch line, as in Figure Q–2 or at each location where fuel-gas is withdrawn, as in Figure Q–3. Where branch lines are of 2-inch pipe size or larger or of substantial length, protective equipment (designated as P_F) shall be located as shown in either Q–2 and Q–3.

(ii) Backflow protection shall be provided by an approved device that will prevent oxygen from flowing into the fuel-gas system or fuel from flowing into the oxygen system (see S_F, Figs. Q–1 and Q–2)

(iii) Flash-back protection shall be provided by an approved device that will prevent flame from passing into the fuel-gas system.

(iv) Back-pressure protection shall be provided by an approved pressure-relief device set at a pressure not greater than the pressure rating of the backflow or the flashback protection device, whichever is lower. The pressure-relief device shall be located on the downstream side of the backflow and flashback protection devices. The vent from the pressure-relief device shall be at least as large as the relief device inlet and shall be installed without low points that may collect moisture. If low points are unavoidable, drip pots with drains closed with screw plugs or caps shall be installed at the low points. The vent terminus shall not endanger personnel or property through gas discharge; shall be located away from ignition sources; and shall terminate in a hood or bend.

(c) If pipeline protective equipment incorporates a liquid, the liquid level shall be maintained, and a suitable antifreeze may be used to prevent freezing.

(d) Fuel gas for use with equipment not requiring oxygen shall be withdrawn upstream of the piping protective devices.

(iv) *Station outlet protective equipment.* (a) A check valve, pressure regulator, hydraulic seal, or combination of these devices shall be provided at each station outlet, including those on portable headers, to prevent backflow, as shown in Figures Q–1, Q–2, and Q–3 and designated as S_F and S_O.

(b) When approved pipeline protective equipment (designated P_F) is located at the station outlet as in Figure Q–3, no additional check valve, pressure regulator, or hydraulic seal is required.

(c) A shutoff valve (designated V_F and V_O) shall be installed at each station outlet and shall be located on the upstream side of other station outlet equipment.

(d) If the station outlet is equipped with a detachable regulator, the outlet shall terminate in a union connection that complies with the Regulator Connection Standards, 1958, Compressed Gas Association.

(e) If the station outlet is connected directly to a hose, the outlet shall terminate in a union connection complying with the Standard Hose Connection Specifications, 1957, Compressed Gas Association.

(f) Station outlets may terminate in pipe threads to which permanent connections are to be made, such as to a machine.

(g) Station outlets shall be equipped with a detachable outlet seal cap secured in place. This cap shall be used to seal the outlet except when a hose, a regulator, or piping is attached.

(h) Where station outlets are equipped with approved backflow and flashback protective devices, as many as four torches may be supplied from one station outlet through rigid piping, provided each outlet from such piping is equipped with a shutoff valve and provided the fuel-gas capacity of any one torch does not exceed 15 cubic feet per hour.

This subdivision does not apply to machines.

(v) *Hose and hose connections.* (a) Hose for oxy-fuel gas service shall comply with the Specification for Rubber Welding Hose, 1958, Compressed Gas Association and Rubber Manufacturers Association.

(b) The generally recognized colors are red for acetylene and other fuel-gas hose, green for oxygen hose, and black for inert-gas and air hose.

(c) When parallel lengths of oxygen and acetylene hose are taped together for convenience and to prevent tangling, not more than 4 inches out of 12 inches shall be covered by tape.

(d) Hose connections shall comply with the Standard Hose Connection Specifications, 1957, Compressed Gas Association.

(e) Hose connections shall be clamped or otherwise securely fastened in a manner that will withstand, without leakage, twice the pressure to which they are normally subjected in service, but in no case less than a pressure of 300 p.s.i. Oil-free air or an oil-free inert gas shall be used for the test.

(f) Hose showing leaks, burns, worn places, or other defects rendering it unfit for service shall be repaired or replaced.

(vi) *Pressure-reducing regulators.* (a) Pressure-reducing regulators shall be used only for the gas and pressures for which they are intended. The regulator inlet connections shall comply with Regulator Connection Standards, 1958, Compressed Gas Association.

(b) When regulators or parts of regulators, including gages, need repair, the work shall be performed by skilled mechanics who have been properly instructed.

(c) Gages on oxygen regulators shall be marked "USE NO OIL."

(d) Union nuts and connections on regulators shall be inspected before use to detect faulty seats which may cause leakage of gas when the regulators are attached to the cylinder valves. Damaged nuts or connections shall be destroyed.

(6) *Acetylene generators*—(i) *Approval and marking.* (a) Generators shall be of approved construction and shall be plainly marked with the maximum rate of acetylene in cubic feet per hour for which they are designed; the weight and size of carbide necessary for a single charge; the manufacturer's name and address; and the name or number of the type of generator.

(b) Carbide shall be of the size marked on the generator nameplate.

(ii) *Rating and pressure limitations.* (a) The total hourly output of a generator shall not exceed the rate for which it is approved and marked. Unless specifically approved for higher ratings,

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carbide-feed generators shall be rated at 1 cubic foot per hour per pound of carbide required for a single complete charge.

(b) Relief valves shall be regularly operated to insure proper functioning. Relief valves for generating chambers shall be set to open at a pressure not in excess of 15 p.s.i.g. Relief valves for hydraulic back pressure valves shall be set to open at a pressure not in excess of 20 p.s.i.g.

(c) Nonautomatic generators shall not be used for generating acetylene at pressures exceeding 1 p.s.i.g., and all water overflows shall be visible.

(iii) *Location.* The space around the generator shall be ample for free, unobstructed operation and maintenance and shall permit ready adjustment and charging.

(iv) *Stationary acetylene generators (automatic and nonautomatic).* (a) (1) The foundation shall be so arranged that the generator will be level and so that no excessive strain will be placed on the generator or its connections. Acetylene generators shall be grounded.

(2) Generators shall be placed where water will not freeze. The use of common salt (sodium chloride) or other corrosive chemicals for protection against freezing is not permitted. (For heating systems see subdivision (6) (vi) (c) of this subparagraph.)

(3) Except when generators are prepared in accordance with subdivision (vii) (e) of this subparagraph, sources of ignition shall be prohibited in outside generator houses or inside generator rooms.

(4) Water shall not be supplied through a continuous connection to the generator except when the generator is provided with an adequate open overflow or automatic water shutoff which will effectively prevent overfilling of the generator. Where a noncontinuous connection is used, the supply line shall terminate at a point not less than 2 inches above the regularly provided opening for filling so that the water can be observed as it enters the generator.

(5) Unless otherwise specifically approved, generators shall not be fitted with continuous drain connections leading to sewers, but shall discharge through an open connection into a suitably vented outdoor receptacle or residue pit which may have such connections. An open connection for the sludge drawoff is desirable to enable the generator operator to observe leakage of generating water from the drain valve or sludge cock.

(b) (1) Each generator shall be provided with a vent pipe of Schedule 40 galvanized iron or steel, except that outside of buildings, vent pipes larger than 4 inches in diameter may be not less than 14 gage galvanized tubing or sheet steel.

(2) The escape or relief pipe shall be rigidly installed without traps and so that any condensation will drain back to the generator.

(3) The escape or relief pipe shall be carried full size to a suitable point outside the building. It shall terminate in a hood or bend located at least 12 feet above the ground, preferably above the roof, and as far away as practicable from windows or other openings into buildings and as far away as practicable from sources of ignition such as flues or chimneys and tracks used by locomotives. Generating chamber relief pipes shall not be inter-connected but shall be separately led to the outside air. The hood or bend shall be so constructed that it will not be obstructed by rain, snow, ice, insects, or birds. The outlet shall be at least 3 feet from combustible construction.

(c) (1) Gas holders shall be constructed on the gasometer principle, the bell being suitably guided. The gas bell shall move freely without tendency to bind and shall have a clearance of at least 2 inches from the shell.

(2) The gas holder may be located in the generator room, in a separate room or out of doors. In order to prevent collapse of the gas bell or infiltration of air due to a vacuum caused by the compressor or booster pump or cooling of the gas, a compressor or booster cutoff shall be provided at a point 12 inches or more above the landing point of the bell. When the gas holder is located indoors, the room shall be ventilated in accordance with subdivision (vi) (b) of this subparagraph and heated and lighted in accordance with subdivisions (vi) (c) and (d) of this subparagraph.

(3) When the gas holder is not located within a heated building, gas holder seals shall be protected against freezing.

(4) Means shall be provided to stop the generator-feeding mechanism before the gas holder reaches the upper limit of its travel.

(5) When the gas holder is connected to only one generator, the gas capacity of the holder shall be not less than one-third of the hourly rating of the generator.

(6) If acetylene is used from the gas holder without increase in pressure at some points but with increase in pressure by a compressor or booster pump at other points, approved piping protective devices shall be installed in each supply line. The low-pressure protective device shall be located between the gas holder and the shop piping, and the medium-pressure protective device shall be located between the compressor or booster pump and the shop piping (see Figure Q-4). Approved protective equipment (designated P_P) is used to prevent: Backflow of oxygen into the fuel-gas supply system; passage of a flashback into the fuel-gas supply system; and excessive back pressure of oxygen in the fuel-gas supply system. The three functions of the protective equipment may be combined in one device or may be provided by separate devices.

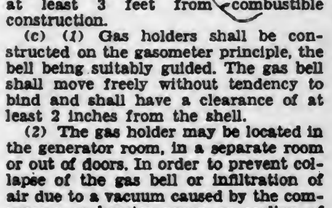


Figure Q-4

(d) (1) The compressor or booster system shall be of an approved type.

(2) Wiring and electrical equipment in compressor or booster pump rooms or enclosures shall conform to the provisions of section 1910.324 for Class I, Division 2 locations.

(3) Compressors and booster pump equipment shall be located in well-ventilated areas away from open flames, electrical or mechanical sparks, or other ignition sources.

(4) Compressor or booster pumps shall be provided with pressure relief valves which will relieve pressure exceeding 15 p.s.i.g. to a safe outdoor location as provided in subdivision (b) of this subdivision, or by returning the gas to the inlet side or to the gas supply source.

(5) Compressor or booster pump discharge outlets shall be provided with approved protective equipment. (See subparagraph (5) of this paragraph.)

(v) *Portable acetylene generators.* (a) (1) All portable generators shall be of a type approved for portable use.

(2) Portable generators shall not be used within 10 feet of combustible material other than the floor.

(3) Portable generators shall not be used in rooms of total volume less than 35 times the total gas-generating capacity per charge of all generators in the room. Generators shall not be used in rooms having a ceiling height of less than 10 feet. (To obtain the gas-generating capacity in cubic feet per charge, multiply the pounds of carbide per charge by 4.5.)

(4) Portable generators shall be protected against freezing. The use of salt or other corrosive chemical to prevent freezing is prohibited.

(b) (1) Portable generators shall be cleaned and recharged and the air mixture blown off outside buildings.

(2) When charged with carbide, portable generators shall not be moved by crane or derrick.

(3) When not in use, portable generators shall not be stored in rooms in which open flames are used unless the generators contain no carbide and have been thoroughly purged of acetylene. Storage rooms shall be well ventilated.

(4) When portable acetylene generators are to be transported and operated on vehicles, they shall be securely anchored to the vehicles. If transported by truck, the motor shall be turned off during charging, cleaning, and generating periods.

(5) Portable generators shall be located at a safe distance from the welding position so that they will not be exposed to sparks, slag, or misdirection of the torch flame or overheating from hot materials or processes.

(vi) *Outside generator houses and inside generator rooms for stationary acetylene generators.* (a) (1) No opening in any outside generator house shall be located within 5 feet of any opening in another building.

(2) Walls, floors, and roofs of outside generator houses shall be of noncombustible construction.

(3) When a part of the generator house is to be used for the storage or manifolding of oxygen cylinders, the space to be so occupied shall be separated from the generator or carbide storage section by partition walls continuous from floor to roof or ceiling, of the type of construction stated in subdivision (8) of this subdivision. Such separation walls shall be without openings and shall be joined to the floor, other walls and ceiling or roof in a manner to effect a permanent gas-tight joint.

(4) Exit doors shall be located so as to be readily accessible in case of emergency.

(5) Explosion venting for outside generator houses and inside generator rooms shall be provided in exterior walls or roofs. The venting areas shall be equal to not less than 1 square foot per 50 cubic feet of room volume and may consist of any one or any combination of the following: Walls of light, noncombustible material preferably single-thickness, single-strength glass; lightly fastened hatch covers; lightly fastened swinging doors in exterior walls opening outward; lightly fastened walls or roof designed to relieve at a maximum pressure of 25 pounds per square foot.

(6) The installation of acetylene generators within buildings shall be restricted to buildings not exceeding one story in height; *Provided, however,* that this will not be construed as prohibiting such installations on the roof or top floor of a building exceeding such height.

(7) Generators installed inside buildings shall be enclosed in a separate room of ample size.

(8) The walls, partitions, floors, and ceilings of inside generator rooms shall be of noncombustible construction having a fire-resistance rating of at least 1 hour. The walls or partitions shall be continuous from floor to ceiling and shall be securely anchored. At least one wall of the room shall be an exterior wall.

(9) Openings from an inside generator room to other parts of the building shall be protected by a swinging type, self-closing fire door for a Class B opening and having a rating of at least 1 hour. Windows in partitions shall be wired glass and approved metal frames with fixed sash. Installation shall be in accordance with the Standard for the Installation of Fire Doors and Windows, NFPA 80–1970.

(b) Inside generator rooms or outside generator houses shall be well ventilated with vents located at floor and ceiling levels.

(c) Heating shall be by steam, hot water, enclosed electrically heated elements or other indirect means. Heating by flames or fires shall be prohibited in outside generator houses or inside generator rooms, or in any enclosure communicating with them.

(d) (1) Generator houses or rooms shall have natural light during daylight hours. Where artificial lighting is necessary it shall be restricted to electric lamps installed in a fixed position. Unless specifically approved for use in atmospheres containing acetylene, such lamps shall be provided with enclosures of glass or other noncombustible material so designed and constructed as to prevent gas vapors from reaching the lamp or socket and to resist breakage. Rigid conduit with threaded connections shall be used.

(2) Lamps installed outside of wired-glass panels set in gas-tight frames in the exterior walls or roof of the generator house or room are acceptable.

(e) Electric switches, telephones, and all other electrical apparatus which may cause a spark, unless specifically approved for use inside acetylene generator rooms, shall be located outside the generator house or in a room or space separated from the generator room by a gas-tight partition, except that where the generator system is designed so that no carbide fill opening or other part of the generator is open to the generator house or room during the operation of the generator, and so that residue is carried in closed piping from the residue discharge valve to a point outside the generator house or room, electrical equipment in the generator house or room shall conform to the provisions of Subpart S of this part for Class I, Division 2 locations.

(vii) *Maintenance and operation.* (a) Unauthorized persons shall not be permitted in outside generator houses or inside generator rooms.

(1) Operating instructions shall be posted in a conspicuous place near the generator or kept in a suitable place available for ready reference.

(2) When recharging generators the order of operations specified in the instructions supplied by the manufacturer shall be followed.

(3) In the case of batch-type generators, when the charge of carbide is exhausted and before additional carbide is added, the generating chamber shall always be flushed out with water, renewing the water supply in accordance with the instruction card furnished by the manufacturer.

(4) The water-carbide residue mixture drained from the generator shall not be discharged into sewer pipes or stored in areas near open flames. Clear water from residue settling pits may be discharged into sewer pipes.

(b) The carbide added each time the generator is recharged shall be sufficient to refill the space provided for carbide without ramming the charge. Steel or other ferrous tools shall not be used in distributing the charge.

(c) Generator water chambers shall be kept filled to proper level at all times except while draining during the recharging operation.

(d) Whenever repairs are to be made or the generator is to be charged or carbide is to be removed, the water chamber shall be filled to the proper level.

(e) Previous to making repairs involving welding, soldering, or other hot work or other operations which produce a source of ignition, the carbide charge and feed mechanism shall be completely removed. All acetylene shall be expelled by completely flooding the generator shell with water and the generator shall be disconnected from the piping system. The generator shall be kept filled with water, if possible, or positioned to hold as much water as possible.

(f) Hot repairs shall not be made in a room where there are other generators unless all the generators and piping have been purged of acetylene. Hot repairs should preferably be made out of doors.

(7) *Calcium carbide storage.*—(i) *Packaging.* (a) Calcium carbide shall be contained in metal packages of sufficient strength to prevent rupture. The packages shall be provided with a screw top or equivalent. These packages shall be constructed water- and air-tight. Solder shall not be used in such a manner that the package would fail if exposed to fire.

(b) Packages containing calcium carbide shall be conspicuously marked "Calcium Carbide—Dangerous If Not Kept Dry" or with equivalent warning.

(c) Caution: Metal tools, even the so-called spark resistant type may cause ignition of an acetylene and air mixture when opening carbide containers.

(d) Sprinkler systems shall not be installed in carbide storage rooms.

(ii) *Storage indoors.* (a) Calcium carbide in quantities not to exceed 600 pounds may be stored indoors in dry, waterproof, and well-ventilated locations.

(1) Calcium carbide not exceeding 600 pounds may be stored indoors in the same room with fuel-gas cylinders.

(2) Packages of calcium carbide, except for one of each size, shall be kept sealed. The seals shall not be broken when there is carbide in excess of 1 pound in any other unsealed package of the same size of carbide in the room.

(b) Calcium carbide exceeding 600 pounds but not exceeding 5,000 pounds shall be stored:

(1) In accordance with subdivision (c) of this subdivision.

(2) In an inside generator room or outside generator house; or

(3) In a separate room in a one-story building which may contain other occupancies, but without cellar or basement beneath the carbide storage section. Such rooms shall be constructed in accordance with subdivision (vi) (a) (8) and (9) of this subdivision and ventilated in accordance with subdivision (vi) (b) of this subdivision. These rooms shall be used for no other purpose.

(c) Calcium carbide in excess of 5,000 pounds shall be stored in one-story buildings without cellar or basement and used for no other purpose, or in outside generator houses. The location of such storage buildings shall be away from congested mercantile and manufacturing districts. If the storage building is of noncombustible construction, it may adjoin other one-story buildings if separated therefrom by unpierced firewalls; if it is detached less than 10 feet from such building or buildings, there shall be no opening in any of the mutually exposing sides of such buildings within 10 feet. If the storage building is of combustible construction, it shall be at least 20 feet from any other one- or two-story building, and at least 30 feet from any other building exceeding two stories.

(iii) *Storage outdoors.* (a) Calcium carbide in unopened metal containers may be stored outdoors.

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(b) Carbide containers to be stored outdoors shall be examined to make sure that they are in good condition. Periodic reexaminations shall be made for rusting or other damage to a container that might affect its water or air tightness.

(c) The bottom tier of each row shall be placed on wooden planking or equivalent, so that the containers will not come in contact with the ground or ground water.

(d) Storage areas shall be at least 10 feet from lines of adjoining property that may be built upon.

(e) Containers of carbide which have been in storage the longest shall be used first.

(8) *Public exhibitions and demonstrations*—(i) *Installation requirements.* Installation and operation of welding, cutting, and related equipment shall be done by, or under the supervision of, a competent operator to insure the personal protection of viewers and demonstrators as well as the protection from fire, of materials in and around the site and the building itself.

(ii) *Procedures.* (a) Cylinders containing compressed gases for use at the site shall not be charged in excess of one-half their maximum permissible content. (Cylinders of nonliquefied gases and acetylene shall be charged to not more than one-half their maximum permissible charged pressure in p.s.i.g. Cylinders of liquefied gases shall be charged to not more than one-half the maximum permissible capacity in pounds.)

(b) Cylinders located at the site shall be connected for use except that enough additional cylinders may be stored at the site to furnish approximately 1 day's consumption of each gas used. Other cylinders shall be stored in an approved storage area preferably outdoors, but this storage area shall not be located near a building exit.

(c) Cylinders in excess of 40 pounds total weight being transported to or from the site shall be carried on a hand or motorized truck.

(d) The site shall be constructed, equipped, and operated in such a manner that the demonstration will be carried out so as to minimize the possibility of injury to viewers.

(e) Sites involving the use of compressed gases shall be located so as not to interfere with the egress of people during an emergency.

(f) The fire department shall be notified in advance of such use of the site.

(g) (1) Each site shall be provided with a portable fire extinguisher of appropriate size and type and with a pail of water.

(2) The public and combustible materials at the site shall be protected from flames, sparks, and molten metal.

(h) Hoses shall be located and protected so that they will not be physically damaged.

(i) (1) Cylinder valves shall be closed when equipment is unattended.

(2) Where caps are provided for valve protection, such caps shall be in place except when the cylinders are in service or connected ready for service.

(3) Cylinders shall be located or secured so that they cannot be knocked over.

(b) *Application, installation, and operation of arc welding and cutting equipment*—(1) *General*—(i) *Equipment selection.* Welding equipment shall be chosen for safe application to the work to be done as specified in subparagraph (2) of this paragraph.

(ii) *Installation.* Welding equipment shall be installed safely as specified by subparagraph (3) of this paragraph.

(iii) *Instruction.* Workmen designated to operate arc welding equipment shall have been properly instructed and qualified to operate such equipment as specified in subparagraph (4) of this paragraph.

(2) *Application of arc welding equipment*—(i) *General.* Assurance of consideration of safety in design is obtainable by choosing apparatus complying with the Requirements for Electric Arc-Welding Apparatus, NEMA EW-1-1962, National Electrical Manufacturers Association or the Safety Standard for Transformer-Type Arc-Welding Machines, ANSI C33.2—1956, Underwriters' Laboratories.

(ii) *Environmental conditions.* (a) Standard machines for arc welding service shall be designed and constructed to carry their rated load with rated temperature rises where the temperature of the cooling air does not exceed 40° C. (104° F.) and where the altitude does not exceed 3,300 feet, and shall be suitable for operation in atmospheres containing gases, dust, and light rays produced by the welding arc.

(b) Unusual service conditions may exist, and in such circumstances machines shall be especially designed to safely meet the requirements of the service. Chief among these conditions are:

(1) Exposure to unusually corrosive fumes.

(2) Exposure to steam or excessive humidity.

(3) Exposure to excessive oil vapor.

(4) Exposure to flammable gases.

(5) Exposure to abnormal vibration or shock.

(6) Exposure to excessive dust.

(7) Exposure to weather.

(8) Exposure to unusual seacoast or shipboard conditions.

(iii) *Voltage.* Open circuit (No load) voltages of arc welding and cutting machines should be as low as possible consistent with satisfactory welding or cutting being done. The following limits shall not be exceeded:

(a) Alternating-current machines

(1) Manual arc welding and cutting—80 volts.

(2) Automatic (machine or mechanized) arc welding and cutting—100 volts.

(b) Direct-current machines

(1) Manual arc welding and cutting—100 volts.

(2) Automatic (machine or mechanized) arc welding and cutting—100 volts.

(c) When special welding and cutting processes require values of open circuit voltages higher than the above, means shall be provided to prevent the operator from making accidental contact with the high voltage by adequate insulation or other means.

(d) For a.c. welding under wet conditions or warm surroundings where perspiration is a factor, the use of reliable automatic controls for reducing no load voltage is recommended to reduce the shock hazard.

(iv) *Design.* (a) A controller integrally mounted in an electric motor driven welder shall have capacity for carrying rated motor current, shall be capable of making and interrupting stalled rotor current of the motor, and may serve as the running overcurrent device if provided with the number of overcurrent units as specified by Subpart S of this part. Starters with magnetic undervoltage release should be used with machines installed more than one to a circuit to prevent circuit overload caused by simultaneously starting of several motors upon return of voltage.

(b) On all types of arc welding machines, control apparatus shall be enclosed except for the operating wheels, levers, or handles. Control handles and wheels should be large enough to be easily grasped by a gloved hand.

(c) Input power terminals, tap change devices and live metal parts connected to input circuits shall be completely enclosed and accessible only by means of tools.

(d) Terminals for welding leads should be protected from accidental electrical contact by personnel or by metal objects i.e., vehicles, crane hooks, etc. Protection may be obtained by use of: dead-front receptacles for plug connections; recessed openings with nonremovable hinged covers; heavy insulating sleeving or taping or other equivalent electrical and mechanical protection. If a welding lead terminal which is intended to be used exclusively for connection to the work is connected to the grounded enclosure, it must be done by a conductor at least two AWG sizes smaller than the grounding conductor and the terminal shall be marked to indicate that it is grounded.

(e) No connections for portable control devices such as push buttons to be carried by the operator shall be connected to an a.c. circuit of higher than 120 volts. Exposed metal parts of portable control devices operating on circuits above 50 volts shall be grounded by a grounding conductor in the control cable.

(f) Auto transformers or a.c. reactors shall not be used to draw welding current directly from any a.c. power source having a voltage exceeding 80 volts.

(3) *Installation of arc welding equipment*—(i) *General.* Installation including power supply shall be in accordance with the requirements of Subpart S of this part.

(ii) *Grounding.* (a) The frame or case of the welding machine (except engine-driven machines shall be grounded under the conditions and according to the

methods prescribed in Subpart S of this part.

(b) Conduits containing electrical conductors shall not be used for completing a work-lead circuit. Pipelines shall not be used as a permanent part of a work-lead circuit, but may be used during construction, extension or repair providing current is not carried through threaded joints, flanged bolted joints, or caulked joints and that special precautions are used to avoid sparking at connection of the work-lead cable.

(c) Chains, wire ropes, cranes, hoists, and elevators shall not be used to carry welding current.

(d) Where a structure, conveyor, or fixture is regularly employed as a welding current return circuit, joints shall be bonded or provided with adequate current collecting devices and appropriate periodic inspection should be conducted to ascertain that no condition of electrolysis or shock, or fire hazard exists by virtue of such use.

(e) All ground connections shall be checked to determine that they are mechanically strong and electrically adequate for the required current.

(iii) *Supply connections and conductors.* (a) A disconnecting switch or controller shall be provided at or near each welding machine which is not equipped with such a switch or controller mounted as an integral part of the machine. The switch shall be in accordance with Subpart S of this part. Overcurrent protection shall be provided as specified in Subpart S of this part. A disconnect switch with overload protection or equivalent disconnect and protection means, permitted by Subpart S of this part, shall be provided for each outlet intended for connection to a portable welding machine.

(b) For individual welding machines, the rated current-carrying capacity of the supply conductors shall be not less than the rated primary current of the welding machines.

(c) For groups of welding machines, the rated current-carrying capacity of conductors may be less than the sum of the rated primary currents of the welding machines supplied. The conductor rating shall be determined in each case according to the machine loading based on the use to be made of each welding machine and the allowance permissible in the event that all the welding machines supplied by the conductors will not be in use at the same time.

(d) In operations involving several welders on one structure, d.c. welding process requirements may require the use of both polarities; or supply circuit limitations for a.c. welding may require distribution of machines among the phases of the supply circuit. In such cases no load voltages between electrode holders will be 2 times normal in d.c. or 1, 1.41, 1.73, or 2 times normal on a.c. machines. Similar voltage differences will exist if both a.c. and d.c. welding are done on the same structure.

(1) All d.c. machines shall be connected with the same polarity.

(2) All a.c. machines shall be connected to the same phase of the supply circuit and with the same instantaneous polarity.

(4) *Operation and maintenance.*—(i) *General.* Workmen assigned to operate or maintain arc welding equipment shall be acquainted with the requirements of subparagraphs (b), (d), (e), and (f) of this section; if doing gas-shielded arc welding, also Recommended Safe Practices for Gas-Shielded Arc Welding, A6.1-1966, American Welding Society.

(ii) *Machine hook up.* Before starting operations all connections to the machine shall be checked to make certain they are properly made. The work lead shall be firmly attached to the work; magnetic work clamps shall be freed from adherent metal particles of spatter on contact surfaces. Coiled welding cable shall be spread out before use to avoid serious overheating and damage to insulation.

(iii) *Grounding.* Grounding of the welding machine frame shall be checked. Special attention shall be given to safety ground connections of portable machines.

(iv) *Leaks.* There shall be no leaks of cooling water, shielding gas or engine fuel.

(v) *Switches.* It shall be determined that proper switching equipment for shutting down the machine is provided.

(vi) *Manufacturers' instructions.* Printed rules and instructions covering operation of equipment supplied by the manufacturers shall be strictly followed.

(vii) *Electrode holders.* Electrode holders when not in use shall be so placed that they cannot make electrical contact with persons, conducting objects, fuel or compressed gas tanks.

(viii) *Electric shock.* Cables with splices within 10 feet of the holder shall not be used. The welder should not coil or loop welding electrode cable around parts of his body.

(ix) *Maintenance.* (a) The operator should report any equipment defect or safety hazard to his supervisor and the use of the equipment shall be discontinued until its safety has been assured. Repairs shall be made only by qualified personnel.

(b) Machines which have become wet shall be thoroughly dried and tested before being used.

(c) Work and electrode lead cables should be frequently inspected for wear and damage. Cables with damaged insulation or exposed bare conductors shall be replaced. Joining lengths of work and electrode cables shall be done by the use of connecting means specifically intended for the purpose. The connecting means shall have insulation adequate for the service conditions.

(c) *Installation and operation of resistance welding equipment*—(1) *General*—(i) *Installation.* All equipment shall be installed by a qualified electrician in conformance with Subpart S of this part. There shall be a safety-type disconnecting switch or a circuit breaker or circuit interrupter to open each power circuit to the machine, conveniently located at or near the machine, so that the power can be shut off when the machine or its controls are to be serviced.

(ii) *Thermal protection.* Ignitron tubes used in resistance welding equipment shall be equipped with a thermal protection switch.

(iii) *Personnel.* Workmen designated to operate resistance welding equipment shall have been properly instructed and judged competent to operate such equipment.

(iv) *Guarding.* Controls of all automatic or air and hydraulic clamps shall be arranged or guarded to prevent the operator from accidentally activating them.

(2) *Spot and seam welding machines (nonportable)*—(i) *Voltage.* All external weld initiating control circuits shall operate on low voltage, not over 120 volts, for the safety of the operators.

(ii) *Capacitor welding.* Stored energy or capacitor discharge type of resistance welding equipment and control panels involving high voltage (over 550 volts) shall be suitably insulated and protected by complete enclosures, all doors of which shall be provided with suitable interlocks and contacts wired into the control circuit (similar to elevator interlocks). Such interlocks or contacts shall be so designed as to effectively interrupt power and short circuit all capacitors when the door or panel is open. A manually operated switch or suitable positive device shall be installed, in addition to the mechanical interlocks or contacts, as an added safety measure assuring absolute discharge of all capacitors.

(iii) *Interlocks.* All doors and access panels of all resistance welding machines and control panels shall be kept locked and interlocked to prevent access, by unauthorized persons, to live portions of the equipment.

(iv) *Guarding.* All press welding machine operations, where there is a possibility of the operator's fingers being under the point of operation, shall be effectively guarded by the use of a device such as an electronic eye safety circuit, two hand controls or protection similar to that prescribed for punch press operation, § 1910.217. All chains, gears, operating bus linkage, and belts shall be protected by adequate guards, in accordance with § 1910.219.

(v) *Shields.* The hazard of flying sparks shall be, wherever practical, eliminated by installing a shield guard of safety glass or suitable fire-resistant plastic at the point of operation. Additional shields or curtains shall be installed as necessary to protect passing persons from flying sparks. (See paragraph (e) (2) (i) (c) of this section.)

(vi) *Foot switches.* All foot switches shall be guarded to prevent accidental operation of the machine.

(vii) *Stop buttons.* Two or more safety emergency stop buttons shall be provided on all special multispot welding machines, including 2-post and 4-post weld presses.

(viii) *Safety pins.* On large machines, four safety pins with plugs and receptacles (one in each corner) shall be provided so that when safety pins are removed and inserted in the ram or platen, the press becomes inoperative.

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(ix) *Grounding.* Where technically practical, the secondary of all welding transformers used in multispot, projection and seam welding machines shall be grounded. This may be done by permanently grounding one side of the welding secondary current circuit. Where not technically practical, a center tapped grounding reactor connected across the secondary or the use of a safety disconnect switch in conjunction with the welding control are acceptable alternates. Safety disconnect shall be arranged to open both sides of the line when welding current is not present.

(3) *Portable welding machines*—(i) *Counterbalance.* All portable welding guns shall have suitable counterbalanced devices for supporting the guns, including cables, unless the design of the gun or fixture makes counterbalancing impractical or unnecessary.

(ii) *Safety chains.* All portable welding guns, transformers and related equipment that is suspended from overhead structures, eye beams, trolleys, etc. shall be equipped with safety chains or cables. Safety chains or cables shall be capable of supporting the total shock load in the event of failure of any component of the supporting system.

(iii) *Clevis.* When trolleys are used to support portable welding equipment, with suitable forged steel clevis for the attachment of safety chains. Each clevis shall be capable of supporting the total shock load of the suspended equipment in the event of trolley failure.

(iv) *Switch guards.* All initiating switches, including retraction and dual schedule switches, located on the portable welding gun shall be equipped with suitable guards capable of preventing accidental initiation through contact with fixturing, operator's clothing, etc. Initiating switch voltage shall not exceed 24 volts.

(v) *Moving holder.* The movable holder, where it enters the gun frame, shall have sufficient clearance to prevent the shearing of fingers carelessly placed on the operating movable holder.

(vi) *Grounding.* The secondary and case of all portable welding transformers shall be grounded. Secondary grounding may be by center tapped secondary or by a center tapped grounding reactor connected across the secondary.

(4) *Flash welding equipment.*—(i) *Ventilation and flash guard.* Flash welding machines shall be equipped with a hood to control flying flash. In cases of high production, where materials may contain a film of oil and where toxic elements and metal fumes are given off, ventilation shall be provided in accordance with paragraph (f) of this section.

(ii) *Fire curtains.* For the protection of the operators of nearby equipment, fire-resistant curtains or suitable shields shall be set up around the machine and in such a manner that the operators movements are not hampered.

(5) *Hazards and precautions.* A job hazard analysis shall be made, by qualified personnel, of the operations to be performed on each welding machine to determine the safeguards and personal protective equipment that shall be used for each job.

(6) *Maintenance.* Periodic inspection shall be made by qualified maintenance personnel, and records of the same maintained. The operator shall be instructed to report any equipment defects to his supervisor and the use of the equipment shall be discontinued until safety repairs have been completed.

(d) *Fire prevention and protection*—(1) *Basic precautions.* For elaboration of these basic precautions and of the special precautions of subparagraph (2) of this paragraph as well as a delineation of the fire protection and prevention responsibilities of welders and cutters, their supervisors (including outside contractors) and those in management on whose property cutting and welding is to be performed, see, Standard for Fire Prevention in Use of Cutting and Welding Processes, NFPA Standard 51B, 1962. The basic precautions for fire prevention in welding or cutting work are:

(i) *Fire hazards.* If the object to be welded or cut cannot readily be moved, all movable fire hazards in the vicinity shall be taken to a safe place.

(ii) *Guards.* If the object to be welded or cut cannot be moved and if all the fire hazards cannot be removed, then guards shall be used to confine the heat, sparks, and slag, and to protect the immovable fire hazards.

(iii) *Restrictions.* If the requirements stated in subdivision (i) and (ii) of this subdivision cannot be followed then welding and cutting shall not be performed.

(2) *Special precautions.* When the nature of the work to be performed falls within the scope of subdivision (ii) of this subdivision certain additional precautions may be necessary:

(i) *Combustible material.* Wherever there are floor openings or cracks in the flooring that cannot be closed, precautions shall be taken so that no readily combustible materials on the floor below will be exposed to sparks which might drop through the floor. The same precautions shall be observed with regard to cracks or holes in walls, open doorways and open or broken windows.

(ii) *Fire extinguishers.* Suitable fire extinguishing equipment shall be maintained in a state of readiness for instant use. Such equipment may consist of pails of water, buckets of sand, hose or portable extinguishers depending upon the nature and quantity of the combustible material exposed.

(iii) *Fire watch.* (a) Fire watchers shall be required whenever welding or cutting is performed in locations where other than a minor fire might develop, or any of the following conditions exist:

(1) Appreciable combustible material, in building construction or contents, closer than 35 feet to the point of operation.

(2) Appreciable combustibles are more than 35 feet away but are easily ignited by sparks.

(3) Wall or floor openings within a 35-foot radius expose combustible material in adjacent areas including concealed spaces in walls or floors.

(4) Combustible materials are adjacent to the opposite side of metal partitions, walls, ceilings, or roofs and are likely to be ignited by conduction or radiation.

(b) Fire watchers shall have fire extinguishing equipment readily available and be trained in its use. They shall be familiar with facilities for sounding an alarm in the event of a fire. They shall watch for fires in all exposed areas, try to extinguish them only when obviously within the capacity of the equipment available, or otherwise sound the alarm. A fire watch shall be maintained for at least a half hour after completion of welding or cutting operations to detect and extinguish possible smoldering fires.

(iv) *Authorization.* Before cutting or welding is permitted, the area shall be inspected by the individual responsible for authorizing cutting and welding operations. He shall designate precautions to be followed in granting authorization to proceed preferably in the form of a written permit.

(v) *Floors.* Where combustible materials such as paper clippings, wood shavings, or textile fibers are on the floor, the floor shall be swept clean for a radius of 35 feet. Combustible floors shall be kept wet, covered with damp sand, or protected by fire-resistant shields. Where operating are welding or cutting equipfloors have been wet down, personnel ment shall be protected from possible shock.

(vi) *Prohibited areas.* Cutting or welding shall not be permitted in the following situations:

(a) In areas not authorized by management.

(b) In sprinklered buildings while such protection is impaired.

(c) In the presence of explosive atmospheres (mixtures of flammable gases, vapors, liquids, or dusts with air), or explosive atmospheres that may develop inside uncleaned or improperly prepared tanks or equipment which have previously contained such materials, or that may develop in areas with an accumulation of combustible dusts.

(d) In areas near the storage of large quantities of exposed, readily ignitible materials such as bulk sulfur, baled paper, or cotton.

(vii) *Relocation of combustibles.* Where practicable, all combustibles shall be relocated at least 35 feet from the work site. Where relocation is impracticable, combustibles shall be protected with flameproofed covers or otherwise shielded with metal or asbestos guards or curtains. Edges of covers at the floor should be tight to prevent sparks from going under them. This precaution is also important at overlaps where several covers are used to protect a large pile.

(viii) *Ducts.* Ducts and conveyor systems that might carry sparks to distant combustibles shall be suitably protected or shut down.

(ix) *Combustible walls.* Where cutting or welding is done near walls, partitions, ceiling or roof of combustible construction, fire-resistant shields or guards shall be provided to prevent ignition.

(x) *Noncombustible walls.* If welding is to be done on a metal wall, partition, ceiling or roof, precautions shall be taken to prevent ignition of combustibles on the other side, due to conduction or radiation, preferably by relocating combustibles. Where combustibles are not relocated, a fire watch on the opposite side from the work shall be provided.

(xi) *Combustible cover.* Welding shall not be attempted on a metal partition, wall, ceiling or roof having a combustible covering nor on walls or partitions of combustible sandwich-type panel construction.

(xii) *Pipes.* Cutting or welding on pipes or other metal in contact with combustible walls, partitions, ceilings or roofs shall not be undertaken if the work is close enough to cause ignition by conduction.

(xiii) *Management.* Management shall recognize its responsibility for the safe usage of cutting and welding equipment on its property and:

(a) Based on fire potentials of plant facilities, establish areas for cutting and welding, and establish procedures for cutting and welding, in other areas.

(b) Designate an individual responsible for authorizing cutting and welding operations in areas not specifically designed for such processes.

(c) Insist that cutters or welders and their supervisors are suitably trained in the safe operation of their equipment and the safe use of the process.

(d) Advise all contractors about flammable materials or hazardous conditions of which they may not be aware.

(xiv) *Supervisor.* The Supervisor:

(a) Shall be responsible for the safe handling of the cutting or welding equipment and the safe use of the cutting or welding process.

(b) Shall determine the combustible materials and hazardous areas present or likely to be present in the work location.

(c) Shall protect combustibles from ignition by the following:

(1) Have the work moved to a location free from dangerous combustibles.

(2) If the work cannot be moved, have the combustibles moved to a safe distance from the work or have the combustibles properly shielded against ignition.

(3) See that cutting and welding are so scheduled that plant operations that might expose combustibles to ignition are not started during cutting or welding.

(d) Shall secure authorization for the cutting or welding operations from the designated management representative.

(e) Shall determine that the cutter or welder secures his approval that conditions are safe before going ahead.

(f) Shall determine that fire protection and extinguishing equipment are properly located at the site.

(g) Where fire watches are required, he shall see that they are available at the site.

(xv) *Fire prevention precautions.* Cutting or welding shall be permitted only in areas that are or have been made fire safe. Within the confines of an operating plant or building, cutting and welding should preferably be done in a specific area designed for such work, such as a maintenance shop or a detached outside location. Such areas should be of noncombustible or fire-resistive construction, essentially free of combustible and flammable contents, and suitably segregated from adjacent areas. When work cannot be moved practically, as in most construction work, the area shall be made safe by removing combustibles or protecting combustibles from ignition sources.

(3) *Welding or cutting containers*—(i) *Used containers.* No welding, cutting, or other hot work shall be performed on used drums, barrels, tanks or other containers until they have been cleaned so thoroughly as to make absolutely certain that there are no flammable materials present or any substances such as greases, tars, acids, or other materials which when subjected to heat, might produce flammable or toxic vapors. Any pipe lines or connections to the drum or vessel shall be disconnected or blanked.

(ii) *Venting and purging.* All hollow spaces, cavities or containers shall be vented to permit the escape of air or gases before preheating, cutting or welding. Purging with inert gas is recommended.

(4) *Confined spaces*—(i) *Accidental contact.* When arc welding is to be suspended for any substantial period of time, such as during lunch or overnight, all electrodes shall be removed from the holders and the holders carefully located so that accidental contact cannot occur and the machine be disconnected from the power source.

(ii) *Torch valve.* In order to eliminate the possibility of gas escaping through leaks or improperly closed valves, when gas welding or cutting, the torch valves shall be closed and the gas supply to the torch positively shutoff at some point outside the confined area whenever the torch is not to be used for a substantial period of time, such as during lunch hour or overnight. Where practicable, the torch and hose shall also be removed from the confined space.

(e) *Protection of personnel*—(1) *General*—(i) *Railing.* A welder or helper working on platforms, scaffolds, or runways shall be protected against falling. This may be accomplished by the use of railings, safety belts, life lines, or some other equally effective safeguards.

(ii) *Welding cable.* Welders shall place welding cable and other equipment so that it is clear of passageways, ladders, and stairways.

(2) *Eye protection*—(i) *Selection.* (a) Helmets or hand shields shall be used during all arc welding or arc cutting operations, excluding submerged arc welding. Goggles should also be worn during arc welding or cutting operations to provide protection from injurious rays from adjacent work, and from flying objects. The goggles may have either clear or colored glass, depending upon the amount of exposure to adjacent welding operations. Helpers or attendants shall be provided with proper eye protection.

(b) Goggles or other suitable eye protection shall be used during all gas welding or oxygen cutting operations. Spectacles without side shields, with suitable filter lenses are permitted for use during gas welding operations on light work, for torch brazing or for inspection.

(c) All operators and attendants of resistance welding or resistance brazing equipment shall use transparent face shields or goggles, depending on the particular job, to protect their faces or eyes, as required.

(d) Eye protection in the form of suitable goggles shall be provided where needed for brazing operations not covered in (a), (b), and (c) of this subdivision.

(ii) *Specifications for protectors.* (a) Helmets and hand shields shall be made of a material which is an insulator for heat and electricity. Helmets, shields and goggles shall be not readily flammable and shall be capable of withstanding sterilization.

(b) Helmets and hand shields shall be arranged to protect the face, neck and ears from direct radiant energy from the arc.

(c) Helmets shall be provided with filter plates and cover plates designed for easy removal.

(d) All parts shall be constructed of a material which will not readily corrode or discolor the skin.

(e) Goggles shall be ventilated to prevent fogging of the lenses as much as practicable.

(f) Cover lenses or plates should be provided to protect each helmet, hand shield or goggle filter lens or plate.

(g) All glass for lenses shall be tempered, substantially free from striae, air bubbles, waves and other flaws. Except when a lens is ground to provide proper optical correction for defective vision, the front and rear surfaces of lenses and windows shall be smooth and parallel.

(h) Lenses shall bear some permanent distinctive marking by which the source and shade may be readily identified.

(i) The following is a guide for the selection of the proper shade numbers. These recommendations may be varied to suit the individual's needs.

Welding operation	*Shade No.*
Shielded metal-arc welding—1/16-, 5/32-, 3/32-, 5/32-inch electrodes	10
Gas-shielded arc welding (nonferrous)—1/16-, 5/32-, 1/8-, 5/32-inch electrodes	11
Gas-shielded arc welding (ferrous)—1/16-, 5/32-, 1/8-, 5/32-inch electrodes	12
Shielded metal-arc welding:	
3/16-, 1/32-, 1/4-inch electrodes	12
5/16-, 3/8-inch electrodes	14
Atomic hydrogen welding	10–14
Carbon arc welding	14
Soldering	2
Torch brazing	3 or 4
Light cutting, up to 1 inch	3 or 4
Medium cutting, 1 inch to 6 inches	4 or 5
Heavy cutting, 6 inches and over	5 or 6
Gas welding (light) up to 1/2 inch	4 or 5
Gas welding (medium) 1/2 inch to 1/2 inch	5 or 6
Gas welding (heavy) 1/2 inch and over	6 or 8

NOTE: In gas welding or oxygen cutting where the torch produces a high yellow light, it is desirable to use a filter or lens that absorbs the yellow or sodium line in the visible light of the operation.

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(f) All filter lenses and plates shall meet the test for transmission of radiant energy prescribed in ANSI Z87.1–1968—American National Standard Practice for Occupational and Educational Eye and Face Protection.

(iii) *Protection from arc welding rays.* Where the work permits, the welder should be enclosed in an individual booth painted with a finish of low reflectivity such as zinc oxide (an important factor for absorbing ultraviolet radiations) and lamp black, or shall be enclosed with noncombustible screens similiarly painted. Booths and screens shall permit circulation of air at floor level. Workers or other persons adjacent to the welding areas shall be protected from the rays by noncombustible or flameproof screens or shields or shall be required to wear appropriate goggles.

(3) *Protective clothing*—(i) *General requirements.* Employees exposed to the hazards created by welding, cutting, or brazing operations shall be protected by personal protective equipment in accordance with the requirements of § 1910.132. Appropriate protective clothing required for any welding operation will vary with the size, nature and location of the work to be performed.

(ii) *Specified protective clothing.* Protective means which may be employed are as follows:

(a) Except when engaged in light work, all welders should wear flameproof gauntlet gloves.

(b) Flameproof aprons made of leather, asbestos, or other suitable material may also be desirable as protection against radiated heat and sparks.

(c) Woolen clothing is preferable to cotton because it is not so readily ignited and helps protect the welder from changes in temperature. Cotton clothing, if used, should be chemically treated to reduce its combustibility. All outer clothing such as jumpers or overalls should be reasonably free from oil or grease.

(d) Sparks may lodge in rolled-up sleeves or pockets of clothing, or cuffs of overalls or trousers. It is therefore recommended that sleeves and collars be kept buttoned and pockets be eliminated from the front of overalls and aprons. Trousers or overalls should not be turned up on the outside.

(e) For heavy work, fire-resistant leggings, high boots, or other equivalent means should be used.

(f) In production work a sheet metal screen in front of the worker's legs can provide further protection against sparks and molten metal in cutting operations.

(g) Capes or shoulder covers made of leather or other suitable materials should be worn during overhead welding or cutting operations. Leather skull caps may be worn under helmets to prevent head burns.

(h) For overhead welding and cutting, or welding and cutting in extremely confined spaces, ear protection is sometimes desirable.

(i) Where there is exposure to sharp or heavy falling objects, or a hazard of bumping in confined spaces, hard hats or head protectors should be used.

(4) *Work in confined spaces*—(i) *General.* As used herein confined space is intended to mean a relatively small or restricted space such as a tank, boiler, pressure vessel, or small compartment of a ship.

(ii) *Ventilation.* Ventilation is a prerequisite to work in confined spaces. For ventilation requirements see paragraph (f) of this section.

(iii) *Securing cylinders and machinery.* When welding or cutting is being performed in any confined spaces the gas cylinders and welding machines shall be left on the outside. Before operations are started, heavy portable equipment mounted on wheels shall be securely blocked to prevent accidental movement

(iv) *Lifelines.* Where a welder must enter a confined space through a manhole or other small opening, means shall be provided for quickly removing him in case of emergency. When safety belts and lifelines are used for this purpose they shall be so attached to the welder's body that his body cannot be jammed in a small exit opening. An attendant with a preplanned rescue procedure shall be stationed outside to observe the welder at all times and be capable of putting rescue operations into effect.

(v) *Electrode removal.* When arc welding is to be suspended for any substantial period of time, such as during lunch or overnight, all electrodes shall be removed from the holders and the holders carefully located so that accidental contact cannot occur and the machine disconnected from the power source.

(vi) *Gas cylinder shutoff.* In order to to eliminate the possibility of gas escaping through leaks or improperly closed valves, when gas welding or cutting, the torch valves shall be closed and the fuel-gas and oxygen supply to the torch positively shut off at some point outside the confined area whenever the torch is not to be used for a substantial period of time, such as during lunch hour or overnight. Where practicable the torch and hose shall also be removed from the confined space.

(vii) *Warning sign.* After welding operations are completed, the welder shall mark the hot metal or provide some other means of warning other workers.

(f) *Health protection and ventilation*—(1) *General*—(i) *Contamination.* The requirements in this paragraph have been established on the basis of the following three factors in arc and gas welding which govern the amount of contamination to which welders may be exposed:

(a) Dimensions of space in which welding is to be done (with special regard to height of ceiling).

(b) Number of welders.

(c) Possible evolution of hazardous fumes, gases, or dust according to the metals involved.

(ii) *Ventilation.* It is recognized that in individual instances other factors may be involved in which case ventilation or respiratory protective devices should be provided as needed to meet the equivalent requirements of this section. Such factors would include:

(a) Atmospheric conditions.

(b) Heat generated.

(c) Presence of volatile solvents.

(iii) *Screens.* When welding must be performed in a space entirely screened on all sides, the screens shall be so arranged that no serious restriction of ventilation exists. It is desirable to have the screens so mounted that they are about 2 feet above the floor unless the work is performed at so low a level that the screen must be extended nearer to the floor to protect nearby workers from the glare of welding.

(iv) *Maximum allowable concentration.* Local exhaust or general ventilating systems shall be provided and arranged to keep the amount of toxic fumes, gases, or dusts below the maximum allowable concentration as specified in § 1910.93.

(v) *Precautionary labels.* A number of potentially hazardous materials are employed in fluxes, coatings, coverings, and filler metals used in welding and cutting or are released to the atmosphere during welding and cutting. These include but are not limited to the materials itemized in paragraphs (f) (5) through (12) of this section. The suppliers of welding materials shall determine the hazard, if any, associated with the use of their materials in welding, cutting, etc.

(a) All filler metals and fusible granular materials shall carry the following notice, as a minimum, on tags, boxes, or other containers:

CAUTION

Welding may produce fumes and gases hazardous to health. Avoid breathing these fumes and gases. Use adequate ventilation. See ANSI Z49.1–1967 Safety in Welding and Cutting published by the American Welding Society.

(b) Brazing (welding) filler metals containing cadmium in significant amounts shall carry the following notice on tags, boxes, or other containers:

WARNING

CONTAINS CADMIUM—POISONOUS FUMES MAY BE FORMED ON HEATING

Do not breathe fumes. Use only with adequate ventilation such as fume collectors, exhaust ventilators, or air-supplied respirators. See ANSI Z49.1–1967.

If chest pain, cough, or fever develops after use call physician immediately.

Keep children away when using.

(c) Brazing and gas welding fluxes containing fluorine compounds shall have a cautionary wording to indicate that they contain fluorine compounds. One such cautionary wording recommended by the American Welding Society for brazing and gas welding fluxes reads as follows:

CAUTION

CONTAINS FLUORIDES

This flux when heated gives off fumes that may irritate eyes, nose and throat.

1. Avoid fumes—use only in well-ventilated spaces.
2. Avoid contact of flux with eyes or skin.
3. Do not take internally.

(2) *Ventilation for general welding and cutting*—(i) *General.* Mechanical ventilation shall be provided when welding or cutting is done on metals not covered in subparagraphs (5) through (12) of this paragraph. (For specific materials, see the ventilation requirements of subparagraphs (5) through (12) of this paragraph.)

(a) In a space of less than 10,000 cubic feet per welder.

(b) In a room having a ceiling height of less than 16 feet.

(c) In confined spaces or where the welding space contains partitions, balconies, or other structural barriers to the extent that they significantly obstruct cross ventilation.

(ii) *Minimum rate.* Such ventilation shall be at the minimum rate of 2,000 cubic feet per minute per welder, except where local exhaust hoods and booths as per subparagraph (3) of this paragraph, or airline respirators approved by the U.S. Bureau of Mines for such purposes are provided. Natural ventilation is considered sufficient for welding or cutting operations where the restrictions in subdivision (i) of this subdivision are not present.

(2) *Local exhaust hoods and booths.* Mechanical local exhaust ventilation may be by means of either of the following:

(i) *Hoods.* Freely movable hoods intended to be placed by the welder as near as practicable to the work being welded and provided with a rate of airflow sufficient to maintain a velocity in the direction of the hood of 100 linear feet per minute in the zone of welding when the hood is at its most remote distance from the point of welding. The rates of ventilation required to accomplish this control velocity using a 3-inch wide flanged suction opening are shown in the following table:

Welding zone	Minimum air flow [1] cubic feet/minutes	Duct diameter, inches [2]
4 to 6 inches from arc or torch	180	3
6 to 8 inches from arc or torch	275	3½
8 to 10 inches from arc or torch	425	4½
10 to 12 inches from arc or torch	600	5½

[1] When brazing with cadmium bearing materials or when cutting on such materials increased rates of ventilation may be required.

[2] Nearest half-inch duct diameter based on 4,000 feet per minute velocity in pipe.

(ii) *Fixed enclosure.* A fixed enclosure with a top and not less than two sides which surround the welding or cutting operations and with a rate of airflow sufficient to maintain a velocity away from the welder of not less than 100 linear feet per minute.

(4) *Ventilation in confined spaces*—(i) *Air replacement.* All welding and cutting operations carried on in confined spaces shall be adequately ventilated to prevent the accumulation of toxic materials or possible oxygen deficiency. This applies not only to the welder but also to helpers and other personnel in the immediate vicinity. All air replacing that withdrawn shall be clean and respirable.

(ii) *Airline respirators.* In such circumstances where it is impossible to provide such ventilation, airline respirators or hose masks approved by the U.S. Bureau of Mines for this purpose shall be used.

(iii) *Self-contained units.* In areas immediately hazardous to life, hose masks with blowers or self-contained breathing equipment shall be used. The breathing equipment shall be approved by the U.S. Bureau of Mines.

(iv) *Outside helper.* Where welding operations are carried on in confined spaces and where welders and helpers are provided with hose masks, hose masks with blowers or self-contained breathing equipment approved by the U.S. Bureau of Mines, a worker shall be stationed on the outside of such confined spaces to insure the safety of those working within.

(v) *Oxygen for ventilation.* Oxygen shall never be used for ventilation.

(5) *Fluorine compounds*—(i) *General.* In confined spaces, welding or cutting involving fluxes, coverings, or other materials which contain fluorine compounds shall be done in accordance with subparagraph (4) of this paragraph. A fluorine compound is one that contains fluorine, as an element in chemical combination, not as a free gas.

(ii) *Maximum allowable concentration.* The need for local exhaust ventilation or airline respirators for welding or cutting in other than confined spaces will depend upon the individual circumstances. However, experience has shown such protection to be desirable for fixed-location production welding and for all production welding on stainless steels. Where air samples taken at the welding location indicate that the fluorides liberated are below the maximum allowable concentration, such protection is not necessary.

(6) *Zinc*—(i) *Confined spaces.* In confined spaces welding or cutting involving zinc-bearing base or filler metals or metals coated with zinc-bearing materials shall be done in accordance with subparagraph (4) of this paragraph.

(ii) *Indoors.* Indoors, welding or cutting involving zinc-bearing base or filler metals coated with zinc-bearing materials shall be done in accordance with subparagraph (3) of this paragraph.

(7) *Lead*—(i) *Confined spaces.* In confined spaces, welding involving lead-base metals (erroneously called lead-burning) shall be done in accordance with subparagraph (4) of this paragraph.

(ii) *Indoors.* Indoors, welding involving lead-base metals shall be done in accordance with subparagraph (3) of this paragraph.

(iii) *Local ventilation.* In confined spaces or indoors, welding or cutting involving metals containing lead, other than as an impurity, or involving metals coated with lead-bearing materials, including paint shall be done using local exhaust ventilation or airline respirators. Outdoors such operations shall be done using respiratory protective equipment approved by the U.S. Bureau of Mines for such purposes. In all cases, workers in the immediate vicinity of the cutting operation shall be protected as necessary by local exhaust ventilation or airline respirators.

(8) *Beryllium.* Welding or cutting indoors, outdoors, or in confined spaces involving beryllium-containing base or filler metals shall be done using local exhaust ventilation and airline respirators unless atmospheric tests under the most adverse conditions have established that the workers' exposure is within the acceptable concentrations defined by § 1910.93. In all cases, workers in the immediate vicinity of the welding or cutting operations shall be protected as necessary by local exhaust ventilation or airline respirators.

(9) *Cadmium.*—(i) *General.* Welding or cutting indoors or in confined spaces involving cadmium-bearing or cadmium-coated base metals shall be done using local exhaust ventilation or airline respirators unless atmospheric tests under the most adverse conditions have established that the workers' exposure is within the acceptable concentrations defined by § 1910.93. Outdoors such operations shall be done using respiratory protective equipment such as fume respirators approved by the U.S. Bureau of Mines for such purposes.

(ii) *Confined space.* Welding (brazing) involving cadmium-bearing filler metals shall be done using ventilation as prescribed in paragraph (3) or (4) of this paragraph if the work is to be done in a confined space.

(10) *Mercury.* Welding or cutting indoors or in a confined space involving metals coated with mercury-bearing materials including paint, shall be done using local exhaust ventilation or airline respirators unless atmospheric tests under the most adverse conditions have established that the workers' exposure is within the acceptable concentrations defined by § 1910.93. Outdoors such operations shall be done using respiratory protective equipment approved by the U.S. Bureau of Mines for such purposes.

(11) *Cleaning compounds*—(i) *Manufacturer's instructions.* In the use of cleaning materials, because of their possible toxicity or flammability, appropriate precautions such as manufacturers instructions shall be followed.

(ii) *Degreasing. Degreasing* and other cleaning operations involving chlorinated hydrocarbons shall be so located that no vapors from these operations will reach or be drawn into the atmosphere surrounding any welding operation. In addition, trichloroethylene and perchlorethylene should be kept out of atmospheres penetrated by the ultraviolet radiation of gas-shielded welding operations.

(12) *Cutting of stainless steels.* Oxygen cutting, using either a chemical flux or iron powder or gas-shielded arc cutting of stainless steel, shall be done using mechanical ventilation adequate to remove the fumes generated.

(13) *First-aid equipment.* First-aid equipment shall be available at all times. On every shift of welding operations there should be present employees trained to render first aid. All injuries shall be reported as soon as possible for medical attention. First aid shall be rendered until medical attention can be provided.

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(g) *Industrial applications* — (1) *Transmission pipeline*—(i) *General.* The requirements of paragraphs (b), (e), and (f) of this section shall be observed.

(ii) *Field shop operations.* Where field shop operations are involved for fabrication of fittings, river crossings, road crossings, and pumping and compressor stations the requirements of paragraphs (a), (b), (d), (e), and (f) of this section shall be observed.

(iii) *Electric shock.* When arc welding is performed in wet conditions, or under conditions of high humidity, special protection against electric shock shall be supplied.

(iv) *Pressure testing.* In pressure testing of pipelines, the workers and the public shall be protected against injury by the blowing out of closures or other pressure restraining devices. Also, protection shall be provided against expulsion of loose dirt that may have become trapped in the pipe.

(v) *Construction standards.* The welded construction of transmission pipelines shall be conducted in accordance with the Standard for Welding Pipe Lines and Related Facilities, API Std. 1104–1968.

(vi) *Flammable substance lines.* The connection, by welding, of branches to pipelines carrying flammable substances shall be performed in accordance with Welding or Hot Tapping on Equipment Containing Flammables, API Std. PSD No. 2201–1963.

(vii) *X-ray inspection.* The use of X-rays and radioactive isotopes for the inspection of welded pipeline joints shall be carried out in conformance with the American National Standard Safety Standard for Non-Medical X-ray and Sealed Gamma-Ray Sources, ANSI Z54.1–1963.

(2) *Mechanical piping systems*—(i) *General.* The requirements of paragraphs (a), (b), (d), (e), and (f) of this section shall be observed.

(ii) *X-ray inspection.* The use of X-rays and radioactive isotopes for the inspection of welded piping joints shall be in conformance with the American National Standard Safety Standard for Non-Medical X-ray and Sealed Gamma-Ray Sources. ANSI Z54.1–1963.

§ 1910.253 Sources of standards.

Sec.	Source
1910.251---	ANSI Z49.1–1967, Safety in Welding and Cutting.
1910.252---	(a) NFPA—51–1969, Welding and Cutting Oxygen Fuel Gas Systems. (b) ANSI Z–49.1 1967, Safety in Welding and Cutting. (c) NFPA 51B 1962, Cutting and Welding Processes. (d) 41 CFR 50–204.7.

§ 1910.254 Standards organizations.

Specific standards of the following organizations have been referenced in this subpart. Copies of the referenced standards may be obtained from the issuing organizations. The names and addresses of the issuing organizations are as follows:

(a) American National Standards Institute (ANSI), 1430 Broadway, New York, NY 10018.

(b) National Fire Protection Association (NFPA), 60 Batterymarch Street, Boston, MA 02110.

(c) Compressed Gas Association, Inc., 500 Fifth Avenue, New York, NY 10036.

(d) American Petroleum Institute, 1801 K Street NW., Washington, DC 20006.

(e) American Welding Society, 345 East 47th Street, New York, NY 10017.

(f) Rubber Manufacturers Association, 444 Madison Avenue, New York, NY 10022.

Subpart R—Special Industries

§ 1910.261 Pulp, paper, and paperboard mills.

(a) *General requirements*—(1) *Application.* This section applies to establishments where pulp, paper, and paperboard are manufactured and converted. This section does not apply to logging and the transportation of logs to pulp, paper, and paperboard mills.

(2) *Standards incorporated by reference.* Standards covering issues of occupational safety and health which have general application without regard to any specific industry are incorporated by reference in paragraphs (b) through (m) of this section and in subparagraphs (3) and (4) of this paragraph and made applicable under this section. Such standards shall be construed according to the rules set forth in § 1910.5.

(3) *General incorporation of standards.* Establishments subject to this section shall comply with the following standards of the American National Standards Institute:

(i) Practice for Industrial Lighting, A11.1—1965 (R–1970).

(ii) Safety Requirements for Floor and Wall Openings, Railings, and Toe Boards, A12.1—1967.

(iii) Scheme for the Identification of Piping Systems, A13.1—1956.

(iv) Safety Code for Portable Wood Ladders, A14.1—1968.

(v) Safety Code for Portable Metal Ladders A14.2—1956.

(vi) Safety Code for Fixed Ladders, A14.3—1956.

(vii) Safety Code for Elevators, Dumbwaiters, and Moving Walks, A17.1—1965, including Supplements A17.1a—1967, A17.1b—1968, A17.1c—1969, and A17.1d—1970.

(viii) Practice for the Inspection of Elevators (Inspector's Manual), A17.2—1960, including Suppelements A17.2a—1965 and A17.2b—1967.

(ix) Safety Code for Mechanical Power-Transmission Apparatus, B15.1—1953 (Reaffirmed 1958).

(x) Safety Code for Conveyors, Cableways, and Related Equipment, B20.1—1957.

(xi) Safety Code for Cranes, Derricks, and Hoists, B30.2—1943 (Reaffirmed 1952 and partially revised by B30.2.0—1967 and B30.5—1968).

(xii) Overhead and Gantry Cranes, B30.2.0—1967 (Partial Revision of B30.2—1943).

(xiii) Crawler, Locomotive, and Truck Cranes, B30.5—1968 (Partial Revision of B30.2—1943).

(xiv) Power Piping, B31.1.0—1967 and addenda B31.10a—1969. Fuel Gas Piping, B31.2—1968.

(xv) Safety Code for Powered Industrial Trucks, B56.1—1969.

(xvi) Identification of Gas-Mask Canisters, K13.1—1967.

(xvii) Safety Code for Woodworking Machinery, O1.1—1954 (Reaffirmed 1961).

(xviii) Requirements for Sanitation in Places of Employment, Z4.1—1968.

(xix) Safety Code for Ventilation and Operation of Open-Surface Tanks, Z9.1—1951.

(xx) Fundamentals Governing the Design and Operation of Local Exhaust Systems, Z9.2—1960.

(xxi) Prevention of Sulfur Fires and Explosions, Z12.12—1968.

(xxii) Method of Measurement of Real-Ear Attenuation of Ear Protectors at Threshold, Z24.22—1957.

(xxiii) Installation of Blower and Exhaust Systems for Dust, Stock, and Vapor Removal or Conveying, Z33.1—1961.

(xxiv) Specifications for Accident Prevention Signs, Z35.1—1968.

(xxv) Practice for Occupational and Educational Eye and Face Protection, Z87.1—1968 (Partial Revision of Z2.1—1959).

(xxvi) Practices for Respiratory Protection, Z88.2—1969.

(xxvii) Safety Requirements for Industrial Head Protection, Z89.1—1969.

(4) *Other standards.* The following standards shall be considered standards under this section:

(i) ASME Boiler and Pressure Vessel Code, Section VIII, Unfired Pressure Vessels, including addenda 1969.

(ii) Building Exits Code for Life Safety from Fire, NFPA 101—1970.

(iii) Safety in the Handling and Use of Explosives, IME Pamphlet No. 17, July 1960, Institute of Makers of Explosives.

(b) *Safe practices*—(1) *Guards.* All driving mechanisms, power-transmission apparatus, and prime movers shall be constructed, guarded, and used in conformity with American National Standard B15.1—1963 (Reaffirmed 1958).

(2) *Personal protective clothing and equipment.* Foot protection, shin-guards, hard hats, noise attenuation devices, or other personal protective clothing and equipment shall be worn when the extent of the hazard is such as to warrant their use. Such equipment shall be worn whenever specifically required by other paragraphs of this section. All equipment shall be maintained in accordance with applicable American National Standards. Respirators, goggles, and protective masks, rubber gloves, rubber boots, and other such equipment shall be cleaned and disinfected before being used by another employee. Eye, head, respiratory, and ear protection, where specified, shall conform to American National Standards Z24.22—1957, Z87.1—1968, Z88.2—1969, and Z89.1—1969.

(3) *Floors and platforms.* Floors, platforms, and work surfaces shall be maintained in accordance with American National Standard A12.1—1967.

(4) *Lockouts.* Devices such as padlocks shall be provided for locking out the source of power at the main disconnect switch. Before any maintenance, inspection, cleaning, adjusting, or servicing of equipment (electrical, mechanical, or other) that requires entrance into or close contact with the machinery or equipment, the main power disconnect switch or valve, or both, controlling its source of power or flow of material, shall be locked out or blocked off with padlock, blank flange, or similar device.

(5) *Vessel entering.* Lifelines and safety harness shall be worn by anyone entering closed vessels, tanks, chip bins, and similar equipment, and a person shall be stationed outside in a position to handle the line and to summon assistance in case of emergency. The air in the vessels shall be tested for oxygen deficiency and the presence of both toxic and explosive gases and vapors, before entry into closed vessels, tanks, etc., is permitted. Self-contained air- or oxygen-supply masks shall be readily available in case of emergency. Work shall not be done on equipment under conditions where an injury would result if a valve were unexpectedly opened or closed unless the valve has been locked in a safe position.

(6) *Industrial power trucks.* All industrial power truck operations shall conform to American National Standard B56.1–1969. All forklift trucks shall be provided with overhead guards. All guards shall be designed in compliance with American National Standard B56.1—1969. Design requirements shall provide protection for the liquid petroleum tank.

(7) *Emergency lighting.* Emergency lighting shall be provided wherever it is necessary for employees to remain at their machines or stations to shut down equipment in case of power failure. Emergency lighting shall be provided at stairways and passageways or aisleways used by employees for emergency exit in case of power failure. Emergency lighting shall be provided in all plant first aid and medical facilities.

(c) *Handling and storage of pulpwood and pulp chips*—(1) *Handling pulpwood with forklift trucks.* Where large forklift trucks, or lift trucks with clam-jaws, are used in the yard, the operator's enclosed cab shall be provided with an escape hatch, whenever the hydraulic arm blocks escape through the side doors.

(2) *Handling pulpwood with cranes or stackers.* (i) Where locomotive cranes are used for loading or unloading pulpwood, the pulpwood shall be piled so as to allow a clearance of not less than 24 inches between the pile and the end of the cab of any locomotive crane in use, when the cab is turned in any working position.

(ii) The minimum distance of the pulpwood pile from the centerline of a standard-gage track shall be maintained at not less than 8½ feet.

(iii) Logs shall be piled in an orderly and stable manner, with no projection into walkways or roadways.

(iv) Railroad cars shall not be spotted on tracks adjacent to the locomotive cranes unless a 24-inch clearance is maintained, as required in subdivision (i) of this subparagraph.

(v) The handling and storage of other materials shall conform to subdivisions (i) and (ii) of this subparagraph with respect to clearance.

(vi) Equipment and practices shall conform to American National Standards B30.2—1943 (Reaffirmed 1952) and B30.2.0—1967.

(vii) Personal protective equipment for such uses as foot, head, and eye protection shall be required for workers on a job basis.

(viii) No person shall be permitted to walk beneath a suspended load, bucket, or hook.

(3) *Handling pulpwood from ships.* (i) Ladders and gangplanks with railings to boat docks shall meet the requirements of American National Standards A12.1—1967, A14.1—1968, A14.2—1956, and A14.3—1956, and shall be securely fastened in place.

(ii) The hatch tender shall be required to signal the hoisting engineer to move the load only after the men working in the hold are in the clear.

(iii) The air in the ship's hold, tanks, or closed vessels shall be tested for oxygen deficiency and for both toxic and explosive gases and vapors.

(4) *Handling pulpwood from flatcars and all other railway cars.* (i) Railroad flatcars for the conveyance of pulpwood loaded parallel to the length of the car shall be equipped with safety-stake pockets.

(ii) Where pulpwood is loaded crosswise on a flatcar sufficient stakes of sizes not smaller than 4 by 4 inches shall be used to prevent the load from shifting.

(iii) When it is necessary to cut stakes, those on the unloading side should be partially cut through first, and then the binder wires cut on the opposite side. Wire cutters equipped with long extension handles shall be used. No person shall be permitted along the dumping side of the car after the stakes have been cut.

(iv) When steel straps without stakes are used, the steel straps shall be cut from a safe area to prevent employees from being struck by the falling logs.

(v) Flatcars and all other cars shall be chocked during unloading. Where equipment is not provided with hand brakes, rail clamping chocks shall be used.

(vi) A derail shall be used to prevent movement of other rail equipment into cars where persons are working.

(5) *Handling pulpwood from trucks.* (i) Cutting of stakes and binder wires shall be done in accordance with subparagraph 4(iii) of this paragraph.

(ii) Where binder chain and steel stakes are used, the binder chains shall be released and the stakes tripped from the opposite side of the load spillage.

(iii) Where binder chains and crane slings are used, the crane slings shall be attached and taut before the binder chains are released. The hooker shall see that the helper is clear before signaling for the movement of the load.

(6) *Handling pulp chips from railway cars.* (i) All cars shall be securely fastened in place and all employees in the clear before dumping is started.

(ii) Personal protective equipment for such uses as foot, head, and eye protection shall be provided, and employees shall wear the equipment when working in the woodyard. Ear protection shall be provided when the noise level may be harmful.

(7) *Handling pulp chips from trucks and trailers.* (i) All trucks and trailers shall be securely fastened in place and all employees in the clear before dumping is started.

(ii) Personal protective equipment shall be in accordance with subparagraph (6)(ii) of this paragraph.

(8) *Cranes.* (i) Crane boom and load capacities as specified by the manufacturer shall be posted in the cab of the crane in accordance with American National Standards B30.2—1943 (reaffirmed 1968) and B30.2.0—1967.

(ii) A safety device such as a heavy chain or cable at least equal in strength to the lifting cables shall be fastened to the boom and to the frame of the boom crane (if it is other than locomotive) at the base. Alternatively, a telescoping safety device shall be fastened to the boom and to the cab frame, so as to prevent the boom from snapping back over the cab in the event of lifting cable breakage.

(iii) A crane shall not be operated where any part thereof may come within 10 feet of overhead powerlines (or other overhead obstructions) unless the powerlines have been deenergized. The boom shall be painted bright yellow from and including the head sheave to a point 6 feet down the boom towards the cab.

(iv) Standard signals for the operation of cranes shall be established for all movements of the crane, in accordance with American National Standards B30.2—1943 (reaffirmed 1968) and B30.2.0—1967.

(v) Only one member of the crew shall be authorized to give signals to the crane operator.

(vi) All cranes shall be equipped with a suitable warning device such as a horn or whistle.

(vii) A sheave guard shall be provided beneath the head sheave of the boom.

(9) *Traffic warning signs or signals.* (i) A flagman shall direct the movement of cranes or locomotives being moved across railroad tracks or roads, and at any points where the vision of the operator is restricted. The flagman must always remain in sight of the operator when the crane or locomotive is in motion. The blue flag policy shall be used to mark stationary cars day and night. This policy shall include marking the track in advance of the spotted cars (flag for daytime, light for darkness).

(ii) After cars are spotted for loading or unloading, warning flags or signs shall be placed in the center of the track at least 50 feet away from the cars and a derail set to protect workmen in the car.

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(10) *Illumination.* Artificial illumination shall be provided when loading or unloading is performed after dark, in accordance with American National Standard A11.1—1965 (R—1970).

(11) *Bridge or dock plates.* The construction and use of bridge or dock plates shall conform to requirements of American National Standard B56.1—1969.

(12) *Barking devices.* When barking drums are employed in the yard, the requirements of paragraph (e)(12) of this section shall apply.

(13) *Hand tools.* Handles of wood hooks shall be locked to the shank to prevent them from rotating.

(14) *Removal of pulpwood.* (i) The ends of a woodpile shall be properly sloped and cross-tiered into the pile. Upright poles shall not be used at the ends of woodpiles. To knock down wood from the woodpile, mechanical equipment shall be used to permit employees to keep in the clear of loosened wood.

(ii) If dynamite is used to loosen the pile, only authorized personnel shall be permitted to handle and discharge the explosive. An electric detonator is preferable for firing; if a fuse is used, it shall be an approved safety fuse with a burning rate of not less than 120 seconds per yard and a minimum length of 3 feet, in accordance with Safety in the Handling and Use of Explosives, IME Pamphlet No. 17, July 1960.

(15) *Belt conveyors.* (i) The sides of the conveyor shall be constructed so that the wood will not fall off.

(ii) Where conveyors cross passageways or roadways, a horizontal platform shall be provided under the conveyor extending out from the sides of the conveyor a distance equal to 1½ times the length of the wood handled. The platform shall extend the width of the road plus 2 feet on each side and shall be kept free of wood and rubbish. The edges of the platform shall be provided with toeboards or other protection to prevent wood from falling, in accordance with American National Standard A12.1—1967.

(iii) All conveyors for pulpwood shall have the inrunning nips between chain and sprockets guarded; also, turning drums shall be guarded.

(iv) Every belt conveyor shall have an emergency stop cable extending the length of the conveyor so that it may be stopped from any location along the line, or conveniently located stop buttons within 10 feet of each work station, in accordance with American National Standard B20.1—1957.

(16) *Signs.* Where conveyors cross walkways or roadways in the yards, signs reading "Danger—Overhead Conveyor" or an equivalent warning shall be erected, in accordance with American National Standard Z35.1—1938.

(d) *Handling and storage of raw materials other than pulpwood or pulp chips*—(1) *Personal protective equipment.* (i) Whenever possible, all dust, fumes, and gases incident to handling materials shall be controlled at the source, in accordance with American National Standard Z9.2—1960. Where control at the source is not possible, respirators with goggles or protective masks shall be provided, and employees shall wear them when handling alum, clay, soda ash, lime, bleach powder, sulfur, chlorine, and similar materials, and when opening rag bales.

(ii) When handling liquid acid or alkali, workmen shall be provided with approved eye and face protection and protective clothing, in accordance with American National Standard Z87.1—1968.

(2) *Clearance.* (i) When materials are being piled inside a building and upon platforms, an aisle clearance at least 3 feet greater than the widest truck in use shall be provided.

(ii) Baled paper and rags stored inside a building shall not be piled closer than 18 inches to walls, partitions, or sprinkler heads.

(3) *Piling and unpiling pulp.* (i) Piles of wet lap pulp (unless palletized) shall be stepped back one-half the width of the sheet for each 8 feet of pile height. Sheets of pulp shall be interlapped to make the pile secure. Pulp shall not be piled over pipelines to jeopardize pipes, or so as to cause overloading of floors, or to within 18 inches below sprinkler heads.

(ii) Piles of pulp shall not be undermined when being unpiled.

(iii) Floor capacities shall be clearly marked on all floors.

(4) *Chocking rolls.* (i) Where pulp or paper rolls are of uniform size, cribbing should be constructed to keep rolls from moving.

(ii) Where rolls are pyramided two or more high, chocks shall be installed between each roll on the floor and at every row. The face of each chock should be formed on a radius to conform to the average roll size in use. Where pulp and paper rolls are stored on smooth floors in processing areas, rubber chocks with wooden core shall be used.

(iii) When rolls are decked two or more high, the bottom rolls shall be chocked on each side to prevent shifting in either direction.

(iv) A supply of portable roll chocks should be available to be used where there are gaps in the bottom row of rolls. These should be as light as possible while still providing maximum blocking effect.

(e) *Preparing pulpwood*—(1) *Gang and slasher saws.* A guard shall be provided in front of all gang and slasher saws to protect workers from wood thrown by saws. A guard shall be placed over tail sprockets.

(2) *Slasher tables.* Saws shall be stopped and power switches shall be locked out and tagged whenever it is necessary for any person to be on the slasher table.

(3) *Slasher drive belts, pulleys, and shafts.* All belts, pulleys, and shafts shall be guarded in accordance with American National Standard B15.1—1955 (Reaffirmed 1958).

(4) *Runway to the jack ladder.* The runway from the pond or unloading dock to the table shall be protected with standard handrails and toeboards. Inclined portions shall have cleats or equivalent nonslip surfacing, in accordance with American National Standard A12.1—1967. Protective equipment shall be provided for persons working over water.

(5) *Guards below table.* Where not protected by the frame of the machine, the underside of the slasher saws shall be enclosed with guards.

(6) *Conveyors.* The requirements of paragraph (c)(15)(iv) of this section shall apply.

(7) *Circular saws (not slasher saws).* Saws shall be provided with standard guards, in accordance with American National Standard 01.1—1954 (Reaffirmed 1961).

(8) *Barker feed.* Each barker shall be equipped with a feed and turnover device which will make it unnecessary for the operator to hold a bolt or log by hand during the barking operation. Eye, ear, and head protection shall be provided for the operator, in accordance with paragraph (b)(2) of this section.

(9) *Guards.* A guard shall be installed around barkers to confine flying particles, in accordance with American National Standard B15.1—1953 (Reaffirmed 1958).

(10) *Stops.* All control devices shall be locked out and tagged when knives are being changed.

(11) *Speed governor.* Water wheels, when directly connected to barker disks or grinders, shall be provided with speed governors, if operated with gate wide open.

(12) *Continuous barking drums.* (i) When platforms or floors allow access to the sides of the drums, a standard railing shall be constructed around the drums. When two or more drums are arranged side by side, proper walkways with standard handrails shall be provided between each set, in accordance with paragraph (b)(3) of this section.

(ii) Sprockets and chains, gears, and trunnions shall have standard guards, in accordance with paragraph (b)(1) of this section.

(iii) Whenever it becomes necessary for a workman to go within a drum, the driving mechanism shall be locked and tagged, at the main disconnect switch, in accordance with paragraph (b)(4) of this section.

(13) *Intermittent barking drums.* In addition to motor switch, clutch, belt shifter, or other power disconnecting device, intermittent barking drums shall be equipped with a device which may be locked to prevent the drum from moving while it is being emptied or filled.

(14) *Hydraulic barkers.* Hydraulic barkers shall be enclosed with strong baffles at the inlet and the outlet. The operator shall be protected by at least five-ply laminated glass.

(15) *Splitter block.* The block upon or against which the wood is rested shall have a corrugated surface or other means provided that the wood will not slip. Wood to be split, and also the splitting block, shall be free of ice, snow, or chips. The operator shall be provided with eye and foot protection. A clear and unobstructed view shall be maintained between equipment and workers around the block and the workers' help area.

(16) *Power control.* Power for the operation of the splitter shall be controlled by a clutch or equivalent device.

(17) *Knot cleaners.* The operators of knot cleaners of the woodpecker type shall wear eye protection equipment. Knot cleaners of the woodpecker type should be enclosed to protect passersby from flying chips.

(18) *Chipper spout.* The feed system to the chipper spout shall be arranged in such a way that the operator does not stand in a direct line with the chipper spout. All chipper spouts shall be enclosed to a height of at least 42 inches from the floor or operator's platform. If practical, a mirror should be installed to enable the chipper feeder to see the chute. When other protection is not sufficient, the operator shall wear a safety belt line. The safety belt line shall be fastened in such a manner as to make it impossible for the operator to fall into the throat of the chipper. Ear protection equipment shall be worn by the operator and others in the immediate area if there is any possibility that the noise level may be harmful (see § 1910.-95).

(19) *Carriers for knives.* Carriers shall be provided and used for transportation of knives.

(f) *Rag and old paper preparation*—(1) *Ripping and trimming tools.* (i) Hand knives and scissors shall have blunt points, shall be fastened to the table with chain or thong, and shall not be carried on the person but placed safely in racks or sheaths when not in use.

(ii) Hand knives and sharpening steels shall be provided with guards at the junction of the handle and the blade.

(2) *Shredders, cutters, and dusters.* (i) Rotating heads or cylinders shall be completely enclosed except for an opening at the feed side sufficient to permit only the entry of stock. The enclosure shall extend over the top of the feed rolls. It shall be constructed either of solid material or with mesh or openings not exceeding one-half inch and substantial enough to contain flying particles and prevent accidental contact with moving parts. The enclosure shall be bolted or locked into place.

(ii) A smooth-pivoted idler roll resting on the stock or feed table shall be provided in front of feed rolls except when arrangements prevent the operator from standing closer than 36 inches to any part of the feed rolls.

(iii) Any manually fed cutter, shredder, or duster shall be provided with an idler roll as per subdivision (ii) of this subparagraph or the operator shall use special hand-feeding tools.

(iv) Hoods of cutters, shredders, and dusters shall have exhaust ventilation, in accordance with American National Standard Z9.2—1960.

(3) *Blowers.* (i) Blowers used for transporting rags shall be provided with feed hoppers having outer edges located not less than 48 inches from the fan.

(ii) The arrangement of the blower discharge outlets and work areas shall be such as to prevent material from falling on workers.

(4) *Conveyors.* Conveyors and conveyor drive belts and pulleys shall be fully enclosed or, if open and within 7 feet of the floor, shall be constructed and guarded in accordance with paragraph (c)(15) of this section and American National Standards B15.1—1953 (Reaffirmed 1958) and B20.1—1957.

(5) *Dust.* Measures for the control of dust shall be provided, in accordance with American National Standards Z33.1—1961, Z87.1—1968, and Z88.2—1969.

(6) *Rag cookers.* (i) When cleaning, inspection, or other work requires that persons enter rag cookers, all steam and water valves, or other control devices, shall be locked and tagged in the closed or "off" position. Blank flanging of pipelines is acceptable in place of closed and locked valves.

(ii) When cleaning, inspection, or other work requires that persons must enter the cooker, one person shall be stationed outside in a position to observe and assist in case of emergency, in accordance with paragraph (b)(5) of this section.

(iii) Supplied air respirators should be worn by persons when spreading material inside cookers.

(iv) Rag cookers shall be provided with safety valves in accordance with the ASME Boiler and Pressure Vessel Code, Section VIII, Unfired Pressure Vessels—1968, with Addenda.

(g) *Chemical processes of making pulp*—(1) *Sulfur burners.* (i) Sulfur-burner houses shall be safely and adequately ventilated, and every precaution shall be taken to guard against dust explosion hazards and fires, in accordance with American National Standards Z9.2—1960 and Z12.12—1968.

(ii) Nonsparking tools and equipment shall be used in handling dry sulfur.

(iii) Sulfur storage bins shall be kept free of sulfur dust accumulation, and buildings should be designed with explosion relief, in accordance with American National Standard Z9.2—1960.

(iv) Electrical equipment shall be of the explosion-proof type, in accordance with the requirements of §§ 1910.322 through 1910.328.

(v) Sulfur-melting equipment shall not be located in the burner room.

(2) *Protection for employees (acid plants).* (i) Gas masks, fitted with canisters containing absorbents for the particular acids, gases, or mists involved, shall be provided for employees of the acid department.

(ii) Supplied air respirators shall be strategically located for emergency and rescue use.

(iii) During inspection, repairs, or maintenance of acid towers, the workman shall be provided with eye protection, a supplied air respirator, a safety belt, and an attached lifeline. The line shall be extended to an attendant stationed outside the tower opening.

(3) *Acid tower structure.* Outside elevators shall be inspected daily during winter months when ice materially affects safety. Elevators, runways, stairs, etc., for the acid tower shall be inspected monthly for defects that may occur because of exposure to acid or corrosive gases.

(4) *Tanks (acid).* (i) Tanks shall be free of acid and shall be washed out with water, and fresh air shall be blown into them before allowing men to enter. Men entering the tanks shall be provided with supplied air respirators, lifebelts, and attached lifelines.

(ii) A man shall be stationed outside to summon assistance if necessary. All intake valves to a tank shall be blanked off or disconnected.

(5) *Clothing.* Where lime slaking takes place, employees shall be provided with rubber boots, rubber gloves, protective aprons, and eye protection. A deluge shower and eye fountain shall be provided to flush the skin and eyes to counteract lime or acid burns.

(6) *Lead burning.* When lead burning is being done within tanks, fresh air shall be forced into the tanks so that fresh air will reach the face of the worker first and the direction of the current will never be from the source of the fumes toward the face of the workers. Supplied air respirators (constant-flow type) shall be provided.

(7) *Hoops for acid storage tanks.* Hoops of tanks shall be made of rods rather than flat strips and shall be safely maintained by scheduled inspections.

(8) *Chip and sawdust bins.* Steam or compressed-air lances, or other facilities, shall be used for breaking down the arches caused by jamming in chip lofts. No worker shall be permitted to enter a bin unless provided with a safety belt, with line attached, and an attendant stationed at the bin to summon assistance.

(9) *Exits (digester building).* At least one unobstructed exit at each end of the room shall be provided on each floor of a digester building.

(10) *Gas masks (digester building).* Gas masks shall be available. These masks shall furnish adequate protection against sulfurous acid and chlorine gases, and shall be inspected and tested at frequent intervals, not to exceed 1 month, in accordance with American National Standards Z87.1—1968, and Z88.2—1969.

(11) *Elevators.* (i) Elevators shall be constructed in accordance with American National Standard A17.1–1965.

(ii) Elevators shall be equipped with gas masks for the maximum number of passengers.

(iii) Elevators shall be equipped with an alarm system to advise of failure.

(12) *Blowoff valves and piping.* (i) The blowoff valve of a digester shall be arranged so as to be operated from another room, remote from safety valves.

(ii) Through bolts instead of cap bolts shall be used on all digester pipings.

(iii) Heavy duty pipe, valves, and fittings shall be used between the digester and blow pit. These valves, fittings, and pipes shall be inspected at least semiannually to determine the degree of deterioration and should be replaced when necessary.

(iv) Digester blow valves shall be pinned or locked in closed position throughout the entire cooking period.

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(13) *Blow pits and blow tanks.* (i) Blow-pit openings shall be preferably on the side of the pit instead of on top. When located on top, openings shall be as small as possible and shall be provided with railings, in accordance with American National Standard A12.1—1967.

(ii) A specially constructed ladder shall be used for access to blow pits, to be constructed so that the door of the blow pit cannot be closed when the ladder is in place; other means shall be provided to prevent the closing of the pit door when anyone is in the pit.

(iii) A signaling device shall be installed in the digester and blow-pit rooms and chip bins to be operated as a warning before and while digesters are being blown.

(iv) Blow-pit hoops shall be maintained in a safe condition.

(14) *Blowing digester.* (i) Blowoff valves shall be opened slowly.

(ii) After the digester has started to be blown, the blowoff valve shall be left open, and the hand plate shall not be removed until the digester cook signals the blow-pit man that the blow is completed. Whenever it becomes necessary to remove the hand plate to clear stock, operators shall wear eye protection equipment and protective clothing to guard against burns from hot stock.

(iii) Means shall be provided whereby the digester cook shall signal the man in the chip bin before starting to load the digester.

(iv) When a digester is to be blown, or is blowing, red warning lights should be lighted, and these warning lights should be located in such a manner as to alert all personnel to leave whose duties do not require them to be in the vicinity of the digester during this operation.

(15) *Inspecting and repairing digester.* (i) Valves controlling lines leading into a digester shall be locked out and tagged. The keys to the locks shall be in the possession of a person or persons doing the inspecting or making repairs.

(ii) Fresh air shall be blown into the digester constantly while workmen are inside. Supplied air respirators shall be available in the event the fresh air supply fails or is inadequate.

(iii) No inspector shall enter a digester unless a lifeline is securely fastened to his body by means of a safety belt and at least one other experienced employee is stationed outside the digester to handle the line and to summon assistance. All ladders and lifelines shall be inspected before each use.

(iv) The concentration of lead dust in the air shall not exceed the limits specified in § 1910.93.

(v) All employees entering digesters for inspection or repair work shall be provided with protective headgear. Eye protection and dust masks shall be provided to workmen while the old brick lining is being removed, in accordance with American National Standards, Z87.1—1968, Z88.2—1969, and Z89.1—1969.

(vi) Sanitary facilities shall be provided as specified in American National Standard Z4.1—1968.

(16) *Pressure tanks-accumulators (acid).* (i) Safety regulations governing inspection and repairing of pressure tanks-accumulators (acid) shall be the same as those specified in subparagraph (15) of this paragraph.

(ii) The pressure tanks-accumulators shall be inspected twice annually. (See the ASME Boiler and Pressure Vessel Code, Section VIII, Unfired Pressure Vessels—1968, with Addenda.)

(17) *Pressure vessels (safety devices).* (i) A safety valve shall be installed in a separate line from each pressure vessel; no hand valve shall be installed between this safety valve and the pressure vessel. Safety valves shall be checked between each cook to be sure they have not become plugged or corroded to the point of being inoperative. (See the ASME Boiler and Pressure Vessel Code, Section VIII, Unfired Pressure Vessels—1968, with Addenda.)

(ii) All safety devices shall conform to Paragraph U–2 in the ASME Boiler and Pressure Vessel Code, Section VIII, Unfired Pressure Vessels—1968, with Addenda.

(18) *Miscellaneous.* Insofar as the processes of the sulfate and soda operations are similar to those of the sulfite processes, the standard of subparagraphs (1) through (17) of this paragraph shall apply.

(i) Quick operating showers, bubblers, etc., shall be available for emergency use in case of caustic soda burns.

(ii) Rotary tenders, smelter operators, and those cleaning smelt spouts shall be provided with eye protection equipment (fitted with lenses that filter out the harmful rays emanating from the light source) when actively engaged in their duties, in accordance with American National Standard Z87.1—1968.

(iii) Heavy-duty pipe, valves, and fittings shall be used between digester and blow pit. These shall be inspected at least semiannually to determine the degree of deterioration and repaired or replaced when necessary, in accordance with American National Standards B31.1—1955, B31.1a—1963, B31.1.0—1967, and B31.2—1968.

(iv) Smelt-dissolving tanks shall be covered and the cover kept closed, except when samples are being taken.

(v) Smelt tanks shall be provided with vent stacks and explosion doors, in accordance with American National Standard Z9.1—1951.

(19) *Blow lines.* (i) Each digester should have two independent "gas-off" lines and a reducing valve in the high-pressure steam line with a safety valve between the digester and the reducing valve. Two gas-off lines are recommended so that if one plugs with pulp, the other may be used, and the hazard of unplugging with the digester under pressure overcome. With the installation of a reducing valve and a safety valve, it is improbable that pressure will exceed the maximum allowable working pressure of the digester.

(ii) Where the blow-off lines from several digesters lead into one pipe, the handles of all cocks should be set uniformly, or some equivalent arrangement should be provided so that a man can see at a glance whether all cocks are set right or not. If valves instead of cocks are provided, a type with a rising spindle should be used.

(iii) When blow lines from more than one digester lead into one pipe, the cock or valve of the blow line from the tank being inspected or repaired shall be locked or tagged out, or the line shall be disconnected and blocked off.

(20) *Furnace room.* Exhaust ventilation shall be provided where niter cake is fed into a rotary furnace and shall be so designed and maintained as to keep the concentration of hydrogen sulfide gas below the parts per million listed in § 1910.93.

(21) *Inspection and repair of tanks.* All piping leading to tanks shall be blanked off or valved and locked or tagged. Any lines to sewers shall be blanked off to protect workers from air contaminants.

(22) *Welding.* Welding on blow tanks, accumulator tanks, or any other vessels where turpentine vapor or other combustible vapor could gather shall be done only after the vessel has been completely purged of fumes. Fresh air shall be supplied workers inside of vessels.

(23) *Turpentine systems and storage tanks.* Nonsparking tools and ground hose shall be used when pumping out the tank. The tank shall be surrounded by a berm or moat.

(h) *Bleaching*—(1) *Bleaching engines.* Bleaching engines, except the Bellmer type, shall be completely covered on the top, with the exception of one small opening large enough to allow filling but too small to admit a man. This opening should be covered by a door and guarded with standard guardrail and toeboards. Platforms leading from one engine to another shall have standard guardrails, in accordance with American National Standard A12.1—1967.

(2) *Bleach mixing rooms.* (i) The room in which the bleach powder is mixed shall be provided with adequate exhaust ventilation, located at the floor level, in accordance with American National Standard Z9.1—1951.

(ii) Chlorine gas shall be carried away from the work place and breathing area by an exhaust system. The gas shall be rendered neutral or harmless before being discharged into the atmosphere. The requirements of American National Standard Z9.2—1960 shall apply to this subdivision.

(iii) Gas masks shall be provided for emergency use, in accordance with American National Standards K13.1—1967 and Z88.2—1969.

(iv) For emergency and rescue work, independent self-contained oxygen masks or supplied air equipment shall be provided. (See American National Standards Z88.2—1969.)

(3) *Liquid chlorine.* (i) Tanks of liquid chlorine shall be stored in an adequately ventilated unoccupied room, where their possible leakage cannot affect workers.

(ii) Gas masks capable of absorbing chlorine shall be supplied, conveniently placed, and regularly inspected, and workers who may be exposed to chlorine gas shall be instructed in their use.

(iii) For emergency and rescue work, independent self-contained oxygen-type masks or supplied air equipment shall be provided.

(iv) At least two exits, remote from each other, shall be provided for all rooms in which chlorine is stored.

(v) Spur tracks upon which tank cars containing chlorine and caustic are spotted and connected to pipelines shall be protected by means of a derail in front of the cars. Blue flag policy should be invoked, in accordance with paragraph (c)(9) of this section.

(vi) All chlorine, caustic, and acid lines shall be marked for positive identification, in accordance with American National Standard A13.1—1967.

(4) *Bagged or drummed chemicals.* Bagged or drummed chemicals require efficient handling to prevent damage and spillage. Certain oxidizing chemicals used in bleaching pulp and also in some sanitizing work require added precautions for safety in storage and handling. In storage, these chemicals must be isolated from combustible materials and other chemicals with which they will react, such as acids. They must also be kept dry, clean and uncontaminated.

(i) *Mechanical pulp process*—(1) *Pulp grinders.* (i) Water wheels directly connected to pulp grinders shall be provided with speed governors limiting the peripheral speed of the grinder to that recommended by the manufacturer.

(ii) Doors of pocket grinders shall be arranged so as to keep them from closing accidentally.

(2) *Butting saws.* Hood guards shall be provided on butting saws, in accordance with American National Standard O1.1—1954 (reaffirmed 1961).

(3) *Floors and platforms.* The requirements of paragraph (b)(3) of this section shall apply.

(4) *Personal protection.* Persons exposed to falling material shall wear eye, head, foot, and shin protection equipment, in accordance with American National Standards Z87.1—1968, Z88.2—1969, Z89.1—1969, and Z41.1—1967.

(j) *Stock preparation* — (1) *Pulp shredders.* (i) Cutting heads shall be completely enclosed except for an opening at the feed side sufficient to permit only entry of stock. The enclosure shall be bolted or locked in place. The enclosure shall be of solid material or with mesh or other openings not exceeding one-half inch.

(ii) Either a slanting feed table with its outer edge not less than 36 inches from the cutting head or an automatic feeding device shall be provided.

(iii) Repairs for cleaning of blockage shall be done only when the shredder is shutdown and control devices locked.

(iv) All power-driven mechanisms shall be guarded in accordance with paragraph (b)(1) of this section.

(2) *Pulp conveyors.* Pulp conveyors and conveyor drive belts and pulleys shall be fully enclosed, or if open and within 7 feet of the floor, shall be constructed and guarded in accordance with American National Standard B20.1—1957.

(3) *Floors, steps, and platforms.* The requirements of paragraph (b)(3) of this section shall apply.

(4) *Beaters.* (i) Beater rolls shall be provided with covers.

(ii) Guard rails 42 inches high shall be provided around beaters where tub tops are less than 42 inches from the floor, in accordance with paragraph (b)(3) of this section and American National Standard A12.1—1967.

(iii) When cleaning, inspecting, or other work requires that persons enter the beaters, all control devices shall be locked or tagged out, in accordance with paragraph (b)(4) of this section.

(iv) When beaters are fed from floor above, the chute opening, if less than 42 inches from the floor, shall be provided with a complete rail or other enclosure. Openings for manual feeding shall be sufficient only for entry of stock and shall be provided with at least two permanently secured crossrails, in accordance American National Standard A12.1—1967.

(v) When beaters are fed manually from the floor above, conveniently located emergency stop devices should be provided at the top level.

(vi) Floors around beaters shall be provided with sufficient drainage to remove wastes.

(5) *Pulpers.* (i) All pulpers having the top or any other opening of vessel less than 42 inches from the floor or work platform shall have such openings guarded by railed or other enclosures. For manual charging, openings shall be sufficient only to permit the entry of stock and shall be provided with at least two permanently secured crossrails, in accordance with American National Standard A12.1—1967.

(ii) When cleaning, inspecting, or other work requires that persons enter the pulpers, they shall be equipped with safety belt and lifeline, and one person shall be stationed outside at a position to observe and assist in case of emergency.

(iii) When cleaning, inspecting, or other work requires that persons enter pulpers, all steam, water, or other control devices shall be locked or tagged out. Blank flanging and tagging of pipe lines is acceptable in place of closed and locked or tagged valves. Blank flanging of steam and water lines shall be acceptable in place of valve locks.

(iv) All power mechanisms shall be guarded in accordance with American National Standard B15.1—1953 (reaffirmed 1958).

(6) *Stock chests.* (i) All control devices shall be locked or tagged out when persons enter stock chests, in accordance with paragraph (b)(4) of this section.

(ii) All power mechanisms shall be guarded in accordance with paragraph (b)(1) of this section.

(iii) When cleaning, inspecting, or other work requires that persons enter stock chests, they shall be provided with a low-voltage extension light.

(k) *Machine room*—(1) *Emergency stops.* Paper machines shall be equipped with devices that will stop the machine quickly in an emergency. The devices shall consist of push buttons for electric motive power (or electrically operated engine stops), pull cords connected directly to the prime mover, control clutches, or other devices, interlocked with adequate braking action. The devices shall be tested periodically by making use of them when stopping the machine and shall be so located that any person working on the machine can quickly disconnect the machine from the source of power in case of emergency.

(2) *Drives.* (i) All drives, pulleys, couplings, and shafts on equipment requiring service while operating shall have standard guards in accordance with paragraph (b)(1) of this section.

(ii) All drives shall be provided with lockout devices at the power switch which interrupts the flow of current to the unit.

(iii) All ends of rotating shafts including dryer drum shafts shall be completely guarded.

(iv) All accessible disengaged doctor blades should be covered.

(v) All exposed shafts shall be guarded. Crossovers shall be provided.

(vi) Oil cups and grease fittings shall be placed in a safe area remote from nip and heat hazards.

(3) *Protective equipment.* Face shields, aprons, and rubber gloves shall be provided for workmen handling acids in accordance with paragraphs (b)(2) and (d)(1) of this section.

(4) *Walkways.* Steps and footwalks along the fourdrinier and press section shall have nonslip surfacing and be complete with standard handrails, when practical, in accordance with paragraph (b)(3) of this section.

(5) *Floor openings.* All flush floor openings in the bottom of the wire pit should be guarded with a barrier-type guard.

(6) *Steps.* Steps of uniform rise and tread with nonslip surfaces shall be provided at each press in accordance with American National Standard A12.1—1967.

(7) *Plank walkways.* A removable plank shall be provided along each press, with standard guardrails installed. The planks shall have nonslip surfaces in accordance with paragraph (b)(3) of this section.

(8) *Dryer lubrication.* If a gear bearing must be oiled while the machine is in operation, an automatic oiling device to protect the oiler shall be provided, or oil cups and grease fittings shall be placed along the walkways out of reach of hot pipes and dryer gears.

(9) *Levers.* All levers carrying weights shall be constructed so that weights will not slip or fall off.

(10) *First dryer.* Either a permanent guardrail or apron guard or both shall be installed in front of the first dryer in each section in accordance with paragraph (b)(1) of this section.

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(11) *Steam and hot-water pipes.* All exposed steam and hot-water pipes within 7 feet of the floor or working platform or within 15 inches measured horizontally from stairways, ramps, or fixed ladders shall be covered with an insulating material, or guarded in such manner as to prevent contact.

(12) *Dryer gears.* Dryer gears shall be guarded excepting where the oilers' walkway is removed out of reach of the gears' nips and spokes and hot pipes in accordance with American National Standard B15.1—1953 (reaffirmed 1968).

(13) *Broke hole.* (i) A guardrail shall be provided at broke holes in accordance with American National Standard A12.1—1967.

(ii) Where pulpers are located directly below the broke hole on a paper machine and where the broke hole opening is large enough to permit a worker to fall through, any employee pushing broke down the hole shall wear a safety belt attached to a safety belt line. The safety belt line shall be fastened in such a manner that it is impossible for the person to fall into the pulper.

(iii) An alarm bell or a flashing light shall be actuated before dropping material through the broke hole.

(14) *Feeder belt.* A feeder belt or other effective device shall be provided for starting paper through the calendar stack.

(15) *Steps.* Steps or ladders of uniform rise and tread with nonslip surfaces shall be provided at each calendar stack. Handrails and hand grips shall be provided at each calendar stack in accordance with American National Standard A12.1—1967.

(16) *Grounding.* All calendar stacks and spreader bars shall be grounded as protection against shock induced by static electricity in accordance with the requirements of § 1910.314.

(17) *Sole plates.* All exposed sole plates between dryers, calenders, reels, and rewinders shall have a nonskid surface.

(18) *Nip points.* The hazard of the nip points on all calender rolls shall be eliminated or minimized by means of an effective barrier device, or by feeding the paper into the rolls by means of a rope carrier, air jets, or hand feeding devices. Nips where paper is not being fed into the calender should be protected by barriers. Adequate nip warning signs should be used at all nip points that cannot be guarded physically.

(19) *Platforms.* (i) A nonslip walkway with standard handrail should be provided on both sides of the stacks, in accordance with the American National Standard A12.1—1967.

(ii) A nonslip platform should also be provided at the top of the calender stack if access to that area is required for changing rolls.

(20) *Scrapers.* Alloy steel scrapers with pullthrough blades approximately 3 by 5 inches in size shall be used to remove "scabs" from calender rolls.

(21) *Illumination.* Permanent lighting shall be installed in all areas where employees are required to make machine adjustments and sheet transfers in accordance with the American National Standard A11.1—1965 (R 1970).

(22) *Control panels.* Floor stand panels should be protected from being hit by moving equipment. All control panel handles and buttons shall be protected from accidental contact.

(23) *Space between reels.* On stack reels, a clearance of at least 8 inches between the reels of paper shall be maintained.

(24) *Lifting reels.* (i) The reels shall stop rotating before being lifted from bearings.

(ii) All lifting equipment (clamps, cables, and slings) shall be maintained in a safe condition and inspected regularly.

(iii) Reel shafts with square block ends shall be guarded.

(25) *Feeder belts.* Feeder belts, carrier ropes, air carriage, or other equally effective means shall be provided for starting paper into the nip or drum-type reels.

(26) *Inrunning nip.* (i) Where the nipping points of all drum winders and rewinders is on the operator's side, it shall be guarded by barrier guards interlocked with the drive mechanism.

(ii) A zero speed switch should be installed to prevent the guard from being raised while the roll is turning.

(27) *Core collars.* Set screws for securing core collars to winding and unwinding shafts shall not protrude above the face of the collar. All edges of the collar with which an operator's hand comes in contact shall be beveled to remove all sharp corners.

(28) *Slitter knives.* Slitter knives shall be guarded so as to prevent accidental contact. Carriers shall be provided and used for transportation of slitter knives.

(29) *Winder shaft.* All shafts should be equipped with a winder collar guide. The winder shall have a guide rail to align the shaft for easy entrance into the opened rewind shaft bearing housings. If the winder is large and the rewind shafts are too heavy for manual insertion, powered rewind shaft injectors should be employed.

(30) *Core shaft.* When the core shaft weighs in excess of the safe standard, a mechanical device such as a dolly shall be provided for carrying all or part of the weight when it is being removed from the set of paper and placed in the dressing brackets on the winder. In the event that the force required to extract the shaft from the cores is excessive, even though the weight of the shaft is being supported, a powered shaft puller should be employed to relieve the operator of physical strain.

(31) *Winder area.* A nonskid surface shall be provided in the front vicinity of the winder to prevent accidental slipping.

(32) *Radiation.* Special standards regarding the use of radiation equipment shall be posted and followed as required by § 1910.96.

(j) *Finishing room*—(1) *Cleaning rolls.* Rolls shall be cleaned only on the outrunning side.

(2) *Emergency stops.* Electrically or manually operated quick power disconnecting devices, interlocked with braking action, shall be provided on all operating sides of the machine within easy reach of all employees. These devices shall be tested by making use of them when stopping the machine.

(3) *Core collars.* The requirements of paragraph (k)(27) of this section and the American National Standard B15.1—1953 (reaffirmed 1968) shall apply.

(4) *Elevators.* These shall be accordance with American National Standard A17.1—1965.

(5) *Control panels.* The requirements of paragraph (k)(22) of this section shall apply.

(6) *Guillotine-type cutters.* (i) Each guillotine-type cutter shall be equipped with a control which requires the operator and his helper, if any, to use both hands to engage the clutch.

(ii) Each guillotine-type cutter shall be equipped with a nonrepeat device.

(iii) Carriers shall be provided and used for transportation of guillotine-type cutter knives.

(7) *Rotary cutter.* (i) On single-knife machines a guard shall be provided at a point of contact to the knife.

(ii) On duplex cutters the protection required for single-knife machines shall be provided for the first knife, and a hood shall be provided for the second knife.

(iii) Safe access shall be provided to the knives of a rotary cutter by means of catwalks with nonslip surfaces, railings, and toeboards in accordance with paragraph (b)(3) of this section.

(iv) A guard shall be provided for the spreader or squeeze roll at the nip side on sheet cutters.

(v) Electrically or manually operated quick power disconnecting devices with adequate braking action shall be provided on all operating sides of the machine within easy reach of all operators.

(vi) The outside slitters shall be guarded.

(8) *Platers.* (i) A guard shall be arranged across the face of the rolls to serve as a warning that the operator's hand is approaching the danger zone.

(ii) A quick power disconnecting device shall be installed on each machine within easy reach of the operator.

(9) *Finishing room rewinders.* (i) The nipping points of all drum winders and rewinders located on the operator's side shall be guarded by either automatic or manually operated barrier guards of sufficient height to protect fully anyone working around them. The barrier guard shall be interlocked with the drive mechanism to prevent operating above jog speed without the guard in place.

A zero speed switch should be installed to prevent the guard from being raised while the roll is turning.

(ii) A nonskid surface shall be provided in front of the rewinder to prevent an employee from slipping in accordance with paragraph (b)(3) of this section.

(iii) Mechanical lifting devices shall be provided for placing and removing rolls from the machine.

(10) *Control panels.* The requirements of paragraph (k)(22) of this section shall apply.

(11) *Roll-type embosser.* The nipping point located on the operator's side shall

be guarded by either automatic or manually operated barrier guards interlocked with the drive.

(12) *Sorting and counting tables.* (i) Tables shall be smooth and free from splinters, with edges and corners rounded.

(ii) Paddles shall be smooth and free from splinters.

(13) *Roll splitters.* The nip point and cutter knife shall be guarded by either automatic or manually operated barrier guards.

(m) *Materials handling*—(1) *Hand trucks.* No person shall be permitted to ride on a powered hand truck unless it is so designed by the manufacturer. A limit switch shall be on operating handle—30 degrees each way from a 45-degree angle up and down.

(2) *Power trucks.* Power trucks shall comply with American National Standard B56.1—1969. Adequate ventilation shall be provided and the trucks properly maintained, so that dangerous concentrations of carbon monoxide cannot be generated, especially in warehouses or other isolated areas of a plant.

(3) *Cartons.* The carton-stitching machine shall be guarded to prevent the operator from coming in contact with the stitching head.

(4) *Banding of skids, cartons, cases, etc.* Banders and helpers shall wear eye protection equipment in accordance with paragraph (b)(2) of this section.

(5) *Unloading cars or trucks.* (i) Where steel bands or wires are used in boxcars or trucks, all loaders and helpers shall wear eye protection in accordance with paragraph (b)(2) of this section.

(ii) The construction and use of bridge or dock plates shall conform to the requirements of American National Standard B56.1—1969.

(iii) Flag signals, derails, or other protective devices shall be used to protect men during switching operations. The blue flag policy shall be invoked according to paragraph (c)(9)(i) of this section.

(n) *Effective dates.* (1) The provisions of this § 1910.261 shall become effective on August 27, 1971, except as provided in the remaining subparagraphs of this paragraph.

(2) The following provisions shall become effective on February 15, 1972:

§ 1910.261 (a)(3), (b)(6), (f)(2)(iv), (f)(5), (g)(1)(iv), (g)(11)(i), (j)(5)(iv), (k)(12), (k)(32), and (m)(2).

(3) Notwithstanding anything in subparagraph (1), (2), or (4) of this paragraph, any provision in any other paragraph of this section which contains in itself a specific effective date or time limitation shall become effective on such date or shall apply in accordance with such limitation.

(4) Notwithstanding subparagraph (1) of this paragraph, if any standard in 41 CFR Part 50–204, other than a national consensus standard incorporated by reference in § 50–204.2(a)(1), is or becomes applicable at any time to any employment and place of employment, by virtue of the Walsh-Healey Public Contracts Act, or the Service Contract Act of 1965, or the National Foundation on Arts and Humanities Act of 1965, any corresponding established Federal standard in this § 1910.261 which is derived from 41 CFR Part 50–204 shall also become effective, and shall be applicable to such employment and place of employment, on the same date.

§ 1910.262 Textiles.

(a) *Application requirements*—(1) *Application.* The requirements of this subpart for textile safety apply to the design, installation, processes, operation, and maintenance of textile machinery, equipment, and other plant facilities in all plants engaged in the manufacture and processing of textiles, except those processes used exclusively in the manufacture of synthetic fibers.

(2) *Standards incorporated by reference.* Standards covering issues of occupational safety and health which are of general application without regard to any specific industry are incorporated by reference in paragraphs of this section and made applicable to textiles. All such standards shall be construed according to the rules of construction set out in § 1910.5.

(b) *Definitions applicable to this section*—(1) *Belt shifter.* A "belt shifter" is a device for mechanically shifting a belt from one pulley to another.

(2) *Belt shifter lock.* A "belt shifter lock" is a device for positively locking the belt shifter in position while the machine is stopped and the belt is idling on the loose pulleys.

(3) *Calender.* A "calender" in essence consists of a set of heavy rollers mounted on vertical side frames and arranged to pass cloth between them. Calenders may have two to ten rollers, or bowls, some of which can be heated.

(4) *Embossing calender.* An "embossing calender" is a calender with two or more rolls, one of which is engraved for producing figured effects of various kinds on a fabric.

(5) *Cans (drying).* Drying "cans" are hollow cylindrical drums mounted in a frame so they can rotate. They are heated with steam and are used to dry fabrics or yarn as it passes around the perimeter of the can.

(6) *Carbonizing.* "Carbonizing" means the removing of vegetable matter such as burrs, straws, etc., from wool by treatment with acid, followed by heat. The undesired matter is reduced to a carbon-like form which may be removed by dusting or shaking.

(7) *Card.* A "card" machine consists of cylinders of various sizes—and in certain cases flats—covered with card clothing and set in relation to each other so that fibers in staple form may be separated into individual relationship. The speed of the cylinders and their direction of rotation varies. The finished product is delivered as a sliver. Cards of different types are: The revolving flat card, the roller-and-clearer card, etc.

(8) *Card clothing.* "Card clothing" is the material with which many of the surfaces of a card are covered; e.g., the cylinder, doffer, etc. It consists of a thick foundation material, usually made of textile fabrics, through which are pressed many fine, closely spaced, specially bent wires.

(9) *Comber.* A "comber" is a machine for combing fibers of cotton, wool, etc. The essential parts are a device for feeding forward a fringe of fibers at regular intervals and an arrangement of combs or pins which, at the right time, pass through the fringe. All tangled fibers, short fibers, and neps are removed and the long fibers are laid parallel.

(10) *Combing machinery.* "Combing machinery" is a general classification, including combers, sliver lap machines, ribbon lap machines, and gill boxes, but excluding cards.

(11) *Cutter (rotary staple).* A rotary staple "cutter" is a machine consisting of one or more rotary blades used for the purpose of cutting textile fibers into staple lengths.

(12) *Exposed to contact.* "Exposed to contact" shall mean that the location of an object, material, nip point, or point of operation is such that a person is liable to come in contact with it in his normal course of employment.

(13) *Garnett machine.* A "Garnett machine" means any of a number of types of machines for opening hard twisted waste of wool, cotton, silk, etc. Essentially, such machines consist of a lickerin; one or more cylinders, each having a complement worker and stripper rolls; and a fancy roll and doffer. The action of such machines is somewhat like that of a wool card, but it is much more severe in that the various rolls are covered with garnett wire instead of card clothing.

(14) *Gill box.* A "gill box" is a machine used in the worsted system of manufacturing yarns. Its function is to arrange the fibers in parallel order. Essentially, it consists of a pair of feed rolls and a series of followers where the followers move at a faster surface speed and perform a combing action.

(15) *Interlock.* An "interlock" is a device that operates to prevent the operation of machine while the cover or door of the machine is open or unlocked, and which will also hold the cover or door closed and locked while the machine is in motion.

(16) *Jig (dye).* A dye "jig" is a machine for dyeing piece goods. The cloth, at full width, passes from a roller through the dye liquor in an open vat and is then wound on another roller. The operation is repeated until the desired shade is obtained.

(17) *Kier.* A "kier" is a large metal vat, usually a pressure type, in which fabrics may be boiled out, bleached, etc.

(18) *Lapper (ribbon).* A ribbon "lapper" is a machine used to prepare laps for feeding a cotton comb; its purpose is to provide a uniform lap in which the fibers have been straightened as much as possible.

(9) *Lapper (sliver).* A sliver "lapper" is a machine in which a number of parallel card slivers are drafted slightly, laid side by side in a compact sheet, and wound into a cylindrical package.

(20) *Loom.* A "loom" is a machine for effecting the interlacing of two series of yarns crossing one another at right

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angles. The warp yarns are wound on a warp beam and pass through heddles and reed. The filling is shot across in a shuttle and settled in place by reed and lay, and the fabric is wound on a cloth beam.

(21) *Mangle (starch)*. A "starch mangle" is a mangle that is used specifically for starching cotton goods. It commonly consists of two large rolls and a shallow open vat with several immersion rolls. The vat contains the starch solution.

(22) *Mangle (water)*. A "water mangle" is a calender having two or more rolls used for squeezing water from fabrics before drying. Water mangles also may be used in other ways during the finishing of various fabrics.

(23) *Mule*. A "mule" is a type of spinning frame having a head stock and a carriage as its two main sections. The head stock is stationary. The carriage is movable and it carries the spindles which draft and spin the roving into the yarn. The carriage extends over the whole width of the machine and moves slowly toward and away from the head stock during the spinning operation.

(24) *Nip*. "Nip" shall mean the point of contact between two in-running rolls.

(25) *Openers and pickers*. "Openers and pickers" means a general classification which includes breaker pickers, intermediate pickers, finisher pickers, single process pickers, multiple process pickers, willow machines, card and picker waste cleaners, thread extractors, shredding machines, roving waste openers, shoddy pickers, bale breakers, feeders, vertical openers, lattice cleaners, horizontal cleaners, and any similar machinery equipped with either cylinders, screen section, calender section, rolls, or beaters used for the preparation of stock for further processing.

(26) *Paddler*. A "paddler" consists of a trough for a solution and two or more squeeze rolls between which cloth passes after being passed through a mordant or dye bath.

(27) *Point of operation*. "Point of operation" shall mean that part of the machine where the work of cutting, shearing, squeezing, drawing, or manipulating the stock in any other way is done.

(28) *Printing machine (roller type)*. A "roller printing machine" is a machine consisting of a large central cylinder, or pressure bowl, around the lower part of the perimeter of which is placed a series of engraved color rollers (each having a color trough), a furnisher roller, doctor blades, etc. The machine is used for printing fabrics.

(29) *Ranges (bleaching continuous)*. "Continuous bleaching ranges" are of several types and may be made for cloth in rope or open-width form. The goods, after wetting out, pass through a squeeze roll into a saturator containing a solution of caustic soda and then to an enclosed J-box. A V-shaped arrangement is attached to the front part of the J-box for uniform and rapid saturation of the cloth with steam before it is packed down in the J-box. The cloth, in a single strand rope form, passes over a guide roll down the first arm of the "V" and up the second. Steam is injected into the "V" at the upper end of the second arm so that the cloth is rapidly saturated with steam at this point. The J-box capacity is such that cloth will remain hot for a sufficient time to complete the scouring action. It then passes a series of washers with a squeeze roll in between. The cloth then passes through a second set of saturator, J-box, and washer, where it is treated with the peroxide solution. By slight modification of the form of the unit, the same process can be applied to open-width cloth.

(30) *Range (mercerizing)*. A "mercerizing range" consists generally of a 3-bowl mangle, a tenter frame, and a number of boxes for washing and scouring. The whole setup is in a straight line and all parts operate continuously. The combination is used to saturate the cloth with sodium hydroxide, stretch it while saturated, and washing out most of the caustic before releasing tension.

(31) *Sanforizing machine*. A "sanforizing machine" is a machine consisting of a large steam-heated cylinder, an endless, thick, woolen felt blanket which is in close contact with the cylinder for most of its perimeter, and an electrically heated shoe which presses the cloth against the blanket while the latter is in a stretched condition as it curves around feed-in roll.

(32) *Shearing machine*. A "shearing machine" is a machine used in shearing cloth. Cutting action is provided by a number of steel blades spirally mounted on a roller. The roller rotates in close contact with a fixed ledger blade. There may be from one to six such rollers on a machine.

(33) *Singeing machine*. A "singeing machine" is a machine used particularly with cotton; it comprises of a heated roller, plate, or an open gas flame. The material is rapidly passed over the roller or the plate or through the open gas flame to remove, fuzz or hairiness on yarn or cloth by burning.

(34) *Slasher*. A "slasher" is a machine used for applying a size mixture to warp yarns. Essentially, it consists of a stand for holding section beams, a size box, one or more cylindrical dryers or an enclosed hot air dryer, and a beaming end for finding the yarn on the loom beams.

(35) *Solvent (industrial organic)*. "Industrial organic solvent" means any organic volatile liquid or compound, or any combination of these substances which are used to dissolve or suspend a nonvolatile or slightly volatile substance for industrial utilization. It shall also apply to such substances when used as detergents or cleansing agents. It shall not apply to petroleum products when such products are used as fuel.

(36) *Tenter frame*. A "tenter frame" is a machine for drying cloth under tension. It essentially consists of a pair of endless traveling chains fitted with clips of fine pins and carried on tracks. The cloth is firmly held at the selvages by the two chains which diverge as they move forward so that the cloth is brought to the desired width.

(37) *Warper*. A "warper" is any machine for preparing and arranging the yarns intended for the warp of a fabric, specifically, a beam warper.

(c) *General safety requirements*—(1) *Means of stopping machines*. Every textile machine shall be provided with individual mechanical or electrical means for stopping such machines. On machines driven by belts and shafting, a locking-type shifter or an equivalent positive device shall be used. On operations where injury to the operator might result if motors were to restart after power failures, provision shall be made to prevent machines from automatically restarting upon restoration of power.

(2) *Handles*. Stopping and starting handles shall be designed to the proper length to prevent the worker's hand or fingers from striking against any revolving part, gear guard, or any other part of the machine.

(3) *Machine guarding*. Mechanical power-transmission equipment shall be guarded in conformity with § 1910.219.

(4) *Housekeeping*. Aisles and working spaces shall be kept in good order, clean and free of obstructions in accordance with requirements of § 1910.141.

(5) *Inspection and maintenance*. All guards and other safety devices, including starting and stopping devices, shall be properly maintained.

(6) *Lighting*. Lighting shall conform to American National Standard A11.1—1965.

(7) *Identification of piping systems*. Identification of piping systems shall conform to American National Standard A13.1—1956.

(8) *Identification of physical hazards*. Identification of physical hazards shall be in accordance with the requirements of § 1910.144.

(9) *Steam pipes*. All pipes carrying steam or hot water for process or servicing machinery, when exposed to contact and located within seven feet of the floor or working platform shall be covered with a heat-insulating material, or otherwise properly guarded.

(d) *Openers and pickers*—(1) *Beater guards*. When any opening or picker machinery is equipped with a beater, such beater shall be provided with metal covers which will prevent contact with the beater. Such covers shall be provided with an interlock which will prevent the cover from being raised while the machine is in motion and prevent the operation of the machine while the cover is open.

(2) *Cleanout holes*. Cleanout holes within reaching distance of the fan or picker beater shall have their covers securely fastened and they shall not be opened while the machine is in motion.

(3) *Feed rolls*. The feed rolls on all opening and picking machinery shall be covered with a guard designed to prevent the operator from reaching the nip while the machinery is in operation.

(4) *Removal of foreign ferrous material*. All textile opener lines shall be equipped with magnetic separators, tramp iron separators, or other means for the removal of foreign ferrous material.

(e) *Cotton cards*—(1) *Enclosures*. Cylinder and lickerins shall be completely protected and the doffers should be enclosed.

(2) *Enclosure fastenings*. The enclosures or covers shall be kept in place while the machine is in operation, except when stripping or grinding.

(3) *Stripping rolls*. On operations calling for flat strippings which are allowed to fall on the doffer cover, where such strippings are removed by hand, the doffer cover shall be kept closed and securely fastened to prevent the opening of the cover while the machine is in operation. When it becomes necessary to clean the cards while they are in motion, a long-handled brush or dust mop shall be used.

(f) *Garnett machines*—(1) *Lickerin*. Garnett lickerins shall be enclosed.

(2) *Fancy rolls*. Garnett fancy rolls shall be enclosed by covers. These shall be installed in a way that keeps worker rolls reasonably accessible for removal or adjustment.

(3) *Underside of machine*. The underside of the garnett shall be guarded by a screen mesh or other form of enclosure to prevent access.

(g) *Spinning mules*—A substantial fender of metal or hardwood shall be installed in front of the carriage wheels, the fender to extend to within one-fourth inch of the rail.

(h) *Slashers*—(1) *Cylinder dryers*—(i) *Reducing valves, safety valves, and pressure gages*. Reducing valves, safety valves, and pressure gages shall conform to the ASME Pressure Vessel Code, Section VIII, Unfired Pressure Vessels, 1968.

(ii) *Vacuum relief valves*. Vacuum relief valves shall conform to the ASME Code for Pressure Vessels, Section VIII, Unfired Pressure Vessels, 1968.

(iii) *Lever control*. When slashers are operated by control levers, these levers shall be connected to a horizontal bar or treadle located not more than 69 inches above the floor to control the operation from any point.

(iv) *Pushbutton control*. Slashers operated by pushbutton control shall have stop and start buttons located at each end of the machine, and additional buttons located on both sides of the machine, at the size box and the delivery end. If calender rolls are used, additional buttons shall be provided at both sides of the machine at points near the nips, except when slashers are equipped with an enclosed dryer.

(v) *Nip guards*. All nip guards shall comply with the requirements of subparagraph (2)(iv) of this paragraph.

(vi) *Cylinder enclosure*. When enclosures or hoods are used over cylinder drying rolls, such enclosures or hoods shall be provided with an exhaust system which will effectively prevent wet air and steam from escaping into the workroom.

(vii) *Expansion chambers*. Slasher kettles and cookers shall be provided with expansion chambers in the covers, or drains, to prevent surging over. Steam-control valves shall be so located that they can be operated without exposing the worker to moving parts, hot surfaces, or steam.

(2) *Enclosed hot air dryer*—(i) *Lever control*. When slashers are operated by control levers, these levers shall be connected to a horizontal bar or treadle located not more than 69 inches above the floor to control the operation from any point.

(ii) *Push-button control*. Slashers operated by push-button control shall have one start button at each end of the machine and stop buttons shall be located on both sides of the machines at intervals spaced not more than 6 feet on centers. Inching buttons should be installed.

(iii) *Dryer enclosure*. The dryer enclosure shall be provided with an exhaust system which will effectively prevent wet air and steam from escaping into the workroom.

(iv) *Nip guards*. All nip guards shall comply with Table R–1.

TABLE R–1

GUARD OPENINGS

Openings in the guard or between the guard and working surface shall not be greater than the following:

Distance of opening from nip point	Maximum width of opening
0 to 1½	¼
1½ to 2½	⅜
2½ to 3½	½
3½ to 5½	⅝
5½ to 6½	¾
6½ to 7½	⅞
7½ to 8½	1¼

The measurements in Table R–1 are all in inches.

(v) *Expansion chambers*. Slasher kettles and cookers shall be provided with expansion chambers in the covers, or drains, to prevent surging over. Steam control valves shall be so located that they can be operated without exposing the worker to moving parts, hot surfaces, or steam.

(i) *Warpers*—(1) *Swiveled double-bar gates*. Swiveled double-bar gates shall be installed on all warpers operating in excess of 450 yards per minute. These gates shall be so interlocked that the machine cannot be operated until the gate is in the "closed position," except for the purpose of inching or jogging.

(2) *Closed position*. "Closed position" shall mean that the top bar of the gate shall be at least 42 inches from the floor or working platform; and the lower bar shall be at least 21 inches from the floor or working platform; and the gate shall be located 15 inches from the vertical tangent to the beam head.

(j) *Drawing frames, slubbers, roving parts, cotton combers, ring spinning frames, twisters*. Gear housing covers on all installations of drawing frames, slubbers, roving frames, cotton combers, ring spinning frames, and twisters shall be equipped with interlocks.

(k) *Gill boxes*—(1) *Pin guard*. A guard shall be placed ahead of the feed end and shall be so designed that it will prevent the worker's fingers from being caught in the pins of the intersecting fallers.

(2) *Nip guards*. All nip guards shall comply with the requirements of paragraph (h)(2)(iv) of this section.

(l) *Heavy draw boxes, finishers, and speeders used in worsted drawing*—(1) *Band pulley covers*. Covers for band pulleys shall be closed when the machine is in motion.

(2) *Benches or working platforms*. Branches or working platforms approximately 10 inches in height and 8 inches in width should be installed along the entire running length of the machine for the worker to stand on while creeling the machine. Such benches or platforms shall be covered with an abrasive or nonslip material.

(m) *Sliver and ribbon lappers (cotton)*. Cover guard. An interlocking cover guard shall be installed over the large calender drums and the lap spool, designed to prevent the operator from coming in contact with the nip.

(n) *Looms*—(1) *Shuttle guard*. Each loom shall be equipped with a guard designed to minimize the danger of the shuttle flying out of the shed.

(2) *Protection for loom fixer*. Provisions shall be made so that every loom fixer can prevent the loom from being started while he is at work on the loom. This may be accomplished by means of a lock, the key to which is retained in the possession of the loom fixer, or by some other effective means to prevent starting the loom.

(o) *Shearing machines*. All revolving blades on shearing machines shall be guarded so that the opening between the cloth surface and the bottom of the guard will not exceed three-eighths inch.

(p) *Continuous bleach range (cotton and rayon)*—(1) *J-box protection*. Each valve controlling the flow of steam, injurious gases, or liquids into a J-box shall be equipped with a chain, lock, and key, so that any worker who enters the J-box can lock the valve and retain the key in his possession. Any other method which will prevent steam, injurious gases, or liquids from entering the J-box while the worker is in it will be acceptable.

(2) *Open-width bleaching*. The nip of all in-running rolls on open-width bleaching machine rolls shall be protected with a guard to prevent the worker from being caught at the nip. The guard shall extend across the entire length of the nip.

(q) *Kiers*—(1) *Reducing valves, safety valves, and pressure gages*. Reducing valves, safety valves, and pressure gages shall conform to the ASME Code for Unfired Pressure Vessels, Section VIII, Unfired/Pressure Vessels, 1968.

(2) *Kier valve protection*. Each valve controlling the flow of steam, injurious gases, or liquids into a kier shall be equipped with a chain, lock, and key, so that any worker who enters the kier can lock the valve and retain the key in his possession. Any other method which will prevent steam, injurious gases, or liquids from entering the kier while the worker is in it will be acceptable.

(r) *Gray and white bins*. On new installations guard rails conforming to § 1910.23 shall be provided where workers are required to plait by hand from the top of the bin so as to protect the worker from falling to a lower level.

(s) *Mercerizing range (piece goods)*—(1) *Stopping devices*. A stopping device

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shall be provided at each end of the machine.

(2) *Frame ends.* A guard shall be installed at each end of the frame between the in-running chain and the clip opener, to prevent the worker's fingers from being caught.

(3) *Mangle and washers.* The nip at the in-running rolls shall conform to § 1910.264.

(t) *Tenter frames*—(1) *Stopping devices.* A stopping device shall be provided at each end of the machine.

(2) *Frame ends.* A guard shall be installed at each end of the frame at the in-running chain and clip opener.

(3) *Oil cups.* Oil cups shall be safely located to permit easy access.

(u) *Dyeing jigs*—(1) *Stopping devices.* Each dye jig shall be equipped with individual mechanical or electrical means for stopping the machine.

(2) *Roll arms.* Roll arms on jigs shall be built to allow for extra large batches, and to prevent the center bar from being forced off, causing the batch to fall.

(v) *Padders—Nip guards.* All nip guards shall comply with the requirements of paragraph (h)(2)(iv) of this section.

(w) *Drying cans*—(1) *Pressure reducing valves and pressure gages.* Pressure reducing valves and pressure gages shall conform to the ASME Code for Pressure Vessels, Section VIII, 1968, Unfired Pressure Vessels.

(2) *Vacuum collapse.* If cans are not designed to prevent vacuum collapse, each can shall be equipped with one or more vacuum relief valves with openings of sufficient size to prevent the collapse of the can if vacuum occurs.

(x) *Flat-work ironer*—(1) *Feed rolls.* The feed rolls shall be guarded to conform to § 1910.264.

(2) *Pressure rolls.* Pressure rolls shall be covered or guarded to conform to § 1910.264.

(y) *Extractors*—(1) *Centrifugal extractor*—(i) *Cover.* Each extractor shall be equipped with a metal cover.

(ii) *Interlocking device.* Each extractor shall be equipped with an interlocking device that will prevent the cover from being opened while the basket is in motion, and also prevent the power operation of the basket while the cover is open.

(iii) *Brakes.* Each extractor shall be equipped with a mechanically or electrically operated brake to quickly stop the basket when the power driving the basket is shut off.

(iv) *Maximum allowable speed.* Each centrifugal extractor shall be effectively secured in position on the floor or foundation so as to eliminate unnecessary vibration, and should not be operated at a speed greater than the manufacturer's rating, which shall be stamped where easily visible in letters not less than one-quarter inch in height. The maximum allowable speed shall be given in revolutions per minute (rpm).

(2) *Engine drum extractor—Overspeed governor.* Each engine individually driving an extractor shall be provided with an approved engine stop and speed limit governor.

(3) *Squeezer or wringer extractor—Nip guards.* All nip guards shall comply with the requirements of paragraph (h)(2)(iv) of this section.

(z) *Nip guards.* All nip guards for water mangle, starch mangle, backwasher (worsted yarn) crabbing machines, decating machines, shall comply with the requirements of paragraph (h)(2)(iv).

(aa) *Sanforizing and palmer machine.* A safety trip rod, cable, or wire center cord shall be provided across the front and back of all palmer cylinders extending the length of the face of the cylinder. It shall operate readily whether pushed or pulled. This safety trip shall be not more than 72 inches above the level on which the operator stands and shall be readily accessible.

(bb) *Rope washers*—(1) *Splash guard.* Splash guards shall be installed on all rope washers unless the machine is so designed as to prevent the water or liquid from splashing the operator, the floor, or working surface.

(2) *Safety stop bar.* A safety trip rod, cable or wire center cord shall be provided across the front and back of all rope washers extending the length of the face of the washer. It shall operate readily whether pushed or pulled. This safety trip shall be not more than 72 inches above the level on which the operator stands and shall be readily accessible.

(cc) *Laundry washer tumbler or shaker*—(1) *Interlocking device.* Each drying tumbler, each double cylinder shaker or clothes tumbler, and each washing machine shall be equipped with an interlock device which will prevent the power operation of the inside cylinder when the outer door on the case or shell is open, and which will also prevent the outer door on the case or shell from being opened without shutting off the power. This should not prevent the movement of the inner cylinder by means of a hand operated mechanism or an "inching device."

(2) *Means of holding covers or doors in open position.* Each enclosed barrel shall also be equipped with adequate means for holding open the doors or covers of the inner and outer cylinders or shells while it is being loaded or unloaded.

(dd) *Printing machine (roller type)*—(1) *Nip guards.* All nip guards shall comply with the requirements of paragraph (h)(2)(iv) of this section.

(2) *Crown wheel and roller gear nip protection.* The engraved roller gears and the large crown wheel shall be provided with a protective disc which will enclose the nips of the in-running gears. Individual discs for each nip will be acceptable.

(ee) *Calenders.* The nip at the in-running side of the rolls shall be provided with a guard extending across the entire length of the nip and arranged to prevent the fingers of the workers from being pulled in between the rolls or between the guard and the rolls, and constructed so that the cloth can be fed into the rolls safely.

(ff) *Rotary staple cutters.* A guard shall be installed completely enclosing the cutters to prevent the hands of the operator from reaching the cutting zone.

(gg) *Clothing folding machine.* The crank arm and blade guide rods on both sides of the cloth-folding machines shall be protected from contact by barrier guards constructed to conform to the requirements of § 1910.219.

(hh) *Hand baling machine.* An angle-iron-handle stop guard shall be installed at the right angle to the frame of the machine. The stop guard shall be so designed and so located that it will prevent the handle from traveling beyond the vertical position should the handle slip from the operator's hand when the pawl has been released from the teeth of the takeup gear.

(ii) *Roll bench.* Cleats shall be installed on the ends of roll benches.

(jj) *Cuttle or swing folder (overhead type).* The bottom of the overhead folders shall be located not less than 7 feet from the floor or working surface.

(kk) *Color-mixing room.* Floors in color-mixing rooms shall be constructed to drain easily.

(ll) *Open tanks and vats for mixing and storage of hot or corrosive liquids*—(1) *Protection against falls.* Open tanks and vats containing hot or corrosive liquids shall be protected to conform to the requirements of § 1910.23.

(2) *Shutoff valves.* Boiling tanks, caustic tanks, and hot liquid containers, so located that the operator cannot see the contents from the floor or working area, shall have emergency shutoff valves controlled from a point not subject to danger of splash. Valves shall conform to the ASME Pressure Vessel Code, section VIII, Unfired Pressure Vessels, 1968.

(mm) *Dye kettles and vats.*—Pipes or drains of sufficient capacity to carry the contents safely away from the working area shall be installed where there are dye kettles and vats which may at any time contain hot or corrosive liquids. These shall not empty directly onto the floor.

(nn) *Acid carboys.* Carboys shall be provided with inclinators, or the acid shall be withdrawn from the carboys by means of pumping without pressure in the carboy, or by means of hand operated siphons.

(oo) *Handling caustic soda and caustic potash.* Means shall be provided for handling and emptying caustic soda and caustic potash containers to prevent workers from coming in contact with the caustic (see paragraph (qq) of this section).

(pp) *First aid.* Wherever acids or caustics are used, provision shall be made for a copious and flowing supply of fresh, clean water.

(qq) *Personal protective equipment*—(1) *Personal protective equipment.* Workers engaged in handling acids or caustics in bulk, repairing pipe lines containing acids or caustics, etc., shall be provided with protective occupational (safety) equipment to conform to the requirements of § 1910.132, § 1910.133, and § 1910.134.

(2) Respirators, gas masks, and such appliances, for emergency use only, shall be of a type required by § 1910.134.

(rr) *Workroom ventilation.* In all workrooms in which potentially toxic substances are used, the maximum allowable concentrations listed in § 1910.93 shall be maintained. Open surface tanks shall conform to the requirements of § 1910.94(d).

§ 1910.263 Bakery equipment.

(a) *General requirements*—(1) *Application.* The requirements of this section shall apply to the design, installation, operation and maintenance of machinery and equipment used within a bakery.

(2) *Standards incorporated by reference.* Standards covering issues of occupational safety and health which are of general application without regard to any specific industry are incorporated by reference in paragraphs of this section and made applicable to bakeries. All such standards shall be construed according to the rules of construction set out in § 1910.5.

(b) *Definitions applicable to this section*—(1) *Dumpbin and blender.* The term "dumpbin and blender" applies to those elements of a flour handling system in which flour in bags is first emptied for distribution.

(2) *Flour elevator.* The term "flour elevator" means the conveyor which is used to convey flour in a vertical direction and it includes bucket, spiral screw, or bulkflow conveyors.

(3) *Screw conveyor.* The term "screw conveyor" means the conveyor which is used to convey flour in a horizontal or inclined plane by means of a continuous spiral screw enclosed in a suitable casing which follows the same general contour of the perimeter of the screw.

(4) *Bolting reel.* The term "bolting reel" means a device in which the flour is screened through a rotating drum.

(5) *Sifter.* The term "sifter" means a device in which flour is sifted. It may be of the brush, oscillating, or vibrating type.

(6) *Flour scale.* The term "flour scale" means a scale for weighing flour.

(7) *Flour gate.* The term "flour gate" means the device or devices used to control the delivery of flour.

(8) *Direct fired ovens.* Direct fired ovens are ovens which burn fuel directly inside the baking chamber.

(9) *Direct recirculating ovens.* "Direct recirculating ovens" are ovens which have heating systems consisting of one or more heaters (located inside or outside the baking chamber), each heater being equipped with a burner, the products of combustion of which are mixed with spent gasses returned from the oven. Combustion gases are circulated through the heater and oven chamber by a fan. An overflow or vent removes part of the spent combustion gases to compensate for fresh combustion gases added by the burner.

(10) *Flue-type ovens.* "Flue-type ovens" are ovens which burn fuel in a furnace which is connected through flues which carry the combustion gases to a stack.

(11) *Indirect multiple-burner ovens.* "Indirect multiple-burner ovens" are ovens which are heated by burners (usually gas) which are totally enclosed in such a way that unburned gases or products of combustion cannot enter the baking chamber.

(12) *Steam-tube ovens.* "Steam-tube ovens" are ovens which are heated by a group of tubes which are partially filled with liquid and sealed at both ends. A small part of each tube is exposed to the heat of a furnace and the larger part placed inside the baking chamber. Heat is transmitted by evaporating liquid in the furnace end of the tube. Steam thus formed travels to the other end of the tube, where the steam condenses and returns to the furnace by gravity.

(13) *Indirect recirculating ovens.* "Indirect recirculating ovens" are ovens which are equipped with a gas tight duct system, a furnace, and a circulating fan. Gases of combustion are circulated through this enclosed system and mixed with fresh combustion gases generated by the burner in the combustion chamber. A vent or overflow removes a portion of the gases to compensate for the fresh gases added by the burner. No unburned gases or products of combustion have access to the baking chamber.

(14) *Electric ovens.* "Electric ovens" are ovens which are heated entirely by passing an electric current through resistance elements.

(c) *General machine guarding*—(1) *Electrical grounding.* The frame of each machine which is driven by an electric motor or has any electrical connection shall be effectively grounded.

(2) *Gears.* All gears shall be completely enclosed regardless of location.

(3) *Sprockets and V-belt drives.* Sprockets and V-belt drives located within reach from platforms or passageways or located within 8 feet 6 inches from the floor shall be completely enclosed.

(4) *Rotating parts.* Lubrication fittings on rotating parts shall be recessed or covered with collars so that the rotating surface will be smooth and flush.

(5) *Lubrication.* Where machinery must be lubricated while in motion, stationary lubrication fittings inside a machine shall be provided with extension piping to a point of safety so that the employee will not have to reach into any dangerous part of the machine when lubricating.

(6) *Removable covers or guards.* Any covers or guards which must be removed for cleaning and adjustment shall be made easily removable in order that they may be removed and replaced with the least effort.

(7) *Ventilation through machine guards.* Where it is necessary to guard motors or other equipment which require ventilation, guards should be so designed that they will not restrict the circulation of the air.

(8) *Hot pipes.* Exposed hot water and steam pipes shall be covered with insulating material wherever necessary to protect employee from contact.

(d) *Flour-handling equipment.*—(1) *General requirements for flour handling.* (i) Wherever any of the various pieces of apparatus comprising a flour-handling system are run in electrical unity with one another the following safeguards shall apply:

(a) Each apparatus shall be properly safeguarded by of disconnecting means for the motor circuits as required by §§ 1910.312 and 1910.320.

(b) Wherever a flour-handling system is of such size that the beginning of its operation is far remote from its final delivery end, all electric motors operating each apparatus comprising this system shall be controlled at each of two points, one located at each remote end, either of which will stop all motors.

(c) Motor control switches shall be capable of being locked in the open position.

(d) Control circuits for magnetic controllers shall be so arranged that the opening of any one of several limit switches, which may be on an individual unit, will serve to de-energize all of the motors of that unit.

(ii) Removable covers on all flour-handling equipment shall be so designed that the lifting effort shall not be more than 50 pounds.

(iii) Wherever flour-handling systems are of large construction, suitable walkways or platforms or both shall be constructed around and over bins and apparatus, in accordance with the requirements of §§ 1910.22 and 1910.23.

(a) All walkway surfaces shall be maintained in nonslip condition.

(b) Elevated walkways shall have railings and toeboards.

(c) All ladders leading to upper walkways shall be in accordance with the requirements of § 1910.25, § 1910.26, and § 1910.27.

(d) Wherever walkways are near the ceiling construction of the building, where obstruction to head room is lower than normal standing height, proper methods shall be provided to warn any occupant of the walkway. This should be done by means of "tell tales" or other suitable means located ahead of the obstruction. Suitable signs shall also be placed on walkways warning occupants of possible danger.

(iv) All oscillating and vibrating sifters shall be protected with guard rails of suitable height and design.

(v) All mechanical transmission shafting, gearing, and sprocket drives shall be completely guarded, preferably with dust-tight housing. Lubrication fittings shall extend to the outside of the guard.

(vi) All guards shall be readily removable.

(vii) All flour-handling equipment, each individual unit or the entire system collectively, shall be so constructed that all interior or exterior protruding corners are of a rounded nature.

(viii) When Class II hazardous conditions prevail, electric motors, motor controllers, and switches shall be of the type approved for such locations in accordance with the requirements of § 1910.326.

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(2) *Bag chutes and bag lifts (bag-arm elevators).* (i) Bag chutes (gravity chutes for handling flour bags) shall be so designed so as to keep to a minimum the speed of flour bags. If the chute inclines more than 30° from the horizontal, there shall be an upturn at the lower end of the chute to slow down the bags.

(ii) Bag-arm elevators with manual takeoff shall be designed to operate at a capacity not exceeding seven bags per minute. The arms on the conveyor chain shall be so spaced as to obtain the full capacity of the elevator with the lowest possible chain speed. There shall be an electric limit switch at the unloading end of the bag-arm elevator so installed as to automatically stop the conveyor chain if any bag fails to clear the conveyor arms.

(iii) The conveyor chain on bag-arm elevators shall travel in a suitable structure and all drums shall be completely guarded, so that in case of a broken chain link the remainder of the chain will remain within its guides.

(iv) Man lifts shall be prohibited in bakeries. Bag or barrel lifts shall not be used as man lifts.

(3) *Dumpbin and blender.* (i) The dumpbin or blender shall be constructed of metal or other nonsplintering material.

(ii) Openings shall be protected by means of bars or grids. If grids are made of mesh, the openings shall be not more than 3 inches in either length or width. If parallel bars or rods are used, they shall be spaced not more than 3 inches apart on centers.

(iii) Hinged dumpbin covers shall be provided with locks or latches to hold the covers in the open position, so that they will not accidentally fall down while the dumpbin is in operation.

(iv) Dumpbins and blenders shall be so constructed that no separate pits in floors shall be required at the point which connects the final discharge to the usual elevator.

(v) All dumpbin and blender hoods shall be of sufficient capacity to prevent circulation of flour dust outside the hoods.

(vi) All dumpbins shall be of a suitable height from floor to enable the operator to dump flour from bags, without causing undue strain or fatigue. Where the edge of any bin is more than 24 inches above the floor, a bag rest step shall be provided.

(vii) A control device for stopping the dumpbin and blender shall be provided close to the normal location of the operator.

(viii) A screen shall be provided in the suction nozzle over the bin or blender to prevent sacks that are being cleaned from getting into the rotor of the dust collecting fan.

(4) *Flour elevators.* (i) Flour elevators shall be constructed of metal or other nonsplintering material.

(ii) All removable sections of the elevator casing shall be equipped with suitable stationary clamps for quick removal, or shall be equipped with equivalent locking devices which contain no loose parts which may become detached from either the casing or the cover.

(5) *Bolting reels.* (i) Bolting reels shall be constructed of metal or other nonsplintering material, with the exception of the bolting cloth.

(ii) Refuse tailing spouts shall be readily accessible and shall be located at a safe distance from unguarded moving parts.

(6) *Storage bins.* (i) Storage bins shall be constructed of metal or other nonsplintering material.

(ii) Storage bins shall be provided with gaskets and locks or latches to keep the cover closed, or other equivalent devices in order to insure the dust tightness of the cover. Covers at openings where an employee may enter the bin shall also be provided with a hasp and a lock, so located that the employee may lock the cover in the open position whenever it is necessary to enter the bin.

(iii) Storage bins where the side is more than 5 feet in depth shall be provided with standard stationary safety ladders, both inside and outside, to reach from floor level to top of bin and from top of bin to inside bottom, keeping the ladder end away from the moving screw conveyor.

(iv) Loading distribution conveyors shall be located in top of bin centrally unhoused, and all covers for entrance to the bins shall be located away from the loading distribution conveyor.

(v) An electric limit switch or other suitable protective device shall be provided in the top of the bin centrally over the loading screw conveyor on the opposite end of the flour entrance opening. It shall be so designed as to stop the loading screw if an excessive amount of flour is delivered to the bin.

(vi) The main entrance cover of large storage bins located at the interior exit ladder shall be provided with an electric interlock for motors operating both feed and unloading screw, so that these motors cannot operate while the cover is open.

(7) *Screw conveyors.* (i) Screw conveyors shall be constructed of metal or other nonsplintering material.

(ii) Each dead-end screw conveyer shall be provided with an overflow safety gate which will operate an electric limit switch to shut down the conveyer before dangerous pressure of material is built up at the dead end.

(iii) The covers of all screw conveyors shall be made removable in convenient sections, held on with stationary clamps located at proper intervals keeping all covers dust-tight. Where drop or hinged bottom sections are provided this provision shall not apply.

(8) *Sifters.* (i) Enclosures of all types of flour sifters shall be so constructed that they are dust-tight but readily accessible for interior inspection.

(ii) Oscillating and vibrating sifters shall be so constructed that all moving parts are well within the outer frame of the apparatus.

(iii) Refuse tailing spouts of all types of sifters shall be readily accessible and shall be located at a safe distance from unguarded moving parts.

(9) *Flour scales.* (i) Flour scales shall be constructed of metal or other nonsplintering material.

(ii) Where a transparent covering is provided over dial scales it shall be made of a nonshatterable transparent material.

(iii) Traveling or track-type flour scales shall be equipped with bar handles for moving same. The bar should be at least 1 inch in diameter and well away from trolley track wheels.

(iv) All moving trolley wheels located within 8 feet 6 inches of floors or platforms shall be fully guarded on sides and ahead of rotating motion.

(v) The scale cutoff switch shall be totally enclosed and connected to the scale beam in such a manner as to protect the operator from contact.

(vi) Where two or more scales are used on travelling flour scales, interlocks shall be provided so that the gate will not open unless the hopper is below.

(10) *Automatic flour gates.* Automatic flour-gate equipment shall be constructed of metal or other nonsplintering material.

(e) *Mixers*—(1) *Horizontal dough mixers.* (i) Mixers with external power application shall have all belts, chains, gears, pulleys, sprockets, clutches, and other moving parts completely enclosed.

(ii) Mixers with built-in power units shall have all drive elements enclosed in such a manner as to prevent injury to operators or maintenance personnel performing their normal duties.

(iii) Each mixer shall be equipped with an individual motor and control, and with a conveniently located manual switch to prevent the mixer from being started in the usual manner while the machine is being serviced and cleaned.

(iv) All electrical control stations shall be so located that the operator must be in full view of the bowl in its open position. No duplication of such controls other than a stop switch shall be permitted.

(v) All mixers with power and manual dumping arrangements shall be equipped with safety devices which shall:

(a) Engage both hands of the operator, when the agitator is in motion under power, and while the bowl is opened more than one-fifth of its total opening.

(b) Prevent the agitator from being started, while the bowl is more than one-fifth open, without engaging both hands of the operator;

(c) Permit the operator to have a full view of the bowl opening while he is in the act of maintaining operation of the agitator at any time while the bowl is more than one-fifth open.

(vi) Mixers with power dumping devices shall be arranged so that the bowl opening cannot be closed beyond four-fifths of its total opening unless the operator maintains the control contact which causes the dump motor to complete the bowl closure. Alternatively the control may be so arranged that the operator must keep at least one hand engaged, by holding in a push button, during the entire closure of the mixing bowl.

(vii) Mixers shall be provided with flour-gate operating mechanisms, ingredient openings, and water inlets, which can be conveniently manipulated by the operator from the normal area of activity (either platform or floor) without requiring abnormal reaching, or improvisations which might jeopardize his safety.

(viii) Every mixer shall be equipped with a full enclosure over the bowl which is closed at all times while the agitator is in motion. Only minor openings in this enclosure, such as ingredient doors, flour inlets, etc., each representing less than 1½ square feet in area, shall be capable of being opened while the mixer is in operation.

(ix) No loose access doors and covers weighing more than 2 pounds shall be used on mixers. Such parts shall be hinged or otherwise held in proximity to the openings that they cover.

(x) Overhead covers or doors which are subject to accidental closure shall be counterbalanced to remain in an open position or provided with means to hold them open until positively released by the operator.

(xi) Provision shall be made to bolt mixers solidly to the floor to prevent dislocation or excessive vibration, and no open space between mixers and platforms shall be permitted which may endanger the operator.

(xii) Mixers shall be installed only on substantial foundations which are capable of safely withstanding the live loads incurred in full-capacity mixing operations.

(xiii) Access for lubrication at all points shall be provided so as to avoid contact between the lubricating device or the operator's hands and any moving parts.

(xiv) Any device or mechanism used to return "sponges" to a mixer shall be so interlocked with the mixer as to prevent injury to the operator.

(xv) No electrical pilot or control circuits shall be employed at a potential in excess of 240 volts.

(xvi) A motor-running overcurrent protective device shall be provided for each motor. Undervoltage protection shall be provided in all magnetic controllers.

(xvii) Positive means shall be provided to prevent application of pressure above the stipulated maximum in all mixer cooling jackets.

(xviii) Valves and controls to regulate the coolant in mixer jackets shall be located so as to permit access by the operator without jeopardizing his safety.

(2) *Vertical mixers.* (i) Vertical mixers shall comply with subdivisions (i), (ii), (iii), (ix) through (xiii), (xv), (xvi), and (xvii) of subparagraph (1) of this paragraph.

(ii) Positive means shall be provided to prevent injury to the operator during speed-change manipulation.

(iii) Bowl locking devices shall be of a positive type which require the attention of the operator for unlocking.

(iv) Devices shall be made available for moving bowls weighing more than 80 pounds, with contents, into and out of the mixing position on the machine.

(v) Every precaution which does not impair the normal operation of the mixer shall be exercised in providing protection of the operator against injury by the moving agitators.

(f) *Dividers*—(1) *Pinch and shear points.* All pinch points and shear points from reciprocating or rotating parts of the divider shall be enclosed or guarded, to protect the operator's hands and fingers from these hazards.

(2) *Front guards.* Guards at front of a divider shall be so arranged that the weight of dough can be adjusted without removing the guard.

(3) *Rear of divider.* The back of the divider shall have a complete cover to enclose all of the moving parts, or each individual part shall be enclosed or guarded to remove the separate hazards. The rear cover shall be provided with a limit switch in order that the machine cannot operate when this cover is open. The guard on the back shall be hinged so that it cannot be completely removed and if a catch or brace is provided for holding the cover open, it shall be designed so that it will not release due to vibrations or minor bumping whereby the cover may drop on an employee.

(4) *Oil holes in knife.* The oil holes in the knife at the back of the divider shall be of such size that an employee's finger cannot go through the hole.

(5) *Knife actuating arm.* There shall be a saddle guard or other protective device on any elongated hole in the knife actuating arm at the back of the divider.

(6) *Shear pins.* Dividers shall be equipped with mechanical overload release devices such as sheer pins.

(g) *Moulders*—(1) *Hoppers.* Mechanical feed moulders shall be provided with hoppers so designed and connected to the proofer that an employee's hands cannot get into the hopper where they will come in contact with the in-running rolls.

(2) *Hand-fed moulders.* Hand-fed moulders shall be provided with a belt-feed device or the hopper shall be extended high enough so that the hands of the operator cannot get into the feed rolls. The top edge of such a hopper shall be well rounded to prevent injury when it is struck or bumped by the employee's hand.

(3) *Stopping devices.* There shall be a stopping device within easy reach of the operator who feeds the moulder and another stopping device within the reach of the employee taking the dough away from the moulder.

(4) *Cleanout holes.* Machines shall be so designed that there is no shear point in close proximity to the cleanout holes.

(5) *Rear of moulders.* At the rear of moulders all revolving shafts shall have round corners or cylindrical surfaces, and all bolts shall be flush. Tie rods shall be far enough from revolving parts to prevent a shearing or pinching hazard.

(6) *Adjustment crank.* Where a removable crank is used to adjust the moulder for different sizes of loaf, brackets shall be provided on the side of the machine for holding the crank when it is not in use.

(h) *Manually fed dough brakes*—(1) *Top-roll protection.* The top roll shall be protected by a heavy gage metal shield extending over the roll to go within 6 inches of the hopper bottom board. The shield may be perforated to permit observation of the dough entering the rolls.

(2) *Emergency stop bar.*—An emergency stop bar shall be provided, and so located that the body of the operator will press against the bar if the operator slips and falls toward the rolls, or if the operator gets his hand caught in the rolls. The bar shall apply the body pressure to open positively a circuit that will deenergize the drive motor. In addition, a brake which is inherently self-engaging by requiring power or force from an external source to cause disengagement shall be activated at the same time causing the rolls to stop instantly. The emergency stop bar shall be checked for proper operation every 30 days.

(i) *Miscellaneous equipment*—(1) *Proof boxes.* All door locks shall be operable both from within and outside the box. Guide rails shall be installed to center the rack as it enters, passes through, and leaves the proof box.

(2) *Fermentation room.* Fermentation room doors shall have nonshatterable wire glass or plastic panels for vision through doors.

(3) *Troughs.* Troughs shall be mounted on antifriction bearing casters thus making it possible for the operator to move and direct the motion of the trough with a minimum of effort.

(4) *Hand trucks.* (i) Casters shall be set back from corners to be out of the way of toes and heels, but not far enough back to cause the truck to be unstable.

(ii) A lock or other device shall be provided to hold the handle in vertical position when the truck is not in use.

(5) *Lift trucks.* A lock or other device shall be provided to hold the handle in vertical position when the truck is not in use.

(6) *Racks.* (i) Sharp splintered or rough corners and edges shall be eliminated.

(ii) Racks shall be equipped with handles so located with reference to the frame of the rack that no part of the operator's hands extends beyond the outer edge of the frame when holding onto the handles.

(iii) Antifriction bearing casters shall be used to give the operator better control of the rack.

(iv) End guards shall be used at shelf levels on proofing racks.

(7) *Conveyors.* (i) Wherever a conveyor passes over a main aisleway, regularly occupied work area, or passageway, the underside of the conveyor shall be completely enclosed to prevent broken chains or other material from falling in the passageway.

(ii) Stop bumpers shall be installed on all delivery ends of conveyors, wherever manual removal of the product carried is practiced.

(iii) Where hazard of getting caught exists a sufficient number of stop buttons shall be provided to enable quick stopping of the conveyor.

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(8) *Overhead rail systems.* (i) Handles for operating devices for trolley switches which hang less than 6 feet 8 inches from the floor shall be of pliable material.

(ii) Floor scales. Nonshatterable transparent material shall be used to cover dials.

(9) *Dough chutes.* The entrance to the chute shall be guarded so as to protect the employee from falling into chute, stepping into chute, or tripping over too low an edge of the chute.

(10) *Skids.* (i) All sharp corners or edges shall be eliminated on all metal skids.

(ii) All edges and corners shall be protected on skids to prevent exposed splinters.

(11) *Ingredient premixers, emulsifiers, etc.* (i) All top openings shall be provided with covers attached to the machines. These covers should be so arranged and interlocked that power will be shutoff whenever the cover is opened to a point where the operator's fingers might come in contact with the beaters.

(ii) Portable electrical agitators for ingredient premixers shall have the attachment cord so wired that the agitator will be grounded whenever it is connected to a source of power.

(12) *Chain tackle.* (i) All chain tackle shall be marked prominently, permanently, and legibly with maximum load capacity.

(ii) All chain tackle shall be marked permanently, and legibly with minimum support specification.

(iii) Safety hooks shall be used.

(13) *Trough hoists, etc.* (i) All hoists shall be marked prominently, permanently, and legibly with maximum load capacity.

(ii) All hoists shall be marked permanently and legibly with minimum support specifications.

(iii) Safety catches shall be provided for the chain so that the chain will hold the load in any position.

(iv) Safety hooks shall be used.

(14) *Air-conditioning units.* (i) All sharp corners and edges shall be eliminated.

(ii) On large units with doors to chambers large enough to be entered, all door locks shall be operable from both inside and outside.

(15) *Pan washing tanks.* (i) Counterbalanced hinged covers, or sliding covers, shall be provided.

(ii) The surface of the floor of the working platform shall be maintained in nonslip condition.

(iii) Working platforms shall be kept at least 32 inches below the top of the tank or guardrail.

(iv) All electrical sockets in pan washing rooms shall be nonmetallic and keyless and other electrical equipment shall be moisture proof.

(v) Power ventilated exhaust hoods shall be provided over the tanks.

(16) *Pan washing machines.* Sharp corners and edges shall be eliminated.

(17) *Cake depositors.* All pinch points shall be eliminated, guarded, or shielded so that hands and arms cannot reach these pinch points while the machine is in operation.

(18) *Icing machines.* All pinch points shall be eliminated, or provided with guards or shields so hands and arms cannot reach these pinch points while the machine is in operation.

(19) *Bread coolers, conveyor type.* (i) All pinch points shall be eliminated or guarded.

(ii) Stop bumpers on all delivery ends of conveyors shall be installed wherever manual removal of the product carried is practiced.

(20) *Bread coolers, rack type.* (i) Guardrails shall be installed to the center rack as it enters and leaves the cooler.

(ii) All door locks shall be operable from both within and outside the cooler.

(21) *Bread and cake boxes, trays, etc.* (i) Sharp corners and edges shall be eliminated on metal parts.

(iii) All wooden corners and edges shall be protected to prevent splinters.

(22) *Doughnut machines.* Separate flues shall be provided, (i) for venting vapors from the frying section, and (ii) for venting products of combustion from the combustion chamber used to heat the fat.

(23) *Open fat kettles.* (i) The floor around kettles shall be maintained in nonslip condition.

(ii) Fire extinguishing devices suitable for Class-B fires shall be provided. See § 1910.157.

(iii) Goggles or face shields shall be provided to prevent injuries from hot fat splashes.

(iv) The top of the kettle shall be not less than 36 inches above floor or working level.

(24) *Steam kettles.* (i) Positive locking devices shall be provided to hold kettles in the desired position.

(ii) Kettles with steam jackets shall be provided with safety valves in accordance with the ASME Pressure Vessel Code, Section VIII, Unfired Pressure Vessels, 1968.

(j) *Slicers and wrappers*—(1) *Slicers.* (i) Sprockets, chains, and V-belt drives on slicers shall be completely enclosed.

(ii) All slicing machines shall be provided with a mechanical device to push the last loaf through the slicer knives.

(iii) The cover over the knife head of reciprocating-blade slicers shall be provided with an interlocking arrangement so that the machine cannot operate unless the cover is in place.

(iv) On slicers with endless band knives, each motor shall be equipped with a magnet brake which operates whenever the motor is not energized. Each door, panel, or other point of access to the cutting blades shall be arranged by means of mechanical or electric interlocks so that the motor will be deenergized if all such access doors, panels, or access points are not closed.

(v) When it is necessary to sharpen slicer blades on the machine, a barrier shall be provided leaving only sufficient opening for the sharpening stone to reach the knife blades.

(vi) Where pusher fingers attached to the feed chain enter the bed plate of the cross feed, the end guard shall be extended to cover the pinch point.

(vii) *Slicer wrapper conditions.* (*a*) Where the flight chain on the slicer turns under the bed plate on the crossfeed to the wrapper, a spring-hinged section of bed plate shall be provided so that there is no shear point between the flight chain and the bed plate.

(*b*) Wrapping and slicing machines obtained from separate manufacturers, shall be installed and connected so that the chains, sprockets, belts, and moving parts are properly guarded. Safe interconnections for the starting and stopping of such devices shall be employed.

(*c*) Mechanical control levers for starting and stopping both slicing machine conveyors and wrapping machines shall be extended or so located that an operator in one location can control both machines. Such levers should be provided wherever necessary, but these should be so arranged that there is only one station capable of starting the wrapping machine and conveyor assembly, and this starting station should be so arranged or guarded as to prevent accidental starting. The electric control station for starting and stopping the electric motor driving the wrapping machine and conveyor should be located near the clutch starting lever.

(*d*) The transfer chain shall be completely covered on all sides, not just on front and top.

(2) *Wrappers.* (i) Any hand wheel which may be provided in order to turn the wrapping machine over by hand and which may run continuously shall be a smooth, solid disk wheel.

(ii) At the discharge end (or drive side) of the crossfeed conveyor there shall be either a one- or two-piece guard in front of the crossfeed chain.

(iii) Electrical heaters on wrappers shall be protected by a cover plate properly separated or insulated from the heaters in order that accidental contact with this cover plate will not cause a burn to the operator.

(iv) Electric wiring for the wrapper heaters shall be so arranged that a minimum number of wires are used to connect the movable heaters assembly to the permanent wiring of the machine. This wiring shall be heat-resisting type in accordance with the requirements of § 1910.320.

(v) Power-driven friction rollers used to feed paper into the wrapping machine shall be provided with a guard over the in-running nip point of the rubber rollers.

(vi) The nip point, between the chain and sprocket of the loose wrap attachment, shall be completely enclosed or guarded on both sides in such a way that employee's fingers cannot get into this nip point.

(vii) Sprocket, chain, and V-belt drives on wrappers shall be completely enclosed.

(k) *Biscuit and cracker equipment*—(1) *Meal, peanut, and fig grinders.* (i) If the hopper is removable it shall be provided with an electric interlock so that the machine cannot be put in operation when the hopper is removed.

(ii) Where grid guards cannot be used, feed conveyors to hoppers, or baffle-type hoppers, shall be provided. Hoppers in such cases shall be enclosed and provided with hinged covers, and equipped with electric interlock to prevent operation of the machine with the cover open.

(2) *Sugar and spice pulverizers.* (i) All drive belts used in connection with sugar and spice pulvizers shall be grounded by means of metal combs or other effective means of removing static electricity. All pulverizing of sugar or spice grinding shall be done in accordance with NFPA 62—1967 (Standard for Dust Hazards of Sugar and Cocoa), NFPA 656—1959 (Standard for Dust Hazards in Spice Grinding Plants).

(ii) Magnetic separators shall be provided to reduce fire and explosion hazards.

(3) *Cheese, fruit, and food cutters.* These machines shall be protected in accordance with the requirements of subparagraph (1) of this paragraph.

(4) *Jam, icing, and marshmallow beaters of horizontal tub type.* All top openings shall be provided with covers attached to the machines.

(5) *Reversible dough brakes.* Reversible brakes shall be provided with a guard or tripping mechanism on each side of the rolls. These guards shall be so arranged as to stop the machine or reverse the direction of the rolls so that they are outrunning if the guard is moved by contact of the operator.

(6) *Cross-roll brakes.* Cross - roll brakes shall be provided with guards that are similar in number and equal in effectiveness to guards on hand-fed brakes.

(7) *Box- and roll-type dough sheeters.* (i) Sheeting rolls shall be guarded at the point where the dough enters the rolls so that the operator's fingers cannot get into the nip point.

(ii) Hoppers for sheeters shall have an automatic stop bar or automatic stopping device along the back edge of the hopper. If construction does not permit location at the back edge, the automatic stop bar or automatic stopping device shall be located where it will be most effective to accomplish the desired protection.

(8) *Cutting and panning, embossing, peeling, bar, and frutana machines.* (i) Roll stands, other than hand fed, shall be guarded at the point where the dough enters the rolls so that the operator's fingers cannot get into the nip points.

(ii) Guards shall be provided at each side of the cutter to prevent hands from getting under the cutter.

(iii) Reciprocating panner heads shall be guarded to protect the operator from being caught between moving and stationary parts.

(iv) Motor control buttons shall be located within view of the cutting head.

(9) *Rotary, die machines, pretzel rolling, and pretzel-stick extruding machines.* Dough hoppers shall have the entire opening protected with substantial grid-type guards to prevent the employee from getting his hands caught in moving parts, or the hopper shall be extended high enough so that the operator's hands cannot get into moving parts.

(10) *Band ovens.* Band ovens shall be so arranged, or guarded, that the operator cannot get caught at the nip point between the band and the drive pulley or the takeup pulley, or between the oven conveyor and the oven frame.

(11) *Wafer-cutting machines.* These machines shall be so guarded that it will be impossible for employee's fingers or hands to come in contact with the saws or knives while feeding the machine.

(12) *Pan cooling towers.* (i) Where pan cooling towers extend to two or more floors, a lockout switch shall be provided on each floor in order that mechanics working on the tower may positively lock the mechanism against starting. Only one start switch shall be used in the motor control circuit.

(ii) All unused sides of pan cooling tower conveyors shall be enclosed or effectively guarded to a height of 7 feet above each floor.

(iii) Wherever a pan cooling tower conveyor passes through a floor, the opening shall be protected by a standard railing and toe board, or by other equivalent protection.

(iv) Wherever a pan conveyor passes over a main aisleway, regularly occupied work area, or passageway, the underside of the conveyor shall be completely enclosed to prevent pans, broken chains, or other material from falling in the aisleway, work area or passageway.

(v) Sprocket wheels of pan conveyors shall be enclosed so that accidental contact cannot be made at the point where the chain comes in contact with the sprocket.

(vi) Wherever conveyor bars, flights, and attachments pass in opposite directions within 6 inches of each other, a sheet metal partition or screen with openings no larger than one-half inch shall be placed between the conveyor chains which run in opposite directions.

(13) *Chocolate melting, refining, and mixing kettles.* Each kettle shall be provided with a cover to enclose the top of the kettle. The bottom outlet of each kettle shall be of such size and shape that the operator cannot reach in to touch the revolving paddle or come in contact with the shear point between the paddle and the side of the kettle.

(14) *Caddie, cover, and box stitchers (wire stitchers).* A guard shall be mounted on the stitching head to prevent operators from getting fingers caught between the stitching head and the clincher block.

(15) *Carton-wrapping and bundling machines.* The end seal drums on carton and bundling machines shall be provided with guards.

(16) *Carton and lining feeding machines.* Cutting knives shall be provided with a hinged hood to cover the knives. These guards shall be electrically interlocked to stop the machine if they are removed.

(17) *Peanut cooling trucks.* Mechanically operated peanut cooling trucks shall have a grid-type cover over the entire top.

(l) *Ovens*—(1) *General location.* (i) Ovens shall be located with due regard to the possibility of fire resulting from overheating or from the escape of gas or fuel oil and the possibility of injury to persons resulting from explosions.

(ii) Ovens shall be built on noncumbustible foundations; excepting that where unusual circumstances require that an oven be placed on a combustible floor, the sole of the oven itself shall be insulated and shall be separated from the floor by a ventilated air space of at least 3 inches. In no case shall the temperature of a combustible floor beneath an oven be permitted to exceed 160° F.

(iii) Sufficient insulation shall be used in the crown of any oven, and the space above this crown shall be sufficiently ventilated, to prevent the temperature of any combustible ceilings from rising above 200° F.

(iv) Where oven ducts or stacks pass through combustible walls or ceilings, sufficient clearance and insulation shall be provided to keep the temperature of combustible material below 160° F.

(v) Columns or structural members of a building shall not pass through an oven. When such columns or structural members are closer than 6 inches to the inner shell of an oven, fireproof material shall be used and insulated in such a way that the temperature of the column or structural member will be kept below 160° F.

(vi) Ovens shall be located so as to be accessible from all sides and adequately spaced to permit the proper functioning of explosion vents.

(vii) Ovens shall be located so that possible fire or explosion will not expose groups of persons to possible injury. For this reason ovens shall not adjoin lockers, lunch or sales rooms, main passageways, or exits.

(2) *Recommended construction.* (i) structural parts of ovens shall be protected against corrosion or deterioration.

(ii) Roofs and other parts of ovens shall be structurally strong enough to support the weight of men who may be required to climb on top of ovens or inside of them.

(3) *Safeguards of mechanical parts.* (i) Emergency stop buttons shall be provided on mechanical ovens near the point where operators are stationed.

(ii) All piping at ovens shall be tested to be gastight.

(*a*) Soldered pipe joints shall not be permitted in connection with ovens. Pipe joints may be either screwed, flanged, or welded, in connection with ovens where such pipes carry fuel or steam.

(*b*) All pipe and fittings used shall be of good material, clear and free from cutter burrs and defects in structure or threading.

(iii) Main shutoff valves, operable separately from any automatic valve, shall be provided to permit turning off the fuel or steam in case of an emergency.

(*a*) Main shutoff valves shall be located so that explosions, fires, etc. will not prevent access to these valves.

(*b*) Main shutoff valves shall be locked in the closed position when men must

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enter the oven or when the oven is not in service.

(4) *Gas-burning systems.* (i) Liquefied petroleum gas shall be stored and distributed in accordance with the requirements of § 1910.110.

(ii) Inspirators on atmospheric (low-pressure) gas-burning systems shall be so constructed and machined as to insure correct alignment of the gas jet with the axis of the inspirator. Air adjustments or shutters on inspirators on atmospheric gasburning systems shall either be permanently fixed or else provided with a locking device to positively prevent accidental change of setting. The shutter shall be so located that adjustments can be made when the oven is in normal operating condition.

(iii) Dampers controlling the draft on ovens equipped with atmospheric gas-burning systems shall be interconnected with the gas supply so that no gas can be admitted to the burners if the damper is closed.

(*a*) Atmospheric pipe burners extending into the baking chamber of ovens fired with atmospheric gas-burning systems shall have secondary air ducts installed below each burner and extending over its full length. Air inlets for these ducts shall be placed outside the baking chamber.

(*b*) Stack dampers on ovens equipped with atmospheric gas-burning systems shall have a hole of the following diameter:

Diameter of flue	*Diameter of opening*
3 to 5	½
6 to 10	1
11 to 15	1½

Dimensions given in inches.

(iv) Nozzle or blast burners on atmospheric gas-burning systems shall be equipped with gas pilots or electric ignition; with the exception that burners operated on a maximum-minimum flame or modulating principle which are equipped with quick acting combustion safeguards actuated by the main burner flame may be equipped with automatic or hand torch ignition to be used for initial lighting only.

(v) Burners of the perforated pipe, ribbon, slot, tip, or similar types, having many individual ports, shall be capable of maintaining a stable flame over the entire length (or surface) of the burner throughout the turndown range and under all draft conditions which may arise in the operation of the oven, unless ignition of gas from every port shall immediately result from the ignition of gas at any single port, when gas is supplied to the burner at the highest and lowest rating of the burners.

(vi) Premixed gas burners shall be so designed that the burner will not backfire or blow off within the operating range of the burner.

(*a*) Multiple port burners, such as ribbon, strip, or tip burners, when used on premixed gas systems, shall be capable of instant ignition of the burner over its entire length when operated within the proper range of the burner, either in a normal or steam-laden oven atmosphere or under any other oven conditions which might extinguish the flame.

(*b*) Where a number of premixed gas burners are connected to a single premixing device, each burner shall be equipped with electric or gas ignition.

(vii) High-pressure inspirators (using gas at pressures exceeding 1 p.s.i.) shall be so constructed and machined as to insure perfect alignment of the gas jet with the axis of the inspirator.

(*a*) No high-pressure inspirator shall be installed with a valve or other obstruction between the inspirator and the burner.

(*b*) Each high-pressure inspirator shall have a gas adjustment consisting of a fixed replaceable orifice or an adjustable orifice. When an adjustable orifice is used, the adjusting screw shall be protected by a gas-tight plug.

(*c*) Air adjustments on high-pressure inspirators shall be provided with positive locking means.

(*d*) High-pressure inspirators shall be so located that air adjustments can be made during the operation of the oven.

(*e*) High-pressure inspirators shall be mounted in such a position that should a backfire occur, it cannot injure the operator or ignite any combustible material.

(*f*) High-pressure inspirators used on gas-burning systems, which are supplied under pressure with a partial mixture of air and gas instead of straight gas, shall not be used unless the amount of air mixed with the gas is sufficiently low to keep the mixture rich enough to be above the upper explosive limit.

(*g*) Low-pressure proportioning inspirating sets (using air at pressures from one-half to 1½ p.s.i. and gas at or about atmospheric pressure) shall be equipped with a positive locking device on the adjustment for setting the gas-air ratio.

(viii) Low-pressure proportioning inspirators equipped with zero governors, which do not compensate for any change in resistance in the mixture pipe, shall be installed so that there is no valve or other obstruction between the inspirators and the burners. Diaphragm air spaces of governors on low-pressure proportioning inspirating sets shall be vented to the outside of the building.

(ix) Two-pipe systems: No valve or other obstruction shall be placed between the mixing valve and the burners on any two-pipe system which uses air and gas under pressure, unless the mixing valve is equipped with a device which automatically will prevent excessive pressure rise in the mixture pressures. Two-pipe systems shall be equipped with means for cleaning the air and gas before they enter the mixing valve.

(5) *Gas mixing machines.* (i) All burners supplied with complete mixture from the machine shall be equipped with flash and flame arrestors equipped with automatic shutoff valves actuated by heat installed as close to the burners as practical and also at the outlet of the premixing machine ahead of the individual burner shutoffs. This is to prevent the flame from reaching the mixture supply pipe.

(*a*) The main mixture lines and the gas machine proper shall be amply protected against fire or explosion hazard by flashback arrestors and relief vents or softheads located outside the building. Some gas mixing machines are used for partially premixing gas and air and supplying this mixture to high-pressure inspirators where additional air is entrained. If the gas-air ratio is such that the mixture remains so rich as to be above the upper explosive limit over the entire range of the machine, flash arrestors or explosion vents are not required. Positive means shall be provided which will prevent any such gas mixing machine from producing an explosive mixture.

(*b*) All diaphragm or similar chambers shall be connected to the atmosphere outside of the building.

(*c*) An automatic safety shutoff valve shall be provided in the gas line leading to the mixing valve which will close the gas supply in case the suction disappears at the compressor inlet or the current to the compressor is shutoff.

(*d*) Air inlets to gas mixing machines shall be piped to a location outside the building and shall be located at a point protected against dust.

(ii) No valve or obstruction shall be installed between mixing blowers and burners.

(*a*) Mixing blowers shall be so constructed that they will supply a mixture of air and gas that will not blow off or backfire over the entire range of adjustments.

(*b*) Mixing blowers shall be provided with a pressure regulator in the gas line at the inlet to the mixing valve (to prevent variations in the air-gas ratio).

(*c*) Housings of mixing blowers shall be constructed to withstand any possible internal explosion.

(*d*) Mixing blowers shall be provided with an automatic safety shutoff valve in the gas line leading to the blower, which safety shutoff valve will close in case of failure of either gas pressure or electric current.

(6) *Oil-burning equipment.* (i) The storage and distribution of fuel oil in bakeries shall be arranged according to reference NFPA 31—1968 Standard for Installation of Oil Burning Equipment.

(ii) Oil burners shall be of a type approved by Underwriters' Laboratories, Inc.

(*a*) Each oil burner shall be equipped with an electric ignition or gas pilot.

(*b*) Oil burners shall be protected against flame failure and overflowing of oil by a quick-acting combustion safeguard operated by the main burner flame. The time interval between flame failure and fuel shutoff shall be short enough to prevent a dangerous accumulation of an explosive mixture or the entry of a dangerous amount of fuel oil into the heating system; with the exception that on ovens requiring 150,000 B.t.u. per hour or less any combustion safeguard listed by the Underwriters' Laboratories, Inc., may be used.

(*c*) The shutting off of the fuel supply shall be accomplished by stopping the individual burner pump equipped with a pressure cutoff valve, or by closing a suitable valve.

(*d*) Oil-fired ovens shall have dampers so arranged that a small amount of air is passed through the furnace at all times.

(*e*) Oil burners capable of being withdrawn from the furnace (for adjustment, etc.) shall be provided with an interlock which will prevent the burner from starting when in the withdrawn position.

(*f*) Preheating of oil, where necessary, shall be done by steam, hot water, or electric heater, and shall be thermostatically controlled. Heaters shall be substantially constructed with all joints made oil tight. Thermometers shall be installed at suitable locations to indicate the temperature of the heated oil. Heaters shall be bypassed or provided with suitable means to prevent abnormal pressure.

(*g*) Oil burners equipped with mechanical means for supplying air shall have an interlock between the air pressure and the oil supply so that the burner cannot operate unless air for proper combustion is available.

(iii) High-pressure atomizing oil burners shall be provided with a pressure cutoff valve between the pump and the nozzle.

(iv) Air atomizing burners equipped with maximum-minimum or modulating controls, and which are arranged to have the ignition turned off after initial lighting has been accomplished, shall be equipped with a quick-acting flame safeguard directly actuated by the main flame of the burner.

(v) Mechanical atomizing burners of the rotary type shall be operated on the on-off principle and shall be equipped with safeguards actuated by the main flame.

(vi) Evaporator-type burners shall be installed in such a way that provision is made to open the draft damper before oil can be admitted to the burners.

(vii) Burners supplied by "vapofiers" shall be equipped with a protected gas or electric pilot. In combination vapofier-gas heating systems, the burner shall be protected in accordance with the requirements of subparagraph (4) of this paragraph.

(7) *Solid-fuel firing equipment.* (i) In solid-fuel firing systems proper draft shall be maintained at the stack as long as there is fuel in the furnace. All breachings and flues shall be kept in a tight and clean condition. Solid-fuel firing systems using forced draft shall have the air supply to the ash pit interconnected with the furnace in such a way that the air pressure is shut off when the furnace door is opened.

(ii) *Mechanical stokers.* (*a*) Fuel feed and air supply to mechanical stokers shall be interlocked in such a way that fuel cannot be fed without sufficient air being available.

(*b*) Dampers in mechanical-stoker fired systems shall be interlocked with the stoker in such a way that the stoker cannot be started unless the damper is open.

(8) *Electrical heating equipment.* (i) All electrical equipment shall be built and installed according to Subpart S of this part.

(ii) Open heating elements inside the baking chamber shall be guarded against accidental touching by the product being baked, by the body of the operator, or by current-conducting implements which may be used.

(iii) A main disconnect switch or circuit breaker shall be provided. This switch or circuit breaker shall be so located that it can be reached quickly and safely. The main switch or circuit breaker shall have provisions for locking it in the open position if any work on the electrical equipment or inside the oven must be performed.

(9) *General requirements.* (i) Protecting devices shall be properly maintained and kept in working order.

(ii) All safety devices on ovens shall be inspected at intervals of not less than twice a month by an especially appointed, properly instructed bakery employee, and not less than once a year by representatives of the oven manufacturers.

(iii) (*a*) Protection of gas pilot lights shall be provided when it is impracticable to protect the main flame of the burner and where the pilot flame cannot contact the flame electrode without being in the path of the main flame of the burner. Failure of any gas pilot shall automatically shut off the fuel supply to the burner.

(*b*) Ovens with multiple burners shall be equipped with individual atmospheric pilot lights where there is sufficient secondary air in the baking chamber and where gas is available; or else each burner shall be equipped with an electric spark-type ignition device.

(iv) Burners of a capacity exceeding 150,000 B.t.u. per hour equipped with electric ignition shall be protected in addition by quick-acting combustion safeguards.

(*a*) The high-tension current for any electric spark-type ignition device shall originate in a power supply line which is interlocked with the fuel supply for the oven in such a way that in case of current failure both the source of electricity to the high-tension circuits and the fuel supply shall be turned off simultaneously.

(*b*) All electric circuits in connection with ignition systems on ovens shall comply with Subpart S of this part.

(*c*) Combustion safeguards used in connection with electric ignition systems on ovens shall be so designed as to prevent an explosive mixture from accumulating inside the oven before ignition has taken place.

(v) When fuel is supplied and used at line pressure, safety shutoff valves shall be provided in the fuel line leading to the burner.

(*a*) When fuel is supplied in excess of line pressure, safety shutoff valves shall be provided in the fuel line leading to the burners, unless the fuel supply lines are equipped with other automatic valves which will prevent the flow of fuel when the compressing equipment is stopped.

(*b*) The safety shutoff valve shall be positively tight and shall be tested at least twice monthly.

(*c*) Packing glands shall be designed so that the valve will not be made inoperative by excessive tightening of the packing gland.

(*d*) Electrically operated safety shutoff valves shall be normally closed and not depend on electricity for shutting off the fuel supply.

(*e*) A safety shutoff valve shall require manual operation for reopening after it has closed, or the electric circuit shall be so arranged that it will require a manual operation for reopening the safety shutoff valve.

(*f*) Manual reset-type safety shutoff valves shall be so arranged that they cannot be locked in an open position by external means.

(*g*) Where blowers are used for supplying the air for combustion the safety shutoff valve shall be interlocked so that it will close in case of air failure.

(*h*) Where gas or electric ignition is used, the safety shutoff valve shall close in case of ignition failure. On burners equipped with combustion safeguards, the valve shall close in case of burner flame failure.

(vi) One main, manually operated, fuel shutoff valve shall be provided on each oven, and shall be located ahead of all other valves in the system.

(vii) All individual gas or oil burners with a heating capacity over 150,000 B.t.u. per hour shall be protected by a safeguard which is actuated by the flame and which will react to flame failure in a time interval not to exceed 2 seconds. All safeguards, once having shut down a gas or oil burner, shall require manual resetting and starting of the burner or burners.

(viii) Any space in an oven (except direct fired ovens) which could be filled with an explosive mixture shall be protected by explosion vents. Explosion vents shall be made of minimum weight consistent with adequate insulation.

(*a*) Explosion doors which have a substantial weight shall be attached by chains or similar means to prevent flying parts from injuring the personnel in case of an explosion.

(*b*) Where explosion vents are so located that flying parts or gases might endanger the personnel working on or near the oven, internal or external protecting means shall be provided in the form of heavily constructed shields or deflectors made from noncombustible material.

(*c*) Specifically exempted from the provisions of subdivision (viii) of this subparagraph are heating systems on ovens in which the fuel is admitted only to enclosed spaces which shall have been tested to prove that their construction will resist repeated explosions without deformation are exempt from the requirements of subdivisions (viii) (*a*) and (*b*) of this paragraph.

(ix) Flues and dampers. (a) All ovens (except electrically heated) shall be properly and firmly connected to an

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active chimney or flue of ample size to carry away the flue gases.

(b) The chimney shall be preinspected after installation or repair to determine whether it is in suitable condition.

(c) The flue pipe or breeching shall be properly supported in all cases.

(d) Means shall be employed which will prevent the flue pipe or breeching from entering beyond the inner wall of the chimney flue.

(e) Flue pipe shall be cemented or otherwise sealed to the chimney wall so as to prevent infiltration of air.

(f) A flue damper or other equivalent means for regulating draft shall be installed on each oven, the proper operation of which depends on natural draft.

(g) Dampers, where used, shall be equipped with suitably located minimum and maximum stops. The minimum stop for dampers shall be adjusted to obtain sufficient air for combustion at the minimum oven output. Where stack dampers are used in connection with oil- or gas-fired ovens, they shall be equipped with means to turn the burner off when the damper is closed.

(x) Where the initial pressure of the fuel is lower than the air pressure used for combustion, check valves shall be installed in the fuel line to prevent air from backing up into the fuel lines. For instance, in gas burner apparatus, which uses air at pressures exceeding the gas service pressure, a check valve shall be provided in the gas line next to the mixing device.

(xi) Where the gas supply pressure is substantially higher than that at which the burners of an oven are designed to operate, a gas pressure regulator shall be employed.

(a) Gas pressure regulators, where used, shall maintain the gas pressure to the manifold within 10 percent of the operating pressure from maximum to minimum consumption rates.

(b) Regulators shall be of the spring-loaded, dead-weight, or pressure-balanced type. Spring- or weight-loaded regulators shall have springs or weights covered by suitable housing. Under no circumstances shall a weight and lever type of regulator be used.

(c) A gas pressure regulator, requiring access to atmosphere for successful operation, shall be vented to the outer air.

(d) A relief valve shall be placed on the outlet side of gas pressure regulators where gas is supplied at high pressure. The discharge from this valve shall be piped to the outside of the building.

(xii) All chambers which have to be connected to the atmosphere, but are separated from any gaseous or other volatile fuel by a flexible membrane, as, for instance, a diaphragm, bellows, etc., shall be connected by a pipe of at least one-half inch size to the outside atmosphere. The outside end of this pipe shall be protected against flooding or accidental plugging by ice formation, insects, or other causes, by providing a "tee" with double elbow connections pointing downwards at the top of the pipe, and screened outlets. Where several of such chambers are used in close proximity, a common vent line may be used.

(xiii) Where accumulation of dust in the air supply might affect the proper functioning of mixing devices and burners, the air supply inlet shall be equipped with suitable air filters. A standby filter should be available to permit interchanging filters for cleaning purposes.

(10) *Direct-fired ovens.* (i) Direct-fired ovens shall be safeguarded against failure of fuel, air, or ignition.

(ii) To prevent the possible accumulation of explosive gases from being ignited after a shutdown, all direct-fired ovens with a heating capacity over 150,000 B.t.u. per hour shall be ventilated before the ignition system, combustion air blower, and the fuel can be turned on. The preventilation shall insure at least four complete changes of atmosphere in the baking chamber by discharging the oven atmosphere to the outside of the building and entraining fresh air into it. The preventilation shall be repeated whenever the heating equipment is shut down by a safety device.

(11) *Direct recirculating ovens.* (i) Each circulating fan in direct recirculating ovens shall be interconnected with the burner in such a manner that the fuel is shut off by a safety valve when the fan is not running.

(ii) The flame of the burner or burners in direct recirculating ovens shall be protected by a quick-acting flame-sensitive safeguard which will automatically shut off the fuel supply in case of burner failure.

(iii) Direct recirculating ovens shall be equipped with preventilating devices.

(iv) Fans in direct recirculating ovens shall be constructed of materials suitable for the temperatures at which they will operate and designed with an ample safety factor to prevent rupture of the wheel.

(v) Fan wheel in direct recirculating oven shall be protected against direct impingement of the flame of the burner or burners.

(vi) Direct recirculating ovens, and particularly fans in and on such ovens, shall be protected from overheating by means of a temperature limiting device.

(vii) When the burner or burners on direct recirculating ovens are mounted at elevated positions permanent steps shall be provided for safe and convenient access to the burner or burners.

(12) *Flue-type ovens.* (i) Flue-type ovens shall be operated in such a way that less than atmospheric pressure is maintained in the flues.

(ii) Gas burners in flue-type ovens shall be protected against flame failure.

(iii) Oil burners on flue-type ovens shall be equipped with combustion safeguards as listed by the Underwriters' Laboratories, Inc.

(iv) Solid-fuel stoker-fired flue-type ovens shall have the stack damper interlocked with the stoker so that the stoker cannot be operated when the damper is closed.

(13) *Indirect-fired multiple burner ovens.* (i) Indirect-fired multiple-burner ovens shall be equipped with safety shut-off valves which are interlocked with the ignition system, the air pressure and the gas pressure.

(ii) Parts of enclosures reaching through the wall of indirect-fired multiple-burner ovens, and observation windows on such ovens, shall be tested at least once each year with repeated explosions, and afterward inspected for leaks.

(14) *Steam-tube ovens.* Steam-tube ovens shall be protected against overfiring (firing at an excessive rate) and overheating (heating to excessive temperatures) by devices which control the maximum amount of fuel admitted to the furnace and the maximum permissible temperature in the baking chamber.

(15) *Indirect recirculating ovens.* (i) Indirect recirculating ovens shall have all oil and gas burners equipped with quick-acting flame sensitive combustion safeguards.

(ii) Duct systems in indirect-recirculating ovens shall be protected by explosion vents having a minimum total area of 1 square foot of vent to 15 cubic feet of total duct volume. These explosion vents shall be so located that they will not release hot gases or flying parts in the direction of an operator.

(iii) Duct systems (in ovens) operating under pressure shall be tested for tightness in the initial starting of the oven and also at intervals not farther apart than 6 months.

(iv) Fans and other parts in indirect recirculating ovens shall comply with requirements as listed under subparagraph (11) of this paragraph.

(16) *Electric ovens.* Electric ovens shall be installed, operated, and maintained in accordance with Subpart S of this part.

[37 FR 22102, Oct. 18, 1972, as amended at 38 FR 16223, June 21, 1973]

§ 1910.264 Laundry machinery and operations.

(a) *Definitions applicable to this section.* (1) *Laundry.* The term "laundry" shall mean an establishment wherein the washing, ironing, or other finishing of clothes, or any other textiles is done, but excluding printing, bleaching, dry cleaning, or dyeing of clothes or other textiles.

(2) *Marking machine.* The term "marking machine" shall mean a power-driven machine used for marking clothes or other textiles.

(3) *Washing machine.* The term "washing machine" shall mean a power-driven machine used for washing clothes or other textiles. It generally consists of a stationary case or shell inside of which is a revolving perforated cylinder.

(4) *Extractor.* The term "extractor" shall mean a power-driven centrifugal machine used for removing surplus moisture from clothes or other textiles by centrifugal action.

(5) *Wringer.* The term "wringer" shall mean one or more power-driven rolls used for removing surplus moisture from clothes or other textiles.

(6) *Starch mixer.* The term "starch mixer" shall mean a power-driven machine used for mixing or processing starch.

(7) *Starching machine.* The term "starching machine" shall mean a power-driven machine used for the starching of clothes or other textiles.

(8) *Drying tumbler.* The term "drying tumbler" shall mean a machine within which clothes or other textiles are dried by air, and which usually consists of an enclosure inside of which is a revolving cylinder.

(9) *Shaker.* The term "shaker" (clothes tumbler) shall mean a revolving cylinder used for shaking out clothes or other textiles.

(10) *Drying room.* The term "drying room" shall mean an enclosure used for drying clothes or other textiles, and containing any power-driven mechanism.

(11) *Dampening machine.* The term "dampening machine" shall mean a machine used for dampening clothes or other textiles.

(12) *Ironer.* The term "ironer" shall mean a hand- or power-operated machine, with one or more rolls or heated surfaces in contact, used for ironing or smoothing clothes or other textiles.

(13) *Shaping machine.* The term "shaping machine" shall mean a power-driven machine used to shape, mold, or otherwise finish clothes or other textiles; this term shall also include shaping tables, stands, or shelves upon which the machine may be mounted.

(14) *Sewing machine.* The term "sewing machine" shall mean a machine used for sewing or stitching clothes or other textiles.

(15) *Guarded.* The term "guarded" shall mean covered, shielded, fenced, enclosed, or otherwise protected by means of suitable covers or casings, barrier rails, safety bars, or screens, to eliminate the possibility of accidental contact with, or dangerous approach by, persons or objects.

(16) *Enclosed.* The term "enclosed" shall mean that the object or equipment or part thereof is so guarded that accidental contact at the point of danger, during the regular operation of the equipment, is not possible.

(17) *Safety interlock.* The term "safety interlock" shall mean a device that will prevent the operation of the machine while the cover or door is open or unlocked and will hold the cover or door closed and locked while the basket or cylinder is in motion.

(18) *Moving parts.* The term "moving parts" shall mean gears, sprockets, revolving shafts, clutches, belts, pulleys, or other revolving or reciprocating parts that are attached to, or form an integral part of, a machine.

(19) *Power transmission.* The term "power transmission" shall pertain to equipment such as shafting, gears, belts, pulleys, or other parts used for transmitting power to the machine, and shall include prime movers.

(20) *Prime movers.* The term "prime movers," shall include steam, gas, oil, and air engines or motors, and steam and hydraulic turbines.

(21) *Point of operation.* The term "point of operation" shall mean the point or points at which clothes or other textiles are inserted or manipulated in the operation of the machine.

(b) *General requirements.* This section applies to moving parts of equipment used in laundries and to conditions peculiar to this industry, with special reference to the point of operation of laundry machines. This section does not apply to dry-cleaning operations.

(c) *Point-of-operation guards.*—(1) *Washroom machines.*—(i) *Marking machine.* Each power marking machine shall be equipped with a spring-compression device of such design as to prevent injury to fingers, should they be caught between the marking plunger and platen; or the marking machine shall be equipped with a control mechanism that will require the simultaneous action of both hands to operate the machine; or there shall be a guard that will act as a barrier in front of, and which will prevent the operator's fingers from coming into contact with, the marking plunger.

(ii) *Washing machine.* (a) Each washing machine shall be equipped with an interlocking device that will prevent the inside cylinder from moving when the outer door on the case or shell is open, and will also prevent the door from being opened while the inside cylinder is in motion. This device should not prevent the movement of the inner cylinder under the action of a hand-operated mechanism or under the operation of an inching device.

(b) Each washing machine shall be provided with means for holding open the doors or covers of inner and outer cylinders or shells while being loaded or unloaded.

(iii) *Extractor.* (a) Each extractor shall be equipped with a metal cover.

(b) Each extractor shall be equipped with an interlocking device that will prevent the cover from being opened while the basket is in motion, and will also prevent the power operation of the basket while the cover is not fully closed and secured. This device should not prevent the movement of the basket by hand to ensure an even loading.

(c) Each extractor shall also be effectively secured in position on the floor or foundation so as to eliminate unnecessary vibrations, and shall not be operated at a speed greater than that given in the manufacturer's rating, which shall be stamped on the inside of the basket where it is easily visible, in letters not less than one-fourth inch in height. The maximum permissible speed shall be given in revolutions per minute.

(d) Each engine individually driving an extractor shall be provided with an engine stop approved by Underwriters' Laboratories, Inc., and a speed-limit governor. It is suggested that where an extractor is driven by a direct-current motor a "no field" release be installed to prevent overspeed, which may result from an open or broken field.

(iv) *Power wringer.* Each power wringer shall be equipped with a safety bar or other guard across the entire front of the feed or first pressure rolls, so arranged that the striking of the bar or guard by the hand of the operator or other person will stop the machine.

(2) *Starching and drying machines.*—(i) *Starching machine (cylinder or box type).* Each starching machine, cylinder or box type, shall be enclosed or guarded so as to prevent the operator or other person from coming into accidental contact with the cylinder or box while the machine is in motion.

(ii) *Drying-room fan.* Each drying-room fan, any part of which is within 7 feet of the floor or working platform, shall be guarded with wire mesh or screen of not less than No. 16 gage, the openings of which will reject a ball one-half inch in diameter.

(iii) *Drying tumbler.* (a) Each drying tumbler shall be equipped with an interlocking device that will prevent the inside cylinder from moving when the outer door on the case or shell is open, and also prevent the door from being opened while the inside cylinder is in motion. This device should not prevent the movement of the inner cylinder under the action of a hand-operated mechanism or under the operation of an inching device.

(b) Each drying tumbler shall be provided with means for holding open the doors or covers of inner and outer cylinders or shells while being loaded or unloaded.

(iv) *Shaker (clothes tumbler).* (a) (1) Each shaker or clothes tumbler of the single-cylinder type shall be equipped with a device that will automatically prevent the tumbler from moving while the door is open.

(2) The tumbler shall also be enclosed or guarded so as to prevent accidental contact by the operator or other person while the machine is in motion.

(b) (1) Each shaker or clothes tumbler of the double-cylinder type shall be equipped with an interlocking device that will prevent the inside cylinder from moving when the outer door on the case or shell is open, and will also prevent the door from being opened while the inside cylinder is in motion. This device should not prevent the movement of the inner cylinder under the action of a hand-operated mechanism or under the operation of an inching device.

(2) Each shaker or clothes tumbler of the double-cylinder type shall be provided with means for holding open the doors or covers of inner and outer cylinders or shells while being loaded or unloaded.

(v) *Exception.* Provisions of subdivision (iii), (iv) (a) (1), and (iv) (b) of this subparagraph shall not apply to shakeout or conditioning tumblers where the clothes are loaded into the open end of the revolving cylinder and are automatically discharged out of the opposite end.

(3) *Finishing machines.*—(i) *Dampening machine.* Each roll-dampening machine shall be so equipped that the rolls will be entirely enclosed and so arranged as to prevent the fingers of the operator or other person from being caught between the rolls. This may be accomplished by:

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(a) A slot or hopper;

(b) A rod or strip located directly in front of the feed and extending the full length of the rolls.

(ii) *Ironer.* (a) Each flat-work or collar ironer shall be equipped with a safety bar or other guard across the entire front of the feed or first pressure rolls, so arranged that the striking of the bar or guard by the hand of the operator or other person will stop the machine. The pressure rolls shall be covered or guarded so that the operator or other person cannot reach into the rolls without removing the guard. This may be either a vertical guard on all sides or a complete cover. If a vertical guard is used, the distance from the floor or working platform to the top of guard shall be not less than 6 feet.

(b) Each body-type ironer, roll or shoe type, including sleeve and band ironers, shall be equipped with a safety bar or other guard across the entire length of the feed roll or shoe, so arranged that the striking of the bar or guard by the hand of the operator or other person will stop the machine. The hot roll or shoe shall also be covered in such a way that the operator or other person cannot come into contact with the heated surfaces.

(c) Each combined rotary-bosom and coat ironer shall be equipped with a safety bar or other guard across the entire length of the feed roll or shoe, so arranged that the striking of the bar or guard by the hand of the operator or other person will stop the machine. The hot roll or shoe shall also be covered in such a way that the operator or other person cannot come into contact with the heated surfaces.

(d) Each ironing press (excluding hand or foot powered ones) shall be equipped with a guard or means that will prevent the fingers of the operator or other person from being caught between the ironing surfaces.

(4) *Miscellaneous machines and equipment*—(i) *Sewing machine.* Each sewing machine shall be equipped with a guard permanently attached to the machine, so that the operator's fingers cannot pass under the needle. It shall be of such form that the needle can be conveniently threaded without removing the guard.

(ii) *Exhaust or ventilating fans.* Each exhaust or ventilating fan within 7 feet of the floor or working platform shall be completely covered with wire mesh of not less than No. 16 gage, and with openings that will reject a ball one-half inch in diameter.

(iii) *Steam pipes.* (a) All steam pipes that are within 7 feet of the floor or working platform, and with which the worker may come into contact, shall be insulated or covered with a heat-resistive material or shall be otherwise properly guarded.

(b) Where pressure-reducing valves are used, one or more relief or safety valves shall be provided on the low-pressure side of the reducing valve, in case the piping or equipment on the low-pressure side does not meet the requirements for full initial pressure. The relief or safety valve shall be located adjacent to, or as close as possible to, the reducing valve. Proper protection shall be provided to prevent injury or damage caused by fluid escaping from relief or safety valves if vented to the atmosphere. The vents shall be of ample size and as short and direct as possible. The combined discharge capacity of the relief valves shall be such that the pressure rating of the lower-pressure piping and equipment will not be exceeded if the reducing valve sticks or fails to open.

(iv) *Starting and stopping devices.* Each power-driven machine shall be provided with means for disconnecting from the source of power. Starting and stopping devices for machines shall be so located as to be operable from the front of the machine, and so constructed as to allow proper guarding of belts and pulleys.

(d) *Operating rules*—(1) *General*—(i) *Floors.*

(a) The floors of every room in a laundry that are used for washing purposes shall be properly constructed of cement, tile, or similar material. The floors shall be watertight, free from projections, crevices, or dangerous gradients. They shall be maintained in good repair and so drained that no water may accumulate.

(b) The floors of every room except washrooms shall be constructed of hardwood or any impervious material, free from protruding nails, splinters, or loose boards, and shall be maintained in a safe condition.

(ii) *Table tops, shelves, and machine woodwork.* Table tops, shelves, and machine woodwork shall be constructed of materials properly surfaced, finished free from splinters, and so maintained.

(iii) *Markers.* Markers and others handling soiled clothes shall be warned against touching the eyes, mouth, or any part of the body on which the skin has been broken by a scratch or abrasion; and they shall be cautioned not to touch or eat food until their hands have been thoroughly washed.

(iv) *Ventilation.* Where artificial ventilation is necessary to the maintenance of comfortable working conditions, an adequate ventilating system shall be installed.

(v) *Instruction of employees.* Employees shall be properly instructed as to the hazards of their work and be instructed in safe practices, by bulletins, printed rules, and verbal instructions.

(2) *Mechanical*—(i) *Safety guards.* (a) No safeguard, safety appliance, or device attached to, or forming an integral part of any machinery shall be removed or made ineffective except for the purpose of making immediate repairs or adjustments. Any such safeguard, safety appliance, or device removed or made ineffective during the repair or adjustment of such machinery shall be replaced immediately upon the completion of such repairs or adjustments.

(b) No machine shall be operated until such repairs and adjustments have been made and the machine is in good working condition.

(ii) *Steam-pressure apparatus.* Steam machines shall not be operated at a pressure above that given by the manufacturer's pressure rating as shown on name plate. If the steam source is at a pressure higher than that given by the manufacturer's rating, a stop valve, reducing valve, pressure gage, and safety valve shall be installed, in the order named, from the source. The safety valve shall be located in a nonhazardous place.

(iii) *Machine adjustments.* No moving parts of any machine shall be oiled, cleaned, adjusted, or repaired while said machine is in operation or in motion except that the rolls of adjusting machines not equipped with hand-power means shall be operated at the slowest speed possible with an operator constantly at the starting mechanism.

(iv) *Extractors.* Each extractor shall be dismantled and inspected at least once a year and, if necessary, repaired. Overdriven extractors, if provided with handholes through which basket and rings can be inspected, need not be dismantled.

(e) *Moving parts*—(1) *Machine guarding (other than point of operation).* Moving parts of machines, such as gears, sprockets, belts, pulleys, and shafts, shall be guarded in accordance with the requirements of § 1910.219.

(2) *Prime-mover guarding.* Moving parts of prime movers, such as flywheels, cranks and connecting rods, tail rods or extension piston rods, and governor balls, shall be guarded in accordance with the requirements of § 1910.219.

(f) *General industrial safety standards*—(1) *General.* The general safety standards adopted by reference in subparagraph (2) of this paragraph, the provisions of which apply to nearly every industrial plant, are now incorporated by reference in this section and are made applicable to laundry operations. The rules of construction set forth in paragraph (3) of § 1910.5 shall apply.

(2) *Additional requirements.* The employer shall comply with the provisions of the standards referenced in this subparagraph. In the event of any conflict between this subparagraph and paragraphs (b) through (e) of this section, the requirements of paragraphs (b) through (e) of this section shall apply.

(i) *Industrial lighting.* American National Standard Practice for Industrial Lighting, ANSI A11.1—1965 (R–1970).

(ii) *Floor and wall openings, railings, and toeboards.* American National Standard Safety Requirements for Floor and Wall Openings, Railings, and Toeboards, ANSI A12.1—1967.

(iii) *Identification of piping systems.* American National Standard Scheme for the Identification of Piping Systems, ANSI A13.1—1956.

(iv) *Mechanical power transmission apparatus.* American National Standard Safety Standard for Mechanical Power Transmission Apparatus, ANSI B15.1—1971.

(v) *Pressure piping—power piping.* American National Standard Code for Pressure Piping—Power Piping, ANSI 31.1.0—1967. Addenda to the American National Standard Code for Pressure Piping—Power Piping, ANSI B31.1.0a—1969.

(vi) *Sanitation.* American National Standard Requirements for Sanitation in Places of Employment, ANSI Z4.1—1968.

(vii) *Local exhaust systems.* American National Standard Fundamentals Governing the Design and Operation of Local Exhaust Systems, ANSI Z9.2—1960.

(viii) *Gas appliances and gas piping.* American National Standard for the Installation of Gas Appliances and Gas Piping, ANSI Z21.30—1964.

§ 1910.265 Sawmills.

(a) *General requirements*—(1) *Application.* This section includes safety requirements for sawmill operations including, but not limited to, log and lumber handling, sawing, trimming, and planing; waste disposal; operation of dry kilns; finishing; shipping; storage; yard and yard equipment; and for power tools and affiliated equipment used in connection with such operations, but excluding the manufacture of plywood, cooperage, and veneer.

(2) *Incorporation of standards by reference.* Certain of the paragraphs of this section incorporate and apply occupational safety and health standards of general application without regard to any specific industry. Such standards shall apply to sawmill operations in accordance with the rules of construction set forth in § 1910.5.

(b) *Definitions applicable to this section*—(1) *A-frame.* The term "A-frame" means a structure made of two independent columns fastened together at the top and separated at the bottom for stability.

(2) *Annealing.* The term "annealing" means heating then cooling to soften and render less brittle.

(3) *Binder.* The term "binder" means a chain, cable, rope, or other approved material used for binding loads.

(4) *Boom.* The term "boom" means logs or timbers fastened together end to end and used to contain floating logs. The term includes enclosed logs.

(5) *Brow log.* The term "brow log" means a log placed parallel to a roadway at a landing or dump to protect vehicles while loading or unloading.

(6) *Bunk.* The term "bunk" means a cross support for a load.

(7) *Cant.* The term "cant" means a log slabbed on one or more sides.

(8) *Carriage (log carriage).* The term "carriage" means a framework mounted on wheels which runs on tracks or in grooves in a direction parallel to the face of the saw, and which contains apparatus to hold a log securely and advance it towards the saw.

(9) *Carrier.* The term "carrier" means an industrial truck so designed and constructed that it straddles the load to be transported with mechanisms to pick up the load and support it during transportation.

(10) *Chipper.* The term "chipper" means a machine which cuts material into chips.

(11) *Chock (bunk block) (cheese block).* The terms "chock", "bunk block", and "cheese block" mean a wedge that prevents logs or loads from moving.

(12) *Cold deck.* The term "cold deck" means a pile of logs stored for future removal.

(13) *Crotch lines.* The term "crotch lines" means two short lines attached to a hoisting line by a ring or shackle, the lower ends being attached to loading hooks.

(14) *Dog (carriage dog).* The term "dog" means a steel tooth, one or more of which are attached to each carriage knee to hold log firmly in place on carriage.

(15) *Drag saw.* The term "drag saw" means a power-driven, reciprocating crosscut saw mounted on suitable frame and used for bucking logs.

(16) *Head block.* The term "head block" means that part of a carriage which holds the log and upon which it rests. It generally consists of base, knee, taper set, and mechanism.

(17) *Head rig.* The term "head rig" means a combination of head saw and log carriage used for the initial breakdown of logs into timbers, cants, and boards.

(18) *Hog.* The term "hog" means a machine for cutting or grinding slabs and other coarse residue from the mill.

(19) *Husk.* The term "husk" means a head saw framework on a circular mill.

(20) *Industrial truck.* The term "industrial truck" means a mobile power-driven truck or tractor.

(21) *Kiln tender.* The term "kiln tender" means the operator of a kiln.

(22) *Lift truck.* The term "lift truck" means an industrial truck used for lateral transportation and equipped with a power-operated lifting device, usually in the form of forks, for piling or unpiling lumber units or packages.

(23) *Live rolls.* The term "live rolls" means cylinders of wood or metal mounted on horizontal axes and rotated by power, which are used to convey slabs, lumber, and other wood products.

(24) *Loading boom.* The term "loading boom" means any structure projecting from a pivot point to guide a log when lifted.

(25) *Log deck.* The term "log deck" means a platform in the sawmill on which the logs remain until needed for sawing.

(26) *Lumber hauling truck.* The term "lumber hauling truck" means an industrial truck, other than a lift truck or a carrier, used for the transport of lumber.

(27) *Log haul.* The term "log haul" means a conveyor for transferring logs to mill.

(28) *Package.* The term "package" means a unit of lumber.

(29) *Peavy.* The term "peavy" means a stout wooden handle fitted with a spike and hook and used for rolling logs.

(30) *Pike pole.* The term "pike pole" means a long pole whose end is shod with a sharp pointed spike.

(31) *Pitman rod.* The term "pitman rod" means connecting rod.

(32) *Resaw.* The term "resaw" means band, circular, or sash gang saws used to break down slabs, cants, or flitches into lumber.

(33) *Running line.* The term "running line" means any moving rope as distinguished from a stationary rope such as a guyline.

(34) *Safety factor.* The term "safety factor" means a calculated reduction factor which may be applied to laboratory test values to obtain safe working stresses for wooden beams and other mechanical members; ratio of breaking load to safe load.

(35) *Saw guide.* The term "saw guide" mean a device for steadying a circular or bandsaw.

(36) *Setwork.* The term "setwork" means a mechanism on a sawmill carriage which enables an operator to move the log into position for another cut.

(37) *Sorting gaps.* The term "sorting gaps" means the areas on a log pond enclosed by boom sticks into which logs are sorted.

(38) *Spreader wheel.* The term "spreader wheel" means a metal wheel that separates the board from the log in back of circular saws to prevent binding.

(39) *Splitter.* The term "splitter" means a knife-type, nonrotating spreader.

(40) *Sticker.* The term "sticker" means a strip of wood or other material used to separate layers of lumber.

(41) *Stiff boom.* The term "stiff boom" means the anchored, stationary boom sticks which are tied together and on which boom men work.

(42) *Swifter.* The term "swifter" is a means of tying boom sticks together to prevent them from spreading while being towed.

(43) *Telltale.* The term "telltale" means a device used to serve as a warning for overhead objects.

(44) *Top saw.* The term "top saw" means the upper of two circular saws on a head rig, both being on the same husk.

(45) *Tramway* The term "tramway" means a way for trams, usually consisting of parallel tracks laid on wooden beams.

(46) *Trestle.* The term "trestle" means a braced framework of timbers, piles or steelwork for carrying a road or railroad over a depression.

(c) *Building facilities, and isolated equipment*—(1) *Safety factor.* All buildings, docks, tramways, walkways, log dumps, and other structures shall be designed, constructed and maintained so as to support the imposed load in accordance with a safety factor.

(2) *Work areas.* Work areas under mills shall be as evenly surfaced as local conditions permit. They shall be free from unnecessary obstructions and provided with lighting facilities in accordance with American National Standard for Industrial Lighting A11.1—1965.

(3) *Floors.* Flooring in buildings and on ramps and walkways shall be constructed and installed in accordance with established principles of mechanics and sound engineering practices. They shall be of adequate strength to support the

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estimated or actual dead and live loads acting on them with the resultant stress not exceeding the allowable stress for the material being used.

(i) *Floor and wall openings.* All floor and wall openings shall be protected as prescribed in § 1910.23.

(ii) *Areas beneath floor openings.* Areas under floor openings shall, where practical, be fenced off. When this is not practical, they shall be plainly marked and telltales shall be installed to hang over these areas.

(iii) *Floor maintenance.* The flooring of buildings, docks, and passageways shall be kept in good repair. When a hazardous condition develops that cannot be immediately repaired, the area shall be guarded until adequate repairs are made.

(iv) *Nonslip floors.* Floors, footwalks, and passageways in the work area around machines or other places where a person is required to stand or walk shall be provided with effective means to minimize slipping.

(4) *Walkways, docks, and platforms—*(i) *Width.* Walkways, docks, and platforms shall be of sufficient width to provide adequate passage and working areas.

(ii) *Maintenance.* Walkways shall be evenly floored and kept in good repair.

(iii) *Docks.* Docks and runways used for the operation of lift trucks and other vehicles shall have a substantial guard or shear timber except where loading and unloading are being performed.

(iv) *Elevated walks.* All elevated walks, runways, or platforms, if 4 feet or more from the floor level, shall be provided with a standard railing except on loading or unloading sides of platforms. If height exceeds 6 feet, a standard toe board also shall be provided to prevent material from rolling or falling off.

(v) *Elevated platforms.* Where elevated platforms are used routinely on a daily basis they shall be equipped with stairways or fixed ladders in accordance with § 1910.27.

(vi) *Hazardous locations.* Where required, walkways and stairways with standard handrails shall be provided in elevated and hazardous locations. Where such passageways are over walkways or work areas, standard toe boards shall be provided.

(5) *Stairways* — (i) *Construction.* Stairways shall be constructed in accordance with § 1910.24.

(ii) *Handrails.* Stairways shall be provided with a standard handrail on at least one side or on any open side. Where stairs are more than four feet wide there shall be a standard handrail at each side, and where more than eight feet wide, a third standard handrail shall be erected in the center of the stairway.

(iii) *Lighting.* All stairways shall be adequately lighted as prescribed in Subparagraph (9) of this paragraph.

(6) *Emergency exits including doors and fire escapes—*(i) *Opening.* Doors shall not open directly on or block a flight of stairs, and shall swing in the direction of exit travel.

(ii) *Identification.* Exits shall be located and identified in a manner that affords ready exit from all work areas.

(iii) *Swinging doors.* All swinging doors shall be provided with windows; with one window for each section of double swinging doors. Such windows shall be of shatterproof or safety glass unless otherwise protected against breakage.

(iv) *Sliding doors.* Where sliding doors are used as exits, an inner door shall be cut inside each of the main doors and arranged to open outward.

(v) *Barriers and warning signs.* Where a doorway opens upon a railroad track or upon a tramway or dock over which vehicles travel, a barrier or other warning device shall be placed to prevent workmen from stepping into moving traffic.

(7) *Air requirements.* Ventilation shall be provided to supply adequate fresh healthful air to rooms, buildings, and work areas.

(8) *Vats and tanks.* All open vats and tanks into which workmen could fall shall be guarded.

(9) *Lighting—*(i) *Adequacy.* Illumination shall be provided and designed to supply adequate general and local lighting to rooms, buildings, and work areas during the time of use.

(ii) *Effectiveness.* Factors upon which the adequacy and effectiveness of illumination will be judged, include the following:

(a) The quantity of light in footcandle intensity shall be sufficient for the work being done.

(b) The quality of the light shall be such that it is free from glare, and has correct direction, diffusion, and distribution.

(c) Shadows and extreme contrasts shall be avoided or kept to a minimum.

(10) *Ladders.* Ladders shall be installed and maintained as specified in §§ 1910.25, 1910.26, and 1910.27.

(11) *Hazard marking.* Physical hazard marking shall be as specified in § 1910.144 of this part.

(12) *Electrical wiring and equipment.* (i) All electrical equipment should be installed and maintained in accordance with requirements specified in Subpart S of this part.

(ii) *Repairs.* Electrical repairs shall be made only by authorized and qualified personnel.

(iii) *Identification.* Marks of identification on electrical equipment shall be clearly visible.

(iv) *Protective equipment.* Rubber protective equipment shall be provided as required by § 1910.137.

(v) *Open switches.* Before working on electrical equipment, switches shall be open and shall be tagged, blocked, or locked out.

(vi) *Concealed conductors.* Where electrical conductors are known to be concealed, no work shall be performed until such conductors are located.

(vii) *Overload relays.* Overload relays shall be reset by authorized qualified personnel only.

(viii) *Passageways to panels.* Passageways to switch centers or panels shall at all times be kept free from obstruction. Not less than 3 feet of clear space shall be maintained in front of switch centers or panels at all times.

(ix) *Bridging fuses.* Doubling or bridging fuses shall be prohibited.

(13) *Hydraulic systems.* Means shall be provided to block, chain, or otherwise secure equipment normally supported by hydraulic pressure so as to provide for safe maintenance.

(14) *Liquefied petroleum gas storage and handling.* Storage and handling of liquified petroleum gas shall be in accordance with the requirements of § 1910.110.

(15) *Gas piping and appliances.* All gas piping and appliances shall be installed in accordance with the American National Standard Requirements for the Installation of Gas Appliances and Gas Piping Z21.30—1964.

(16) *Flammable liquids.* Flammable liquids shall be stored and handled in accordance with § 1910.106.

(17) *Storage, handling, and use of chemicals—*(i) *Threshold limits.* Employees shall not be exposed to airborne concentration of toxic dusts, fumes, vapors, mists or gases that exceed the threshold limit values set forth by § 1910.93.

(ii) *Protective equipment.* The use of chemicals shall be controlled so as to protect employees from harmful exposure to toxic materials. Where necessary, employees shall be provided with and required to wear such protective equipment as will afford adequate protection against harmful exposure as required by Subpart I of this part.

(iii) *Open surface tank operations.* Open surface tank operations shall conform to the requirements of § 1910.94(d).

(18) *Conveyors—*(i) *Standards.* Construction, operation, and maintenance of conveyors shall be in accordance with American National Standard B20.1—1957.

(ii) *Guarding.* Spiked live rolls shall be guarded.

(19) *Stationary tramways and trestles—*(i) *Foundations and walkways.* Tramways and trestles shall have substantial mud sills or foundations which shall be frequently inspected and kept in repair. When vehicles are operated on tramways and trestles which are used for foot passage, traffic shall be controlled or a walkway with standard handrails at the outer edge and shear timber on the inner edge shall be provided. This walkway shall be wide enough to allow adequate clearance to vehicles. When walkways cross over other thoroughfares, they shall be solidly fenced at the outer edge to a height of 42 inches over such thoroughfares.

(ii) *Clearance.* Stationary tramways and trestles shall have a vertical clearance of 22 feet over railroad rails. When constructed over carrier docks or roads, they shall have a clearance of 6 feet above the driver's foot rest on the carrier, and in no event shall this clearance be less than 12 feet from the roadway. In existing operations where it is impractical to obtain such clearance, telltales, electric signals, signs or other precautionary measures shall be installed.

(20) *Blower, collecting, and exhaust systems—*(i) *Design, construction, and maintenance.* Blower collecting, and exhaust systems should be designed, constructed, and maintained in accordance with American National Standards Z33.1—1961 (For the Installation of Blower and Exhaust Systems for Dust, Stock, and Vapor Removal or Conveying) and Z12.2—1962 (R1969) (Code for the Prevention of Dust Explosion in Woodworking and Wood Flour Manufacturing Plants).

(ii) *Collecting systems.* All mills containing one or more machines that create dust, shavings, chips, or slivers during a period of time equal to or greater than one-fourth of the working day, shall be equipped with a collecting system. It may be either continuous or automatic, and shall be of sufficient strength and capacity to enable it to remove such refuse from points of operation and immediate vicinities of machines and work areas.

(iii) *Exhaust or conveyor systems.* Each woodworking machine that creates dust, shavings, chips, or slivers shall be equipped with an exhaust or conveyor system located and adjusted to remove the maximum amount of refuse from the point of operation and immediate vicinity.

(iv) *Exhaust pipes.* Exhaust pipes shall be of such construction and internal dimensions as to minimize the possibility of clogging. They should be accessible for cleaning.

(v) *Dust chambers.* Exhaust pipes shall not discharge into an unconfined outside pile if uncontrolled fire or explosion hazards are created. They may empty into settling or dust chambers, designed to prevent the dust or refuse from entering any work area. Such chambers shall be constructed and operated to minimize the danger of fire or dust explosion.

(vi) *Hand removal of refuse.* Provision for the daily removal of refuse shall be made in all operations not required to have an exhaust system or having refuse too heavy, bulky, or otherwise unsuitable to be handled by the exhaust system.

(21) *Chippers—*(i) *Whole-log chippers.* The feed system to the chipper shall be arranged so the operator does not stand in direct line with the chipper spout (hopper). The chipper spout shall be enclosed to a height of not less than 36 inches from the floor or the operator's platform. A safety belt and lifeline shall be worn by workmen when working at or near the spout unless the spout is guarded. The lifeline shall be short enough to prevent workers from falling into the chipper.

(ii) *Hogs.* (a) Hog mills shall be so designed and arranged that from no position on the rim of the chute shall the distance to the cutter knives be less than 40 inches.

(b) Hog feed chutes shall be provided with suitable and approved baffles, which shall minimize material from being thrown from the mill.

(c) Employees feeding hog mills shall be provided with safety belts and lines unless guarded.

(22) *Mechanical power-transmission apparatus.* The construction, operation, and maintenance of all mechanical power-transmission apparatus shall be in accordance with the requirements of § 1910.219.

(23) *Bins, bunkers, hoppers, and fuel houses—*(i) *Guarding.* Open bins, bunkers, and hoppers whose upper edges extend less than 3 feet above working level shall be equipped with standard handrails and toe boards, or have their tops covered by a substantial grill or grating with openings small enough to prevent a man from falling through.

(ii) *Use of wheeled equipment to load bins.* Where automotive or other wheeled equipment is used to move materials into bins, bunkers, and hoppers, adequate guard rails shall be installed along each side of the runway, and a substantial bumper stop provided when necessary.

(iii) *Exits, lighting, and safety devices.* Fuel houses and bins shall have adequate exits and lighting, and all necessary safety devices shall be provided and shall be used by persons entering these structures.

(iv) *Walkways.* Where needed, fuel houses and bins shall have a standard railed platform or walkway near the top.

(24) *Ropes, cables, slings, and chains—*(i) *Safe usage.* Ropes, cables, slings, and chains shall be used in accordance with safe use practices recommended by the manufacturer or within safe limits recommended by the equipment manufacturer when used in conjunction with it.

(ii) *Hooks.* No open hook shall be used in rigging to lift any load where there is hazard from relieving the tension on the hook from the load or hook catching or fouling.

(iii) *Work by qualified persons.* Installation, inspection, maintenance, repair, and testing of ropes, cables, slings, and chains shall be done only by persons qualified to do such work.

(iv) *Slings.* (a) Slings and their fittings and fastenings, when in use, shall be inspected daily for evidence of overloading, excessive wear, or damage. Slings found to be defective shall be removed from service.

(b) Proper storage shall be provided for slings while not in use.

(c) Suitable protection shall be provided between the sling and sharp unyielding surfaces of the load to be lifted.

(v) *Ropes or cables.* (a) Wire rope or cable shall be inspected when installed and once each week thereafter, when in use. It shall be removed from hoisting or load-carrying service when kinked or when one of the following conditions exists:

(1) When three broken wires are found in one lay of 6 by 6 wire rope.

(2) When six broken wires are found in one lay of 6 by 19 wire rope.

(3) When nine broken wires are found in one lay of 6 by 37 wire rope.

(4) When eight broken wires are found in one lay of 8 by 19 wire rope.

(5) When marked corrosion appears.

(6) Wire rope of a type not described herein shall be removed from service when 4 percent of the total number of wires composing such rope are found to be broken in one lay.

(b) Wire rope removed from service due to defects shall be plainly marked or identified as being unfit for further use on cranes, hoists, and other load-carrying devices.

(c) The ratio between the rope diameter and the drum, block, sheave, or pulley tread diameter shall be such that the rope will adjust itself to the bend without excessive wear, deformation, or injury. In no case shall the safe value of drums, blocks, sheaves, or pulleys be reduced when replacing such items unless compensating changes are made for rope used and for safe loading limits.

(vi) *Drums, sheaves, and pulleys.* Drums, sheaves, and pulleys shall be smooth and free from surface defects liable to injure rope. Drums, sheaves, or pulleys having eccentric bores or cracked hubs, spokes, or flanges shall be removed from service.

(vii) *Connections.* Connections, fittings, fastenings, and other parts used in connection with ropes and cables shall be of good quality and of proper size and strength, and shall be installed in accordance with the manufacturer's recommendations.

(viii) *Socketing, splicing, and seizing.* (a) Socketing, splicing, and seizing of cables shall be performed only by qualified persons.

(b) All eye splices shall be made in an approved manner and wire rope thimbles of proper size shall be fitted in the eye, except that in slings the use of thimbles shall be optional.

(c) Wire rope clips attached with U-bolts shall have these bolts on the dead or short end of the rope. The U-bolt nuts shall be retightened immediately after initial load carrying use and at frequent intervals thereafter.

(d) When a wedge socket-type fastening is used, the dead or short end of the cable shall be clipped with a U-bolt or otherwise made secure against loosening.

(e) *Fittings.* Hooks, shackles, rings, pad eyes, and other fittings that show excessive wear or that have been bent, twisted, or otherwise damaged shall be removed from service.

(f) *Running lines.* Running lines of hoisting equipment located within 6 feet 6 inches of the ground or working level shall be boxed off or otherwise guarded, or the operating area shall be restricted.

(g) *Number of wraps on drum.* There shall be not less than two full wraps of hoisting cable on the drum of cranes and hoists at all times of operation.

(h) *Drum flanges.* Drums shall have a flange at each end to prevent the cable from slipping off.

(i) *Sheave guards.* Bottom sheaves shall be protected by close fitting guards to prevent cable from jumping the sheave.

(j) *Preventing abrasion.* The reeving of a rope shall be so arranged as to minimize chafing or abrading while in use.

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(ix) *Chains.* (*a*) Chains used in load carrying service shall be inspected before initial use and weekly thereafter.

(*b*) Chain shall be normalized or annealed periodically as recommended by the manufacturer.

(*c*) If at any time any 3-foot length of chain is found to have stretched one-third the length of a link it shall be discarded.

(*d*) Bolts or nails shall not be placed between two links to shorten or join chains.

(*e*) Broken chains shall not be spliced by inserting a bolt between two links with the head of the bolt and nut sustaining the load, or by passing one link through another and inserting a bolt or nail to hold it.

(x) *Fiber rope.* (*a*) Frozen fiber rope shall not be used in load carrying service.

(*b*) Fiber rope that has been subjected to acid or excessive heat shall not be used for load carrying purposes.

(*c*) Fiber rope shall be protected from abrasion by padding where it is fastened or drawn over square corners or sharp or rough surfaces.

(25) [Reserved]

(26) *Mechanical stackers and unstackers*—(i) *Power-transmission apparatus.* Stackers and unstackers, shall have all gears, sprockets, chains, belt drives, and other power transmission apparatus guarded as specified in § 1910.219.

(ii) *Lumber lifting devices.* Lumber lifting devices on all stackers shall be designed and arranged so as to minimize the possibility of lumber falling from such devices.

(iii) *Blocking hoisting platform.* Means shall be provided to positively block the hoisting platform when employees must go beneath the stacker or unstacker hoist.

(iv) *Identifying controls.* Every manually operated control switch shall be properly identified and so located as to be readily accessible to the operator.

(v) *Locking main control switches.* Main control switches shall be so designed that they can be locked in the open position.

(vi) *Guarding side openings.* The hoistway side openings at the top level of the stacker and unstacker shall be protected by enclosures of standard railings.

(vii) *Guarding hoistway openings.* When the hoist platform or top of the load is below the working platform, the hoistway openings shall be guarded.

(viii) *Guarding lower landing area.* The lower landing area of stackers and unstackers shall be guarded by enclosures that prevent entrance to the area or pit below the hoist platform. Entrances should be protected by electrically interlocked gates which, when open, will disconnect the power and set the hoist brakes. When the interlock is not installed, other positive means of protecting the entrance shall be provided.

(ix) *Inspection.* Every stacker and unstacker shall be inspected at frequent intervals and all defective parts shall be immediately repaired or replaced.

(x) *Cleaning pits.* Safe means of entrance and exit shall be provided to permit cleaning of pits.

(xi) *Preventing entry to hazardous area.* Where the return of trucks from unstacker to stacker is by mechanical power or gravity, adequate signs, warning devices, or barriers shall be erected to prevent entry into the hazardous area.

(27) *Lumber piling and storage*—(i) *Pile foundations.* In stacking units of lumber, pile foundations shall be designed and arranged to support maximum loads without sinking, sagging, or permitting the piles to topple. In unit package piles, substantial bolsters or unit separators shall be placed between each package directly over the stickers.

(ii) *Stacking dissimilar unit packages.* Long units of lumber shall not be stacked upon shorter packages except where a stable pile can be made with the use of package separators.

(iii) *Unstable piles.* Piles of lumber which have become unstable shall be immediately made safe, or the area into which they might fall shall be fenced or barricaded and employees prohibited from entering it.

(iv) *Stickers.* Unit packages of lumber shall be provided with stickers as necessary to insure stability under ordinary operating conditions.

(v) *Sticker alignment.* Stickers shall extend the full width of the package, shall be uniformly spaced, and shall be aligned one above the other. Stickers may be lapped with a minimum overlapping of 12 inches. Stickers shall not protrude more than 2 inches beyond the sides of the package.

(vi) *Pile height.* The height of unit package piles shall be dependent on the dimensions of the packages and shall be such as to provide stability under normal operating conditions. Adjacent lumber piles may be tied together with separators to increase stability.

(28) *Lumber loading.* Loads shall be built and secured to insure stability in transit.

(29) *Burners*—(i) *Guying.* If the burner stack is not self-supporting, it shall be guyed or otherwise supported.

(ii) *Runway.* The conveyor runway to the burner shall be equipped with a standard handrail. If the runway crosses a roadway or thoroughfare, standard toe boards shall be provided in addition.

(30) *Vehicles*—(i) *Scope.* Vehicles shall include all mobile equipment normally used in sawmill, planing mill, storage, shipping, and yard operations.

(ii) *Warning signals and spark arrestors.* All vehicles shall be equipped with audible warning signals and where practicable shall have spark arrestors.

(iii) *Lights.* All vehicles operated in the dark or in poorly lighted areas shall be equipped with head and tail lights.

(iv) *Overhead guard.* All vehicles operated in areas where overhead hazards exist shall be equipped with an approved overhead guard. See American National Standard Safety Code for Powered Industrial Trucks, B56.1—1969.

(v) *Platform guard.* Where the operator is exposed to hazard from backing the vehicle into objects, an approved platform guard shall be provided and so arranged as to not impede exit of driver from vehicle.

(vi) *Exposed parts.* Vehicle flywheels, gears, sprockets, chains, shear points, and other exposed parts constituting a hazard to the operator or other persons shall be guarded in accordance with the requirements of § 1910.219.

(vii) *Operation in buildings.* Vehicles powered by internal combustion engines shall not operate in buildings unless the buildings are adequately ventilated.

(viii) *Load limits.* No vehicle shall be operated with loads exceeding its safe load capacity.

(ix) *Brakes.* All vehicles shall be equipped with brakes capable of holding and controlling the vehicle and capacity load upon any incline or grade over which they may be operated.

(x) *Lift trucks.* Lift trucks shall be designed, constructed, maintained, and operated in accordance with the requirements of § 1910.178.

(xi) *Carriers.* (*a*) Carriers shall be so designed and constructed that the operator's field of vision shall not be unnecessarily restricted.

(*b*) Carriers shall be provided with an access ladder or equivalent.

(xii) *Lumber hauling trucks.* (*a*) On trucks where movement of load on stopping would endanger the operator, a substantial bulkhead shall be installed behind the operator's seat. This shall extend to the top of the operator's compartment.

(*b*) Stakes, stake pockets, racks, tighteners, and binders shall provide adequate means to secure the load against any movement during transit.

(*c*) Where rollers are used, at least two shall be equipped with locks which shall be locked when supporting loads during transit.

(31) *Traffic control and flow*—(i) *Hazardous crossings.* Railroad tracks and other hazardous crossings shall be plainly posted and appropriate traffic control devices (American National Standard D8.1—1967 for Railroad-Highway Grade Crossing Protection) should be utilized.

(ii) *Restricted overhead clearance.* All areas of restricted side or overhead clearance shall be plainly marked.

(iii) *Pickup and unloading points.* Pickup and unloading points and paths for lumber packages on conveyors and transfers and other areas where accurate spotting is required, shall be plainly marked and wheel stops provided where necessary.

(iv) *Aisles, passageways, and roadways.* Aisles, passageways, and roadways shall be sufficiently wide to provide safe side clearance. One-way aisles may be used for two-way traffic if suitable turnouts are provided.

(d) *Log handling, sorting, and storage*—(1) *Log unloading methods, equipment, and facilities*—(i) *Unloading methods.* (*a*) Stakes and chocks which trip shall be constructed in such manner that the tripping mechanism that releases the stake or chocks is activated at the opposite side of the load being tripped.

(*b*) Binders on logs shall not be released prior to securing with unloading lines or other unloading device.

(*c*) Binders shall be released only from the side on which the unloader operates, except when released by remote control devices or except when person making release is protected by racks or stanchions or other equivalent means.

(*d*) Loads on which a binder is fouled by the unloading machine shall have an extra binder or metal band of equal strength placed around the load, or the load shall be otherwise secured so the fouled binder can be safely removed.

(ii) *Unloading equipment and facilities.* (*a*) Machines used for hoisting, unloading, or lowering logs shall be equipped with brakes capable of controlling or holding the maximum load in midair.

(*b*) The lifting cylinders of all hydraulically operated log handling machines shall be equipped with a positive device for preventing the uncontrolled lowering of the load or forks in case of a failure in the hydraulic system.

(*c*) A limit switch shall be installed on powered log handling machines to prevent the lift arms from traveling too far in the event the control switch is not released in time.

(*d*) When forklift-type machines are used to load trailers, a means of securing the loading attachment to the fork shall be installed and used.

(*e*) A-frames and similar log unloading devices shall have adequate height to provide safe clearance for swinging loads and to provide for adequate crotch lines and spreader bar devices.

(*f*) Log handling machines used to stack logs or lift loads above operator's head shall be equipped with adequate overhead protection.

(*g*) All mobile log handling machines shall be equipped with headlights and backup lights.

(*h*) Unloading devices shall be equipped with a horn or other plainly audible signaling device.

(*i*) Movement of unloading equipment shall be coordinated by audible or hand signals when operator's vision is impaired or operating in the vicinity of other employees.

(*j*) Wood pike poles shall be made of straight-grained, select material. Metal or conductive pike poles shall not be used around exposed energized electrical conductors. Defective, blunt, or dull pike poles shall not be used.

(2) *Log unloading and storage areas*—(i) *General.* (*a*) Log dumps, booms, ponds, or storage areas used at night shall be illuminated in accordance with the requirements of American National Standard A11.1—1965 (R–1970) Standard Practice for Industrial Lighting.

(*b*) Log unloading areas shall be arranged and maintained to provide a safe working area.

(*c*) Where skids are used, space adequate to clear a man's body shall be maintained between the top of the skids and the ground.

(*d*) Signs prohibiting unauthorized foot or vehicle traffic in log unloading and storage areas shall be posted.

(ii) *Water log dumps.* (*a*) Ungrounded electrically powered hoists using handheld remote control in grounded locations, such as log dumps or mill log lifts, shall be actuated by circuits operating at less than 50 volts to ground.

(*b*) Roadbeds at log dumps shall be of sufficient width and evenness to insure safe operation of equipment.

(*c*) An adequate brow log or skid timbers or the equivalent shall be provided where necessary. Railroad-type dumps, when located where logs are dumped directly into water or where entire loads are lifted from vehicle, may be exempted providing such practice does not create a hazardous exposure of personnel or equipment.

(*d*) Unloading lines shall be arranged so that it is not necessary for the employees to attach them from the pond or dump side of the load except when entire loads are lifted from the log-transporting vehicle.

(*e*) Unloading lines, crotch lines, or equally effective means shall be arranged and used in a manner to minimize the possibility of any log from swinging or rolling back.

(*f*) When logs are unloaded with peavys or similar manual methods, means shall be provided and used that will minimize the danger from rolling or swinging logs.

(*g*) Guardrails, walkways, and standard handrails shall be installed

(*h*) Approved life rings (see: 46 CFR 160.099 and 46 CFR 160.050) with line attached and maintained to retain buoyancy shall be provided.

(iii) *Log booms and ponds.* (*a*) Walkways and floats shall be installed and securely anchored to provide adequate passageway for employees.

(*b*) All regular boom sticks and foot logs shall be reasonably straight, with no protruding knots and bark, and shall be capable of supporting, above the water line at either end, the weight of an employee and equipment.

(*c*) Permanent cable swifters shall be so arranged that it will not be necessary to roll boom sticks in order to attach or detach them.

(*d*) Periodic inspection of cable or dogging lines shall be made to determine when repair or removal from service is necessary.

(*e*) The banks of the log pond in the vicinity of the log haul shall be reinforced to prevent caving in.

(*f*) Artificial log ponds shall be drained, cleaned, and refilled when unhealthy stagnation or pollution occurs.

(*g*) Employees whose duties require them to work from boats, floating logs, boom sticks, or walkways along or on water shall be provided with and shall wear appropriate buoyant devices while performing such duties.

(*h*) Stiff booms shall be two float logs wide secured by boom chains or other connecting devices, and of a width adequate for the working needs. Walking surfaces shall be free of loose material and maintained in good repair.

(*i*) Boom sticks shall be fastened together with adequate crossties or couplings.

(*j*) Floating donkeys or other power-driven machinery used on booms shall be placed on a raft or float with enough buoyancy to keep the deck well above water.

(*k*) All sorting gaps shall have a substantial stiff boom on each side.

(iv) *Pond boats and rafts.* The applicable provisions of the Standard for Fire Protection for Motorcraft, NFPA No. 302—1968, shall be complied with.

(*a*) Decks of pond boats shall be covered with nonslip material.

(*b*) Powered pond boats or rafts shall be provided with at least one approved fire extinguisher, and one lifering with line attached.

(*c*) Boat fuel shall be transported and stored in approved safety containers (Underwriters' Laboratories, Inc.).

(*d*) Inspection, maintenance, and ventilation of the bilge area shall be provided to prevent accumulation of highly combustible materials.

(*e*) Adequate ventilation shall be provided for the cabin area on enclosed cabin-type boats to prevent accumulation of harmful gases or vapors.

(v) *Dry deck storage.* (*a*) Dry deck storage areas shall be kept orderly and shall be maintained in a condition which is conducive to safe operation of mobile equipment.

(*b*) Logs shall be stored in a safe and orderly manner, and roadways and traffic lanes shall be maintained at a width adequate for safe travel of log handling equipment.

(*c*) Logs shall be arranged to minimize the chance of accidentally rolling from the deck.

(vi) *Log hauls and slips.* (*a*) Walkways along log hauls shall have a standard handrail on the outer edge, and cleats or other means to assure adequate footing and enable employees to walk clear of the log chute.

(*b*) Log haul bull chains or cable shall be designed, installed, and maintained to provide adequate safety for the work need.

(*c*) Log haul gear and bull chain drive mechanism shall be guarded.

(*d*) Substantial troughs for the return strand of log haul chains shall be provided over passageways.

(*e*) Log haul controls shall be located and identified to operate from a position where the operator will, at all times, be in the clear of logs, machinery, lines, and rigging. In operations where control is by lever exposed to incoming logs, the lever shall be arranged to operate the log haul only when moved toward the log slip or toward the log pond.

(*f*) A positive stop shall be installed on all log hauls to prevent logs from traveling too far ahead in the mill.

(*g*) Overhead protection shall be provided for employees working below logs being moved to the log deck.

(*h*) Log wells shall be provided with safeguards to minimize the possibility of logs rolling back into well from log deck.

(3) *Log decks*—(i) *Access.* Safe access to the head rig shall be provided.

(ii) *Stops.* Log decks shall be provided with adequate stops, chains, or other safeguards to prevent logs from rolling down the deck onto the carriage or its runway.

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(iii) *Barricade.* A barricade or other positive stop of sufficient strength to stop any log shall be erected between the sawyer's stand and the log deck.

(iv) *Loose chains.* Loose chains from overhead canting devices or other equipment shall not be allowed to hang over the log deck in such manner as to strike employees.

(v) *Swing saws.* Swing saws on log decks shall be equipped with a barricade and stops for protection of employees who may be on the opposite side of the log haul chute.

(vi) *Drag saws.* Where reciprocating log cutoff saws (drag saws) are provided, they shall not project into walkway or aisle.

(vii) *Circular cutoff saws.* Circular log bucking or cutoff saws shall be so located and guarded as to allow safe entrance to and exit from the building.

(viii) *Entrance doorway.* Where the cutoff saw partially blocks the entrance from the log haul runway, the entrance shall be guarded.

(4) *Mechanical barkers*—(i) *Rotary barkers.* Rotary barking devices shall be so guarded as to protect employees from flying chips, bark, or other extraneous material.

(ii) *Elevating ramp.* If an elevating ramp or gate is used, it shall be provided with a safety chain, hook, or other means of suspension while employees are underneath.

(iii) *Area around barkers.* The hazardous area around ring barkers and their conveyors shall be fenced off or posted as a prohibited area for unauthorized persons.

(iv) *Enclosing hydraulic barkers.* Hydraulic barkers shall be enclosed with strong baffles at the inlet and outlet. The operator shall be protected by adequate safety glass or equivalent.

(v) *Holddown rolls.* Holddown rolls shall be installed at the infeed and outfeed sections of mechanical ring barkers to control the movement of logs.

(e) *Log breakdown and related machinery and facilities*—(1) *Log carriages and carriage runways*—(i) *Bumpers.* A substantial stop or bumper with adequate shock-absorptive qualities shall be installed at each end of the carriage runway.

(ii) *Footing.* Rider-type carriages shall be floored to provide secure footing and a firm working platform for the block setter.

(iii) *Sheave housing.* Sheaves on rope-driven carriages shall be guarded at floor line with substantial housings.

(iv) *Carriage control.* A positive means shall be provided to prevent unintended movement of the carriage. This may involve a control locking device, a carriage tie-down, or both.

(v) *Barriers and warning signs.* A barrier shall be provided to prevent employees from entering the space necessary for travel of the carriage, with headblocks fully receded, for the full length and extreme ends of carriage runways. Warning signs shall be posted at possible entry points to this area.

(vi) *Overhead clearance.* For a rider-type carriage adequate overhead clear space above the carriage deck shall be provided for the full carriage runway length.

(vii) *Sweeping devices.* Carriage track sweeping devices shall be used to keep track rails clear of debris.

(viii) *Dogs.* Dogging devices shall be adequate to secure logs, cants, or boards, during sawing operations.

(2) *Head saws*—(i) *Band head saws.* (*a*) Band head saws shall not be operated at speeds in excess of those recommended by the manufacturer.

(*b*) Band head saws shall be thoroughly inspected for cracks, splits, broken teeth, and other defects. A bandsaw with a crack greater than one-tenth the width of the saw shall not be placed in service until width of saw is reduced to eliminate crack, until cracked section is removed, or crack development is stopped.

(*c*) Provisions shall be made for alerting and warning employees before starting band head saws, and measures shall be taken to insure that all persons are in the clear.

(ii) *Bandsaw wheels.* (*a*) No bandsaw wheel shall be run at a peripheral speed in excess of that recommended by the manufacturer. The manufacturer's recommended maximum speed shall be stamped in plainly legible figures on some portion of the wheel.

(*b*) Band head saw wheels shall be subjected to monthly inspections. Hubs, spokes, rims, bolts, and rivets shall be thoroughly examined in the course of such inspections. A loose or damaged hub, a rim crack, or loose spokes shall make the wheel unfit for service.

(*c*) Band wheels shall be completely encased or guarded, except for a portion of the upper wheel immediately around the point where the blade leaves the wheel, to permit operator to observe movement of equipment. Necessary ventilating and observation ports may be permitted. Substantial doors or gates are allowed for repair, lubrication, and saw changes; such doors or gates shall be closed securely during operation. Band head rigs shall be equipped with a saw catcher or guard of substantial construction.

(iii) *Single circular head saws.* (*a*) Circular head saws shall not be operated at speeds in excess of those specified by the manufacturer. Maximum speed shall be etched on the saw.

(*b*) Circular head saws shall be equipped with safety guides which can be readily adjusted without use of hand tools.

(*c*) The upper saw of a double circular mill shall be provided with a substantial hood or guard. A screen or other suitable device shall be placed so as to protect the sawyer from flying particles.

(*d*) All circular sawmills where live rolls are not used behind the head saw shall be equipped with a spreader wheel or splitter.

(iv) *Twin circular head saws.* Twin circular head saw rigs such as scrag saws shall meet the specifications for single circular head saws in subdivision (iii) of this subparagraph where applicable.

(v) *Whole-log sash gang saws (Swedish gangs).* (*a*) Cranks, pitman rods, and other moving parts shall be adequately guarded.

(*b*) Feed rolls shall be enclosed by a cover over the top, front, and open ends except where guarded by location. Drive mechanism to feed rolls shall be enclosed.

(*c*) Carriage cradles of whole-log sash gang saws (Swedish gangs), shall be of adequate height to prevent logs from kicking out while being loaded.

(3) *Resaws*—(i) *Band resaws.* Band resaws shall meet the specifications for band head saws as required by subparagraph (2) (i) of this paragraph.

(ii) *Circular gang resaws.* (*a*) Banks of circular gang resaws shall be guarded by a hood.

(*b*) Circular gang resaws shall be provided with safety fingers or other antikickback devices.

(*c*) Circular gang resaws shall not be operated at speeds exceeding those recommended by the manufacturer.

(*d*) Feed belts and drive pulleys shall be guarded in accordance with the requirements of § 1910.219.

(*e*) Feed rolls shall be guarded.

(*f*) Each circular gang resaw, except self-feed saws with a live roll or wheel at back of saw, shall be provided with spreaders.

(iii) *Sash gang resaws.* Sash gang resaws shall meet the safety specifications of whole-log sash gang saws in accordance with the requirements of subparagraph (2) (v) of this paragraph.

(4) *Trimmer saws*—(i) *Maximum speed.* Trimmer saws shall not be run at peripheral speeds in excess of those recommended by the manufacturer.

(ii) *Guards.* (*a*) Trimmer saws shall be guarded in front by adequate baffles to protect against flying debris and they shall be securely bolted to a substantial frame. These guards for a series of saws shall be set as close to the top of the trimmer table as is practical.

(*b*) The end saws on trimmers shall be guarded.

(*c*) The rear of trimmer saws shall have a guard the full width of the saws and as much wider as practical.

(iii) *Safety stops.* Automatic trimmer saws shall be provided with safety stops or hangers to prevent saws from dropping on table.

(5) *Edgers*—(i) *Location.* (*a*) Where vertical arbor edger saws are located ahead of the main saw, they shall be so guarded that an employee cannot contact any part of the edger saw from his normal position.

(*b*) Edgers shall not be located in the main roll case behind the head saws.

(ii) *Guards.* (*a*) The top and the openings in end and side frames of edgers shall be adequately guarded and gears and chains shall be fully housed. Guards may be hinged or otherwise arranged to permit oiling and the removal of saws.

(*b*) All edgers shall be equipped with pressure feed rolls.

(*c*) Pressure feed rolls on edgers shall be guarded against accidental contact.

(iii) *Antikickback devices.* (*a*) Edgers shall be provided with safety fingers or other approved methods of preventing kickbacks or guarding against them. A barricade in line with the edger, if properly fenced off, may be used if safety fingers are not feasible to install.

(*b*) A controlling device shall be installed and located so that the operator can stop the feed mechanism without releasing the tension of the pressure rolls.

(iv) *Operating speed of live rolls.* Live rolls and tailing devices in back of edger shall operate at a speed not less than the speed of the edger feed rolls.

(6) *Planers*—(i) *Guards.* (*a*) All cutting heads shall be guarded.

(*b*) Side head hoods shall be of sufficient height to safeguard the head setscrew.

(*c*) Pressure feed rolls and "pineapples" shall be guarded.

(*d*) Levers or controls shall be so arranged or guarded as to reduce the possibility of accidental operation.

(*f*) *Dry kilns and facilities*—(1) *Kiln foundations.* Dry kilns shall be constructed upon solid foundations to prevent tracks from sagging.

(2) *Passageways.* A passageway shall be provided to give adequate clearance on at least one side or in the center of end-plied kilns and on two sides of cross-plied kilns.

(3) *Doors*—(i) *Main kiln doors.* (*a*) Main kiln doors shall be provided with a method of holding them open while kiln is being loaded.

(*b*) Counterweights on vertical lift doors shall be boxed or otherwise guarded.

(*c*) Adequate means shall be provided to firmly secure main doors, when they are disengaged from carriers and hangers, to prevent toppling.

(ii) *Escape doors.* (*a*) If operating procedures require access to kilns, kilns shall be provided with escape doors that operate easily from the inside, swing in the direction of exit, and are located in or near the main door at the end of the passageway.

(*b*) Escape doors shall be of adequate height and width to accommodate an average size man.

(4) *Pits.* Pits shall be well ventilated, drained, and lighted, and shall be large enough to safely accommodate the kiln operator together with operating devices such as valves, dampers, damper rods, and traps.

(5) *Steam mains.* All high-pressure steam mains located in or adjacent to an operating pit shall be covered with heat-insulating material.

(6) *Ladders.* A fixed ladder, in accordance with the requirements of § 1910.27 or other adequate means shall be provided to permit access to the roof. Where controls and machinery are mounted on the roof, a permanent stairway with standard handrail shall be installed in accordance with the requirements of § 1910.24.

(7) *Chocks.* A means shall be provided for chocking or blocking cars.

(8) *Kiln tender room.* A warm room shall be provided for kiln employees to stay in during cold weather after leaving a hot kiln.

(9) *Mechanical equipment.* All belts, pulleys, blowers, and other exposed moving equipment used in or about kilns shall be guarded in accordance with the requirements of § 1910.219.

(g) *Personal protective equipment.* The requirements for personal protective equipment specified in subpart I shall be complied with.

(h) *Sanitation requirements.* The requirements of § 1910.141 shall govern sanitation practices.

(i) *Fire protection.* The requirements of Subpart L of this part shall be complied with in providing the necessary fire protection for sawmills.

(j) *Effective dates.* (1) The provisions of this § 1910.265 shall become effective on August 27, 1971, except as provided in the remaining subparagraphs of this paragraph.

(2) The following provisions shall become effective on February 15, 1972:

§ 1910.265 (c) (12), (c) (15), and (c) (30) (iv).

(3) Notwithstanding subparagraph (1), (2), or (4) of this paragraph, any provision in any other paragraph of this section which contains in itself a specific effective date or time limitation shall become effective on such date or shall apply in accordance with such limitation.

(4) Notwithstanding anything in subparagraph (1) of this paragraph, if any standard in 41 CFR Part 50–204, other than a national consensus standard incorporated by reference in § 50–204.2 (a) (1), is or becomes applicable at any time to any employment and place of employment, by virtue of the Walsh-Healey Public Contracts Act, or the Service Contract Act of 1965, or the National Foundation on Arts and Humanities Act of 1965, any corresponding established Federal standard in this § 1910.265 which is derived from 41 CFR Part 50–204 shall also become effective, and shall be applicable to such employment and place of employment, on the same date.

§ 1910.266 Pulpwood logging.

(a) *Application*—(1) *General.* This section applies to pulpwood logging operations including but not limited to the operations of felling, limbing, marking, bucking, loading, skidding, prehauling and other operations associated with the preparation and movement of pulpwood timber from the stump to the point of delivery. The provisions of this section do not apply to logging operations relating to sawlogs, veneer bolts, poles, piling and other forest products.

(2) *Standards incorporated by reference.* Standards covering issues of occupational safety and health which are of general application without regard to any specific industry are incorporated by reference in paragraphs of this section and made applicable to pulpwood logging. All such standards shall be construed according to the rules of construction set out in § 1910.5.

(b) *Definitions applicable to this section*—(1) *Arch.* The term "arch" means an extension to rear section of a vehicle used in skidding used to raise the forward part of a load clear of the ground.

(2) *Back cut (felling cut).* The term "back cut" means the final cut in a felling operation made on the opposite side from the undercut.

(3) *Backfill.* The term "backfill" means excavated material used to build up a road higher than the original level.

(4) *Ballistic nylon.* The term "ballistic nylon" means a fabric of high tensile properties designed to provide protection from lacerations.

(5) *Borrow.* The term "borrow" means road construction material which is taken to another location for use. The source area is called "borrow pit."

(6) *Buck.* The term "buck" means the process of severing a tree into sections (logs or bolts).

(7) *Choker.* The term "choker" means a length of wire rope or chain with a loop or noose at one end used to secure trees or sections of trees for skidding.

(8) *Debark.* The term "debark" means the action of removing bark from trees or sections of trees. Debark generally denotes mechanical means as opposed to manual peeling. Synonyms are "bark" and "barking".

(9) *Fairlead.* The term "fairlead" means an arrangement of horizontal, and sometimes vertical, rollers usually mounted at the end of an arch to allow free play of wire rope during winching.

(10) *Fell.* The term "fell" means the process of severing a tree from the stump so that it drops to the ground. Note that "fell" and "feller" are used in this standard. The terms "fall" and "faller" are commonly used in the Western United States and they have the same meaning as "fell" and "feller".

(11) *Grade (see slope).* The term "grade" means the slope of a surface such as a roadway. Also, the elevation of a real or planned surface or structure.

(12) *Guarded.* The term "guarded" means protected by a cover, shield, rail, or other device, or by location, so as to reduce the probability of injury.

(13) *Guyline.* The term "guyline" means a line used to stay or support spar trees, booms, etc.

(14) *Landing.* The term "landing" means any area where wood is concentrated. It is also called "yard," "deck," "brow."

(15) *Lodged tree.* The term "lodged tree" means a tree that has not fallen to the ground after being partly or wholly separated from its stump or otherwise displaced from its natural position.

(16) *Pickaroon.* The term "pickaroon" means a device with a head similar to an axe but with a point rather than a blade mounted on the end of a handle which is used to assist in the lifting and placement of bolts of wood.

(17) *Prehaul.* The term "prehaul" means the hauling of forest products by off-the-road vehicles, nonhighway transport, or other movement prior to highway or rail movement, where the pulpwood travels clear of the ground. The term "forward" has the same meaning.

(18) *Riprap.* The term "riprap" means rock, metal stripping, or wooden timbers used to contain and stabilize earth embankments and fills.

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(19) *Root wad.* The term "root wad" means the ball of roots which extends above ground level when a tree is pushed over by wind or other means.

(20) *Skid.* The term "skid" means the movement of bolts, logs, or trees by pulling or towing across the terrain. It may be accomplished by a stationary machine, a moving vehicle, or animal. The term is also called "yarding". The definitive feature is contact between the terrain and the product during movement.

(21) *Slope (see grade).* The term "slope" is a term of measurement in percent and means the increase in height over the distance measured. An increase of 1 foot over a distance of 5 feet is expressed as a 20 percent slope.

(22) *Snag.* The term "snag" means any dead standing tree or portion thereof remaining standing.

(23) *Spring pole.* The term "spring pole" means a section of tree, sapling, limb, etc. which is, by virtue of its arrangement with relation to other materials, under tension.

(24) *Undercut.* The term "undercut" means a notch cut in a tree to guide the tree in felling.

(25) *Widow maker.* The term "widow maker" means an overhanging limb or section of tree which could become dislodged and drop to the ground (see also "lodged tree").

(26) *Wood hook.* The terms "wood hook" and "pulp hook" mean a device to be held in one hand which is fitted with a pointed section. The device is used to assist in the manual piling and handling of bolts of wood (see Pickaroon).

(c) *General requirements*—(1) *Clothing, personal protective devices, and first aid.*

(i) Gloves shall be provided for use when working with wire rope in any form.

(ii) Safety boots or shoes (excluding low cut shoes) shall be provided in accordance with American National Standard for Men's Safety-Toe Footwear, Z41.1—1967.

(iii) Safety helmets of approved design in accordance with American National Standard for Safety Requirements for Industrial Head Protection, Z89.1—1969 shall be provided.

(iv) Eye or face protection in accordance with American National Standard for Practice for Occupational and Educational Eye and Face Protection, Z87.1—1968 shall be provided for use where chips and sawdust or flying particles are present.

(v) Dust masks in accordance with American National Standard Practices for Respiratory Protection Z88.2—1969 shall be provided for use where conditions warrant.

(vi) Protection against the effects of noise exposure shall be provided when the sound levels exceed those shown in Table G–16 of § 1910.95 when measured on the A scale of a standard sound level meter at slow response.

(vii) First aid kits sufficient for the number of employees shall be provided at the work site and on all transport vehicles. In all areas where poisonous snakes may exist, snake bite kits shall be a part of the regular first aid equipment. First aid kits shall be regularly inspected and replenished.

(2) *Handtools.* (i) The employer shall be responsible for the safe condition of tools when furnished by him and user shall inspect tool to assure safe condition.

(ii) Handles shall be sound, straight and tight fitting.

(iii) Driven tools shall be dressed to remove any mushrooming.

(iv) Cutting tools shall be kept sharp and properly shaped.

(v) Wood hooks and pickaroons of good grade steel shall be used.

(vi) Tools shall be used for purposes for which they were designed.

(vii) Handtools shall be sheathed or boxed if transported in a vehicle with personnel. If not contained in a box, the sheathed tools shall be fastened to the vehicle.

(viii) Proper storage facilities shall be provided for hand tools. Tools shall be stored in the provided location at all times when not in use.

(ix) Periodic inspections shall be made to assure all tools are serviceable and others removed from use.

(3) *Environmental conditions.* (i) All work shall terminate and employees moved to a place of safety during electrical storms and periods of high winds or other unusual weather conditions are dangerous to personnel.

(ii) Dead, broken, or rotted limbs or trees that are a hazard (widow makers) shall be felled or otherwise removed before commencing logging operations, building roads, trails or landing, in their vicinity.

(4) *Work areas.* (i) All persons shall be instructed to work within the vocal range of other workmen unless a procedure has been established for periodically checking their location and welfare.

(ii) All men shall be accounted for at the end of each work day.

(iii) An approved (Underwriters' Laboratories or Factory Mutual Engineering Corp.) fire extinguisher shall be provided at locations where machines are operating and/or on each vehicle.

(iv) Fuel shall be stored only in approved (Underwriters' Laboratories or Factory Mutual Engineering Corp.) well-marked containers located for safe access for fueling vehicles and equipment and at a safe distance from all fire hazards.

(5) *Chain saw operations.* (i) Chain saw operators shall be instructed to daily inspect the saws daily to assure that all handles and guards are in place and tight, that all controls function properly, and that the muffler is operative.

(ii) Chain saw operators shall be instructed to follow manufacturer's instructions as to operation and adjustment.

(iii) Chain saw operators shall be instructed to fuel the saw only in safe areas and not under conditions conducive to fire such as near men smoking, hot engine, etc.

(iv) Chain saw operators shall be instructed to hold the saw with both hands during operation.

(v) Chain saw operators shall be instructed to start the saw at least 10 feet away from fueling area.

(vi) Chain saw operators shall be instructed to start the saw only on the ground or when otherwise firmly supported.

(vii) Chain saw operators shall be instructed to be certain of footing and to clear away brush which might interfere before starting to cut.

(viii) Chain saw operators shall be instructed not to use engine fuel for starting fires or as a cleaning solvent.

(ix) Chain saw operators shall be instructed to shut off the saw when carrying it for a distance greater than from tree to tree or in hazardous conditions such as slippery surfaces or heavy underbrush. The saw shall be at idle speed when carried short distances.

(x) Chain saw operators shall be instructed to carry the saw in a manner to prevent contact with the chain and muffler.

(xi) Chain saw operators shall be instructed not to use the saw to cut directly overhead or at a distance that would require the operator to relinquish a safe grip on the saw.

(6) *Stationary and mobile equipment operation.* (i) Equipment operators shall be instructed as to the manufacturers recommendations for equipment operation, maintenance, safe practices, and site operating proced ires.

(ii) Equipment shall be kept free of flammable material.

(iii) Equipment shall be kept free of any material which might contribute to slipping and falling.

(iv) Engine of equipment shall be shut down during fueling, servicing, and repairs except where operation is required for adjustment.

(v) Equipment shall be inspected for evidence of failure or incipient failure.

(vi) The equipment operator shall be instructed to walk completely around machine and assure that no obstacles or personnel are in the area before startup.

(vii) The equipment operator shall be instructed to start and operate equipment only from the operator's station or from safe area recommended by the manufacturer.

(viii) Seat belt shall be provided on mobile equipment.

(ix) The equipment operator shall be instructed to check all controls for proper function and response before starting working cycle.

(x) The equipment operator shall be instructed to ground or secure all movable elements when not in use.

(xi) The equipment operator shall be advised of the load capacity and operating speed of the equipment.

(xii) The equipment operator shall be advised of the stability limitations of the equipment.

(xiii) The equipment operator shall be instructed to maintain adequate distance from other equipment and personnel.

(xiv) Where signalmen are used, the equipment operator shall be instructed to operate the equipment only on signal from the designated signalman and only when signal is distinct and clearly understood.

(xv) The equipment operator shall be instructed not to operate movable elements (boom, grapple, load, etc.) close to or over personnel.

(xvi) The equipment operator shall be instructed to signal his intention before operation when personnel are in or near the working area.

(xvii) The equipment operator shall be instructed to dismount and stand clear for all loading and unloading of his mobile vehicle by other mobile equipment. The dismounted operator shall be visible to loader operator.

(xviii) The equipment operator shall be instructed to operate equipment in a manner that will not place undue shock loads on wire rope.

(xix) The equipment operator shall be instructed not to permit riders or observers on the machine unless approved seating and protection is provided.

(xx) The equipment operator shall be instructed to shut down the engine when the equipment is stopped, apply brake locks and ground moving elements before he dismounts.

(xxi) The equipment operator shall be instructed, when any equipment is transported from one job location to another, to transport it on a vehicle of sufficient rated capacity and the equipment shall be properly secured during transit.

(xxii) When any equipment is being moved or operated in the vicinity of an electric distribution line a minimum clearance of ten feet shall be maintained between the electric distribution line and all elements of the machine.

(7) *Explosives.* Only trained and experienced personnel shall handle or use explosives. Usage shall comply with the requirements of § 1910.109.

(d) *Equipment protective devices—stationary and mobile equipment*—(1) *Operator's manual.* There shall be an operator's manual or operating instructions with each machine. It will describe operation, maintenance, and safe practices.

(2) *Protective canopy.* A protective canopy shall be provided for the operator of mobile equipment. It shall be so constructed as to protect the operator from injury due to falling trees or limbs, saplings or branches which might enter the compartment side areas, and snapping winch lines or other objects.

(i) The canopy shall be of adequate size so as not to impair the operator's movements.

(ii) The canopy framework shall consist of at least two arches, either transverse or longitudinal. If transverse, one arch shall be installed behind the operator and one immediately in front of the operator. They shall be joined at the top by at least two longitudinal braces. There shall be two braces which shall act as deflecting guards extending from the leading edge of the forward arch to the front part of the frame of the tractor. If longitudinal arches are used, they shall be extended from behind the operator to the front part of the frame and each arch shall have an intermediate support located immediately ahead of the operator so that ingress or egress is not impeded. Regardless of the type of construction used, the fabrication and method of connecting to the tractor shall be of such design as to develop a strength equivalent to the upright members.

(iii) The overhead covering shall be of solid material and extend the full width of the canopy.

(iv) The lower portion of cab shall be completely enclosed with solid material, except at entrances, to prevent the operator from being injured from obstacles entering the cab.

(v) The upper rear portion of cab shall be fully enclosed with open mesh material with openings of such a size as to reject the entrance of an object larger than 1¾ inch in diameter. It shall provide maximum rearward visibility.

(vi) Open mesh shall be extended forward as far as possible from the rear corners of the cab sides so as to give the maximum protection against obstacles, branches, etc., entering the cab area.

(vii) Deflectors shall also be installed ahead of the operator to deflect whipping saplings and branches. These shall be located so as to not impede ingress or egress from the compartment.

(viii) The entrance opening of the canopy shall be not less than 52 inches in vertical height.

(ix) Where glass is used it shall be safety glass. An approved substitute may be used.

(*a*) An additional metal screen shall be used where glass alone is not adequate operator protection.

(*b*) Provision shall be made to clean glass to assure adequate visibility.

(3) *Guards.* Guards shall be provided for exposed moving elements such as shafts, pulleys, belts, conveyors, and gears in accordance with § 1910.219 and American National Standard Safety Code for Conveyors, Cableways, and Related Equipment, B20.1—1957. Guards shall be in place at all times machine is in operation.

(4) *Mufflers.* Mufflers provided by the manufacturer or their equivalent shall be in place at all times the machine is in operation.

(5) *Guylines.* Guylines shall be arranged in such manner that stresses will be imposed on not less than two guylines. Stumps used for anchoring guylines shall be carefully chosen as to position and strength. They shall be tied back if necessary. Standing trees shall not be used for this purpose.

(6) *Stability and reliability.* Crane and loader stability and boom reliability shall be in accordance with American National Standard Safety Code for Cranes, Derricks and Hoists Overhead and Gantry Cranes, B30.2.0—1967, and American National Standard Safety Code for Cranes, Derricks and Hoists—Crawler, Locomotive, and Truck Cranes, B30.5—1968.

(e) *Pulpwood harvesting*—(1) *Felling, general.* (i) Work areas shall be assigned such that a tree cannot fall into an adjacent work area. The recommended distance between workers is twice the height of trees being felled.

(ii) When trees may fall into public roads a flagman shall be assigned to direct traffic.

(iii) Workers shall be instructed not to approach a feller closer than twice the height of trees being felled until the feller has acknowledged the signal of approach.

(iv) Lodged trees shall be pulled to the ground at first opportunity with mechanical equipment or animal.

(v) Workers shall be instructed not to work under a lodged tree.

(vi) Special precautions shall be taken to prevent felling trees into powerlines.

(vii) If a tree does make contact with a powerline the power company shall be notified immediately and all personnel shall remain clear of the area until power company personnel advises that conditions are safe.

(2) *Manual felling.* (i) The feller shall be instructed to plan retreat path and clear path as necessary before cut is started.

(ii) The feller shall be instructed to appraise situation for dead limbs, the lean of tree to be cut, wind conditions, location of other trees and other hazards and exercise proper precautions before cut is started.

(iii) Undercuts shall be about one-third the diameter of the tree to guide tree and reduce possibility of splitting. (Local practice where small diameter trees are felled without being undercut is acceptable if the direction of fall is controlled by the practice.)

(iv) Back or felling cut shall be parallel to the inner edge of the undercut and approximately two inches higher than the undercut.

(v) The saw shall be shut off before feller starts his retreat.

(vi) On terrain where trees are likely to slide or roll fellers shall be instructed to fell trees from the uphill side and arrange to keep uphill from previously felled trees.

(3) *Bucking.* (i) Bucking on slopes shall be from the uphill side unless the log has been securely blocked to prevent rolling or swinging.

(ii) Spring poles and trees under stress shall be cut so that employee is clear when the tension is released. (This is accomplished by cutting under the bend.)

(iii) Trees piled for bucking shall be piled in an orderly parallel manner that minimizes hazard to employees.

(4) *Limbing.* Spring poles and limbs under stress shall be cut in such a manner that the employee is clear when tension is released.

(5) *Mechanical debarking and delimbing.* Guarding shall be provided so as to protect employees from flying chunks, logs, chips, bark, limbs, and other material and to prevent the worker from contacting moving parts.

(6) *Skidding and prehauling, general*—(i) Only a designated, trained op-

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erator shall operate a skid or prehaul machine.

(ii) Choker setters shall work on uphill side of log.

(iii) No passenger personnel shall ride on a prehaul vehicle, logs, pallets, skid pans or other load unless adequate seating and protection is provided except on animal powered wagons.

(iv) Chokers shall be positioned near the end of the log or tree length to allow turning of the prehaul vehicle, to prevent the penetration of the operator station and to reduce possibility of striking the wheel or track.

(v) During winching, the equipment shall be positioned so that the winch line is in alignment with the long axis of the prehaul machine.

(vi) A stuck or inoperative vehicle shall be towed. A loaded pallet shall not be pushed.

(vii) Stakes shall not be added to permit a load beyond the rated capacity of pallets and trailers.

(viii) The operator shall be instructed to be observant and cautious of height of load and vehicle when traveling under trees, limbs, and other overhead obstructions.

(7) *Skidding and prehauling equipment requirements.* (i) Arches, fairleads, drawbars, hitches and bumpers or fenders shall be designed and constructed to allow a minimum radius vehicle turn without the load contacting a rear tire or the rear of a track assembly.

(ii) Towed equipment such as skid pans, pallets and trailers shall be attached in such a manner as to allow a full 90° turn, prevent overrunning of the towed vehicle, and assure control of the towed equipment.

(iii) Animal towed equipment shall be equipped with a hand brake within reach of the driver.

(iv) Prehaulers shall have a means for securely retaining pallets or pulpwood.

(v) Prehaulers shall have a means of securely retaining loader for transport when so equipped.

(vi) Provision shall be made to securely fasten and to protect all tools and material on the carrier.

(8) *Personnel transport.* (i) The driver shall be properly licensed.

(ii) Flammable liquids shall not be transported on personnel carriers unless a safe and adequate compartment is provided.

(iii) Seats shall be securely fastened.

(9) *Off highway truck transport.* Truck drivers shall be instructed to stop their vehicles, dismount, check and tighten loose load binders, either just before or immediately after leaving a private road to enter a public road.

(10) *Manual loading.* (i) The carrier shall be positioned to provide safe working clearance between carrier and pile.

(ii) Proper lifting techniques shall be used, i.e., straight back and bend knees.

(iii) The stick shall be placed in the carrier in such manner that it is or will be properly secured.

(iv) Manual handling shall be limited to a weight consistent with safe practices.

(11) *Machine loading.* (i) Piles shall be located to provide a safe work area.

(ii) Only the machine operator and slingman, where used, shall be in the work area.

(iii) The load shall be positioned for balance and to prevent slippage or loss. Slings shall be placed to secure and balance the load.

(12) *Storage.* Piles shall be located and constructed in a manner to provide safe working area around them.

(13) *Banding and piling bundles.* (i) Steel bands in good condition shall be used.

(ii) Bands shall be placed when bundle is close to ground.

(iii) No part of the body shall be under the bundle at any time. Bundles shall be placed on runners. Bundles may be double stacked with top end bundle one half or more back from the lower rank end bundle.

(14) *Chipping (in-woods locations).* (i) Access covers or doors shall not be opened until the drum or disk is at a complete stop.

(ii) Infeed and discharge ports shall be designed to prevent contact by personnel with disc, knives, or blower blades.

(15) *Roads and trails, general.* (i) Roads shall be maintained and hazardous conditions corrected.

(ii) Where vision is limited warnings shall be posted.

(iii) Curve radii shall be the maximum consistent with terrain.

(iv) When nightwork is necessary adequate lighting shall be provided.

(v) Local road standards and maximum weight of traffic expected shall be used as guides for materials, construction features and drainage.

(16) *Road and trail pioneering and earthwork.* (i) Banks at the borrow area shall be sloped to prevent slides.

(ii) Backfill shall be adequately compacted.

(iii) Roadside banks shall be sloped or stabilized to prevent slides.

(iv) Overhanging banks, large rocks and debris shall be removed or secured.

(v) Where riprap is used the material and design shall assure safe containment of material.

(vi) Trees or snags which may fall into the road shall be felled.

(17) *Road and trail drainage.* (i) Drainage shall be provided to prevent washouts and landslides.

(ii) Culverts shall be of adequate strength and of a size to handle maximum runoff.

(iii) Where necessary, ditches and banks shall be stabilized by vegetation, riprap or other adequate means.

(18) *Road and trail surfacing.* Road surface shall be properly compacted, graded and crowned.

(19) *Bridges.* (i) Construction shall provide for maximum anticipated loads and side thrust with a substantial safety factor.

(ii) Bridges shall be decked and curbed.

(f) *Effective dates.* (1) The provisions of this § 1910.266 shall become effective on August 27, 1971, except as provided in the remaining subparagraphs of this paragraph.

(2) Paragraph (d)(2) of this section shall become effective on February 15, 1972.

(3) Notwithstanding anything in subparagraph (1), (2), or (4) of this paragraph, any provision in any other paragraph of this section which contains in itself a specific effective date or time limitation shall become effective on such date or shall apply in accordance with such limitation.

(4) Notwithstanding anything in subparagraph (1) of this paragraph, if any standard in 41 CFR Part 50–204, other than a national consensus standard incorporated by reference in § 50–204.2 (a)(1), is or becomes applicable at any time to any employment and place of employment, by virtue of the Walsh-Healey Public Contracts Act, or the Service Contract Act of 1965, or the National Foundation on Arts and Humanities Act of 1965, any corresponding established Federal standard in this § 1910.266 which is derived from 41 CFR Part 50–204 shall also become effective, and shall be applicable to such employment and place of employment, on the same date.

§ 1910.267 Agricultural operations.

(a) (1) The standards referenced in the remaining subparagraphs of this paragraph apply to the indicated operations, whether or not they are agricultural operations.

(2) Sanitation in temporary labor camps, § 1910.142.

(3) Storage and handling of anhydrous ammonia, § 1910.111 (a) and (b).

(4) Pulpwood logging, § 1910.266.

(5) Slow-moving vehicles, § 1910.145.

(6) Pesticides, § 1910.267a.

(b) Except to the extent specified in paragraph (a) of this section, the standards contained in subparts B through S of this part do not apply to agricultural operations.

[38 FR 10717, May 1, 1973]

§ 1910.267a Pesticides.

(a) *General requirements*—(1) *Scope.* This section contains standards relating to operations in which one or more of the crops specified in Table I of this section are treated with one of more of the pesticides listed in Table I.

(2) *Definitions.* (i) "Pesticide" means any substance or mixture of substances which is a pesticide within the meaning of this word in the Federal Environmental Pesticide Control Act of 1972 and which is listed in Table I of this section.

(ii) "Reentry safety interval" means the period of time in days, each day of 24 hours, that must elapse after a field is treated with a pesticide before employees that may have any contact with the treated foliage may be permitted to enter the field.

(iii) "Field" or "area" mean any land upon which one or more of the crops specified in Table I are grown but does not include enclosed structures, such as greenhouses.

(iv) "Substantial contact" means personal contiguity not infrequent or slight, and in such degree or manner as could be reasonably expected to dislodge pesticide residues in sufficient quantities to cause poisoning.

(a) Some examples of operations which may involve substantial contact are: picking crops, hand thinning of crops and pruning of trees bearing foliage.

(b) Examples of operations which normally do not involve substantial contact are: spraying, frost protection, maintenance of equipment within the field, irrigation, grass mowing and incidental transit through a field.

(b) *Application and field reentry.* (1) No employer shall permit the spraying, application or other use of a pesticide on any area unless all employees, other than the applicators of the pesticide, have first been removed from the area.

(2) No employer shall permit any employee to enter any area treated with a pesticide before the passage of the applicable field reentry safety interval prescribed in Table I of this section, except as otherwise provided in paragraph (c)(1) and (2) of this section. When an area is treated with more than one pesticide, entry into that area shall be prohibited until passage of the longest of the applicable reentry safety intervals.

(3) *Warnings.* (i) When employees are expected to be working in an area treated with a pesticide and when the reentry safety interval for that field and crop has not expired, the employees shall be timely warned. A warning shall be accomplished by one or more of the following methods: (A) Posting of warning signs at usual points of entrance to the treated area; (B) oral warning; or (C) posting of warning notices on bulletin boards at points where employees usually assemble for instructions. Where an employer has reason to believe that any employee is unable to read, he shall give the employee oral warning. Posted signs shall be maintained for the duration of the applicable field reentry safety interval, and, upon the expiration of the interval, should be removed immediately.

(ii) The warnings shall include at least the following information given in the English language and any other language which may be necessary to communicate the warning to employees:

(a) The name of the pesticide or pesticides used, the date of the application, and the date of the first day the warning was given.

(b) The name of the crop treated;

(c) The location and boundaries of the area treated;

(d) The date the applicable field reentry safety interval expires; and

(e) Instruction to stay out of the field until the expiration of the field reentry safety interval.

(iii) Whenever any warning signs are posted, the signs shall include the words "Danger" and "Do Not Enter," and, shall be displayed with letter sizes and styles so as to be legible at a distance of no less than 25 feet. The posted warning signs shall be of such durability and construction that they remain clearly legible for the duration of the field reentry safety interval.

(iv) The information on each warning whether posted, orally given, or otherwise in writing, shall be recorded in writing, and the record maintained for at least one year from the giving of the warning. The record shall be available for inspection and copying to representatives of the Assistant Secretary of Labor for Occupational Safety and Health.

(c) *Limited field reentry*—(1) *Within first 24 hours.* An employee may be permitted to enter that area treated with a pesticide within the first 24 hours after application of the pesticide for activities which cannot reasonably be delayed if the employee is protected with coveralls or other whole body clothing of either a closely woven washable fabric or disposable material, hat, gloves, impermeable shoes or shoe coverings and a respirator approved by either the U.S. Department of Health, Education, and Welfare (National Institute for Occupational Safety and Health) or the U.S. Department of the Interior (Bureau of Mines) for protection from pesticides. Such equipment and clothing shall be provided by the employer. This paragraph (c) does not apply where: (i) The entry is necessary to pass through a treated area in order to go to or from a dwelling or any appurtenance thereto; and (ii) the entry is solely for such purpose and is of short duration.

(2) *After the expiration of the first 24 hours.* (i) An employee may be permitted to enter a treated area after the first 24 hours have passed after the application of a pesticide and before the expiration of the relevant reentry safety interval prescribed in Table I of this section for activities which may involve substantial contact with the treated foliage to perform operations which cannot reasonably be delayed, provided the employee is protected with coveralls or other whole body clothing of either a closely woven washable fabric or disposable material, hat, gloves, impermeable shoes or shoe coverings and, where exposure to airborne concentrations of pesticides is likely to be harmful to the health of the employee, a respirator approved by either the U.S. Department of Health, Education, and Welfare (National Institute for Occupational Safety and Health) or the U.S. Department of the Interior (Bureau of Mines) for protection against pesticides or dusts. Such equipment and clothing shall be provided by the employer.

(ii) Whenever an employee wishes to enter a treated area after the first 24 hours have passed since the application of a pesticide and before the expiration of the field reentry safety interval prescribed in Table I of this section in order to conduct an activity that does not involve a reasonable likelihood of substantial contact with the treated foliage, the employee may do so without the use of the protective equipment and clothing indicated in paragraph (c)(1) of this section or paragraph (c)(2)(i) of this section or provision of potable water contained in paragraph (c)(4)(i) of this section.

(3) *Use and care of protective clothing and equipment.* (i) All protective clothing, required by this section, shall be thoroughly washed or disposed of after each day's use.

(ii) All respirators and gas masks shall be cleaned and maintained in accordance with § 1910.134(f).

(iii) Any employer who gives pesticide-contaminated clothing or equipment to another person for laundering, cleaning, or maintenance shall inform such person of the warnings and precautions to be taken, as described on the label of the pesticide which has contaminated the clothing or equipment.

(iv) When protective clothing or equipment is cleaned or washed, the process shall be conducted in a manner that will prevent wash-water wastes from the clothing or equipment from creating a hazard to the health of employees.

(v) When the same clothing or equipment is to be used by more than one employee in a given day, the clothing or equipment shall be adequately washed or cleaned before it is passed from one employee to another.

(vi) When the protective clothing becomes contaminated with a pesticide to the extent that the skin could become contaminated, the clothing shall be removed and the skin washed.

(4) *Sanitation.* (i) The employer shall provide an adequate supply of potable water for emergency washing purposes in reasonable vicinity to any field treated with a pesticide.

(ii) Employers shall not permit employees to store, eat, or drink food or beverage where the food or beverage may be exposed to pesticides.

(iii) Employers shall provide a change room or area for employees required to wear protective clothing as specified in this section. Within the change room, or area, there shall be provided an individual locker, container, or hanger for the uncontaminated clothing of each employee. A separate container shall be provided for contaminated clothing and equipment.

(iv) The washing and change room facilities shall be separate from those provided for other purposes.

(d) *Medical services and first aid.* (1) The employer shall make arrangements to provide necessary medical assistance to employees who may suffer injuries or illnesses as a result of occupational exposure to pesticides.

(2) The employer shall insure that each crew leader or foreman is instructed to recognize early symptoms of organophosphorous pesticide poisoning and to take appropriate protective measures.

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TABLE I.—*Field reentry safety intervals in days for crops treated with organophosphorous pesticides*

Pesticide	Apples	Oranges, Lemons, Grapefruit		Grapes		Peaches		Tobacco
		Dry Area [1]	Wet Area [2]	Dry Area [1]	Wet Area [2]	Dry Area [1]	Wet Area [2]	
Azinphosemethyl (Guthion)	3	14	3	14	3	10	3	4
Carbophenothion (Trithion)	3	14	3	14	3	10	3	
Demeton (Systox)	3	4	3	5	3	5	3	
Disulfoton (DiSyston)								5
EPN	3	14	3	10	3	10	3	
Methyl parathion	3			14	3	10	3	5
Mevinphos (Phosdrin)	3	4	2	4	2	5	3	
Monocrotophos (Azodrin)								3
Oxydemetonmethyl (Meta-Systox R)				4	3	5	3	
Parathion	3	14	3	14	2	10	3	5
Phosphamidon (Dimecron)	3	14	3					
TEPP	1	3	1					

[1] Average annual rainfall of 25 inches or less.
[2] Average rainfall above 25 inches or an area where moderate rainfall has occurred, or a moderate wash has been applied, after pesticide application.

Effective date. These amendments shall become effective July 13, 1973. The delay in effective date is to afford affected persons a reasonable and necessary period for adjusting to the standard. Any employer subject to § 1910.267a shall comply therewith, even though a label registered with the Environmental Protection Agency requires a shorter field reentry safety interval. On the other hand, compliance with § 1910.267a does not excuse any person from complying with such a label.

[38 FR 17215, June 29, 1973]

§ 1910.268 Sources of standards.

Sec.	Source
1910.261	ANSI P1.1—1969, Safety Standard for Pulp, Paper, and Paperboard Mills.
1910.264	ANSI L1.1—1956, Textile Safety Code.
1910.263	ANSI Z50.1—1947, Safety Code for Bakery Equipment.
1910.262	ANSI Z8.1—1961, Safety Code for Laundry Machinery and Operations.
1910.265	ANSI O2.1—1969, Safety Requirements for Sawmills.
1910.266	ANSI O3.1—1971, Pulpwood Logging Safety Standards.

§ 1910.269 Standards organizations.

Specific standards of the following organizations have been referenced in this subpart. Copies of the referenced standards may be obtained from the issuing organizations. The names and addresses of the issuing organizations are as follows:

American National Standards Institute (ANSI), 1430 Broadway, New York, NY 10018.
National Fire Protection Association (NFPA), 60 Batterymarch Street, Boston, MA 02110.
American Society of Mechanical Engineers, Inc., United Engineering Center, 345 East 47th Street, New York, NY 10017.
Institute of Markers of Explosives, 420 Lexington Avenue, New York, NY 10017.
Underwriters' Laboratories, Inc., 207 East Ohio Street, Chicago, IL 60611.

Subpart S—Electrical

§ 1910.308 Application.

(a) *General.* Section 1910.309 adopts as a national consensus standard the National Electrical Code NFPA 70–1971; ANSI C1–1971 (Rev. of C1–1968), which is incorporated by reference in this subpart.

(b) *Purpose of the National Electrical Code.* (1) The purpose of the National Electrical Code is the practical safeguarding of any persons and of buildings and their contents from hazards arising from the use of electricity for light, heat, power, radio, signaling, and for other purposes. The standards contained therein are occupational safety and health standards to the extent that they safeguard any person who is an employee of an employer.

(2) The National Electrical Code contains basic minimum provisions considered necessary for safety.

(c) *Scope*—(1) *Covered.* The provisions of this Subpart S cover electrical installations and utilization equipment installed or used within or on public and private buildings, structures and other premises including:

(i) Yards,
(ii) Carnivals,
(iii) Parking lots,
(iv) Mobile homes,
(v) Recreational vehicles,
(vi) Conductors that connect an installation to a supply of electricity, and
(vii) Other outside conductors adjacent to the premises.

(2) *Not covered.* The provisions of this subpart do not cover:

(i) Installations in ships, watercraft, railway rolling stock, aircraft or automotive vehicles,
(ii) Installations underground in mines,
(iii) Installations of railways for generation, transformation, transmission, or distribution of power used exclusively for operation of rolling stock or installations used exclusively for signaling and communication purposes,
(iv) Installations of communication equipment under exclusive control of communication utilities, located outdoors or in building spaces used exclusively for such installation, or
(v) Installations under the exclusive control of electric utilities for the purpose of communication, metering or for the generation, control, transformation, transmission, and distribution of electric energy, located in buildings used exclusively by the utilities for such purposes or located outdoors on property owned or leased by the utilities or on public highways, streets, roads, etc., or outdoors by established rights on private property.

(d) *Definitions applicable to this Subpart S*—(1) *Approved.* Some provisions of the National Electrical Code, NFPA 70–1971; ANSI C1–1971 (Rev. of C1–1968), which is adopted in this subpart S, require installations or equipment to be approved. In Article 100 of the Code, "approved" is defined to mean "acceptable to the authority enforcing this Code." The authority enforcing the Code under subpart S is the Assistant Secretary of Labor for Occupational Safety and Health. The definitions in this subsection indicate what is acceptable to the Assistant Secretary of Labor, and therefore approved within the meaning of the Code as incorporated in this subpart S.

(2) *Acceptable.* An installation or equipment is acceptable to the Assistant Secretary of Labor, and approved within the meaning of this Subpart S: (i) If it is accepted, or certified, or listed, or labeled, or otherwise determined to be safe by a nationally recognized testing laboratory, such as, but not limited to, Underwriters' Laboratories, Inc. and Factory Mutual Engineering Corp.; or (ii) with respect to an installation or equipment of a kind which no nationally recognized testing laboratory accepts, certifies, lists, labels, or determines to be safe, if it is inspected or tested by another Federal agency, or by a State, municipal, or other local authority responsible for enforcing occupational safety provisions of the National Electrical Code, and found in compliance with the provisions of the National Electrical Code as applied in § 1910.309; or (iii) with respect to custom-made equipment or related installations which are designed, fabricated for, and intended for use by, a particular customer, if it is determined to be safe for its intended use by its manufacturer on the basis of test data which the employer keeps and makes available for inspection to the Assistant Secretary and his authorized representatives.

(3) For purposes of subparagraph (2) of this paragraph:

(i) *Listed.* Equipment is "listed" if it is of a kind mentioned in a list which, (*a*) is published by a nationally recognized laboratory which makes periodic inspection of the production of such equipment, and (*b*) states such equipment meets nationally recognized standards or has been tested and found safe for use in a specified manner;

(ii) *Labeled.* Equipment is "labeled" if there is attached to it a label, symbol, or other identifying mark of a nationally recognized testing laboratory which, (*a*) makes periodic inspections of the production of such of equipment, and (*b*) whose labeling indicates compliance with nationally recognized standards or tests to determine safe use in a specified manner;

(iii) *Accepted.* An installation is "accepted" if it has been inspected and found by a nationally recognized testing laboratory to conform to specified plans or to procedures of applicable codes;

(iv) *Certified.* Equipment is "certified" if it, (*a*) has been tested and found by a nationally recognized testing laboratory to meet nationally recognized standards or to be safe for use in a specified manner, or (*b*) is of a kind whose production is periodically inspected by a nationally recognized testing laboratory, and (*c*) it bears a label, tag, or other record of certification;

(v) *Utilization equipment.* Utilization equipment means equipment which utilizes electric energy for mechanical, chemical, heating, lighting, or similar useful purpose.

§ 1910.309 National Electrical Code.

(a) The requirements contained in the following articles and sections of the National Electrical Code, NFPA 70–1971; ANSI C1–1971 (Rev. of C1–1968) shall apply to all electrical installations and utilization equipment:

Articles:	
500	Hazardous Locations.
501	Class I Installations (Hazardous Locations).
502	Class II Installations (Hazardous Locations).
503	Class III Installations (Hazardous Locations).
Sections:	
250–58 (a) and (b).	Equipment on Structural Metal.
250–59 (a), (b), and (c).	Portable and/or Cord Connected and Plug Connected Equipment, Grounding Method.
400–3 (a) and (b).	Flexible Cords and Cable, Uses.
400–4	Flexible Cords and Cable Prohibited.
400–5	Flexible Cords and Cables, Splices.
400–9	Overcurrent Protection and Ampacities of Flexible Cords.
400–10	Pull at Joints and Terminals of Flexible Cords and Cables.
422–8	Installation of Appliances with Flexible Cords.
422–9	Installation of Portable Immersion Heaters.
422–10	Installation Appliances Adjacent to Combustible Material.
422–11	Stands for Portable Appliances.
422–12	Signals for Heated Appliances.
422–14	Water Heaters.
422–15 (a), (b), and (c).	Installation of Infrared Lamp and Industrial Heating Appliances.
110–14 (a) and (b).	Electric Connection.
110–17 (a), (b), and (c).	Guarding of Live Part.
110–18	Arcing Parts.
110–21	Marking.
110–22	Identification.
240–16 (a), (b), (c), and (d).	Location in Premises (for Overcurrent Protection Devices).
240–19 (a) and (b).	Guarding of Arcing or Suddenly Moving Parts of Overcurrent Protection Devices.
250–3 (a) and (b).	D.C. System Grounding.
250–5 (a), (b), and (c).	A.C. Circuits and Systems To Be Grounded.
250–7	Circuits Not To Be Grounded.
Sections—Continued:	
250–42 (a), (b), (c), and (d).	Fixed Equipment Grounding, General.
250–43 (a), (b), (c), (d), (e), (f), (g), (h), and (i).	Fixed Equipment Grounding, Specific.
250–44 (a), (b), (c), (d), and (e).	Nonelectrical Equipment, Grounding.
250–45 (a), (b), (c), and (d).	Equipment Connected by Cord and Plug, Grounding.
430–142 (a), (b), (c), and (d).	Stationary Motor, Grounding.
430–143	Portable Motors, Grounding.
250–50 (a) and (b).	Equipment Grounding Connections.
250–51	Effective Grounding.
250–57 (a) and (b).	Fixed Equipment Method of Grounding.
422–16	Appliance Grounding.
422–17	Installation of Wall-mounted Ovens and Counter - mounted Cooking Units.

(b) **Every new electrical installation and all new utilization equipment installed after March 15, 1972, and every replacement, modification, or repair or rehabilitation, after March 15, 1972, of any part of any electrical installation or utilization equipment installed before March 15, 1972, shall be installed or made, and maintained, in accordance with the provisions of the 1971 National Electrical Code, NFPA 70–1971; ANSI C1–1971 (Rev. of C1–1968).**

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, the effective date of the requirement in section 210–7 of the National Electrical Code, that all 15- and 20-ampere receptacle outlets on single-phase circuits for construction sites shall have approved ground-fault circuit protection for personnel, is postponed pending reconsideration of the requirement.

SUBJECT INDEX FOR 29 CFR 1910—OCCUPATIONAL SAFETY AND HEALTH STANDARDS

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Air Supply, Breathing	.94(a)(6)	23584
Blast Cleaning Enclosures	.94(a)(3)	23584
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Dust Hazards	.94(a)(2)	23584
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THURSDAY, JUNE 27, 1974
WASHINGTON, D.C.
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PART III

DEPARTMENT OF THE TREASURY

Monetary Offices

■

TRANSACTIONS IN FOREIGN EXCHANGE, TRANSFERS OF CREDIT, AND EXPORT OF COIN AND CURRENCY

Supplemental Reporting Requirements and Proposed Reporting Forms

No. 126—Pt. III——1

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DEPARTMENT OF THE TREASURY

Monetary Offices

[31 CFR Part 128]

TRANSACTIONS IN FOREIGN EXCHANGE, TRANSFERS OF CREDIT, AND EXPORT OF COIN AND CURRENCY

Proposed Supplemental Reporting Requirements

The Department of the Treasury is considering amending its regulations governing the reporting of transactions in foreign exchange, transfers of credit, and export of coin and currency, at 31 CFR Part 128. These amendments will prescribe supplemental reporting requirements relating to foreign currency transactions by large United States enterprises and their foreign affiliates, as required by Title II of Public Law 93–110, 87 Stat. 352, to provide additional data on the nature and source of flows of mobile capital. The existing reporting requirements prescribed under subpart B of 31 CFR Part 128 are not affected by these amendments.

Accordingly, notice is hereby given pursuant to 5 U.S.C. 553 that the Secretary of the Treasury is considering amending Part 128, Chapter I of Title 31 of the Code of Federal Regulations by: (1) amending § 128.2; (2) redesignating § 128.3 as § 128.4; (3) adding a new § 128.3; (4) retitling Subpart B; and (5) adding a new Subpart C. These changes are as follows:

(1) As amended, § 128.2 would read:

§ 128.2 Reports.

(a) In order to effectuate the purposes of the Emergency Banking Act of 1933 (12 U.S.C. 95a), and in order that information requested by the International Monetary Fund under the articles of agreement of the Fund may be obtained in accordance with section 8(a) of the Bretton Woods Agreements Act (sec. 8(a) 59 Stat. 515; 22 U.S.C. 286f and Executive Order No. 10033, 14 FR 561; 3 CFR, 1949 Supp.), every person subject to the jurisdiction of the United States engaging (1) in any transaction in foreign exchange; (2) in any transfer of credit between any person within the United States and any person outside of the United States; or (3) in the export or withdrawal from the United States of any currency or silver coin which is legal tender in the United States, shall furnish information relative thereto to such extent and in such manner and at such intervals as is required by report forms and instructions prescribed in Subpart C of this part. Information shall also be furnished by every United States person or persons with regard to any foreign person controlled by such United States person or persons as provided in Subpart C of this part.

(c) All persons required to report other than bankers and banking institutions, shall furnish the reports required under Subparts, B and C of this part to the Federal Reserve Bank of New York. Bankers and banking institutions shall furnish the required reports to the Federal Reserve Bank of the district in which such banker or banking institution has its principal place of business in the United States. In the event that any person required to report has no principal place of business within a Federal Reserve district, the information shall be furnished directly to the Office of the Assistant Secretary for International Affairs, Department of the Treasury, Washington, D.C. 20220 or to such agency as the Department of the Treasury may designate.

(Title II, Public Law 93–110, 87 Stat. 352)

§ 128.4 [Redesignated]

2. Section 128.3 would be redesignated as § 128.4.

3. New § 128.3 would read:

§ 128.3 Penalties.

(a) Whoever willfully fails to submit a report required under this part may be criminally prosecuted and upon conviction fined not more than $10,000, or, if a natural person, may be imprisoned for not more than ten years, or both. Any officer, director, or agent of any corporation who knowingly participates in such violation may be punished by a like fine, imprisonment, or both.

(b) Whoever fails to submit a report required under Subpart C of this part may be assessed a civil penalty not exceeding $10,000.

Subpart B—Description of Forms Prescribed Under This Subpart

4. As retitled the heading of Subpart B would be amended to read as set forth above.

5. A new Subpart C would be added, to read as follows:

Subpart C—Description of Forms Prescribed Under This Subpart

Sec.
- 128.30 Copies.
- 128.31 Foreign Currency Form FC–1: Weekly report of positions in specified foreign currencies.
- 128.32 Foreign Currency Form FC–1a: Monthly report of assets, liabilities, and positions in specified foreign currencies.
- 128.33 Foreign Currency Form FC–2: Weekly consolidated report of positions in specified foreign currencies.
- 128.34 Foreign Currency Form FC–2a: Monthly consolidated report of assets, liabilities, and positions in specified foreign currencies.
- 128.35 Foreign Currency Form FC–3: Monthly consolidated report of liquid assets and liabilities and positions in specified foreign currencies.
- 128.36 Foreign Currency Form FC–4: Monthly consolidated report of liquid assets and liabilities and positions in specified foreign currencies.
- 128.37 Special reports.

AUTHORITY: Title II, Pub. L. 93–110, 87 Stat. 352.

Subpart C—Description of Forms Prescribed Under This Subpart

§ 128.30 Copies.

Copies of the forms described in this subpart with instructions may be obtained from the Federal Reserve Bank of New York or from the Office of the Assistant Secretary for International Affairs, Department of the Treasury, Washington, D.C. 20220.

§ 128.31 Foreign Currency Form FC–1: Weekly report of positions in specified foreign currencies.

On this form bankers and banking institutions in the United States are required to report weekly to a Federal Reserve Bank their positions in the currencies specified on the form, as of close of business on Wednesday.

§ 128.32 Foreign Currency Form FC–1a: Monthly report of assets, liabilities, and positions in specified foreign currencies.

On this form bankers and banking institutions in the United States are required to report monthly to a Federal Reserve Bank their assets, liabilities, and positions in the foreign currencies specified on the form, as of the last day of business of the month.

§ 128.33 Foreign Currency Form FC–2: Weekly consolidated report of positions in specified foreign currencies.

On this form United States bankers and banking institutions are required to report weekly to a Federal Reserve Bank the consolidated positions of their foreign branches and majority-owned foreign banking subsidiaries in the foreign currencies specified on the form as of the close of business on Wednesday.

§ 128.34 Foreign Currency Form FC–2a: Monthly consolidated report of assets, liabilities, and positions in specified foreign currencies.

On this report form United States bankers and banking institutions are required to report monthly to a Federal Reserve Bank the consolidated assets, liabilities, and positions of their foreign branches and majority-owned foreign banking subsidiaries in the foreign currencies specified on the form as of the last day of business of the month.

§ 128.35 Foreign Currency Form FC–3: Monthly consolidated report of liquid assets and liabilities and positions in specified foreign currencies.

On this form nonbanking business concerns and nonprofit institutions located in the United States are required to report monthly to a Federal Reserve

Bank their liquid assets and liabilities and positions in the foreign currencies specified on the form as of the last day of business of the month.

§ 128.36 Foreign Currency Form FC–4: Monthly consolidated report of liquid assets and liabilities and positions in specified foreign currencies.

On this form United States nonbanking business concerns are required to report monthly to a Federal Reserve Bank with respect to their foreign branches and majority-owned foreign subsidiaries and United States banks are required to report monthly to a Federal Reserve Bank with respect to their majority-owned foreign nonbanking subsidiaries, the consolidated liquid assets and liabilities and positions in the currencies specified on the form as of the last day of business of the month.

§ 128.37 Special reports.

At times when prompt information on current conditions in the foreign exchange market is needed by the Department of the Treasury, special reports may be required at more frequent intervals or at different intervals. Special reports may be required to be submitted by telegraph or other rapid means of communication.

Prior to the adoption of the proposed amendments, consideration will be given to written views or arguments submitted to the General Counsel, Department of the Treasury, Washington, D.C. 20220, and received not later than July 29, 1974. Comments should be submitted in triplicate. Pursuant to 31 CFR 1.4(h), comments submitted in response to this notice of proposed rulemaking are available to the public upon request unless confidential status for the submission has been requested and approved.

Dated: June 20, 1974.

[SEAL] EDWARD C. SCHMULTS,
General Counsel.

JOHN M. HENNESSY,
Assistant Secretary.

[FR Doc.74–14560 Filed 6–26–74;8:45 am]

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DEPARTMENT OF THE TREASURY

Monetary Offices

TRANSACTIONS IN FOREIGN EXCHANGE, TRANSFERS OF CREDIT AND EXPORT OF COIN AND CURRENCY

Proposed Reporting Forms

Notice is hereby given of the information requested and of the instructions on proposed Foreign Currency Forms FC–1, FC–1a, FC–2, FC–2a, FC–3 and FC–4, specimens of which are annexed hereto. These proposed forms when finally adopted will implement the reporting requirements found in Title II of Public Law 93–110 (87 Stat. 352). These forms should be associated with proposed amendments of 31 CFR Part 128, published by the Department of the Treasury in the FEDERAL REGISTER in this Part II, pages 23830–23831. The information furnished on these forms may be made available to the Comptroller of the Currency, Department of the Treasury, and to the Board of Governors of the Federal Reserve System insofar as authorized by the Federal Reports Act (44 U.S.C. 3501, *et seq.*).

Prior to the adoption of the proposed forms, consideration will be given to written views or arguments submitted to the General Counsel, Department of the Treasury, Washington, D.C. 20220, and received not later than July 29, 1974. Comments should be submitted in triplicate. Comments submitted will be open to public inspection unless confidential status for the submission has been requested and approved.

Dated: June 20, 1974.

[SEAL] EDWARD C. SCHMULTS,
General Counsel.

JOHN M. HENNESSY,
Assistant Secretary.

The data furnished on this report will be held in strict confidence

Foreign Currency Form FC-1
Department of the Treasury
Office of the Assistant Secretary for International Affairs

Weekly Report of Positions in Specified Foreign Currencies of Banks in the United States
(Amounts outstanding in thousands of foreign currency units as of close of business on Wednesday)

Name of reporting bank

As of: _____ (Date)

Currencies *	Net Spot Position (1)	Forward Position: Bought (2)	Forward Position: Sold (3)	Forward Position: Net Forward Position (4)	Net Position (5)
Belgian francs					
Commercial francs					
Financial francs					
Canadian dollars					
Dutch guilders					
French francs					
German marks					
Japanese yen					
Swiss francs					
United Kingdom pounds					
_____					
_____					
_____					
_____					
_____					

State maximum number of days for delivery of spot exchange: ____ days or less.

State the percentage of value of all foreign exchange contracts in the currencies reported represented by contracts with other banks: ____ %.

* Additional currencies may be specified by the Treasury as conditions require.

Official Signature

FOREIGN CURRENCY FORM FC–1

PART I—GENERAL INSTRUCTIONS

A. *Introduction.* This report form is designed to provide weekly data on the positions of bankers and banking institutions in the United States in specified foreign currencies. Amounts to be reported on this form are the net spot position, the outstanding amounts of forward exchange bought and sold, the net forward position, and the net position in the currencies specified, as of the close of business on Wednesday.

Reports on this form are required by law. The relevant Treasury Regulations are published in the Code of Federal Regulations, Title 31, Part 128.

B. *Who must report.* All bankers and banking institutions in the United States, including the agencies, branches, and banking subsidiaries located in the United States of foreign bankers and banking institutions, who for their own account have positions in specified foreign currencies, as defined in these instructions, are required to report on this form. The reports of any head-office bank having branches in the United States shall include the reportable items of all such branches. Reports of domestic banking subsidiaries may be included in the reports of head-office banks or may be filed separately.

C. *Exemptions.* A weekly report need not be filed for a specified currency if the dollar equivalent value of the net position in that currency is less than $1 million long or short. The exemption may be applied separately to each domestic branch or banking subsidiary of the reporting bank.

D. *Filing of reports.* This report should be filed with the Federal Reserve Bank of your District not later than three business days following the Wednesday to which the report applies. If Wednesday is not a business day, the report should be filed as of the preceding business day.

NOTE: Each banker or banking institution who reports on Form FC–1 as of any Wednesday in a month is also required to report on the monthly Form FC–1a as of the last business day of the month on all currencies for which data were submitted on Form FC–1.

E. *Definitions*—1. *"United States."* For purposes of this report, the term "United States" shall mean the States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and the following: American Samoa, the Canal Zone, Guam, Midway Island, Virgin Islands, and Wake Island.

2. *"Net spot position."* "Net spot position" is defined as the net balance of:

(a) Amounts due from correspondent banks, from foreign branches, from head offices abroad and from their branches outside the home country, and outstanding purchases of foreign exchange to be credited to the account of the reporting unit within the number of business days regarded by the reporting unit as representing spot purchases; and

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(b) Overdrafts with correspondent banks, amounts due to foreign branches, to head offices abroad and to their branches outside the home country, and outstanding sales of foreign exchange to be charged to the account of the reporting unit within the number of business days regarded by the reporting unit as representing spot sales.

3. *"Forward exchange bought."* "Forward exchange bought" is defined as the amount of foreign exchange which the reporting unit has contracted to receive at some future date, other than spot exchange. Forward purchases include foreign exchange which the contract requires to be received in more than the number of business days regarded by the reporting unit as representing spot sales.

4. *"Forward exchange sold."* "Forward exchange sold" is defined as the amount of foreign exchange which the reporting unit has contracted to deliver on some future date, other than spot exchange. Forward sales include foreign exchange which the contract requires to be delivered in more than the number of business days regarded by the reporting unit as representing spot sales.

PART II. SPECIFIC INSTRUCTIONS RELATING TO PARTICULAR COLUMNS OF FORM FC-1:

(1) Report in this column your net spot position in the currencies specified. Indicate a short position by enclosing the entry in parentheses.

(2) Report in this column the outstanding amounts of your forward purchases of foreign exchange.

(3) Report in this column the outstanding amounts of your forward sales of foreign exchange.

(4) Report in this column the net balance of the amounts shown in columns 2 and 3. Indicate a short position by enclosing the entry in parentheses.

(5) Report in this column the sum of the amounts reported in columns 1 and 4. Indicate a net short position by enclosing the entry in parentheses.

In the spaces provided at the bottom of the form, the following information should be shown:

(a) The maximum number of days representing delivery of spot exchange; and

(b) The percentage, in terms of total dollar value, of your foreign exchange contracts with all customers in the currencies reported, that is represented by foreign exchange contracts negotiated with other banks.

The data furnished on this report will be held in strict confidence

Foreign Currency Form FC-1a
Department of the Treasury
Office of the Assistant Secretary
for International Affairs

Monthly Report of Assets, Liabilities, and Positions
in Specified Foreign Currencies of Banks in the United States
(Amounts outstanding in thousands of foreign currency units as
of close of business on the last business day of the month)

As of: _____ (Date)

_____
Name of reporting bank

Currencies *	Assets		Liabilities		Spot Exchange		Forward Exchange		Net Overall Position
	Liquid Assets (1)	Other Assets (2)	Liquid Liabilities (3)	Other Liabilities (4)	Bought (5)	Sold (6)	Bought (7)	Sold (8)	(9)
Belgian francs									
Commercial francs									
Financial francs									
Canadian dollars									
Dutch guilders									
French francs									
German marks									
Japanese yen									
Swiss francs									
United Kingdom pounds									
_____									
_____									
_____									
_____									
_____									

State maximum number of days for delivery of spot exchange: ___ days or less.

State the percentage of value of all foreign exchange contracts in the currencies reported represented by contracts with other banks: ___ %.

* Additional currencies may be specified by the Treasury as conditions require.

_____
Official Signature

FOREIGN CURRENCY FORM FC–1a

PART I—GENERAL INSTRUCTIONS

A. *Introduction.* This report form is designed to provide monthly data on the assets, liabilities, and positions of bankers and banking institutions in the United States in specified foreign currencies. Amounts to be reported on this form are the outstanding amounts of assets, liabilities, spot exchange bought and sold, forward exchange bought and sold, and the net overall positions in the currencies specified, as of close of business on the last business day of the month.

Reports on this form are required by law. The relevant Treasury Regulations are published in the Code of Federal Regulations, Title 31, Part 128.

B. *Who must report.* All bankers and banking institutions in the United States, including the agencies, branches, and banking subsidiaries located in the United States of foreign bankers and banking institutions, who for their own account have assets, liabilities, and positions in specified foreign currencies, as defined in these instructions, are required to report on this form. The reports of any head-office bank having branches in the United States shall include the reportable items of all such branches. Reports of domestic banking subsidiaries may be included in the reports of head-office banks or may be filed separately.

C. *Exemptions.* A report as of any month-end need not be filed for a *specified currency* if the dollar equivalent value of the net overall position in that currency is less than $1 million. The exemption may be applied separately to each domestic branch or banking subsidiary of the reporting bank.

Exception: Each banker or banking institution who reports on Form FC–1 as of any Wednesday in a month is also required to report on Form FC–1a as of the last business day of the month on all currencies for which data were submitted on Form FC–1, regardless of the exemption level stated in this section.

D. *Filing of reports.* This report should be filed with the Federal Reserve Bank of your District not later than the fifteenth day following the last business day of the month.

E. *Definitions*—1. *"United States."* For purposes of this report, the term "United States" shall mean the States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and the following: American Samoa, the Canal Zone, Guam, Midway Island, Virgin Islands, and Wake Island.

2. *"Assets."* "Liquid assets" is defined as amounts due from correspondent banks, from foreign branches, from head offices abroad and from their branches outside the home country, and negotiable and readily transferable commercial and financial instruments maturing within one year of the date of the report. "Other assets" are all assets other than liquid assets.

3. *"Liabilities."* "Liquid liabilities" is defined as overdrafts with correspondent banks, amounts due to foreign branches, to foreign head offices and to their branches outside the home country, and obligations payable on demand or maturing within one year of the date of the report. "Other liabilities" are all liabilities other than liquid liabilities.

4. *"Spot exchange."* "Spot exchange" is defined as outstanding purchases and sales of foreign exchange to be credited or charged to the accounts of the reporting unit within the number of business days regarded by the reporting unit as representing spot purchases and sales.

5. *"Forward exchange."* "Forward exchange" is defined as the amounts of foreign exchange which the reporting unit has contracted for receipt or delivery at some future date, other than spot exchange. Forward purchases and sales include foreign exchange which the contract requires to be received or delivered in more than the number of business days regarded by the reporting unit as representing spot purchases or sales.

6. *"Net overall position."* "Net overall position" is defined as the sum of the reporting unit's assets and its outstanding purchases of spot and forward exchange less the sum of the reporting unit's liabilities and its outstanding sales of spot and forward exchange in each of the specified foreign currencies.

PART II—SPECIFIC INSTRUCTIONS RELATING TO PARTICULAR COLUMNS ON FORM FC–1a

(1) Report in this column the gross amount of liquid assets held for your own account, denominated in the specified currencies. Include, for example, demand and time deposits, negotiable time certificates of deposit held with, and overdrafts extended to, correspondent banks, foreign branches, or head offices abroad and their branches outside the home country. Include also loans payable on demand, commercial paper, finance paper, promissory and other notes, foreign central and local government obligations, and other negotiable and readily transferable instruments maturing within one year of the date of the report.

(2) Report in this column the gross amount of all assets held for your own account, other than liquid assets, denominated in the specified currencies. Include, for example, loans (other than those payable on demand) and advances actually granted. With respect to syndicated credits, each participant should report his own share. Do not include unutilized credits, even if such credits represent firm commitments.

(3) Report in this column the gross amount of your liquid liabilities, denominated in the specified currencies. Include, for example, demand and time deposits, negotiable time certificates of deposit held for, and overdrafts extended by, correspondent banks, foreign branches, or head offices abroad and their branches outside the home country, and obligations payable on demand or maturing within one year of the date of the report.

(4) Report in this column the gross amount of all your liabilities, other than liquid liabilities, denominated in the specified currencies. Include, for example, your borrowings other than those payable on demand, and your liability on acceptances made by correspondent banks for your account. Do not report unutilized credits, even if such credits represent firm commitments.

(5) Report in this column the outstanding amounts of your spot purchases of foreign exchange in the specified currencies.

(6) Report in this column the outstanding amounts of your spot sales of foreign exchange in the specified currencies.

(7) Report in this column the outstanding amounts of your forward purchases of foreign exchange in the specified currencies.

(8) Report in this column the outstanding amounts of your forward sales of foreign exchange in the specified currencies.

(9) Report in this column the net balance of the sum of the amounts reported in columns (1), (2), (5), and (7) less the sum of the amounts reported in columns (3), (4), (6), and (8). Indicate a net short position by enclosing the entry in parentheses.

In the spaces provided at the bottom of the form, the following additional information should be shown:

(a) the maximum number of days representing delivery of spot exchange; and

(b) the percentage, in terms of total dollar value, of your foreign exchange contracts with all customers in the specified currencies, that is represented by foreign exchange contracts with other banks.

PART III—RELATIONSHIP TO TREASURY FOREIGN EXCHANGE FORMS

Amounts reportable on this form differ in several respects from amounts reportable on the Treasury Foreign Exchange Forms:

1. All assets and liabilities denominated in the specified currencies are to be reported, including those representing claims on, and liabilities to, persons in the United States. The amounts reportable on the Treasury Foreign Exchange Forms are limited to claims on, and liabilities to, foreigners.

2. This form covers only your own assets and liabilities, and excludes items held for your customers. The amounts reportable of Forms B–1, B–2, and B–3 include items held for customers.

3. This form requires that assets and liabilities be classified by currency rather than by country. The amounts reportable on Forms B–1, B–2, and B–3 are classified by country.

4. Assets and liabilities are classified on this form on the basis of time remaining to maturity. Amounts reportable on Forms B–1, B–2, and B–3 are classified on the basis of original maturity.

5. This form covers outstanding amounts of spot and forward purchases and sales of foreign exchange. These amounts are not reportable on Forms B–1, B–2, and B–3.

The data furnished on this report will be held in strict confidence

Foreign Currency Form FC-2
Department of the Treasury
Office of the Assistant Secretary
for International Affairs

Weekly Consolidated Report of Positions in Specified Foreign Currencies
of Foreign Branches and Banking Subsidiaries of United States Banks
(Amounts outstanding in thousands of foreign currency
units as of close of business on Wednesday)

Name of reporting bank

As of: _____ (Date)

Currencies *	Net Spot Position (1)	Net Forward Position (2)	Net Position (3)
Belgian francs			
Commercial francs held by:			
Offices located in Belgium			
Offices located elsewhere			
Financial francs held by:			
Offices located in Belgium			
Offices located elsewhere			
Canadian dollars held by:			
Offices located in Canada			
Offices located elsewhere			
Dutch guilders held by:			
Offices located in the Netherlands			
Offices located elsewhere			
French francs held by:			
Offices located in France			
Offices located elsewhere			
German marks held by:			
Offices located in Germany			
Offices located elsewhere			
Japanese yen held by:			
Offices located in Japan			
Offices located elsewhere			
Swiss francs held by:			
Offices located in Switzerland			
Offices located elsewhere			
United Kingdom pounds held by:			
Offices located in the United Kingdom			
Offices located elsewhere			
_____			
_____			
_____			
_____			
_____			

State maximum number of days for delivery of spot exchange: ____ days or less.

State the percentage of value of all foreign exchange contracts in the currencies reported represented by contracts with other banks: ____%.

* Additional currencies may be specified by the Treasury as conditions require.

Official Signature

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FOREIGN CURRENCY FORM FC–2

PART I—GENERAL INSTRUCTIONS

A. *Introduction.* This report form is designed to provide weekly data on the positions of foreign branches and majority-owned banking subsidiaries of United States bankers and banking institutions, in specified foreign currencies. Amounts to be reported on this form are the net spot, net forward, and net positions in the currencies specified, as of the close of business on Wednesday.

Reports on this form are required by law. The relevant Treasury Regulations are published in the Code of Federal Regulations, Title 31, Part 128.

B. *Who must report.* All United States bankers and banking institutions who have branches and majority-owned banking subsidiaries located abroad which for their own account have positions in specified foreign currencies, as defined in these instructions, are required to submit a consolidated report on this form covering the reportable items of all such branches and banking subsidiaries.

Reports must be filed with respect to foreign banking subsidiaries in which the majority ownership is held by an affiliated group of United States banks. In such cases, the reports should be filed by the United States bank which holds the largest percentage of the shares held by United States banks. If the United States banks hold equal shares, the reports should be filed by one of the United States banks by agreement among them.

C. *Exemptions.* A weekly report with respect to any foreign branch or banking subsidiary need not be filed for a specified currency if the dollar equivalent value of the net position in that currency is less than $1 million long or short.

D. *Filing of reports.* This report should be filed with the Federal Reserve Bank of your District not later than 10 business days following the Wednesday to which the report applies. If Wednesday is not a business day, the report should be filed as of the preceding business day.

NOTE: Each banker or banking institution who reports on Form FC–2 as of any Wednesday in a month with respect to foreign branches and banking subsidiaries is also required to report on the monthly Form FC–2a as of the last business day of the month on all currencies for which data were submitted on Form FC–2.

E. *Definitions*—1. *"United States."* For purposes of this report, the term "United States" shall mean the States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and the following: American Samoa, the Canal Zone, Guam, Midway Island, Virgin Islands, and Wake Island.

2. *"Majority-owned foreign banking subsidiaries."* For purposes of this report, the term "majority-owned foreign banking subsidiaries" shall mean foreign banking corporations in which one or more United States bankers or banking institutions, directly or indirectly, own stock possessing more than 50 percent of the total combined voting power of all classes of stock entitled to vote, or more than 50 percent of the total value of all classes of stock.

3. *"Net spot position."* "Net spot position" is defined as the net balance of:

(a) Amounts due from correspondent banks, from U.S. offices of the parent bank and from other foreign branches and banking subsidiaries of the parent bank, and outstanding purchases of foreign exchange to be credited to the accounts of your reporting foreign branches and banking subsidiaries within the number of business days which they regard as representing spot purchases; and

(b) Overdrafts with correspondent banks, amounts due to U.S. offices of the parent bank and to other foreign branches and banking subsidiaries of the parent bank, and outstanding sales of foreign exchange to be charged to the accounts of your reporting foreign branches and banking subsidiaries within the number of business days which they regard as representing spot sales.

4. *"Net forward position."* "Net forward position" is defined as the net balance of:

(a) The amount of foreign exchange which your reporting foreign branches and banking subsidiaries have contracted to receive at some future date, other than spot exchange; and

(b) The amount of foreign exchange which your reporting foreign branches and banking subsidiaries have contracted to deliver on some future date, other than spot exchange.

Forward contracts include foreign exchange which the contract requires to be received or delivered in more than the number of business days regarded by your foreign branches and banking subsidiaries as representing spot purchases or sales.

PART II—SPECIFIC INSTRUCTIONS RELATING TO PARTICULAR COLUMNS ON FORM FC–2

(1) Report in this column the consolidated net spot position of your reporting foreign branches and banking subsidiaries in the currencies specified. Indicate a short position by enclosing the entry in parentheses.

(2) Report in this column the consolidated net forward position of your reporting foreign branches and banking subsidiaries in the currencies specified. Indicate a short position by enclosing the entry in parentheses.

(3) Report in this column the sum of the amounts reported in columns (1) and (2). Indicate a net short position by enclosing the entry in parentheses.

In the spaces provided at the bottom of the form, the following information should be shown:

(a) the maximum number of days regarded by your reporting foreign branches and banking subsidiaries as representing delivery of spot exchange; and

(b) the percentage, in terms of total dollar value, of the foreign exchange contracts of your reporting foreign branches and banking subsidiaries with all customers in the currencies reported, that is represented by foreign exchange contracts negotiated with other banks.

The data furnished on this report will be held in strict confidence

Foreign Currency Form FC-2a
Department of the Treasury
Office of the Assistant Secretary
for International Affairs

Monthly Consolidated Report of Assets, Liabilities, and Positions in Specified Foreign Currencies of Foreign Branches and Banking Subsidiaries of United States Banks
(Amounts outstanding in thousands of foreign currency units as of close of business on the last business day of the month)

Name of reporting bank

As of: _____ (Date)

Number of banking offices included in report: ___. (Attach list)

Currencies *	Assets		Liabilities		Spot Exchange		Forward Exchange		Net Overall Position
	Liquid Assets (1)	Other Assets (2)	Liquid Liabilities (3)	Other Liabilities (4)	Bought (5)	Sold (6)	Bought (7)	Sold (8)	(9)
Belgium francs									
Commercial francs held or owed by:									
Offices located in Belgium									
Offices located elsewhere									
Financial francs held or owed by:									
Offices located in Belgium									
Offices located elsewhere									
Canadian dollars held or owed by:									
Offices located in Canada									
Offices located elsewhere									
Dutch guilders held or owed by:									
Offices located in the Netherlands									
Offices located elsewhere									
French francs held or owed by:									
Offices located in France									
Offices located elsewhere									
German marks held or owed by:									
Offices located in Germany									
Offices located elsewhere									
Japanese yen held or owed by:									
Offices located in Japan									
Offices located elsewhere									
Swiss francs held or owed by:									
Offices located in Switzerland									
Offices located elsewhere									
United Kingdom pounds held or owed by:									
Offices located in the United Kingdom									
Offices located elsewhere									
_____									
_____									
_____									
_____									
_____									

State maximum number of days for delivery of spot exchange: ___ days or less.

State the percentage of value of all foreign exchange contracts in the currencies reported represented by contracts with other banks: ___%.

* Additional currencies may be specified by the Treasury as conditions require.

Official Signature

FOREIGN CURRENCY FORM FC–2a

PART I—GENERAL INSTRUCTIONS

A. *Introduction.* This report form is designed to provide monthly data on the assets, liabilities, and positions of foreign branches and majority-owned banking subsidiaries of United States bankers and banking institutions, in specified foreign currencies. Amounts to be reported on this form are the outstanding amounts of assets, liabilities, spot exchange bought and sold, forward exchange bought and sold, and the net overall positions in the currencies specified, as of close of business on the last business day of the month.

Reports on this form are required by law. The relevant Treasury Regulations are published in the Code of Federal Regulations, Title 31, Part 128.

B. *Who must report.* All United States bankers and banking institutions who have branches and majority-owned banking subsidiaries abroad which for their own account have assets, liabilities, or positions in selected foreign currencies, as defined in these instructions, are required to submit a consolidated report on this form covering the reportable items of all such branches and banking subsidiaries.

Reports must be filed with respect to foreign banking subsidiaries in which the majority ownership is held by an affiliated group of United States banks. In such cases, the reports should be filed by the United States bank which holds the largest percentage of the shares held by United States banks. If the United States banks hold equal shares, the reports should be filed by one of the United States banks by agreement among them.

C. *Exemptions.* A report as of any month-end need not be filed with respect to any foreign branch or banking subsidiary for a *specified currency* if the dollar equivalent value of the net overall position in that currency is less than $1 million.

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EXCEPTION: Each banker or banking institution who reports on Form FC–2 as of any Wednesday in a month with respect to foreign branches and banking subsidiaries is also required to report on Form FC–2a on all currencies for which data were submitted on Form FC–2, *regardless* of the exemption level stated in this section.

D. *Filing of reports.* This report should be filed with the Federal Reserve Bank of your District not later than one month following the last business day of the month.

NOTE: Attach to each report a list of the names of your foreign offices (foreign branches and banking subsidiaries) whose reportable items are included.

E. *Definitions*—1. *"United States."* For purposes of this report, the term "United States" shall mean the States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and the following: American Samoa, the Canal Zone, Guam, Midway Island, Virgin Islands, and Wake Island.

2. *"Majority-owned foreign banking subsidiaries."* For the purposes of this report, the term "majority-owned foreign banking subsidiaries" shall mean foreign banking corporations in which one or more United States bankers or banking institutions, directly or indirectly, own stock possessing more than 50 percent of the total combined voting power of all classes of stock entitled to vote, or more than 50 percent of the total value of all classes of stock.

3. *"Assets."* "Liquid assets" is defined as amounts due from correspondent banks, from U.S. offices of the parent bank and from other foreign branches and banking subsidiaries of the parent bank, and negotiable and readily transferable commercial and financial instruments maturing within one year of the date of the report. "Other assets" are all assets other than "liquid assets."

4. *"Liabilities."* "Liquid liabilities" is defined as overdrafts with correspondent banks, amounts due to U.S. offices of the parent bank and to other foreign branches and banking subsidiaries of the parent bank, and obligations payable on demand or maturing within one year of the date of the report. "Other liabilities" are all liabilities other than "liquid liabilities."

5. *"Spot exchange."* "Spot exchange" is defined as outstanding purchases and sales of foreign exchange to be credited or charged to the accounts of your reporting foreign branches and banking subsidiaries within the number of business days regarded by the reporting unit as representing spot purchases and sales.

6. *"Forward exchange."* "Forward exchange" is defined as the amounts of foreign exchange which your reporting foreign branches and banking subsidiaries have contracted for receipt or delivery at some future date, other than spot exchange. Forward purchases and sales include foreign exchange which the contract requires to be received and delivered in more than the number of business days regarded by your reporting foreign branches and banking subsidiaries as representing spot purchases and sales.

7. *"Net overall position."* "Net overall position" is defined as the sum of the assets and outstanding purchases of spot and forward exchange of your reporting foreign branches and banking subsidiaries less the sum of their liabilities and outstanding sales of spot and forward exchange in each of the specified foreign currencies.

PART II—SPECIFIC INSTRUCTIONS RELATING TO PARTICULAR COLUMNS ON FORM FC–2a

(1) Report in this column the gross amount of liquid assets held for own account by your reporting foreign branches and banking subsidiaries, denominated in the specified currencies. Include, for example, demand and time deposits, negotiable time certificates of deposit held with, and overdrafts extended to, correspondent banks, U.S. offices of the parent bank and other foreign branches and banking subsidiaries of the parent bank. Include also loans payable on demand, commercial paper, finance paper, promissory and other notes, foreign central and local government obligations, and other negotiable and readily transferable instruments maturing within one year of the date of the report.

(2) Report in this column the gross amount of all assets held for own account by your reporting foreign branches and banking subsidiaries, other than liquid assets, denominated in the specified currencies. Include, for example, loans (other than those payable on demand) and advances actually granted. With respect to syndicated credits, each participant should report his own share. Do not include unutilized credits, even if such credits represent firm commitments.

(3) Report in this column the gross amount of the liquid liabilities of your reporting foreign branches and banking subsidiaries, denominated in the specified currencies. Include, for example, demand and time deposits, negotiable time certificates of deposit held for, and overdrafts extended by, correspondent banks, U.S. offices of the parent bank and other foreign branches and banking subsidiaries of the parent bank, and obligations payable on demand or maturing within one year of the date of the report.

(4) Report in this column the gross amount of all the liabilities of your reporting foreign branches and banking subsidiaries, other than liquid liabilities, denominated in the specified currencies. Include, for example, borrowings other than those payable on demand, and the liability on acceptances made by correspondent banks for account of your reporting foreign branches and banking subsidiaries. Do not report unutilized credits, even if such credits represent firm commitments.

(5) Report in this column the outstanding amounts of spot purchases of foreign exchange in the specified currencies of your reporting foreign branches and banking subsidiaries.

(6) Report in this column the outstanding amounts of spot sales of foreign exchange in the specified currencies of your reporting foreign branches and banking subsidiaries.

(7) Report in this column the outstanding amounts of forward purchases of foreign exchange in the specified currencies of your reporting foreign branches and banking subsidiaries.

(8) Report in this column the outstanding amounts of forward sales of foreign exchange in the specified currencies of your reporting foreign branches and banking subsidiaries.

(9) Report in this column the net balance of the sum of the amounts reported in columns (1), (2), (5), and (7) less the sum of the amounts reported in columns (3), (4), (6), and (8). Indicate a net short position by enclosing the entry in parentheses.

In the spaces provided at the bottom of the form, the following additional information should be shown:

(a) The maximum number of days regarded by your reporting foreign branches and subsidiaries as representing delivery of spot exchange; and

(b) The percentage, in terms of total dollar value, of the foreign exchange contracts of your reporting foreign branches and subsidiaries with all customers in the specified currencies, that is represented by foreign exchange contracts with other banks.

The data furnished on this report will be held in strict confidence

Foreign Currency Form FC–3
Department of the Treasury
Office of the Assistant Secretary for International Affairs

Monthly Consolidated Report of Liquid Assets and Liabilities and Positions in Specified Foreign Currencies of Firms in the United States
(Amounts outstanding in thousands of foreign currency units as of close of business on the last business day of the month)

Name of reporting bank _____ As of: _____ (Date)

Currencies *	Liquid Assets (1)	Liquid Liabilities (2)	Spot Exchange Bought (3)	Spot Exchange Sold (4)	Forward Exchange Bought (5)	Forward Exchange Sold (6)	Net Position (7)
Belgian francs Commercial francs Financial francs							
Canadian dollars							
Dutch guilders							
French francs							
German marks							
Japanese yen							
Swiss francs							
United Kingdom pounds							
_____							
_____							
_____							
_____							
_____							

State maximum number of days for delivery of spot exchange: ___ days or less.

* Additional currencies may be specified by the Treasury as conditions require.

Official Signature

FOREIGN CURRENCY FORM FC–3

PART I—GENERAL INSTRUCTIONS

A. *Introduction.* This monthly report form is designed to provide end-of-month data on selected assets, liabilities, and positions in specified foreign currencies of nonbanking business concerns and nonprofit institutions located in the United States. Amounts to be reported on this form are the outstanding amounts of liquid assets, liquid liabilities, spot exchange bought and sold, and forward exchange bought and sold, in the currencies specified, as of the close of business on the last business day of the month. Claims on, and liabilities to, "allied organizations" should be excluded.

Reports on this form are required by law. The relevant Treasury Regulations are published in the Code of Federal Regulations, Title 31, Part 128.

B. *Who must report.* All nonbanking business concerns and nonprofit institutions located in the United States, including the branches and nonbanking subsidiaries of foreign concerns and the nonbanking subsidiaries of banks in the United States, which for their own account have liquid assets, liquid liabilities, or spot or forward positions in selected foreign currencies, as defined below, are required to report on this form. The reports of a U.S. parent nonbanking firm having branches or subsidiaries in the United States shall include the reportable items of all such branches and subsidiaries. Consolidated reports of nonbanking subsidiaries of banks in the United States shall be filed by the parent bank.

C. *Exemptions.* A report as of any month-end need not be filed for a specified currency if the dollar equivalent value of each of the following items is less than $1 million: liquid assets; liquid liabilities; and the net position (long or short). If, however, the dollar equivalent value of either liquid assets, liquid liabilities, or the net position denominated in a specified currency is $1 million or more, the entire line for that currency must be reported.

D. *Filing of Reports.* Reports of nonbanking firms and nonprofit institutions should be filed monthly with the Federal Reserve Bank of New York. Reports pertaining to nonbanking subsidiaries of banks in the United States should be filed monthly with the Federal Reserve Bank of the District in which the parent bank is located. Reports shall be filed not later than one month following the last business day of the month.

E. *Definitions*—1. *"United States."* For purposes of this report, the term "United States" shall mean the States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and the following: American Samoa, the Canal Zone, Guam, Midway Island, Virgin Islands, and Wake Island.

2. *"Allied organizations."* For purposes of this report, the term "allied organizations" is defined as:

(a) Your branches in foreign countries and those subsidiaries in foreign countries of whose voting stock you and/or your domestic affiliates own 10 percent or more;

(b) Your home office if you are a United States branch of a foreign firm including a foreign partnership, and the foreign branches and subsidiaries of such foreign firms;

(c) Corporations, organizations, or other persons in foreign countries which own 10 percent or more of your voting stock and the foreign branches and subsidiaries of such organizations.

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3. *"Liquid assets."* For purposes of this report, **"Liquid assets" denominated in the specified foreign currencies** is defined as:

(a) Demand and time deposits, wherever held;

(b) Holdings of investments maturing within one year of the date of the report in the form of negotiable and other readily transferable commercial and financial instruments, including obligations of foreign central, provincial or municipal governments. Such investments are to be reported without regard to the place of custody of the instruments evidencing the investments; and

(c) Loans repayable on demand.

4. *"Liquid liabilities."* For purposes of this report, "liquid liabilities" payable in the specified foreign currencies is defined as overdrafts, finance drafts, obligations payable on demand, short-term borrowing, and other types of liquid liabilities maturing within one year of the date of the report.

5. *"Spot exchange bought."* "Spot exchange bought" is defined as the amounts of outstanding purchases of foreign exchange to be credited to the account of the reporting unit within the number of business days regarded by the reporting unit as representing spot purchases.

6. *"Spot exchange sold."* "Spot exchange sold" is defined as the amounts of outstanding sales of foreign exchange to be charged to the account of the reporting unit within the number of business days regarded by the reporting unit as representing spot sales.

7. *"Forward exchange bought."* "Forward exchange bought" is defined as the amount of foreign exchange which you have contracted to receive at some future date, other than spot exchange. Forward purchases include foreign exchange which the contract requires to be received in more than the number of business days regarded by you as representing spot purchases.

8. *"Forward exchange sold."* "Forward exchange sold" is defined as the amount of foreign exchange which you have contracted to deliver on some future date, other than spot exchange. Forward sales include foreign exchange which the contract requires to be delivered in more than the number of business days regarded by you as representing spot sales.

PART II—SPECIFIC INSTRUCTIONS, RELATING TO PARTICULAR COLUMNS ON FORM FC–3

(1) Report in this column the gross amount of liquid assets held, regardless of where held, denominated in the specified currencies. Include, for example, demand and time deposits, time certificates of deposit, negotiable and other readily transferable commercial and financial instruments. Include obligations issued by central and local governments and their instrumentalities and loans that are repayable on demand. Do not include other types of loans, trade receivables or other accounts receivable, unaccepted trade drafts, or drafts drawn upon others accepted by banks or other firms.

(2) Report in this column the gross amount of your liquid liabilities denominated in the specified currencies. Include, for example, overdrafts, obligations payable on demand, and notes, bills, and drafts issued by you for purposes of short-term financing. Do not include other types of loans, trade payables or other accounts payable.

(3) Report in this column the outstanding amounts of your spot purchases of foreign exchange in the specified currencies.

(4) Report in this column the outstanding amounts of your spot sales of foreign exchange in the specified currencies.

(5) Report in this column the outstanding amount of your forward purchases of foreign exchange in the specified currencies.

(6) Report in this column the outstanding amount of your forward sales of foreign exchange in the specified currencies.

(7) Report in this column the net balance of the sum of the amounts reported in columns (1), (3), and (5) less the sum of the amounts reported in columns (2), (4), and (6). Indicate a net short position by enclosing the entry in parentheses.

The maximum number of days representing delivery of spot exchange should be shown in the space provided at the bottom of the form.

PART III—RELATIONSHIP TO TREASURY FOREIGN EXCHANGE FORMS

Amounts reportable on this form differ in several respects from amounts reportable on Treasury Foreign Exchange Forms C–½ and C–3:

1. All liquid assets and liabilities denominated in the specified currencies are to be reported, including those representing claims on, and liabilities to, persons in the United States. The amounts reportable on the Treasury Foreign Exchange Forms are limited to claims on, and liabilities to, foreigners.

2. All liquid assets and liabilities denominated in the specified currencies appearing on your books and records are to be reported, including those held for collection by banks in the United States. The amounts reportable on Forms C–½ and C–3 exclude accounts, notes, and drafts held for collection by banks.

3. Assets and liabilities are classified on this form on the basis of time remaining to maturity. Amounts reportable on Forms C1/2 and C–3 are classified on the basis of original maturity.

4. Outstanding purchases and sales of spot and forward exchange in the specified currencies are reportable on this form but are not reported on the Treasury Foreign Exchange Forms.

5. This form requires that assets and liabilities be classified by currency rather than by country. The amounts reportable on Forms C1/2 and C–3 are classified by country of domicile of the foreigner.

The data furnished on this report will be held in strict confidence

Foreign Currency Form FC-4
Department of the Treasury
Office of the Assistant Secretary for International Affairs

Monthly Consolidated Report of Liquid Assets and Liabilities and Positions in Specified Foreign Currencies of Foreign Branches and Subsidiaries of U.S. Firms
(Amounts outstanding in thousands of foreign currency units as of close of business on the last business day of the month)

Name of reporting bank

As of: _____ (Date)

Number of offices included in report: ___.
(Attach list)

Currencies *	Liquid Assets (1)	Liquid Liabilities (2)	Spot Exchange Bought (3)	Spot Exchange Sold (4)	Forward Exchange Bought (5)	Forward Exchange Sold (6)	Net Position (7)
Belgian francs							
Commercial francs held or owed by:							
Offices located in Belgium							
Offices located elsewhere							
Financial francs held or owed by:							
Offices located in Belgium							
Offices located elsewhere							
Canadian dollars held or owed by:							
Offices located in Canada							
Offices located elsewhere							
Dutch guilders held or owed by:							
Offices located in the Netherlands							
Offices located elsewhere							
German marks held or owed by:							
Offices located in Germany							
Offices located elsewhere							
Japanese yen held or owed by:							
Offices located in Japan							
Offices located elsewhere							
Swiss francs held or owed by:							
Offices located in Switzerland							
Offices located elsewhere							
United Kingdom pounds held or owed by:							
Offices located in the United Kingdom							
Offices located elsewhere							
_____							
_____							
_____							
_____							
_____							

State maximum number of days for delivery of spot exchange: ___ days or less.

* Additional currencies may be specified by the Treasury as conditions require.

_____
Official Signature

FOREIGN CURRENCY FORM FC–4

PART I—GENERAL INSTRUCTIONS

A. *Introduction.* This monthly report form is designed to provide end-of-month data on selected assets, liabilities, and positions in specified foreign currencies of the foreign branches and majority-owned foreign subsidiaries of United States business concerns and the majority-owned foreign nonbanking subsidiaries of United States banks. Amounts to be reported on this form are the outstanding amounts of liquid assets, liquid liabilities, spot exchange bought and sold, and forward exchange bought and sold, in the currencies specified, as of the close of business on the last business day of the month. Claims on, and liabilities to, "allied organizations" should be excluded.

Reports on this form are required by law. The relevant Treasury Regulations are published in the Code of Federal Regulations, Title 31, Part 128.

B. *Who must report.* All United States nonbanking business concerns which have branches or majority-owned subsidiaries located abroad which for their own account have liquid assets, liquid liabilities, or spot or forward positions in selected foreign currencies, as defined below, are required to submit a consoli-

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dated report on this form covering the reportable items of all such foreign branches and subsidiaries.

All United States banks which have majority-owned nonbanking subsidiaries located abroad which for their own account have liquid assets, liquid liabilities, or spot or forward positions in selected foreign currencies, as defined below, are required to submit a consolidated report on this form covering the reportable items of all such nonbanking subsidiaries.

Reports must be filed with respect to foreign subsidiaries in which the majority ownership is held by an affiliated group of United States firms or banks. In such cases, the reports should be filed by the United States firm or bank which holds the largest percentage of the shares held by United States firms or banks. If the United States firms or banks hold equal shares, the reports should be filed by one of the United States firms or banks by agreement among them.

C. *Exemptions.* A report with respect to any foreign branch or subsidiary as of any month-end need not be filed for a *specified currency* if the dollar equivalent value of each of the following items is less than $1 million: liquid assets; liquid liabilities; and the net position (long or short). If, however, the dollar equivalent value of *either* liquid assets, liquid liabilities, or the net position denominated in a specified currency is $1 million or more, the entire line for the currency must be reported.

D. *Filing of reports.* Reports of nonbanking firms should be filed monthly with the Federal Reserve Bank of New York. Reports pertaining to nonbanking subsidiaries of United States banks should be filed monthly with the Federal Reserve Bank of the District in which the parent bank is located. Reports should be filed not later than 45 days following the last business day of the month.

NOTE: Attach to each report a list of the names of your foreign offices (foreign branches and subsidiaries) whose reportable items are included.

E. *Definitions*—1. *"United States."* For purposes of this report, the term "United States" shall mean the States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and the following: American Samoa, the Canal Zone, Guam, Midway Island, Virgin Islands, and Wake Island.

2. *"Allied organizations."* For purposes of this report, the term "allied organizations" is defined as the United States parent firm and its domestic branches and subsidiaries.

3. *"Majority-owned foreign nonbanking subsidiaries."* For the purposes of this report, the term "majority-owned foreign nonbanking subsidiaries" is defined as foreign nonbanking corporations in which one or more United States nonbanking business concerns or banks, directly or indirectly, own stock possessing more than 50 percent of the total combined voting power of all classes of stock entitled to vote, or more than 50 percent of the total value of all classes of stock.

4. *"Liquid assets."* For purposes of this report, "liquid assets" denominated in the specified foreign currencies is defined as:

(a) Demand and time deposits wherever held;

(b) Holdings of investments maturing within one year of the date of the report in the form of negotiabale and other readily transferable commercial and financial instruments, including obligations of foreign central, provincial or municipal governments. Such investments are to be reported without regard to the place of custody of the instruments evidencing the investments; and

(c) Loans repayable on demand.

5. *"Liquid liabilities."* For purposes of this report, "liquid liabilities" payable in the specified foreign currencies is defined as overdrafts, finance drafts, obligations payable on demand, short-term borrowing, and other types of liquid liabilities maturing within one year of the date of the report.

6. *"Spot exchange bought."* "Spot exchange bought" is defined as amounts of outstanding purchases of foreign exchange to be credited to the accounts of your reporting foreign branches and subsidiaries within the number of business days regarded by your foreign branches and subsidiaries as representing spot purchases.

7. *"Spot exchange sold."* "Spot exchange sold" is defined as the amounts of outstanding sales of foreign exchange to be charged to the accounts of your reporting foreign branches and subsidiaries within the number of business days regarded by your foreign branches and subsidiaries as representing spot sales.

8. *"Forward exchange bought."* "Forward exchange bought" is defined as the amount of foreign exchange which you have contracted to receive at some future date, other than spot exchange. Forward purchases include foreign exchange which the contract requires to be received in more than the number of business days regarded by your reporting foreign branches and subsidiaries as representing spot purchases.

9. *"Forward exchange sold."* "Forward exchange sold" is defined as the amount of foreign exchange which you have contracted to deliver on some future date, other than spot exchange. Forward sales include foreign exchange which the contract requires to be delivered in more than the number of business days regarded by your reporting foreign branches and subsidiaries as representing spot sales.

PART II—SPECIFIC INSTRUCTIONS RELATING TO PARTICULAR COLUMNS ON FORM FE–4

(1) Report in this column the gross amount of liquid assets held by your reporting foreign branches and subsidiaries, regardless of where held, denominated in the specified currencies. Include, for example, demand and time deposits, time certificates of deposit, negotiable and other readily transferable commercial and financial instruments. Include obligations issued by central and local governments and their instrumentalities and loans that are repayable on demand. Do not include other types of loans, trade receivables or other accounts receivable, unaccepted trade drafts, or drafts drawn upon others accepted by banks or other firms.

(2) Report in this column the gross amount of the liquid liabilities of your reporting foreign branches and subsidiaries, denominated in the specified currencies. Include, for example, overdrafts, obligations payable on demand, and notes, bills and drafts issued by your reporting foreign branches and subsidiaries for purposes of short-term financing. Do not include other types of loans, trade payables or other accounts payable.

(3) Report in this column the outstanding amounts of spot purchases of foreign exchange in the specified currencies by your reporting foreign branches and subsidiaries.

(4) Report in this column the outstanding amounts of spot sales of foreign exchange in the specified currencies by your reporting foreign branches and subsidiaries.

(5) Report in this column the outstanding amount of forward purchases of foreign exchange in the specified currencies by your reporting foreign branches and subsidiaries.

(6) Report in this column the outstanding amount of forward sales of foreign exchange in the specified currencies by your reporting foreign branches and subsidiaries.

(7) Report in this column the net balance of the sum of the amounts reported in columns (1), (3) and (5) less the sum of the amounts reported in columns (2), (4) and (6). Indicate a net short position by enclosing the entry in parentheses.

The maximum number of days regarded by your reporting foreign branches and subsidiaries as representing delivery of spot exchange should be shown in the space provided at the bottom of the form.

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PART I

HIGHLIGHTS OF THIS ISSUE

This listing does not affect the legal status of any document published in this issue. Detailed table of contents appears inside.

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Title 3—The President

PROCLAMATION 4298

Proclamation Modifying Part 3 of the Appendix to the Tariff Schedules of the United States With Respect to the Importation of Agricultural Commodities

By the President of the United States of America

A Proclamation

WHEREAS, pursuant to section 22 of the Agricultural Adjustment Act, as amended (7 U.S.C. 624), limitations have been imposed by Presidential proclamations on the quantities of wheat and milled wheat products which may be imported into the United States in any quota year; and

WHEREAS the import restrictions proclaimed pursuant to section 22 are set forth in part 3 of the Appendix to the Tariff Schedules of the United States; and

WHEREAS, at my request, the United States Tariff Commission has made an investigation under the authority of subsection (d) of section 22 of the Agricultural Adjustment Act to determine whether the import quotas on wheat and milled wheat products provided for in item 950.60 of part 3 of the Appendix to the Tariff Schedules of the United States (TSUS) may be suspended without rendering or tending to render ineffective, or materially interfering with, the loan and payment programs now conducted by the Department of Agriculture for wheat or reducing substantially the amount of products processed in the United States from domestic wheat; and

WHEREAS the United States Tariff Commission submitted an interim report to me with respect to this matter and on the basis of such investigation and report, pursuant to section 22, the quantitative

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limitations for the articles provided for in TSUS item 950.60 were suspended during the period beginning January 26, 1974, and ending June 30, 1974; and

WHEREAS the United States Tariff Commission has submitted a further report to me with respect to this matter; and

WHEREAS, on the basis of such investigation and further report, I find and declare that the entry of additional quantities of wheat and milled wheat products resulting from the suspension of the quantitative limitations provided for in item 950.60 of the TSUS will not render or tend to render ineffective, or materially interefere with, the loan and payment programs now being conducted by the Department of Agriculture for wheat and will not reduce substantially the amount of products processed in the United States from domestic wheat, that the circumstances which required the imposition of such quantitative limitations on wheat and milled wheat products no longer exist, and that such quantitative limitations should be suspended:

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, acting under and by virtue of the authority vested in me as President, and in conformity with the provisions of section 22 of the Agricultural Adjustment Act, as amended, and the Tariff Classification Act of 1962, do hereby proclaim that headnote 3 of part 3 of the Appendix to the Tariff Schedules of the United States is amended by adding at the end thereof a new paragraph (c) as follows:

"(c) *Suspension.* Notwithstanding any other provision of this part, the quantitative limitations for the articles provided for in item 950.60 are suspended beginning January 26, 1974."

I further proclaim that subdivision (ix) of paragraph (a) of said headnote 3 is superseded.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fifth day of June, in the year of our Lord nineteen hundred seventy-four, and of the Independence of the United States of America the one hundred and ninety-eighth.

Richard Nixon

[FR Doc.74-14971 Filed 6-26-74;1:06 pm]

rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 18—Conservation of Power and Water Resources

CHAPTER I—FEDERAL POWER COMMISSION

[Docket No. R-389-B; Opinion No. 699]

PART 2—GENERAL POLICY AND INTERPRETATION

PART 157—APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY AND FOR ORDERS PERMITTING AND APPROVING ABANDONMENT UNDER SECTION 7 OF THE NATURAL GAS ACT

Uniform National Rate for Certain Sales of Natural Gas and New Dedications to Interstate Commerce

JUNE 21, 1974.

Just and reasonable national rates for sales of natural gas from wells commenced on or after January 1, 1973, and new dedications of natural gas to interstate commerce on or after January 1, 1973.

In this proceeding, we establish a single uniform national base rate of 42.0 cents per Mcf for following classes of jurisdictional sales of natural gas: (1) Sales made from wells commenced on or after January 1, 1973,[1] (2) sales made pursuant to contracts executed on or after January 1, 1973, for the sale of natural gas in interstate commerce where such gas has not previously been sold in interstate commerce except pursuant to the provisions of 18 CFR 2.68, 2.70, 157.22 or 157.29, or (3) sales made pursuant to contracts executed on or after January 1, 1973, where the sales were formerly made pursuant to permanent certificates of unlimited duration under contracts which expired by their own terms on or after January 1, 1973. This rate is found to be a just and reasonable rate and is subject to adjustment for Btu content, State or Federal production, severance, or similar taxes, annual escalations of 1.0 cent per Mcf, and gathering allowances, which are also found to be just and reasonable. The rate is applicable to oil-well (casinghead) gas as well as gas-well gas, and shall remain in effect until modified by the Commission.

On April 11, 1973, the Commission issued a notice of proposed rulemaking in Docket No. R-389-B,[2] pursuant to the Administrative Procedure Act, 5 U.S.C. 551, et seq. (1970) (APA),[3] and sections 4, 5, 7, 8, 14, 15, and 16 of the Natural Gas Act, 15 U.S.C. 717, et seq. (1970),[4] and proposed to issue rules establishing the just and reasonable rates for, and otherwise regulating, jurisdictional sales of natural gas on a nationwide basis. The single uniform just and reasonable rate to be determined by a final order in Docket No. R-389-B would apply to all jurisdictional sales of natural gas which is produced from wells commenced on or after January 1, 1973, except for those sales certificated under Order No. 431 or Order No. 491,[5] those sales certificated under Order No. 455,[6] or sales made by small producers under the terms of Order No. 428.[7] Such notice made all large producers respondents to the rulemaking proceeding, provided for the submission of written comments (submitted under oath) from all interested parties and the named respondents, and was accompanied by a Staff study on the estimated nationwide cost of finding and producing new nonassociated natural gas supplies.

The Commission in that notice did not propose any specific rates, terms, or conditions in the notice, but stated that it would amend § 2.56 of the rules of practice and procedure, General Policy Statements and Interpretations (18 CFR 2.56) in accordance with its determinations based upon information contained in the responses submitted by the various parties and the Staff study accompanying the notice of proposed rulemaking.

The original notice of rulemaking was supplemented on March 21, 1974, when a "Notice Of Issuance Of Revised Staff Nationwide Cost Study And Staff Study Of American Gas Association Reserve Additions" was issued.[7] In the March 21, 1974, notice, the Staff cost estimates which accompanied the original notice of rulemaking in this proceeding were updated to reflect 1972 drilling cost data reported by the Joint Association Survey (1972 JAS) and nonassociated natural gas reserve additions for 1972 as reported by the American Gas Association (AGA). The Staff cost studies accompanying the April 11, 1973, notice were revised in the March 21, 1974, notice to reflect a 10.5 year investment life for updated test periods of seven years (1966–1972) and the average of the 11, 16, and 26 year average productivities (1966–1972; 1957–1972; 1947–1972). Additional cost studies for a ten-year test period (1963–1972) and a four-year test period (1969–1972) were also presented in Revised Appendix B. Appendix B–1 to the associated natural gas reserve additions for selected leases in the Southern Louisiana Offshore Federal Domain. The results of this study indicated that AGA reserve additions for 1971 and 1972 might be understated by approximately 1.7 trillion cubic feet (Tcf). In addition to comments directed to the two Staff cost studies, the Commission also requested comments upon a number of issues, viz., the appropriate method for determining the rate of return, the utilization of full cost accounting, the utilization and reliability of the more recent cost data, the utilization of trending to determine new gas costs and the time series which would form the basis for the statistical trending, whether an additional allowance should be provided for deeper drilling and water depths, and what non-cost factors are appropriate for consideration in the costing of new gas supplies and how such factors can be quantified.

Further, by order of April 12, 1974,[8] the Commission extended the time for the filing of comments in response to the March 21, 1974, notice and required that certain issues presented by the United Distribution Companies and their consultant, Mr. William J. Ogden, be presented at a conference to be held in this proceeding on April 16, 1974. This conference had been requested by the American Gas Association in an effort to resolve the disparity between nonassociated natural gas reserve additions for

[1] 38 FR 10014 (1973).

[2] 60 Stat. 237, 918, 993 (1946); 61 Stat. 37, 201 (1947); 62 Stat. 99 (1948); 80 Stat. 250 (1966).

[3] 52 Stat. 822, 823, 824, 825, 829, 830 (1938); 56 Stat. 83, 84 (1984); 61 Stat. 459 (1947); 76 Stat. 72 (1962); 15 U.S.C. 717c, 717d, 717f, 717g, 717m, 717n, 717o (1970).

[4] 18 CFR 2.70; Policy With Respect To Establishment Of Measures To Be Taken For The Protection Of As Reliable And Adequate Service As Present Natural Gas Supplies And Capacities Will Permit, Docket No. R-418, Order No. 431, 45 F.P.C. 570 (1971), as amended by Order No. 431-A, 46 F.P.C. 197 (1972).

See also, Policy With Respect To Establishment Of Measures To Be Taken For The Protection Of Reliable And Adequate Service For The 1973-1974 Winter Heating Season, Docket No. RM74-3, Order No. 491, 50 F.P.C. ____ (September 4, 1973), as amended by Order No. 491-A, 50 F.P.C. ____ (September 25, 1973), Order No. 491-B, 50 F.P.C. ____ (November 2, 1973), Order No. 491-C, 50 F.P.C. ____ (November 21, 1973). Stay of Order Nos. 491 and 491-B entered by the U.S. Court of Appeals (D.C. Cir.) was vacated in FPC v. Consumer Federation of America, American Public Gas Association, American Public Power Association, National League of Cities—U.S. Conference of Mayors, 414 U.S. 1117 (1973).

[5] 18 CFR 2.75; Optional Procedure for Certificating New Producer Sales of Natural Gas, Docket No. 441, Order No. 455, 48 F.P.C. 218 (1972), as amended by Order No. 455-A, 48 F.P.C. 477 (1972), Appeal pending sub nom. "John E. Moss, et al. v. F.P.C.", Nos. 72-1837, et al. (D.C. Cir. September 11, 1972).

[6] Exemption Of Small Producers From Regulations, 45 F.P.C. 454 (1971), as amended 45 F.P.C. 548 (1971), reh. denied, 46 F.P.C. 47 (1971), reversed, "Texaco Inc., et al. v. F.P.C.," 153 U.S. App. D.C. 195, 474 F. 2d 416 (1972), vacated and remanded, 42 U.S.L.W. 4867 (U.S. June 10, 1974).

[7] 39 F.R. 11310 (1974).

[8] 39 FR 13976 (1974).

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1971 and 1972 as reported by the American Gas Association and the reserve additions found by our Staff to be related to some 31 leases in the offshore Southern Louisiana area.[9]

In summary, the continuing and deepening natural gas shortage [10] and critical shortages of other energy sources which have resulted in a national energy emergency requires that this Commission take all prudent steps to insure that the rates allowed for natural gas sold in interstate commerce are adequate to bring forth the requisite supplies to fulfill reasonable demand while protecting the "consumers against exploitation at the hands of natural-gas companies." [11] Thus, the Commission faces a formidable task: establishing rates high enough to provide the economic incentive for the unprecedented task of finding enormous volumes of new gas supplies but not so high that the natural gas consumer is exploited during a time of shortage.

To that end, we have determined that a single uniform national rate promulgated in this rulemaking proceeding will enable us to establish just and reasonable rates for natural gas sold in interstate commerce without the inherent delays and stale records which have accompanied the traditional adjudicatory method of regulating producer rates.[12] The prescription of a uniform national rate for all areas will avoid essentially duplicative procedures and evidence to prescribe just and reasonable rates for the various natural gas producing areas of the Nation, and will enable the Commission to utilize its manpower and resources for more effective administration of the Natural Gas Act. By the use of the Commission's rulemaking powers in this and future proceedings, we and future Commissions will be able to prescribe just and reasonable rates on a biennial basis using the most recent evidence and bringing expertise gained in related proceedings to bear upon this problem of assuring an adequate supply of natural gas for the Nation."

I. Procedural Issues

Most of the parties responding to the notice of the proposed rulemaking commented favorably upon the Commission's attempt to arrive at an expeditious determination of a single uniform national rate for all jurisdictional sales made from wells commenced on or after January 1, 1973. However, a number of parties expressed reservations concerning the Commission's decision to establish a uniform rate for all producing areas in view of the differing conditions of the Rocky Mountain Area, the Appalachian-Illinois Basin Area, and the Deep Anadarko Basin.[13]

The Commission has determined that the single uniform national rate established herein should be applicable to the lower 48 states (onshore and offshore). The current natural gas shortage requires that the Commission act expeditiously to establish a generally applicable rate for all producing areas before areas that may present special cost circumstances are accorded additional consideration to determine if different rates should be established in those areas to compensate for local peculiarities. The fact that the rate determined herein may not be as advantageous to some producers as others is not controlling. The Supreme Court held in the Permian Basin Area Rate Cases, 390 U.S. 747 (1968), that the use of average nationwide costs to establish an area rate was a permissible means of rate regulation under the Constitution, 390 U.S. 747 at 768–770, and the Natural Gas Act, 390 U.S. 747 at 774–777. The cost of "new gas" in each of the area rate cases (with the single exception of the Appalachian-Illinois Basin Proceeding) was determined from nationwide data and then adjusted for local production taxes and gathering practices. The end result of the area rate experiment was in effect a uniform national rate for new gas by areas based upon the evidentiary record in those individual area rate proceedings. During the course of the various area rate cases, the data base upon which the Commission relied for its determination of rates was updated to reflect the recent data which was considered to be more representative of current cost trends than the older data relied upon in the first Permian Proceeding. Thus, the various rates are not absolutely identical. In this proceeding the average nationwide cost of "new gas" will be applied to all areas (onshore and offshore) subject to annual escalations and adjustments for production taxes, Btu content, and gathering allowances which are set forth in the rate structure. Furthermore, producers may petition the Commission for special relief from the national rate under the circumstances and limitations hereinafter set forth. The Commission has concluded that the question of whether special area rates should be established for the Appalachian-Illinois Basin Area, the Rocky Mountain Area, and the Deep Anadarko Basin will be deferred pending further consideration of that matter.

Two parties responding to the notice of proposed rulemaking (Public Service Commission for the State of New York and Dr. Keith Brown) raised the issue of whether certain gas producing areas have a "locational value" due to their proximity to major natural gas consuming areas. This question is pertinent to the prices established for the areas outside of the major producing areas of the Southern and Southwestern states, i.e., the Appalachian-Illinois Basin Area and the Rocky Mountain Area. As for the major producing areas of the Southern and Southwestern states, it should be noted that the natural gas flowing into the interstate markets from those states flows to gas consuming markets throughout the United States, and it is not possible to determine a single "locational value" for these areas which are connected to pipelines serving markets dispersed throughout the United States. Moreover, any attempt to assign a number of "locational values" to any given area would hopelessly and needlessly complicate the rate structure established herein.

Furthermore, the Commission is aware of the fact that considerable inequity and economic dislocation could result from a fundamental restructuring of the basic area rate concept which is, in essence, a national rate concept with respect to "new gas" supplies. A further consideration which supports our conclusion that a "locational value" concept should be rejected in this proceeding is the fact that it would be counter-productive during an acute gas shortage to impose an economic penalty on natural gas supplies to be discovered in the more prolific areas which are located at great distances from the major centers of consumption.

Several parties herein have challenged our use of rulemaking procedures in this proceeding.[14] The thrust of their contentions is that the Fifth Amendment of the United States Constitution, the Natural Gas Act, 15 U.S.C. 717, *et seq.*, and the Administrative Procedure Act, 5 U.S.C. 551, *et seq.*, require the Commission to utilize formal adjudicatory procedures in ratemaking proceedings. This particular issue has been before the Courts in several recent cases, and in each instance the Commission's authority to establish rates via rulemaking was upheld. *American Public Gas Association, et al.* v. *F.P.C.*, Nos. 71–1812 and 71–1873 (D.C. Cir., May 23, 1974); *Mobil Oil Corporation* v. *F.P.C.*, ——U.S. App. D.C.——, 483 F. 2d 1238 (D.C. Cir. 1973); *Phillips Petroleum Co.* v. *F.P.C.*, 475 F. 2d 842 (10th Cir. 1973), *cert. denied sub nom. Chevron Oil Co., et al.* v. *F.P.C.* No. 73–91, 42 U.S.L.W. 3401 (U.S., January 14, 1974).

This is not the first time that this Commission has utilized its rulemaking powers to establish rates. In addition to the proceedings reviewed by the Tenth Circuit in the Phillips case and the proceedings reviewed by the D.C. circuit in the APGA case, the Commission utilized its rulemaking authority, after strict compliance with the Administrative Procedure Act (5 U.S.C. 551, *et seq.*), to establish just and reasonable rates for "old" and "new" gas and to impose an indefinite moratorium on rate increase filings with respect to natural gas produced in the Appalachian and Illinois Basin Areas.[15] The Commission's decision in that proceeding was not appealed.

Furthermore, the petitions to review Opinion No. 658,[17] which established just and reasonable rates for natural gas sold under contracts dated prior to October 1, 1968, and produced from wells drilled (commenced) prior to January 1, 1973, and made the initial rates established in Order No. 435 [18] applicable to natural gas sold under contracts dated between October 1, 1968, and June 17, 1970, until such time as a final order is issued in this proceeding, were dismissed pursuant to a motion filed by the petitioners (Exxon Corporation, et al.) on February 22, 1974.

It is settled that the United States Constitution does not require the use of formal adjudicatory procedures in ratemaking proceedings by this Commission where, as here, the rates established will apply to groups generally and no effort is made to single out any individual or company "for special consideration based on its own peculiar circumstances." United States v. Florida East Coast Ry., et al., 410 U.S. 224, 246 (1973); Mobil Oil Corp. v. FPC, 483 F. 2d 1238, 1250; APGA, et al. v. FPC, slip opinion at p. 10. Therefore, any question as to the adequacy of the procedures followed in this case reduces to whether or not the procedures satisfy the requirements of the Natural Gas Act and the Administrative Procedure Act.

We believe that any question as to the adequacy of the procedures followed in this case that may have been raised by the Mobil Oil decision where laid to rest by the subsequent decision of the Supreme Court not to review the Phillips decision. Moreover, the Court of Appeals for the District of Columbia Circuit has distinguished its holding in the Mobil Oil case in its holding that the Commission has the authority to establish initial rates by the use of rulemaking procedures. American Public Gas Association, et al. v. FPC, Nos. 71–1812 and 71–1873 (D.C. Cir., decided May 23, 1974).

In the Mobil Oil case, the Commission's order was reversed on the basis of an inadequate record and lack of proper notice to the various parties. It was on this basis that the Mobil case was distinguished in APGA, et al. v. FPC, supra, slip opinion at p. 10:

> In the Mobil Oil case there was no adequate notice, and much of the data relied upon by the Commission was provided in an informal and to some extent ex parte conference, as distinguished from an adversary setting.

We have, in this proceeding, provided adequate notice to all interested persons with respect to the proposed goal of the Commission and the type of information and data upon which our decision would be based. Indeed, a second notice enumerating specific questions upon which the Commission desired additional comments was served upon all parties of record.

While the APGA case dealt with initial rates, we are of the opinion that the same rationale applies to the establishment of just and reasonable rates. The Court there found that the Commission's procedures were consistent with the due process rights of the petitioners and stated (slip opinion, p. 10):

> The issues were clearly stated from the onset and the petitioners were given an adequate opportunity to participate in developing evidence bearing upon those issues. There is no reason to believe that the exchanges or dialogue between and among the parties were so inadequate as a mechanism for finding the facts that a trial-type proceeding was necessary.

Likewise, in this proceeding, every party has been given an opportunity to submit two sets of responses and replies to the responses of all other parties. Thus, no party can be heard to complain that he lacked an adequate opportunity to develop his case before the Commission.[19]

Since the Natural Gas Act does not require a "hearing on the record" in ratemaking proceedings,[20] the Commission is not required to hold an adjudicatory hearing under the formal procedures set forth in sections 556 and 557 of the Administrative Procedure Act, 5 U.S.C. 556 and 557, before establishing generally applicable producer rates. As the Court noted in APGA, et al. v. FPC, supra, a trial is not a prerequisite to the establishment of rates (slip opinion, p. 7):

> The Commission is not forced to adopt the procedures of a trial, with formal hearings, oral testimony under oath, cross examination, and the like. Evidentiary submission in written form may be sufficient. United States v. Florida East Coast Rwy Co., 410 U.S. 224 (1973); FPC v. Texaco, Inc., 377 U.S. 33, rehearing denied, 377 U.S. 984 (1964); Mobil Oil Corp. v. FPC ---- U.S. App. D.C. ----, 483 F. 2d 1238 (1973).

Thus, we find that the procedures adopted in this proceeding which allowed the filing of two sets of initial and reply comments by all parties provided a sufficient basis for the acquisition of the information which we require in order to arrive at a final decision.

Furthermore, we find no basis or need for a formal hearing with oral cross examination in this proceeding. While the parties have not been given an opportunity to orally cross examine the statements of the other parties to this proceeding, they have been given an opportunity to file any and all comments they desire to file. Even the Administrative Procedure Act does not provide an untrammelled right to oral cross examination in formal proceedings. Section 556 (d), 5 U.S.C. 556(d), provides in part:

> A party is entitled to present his case or defense by oral or documentary evidence, to submit rebuttal evidence, and to conduct such cross examination as may be required for a full and true disclosure of the facts. In rulemaking * * *an agency may, when a party will not be prejudiced thereby, adopt procedures for the submission of all or part of the evidence in written form.

Those parties who have asserted a right to oral cross examination in this proceeding have failed to demonstrate that they will be prejudiced by the lack of such cross examination in this proceeding. No party has pointed out any specific questions or issues that it would raise upon oral cross examination or why it could not adequately "test, criticize, and illuminate the flaws in the evidentiary basis being advanced regarding a particular point" by other parties in its own written submissions. (See Mobil Oil Corp. v. FPC, 483 F. 2d 1238, 1262–1263). In such circumstances, we are not required to speculate as to whether or not there are issues or questions which require oral cross examination. Our examination of the submittals of all parties to this proceeding discloses no issue which requires

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[9] Notice of this conference was published in the Federal Register on April 9, 1974, 39 FR 13199 and a revised notice indicating that the meeting would be of record was published in the Federal Register on April 9, 1974, 39 FR 13199. The letter from the American Gas Association requesting the meeting was made a part of the public record and the transcript of the meeting (1 Tr. 5).

[10] The natural gas shortage has been judicially recognized. E.g., "F.P.C. v. Louisiana Power & Light Co.," 406 U.S. 621 (1972); "Placid Oil Company, et al. v. F.P.C.," 483 F. 2d 880 (5th Cir. 1973), affirmed sub nom. "Mobil Oil Corporation, et al. v. F.P.C.," 42 U.S.L.W. 4842 (U.S. June 10, 1974). "Shell Oil Company, et al. v. F.P.C.," 484 F. 2d 469 (5th Cir. 1973), cert. denied sub nom. "Mobil Oil Corp. v. F.P.C.," Nos. 73–438, et al. (June 17, 1974).

[11] "Phillips Petroleum Co. v. Wisconsin," 347 U.S. 672, 685 (1954).

[12] The first area rate proceeding, Permian Basin Area Rate Proceeding, et al., 34 F.P.C. 159 (1965), consumed five years before the Commission, and it was an additional three years before the Commission's decision was affirmed by the Supreme Court in the Permian Basin Area Rate Cases, 390 U.S. 747 (1968).

[13] Cf. "City of Chicago v. FPC," 147 U.S. App. D.C. 312, 458 F. 2d 731 (D.C. Cir. 1971), cert. denied, 405 U.S. 1074 (1972); "Sun Oil Co. v. FPC," 256 F. 2d 233, 240–241 (5th Cir.) cert. denied, 358 U.S. 872 (1958).

[14] See for example the comments of Cabot Corporation, The Public Utilities Commission of the State of Colorado, Colorado Interstate Gas Company, Columbia Gas System Service Corporation, Equitable Gas Company, The GHK Company, Public Service Commission for the State of New York, and Public Service Company of Colorado.

[15] Amerada Hess Corporation, American Public Gas Association (APGA), Chevron Oil Company, Western Division, Exxon Corporation, Marathon Oil Company, Mobile Oil Corporation, Phillips Petroleum Company, Public Utilities Commission of the State of Colorado, Superior Oil Corporation, Texaco Inc., The California Company, a division of Chevron Oil Co., and Senator James G. Abourezk.

Associated Gas Distributors (AGD) urged the Commission to allow oral argument, but did not oppose the use of rulemaking procedures to establish rates.

[16] Area Rates For The Appalachian And Illinois Basin Areas, et al., Docket No. R–371, et al., Order No. 411, 44 F.P.C. 1112 (1970), as amended, Order No. 411–A, 44 F.P.C. 1334 (1970), reh. denied, Order No. 411–B, 44 F.P.C. 1427 (1970).

[17] Area Rates For The Rocky Mountain Area, Docket No. R–425, Opinion No. 658, 49 F.P.C. 924 (issued April 11, 1973), appeal pending sub nom. Exxon Corporation, et al. v. FPC, No. 73–1854 (D.C. Cir. filed August 6, 1973), motion to dismiss appeal granted February 22, 1974.

[18] Initial Rates For Future Sales Of Natural Gas For All Areas, Docket Nos. R–389 and R–389–A, Order No. 435, 46 F.P.C. 68 (1971), affirmed sub nom. American Public Gas Association v. F.P.C., No. 71–1812 (D.C. Cir., decided May 23, 1974).

[19] In the April 12, 1974, order in this proceeding, we emphasized the right of all parties to file "any comments which they desire to place before the Commission for consideration." (Mimeo, p. 3, footnote omitted.)

[20] Section 4(e), 15 U.S.C. 717c(e), and section 5(a), 15 U.S.C. 717d(a), require a "full hearing" and a "hearing", respectively, before the Commission exercises its authority to establish "just and reasonable" rates.

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a formal adjudicatory hearing with oral cross examination.[21]

Because our decision must be based upon substantial evidence contained in the record of the proceeding as a whole, we are of the opinion that we should set forth those documents which constitute the evidentiary record of this proceeding so that all parties will be aware of all the evidence which was considered by the Commission in reaching its decision.[22] The evidentiary record of this proceeding will consist of (1) the notice of rulemaking and the Staff cost study appended thereto which were issued on April 21, 1973 (38 FR 10014 (1973)); (2) the notices filed by the various parties of the intention to respond to the notice of proposed rulemaking which were required to be filed on or before April 30, 1973; (3) the written comments of all parties, including the various cost studies and other evidentiary materials submitted therewith, filed on or before May 16, 1973, and on or before June 1, 1973; (4) the notice of March 21, 1974 (39 FR 11310 (1974)); (5) the notices of the public conference held in this proceeding on April 16, 1974 (39 FR 12929, 13199 (1974)); (6) the order of April 12, 1974 (39 FR 13976 (1974)); (7) the transcript of the April 16, 1974, conference in this proceeding;[23] (8) the comments filed by the parties to this proceeding on or before May 7, 1974, and on or before May 29, 1974; and (9) the materials incorporated by reference into the record of this proceeding as hereinafter set forth.[24]

II. Supply and Demand

A. *Supply—1. The Natural Gas Shortage.* The pervasive natural gas shortage, which this nation is currently experiencing and which is expected to continue beyond the 1980's, requires that this Commission promulgate producer pricing policies which will attract long-term dedications of new natural gas supplies to the interstate market.

As can be seen in Table 1, the natural gas reserves reported by jurisdictional pipelines have declined from 198.1 trillion cubic feet (Tcf) in 1967 to a low of 148.6 Tcf in 1972. This represents a decline of approximately 50 Tcf in a six year period, and the decline was also approximately 25 percent of the reserves existing in 1967.[25] During this same six-year period (1967 through 1972), the findings to production ratio (F/P) averaged around 0.5; this means that the consumption of natural gas was approximately twice the new supplies of natural gas discovered during the period. These trends must be reversed if we are to meet future demands for natural gas.

[25] Preliminary data reported by pipelines on Form 15 for 1973 shows reported reserves are 134.4 Tcf or a decline of 63.7 Tcf since 1967.

TABLE I.—*Comparison of AGA and Form 15 data (lower 48 States)*

[Volumes in trillions of cubic feet]

	End of year reserves		Net production		Reserve to production ratio		Reserve additions		Finding to production ratio	
	AGA	Form 15	AGA	Form 15	AGA	Form 15	AGA	Form 15	AGA	Form 15
1963	274.5	188.5	14.5	9.4	18.9	20.2	18.1	NA	1.2	NA
1964	279.4	189.2	15.3	10.0	18.3	18.9	20.1	10.7	1.3	1.1
1965	284.5	192.1	16.3	10.4	17.5	18.5	21.2	13.8	1.3	1.3
1966	286.4	195.1	17.5	11.1	16.4	17.5	19.2	14.1	1.1	1.3
1967	289.3	198.1	18.4	11.8	15.7	16.8	21.1	14.8	1.1	1.2
1968	282.1	195.0	19.3	12.6	14.6	15.5	12.0	9.5	0.6	0.8
1969	269.9	187.6	20.6	13.4	13.1	14.0	8.3	6.0	0.4	0.5
1970	259.6	173.8	21.3	14.1	11.9	12.3	11.1	0.1	0.5	0.0
1971	247.4	161.3	21.9	14.3	11.3	11.4	9.4	1.9	0.4	0.1
1972	234.6	148.6	22.4	14.2	10.4	10.5	9.4	1.5	0.4	0.1

Table 2 shows that in 1956 some 30,528 domestic oil wells were drilled as compared to a total of only 11,306 oil wells drilled in 1972. Gas-well drilling has shown a similar decline from the peak of gas-well drilling activities in 1961 when some 5,459 successful gas wells were completed as compared to a total of only 3,830 gas wells completed in 1971. This downward trend in gas-well drilling was reversed in 1972 when 4,928 gas wells were completed, and it continued through 1973 when some 6,385 gas wells were drilled as compared to 4,928 gas wells drilled in 1972.[26]

As indicated by Table 3, the total number of exploratory wells drilled has declined sharply since 1964 and exploratory gas-well drilling for 1967 through 1972 was at lower levels than the preceding decade. Both the total number of wells drilled and the total number of exploratory wells drilled per year for the past five to six years are considerably fewer than the total number of wells drilled and the total number of exploratory wells drilled approximately 15 years ago while the demand for oil and gas has doubled in that 15 year period.

The reversal of drilling activity which occurred in 1972 did not carry through to 1973 with the exception of the number of gas wells completed which again increased over the number completed the previous year. Overall, 1973 showed a continued increase in gas drilling activity with both exploratory and developmental gas well footages at the highest levels ever reported.[27] The number of oil wells drilled in 1973 continued to decline over the number drilled in previous years. There were other encouraging signs in that number of rotary drilling rigs which were active during the year was the highest active number since 1966. Other indicators seemed to show a leveling off in the increased activity as bottlenecks and supply shortages began to appear in the fourth quarter of 1973.[28]

Our analysis of both oil and gas drilling activities since 1945 indicates that there has been a decline in exploratory and developmental drilling in recent years. We believe that this decline in drilling activity is, at least in part, responsible for the decline in new natural gas supplies discovered in recent years. This downward trend must be reversed if we expect to meet essential demands for natural gas from domestic sources and attain our objective of a national capacity for self-sufficiency in energy resources. Thus, one of the primary goals which we have in establishing a national rate is to set a rate sufficient to encourage the exploratory and developmental drilling which is required to discover and produce the natural gas supplies necessary to attain an objective of self-sufficiency in natural gas supplies available for delivery to the ultimate consumer.

[21] An on-the-record public conference was held in this proceeding on April 16, 1974, at the request of the America Gas Association (AGA) to discuss Appendix B–1 to the notice issued March 21, 1974, in this proceeding. Certain parties which have questioned our use of AGA reserve data did not participate in the conference, yet they continue to oppose the use of such data and demand a formal hearing on the issue.

[22] Mobil Oil Corp. v. FPC, 483 F. 2d 1238 at 1258–1260 (1973); American Public Gas Association, et al. v. FPC, supra, slip opinion at p. 8 citing United States v. Florida East Coast Rwy Co., 410 U.S. 224, 241 (1973).

[23] The transcript consists of one volume containing 73 pages.

[24] All late filings in this proceeding are deemed to have been timely filed and have been considered by the Commission.

[26] FPC Office of Economics, Gas Supply Indicators—Fourth Quarter 1973 and Annual Review, April 1974, p. 21.

[27] Id., p. 12. The total footage for 1973 was 33.0 million feet compared with the previous high of 29.1 million feet in 1961.

[28] Id., p. 8.

TABLE 2.—*Total wells drilled for hydrocarbons*

[Footage drilled in thousands of feet]

Year	Total[1] wells	Footage	Average depth	Oil wells	Footage	Average depth	Gas wells	Footage	Average depth	Dry holes	Footage	Average depth	Successful wells (percent)
1945	23,601	87,546	3,709	13,738	50,956	3,709	2,637	9,300	3,527	7,226	27,289	3,777	69.4
1946	27,975	97,393	3,481	16,962	56,632	3,548	3,510	11,801	3,362	8,503	28,960	3,406	69.6
1947	30,833	109,358	3,547	17,478	62,802	3,593	3,809	13,169	3,457	9,546	33,387	3,497	69.0
1948	36,659	131,187	3,579	21,760	77,307	3,553	4,387	12,312	3,535	11,512	41,567	3,611	68.6
1949	37,312	125,619	3,635	21,352	79,428	3,720	3,363	12,437	3,698	12,597	43,754	3,473	66.2
1950	42,050	157,358	3,742	23,812	92,695	3,893	3,439	13,685	3,979	14,799	50,978	3,445	64.8
1951	43,643	172,145	3,944	23,179	95,106	4,103	3,438	13,946	4,056	17,026	63,093	3,706	61.0
1952	44,563	184,134	4,132	23,290	98,147	4,214	3,514	15,257	4,342	17,759	70,730	3,983	60.1
1953	47,740	194,245	4,069	25,323	102,135	4,033	3,998	18,248	4,599	18,449	73,861	4,004	61.4
1954	51,109	204,099	4,070	28,141	113,362	4,028	4,038	18,857	4,670	18,930	75,700	4,004	63.0
1955	55,150	226,182	4,101	30,432	121,149	3,981	4,266	19,931	4,672	20,452	85,102	4,161	62.9
1956	57,170	233,280	4,080	30,528	120,351	3,942	4,531	22,738	5,018	22,111	90,191	4,079	61.3
1957	51,995	217,046	4,174	27,364	110,043	4,021	4,475	23,836	5,326	20,156	83,167	4,126	61.2
1958	46,941	193,304	4,118	23,774	93,105	3,916	5,005	25,556	5,106	18,162	74,643	4,110	61.3
1959	47,563	200,693	4,220	24,043	94,611	3,935	4,931	26,607	5,396	18,589	79,476	4,275	60.9
1960	45,547	192,078	4,217	22,233	86,538	3,892	5,129	28,199	5,498	18,185	77,341	4,253	60.1
1961	44,254	189,633	4,285	21,413	85,508	3,993	5,459	29,179	5,345	17,382	74,947	4,312	60.7
1962	44,158	194,631	4,408	21,727	88,432	4,070	5,353	48,950	5,408	17,078	77,253	4,524	61.3
1963	41,467	182,649	4,405	20,135	81,809	4,063	4,570	24,533	5,388	16,762	76,307	4,552	59.6
1964	42,293	187,420	4,431	19,995	80,463	4,042	4,694	25,547	5,453	17,694	81,359	4,598	58.2
1965	38,773	174,882	4,510	18,065	73,322	4,059	4,482	24,931	5,562	16,226	76,629	4,723	58.2
1966	35,730	165,420	4,630	16,216	67,430	4,158	4,321	25,636	5,933	15,193	72,353	4,762	57.5
1967	32,234	141,357	4,385	15,329	58,634	3,825	3,659	21,580	5,898	13,246	61,143	4,616	58.9
1968	30,599	144,970	4,738	14,331	59,517	4,153	3,456	20,716	5,994	12,812	64,737	5,053	58.1
1969	32,187	157,108	4,881	14,368	61,582	4,286	4,083	24,162	5,918	13,736	71,363	5,195	57.3
1970	28,120	139,266	4,953	12,020	57,092	4,385	3,840	22,899	5,961	11,260	59,285	5,266	60.0
1971	26,851	124,240	6,806	11,858	48,552	4,094	3,830	22,624	5,907	10,163	53,064	5,221	60.7
1972	27,291	134,602	4,932	11,306	48,534	4,293	4,928	26,766	5,431	11,057	59,303	5,363	59.5

[1] Includes Alaska. Excludes service wells.

Sources: 1945–66; World Oil, 1967–72; AAPG-API.

TABLE 3.—*Total exploratory wells drilled for hydrocarbons*

[Footage drilled in thousands of feet]

Year	Total[1] wells	Footage	Average depth	Oil wells	Footage	Average depth	Gas wells	Footage	Average depth	Dry holes	Footage	Average depth	Successful wells (percent)
1945	5,610	23,049	4,109	836	3,750	4,486	376	1,772	4,712	4,398	17,527	3,985	21.6
1946	5,759	22,338	3,879	762	3,455	4,534	375	1,832	4,885	4,622	17,052	3,689	19.7
1947	6,775	26,393	3,896	982	4,281	4,359	396	1,895	4,787	5,397	20,217	3,746	20.3
1948	8,013	32,751	4,087	1,098	4,983	4,447	365	2,306	6,319	6,550	25,562	3,903	18.3
1949	9,088	34,798	3,842	1,466	5,959	4,232	421	2,409	5,642	7,228	26,439	3,656	20.2
1950	10,306	40,175	3,898	1,583	6,862	4,335	431	2,356	5,466	8,292	30,957	3,733	19.5
1951	11,756	49,344	4,197	1,763	8,125	4,609	454	2,496	5,497	9,539	38,723	4,059	18.9
1952	12,425	55,615	4,476	1,776	8,491	4,781	559	3,394	6,071	10,090	43,731	4,334	18.8
1953	13,313	60,664	4,557	1,981	9,432	4,761	699	3,952	5,654	10,633	47,280	4,447	20.1
1954	13,100	59,601	4,550	1,985	9,409	4,740	726	4,399	6,059	10,389	45,792	4,406	20.7
1955	14,942	69,206	4,632	2,236	10,774	4,819	874	5,212	5,964	11,832	53,220	4,498	20.8
1956	16,207	74,337	4,587	2,267	11,111	4,901	822	5,179	6,301	13,118	58,047	4,425	19.1
1957	14,714	69,181	4,702	1,945	9,794	5,036	865	5,967	6,898	11,904	53,420	4,488	19.1
1958	13,199	61,484	4,658	1,745	8,712	4,993	822	5,472	6,657	10,632	47,300	4,449	19.4
1959	13,191	63,253	4,795	1,702	8,545	5,021	912	6,031	6,613	10,577	48,676	4,602	19.8
1960	11,704	55,831	4,770	1,321	6,829	5,170	808	5,466	6,298	9,515	43,535	4,575	18.7
1961	10,992	54,442	4,953	1,157	5,960	5,099	813	5,249	6,457	9,022	43,293	4,799	17.9
1962	10,797	53,616	4,966	1,211	6,205	5,124	771	5,187	6,728	8,815	42,223	4,790	18.4
1963	10,664	53,485	5,015	1,314	6,409	4,877	664	4,230	6,370	8,686	42,847	4,933	18.5
1964	10,747	55,497	5,164	1,219	6,715	5,509	577	4,204	7,285	8,951	44,578	4,980	16.7
1965	9,466	49,204	5,198	946	5,266	5,672	515	3,757	7,295	8,005	40,081	5,007	15.4
1966	10,313	55,223	5,355	1,030	5,880	5,708	578	4,881	8,445	8,705	44,462	5,108	15.6
1967	9,089	49,124	5,423	1,039	5,990	5,765	556	4,231	7,609	7,464	38,902	5,212	17.6
1968	8,879	50,958	5,739	863	5,036	5,835	430	3,320	7,720	7,586	42,603	5,616	14.6
1969	9,701	57,466	5,924	1,084	6,563	6,054	616	4,985	8,092	8,001	45,918	5,739	17.5
1970	7,693	45,253	5,882	790	5,055	6,399	481	3,675	7,639	6,422	36,524	5,687	16.5
1971	6,922	40,388	5,835	651	3,712	5,701	437	2,328	7,616	5,834	33,347	5,716	15.7
1972	7,539	45,044	5,975	684	4,002	5,851	601	4,592	7,641	6,254	36,500	5,836	17.0

[1] Includes Alaska. Excludes stratigraphic and core tests.

Source: AAPG-API

This continued upturn in gas well exploratory and developmental drilling is not adequate to discover and bring forth the supply of natural gas necessary to meet projected demands in view of the continued decline in annual additions to the nation's non-associated gas reserves.[29] Moreover, the continued decline in oil-well drilling activity means not only a short fall of domestic crude oil supplies but also a short fall of supplies of dissolved and associated gas that will be available for consumption. Unless we increase domestic exploratory and developmental drilling for both crude oil and natural gas, the Staff's forecast of annual natural gas supply deficits of 9 Tcf by 1980 and 17 Tcf by 1990 will become painfully true.[30]

The magnitude of the drilling effort which will be required to elicit the supply of natural gas necessary to fulfill reasonable future demands is staggering. It is estimated that annual findings in the range of 37 trillion cubic feet will be required to meet the demand:

If we assume that an adequate reserve to production ratio of about 10 is maintained; that a reasonably optimistic development of supplemental gas sources is attained with respect to overland imports, LNG imports, gas from coal, and gas from Alaska; that the industry is capable of immediately mounting an all-out exploration and development program unimpeded by financial, equipment

[29] Production has exceeded annual reserve additions for every year since 1967. (See Table 1, supra p. 17) and reserve additions for 1973 were the lowest reported since the American Gas Association first published its report in 1946.

[30] Federal Power Commission, Bureau of Natural Gas, National Gas Supply and Demand 1971–1990—Staff Report No. 2, p. 1, February 1972.

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or manpower considerations; then an annual finding rate of approximately 37 trillion cubic feet per year would be necessary to bring supply and demand into balance. While this rate of resource development does not include an allowance for the unknown impact of higher gas prices on demaud, it is nonetheless sobering to realize that this level of development represents a sustained level of annual additions to reserves equal to that attained in 1970 when 26 trillion cubic feet of Alaskan gas were added to the reserve inventory, or an amount equal to 1½ times the all-time record annual lower 48 reserve additions of 24.7 trillion cubic feet reached in 1956. Attainment of this level of resource development would require the cumulative discovery and development of about 666 trillion cubic feet of natural gas to 1990, representing the development of approximately 58 percent of the Nation's total potential gas supply as estimated by the Potential Gas Committee. This rate of development would be required in conjunction with the timely development of supplemental gas supplies and would be substantially higher in the absence of such supplemental supply availability.[31]

The supplemental gas supplies anticipated in the years 1975, 1980, 1985, and 1990 for this estimate are 1.5 Tcf, 4.6 Tcf, 7.6 Tcf, and 11.5 Tcf respectively. The individual components of the 1990 supplemental supply are estimated as follows: pipeline imports—1.9 Tcf; LNG imports—4.0 Tcf; high Btu gas from coal—3.3 Tcf; and gas from Alaska—2.3 Tcf.[32]

The magnitude of the exploration and development efforts that will be required to bring forth these volumes of annual additions is further magnified by the fact that with the exception of 1970 and 1956 annual additions over any period of time have been less than two-thirds of the required findings.[33] Thus, if the demand for natural gas is to be fulfilled,[34] the natural gas industry must attain and sustain a findings rate that it has never before with one exception attained. Whether or not this level of reserve additions can be attained and maintained is a question that can be answered only with the passage of time. It is clear, however, that massive capital commitments will be called for to finance the exploration and development programs necessary to find and produce the supplies so as to fulfill the projected demand.

The Commission's regulatory obligation is to establish a uniform national rate in this proceeding that provides the incentives to stimulate and encourage the unprecedented exploration and development efforts that will be necessary to find and produce the requisite level of new natural gas supplies. We further seek to reduce the existing disparity between supply and demand, to effect a more efficient allocation of our existing natural gas resources to higher priority uses, and to encourage the conservation of the limited natural gas reserves which are available to us.

2. *Quantifying the supply-price relationship.* While the efficacy of producer rate regulation would be greatly enhanced if it were possible to quantify the amount of reserves that would be forthcoming at a given rate level, it is generally conceded that there is no reliable method by which this quantification can be made.[35] The supply-price relationship has been given extensive attention in several area rate proceedings. In the first Permian Basin area rate proceeding, the Commission noted the emerging price-supply relationship:

> [T]he emergence of directionality, i.e., the ability of producers to direct their drilling activities toward either oil or gas brings in to being for the first time an opportunity for price to play a significant role in increasing the supply of gas-well gas available to the interstate market.

Area Rate Proceeding (Permian Basin), 34 F.P.C. 159, 184 (1965). This proceeding also saw the first econometric studies of the gas producing industry which the Commission viewed as "indicat[ing] that advanced statistical and methematical techniques can be useful in understanding the interaction of the price of gas at the wellhead and the demand in the marketplace." 34 F.P.C. 159 at 187. However, this first model was "based on a nondirectional hypothesis", and "a materially different equation would [have been] required" if a directional hypothesis had been used. 34 F.P.C. 159 at 332 (Initial Decision Of the Presiding Examiner). Because of these shortcomings, the econometric study did not play a role in the Commission's decision.

In the first Southern Louisiana Area Rate Proceeding, the Commission and the Hearing Examiner had before them a new econometric study which was also found to be unreliable. The utility and accuracy of this new econometric model was viewed in the following manner:

> [W]e do not claim that the efficiency of producer regulation cannot be improved with the aid of econometrics and other analytical tools • • •. Should the industry as well as the Staff find it possible to pursue similarly innovative analystical efforts in the years ahead, more reliable results may well be achieved and the regulatory process will be benefitted.

Area Rate Proceeding (Southern Louisiana Area), 40 F.P.C. 530, 625–626 (1968).[36]

The latest econometric model to be presented to the Commission was introduced by the Staff in the second Southern Louisiana Area Rate Proceeding and was again found to be lacking as an evidentiary basis for determining supply elasticity:

> [T]he model provides an analytical format for the application of judgment in a more systematic fashion, and it is useful, in a general way, for testing the judgments implicit in this decision. The Commission • • • interprets the model not as a formula to obtain precise quantification of the future supply response to prices—an impossible objective by any method in our view—but as an instructive experimental effort, complementing other exhibits and testimony upon which we may rely for our specific findings and conclusions.

Area Rate Proceeding, et al. (Southern Louisiana Area), 46 F.P.C. 86, 123 (1971)

In this same proceeding, the Commission found that:

> The response of the natural gas industry to the price of the gas, whether that price is fixed by the FPC or by other market forces, can only be predicted by assuming that a great number of other factors are going to remain constant. There is no way for any record to prove that such will be the case, and at this moment in history there is every reason to assume that such assumptions are not even much good for the making of academic studies. The area is judgmental in the extreme.
>
> [P]rogress is being made in devising techniques for extrapolating the trends evident from market and investment performance in the past into useful guides for determining what regulators should do in fixing prices or other matter to control future conduct.

46 F.P.C. 86 at 120–121. These findings formed the basis for the Commission's conclusion that there was a positive relationship between the price of gas and exploratory effort, but that:

> The conventional concept of supply elasticity—commonly defined as the quantities which would be forthcoming at a given time at a particular price—is a concept exceedingly difficult to apply to natural gas. The many variables other than price, such as technology and cost of input resources, cannot be readily ascertained.

[31] Letter from John N. Nassikas (Chairman, Federal Power Commission) to Senator Henry M. Jackson, September 12, 1973. Material quoted is contained in comments of Bureau of Natural Gas on Senate Interior and Insular Affairs Committee Staff Draft, "Policy Issues and Options Affecting Natural Gas."

[32] Federal Power Commission Bureau of Natural Gas, National Gas Supply And Demand 1971–1990, Staff Report. No. 2, p. 136 (Table 20) (1972).

These supply levels are based upon an annual demand of 46.4 Tcf and assume that domestic reserve additions will be sufficient to fulfill all demand that is not fulfilled by the supplemental supplies and replenish the nation's inventory of reserves such that the reserves remaining at the year end are ten times the annual production.

[33] American Gas Association, Gas Supply Review Supplement, p. 2 (Table 1) (May 15, 1974).

[34] See n. 30 supra, p. 136 (Table 20).

[35] Cf. Public Service Commission For The State of New York v. FPC, ____ U.S. App. D.C. ____, 487 F.2d 1043 at 1089–1090, 1095–1099 (D.C. Cir. 1973), cert. granted, vacated and remanded, Nos. 73-966, et al., June 17, 1974.

[36] With respect to this model, the Presiding Hearing Examiner noted:

"It might be properly suggested that enough has already been demonstrated to indicate that econometric studies ultimately, on the basis of still further study and improvement by the Staff, may one day be brought to the point where they will provide a significant, useful and reliable tool in this connection • • •. However, it must be concluded on the basis of the record made in the instant proceeding that the econometric presentation here made by the Staff has not yet reached the level where it can safely be relied upon as a basis for the Commission's critical conclusions in this case."

46 F.P.C. 86 at 121.

The Commission then concluded:

> Summarizing, there exists a positive relationship between gas contract price levels and exploratory effort; no reliable quantitative forecasts may be made by increments of additional gas supply resulting from specific increased gas prices; increases in ceiling prices which yield increases in producer revenues will result in expanded gas exploratory activity in terms of sufficiency of gas supply in relation to gas demands must be determined by continued Commission observation of the results of our decisions.

46 F.P.C. 86 at 124.[37]

These conclusions are still valid. While further quantitative studies of the elasticity of gas supply with respect to the wellhead price should be encouraged, this case must be decided upon the record that is before the Commission,[38] and the experience gained from previous considerations of this question demonstrates that reliable quantification is not possible with the present state of the art.[39]

The historical record demonstrates in a general manner the responsiveness of gas supply to price. During the 1960's gas prices trended downward, when adjusted for general inflation and gas well exploratory and developmental drilling also turned downward. Toward the end of the decade, the gross annual additions to gas reserves experienced a sharp decline and negative revisions increased sharply.[40] The first signs of a turnaround in drilling activity appeared in 1972, a year or so after the trend of declining real prices for natural gas had been reversed. The number of new gas wells drilled increased 28.7 percent from 1971 to 1972, while the increase in exploratory gas well footage was 38.0 percent. This level of drilling activity continued through 1973; for example, for 1973 exploratory gas well footage increased some 34.8 percent above the level for 1972 and developmental gas-well footage increased by 21.8 percent over the footage drilled in 1972. However, marketed production of natural gas for 1973 showed a decline over 1972.[41] Whether these increases in drilling activity will bring about an improvement in new additions to natural gas reserves remains to be seen since the reserve additions for 1972 were as the same low level experienced in 1971. (See Appendices A and C (Schedule 2, Sheet 1)). Furthermore, the reserve additions for 1973 were only 6.51 Tcf, the lowest addition reported since the data on reserve additions has been reported. See n. 33 supra.

Thus, it is concluded that an increase in the price at which natural gas may be sold in the interstate market will have the effect of bringing forth new supplies of natural gas for dedication to the interstate market; however, it is not possible to predict or quantify the precise level of new supplies that will be forthcoming at the rate established herein. To attempt to further define this relationship would be to "demand the perfect at the expense of the achievable."[42]

B. *Demand.* There is little doubt today that the demand for natural gas is far in excess of the available supply and will remain in excess of the available supply for the immediate future.[43] This difference between the available supply and the total existing demand constitutes the natural gas shortage. The most direct evidence of this shortage is the continuing curtailment of deliveries by the interstate pipelines.[44]

The pervasive natural gas shortage which we are now enduring has had and will continue to have serious economic consequences for the nation. In Order No. 491 (*supra*, n. 4), the Commission outlined the effect of curtailment of natural gas supply for the major interstate pipelines as follows (mimeo, p. 2):

> Such curtailments will result, as they did last year, in severe economic and environmental consequences, resulting in the closing of schools, the denial of utility service to new customers, the utilization by industry and electric utilities of alternate fuels which impact upon ambient air quality standards, and the transfer of unfulfilled demand to other fuels in short supply with the resultant upward price pressures.

In Order No. 491–A (supra, n. 4), we expanded our analysis of the effects of continued curtailment (mimeo, pp. 3–4):

> Our staff's revised report indicates (after eliminating inter-company transactions) that eleven of thirty-three reporting companies had experienced curtailments of approximately .4 trillion cubic feet for the period April through October 1973 (summer season). For the same period in 1973, thirteen companies reported actual and estimated curtailments [April through July volumes were actual, whereas August through October volumes were estimated] totaling slightly more than .7 trillion cubic feet. This represents an increase in curtailments of 75 percent over the same period one year ago. Similarly, fifteen companies reported actual curtailments of .4 trillion cubic feet during the period November 1972 through March 1973 (winter season). For the approaching 1973–74 winter season, fourteen companies estimated curtailments totaling approximately .5 trillion cubic feet—an increase of 25 percent. Furthermore, the supply deficiencies for the 1973–74 heating season which were projected in the July 1973 report have substantially increased in the September report. This indicates that the major pipelines are experiencing increasing difficulty in obtaining sufficient gas to maintain reliable service. The following table represents the extent of curtailed service each of the major pipeline companies projects for the 1973–74 season (April 1973 through March 1974):

[37] In its affirmance of the Commission's decision in the second Southern Louisiana Area Rate Proceeding, the Fifth Circuit reviewed the problems associated with predicting the level of new gas supplies that would be forthcoming at a given rate and stated that "it is impossible with any degree of precision likely to satisfy the momentary opponent's fetish for qualification to determine the likely quantitative effect on supply of a change in the rate ceiling." Placid Oil Co. et al. v. FPC, 483 F. 2d 880, 901 (5th Cir. 1973). The Supreme Court has agreed with the Commission "that it [the Commission] could not determine the precise amount of additional gas supply that would be found and dedicated to interstate sales as a result of this formula. But this was also true of any change it might have made in gas prices. Mobil Oil Corp. v. FPC, 42 U.S.L.W. 4842 (U.S. June 10, 1974) (Slip Opinion at 31). Moreover, the Court found that the Commission's findings were supported by the record (Slip Opinion at p. 32).

[38] Mobil Oil Corp. v. FPC, ____ U.S. App. D.C. ____, 483 F. 2d 1238 (D.C. Cir. 1973).

[39] See Foster Associates, Inc., The Impact Of Deregulation On Natural Gas Prices, Appendix C (1973), for a discussion of the problems encountered in the various attempts to develop an econometric model of the supply-price relationship for natural gas and a summary of recent efforts to develop a model.

See also, MacAvoy and Pindyck, "Alternative Regulatory Policies For Dealing With The Natural Gas Shortage," 4 The Bell Journal of Economics and Management Science 454 (Autumn 1973); Breyer and MacAvoy, "The Natural Gas Shortage And The Regulation Of Natural Gas Producers," 86 Harv. L. Rev. 941 (1973); MacAvoy, "The Regulation-Induced Shortage Of Natural Gas, "14 J. Law & Econ. 167 (1971); Erickson and Spann, "Supply Response In A Regulated Industry: The Case Of Natural Gas," 2 The Bell Journal Of Economics And Management Science 94 (1971).

[40] See Appendix A.

[41] FPC Office of Economics, Gas Supply Indicators—Fourth Quarter, 1973 and Annual Review, April 1974, p. 6.

See Appendix C (Statement of J. Rhoads Foster) to the comments filed by the Indicated Producer Respondents for information to the same effect. Chart I in Dr. Foster's statement shows a positive relationship between the initial price for new gas sales and the level of exploratory gas drilling in seven southwestern states for 1947 to 1970.

[42] Public Service Commission For The State of New York v. FPC, ____ U.S. App. D.C. ____, 487 F. 2d 1043 at 1067 (D.C. Cir. 1973) (Leventhal, J., dissenting).

[43] Bureau of Natural Gas, National Gas Supply and Demand 1971–1990—Staff Report No. 2 (1972).

[44] Bureau of Natural Gas, Staff Report on Interstate Natural Gas Pipeline Curtailments, FPC Release No. 19640, September 17, 1973.

Hearing on Relationship of Energy and Fuel Storages to the Nation's Internal Development Before the Subcommittee on Flood Control and Internal Development of the House Committee on Public Works, 93d Cong., 2d Sess. 58–9 (1972) (Energy and Fuel Shortages hearings).

See also, Statement of Chairman John N. Nassikas, Federal Power Commission, Hearing Before the Subcommittee on Activities of Regulatory Agencies of the Select Committee on Small Business, U.S. House of Representatives, January 17, 1974.

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	Firm requirement, thousand cubic feet	Volumes curtailed, thousand cubic feet	Percent curtailment
Algonquin [1]	177,935,800	17,431,500	10.0
Arkansas-Louisiana	495,548,000	119,877,965	24.0
Cities	571,164,000	29,856,000	5.0
Columbia	1,532,573,000	12,574,000	1.0
El Paso	1,906,747,000	147,474,427	8.0
Louisiana-Nevada [1]	147,271,334	56,700 [1]	Negligible
Mississippi River	200,296,000	7,996,118	4.0
Natural	1,207,130,000	228,868,178 [1]	19.0
Northern	806,000,000	11,800,000	1.0
Panhandle	825,708,000	36,079,308	4.0
Texas Eastern	1,061,814,000	164,503,788	15.0
Transco	1,097,152,000	141,018,748	13.0
Transwestern	360,532,000	20,759,957	6.0
Trunkline	597,986,000	165,601,429	28.0
United Gas	1,602,798,000	541,937,052	34.0

[1] Summer curtailment only.

Furthermore, all of the above pipelines, with the exception of Algonquin and Louisiana-Nevada, have been obtaining some gas under the Commission's present emergency purchase provisions. The projected curtailments would thus be even greater without the increments provided by such temporary purchases. [Footnote included in text.] [45]

Finally, in Order No. 491–B (supra, n. 4), we noted that there was not only a natural gas shortage, but also a national energy emergency (mimeo, p. 5):

> In Order No. 491–A, we further observed that problems created by the natural gas shortage are exacerbated by the fact that other fuels, such as propane and fuel oil, are in short supply.

We reviewed the problems associated with the short supply of propane and concluded that "curtailments of natural gas this winter will force many industrial plants to operate part-time or shut down completely. Many of these plants could have relied upon propane as a satisfactory alternate fuel." Order No. 491–A, mimeo, p. 6. But, we noted that testimony before the September 7, 1973, hearing held by the White House Energy Policy Office indicated that supplies of propane for the 1973–74 heating season would be approximately 15 to 25 percent less than the volumes available during the 1972–73 heating season and that mandatory propane allocations were in force. Order No. 491–B, mimeo, p. 5 at n. 7. The short supply of fuel oil available to industrial consumers held out the potential for plant slow-downs or actual shut-downs since neither natural gas nor fuel oil were expected to be available in sufficient quantities for full industrial operation. See Order No. 491–A, mimeo p. 7.

While a mild winter and the fact that greater than anticipated supplies of fuel oil were available have helped to reduce the impact of the shortage of fuels derived from natural gas and crude oil, we find that the nation is still and will continue to be confronted with a national energy emergency resulting from a shortage of basic fuels required to maintain a productive economy. We believe that this continuing energy emergency requires this Commission undertake the establishment of policies that will encourage the development of the additional supplies of natural gas that are needed to fulfill reasonable demands. The promulgation of a single uniform national rate is one of the policies that will help us to increase the available supply of natural gas for the nation.

Much of the demand for natural gas comes not only from its low price, but from its form value [46] and its superior environmental qualities. The present prices for natural gas in relationship to other fuels in the market make it unlikely that increases in the wellhead price of natural gas will have a moderating effect upon the demand for natural gas sufficient to close the supply-demand gap." However, the ultimate consumption of natural gas can be controlled in another fashion. It is possible to regulate energy demand met with natural gas to a certain extent by controlling the priority assigned to the end use of natural gas in the consumer marketplace, and requiring that all of the demand assigned to a higher priority is satisfied before new supplies of gas are allowed to be consumed in end uses assigned a lower priority.[47]

The existing demand for natural gas that must be met first is the demand of the homeowner, the small commercial establishment, schools, hospitals, and other consumers that can be classified as "human needs" customers. Quite often, these small consumers are unable to switch to alternate fuels or to use the pollution control devices required when alternate fuels are used to meet air quality standards.[48]

The issue is basically one of the optimum allocation of our limited supplies of natural gas, both now and in the future. Large industrial and utility consumers of natural gas must progressively reduce their use of natural gas to assure its availability to the "human needs" customers. Those users of natural gas who consume the greatest quantities of the very limited supply of this fossil fuel should be encouraged (and required, if necessary) to convert to the consumption of other fossil fuels of which there are more abundant supplies. By shifting some demand for natural gas to other fossil fuels, we are able to conserve the available supplies of this precious energy source for consumption in the market sectors where it is both impractical to install and use pollution abatement equipment and uneconomical for the small consumer of natural gas to purchase such equipment.

The existence of the pervasive supply-demand gap requires this Commission to take all reasonable and prudent steps to (1) increase the supplies of natural gas available for resale in the interstate market and (2) allocate the available supplies of natural gas being sold in the interstate market to higher priority uses.[49] As the Supreme Court found

[45] An FPC Staff Report issued on June 11, 1974 indicates that natural gas supply deficiencies for the major interstate natural gas companies from the April 1974 through March 1975 period will be nearly 55% higher than a year earlier. The report, by the FPC's Bureau of Natural Gas, based on responses to the Commission's Form 16, shows that actual or projected curtailments were reported by 17 out of 42 major interstate pipeline companies. Net curtailments totaled 1,191,132,000,000 cubic feet for the year April 1973 through March 1974. Net supply deficiencies totalling 1,845,770,000,000 cubic feet are projected for the year April 1974 through March 1975. Cumulative net curtailments of firm service imposed by all companies reporting these data to the Commission since 1970 amounted to approximately 2.4 Tcf through the first quarter of 1974.

[46] The gaseous form of natural gas facilitates its transportation and delivery to the customer and eliminates the need for storage facilities by the final consumer.

[47] Appendix B. See also Appendix B to the Response of the Indicated Producer Respondents.

[48] *Utilization and Conservation of Natural Resources—Natural Gas, "Notice Of Proposed Policy Statement With Request For Comments,"* Docket No. R–467, 38 F.R. 1517 (1973); *Utilization and Conservation of Natural Resources—Natural Gas,* Docket No. R–469, Order No. 467, 49 F.P.C. 85 (1973), Order No. 467–A, 49 F.P.C. 217 (1973), Order No. 467–B, 48 F.P.C. 583 (1973), "Order Denying Motions For Reconsideration, Clarification Or Modification Of Order No. 467–B," 49 F.P.C. 1036 (1973). See Order No. 467–C, 39 F.R. 12984 April 14, 1974.

[49] Pollution control devices are more effective when installed on large industrial and utility equipment than when they are installed on heating units in homes and other small consumers of natural gas.

[50] The actual allocation of natural gas to its ultimate end uses is within the jurisdiction of the particular state regulatory commission where the interstate pipeline makes deliveries to the local distribution company. However, this Commission has the power to determine which distributors shall be entitled to receive additional supplies of natural gas from the pipeline, and does, therefore, have some indirect power to allocate the ultimate use of natural gas sold in interstate markets. See note 48, *supra.*

in Mobil Oil Corp. v. FPC, 42 U.S.L.W. 4842 (U.S. June 10, 1974) (Slip Opinion at 31–32), there is credible evidence that gas exploratory activities are responsive to price, an increase in the price of gas at the wellhead should encourage greater exploratory activities, and, in turn, make greater quantities of new gas supplies available for resale in the interstate markets. It is also very likely that an increase in the price of natural gas will result in some reallocation of the end use of natural gas in the final market place. However, very little is known about the cross elasticities between the demand for natural gas and the demand for other fossil fuels, and it is not possible to accurately predict the results of these reallocations.[51]

Although it is unlikely that increases in natural gas prices will dampen demand to the extent of eliminating the supply-demand gap, such increases will encourage a shift to alternative fuels by the industrial and utility sectors of the market place whenever the price of natural gas exceeds the price of other fuels plus the costs of necessary environmental controls. Such a shift, however, is not expected to equal the growing unsatisfied demand for "human needs" customers in the near future.

III. Rate Design

A. Cost factors. In response to the notice of rulemaking issued in this proceeding on April 11, 1973, and the attached Staff cost studies, the Indicated Producer Respondents (Producers),[52] the GHK Company, the United Distribution Companies (UDC), the Pennzoil Companies, Columbia Gas Transmission Corporation, and the Associated Gas Distributors (AGD) submitted various cost studies or cost analyses. Two of the submitted studies were restricted to certain geographical areas: the GHK study was limited to the Deep Anadarko Basin, and the Columbia Gas Transmission Corporation's study reflected the conditions of the Appalachian and Illinois Basin area only. The other studies were based on nationwide cost and drilling data and utilized the procedures adopted by the Commission in Opinion No. 598.[53] The Pennzoil study also referred to the procedures adopted in Permian I.[54] AGD suggested a rate of 45.0 cents per Mcf based upon Staff's high cost estimate of 38.5 cents per Mcf with an additional allowance of 6.5 cents per Mcf for increased exploration and development.

[51] See, Department of the Interior, *Draft Environmental Impact Statement—Proposed Deregulation of Natural Gas Prices,* Appendix B, July 17, 1973.

[52] The Indicated Producer Respondents is a group of twenty-six major natural gas producers.

[53] Area Rate Proceeding, et al. (Southern Louisiana Area, 46 FPC 86 (1971).

[54] Area Rate Proceeding, et al. (Permian Basin), 34 FPC 159 (1965).

The Pennzoil study also reflected full-cost accounting and an allowance for federal income taxes.

In response to the March 21, 1974 notice and the attached Staff cost studies, UDC and GHK submitted new cost studies. The Producers submitted studies which were revisions of their original submittals to reflect full cost accounting and an allowance for Federal income taxes. AGD reiterated its recommendation for a rate of 45.0 cents per Mcf. The details of these studies will be discussed infra.

Our cost analysis in this decision is based upon the methodology which was developed in the first Permian Basin area rate proceeding, Area Rate Proceeding, et al. (Permian Basin), 34 F.P.C. 159 (1965), affirmed, Permian Basin Area Rate Cases, 390 U.S. 747 (1968), and modified in the second Southern Louisiana proceeding, Area Rate Proceeding, et al. (Southern Louisiana Area), 46 F.P.C. 86 (1971), affirmed, Placid Oil Company, et al. v. F.P.C. 483 F. 2d 880 (5th Cir. 1973), affirmed sub nom. Mobil Oil Corporation, et al. v. F.P.C., 42 U.S.L.W. 4842 (U.S. June 10, 1974). Because the costing model relies upon a number of allocations which are based upon flowing gas costs, we shall use the allocation factors which were updated by use of the data submitted to the Commission in response to the questionnaire in the second Southern Louisiana proceeding (referred to as the AR69–1 questionnaire). This is the most recent information available to the Commission with respect to a number of the allocation factors; however, data submitted to the Commission in the data collection forms which were filed in Docket No. R–478 will help update these factors.[55] When this data becomes available in final form, it will be incorporated into the records of future proceedings to determine national rates so that these allocation factors may be adjusted.

As the Commission has been urged by the Supreme Court to indicate "fully and carefully the methods by which, and the purposes for which, it has chosen to act, as well as its assessment of the consequences of its orders for the character and future development of the industry", Permian Basin Area Rate Cases, supra, 390 U.S. at 792, each component of the cost matrix and the methodology used to derive that component will be discussed in detail. We shall also discuss our reasons for utilizing the particular methodology chosen to derive each of the several components. See Public Service Commission For the State of New York v. FPC, 487 F. 2d 1043 at 1097–1098 (D.C. Cir. 1973), cert granted, vacated and remanded, Nos. 73–966, et al., June 17, 1974.

In making our cost analyses, we present a range of reasonable costs which are based upon that data which we find to be the most reliable data which is now a part of the record to this proceeding or which is contained in the publications that we have incorporated as a part of that record. We shall also discuss the effect of the disparity between the reserve additions reported by the American Gas Association and the reserve additions estimated by our Staff which was reported (and served upon all parties to this proceeding) in our notice of March 21, 1974, in this proceeding,[56] even though the resulting effect is de minimis when productivity is averaged over a reasonable time span. A range of "costs" has been presented in this decision to demonstrate that the "cost" of new gas supplies is an imprecise and elusive quantity. There is a "zone of reasonable deviation" [57] in the calculation of the "cost" of new gas supplies, and this "permissible zone of deviation" for costs establishes the reasonable range within which rates may be prescribed.[58]

By presenting a reasonable range of costs, we hope to avoid speculation that the rate determined herein is precise; it is not. As we stated in Texas Gulf Coast:

> The cost computations used in this and other area rate proceedings seem to be mathematically precise. They are not. Allocations of costs are by nature matters requiring a substantial amount of judgment.

Area Rate Proceeding, et al. (Texas Gulf Coast), 45 F.P.C. 671, 687 (1971), reversed, Public Service Commission For The State of New York v. FPC, 487 F. 2d 1043 (D.C. Cir. 1973), cert granted, vacated and remanded, Nos. 73–966, et al., June 17, 1974. We recognize the limitations in our ability to reflect actual costs of individual producers in an industry-wide national rate and the futility of attempting to quantify non-cost factors. Instead, we have established a "permissible zone of deviation" for costs. Placid Oil Company, supra. The Courts have long recognized that our cost computations and the resulting rate analyses are

[55] Nationwide Rulemaking To Establish Just And Reasonable Rates For Natural Gas Produced From Wells Commenced Before January 1, 1973, Docket No. R–478, 38 FR 14296 (1973), "Order Prescribing Further Procedure," 38 FR 22898, 50 F.P.C. — (issued August 17, 1973).

[56] 39 FR 11310 (March 21, 1974).

[57] Placid Oil Co., et al. v. FPC, 483 F. 2d 880 at 902.

In Federal Power Commission v. Natural Gas Pipeline Co., 315 U.S. 575 (1942), the Supreme Court spoke of "a zone of reasonableness within which the Commission is free to fix a rate varying in amount" (315 U.S. 575 at 585) and the Commission's authority to select its formula of regulation and "to make pragmatic adjustments which may be called for by particular circumstances," 315 U.S. 575 at 586.

In the Permian Basin Area Rate Cases, 390 U.S. 757 (1968), the Court spoke of the constitutional and statutory validity of the Commission's determination of maximum prices based upon "group or geographical" data. 390 U.S. 747 at 770. The Court also spoke of the uncertainties associated with the allocation of costs between gas and oil. 390 U.S. 747 at 803–804.

[58] Placid Oil Co., et al. v. FPC, 483 F. 2d 880 at 902, n. 23.

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not precise and have given us the authority to exercise the judgment necessary to determine a "just and reasonable rate" from the morass of conflicting data and presentations that have been introduced in this and the previous area rate cases." It is from this basis that we start our determination of a single uniform national rate in this proceeding.

1. *Cost analysis.* The major variables in a new gas cost study are the drilling costs (cost ($) per foot drilled), productivity (Mcf of gas found per foot drilled), rate of return on investment (percent), the size of the rate base (whether the expenditures for dry holes, other exploration, and exploratory overhead are included in the rate base), and the investment life (years). The final rate further depends upon whether there is sufficient evidence to dictate the inclusion of an allowance for Federal income taxes. Each of these factors will be examined separately before they are combined in the computations of the cost model.

a. *Drilling costs.* All parties submitting cost studies, except Columbia Gas Transmission [1] used 1971 JAS [2] data of $27.64 per foot drilled as a starting point.

The Staff cost study did not trend the 1971 JAS data to arrive at a current figure, but both the Producers and UDC studies were trended for inflation. The Producers trended the 1971 data at four (4) percent per year to arrive at a figure of $29.89 per foot drilled for 1973, and UDC trended the same data at five (5) percent per year to arrive at a 1973 figure of $30.47 per foot drilled. Pennzoil arrived at a 1971 cost-per-foot drilled of $38.26 by trending 1967 Bureau of Census data.

Staff adopted the 1971 JAS costs of $15.83 per foot of dry holes drilled, and Producers and UCD trended this figure at four (4) and five (5) percent per year respectively to arrive at costs of $17.12 and $17.45 per foot of dry holes drilled respectively. The Staff cost studies were updated to reflect 1972 JAS drilling cost data and 1972 AGA reserve additions in Revised Appendix B issued with our notice of March 21, 1974 (39 FR 11310) in this proceeding.

Since the issuance of the original Staff cost study and the submission of cost studies by several of the parties to this proceeding, the JAS report for 1972 (1972 JAS) has been published. That report indicates that the cost of drilling per foot for successful wells has declined slightly since 1971, while the cost of drilling per foot for dry holes increased over the cost per foot reported for 1971. The following table compares 1971 and 1972 drilling costs (excluding data on drilling in Alaska):

Type of well drilled	Cost per foot drilled (dollars per foot)	
	1971	1972
Gas and gas condensate wells	$27.64	$27.54
Dry holes	15.83	16.94

We have excluded Alaskan drilling data because natural gas reserves located in that state are not now available to supply demands for gas in the lower 48 states.[3] Moreover, as the rate established by this decision will not extend to natural gas produced in Alaska, we have attempted to exclude data on costs incurred in connection with exploratory, drilling, and producing activities in Alaska. The exclusion of cost data relating to Alaskan activities cannot be made complete since costs in a number of categories are reported on a nationwide basis by JAS without any attempt to make a state by state report of these costs. Any error that may result from excluding drilling data for Alaska is offset by excluding reserve additions from Alaska since those additions have tended to show a higher productivity than the national average productivity excluding Alaska over the past several years. Thus, the exclusion of the Alaskan data results in de minimis changes in the cost components as will be demonstrated in the sections on the various cost components.

b. *Productivity.* Productivity in terms of Mcf per foot drilled has the most significant impact upon the calculated new gas cost. Because of this impact, a brief overview of the calculation of the productivity figure and the positions of the parties with respect to this factor is warranted.

The productivity for any one year is calculated by dividing the annual non-associated gas reserve additions as reported by the American Gas Association [4] by the total successful gas footage for that year. There are several sources for the annual successful gas well footage: World Oil since 1947, Oil and Gas Journal for 1947 to 1965, Joint Association Survey (JAS) starting with 1959, and the American Association of Petroleum Geologists (AAPG) and the American Petroleum Institute (API) reports, both starting with 1965. Over the years, there has been substantial agreement between the JAS, AAPG, and API figures while the World Oil footage figures were either greater than or less than the other reported footage figures by about four (4) to five (5) percent.

The practice adopted in earlier area rate opinions was to average the reserve additions and the successful gas well footage figures over a number of years to determine an average productivity figure that would be used in the calculation of a new gas cost.[5] The magnitude of the productivity calculated by this method depends upon (1) the number of years that are averaged into the calculation, (2) whether World Oil, JAS, AAPG, or API footage is used, and (3) whether the World Oil, footage for the years prior to 1966 is adjusted upward on the theory that such footage is understated.

The Staff used productivity figures of 580 Mcf per foot drilled and 525 Mcf per foot drilled. The 580 Mcf per foot drilled is derived from the ten, fifteen and twenty-five year averages of 588, 576, and 579 Mcf per foot drilled, respectively, utilizing the World Oil footages. The 525 Mcf per foot drilled is derived from the AAPG statistics for the six-year period, 1966–1971.

The Producer studies used productivities of 524, 491, and 395 Mcf per foot drilled. The productivities were determined by calculating annual productivities based upon World Oil footages, converting the annual productivities to five-year moving averages, and adjusting the moving averages upward by five percent for the claimed understatement of the World Oil footages. The productivities of 524, 481, and 395 Mcf per foot drilled are then calculated by averaging the annual productivities for the years 1958 to 1972, 1966 to 1972, and 1966 to 1972, respectively. The Producers state that average historical productivities based upon ten, fifteen, and twenty-five year averages are no longer representative of future projections. The Producers also presented a statistical trend in productivity which tended to show that the average productivity for 1971 to 1975 would be approximately 381 Mcf per foot drilled.[6]

[1] See Federal Power Commission v. Natural Gas Pipeline Co., 315 U.S. 575 at 585 (1942); Permian Basin Area Rate Cases, 390 U.S. 747, 824 (1968); Placid Oil Co., et al. v. FPC, 483 F. 2d 880 at 890–892.

[2] Columbia Gas Transmission used the Staff cost study in Opinion No. 639 with a productivity of 200 Mcf per foot drilled to reflect its estimate of current costs in the Appalachian Basin Area.

[3] Joint Association Survey of the U.S. Oil & Gas Producing Industry, 1971 JAS, November 1972, Sponsored by American Petroleum Institute, Independent Petroleum Association of America, Mid-Continent Oil & Gas Association. Hereinafter 1971 JAS.

The basic data sources for drilling and natural gas reserve data are the JAS study, the World Oil Annual Forecast-Review issues, the annual report by the American Association of Petroleum Geologists, and the Reserves of Crude Oil, Natural Gas Liquids, and Natural Gas in the United States and Canada and United States Productive Capacity as of December 31, 1972, Volume 27, May 1973, published jointly by American Gas Association, American Petroleum Institute, and Canadian Petroleum Institute.

These are basic data sources used by the parties to this proceeding, and we shall take official notice of the contents of these reports and comments thereon and identify the sources where necessary.

[3] Excluding Alaskan drilling data has only a minor effect on the cost per foot of drilling. Including Alaskan data increases the cost of Gas and Gas Condensate Wells for 1971 and 1972 to $27.70 and $27.78 per foot respectively; the cost of Dry Holes is increased to $16.02 and $17.28 per foot respectively.

[4] Reserves of Crude Oil, Natural Gas Liquids, and Natural Gas in the United States and Canada and United States Productive Capacity as of Demceber 31, 1972, Volume 27, May 1973, Published jointly by American Gas Association, American Petroleum Institute, and Canadian Petroleum Institute. Hereinafter 1972 AGA Reserve Study.

[5] E.g., Permian Basin Area Rate Proceeding, 34 FPC 159, 189–192, 377–379 (1965).

[6] See Appendix D of the comments of the Indicated Producer Respondents.

UDC employed productivities of 500 and 350 Mcf per foot drilled. The 500 Mcf per foot productivity is the seven-year average based upon AAPG footage. The 350 Mcf per foot productivity is based upon a four-year average of the same data.

The Public Service Commission for the State of New York states that the Staff's low productivity of 525 Mcf per foot is weighted heavily by the atypical experience of the recent past when there was considerable exploratory and developmental drilling in the offshore Gulf of Mexico areas that has not as yet been reflected in the AGA reserve reports.

The American Public Gas Association stated that the necessary data concerning recent reserve additions are not reflected in the published reports and the extraordinarily low productivity figures for recent years are of no value in estimating the cost of new gas supplies.

In the absence of reliable productivity data for the most recent years, AGD's position is that Staff's productivity estimates should be adopted.

GHK uses the Staff's productivity estimate of 580 Mcf per foot drilled for its deep Anadarko Basin study.

Columbia Gas Transmission uses a productivity estimate to 200 Mcf per foot drilled in its study of the cost of new gas supplies in the Appalachian Illinois Basin Area.

On March 21, 1974, we issued a Staff report which indicates that significant new discoveries of non-associated gas reserves reported by AGA for the Southern Louisiana area for 1971 and 1972 are approximately 1.7 Tcf less than our Staff's estimate for the non-associated natural gas reserve additions for 31 selected leases which were sold in the December 1970 lease sale (Notice of March 21, 1974, Appendix B–1, mimeo, p. 1). While this disparity may be due simply to a reporting lag by AGA (Notice of March 21, 1974, Appendix B–1, mimeo, p. 8), it is also possible that AGA does not have complete access to the subsurface data necessary to estimate new reserve additions for all areas and that its report is less than complete.[7]

The revised Staff cost studies accompanying the March 21, 1974, notice were based upon productivity factors which range from a low of 336 Mcf per foot drilled (average for 1969 through 1972) to a high of 580 Mcf per foot drilled (average for 1947 through 1971). Additional studies were based upon 552 Mcf per foot drilled (ten year average for 1963 through 1972), 559 Mcf per foot drilled (average of the eleven year (1962–1972), sixteen year (1957–1972), and twenty-six year (1947–1972) periods), a six year period ending in 1971 with a productivity of 525 Mcf per foot drilled, and a 485 Mcf per foot drilled productivity for 1966 through 1972.

UDC submitted revised cost studies in response to this notice and utilized productivities of 400 Mcf per foot drilled with projected drilling costs and 350 Mcf per foot drilled with 1972 drilling costs.

In its comments filed with respect to the March 21, 1974, notice in this proceeding, GHK submitted additional deep drilling costs studies based upon productivities of 552, 1,000, 1,200, 1,333, 1,666, and 2,000 Mcf per foot drilled. GHK used both its own drilling cost experience and 1972 JAS cost data to derive its cost studies.

With the exception of UDC and GHK, no parties to this proceeding submitted any mathematical analysis of anticipated future productivity levels in response to the March 31, 1974, notice. The Producers were content to criticize the Staff report indicating a disparity between reserve additions as reported by AGA and the Staff's estimate of the volume of reserves underlying selected leases in the offshore Southern Louisiana area.

While criticism of the Staff report may have been appropriate, the critiques submitted did not rebut the basic finding of the Staff report that there is a disparity between the Staff's reserve study and reserve additions reported by the AGA. Indeed, it seems as though the Producers and the AGA would prefer to ignore the disparity rather than resolving the matter. Representatives of the AGA and certain of the Producer respondents to this proceeding were unwilling to attempt to devise procedures whereby the AGA and Producers would have access to the Staff's data and the Staff would have access to the AGA's data at the conference held in this proceeding on April 16, 1974 (Tr. 9–10, 54–56, 60–62, 69).

It is apparent that the AGA would like to have access to the Staff's data without allowing the Staff to have access to the AGA data. Tr. 9, 54–56, 60–62, 69. We do not believe that that is the proper method for resolving this problem. Both sides must have access to the other's data so that meaningful comparisons can be made by both. Therefore, unless and until the AGA is willing to agree to procedures for the exchange of data, we are compelled to find that the reserve additions as reported by the AGA for 1971 and 1972 are understated by approximately 1.7 Tcf and we shall make the appropriate adjustments to our cost computations.

A different sort of criticism was expressed by UDC. UDC alleged that the Staff's report could not be used to adjust the productivity calculations since the drilling footage required to find and produce these reserves had not yet been reported. The thrust of UDC's agreement regarding drilling footage not being reported is refuted by statements of the AGA representatives at the April 16, 1974, conference (Tr. 53–54) and the filings of the Producers on May 7, 1974.[8] The AGA representatives stated on the record that they were not concerned with drilling footage when they made their annual reserve report.

It is the basic premise of UDC argument that is in error. That premise is that all of the drilling footage associated with the reserves reported for that year is also reported and that there is a correlation between the drilling footage reported in a given year and the reserves reported for that year. While it has been the practice for many years to so calculate an annual productivity, the practice does not refute the Staff's findings that there is a disparity. At best, this argument obfuscates rather than resolves the issue.

Moreover, we find no basis in UDC's comments for calculating an annual productivity for a given year by dividing reserve additions for that year by drilling footage for the prior year. Such a procedure implies that we know for certain that there is a lag between the reporting of drilling footage and reserve additions, and that the lag is exactly one year. We find no data in UDC's comments or any of the other parts of the record of this proceeding that support such an adjustment to the productivity. If there is a lag between the reporting of drilling footage and reserve additions, the most effective manner of resolving the problem is to calculate an average productivity based upon a number of years rather than attempting to guess at the length of the lag.

The Associated Gas Distributors (AGD) would have us compute a productivity factor by using a period of time from 1952 through 1967. AGD alleges that such a calculation is required by the low level of exploration following World War II and the unreliability of reserve data for the most recent five or six years. AGD also lagged drilling footage by two years to reflect the development period associated with new reserve additions. We find no basis for totally disregarding the reported reserve additions for 1968 through 1973, and we have previously indicated our reluctance to lag reserve additions and drilling footage. Thus, there is no reasonably reliable basis for AGD's productivity calculation and we reject the same.

The Staff's report of a disparity in reserve additions reported by the AGA and the comments submitted in response to that report reinforce our conclusions that using only the most recent data on reserve additions in a short time period of four years is unreliable, with or without negative revisions, and should not be the primary basis for our decision in this proceeding. We shall, instead, rely upon reserve additions for the most recent ten year period (1963–1972) to compute the low end of the reasonable cost range and the most recent seven years (1966–1972) to compute the high end of this range.[9]

[7] See Notice of March 21, 1974, mimeo, pp. 3–5; Appendix B–1, mimeo, pp. 4–7.

[8] See "Joint Comments of Indicated Producer Respondents," filed May 7, 1974, Appendix H (pp. 8–9).

[9] In the Permian Basin Area Rate Cases, 390 U.S. 747 (1968), the Supreme Court stated "[t]he Commission's responsibilities necessarily oblige it to give continuing attention to values that may be reflected only imperfectly by producers' costs; a regulatory method that excluded as immaterial all but current or projected costs could not properly serve the consumer interests placed under the Commission's protection." 390 U.S. at 815.

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This time span is of-sufficient length to insure that a reporting lag or the lack of the information required to make a reserve estimate in any given year will not unduly influence the end result while at the same time giving the requisite consideration to the more recent industry experience in finding new supplies of non-associated and associated natural gas.

There has been a steady decline in reserve additions, and, in turn, productivity in recent years. A significant factor in that decline is the sharp increase in net negative revisions[68] to existing non-associated natural gas reserves that was first reported in 1969 and which has continued to this day.[69] This sharp increase in net negative revisions has decreased the net annual additions to the nation's total natural gas reserves. These net negative revisions also reduce the productivity factor for that year even though the revisions may be adjustments to reserves discovered many years prior to the year in which the revisions are reported. Since the revisions are not reported in a manner which would enable us to determine which, if any, of the reported revisions should be used in computing current costs, we find it necessary to use an average productivity based upon a number of years to reduce the impact of such changes on our cost computations. For example, if revisions are made to reserves discovered in 1940, those revisions will not affect the current cost of finding new gas supplies; however, if revisions are made to reserves discovered and reported during the time span which is used to calculate a productivity factor in this proceeding, those revisions would be material and relevant to our determination of a productivity factor in this proceeding. We conclude, therefore, that the utilization of only the reserve additions for the most recent four or five years to determine a productivity factor for the high side of the reasonable cost range would produce a result that is not within the "zone of reasonableness" and that a seven to ten year time period is the appropriate time period to determine productivity factors to compute the reasonable cost range."[71]

We have weighted our productivity factors for the reasonable cost range in favor of the recent downward trend in productivity to insure that rate derived from the cost of new gas supplies will be sufficient to encourage the exploration for and development of more marginal gas reserves and to account for the fact that the data for past four years seems to indicate that there has been a definite decline in the industry's ability to find sufficient supplies of natural gas for the nation. The Commission has previously recognized that productivity trends would depend upon "whether the 'dwindling resource' effect, or the improved technology will dominate for the future. If the former, productivity over time will decline; if the latter, it may increase."[72] While one or two years of low productivity would not be indicative of the "dwindling resource effect", the data for the past four years shows not only an increase in negative revisions but also a decline in the other components of the total reserve additions. There are, however, indications that the bleak picture with respect to the reserve additions for the most recent years may not be as hopeless as the reported data would indicate. Appendix B–1 to the March 21, 1974, notice in this proceeding indicates that the reported reserve additions for 1971 and 1972 may be understated by 1.7 Tcf or more. This indicated understatement may be even greater when one considers that the 1.7 Tcf disparity is based upon the difference between the Bureau of Natural Gas's estimate of nonassociated natural gas reserve additions for 1971 and 1972 with respect to 31 selected leases and AGA's estimate of significant new discoveries for 1971 and 1972 in the Offshore Southern Louisiana area.

The 1.7 Tcf disparity reported by our Staff for 1971 and 1972 is to be contrasted with reserve additions for 1973 which were the lowest ever reported by the AGA. Again, as is the case for most of the recent years, the low level of the additions was in part due to net negative revisions." Other components of the total reserve additions were also at fairly low levels indicating a continuation of the trends observed in recent years.

The year-to-year variation in the productivity series over the 1947–1972 period is illustrated in Chart I. In addition to the actual annual data, represented by solid line on the chart, we show a second series, represented by the broken line, which is calculated from the 3-year moving averages of footage drilled and reserves added. The use of moving averages helps to correct for the known time lag between drilling and discovery of reserves. Even though the second series is less volatile than the first, it also indicates substantial cyclical variations. It is especially significant that the date prior to 1969 do not show any consistent upward or downward trend in productivity. There was a strong upward trend from 1960 to 1966 and an even sharper decline thereafter."[74]

Because of the observed instability in year-to-year productivity, the use of short-run productivity data would incur the risk of injecting comparable instability in our rate determinations. For example, if in an earlier period we had used the years 1960–1963, our rate determination would have been based on an average productivity of 509 Mcf per foot drilled. If we had then reviewed the rate 4 years later, using the 1964–1967 period, the rate would have been based on 712 Mcf. The increase between the two 4-year periods would have required a substantial downward revision in the rate. Updating to the next 4 years, 1968–1971, would have resulted in a large upward revision in the prescribed rate, since the 1968–1971 productivity was 458 Mcf per foot drilled. We believe that the rate instability that would follow from rates based on short-run productivity would have an adverse effect on future gas supply.

[68] Revisions to existing natural gas reserves may be positive or negative. The revisions for fields in a state or sub-area of a state are summed to arrive at a net revision for that sub-area or state. In turn, the revisions for all states are summed to arrive at the total revisions for the year. It is this figure which may be a net positive or a net negative figure, that is reported by the AGA as the annual revisions. See Reserves of Crude Oil, Natural Gas Liquids, and Natural Gas In The United States And Canada And United States Productive Capacity As Of December 31, 1972, Volume 27, Published jointly by the American Gas Association, American Petroleum Institute, and the Canadian Petroleum Institute (May 1973).

[69] Appendix A. Revisions and Extensions were first reported as separate classifications by AGA in 1966 so it is impossible to determine a trend in revisions over any significant time span.

[71] Accord, Permian Basin Area Rate Cases, 390 U.S. 747, 815 (1968).

[72] Area Rate Proceeding, et al. (Southern Louisiana), 46 F.P.C. 86, 130 (1971).

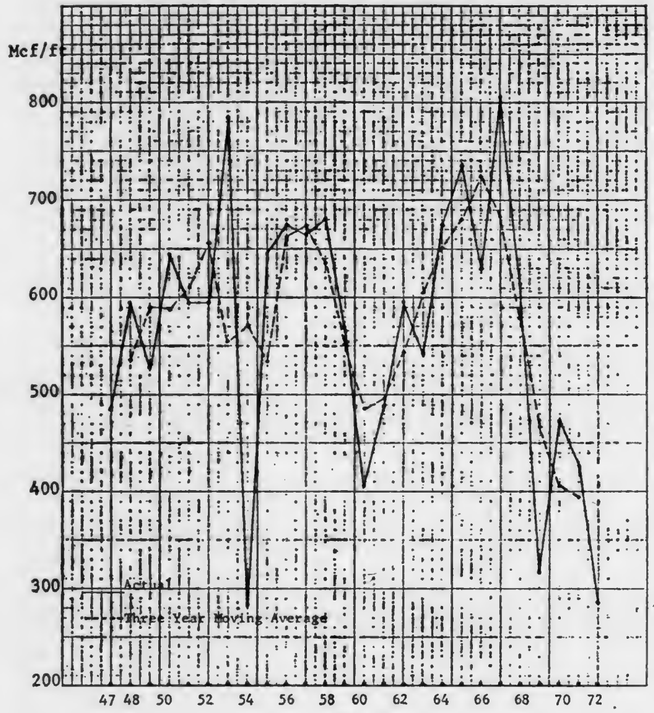
[73] See n. 33, *supra* p. 23. The net negative revisions reported in 1973 totaled 5.3 Tcf.

[74] See also, Appendix C (Schedule 2, Sheet 2 of 3).

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CHART I

NON-ASSOCIATED GAS RESERVES ADDITIONS PER FOOT DRILLED IN WELLS PRODUCTIVE OF GAS AND CONDENSATE UNITED STATES EXCLUDING ALASKA, 1947 - 1972



On the other hand, we cannot be confident of an early reversal of the recent years of exceptionally low productivity, even though it has no previous parallel in the industry's history. So that the latest results may be reflected in the rate determined herein while, at the same time, insuring that any given year will not unduly influence the end result, data for the past seven years (1966–1972, inclusive) and AAPG drilling footage have been utilized to determine the productivity for the high cost estimate, and a ten year period (1963–1972, inclusive) and World Oil drilling footages have been used to compute the productivity for the low cost estimate."[75] The productivities determined by these methods are 485 Mcf per foot drilled and 552 Mcf per foot drilled, respectively."[76] Adjustment of these productivities to account for the disparity of 1.7 Tcf reported in our notice of March 21, 1974, in this proceeding yields a productivity factor of 559 Mcf per foot drilled for the low side productivity factor. The high side productivity factor is 494 Mcf per foot drilled based upon reserve additions for seven years and AAPG drilling footages.

Rates based upon a productivity factor range of 485 Mcf per foot to 559 Mcf per foot provide an incentive to producers to develop more marginal prospects that were formerly passed over as uneconomical. A lowering of productivity increases the rate allowed for new gas supplies which, in turn, makes higher cost developments more attractive and helps offset the higher unit costs associated with gas supplies produced from reservoirs evidencing a low productivity. If we are to reduce the existing gap between the supply of natural gas and the reasonable demand for natural gas, all reservoirs practicably capable of producing commercial quantities of natural gas, not just the most prolific, must be found and developed. Thus, our estimated cost must reflect the inclusion of these less prolific reserves, and the limits of the productivity range must be adjusted accordingly.

The productivity chosen can also serve an eliciting function. Lowering the productivity changes the mix of reserve additions by recognizing the less prolific reserves as a greater portion of the total gas supply. Increasing the productivity has the converse effect of excluding the less prolific reserves from the total mix. In a time of gas shortages, it is neither reasonable nor provident to maintain a high productivity which has the resulting effect of discouraging the development of less prolific reserves. Indeed, it is doubted that the development of the less prolific reserves should be discouraged under any conditions of gas undersupply or oversupply. The most appropriate means of encouraging the development of the less prolific and more costly reservoirs is to decrease the productivity factor so as to reflect the inclusion of the reservoirs in the total mix of reservoirs used to compute the productivity factor.

Thus, we have concluded that a productivity range of 485 Mcf per foot to 559 Mcf per foot may be used to calculate the estimated cost of new natural gas supplies in this proceeding." We find that the productivity level which should be realized in the period of 1973 to 1975 is within this reasonable range of productivities.

c. *Rate of return.* All parties submitting cost studies in response to the notice of rulemaking issued on April 11, 1973, utilized a 15 percent rate of return.[78] The Producers argued that 15 percent is not "adequate to compensate for the risk of exploration and production."[79] The Producers' comment that 15 percent was not "adequate" was not supported by any data in support of a higher rate of return beyond reference to the testimony of Dr. Ezra Solomon in Docket No. AR69–1.

In response to our notice of March 21, 1974, the Producers submitted comments of Dr. Ezra Solomon and Mr. Kenneth E. Hill which recommended a 15 to 18 percent rate of return computed on a discounted cash flow basis (DCF) after estimated Federal income taxes and based upon "full cost accounting."[80] UDC submitted comments utilizing an 18 percent rate of return; no basis for the 18 percent rate of return was set forth in UDC's comments. GHK in its reply comments suggested up to a 33 percent rate of return for super deep drilling because

[75] See Appendix C, Schedule 2, Sheet 3 of 3 for the productivity computations.

[76] See Appendix C (Schedule No. 1, Sheet 1) for the effect of productivity on the range of estimated new gas costs.

[77] For purposes of the component by component cost analysis, we shall use the unadjusted AGA reserve additions and simply summarize the cost results for the adjusted reserve additions.

[78] UDC used a 16 percent rate of return for its high cost estimate.

[79] Indicated Producer Response, Appendix B, p. 3.

[80] Comments of Indicated Producer Respondents, filed May 7, 1974, Appendices A and B.

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of the high costs and risks associated with such drilling.[45]

The rate of return allowed in the various area rate proceedings has increased over the years as the result of changing economic conditions. A 12 percent rate of return was found to be adequate in the first two area rate opinions.[46] The higher cost of capital and the need for additional incentives to encourage greater investment in exploration and development programs resulted in a 15 percent rate of return being allowed in the most recent area rate opinions. See n. 84, infra.[47]

The 15 percent rate of return was approved in the most recent area rate proceedings as within a zone of "reasonableness" and as being "just and reasonable."[48]

Current data (See Appendix E) indicate that the permissible "zone of reasonableness" for the rate of return ranges from 12 percent to 15 percent with the high end of the range the most appropriate level for utilization in this decision. FPC v. Natural Gas Pipeline Co., 315 U.S. 575, 585 (1942). The high level of the permissible zone is selected because it provides the extra incentive needed to stimulate increased exploration and development activity. Upon careful consideration of all issues pertaining to the appropriate level for the rate of return (i.e., capital requirements, comparable earnings of other investments with commensurate risk, and gas supply and demand), we find that the high level of the reasonable range for the rate of return (15 percent) should be adopted in this decision.

We find no reliable evidence supporting a rate of return greater than 15 percent. This rate of return compares favorably with the returns earned by other extractive industries, utility companies, industrial concerns, and the overall earnings of large integrated producers and the predominately pure producer. These integrated oil and gas companies exhibit many of the same characteristics of the pure producer and have many of the same risks. Thus, we find 15 percent to be a generous rate of return using comparable earnings as a guide. Bluefield Water Works & Improvement Co. v. Public Service Commission of West Virginia, 262 U.S. 697 (1923); FPC v. Hope Natural Gas Company, 320 U.S. 591 (1944).

The question at issue is whether the 15 percent rate of return on total investment (which yields a return of over 17 percent on equity) is still appropriate in setting a nationwide rate in light of current and prospective economic conditions for the petroleum industry.

In our consideration of the fairness of this return, we have relied primarily on the comparative approach which is based on the opportunity cost of capital concept. In essence, this concept professes that for any potential investment the capital must be compensated according to the risks involved or else it will flow to alternative opportunities in the marketplace offering returns commensurate with the risk such capital is willing to assume. This approach is consistent with "comparable earnings" test in the Bluefield and Hope cases, supra, in that we have considered the rates of return new capital could earn in alternative investments in addition to the returns on average investment capital.

In implementing this approach, we examined the returns earned by a cross-section of American industry involving different degrees of risk. Appendix E, Sheet, 1, shows that such returns have ranged between 10.8 percent and 11.6 percent during the five years 1968–1972. In 1972 alone, such returns ranged between 4.3 percent and 17.7 percent and averaged 10.3 percent, as shown on Sheet 2 of Appendix E.

Furthermore, we appraised the returns realized on total capital by oil companies, primarily integrated oil companies, since few companies except the very small enterprises are any longer strictly producers. Sheet 3 of Appendix E shows that the returns on total capital realized by a cross-section of oil and gas producing companies during the year 1971 and 1972 averaged approximately 8.5 percent. It should be recognized that there are difficult allocation problems in determining the relative returns on capital invested in the production of natural gas and crude oil. We believe that the allowance of a 15 percent return on capital invested in the production of natural gas is fair in relation to the overall return on capital experienced by companies engaged in the joint exploration for and production of natural gas and crude oil.

By and large, our study revealed that the 15 percent overall return is high by comparison to the actual average returns realized by most oil companies as well as by most industries on their combined total investment. Similarly, with any degree of leverage in the capital structure, the returns on equity would be higher than the average returns realized by the oil and gas industry as well as by most other industries on their combined equity capital as follows:

	Capital structure—1972[1]			
	Million dollars	Capital ratios	Costs	Weighted component
		(Percent)	(Percent)	(Percent)
Long-term debt	$21,858	23.35	6.25	1.46
Preferred stock	404	.43	6.00	.26
Common equity	71,353	76.22	17.42	13.28
Total	93,614	100.00		15.00

[1] Source: Financial analysis of a group of petroleum companies—a Chase Manhattan Bank study.

However, we must consider that any new external capital committed to the exploration and production of natural gas will be acquired at the higher incremental rates presently prevailing thus reducing the benefits of leverage. For example, if in the capital structure above the embedded costs for debt and preferred stock were replaced by recent costs for debt and preferred stock the return on equity would drop to 16.70 percent from 17.42 percent.

Even though this 15 percent return on total capital as well as the equity returns under it are higher than the actual average returns realized by most industries, it may be conservative by comparison to the marginal returns demanded by business on new venture capital. Indeed, in appraising the fairness of the 15 percent return on the risk capital committed to the production of natural gas, it is far more meaningful to compare it with the returns necessary to attract new venture capital, rather than with the average established returns on combined total investment which involves a lower degree of risk. We have, however, no way of determining the marginal rates of return for new venture capital which are considered the minimum return which must be earned by a new project before funds will be invested. In this respect, we note that the 15 percent rate of return allowed by this order is approximately double the average rate of return earned on total investment capital by a cross-section of the integrated petroleum companies for 1971 and 1972 (Appendix E, Sheet 5). The 15 percent rate of return is also several percentage points higher than the rate of returns earned on average total capital for a number of industrial groups as shown on Sheet 1 of Appendix E. Thus, we find that a 15 percent rate of return is sufficient to attract new capital to natural gas exploration and development for the interstate market.

On that premise, it is our judgment that the 15 percent return is the appropriate incentive rate required to attract the high risk capital to finance the exploration, development, and production programs which must be undertaken to produce the new natural gas supplies necessary to fulfill the existing and future interstate demand.

[45] Because of our disposition of the question of additional cost allowances of super deep drilling (Super deep wells is a term used to refer to wells with a total depth in excess of 15,000 feet.), we do not find it necessary to consider GHK's rate of return recommendations at this time.

[46] Area Rate Proceeding, et al. (Permian Basin), 34 F.P.C. 159, 204 (1965); Area Rate Proceeding, et al. (Southern Louisiana Area), 40 F.P.C. 530, 7576 (1968).

[47] The rates approved for the Other Southwest Area track the rates approved in Southern Louisiana II and Texas Gulf Coast which were based upon a 15 percent rate of return Area Rate Proceeding, et al. (Other Southwest Area), 46 F.P.C. 900 (1971).

[48] 45 F.P.C. 674, 698–9; 46 F.P.C. 86, 131; Area Rate Proceeding, et al. (Other South-II), Docket No. AR70–1 (Phase I), Initial Decision, mimeo, pp. 31–32.

d. *The rate base.* This Commission's traditional costing methodology capitalizes the "successful well costs" and expenses the "unsuccessful well costs."[49] This procedure which has been followed since the first *Permian* decision[50] has become the subject of considerable questioning by a number of natural gas producers recently, who have urged the Commission to provide a return on the "unsuccessful well costs" under the principles of "full cost accounting." (These principles have also been referred to as a "return on dry hole costs.")[51]

In response to the questions which have been raised concerning our policy of allowing a return only with respect to the "successful well costs" and the need to resolve the issue uniformly rather than on a case-by-case basis, we asked, in our notice of March 21, 1974, whether the principles of full cost accounting should be applied to producer ratemaking or whether the "unsuccessful well costs" should continue to be treated as current expenses for ratemaking purposes. We further raised the question as to the rate of return which would appropriate if full cost accounting were utilized to determine producer rates.[52]

A majority of parties to the rulemaking submitting comments in response to the March 21, 1974, notice on these questions urged that the principles of full cost accounting be adopted in establishing the national rate for natural gas sold in interstate commerce.[53] The parties urging the adoption of full cost accounting were not all in agreement as to the application of full cost accounting. Some parties urged that the rate of return would have to be adjusted downward to reflect the increased rate base,[54] while others opposed such a procedure.[55] The Associated Gas Distributors (AGD) suggested that a rate of return equal to one-half of the return allowed on "successful well costs" be allowed for "unsuccessful well costs."

Several parties (the Pennzoil Companies and Tenneco Oil Company) cited Order No. 440[56] in support of their arguments for the adoption of full cost accounting as a ratemaking principle. Such arguments are not compelling since the parties fail to consider and apply the limitations which we set forth in Order Nos. 440 and 440–A. In Order No. 440, we required natural gas pipeline companies subject to the jurisdiction of this Commission to capitalize and write-off over the lives of the productive wells all exploration and development costs incurred with respect to leases acquired on or after October 8, 1969. Full cost accounting was adopted as an accounting method because we believed that it would better match revenues and expenses for accounting reporting purposes.[57] For ratemaking purposes, however, we clearly stated in Order No. 440–A[58] that the pipeline companies required to adopt full cost accounting would not receive the applicable area rate for their natural gas production as provided in the Pipeline Area Rate Proceeding[59] and, in addition thereto, receive a return on the costs associated with leases acquired on or after October 8, 1969. Thus, it is clear that Order Nos. 440 and 440–A merely provide for the adoption of full cost accounting as a superior accounting method and not as a ratemaking principle.

There is, however, an even more serious deficiency in the argument that Order No. 440 supports or requires the adoption of full cost accounting in this proceeding. That deficiency is the failure to provide a procedure whereby the capitalized unsuccessful costs may be written-down if they exceed the value of the reserves discovered. The accounting prescribed in Order No. 440 included the unsuccessful costs in the plant accounts, but provided that such costs, after a reasonable time, must not exceed the net realizable value of the recoverable reserves.

In Order No. 440–A[60] and in Order No. 468,[61] we required pipelines which are accumulating costs on leases acquired after October 7, 1969, to periodically write down the net book value of the capitalized plant if it is determined that the net realizable value of the reserves underlying the subject leases is less than the net book value. There are no comparable procedures advanced by the Pennzoil Companies or Tenneco Oil Company. For this reason, and because of the nature of the costs, i.e., "unsuccessful," we are reluctant to treat the unsuccessful costs as investments upon which a return should be allowed. The effect of allowing such a return would be an overstatement of investment base used in computing the return on investment component and the allowance of an excessive rate of return as well as excessive rates.

The fundamental issue, however, seems to be: Should we alter the traditional costing methodology used to establish natural gas rates because of a change in an accounting procedure? We answer the question in the negative. Our basic costing approaches were adopted many years before we adopted full-cost accounting in our Uniform System of Accounts for Natural Gas Companies. The fact that some companies account for unsuccessful costs under the full-cost concept does not lead us to the conclusion that we should alter our basic cost determinations and treat unsuccessful costs as part of the investment base to which a rate of return is applied. The net effect of changing our costing methodology to reflect full-cost accounting would be to increase the return component of the national rate without any change in the cash outlays required by producers or any change in the risks associated with their investments. Such a procedure could only result in producer profits which are higher than those we have consistently found to be just and reasonable on the basis of traditional costing methodology.

Natural gas producers, unlike public utilities, are not regulated on the basis

[49] The term "successful well costs" is used to refer to the costs of successful wells, recompletions and deeper drilling, lease acquisitions, and other production facilities, and the term "unsuccessful well costs" is used to refer to the costs of dry holes, other exploration, and exploration overhead.

[50] 34 F. P. C. 159, 191 (1968).

[51] The Pennzoil Companies (Pennzoil Company, Pennzoil Producing Company, Pennzoil Offshore Gas Operations, Inc. (POGO), and Pennzoil Louisiana and Texas Offshore, Inc. (PLATO)) urged the Commission to provide such a return in their comments filed in this proceeding on May 16, 1973, and June 1, 1973. The issue of full cost accounting has also been raised in a number of our optional pricing cases: Barber Oil Exploration, Inc., et al., Docket No. CI74–199, et al.; C&K Offshore Company (Operator), et al., Docket No. CI74–434; Pennzoil Producing Company and Midwest Oil Corporation, Docket Nos. CI72–321 and CI73–755; Pennzoil Producing Company, Docket No. CI74–244; Pennzoil Company, Docket No. CI74–253; Pennzoil Producing Company, Docket No. CI74–272; Pennzoil Company and Ansdarko Production Company, Docket Nos. CI74–264 and CI74–408; The Rodman Corporation, Docket No. CI73–694; Tenneco Oil Company, Docket No. CI74–132; Tenneco Oil Company, Docket No. CI74–301; Texaco Inc., et al., Docket No. CI74–82, et al.

[52] Notice of March 21, 1974, mimeo p. 5, 39 F.R. 11310 (1974).

[53] A vast majority of the parties urging the adoption of full cost accounting were natural gas producers. The Indicated Producer Respondents, the Pennzoil Companies, The Rodman Corporation, Tenneco Oil Company, and Texasgulf, Inc., submitted such comments. Columbia Gas Transmission Corporation, the United Distribution Companies, General Motors Corporation, and Arthur Anderson & Co. supported the adoption of full cost accounting.

Northern Natural Gas Company, The Public Service Commission of the State of New York, and the American Public Gas Association opposed the adoption of full cost accounting.

[54] New York and APGA opposed the adoption of full cost accounting on this basis.

[55] Those opposing such a reduction were the Producers and other parties urging the adoption of full cost accounting.

[56] Revisions In Uniform Systems Of Accounts For Natural Gas Companies (Classes A, B, C, and D) And Annual Report Form No. 2 To Adopt Full-Cost Accounting For Exploration And Development Costs Incurred By Pipeline Companies On Natural Gas Leases Acquired On Or After October 8, 1969, Docket No. R–403, Order No. 440, 46 F.P.C. 1148 (1971), Order No. 440–A, 47 F.P.C. 39 (1972).

[57] 46 F.P.C. 1148, 1150 (1971).

[58] 47 F.P.C. 39 (1972).

[59] Pipeline Production Area Rate Proceeding (Phase I), 42 F.P.C. 738, as amended, 42 F.P.C. 1069 (1972), affirmed, City of Chicago v. F.P.C., 147 U.S. App. D.C. 312, 458 F. 2d 731 (D.C. Cir. 1971), cert. denied, 405 U.S. 1074 (1972).

[60] 47 F.P.C. 39, 41–42 (1972).

[61] Revisions In Uniform System Of Accounts, For Natural Gas Companies (Classes A, B, C, and D) And Annual Report Form No. 2 To Provide That The Determination Of Natural Gas Reserves On Acreage Acquired After October 7, 1969, Shall Be Made And Attested To By Independent Appraisers, To Disclose The Net Realizable Value And Related Costs Of Hydrocarbon Reserves, And To Eliminate An Allowance For Equity Funds On Exploration And Development Expenditures Incurred On Or Related To Acreage Acquired After October 7, 1969, 49 F.P.C. 219, 220–221 (1973).

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of a return on their entire investment committed to the enterprise.

Producers of natural gas cannot usefully be classed as public utilities. They enjoy no franchises or guaranteed areas of service. They are intensely competitive vendors of a wasting commodity they have acquired only by costly and often unrewarded search. Their unit costs may rise or decline with the vagaries of fortune. The value to the public of the services they perform is measured by the quantity and character of the natural gas they produce, and not by the resources they have expended in its search; the Commission and the consumer alike are concerned principally with "what [the producer] gets out of the ground, not * * * what he puts into it * * *" *FPC* v. *Hope Natural Gas Co.*, 320 U.S. 591, 649 (separate opinion).

Permian Basin Area Rate Cases, 390 U.S. 747, 756–757 (1968) (footnote omitted).

The adoption of full cost accounting (or "return on dry hole costs") would drastically reduce the risks involved in the exploration for and production of natural gas and place the Commission in the position of being a guarantor. Production is not riskless and cannot be regulated as such. If producers are to be regulated as public utilities, they should be regulated as such on a company-by-company basis.

As a minimum, the utilization of full cost accounting (or "return on dry hole costs") would require a reduction in the allowable rate of return since the increase in the investment base upon which a return is allowed is drastically increased. This increase in the investment base results in a much lower investment risk which must be considered in determining the appropriate rate of return which is commensurate with the risk of the enterprise. Under the comparable earnings principles, allowance of the same rate with the utilization of full cost accounting as is allowed under our traditional costing methodology would result in an exorbitant return to natural gas producers. See Bluefield Water Works & Improvement Co. v. Public Service Commission of West Virginia, 262 U.S. 697 (1923); FPC v. Hope Natural Gas Company, 320 U.S. 591 (1944).

e. *Investment life.* The average investment life estimates used by the various parties range from nine years to twelve years with the average around 10.5 years. The Commission has determined that a range of 9 to 10.5 years represents the most reasonable allowance for the investment life in light of declining depletion periods and the nation's needs for additional supplies of natural gas.

The Staff recommended an average investment life of nine (9) years including lag time. IPR utilized 11.5 years, and UDC used nine (9) and eleven (11) years. Our recent area rate decisions have utilized either 10.5 years or 11 years [28] as the appropriate investment life including a time lag between the commitment of funds to acquire the necessary leases and the commencement of revenues at a later date.

We adopt Staff's average investment life of nine (9) years as the basis for determining the depletion period for the range of reasonable costs. See, Appendix C (Schedule No. 1 Sheet 2) for our cost analysis based upon a nine year investment life. We are of the opinion, however, that Staff's estimated investment life is understated as a basis for determining reasonable costs. To determine the investment life for the range of reasonable costs, we start with an average depletion period of eighteen (18) years; this yields a depletion period of nine (9) years to be included in the investment life. To this we add a lag period of 1.5 years, See, Area Rate Proceeding, et al. (Southern Louisiana Area), 46 F.P.C. 86, 131 (1971). The investment life for the range of reasonable costs is found to be 10.5 years from the foregoing.

Our analysis of depletion rates indicates that the nation's present needs for additional supplies of natural gas have caused reservoirs to be depleted at greater rates than in the past. Thus, the twenty (20) year depletion which was the basis for the 11 year investment life in the first Permian Basin Area Rate Proceeding, 34 F.P.C. 159 (1965), is no longer appropriate. Furthermore, the use of an eighteen (18) year depletion period might cause this factor to be somewhat overstated. However, the present natural gas shortage requires additional exploration and development programs be undertaken and that reasonable incentives be allowed to encourage the commencement of additional exploratory activity. After consideration of these factors, we believe that the eighteen (18) year depletion period is reasonable and it will be utilized by the Commission to determine the reasonable range for the investment life.

f. *Federal income taxes.* In their initial and reply comments filed on May 16, 1973, and June 1, 1973, the Pennzoil Companies urged the Commission to provide an allowance for Federal income taxes based upon hypothetical tax calculations. Similar presentations were made by the Major Producer Group, The Pennzoil Companies, the Rodman Corporation, Tenneco Oil Company, Texasgulf, Inc. in comments filed on May 7, 1974. Mobile Oil Corporation argued that a Federal income tax allowance would be required at the rates generated by its "discounted cash flow" methodology in comments filed on May 29, 1974. Also, in comments filed on May 29, 1974, Texaco, Inc. alleged that a Federal income tax liability would be generated by the rates computed using Texaco's discount cash flow methodology. We are of the opinion that these presentations do not provide a proper basis for computing the Federal income tax component; however, we shall allow any natural gas producer subject to the jurisdiction of this Commission to establish that their particular circumstances require the grant of special relief in the form of an allowance for Federal income taxes. Persons making such a presentation will be required to introduce into evidence copies of their Federal income tax returns and such supporting schedules as are necessary to permit the Commission to determine the appropriate amount of a Federal income tax allowance, if any.[29]

We find ourselves in agreement with the comments filed by the Associated Gas Distributors (AGD) on May 29, 1974, wherein AGD states that a claim for Federal income taxes should not be considered in the absence of "actual data from the producers' income tax returns, which the producers have been unwilling to provide in" this proceeding. AGD comments of May 29, 1974, p. 7. Contrary to the arguments of some parties,[30] Federal income tax returns are important in the determination of the appropriate Federal income tax allowance for the jurisdictional natural gas operations of a producer seeking such an allowance. The findings on the Federal income tax arguments advanced by the producers in the first Southern Louisiana Area Rate proceeding are appropriate here:

With respect to income taxes, in order to make a finding that the industry as a whole pays taxes, it is essential in the first instance that we have for analysis a reasonably representative group of income tax returns of the corporate and individual entities constituting the industry. The producers have not chosen to come forward with such a group of income tax returns for the record. Without such returns available to us, we cannot begin the required analysis which will establish the extent of the industry's tax liability if any, in the light of the provisions of the revenue laws which would reduce or eliminate the tax liability. Obviously, evidence in the record that some of the companies or individuals may pay a tax will not suffice. Such evidence does not support a finding that the industry as a whole pays a tax on its gas

[28] A 10.5 year investment life was utilized in Area Rate Proceeding (Texas Gulf Coast Area), 45 F.P.C. 674 (1971); Area Rate Proceeding (Southern Louisiana Area), 46 F.P.C. 86 (1971); and Area Rate Proceeding (Other Southwest Area), 46 F.P.C. 900 (1971). In Area Rate Proceeding (Permain Basin Area), Docket No. AR70–1 (Phase I), 50 F.P.C. —— (issued August 7, 1973), the Commission adopted the Presiding Administrative Law Judge's cost findings which were based upon an 11 year investment life.

[29] See 26 CFR 1.611–2(g), 1.613–6; Treas. Reg. § 1.611–2(g), T.D. 6446, 1960–1 Cum. Bull. 208, amended T.D. 6938, 1968–; I.R.B. 25, and amended T.D. 7170, 1972–17 I.R.B. 12; and Treas. Reg. § 1.613–6, T.D. 6446, 1960–1 Cum. Bull. 208 amended T.D. 7170, 1972–17 I.R.B. 12; for the supporting schedules to accompany the Federal income tax returns where the petition for special relief is sought because of Federal income taxes payable.

[30] See comments of the Pennzoil Companies (p. 6) filed May 7, 1974; comments of Tenneco Oil Company (pp. 6–7) filed May 7, 1974.

production operations. Consequently, in view of the lack of record support, we are constrained to find no basis for a determination that a tax liability exists.

Area Rate Proceeding (Southern Louisiana Area) et al., 40 F.P.C. 530, 585–586 (1968), affirmed Austral Oil Company, et al. v. FPC, 428 F. 2d 407, reh. denied, 434 F. 2d 125, cert denied, 400 U.S. 950 (1970).

Our decision in Florida Gas Transmission Company [31] is consistent with the above position. In that proceeding we held that the rates of a regulated pipeline were not to be reduced because a non-regulated affiliate had a tax loss in the test year. Likewise, in this proceeding, we seek to insure that the income tax allowance will be based upon the revenues and deductions generated by the exploration for, production of, and sale of natural gas in interstate commerce. To the extent that taxes are reduced or a net tax benefit arises from the exploration for and subsequent sale of natural gas in interstate commerce, the rates allowed for the sale of such gas should be adjusted accordingly.

We believe that there is a potential for Federal Income Tax liability for producers and some producers may be paying taxes; however, under current tax laws, if producers maintain a sufficiently active exploration effort the payment of taxes can be postponed indefinitely into the future. The provisions of the tax laws are such that substantial tax deductions result from producer operations prior to the period that production begins. As indicated in the comments of some of the parties, such tax deductions relate to expensing a portion of exploration expenditures for tax purposes; writing off a portion of lease acquisition expenditures when the leases prove unproductive; expensing 100 percent of the dry holes in the year drilled; writing off the intangible drilling cost portion of the cost of successful wells, and, additionally, the producers generate certain investment tax credits.[32] Upon commencement of production, the producer has statutory depletion available for tax deduction as well as operating expenses and other deductions.[33]

Upon careful consideration of the various comments filed, the parties' attempts to determine an income tax allowance on a cents per Mcf basis, we find that some correlation between the provisions of the Internal Revenue Code and the cents per Mcf analysis must be presented.

Since any analysis of the need for a Federal income tax allowance must be based upon the relationship between the timing of expenditures and revenues from a particular property, such an allowance cannot be adopted as part of the national rate without an investigation of the tax returns of a representative group of producers. In cases where an individual producer or group of producers seeks special relief because of Federal income taxes payable, we shall require the producer or producers to submit the appropriate tax returns for our consideration. We realize that there may be some difficulty in separating jurisdictional expenditures from non-jurisdictional expenditures, but that is a difficulty which must be accommodated.

Thus, in view of the record available to us, we find that a cost component for Federal Income Taxes should not be included in the national rate. However, we shall consider petitions for extraordinary relief where a producer can affirmatively show that his overall natural gas operations result in the actual payment of Federal Income Taxes.

g. *Cost of new gas*—(1) *Successful well costs.* Successful well costs are calculated by dividing the drilling cost per foot of successful gas wells for a given year (1972 for this decision) by the non-associated gas reserves added per foot drilled over a number of years (Mcf per foot).

The estimates of successful well costs ranged from 4.77 cents per Mcf (Staff's low estimate) to 8.71 cents per Mcf (UDC's high estimate).[34] This range is due primarily to the various parties using different productivities in their cost studies and trending of the 1971 JAS costs for inflation by the Producers and UDC. Restating the cost data and productivities to the bases already adopted by the Commission shows that there would be small differences between the estimates of the parties.

Successful well costs are found to range from 4.99 to 5.68 cents per Mcf based upon 1972 JAS cost data ($27.54 per foot) and productivities equal to 559 and 485 Mcf per foot.[35]

A range of successful well costs of 4.99 to 5.68 cents per Mcf is found to be just and reasonable.

(2) *Recompletion and deeper drilling.* All parties submitting cost studies adopted 0.20 cents per Mcf as an adequate allowance for the cost of reentering an old well for a recompletion, drilling deeper, or redrilling.

This component was first adopted as a separate part of the cost matrix in the second Permian Basin proceeding.[36] This cost element was first determined to be approximately three to five percent of successful well costs from the responses to the AR69–1 Questionnaire. See Area Rate Proceeding, et al. (Southern Louisiana Area), 46 F.P.C. 86, 131 (1971), for a discussion of this component. This cost is not included in the JAS drilling costs and was derived as a percent of total gas well drilling costs from the responses to the AR69–1 Questionnaire.

As there is no major dispute over the allowance for recompletions and deeper drilling, the Commission will adopt the 0.20 cents per Mcf which was used by all parties submitting cost studies.

(3) *Lease acquisition costs.* The lease acquisition cost component is calculated by multiplying the successful well cost by the ratio of national lease acquisition costs divided by national successful well costs.

Staff determined that the ratio to be applied to the successful well costs is 0.6112 based upon JAS data for 1967 to 1971. UDC accepted this ratio. The Producers calculated a ratio of 0.803 utilizing both JAS and Chase Manhattan Bank data. The Producers then adjusted this ratio upward to 0.937 to reflect their contention that proportionately more of the national lease acquisition costs are incurred by gas leases as compared to oil leases.

Our examination of the method used by the Producers to calculate lease acquisition costs convinces us that it overstates the appropriate allowance for lease acquisition costs and unnecessarily complicates the determination of this component of the cost model. A significant deviation between the method used by Staff and UDC and the method used by the Producers is the allocation of a thirty percent higher ratio of leasehold to drilling costs for gas then for oil leases by the Producers. This thirty percent factor is not derived by the Producers nor supported by any evidence or data in the IPR presentation. We will, therefore, accept the methodology utilized by Staff and UDC to calculate lease acquisition costs.

These computations of lease acquisition costs yield a range of 2.92 cents per Mcf (Staff's low estimate) to 7.09 cents per Mcf (Producer's high estimate). Staff's straight line relationship between lease acquisition costs and successful well costs is accepted.

Because JAS data for 1972 have been reported since the notice of rulemaking was issued in this proceeding and the various parties submitted their cost studies, the Commission has updated Staff's straight line relationship between lease acquisition costs and successful well costs to account for 1972 lease acquisition costs as reported by JAS. As shown in Appendix C (Schedule No. 3), the ratio of lease acquisition costs to successful well costs for 1967 to 1972 inclusive is 0.6740. Application of this ratio to the successful well costs of 4.99 and 5.68 cents per Mcf yields a lease acquisition cost range of 3.36 to 3.83 cents per Mcf.

Restating the UDC and the Producer calculations to the same data base used in Appendix C of this decision we find that UDC's lease acquisition costs are

[31] 47 F.P.C. 341 (1972), reh. denied, 49 F.P.C. 261 (1973), appeal pending sub nom. Sun Oil Co. v. FPC, Nos. 73–1208 and 73–1413 (D.C. Cir., filed February 27, 1973).

[32] See Internal Revenue Code of 1954, 38, 46–50, 263(c); Treas. Regs. § 1.612–4 (26 CFR 1.612–4).

[33] Internal Revenue Code of 1954, 162, 164, 611–614.

[34] Successful well costs and other components of the GHK and Columbia Gas Transmission studies will not be considered in this general discussion of the cost of new natural gas supplies since they are specialized studies directed to cost of new gas supplies in certain specific areas (the Deep Anadarko Basin and the Appalachian Illinois Basin Area).

[35] Inclusion of Alaskan drilling data and reserve additions would yield a successful well cost of 5.51 cents per Mcf based upon the most recent seven-year period.

[36] *Area Rate Proceeding (Permian Basin Area)*, Docket No. AR70–1 (Phase I), Opinion No. 662, 50 F.P.C. —— (issued August 7, 1973); see the *Initial Decision, mimeo* p. 37.

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3.36 to 3.83 cents per Mcf. Staff's lease acquisition costs are 3.36 to 3.83 cents per Mcf, and the Producer's lease acquisition costs are 4.61 to 5.32 cents per Mcf. The difference between the costs calculated by Staff and UDC and the costs calculated by the Producers is the higher allocation of costs to gas leases adopted by the Producers.

The Commission finds that a range of lease acquisition costs 3.36 to 3.83 cents per Mcf should be adopted in this decision.

(4) *Other production facilities.* The other production facilities cost component is calculated by multiplying the successful well cost by the ratio of national other production facilities costs divided by national successful well costs. The ratio of national other production facilities to national successful well costs is calculated by adding the cost of other production facilities to the cost of production overhead investment on gas leases and dividing by successful well costs. These relationships were most recently determined from data filed in response to the AR69–1 Questionnaire.

Staff and UDC utilize a ratio of 0.226 derived from the AR69–1 Questionnaire data, and the Producers use a ratio of 0.2675 taken from Exhibit No. 63 in the same proceeding. The difference between the cost of this component as determined by Staff and UDC and as determined by the Producers is approximately 0.24 cents per Mcf.

The Commission adopts the ratio used by Staff and UDC. Applying this ratio of 0.226 to a successful well cost range of 4.99 cents per Mcf to 5.68 cents per Mcf, the other production facilities cost component is found to range from 1.13 to 1.28 cents per Mcf.

(5) *Dry hole costs.* Dry hole costs are calculated by dividing the cost per foot of dry hole drilling for a given year by the productivity of successful wells (Mcf per foot) to arrive at a cost for dry holes in terms of cents per Mcf.

Dry hole costs for 1972 as reported by JAS were $16.94 per foot (excluding Alaska). The dry hole cost determined by dividing the cost per foot of dry hole drilling by the selected productivity is then adjusted upward to reflect the greater depth and thus higher costs and the offset of higher success ratio at those depths for gas well drilling as compared to oil well drilling. See, Area Rate Proceeding, et al. (Permian Basin), 34 F.P.C. 159, 291–292 (1965). These depth factors were derived from published American Petroleum Institute data on drilling footage by depth range and type of drilling, JAS drilling cost per foot for dry holes, and data from *World Oil* concerning the relationship of total gas and condensate footage to the total successful footage.

The net combined adjustment factor was taken by Staff and UDC to be 1.08. The Producers calculated the ratio as 1.12 based upon data for the most recent four year period. In view of the short span of time used by IPR to calculate this component, the Commission has concluded that the ratio of 1.08 as used by Staff and UDC should be adopted in this decision. The difference in dry hole costs due to the use of a ratio of 1.12 instead of 1.08 is only 0.14 cents per Mcf.

Dry hole costs are found to range from 3.32 to 3.77 cents per Mcf based upon an adjustment factor of 1.08, 1972 JAS dry hole costs, and productivities of 485 and 552 Mcf per foot.

(6) *Other exploration costs.* Other exploration costs were calculated differently by the parties.

Staff and UDC calculated this cost component by multiplying the lease acquisition cost component by the ratio of national other exploration costs divided by lease acquisition costs. Staff and UDC and JAS data for 1967 to 1971 to determine a ratio of 0.7686.

The Producers calculated this component by multiplying the successful well cost component by the ratio of national other exploration costs divided by successful well costs. IPR used a five year moving average of JAS data to calculate a ratio of 0.449.

Updating the ratio used by Staff and UDC to calculate this cost component to account for 1972 JAS data results in a ratio of 0.6844. Applying this ratio to the lease acquisition cost component range of 3.36 to 3.83 cents per Mcf yields another exploration cost component range of 2.30 to 2.62 cents per Mcf. The Producers' determination of this component is approximately 0.24 cents per Mcf less than the allowance calculated using the updated ratio adopted by Staff and UDC.

The Commission finds that a range of 2.30 to 2.62 cents per Mcf for the other exploration cost component is reasonable.

(7) *Exploration overhead.* Staff calculated this component by multiplying the sum of the dry hole and other exploration costs by the ratio of national exploratory overhead costs divided by the sum of national and other exploratory costs using the average of JAS data for 1967 to 1971.

Updating the methodology used by Staff and UDC to calculate this component to account for 1972 JAS data yields a range of 0.72 to 0.82 cents per Mcf. Application of the methodology used by the Producers would yield an allowance of 0.75 cents per Mcf for this component.

The Commission finds that an allowance of 0.72 to 0.82 cents per Mcf is appropriate to cover the cost of exploration overhead.

(8) *Production operating expense.* Staff adopted 3.10 cents per Mcf as its production operating expense based upon the Southern Louisiana Area Rate Proceeding,[107] and this figure was accepted by IPR. UDC started with this same figure, but adjusted it for inflation at five percent per year to arrive at a 1973 production operating expense of 3.77 cents per Mcf.

[107] 46 F.P.C. 86, 133 (1971).

The production operating expense is calculated by dividing the operating expenses for gas leases by the production from gas leases. The production volumes are converted from gross wet volumes to net dry volumes and from working interest volumes to one hundred percent interest volumes to compensate for the fact that other cost elements are derived in relation to the AGA gas reserve volumes rather than the production volumes. The most recent computation of production operating expenses was based on data collected in the AR69–1 Questionnaire.

The only difference between Staff, the Producers and UDC on the calculation of this component was UDC's escalation for inflation. We have previously stated our reluctance to escalate drilling costs for inflation and we do not believe that an inflation factor should be applied to adjust the operating expense allowance. The data being collected and composited in Docket No. R–478 will provide a more appropriate basis for adjusting this component in a future proceeding than will an arbitrary inflation rate in this proceeding.

Production operating expense of 3.10 cents per Mcf is found to be reasonable.

(9) *Return on production investment.* Based upon a fifteen percent rate of return and an investment life range of 9 to 10.5 years as previously determined, the return component is found to range from 15.09 to 17.15 cents per Mcf.

The return on production investment is calculated by multiplying the production investment (9.58 to 10.89 cents per Mcf—total production investment less one-half of the 0.20 cents per Mcf allowance for recompletions and deeper drilling) by the investment life and then multiplying that product by the 15 percent rate of return. One-half of the allowance for recompletions and deeper drilling is deducted from the rate base on the assumption that these expenditures are incurred at the midpoint of the average depletion period.

A range of 15.09 to 17.15 cents per Mcf for the return on production investment is found to be reasonable.[108]

The adoption of full cost accounting would add approximately 11.66 cents per Mcf to 13.31 cents per Mcf to the low and high ends of the reasonable cost range.[109] As we have previously indicated, the adoption of the principles of full cost accounting in this proceeding is not warranted nor justified by the record.

Similarly, AGD's recommendation for a return on dry hole cost equal to one-half the rate of return times the dry hole costs would add 5.73 cents per Mcf to 6.55 cents per Mcf to the low and high ends of the cost range.[110]

[108] If a 12 percent rate of return had been utilized in lieu of the 15 percent, the return component would range from 12.07 cents per Mcf to 13.72 cents per Mcf and the total rate would range from 33.94 cents per Mcf to 38.65 cents per Mcf.

[109] Adjustment for 1.7 Tcf disparity would result in the addition of 11.57 cents per Mcf to 13.05 cents per Mcf to low and high ends of this cost range.

The adjustment of average nationwide costs to reflect the principles of full cost accounting, not necessarily utilized by any company, does not coincide with common sense nor regulation in the public interest. The rates yielded by the utilization of full cost accounting in our costing methodology are found to be excessive and outside the reasonable and permissible cost range of 37.54 to 42.74 cents per Mcf. Thus, we find it necessary to reject the utilization of the principles of full cost accounting as a means of computing the return on investment component.

The Major Producers Group urged the Commission to undertake "a complete reappraisal • • • of its costing methodology and rate of return application," [111] based upon alleged "basic and fatal deficiencies" in the new gas costing methodology first adopted by the Commission in Permian I and most recently affirmed on June 14, 1974, by a unanimous Supreme Court of the United States in Mobil Oil Corp. v. FPC, supra. The Producers claim that the methodology has three "built in biases": (1) a return allowance only on a portion of investment outlays; (2) use of past costs and not future expected costs; and (3) failure to recognize the "basic mathematics of yield and rate of return." [112] The first of these points is discussed in the analysis of the rate base and full cost accounting.[113] The second is discussed in the "Cost Factors" section.[114] In this section we examine the third of the alleged methodological "biases" as set forth in Dr. Ezra Solomon's presentation.[115]

We do not take issue with Dr. Solomon's demonstration that, given certain standard assumptions, the "true yield" in a discounted cash flow (DCF) costing format will be less than the specified rate of return in the rate-base costing format employed by the Staff. As he states, it is a matter of "basic mathematics." The matters on which we disagree are his presumption that the DCF format is ripe for adoption in this proceeding and his claim that the DCF methodology will provide a more realistic and more accurate cost estimate than is obtainable with the alternative methodology we have adopted. We are bound by the record that is before us, which lacks the necessary information for a reliable DCF cost estimate, and we are convinced that, in view of these informational gaps, the inherent uncertainties of cost estimation cannot be eliminated or even reduced by substituting a DCF costing format for the rate base costing methodology. We fully appreciate the conceptual niceties of DCF costing. The translation of concepts into practical applications is the troublesome part although, as explained below, we have experimented with various DCF models for possible use as checks on the results of our own methodology.

The problems with the DCF approach are illustrated in the Statement of Robert H. Park.[116] Mr. Park has presented four alternative DCF calculations all designed to support a 75 cent price (including production tax) with "true yield" equating to rates of return of 15 percent to 18.4 percent. We have recalculated Mr. Park's DCF model using a 15 percent "true yield" and all of his cost parameters except for the substitution of productivity of 485 Mcf/foot, which is the productivity assumption for our high cost estimate. On that basis the calculated DCF price is reduced from 75 cents to about 57 cents (excluding production tax).[117] We have also experimented with other reasonable modifications of Mr. Park's DCF model, such as compressing the time of pre-production investment, accelerating the production rates in the early years, and allowing a capital contribution from flowing gas reserves.[118] These changes reduce the estimated price that is supported by the analysis to about 41 cents (excluding production tax) compared with a price of 42 cents (excluding production tax) plus 1 cent annual escalations (or an equivalent present value price of 47 to 48 cents)[119] which we have found to be the just and reasonable price for new gas.

These experimental adjustments of the DCF model do not exhaust the range of reasonable modifications to Mr. Park's illustrative calculations. We have an even more basic reservation regarding the model's use in the context of this proceeding. DCF has proven to be a practical tool for individual project evaluations by companies faced with decisions on where to invest their money and how much to invest. The appropriateness of using the DCF format to estimate the national average cost of new gas raises an entirely different question. The typical gas producer has projects in various stages of development or production. His financing of new projects usually is derived from flowing gas revenues as well as from external sources. The DCF presentations of Dr. Solomon and Mr. Park completely ignore the interrelationship between flowing gas revenues and new gas costs. Clearly, this Commission cannot set a price for new gas without also considering the cash flow consequences of its pricing policies for old gas.

This problem is clearly identified in Southern Louisiana II where we stated: "So the significant argument is whether flowing gas realizations should bear a part of the responsibility for assuring a cash flow to meet the needs for a heightened exploration and production effort. We believe they should." [120] At a later point, the Commission endorsed the Staff's flowing gas costs and explained: "By recommending a flowing gas price higher than that arrived at in Opinion No. 546 • • • and then further recommending acceptance of the settlement at a still higher level • • • Staff was candidly and correctly making the flowing gas cost bear a part of the responsibility for further exploration—in other words, it was looking at the total rate design." [121] The Commission's insistence on viewing the new and old gas ceiling rates as parts of an overall regulatory plan was given explicit approval by the Supreme Court in its recent decision in Mobil Oil Corp. v. F.P.C., as follows: "Thus, the ceiling rate for flowing gas established by the Commission includes a noncost factor designed to facilitate investment by producers in exploration and development of new gas reserves." [122] In discussing "the permissible range of the Commission's authority to employ price to encourage exploration or production" the Court went on to say: "As between placing the burden of that expansion on new or second vintage gas alone or spreading it over both old and new gas, [the Commission] judged the latter more equitable and more likely to lead to the immediately increased capital necessary in the face of a crisis." [123]

To the extent that the capital for new gas projects is derived from noncost allowances included in the ceiling rates for flowing gas, it is consumer contributed capital that is available for reinvestment in new gas ventures. A producer is entitled to a fair return on his own capital but not on his use of consumer contributed capital. The DCF models presented by Mr. Park assume that the entire capital outlay is necessarily financed out of borrowed funds or investor contributed capital.

We, of course, recognize that our various concerns over the practicality of adopting a DCF costing format in this proceeding do not reach the "basic mathematics" of DCF versus the rate base methodology adopted herein. According to our calculations, the new gas price of 42 cents per Mcf plus 1.0 cent annual

[110] Adjustment for the 1.7 Tcf disparity would add 5.66 cents per Mcf to the low end and 6.42 cents per Mcf to the high end of the range.

[111] Joint Comments of Indicated Producer Respondents, May 7, 1974, pp. 3–4.

[112] *Id.*, p. 4.

[113] See pp. 64–70.

[114] See pp. 43–45.

[115] Major Producer Response, May 7, 1974, Appendix A.

[116] See supplement Reply Comments of Texaco Inc., May 28, 1974.

[117] See Appendix H, Case I.

[118] *Id.*, Case II. For illustrative purposes, a capital contribution from flowing gas revenues of 3¢ per Mcf was used. In our most recent area rate cases, an additional allowance above costs for increased exploration and development was allowed. Such allowances were adopted in Permian II case—3.5¢ per Mcf (Opinion No. 662, mimeo. pp. 1, 5). *See* also, Southern Louisiana II, 46 F.P.C. 86, 135–138 (1971); and Texas Gulf Coast, 45 F.P.C. 674, 707–709 (1971); Area Rates For The Rocky Mountain Area, 49 F.P.C. 924, 944 (1973).

[119] See pp. 110–112.

[120] 46 FPC 136 (Emphasis added).

[121] 46 FPC 137. A similar line of reasoning appears in other area rate opinions. Area Rate Proceeding, et al. (Texas Gulf Coast Area), 45 F.P.C. 674 (1971) (mimeo. pp. 38–39); Area Rate Proceeding, et al. (Other Southwest Area), 46 F.P.C. 900 at 916–919 (1971); Area Rate Proceeding (Permian Basin Area II), Opinion No. 662, —— F.P.C. —— (August 7, 1973) (mimeo. pp. 1, 5).

[122] Slip opinion, p. 5, footnote 5.

[123] Slip opinion, pp. 32, 33.

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escalations, as provided herein, will produce a "true yield" of at least 12.6 percent (rather than the 15 percent return allowed on rate base) which is within the zone of reasonable rates of return found herein.[124] We do not view this calculation as evidence that the 15 percent allowance is in any way inadequate in the context of our methodology. We would note, first, that our new gas costing is only for nonassociated (or gas-well) gas, but that the rate is also applied to casinghead (or oil-well) gas, so that the producer is allowed more than 15 percent return on his casinghead gas production under our methodology.[125] Secondly, under the provisions of this decision, old gas also lower cost gas, can command the new gas price at the end of its contract term, as can other gas from wells commenced in earlier years and now being dedicated for the first time to interstate commerce. Finally, it should be recognized that the allowed rate of return is a lifetime average rate of return based on today's exceptionally high cost of capital due to inflationary conditions. While we do not claim any competence in forecasting how soon these abnormal conditions will subside, we cannot overlook the fact that the returns of 10 to 12 percent that are available in today's capital markets do not carry a comparable lifetime assurance.

For all these reasons, we believe that for the Commission to depart from the costing methodology it has used in all previous producer rate cases would be irresponsible at this final rulemaking stage. While our own costing methodology does not incorporate the "true yield" return of a DCF costing, that fact in itself does not indicate that our range of cost estimates is not supported by substantial evidence. The rates prescribed herein will accomplish the end result of attracting the capital to produce a return competitive with the return on other investments of corresponding risks when tested by the revenue reasonably to be anticipated from internal and external sources of financing over the life of the investment. FPC v. Hope Natural Gas Company, 320 U.S. 591 (1944); Bluefield Water Works & Improvement Company v. Public Service Commission of West Virginia, 262 U.S. 597 (1923).

There are some features of own own methodology which probably overstate the cost (i.e., failure to allow for accelerated takes in early years) and other features which may understate the cost (i.e., the use of a mid-point rate base). On balance, however, we find that the methodology produces a reasonable end result and that our experimentation with DCF models tends to confirm this conclusion.

(10) *Return on working capital.* All parties utilized the methodology adopted in Opinion No. 598[126] to calculate the return on working capital. A fifteen percent rate of return was utilized by all parties except that UDC also utilized a 16 percent rate of return for its high cost estimate.

The computation of the return on working capital is derived from the traditional utility working capital formulas which are based upon a 45 day collection period. (The one-eighth factor is derived from the ratio of 45 days to 360 days.) Area Rate Proceeding, et al. (Permian Basin), 34 F.P.C. 159, 204 (1965). This method allows a return on the sum of materials and supplies, and prepayments plus one-eighth of production and exploration operating expenses. In addition, an allowance for "lease play" was adopted in the first Permian Opinion. 34 F.P.C. 159 at 205–206. This allowance was taken to be 1.5 times the lease acquisition costs. This method and the basic factors (discussed below) were adopted by all parties presenting cost studies in this proceeding.

The factor of 1.336 expresses the relationship between one-eighth of the exploration and development operating expenses, material and supplies, and prepayments. The 1.336 factor was derived by employing cost data on these elements in the responses to the AR69–1 Questionnaire.

The factor of 1.689 expresses the relationship between one-eighth of the producing operating expenses, material and supplies, and prepayments. Again this factor was derived from AR69–1 Questionnaire data.

Using these factors in the traditional working capital equation to compute a return on working capital yields a range of 1.01 to 1.14 cents per Mcf.

(11) *Net liquid credit.* The net liquid credit reflects an estimate of the revenues that the producer will receive from processing nonassociated gas to remove hydrocarbon components having a molecular weight greater than the molecular weight of methane.

Staff adopted a net liquid credit of 3.89 cents per Mcf based upon data from the AGA Reserve Reports for 1965 through 1969, Bureau of Mines data on processing plant liquids for the years 1965 through 1969, and data reported in the responses to the AR69–1 Questionnaire. UDC and the Producers both adopted this figure, but the Producers contended that a cost allocation method based upon vapor volume equivalent should be used instead of the methodology adopted by the Staff. The Producers, however, did not calculate a net liquid credit using its vapor volume methodology.

While a net liquid credit of 3.89 cents per Mcf has been utilized in this decision, the Commission is of the opinion that the recent increases in the prices paid for condensate cause this component of the cost analysis to be understated. The recent price increase for crude petroleum allowed by the Cost of Living Council will also result in an increased price paid for condensate, and this will cause the net liquid credit to be further understated. The Commission has not increased the amount of the net liquid credit since there is some evidence that the amount of condensate produced from gas-wells is declining and partially offsetting the increases in the prices paid for condensate. The Commission is aware of these changes which are affecting the proper allowance for the net liquid credit and is evaluating the effect of these changes on the cost of new natural gas supplies.

The Commission concludes that 3.89 cents per Mcf is a reasonable allowance for the net liquid credit.

(12) *Regulatory expenses.* All parties submitting cost studies adopted 0.20 cents per Mcf which was stipulated to in the second Permian Basin proceeding as an adequate allowance for regulatory expenses.[127]

The Commission concludes that 0.20 cents per Mcf should be adopted as an allowance for regulatory expenses.

(13) *Royalty.* Royalty expenses represent the percentage of the gross receipts the producer must pay over to the land owner for the privilege of extracting the gas from reserves underlying that land.

All parties used an average royalty of sixteen percent in their cost calculations. Previous opinions of this Commission have utilized an average royalty of fifteen percent, but the Federal offshore leases carry a royalty of 16⅔ percent and the fact that the offshore leases represent an increasing share of the total leases requires that consideration be given to increased royalty expenses, and 16 percent will be adopted as the basis for calculating royalty expenses.

The commission finds that the foregoing yields a range of royalty values of 6.01 to 6.84 cents per Mcf, and further finds a royalty component range of 6.01 to 6.84 cents per Mcf to be reasonable.

f. *Gathering allowance.* A number of parties to this proceeding have commented that the proposed downward adjustment of the national rate of 0.5 cents per Mcf for deliveries made closer to the wellhead than a central point in the field, the tailgate of a processing plant, an offshore platform, or a point on the buyer's line would work a hardship on producers who perform gathering activities in producing areas where it is common for producers to gather the natural gas. The allowance or disallowance of a gathering allowance in past area rate cases has depended upon where the majority of the gas produced in individual areas is delivered to the buyer.[128]

This practice should be followed on a national basis, and this decision shall provide for a gathering allowance. A gathering allowance of 2.5 cents per Mcf will be allowed for natural gas produced from the "Panhandle and Hugoton Fields" of the Hugoton-Anadarko Area, and an allowance of 1.0 cent per Mcf will be included for natural gas produced in the "other fields" of the Hugoton-Anadarko Area, the Permian Basin Area, and the Rocky Mountain Area for deliveries at the tailgate of a processing plant, or at a point on the buyer's pipeline beyond the wellhead and beyond the central point in the field.

Producers who do not recover the cost of their gathering activities as a result of the above allowances can petition this Commission for special relief as hereinafter provided. The above gathering allowances have been found to be just and reasonable and are adopted as part of the rate structure established herein.

g. *Summary of costs.* The foregoing cost components, and the deduction for the liquid credit, when taken together, result in a range of 37.54 to 42.74 cents per Mcf at 14.73 psia, exclusive of any state or federal production, severance, or similar taxes, for the cost of new nonassociated natural gas supplies on a nationwide basis.[129] We find 37.54¢ per Mcf to 42.74¢ per Mcf a reasonable cost range (Schedule 1, Columns (f) and (g), Appendix C) based upon all the evidence in this proceeding including the most reasonable presentations of each of the cost components that were submitted by the parties herein, and upon data and information made available from comments and submittals contained in the record of this proceeding.

The gathering allowance adequately provides for the recoupment of costs incurred in extensive gathering operations and follows the practices adopted by the various area rate opinions in the treatment of gathering allowances.

h. *Summary of costs based upon adjusted productivity factors.* In addition to the foregoing cost analyses, we have also computed a range of costs based upon AGA reserve additions adjusted to reflect a disparity of 1.7 Tcf as reported in our notice of March 21, 1974. These cost computations yield a reasonably reliable cost range of 37.01 cents per Mcf to 41.9 cents per Mcf based upon the 1.7 Tcf disparity.[130]

Combining these "adjusted" results with the unadjusted cost range which has previously been discussed in detail yields a total "zone of reasonableness"[131] ranging from a low of 37.01 cents per Mcf based upon a ten year (1963–1972) productivity factor to 42.7 cents per Mcf. It is from this total "zone of reasonableness" that we make our rate determinations. On the high side of the zone even the adjusted cost calculation yields a result of 41.9 cents per Mcf (Schedule 1, Column (d), Revised Appendix C, Sheet 1). Therefore, we conclude that a base rate of 42.0 cents per Mcf is justified on the basis of costs alone and proceed to identify other elements of the total rate structure.

2. *Other contract terms.* After careful review and consideration of all the comments filed in this proceeding, we conclude that the base national rate herein established should be made applicable to sales made pursuant to contracts executed on or after January 1, 1973, for the sale of natural gas in interstate commerce where such gas has not been previously sold in interstate commerce except pursuant to the provisions of 18 CFR 2.68, 2.70, 157.22, or 157.29 (including sales made pursuant to those sections as modified by Order No. 491, et seq., supra n. 4); and sales made pursuant to contracts executed on or after January 1, 1973, where the sales were formerly made pursuant to permanent certificates of unlimited duration under contracts which expired by their own terms on or after January 1, 1973, in accordance with Opinion No. 639,[132] as well as jurisdictional sales of natural gas made from wells commenced on or after January 1, 1973. (All three classes of sales are hereinafter referred to as R–389–B Dedications.) This clarification of the scope of our rulemaking is consistent with past Commission practices of pricing new dedications of natural gas to interstate commerce by the contract date (e.g., Southern Louisiana, 46 F.P.C. 86, 142–143) and the eliminating of vintaging as contracts expire by their own terms (see n. 132, *supra*). Moreover, this clear statement of the scope of the proceeding will insure that the additional revenues generated by the two classes of sales will be available for the expanded exploration and development programs which are required to discover and produce the new supplies of natural gas that will be needed to help fulfill anticipated future demands. Moreover, clarification of the scope of this proceeding to include expiring contracts and former emergency sales will offset the claimed attrition in rate of return in various discounted cash flow studies presented by producer respondents. The implicit rate computed in Exhibit RHP–1 (Witness Parks) does not reflect the substantial additional cash flow from these sales which on a discounted basis would contribute to increased realized return.

One of the primary purposes in instituting this rulemaking proceeding was to encourage new dedications of natural gas to the interstate market "whether such new supplies come from new acreage dedications, or from newly drilled wells, or by diversion from other uses." Order No. 455, supra, 48 F.P.C. 218,227. The most appropriate means of eliciting the new dedications of natural gas required to meet the existing and future reasonable demands of the interstate markets is to make those markets attractive to producers who have supplies of natural gas to sell. At the same time, we desire to limit the applicability of the rate established herein to those supplies which first became available to the interstate market near in time to the issuance of the notice instituting this proceeding, 38 FR 10014 (April 11, 1973), or which because of an expiring contract are again subject to contractual negotiation. We have, therefore, determined that the rate established by this decision will be available only to those classes of jurisdictional sales which we refer to as R–389–B dedications. This follows our well established practice of providing a dividing date near in time to the commencement of the proceeding. See Permian Basin Area Rate Proceeding, et al., 34 F.P.C. 159, 188–189 (1965), affirmed, Permian Basin Area Rate Cases, 390 U.S. 747 (1968). Such a division will provide the incentive necessary to encourage expanded exploration and development programs and new dedications of natural gas to the interstate market. As to the use of the contract date to establish eligibility for the national rate prescribed by this decision, we believe that the use of the contract date to determine the applicable rate for natural gas sold in interstate commerce should be modified. Where a new long-term gas sales contract is executed on or after January 1, 1973, for sales which have not previously been sold in interstate commerce other than under our emergency sales procedures or where a new contract is executed with respect to an existing interstate sales where the previous sales contract has expired by its own terms and the provision of Commission Opinion No. 639 (supra, n. 132), such gas will be eligible for the R–389–B rate.

[124] See Appendix H, Case III. The above calculation is based upon a constant rate of production over an 18-year life and a time lag of 1.5 years for preproduction investment. The calculated "true yield" is higher than 12.6 percent if we allow for such assumptions as accelerated rates of take and a capital contribution from flowing gas revenues. As noted above (pp. 86–7) under certain plausible assumptions, the 42 cents per Mcf base price can be reconciled with a 15 percent "true yield."

[125] "Casinghead gas has traditionally been treated as a byproduct of oil and therefore cost and priced lower than gas-well gas." Mobil Oil Corp. v. FPC, 42 U.S.L.W. 4842 (U.S. June 10, 1974) (Slip opinion at p. 41).

[126] 46 F.P.C. 86 (1971).

[127] Area Rate Proceeding (Permian Basin Area), Docket No. AR70–1 (Phase I), Initial Decision, mimeo p. 46.

[128] Thus a gathering allowance was provided in the Hugoton-Anadarko Area, 44 F.P.C. 761, and in the second Permian Basin proceeding, Opinion No. 662 (August 7, 1973), but deductions for deliveries closer to the wellhead than a central point in the field, the tailgate of a processing plant, an offshore platform, or a point on the buyer's line were provided in Southern Louisiana Area, 46 F.P.C. 86, Texas Gulf Coast Area, 45 F.P.C. 900. A gathering allowance was made part of the base area rate in the Appalachian and Illinois Basin Areas, Order No. 411, 44 F.P.C. 1112, 1123. It was recognized that most sales were made at the wellhead in the Rocky Mountain Area, Opinion No. 658, 49 F.P.C. 924, 937 (1973).

[129] Appendix C (Schedule No. 1, Columns (f) and (g), Sheet 1 of 9). The effect of state taxes and other adjustments on the base national rate is shown in Appendix D.

[130] The low estimate (37.01 cents per Mcf) is based upon a productivity of 559 Mcf per foot drilled which is the average for the most recent ten year period ending with 1972 adjusted by increasing 1971 and 1972 reported reserve additions by a total of 1.7 Tcf. The high estimate (41.9 cents per Mcf) is based upon a seven year period ending in 1972 with the previous 1.7 Tcf adjustment. The low estimate and the high estimate are based upon 10.5 year investment life. *See* Revised Appendix C (Schedule No. 1, Columns (a) and (e), Sheet 1 of 7).

[131] *FPC* v. *Natural Gas Pipeline Co.*, 315 U.S. 575, 586 (1942).

[132] *Area Rates For The Appalachian And Illinois Basin Areas*, Docket No. R–371, 48 F.P.C. 1299 at 1309–1310 (1972), *affirmed sub nom. Shell Oil Co., et al.* v. *FPC*, 491 F. 2d 82 (5th Cir. 1974).

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We have also determined that natural gas producers who elect to discharge their existing refund obligations under prior area rate opinions by dedicating new supplies of natural gas to the interstate market from wells commenced on or after January 1, 1973, will be required to price such natural gas at the rate established by the applicable area rate opinion.[134] The same condition shall apply to those producers who desire to obtain the contingent escalations for flowing gas as provided in Opinion Nos. 595, 598, 607, and 662, and they shall also be required to dedicate those new natural gas supplies which they seek to have applied toward triggering the flowing gas escalations at the rates provided in those opinions. This treatment is equitable since the rates established in those opinions were determined to be sufficient to encourage exploration and development activities when coupled with the refund credit incentives and contingent escalations provided in those opinions. To allow producers to collect the rate provided by this decision and to discharge their existing obligations and receive the benefits provided under the applicable area rate opinions with the same supplies of natural gas would be contrary to the spirit of the applicable area rate opinions. In essence, we seek to insure that a producer will not receive a double benefit from the rate structure which we establish in this decision.[134]

Where a producer has commenced a sale of natural gas in interstate commerce from wells commenced on or after January 1, 1973, and the volumes of gas from that sale are being credited toward the producer's refund obligation or applied to triggering the contingent escalations in the aforementioned area rate opinions (See n. 133, supra.), the producer will not be allowed to both receive the price prescribed herein and continue to receive the refund credit or contingent escalation credit. The producer must make a decision as to whether it is more beneficial to receive the higher rate prescribed by this opinion and waive the refund credits and contingent escalations or to sell the gas at the applicable area rate and retain the refund credits and contingent escalations.

To insure that producers do not gain a double benefit under this opinion we shall require a written waiver of the contingent escalations and refund credits with respect to gas which is dedicated under the provisions of the decision. That waiver shall state whether such gas has previously been sold in interstate commerce in discharge of refund obligations or toward the triggering of contingent escalations, the date the subject wells were commenced, whether the gas was previously sold in interstate commerce under 18 CFR 2.68, 2.70, 154.22 or 154.29, or whether the gas comes within the provisions of Opinion No. 639, and shall affirmatively waive the right to either refund credits or contingent escalations for the gas.

After review of the comments filed in this proceeding, it is concluded that those proposed provisions which would have required upward Btu adjustments be made from 1050 Btu per cubic foot and downward Btu adjustments be made from 1000 Btu per cubic foot should be modified to provide the both upward and downward Btu adjustments will be made from a base of 1000 Btu per cubic foot. This modification will simplify the rate structure established herein and, to the extent that methane and other compounds are not removed from the gas during processing, the consumer will benefit from the additional Btu content.

All quality provisions other than the Btu adjustment established herein are to be determined by the contract between the buyer and the seller.

After careful consideration of the comments addressed to the proposed annual review of the uniform national rate established by this order, we are convinced that our proposed review should be conducted on a biennial basis rather than on an annual basis. In this time of continuing inflation and the increasing costs of finding and producing new supplies of natural gas to meet the nation's demands for energy, we must provide a mechanism whereby these increased costs can be recouped by the producer. This recoupment can be accomplished by providing fixed periodic escalations which are based upon some type of index or set figures, or by providing a biennial review of the previously established rates, or by providing both as we do in this Opinion. We believe that the biennial review allows greater flexibility and a more comprehensive review of the impact of the then effective rates upon the producing industry, the demand for and supply of natural gas with a more comprehensive data base than an annual review would allow. Our purpose in adopting a single uniform national rate is to elicit sufficient supplies of natural gas to meet the demands in the consumer market at a price no higher than the price necessary to elicit that supply. A biennial review of the established rate makes it possible to determine if that rate was sufficient to bring forth the supply of gas to fulfill the demand.

The biennial review will be concerned with the current cost of finding and producing new gas sales and will apply prospectively to wells commenced on or after the date prescribed by the Commission order instituting a new proceeding to conduct the biennial review. Thereafter, a similar review will be conducted every two years. This rate will constitute a new just and reasonable rate for gas supplies from those wells only and will not be applicable to wells drilled prior to the date specified by the order instituting the new proceeding. This review will be conducted in the same manner as this proceeding unless otherwise ordered by the Commission.

We find that a biennial review will enable the Commission to prescribe just and reasonable rates by application of the most recent evidence supporting those rates. The first biennial review will be initiated to establish rates for natural gas produced from wells commenced on or after January 1, 1975, or natural gas sold pursuant to contracts executed on or after that date for gas not previously sold in interstate commerce except pursuant to the provisions of 18 CFR 2.68, 2.70, or 157.22, and to sales of natural gas formerly made in interstate commerce pursuant to gas sales contracts which expired on or after January 1, 1975. Thereafter, a biennial review will be conducted to prescribe rates for each succeeding biennium.

Where a producer at his sole cost transports natural gas produced in an offshore area onshore before delivery to the purchaser, the producer shall be entitled to collect an additional 1.0 cent per Mcf in addition to the uniform national rate. This treatment follows the practice adopted in the area rate cases and should be continued.[135]

The single uniform national rate which is prescribed by this decision shall be applicable to all types of natural gas (casinghead, gas well, or residue) produced from wells commenced on or after January 1, 1973, to contracts executed on or after January 1, 1973, covering the sale of natural gas in interstate commerce for gas not previously sold in interstate commerce except pursuant to the provisions of 18 CFR 2.68, 2.70, 157.22, or 157.29 (including sales made pursuant to those sections as modified by Order No. 491, supra, note 4), and to contracts for the sales of natural gas in interstate where the prior contracts for the sale of such gas in interstate commerce expired by its own terms on or after January 1, 1973. This rate is applicable only to jurisdictional sales of natural gas within the continental United States excluding Alaska and Hawaii. The national rate is subject to adjustment for Btu content, state and Federal production taxes, and the annual escalation provided herein, and the applicable gathering allowance.[136]

Finally, the existing moratoria on price increases above the ceiling rate established in the Appalachian Illinois Basin,[137] Hugoton-Anadarko,[138] Other Southwest,[139] Southern Louisiana,[140] and Texas Gulf Coast[141] areas should be modified to permit producers to collect the rates prescribed herein for natural gas sold in interstate commerce where such gas falls within one of the three classes of gas sales to which this decision is applicable (See p. 96, supra). To retain these moratoria would place producers in these areas at an unfair disadvantage with respect to producers operating in producing areas not subject to moratoria on price increases,[142] and would discourage the increased level of exploration and development which the new national rate should elicit.

As we have previously mentioned (pp. 99–100), the producers seeking to collect the rate established herein will be required to waive their right to have such gas discharge their refund obligations or trigger the contingent escalations provided by Opinions 595, 598, 607, and 662 for gas which comes within the scope of this proceeding (p. 96 *supra*) if that gas is currently being used to discharge refund obligations or trigger contingent escalations. Thus, we are providing for a selective, rather than an across-the-board, lifting of the existing moratoria on price increases in the specified areas.

As we have previously stated, the refund credits and contingent escalations are an integral part of Opinions 595, 598, 607, and 662, and the rate structures promulgated in those opinions. It is not possible to separate these benefits from the rates established in those area rate opinions since the refund credits and contingent escalations are inextricably entwined with the monetary rates established in those opinions and the two may not be separated without damage to the whole.[143] Thus, we conclude that producers selling gas in interstate commerce which would be eligible for the rate established by this decision except for the fact that such gas is presently being utilized to discharge either refund obligations or to trigger the contingent escalations will be allowed to receive the price established herein if the producer waives his right to apply the volumes of the gas toward discharge of the refund obligation or triggering of the contingent escalations prospectively as of the date of this opinion.

B. *Special relief.* Our previous area rate opinions made provisions for special relief in unusual circumstances where the area rate was not sufficient to recover the cost of producing natural gas already dedicated to the interstate market. In many cases, the circumstances which would support the granting of special relief are also sufficient to permit abandonment of the sale. Permian I, 34 F.P.C. 159, 226 (1965).

Without attempting to enumerate all circumstances which would form an adequate basis for granting special relief, we shall grant special relief where the producer can demonstrate that the out-of-pocket expenses incurred in the operation of a particular well (or group of wells) are greater than revenues from the sale of the subject gas. See, Permian Basin Area Rate Cases, 390 U.S. 747, 770–773. It is incumbent upon the producer seeking special relief to prove by his books and accounts that the operating expenses are in excess of the revenues earned from the sale of the gas from such well or wells.

There are also other avenues of extraordinary relief for a producer who may be adversely affected by the rate established in this proceeding. Where a producer has already dedicated gas to the interstate market and a change in circumstances makes continued production uneconomical, the producer may seek relief under Order No. 481[144] or Order No. 482.[145] Where the producer has not already committed the subject acreage of gas supply to the interstate market, he may seek certification of the sale under Order No. 455. See n. 5, supra.

In those cases where a producer seeks special relief because of Federal income taxes payable as a result of his natural gas production we shall require that he submit certified copies of his Federal income tax returns and the supporting schedules as a part of the petition. Any petition for special relief on account of Federal income taxes payable that is not accompanied by the verified tax returns and supporting schedules will be rejected without consideration by the Commission.[146]

Special provisions for deeper drilling and deeper water depths are provided infra pp. 129–133.

As this Commission noted in the first Southern Louisiana proceeding, there are circumstances which may make certain production more attractive to purchasers but which are not related to the costs of production, and they will not be regarded as a basis for special relief.[147] Such circumstances may include higher prices in other markets, "unusually high pressure, great volume, concentrated delivery points, delivery of large volumes at one point, unusually high gas quality, unusually good deliverability, and the availability of gas for swing purposes," [148] and none of these nor the combination of any or all of them constitute a basis for special relief. We are of the opinion that that determination was correct and shall deny petitions which set forth such circumstances as a basis for special relief.

C. *Small Producers.* The Commission did not make small producers respondents to this proceeding as we have already issued regulations covering small producer sales.[149]

Since the Supreme Court reversed the Court of Appeals and affirmed the Commission's decision concerning small producers but remanded for further clarification, the small producer may collect the rate prescribed herein for those sales made from wells commenced on or after January 1, 1973, or pursuant to contract dated on or after January 1, 1973, for gas not previously sold in interstate commerce except pursuant to the previously mentioned emergency provisions, or pursuant to contracts where the sales were formerly made under contracts which expired by their own terms on or after January 1, 1973, without any refund obligation. The justness and reasonableness of rates in excess of the rates established herein which have been collected by small producers for sales within the scope of this proceeding will be considered in appropriate proceedings as necessary.

It is our intention that this order shall not affect the jurisdictional sales of small producers except in those cases where small producers seek certification of their jurisdictional sales pursuant to the regulations established by this order. The fact that a small producer seeks certification of one or more sales pursuant to this order does not prohibit him from making other sales pursuant to the regulations established in Order No. 428, as amended, provided the small producer's total jurisdictional sales do not exceed 10,000,000 Mcf per annum.

D. *The national rate.* The estimated "zone of reasonableness" for the cost of new natural gas supplies determined in this decision is approximately 37.54 to 42.74 cents per Mcf, exclusive of State or Federal production, severance, or similar taxes, Btu adjustment, fixed annual escalations, and gathering allowances. As adjusted for the 1.7 Tcf disparity in gas reserve additions the zone of reasonableness ranges from 37.01 to 41.90 cents per Mcf (Appendix C, Schedule, Sheet 1, Columns (d) and (e)). The Commission finds that a rate of 42.0 cents per Mcf, exclusive of State or Federal production, severance, or similar taxes, Btu adjustment, fixed annual escalations, and gathering allowances, constitutes a just and

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[133] Southern Louisiana Area Rate Proceeding, Docket No. AR69–1 et al., Opinion No. 598, 46 F.P.C. 86, 141, 147–148 (1971); Texas Gulf Coast Area Rate Proceeding, Docket No. AR64–2, et al., Opinion No. 595, 45 F.P.C. 674, 709–710, 721 (1971); Other Southwest Area Rate Proceeding, Docket Nos. AR67–1, et al., Opinion No. 607–A, 47 F.P.C. 99, 100, 102 (1972); Area Rate Proceeding (Permian Basin Area II), Docket No. AR70–1 (Phase I), Opinion No. 688, —— F.P.C. —— (August 7, 1973).

[134] See Stingray Pipeline Company, et al., Docket No. CP72–27, et al., Opinion No. 639, p. —— F.P.C. —— (May 6, 1974), reh. denied, Opinion No. 693–A, —— F.P.C. —— (June 13, 1974).

[135] Southern Louisiana, 18 CFR 154.105(h).

[136] See Appendix D for calculation of effective date including adjustments.

[137] 18 CFR 154.107, 154.108.

[138] 18 CFR 154.160.

[139] 18 CFR 154.109a.

[140] 18 CFR 154.105.

[141] 18 CFR 154.109.

[142] There is no moratorium in the Permian Basin Area. See Opinion No. 662, *mimeo*, p. 14.

[143] The Supreme Court recently held that it is within the Commission's discretion to make such benefits a part of its rate structure. Mobil Oil Corp., v. FPC, 42 U.S.L.W. 4843 (U.S. June 10, 1974) (slip opinion 34–39).

[144] 18 CFR 2.76; Policy With Respect To Sales Where Reduced Pressures, Need For Reconditioning, Deeper Drilling, Or Other Factors Make Further Production Uneconomical At Existing Prices, Docket No. R–458, 49 F.P.C. 992 (1973), as amended by Order Amending Order No. 481 and Granting and Denying Petitions For Rehearing, 49 F.P.C. —— (June 8, 1973).

[145] 18 CFR 2.77; Flaring and Venting of Natural Gas, Docket No. R–459, Order No. 482, 49 F.P.C. 998 (1973).

[146] See pp. 72–76, supra.

[147] 40 F.P.C. 530, 618–619 (1968).

[148] 40 F.P.C. 530 at 619.

[149] Exemption Of Small Producers From Regulation, Docket No. R–393, Order No. 428, 45 F.P.C. 454 (1971), as amended, Order No. 428–A, 45 F.P.C. 548 (1971), reh. denied, Order No. 428–B, 46 F.P.C. 47 (1971), reversed, Texaco Inc., et al. v. FPC, 153 U.S. App. D.C. 195, 474 F. 2d 416 (1972), cert. vacated and remanded FPC v. Texaco, Inc., et al., Nos. 72–1990 and 72–1491, June 10, 1974.

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reasonable rate. This rate (42.0 cents per Mcf) is at a high level of the cost range which we have found to be reasonable after careful consideration of the record in this proceeding, and we find that it will provide the incentive necessary to encourage producers to undertake expanded exploration and development programs and to dedicate the natural gas discovered and produced as a result of those programs to the interstate market. In this section of the decision, we shall examine the effect of our conclusions upon the existing area rates, the consumer, and the producing industry.

The present area rates (rounded off), which are superseded by this opinion, are:

Area:	*Cents per Mcf (exclusive of State production taxes)*
Appalachian and Illinois Basin Area	24.0–34.0
Hugoton-Anadarko Area	19.9–20.0
Other Southwest Area	21.9–23.5
Permian Basin Area	32.4
Rocky Mountain Area	22.0–23.4
Southern Louisiana Area	23.7–26.0
Texas Gulf Coast Area	23.1

The existing rate structure and moratoria for these areas are modified as previously set forth (pp. 99–100) in order to allow the collection of the rate prescribed herein to be collected with the appropriate waiver of refund credits and contingent escalations if necessary for the classes of gas sales which are the subject of this proceeding (p. 96).

We find increased rates established by this decision are necessary to allow for increased costs and declining reserve additions which have been reported since the issuance of the decisions in the various area rate cases. It is also necessary that we change the basic format of the rate structure so as to allow automatic adjustments (with proper notification to the Commission) for the derivative cost elements: production taxes and Btu adjustments. While it is possible to include such elements in the base area rate where the subject area is small and may cover parts of only a few states, we do not believe the same is true on a national basis where the several states all have different taxing policies and the quality of the gas may vary considerably.

1. *Fixed annual escalations.* The just and reasonable base national rate established by this decision is 42.0 cents per Mcf, exclusive of the applicable production taxes, Btu adjustment, and applicable gathering allowances. Based upon the two production schedules utilized herein (Appendix F), the present value of a 1.0 cent per annum escalation over an eighteen year depletion period is approximately 5.0 cents per Mcf to 5.7 cents per Mcf.

The effective rate resulting from the addition of the present value of the fixed annual escalation of 1.0 cent per Mcf to the base national rate of 42.0 cents per Mcf is 47.0 cents per Mcf to 47.7 cents per Mcf. We realize that the two production curves which have been utilized to compute the present value of the fixed annual escalation will not apply to all reservoirs or wells exactly. Some wells or reservoirs will produce for a much longer period of time than others and that some reservoirs will be depleted or not producing for various reasons long before the end of an 18 year depletion period. Moreover, the rates of takes from various reservoirs will vary according to the producing characteristics of the particular reservoir and the need of the purchasing pipeline for gas supplies.[152] However, we believe that the production curves which have been used in determining the present worth of the annual escalations provide a reasonably reliable estimate of the present worth in most cases.

The present value of the fixed annual escalations was computed by discounting the escalations at 15 percent[153] over a depletion period of 18 years. In Case I, it was assumed that the reserves found would be produced at a constant rate equal to 5.56 percent of the contract volumes per annum over the life of the depletion period (assumed to be 18 years). The present value of the 1.0 cent per Mcf annual escalation under these conditions is 5.0 cents per Mcf. In Case II, we utilized the production curve present in Appendix D to the "Initial Decision of the Presiding Examiner on Hugoton-Anadarko Area Rates," 44 F.P.C. 824, 991 (1970), to evaluate the present worth of the 1.0 cent per Mcf annual escalation. Since the production curve from Appendix D to the Examiner's decision is based upon a 37 year production period, we assumed that the volumes produced during the first eighteen years represent the total contract volumes. The percent of production was then adjusted to the percent of contract volumes delivered and the present worth of the annual escalations was calculated from this adjusted curve. These compilations yield a present worth of 5.7 cents per Mcf.

A fixed annual escalation of 1.0 cents per Mcf is necessary to offset existing inflationary effects upon the revenues received in future years by natural gas companies, to preserve the financial integrity of those persons selling natural gas in interstate commerce, and to help provide the capital which will be required in future years to finance the unprecedented exploration and development programs which will be undertaken to discover and produce the volumes of natural gas needed to meet the reasonable demands of the nation's economy for a clean-burning, non-polluting energy source. Additionally, the fixed annual escalation will help interstate purchasers to compete with intrastate purchasers for available supplies of natural gas.

We believe that the present value of the fixed annual escalations and that the overall result of these escalations are just and reasonable and will be required by the present and future public convenience and necessity to insure that adequate supplies of natural gas will be made available to the interstate markets in this and future years. This country has endured an embargo on imports of basic energy sources such as crude and refined petroleum products and liquefied natural gas, and is still in the throes of a national energy crisis and a continuing natural gas shortage. The natural gas shortage will not be eased unless and until sufficient supplies of natural gas are found and made available to the interstate market. The only way that sufficient natural gas supplies will be found is through increased exploration and development programs and these programs can be conducted only if there are funds available to finance the programs.

The fixed annual escalations of 1.0 cent per Mcf provided by this order are required to help insure that the rates provided by this decision are just and reasonable and that the rates will help finance the programs needed to find and produce the supplies of natural gas which the country will demand in the future, and we adopt the same part of the rate structure determined in this decision.

2. *Associated natural gas supplies.* The single uniform national rate prescribed by this decision is applicable to associated-dissolved natural gas supplies (casinghead or oil-well gas) as well as nonassociated natural gas supplies (gas-well gas). This application recognizes that only the sources of the two types of gas are distinguishable, and it provides additional incentive to natural gas producers to sell available natural gas supplies in the interstate market rather than the intrastate market.

The net effect of allowing the same rate for casinghead gas as for gas-well gas is to increase the overall return on investment with respect to natural gas sold in interstate commerce. This increase arises from the fact that the cost attributable to a property which produces only natural gas are not representative of the costs associated with natural gas produced from a property which yields both liquid petroleum products and natural gas. Since some of the costs of a property which produces both products are attributable to the liquid petroleum products as well as to the natural gas produced from the property, the producer benefits by receiving a higher rate for the natural gas so produced than he would if the costs associated with the property were allocated to both the liquid petroleum products and the natural gas. This higher rate in turn increases the average return the natural gas producer received on all of the gas which he sells in interstate commerce.

The importance of associated natural gas supplies is shown in Table 4. For the period of 1966 through 1972, associated-dissolved natural gas reserve additions accounted for 32.2 percent of the total natural gas reserve additions, and nonassociated natural gas reserve additions accounted for 67.8 percent of the total reserve additions. In terms of production, associated-dissolved natural gas production averaged approximately 4.0 to 5.0 trillion cubic feet per year or 23.4 percent of the total natural gas production for 1966 through 1972, while the production of nonassociated natural gas ranged from approximately 13.0 trillion cubic feet per year to over 17 trillion cubic feet per year or 76.6 percent of the total production for 1966 through 1972. Associated-dissolved gas reserves at the end of 1972 amount to 75.5 trillion cubic feet or 28.9 percent of the total reserves, and nonassociated natural gas reserves were approximately 186.1 trillion cubic feet or 71.1 percent of the total year-end reserves.

TABLE 4.—*Natural gas reserve additions and production on annual basis by type of gas for 1966 through 1972 including Alaska*

[Millions of cubic feet]

Year	Gross annual reserve additions		Annual natural gas production	
	Nonassociated	Associated	Nonassociated	Associated
1966	17,086,806	3,188,836	12,925,701	4,565,372
1967	17,968,068	3,840,665	13,638,562	4,742,276
1968	13,979,377	[1] (281,960)	14,730,944	4,633,483
1969	6,854,715	1,520,286	15,971,735	4,751,455
1970	9,340,296	27,856,063	17,115,026	4,845,778
1971	8,917,403	908,018	17,062,338	5,014,174
1972	7,812,063	1,822,490	17,603,057	4,818,841

[1] Negative figure.

Proven reserves as of Dec. 31, 1972

Type of gas	Volume of reserves (millions of cubic feet)	Percent of total
Nonassociated	186,072,643	71.1
Associated	75,641,412	28.9

Source: "Reserves Of Crude Oil, Natural Gas Liquids, And Natural Gas In The United States And Canada And United States Productive Capacity As Of December 31, 1972," vol. 27, published jointly by the American Gas Association, American Petroleum Institute, and the Canadian Petroleum Institute (May 1973).

The data on production and annual reserve additions in Table 4 is shown for a series of years to arrive at a more reliable estimate of the percentage attributable to both classes than would result from the use of a single year.

The rate structure adopted in this decision is designed to encourage renewed exploration and development activities while at the same time protecting the natural gas consumer from excessive rates. Our duty with respect to these matters can be concisely stated:

> [T]he purpose of regulation is to insure that natural gas be distributed at the lowest possible price, that its private producers and distributors not reap windfall profits at the expense of the consuming public, and that allocation of this valuable resource be dictated by the interest of the public, rather than by the interest of its holders in private gain. At the same time, the public interest requires some assurance that, both now and in the future, the supply of natural gas will be sufficient to meet those uses for which, relative to other fuels, it is most valuable.

Public Service Commission for the State of New York v. F.P.C., 487 F.2d 1043 at 1097 (D.C. Cir. 1973), cert. granted, vacated and remanded, Nos. 93–966, et al., June 17, 1974. Thus, we must insure that the price received by the natural gas producer does not result in "windfall profits" while at the same time assuring that there will be an adequate supply to meet the demands generated by the more valuable uses of natural gas. See FPC v. Hope Natural Gas Co., 320 U.S. 591, 603, (1944); Colorado Interstate Gas Co. v. FPC, 324 U.S. 581, 612 (1945) (Jackson, J., concurring).

Against these guidelines, we assess our decision. First, the methodology by which the cost of new gas supplies is calculated is imprecise, and the various adjustments and allocations can cause reasonable experts to differ as to what these adjustments and allocations should be. Austral Oil Company, et al. v. FPC, 428 F. 2d 407, 434 (5th Cir.), cert. denied sub nom Municipal Distributors Group v. FPC, 400 U.S. 950 (1970). We have based our cost analysis upon what we consider to be the most reasonable and reliable bases, assumptions, and data in the record of this proceeding and set forth in detail the reasons for our decision on each of the cost components and the derivation of the various allocation formulae. The adjustments we have made are directed to the high side of the reasonable cost range to encourage the greater development of the greatest quantity of gas reserves.

The increase in price over the existing area rates is "sufficient to assure confidence in the financial integrity of the enterprise, so as to maintain its credit and to attract capital." FPC v. Hope Natural Gas Co., supra, 320 U.S. at 603. An indicia of whether the price established is sufficient "to attract capital" is its comparison with the intrastate prices. While the prevailing prices in the several intrastate markets cannot dictate the price we promulgate by this decision, those prices do provide a guideline of the attractiveness of the interstate rate to gas producers operating on previously dedicated acreage within the domain of the several states. Appendix C to the notice of rulemaking issued in this docket indicated that intrastate prices for new sales were in the range of 40 to 50 cents per Mcf in many producing areas, and the responses of a number of parties state that in some areas intrastate sales have been made at prices of 50 cents or more.[152] Before adjustment for the quality of the gas, the state production taxes, and the gathering allowance, the national rate is 42.0 cents per Mcf. We think that this national rate is sufficient to compete with prices being offered in the intrastate markets for non-Federal domain gas. Furthermore, the biennial reviews and annual escalations provided by this decision give the Commission the necessary flexibility to adjust the national rate if sufficient new supplies of natural gas are not dedicated to the interstate market.

A comparison of the national rate determined by this decision with what has been characterized as the "commodity value"[153] of natural gas and the price of substitutable fuels shows a differential.[154] Even though the price of natural gas is less than the price of substitutable fuels, it does not follow that the prices must be equivalent or that the price of natural gas must be increased every time the price of other domestic or foreign energy sources is increased. To allow such increases would place the consumer at the mercy of pressures which dictate the price of other fuels but which bear no relationship to the cost of new gas supplies.

The just and reasonable national rate for new natural gas supplies dedicated to the interstate market prescribed in

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[152] Many of the interstate pipelines with a need for additional gas supplies in recent years have accelerated their takes from many reservoirs and this will affect the present value of the fixed annual escalation.

[153] A discount rate of 15 percent was adopted so as to correspond to the rate of return allowed herein.

[152] A number of parties to this proceeding state that intrastate prices in several areas may be substantially in excess of 50 cents per Mcf; that information does not give the number of sales at those prices, the volume of gas being sold, or the terms of the various contracts. Without such information, we cannot assess the presently prevailing level for new intrastate sales and decline to use such sketchy information as a basis for evaluating the rate established herein.

[153] It appears that the "commodity value" of natural gas is calculated by determining the price and availability of substitute fuels to the consumer, and subtracting a reasonable allowance for transportation and distribution to arrive at a field price for natural gas. *See* Appendix B to the Response of the Indicated Producer Respondents.

[154] The claim of some respondents to this proceeding that the price of electricity is to be considered in determining the price of alternate fuels is rejected. Electricity is a secondary energy source that is produced by the consumption of primary energy sources such as natural gas, fuel oil, or coal. Electricity provides an important part of our nation's total energy consumption, but the fact does not require that the price of electricity be considered in determining the price of natural gas; indeed, it is noted that the price of electricity is substantially influenced by the price of primary fuels—coal, oil and natural gas—used to produce the electricity.

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this decision is founded on costs. In addition, the Commission has considered other relevant facts such as intrastate market prices, the "commodity value" of natural gas, and the cost of alternate fuels in evaluating the sufficiency of the cost-based rate. In our opinion, the rate prescribed herein is at a level which will serve the public interest by increasing the supply of natural gas available to the interstate market and which will affect a more efficient utilization and allocation of the nation's natural gas resources in an intercompetitive fuel economy.

The provisions of Order No. 455 (supra note 5) will continue as an optional procedure for the dedication of new natural gas supplies to the interstate market.

The test of eligibility for the national rate is similar to the standard established in Order No. 455 (18 CFR 2.75(b)(1)) with significant differences as to the factors utilized to determine the rate level. The national rate is controlled by the predictive cost of finding and producing new natural gas supplies on a nationwide basis based on national averages. Under Order No. 455, costs are a point of departure to determine any higher rate which may be warranted by non-cost economic factors or by project costs.[155]

IV. Environmental Impact

The Friends of the Earth, a national environmental organization, has filed comments contending that the Commission has failed to comply with the formal procedural requirements of the National Environmental Policy Act of 1959 (hereinafter NEPA) [156] by failing to prepare and circulate a detailed environmental impact statement as required by Section 102(2)(C) of NEPA.[157] Friends of the Earth contend that the preparation of a detailed environmental impact statement is mandatory in this proceeding, that "very little is known about the impact which higher natural gas prices will have on increasing supply," that "large utilities and industrial users [may be unable] to secure alternate supplies of non-polluting fuels should higher prices make it unprofitable for them to continue to burn gas as boiler [fuel], • • • [and] the impact which higher prices will have on offshore drilling for oil and gas." Friends of the Earth's contentions are misplaced for, although a detailed environmental impact statement was not prepared and circulated in this proceeding, this decision will discuss the possible environmental impact of the rate established herein in order to demonstrate the futility of attempting to quantify that possible impact upon the environment into a detailed environmental impact statement.

We submit that Congress did not intend NEPA to apply to a national gas rate proceeding. Even if NEPA is applicable we shall, nevertheless, state our reasons for concluding that a detailed environmental impact statement is not required in this proceeding pursuant to the mandate in Arizona Public Service Company v. FPC, ____ U.S. App. D.C. ____, 483 F. 2d 1275 (D.C. Cir. 1973). NEPA does not always demand that the detailed impact statement required by Section 102(2)(C) be prepared by an agency where the agency sets forth its reasons why a NEPA statement is not necessary and "[t]he value of such a statement of reasons is becoming generally recognized as courts and agencies grapple with the difficult task of developing procedures for compliance with NEPA." [158] NEPA "is subject to a rule of reason," and an "agency need not foresee the unforeseeable • • •" [159] Within this "rule of reason" and the scope of our jurisdiction under the Natural Gas Act,[160] we shall outline the various factors which combined render any attempt to reasonably predict the environmental impact of this decision a complete exercise in futility.

This proceeding must be examined as to its rather limited scope before any assessment of the applicability of the requirements of section 102(2)(C) can be made. Under sections 4, 5, and 7 of the Natural Gas Act the Commission has the power to establish rates and other conditions for the sale and transportation of natural gas in interstate commerce, but the Commission does not have the power to force a natural gas producer to search for gas in a particular location or to commence the sale of natural gas in interstate commerce at the rate which has been determined to be just and reasonable.[161] Nor do we have the power to "order a natural gas company to sell gas to users that [the Commission] favors; [footnote omitted] [we] can only exercise a veto power over proposed transportation and it can only do this when a blance of all the circumstances weighs against certification." FPC 1. Transcontinental Gas Pipeline Corp., 365 U.S. 1, 17 (1961 (Emphasis supplied).

In the SIPI case, the Court outlined a series of questions which should be answered with respect to a statement of reasons where an impact statement is not prepared. See, —— U.S. App. D.C. ——, ——, 481 F. 2d 1079, 1092. Before these questions are considered, the parameters of the potential environmental impact should be outlined. Two major forms of environmental impact may occur as a result of the action taken herein: the first form of environmental impact likely to occur from an increase in the rates which natural gas producers are allowed to collect for their sales in interstate commerce is the impact associated with exploration and drilling activities; the second form of environmental impact is that associated with reallocations of the end use of natural gas in the various local energy markets due to changes in price and supply. Neither of these two forms of environmental impact are susceptible to precise quantification because of the uncertainties in predicting the effect of any given rate upon increased exploration and drilling activities by natural gas producers and the impossibility of predicting the increased supplies of natural gas which will be available to any given interstate pipeline and to all interstate pipelines as the result of any given level of exploration and development activity. Furthermore, the environmental impact in the various energy consuming marketplaces will depend upon the extent of curtailment being imposed by the interstate pipeline or pipelines serving the various marketplaces and the volumes of gas required by each of the different categories of customers in that marketplace. Each of these factors presents issues which cannot and should not be resolved in a producer rate proceeding, but rather must be resolved in the various pipeline curtailment proceedings to insure that all classes of natural gas consumers are treated equitably. In those cases, the environmental impact will be evaluated pursuant to the mandate in Arizona Public Company v. FPC, supra.

The Commission has only two options in this proceeding: continue the existing area rate structure with the existing prices which are based upon evidence and cost information as old as 1962 in some cases,[162] or update the existing rates to reflect more current cost and productivity trends. Once it is determined that the rates must be updated, the ultimate rate level determined to be just and reasonable depends upon the Commission's exercise of its expertise after consideration of all of the evidence and information contained in the record of the proceeding. Continuation of the existing area rates will only lead to further degradation of the already critical gas supply available to the interstate market. An increase in the rates allowed for sales

[155] See, e.g., Texas Eastern Exploration Company,—— F.P.C.—— (May 15, 1974).

[156] 83 Stat. 852, et seq. (1970); 42 U.S.C. 4321, et seq. (1970).

[157] 83 Stat. 852, 853 (1970); 42 U.S.C. 4332 (2)(C) (1970).

[158] Scientists' Institute For Public Information, Inc. v. AEC, et al., ____ U.S. App. D.C. ____, ____, 481 F. 2d 1079, 1094 (1973); See also Hanly v. Kleindienst, 471 F. 2d 823 (1972), *cert. denied*, 412 U.S. 908 (1973); Arizona Public Service Company v. FPC, ____ U.S. App. D.C. ____, 483 F. 2d 1275 (D.C. Cir. 1973).

[159] Scientists' Institute For Public Information, Inc. v. AEC, et al., supra, 481 F. 2d 1079, 1092. Hereinafter SIPI.

[160] NEPA is to be read in conjunction with the Natural Gas Act, and we note "that NEPA was not intended to repeal by implication any other statute." United States, et al. v. Students Challenging Regulatory Agency Procedures (SCRAP), et al., 412 U.S. 669, 694 (1973).

[161] See, Atlantic Refining Co. v. Public Service Commission of New York, 360 U.S. 378 (1959).

[162] See, *Area Rate Proceeding* (*Hugoton-Anadarko Area*), *et al.*, 44 F.P.C. 761 (1970); *Area Rate Proceeding* (*Texas Gulf Coast Area*), *et al.*, 45 F.P.C. 674 (1971); *Area Rate Proceeding* (*Other Southwest Area*), *et al.*, 46 F.P.C. 900 (1971).

of natural gas in interstate commerce should increase the volumes of new natural gas supplies which will be made have previously noted in the section of this decision pertaining to natural gas supply and demand, but those volumes available to the interstate market as we cannot be quantified with any reasonable precision. Thus, a current review of the costs of finding and producing new natural gas supplies is the only viable alternative before the Commission in this proceeding. That is one option which the Commission has implemented by this decision.

The first question which the SIPI decision requires be considered by an agency is "To what extent is meaningful information presently available on the effects of application of the [decision] and of alternatives and their effects?" 481 F. 2d at 1092.

Implementation of this decision will result in increased exploration and development activity, the extent of such increased activity is not known and is not susceptible of meaningful quantification, with resulting environmental impact in the areas where such activity is conducted. The location and extent of such activity will further depend upon the results of the initial exploratory activity and the size of the gas reserves ultimately discovered or not discovered. This Commission has no authority to compel private entities to explore for, develop, and sell natural gas supplies in the interstate market; our jurisdiction merely extends to the regulation of the rates at which natural gas is sold in interstate commerce. Since we cannot compel a private entity to explore for, develop, and sell natural gas supplies in the interstate market, we cannot compel these private entities to explore for and develop new natural gas supplies in any given geographical area, and, as a result, it is impossible to determine in advance what environmental impact will occur as a result of increased exploration and development activity or where within the continental United States such environmental impact will occur.

With respect to those new natural gas supplies which are located within the offshore Federal domain, we will know in advance what environmental impact will occur as a result of exploration and development activity undertaken to develop and produce those supplies because the Department of the Interior prepares a final environmental impact statement before particular blocks are proposed to be leased. An overall review of the environmental impact result from offshore drilling is currently being conducted by the Council on Environmental Quality. See, The President's Energy Message, April 18, 1973. These Department of the Interior statements are supplemented by the detailed environmental impact statements which this Commission requires before a major pipeline project to connect new offshore reserves is approved and construction allowed to commence.[163]

With respect to those new natural gas supplies which are discovered in the onshore (and offshore) domains of the several states, we have no authority to compel the sale of those natural gas supplies in interstate commerce unless these newly discovered supplies are located upon acreage which has been previously dedicated to an interstate pipeline company. This factor makes it impossible for the Commission to determine which exploration and development activities will be associated with a sale of new natural gas supplies in interstate commerce prior to the filing of an application for a certificate of public convenience and necessity authorizing the sale of natural gas to an interstate pipeline. We are, therefore, unable to predict in advance which drilling activities will ultimately result in the sale and transportation of natural gas in interstate commerce subject to this Commission's jurisdiction.

Implementation of an increase in the rates allowed for the sale of natural gas in interstate commerce may have some effect upon the ultimate end use of that gas in the various energy marketplaces. The ultimate end use of new natural gas supplies sold in interstate commerce is not readily definable since the Commission does not know in advance of the filing of an application for a certificate authorizing the sale of such new supplies of natural gas to a particular interstate pipeline which interstate pipeline will actually purchase these new supplies for resale. To be sure, all interstate pipelines will purchase new natural gas supplies as they are able to contract for such supplies; however, the prices paid by the various individual pipelines and the various classes of customers to which the different interstate pipelines resell natural gas and the various proportions of the volumes which are consumed in particular end uses vary from pipeline to pipeline. These variations plus the ability of the individual pipelines to acquire new supplies add to the difficulties to determining the environmental impact in the various energy consuming marketplaces which will occur as a result of an increase in the rates allowed for producer sales of natural gas in interstate commerce.

The extent of curtailment on the systems of the interstate pipelines and the nature of the resale customers is more likely to affect the ultimate end use of natural gas sold in interstate commerce than is an increase in the price allowed natural gas producers.[164] This Commission has already promulgated regulations establishing curtailment priorities; these regulations require that interstate pipelines curtail their customers by type of usage and volume rather than by geographic area unless special circumstances require relief from the curtailment priorities.[165] Thus, it is impossible to predict in advance what environmental impact will result from a given pipeline's curtailment plan since the plan is by its very nature a contingency plan subject to implementation and termination depending upon the pipeline's gas supply situation which may change from day to day. Arizona Public Service Company v. FPC, —— U.S. App. D.C. ——, —— F. 2d —— (D.C. Cir. No. 72-1636, January 2, 1974).

These regulations requiring curtailment by volume and type of usage seek to balance the need of residential and small commercial for a continued supply of gas while minimizing the adverse environmental impact that might result from requiring large volume industrial and utility consumers to use other fuels (18 CFR 2.78(a)(11)). We should point out that such allocations are more appropriately made in the context of individual pipeline curtailment proceedings rather than in the context of a producer rate proceeding.[166] The imposition of a pipeline by pipeline curtailment review in this proceeding to determine all of the possible environmental consequences that might possibly result from the increase in the rates allowed for the sale of gas in interstate commerce would so burden this proceeding as to make it impossible to establish just and reasonable rates as required by the Natural Gas Act.

Furthermore, to the extent that increased volumes of natural gas are made available to the interstate market as a result of this decision, pipeline transportation costs will be reduced by the increased throughput. A continued decline in the volumes of gas available to interstate pipelines will eventually result in higher costs to the consumer since the fixed costs will be allocated to smaller volumes of gas. The increase in the new supplies of natural gas which the interstate pipelines are able to purchase as a result of this order will help offset the increase in pipeline unit costs resulting

[163] 18 CFR 2.80, 2.61; *Implementation Of The National Environmental Policy Act of 1969*, 44 F.P.C. 1531 (1970), *as amended*, 45 F.P.C. 563 (1971), *as amended*, 46 F.P.C. 1240 (1971), *as amended*, Order No. 415-C, 48 F.P.C. 1442 (1972), *reh. denied*, 49 F.P.C. 359 (1973); *Implementation Of The National Environmental Policy Act of 1969*, Docket No. R-473, Order No. 485, 49 F.P.C. 1280 (1973). These requirements apply to both onshore and offshore projects.

[164] See Appendix B for the prices of different energy sources by region and usage.

[165] 18 CFR 2.78; Utilization And Conservation of Natural Resources—Natural Gas Act, Docket No. R-469, 49 F.P.C. 85 (1973), as amended, 49 F.P.C. 217 (1973), as amended, Order No. 467-B, 49 F.P.C. 583 (1973), reh. denied, 49 F.P.C. 1036 (1973); Utilization And Conservation of Natural Resources—Natural Gas, Docket No. R-474, Order No. 493, —— F.P.C. —— (38 FR 2737, September 21, 1973), as amended, Order No. R-493-A, —— F.P.C. —— (38 FR 30432, October 29, 1973).

[166] By reviewing the environmental impact in individual pipeline proceedings, we will be in a better position to determine the environmental impact upon the affected energy consuming markets than we can in this proceeding. Moreover, as we have stated, it is impossible to determine in advance which energy consuming market will obtain any given supply of gas that becomes available to the interstate market.

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from the declining volumes of gas being transported by the interstate pipelines. The overall result, however, will most likely be a net increase in the cost of nautral gas to the consumer since the increases in the pipelines' costs would be less than the increase in the rates allowed for producer sales of natural gas in interstate commerce which will be permitted by this decision.

In determining "to what extent * * * irretrievable commitments [are] being made" (SIPI, 481 F. 2d at 1092) as a result of this decision, we must note that only private entities with supplies of natural gas available for sale through their exploration and development activities and the interstate pipelines desiring to connect those supplies will conceivably make commitments as a result of this order. Those commitments will also be made as the result of other factors such as intrastate market prices, the location of the gas reserves found through exploration and development activities, and the location of existing pipeline facilities. A natural gas producer makes an irretrievable commitment only to the extent that gas reserves are dedicated to the interstate market, and the interstate pipeline makes a commitment only to the extent incremental facilities such as gathering lines or compressors are installed to connect a new gas supply. If a major pipeline project is undertaken to connect new natural gas supplies, a detailed environmental impact will, of course, be required under section 102 (2)(C).

The Commission anticipates that additional exploration and development activities will be undertaken as a result of this order and that additional supplies of natural gas will be dedicated to the interstate market. There exists no reliable methodology by which the location and extent of this exploration and development activity may be predicted, and we have no method for accurately predicting the volumes of new natural gas supplies that will be forthcoming at the rate established herein. Placid Oil Company, et al. v. FPC, 483 F.2d 880, 900–902 (5th Cir. 1973), affirmed sub nom. Mobil Oil Corp. v. FPC, 42 U.S.L.W. 4842 (U.S. June 10, 1974).

Thus, we can only conclude that there may be some adverse environmental impact as the result of increased exploration and development activity which is undertaken because of the decision in this proceeding. There may also be some adverse environmental impact as the result of pipeline projects undertaken as a result of the decision rendered in this proceeding. And there may be some adverse environmental impact in the energy consuming marketplaces due to an increase in consumption of other fossil fuels because of an increase in the price of natural gas and the extent of curtailment being imposed by the interstate pipelines. None of these potential adverse environmental impacts which may result from the increase in rates allowed by this decision is susceptible to any sort of reasonable quantification in this proceeding without resort to unreasonable speculation and conjecture. It may be possible, however, in proceedings concerned with the construction of a major pipeline project to connect new natural gas supplies to an interstate pipeline to determine the extent of the environmental impact which will result from that particular project.

Finally, it is not practical to determine "how severe will be the environmental effects" of the action taken herein. SIPI, 48 F. 2d at 1092. As previously noted, the environmental impact resulting from increased exploration and development activity will depend upon the location and extent of that activity. The Commission is not able to determine in advance the location and extent of exploration and drilling activity that will be undertaken as a direct or indirect result of this decision. Moreover, the environmental impact in the areas where natural gas is consumed as a fuel or an industrial feedstock will depend upon the end use of the gas. This, in turn, will depend upon each individual interstate pipeline's gas supply and curtailment situation and the availability and comparative cost of alternate fuels for each consumer. These factors will vary from pipeline to pipeline and from consumer to consumer. To the extent this Commission has control over such matters in certificate cases, the environmental impact should be examined there. But it is an absurdity to suggest that these matters must be disposed of in a producer rate proceeding. The environmental effects of all possible combinations of these variables would be mathematically impossible to compute, much less identify and measure, when the matter is approached in a rate proceeding designed to establish the ceiling price that can be charged and collected for sales of natural gas to interstate pipeline companies.

In view of the foregoing, the Commission is of the opinion that a detailed environmental impact statement outlining the ultimate effects of this order cannot be prepared without resort to unreasonable speculation and conjecture.

V. Deeper Drilling and Deeper Offshore Water Depths

Allowances for deeper drilling and an allowance for drilling in offshore waters of increasing depths are two matters which require further consideration by the Commission. The evidence in the record on these two matters is not sufficient to allow decision thereon.

As a substantial portion of the new natural gas supplies for the United States in future years will come from wells drilled to depths of 15,000 feet or more below the surface in the onshore areas and from offshore areas where the water depths will be increasingly greater than those being explored today, the Commission has concluded that some additional cost allowance may be necessary for these drilling efforts, but we do not find sufficient information, data and evidence in the record of this proceeding to determine the methodology by which a reasonable allowance can be justified for these projected additional costs and what amount (cents per Mcf) should be provided as the allowances for deeper drilling (in both the onshore and offshore areas) and deeper water depths in the offshore areas.

Because there is a lack of persuasive evidence in the record of this proceeding upon which to determine a reasonable allowance for deeper drilling or the increasing offshore water depths, we have concluded that the most appropriate manner of resolving these issues lies in our optional procedure or pursuant to applications for special relief. Those parties seeking a rate greater than the base national rate established herein because of greater drilling or water depths should tailor the request for such price relief so that it may be evaluated on a cost basis. In such a proceeding all issues including the appropriate rate of return would be open to resolution.

In suggesting that the matters be resolved on a cost basis for each particular applicant, we do not mean to suggest that each application on these grounds will be the subject of a formal hearing or that nationwide cost data is not relevant. What we are suggesting, and desire to state in no uncertain terms, is that the rates granted under the procedures set forth above will be rates adequate to cover all costs and provide a rate of return which is sufficient to compensate the applicant for the risk involved and not merely an allowance for the out-of-pocket expenses.[167] Moreover, we are of the opinion that an individual producer's data and costs would be more meaningful in these situations than nationwide cost data. Because of the nature of the ultradeep drilling,[168] there is not a large volume of nationwide cost and productivity data available for such drilling activity.[169] This lack of data precludes any meaningful analysis of the cost of super deep drilling on a nationwide basis.

There is also almost a complete lack of data on the productivity associated with the various drilling depths, and this lack of data further precludes the Commission from evaluating the appropriate productivity factor to be utilized in determining an allowance for ultradeep drilling. One party to this proceeding (The GHK Company and Gasanadarko, Ltd.) filed any evidence on the productivity of the ultradeep drilling.[170] The GHK data indicated that productivity factors for such drilling might be over 1,000 Mcf per foot drilled. We do not, however, believe that such a limited presentation provides a sufficiently comprehensive data base to determine a nationwide productivity for drilling at depths greater than 15,000 feet.

In view of the foregoing, we find that there is not a sufficiently comprehensive data basis upon which to establish a nationwide allowance for drilling and exploration efforts directed to the discovery and production of natural gas supplies located at depths greater than 15,000 feet below the surface. We further find that the rate for such gas supplies should be established for individual producers on a cost basis pursuant to petitions or applications filed with the Commission. Such petitions may be filed pursuant to the special relief procedures promulgated by this order or pursuant to the optional policy under Order No. 455 (see n. 4, supra).

In its comments submitted in response to the notice of rulemaking, Columbia Gas Transmission Corporation (Columbia, Gas) urged the Commission to provide an allowance for the additional costs associated with drilling activities in the deeper water depths now being explored in the offshore areas. A number of other parties[171] filed comments which also supported Columbia's request for an additional allowance to compensate for the increased costs associated with the greater water depths.

As with the suggestion that the Commission provide an allowance for deeper drilling, there is little evidence in this record which can be utilized to quantify an allowance for greater water depths. The JAS report does not categorize offshore well costs by water depths, and the AGA does not report offshore reserves by depth below the ocean floor or by the overlying water depth. In such circumstances, no special allowance should be set for the offshore water depths. But, we believe that individual producers should apply to the Commission for rates in excess of the base national rate established by this decision when the cost of an offshore project will yield a unit cost that is greater than the base national rate. Such applications will be treated in the same manner as those filed with respect to applications for increased rates based upon increased drilling depths.

In closing, we believe that it is important to state that applications for special relief or under the optional procedure from the national rate based upon well depths greater than 15,000 feet[172] and increasing water depths will be considered on the total cost of the project including return on the invested capital. All such applications will be decided on an ad hoc basis to insure that each project is fairly treated.

Because of our conviction that extra cost allowances in addition to the base national rate may be necessary to encourage the development of deeper producing horizons both onshore and offshore, those producing horizons located in water depths greater than 250 feet, and previously unexplored areas such as the Atlantic coastal shelf, we intend to initiate such proceedings as may be required to accumulate the data and information necessary to compute the amounts of such allowances. Pending the initiation and completion of such proceedings, we will evaluate gas supplies from these special areas on a cost basis.

VI. Short-Term and Emergency Sales

The Commission has determined that certain of its procedures permitting short-term and emergency sales should be rescinded or revised as of the date of this decision in this proceeding; those procedures which we shall rescind or revise are §§ 2.70 and 157.29 of the Commission's general policy statements and interpretations and regulations under the Natural Gas Act insofar as those provisions allow (1) temporary emergency sales and (2) limited term sales with pre-granted abandonment.[173] The procedures set forth in paragraph 12 of the "Notice Expanding Notices of Investigation And Proposed Rulemaking To Nationwide New Gas Sales And Statement On New Applications For Certificates For Sales From All Areas" issued in Docket No. R–389–A on July 17, 1970,[174] shall also be rescinded as of the date of this decision in this proceeding. With the establishment of a single uniform national rate and the existence of the optional procedures under Order No. 455 (note 5, supra), it is no longer necessary to continue the emergency and certification procedures contained in those sections.

One purpose of this proceeding was to simplify the existing rate structure and the procedures for obtaining a certificate to make sales for resale in interstate commerce. If we continue a myriad of certification procedures by which new supplies of natural gas may be dedicated to the interstate market, that purpose will not be accomplished. We are also concerned about the inordinate percentage of anticipated new deliveries to the interstate market for 1971 to 1973, which are traceable to our emergency and limited-term certificate procedures.[175] We have, therefore, concluded that § 2.70(b)(3) authorizing limited-term certificates with pre-granted abandonment and § 157.29 authorizing temporary emergency sales by natural gas producers and the certification provisions in Paragraph 12 of the July 17, 1970, notice and statement in Docket No. R–389–A should be rescinded, as of the date of this decision.

We have determined, as a matter of policy, that applications for short-term dedications to the interstate market subject to pre-granted abandonment will not be certificated. The present gas shortage requires long-term solutions, not stop-gap measures. Thus, we have decided that the establishment of a just and reasonable national rate structure will be accompanied by a rescinding of certain existing emergency and limited term certification procedures. Certificates already issued under these procedures will not be affected by this action, however, new certificates will not be issued by the Commission.

Section 2.70 is modified by rescinding the provisions of § 2.70(b)(3) pertaining to the authorization of limited-term certificates with pre-granted abandonment. Since the issuance of Order No. 431 which authorized limited-term certificates, approximately 29.2 percent of the total anticipated deliveries of new gas supplies to the interstate market shown in Appendix G have been made pursuant to the provisions of § 2.70(b)(3). We believe that the availability of these short-term dedications has caused producers of natural gas to defer entering into long-term dedications, and that, as a result, the long-term planning required to eliminate the natural gas shortage has also been deferred. The need for long-term dedications to the interstate market is apparent to us in order to assure the availability of a reliable supply of natural gas at reasonable prices and to enable producers, pipeline transmission companies, and distribution utilities to plan, finance, and construct the operating facilities required for continuation of reliable service. We have determined that the establishment of a single uniform national rate and procedure for a biennial review of that

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[167] See supra, as to our comments on special relief in general.

[168] We use the term "ultradeep drilling" to refer to wells drilled to depths greater than 15,000 feet below the surface.

[169] The 1972 JAS report noted only 125 oil wells, 150 gas wells, and 312 dry holes for wells drilled to depths of 15,000 feet or greater in 1972. The 1972 totals were 10,753 oil wells, 5,086 gas wells, and 10,604 dry holes for all depths. Thus, the super deep wells were less than two percent of the total number of wells drilled.

The GHK Company and Gasanadarko, Ltd. (GHK) made a cost presentation for super deep drilling based upon their individual experience in drilling such wells and upon 1972 JAS data. Since this presentation was limited primarily to the Deep Anadarko Basin, it does not provide the broad coverage necessary to make nationwide cost findings. However, it is the type of presentation that we seek from individual companies seeking a higher rate for their deep drilling and exploration activities so that we may establish proper rates for such gas.

[170] The American Gas Association does not report reserve additions by either reservoir depth for all reserves or by water depth for offshore reserves.

[171] Major Producer Group, AGD, UDC. See also comments of APGA and New York.

[172] We shall adopt the suggestion of Kentucky West Virginia Gas Company that depths greater than 8,000 feet in the Appalachian and Illinois Basin Areas be accorded this treatment. Such treatment is consistent with Order No. 411. See 44 F.P.C. 1112, 1124 (1970).

[173] 18 CFR 2.70, Policy With Respect To Establishment Of Measures To Be Taken For The Protection Of As Reliable And Adequate Service As Present Natural Gas Supplies And Capacities Will Permit, Order No. 431, 45 F.P.C. 570 (1971), as amended, Order No. 431–A 48 F.P.C. 193 (1972); 18 CFR 157.29, Exemption Of Temporary Sales Or Transportation, Order No. 418, 44 F.P.C. 1574 (1970). The 180-day provisions of these sections which were added by Order No. 491, et al., note 4, supra, expired by the terms of Order No. 491 (mimeo, p. 7, Ordering Paragraph (D)) on March 15, 1974. See Order No. 491–D, —— F.P.C. —— (39 FR 8332, March 1, 1974). Prior to Order No. 491, §§ 2.70 and 157.29 allowed the performance of emergency action for only a 60-day period.

[174] Initial Rates For Future Sales Of Natural Gas For All Areas, Docket No. R–389–A, 35 FR 11683 (1970).

[175] See Appendix G.

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rate eliminates the need for our existing procedures under § 2.70(b)(3) which provide for short-term deliveries to the interstate market, and we shall rescind § 2.70(b)(3) as of the final order in this proceeding.

Section 157.29 is rescinded in its entirety. Section 157.22 provides sufficient exemption of temporary acts and operations where the pipeline has or is threatened with an interruption or serious curtailment of service due to the failure of facilities or a failure of the pipeline's normal gas supply. Also, the establishment of a single uniform national rate alleviates the need for regulations permitting the commencement of deliveries while the application for certificate authorization to commence the sales is pending before the Commission.

The anticipated new deliveries to the interstate market which have resulted from the limited-term and emergency sales procedures of our regulations constitute approximately 47.7 percent of the total aggregate of new deliveries to the interstate market for 1971 through 1973. We are of the opinion that this percentage is inordinate, and should be reduced in favor of long-term dedications. To that end, we are eliminating the limited-term certificate provisions (18 CFR 2.70(b)(3)) the emergency sales provisions for natural gas producers (18 CFR 157.29).

Paragraph 12 of the July 17, 1970, notice and statement in Docket No. R–389–A is being terminated since it was adopted as an interim measure adopted in that proceeding until a systematic rate structure was established. With the establishment of a single uniform national rate in this proceeding and the existence of the procedures under Order No. 455, we find no reason to continue the applicability of Paragraph 12, and the provisions found therein are terminated as of the date of the final order in this proceeding.

The Commission further finds: (1) Each respondent named in the notice of rulemaking in this proceeding is engaged in the sale for resale of natural gas in interstate commerce subject to the jurisdiction of the Commission and each is, therefore, a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission.

(2) The notice and opportunity to participate in this proceeding with respect to the matters presently before the Commission through the submission, in writing, of data, views, comments, and suggestions in the manner as described in this decision are consistent and in accordance with all procedural requirements therefor as prescribed in section 553, Title 5 of the United States Code. Since the amendments proposed in this decision do not prescribe added duties or restrictions, compliance with the effective date requirements of 5 U.S.C. section 553(d) is not necessary.

(3) The amendment to Part 2 of the Commission's General Rules to add a new § 2.56(h) is necessary and appropriate for the administration of the Natural Gas Act.

(4) The amendments to Part 2 of the Commission's General Rules and Parts 154 and 157 of the Regulations Under the Natural Gas Act are necessary and appropriate for the administration of the Natural Gas Act.

(5) Information contained in the following documents should be included in the record of this proceeding, and these documents are hereby made a part of the record in this proceeding by incorporation:

Foster Associates, Inc., *The Impact Of Deregulation On Natural Gas Prices*, 1973.

Joint Association Survey Of The U.S. Oil & Gas Producing Industry, Sponsored by American Petroleum Institute, Independent Petroleum Association of America, and Mid-Continental Oil & Gas Association, December 1973.

Federal Power Commission Office of Economics, *Gas Supply Indicators—Fourth Quarter 1973 and Annual Review*, April 1974.

Reserve Of Crude Oil, Natural Gas Liquids, And Natural Gas In The United States And Canada And United States Productive Capacity As Of December 31, 1972, Published Jointly by American Gas Association, American Petroleum Institute, and Canadian Petroleum Association, Volume 27, May 1973.

United States Department of the Interior, *Draft Environmental Impact Statement—Proposed Deregulation Of Natural Gas Prices*, July 17, 1973.

(A) The Commission, acting pursuant to the provisions of the Natural Gas Act, as amended, particularly sections 4, 5, 7, 8, 14, 15, and 16 thereof (52 Stat. 822, 823, 824, 825, 828, 829, 830 (1938); 56 Stat. 83, 84 (1942); 61 Stat. 459 (1947); 76 Stat. 72 (1962); 15 U.S.C. 717c, 717d, 717f, 717g, 717m, 717n, 717o) hereby orders that its General Rules Part 2, Subchapter A of 18 CFR Chapter I, be amended by adding new § 2.56(h), as follows:

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§ 2.56 [Amended]

(h) National rate for sales of natural gas from wells commenced on or after January 1, 1973, and new dedications of natural gas to interstate commerce on or after January 1, 1973. (1) Notwithstanding any other provisions in the General Rules of Practice and Procedure of the Federal Power Commission, or the Regulations Under the Natural Gas Act of the Federal Power Commission, sales of natural gas in interstate commerce made from wells commenced on or after January 1, 1973; or pursuant to contracts executed on or after January 1, 1973, for the sale of natural gas in interstate commerce for gas not previously sold in interstate commerce except pursuant to the provisions of §§ 2.68, 2.70, 157.22, or 157.29 of this chapter (including sales made pursuant to those sections as modified by Order No. 491); or pursuant to contracts executed on or after January 1, 1973, where the sales were formerly made pursuant to permanent certificates of unlimited duration under contracts which expired by their own terms on or after January 1, 1973, within the United States may be made at a price not to exceed 42.0 cents per Mcf (at 14.73 psia), exclusive of state production taxes and subject to the adjustments herein provided.

(i) The price prescribed by this paragraph may be increased by an amount not to exceed 1.0 cents per Mcf per annum commencing on January 1, 1974, and the first day of every year thereafter for the term of the contract dedicating the subject gas to sale for resale in interstate commerce pursuant to the terms of the contract.

(2) For natural gas subject to the rate prescribed in paragraph (h)(1) of this section, quality standards and resulting adjustments to the base national rate shall be made in accordance with the provisions of the particular contract with respect to the contract rates, except:

(i) Btu adjustment. For natural gas with more than 1,000 Btu's per cubic foot, at 60° F and 14.73 psia, upward adjustments shall be made on a proportional basis from a base of 1,000 Btu's per cubic foot, at 60° F and 14.73 psia, downward adjustments shall be made from a proportional basis from a base of 1,000 Btu's per cubic foot.

(3) Adjustment for taxes: The applicable rate shall be adjusted upward for all State or Federal production, severance, or similar taxes, effective the date deliveries are commenced, and shall be adjusted upward by 100 percent of any increase in existing State or Federal production, severance, or similar taxes subsequent to the date deliveries were commenced and shall be adjusted downward by 100 percent of any decrease in existing State or Federal production, severance, or similar taxes subsequent to the date deliveries were commenced.

(4) The applicable national rate prescribed herein shall be adjusted for gathering activities as follows:

(i) For natural gas produced from the Panhandle and Hugoton Fields of the Hugoton-Anadarko Area, the base national rate shall be adjusted upward 2.5 cents per Mcf where delivery is made at the tailgate of a processing plant, or at a point on the buyer's pipeline beyond the wellhead and beyond the central point in the field.

(ii) For natural gas produced from fields and reservoirs other than the Panhandle or Hugoton Fields of the Hugoton-Anadarko Area, the Permian Basin Area, and the Rocky Mountain Area, the base national rate shall be adjusted upward 1.0 cents per Mcf where delivery is made at the tailgate of a processing plant, or at a point on the buyer's pipeline beyond the wellhead and beyond the central point in the field.

(5) No seller may demand or receive any rate or charge in excess of the rate prescribed by paragraph (h)(1) of this section, except for adjustments provided by paragraph (h)(2), (3), (4), and (7) of this section, unless the Commission after giving proper notice and providing an opportunity for the submission of comments shall modify the rate set forth in paragraph (h)(1) of this section.

(6) Any seller seeking to charge a rate in excess of the applicable rate or requesting a change in the applicable rate must file a petition for waiver or amendment of this section pursuant to § 1.7(b) of this chapter fully justifying the relief sought in light of this order. The seller may not file any rate increase in excess of the applicable rate herein prescribed unless and until the Commission grants the petition.

(i) For those cases where a producer seeks special relief on the grounds that a Federal income tax liability has been incurred with respect to the producer's jurisdictional natural gas operations, the producer shall submit certified copies of the appropriate Federal income tax returns and supporting schedules required by Treas. Regs. §§ 1.611–2(g), 1.613–6 (26 CFR 1.611–2(g), 1.613–6) as part of the petition for special relief.

(ii) For sales of natural gas made from wells with a total depth greater than 15,000 feet (8,000 feet in the Appalachian and Illinois Basin Areas) and/or located in water depths greater than 250 feet, the seller may petition the Commission for relief from the rate established in paragraph (h)(1) of this section and such relief may be granted by the Commission upon a showing that total cost of producing such gas is in excess of the rate established in this decision. The applicant may make such a showing on a project, area, or company-wide basis.

(7) If natural gas produced offshore is delivered onshore, at the sole cost of producer, the uniform national rate shall be adjusted upward 1.0 cent per Mcf for such offshore gas.

(8) The uniform national rate prescribed in paragraph (h)(1), of this section, as adjusted pursuant to paragraphs (h)(2), (3), (4), and (7) of this section, is the adjusted national rate and is applicable only to those jurisdictional sales within the United States (excluding Hawaii and Alaska) described in paragraph (h)(1) of this section.

(9) To the extent that the Commission's Regulations Under the Natural Gas Act establishing area rates and conditions for sale of natural gas from the Southern Louisiana Area (§ 154.105 of this chapter), Hugoton-Anadarko Area (§ 154.106 of this chapter), Appalachian Basin Area (§ 154.107 of this chapter), Illinois Basin Area (§ 154.109 of this chapter), Other Southwest Area (§ 154.109a of this chapter), or Rocky Mountain Area (paragraph (a) of this section and, § 154.109(b)) of this chapter, and the Permian Basin Area are inconsistent with the provisions set forth above the same are hereby modified to reflect the provisions set forth above. The provisions of the rate structures for these are modified only with respect to those sales which are certificated pursuant to the provisions of this section and in all other respects remain in full force and effect. Provisions pertaining to refund credits and contingent escalations are contained in paragraph (h)(11) of this section.

(10) The rate determined herein is applicable to the jurisdictional sales of natural gas described in paragraph (h)(1) of this section, and shall remain in effect until June 30, 1976, or such earlier time as the rate shall be modified by the Commission after proper notice to all parties.

(11) Any natural gas certificated under the provisions of this section which a natural gas producer elects to have credited against his existing refund obligations in the Southern Louisiana, Texas Gulf Coast, or Other Southwest Area and the Permian Basin, or applied to the triggering volumes for the contingent escalations for those areas shall price that natural gas at the rate prescribed in the applicable area rate opinion and not at the uniform national rate prescribed in this opinion. For purposes of this section, the applicable area rate opinions and Commission regulations are:

(i) Area Rate Proceeding (Texas Gulf Coast Area), et al., Opinion No. 595, 45 F.P.C. 675 (1971); § 154.109 of this chapter.

(ii) Area Rate Proceeding (Southern Louisiana Area), et al., Opinion No. 598, 46 F.P.C. 86 (1971); § 154.195 of this chapter.

(iii) Area Rate Proceeding (Other Southwest Area), et al., Opinion No. 607–A, 47 F.P.C. 99 (1972); § 154.109a of this chapter.

(iv) Area Rate Proceeding (Permian Basin Area II), Docket No. AR70–1 (Phase I), Opinion No. 662, F.P.C. (August 7, 1973).

With respect to gas of a class described in paragraph (h)(1) of this section, which is currently being sold in interstate commerce in discharge of a refund obligation or was dedicated to interstate commerce in partial satisfaction of the triggering volumes for the contingent escalations in the described areas, such gas may be sold at the rate prescribed in paragraph (h)(1) of this section only if the seller files a written waiver of the right to discharge such refund obligations or to trigger the contingent escalations on or before September 21, 1974. The seller shall further state the date on which the subject wells were commenced, the present provisions under which the gas is being sold in interstate commerce, the dollar amount of existing refund obligations previously discharged by the sale of such gas, the volumes (at 14.73 psia) applied to trigger the contingent escalations.

(12) Any contractually authorized increased rate filing made pursuant to the provisions of this order shall be effective as of the date of issuance of this order, if the filing is made on or before September 21, 1974, and as of the date of filing if the filing is made subsequent thereto.

(B) The Commission further orders that its General Rules, Part 2, Subchapter A, and its Regulations Under the Natural Gas Act, Part 157, Subchapter E, 18 CFR Chapter I be amended as follows:

§ 2.70 [Amended]

(a) Section 2.70 of the general policy statements and interpretations is amended by revoking paragraph (b)(3) in its entirety as of the date of this order.

§ 157.29 [Revoked]

(b) Section 157.29 of the regulations under the Natural Gas Act is rescinded in its entirety as of the date of this order.

(c) The provisions of Paragraph 12 of the "Notice Expanding Notices Of Investigation And Proposed Rulemaking To Nationwide New Gas Sales And Statement On New Applications For Certificates For Sales From All Areas" issued in Docket No. R–389–A on July 17, 1970 (35 FR 11638) are rescinded as of the date of this order.

(d) Certificates already issued under the foregoing procedures will not be affected by this action; *Provided, however*, That applications for certificates pending before the Commission (including those upon which a hearing has been held or which are pending hearing) as of the date of this order will not be granted.

(C) This proceeding shall remain open for such other orders as the Commission may find appropriate.

(D) The Secretary of the Commission shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

(E) All persons, other than those named as respondents to this proceeding, who are named in the service list issued by the Secretary of the Commission on May 7, 1973, are hereby made parties to this proceeding.

NOTE.—Appendices A through H are filed as part of the original document.

By the Commission.[176]

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.74–14624 Filed 6–27–74;8:45 am]

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of Defense

Section 213.3106 is amended to show that the Dean, Associate Dean, faculty members, and teaching/research assistant positions on the staff of the Uniformed Services University of the Health Sciences are excepted under Schedule A.

Effective on June 28, 1974, § 213.3106 (b)(8) is added as set forth below.

§ 213.3106 Department of Defense.

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(b) *Entire Department (including the Office of the Secretary of Defense and*

[176] Commissioners Brooke, Moody, and Smith issued separate statements which are filed as part of the original document.

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the Departments of the Army, Navy, and Air Force). • • •

(8) The Dean, Associate Dean, faculty members, and teaching/research assistant positions on the staff of the Uniformed Services University of the Health Sciences.

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(5 U.S.C. secs. 3301, 3302; E.O. 10577, 3 CFR 1954–58, comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74–14810 Filed 6–27–74;8:45 am]

Title 7—Agriculture

CHAPTER I—AGRICULTURAL MARKETING SERVICE (STANDARDS, INSPECTIONS, MARKETING PRACTICES), DEPARTMENT OF AGRICULTURE

PART 68—REGULATIONS AND STANDARDS FOR INSPECTION AND CERTIFICATION OF CERTAIN AGRICULTURAL COMMODITIES AND PRODUCTS THEREOF

U.S. Standards for Rough Rice, Brown Rice for Processing, and Milled Rice; Nomenclature Change

The Agricultural Marketing Act of 1946, as amended, provides for the issuance by the Secretary of Agriculture of standards with respect to the quality, condition, quantity, grade, and packaging of agricultural commodities for the voluntary use by producers, merchandisers, processors, and consumers in the marketing of these commodities. An official grading service is provided under the Act upon request of the applicant and payment of a fee to cover the cost of the service.

Pursuant to section 203 of the Act, 60 Stat. 1087 (7 U.S.C. 1622), notice is hereby given, according to the administrative procedure provisions of section 553 of title 5, United States Code, that the U.S. Department of Agriculture will redesignate the Rice Inspection Manual as Inspection Handbook HB 918–11.

Statement of considerations. In the sampling, inspection, grading, and certification of rice, official inspection personnel often refer to the Rice Inspection Manual. This document prescribes the official methods and procedures to be followed. The manual has been reprinted and redesignated as Inspection Handbook HB 918–11. The change was made to conform the document to grading instructions used for similiar commodities.

Accordingly, wherever the words "Rice Inspection Manual, GR Instruction 918–2" appear in 7 CFR, part 68, subparts C, D, and E, U.S. Standards for Rough Rice, Brown Rice for Processing, and Milled Rice, respectively, it shall be deemed to be "Inspection Handbook HB 918–11."

Under the administrative procedure provisions of section 553 of Title 5, United States Code, it is found upon good cause that further notice and other public procedure with respect to the amendment are impracticable, unnecessary, and contrary to the public interest. For that reason the amendment shall become effective June 28, 1974.

Done at Washington, D.C., on June 24, 1974.

E. L. PETERSON,
Administrator,
Agricultural Marketing Service.

[FR Doc.74–14914 Filed 6–27–74;8:45 am]

CHAPTER VII—AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE (AGRICULTURAL ADJUSTMENT), DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

TOBACCO MARKETING QUOTAS

Referendum Results

Basis and purpose. Sections 723.21, 724.21, and 726.21, are issued pursuant to and in accordance with section 312 of the Agricultural Adjustment Act of 1938, as amended, to (a) proclaim the results of the cigar-filler (type 41); Maryland; Virginia sun-cured; and burley tobacco marketing quota referendums for the three marketing years beginning October 1, 1974, October 1, 1975, and October 1, 1976, and (b) establish a procedure whereby the Secretary of Agriculture may be petitioned prior to November 10, 1974, or prior to November 10, 1975, respectively, to proclaim national marketing quotas for cigar-filler (type 41) tobacco, or for Maryland (type 32) tobacco, for the next three marketing years.

National marketing quotas were proclaimed for cigar-filler (type 41) tobacco and for Maryland (type 32) tobacco, for the 1974–75, 1975–76 and 1976–77 marketing years, and the amounts of the national marketing quotas for the 1974–75 marketing year for such kinds of tobacco were announced (39 FR 4558). National marketing quotas were proclaimed for Virginia sun-cured tobacco for the 1974–75, 1975–76 and 1976–77 marketing years, and the amount of the national marketing quota for such kind of tobacco for the 1974–75 marketing year was announced (39 FR 4560). National marketing quotas were proclaimed for burley tobacco for the 1974–75, 1975–76 and 1976–77 marketing years, and the amount of the national marketing quota for such kind of tobacco for the 1974–75 marketing year was announced (39 FR 4565). The material previously appearing in these sections shall remain in full force and effect as to the crops to which it was applicable.

The Secretary announced that referendums would be held by mail during the period February 25–March 1, 1974, inclusive, to determine whether producers, of each of such kinds of tobacco were in favor of marketing quotas for the three marketing years beginning October 1, 1974, October 1, 1975, and October 1, 1976 (39 FR 4677, 4934). Since the only purpose of this document is to proclaim the results of the referendums and to provide a petition procedure, it is hereby found and determined that with respect to this proclamation, compliance with the notice and public procedure provisions and the 30-day effective date provision of 5 U.S.C. 553 is unnecessary.

PART 723—CIGAR FILLER (TYPE 41) AND MARYLAND TOBACCO

Section 723.21 is revised to read as follows:

§ 723.21 Cigar-filler (type 41) and Maryland—1974–75, 1975–76 and 1976–77 marketing years.

(a) Cigar-filler (type 41). In a referendum held during the period February 25–March 1, 1974, inclusive, of farmers engaged in the production of the 1973 crop of cigar-filler (type 41) tobacco, 890 farmers voted. Of those voting, 132 or 14.8 percent, favored national marketing quotas for the three marketing years 1974–75, 1975–76 and 1976–77; and 758, or 85.2 percent, were opposed to quotas. Since more than one-third of the farmers voting opposed quotas, the national marketing quota for cigar-filler (type 41) tobacco of 77.3 million pounds for the marketing year beginning October 1, 1974, proclaimed on January 31, 1974 (39 FR 4558) becomes ineffective. Therefore, marketing quotas will not be in effect on cigar-filler (type 41) tobacco for the marketing year beginning October 1, 1974; nor, as national marketing quotas have been disapproved in three successive years since 1952 (18 FR 8474) (19 FR 9365) (21 FR 667), for the marketing years beginning October 1, 1975, and October 1, 1976, respectively, unless pursuant to section 312 of the Agricultural Adjustment Act of 1938, as amended, the Secretary of Agriculture is petitioned prior to November 10, 1974, or prior to November 10, 1975, by one-fourth or more eligible farmers to proclaim national marketing quotas for the next three succeeding marketing years, respectively, and unless the quotas so proclaimed are approved by two-thirds or more of the farmers voting in a referendum.

(b) *Maryland.* In a referendum held during the period February 25–March 1, 1974, inclusive, of farmers engaged in the production of the 1973 crop of Maryland tobacco, 5,442 farmers voted. Of those voting, 1,390 or 25.5 percent, favored national marketing quotas for the three marketing years, 1974–75, 1975–76 and 1976–77; and 4,052 or 74.5 percent, were opposed to quotas. Since more than one-third of the farmers voting opposed quotas, the national marketing quota for Maryland tobacco of 37.8 million pounds for the marketing year beginning October 1, 1974, proclaimed on January 31, 1974 (39 FR 4558) becomes ineffective. Therefore, marketing quotas will not be in effect on Maryland tobacco for the marketing year beginning October 1, 1974; nor, as national marketing quotas have been disapproved in three successive years since 1952 (31 FR 4580; 32 FR 4305; 33 FR 4787), for the marketing years beginning October 1, 1975, and October 1, 1976, respectively, unless pursuant to section 312 of the Agricultural Adjustment Act of 1938, as amended, the Secretary of Agriculture is petitioned prior to November 10, 1974, or prior to November 10, 1975, by one-fourth or more of eligible farmers to proclaim national marketing quotas for the next three succeeding marketing years, respectively, and unless the quotas so proclaimed are approved by two-thirds or more of the farmers voting in a referendum.

(c) *Petition procedure.* Any petition under paragraph (a) of section 312 of the Act shall be in writing and submitted to the Secretary, or if mailed shall be postmarked, prior to November 10, 1974, in the case of a petition for marketing quotas for the marketing years 1975–76, 1976–77 and 1977–78, or prior to November 10, 1975, in the case of a petition for marketing quotas for the marketing years 1976–77, 1977–78 and 1978–79. Any such petition shall include the address of each person signatory thereto; shall state that such persons favor the proclamation of national marketing quotas for cigar-filler (type 41) tobacco, or for Maryland tobacco, as the case may be, for the years stated in the petition, and the holding of a referendum; and shall show that such persons are producers engaged in the production of the crop of cigar filler (type 41) tobacco, or Maryland tobacco, as the case may be, harvested in the calendar year preceding the first of the marketing years stated in the petition, and constitute one-fourth or more of the producers so engaged.

PART 724—FIRE-CURED, DARK AIR-CURED, VIRGINIA SUN-CURED, CIGAR-BINDER (TYPES 51 AND 52) AND CIGAR-FILLER AND BINDER (TYPES 42–44, 53–55) TOBACCO

Section 724.21 is revised to read as follows:

§ 724.21 Virginia sun-cured tobacco—1974–75, 1975–76 and 1976–77 marketing years.

In a referendum of farmers engaged in the production of the 1973 crop of Virginia sun-cured tobacco held during the period February 25–March 1, 1974, inclusive, 471 farmers voted. Of those voting, 442 or 93.8 percent, favored quotas for a period of three years beginning October 1, 1974; and 29 or 6.2 percent were opposed to quotas. Therefore, the national marketing quota of 1,870,000 pounds proclaimed January 31, 1974 (39 FR 4563) for Virginia sun-cured tobacco for the 1974–75 marketing year will be in effect, and marketing quotas will be in effect for the three marketing years beginning October 1, 1974, October 1, 1975, and October 1, 1976.

PART 726—BURLEY TOBACCO

A new section 726.21 is issued to read as follows:

§ 726.21 Burley tobacco — 1974–75, 1975–76 and 1976–77 marketing years.

In a referendum of farmers engaged in the production of the 1973 crop of burley tobacco held by mail during the period February 25–March 1, 1974. Of those voting, 283,046 or 98.3 percent, favored quotas for a period of three years beginning October 1, 1974; and 4,783 or 1.7 percent opposed quotas. Therefore, the national marketing quota of 608 million pounds proclaimed January 31, 1974 (39 FR 4565) for burley tobacco for the marketing year beginning October 1, 1974, will be in effect, and marketing quotas will be in effect for the three marketing years beginning October 1, 1974, October 1, 1975, and October 1, 1976.

(Secs. 301, 312, 319, 375, 52 Stat. 38, as amended, 46, as amended, 85 Stat. 23, 52 Stat. 66, as amended; (7 U.S.C. 1301, 1312, 1314e, 1375))

Effective Date: June 28, 1974.

Signed at Washington, D.C. on June 24, 1974.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.74–14812 Filed 6–27–74;8:45 am]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Valencia Orange Reg. 471]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This regulation fixes the quantity of California-Arizona Valencia oranges that may be shipped to fresh market during the weekly regulation period Jun 28–Jul 4, 1974. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 908. The quantity of Valencia oranges so fixed was arrived at after consideration of the total available supply of Valencia oranges, the quantity of Valencia oranges currently available for market, the fresh market demand for Valencia oranges, Valencia orange prices, and the relationship of season average returns to the parity price for Valencia oranges.

§ 908.771 Valencia Orange Regulation 471.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided will tend to effectuate the declared policy of the act.

(2) The need for this section to limit the respective quantities of Valencia oranges that may be marketed from District 1, District 2, and District 3 during the ensuing week stems from the production and marketing situation confronting the Valencia orange industry.

(i) The committee has submitted its recommendation with respect to the quantities of Valencia oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Valencia oranges continues to be slow. Prices f.o.b. averaged $3.38 per carton on a reported sales volume of 663 carlots last week, compared with an average f.o.b. price of $3.50 per carton and sales of 825 carlots a week earlier. Track and rolling supplies at 405 cars were down 210 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the respective quantities of Valencia oranges which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were prompty submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on June 25, 1974.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in

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Arizona and designated part of California which may be handled during the period June 28, 1974, through July 4, 1974, are hereby fixed as follows:

(i) District 1: 252,000 cartons;

(ii) District 2: 198,000 cartons;

(iii) District 3: Unlimited movement

(2) As used in this section, "handled", "District 1", "District 2", "District 3", and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 26, 1974.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.74–15013 Filed 6–26–74;4:03 pm]

[Lemon Reg. 645]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

This regulation fixes the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period June 30–July 6, 1974. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 910. The quantity of lemons so fixed was arrived at after consideration of the total available supply of lemons, the quantity of lemons currently available for market, the fresh market demand for lemons, lemon prices, and the relationship of season average returns to the parity price for lemons.

§ 910.945 Lemon Regulation 645.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this section to limit the quantity of lemons that may be marketed during the ensuing week stems from the production and marketing situation confronting the lemon industry.

(i) The committee has submitted its recommendation with respect to the quantity of lemons it deems advisable to be handled during the ensuing week. Such recommendation resulted from consideration of the factors enumerated in the order. The committee further reports the demand for lemons is easier on all sizes and grades. Average f.o.b. price was $6.07 per carton the week ended June 22, 1974, compared to $6.17 per carton the previous week. Track and rolling supplies at 242 cars were up 47 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the quantity of lemons which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on June 25, 1974.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period June 30, 1974, through July 6, 1974, is hereby fixed at 250,000 cartons.

(2) As used in this section, "handled", and "carton(s)" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 27, 1974.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.74–15063 Filed 6–27–74;11:19 am]

[Lime Reg. 6]

PART 911—LIMES GROWN IN FLORIDA

Limitation of Handling

This regulation fixes the quantity of Florida limes that may be shipped to fresh market during the weekly regulation period June 30–July 6, 1974. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 911. The quantity of limes so fixed was arrived at after consideration of the total available supply of Florida limes, the quantity currently available for market, lime prices, and the relationship of season average returns to the parity price for Florida limes.

§ 911.406 Lime Regulation 6.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 911, as amended (7 CFR Part 911; 37 FR 10497), regulating the handling of limes grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Florida Lime Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such limes, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this regulation to limit the quantity of limes that may be marketed during the ensuing week stems from the production and marketing situation confronting the Florida lime industry.

(i) The committee has submitted its recommendation with respect to the quantity of limes which it deems advisable to be handled during the succeeding week. Such recommendation results from consideration of the factors enumerated in the order. The committee further reports the fresh market demand for limes continues weak primarily due to unfavorable weather in the major markets. Shipping point prices for fresh limes have been about steady in recent weeks at season low levels.

(ii) Having considered the recommendation and information submitted by the committee, and other available information the Secretary finds that the quantity of limes which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Florida limes, and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such limes; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on June 25, 1974.

(b) *Order.* (1) The quantity of limes grown in Florida which may be handled during the period June 30, 1974 through July 6, 1974 is hereby fixed at 12,000 bushels.

(2) As used in this section, "handled" and "limes" have the same meaning as when used in said amended marketing agreement and order, and "bushel" means 55 pounds of limes.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 26, 1974.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.74–15016 Filed 6–27–74;8:45 am]

[Plum Reg. 10, Amdt. 1]

PART 917—FRESH PEARS, PLUMS, AND PEACHES GROWN IN CALIFORNIA

Regulation by Grades and Sizes

This amended regulation continues the currently effective plum grade and size regulation to include all plum shipments during the 1974 season. The regulation prescribes that all California plums handled grade U.S. No. 1 grade except that additional tolerances for defects not considered serious, including healed cracks, and gum spots, are permitted for specified varieties. It also specifies minimum sizes for certain named varieties in terms of the number of plums contained in an eight pound sample. Such regulation would otherwise end on July 8, 1974. It is designed to provide markets with an ample supply of desirable fruit in the interest of consumers and producers. The said marketing agreement and order are effective pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

Notice was published in the FEDERAL REGISTER issue of May 30, 1974 (39 FR 18796) that the Department was giving consideration to a proposal to amend § 917.434 (Plum Regulation 10; 39 FR 18090) pursuant to the applicable provisions of the marketing agreement, as amended, and Order No. 917, as amended (7 CFR 917) regulating the handling of fresh pears, plums, and peaches grown in California, to continue the effective period of regulation to include all plum shipments for the 1974 season. This proposal allowed interested persons until June 17, 1974, to submit data, views, or arguments for consideration relative to such proposed extension. None were received.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the recommendations and information submitted by the Plum Commodity Committee, established under the said amended marketing agreement and order, and other available information, it is hereby found that the limitation of handling of such plums, as hereinafter provided, will tend to effectuate the declared policy of the act.

It is hereby further found that good cause exists for not postponing the effective date of this amendment until July 29, 1974 (5 U.S.C. 553) in that (1) shipments of plums are currently in progress and this amendment should be applicable to all such plum shipments occurring during the effective period specified herein in order to effectuate the declared policy of the act; (2) the amendment is the same as that specified in the notice to which no exceptions were filed; (3) the regulatory provisions are the same as those currently in effect; and (4) compliance with this amended regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

Order. Section 917.434 paragraphs (a), and (b), preceding subparagraph (1), and paragraph (c) preceding Table 1, is hereby amended to read as follows:

§ 917.434 Plum Regulation 10.

Order. (a) During the period May 24, 1974, through May 31, 1975, no handler shall ship any lot of packages or containers of any plums, other than the varieties named in paragraph (b) hereof, unless such plums grade at least U.S. No. 1.

(b) During the period May 24, 1974, through May 31, 1975, no handler shall ship:

• • • • • •

(c) During the period May 24, 1974, through May 31, 1975, no handler shall ship any package or other container of any variety of plums listed in Column A of the following Table I unless such plums are of a size that an eight-pound sample, representative of the sizes of the plums in the package or container, contains not more than the number of plums listed for the variety in Column B of said table.

• • • • • •

Dated: June 24, 1974.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.74–14817 Filed 6–27–74;8:45 am]

PART 930—CHERRIES GROWN IN MICHIGAN, NEW YORK, WISCONSIN, PENNSYLVANIA, OHIO, VIRGINIA, WEST VIRGINIA AND MARYLAND

Subpart—Rules and Regulations

LIMITATION OF HANDLING

This amendment of the rules and regulations under Marketing Order 930, prescribes a procedure governing tree selection under the diversion provisions; permits the packing of reserve pool cherries in 30 pound capacity containers other than 30 pound metal cans when authorized by the Cherry Administrative Board; establishes a handler charge for fiscal 1974–75 at 12.01 cents per pound for processing, freezing and the first 30 days storage of reserve pool cherries and sets a storage charge of 5.5 cents per container for each additional month of storage; prescribes a minimum grade for reserve pool cherries; and authorizes said Board to maintain a reserve fund to meet the costs of maintaining records pertaining to reserve pool cherries.

Notice was published in the FEDERAL REGISTER issued May 10, 1974 (39 FR 17105), that the Department was giving consideration to proposed amendment to the rules and regulations (Subpart—Rules and Regulations, 7 CFR Part 930.101–930.161), currently in effect pursuant to the applicable provisions of Marketing Order No. 930 (7 CFR Part 930), regulating the handling of cherries grown in Michigan, New York, Wisconsin, Pennsylvania, Ohio, Virginia, West Virginia, and Maryland hereinafter referred to as "the order." This is a regulatory program effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

After consideration of all relevant matter presented, including that in the notice, it is hereby found that amendment, as hereinafter set forth, of said rules and regulations is in accordance with said marketing order and will tend to effectuate the declared policy of the act.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) The acquiring and handling of cherries are expected to begin

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on or about June 28, 1974, and this amendment should be applicable, insofar as practicable, to all such cherries; (2) notice was given of the proposed amendment through publicity in the production area and by publication in the May 10, 1974, issue of the FEDERAL REGISTER; and (3) compliance with this amendment will not require of handlers any preparation that cannot be completed by the effective time hereof.

Order. The amendment is as follows:

1. § 930.103 *Diversion* is revised to read as follows:

§ 930.103 Diversion.

Diversion shall be accomplished by leaving restricted percentage cherries unharvested: *Provided*, That such cherries shall remain on the tree until final inspection and shall not be removed from the premises other than by record approval: *Provided further*, That unless an alternate method of tree selection for diversion is requested by an applicant and is approved by the board, the trees involved with non-harvest shall be designated on a random basis by the board through its authorized representatives.

2. § 930.104 *Reserve pool requirements* is amended by revising paragraphs (a), (c) and (d) as follows:

§ 930.104 Reserve pool requirements.

(a) Reserve pool cherries shall be set aside in the form of 5 plus 1 (five pounds of raw pitted cherries combined with one pound of sugar) frozen cherries packed in new 30 pound capacity metal cans or such other 30 pound capacity containers as may be prescribed by the board. Such cherries shall be graded and certified by the United States Department of Agriculture.

• • • • •

(c) Such cherries, for each handler who freezes cherries, shall reflect not less than the overall grade, quality and condition of the total frozen production of said handler: *Provided*, That not less than 50 percent of said reserve pool cherries shall grade not lower than U.S. Grade "A" and the remainder not lower than proposed U.S. Grade "B" (39 FR 1355) unless otherwise exempted by the board.

(d) Such cherries, for each handler who does not freeze cherries and therefore obtains reserve pool cherries from another handler who does freeze cherries, shall reflect not less than the overall grade, quality and condition of the total frozen production of the handler who freezes such cherries: *Provided*, That not less than 50 percent of said reserve pool cherries shall grade not lower than U.S. Grade "A" and the remainder not lower than proposed U.S. Grade "B" (39 FR 13551) unless otherwise exempted by the board.

3. Paragraph (c) of § 930.109 *Distribution of reserve pool proceeds* is revised to read as follows:

§ 930.109 Distribution of reserve pool proceeds.

• • • • •

(c) In accordance with § 930.60 all reserve pool funds, after deductions, shall be distributed to equity holders in direct proportion to each person's equity in the total reserve pool. In the event of complete disposition of all reserve pool cherries, the board may, prior to making distribution of the resulting funds, set aside a portion of such funds, not to exceed $10,000, as a reserve to defray costs of storage and maintenance of records and supporting material of the pool.

• • • • •

(4) Section 930.158 *Handler compensation charge 1* is revised to read as follows:

§ 930.158 Handler compensation charge 2.

During the fiscal period ending April 30, 1975, each handler shall be compensated, as provided by § 930.58, by producers having an interest in the reserve pool, or their successors in interest: (a) At the rate of $0.1201 (12.01 cents) per pound of reserve pool cherries for receiving raw unpitted cherries, processing such cherries into form of 5 plus 1 frozen cherries packed in new 30 pound capacity metal cans or any other 30 pound capacity as may be prescribed by the board, as specified in § 930.104 (a), and for storage in a suitable freezer storage facility for 30 days from the date the reserve pool cherries are placed in such storage facility; and (b) at the rate of 5½ cents per container per month for storage thereafter in a suitable freezer storage facility.

Dated June 24, 1974, to become effective on June 28, 1974.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.74-14816 Filed 6-27-74;8:45 am]

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Regulations—1961 and Subsequent Crops Texas Flaxseed Purchase Program, Amdt. 2]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—Provisions of 1961 and Subsequent Crop Texas Flaxseed Purchase Program

The regulations issued by the Commodity Credit Corporation (CCC) published in the FEDERAL REGISTER at 26 FR 3979, as amended, containing the provisions for 1961 and Subsequent Crops Texas Flaxseed Purchase Program are further amended as follows.

Section 1421.630(c) is amended to specify that flaxseed to be eligible for purchase by CCC must not contain molds that produce toxins that are poisonous to man or animals.

§ 1421.630 Eligible flaxseed.

• • • • •

(c) The flaxseed may be of any grade but must be merchantable for crushing into oil and feed as determined by CCC and must not contain mercurial compounds, toxin producing molds, or other substances poisonous to man or animals.

• • • • •

§ 1421.637 [Deleted]

Section 1421.637 *Storage charges*, is deleted for 1974 and subsequent crops Texas Flaxseed purchase program. Storage charges on all flaxseed offered for purchase to CCC under the Texas Flaxseed purchase program for 1974 and subsequent crops, must be prepaid or otherwise provided for by the producer.

Because 1974-crop Texas flaxseed is currently being harvested, it is determined that compliance with the notice of proposed rulemaking procedure would be impracticable. Therefore, this amendment is being issued without following such procedure and will become effective June 28, 1974.

(Sec. 4, 62 Stat. 1070 as amended (15 U.S.C. 714b). Interpret or apply sec. 5, 62 Stat. 1072, secs. 301, 401, 63 Stat. 1053, 1054 as amended (15 U.S.C., 714c, 7 U.S.C. 1447, 1421))

Effective Date: June 28, 1974.

Signed at Washington, D.C. on June 24, 1974.

KENNETH E. FRICK,
Executive Vice President, Commodity Credit Corporation.

[FR Doc.74-14811 Filed 6-27-74;8:45 am]

Title 8—Aliens and Nationality

CHAPTER I—IMMIGRATION AND NATIONALIZATION SERVICE, DEPARTMENT OF JUSTICE

PART 212—DOCUMENTARY REQUIREMENTS: NONIMMIGRANTS; WAIVERS; ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE

Nonimmigrant Documentary Waiver

In recognition of the recent independence of Grenada, the Administrator of the Bureau of Security and Consular Affairs, Department of State, in an order dated June 3, 1974, with the concurrence of the Commissioner, Immigration and Naturalization, amended 22 CFR 41.6(b) to restore to nationals of Grenada the waiver of visa privilege formerly provided them by that section before Grenada became an independent country. In the light of the aforementioned order of the Department of State, and pursuant to section 552 of Title 5 of the United States Code (80 Stat. 383) and the authority contained in section 103 of the Immigration and Nationality Act (66 Stat. 173; 8 U.S.C. 1103), 28 CFR 0.105(b), and 8 CFR 2.1, a corresponding amendment to § 212.1(b) in Part 212, Chapter I of Title 8 of the Code of Federal Regulations is hereby prescribed:

Section 212.1(b) is amended by adding "or Grenada" immediately following Barbados in the two places it appears in that paragraph. As amended, § 212.1(b) reads as follows:

§ 212.1 Documentary requirements for nonimmigrants.

• • • • •

(b) *British, French, and Netherlands nationals, and nationals of certain adjacent islands of the Caribbean which are independent countries.* A visa is not required of a British, French, or Netherlands national, or of a national of Jamaica, Trinidad and Tobago, Barbados, or Grenada, who has his residence in British, French, or Netherlands territory located in the adjacent islands of the Caribbean area, or in Jamaica, Trinidad and Tobago, Barbados, or Grenada, for admission and stay in Puerto Rico or the Virgin Islands of the United States, or as an agricultural worker in the United States: *Provided*, That the authorized period for which an alien was admitted pursuant to this paragraph for temporary stay in Puerto Rico or the Virgin Islands of the United States shall be terminated automatically when such alien manifests an intention to depart or attempts to depart or departs directly for any United States destination outside Puerto Rico or the Virgin Islands of the United States, unless an immigration officer has authorized such alien to proceed to a destination in the continental United States.

• • • • •

Compliance with the provisions of section 553 of Title 5 of the United States Code (80 Stat. 383) as to notice of proposed rule making and delayed effective date is unnecessary in this instance and would serve no useful purpose because the amendment to § 212.1(b) confers benefits on the persons affected thereby and conforms Service regulations to corresponding regulations promulgated by the Department of State.

Effective date: July 28, 1974.

Dated: June 17, 1974.

JAMES F. GREENE,
Acting Commissioner of Immigration and Naturalization.

[FR Doc.74-14849 Filed 6-27-74;8:45 am]

Title 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS; EXTRAORDINARY EMERGENCY REGULATION OF INTRASTATE ACTIVITIES

PART 78—BRUCELLOSIS

Subpart D—Designation of Modified Certified Brucellosis Areas, Specifically Approved Stockyards and Slaughtering Establishments

MODIFIED CERTIFIED BRUCELLOSIS AREAS

This amendment deletes the following areas from the list of areas designated as Modified Certified Brucellosis Areas in 9 CFR 78.13 because it has been determined that these areas no longer come within the definition of § 78.1(l): Cherokee County in Oklahoma; Shannon County in South Dakota; and Freestone, Leon, and Milam Counties in Texas.

The following counties were deleted from the list of Modified Certified Brucellosis Areas in 9 CFR 78.13 on the specified dates: Muskogee County in Oklahoma on March 4, 1974; and Cherokee, Navarro and Wood Counties in Texas on May 31, 1974. Since said dates, it has been determined that these counties again come within the definition of § 78.1(l); and therefore, they have been redesignated as Modified Certified Brucellosis Areas.

Accordingly, § 78.13 of said regulations designating Modified Certified Brucellosis Areas is hereby revised to read as follows:

§ 78.13 Modified Certified Brucellosis Areas.

(a) All States of the United States are hereby designated as Modified Certified Brucellosis Areas except Missouri, Oklahoma, South Dakota, and Texas.

(b) The following States are hereby designated as Modified Certified Brucellosis Areas except for the counties named:

(1) Missouri except Sullivan County.

(2) Oklahoma except Cherokee County.

(3) South Dakota except Shannon County.

(4) Texas except Freestone, Leon, and Milam Counties.

(Secs. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; sec. 3, 33 Stat. 1265, as amended; sec. 2, 65 Stat. 693; and secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111–113, 114a–1, 115, 117, 120, 121, 125, 134b, 134f; 37 FR 28464, 28477; 38 FR 19141, 9 CFR 78.16.)

Effective date. The foregoing amendment shall become effective June 28, 1974.

The amendment imposes certain restrictions necessary to prevent the spread of brucellosis in cattle and relieves certain restrictions presently imposed. It should be made effective promptly in order to accomplish its purpose in the public interest and to be of maximum benefit to persons subject to the restrictions which are relieved. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions of 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 25th day of June 1974.

PIERRE A. CHALOUX,
Acting Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.74-14912 Filed 6-27-74;8:45 am]

PART 82—EXOTIC NEWCASTLE DISEASE; AND PSITTACOSIS OR ORNITHOSIS IN POULTRY AREA QUARANTINED

Correction

In FR Doc. 74-13532 appearing at page 20585 in the issue for Wednesday, June 12, 1974, the section number on page 20586, now reading "§ 82.30" should read "§ 82.3".

CHAPTER III—ANIMAL AND PLANT HEALTH INSPECTION SERVICE (MEAT AND POULTRY PRODUCTS INSPECTION), DEPARTMENT OF AGRICULTURE

SUBCHAPTER A—MANDATORY MEAT INSPECTION

PART 331—SPECIAL PROVISIONS FOR DESIGNATED STATES AND TERRITORIES; AND FOR DESIGNATION OF ESTABLISHMENTS WHICH ENDANGER PUBLIC HEALTH AND FOR SUCH DESIGNATED ESTABLISHMENTS

SUBCHAPTER C—MANDATORY POULTRY PRODUCTS INSPECTION

PART 381—POULTRY PRODUCTS INSPECTION REGULATIONS

Clarification of Date When Federal Provisions Apply in Any Designated State or Territory

Pursuant to the authority contained in the Federal Meat Inspection Act, as amended (21 U.S.C. 601 et seq.), and the Poultry Products Inspection Act, as amended (21 U.S.C. 451 et seq.), the Animal and Plant Health Inspection Service is amending § 331.2 of the Federal meat inspection regulations (9 CFR 331.2) and § 381.221 of the poultry products inspection regulations (9 CFR 381.221) for the purpose of clarifying the language contained in these two sections to accurately reflect the dates shown in these sections as the effective dates of application of Federal provisions in the States so designated.

Statement of Considerations. Section 301(c) of the Federal Meat Inspection Act (FMIA) and section 5(c) of the Poultry Products Inspection Act (PPIA) set forth the provisions for designating any State as being subject to the provisions of Titles I and IV, FMIA, or sections 1–4, 6–10, and 12–22, PPIA, Section 301 (c), FMIA, and section 5(c), PPIA, provide that the Secretary shall publish such a designation in the FEDERAL REGISTER, and upon the expiration of 30 days after such publication, said provisions shall apply to operations and transactions and to the persons, firms, and corporations engaged therein in the State to the same extent and in the same manner as if such

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operations and transactions were conducted in or for commerce.

Upon promulgation of 9 CFR Part 331 of the Federal meat inspection regulations and 9 CFR Part 381 of the poultry products inspection regulations, the introductory paragraph in §§ 331.2 and 381.221 read in part: "designated, effective on the date shown below." The date, however, rather than showing the effective date of designation, showed the date of application of the respective regulations. This amendment clarifies that paragraph by accurately reflecting the dates shown as the effective dates of application of the Federal regulations.

Accordingly, the introductory portion of § 331.2 of the Federal meat inspection regulations is amended to read as follows:

§ 331.2 Designation of States under paragraph 301(c) of the Act.

Each of the following States has been designated, under paragraph 301(c) of the Act, as a State in which the provisions of Titles I and IV of the Act shall apply to operations and transactions wholly within such State. The Federal provisions apply, effective on the dates shown below:

(Sec. 21, 34 Stat. 1260, as amended (21 U.S.C. 621); 37 FR 28464, 28477)

Further, the introductory portion of § 381.221 of the poultry products inspection regulations is amended to read as follows:

§ 381.221 Designation of States under paragraph 5(c) of the Act.

Each of the following States has been designated, under paragraph 5(c) of the Act, as a State in which the provisions of sections 1 through 4, 6 through 10, and 12 through 22 of the Act shall apply to operations and transactions wholly within the State. The Federal provisions apply, effective on the dates shown below:

(Sec. 14, 71 Stat. 447, as amended, (21 U.S.C. 463); 37 FR 28464, 28477)

These amendments are made to clarify the regulations. It does not appear that other information could be brought to the Department's attention which would substantially affect this matter. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedures concerning the amendment are impracticable and unnecessary, and good cause is found for making these amendments effective less than 30 days after publication hereof in the FEDERAL REGISTER.

These amendments shall become effective June 28, 1974.

Done at Washington, D.C., on: June 21, 1974.

G. H. WISE,
Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc.74-14768 Filed 6-27-74;8:45 am]

Title 10—Energy

CHAPTER I—ATOMIC ENERGY COMMISSION

PART 20—STANDARDS FOR PROTECTION AGAINST RADIATION

Special Curie Definitions and Concentration Values in Air and Water for Uranium and Thorium

The Atomic Energy Commission published a notice in the FEDERAL REGISTER on April 16, 1974 (39 FR 13671) that it had under consideration proposed amendments to 10 CFR Part 20 of the Commission's regulations. As proposed, the amendments would discontinue the use in 10 CFR Part 20 of the special curie definitions for natural uranium and natural thorium, and would amend associated concentration and quantity values in 10 CFR Part 20. These amendments were proposed in response to a petition for rulemaking (PRM-20-3) filed with the Commission by the General Electric Co. on October 30, 1972. In addition to these changes, the Commission also proposed a new footnote 3 to Appendix B of 10 CFR Part 20 which would provide a warning that the chemically toxic properties of uranium should be considered for certain mixtures of the naturally occurring uranium isotopes, establish 0.2 milligrams uranium per cubic meter of air as the appropriate concentration value for occupational exposure, and establish a weekly intake limit for any mixture of uranium-238, uranium-234 and uranium-235. Interested persons were invited to submit written comments or suggestions for consideration in connection with the proposed amendments within 45 days after publication of the notice of proposed rulemaking in the FEDERAL REGISTER.

After consideration of the comments received, the Commission has adopted the proposed amendments. The text of the amendments set out below is identical with the text of the proposed amendments previously published in the FEDERAL REGISTER for comment.

Pursuant to the Atomic Energy Act of 1954, as amended, and sections 552 and 553 of title 5 of the United States Code, the following amendments to Title 10, Chapter I, Code of Federal Regulations, Part 20 are published as a document subject to codification.

§ 20.5 [Amended]

1. Paragraph (c) of § 20.5 is deleted.

APPENDIX B

2. In Appendix B, the air and water concentrations for U natural and Th natural are revised, and a new footnote 3 for U-234 S, U-235 S, U-238 S, and U natural S, is added, and paragraphs (a) and (b) of note 4 are revised to read as follows:

APPENDIX B.—*Concentration in air and water above natural background*

[See notes at end of appendix]

Element (atomic number)	Isotope [1]	Table I Column 1—air (μCi/ml)	Table I Column 2—water (μCi/ml)	Table II Column 1—air (μCi/ml)	Table II Column 2—water (μCi/ml)
• • •	• • •	• • •	• • •	• • •	• • •
Thorium-90	Th natural:				
	S	6×10^{-11}	6×10^{-6}	2×10^{-12}	2×10^{-7}
	I	6×10^{-11}	6×10^{-6}	2×10^{-12}	2×10^{-7}
• • •	• • •	• • •	• • •	• • •	• • •
Uranium-92	Uranium-234 [3] S	6×10^{-10}	9×10^{-6}	2×10^{-11}	3×10^{-7}
	Uranium-235 [3] S	5×10^{-10}	8×10^{-6}	2×10^{-11}	3×10^{-7}
	Uranium-238 [3] S	7×10^{-11}	1×10^{-6}	3×10^{-12}	4×10^{-8}
	U natural [3]:				
	S	1×10^{-10}	1×10^{-6}	5×10^{-12}	2×10^{-8}
	I	1×10^{-10}	1×10^{-6}	5×10^{-12}	3×10^{-8}
• • •	• • •	• • •	• • •	• • •	• • •

Note: • • •

3. For soluble mixtures of U-238, U-234 and U-235 in air chemical toxicity may be the limiting factor. If the percent by weight (enrichment) of U-235 is less than 5, the concentration value for a 40-hour workweek, Table I, is 0.2 milligrams uranium per cubic meter of air average. For any enrichment, the product of the average concentration and time of exposure during a 40-hour workweek shall not exceed 8×10^{-6} SA μCi-hr/ml, where SA is the specific activity of the uranium inhaled. The concentration value for Table II is 0.007 milligrams uranium per cubic meter of air. The specific activity for natural uranium is 6.77×10^{-7} curies per gram U. The specific activity for other mixtures of U-238, U-235 and U-234, if not known, shall be:

SA = 3.6×10^{-7} + curies/gram U — U-depleted E ≤ 0.72

SA = $(0.4+0.38\ E+0.0034\ E^2)\ 10^{-6}$

where E is the percentage by weight of U-235, expressed as percent.

4. • • •

a. For purposes of Table I, Col. 1—1×10^{-10} μCi/ml gross alpha activity; or 5×10^{-11} μCi/ml natural uranium; or 75 micrograms per cubic meter of air natural uranium.

b. For purposes of Table II, Col. 1—3×10^{-12} μCi/ml gross alpha activity; or 2×10^{-12} μCi/ml natural uranium; or 3 micrograms per cubic meter of air natural uranium.

APPENDIX C

4. In Appendix C, the microcurie values for Thorium (natural) and Uranium (natural) in the Microcurie column are changed, and footnotes 1 and 2 are added to read as follows:

Material:	Microcuries
• • • • •	
Thorium (natural) [1]	100
• • • • •	
Uranium (natural) [2]	100
• • • • •	

Effective date. These amendments become effective on July 29, 1974.

(Sec. 161, Pub. L. 83-703, 68 Stat. 948 (42 U.S.C. 2201))

Date at Bethesda, Md., this 25th day of June 1974.

For the Atomic Energy Commission.

L. MANNING MUNTZING,
Director of Regulation.

[FR Doc.74-14866 Filed 6-27-74;8:45 am]

[No. 74-573]

Title 12—Banks and Banking

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

PART 545—OPERATIONS

Electronic Funds Transfer Through Remote Service Units

JUNE 26, 1974.

The Federal Home Loan Bank Board, by Resolution No. 74-390, dated May 6, 1974, proposed to amend Part 545 of the rules and regulations for the Federal Savings and Loan System (12 CFR Part 545) in order to extend and expand the Board's "pilot project" funds transfer regulation (12 CFR 545.4-2) and to delete those provisions of § 545.14-5 of said Part 545 (12 CFR 545.14-5) which refer to "fully automated satellite office" so that all provisions relating to remotely furnished financial services would be contained in a single regulation. Notice of such proposed rulemaking was duly published in the FEDERAL REGISTER on May 9, 1974 (39 FR 16484), with an invitation for interested persons to submit written comments by May 24, 1974. By Resolution No. 74-480, dated May 29, 1974, published in the FEDERAL REGISTER on May 31, 1974 (39 FR 19236), an additional period for comment was provided until June 17, 1974. On the basis of its consideration of all relevant material presented by interested persons and otherwise available, the Board considers it desirable to adopt the proposed amendments with the principal changes discussed herein.

The Board continues to receive requests by Federal savings and loan associations to provide electronic funds transfer services to their customers, including the operation of systems in places of business, even though present § 545.4-2 terminates on July 9, 1974. As amended, § 545.4-2 is of a brief and temporary nature and is designed to permit continued limited experimentation until July 31, 1975, by Federal associations in the operation of electronic funds transfer systems. The Board is of the opinion that reports from, and observations of, the actual operation of one or more systems will continue to furnish valuable experience and information to the Board, the savings and loan industry, and the public relating to the substance of any permanent regulations which the Board may promulgate regarding such systems. The Board is amending § 545.4-2 for the principal purpose of continuing to permit Federal associations, subject to prior approval by the Board of a plan submitted by such an association, to operate selective "pilot" projects of this kind on a limited basis for the purposes stated above.

As part of the Board's continuing evaluation of electronic funds transfer systems, the Board invites and encourages interested persons to comment until termination of this regulation on July 31, 1975 on such systems generally or on specific approved "pilot" projects including specific objections thereto. Additionally, operational experience concerning electronic funds transfer systems may be of value to any legislatively established study commission. Such comments may be submitted to the Office of the Secretary, Federal Home Loan Bank Board, 101 Indiana Avenue, NW., Washington, D.C. 20552. Written material submitted will be available for public inspection at the above address unless confidential treatment is requested or the material would not be made available to the public or otherwise disclosed under § 505.6 of the General Regulations of the Federal Home Loan Bank Board (12 CFR 505.6).

Existing place-of-business funds transfer systems authorized under present § 545.4-2 will not be affected by the amendment of that section. However, the continued operation of existing place-of-business funds transfer systems after July 9, 1974, requires approval by the Board under the regulation as amended. Applications under the regulation as amended will be accepted for filing, but not acted upon by the Board, before the effective date of the regulation.

Under subdivision (2) of § 545.4-2(a) a remote service unit may be located within the primary service area, as determined by the Board, of any branch office of a Federal association located outside of the State in which the home office of such association is located. The Board's regulations (12 CFR 556.5) do not permit a Federal association to establish branch offices outside of the State in which its home office is located. However, some Federal associations maintain out-of-state branch offices under certain grandfather rights. Said subdivision (2) would only apply to a Federal association which properly maintains an out-of-state branch office.

Section 545.4-2(b)(2) is changed to except Federal associations having their home offices located in New Hampshire and Massachusetts from the restrictions contained in § 545.4-2(b)(2) on the use of negotiable or transferable orders or authorizations.

Section 545.4-2(b)(3) is changed to provide additionally that applications for loans or approvals of loans may not be made at a remote service unit. Section 545.4-2(b)(4) is changed to permit only such related services as the Board may approve upon application therefor.

Section 545.4-2(e) is changed to provide that the Board may require a Federal association to permit participation in the establishment, maintenance or use of a remote service unit by other institutions insured by the Federal Savings and Loan Insurance Corporation where a remote service unit is located either (1) in the standard metropolitan statistical area in which the home office or branch office of such insured institution is located or (2) in the primary service area of the home office or branch office of such insured institution.

Section 545.4-2(f)(2) is redesignated § 545.4-2(f). Section 545.4-2(f) is redesignated § 545.4-2(g) and is changed to provide that applications shall be filed on or before January 31, 1975. Section 545.4-2(g) is redesignated §545.4-2(h).

Section 545.4-2(i) is added to provide that a remote service unit shall comply with the minimum security devices requirements of Part 563a of the Insurance Regulations (12 CFR Part 563a) as though such unit were an "office" as defined in that Part, except to the extent that an applicant makes a showing satisfactory to the Board that such requirements are inappropriate and that alternate measures will be taken for the installation, maintenance, and operation of security devices and procedures, reasonable in cost, to discourage robberies, burglaries, and larcenies and to assist in the identification and apprehension of persons who commit such acts.

Section 545.4-2(h) is redesignated § 545.4-2(j). Section 545.4-2(h)(1) is changed to prohibit the use of terminals or teller machines using passbooks regardless of whether the passbooks are machine-readable. Section 545.4-2(h)(1) is also changed to provide specifically that a remote service unit is not a branch office, satellite office, or other type of office, facility, or agency of a Federal association.

Section 545.4-2(i) is redesignated § 545.4-2(k) and is changed to provide for automatic termination at the close of July 31, 1975.

Accordingly, by virtue of the authority vested in the Board under section 5 of the Home Owners' Loan Act of 1933, 12 U.S.C. § 1464, as amended, and section 2 of Public Law 93-100, 87 Stat. 342, the Board hereby amends § 545.4-2 and paragraphs (a) and (c)(1) of § 545.14-5 to read as set forth below, effective July 29, 1974.

Section 545.4-2 is revised to read as follows.

§ 545.4-2 Remote service units (temporary provision).

(a) *General provisions.* Notwithstanding and without regard to any other provision of this part other than this section, a Federal association may establish,

[1] Based on alpha disintegration rate of Th-232, Th-230 and their daughter products.
[2] Based on alpha disintegration rate of U-238, U-234, and U-235.

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maintain or use one or more remote service units located (1) within the State in which the home office of such association is located; or (2) within the primary service area, as determined by the Board, of any branch office of such association located outside of such State. A remote service unit may be, but is not required to be, located in a place of business other than a place of business solely of a Federal association such as a retail sales establishment, shopping center, office building, factory, or transportation terminal.

(b) *Financial services authorized for remote service units.* A Federal association may, to the extent authorized by a resolution of its board of directors, render one or more of the following financial services to the public by means of a remote service unit:

(1) The placing or transferring of funds to the credit of savings accounts or deposits at such association, but no savings accounts or deposits may be opened at such a unit;

(2) Withdrawals of savings accounts or deposits in such association, which withdrawals may be total or partial and may be effected through the use of nontransferable orders or authorizations, but not through the use of negotiable or transferable orders or authorizations to the association other than a Federal association having its home office in New Hampshire or Massachusetts: *Provided*, That in no case may the association permit or authorize withdrawals in excess of a holder's balance in such an account or deposit;

(3) Receiving payments related to loans invested in or being serviced by such association: *Provided*, That in no case may applications for or approvals of loans to be made at a remote service unit; and

(4) Such other related financial services, except those services specifically prohibited by paragraph (b) of this section, as the Board may approve upon application therefor.

(c) *Advertising.* No advertisement, announcement or solicitation by a Federal association relating to a remote service unit may be inaccurate or misleading with respect to such a unit. Any advertisement, announcement or solicitation by a Federal association relating to a remote service unit is subject to revision or termination by the Board.

(d) *Bonding requirements.* A Federal association shall take all steps necessary to protect its interest in the financial services processed at each remote service unit, including acquisition of available fidelity, forgery and other appropriate insurance.

(e) *Participation with other financial institutions.* Except as provided in this paragraph, a Federal association may, but is not required to, participate in the establishment, maintenance or use of one or more remote service units with one or more financial institutions insured by the Federal Savings and Loan Insurance Corporation or by the Federal Deposit Insurance Corporation, or with such other financial institutions as the Board may approve. The Board may, consistent with the purposes of this section and upon application therefor, require a Federal association to permit such participation at a reasonable cost by an institution insured by the Federal Savings and Loan Insurance Corporation if a remote service unit used by such Federal association is located either in the standard metropolitan statistical area in which the home office or branch office of such insured institution is located or in the primary service area, as determined by the Board, of the home office or branch office of such insured institution. A Federal association may not enter into an agreement of any kind for the exclusive right to use a remote service unit at any location of a business organization of any kind, or under which other financial institutions would be excluded from using a remote service unit at any location of such business organization where such Federal association does not use a remote service unit.

(f) *Confidentiality of account information.* A Federal association shall establish and maintain safeguards acceptable to the Board to insure the privacy and confidentiality of account information.

(g) *Applications.* (1) A Federal association may not establish, maintain, or use a remote service unit, or participate in the establishment, maintenance, or use of a remote service unit, without prior written approval by the Board. Applications for Board approval to establish a remote service unit shall be filed on or before January 31, 1975. One original and one copy of any application pursuant to this section shall be filed with the Supervisory Agent and two copies of such application shall be sent to the Director, Office of Industry Development, Federal Home Loan Bank Board, Washington, D.C. 20552. An applicant may file additional information in support of its application and may amend the application. The Director or the Supervisory Agent may request an applicant to furnish additional information.

(2) Except as may be otherwise provided in a resolution by the Board in a particular case, the participation in or the establishment, maintenance or use of a remote service unit pursuant to this section shall not be altered in any material respect from that approved by the Board under this section unless in compliance with the procedures of this section an application to do so is filed and approved in writing by the Board prior to making such alteration.

(3) A Federal association which participates in or establishes, maintains or uses a remote service unit pursuant to this section shall submit to the Board, at such association's expense, such reports as the Board may require relating to the operation of such unit. The Board may require such Federal association to modify or terminate, in whole or in part, such participation, establishment, maintenance or use. Any contract, agreement or understanding, whether written or oral, between or among a Federal association and any other financial institution or other business organization relating to the participation, establishment, maintenance or use of a remote service unit by such Federal association shall be subject to any rules and regulations which the Board may hereafter prescribe or any resolution which the Board may adopt a requirement that any such contract, agreement or understanding be terminated.

(h) *Consideration of competitive implications.* The Board will consider competitive implications of applications made under this section and may, in an appropriate case either (1) request the views of the Antitrust Division of the Department of Justice; or (2) specifically request that a Federal association making an application under this section request a business review letter from the Antitrust Division of the Department of Justice pursuant to the provisions of 28 CFR § 50.6 as amended.

(i) *Adequate security devices and procedures.* A remote service unit shall comply with the minimum security devices requirements of Part 563a of the Insurance Regulations as though such unit were an "office" as defined in § 563a.1 of said Part, except to the extent that an applicant makes a showing satisfactory to the Board that such requirements are inappropriate and that alternate measures satisfactory to the Board will be taken for the installation, maintenance, and operation of security devices and procedures, reasonable in cost, to discourage robberies, burglaries and larcenies and to assist in the identification and apprehension of persons who commit such acts.

(j) *Definitions.* As use in this section: (1) The term "remote service unit" means an information processing device, including associated equipment, structures and systems, by means of which information relating to financial services rendered to the public is stored and transmitted, whether instantaneously or otherwise, to a financial institution and which, for activation and account or deposit access, is dependent upon the use of a machine-readable instrument in the possession and control of the holder of such account or deposit. The term "remote service unit" includes, without limitation, both "on-line" computer terminals and "off-line" cash dispensing machines, but does not include terminals or teller machines using passbooks regardless of whether the passbooks are machine-readable. A remote service unit is not a branch office, satellite office or other type of office, facility or agency of a Federal association within the meaning of §§ 545.14, 545.14–1, 545.14–2, 545.14–3, 545.14–4, 545.14–5 or 545.14–6.

(2) The term "State" means the States of the Union, the District of Columbia, Puerto Rico, Guam, and the Virgin Islands.

(3) The term "Supervisory Agent" means the President of the Federal Home Loan Bank of the district in which the home office of the Federal association is located or any other officer or employee of such Bank designated by the Board as agent as provided by § 501.10 and § 501.11 of this chapter.

(k) *Termination.* This section and any approval granted under this section shall automatically terminate at the close of July 31, 1975.

Section 545.14–5 is amended by revising paragraphs (a) and (c)(1)(i) and (ii) as follows:

§ 545.14–5 Satellite office.

(a) *Nature of a satellite office.* An office of a Federal association which is not its home office or a branch office approved pursuant to § 545.14 shall be deemed to be a satellite office if it meets the requirements of a satellite office as described in this section and if it is a satellite of the association's home office or a branch office in that it is located in the primary service area, as determined by the Board or Supervisory Agent, of such home office or branch office. Any business of a Federal association, as authorized by the association's board of directors, may be transacted at a satellite office.

* * * * *

(c) *Specific provisions.* Each application for permission to establish a satellite office will be considered or processed pursuant to the provisions of this section. Approval of such an application pursuant to this section will be subject to the following provisions and any other conditions, requirements, and limitations the Board may specify in a particular case:

(1) A satellite office may be, but is not required to be, located within premises principally occupied by a retail sales establishment or any other business organization. A satellite office shall be operated in conformity with the following physical requirements:

(i) The satellite office shall not occupy more than 500 square feet of floor space; and

(ii) Provision shall not be made for more than 4 teller stations.

* * * * *

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Sec. 2, Public Law 93–100, 87 Stat. 342. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–48 Comp., p. 1071).

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, JR.,
Assistant Secretary.

[FR. Doc.74–15010 Filed 6–27–74;8: 45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 74–CE–9–AD; Amdt. 39–1884]

PART 39—AIRWORTHINESS DIRECTIVES

Beech Models 19 and 23 Airplanes

Reports have been received of difficulty in operation and reduced travel in the fuel mixture and carburetor heat controls on certain Beech Models B19 and C23 airplanes. Safety could be adversely affected should the pilot be unable to move these controls during certain critical flight operations. To correct this condition the manufacturer has issued Beechcraft Service Instructions 0608–159 and 0635–159 recommending inspection and replacement of the carburetor heat and fuel mixture controls and/or modification of the fuel mixture control installation and making kits available for accomplishing the necessary modifications on certain serial numbers of the above model airplanes.

Since the condition described herein is likely to exist or develop in other airplanes of the same type design, an Airworthiness Directive (AD) is being issued applicable to certain serial numbers of Beech Models B19 and C23 airplanes requiring compliance with Beechcraft Service Instructions 0608–159 and 0635–159.

Because an unsafe condition is the basis for this action and additional information from the public is unlikely to develop from normal rule making procedures, it appears that notice hereon is impracticable and contrary to the public interest and that good cause exists for making this amendment effective in less than thirty (30) days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator 14 CFR 11.89 (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new AD.

BEECH. Applies to Models B19 and C23 airplanes as set forth below.

Compliance: Required within 100 hours' time in service after the effective date of this AD, unless already accomplished.

To assure proper operation of the carburetor mixture and/or alternate air controls, accomplish the following:

(A) On Models B19 Sport 150 (Serial Numbers MB–558 through MB–575) airplanes, visually inspect the carburetor heat control and install Beech Kit No. 23–9013–1S as required in accordance with Beechcraft Service Instruction 0608–159 or subsequent revisions.

(B) On Models C23 Sundowner 180 (Serial Numbers M–1417, M–1420, M–1421, M–1425 through M–1432, M–1434 through M–1438, M–1441 through M–1446, and M–1449 through M–1469) airplanes, visually inspect the fuel mixture and/or carburetor heat controls and install Beech Kit 23–9013–3S as required in accordance with Beechcraft Service Instruction 0608–159 and install a spacer in the fuel mixture control cable installation in accordance with Beechcraft Service Instruction 0635–159 or subsequent revisions.

(C) On Models C23 Sundowner 180 (Serial Numbers M–1470 through M–1491 and M–1523 through M–1538) airplanes reroute the fuel mixture control cable and install Beech Kit No. 23–9013–5S in accordance with Beechcraft Service Instruction No. 0608–159 or subsequent revisions, and install a spacer in the fuel mixture control cable installation in accordance with Beechcraft Service Instruction No. 0635–159, or subsequent revisions.

(D) On those models and serial numbers listed herein, where a control cable is rerouted, plug the existing control hole in the firewall with a suitable fireproof compound, rivet or bolt.

(E) Any equivalent method of compliance with this AD must be submitted to and approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region.

This amendment becomes effective July 8, 1974.

This amendment is made under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 and 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Missouri, on June 21, 1974.

GEORGE R. LA CAILLE,
Acting Director,
Central Region.

[FR Doc.74–14852 Filed 6–27–74;8:45 am]

[Airspace Docket No. 74–NW–17]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE AND REPORTING POINTS

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the description of the Baker, Oregon Control Zone to allow for changes by Notices to Airmen when minor variations in time of designation are anticipated.

The Baker, Oregon Control Zone is based upon communications and weather observation provided by the Baker FSS. Thus, if the hours of the FSS operation change, the effective hours of the Control Zone would also change.

Since this amendment is minor in nature, and imposes no additional burden on the public, notice and public procedure hereon are unnecessary, and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, in § 71.171 (39 FR 354), the description of the Baker, Oregon Control Zone is amended by adding the following:

* * * This Control Zone is effective during specific dates and times established in advance by Notice to Airmen. The effective date and time will, thereafter, be continuously published in the Airman's Information Manual.

Effective date. This amendment shall be effective 0901 G.m.t., June 30, 1974.

This amendment is made under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)), and of Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Seattle, Washington on June 20, 1974.

J. H. TANNER,
Acting Director,
Northwest Region.

[FR Doc.74–14853 Filed 6–27–74;8: 45 am]

[Airspace Docket No. 74–WA–19]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Change in Reporting Point

The purpose of this amendment to Part 71 of the Federal Aviation Regula-

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tions is to change the name of Hickory, N.C., VOR reporting point to Barretts Mountain, N.C., VOR reporting point.

Because this action merely renames the reporting point at its present location without altering any route structure or designated airspace, this action is a minor matter on which the public would have no particular desire to comment. Therefore, notice and public procedure thereon are unnecessary. In order to provide sufficient time for changes to be depicted on appropriate aeronautical charts, this amendment will be made effective September 12, 1974.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., September 12, 1974, as hereinafter set forth.

§ 71.203 (39 F.R. 620) is amended as follows: "Hickory, N.C." is deleted and "Barretts Mountain, N.C." is added.

This amendment is made under the authority of Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on June 24, 1974.

CHARLES H. NEWPOL,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.74-14854 Filed 6-27-74;8:45 am]

[Airspace Docket No. 74-GL-21]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Deletion of Reporting Point

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to revoke the Union, Wis., INT reporting point which is no longer required for air traffic control.

Since designation and recision of reporting points are minor matters upon which the public would have no particular reason to comment, notice and public procedure thereon are unnecessary. However, in order to allow sufficient time for the change to be reflected on appropriate aeronautical charts, this amendment will become effective more than 30 days after publication in the FEDERAL REGISTER.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., September 12, 1974, as hereinafter set forth.

§ 71.203 (39 FR 620 and 7780) is amended by deleting "Union, Wis., INT: INT Duluth, Minn., 136° radial and Seeley, Wis., NDB 029° bearing."

This amendment is made under the authority of Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on June 24, 1974.

CHARLES H. NEWPOL,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.74-14855 Filed 6-27-74;8:45 am]

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-864; Amdt. 25]

PART 298—CLASSIFICATION AND EXEMPTION OF AIR TAXI OPERATORS

Deletion of Reporting Requirement

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., June 24, 1974.

By ER-748, effective September 17, 1972, the Board amended Part 298 (14 CFR Part 298) so as to increase the size of aircraft which air taxis are permitted to operate, from a maximum of 12,500 pounds to the present thirty (30) seat/seven thousand five hundred (7,500) pound limitation. At the same time, we also amended § 298.21(i) to require that all air taxis which operate in air transportation aircraft having more than twenty (20) seats or a payload capacity of more than five thousand (5,000) pounds must file with the Bureau of Accounts and Statistics quarterly reports of their operations with such aircraft.

Our review of this reporting requirement and of the reports which have been filed thereunder indicates that the information thereby furnished to us has not served any substantial purpose in enabling us to perform our regulatory duties.

Consistent with the Board's policy of continuing to require the filing of only those reports for which we have an actual regulatory need, and upon our review of the reports which have been filed under § 298.21(i), we have therefore determined to delete this requirement.

Of course, deletion of this specific reporting regulation has no effect on such other reporting regulations as are, or may be, applicable to air taxis; nor does it affect such particular reporting requirements as have been, or may be, imposed by the Board in individual orders, such as exemption orders authorizing the use of large aircraft.

Inasmuch as this amendment relieves a burden, and does not adversely affect anyone, the Board finds that notice and public procedure hereon are unnecessary, and it may become effective immediately.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 298 of the Economic Regulations (14 CFR Part 298) effective June 24, 1974, as follows:

§ 298.21 Scope of service authorized; geographical, equipment and mail service limitations, insurance and reporting requirements.

• • • • •

(i) [Reserved]

(Sec. 204(a) of the Federal Aviation Act of 1958 as amended, 72 Stat. 743; 49 U.S.C. 1324.)

By the Civil Aeronautics Board.

Effective: June 24, 1974.

Adopted: June 24, 1974.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-14901 Filed 6-27-74;8:45 am]

Title 22—Foreign Relations

CHAPTER I—DEPARTMENT OF STATE

[Dept. Reg. 108.701]

PART 41—VISAS: DOCUMENTATION OF NONIMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED

Nonimmigrant Documentary Waivers

Part 41, Chapter I, Title 22 of the Code of Federal Regulations is amended to extend the waiver of visa requirements provided by § 41.6(b) to nationals of Grenada, resident therein, who are proceeding to Puerto Rico or the Virgin Islands of the United States, or who are proceeding to the United States as agricultural workers.

Paragraph (b) of § 41.6 is amended to read:

§ 41.6 Nonimmigrants not required to present passports, visas or border-crossing identification cards.

• • • • •

(b) *British, French, and Netherlands nationals, and nationals of certain adjacent islands of the Caribbean which are independent countries.* A visa shall not be required of a British, French, or Netherlands national, or of a national of Jamaica, Trinidad and Tobago, Barbados, or Grenada, who has his residence in British, French, or Netherlands territory located in the adjacent islands of the Caribbean area, or in Jamaica, Trinidad and Tobago, Barbados, or Grenada, and who is proceeding to Puerto Rico, or the Virgin Islands of the United States, or who is proceeding to the United States as an agricultural worker.

• • • • •

Effective date. The amendment to the regulation contained in this order shall become effective June 28, 1974.

Compliance with the provisions of section 553 of Title 5 of the United States Code (80 Stat. 383) as to notice of proposed rulemaking and delayed effective date is unnecessary in this instance because the amendment to § 41.6(b) is a technical amendment necessitated by the change in legal status of Grenada.

For the Secretary of State.

BARBARA M. WATSON,
Administrator, Bureau of Security and Consular Affairs.

JUNE 3, 1974.

L. F. CHAPMAN, JR.,
Commissioner, Immigration and Naturalization Service, Department of Justice.

JUNE 17, 1974.

[FR Doc.74-14850 Filed 6-27-74;8:45 am]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER A—INCOME TAX

[T.D. 7317]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Medical Expense Deduction for Operation and Maintenance of Capital Assets

By a notice of proposed rulemaking appearing in the FEDERAL REGISTER for September 27, 1973 (38 FR 26918), an amendment to the Income Tax Regulations (26 CFR Part 1) under section 213 of the Internal Revenue Code of 1954 was proposed in order to clarify the deduction for medical expenditures. After consideration of all relevant matter presented by interested persons regarding the rules proposed, the amendment of the regulations as proposed is adopted by this document.

Although capital expenditures do not generally qualify as deductible medical expenses, such expenditures are, however, deductible if their primary purpose is the medical care of the taxpayer, his spouse, or his dependent. If such expenditure does not result in the permanent improvement or betterment of property, the expenditure is fully deductible when paid. On the other hand, if such expenditure results in the betterment of property (such as an elevator or air conditioner in the taxpayer's home) and otherwise qualifies as a deductible medical expense, such expenditure is deductible as a medical expense only to the extent the expenditure exceeds the increase in the value of the related property. The amendment to the present regulations is to make clear that expenditures for the operation and maintenance of a capital asset are deductible medical expenses when such expenditures have as their primary purpose the medical care of the taxpayer, his spouse, or his dependent.

Adoption of amendment to the regulations. On September 27, 1973, notice of proposed rulemaking with respect to the Income Tax Regulations (26 CFR Part 1) under section 213 of the Internal Revenue Code of 1954, relating to medical deductions, was published in the FEDERAL REGISTER (38 FR 26918). After consideration of all relevant matter presented by interested persons regarding the proposed rules, the regulations as proposed are hereby adopted.

(This Treasury decision is issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).)

DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

Approved: June 26, 1974.

Frederic W. Hickman,
Assistant Secretary of the Treasury.

Section 1.213-1 is amended to read as set forth below:

§ 1.213-1 Medical, dental, etc. expenses.

• • • • •

(e) *Definitions*—(1) General. • • •

(iii) Capital expenditures are generally not deductible for Federal income tax purposes. See section 263 and the regulations thereunder. However, an expenditure which otherwise qualifies as a medical expense under section 213 shall not be disqualified merely because it is a capital expenditure. For purposes of section 213 and this paragraph, a capital expenditure made by the taxpayer may qualify as a medical expense, if it has as its primary purpose the medical care (as defined in subdivisions (i) and (ii) of this subparagraph) of the taxpayer, his spouse, or his dependent. Thus, a capital expenditure which is related only to the sick person and is not related to permanent improvement or betterment of property, if it otherwise qualifies as an expenditure for medical care, shall be deductible; for example, an expenditure for eye glasses, a seeing eye dog, artificial teeth and limbs, a wheel chair, crutches, an inclinator or an air conditioner which is detachable from the property and purchased only for the use of a sick person, etc. Moreover, a capital expenditure for permanent improvement or betterment of property which would not ordinarily be for the purpose of medical care (within the meaning of this paragraph) may, nevertheless, qualify as a medical expense to the extent that the expenditure exceeds the increase in the value of the related property, if the particular expenditure is related directly to medical care. Such a situation could arise, for example, where a taxpayer is advised by a physician to install an elevator in his residence so that the taxpayer's wife who is afflicted with heart disease will not be required to climb stairs. If the cost of installing the elevator is $1,000 and the increase in the value of the residence is determined to be only $700, the difference of $300, which is the amount in excess of the value enhancement, is deductible as a medical expense. If, however, by reason of this expenditure, it is determined that the value of the residence has not been increased, the entire cost of installing the elevator would qualify as a medical expense. Expenditures made for the operation or maintenance of a capital asset are likewise deductible medical expenses if they have as their primary purpose the medical care (as defined in subdivisions (i) and (ii) of this subparagraph) of the taxpayer, his spouse, or his dependent. Normally, if a capital expenditure qualifies as a medical expense, expenditures for the operation or maintenance of the capital asset would also qualify provided that the medical reason for the capital expenditure still exists. The entire amount of such operation and maintenance expenditures qualifies, even if none or only a portion of the original cost of the capital asset itself qualified.

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[FR Doc.74-14939 Filed 6-27-74;8:45 am]

Title 29—Labor

CHAPTER V—WAGE AND HOUR DIVISION, DEPARTMENT OF LABOR

PART 519—EMPLOYMENT OF FULL-TIME STUDENTS AT SPECIAL MINIMUM WAGES

Extension of Grace Period

On May 1, 1974, revisions to 29 CFR 519 reflecting the Fair Labor Standards Amendments of 1974 (P.L. 93-259) with respect to the employment of full-time students at subminimum wages pursuant to section 14 of the Fair Labor Standards Act (52 Stat. 1062, as amended; 29 U.S.C. 214) were published in the FEDERAL REGISTER (39 FR 15117-15122). A grace period was established through June 30, 1974, permitting the employment of full-time students at subminimum wages by agricultural or retail or service establishment employers or by institutions of higher education, without certificates.

Since there continues to be a large number of application forms to be distributed, completed, and acted on, I hereby extend the grace period through August 31, 1974. The employment of full-time students at subminimum wages by agricultural or retail or service establishment employers or by institutions of higher education without certificates continues to be conditional upon: (a) Full-time student employment not exceeding the proportions permitted in § 519.6 of the regulations; (b) payment of not less than 85 percent of the minimum wage applicable under section 6 of the Act; (c) compliance with the requirements in § 519.6 (or in § 519.16, for institutions of higher education) respecting permissible hours of employment during the day or week, oppressive child labor, employment only outside of school hours, abnormal labor conditions, and higher wage standards in other laws or in agreements; and (d) provision for the payment of back wages to full-time students if a certificate is denied or if employment in the grace period exceeds the eventual allowances.

Signed at Washington, D.C. this 25th day of June, 1974.

WARREN D. LANDIS,
Deputy Administrator, Wage and Hour Division, U.S. Department of Labor.

[FR Doc.74-14851 Filed 6-27-74;8:45 am]

CHAPTER XIV—EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

PART 1601—PROCEDURAL REGULATIONS

Deferral of Employment Discrimination Charges

By virtue of the authority vested in it by Section 713(a) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e-12(a), 73 Stat. 365, the Equal Employment Opportunity Commission

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(hereinafter referred to as the Commission) hereby amends Title 29, Chapter XIV, Part 1601 of the Code of Federal Regulations.

The amendments set forth changes necessary to implement Section 706 of the act which requires the deferral of charges of employment discrimination to appropriate State or local authorities (706(c)) and the according by the Commission of substantial weight to final findings and orders made by State and local authorities (706(b)).

Before a State or local authority can be designated "a 706 agency," it must follow the procedures outlined and meet the criteria established by the Commission and enunciated in § 1601.12(e) and (f). These prospective 706 agencies which have not as yet been designated are categorized by the Commission as provision 706 agencies (§ 1601.12(d)(1) and provisional notice agencies (§ 1601.12(d)(2)). The Commission defers charges to provisional 706 agencies but does not accord substantial weight to their findings, while the Commission in the case of provisional notice agencies merely notifies said agencies of the receipt of charges filed within their jurisdiction. These categories, when originally contemplated, were to remain in effect only until July 1, 1973, by which time it was hoped that those State and local agencies desirous of becoming 706 agencies would have met the necessary criteria and been so designated.

This time period has not proven sufficiently long to enable many prospective 706 agencies to satisfy the substantive and procedural prerequisites to designation. Therefore, the time period, during which prospective 706 agencies may function in the categories enunciated above, has been extended until October 1, 1974.

1. Section 1601.12(d)(1) and (d)(2) are amended to read as follows:

§ 1601.12 Referrals to State and local authorities.

* * * * * * *

(d) * * *

(1) *Provisional 706 agencies.* Until October 1, 1974, the Commission will defer charges alleging employment discrimination on the grounds of race, color, religion, sex, or national origin against covered public or private employers, unless otherwise indicated by public notice, arising in the jurisdiction of provisional 706 agencies. Agencies may be added as provisional 706 agencies by public notice issued by the Commission.

(2) *Provisional notice agencies.* Until October 1, 1974, with respect to the jurisdictions of provisional notice agencies, the Commission will not defer, but will, with respect to charges alleging employment discrimination on the grounds of race, color, religion, national origin, and/or where indicated in the public notice which designated the agency a provisional notice agency, (i) Note: Receipt of said charges and serve notice thereof upon the respondent or respondents; (ii) inform the appropriate agency or person of the receipt of the charge. Agencies may be added as provisional notice agencies by public notice issued by the Commission.

(Section 713(a), 76 Stat. 265, 42 U.S.C.; Section 2000e-12(a).)

This amendment is effective June 25, 1974.

Signed at Washington, D.C., this 24th day of June 1974.

JOHN H. POWELL, Jr.,
Chairman.

[FR Doc.74-14972 Filed 6-27-74;8:45 am]

PART 1601—PROCEDURAL REGULATIONS

New 706 Agencies; Formal Designation

Pursuant to § 1601.12(g), Title 29, Chapter XIV of the Code of Federal Regulations as revised and published in the FEDERAL REGISTER, 37 FR 9214-9220, May 6, 1972, the Equal Employment Opportunity Commission (hereinafter referred to as the Commission) designates the agencies listed below as 706 agencies (§ 1601.12(c)) and Provisional Notice Agencies (as defined in § 1601.12(d)(2)), for purposes of receiving charges deferred by the Commission pursuant to Section 706(c) and (d) of Title VII of the Civil Rights Act of 1964, as amended, and for purposes of according weight to the final findings and orders of those agencies pursuant to § 1601.12(g)(1), and ends the 15-day period within which any person or organization may file written comments as provided for under § 1601.12(g)(1).

§ 1601.12 [Amended]

The Commission through publication of the following designations hereby amends § 1601.12(k). The designated 706 agency's are:

1. Baltimore Community Relations Commission.
2. Bloomington Human Rights Commission.
3. Dade County Fair Housing and Employment Commission.
4. East Chicago Human Relations Commission.
5. Gary Human Relations Commission.
6. Idaho Commission on Human Rights.
7. Kansas Commission on Civil Rights.
8. Kentucky Commission on Human Rights.
9. New York City Commission on Human Rights.
10. Ohio Civil Rights Commission.
11. Oklahoma Human Rights Commission.
12. Philadelphia Commission on Human Relations.
13. Seattle Human Rights Commission.
14. Tacoma Human Rights Commission.
15. Washington State Human Rights Commission.

The Notice Agencies are:

1. Florida Commission on Human Relations.
2. South Carolina Human Affairs Commission (Sec. 713(a) (76 Stat. 265 (42 U.S.C. 2000e-12(a))).

JOHN H. POWELL, Jr.,
Chairman.

[FR Doc.74-14973 Filed 6-27-74;8:45 am]

Title 30—Mineral Resources

CHAPTER I—MINING ENFORCEMENT AND SAFETY ADMINISTRATION, DEPARTMENT OF THE INTERIOR

Miscellaneous Amendments and Nomenclature Changes

By Order No. 2953 the Secretary of the Interior established within the Department of the Interior the Mining Enforcement and Safety Administration (MESA) and made it responsible for administering certain functions under the Federal Coal Mine Health and Safety Act of 1969 (Pub. L. 91-173, 30 U.S.C. 801-960 (1970)) and the Federal Metal and Nonmetallic Mine Safety Act (Pub. L. 89-577, 30 U.S.C. 721-740 (1970)). Among the functions transferred to the Mining Enforcement and Safety Administration is the testing of mining equipment and other devices and apparatus for permissibility and suitability for use in mines, and the certification and approval of such equipment, devices and apparatus if they are fabricated, assembled, or built under an approval, or any extension or modification thereof, issued pursuant to the schedule applicable to such equipment, device, or apparatus.

In order to provide for the transfer of such functions and the necessary changes in nomenclature to conform to Secretarial Order No. 2953, Title 30 of the Code of Federal Regulations is amended and revised as set forth below. The amendments and revisions are for the purpose of codifying in the Code of Federal Regulations the respective functions of the Mining Enforcement and Safety Administration and the Bureau of Mines. The title of Chapter I is amended to the "Mining Enforcement and Safety Administration" and an emblem is established for the use of such Administration. A new Chapter VI is established entitled "Bureau of Mines" and Subchapters A, K and M of Chapter I are redesignated as Subchapters A, K and M, respectively, of Chapter VI with appropriate recodification of Part and section designations and references. Part 40 of Subchapter K and Subchapter L (Part 45) are revoked because they are no longer of any force and effect and are obsolete.

An individual, partnership, company, corporation, organization, or association that designs, manufactures, assembles, or controls the assembly of equipment, device, or apparatus under a certificate of approval or extension or modification thereof issued by the Bureau of Mines may continue after the effective date of these amendments or revisions, to use and attach to such equipment, device, or apparatus the approval plate, label, or marking approved by the Bureau of Mines until revoked, modified or revised. Use of such approval plate, label, or marking shall bind and obligate the manufacturer in the same manner and for the same purpose for which approval was granted by the Bureau of Mines.

After the effective date of these amendments or revisions, certificates of approval, or extension or modification of certificates of approval theretofore granted by the Bureau of Mines, shall be granted by the Mining Enforcement and Safety Administration and an approval plate, label, or marking shall be of the design, wording, size, type, material, location, and method of attachment approved by MESA.

As these amendments and revisions relate to matters of internal organization and practice of the Department of the Interior, the prior notice and public procedure provisions of 5 U.S.C. 553 are not applicable.

The amendments and revisions shall be effective on July 1, 1974.

Federal Metal and Nonmetallic Mine Safety Act (Pub. L. 89-577, 30 U.S.C. 721-740); and sec. 508, Federal Coal Mine Health and Safety Act of 1969 (Pub. L. 91-173, 30 U.S.C. 957).

C. K. MALLORY,
Deputy Assistant Secretary of the Interior.

JUNE 25, 1974.

Title 30, Code of Federal Regulations is amended as set forth below.

1. The heading and title of Chapter I is revised to read: Chapter I—Mining Enforcement and Safety Administration, Department of the Interior.

2. A new Chapter VI is established entitled: Chapter VI—Bureau of Mines, Department of the Interior.

3. Subchapter A—Helium and Coal (Parts 1, 2, 9, and 10), Subchapter K—Procedures (Parts 40, 41, and 42), and Subchapter M—Rules and Regulations for the Administration of Grants (Part 51), are redesignated Subchapter A (Parts 601, 602, 609, and 610), Subchapter K (Parts 640, 641, and 642) and Subchapter M (Part 651), respectively, of Chapter VI—Bureau of Mines.

4. Part 40 of Subchapter K is revoked.

5. Subchapter L—Interpretations and Part 45 thereof are revoked.

6. Part 601, Subchapter A, Chapter VI is amended as follows:

(a) Sections 1.1 through 1.20 are consecutively redesignated §§ 601.1 through 601.20.

(b) The reference to "§ 1.1(h), (j), and (k)" in paragraph (c) of redesignated § 601.3 is revised to read "§ 601.1 (h), (j), and (k)".

(c) The reference to "§ 1.8" in paragraph (a) of redesignated § 601.6 is revised to read "§ 601.8".

(d) The reference to "§ 1.9" in paragraph (e) of redesignated § 601.6 is revised to read "§ 601.9".

(e) The reference to "§ 1.3(d)" in paragraph (c) of redesignated § 601.10 is revised to read "§ 601.3(d)".

(f) The references to "§ 1.14" and "§ 1.11" in redesignated § 601.15 are revised to read "§ 601.14" and "§ 601.11", respectively.

7. Part 602, Subchapter A, Chapter VI is amended as follows:

(a) Sections 2.1 through 2.6 are consecutively redesignated §§ 602.1 through 602.6.

(b) The reference to "30 CFR 2.4(d)" in footnote 2 of the form referred to in paragraph (g) of redesignated § 602.4 is revised to read "30 CFR 602.4(d)", and the reference to "30 CFR 2.4(e)" in footnote 3 of the same form is revised to read "30 CFR 602.4(e)".

(c) The references to "§ 2.4" in redesignated § 602.5 are revised to read "§ 602.4".

8. Part 609, Subchapter A, Chapter VI is amended by redesignating § 9.1 as § 609.1.

9. Part 610, Subchapter A, Chapter VI is amended as follows:

(a) Section 10.1 through 10.4 are consecutively redesignated §§ 610.1 through 610.4.

(b) The reference to "§ 10.4" in paragraph (b) of redesignated § 610.3 is revised to read "§ 610.4".

10. Part 641, Subchapter K, Chapter VI is amended as follows:

(a) Sections 41.1 through 41.8 are consecutively redesignated §§ 641.1 through 641.8.

11. Part 642, Subchapter K, Chapter VI is amended as follows:

(a) Sections 42.1 through 42.12 are consecutively redesignated §§ 642.1 through 642.12.

12. Part 651, Subchapter M, Chapter VI is amended as follows:

(a) Sections 51.1 through 51.22 are consecutively redesignated §§ 651.1 through 651.22.

(b) The reference to "§ 51.1-3(b)" of redesignated § 651.4-3 is revised to read "§ 651.1-3(b)".

(c) The reference to "§ 51.1-1" in paragraph (b) of redesignated § 651.5 is revised to read "§ 651.1-1".

(d) The reference to "§ 51.1-2" in paragraph (c) of redesignated § 651.5 is revised to read "§ 651.1-2".

(e) The reference to "§ 651.1-3" in paragraph (d) of redesignated § 651.5 is revised to read "§ 651.1-3".

(f) The references to "§ 51.15" and to "Part 51" in subparagraph (7) in paragraph (d) of redesignated § 651.5 are revised to read "§ 651.15" and "Part 651".

(g) The reference to "§§ 51.1-1 and 51.1-2" in the heading of redesignated § 651.6-1 is revised to read "§§ 651.1-1 and 651.1-2".

(h) The reference to "§ 51.5" in redesignated § 651.6-1 is revised to read "§ 651.5".

(i) The reference to "§ 51.1-3" in the heading of redesignated § 651.6-2 is revised to read "§ 651.1-3".

(j) The reference to "§ 51.5" in paragraph (a) of redesignated § 651.6-2 is revised to read "§ 651.5".

(k) The reference to "§ 51.5" in paragraph (a) of redesignated § 651.7 is revised to read "§ 651.5".

(l) The reference to "§ 51.1-1" in paragraph (c) of redesignated § 651.8 is revised to read "§ 651.1-1".

(m) The reference to "§ 51.1-2" in paragraph (d) of redesignated § 651.8 is revised to read "§ 651.1-2".

(n) The reference to "§ 51.1-3" in paragraph (e) of redesignated § 651.8 is revised to read "§ 651.1-3".

(o) The reference to "§§ 51.5(d) and 51.5(e)" in subparagraph (2) of paragraph (e) of redesignated § 651.8 is revised to read "§§ 651.5(d) and 651.5(e)."

(p) The reference to "§ 51.1-3" in the heading of redesignated § 651.9 is revised to read "§ 651.1-3".

(q) The reference to "§§ 51.1-1 and 51.1-2" in the heading of redesignated § 651.13-1 is revised to read "§§ 651.1-1 and 651.1-2".

(r) The reference to "§ 51.1-3" in the heading of redesignated § 651.13-2 is revised to read "§ 651.1-3".

(s) The reference to "§ 51.1-3" in paragraph (d) of redesignated § 651.15 is revised to read "§ 651.1-3".

(t) The reference to "§§ 51.1-1 and 51.1-2" in the heading of redesignated § 651.16 is revised to read "§§ 651.1-1 and 651.1-2".

(u) The reference to "§ 51.1-3" in the heading of redesignated § 651.22 is revised to read "§ 651.1-3".

13. Subchapter A, Part 1, is added to Chapter I of Title 30, as follows:

SUBCHAPTER A—OFFICIAL EMBLEM

PART 1—MINING ENFORCEMENT AND SAFETY ADMINISTRATION; ESTABLISHMENT AND USE OF OFFICIAL EMBLEM

Sec.
1.1 Official emblem.
1.2 Description.
1.3 Use of letters and acronym MESA.

AUTHORITY: Sec. 508, Federal Coal Mine Health and Safety Act of 1969; sec. 301 of Title 5, United States Code;

PART 1—MINING ENFORCEMENT AND SAFETY ADMINISTRATION; ESTABLISHMENT AND USE OF OFFICIAL EMBLEM

§ 1.1 Official emblem.

The following emblem is established and shall be used as the official emblem of the Mining Enforcement and Safety Administration, except where use of the Departmental Seal is required:

United States Department of the Interior
mesa
Mining Enforcement and Safety Administration

§ 1.2 Description.

The emblem of the Mining Enforcement and Safety Administration is of contemporary design with the letters and acronym of the Administration delineated as MESA appearing in large letters in the middle of the emblem. Above the letters and acronym appear the words "United States Department of the Interior" and below the letters and

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acronym appear the words "Mining Enforcement and Safety Administration."

§ 1.3 Use of letters and acronym MESA.

The letters and acronym MESA may be used and substituted for the words "Mining Enforcement and Safety Administration" in correspondence, rules, regulations, and in certificates of approval, approval plates, labels, and markings prescribed by the Mining Enforcement and Safety Administration to designate and denote equipment, devices, and apparatus approved as "permissible" and suitable for use in mines under the applicable Parts of Chapter I of this Title, and in such other documents, publications, and pamphlets, and on signs, clothing and uniforms, and offices of the Administration and at such times and locations as may be deemed appropriate by the Administrator.

14. Subchapter C, Parts 15, 16, and 17, and Subchapter D, Parts 18 through 29, and Subchapter E, Parts 31, 32, 33, 35, and 36 are amended and revised as follows:

SUBCHAPTER C—EXPLOSIVES AND RELATED ARTICLES; TESTS FOR PERMISSIBILITY AND SUITABILITY

PART 15—EXPLOSIVES AND RELATED ARTICLES

Part 15 of Chapter I of Title 30, Code of Federal Regulations is amended as follows:

1. In the sections specified below the words "the Bureau of Mines," "Bureau," and "the Bureau" are deleted wherever they appear and "MESA" is substituted therefor, and the words "the Bureau's" are deleted and "MESA's" substituted therefor:

Secs.	Secs.
15.2(b)	15.14(a)
15.3	15.14(b)
15.4(a)	15.14(d)
15.4(b) item (x) of fee schedule	15.16
	15.17
15.5	15.18(a)
15.5(d)	15.18(b)
15.6(e)	15.20
15.11	15.22(b)
15.12(a)	15.24(a)
15.13	15.24(b)

§ 15.2 [Amended]

2. Section 15.2 is amended by adding a new paragraph (i) as follows:

(i) "MESA" means the United States Department of the Interior, Mining Enforcement and Safety Administration.

3. In § 15.2(g) the term "Bureau's test detonator" is revised to read "Test detonator" and in § 15.10(b)(5) the word "Bureau's" is deleted.

§ 15.3 [Amended]

4. Section 15.3 is amended by deleting the words "Chief, Explosives Research Laboratory, Bureau of Mines, 4800 Forbes Avenue, Pittsburgh, Pa. 15213" and substituting therefor the words "Approval and Testing, Pittsburgh Technical Support Center, 4800 Forbes Avenue, Pittsburgh, Pennsylvania 15213."

§ 15.8 [Amended]

5. Section 15.8 is amended by deleting the words "the Bureau of Mines, Explosives Research Laboratory, Pittsburgh, Pa. 15213" and substituting therefor the words "Approval and Testing, Pittsburgh Technical Support Center, 4800 Forbes Avenue, Pittsburgh, Pennsylvania 15213" and the words "the Bureau" are deleted and the word "MESA" substituted therefor.

6. Section 15.9 is amended and revised to read as follows:

§ 15.9 Observers at formal investigations and demonstrations.

No one shall be present during any part of the formal investigation for permissibility conducted by MESA except the necessary Government personnel, representatives of the applicant, and such other persons as may be mutually agreed upon by the applicant and by MESA. After the issuance of a certificate of approval, MESA may conduct such public demonstrations and tests of the approved explosive as it sees fit. Those who attend any part of the investigation, or any public demonstration, shall be present solely as observers; the conduct of the investigation and of any public demonstration shall be controlled by MESA. Results of chemical analysis for ingredients and all information contained in the drawings, specifications, and instructions shall be deemed proprietary and their disclosure will be appropriately safeguarded by MESA.

§§ 15.10 and 15.21 [Amended]

7. Sections 15.10(b) (3), (4), and 15.21(a)(2) are amended by deleting the words "the Bureau's" and substituting therefor the word "Pittsburgh."

§ 15.15 [Amended]

8. Section 15.15 is amended by deleting the words "the Bureau" and substituting therefor the word "MESA" and by deleting the word "schedule" in the last sentence and substituting therefor the word "part."

PART 16—STEMMING DEVICES

Part 16 of Chapter I of Title 30, Code of Federal Regulations is amended as follows:

1. In the sections specified below the words "the Bureau of Mines", "Bureau", and "the Bureau" are deleted wherever they appear and the word "MESA" is substituted therefor:

Secs.	
16.1	16.10(c)
16.2(b)	16.11
16.2(c)	16.12
16.2(d)	16.13
16.4(a) (footnote)	16.14(b)
16.4(c)	16.15
16.5	16.16(c)
16.6	16.16(d)
16.9	16.17
16.10(b)(1)	16.18

2. Section 16.2 is amended by adding a new paragraph (f) as follows:

§ 16.2 Definitions.

• • • • • •

(f) "MESA" means the United States Department of the Interior, Mining Enforcement and Safety Administration.

§ 16.3 [Amended]

3. Section 16.3 is amended by deleting the words "the Bureau" and "the Bureau of Mines" and substituting the word "MESA" therefor. The words "the U.S. Bureau of Mines, Central Experiment Station" are deleted and the words "Approval and Testing, Pittsburgh Technical Support Center" are substituted therefor. The words "The Bureau's engineers" are deleted and the word "MESA" is substituted therefor.

§ 16.8 [Amended]

4. Section 16.8 is amended by deleting the words "the Bureau of Mines' Central Experiment Station, Pittsburgh, Pa. 15213" and substituting therefor the words "Approval and Testing, Pittsburgh Technical Support Center, 4800 Forbes Avenue, Pittsburgh, Pennsylvania 15213"; and the words "the Bureau" are deleted and the word "MESA" is substituted therefor.

§ 16.9 [Amended]

5. Section 16.9 is amended by deleting the words "the Bureau" and substituting the word "MESA" therefor. The words "wholly by the Bureau's personnel" are deleted and the words "by MESA" are substituted therefor.

§ 16.10 [Amended]

6. Section 16.10(b)(2) is amended by deleting the words "the Bureau" and substituting the word "MESA" therefor; and the words "the Bureau's Standard" are deleted and the word "Pittsburgh" is substituted therefor.

§ 16.14 [Amended]

7. Section 16.14(a) is amended by deleting the words "the Bureau" and substituting the word "MESA" therefor. The words "seal of the Department of the Interior, Bureau of Mines" are deleted and the words "emblem of the Mining Enforcement and Safety Administration" are substituted therefor.

§ 16.18 [Amended]

8. The paragraph shown as "C. Electric face equipment" following § 16.18 is deleted.

PART 17—BLASTING DEVICES

Part 17 of Chapter I of Title 30, Code of Federal Regulations is amended as follows:

1. In the sections specified below the words "the Bureau of Mines", "Bureau", and "the Bureau" are deleted wherever they appear and the word "MESA" is substituted therefor:

Secs.	Secs.
17.1	17.12
17.2(b)	17.13
17.2(c)	17.14
17.2(d)	17.15
17.5(a) (footnote)	17.16(c)
17.4(d)	17.16(j)
17.6	17.17
17.10(g)	17.18
17.11(e)	17.20
17.11(f)	

2. Section 17.2 is amended by adding a new paragraph (e) as follows:

§ 17.2 Definitions.

• • • • • •

(e) "MESA" means the United States Department of the Interior, Mining Enforcement and Safety Administration.

§ 17.3 [Amended]

3. Section 17.3 is amended by deleting the words "the Bureau" and "the Bureau of Mines" and substituting the word "MESA" therefor. The words "the U.S. Bureau of Mines, Central Experiment Station" are deleted and the words "Approval and Testing, Pittsburgh Technical Support Center" are substituted therefor. The words "The Bureau's engineers" are deleted and the word "MESA" is substituted therefor.

§ 17.8 [Amended]

4. Section 17.8 is amended by deleting the words "the Bureau of Mines' Central Experiment Station, Pittsburgh, Pa. 15213" and substituting therefor the words "Approval and Testing, Pittsburgh Technical Support Center, 4800 Forbes Avenue, Pittsburgh, Pennsylvania 15213"; and the words "the Bureau" are deleted and the word "MESA" is substituted therefor.

§ 17.9 [Amended]

5. Section 17.9 is amended by deleting the words "the Bureau" and substituting the word "MESA" therefor. The words "wholly by the Bureau's personnel" are deleted and the words "by MESA" are substituted therefor.

§ 17.10 [Amended]

6. Sections 17.10(c)(1) and 17.10(c)(2) are amended by deleting the words "the Bureau's standard" and substituting the word "Pittsburgh" therefor.

SUBCHAPTER D—ELECTRICAL EQUIPMENT, LAMPS, METHANE DETECTORS; TESTS FOR PERMISSIBILITY; FEES

PART 18—ELECTRIC MOTOR-DRIVEN MINE EQUIPMENT AND ACCESSORIES

Part 18 of Chapter I of Title 30, Code of Federal Regulations is amended as follows:

§ 18.2 [Amended]

1. Section 18.2 is amended as follows:

(a) A new paragraph defining "Administrator" is added in alphabetical sequence to read—

"Administrator" means the Administrator, Mining Enforcement and Safety Administration.

(b) A new paragraph defining "MESA" is added in alphabetical sequence to read—

"MESA" means the United States Department of the Interior, Mining Enforcement and Safety Administration.

(c) In the definition of "Permissible equipment" the words "Director of the Bureau of Mines under section 212(a) of the Federal Coal Mine Safety Act, as amended (66 Stat. 709; 30 U.S.C. sec. 482(a))" are deleted and the words "Administrator, Mining Enforcement and Safety Administration under the Federal Coal Mine Health and Safety Act of 1969 (Pub. L. 91-173, 30 U.S.C. 801)" are substituted therefor.

(d) In the definition of "Permit" the words "Director of the Bureau of Mines" are deleted and the word "Administrator" substituted therefor.

(e) Except in the definition "'Bureau' means the U.S. Bureau of Mines," in all other definitions contained in § 18.2 the words "the Bureau" and "Bureau" are deleted wherever they appear and "MESA" is substituted therefor, and the words "the Bureau's" are deleted and "MESA's" substituted therefor.

2. In the sections specified below the words "the Bureau of Mines," "Bureau," and "the Bureau" are deleted wherever they appear and "MESA" is substituted therefor, and the words "the Bureau's" are deleted and "MESA's" substituted therefor:

Secs.	Secs.
18.1	18.34(a)(2)
18.6(e)	18.34(a)(3)
18.6(f)	18.35(a)(5)(ii)
18.6(g)	18.40
18.6(h)	18.47(d)(6)
18.6(k)	18.61(a)
18.6(l)	18.62(a)
18.7(m)	18.62(c)
18.7(Note)	18.63
18.9(a)	18.64(e)
18.9(b)	18.64(f)
18.9(c)	18.65(f)(1)
18.10(a)	18.65(f)(2)
18.10(c)	18.66(a)
18.11(b)	18.67
18.12(a)	18.69
18.12(c)	18.80(c)
18.14	18.80(e)
18.15	18.81(c)
18.15(b)	18.82(c)(1)(ii)
18.16	18.82(c)(1)(iii)
18.20(b)	18.82(c)(2)
18.30(a)	18.82(d)
18.31(a)(4)	18.91(a)
18.32(a)	18.92(b)
18.32(b)	18.93(a)(1)
18.32(h)	18.93(b)

§ 18.82 [Amended]

3. In §§ 18.82 (a), (e), (f), and (h) the words "Director of the Bureau of Mines" and "Director of the Bureau" are deleted wherever they appear and the words "Administrator of MESA" are substituted therefor, and the word "Director" is deleted and the word "Administrator" is substituted therefor.

APPENDIX II

4. Appendix II of Subpart D is amended and revised as follows:

(a) In Figure 1 the initials "U.S.B.M." on the illustrated stamp are revised to read "USMESA."

(b) In Figure 2 the abbreviation "B. of M. No. _____" is revised to read "MESA No. _____."

(c) In Figure 3 under item 5 "Cable Requirements" the word "Bureau" is deleted and "MESA" is substituted therefor.

(d) In Figure 4 under "Portable Cable" the abbreviation "BM No. _____" is revised to read "MESA No. _____."

§§ 18.14 and 18.65 [Amended]

5. In §§ 18.14, 18.65(f)(1), and 18.65(f)(2) the initials "USBM" are revised to read "USMESA."

§ 18.3 [Amended]

6. Section 18.3 is amended by deleting the words "the Bureau's Health and Safety Research and Testing Center" and substituting therefor the words "Approval and Testing, Pittsburgh Technical Support Center."

§ 18.6 [Amended]

7. Section 18.6(a) is amended as follows:

(a) The words "the Bureau" are deleted and "MESA" is substituted therefor.

(b) The words "U.S. Bureau of Mines" are deleted and the words "U.S. Mining Enforcement and Safety Administration" are substituted therefor.

(c) The words "the Bureau of Mines, 4800 Forbes Avenue, Pittsburgh, Pa. 15213, Attention: Approval and Testing" are deleted and the words "Approval and Testing, Pittsburgh Technical Support Center, 4800 Forbes Avenue, Pittsburgh, Pa. 15213" are substituted therefor.

§§ 18.80, 18.81 and 18.82 [Amended]

8. Sections 18.80(f), 18.81(a), and 18.82 (a) and (b) are amended by deleting the words "Approval and Testing, Bureau of Mines" and substituting therefor the words "Approval and Testing, Pittsburgh Technical Support Center."

§ 18.11 [Amended]

9. Section 18.11(a)(1) is amended by deleting the words "seal of the Bureau of Mines" and substituting therefor the words "emblem of the Mining Enforcement and Safety Administration."

§ 18.13 [Amended]

10. Section 18.13 is amended by deleting the words "the Bureau" and substituting therefor "MESA" and by deleting the words "Bureau of Mines Schedule No. _____" and substituting therefor "30 CFR, Part _____."

§§ 18.21 and 18.90 [Amended]

11. The words "the Bureau" in the last line of § 18.21 and the words "Bureau of Mines" in line 4 of § 18.90 are deleted and "MESA" is substituted therefor.

PART 19—ELECTRIC CAP LAMPS

Part 19 of Chapter I of Title 30, Code of Federal Regulations is amended as follows:

§ 19.10 [Amended]

1. The heading of § 19.10 and § 19.10 in the table of contents is revised by deleting the words "Bureau of Mines" and substituting "MESA" therefor.

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2. In the sections specified below the words "the Bureau of Mines" and "the Bureau" are deleted wherever they appear and "MESA" is substituted therefor, and the words "the Bureau's" are deleted and "MESA's" substituted therefor.

Secs.	Secs.
19.1(b)	19.10(b) (1)
19.1(c)	19.10(b) (2)
19.4(f)	19.11(a)
19.6(b)	19.12(b)
19.7	19.12(c)
19.8	19.12(d)
19.9	19.13
19.10	19.13(b)
19.10(a)	19.13(c)

§ 19.2 [Amended]

3. Paragraph (o) of § 19.2 is amended by deleting the words "the Bureau" and substituting therefor "MESA", and by deleting the words "the Chief, Branch of Electrical-Mechanical Testing" and substituting therefor "Approval and Testing, Pittsburgh Technical Support Center, 4800 Forbes Avenue, Pittsburgh, Pa. 15213."

§ 19.3 [Amended]

4. Section 19.3 is amended as follows:

(a) The words "the Bureau of Mines" are deleted and "MESA" substituted therefor.

(b) The words "United States Bureau of Mines" are deleted and "U.S. Mining Enforcement and Safety Administration" substituted therefor.

(c) The words "the Central Experiment Station, Bureau of Mines" are deleted and "Approval and Testing, Pittsburgh Technical Support Center" substituted therefor.

§§ 19.4 and 19.13 [Amended]

5. Sections 19.4(a) and 19.13(a) are amended by deleting the words "the Central Experiment Station, Bureau of Mines" and substituting therefor "Approval and Testing, Pittsburgh Technical Support Center."

6. Section 19.4(b) is amended by deleting the words "the Bureau's engineers" and substituting "MESA" therefor, and by deleting the words "the Bureau" in item (5) and substituting "MESA" therefor.

7. Section 19.4(d) is amended by deleting the words "the Bureau" and substituting "MESA" therefor, and by deleting the words "wholly by the Bureau's personnel" and substituting therefor the words "by MESA".

8. Section 19.4(g) is amended by deleting the words "the Central Experiment Station" and substituting therefor "Approval and Testing, Pittsburgh Technical Support Center", and by deleting the words "the Bureau's engineers have" and substituting "MESA has" therefor.

§ 19.12 [Amended]

9. Section 19.12(a) is amended by deleting the words "the Bureau" and substituting therefor "MESA" and by deleting the words "seal of the Bureau of Mines" and substituting therefor the words "emblem of the Mining Enforcement and Safety Administration."

PART 20—ELECTRIC MINE LAMPS OTHER THAN STANDARD CAP LAMPS

Part 20 of Chapter I of Title 30, Code of Federal Regulations is amended as follows:

§ 20.11 [Amended]

1. The section heading of § 20.11 is revised by deleting the words "Bureau of Mines" and substituting "MESA" therefor.

2. In the sections specified below the words "the Bureau of Mines" and "the Bureau" are deleted wherever they appear and "MESA" is substituted therefor, and the words "the Bureau's" are deleted and "MESA's" substituted therefor.

Secs.	Secs.
20.0	20.11
20.1(c)	20.11(a)
20.2(a)	20.11(b) (1)
20.2(b)	20.11(b) (2)
20.2(d)	20.12(a)
20.5(e)	20.13(a)
20.5(f)	20.13(b)
20.8(a)	20.13(c)
20.8(b)	20.14
20.9(e) (1)	20.14(b)
20.9(e) (3)	20.14(c)

§ 20.3 [Amended]

3. Section 20.3 is amended as follows:

(a) The words "the Bureau of Mines" are deleted and "MESA" substituted therefor.

(b) The words "United States Bureau of Mines" are deleted and "U.S. Mining Enforcement and Safety Administration" substituted therefor.

(c) The words "Central Experiment Station, Bureau of Mines" are deleted and "Approval and Testing, Pittsburgh Technical Support Center" substituted therefor.

§ 20.4 [Amended]

4. Paragraph (j) of § 20.4 is amended by deleting the words "the Bureau", and "MESA" is substituted therefor, and by deleting the words "the Chief, Branch of Electrical-Mechanical Testing" and substituting therefor "Approval and Testing, Pittsburgh Technical Support Center, 4800 Forbes Avenue, Pittsburgh, Pa. 15213."

§ 20.5 [Amended]

5. Section 20.5(a) is amended by deleting the words "the Central Experiment Station" and § 20.14(a) is amended by deleting the words "the Central Experiment Station, Bureau of Mines" and substituting therefor "Approval and Testing, Pittsburgh Technical Support Center."

6. Section 20.5(b) is amended by deleting the words "the Bureau's engineers" and substituting therefor "MESA".

7. Section 20.5(c) is amended by deleting the words "the Bureau" and substituting "MESA" therefor, and by deleting the words "wholly by the Bureau's personnel" and substituting therefor the words "by MESA".

§ 20.13 [Amended]

8. Section 20.13 is amended by deleting the words "the Bureau" and substituting therefor "MESA" and by deleting the words "seal of the Bureau of Mines" and substituting therefor the words "emblem of the Mining Enforcement and Safety Administration."

PART 21—FLAME SAFETY LAMPS

Part 21 of Chapter I of Title 30, Code of Federal Regulations is amended as follows:

§ 21.7 [Amended]

1. The heading of § 21.7 is revised by deleting the words "Bureau of Mines" and substituting "MESA" therefor.

2. In the sections specified below the words "the Bureau of Mines", "the U.S. Bureau of Mines", and "the Bureau" are deleted wherever they appear and "MESA" is substituted therefor, and the words "the Bureau's" are deleted and "MESA's" substituted therefor:

Secs.	Secs.
21.0.	21.7(b) (2)
21.1(b)	21.8(a)
21.2(a)	21.9(a)
21.2(b)	21.9(b)
21.7	21.9(c)
21.7(a)	21.10
21.7(b) (1)	21.10(b)

§ 21.3 [Amended]

3. Paragraph (j) of § 21.3 is amended by deleting the words "the Bureau" and substituting "MESA" therefor, and by deleting the words "the Chief, Branch of Electrical-Mechanical Testing" and substituting therefor "Approval and Testing, Pittsburgh Technical Support Center, 4800 Forbes Avenue, Pittsburgh, Pa. 15213."

§ 21.4 [Amended]

4. Section 21.4 is amended as follows:

(a) The words "the Bureau of Mines" are deleted and "MESA" substituted therefor.

(b) The words "United States Bureau of Mines" are deleted and "U.S. Mining Enforcement and Safety Administration" substituted therefor.

(c) The words "the Central Experiment Station, Bureau of Mines" are deleted and "Approval and Testing, Pittsburgh Technical Support Center" substituted therefor.

§ 21.5 [Amended]

5. Section 21.5(a) is amended by deleting the words "the Central Experiment Station" and substituting "Approval and Testing, Pittsburgh Technical Support Center, 4800 Forbes Avenue, Pittsburgh, Pa. 15213".

6. Section 21.5(b) is amended by deleting the words "the Bureau's engineers" and substituting "MESA" therefor.

7. Section 21.5(c) is amended by deleting the words "the Bureau" and substituting "MESA" therefor, and by deleting the words "wholly by the Bureau's personnel" and substituting the words "by MESA" therefor.

§ 21.9 [Amended]

8. Section 21.9 is amended by deleting the words "the Bureau" and substituting therefor "MESA", and by deleting the words "seal of the Bureau of Mines" and substituting therefor the words "emblem of the Mining Enforcement and Safety Administration."

§ 21.10 [Amended]

9. Section 21.10(a) is amended by deleting the words "the Central Experiment Station, Bureau of Mines" and substituting therefor "Approval and Testing, Pittsburgh Technical Support Center".

10. Section 21.10(c) is amended by deleting the word "Director's" and substituting the word "Administrator's" therefor.

PART 22—PORTABLE METHANE DETECTORS

Part 22 of Chapter I of title 30, Code of Federal Regulations is amended as follows:

§ 22.8 [Amended]

1. The heading of § 22.8 and § 22.8 in the table of contents is revised by deleting the words "Buerau of Mines" and substituting "MESA" therefor.

2. In the sections specified below the words "the Bureau of Mines" and "the Bureau" are deleted wherever they appear and "MESA" is substituted therefor, and the words "the Bureau's" are deleted and "MESA's" substituted therefor:

Secs.	Secs.
22.0	22.9
22.1(b)	22.10(a) (2)
22.2(c)	22.10(b)
22.7(c)	22.10(c)
22.7(d)	22.10(d)
22.8	22.11
22.8(a)	22.11(b)
22.8(b)	22.11(c)

§ 22.3 [Amended]

3. Paragraph (j) of § 22.3 is amended by deleting the words "the Bureau" and substituting "MESA" therefor, and by deleting the words "the Chief, Branch of Electrical-Mechanical Testing" and substituting therefor "Approval and Testing, Pittsburgh Technical Support Center, 4800 Forbes Avenue, Pittsburgh, Pa. 15213."

§ 22.4 [Amended]

4. Section 22.4 is amended as follows:

(a) The words "the Bureau of Mines" are deleted and "MESA" substituted therefor.

(b) The words "United States Bureau of Mines" are deleted and "U.S. Mining Enforcement and Safety Administration" substituted therefor.

(c) The words "the Central Experiment Station, Bureau of Mines" are deleted and "Approval and Testing, Pittsburgh Technical Support Center" substituted therefor.

§ 22.5 and 22.11 [Amended]

5. Sections 22.5(a) and 22.11(a) are amended by deleting the words "the Central Experiment Station, Bureau of Mines" and substituting "Approval and Testing, Pittsburgh Technical Support Center, 4800 Forbes Avenue."

6. Section 22.5(b) is amended by deleting the words "the Bureau's engineers" and substituting "MESA" therefor.

7. Section 22.5(c) is amended by deleting the words "the Bureau" and substituting "MESA" therefor, and by deleting the words "wholly by the Bureau's personnel" and substituting the words "by MESA" therefor.

§ 22.10 [Amended]

8. Section 22.10(a) (1) is amended by deleting the words "seal of the Bureau of Mines" and substituting "emblem of the Mining Enforcement and Safety Administration".

PART 23—TELEPHONES AND SIGNALING DEVICES

Part 23 of Chapter I of Title 30, Code of Federal Regulations is amended as follows:

§ 23.10 [Amended]

1. The heading of § 23.10 and § 23.10 in the table of contents is revised by deleting the words "Bureau of Mines" and substituting "MESA" therefor.

2. In the sections specified below the words "the Bureau of Mines" and "the Bureau" are deleted wherever they appear and "MESA" is substituted therefor, and the words "the Bureau's" are deleted and "MESA's" substituted therefor:

Secs.	Secs.
23.1(b)	23.10(b)
23.2(a)	23.11
23.2(b)	23.12(a) (2)
23.2(d)	23.12(b)
23.5(e)	23.12(c)
23.7(e)	23.13
23.9(e)	23.14
23.10	23.14(b)
23.10(a)	23.14(c)

§ 23.2 [Amended]

3. Section 23.2 is amended by adding paragraph (g) as follows: "(g) 'MESA' means the United States Department of the Interior, Mining Enforcement and Safety Administration".

§ 23.3 [Amended]

4. Section 23.3 is amended as follows:

(a) The words "the Bureau of Mines" are deleted and "MESA" substituted therefor.

(b) The words "United States Bureau of Mines" are deleted and "U.S. Mining Enforcement and Safety Administration" substituted therefor.

(c) The words "the Central Experiment Station, Bureau of Mines" are deleted and "Approval and Testing, Pittsburgh Technical Support Center" substituted therefor.

§ 23.4 [Amended]

5. Paragraph (g) of § 23.4 is amended by deleting the words "the Bureau" and substituting "MESA" therefor, and by deleting the words "the Chief, Branch of Electrical-Mechanical Testing" and substituting therefor "Approval and Testing, Pittsburgh Technical Support Center, 4800 Forbes Avenue, Pittsburgh, Pa. 15213."

§ 23.5 [Amended]

6. Section 23.5(a) is amended by deleting the words "the Bureau of Mines Central Experiment Station" and substituting "Approval and Testing, Pittsburgh Technical Support Center" therefor.

7. Section 23.5(b) is amended by deleting the words "the Bureau's engineers" and substituting "MESA" therefor.

8. Section 23.5(c) is amended by deleting the words "the Bureau" and substituting "MESA" therefor, and by deleting the words "wholly by the Bureau's personnel" and substituting the words "by MESA" therefor.

9. Section 23.5(f) is amended by deleting the words "the Bureau's engineers have" and substituting "MESA has" therefor, and by deleting the words "the Bureau of Mines" and substituting "MESA" therefor.

§ 23.12 [Amended]

10. Section 23.12(a) (1) is amended by deleting the words "seal of the Bureau of Mines" and substituting therefor "emblem of the Mining Enforcement and Safety Administration."

§ 23.14 [Amended]

11. Section 23.14(a) is amended by deleting the words "the Central Experiment Station, Bureau of Mines" and substituting therefor "Approval and Testing, Pittsburgh Technical Support Center".

PART 24—SINGLE-SHOT BLASTING UNITS

Part 24 of Chapter I of Title 30, Code of Federal Regulations is amended as follows:

§ 24.5 [Amended]

1. The heading of § 24.5 is revised by deleting the words "Bureau of Mines" and substituting "MESA" therefor.

2. In the sections specified below the words "the Bureau of Mines" and "the Bureau" are deleted wherever they appear and "MESA" is substituted therefor, and the words "the Bureau's" are deleted and "MESA's" substituted therefor:

Secs.	Secs.
24.0(c)	24.7(b)
24.0(d)	24.7(c)
24.3(f)	24.8
24.5	24.9
24.5(b)	24.9(b)
24.6	24.9(c)

§ 24.0 [Amended]

3. Section 24.0 is amended by adding paragraph (e) as follows:

(e) "MESA" means the United States Department of the Interior, Mining Enforcement and Safety Administration.

§ 24.1 [Amended]

4. Paragraph (l) of § 24.1 is amended by deleting the words "the Bureau" and substituting "MESA" therefor and by deleting the words "the Chief, Branch of Electrical-Mechanical Testing" and substituting therefor "Approval and Testing,

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Pittsburgh Technical Support Center, 4800 Forbes Avenue, Pittsburgh, Pa. 15123".

§ 24.2 [Amended]

5. Section 24.2 is amended as follows:

(a) The words "the Bureau of Mines" are deleted and "MESA" substituted therefor.

(b) The words "United States Bureau of Mines" are deleted and "U.S. Mining Enforcement and Safety Administration" substituted therefor.

(c) The words "the Central Experiment Station, Bureau of Mines" are deleted and "Approval and Testing, Pittsburgh Technical Support Center" substituted therefor.

§ 24.3 [Amended]

6. Section 24.3(a) is amended by deleting the words "the Central Experiment Station" and substituting therefor "Approval and Testing, Pittsburgh Technical Support Center, 4800 Forbes Avenue, Pittsburgh, Pa. 15213".

7. Section 24.3(b) is amended by deleting the words "the Bureau's engineers" and substituting "MESA" therefor.

8. Section 24.3(d) is amended by deleting the words "the Bureau" and substituting "MESA" therefor, and by deleting the words "wholly by the Bureau's personnel" and substituting "by MESA" therefor.

9. Section 24.3(g) is amended by deleting the words "the Bureau's engineers have" and substituting "MESA has" therefor, and by deleting the words "the Bureau of Mines" and substituting "Mesa" therefor.

§ 24.7 [Amended]

10. Section 24.7(a) is amended by deleting the words "seal of the Bureau of Mines, United States Department of the Interior" and substituting "emblem of the Mining Enforcement and Safety Administration" therefor.

§ 24.9 [Amended]

11. Section 24.9(a) is amended by deleting the words "the Central Experiment Station, Bureau of Mines" and "the Central Experiment Station" and substituting "Approval and Testing, Pittsburgh Technical Support Center" therefor.

PART 25—MULTIPLE-SHOT BLASTING UNITS

Part 25 of Chapter I of Title 30, Code of Federal Regulations is amended as follows:

§ 25.2 [Amended]

1. Paragraph (f) of section 25.2 is deleted and the following is substituted therefor: "(f) 'MESA' means the United States Department of the Interior, Mining Enforcement and Safety Administration."

2. In the sections specified below the words "the Bureau of Mines" and "the Bureau" are deleted wherever they appear and "MESA" is substituted therefor, and the words "the Bureau's" are deleted and "MESA's" substituted therefor:

Secs.	Secs.
25.2(b)	25.10(c)
25.5	25.11(b)
25.6(b)	25.12
25.7(a)	25.12(b)
25.7(d)	25.13
25.7(l)	25.21(a)
25.10(a)	25.26(a)

§ 25.3 [Amended]

3. Section 25.3 is amended by deleting the words "the Bureau's Central Experiment Station" and substituting therefor "Approval and Testing, Pittsburgh Technical Support Center", and by deleting the word "Bureau" and substituting "MESA" therefor.

§ 25.4 [Amended]

4. Paragraph (j) of § 25.4 is amended by deleting the words "the Chief, Branch of Electrical-Mechanical Testing" and substituting therefor "Approval and Testing, Pittsburgh Technical Support Center, 4800 Forbes Avenue, Pittsburgh, Pa. 15213", and by deleting the words "the Bureau" and substituting "MESA" therefor.

5. Section 25.6(a) is amended as follows:

(a) The words "the Bureau" are deleted and "MESA" is substituted therefor.

(b) The words "United States Bureau of Mines" are deleted and "U.S. Mining Enforcement and Safety Administration" substituted therefor.

(c) The words "the Central Experiment Station, Bureau of Mines, 4800 Forbes Avenue, Pittsburgh, Pennsylvania 15213, Attention: Chief, Branch of Electrical-Mechanical Testing" are deleted and "Approval and Testing, Pittsburgh Technical Support Center, 4800 Forbes Avenue, Pittsburgh, Pa. 15213" substituted therefor.

§ 25.9 [Amended]

6. Section 25.9(a) is amended by deleting the words "only Bureau personnel" and substituting therefor "necessary Government personnel" and by deleting the words "The Bureau" and substituting therefor "MESA" and by deleting the word "sole".

§ 25.11 [Amended]

7. Section 25.11(a) is amended by deleting the words "seal of the Bureau" and substituting "emblem of the Mining Enforcement and Safety Administration".

PART 26—LIGHTING EQUIPMENT FOR ILLUMINATING UNDERGROUND WORKINGS

Part 26 of Chapter I of Title 30, Code of Federal Regulations is amended as follows:

§ 26.2 [Amended]

1. Paragraph (p) of § 26.2 is deleted and the following is substituted therefor: "(p) 'MESA' means the United States Department of the Interior, Mining Enforcement and Safety Administration."

2. In the sections specified below the words "the Bureau of Mines" and "the Bureau" are deleted wherever they appear and "MESA" substituted therefor, and the words "the Bureau's" are deleted and "MESA's" substituted therefor:

Secs.	Secs.
26.2(b)	26.15(b)
26.2(c)	26.16(a)
26.5	26.16(b)
26.7	26.17(b)
26.8(b)	26.19
26.9(a)	26.19(b)
26.9(b)	26.20
26.15(a)	

§ 26.3 [Amended]

3. Section 26.3 is amended by deleting the words "the Bureau's Central Experiment Station" and substituting therefor "Approval and Testing, Pittsburgh Technical Support Center" and by deleting the word "Bureau" and substituting therefor "MESA."

§ 26.6 [Amended]

4. Paragraph (k) of § 26.6 is amended by deleting the words "the Bureau" and substituting therefor "MESA" and by deleting the words "the Chief, Branch of Electrical-Mechanical Testing" and substituting therefor "Approval and Testing, Pittsburgh Technical Support Center, 4800 Forbes Avenue, Pittsburgh, Pa. 15213."

§ 26.8 [Amended]

5. Section 26.8(a) is amended as follows:

(a) The words "the Bureau" are deleted and "MESA" substituted therefor.

(b) The words "United States Bureau of Mines" are deleted and "U.S. Mining Enforcement and Safety Administration" substituted therefor.

(c) The words "the Central Experiment Station, Bureau of Mines, 4800 Forbes Avenue, Pittsburgh, Pennsylvania 15213, Attention: Chief, Branch of Electrical-Mechanical Testing" are deleted and "Approval and Testing, Pittsburgh Technical Support Center, 4800 Forbes Avenue, Pittsburgh, Pa. 15213" substituted therefor.

§ 26.13 [Amended]

6. Section 26.13(a) is amended by deleting the words "Bureau of Mines."

§ 26.14 [Amended]

7. Section 26.14 is amended by deleting the words "only Bureau personnel" and substituting therefor "necessary Government personnel" and by deleting the words "the Bureau" and substituting therefor "MESA", and by deleting the word "sole."

§ 26.17 [Amended]

8. Section 26.17(a) is amended by deleting the words "seal of the Bureau" and substituting therefor the words "emblem of the Mining Enforcement and Safety Administration" and by deleting the words "the Bureau" and substituting "MESA" therefor.

§ 26.18 [Amended]

9. Section 26.18(a) is amended by deleting the words "the Bureau" and substituting "MESA" therefor, and by deleting the words "Bureau of Mines File No. BM29-C-____" and substituting therefor "MESA File No. ____."

PART 27—METHANE-MONITORING SYSTEMS

Part 27 of Chapter I of Title 30, Code of Federal Regulations is amended as follows:

§ 27.2 [Amended]

1. Paragraph (a) of § 27.2 is deleted and the following is substituted therefor: "(a) 'MESA' means the United States Department of the Interior, Mining Enforcement and Safety Administration."

2. In the sections specified below the words "the Bureau of Mines" and "the Bureau" are deleted wherever they appear and "MESA" is substituted therefor, and the words "the Bureau's" are deleted and "MESA's" substituted therefor:

Secs.	Secs.
27.2(h)	27.20(f)
27.2(k)	27.20(f) (Note)
27.2(n)	27.21(d)
27.4(c)	27.21(e)
27.4(d)	27.21(f)
27.4(e)	27.22(c)
27.5(a)	27.30
27.6	27.31
27.7	27.32(a) (1) Footnote (4)
27.10(b)	
27.10(c)	27.32(b)
27.11	27.33
27.11(b)	27.35
27.11(c)	27.36
27.12	27.38
27.20(a)	27.39(b)

§ 27.3 [Amended]

3. Section 27.3 is amended by deleting the words "the Bureau's Health and Safety Research and Testing Center" and substituting therefor "Approval and Testing, Pittsburgh Technical Support Center", and by deleting the word "Bureau" and substituting "MESA" therefor.

§ 27.4 [Amended]

4. Section 27.4(a) is amended as follows:

(a) The words "the Bureau" are deleted and "MESA" is substituted therefor.

(b) The words "the Bureau of Mines" are deleted and "U.S. Mining Enforcement and Safety Administration" substituted therefor.

(c) The words "the Bureau of Mines, 4800 Forbes Avenue, Pittsburgh, Pa. 15213, Attention: Electrical-Mechanical Testing" are deleted and "Approval and Testing, Pittsburgh Technical Support Center, 4800 Forbes Avenue, Pittsburgh, Pa. 15213" substituted therefor.

§ 27.8 [Amended]

5. Paragraph (h) of § 27.8 is amended by deleting the words "the Bureau" and substituting "MESA" therefor, and by deleting the words "the Bureau of Mines, 4800 Forbes Avenue, Pittsburgh, Pa. 15213, Attention: Electrical-Mechanical Testing" and substituting therefor "Approval and Testing, Pittsburgh Technical Support Center, 4800 Forbes Avenue, Pittsburgh, Pa. 15213."

The last paragraph of § 27.8 is amended by deleting the words "the Bureau of Mines, 4800 Forbes Avenue, Pittsburgh, Pa. 15213, Attention: Electrical-Mechanical Testing" and substituting therefor "Approval and Testing, Pittsburgh Technical Support Center, 4800 Forbes Avenue, Pittsburgh, Pa. 15213."

§ 27.10 [Amended]

6. Section 27.10 is amended by deleting the words "the Bureau" and substituting "MESA" therefor, and by deleting the word "sole".

7. Section 27.10(a) is amended by deleting the words "only Bureau personnel" and substituting therefor "necessary Government personnel".

PART 28—FUSES FOR USE WITH DIRECT CURRENT IN PROVIDING SHORT-CIRCUIT PROTECTION FOR TRAILING CABLES IN COAL MINES

Part 28 of Chapter I of Title 30, Code of Federal Regulations is amended as follows:

§§ 28.32, 28.33 [Amended]

1. The headings of §§ 28.32 and 28.33 are revised by deleting the words "the Bureau" and substituting "MESA" therefor.

2. In the sections specified below the words "the Bureau of Mines" and "the Bureau" are deleted wherever they appear and "MESA" is substituted therefor:

Secs.	Secs.
28.4(b)	28.23(h)
28.10(e)	28.24
28.10(f)	28.25(a)
28.20(a)	28.25(c)
28.20(b)	28.30
28.21(d)	28.32(a)
28.22(a)	28.32(b)
28.22(c)	28.32(c)
28.23(b)	28.33(a)
28.23(c)	28.33(b)
28.23(e)	28.40(a)
28.23(g)	28.40(b)

§ 28.4 [Amended]

3. Paragraph (d) of § 28.4 is deleted and the following is substituted therefor: "(d) 'MESA' means the United States Department of the Interior, Mining Enforcement and Safety Administration".

§ 28.10 [Amended]

4. Section 28.10(c) is amended by deleting the words "the Bureau of Mines, Health and Safety Technical Support Center, 4800 Forbes Avenue, Pittsburgh, Pa. 15213, Attention: Approval and Testing," and substituting therefor "Approval and Testing, Pittsburgh Technical Support Center, 4800 Forbes Avenue, Pittsburgh, Pa. 15213."

5. Section 28.10(d) is amended by deleting the words "the Bureau" and substituting therefor "MESA" and by deleting the words "the U.S. Bureau of Mines" and substituting therefor "U.S. Mining Enforcement and Safety Administration."

6. Section 28.10(g) is amended by inserting after the word "Testing" a comma and the words "Pittsburgh Technical Support Center", and by deleting the words "the Bureau" and substituting "MESA" therefor.

§ 28.23 [Amended]

7. Section 28.23(a) is amended by deleting the words "seal of the U.S. Bureau of Mines" and substituting therefor "emblem of the Mining Enforcement and Safety Administration", and the words "the Bureau" are deleted and and "MESA" substituted therefor.

§ 28.31 [Amended]

8. Section 28.31(b) is amended by deleting the words "Health and Safety Technical Support Center, Bureau of Mines" and substituting therefor "Pittsburgh Technical Support Center".

§ 28.40 [Amended]

9. Section 28.40(d) is amended by deleting the words "the Bureau" and substituting "MESA" therefor and by deleting the words "Health and Safety Technical Support Center, Bureau of Mines" and substituting therefor "Pittsburgh Technical Support Center".

PART 29—PORTABLE COAL DUST/ROCK DUST ANALYZERS AND CONTINUOUS DUTY, WARNING LIGHT, PORTABLE METHANE DETECTORS FOR USE IN COAL MINES

Part 29 of Chapter I of Title 30, Code of Federal Regulations is amended as follows:

§§ 29.42, 29.43, 29.55 [Amended]

1. The headings of §§ 29.42, 29.43, and 29.55, and §§ 29.42, 29.43, and 29.55 in the table of contents are revised by deleting the words "the Bureau" and substituting "MESA" therefor.

2. In the sections specified below the words "the Bureau of Mines" and "the Bureau" are deleted wherever they appear and "MESA" is substituted therefor:

Secs.	Secs.
29.4(b)	29.41(1)
29.10(a)	29.42(a)
29.12(c)	29.42(b)
29.12(d)	29.42(c)
29.20	29.43(b)
29.21(a)	29.43(c)
29.21(b)	29.50(a)
29.21(c)	29.50(b)
29.21(d)	29.51
29.30(a)	29.53(a)
29.30(b)	29.53(b)
29.31(e)	29.53(c)
29.32(a)	29.54(b)
29.32(c)	29.54(c)
29.33(a)	29.55(b)
29.33(c)	29.55(d)
29.33(e)	29.55(e)
29.33(f)	29.56(a)
29.34	29.56(b)
29.35(a)	29.61(e)
29.35(d)	29.61(f)
29.35(e)	29.76(c)
29.40	29.76(d)

§ 29.4 [Amended]

3. Section 29.4 is amended by adding a new paragraph (1) as follows: "(1) 'MESA' means the United States Department of the Interior, Mining Enforcement and Safety Administration."

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§ 29.10 [Amended]

4. Section 29.10(b) is amended by deleting the words "Approval and Testing, Bureau of Mines" and substituting therefor "Approval and Testing, Pittsburgh Technical Support Center," and by deleting the words "the U.S. Bureau of Mines" and substituting therefor "U.S. Mining Enforcement and Safety Administration."

5. Section 29.10(c) is amended by deleting the words "Bureau of Mines" and substituting therefor "Pittsburgh Technical Support Center, 4800 Forbes Avenue" and by deleting the words "Health and Safety".

6. Section 29.10(d) is amended by inserting after the word "Testing" a comma and the words "Pittsburgh Technical Support Center", and by deleting the words "the Bureau" and substituting "MESA" therefor.

§ 29.12 [Amended]

7. Section 29.12(a) is amended by deleting the words "Bureau of Mines" and substituting therefor "Pittsburgh Technical Support Center, 4800 Forbes Avenue".

§ 29.33 [Amended]

8. Section 29.33(b) is amended by deleting the words "seal of the U.S. Bureau of Mines" and substituting therefor "emblem of the Mining Enforcement and Safety Administration" and by deleting the words "the Bureau" and substituting "MESA" therefor.

§ 29.36 [Amended]

9. Section 29.36 is amended by deleting the words "the Bureau of Mines, Approval and Testing" and substituting "Approval and Testing, Pittsburgh Technical Support Center".

§ 29.41 [Amended]

10. Section 29.41(b) is amended by deleting the words "Health and Safety Technical Support Center, Bureau of Mines" and substituting therefor "Pittsburgh Technical Support Center".

§ 29.52 [Amended]

11. Section 29.52(a) is amended by deleting the words "the Bureau" and substituting "MESA" therefor.

§ 29.55 [Amended]

12. Section 29.55(a) is amended by deleting the words "the Bureau" and substituting "MESA" therefor and by deleting the word "sole".

13. Section 29.55(c) is amended by deleting the words "Only Bureau personnel" and substituting therefor "Necessary Government personnel" and by deleting the words "the Bureau" and substituting "MESA" therefor.

14. Table B, item 1 under Inspectors' Samples is amended by deleting the word "Bureau" and substituting "MESA" therefor.

PART 31—DIESEL MINE LOCOMOTIVES

Part 31 of Chapter I of Title 30, Code of Federal Regulations is amended as follows:

1. In the sections specified below the words "the Bureau of Mines", and "the Bureau" are deleted wherever they appear and "MESA" is substituted therefor, and the words "the Bureau's" are deleted and "MESA's" substituted therefor:

Secs.	Secs.
31.2(a)	31.6(a)(1)
31.2(b)	31.6(a)(2)
31.2(d)	31.6(a)(4)
31.2(g)	31.6(c)(1)
31.2(j)	31.6(c)(2)
31.3(c) Note following item 13	31.7
31.3(d)(3)	31.8
31.3(e)	31.8(b)
31.3(f)	31.8(c)
31.3(g)	31.9
31.3(h)	31.9(b)(2)(ii)
31.4(i)(6)(i)	31.9(b)(2)(iv)
31.4(i)(7)(v)	31.9(b)(3)(i)
31.5(b)(4)	31.9(b)(4)(i)
31.5(b)(5)	31.10

§ 31.2 [Amended]

2. Section 31.2 is amended by adding a new paragraph (k) as follows:

(k) "MESA" means the United States Department of the Interior, Mining Enforcement and Safety Administration.

§ 31.3 [Amended]

3. Section 31.3(b) is amended as follows:

(a) The words "the Bureau of Mine" are deleted and "MESA" substituted therefor.

(b) The words "United States Bureau of Mines" are deleted and "U.S. Mining Enforcement and Safety Administration" is substituted therefor.

(c) The words "the Central Experiment Station, Bureau of Mines" are deleted and "Approval and Testing, Pittsburgh Technical Support Center" substituted therefor.

4. Section 31.3(d)(1) is amended by deleting the words "the Bureau of Mines" and "the Bureau" and substituting "MESA" therefor, and by deleting the words "the Central Experiment Station" and substituting "Approval and Testing, Pittsburgh Technical Support Center" therefor.

5. Section 31.3(j) is amended by deleting the words "the Bureau" and substituting "MESA" therefor, and by deleting the words "wholly by the Bureau's personnel" and substituting "by MESA" therefor.

§ 31.4 [Amended]

6. Section 31.4(a) is amended by deleting the words "The Bureau of Mines" and "that Bureau" and substituting "MESA" therefor.

§ 31.5 [Amended]

7. Section 31.5(a) is amended by deleting the words "engineers of the Bureau of Mines" and substituting "MESA" therefor.

8. Sections 31.5(a)(4)(vi), 31.5(a)(5)(vii), 31.5(a)(6)(iii), 31.5(a)(6)(iv), 31.5(b)(1), 31.5(b)(2)(ii) and 31.5(b)(3) are amended by deleting the words "the Bureau's engineers" and substituting "MESA" therefor.

§ 31.6 [Amended]

9. Section 31.6(b)(1) is amended by deleting the words "seal of the Bureau of Mines" and substituting therefor "emblem of the Mining Enforcement and Safety Administration."

10. Section 31.6(b)(2) is amended by deleting the words "the Central Experiment Station, Bureau of Mines" and substituting therefor "Approval and Testing, Pittsburgh Technical Support Center, 4800 Forbes Avenue."

§ 31.8 [Amended]

11. Section 31.8(a) is amended by deleting the words "the Central Experiment Station" and substituting therefor "Approval and Testing, Pittsburgh Technical Support Center, 4800 Forbes Avenue, Pittsburgh, Pa. 15213".

PART 32—MOBILE DIESEL-POWERED EQUIPMENT FOR NONCOAL MINES

Part 32 of Chapter I of Title 30, Code of Federal Regulations is amended as follows:

1. In the sections specified below the words "the Bureau of Mines" and "the Bureau" are deleted wherever they appear and "MESA" is substituted therefor, and the words "the Bureau's" are deleted and "MESA's" substituted therefor:

Secs.	Secs.
32.1(b)	32.6(a)(2)
32.2(g)	32.6(a)(4)
32.2(h)	32.6(c)(1)
32.2(i)	32.6(c)(2)
32.2(j)	32.7
32.3(c) Note	32.8
32.3(d)(3)	32.8(b)
32.3(e)	32.8(c)
32.3(f)	32.8(d)
32.3(g)	32.8(e)
32.3(h)(1)	32.9
32.4(h)(4)(ii)	32.9(b)(2)(ii)
32.5(b)	32.9(b)(2)(iv)
32.5(c)	32.10
32.6(a)(1)	

§ 32.2 [Amended]

2. Section 32.2 is amended by adding a new paragraph (k) as follows:

(k) "MESA" means the United States Department of the Interior, Mining Enforcement and Safety Administration.

§ 32.3 [Amended]

3. Section 32.3(a) is amended by deleting the words "the Central Experiment Station of the Bureau of Mines at" and substituting "Approval and Testing, Pittsburgh Technical Support Center,".

4. Section 32.3(b) is amended as follows:

(a) The words "the Bureau of Mines" are deleted and "MESA" substituted therefor.

(b) The words "United States Bureau of Mines" are deleted and "U.S. Mining Enforcement and Safety Administration" is substituted therefor.

(c) The words "the Central Experiment Station, Bureau of Mines" are deleted and "Approval and Testing, Pittsburgh Technical Support Center" substituted therefor.

5. Section 32.3(d)(1) is amended by deleting the words "the Bureau of Mines" and "the Bureau" and substituting "MESA" therefor, and by deleting

the words "the Central Experiment Station" and substituting therefor "Approval and Testing, Pittsburgh Technical Support Center".

6. Section 32.3(j) is amended by deleting the words "the Bureau" and substituting "MESA" therefor, and by deleting the words "wholly by the Bureau's personnel" and substituting the words "by MESA" therefor.

§ 32.4 [Amended]

7. Section 32.4(a) is amended by deleting the words "The Bureau of Mines" and "that Bureau" and substituting "MESA" therefor.

§ 32.5 [Amended]

8. Section 32.5(a)(1) is amended by deleting the words "engineers of the Bureau of Mines" and substituting "MESA" therefor.

§ 32.6 [Amended]

9. Section 32.6(b)(1) is amended by deleting the words "seal of the Bureau of Mines" and substituting therefor "emblem of the Mining Enforcement and Safety Administration."

10. Section 32.6(b)(2) is amended by deleting the words "the Central Experiment Station, Bureau of Mines" and substituting therefor "Approval and Testing, Pittsburgh Technical Support Center, 4800 Forbes Avenue".

§ 32.8 [Amended]

11. Section 32.8(a) is amended by deleting the words "the Central Experiment Station, Bureau of Mines" and substituting therefor "Approval and Testing, Pittsburgh Technical Support Center".

PART 33—DUST COLLECTORS FOR USE IN CONNECTION WITH ROCK DRILLING IN COAL MINES

Part 33 of Chapter I of Title 30, Code of Federal Regulations is amended as follows:

1. In the sections specified below the words "the Bureau of Mines", "Bureau of Mines", "the Bureau", and "Bureau" are deleted wherever they appear and "MESA" is substituted therefor, and the words "the Bureau's" are deleted and "MESA's" substituted therefor:

Secs.	Secs.
33.2(c)	33.10(a)
33.2(d)	33.11(c)
33.5(a) Footnote 1	33.12
33.6(c)	33.12(b)
33.6(d)(1)	33.13
33.6(h)	33.20(a)
33.6(i)	33.21
33.8(b)	33.36
33.9	33.37(d)

§ 33.2 [Amended]

2. Section 33.2 is amended by adding a new paragraph (i) as follows:

(i) "MESA" means the United States Department of the Interior, Mining Enforcement and Safety Administration.

§ 33.3 [Amended]

3. Section 33.3 is amended by deleting the words "the Bureau's Central Experiment Station" and substituting therefor "Approval and Testing, Pittsburgh Technical Support Center".

§ 33.5 [Amended]

4. Section 33.5(e) is amended by deleting the words "the Central Experiment Station, 4800 Forbes Avenue, Pittsburgh, Pennsylvania 15213, Attention Chief, Branch of Health Research" and substituting therefor "Approval and Testing, Pittsburgh Technical Support Center, 4800 Forbes Avenue, Pittsburgh, Pa. 15213".

§ 33.6 [Amended]

5. Section 33.6(a) is amended as follows:

(a) The words "the Bureau" are deleted and "MESA" substituted therefor.

(b) The words "United States Bureau of Mines" are deleted and "U.S. Mining Enforcement and Safety Administration" substituted therefor.

(c) The words "the Central Experiment Station, Bureau of Mines, 4800 Forbes Avenue, Pittsburgh, Pennsylvania 15213, Attention: Chief, Branch of Health Research" are deleted and "Approval and Testing, Pittsburgh Technical Support Center, 4800 Forbes Avenue, Pittsburgh, Pa. 15213" substituted therefor.

6. Section 33.6(e) is amended by deleting the last sentence reading "One copy of the application shall be marked Attention: Chief, Branch of Electrical-Mechanical Testing."

§ 33.8 [Amended]

7. Section 33.8(a) is amended by deleting the words "only Bureau personnel" and substituting therefor "necessary Government personnel" and by deleting the words "the Bureau" and substituting "MESA" therefor and by deleting the word "sole".

§ 33.11 [Amended]

8. Section 33.11(a) is amended by deleting the words "seal of the Bureau of Mines" and substituting therefor "emblem of the Mining Enforcement and Safety Administration", and by deleting the words "the Bureau" and substituting "MESA" therefor.

9. Section 33.30 is amended to read as follows:

§ 33.30 Test site.

Tests shall be conducted at an appropriate location determined by MESA.

PART 35—FIRE-RESISTANT HYDRAULIC FLUIDS

Part 35 of Chapter I of Title 30, Code of Federal Regulations is amended as follows:

1. In the sections specified below the words "the Bureau of Mines" and "the Bureau" are deleted wherever they appear and "MESA" is substituted therefor, and the words "the Bureau's" are deleted and "MESA's" substituted therefor:

Secs.	Secs.
35.2(c)	35.9(b)
35.4	35.10(e)
35.5(b)	35.11
35.5(d) item 4	35.12
35.6(f)	35.12(b)
35.9(a)	35.13

§ 35.2 [Amended]

2. Paragraph (b) of § 35.2 is deleted and the following is substituted therefor:

(b) "MESA" means the United States Department of the Interior, Mining Enforcement and Safety Administration.

§ 33.5 [Amended]

3. Section 35.3 is amended by deleting the words "the Bureau's Central Experiment Station" and substituting therefor "Approval and Testing, Pittsburgh Technical Support Center" and by deleting the word "Bureau" and substituting "MESA" therefor.

§ 35.6 [Amended]

4. Section 35.6(a) is amended as follows:

(a) The words "the Bureau" are deleted and "MESA" substituted therefor.

(b) The words "United States Bureau of Mines" are deleted and the words "U.S. Mining Enforcement and Safety Administration" are substituted therefor.

(c) The words "The Central Experiment Station, Bureau of Mines, 4800 Forbes Avenue, Pittsburgh, Pennsylvania 15213, Attention: District Supervisor, Health and Safety District B" are deleted and the words "Approval and Testing, Pittsburgh Technical Support Center, 4800 Forbes Avenue, Pittsburgh, Pa. 15213" are substituted therefor.

5. Section 35.6(g) is amended by deleting the words "the Bureau" and substituting "MESA" therefor, and by deleting the words "the Central Experiment Station, Bureau of Mines" and substituting therefor "Approval and Testing, Pittsburgh Technical Support Center."

§ 35.8 [Amended]

6. Section 35.8 is amended by deleting the words "only Bureau personnel" and substituting therefor the words "necessary Government personnel" and by deleting the words "the Bureau" and substituting "MESA" therefor, and by deleting the word "sole."

§ 35.10 [Amended]

7. Section 35.10(a) is amended by deleting the words "seal of the Bureau of Mines" and substituting therefor the words "emblem of the Mining Enforcement and Safety Administration" and by deleting the initials "U.S.B.M." and substituting therefor "MESA".

PART 36—MOBILE DIESEL-POWERED TRANSPORTATION EQUIPMENT FOR GASSY NONCOAL MINES AND TUNNELS

Part 36 of Chapter I of Title 30, Code of Federal Regulations is amended as follows:

1. In the sections specified below the words "the Bureau of Mines" and "the

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Bureau" are deleted wherever they appear and "MESA" is substituted therefor, and the words "the Bureau's" are deleted and "MESA's" substituted therefor:

Secs.	Secs.
36.2(d)	36.25(d) (1)
36.5	36.25(e)
36.6(b) (6)	36.25(f) (1)
36.6(c)	36.26(a)
36.6(d)	36.26(b)
36.6(f)	36.26(c)
36.6(g)	36.27(c)
36.7(a) item 16	36.29
36.9(b)	36.33(a)
36.10(a)	36.33(b)
36.11(b)	36.33(c)
36.12	36.41
36.12(b)	36.43(a)
36.13	36.43(b)
36.20(a)	36.44(a)
36.21	36.45(b)
36.23(d)	36.46(b)
36.24(a)	36.46(c)
36.25(b) (3)	36.48(a)
36.25(c) (1)	36.48 (Note)
36.26(c) (2)	36.49

§ 36.2 [Amended]

2. Paragraph (c) of § 36.2 is deleted and the following is substituted therefor:

(c) "MESA" means the United States Department of the Interior, Mining Enforcement and Safety Administration.

§ 36.3 [Amended]

3. Section 36.3 is amended by deleting the words "the Bureau of Mines" and substituting therefor "Approval and Testing, Pittsburgh Technical Support Center" and by deleting the word "Bureau" and substituting "MESA" therefor.

§ 36.6 [Amended]

4. Section 36.6(a) is amended as follows:

(a) The words "the Bureau" are deleted and "MESA" substituted therefor.

(b) The words "United States Bureau of Mines" are deleted and the words "U.S. Mining Enforcement and Safety Administration" are substituted therefor.

(c) the words "the Bureau of Mines, 4800 Forbes Avenue, Pittsburgh, Pennsylvania 15213, Attention: Chief, Branch of Electrical-Mechanical Testing" are deleted and the words "Approval and Testing, Pittsburgh Technical Support Center, 4800 Forbes Avenue, Pittsburgh, Pa. 15213" are substituted therefor.

§ 36.7 [Amended]

5. Section 36.7(b) is amended by deleting the words "the Bureau of Mines, 4800 Forbes Avenue, Pittsburgh, Pennsylvania 15213. Attention: Chief, Branch of Electrical-Mechanical Testing" and substituting therefor "Approval and Testing, Pittsburgh Technical Support Center, 4800 Forbes Avenue, Pittsburgh, Pa. 15213."

§ 36.9 [Amended]

6. Section 36.9(a) is amended by deleting the words "only Bureau personnel" and substituting therefor the words" necessary Government personnel" and by deleting the words "the Bureau" and substituting "MESA" therefor, and by deleting the word "sole."

§ 36.11 [Amended]

7. Section 36.11(a) is amended by deleting the words "seal of the Bureau of Mines" and substituting therefor the words "emblem of the Mining Enforcement and Safety Administration."

8. Section 36.40 is amended to read as follows:

§ 36.40 Test site.

Tests shall be conducted at MESA's Diesel Testing Laboratory, Bruceton, Pennsylvania, or other appropriate place(s) determined by MESA.

[FR Doc.74-14874 Filed 6-27-74;8:45 am]

SUBCHAPTER O—COAL MINE HEALTH AND SAFETY

PART 77—MANDATORY SAFETY STANDARDS, SURFACE COAL MINES AND SURFACE WORK AREAS OF UNDERGROUND COAL MINES

Rollover Protective Structures (ROPS) and Falling Object Protective Structures (FOPS) for Mobile Equipment

Background. Pursuant to the authority contained in section 101(a) of the Federal Coal Mine Health and Safety Act of 1969, as amended (83 Stat. 745; 30 U.S.C. 811(a)), there was published in the FEDERAL REGISTER for October 9, 1973 (38 FR 27841) a notice proposing to amend § 77.403 and to add a new § 77.403a to Part 77, Subchapter O, Chapter I, Title 30, Code of Federal Regulations, pertaining to falling object protective structures (FOPS) and rollover protective structures (ROPS) for mobile equipment.

Written objections were timely filed with MESA stating the grounds for objections and requesting a public hearing on proposed amendments to § 77.403 and new § 77.403a. In accordance with section 101(f) of the Act, a notice of objections filed and hearing requested was published in the FEDERAL REGISTER for February 19, 1974 (39 FR 6118).

Following this notice, there was published in the FEDERAL REGISTER on March 6, 1974 (39 FR 8618), a notice of public hearing to be held for the purpose of receiving relevant evidence on the following issues:

(1) Whether forklift trucks should be required to be fitted with ROPS and FOPS.

(2) Whether mobile equipment manufactured before July 1, 1969 shall be required to be retrofitted with ROPS no later than 28 months after the effective date of § 77.403a.

(3) Whether the reference in § 77.403 to "substantial" FOPS should be clarified.

(4) Whether the reference in § 77.403a to "haulage vehicles" should be clarified.

(5) Whether the Department's standards should deviate from those of the Occupational Safety and Health Administration (OSHA), Corps of Engineers, or State of California, or whether such standards should be uniform.

The public hearing was held on April 5, 1974, in the Main Auditorium of the United States Department of the Interior. Presentations were made by the following organizations: Mining Enforcement and Safety Administration, United Mine Workers of America, Industrial Truck Association, Bituminous Coal Operators Association, Peabody Coal Company, Western Pennsylvania Surface Coal Mine Operators Association, Inc., Construction Industry Manufacturers Association, Associated Equipment Distributors, American Road Builders' Association, International Harvester Co., and the U.S. Army Corps of Engineers. The record was held open for twenty-one days from April 5, 1974, to permit submission of additional data and information.

A verbatim transcript of the hearing together with data and information submitted is available for public inspection in the Office of the Assistant Administrator, Coal Mine Health and Safety, MESA, Department of the Interior, Washington, D.C. 20240.

Findings. Section 101(g) of the Act (83 Stat. 747; 30 U.S.C. 811(g)), provides, in part, that within 60 days after completion of any public hearing on proposed mandatory safety standards, the Secretary of the Interior shall make findings of fact which shall be public. On the basis of the evidence received in written comments and objections and submitted at the public hearing, it is found that:

1. Rollovers and falling objects have been a prime cause of injuries and fatalities in surface coal mines and surface work areas of underground coal mines. During 1972 and 1973, twenty rollover and falling object fatalities occurred in surface coal mines and surface work areas of underground coal mines, and these fatalities were 30 percent of the total fatalities which occurred in such areas.

2. Fatalities and serious injuries to operators of mobile equipment in surface coal mines and surface work areas of underground coal mines will be significantly reduced by the installation of ROPS and FOPS.

3. All mobile equipment required to be provided with ROPS by § 77.403a is also required to be provided with seat belts which must be used as provided by § 77.1710(i). The protection provided by ROPS is only fully utilized when an equipment operator is using a seat belt. Therefore, that requirement is reiterated in § 77.403a(g).

4. Forklift or powered industrial trucks are designed and constructed in such a manner that rollovers are restricted by the vertical lifting mast.

5. Forklift or powered industrial truck operators are susceptible to injury from falling objects and such injury can be minimized by requiring falling object protective structures meeting the State of California, Division of Industrial Safety, General Industry Safety Orders, Register 72, Number 6, February 8, 1972, Article 25, Part 3655.

6. Most haulage vehicle cabs are mounted on stress-relieved frames that will not accommodate ROPS. No specifications for haulage vehicle FOPS and ROPS presently exist. In view of the fact that practical technology is not presently available to design and construct ROPS and FOPS for haulage vehicles, the requirements of ROPS and FOPS as to those vehicles are deleted from §§ 77.403 and 77.403a pending further study and until further notice is given pursuant to section 101 of the Act.

7. MESA has an independent responsibility under the Coal Mine Health and Safety Act of 1969 to protect the health and safety of the Nation's coal miners by improving the mandatory health and safety standards. Deviations adopted by MESA from OSHA, State of California, Corps of Engineers and Bureau of Reclamation standards are adopted to improve health and safety.

8. Practical technology is available to design and construct ROPS for pre-July 1, 1969 equipment, but there is evidence that some machine frames are not sufficient to support ROPS in event of a rollover. Therefore, the installation of ROPS on equipment manufactured before July 1, 1969, will not be required and accordingly such requirement is deleted pending further study and until further notice is given pursuant to section 101 of the Act.

9. If an authorized representative of the Secretary determines that a particular piece of mobile equipment, regardless of date of manufacture, is being operated so as to present an imminent danger, he retains the authority to issue a withdrawal order under section 104 of the Act.

10. Although § 77.403a(c) specifies time periods for installation of ROPS on mobile equipment, if an authorized representative of the Secretary determines that a ROPS is necessary to protect the life of the operator of the equipment, he may require by written notification a ROPS to be installed on such equipment by a specified earlier date.

11. "Substantial" ROPS can protect operators from hazards of falling objects. The SAE J 231 specification is "substantial" for the purposes of mobile equipment to which it is applicable. Structures affording equivalent protection to the operator from falling objects shall also be considered "substantial" by the duly authorized representative.

12. Certification of the design of ROPS is necessary to insure that the structures will withstand the loads to which they might be exposed. Labeling by the ROPS manufacturer, or designer or a written certification by a registered professional engineer that the ROPS complies with the specifications will meet the certification requirements of § 77.403a(d) and thereby insure competent design and allow for inspection of MESA inspectors.

13. Installation of ROPS in accordance with the manufacturer's or designer's instruction is required by § 77.403a (d) and certification of proper installation is therefore not required.

Based on evidence received in written comments and objections and at the public hearing of April 5, 1974, and in view of the foregoing reasons and facts, it is determined to modify the rollover protective structures and falling object protective structures standards for mobile equipment in surface coal mines and surface work areas of underground coal mines as proposed in the FEDERAL REGISTER for October 9, 1973 (38 FR 27841), by amending and revising §§ 77.403 and 77.403a as set forth below and by adding a new § 77.403b which incorporates certain publications by reference.

Effective date. This amendment shall be effective on September 1, 1974.

C. K. MALLORY,
Deputy Assistant Secretary of the Interior.

JUNE 25, 1974.

Part 77, Subchapter O, Chapter I, Title 30, Code of Federal Regulations, is hereby amended by revising § 77.403 and adding new §§ 77.403a and 77.403b to read as follows:

§ 77.403 Mobile equipment; falling object protective structures (FOPS).

(a) When necessary to protect the operator of the equipment, all rubber-tired or crawler-mounted self-propelled scrapers, front-end loaders, dozers, graders, loaders, and tractors, with or without attachments, that are used in surface coal mines or the surface work areas of underground coal mines shall be provided with substantial falling object protective structures (FOPS). FOPS which meet the requirements of the Society of Automotive Engineers (SAE) Standard J 231 shall be considered to be a "substantial" FOPS. An authorized representative of the Secretary may approve a FOPS which provides protection equivalent to SAE J 231.

(b) When necessary to protect the operator of the equipment, forklift or powered industrial trucks shall be provided with substantial FOPS. Such FOPS shall meet the requirements of the State of California, Division of Industrial Safety, General Safety Orders, Register 72, Number 6, February 8, 1972, Article 25, Section 3655—"Overhead Guards for High-Lift Rider Trucks."

§ 77.403a Mobile equipment; rollover protective structures (ROPS).

(a) All rubber-tired or crawler-mounted self-propelled scrapers, front-end loaders, dozers, graders, loaders, and tractors, with or without attachments, that are used in surface coal mines or the surface work areas of underground coal mines shall be provided with rollover protective structures (hereinafter referred to as ROPS) in accordance with the requirements of paragraphs (b) through (f) of this section, as applicable.

(b) *Mobile equipment manufactured on and after September 1, 1974.* All mobile equipment described in paragraph (a) of this section manufactured on and after September 1, 1974 shall be equipped with ROPS meeting the requirements of the Department of Labor specified in §§ 1926.1001 and 1926.1002 of Part 1926, Title 29, Code of Federal Regulations—Safety and Health Regulations for Construction.

(c) *Mobile equipment manufactured prior to September 1, 1974.* All mobile equipment described in paragraph (a) of this section manufactured prior to September 1, 1974 shall be equipped with ROPS meeting the requirements of paragraphs (d) through (f) of this section, as appropriate, no later than the dates specified in paragraphs (1), (2), and (3) of this paragraph (c), unless an earlier date is required by an authorized representative of the Secretary under paragraph (c) (4) of this section:

(1) Mobile equipment manufactured between July 1, 1971, and September 1, 1974, shall be equipped with ROPS no later than March 1, 1975.

(2) Mobile equipment manufactured between July 1, 1970, and June 30, 1971, shall be equipped with ROPS no later than July 1, 1975.

(3) Mobile equipment manufactured between July 1, 1969, and June 30, 1970, shall be equipped with ROPS no later than January 1, 1976.

(4) Irrespective of the time periods specified in paragraph (c) (1) through (3) of this section an authorized representative of the Secretary may require such mobile equipment to be equipped with ROPS at an earlier date when necessary to protect the operator of the equipment under the conditions in which the mobile equipment is, or will be operated. The authorized representative of the Secretary shall in writing advise the operator that the equipment shall be equipped with a ROPS and shall fix a time within which the operator shall provide and install the ROPS. If such ROPS is not provided and installed within the time fixed a notice shall be issued to the operator pursuant to section 104 of the Act.

(5) Nothing in this § 77.403a shall preclude the issuance of a withdrawal order because of imminent danger.

(d) Except as provided in paragraph (e) of this section, mobile equipment described in paragraph (a) of this section, manufactured prior to September 1, 1974, shall be deemed in compliance with this section if the ROPS is installed in accordance with the recommendations of the ROPS manufacturer or designer. The coal mine operator shall exhibit certification from the ROPS manufacturer or designer in the form of a label attached to the equipment, indicating the manufacturer's or fabricator's name and address, the ROPS model number, if any, the machine make, model or series number that the structure is designed to fit, and compliance with the applicable specification listed in paragraph (c) (1) or (2) of this section, or he shall, upon request of the authorized representative of the Secretary, furnish certification from a registered professional engineer that:

(1) The ROPS complies with the Society of Automotive Engineers (SAE) Standard J 397, "Critical Zone—Characteristics and Dimensions for Operators

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of Construction and Industrial Machinery" or SAE J 397a, "Deflection Limiting Volume for Laboratory Evaluation of Rollover Protective Structures (ROPS) and Falling Object Protective Structures (FOPS) of Construction and Industrial Vehicles" and the following applicable SAE Standards:

(i) J 320a, "Minimum Performance Criteria for Rollover Protective Structure for Rubber-Tired Self-Propelled Scrapers" or J 320b, "Minimum Performance Criteria for Rollover Protective Structures for Prime Movers"; or

(ii) J 394, "Minimum Performance Criteria for Rollover Protective Structure for Rubber-Tired Front-End Loaders and Rubber-Tired Dozers" or J 394a, "Minimum Performance Criteria for Rollover Protective Structures for Wheeled Front-End Loaders and Wheeled Dozers"; or

(iii) J 395, "Minimum Performance Criteria for Rollover Protective Structure for Crawler Tractors and Crawler-Type Loaders" or J 395a, "Minimum Performance Criteria for Rollover Protective Structures for Track-Type Tractors and Track-Type Front-End Loaders"; or

(iv) J 396 or J 396a, "Minimum Performance Criteria for Rollover Protective Structures for Motor Graders"; or

(v) J 167, "Protective Frame with Overhead Protection—Test Procedures and Performance Requirements"; or

(vi) J 334a, "Protective Frame Test Procedures and Performance Requirements"; or

(2) The ROPS and supporting attachments will:

(i) Show satisfactory performance by actual test of a prototype involving a roll of 720° or more; or

(ii) Support not less than the weight of the vehicle applied as a uniformly distributed horizontal load at the top of the structure and perpendicular to a vertical plane through the longitudinal axis of the prime mover, and support two times the weight of the vehicle applied as a uniformly distributed vertical load to the top of the structure; [1] or

(iii) Support the following separately applied minimum loads:

(A) 125 percent of the weight of the vehicle applied as a uniformly distributed horizontal load at the top of the ROPS and perpendicular to a critical plane through the longitudinal axis of the prime mover; and

(B) A load of twice the weight of the vehicle applied as a uniformly distributed vertical load to the top of the ROPS after complying with subdivision (iii) (A) of this subparagraph. Stresses shall not exceed the ultimate strength. Steel used in the ROPS must have capability to perform at 0° F., or exhibit Charpy V-notch impact strength at 8 ft.-lb. at −20° F. with a standard Charpy V-notch Type A specimen and provide 20 percent elongation over two inches in a standard two inch gauge length on a 0.505 inch diameter tensile specimen. Bolts and nuts shall be SAE grade 8 (reference SAE J 429d, J 429e, J 429f or J 429g and J 995, J 995a or J 995b).

(e) *Mobile equipment manufactured prior to September 1, 1974 meeting certain existing governmental requirements for ROPS.* Mobile equipment described in paragraph (a) of this section, manufactured prior to September 1, 1974 and already equipped with ROPS, shall be deemed in compliance with this section if it meets the ROPS requirements of the State of California, the U.S. Army Corps of Engineers, the Bureau of Reclamation of the U.S. Department of the Interior in effect on April 5, 1972, or the Occupational Safety and Health Administration, U.S. Department of Labor. The requirements in effect are:

(1) State of California: Construction Safety Orders 1591(1), 1596, and Logging and Sawmill Safety Order 5243, issued by the Department of Industrial Relations pursuant to Division 5, Labor Code § 6312, State of California;

(2) U.S. Army Corps of Engineers: Safety—General Safety Requirements, EM–385–1–1 (March 1967);

(3) Bureau of Reclamation, U.S. Department of the Interior: Safety and Health Regulations for Construction, Part II (September 1971); and

(4) Occupational Safety and Health Administration, U.S. Department of Labor: Safety and Health Regulations for Construction, 29 C.F.R. 1926.1001 and 1926.1002.

(f) Field welding on ROPS shall be performed by welders who are certified by the coal mine operator or equipment distributor as being qualified in accordance with the American Welding Society Structural Welding Code AWS D1.1–73, or Military Standard MIL–STD 248, or the equivalent thereof.

(g) Seat belts required by § 77.1710(i) shall be worn by the operator of mobile equipment required to be equipped with ROPS by § 77.403a.

§ 77.403b Incorporation by reference.

In accordance with 5 U.S.C. 552(a), the publications to which references are made in §§ 77.403 and 77.403a and which have been prepared by organizations other than the Mining Enforcement and Safety Administration (MESA), are hereby incorporated by reference and made a part hereof. The incorporated publications are available at each Coal Mine Health and Safety District and Subdistrict Office of MESA. The U.S. Army Corps of Engineers, Safety—General Safety Requirements and the Occupational Safety and Health Administration regulations are also available from the U.S. Government Printing Office, Washington, D.C. 20402. Bureau of Reclamation Safety and Health Regulations for Construction are available from the Bureau of Reclamation, Division of Safety, Engineering and Research Center, Denver, Colorado. SAE documents are available from the Society of Automotive Engineers, Inc., Two Pennsylvania Plaza, New York, N.Y. 10001. American Welding Society Structural Welding Code D1.1–73 is available from the American Welding Society, Inc., 2501 NW 7th Street, Miami, Florida 33125. Military Standard MIL–STD 248 is available from the U.S. Government Printing Office, Washington, D.C. 20202.

[FR Doc.74–14890 Filed 6–27–74;8:45 am]

[1] Paragraph (d) or section 77.403a is based on the ROPS criteria of the U.S. Army Corps of Engineers, Safety—General Safety Requirements EM 385–1–1, Change 1, No. 21, Para. 18.A.20 (March 27, 1972), except that subparagraph (2)(ii) of this paragraph (d) is substituted for Para. 18.A.20e(2) of the Corps requirements.

CHAPTER VI—BUREAU OF MINES, DEPARTMENT OF THE INTERIOR

ESTABLISHMENT OF NEW CHAPTER

CROSS REFERENCE: For a document establishing a new 30 CFR Chapter VI, *see* FR Doc. 74–14874, *supra*.

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 73–100R]

PART 90—PILOT RULES FOR THE GREAT LAKES AND INLAND WATERS

Lights and Day Signals; Passing a Floating Plant, Pilot Vessels; Correction

In FR Doc. 74–7288 appearing at pages 11541–11543 in the issue for Friday, March 29, 1974, the sentence "Sections 90.22 through 90.30 grouped under the centerhead entitled Miscellaneous are redesignated as §§ 90.38 through 90.46 and grouped under the same centerhead." that appears on page 11541 in paragraph two under the title "Part 90, Pilot Rules For The Great Lakes" should read "Sections 90.22, 90.23, 90.24, 90.25 and 90.30 grouped under the centerhead entitled Miscellaneous are redesignated as §§ 90.38, 90.39, 90.40, 90.41 and 90.46 respectively and grouped under the same centerhead."

Dated: June 20, 1974.

O. W. SILER,
Admiral, U.S. Coast Guard,
Commandant.

[FR Doc.74–14882 Filed 6–27–74;8:45 am]

Title 39—Postal Service

CHAPTER I—UNITED STATES POSTAL SERVICE

Miscellaneous Amendments to Chapter

Correction

In FR Doc. 74–13740 appearing at page 20970 of the issue for Monday, June 17, 1974, make the following changes:

1. In the penultimate line of the "Exceptions" paragraph of § 158.4, "shall be out-" should read "shall be as out-".

2. Paragraph (a) of § 162.3 should read as follows:

(a) *Restricted Delivery.* Restricted delivery may be obtained as set forth in § 165.3 of this chapter and by the payment of additional fees as provided in § 165.3(b). For circumstances under which *Deliver to Addressee Only* restricted delivery will not be furnished, see § 165.3(d)(1).

3. In § 165.2(d)(1), the paragraph beginning "(i) The clearing clerk" should be designated as paragraph (ii).

4. In the third line of § 165.3(c), "paragraph (d)(1)" should read "paragraph (d)(1)".

Title 41—Public Contracts and Property Management

CHAPTER 1—FEDERAL PROCUREMENT REGULATIONS

Employment Under Government Contracts

This amendment of the Federal Procurement Regulations changes the policies and procedures in Subpart 1–12.2, Convict Labor. The policies and procedures in the FPR previously have reflected the requirements of the Act of February 23, 1887 (18 U.S.C. 436), P.L. 89–176, September 10, 1965 (18 U.S.C. 4082(c)(2)), and Executive Order 325A, May 18, 1905. On December 29, 1973, Executive Order 11755 was issued which changed the procedures under which prison labor could be employed in the performance of Government contracts. The changes permit the employment in the performance of Federal contracts of persons who are confined for violation of the laws of any of the States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, or the Trust Territory of the Pacific Islands and who are authorized to work at paid employment in the community under terms and conditions that are comparable to those that previously have been applicable to inmates under Federal sentence. In addition, the contract clause no longer includes a reference to hard labor.

[FPR Amdt. 128]

PART 1–7—CONTRACT CLAUSES

Subpart 1–7.1—Fixed-Price Supply Contracts

Section 1–7.103–5 is revised to read as follows:

§ 1–7.103–5 Convict labor.

Insert the clause set forth in § 1–12.204 under the conditions prescribed in § 1–12.203.

Subpart 1–7.2—Cost-Reimbursement Type Supply Contracts

Section 1–7.202–15 is revised to read as follows:

§ 1–7.202–15 Convict labor.

Insert the clause set forth in § 1–12.204 under the conditions prescribed in § 1–12.203.

Subpart 1–7.7—Transportation Contracts

Section 1–7.703–10 is revised to read as follows:

§ 1–7.703–10 Convict labor.

Insert the clause set forth in § 1–12.204.

Part 1–12—Labor

The table of contents for Part 1–12 is amended to prescribe new and revised entries as follows:

Subpart 1–12.2—Convict Labor

Sec.
1–12.200 Scope.
1–12.201 General.
1–12.202 Basic requirement.
1–12.203 Applicability.
1–12.204 Contract clause.

AUTHORITY: Sec. 205(c), 63 Stat. 390 (40 U.S.C. 486(c)).

Subpart 1–12.2—Convict Labor

1. Section 1–12.200 is added to read as follows:

§ 1–12.200 Scope.

This subpart prescribes policies and procedures regarding the employment of prison inmates in the performance of Government contracts.

2. Section 1–12.201 is revised to read as follows:

§ 1–12.201 General.

(a) Executive Order 11755, December 29, 1973, states as follows: "The development of the occupational and educational skills of prison inmates is essential to their rehabilitation and to their ability to make an effective return to free society. Meaningful employment serves to develop those skills. It is also true, however, that care must be exercised to avoid either the exploitation of convict labor or any unfair competition between convict labor and free labor in the production of goods and services."

(b) The Act of February 23, 1887 (18 U.S.C. 436), provided that all officers or agents of the United States were as a matter of public policy forbidden, under appropriate penalties, to hire or contract out the labor of any criminals who might thereafter be confined in any prison, jail, or other place of incarceration for the violation of any laws of the Government of the United States.

(c) Public Law 89–176 (18 U.S.C. 4082(c)(2)) empowers the Attorney General to authorize Federal prisoners to work at paid employment in the community during their terms of imprisonment under conditions that protect against both the exploitation of convict labor and unfair competition with free labor.

3. Section 1–12.202 is revised to read as follows:

§ 1–12.202 Basic requirement.

Pursuant to the policy originally set forth in the Act of February 23, 1887, and in accordance with the requirements of Executive Order 11755, all contracts involving the use of appropriated funds which shall hereafter be entered into by any department or agency of the Executive branch for performance in any State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, or the Trust Territory of the Pacific Islands shall, unless otherwise provided by law, contain a clause forbidding, in the performance of such contracts, the employment of persons undergoing sentences of imprisonment which have been imposed by any Federal Court or court of a State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, or the Trust Territory of the Pacific Islands.

4. Section 1–12.203 is revised to read as follows:

§ 1–12.203 Applicability.

(a) The requirement in § 1–12.202 applies, except as stated in this § 1–12.203, to all contracts where performance involves the employment of labor within any State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, or the Trust Territory of the Pacific Islands.

(b) The requirement does to apply to contracts:

(1) Subject to the provisions of the Walsh-Healey Public Contracts Act (see Subpart 1–12.6) which contains its own requirement that "no convict labor will be employed by the contractor in the manufacture or production or furnishing of any of the materials, supplies, articles, or equipment included in such contract" (As interpreted by the Secretary of Labor, the term convict labor does not prohibit the employment of Federal or State prisoners on (i) parole, (ii) probation, or (iii) employed under work release programs, meeting the same conditions applicable to the Federal program.);

(2) For the purchase of supplies or services from Federal Prison Industries, Inc.; or

(3) For the purchase from any State prison of finished supplies which may be secured in the open market or from existing stocks as distinguished from supplies requiring special fabrication.

(c) The requirement does not prohibit the employment by a contractor in the performance of such contracts of:

(1) Persons on parole or probation to work at paid employment during the term of their sentence;

(2) Persons who have been pardoned or who have served their terms; or

(3) Federal prisoners authorized by the Attorney General under 18 U.S.C. 4082(c)(2) to work at paid employment in the community during the term of their imprisonment if:

(i) The worker is paid or is in an approved work training program on a voluntary basis;

(ii) Representatives of local union central bodies or similar labor union organizations have been consulted;

(iii) Such paid employment will not result in the displacement of employed workers, or be applied in skills, crafts, or trades in which there is a surplus of available gainful labor in the locality, or impair existing contracts for services; and

(iv) The rates of pay and other conditions of employment will not be less than those paid or provided for work of a similar nature in the locality in which the work is being performed.

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(4) Non-Federal prisoners under the conditions provided in § 1–12.203(c)(3) where the Attorney General has certified that the work release laws or regulations of the jurisdiction are in conformity with the requirements of Executive Order 11755. The order also provides that after notice and opportunity for hearing, the Attorney General shall revoke any such certification if he finds that the work-release program of the jurisdiction involved is not being conducted in conformity with the requirements of Executive Order 11755 or with its intent or purpose.

5. Section 1–12.204 is added to prescribe the contract clause required by this subpart, as follows:

§ 1–12.204 Contract clause.

The contract clause required is as follows:

CONVICT LABOR

In connection with the performance of work under this contract, the Contractor agrees not to employ any person undergoing sentence of imprisonment except as provided by Public Law 89–176, September 10, 1965 (18 U.S.C. 4082(c)(2)) and Executive Order 11755, December 29, 1973.

PART 1–16—PROCUREMENT FORMS

Subpart 1–16.1—Forms For Advertised Supply Contracts

Section 1–16.101(c) is amended as follows:

§ 1–16.101 Contract forms.

* * * * *

(c) General Provisions (Supply Contract) (Standard Form 32, November 1969 edition). Pending the publication of a new edition of the form, the Examination of Records by Comptroller General clause prescribed by § 1–7.103–3 shall be substituted for the provision entitled Examination of Records in Article 10, the Convict Labor clause prescribed by § 1–12.204 shall be substituted for the Convict Labor clause in Article 15, the Utilization of Labor Surplus Area Concerns clause prescribed by § 1–1.805–3(a) shall be substituted for the provision entitled Utilization of Concerns in Labor Surplus Areas in Article 22, and the Payment of Interest on Contractors' Claims clause set forth in § 1–1.322(b), the Utilization of Minority Business Enterprises clause set forth in § 1–1.1310–2(a), the Pricing of Adjustments clause set forth in § 1–7.102–20, and the Listing of Employment Openings clause set forth in § 1–12.1102–2 shall be added as additional articles of the General Provisions.

* * * * *

Subpart 1–16.4—Forms for Advertised Construction Contracts

Section 1–16.401 is amended as follows:

§ 1–16.401 Forms prescribed.

* * * * *

(h) General Provisions (Construction Contract) (Standard Form 23–A, October 1969 edition). Pending the publication of a new edition of the form, the Convict Labor clause prescribed by § 1–12.204 shall be substituted for the Convict Labor clause in Article 20, and the Payment of Interest on Contractors' Claims clause set forth in § 1–1.322(b), the Utilization of Minority Business Enterprises clause set forth in § 1–1.1310–2(a), the Pricing of Adjustments clause set forth in § 1–7.602–12; and the Listing of Employment Openings clause set forth in § 1–12.1102–2 shall be added as additional articles of the General Provisions.

Effective date. This amendment is effective July 22, 1974, but may be observed earlier.

Dated: June 18, 1974.

ARTHUR F. SAMPSON,
Administrator of General Services.

[FR Doc.74–14833 Filed 6–27–74;8:45 am]

CHAPTER 3—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 3–1—GENERAL

Organizational Changes

Correction

In FR Doc. 74–14295 appearing on page 22265 of the issue for Friday, June 21, 1974, the fourth line of § 3–1.704–1 which reads "small business programs,[1] and represent-" should read "small business program. Within the".

CHAPTER 101—FEDERAL PROPERTY MANAGEMENT REGULATIONS

SUBCHAPTER E—SUPPLY AND PROCUREMENT

[FPMR Amdt. E–144]

PART 101–25—GENERAL

Subpart 101–25.1—General Policies

PART 101–26—PROCUREMENT SOURCES AND PROGRAMS

Subpart 101–26.3—Procurement of GSA Stock Items

Subpart 101–26.5—GSA Procurement Programs

REVISED CRITERIA

This amendment (1) provides revised criteria for obtaining filing cabinets and (2) changes the point of contact for GSA assistance in selection of furniture and furnishings.

The table of contents for Part 101–25 is amended to read as follows:

§ 101–25.104.2 [Reserved]

Section 101–25.104–2 is deleted and reserved to read as follows:

§ 101–25.104–2 [Deleted]

Section 101–26.308 is revised to read as follows:

§ 101–26.308 Obtaining filing cabinets.

Each agency head, after taking actions prescribed in § 101–25.302–2, shall determine agency requirements for filing cabinets. When additional filing cabinets are to be obtained, requisitions shall be submitted in FEDSTRIP/MILSTRIP format by the ordering activity to the appropriate servicing GSA regional office.

Section 101–26.505–7 is revised to read as follows:

§ 101–26.505–7 GSA assistance in selection of furniture and furnishings.

The Customer Service Director in each GSA regional office will, upon request, furnish agencies with information on the types, styles, finishes, coverings, and colors of office and household furniture and furnishings available through the GSA purchase program. (See § 101–26.506.)

(Sec. 205(c), 63 Stat. 390; (40 U.S.C. 486(c)).)

Effective date. This regulation is effective June 28, 1974.

Dated: June 19, 1974.

ARTHUR F. SAMPSON,
Administrator of General Services.

[FR Doc.74–14818 Filed 6–27–74;8:45 am]

Title 46—Shipping

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER O—CERTAIN BULK DANGEROUS CARGOES

[CGD 72–80]

PART 154—SPECIAL INTERIM REGULATIONS FOR ISSUANCE OF LETTERS OF COMPLIANCE

Letters of Compliance

The purpose of the amendments in this document is to amend the effective date of the requirements for certain cargoes which are listed in table I of Annex A to this part and which did not previously require a Letter of Compliance in Navigation and Vessel Inspection Circular No. 13–65 dated September 30, 1965.

Due to the large number of foreign vessels seeking to comply with the provisions of Part 154 and a continued shortage of Coast Guard personnel to handle the increased workload, it will not be possible prior to July 1, 1974 to complete processing of all foreign vessels currently applying for new or amended Letters of Compliance. In order to minimize the interruption of vessel operation and to permit a smooth implementation of the requirements of Part 154 by the Coast Guard, extension of the effective date to January 1, 1975 is considered essential for certain cargoes not previously requiring a Letter of Compliance.

The amendments in this document set forth three different effective dates. The cargoes in Table I of Annex A to this part are separated into three groups each of which has a different effective date. Since enumeration of the effective dates is made in the body of this part and since this enumeration is lengthy, it is not practical to restate these dates under the last paragraph of Part 154 entitled "Effective Date". Accordingly, the last paragraph entitled "Effective Date" has been simplified to read "The regulations in this part are effective on June 15, 1973. This date reflects the date on which Part 154 as a whole became effective. The specific effective dates as they relate to different cargoes are contained within the body of Part 154.

Also, the submission of additional data followed by the review of the properties of certain cargoes has shown them to be not as hazardous as initially indicated. These cargoes are to be removed from the list of cargoes requiring a Letter of Compliance.

Since these amendments to Part 154 concern rules governing the Coast Guard's procedure and practice, they are exempt from notice and public procedure thereon by 5 U.S.C. 553(b)(3)(A). Additionally, since these amendments to Part 154 impose no additional burden on any person, they may be made effective in less than 30 days in accordance with 5 U.S.C. 553(d).

In consideration of the foregoing, Annex A of Part 154 of Title 46, Code of Federal Regulations is amended as follows:

1. In item 1, entitled "Purpose", by revoking the last sentence of the paragraph that begins "A Letter of Compliance, valid for two years, * * *" and inserting the following two sentences in place thereof:

The requirements for the following cargoes must be met before January 1, 1975:
Acetic Acid
Acetic anhydride
Acrylic acid
Adiponitrile
Aminoethylethanolamine
Ammonium hydroxide (not to exceed 28% NH_3)
Benzene
Benzene, toluene, xylene (crude)
Butyl acrylate (iso-, n-)
Butyraldehyde (iso-, n-) (crude)
Camphor oil
Carbon tetrachloride
Caustic potash solution
Caustic soda solution
Chlorobenzene
Cresols (mixed isomers)
Cyclohexanone
Decyl acrylate (iso-)
Dichlorobenzene (ortho)
Dichloroethyl ether
Diethanolamine
Diethylenetriamine
Diisopropanolamine
Ethyl acrylate (inhibited)
Ethylene cyanohydrin
Ethylenediamine
Ethylene dichloride
2-ethylhexyl acrylate (inhibited)
2-ethyl-3-propyl acrolein
Formaldehyde Solution (37–50%)
Formic Acid
Furfural
2-methyl-5-ethyl pyridine
Monoethanolamine
Monoisopropanolamine
Morpholine
Phosphoric acid
Phthalic anhydride (molten)
Propionic acid
Propionic anhydride
Pyridine
Styrene (inhibited)
Sulfur (molten)
Tetraethylene pentamine
Triethanolamine
Vinyl toluene (meta-, para-)

The requirements for all other cargoes which are included in Table I of Annex A of this part but not referenced in this paragraph are effective on July 1, 1974.

2. By revising the last paragraph, entitled "Effective date" to read as follows:

"The regulations in this part are effective and zinc dialkyl dithiophosphate from Table 1 of Annex A and adding them to tive on June 15, 1973."

3. By striking diphenyl-diphenyl oxide Annex B.

(R.S. 4405, as amended (46 U.S.C. 375), R.S. 4462, as amended (46 U.S.C. 416), Sec. 6(b)(1), 80 Stat. 937 (49 U.S.C. 1655(b)(1)); 49 CFR 1–46(b))

Effective date. These amendments are effective immediately.

O. W. SILER,
Admiral, U.S. Coast Guard,
Commandant.

Title 47—Telecommunication

[FCC 74–632]

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

PART 0—COMMISSION ORGANIZATION

In the matter of amendment of Part 0—statement of organization, delegations of authority and other information reorganization of Office of Chief Engineer.

At a session of the Federal Communications Commission held at its offices in Washington, D.C.;

The Commission having under consideration the re-organization of the Office of Chief Engineer;

It appearing, that the amendments adopted herein would promote greater efficiency and effectiveness in Commission operations; and

It further appearing, that the amendments adopted herein relate to Commission organization and, therefore, compliance with the public notice and rulemaking procedures of the Administrative Procedure Act (5 USC s 553) is not required:

It is ordered, That, effective August 1, 1974, and pursuant to sections 4(f) and (i) and 5(b) of the Communications Act of 1934, as amended, the Office of Chief Engineer is re-organized;

It is further ordered, That pursuant to sections 4(f) and (i) and 5(b) of the Communications Act of 1934, as amended, Part 0 of the Commission's rules and regulations is amended, effective August 1, 1974, as set out below.

(Secs. 4, 5, 303, 307, 43 Stat., as amended, 1066, 1068, 1082, 1083; 47 U.S.C. 154, 155, 303, 307)

Adopted: June 17, 1974.

Released: June 20, 1974.

FEDERAL COMMUNICATIONS COMMISSION.

[SEAL] VINCENT J. MULLINS,
Secretary.

Part 0 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

1. Section 0.32 is revised as follows:

§ 0.32 Units in the Office.

The Office of Chief Engineer is comprised of the following units:

(a) Immediate Office of the Chief Engineer.

(b) International and Operations Division.

(c) Research and Technical Division.

(d) Laboratory Division.

(e) Spectrum Management Task Force.

2. Section 0.33 is revised as follows:

§ 0.33 Immediate Office of Chief Engineer.

The Immediate Office of the Chief Engineer assists the Chief Engineer in planning, directing, coordinating, and executing his functions. The Immediate Office of the Chief Engineer is composed of the Chief Engineer, the Deputy Chief Engineer, a Planning and Coordinating Staff, a Spectrum Allocations Staff and an Administrative Section.

(a) *Plans and coordination staff.* This staff is responsible for developing medium and long range programs for the Office of Chief Engineer (OCE) and evaluating program accomplishments and advises the Chief Engineer of their effectiveness. In carrying out these responsibilities, the staff:

(1) Develops and coordinates overall policies, programs, objectives, and priorities for all programs and activities in consultation with the Divisions and activities of the Office of Chief Engineer; insures that programs are consistent with Commission policies; reviews program performance, accomplishments and effectiveness; recommends changes in policies, programs, objectives and priorities.

(2) Analyzes short and long term technical developments and the impact that predicted growth of existing and new technology will have on the Chief Engineer's mission and workload; develops plans to integrate new and revised requirements for the Divisions and activities into current and future programs.

(3) Develops and evaluates (through such techniques as cost benefit-analysis) alternative engineering techniques; considers potential tradeoffs between various technologies applicable to accomplishing the Chief Engineer's mission; recommends changes in present engineering techniques and organizations which will maximize mission accomplishment under alternative resource allocations.

(4) Recommends legislation and rule changes; reviews legislation and rulemaking proposals initiated by other offices which will have a potential impact on the Office of Chief Engineer programs and operations; determines impact in terms of engineering techniques and organization, workload and resource requirements.

(5) Provides the Chief Engineer with planning projections of future requirements for personnel, technical equipment and real property requirements to support programs.

(6) Maintains liaison with other agencies and communications users on matters concerning program development and evaluation.

(7) Develops and applies techniques for measuring program performance and provides the Chief Engineer with program progress and evaluation reports.

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(8) Assists the Divisions in formulating budget estimates and justifications for approved programs.

(b) *Spectrum Allocations Staff.* This staff is responsible for the conduct of surveys, studies, and proceedings aimed at achieving optimum use of the Spectrum. In carrying out its responsibilities, the staff:

(1) Conducts engineering surveys of the usage being made of frequency bands allocated to the various U.S. radio services throughout the usable spectrum and makes engineering studies directed toward obtaining the most efficient use of the radio spectrum from existing services and to provide for the frequency requirements of new users of radio.

(2) Administers those portions of Part 2 of the Commission's rules dealing with the assignment and use of frequencies and the U.S. Table of Frequency Allocations, including development and initiation of rule making proceedings pertaining to changes in the Table of Frequency Allocations.

(3) Conducts engineering studies, directed toward obtaining the greatest number of usable channels within a given frequency band through the use of the least channel width practical.

(4) Conducts studies and initiates rulemaking to optimize use of the radio spectrum.

(5) Anticipates and develops solutions for future allocations problems.

(6) Accomplishes coordination of frequency allocation problems with the public, with other offices of the Commission and with other government agencies.

3. Section 0.34 and headnote are revised to read as follows:

§ 0.34 Research and Technical Division.

The Research and Technical Division reviews and analyzes technical and scientific data relating to terrestial and space communications; conducts scientific studies in wave propagation, satellite and space communications; studies technical aspects of potential new uses of radio; conducts special projects to obtain theoretical and experimental data on new or improved techniques; develops practical applications for various radio services in consultation with the Bureaus concerned; conducts technical studies of equipment design and performance; and provides Commission representation at national and international conferences.

4. Section 0.35 and headnote are revised to read as follows:

§ 0.35 Laboratory Division.

The Laboratory Division studies new phenomena, proposed new systems, and new equipment looking toward the greater use of radio, the reduction of interference, and the establishment of appropriate rules and regulations; participation in various intergovernmental, national, and international organizations looking toward the standardization of equipment and measuring units and methods as well as the more efficient use of the radio spectrum or the reduction of interference; designs and assembles apparatus for special tests and studies, and performs special tests and studies concerning propagation, equipment or systems, and evaluates the results of such tests or studies with regard to the Commission's problems, often looking toward new or modified rules; acts on application for type approval and makes type approval tests on equipment including those equipments under Parts 15, 18, 73, 81, 83, and 95 of this chapter requiring type approval; acts on applications for type acceptance of equipment and issues lists of type accepted and type approved equipment; acts on applications for advance approval of subscription television technical systems and issues lists of approved subscription television technical systems; conducts technical studies of equipment design and performance; provides information and comments on test procedures and test results to assist in the evaluation of material supporting certifications; conducts specials tests of equipments in connection with the certification and type acceptance programs; designs; develops and constructs equipment for use in connection with other Commission activities; standardizes and calibrates equipment and installations for other Commission activities and makes tests of radio devices for other Government departments and agencies.

5. Section 0.36 and headnote are revised to read as follows:

§ 0.36 International and Operations Division.

The International and Operations Division administers Part 5 of this chapter regulating the Experimental Radio Services; performs engineering and management functions with respect to equipment certifications and the formulation of rules, technical standards and general policy for Parts 15 and 18 of this chapter; reviews patents as they are issued by the Patent Office to determine which patents may dominate radio services regulated by the Commission and notifies the General Counsel as to such findings; provides Commission representation on, and coordination with, the Interdepartment Radio Advisory Committee (IRAC) and, as may be required, on other national and international telecommunication bodies; coordinates frequency allocation policy matters involving government users of radio with the Office of Telecommunications Policy; maintains the Commission's master frequency record of assignments made; notifies United States frequency assignments to the International Frequency Registration Board of the International Telecommunication Union; performs staff functions relating to international communications conferences and agreements having to do with frequency allocation and assignment; and communicates as necessary with administrations in foreign countries, through appropriate channels, concerning matters which relate to assignment of radio frequencies and to control of radio interference.

§ 0.37 [Deleted]

6. Section 0.37 is deleted in its entirety.

[FR Doc.74-14848 Filed 6-27-74;8:45 am]

Title 49—Transportation

CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 1-5; Notice 11]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Brake Hoses

This notice amends Standard No. 106, Brake hoses, 49 CFR 571.106, by modifying the definition of "permanently attached end fitting", the effective date for brake hose assemblies and vehicles, several labeling requirements, and certain tensile strength, constriction, and corrosion resistance requirements, in response to petitions for reconsideration of amendments published January 29, 1974 (39 FR 3680) (Notice 9) and February 26, 1974 (39 FR 7425) (Notice 10). In addition, Toyo Kogyo Company, in a letter request for interpretation, pointed out an inadvertent change of language in Notice 8 (38 FR 31302, November 13, 1973) which is corrected in this notice.

NOTICE 9

Notice 9 amended the standard to permit the use of "a designation that identifies the manufacturer" of an end fitting, hose or hose assembly in place of a manufacturer identification code which the NHTSA is not yet prepared to issue. Any designation which is filed with the NHTSA may be used until the permanent code is implemented. The only comment on Notice 9 was made by Weatherhead Company, which objected to any interim marking on grounds of expense and advocated elimination of all label identification from the hose. The NHTSA considers identification other than a colored thread to be reasonable and necessary for rapid recognition, and Weatherhead's first petition is denied.

Although not raised by Weatherhead in its petition, several assemblers have objected that the manufacturer designation requirement conflicts with the general industry practice of marking hose with the distributor's designation. The NHTSA requirement that the manufacturer designation appear on one side of the hose in the required format does not in any way prevent labeling of hose with the distributor's designation on the opposite side of the hose along with other optional information.

Weatherhead petitioned for revision of the identification requirements to permit designations other than block capital letters and numerals. The necessary language has already been added to the standard in Notice 10.

Weatherhead also requested a modification of the definition of "end fitting" that would exclude end fitting components from the labeling requirements in order to accommodate the practice of assembler intermixing of components made by different manufacturers. Such an exclusion of components, combined with the present exclusion of labeling crimped-on fittings, would eliminate all identification requirements for all fittings. While unlabeled crimped fittings may be traced through the hose assembler's band, "renewable" or reusable fittings must be labeled at least once to permit location of any defective fitting which was attached to new hose and then reused after it passed out of the control of the assembler and the NHTSA. Although the NHTSA does not find labeling of each part of a fitting to be feasible, it does not consider it unduly burdensome for an assembler to ensure that the newly-assembled fitting is composed entirely of parts made by the manufacturer whose designation appears on one part. This also responds to International Harvester's request for interpretation on labeling multi-piece fittings.

NOTICE 10

Notice 10 amended the standard in response to petitions for reconsideration of the regulation as it had been issued in final form November 13, 1973 (38 FR 31302). The twelve petitions for reconsideration of this notice emphasized confusion over the status of hose, fittings, and assemblies manufactured before the effective date, and disagreement with certain labeling requirements and the applicability of the standard to particular hose types and applications.

The use of hose and fittings manufactured before the September 1, 1974, effective date raises two problems. The most difficult of these problems is that the components may not conform to any or all of the performance requirements of Standard 106, and therefore could not be made into assemblies or vehicles after the appropriate effective date. To alleviate this "existing stock" problem, Notice 10 delayed the effective date of the standard for vehicles 4 month to permit the utilization of non-106 components. This did not solve the problem, however, as pointed out by Ford and by White Motor Corporation, because the hose and fittings made immediately before the effective date must be made into assemblies after the effective date before they can be used in vehicles. This notice therefore delays the effective date of the standard for six months as it applies to assemblies. The March 1, 1975, date is set with reference to materials submitted by vehicle and hose and fitting manufacturers that support a delay somewhat longer than 4 months to absorb existing stocks. Because it will take some months to stock inventories with conforming assemblies after March 1, 1975, the effective date of the standard for vehicles is delayed until September 1, 1975.

The delay in effective date for assemblies and vehicles will minimize difficulties in the transition to hose marked with the DOT symbol. This transition problem arises because of the requirement that the DOT appear on conforming hose, fittings, and assemblies, but that it not appear on hose to which no safety standard applies, that is, hose manufactured before the standard's effective date. This principle has been consistently followed in the labeling of tires and other items of motor vehicle equipment to avoid confusion in the meaning of the symbol and the concept of compliance. The problem does not arise in the labeling of hydraulic hose for use in passenger cars because a standard already applies and the DOT symbol can be used to indicate compliance with it.

The difficulty in labeling brake hose with the DOT symbol is not that of a September 1, 1974, "midnight changeover." The problem is that any hose assemblies used in new vehicles must conform to the standard as of the effective date for vehicles. With the present change, the hose and fittings used as original equipment must bear the DOT symbol as of September 1, 1975. The new effective dates provide six months to absorb pre-standard stock in assemblies and then six more months to prepare conforming assemblies for use in 1976 model vehicles. What stock remains can of course be sold in the replacement market.

The greatest number of petitions concerned the applicability of the standard to specific hose types and applications in the vehicle. Three petitions again sought the exclusion of plastic tubing from the standard, stating reasons which have already been responded to in detail in the preamble to Notice 10. The major concern in this area appears to be whether specific tubing assemblies are subject to the high tensile strength tests for "relative motion." This term has raised numerous requests for interpretation, and to make clearer the tensile strength distinction, "relative motion" has been replaced with more specific wording. The new language specifies that hose assemblies (other than coiled nylon tube assemblies which meet the requirements of BMCS Regulations (49 CFR 393.45)) used between chassis and axles or between towing and towed vehicles must meet the higher tensile strength requirements.

The American Trucking Association (ATA) mistakenly concluded that the signal line between tractor and trailer was totally excluded from the standard, and also the line to any reservoir and to the spring brakes. All these lines fall within the definition of brake hose because the signal pressure, the pressure to the reservoir, and the pressure to the spring brake chamber in each case is "used to apply force to the brakes". This wording should not be misread as restricted to pressure directly used to apply the brakes.

The definition of brake hose has been reworded to avoid a problem in another area. As presently worded only hose actually used in the brake system would qualify as brake hose and be entitled to be labeled with the DOT symbol. The rewording permits hose "manufactured for use in a brake system" to be labeled with the DOT symbol even if it is used, for example, as a supply line to the windshield wiper system.

Weatherhead requested further definition of the term "flexible" as it is used in the definition of brake hose. The NHTSA continues to believe that this concept can best be treated on a case-by-case request for interpretation and, as noted in Notice 10, will continue to make interpretations upon request.

Chrysler petitioned for a change in the wording of the definition of "brake hose", apparently directed toward the exclusion of the hydraulic brake booster assembly from the standard. Ford, General Motors, and the Motor Vehicle Manufacturers Association (MVMA) also petitioned to exclude the hydraulic booster lines on the grounds that they are subject to a different working environment than brake hose. The most important difference is the constant flow of fluid through them, requiring a long, complicated, tuned, and expandable hose. The NHTSA has concluded that the difference in requirements for the hydraulic booster system justifies special performance requirements for this application. Until these requirements are developed, hydraulic brake booster hose running from pump to accumulator will be considered to be exempt from the requirements of this standard. Hose running from accumulator to booster will also be exempted if redundant booster is provided. This exemption applies to hoses for which Rolls Royce petitioned for exemptions from certain test requirements.

White Motor Corporation petitioned to include "the chassis portion" in the definition of brake hose assembly, incorrectly assuming that the discussion of chassis plumbing in the preamble to Notice 10 limited the definition to brake line mounted to the frame at one point. Chassis plumbing was emphasized in Notice 10 only because inclusion of that part of the brake system in the standard had been questioned by several petitioners. In answer to White, Standard No. 106 is not limited to hose "installed on the chassis to the point of the last mechanical connection", but includes any hose equipped with end fittings for use in a brake system.

The ATA expressed dissatisfaction at the applicability of hose assembly requirements to assemblies made in the field from all-new components. The NHTSA has accommodated emergency repairs by excluding hose assemblies which contain used components, whether renewable or reusable. There is no reason, however, to routinely exempt the smaller assemblers from the requirements of the standard simply because past practices have permitted fabrication of assemblies in the field by anyone who has the necessary equipment. In this regard, the NHTSA believes the practice of refabrication of hose assemblies in the correct length in the field for emergency repairs promotes safety, by not forcing substitution of a permanent assembly which is only a "close fit". For this reason Weatherhead's petition to require permanent fittings on all brake hose is denied.

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Several questions were raised with regard to end fittings. Most important to manufacturers is elimination of the reference to two- and three-piece end fittings in the definition of permanently attached end fittings. This definition, as well as the reference in S5.2.3, has been changed to eliminate this design restriction.

The status of intake manifold connectors and booster check valves typically clamped to the ends of vacuum booster hose were also questioned. "Brake hose end fitting" is defined as "a coupler, other than a clamp, designed for attachment to the end of a brake hose." As typically configured, the couplers are the clamps, and the intake manifold connection and brake booster check valve are engine components to which the brake hose has been attached by the clamp couplers. Therefore neither component is subject to Standard 106.

Several petitions addressed the labeling of fittings, as well as hose and assemblies. Two of the major concerns, use of the DOT symbol and the marking of multi-piece end fittings, have been discussed earlier.

Labeling of brake hose "at intervals of no more than six inches, measured from the end of one legend to the beginning of the next" can create several problems; for example, spray painting of a vehicle frame in which hose has been mounted. Mack argued that the legend need appear only once on hose which has been made into an assembly and mounted in a vehicle. The NHTSA has concluded that the value of the continuous line and legend, as a ready source of the hose characteristics on bulk hose and as aid to untwisted installation, is exhausted when an assembly has been mounted. Therefore S5.2.2 has been modified to require only that the legend appear at least once on assemblies mounted in vehicles. It is emphasized that masking material used in painting must be removed so that the labeling does appear on the completed vehicle. Only the required information may appear along one side of the hose.

The labeling distance of a maximum 6 inches between legends is intended to ensure adequate repetition on bulk hose without restricting the size of the legend. A manufacturer is free to make the legend as short or long as he feels is necessary to make the information clear, and on this basis, Midland-Ross' petition to require labeling at 6-inch intervals measured from the beginning of one legend to the beginning of the next is denied. Weatherhead expresses confusion over a Notice 10 preamble reference to the complete legend appearing in 4 inches. This statement was only intended to illustrate a situation where a mixture of optional and required labeling would interfere with the appearance of complete labeling on some hose assemblies, and it did not imply a requirement that the legend must be 4 inches long.

Although no manufacturer specifically requested a change, the NHTSA has concluded that clarity would not be substantially degraded by permitting required label information to appear in any order. The requirement for a specific order of label information has accordingly been deleted in order to reduce waste associated with hose cutting. The lettering height of one-eighth of an inch is considered necessary for clarity and will be retained.

Mack requested confirmation that end fitting labeling may be covered with paint until a person strips off the paint to read the labeling. This interpretation is incorrect. To be useful, label information must be clearly visible for easy reference.

Midland-Ross requested clarification of the use of the letters "SP". These letters distinguish, two types of air brake hose: regular ½-inch hose and hose that requires special reusable fittings. This is the only situation where different hoses share the same size designation. The NHTSA cannot agree with Midland that wider use of the letters would clarify the use of other components.

Weatherhead challenged as discriminatory the required labeling by manufacturers of hose assemblies other than those assembled and installed by a vehicle manufacturer in vehicles manufactured by him. The argument relied in part on a statutory requirement that "every manufacturer • • • shall furnish to the distributor or dealer at the time of delivery of such vehicle or equipment • • • the certification that • • • [it] conforms • • • in the form of a label or tag • • •." (15 U.S.C. 1403).

This section covers vehicles and equipment only "at the time of delivery" to a distributor or dealer. In contrast, the exception in question applies to hose assemblies mounted in vehicles by their manufacturers which do not fall under the language of section 1403.

Weatherhead also requested an alternative labeling procedure in place of banding which the NHTSA has determined is not desirable because it detracts from the uniformity of the labeling procedure, and accordingly this petition is denied.

Several manufacturers have requested approval of specific banding techniques, including a molded rubber ring, a metal band crimped together, and an adhesive label which adheres to the hose. The NHTSA interprets a band as a label which encircles the hose completely, and attaches to itself. To constitute labeling at all, the band must, of course, be affixed to the hose in such a manner that it can not be easily removed.

Manufacturers raised objections to the specific performance requirements as they apply to hose types. Manufacturers of hydraulic hose assemblies requested exclusion of various types of end fittings from the constriction requirements to permit L-shaped and T-shaped fittings, distribution blocks, and residual valves, which are designed to have small diameters. The NHTSA has concluded that the major constriction problems occur in joining the hose to the fitting, and has amended the constriction requirements so that they apply only to that part of the fitting in which hose is inserted.

Weatherhead requested a calibration factor for the expansion test procedure used with hydraulic hose. The NHTSA explained in its last notice that, although calibration factors exist and must be taken into account in any performance test, it is inappropriate to state a calibration factor as part of the performance requirement. Weatherhead's petition is accordingly denied.

Several manufacturers pointed out the inadvertent substitution of "rupture" as the performance requirement to be met in the tensile strength tests of hydraulic hose and air brake hose. This language has been replaced with a requirement of no separation of the end fittings from the hose. With regard to "rupture", it should be noted that the definition of the term was not substantively changed in Notice 10, but only rearranged for clarity.

Another omission has been corrected by the addition of language to the corrosion resistance requirements of air and vacuum brake hose fittings to allow the same displacement of a protective coating which is permitted for hydraulic hose end fittings. It is noted for the benefit of manufacturers who have requested interpretation that discoloration of a brass end fitting is not of itself considered to be corrosion.

Most manufacturers objected to the restrictive elements of Table III, making various arguments for increasing the number of sizes available for use with reusable fittings. Table III, however, is intended to be a first step toward standardization of reusable fittings and hose, and dislocations of former practices must be expected in restricting the choice of available sizes and types. The petitions to eliminate Table III restrictions, or to add new sizes to it, are denied for these reasons. Weatherhead argued that permanent as well as reusable hose should be subject to size limits, but the NHTSA has found that this would be a design restriction without corresponding safety benefit. The hose used with permanent fittings is generally assembled by high volume manufacturers, not repair operations in the field, and the mismatch problem, to which standardization of reusable hose is addressed, should not occur. The petition is therefore denied.

In response to Parker-Hannifin's inquiry, the NHTSA favors no one fitting type among the choice of reusable air brake fittings.

Stratoflex questioned a leakage requirement in a hydrostatic test of air brake hose when at the same time an air pressure test permits a limited amount of air leakage. The NHTSA makes the distinction on the basis of the rubber composition which permits air but not water to permeate the hose wall.

With regard to vacuum hose requirements, Midland-Ross petitioned for the use of wording in S9.2.9 that appeared in Notice 8, believing it to be more clear than the language substituted for it in Notice 10. On balance, the NHTSA agrees that "adjacent layers" accurately describes heavy as well as light hose construction, and it is reestablished. It should be understood that this wording includes separation of the outer cover from the tube.

Toyo Kogyo, in a letter request for interpretation, questioned a language change between the Notice 7 proposal (36 FR 5855, March 30, 1971) and the Notice 8 rule, in S9.2.8. The swell test of vacuum hose called for "no leakage • • • after which there shall be no separation of the inner tube from the fabric reinforcement of the hose." By error, the Notice 8 requirement instead called for no "collapse," which would require absolutely no deformation of the hose in terms of decreased interior diameter. The NHTSA did not intend to increase the requirement and this notice reestablishes the intended performance level. It should be noted that a "no collapse" requirement would have been inconsistent with the shorter vacuum test requirements of S9.2.7.

One manufacturer asked for an explanation of the use of "[Reserved]". This term is used in the Code of Federal Regulations to indicate an omission or deletion, to avoid having to renumber the following units. It does not indicate reservation for any specific purpose.

Several minor changes are made to the standard to correct typographical errors found in Notice 10. It is also noted that the Notice 10 amendment of S5.2.3 appearing in the FEDERAL REGISTER appeared to delete paragraph (e), which in fact remains in the standard.

In consideration of the foregoing, both Standard No. 106 (49 CFR 571.106) in its presently effective form, and Standard No. 106–74 (49 CFR 571.106–74) as it is effective September 1, 1974, are amended.

A. The present Standard No. 106 (§ 571.106) is amended by the correction of S4 to read as follows:

S4. *Optional compliance.* Hydraulic brake hose may meet the requirements of this standard or, at the option of the manufacturer, until September 1, 1974, the requirements of Standard No. 106–74, *Brake hoses* (49 CFR 571.106–74).

B. Standard No. 106–74 (49 CFR 571.106–74) is amended as follows:

1. The standard's title is amended to read: § 571.106, Standard No. 106–74; *Brake hoses.*

2. In S4. *Definitions,* the definition of "Brake hose" is amended to read:

"Brake hose" means a flexible conduit manufactured for use in a brake system to transmit or contain the fluid pressure or vacuum used to apply force to a vehicle's brakes.

3. In S4. *Definitions,* the definition of "Permanently attached end fitting" is amended to read:

"Permanently attached end fitting" means an end fitting that is attached by deformation of the fitting about the hose by crimping or swaging, or an end fitting that is attached by use of a sacrificial sleeve or ferrule that requires replacement each time a hose assembly is rebuilt.

4. S5.2.2 is amended to read:

S5.2.2 Each hydraulic brake hose shall be permanently labeled at intervals of not more than 6 inches, measured from the end of one legend to the beginning of the next, in block capital letters and numerals at least one-eighth of an inch high, with the information listed in paragraphs (a) through (d). In the case of hose which has been installed by a vehicle manufacturer in vehicles manufactured by him, the information may appear only once.

• • • • • •

(d) The nominal inside diameter of the hose expressed in inches or fractions of inches, or the nominal outside diameter of the tube expressed in inches or fractions of inches followed by the letters OD. (Example of inside diameter; ⅜, ½ (½SP in the case of ½ inch special air brake hose). Example of outside diameter; ¼ OD.)

5. S5.2.3 is amended in part to read:

S5.2.3 Except for an end fitting that is attached by deformation of the fitting about a hose by crimping or swaging, each hydraulic brake hose fitting shall be permanently etched, embossed, or stamped, in block capital letters and numerals at least one-sixteenth of an inch high with the following information:

• • • • • •

(b) A designation that identifies the manufacturer of the fitting, which shall be filed in writing with: Office of Standards Enforcement, "Brake Hose Identification," National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590. The designation may consist of symbols other than the block capital letters specified by S5.2.3.

• • • • • •

6. S5.3.1 is amended to read:

S5.3.1 *Constriction.* Except for that part of an end fitting which does not contain hose, every inside diameter of any section of a hydraulic brake hose assembly shall be not less than 64 percent of the nominal inside diameter of the brake hose.

7. S5.3.4 is amended to read:

S5.3.4 *Tensile strength.* A hydraulic brake hose assembly shall withstand a pull of 325 pounds without separation of the hose from its end fittings (S6.4).

8. S5.3.6 *Water absorption and tensile strength.* A hydraulic brake hose assembly, after immersion in water for 70 hours (S6.5), shall withstand a pull of 325 pounds without separation of the hose from its end fittings (S6.4).

9. S7.3.1 is amended to read:

S7.3.1 *Constriction.* Except for that part of an end fitting which does not contain hose, every inside diameter of any section of an air brake hose assembly shall be not less than 66 percent of the nominal inside diameter of the brake hose.

10. S7.3.10 is amended to read:

S7.3.10 *Tensile strength.* An air brake hose assembly other than a coiled nylon tube assembly which meets the requirements of § 393.45 of this title) designed for use between frame and axle or between a towed and a towing vehicle shall withstand, without separation of the hose from its end fittings, a pull of 250 pounds if it is ¼ in or less, or a pull of 325 pounds if it is larger than ¼ in. An air brake hose assembly designed for use in any other application shall withstand, without separation of the hose from its end fitting, a pull of 50 pounds if it is ¼ in or less, 150 pounds if it is ⅜ or ½ in, or 325 pounds if it is larger than ½ in (S8.9).

11. S7.3.11 is amended to read:

S7.3.11 *Water absorption and tensile strength.* After immersion in distilled water for 70 hours (S8.10), an air brake hose assembly other than a coiled tube assembly which meets the requirements of § 393.45 of this title designed for use between frame and axle or between a towed and a towing vehicle shall withstand without separation of the hose from its end fittings a pull of 250 pounds if it is ¼ in or less, or a pull of 325 pounds if it is larger than ¼ in. After immersion in distilled water for 70 hours (S8.10), an air brake hose assembly designed for use in any other application shall withstand without separation of the hose from its end fittings a pull of 50 pounds if it is ¼ in or less, 150 pounds if it is ⅜ or ½ in, or 325 pounds if it is larger than ½ in (S8.9).

12. S7.3.13 is amended to read:

S7.3.13 *End fitting corrosion resistance.* After 24 hours of exposure to salt spray, air brake hose end fittings shall show no base metal corrosion on the end fitting surface except where crimping or the application of labeling information causes a displacement of the protective coating.

13. S9.2.1 is amended to read:

S9.2.1 *Constriction.* Except for that part of an end fitting which does not contain hose, every inside diameter of any section of a vacuum brake hose assembly shall be not less than 75 percent of the nominal inside diameter of the hose if for heavy duty, or 70 percent of the nominal inside diameter of the hose if for light duty.

14. S9.2.8 is amended to read:

S9.2.8 *Swell.* Following exposure to Reference Fuel A, every inside diameter of any section of a vacuum brake hose shall not be less than 75 percent of the nominal inside of the hose if for heavy duty, or 70 percent of the nominal inside diameter of the hose if for light duty. The vacuum brake hose shall show no leakage and there shall be no separation of the inner tube from the fabric reinforcement of the hose in a vacuum test of 26 inches of Hg for 10 minutes (S10.7).

15. S9.2.9 is amended to read:

S9.2.9 *Adhesion.* A vacuum brake hose shall withstand a force of 8 pounds per inch of length before separation of adjacent layers (S10.8).

16. S 9.2.11 is amended to read:

S9.2.11 *End fitting corrosion resistance.* After 24 hours of exposure to salt spray, vacuum brake hose end fittings shall show no base metal corrosion of the

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end fitting surface except where crimping or the application of labeling information has caused displacement of the protective coating.

Effective dates. September 1, 1974, for brake hose and brake hose end fittings; March 1, 1975, for brake hose assemblies; September 1, 1975, for vehicles to which the standard applies.

(Secs. 103, 112, 114, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1401, 1403, 1407); delegation of authority at 49 CFR 1.51).

Issued on June 24, 1974.

JAMES B. GREGORY,
Administrator.

[FR Doc.74-14857 Filed 6-25-74;1:15 pm]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 1148; Amdt. 2]

PART 1033—CAR SERVICE

Graham County Railroad Co.

At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 20th day of June, 1974.

Upon further consideration of Service Order No. 1148 (38 FR 22482 and 34664), and good cause appearing therefor:

It is ordered, That:

§ 1033.1148 S.O. 1148 (Graham County Railroad Company authorized to operate over trackage in Graham County, North Carolina), Service Order No. 1148 be, and it is hereby, amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., December 31, 1974, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., June 30, 1974.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1(10-17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4), and 17(2).)

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc. 74-14908 Filed 6-27-74;8:45 am]

[S.O. 1188]

PART 1033—CAR SERVICE

Chicago, Rock Island and Pacific Railroad Co.

At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 21st day of June 1974.

It appearing, That the Chicago and North Western Transportation Company (CNW) is unable to operate over its line between La Salle Junction, Illinois and Spring Valley, Illinois, because of track conditions; that the Chicago, Rock Island and Pacific Railroad Company (RI) has agreed to operate over CNW tracks at Spring Valley in order to provide service to shippers located along such tracks; that the CNW has consented to the use of its tracks at Spring Valley by the RI; that operation by the RI over the aforementioned tracks of the CNW is necessary in the interest of the public and the commerce of the people; that notice and public procedure herein are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 1033.1188 S.O. 1188

(a) *Chicago, Rock Island and Pacific Railroad Company authorized to operate over tracks of Chicago and North Western Transportation Company.* The Chicago, Rock Island and Pacific Railroad Company (RI) be, and it is hereby, authorized to operate over tracks of the Chicago and North Western Transportation Company (CNW) at Spring Valley, Illinois.

(b) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign traffic.

(c) *Rates applicable.* Inasmuch as this operation by the RI over tracks of the CNW is deemed to be due to carrier's disability, the rates applicable to traffic moved by the RI over these tracks of the CNW shall be the rates which were applicable on the shipments at the time of shipment as originally routed.

(d) *Effective date.* This order shall become effective at 11:59 p.m., June 25, 1974.

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., January 15, 1975, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1(10-17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4), and 17(2).)

It is further ordered, That copies of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-14909 Filed 6-27-74;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER II—NATIONAL MARINE FISHERIES SERVICE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINSTRATON, DEPARTMENT OF COMMERCE

SUBCHAPTER F—AID TO FISHERIES

PART 258—FISHERMEN'S PROTECTIVE ACT PROCEDURES

Provision for Fees

Section 7 of the Fishermen's Protective Act, as amended (22 U.S.C. 1971-1977), authorizes, among other things, the Secretary of Commerce to from time to time establish by regulation fees which shall be paid by the owners of vessels entering into agreements under section 7 of the Act. These fees are credited to the Fishermen's Guarantee Fund and used to carry out the provisions of section 7 of the Act. Section 7 of the Act guarantees to the owners of vessels entering into agreements payment of certain costs and losses resulting from the seizure of a vessel of the United States by a foreign country on the basis of rights or claims in territorial waters or the high seas which are not recognized by the United States.

Regulations governing administration of section 7 of the Act, Fishermen's Protective Act Procedures (50 CFR Part 258), have annually established fees based on anticipated claims projected from prior experience. The purpose of the following amendment to § 258.5 of Fishermen's Protective Act Procedures is to establish fees for the next agreement year (July 1, 1974, through June 30, 1975).

All parties holding Guarantee Agreements for the present agreement year (July 1, 1973, through June 30, 1974) who wish them extended through June 30, 1975, by amendment to such Agreement (rather than entering into an entirely new Agreement) must submit their fees in accordance with § 258.5(b) of the following amendment. Failure to do so will result in termination of those Agreements.

This amendment relates to matters which are exempt from the rulemaking requirements of the Administrative Procedures Act (5 U.S.C. 553). In addition, the amendment makes no substantive change in the program's conduct. This amendment is hereby adopted and will come effective June 28, 1974.

Section 258.5 of Fishermen's Protective Act Procedures (50 CFR Part 258) is hereby amended by revising § 258.5 as follows:

§ 258.5 Fees.

(a) The fees are established to provide for payment of the administrative costs and at least one-third of the estimated claims to be paid from the fund. They are set on the basis of anticipated losses and prior experience. The fees may be adjusted from time to time by amendment to this part at any time, after appropriate notice, in order to meet the requirements of the Act.

(b) Fees to be paid by applicants for, or holders of, Guarantee Agreements executed (by amendment of otherwise) for the period beginning July 1, 1974, and terminating June 30, 1975, shall be as follows: for each vessel, $60 plus $1.80 per gross ton as listed on the vessel's document (fractions of a ton are not included). Although fees are due on July 1, 1974, all parties holding Guarantee Agreements as of July 1, 1974 (by amendment or otherwise), for the period terminating June 30, 1975, shall have until August 1, 1974 (midnight, local time), to pay the fees established herein.

(c) No return of a fee or portion of a fee will be made after a Guarantee Agreement is executed by both parties. Failure to pay increased fees within 30 days of adjustment shall constitute a basis for termination of the Guarantee Agreement.

(d) A Guarantee Agreement may, with the consent of the Secretary, be assigned to a new owner of a vessel if the ownership of the vessel is transferred during the period in which the agreement is in force.

By order of the Administrator, National Oceanic and Atmospheric Administration.

T. P. GLEITER,
Acting Administrator.

JUNE 25, 1974.

[FR Doc.74-14888 Filed 6-27-74;8:45 am]

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proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rulemaking prior to the adoption of the final rules.

DEPARTMENT OF THE TREASURY

Customs Service

[19 CFR Part 12]

SPECIAL CLASSES OF MERCHANDISE

Importation of Pesticides and Devices; Notice of Proposed Rulemaking

Notice is hereby given that under the authority of R.S. 251, as amended (19 U.S.C. 66), and section 17(e) of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended by the Federal Environmental Pesticide Control Act of 1972, Pub. L. 92–516 (7 U.S.C. 136o(e)), it is proposed to amend Part 12 of the Customs regulations (19 CFR Part 12) to set forth regulations for the control of imported pesticides and devices. It is also proposed to make certain other conforming changes in Part 12 of the Customs regulations to reflect the inclusion of the proposed regulations in that part.

The Federal Insecticide, Fungicide, and Rodenticide Act, as amended by Pub. L. 92–516, provides that regulations for the enforcement of section 17(c) of that Act (7 U.S.C. 136o(c)), relating to the importation of pesticides and devices, shall be issued by the Secretary of the Treasury, in consultation with the Administrator of the Environmental Protection Agency.

Accordingly, it is proposed to amend Part 12 of the Customs regulations in the manner set forth below:

PART 12—SPECIAL CLASSES OF MERCHANDISE

It is proposed to amend § 12.1(b) of the Customs regulations to read as follows:

§ 12.1 Cooperation with certain agencies; joint regulations.

* * * * *

(b) *Federal Insecticide, Fungicide, and Rodenticide Act.* The importation of pesticides and devices is governed by section 17(c) of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (7 U.S.C. 136o(c)), and regulations issued under the authority of section 17(e) of that Act (7 U.S.C. 136o (e)) by the Secretary of the Treasury, in consultation with the Administrator of the Environmental Protection Agency, as set forth below (§ 12.110 et seq.).

* * * * *

§ 12.2 [Deleted]

It is proposed to amend Part 12 of the Customs regulations by deleting § 12.2, *Shippers' declarations.*

It is proposed to amend § 12.3 of the Customs regulations to read as follows:

§ 12.3 Release under bond.

No food, drug, device, cosmetic, pesticide, hazardous substance, or dangerous caustic or corrosive substance, the subject of § 12.1 shall be released except in accordance with the laws and regulations applicable thereto. Where any such merchandise is to be released under bond pursuant to regulations applicable thereto, a bond on Customs Form 7551, 7553, or 7595, containing a condition for the return of the merchandise, or any part thereof, to Customs custody upon demand of the district director of Customs, shall be required.

It is proposed to amend Part 12 of the Customs regulations by adding the following new sections under the new center heading Pesticides and Devices.

PESTICIDES AND DEVICES

Sec.
12.110 Definitions.
12.111 Registration.
12.112 Notice of arrival of pesticides and devices.
12.113 Arrival of shipment.
12.114 Release or refusal of delivery.
12.115 Release under bond.
12.116 Samples.
12.117 Procedure after examination.

AUTHORITY: R.S. 251, as amended 19 U.S.C. 66; sec. 17(e), Federal Insecticide, Fungicide, and Rodenticide Act, as amended by the Federal Environmental Pesticide Control Act of 1972; Pub. L. 92–516 (7 U.S.C. 136o (e)).

PESTICIDES AND DEVICES

§ 12.110 Definitions.

Except as otherwise provided below, the terms used in §§ 12.111 through 12.117 shall have the meanings set forth for those terms in the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (7 U.S.C. 136 et seq.), hereinafter referred to as "the Act." The term "Administrator" shall mean the Administrator of the Environmental Protection Agency.

§ 12.111 Registration.

All imported pesticides are required to be registered under the provisions of section 3 of the Act, and under the regulations (40 CFR 162.10) promulgated thereunder by the Administrator before being permitted entry into the United States. Devices, although not required to be registered, must not bear any statement, design, or graphic representation that is false or misleading in any particular.

§ 12.112 Notice of arrival of pesticides and devices.

(a) *General.* An importer desiring to import pesticides or devices into the United States shall submit to the Administrator a Notice of Arrival of Pesticides and Devices (Environmental Protection Agency Form 3540–1), hereinafter referred to as a Notice of Arrival, prior to the arrival of the shipment in the United States. The Administrator shall complete the Notice of Arrival, indicating the disposition to be made of the shipment of pesticides or devices upon its arrival in the United States, and shall return the completed Notice of Arrival to the importer or his agent.

(b) *Chemicals imported for use other than as pesticides.* Chemicals which can be used as pesticides but which are not imported for such use and are not shown on the Abbreviated List of Pesticides compiled by the Environmental Protection Agency, may be entered without the submission of the Notice of Arrival.

§ 12.113 Arrival of shipment.

(a) *Notice of arrival presented.* Upon the arrival of a shipment of pesticides or devices, the importer or his agent shall present to the district director of Customs at the port of arrival the Notice of Arrival completed by the Administrator and indicating the Customs action to be taken with respect to the shipment. The district director shall compare entry documents for the shipment of pesticides or devices with the Notice of Arrival and notify the Administrator of any discrepancies.

(b) *Notice of arrival not presented.* When a shipment of pesticides or devices arrives in the United States without the presentation by the importer or his agent of the Notice of Arrival completed by the Administrator, the shipment shall be detained by the district director at the importer's risk and expense until the completed Notice of Arrival is presented or until other disposition is ordered by the Administrator, but not to exceed a period of 30 days, or such extended period, not in excess of 30 additional days, as the district director for good cause may specially authorize. An application of the importer or his agent requesting an extension of the initial 30-day period shall be filed with the district director at the port of arrival.

(c) *Disposition of pesticides or devices remaining under detention.* A shipment that remains detained or undisposed of due to failure of presentment of a completed Notice of Arrival or nonreceipt of an order of the Administrator as to its disposition shall be treated as a prohibited importation. The district director shall cause the destruction of any such shipment not exported by the consignee within 90 days after the expiration of the detention period specified or authorized pursuant to § 12.113(b).

§ 12.114 Release or refusal of delivery.

If the completed Notice of Arrival directs the district director of Customs to release the shipment of pesticides or devices, the shipment shall be released to the consignee. If the completed Notice of Arrival directs the district director to refuse delivery of the shipment, the shipment shall be refused delivery and treated as a prohibited importation. The district director shall cause the destruction of any shipment refused delivery and not exported by the consignee within 90 days after notice of such refusal of delivery.

§ 12.115 Release under bond.

If the completed Notice of Arrival so directs, a shipment of pesticides or devices offered for importation shall be detained at the importer's expense by the district director of Customs pending an examination by the Administrator to determine whether the shipment complies with the requirements of the Act. However, a shipment detained for examination may be released to the consignee prior to a determination by the Administrator provided a bond is furnished on Customs Form 7551, 7553, or 7595 for the return of the merchandise to Customs custody. The bond shall be in the amount required under § 25.4(a) of this chapter. When a shipment of pesticides or devices is released to the consignee under bond, the shipment shall not be used or otherwise disposed of until the determination is made by the Administrator.

§ 12.116 Samples.

Upon the request of the Administrator, either on the completed Notice of Arrival or otherwise, the district director of Customs shall deliver to the Administrator samples of the imported pesticides or devices, together with all accompanying labels, circulars, and advertising matter pertaining to such merchandise. The district director shall notify the consignee, in writing, that the samples of imported pesticides or devices, together with all accompanying labels, circulars, and advertising matter pertaining to such merchandise have been delivered to the Administrator.

§ 12.117 Procedure after examination.

(a) *Merchandise complying with the Act.* If, upon examination or analysis of a sample from a shipment of pesticides or devices, the sample is found to be in compliance with the Act, the Administrator shall notify the district director of Customs that the shipment may be released to the consignee.

(b) *Merchandise not complying with the Act.* If the Administrator notifies the district director that the merchandise is in violation of the Act, the district director shall either (1) refuse delivery to the consignee, or (2) if the shipment has been released to the consignee under bond, demand redelivery of the shipment under the terms of the bond. If the merchandise is not redelivered within 30 days after the date of demand by the district director, the district director shall assess liquidated damages in the full amount of the bond. The district director shall cause the destruction of any merchandise refused delivery to the consignee, or redelivered by the consignee pursuant to a demand therefor, and not exported by the consignee within 90 days after notice of such refusal of delivery or within 90 days after such redelivery, as applicable.

Data, views, or arguments with respect to the foregoing proposal may be addressed to the Commissioner of Customs, Attention: Regulations Division, Washington, D.C. 20229. To ensure consideration of such communications, they must be received not later than July 29, 1974.

Written material or suggestions submitted will be available for public inspection in accordance with § 103.8(b) of the Customs regulations (19 CFR 103.8(b)), at the Regulations Division, Headquarters, United States Customs Service, Washington, D.C., during regular business hours.

[SEAL] VERNON D. ACREE,
Commissioner of Customs.

Approved: June 21, 1974.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.74–14915 Filed 6–27–74;8:45 am]

Internal Revenue Service

[26 CFR Parts 20, 25]

VALUATION OF BONDS

Notice of Proposed Rulemaking

Notice is hereby given that the regulations set forth in tentative form as set forth below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments pertaining thereto which are submitted in writing (preferably six copies) to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, by July 30, 1974. Pursuant to 26 CFR 601.601(b), designations of material as confidential or not to be disclosed, contained in such comments, will not be accepted. Thus, a person submitting written comments should not include therein material that he considers to be confidential or in appropriate for disclosure to the public. It will be presumed by the Internal Revenue Service that every written comment submitted to it in response to this notice of proposed rulemaking is intended by the person submitting it to be subject in its entirety to public inspection and copying in accordance with the procedures of 26 CFR 601.702(d)(9). Any person submitting written comments who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner by July 30, 1974. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER, unless the person or persons who have requested a hearing withdraw their requests for a hearing before notice of the hearing has been filed with the Office of the Federal Register. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

This document contains proposed amendments to the Estate Tax regulations (26 CFR Part 20) under section 2031 of the Internal Revenue Code of 1954 and the Gift Tax regulations (26 CFR Part 25) under section 2512 of such code in order to provide an alternative method of valuing listed bonds based on selling prices for estate and gift tax purposes in cases where quotations, which are required to be taken into account under the existing regulations if the valuation is based on selling prices, are not available.

Generally, under §§ 20.2031–2(b) and 25.2512–2(b) of the existing regulations, the fair market value per bond for estate and gift tax purposes is the mean between the highest and lowest quoted selling prices on the valuation date (date of death, alternate valuation date, or date of gift, as the case may be) if there is a market for such bonds on a stock exchange, in an over-the-counter market, or otherwise. However, from March 27, 1973, through April 30, 1973, many of the major financial news publications generally available to the public did not publish the high and low quotations for listed bonds on a daily basis. During this period, such publications reported only the closing quotations on a daily basis. Accordingly, this document contains proposed amendments to provide an alternative method for valuing listed bonds on the basis of selling prices if the highest and lowest selling prices for such bonds are not generally available for the valuation date.

The proposed amendments to §§ 20.2031–2(b) and 25.2512–2(b) provide that, if it is established that the highest and lowest selling prices are not generally available in the case of listed bonds, the mean between the closing selling price on the valuation date and the closing selling price on the day before the valuation date is the fair market value per bond. Recognition of the closing selling price on the day before the valuation date, as well as the closing price for the valuation date, will tend to smooth out significant fluctuations in price. Special rules are provided for valuing bonds where there were no sales of those bonds on the day before the valuation date or on the valuation date.

Proposed amendments to the regulations. In order to provide an alternative method of valuing listed bonds based on selling prices for estate and gift tax purposes in cases where quotations for the highest and lowest selling prices are not generally available, the Estate Tax regulations (26 CFR Part 20) under section 2031 of the Internal Revenue Code of 1954 and the Gift Tax regulations (26 CFR Part 25) under section 2512 of such Code are amended as follows:

PARAGRAPH 1. Paragraph (b) of § 20.2031–2 is amended to read as follows:

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§ 20.2031–2. Valuation of stocks and bonds.

• • • • •

(b) *Based on selling prices.*—(1) In general, if there is a market for stocks or bonds, on a stock exchange, in an over-the-counter market, or otherwise, the mean between the highest and lowest quoted selling prices on the valuation date is the fair market value per share or bond. If there were no sales on the valuation date but there were sales on dates within a reasonable period both before and after the valuation date, the fair market value is determined by taking a weighted average of the means between the highest and lowest sales on the nearest date before and the nearest date after the valuation date. The average is to be weighted inversely by the respective numbers of trading days between the selling dates and the valuation date. If the stocks or bonds are listed on more than one exchange, the records of the exchange where the stocks or bonds are principally dealt in should be employed. In valuing listed securities, the executor should be careful to consult accurate records to obtain values as of the applicable valuation date. If quotations of unlisted securities are obtained from brokers, or evidence as to their sale is obtained from officers of the issuing companies, copies of the letters furnishing such quotations or evidence of sale should be attached to the return.

(2) If it is established with respect to bonds for which there is a market on a stock exchange, that the highest and lowest selling prices are not available for the valuation date in a generally available listing or publication of general circulation but that closing selling prices are so available, the fair market value per bond is the mean between the quoted closing selling price on the valuation date and the quoted closing selling price on the trading day before the valuation date. If there were no sales on the trading day before the valuation date but there were sales on a date within a reasonable period before the valuation date, the fair market value is determined by taking a weighted average of the quoted closing selling price on the valuation date and the quoted closing selling selling on the nearest date before the valuation date. The closing selling price for the valuation date is to be weighted by the number of trading days between the previous selling date and the valuation date. If there were no sales within a reasonable period before the valuation date but there were sales on the valuation date, the fair market value is the closing selling price on such valuation date. If there were no sales on the valuation date but there were sales on dates within a reasonable period both before and after the valuation date, the fair market value is determined by taking a weighted average of the quoted closing selling prices on the nearest date before and the nearest date after the valuation date. The average is to be weighted inversely by the respective numbers of trading days between the selling dates and the valuation date. If the bonds are listed on more than one exchange, the records of the exchange where the bonds are principally dealt in should be employed. In valuing listed securities, the executor should be careful to consult accurate records to obtain values as of the applicable valuation date.

Example (1). Assume that sales of stock nearest the date of the gift (Friday, June 15) occurred two trading days before (Wednesday, June 13) and three trading days after (Wednesday, June 20) and on these days the mean sale prices per share were $10 and $15, respectively. The price of $12 is taken as representing the fair market value of a share of stock as of the date of the gift

$$\frac{((3\times10)+(2\times15)).}{5}$$

Example (2). Assume the same facts as in example 1 except that the mean sale prices per share on June 13 and June 20 were $15 and $10 respectively. The price of $13 is taken as representing the fair market value of a share of stock as of the date of the gift

$$\frac{(3\times15)+(2\times10).}{5}$$

Example (3). Assume that on the date of the gift (Tuesday, April 3, 1973) the closing selling price of certain listed bonds was $25 per bond and that the highest and lowest selling prices are not available in a generally available listing or publication of general circulation for that date. Assume further, that the closing selling price of such bonds was $21 per bond on the day before the date of the gift (Monday, April 2, 1973). Thus, under paragraph (b)(2) of this section, the price of $23 is taken as representing the fair market value per bond as of the date of the gift

$$\frac{(25+21).}{2}$$

Example (4). Assume that on the valuation date (Tuesday, April 3, 1973) the closing selling price of a listed bond was $25 per bond and that the highest and lowest selling prices are not available in a generally available listing or publication of general circulation for that date. Assume further, that the closing selling price of the same listed bond was $21 per bond on the day before the valuation date (Monday, April 2, 1973). Thus, under paragraph (b)(2) of this section the price of $23 is taken as representing the fair market value per bond as of the valuation date

$$\frac{(25+21).}{2}$$

Example (5). Assume the same facts as in example (4) except that there were no sales on the day before the valuation date. Assume further, that there were sales on Thursday, March 29, 1973, and that the closing selling price on that day was $23. The price of $24.50 is taken as representing the fair market value per bond as of the valuation date

$$\frac{((1\times23)+(3\times25)).}{4}$$

Example (6). Assume that no bonds were traded on the valuation date (Friday, April 20). Assume further, that sales of bonds nearest the valuation date occurred two trading days before (Wednesday, April 18) and three trading days after (Wednesday, April 25) the valuation date and that on these two days the closing selling prices per bond were $20 and $22, respectively. The highest and lowest selling prices are not available for these dates in a generally available listing or publication of general circulation. Thus, under paragraph (b)(2) of this section, the price of $26.20 is taken as representing the fair market value of a bond as of the valuation date

$$\frac{((3\times29)+(2\times22)).}{5}$$

PAR. 2. Paragraph (b) of § 25.2512–2 is amended to read as follows:

• • • • •

§ 25.2512–2 Stocks and bonds.

• • • • •

(b) *Based on selling prices.*—(1) In general, if there is a market for stocks or bonds, on a stock exchange, in an over-the-counter market or otherwise, the mean between the highest and lowest quoted selling prices on the date of the gift is the fair market value per share or bond. If there were no sales on the date of the gift but there were sales on dates within a reasonable period both before and after the date of the gift, the fair market value is determined by taking a weighted average of the means between the highest and lowest sales on the nearest date before and the nearest date after the date of the gift. The average is to be weighted inversely by the respective numbers of trading days between the selling dates and the date of the gift. If the stocks or bonds are listed on more than one exchange, the records of the exchange where the stocks or bonds are principally dealt in should be employed. In valuing listed securities, the donor should be careful to consult accurate records to obtain values as of the date of the gift. If quotations of unlisted securities are obtained from brokers, or evidence as to their sale is obtained from the officers of the issuing companies, copies of letters furnishing such quotations or evidence or sale should be attached to the return.

(2) If it is established with respect to bonds for which there is a market on a stock exchange, that the highest and lowest selling prices are not available for the date of the gift in a generally available listing or publication of general circulation but that closing prices are so available, the fair market value per bond is the mean between the quoted closing selling price on the date of the gift and the quoted closing selling price on the trading day before the date of the gift. If there were no sales on the trading day before the date of the gift but there were sales on dates within a reasonable period before the date of the gift, the fair market value is determined by taking a weighted average of the quoted closing selling prices on the date of the gift and the nearest date before the date of the gift. The closing selling price for the date of the gift is to be weighted by the respective number of trading days between the previous selling date and the date of the gift. If there were no sales within a reasonable period before the date of the gift but there were sales on the date of the gift, the fair market value is the closing selling price on the date of the gift. If there were no sales on the date of the gift but there were sales within a reasonable period both before and after the date of the gift, the fair market value is determined by taking a weighted average of the quoted closing selling prices on the nearest date before and the nearest date after the date of the gift. The average is to be weighed inversely by the respective numbers of trading days between the selling dates and the date of the gift. If the bonds are listed on more than one exchange, the records of the exchange where the bonds are principally dealt in should be employed. In valuing listed securities, the donor should be careful to consult accurate records to obtain values as of the date of the gift.

(3) The application of this paragraph may be illustrated by the following examples:

(3) The application of this paragraph may be illustrated by the following examples:

Example (1). Assume that sales of X Company common stock nearest the valuation date (Friday, June 15) occurred two trading days before (Wednesday, June 13) and three trading days after (Wednesday, June 20) and on these days the mean sale prices per share were $10 and $15, respectively. The price of $12 is taken as representing the fair market value of a share of X Company common stock as of the valuation date

$$\frac{(3\times10)+(2\times15).}{5}$$

Example (2). Assume the same facts as in example (1) except that the mean sale prices per share on June 13 and June 20 were $15 and $10, respectively. The price of $13 is taken as representing the fair market value of a share of X Company common stock as of the valuation date

$$\frac{(3\times15)+(2\times10).}{5}$$

Example (3). Assume the decedent died on Sunday, October 7, and that Saturday and Sunday were not trading days. If sales of X Company common stock occurred on Friday, October 5, at mean sale prices per share of $20 and on Monday, October 8, at mean sale prices per share of $23, the price of $21.50 is taken as representing the fair market value of a share of X Company common stock as of the valuation date

$$\frac{(1\times20)+(23\times1).}{2}$$

Example (4). Assume the same facts as in example 3 except that there were no sales on the day before the date of the gift. Assume further, that there were sales on Thursday, March 29, 1973, and that the closing selling price on that day was $23. The price of $24.50 is taken as representing the fair market value per bond as of the date of the gift

$$\frac{((1\times23)+(3\times25)).}{4}$$

Example (5). Assume that no bonds were traded on the date of the gift (Friday, April 20). Assume further, that sales of bonds nearest the date of the gift occurred two trading days before (Wednesday, April 18) and three trading days after (Wednesday, April 25) the date of the gift and that on these two days the closing selling prices per bond were $20 and $22, respectively. The highest and lowest selling prices are not available for these dates in a generally available listing or publication of general circulation. Thus, under paragraph (b)(2) of this section the price of $26.20 is taken as representing the fair market value of a bond as of the date of the gift

$$\frac{((3\times29)+(2\times22)).}{5}$$

• • • • •

[FR Doc.74–14949 Filed 6–27–74;8:45 am]

DEPARTMENT OF THE INTERIOR

Mining Enforcement and Safety Administration

[30 CFR Part 75]

MANDATORY SAFETY STANDARDS FOR UNDERGROUND COAL MINES

Illumination in Underground Coal Mines; Notice of Findings of Fact

Background. Pursuant to the authority contained in section 101(a) of the Federal Coal Mine Health and Safety Act of 1969, as amended (83 Stat. 745; 30 U.S.C. 811(a)), there was published in the FEDERAL REGISTER for December 31, 1970 (35 FR 20009) a notice of proposed rulemaking which prescribed the illumination to be provided in the working places of underground coal mines, and in addition, the reflection efficiency of permissible electric face equipment, and the restriction on visual impedance and pulsation frequencies of lighting devices installed on such equipment.

Based upon written comments, suggestions, and objections submitted to the Bureau of Mines concerning this notice of proposed rulemaking, and upon consultation meetings held in accordance with section 101(c) of the Act, it was deemed advisable to withdraw the proposed rulemaking of December 31, 1970, and to propose revised illumination standards.

In the FEDERAL REGISTER for October 27, 1971 (36 FR 20607) there was published, as proposed rulemaking, §§ 75.1719, 75.1719–1, 75.1719–2, 75.1719–3, and 75.1719–4 of Part 75, Subchapter O, Chapter I, Title 30, Code of Federal Regulations, setting forth mandatory standards which would: (1) Prescribe the illumination to be provided in the working places of underground coal mines; (2) specify requirements for lighting fixtures; (3) provide for methods of measuring light; and (4) specify requirements for mining machines, hard hats, and cap lamps.

Written objections were timely filed with the Bureau of Mines stating the grounds for objections and requesting a public hearing on the proposed amendments. In accordance with section 101(f) of the Act, a notice of objections filed and hearing requested was published in the FEDERAL REGISTER for February 19, 1974 (39 FR 6118).

Following this notice, there was published in the FEDERAL REGISTER for March 6, 1974 (39 FR 8618), a notice of public hearing to be held for the purpose of receiving relevant evidence on the following issues:

(1) Whether promulgation of illumination standards should await completion of research projects and field tests to ensure that technology is available to implement such standards.

(2) Whether longwall working places should be excluded from the scope of illumination standards because of a potential diminution of safety due to the creation of unavoidable shadows and other variations in light intensity.

(3) Whether some tasks require merely a limited field of vision and can therefore be adequately illuminated by cap lamps.

(4) Whether proposed § 75.1719–4 is properly within the scope of illumination standards, since the section relates to minimum reflectance requirements for mining machinery and hats, the use of red flectors or reflecting tape on mining machinery and hard hats, and the mandatory wearing of approved personal cap lamps or an equivalent portable light.

The public hearing was held on April 4, 1974, in the Main Auditorium of the United States Department of the Interior. Presentations were made by the following organizations: Mining Enforcement and Safety Administration, United Mine Workers of America, Bituminous Coal Operators' Association, Inc., Bethlehem Steel Corp., Consolidation Coal Co., Armco Steel Corp., Pennsylvania Department of Environmental Resources, American Mining Congress, Mining Progress, Inc., National Independent Coal Operators Association, Island Creek Coal Co., and Ocean Energy. The record was held open for twenty-one days from April 4, 1974, to permit submission of additional data and information.

A verbatim transcript of the hearing is available for public inspection in the Office of the Assistant Administrator, Coal Mine Health and Safety, MESA, Department of the Interior, Washington, D.C. 20240.

Findings. Section 101(g) of the Act (83 Stat. 747; 30 U.S.C. 811 (g)), provides, in part, that within 60 days after completion of any public hearing on proposed mandatory safety standards, the Secretary of the Interior shall make findings of fact which shall be public. On the basis of evidence in written comments, statements, and data received in response to the proposed rulemaking and at the public hearing, it is found that:

(1) The value of 0.06 footlamberts is the minimum level of illumination necessary for the safe performance of underground mining operations, and is a practical and attainable level.

(2) Practical stationary lighting fixtures and machine-mounted lighting systems for self-propelled mining equipment (including longwall mining equipment) have been developed which will illuminate the underground working places to 0.06 footlamberts while such mining equipment is being operated in such places. Stationary lighting fixtures and machine-mounted lighting systems have been tried under actual mining conditions and at various coalbed heights and have been found acceptable to both operators and miners.

(3) Practical technology exists for illuminating longwall mining systems without creation of shadows or other variations in light intensity which result in a potential dimunition of safety.

(4) Portable task luminaires or area lighting systems for various nonmachine underground operations require frequent repositioning which in many cases increases the miners' exposure to electrical shock and ignition hazards. Therefore, illumination of working places while self-propelled mining equipment is not being operated in working places will

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not be required, and such requirements are deleted pending further study and until further notice is given pursuant to section 101 of the Act.

(5) Section 101(a) of the Act gives the Secretary of the Interior a broad mandate to "develop, promulgate, and revise • • • improved mandatory safety standards for the protection of life and the prevention of injuries in a coal mine." The illumination related requirements of § 75.1719–4 are such an improved safety standard whereby increased protection is provided to miners, and the development and promulgation of this standard is clearly within the Secretary's broad discretionary authority.

C. K. MALLORY,
Deputy Assistant Secretary of the Interior.

JUNE 25, 1974.

[FR Doc.74–14875 Filed 6–27–74;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 724]

FIRE-CURED, DARK AIR-CURED, VIRGINIA SUN-CURED, CIGAR-BINDER AND CIGAR-FILLER AND BINDER

Tobacco Allotment and Marketing Quota

Pursuant to the authority contained in applicable provisions of the Agricultural Adjustment Act of 1938, as amended, the Department is preparing to amend the regulations pertaining to the determination of acreage allotments and farm marketing quotas, lease and transfer of farm acreage allotments, the collection of penalties, the marketing of tobacco and the records and reports incident thereto for Fire-Cured, Dark Air-Cured, Virginia Sun-Cured, Cigar-Binder (types 51 and 52), and Cigar-Filler and Binder (types 42, 43, 44, 53, 54, and 55) tobacco for the 1972–73 and subsequent years.

The purpose of this document is to give notice of proposed changes in the regulations. The significant changes relate to excluding warehouse leaf account purchases from total producer first sales in computing allowable warehouse floor sweepings and to give notice to the marketing quota penalty rate for the 1974–75 marketing year. Other minor changes are included.

1. Sections 724.51(k) and 724.90(d) would be amended to exclude warehouse leaf account purchases from total first sales in computing allowable warehouse floor sweepings.

2. Section 724.52(b) would be changed to drop the provisions that any allotment of less than 0.01 acre be increased to 0.01 acre. In such cases, the regular rule for rounding would be applied.

3. Section 724.62(b) would clarify that a new farm allotment shall not be allocated to a farm where the farm operator has an ownership interest in or operates another farm in the United States for which a tobacco allotment or quota is established for the current year.

4. Section 724.69(c) and 724.70(a) would be amended to provide that in executing lease and transfer agreements, the requirement that signatures be witnessed for producers may be waived where the producer is unduly inconvenienced and the required signature is obtained by mail.

5. Section 724.88 would be amended to add the average market price for the 1973–74 marketing year and the penalty rate per pound for the 1974–75 marketing year for the kinds of tobacco covered by this regulation.

6. Section 724.95(h) would be amended to reflect minor changes in reporting requirements on MQ–108.

7. Section 724.104(a) would be amended to reflect title changes.

It is proposed that the regulations be amended as follows:

1. Section 724.51(k) is amended to read as follows:

§ 724.51 Definitions.

• • • • • •

(k) *Floor sweepings.* The actual quantity of scraps or leaves of tobacco which accumulate on the warehouse floor in the regular course of business: *Provided,* That the floor sweepings above the pounds determined by multiplying the total first sales of tobacco at auction for the season for the warehouse by the percentage below shall be deemed to be leaf account tobacco. For the purpose of computing allowable floor sweepings, tobacco purchased for the warehouse leaf account shall not be included in determining total producer first sales. Floor sweeping tobacco shall be kept separate from any other tobacco when sold.

Kind of Tobacco	*Percentage*
Fire-Cured, Dark Air-Cured, and Virginia Sun-Cured.	0.02 (two hundredths of 1 percent).

• • • • • •

2. Section 724.52(b) is amended to read as follows:

§ 724.52 Extent of determination, computations, and rule of rounding fractions.

• • • • • •

(b) *Allotments.* Farm acreage allotments shall be rounded to hundredths of acres in accordance with the provisions of Part 793 of this chapter.

• • • • • •

3. Section 724.62(b)(2) is amended to read as follows:

§ 724.62 Determination of acreage allotments for new farms.

• • • • • •

(b) *Eligibility requirements for operator.* • • •

(2) *Interest in another farm.* The farm operator shall not own or have an ownership interest in, or operate any other farm in the United States for which a tobacco allotment or quota for any kind of tobacco is established for the current year.

• • • • • •

4. In § 724.70, the last two sentences of paragraph (a)(1) are amended to read as follows:

§ 724.70 Transfer of Fire-Cured, Dark Air-Cured and Virginia Sun-Cured tobacco allotment by lease, sale, or by owner under section 318 of the Act.

• • • • • •

(a) *Person eligible to file a record of transfer (Form ASCS–375).* (1) *Sale or Lease.* • • • The requirement that signatures be witnessed for producers who are ill, infirm, reside in distant areas, or are in similar hardship situations or may be unduly inconvenienced may be waived provided the county office mails Form ASCS 375 for the required signature. In the case of a permanent transfer, a statement signed by all parties to the transaction confirming that the sale has been made shall be filed with the county committee.

• • • • • •

5. Section 724.88 is amended by adding paragraph (f).

§ 724.88 Rate of penalty.

• • • • • •

(f)(1) *The 1973–74 average market price.* The average market price for the kinds of tobacco listed below as determined by the Crop Reporting Board, Statistical Reporting Service, U.S. Department of Agriculture for the 1973–74 marketing year was:

AVERAGE MARKET PRICE

Kind of tobacco:	*Cents per pound*
Fire-Cured (type 21)	75.5
Fire-Cured (types 22, 23, 24)	71.7
Dark Air-Cured	61.9
Virginia Sun-Cured	69.2
Cigar-Filler and Binder (types 42, 43, 44, 53, 54, and 55)	59.1
Cigar-Binder (types 51 and 52)	72.8

(2) *1974–75 rate of penalty per pound.* The penalty rate per pound for the kinds of tobacco listed below upon marketings of excess tobacco subject to marketing quotas during the 1974–75 marketing year shall be:

RATE OF PENALTY

Kinds of tobacco:	*Cents per pound*
Fire-Cured (type 21)	57
Fire-Cured (types 22, 23, 24)	54
Dark Air-Cured	46
Virginia Sun-Cured	52
Cigar-Filler and Binder (types 42, 43, 44, 53, 54, and 55)	44
Cigar-Binder (types 51 and 52)	(1)

[1] Quotas terminated for 1974 crop.

6. In § 724.90(d) the last sentence is amended to read as follows:

§ 724.90 Penalties considered to be due from warehousemen, dealers, buyers, and other excluding the producer.

• • • • • •

(d) *Leaf account tobacco.* • • • The actual quantity of floor sweepings which the State executive director determines has been properly identified as floor sweepings and sold and reported as such by the warehouseman shall be considered acceptable proof that such marketings are not marketings of excess tobacco if the amount thereof for the warehouse does not exceed the floor sweepings for the season determined by multiplying the limitation set forth in § 724.51(k) by total first sales at auction, excluding warehouse leaf account purchases, for Fire-Cured, Dark Air-Cured and Virginia Sun-Cured tobacco.

• • • • • •

7. In § 724.95, paragraph (h)(1) is amended to read as follows:

• • • • • •

§ 724.95 Producer's records and reports.

• • • • • •

(h) *Report of production and disposition.* • • •

(1) the total harvested acres • • •

• • • • • •

8. Section 724.104(a) is amended to read as follows:

§ 724.104 Examination of records and reports.

(a) *Examination.* For the purpose of ascertaining the correctness of any report made or record kept or of obtaining information required to be furnished, in any report, but not so furnished, any warehouseman, processor, dealer, buyer, trucker, or person engaged in the business of sorting, redrying, prizing, stemming, packing or otherwise processing tobacco for producers, shall make available at one place for examination by representatives of the State executive director and by employees of the Office of Investigation and Office of Audit, Program Operations Division and Tobacco and Peanuts Division of the Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, upon written request by the State executive director, all such books, papers, records, basket tickets, tobacco sale bills, buyer adjustment invoices, accounts, canceled checks, check registers, check stubs, correspondence, contracts, documents, warehouse bill-out invoices, or daily summary journal sheet, and memoranda as the State executive director or the Director has reason to believe are relevant and are within the control of such person.

Prior to the issuance of the proposed change in the regulations, data, views, or recommendations pertaining thereto which are submitted to the Director, Program Operations Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C., 20250, will be given consideration. To be sure of consideration, such submission should be postmarked not later than July 15, 1974. All written submissions made pursuant to this notice will be made available for public inspection from 8:15 a.m. to 4:45 p.m. Monday thru Friday, in Room 3629 South Building, 14th and Independence Avenue, SW, Washington, D.C.

Signed at Washington, D.C., on June 24, 1974.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.74–14813 Filed 6–27–74;8:45 am]

[7 CFR Part 725]

FLUE-CURED TOBACCO

Tobacco Acreage Allotment and Marketing Quota

Pursuant to the authority contained in applicable provisions of the Agricultural Adjustment Act of 1938, as amended, the Department is preparing to amend the regulations pertaining to the determination of acreage allotments and marketing quotas, the issuance of marketing cards, the identification of markings of tobacco, the collection of penalties, and the records and reports incident thereto for flue-cured tobacco.

The purpose of this document is to give notice of proposed changes in the regulations. The significant changes relate to dropping acreage allotments as a criteria for price support and giving notice of the marketing quota penalty rate for 1974–75 marketing year. Other minor changes are included.

1. Sections 725.51(p) and 725.94(c) would be amended to exclude warehouse leaf account purchases from total first sales in computing allowable warehouse floor sweepings.

2. Section 725.53(b) would be changed to drop the provision that any allotment of less than 0.01 acre be increased to 0.01 acre. In such cases, the regular rule for rounding would be applied.

3. Section 725.69(b) would clarify that a new farm allotment shall not be allocated to a farm where the farmowner and operator have an ownership interest in or operate another farm in the United States for which a tobacco allotment or quota is established for the current year.

4. Section 725.72(c) would be amended to provide that in executing lease and transfer agreements, the requirement that signatures be witnessed for producers may be waived where the producer is unduly inconvenienced and the required signature is obtained by mail.

5. A new paragraph (r) in § 725.72 is added to provide that when a farm marketing quota is reduced to zero for a violation of the marketing quota regulations, no marketing quota may be transferred to the farm for that year. This provision was inadvertently dropped when the regulations were reissued in October 1973.

6. Section 725.87 would be amended to drop the provision for issuing a no price support marketing card when the acreage allotment is exceeded and to provide for issuing a no price support marketing card where the producer fails to certify the flue-cured tobacco acreage on the farm as provided in Part 718 of this chapter.

7. Section 725.92 would be amended to add the average market price for 1973–74 marketing year and the penalty rate per pound for the 1974–75 marketing year.

8. Section 725.98 would be amended to reflect minor changes in reporting requirements on MQ–108.

9. Sections 725.99, 725.109 and 725.110 would be amended to reflect title changes.

10. Section 725.102(b) would be amended to change season dealer reporting date from March 1 to February 1.

11. Section 725.116 would be revoked since the requirements of this section relative to transfers across county lines for selected counties were applicable only for the 1973–74 marketing year.

It is proposed that the flue-cured tobacco regulations for 1973–74 and subsequent marketing years be amended as follows:

1. The Table of Contents is amended by revising § 725.109 to read as follows:

Sec.

• • • • • •

725.109 Duties of Kansas City ASCS Data Systems Field Office.

• • • • • •

2. Section 725.51(p) is amended to read as follows:

§ 725.51 Definitions.

• • • • • •

(p) *Floor sweepings.* The actual quantity of scraps or leaves of tobacco which accumulate on the warehouse floor in the regular course of business: *Provided,* That the floor sweepings above the pounds determined by multiplying 0.50 (five-tenths of 1 percent) percentage times the total first sales of tobacco at auction for the season for the warehouse shall be deemed to be leaf account tobacco. For the purpose of computing allowable floor sweepings, tobacco purchased for the warehouse leaf account shall not be included in determining total producer first sales. Floor sweeping tobacco shall be kept separate from any other tobacco when sold.

• • • • • •

3. Section 725.53(b) is revised to read as follows:

§ 725.53 Extent of determinations, computations, and rule for rounding fractions.

• • • • • •

(b) *Allotments.* Farm acreage allotment shall be rounded to hundredths of acres in accordance with the provisions of Part 793 of this chapter.

• • • • • •

4. Section 725.69(b)(2) is revised to read as follows:

§ 725.69 Determination of acreage allotments for new farms.

• • • • • •

(b) *Eligibility requirements for operator.* • • •

(2) *Interest in another farm.* The farm operator shall not own or have an ownership interest in, or operate any other farm in the United States for which a tobacco allotment or quota for any kind of tobacco is established for the current year.

• • • • • •

5. In § 725.72, the last sentence of paragraph (c)(3) is amended and a new paragraph (r) is added to read as follows:

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§ 725.72 Lease and transfer of tobacco marketing quotas.

(c) *Filing and approval of transfer agreement.* • • •

(3) • • • The requirement that signatures be witnessed for producers who are ill, infirm, reside in distant areas, or are in similar hardship situations or may be unduly inconvenienced may be waived provided the county office mails Form ASCS–375 for the required signature.

• • • • • •

(r) *Zero marketing quota farms.* If the farm marketing quota for a farm for the current crop year is reduced to zero for a violation of the tobacco marketing quota regulations, no marketing quota may be tranferred to such farm for the current crop year.

6. In § 725.87, paragraph (d) is revised and paragraph (i) is deleted.

§ 725.87 Issuance of marketing cards.

• • • • • •

(d) *Farms not eligible for price support.* The marketing card issued for a farm shall have the notation "No Price Support" where either of the following conditions exist:

(1) The producer fails to certify the flue-cured tobacco acreage on the farm as provided in Part 718 of this chapter.

(2) Tobacco is produced on land owned by the Federal Government in violation of a lease restricting the production of tobacco.

(3) The county committee has determined that the tobacco was treated with DDT or TDE after being transplanted in the field or after being harvested from the farm.

• • • • • •

(i) [Deleted]

7. Section 725.92(b) is amended by adding "1973–74" in the average market price data table in subparagraph (1) and "1974–75" in the penalty data table in subparagraph (2) to read as follows:

§ 725.92 Rate of penalty.

• • • • • •

(b) (1) *Average market price.* The average market price as determined by the Crop Reporting Board for the marketing year specified was:

AVERAGE MARKET PRICE

Marketing year:	Cents per pound
1972–73	85.3
1973–74	88.1

(2) *Rate of penalty per pound.* The penalty per pound upon marketings of excess tobacco subject to marketing quotas during the marketing year specified shall be:

RATE OF PENALTY

Marketing year:	Cents per pound
1973–74	64
1974–75	66

8. The last sentence in § 725.94 (c) is amended to read as follows:

§ 725.94 Penalties considered to be due from warehousemen, dealers, buyers, and others excluding the producer.

• • • • • •

(c) *Leaf account tobacco.* • • • The actual quantity of floor sweepings which the State executive director determines has been properly identified as floor sweepings and sold and reported as such by the warehouseman shall be considered acceptable proof that such marketings are not marketings of excess tobacco if the amount thereof for the warehouse does not exceed the maximum allowable floor sweepings for the season determined by multiplying the limitation set forth in § 725.51 (p) by the total first sales at auction excluding warehouse leaf account purchases.

• • • • • •

9. In § 725.98, paragraph (f) (1) is amended to read as follows:

§ 725.98 Producer's records and reports.

• • • • • •

(f) *Report of production and disposition.* • • •

(1) The total harvested acres • • •

• • • • • •

§ 725.99 [Amended]

10. In § 725.99, subdivision (xvii) of paragraph (a) (4), the reference to "Kansas City Data Processing Center (KCDPC)" is changed to "Data Systems Field Office (DSFO)" and in paragraph (d) (2), the reference to "KCDPC" is changed to "DSFO".

§ 725.102 [Amended]

11. Section 725.102 is amended by changing the reference made to "March 1" to "February 1" in the first sentence of paragraph (b).

12. Section 725.109 will be revised to read as follows:

§ 725.109 Duties of Kansas City ASCS Data Systems Field Office.

Numerous recordkeeping and reporting provisions required by these regulations are the responsibility of the Kansas City ASCS Data Systems Field Office (also referred to as DSFO). The duties of DSFO are set forth in writing in frequent issuance of internal procedures.

13. Section 725.110 will be revised to read as follows:

§ 725.110 Examination of records and reports.

For the purpose of ascertaining the correctness of any report made or record kept, or for obtaining the information required to be furnished, in any report, but not so furnished, any warehouseman, processor, dealer, buyer, trucker, or person engaged in the business of sorting, redrying, prizzing, stemming, packing, or otherwise processing tobacco for producers, shall make available at one place for examination by representatives of the State executive director and by employees of the Office of Investigation and Office of Audit, and of the Program Operations Division and Tobacco and Peanuts Division of the Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, upon written request by the State executive director, all such books, papers, records, basket tickets, tobacco sale bills, buyer, adjustment invoices, accounts, cancelled checks, check register, check stubs, correspondence, contracts, documents, warehouse bill-out invoices or daily summary journal sheet, the tissue copy of Form MQ–72–1, Report of Tobacco Auction Sale, journal of producer marketing cards retained at warehouse and memoranda as the State executive director or the Director has reason to believe are relevant and are within the control of such person.

§ 725.116 [Revoked]

14. Section 725.116, 1973–74 Marketing year disaster transfers by lease, is hereby revoked.

Prior to the issuance of the proposed change in the regulations, data, views, or recommendation pertaining thereto which are submitted to the Director, Program Operations Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250, will be given consideration. To be sure of consideration, such submission should be postmarked not later than July 15, 1974. All written submissions made pursuant to this notice will be made available for public inspection from 8:15 a.m. to 4:45 p.m. Monday through Friday, in Room 3629 South Building, 14th and Independence Avenue SW., Washington, D.C.

Signed at Washington, D.C., on June 24, 1974.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.74–14814 Filed 6–27–74;8:45 am]

[7 CFR Part 726]

BURLEY TOBACCO

Marketing Quota Regulations

Pursuant to the authority contained in applicable provisions of the Agricultural Adjustment Act of 1938, as amended, the Department is preparing to amend the regulations pertaining to the determination of farm marketing quotas, the issuance of marketing cards, the identification of marketings of tobacco, the collection of penalties, and the records and reports incident thereto for burley tobacco.

The purpose of this document is to give notice of proposed changes in the regulations. The significant changes relate to excluding warehouse leaf account purchases from total producer first sales in computing allowable warehouse floor sweepings and to give notice of the marketing quota penalty rate for 1974–75 marketing year. Other minor changes are included.

1. Sections 726.51(n) and 726.88(c) would be amended to exclude warehouse leaf account purchases from total first sales in computing allowable warehouse floor sweepings.

2. Section 726.65(b) would clarify that a new farm quota shall not be allocated to a farm where the farm operator has an ownership interest in or operates another farm in the United States for which a tobacco allotment or quota is established for the current year.

3. Section 726.68 would be amended by amending paragraph (e) to provide that in executing lease and transfer agreements, the requirement that signatures be witnessed for producers may be waived where the producer is unduly inconvenienced and the required signature is obtained by mail. Also, a new paragraph (x) is added to provide that the county committee shall not approve a lease and transfer to a farm where the committee determines the primary purpose is to pyramid the quota.

4. Section 726.81 would be amended by revoking the provision that a lease only marketing card may be issued for a farm where there is no tobacco available for marketing and the farm is otherwise eligible to lease marketing quota.

5. Section 726.86 would be amended to add the average market price for the 1973–74 marketing year and the penalty rate per pound for the 1974–75 marketing year.

6. Section 726.92(e) would be amended to reflect minor changes in reporting requirements on MQ–108–1.

7. Sections 726.93, 726.100, and 726.101 would be amended to reflect titles changes.

It is proposed that the burley tobacco regulations for 1971–72 marketing years be amended as follows:

1. The Table of Contents is amended by revising § 726.100 to read as follows:

Sec.

• • • • •

726.100 Duties of Kansas City ASCS Data Systems Field Office.

• • • • •

2. Section 726.51(n) is amended to read as follows:

§ 726.51 Definitions.

• • • • •

(n) *Floor sweepings.* The actual quantity of scraps or leaves of tobacco which accumulate on the warehouse floor in the regular course of business: *Provided,* That the floor sweepings above the pounds determined by multiplying 0.0024 by the total first sales of tobacco at auction for the season for the warehouse shall be deemed to be leaf account tobacco. For the purpose of computing allowable floor sweepings, tobacco purchased for the warehouse leaf account shall not be included in determining total producer first sales. Floor sweeping tobacco shall be kept separate from any other tobacco when sold.

• • • • •

3. Section 726.65(b) (2) is amended to read as follows:

§ 726.65 Determination of marketing quotas for new farms.

• • • • • •

(b) *Eligibility requirements for operator.* • • •

(2) *Interest in another farm.* The farm operator shall not own or have an ownership interest in, or operate any other farm in the United States for which a tobacco allotment or quota for any kind of tobacco is established for the current year.

• • • • • •

4. Section 726.68 is amended by changing the last sentence of paragraph (e) and adding a new paragraph (x).

§ 726.68 Transfer of burley tobacco from marketing quota by lease or by owner.

• • • • • •

(e) *Record of transfer on ASCS–375.* • • • The requirement that signatures be witnessed for producers who are ill, infirm, reside in distant areas, or are in similar hardship situations or may be unduly inconvenienced may be waived provided the county office mails Form ASCS–375 for the required signature.

• • • • • •

(x) *Approval of leases for pyramiding quota prohibited.* The county committee shall not approve a lease and transfer to a farm where it is determined that the primary purpose of the transfer is to pyramid the quota on the farm (pyramiding for the purpose of this subparagraph means leasing to and from the farm for a period of 2 or more years to protect and increase the quota with no satisfactory evidence of plans for producing the quota during such period).

§ 726.81 [Amended]

5. Section 726.81 is amended by revoking paragraph (g).

6. Section 726.86(c) is amended by adding "1973–74" in the average market price data table in subparagraph (1) and "1974–75" in the penalty data table in subparagraph (2) to read as follows:

§ 726.86 Rate of penalty.

• • • • • •

(c) (1) *Average market price.* The average market price as determined by the Crop Reporting Board for the marketing year specified was:

AVERAGE MARKET PRICE

Marketing year:	Cents per pound
1970–71	72.2
1971–72	80.9
1972–73	79.2
1973–74	92.9

(2) *Rate of penalty per pound.* The penalty per pound upon marketings of excess tobacco subject to marketing quotas during the marketing year specified shall be:

RATE OF PENALTY

Marketing Year:	Cents per pound
1971–72	54
1972–73	61
1973–74	59
1974–75	70

7. The last sentence in § 726.88(c) is amended to read as follows:

§ 726.88 Penalties considered to be due from warehousemen, dealers, buyers, and others excluding the producer.

• • • • • •

(c) *Leaf account tobacco.* • • • The actual quantity of floor sweepings which the State executive director determines had been properly identified as floor sweepings and sold and reported as such by the warehouseman shall be considered acceptable proof that such marketings are not marketings of excess tobacco if the amount thereof for the warehouse does not exceed the maximum allowable floor sweepings for the season determined by multiplying the limitation set forth in § 726.51(n) by the total first sales at auction excluding warehouse leaf account purchases.

• • • • • •

8. In § 726.92, the second sentence of paragraph (e) is amended to read as follows:

§ 726.92 Producer's records and reports.

• • • • • •

(e) *Report of production and disposition.* • • • The operator on each farm or any producer on the farm (even though no quota was established for the farm) shall, upon written request on Form MQ–108–1 from the county committee, within 15 days after deposit of such request in the United States mail, addressed to such person at his last known address, furnish the Secretary on MQ–108–1 a written report of the amount of tobacco produced on the farm which is unmarketed at the end of the marketing season and its location. • • •

• • • • • •

§ 726.93 [Amended]

9. In § 726.93, the reference to "Kansas City Data Processing Center (KCDPC)", in the last sentence of paragraph (a) (4) is changed to "Data Systems Field Office (DSFO)", and in paragraph (d) (2) the reference to "KCDPC" is changed to "DSFO".

10. Section 726.100 is revised to read as follows:

§ 726.100 Duties of Kansas City ASCS Data Systems Field Office.

Numerous recordkeeping and reporting provisions required by these regulations are the responsibility of the Kansas City ASCS Data Systems Field Office (also referred to as DSFO). The duties of the center are set forth in writing in frequent issuances of internal procedures.

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11. Section 726.101 would be revised to read as follows:

§ 726.101 Examination of records and reports.

For the purpose of ascertaining the correctness of any report made or record kept, or of obtaining the information required to be furnished, in any report, but not so furnished, any warehouseman, processor, dealer, buyer, trucker, or person engaged in the business of sorting, redrying, prizing, stemming, packing, or otherwise processing tobacco for producers, shall make available at one place for examination by representatives of the State executive director and by employees of the Office of Investigation and Office of Audit, and of the Program Operations Division and Tobacco and Peanuts Division of the Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture upon written request by the State executive director, all such books, papers, records, basket tickets, tobacco sale bills, buyer adjustment invoices, accounts, cancelled checks, check register, check stubs, correspondence, contracts, documents, warehouse bill-out invoices or daily summary journal sheet, the tissue copy of Form MQ–72–1, Report of Tobacco Auction Sale, journal of producer marketing cards retained at warehouse and memoranda as the State executive director or the Director has reason to believe are relevant and are within the control of such person.

Prior to the issuance of the proposed change in the regulations, data, views, or recommendations pertaining thereto which are submitted to the Director, Program Operations Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250, will be given consideration. To be sure of consideration, such submission should be postmarked not later than July 15, 1974. All written submissions made pursuant to this notice will be made available for public inspection from 8:15 a.m. to 4:45 p.m., Monday thru Friday, in Room 3629 South Building, 14th and Independence Avenue, SW., Washington, D.C.

Signed at Washington, D.C., on June 24, 1974.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.74–14815 Filed 6–27–74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 74–EA–41]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration and Revocation

The Federal Aviation Administration is considering amending §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the N. Philadelphia, Pa., Control Zone (39 FR 412) and Transition Area (39 FR 556); alter the Willow Grove, Pa., Control Zone (39 FR 437); and revoke the Langhorne, Pa., Transition Area (39 FR 526).

A review of the North Philadelphia, Pa. Control Zone, Willow Grove, Pa. Control Zone, and North Philadelphia, Pa. Transition Area indicates that alteration of these airspace designations is necessary to provide controlled airspace in accordance with present criteria for designation of controlled airspace.

The Langhorne, Pa. Transition Area can be revoked, since the controlled airspace required for IFR arrivals and departures at Buehl Field, Langhorne, Pa. is included in the proposed alteration of the North Philadelphia, Pa. Transition Area.

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attn: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, New York 11430. All communications received on or before July 29, 1974 will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested parties at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, New York.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal areas of North Philadelphia, Willow Grove and Langhorne, Pennsylvania, proposes the airspace action hereinafter set forth:

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations by deleting the description of the Willow Grove, Pa. Control Zone and by substituting the following in lieu thereof:

Within a 5-mile radius of the center, 40°12'00" N., 75°08'55" W. of Willow Grove NAS, Willow Grove, Pa., extending clockwise from a 347° bearing to a 253° bearing from the airport; within a 5.5-mile radius of the center of the airport, extending clockwise from a 253° bearing to a 347° bearing from the airport; within 3 miles each side of the Willow Grove TACAN 136° radial, extending from the TACAN to 7 miles southeast of the TACAN; within 3.5 miles each side of the Willow Grove TACAN 325° radial, extending from the 5-mile radius and 5.5-mile radius zones centered on Willow Grove NAS to 8.5 miles northwest of the TACAN; within 3.5 miles each side of a 330° bearing from the Willow Grove RBN, extending from the 5 mile radius and 5.5-mile radius zone centered on Willow Grove NAS to 10 miles northwest of the RBN; within a 5-mile radius of the center, 40°12'15" N., 75°04'30" W. of Warminster NAF, Warminster, Pa.; within 1.5 miles each side of the Yardley VORTAC 244° radial, extending from the 5-mile radius zone centered on Warminster NAF to 2 miles southwest of the VORTAC; within 3 miles each side of the Warminster TACAN 083° radial, extending from the 5-mile radius zone centered on Warminster NAF to 6 miles east of the TACAN, excluding the south portion subtended by a chord drawn between the points of intersection of the 5-mile radius zone centered on Warminster NAF with the North Philadelphia, Pa. control zone 6-mile radius zone and excluding that portion of the control zone southeast extension described by reference to the Willow Grove TACAN 136° radial that coincides with the North Philadelphia, Pa. control zone. This control zone is effective from 0700 to 2400 hours, local time, Monday through Friday; and 0001 to 2400 hours, local time, Saturday and Sunday or during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

2. Amend § 71.171 of Part 71 of the Federal Aviation Regulations by deleting the description of the North Philadelphia, Pa. control zone and by substituting the following in lieu thereof:

Within a 5-mile radius of the center, 40°04'49" N., 75°00'45" W. of North Philadelphia Airport, Philadelphia, Pa., extending clockwise from a 030° bearing to a 252° bearing from the airport; within a 6-mile radius of the center of the airport, extending clockwise from a 252° bearing to a 030° bearing from the airport, excluding the north portion subtended by a chord drawn between the points of intersection of the 6-mile radius zone with that portion of the Willow Grove, Pa. control zone 5-mile radius zone centered on Warminster NAF.

3. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by deleting the description of the North Philadelphia, Pa. transition area and by substituting the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the center, 40°04'49" N., 75°00'45" W. of North Philadelphia Airport, Philadelphia, Pa., extending clockwise from a 058° bearing to a 227° bearing from the airport; within an 11-mile radius of the center of the airport, extending clockwise from a 227° bearing to a 277° bearing from the airport; within a 10.5-mile radius of the center of the airport, extending from a 277° bearing to a 058° bearing from the airport; within 3.5 miles each side of the North Philadelphia VOR 045° radial, extending from the VOR to 10 miles northeast of the VOR; within an 8.5-mile radius of the center, 40°16'39" N., 74°48'49" W. of Mercer County Airport, Trenton, N.J., extending clockwise from a 055° bearing to a 245° bearing from the airport; within a 10-mile radius of the center of the airport extending clockwise from a 245° bearing to a 055° bearing from the airport; within 5 miles each side of the Yardley VORTAC 251° radial, extending from the VORTAC to 5 miles west of the VORTAC; within 3.5 miles each side of the Yardley VORTAC 070° radial, extending from Yardley VORTAC to 16 miles east of the VORTAC; within a 5-mile radius of the center 40°08'15" N., 75°16'00" W. of Wings Field, Philadelphia, Pa., extending clockwise from a 118° bearing to a 181° bearing from the airport; within a 6-mile radius of the center of the airport, extending clockwise from a 181° bearing to a 305° bearing from the airport; within a 5.5-mile radius of the center of the airport, extending clockwise from a 305° bearing to a 118° bearing from the airport; within 4.5 miles northwest 6.5 miles southeast of a 052° bearing and a 232° bearing from a point 40°05'06" N., 75°21'24" W., extending from 5.5 miles northeast to 11.5 miles southwest of said point; within 5 miles each side of a 254° bearing from a point 40°05'06" N., 75°21'24" W., extending from said point to 6.5 miles west of said point; within 5 miles each side of 231° bearing from the Ambler, Pa. RBN 40°07'33" N., 75°17'06" W., extending from the RBN to 6.5 miles southwest of the RBN; within a 9-mile radius of the center, 40°12'00" N., 75°08'55" W. of Willow Grove NAS, Willow Grove, Pa.; within 5 miles each side of the Willow Grove TACAN 136° radial, extending from the 9-mile radius area to 11.5 miles southeast of the TACAN; within 5 miles each side of the Willow Grove TACAN 325° radial, extending from the 9-mile radius area to 13.5 miles northwest of the TACAN; within an 8.5-mile radius of the center, 40°12'15" N., 75°04'30" W. of Warminster NAF, Warminster, Pa. extending clockwise from a 025° bearing to a 254° bearing from the airport; within a 9-mile radius of the center of the airport, extending clockwise from a 254° bearing to a 025° bearing from the airport; within 4 miles each side of a 262° bearing from the Willow Grove RBN, extending from the RBN to 8.5 miles west of the RBN; within 1.5 miles each side of the Yardley VORTAC 244° radial, extending from the 8.5-mile radius area centered on Warminster NAF to the VORTAC; within 5 miles each side of the Warminster TACAN 259° radial, extending from the TACAN to 9.5 miles west of the TACAN; within 4.5 miles each side of the Warminster TACAN 083° radial, extending from the TACAN to 9 miles east of the TACAN; within a 5-mile radius of the center, 40°13'15" N., 75°12'45" W. of Turner Field, Prospectville, Pa.; within 8 miles southwest and 3.5 miles northeast of the North Philadelphia VOR 312° radial, extending from 20 miles northwest of the VOR to 31.5 miles northwest of the VOR; within 5 miles each side of the North Philadelphia VOR 312° radial, extending from 20 miles northwest of the VOR to 26 miles northwest of the VOR; within 2.5 miles each side of the North Philadelphia VOR 312° radial extending from 18 miles northwest of the VOR to 20 miles northwest of the VOR; within a 5-mile radius of the center, 40°11'18" N., 74°53'54" W. of Buehl Field, Langhorne, Pa., extending clockwise from a 032° bearing to a 254° bearing from the airport; within a 6.5-mile radius of the center of the airport, extending clockwise from a 254° bearing to a 320° bearing from the airport; within a 6-mile radius of the center of the airport, extending clockwise from a 320° bearing to a 032° bearing from the airport; within 2 miles each side of the North Philadelphia VOR 038° radial, extending from the 5-mile radius to the North Philadelphia VOR.

4. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by revoking the Langhorne, Pa. Transition Area.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 [72 Stat. 749; 49 U.S.C. 1348] and section 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)].

Issued in Jamaica, N.Y., on June 14, 1974.

JAMES BISPO,
Deputy Director, Eastern Region.

[FR Doc.74–14856 Filed 6–27–74;8:45 am]

National Highway Traffic Safety Administration

[49 CFR Part 575]

[Docket No. 25; Notice 12]

UNIFORM TIRE QUALITY GRADING; CORRECTION

In FR Doc. 74–3697, appearing at page 20808 in the issue of June 14, 1974, make the following corrections:

§ 575.104 [Amended]

In paragraph (d)(2)(iii)(B), appearing in the first column on page 20811, the number "525" should read "500."

In the third column on page 20811, the first subparagraph (ix) (in paragraph (e)(2)) is a typographical error and should be deleted.

In the third column on page 20811, in paragraph (e)(2)(ix)(A) the initials NRTSA should read NHTSA.

(Secs. 103, 112, 119, 201, 203, Pub. L. 89–563, 80 Stat. 718 (15 U.S.C. 1392, 1401, 1407, 1421, 1423); delegations of authority at 49 CFR 1.51 and 49 CFR 501.8)

Issued on June 25, 1974.

ROBERT L. CARTER,
Associate Administrator, Motor Vehicle Programs.

[FR Doc.74–14858 Filed 6–27–74;8:45 am]

Office of Pipeline Safety

[49 CFR Part 192]

[Docket No. OPS–29; Notice No. 74–4]

RECOMMENDATIONS MADE BY THE NATIONAL TRANSPORTATION SAFETY BOARD

Advance Notice of Proposed Rulemaking

This advance notice of proposed rulemaking invites public comment on a report issued recently by the National Transportation Safety Board. It is Report Number NTSB–PAR–74–3, entitled Pipeline Accident Report—Missouri Public Service Company, Clinton, Missouri, December 9, 1972. The 27-page report is available to the public through the National Technical Information Service, Springfield, Virginia 22151.

The report describes and analyzes a gas explosion and fire which occurred in downtown Clinton at 6:06 p.m. on Saturday, December 9, 1972. Eight people were killed and seven were injured as a result of the accident. Missouri Public Service Company personnel had arrived at the site of the leak 50 minutes before the explosion; they did not stop the flow of gas to the leak site until 1 hour and 40 minutes after the explosion.

The Board found that the probable cause of the accident "was the ignition of gas that had leaked from a cast iron main cracked by a combination of soil stresses and railroad vibration, which applied a bending force to the pipe in an area weakened by graphitization." The Board found that contributing factors "were the failure of the gas company to shut off the flow of gas to the leak site and the inadequate efforts of the gas-company personnel to prevent the ignition of the leaking gas detected in the building."

The Board concluded the report by recommending that:

1. The Office of Pipeline Safety of the Department of Transportation:

(a) Revise 49 CFR 192.741 to require pipeline operators to telemeter gas pressure or flow data in such a way as to insure prompt warnings of significant system failures shown by pressure or flow changes. The type and location of the data points should be considered on an individual basis and should include single-fed systems serving substantial numbers of customers.

(b) Define what constitutes an emergency and provide clarification of the requirements of emergency procedures under 49 CFR 192.615, Emergency plans.

(c) Require that designated emergency valves be the valves closed initially when a section of main is required to be isolated in an emergency.

2. The American Society of Mechanical Engineers Gas Piping Standards Committee:

(a) Develop guidelines for the use of telemetering on gas distribution systems so that system failures can be promptly detected.

(b) Expand the guidelines on the prevention of accidental ignition, to provide for more comprehensive guidance to pipeline operators when gas is detected in buildings and structures. The guidelines should include such subjects as ventilation of structures, prohibition of electrical switch operation, and occupant evacuation. This work should be coordinated with the guidelines currently being developed concerning the action to be taken by the first gas company employee arriving at the scene of an emergency.

3. The Missouri Public Service Company:

(a) Expand its emergency procedures to include the actions to be taken in all types of emergencies.

(b) Install telemetering equipment at the Clinton and other town border stations, so that system failures can be promptly detected.

(c) Expand its formal training program to provide employees who respond to reported leaks with the knowledge and techniques required to assist them in handling emergency situations.

(d) Take remedial action to reduce the possibility of breakage of cast-iron mains. This action should include replacement of those sections of cast-iron main susceptible to failure.

(e) Develop a sectionalizing program of its high-pressure distribution system so that preplanned procedures are available to isolate any section of its system in an emergency.

(f) Train and equip all appropriate radio-equipped field personnel (including electric servicemen) to locate and operate main line valves in emergencies.

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(g) Provide valve location and other necessary information to dispatchers in radio contact with servicemen, supervisors, and repair crews, so that emergency efforts can be expeditiously coordinated.

The Office of Pipeline Safety (OPS) is considering each of the recommendations addressed to it by the Board. To make a proper evaluation on all of these proposals—to define the safety problems raised by the Board's report and to weigh the technical feasibility and economic practicability of the Board's recommendations—OPS needs more information than is presently available. OPS is issuing this advance notice of proposed rule making as a means of getting the information it needs and will take any action that is deemed appropriate.

OPS has a policy of seeking information from all knowledgeable sources so that its regulations will be founded on a broad base of facts. This policy provides for industry, other Federal and State agencies, and the general public to participate in the identification and definition of safety problems, the development and evaluation of alternative solutions of those problems, and the choice of the proper solution for each problem. An advance notice of proposed rulemaking, inviting public participation at any early stage in the consideration of a regulatory proposal, is an application of this policy.

While it is primarily interested in the three recommendations addressed to it, OPS is also interested in comment on the recommendations addressed to the American Society of Mechanical Engineers and the Missouri Public Service Company, since they relate to the overall OPS safety responsibility. Each person should feel free to comment on all aspects of the recommendations, but OPS particularly invites comment on (1) definition of each of the safety problems which are implicit in the recommendations, (2) applicability and effectiveness of the present regulations in relation to those problems, (3) other ways (both regulatory and nonregulatory) in which each of the safety problems might be solved, and (4) analysis of the technical feasibility and economic practicability of each of the possible solutions.

This notice is not a proposal to change the regulations. Its only function is to generate information to use in evaluating the Board's recommendations. If the evaluation leads to the conclusion that the regulations should be amended, OPS will publish a notice of proposed rulemaking setting forth the proposed changes and inviting comment on those proposals. If the evaluation leads to the conclusion that the regulations should not be amended, OPS will take such other action on each of the recommendations as may be appropriate, such as issuing advisory material or rejecting the recommendation.

OPS invites interested persons to furnish the requested information by submitting written comments on Report Number NTSB–PAR–74–3, with particular attention to the recommendations. Comments should identify the notice number and be submitted in duplicate to the Director, Office of Pipeline Safety, Department of Transportation, Washington, D.C. 20590. All comments received by September 2, 1974, will be considered by the Director before taking final action on the notice. As they are received, comments will be placed in the public docket and thereafter will be available for examination by interested persons.

This advance notice of proposed rulemaking is issued under the authority of section 3 of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. 1672), (18 U.S.C. 831–835), section 6(e)(4) of the Department of Transportation Act (49 U.S.C. 1655(e)(4)), § 1.58(d) of the regulations of the Office of the Secretary of Transportation (49 CFR 1.58(d)), and the redelegation of authority to the Director, Office of Pipeline Safety, set forth in Appendix A to Part 1 of the regulations of the Office of the Secretary of Transportation (49 CFR Part 1).

Issued in Washington, D.C., on June 21, 1974.

JOSEPH C. CALDWELL,
Director,
Office of Pipeline Safety.

[FR Doc.74–14783 Filed 6–27–74;8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

[16 CFR Ch. II]

SWIMMING POOL WATER SLIDES

Advance Notice of Proposed Rulemaking

The Consumer Product Safety Commission has preliminarily determined (1) that hazards associated with swimming pool water slides present unreasonable risks of death or injury and (2) that one or more consumer product safety standards are necessary to eliminate or reduce those unreasonable risks of injury.

On May 30, 1973, the National Swimming Pool Institute and the Aquaslide 'N' Dive Corporation petitioned the Consumer Product Safety Commission, pursuant to section 10 of the Consumer Product Safety Act (Pub. Law 92–573, 86 Stat. 1212–1215; 15 U.S.C. 2059), to commence a proceeding for the development of a consumer product safety standard for swimming pool water slides.

The Commission was also in receipt of NEISS data indicating that there were a substantial number of injuries associated with swimming pools in general. It was estimated that during the fiscal year ending June 30, 1973, approximately 42,000 persons in the United States suffered injuries associated with swimming pools serious enough to require emergency room treatment. In-ground swimming pools and associated equipment were ranked number 16 on the Commission's Consumer product hazard index. Above ground swimming pools and associated equipment were ranked number 60. Accordingly, the Commission will in the future be addressing swimming pool hazards other than those associated with slides. However, since the data indicated that some of the most severe injuries incurred within the swimming pool environment were associated with swimming pool water slides, the Commission on October 9, 1973, on the basis of outside reports of injuries received by the Commission, and tests conducted at Nova University (Ft. Lauderdale, Fla.) and the University of Utah, granted the petition requesting the Commission to commence a proceeding to develop a consumer product safety standard for swimming pool water slides. In addition, the Commission is also considering a variety of approaches in an attempt to reduce injuries associated with swimming pools and related products.

Copies of the petition, the briefing package prepared for the Commission by its staff in connection with the petition, and the information referred to above are available for public inspection in the Office of the Secretary.

Accordingly, pursuant to section 7 of the Consumer Product Safety Act (15 U.S.C. 2056), this notice commences a proceeding for the development of a consumer product safety standard applicable to swimming pool water slides.

The Commission recognizes that swimming pool water slides could be regulated under the provisions of the Federal Hazardous Substances Act (15 U.S.C. 1261 et seq.) which give the Commission authority over toys and other articles intended for use by children. In this regard section 30(d) of the Consumer Product Safety Act (15 U.S.C. 2079(d)) provides that a risk of injury which is associated with consumer products and which could be eliminated or reduced to a sufficient extent by action taken under the Federal Hazardous Substances Act may be regulated by the Commission only in accordance with the provisions of that act. However, injury reports concerning swimming pool water slides indicate that many of the most severe injuries associated with swimming pool water slides have been sustained by adults. While regulations adopted pursuant to the Federal Hazardous Substances Act might be adequate to eliminate or reduce injuries associated with swimming pool water slides incurred by children, the Commission does not believe that the scope of regulations developed under that act would be broad enough to adequately protect adults. The Commission reaches this conclusion because such factors as the weight of adults, their velocity when entering a pool and their entry angle into the pool necessitate considerations different than those used for children. Accordingly, the Commission finds that the development of a mandatory standard under the Consumer Product Safety Act is necessary to eliminate or reduce to a sufficient extent the risk of injuries associated with swimming pool water slides sustained by both children and adults.

The development period for this standard shall end on November 25, 1974. The Commission, however, may extend the development time if it finds for good cause that a different period of time is appropriate. Any such extension will be announced by a notice in the FEDERAL REGISTER.

Persons interested in submitting existing standards or offering to develop a standard must follow the regulations (16 CFR Part 1105 issued under section 7 of the act) concerning the submission of existing standards, offers to develop standards, and the development of standards. Relevant portions of the procedures prescribed by Part 1105 for submitting an existing standard as a proposed consumer product safety standard or offering to develop a consumer product safety standard are included below.

Part 1105 was promulgated in the FEDERAL REGISTER of May 7, 1974 (39 FR 16206). Copies may be obtained from the Office of the Secretary, Consumer Product Safety Commission, 1750 K Street, NW., Washington, D.C. 20207 (202–634–7700).

In accordance with section 7(b) of the act and the regulations (16 CFR Part 1105) issued under section 7 of the act, this notice (1) identifies the product and the nature of the risks of injury associated with the product, (2) is based on a determination that a consumer product safety standard is necessary to eliminate or reduce the risks of injury, (3) includes information with respect to existing standards known to the Commission that may be relevant to this proceeding, and (4) invites any person to submit an existing standard as a proposed consumer product safety standard or to submit an offer to develop a proposed consumer product safety standard for swimming pool water slides.

A. *Nature of the risk of injury.* Information about injuries associated with swimming pool water slides indicating a need for remedial action has been developed by Commission staff and other sources. This includes tests conducted by Nova University, tests conducted by the University of Utah for Aqua Slide 'N' Dive Corp., and outside reports of injuries received by the Commission. Copies of this information are available for public inspection in the Office of the Secretary.

After review of said information, the Commission has preliminarily determined that the hazards associated with swimming pool water slides present unreasonable risks of death or injury. The hazards and the nature of the risks of injury include:

1. Quadriplegia and paraplegia resulting from users (primarily adults using the water slide for the first time) sliding down the slide in a head first position and upon entry striking the bottom of the pool.

2. Leg fractures resulting from persons sliding down water slides and hitting their feet on the pool bottom.

3. Injuries resulting from a person using a water slide and hitting other persons in the water.

4. Injuries resulting from persons falling off the pool slide ladder.

B. *Existing standards.* The Commission has received information about the existence and provisions of the following standards that may be relevant to this proceeding: "National Swimming Pool Institute Suggested Minimum Standards for Residential Swimming Pools" and "National Swimming Pool Institute Suggested Minimum Standards for Public Swimming Pools."

The Commission makes the following observations regarding these NSPI standards:

1. Installation and usage instructions for slides are not included in the standards.

2. The standards lack a technical rationale justifying safety parameters such as a) the curving and slope of the slide, b) the slope of the ladder, c) dimensions and coefficient of friction of the ladder rungs and d) the water entry angle of the slide.

3. Not included in the standards is the technical rationale for specifying the minimum water depth near the bottom edge of the slide.

4. Lacking in the standards is the relationship between the minimum, unobstructed horizontal distance in front of the slide to a) the slide height, b) the chute angle, c) the chute height and d) the velocity of the diver.

5. It is not evident in the standards that the minimum distances between slides, diving boards and the sides of the pool were specified on the basis of safety criteria.

6. The standards do not include safety performance tests for slides.

Copies of these NSPI standards are available for public inspection in the Office of the Secretary.

C. *Invitation to offerors.* Pursuant to section 7 of the act and the regulations thereunder (16 CFR Part 1105), an invitation is hereby extended to all standards writing organizations, trade associations, consumer organizations, professional or technical societies, testing organizations and laboratories, university or college departments, wholesale or retail organizations, Federal, State, or local government agencies, engineering or research and development establishments, ad hoc associations, companies, and persons (all hereinafter called persons) to submit to the Commission on or before July 29, 1974, either of the following:

1. One or more existing standards as a proposed consumer product safety standard in this proceeding.

2. An offer to develop one or more proposed consumer product safety standards applicable to swimming pool water slides to reduce or eliminate any or all of the unreasonable risks of injury associated with swimming pool water slides identified in this notice.

Persons who are not members of an established organization may form a group for the express purpose of submitting offers and developing standards. Such groups are referred to in the regulations as ad hoc associations (16 CFR 1105.5). An offer by an ad hoc association may be submitted by an individual member if the offer states that it is submitted on behalf of the members of the association. The individual member submitting the offer must submit to the Commission a notarized copy of a power of attorney from each member of the group authorizing that individual member to submit an offer on behalf of each other member.

D. *Submission of existing standards.* Persons may submit a standard previously issued or adopted by any private or public organization or agency, domestic or foreign, or any international standards organization, that contains safety-related requirements which the person believes would be adequate to prevent or reduce the unreasonable risks of injury associated with swimming pool water slides.

To be considered for publication as a proposed consumer product safety rule, standards previously issued or adopted must consist of (1) requirements as to performance, composition, contents, design, construction, finish, or packaging, or (2) requirements that a consumer product be marked with or accompanied by clear and adequate warnings or instructions, or requirements respecting the form of warnings or instructions, or (3) any combination of (1) and (2).

The submission should, to the extent possible:

1. Identify the specific portions of the existing standard that are appropriate for inclusion in the proposed rule.

2. Be accompanied, to the extent that such information is available, by a description of the procedures used to develop the standard and a listing of the persons and organizations that participated in the development and approval of the standard.

3. Be supported by test data and other relevant documents or materials to the extent that they are available.

4. Contain suitable test methods reasonably capable of being performed by the Commission and by persons subject to the act or by private testing facilities.

5. Include data and information to demonstrate that compliance with the standard would be technically practicable.

6. Include data and information, to the extent that it can reasonably be obtained, on the potential economic effect of the standard, including the potential effect on small business and international trade. The economic information should include data indicating (a) the types and classes as well as the approximate number of consumer products that would be subject to the standard; (b) the probable effects of the standard on the utility, cost, and availability of the products; (c) any potential adverse effects of the standard on competition; and (d) the standard's potential disruption or dislocation, if any, of manufacturing and other commercial practices.

7. Include information, to the extent that it can reasonably be obtained, concerning the potential environmental impact of the standard.

E. *Offers to develop standards.* 1. Any person may submit an offer to develop a proposed consumer product safety standard for swimming pool water slides. Each offer shall include a detailed description of the procedure the offeror will utilize in developing the standard. Each offer shall also include:

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a. A description of the plan the offeror will use to give adequate and reasonable notice to interested persons (including individual consumers, manufacturers, distributors, retailers, importers, trade associations, professional and technical societies, testing laboratories, Federal and State agencies, educational institutions, and consumer organizations) of their right and opportunity to participate in the development of the standard;

b. A description of the method whereby interested persons who have responded to the notice may participate, either in person or through correspondence, in the development of the standard; and

c. A realistic estimate of the time required to develop the standard, including a detailed schedule for each phase of the standard development period.

2. Each offeror shall submit with the offer the following information to supplement the description of the standard development procedure:

a. A statement listing the number and experience of the personnel, including voluntary participants the offeror intends to utilize in developing the standard. This list should distinguish between (i) persons directly employed by the offeror, (ii) persons who have made a commitment to participate, (iii) organizations that have made commitments to provide a specific number of personnel, and (iv) other persons to be utilized, although unidentified and uncommitted at the time of the submission of the offer. The educational and experience qualifications of these personnel relevant to the development of the standard should also be included in the statement. This list should include only those persons who will be directly involved in person in the development of the standard.

b. A statement describing the type of facilities or equipment the offeror plans to utilize in developing the standard and how the offeror plans to gain access to the facilities or equipment.

3. Prior to accepting an offer to develop a standard, the Commission may require minor modifications of the offer as a condition of acceptance.

F. *Contributions to the offeror's cost.* 1. The Commission may, in accepting an offer, agree to contribute to the offeror's cost in developing a proposed consumer product safety standard in any case in which the Commission determines:

a. That a contribution is likely to result in a more satisfactory standard than would be developed without a contribution; and

b. That the offeror is financially responsible.

2. If an offeror desires to be eligible to receive a financial contribution from the Commission toward the offeror's cost of developing a proposed consumer product safety standard, the offeror shall submit with his offer to develop a standard:

a. A request for a specific contribution with an explanation as to why such a contribution is likely to result in a more satisfactory standard than would be developed without a contribution;

b. A statement asserting that the offeror will employ an adequate accounting system that is in accordance with generally accepted accounting principles to record standards development costs and expenditures; and

c. A request for an advance payment of funds if necessary to enable the offeror to meet operating expenses during the development period.

G. *Submission information.* All submissions, offers, inquiries, or other communications concerning this notice should be addressed to the Office of the Secretary, Consumer Product Safety Commission, 1750 K Street NW., Washington, D.C. 20207 (phone 202–634–7700). Submissions in response to this notice should be in five copies if possible and must be received by the Office of the Secretary not later than July 29, 1974, to be considered in this proceeding.

Dated: June 25, 1974.

SADYE E. DUNN,
Secretary, Consumer Product Safety Commission.

[FR Doc.74–14876 Filed 6–27–74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Parts 122, 423]

STEAM ELECTRIC POWER CATEGORY AND THERMAL DISCHARGES

Proposed Effluent Limitations and Procedures; Hearing

In the matter of steam electric power generating point source category, proposed effluent limitations guidelines; thermal discharges, proposed procedures for imposition of alternative effluent limitations:

Notice is hereby given that the Environmental Protection Agency (EPA) will hold a public hearing on July 11 and 12 to consider comments received on the proposed regulations described above. The meeting will be held at the Thomas Jefferson Memorial Auditorium, U.S. Department of Agriculture, 14th Street and Independence Avenue SW., Washington, D.C., and will commence at 9:30 a.m., Thursday, July 11.

The Agency has determined to hold a public forum because of the complexity of the technical and environmental issues raised in connection with the proposed regulations and because of the importance of these regulations to the generation of electric power. The purpose of the meeting will be to allow persons who have commented on the effluent limitations and guidelines for the steam electric power industry proposed on March 4, 1974 (39 FR 8294) or on the procedures for imposition of alternative effluent limitations on thermal discharge proposed March 28, 1974 (39 FR 11434) to elaborate or explain in detail the nature and basis of their comments and to seek clarification of the Agency's proposed regulations. Accordingly, while the hearing is open to the public, opportunity for presentation of oral statements will be restricted to individuals and representatives of organizations who have filed comments on the above proposed regulations during the public comment period which closed June 26.

Persons wishing to present oral statements at the hearing should notify Mr. William Frick, Associate General Counsel for Water, Room 511 West Tower, Waterside Mall, 401 M Street SW., Washington, D.C. 20460 (202–755–0753) by July 5 indicating the specific nature of the subjects and approximate time required for their presentation. The Agency would encourage such persons to also submit written statements covering their testimony in advance of the hearing. However, because of the necessity to comply with deadlines established by the U.S. District Court for the District of Columbia, the hearing has been scheduled with relatively short advance notice. Accordingly, such submissions, while appreciated, are not required.

Dated: June 25, 1974.

CHARLES L. ELKINS,
Acting Assistant Administrator for Water and Hazardous Materials.

[FR Doc.74–14918 Filed 6–27–74;8:54 am]

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

[29 CFR Part 1601]

NEW YORK STATE DIVISION OF HUMAN RIGHTS, ET AL.

New Proposed 706 Agencies

Pursuant to § 1601.12(g), 29 CFR Chapter 14 as revised and published in the FEDERAL REGISTER, 37 FR 9214–9220, May 6, 1972, the Equal Employment Opportunity Commission (hereinafter referred to as the Commission) proposes designation of the agencies listed below as 706 agencies (§ 1601.12(c), and Provisional 706 agencies as defined in 1601.12(d)(11), for purposes of receiving charges deferred by the Commission pursuant to section 706 (c) and (d) of title VII of the Civil Rights Act of 1964, as amended, and for purposes of according weight to the final findings and orders of those agencies pursuant to §1601.12(g)(1), and commences the 15-day period within which any person or organization may file written comments as provided for under § 1601.12(g)(1). At the expiration of the 15-day period the Commission may effect designation of each of these agencies by publishing the list of them as an amendment to §1601.12(k). Additions to the list may be made by the Commission by similar notice and publication. The designated 706 agency to be added to the list under § 1601.12(k) is:

New York State Division of Human Rights.

The Provisional 706 agencies are:

Iowa Commission of Civil Rights.
Wisconsin Equal Rights Division, Department of Industry, Labor, and Human Relations.

JOHN H. POWELL, Jr.
Chairman.

[FR Doc.74–14974 Filed 6–27–74;8:45 am]

FEDERAL TRADE COMMISSION

[16 CFR Part 3]

RULES OF PRACTICE AND PROCEDURE

Exclusion of Withheld Material; Extension of Time

Notice was published in the FEDERAL REGISTER on May 14, 1974 (39 FR 17238), of a proposed amendment to the Federal Trade Commission's rules of practice and procedures by the addition of a new § 3.40 which would bar the offer or introduction into evidence, as substantiation for an advertising claim, of substantiating materials which were required to be but were not timely submitted in response to Commission process under sections 6 or 9 of the Federal Trade Commission Act calling for such materials. The period for public comment was 45 days, ending on June 28, 1974.

Due to the expressed interest in the proposed rule, the Commission has determined it is in the public interest to extend the period for public comment for an additional 15 days. All comments are now due on July 15, 1974, to be submitted to the Secretary, Federal Trade Commission, Pennsylvania Avenue and 6th Street, NW., Washington, D.C. 20580. All comments will remain on the public record at the above address until July 15, 1974, and will be available for inspection in Room 130 during normal business hours.

By the Commission.

Dated: June 25, 1974.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.74–14863 Filed 6–27–74;8:45 am]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 108]

LOANS TO LOCAL AND STATE DEVELOPMENT COMPANIES

Firm Commitment Provisions for State Development Companies

Notice is hereby given that pursuant to authority contained in section 501 of the Small Business Investment Act of 1958 (SBI Act), Public Law 85–699, 27, Stat. 694, as amended, it is proposed to revise, as set forth below, § 108.501–1(g), 13 CFR Part 108.

Prior to the final adoption of such revision, consideration will be given to any comments. Such comments should be submitted in writing, in triplicate, to the Office of Community Development, Small Business Administration (SBA), Washington, D.C. 20416, on or before July 8, 1974.

Revised § 108.501–1(g) would remove the requirement that State Development Companies pay a fee for a loan commitment. There is no service rendered for such fee now called for in the regulations.

It is proposed that Part 108 be amended by revising § 108.501–1 to read as follows:

§ 108.501–1 Section 501 Loans.

* * * * * *

(g) Firm Commitment. A firm commitment may be given by SBA for a period of one year from the date of approval of a loan application.

Dated: June 20, 1974.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.74–14873 Filed 6–27–74;8:45 am]

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notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Treasury Dept. Order No. 232]

OFFICE OF TRADE, ENERGY, AND FINANCIAL RESOURCES POLICY COORDINATION

Notice of Establishment

By virtue of the authority vested in me as Secretary of the Treasury, including the authority vested in me by Reorganization Plan No. 26 of 1950, it is ordered as follows:

1. There is hereby established, within the Office of the Secretary, the Office of Trade, Energy, and Financial Resources Policy Coordination, under the supervision of an Assistant Secretary, consisting of (a) the Office of Trade and Raw Materials Policy, under the supervision of a Deputy Assistant Secretary, (b) the Office of Energy Policy, under the supervision of a Deputy Assistant Secretary, and (c) the Office of Financial Resources Policy Coordination, under the supervision of a Deputy Assistant Secretary.

2. The functions of the Office of Trade, Energy, and Financial Resources Policy Coordination are:

(a) Formulating and implementing Treasury positions on (1) U.S. trade and commercial policy, in general, (2) multilateral and bilateral trade negotiations, (3) strengthening of U.S. economic relationships with the USSR, Eastern Europe, China and such other countries and areas as may be designated by the Secretary, and (4) programs in relation to the Secretary's responsibilities for trade relations with Canada, and such other countries and areas as may be designated by the Secretary;

(b) Formulating and implementing Treasury positions on (1) questions relating to basic natural resources, including non-fuel minerals and agricultural commodities, and (2) oceans policy matters;

(c) Providing support to the Secretary in his role as Chairman of the Committee on Energy, by coordinating energy policy and implementation within the Administration and otherwise;

(d) Being responsible for relations with Middle East oil producing countries, including providing support for Joint Commissions with such countries and coordinating Joint Commissions with other countries as the Secretary may designate.

(e) Coordinating Treasury policy with respect to U.S. capital markets, the formation of capital and such related matters as the role of commercial banks in the securities business;

(f) Developing and recommending a range of policy positions that the Secretary should initiate with respect to the present and future financial problems and capital needs of industry.

(g) Coordinating Treasury positions on legislation affecting U.S. capital markets and serving as a Treasury focal point for business, Congress and the public in this area.

3. The functions of the Assistant Secretary for Trade, Energy, and Financial Resources Policy Coordination are to manage the Office, serve as the principal advisor and provide staff assistance to the Secretary with respect to the foregoing and such other matters as the Secretary may designate.

4. There are hereby transferred to the Office of Trade, Energy, and Financial Resources Policy Coordination all programs and associated personnel, positions, records, personal property, and Exchange Stabilization and "Salaries and Expenses" Funds heretofore assigned (a) to the Deputy Assistant Secretary for Trade, Office of the Assistant Secretary (International Affairs), except those associated with trade financing (export promotions); (b) elsewhere within the Office of the Assistant Secretary (International Affairs) for the performance of the functions set forth above; (c) to the Office of Energy Advisor as described in Treasury Order No. 225; and (d) to the Office of Natural Resources and Energy as described in Treasury Order No. 226.

5. The Assistant Secretary for Trade, Energy, and Financial Resources Policy Coordination is authorized to reassign programs, functions and associated positions and resources among the three subordinate offices established above as he deems necessary, consistent with the policies and procedures governing the Exchange Stabilization Fund.

6. Treasury Orders No. 225 (May 11, 1973) and No. 226 (September 1, 1973) are hereby cancelled.

Dated: June 23, 1974.

[SEAL] WILLIAM E. SIMON,
Secretary of the Treasury.

[FR Doc.74-14843 Filed 6-27-74;8:45 am]

Office of the Secretary

NORTHERN BLEACHED HARDWOOD KRAFT PULP FROM CANADA

Notice of Affirmation of Determination and Referral to Tariff Commission

A "Finding of Dumping" with respect to prime grade and off-grade northern bleached hardwood kraft pulp from Canada was published as Treasury Decision 73-28 in the Federal Register of January 23, 1973 (38 FR 2210).

On April 5, 1974, a petition was received by the Treasury Department requesting revocation of the finding.

The Department has reviewed its previous determination of sales at less than fair value with respect to the merchandise in question. Using information available subsequent to the initial investigation concerning sales of the merchandise to the United States, it was determined that the purchase price of the merchandise remains lower than its home market price in a significant number of instances. Further, no assurances have been offered by any Canadian producer or exporter of the merchandise that future sales of northern bleached hardwood kraft pulp to the United States will be at not less than fair value.

Accordingly, the Department hereby affirms its determination that prime grade and off-grade northern bleached hardwood kraft pulp from Canada is being, and is likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921 (19 U.S.C. 160(a)).

Since the grounds upon which the petition for revocation is based relate primarily to considerations involving the injury determination of the Tariff Commission, the petition is being referred to the Tariff Commission for such review of its injury determination as the Commission may deem appropriate.

If the Tariff Commission, upon review of its injury determination, rescinds such determination, the Treasury Department will issue a notice revoking the finding of dumping, effective with respect to all merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of notice of the Commission's decision in the FEDERAL REGISTER. If the Tariff Commission leaves unchanged its prior affirmative injury determination, the finding shall continue in effect.

This notice is published pursuant to the general provisions of § 153.41 of the Customs Regulations (19 CFR 153.41).

[SEAL] DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

JUNE 26, 1974.

[FR Doc.74-14984 Filed 6-27-74;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF SCIENTIFIC ADVISORY BOARD Meetings

JUNE 21, 1974.

The USAF Scientific Advisory Board Air Force Systems Command Aeronautical Systems Division Advisory Group Committee on Advanced Control Technology will hold a closed meeting on July 9 and 10, 1974, from 9 a.m. until 5 p.m., in Room 222, Building 14, Wright-Patterson AFB, Ohio.

The Committee will hold classified discussions on research and development programs.

The USAF Scientific Advisory Board Information Processing Panel will hold a closed meeting on July 23, 1974, from 8 a.m. until 5 p.m., at Headquarters, Military Airlift Command (MAC), Scott AFB, Illinois.

The Panel will receive classified briefings on the operation of MAC.

The USAF Scientific Advisory Board Information Processing Panel will hold a closed meeting on July 24, 1974, from 8 a.m. until 5 p.m., at the Foreign Technology Division, Wright-Patterson AFB, Ohio.

The Panel will hold classified discussions and receive briefings on intelligence-related programs and requirements in information processing.

The USAF Scientific Advisory Board Air Force Systems Command Electronic Systems Division Group will hold a closed meeting on July 31, 1974, from 8 a.m. until 5 p.m., at L. G. Hanscom Field, Bedford, Massachusetts.

The Group will hold classified discussions and receive briefings on the Electronic Systems Division Programs. For further information on these meetings, contact the USAF Scientific Advisory Board Secretariat at 697-8404, Area Code 202.

STANLEY L. ROBERTS,
Colonel, USAF, Chief, Legislative Division, Office of The Judge Advocate General.

[FR Doc.74-14836 Filed 6-27-74;8:45 am]

USAF SCIENTIFIC ADVISORY BOARD MISSION RESOURCES PANEL

Notice of Meeting; Correction

JUNE 24, 1974.

The agenda for the USAF Scientific Advisory Board Mission Resources Panel meeting scheduled for July 11, 1974, at the Lowry Technical Training Center, has been revised to include tours and classified briefings of technical training courses in munitions and avionics. This meeting was originally submitted for publication as an open meeting (39 FR 20815, June 14, 1974). In view of the new agenda items, the Executive Secretary of the Scientific Advisory Board has determined that this meeting will be closed to the public.

For further information concerning this meeting, contact the Scientific Advisory Board Secretariat at 202-697-8845.

STANLEY L. ROBERTS,
Colonel, USAF, Chief, Legislative Division, Office of The Judge Advocate General.

[FR Doc.74-14835 Filed 6-27-74;8:45 am]

DEPARTMENT OF DEFENSE WAGE COMMITTEE

Notice of Closed Meetings

Pursuant to the provisions of section 10 of Public Law 92-463, effective January 5, 1973, notice is hereby given that meetings of the Department of Defense Wage Committee will be held on:

Tuesday, July 2, 1974.
Tuesday, July 9, 1974.
Tuesday, July 16, 1974.
Tuesday, July 23, 1974.
Tuesday, July 30, 1974.

These meetings will convene at 9:45 a.m. and will be held in Room 1E-801, The Pentagon, Washington, D.C.

The Committee's primary responsibility is to consider and make recommendations to the Assistant Secretary of Defense (Manpower and Reserve Affairs) on all matters involved in the development and authorization of wage schedules for Federal prevailing rate employees pursuant to Public Law 92-392.

At these scheduled meetings, the Committee will consider wage survey specifications, wage survey data, local reports and recommendations, statistical analyses and proposed pay schedules derived therefrom.

Under the provisions of section 10(d) of Public Law 92-463 and 5 USC 532(b) and (4), the Assistant Secretary of Defense (Manpower and Reserve Affairs) has determined that these meetings will be closed to the public.

However, members of the public who may wish to do so, are invited to submit material in writing to the Chairman concerning matters felt to be deserving of the Committee's attention. Additional information concerning these meetings may be obtained by contacting the Chairman, Department of Defense Wage Committee, Room 3D-281, The Pentagon, Washington, D.C.

MAURICE W. ROCHE,
Director, Correspondence and Directives OASD(C).

JUNE 25, 1974.

[FR Doc.74-14886 Filed 6-27-74;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

HEALY LAKE

Eligibility of Native Village

This decision is published in exercise of authority delegated by the Secretary of the Interior to the Director, Juneau Area Office, Bureau of Indian Affairs by § 2651.2(a) (6), (8), (9) and (10) of Subchapter B of Chapter II of Title 43 of the Code of Federal Regulations published on page 14223 of the May 30, 1973, issue of the FEDERAL REGISTER.

The Alaska Native Claims Settlement Act of December 18, 1971 (Pub. L. 92-203, 92nd Congress; 85 Stat. 688-716), provides for the settlement of certain land claims of Alaska Natives and for other purposes.

Accordingly, the Director, Juneau Area Office, Bureau of Indian Affairs, pursuant to the authority delegated him pursuant to the regulations in 43 CFR Part 2650, authorizing him to make final decisions on behalf of the Secretary of the Interior on the eligibility of Native Villages for benefits under the Alaska Native Claims Settlement Act, subject to appeal to the Ad Hoc Board, published on February 22, 1973, his Final Decision determining the eligibility of the Native Village of Healy Lake, said decision appearing in 39 FR 6744 (1974).

On April 4, 1974, the State of Alaska, Acting through the Attorney General, State of Alaska filed a Notice of Appeal from the Final Decision of the Director on the eligibility of the Native Village of Healy Lake but was late in filing its appeal.

No other Notice of Appeal has been filed by the State of Alaska from the Final Decision of the Director on the eligibility of the Native Village of Healy Lake.

Since no appeal from the Final Decision of the Director on the eligibility of the Native Village of Healy Lake was filed within 30 days of the publication of such decision in the FEDERAL REGISTER, the Ad Hoc Board on April 15, 1974, dismissed the appeal by the State of Alaska from the Final Decision of the Director on the eligibility of the Native Village of Healy Lake published in the FEDERAL REGISTER on February 22, 1974, 39 FR 6744 (1974), has now become final.

In accordance with the Ad Hoc Board's Final Order Dismissing the Appeal of the State of Alaska, the Director, Juneau Area Office, Bureau of Indian Affairs does hereby certify the Native Village of Healy Lake to be eligible for benefits under the Alaska Native Claims Settlement Act, said decision not being appealable, and also issues to the Native Village of Healy Lake a Certification of Eligibility.

CLARENCE ANTIOQUIA,
Director.

JUNE 17, 1974.

[FR Doc.74-14834 Filed 6-27-74;8:45 am]

Bureau of Land Management

OUTER CONTINENTAL SHELF OFFSHORE EAST TEXAS AND LOUISIANA

Oil and Gas Lease Sale No. S1

INTRODUCTION

1. The purpose of this Outer Continental Shelf (OCS) Lease Sale notice is to reoffer those tracts not leased as a result of OCS Lease Sale No. 34 held on May 29, 1974, and OCS Lease Sale No. 33 held on March 28, 1974, which tracts were analyzed in the Final Environmental Impact Statements (FEIS) for these sales. Copies of these FEIS may be obtained from the Bureau of Land Management, Office of Public Affairs,

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Washington, D.C. 20240, and from the Manager, Gulf of Mexico Outer Continental Shelf Office, Bureau of Land Management, The Plaza Tower, Suite 3200, 1001 Howard Avenue, New Orleans, Louisiana 70113. Tracts to be offered from these two sales are listed separately in paragraph 15 herein. Block numbers listed for these tracts in paragraph 15 remain the same is they were when listed for Sales No. 34 and No. 33 and as discussed in their respective FEIS. The lease stipulations included in paragraphs 10, 11, 12, and 13 herein are in substance the same as those stipulations included in the Lease Sale notices for sale No. 34 published on April 26, 1974, and for sale No. 33 published on February 25, 1974.

BID SUBMISSION PROCEDURES

2. Pursuant to sec. 8 of the Outer Continental Shelf Lands Act (67 Stat. 462; 43 U.S.C. sec. 1331–1343) and the regulations issued thereunder (43 CFR Part 3300), sealed bids mailed to the Manager, Gulf of Mexico Outer Continental Shelf Office, at the above address must be received by 9:30 a.m., c.s.t., on July 30, 1974, for the lease of oil and gas in tracts described in paragraph 15 herein, in areas of the OCS adjacent to the States of Texas and Louisiana. Bids delivered in person to the Manager will be received at this office at the above address through 4:15 p.m., c.s.t., July 29, 1974. On July 30, 1974, bids may be delivered in person to the Manager only at the Tulane Room, Braniff Place, 1500 Canal Street, New Orleans, Louisiana 70112, between 8:30 a.m., c.s.t., and 9:30 a.m., c.s.t. Bids received by the Manager after 9:30 a.m., on that date will be returned to the bidders unopened. Bids may not be modified or withdrawn unless written modification or withdrawal is received by the Manager by 9:30 a.m. July 30, 1974. All bids must be submitted and will be considered in accordance with applicable regulations, including 43 CFR 3302.1, 3302.4, and 3302.5.

FORM OF BID

3. A separate bid in a separate envelope must be submitted for each tract. The envelope should be labeled "Sealed Bid for Oil and Gas Lease (insert number of tract), not to be opened until 10:00 a.m., c.s.t., July 30, 1974." A suggested form of bid is set out in paragraph 17. Bidders must submit with each bid one-fifth of the amount bid in cash or by cashier's check, bank draft, certified check, or money order, payable to the order of the Bureau of Land Management. Oil payment, overriding royalty, logarithmic or sliding scale bids may not be submitted. No bid for less than a full tract as listed in paragraph 15 will be considered. Bidders are warned against violation of 18 U.S.C. 1860 prohibiting unlawful combination or intimidation of bidders.

4. Each bidder must have submitted by 9:30 a.m., c.s.t., July 30, 1974, the certification required by 41 CFR 60–1.7(b) and Executive Order No. 11246 of September 24, 1965, as amended by Executive Order No. 11375, on Form 1140–8 (November 1973) and Form 1140–7 (December 1971).

5. Tracts being offered for lease may be located on the following official leasing maps:

(1) Outer Continental Shelf—Texas Leasing Maps No. 5, 5B, 6, 6A, 7, 7A, 7B and 7C. These eight maps are arranged in a set, which sells for $5.00.

(2) Outer Continental Shelf—Louisiana Leasing Maps 1 thru 11a—Set of 26. These maps may be purchased for $15.00 per set.

(3) Outer Continental Shelf Leasing Maps NG 15–2 (Garden Banks), NG 15–1 (Bay City), NH 15–12 (New Orleans), NG 15–3 (New Orleans South No. 1), and NH 16–10 (Mobile South No. 2). These maps may be purchased for $2.00 each.

These maps and copies of the Compliance Report Certification Form 1140–8 (November 1973) and copies of the Affirmative Action Program Representation Form 1140–7 (December 1971) may be obtained from the Manager, Gulf of Mexico Outer Continental Shelf Office at the above address.

BID OPENING

6. Bids will be opened on July 30, 1974, at 10:00 a.m., c.s.t., in the Tulane Room, Braniff Place at the above address. The opening of bids is for the sole purpose of publicly announcing and recording bids received and no bids will be accepted or rejected at that time. If the Department is prohibited for any reason from opening any bid before midnight, July 30, 1974, that bid will be returned unopened to the bidder as soon thereafter as possible.

7. Any cash, checks, drafts, or money orders submitted with the bids may be deposited in an unearned escrow account in the Treasury during the period the bids are being considered. Such a deposit does not constitute and shall not be construed as acceptance of any bids on behalf of the United States.

ACCEPTANCE OR REJECTION OF BIDS

8. No bid for any tract will be accepted and no lease for any tract will be awarded to any bidder unless: (1) The bidder has complied with all requirements of this notice; (2) his bid is the highest valid cash bonus bid for that tract; (3) and the amount of the bonus bid has been determined to be adequate by the United States. No bid will be considered for acceptance unless it offers a cash bonus in the amount of $25 or more per acre or fraction thereof. The United States reserves the right to reject any bid submitted, including, but not by way of limitation, the right to reject any bid for inadequacy even though the bonus bid is in the amount of $25 or more per acre or fraction thereof.

LEASE TERMS

9. Leases issued as a result of this sale will be on Form 3300–1 (February 1971), as modified, in accordance with paragraphs 10, 11, 12, and 13 and containing the rental and royalty provisions of paragraph 14 of this notice, and with the exclusion of the following wording in section 3(a)(1), paragraph 3, sentence 2, • • • "and gas used for purposes of production from and operations upon the leased area or unavoidably lost • • •." Attention is directed to the Equal Opportunity Clause in section 3(h) and the Certification of Nonsegregated Facilities Clause in section 3(i) of the lease. Copies of the lease form, without the stipulations to be included according to the terms of paragraphs 10, 11, 12, and 13 and the rental and royalty provisions included in paragraph 14 of this notice are available from the Manager, Gulf of Mexico Outer Continental Shelf Office.

10. All leases issued as a result of this lease sale will contain the following stipulations:

(1) The lessee agrees that, prior to any drilling activity or the construction or placement of any structure for exploration or development on the lease, including, but not limited to, well drilling and pipeline and platform placement, hereinafter referred to as "operation," he will conduct geophysical surveys sufficient to determine the possible existence of any sites, structures, or objects of historical or archaeological significance that may be affected by such operation. Such sites, structures, or objects are hereafter in this stipulation included in the term "cultural resource." If these geophysical surveys indicate anomalies that suggest the possible existence of a cultural resource, the lessee will either: (1) Have a qualified marine archaeologist confirm or refute the existence of a cultural resource using such other equipment and survey techniques as may be necessary; or (2) relocate the site of such operation so as not to disturb the area in which an anomaly has been identified; or (3) show how such operation will not disturb the area in which an anomaly has been identified.

All data obtained in the course of the geophysical and any archaeological surveys shall be submitted to the Supervisor with any application for drilling or other activity. If the Supervisor determines there are indications that a possible cultural resource may be affected by the proposed operation he shall direct the lessee to utilize the services of a marine archaeologist to survey the area unless an archaeological survey has been completed.

Upon completion of any archaeological survey, a report shall be forwarded by the Supervisor to the Manager, Gulf of Mexico OCS Office, Bureau of Land Management for review and recommendations. Should the archaeological survey report indicate that a cultural resource may be affected by the operation and the lessee chooses not to relocate, the lessee shall take no action that may result in the disturbance of the cultural resource until the Supervisor has given directions as to its disposition.

The lessee agrees that, if any cultural resource should be accidentally discovered after the completion of the archaeological survey, he will report immediately such findings to the Supervisor, and make every reasonable effort to preserve and protect the cultural resource from damage until the Supervisor has given directions as to its disposition.

(2) Structures for drilling or production, including pipelines, shall be kept to the minimum necessary for proper exploration, development, and production and, to the greatest extent consistent therewith, shall be placed so as not to interfere with other significant uses of the OCS, including commercial fishing. To this end, no structure, for drilling or production, including pipelines,

may be placed on the OCS until the Supervisor has found that the structure is necessary for the proper exploration, development, and production of the leased area and that no reasonable alternative placement would cause less interference with other significant uses of the OCS including commercial fishing. The lessee's exploratory and development plans, filed under 30 CFR 250.34, shall identify the anticipated placement and grouping of necessary structures, including pipelines, showing how such placement and grouping will have the minimum practicable effect on other significant uses of the OCS, including commercial fishing.

(3) The lessee shall have the pollution containment and removal equipment available as required by OCS Order No. 7, of August 28, 1969, as may be amended. After notification by the Operator to the Supervisor of a significant oil spill as defined by OCS Order No. 7, or an oil spill of any size or quantity which cannot be immediately controlled, the operator shall immediately deploy the appropriate equipment to the site of the oil spill, unless, because of weather and attendant safety of personnel the Supervisor shall modify this requirement.

11. Leases issued as a result of this lease sale embracing tracts S1–1 thru S1–143 inclusive, will contain the following stipulation relating to pipeline placement.

The lessor specifically reserves the right to require any pipelines between a structure on the OCS and an onshore facility to be placed in certain designated areas or corridors through the submerged lands of the OCS.

12. Leases issued as a result of this lease sale embracing tracts S1–126 thru S1–142 inclusive, will contain the following stipulation relating to Department of Defense activities:

(1) Whether or not compensation for such damage or injury might be due under a theory of strict or absolute liability or otherwise, the lessee assumes all risks of damage or injury to persons or property, which occurs in, on, or above the OCS, to any person or persons or to any property of any person or persons who are agents, employees or invitees of the lessee, its agents, independent contractors or subcontractors doing business with the lessee in connection with any activities being performed by the lessee in, on, or above the OCS, if such injury or damage to such person or property occurs by reason of the activities of any agency of the U.S. Government, its contractors or subcontractors, or any of their officers, agents or employees, being conducted as a part of, or in connection with, the programs and activities of the Matagorda Island Air Force Range, Matagorda Island, Texas. The lessee assumes this risk whether such injury or damage is caused in whole or in part by any act or omission, regardless of negligence or fault, of the United States, its contractors or subcontractors, or any of their officers, agents, or employees. The lessee further agrees to indemnify and save harmless the United States against all claims for loss, damage, or injury sustained by the lessee and to indemnify and save harmless the United States against, and to defend at its own expense the United States against, all claims for loss, damage, or injury sustained by the agents, employees or invitees of the lessee, its agents or any independent contractors or subcontractors doing business with the lessee in connection with the programs and activities of the aforementioned military installation, whether the same be caused in whole or in part by the negligence or fault of the United States, its contractors, or subcontractors, or any of their officers, agents, or employees and whether such claims might be sustained under theories of strict or absolute liability or otherwise.

13. Leases issued as a result of this lease sale for tracts S1–107, S1–108, S1–110, S1–111, S1–115, S1–116, S1–117, S1–118, S1–119, S1–121, S1–123, S1–124, and S1–125 will contain the following stipulation for protection of the East and West Flower Garden Banks, now being used as a unique study area.

Notwithstanding the terms of section 2(c) of the lease, no structures, drilling rigs, or pipelines will be allowed within the following aliquot parts established for the East and West Flower Garden Banks:

WEST FLOWER GARDEN BANK

Tract S1–115
NE¼SE¼SE¼; S½SE¼SE¼
Tract S1–116
NW¼SW¼NE¼; S½S½NE¼; SE¼NW¼; NE¼SW¼; NE¼NW¼SW¼; S½NW¼SW¼; S½SW¼; SE¼
Tract S1–123
W½W½NW¼; W½NW¼SW¼; NW¼SW¼SW¼
Tract S1–124
E½; SE¼NE¼NW¼; E½SE¼NW¼; E½NE¼SW¼; NE¼SE¼SW¼
Tract S1–125
NE¼NE¼; N½NW¼NE¼; NE¼SE¼NE¼

EAST FLOWER GARDEN BANK

Tract S1–110
W½SW¼NW¼; SE¼SW¼NW¼; W½SW¼; W½E½SW¼; SE¼SE¼SW¼
Tract S1–111
SW¼NE¼NE¼; S½NW¼NE¼; S½NE¼; SE¼NE¼NW¼; N½SE¼NW¼; SE¼SE¼NW¼; NE¼SW¼; N½SE¼SW¼; SE¼SE¼SW¼; SE¼
Tract S1–119
NE¼; E½E½NW¼; N½SE¼

Oil and gas operations are restricted as follows within the zones established by lines extending 3.8 statute miles outward in all directions from a point, the coordinates of which are X=3,742,875; Y=71,280 on East Flower Garden Bank and a point, the coordinates of which are X=3,674,965; Y=50,690, on West Flower Garden Bank. Drill cuttings and drilling muds must be disposed of by shunting the material to the bottom through a downpipe that terminates 20 feet or closer to the bottom.

No garbage, untreated sewage, or other solid waste shall be disposed of from vessels (workboats, crewboats, supply boats, pipelaying vessels) involved with exploration and development operations within a zone 3.8 statute miles outward from those points on the East and West Flower Garden Banks described above.

No drilling permits will be issued by the Supervisor until he has found that the lessee's exploration and development plan filed under 30 CFR 250.34 is adequate to insure that exploration and production operations in the leased area will have no significant adverse effect on the biotic community of high value reef sites on the Flower Garden Banks. As a part of the development plan, a reef monitoring program must be included. The monitoring program will be designed to assess the effects of oil and gas exploration and development operations on the viability of the coral reefs. The development plan should indicate that the monitoring program will be conducted by qualified independent scientific personnel and that program personnel and equipment will be available at the time of operations. The monitoring team will submit its findings on an interim ongoing basis, or immediately in case of imminent danger to the reefs resulting directly from drilling or other operations. To further aid the Supervisor in his findings, he shall request reports on potential effects and recommended measures that may be necessary to prevent or mitigate the effects from the Manager, Gulf of Mexico OCS Office, Bureau of Land Management, and the Regional Director, Bureau of Sport Fisheries and Wildlife, Albuquerque, New Mexico.

14. Leases will provide for a royalty rate of one-sixth and yearly rental or minimum royalty of $3 per acre or fraction thereof. The successful bidder will be required to pay the remainder of the bid and the first year's rental of $3 per acre or fraction thereof and furnish an acceptable surety bond as required in 43 CFR 3304.1 prior to the issuance of each lease.

TRACT DESCRIPTION

15. The tracts offered for bid are as follows:

A: Unleased tracts from Sale #34 held on May 29, 1974

TEXAS

OCS OFFICIAL LEASING MAP, BRAZOS AREA, TEXAS MAP NO. 5

(Approved July 16, 1954)

Tract No.	Block	Description	Acreage
S1–1	A–16	All	5760
S1–2	A–23	All	5760
S1–3	A–29	All	5760
S1–4	A–35	All	5760
S1–5	A–36	All	5760

OCS OFFICIAL LEASING MAP, BRAZOS AREA—SOUTH ADDITION, TEXAS MAP NO. 5B

(Approved Sept. 24, 1959)

Tract No.	Block	Description	Acreage
S1–6	A–52	All	5760
S1–7	A–106	All	5760

OCS OFFICIAL LEASING MAP, GALVESTON AREA, TEXAS MAP NO. 6

(Approved July 16, 1954)

Tract No.	Block	Description	Acreage
S1–8	A–96	All	5760
S1–9	A–98	All	5760
S1–10	A–100	All	5760
S1–11	A–101	All	5760
S1–12	A–106	All	5760
S1–13	A–109	All	5760

OCS OFFICIAL LEASING MAP, GALVESTON AREA—SOUTH ADDITION, TEXAS MAP NO. 6A

(Approved Sept. 24, 1959)

Tract No.	Block	Description	Acreage
S1–14	A–119	All	5760
S1–15	A–120	All	5760
S1–16	A–155	All	5760

V 39 N 126 JUN 28 74 XUM

Tract No.	Block	Description	Acreage
S1-17	A-160	All	5760
S1-18	A-162	All	5760
S1-19	A-177	All	5760
S1-20	A-178	All	5760
S1-21	A-187	All	5760
S1-22	A-189	All	5760
S1-23	A-190	All	5760
S1-24	A-192	All	5760
S1-25	A-200	All	5760
S1-26	A-211	All	5760
S1-27	A-213	All	5760
S1-28	A-215	All	5760
S1-29	A-217	All	5760
S1-30	A-219	All	5760
S1-31	A-221	All	5760
S1-32	A-224	All	5760
S1-33	A-226	All	5760
S1-34	A-241	All	5760
S1-35	A-243	All	5760
S1-36	A-245	All	5760
S1-37	A-246	All	5760

OCS OFFICIAL LEASING MAP, HIGH ISLAND AREA, TEXAS MAP NO. 7

(Approved July 16, 1954; Revised Aug. 1955)

Tract No.	Block	Description	Acreage
S1-38	107	All	5760
S1-39	141	E½	2880

OCS OFFICIAL LEASING MAP, HIGH ISLAND AREA—EAST ADDITION, TEXAS MAP NO. 7A

(Approved Jan. 23, 1967)

Tract No.	Block	Description	Acreage
S1-40	A-282	All	5760

OCS OFFICIAL LEASING MAP, HIGH ISLAND AREA—SOUTH ADDITION, TEXAS MAP NO. 7B

(Approved Sept. 24, 1959)

Tract No.	Block	Description	Acreage
S1-41	A-416	All	5760
S1-42	A-422	All	5760
S1-43	A-424	All	5760
S1-44	A-429	All	5760
S1-45	A-430	All	5760
S1-46	A-431	All	5760
S1-47	A-432	All	5760
S1-48	A-434	All	5760
S1-49	A-435	All	5760
S1-50	A-440	All	5760
S1-51	A-450	All	5760
S1-52	A-451	All	5760
S1-53	A-455	All	5760
S1-54	A-460	All	5760
S1-55	A-461	All	5760
S1-56	A-462	All	5760
S1-57	A-468	All	5760
S1-58	A-470	All	5760
S1-59	A-475	All	5760
S1-60	A-478	All	5760
S1-61	A-500	All	5760
S1-62	A-512	All	5760
S1-63	A-527	All	5760
S1-64	A-528	All	5760
S1-65	A-529	All	5760
S1-66	A-538	All	5760
S1-67	A-541	All	5760
S1-68	A-543	All	5760
S1-69	A-546	All	5760
S1-70	A-549	All	5760
S1-71	A-550	All	5760
S1-72	A-551	All	5760
S1-73	A-552	All	5760
S1-74	A-557	All	5760
S1-75	A-569	All	5760
S1-76	A-574	All	5760
S1-77	A-576	All	5760
S1-78	A-578	All	5760
S1-79	A-579	All	5760
S1-80	A-580	All	5760
S1-81	A-581	All	5760
S1-82	A-586	All	5760
S1-83	A-587	All	5760
S1-84	A-588	All	5760
S1-85	A-589	All	5760
S1-86	A-590	All	5760
S1-87	A-591	All	5760
S1-88	A-592	All	5760

OCS OFFICIAL LEASING MAP, HIGH ISLAND AREA—EAST ADDITION—SOUTH EXTENSION, TEXAS MAP NO. 7C

(Approved Sept. 24, 1959)

Tract No.	Block	Description	Acreage
S1-89	A-267	All	5760
S1-90	A-271	All	5760
S1-91	A-280	All	5760
S1-92	A-281	All	5760
S1-93	A-287	All	5760
S1-94	A-288	All	5760
S1-95	A-296	All	5760
S1-96	A-300	All	5760
S1-97	A-307	All	5760
S1-98	A-308	All	5760
S1-99	A-315	All	5760
S1-100	A-344	All	5760
S1-101	A-345	All	5760
S1-102	A-346	All	5760
S1-103	A-352	All	5760
S1-104	A-353	All	5760
S1-105	A-354	All	5760
S1-106	A-357	All	5760
S1-107	A-366	All	5760
S1-108	A-367	All	5760
S1-109	A-372	All	2880
S1-110	A-374	All	5760
S1-111	A-375	All	5760
S1-112	A-378	All	5760
S1-113	A-379	All	5760
S1-114	A-381	All	5760
S1-115	A-383	All	5760
S1-116	A-384	All	5760
S1-117	A-385	All	5760
S1-118	A-387	All	5760
S1-119	A-388	All	5760
S1-120	A-392	All	2903
S1-121	A-394	All	5760
S1-122	A-395	All	5760
S1-123	A-397	All	5760
S1-124	A-399	All	5760
S1-125	A-401	All	5760

OCS OFFICIAL LEASING MAP, BAY CITY NG-15-1

(Approved June 8, 1973)

Tract No.	Block	Description	Acreage
S1-126	N637 E77	All	5760
S1-127	N637 E78	All	5760
S1-128	N637 E79	All	5760
S1-129	N637 E80	All	5760
S1-130	N638 E67	All	5760
S1-131	N638 E68	All	5760
S1-132	N638 E77	All	5760
S1-133	N638 E78	All	5760
S1-134	N638 E79	All	5760
S1-135	N638 E80	All	5760
S1-136	N639 E67	All	5139.50
S1-137	N639 E69	All	4555.90
S1-138	N639 E77	All	2217.29
S1-139	N639 E78	All	1924.48
S1-140	N639 E79	All	1631.57
S1-141	N639 E80	All	1338.55
S1-142	N640 E73	All	2033.13

OCS OFFICIAL LEASING MAP, GARDEN BANKS, NG-15-2

(Approved Feb. 15, 1973)

Tract No.	Block	Description	Acreage
S1-143	N638 E96	All	2742.80

B. Unleased tracts from Sale #33 held on March 28, 1974

LOUISIANA

OCS OFFICIAL LEASING MAP, WEST CAMERON AREA, LOUISIANA MAP NO. 1

(Approved June 8, 1954; Revised July 22, 1954)

Tract No.	Block	Description	Acreage
S1-144	28	S½N½S½; S½S½S½	
	37	N½	4375
S1-145	143	S½	2500
S1-146	170	E½	2500

OCS OFFICIAL LEASING MAP, WEST CAMERON AREA—WEST ADDITION, LOUISIANA, MAP NO. 1A

(Approved Nov. 15, 1955; Revised Jan. 30, 1957)

Tract No.	Block	Description	Acreage
S1-147	442	All	5000
S1-148	443	All	5000

OCS OFFICIAL LEASING MAP, WEST CAMERON AREA—SOUTH ADDITION, LOUISIANA MAP NO. 1B

(Approved Sept. 8, 1959)

Tract No.	Block	Description	Acreage
S1-149	446	All	5000
S1-150	447	All	5000
S1-151	448	All	5000
S1-152	451	All	5000
S1-153	463	All	5000
S1-154	465	All	5000
S1-155	472	All	5000
S1-156	473	All	5000
S1-157	477	All	5000
S1-158	478	All	5000
S1-159	494	All	5000
S1-160	525	All	5000
S1-161	622	All	5000
S1-162	623	All	5000
S1-163	631	All	5000
S1-164	653	All	3722.39
S1-165	654	All	2818.39

OCS OFFICIAL LEASING MAP, EAST CAMERON AREA—SOUTH ADDITION, LOUISIANA MAP NO. 2A

(Approved Sept. 8, 1959)

Tract No.	Block	Description	Acreage
S1-166	346	All	5000
S1-167	355	All	5000
S1-168	356	All	5000
S1-169	357	All	5000
S1-170	358	All	5000
S1-171	360	All	2500
S1-172	361	All	3099.24
S1-173	362	All	3043.14
S1-174	363	All	2500
S1-175	364	All	5000
S1-176	365	All	5000
S1-177	366	All	5000
S1-178	367	All	5000
S1-179	378	All	2500
S1-180	379	All	2987.03

OCS OFFICIAL LEASING MAP, VERMILLION AREA—SOUTH ADDITION, LOUISIANA MAP NO. 3B

(Approved Sept. 8, 1959)

Tract No.	Block	Description	Acreage
S1-181	376	All	5000
S1-182	378	All	4020.43
S1-183	383	All	5000
S1-184	390	All	2500
S1-185	392	All	5000
S1-186	394	All	5000
S1-187	396	All	5000
S1-188	400	All	3948.24
S1-189	401	All	5000
S1-190	403	All	5000
S1-191	404	All	5000
S1-192	405	All	5000
S1-193	408	All	5000
S1-194	411	All	5000
S1-195	412	All	5000
S1-196	413	All	3912.14

OCS OFFICIAL LEASING MAP, SOUTH MARSH ISLAND AREA—SOUTH ADDITION, LOUISIANA MAP NO. 3C

(Approved Sept. 8, 1959)

Tract No.	Block	Description	Acreage
S1-197	148	All	5000
S1-198	155	All	5000
S1-199	156	All	5000
S1-200	168	All	2500
S1-201	181	All	2500
S1-202	182	All	3473.79
S1-203	193	All	5000
S1-204	194	All	5000
S1-205	195	All	5000
S1-206	199	All	3582.09
S1-207	201	All	5000
S1-208	202	All	5000
S1-209	203	All	5000
S1-210	204	All	5000

OCS OFFICIAL LEASING MAP, SOUTH MARSH ISLAND AREA—NORTH ADDITION, LOUISIANA MAP NO. 3D

(Approved Apr. 16, 1971)

Tract No.	Block	Description	Acreage
S1-211	255	All	5000

OCS OFFICIAL LEASING MAP, EUGENE ISLAND AREA, LOUISIANA MAP NO. 4

(Approved June 8, 1954; Revised July 22, 1954)

Tract No.	Block	Description	Acreage
S1-212	60	All	5000
S1-213	79	All	5000
S1-214	80	All	5000
S1-215	87	N½	2500
S1-216	156	All	5000

OCS OFFICIAL LEASING MAP, EUGENE ISLAND AREA—SOUTH ADDITION, LOUISIANA NO. 4A

(Approved Sept. 8, 1959)

Tract No.	Block	Description	Acreage
S1-217	337	E½	2500
S1-218	345	All	5000
S1-219	374	All	5000
S1-220	375	All	5000
S1-221	390	All	5000
S1-221A	346	All	5000

OCS OFFICIAL LEASING MAP, SHIP SHOAL AREA, LOUISIANA MAP NO. 5

(Approved June 8, 1954)

Tract No.	Block	Description	Acreage
S1-222	148	W½	2500

OCS OFFICIAL LEASING MAP, SOUTH TIMBALIER AREA, LOUISIANA MAP NO. 6

(Approved June 8, 1954; Revised July 22, 1954; Dec. 9, 1954)

Tract No.	Block	Description	Acreage
S1-223	182	All	2148.46
S1-224	183	All	2148.46

OCS OFFICIAL LEASING MAP, GRAND ISLE AREA, LOUISIANA MAP NO. 7

(Approved June 8, 1954)

Tract No.	Block	Description	Acreage
S-225	33	All	

OCS OFFICIAL LEASING MAP, GARDEN BANKS, NG-15-2

(Approved Feb. 15, 1973)

Tract No.	Block	Description	Acreage
S1-226	N634 E101	All	5760
S1-227	N634 E102	All	5760
S1-228	N634 E103	All	5760
S1-229	N635 E101	All	5760
S1-230	N635 E102	All	5760
S1-231	N635 E103	All	5760
S1-232	N636 E102	All	5760
S1-233	N636 E103	All	5760
S1-234	N639 E116	All	5760
S1-235	N639 E117	All	5760
S1-236	N639 E118	All	5760
S1-237	N639 E120	All	5760
S1-238	N639 E121	All	5760
S1-239	N640 E111	All	3648.30
S1-240	N640 E116	All	2864.28
S1-241	N640 E117	All	5333.75
S1-242	N640 E118	All	5608.89
S1-243	N640 E120	All	3472.91
S1-244	N640 E121	All	4208.51
S1-245	N640 E123	All	4289.25
S1-246	N640 E124	All	4369.83
S1-247	N640 E125	All	1298.25
S1-248	N641 E111	All	1836.77
S1-249	N641 E112	All	2138.06
S1-250	N641 E113	All	2188.71
S1-251	N641 E118	All	2534.10
S1-252	N641 E120	All	

OCS OFFICIAL LEASING MAP, NEW ORLEANS SOUTH NO. 1, NG-15-3

(Approved Feb. 15, 1973)

Tract No.	Block	Description	Acreage
S1-253	N641 E131	All	5744.12

OCS OFFICIAL LEASING MAP, NEW ORLEANS, NH-15-12

(Approved Feb. 15, 1973)

Tract No.	Block	Description	Acreage
S1-254	N642 E131	All	664.43

OCS OFFICIAL LEASING MAP, MOBILE SOUTH NO. 2 NH-16-10

(Approved Feb. 15, 1973)

Tract No.	Block	Description	Acreage
S1-255	N660 E59	All	3283.56
S1-256	N661 E59	All	
	N662 E59	All	
	N662 E60	All	2658.55
S1-257	N661 E61	All	5611.56

16. Some of the tracts offered for lease may fall in fairway areas (including the prolongations thereof) or anchorage areas, or both, as designated by the District Engineer, Corps of Engineers, U.S. Army. For the location of those areas and operational restrictions imposed by that agency, the appropriate District Engineer should be consulted.

SUGGESTED BID FORM

17. It is suggested that bidders submit their bids addressed to:

Manager, Gulf of Mexico Outer Continental Shelf Office
Bureau of Land Management
Department of the Interior
The Plaza Tower, Suite 3200
1001 Howard Avenue
New Orleans, Louisiana 70113

in the following form:

OIL AND GAS BID

The following bid is submitted for an oil and gas lease on the land of the OCS specified below:

Tract No.	Total Amount bid	Amount Per acre	Amount Submitted with bid

N.O. Misc. No. _____ Percent _____

_____
Company

_____
Signature
(Please type signer's name under signature)

WITHDRAWAL OF TRACTS

18. The United States reserves the right to withdraw any tract from this sale prior to the issuance of a written acceptance of a bid for that tract.

IMPORTANT

19. It is strongly recommended that prior to conducting any drilling activity, lessees who may acquire leases on tracts S1-16 thru S1-18; S1-21 thru S1-24; S1-27 thru S1-32; S1-35 thru S1-37; S1-62 thru S1-68; S1-70 thru S1-88 and S1-126 thru S1-142; inclusive, pursuant to this offering inspect the ocean floor and remove all hazardous military ordnance from the immediate drilling area. Tracts S1-126 thru S1-142 are within an area presently being used by the Department of Defense and where hazardous military ordnance may occur. All other tracts identified above are within an area formerly used by the Department of Defense. For this reason hazardous military ordnance may also be found on these tracts.

GEORGE L. TURCOTT,
Associate Director,
Bureau of Land Management.

Approved: June 24, 1974.

JACK O. HORTON,
Assistant Secretary
of the Interior.

[FR Doc.74-14780 Filed 6-27-74;8:45 am]

[Bureau Order No. 701, Amdt. No. 19]

LANDS AND RESOURCES

Redelegation of Authority

Bureau Order No. 701 dated July 23, 1964, is further amended as follows:

Paragraph (z) in section 1.9 and section 3.9 is amended to read as follows:

SEC. 1.9 *Land Use.*

• • • • • •

(z) *Recreation.*

All actions relating to recreation management pursuant to 43 CFR Parts 6000–6290.

• • • • • •

SEC. 3.9 *Land Use.*

• • • • • •

V 39 N 126 JUN 28 74 XUM

(z) *Recreation.*

All actions relating to recreation management pursuant to 43 CFR Parts 6000–6290.

GEORGE L. TURCOTT,
Associate Director.

JUNE 17, 1974.

[FR Doc.74–14832 Filed 6–27–74;8:45 am]

[New Mexico 20893]

NEW MEXICO

Notice of Application

JUNE 19, 1974.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Navajo Refining Company has applied for a 2-inch crude oil pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 17 S., R. 30 E.,
Sec. 9, SE¼SE¼;
Sec. 10, SW¼SW¼.

This pipeline will convey crude oil across 0.207 miles of national resource land in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico 88201.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.74–14839 Filed 6–27–74;8:45 am]

[New Mexico 21805–08; 21814–17; 21828–29 and 21851]

NEW MEXICO

Notice of Applications

JUNE 20, 1974.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for one 2⅜ inch and ten 4½ inch natural gas pipelines right-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 27 N., R. 7 W.,
Sec. 7, SE¼SE¼;
Sec. 8, SE¼NE¼ and NE¼SE¼;
Sec. 10, S½SE¼;
Sec. 11, SE¼SE¼ and SW¼SW¼;
Sec. 14, lots 1, 2, and 3;
Sec. 15, N½SW¼;
Sec. 20, N½NE¼;
Sec. 21, S½NW¼ and NW¼SW¼;
Sec. 22, NE¼NW¼ and S½NW¼;
Sec. 27, N½NW¼ and SW¼NW¼.

These pipelines will convey natural gas across 2.246 miles of national resource land in Rio Arriba County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, 3550 Pan American Freeway, Albuquerque, NM 87107.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.74–14837 Filed 6–27–74;8:45 am]

[New Mexico 21809 and 21810]

NEW MEXICO

Notice of Applications

JUNE 20, 1974.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for two 4½-inch natural gas pipelines right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 27 N., R. 8 W.,
Sec. 24, E½SW¼, NW¼SE¼;
Sec. 27, SE¼NE¼.

These pipelines will convey natural gas across .448 miles of national resource land in San Juan County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, 3550 Pan American Freeway, NE, Albuquerque, NM 87107.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.74–14838 Filed 6–27–74;8:45 am]

CALIFORNIA

Order Providing for Opening of Public Lands

JUNE 18, 1974.

1. In exchanges of lands made under the provisions of section 8 of the Act of June 28, 1934 (48 Stat. 1272), as amended (43 U.S.C. 315g), the following described lands have been reconveyed to the United States:

HUMBOLDT MERIDIAN

CALIFORNIA 1526

T. 3 S., R. 2 W.,
Sec. 15, lot 1, NE¼SW¼, W½NE¼, NW¼;
Sec. 16, lots 1, 2, 3, 4, and 5, NE¼NE¼;
Those portions of the S½SW¼, Sec. 24 and of the NW¼, Sec. 25 described as follows: Beginning at the southeast corner of lot 5 of said Section 25; thence north 62 degrees 25 minutes 30 seconds west 4270.8 feet to the true point of beginning; thence north 60 degrees west 330 feet; thence north 30 degrees east 1320 feet; thence south 60 degrees east 330 feet; and thence south 30 degrees west 1320 feet to the true point of beginning.

CALIFORNIA 622

T. 4 S., R. 1 E.,
Sec. 20, W½NW¼, NW¼SW¼.
T. 4 S., R. 1 W.,
Sec. 4, lot 1;
Sec. 5, lots 3 and 4 and SE¼NE¼.

CALIFORNIA 573

T. 3 S., R. 1 W.,
Sec. 15, SE¼;
Sec. 19, lots 1, 2, 3, and NE¼NW¼;
Sec. 30, lot 4, NW¼NE¼, E½NW¼, and NE¼SW¼;
Sec. 32, lots 1 and 2, W½NE¼, NE¼SW¼, and SE¼;
T. 3 S., R. 2 W.,
Sec. 14, N½S½ and SW¼SE¼;
Sec. 15, E½NE¼, N½SE¼;
Sec. 23, Lot 5;
Sec. 24, SE¼NE¼, NE¼SW¼, S½SW¼, and SE¼;
Sec. 25, Lots 1, 2, 3, 4, and 5, and N½NE¼;
Sec. 26, Lot 1;
Excepting from the SE¼NE¼, NE¼SW¼, S½SW¼, and SE¼ Sec. 24, and Lots 1, 2, 3, 4, and 5, and the N½NE¼ Sec. 25, T. 3 S., R. 2 W., Humboldt Meridian, California, those portions thereof within the tract of land conveyed to Paul Smith and Ann Smith, his wife, by Deed recorded June 25, 1962, in Book 692, page 468 of Official Records, in the office of the County Recorder of said County, which tract is described as follows: On the westerly side by the mean high water line of the Pacific Ocean; on the easterly side by a line distant 1320 feet easterly from and parallel with the mean high water line of the Pacific Ocean; on the northerly side by a line drawn at right angles to the mean high water line of the Pacific Ocean and distant 660 feet northerly from the center of Spanish Flat Cabin, said 660 feet being measured at right angles to said northerly boundary; on the southerly side by a line drawn at approximately a right angle to the mean high water line of the Pacific Ocean and parallel with the northerly line above described and distant 660 feet southerly from the center of Spanish Flat Cabin, said 660 feet being measured at right angles to said southerly boundary, all as shown on the record of Survey for Paul Smith filed July 8, 1966 in Book 22, Page 53 of Surveys, in the office of the County Recorder of said County.
T. 4 S., R. 1 W.,
Sec. 5, Lot 2;
T. 4 S., R. 1 E.,
Sec. 4, SW¼NE¼ and NW¼SE¼.

The area described aggregates approximately 2,546.78 acres in Humboldt County.

2. The above described lands are situated in the King Range area and were acquired for the purpose of consolidating the public lands and providing for proper multiple-use management of all the resources. The lands lie within the boundaries described in section 9 of Public Law 91–476 (84 Stat. 1057), an act which provides for the establishment of the King Range National Conservation Area.

3. The United States does not have jurisdiction as to 50 percent of the minerals in the following described lands, as the mineral rights were not reconveyed by exchange:

HUMBOLDT MERIDIAN

T. 4 S., R. 1 E.,
Sec. 4, SW¼NE¼, NW¼SE¼.

4. Subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the lands will at 10 a.m. on July 29, 1974, be open to the operation of the public land laws. All valid applications received at or prior to 10 a.m. July 29, 1974, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

5. Except as to the 50 percent mineral reservation described in paragraph 3 above, the lands will be open to location under the United States mining laws and to applications and offers under the mineral leasing laws at 10 a.m. July 29, 1974; except the following lands in California 573 which have always been subject to location under the mining laws and to application and offers under the mineral leasing laws:

T. 3 S., R. 2 W.,
Sec. 14, SW¼SE¼, N½S½;
Sec. 24, NE¼SW¼, NW¼SE¼, S½SE¼;
Sec. 25, N½NE¼.
T. 3 S., R. 1 W.,
Sec. 19, Lot 1, NE¼NW¼;
Sec. 32, SE¼, W½NE¼.

Inquiries concerning the lands should be addressed to the Bureau of Land Management, Room E–2841, Federal Office Building, 2800 Cottage Way, Sacramento, California 95825.

WALTER F. HOLMES,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.74–14840 Filed 6–27–74;8:45 am]

Office of Hearings and Appeals

[Docket No. M 74–141]

DEAN COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Dean Coal Company has filed a petition to modify the application of 30 CFR 77.1605(k) to its No. 4 Strip Mine.

30 CFR 77.1605(k) provides:

Berms or guards shall be provided on the outer bank of elevated roadways.

In support of its petition to secure a waiver of 30 CFR 77.1605(k) Petitioner states in pertinent part that:

1. Berms have already been installed on that portion of the elevated roadway where they are most needed.
2. The remaining portion of the haulage road is substantially less hazardous than that on which berms have been provided.
3. The operator has an excellent safety record in its hauling operations due to careful maintenance of rolling stock, supervised traffic system and extra wide roads.
4. Installation of berms on the remaining portion of the elevated roadway would interfere with drainage, particularly melting snow, since this road is at an elevation of 2300 feet and higher.
5. A daily inspection of all coal-hauling vehicles shall be made and any defects detected shall be corrected before the vehicle is put into service. A record of the inspection and repair on each vehicle shall be kept and maintained by a supervisory employee.
6. All rules of the road (traffic system) shall be posted on the bulletin boards throughout the mine area, and such rules of the road shall be made part of the training and retraining programs.
7. Roadway surfaces shall be kept free of debris, excessive water and snow and ice, and maintained as free as practicable of small ditches (washboard effects).
8. A traffic system shall be put into effect for these roads requiring that the loaded trucks have the right-of-way in all no-passing or one-lane traffic areas.
9. Warning signs shall be posted designating curves, steep grades where trucks should shift to a lower gear, and where roadways are reduced to one-lane traffic. Stop signs shall be posted where one road intersects another, giving main haulage road traffic the right-of-way. Signs shall also be posted designating passing points.
10. All equipment operators shall be trained in the use of haulage equipment and the safety of vehicles on haulage roads.
11. All haulage vehicles shall have:
(a) Original manufacturers brakes.
(b) Engine or Jacobs brakes, except on gasoline powered trucks which do not have Jacob brakes but the engines of which serve as effective brakes.
(c) Original manufacturers parking brakes.
12. Adequate supplies of crushed stone or other suitable materials shall be stored at strategic locations along the haulage roads for use when the road surface becomes slippery.
13. A minimum width of 24 feet shall be provided and maintained along two-lane roads, and where widths of less than 24 feet are provided and maintained, the roads shall be designated as single-lane roads.
14. On roads that afford only one traffic lane, a minimum width of 16 feet, except where roads are shot out of solid rock, in which case they shall be 12 feet, shall be maintained, with passing points provided at intervals of not more than 1,000 feet.
15. Where abrupt drop-offs are present along the outer banks, elevation shall be provided to cause the vehicles to gravitate toward the highwall side of the road.

Petitioner asserts that its proposed alternative will at all times afford the same protection as the application of the mandatory standard.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before July 29, 1974. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director,
Office of Hearings and Appeals.

JUNE 20, 1974.

[FR Doc.74–14828 Filed 6–27–74;8:45 am]

[Docket No. M 74–136]

LOVILIA COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Lovilia Coal Company has filed a petition to modify the application of 30 CFR 75.1405 to its No. 4 Mine located in Monroe County, Iowa.

30 CFR 75.1405 provides:

All haulage equipment acquired by an operator of a coal mine on or after March 30, 1971, shall be equipped with automatic couplers which couple by impact and uncouple without the necessity of persons going between the ends of such equipment. All haulage equipment without automatic couplers in use in a mine on March 30, 1970, shall also be so equipped within 4 years after March 30, 1970.

To be read concurrently with § 75.1405 is 30 CFR 75.1405–1 which provides:

The requirement of § 75.1405 with respect to automatic couplers applies only to track haulage cars which are regularly coupled and uncoupled.

In support of its petition, Petitioner states:

(1) Mining in the subject mine is accomplished primarily by the conventional mechanical mining method, that is, loading machine, cutting machine, shuttle cars, rock and coal drills, etc. The mined coal from the operating section is dumped directly into mine cars and the mine cars are then pushed and pulled by electric locomotives over a rail haulage system to a dump inside the mine near the bottom of a coal shaft, up which the coal is transported by elevator to the surface by means of a box-like container called a "skip."

(2) The haulage system in use at this mine does not involve coupling or uncoupling mine cars while they are in motion. Furthermore none of the three motormen involved in the haulage ever leave their seats in the locomotive cockpit to couple or uncouple mine cars. Coupling and uncoupling by motormen involves simply lifting or dropping a pin in one of the cars. The pin's head is rounded and far above the point where the body of the pin engages the coupling link. The only other coupling and uncoupling of cars is performed by the "Bottom Man" and this is done only when cars are at a standstill and with special precautions as will be hereinafter described in more detail.

(3) Except for the furnishing of a link aligning tool, which was a practice instituted recently, the haulage and dumping system described herein has been in effect at this mine since 1964. During this period a total of nearly 2,000,000 tons of coal were produced, hauled and dumped without a single lost time accident involving haulage or dumping. Previous to opening this mine, Petitioner operated another mine from 1951 until 1963 with the same haulage and dumping system and again without any lost time accidents attributable to hauling or dumping.

(4) The mine has a remaining life expectancy of 5 to 8 years and has been engineered for the particular system of haulage largely because of the unpredictable grade and sensitive and unique roof conditions.

(5) By modern coal car standards the mine cars are small, being only 124 inches long (excluding bumpers), 64 inches wide,

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and 28 inches deep. The total height of the car from the top of the sides to the rail ties is 41 inches. The wheel base is 46 inches.

(6) Each car is fitted on each end with a rounded, wooden bumper which is centered on the car end and which projects at its furthest point 10 inches from the end of the car. Thus when two cars are coupled together the adjacent ends of the two cars are 20 inches apart. The bumpers are each 36 inches wide at their widest point (nearest the end of the car), thus allowing 13 inches from this point to the car side.

(7) A 1 x 5 inch steel draw bar is fastened the full length of the car down its center and projects beyond each car end over each bumper. The draw bar is bent upward at each end at the point where it emerges from the car body and then bent downwards so as to parallel the surface of the bumper. A 2½ inch diameter hole is provided at each end of the draw bar. These holes are positioned about 2 inches above identical holes in the bumpers. The bumper holes are actually located in a steel insert which is positioned in the center of the wooden bumper.

(8) Coupling of cars is performed by horizontally positioning a steel link between the respective adjoining drawbars and bumpers of the cars to be coupled and then inserting two 2 inch steel pins to fix the link in position. The link used at this mine is made of 1¾ inch diameter steel with a 14 inch inside clearance. The pins have enlarged, rounded heads which prevent them from dropping through the holes.

(9) In actual practice only one pin must be inserted to couple two cars. The front end of each car already contains a link locked into position at one end by a fixed pin. This pin is fixed into position at its bottom end by a nut and cannot be removed merely by lifting.

(10) The rear end of each car contains only a pin, but the pin is not fixed into position. It may be lifted upward to disengage a link from the front end of another car or may be dropped downward to engage such link.

(11) Coal is delivered to the hoisting shaft in ten-car trips by three trolley locomotives hereinafter identified as M1, M2, and M3. Because of the unpredictable grades and also, as a safety measure, one motor is coupled to the lead car of the loaded trip and another motor is coupled to the last car of the trip and serves as a push motor. When a loaded trip reaches the hoisting shaft and after the trip comes to a complete stop, the bottom man, who is also referred to as a dumper or coupler, places two wooden chocks under the front and back wheel of the lead car on the side from which he works to prevent any movement of the cars. Without leaving his seat and while the loaded cars are not in motion, the M1 motorman pulls the pin on the lead car and pulls his motor toward the shaft until his motor clears the switch points of a back switch in the track. The switch is spring controlled so as to always switch a motor or empty car into the back-hole empty car track. The motorman then reverses his motor and pulls it into the back-hole empty car track; and without leaving his seat couples his motor to the lead car of a ten car empty trip that is not in motion and has been previously dumped and coupled by the bottom man.

(12) While the M1 motorman has been performing the foregoing duties, the M3 motorman, while the cars are not in motion and without leaving his seat, pulls the pin from the rear car of the ten car loaded trip which he has just helped deliver to the hoisting shaft. He then reverses his motor and travels on the main line back toward the working face and stops outby the track switch, that connects the back-hole empty car track with the main line. He waits here until the motorman on M1 clears the switch with the last car on the empty car trip he has picked up from the back-hole empty track. The M3 motor then follows the empty trip being pulled by the M1 motor to a point inby a switch that is located at the outside end of a track loop on which the loader head is located. While this entire cycle as described was being performed, the M2 motorman, without leaving his seat and pulling cars that have not been uncoupled, has been loading a ten car empty trip by moving the cars under the loader head as the shuttle cars dump directly into the cars. When the M2 motorman leaves the loader head with his loaded trip and clears the switch with the last car on his loaded trip he stops his trip. The M3 motorman then pulls out of the switch and while the cars are not in motion and without leaving his seat, couples his motor to the rear car of the loaded trip. The M2 motor with the help of the M3 motor then travels to the hoisting shaft and repeats the cycle as previously described. When the M2 motor leaves the loader head with his loaded trip the M1 motor pulls his empty trip under the loader head to start another loading cycle. This part of the haulage cycle as described is accomplished without coupling or uncoupling any moving cars and without any one of the three motormen leaving his seat.

(13) After the ten car loaded trip has been delivered to the hoisting shaft by haulage motors, and after both motors have uncoupled from the loaded trip and started back toward the working face, the bottom man takes over to dump the loaded trip which is standing with no haulage motors coupled to the trip and with wheel chocks under the front and rear wheels of the lead car. The bottom man then, without having to go between the cars and while the cars are not in motion, pulls the pin on the second car. He then pulls the wheel chocks from the lead car and this car rolls by gravity and stops at track switch A. As the lead car rolls forward to this position the balance of the trip rolls forward by gravity and the two wheel chocks are again placed under the front and back wheel of the lead car bringing the trip to a stop while the bottom man completes his dumping of the lead car. The dumping is accomplished by placing a hook under the top half of the draw bar on the rear end of the lead car that is standing at point A. The hook is fastened to a $\frac{3}{16}$" improved plow steel cable and travels through a heavy-duty pulley that is anchored overhead directly above the rocker car dump. The cable is spooled on an electric powered hoist that is securely anchored on the floor. After the bottom man places the hook in the draw bar he proceeds to operate the hoist with a portable power cable which has a hand control attached to the end of the cable. The control has forward and reverse buttons which gives the operator full control of the dumping at all times. As the car is pulled forward toward the shaft and comes onto the rocker dump and is pulled upward to a full dump position, it discharges the load of coal into a skip located deep enough below the dumped car to allow it to discharge the load freely. The hoist is then reversed and the rocker dump with the car comes back to its original position. This allows the operator to release the hook from the car and signal the hoisting engineer to hoist the loaded skip. The empty car then runs by gravity into the back-hole empty car track. This procedure is repeated until the entire trip is dumped and the ten car empty trip is standing uncoupled in the back-hole empty car track. The bottom man then proceeds to couple the empty trip which at this time is not in motion. It is not necessary to go between the cars to couple or uncouple them. When the cars are standing together bumper to bumper, there is a 20" clearance between the beds of the cars. The pins are suspended on a chain that is bolted to the car in a position at least 12" off center and toward the side where the coupler performs the coupling and uncoupling of the cars. The combination of the 20" clearance between the car bodies and the fact that it is only 31" from the outside of the car to the center of the pin hole; and the location of the chain on which the pins are suspended enables the coupler to perform his job without going between the cars. Each motorman and the bottom man are provided with a tool which he uses when it is necessary to reposition the links that couple the cars together.

(14) Petitioner submits that the application of the foregoing provision of the Act and the foregoing regulations, if applied to petitioner's mine, would result in a diminution of safety over the present system in effect.

(15) Petitioner has explored the possibility of adapting the mine cars with automatic couplers, but has not been able to discover how this could be done without effectuating a diminution in safety now being provided miners under the present haulage and dumping system.

This diminution of safety would result because:

A—Installation of automatic couplers would prevent the mine cars from negotiating the tight curves in the mine haulage system. This would result in derailments and require employees to position themselves between cars for releasing, adjusting or securing couplings. To replace the present short radius switches with those of wider radius would require removing coal pillars and widening the switching areas. This procedure would expose more roof and interfere with the critical roof support patterns needed in this mine, thereby creating a far more serious hazard than any which could be imagined from use of pin and link coupling.

B—Automatic couplers do not allow the vertical flexibility which is so critical in this mine with its numerous irregular slopes. The result would be the creation of those superseding hazards that go with derailments, and the constant need for workmen to position themselves under and between cars to extricate, adjust or position the automatic couplers. The pin and link system provides vertical flexibility.

(16) The present haulage and coupling system is much superior to the one using automatic couplers. It has been developed, tested and tried over the years and its safety has been demonstrated.

(17) The pin and link couplings are component parts of a mining system which was carefully designed to take into account the particular characteristics of the coal seam being mined and must be considered in that context. These couplings are interwoven with and related to the need for narrow mine cars, short radius switches and narrow haulage-ways. Pin and link couplings in this mine relate to considerations of roof control and prevention of serious mine haulage accidents.

(18) Because of the small narrow mine cars used, the bottom dumper does not position himself between mine cars in order to couple or uncouple, and the motormen never leave the safety of the decks of their locomotives. The dumping system also provides for coupling and uncoupling when cars are at a standstill.

(19) Petitioners are reluctant to depart from their safe, tried system to one which would have obvious built-in safety hazards if applied to this mine.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before July 29, 1974. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director,
Office of Hearings and Appeals.

JUNE 20, 1974.

[FR Doc.74-14829 Filed 6-27-74;8:45 am]

[Docket No. M 74-99-A] [1]

UNITED POCAHONTAS COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), United Pocahontas Coal Company has filed a petition to modify the application of 30 CFR 75.1405 to its Layland Mine No. 3 located near Layland, West Virginia.

30 CFR 75.1405 provides:

All haulage equipment acquired by an operator of a coal mine on or after March 30, 1971, shall be equipped with automatic couplers which couple by impact and uncouple without the necessity of persons going between the ends of such equipment. All haulage equipment without automatic couplers in use in a mine on March 30, 1970, shall also be so equipped within 4 years after March 30, 1970.

To be read concurrently with § 75.1405 is 30 CFR 75.1405–1 which provides:

The requirement of § 75.1405 with respect to automatic couplers applies only to track haulage cars which are regularly coupled and uncoupled. In support of its petition, Petitioner states:

(1) Mining is accomplished by the continuous mining method, that is, continuous mining machines, shuttle cars, rock and coal drills, etc. The mined coal from each operating section is dumped on the section onto a belt which then loads into mine cars which are then pulled by electric locomotives over a rail haulage system to the outside of the mine for dumping.

(2) The mine cars used for hauling coal and supplies are all bottom-dumping cars. This differs from the 25 mine cars which have been set aside for use in hauling rock and slate. The slate cars are of various types, are front-dumping and are not included in this petition. The coal haulage cars are delivered to each operating section in strings of from 10 to 20 cars depending on the availability of cars for the particular section, the extent of the mining activity and other logistical factors. At the loading point where the belt discharges into the mine cars, the front car is hooked onto a cable which is affixed to a stationary hoisting device which is electrically operated and which is used to position the cars in turn for loading under the dump into which the shuttle cars have deposited their load of coal. Once loaded, the mine cars are then hauled by electric locomotive to the outside dump where, without being uncoupled, the hinged bottoms of each car automatically open as the car is positioned over the dumping station.

(3) There are currently in use at this mine approximately 20 mine cars used in coal haulage. These are of two different makes of cars and their ages vary from 10 to 20 years. All of the mine cars are fitted with standard link-and-pin coupling devices.

(4) Many of the haulage way rail switches leading from the main line into the working areas of the mine were installed when the mine was first being developed and are of shorter radius than those which are now being installed. These switches cannot be replaced with wider-radius switches without removing portions of the adjacent coal pillars which help provide roof support.

(5) Investigation of the possibility of installation of automatic couplers on the coal cars has been conducted, but serious safety problems have been presented which suggest a diminution of safety over the present method. In recent weeks mine management has become aware of the existence of an alternate method which does not possess the disadvantages of the automatic coupler and which achieves the same measure of protection to miners sought to be achieved by use of the automatic coupler.

(6) It is Petitioner's understanding that the Mine Enforcement and Safety Administration has further interpreted the phrase "regularly coupled and uncoupled" as excluding mine cars which are coupled together by pin and link arrangements provided the pin, when in coupling position, is secured by a suitable locking pin or nut so that the cars thus coupled cannot be uncoupled simply by lifting the pin. Thus a string of coal cars which have been coupled together by link and fixed pin arrangements are not required to have automatic couplers except on the end of the exterior car of the string which is from time to time (irregularly) coupled to some other piece of haulage equipment. This interpretation has not been published.

(7) Petitioner submits that the application of the foregoing provision of the Act and the foregoing regulations and interpretations, if applied to petitioner's mine would result in a diminution of safety over the present system in effect. Beyond this, however, in order to better achieve the purposes sought to be achieved by the Act and regulations and thus to provide a standard which provides a better measure of protection to the miners in said mine, petitioner proposes an alternate method, as set forth hereinafter.

(8) *Alternate method.* Approval of this alternate system as a satisfactory replacement of the standard which otherwise would become effective in mandating automatic couplers on mine cars at this mine on and after March 30, 1974, is subject to the following understandings and conditions which are incorporated as parts of the alternate system:

A—All cars in use at the captioned mine for transporting coal and supplies will be coupled together in units or strings of cars using pin and link couplings and each pin will be fixed in position by welding a stop on the mine car to prevent it from disengaging the link. The front end of the front car of each string will be fitted with a coupling lever so designed as to permit an employee to lift or drop the pin through the car bumper to secure or release a link that has been inserted from another haulage unit and to do this without the necessity of positioning himself between the units being coupled or uncoupled. If it becomes necessary in the coupling operation to position the link, this also will be done without the employee positioning himself between the units—he will effectuate this alignment by using a specially designed Hand Link Aligner tool which shall be part of the equipment of all haulage crews.

It is presently planned that most, if not all, mine car units or strings will consist of ten cars. However in the event it becomes more practical to combine cars into strings of more or less than ten cars, each string of cars will nevertheless meet the specifications of fixed pin on all coal haulage cars and coupling lever on the front car.

B—All employees at the captioned mine will be trained and instructed in the proper operation and use of the Coupling Levers and the Hand Link Aligners and their proper use will be mandatory requirements for coupling and uncoupling of all mine car coal haulage units at this mine. More specifically in this regard:

(1) All present employees at this mine will, by April 30, 1974, be instructed on the function and use of the Coupling Lever and Hand Link Aligners.

(2) Thereafter, any new employee hired at this mine will be given instruction on the function and use of the Coupling Lever and Hand Link Aligners as part of his orientation before he commences actual work.

(3) This instruction of all employees will again be repeated at six month intervals. The first such re-instruction shall be given during the first five work days in November 1974, the next during the first five work days in May, 1975, etc. etc. Employees absent from work during these periods will be re-instructed within the first five work days after they return to work.

(4) The Company will maintain a permanent record of the names and dates when each mine employee received this instruction and re-instruction.

(5) The requirement that, upon conversion of coal haulage mine cars at this mine, coupling and uncoupling be done by means of Coupling Levers and Hand Link Aligners shall be a mandatory safety rule at this mine and a notice to this effect shall be posted on the regular Company and Union bulletin boards at the mine.

(6) For the period March 30, 1974, through June 30, 1974, as each multiple mine car unit is converted and placed into operation, it will be subject to the modified standard set forth in this petition and such unit will only be coupled and uncoupled by use of the Coupling Lever and Hand Link Aligner in accord with the modified standard. Effective July 1, 1974, all coal haulage mine cars in operation at this mine must have been converted and the modified standard will become fully operative except as an extension of time has been provided by stipulation of all the parties or by order of an administrative law judge of the Interior Department Office of Hearings and Appeals. In the event shortages and/or unavailability of materials or other conditions beyond the control of management prevent completion of full conversion by July 1, 1974, the petitioner will endeavor to arrange by stipulation with the other parties for a mutually agreeable period of extension. Failing such agreement the petitioner may request from the Office of Hearings and Appeals the assignment of an administrative law judge and conduct of a hearing for the purpose of determining whether

[1] Petitions with Docket Numbers M 74-99-A and M 74-99-B originally appeared as a single petition with Docket No. M 74-99 in FEDERAL REGISTER, Vol. 39, No. 82—Friday, April 26, 1974, at 14782. The original petition has been divided into two petitions in order to better reflect the differences between the coal haulage cars and the slate haulage cars operating in the subject mine.

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an extension of time should be granted and, if granted, the duration of such extension. The parties by stipulation, or the assigned administrative law judge by order following notice to all parties and conduct of hearing, shall have authority to provide for an appropriate extension if the circumstances make it reasonable to do so.

(9) *Safety considerations.* The alternate method set forth above will provide no less than the same measure of protection to miners at the Layland No. 3 Mine than that sought to be afforded by section 314(f) of the Act and Interior Department Regulations 30 CFR 75.1405 and 75.1405–1. Under the circumstances at this mine it will actually provide greater protection and thus avoid the diminution of safety that would result if automatic couplers were used. This is because:

A—Automatic couplers lack the flexibility of permitting mine cars to negotiate some of the rail curves in this mine. If this were attempted the result would be derailments with possible roof falls and other sources of injury to mine personnel. The radii of these rail curves cannot be enlarged without removing some of the coal from the adjacent coal pillars. Such removal would reduce the protection from roof falls, a most serious and overriding cause of concern in underground coal mines.

B—Any modification of the present mine cars with automatic couplers would have to be accomplished by affixing coupler units to the bumpers of the present cars. The point where such couplers are affixed to the present chassis would be subject to severe strain and stress that would be much more likely to cause coupling misalignment and failure than in the case of the pin-link arrangement or in the case of new car units where the automatic coupler has been designed as part of the car chassis. The prospect of derailments and runaway cars, with the attendant dangers to employees, is less likely if pin and link couplings were used.

C—The two types of mine cars, particularly under the haulage layout at this mine, require a much more flexible coupler arrangement than is possible with the relatively rigid automatic couplers, posing the danger of derailments and runaway cars. The coupling arrangement proposed in this alternate system, involving the flexible pin and link coupling, with safeguards, provides a much safer operation.

D—No imminent danger is presently involved. Petitioner proposes his alternate method in the sincere conviction that it provides a safer method than the use of automatic couplers. Petitioner is in the process of installing prototype Coupling Levers on two mine cars and constructing prototype Hand Link Aligners.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before July 29, 1974. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director,
Office of Hearings and Appeals.

JUNE 20, 1974.

[FR Doc.74–14831 Filed 6–27–74;8:45 am]

[Docket No. M74–99–B] [1]

UNITED POCAHONTAS COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), United Pocahontas Coal Company has filed a petition to modify the application of 30 CFR 75.1405 to its Layland Mine No. 3 located near Layland, West Virginia.

30 CFR 75.1405 provides:

All haulage equipment acquired by an operator of a coal mine on or after March 30, 1971, shall be equipped with automatic couplers which couple by impact and uncouple without the necessity of persons going between the ends of such equipment. All haulage equipment without automatic couplers in use in a mine on March 30, 1970, shall also be so equipped within 4 years after March 30, 1970.

To be read concurrently with § 75.1405 is 30 CFR 75.1405–1 which provides:

The requirement of § 75.1405 with respect to automatic couplers applies only to track haulage cars which are regularly coupled and uncoupled.

In support of its petition, Petitioner states:

(1) Mining is accomplished by the continuous mining method, that is, continuous mining machine, shuttle cars, rock and coal drills, etc. The mined coal from each operating section is dumped on the section onto a belt which then loads into mine cars which are then pulled by electric locomotives over a rail haulage system to the outside of the mine for dumping.

(2) The mine cars used for hauling coal and supplies are bottom dumping cars and a petition for modification related to the automatic coupler requirements has been concurrently filed. Those cars are not the subject of this petition which pertains to the mine cars which have been set-aside and will be used for slate and rock hauling. (Hereinafter called "slate cars").

(3) Because the circumstances at this mine involve considerable rehabilitation, particularly in connection with the main passageways, the amount of rock and slate that must be removed to the outside is greater than that involved in a normal mining operation. In order to assure that sufficient means are provided to expedite this rehabilitation work so that modernization of the mine may be accomplished, a total of approximately 25 mine cars has been set aside and will be used exclusively for rock and slate haulage. This abnormal activity is anticipated to continue for two or three years and then level off to a more routine rock hauling.

(4) Since the slate cars are subject to greater physical stress than those which haul coal since bottom dumping is not a convenient or effective means for discharging the rock and slate, and because of the anticipated limited period of use of most of the slate cars in this mine, the slate cars are the older, front-dump mine cars which are not as suitable for coal haulages.

(5) The cars set aside as slate cars are fitted with link-pin type couplings, and there are three types of such cars. All of them are front-dumping, that is the entire front of the car is hinged upward as the car chassis is tilted thus permitting the entire contents to be emptied into the dump. Such arrangement is particularly fitted for dumping loads which contain large pieces of rock or slate. It is not practical to group these slate cars in multiple units or strings with fixed pins in the interior coupling because each slate car must be dumped separately, unlike the case of bottom-dump cars.

(6) The slate cars are hauled by electric locomotive over passageways through old parts of the mine to a different location from where the coal is transported. Many of the rail switches that form part of this haulageway were installed when the mine was first being developed and are of shorter radius than those now being installed in new parts of the mine. These switches cannot be replaced with wider-radius switches without removing portions of the adjacent coal pillars which help provide roof support.

(7) Investigation of the possibility of installation of automatic couplers on the coal cars has been conducted, but serious safety problems have been presented which suggest a diminution of safety over the present method. In recent weeks mine management has become aware of the existence of an alternate method which does not possess the disadvantages of the automatic coupler and which achieves the same measure of protection to miners sought to be achieved by use of the automatic coupler.

(8) Petitioner submits that the application of the Section 314(f) of the Act and 30 CFR 75.1405 regulations and interpretations, if applied to petitioner's mine would result in a diminution of safety over the present system in effect. Beyond this, however, in order to better achieve the purposes sought to be achieved by the Act and regulations and thus to provide a standard which provides a better measure of protection to the miners in said mine, petitioner proposes an alternate method, as set forth hereinafter.

(9) *Alternate method.* Approval of this alternate system as a satisfactory replacement of the standard which otherwise would become effective in mandating automatic couplers on mine cars at this mine on and after March 30, 1974, is subject to the following understandings and conditions which are incorporated as parts of the alternate system:

A—All slate cars in use at the captioned mine will be fitted with a coupling lever so designed as to permit an employee to lift or drop the pin through the car bumper to secure or release a link that has been inserted from another haulage unit and to do this without the necessity of positioning himself between the units being coupled or uncoupled. If it becomes necessary in the coupling operation to position the link this also will be done without the employee positioning himself between the units. He will effectuate this alignment by using a specially designed Hand Link Aligner tool which shall be part of the equipment of all haulage crews.

B—All employees at the captioned mine will be trained and instructed in the proper operation and use of the Coupling Levers and the Hand Link Aligners and their proper use will be mandatory requirements for coupling and uncoupling of all slate cars at this mine. More specifically in this regard:

(1) All present employees at this mine will, by April 30, 1974, be instructed on the function and use of the Coupling Lever and Hand Link Aligners.

(2) Thereafter, any new employee hired at this mine will be given instruction on the function and use of the Coupling Lever and Hand Link Aligners as part of his orientation before he commences actual work.

(3) This instruction of all employees will again be repeated at six month intervals. The first such re-instruction shall be given during the first five work days in November, 1974, the next during the first five work days in May, 1975, etc., etc. Employees absent from working during these periods will be re-instructed within the first five work days after they return to work.

(4) The Company will maintain a permanent record of the names and dates when each mine employee received this instruction and re-instruction.

(5) The requirement that, upon conversion of slate cars at this mine, coupling and uncoupling be done by means of Coupling Levers and Hand Link Aligners shall be mandatory safety rule at this mine and a notice to this effect shall be posted on the regular Company and Union bulletin boards at the mine.

(6) For the period March 30, 1974, through June 30, 1974, as each slate car is converted and placed into operation, it will be subject to the modified standard set forth in this petition and such unit will only be coupled and uncoupled by use of the Coupling Lever and Hand Link Aligner in accord with the modified standard. Effective July 1, 1974, all slate cars in operation at this mine must have been converted and the modified standard will become fully operative except as an extension of time has been provided by stipulation of all the parties or by order of an administrative law judge of the Interior Department Office of Hearings and Appeals. In the event shortages and/or unavailability of materials or other conditions beyond the control of management prevent completion of full conversion by July 1, 1974, the petitioner will endeavor to arrange by stipulation with the other parties for a mutually agreeable period of extension. Failing such agreement the petitioner may request from the Office of Hearings and Appeals the assignment of an administrative law judge and conduct of a hearing for the purpose of determining whether an extension of time should be granted and, if granted, the duration of such extension. The parties by stipulation, or the assigned administrative law judge by order following notice to all parties and conduct of hearing, shall have authority to provide for an appropriate extension if the circumstances make it reasonable to do so.

(10) *Safety considerations.* The alternate method set forth above will provide no less than the same measure of protection to miners at the Layland No. 3 mine than that sought to be afforded by Section 314(f) of the Act and Interior Department Regulations 30 CFR 75.1405 and 75.1405–1. Under the circumstances at this mine the method will actually provide greater protection and thus avoid the diminution of safety that would result if automatic couplers were used. This is because:

A—Automatic couplers lack the flexibility of permitting mine cars to negotiate some of the rail curves in this mine. If this were attempted the result would be derailments with possible roof falls and other sources of injury to mine personnel. The radii of these rail curves cannot be enlarged without removing some of the coal from the adjacent coal pillars. Such removal would reduce the protection from roof falls, a most serious and overriding cause of concern in underground coal mines.

B—Any modification of the present mine cars with automatic couplers would have to be accomplished by affixing coupler units to the bumpers of the present cars. The point where such couplers are affixed to the present chassis would be subject to severe strain and stress that would be much more likely to cause coupling misalignment and failure than in the case of the pin-link arrangement or in the case of new car units where the automatic coupler has been designed as part of the car chassis. The prospect of derailments and runaway cars, with the attendant dangers to employees, is less likely if pin and link couplings were used.

C—The use of three types of mine cars, particularly under the haulage layout at this mine, require a much more flexible coupler arrangement than is possible with the relatively rigid automatic couplers, posing the danger of derailments and runaway cars, with the attendant dangers to employees, is less likely if pin and link couplings were used. The coupling arrangement proposed in this alternate system, involving the flexible pin and link coupling, with safeguards, provides a much safer operation.

D—No imminent danger is presently involved. Petitioner proposes his alternate method in the sincere conviction that it provides a safer method than the use of automatic couplers. Petitioner is in the process of installing prototype Coupling Levers on two mine cars and constructing prototype Hand Line Aligners.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before July 29, 1974. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director,
Office of Hearings and Appeals.

JUNE 20, 1974.

[FR Doc.74–14830 Filed 6–27–74;8:45 am]

[1] Petitions with Docket Numbers M74–99–A and M74–99–B originally appeared as a single petition with Docket No. M74–00 in FEDERAL REGISTER, Vol. 39, No. 82—Friday, April 26, 1974, at 14782. The original petition has been divided into two petitions in order to better reflect the differences between the coal haulage cars and the slate haulage cars operating in the subject mine.

Office of the Secretary

[INT DES 74–71]

NUECES RIVER PROJECT, TEXAS

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental statement on a proposed water supply project for the purpose of furnishing additional municipal and industrial water supplies to Corpus Christi and nearby communities of the Coastal Bend area of Texas. Written comments may be submitted to the Regional Director (address below) within 45 days of this notice.

Copies are available for inspection at the following locations:

Office of Assistant to the Commissioner—Ecology, Room 7620, Bureau of Reclamation, Department of the Interior, Washington, D.C. 20240. Telephone (202) 343–4991.
Division of Engineering Support, Technical Services Branch, E&R Center, Denver Federal Center, Denver, Colorado 80225. Telephone (303) 234–3007.
Office of the Regional Director, Bureau of Reclamation, Herring Plaza, Box H–4377, Amarillo, Texas 79101. Telephone (806) 376–2401.
Planning Office, Bureau of Reclamation, Post Office Box 1946, Austin, Texas 78767. Telephone (512) 397–5641.

Single copies of the draft statement may be obtained on request to the Commissioner of Reclamation or the Regional Director. Please refer to the statement number above.

Dated: June 25, 1974.

STANLEY D. DOREMUS,
Deputy Assistant Secretary of the Interior.

[FR Doc.74–14878 Filed 6–27–74;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

FLUE-CURED TOBACCO ADVISORY COMMITTEE

Notice of Meeting

The second meeting of the Flue-Cured Tobacco Advisory Committee will be held in the Board Room of the Flue-Cured Tobacco Cooperative Stabilization Corporation, 522 Fayetteville Street, Raleigh, North Carolina 27602 at 10 a.m. on July 19, 1974.

The purpose of the meeting is to advise and counsel the Secretary of Agriculture regarding an equitable apportionment of the available tobacco inspectors amongst the markets he has designated pursuant to the Tobacco Inspection Act, 7 U.S.C. 511–511g.

Matters to be discussed include the estimated quantity of tobacco ready for market in each marketing area and other matters as specified in 7 CFR Part 29, Subpart G, § 29.9404.

The meeting is open to the public but space and facilities are limited. Public participation will be limited to written statements submitted before or at the meeting unless their participation is otherwise requested by the Committee Chairman. Persons, other than members, who wish to attend the meeting should contact Mr. J. W. York, Director, Tobacco Division, Agricultural Marketing Service, 300 12th Street SW., United States Department of Agriculture, Washington, D.C. 20250, (202) 447–2567.

E. L. PETERSON,
Administrator,
Agricultural Marketing Service.

[FR Doc.74–14913 Filed 6–27–74;8:45 am]

DEPARTMENT OF COMMERCE

Maritime Administration

TANKER CONSTRUCTION PROGRAM

Environmental Impact Statement

An environmental impact statement entitled, Maritime Administration

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Tanker Construction Program, NTIS Report No. EIS730725–F, was published on May 30, 1973. The statement concerns proposed assistance to private industry to aid in the construction in the United States of a fleet of oil-carrying vessels during the decade of the 1970's. Vessel classes included range from approximately 35,000 DWT to 400,000 DWT.

The Maritime Subsidy Board has received the following application for assistance under the Tanker Construction Program and has determined that the vessels to be constructed with such assistance are of the type, design and characteristics of those vessels treated in the above mentioned environmental impact statement. As a consequence the Board has found that no supplement to the impact statement mentioned herein, nor any new impact statement need be prepared with respect to these vessels. Future Board action with respect to the application will be, from an environmental standpoint, based on the above mentioned impact statement. These applications are:

(1) VLCC I—Corporation for one ship;
(2) VLCC II—Corporation for one ship;
(3) Zapata Bulk Transport, Inc.—For two ships;
(4) EXXON Company, U.S.A.—For two ships.

They are to be of MarAd Design T11–S–116a, about 390,000 DWT as proposed to be built by Newport News Shipbuilding and Dry Dock Company and known as Newport News project PD–1040, Bulk Oil Carrier. This class of ship is described in detail in the EIS as an example of a Jumbo Very Large Crude Carrier ("Jumbo VLCC") given in Section II. The environmental impact of such designs are covered throughout the Statement in various sections.

The basis for the Board's determinations, as described herein, are available for public inspection in the Office of the Secretary, Room 3099, Maritime Administration, Commerce Department Building, 14th & "E" Streets, NW., Washington, D.C. 20230.

Dated: June 25, 1974.

By Order of the Maritime Subsidy Board, Maritime Administration.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.74–14786 Filed 6–27–74;8:45 am]

TANKER CONSTRUCTION PROGRAM

Environmental Impact Statement

An environmental impact statement entitled, Maritime Administration Tanker Construction Program, NTIS Report No. EIS730725–F, was published on May 30, 1973. The statement concerns proposed assistance to private industry to aid in the construction in the United States of a fleet of oil-carrying vessels during the decade of the 1970's. Vessel classes included range from approximately 35,000 DWT to 400,000 DWT.

The Maritime Subsidy Board has received the following application for assistance under the Tanker Construction Program and has determined that the vessels to be constructed with such assistance are of the type, design and characteristics of those vessels treated in the above mentioned environmental impact statement. As a consequence the Board has found that no supplement to the impact statement mentioned herein, nor any new impact statement need be prepared with respect to these vessels. Future Board action with respect to the application will be, from an environmental standpoint, based on the above mentioned impact statement. This application is:

Pierce Tanker Corporation/Buchanan Tanker Corp. Application for two additional ships. It is to be identical to the four ships now under construction at Seatrain Shipbuilding Corporation and are known as Mar Ad Design T10–S–92a. They are to be 225,000 DWT and are described in detail in the EIS as an example of a "Very Large Crude Carrier (VLCC)" given in Section II. The environmental impact of such designs are covered throughout the statement in various sections.

The bases for the Board's determinations, as described herein, are available for public inspection in the Office of the Secretary, Room 3099, Maritime Administration, Commerce Department Building, 14th & "E" Streets, N.W., Washington, D.C. 20230.

Dated: June 26, 1974.

By Order of the Maritime Subsidy Board, Maritime Administration.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.74–15026 Filed 6–27–74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institutes of Health

CANCER CONTROL EDUCATION REVIEW COMMITTEE

Notice of Cancellation of Meeting

Notice is hereby given of the cancellation of the meeting of the Cancer Control Education Review Committee, National Cancer Institute, July 12, 1974, 8:30 a.m., National Institutes of Health, Building 31, Conference Room 3, which was published in the FEDERAL REGISTER (39 FR 17989) May 22, 1974. The meeting was planned as a follow-up of the meeting of the Cancer Control Education Review Committee held on May 31, 1974; however the necessary discussions were completed during the May Committee meeting.

Dated: June 24, 1974.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.74–14900 Filed 6–27–74;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration

[FDAA–441–DR, Docket No. NFD–215]

OKLAHOMA

Amendment to Notice of Major Disaster

Notice of Major Disaster for the State of Oklahoma, dated June 10, 1974, and amended June 12, 1974, and amended June 13, 1974, is hereby further amended to include the following counties among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of June 10, 1974:

The counties of:

Cherokee	Ottawa
Okfuskee	Seminole
Okmulgee	

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

Dated: June 24, 1974.

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.74–14844 Filed 6–27–74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 74–170]

NEW YORK HARBOR VESSEL TRAFFIC SYSTEM ADVISORY COMMITTEE

Notice of Open Meeting

This is to give notice pursuant to Public Law 92–463, sec. 10(a), approved October 6, 1972, that the New York Harbor Vessel Traffic System Advisory Committee will conduct an open meeting on Wednesday, July 10, 1974, in the Auditorium of Building 108, Governors Island, New York beginning at 10:30 a.m.

Members of the Committee and their industry positions are:

Admiral John M. Will, USN (Ret.), State of New York Board of Commissioners of Pilots
Captain H. C. Breitenfeld, United New York Sandy Hook Pilots' Benevolent Association
Captain W. H. Burrill, State of New Jersey Board of Commissioners of Pilots
Mr. Richard Dewling, U.S. Environmental Protection Agency
Captain T. J. McGovern, United New Jersey Sandy Hook Pilots' Benevolent Association
Mr. A Giallorenzi, American Institute of Merchant Shipping—Petroleum Industry Representative
Mr. A. Hammon, Port Authority of New York and New Jersey
Captain T. A. King, U.S. Department of Commerce, Maritime Administration
Commodore F. Lindner, Long Island Sound Commodores Association
Colonel H. W. Lombard, USA, Department of the Army, Corps of Engineers
Mr. Robert W. Sanders, New York Harbor Panel, Marine Towing and Transportation Industry
Captain R. D. Sante, USN, U.S. Navy, Military Sealift Command
Captain S. M. Seledee, American Institute of Marine Underwriters
Captain J. G. Stillwaggon, Interport Pilots' Associates, Inc.
Captain K. C. Torrens, American Institute of Merchant Shipping

The Agenda for the July 10, 1974 meeting consists of:

1. Report of the Executive Committee given by Captain K. C. Torrens, Chairman of the Executive Committee.
2. Report of the Long Island Sound Sub-Committee given by Captain D. M. Kennedy, Chairman of the Long Island Sound Sub-Committee.
3. Report of the Hudson River Sub-Committee given by Captain H. C. Breitenfeld, Chairman of the Hudson River Sub-Committee.
4. Report from the New York Vessel Traffic System Staff on the proposed voluntary security broadcast system to become effective throughout New York Harbor; including discussions of the broadcast points and the potential methods of traffic separation.
5. Comments from the floor.

The New York Harbor Vessel Traffic System Advisory Committee was established by the Commander, Third Coast Guard District on April 1, 1973, to advise on the need for, and development, installation and operation of a Vessel Traffic System for the New York Harbor. Public members of the Committee serve voluntarily without compensation from the Federal Government, either travel or per diem.

Interested persons may seek additional information by writing Commander H. A. Pledger, Project Officer, Vessel Traffic System, Third Coast Guard District, Governors Island, New York 10004, or by calling (212) 264–0409.

Dated: June 1, 1974.

B. F. ENGEL,
Vice Admiral, U.S. Coast Guard, Commander, Third Coast Guard District.

[FR Doc.74–14881 Filed 6–27–74;8:45 am]

[CGD 74–171]

SHIP STRUCTURE COMMITTEE

Notice of Renewal

This is to give notice pursuant to Pub. L. 92–463, approved 6 October 1972, that the charter for the Ship Structure Committee has been renewed by the Secretary of Transportation for a two year period commencing 1 July 1974 through 30 June 1976.

The purpose of the Committee is to conduct an aggressive research program which will, in the light of changing technology in marine transportation, improve the design, materials and construction of the hull structure of ships by an extension of knowledge in these fields for the ultimate purpose of increasing the safe operation of ships. The Committee is composed of an ex-officio representative appointed by each of the following: Commandant, U.S. Coast Guard, Department of Transportation; Commander, Naval Ship Systems Command, Department of the Navy; Commander, Military Sealift Command, Department of the Navy; Assistant Secretary for Maritime Affairs, Department of Commerce; President, American Bureau of Shipping, the only non-government member.

Interested persons may seek additional information by writing:

Secretary, Ship Structure Committee
U.S. Coast Guard
Washington, D.C. 20590

Dated: June 21, 1974.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc.74–14880 Filed 6–27–74;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50–289]

METROPOLITAN EDISON CO. ET AL.

Issuance of Facility License Amendment

Notice is hereby given that the U.S. Atomic Energy Commission (the Commission) has issued Amendment No. 3 to Facility Operating License No. DPR–50 issued to Metropolitan Edison Co., Jersey Central Power and Light Co. and Pennsylvania Electric Co., for operation of Three Mile Island Nuclear Station, Unit 1, located in Dauphin County, Pennsylvania. The amendment is effective as of its date of issuance.

The amendment removes a temporary condition from the license regarding the containment spray additive tanks. This amendment relates to radiological safety matters previously considered but does not involve a significant hazards consideration.

For further details with respect to this action, see (1) the licensee's letter dated June 17, 1974, and (2) the Commission's related Safety Evaluation, dated June 24, 1974. All of these are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Government Publication Section, State Library of Pennsylvania, Box 1601 (Education Building), Harrisburg, Pennsylvania.

A copy of item (2) may be obtained upon request addressed to the United States Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing-Regulation.

Dated at Bethesda, Maryland, this 24th day of June, 1974.

For the Atomic Energy Commission.

A. SCHWENCER,
Chief, Light Water Reactors Branching No. 2–3, Directorate Licensing.

[FR Doc.74–14869 Filed 6–27–74;8:45 am]

[Docket No. 50–410]

NIAGARA MOHAWK POWER CORP.

Issuance of Construction Permit

Notice is hereby given that, pursuant to the Initial Decision of the Atomic Safety and Licensing Board, dated June 14, 1974, the Atomic Energy Commission (the Commission) has issued Construction Permit No. CPPR–112 to the Niagara Mohawk Power Corporation for construction of a boiling water nuclear reactor at the applicant's site on the south shore of Lake Ontario in the town of Scriba, Oswego County, New York. The proposed reactor, known as the Nine Mile Point Nuclear Station Unit 2, is designed for a rated power of approximately 3323 megawatts thermal with a net electrical output of approximately 1086 megawatts.

The Initial Decision is subject to review by an Atomic Safety and Licensing Appeal Board prior to its becoming final. Any decision or action taken by an Atomic Safety and Licensing Appeal Board in connection with the Initial Decision may be reviewed by the Commission.

The Commission has made appropriate findings as required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the construction permit. The application for the construction permit complies with the standards and requirements of the Act and the Commission's rules and regulations.

The construction permit is effective as of its date of issuance. The earliest date for the completion of the facility is January 31, 1978, and the latest date for completion is July 31, 1978. The permit shall expire on the latest date for completion of the facility.

A copy of (1) the Initial Decision, dated June 14, 1974; (2) Construction Permit No. CPPR–112; (3) the report of the Advisory Committee on Reactor Safeguards, dated July 17, 1973; (4) the Directorate of Licensing's Safety Evaluation, dated June 15, 1973; (5) the Preliminary Safety Analysis Report and amendments thereto; (6) the applicant's Environmental Report, dated June 1972 and supplements thereto; (7) the Draft Environmental Statement dated January 17, 1973; and (8) the Final Environmental Statement, dated June 1973, are available for public inspection at the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C. and the Oswego City Library, 120 East Second Street, Oswego, New York 13126. A copy of the construction permit and the Safety Evaluation may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing, Regulation.

Dated at Bethesda, Maryland, this 24th day of June, 1974.

For the Atomic Energy Commission.

JOHN F. STOLZ,
Chief, Light Water Reactors Project Branch 2–1, Directorate of Licensing.

[FR Doc.74–14868 Filed 6–27–74;8:45 am]

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[Docket No. 50-271]

VERMONT YANKEE NUCLEAR POWER CORP.

Proposed Issuance of Amendment to Facility Operating License

The Atomic Energy Commission (the Commission) is considering the issuance of an amendment to Facility Operating License No. DPR-28 which would authorize the Vermont Yankee Nuclear Power Corp. (the licensee) to operate the Vermont Yankee Nuclear Power Station (the facility), a boiling water reactor, using 8 x 8 fuel assemblies (containing U-235) and also would revise the provisions in the Technical Specifications relating to the limiting conditions for operation associated with fuel densification for the 8 x 8 fuel assemblies. The applicant is presently licensed to possess and operate its facility located on the Connecticut River near Vernon, Vermont, at power levels up to 1593 MWt using a full core of 7 x 7 fuel assemblies (containing U-235).

The Commission has found that the application for amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations in 10 CFR Chapter I. Prior to issuance of the license amendment, the Commission's Directorate of Licensing will have (1) made the remainder of the findings required by the Act and the Commission's regulations and (2) completed a favorable Safety Evaluation on the application dated May 21, 1974.

On or before July 29, 1974, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed within the time prescribed in this notice, the Commission or an Atomic Safety and Licensing Board designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

A petition for leave to intervene must be filed under oath or affirmation in accordance with the provisions of 10 CFR § 2.714. As required in 10 CFR § 2.714, a petition for leave to intervene shall set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and any other contentions of the petitioner including the facts and reasons why he should be permitted to intervene, with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. Any such petition shall be accompanied by a supporting affidavit identifying the specific aspect or aspects of the subject matter of the proceeding as to which the petitioner wishes to intervene and setting forth with particularity both the facts pertaining to his interest and the basis for his contentions with regard to each aspect on which he desires to intervene. A petition that sets forth contentions relating only to matters outside the jurisdiction of the Commission will be denied.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, United States Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff, or may be delivered to the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., by July 29, 1974. A copy of the petition and/or request should also be sent to the Chief Hearing Counsel, Office of the General Counsel, Regulation, U.S. Atomic Energy Commission, Washington, D.C. 20545.

For further details, see the application by (1) the Vermont Yankee Nuclear Power Corp. dated May 21, 1974, (2) the Technical Report on the General Electric Co. 8 x 8 Fuel Assembly dated February 5, 1974, by the Directorate of Licensing, and (3) the Report of the Advisory Committee on Reactor Safeguards dated February 12, 1974, which are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Brooks Memorial Library at 224 Main Street, Brattleboro, Vermont. As the Safety Evaluation report to be prepared by the Directorate of Licensing on the application and the license amendment become available, they may be inspected at the above locations and a single copy of each may be obtained.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing—Regulation.

Dated at Bethesda, Maryland, this 25th day of June 1974.

For the Atomic Energy Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch #2, Directorate of Licensing.

[FR Doc.74-14936 Filed 6-27-74;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON PILGRIM STATION, UNIT 1

Notice of Change of Meeting Time and Participants

JUNE 26, 1974.

The FEDERAL REGISTER notice, published at 39 FR 22289 (June 21, 1974), relating to the July 9, 1974 meeting of the ACRS Subcommittee on Pilgrim Station, Unit 1, is revised as follows:

(1) The portion of the meeting which will be open to the public will begin at 9:30 a.m. instead of 11:30 a.m.

(2) Representatives of the AEC Division of Reactor Safety Research will also participate in agenda-item discussions with the Subcommittee.

Other matters pertaining to this meeting remain unchanged.

JOHN C. RYAN,
Advisory Committee Management Officer.

[FR Doc.74-15037 Filed 6-27-74;11:29 am]

CIVIL AERONAUTICS BOARD

[Docket No. 25280; C.A.B. Agreement 24430; Order 74-6-106]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Commodity Rates

JUNE 25, 1974.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of the Joint Traffic Conferences of the International Air Transport Association (IATA), and adopted by mail vote.

The agreement would extend to September 30, 1975, the effectiveness of certain commodity rates between Europe and points in IATA Traffic Conference 3 (Asia / Australia / Australasia), which were originally scheduled to expire October 1, 1974. The rates are not available to or from any United States point, and therefore have no application in air transportation as defined by the Act.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.15, it is not found that Resolutions JT 23 (Mail 339) 590 and JT 123 (Mail 231) 590, incorporated in Agreement C.A.B. 24430, affect air transportation as defined by the Act.

Accordingly, it is ordered That:

Jurisdiction be and hereby is disclaimed with respect to Agreement 24430.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

[1] Designated as Boston Edison Company Rate Schedule FPC No. 75.

This order will be published in the FEDERAL REGISTER.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-14902 Filed 6-27-74;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

CERTAIN COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN MALAYSIA

Entry or Withdrawal From Warehouse for Consumption

JUNE 19, 1974.

On August 30, 1973, there was published in the FEDERAL REGISTER (38 FR 23437), a letter dated August 24, 1973, from the Chairman, Committee for the Implementation of Textile Agreements, to the Commissioner of Customs, establishing levels of restraint applicable to certain specified categories of cotton textiles and cotton textile products produced or manufactured in Malaysia and exported to the United States during the twelve-month period beginning September 1, 1973. As set forth in that letter, the levels of restraint are subject to adjustment pursuant to paragraphs 5 and 8 of the Bilateral Cotton Textile Agreement of September 15, 1970 between the Governments of the United States and Malaysia, which provide that within the aggregate and applicable group limits, limits on certain categories may be exceeded by not more than 5 percent; and for the limited carryover of shortfalls in certain categories to the next agreement year.

Accordingly, pursuant to the provisions of the bilateral agreement referred to above, there is published below a letter of June 19, 1974, from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs amending the level of restraint applicable to cotton textile products in Category 46, produced or manufactured in Malaysia and exported to the United States during the twelve-month period which began on September 1, 1973.

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,
Department of the Treasury, Washington, D.C. 20229.

JUNE 19, 1974.

DEAR MR. COMMISSIONER: On August 24, 1973, the Chairman, Committee for the Implementation of Textile Agreements, directed you to prohibit entry during the twelve-month period beginning September 1, 1973 of cotton textiles and cotton textile products in certain specified categories produced or manufactured in Malaysia in excess of designated levels of restraint. The Chairman further advised you that the levels of restraint are subject to adjustment.[1]

Pursuant to paragraphs 5 and 8 of the Bilateral Cotton Textile Agreement of September 15, 1970 between the Governments of the United States and Malaysia, and in accordance with the procedures of Executive Order 11651 of March 3, 1972, you are directed to amend, effective as soon as possible, the level of restraint established in the aforesaid directive of August 24, 1973 for cotton textile products in Category 46 to 25,414 dozen.[2]

The actions taken with respect to the Government of Malaysia and with respect to imports of cotton textile products from Malaysia have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

[FR Doc.74-14841 Filed 6-27-74;8:45 am]

COMMITTEE FOR PURCHASE OF PRODUCTS AND SERVICES OF THE BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST 1974

Proposed Addition

Notice of proposed addition to Procurement List 1974, November 29, 1973 (38 FR 33038) was published in the FEDERAL REGISTER on April 17, 1974 (39 FR 13805).

Pursuant to the above notice the following service is added to Procurement List 1974.

SERVICE	
Industrial Class 7699	*Price*
Typewriter repair and maintenance (JO) Veterans Administration Center and Hospital (Wood), and Veterans Administration Regional Office Milwaukee, Wisconsin	List of prices available from GSA, PMDS, Region 5

By the Committee.

C. W. FLETCHER,
Executive Director.

[FR Doc.74-14889 Filed 6-27-74;8:45 am]

[1] The term "adjustment" refers to those provisions of the Bilateral Cotton Textile Agreement of September 15, 1970 between the Governments of the United States and Malaysia which provide, in part, that within the aggregate and applicable group limits, limits on certain categories may be exceeded by not more than 5 percent; for the limited carryover of shortfalls in certain categories to the next agreement year; and for administrative arrangements.

[2] This level has not been adjusted to reflect any entries made on and after September 1, 1973.

ENVIRONMENTAL PROTECTION AGENCY

[OPP-32000/76]

NOTICE OF RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

Data To Be Considered In Support of Applications

On November 19, 1973, the Environmental Protection Agency published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 979), and its procedures for implementation. This policy provides that EPA will, upon receipt of every application, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by the applicant will be available for examination at the Environmental Protection Agency, Room EB-37, East Tower, 401 M Street, SW., Washington, D.C. 20460.

On or before August 27, 1974, any person who (a) is or has been an applicant, (b) desires to assert a claim for compensation under section 3(c)(1)(D) against another applicant proposing to use supportive data previously submitted and approved, and (c) wishes to preserve his opportunity for determination of reasonable compensation by the Administrator must notify the Administrator and the applicant named in the FEDERAL REGISTER of his claim by certified mail. Every such claimant must include, at a minimum, the information listed in this interim policy published on November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy in regard to usage of existing supportive data for registration will be processed in accordance with existing procedures. Applications submitted under 2(c) will be held for the 60-day period before commencing processing. If claims are not received, the application will be processed in normal procedure. However, if claims are received within 60 days, the applicants against whom the particular claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after this 60-day period.

APPLICATIONS RECEIVED

EPA Reg. No. 5535-94. J. & L. Adikes, Inc., 182-12 93rd Avenue, Jamaica NY 11423. *Gro-Well Chinch Bug and Lawn Insect Killer.* Active Ingredients: Chlorpyrifos [O,O-diethyl O-(3,5,6-trichloro-2-pyridyl) phosphorothioate] 0.77%; Aromatic petroleum derivative solvent 2.43%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 241-110. American Cyanamid Company, P.O. Box 400, Princeton NJ 08540. *Malathion ULV Concentrate Insecticide.* Active Ingredients: Malathion (O,O-Dimethyl dithiophosphate of diethyl mercaptosuccinate 95%. Method of Support: Application proceeds under 2(b) of interim policy.

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EPA File Symbol 5481–RTG. Amvac Chemical Corporation, 4100 E. Washington Boulevard, Los Angeles CA 90023. *Toxaphene 8E Agricultural Insecticide Emulsifiable Liquid.* Active Ingredients: Toxaphene (Technical Chlorinated Camphene) (67% to 69% Chlorine) 70.0%; Aromatic Petroleum Derivative Solvent 11.0%; Kerosene 6.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 11725–E. Bio-Tek Industries, Inc., 1212 Menlo Drive, N.W., Atlanta GA 30318. *Formula-7SF Super Insecticide Concentrate.* Active Ingredients: Pyrethrins 0.105%; Allethrins 0.066%; Piperonyl Butoxide, Technical 0.210%; N-octyl bicycloheptene dicarboximide 0.350%; Petroleum Distillate 99.269%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 11725–G. Bio-Tek Industries, Inc. *TEK SR–6 Residual Insecticide Spray.* Active Ingredients: Pyrethrins 0.052%; Piperonyl Butoxide, technical 0.260%; O,O-Diethyl O-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate 0.500%; Petroleum distillate 99.188%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 11725–R. Bio-Tek Industries, Inc. *Rid-It Residual Insecticide Spray.* Active Ingredients: Pyrethrins 0.050%; Piperonyl Butoxide, Technical 0.100%; N-octyl bicycloheptene dicarboximide 0.166%; O-Isopropoxyphenyl Methylcarbamate 1.000%; Petroleum Distillate 83.684%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 11725–U. Bio-Tek Industries, Inc. *TEK SF–2 Super Fog Insecticide Spray.* Active Ingredients: Pyrethrins 0.30%; Piperonyl Butoxide, Technical 0.60%; N-Octyl bicycloheptene dicarboximide 1.00%; Petroleum Distillate 98.10%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 9461–IA. Celanese Coatings & Specialties Co., Devoe Marine Division, P.O. Box 99038, Jeffersontown KY 40299. *Devoe Marine Formula 218 Devran Permament Red Anti-Fouling Paint MD–3888.* Active Ingredients: Cuprous Oxide 30.25%; Bis (Tributyltin) Oxide 2.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 704–GG. Chemical Systems Inc., 173 West Fullerton Avenue, Chicago IL 60614. *Chemical Systems IS–66.* Active Ingredients: Technical piperonyl butoxide 2.50%; Pyrethrins 0.50%; Petroleum distillate 98.20%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 239–2395. Chevron Chemical Company, 940 Hensley Street, Richmond CA 94801. *Ortho Regione.* Active Ingredients: Diquat dibromide [6,7-dihydrodipyrido (1,2-a: 2',1'-c) pyrazinedilium dibromide] 35.3%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 1416–UN. Churchill Chemical Company, P.O. Box 312, Galesburg IL 61401. *Styx Residual Insecticide.* Active Ingredients: Petroleum distillate 99.184%; O,O-diethyl O-(2-isopropyl 6-methyl-4-pyrimidinyl) phosphorothioate 0.500%; N-octyl bicycloheptene dicarboximide 0.166%; Technical piperonyl butoxide 0.100%; Pyrethrins 0.050%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 32695–G. Dale-Alley Company, Box 444, St. Joseph MO 64502. *Alley Co-Ral Animal Insecticide.* Active Ingredients: O,O-Diethyl O-(3-chloro-4-methyl-2-oxo-(2H)-1-benzopyran-7-yl) phosphorothioate 1%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 464–LNT. The Dow Chemical Company, P.O. Box 1706, 9008 Bldg., Midland MI 48640. *Dow Amine-Four Herbicide.* Active Ingredients: Alkanolamine Salts (of the Ethanol series) of 2,4-Dichlorophenoxyacetic acid 57.1%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 279–EOTT. FMC Corporation, Agricultural Chemical Division, 100 Niagara Street, Middleport NY 14105. *Pyrenone Garden Spray.* Active Ingredients: Pyrethrins 0.050%; Piperonyl Butoxide, Technical 0.500%; Petroleum Distillate 8.075%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 34463–R. Elio E. Grandi, Grandi Associates International Ltd., U.S. Agent, Suite 250, Watergate 600, Washington DC 20037; Veneziani Zonca Vernici SPA, Via Malapina, 8 34147, Trieste, Italy. *Ancient Mariner No-Scrub Anti-Fouling Paint.* Active Ingredients: Cuprous oxide 18.00%; Bis (tri-n-butyltin) oxide 4.70%; bioMet triphenyltin fluoride 12.00%. Method of Support: Application proceeds under 2(e) of interim policy.

EPA File Symbol 11037–RG. Hacienda Enterprises, 565 Charles Street, San Jose CA 95112. *Hacienda Diazinon Insect Spray.* Active Ingredients: O,O-diethyl O-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate 25.00%; Xylene 56.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 5905–UEE. Helena Chemical Company, Clark Tower—5100 Poplar Avenue, Suite 2900, Memphis TN 38137. *Helena 90% Sulfur Dust.* Active Ingredients: Sulfur as elemental 90.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 5905–UEG. Helena Chemical Company. *Helena 10% Sevin—50% Sulfur Dust (Insecticide-Fungicide).* Active Ingredients: Carbaryl (1-naphthyl N-methylcarbamate) 10%; Sulfur 50%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 5905–UEL. Helena Chemical Company. *Helena Diazinon 4 Dust (Insecticide).* Active Ingredients: O,O-diethyl O-(2-isopropyl-6-methyl - 4 - pyrimidinyl) phosphorothioate 4%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 5905–UEN. Helena Chemical Company. *Helena Soil Fumigant 12.1 E. C. Nematicide.* Active Ingredients: 1,2-Dibromo-3-Chloropropane and Related Halogenated C_3 Compounds 84.21%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 5905–UER. Helena Chemical Comany. *Helena Dibrom 8 E Naled Insecticide.* Active Ingredients: Naled (1,2-dibromo-2,2-dichloroethyl dimethyl phosphate) 58%; Xylene 20%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 5905–UEU. Helena Chemical Company. *Helena Grain Preserver 100.* Active Ingredients: Propionic Acid 100%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 2342–OUG. Kerr-McGee Chemical Corp., Kerr-McGee Center, Oklahoma City OK 73125. *Fasco Ferbam 76–WP Fungicide.* Active Ingredients: Ferbam (Ferric diemthyldithiocarbamate) 76.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 2342–OUE. Kerr-McGee Chemical Corp. *Fasco Terraclor 2 E.C.* Active Ingredients: Pentachloronitrobenzene 24.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 2342–OUU. Kerr-McGee Chemical Corp. *Fasco Neutral C–Z–S–B No. 4.* Active Ingredients: Copper, as Metallic 4.42%; Sulphur, as Elemental S 75.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 1148–EA. Lemingwell Chemical Company, 111 S. Berry Street, Brea CA 92621. *Roto-Flo 50R.* Active Ingredients: Petroleum Oil 80.00%; Rotenone 0.20%; Other cube extractives 0.30%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 1148–EI. Lemingwell Chemical Company. *Flowable 60.* Active Ingredients: Petroleum Oil 82.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 1148–EO. Lemingwell Chemical Company. *Unicide 75.* Active Ingredients: Petroleum Oil 99.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 1148–ET. Lemingwell Chemical Company. *Unicide 60.* Active Ingredients: Petroleum Oil 99.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 1148–GN. Lemingwell Chemical Company. *Flowable 75.* Active Ingredients: Petroleum Oil 82.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 802–73. The Chas. H. Lilly Co., 109 S.E., Alder, Portland OR 97214. *Miller's Polysul Summer & Dormant Spray.* Active Ingredients: Calcium Polysulphide 28.7%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 34278–R. Peaceful Valley Farms, P.O. Box 10404, Eugene OR 97401. *Pyrethrem Insect Powder.* Active Ingredients: Pyrethrins 0.22%; Petroleum distillate 3.78%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 11525–16. Peterson/Puritan, Inc., Helger Lane, Danville IL 61832. *P/P Disinfectant Deodorant "B".* Active Ingredients: 2-phenylphenol 0.172%; 2-chloro-4-phenylphenol 0.034%; Ethanol 67.512%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 655–296. Prentiss Drug & Chemical Co., Inc., 363 Seventh Avenue, New York, NY 10001. *Prentox Super Concentrate No. 179—An Insecticide For Formulating Use.* Active Ingredients: Petroleum Distillates 49.0%; Piperonyl Butoxide, Technical 39.0%; Pyrethrins 12.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 655–299. Prentiss Drug & Chemical Co., Inc. *Prentox Prentiss Private Formula No. 375—For Manufacturing Purposes Only.* Active Ingredients: Methylated Naphthalenes 79.00%; Piperonyl Butoxide, Technical 10.00%; 2,2-dichlorovinyl dimethyl phosphate 9.30%; Related compounds 0.70%; Pyrethrins 1.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 655–324. Prentiss Drug & Chemical Co., Inc. *Prentox Pyronyl 20–2 Dust—For Manufacturing Purposes Only.* Active Ingredients: Pyrethrins 2.0%; Piperonyl Butoxide, Technical 20.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 655–328. Prentiss Drug & Chemical Co., Inc. *Prentox Carbamate Concentrate Contains 10% Baygon—An Insecticide For Formulating Use.* Active Ingredients: o-Isopropoxyphenyl methylcarbamate 10.00%; 2-Butoxyethanol 89.36%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 655–340. Prentiss Drug & Chemical Co., Inc. *Prentox DDVP Aerosol Concentrate—An Insecticide For Formulating Use.* Active Ingredients: 2,2-Dichlorovinyl dimethyl phosphate 31.00%; Related compounds 2.30%; 1,1,1-trichloroethane 66.70%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 655–355. Prentiss Drug & Chemical Co., Inc. *Prentox Methoxychlor 2# Emulsifiable Concentrate—An Insecticide For Formulating Use.* Active Ingredients: Methoxychlor Technical 24.2%; Heavy Aromatic Naphtha 72.8%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 655–362. Prentiss Drug & Chemical Co., Inc. *Prentox Zinc Phosphide Technical—A Rodenticide For Formulating Use.* Active Ingredients: Zinc Phosphide 80%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 3509–RRA. Safe-Way Farm Products Company, 2519 East 5th Street, Austin TX 78762. *Safe-Way Brand Toxaphene–6 Emulsifiable.* Active Ingredients: Toxaphene 60.2%; Xylene 29.8%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 3509–RRL. Safe-Way Farm Products Company, 2519 East 5th Street, Austin TX 78762. *Safe-Way Brand 10–1 Pentachlorophenol Wood Preservative.* Active Ingredients: Pentachlorophenol 33.2%; Other Chlorinated Phenols 4.8%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 201–281. Shell Chemical Company, Agricultural Division, Suite 300–1700 K Street, N.W., Washington DC 20006. *Bladex 4 Water Dispersible Suspension Herbicide.* Active Ingredients: 2-(4-chloro - 6 - ethylamino - s - trisin-2-yl-amino) - 2 - methylpropionitrile 43%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 3743–213. Southern Agricultural Chemicals, Inc., P.O. Drawer 527, Kingstree SC 29556. *Royal Brand Sevin 50% Wettable.* Active Ingredients: Carbaryl (1-naphthyl N-methylcarbamate) 50%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 1828–AL. The Sterling Company, 2801–05 Locust Street, St. Louis MO 63103. *Plastic Hang-Up Moth Case.* Active Ingredients: Paradichlorobenzene 99.75%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 998–RRN. Superior Chemical Products Inc., 3942 Frankford Street, Philadelphia PA 19124. *Superior Diazinon 2D Insecticide Dust.* Active Ingredients: O,O-diethyl O-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate 2%. Method of Support. Application proceeds under 2(c) of interim policy.

EPA File Symbol 10292–EN. Venus Laboratories, 1026 Industrial Drive, Bensenville IL 60106. *1-Piece Unitab Screens For Both Toilets & Urinals Sanitizer and Deodorizer.* Active Ingredients: Didecyl Dimethyl Ammonium Chloride 60% 2.0%; Phosphoric Acid 2.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 168–LNR. Wasatch Chemical Division, Entrada Industries, Inc., P.O. Box 6219, Salt Lake City UT 84106. *Morgro Dursban Insecticide.* Active Ingredients: Chloropyrifos [O,O-diethyl O-(3,5,6-trichloro - 2 - pyridyl) phosphorothioate] 6.00%; Aromatic Petroleum Derivative Solvent 88.24%. Method of Support: Application proceeds under 2(c) of interim policy.

Dated: June 19, 1974.

JOHN B. RITCH, JR.,
Director,
Registration Division.

[FR Doc. 74–14442 Filed 6–7–74; 8:45 am]

[FIFRA Docket No. 246, et al.]

CHAPMAN CHEMICAL CO., ET AL.

Postponement of Hearing

Notice is hereby given that commencement of the hearing in the above matter, relating to cancellation of registrations of pesticides containing mercury, which was set for hearing for July 9, 1974 (39 FR 20633), has been postponed and the hearing is now set to commence on October 1, 1974, at 9:30 o'clock a.m. Due notice will be given of the place of the hearing.

BERNARD D. LEVINSON,
Administrative Law Judge.

JUNE 25, 1974.

[FR Doc. 74–14917 Filed 6–27–74; 8:45 am]

ALACHLOR

Extension of Temporary Tolerances

Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, MO. 63166, was granted temporary tolerances for combined negligible residues of the herbicide alachlor (2 - chloro - 2', 6' - diethyl - N - (methoxymethyl) acetanilide) and its metabolites expressed as alachlor in or on the raw agricultural commodities black-eyed peas, dry beans, lima beans, peas (with pod removed), popcorn, popcorn forage, and snap beans at 0.1 part per million on June 23, 1972, in connection with Pesticide Petition No. 2G1176 (notice was published in the FEDERAL REGISTER of June 30, 1972 (37 FR 12990)). The tolerances expired June 23, 1973.

The firm received a 1-year extension of the temporary tolerances for residues in or on dry beans, lima beans, and peas (with pod removed) at 0.1 part per million and new temporary tolerances were established for combined negligible residues of the herbicide and its metabolites expressed as the herbicide in or on the forages of green peas, dry beans, and green lima beans at 0.2 part per million on March 28, 1974 (notice was published in the FEDERAL REGISTER of April 2, 1974 (39 FR 12062)). The expiration date of the extended and established temporary tolerances was June 23, 1974. However, the expiration date of the temporary permit which was to run concurrently with the extended and established temporary tolerances is March 28, 1975.

It is concluded that the temporary tolerances should be extended so that the expiration date will coincide with that of the temporary permit. The temporary tolerances in or on dry beans, lima beans, and peas (with pod removed) at 0.1 part per million and the forages of green peas, dry beans, and green lima beans at 0.2 part per million are therefore extended on condition that the herbicide will be used in accordance with the aforementioned temporary permit which provides for distribution under the Monsanto Company name.

As extended, these temporary tolerances expire March 28, 1975. Residues remaining in or on the above raw agricultural commodities after expiration of these tolerances will not be considered actionable if the pesticide is legally applied during the term, and in accordance with provisions of the temporary permit/tolerances.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j)), 68 Stat. 516; 21 U.S.C. 346a(j), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (39 FR 18805).

Dated: June 21, 1974.

WILLIAM S. MURRAY,
Acting Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.74–14919 Filed 6–27–74;8:45 am]

2,4,5-TRICHLOROPHENOXYACETIC ACID AND HERBICIDES POTENTIALLY CONTAINING TETRACHLORODIOXIN

Withdrawal of Cancellation and Withdrawal of Intent to Hold Hearings

Please take notice that pursuant to the authority vested in me by sections 6 (b) (1) and 6(b) (2) of the Federal Insecticide, Fungicide and Rodenticide Act, as amended, I hereby withdraw the order of cancellation of 2,4,5-Trichlorophenoxyacetic Acid (2,4,5-T) only insofar as it relates to rice dated August 6, 1971 (36 FR 14777, August 11, 1971) and I further withdraw (1) the notice of intent to hold hearing on all registered uses of 2,4,5-T dated July 19, 1973 (38 FR 19859–60, July 24, 1973) and (2) the notice of intent to hold hearing on all registered uses of herbicides derived from 2,4,5 Trichlorophenol, including Silvex and Erbon, dated May 10, 1974 (39 FR 17466, May 16, 1974). All suspensions of uses of 2,4,5-T remain in effect, and all cancellations of uses of 2,4,5-T for which a hearing was not requested similarly remain in effect. See also USDA–PRD, PR 70–11, April 20, 1970 and USDA–PRD, PR 70–13, May 1, 1970.

Accordingly, I hereby withdraw the proceedings initiated by the aforementioned Order and Notices (FIFRA Consolidated Docket No. 295) and the new proceeding (FIFRA Docket No. 302) initiated by the Notice dated May 10, 1974 (39 FR 17466, May 16, 1974).

I take these actions for the reasons given in the statement which accompanies this notice and without prejudice to the issuance of such orders or notices

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in the future if such issuance is warranted in the judgment of the appropriate officials of this Agency.

Dated: June 24, 1974.

JOHN QUARLES,
Acting Administrator.

[FR Doc.74-14920 Filed 6-27-74;8:45 am]

2,4,5-TRICHLOROPHENOXYACETIC ACID AND HERBICIDES POTENTIALLY CONTAINING TETRACHLORODIOXIN

Residue Monitoring Program

Concern over the use of 2,4,5-Trichlorophenoxyacetic Acid (2,4,5-T) in the United States initially arose when 2,4,5-T was used as a defoliant during the Vietnamese War. On August 6, 1971 this agency issued an order reaffirming cancellation of 2,4,5-T on food crops for human consumption (36 FR 14777, August 11, 1971), and on July 19, 1973 the Agency issued a notice of intent to hold hearing on all registered uses of 2,4,5-T (38 FR 19859–60, July 24, 1973) pursuant to section 6(b)(2) of the Federal Insecticide, Fungicide and Rodenticide Act, as amended. A similar section 6(b)(2) notice of intent to hold hearing on all registered herbicides derived from 2,4,5-Trichlorophenol, including Silvex and Erbon, was issued on May 10, 1974 (39 FR 17466, May 16, 1974).

All herbicides derived from 2,4,5-Trichlorophenol, including 2,4,5-T, Silvex and Erbon, have the potential of containing tetrachlorodioxin (TCDD). As study of 2,4,5-T by this Agency continued, concern focused on the contaminant TCDD. By 1973 residue monitoring devices had been developed that appeared capable of monitoring TCDD in parts per trillion (ppt), the degree of sensitivity needed for measurement of TCDD in man and the human food chain. The 1973 notice specifically delayed the hearing on 2,4,5-T until April 1974 "to permit the Agency to complete an environmental and human monitoring project on the presence of the tetrachlorodioxin impurity found in 2,4,5-T and the extent to which the dioxin may adversely affect human and animal health." (38 FR 19860, July 24, 1973). The residue monitoring program was the only means available to determine if TCDD is bioaccumulating in man and the human food chain. Without the answer to the question of bioaccumulation, the danger of TCDD cannot be assessed.

As reported by attorneys of this Agency on March 21, 1974 in FIFRA Consolidated Docket No. 295, methodological problems have delayed the TCDD residue monitoring project. Since that date, the methodological problems have not been solved. Problems at first thought to relate only to human and rice samples now are found to relate to all samples. No date for completion of the TCDD residue monitoring can be given, and in fact, completion of the project by the Agency may be two or more years away.

Under the circumstances, it does not seem appropriate to continue administrative proceedings when the evidence which would largely determine the outcome of those proceedings remains scientifically unavailable. The Agency will continue its TCDD residue monitoring program and will take such further action as it deems appropriate once the results of the monitoring project are available.

Dated: June 24, 1974.

JOHN QUARLES,
Acting Administrator.

[FR Doc.74-14921 Filed 6-27-74;8:45 am]

FARM CREDIT ADMINISTRATION

[Farm Credit Administration Order No. 772]

DEPUTY GOVERNOR AND DIRECTOR, CREDIT SERVICE, ET AL.

Delegation of Authority

JUNE 24, 1974.

1. In the event that the Governor of the Farm Credit Administration is absent or is not able to perform the duties of his office for any other reason, the officer of the Farm Credit Administration who is the highest on the following list and who is available to act is hereby authorized to exercise and perform all functions, powers, authority, and duties pertaining to the office of Governor of the Farm Credit Administration:

(1) Deputy Governor and Director, Credit Service;
(2) Deputy Governor for Bank Services;
(3) General Counsel;
(4) Chief Examiner;
(5) Director, Accounting, Budget and Data Management Division;
(6) Any other officer of the Farm Credit Administration designated by the Governor.

2. This order shall be effective on the above written date, and supersedes Farm Credit Administration Order No. 769, dated February 1, 1974 (39 FR 4604).

E. A. JAENKE,
Governor,
Farm Credit Administration.

[FR Doc.74-14788 Filed 6-27-74;8:45 am]

FEDERAL ENERGY OFFICE

ENERGY FORECASTING ADVISORY COMMITTEE

Cancellation of Meeting

A meeting of the Energy Forecasting Advisory Committee, for the Federal Energy Office scheduled for 10 a.m., Friday, June 28, 1974, Room 3140–A, 12th & Pennsylvania Avenue, NW., Washington, D.C. has been cancelled. A notice of meeting was published in the issue of June 10, 1974 (39 FR 20416).

Issued at Washington, D.C. on June 25.

WILLIAM N. WALKER,
General Counsel.

[FR Doc.74-15014 Filed 6-27-74;8:45 am]

FEDERAL HOME LOAN BANK BOARD

FEDERAL SAVINGS AND LOAN ADVISORY COUNCIL

Notice of Meeting

JUNE 17, 1974.

Pursuant to section 10(a) of Public Law 92–463, entitled the Federal Advisory Committee Act, notice is hereby given of the meeting of the Federal Savings and Loan Advisory Council on Monday, July 8; Tuesday, July 9; and Wednesday, July 10, 1974. The meeting will commence at 9 a.m. on July 8, 9, 10, at the Madison Hotel, 15th and M Streets, NW, Washington, D.C. in the Arlington Room.

MONDAY, JULY 8

9–11 a.m.—General Discussion.
2:30 p.m.—Simplification of Regulations as They Pertain to Term Certificates.
Variable Rate Mortgages.
Variable Rate Certificates.
Regional Banks' Advance Policy.
Increase Terms on Home Loans.
Pledging of Collateral for FHLB Advances.
Developments in the Conventional Mortgage-Backed Securities Program.

TUESDAY, JULY 9

Insurance Premiums in Excess of $20,000 Coverage.
Requirements of Purchase of FHLB Stock.
Board Policy on EFTS Experimentation.
Evaluating Regulation Changes that Affect Savings Operations for S&L's.
a. Are there necessary or reporting items that could be supplied?
b. Are there unnecessary reports or requirements?
c. Are there new savings plans that could be explored?
General Advice on Board Mergers, Branching and Chartering.
Planning for the Impact of Inflation on S&L Industry on Local and National Level (Part 2).
Change Rate of Return Paid on Passbook Accounts and 90 Day Notice Accounts Within an Interest Distribution Period.
Increase Terms of Construction Loans Secured by Homes or Combination Homes and Businesses from 1½ to 3 Years.
Family Trust Service for S&L's.

WEDNESDAY, JULY 10

9–11 a.m.—General Discussion.

The meeting will be open to the public on July 8 from 9–5, on July 9 from 9–5, and on July 10 from 9–5.

THOMAS R. BOMAR,
Chairman,
Federal Home Loan Bank Board.

[FR Doc.74-14865 Filed 6-27-74;8:45 am]

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License No. 886]

HC&D MOVING & STORAGE CO., INC.

Order of Revocation

HC&D Moving & Storage Company, Inc., P.O. Box 4008, Honolulu, Hawaii 96813 voluntarily surrendered its Independent Ocean Freight Forwarder License No. 886 for revocation.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised) § 7.04(f) (dated 9/15/73);

It is ordered, That Independent Ocean Freight Forwarder License No. 886 be and is hereby revoked effective June 17, 1974, without prejudice to reapply for a license at a later date.

It is further ordered, That a copy of this Order be published in the FEDERAL REGISTER and served upon HC&D Moving & Storage Company, Inc.

AARON W. REESE,
Managing Director.

[FR Doc.74-14903 Filed 6-27-74;8:45 am]

SOUTH ATLANTIC NORTH EUROPE RATE AGREEMENT

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before July 18, 1974. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the Commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

MODIFICATION OF AGREEMENT

Notice of Agreement Filed by:

Howard A. Levy, Esq.
Suite 631
17 Battery Place
New York, New York 10004

Agreement No. 9984–4, among the member lines of the above-named rate agerement, extends the basic agreement to cover activities related to intermodal cargo movements viz: Per diem, free time and detention on carrier provided containers, chassis and related equipment; positioning of such equipment; interchange with connecting carriers; terminal and handling operations including wharfage, free time and demurrage, receipt, delivery and consolidation of cargo, establishment of depots and container freight stations and other related matters.

Dated: June 25, 1974.

By Order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74-14796 Filed 6-27-74;8:45 am]

UNITED STATES LINES, INC.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before July 18, 1974. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Agreement No. 10135

(Discussion Agreement)

Notice of Agreement Filed by:

Mr. R. A. Veles, Vice President Corporate Pricing, United States Lines, Inc., One Broadway, New York, N.Y. 10004.

Agreement No. 10135, entered into by 21 American and foreign flag common carriers by water, all members of the Far East Conference and/or the Pacific Westbound Conference, covers an arrangement whereby the carriers acting through their authorized representatives may meet, discuss, consider and, if possible, agree upon matters relating to (1) the movement of cargo originating at any port or point in the United States and destined to any port or point in countries in the Far East areas within the scope of either conference, and (2) rates, divisions, cost of interchange and like matters with inland carriers involved in the joint or through movement of cargo in the trades covered, including determinations as to whether such matters will be left to the individual carriers or negotiated jointly by the carriers pursuant to the respective conference agreements. Any action under the agreement requires a recommendation to the conferences consented to by three-fourths of the carriers, which shall not be implemented until such time as the conferences, acting pursuant to their respective conference agreements, shall have adopted appropriate resolutions and, where appropriate, filed the required tariff.

Dated: June 25, 1974.

By Order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74-14795 Filed 6-24-74;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. CP74–310]

ALGONQUIN GAS TRANSMISSION CO.

Notice of Application

JUNE 21, 1974.

Take notice that on May 31, 1974, Algonquin Gas Transmission Company (Applicant), 1284 Soldiers Field Road, Boston, Massachusetts 02135, filed in Docket No. CP74–310 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon approximately 68,693 linear feet of 6-inch pipeline, approximately 1,399 linear feet of 10-inch casing pipe, and certain related facilities on its G–8 6-inch system near Freetown, Massachusetts, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it has been engaged in a retesting program on its system since 1968 in order to increase the certified maximum operating pressure under the Pipeline Safety Regulations of the Department of Transportation. Applicant estimates that the cost of testing a part of its G–8 6-inch line extending from a point near Freetown, Massachusetts, to a point near Rochester, Massachusetts, would approximate $500,000. Applicant reasons that because of the small size of said line, the high cost of certification, and the fact that this segment of pipeline is already looped by 8-inch and 20-inch pipelines which are fully adequate to accommodate all anticipated requirements, abandonment of said 6-inch pipeline is the most economical alternative. Applicant states that abandonment of said pipeline and appurtenant facilities will not impair its ability to meet existing commitments to its customers.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 15, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-14803 Filed 6-27-74;8:45 am]

[Docket Nos. E-8187 and E-8700]

BOSTON EDISON CO.

Notice of Extension of Time

JUNE 20, 1974.

On June 11, 1974, the Town of Norwood filed a motion for extension of time to answer motion of Boston Edison Company for severance of discrimination issue from one proceeding to a related proceeding or, alternatively, for consolidation of two proceedings. The motion states Boston Edison Company has no objection to the motion.

Upon consideration, notice is hereby given that the time is extended to and including June 21, 1974, within which answers may be filed to the above motion.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-14804 Filed 6-27-74;8:45 am]

[Docket No. E-8810]

BOSTON EDISON CO.

Order Accepting for Filing and Making Effective, Subject To Refund System Sales Contract Denying Waiver of Notice Requirements Without Prejudice to Requesting Waiver Upon Condition and Establishing Hearing Procedures

JUNE 21, 1974.

On May 21, 1974, Boston Edison Company (Edison) filed in the above captioned docket a system sales agreement[1] dated November 1, 1972 with New England Power Company (New England). In its filing, Edison states that the proposed agreement provides for the sale of 60MW of system capacity and related energy to New England for the period of November 1, 1973, to October 31, 1974, contingent upon the availability of Edison's Pilgrim Unit No. 1. Edison also states similar contracts (with the exception of transmission provisions) were filed with the Commission in Docket Nos. E-8137 and E-8139. Edison states that the payment provisions of the rate schedule are designed to reimburse Edison for fixed and operating costs incurred in connection with service under the contract. Finally, Edison requests a waiver of the 30 day prior notice requirement to permit an effective date of November 1, 1973.

The filing of May 21, 1974 was noticed on June 3, 1974, setting June 13, 1974 as the due date for responses. To this date no comments, protests or petitions to intervene have been received.

We have reviewed the system sale agreement and have concluded that inter alia, the proposed rate, over-all return and the cost basis of the rate may be excessive and therefore the proposed rate may be unjust, unreasonable, unduly discriminatory or preferential or otherwise unlawful. This agreement was not filed with the Commission until 4½ months after the commencement date for the service. Under the provisions of the Federal Power Act and the regulations thereunder public utilities are required to file rate schedules at least 30 days prior to the date on which service under such schedules is to commence. This notice requirement can be waived for good cause shown. However, under circumstances when a public utility files a proposed initial rate schedule of one year's duration approximately 4½ months after service commences and prevents a thorough examination of such rate schedule before the service terminates, our ability to protect the consumer against what may be unjust, unreasonable, unduly discriminatory or otherwise rates and charges is jeopardized.[2] Consequently, we shall deny waiver of the notice requirements of our regulations and shall assign the agreement an effective date of June 21, 1974, 30 days after filing. Pursuant to our authority in Section 309 of the Federal Power Act, we shall also make such filing subject to refund of any amounts found to be excessive after the hearing which shall be hereinafter ordered. Moreover, we shall require Edison to refund all amounts collected under the agreement prior to June 21, 1974, without prejudice to Edison filing within 15 days of the issuance of this order, a request that we accept the agreement to become effective as of November 1, 1973, Edison's proposed effective date, based upon an agreement by Edison that the rates charged under this agreement shall be subject to refund pending final disposition upon the conclusion of the hearing to be held in this proceeding. After receipt of Edison's response, if any, we shall issue a further order taking appropriate action.

The Commission finds: (1) The requested waiver of § 35.3 of the Commission's regulations should be denied.

(2) The proposed system sale agreement filed by Edison on May 21, 1974 in Docket No. E-8810 should be accepted for filing to become effective, subject to refund, on June 21, 1974, 30 days after filing.

(3) Good cause exists to require Edison to refund all amounts collected under the agreement prior to June 21, 1974, without prejudice to Edison filing with the Commission within 15 days of the issuance of this order a request that the Commission accept the agreement to be effective as of November 1, 1973, Edison's proposed effective date, based upon an agreement by Edison that the rates charged under the agreement shall be subject to refund as of that effective date, pending final disposition upon the conclusion of the hearing hereinafter ordered.

(4) It is necessary and appropriate and in the public interest and to aid in the enforcement of the Federal Power Act that the Commission enter upon a hearing concerning the lawfulness of the rates and charges contained in Edison's agreement.

The Commission orders: (A) The requested waiver of § 35.3 of the Commission's regulations is hereby denied.

(B) The proposed system sale agreement filed by Edison on May 21, 1974 in Docket No. E-8810 is accepted for filing to become effective subject to refund on June 21, 1974, 30 days after filing.

(C) Edison shall refund all amounts collected under the agreement prior to June 21, 1974, without prejudice to Edison filing with the Commission within 15 days of the issuance of this order, a request that the Commission accept the contract to be effective as of November 1, 1973, Edison's proposed effective date, based on an agreement by Edison that the rates charged under the contract shall be subject to refund as of that effective date pending final disposition upon the conclusion of the hearing hereinafter ordered.

(D) Pursuant to the authority of the Federal Power Act, and the Commission's rules and regulations and the regulations under the Federal Power Act (18 CFR Ch. I), a public hearing shall be held on October 8, 1974, at 10 a.m., e.d.t., in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, concerning the lawfulness of Edison's agreement.

(E) Edison shall serve its prepared testimony and exhibits on or before July 30, 1974. The Commission Staff shall serve its prepared testimony and exhibits on or before August 27, 1974. All intervenor evidence shall be served on or before September 10, 1974. Any rebuttal evidence by Edison shall be served on or before September 24, 1974.

(F) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in the Commission's Rules of Practice and Procedure.

(G) Nothing contained herein should be construed as limiting the rights of the parties to this proceeding regarding the convening of conferences or offers of settlement pursuant to § 1.18 of the Commission's rules of practice and procedure.

(H) The Commission Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74-14791 Filed 6-27-74;8:45 am]

[Docket No. RP73-93]

COLORADO INTERSTATE GAS CO.

Notice of Proposed Changes in FPC Gas Tariff

JUNE 21, 1974.

Take notice that Colorado Interstate Gas Company, a division of Colorado Interstate Corporation (CIG), on June 10, 1974, tendered for filing changes in its FPC Gas Tariff, Second Revised Volume No. 1. Second Substitute Second Revised Sheet Nos. 5, 6, and 66, superseding Substitute Second Revised Sheet Nos. 5, 6, and 66, all to be effective October 1, 1973, were filed pursuant to the Commission's Order approving settlement agreement which was issued May 10, 1974, in Docket No. RP73-93. CIG also filed tariff sheets to be effective January 1, 1974, March 1, 1974, and April 1, 1974, reflecting purchased gas cost adjustments approved in Docket No. RP72-122 and increased rates to reflect the transfer of its producing properties to a wholly owned subsidiary, CIG Exploration, Inc. This transfer was approved in Docket Nos. CP 73-184 and RP74-68.

Copies of the filing were served upon the Company's jurisdictional customers and certain public bodies.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 3, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestant parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-14797 Filed 6-27-74;8:45 am]

[Docket Nos. E-8105 and E-8811]

CONNECTICUT LIGHT AND POWER CO.

Order Rejecting Unit Sales Contracts Without Prejudice to Requesting Waiver Upon Condition and Denying Waiver of Notice Requirements

JUNE 21, 1974.

On April 2, 1973, the Connecticut Light and Power Company (CL&P) submitted for filing (E-8105) on behalf of the Northeast Utilities System (NU) a proposed agreement between the members of NU (CL&P, The Hartford Electric Light Company, and Western Massachusetts Electric Company) and New Bedford Gas and Edison Light Company (New Bedford). The agreement provides for the sale and transmission of capacity and energy from certain NU gas turbine generating units to New Bedford for the period March 1, 1973, to April 30, 1974. On July 10, 1973, the Commission issued an order accepting the rate schedule for filing but providing for an investigation under section 206 of the Federal Power Act.

On September 28, 1973, CL&P submitted for filing (E-8422) an agreement providing for the sale and transmission of capacity and energy by NU from certain gas turbine generating units to Public Service Company of New Hampshire (PSNH). The term of the agreement is from November 1, 1973, through April 30, 1974. The agreement utilizes a formula to determine rates which is identical to that contained in the agreement which is under investigation in Connecticut Light and Power Company, Docket No. E-8105, et al., discussed above. Accordingly, the Commission issued an order on October 29, 1973, in Connecticut Light and Power Company, Docket Nos. E-8418, E-8421, and E-8422 which accepted the agreement for filing but made it subject to the outcome of the proceedings in Docket No. E-8105.

On April 19, 1974, CL&P, on behalf of NU filed an amendment to the agreement discussed above (E-8105) which would increase New Bedford's entitlements from the Cos Cob, South Meadow, and Silver Lake gas turbine units from 19.163 percent to 25.059 percent for the period March 1, 1974, through April 30, 1974.

On May 22, 1974, CL&P, on behalf of NU filed an amendment to the agreement discussed above (E-8422) which would increase PSNH's entitlements from the Cos Cob, South Meadow and Silver Lake gas turbine units from 5.896 percent to 35.377 percent for the period April 1, 1974, through April 30, 1974.

Notice of the filing in E-8105 was issued on April 30, 1974, and in E-8811 on June 3, 1974, setting May 13, 1974, and June 14, 1974, respectively, as the dates for responses. No comments or petitions were received.

We have reviewed these contracts and note that, with respect to the proposed agreement providing for the additional sales to New Bedford, the term of the agreement is from March 1, 1974, through April 30, 1974. The filing was submitted on April 19, 1974. For the proposed agreement with PSNH, the term of the agreement is from April 1, 1974, through April 30, 1974. The filing was submitted on May 22, 1974. Thus, in neither case were the filings submitted prior to the date service was to commence and clearly not less than 30 nor more than 90 days prior to the proposed effective date as required by § 35.3 of the regulations. In fact, the period of the agreement with PSNH was over prior to the filing date and was nearly over at the time of the filing relative to New Bedford. It would, therefore, appear appropriate to assume an implied request for waiver of the notice requirements with respect to both submittals.

Under the provisions of the Federal Power Act and the regulations thereunder, public utilities are required to file rate schedules at least 30 days prior to the date on which service under such schedules is to commence. This notice requirement can be waived for good cause shown. However, under circumstances when a public utility files its proposed rate schedules after service thereunder has terminated, our ability to protect the consumer against what may be unjust, unreasonable, unduly discriminatory or otherwise unlawful rates and charges is jeopardized. Consequently we shall deny waiver of the notice requirements of our regulations and reject these filings. However, this shall be without prejudice to CL&P filing with the Commission, within 15 days of issuance of this order, a request that we accept the contracts to be effective as of their proposed effective dates based upon an agreement by CL&P that the rates charged under these contracts shall be subject to refund pending final disposition upon the conclusion of a hearing. In the event CL&P declines to file such a request and agreement, we believe our responsibility to protect the ratepayers against what may be excessive rates and charges requires that we reaffirm our rejection of these contracts and order that rates charged thereunder be repaid in full pursuant to our authority under section 309 of the Federal Power Act. After receipt of CL&P's response, if any, we shall issue a further order taking appropriate action.[1]

The Commission finds: (1) The requested waiver of the Commission's regulations in Docket Nos. E-8105 and E-8811 should be denied.

(2) The proposed amendments to the unit sales agreements should be rejected without prejudice to CL&P filing and requesting that the Commission accept the

[1] Northeast Utilities Company, ---- FPC ---- issued May 31, 1974, in Docket Nos. E-8756, et al.

[2] Northeast Utilities Company, — FPC —, issued May 31, 1974, in Docket Nos. E-8756, et al.

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filings to be effective as proposed, contingent upon an agreement by CL&P that the rates charged under the proposed agreements shall be subject to refund pending final disposition upon conclusion of a hearing.

The Commission orders: (A) The requested waiver of the Commission's regulations in Docket Nos. E–8105 and E–8811 is denied.

(B) The proposed amendments to the unit sales agreements filed by CL&P on April 19, 1974 and May 22, 1974 are rejected as failing to meet the requirements of section 205 of the Federal Power Act and § 35.3 of the regulations thereunder, without prejudice to NU filing with the Commission, within 15 days of the issuance of this order, a request that the Commission accept the contracts to be effective as of their proposed effective dates based on an agreement by CL&P that the rates charged under these contracts shall be subject to refund pending final disposition upon the conclusion of a hearing.

(C) The Commission Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74–14792 Filed 6–27–74;8:45 am]

[Docket No. CP74–312]

CONSOLIDATED GAS SUPPLY CORP.

Notice of Application

JUNE 21, 1974.

Take notice that on June 3, 1974, Consolidated Gas Supply Corporation (Applicant), 445 West Main Street, Clarksburg, West Virginia 26301, filed in Docket No. CP74–312 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon certain natural gas transmission facilities located in Westmoreland County, Pennsylvania, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to retire from transmission service (1) its measuring and regulating station XSN–54, an existing delivery point to its affiliate, The Peoples Natural Gas Company (Peoples) and (2) its 4,920 horsepower Tonkin Compressor Station. Applicant states that Peoples has consented to the proposed abandonment of station XSN–54 because no deliveries have been made at this connection since 1967, and Peoples anticipates that no such deliveries will be required in the future. Applicant further states that due to recent mild winters and the reduction below past projections in natural gas market requirements, Tonkin Station has not been needed to transmit increased summer purchases, made upstream of Tonkin Station, to Applicant's northern storage pools since 1969. Applicant believes that its present northern storage reserve replacement capability of 100,000 Mcf of gas per day without Tonkin Station is sufficient to meet present market requirements. Applicant adds that beginning in 1976 it will begin the purchase of large volumes of liquefied natural gas from its affiliate Consolidated System LNG Company at Leidy, Pennsylvania. Applicant believes that since Leidy is downstream of Tonkin Station, the introduction of large volumes of gas at this point will eliminate any foreseeable need for Tonkin Station.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 15, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commissions' rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–14794 Filed 6–27–74;8:45 am]

[Docket No. E–7806]

ILLINOIS POWER CO.

Notice of Filing of Amended Rate Schedules

JUNE 21, 1974.

Take notice that on June 10, 1974, the Illinois Power Company (Illinois) tendered for filing amendments to purchase agreements with nine electric cooperative associations designated:

Rate Schedule	Party
FPC No. 52	Clinton County Electric Cooperative, Inc.
FPC No. 53	Corn Belt Cooperative.
FPC No. 54	Farmers Mutual Electric Co.
FPC No. 55	Illinois Valley Electric Cooperative, Inc.
FPC No. 56	McDonough Power Cooperative.
FPC No. 57	Monroe County Electric Cooperative, Inc.
FPC No. 58	Southwestern Electric Cooperative, Inc.
FPC No. 59	Tri-County Electric Cooperative, Inc.
FPC No. 60	Western Illinois Power Cooperative, Inc.

The filing was made pursuant to the Commission's Order Approving Settlement issued March 19, 1974, which ordered Illinois to eliminate a twenty-five month moratorium provision.

Any person desiring to be heard or to make any protest with reference to said amendment to said application should on or before July 4, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The amendment to said application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–14799 Filed 6–27–74;8:45 am]

[Docket No. E–8424]

JERSEY CENTRAL POWER AND LIGHT CO.

Extension of Time and Postponement of Prehearing Conference and Hearing

JUNE 21, 1974.

On June 13, 1974, the Boroughs of Madison, Butler, Lavalette, Pemberton and Seaside Heights, New Jersey (Boroughs) filed a motion for a further extension of the procedural dates fixed by notice issued May 20, 1974. The motion states that counsel for company concurs in this motion and staff counsel has no objection to the proposed extension.

Upon consideration, notice is hereby given that the procedural dates are further modified as follows:

Service of testimony and exhibits by interveners.	July 12, 1974
Service of rebuttal evidence by company.	Aug. 7, 1974
Prehearing conference and hearing.	Aug. 13, 1974 (10 a.m. e.d.t.)

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–14798 Filed 6–27–74;8:45 am]

[Docket Nos. CI74–537 and CI74–538]

MARATHON OIL CO. AND PHILLIPS PETROLEUM CO.

Order Granting Interventions, Consolidating Proceedings, Scheduling Formal Hearing, and Requiring the Filing of Conditional Applications and Amendments

JUNE 21, 1974.

On March 26, 1974, Marathon Oil Company (Marathon) filed in Docket No. CI74–537 a conditional application pursuant to section 7 of the Natural Gas Act (Act) requesting authorization to sell liquefied natural gas (LNG) from Alaska to Northwest Natural Gas Company (Northwest Natural).[1] Northwest Natural is a distribution company which currently operates within the State of Oregon and holds a declaration of exemption from jurisdiction issued pursuant to section 1(c) of the Act. Concurrent with its application and in the same docket, Marathon filed a petition for a declaratory order disclaiming Commission jurisdiction over the proposed LNG sale, or, alternatively, for an order waiving all requirements of the Regulations under the Act with respect to such sale.

On March 28, 1974, Phillips Petroleum Company (Phillips) filed in Docket No. CI74–538 an application related to Marathon's, also proposing the sale of Alaskan LNG to Northwest Natural. Phillips' application, like that of Marathon, was accompanied by a petition for declaratory order disclaiming or waiving jurisdiction over the proposed sale. Both applications are filed as an alternative to the Commission disclaiming or waiving jurisdiction over the proposed sales, and are conditional upon the Commission denying applicants' petitions for declaratory orders.

Marathon and Phillips (hereafter referred to as Applicants) proposes to sell to Northwest Natural from their liquefaction plant a minimum of 30 percent and 70 percent, respectively, of 10.95 trillion Btu annually.[2] Marathon indicates that this LNG will be sold from available supplies only after its export commitment to Japan is satisfied. Pursuant to contracts with Northwest Natural, Applicants plan to pass title to the LNG at the interface of the flanges connecting the loading piping of LNG tankers arranged for by Northwest Natural and under the control of Northwest Natural, with the piping of the connecting storage facilities at the existing docking facilities near Kikiski, Alaska. Applicants' contracts with Northwest Natural provide for an initial rate of 80 cents per million Btu. The applications indicate that the same plant, port and docking facilities with minor modifications will be utilized to supply LNG to Northwest Natural as are used to export LNG to Japan. Phillips submits that it will rework wells, complete additional wells in the North Cook Inlet Field, and make minor modifications to its existing facilities in order to provide the LNG service proposed herein.

Upon delivery of LNG to Northwest Natural, the LNG is expected to be transported by tanker to Newport, Oregon, where a regasification plant is proposed to be constructed by Northwest Natural. Applicants anticipate that Northwest Natural will introduce the natural gas derived from such LNG into Northwest Natural's existing natural gas distribution system solely within the state of Oregon.

Applicants seek declaratory orders disclaiming or waiving jurisdiction over the proposed sales of LNG to Northwest Natural, asserting that the LNG will be resold entirely within the state of Oregon and regulated therein by a state regulatory authority, and such gas will be entirely consumed within Oregon; there will be no jurisdictional transportation of gas through an interstate pipeline since all transportation of LNG will be by tanker. (Applicants here cite the Commission's order terminating a proposed rule-making in Docket No. R–377, issued May 4, 1973, 38 FR 12819); the sale of LNG may be deemed intrastate in nature since all acts, delivery, and sale are within the state of Alaska; since there has been no general rulemaking, statement of general policy or hearing applicable to the State of Alaska, formulation of policies as to Alaskan sales are premature and the present project does not present facts upon which broad policy determinations can be determined.

In the alternative, if waiver or disclaimer is not granted, Applicants request certificates of public convenience and necessity authorizing the sale of LNG to Northwest, upon the terms of their contracts with Northwest. Marathon requests that this authorization be granted expressly for a term extending no later than June 1, 1984.

Notices of intervention have been timely filed (except where indicated by asterisk) in each of the above dockets by the People of the State of California and the Public Utilities Commission of the State of California, jointly*; the Idaho Public Utilities Commission*; The Public Service Commission of the State of New York (New York); the Public Utility Commission of Oregon; and the Washington Utilities and Transportation Commission*. New York requests formal hearing on the applications. New York contends that the applications raise several significant issues, involving, inter alia, the jurisdictional consequences of the sale by the producers (presumably the Applicants) to Northwest Natural; the effect of Commission action in this case on "setting the initial price for natural gas produced in Alaska for resale in interstate commerce to pipelines or distributors in the lower 48 states," and the jurisdictional effect of the proposed transactions on Northwest Natural.

Petitions to intervene have been timely filed (except where indicated by asterisk) in both dockets by the California Gas Producers Association*, Cascade Natural Gas Corporation; Distrigas Corporation; Exxon Corporation, Northwest Natural; Southern California Gas Company (SoCal), the Pacific Alaska LNG Company (PacAlaska), jointly; Southern Natural Gas Company and Southern Energy Company, jointly; Washington Natural Gas Company; and the Washington Water Power Company. SoCal and PacAlaska specifically request an evidentiary hearing on Applicants' proposal. They oppose Applicants' request for waiver or disclaimer of jurisdiction, and further oppose the alternative relief requested in the application herein in the absence of a full evidentiary record. SoCal and PacAlaska enumerate several jurisdictional issues allegedly raised by the applications, claim there would be far-reaching effects of any decision herein, and note the lack of any application for revaporization facilities and for the transportation of revaporized LNG.

Marathon, with the support of Phillips, filed an answer opposing the SoCal-PacAlaska petition. Marathon contends, inter alia, that SoCal and PacAlaska have not set forth sufficient grounds to warrant granting their petitions to intervene; that, in any event, the jurisdictional issues actually raised in Applicants' petitions and conditional applications can be decided without evidentiary hearings; that any hearing convened should be limited to address issues actually raised by these proceedings, and not "extraneous" questions such as those posed by SoCal and PacAlaska.[3] Marathon accordingly urges that SoCal and PacAlaska be denied intervention; that the jurisdictional issues be decided on the basis of the pleadings heretofore filed; and that, should a hearing be convened, the issues should be limited to those actually presented by the appplications on file.

Marathon's and Phillips' applications, which propose sales from facilities jointly leased or owned by Applicants, under interrelated sales agreements to a common purchaser raise common questions of law and fact making their consolidation appropriate. Moreover, the novelty of Applicant's proposal, the apparently contested nature of the proceedings and the requests of SoCal, PacAlaska, and New York for an evidentiary record make a formal hearing desirable in the public interest, and we shall so order.

We agree with Applicants that issues not raised by their proposal cannot and should not be addressed in hearing. Despite Applicants' arguments to the contrary, however, several jurisdictional issues are raised by, and should be resolved, in these proceedings. Such issues include, inter alia; whether the wellhead price of

[1] Marathon's application, captioned as "Alternative and Conditional," is intended to be effective only if its petition for declaratory order is denied, as further explained below.

[2] Phillips states that its share represents approximately 30,000 Mcf of gas per day.

[3] Marathon also contends that New York "seeks to broaden the issues" properly raised in the proceedings and urges that New York's participation be limited to issues actually raised.

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the gas produced by Applicants for liquefaction and sale is subject to Commission regulation, and, if so, whether such price is in the public interest; whether the transportation and liquefaction of the gas within Alaska, and the facilities required for such transportation and liquefaction are subject to the Commission's certificate jurisdiction and requirements; whether the sale of LNG to Northwest Natural in Alaska is the sale of gas in interstate commerce for resale subject to our jurisdiction; whether the transportation of gas by Northwest Natural by ocean tanker is jurisdictional; whether Northwest Natural will become an interstate pipeline company as a result of the proposed transaction; and whether facilities used by Northwest Natural for the unloading, storage and regasification of LNG in Oregon are subject to our jurisdiction.

The evidentiary record here provided for should develop facts necessary to address and resolve the jurisdictional issues enumerated, all factual issues raised, and any other issues that may become apparent during the proceedings. Moreover, to allow for the expeditious disposition of the case in the event that the Commission should determine that it does have jurisdiction over each of the projects various facets. Applicants should present evidence sufficient to allow appropriate authorizations to issue if deemed to be required by the public convenience and necessity. Such evidence should address, for example, the reasonableness of the wellhead price of gas, the adequacy and reliability of supply, the economic and technical feasibility of the total proposal, the existence of a market and appropriateness of the end use to which the gas will be put, the environmental acceptability of the project, and all other matters required by the Natural Gas Act and the Rules and Regulations thereunder for the production, transportation and sale for resale of gas in interstate commerce. In this connection and in the interest of expediting disposition of these proceedings should jurisdiction be found to attach, Applicants should also file, by the date hereafter specified, amendments to their conditional applications to seek authorization for the construction and operation, as appropriate, of all facilities, from wellhead to ship's flange, proposed to be used for the transportation, liquefaction, storage, loading and terminalling of LNG Alaska. Such amendments, and any evidence filed in support thereof, should include justification and support for the wellhead price attributed to the gas involved, and the rates or charges proposed for the transportation, liquefaction and processing of the gas. Northwest Natural, the proposed beneficiary and recipient of the volumes herein involved, should similarly file appropriate conditional applications for the construction and operation of the facilities proposed for the transportation, unloading, storage, regasification, ultimate disposition and sale of the gas, including justification for any rates or charges to be imposed. Both Applicants and Northwest Natural should include information required by the National Environmental Quality Act and our Rules and Regulations implementing it.

The Commission further finds: (1) It is necessary and appropriate in the public interest that the above-named petitioners be allowed to intervene in these proceedings.

The Commission orders: (A) The above-named petitioners are permitted to intervene in these proceedings subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in said petition for leave to intervene; and *Provided, further,* That the admission of such intervenors shall not be construed as recognition by the Commission that they or any one of them might be aggrieved because of any order or orders of the Commission entered in these proceedings.

(B) The above-named proceedings are consolidated for hearing and disposition.

(C) Pursuant to the Natural Gas Act, the regulations under the Natural Gas Act, and the Commission's rules of practice and procedure, a formal hearing shall be convened in the above-named proceedings in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C., on September 4, 1974, concerning the issues specified above and any other issues that shall become apparent during the proceedings. The Chief Administrative Law Judge will designate an appropriate officer of the Commission to preside at the formal hearing of these matters, pursuant to the Commission's rules of practice and procedure.

(D) The Applicants, and any interveners supporting Applicants, shall file their direct case on or before August 12, 1974. Applicants' evidence should address the issues and matters specified above and be sufficient to allow a determination on any of the issues raised by the applications or amendments filed or to be filed in these proceedings. The Presiding Administrative Law Judge assigned to the proceedings shall set dates for the filings of answering and rebuttal testimony after Applicants' entire direct case has been presented and cross-examined.

(E) Applicants shall file, on or before July 22, 1974, conditional on our jurisdictional rulings herein, amendments to their applications as specified in the body hereof.

(F) In anticipation of the possibility that Northwest Natural shall be found to be a natural gas company as a result of the transactions here proposed, or that any of these transactions should be found to be jurisdictional, Northwest Natural, the proposed recipient and beneficiary of the gas involved shall file on or before July 22, 1974, applications conditional on our jurisdictional findings for authorizations as specified in the body hereof.

(G) Northwest Natural shall file its direct case in support of the conditional applications required by paragraph (F) above on or before August 12, 1974.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-14806 Filed 6-27-74;8:45 am]

JUNE 21, 1974.

[Docket Nos. RP71-16, et al.]

MIDWESTERN GAS TRANSMISSION CO.

Notice of Proposed PGA Rate Adjustments

Take notice that on June 14, 1974, Midwestern Gas Transmission Co. (Midwestern), tendered for filing as part of its FPC Gas Tariff, Third Revised Volume No. 1, Fifth Revised Sheet No. 5 and alternatively, Substitute Fifth Revised Sheet No. 5, to be effective August 1, 1974. Midwestern states that the sole purpose of these revised tariff sheets is to reflect PGA rate adjustments pursuant to the PGA clauses in Articles XVII and XVIII of the General Terms and Conditions of its tariff.

Midwestern states that as to the Southern System, the Current Purchased Gas Cost Rate Adjustment pursuant to Section 2 of Article XVII on Midwestern's Fifth Revised Sheet No. 5 reflects the increased rates filed by Tennessee Gas Pipeline Co., a Division of Tenneco Inc. (Tennessee), on May 16, 1974, and June 7, 1974, including Tennessee's R&D rate adjustment. Midwestern further states that in the event such rate increase is not effective on or before August 1, 1974, Midwestern is filing its Substitute Fifth Revised Sheet No. 5 to reflect the Current Purchased Gas Cost Rate Adjustment for the Southern System resulting from Tennessee's alternative rate increase, excluding its R&D rate adjustment.

Midwestern further states that both filed tariff sheets reflect (1) a Surcharge for Amortizing the Unrecovered Purchased Gas Cost Account for the Southern System pursuant to section 3 of Article XVII, and (2) a Surcharge for Amortizing the Unrecovered Purchased Gas Cost Account for the Northern System pursuant to section 3 of Article XVIII.

Midwestern states that copies of the filing have been mailed to all of its jurisdictional customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 10, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene; provided, however, that any person who has previously filed a petition to intervene in this proceeding is not required to file a further petition. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-14793 Filed 6-27-74;8:45 am]

[Docket No. RP74-75]

NORTHERN NATURAL GAS CO.

Notice of Filing of Change in Rates

JUNE 21, 1974.

Take notice that on June 14, 1974, Northern Natural Gas Company submitted for filing revised tariff sheets to its presently effective FPC Gas Tariffs. These tariff sheets are identified as follows:

Third Revised Volume No. 1

First Substitute Fourth Revised Sheet No. 4a
Second Substitute Fourth Revised Sheet No. 4a

Original Volume No. 2

First Substitute First Revised Sheet No. 1c
Second Substitute First Revised Sheet No. 1c

Northern advises that these tariff sheets are being filed in compliance with the Commission's Order entitled "Order Granting in Part and Denying in Part Application For Rehearing and Amending Prior Order", which was issued May 17, 1974.

First Substitute Fourth Revised Sheet No. 4a and First Substitute First Revised Sheet No. 1c are proposed to become effective December 27, 1973. These tariff sheets contain Base Tariff Rates which have been approved by the Federal Power Commission and are not subject to refund as provided in the Commission's Orders issued March 22 and May 17, 1974, in Docket Nos. RP71-107 (Phase II), RP72-127 and RP74-75.

Second Substitute Fourth Revised Sheet No. 4a and Second Substitute First Revised Sheet No. 1c are proposed to become effective December 28, 1973. These tariff sheets provide for an increase in Base Tariff Rates of .12¢ per Mcf. The increase reflects the cost of service on certain amounts of advance payments which were included in the Advance Payment Tracker filing of October 25, 1973. These tariff sheets reflect rates subject to refund effective December 28, 1973, pursuant to the Commission's Order issued March 22, 1974, as modified by its May 17, 1974 Order.

Northern advises that a copy of this filing has been mailed to all interested parties.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 5, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-14801 Filed 6-27-74;8:45 am]

[Docket No. E-8812]

PACIFIC POWER AND LIGHT CO. AND IDAHO POWER CO.

Notice of Application

JUNE 21, 1974.

Take notice that on May 13, 1974, Pacific Power and Light Company (Pacific) and Idaho Power Company filed a joint application seeking written confirmation that the Federal Power Commission would not exercise jurisdiction under section 204 of the Federal Power Act over a proposed guaranty agreement.

Pacific, a Maine Corporation, is an electric utility Company which operates in the States of California, Oregon, Washington, Idaho, Montana and Wyoming.

Idaho a Maine Corporation, is an electric utility, operating in the States of Oregon, Idaho and Nevada.

Pacific owns all the stock of Pacific Minerals, Inc., a Wyoming Corporation, and Idaho owns all the stock of Idaho Energy Resources Co., a Wyoming Corporation, which, pursuant to an agreement dated as of February 1, 1974, have formed a joint venture, Bridger Coal Company (Bridger), for the purpose of mining and selling coal from reserves owned or to be owned by Bridger.

Bridger presently leases, under a temporary lease scheduled to terminate on or before July 31, 1974, certain mining equipment from a trust, whose trustees are not affiliated with Bridger, Pacific or Idaho and whose beneficiary is likewise an unaffiliated institutional investor. It is contemplated that on or before that date the temporary lease will be superseded by a definitive lease.

The lease will be a net lease under which Bridger will be responsible for maintaining, operating, repairing, and insuring the equipment and paying substantially all taxes (other than certain net income taxes) and other costs arising out of the ownership, possession and use of the equipment. Rental payments would be in amounts sufficient to pay principal and interest on the trust borrowings, plus specified additional amounts. Upon expiration of the lease term with respect to each item of equipment Bridger will have a fair market value purchase option and fair rental value renewal options. In the event certain tax rulings are not obtained by a specified date, Bridger will be obliged to purchase the equipment at a stipulated price. This leased equipment consists of two drag lines, two coal shovels and one blast hole drill, having an aggregate estimated cost of approximately $10,800,000.

As an inducement to the trust to lease the equipment to Bridger, Pacific and Idaho intend to guarantee Bridger's obligations under the lease. Pacific will guarantee two-thirds and Idaho will guarantee one-third of all of Bridger's obligations under the lease. The obligations guaranteed by the terms of the Guaranty are the obligations of Bridger under the lease.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 1, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-14800 Filed 6-27-74;8:45 am]

[Docket No. CI72-662]

SUN OIL CO., ET AL.

Notice of Petition To Amend

JUNE 20, 1974.

Take notice that on June 4, 1974, Sun Oil Company (Operator), et al. (Petitioner), P.O. Box 2880, Dallas, Texas 75221, filed in Docket No. CI72-662 a petition to amend the order of the Commission issued in the subject docket on August 30, 1973 (50 FPC ...), pursuant to section 7(c) of the Natural Gas Act by authorizing a one year extension of the term of that order, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By order dated August 30, 1973, in the subject docket, Petitioner was authorized to continue the sale of natural gas to United Gas Pipe Line Company (United) from the East Dykesville Field, Claiborne Parish, Louisiana, for a one year term beginning July 17, 1973, at a rate of 45.0 cents per Mcf at 15.025 psia, subject to Btu adjustment, within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Petitioner states that because United is still experiencing emergency gas supply shortages, both Petitioner and United desire that said sale of gas continue without interruption for a period of one year beginning July 17, 1974, or the date satisfactory authorization is received from the Commission, whichever is later. Petitioner states that the new contract for the extended limited-term sale, dated May 3, 1974, provides for a rate of 65.0 cents per Mcf, adjusted for

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Btu content; however, Petitioner advises it is willing to accept authorization conditioned to 45.0 cents per Mcf.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before July 15, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-14805 Filed 6-27-74;8:45 am]

THE SUPERIOR OIL CO.

Order Accepting in Part and Rejecting in Part Rate Filings

JUNE 21, 1974.

Respondent has filed a proposed change in rate and charge for the jurisdictional sale of natural gas, as set forth below.

Under the proposed rate increases Superior proposes to collect full reimbursement for the 2.0 percent increase in the Wyoming Severance Tax under its FPC Gas Rate Schedule Nos. 91 and 95, and full reimbursement for the 1.25 percent increase in the New Mexico Severance Tax under its FPC Gas Rate Schedule No. 94. Since the ceiling rates in Opinion No. 658 have not changed as a result of the tax increases. Superior is not entitled to file these increases under the area rate clauses in its contracts. However, Superior is entitled to file for partial reimbursement under the tax reimbursement provisions in such contracts. The proposed increases therefore are accepted insofar as they reflect contractual reimbursement and rejected insofar as they exceed such rate due to lack of contractual authorization.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in docket No.
	The Superior Oil Co.	91	4	Mountain Fuel Supply Co. (Trail Field, Sweetwater County, Wyo., Uinta-Green River Basin Sub Area) (Rocky Mountain Area):	$262	5-31-74	5-31-74	Accepted [3]	24.2496	[1] 24.4396	
	do	95	5	Mountain Fuel Supply Co. (Pioneer Field, Sweetwater County, Wyo., Uinta-Green River Basin Sub Area) (Rocky Mountain Area):	387	5-31-74	5-31-74	Accepted [3]	24.2496	[1] [2] 24.6995	
	do	94	4	El Paso Natural Gas Co. (Jicarilla Lease (Deeper Zones), Rio Arriba County, N. Mex., San Juan Basin Sub Area) (Rocky Mountain Area).	207	[3] 5-24-74	[4] 1-74	Accepted [3]	25.3138	[4] 25.9695	

*Unless otherwise stated, the pressure base is 14.73 lb/in²a.
[1] Reflects contractually due tax reimbursement for 50 percent of the 2 percent increase in the Wyoming Severance Tax.
[2] Inclusive of Btu adjustment upward from 1,050 Btu (1,059 Btu Gas).
[3] As amended by filing dated June 4, 1974, and received June 6, 1974.
[4] Reflects reimbursement for 7/8 of the 1.25 percent increase in the New Mexico Gas Severance Tax pursuant to applicant's favored nation clause and triggered by the request for 7/8 reimbursement filed by Amoco Production Co. on May 30, 1974, under its FPC Gas Rate Schedule No. 363.
[5] The proposed rate is accepted as of the date set forth in the "Effective Date Unless Suspended" column insofar as it reflects contractual reimbursement and rejected insofar as it exceeds such rate due to lack of contractual authorization.

[FR Doc.74-14809 Filed 6-27-74;8:45 am]

[Docket Nos. RP71-130 and RP72-58]

TEXAS EASTERN TRANSMISSION CORP.

Order Accepting Tendered Tariff Sheets for Filing Upon Condition, Suspending Tariff Sheets, Providing for Hearing

JUNE 21, 1974.

On May 28, 1974, Texas Eastern Transmission Corporation (TETCO) tendered for filing proposed changes in its FPC Gas Tariff, Third Revised Volume No. 1.[1]

The purpose of the filing is to redistribute demand charges among TETCO's DCQ and GS Rate Schedule customers to reflect the levels of curtailment imposed upon them. Revenues lost through a reduction in demand charges will be recouped concurrently by means of a surcharge on commodity rates. The proposed method of collecting demand charges would replace the current scheme, in effect subject to refund, of waiving demand charge adjustments when failure to deliver contract quantities is due to gas supply shortage.

Alternate Second Revised Sheet No. 92N and Original Sheet No. 92 amend section 12.4 of TETCO's Tariff to provide for a Demand Charge Adjustment (DCA) Commodity Surcharge Account. The sheets provide that the account be established for the eight month period beginning May 1, 1974, and thereafter for each six month period commencing January 1 and July 1, of each year. The account shall be debited by the demand charge adjustments made under the DCQ and GS Rate Schedules. The account will be credited by amounts recovered by TETCO from customers under the DCQ and GS Rate Schedules by means of the DCA Commodity Surcharge. The account shall be separated into subaccounts for each of the DCQ and GS Rate Schedules.

Amended section 12.4 also provides that a DCA Commodity Surcharge Rate be computed for each of the DCQ and GS Rate Schedules for the eight month period beginning May 1, 1974, and for each six month period thereafter. The DCA Commodity Surcharge Rate shall be computed by dividing the sum of (i) the total amount projected by TETCO to be credited to the demand charges of buyers under the applicable rate schedule for the period and (ii) the balance as of three months prior to January 1 and July 1 of each year in the applicable subaccount of the DCA Commodity Surcharge Account, by the sale determinants under the applicable Rate Schedule as projected by TETCO for each period. The DCA Commodity Surcharge Rates shall be rounded to the nearest 1/10 mil ($.0001) and shall be applied to the commodity component of the applicable rate schedule. At least 45 days prior to January 1 or July 1 of each year, TETCO will file a statement showing the computation of the DCA Commodity Surcharge Rate effective for the next period. The dates for rate adjustments under section 12.4 coincide with the dates used in TETCO's Purchase Gas Adjustment Provision.

[1] The revised sheets are designated as Ninth Revised Sheet Nos. 13, 13A, 13B, 13C, 13D; Alternate First Revised Sheet Nos. 17 and 24; Alternate Second Revised Sheet No. 92N and Original Sheet No. 92. These sheets will supersede Eighth Revised Sheet Nos. 13, 13A, 13B, 13C, 13D; Original Sheet Nos. 17 and 24; and First Revised Sheet No. 92N.

TETCO requests that the Commission waive § 154.22 (18 CFR 154.22) of its regulations under the Natural Gas Act to permit TETCO to place the filing into effect as of May 1, 1974.

We are unable to permit the instant filing to become effective retroactively to May 1, 1974, because the Natural Gas Act does not permit the imposition of retroactive rates. TETCO customers who have already been billed for the month of May, 1974, would not be billed for that month under new rates.

As we have said in several previous orders in these dockets, we approve in principle of the type of adjustments TETCO proposes herein to make. We will accept for filing the sheets tendered on May 28, 1974, on the express condition that TETCO file by June 30, 1974, substitute sheets which eliminate reference to May 1, 1974 as the date on which the first accounting period begins, and specify that they become effective as of July 1, 1974. The sheets so filed shall be suspended until July 1, 1974 when they will be permitted to take effect as provided for by section 4 of the Natural Gas Act.

The suspension period is necessary because one of the issues in the curtailment hearings currently being held in these dockets is whether to allow TETCO to collect its full demand charges under a permanent curtailment plan. TETCO's May 28, filings do, in effect, permit TETCO to collect full demand charges although there is a redistribution of these charges among customers to reflect different degrees of curtailment. Thus a hearing will be held on the May 28, filing and this hearing shall be consolidated with the curtailment hearings in these dockets.

Public notice of the filing was given on June 12, 1974, with protests and petitions to intervene due by June 28, 1974. A protest by Brooklyn Union Gas Company was received on June 17, 1974.

The Commission finds:

(1) The Tariff Sheets submitted by TETCO and designated in footnote 1 above have not been shown to be lawful and may be unjust, unreasonable, unduly discriminatory or preferential or otherwise unlawful under the Natural Gas Act.

(2) Good cause exists to accept for those sheets be suspended, and that a public hearing be initiated in accordance with the procedures set forth below, all as hereinafter ordered.

(3) Good cause exists to consolidate for hearing and determination the hearing initiated by this order and the curtailment hearings in these dockets.

The Commission orders:

(A) The tariff sheets tendered for filing on May 28, 1974 by TETCO and designated in footnote 1 above are hereby accepted for filing.

(B) The acceptance made in Ordering Paragraph (A) above is conditioned upon the filing by TETCO, on or before June 30, 1974, of substitute sheets which omit reference to May 1, 1974, as the date on which the first DCA Account period begins. The acceptance made in Ordering Paragraph A above is further conditioned upon TETCO moving to place the substitute sheets into effect on July 1, 1974.

(C) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch I), a public hearing shall be held in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426 concerning the lawfulness of the proposed changes in the General Terms and Conditions of TETCO's FPC Gas Tariff, Third Revised Volume No. 1.

(D) Pending such hearing and decision, the revised tariff sheets tendered by TETCO on May 28, 1974, are hereby suspended and the use thereof deferred until July 1, 1974, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act. The substitute sheets required to be filed by Ordering Paragraph (B) shall, if and when filed, be subject to the identical suspension as the sheets filed on May 28, 1974.

(E) The hearing initiated in Ordering Paragraph (C) above shall be consolidated with the curtailment hearing currently being held in these dockets.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74-14802 Filed 6-27-74;8:45 am]

[Docket No. RP73-85]

TRUNKLINE GAS CO.

Notice of Change in Tariff

JUNE 21, 1974.

Take notice that on June 14, 1974, Trunkline Gas Company (Trunkline) tendered for filing Substitute Ninth Revised Sheet No. 3-A to its FPC Gas Tariff, Original Volume No. 1. Trunkline states that the filing is in accordance with the provisions of Article V of the Stipulation and Agreement in Docket No. RP72-23, et al., approved by the Commission's Order of April 11, 1972, and pursuant to section 18 of the general terms and conditions of Trunkline's FPC Gas Tariff, Original Volume No. 1. The company submits that the foregoing tariff sheet reflects an increase of 2.37¢ per Mcf for advance payment tracking pursuant to the above-mentioned Article V and also reflects an increase in the current cost of gas and recovery of amounts in the deferred purchased gas account pursuant to section 18 of the general terms and conditions of Trunkline's FPC Gas Tariff, Original Volume No. 1. An effective date of August 1, 1974, is proposed.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 8, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-14789 Filed 6-27-74;8:45 am]

[Rate Schedule Nos. 188, et al.]

RATE CHANGES

Notice of Filings Pursuant to Commission's Opinion No. 639

JUNE 21, 1974.

Take notice that the producers listed in the Appendix attached hereto have filed proposed increased rates to the applicable area new gas ceiling based on the interpretation of vintaging concepts set forth by the Commission in its Opinion No. 639, issued December 12, 1972.

The information relevant to each of these sales is listed in the Appendix.

Any person desiring to be heard or to make any protest with reference to said filings should on or before July 15, 1974, file with the Fedearl Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

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APPENDIX

Filing date	Producer	Rate schedule No.	Buyer	Area
June 7, 1974	Koch Industries, Inc., P.O. Box 2256, Wichita, Kans. 67201.	14	Arkansas Louisiana Gas Co.	Other Southwest.
June 5, 1974	Monsanto Co., 1300 Post Oak Tower, 5051 Westheimer, Houston, Tex. 77027.	60	Tennessee Gas Pipe Line Co.	Texas Gulf Coast.
Do	do	70	do	Do.
June 7, 1974	Murphy Oil Corp., 200 Jefferson Ave., El Dorado, Ark. 71730.	10	Natural Gas Pipeline Co. of America.	Do.
May 31, 1974	Union Oil Co. of California, P.O. Box 7600, Los Angeles, Calif. 90051.	188	Phillips Petroleum Co.	Hugoton-Anadarko.
June 3, 1974	Atlantic Richfield, P.O. Box 2819, Dallas, Tex. 75221.	359	Texas Eastern Transmission Corp.	Texas Gulf Coast.
June 4, 1974	Sun Oil Co., Southland Center, P.O. Box 2880, Dallas, Tex. 75221.	374	United Gas Pipe Line Co.	South Louisiana.
Do	Union Texas Petroleum, a division of Allied Chemical Corp., P.O. Box 2120, Houston, Tex. 77001.	14	Texas Eastern Transmission Corp.	Texas Gulf Coast.
Do	do	16	do	Do.
Do	do	20	do	Do.
Do	Sun Oil Co., Southland Center, P.O. Box 2880, Dallas, Tex. 75221.	35	do	Other Southwest.
June 5, 1974	Burmah Oil & Gas Co., Golden Center 1, 2800 North Loop West, P.O. Box 94193, Houston, Tex. 77018.	1	Cities Service Gas Co.	Do.

[FR Doc.74-14807 Filed 6-27-74;8:45 am]

[Docket No. RP74-35]

UNITED NATURAL GAS CO.

Notice of Tendered Tariff Revisions

JUNE 21, 1974.

Take notice that on June 17, 1974, United Natural Gas Company (United Natural) tendered for filing Eighth Revised Sheet No. 3–A to United Natural Gas Company's FPC Gas Tariff, Original Volume No. 1. This tariff sheet is to supersede Seventh Revised Sheet No. 3–A which was filed June 12, 1974.

The Company states that the revised tariff sheet reflects an adjustment in rates of 2.89¢ per Mcf ($1,326,181 annually) over the revenues that would be generated under the June 12, 1974 filing. The Company attributes the increased costs to the following suppliers' increases:

Consolidated Gas Supply Corporation (Docket No. RP72–157)
Tennessee Gas Pipeline Company (Docket No. RP74–73)
Texas Eastern Transmission Corporation (Docket No. RP74–41)
Transcontinental Gas Pipe Line Corporation (Docket No. RP74–48)

Filed concurrently with the above was United Natural Gas Company's Alternate Eighth Revised Sheet No. 3–A. United Natural states that this revised tariff sheet reflects an adjustment in rates of 2.79¢ per Mcf (1,280,292 annually) over those that would be generated under the June 12, 1974 filing. United Natural explains that if Tennessee Gas Pipeline Company's Fourth Substitute Revised Sheet No. 12A is approved, its proposed Alternate Sheet should be made effective.

United Natural requests an effective date of July 1, 1974 for its tendered tariff sheets and requests waiver of the 45 day notice requirement set forth in § 16.6 of the General Terms and Conditions of its FPC Tariff and further requests waiver of any of the Commission's rules and regulations as may be required to establish a July 1, 1974 effective date. In support of such waiver the company states that it did not receive its suppliers' revised rates in sufficient time to make a timely filing.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 5, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-14790 Filed 6-27-74;8:45 am]

[Docket No. CP72-251]

NORTHERN NATURAL GAS CO.

Dallas Center Underground Storage Project; Availability of Final Environmental Impact Statement

Notice is hereby given in the above docket, that on June 26, 1974, in accordance with § 2.82(b) of Commission Order 415–C, a Final Environmental Impact Statement prepared by the staff of the Federal Power Commission was made available. This final statement deals with the environmental impact of an application filed by Northern Natural Gas Co. in Docket No. CP72–251 for a certificate of public convenience and necessity under section 7(c) of the Natural Gas Act requesting authorization for the testing of a proposed underground gas storage field near Dallas Center, Iowa. The proposal would include the drilling of 12 injection-withdrawal wells and several observation wells, 13.8 miles of pipeline, and other miscellaneous appurtenant facilities. Comments on the Draft Environmental Impact Statement were solicited by letter dated December 10, 1973, and comments on the Modified Draft Environmental Impact Statement were solicited by letter dated April 15, 1974.

This final statement has been circulated to Federal, State, and local agencies, and has been placed in the public files of the Commission, and is available for public inspection, both in the Commission's Office of Public Information, Room 1000, 825 North Capitol Street NE., Washington, D.C. 20426 and at its Regional Office located in Room 1051, 610 South Canal Street, Chicago, Illinois 60606. Copies are available in limited quantities from the Federal Power Commission's Office of Public Information, Washington, D.C. 20426.

Dated: June 26, 1974.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-14953 Filed 6-27-74;8:45 am]

FEDERAL RESERVE SYSTEM

BANKERS TRUST NEW YORK CORP.

Acquisition of Bank

Bankers Trust New York Corporation, New York, New York, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of Mohawk Valley State Bank, Utica, New York. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of New York. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received not later than July 10, 1974.

Board of Governors of the Federal Reserve System, June 20, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-14826 Filed 6-27-74;8:45 am]

COLONIAL-AMERICAN BANKSHARES CORP.

Formation of Bank Holding Company

Colonial-American Bankshares Corporation, Roanoke, Virginia, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of all of the voting shares (less directors' qualifying shares) of the successor by merger to Colonial-American National Bank of Roanoke, Roanoke, Virginia. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Richmond. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than July 8, 1974.

Board of Governors of the Federal Reserve System, June 19, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-14824 Filed 6-27-74;8:45 am]

EQUITABLE BANCORPORATION

Acquisition of Bank

Equitable Bancorporation, Baltimore, Maryland, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of the successor by merger to Truckers and Savings Bank, Salisbury, Maryland. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Richmond. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received not later than July 15, 1974.

Board of Governors of the Federal Reserve System, June 19, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-14822 Filed 6-27-74;8:45 am]

FIRST ALGONQUIN CO.

Order Approving Formation of Bank Holding Company

First Algonquin Company, LaGrange, Illinois, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through acquisition of 80 percent or more of the voting shares of Algonquin State Bank, Algonquin, Illinois ("Bank").

Notice of the receipt of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant was recently organized for the purpose of becoming a bank holding company through the acquisition of Bank. Bank, with total deposits of $13.5 million, is the 526th largest bank in Illinois with 0.03 percent of deposits in the State. (All banking data are as of June 30, 1973.) Bank is the seventh largest of twelve banks in the Elgin banking market,[1] with about 4 percent of total commercial bank deposits therein. Since Applicant has no present operations or subsidiaries, consummation of the proposal would not eliminate existing or potential competition, nor have an adverse effect on other area banks.

Three principals of Applicant are also principals in two other one-bank holding companies, F.N.B.C. of LaGrange, Inc., LaGrange, Illinois, and Wesco Investment Corporation, West Chicago, Illinois, which own approximately 30 percent and 64 percent of First National Bank of LaGrange, Inc., LaGrange, Illinois ("First National"), and West Chicago State Bank, West Chicago, Illinois ("West Chicago"), respectively. First National (deposits of $32.4 million) and West Chicago (deposits of $16.6 million) are each located in the Chicago banking market and hold, in the aggregate, less than .2 of one percent of the total commercial deposits therein. Since these banks are located in a separate but adjacent banking market, and in view of their common ownership as well as the State's prohibition on branching, no competition exists between them and Bank, and it appears unlikely that such competition would develop in the future. On the basis of the record, the Board concludes that competitive considerations are consistent with approval of this application.

The financial and managerial resources and future prospects of Applicant, which will depend initially upon those of Bank, are considered satisfactory and consistent with approval. Income to be derived from Bank should be adequate to service the debt incurred by Applicant as an incident to the acquisition. Accordingly, financial and managerial considerations are consistent with approval of the application. Considerations relating to the convenience and needs of the community to be served are also regarded as being consistent with approval in view of Applicant's intention to institute certain changes in Bank's operations and provide additional services such as daily compounding of passbook savings interest, expanded banking hours, and increased consumer lending. It is the Board's judgment that consummation of the proposed transaction would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before July 19, 1974, or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Chicago pursuant to delegated authority.

By order of the Board of Governors,[2] effective June 19, 1974.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.74-14825 Filed 6-27-74;8:45 am]

FIRST FINANCIAL GROUP OF NEW HAMPSHIRE, INC.

Order Denying Acquisition of Bank

First Financial Group of New Hampshire, Inc. (formerly The Manchester Corporation), Manchester, New Hampshire, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of Nashua Trust Company, Nashua, New Hampshire ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the second largest banking organization in the State, has one banking subsidiary, The Manchester Bank, Manchester, New Hampshire ("Manchester Bank"), the largest commercial bank in the State with deposits of $137 million, representing 10.2 percent of the total deposits in commercial banks in New Hampshire.[3] Bank, with deposits of $61.5 million, representing 4.6 percent of total State commercial bank deposits, is the fifth largest banking organization and the fourth largest commercial bank in the State. While Applicant's rank as the second largest banking organization in New Hampshire would remain unchanged as a result of the proposed acquisition, the acquisition of Bank would have an adverse effect on the level of concentration of banking resources both in the State and in the respective markets[4] in which Applicant and Bank operate. The Board views these results as adverse considerations lending weight toward denial of the application.

Bank is the third largest of six commercial banks in the Nashua banking market, which is approximated by the Nashua SMSA,[5] and controls 27 percent

[1] Unless otherwise indicated, all banking data are as of June 30, 1973.

[2] The Elgin banking market is approximated by the southern one-half of McHenry County and the northern one-third of Kane County, Illinois.

[3] Voting for this action: Chairman Burns and Governors Brimmer, Sheehan, Bucher, Holland and Wallich. Absent and not voting: Governor Mitchell.

[4] The relevant banking markets include the only two SMSAs in New Hampshire, while only 16 of the 79 commercial banks in the State operate in both banking markets, those 16 banks hold over 40 percent of the State's total commercial bank deposits.

[5] The Nashua SMSA includes Nashua and the towns of Hudson, Merrimack, Amherst, and Milford.

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of total deposits in that market. The two larger commercial banks in the market control respectively, 31.5 and 29.8 percent of total deposits therein. Manchester Bank is the largest of twelve commercial banks in the Manchester banking market, approximated by the Manchester SMSA,[4] holding almost 44 percent of total deposits of commercial banks in the market. In terms of total deposits, Manchester Bank is over three times as large as its next largest commercial bank competitor. While the Manchester SMSA and the Nashua SMSA are separate but contiguous banking markets in southern New Hampshire, eighteen miles separate the closest banking offices of Manchester Bank and Bank. From the facts of record, it appears that little existing competition would be eliminated by the proposed acquisition in view of the fact that both Manchester Bank and Bank compete primarily in separate market areas.

The Board is concerned with the significant adverse effects the proposed acquisition would have upon competition in the future in both the Manchester and Nashua banking markets. Between 1960 and 1970, both market areas experienced rapid population growth; the Manchester SMSA increased 14.4 percent while the Nashua SMSA (which abuts the northern border of Massachusetts and is only 38 miles from Boston) increased approximately 55 percent. In fact, the Nashua SMSA is the fastest growing area in the State in terms of population. Applicant appears to have both the resources and expertise to enter the Nashua SMSA de novo, and in view of Applicant's proximity to the relevant market as well as the attractiveness of that market for de novo entry, Applicant may be regarded as a likely future entrant into the Nashua SMSA. Approval of the instant proposal would preclude such an alternative and thereby foreclose the addition of an alternative commercial banking competitor to the Nashua market and also eliminate the possibility of deconcentration[5] in the market. In addition, it should be noted that Manchester Bank could branch into certain portions of the Nashua market which are now open to branching by Bank. This potential competition would also be foreclosed by consummation of Applicant's proposal. Thus, the Board concludes that consummation of the proposal would have significant adverse effects on potential competition in the Nashua market.

Similarly, Bank appears to have both the resources and expertise to form a bank holding company and thereafter to enter the Manchester SMSA through acquisition of an existing bank located therein or by establishing a new bank. Bank, as the State's largest independent bank, appears to be one of few remaining potential lead banks for a holding company in the State. The towns of Derry, Goffstown and Manchester have high population per commercial banking office ratios and would appear to be attractive areas for a de novo bank. Bank's entry into the Manchester market would have a salutary effect on competition by introducing a viable competitor to the market with the resources to compete effectively with Manchester Bank, by far the largest commercial banking competitor in that market. Given these factors, the Board concludes that consummation of the proposed acquisition would have significant adverse effects on potential competition in the Manchester market.

On the basis of the foregoing and the facts of record, the Board concludes the competitive considerations relating to this application are significantly adverse. Consummation of the proposed transaction would (1) increase the concentration of banking resources in the State and perpetuate the levels of banking concentration in both the Manchester and Nashua markets; (2) eliminate some slight existing competition between Applicant and Bank; (3) foreclose significant potential competition in both the Manchester and Nashua banking markets; and (4) remove Bank as a potential Statewide competitor as a lead bank in a newly formed holding company. Accordingly, the Board views the competitive considerations as requiring denial of the application unless these anticompetitive effects are outweighed by considerations relating to benefits to the public in meeting the convenience and needs of the communities to be served.

The financial condition of Applicant and Manchester Bank is satisfactory and the financial condition of Bank is regarded as generally satisfactory. Managerial resources for Applicant, Manchester Bank and Bank are satisfactory and the future prospects for all are favorable. Applicant has indicated that it would assist Bank in expanding its mortgage lending and municipal financing services and Bank has plans to assist Applicant in providing trust and credit card services at Manchester Bank. These services, however, are presently available in the respective markets and there is no evidence that the banking needs of the areas are not being met. Moreover, the Board does not regard the addition of such services as outweighing the significant adverse effects flowing from the proposal, as required by the Act.

Accordingly, on the basis of the record, the Board finds that the anticompetitive aspects of the proposed acquisition are not outweighed by considerations relating to the convenience and needs of the communities to be served. It is the Board's judgment that consummation of the proposed transaction would not be in the public interest and that the application should be, and is hereby, denied.

[4] The Manchester SMSA includes the towns of Manchester, Bedford, Goffstown, Hooksett, Pembroke, Allenstown, Londonderry, and Derry.

[5] The three largest commercial banks in the Nashua market control 88.3 percent of the total deposits therein.

[6] Voting for this action: Chairman Burns and Governors Brimmer, Sheehan, Bucher, Holland and Wallich. Absent and not voting: Governor Mitchell.

By order of the Board of Governors,[6] effective June 21, 1974.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.74-14827 Filed 6-27-74;8:45 am]

SECURITY NEW YORK STATE CORP.

Proposed Retention of Sibley Corporation

Security New York State Corporation Rochester, New York, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843 (c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to retain voting shares of Sibley Corporation, Rochester, New York. Notice of the application was published on April 24, 1974, in The Times-Union and the Rochester Democrat & Chronicle, on May 16, 1974, in The Ithaca Journal and the Albany Times Union and on May 17, 1974, in The Post-Standard, newspapers of general circulation in the New York cities of Rochester (two newspapers), Ithaca, Albany and Syracuse, respectively.

Applicant states that the subsidiary would engage in the activities of mortgage banking including the origination and servicing of permanent mortgages and the granting of construction loans. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of New York.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than July 17, 1974.

Board of Governors of the Federal Reserve System, June 19, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-14819 Filed 6-27-74;8:45 am]

SOCIETY CORP.

Order Approving Acquisition of Society Life Insurance Company

Society Corporation, Cleveland, Ohio, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y to acquire all of the voting shares of Society Life Insurance Company, Phoenix, Arizona ("Company"), a company to be organized de novo to engage in the underwriting, as reinsurer, of credit life and credit accident and health insurance in connection with extensions of credit by Applicant's banking subsidiaries. It would also offer joint credit life insurance in connection with extensions of credit. Such activities have been determined by the Board to be closely related to banking (12 CFR 225.4(a)(10)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (39 FR 15074). The time for filing comments and views has expired, and the application and all comments and views received have been considered in light of the public interest factors set forth in section 4(c)(8) of the Act (12 U.S.C. 1843(c)).

Applicant controls 12 banks with aggregate deposits of $1.4 billion representing about 5 percent of total deposits in commercial banks in Ohio.[1] Company will be formed under Arizona law as a full reserve life insurance company. Since Company will be qualified to underwrite insurance directly only in Arizona, its activities will be limited to acting as reinsurer of credit life and credit accident and health insurance policies made available in connection with extensions of credit by Applicant's banking subsidiaries located in Ohio. Such insurance would be directly underwritten by an insurer qualified to underwrite in Ohio and will thereafter be assigned or ceded to Company under a reinsurance agreement.

Credit life and credit accident and health insurance is generally made available by banks and other consumer lenders and is designed to insure repayment of a loan in the event of the death or disability of a borrower. Applicant also proposes to underwrite joint credit life insurance. The Board has permitted such insurance to be underwritten by subsidiaries of bank holding companies when both of the insured parties are comakers or cosigners of a note issued in connection with an extension of credit. Applicant will limit its underwriting of joint credit life insurance to such instances.

In connection with this addition of credit life and credit accident and health underwriting to the list of permissible activities for bank holding companies, the Board has stated that:

> To assure that engaging in the underwriting of credit life and credit accident and health insurance can reasonably be expected to be in the public interest, the Board will only approve applications in which an Applicant demonstrates that approval will benefit the consumer or result in other public benefits. Normally such a showing would be made by projected reduction of rates or increase in policy benefits due to bank holding company performance of this service.

Applicant has stated that it will provide single and joint credit life insurance at a rate 4 percent below the maximum rate authorized by Ohio law and will offer credit accident and health insurance at approximately a 5 percent reduction below the maximum rate provided by State law. The Board believes that the reductions in price of credit life and credit accident and health insurance policies proposed by Applicant is a consideration favorable to the public interest. The Board concludes, therefore, that such public benefits, in the absence of any evidence in the record indicating the presence of any adverse statutory factors, provide support for approval of the application.

Based upon the foregoing and other considerations reflected in the record, the Board has determined that the balance of the public interest factors the Board is required to consider under section 4(c)(8) is favorable. Accordingly, the application is hereby approved. The determination is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to insure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder or to prevent evasion thereof.

The transaction shall be made not later than three months after the effective date of this Order unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Cleveland pursuant to delegated authority.

By order of the Board of Governors,[2] effective June 19, 1974.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.74-14820 Filed 6-27-74;8:45 am]

TEXAS COMMERCE BANCSHARES, INC.

Order Approving Acquisition of Banks

Texas Commerce Bancshares, Inc., Houston, Texas, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of the successors by merger to Union Bank of Fort Worth, Fort Worth, Texas ("Union Bank") and First National Bank of Hurst, Hurst, Texas ("Hurst Bank"). The banks into which Union Bank and Hurst Bank are to be merged have no significance except as means to facilitate the acquisitions of the voting shares of Union Bank and Hurst Bank. Accordingly, the proposed acquisitions of the successor organizations are treated herein as the proposed acquisitions of Union Bank and Hurst Bank.

Notices of the applications, affording opportunity for interested persons to submit comments and views, have been given in accordance with section 3(b) of the Act. The times for filing comments and views have expired, and none have been timely received. The Federal Reserve Bank of Dallas, acting pursuant to delegated authority, has considered the applications in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the fourth largest multibank holding company in Texas, presently controls fifteen banks with aggregate deposits of approximately $1,787 million, representing 6.14 percent of the total commercial bank deposits in Texas.[1] Approval of the present acquisitions would not produce a significant increase in the concentration of banking resources in Texas.

Union Bank and Hurst Bank are situated within the Fort Worth banking market, which is approximated by the Fort Worth RMA. Union Bank, the eighteenth largest of 45 banks in the Fort Worth market, has deposits of approximately $24.5 million, representing 1.14 percent of market deposits. Hurst Bank has deposits of about $27.1 million, representing a 1.25 percent share of market deposits, and is the seventeenth largest bank in the market. Approval of the applications would have no adverse effects on competition. Applicant is not currently represented in the market, and following consummation of the proposed transactions Applicant would control only 2.4 percent of total deposits in the Fort Worth market, which contains two leading banking organizations, each controlling over 30 percent of market deposits. Union Bank and Hurst Bank are located some fifteen miles apart and some 26 miles and 10 miles respectively from Applicant's nearest subsidiary, which is located in the adjacent Dallas RMA banking market. There is no substantial existing competition among Union Bank, Hurst Bank, and any of Applicant's current subsidiaries due to distances involved and the number of intervening banks, nor is there a reasonable probability of a substantial degree of development of such competition in the future, in view of those factors of distances and intervening banks as well as Texas' prohibition of branch banking. Removal of the Hurst Bank from the market as an independent entity and vehicle for market entry would not have

[1] All banking data are as of December 30, 1973.

[2] Voting for this action: Chairman Burns and Governors Brimmer, Sheehan, Bucher, Holland, and Wallich. Absent and not voting: Governor Mitchell.

[1] All deposit figures are as of June 30, 1973, and reflect holding company formations and acquisitions approved by the Board through March 1, 1974. Subsequent to the latter date, the Board has approved Applicant's proposed acquisition of Southeast Bank, Houston, Texas, and the Federal Reserve Bank of Dallas, acting pursuant to delegated authority for the Board, has approved Applicant's proposed acquisitions of Westwood Commerce Bank (a proposed new bank), Houston, Texas, and Guaranty National Bank and Trust of Corpus Christi, Corpus Christi, Texas.

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an adverse effect on potential competition due to Hurst Bank's relatively small size and small share of market deposits, as well as the number of independent banks still available as potential entry points. Similar considerations, especially in light of the wide disparity in size between Union Bank and the larger downtown Fort Worth banks, would prevent any adverse effects on potential competition with regard to its being acquired by Applicant.

The financial and managerial resources and future prospects of Applicant, its subsidiaries, Union Bank and Hurst Bank are regarded as generally satisfactory and consistent with approval in view of the additions of equity capital in the amounts of $200,000 to Union Bank and $120,000 to Hurst Bank. Although there is no evidence that the convenience and needs of the communities involved are not adequately being served, considerations of the convenience and needs of the communities to be served lend weight toward approval. Affiliation with Applicant will enable both Union Bank and Hurst Bank to offer expanded or improved services in the areas of trust and investment advice, real estate financing and international banking. Acquisition by Applicant will permit Union Bank to participate more fully in the redevelopment of the area near downtown Fort Worth in which Union Bank will be relocated. Applicant's acquisition of Hurst Bank will permit the latter to become more actively engaged in the financing of the civic expansion of the growing Hurst community. It is the judgment of the Federal Reserve Bank of Dallas that the proposed acquisitions are in the public interest and that the applications should be approved.

On the basis of the record as summarized above, the Federal Reserve Bank of Dallas approves the applications, provided that the transactions shall not be consummated (a) before July 15, 1974, or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Dallas pursuant to delegated authority.

By order of the Federal Reserve Bank of Dallas, acting pursuant to delegated authority for the Board of Governors of the Federal Reserve System, effective June 14, 1974.

[SEAL] ROBERT H. BOYKIN,
Secretary.

[FR Doc.74-14821 Filed 6-27-74;8:45 am]

VIRGINIA NATIONAL BANKSHARES, INC.

Acquisition of Bank

Virginia National Bankshares, Inc., Norfolk, Virginia, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to Community Bank and Trust Company, Springfield, Virginia. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Richmond. Any person wishing to comment on the application should submit views in writing to the secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than July 16, 1974.

Board of Governors of the Federal Reserve System, June 19, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-14823 Filed 6-27-74;8:45 am]

OFFICE OF TELECOMMUNICATIONS POLICY

FREQUENCY MANAGEMENT ADVISORY COUNCIL

Notice of Public Meeting

Notice is hereby given that the Frequency Management Advisory Council (FMAC) will meet at 10 a.m. in Room 712, 1800 G Street NW, Washington, D.C., on Wednesday, July 10, 1974.

The principal agenda items will be: (1) A discussion of the results of the recently completed 1974 ITU Maritime WARC; (2) the development of an FMAC study program in support of its advisor role to OTP; (3) impact of electric power facilities on terrestrial communications systems; and (4) briefings on electronic conferencing facilities and on "Hertzian Cables."

The meeting will be open to the public; any member of the public will be permitted to file a written statement with the Council, before or after the meeting.

The names of the members of the Council, a copy of the agenda, a summary of the meeting, and other information pertaining to the meeting may be obtained from Mr. L. R. Raish, Office of Telecommunications Policy, Washington, D.C. 20504 (telephone: 202-395-5623).

Dated: June 24, 1974.

BRYAN M. EAGLE,
Advisory Committee Management Officer.

[FR Doc.74-14784 Filed 6-27-74;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on June 25, 1974 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this Daily List may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529).

NEW FORMS

FEDERAL ENERGY OFFICE

Certification of Requirements for Use under Allocation Levels not Subject to an Allocation Fraction; Form FEO 25; annual; Weiner; reseller of petroleum products.

GENERAL SERVICES ADMINISTRATION

Report on Minority Business Enterprise Subcontracting Program; Form GSA 2968; quarterly; EGG/Sunderhauf; contractors building Government buildings.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Alcohol, Drug Abuse and Mental Health Administration: Child Abuse: Formal and Informal Decision-Making Process; Form ADAMMH 0530; occasional; Brown; individuals in agencies dealing with child abuse.

Center for Disease Control: Investigation of Health Hazards in the Painting Trades; Form —; singletime; Ellett; members of International Brotherhood of Painters and Allied Trade Union.

Departmental: Rural Physicians' Capacity Utilization Telephone Survey; Form OS 27-74; single time; Brown; physicians' offices.

REVISIONS

FEDERAL ENERGY OFFICE

Suppliers' Monthly Allocation Worksheet; Form FEO 22; monthly; Weiner; distributors of petroleum products.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Departmental: Individual School Campus Report; Form OS 25-74; annual; Planchon/Sunderhauf; public elementary and secondary school districts.

EXTENSIONS

FEDERAL RESERVE BOARD

Demand Deposit Ownership Survey; Form —; monthly; Evinger (x).

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institutes of Health: Letter to Survivors of Deceased Twin Pairs with Diagnosis of Cancer in Index File; Form —; single time; Evinger (x).

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.74-14994 Filed 6-27-74;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 3-4404]

BOLTON GROUP, LTD.

Order Permanently Suspending Exemption

JUNE 18, 1974.

I. The Bolton Group, Ltd. ("Issuer") (24NY-7651), a New York corporation with offices located at 210 East 52nd Street, New York, New York, filed with the Commission on June 14, 1972, a notification on Form 1-A with attached exhibits including an offering circular relating to a public offering on a best efforts all-or-none basis of 100,000 units at an offering price of $1.25 per unit to be sold by Park Securities, Inc. ("Park"). On May 4, 1973, a Form 2-A was filed representing that Park had sold the 100,000 units in the period September 1, 1972, to October 6, 1972, inclusive.

II. The Commission on December 11, 1973, temporarily suspended the Regulation A exemption of The Bolton Group, Ltd., stating it had reasonable cause to believe that:

A. The notification and offering circular as filed and amended and the Form 2-A were incomplete, inaccurate and contained untrue statements of material facts and omitted to state material facts necessary to make the statements made, in the light of the circumstances under which they were made, not misleading, particularly with respect to:

1. The plan and manner of distribution of the offering;

2. The identity of underwriters and purchasers including, among others, Daniel J. Claridy, Richard Pinto, Charles Ciccotto, N. Carroll Mallow and Ciro Cozzolino and the interests of such persons in the distribution;

3. The number of units to be and that were sold to the public;

4. The price to be and that was paid by the public for the units; and

5. The compensation of underwriters.

B. The manner in which the securities would be and were traded in the aftermarket.

C. The offering was made in violation of section 17(a) of the Securities Act of 1933.

III. No hearing having been requested by The Bolton Group, Ltd. within thirty days after the entry of an order temporarily suspending the exemption of the Issuer under Regulation A, the Commission finds that it is in the public interest and for the protection of investors that the exemption of the Issuer under Regulation A be permanently suspended;

It is ordered, pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, That the exemption of The Bolton Group, Ltd. under Regulation A be, and it hereby is, permanently suspended.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-14892 Filed 6-27-74;8:45 am]

[File No. 500-1]

CONTINENTAL VENDING MACHINE CORP.

Notice of Suspension of Trading

JUNE 21, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Continental Vending Machine Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from June 24, 1974 through July 3, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-14898 Filed 6-27-74;8:45 am]

[File No. 3-4405]

EKG SERVICE CORP.

Order Permanently Suspending Exemption

I

EKG Service Corp. ("Issuer") (24NY-7661), a Delaware corporation with offices located at 925 Clifton Avenue, Clifton, New Jersey, filed with the Commission on June 28, 1972, a notification on Form 1-A with attached exhibits, including an offering circular relating to a public offering on a best efforts all-or-one-third basis of 100,000 shares of common stock at an offering price of $5.00 per share to be sold by Park Securities, Inc. ("Park"). On May 7, 1973, a Form 2-A was filed representing that Park had sold 33,333 shares between October 10, 1972, and December 29, 1972, inclusive.

II

The Commission on December 11, 1973, temporarily suspended the Regulation A exemption of EKG Service Corp., stating it had reasonable cause to believe that:

A. The notification and offering circular as filed and amended and the Form 2-A were incomplete, inaccurate and contained untrue statements of material facts and omitted to state material facts necessary to make the statements made, in the light of the circumstances under which they were made, not misleading, particularly with respect to:

1. The plan and manner of distribution of the offering;

2. The identity of underwriters and purchasers including among others Daniel J. Claridy and Richard Pinto and the interests of such persons in the distribution;

3. The number of shares to be sold to the public;

4. The price to be paid by the public for the shares;

5. The compensation of underwriters;

6. The manner in which the securities would be traded in the aftermarket;

7. The terms and conditions upon which closing of the offering was to take place and the manner in which the closing was executed, including among other things:

(a) Duration of the selling period;

(b) The return of payments to prospective purchasers if one-third of the offering was not sold and paid for in the selling period; and

(c) Identity of purchasers.

B. The offering was made in violation of section 17(a) of the Securities Act of 1933.

III

No hearing having been requested by EKG Service Corp. within thirty days after the entry of an order temporarily suspending the exemption of the Issuer under Regulation A, the Commission finds that it is in the public interest and for the protection of investors that the exemption of the Issuer under Regulation A be permanently suspended;

It is ordered, pursuant to Rule 261(a), of the general rules and regulations under the Securities Act of 1933, as amended, That the exemption of EKG Service Corp. under Regulation A be, and it hereby is, permanently suspended.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-14891 Filed 6-27-74;8:45 am]

[File No. 500-1]

EQUITY FUNDING CORPORATION OF AMERICA

Notice of Suspension of Trading

JUNE 20, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, warrants to purchase the stock, 9½ percent debentures due 1990, 5½ percent convertible subordinated debentures due 1991, and all other securities of Equity Funding Corporation of America being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from June 21, 1974 through June 30, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-14893 Filed 6-27-74;8:45 am]

[File No. 500-1]

FRANKLIN NATIONAL BANK

Notice of Suspension of Trading

JUNE 21, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the preferred stock and 4.75 percent debentures of Franklin National Bank (New York, N.Y.) being traded otherwise than on a national securities exchange is required

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in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from June 24, 1974 through July 3, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-14896 Filed 6-27-74;8:45 am]

[File No. 500-1]

FRANKLIN NEW YORK CORP.

Notice of Suspension of Trading

JUNE 21, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common and preferred stock and 7.30 percent notes of Franklin New York Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended for the period from June 24, 1974 through July 3, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-14897 Filed 6-27-74;8:45 am]

[File No. 500-1]

INDUSTRIES INTERNATIONAL, INC.

Notice of Suspension of Trading

JUNE 20, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Industries International, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from June 21, 1974 through July 30, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-14895 Filed 6-27-74;8:45 am]

[File No. 500-1]

STRATTON GROUP, LTD.

Notice of Suspension of Trading

JUNE 21, 1974.

The common stock of Stratton Group, Ltd. being traded on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Stratton Group, Ltd. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from June 24, 1974 through July 3, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-14899 Filed 6-27-74;8:45 am]

[File No. 500-1]

ZENITH DEVELOPMENT CORP.

Notice of Suspension of Trading

JUNE 20, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Zenith Development Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from June 21, 1974 through June 30, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-14894 Filed 6-27-74;8:45 am]

SMALL BUSINESS ADMINISTRATION

[Notice of Disaster Loan Area 1072; Amdt. 1]

ILLINOIS

Amendment to Notice of Disaster Relief Loan Availability

As a result of the President's declaration of the State of Illinois as a major disaster area following heavy rains and flooding beginning on or about May 17, 1974, applications for disaster relief loans will be accepted by the Small Business Administration from flood victims in the following additional Counties: Alexander, Jersey, Monroe and Randolph, and adjacent affected areas. Adjacent areas include only counties within the State for which the declaration is made and do not extend beyond State lines. (See 39 FR 22195)

Applications may be filed at the:

Small Business Administration
Regional Office
219 South Dearborn Street
Chicago, Illinois 60604

and at such temporary offices as are established. Such addresses will be announced locally.

Applications for disaster loans under this announcement must be filed not later than August 12, 1974.

Dated: June 14, 1974.

LOUIS F. LAUN,
Acting Administrator.

[FR Doc.74-14871 Filed 6-27-74;8:45 am]

[Notice of Disaster Loan Area 1072; Amdt. 2]

ILLINOIS

Amendment to Notice of Disaster Relief Loan Availability

As a result of the President's declaration of the State of Illinois as a major disaster area following heavy rains and flooding beginning on or about May 17, 1974, applications for disaster relief loans will be accepted by the Small Business Administration from disaster victims in the following additional County: Fulton and adjacent affected areas. Adjacent areas include only counties within the state for which the declaration is made and do not extend beyond state lines. (See 39 FR 22195 and Amendment 1 this issue)

Applications may be filed at the:

Small Business Administration
Regional Office
219 South Dearborn Street
Chicago, Illinois 60604

and at such temporary offices as are established. Such addresses will be announced locally.

Applications for disaster loans under this announcement must be filed not later than August 19, 1974.

Dated: June 20, 1974.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.74-14872 Filed 6-27-74;8:45 am]

[Proposed License No. 06/06-0172]

VENTURE CAPITAL CORP., NEW MEXICO

Application for a License to Operate as a Small Business Investment Company

Notice is hereby given that an application has been filed with the Small Business Administration (SBA) pursuant to § 107.102 of the regulations governing small business investment companies (13 CFR 107.102 (1974)), under the name of Venture Capital Corporation of New Mexico, 200 Lomas Boulevard, NW, Albuquerque, New Mexico 87102, for a license to operate as a small business investment company under the provisions of the Small Business Investment Act of 1958, as amended (the Act), and the rules and regulations promulgated thereunder.

The proposed officers, directors and shareholders are as follows:

Benirwin Bronstein, 4416 Royene NE., Albuquerque, N. Mex., President, Treasurer, Director.

Thomas G. Morris, 910 Warm Sands Dr. SE., Albuquerque, N. Mex., Vice President, Director.

Edward L. Lujan, 3700 Andrew NE., Albuquerque, N. Mex., Secretary, Director.

Mr. Benirwin Bronstein will initially own all the issued and outstanding stock. The corporation shall have only one class of stock. There is authorized 50,000 shares of common stock and it is proposed that this stock will be sold to no more than five shareholders. The initial capitalization will be $300,000.

The Applicant will conduct its operations principally in the State of New Mexico and in other areas within the United States and its territories and possessions as may from time to time be approved by SBA. A diversified investment policy will be maintained.

Matters involved in SBA's consideration of the application include the general business reputation and character of management, and the probability of successful operations of the new company in accordance with the Act and regulations.

Notice is further given that any interested person may, on or before July 15, 1974, submit to SBA, in writing, relevant comments on the proposed licensing of this company. Any such communications should be addressed to: Associate Administrator for Finance and Investment, Small Business Administration, 1441 "L" Street, NW., Washington, D.C. 20416.

A copy of this notice shall be published by the proposed Licensee in a newspaper of general circulation in Albuquerque, New Mexico.

Dated: June 20, 1974.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.74-14870 Filed 6-27-74;8:45 am]

VETERANS ADMINISTRATION

REHABILITATION/NURSING HOME CARE BUILDING; SEPULVEDA, CALIFORNIA

Availability of Final Environmental Impact Statement

Notice is hereby given that a document entitled "Final Environmental Statement for a 120-Bed Rehabilitation/Nursing Home Care Building, Veterans Administration Hospital, Sepulveda, California", dated March 1974, has been prepared as required by the National Environmental Policy Act of 1969. Persons wishing to review a copy of the document may do so at the following office:

Mr. Arthur W. Farmer, Assistant Chief Medical Director for Administration (13), Room 600, Veterans Administration, 810 Vermont Avenue NW., Washington, DC 20420.

This project consists of the construction of a 120-bed seismically designed rehabilitation and nursing home care building and related sitework. This building will have four 30-bed wings of one-story design connected to a two-story administrative and support building. The building will provide hospital beds for those patients requiring a longer stay than is normal in the general medical and surgical area of the hospital. Related sitework includes a new access road (±550') and a new 72-car parking lot.

This new addition at the Sepulveda Veterans Administration Hospital of Los Angeles represents in part the replacement beds that were removed from the West Los Angeles Veterans Administration Hospital during reconstruction and demolition operations in 1972. This statement discusses the environmental impact of our nursing home replacement at Sepulveda. Included with the statement are the comments received on the Draft Statement and the Veterans Administration's response to those comments. Notice of Availability of the Draft Statement was published in the FEDERAL REGISTER dated September 20, 1973 (38 FR 26412).

The Environmental Impact Statement will be furnished upon request addressed to the Assistant Chief Medical Director for Administration at the above address.

Dated: June 24, 1974.

By direction of the Administrator.

[SEAL] R. L. ROUDEBUSH,
Deputy Administrator.

[FR Doc.74-14887 Filed 6-27-74;8:45 am]

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INTERSTATE COMMERCE COMMISSION

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateways

JUNE 25, 1974.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination rules (49 CFR 1065(a)), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before July 8, 1974. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC-2860 (Sub-No. E7), filed May 17, 1974. Applicant: NATIONAL FREIGHT, INC., 57 Westpark Avenue, Vineland, N.J. 08360. Applicant's representative: Jacob P. Billing, 1126 16th Street NW., Suite 300, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh and frozen eggs, dressed and frozen poultry, butter, and cheese* (except commodities in bulk), from Rock Island and Chicago, Ill., to points in Connecticut, Delaware, Massachusetts, New Jersey, Rhode Island, that part of Maryland on and east of the Susquehanna River and the Chesapeake Bay, that part of New York on and east of a line beginning at the New York-New Jersey State line, thence along U.S. Highway 209 to junction Interstate Highway 87, thence along Interstate Highway 87 to junction New York Highway 23, and that part of Pennsylvania on and east of a line beginning at the Pennsylvania-Maryland State line, thence along U.S. Highway 222 to junction Interstate Highway 78, thence along Interstate Highway 78 to the Pennsylvania-New Jersey State line. The purpose of this filing is to eliminate the gateways of Alexandria, Va., Baltimore, Md., and Deepwater, N.J.

No. MC-64932 (Sub-No. E1), filed May 10, 1974. Applicant: ROGERS CARTAGE CO., 10735 So. Cicero Avenue, Oak Lawn, Ill. 60453. Applicant's representative: W. F. Farrell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, (a) from points in the Chicago, Ill., commercial zone, as defined by the Commission, to points in Colorado and New Mexico on and east of U.S. Highway 85; and (b) from Peoria, Ill., to points in Kansas and points in Colorado, New Mexico, and Texas on and east of U.S. Highway 85. The purpose of this filing is to eliminate the gateway of the plant site of National Starch and Chemical Corporation at Merodosia, Ill.

No. MC-64932 (Sub-No. E2), filed May 10, 1974. Applicant: ROGERS CARTAGE CO., 10735 So. Cicero Avenue, Oak Lawn, Ill. 60453. Applicant's representative: W. F. Farrell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from Cahokia, Ill., to points in Indiana and Missouri. The purpose of this filing is to eliminate the gateway of Hartford, Ill.

No. MC-64932 (Sub-No. E3), filed May 10, 1974. Applicant: ROGERS CARTAGE CO., 10735 So. Cicero Avenue, Oak Lawn, Ill. 60453. Applicant's representative: W. F. Farrell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from East St. Louis, Ill., and St. Louis, Mo., to points in Indiana and Missouri. The purpose of this filing is to eliminate the gateway of Hartford, Ill.

No. MC-64932 (Sub-No. E4), filed May 10, 1974. Applicant: ROGERS CARTAGE CO., 10735 So. Cicero Avenue, Oak Lawn, Ill. 60453. Applicant's representative: W. F. Farrell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products* (except petrochemicals, liquid hydrogen, liquid oxygen, and liquid nitrogen), in bulk, in tank vehicles, from Hartford, Ill., to points in Alabama, Georgia, West Virginia, and Tennessee. The purpose of this filing is to eliminate the gateway of St. Louis, Mo.

No. MC-64932 (Sub-No. E5), filed May 10, 1974. Applicant: ROGERS CARTAGE CO., 10735 So. Cicero Avenue, Oak Lawn, Ill. 60453. Applicant's representative: W. F. Farrell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products* (except petrochemicals, liquid hydrogen, liquid oxygen, and liquid nitrogen), in bulk, in tank vehicles, from Roxanna, Ill., to points in Alabama, Georgia, Tennessee, and West Virginia. The purpose of this filing is to eliminate the gateway of St. Louis, Mo.

No. MC-64932 (Sub-No. E6), filed May 10, 1974. Applicant: ROGERS CARTAGE CO., 10735 So. Cicero Avenue, Oak Lawn, Ill. 60453. Applicant's representative: W. F. Farrell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products* (except petrochemicals, liquid hydrogen, liquid oxygen, and liquid nitrogen), in bulk, in tank vehicles, from Wood River, Ill., to points in Alabama, Georgia, Tennessee, and West Virginia. The purpose of this filing is to eliminate the gateway of St. Louis, Mo.

No. MC-64932 (Sub-No. E7), filed May 10, 1974. Applicant: ROGERS CARTAGE CO., 10735 So. Cicero Avenue, Oak Lawn, Ill. 60453. Applicant's representative: W. F. Farrell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Terre Haute, Ind., to points in California. The purpose of this filing is to eliminate the gateway of Mapleton, Ill.

No. MC-64932 (Sub-No. E66), filed June 3, 1974. Applicant: ROGERS CARTAGE CO., 10735 So. Cicero Avenue, Oak Lawn, Ill. 60453. Applicant's representative: W. F. Farrell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in West Virginia to points in California. The purpose of this filing is to eliminate the gateway of Ferndale, Mich. (a point within the Detroit, Mich., commercial zone), and the plantsite of Baird Chemical Industries, Inc., at or near Mapleton, Ill.

No. MC-64932 (Sub-No. E68), filed June 3, 1974. Applicant: ROGERS CARTAGE CO., 10735 So. Cicero Avenue, Oak Lawn, Ill. 60453. Applicant's representative: W. F. Farrell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from the plantsite of Baird Chemical Industries, Inc., at or near Mapleton, Ill., to points in Texas and those points in Colorado and New Mexico on and east of U.S. Highway 85. The purpose of this filing is to eliminate the gateways of Louisiana, Mo., and the plantsite of National Starch and Chemical Corporation, at Meredosia, Ill.

No. MC-64932 (Sub-No. E74), filed June 3, 1974. Applicant: ROGERS CARTAGE CO., 10735 So. Cicero Avenue, Oak Lawn, Ill. 60453. Applicant's representative: W. F. Farrell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in the Lower Peninsula of Michigan, to points in California. The purpose of this filing is to eliminate the gateways of Ferndale, Mich. (a point within the Detroit, Mich., commercial zone), and the plant site of Baird Chemical Industries, Inc.

No. MC-64932 (Sub-No. E86), filed May 3, 1974. Applicant: ROGERS CARTAGE CO., 10735 So. Cicero Avenue, Oak Lawn, Ill. 60453. Applicant's representative: W. F. Farrell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from points in New Jersey on and north of Interstate Highway 78 to points in Texas. The purpose of this filing is to eliminate the gateways of Ferndale, Mich. (a point within the Detroit, Mich., commercial zone), and Chicago Heights, Ill.

No. MC-73165 (Sub-No. E21), filed May 20, 1974. Applicant: EAGLE MOTOR LINES, INCORPORATED, P.O. Box 11086, Birmingham, Ala. 35202. Applicant's representative: Carl U. Hurst (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting:

(1) *Contractors' equipment and road-building machinery consisting of contractors' outfits*, which because of size or weight require the use of special equipment or consisting of self-propelled articles each weighing 15,000 pounds or more and related machinery, tools, parts, and supplies moving in connection therewith, from Peoria, Pekin, and Joliet, Ill., Detroit, Mich., Marion, Ohio, Milwaukee, Wis., and Cedar Rapids and Waverly, Iowa, to points in Louisiana east of the Mississippi River.

(2) *Commodities*, the transportation of which by reason of their size or weight require the use of special equipment (except pipe, pipe line materials machinery, equipment, and supplies incidental to and used in connection with the construction, dismantling, and repair of pipe lines), and self-propelled articles each weighing 15,000 pounds or more and related machinery, tools, parts, and supplies moving in connection therewith, (a) between Dubuque, Iowa, and points in Iowa and Wisconsin within 150 miles of Dubuque, and points in Illinois on, west, and north of a line beginning at Cairo, Ill., and extending along Illinois Highway 3 to Chester, thence along Illinois Highway 150 to junction Illinois Highway 154, thence along Illinois Highway 154 to Pickneyville, thence along Illinois Highway 127 to Nashville, thence along Illinois Highway 15 to Mt. Vernon, thence along Illinois Highway 37 to Effingham, thence along U.S. Highway 45 to Urbana, and thence along Interstate Highway 74 to the Illinois-Indiana State line, on the one hand, and, on the other, points in Kentucky west of the Tennessee River; (b) between Dubuque, Iowa, and points in Iowa and Wisconsin within 150 miles of Dubuque, and points in Illinois on, west, and north of a line beginning at Chicago, and extending along U.S. Highway 34 to Mendota, thence along U.S. Highway 51 to Bloomington, thence along U.S. Highway 66 to East St. Louis, including points in Madison, St. Clair, and Monroe Counties, on the one hand, and, on the other, points in Kentucky, on and south of a line beginning at Columbus, and extending along Kentucky Highway 80 to Hopkinsville, and thence along U.S. Highway 41 to the Kentucky-Tennessee State line; (c) between Dubuque, Iowa, and points in Iowa within 150 miles of Dubuque, points in Wisconsin on, west, and south of a line beginning at La Crosse, and extending along U.S. Highway 16 to Portage, and thence along U.S. Highway 51 to Beloit, and points in Illinois on and west of a line beginning at South Beloit, and extending along U.S. Highway 51 to Rockford, thence along Illinois Highway 2 to Rock Island and thence along U.S. Highway 67 to East St. Louis, on the one hand, and, on the other, points in Kentucky on and south of a line beginning at Columbus, and extending along Kentucky Highway 80 to Bowling Green, and thence along U.S. Highway 231 to the Kentucky-Tennessee State line; (d) between points in Cerro Gordo, Floyd, Butler, Bremer, Black Hawk, Grundy, Marshall, Tama, Poweshiek, Mahaska, Jasper, and Wapello Counties, Iowa, within 150 miles of Dubuque, on the one hand, and, on the other, points in Kentucky on and west of U.S. Highway 231; (e) between points in Arkansas on and east of U.S. Highway 67, on the one hand, and, on the other, Dubuque, Iowa, and points in Iowa and Wisconsin within 150 miles of Dubuque, and all points in Illinois; (f) between points in Arkansas on and east of a line beginning at De Queen, and extending along U.S. Highway 70 to Little Rock, and thence along U.S. Highway 67 to the Arkansas-Missouri State line, on the one hand, and, on the other, points in Illinois, that part of Wisconsin within 150 miles of Dubuque, Iowa, and points in Iowa on and east of a line beginning at the Iowa-Minnesota State line and extending along Iowa Highway 150 to Cedar Rapids, and thence along U.S. Highway 218 to Keokuk; (g) between points in Arkansas on, east, and south of a line beginning at Ft. Smith, and extending along U.S. Highway 64 to Russellville, thence along Arkansas Highway 7 to Harrison, thence along U.S. Highway 62 to Mountain Home, and thence along Arkansas Highway 5 to the Arkansas-Missouri State line, on the one hand, and, on the other, points in Illinois on and east of a line beginning at the Illinois-Wisconsin State line near Oneco, and extending along Illinois Highway 26 to Bureau, thence along Illinois Highway 29 to Pana, and thence along U.S. Highway 51 to Cairo, and points in Wisconsin on, east, and south of a line beginning at the Wisconsin-Illinois State line near Monroe, and extending along Wisconsin Highway 69 to Verona, thence along U.S. Highway 151 to Fond du Lac, and thence along U.S. Highway 41 to Milwaukee; (h) between points in Arkansas, on the one hand, and, on the other, points in Wisconsin on, east, and south of a line beginning at the Wisconsin-Illinois State line near Monroe, and extending along Wisconsin Highway 69 to Verona, thence along U.S. Highway 151 to Fond du Lac, and thence along U.S. Highway 41 to Milwaukee, and points in Illinois on and east of U.S. Highway 51.

(3) *Road and bridge building machinery and materials*, the transportation of which because of size or weight require the use of special equipment (except pipe, pipe line material, machinery, equipment, and supplies incidental to and used in connection with the construction, dismantling, and repair of pipe lines), and road and bridge building machinery consisting of self-propelled articles each weighing 15,000 pounds or more and related machinery, tools, parts, and supplies moving in connection therewith, (a) between points in Louisiana, on the one hand, and, on the other, Dubuque, Iowa, and points in Iowa and Wisconsin within 150 miles of Dubuque, and all points in Illinois; (b) between points in Texas on and east of a line beginning at the Texas-Louisiana State line near Panola, and extending along U.S. Highway 79 to Carthage, thence along U.S. Highway 59 to Victoria, and thence along U.S. Highway 77 to Brownsville, on the one hand, and, on the other, Dubuque, and points in Iowa and Wisconsin within 150 miles of Dubuque, and all points in Illinois; (c) between points in Texas on, east, and south of a line beginning at Texarkana, and extending along U.S. Highway 59 to Linden, thence along Texas Highway 155, to Palestine, thence along U.S. Highway 79 to Taylor, thence along Texas Highway 95 to Circleville, thence along Texas Highway 29 to Eldorado, and thence along U.S. Highway 277 to Eagle Pass, on the one hand, and, on the other, Dubuque, and points in Wisconsin within 150 miles of Dubuque, and all points in Illinois; (d) between points in Texas on and east of a line beginning at Arthur City, and extending along U.S. Highway 271 to Paris, thence along Texas Highway 24 to Denton, thence along U.S. Highway 35W to Ft. Worth, thence along U.S. Highway 81 to Laredo, on the one hand, and, on the other, Dubuque, Iowa, and points in Wisconsin on and south of a line beginning at the Wisconsin-Iowa State line near Dubuque, Iowa, and extending along U.S. Highway 151 to Fond du Lac, and thence along U.S. Highway 41 to Milwaukee, and points in Illinois on and east of U.S. Highway 67; (e) between points in Texas on and east of a line beginning at the Texas-Oklahoma State line near Burkburnett, and extending along U.S. Highway 281 to Wichita Falls, thence along U.S. Highway 277 to Eagle Pass, on the one hand, and, on the other, points in Wisconsin on, east, and south of a line beginning at the Wisconsin-Illinois State line near Monroe, and extending along Wisconsin Highway 69 to Verona, thence along U.S. Highway 151 to Fond du Lac, and thence along U.S. Highway 41 to Milwaukee, and points in Illinois on and east of U.S. Highway 51; (f) between points in Texas on and south of a line beginning at Texarkana, and extending along U.S. Highway 67 to Greenville, thence along Texas Highway 24 to Jacksboro, thence along Texas Highway 199 to Seymour, thence along U.S. Highway 82 to Lubbock, and thence along Texas Highway 116 to the Texas-New Mexico State line, on the one hand, and, on the other, points in Wisconsin, on, east, and south of a line beginning at the Wisconsin-Illinois State line near Monroe, and extending along Wisconsin Highway 69 to Verona, thence along U.S. Highway 151 to Fond du Lac, and thence along U.S. Highway 41 to Milwaukee, and points in Illinois on and east of a line beginning at the Illinois-Wisconsin State line near Oneco, and extending along Illinois Highway 26 to Bureau, thence along Illinois Highway 29 to Pana, and thence along U.S. Highway 51 to Cairo;

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(g) between points in Texas on and south of U.S. Highway 80, on the one hand, and, on the other, points in Illinois on and south of U.S. Highway 40; (h) between points in Mississippi on and west of a line beginning at Vicksburg, and extending along U.S. Highway 80 to Jackson, and, thence along U.S. Highway 49 to Gulfport, on the one hand, and, on the other, Dubuque, Iowa, and points in Iowa and Wisconsin within 150 miles of Dubuque, and points in Illinois on and north of a line beginning at the Illinois-Iowa State line near Gulfport, and extending along U.S. Highway 34 to Galesburg, and thence along U.S. Highway 150 to the Illinois-Indiana State line near Danville.

(4) *Contractors' outfits consisting of machinery and contractors' equipment* (except oilfield equipment), the transportation of which by reason of their size or weight require the use of special equipment or handling, or consisting of self-propelled articles each weighing 15,000 pounds or more and related machinery, tools, parts, and supplies moving in connection therewith, between Bessemer, Alabama, and points in Alabama within 100 miles of Bessemer, on the one hand, and, on the other, Dubuque, Iowa, and points in Iowa and Wisconsin within 150 miles of Dubuque, and all points in Illinois.

(5) *Contractors' outfits consisting of machinery, and contractors' equipment* (except oilfield equipment), the transportation of which by reason of their size or weight require the use of special equipment or handling, or consisting of self-propelled articles each weighing 15,000 pounds or more and related machinery, tools, parts, and supplies moving in connection therewith (except dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, those of unusual value, and those requiring special equipment), (a) between Dubuque, Iowa, and points in Iowa and Wisconsin within 150 miles of Dubuque, and all points in Illinois, on the one hand, and, on the other, points in Georgia on and south of a line beginning at the Georgia-Alabama State line near Georgetown, and extending along U.S. Highway 82 to Waycross, and thence along U.S. Highway 84 to the Atlantic Coast, and points in Florida on and north of a line beginning at St. Petersburg, thence across Gandy Bridge to Tampa, thence along U.S. Highway 92 to Kissimmee, thence along U.S. Highway 192 to Melbourne, and thence along an unnumbered highway to the Atlantic Seaboard; (b) between Dubuque, Iowa, and points in Iowa within 150 miles of Dubuque, and all points in Illinois, on the one hand, and, on the other, points in Georgia on and south of U.S. Highway 80; (c) between Dubuque, Iowa, and points in Iowa within 150 miles of Dubuque, and points in Illinois on and west of Interstate Highway 57, on the one hand, and, on the other, points in Georgia on and south of a line beginning at the Georgia-Alabama State line near Cedartown, and extending along U.S. Highway 278 to Atlanta, and thence along U.S. Highway 29 to the Georgia-South Carolina State line.

(6) *Road and bridge building machinery and materials*, the transportation of which because of size or weight require the use of special equipment (except pipe, pipe line materials, machinery, equipment, and supplies incidental to and used in connection with the construction, dismantling, and repair of pipe lines), and road and bridge building machinery consisting of self-propelled articles, each weighing 15,000 pounds or more and related machinery, tools, parts, and supplies moving in connection therewith, (a) between points in Texas on and south of U.S. Highway 82, on the one hand, and, on the other, points in Tennessee.

(7) *Road and bridge building machinery and materials, consisting of contractors' outfits and equipment*, the transportation of which because of size or weight require the use of special equipment (except pipe, pipe line materials, machinery, equipment, and supplies incidental to and used in connection with the construction, dismantling, and repair of pipe lines), and road and bridge building machinery consisting of contractors' outfits and equipment of self-propelled articles, each weighing 15,000 pounds or more and related machinery, tools, parts, and supplies moving in connection therewith, (a) between Lubbock County, Tex., on the one hand, and, on the other, Bessemer, Ala., and points in Alabama within 100 miles of Bessemer.

(8) *Road and bridge building machinery and materials, consisting of contractors' outfits and equipment*, the transportation of which because of size or weight require the use of special equipment (except pipe, pipe line materials, machinery, equipment, and supplies incidental to and used in connection with the construction, dismantling, and repair of pipe lines), and road and bridge building machinery consisting of contractors' outfits and equipment of self-propelled articles, each weighing 15,000 pounds or more and related machinery, tools, parts, and supplies moving in connection therewith, (a) between Lubbock County, Texas, on the one hand, and, on the other, points in Georgia, and that part of Florida on and east of U.S. Highway 231 and on and north of a line beginning at St. Petersburg, thence across the Gandy Bridge to Tampa, thence along U.S. Highway 92 to Kissimmee, thence along U.S. Highway 192 to Melbourne, thence along unnumbered highway to the Atlantic Ocean. Restriction: Restricted against the transportation of commodities of unusual value, dangerous explosives, those requiring special equipment, commodities in bulk, and household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467.

(9) *Road and bridge building machinery and materials*, the transportation of which because of size or weight require the use of special equipment (except pipe, pipe line materials, machinery, equipment, and supplies incidental to and used in connection with the construction, dismantling, and repair of pipe lines), and road and bridge building machinery consisting of self-propelled articles, each weighing 15,000 pounds or more and related machinery, tools, parts, and supplies moving in connection therewith, (a) between points in Shelby County, Tenn., on the one hand, and, on the other, points in Oklahoma, and that part of Louisiana in and west of Iberia, St. Martin, Pointe Coupee, Avoyelles, Concordia, Catahoula, Franklin, Richland, and West Carroll Parishes.

(10) *Mining, excavating, construction, and road building, contractors' machinery, equipment, and supplies* (except pipe, pipe line material, machinery, equipment, and supplies incidental to and used in connection with the construction, dismantling, and repair of pipe lines), the transportation of which by reason of size or weight require special equipment or consisting of self-propelled articles each weighing 15,000 pounds or more and related machinery, tools, parts, and supplies moving in connection therewith, (a) between Marion County, Ind., on the one hand, and, on the other, points in Arkansas.

(11) *Road and contractors' equipment and machinery* (except pipe, pipe line material, machinery, equipment, and supplies incidental to and used in connection with the construction, dismantling, and repair of pipe lines), the transportation of which by reason of size or weight require special equipment or consisting of self-propelled articles each weighing 15,000 pounds or more and related machinery, tools, parts, and supplies moving in connection therewith, (a) between Marion County, Ind., on the one hand, and, on the other, points in Oklahoma on and west of U.S. Highway 69.

(12) *Road and bridge building contractors' machinery* (except pipe, pipe line material, machinery, equipment, and supplies incidental to and used in connection with the construction, dismantling, and repair of pipe lines), the transportation of which by reason of size or weight require special equipment or consisting of self-propelled articles each weighing 15,000 pounds or more and related machinery, tools, parts, and supplies moving in connection therewith, (a) between Marion County, Ind., on the one hand, and, on the other, points in Louisiana, that part of Texas on and south of U.S. Highway 66, and that part of Mississippi on, west, and south of a line beginning at Vicksburg, Miss., and extending along U.S. Highway 80 to Jackson, Miss., and thence along U.S. Highway 51 to the Mississippi-Louisiana State line.

(13) *Road and contractors' machinery, and road and contractors' equipment* (except oil field equipment), (a) between points in Tennessee west of the Tennessee River, on the one hand, and, on the other, points in Kansas, and that part of Oklahoma on and north of U.S.

Highway 66. The purpose of this filing is to eliminate the gateways of:

Proposal number:
(1) Florence, Ala.
(2) Cairo, Ill.
(3) Cairo, Ill., and Warren, Ark.
(4) Cairo, Ill., and Bird Point, Mo.
(5) Cairo, Ill., Bird Point, Mo., and Birmingham, Ala.
(6) Warren, Ark.
(7) Warren, Ark., and Memphis, Tenn.
(8) Warren, Ark., Memphis, Tenn., and Bessemer, Ala.
(9) Warren, Ark.
(10) Cairo, Ill.
(11) Cairo, Ill., and points in Ottawa County, Okla.
(12) Cairo, Ill., and Warren, Ark.
(13) Jasper, Lawrence, Newton, Barry, and Barton Counties, Mo.

No. MC-88368 (Sub-No. E4), filed May 15, 1974. Applicant: CARTWRIGHT VAN LINES, INC., 1109 Cartwright Ave., Grandview, Mo. 64030. Applicant's representative: Theodore Polydoroff, Suite 600, 1250 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, (1) from points in California to points in Montana [points in Idaho within 125 miles of Butte, Mont.]*, points in Multnomah, Hood River, Clackamas, Washington, Columbia, Clatsop, Wasco, Sherman, Gilliam, Morrow, Umatilla, Union, and Wallowa Counties, Oreg. [points in Washington east of the Cascade Mountains, and points in Clark, Cowlitz, Skamania, Lewis, Thurston, Pierce, and King Counties, Wash.]*; (2) from points in San Bernardino County, Calif., within 50 miles of Earp, Calif., to points in Arizona within 25 miles of Chandler, Ariz. [points within 25 miles of Parker, Ariz.]*; (3) from points in California in and north of Mendocino, Glenn, Butte, and Plumas Counties, to points in Delaware [points in Washington east of the Cascade Mountains, points in Colorado, points within 15 miles of Newton, Kans., points within 25 miles of Bloomington, Ill., points in Jefferson County, Ohio, and Philadelphia, Pa.]*; (4) from points in California in and north of San Mateo, Alameda, San Joaquin, Amador, and El Dorado Counties, to points in Florida in and south of Broward and Dade Counties, Fla. [points in Washington east of the Cascade Mountains, points in Colorado and Kansas, points in Alabama within 100 miles of Birmingham, Ala., not including Montgomery, Ala., and Valdosta, Ga.]*; (5) from points in California on and north of Interstate Highway 80 to points in Maine [points in Washington east of the Cascade Mountains, points in Colorado, Newton, Kans., and points within 15 miles thereto, Bloomington, Ill., and points within 25 miles thereof, points in Jefferson County, Ohio, Philadelphia, Pa., and Boston, Mass., and points within 25 miles thereof]*;

(6) From points in California in and north of Sonoma, Yolo, Lake, Mendocino, Glenn, Butte, Sierra, Plumas, Tehama Counties, and points in those counties in California north of California Highway 36 to points in Massachusetts [points in Washington east of the Cascade Mountains, points in Colorado, Newton, Kans., and points within 15 miles thereof, Bloomington, Ill., and points within 25 miles thereof, points in Jefferson County, Ohio, and Philadelphia, Pa.]*; (7) from points in California in and north of Humboldt, Trinity, Shasta, and Lassen Counties, to points in Mississippi [points in Washington east of the Cascade Mountains, and points in Colorado and Kansas]*; (8) from points in California in and north of Mendocino, Glenn, Butte, and Plumas Counties, to points in Missouri [points in Washington east of the Cascade Mountains, and points in Colorado and Kansas]*; (9) from points in Del Norte, Siskiyou, and Modoc Counties, Calif., to points in Kimball, Banner, and Cheyenne Counties, Nebr. [points in Washington east of the Cascade Mountains and points in Wyoming]*; (10) from points in California on and north of Lake, Colusa, Yuba, and Placer Counties, to points in New Jersey [points in Washington east of the Cascade Mountains, points in Colorado, Newton, Kans., and points within 15 miles thereof, Bloomington, Ill., and points within 25 miles thereof, points in Jefferson County, Ohio, and Philadelphia, Pa.]*; (11) from points in California in and north of Humboldt, Trinity, Shasta, and Lassen Counties, to points in Ohio [points in Washington east of the Cascade Mountains, points in Colorado, Newton, Kans., and points within 15 miles thereof, and Bloomington, Ill., and points within 25 miles thereof]*; (12) from points in California in and south of Santa Barbara, Ventura, Los Angeles, and San Bernardino Counties, to points in Oregon in and north of Lincoln, Benton, Linn, Jefferson, Wheeler, Morrow, Umatilla, Union, and Wallowa Counties, Oreg. [points in Washington east of the Cascade Mountains]*; (13) from points in California in and north of Mendocino, Glenn, Butte, and Plumas Counties, to points in Pennsylvania [points in Washington east of the Cascade Mountains, points in Colorado, Newton, Kans., and points within 15 miles thereof, Bloomington, Ill., and points within 25 miles thereof, and points in Jefferson County, Ohio]*;

(14) From points in California in and north of Sonoma, Napa, Yolo, Sutter, Yuba, and Placer Counties, to points in Rhode Island [points in Washington east of the Cascade Mountains, points in Colorado, Newton, Kans., and points within 15 miles thereof, Bloomington, Ill., and points within 25 miles thereof, points in Jackson County, Ohio, Philadelphia, Pa., and Boston, Mass., and points within 25 miles thereof]*; (15) from points in California in and north of Sonoma, Napa, Yolo, Sutter, Yuba, and Nevada Counties, to points in Tennessee [points in Washington east of the Cascade Mountains, points in Colorado, and Newton, Kans., and points within 15 miles thereof]*; (16) from points in California in and north of Mendocino, Glenn, Butte, and Sierra Counties to points in Virginia [points in Washington east of the Cascade Mountains, points in Colorado, Newton, Kans., and points within 15 miles thereof, Bloomington, Ill., and points within 25 miles thereof, and points in Harlan County, Ky.]*; (17) from points in California in Del Norte, Siskiyou, and Modoc Counties, Calif., to points in West Virginia [points in Washington east of the Cascade Mountains, points in Colorado, Newton, Kans., and points within 15 miles thereof, Bloomington, Ill., and points within 25 miles thereof, and points in Jefferson County, Ohio]*. The purpose of this filing is to eliminate the gateways marked with asterisks above.

No. MC-88368 (Sub-No. E5), filed May 15, 1974. Applicant: CARTWRIGHT VAN LINES, INC., 1109 Cartwright Ave., Grandview, Mo. 64030. Applicant's representative: Theodore Polydoroff, Suite 600, 1250 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, from points in Connecticut to points in California in and north of Lake, Colusa, Yuba, and Nevada Counties, Calif. [Philadelphia, Pa., points in Jefferson County, Ohio, Bloomington, Ill., and points within 25 miles thereof, Newton, Kans., and points within 15 miles thereof, points in Colorado, and points in Washington east of the Cascade Mountains]*, points in Colorado [Philadelphia, Pa., points in Jefferson County, Ohio, Bloomington, Ill., and points within 25 miles thereof, and Newton, Kans., and points within 15 miles thereof]*, points in Idaho [Philadelphia, Pa., points in Jefferson County, Ohio, Bloomington, Ill., and points within 25 miles thereof, Newton, Kans., and points within 15 miles thereof, and points in Colorado and Montana]*, points in Illinois within 100 miles of Danville, Ill., including Danville [Philadelphia, Pa., and points in Jefferson County, Ohio]*, points in Iowa within 15 miles of Harlan, Iowa, including Harlan [Philadelphia, Pa., points in Jefferson County, Ohio, and Bloomington, Ill., and points within 25 miles thereof]*, points in Kansas [Philadelphia, Pa., points in Jefferson County, Ohio, and Bloomington, Ill., and points within 25 miles thereof]*, points in Harlan County, Ky. [Philadelphia, Pa., and points in Jefferson County, Ohio]*, points in Louisiana [Philadelphia, Pa., points in Jefferson County, Ohio, points in Harlan County, Ky., and Birmingham, Ala., and points within 100 miles of Birmingham]*, points in Missouri [Philadelphia, Pa., points in Jefferson County, Ohio, and Bloomington, Ill., and points within 25 miles thereof]*, points in Mississippi [Philadelphia, Pa., points in Jefferson County, Ohio, points in Harland County, Ky., and Florence, Sheffield, and Tuscumbia, Ala.]*, points in New Mexico [Philadelphia, Pa., points in Jefferson County, Ohio, Bloomington, Ill., and points within 25 miles thereof, points in Cowley County, Kans., and points in Canadian County, Okla.]*, points in Jefferson County, Ohio [Philadelphia,

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Pa.]*, points in Oklahoma [Philadelphia, Pa., points in Jefferson County, Ohio, Bloomington, Ill., and points within 25 miles thereof, and points in Cowley County, Kans.]*, points in Texas [Philadelphia, Pa., points in Jefferson County, Ohio, Bloomington, Ill., points in Cowley County, Kans., points in Harlan County, Ky., points in Alabama within 100 miles of Birmingham, Ala., not including Montgomery, Ala., points in Mississippi, and points in Cherokee County, Texas]*, points in Washington [Philadelphia, Pa., points in Jefferson County, Ohio, Bloomington, Ill., and points within 25 miles thereof, Newton, Kans., and points within 15 miles thereof, and points in Colorado]*, and points in Wyoming [Philadelphia, Pa., Jefferson County, Ohio, Bloomington, Ill., and points within 25 miles thereof, Newton, Kans., and points within 15 miles thereof, and points in Nebraska]*. The purpose of this filing is to eliminate the gateways marked with asterisks above.

No. MC–88368 (Sub-No. E6), filed May 15, 1974. Applicant: CARTWRIGHT VAN LINES, INC., 1109 Cartwright Ave., Grandview, Mo. 64030. Applicant's representative: Theodore Polydoroff, Suite 600, 1250 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, from points in Delaware to points in Colorado [Philadelphia, Pa., points in Jefferson County, Ohio, Bloomington, Ill., and points within 25 miles thereof, and Newton, Kans., and points within 15 miles thereof]*, points in Idaho [Philadelphia, Pa., points in Jefferson County, Ohio, Bloomington, Ill., and points within 25 miles thereof, Newton, Kans., and points within 15 miles thereof, and points in Colorado, Nebraska, Wyoming, and Montana]*, points in Illinois within 100 miles of Danville, Ill., including Danville [Philadelphia, Pa., points in Jefferson County, Ohio, and Bloomington, Ill., and points within 25 miles thereof]*, points in Iowa within 15 miles of Harlan, Iowa, including Harlan [Philadelphia, Pa., points in Jefferson County, Ohio, and Bloomington, Ill., and points within 25 miles thereof]*, points in Kansas [Philadelphia, Pa., points in Jefferson County, Ohio, and Bloomington, Ill., and points within 25 miles thereof]*, points in Missouri [Philadelphia, Pa., points in Jefferson County, Ohio, and Bloomington, Ill., and points within 25 miles thereof]*, points in Nebraska on and west of U.S. Highway 83 [Philadelphia, Pa., points in Jefferson County, Ohio, Bloomington, Ill., and points within 25 miles thereof, and Newton, Kans., and points within 15 miles thereof]*, points in New Mexico [Philadelphia, Pa., points in Jefferson County, Ohio, Bloomington, Ill., and points within 25 miles thereof, points in Cowley County, Kans., and points in Canadian County, Ohio [Philadelphia, Pa.]*, points in Oregon [Philadelphia, Pa., points in Jefferson County, Ohio, Bloomington, Ill., and points within 25 miles thereof, Newton, Kans., and points within 15 miles thereof, points in Colorado, and points in Washington east of the Cascade Mountains]*, points in Texas on and west of a line beginning at Interstate Highway 35 at the Oklahoma-Texas State line, thence over Interstate Highway 35 to the junction of U.S. Highway 281, thence over U.S. Highway 281 to McAllen, Tex. [Philadelphia, Pa., points in Jefferson County, Ohio, Bloomington, Ill., and points within 25 miles thereof, and points in Cowley County, Kans.]*, points in Cherokee County, Tex. [Philadelphia, Pa., points in Jefferson County, Ohio, points in Harlan County, Ky., Florence, Sheffield, and Tuscumbia, Ala., and points in Mississippi]*, points in Washington [Philadelphia, Pa., points in Jefferson County, Ohio, Bloomington, Ill., and points within 25 miles thereof, Newton, Kans., and points within 15 miles thereof, and points in Colorado]*, and points in Wyoming [Philadelphia, Pa., points in Jefferson County, Ohio, Bloomington, Ill., and points within 25 miles thereof, Newton, Kans., and points within 15 miles thereof, and points in Nebraska]*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC–88368 (Sub-No. E7), filed May 15, 1974. Applicant: CARTWRIGHT VAN LINES, INC., 1109 Cartwright Ave., Grandview, Mo. 64030. Applicant's representative: Theodore Polydoroff, Suite 600, 1250 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* from the District of Columbia to points in California in and north of Humboldt, Trinity, Shasta, and Lassen Counties [Philadelphia, Pa., points in Jefferson County, Ohio, Bloomington, Ill., and points within 25 miles thereof, Newton, Kans., and points within 15 miles thereof, points in Colorado, and points in Washington, east of the Cascade Mountains]*, points in Colorado [Philadelphia, Pa., points in Jefferson County, Ohio, Bloomington, Ill., and points within 25 miles thereof, and Newton, Kans., and points within 15 miles thereof]* to points in Iowa within 15 miles of Harlan, Iowa, including Harlan [Philadelphia, Pa., points in Jefferson County, Ohio, Bloomington, Ill., and points within 25 miles thereof]*, points in Nebraska [Philadelphia, Pa., points in Jefferson County, Ohio, Bloomington, Ill., and points within 25 miles thereof, and Harlan, Iowa; and points within 15 miles thereof]*, points in New Mexico, [Philadelphia, Pa., points in Jefferson County, Ohio, Bloomington, Ill., and points within 25 miles thereof, points in Cowley County, Kans., and points in Canadian County, Okla.]*, points in Wyoming [Philadelphia, Pa., points in Jefferson County, Ohio, Bloomington, Ill., and points within 25 miles thereof, Newton, Kans., and points within 15 miles thereof, and points in Nebraska]*. The purpose of this filing is to eliminate the gateways marked with asterisks above.

No. MC–95540 (Sub-No. E297), filed May 15, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Buffalo, N.Y., to points in Utah. The purpose of this filing is to eliminate the gateway of points in Tennessee (except Memphis, Tenn., and points in the commercial zone thereof).

No. MC–107295 (Sub-No. E52), filed May 9, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ventilators, and ventilator systems*, from the plant site and storage facilities of Penn Ventilator Company, Inc., at Keyser, W. Va., to points in (1) Arizona, California, Nevada, and Utah [Komomo, Ind.]*, and (2) Alabama, Colorado, Montana, New Mexico, and Wyoming [Batavia, Ohio]*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC–107295 (Sub-No. E55), filed May 9, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing*, from Deposit, N.Y., to points in Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington. The purpose of this filing is to eliminate the gateway of Paris, Ill.

No. MC–107295 (Sub-No. E56), filed May 9, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Particleboard*, from Memphis, Tenn., to points in North Dakota, Oregon, Utah, Washington, and Wyoming. The purpose of this filing to eliminate the gateway of Truman, Ark.

No. MC–107295 (Sub-No. E61), filed May 9, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Wall systems and doors*, from Harrisonburg, Va., to points in California, Idaho, Nevada, Oregon, Utah, and Washington [Merrill, Wis.]*; and (b) *door and window frames*, from Harrisonburg, Va., to points in Arizona [Sedalia, Mo.]*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC–107295 (Sub-No. E66), filed May 9, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board*,

from the plantsite and storage facilities of the Celotex Corporation at Charleston, Ill., to points in Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington. The purpose of this filing is to eliminate the gateway of Truman, Ark.

No. MC–107295 (Sub-No. E67), filed May 9, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roof decking*, from points in Erving Township, Mercer County, N.J., to points in Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington. The purpose of this filing is to eliminate the gateway of Oregon, Ohio.

No. MC–107295 (Sub-No. E72), filed May 14, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Composition board*, from Suffolk, Va., to points in Arizona, New Mexico, Oklahoma, and Texas [Truman, Ark.]*; and (b) *plywood*, from Suffolk, Va., to points in California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming [Paris, Ill.]*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC–107295 (Sub-No. E73), filed May 16, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Molding*, from Covington, Tenn., to points in Maine, New Hampshire, and Vermont. The purpose of this filing is to eliminate the gateway of Chesapeake, Va.

No. MC–107295 (Sub-No. E74), filed May 16, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Insulating materials* (except lumber and plywood) from Fairfield, Ala., to points in New Mexico. The purpose of this filing is to eliminate the gateway of Camden, Ark.

No. MC–107295 (Sub-No. E77), filed May 16, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fibreboard*, from Lodi, N.J., to points in New Mexico. The purpose of this filing is to eliminate the gateway of San Antonio, Tex.

No. MC–107295 (Sub-No. E78), filed May 14, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Adhesive cement* (except in bulk), from Freeport, N.Y., to points in Alabama, Arkansas, Colorado, Kentucky, Louisiana, Mississippi, Montana, New Mexico, North Dakota, South Dakota, Wisconsin, and Wyoming. The purpose of this filing is to eliminate the gateway of New Philadelphia, Ohio.

No. MC–107295 (Sub-No. E131), filed May 13, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Exterior siding*, from Elgin, Ill., (1) to points in North Carolina [Franklin, Ohio]*; (2) to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, and Vermont, and the District of Columbia [Ann Arbor, Mich.]*; and (3) to points in Arizona, California, Colorado, Kansas, Louisiana, Nevada, New Mexico, Oklahoma, Texas, and Utah [Sedalia, Mo.]*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC–107295 (Sub-No. E134), filed May 13, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hardboard*, from the plantsite or storage facilities of Evans Products Company at Phillips, Wis., (1) to points in Mississippi [Union, Mo.]*, and (2) to points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont [points in Lucas County, Ohio]*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC–107295 (Sub-No. E138), filed May 13, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board*, from points in Henry County, Tenn., to points in Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington. The purpose of this filing is to eliminate the gateway of Truman, Ark.

No. MC–107295 (Sub-No. E139), filed May 13, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Doors*, from points in Lucas County, Ohio, to points in Idaho, Oregon, and Washington. The purpose of this filing is to eliminate the gateway of Merrill, Wis.

No. MC–107295 (Sub-No. E141), filed May 12, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pulpboard*, from Meridian, Miss., (1) to points in Arizona, California, Colorado, Nevada, Utah, and New Mexico [Arkadelphia, Ark.]*, (2) to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, Vermont, and West Virginia, and the District of Columbia [points in Henry County, Tenn.]*, and (3) points in Idaho, Montana, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming [Treeman, Ark.]*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC–107295 (Sub-No. E142), filed May 12, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board*, from Pittston, Pa., (1) to points in Idaho, Oregon, and Washington [Kalamazoo, Mich.]*, and (2) points in Arizona, California, Nevada, and Utah [Treeman, Ark.]*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC–107295 (Sub-No. E143), filed May 12, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wallboard*, from Cloquet, Minn., to points in Pennsylvania. The purpose of this filing is to eliminate the gateway of points in Lucas County, Ohio.

No. MC–107295 (Sub-No. E169), filed May 14, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Insulation material*, from Cloquet, Minn., to points in Pennsylvania. The purpose of this filing is to eliminate the gateway of L'Anse, Mich.

No. MC–107295 (Sub-No. E170), filed May 16, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fencing* from Houston, Tex., (1) to points in Ohio (except Cincinnati and Columbus) [Crawfordsville, Ind.]*, and (2) to points in New York and Pennsylvania (Kokomo, Ind.]*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

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No. MC–107295 (Sub-No. E172), filed May 16, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Insulation materials*, from Duluth, Minn., to points in Colorado and New Mexico. The purpose of this filing is to eliminate the gateway of Ft. Dodge, Iowa.

No. MC–107295 (Sub-No. E178), filed May 14, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Insulation materials*, from the plant site and warehouse facilities of The Cleveland Fabricating Company at Minneapolis, Minn., to points in Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Rhode Island, South Carolina, and Vermont. The purpose of this filing is to eliminate the gateway of Port Clinton, Ohio.

No. MC–107295 (Sub-No. E179), filed May 14, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Gypsum building board, gypsum wallboard, and gypsum fiberboard*, from the plant site and storage facilities of Celotex Corporation at Chicago, Ill., to points in Ohio [Bristol, Ind.]*; and (b) *gypsum building materials*, from the plant site and storage facilities of Celotex Corporation at Chicago, Ill., to points in Maryland, New Jersey, New York, and Pennsylvania [Ann Arbor, Mich.]*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC–117815 (Sub-No. E1), filed May 13, 1974. Applicant: PULLEY FREIGHTLINES, INC., Hubbell Building, Des Moines, Iowa 50309. Applicant's representative: Larry D. Knox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting:

Proposal 1: (1) *Frozen fruits, frozen berries, and frozen vegetables*, when moving to or from wholesale grocery and food business houses or other facilities thereof, from Chicago, Ill., to Plattsmouth and Omaha, Nebr.

(2) *Frozen fruits, frozen berries, and frozen vegetables*, from Chicago, Ill., to Chariton, Iowa, and points in Minnesota on and west and south at the Iowa-Minnesota State line on Minnesota Highway 15 south of Fairmont, thence north over Minnesota Highway 15 to New Ulm, thence west over U.S. Highway 14 to junction U.S. Highway 71, thence north over U.S. Highway 71 to Olivia, thence west over U.S. Highway 212 to Montevideo, thence north over U.S. Highway 59 to Appleton, thence west over Minnesota Highway 7 to junction U.S. Highway 12, and thence west over U.S. Highway 12 to Ortonville. Restriction: Shipments to Chariton, Iowa, restricted to those destined to Chariton, Iowa, against those originating at points in the St. Louis, Mo., East St. Louis, Ill., and Kansas City, Mo., Kansas City, Kans., commercial zones as defined by the Commission. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

Proposal 2: *Coffee beans*, from New York, N.Y., to Des Moines and Chariton, Iowa, when moving to or from wholesale grocery and food business houses or other facilities thereof. The purpose of this filing is to eliminate the gateways of Chicago, Ill., and Des Moines, Iowa.

Proposal 3: *Meats, meat products, and meat by-products, dairy products, and articles distributed by meat-packing houses*, as described in Sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Omaha and South Omaha, Nebr., Kansas City, Kans., and St. Joseph, South St. Joseph, and Kansas City, Mo., to Dyer, Griffith, Highland, Munster, and Michigan City, Ind. Restriction: Shipments to Michigan City, Ind., restricted against transportation of liquid commodities, in bulk, in tank vehicles. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

Proposal 4: *Meats and packing-house products*, as described in Sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from Omaha and South Omaha, Nebr., Kansas City, Kans., and St. Joseph, South St. Joseph, and Kansas City, Mo., to East Gary and Hobart, Ind. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

Proposal 5: *Canned goods*, from Kansas City, Kans., and Kansas City, Mo., to points in Michigan, Wisconsin, Minnesota, North Dakota, those points in Illinois on and north of a line commencing at Gulf Port, thence east over U.S. Highway 34 to Galesburg, thence east over U.S. Highway 150 to junction Illinois Highway 78, thence north over Illinois Highway 78 to junction Illinois Highway 90, thence east over Illinois Highway 90 to junction Illinois Highway 29, thence north over Illinois Highway 29 to Sparland, thence east over Illinois Highway 17 to the Illinois-Indiana State line, and those points in South Dakota on and north and east of a line commencing at the South Dakota-Iowa State line just east of Canton, thence west over U.S. Highway 18 to junction South Dakota Highway 19, thence north over South Dakota Highway 19 to junction South Dakota Highway 44, thence west over South Dakota Highway 44 to junction U.S. Highway 281, and thence over U.S. Highway 281 to the South Dakota-North Dakota State line. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

Proposal 6: *Canned goods*, from St. Joseph and South St. Joseph, Mo., to points in Wisconsin, Michigan, North Dakota, those points in Minnesota on and east and north of a line commencing at the Iowa-Minnesota State line and U.S. Highway 71, thence north over U.S. Highway 71 to Windom, thence northwest over unnumbered highway to Storden, thence west over Minnesota Highway 30 to Westbrook, thence north over Minnesota Highway 264 to Walnut Grove, thence west over U.S. Highway 14, including Tracy, to junction U.S. Highway 59, thence north over U.S. Highway 59 to Marshall, and thence west over Minnesota Highway 19 to South Dakota-Minnesota State line, those points in South Dakota on and north of a line commencing at Big Stone City, thence west over U.S. Highway 12 to junction South Dakota Highway 20, and thence west over South Dakota Highway 20 Montana-South Dakota State line, and those points in Illinois on and north of a line commencing at Gulf Port, thence east over U.S. Highway 34 to Galesburg, thence east over U.S. Highway 150 to East Peoria, thence north over Illinois Highway 116 to junction U.S. Highway 24, thence east over U.S. Highway 24 to junction Illinois Highway 115, thence south over Illinois Highway 115 to Roberts, thence east over Illinois Highway 165 to Milford, thence south over Illinois Highway 1 to junction Illinois Highway 9, and thence east over Illinois Highway 9 to the Illinois-Indiana State line. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

Proposal 7: *Canned goods*, from Omaha and South Omaha, Nebr., to Chariton, Iowa, Dayton and Toledo, Ohio, and points in Illinois, Michigan, Wisconsin, and those points in Minnesota on and east of a line commencing at the Iowa-Minnesota State line and U.S. Highway 169, thence north over U.S. Highway 169 to Belle Plaine, thence north over Minnesota Highway 25 via Green Isle, Mayer, Watertown, Montrose, Buffalo, and Monticello, to Big Lake, thence north over U.S. Highway 10 to junction U.S. Highway 371, thenee north over U.S. Highway 371 to Cass Lake, thence west over U.S. Highway 2 to junction Minnesota Highway 89, thence north over Minnesota Highway 89 to Roseau, and thence north over Minnesota Highway 310 to the Canada-United States International Boundary line, and those points in Missouri on and east of a line commencing at the Iowa-Missouri State line and U.S. Highway 65 just north of South Lineville, thence south over U.S. Highway 65 to junction Interstate Highway 70, thence east over Interstate Highway 70 to junction Missouri Highway 5, and thence south over Missouri Highway 5 to the Missouri-Arkansas State line. Restriction: Shipments to Chariton, Iowa, restricted to those destined to Chariton, Iowa. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

Proposal 8: *Canned goods, groceries, and canned pet food* when moving to or from wholesale grocery and food business houses or other facilities thereof,

from Omaha and Plattsmouth, Nebr., to points in the Lower Peninsula of Michigan. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

Proposal 9: *Canned goods*, from St. Paul and South St. Paul, Minn., to points in Missouri, Kansas, those points in Illinois on and south of a line commencing at New Boston, Ill., thence east over Illinois Highway 17 to Aledo, thence south over Illinois Highway 94 to junction Illinois Highway 135, thence east over Illinois Highway 135 via Rio, to junction U.S. Highway 150, thence southeast over U.S. Highway 150 to Bloomington, and thence east over Illinois Highway 9 to the Illinois-Indiana State line, those points in Nebraska on and south of a line commencing at the Nebraska-Iowa State line just east of Blair, thence west over Nebraska Highway 91 to junction U.S. Highway 77, thence south over U.S. Highway 77 to junction U.S. Highway 30, thence west over U.S. Highway 30 via Columbus, to junction Nebraska Highway 22, thence west over Nebraska Highway 22 to junction Nebraska Highway 70, thence west over Nebraska Highway 70 to junction Nebraska Highway 2, thence west over Nebraska Highway 2 to Alliance, thence south over US. Highway 385 to junction U.S. Highway 26, and thence west over U.S. Highway 26 to the Wyoming-Nebraska State line, and to Bad Axe and Port Huron, Mich., Denver and Pueblo, Colo., Dayton, Ohio, and Chariton, Iowa. Restriction: Shipments to Chariton, Iowa, restricted to those destined to Chariton, Iowa. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

Proposal 10: *Canned goods*, from St. Louis, Mo., and East St. Louis, Ill., to points in North Dakota, South Dakota, those points in Wisconsin on and north and west of a line commencing at the Minnesota-Wisconsin State line and Wisconsin Highway 25, thence north over Wisconsin Highway 25 to junction Wisconsin Highway 48, thence east and northeast over Wisconsin Highway 48 to Birchwood, thence north over Wisconsin County Road F via Edgewater, to junction Wisconsin Highway 27, thence north over Wisconsin Highway 27 to Hayward, thence north over U.S. Highway 63 to junction U.S. Highway 2, and thence northeast over U.S. Highway 2 to Ashland, those points in Minnesota on and north and west of a line commencing at the Iowa-Minnesota State line and Minnesota Highway 139, thence north over Minnesota Highway 139 to Harmony, thence north over U.S. Highway 52 to Chatfield, thence east over Minnesota Highway 30 to Troy, thence north over Minnesota Highway 74 to Weaver, and thence north over U.S. Highway 61 to Wabasha; those points in Nebraska on and north and west of a line commencing at Nebraska City, thence west over Nebraska Highway 2 to junction U.S. Highway 77, thence south over U.S. Highway 77 to junction Nebraska Highway 33, thence west over Nebraska Highway 33 to Dorchester, thence west over U.S. Highway 6 to junction Nebraska Highway 14, and thence south over Nebraska Highway 14 to the Nebraska-Kansas State line; and Denver, Colo. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

Proposal 11: *Canned goods*, from Rochester, Minn., to points in Kansas, Missouri, those points in Nebraska on and south of a line commencing at the Iowa-Nebraska State line just east of Tekamah, thence west to Tekamah, thence west over Nebraska Highway 32 to junction Nebraska Highway 14, thence south over Nebraska Highway 14 to junction Nebraska Highway 91, thence west over Nebraska Highway 91 via Brewster, to Dunning, thence west over Nebraska Highway 2 via Alliance and Hemingford, to junction Nebraska Highway 71, thence west over Nebraska Highway 71 to junction unnumbered highway, thence west over unnumbered highway to junction Nebraska Highway 29 south of Agate, thence north over Nebraska Highway 29 to Harrison, and thence west over U.S. Highway 20 to the Wyoming-Nebraska State line; those points in Illinois on and south of a line commencing at Quincy, thence east over Illinois Highway 104, to junction Illinois Highway 100, thence south over Illinois Highway 100 to junction U.S. Highway 36, thence east over U.S. Highway 36 to Winchester, thence south over Illinois Highway 106 to White Hall, thence south over Illinois Highway 267 to Carrollton, thence east over Illinois Highway 108 to junction U.S. Highway 66, thence south over U.S. Highway 66 to junction Illinois Highway 16, thence east over Illinois Highway 16 to Hillsboro, thence south over Illinois Highway 127 to junction Illinois Highway 185, thence south over Illinois Highway 185 to junction U.S. Highway 40, and thence over U.S. Highway 40 to the Illinois-Indiana State line; and Denver and Pueblo, Colo. The purpose of this filing is to eliminate the gateway of Grimes, Iowa.

Proposal 12: (1) *Canned goods*, and (2) *canned goods and canned pet food*, when moving to or from wholesale grocery and food business houses or other facilities thereof, from Chicago, Ill., to points in North Dakota, South Dakota, Nebraska, Kansas, those points in Missouri on and west of a line commencing at the Iowa-Missouri State line and U.S. Highway 65 just north of South Lineville, thence south over U.S. Highway 65 to Waverly, thence west over U.S. Highway 24 to junction Missouri Highway 213, thence south over Missouri Highway 213 to Higginsville, thence south over Missouri Highway 13 to Humansville, thence southwest over unnumbered highway to junction Missouri Highway 32, thence east over Missouri Highway 32 to Stockton, and thence south over Missouri Highway 39 to Missouri-Arkansas State line; those points in Minnesota on and west of a line commencing at the Iowa-Minnesota State line and Minnesota Highway 15 south of Fairmont, thence north over Minnesota Highway 15 to New Ulm, thence west over U.S. Highway 14 to junction U.S. Highway 71, thence north over U.S. Highway 71 to Olivia, thence west over U.S. Highway 212 to Montevideo, thence north over U.S. Highway 59 to Appleton, thence west over Minnesota Highway 7 to junction U.S. Highway 75, and thence over U.S. Highway 75 to Ortonville, and Denver and Pueblo, Colo.

Proposal 13: (1) *Canned goods*, and (2) *canned goods and canned pet food*, when moving to or from wholesale grocery and food business houses or other facilities thereof, from De Kalb, Ill., to points in North Dakota, South Dakota, Nebraska, Kansas, those points in Missouri on and west of a line commencing at the Iowa-Missouri State line and U.S. Highway 65 just north of South Lineville, thence south over U.S. Highway 65 to junction Missouri Highway 32, thence west over Missouri Highway 32 to Stockton, and thence south over Missouri Highway 39 to the Missouri-Arkansas State line; those points in Minnesota on and west of a line commencing at the Iowa-Minnesota State line and Minnesota Highway 15 south of Fairmont, thence north over Minnesota Highway 15 to Brownton, thence west over U.S. Highway 212 to Montevideo, thence north over U.S. Highway 59 to Appleton, thence west over Minnesota Highway 7 to junction U.S. Highway 75, and thence west over U.S. Highway 75 to Ortonville, and Denver and Pueblo, Colo. The purpose of the filings of proposal 12 and 13 is to eliminate the gateway of Des Moines, Iowa.

Proposal 14: (1) *Canned goods*, and (2) *Canned goods and canned pet food*, when moving to or from wholesale grocery and food business houses or other facilities thereof, from Pecatonica, Ill., to points in North Dakota, South Dakota, Nebraska, Kansas, those points in Missouri on and west of a line commencing at the Iowa-Missouri State line and U.S. Highway 65 just north of South Lineville, thence south over U.S. Highway 65 to the Missouri-Arkansas State line; those points in Minnesota on and west of a line commencing at the Iowa-Minnesota State line and U.S. Highway 71 south of Jackson, thence north over U.S. Highway 71 to Windom, thence west over Minnesota Highway 62 to Fulda, thence north over U.S. Highway 59 to junction U.S. Highway 14, and thence west over U.S. Highway 14 to the Minnesota-South Dakota State line, and Denver and Pueblo, Colo.

Proposal 15: (1) *Canned goods*, and (2) *Canned goods and canned pet food*, when moving to or from wholesale grocery and food business houses or other facilities thereof, from Rochelle, Ill., to points in North Dakota, South Dakota, Nebraska, Kansas, those points in Missouri on and west of a line commencing at the Iowa-Missouri State line and U.S. Highway 65 just north of South Lineville, thence south over U.S. Highway 65 to the Missouri-Arkansas State line, those points in Minnesota on and west of a line commencing at the Iowa-Minnesota State line at Elmore, thence north over U.S. Highway 169 to St. Peters, thence north over Minnesota Highway 22 to Eden Valley, thence west over Minnesota Highway 55 to Belgrade, thence north over U.S. Highway 71 to Sauk Centre, and thence north over

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U.S. Highway 52 to Moorhead, and Denver and Pueblo, Colo.

Proposal 16: *Such merchandise as is dealt in by wholesale grocery and food business houses*, and in connection therewith, equipment, materials, and supplies used in the conduct of such business (except in bulk), when moving to or from such business houses or other facilities thereof, from points in Wisconsin to Chariton, Iowa.

Restriction: Restricted to the transportation of traffic destined to Chariton, Iowa.

The purpose of the filings of proposals 14, 15, and 16 is to eliminate the gateway of Des Moines, Iowa.

Proposal 17: (1) *Canned goods*, and (2) *Canned goods and canned pet food*, when moving to or from wholesale grocery and food business houses or other facilities thereof, from points in Wisconsin to points in Kansas, those in Nebraska on and south of a line commencing at the Iowa-Nebraska State line just east of Blair, thence west over U.S. Highway 30 to Grand Island, thence west over Nebraska Highway 2 to Alliance, thence south over U.S. Highway 385 to Bridgeport, and thence west over U.S. Highway 26 to the Wyoming-Nebraska State line; those points in Missouri on and west of a line commencing at the Iowa-Missouri State line and U.S. Highway 65 just north of South Linesville, thence south of U.S. Highway 65 to the Missouri-Arkansas State line, and Denver and Pueblo, Colo.

Proposal 18: (1) *Canned goods*, and (2) *Canned goods and canned pet food*, when moving to or from wholesale grocery and food business houses or other facilities thereof, from those points in Wisconsin on and east and south of a line commencing at Marinette, thence south over U.S. Highway 41 to Oconto, thence west over Wisconsin Highway 22 to Shawano, thence south over Wisconsin Highway 22 to Waupaca, thence south over Wisconsin Highway to Wautoma, thence west over Wisconsin Highway 21 to Coloma, thence south over Wisconsin Highway 78 to Mount Horeb, thence west over U.S. Highway 151 to junction U.S. Highway 18, and thence west over U.S. Highway 18 to the Iowa-Missouri State line, to points in Nebraska.

The purpose of the filings of proposals 17 and 18 is to eliminate the gateway of Des Moines, Iowa.

Proposal 19: (1) *Canned goods*, and (2) *Canned goods and canned pet food*, when moving to or from wholesale grocery and food business houses or other facilities thereof, from those points in Wisconsin on and north and west of a line commencing at Marinette, thence south over U.S. Highway 41 to Oconto, thence south over Wisconsin Highway 22 to Symco, thence west over Wisconsin Highway 161 to Amherst Junction, thence north over U.S. Highway 10 to Stevens Point, thence south over U.S. Highway 51 to Plover, thence west over Wisconsin Highway 54 via Port Edwards, to junction Wisconsin Highway 80, thence south over Wisconsin Highway 80 to Babcock, thence south over Wisconsin Highway 173 to junction Wisconsin Highway 21, thence west over Wisconsin Highway 21 to Sparta, and thence west over U.S. Highway 16 to La Crosse, to those points in Missouri on and west of a line commencing at the Iowa-Missouri State line and U.S. Highway 63 just north of Lancaster, thence south over U.S. Highway 63 to the Missouri-Arkansas State line.

Proposal 20: *Condiments* (except in bulk), and *canned goods*, from Blue Island and Morrison, Ill., to Chariton, Iowa.

Restriction: Restricted to the transportation of traffic destined to Chariton, Iowa.

Restriction: Restricted against the transportation of traffic originating at points in the St. Louis, Mo., East St. Louis, Ill., and Kansas City, Mo., Kansas City, Kans., commercial zones, as defined by the Commission.

Proposal 21: *Canned goods*, from Morton, Peoria, Washington, and Eureka, Ill., to points in Nebraska, North Dakota, South Dakota, those points in Kansas on and west of a line commencing at Atchinson, thence south over U.S. Highway 59 to the Kansas-Oklahoma State line, those points in Minnesota on and west and north of a line commencing at the Iowa-Minnesota State line and U.S. Highway 65 south of Gordonsville, thence north over U.S. Highway 65 to Faribault, including Owatonna, thence north over Minnesota Highway 3 to Northfield, thence north over Minnesota Highway 19 to Cannon Falls, thence north over Minnesota Highway 20 to junction U.S. Highway 61, and thence north over U.S. Highway 61 to Hastings, and Denver and Pueblo, Colo.

The purpose of the filings of proposals 19, 20, and 21 is to eliminate the gateway of Des Moines, Iowa.

Proposal 22: (1) *Canned goods*, and (2) *Canned goods and canned pet food*, when moving to or from wholesale grocery and food business houses or other facilities thereof, from Omaha and Plattsmouth, Nebr., to Chariton, Iowa, Dayton and Toledo, Ohio, and points in Illinois, Michigan, Wisconsin, and those points in Minnesota on and east of a line commencing at the Iowa-Minnesota State line and U.S. Highway 169, thence north over U.S. Highway 169 to Belle Plaine, thence north over Minnesota Highway 25 via Green Isle, Mayer, Watertown, Montrose, Buffalo, and Monticello, to Big Lake, thence north over U.S. Highway 10 to junction U.S. Highway 371, thence north over U.S. Highway 371 to Cass Lake, thence west over U.S. Highway 2 to junction Minnesota Highway 89, thence north over Minnesota Highway 89 to Roseau, and thence north over Minnesota Highway 310 to the United States-Canada international boundary line, and those points in Missouri on and east of a line commencing at the Iowa-Missouri State line and U.S. Highway 65 just north of South Lineville, thence south over U.S. Highway 65 to junction Interstate Highway 70, thence east over Interstate Highway 70 to junction Missouri Highway 5, and thence south over Missouri Highway 5 to the Missouri-Arkansas State line.

Restriction: (1) Shipments to Chariton, Iowa, restricted to those destined to Chariton, Iowa. (2) Shipments to Chariton, Iowa, restricted against those originating at St. Louis, Missouri-East St. Louis, Illinois, and Kansas City, Missouri-Kansas City, Kansas, commercial zones as defined by the Commission.

Proposal 23: *Canned goods and canned milk*, from Morrison, Ill., to points in Nebraska, South Dakota, North Dakota, Kansas, those points in Missouri on and west of a line commencing on U.S. Highway 65 just north of South Lineville, thence south over U.S. Highway 65 to the Missouri-Arkansas State line, those points in Minnesota on and west of a line commencing at the Iowa-Minnesota State line on U.S. Highway 71 south of Jackson, thence north over U.S. Highway 71 to Sauk Centre, thence north over Minnesota Highway 28 to junction Minnesota Highway 27, thence east over Minnesota Highway 27 to Little Falls, thence north over U.S. Highway 371 via Brainerd, to Cass Lake, thence north over U.S. Highway 2 to Bemidji, thence north over U.S. Highway 71 to the United States-Canada international boundary line, and Denver and Pueblo, Colo. The purpose of the filings of proposals 22 and 23 is to eliminate the gateway of Des Moines, Iowa.

Proposal 24: *Canned milk*, from Oregon, Ill., to points in Nebraska, South Dakota, North Dakota, Kansas, those points in Missouri on and west of a line commencing on U.S. Highway 65 just north of South Lineville, thence south over U.S. Highway 65 to the Missouri-Arkansas State line, those points in Minnesota on and west of a line commencing at the Iowa-Minnesota State line and U.S. Highway 71 south of Jackson, thence north over U.S. Highway 71 to Sauk Centre, thence north over Minnesota Highway 28 to junction Minnesota Highway 27, thence east over Minnesota Highway 27 to Little Falls, thence north over U.S. Highway 371 via Brainerd, to Cass Lake, thence north over U.S. Highway 2 to Bemidji, thence north over U.S. Highway 71 to the United States-Canada international boundary line, and Denver and Pueblo, Colorado. The purpose of this filing is to eliminate the gateway of Grimes, Iowa.

Proposal 25: *Such merchandise as is dealt in by wholesale grocery and food business houses*, and in connection therewith, equipment, materials and supplies used in the conduct of such business (except in bulk), when moving to or from business houses or other facilities thereof, from Omaha, Nebr., and Chicago, De Kalb, Pecatonica, and Rochelle, Ill., to Chariton, Iowa.

Restriction: Restricted to the transportation of traffic destined to Chariton, Iowa.

Restriction: Restricted against the transportation of traffic originating at points in the St. Louis, Mo.-East St. Louis, Ill., and Kansas City, Mo.-Kansas City, Kans., commercial zones, as defined by the Commission.

The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

Proposal 26: *Meats, meat products, and meat by-products, dairy products, and commodities distributed by meat-packing houses*, as described in Sections A, B, and C of Appendix I to report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Chicago and Blue Island, Ill., to those points in Minnesota on and west of a line commencing at the Iowa-Minnesota State line and U.S. Highway 218 just south of Lyle, thence north over U.S. Highway 218 to junction unnumbered highway, thence, north over unnumbered highway via Owatonna to Faribault, thence north over U.S. Highway 65 and Interstate Highway 35 to Minneapolis, thence north over Minnesota Highway 65 to junction Minnesota Highway 210, thence west over Minnesota Highway 210 to junction U.S. Highway 169, thence north over U.S. Highway 169 to Grand Rapids, thence north over Minnesota Highway 38 to Effie, thence west over Minnesota Highway 38 to junction Minnesota Highway 6, thence north over Minnesota Highway 6 to Big Falls, and thence north over U.S. Highway 71 to International Falls.

The purpose of this filing is to eliminate the gateway of Iowa Falls, Iowa.

Proposal 27: *Canned goods*, from Pekin, Ill., to points in Nebraska, North Dakota, South Dakota, those points in Kansas on and west of a line commencing at the Kansas-Nebraska State line and U.S. Highway 75 just north of Sabetha, thence south over U.S. Highway 75 to Yates Center, thence east over U.S. Highway 54 to Iola, thence south over U.S. Highway 169 to the Kansas-Oklahoma State line, those in Minnesota on and west and north of a line commencing at the Iowa-Minnesota State line and U.S. Highway 65 south of Gordonsville, thence north over U.S. Highway 65 to Faribault, including Owatonna, thence north over Minnesota Highway 3 to Northfield, thence north over Minnesota Highway 19 to Cannon Falls, thence north over Minnesota Highway 20 to junction U.S. Highway 61, and thence north over U.S. Highway 61 to Hastings, and Denver and Pueblo, Colo.

The purpose of this filing is to eliminate the gateway of Grimes, Iowa.

Proposal 28: *Frozen foods*, from Detroit, Mich., to points in Nebraska, Kansas, those points in Minnesota on and west and north of a line commencing at the Iowa-Minnesota State line and U.S. Highway 218 south of Lyle, on U.S. Highway 218, thence north over U.S. Highway 218 to Austin, thence east over U.S. Highway 16 to junction Minnesota Highway 56, thence north over Minnesota Highway 56 to junction Minnesota Highway 18, thence east over Minnesota Highway 19 to Cannon Falls, thence north over Minnesota Highway 20 to junction U.S. Highway 61, and thence north over U.S. Highway 61 to Hastings, and those points in Illinois on and west and north of a line commencing at Gulf Port, thence east over U.S. Highway 34 to Princeton, thence north over Illinois Highway 26 to Dixon, thence east over Illinois Highway 30 to Rochelle, thence north over U.S. Highway 51 to junction Illinois Highway 64, thence east over Illinois Highway 64 to Sycamore, thence north over Illinois Highway 23 to junction Illinois Highway 120, thence east over Illinois Highway 120 to junction U.S. Highway 12, thence north over U.S. Highway 12 to Fox Lake, thence north over Illinois Highway 59 to Antioch, and thence north over Illinois Highway 83 to the Illinois-Wisconsin State line.

The purpose of this filing is to eliminate the gateways of Webster City, Iowa, and Darien, Wis.

Proposal 29: *Meats, meat products, and meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, except liquid commodities in bulk, in tank vehicles, from the plant site of Agar Packing Company in Momence, Ill., to Omaha and South Omaha, Nebr., Kansas City, Kans., and St. Joseph, South St. Joseph, and Kansas City, Mo., to those points in Minnesota on and west and north of a line commencing at the Iowa-Minnesota State line and U.S. Highway 218 south of Lyle, thence north on U.S. Highway 218 to Austin, thence east over U.S. Highway 16 to junction Minnesota Highway 56, thence north over Minnesota Highway 56 to junction Minnesota Highway 60, thence east over Minnesota Highway 60 to Zumbrota, thence north over U.S. Highway 52 to junction Minnesota Highway 20, thence north over U.S. Highway 20 to junction U.S. Highway 61, thence north over U.S. Highway 61 to junction U.S. Highway 10, and thence east over U.S. Highway 10 to the Minnesota-Wisconsin State line.

The purpose of this filing is to eliminate the gateways of Iowa Falls and Des Moines, Iowa.

Proposal 30: *Frozen foods*, when moving to or from wholesale grocery and food business houses or other facilities thereof, from Deerfield, Ill., to Plattsmouth, and Omaha, Nebr., and Chariton, Iowa.

Restriction: Restricted to the transportation of traffic destined to Chariton, Iowa.

Restriction: Restricted against the transportation of traffic originating at points in the St. Louis, Missouri-East St. Louis, Ill., and Kansas City, Missouri-Kansas City, Kans., commercial zones, as defined by the Commission.

The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

Proposal 31: *Canned goods*, (1) from those points in Illinois on and north of U.S. Highway 36 to points in Nebraska on and north of a line commencing at the Nebraska-Iowa State line and U.S. Highway 34 at Union, thence west over U.S. Highway 34 to Lincoln, thence west over U.S. Highway 6 to McCook, and thence west over U.S. Highway 6 to the Colorado-Nebraska State line; those points in Minnesota on and west and south of a line commencing at the Iowa-Minnesota State line at Elmore, thence north over U.S. Highway 169 to Blue Earth, thence west over U.S. Highway 16 to junction U.S. Highway 71, thence north over U.S. Highway 71 to junction U.S. Highway 14, thence west over U.S. Highway 14 to junction U.S. Highway 59, thence north over U.S. Highway 59 to Marshall, and thence north over Minnestota Highway 68 to the Minnesota-South Dakota State line; those points in South Dakota on and south and west of a line commencing at the Minnesota-South Dakota State line on South Dakota Highway 22, thence west over South Dakota Highway 22 to junction U.S. Highway 81, thence north over U.S. Highway 81 to Watertown, thence north over South Dakota Highway 20 to junction South Dakota Highway 37, thence north over South Dakota Highway 37 to Groton, thence west over U.S. Highway 12 to Aberdeen, and thence north over U.S. Highway 281 to the South Dakota-North Dakota State line, and Denver and Pueblo, Colo.; (2) from those points in Illinois on and north of a line commencing at Gulf Port, thence east over U.S. Highway 34 to Galesburg, thence east over U.S. Highway 150 to junction Illinois Highway 78, thence north over Illinois Highway 78 to junction Illinois Highway 90, thence east over Illinois Highway 90 to Chillicothe, thence north over Illinois Highway 29 to Sparland, thence east over Illinois Highway 17 to junction U.S. Highway 66, thence north over U.S. Highway 66 to junction U.S. Highway 6, and thence east over U.S. Highway 6 to the Illinois-Indiana State line, to points in Kansas and those points in Missouri on and west of a line commencing at the Iowa-Missouri State line on U.S. Highway 169 north of Irena, thence south over U.S. Highway 169 to Kansas City, and thence south over U.S. Highway 71 and Alternate U.S. Highway 71 to the Missouri-Arkansas State line; (3) from those points in Illinois in an area bounded on the south by U.S. Highway 36, on the east by the Illinois-Indiana State line, on the west by the Illinois-Iowa and Illinois-Missouri State lines, and on the north by a line commencing at Moline, thence east over U.S. Highway 6 to Annawan, thence south over Illinois Highway 78 to junction U.S. Highway 150, thence east over U.S. Highway 150 to Peoria, thence east over U.S. Highway 24 to junction Illinois Highway 115, thence south over Illinois Highway 115 to junction unnumbered highway southeast of Roberts, and thence east over unnumbered highway via Buckley and Milford, to the Illinois-Indiana State line, to those points in Minnesota on and west of a line commencing at the Iowa-Minnesota State line on U.S. Highway 65 south of Gordonsville, thence north over U.S. Highway 65 to Albert Lea, thence north over unnumbered highway via Owatonna to Faribault, thence north over U.S. Highway 65 to junction U.S. Highway 169, thence over U.S. Highway 169 to Chisholm, thence north over Minnesota Highway 73 to junction U.S. Highway 53, and thence north over U.S. Highway 53 to the United States-Canada international boundary line.

The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

Proposal 32: *Canned goods*, from Lawrence, Kans., to points in Michigan, Minnestota, Wisconsin, and North Dakota,

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those points in Illinois on and north of a line commencing at Gulf Port, thence east over U.S. Highway 34 to junction Illinois Highways 94 and 116, thence south and east over Illinois Highway 116 to Peoria, and thence east over U.S. Highway 24 to the Illinois-Indiana State line; those points in South Dakota on and west and north of a line commencing at the South Dakota-Nebraska State line on U.S. Highway 385 south of Oelrichs, thence north over U.S. Highway 385 to junction South Dakota Highway 79, thence north over South Dakota Highway 79 to Rapid City, thence east over U.S. Highway 14 to junction U.S. Highway 83, thence north over U.S. Highway 83 to junction U.S. Highway 212, thence east over U.S. Highway 212 to junction South Dakota Highway 45, thence north over South Dakota Highway 45 to junction South Dakota Highway 20, thence east over South Dakota Highway 20 to Conde, and thence north over South Dakota Highway 37 to the North Dakota-South Dakota State line, and Toledo, Ohio.

The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

Proposal 33: *Meats, meat products, and meat by-products, and articles distributed by meat-packing houses* (except hides and commodities in bulk, in tank vehicles), as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plant site of Armour and Company near Sterling, Ill., to Omaha, South Omaha, Nebr., Kansas City, Kans., St. Joseph, South St. Joseph, and Kansas City, Mo., and those points in Minnesota on and west of a line commencing at the Iowa-Minnesota State line on U.S. Highway 218 south of Lyle, thence north over U.S. Highway 218 to junction unnumbered highway, thence north over unnumbered highway via Owatonna, to Faribault, thence north over Minnesota Highway 3 to St. Paul, and thence east over U.S. Highway 12 to the Minnesota-Wisconsin State line.

The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

Proposal 34: *Foodstuffs* (except in bulk, in tank vehicles), when moving to or from wholesale grocery and food business houses or other facilities thereof, from the plant site of Ocean Spray Cranberries, Inc., at North Chicago, Ill., to Omaha and Plattsmouth, Nebr.

Proposal 35: *Unfrozen bakery products* (except in bulk, in tank vehicles), when moving to or from wholesale grocery and food business houses or other facilities thereof, from the plant site of the United States Baking Company at Seelyville, Ind., to Omaha and Plattsmouth, Nebr.

The purpose of the filings of proposals 34 and 35 is to eliminate the gateway of Des Moines, Iowa.

Proposal 36: *Meats, meat products, and meat by-products and articles distributed by meat packing houses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plant site and storage facilities of Missouri Beef Packers, Inc., at or near Phelps City, Mo., to those points in Minnesota on and east and north of a line commencing at the Minnesota-Iowa State line on Minnesota Highway 22 south of Kiester, thence north over Minnesota Highway 22 via Mankato, St. Peter, Gaylord, Glencoe, to Hutchinson, thence north over Minnesota Highway 15 to St. Cloud, and thence northwest over U.S. Highway 10 to the Minnesota-North Dakota State line.

The purpose of this filing is to eliminate the gateway of Iowa Falls, Iowa.

Proposal 37: (1) *Frozen foods*, when moving to or from wholesale grocery and food business houses or other facilities thereof, from Omaha and Plattsmouth, Nebr., to points in Upper Peninsula of Michigan, Wisconsin, Illinois (except Chicago), and those points in Minnesota on and east and north of a line commencing at the Iowa-Minnesota State line at Elmore, thence north over U.S. Highway 169 to Belle Plaine, thence west over Minnesota Highway 25 to Green Isle, thence north over Minnesota Highway 5 to junction U.S. Highway 212, thence east over U.S. Highway 212 to Norwood, thence north over Minnesota Highway 25 to Montrose, thence east over U.S. Highway 12 to junction Minnesota Highway 25, thence north over Minnesota Highway 25 to Monticello, thence north over Minnesota Highway 152 to St. Cloud, thence north over U.S. Highway 10 to Little Falls, thence north over U.S. Highway 371 to Cass Lake, thence west over U.S. Highway 2 to junction Minnesota Highway 89, thence north over Minnesota Highway 89 to Roseau, and thence north over Minnesota Highway 310 to the United States-Canada International Boundary line.

(2) *Frozen foods* (except meats), when moving to or from wholesale grocery and food business houses or other facilities thereof, from Omaha and Plattsmouth, Nebr., to points in the Lower Peninsula of Michigan.

The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

Proposal 38: *Meats, meat products, meat by-products, and articles distributed by meat packing houses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and except commodities in bulk, in tank vehicles), from the plantsite of Spencer Packing Company at Schuyler, Nebr., to Chicago, Ill., and points in its commercial zone, East St. Louis, Ill., St. Louis, Mo., and those points in Minnesota on and east of a line commencing at the Iowa-Minnesota State line and U.S. Highway 69 at Emmons, thence north over U.S. Highway 69 to Albert Lea, thence north over Minnesota Highway 13 to New Prague, thence north over Minnesota Highway 21 to Jordan, thence north over U.S. Highway 169 to Shakopee, thence north over Minnesota Highway 101 to junction U.S. Highway 169, thence north over U.S. Highway 169 to Garrison, thence north over Minnesota Highway 6 to Big Falls, and thence north over U.S. Highway 71 to the United States-Canada international boundary line.

The purpose of this filing is to eliminate the gateways of Des Moines and Iowa Falls, Iowa.

Proposal 39: *Canned vegetables*, from the plantsites of Green Giant Company at Beaver Dam, Fox Lake, Ripon, and Rosendale, Wis., to Denver and Pueblo, Colo., Oklahoma City and Tulsa, Okla., points in Kansas, Nebraska, and those points in South Dakota on and south of a line commencing at the Iowa-South Dakota State line and Interstate Highway 29, thence north over Interstate Highway 29 to Junction City, thence west over South Dakota Highway 50 to Wagner, thence west over South Dakota Highway 50 to Pickstown, and thence west over U.S. Highway 18 to the Wyoming-South Dakota State line.

The purpose of this filing is to eliminate the gateway of Grimes, Iowa.

Proposal 40: *Meats, meat products, meat by-products, and articles distributed by meat packing houses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and except commodities in bulk), from the plantsite of Geo. A. Hormel & Co., at or near Bureau, Ill., to Kansas City, Kans., St. Joseph, South St. Joseph, and Kansas City, Mo., and Omaha and South Omaha, Nebr., and those points in Minnesota on and west of a line commencing at the Iowa-Minnesota State line and U.S. Highway 218 south of Lyle, thence north over U.S. Highway 218 to junction unnumbered highway, thence north over unnumbered highway via Owatonna to Faribault, thence north over Minnesota Highway 3 to junction Interstate Highway 494, thence north and east over Interstate Highway 494 to junction of U.S. Highway 12, thence east over U.S. Highway 12 to Minnesota-Wisconsin State line.

The purpose of this filing is to eliminate the gateways of Iowa Falls and Des Moines, Iowa.

Proposal 41: *Meats, meat products, and meat by-products and articles distributed by meat packing houses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, except hides and commodities in bulk, originating at the plant site and storage facilities of, or utilized by, American Beef Packers, Inc., in Pottawattamie County, Iowa, to East St. Louis, Ill., St. Louis, Mo., and points in Wisconsin, those points in Illinois on and north of U.S. Highway 36, and those points in Minnesota on and west of a line commencing at the Iowa-Minnesota State line and U.S. Highway 69 at Emmons, thence north over U.S. Highway 69 to junction Minnesota Highway 13, thence north over Minnesota Highway 13 to New Prague, thence north over Minnesota Highway 21 to Jordan, thence north over unnumbered highway via East Union and Gotha to Bongards, thence west over U.S. Highway 212 to Glencoe, thence north over Minnesota Highway 22 to

Hutchinson, thence north over Minnesota Highway 15 to St. Cloud, thence north over U.S. Highway 10 to Motley, thence north over Minnesota Highway 64 to junction U.S. Highway 71, thence north over U.S. Highway 71 to Bemidji, thence west over U.S. Highway 2 to junction Minnesota Highway 89, thence north over Minnesota Highway 89 to Roseau, and thence east over Minnesota Highway 11 to Warroad.

The purpose of this filing is to eliminate the gateways of Iowa Falls and Des Moines, Iowa.

Proposal 42: *Meats, meat products, and meat by-products, and articles distributed by meat packing houses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk and hides), originating at the plant sites and cold storage facilities of South Chicago Packing Company at Chicago and Lamont, Ill., to Kansas City, Kans., St. Joseph, South St. Joseph, and Kansas City, Mo., and Omaha and South Omaha, Nebr.

The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

Proposal 43: *Canned goods*, from the plant site and storage facilities of Glidden-Durkee Division of SCM Corporation approximately 5 miles northeast of Lorenzo, Will County, Ill., to points in South Dakota, North Dakota, and Denver and Pueblo, Colo., and Oklahoma City, Okla.

The purpose of this filing is to eliminate gateway of Grimes, Iowa.

Proposal 44: *Meats, meat products, meat by-products, dairy products and articles distributed by meat packing houses*, as described in Sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except liquid commodities, in bulk, in tank vehicles), from the plant site of Swift & Co., at Rochelle, Ill., to Kansas City, Kans., St. Joseph, South St. Joseph, and Kansas City, Mo., and Omaha and South Omaha, Nebr., and those points in Minnesota on, and west of a line commencing at the Iowa-Minnesota State line and U.S. Highway 218 south of Lyle, thence north over U.S. Highway 218 to junction unnumbered highway, thence north over unnumbered highway via Owatonna to Faribault, thence north over Minnesota Highway 3 to junction Interstate Highway 494, thence north and east over Interstate Highway 494 to junction of U.S. Highway 12, thence east over U.S. Highway 12 to Minnesota-Wisconsin State line, restricted against interlining at Rochelle, Ill.

The purpose of this filing is to eliminate the gateways of Iowa Falls and Des Moines, Iowa.

Proposal 45: *Meats, meat products, and meat by-products, dairy products, and articles distributed by meat packing houses*, as described in Sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, as are dealt in by wholesale grocery and food business houses (except in bulk), from St. Paul and South St. Paul, Minn., to Chariton, Iowa.

Restriction: (1) Shipments to Chariton, Iowa, restricted to those destined to Chariton, Iowa. (2) Shipments to Chariton, Iowa, restricted against those originating at St. Louis, Missouri-East St. Louis, Illinois, and Kansas City, Missouri-Kansas City, Kansas, commercial zones as defined by the Commission.

The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

Proposal 46: *Frozen foods*, from Des Moines, Iowa, to those points in Illinois in the Chicago commercial zone.

The purpose of this filing is to eliminate the gateway of Darien, Wis.

Proposal 47: (1) *Canned goods and canned pet food*, from the plantsites and cold storage facilities of South Chicago Packing Company at Chicago and Lemont, Ill., to points in North Dakota, South Dakota, Nebraska, Kansas, and those points in Missouri on and west of a line commencing at the Missouri-Iowa State line at South Lineville, thence south over U.S. Highway 65 to Waverly, thence west over U.S. Highway 24 to Lexington, thence south over Missouri Highway 13 to Collins, thence west over U.S. Highway 54 to Nevada, and thence south over U.S. Highway 71 to Arkansas-Missouri State line, and Denver and Pueblo, Colo.

(2) *Canned goods*, from the plantsites and cold storage facilities of South Chicago Packing Company at Chicago and Lemont, Ill., to Tulsa and Oklahoma City, Okla.

The purpose of this filing is to eliminate the gateway of Grimes, Iowa.

Proposal 48: *Canned goods and canned pet food*, from the plant site of Swift & Co., at Rochelle, Ill., to Denver and Pueblo, Colo., and points in North Dakota, South Dakota, Nebraska, Kansas, and those points in Missouri on and west of a line commencing at the Iowa-Missouri State line on U.S. Highway 65, thence south over U.S. Highway 65 to the Missouri-Arkansas State line, restricted against interlining at Rochelle, Ill.

The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

Proposal 49: *Canned goods and canned pet food* as are manufactured, sold, or distributed by persons engaged in the manufacturing, processing, and milling of grain products, from Hillsdale, Mich., to Denver and Pueblo, Colo., Tulsa and Oklahoma City, Okla., and points in North Dakota and South Dakota.

The purpose of this filing is to eliminate the gateway of Grimes, Iowa.

Proposal 50: (1) *Canned goods and canned pet food*, from the plant site and warehouse facilities of Peter Echrich and Sons, Inc., at Allen Township (Hillsdale County), Mich., to Denver and Pueblo, Colorado, and points in North Dakota and South Dakota.

(2) *Canned goods*, from the plant site and warehouse facilities of Peter Eckrich and Sons, Inc., at Allen Township (Hillsdale County), Mich., to Tulsa and Oklahoma City, Okla.

The purpose of this filing is to eliminate the gateway of Des Moines, or Grimes, Iowa.

Proposal 51: *Canned goods and canned pet food*, from the plant site of the Agar Packing Company in Momence, Ill., to Denver and Pueblo, Colo., and points in North Dakota, South Dakota, Nebraska, Kansas, and those points in Missouri on and west of a line commencing at the Iowa-Missouri State line and U.S. Highway 65 at South Lineville, thence south over U.S. Highway 65 to Waverly, thence west over U.S. Highway 24 to junction Missouri Highway 13, thence south over Missouri Highway 13 to Collins, thence west over U.S. Highway 54 to Nevada, thence south over U.S. Highway 71 to junction Missouri Highway 126, and thence west over Missouri Highway 126 to the Kansas-Missouri State line.

The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

Proposal 52: *Canned goods and canned pet food*, from the plant site of Armour and Company near Sterling, Ill., to Denver and Pueblo, Colo., and points in North Dakota, South Dakota, Nebraska, Kansas, and those points in Missouri on and west of a line commencing at the Iowa-Missouri State line and U.S. Highway 65 at South Lineville, thence south over U.S. Highway 65 to the Missouri-Arkansas State line.

The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

Proposal 53: (1) *Canned goods and canned pet food*, from the plant site of Geo. A. Hormel & Co., at or near Bureau, Ill., to Denver and Pueblo, Colo., and points in North Dakota, South Dakota, Nebraska, Kansas, and those points in Missouri on and west of a line commencing at the Iowa-Missouri State line and U.S. Highway 65 at South Lineville, thence south over U.S. Highway 65 to Waverly, thence west over U.S. Highway 24 to junction of Missouri Highway 13, thence south over Missouri Highway 13 to Collins, thence west over U.S. Highway 54 to Nevada, thence south over U.S. Highway 71 to junction Missouri Highway 126, and thence west over Missouri Highway 126 to the Kansas-Arkansas State line.

(2) *Canned goods*, from the plant site of Geo. A. Hormel & Co., at or near Bureau, Ill., to Tulsa and Oklahoma City, Okla.

The purpose of this filing is to eliminate the gateway of Grimes, Iowa.

Proposal 54: (1) *Canned goods and canned pet food*, from the plant site of Armour and Company near Worthington, Minn., to Dayton and Toledo, Ohio, restricted against interlining with any other carrier.

(2) *Canned goods*, from the plant site of Armour and Company near Worthington, Minn., to Tulsa and Oklahoma City, Okla., restricted against interlining with any other carrier. The purpose of this filing is to eliminate the gateway of Grimes, Iowa.

Proposal 55: *Canned goods and canned pet food*, from the plant site of Producers Packing Company near Garden City, Kans., to Dayton and Toledo, Ohio.

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The purpose of this filing is to eliminate the gateway of Grimes, Iowa.

Proposal 56: *Canned goods and canned pet food*, from the plant site and storage facilities of Missouri Beef Packers, Inc., at or near Phelps City, Mo., to Dayton and Toledo, Ohio.

The purpose of this filing is to eliminate the gateway of Grimes, Iowa.

Proposal 57: *Such meats, meat products, and meat by-products, dairy products, and articles distributed by meat packing houses*, as described in Sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, as are included in the descriptions "frozen foods", from Detroit, Mich., to points in Minnesota on and west of a line commencing at the junction of the Iowa-Minnesota State line and U.S. Highway 63, thence north over U.S. Highway 63 to Lake City.

The purpose of this filing is to eliminate the gateway of Iowa Falls, Iowa.

Proposal 58: *Canned goods and canned pet food*, originating at the plant site and storage facilities of, or utilized by, American Beef Packers, Inc., in Pottawattamie County, Iowa, to Dayton and Toledo, Ohio.

The purpose of this filing is to eliminate the gateway of Grimes, Iowa.

Proposal 59: *Frozen foods*, when moving to or from wholesale grocery and food business houses or other facilities thereof, from Darien, Wis., to Omaha and Plattsmouth, Nebr.

The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

Proposal 60: *Canned goods and canned pet food*, from the plant site of Spencer Packing Company at Schuyler, Nebr., to Dayton and Toledo, Ohio.

The purpose of this filing is to eliminate the gateway of Grimes, Iowa.

Proposal 61: (1) *Meats, meat products, and meat by-products, and articles distributed by meat packing houses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, restricted against the transportation of commodities in bulk, in tank vehicles, and hides, from the plant site of Swift & Company at or near Grand Island, Nebr., to those points in Minnesota on and east of a line commencing at the Iowa-Minnesota State line and Minnesota Highway 22 south of Kiester, thence north over Minnesota Highway 22 via Mankato, St. Peter, and Glencoe to Hutchinson, thence north over Minnesota Highway 15 to St. Cloud, thence north over U.S. Highway 10 to Little Falls, thence north over U.S. Highway 371 via Brainerd to Cass Lake, thence west over U.S. Highway 2 to Bemidji, thence north over U.S. Highway 71 to Blackduck, and thence north over Minnesota Highway 72 to Baudette, and to East St. Louis, Ill., and St. Louis, Mo.

(2) *Canned goods and groceries*, from the plant site of Swift & Company at or near Grand Island, Nebr., to points in the Lower Peninsula of Michigan.

(3) *Canned goods and canned pet food*, from the plant site of Swift & Company at or near Grand Island, Nebr., to Toledo and Dayton, Ohio.

The purpose of this filing is to eliminate the gateways of Iowa Falls, Des Moines, and Grimes, Iowa.

Proposal 62: *Canned goods*, from the plant site of Ocean Spray Cranberries, Inc., at North Chicago, Ill., to points in Nebraska, Kansas, and those points in Missouri on and west of a line commencing at the Iowa-Missouri State line and U.S. Highway 65 at South Lineville, thence south over U.S. Highway 65 to junction Missouri Highway 83, thence south over Missouri Highway 83 to junction U.S. Highway 54, thence west over U.S. Highway 54 to Cedar Springs, and thence south over Missouri Highway 39 to the Arkansas-Missouri State line, those points in Minnesota on and south of a line commencing on the south at the Iowa-Minnesota State line and U.S. Highway 71, thence north over U.S. Highway 71 to Windom, thence west over Minnesota Highway 62 to Fulda, thence north over U.S. Highway 59 to Slayton, and thence west over Minnesota Highway 30 to South Dakota-Minnesota State line, those points in South Dakota on and south and west of a line commencing at the South Dakota-Minnesota State line and South Dakota Highway 34, thence west over South Dakota Highway 34 to junction South Dakota Highway 37, thence north over South Dakota Highway 37 to Conde, thence west over South Dakota Highway 20 to junction U.S. Highway 281, and thence north over U.S. Highway 281 to the South Dakota-North Dakota State line, those points in North Dakota on and west of a line commencing at the South Dakota-North Dakota State line and North Dakota Highway 3, thence north over North Dakota Highway 3 to Dunseith, and thence north over U.S. Highway 281 to the United States-Canada International Boundary line, and to Denver and Pueblo, Colo., and Tulsa and Oklahoma City, Okla.

The purpose of this filing is to eliminate the gateway of Grimes, Iowa.

Proposal 63: *Frozen foods*, as distributed by meat packing houses, (1) from Darien, Wis., to Kansas City, Kans., St. Joseph, South St. Joseph, and Kansas City, Mo., (2) from Deerfield, Ill., to Kansas City, Kans., St. Joseph, South St. Joseph, and Kansas City, Mo.

The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

Proposal 64: *Frozen foods*, when moving to or from wholesale grocery and food business houses or other facilities thereof, from Omaha and Plattsmouth, Nebr., to those points in Illinois in the Chicago commercial zone.

The purpose of this filing is to eliminate the gateways of Des Moines, Iowa and Darien, Wis.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-14911 Filed 6-27-74;8:45 am]

[Notice No. 539]

ASSIGNMENT OF HEARINGS

JUNE 25, 1974.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after June 28, 1974.

MC 95876 Sub 143, Anderson Trucking Service, Inc., now assigned July 10, 1974, at St. Paul, Minn., is cancelled and reassigned to July 10, 1974, Hunt Room, Dyckman Hotel, 27 S. 6th St., Minneapolis, Minn.

I&S No. 8939, Seasonal Rates on Grain to Minnesota and Wisconsin, now assigned July 15, 1974, at St. Paul, Minn., is cancelled and reassigned to July 15, 1974, Hunt Room, Dyckman Hotel, 27 South 6th St., Minneapolis, Minn.

MC-128951 Sub 7, Robert H. Dittrich, DBA Bob Dittrich Trucking, now assigned July 8, 1974, at St. Paul, Minn., is cancelled and reassigned July 8, 1974, in the Hunt Room, Dyckman Hotel, 27 South Street, Minneapolis, Minn.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-14904 Filed 6-27-74;8:45 am]

[Notice No. 540]

ASSIGNMENT OF HEARINGS

JUNE 25, 1974.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after June 28, 1974.

Correction

MC-F-12034, Umthun Trucking Company—Purchase—Dermin Transfer, Inc., now being assigned hearing July 31, 1974, in Room 672, 536 South Clark St., Chicago, Ill., instead of United Trucking Company—Purchase—Dermin Transfer, Inc.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-14905 Filed 6-27-74;8:45 am]

[Notice No. 111]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by Division 3 of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before July 31, 1974. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-75072. By order of June 20, 1974, Division 3 approved the transfer to Denny Truck Lines, Inc., Webster, N.Y., of the operating rights in Certificate No. MC-11899 and all subnumbers thereunder issued March 16, 1967, and on consecutive dates, to Stevens Truck Lines, Inc., Webster, N.Y., authorizing the transportation of general commodities, except explosives, between named points in New York and Pennsylvania, and numerous specified commodities, including foodstuffs, canned goods, frozen foods, corrugated paper boxes, and glass containers, from and to points in New York, New Jersey, Ohio, Pennsylvania, Maryland, and the District of Columbia. Francis P. Barrett, 60 Adams Street, Milton, Mass. 02187, attorney for applicants.

No. MC-FC-75073. By order of June 20, 1974, Division 3, acting as an Appellate Division, approved the transfer to Class Transportation, Inc., Hackensack, N.J., of that portion of the operating rights in Certificate No. MC-61161 issued July 29, 1957, to Giles Express, Inc., Rochelle Park, N.J., authorizing the transportation of general commodities, with stated exceptions, between Newark, N.J., and New York, N.Y., on the one hand, and, on the other, points in Bergen, Essex, Hudson, Passaic, and Union Counties, N.J., and specified portions of Monmouth, Middlesex, Somerset, and Morris Counties, N.J. A. David Millner, 744 Broad Street, Newark, N.J. 07102, attorney for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-14906 Filed 6-27-74;8:45 am]

[Notice No. 110]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before July 21, 1974. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-75196. By order of June 19, 1974, the Motor Carrier Board approved the transfer to Carrol Ball, Centerville, Kans., of the operating rights in Certificates Nos. MC-9291 and MC-9291 (Sub-No. 2) issued May 3, 1966, and August 15, 1967, respectively, to Wayne E. Hay, doing business as Hay Truck Line, Greeley, Kans., authorizing the transportation of livestock, over a regular route, from Lane, Kans., to Kansas City, Mo., serving the intermediate and off-route points of Kasas City, Kans., North Kansas City, Mo., and points within 10 miles of Lane; livestock, feed, fertilizer, agricultural implements and parts, building materials, and fencing material, over a regular route, from Kansas City, Mo., to Lane, Kans., serving the above-indicated intermediate and off-route points; general commodities, with usual exceptions, between Greeley, Kans., and Kansas City, Mo., serving the intermediate and off-route points of Kansas City, Richmond, Bush City, Parker, Kans., and North Kansas City, Mo., and livestock, between Greeley, Kans., and points within 12 miles thereof, on the one hand, and, on the other, Kansas City, Kans., and Kansas City, Mo. Clyde N. Christey, 641 Harrison, Topeka, Kans. 66603, attorney for applicants.

No. MC-FC-75211. By order entered June 19, 1974, the Motor Carrier Board approved the transfer to Maurice D. Harmon, doing business as Harmon Trucking, Austin, Minn., of the operating rights set forth in Certificate No. MC-124501, issued November 26, 1971, to Frank H. Lochner, doing business as Lochner's Moving & Storage, Austin, Minn., authorizing the transportation of dry feed and dry feed ingredients, between Austin, Minn., on the one hand, and, on the other, Fremont and Omaha, Nebr., and points in that part of Iowa on and north of U.S. Highway 20. Gary E. Leonard, 105 East Oakland Ave., Austin, Minn. 55912, attorney for applicants.

No. MC-FC-75214. By order entered June 19, 1974, the Motor Carrier Board approved the transfer to Roy A. Ayers, Clarks Summit, Pa., of the operating rights set forth in Certificate No. MC-127457, issued October 30, 1968, to Arthur L. Hall, Richard A. Hall, and Robert L. Hall, doing business as Hall Trucking, Montrose, Pa., authorizing the transportation of feed and feed supplements (except liquid commodities, in bulk, in tank vehicles), between points in Wyoming County, Pa., on the one hand, and, on the other, points in Connecticut, New Jersey, and New York; and feed (except liquid commodities in bulk, in tank vehicles), between points in Susquehanna County, Pa., on the one hand, and, on the other, points in Connecticut, New Jersey, and New York. William F. O'Hara, 8th Fl., Mears Bldg., Scranton, Pa. 18503.

No. MC-FC-75217. By order entered June 19, 1974, the Motor Carrier Board approved the transfer to Emery Travel Service, Inc., Bradford, Pa., of License No. MC-12888 (Sub-No. 1), issued March 14, 1967, to Mary Ann Satterwhite and Tatiana M. Walter, doing business as Emery Travel Service, Bradford, Pa., authorizing operations as a broker at Bradford, Pa., in connection with transportation by motor vehicle in interstate or foreign commerce of passengers and their baggage, in charter and special operations, in round trip all-expense sightseeing, pleasure, or educational tours, beginning and ending at points in Elk, Cameron, Potter, and McKean Counties, Pa., and extending to points in the United States, including Alaska and Hawaii. Tania M. Walter, Main St. & South Ave., Bradford, Pa. 16701, representative for applicants.

No. MC-FC-75223. By order entered June 19, 1974, the Motor Carrier Board approved the transfer to Prairieland Tours, Inc., Bloomington, Ill., of License No. MC-13009, issued December 3, 1970, to Evans Tours, Inc., Bloomington, Ill., authorizing operations as a broker at Bloomington, Ill., in connection with transportation by motor vehicle in interstate or foreign commerce, of passengers and their baggage, in all expense tours, beginning and ending at points in McLean County, Ill., and extending to points in the United States (including Alaska and Hawaii). Harry J. Harman, 8130 South Meridian St., Indianapolis, Ind. 46217, attorney for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-14907 Filed 6-27-74;8:45 am]

[Notice No. 90]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JUNE 20, 1974.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with

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the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 35807 (Sub-No. 48 TA), filed June 12, 1974. Applicant: WELLS FARGO ARMORED SERVICE CORPORATION, P.O. Box 4313, Atlanta, Ga. 30302. Applicant's representatives: Melvin E. Ballet (same address as applicant) and Harry J. Jordan, 1000 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Currency, coins, bonds, securities, and other valuables*, between El Paso, Tex., on the one hand, and, on the other, points in Cochise, Pima, Graham, Santa Cruz, Maricopa, and Greenlee Counties, Ariz., and points in Otero, Eddy, Grant, Lincoln, Curry, Luna, Lea, De Baca, Chaves, Dona Ana, Quay, Hidalgo, Roosevelt, Guadalupe, Socorro, Sierra, Torrance, and Catron Counties, N. Mex., for 180 days. SUPPORTING SHIPPERS: There are approximately 11 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. SEND PROTESTS TO: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1252 W. Peachtree Street NW., Room 300 Atlanta, Ga. 30309.

No. MC 51146 (Sub-No. 378 TA), filed June 12, 1974. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, Wis. 54306. Applicant's representative: Neil A. DuJardin (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pulpboard or fibreboard*, from Snowflake, Ariz.; Missoula, Mont.; and Wallula, Wash., to Lakeville, Mich., for 180 days. SUPPORTING SHIPPER: Menasha Corporation, P.O. Box 367, Neenah, Wis. 54956 (Edward F. Fetzer, Corporate Traffic Analyst). SEND PROTESTS TO: District Supervisor John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 51146 (Sub-No. 379 TA), filed June 12, 1974. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, Wis. 54306. Applicant's representative: Neil A. DuJardin (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pulpboard or fibreboard*, from Fernandina Beach, Jacksonville, Panama City, and Port St. Joe, Fla.; Augusta, Brunswick, Cedar Springs, Clyattville, Krannert, Macon, Mead, Port Wentworth, Rome, Savannah, and Valdosta, Ga.; Plymouth, Roanoke Rapids, and Sylva, N.C.; Georgetown and Hartsville, S.C.; Big Island, Hopewell, and West Point, Va., to Greensburg, Pa., for 180 days. SUPPORTING SHIPPER: Menasha Corporation, P.O. Box 367, Neenah, Wis. 54956 (Edward F. Fetzer, Corporate Traffic Analyst). SEND PROTESTS TO: District Supervisor John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 78400 (Sub-No. 38 TA), filed June 12, 1974. Applicant: BEAUFORT TRANSFER COMPANY, Gerald, Mo. 63037. Applicant's representative: Thomas F. Kilroy, 6914 Conservation Dr., Springfield, Va. 22153. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Charcoal, charcoal briquettes, lighter fluid, hickory chips, and grill liners*, from the facilities utilized by Husky Industries at or near Branson, Mo., to St. Louis, Mo., for 90 days. SUPPORTING SHIPPER: Husky Industries, Inc., 62 Perimeter Center East, Atlanta, Ga. 30346. SEND PROTESTS TO: District Supervisor J. P. Werthmann, Interstate Commerce Commission, Bureau of Operations, Room 1565, 210 N. 12th Street, St. Louis, Mo. 63101.

NOTE.—Applicant will interline at St. Louis, Mo., with motor common carriers operating beyond that point.

No. MC 101053 (Sub-No. 9 TA), filed June 12, 1974. Applicant: DRY BULK TRANSPORT, INC., R.D. No. 4, Marietta, Ohio 45750. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal and coke*, in bulk, in dump vehicles, from Cresap, W. Va., to Sebree, Ky., for 180 days. SUPPORTING SHIPPER: Mountaineer Carbon Plant, P.O. Box 570, Moundsville, W. Va. 26041, Attention: Wayne Ward, Traffic Manager. SEND PROTESTS TO: H. R. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 3108 Federal Office Building, 500 Quarrier Street, Charleston, W. Va. 25301.

No. MC 108207 (Sub-No. 394 TA), filed June 11, 1974. Applicant: FROZEN FOOD EXPRESS, INC., 318 Cadiz Street, Mailing Address: P.O. Box 5888, Dallas, Tex. 75222. Applicant's representative: J. B. Ham (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Molding compounds, granulated resin, and liquid plastics*, from Los Angeles, Calif.; to Dallas and Brownsville, Tex.; Norfolk, Nebr.; and Cleveland, Ohio, for 180 days. SUPPORTING SHIPPER: Furane Plastics, Inc., Subsidiary of M & T Chemicals, Inc., 5121 San Fernando Road West, Los Angeles, Calif. 90039. SEND PROTESTS TO: District Supervisor Gerald T. Holland, Interstate Commerce Commission, Bureau of Operations, 1100 Commerce Street, Room 13C12, Dallas, Tex. 75202.

No. MC 114194 (Sub-No. 174 TA), filed June 10, 1974. Applicant: KREIDER TRUCK SERVICE, INC., 8003 Collinsville Road, East St. Louis, Ill. 62201. Applicant's representative: A. Bruce Fraser (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wheat flour*, in bulk, in tank vehicles, from Indianapolis, Ind., to points in Illinois, Iowa, Kentucky, Michigan, Missouri, Ohio, Tennessee, and Wisconsin, for 180 days. SUPPORTING SHIPPER: Herman Pekarek, Vice President, Transportation, Acme Evans Co-Division General Grain, Inc., Indianapolis, Ind. 46204. SEND PROTESTS TO: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, P.O. Box 2418, Springfield, Ill. 62705.

No. MC 117940 (Sub-No. 134 TA), filed June 10, 1974. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, Minn. 55359. Applicant's representative: Donald L. Stern, Suite 530, Univac Building, 7100 W. Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products and vehicle body sealer or sound deadener compound, and related advertising materials and supplies* when shipped therewith (except commodities in bulk), from Congo, W. Va.; Emlenton and Farmers Valley, Pa., to points in Wisconsin, for 180 days. SUPPORTING SHIPPER: Quaker State Oil Refining Corporation, P.O. Box 989, Oil City, Pa. 16301. SEND PROTESTS TO: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building & U.S. Court House, 110 S. 4th Street, Minneapolis, Minn. 55401.

No. MC 133035 (Sub-No. 21 TA), filed June 12, 1974. Applicant: DILTS TRUCKING, INC., Route 1, Crescent, Iowa 51526. Applicant's representative: Donald L. Stern, Suite 530, Univac Building, 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Urea*, in bulk or in bags, from the plantsite and storage facilities of Cooperative Farm Chemicals Association at or near Lawrence, Kans., to points in Colorado, Iowa, Nebraska, Missouri, Texas, Oklahoma, Illinois, Minnesota, North Dakota, South Dakota, and Wyoming, for 180 days. SUPPORTING SHIPPER: Farmland Industries, Inc., Charles D. Rosas, Supervisor, Transportation Service, P.O. Box 7305, Kansas City, Mo. 64116. SEND PROTESTS TO: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Suite 620, Union Pacific Plaza Building, 110 North 14th Street, Omaha, Nebr. 68102.

No. MC 134323 (Sub-No. 63 TA), filed June 12, 1974. Applicant: JAY LINES, INC., 720 North Grand, Amarillo, Tex. 79105. Applicant's representative: Gailyn Larsen, 521 So. 14th Street, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Furnaces and parts and accessories therefor*, from Blackville and Williston, S.C., to Effingham, Ill., for 180 days. SUPPORTING SHIPPER: John Russo, Director, Physical Distribution, Fedders Corporation, Woodbridge Avenue, Edison, N.J. 08817. SEND PROTESTS TO: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box H-4395 Herring Plaza, Amarillo, Tex. 79101.

No. MC 134477 (Sub-No. 68 TA), filed June 12, 1974. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, Minn. 55118. Applicant's representative: Thomas D. Fischbach (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk), from Elaine, Minn., to Newark, N.J.; Port Newark, N.J.; Elizabeth, N.J.; and New York City, N.Y., for 180 days. SUPPORTING SHIPPER: Weinstein International Corp., 5738 Olson Highway, Minneapolis, Minn. 55422. SEND PROTESTS TO: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building & U.S. Court House, 110 South 4th Street, Minneapolis, Minn. 55401.

No. MC 134755 (Sub-No. 37 TA), filed June 12, 1974. Applicant: CHARTER EXPRESS, INC., 1959 East Turner, Springfield, Mo. 65804. Applicant's representative: Warren H. Sapp, Suite 910 Fairfax Building, 101 W. Eleventh Street, Kansas City, Mo. 65105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products* (except in bulk), from Carthage, Mo., to Richmond, Va., for 180 days. SUPPORTING SHIPPER: Safeway Stores, Incorporated, 5725 East 14th Street, Oakland, Calif. 94660. SEND PROTESTS TO: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary*.

[FR Doc.74-14910 Filed 6-27-74;8:45 am]

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PART II

ENVIRONMENTAL PROTECTION AGENCY

■

IRON AND STEEL MANUFACTURING POINT SOURCE CATEGORY

Effluent Guidelines and Standards

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Title 40—Protection of the Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER N—EFFLUENT GUIDELINES AND STANDARDS

PART 420—IRON AND STEEL MANUFACTURING POINT SOURCE CATEGORY

On February 19, 1974, notice was published in the FEDERAL REGISTER (39 FR 6484) that the Environmental Protection Agency (EPA or Agency) was proposing effluent limitations guidelines for existing sources and standards of performance and pretreatment standards for new sources within the by-product coke subcategory, beehive coke subcategory, sintering subcategory, blast furnace (iron) subcategory, blast furnace (ferromanganese) subcategory, basic oxygen furnace (semiwet air pollution control methods) subcategory, basic oxygen furnace (wet air pollution control methods) subcategory, open hearth furnace subcategory, the electric arc furnace (semiwet air pollution control methods) subcategory, electric art furnace (wet air pollution control methods) subcategory, vacuum degassing subcategory, an dthe continuous casting subcategory of the iron and steel manufacturing category of point sources.

The purpose of this notice is to establish final effluent limitations guidelines for existing sources and standards of performance and pretreatment standards for new sources in the iron and steel manufacturing category of point sources, by amending 40 CFR Chapter I, Subchapter N, to add a new Part 420. This final rulemaking is promulgated pursuant to sections 301, 304 (b) and (c), 306 (b) and (c) and 307(c) of the Federal Water Pollution Control Act, as amended, (the Act); 33 U.S.C. 1251, 1311, 1314 (b) and (c), 1316 (b) and (c) and 1317(c); 86 Stat. 816 et seq.; Pub. L. 92–500. Regulations regarding cooling water intake structures for all categories of point sources under section 316(b) of the Act will be promulgated in 40 CFR Part 402.

In addition, the EPA is simultaneously proposing a separate provision which appears in the proposed rules section of the FEDERAL REGISTER, stating the application of the limitations and standards set forth below to users of publicly owned treatment works which are subject to pretreatment standards under section 307(b) of the Act. The basis of that proposed regulation is set forth in the associated notice of proposed rulemaking.

The legal basis, methodology and factual conclusions which support promulgation of this regulation were set forth in substantial detail in the notice of public review procedures published August 6, 1973 (38 FR 21202) and in the notice of proposed rulemaking for the by-product coke subcategory, the beehive coke subcategory, the sintering subcategory, the blast furnace (iron) subcategory, the blast furnace (ferramanganese) subcategory, the basic oxygen furnace (semiwet air pollution control methods) subcategory, the basic oxygen furnace (wet air pollution control methods) subcategory, the open hearth furnace subcategory, the electric arc furnace (semiwet air pollution control methods) subcategory, electric arc furnace (wet air pollution control methods) subcategory, the vacuum degassing subcategory, and the continuous casting subcategory. In addition, the regulations as proposed were supported by two other documents: (1) The document entitled "Development Document for Proposed Effluent Limitations Guidelines and New Source Performance Standards for the Steel Making Segment of the Iron and Steel Manufacturing Point Source Category" (February 1974) and (2) the document entitled "Economic Analysis of Proposed Effluent Guidelines, the Integrated Iron and Steel Industry" (February 1974). Both of these documents were made available to the public and circulated to interested persons at approximately the time of publication of the notice of proposed rulemaking.

Interested persons were invited to participate in the rulemaking by submitting written comments within 30 days from the date of publication. Prior public participation in the form of solicited comments and responses from the States, Federal agencies, and other interested parties were described in the preamble to the proposed regulation. The EPA has considered carefully all of the comments received and a discussion of these comments with the Agency's response thereto follows.

(a) *Summary of comments.* The following responded to the request, in the preamble to the proposed regulation, for written comments: American Iron and Steel Institute; Ford Motor Company; Allied Chemical Corporation; National Steel Corporation; Republic Steel Corporation; Inland Steel Company; State of Colorado, Department of Public Health; State of New York, Department of Environmental Conservation; The Alabama Conservancy; Western Reserve Economic Development Agency; United States Water Resources Council; the Effluent Standards and Water Quality Information Advisory Committee; United States Steel Corporation; and the Youngstown Sheet and Tube Company.

Each of the comments received was carefully reviewed and analyzed. The following is a summary of the significant comments and the Agency's response to them.

(1) A comment was made to the effect that although the Development Document, discussion under the byproducts coke subcategory recognizes that significantly larger volumes of ammonia liquor are generated by the indirect ammonia recovery method when compared with the more widely used semi-direct ammonia recovery method, no variations from the proposed effluent limitations were permitted except for coke plants utilizing desulfurization units. The commenter recommended consideration of such a variation for coke plants which use indirect ammonia recovery methods.

The Agency has evaluated this suggestion and has concluded that the commenter has a valid point. Change No. 1 under part (b) describes the revision that has been made and the rationale.

(2) One commenter pointed out that the preamble to the proposed regulation indicated that these limitations were intended to apply only to process waste waters and not to non-contact cooling waters but that the regulation itself does not so indicate.

The applicability section of each subpart has been revised to indicate that the limitations are applicable to the process waste waters related to the operation to which the limitations apply.

(3) One commenter pointed out that while the by-product coke plant BATEA and NSPC treatment schematics indicate the use of technology to reduce total nitrogen, the guidelines as proposed limit only ammonia and can thus be met without installing all of the treatment technology indicated as the basis for the limitations.

The regulations proposed (39 FR 6497 and 6498) were based on the projected capabilities of treatment systems which provided not only for ammonia removal but also for total nitrogen reduction. The Agency believes that the full treatment as indicated in the schematics is desirable. However, the Agency does not have a sufficient data base with which to establish a total nitrogen limit at this time.

(4) One commenter suggested that the biological denitrification process could very easily convert the sulfates, from the prior sulfide oxidation step, back to sulfides in the by-product coke Alternate II treatment system.

The information available to the Agency indicates that this will not occur to any significant extent. Nevertheless it is undesirable, and in many areas prohibited, to discharge directly from an anaerobic treatment system as indicated in the by-product coke (Alternate II), open hearth, and vacuum degassing subcategory treatment schematics for the BATEA level. Accordingly, a step aerator has been added to the treatment schematics to aerate the effluent before discharge and to oxidize sulfides should they be formed.

(5) A comment was made that BOD is not a pertinent parameter in that it was developed specifically for sanitary sewage effluents and that it should be deleted.

The proposed guidelines contained a limit for BOD5 on by-product coke plant wastes. This test has been used for years to quantify the oxygen requirements of coke plant wastes and is decidedly applicable. However, on further review, the Agency has concluded that this limitation can be deleted. The guidelines contain limits on the parameters which contribute to the BOD5 (except for sulfide at the BPCTCA level which economic considerations precluded the provision of a means to control) and thus the limitation on BOD5 was concluded to be redundant.

(6) One commenter presented several frequency distribution curves on pollutant concentrations and suggested that the limits for "daily maximum" and "30 consecutive day" values for some pollutant parameters should be increased.

The Agency has re-evaluated the data available and has revised the regulation as indicated in Change No. 6.

(7) Comments were received to the effect that the proposed New Source Performance Standards (NSPS) are based on the immediate use of technology which cannot be described as Best Available Demonstrated Control Technology (BADCT).

The Agency has re-evaluated the data available and has revised the regulation as indicated in Change No. 6.

(7) Comments were received to the effect that the proposed New Source Performance Standards (NSPS) are based on the immediate use of technology which cannot be described as Best Available Demonstrated Control Technology (BADCT).

The Agency has reviewed the information available and believes that the commenter has a valid point with respect to the immediate application of technology for biological denitrification. Change No. 7 describes the revision made and the rationale.

(8) Comments have been received to the effect that alkaline chlorination is an undesirable treatment technology to apply to coke plant wastes because of its tendency to increase the toxicity of the refractory organic compounds present.

This effect has been recognized and was the basis for including carbon adsorption as a part of the BATEA and NSPS treatment schematics in systems based on chlorination of by-product coke plant and blast furnace wastes. Carbon adsorption is considered to achieve its greatest effectiveness in adsorbing chlorinated organics and carbon adsorption is considered the most efficient means for the removal of same. The problem arises in that the limitations can be achieved without installing the activated carbon portion of the envisioned systems.

The use of carbon adsorption is intended as part of the treatment system of plants using alkaline chlorination. However, other means may be used to remove the chlorinated organics; or such treatment can be deleted if no problem is found to exist. The Agency does not have sufficient information with which to establish limitations on chlorinated organics at this time. A limitation may be established in the future, if necessary.

(9) A comment was received to the effect that the fluoride ion solubility exceeds the theoretical rate when carbon dioxide is present and that 30 mg/l is the best treatment attainable based on commenter's survey.

The recommended treatment technology to achieve BATEA limitations involves the addition of lime which converts any carbon dioxide in the system to calcium carbonate, keeping this potential interference from affecting the fluoride solubilities, and allowing maximum precipitation of solid calcium fluoride.

(10) One comment inferred that the flow rate of 209 l/kkg (50 gallons per ton) for the Basic Oxygen Furnace (BOF)—Wet Subcategory was developed in part from one dry system, one non-combustion off gas (OG) system which uses less water than an open hood combustion type system, and one system for which flows were estimated from design data and in which the actual flows are approximately twice design (to avoid plugging problems). Further, the commenter stated "that the water use rate on existing BOF's has to be evaluated on an individual basis * * *" The commenter followed with a listing of many factors that should be considered.

The commenter apparently did not recognize the division of BOF systems into two subcategories, i.e. those using semi-wet air pollution control methods (Subpart F) and those using wet air pollution control methods (Subpart G). Two of the five systems visited and sampled (plants R and U) were used as a basis for developing the limitations for Subpart F and three of the systems were used as a basis for developing the limitations for Subpart G.

The information in the Development Document clearly indicates that plants R and U are semi-wet systems and should be evaluated separately relative to the "no discharge" limitations of Subpart F. The "dry precipitator" system referred to by the commenter is a semi-wet system which was recycling water at the rate of 542 l/kkg (130 gallons per ton), but the system is operated as a closed system with no discharge.

The three wet systems studied and sampled (plants S, T, and V) included one OG system and two combustion type systems. The OG system, which supposedly uses less water, was recirculating water at the rate of 4254 l/kkg (1020 gallons per ton), i.e. a higher rate than for the other two systems. Even so, this plant was operating with a blowdown rate of 217.7 l/kkg (52.2 gallons per ton). Plant V was designed for a blowdown rate of 137.6 l/kkg (33 gallons per ton). The commenter contends that the system must be operated at twice this blowdown rate to avoid plugging problems, but other information available to the Agency indicates that the actual rate is less than 250.3 l/kkg (60 gallons per ton) and also that the plugging problems resulted not from operating the BOF scrubber portion of this multi-purpose system at the design rate, but due to problems in the other part of the system. The use of excessive blowdown to compensate for a problem from an external source does not justify this blowdown rate even for this plant, much less for all other wet BOF shops.

(11) Comments have been received to the effect that the effluent limitations guidelines should specify the net loads to be discharged rather than absolute loads.

The effluent limitations have generally been developed on a gross or absolute basis. However, the Agency recognizes that in certain instances pollutants will be present in navigable waters which supply a plant's intake water in significant concentrations which may not be removed to the levels specified in the guidelines by the application of treatment technology contemplated by BPCTCA.

Accordingly, the Agency is currently developing amendments to its NPDES permit regulations (40 CFR Part 125) which will specify the situations in which the Regional Administrator may allow a credit for the pollutants present in a plant's intake waters. The regulations will be proposed for public comment in the near future.

(12) A comment was received to the effect that by-product coke plant waste water volumes (per unit of production) will be increasing in the future rather than decreasing, as the BPCTCA and BATEA limitations indicate, due to increasing restrictions on disposal of wastes by use in coke quenching and due to increased requirements for the installation of wet air pollution control methods.

The limitations were developed on the basis of the treatment of all process waste waters produced, and hence will not be affected by restrictions on the use of waste waters for coke quenching. The limitations were also developed on the basis that there would be no effluent from the coke quenching operation to be treated. The data available to the Agency indicates that the quench waters are not significantly contaminated in that use and can be recycled to extinction. Foul effluents from this operation appear to originate with the use of foul wastes as the quench medium. The limitations do not make allowance for waste waters from wet air pollution control systems, other than desulfurization units, and if such systems are developed and employed, an individual or case by case determination will need to be made as to the added waste load to allow until such time that the limitations can be revised to reflect the changing conditions.

(13) Comments were received to the effect that the recycling of blast furnace scrubber waste waters with the very limited amount of blowdown allowed would in all probability adversely affect blast furnace operations and would, therefore, not be practical.

Five iron making blast furnace systems were sampled and studied for the purpose of developing these limitations. One of these was treating its waste waters and discharging "once through" with no attempt to recycle. The other four plants were operating recycle systems. Three of these were discharging at a rate less than the 521.4 l/kkg (125 gallons per ton) basis used in establishing the limitations and the fourth had no discharge. The latter plant could not be adequately evaluated because the company failed to supply requested data. However, the Agency believes that the other three recycle systems provide adequate verification that iron making blast furnace recycle systems can achieve the flow rates on which these limitations are based.

(14) A comment was made to the effect that the proposed limitations for sinter plants were developed from data from a plant using wet dust control methods only at the discharge end and that no limitations should be established until a study and analysis has been made of a plant which uses wet gas cleaning systems on both the windbox and the deduster.

The limitations were developed on the basis of the data from a plant which uses wet scrubbers on both operations. Confusion on this point probably resulted from the incorrect identification of figures in the Development Document.

(15) A comment was made to the effect that BATEA limitations should in-

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clude a limit on total cyanides, in addition to, or in place of, a limit on only those cyanides amenable to chlorination.

Since the effluent limitations for BPCTCA are based on demonstrated treatment technologies, and since data on the total cyanide removal capabilities of those technologies is available, such limitations could be and were developed for total cyanides.

However, the BATEA limitations are based on the destruction of only the simple or free (and most toxic) cyanides rather than total cyanides. The degree of destruction of free cyanides via alkaline chlorination and break point chlorination is known, and provides a basis for establishing limits on cyanides amenable to chlorination. The effect of these treatments upon the less toxic cyanide complexes is difficult to evaluate at this time. Additional information will be required before limitations based on total cyanides can be established for the BATEA technologies.

(16) One commenter stated that it is not explained how the data presented demonstrates that the factors of age and size have been considered and further states that the commenter believes the Agency is erroneous in concluding that these factors do not require subcategorization on this basis.

The Agency has subdivided the steel making segment primarily along operational lines because the waste water volumes and pollutant parameters vary with the type of operation being conducted. In addition, the processes reflect the age of the technology employed. Subcategorization of coke making by the older beehive and the newer by-product operations and steel making by the older open hearth and the newer basic oxygen and electric arc furnace operations is indirectly subcategorization by age.

The treatment technology to be applied is primarily a function of the pollutants present and hence is a function of the type of operation conducted. The type of pollutants present is not a function of the age or size of the operating facility. Land availability for application of the treatment technology is not a function of size or age since many new as well as old mills are limited on the area available for installation of treatment facilities and vice versa. The same can be said with respect to size. Many of the older mills have better treatment than some of the newer ones and vice versa. The treatment technologies proposed do not require large land areas and in addition alternatives are available to those facilities which do have a land availability problem.

The limitations are primarily a function of the kinds of pollutants present, the unit volume of wastes that must be discharged, and the capabilities of the applicable treatment technology. All of these factors relate to the type of operation conducted and not to the size or age of the facility.

(17) One comment was received to the effect that the limitations for sinter plants were based on only one plant because the water systems at the other plants visited were so intricate as to make separate identification of the unit raw waste and unit effluent loads from the sintering operation obscure, yet the plant used as a basis for the limitations was also intricate.

A total of four sinter plant operations were visited during the industry study. The plant used as a basis for the limitations received some input from the blast furnace system but, by comparison to the other plants, was relatively straight forward and the data was considered representative and capable of being adequately interpreted.

(18) A comment was received objecting to the large energy consumption required to provide cyanide destruction via alkaline chlorination, especially since the commenter assumed that this process is applicable only to waste streams which have been raised to elevated temperatures.

The BATEA cyanide limitations do not require additional heating of waste streams over and above the temperatures normally encountered. The one blast furnace operation surveyed which was utilizing alkaline chlorination achieved low concentrations of cyanides in the treated effluent without additional heating. Moreover, the BATEA cyanide limitation is specifically based upon cyanides amenable to chlorination, rather than total cyanides, for reasons cited above. This commenter has previously contended that chlorination is not effective in destroying complex cyanides except at elevated temperatures. This does not apply to the simple cyanides, i.e., the cyanides amenable to chlorination, to which the BATEA and NSPS limitations apply.

(19) One commenter stated that his best engineering judgment indicated that the Agency's cost estimates are one-third to one-half of the true cost of constructing the proposed facilities.

The costs likely to be incurred at any location are included but costs for unusual conditions that may occur at a specific location were not included. Thus normal excavation costs were included, but costs for blasting, which may or may not be required at a specific location, were not. Costs include only the instruments related to control of pH and fluoride on which limitations have been set. Other instruments frequently are installed but this is a matter of choice and the result of weighing the added convenience and perhaps reduced operating labor costs against the relatively insignificant increased capital cost. Costs for supporting utility requirements were so small in most instances that in fact no additional capacity would need to be constructed. This would obviously reduce the excess capacity available to the plant. If the excess utility capacity at a particular mill is so marginal that additional capacity must be added to handle the new load, then in all probability the added facilities will be much larger than the new load requires and thus most of the costs will be related to providing reserve capacity and flexibility which the plant did not previously have. In addition, the costs, even as projected by the commenter, are a very small part of the revenues generated by the operations and a very small part of the necessary costs of conducting these operations.

(20) One commenter states that the study (in addressing the energy requirements of the proposed regulations) completely overlooked the fact that the major energy demand is steam for operation of the treatment systems and for maintaining effective operating temperatures in biological treatment systems, etc.

Item (iv) of the preamble to the proposed regulation (39 FR 6492) did in fact refer only to the added electrical energy requirements. However, both the electrical and the thermal energy requirements have been reviewed. It is estimated that the annual electrical and thermal energy requirements to achieve these limitations will be less than 1.5 percent and less than 0.00002 percent respectively of the electrical and thermal energy used by the steel industry in 1972.

(21) One commenter inferred that waste water recycle is an "in-process" control and as such cannot be defined as BPCTCA unless it is normal practice in the industry.

In-process controls are changes in the operating process itself such that a substitution of one process for another will alter, reduce, or eliminate the raw waste loads produced, or render them less objectionable, or more amenable to treatment. In-process controls, which are in use by the average of the best facilities, as well as end-of-pipe treatment, can be used as the basis for establishing the BPCTCA limitations.

However, recycle is not an "in-process" control in this context in that it is the addition of facilities, usually at the outlet of a once through treatment facility, which permits the effluent to be recycled back to a scrubber system and does not require a change in the process or the scrubber system itself.

(22) One commenter stated that the biological oxidation process will partially oxidize most of the thiocyanates present to ammonia and hence recommended that the ammonia limit for by-product coke plants, using treatment Alternate II to achieve the BPCTCA limitations, be doubled.

Neither the data available to the Agency nor the reference materials studied indicate that this change would be justified. The biological system studied and sampled showed a reduction in ammonia as a result of treatment. The plant was not achieving the ammonia limitation proposed but this plant was not employing the ammonia removal step ahead of the biological system as proposed in the treatment schematic.

(23) One commenter stated that "the economic impact of the proposed effluent limitations guidelines upon the steel industry has been grossly underestimated by EPA."

The Agency believes that the EPA economic impact analysis report has assessed the magnitude of the potential economic impact as accurately as possible based on the cost estimates provided by the industry study contractor. This

issue is addressed further under the discussion of economic impact.

(24) One commenter has claimed that the proposed guidelines will result in the loss of 12,000 jobs from the steel employment in the Mahoning River Valley region. Furthermore, the commenter asserts that "there is ample justification for adding to the guidelines a subcategory based on the age of the facility."

The Agency has analyzed subcategorization on the basis of age per se and has concluded that such subcategorization is not appropriate (see comment #16).

The Agency intends to secure and evaluate additional information on possible economic impacts in this region as discussed under "(c) Economic Impact" and would consider revision of the regulations if the information appears to warrant this action.

(25) One comment was received to the effect that ranges of numbers (limitations) should be specified rather than specific limitations.

The Agency considers that the limitations already represent ranges, taking into account differences in processes used and other factors. Subcategorization has been used to take these factors into account with different limitations for each subcategory. Within subcategories, exceptions to the limitations have been provided where appropriate, thus constituting a range. Each numerical limitation represents a maximum value over a given period of time. This, in effect, represents a range from zero up to the specific limitation.

(26) One commenter stated generally, and with regard to individual subcategories, that the Agency had failed to specify factors to be taken into account by the permitting authority in establishing effluent limitations for individual permits, and that the Agency had erroneously established national applicable effluent limitations.

Section 304(b)(1)(B) of the Act provides for "guidelines" to implement the uniform national standards of section 301(b)(1)(A). Thus, Congress recognized that some flexibility was necessary in order to take into account the complexity of the industrial world with respect to the practicability of pollution control technology. In conformity with the Congressional intent and in recognition of the possible failure of these regulations to account for all factors bearing on the practicability of control technology, it was concluded that some provision was needed to authorize flexibility in the strict application of the limitations contained in the regulation where required by special circumstances applicable to individual dischargers. Accordingly, a provision allowing flexibility in the application of the limitations representing best practicable control technology currently available has been added to each subpart, to account for special circumstances that may not have been adequately accounted for when these regulations were developed.

(27) One commenter suggested that since new source performance standards are not specifically required by an outstanding court order concerning the effluent limitations guidelines, regulations for new sources for this industry should be dropped until a later time.

Section 306(b)(1)(B) of the Act provides for establishment of standards of performance for new sources within specified time frames. It is the opinion of the Agency that sufficient information is available on which to base a definition of best available demonstrated technology for new sources. Moreover, effluent limitations for new sources for some subcategories have been changed as a result of a reassessment of technologies with regard to adequacy of demonstration and availability to new sources for application in the immediate future.

(28) One commenter also expressed concern about the Agency's concentration on exemplary plants, questioning the representativeness of the plants studied, as well as the application of transfer technologies.

In establishing subcategories and setting effluent limitations the Agency specified the factors to be considered, such as type of operation and nature of pollutants discharged, and considered how these factors would be applied in identifying the amount of pollutant reduction attainable by particular subcategories of the industry. The resulting limitations identify specifically the amount of pollutant reduction attainable, in accordance with the provisions of section 304(b)(1)(A). The Act did not intend that factors should be described generally and then applied on a case by case basis to specific plants. Such an interpretation would be contrary to the intention of the Congress that national standards be established.

The determination of what constitutes "best practicable" technology for many industries involves, at first, a general review of the industry to determine the best technologies being practiced in the industry. Then, after closer review and investigation of these technologies, the "best practicable" technology is assessed as the average of the best, though not necessarily the best technology, after taking into account information relating to other factors spelled out in the Act.

In those industries where present treatment is uniformly inadequate, a higher degree of treatment than is presently practiced may be required based on a comparison with existing treatment for similar wastes in other industries or other subcategories of the same industry. Factors for determining the "best available" technology are similar except that rather than assessing the average of the best, the focus would be on the very best technology currently in use or demonstrably achievable.

Under this analysis of the statutory standard, it is the opinion of the Agency that it is not necessary that "best practicable" technology be currently in use as a single treatment. As applied to this industry, the methodology employed resulted in sufficient data to support the resulting limitations, and is completely consistent with the statutory requirements.

(b) *Revision of proposed regulations prior to promulgation.* As a result of public comments and continuing review and evaluation of the proposed regulation by the EPA, the following changes have been made in the regulation.

(1) Sections 420.12, 420.13, and 420.15 have been revised to include a provision for increased waste loads from by-product coke from plants using the indirect ammonia recovery process. This process produces 375.4 l/kkg (90 gallons per ton) more weak ammonia liquor than the semi-direct system on which the proposed guidelines were based. This increase in WAL volume is partially offset by reductions in other waste sources. These reductions are related to the absence of final coolers and of barometer condensers associated with the operation of crystalizers. The provision added to § 420.12 allows for a 30 percent increase in waste loads corresponding to an increase in waste water volume from 730 to 938 l/kkg (175 to 225 gallons per ton). The provisions added to §§ 420.13 and 420.15 allow for a 70 percent increase in waste loads corresponding to an increase in waste water volume from 417 to 709 l/kkg (100 to 170 gallons per ton). The reduction in waste volume from BPCTCA to BATEA of 730 to 417 l/kkg (175 to 100 gallons per ton) on the semi-direct systems is accomplished by cooling and recycling the barometric condenser waters. Since the indirect ammonia systems use less barometric condenser water the opportunities for reduction here are less and the reduction in waste water volume from BPCTCA to BATEA is less for the indirect ammonia plants, i.e., from 938 l/kkg to 709 l/kkg (225 gallons per ton to 170 gallons per ton). Approximately 15 percent of the by-product coke plants use the indirect ammonia recovery process.

(2) The applicability section of each subpart has been revised to indicate that the limitations are applicable to the process waste waters related to the operation to which the limitations apply.

(3) The Agency has continued to review the limitations proposed for the Blast Furnace (Ferromanganese) Subcategory. Several iron making blast furnaces have been successfully retro-fitted with recycle systems and the ferromanganese furnace visited was recycling the scrubber waters with no blowdown as such although there was an appreciable amount of water leaving the system in the filter cake (74 percent moisture) and as entrainment in the gas stream. However, there is no ferromanganese furnace practicing recycle of the cooler system effluents. Since the Agency is of the opinion that these systems can be recycled (as iron making blast furnaces are already doing) and since there is no system to sample at this time as a basis for the development of limitations, it has been necessary to base the limitations on the results of a detailed study of the once-through cooler system sampled and its associated scrubber recycle system. The study for this industry was made by a consulting engineering firm with many years of industrial water treatment system design experience and a reservoir of

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water chemistry expertise. Nevertheless in recognition of the projected nature of the limitations the agency has revised the BPCTCA limitations as follows:

	Proposed (39 FR 6500, 6501) kg/kkg or lbs/1000 lbs.	Promulgated Herein kg/kkg or lbs/1000 lbs.
TSS	.1043	.1043
Cyanide	0.0312	.1563
Phenol	0.0042	.0208
Ammonia	0.2086	.5212

These are the "30 consecutive day" limitations. The maximum values for any one day have been increased to three times these amounts. The BATEA limitations remain as proposed.

(4) It is undesirable, and in many areas prohibited, to discharge directly from an anaerobic treatment system as indicated in the by-product coke (Alternate II), open hearth, and vacuum degassing subcategory treatment schematics for the BATEA level. Accordingly a step aerator has been added to the treatment schematics to aerate the effluent before discharge and to oxidize sulfides should they be formed in the anaerobic step.

(5) The proposed guidelines contained a limit for BOD5 on by-product coke plant wastes. This test has been used for years to quantify the oxygen requirements of coke plant wastes. However, on further review, the Agency has concluded that this limitation can be deleted. The guidelines contain limits on the parameters which contribute to the BOD5 (except for sulfide at the BPCTCA level which economic considerations precluded the provision of a means to control) and thus the limitation on BOD5 was concluded to be redundant.

(6) As a precaution against the daily maximum limitations being violated on an intolerably frequent basis, the daily maximum limitations have been increased to three times the values permitted on the "30 consecutive day" basis. Higher daily limits should not result in significantly increased waste loads discharged since the same thirty day values must still be achieved. The daily limits allow for normal daily fluctuations in a well designed and well operated plant, but are intended to be below those values that could result from severe upsets such as may result from equipment malfunctions.

(7) The technologies on which the NSPS limitations were based have been further reviewed. In consideration of the nature of the biological denitrification process and that it has been demonstrated full scale only on municipal wastes and other types of industrial wastes, but not on steel industry wastes, the nitrate limitation has been deleted from the NSPS for the open hearth and vacuum degassing subcategories. The limitations of the by-product coke subcategory can still be achieved by the alkaline chlorination and breakpoint chlorination process and is not affected by this change. The alkaline chlorination process is being used full scale on blast furnace wastes and thus is considered transferable to the very similar coke plant wastes. Breakpoint chlorination has been broadly applied for many years in the treatment of drinking water supplies. Its application following alkaline chlorination is considered not to be significantly different from its application to the treatment of drinking water supplies.

(8) The BATEA and NSPS limitation for suspended solids for the by-product coke and blast furnace subcategories was initially set on the basis of the need to filter the influent of the carbon columns envisioned as a part of the treatment schematics. This would reduce the TSS to the 10 mg/l level on which the limitation was based. However, treatment Alternate II (Biological) for by-product coke plants does not require filtration to operate properly. Clarification achieving a TSS level of 25 mg/l should be sufficient for a final step in this treatment alternate. The added cost of filtration cannot be justified by the relatively minor reduction in TSS load discharges achieved. The BATEA and NSPS suspended solids limitation has therefore been revised and is now based on 25 mg/l at the established flow rate.

(9) Section 304(b)(1)(B) of the Act provides for "guidelines" to implement the uniform national standards of section 301(b)(1)(A). Thus Congress recognized that some flexibility was necessary in order to take into account the complexity of the industrial world with respect to the practicability of pollution control technology. In conformity with the Congressional intent and in recognition of the possible failure of these regulations to account for all factors bearing on the practicability of control technology, it was concluded that some provision was needed to authorize flexibility in the strict application of the limitations contained in the regulation where required by special circumstances applicable to individual dischargers. Accordingly, a provision allowing flexibility in the application of the limitations representing best practicable control technology currently available has been added to each subpart, to account for special circumstances that may not have been adequately accounted for when these regulations were developed.

(c) *Economic impact.* The economic impact analyses conducted in conjunction with the development of the effluent limitations guidelines assessed the economic impact on an overall industry basis. It was necessary to restrict the analysis to this level due to the lack of (1) detailed estimates of the costs for effluent control for individual plants and (2) detailed financial information for individual plants as a basis for assessing the effects of these costs upon profitability.

The Agency is aware of the contention that these guidelines may result in large employment reductions in the multi-community Mahoning River Valley region of eastern Ohio as contrasted to situations where employment impacts are localized. The information which the Agency presently has is not sufficient to support different requirements for this area, and thus the effluent limitations guidelines now being promulgated do not treat any region of the nation differently from other areas of the country. Companies contending that the effluent limitations guidelines will cause curtailment of operations and heavy unemployment in the Mahoning Valley area will have the opportunity to present detailed technical, cost and financial information to support this contention. The Agency will analyze this information and also will utilize its legal authority under section 308 of the Federal Water Pollution Control Act to obtain relevant cost and financial data for the affected plants.

This information will be used to determine whether revision of this regulation for the Mahoning Valley area is appropriate.

(d) *Cost-benefit analysis.* The detrimental effects of the constituents of waste waters now discharged by point sources within the steel making segment of the iron and steel manufacturing point source category are discussed in Section VI of the report entitled "Development Document for Effluent Limitations Guidelines for the Steel Making Segment of the Iron and Steel Manufacturing Point Source Category" (June 1974). It is not feasible to quantify in economic terms, particularly on a national basis, the costs resulting from the discharge of these pollutants to our Nation's waterways. Nevertheless, as indicated in Section VI, the pollutants discharged have substantial and damaging impacts on the quality of water and therefore on its capacity to support healthy populations of wildlife, fish and other aquatic wildlife and on its suitability for industrial, recreational and drinking water supply uses.

The total cost of implementing the effluent limitations guidelines includes the direct capital and operating costs of the pollution control technology employed to achieve compliance and the indirect economic and environmental costs identified in Section VIII and in the supplementary report entitled "Economic Analysis of Proposed Effluent Guidelines the Integrated Iron and Steel Industry" (February 1974). Implementing the effluent limitations guidelines will substantially reduce the environmental harm which would otherwise be attributable to the continued discharge of polluted waste waters from existing and newly constructed plants in the iron and steel industry. The Agency believes that the benefits of thus reducing the pollutants discharged justify the associated costs which, though substantial in absolute terms, represent a relatively small percentage of the total capital investment in the industry.

(e) *Solid waste control.* Solid waste control must be considered. The waterborne wastes from the iron and steel industry may contain a considerable volume of metals in various forms as a part of the suspended solids pollutant. Best practicable control technology and best available control technology as they

are known today, require disposal of the pollutants removed from waste waters in this industry in the form of solid wastes and liquid concentrates. In some cases these are nonhazardous substances requiring only minimal custodial care. However, some constituents may be hazardous and may require special consideration. In order to ensure long term protection of the environment from these hazardous or harmful constituents, special consideration of disposal sites must be made. All landfill sites where such hazardous wastes are disposed should be selected so as to prevent horizontal and vertical migration of these contaminants to ground or surface waters. In cases where geologic conditions may not reasonably ensure this, adequate precautions (e.g., impervious liners) should be taken to ensure long term protection to the environment from hazardous materials. Where appropriate, the location of solid hazardous materials disposal sites should be permanently recorded in the appropriate office of the legal jurisdiction in which the site is located.

(f) *Publication of information on processes, procedures, or operating methods which result in the elimination or reduction of the discharge of pollutants.* In conformance with the requirements of Section 304(c) of the Act, a manual entitled, "Development Document for Effluent Limitations Guidelines and New Source Performance Standards for the Steel Making Segment of the Iron and Steel Manufacturing Point Source Category," is being published and will be available for purchase in the near future from the Government Printing Office, Washington, D.C. 20402, for a nominal fee.

(g) *Final rulemaking.* In consideration of the foregoing, 40 CFR Chapter I, Subchapter N is hereby amended by adding a new Part 420, Iron and Steel Manufacturing Point Source Category, to read as set forth below. This final regulation is promulgated as set forth below, and shall be effective July 28, 1974.

Dated: June 14, 1974.

RUSSELL E. TRAIN,
Administrator.

Subpart A—By-Product Coke Subcategory

Sec.
420.10 Applicability: description of the by-product coke subcategory.
420.11 Specialized definitions.
420.12 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
420.13 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology achievable.
420.14 [Reserved]
420.15 Standards of performance for new sources.
420.16 Pretreatment standards for new sources.

Subpart B—Beehive Coke Subcategory

Sec.
420.20 Applicability: description of the beehive coke subcategory.
420.21 Specialized definitions.
420.22 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
420.23 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
420.24 [Reserved]
420.25 Standards of performance for new sources.
420.26 Pretreatment standards for new sources.

Subpart C—Sintering Subcategory

420.30 Applicability: description of the sintering subcategory.
420.31 Specialized definitions.
420.32 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
420.33 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
420.34 [Reserved].
420.35 Standards of performance for new sources.
420.36 Pretreatment standards for new sources.

Subpart D—Blast Furnace (Iron) Subcategory

420.40 Applicability; description of the blast furnace (iron) subcategory.
420.41 Specialized definitions.
420.42 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
420.43 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
420.44 [Reserved].
420.45 Standards of performance for new sources.
420.46 Pretreatment standards for new sources.

Subpart E—Blast Furnace (Ferromanganese) Subcategory

420.50 Applicability; description of the blast furnace (ferromanganese) subcategory.
420.51 Specialized definitions.
420.52 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
420.53 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
420.54 [Reserved].
420.55 Standards of performance for new sources.
420.56 Pretreatment standards for new sources.

Subpart F—Basic Oxygen Furnace (Semiwet Air Pollution Control Methods) Subcategory

420.60 Applicability; description of the basic oxygen furnace (semiwet air pollution control methods) subcategory.
420.61 Specialized definitions.
420.62 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
420.63 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
420.64 [Reserved]
420.65 Standards of performance for new sources.
420.66 Pretreatment standards for new sources.

Subpart G—Basic Oxygen Furnace (Wet Air Pollution Control Methods) Subcategory

420.70 Applicability; description of the basic oxygen furnace (wet air pollution control methods) subcategory.
420.71 Specialized definitions.
420.72 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
420.73 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
420.74 [Reserved]
420.75 Standards of performance for new sources.
420.76 Pretreatment standards for new sources.

Subpart H—Open Hearth Furnace Subcategory

420.80 Applicability; description of the open hearth furnace subcategory.
420.81 Specialized definitions.
420.82 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
420.83 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
420.84 [Reserved]
420.85 Standards of performance for new sources.
420.86 Pretreatment standards for new sources.

Subpart I—Electric Arc Furnace (Semiwet Air Pollution Control Methods) Subcategory

420.90 Applicability; description of the electric arc furnace (semiwet air pollution control methods) subcategory.
420.91 Specialized definitions.
420.92 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

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Sec.
420.93 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
420.94 [Reserved]
420.95 Standards of performance for new sources.
420.96 Pretreatment standards for new sources.

Subpart J—Electric Arc Furnace (Wet Air Pollution Control Methods) Subcategory

420.100 Applicability; description of the electric arc furnace (wet air pollution control methods) subcategory.
420.101 Specialized definitions.
420.102 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
420.103 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
420.104 [Reserved]
420.105 Standards of performance for new sources.
420.106 Pretreatment standards for new sources.

Subpart K—Vacuum Degassing Subcategory

420.110 Applicability; description of the vacuum degassing subcategory.
420.111 Specialized definitions.
420.112 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
420.113 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
420.114 [Reserved]
420.115 Standards of performance for new sources.
420.116 Pretreatment standards for new sources.

Subpart L—Continuous Casting Subcategory

420.120 Applicability; description of the continuous casting subcategory.
420.121 Specialized definitions.
420.122 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
420.123 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
420.124 [Reserved]
420.125 Standards of performance for new sources.
420.126 Pretreatment standards for new sources.

AUTHORITY: Secs. 301, 304 (b), (c), 306 (b), (c), 307(c), Federal Water Pollution Control Act, as amended (the Act) (33 U.S.C. 1251, 1311, 1314 (b), (c), 1316 (b), (c), 1317(c)); 86 Stat. 816 et seq.; Pub. L. 92-500.

Subpart A—By-Product Coke Subcategory

§ 420.10 Applicability; description of the by-product coke subcategory.

The provisions of this subpart are applicable to process waste water discharges resulting from the coke making operations conducted by the heating of coal in slot type ovens in the absence of air to produce coke.

§ 420.11 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

(b) The term "cyanide A" shall mean those cyanides amenable to chlorination as described in *1972 Annual Book of ASTM Standards*, 1972, standard D2036-72, Method B, page 553.

(c) The term "product" shall mean coke.

(d) The term "indirect ammonia recovery process" shall mean the production of concentrated ammonia liquor by scrubbing coke-oven gas with a countercurrent water wash, rather than ammonia recovery utilizing a sulfuric acid ammonia absorber.

§ 420.12 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations. The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

(a) Subject to the provisions of paragraphs (b) and (c) of this section and based upon the application of the best practicable control technology currently available the effluent quality required to be achieved under section 301(b)(1)(A) of the Act is as set forth in the following table:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of product		
Ammonia	.2736	.0912
Cyanide	.0657	.0219
Oil and Grease	.0327	.0109
Phenol	.0045	.0015
TSS	.1095	.0365
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
Ammonia	.2736	.0912
Cyanide	.0657	.0219
Oil and Grease	.0327	.0109
Phenol	.0045	.0015
TSS	.1095	.0365
pH	Within the range 6.0 to 9.0.	

(b) Application of the factors listed in section 304(b)(1)(B) will require variation from the effluent limitations set forth in this section for any point source subject to such effluent limitations for those coke plants utilizing desulfurization units. The limitations specified may be exceeded up to 15 percent by those facilities equipped with gas desulfurization units to the extent that such measured discharge is necessary by reason of the increased effluent volume generated by these facilities.

(c) Application of the factors listed in section 304(b)(1)(B) will require variation from the effluent limitations set forth in this section for any point source subject to such effluent limitations for those coke plants utilizing the indirect ammonia recovery process. The limitations specified in paragraph (a) of this section may be exceeded up to 30 percent by those facilities recovering ammonia by this technique, to the extent that such measured discharge is necessary by reason of the increased effluent volume generated by this process.

§ 420.13 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity of quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

(a) Subject to the provisions of paragraphs (b) and (c) of this section and based upon the application of the best available technology economically achievable, the effluent quality required to be achieved under section 301(b)(2)(A) of the Act is as set forth in the following table:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of product		
Cyanide A	.0003	.0001
Phenol	.0006	.0002
Ammonia	.0126	.0042
Sulfide	.0003	.0001
Oil and Grease	.0126	.0042
TSS	.0312	.0104
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
Cyanide A	.0003	.0001
Phenol	.0006	.0002
Ammonia	.0126	.0042
Sulfide	.0003	.0001
Oil and Grease	.0126	.0042
TSS	.0312	.0104
pH	Within the range 6.0 to 9.0.	

(b) Application of the factors listed in Section 304(b)(2)(B) will require variation from the effluent limitations set forth in this section for any point source subject to such effluent limitations for those coke plants utilizing desulfurization units. The limitations specified may be exceeded up to 25 percent by those facilities equipped with gas desulfurization units to the extent that such measured discharge is necessary by reason of the increased effluent volume generated by these facilities.

(c) Application of the factors listed in section 304(b)(2)(B) will require variation from the effluent limitations set forth in this section for any point source subject to such effluent limitations for those coke plants utilizing the indirect ammonia recovery process. The limitations specified in paragraph (a) of this section may be exceeded up to 70 percent by those facilities recovering ammonia by this technique, to the extent that such measured discharge is necessary by reason of the increased effluent volume generated by this process.

§ 420.14 [Reserved]

§ 420.15 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

(a) Subject to the provisions of paragraphs (b) and (c) of this section and based upon the application of the best available demonstrated control technology, processes, operating methods, or other alternatives, the effluent quality required to be achieved by new sources under section 306(e) of the Act is as set forth in the following table:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of product		
Cyanide A	.0003	.0001
Phenol	.0006	.0002
Ammonia	.0126	.0042
Sulfide	.0003	.0001
Oil and Grease	.0126	.0042
TSS	.0312	.0104
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
Cyanide A	.0003	.0001
Phenol	.0006	.0002
Ammonia	.0126	.0042
Sulfide	.0003	.0001
Oil and Grease	.0126	.0042
TSS	.0312	.0104
pH	Within the range 6.0 to 9.0.	

(b) Application of the factors listed in section 306(b)(1)(B) will require variation from the effluent limitations set forth in this section for any point source subject to such effluent limitations for those coke plants utilizing desulfurization units. The limitations specified may be exceeded up to 25 percent in the case of facilities equipped with gas desulfurization units to the extent that such measured discharge is necessary by reason of the increased effluent volume generated by these facilities.

(c) Application of the factors listed in section 304(b)(2)(B) will require variation from the effluent limitations set forth in this section for any point source subject to such effluent limitations for those coke plants utilizing the indirect ammonia recovery process. The limitations specified in paragraph (a) of this section may be exceeded up to 70 percent by those facilities recovering ammonia by this technique, to the extent that such measured discharge is necessary by reason of the increased effluent volume generated by this process.

§ 420.16 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the by-product coke subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.133 shall be amended to read as follows:

In addition to the prohibtions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 420.15; provided that, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant.

Subpart B—Beehive Coke Subcategory

§ 420.20 Applicability; descripiton of the beehive coke subcategory.

The provisions of this subpart are applicable to process waste water discharges resulting from the coke making operations conducted by the heating of coal with the admission of air in controlled amounts for the purpose of producing coke. There are no by-product plants associated with the beehive operation.

§ 420.21 Specialized definitions.

For the purpose of this subpart:

(a) The general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

§ 420.22 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not funda-

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mentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations. The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available: There shall be no discharge of process waste water pollutants to navigable waters.

§ 420.23 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable: There shall be no discharge of process waste water pollutants to navigable waters.

§ 420.24 [Reserved]

§ 420.25 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart: There shall be no discharge of process waste water pollutants to navigable waters.

§ 420.26 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the beehive coke subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.133 shall be amended to read as follows:

In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 420.25; provided that, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant.

Subpart C—Sintering Subcategory

§ 420.30 Applicability; description of the sintering subcategory.

The provisions of this subpart are applicable to process waste water discharges resulting from the sintering operations conducted by the heating of iron bearing wastes (mill scale and dust from blast and steelmaking furnaces) together with fine iron ore, limestone, and coke fines in an ignition furnace to produce and agglomerate for charging to the blast furnace.

§ 420.31 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

(b) The term "product" shall mean sinter.

§ 420.32 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations. The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of product		
TSS	.0312	.0104
Oil and grease	.0063	.0021
pH	Within the raneg 6.0 to 9.0.	
(English units) lb/1000 lb of product		
TSS	.0312	.0104
Oil and Grease	.0063	.0021
pH	Within the range 6.0 to 9.0.	

§ 420.33 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of product		
Oil and Grease	.0063	.0021
Sulfide	.00018	.00006
Fluoride	.0126	.0042
TSS	.0156	.0052
pH	Within the range 6.0 to 9.0.	
(English units) lb/1,000 lb of product		
Oil and Grease	.0063	.0021
Sulfide	.00018	.00006
Fluoride	.0126	.0042
TSS	.0156	.0052
pH	Within the range 6.0 to 9.0.	

§ 420.34 [Reserved]

§ 420.35 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of product		
Oil and Grease	.0063	.0021
Sulfide	.00018	.00006
Fluoride	.0126	.0042
TSS	.0156	.0052
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
Oil and Grease	.0063	.0021
Sulfide	.00018	.00006
Fluoride	.0126	.0042
TSS	.0156	.0052
pH	Within the range 6.0 to 9.0.	

§ 420.36 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the sintering subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.133 shall be amended to read as follows:

In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 420.35; provided that, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant.

Subpart D—Blast Furnace (Iron) Subcategory

§ 420.40 Applicability; description of the blast furnace (iron) subcategory.

The provisions of this subpart are applicable to process waste water discharges resulting from the iron making operations in which iron ore is reduced to molten iron in a blast furnace.

§ 420.41 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

(b) The term "cyanide *A*" shall mean those cyanides amenable to chlorination as described in *1972 Annual Book of ASTM Standards*, 1972, Standard D2036–72, Method B, page 553.

(c) The term "product" shall mean iron.

§ 420.42 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations. The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of product		
TSS	.0780	.0260
Cyanide	.0234	.0078
Phenol	.0063	.0021
Ammonia	.1953	.0651
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
TSS	.0780	.0260
Cyanide	.0234	.0078
Phenol	.0063	.0021
Ammonia	.1953	.0651
pH	Within the range 6.0 to 9.0.	

§ 420.43 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of product		
TSS	.0390	.0130
Cyanide *A*	.0004	.00013
Phenol	.0008	.00026
Ammonia	.0156	.0052
Sulfide	.0005	.00016
Fluoride	.0312	.0104
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
TSS	.0390	.0130
Cyanide *A*	.0004	.00013
Phenol	.0008	.00026
Ammonia	.0156	.0052
Sulfide	.0005	.00016
Fluoride	.0312	.0104
pH	Within the range 6.0 to 9.0.	

§ 420.44 [Reserved]

§ 420.45 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of product		
TSS	.0390	.0130
Cyanide *A*	.0004	.00013
Phenol	.0008	.00026
Ammonia	.0156	.0052
Sulfide	.0005	.00016
Fluoride	.0312	.0104
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
TSS	.0390	.0130
Cyanide *A*	.0004	.00013
Phenol	.0008	.00026
Ammonia	.0156	.0052
Sulfide	.0005	.00016
Fluoride	.0312	.0104
pH	Within the range 6.0 to 9.0.	

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§ 420.46 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the blast furnace (iron) subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.133 shall be amended to read as follows:

In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 420.45; provided that, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant.

Subpart E—Blast Furnace (Ferromanganese) Subcategory

§ 420.50 Applicability; description of the blast furnace (ferromanganese) subcategory.

The provisions of this subpart are applicable to process waste water discharges resulting from the iron making operations in which iron/manganese ore is reduced to molten ferromanganese in a blast furnace.

§ 429.51 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

(b) The term "cyanide *A*" shall mean those cyanides amenable to chlorination as described in *1972 Annual Book of ASTM Standards*, 1972, Standard D2036–72, Method B, page 553.

(c) The term "product" shall mean ferromanganese.

§ 420.52 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations. The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of product		
TSS	.3129	.1043
Cyanide	.4689	.1563
Phenol	.0624	.0208
Ammonia	1.5636	.5212
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
TSS	.3129	.1043
Cyanide	.4689	.1563
Phenol	.0624	.0208
Ammonia	1.5636	.5212
pH	Within the range 6.0 to 9.0.	

§ 420.53 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of product		
TSS	.0780	.0260
Cyanide *A*	.0008	.00026
Phenol	.0016	.00052
Ammonia	.0312	.0104
Sulfide	.0009	.0003
Manganese	.0156	.0052
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
TSS	.0780	.0260
Cyanide *A*	.0008	.00026
Phenol	.0016	.00052
Ammonia	.0312	.0104
Sulfide	.0009	.0003
Manganese	.0156	.0052
pH	Within the range 6.0 to 9.0.	

§ 420.54 [Reserved]

§ 420.55 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of product		
TSS	.0780	.0260
Cyanide *A*	.0008	.00026
Phenol	.0016	.00052
Ammonia	.0312	.0104
Sulfide	.0009	.0003
Manganese	.0156	.0052
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
TSS	.0780	.0260
Cyanide *A*	.0008	.00026
Phenol	.0016	.00052
Ammonia	.0312	.0104
Sulfide	.0009	.0003
Manganese	.0156	.0052
pH	Within the range 6.0 to 9.0.	

§ 420.56 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the blast furnace (ferromanganese) subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.133 shall be amended to read as follows:

In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 420.55; provided that, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant.

Subpart F—Basic Oxygen Furnace (Semi-wet Air Pollution Control Methods) Subcategory

§ 420.60 Applicability; description of the basic oxygen furnace (semiwet air pollution control methods) subcategory.

The provisions of this subpart are applicable to process waste water discharges resulting from the steelmaking operations conducted for the manufacture of carbon steel in basic oxygen furnaces equipped with a semi-wet dust collection system.

§ 420.61 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

(b) The term "semiwet" as associated with basic oxygen furnaces shall mean those systems which employ a spray chamber to spray water in excess of the amounts evaporated to condition furnace off-gases to a temperature where the fume and dusts can be removed by dry dust collection equipment. Because excess spray water is used in the spray chamber, an aqueous discharge from that chamber occurs.

§ 420.62 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations. The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available: There shall be no discharge of process waste water pollutants to navigable waters.

§ 420.63 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable: There shall be no discharge of process waste water pollutants to navigable waters.

§ 420.64 [Reserved]

§ 420.65 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart: There shall be no discharge of process waste water pollutants to navigable waters.

§ 420.66 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the basic oxygen furnace (semiwet air pollution control methods) subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.133 shall be amended to read as follows:

In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 420.65; provided that, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant.

Subpart G—Basic Oxygen Furnace (Wet Air Pollution Control Methods) Subcategory

§ 420.70 Applicability; description of the basic oxygen furnace (wet air pollution control methods) subcategory.

The provisions of this subpart are applicable to process waste water discharges resulting from the steelmaking operations conducted for the manufacture of carbon steel in a basic oxygen furnace equipped with a wet dust collection system.

§ 420.71 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

(b) The term "wet" as associated with basic oxygen furnaces shall mean those off-gas dust cleaning systems which use entirely wet gas cooling and dust removal operations to scrub contaminants from furnace off-gases, and which produce an aqueous discharge from this operation.

(c) The term "product" shall mean steel.

§ 420.72 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Devel-

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opment Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations. The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of product		
TSS	.0312	.0104
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
TSS	.0312	.0104
pH	Within the range 6.0 to 9.0.	

§ 420.73 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of product		
TSS	.0156	.0052
Fluoride	.0126	.0042
pH	Within the range 6.0. to 9.0.	
(English units) lb/1000 lb of product		
TSS	.0156	.0052
Fluoride	.0126	.0042
pH	Within the range 6.0 to 9.0.	

§ 420.74 [Reserved]

§ 420.75 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of product		
TSS	.0156	.0052
Fluoride	.0126	.0042
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
TSS	.0156	.0052
Fluoride	.0126	.0042
pH	Within the range 6.0 to 9.0.	

§ 420.76 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the basic oxygen furnace (wet air pollution control methods) subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.133 shall be amended to read as follows:

In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 420.75; provided that, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no dischcarge of pollutants, be correspondingly reduced in stringency for that pollutant.

Subpart H—Open Hearth Furnace Subcategory

§ 420.80 Applicability; description of the open hearth furnace subcategory.

The provisions of this subpart are applicable to process waste water discharges resulting from the steelmaking operations conducted for the manufacture of carbon steel in an open hearth furnace equipped with wet dust collection systems.

§ 420.81 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

(b) The term "product" shall mean steel.

§ 420.82 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations. The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of product		
TSS	.0312	.0104
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
TSS	.0312	.0104
pH	Within the range 6.0 to 9.0.	

§ 420.83 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of product		
TSS	.0156	.0052
Fluoride	.0126	.0042
Nitrate	.0282	.0094
Zinc	.0030	.0010
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
TSS	.0156	.0052
Fluoride	.0126	.0042
Nitrate	.0282	.0094
Zinc	.0030	.0010
pH	Within the range 6.0 to 9.0.	

§ 420.84 [Reserved]

§ 420.85 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of product		
TSS	.0156	.0052
Fluoride	.0126	.0042
Zinc	.0030	.0010
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
TSS	.0156	.0052
Fluoride	.0126	.0042
Zinc	.0030	.0010
pH	Within the range 6.0 to 9.0.	

§ 420.86 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the open hearth furnace subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.133 shall be amended to read as follows:

In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 420.85; provided that, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant.

Subpart I—Electric Arc Furnace (Semiwet Air Pollution Control Methods) Subcategory

§ 420.90 Applicability; description of the electric arc furnace (semiwet air pollution control methods) subcategory.

The provisions of this subpart are applicable to process waste water discharges resulting from the steelmaking operations conducted for the manufacture of carbon steel utilizing electric arc furnaces equipped with semi-wet dust collection systems.

§ 420.91 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

(b) The term "semi-wet" as associated with electric arc furnaces shall mean the dust collection systems which use a spray chamber to spray water in excess of the amounts evaporated to condition furnace off-gases to a temperature where the fume and dusts can be removed by dry dust collection equipment. Because excess spray water is used in the spray chamber, an aqueous discharge occurs.

§ 420.92 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations. The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available: There shall be no discharge of process waste water pollutants to navigable waters.

§ 420.93 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable: There shall be no discharge of process waste water pollutants to navigable waters.

§ 420.94 [Reserved]

§ 420.95 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart: There shall be no discharge of process waste water pollutants to navigable waters.

§ 420.96 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the electric arc furnace (semiwet air pollution control methods) subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.133 shall be amended to read as follows:

In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into

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a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 420.95; provided that, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant.

Subpart J—Electric Arc Furnace (Wet Air Pollution Control Methods) Subcategory

§ 420.100 Applicability; description of the electric arc furnace (wet air pollution control methods) subcategory.

The provisions of this subpart are applicable to process waste water discharges resulting from the steelmaking operations conducted for the manufacture of carbon steel utilizing electric arc furnaces equipped with wet furnace off-gas dust collection.

§ 420.101 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

(b) The term "wet" as associated with electric arc furnaces shall mean those furnace off-gas dust cleaning systems which use entirely wet gas cooling and dust removal operations to scrub contaminants from furnace off-gases, producing aqueous discharges from the operation.

(c) The term "product" shall mean steel.

§ 420.102 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations. The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of product		
TSS	.0312	.0104
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
TSS	.0312	.0104
pH	Within the range 6.0 to 9.0.	

§ 420.103 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of product		
TSS	.0156	.0052
Fluoride	.0126	.0042
Zinc	.0030	.0010
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
TSS	.0156	.0052
Fluoride	.0126	.0042
Zinc	.0030	.0010
pH	Within the range 6.0 to 9.0.	

§ 420.104 [Reserved]

§ 420.105 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of product		
TSS	.0156	.0052
Fluoride	.0126	.0042
Zinc	.0030	.0010
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
TSS	.0156	.0052
Fluoride	.0126	.0042
Zinc	.0030	.0010
pH	Within the range 6.0 to 9.0.	

§ 420.106 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the electric arc furnace (wet air pollution control methods) subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.133 shall be amended to read as follows:

In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 420.105; provided that, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant.

Subpart K—Vacuum Degassing Subcategory

§ 420.110 Applicability; description of the vacuum degassing subcategory.

The provisions of this subpart are applicable to process waste water discharges resulting from the degassing operations conducted by applying a vacuum to molten steel to further refine the steel produced:

§ 420.111 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

(b) The term "product" shall mean steel.

§ 420.112 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or the State) will if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations. The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of product		
TSS	.0078	.0026
Zinc	.0015	.0005
Manganese	.0015	.0005
Lead	.00015	.00005
Nitrate	.0141	.0047
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
TSS	.0078	.0026
Zinc	.0015	.0005
Manganese	.0015	.0005
Lead	.00015	.00005
Nitrate	.0141	.0047
pH	Within the range 6.0 to 9.0.	

§ 420.114 [Reserved]

§ 420.115 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of product		
TSS	.0078	.0026
Zinc	.0015	.0005
Manganese	.0015	.0005
Lead	.00015	.00005
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
TSS	.0078	.0026
Zinc	.0015	.0005
Manganese	.0015	.0005
Lead	.00015	.00005
pH	Within the range 6.0 to 9.0.	

§ 420.116 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the vacuum degassing subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.133 shall be amended to read as follows:

In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 420.115; provided that, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant.

Subpart L—Continuous Casting Subcategory

§ 420.120 Applicability; description of the continuous casting subcategory.

The provisions of this subpart are applicable to process waste water discharges resulting from the operations in which steel is continuously cast.

§ 420.121 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

(b) The term "product" shall mean steel.

§ 420.122 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally dif-

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ferent from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations. The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of product		
TSS	.0790	.0260
Oil and Grease	.0234	.0078
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
TSS	.0790	.0260
Oil and Grease	.0234	.0078
pH	Within the range 6.0 to 9.0.	

§ 420.123 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of product		
TSS	.0156	.0052
Oil and Grease	.0156	.0052
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
TSS	.0156	.0052
Oil and Grease	.0156	.0052
pH	Within the range 6.0 to 9.0.	

§ 420.124 [Reserved]

§ 420.125 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of product		
TSS	.0156	.0052
Oil and Grease	.0156	.0052
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
TSS	.0156	.0052
Oil and Grease	.0156	.0052
pH	Within the range 6.0 to 9.0.	

§ 420.126 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the continuous casting subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.133 shall be amended to read as follows:

In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 420.125; provided that, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant.

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ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 420]

IRON AND STEEL MANUFACTURING; POINT SOURCE CATEGORY

Application of Effluent Limitations Guidelines for Existing Sources to Pretreatment Standards for Incompatible Pollutants; Notice of Proposed Rulemaking

Notice is hereby given pursuant to sections 301, 304 and 307(b) of the Federal Water Pollution Control Act, as amended (the Act); 33 U.S.C. 1251, 1311, 1314 and 1317(b); 86 Stat. 816 et seq.; Pub. L. 92–500, that the proposed regulation set forth below concerns the application of effluent limitations guidelines for existing sources to pretreatment standards for incompatible pollutants. The proposal will amend 40 CFR Part 420, Iron and Steel Manufacturing Point Source Category, establishing for each subcategory therein the extent of application of effluent limitations guidelines to existing sources which discharge to publicly owned treatment works. The regulation is intended to be complementary to the general regulation for pretreatment standards set forth at 40 CFR Part 128. The general regulation was proposed July 19, 1973 (38 FR 19236), and published in final form on November 8, 1973 (38 FR 30982).

The proposed regulation is also intended to supplement a final regulation being simultaneously promulgated by the Environmental Protection Agency (EPA or Agency) which provides effluent limitations guidelines for existing sources and standards of performance and pretreatment standards for new sources within the by-product coke subcategory, the beehive coke subcategory, the sintering subcategory, the blast furnace (iron) subcategory, the blast furnace (ferromanganese) subcategory, the basic oxygen furnace (semiwet air pollution control methods) subcategory, the basic oxygen furnace (wet air pollution control methods) subcategory, the open hearth furnace subcategory, the electric arc furnance (semiwet air pollution control methods) subcategory, the electric arc furnace (wet air pollution control methods) subcategory, the vacuum degassing subcategory, and the continuous casting subcategory of the iron and steel manufacturing point source category. The latter regulation applies to the portion of a discharge which is directed to the navigable waters. The regulation proposed below applies to users of publicly owned treatment works which fall within the description of the point source category to which the guidelines and standards (40 CFR Part 420) promulgated simultaneously apply. However, the proposed regulation applies to the introduction of incompatible pollutants which are directed into a publicly owned treatment works, rather than to discharges of pollutants to navigable waters.

The general pretreatment standard divides pollutants discharged by users of publicly owned treatment works into two broad categories: "compatible" and "incompatible." Compatible pollutants are generally not subject to pretreatment standards. (See 40 CFR 128.110 (State or local law) and 40 CFR 128.131 (Prohibited wastes) for requirements which may be applicable to compatible pollutants). Incompatible pollutants are subject to pretreatment standards as provided in 40 CFR 128.133, which provides as follows:

In addition to the prohibitions set forth in Section 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works by a major contributing industry not subject to Section 307(c) of the Act shall be, for sources within the corresponding industrial or commercial category, that established by a promulgated effluent limitations guidelines defining best practicable control technology currently available pursuant to Sections 301 (b) and 304(b) of the Act; provided that, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall be correspondingly reduced for that pollutant; and provided further that when the effluent limitations guidelines for each industry is promulgated, a separate provision will be proposed concerning the application of such guidelines to pretreatment.

The regulation proposed below is intended to implement that portion of § 128.133, above, requiring that a separate provision be made stating the application to pretreatment standards of effluent limitations guidelines based upon best practicable control technology currently available.

Questions were raised during the public comment period on the proposed general pretreatment standard (40 CFR Part 128) about the propriety of applying a standard based upon best practicable control technology currently available to all plants subject to pretreatment standards. In general, EPA believes the analysis supporting the effluent limitations guidelines is adequate to make a determination regarding the application of those standards to users of publicly owned treatment works. However, to ensure that those standards are appropriate in all cases, EPA now seeks additional comments focusing upon the application of effluent limitations guidelines to users of publicly owned treatment works.

Sections 420.15, 420.25, 420.35, 420.45, 420.55, 420.65, 420.75, 420.85, 420.95, 420.105, 420.115 and 420.125 of the proposed regulation for point sources within the by-product coke subcategory, the beehive coke subcategory, the sintering subcategory, the blast furnace (iron) subcategory, the blast furnace (ferromanganese) subcategory, the basic oxygen furnace (semiwet air pollution control methods) subcategory, the basic oxygen furnace (wet air pollution control methods) subcategory, the open hearth furnace subcategory, the electric arc furnace (semiwet air pollution control methods) subcategory, the electric arc furnace (wet air polltuion control methods) subcategory, the vacuum degassing subcategory, and the continuous casting subcategory (February 19, 1973; 39 FR 6484), contained the proposed pretreatment standards for new sources. The regulation promulgated simultaneously herewith contains §§ 420.16, 420.26, 420.36, 420.46, 420.56, 420.66, 420.76, 420.86, 420.96, 420.106, 420.116 and 420.126 which state the applicability of standards of performance for purposes of pretreatment standards for new sources.

A preliminary Development Document was made available to the public at approximately the time of publication of the notice of proposed rulemaking and the final Development Document entitled "Development Document for Effluent Limitations Guidelines and New Source Performance Standards for the Steel Making Segment of the Iron and Steel Manufacturing Point Source Category" is now being published. The economic analysis report entitled "Economic Analysis of Proposed Effluent Guidelines, the Integrated Iron and Steel Industry", (February 1974) was made available at the time of proposal. Copies of the preliminary Development Document and economic analysis report will continue to be maintained for inspection and copying during the comment period at the EPA Information Center, Room 227, West Tower, Waterside Mall, 401 M Street, S.W., Washington, D.C. Copies will also be available for inspection at EPA regional offices and at State water pollution control agency offices. Copies of the Development Document may be purchased from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Copies of the economic analysis report will be available for purchase through the National Technical Information Service, Springfield, Virginia 22151.

On June 14, 1973, the Agency published procedures designed to insure that, when certain major standards, regulations, and guidelines are proposed, an explanation of their basis, purpose and environmental effects is made available to the public (38 FR 15653). The procedures are applicable to major standards, regulations and guidelines which are proposed on or after December 31, 1973, and which either prescribe national standards of environmental quality or require national emission, effluent or performance standards or limitations.

The Agency determined to implement these procedures in order to insure that the public was provided with background information to assist it in commenting on the merits of a proposed action. In brief, the procedures call for the Agency to make public the information available to it delineating the major environmental effects of a proposed action, to discuss the pertinent nonenvironmental factors affecting the decision, and to explain the viable options available to it and the reasons for the option selected.

The procedures contemplate publication of this information in the FEDERAL REGISTER, where this is practicable. They provide, however, that where such publication is impracticable because of the length of this material, the material may be made available in an alternate format.

The Development Document referred

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to above contains information available to the Agency concerning the major environmental effects of the regulation proposed below. The information includes: (1) The identification of pollutants present in waste waters resulting from the manufacture of iron and steel, the characteristics of these pollutants, and the degree of pollutant reduction obtainable through implementation of the proposed standards; and (2) the anticipated effects on other aspects of the environment (including air pollution, solid waste disposal and energy requirements) of the treatment technologies available to meet the standard proposed.

The Development Document and the economic analysis report referred to above also contain information available to the Agency regarding the estimated cost and energy consumption implications of those treatment technologies and the potential effects of those costs on the price and production of iron and steel. The two reports exceed, in the aggregate, 100 pages in length and contain a substantial number of charts, diagrams and tables. It is clearly impracticable to publish the material contained in these documents in the FEDERAL REGISTER. To the extent possible, significant aspects of the material have been presented in summary form in the preamble to the proposed regulation containing effluent limitations guidelines, new source performance standards and pretreatment standards for new sources within the iron and steel manufacturing category (39 FR 6484; February 19, 1974). Additional discussion is contained in the analysis of public comments on the proposed regulation and the Agency's response to those comments. This discussion appears in the preamble to the promulgated regulation (40 CFR Part 420) which currently is being published in the Rules and Regulations section of the FEDERAL REGISTER.

The options available to the Agency in establishing the level of pollutant reduction obtainable through the best practicable control technology currently available, and the reasons for the particular level of reduction selected are discussed in the documents described above. In applying the effluent limitations guidelines to pretreatment standards for the introduction of incompatible pollutants into municipal systems by existing sources in the by-product coke subcategory, the beehive coke subcategory, the sintering subcategory, the blast furnace (iron) subcategory, the blast furnace (ferromanganese) subcategory, the basic oxygen furnace (semiwet air pollution control methods) subcategory, the basic oxygen furnace (wet air pollution control methods) subcategory, the open hearth furnace subcategory, the electric arc furnace (semiwet air pollution control methods) subcategory, the electric arc furnace (wet air pollution control methods) subcategory, the vacuum degassing subcategory, and the continuous casting subcategory, the Agency has, essentially, three options. The first is to declare that the guidelines do not apply. The second is to apply the guidelines unchanged. The third is to modify the guidelines to reflect: (1) Differences between direct dischargers and plants utilizing municipal systems which affect the practicability of the latter employing the technology available to achieve the effluent limitations guidelines; or (2) characteristics of the relevant pollutants which require higher levels of reduction (or permit less stringent levels) in order to insure that the pollutants do not interfere with the treatment works or pass through them untreated.

The process waste waters from the steel making segment subcategories may contain high concentrations of ammonia, oil and grease, cyanide, sulfide, phenol, fluoride, nitrate, lead, zinc and manganese which could interfere with the operation of publicly owned treatment works, pass through such works untreated or inadequately treated or otherwise be incompatible with such treatment works. Therefore, such process waste waters should receive special consideration by the operator of the publicly owned treatment works and may be the subject of subsequent further regulation pursuant to Section 307(b) of the Act.

Interested persons may participate in this rulemaking by submitting written comments in triplicate to the EPA Information Center, Environmental Protection Agency, Washington, D.C. 20460, Attention: Mr. Philip B. Wisman. Comments on all aspects of the proposed regulations are solicited. In the event comments are in the nature of criticisms as to the adequacy of data which are available, or which may be relied upon by the Agency, comments should identify and, if possible, provide any additional data which may be available and should indicate why such data are essential to the development of the regulations. In the event comments address the approach taken by the Agency in establishing pretreatment standards for existing sources, EPA solicits suggestions as to what alternative approach should be taken and why and how this alternative better satisfies the detailed requirements of sections 301, 304 and 307(b) of the Act.

A copy of all public comments will be available for inspection and copying at the EPA Information Center, Room 227, West Tower, Waterside Mall, 401 M Street, SW., Washington, D.C. 20460. The EPA information regulation, 40 CFR Part 2, provides that a reasonable fee may be charged for copying.

In consideration of the foregoing, it is hereby proposed that 40 CFR Part 420 be amended to add §§ 420.14, 420.24, 420.34, 420.44, 420.54, 420.64, 420.74, 420.84, 420.94, 420.104, 420.114 and 420.124 as set forth below. All comments received on or before July 29, 1974, will be considered.

Dated: June 14, 1974.

RUSSELL E. TRAIN,
Administrator.

Part 420 is proposed to be amended as follows:

Subpart A is amended by adding § 420.14 as follows:

§ 420.14 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under § 128.133 of this chapter, the effluent limitations guidelines set forth in § 420.12 shall not presently apply. Some of the constituents of the process waste waters from this subcategory may interfere with certain treatment works or may pass through such treatment works inadequately treated. Therefore, such process waste waters should receive special consideration by the operator of the publicly owned treatment works and may be the subject of subsequent further regulation pursuant to section 307(b) of the Act.

Subpart B is amended by adding § 420.24 as follows.

§ 420.24 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under § 128.133 of this chapter, the effluent limitations guidelines set forth in § 420.22 shall not presently apply. Some of the constituents of the process waste waters from this subcategory may interfere with certain treatment works or may pass through such treatment works inadequately treated. Therefore, such process waste waters should receive special consideration by the operator of the publicly owned treatment works and may be the subject of subsequent further regulation pursuant to section 307(b) of the Act.

Subpart C is amended by adding § 420.34 as follows:

§ 420.34 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under § 128.133 of this chapter, the effluent limitations guidelines set forth in § 420.32 shall not presently apply. Some of the constituents of the process waste waters from this subcategory may interfere with certain treatment works or may pass through such treatment works inadequately treated. Therefore, such process waste waters should receive special consideration by the operator of the publicly owned treatment works and may be the subject of subsequent further regulation pursuant to section 307(b) of the Act.

Subpart D is amended by adding § 420.44 as follows:

§ 420.44 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under § 128.133 of this chapter, the effluent limitations guidelines set forth in § 420.42 shall not presently apply. Some of the constituents of the process waste waters from this subcategory may interfere with certain treatment works or may pass through such treatment works inadequately treated. Therefore, such process waste waters should receive special consideration by

the operator of the publicly owned treatment works and may be the subject of subsequent further regulation pursuant to section 307(b) of the Act.

Subpart E is amended by adding § 420.54 as follows:

§ 420.54 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under § 128.133 of this chapter, the effluent limitations guidelines set forth in § 420.52 shall not presently apply. Some of the constituents of the process waste waters from this subcategory may interfere with certain treatment works or may pass through such treatment works inadequately treated. Therefore, such process waste waters should receive special consideration by the operator of the publicly owned treatment works and may be the subject of subsequent further regulation pursuant to section 307(b) of the Act.

Subpart F is amended by adding § 420.64 as follows:

§ 420.64 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under § 128.133 of this chapter, the effluent limitations guidelines set forth in § 420.62 shall not presently apply. Some of the constituents of the process waste waters from this subcategory may interfere with certain treatment works or may pass through such treatment works inadequately treated. Therefore, such process waste waters should receive special consideration by the operator of the publicly owned treatment works and may be the subject of subsequent further regulation pursuant to section 307(b) of the Act.

Subpart G is amended by adding § 420.74 as follows:

§ 420.74 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under § 128.133 of this chapter, the effluent limitations guidelines set forth in § 420.72 shall not presently apply. Some of the constituents of the process waste waters from this subcategory may interfere with certain treatment works or may pass through such treatment works inadequately treated. Therefore, such process waste waters should receive special consideration by the operator of the publicly owned treatment works and may be the subject of subsequent further regulation pursuant to section 307(b) of the Act.

Subpart H is amended by adding § 420.84 as follows:

§ 420.84 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under § 128.133 of this chapter, the effluent limitations guidelines set forth in § 420.82 shall not presently apply. Some of the constituents of the process waste waters from this subcategory may interfere with certain treatment works or may pass through such treatment works inadequately treated. Therefore, such process waste waters should receive special consideration by the operator of the publicly owned treatment works and may be the subject of subsequent further regulation pursuant to section 307(b) of the Act.

Subpart I is amended by adding § 420.94 as follows:

§ 420.94 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under § 128.133 of this chapter, the effluent limitations guidelines set forth in § 420.92 shall not presently apply. Some of the constituents of the process waste waters from this subcategory may interfere with certain treatment works or may pass through such treatment works inadequately treated. Therefore, such process waste waters should receive special consideration by the operator of the publicly owned treatment works and may be the subject of subsequent further regulation pursuant to section 307(b) of the Act.

Subpart J is amended by adding § 420.104 as follows:

§ 420.104 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under § 128.133 of this chapter, the effluent limitations guidelines set forth in § 420.102 shall not presently apply. Some of the constituents of the process waste waters from this subcategory may interfere with certain treatment works or may pass through such treatment works inadequately treated. Therefore, such process waste waters should receive special consideration by the operator of the publicly owned treatment works and may be the subject of subsequent further regulation pursuant to section 307(b) of the Act.

Subpart K is amended by adding § 420.114 as follows:

§ 420.114 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under § 128.133 of this chapter, the effluent limitations guidelines set forth in § 420.112 shall not presently apply. Some of the constituents of the process waste waters from this subcategory may interfere with certain treatment works or may pass through such treatment works inadequately treated. Therefore, such process waste waters should receive special consideration by the operator of the publicly owned treatment works and may be the subject of subsequent further regulation pursuant to section 307(b) of the Act.

Subpart L is amended by adding § 420.124 as follows:

§ 420.124 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under § 128.133 of this chapter, the effluent limitations guidelines set forth in § 420.122 shall not presently apply. Some of the constituents of the process waste waters from this subcategory may interfere with certain treatment works or may pass through such treatment works inadequately treated. Therefore, such process waste waters should receive special consideration by the operator of the publicly owned treatment works and may be the subject of subsequent further regulation pursuant to section 307(b) of the Act.

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PART III

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

■

IN VITRO DIAGNOSTIC PRODUCTS FOR HUMAN USE

Proposed Establishment of Product Class Standard for Detection or Measurement of Glucose

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DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 328]

IN VITRO DIAGNOSTIC PRODUCTS FOR HUMAN USE

Proposed Establishment of Product Class Standard for Detection or Measurement of Glucose

In the FEDERAL REGISTER of May 23, 1973 (38 FR 13573), in accordance with procedures established for the development of product class standards for in vitro diagnostic products (§ 167.3, redesignated as § 328.30 (21 CFR 328.30) pursuant to recodification March 29, 1974 (39 FR 11680)), the Commissioner of Food and Drugs published a notice requesting data and information to establish a product class standard for the detection or measurement of glucose or total sugars. The notice described the basis on which the Commissioner was considering the need for such a product class standard and provided an opportunity to all interested persons to comment on the need for such a standard. The Commissioner's concern was based on reported deficiencies in product performance, the serious consequences of inaccurate glucose measurements and the rapid growth of products which were of questionable or unproven reliability.

In response to the notice, a total of 39 submissions of data or information covering 51 marketed products was received. The submissions came from 23 organizations marketing products for the detection or measurement of glucose and from one individual. The products described covered both qualitative, semiquantitative and quantitative products and were based on most of the currently used methodologies for the detection or measurement of glucose.

All such submissions will be made available to the public at the office of the Hearing Clerk, Food and Drug Administration, Rm. 6-86, 5600 Fishers Lane, Rockville, MD 20852, July 29, 1974, except for information which, as provided in § 328.4 (21 CFR 328.4) of the regulations, is demonstrated to constitute a trade secret.

No comments were received regarding the Commissioner's initial determination of the need for a standard, the lack of any adverse effect of a standard upon the utility, cost, or availability of such products, and the lack of any disruption of supply or manufacturing and commercial practices.

Therefore, the Commissioner concludes that the development of this product class standard will have no adverse effect on any of these factors.

The information received revealed basic deficiencies in individual products and problems in those products which indicate the need for a uniform basis for evaluating such products as well as for describing performance.

For example, while several products claim identical or similar performance, the development of those claims was based on very limited data or on nonuniform or inappropriate methods of evaluation. The deficiencies observed include the selection of inappropriate basic methodologies, reference materials and evaluation protocols. In general, performance claims for accuracy, precision and stability were not supported by data from adequately designed studies. Most of the submissions provided inadequate supporting data for stability claims and, generally, lacked labeling information which would allow the user to determine the suitability of the product for use.

The submissions reflected an inconsistent interpretation of the identification and significance of the effect of interfering substances, even among products based on the same methodology.

The Food and Drug Administration, with the cooperation and assistance of its Diagnostic Products Advisory Committee, and the Center for Disease Control (CDC), has reviewed and considered the information submitted.

The Commissioner concludes that (1) the performance and use information provided in the labeling of many of the products is not adequate to provide to the user the information necessary to judge the usefulness of these products or to allow reliance on the results obtained by use of the products, and (2) the information and data submitted in support of many of the products is not adequate to support the product performance claims. Many of the inadequacies relating to instructions for use and interpretation of results will be corrected by labeling revisions proposed for some of these products. Such labeling revisions will not solve the basic problem of the deficiency in the quality of data which must support product performance claims and therefore the actual description of product performance.

The Commissioner recognizes that the measurement of glucose in specimens taken from the human body may be accomplished in a number of acceptable ways. The Commissioner concludes that all such products must provide the same kind and quality of information to the user, i.e., a reliable estimate of the amount of glucose in the specimen.

Therefore, the Commissioner proposes to establish a product class standard for products intended for the measurement or detection of glucose.

Two subclasses of products are identified for purposes of the development of this proposed product class standard. Those products intended to provide an estimate of the exact concentration of glucose in the specimen are included in § 328.100(a), *Quantitative glucose determinations*. Those products intended for the estimation of glucose by less exact means, either because of the manner of final measurement or because of the reaction process used, are included in § 328.100(b), *Qualitative glucose determinations*.

The requirements for accuracy and precision for the qualitative products are less exacting than those for the quantitative products. The manufacturer of a qualitative product, in addition to meeting the minimal requirements, may make additional claims for the product as long as such claims are adequately supported by valid data. Such factors as methodology to be used, composition of reagents, or types and quality of instruments, are not specified in this standard. It is sufficient that this information be provided to the user in the labeling of the product as required in § 328.10(a) and (b) (21 CFR 328.10(a) and (b)).

The product class standard requires that any such products, to be legally marketed, must demonstrate certain qualities of accuracy and precision as described in the standard. Clinical usefulness was the guiding principle in the establishment of the limits of bias, precision and interferences (performance standard parameters). Two kinds of variation were considered: individual biological variation and variation among groups (e.g., geographic distribution, bedridden v. ambulatory). In addition to the data and information submitted in response to the request for information and comment of May 23, 1973, the recommendations of CDC, the Diagnostic Products Advisory Committee and the following investigators in this area have been considered in the establishment of the performance limits incorporated into this standard:

1. Barnett, Roy N., M.D., "Reagent Kits," in Progress in Clinical Pathology, Vol. 4, Ch. 4, pp. 181–198, Grune and Stratton, New York, 1972.

2. Barnett, Roy N., M.D., and Ann D. Cash, MT (ASCP), "Performance of 'Kits' Used for Clinical Chemical Analysis of Glucose," *The American Journal of Clinical Pathology*, 52, No. 4:457–465, 1969.

3. Barnett, Roy N., M.D., "A Scheme for the Comparison of Quantative Methods," *The American Journal of Clinical Pathology*, 43, No. 6:562–560, 1965.

4. Barnett, Roy N., M.D., "Medical Significance of Laboratory Results," *The American Journal of Clinical Pathology*, 50, No. 6:671–676, 1968.

5. Cotlove, Ernest, Eugene K. Harris, and George A. Williams, "Biological and Analytic Components of Variation in Long-Term' Studies of Serum Constituents in Normal Subjects, III. Physiological and Medical Implications", *Clinical Chemistry*, 16, No. 12: 1028–1032, 1970.

6. Harris, Eugene K., Paul Kanofsky, George Shakarji, and Ernest Cotlove, "Biological and Analytic Components of Variation in Long-Term Studies of Serum Constituents in Normal Subjects, II. Estimating Biological Components of Variation," *Clinical Chemistry*, 16, No. 12:1022–1027, 1970.

7. Harris, Eugene K., and David L. DeMets, "Biological and Analytic Components of Variation in Long-Term Studies of Serum Constituents in Normal Subjects, V. Estimated Biological Variations in Ionized Calcium," *Clinical Chemistry*, 17, No. 10:983–987, 1971.

8. Williams, George Z., D.S. Young, Mervin R. Stein, and Ernest Cotlove, "Biological and Analytic Components of Variation in Long-Term Studies of Serum Constituents in Normal Subjects, I. Objectives, Subject Selection, Laboratory Procedures, and Estimation of Analytic Deviation," *Clinical Chemistry*, 16, No. 12:1016–1021, 1970.

9. Young, D. S., Eugene K. Harris, and Ernest Cotlove, "Biological and Analytic Components of Variation in Long-Term Studies of Serum Constituents in Normal Subjects, IV. Results of a Study Designed to Eliminate Long-Term Analytic Deviations," *Clinical Chemistry*, 17, No. 5:403–410, 1971.

Specifications of accuracy and precision are intended to give the user assurance of the quality of results he may obtain on patient specimens, using the product at any time during its specified useful life. For the purpose of this standard, the term "accuracy" corresponds to the meaning of the term "bias" or "systematic error." "Bias" is the mean difference (positive or negative) between values obtained with the product and values established by the reference method, and is expressed in concentration units or as a percentage (relative bias). Another measure of performance quality is specified, namely "precision," and refers to the degree of agreement of repeated measurements of the glucose content of the same material. A third factor in performance, "specificity," is partly provided by the requirement for a specified degree of accuracy, and partly by the general labeling requirements for a statement concerning interfering substances.

There is no generally recognized, established reference method available for the measurement of glucose. There are several methods considered to be of high reliability. Three methodologies are proposed as reference methods, each of which has certain advantages and disadvantages. Two of these (ortho-toluidine and glucose oxidase) have the advantage of having been used by laboratory scientists for a substantial period of time and therefore have reasonably well known characteristics. A third method (hexokinase) is currently being studied for its suitability as a reference method at the CDC through a joint effort with the American Association of Clinical Chemists. Because evaluation, field testing, and review of the suitability of these as reference methodologies have not been completed, this proposal contains procedures based on these three methodologies.

Within the limits of their precision capability they are consistent and demonstrate no between-method bias, although occasional discrepancies may be observed in a few pathologic specimens. All three methods employ deproteinized filtrates, partly to minimize sporadic interference in some specimens and partly to abolish differences between methods arising from the slight protein-volume effect in these dilute filtrates.

At some time in the future, possibly by the time of publication of the final order of this proposed product class standard, one or more of these methods may be designated as the sole reference method for this determination.

A detailed protocol for the evaluation of product performance is currently being developed. The protocol will include such things as detailed guidelines for (1) testing procedures, (2) statistical evaluation of results, and (3) criteria for decisionmaking. This document will be made available as soon as possible, but no later than at the time of publication of a final order of this product class standard.

Any expiration date or other representation of product stability is a representation that the product meets the requirements of this product class standard at any time during the period represented by the manufacturer. Failure of the product labeling to bear an expiration date or other representation of product stability is a violation of the requirement in § 328.10(a)(6) that such information must appear on the product label.

The components of any system for measuring glucose in specimens taken from the human body may be broadly described as (1) calibrator, (2) reagents, (3) processing equipment, (4) detector instrument, and (5) analyst. No attempt has been made to identify the relative contributions of these components to the total error in the result obtained. A manufacturer providing a total system must assure that the error contributed by each component which he supplies is controlled so that the total system meets the requirements of this standard. Manufacturers providing only parts of a system must assure that the components they provide, when used with other designated components, and when used as directed in the product labeling, will yield results which meet the requirements of the standard.

Evaluations of products to assure that they meet a performance standard involves the development of sampling protocols, statistical design and judgments and laboratory quality control. The manufacturer must have data to assure that the methodology on which the product is based is suitable. He must then develop and use adequate manufacturing quality control procedures to assure that errors contributed by individual components are identified and controlled so that the product performance meets the requirements of the product class standard.

It is proposed by the Commissioner that all glucose determination products that are subject to the product class standard set forth below and that are initially introduced into interstate commerce beginning one year following publication of the final order in the FEDERAL REGISTER in response to this proposal shall meet such product class standard requirements.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201, 501, 502, 505, 508, 510, 701, 52 Stat. 1040–1042 as amended, 1049–1053 as amended, 1055–1056 as amended, 76 Stat. 789, 794 as amended; 21 U.S.C. 321, 351, 352, 355, 358, 360, 371) and the Public Health Service Act (sec. 351, 58 Stat. 702 as amended; 42 U.S.C. 262) and under the authority delegated to him (21 CFR 2.120) the Commissioner proposes that 21 CFR Part 328 be amended by adding a new Subpart E, to consist at this time of the following:

Subpart E—Product Class Standards

GLUCOSE DETERMINATIONS

Sec.

328.100 Quantitative glucose determinations.

328.101 Qualitative glucose determinations.

328.102 Reference methods for glucose determinations.

AUTHORITY: Secs. 201, 501, 502, 505, 508, 510, 701, 52 Stat. 1040–1042 as amended, 1049–1053 as amended, 1055–1056 as amended, 76 Stat. 789, 794 as amended; (21 U.S.C. 321, 351, 352, 355, 358, 360, 371); and sec. 351, 58 Stat. 702 as amended; (42 U.S.C. 262.).

Subpart E—Product Class Standards

GLUCOSE DETERMINATIONS

§ 328.100 Quantitative glucose determinations.

This product class standard establishes criteria for the performance of products intended for use in the measurement of the exact concentration of glucose in specimens taken from the human body. Such products include calibrators, controls, reagents, instruments, systems and components, parts or accessories intended for use with such products.

(a) *Labeling.* The general labeling requirements of § 328.10 (a) and (b) apply to all products included in this section. The following specific labeling requirements also apply as indicated:

(1) The statement required by §§ 328.10(a)(2) and 328.10(b)(2) shall be as follows:

(i) For a system, a statement such as "For use in the quantitative determination of glucose". If the product is limited to use with specified specimen types such as urine, serum, etc., this must be stated, e.g., "For use in the quantitative determination of glucose in urine".

(ii) For a calibrator intended to be used in the calibration of a particular system or method, a statement such as "For the calibration of ABC glucose kit". If the calibrator is not intended for, or is not limited to, use with a particular system or method, a statement such as "For the calibration of quantitative glucose methodology".

(iii) For a control material intended for use as such in the quantitative determination of glucose in a particular specimen type (e.g., urine, serum), a statement such as "For use as a control in the quantitative determination of glucose in urine".

(iv) For a reagent intended for use in the quantitative determination of glucose as part of a particular method or system, a statement such as "Reagent for use in the quantitative determination of glucose by the XYZ system".

(v) For instruments intended for use in the quantitative determination of glucose, a statement such as "For use in the quantitative determination of glucose".

(2) In addition to the statement of interfering substances required by § 328.10(b)(10), a precise statement reflecting the effect or noneffect of the presence of those materials listed in paragraph (c)(2) of this section shall be included. If the effect of any of these materials at concentration levels obtained in normal or pathological conditions, drug therapy, drug toxicity or by addition to collected specimens for preservative or similar purposes will cause the product to fail to meet the requirements for bias listed in paragraph (c)(1) of this section, instructions shall be provided to assist the user in identifying the presence of these materials in such specimens. If the effect can be eliminated by appropriate treat-

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ment of the specimen or during the analytical process, instructions shall be provided to do so.

(3) If the effects of known interfering substances cannot be corrected by appropriate treatment of the specimen or during the analytical process, the label and labeling shall describe the product as unsuitable for use with specimens containing such substances pursuant to §§ 328.10(a)(2) and 328.10(b)(10).

(4) The statement required by § 328.10(b)(12) shall include a positive statement that the product meets or exceeds the requirements of this standard.

(b) *Calibrator requirements.* A material (calibrator) intended for use as the basis of reference for the measurement of glucose concentration in specimens taken from the human body shall meet the following requirements.

(1) It shall be subject to the product class standard for calibrators.

(2) It shall meet one of the following requirements:

(i) Pure D-glucose shall be not less than 99.5 percent D-glucose, or meet the following requirements for D-glucose anhydrous:

(*a*) Specific rotation $[\alpha]_D^{20}$°, not less than +52.5° nor more than +53.0°.

(*b*) Insoluble matter, not more than 0.005 percent.

(*c*) Loss on drying at 105° C, not more than 0.20 percent.

(*d*) Residue after ignition, not more than 0.020 percent.

(*e*) Acidity (as CH_3COOH), not more than 0.015 percent.

(*f*) Chloride (Cl), not more than 0.010 percent.

(*g*) Sulfate and sulfite (as SO_4), nor more than 0.005 percent.

(*h*) Starch. Dissolve one gram in 10 milliliters of water and add 0.05 milliliter 0.1*N* iodine solution. No blue color should appear.

(*i*) Arsenic (As), not more than 0.00004 percent.

(*j*) Heavy metals (as Pb), not more than 0.0005 percent.

(*k*) Iron (Fe), not more than 0.0005 percent.

(ii) For pure D-glucose in completely defined solvent (e.g., D-glucose in distilled water plus benzoic acid), the glucose concentration (weight/volume (w/v)) shall be within ±0.2 percent of the labeled concentration.

(iii) For D-glucose in an undefined solvent matrix (e.g., in human or animal serum or urine, or synthetic materials), the glucose concentration shall be within ±1.0 percent of the declared value.

(iv) A calibrator which is not or does not contain glucose (such as color charts or solutions) must provide values traceable to values obtained by the use of a calibrator containing glucose. Any such secondary calibrator shall be assigned a numerical equivalent, which shall be assured to be within 1 percent of the declared value.

(c) *Bias and standard deviation.* (1) The product shall measure the glucose content with a bias and standard deviation of no more than that designated in Table I of this paragraph within the concentration range for the specimen. The marketing of components as suitable for use in any system or method constitutes a representation that the system or method meets these requirements and that the individual components will not cause results which deviate from the requirements of this product class standard.

TABLE I

Concentration of glucose in specimen [1]	Maximum standard deviation [2]	Maximum bias [3]
0 to 150 mg/dl (8.33 mM/l) [4]	5 mg/dl (0.28 mM/l)	±5 mg/dl (0.28 mM/l).
150 mg/dl (8.33 mM/l) to 300 mg/dl (16.65 mM/l).	5 mg/dl (0.28 mM/l)	±10 mg/dl (0.56 m/l).
More than 300 mg/dl (16.65 mM/l)	10 mg/dl (0.56 mM/l)	±30 mg/dl (1.66 mM/l).

[1] As measured by the reference method.
[2] Standard deviation is the square root of the variance. Variance is the mean of squared differences between each single result and the mean of all results.
[3] Bias is the mean difference between values obtained with the product and values established by the reference method. Mean refers to the average that could be obtained if unlimited testing was done.
[4] Millimoles per liter.

(2) The effect of each of the substances listed in Table II of this paragraph shall be determined. Such determinations shall also be made for any other substance or patient condition which has been shown to influence the test results. The effects of such substances shall be declared only when such effects might occur at concentrations likely to be reached in normal or pathologic conditions, drug therapy, drug toxicity or by addition to collected specimens.

TABLE II

Endogenous substances	Exogenous substances	Anticoagulants and preservatives
Fructose	L-dopa	Heparin.
Galactose	Salicylates (derivatives and metabolites).	Ethylenediaminetetraacetic acid (EDTA).
Mannose	Dextran	Fluorides.
Ascorbic acid	Xylose	Thymol.
Uric acid	Radiopaque substances	Citrate.
Creatinine		Oxalate.
Bilirubin		
Glutathione		
Cysteine		
Hemoglobin		
Dihydroxyphenylalanine (dopa)		
Lipids		

(3) Unknown or unspecified interfering substances in native specimens shall be such that no less than 90 percent of the individual differences between results obtained on the same specimens by use of the product and by use of the reference method fall within:

(i) ±10 mg/dl (0.56 millimoles per liter (mM/l) if the reference value is 0 to 150 mg/dl (0 to 8.33 mM/l).

(ii) ±20 mg/dl (1.12 mM/l) if the reference value is 150 to 300 mg/dl (8.33 to 16.65 mM/l).

(iii) ±40 mg/dl (2.24 mM/l) if the reference value is greater than 300 mg/dl (16.65 mM/l).

(d) *Test procedures and requirements.* The following test procedures and requirements shall apply.

(1) All products shall be tested using the product as it is marketed. Materials not furnished as a part of the product but indicated in the labeling as necessary for proper use of the product shall be used in evaluation of the product. Any such materials which meet the specifications of the manufacturer may be selected. If the labeling indicates that alternative materials are considered acceptable, any such materials may be selected for product testing purposes. Testing for compliance may include testing with any specimen type claimed. Any product which fails to conform to the performance requirements established in paragraph (c) of this section is not in compliance with this standard.

(2) Testing for compliance may be done at any time during the life expectancy of the product. The product shall be handled as stated in the labeling instructions for storage, reconstitution, mixing and stability; e.g., if the labeling states that a reagent product stored at room temperature is stable for one year, and after reconstitution and dilution is stable for one month when stored in a refrigerator, testing for compliance shall be done in accordance with the stated conditions and within that period of time; and if the manufacturer indicates a need for instrument calibration once a year, no calibration will be done at less than that interval for the purpose of product evaluation. An expiration date or representation of the period of product stability constitutes a representation that the product meets the requirements of the standard at any time during the period represented. If there is no expiration date or representation of the period of product stability the product will be deemed to be in violation of the requirement in § 328.10(a)(6) that such information appear on the product label.

(3) To evaluate the precision and bias of results which may be obtained by use of a product, specimens shall usually be selected which have glucose concentrations at or near the midpoint of those concentration ranges listed in paragraph (c)(1) of this section, except that the maximum concentration shall not exceed the level which is represented as

the maximum level of usefulness for the product. Specimens used for product evaluation shall be of the same matrix for which the product is represented as useful. Such specimens shall be stable with regard to glucose content throughout the evaluation period. Specimens used in product evaluation will consist of:

(i) Calibrators supplied or specified by the manufacturer.

(ii) A control material supplied or specified by the manufacturer.

(iii) Pure solutions with glucose content defined (weight/volume basis).

(iv) Samples from stable pools of human or animal origin simulating patient specimens.

(v) Native specimens from a hospital or clinical population, including specimens from patients with diabetes or diabetes-associated disease.

(vi) Samples from a serum or other appropriate matrix pool, to which have been added known amounts of suspected interfering substances.

(4) Any test scheme shall be adequate to assure the user that those variables which have been specified as requiring control are included in the assessment. No special effort shall be made to control any other laboratory conditions which might affect the performance of the products. Ordinarily any test scheme shall include in the assessment of precision and bias any lot-to-lot and within-lot variation in the individual components of the test, any changes in the product due to aging, and short-term (day-to-day) and long-term (week-to-week) variations in the testing laboratory. The testing scheme shall be such that the probability of declaring the standard has been met, when in fact unlimited testing would show that the standard is not met, shall not exceed 5 percent when:

(i) The bias exceeds the standard by 10 percent;

(ii) The precision exceeds the standard by 10 percent;

(iii) The percentage of individual differences between results obtained on native specimens by the product and the reference method with the limits given in paragraph (a)(3) of this section is 5 percentage points less than the performance requirement.

§ 328.101 Qualitative glucose determinations.

This product class standard establishes criteria for the performance of products intended for use in the detection of glucose in specimens taken from the human body. Such products include calibrators, controls, reagents, instruments, and components, parts, or accessories intended for use with such products. In addition to detecting glucose, such products may also provide procedures for estimating the amount of glucose present. The precision or specificity obtained by use of such products is less than that ordinarily obtained by use of those products subject to the requirements of § 328.100 governing quantitative glucose determinations.

(a) *Labeling.* The general labeling requirements of §§ 328.10 (a) and (b) apply to all products included in this section. The following specific labeling requirements also apply as indicated.

(1) The statement required by §§ 328.10(a)(2) and 328.10(b)(2) shall be as follows:

(i) For a system, a statement such as "For use in the qualitative detection of glucose". If the product is limited to use with specific specimen types such as urine, spinal fluid or blood, a statement such as, "For use in the qualitative detection of glucose in blood".

(ii) For a calibrator intended for use in the calibration of a particular system or method, a statement such as "For the calibration of DEF Glucose Kit". If the calibrator is not intended for, or limited to use with a particular system or method, a statement such as "For the calibration of qualitative glucose methodology".

(iii) For a control material intended for use as a control in the qualitative detection of glucose in a particular specimen type, e.g., urine or serum, a statement such as "For use as a control in the qualitative detection of glucose in urine".

(iv) For a reagent intended for use in the qualitative detection of glucose as part of a particular method or system, a statement such as "Reagent for use in the qualitative detection of glucose by the EFG system".

(v) For instruments intended for use in the qualitative detection of glucose, a statement such as "For use in the qualitative detection of glucose".

(2) In addition to the statement of interfering substances required by § 328.10(b)(10), a precise statement reflecting the effect or noneffect of the presence of these materials listed in paragraph (c)(2) of this section shall be included. If the effect of any of these materials at concentration levels obtained in normal or pathological conditions, drug therapy, drug toxicity or by addition to collected specimens for preservative or similar purposes will cause the product to fail to meet the requirements of this standard, instructions shall be provided to assist the user in identifying the presence of these materials in such specimens. If the effect can be eliminated by appropriate treatment of the specimen or during the analytical process, instructions shall be provided to do so.

(3) If the effects of known interfering substances cannot be corrected by appropriate treatment of the specimen or during the analytical process, the label and labeling shall describe the product as unsuitable for use with specimens containing such substances pursuant to §§ 328.10(a)(2) and 328.10(b)(10).

(4) The statement required by § 328.10(b)(12) shall include a positive statement that the product meets or exceeds the requirements of this standard.

(b) A material intended for use as the basis for assignment of qualitative glucose values to specimens shall meet the following requirements:

(1) It shall be subject to the product class standard for calibrators.

(2) It shall meet one of the following requirements.

(i) If it contains glucose, it shall meet the requirements for calibrators in § 328.100(b) except that the assurance of concentration of glucose in an undefined matrix shall be ±10 percent of the declared value.

(ii) If it is not or does not contain glucose, it must provide values traceable to values originally obtained by the use of a calibrator containing glucose. Any such secondary calibrator (such as a color chart or solution) shall provide a numerical equivalent of the range of values for which it is offered for use. The midpoint value of each of these ranges shall be assured within ±10 percent of the glucose concentration.

(c) *Detection range; effect of other substances.* (1) The product shall detect glucose within the limits specified in Table I of this section for urine and blood. The minimum number of ranges of detection necessary to provide useful information are as indicated in Table I of this section. The marketing of components as suitable for use in any system or method constitutes a representation that the system or method meets these requirements and that the individual components will not cause results which deviate from the requirements of this product class standard. If the product labeling makes representations of usefulness at or within glucose concentration ranges other than those listed in Table I of this section, each range and its midpoint shall be stated and not more than 10 percent of specimens having a glucose concentration at that midpoint shall give results outside the stated range.

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TABLE I

Concentration of glucose [1]	Results must be—	Expected result—	Remarks [2]
Urine:			
0 to 20 mg/dl (0 to 1.11 mM/l)	Negative		
Greater than 250 mg/dl (13.86 mM/l).	Positive		
Blood (whole blood, serum or plasma):			
0 to 20 mg/dl (0 to 1.11 mM/l)		Abnormal low	Specimens in this range shall provide an "abnormal low" result.
20 to 60 mg/dl (1.11 to 3.33 mM/l)		do	A specimen at 40 mg/dl (2.22 mM/l) should not be declared "normal" more than 10 percent of the time, and shall never be declared "abnormal high."
60 to 120 mg/dl (3.33 to 6.66 mM/l)		Normal	A specimen at 90 mg/dl (5.00 mM/l) shall not be declared "abnormal" more than 10 percent of the time.
120 to 200 mg/dl (6.66 to 11.1 mM/l)		Abnormal high	A specimen at 160 mg/dl (8.88 mM/l) shall not be declared "normal" more than 10 percent of the time, and shall never be declared "abnormal low."
Greater than 200 mg/dl (11.1 mM/l)		do	A specimen in this range shall provide an "abnormal high" result.

[1] As measured by the reference method.
[2] The results obtained by use of a product may not indicate glucose concentrations beyond the next contiguous range.

(2) The effect of each of the substances listed in Table II of this section shall be determined. Such determinations shall also be made for any other substance or patient condition which has been shown to influence the test results. These effects shall be declared only when they might occur at concentration likely to be reached in normal or pathologic conditions, drug therapy, drug toxicity or by addition to collected specimens.

TABLE II

Endogenous substances	Exogenous substances	Anticoagulants and preservatives
Fructose	Dextran	Thymol.
Galactose	Salicylates (derivatives and metabolites).	Fluorides.
Mannose	Hydrogen peroxide	
Pentoses	Hypochlorites	
Ascorbic acid		
Uric acid		
Creatinine		
Bilirubin		
Dihydroxyphenylalanine (dopa)		
Glutathione		
Hemoglobin		
Lipids		

(d) *Test procedures and requirements.* The following test procedures and requirements shall apply:

(1) All products shall be tested using the product as it is marketed. Materials not furnished as a part of the product but indicated in the labeling as necessary for proper use of the product shall be used in evaluation of the product. Any such materials may be selected that meet the specifications of the manufacturer. If the labeling indicates alternative materials are considered acceptable, any such materials may be selected for product testing purposes. Testing for compliance may include testing with any specimen type claimed. Any product which fails to conform to the performance requirements established in paragraph (c)(1) of this section is not in compliance with this standard.

(2) Testing for compliance may be done at any time during the life expectancy of the product. The product shall be handled as stated in the labeling instructions for storage, reconstitution, mixing and stability; e.g., if the labeling states that a reagent product stored at room temperature is stable 1 year, and after reconstitution and dilution is stable for 1 month when stored in a refrigerator, testing for compliance shall be done in accordance with the stated conditions and within that period of time; and if the manufacturer indicates a need for instrument calibration once a year, no calibration will be done at less than that interval for the purpose of product evaluation. An expiration date or representation of the period of product stability constitutes a representation that the product meets the requirements of the standard at any time during the period represented. If there is no expiration date or representation of the period of product stability the product will be deemed to be in violation of the requirement in § 328.10(a)(6) that such information appear on the product label.

(3) A product intended for use in the detection of glucose in urine shall be tested using specimens with glucose concentrations below 20 mg/dl (1.11 mM/l) and above 250 mg/dl (13.86 mM/l). Any product intended for use in the detection of glucose in blood shall be tested using specimens with glucose concentrations as indicated in paragraph (c)(1) of this section.

(4) Any testing scheme shall be adequate to assure the user that those variables which have been specified as requiring control are included in the assessment. No special effort shall be made to control any other laboratory conditions which might affect the performance of the products. Ordinarily any test scheme shall include in the assessment of precision and bias any lot-to-lot and within-lot variation in the individual components of the test, any changes in the product due to aging, and short-term (day-to-day) and long-term (week-to-week) variations in the testing laboratory, as well as those variations to be expected in the reading and interpretation of results such as color comparisons. The testing scheme shall be such that the probability of declaring that the product has met the performance requirements is less than 5 percent when unlimited testing would show that any one of the following is true.

(i) The percentage of specimens with glucose concentrations of approximately 40 mg/dl (2.22 mM/l) which will be declared "normal" is greater than 15 percent.

(ii) The percentage of specimens with glucose concentrations of approximately 90 mg/dl (5.00 mM/l) which will be declared "abnormal low" or "abnormal high" is greater than 15 percent.

(iii) The percentage of specimens with glucose concentrations of approximately 160 mg/dl (8.88 mM/l) which will be declared "normal" is greater than 15 percent.

(5) A minimum of 200 specimens should be examined in each concentration range. However, in those performance categories requiring absolute reliability (0 percent or 100 percent), the product will be considered as not meeting the performance requirements upon the first result which deviates from the requirement.

§ 328.102 Reference methods for glucose determination.

In order to assess bias, a means of establishing the concentration of glucose in specimens is required. For the purpose of this product class standard, one of the following reference methods shall be used. The sections on sample handling, preservation and storage, general procedural approaches, material specifications, and data evaluations and computations are common to each of the described methods.

(a) *Sample handling, preservation and storage.* (1) The primary precaution in the handling of any glucose solution is the prevention of glycolysis. In the cell-free samples for which this method is designed, the preponderant source of sample deterioration is microbiologic, and preservation of original glucose concentration requires avoidance of bacterial contamination. Evaporation from small samples can be a serious problem as can chemical contamination in minute quantities. Therefore, sample vessel cleanliness, sterility and tight closure are rigorous requirements for proper handling and storage.

(2) Glucose standards are dissolved and diluted in 1 gram/liter benzoic acid solutions, which gives secure long-term protection against microbiologic contamination at 4° C and adequate protection for some weeks at room temperature. Aqueous dilutions of these standards or other dilute solutions of glucose, and reconstituted lyophilisates are extremely labile to glycolysis without aseptic handling or the addition of bacteriostatic agents.

(3) The biologic specimens to be used as samples for this analysis are limited to serum, plasma, spinal fluid or urine, all of which present hazards of cellular as well as bacteriologic glycolysis and require special precautions in preparation and storage. Lyophilized serum products are not necessarily free of these contaminants, and often show greater lability to glucose degradation than freshly collected native serum. Collection of blood and spinal fluid is ordinarily performed under aseptic conditions; urine is rarely so collected. Even if preservatives are used, pools of any of these materials that are to be processed as control or calibrator sample surrogates must be membrane-filtered to remove both tissue cells and microorganisms, since there are few complete inhibitors of cellular glycolysis and many such substances present interference problems. Therefore, plasma or serum must be centrifuged to produce essentially cell-free supernatants for materials that are to be stored for any period of time, and an adequate preservative should be added either with the anticoagulant or to the harvested serum. The anticoagulants heparin, oxalate, citrate and ethylenediaminetetraacetate (EDTA) do not interfere with the analysis. Sodium fluoride (NaF) is a secure preservative, but as the sole anticoagulant the high concentration necessary produces unsuitable plasma and may interfere with the analysis. Anticoagulants other than heparin cause osmotic shifts of cellular water and other effects in blood specimens that produce alterations in plasma glucose concentration.

(4) NaF at a concentration of 2.5 milligrams per milliliter of blood is the recommended preservative. The NaF is best combined with 1 milligram per milliliter of disodium EDTA. This mixture is availableinconventionalvacuu m collection tubes.

(5) Immediate and thorough mixing of the freshly collected specimen is essential to dissolve the dry anticoagulant to prevent later problems with fibrin in frozen plasma.

(6) The keys to adequate storage of specimens are sterility, secure closure, low temperature and freedom from cellular or chemical contamination. For storage longer than 48 hours, even preserved specimens should be frozen in containers that are securely closed and have a low permeability to water vapor. Long term storage for many plastic vials may require sealing in cans with saturated blotting paper; heavy glass vials are preferred. Unless a good seal is obtained by special compression fittings, screw caps may not be reliable. Thawing of frozen specimens should be performed rapidly, i.e., in a water bath at a temperature no higher than 30° C. Repetitive sampling from the same vial presents the risk of potential deterioration of the specimen from repeated thawing, evaporation and contamination.

(b) *General procedural approaches.* (1) Any reference method must aim at high capability for accuracy and precision and must be defined to the extent possible. Accuracy capability can rarely be described in absolute terms, since it results from the conditions and procedures used to determine the scientific or analytic method. Estimates of bias may be made for recognized interfering substances, but the magnitude of bias in any one result is determined by the nonspecificity of the method combined with the interfering components in each specimen. The use of a reference method assumes acceptance of an arbitrary accuracy capability.

(2) The precision component of any final result represents the sum of the variations which result from:

(i) The volumetric manipulations on the sample;

(ii) The ease or difficulty of reproducing prescribed conditions; and

(iii) The response-measuring system.

The procedures and specifications prescribed in these methods of reference are considered essential to achieving their precision capabilities in a practical operation.

(3)(i) Defining volumes are liquid or solution volumes that define concentration volumetrically, i.e., mass or activity or molecular number per unit volume. These comprise (*a*) "primary standard solutions" prepared by dissolving an accurately known mass of defined substance in an accurately known volume of total solution; (*b*) "primary" or "original specimens" of solutions to be analyzed on a volumetric basis; and (c) "volumetric dilutions" of either standards or specimens that define an aliquot by means of a precisely known dilution factor.

(ii) Liquid aliquot is an exactly known volume of solution, delivered as a proportional part of an original specimen or standard solution.

(iii) Aliquant is an inexactly defined proportional sample of a parent volume, the proportionality of which is not necessarily known or used in relating the concentration of original sample to its final dilution. Since it may be delivered with great repetitive precision, an inexactly known volume of an aliquant may be used in a comparison technique in precise quantitative determinations of concentration, referred to some calibrating or standard solution.

(iv) Comparison technique: In the procedures set forth in paragraph (e) of this section, the two steps (deproteinization and final color reaction) are conducted by identical treatment of aliquants of specimens and working standard solutions. The reaction response of the specimen is then quantified by referring it to that of a precisely defined and identically treated standard solution. Although these steps must be carried out with high precision, the volumes of aliquants of samples and diluents or reagents need not be exactly known, and primary calibration of the volumetric measuring system is not essential as long as the aliquants are precisely reproduced.

(c) *Material specifications*—(1) *Volumetric measurement*—(i) *Precision tolerance.* The system for delivering any liquid volume in the analysis should have a precision capability of the measurement for repetitive deliveries within ±0.2 percent of the target mean; the precision of the volumes delivered depends upon operator care. Ultimate precision capability is achieved by the use of one pipet for the delivery of all samples and standard solutions. The use of multiple pipets for the same task requires selection in which this tolerance can be assured. Products of leading manufacturers can usually be relied upon to meet these tolerances; however, the user must identify reliable sources and verify precision.

(ii) *Accuracy tolerance.* For all defining volumetric measurements, such as dilutions of standard solutions or of specimens prior to the analysis, pipets and volumetric flasks conforming to National Bureau of Standards (NBS) tolerance, Class A, Fed. Spec. NNN-F-00289a (May 21, 1965) and NNN-P-00395a (May 27, 1965)[1] must be used. The accuracy capability of the measurement in these applications should fall within ±0.2 percent of the target volume. Class A pipets meet this requirement only at volumes above 2 milliliters. The mean volume of any reagent or sample delivered in a comparison technique must be within ±5 percent of the volume specified in the procedure.

(iii) *Sample deliveries.* Since the technique of comparison with concomitant, identically processed standard solutions is employed here, only the precision tolerance is critical. In measurements of original sample aliquants (specimens and working standards) the effect of differing viscosities, e.g., between serum and aqueous standards, on the volume delivered must be eliminated. Acceptable alternative methods are: (*a*) A single transfer or Ostwald pipet is used for all deliveries of sample or deproteinized supernate. Regardless of its calibration mode, it is used as "to contain" (TC) pipet, with a flushing of any residual material by two complete fillings with the recipient water or reagent, and positive expulsion. Between individual samples the pipet must be well drained, wiped and given three thorough rinses with the next sample to be delivered.

(*b*) A set of pipets may be used which has been verified as falling within a tolerance of ±0.2 percent of some contained volume that lies within ±5 percent of the volume specified in the procedure. A new pipet is used for each sample with flushing of the material with the recipient reagent. The only commercially available pipets with tolerances within 0.2 percent in the 1-milliliter size are 1000 microliter micropipets, e.g., Kirk or Lambda types, conforming to American

[1] Copies may be obtained from: National Bureau of Standards, Department of Commerce, 14th, E, and Constitution Ave. NW., Washington, D.C. 20230.

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Chemical Society (ACS) specifications.[1]

(c) Certain syringe-type pipets with precisely limited stops may be available with the necessary precision of repetitive delivery if they represent all-liquid devices (not air-pistol pipets) in which the sample is measured by positive displacement, rather than by containment. In this case, the pipet is not flushed with reagent, but must be rinsed three times with the next sample.

(d) Several precision sample-diluting devices that measure the sample by aspiration in an all-liquid system and deliver it by positive displacement and flush out with water or reagent can qualify. The actual volume delivered must be within ±5 percent of the specified sample volume and the device must be demonstrated to achieve repetitive deliveries with a precision of 0.2 percent [1 coefficient of variation (C.V.)]. The sample and reagent contacting surfaces of such a device must be demonstrated not to be structurally deformable or reactive with any reagent or sample.

(2) *Photometric measurement*—(i) *Spectral resolution and wavelength.* A half bandwidth of 10 nanometers centered within ±5 nanometers of the specified wavelength for measurements at 540 and 630 nanometers; measurements at 340 nanometers must be centered within ±2 nanometers, with a resolution of 2 nanometers.

(ii) *Photometric linearity.* (a) Within 0.001 absorbance from 0.000 absorbance to 0.500 absorbance.

(b) Within 0.002 absorbance from 0.500 absorbance to 1.000 absorbance.

(c) Within 0.003 absorbance from 1.000 absorbance to 1.500 absorbance.

(iii) *Photometric precision, including noise, at 340 nanometers.*

(a) Within 0.001 absorbance at 0.000 absorbance to 0.100 absorbance.

(b) Within 0.003 absorbance at 0.500 absorbance.

(c) Within 0.005 absorbance at 1.000 absorbance.

(iv) *Stability, less noise, at 340 nanometers.* (a) Zero drift not greater than 0.001 absorbance per hour.

(b) Drift at 1.000 absorbance not greater than 0.003 absorbance at the required aperture and energy level.

(v) *Stray light.* For measurements at 340 nanometers, stray light must be less than 0.2 percent.

(vi) *Cuvet system.* Cuvets with plane-parallel faces with a pathlength of 10 millimeters are used. A 10 millimeter flow-through cuvet is acceptable if it can be adequately flushed to eliminate all carryover of sample and if its pathlength has been verified.

(3) *Glassware.* (i) All glassware shall be chemically clean, including at least two final rinses with demineralized, distilled water, and dried in a dust-free environment.

(ii) If individual cuvets are used for photometric measurements, they shall be matched to a sufficiently close tolerance to satisfy the precision requirement given under paragraph (c)(2) of this section, or corrections for differences in pathlength must individually be applied. Normally, a common cuvet, thoroughly rinsed between readings with the next sample, or a flow-through cuvet, is used. These shall be cleaned after each analytical run.

(iii) Except where plastic dispensing bottles are specified, all reagents and stock standards are to be stored in borosilicate glass vessels. Tight-fitting caps must be fitted with either flat Teflon liners or polyethylene conical closures.

(iv) Tubes for the preparation of deproteinized supernates must contain a volume of at least 23 milliliters and must be capable of being securely capped with nonreactive closures. Provisions must be made either for centrifuging the tubes directly or for transferring smaller volumes of the mixture to smaller tubes.

(4) *Chemicals*—(i) Reagent water: Demineralized feed water, run through an active charcoal and a high efficiency mixed-bed demineralizer column (effluent resistivity of at least 1 megohm) is distilled in an all-grass vented still operated at two-thirds of the rated output. It is collected and stored in borosilicate glass containers.

(ii) Carbon dioxide (CO_2)-free water: Reagent water boiled for 15 minutes in an open flask and allowed to cool covered with a watch glass. This is prepared at the time of use.

(iii) Glucose standard: Standard glucose solutions are prepared from National Bureau of Standards certified D-glucose, Standard Reference Material No. 917,[2] which has been stored in the laboratory in its original capped bottle in a vacuum desiccator over anhydrous calcium sulfate.

(iv) Chemicals designated as "ACS grade" must meet ACS analytical reagent specifications ("Reagent Chemicals," ACS, 4th ed.[3]).

(5) *Preparation of primary standard solution*—(i) *Benzoic acid diluent, 1.0 gram/liter.* 2.0 grams of ACS-grade benzoic acid are dissolved in 2000 milliliters of hot reagent water in a large flask. Stir thoroughly into solution, and cover while it cools to room temperature. Decant from any fine residue into reagent bottles. Store at room temperature, tightly stoppered.

(ii) *Glucose stock standard, 10.00 grams/liter.* Weigh and transfer 5.000 ±0.002 grams of anhydrous NBS D-glucose into a Class A 500 milliliter volumetric flask; benzoic acid diluent is used to wash in and dilute the glucose until the flask is about two-thirds full. Mix the glucose into complete solution with swirling. Add benzoic acid solution to a point about 1 centimeter below the 500-milliliter mark, and place the flask in a water bath at 20°±1° C, covering the flask just to the neck. Stopper, and let the solution equilibrate for 30 minutes before making to exactly 500-milliliter volume with the benzoic acid diluent. Stopper and mix well by inverting the flask at least 10 times, swirling the inverted flask for 10 seconds at each inversion. Transfer 80 to 85 milliliters to each of 6 screw-cap 4-ounce borosilicate bottles. The labeled and dated bottles are tightly capped and stored at 4° C. One bottle is used for the preparation of a complete set of standards; other convenient volumes may be used for preparing standards having a glucose concentration above 250 mg/dl (13.88 mM/l). Although this stock standard is stable for long periods of time if adequately prepared and handled, it is recommended that new stock standard be prepared each 6 months. Before bottling a new lot, prepare a new 200 mg/dl (11.10 mM/l) working standard and verify its integrity by comparison in replicate in a run with the old set of standards.

(iii) *Glucose working standards.* (a) Prepare a complete set of working standard solutions of pure glucose; equilibrate a bottle of stock glucose standard and of benzoic acid diluent to 20°±1° C in a water bath for 30 minutes. Deliver the aliquots of stock standard listed below into 100 milliliter Class A volumetric flasks and dilute almost to volume with the benzoic acid diluent; final adjustment to the mark is made after another 15 minutes of equilibration of the flasks in the bath. A special set of Class A volumetric flasks and 5-, 10- and 25-milliliter volumetric (TD) pipets and volumetric flasks is reserved for preparing standards.

Stock standard (milliliters)	Total volume (with benzoic acid) (milliliters)	Final glucose concentration (milligrams/deciliter)
5.00	100	50(2.78 mM/l)
10.00	100	100 (5.55 mM/l)
15.00	100	150 (8.33 mM/l)
20.00	100	200 (11.10 mM/l)
25.00	100	250 (13.88 mM/l)

If the desired analytical range is not covered by these standards, additional working standards must be prepared: 300, 400 and 500 mg/dl (16.65, 22.2 and 27.8 mM/l, respectively) working standards may be prepared by dilutions of 30-, 40- and 50-milliliter aliquants, respectively, of stock standard into 100-milliliter volumetric flasks. A complete set of standards is prepared at one time and if any one is depleted or suspect, the entire batch is replaced. The old and new sets are compared by duplicate analysis in one analytical run. A 25 mg/dl (1.39 mM/l) standard may be prepared by mixing 5.0-milliliter aliquots each of 50 mg/dl (2.78 mM/l) standard and benzoic acid diluent in a clean, dry tube.

(b) Working standards are stored in 4-ounce screw-capped polyethylene bottles (squeeze dropping type with snap-cap on the tip) at 4° C for up to 1 month. Cleaning of plastic storage bottles is critical, since gross contamination cannot be seen and since molds may be transferred from one solution to another. Although benzoic acid is a good preservative against ordinary glucolytic microorganisms, it cannot protect against heavy bacterial inoculations.

(c) On each analytical day, the required working standards are dispensed into clean tubes for equilibration to 20° C, and the stock bottles returned to the refrigerator.

(d) *Data evaluation and computations.* The following guidelines for data evaluation and computations are applicable to each of the reference methods in this standard.

(1) *Drift evaluation.* Drift is identified by a significant alteration of either the response to concentration (y/x) slope between the initial and final absorbance readings of the standard curve, or by a vertical displacement of the two curves throughout the concentration range. The following procedure provides a test for identifying drift.

(i) If the initial and final blank differ by more than 0.005 absorbance, discard run.

(ii) Discard any standard for which the duplicate readings differ by more than 5 percent.

(iii) Sum the absorbance readings for the two lowest standards in the initial set of standard readings, normally the 50 (2.78) and 100 mg/dl (5.55 mM/l) standards.

(iv) Similarly, sum the initial readings for the two highest standards, normally 200 (11.10) and 250 mg/dl (13.88 mM/l) standards.

(v) Obtain similar sums for the two lowest and two highest in the final set of standards.

(vi) If the sums for the initial and final absorbance values for the two lowest standards differ by more than 3 percent, discard run. For all such comparisons the lower of the two values is used as the denominator. Similarly, if the difference between initial and final sums for the two highest standards is more than 3 percent, discard the run.

(2) *Validation of duplication standards.* (i) Discard any standard for which duplicate absorbances differ by more than 3 percent, or 5 percent for the 50 mg/dl (2.78 mM/l) standard.

(ii) The data for at least four standard concentrations must be acceptable by this test, or the run must be discarded.

(3) *Obtaining corrected readings.* (i) Average the duplicate values for the blanks and each acceptable standard.

(ii) Subtract the average blank absorbance from the average absorbance for each standard and from the absorbance for each specimen to obtain the "corrected reading."

(4) *Obtaining factor for each standard level.* Obtain a factor for each standard by dividing its concentration by its corrected reading.

(5) *Validation of linearity of the standard curve.* (i) Add the factors for the two lowest accepted standards, normally 50 (2.78) and 100 mg/dl (5.55 mM/l).

(ii) Add factors for the two highest accepted standards, normally 200 (11.10) and 250 mg/dl (13.88 mM/l).

(iii) If these two sums obtained differ by more than 2 percent of the lower value, discard run.

(6) *Obtaining multiplier factor (F), and computing concentrations.*

(i) Average the factors for all accepted standards to obtain F.

(ii) Multiply corrected reading for each specimen by F to obtain glucose concentration.

(iii) Samples with readings more than 10 percent higher than the highest standard accepted for the run, or lying beyond the previously demonstrated linear range, are diluted 1:2 (equal volumes) with reagent water and reanalyzed; the result is adjusted for the dilution factor (2).

(7) *Example, using data derived from the ortho-toluidine method.* The following data were obtained by manual techniques, employing a common 1-milliliter Ostwald pipet for all samples and a precise spectrophotometer using a self-filling cuvet system.

Standard concentration (mg/dl)	Initial values (absorbance)	Final values (absorbance)	1 Test of drift (sum of absorbance)	2 Test of duplication (percent)	3 Corrected readings (absorbance)	4 Factors (F)	5 Test of linearity (sum of F)
0	0.007	0.004	0.005				
50	.085	.085	.248	−1.2	0.0800	625	
			vs.				1260
100	.162	.164	.249	+1.2	.1575	635	
			0.4%				
150	.240	.239	0	.2340	640		
200	.321	.315	.717	−2.0	.3125	640	
			vs.				1286
250	.396	.388	.703	−2.0	.2865	646	
			2.0%				2.0%

Although there was evidence of fading of color at the end of this long run, the drift was acceptable (0.4 percent for the two low standards and 2.0 percent for the two high standards). Duplication fell within limits for the blanks and all standards (less than 3 percent). All standard values were acceptable. The test for linearity was barely satisfied, with the sum of the two highest standard factors exceeding that of the two lowest by exactly 2.0 percent, most probably due to excessive fading at the higher concentrations. The overall multiplier factor (F) averaged 637.

(e) *Methods for determination of glucose*—(1) *Ortho-toluidine method for determination of glucose in serum or plasma*—(i) *General.* The ortho-toluidine reaction is considered to be relatively specific for aldohexoses. Actually, certain other sugars may participate in the reaction to some extent, and the usefulness of this method in blood sugar determinations depends upon the fact that glucose is the preponderant sugar and, normally, the only significant reactant in serum or plasma. Specimens from some uncontrolled diabetics and those containing certain glycosans which can hydrolyze in the hot acid reaction can yield appreciably higher values than the actual glucose content. The reaction involves the condensation of glucose with a primary aromatic amine in hot acetic acid to produce an equilibrium mixture of a glycosylamine and a Schiff base:

Ortho-toluidine method

$$CH_3C_6H_4NH_2 + C_6H_{12}O_6 \rightarrow \text{green chromogen}$$

The relatively stable green color produced conforms to the Beer-Bouguer Law up to about 400 mg/dl (22.2 mM/l) glucose concentration.

(a) The method is simple and straightforward, requiring only two reagents, the first for protein precipitation and a second for the color reaction. Deproteinization is required for the most reliable results. Interference from pigmented or uncharacterized components in occasional specimens is minimized by deproteinization.

(b) The o-toluidine reagent is compatible with several common protein-free filtrates of serum or plasma. The reaction volumes are readily adjustable, within limits, for the sensitivity and concentration range desired. However, sources of o-toluidine vary, and some variation in the responses between pure aqueous standards and serum or plasma filtrates may occasionally be observed with some reagents. The characteristics and properties of an acceptable reagent have not been completely defined. Technical grade o-toluidine has often been used; the presence of thiourea has been suggested to compensate for "impurities." Verification of the adequacy of each lot of source reagent is necessary. The present procedure is an optimization of the basic method of Dubowski (Dubowski, K. M., *Clinical Chemistry*, 8: 215–235, 1962[4]).

(ii) *Reagents and chemical specifications for the o-toluidine method*—

(a) *Chemical specifications*—(1) *Trichloroacetic acid (TCA).* ACS specifications (4th ed., p. 617[3]). (Trichloroacetic acid is very caustic and must be handled with care.)

(2) *Ortho-toluidine.* Technical grade o-toluidine is distilled under vacuum in the laboratory and kept tightly capped in a vacuum desiccator in the dark at room temperature (o-toluidine or its contained impurities is considered to be a potential carcinogen; contact with the liquid or the color reagent should be strictly avoided.)

[1] Copies may be obtained from: Journal of Analytical Chemistry, American Chemical Society, 1155 16th St., Washington, D.C. 20036.

[2] See footnote 1 at p. 24141, *supra*.

[3] See footnote 2, 1st col.

[4] See footnote 2 at p. 24142, *supra*.

[5] Copies may be obtained from: Clinical Chemistry Business Office 1725 K St. NW., Washington, D.C. 20006.

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(3) *Acetic acid, glacial.* ACS specifications (4th ed., p. 34 [3]). Acetic acid, glacial, may cause burns of the skin and must be handled with care.

(4) *Thiourea.* Reagent grade.

(b) *Reagent specifications—(1) Protein precipitant TCA.* Trichloroacetic acid solution, 60 grams/liter. Quickly weigh 60±0.5 grams of ACS reagent grade trichloroacetic acid (CCl_3COOH) into a 600-milliliter beaker, add reagent water to dissolve completely; transfer and dilute to 1000 milliliters in a volumetric flask. Store at 4° C in a glass-stoppered reagent bottle (well-designed closures of nonreactive plastics are acceptable). This preparation should not be used after 3 months.

(2) *o-Toluidine color reagent.* Completely dissolve 1.5±0.1 grams of reagent grade thiourea in 940±5 milliliters of ACS glacial acetic acid in a beaker. Warm to 50° C and stir constantly in a fume hood. When the thiourea has dissolved, cool in a water bath to room temperature, and add 60±0.5 milliliters of ortho-toluidine. Transfer to a 1-liter amber bottle, mix thoroughly, and store at room temperature for up to 3 months.

(3) *Working standards.* The preparation of primary standard solutions is described in paragraph (c)(5)(iii) of this section.

(iii) *Procedure for ortho-toluidine analysis of glucose—(a) Preparation of deproteinized supernates.* (1) Pour sufficient portions of each standard into clean, cappable tubes and return standards to refrigerator. Bring specimens, standards, and reagent water to constant temperature by placing for 30 minutes in a temperature-controlled water bath at room temperature (15° to 30° C). Label a sufficient number of 18 x 150 millimeter cappable tubes to accommodate:

Type of sample:	*Preparation*
Duplicate blanks (zero concentration standard).	Prepared with benzoic acid diluent as a sample and carried through the procedure as a reagent blank.
Duplicate working standards	50, 100, 150, 200, and 250 mg/dl (2.78, 5.55, 8.33, 11.10 and 13.88 mM/l, respectively) standards. If samples above 275 mg/dl (15.26 mM/l) are to be analyzed, include the appropriate working standard.
Two biologic control samples	Appropriate concentration and analytical history.
Specimens	Specimens above 300 mg/dl (16.65 mM/l) require dilution with water before deproteinization.

(2) Deliver 10.0 milliliters of reagent water into each tube, using the same volumetric pipet. If automatic dilution is employed, this water is used as the fluid to flush out the sample.

(3) From a micropipet, deliver 1000 microliters of each sample beneath the surface of the water in its respective tube, blow out gently and rinse the pipet twice with a complete filling with upper layer water; blow out the residual liquid. Vortex tube for 5 seconds. The micropipets selected must be capable of delivering required volumes within a tolerance of ±2 microliters; a sample dilutor capable of repetitive deliveries with a precision of 0.2 percent (1 C.V.) may be used.

(4) Pipet 10.0 milliliters of TCA precipitant into the tube; cap tightly, shake vigorously for 10 seconds, and place in a rack. Use one transfer pipet for all deliveries of TCA.

(5) Mix each tube by vortexing; then centrifuge. If a smaller tube is required, transfer about 12 milliliters of the mixture to a clean tube for certification. Cap and centrifuge at approximately 1000 x gravity (g) for 10 minutes. Two shorter centrifugations may be necessary to clear the supernate, the first being used to provide clean supernate with which to wash down the sides of the tube above the liquid level. Bring the tubes to room temperature in a temperature-controlled water bath before measuring aliquants of the supernate.

(b) *Color reaction.* (1) A complete set of blanks and standards is run at the beginning and end of each run, using the duplicate dilutions of standards in TCA.

(2) Deliver 2.00 milliliters of each clear supernate into labeled reaction tubes from a 2-milliliter transfer (TD) pipet by letting it drain against the side of the tube; when the level has reached the tip, the pipet is drawn upwards against the glass and removed. A set of pipets must be selected so that repetitive deliveries of water can achieve a precision of 0.2 percent (1 C.V.); if a single pipet is used for all samples, it must be rinsed twice with each succeeding sample before measurement.

(3) To each tube, add 7.0 milliliters of o-toluidine reagent and mix well by vortexing. Delivery may be made from a single transfer (TD) pipet or from a reagent dispenser whose precision of repetitive delivery has been demonstrated to fall within 0.2 percent (1 C.V.).

(4) Rack and cover all tubes, and place the rack in a vigorously boiling water bath for exactly 12 minutes.

(5) Remove the rack from the bath and immerse it in an ice-water bath up to the level of the reagent mixture for 10 minutes (slow rates of cooling may affect the results). Then bring contents to room temperature in a water bath for 10 minutes.

(6) Again mix well by a brief vortexing and perform the photometry by transferring each sample to a rectangular cuvet. If a single cuvet or a flow-through cuvet is used for all readings, it is rinsed twice with portions of about 1 milliliter of the solution to be read; if more than one cuvet is used, results must be corrected for any differences in pathlength. With uniformly rapid cooling, the color is relatively stable, but readings should not be delayed. In a long run, check for fading between the initial and final standard curves.

(7) With the wavelength set to 630 nanometers, zero the photometer with reagent water. Read absorbance of the first set of blank and standards, then specimens and controls, and finally the second set of blank and standards. The zero setting of the photometer is checked with water after each 10 readings. If the absorbance reading drifts beyond ±0.001 absorbance during the measurements, it must be checked more often and the instrument rezeroed.

(8) Refer to paragraph (d) of this section for data evaluation and computations.

(2) *Glucose oxidase method for the determination of glucose in serum, plasma, and cerebrospinal fluid—(i) General.* This procedure is applicable to serum, plasma, and cerebrospinal fluid. It utilizes two oxidoreductases for the enzymatic conversion of glucose. The first, glucose oxidase, oxidizes beta-D-glucose (and ultimately the alpha epimer in solution) to gluconic acid. Hydrogen peroxide is formed, and peroxidase acts on the peroxide and a chromogenic hydrogen donor (ortho-dianisidine in this method) to yield water and the oxidized form of the chromogen.

Glucose oxidase reaction

$$\underset{\text{Beta-D-glucose}}{C_6H_{12}O_6} + \underset{\text{Water}}{H_2O} + \underset{\text{Oxygen (air)}}{O_2} \xrightarrow{\text{(glucose oxidase)}} \underset{\text{D-gluconic acid}}{C_5H_4(OH)_3COOH} + \underset{\text{Hydrogen peroxide}}{H_2O_2}$$

Peroxidase reaction

$$\underset{\text{Hydrogen peroxide}}{H_2O_2} + \underset{\text{Orthodianisidine}}{[C_6H_3(OCH_3)NH_2]_2} \xrightarrow{\text{(peroxidase)}} \underset{\text{(yellow)}}{\text{oxidized chromogen}} + \underset{\text{Water}}{2H_2O}$$

The proteins are removed from the sample by the barium hydroxide-zinc sulfate reagent of Somogyi, and an aliquant of the resultant supernate is taken for the procedure. The zinc hydroxide precipitation also effectively decreases the levels of the other reducing substances which can compete with the chromogen as hydrogen donors. Sulfuric acid is added to stop the reaction and convert the colored product from yellow to rose-pink. The amount of color produced is proportional to the amount of glucose oxidized and is measured in a spectrophotometer at a wavelength of 540 nanometers. The method is basically that of Fales (Fales, F.W., "Standard Methods of Clinical Chemistry," Vol. 4, pp. 101–112, 1963).

(ii) *Reagents and chemical specifications for the glucose oxidase method—(a) Chemical specifications.* (1) Zinc sulfate, heptahydrate. ACS specifications (4th ed., p. 642 [3]).

(2) Barium hydroxide, octahydrate. ACS specifications (4th ed., p. 100 [3]).

(3) Sodium phosphate, dibasic, anhydrous. ACS specifications (4th ed., p. 559 [3]).

(4) Potassium phosphate, monobasic, anhydrous, ACS specifications (4th ed., p. 480 [3]).

(5) Glycerol. ACS specifications (4th ed., p. 269 [3]).

(6) Methanol. ACS specifications (4th ed., p. 372 [3]).

(7) Sulfuric acid. ACS specifications (4th ed., p. 597 [3]).

(8) Ortho-dianisidine, reagent grade.

(b) *Enzyme specifications.* Enzymes for the glucose oxidase analysis should meet the following specifications, and should be stored in a desiccator at 4° C.

(1) *Glucose oxidase.* Purified from *Aspergillus niger.* Minimal activity: 13,000 International Units (IU) per gram. One IU is defined as the amount of glucose oxidase required to oxidize 1 micromole of glucose to gluconic acid and H_2O_2 per minute at pH 5.1 at 35.0° C. Catalase, amylase, invertase, maltase and other disaccharidases should be absent.

(2) *Peroxidase.* RZ (Reinheit Zahl) no less than 1.0 from horseradish; salt-free powder. Activity: approximately 100 to 150 purpurogallin units per milligram (one 20-second purpurogallin unit equals the formation of 1 milligram of purpurogallin in 20 seconds from pyrogallol at pH 6.0 at 20.0° C).

(c) *Reagents for protein precipitation—(1) Zinc sulfate solution, 22.0 grams/liter.* Dissolve 22.0 grams of zinc sulfate ($ZnSO_4 \cdot 7H_2O$) in approximately 900 milliliters of freshly prepared, hot CO-free distilled water. When the solution has cooled to room temperature, transfer to a 1-liter volumetric flask, dilute to 1000 milliliters with CO_2-free water, mix well, and transfer to a glass reagent bottle. Stopper tightly.

(2) *Barium hydroxide solution, saturated.* Dissolve 80 grams of barium hydroxide ($Ba(OH)_2 \cdot 8H_2O$) from a freshly opened bottle in approximately 950 milliliters of freshly prepared CO_2-free, hot, distilled water. When the solution has cooled to room temperature, transfer to a 1-liter volumetric flask, dilute to 1000 milliliters with CO_2-free water, mix well, and transfer to a storage bottle fitted with a soda-lime trap protected with a short column of silica gel. The life of the soda-lime trap is relatively short, and must be replaced often. Allow the excess barium hydroxide and any carbonates to settle overnight before making the dilution below.

(3) *Barium hydroxide solution, approximately 0.11N.* Without disturbing the precipitate, dilute 245 milliliters of saturated barium hydroxide to 1 liter with CO_2-free water. Titrate 10.0 milliliters of zinc sulfate solution with this dilute barium hydroxide to a faint pink endpoint with phenolphthalein indicator (2 drops of 0.5 percent indicator in 95 percent ethanol). The result should be

such that 10.0 milliliters of zinc sulfate solution require 10.0±0.1 milliliter of barium hydroxide solution. If this limit is exceeded, add either saturated hydroxide or CO_2-free water in the appropriate calculated quantities to the barium hydroxide solution and repeat the titration. Transfer the adjusted barium hydroxide solution to a reagent bottle fitted with a soda-lime trap and a syphon or decanting tube system. Each month check equivalence of this solution by titration.

(d) *Reagents for enzymatic and color reactions—(1) Glycerol-buffer solution, pH 7.0.* Dry the necessary quantities of mono- and dibasic phosphates in a 110° C oven. Dissolve 3.48 grams of anhydrous dibasic sodium phosphate (Na_2HPO_4) and 2.12 grams of anhydrous monobasic potassium phosphate (KH_2PO_4) in 600 milliliters of reagent water, then add 400 milliliters of glycerol. Mix well, measure the pH and, if necessary, adjust the pH of the solution to 7.0±0.1. Transfer to a reagent bottle and store at 4° C. To prolong the stability of the reagent, it may be membrane-filtered into a sterile storage bottle. A preparation free of bacteria, stored at 4° C will remain stable for at least 4 months.

(2) *Enzyme solution.* Dissolve 250 milligrams of glucose oxidase in about 10 milliliters of glycerol-buffer solution. In a separate container, dissolve 50 milligrams peroxidase in another 10-milliliter portion of glycerol-buffer. Transfer both enzyme solutions to a 1-liter volumetric flask by washing it with the glycerol-buffer solution and bring to volume with the glycerol-buffer solution. Mix well, divide into 10 separate 100-milliliter portions and store these in brown screw-cap bottles. Store at −20° C. The reagent is stable for about 3 months.

(3) *Ortho-dianisidine-methanol solution.* Dissolve 200.0 milligrams of ortho-dianisidine in 20 milliliters of absolute methanol. Mix well and store in a tightly capped brown plastic bottle at 4° C. The solution is stable for about 2 months.

(4) *Glucose oxidase reagent.* Bring to room temperature one 100-milliliter bottle of enzyme solution and a small portion of ortho-dianisidine-methanol solution. Pipet 1.0 milliliters of ortho-dianisidine-methanol solution into a flask. Quickly pour the enzyme solution into the flask with swirling (to prevent precipitation of the dianisidine) and mix well. Use within 1 day.

(5) *Sulfuric acid (H_2SO_4), 8N.* Chill 700 milliliters of reagent water in an Erlenmeyer flask in an ice bath. Add slowly, and with rapid stirring, 200 milliliters of sulfuric acid. Mix thoroughly and store in a glass-stoppered reagent bottle.

(iii) *Procedure for glucose oxidase analysis of glucose—(a) Preparation of deproteinized supernates ("Somogyi filtrates").* (1) Pour sufficient portions of each standard into clean cappable tubes, and return standard to refrigerator. Bring all specimens, standards and reagent water to room temperature by placing in a temperature-controlled water bath. Label a sufficient number of 18 x 150 millimeter cappable tubes to accomodate:

Types of sample:	*Preparation*
Blank (zero concentration standard).	Prepared with benzoic acid diluent as a sample and carried through the procedure for photometric blanking.
Working standards.	50, 100, 150, 200, and 250 mg/dl (2.78, 5.55, 8.33, 11.10 and 13.88 mM/l, respectively) standards; if specimens up to 300 mg/dl (16.65 mM/l) are to be analyzed, include a 300 mg/dl working standard.
Two biologic control samples.	Of appropriate concentration and analytical history.
Specimens	Specimens above 300 mg/dl (16.65 mM/l) require dilution with water.

(2) Deliver 10.0 milliliters of 0.11*N* barium hydroxide solution into each tube from the same volumetric transfer (TD) pipet.

(3) From a micropipet, deliver 1000 microliters of the first sample beneath the surface of the solution into its labeled tube, blow out gently, and rinse the pipet completely twice with upper layer solution. Vortex the tube for 5 seconds.

(4) Pipet 10.0 milliliters of zinc sulfate solution into the tube. Cap and shake vigorously (or vortex for 5 seconds), set aside and proceed to the next sample. Proceed similarly with all samples. This procedure may be conducted by a reliable sample dilutor meeting the precision requirements previously specified, and with the same precautions about cross-contamination between samples and reagents. A fixed volume dispenser of high reliability and precision may be used to dispense the zinc sulfate solution. If suitable precision is demonstrated in these semiautomated steps, all of the above volumes may be scaled to half.

(5) After again mixing each tube by a short vortexing, centrifuge (or if necessary, transfer about 12 milliliters of the mixture to a clean tube). Cap and centrifuge at approximately 1000 x gravity (g) for 10 minutes. Two shorter centrifugations may be necessary to clear the supernatant solution, the first being used to wash down the sides of the tube above the liquid level. Bring the tubes to room temperature in a temperature-controlled water bath before measuring the aliquants of the supernate.

(b) *Enzymatic and color reactions.* (1) Label clean screw-cap 15 x 125 millimeter tubes for an initial set of blank and standards; unknown and control specimens; and a final set of blank and standards.

(2) From a transfer pipet deliver 2.00 milliliters of glucose oxidase reagent and bring to 37° ±0.5° C in a water bath.

(3) From a micropipet deliver 500 microliters of each sample supernate into its proper tube, rinsing twice by a complete filling with the reagent; blow out the residual liquid each time. The tube is

[3] See footnote 2 at p. 24142, *supra*.

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replaced in the 37° C water bath for exactly 30 minutes. The addition of each sample should be at timed intervals, e.g., 30 seconds. This procedure requires selection of a set of calibrated pipets that are verified to contain volumes that match within a tolerance of 1 microliter (0.2%). A sample dilutor with a demonstrated capability for this tolerance may be used for the steps set forth in paragraph (e) (2) (iii) (*b*) (2) and (3) of this section.

(*4*) At the end of its 30-minute incubation period, remove each tube and immediately pipet 4.00 milliliters of 8*N* sulfuric acid into the tube. Cap, mix vigorously, and place the tube in a water bath at room temperature. The color is stable for an hour after the addition of sulfuric acid, but the samples are read in their original sequence to assure a uniform reading time.

(*5*) For photometry, a single rectangular sample cuvet or flow-through cuvet is recommended. Rinse twice between each sample with approximately 1 milliliter volumes.

(*6*) With the wavelength set to 540 nanometers, zero the photometer with reagent water. Read absorbance of initial set of blank and standards, then the specimens and controls, and finally the second set of blank and standards. The zero setting should be checked periodically with water to ascertain stability. If after setting to zero the absorbance reading has drifted beyond ±0.001 absorbance, the instrument must be rezeroed with a fresh water sample. Drift beyond ±0.002 absorbance from the initial setting represents unacceptable photometer performance.

(*7*) Refer to paragraph (d) of this section for data evaluation and computations.

(*3*) *Hexokinase/glucose-6-phosphate dehydrogenase (G6PDH) method for the determination of glucose in serum, plasma, or urine.*

(*i*) This is a reaction completion method based upon the following reactions:

HEXOKINASE REACTION

$$\text{D-glucose} + \text{ATP} \xrightarrow[Mg^{++}]{\text{(yeast hexokinase)}} \text{D-glucose-6-phosphate} + \text{ADP}$$

Where:
ATP = Adenosine triphosphate.
ADP = Adenosine diphosphate.

G6PDH REACTION

$$\text{D-glucose-6-phosphate} + \text{NAD} + \xrightarrow[(L.\ mesenteroides)]{\text{G6PDH}} \text{6-phosphogluconо-}\Delta\text{-lactone} + \text{NADH}$$

Where:
NAD = Nicotinamide-adenine dinucleotide.
NADH = Nicotinamide-adenine dinucleotide, reduced.

Due to rapid hydrolysis of the gluconolactone, the reaction sequence goes essentially to completion. Utilizing this coupled reaction, one mole of NAD is reduced for each mole of glucose phosphorylated. The gain in absorbance at 340 nanometers by the NADH produced is used to quantify the assay, which is linear to a glucose concentration of 600/mg/dl (33.3 mM/l under the conditions of the analysis.

(ii) Although other hexoses (most importantly fructose and mannose) are phosphorylated by hexokinase, they are normally present in serum or plasma in negligible amounts in comparison with glucose. These other hexose phosphates must be isomerized before entering into the second reaction; if the enzyme preparations can be kept free of contamination with isomerases, the reaction is highly specific.

(iii) The above reaction sequence, or the analogous coupled reaction using yeast dehydrogenase and nicotinamide-adenine dinucleotide phosphate (NADP), is frequently applied directly to samples in a useful clinical method; however, for the most reliable results, deproteinization is required. This procedure utilizes a Somogyi (barium-zinc hydroxide) deproteinized supernate to which the enzymatic reactions are applied.

(iv) Work on the development of the following method was undertaken by the Center for Disease Control in collaboration with the Subcommittee for a Glucose Referee Method of the American Association of Clinical Chemists and is being prepared for joint publication. Coupling of these reactions was first employed by Slein et al., in an assay for hexokinase (Slein, M. W., G. T. Cori, and C. F. Cori, *Journal of Biological Chemistry*, 186:763, 1950).

(v) Reagents for the hexokinase/G6PDH method—(*a*) *Chemical specifications.* (*1*) Zinc sulfate, heptahydrate. ACS specifications (4th ed., p. 642 [2]).

(*2*) Barium hydroxide, octahydrate. ACS specifications (4th ed., p. 100 [2]).

(*3*) Magnesium acetate. ACS specifications 4th ed., p. 329 [2]).

(*4*) Tris(hydroxymethyl) aminomethane (Tris), reagent grade.

(*5*) Tris hydrochloride. Reagent grade. grade.

(*6*) Nicotinamide adenine dinucleotide, oxidized (NAD). Purity of 98 percent or better.

(*7*) Adenosine triphosphate (ATP). Purity of 98 percent or better.

(*b*) *Enzyme specifications*—(*1*) *Hexokinase.* The content of contaminants should not exceed the following limits:

	Percent
Glucose-6-phosphate dehydrogenase	0.005
Glutathione reductase	.005
Phosphoglucose isomerase	.003
Myokinase	.001
6-phosphogluconate dehydrogenase	.001

One international unit (IU) of hexokinase activity is defined as that amount of enzyme which will catalyze the conversion of one micromole of glucose per minute at 25° C. The activity may be determined by the method of: (Darrow R.A., and S.P. Colwick, "Methods in Enzymology," *V*:226, 1962).

(*2*) *Glucose-6-phosphate dehydrogenase (G6PDH) (D-glucose-6-phosphate NAD oxidoreductase).* The source of the enzyme is *Leuconostoc mesenteroides*, available as suspension in ammonium sulfate solution or as lyopholized powder. One IU of G6PDH is that amount of enzyme which reduces one micromole of NAD per minute at 25° C. The activity may be determined by the method of: (Olive C., and H.R. Levy, *Biochemistry*, 6:730, 1971).

(*3*) *Reagents for protein precipitation.*

ZINC SULFATE SOLUTION, 22.0 GRAMS/LITTER

Dissolve 22.0 grams of zinc sulfate ($ZnSO_4 \cdot 7H_2O$) in approximately 900 milliliters of freshly prepared, CO_2-free, hot distilled water. When the solution has cooled to room temperature, transfer to a 1-liter volumetric flask, dilute to 1000 milliliters with CO_2-free water, mix well, and transfer to a glass reagent bottle. Stopper tightly.

BARIUM HYDROXIDE SOLUTION, SATURATED

Dissolve 80 grams of barium hydroxide ($Ba(OH)_2 \cdot 8H_2O$) from a freshly opened bottle in approximately 950 milliliters of freshly prepared CO_2-free, hot distilled water. When the solution has cooled to room temperature, transfer to a 1-liter volumetric flask, dilute to 1000 milliliters with CO_2-free water, mix well, and transfer to a storage bottle fitted with a soda-lime trap protected with a short column of silica gel. The life of the trap is relatively short, and must be replaced often. Allow the excess barium hydroxide and any carbonates to settle overnight before making the dilution below.

BARIUM HYDROXIDE SOLUTION, APPROXIMATELY 0.11 *N*

Without disturbing the precipitate, transfer 245 milliliters of saturated barium hydroxide to a 1-liter volumetric flask. Dilute to 1000 milliliters with CO_2-free water. Titrate 10.0 milliliters of zinc sulfate solution with this dilute barium hydroxide solution to a faint pink endpoint with phenol-phthalein indicator (2 drops of 0.5 percent indicator in 95 percent ethanol). The result should be such that 10.0 milliliters of zinc sulfate solution require 10.0±0.1 milliliters of barium hydroxide solution. If this limit is exceeded, add add either saturated hydroxide or CO_2-free water in the appropriate calculated quantities to the barium hydroxide solution and repeat the titartion. Transfer the adjusted barium hydroxide solution to a reagent bottle fitted with a soda-lime trap and a syphon or decanting tube system. Each month check equivalence of this solution by titration.

(*4*) *Tris buffer, 0.1M, pH 7.5 at 25° C, containing 4 mM magnesium acetate.*

TRIS-HCL STOCK SOLUTION

31.52 grams Tris-hydrochloride, dissolved and diluted to 2000 milliliters with reagent water in a 2-liter volumetric flask.

TRIS BASE STOCK SOLUTION

6.06 grams of Tris base, dissolved and diluted to 500 milliliters with reagent water in a 500-milliliter volumetric flask. These stock solutions, if carefully prepared and protected from mold contamination, can be stored at 4° C for several months.

TRIS-MAGNESIUM BUFFER, PH 7.5

Mix 800 milliliters of the Tris-HCl solution and 200 milliliters of the Tris base solution in a large beaker, and then dissolve 1.1 grams of magnesium acetate in the solution.

[2] See footnote 2, p. 24142, *supra*.

The pH of the mixture is determined at 25° C. If necessary, adjust with either Tris-HCl or Tris base solution to pH 7.5±0.1. Filter the solution through a sterile 0.45 micron membrane filter into a sterilized borosilicate glass screw-cap storage bottle. If carefully handled, this solution may be stored at 4° C for up to 6 months.

(*5*) *Enzyme reagent.* Dissolve 0.7962 grams of NAD, 0.6614 grams of ATP and 100 IU each of hexokinase and glucose-6-phosphate dehydrogenase in approximately 500 milliliters of Tris-magnesium buffer in a 1-liter volumetric flask. The quantities of these enzymes to be used must be determined by previous assays for activity of the source preparations. Five IU of each enzyme are employed per test (in each 5 milliliters of enzyme reagent). Dilute to volume with Tris-magnesium buffer and mix thoroughly by gentle inversion. Dispense 100-milliliter volumes (100 milliliters yields 19 tests) into clean, dry, screw-cap 125-milliliter heavy borosilicate glass bottles and store at –20° C until used. The enzyme solutions prepared and stored in this manner are stable approximately 6 months. On the day of the assay, remove the enzyme reagent from the freezer and place in a 25° C water bath for about one hour or until equilibrated to 25°±1° C.

(*c*) *Tests of reagent adequacy.* (*1*) Set the photometer to zero absorbance with water as a blank. Read the absorbance of the enzyme (5 milliliter enzyme reagent plus 1000 microliters water as sample). The reading should be less than 0.100 absorbance.

(*2*) The following test is applied for verifying acceptable enzyme activity and for monitoring reagent stability over time: A 600 mg/dl (33.3 mM/1). aqueous glucose standard (30.0 milliliters of stock 10 grams/liter glucose standard diluted with benzoic acid diluent to 50 milliliters in a volumetric flask) is processed by the complete procedure. The resultant absorptivity should lie between 1.6 and 1.8 absorbance, and the absorbance/concentration slope at 600 mg/dl should be less than 95 percent of the average slope obtained when using standards in the 0 to 250 mg/dl range. This reaction should be complete within 6 minutes at 25° C.

(*d*) *Preparation of deproteinized supernates ("Somogyi filtrates").*

(*1*) Pour sufficient portions of each standard into clean cappable tubes, and return standards to refrigerator. Bring all specimens, standards, and reagent water to room temperature by placing in a temperature controlled water bath. Label a sufficient number of 18 x 150 millimeter cappable tubes to accomodate:

Type of sample:	*Preparation*
Blank (zero concentration standard).	Prepared with benzoic acid diluent as a sample, and carried through the procedure for photometric blanking.
Working standards.	50, 100, 150, 200, and 250 mg/dl standards (2.78, 5.55, 8.33, 11.10 and 13.88 mM/1, respectively). If specimens up to 300 mg/dl (16.65 mM/1) are to be analyzed, include a 300 mg/dl working standard.
Two biologic control samples.	Of appropriate concentration and analytical history.
Specimens	Specimens above 300 mg/dl (16.65 mM/1) require dilution with water.

(*2*) Deliver 10.0 milliliters of 0.11*N* barium hydroxide solution into each tube from the same volumetric transfer (TD) pipet.

(*3*) From a micropipet, deliver 1000 microliters of the first sample beneath the surface of the solution into its labeled tube, blow out gently, and rinse the pipet completely twice with upper layer solution. Vortex the tube for 5 seconds.

(*4*) Pipet 10.0 milliliters of zinc sulfate solution into the tube. Cap and shake vigorously (or vortex for 5 seconds), set aside and proceed to the next sample. Proceed similarly with all samples. A reliable sample dilutor meeting the precision requirements previously specified may be used for the above procedure, with the same precautions about cross-contamination between samples and reagents. A fixed volume dispenser of high reliability and precision may be used to dispense the zinc sulfate solution. If suitable precision is demonstrated in these semi-automated steps, all of the above volumes may be scaled to half.

(*5*) Again mix each tube by a short vortexing. If necessary, transfer about 12 milliliters of the mixture to a clean tube, cap and centrifuge at approximately 1000 x grams for 10 minutes. Two shorter centrifugations may be necessary to clear the supernatant solution, the first being used to wash down the sides of the tube above the liquid level. Bring the tubes to room temperature in a temperature controlled water bath before measuring the aliquants of the supernate.

(*e*) *Enzyme reaction.* (*1*) Label a set of clean screw-cap 15 x 125 millimeter tubes for an initial set of blank and five standard "supernates"; supernate of each specimen and control; a final set of blank and five standard "supernates."

(*2*) To each tube, add 5.0 milliliters of enzyme reagent from a single transfer (TD) pipet or from a reagent dispenser with a demonstrated precision of repetitive delivery of 0.2 percent (1 C.V.). Place the tubes in a water bath of 25° ±1° C.

(*3*) From a micropipet, deliver 1000 microliters of each clear supernate beneath the surface of the enzyme reagent in its proper tube, blow out gently, and rinse the pipet twice with a complete filling with upper layer liquid; blow out the residual liquid. Cap the tube, mix by gentle inversion, five times, and place in the water bath for 10 minutes at 25° ±1° C. Automatic pipetting or diluting devices capable of 0.2 percent precision in repetitive delivery may be employed for steps set forth in paragraph (e) (3) (v) (*e*) (2) and (3) of this section, using the 5.0 milliliter enzyme reagent as the fluid to flush out 1000 microliters of supernate.

(*4*) After 10 minutes of incubation, again mix well by slow inversion and perform the photometry within 30 minutes for all samples. Timing is not critical but photometry is performed in the serial order of addition, so that each sample is read at approximately the same time interval from the addition of sample. Transfer each sample to a 10.0 millimeter cuvet. If one cuvet or a flow-through cuvet is used, it is rinsed with several 1-milliliter portions of the solution to be measured; if matched cuvets are used, they must be corrected for any differences in path-length.

(*5*) With the wavelength set at 340 nanometers, zero the photometer with reagent water. Read absorbance of the initial set of blank and standards. Recheck zero with reagent water after a complete rinsing of the cuvet. Read specimens and controls. Recheck zero with reagent water and read the final set of blank and standards. If absorbance reading drifts beyond ±0.001 absorbance during the measurements, it must be checked more often and the instrument rezeroed with reagent water.

Interested persons may, on or before October 28, 1974, file with the Hearing Clerk, Food and Drug Administration, Rm. 6–86, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: June 24, 1974.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

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PART IV

DEPARTMENT OF TRANSPORTATION

Coast Guard

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TANK VESSELS IN DOMESTIC TRADE

Protection of Marine Environment; Notice of Proposed Rulemaking

V 39 126 JUN 28 74 XUM

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Parts 151, 157]

[CGD 74-32]

TANK VESSELS ENGAGED IN DOMESTIC TRADE

Protection of Marine Environment; Notice of Proposed Rulemaking

The Coast Guard is considering amending the pollution regulations by adding interim regulations that govern the design and operation of certain seagoing U.S. tank ships and barges certified to carry oil in the domestic United States trade.

Written comments. Interested persons are invited to participate in this proposed rulemaking by submitting written views, data, arguments, objections, and comments to the Executive Secretary, Marine Safety Council (G-CMC/82), Room 8234, U.S. Coast Guard, Washington, D.C. 20590. Each person submitting comments should include his name and address, identify this notice (CGD 74-32), and give reasons for any recommendation. Comments received will be available for examination by interested persons in Room 8234, U.S. Coast Guard Headquarters, Washington, D.C.

Public Hearing. The Coast Guard will hold public hearings on July 23 and 24, 1974 beginning at 9:00 a.m., in the Shaw Room, Seattle Center, 203 Harrison St., Seattle, Washington, and on July 30 and 31, 1974, beginning, at 9:00 a.m., in Room 2232, 400 Seventh Street, S.W., Washington, D.C. Interested persons are invited to attend the hearings and present oral or written statements on this proposal. It is requested that anyone desiring to make oral comments at either hearing notify the Executive Secretary, at the above stated address, by July 19, 1974, and specify the approximate length of time needed for his presentation. Submission of a written summary or copy of the oral presentation is encouraged.

Closing date for comments. All communications received before August 19, 1974, will be evaluated before final action is taken on this proposal. These proposed regulations may be changed in light of the comments received.

In the January 26, 1973, issue of the FEDERAL REGISTER (38 2467), an advance notice of proposed rulemaking was published concerning standards for pollution abatement for new tank ships constructed for trade on the navigable waters of the United States. The construction requirements concerned the concept of segregated ballast tanks achieved, in part by fitting a double bottom in the cargo length.

The advance notice was published with two purposes in mind:

1. Participation by the public in the regulatory process in implementing section 201 of the Ports and Waterways Safety Act of 1972 (Pub. L. 92-340, 86 Stat. 427, 46 U.S.C. 391(7)); and

2. Complying with the effective date of January 1, 1976, mandated by Congress.

Over 60 comments were received on the advance notice and an evaluation of the comments was made. The comments contained three common areas of concern. These were:

1. The high initial cost associated with double bottoms.

2. The need for international agreement and the danger of unilateral action.

3. The treatment to be accorded existing foreign and domestic shipping not covered.

In the July 5, 1973, issue of the FEDERAL REGISTER (38 FR 17848), the Coast Guard published a supplement to the advance notice of proposed rulemaking. This supplement explained that 46 U.S.C. 391a (c), as amended, allowed for the establishment of rules and regulations consonant with international treaties, conventions, or agreements. Since the IMCO International Conference on Marine Pollution was scheduled in October 1973, and since the results of the Conference would have a direct bearing on implementing regulations under section 391a (7), the Coast Guard notified the public that action under the advance notice would be withheld.

The authority of the proposed regulations, section 201 of title II of the Ports and Waterways Safety Act of 1972 (Pub. L. 92-340, 86 Stat. 427), amends section 4417a of the Revised Statutes of the United States (46 U.S.C. 391a). Subsection 3 of the amended section 4417a reads as follows:

> (3) Rules and Regulations—In order to secure effective provisions (A) for vessel safety, and (B) for protection of the marine environment, the Secretary of the department in which the Coast Guard is operating (hereafter referred to in this section as the "Secretary") shall establish for the vessels to which this section applies such additional rules and regulations as may be necessary with respect to the design and construction, alteration, repair, and maintenance of such vessels, including, but not limited to, the superstructures, hulls, places for stowing and carrying such cargo, fittings, equipment, appliances, propulsive machinery, auxiliary machinery, and boilers thereof; and with respect to all materials used in such construction, alteration, or repair; and with respect to the handling and stowage of such cargo, the manner of such handling or stowage, and the machinery and appliances used in such handling and stowage; and with respect to equipment and appliances for lifesaving, fire protection, and the prevention and mitigation of damage to the marine environment; and with respect to the operation of such vessels; and with respect to the requirements of the manning of such vessels and the duties and qualifications of the officers and crew thereof; and with respect to the inspection of all the foregoing. In establishing such rules and regulations the Secretary may, after hearing as provided in subsection (4), adopt rules of the American Bureau of Shipping or similar American classification society for classed vessels insofar as such rules pertain to the efficiency of hulls and the reliability of machinery of vessels to which this section applies. In establishing such rules and regulations, the Secretary shall give due consideration to the kinds and grades of such cargo permitted to be on board such vessel. In establishing such rules and regulations the Secretary shall, after consultation with the Secretary of Commerce and the Administrator of the Environmental Protection Agency, identify those established for protection of the marine environment and those established for vessel safety.

In addressing itself to the requirements for rules and regulations for the protection of the marine environment, Congress has directed the following in subsection (7) (A) and (C):

> (7) Rules and regulations for protection of the marine environment relating to vessel design and construction, alteration, and repair; international agreement—(A) The Secretary shall begin publication as soon as practicable of proposed rules and regulations setting forth minimum standards of design, construction, alteration, and repair of the vessel to which this section applies for the purpose of protecting the marine environment. Such rules and regulations shall, to the extent possible, include but not be limited to standards to improve vessel maneuvering and stopping ability and otherwise reduce the possibility of collision, grounding, or other accident, to reduce cargo loss following collision, grounding, or other accident, and to reduce damage to the marine environment by normal vessel operations such as ballasting and deballasting, cargo handling, and other activities.
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> (C) Rules and regulations published pursuant to subsection (7) (A) shall be effective not earlier than January 1, 1974, unless the Secretary shall earlier establish rules and regulations consonant with international treaty, convention, or agreement, which generally address the regulation of similar topics for the protection of the marine environment. In the absence of the promulgation of such rules and regulations consonant with international treaty, convention, or agreement, the Secretary shall establish an effective date not later than January 1, 1976, for rules and regulations previously published pursuant to this subsection (7) which he then deems appropriate.
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> • • • • •

Section 201 of the Ports and Waterways Safety Act of 1972 applies to all United States vessels carrying liquid cargo in bulk which is—

> (A) inflammable or combustible, or
>
> (B) oil, of any kind or in any form, including but not limited to, petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil, or
>
> (C) designated as a hazardous polluting substance under Section 12(a) of the Federal Water Pollution Control Act (33 U.S.C. 1162);

Section 201 applies to foreign vessels carrying the cargoes, set forth in the preceding, while operating on the navigable waters of the United States.

Section 401 of the Act of November 16, 1973 (Pub. L. 93-153, 87 Stat. 589) amended the effective dates in subsection (7) (C) of section 201 and added the requirement that, "Rules and regulations published pursuant to Subsection (7) (A) shall be effective not later than June 30, 1974, with respect to United States flag vessels engaged in the coastwise trade." As previously noted, subsection (7) (A) requires publication of minimum standards of design, construction, alteration, and repair of the vessels to which section 201 applies for the purpose of protecting the marine environment.

The phrase "coastwise trade" is not defined by the Act, but the phrase appears in other statutes and has been used interchangeably with the phrase "coasting trade." Both of these phrases have been defined juridically to include not only trade between points in the United States along the seacoast but also to trade by way of rivers and lakes.

Section 4417a of the Revised Statutes of the United States (46 U.S.C. 391a) prior to its amendment by the Ports and Waterways Safety Act of 1972 applied to all vessels carrying inflammable or combustible liquid cargo in bulk, except public vessels owned by the United States. Section 7(D) of section 201 specifies that any rule or regulation for the protection of the marine environment promulgated pursuant to subsection (7) must be equally applicable to U.S. flag vessels engaged in foreign trade and to foreign vessels. Since there was no provision in 46 U.S.C. 391a authorizing any distinction in treatment between U.S. vessels engaged in foreign trade and U.S. vessels engaged in the coastwise trade, nor any provision authorizing any distinction in treatment between U.S. vessels and foreign vessels, it is clear that the intent of the Congress in subsection 7(D) was to assure in the implementation of subsection 7(C) that no distinction of treatment between U.S. and foreign vessels be inferred from any treaty, convention, or international agreement. Section 401 of the Act of November 16, 1973, introduced the first distinction in treatment of U.S. vessels under the Ports and Waterways Safety Act of 1972, accelerating the date for promulgation of certain regulations for U.S. vessels engaged in the coastwise trade, and allowing the regulations for U.S. vessels engaged in the foreign trade and foreign vessels to be published at a later time. Accordingly, the regulations proposed in this document apply to U.S. vessels engaged in trade other than the foreign trade. Since these proposed regulations are consistent with both the International Conference for Prevention of Pollution from Ships, 1973, and current domestic law, the regulations are proposed as interim regulations until that time prior to January 1, 1976, when regulations for U.S. vessels in foreign trade and foreign vessels entering U.S. waters will be effective.

The Coast Guard uses the term "coastwise" and "coastwise routes" for the purpose of the application of certain vessel inspection requirements (46 CFR 30.01-7, 70.10-13, 90.10-11 and 175.10-3) that are unrelated in meaning to "coastwise trade" or "coasting trade." Because the cabotage law phrase "coastwise trade" has been employed in section 201 of the Ports and Waterways Safety Act of 1972, the phrase "domestic trade" has been used in these proposed regulations to avoid any confusion that might arise with regard to inspection regulations. Accordingly, the term "domestic trade" is defined as meaning the trade between ports or places within the United States, its territories and possessions, either directly or via a foreign port, including trade on the navigable rivers, lakes, and inland waters.

The Coast Guard has determined that the regulations promulgated pursuant to section 401 of the Act of November 16, 1973, should conform in a substantial manner with the provisions of the conventions dealing with oil pollution which have been elaborated but which have not come into force. These conventions are of general application and it is quite clear that they apply to seagoing vessels. It is equally clear that some provisions relating to design, construction, and operation are inappropriate to vessels operating on some navigable internal waters or to certain types or sizes of vessels.

For the foregoing reasons the Coast Guard has determined that these regulations will apply generally to United States seagoing tank vessels of 150 gross tons or more while engaged in the carriage of oil (defined in the proposed section 157.03(m) as petroleum in any form including oil, sludge, oil refuse, and refined products) in the domestic U.S. trade. Additionally, certain provisions will be applied to U.S. vessels operating in the Great Lakes.

Taking into account the fact that the Marine Pollution Conference was concluded in November of 1973 and the Act of November 16, 1973, was enacted in the same month, and that title II of the Ports and Waterways Safety Act of 1972 prior to amendment required environmentally related regulations to be promulgated by January 1, 1976, the Coast Guard has determined that it cannot develop new environmentally related regulations for certain types of vessels, principally unmanned barges operating on the rivers, to be effective on June 30, 1974. The Coast Guard and the Maritime Administration, jointly, are currently studying the design and construction of barges. The determinations from that study which will be completed in 1974 are viewed by the Coast Guard as necessary in the formulation of any additional design and construction standards for inland barges.

The Coast Guard, in the administration of its vessel safety and environmental protection programs must consider all of its statutory authorities as being integrated despite, in certain instances, overlapping authorities. In the case of the carriage of oil by vessels, there is authority under section 311 of the Federal Water Pollution Control Act (Pub. L. 92-500, 86 Stat. 816, 33 U.S.C. 1251) in addition to the Ports and Waterways Safety Act of 1972 to promulgate environmentally oriented regulations. The Coast Guard deems that the vessel design regulations contained in 33 CFR Part 155, issued under section 311J(1)(C) and (D) which are applicable to all vessels operating on the waters of the United States, meet, in large part, the spirit of the requirements imposed by section 401 of the Act of November 16, 1973.

The Coast Guard fully intends to provide comprehensive rational and necessary regulations under title II of the Ports and Waterways Safety Act of 1972 to comply with the amended provisions of section 7 thereof but finds it necessary to divide these regulations into categories appropriate to the kinds of vessels and the nature of hazardous exposure. To summarize this discussion, certain categories of regulations are susceptible to promulgation within the statutory time frame; others will be promulgated as soon as practicable after June 30, 1974.

In accordance with the preceding, the proposal follows the Convention, including the adoption of the metric system for certain calculations, the Oil Record Book requirements, and the discharge criteria for oil. These requirements are consistent with the U.S. proposals at the 1973 Conference and are much more stringent than present requirements for discharges.

The proposed requirements do not apply to the following vessels which are exempted by law from the requirements of section 201 of the Ports and Waterways Safety Act:

1. Public vessels that are not engaged in commercial services.

2. Vessels that carry oil only for use as fuel or stores, or carrying such cargo only in drums, barrels, or other packages.

3. Cannery tenders, fishing tenders, or fishing vessels of not more than 500 gross tons used in the salmon or crab fisheries of the States of Oregon, Washington, and Alaska when engaged exclusively in the fishing industry that are allowed to have on board petroleum products in bulk in accordance with requirements contained in 46 CFR Part 105.

4. Vessels of not more than 500 gross tons documented in the service of oil exploitation that are not tank vessels and that are subject to the proposed regulations only because of the transfer of fuel from the vessels' own fuel supply tanks to offshore drilling or production facilities.

Regulations to cover ships other than tankers which have their certificates of inspection endorsed to carry relatively small amounts of liquid bulk cargo, usually specialty products in deep tanks, will be issued in the future after a full assessment of the impact can be determined. Since no substances have been designated as hazardous polluting substances under section 311(b)(2)(A) of the Federal Water Pollution Control Act, regulations cannot be proposed at this time applicable to vessels carrying such substances.

The proposed design requirements contain standards for segregated ballast tanks required on a new vessel (defined in the proposed section 157.03(l)) of 70,000 deadweight tons or more. These standards include size and capacity requirements and piping arrangements.

Each seagoing tank vessel of 150 gross tons or more would have to have a minimum number of slop tanks. The slop tank standards include capacity requirements and requirements for inlet and outlet connections and allow separation aids.

Each seagoing tank vessel of 400 gross tons or more would have to have a tank that receives and holds oily residue resulting from purification of fuel and lubricating oil and from oil leakages in machinery spaces. Standards include capacity requirements and design details.

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New seagoing tank vessels and certain existing seagoing tank vessels (defined in the proposed section 157.03(j) as a vessel that is not a new vessel) must have cargo tanks designed in accordance with the calculation procedures contained in the proposed Appendix A. Standards include piping arrangements and limitations of tank volume and length. These standards incorporate the provisions of Annex C of the 1971 Amendments to the International Convention for the Prevention of Pollution of the Sea by Oil, 1954.

In accordance with the 1971 Amendments, a tank vessel contracted for after January 1, 1972, or where there was no building contract and the keel was laid or the tank vessel was at a similar stage of construction after June 30, 1972, must within two years after the entry into force of the Amendments be in compliance with Annex C. The 1971 Amendments have not entered into force. Similarly, section 2(5) of the Oil Pollution Act Amendments of 1973 (Pub. L. 93–119, 87 Stat. 424) which revised the Oil Pollution Act, 1961 (75 Stat. 402, 33 U.S.C. 1001 et seq.) requires that tank vessels built in the United States after the effective date of the section be built in compliance with Annex C. The effective date of section 2(5) is the date the amendments to the Convention, as amended, are ratified or accepted with the advice and consent of the Senate of the United States. As of the date of this proposal, ratification has not occurred. The Coast Guard has determined that the standards in Annex C are an essential part of regulations for the protection of the environment and the incorporation of the standards in this proposal should not be delayed until the Convention is ratified.

A new seagoing tank vessel must meet the proposed subdivision and damage stability criteria, after assuming side and bottom damage defined in the proposed Appendix B. Calculations for cargo tanks and subdivision and stability requirements would be submitted for Coast Guard review when the plans and specifications for the tank vessel are submitted. An instruction manual that describes operation of the cargo and ballast system in a tank vessel must be submitted for approval.

The proposed operating requirements would allow a tank vessel engaged in the carriage of oil on the navigable waters of the United States to discharge only clean ballast (defined in the proposed § 157.03(e)) or segregated ballast. The requirements would allow seagoing U.S. tank vessels of 150 gross tons or more, while en route, to discharge an oily mixture from a cargo tank and a machinery space bilge if the prescribed conditions are met. Oily mixtures from the cargo could be discharged more than 50 miles from the nearest land at an instantaneous rate of oil content not exceeding 60 liters per nautical mile, not exceeding 1/15,000 by existing vessels or 1/30,000 by new vessels of the total quantity of cargo that the discharge formed a part. Oily mixtures that are from machinery space bilges that are not combined with oil cargo mixtures could be discharged more than 12 nautical miles from the nearest land if the oil content of the effluent is less than 100 parts per million. The discharge standards contain requirements for aiding the processing of the effluent using certain equipment, e.g., oil-water separators, oil discharge monitors and control systems, oily water interface detectors, and other similar equipment. Although this proposal requires such equipment, the equipment will not be required to be installed until after specifications are published in the FEDERAL REGISTER. Oily mixtures which cannot be discharged in compliance with the above criteria must be retained on board the vessel or transferred to a reception facility. The 1973 Conference contains requirements for the establishment of reception facilities. This will also be the subject of regulations to be proposed at a later date.

Entries would have to be made in the Oil Record Book if certain operations occur on a tanker. These operations would include loading and unloading of oil cargo, internal transfer of oil cargo during a voyage, ballasting and cleaning of cargo tanks, discharge of water from slop tank, disposal of residues, and similar operations. In addition, the vessel would have to be operated in accordance with the stability information required in 46 CFR 31.01–30(d), the information developed from stability calculations based on proposed Appendix B, and the loading and distribution information necessary to comply with that criteria.

It should be noted that double bottoms beneath the cargo tank area are not proposed, nor are they prohibited. While all studies ascribe varying degrees of effectiveness to double bottoms as a means to reduce accidental oil outflows in grounding casualties, this reduction is directly related to the individual ship involved. The large number of existing vessels would preclude any immediate significant reduction in oil outflow due to requiring double bottoms. As an alternative to such a design requirement, a system of operation requirements to minimize accidents is being proposed in an advance notice of proposed rulemaking which appears on page 24157 of this issue of the FEDERAL REGISTER.

Research and development of a conceptual vessel maneuvering model is underway in the Coast Guard. This model will integrate vessel variables, port dependent variables, environmental variables, and human factors. It is premature to conclude that this research will result in standards for vessel maneuvering. Proposed requirements for tank ships and other ocean and coastwise vessels of 1,600 gross tons or more to carry maneuvering information in their pilothouses appear in the July 20, 1973, issue of the FEDERAL REGISTER (38 FR 19411).

A draft environmental impact statement that discusses these interim regulations has been filed with the Council on Environmental Quality.

In consideration of the foregoing, it is proposed to amend chapter I of title 33, Code of Federal Regulations, as follows:

1. Section 151.35 (c) and (d)(2) would be revised to read as follows:

§ 151.35 Oil Record Book.

* * * * *

(c) If an operation listed in this paragraph occurs, the Oil Record Book must be completed in accordance with the requirements contained in paragraph (e) of this section.

(1) The following operation on a tanker must be recorded on a tank-to-tank basis:

(i) Loading of oil cargo.

(ii) Internal transfer of oil cargo during a voyage.

(iii) Opening or closing before and after loading and unloading operations of valves or similar devices that interconnect cargo tanks.

(iv) Opening or closing of means of communication between cargo piping and seawater ballast piping.

(v) Opening or closing of vessel's cargo piping valves before, during, and after loading and unloading operations.

(vi) Unloading of oil cargo.

(vii) Ballasting of cargo tanks.

(viii) Cleaning of cargo tanks.

(ix) Discharge of ballast except from segregated ballast tanks.

(x) Discharge of water from slop tanks.

(xi) Disposal of residues.

(xii) Discharge overboard in port or at sea of bilge water accumulated in machinery spaces.

(2) The following operations on a ship other than a tanker must be recorded on a tank-to-tank basis:

(i) Ballasting, or cleaning during voyage, of bunker fuel tanks.

(ii) Disposal of oily residues from bunker fuel tanks or other sources.

(d) * * *

(2) The escape of oil or an oily mixture resulting from—

(i) Damage to the ship;

(ii) Unavoidable leakage; or

(iii) Any accident or other exceptional circumstance.

* * * * *

2. Subchapter O would be amended by adding Part 157 to read as follows:

PART 157—INTERIM RULES AND REGULATIONS FOR PROTECTION OF THE MARINE ENVIRONMENT RELATING TO TANK VESSELS ENGAGED IN DOMESTIC TRADE

Subpart A—General

Sec.
157.01 Purpose.
157.03 Definitions.
157.05 Rules of procedure and construction.
157.07 Equivalents.

Subpart B—Design Requirements

157.08 Applicability.
157.09 Segregated ballast tanks.
157.11 Pumping, piping, and discharge arrangements.
157.13 Designated area.
157.15 Slop tanks in vessels.
157.17 Oily residue tank.
157.19 Cargo tank arrangement and size.
157.21 Subdivision and stability.
157.23 Cargo and ballast system information.

Subpart C—Vessel Operation

Sec.
157.25 Applicability.
157.27 Discharges; vessels engaged in the carriage of oil exclusively on rivers, lakes, bays, sounds, and the Great Lakes, and seagoing vessels of less than 150 gross tons.
157.29 Discharges; seagoing vessels of 150 gross tons or more.
157.31 Discharges; chemical additives.
157.33 Water ballast in oil fuel tanks.
157.35 Ballast added to cargo tank.
157.37 Discharge of cargo residue.
157.39 Machinery spaces bilges.
157.41 Emergencies.
157.43 Discharge in ports or at offshore terminal.
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Appendix A—Damage assumptions, hypothetical outflows, and cargo tank size and arrangement.

Appendix B—Subdivision and stability assumptions.

AUTHORITY: R.S. 4417a (3) and (7), as amended (46 U.S.C. 391a (3) and (7)); 49 CFR 1.46 (c)(4).

Subpart A—General

§ 157.01 Purpose.

The regulations in this part apply to United States tank vessels engaged in the carriage of oil in domestic trade.

§ 157.03 Definitions.

As used in this part:

(a) "Length" or "L" means the distance in meters from the fore side of the stem to the axis of the rudder stock on a waterline at 85 percent of the least molded depth measured from the molded baseline, or 96 percent of the total length on that waterline, whichever is greater. In vessels designed with drag, the waterline is measured parallel to the designed waterline.

(b) "Amidships" means the middle of the length.

(c) "Breadth" or "B" means the maximum molded breadth of a vessel in meters.

(d) "Center tank" means any tank inboard of a longitudinal bulkhead.

(e) "Clean ballast" means the ballast in a tank which, if discharged from a vessel that is stationary into clean, calm water on a clear day, would not—

(1) Produce visible traces of oil on the surface of the water or on adjoining shore lines; or

(2) Cause a sludge or emulsion to be deposited beneath the surface of the water or upon adjoining shore lines.

(f) "Combination carrier" means a vessel designed to carry oil or solid cargoes in bulk.

(g) "Deadweight" or "DWT" means the difference in metric tons between the lightweight displacement and the total displacement of a vessel measured in water of specific gravity 1.025 at the minimum permissible summer freeboard in accordance with the International Convention on Load Lines, 1966, April 5, 1966, 18 UST 1857, TIAS 6331, 640 UNTS 133.

(h) "Lightweight" means the displacement of a vessel in metric tons without cargo, oil fuel, lubricating oil, ballast water, fresh water and feedwater in tanks, consumable stores, and any persons and their effects.

(i) "New vessel" means a vessel that—

(1) Is constructed under a contract awarded after December 31, 1974;

(2) In the absence of a building contract, has the keel laid or is at a similar stage of construction after June 30, 1975;

(3) Is delivered after December 31, 1977; or

(4) Has undergone a major conversion for which—

(i) The contract is awarded after December 31, 1974;

(ii) In the absence of a contract, conversion is begun after June 30, 1975; or

(iii) Conversion is completed after December 31, 1977.

(j) "Existing vessel" means any vessel that is not a new vessel.

(k) "Major conversion" means a conversion of an existing vessel that—

(1) Substantially alters the dimensions or carrying capacity of the vessel;

(2) Changes the type of the vessel;

(3) The intent of which, in the opinion of the Coast Guard, is substantially to prolong the vessel's service life; or

(4) Otherwise so alters the vessel or a portion of the vessel that the vessel is no longer considered by the Coast Guard to be an existing vessel.

(l) "From the nearest land" means from the baseline from which the territorial sea of the United States is established in accordance with international law.

(m) "Instantaneous rate of discharge of oil content" means the rate of discharge of oil in liters per hour at any instant, divided by the speed of the vessel in knots at the same instant.

(n) "Oil" means petroleum in any form including oil, sludge, oil refuse, and refined products.

(o) "Oil fuel" means any oil used as fuel for the propulsion and auxiliary machinery of the vessel in which it is carried.

(p) "Oily mixture" means a mixture with any oil content.

(q) "Permeability of a space" means the ratio of the volume within a space that is assumed to be occupied by water to the total volume of that space.

(r) "Segregated ballast" means the ballast water that is introduced into a tank which is completely separated from the cargo oil and oil fuel system and which is permanently allocated to the carriage of ballast.

(s) "Slop tank" means a tank specifically designated for the collection of cargo drainings, washings, and other oil mixtures.

(t) "Tank" means an enclosed space that is formed by the permanent structure of a vessel, and designed for the carriage of liquid in bulk.

(u) "Tank barge" means a tank vessel not equipped with a means of self-propulsion.

(v) "Tank vessel" means a vessel that is specially constructed or converted to carry liquid bulk cargo in tanks and includes tankers, tankships, tank barges, and combination carriers when carrying oil cargoes in bulk.

(w) "U.S. vessel" means a vessel that is owned, documented, or registered in the United States and is not a public vessel.

(x) "Wing tank" means a tank that is located adjacent to the side shell plating.

(y) "Tankship" means a tank vessel propelled by mechanical power or sail.

(z) "Domestic trade" means trade between ports or places within the United States, its territories and possessions, either directly or via a foreign port including trade on the navigable rivers, lakes, and inland waters.

§ 157.05 Rules of procedure and construction.

In this part, unless the context requires otherwise—

(a) Metric system units must be used in performing calculations and measurements;

(b) Volumes and areas must be calculated using molded line dimensions of the vessel; and

(c) Forward and after perpendiculars are located at the forward and after ends of the lengths, respectively. The forward perpendicular coincides with the fore-side of the stem on the waterline on which the length of the vessel is measured.

§ 157.07 Equivalents.

The Coast Guard may accept an equivalent, in accordance with the procedure in 46 CFR 30.15–1, of a design or an equipment to fulfill a requirement in this part except an operational method may not be substituted for a design or equipment requirement.

Subpart B—Design Requirements

§ 157.08 Applicability.

(a) The requirements in this subpart apply to seagoing tank vessels of 150 gross tons or more, unless otherwise specified, except the requirements of §§ 157.11, 157.13, and 157.15 do not apply to a vessel that engages exclusively in the carriage of asphalt.

(b) The requirements in § 157.21 also apply to vessels engaged in the carriage of oil on the navigable waters of the Great Lakes.

§ 157.09 Segregated ballast tanks.

(a) A new vessel of 70,000 tons deadweight or more must be designed with segregated ballast tanks that comply with the requirements of this section.

(b) The combined capacity of the segregated ballast tanks must be of sufficient size so that the vessel can operate safely on ballast voyages without recourse to the use of oil tanks for water ballast.

(c) In any ballast condition during any part of a voyage, including the conditions consisting of lightweight and segregated ballast, the vessel's drafts and trim must meet each of the following requirements:

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(1) The molded draft amidship (dm) in meters without taking into account vessel deformation must not be less than dm in the following mathematical relationship:

$$dm = 2.0 + 0.02L$$

(2) The drafts at the forward and after perpendiculars must correspond to those determined by the draft amidship as specified in paragraph (c)(i) of this section, in association with the trim by the stern of no more than 0.015L.

(3) The minimum allowable draft at the after perpendicular is that which is necessary to obtain full immersion of the propeller.

(d) The vessel may be designed to carry ballast water in a cargo tank during the condition described in § 157.35.

§ 157.11 Pumping, piping, and discharge arrangements.

(a) If a vessel's operation includes discharging into the sea effluent that is in compliance with subpart C of this part, a pipeline that terminates on a weather deck or on the vessel's side above the waterline in the deepest ballast condition must be installed except—

(1) An additional piping arrangement may be used for the discharge of segregated ballast and clean ballast below the waterline while the vessel is in a port or at an offshore terminal; and

(2) An existing vessel is not required to alter piping to discharge segregated ballast above the waterline in the deepest ballast condition.

(b) A vessel must have a fixed piping system designed to allow the transfer of dirty ballast residue and tank washings from a cargo tank into a slop tank.

(c) Except as allowed in § 155.370(b)(2) of this chapter, a vessel must have a manifold that is located on the weather deck and that terminates on each side of the vessel for connection to a reception facility to transfer dirty ballast water or an oily mixture.

§ 157.13 Designated area.

A new vessel must have a designated observation area on the weather deck or above that is—

(a) Located so that the effluent from the pipeline terminations required in § 157.11(a) and the discharge manifold required in § 157.11(c) may be visually observed; and

(b) Equipped with—

(1) A means to directly stop the discharge of effluent into the sea; or

(2) A positive communication system, such as a telephone or a radio, between the observation area and the discharge control position.

§ 157.15 Slop tanks in vessels.

(a) *Number.* A vessel must have the following minimum number of slop tanks that comply with the requirements of this section:

(1) A new vessel of less than 70,000 tons DWT and an existing tank vessel must have one slop tank.

(2) A new tank vessel of 70,000 tons DWT or more must have two slop tanks.

(b) *Capacity.* Slop tanks must have the capacity to retain slop from tank washings, oil residues, and dirty ballast residues but the total capacity may not be less than three percent of the oil carrying capacity except two percent capacity may be allowed if—

(1) There are segregated ballast tanks that meet the requirements contained in § 157.09; or

(2) There are no eductors fitted that use water in addition to the washing water.

(c) *Design.* A slop tank must be designed to minimize turbulence, entrainment of oil, and the creation of an emulsion in the tank by the use of separate inlet and outlet connections, and if baffles, weirs, or similar separation aids are used, they must aid in the oil/water separation process.

NOTE: An existing vessel must comply with the requirements in § 157.15 before December 31, 1977.

§ 157.17 Oily residue tank.

(a) A vessel of 400 gross tons or more must have a tank that receives and holds oily residue resulting from purification of fuel and lubricating oil and from oil leakages in machinery spaces.

(b) Each oily residue tank required in paragraph (a) of this section must have an adequate capacity that is determined by the—

(1) Type of machinery installed on the vessel; and

(2) Maximum fuel oil capacity.

(c) Each oily residue tank on a new vessel must be designed to facilitate—

(1) Cleaning; and

(2) Discharging to a reception facility.

NOTE: An existing vessel must comply with the requirements in § 157.17 (a) and (b) before December 31, 1977.

§ 157.19 Cargo tank arrangement and size.

(a) The requirements in this section apply to—

(1) A new vessel;

(2) A vessel delivered after January 1, 1977; and

(3) A vessel that is delivered before January 1, 1977 for which the building contract is awarded after January 1, 1972, or, if there is no building contract, the keel is laid or the vessel is at a similar stage of construction after June 30, 1972.

(b) As determined in accordance with the procedures contained in Appendix A of this part, each cargo tank must be of such size and arrangement that—

(1) The hypothetical outflow for side damage (O_c) or for bottom damage (O_s) anywhere within the length of the vessel must not exceed O_A (30,000 cubic meters or $400^3\sqrt{DWT}$, whichever is greater, limited to a maximum of 40,000 cubic meters);

(2) The volume of each wing cargo tank and center cargo tank is less than the allowable volume of a wing cargo tank (VOL_w) and the allowable volume of a center cargo tank (VOL_c) respectively; and

(3) The length of a cargo tank is less than the allowable length of a cargo tank (l_a).

(c) If a cargo transfer system interconnects two or more cargo tanks, the system must have valves to segregate the tanks from each other.

(d) A line of piping that runs through a cargo tank in a position less than t_c from the vessel's side or less than v_s from the vessel's bottom, as defined in Appendix A of this part, must be fitted with a valve at the point the piping opens into a cargo tank.

(e) If piping that serves suction wells is installed within a double bottom, the piping must be—

(1) Fitted with valves located at the point of connection to the tank served to prevent oil outflow in the event of damage to the piping; and

(2) Designed to be installed as high from the bottom shell as possible.

(f) Calculations of the tank arrangement and size requirement contained in paragraph (b) of this section must be submitted for Coast Guard review with the plans and specifications that are required in 46 CFR 31.10–5.

NOTE.—Vessels within the categories in § 157.19(a)(3) must meet the requirements in § 157.19 before December 31, 1976. If a vessel is constructed under a contract that was awarded before January 1, 1974 and does not carry crude oil, fuel oil, heavy diesel oil, or lubricating oil, the requirements in § 157.19 do not apply.

§ 157.21 Subdivision and stability.

(a) A new vessel must meet the following subdivision and damage stability criteria after assuming side and bottom damage as defined in Appendix B of this part:

(1) The final waterline, taking into account sinkage, heel, and trim, must be below the lower edge of an opening through which progressive flooding may take place, such as an air pipe, or an opening that is closed by means of a weathertight door or hatch cover. This opening does not include those closed by a—

(i) Watertight manhole cover;

(ii) Flush scuttle;

(iii) Small watertight cargo tank hatch cover that maintains the high integrity of the deck;

(iv) Remotely operated watertight sliding door; or

(v) Side scuttle of the non-opening type.

(2) In the final stage of flooding, the angle of heel due to unsymmetrical flooding must not exceed 25 degrees, except that this angle may be increased to 30 degrees if no deck edge immersion occurs.

(3) For acceptable stability in the final stage of flooding, the righting lever curve must have a range of at least 20 degrees beyond the position of equilibrium in association with a maximum residual righting lever of at least 0.1 meter. Protected or unprotected openings that may become temporarily immersed within the range of residual stability must be accounted for in the calculation.

(4) The stability must be sufficient during intermediate stages of flooding.

(b) Calculations to substantiate compliance with subdivision and damage stability criteria contained in paragraph (a) of this section must be submitted for Coast Guard review with the plans and specifications required in 46 CFR 31.10–5 and must include—

(1) The design characteristics of the vessel, the arrangements, configuration and contents of the damaged compartments; and

(2) The distribution, specific gravities, and the free surface effect of liquids.

§ 157.23 Cargo and ballast system information.

(a) A vessel designed in accordance with the requirements of this part must have an instruction manual that describes the automatic and manual operation of the cargo and ballast system in the vessel and that is approved by the Coast Guard with the plans and specifications required in 46 CFR 31.10–5.

(b) The style and format of the instruction manual required in paragraph (a) of this section must be similar to the manual entitled "Clean Seas Guide for Oil Tankers" which can be obtained from the International Chamber of Shipping, 30–32 St. Mary Axe, London, England, EC3A 8ET.

Subpart C—Vessel Operation

§ 157.25 Applicability.

This subpart prescribes regulations for the discharging of clean ballast, segregated ballast, and oily mixtures from, and for the carriage of ballast water on—

(a) Vessels engaged in the carriage of oil exclusively on rivers, lakes, bays, sounds, and the Great Lakes; and

(b) Seagoing vessels.

§ 157.27 Discharges; vessels engaged in the carriage of oil exclusively on rivers, lakes, bays, sounds, and the Great Lakes, and seagoing vessels of less than 150 gross tons.

Unless a vessel engaged in the carriage of oil exclusively on rivers, lakes, bays, sounds, and the Great Lakes, or a seagoing vessel of less than 150 gross tons discharges clean ballast or segregated ballast, the vessel must—

(a) Retain on board an oily mixture; or

(b) Transfer an oily mixture to a reception facility.

§ 157.29 Discharges; seagoing vessels of 150 gross tons or more.

Unless a seagoing vessel of 150 gross tons or more discharges an oily mixture in compliance with the requirements in §§ 157.37, 157.39, or 157.43, the vessel must—

(a) Retain the mixture; and

(b) Transfer the mixture to a reception facility.

§ 157.31 Discharges; chemical additives.

No person may use a chemical additive to circumvent the discharge requirements in §§ 157.27, 157.29, 157.37, 157.39, and 157.43.

§ 157.33 Water ballast in oil fuel tanks.

A new vessel may not carry ballast water in an oil fuel tank.

§ 157.35 Ballast added to cargo tank.

A vessel that meets the design requirement in § 157.09(c) may carry water ballast in a cargo tank during abnormally severe weather conditions if more ballast water than can be carried in segregated ballast tanks is required for the safety of the vessel. This ballast water must be—

(a) Processed and discharged in compliance with the requirements in § 157.37; and

(b) Recorded in the Oil Record Book in accordance with the requirements in § 151.35(c)(1)(vii) of this chapter.

§ 157.37 Discharge of cargo residue.

(a) Except as required in paragraph (b) of this section, the discharge into sea of an oily mixture from a cargo tank and cargo pump room bilges of a vessel is prohibited unless the vessel—

(1) Is more than 50 nautical miles from the nearest land;

(2) Is proceeding en route;

(3) Is discharging at an instantaneous rate of oil content not exceeding 60 liters per nautical mile;

(4) Is an existing vessel and the total quantity of oil discharge into the sea does not exceed 1/15,000 of the total quantity of the cargo that the discharge formed a part, or is a new vessel and the total quantity of oil discharged into the sea does not exceed 1/30,000 of the total quantity of the cargo that the discharge formed a part; and

(5) Has in operation an oil discharge monitoring and control system approved by the Coast Guard (specification regulation to be proposed).

(b) A vessel that engages exclusively in the carriage of asphalt must transfer cargo residues and tank washings to a reception facility.

§ 157.39 Machinery spaces bilges.

(a) No vessel may discharge an oily mixture from a machinery space bilge that is combined with an oil cargo mixture unless the vessel discharges in compliance with § 157.37.

(b) A vessel may discharge an oily mixture from a machinery space bilge that is not within the prohibition contained in paragraph (a) of this section if the vessel—

(1) Is more than 12 nautical miles from the nearest land;

(2) Is proceeding en route;

(3) Is discharging an effluent with an oil content of less than 100 parts per million; and

(4) Has in operation an oil discharge monitoring and control system approved by the Coast Guard (specification regulation to be proposed) and an oily water separating equipment approved by the Coast Guard (specification regulation to be proposed).

§ 157.41 Emergencies.

Sections 157.27, 157.29, 157.37, and 157.39 do not apply to a vessel that discharges into the sea oil or oily mixtures—

(a) For the purpose of securing the safety of the vessel or for saving life at sea; or

(b) As a result of damage to the vessel or its equipment if—

(1) Reasonable precautions are taken after the occurrence of the damage or discovery of the discharge for the purpose of preventing or minimizing the discharge; and

(2) The owner, master or person in charge did not intend to cause damage, or did not act recklessly and with knowledge that damage of the environment would probably result.

§ 157.43 Discharge in ports or at offshore terminal.

A master may discharge in a port or at an offshore terminal segregated ballast and clean ballast through the piping described in § 157.11(a) if he makes a visual examination of the top of the contents of the tank to be discharged and finds there is no oily mixture in the contents.

§ 157.45 Valves in cargo or ballast piping system.

If a vessel is at sea and the tanks contain oil, each valve or closing device in the cargo or ballast piping system or in the transfer system must be kept closed except they may be opened for cargo transfer to trim the vessel.

§ 157.47 Information for master.

A master or person in charge shall operate the vessel in accordance with the—

(a) Stability information required in 46 CFR 31.01–30(d);

(b) Damage stability information determined in accordance with the criteria contained in Appendix B of this part; and

(c) Loading and distribution of cargo information determined in compliance with the damage stability criteria required in Appendix B of this part.

§ 157.49 Instruction manual.

No person may operate the cargo and ballast systems unless he operates in compliance with the approved instruction manual required in § 157.23.

APPENDIX A—DAMAGE ASSUMPTIONS, HYPOTHETICAL OUTFLOWS, AND CARGO TANK SIZE AND ARRANGEMENTS

1. *Source.* The procedures for the damage assumption calculations contained in this Appendix conform to Regulations 22, 23, and 24 of Annex I of the International Convention for the Prevention of the Pollution from Ships, 1973 done at London, November 2, 1973.

2. *Assumptions.* For the purpose of calculating hypothetical outflow from tank vessels, three dimensions of the extent of damage of a parallelepiped on the side and bottom of the vessel are assumed.

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(a) For side damage, the conditions are as follows:

Damage:	*Conditions*
(1) Longitudinal extent (l_c):	$\frac{1L^{2/3}}{3}$ or 14.5 meters, whichever is less.
(2) Transverse extent (t_c): (inboard from the vessel's side at angles to the centerline at the level corresponding to the assigned summer freeboard).	$\frac{B}{5}$ or 11.5 meters whichever is less.
(3) Vertical extent (v_c):	From the base line upwards without limit.

(b) For bottom damage, two conditions to be applied individually to the stated portions of the vessel, as follows:

Damage	Conditions	
	For 0.3L from the forward perpendicular of ship	Any other part of ship
(1) Longitudinal extend (l_d).	$\frac{L}{10}$	$\frac{L}{10}$ or 5 meters, whichever is less.
(2) Transverse extent (t_d).	$\frac{B}{6}$ or 10 meters, whichever is less but not less than 5 meters.	5 meters.
(3) Vertical extent from the base line (v_d).	$\frac{B}{15}$ or 6 meters, whichever is less.	$\frac{B}{15}$ or 6 meters, whichever is less.

3. *Hypothetical Outflow of Oil.* (a) The hypothetical outflow of oil in the case of side damage (O_c) and bottom damage (O_s) is calculated by the following formula with respect to compartments breached by damage to all conceivable locations along the length of the vessel to the extent as defined in section 2 of this Appendix.

(1) For side damages: Formula (I)

$$O_c = \Sigma W_i + \Sigma K_i C_i$$

(2) For bottom damage: Formula (II)

$$O_s = \frac{1}{3}(\Sigma Z_i W_i + \Sigma Z_i C_i)$$

Where:

W_i = Volume of a wing tank assumed to be breached by the damage as specified in section 2 of this Appendix; W_i for a segregated ballast tank may be taken equal to zero,

C_i = Volume of a center tank assumed to be breached by the damage as specified in section 2 of this Appendix C_i for a segregated ballast tank may be taken equal to zero,

$K_i = 1 - \frac{b_i}{t_c}$: when b_i is equal to or greater than t_c, K_i is equal to zero,

$Z_i = 1 - \frac{h_i}{v_s}$: when h_i is equal to or greater than v_s, Z_i is equal to zero,

b_i = Minimum width of wing tank under consideration measured inboard from the vessel's side at right angles to the centerline at the level corresponding to the assigned summer freeboard.

h_i = Minimum depth of the double bottom under consideration; where no double bottom is fitted, h_i is equal to zero.

(b) If a void space or segregated ballast tank of a length less than l_c is located between wing oil tanks, O_c in formula (I) of this section may calculated on the basis of volume W_i being the actual volume of one such tank (where they are of equal capacity) or the smaller of the two tanks (if they differ in capacity), adjacent to such space, multiplied by S_i as defined below and taking for all other wing tanks involved in such a collision the value of the actual full volume.

$$S_i = 1 - \frac{-l_i}{l_c}$$

Where l_i = length of void space or segregated ballast tank under consideration.

(c) Credit may only be given in respect of double bottom tanks which are either empty or carrying clean water when cargo is carried in the tanks above.

(1) If the double bottom does not extend for the full length and width of the tank involved, the double bottom is considered nonexistent and the volume of the tanks above the area of the bottom damage must be included in formula (II) of this section even if the tank is not considered breached because of the installation of such a partial double bottom.

(2) Suction wells may be neglected in the determination of the value h_i if such wells are not excessive in area and extend below the tank for a minimum distance and in no case more than half the height of the double bottom. If the depth of such a well exceeds half the heights of the double bottom h_i taken equal to the double bot-height minus the well height.

(d) In the case where bottom damage simultaneously involves four center tanks, the value of O_s may be calculated according to formula (III) as follows:

$$O_s = 1/4(\Sigma Z_i W_i + \Sigma Z_i C_i)$$

4. *Allowable volumes of cargo tanks.* (a) The allowable volume of a wing cargo tank (VOL_w) is equal to seventy-five percent of O_A. In a segregated ballast tank vessel VOL_w may equal O_A for a wing cargo oil tank located between two segregated ballast tanks each of lentgh greater than l_c and width greater than t_c.

(b) The allowable volume of a center cargo tank (VOL_c) is 50,000 cubic meters.

5. *Allowable length of cargo tanks.* The allowable length of a cargo tank (l_a) is equal to the greater of 10 meters or one of the following values:

(a) If no longitudinal bulkhead is provided, 0.1L

(b) If a longitudinal bulkhead is provided at the centerline only, 0.15L

(c) If two or more longitudinal bulkheads are provided:

(1) For wing tanks, 0.2L; and

(2) For center tanks—

(i) If $\frac{b_i}{B}$ is equal to or greater than $\frac{1}{5}$, 0.2L; or

(ii) If $\frac{b_i}{B}$ is less than $\frac{1}{5}$ and—

(A) No centerline longitudinal bulkhead is provided, $(0.5\frac{b_i}{B} + 0.1)$ L; or

(B) A centerline longitudinal bulkhead is provided, $(0.25\frac{b_i}{B} + 0.15)$ L.

APPENDIX B—SUBDIVISION AND STABILITY ASSUMPTIONS

1. *Source.* The procedures for the loading assumption calculations contained in this Appendix conform to Regulation 25 of Annex I of the International Convention for the Prevention of the Pollution from Ships, 1973, done at London, November 2, 1973.

2. *Loading Assumptions.* For the purpose of calculating subdivision and damage stability for a tank vessel, the operating drafts must reflect actual partial or full load conditions consistent with trim and strength of the vessel. Ballast conditions need not be considered if the tank vessel is not carrying oil in cargo tanks excluding oily residues. Loading condition must reflect the specific gravities of the cargo.

3. *Damage Assumptions.* (a) Damage is applied to all conceivable locations along the length of the vessel as follows:

(1) For a vessel of more than 225 meters in length, anywhere in the vessel's length.

(2) For a vessel of more than 150 meters, but not exceeding 225 meters in length, anywhere in the vessel's length except where the after or forward bulkhead bounding a machinery space located aft is involved in the damage assumption. The machinery space is calculated as a single floodable compartment.

(3) For a vessel less than 150 meters in length, anywhere in the vessel's length between adjacent transverse bulkheads except the machinery space.

(b) The extent and the character of the assumed side or bottom damage, as defined in section 2 of Appendix A of this part, must be applied except longitudinal bottom damage within 0.3L_1 from the forward perpendicular must be assumed to be the same as that for side damage. If any damage of lesser extent results in a more severe condition, such damage must be assumed.

(c) Where damage involves transverse bulkheads as specified in paragraphs (a)(1) and (2) of this section, transverse watertight bulkheads must be spaced at least at a distance equal to the longitudinal extent of assumed damage specified in paragraph (a)(1) of this section in order to be considered effective. Where transverse bulkheads are spaced at a lesser distance, one or more of these bulkheads within such extent of damage must be assumed as nonexistent for the purpose of determining flooded compartments.

(d) If the damage between adjacent transverse watertight bulkheads is within the definition contained in paragraph (a)(3) of this section, no main transverse bulkhead or a transverse bulkhead bounding side tanks or double bottom tanks is to be assumed damaged, unless—

(1) The spacing of the adjacent bulkheads is less than the longitudinal extent of assumed damage defined in paragraph (b) of this section; or

(2) There is a step or a recess in a transverse bulkhead of more than 3.05 meters in length, located within the extent of penetrations of assumed damage. The step formed by the after peak bulkhead and after peak tank top is not regarded as a step for these calculations.

(e) If pipes, ducts, or tunnels are situated within the assumed extent of damage, there must be arrangements so that progressive flooding may not thereby extend to compartments other than those assumed to be floodable for each case of damage.

4. *Characteristic and Condition Assumptions for Calculations.* (a) Account must be taken of any empty or partially filled tanks, the specific gravity of cargoes carried, and any outflow of liquids from damaged compartments.

(b) The permeabilities are assumed as follows:

Intended Space Use:	Permeability
Stores	0.60
Accommodation	0.95
Machinery	0.85
Voids	0.95
Consumable liquids	[1] 0 or 0.95
Other liquids	[1] 0 or 0.95

[1] Whichever results in the more severe requirements.

[2] The permeability of partially filled compartments must be consistent with actual density and the amount of liquid carried.

(c) The buoyance of any superstructure directly above the side damage is to be disregarded. The unflooded parts of superstructures beyond the extent of damage may be taken into consideration if they are separated from the damaged space by watertight bulkheads and no progressive flooding of these intact spaces takes place. Class I doors are allowed in watertight bulkheads in the superstructure.

(d) The free surface effect is to be calculated at an angle of 5 degrees for each individual full compartment. Partially filled tanks must have free surface corrections computed at final angle of heel.

(e) In calculating the effect of free surfaces of consumable liquids, it is to be assumed that, for each type of liquid, at least one transverse pair or a single centerline tank has a free surface and the tank or combination of tanks to be taken into account is to be those where the effect of free surface is the greatest.

(R.S. 4417a(3) and (7), as amended (46 U.S.C. 391a(3) and (7)); 49 CFR 1.46(o)(4)).

Dated: June 25, 1974.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

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[33 CFR Subchapter P]

[CGD 74-77]

MARINE TRAFFIC REQUIREMENTS

Advance Notice of Proposed Rulemaking

The Coast Guard is considering adding requirements to the ports and waterways safety regulations that would govern the operation of all major U.S. and foreign vessels in the navigable waters of the United States except those in innocent passage not bound for or departing U.S. ports. Also being considered are requirements for the carriage or installation of equipment and devices on vessels of more than 150 gross tons.

AUTHORITY FOR REGULATIONS

The regulations would be proposed under the authority of sections 104 and 201(R.S. 4417a(3)) of the Ports and Waterways Safety Act of 1972 (Pub. L. 92-340, 86 Stat. 424), as delegated in 49 CFR 1.46(o)(4); section 311(j) of the Federal Water Pollution Control Act, Pub. L. 92-500, 86 Stat. 862, 33 U.S.C. 1321), as delegated in section 2 of E.O. 11735 (38 FR 21243) and 49 CFR 1.46(m); and the National Environmental Policy Act of 1969 (83 Stat. 852, 42 U.S.C. 4231, et seq.).

COMMENTS ON ADVANCE NOTICE

Interested persons are requested to assist the Coast Guard by submitting written comments, data, views, or arguments to the Executive Secretary, Marine Safety Council (G-CMC/82), room 8234, U.S. Coast Guard, Washington, D.C. 20590. A participant in this rule making procedure should furnish comments, views, data, or arguments to the Coast Guard as soon as possible but no later than August 19, 1974. Copies of material received will be available for examination in room 8234. Arrangements for State and local governments, representatives of the marine industry, port and harbor authorities, environment groups, and other interested parties to discuss with representatives of the Coast Guard the proposal in this advance notice may be made with the Executive Secretary at 202-426-1477.

Oral comments may be submitted on this advance notice at the public hearings the Coast Guard will hold on Docket CGD 74-32, the notice of which appears on page ____ of this issue of the FEDERAL REGISTER. The public hearings will be held on July 23 and 24, 1974, beginning at 9:00 a.m., in the Shaw Room, Seattle Center, 303 Harrison St., Seattle, Washington, and on July 30 and 31, 1974, beginning at 9:00 a.m., in Room 2232, 400 Seventh St. SW., Washington, D.C. It is requested that anyone desiring to make oral comments at either hearing notify the Executive Secretary, at the above stated address by July 19, 1974, and specify the approximate length of time needed for his presentation. Submission of a written summary or copy of the oral presentation is encouraged.

DISCUSSION OF PROPOSED REGULATIONS

Senate Report No. 92-724 (March 28, 1972) states that the purpose of the Ports and Waterways Safety Act of 1972 (Pub. L. 92-340, 86 Stat. 424) is to promote the safety and protect the environmental quality of ports, waterfront areas, and the navigable waters of the United States. Broad authority is granted by title I of the Act to establish, operate, and maintain vessel traffic services and systems for ports, harbors, and other waters subject to congested vessel traffic and "control vessel traffic in areas determined to be especially hazardous, or under conditions of reduced visibility, adverse weather, vessel congestion, or other hazardous circumstances" in order to "prevent damage to, or the destruction or loss of any vessel, bridge, or other structure on or in the navigable waters of the United States, or any land structure or shore area immediately adjacent to those waters; and to protect the navigable waters and the resources therein from environmental harm resulting from vessel or structure damage, destruction, or loss * * *"

In addition, title II of the Ports and Waterways Safety Act of 1972 authorizes comprehensive regulations for the design, construction, alteration, repair, maintenance, and operation of tankers and certain other vessels. The reason stated for this provision of the Act is as follows: "[T]he carriage by vessels of certain cargoes in bulk creates substantial hazards to life, property, the navigable waters of the United States (including the quality thereof) and the resources contained therein * * * [and] that existing standards for the design, construction, alteration, repair, maintenance, and operation of such vessels must be improved for the adequate protection of the marine environment."

The Federal Water Pollution Control Act (86 Stat. 862, 33 U.S.C. 1321(b)(1)) states the policy of the United States as follows: "[T]here should be no discharges of oil or hazardous substances into or upon the navigable waters of the United States, adjoining shorelines or into or upon the waters of the contiguous zone." Regulations issued under the authority of section 311(j) of this Act are required to be consistent with maritime safety and navigation laws.

Section 101(a) of the National Environmental Policy Act of 1969 (83 Stat. 852, 42 U.S.C. 4231) states that it is the continuing policy of the Federal Government, in cooperation with State and local governments, and other concerned public and private organizations, to use all practicable means and measures, including financial and technical assistance, in a manner calculated to foster and promote the general welfare, to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans. The Act authorizes and directs that to the fullest extent possible the policies, regulations, and public laws of the United States must be interpreted and administered in accordance with the policies set forth in the Act.

In view of the policy stated in these statutes and in view of the increasing vessel traffic carrying hazardous cargoes, the Coast Guard has determined that there must be an improvement in the operating practices aboard all major vessels on the navigable waters. The increasing number of large vessels carrying hazardous cargoes in bulk on the navigable waters of the United States has created a significant and growing hazard to life, property, and the marine environment. Eighty percent of vessel casualties occur within coastal and harbor regions. The *Torrey Canyon* grounding, the *Tamano* grounding, the *Oregon Standard* and the *Arizona Standard* collision, and the tug *Carolyn* and *Weeks Barge No. 254* collision with the Chesapeake Bay bridge and Tunnel, exemplify casualties that have occurred in waters adjacent to shore areas. Each of these casualties posed a significant threat to life, property, and the environment. Information regarding these incidents and similar incidents reveals that human error is often the primary cause of casualties. The conclusion of a study based on Coast Guard investigations is that

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human error is a contributing factor in 85 percent of casulties.

Currently, oil constitutes sixty percent of the cargo carried by vessels traversing the oceans of the world. A Coast Guard study projects that the total tonnage of tankers carrying oil in 1975 will be at least one and one-half times greater than the tonnage in 1971. S. Rep. No. 92–724 indicates a similar increase in the amount of oil to be carried. Due to the increasing U.S. reliance on imported crude oil, the hazard to life, property, and the environment will also increase as the waters become more congested with traffic. The Coast Guard believes that only uniform requirements imposed on all major vessels can produce safer conditions for congested or hazardous maritime traffic since any vessel over 150 gross tons can collide or create an imminent collision or grounding situation involving a vessel carrying oil in bulk. Therefore, it is the ultimate goal of the regulations under consideration to establish safer standards for the operation of vessels capable of causing a major casualty within the navigable waters.

Regulations To Be Proposed

The purpose of any regulations to be proposed is to prevent maritime casualties and the resultant discharge of oil or hazardous substances into the navigable waters of the United States by regulating the operating requirements of major vessels on those waters. The equipment and operating regulations to be proposed would apply to foreign vessels when bound for or departing from U.S. ports and to United States seagoing vessels that operate within the navigable waters of the United States. Seagoing vessels generally include those vessels on coastal and ocean trade routes. Vessels on the St. Lawrence Seaway, the Great Lakes, and vessels operating only within rivers, lakes, bays, and sounds would be excepted from the requirements of paragraphs 2, 3, and 4 of this advance notice. However, the proposed requirements of paragraph 1 of this notice would apply to all vessels including those operating on the Great Lakes, and rivers, lakes, bays, and sounds. Further regulations for the Great Lakes are dependent upon final agreement between Canada and the United States. Further requirements for vessels operating exclusively on rivers, lakes, bays, and sounds will depend upon additional evaluation of the practical and economic impact of operating requirements on these vessels by the Coast Guard.

This advance notice is not intended to indicate that the Coast Guard has formed final conclusions on any aspect of the proposal. Public comment on the functions to be required, the tonnages specified, and the applicability of the requirements to a particular class of vessels is requested and will be used in determining the regulations to be proposed. This advance notice proposes specific functions and tonnages in order to provide a starting point for public comment. The following description sets forth the substance of the regulations to be proposed.

Substance of Regulations To Be Proposed

1. All U.S. and foreign vessels in the navigable waters except vessels in innocent passage not bound for or departing U.S. ports would be required to comply with:

a. The specific requirements of any vessel traffic system through which the vessel passes.

b. The orders of the Captain of the Port [1] when he makes an individual case determination that a particular area is especially hazardous or that hazardous circumstances exist within his jurisdictional boundaries. The Captain of the Port considers the following factors among others before issuing any order:

(1) Configuration of the wateway involved including the depth and width of the channel to be transited.
(2) Wind direction and velocity.
(3) Tidal current and stage of tide.
(4) Visibility.
(5) Time of day.
(6) Type and amount of cargo being carried.
(7) Hull design of the vessel involved including the presence or lack of a double hull, double bottom, and cargo segregation.
(8) Propulsion system of the vessel including factors such as horsepower, number of shafts, size of propellers, bow thrusters, stern thrusters, and other similar variables which affect controllability and maneuverability of the vessel.
(9) Tugs in attendance.
(10) Inoperative or deficient equipment aboard the vessel that may affect its ability to safely transit the navigable waters.
(11) Type and density of other vessel traffic operating in the same waterway.
(12) The presence of a pilot aboard the vessel.
(13) The requests and recommendations of the vessel's master, person in charge, and pilot.
(14) Vessel speed and intended time of transit.
(15) Intended route and destination of vessel.

2. All U.S. and foreign vessels that are self-propelled seagoing vessels or seagoing towing vessels with tow in any configuration whose aggregate tonnage exceeds the specified amount, except a vessel in innocent passage not bound for or departing a U.S. port would be required to maintain and use the following equipment when within the navigable waters:

a. *Vessels of more than 150 gross tons.* (1) One radar.

(2) A properly adjusted magnetic compass.

(3) A fathometer in the pilothouse.
(4) Piloting navigation instruments such as parallel rules, dividers, and related instruments necessary for maintaining an accurate plot of vessel movement on a chart;
(5) Corrected charts of the largest scale practicable for the area being transited.
(6) Current corrected copies of the Coast Pilot and the Light List and current copies of tide tables and tidal current tables for the waters being transited.

b. *Vessels of more than 1600 gross tons.* (1) A gyro compass.
(2) A towing pendant. An unmanned barge would be required to have a towing pendant rigged over the side.
(3) A recording fathometer. Fathometer records would be retained on board the vessel for at least 30 days.
(4) A means that visually indicates the speed of the vessel.

c. *Vessels of more than 5000 gross tons.* (1) A course recorder. Course recorder records would be retained on board the vessel for at least 30 days.

(d) *Vessels of more than 10,000 gross tons.* (1) A second radar. One radar would be equipped with an "anti-collision" device. One of the two radars would have an "S-band" (10 centimeter) capability and the other would have an "X-band" (3 centimeter) capability. Each radar would be suitable for surface navigation operation.

e. *Self-propelled tank ships of more than 35,000 gross tons.* (1) A rate of turn indicator.

3. All U.S. and foreign vessels that are self-propelled seagoing vessels of 150 gross tons or more, or seagoing towing vessels with tow in any configuration whose aggregate tonnage exceeds 150 gross tons, except those in innocent passage not bound for or departing U.S. ports, would be required to have personnel on board comply with the following requirements before entering into and before getting underway within the navigable waters:

a. Test and log the testing of the following vital systems:
(1) Steering (all modes and stations).
(2) Emergency generator.
(3) Remote machinery controls.
(4) Main propulsion for power ahead and astern.
(5) Internal vessel communications.
(6) Vessel alarms and signaling devices.

b. The master, person in charge, or pilot of a vessel would be required to be familiar with the details of each notice to mariners relevant to the vessel's intended track since the date of the corrected chart being used to transit the area.

4. All U.S. and foreign vessels that are self-propelled seagoing vessels of 1600 gross tons or more, or seagoing towing vessels with tow in any configuration whose aggregate tonnage exceeds 1600 gross tons, except those in innocent passage not bound for or departing U.S. ports, would be required to have personnel on board comply with the following requirements when underway within the navigable waters:

[1] In the March 1, 1974 issue of the Federal Register (39 FR 7948), the Coast Guard published an advance notice of proposed rulemaking regarding regulations to authorize each District Commander and Captain of the Port to control vessel traffic in especially hazardous areas or during hazardous circumstances, and to direct the movement of a vessel whenever necessary to prevent damage to or by that vessel. This document paragraph is intended to supplement the advance notice published in 39 FR 7948.

a. Within the confines of harbors and hazardous waterways (to be identified by the Captain of the Port in the Federal Register) sufficient competent personnel on board self-propelled vessels would:

(1) Stand by the primary steering machinery space to handle a steering casualty.
(2) Man the anchor windlass or similar equipment in order to be ready to drop anchor. One bow anchor on these vessels would be ready for letting go.
(3) Man the main steering control station to manually control the vessel direction.

b. Set the main ship's propulsion system to maneuvering mode. The vessel's main propulsion spaces would be manned with personnel competent to manually answer engine maneuvering orders if any automatic engine maneuvering system fails to perform properly.

c. Plot the vessel's movement on the corrected chart for the area being transited. Towing vessels with tow in any configuration whose aggregate tonnage is less than 10,000 gross tons would not be required to comply with this requirement. The person maintaining the plot would be required to lay out a trackline of intended vessel movement on the chart. Position fixes would be plotted at sufficiently frequent intervals so that the position of the vessel with respect to the trackline is indicated. If a casualty occurs, the chart would be required to be retained. It is contemplated that a licensed deck officer or licensed operator other than the person actually controlling vessel movement would maintain the plot. The person actually controlling vessel movement would obtain from the person maintaining the plot information on the vessel's movement that is timely, accurate, and understandable.

d. Maintain a bow lookout with adequate communication to the bridge. The master of the vessel would not be required to station a lookout on the bow when conditions prevented the lookout from performing his assigned function.

(Sec. 104 and 201 (R.S. 4417a(3)), 86 Stat. 424, Sec. 311(j), 86 Stat. 862 (33 U.S.C. 1321), 83 Stat. 852 (42 U.S.C. 4231); Sec. 2, E.O. 11735; 49 CFR 1.46 (m) and (o)(4))

Dated: June 25, 1974.

W. M. Benkert,
Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc.74–14885 Filed 6–27–74;8:45 am]

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PART V

DEPARTMENT OF LABOR

Employment Standards Administration

■

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions, Modifications, and Supersedeas Decisions

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DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions, Modifications, and Supersedeas Decisions

GENERAL WAGE DETERMINATION DECISIONS

General Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138), and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General Wage Determination Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR, Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

MODIFICATIONS AND SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

Modifications and Supersedeas Decisions to General Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedeas Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing General Wage Determination Decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedeas Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR, Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule-making procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Wage Determination Decision.

NEW GENERAL WAGE DETERMINATIONS DECISIONS

New York	AQ–2128
Oklahoma	AQ–120

MODIFICATIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State.

California:	
AQ–1067	Feb. 22, 1974
AQ–1068	Mar. 1, 1974
Colorado:	
AQ–1097	Apr. 12, 1974
Florida:	
AQ–4050	Jan. 11, 1974
AQ–4099	Apr. 12, 1974
Indiana:	
AQ–3138	Apr. 5, 1974
AQ–3142	Mar. 22, 1974
Kentucky:	
AQ–4013	Sept. 28, 1973
Maryland:	
AQ–2100; AQ–2101	Apr. 19, 1974
Massachusetts:	
AQ–3171; AQ–3172; AQ–3173; AQ–3174; AQ–3175; AQ–3176; AQ–3177; AQ–3178	May 10, 1974
AQ–3180; AQ–3181; AQ–3182	May 31, 1974
AQ–3183	June 14, 1974
Nebraska:	
AQ–25	Sept. 7, 1973
Nevada:	
AQ–1080	Feb. 8, 1974
AQ–1083	Feb. 15, 1974
New Jersey:	
AQ–2105	Apr. 26, 1974
North Dakota:	
AQ–1066	Dec. 7, 1973
Oklahoma:	
AQ–96	May 10, 1974
Texas:	
AQ–68; AQ–69	Dec. 28, 1973
AQ–70; AQ–71; AQ–73	Jan. 11, 1974
AQ–74; AQ–75	Feb. 1, 1974
AQ–97; AQ–98; AQ–106	May 10, 1974
Utah:	
AQ–1101	May 3, 1974
Virginia:	
AQ–2074	Mar. 8, 1974
AQ–2109	May 3, 1974
West Virginia:	
AQ–2051	Mar. 15, 1974
AQ–2067; AQ–2088	Mar. 29, 1974
Wyoming:	
AQ–1043	Oct. 5, 1973

SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being superseded and their dates of publication in the FEDERAL REGISTER are listed with each State. Supersedeas Decision numbers are in parentheses following the number of the decisions being superseded.

Florida:	
AQ–4053(AQ–4127)	Jan. 25, 1974
Oklahoma:	
AQ–64(AQ–123)	Dec. 7, 1973
AQ–111(AQ–124)	June 14, 1974
Puerto Rico:	
AQ–2117(AQ–2127)	May 10, 1974
Tennessee:	
AQ–4059 & AQ–4062(AQ–4128)	Jan. 28, 1974
Texas:	
AQ–92(AQ–121)	May 3, 1974
AQ–103(AQ–122)	Apr. 12, 1974
Vermont:	
AQ–3085(AQ–3184)	Feb. 1, 1974

Signed at Washington, D.C., this 21st day of June 1974.

RAY J. DOLAN,
Assistant Administrator,
Wage and Hour Division.

AQ-2,128 P. 2

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BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H&W	Pensions	Vacation	App. Tr.
Glaziers	$ 8.36	.58	.30		.03
Ironworkers:					
Type. of Walcott, Savannah, Butler and Clyde:					
Structural, ornamental & reinforcing	8.53	.45	.57		.064
Remainder of County:					
Structural, ornamental & reinforcing	8.84	.82	.57		
Sheeter	9.09	.82	.57		
Sheeter, bucker-up	8.965	.82	.57		
Laborers, Building:					
Type. of Macedon, Marion, Ontario, Palmyra, Sodus, Walworth & Williamson:					
Laborers	7.18	.56	.95		
Blasters	8.55	.56	.95		
Air track, wagon drill op., & asphalt rakers	7.58	.56	.95		
Jackhammers, mortar mixer, concrete cutters for wrecking and demolition	7.48	.59	.95		
Power monkey	7.85	.43	.85		
Chuck tender, all work on hanging or swing scaffold	7.18	.43	.85		
Remainder of County:					
Laborers	7.10	.45	1.05		.01
Leathers	8.68	.35	.50		.01
Leadburners	9.25	.35	.50	b	
Line Construction:					
Lineman	9.33	.50	.40	c	3/8%
Groundman digging machine operator	8.80	.50	.40	c	3/8%
Groundman mobile equipment operator	8.30	.50	.40	c	3/8%
Groundman truck driver & mechanic	7.90	.50	.40	c	3/8%
Groundman dynamite man	8.30	.50	.40	c	3/8%
Cable splicer	10.08	.50	.40	c	3/8%
Painters:					
Type. of Macedon, Palmyra, Marion, Williamson, Sodus, Ontario & Walworth:					
Brush, roller	8.19	.35	.72		.04
Structural steel & iron-up to 40'	8.69	.35	.72		.04
Over 40'	8.89	.35	.72		.04

NEW DECISION

STATE: NEW YORK COUNTY: WAYNE

DECISION NO.: AQ-2,128 DATE: DATE OF PUBLICATION

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

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BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H&W	Pensions	Vacation	App. Tr.
Asbestos workers	$ 9.53	.73	.30		.02
Boilermakers	9.05	.50	.75		.01
Bricklayers:					
Type. of Ontario, Williams, Sodus (including Sodus Point), Walworth, Marion, Macedon, and Palmyra:					
Bricklayers, plasterers, stone masons, tuck pointers	9.405	.30	.58		.02
Cement masons, building	9.205	.30	.58		.02
Cement masons, heavy and highway	7.70	.30	.50		
Marble setters, terrazzo workers, and tile setters	10.00				
Type. of Butler and Walcott (including the villages of Red Creek and Walcott):					
Bricklayers, cement masons (building), marble setters, plasterers, stone masons, terrazzo workers, and tile setters	9.06	.52	.30		.01
Cement masons, heavy and highway	7.75	.45	.30		
Remainder of county:					
Bricklayers, cement masons (building), marble setters, terrazzo workers, tile setters, and stone masons, plasterers	8.385	1.25	.55		
Cement masons, heavy and highway	7.45	.50	.55		.005
Carpenters, Building	8.87	.45	.70		.025
Carpenters (Heavy and Highway)	8.07	.45	.70		
Electricians:					
Type. of Sodus, Williamson, Ontario, Walworth, Marion, Palmyra and Macedon	10.13	.35	1%+.25		½ of 1%
Type. of Lyons, Galen & Arcadia	9.66	.45	1%+.35		.03
Savannah twp.	8.50	.35	1%		.05
Type. of Huron, Walcott, Rose & Butler	9.05	.30	1%+.30		½ of 1%

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BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Swing scaffold & window brackets	$ 8.69	.35	.72		.04
Bridge	9.19	.35	.72		.04
Sandblaster	8.94	.35	.72		.04
Spray	8.79	.35	.72		.04
Remainder of County:					
Painters	5.43				
Spray, swing scaffold, structural steel above 40' in height	6.18				
Piledrivermen & millwrights, building	9.15	.45	.70	d	
Piledrivermen, Heavy & Highway	8.07	.45	.70		.025
Plumbers & Steamfitters:					
Twps. of Butler & Savannah	8.92	.40	.23	.15 + a	
Township of Wolcott	8.38	.35	.40		
Remainder of County	11.025	.405	.525		.10
Roofers	9.19	.35	.35		
Roofers helpers:					
1st year - 1st six mos.	3.50	.25	.25		
1st year - 2nd six mos.	4.57	.25	.25		
2nd year	5.72	.25	.25		
3rd year	6.48	.25	.25		
Sheet Metal Worker	9.16	.50	.55+.10		.02
Sprinkler Fitters	9.45	.50	.70		.08
Soft floor layers	7.62	.45	.40	h + i	.005
Truck Drivers, Building:					
Twps. Ontario, Walworth & Macedon	7.67	.30	.25	j	
Remainder of County:					
Dumps, straight, trailer and pick-up, transit-mix, water and fuel	7.05		.35	f + g	
General contractor road oilers low-boy trailers, winch trucks, A-frames	7.20		.35	f + g	
Euclid * Linn drivers	7.40		.35	f + g	

PAID HOLIDAYS: A.-New Year's Day; B.-Memorial Day; C.-Independence Day; D.-Labor Day; E.-Thanksgiving Day; F.-Christmas Day

FOOTNOTES:

a. Holiday: Labor Day provided the employee has worked the day before the holiday.

b. Holidays: A through F, Washinton's Birthday, Good Friday, & Christmas Eve, providing employee has worked 45 full days during the 120 calender days prior to the holiday and the regularly scheduled work days immediately preceding & following the holiday.

c. Holidays: A through F, Washinton's Birthday, Good Friday, and Election Day for President of the United States and Governor of New York State, provided employee works day before and day after the holiday.

d. Holiday: Labor Day, provided employee works the regular working day preceding the holiday and the regular working day after the holiday.

e. Holidays: A-through-F.

f. 1 week vacation after 1 year's work.

g. Holidays: A through F, providing regular employee is available for work the day before and the day after the holiday.

h. Holidays: A through F and Good Friday.

i. 1 year's work or more - one week vacation; 3 year's work or more - 2 weeks vacation.

j. Holidays: Independence Day; Thanksgiving Day; Friday after Thanksgiving.

HEAVY AND HIGHWAY CONSTRUCTION Twps. of Macedon & Palmyra	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App.Tr.	Others
Laborers:						
Laborers and driller helpers	$ 5.90	.96	.55	a		
Concrete aggregate bin, mortar mixer, hand or machine, vibrator gin buggy, mason tenders, concrete bootmen, chain saw, jackhammer, pavement breaker, and all other gas, electric oil and air tool ops., bull float, tamper, pipelayers	6.10	.96	.55	a		
Drillers, asphalt rakers, and acetylene torch operator	6.30	.96	.55	a		
Blasters, form setters, stone or granite curb setters	6.50	.96	.55	a		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

Footnote:
a. Holidays: A through F, providing the employee works the day before and the day after the holiday.

HEAVY AND HIGHWAY CONSTRUCTION Remainder of County:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
Laborers:						
Laborers and driller helpers	$6.11	.90	.40	a		
Concrete aggregate bin, mortar mixer hand or machine, vibrator gin buggy mason tenders, concrete bootmen, chain saw, jackhammer, pavement breaker, and all other gas, electric, oil and air tool operators, bull float, tamper, pipelayers	6.31	.90	.40	a		
Drillers, asphalt rakers, stone or granite curb setters and acetylene torch operator	6.51	.90	.40	a		
Blasters, form setters, stone or granite curb setters	6.71	.90	.40	a		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Holidays: A through F, providing the employee works the day before and the day after the holiday.

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BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHE
CRANES:						
121 ft. and under	$8.75	.40+.30	.40	a	.10	
121 - 151 ft.	9.00	.40+.30	.40	a	.10	
151 - 201 ft.	9.25	.40+.30	.40	a	.10	
201 - 251 ft.	9.50	.40+.30	.40	a	.10	
251 - 301 ft.	10.00	.40+.30	.40	a	.10	
301 - 351 ft.	10.50	.40+.30	.40	a	.10	
351 - 401 ft.	11.00	.40+.30	.40	a	.10	
401 - 451 ft.	11.50	.40+.30	.40	a	.10	
Air tugger, backhoe, clamshell, dragline, shovel & similar machines over three-eighths (3/8 cu. yd. capacity (factory rating), big generator plant, bridge crane (all types), cableway, caisson auger & similar type machine, climbing and/or tower crane (all kinds & all types), derrick, dredge, forklift (with factory rating of fifteen (15) ft. or more of lift), hoist (on steel erection), mucking machine, ross carrier (and similar types), three drum hoist (when all drums are in use)	8.75	.40+.30	.40	a	.10	
"A" Frame truck, back filling machines, barber green & similar type loader, belt crete & similar type machine, bituminous spreading machine, bulldozer, carry-all type scraper, compressors: four (4) not to exceed 2000 c.f.m. combined capacity; or three (3) or less with more than 1200 c.f.m., but to exceed 2000 c.f.m., concrete mixer, concrete pump, core drill, crane-hoe-shovel (3/8 yd. capacity or less); (factory rating), dinky locomotive (all types), elevating type grader, elevator, fine grade machine (all kinds), front end loader, forklift (with factory rating of less than fifteen (15) ft. of lift), high pressure boiler (over 15 lbs. pressure) hoist (1 or 2 drums), maintenance engineer, motor grader, post hole digger, sheepsfoot roller, side boom, stone crusher, submersible electric pump, when used in lieu of well point system, tandem roller, tournapull, tower mobile and similar kinds, trenching machine, vibratory type roller and similar equipment of all kinds, welder, well drill, well point system	8.57	.40+.30	.40	a	.10	

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BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTH.
Any combination (not to exceed three (3) pieces of equipment), pumps, welding machines or mechanical conveyors (over 12 feet in length), belt crete generator, compressors - 3 or less not to exceed 1200 c.f.m. combined capacity, fireman, longitudinal float, mechanical heater, roller (fill and grade), rubber tired tractor	7.475	.40+.30	.40	a	.10	
Oilers	7.475	.40+.30	.40	a	.10	

Paid Holidays:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

Footnote:

a. Holidays: A through F (providing employee works the working day either immediately preceding a holiday or on the scheduled work day immediately following the holiday.

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HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
POWER EQUIPMENT OPERATORS: Asphalt roller (except rubber tire), automatic fine grade machine, backhoe (except tractor mounted, rubber tired), belt placer, black top plant (automated) blast or rotary drill, (truck or cat mounted), cableway, caisson auger, central mix plant (automated), cherry picker - over 5 tons capacity, crane, derrick, dragline, dredge, dual drum paver, elevating grader (self-propelled or towed), excavator (all purpose - hydraulically operated), front end loader (¾ c.y. and over), gradall, grader, head tower, hoist, 2 or 3 drum, locomotive (irrespective of size or power), maintenance engineer, mine hoist, mucking machine, overhead crane, peins crane or similar type, pile driver, quarry master or equivalent, shovel, skimmer, slip form paver, tractor drawn belt-type loader, truck crane, tunnel shovel	$8.71	.40+.50	.40	a	.10	
Asphalt roller (rubber tired), asphalt spreader, automatic fine grade machine, backhoe (tractor mounted, rubber tired), back filling machine, bending machine (pipe), bituminous spreader and mixer, blacktop plant (non-automated), boom truck, boring machine, cage hoist, central mix plant (non-automated) and all concrete batching plants, cherry picker 5 tons and under, compressors (4 or less) exceeding 2,000 c.f.m. combined capacity, concrete paver over 16S, concrete pump, crusher, dozer or push cat, drill rigs, tractor mounted, elevator, front end loader (under 4 c. y.) hi-pressure boiler, (15 lbs. and over), hoist, one drum, hydraulic pipe jack machine or similer type machine, jersey spreader, kolman plant loader and similar type loaders (if employer requires another man to clean the screen or to maintain the equipment, he shall be an oiler), maintenance grease man, mixer for stabilized base self-propelled, monorail machine, plant engineer, pump crete, ready mix concrete plant,	8.14	.40+.50	.40	a	.10	
Aggregate plant, boiler, (used in conjunction with production), C.M.I. and similar type concrete spreads, cement bin operator, compressors: 3 or less not to exceed 1,200 c.f.m. combined capacity, compressors: any size, but subject to other provisions, for compressors), dust collectors, generators, pumps, welding machines (3 or less of any type or combination), concrete mixer (16S and under), concrete saw self-propelled, fireman, form tamper, mulching machine, oiler, power broom power heaterman, revinius widener, steam cleaner, tractor	7.46	.40+.50	.40	a	.10	

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New York 24-PEO-2-3- J 2 of 3

HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
POWER EQUIPMENT OPERATORS: (CONT'D) road widener, rock bit sharpener, (all types), roller (all above subgrade, scraper, side boom, slip form paver, snorkel, stump chipping machine, trencher, tube finisher, winch, winch truck with A-frame	$8.50	.40+.50	.40	a	.10	
Asphalt curb and gutter machines, blower for burning brush, chipping machine and chip spreader, compressors: 4 not exceed 2,000 c.f.m. combined capacity, 3 or less with more than 1,200 c.f.m. but not to exceed 2,000 c.f.m., compressor, (any size but subject to other provisions for compressors), dust collectors, generators, pumps, welding machines (4 of any type or combination) concrete pavement spreaders and finishers, concrete curb and gutter machine, concrete curing machines, conveyor drill core, drill well, electric pump used in conjunction with well point systems, farm tractor with accessories, fine grade machine, hammers-hydraulic-self-propelled, hydraulic rock expander or similar type machine, hydraulic pump, motorized hydraulic pin puller and seeders, post hole digger and post driver, roller (grade and fill), tractor with towed accessories, vibratory compactor, vibro tamp, well point	8.14	.40+.50	.40	a	.10	
Aggregate plant, boiler, (used in conjunction with production), C.M.I. and similar type concrete spreads, cement bin operator, compressors: 3 or less not to exceed 1,200 c.f.m. combined capacity, compressors: any size, but subject to other provisions, for compressors), dust collectors, generators, pumps, welding machines (3 or less of any type or combination), concrete mixer (16S and under), concrete saw self-propelled, fireman, form tamper, mulching machine, oiler, power broom power heaterman, revinius widener, steam cleaner, tractor	7.46	.40+.50	.40	a	.10	

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New York 24-PEO-2-3-J 3 of 3

HEAVY AND HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Holidays: A through F, provided employee works the working day before and the working day after the holiday.

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HEAVY AND HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
TRUCK DRIVERS:						
Warehouse, yardmen, truck helpers, pick-ups, panel trucks, flatbody, material trucks (straight jobs), single axle dump, dumpsters, material checkers and receivers, greasers, tireman, mechanic helpers and parts chaser	$6.46	.45	.40	a		
Tandems and batch trucks, mechanics dispatcher	6.51	.45	.40	a		
Semi-trailers, lowboy trucks asphalt distributor, agitator, mixer trucks and dumpcrete type vehicles	6.56	.45	.40	a		
Specialized earth moving equipment, Euclid type or similar off-highway equipment, where not self-loaded	6.71	.45	.40	a		
Off-highway tandem back dump, twin engine equipment and double hitched equipment where not self-loaded	6.86	.45	.40	a		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Holidays: A through F, provided employee has worked the working day before and the working day after the holiday.

NEW DECISION

STATE: Oklahoma COUNTY: Muskogee
DECISION NO.: AQ-120 DATE: Date of Publication
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), and heavy and highway construction within the City of Muskogee.

DECISION NO. AQ-120

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Asbestos workers	$8.20		.35		.015
Boilermakers	7.00	.30	.76		.02
Bricklayers-Stonemasons	6.90	.30	.40		.03
CARPENTERS:					
Carpenters	6.85				.01
Millwrights	7.325				.01
Piledrivermen	7.325				.01
Cement masons	6.25				
ELECTRICIANS:					
ZONE I - A 20 mile radius from Post Office of City of Muskogee.					
ZONE II - Area outside zone 1.					
Zone I					
Electricians	7.43	.30	1%		1/2%
Cable splicers	7.83	.30	1%		1/2%
Zone II					
Electricians	7.73	.30	1%		1/2%
Cable splicers	8.13	.30	1%		1/2%
Elevator constructors	7.40	.395	.26	2½%+a+b	.02
Elevator constructors' helpers	5.18	.395	.26	2½%+a+b	.02
Elevator constructors' helpers (Probationary 6 months)	3.70				
Glaziers	6.625	.25	.30		.01
Ironworkers:					
Structural; Ornamental; Reinforcing	7.74	.30	.35		.05
Laborers:					
Laborers	4.35	.20	.15		
Air tool operator (Jackhammer, vibrator); mason tenders; mortar mixers; pipelayers (concrete & clay); plasterers' tenders	4.50	.20	.15		
Powder man (makeup)	4.85	.20	.15		
Wagon drill operator	4.85	.20	.15		
Lathers	6.60		.30		.01
Painters:					
Commercial brush and roller	5.00		.25	.20	
Spray; glove or dipping; sandblasters; spray or sand pot tender (maximum two pots, two guns or nozzles); power rollers; power equipment operators; bitumastic and like materials; applicators and kettle tenders	6.30		.35	.20	
Painters (cont'd)					
Spray or sand pot tender (maximum one pot, one nozzle or gun)	$5.40		.25	.20	
Hazardous work	7.975		.25	.20	
Cooning steel, stage, bosun chair, spiders, jack, roof work, skates, rolling scaffolds and like equipment - fifty cents (50¢) above basic rate					
Plumbers-steamfitters	7.60	.40	.55		.10
Roofers	6.75		.25		.04
Sheet metal workers	7.66	.38	.45		.06
Sprinkler fitters	8.50	.40	.60		.07
Terrazzo workers	7.78		.10		
Terrazzo workers' helpers	5.30				
Terrazzo workers helpers' floor op.	5.40				
Terrazzo workers' helpers base machine operator	5.60		.10		
Tile layers	7.78		.10		
TRUCK DRIVERS:					
Pick-up, 1½ tons or 2½ yds. and up to but not including 3 tons or 4 yds., such as dump trucks, flat beds, stake bodies & buses	5.20				
3 tons or 4 yds. and up to but not including 4 tons or 6 yards	5.30				
5 tons or 6 yds. and over including heavy equipment such as pole trucks, winch trucks, euclids, Mississippi wagons, semi-dumps, turner pulls, or other heavy material moving equipment	5.40				
Ready-mix concrete trucks up to but not including 3 yards	5.35				
Ready-mix concrete trucks 3 yards and over	5.50				
Tractor trailer drivers and similar equipment, such as tractors, ten wheelers, etc.	5.40				
WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.					

FOOTNOTES:
a- 1st. 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rate.
b- Paid Holidays, A through F.

PAID HOLIDAYS:
A- New Years; B- Memorial Day; C-Independence Day; D- Labor Day;
E- Thanksgiving Day; F- Christmas Day.

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77-Oklahoma-1-H (1-2)

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
All Crane Type equipment with 100' of boom or over (including jib), all Tower Cranes and all Cranes and all Cranes type equipment of 3 cu. yd. or more	$7.65	.35	.25		.07	
Heavy Duty Mechanic; Welder; Crane-Hook & Overhead Monorail; Whirley; Derrick; Piledriver Engineer; Dragline; Shovel; Clamshell; Backhoe; Sideboom; Gradall; Hydro Crane; Hoists while operating 2 or more drums; Cherry picker	7.40	.35	.25		.07	
Motor Patrol (Blade); (Engine H.P. 65 or more); Scraper type equipment; Tournapull; DW 10, 15, 16, 20, 21 & similar rubber-tired equipment; Euclid TS-24 and similar; Loader Operator or Hi-Lift (Engine H.P. 65 or over); Asphalt Lay Machine; Tail Boom; Conveyor-Multiple, Panel Board Control; Power Driver Hole Digger; Trenching Machine; Fordson Tractor or like equipment with hoe or loader equipment or ditcher	7.15	.35	.25		.07	
Locomotive Engineer; Boring Machine; Tug Boat; Mixer, 18 cu. ft. and over; Sand Barge; Dredging Machine; Tugger; Hoist-when operating one drum; Welding machine, 3 to 6; Air Compressor, 3 to 6, 500 cu. ft. and under; Air Compressor, over 500 cu. ft. (1); Pumps, Battery, 3 to 6; Forklift and similar equipment; Generator Plant Engineers, Diesel Elec; Winch Truck with A-Frame Pumps, Battery, 3 to 6; Batch Plant Operator (Portable); Boiler, all types; Elevator, building type or personnel hoist; Concrete Buster or Tamper; Heaters under jurisdiction of Op. Engrs.; Fireman; Boiler Operator; Crushing Plants; Oiler Distributor; Pulvimixer; Farm Tractor - with or without attachments; Conveyor Operator dual, continous or Belt-Bulk Handling; Screed Operator; Concrete Pump; Form Grader; Screening Plant; Well Point Pump Operator; Signal Man on Large whirleys when & if required	6.90	.35	.25		.07	

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77-Oklahoma-1-H (2-2)

POWER EQUIPMENT OPERATORS CONT'D	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
Operator for rotary drilling machines when operated from console or machine	$6.90	.35	.25		.07	
Concrete mixer, with hopper less than 13 cu. ft.; Air compressor, 500 cu. ft. & under (1 or 2); Welding Machine (1 or 2); Pump (1 or 2); Fuelman; Conveyor Operator - Single - Continous Belt Bulk Handling	6.40	.35	.25		.07	
Greaser; Tilt Top Trailer Operator	6.50	.35	.25		.07	
Asphalt Lay Machine Back End Man; Helpers	6.20	.35	.25		.07	
Track crane oiler or Truck crane driver	6.10	.35	.25		.07	
Engineers for machine not listed under the above classifications shall receive the scale comparable to these classifications.						
Engineers of all classifications when working in caverns or tunnels shall receive 25¢ per hour above all the above listed rates.						
LINE CONSTRUCTION						
Lineman	$7.25		1%		4%	
Cable Splicer	7.65		1%		4%	
Hole Digger Operator	6.58		1%		4%	
Heavy Equipment Operator (or Pole Cat Equivalent)	6.58		1%		4%	
Line Truck Driver (Winch Operator)	5.95		1%		4%	
Jack Hammerman	5.43		1%		4%	
Powderman	6.58		1%		4%	
Groundman	4.84		1%		4%	
Truck Driver (Flat Bed, ton and half and under)	5.12		1%		4%	

MODIFICATIONS P. 1

DECISION #AQ-1087 - Mod. #4
(39 FR 7021-February 22, 1974)
Alameda, Alpine, Amador, Calaveras, Contra Costa, Del Norte, Eldorado, Fresno, Humboldt, Marin, Mariposa, Merced, Monterey, Napa, Nevada, Placer, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Shasta, Solano, Sonoma, Sutter, Tehama, Tuolumne, Yolo and Yuba Counties, California

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Change:					
Electricians					
Alameda County					
Electricians	$ 9.845	.70	4%		
Cable Splicers	11.07	.70	4%		
Plumbers; Steamfitters					
Marin, San Francisco and Sonoma Counties	8.48	1.47	.705	.755	.135
Sprinkler Fitters					
Remaining Counties	11.70	.50	.70		.08
Add:					
Lathers					
Mariposa, Merced and Tuolumne Counties	7.75				.01

MODIFICATIONS P. 2

DECISION #AQ-1088 - Mod. #4
(39 FR 8103 - March 1, 1974)
Alameda, Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, El Dorado, Fresno, Glenn, Humboldt, Kings, Lake, Lassen, Madera, Marin, Mariposa, Mendocino, Merced, Modoc, Monterey, Napa, Nevada, Plumas, Placer, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Yolo and Yuba Counties, California

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Change:					
Electricians					
Alameda County					
Electricians	$ 9.845	.70	4%		
Cable Splicers	11.07	.70	4%		
Plumbers; Steamfitters					
Marin, Mendocino, San Francisco and Sonoma Counties	8.48	1.47	.705	.755	.135
Sprinkler Fitters					
Remaining Counties	11.70	.50	.70		.08
Add:					
Lathers					
Mariposa, Merced, Stanislaus and Tuolumne Counties	7.75				.01

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AQ-1097 - Mod. #2 (39 FR 13913 - April 12, 1974) Adams, Arapahoe, Boulder, Clear Creek, Denver, Douglas, Eagle, Elbert, Gilpin, Grand, Jefferson, Lake, Larimer, Logan, Morgan, Park, Summit and Weld Counties, Colorado					
Change:					
Heavy Construction					
Cement Masons: Construction (outside Denver Metropoliten Area)	6.22	.42	1.10	.30	.07
Cement Masons: Construction (Denver Metropolitan Area)	6.32	.42	1.10	.30	.07
LABORERS: (Heavy Construction)					
Group 1	4.80	.42	.45		.07
Group 2	4.85	.42	.45		.07
Group 3	4.93	.42	.45		.07
Group 4	4.95	.42	.45		.07
Group 5	4.97	.42	.45		.07
Group 6	5.08	.42	.45		.07
Group 7	5.18	.42	.45		.07
Group 8	5.25	.42	.45		.07
Group 9	5.38	.42	.49		.07
Group 10	5.43	.42	.45		.07

DECISION #AQ-1097 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Change:					
LABORERS: (Heavy Construction)					
(Pipelines)					
All mainline sewers; Water mains Gas, oil or any product pipelines; Pend stocks; Siphones or drainage lines; Pipe plants and yards not in connection with highway construction					
Group 1	$ 4.80	.42	.45		.07
Group 2	4.85	.42	.45		.07
Group 3	5.02	.42	.45		.07
Group 4	5.04	.42	.45		.07
Group 5	5.13	.42	.45		.07
Group 5-A	5.18	.42	.45		.07
Group 6	5.25	.42	.45		.07
LABORERS (Tunnels)					
Group 1	4.80	.42	.45		.07
Group 2	5.40	.42	.45		.07
Group 3	5.50	.42	.45		.07
Group 4	5.58	.42	.45		.07
Group 5	5.65	.42	.45		.07
Group 6	5.80	.42	.45		.07
LABORERS (Shafts, Raises, Missile Silos & all underground work other than Tunnels)					
Group 1	5.50	.42	.45		.07
Group 2	5.65	.42	.45		.07
Group 3	5.75	.42	.45		.07
Group 4	5.93	.42	.45		.07
Group 5	6.03	.42	.45		.07
Group 6	6.08	.42	.45		.07

DECISION #AQ-1097 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Change:					
POWER EQUIPMENT OPERATORS (Other than for work in Tunnels, Shafts and Raises)					
Group 1	$ 6.05	.37	.55	.30	.03
Group 2	6.40	.37	.55	.30	.03
Group 3	6.75	.37	.55	.30	.03
Group 4	6.90	.37	.55	.30	.03
Group 5	7.05	.37	.55	.30	.03
Group 6	7.20	.37	.55	.30	.03
(For work in Tunnels, Shafts, and Raises)					
Brakeman	6.20	.37	.55	.30	.03
Motorman	6.55	.37	.55	.30	.03
Compressor (900 CFM and over), serving tunnels, shafts and raises	6.65	.37	.55	.30	.03
Air tractors; Grout machine; Gunnite machine; Jumbo form; Mechanic; Welder	6.90	.37	.55	.30	.03
Concrete placement pumps 8" and over discharge; Mechanic-welder (heavy duty); Mucking machine and front end loaders underground; Slusher	7.05	.37	.55	.30	.03
Mole	7.45	.37	.55	.30	.03

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
TRUCK DRIVERS					
PICKUPS; Helpers; Scalemen; Checkers; Spotters; Dumpmen	$5.50	.35	.25	.10	
DUMP TRUCKS, to and including 6 cu. yds.; Sweeper; Flatrack, single axle; Liquid and bulk tankers, single axle; Warehousemen; Washers; Greasermen; Servicemen; Ambulance drivers, if used	5.60	.35	.25	.10	
DUMP TRUCKS, over 6 cu. yds. to and including 12 cu. yds.; Flatrack tandem axle; Battery men; Mechanic helpers; Material checkers; Cardex men; Expeditors; Man haul shuttle truck or bus	5.70	.35	.25	.10	
STRADDLE TRUCK; Lumber carrier; Liquid and bulk tankers, tandem axle	5.75	.35	.25	.10	
FORK LIFT, Fuel truck; Grease truck; Combination fuel and grease; Tiremen	5.80	.35	.25	.10	
DUMP TRUCKS, over 12 cu. yds., to including 19 cu. yds.; Distributor; Cement mixer; Agitator truck to and including 10 cu. yds.; Liquid and bulk tankers, semi or combination	5.85	.35	.25	.10	
MULTI-PURPOSE TRUCK - Specialty and hoisting	5.90	.35	.25	.10	
HIGH BOY; Lowboy; Floats; Semi; Cab operated distributor-Semi; Liquid and bulk tankers, euclid, electric or similar; Dumptor, Youngbuggy, Jumbo and similar type equipment	5.95	.35	.25	.10	
MECHANICS	6.00	.35	.25	.10	

DECISION #AQ-1097 (Cont'd)

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
DUMP TRUCKS, over 19 cu. yds. to and including 29 cu. yds.; Truck driver snow plow	$6.05	.35	.25	.10	
CEMENT MIXER, Agitator over 10 cu. yds. to and including 15 cu. yds.	6.10	.35	.25	.10	
DUMP TRUCKS, over 29 cu. yds. to and including 39 cu. yds.; Heavy duty diesel mechanics; Body men; Welders or combination men	6.20	.35	.25	.10	
CEMENT MIXER, Agitator over 15 cu. yds.	6.35	.35	.25	.10	
DUMP TRUCKS, over 39 cu. yds. to and including 54 cu. yds.	6.50	.35	.25	.10	
DUMP TRUCKS, over 54 cu. yds. to and including 79 cu. yds.	6.60	.35	.25	.10	
DUMP TRUCKS, over 79 cu. yds. to and including 104 cu. yds.	6.80	.35	.25	.10	
DUMP TRUCKS, over 104 cu. yds.	7.00	.35	.25	.10	

DECISION #AQ-1050 - Mod. #2
(39 FR 1689 - January 11, 1974)
Leon County, Florida

Change:	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
Carpenters: Carpenters	5.95				
Roofers	6.85	.25	.20		
Roofers' helpers	3.90	.25	.20		
Roofers' kettlemen	4.80	.25	.20		

DECISION #AQ-1099 - Mod. #2
(39 FR 13423 - April 12, 1974)
Hillsborough County, Florida

Change:	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
Roofers	6.85	.25	.20		
Roofers' helpers	3.90	.25	.20		
Roofers' kettlemen	4.80	.25	.20		

DECISION #AQ-3138 - Mod. #1
(39 FR 12641 - April 5, 1974)
Vigo County, Indiana

CHANGE:

IND-9-PEO-1 S&T

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
GROUP A	$8.59	.30	.50		.05	
GROUP B	8.48	.30	.50		.05	
GROUP C	8.30	.30	.50		.05	
GROUP D	6.55	.30	.50		.05	

CLASSIFICATIONS

POWER EQUIPMENT OPERATORS

GROUP A: Master Mechanic
GROUP B: Utility Operator
GROUP C: Power Cranes, Draglines, Derricks, Electric Overhead cranes, Shovels, Gradall, Mechanics, Repair & Maintenance of all Equipment, Tractor Highlift, ForkLifts, Tournadozer, Mixer over 14S Capacity, Tournamixer, 2-Drum Machine or 2-Cage Hoists, Cableways, Tower Machines, Motor Patrol, Boom Tractor, Boom or Winch Truck, Truck Crane, Tournapull, Tractor Operating Scoops, Bulldozer, Push Tractor, Finishing Machine on Asphalt, Large Rollers & Rollers on Asphalt, Gravel, Macadam & Brick Surface, Ross Carrier or similar Machine, Gravel Processing Machine, Asphalt Plant Engineer or Pug Mill, 2-Air Compressors, Hetherington Paver Operator, Farm Tractor with half Yard Bucket and/or Backhoe Attachment, Trench Machines cutting over 24", Dredging Equipment, Central Mix Plant Engineer, CMI or similar type Machine, Concrete Spreader, Cherry Picker, Air Compressors 300 cu. ft. or over, Standard or Dinkey Locomotives, Scoopmobiles, Euclid Loader, Soil Cement Machines, Backfiller, Fleavating Machine, Power Blade, Asphalt Plant Engineer, Well Drilling Machine, Paint Machine, Pipe Cleaning Machine, Pipe Wrapping Machine, Pipe Bending Machine, Apsco Paver, Boring Machine, Tractors (without Winch) Head Equipment Greasers, Barber Green Loaders, Formless Paver, Well Point System, Hydra-Ax, Resco Concrete Saw, Marine Scoops, Brush Mulcher, Brush Burner, Mesh Placer, Tree Mover, Helicopter Crew (3), Piledriver Skid or Crawler, Stump Remover, Root Rake, Tug Boat Operator, Refrigerator Machine Freezing Operator, Chair Cart - Self Propelled, Hydra-Seeder, Straw Blower, Concrete Mixers with Skip, All 1-Drum Hoists with Tower or Boom, Dredge Engineer, Dredge Operator, Rock Spreader Truck or Skid Mounted Tower Crane, Engine or Rock Crusher Plant, Boiler Operator, Concrete Plant Engineer, Loaders, HydraCrane, Caissons, Shaft or any similar type Drilling Machines, Concrete Curb Machine (Self Propelled) Winch or Hydraulic Boom Truck.
GROUP D: Mixers 14S capacity or less, Trench Machine cutting 24" & under, Farm Tractor w/less than half yard bucket and other Attachments except Back Hoe, Truck Crane Oiler, Power Subgrader, Bull Float, Form Grader, Finishing Machine, Pavement Breaker, Pock Crushers, 1-Drum Machine, Air Compressor less than 300 cu. ft. capacity, Concrete Pump, Gunnite Machine, Air Tuggers, Truck Crane Drivers, House Elevators when used for hoisting Material, 2 or 4 Generators or Welding Machine, Mechanized Heaters irrespective of Motor Power when used for temporary heat, Small Rollers on Earth, Engine Tenders, Firemen, Wagon Drill, Flexplane, Conveyor, 2 to 4 Water Pumps, Siphon & Pulsometer, Switchman, Fireman on Paint Pots, Fireman on Asphalt Plants, Distributor Operator on Trucks, Tampers, Power Broom, Post Hole Digger, Self-Propelled Concrete Saw, Striping Machine (Motor Driven), Form Tamper, Seaman Tiller, Bulk Cement Plant Equipment Greaser, Track Jack, Mud Jack, Operators to do Winter Repair work in Shop between November 1st & March 1st, Concrete Buggies motor driven, Oilers, Barrel Type Mixer, 1 Welding Machine or 1 Water Pump, Air Valves or Steam Valves from Plant, Concrete Mixers without Skip, Curing Machine, Concrete & Blacktop Curb Machine, Deck Hands.

DECISION #AQ-3142 - Mod. #2
(39 FR 11403 - March 22, 1974)
Boone, Clay, Davies, Fountain, Knox, Greene, Hendricks, Montgomery, Morgan, Owen, Parke, Putnam, Vigo, Sullivan, Vermillion & Warren Counties, Indiana

CHANGE:

IND-9-PEO-1 S&T

POWER EQUIPMENT OPERATORS (SEWER & TUNNEL)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
GROUP A	$8.59	.30	.50		.05	
GROUP B	8.48	.30	.50		.05	
GROUP C	8.30	.30	.50		.05	
GROUP D	6.55	.30	.50		.05	

CLASSIFICATIONS

POWER EQUIPMENT OPERATORS

GROUP A: Master Mechanic
GROUP B: Utility Operator
GROUP C: Power Cranes, Draglines, Derricks, Electric Overhead cranes, Shovels, Gradall, Mechanics, Repair & Maintenance of all Equipment, Tractor Highlift, ForkLifts, Tournadozer, Mixer over 14S Capacity, Tournamixer, 2-Drum Machine or 2-Cage Hoists, Cableways, Tower Machines, Motor Patrol, Boom Tractor, Boom or Winch Truck, Truck Crane, Tournapull, Tractor Operating Scoops, Bulldozer, Push Tractor, Finishing Machine on Asphalt, Large Rollers & Rollers on Asphalt, Gravel, Macadam & Brick Surface, Ross Carrier or similar Machine, Gravel Processing Machine, Asphalt Plant Engineer or Pug Mill, 2-Air Compressors, Hetherington Paver Operator, Farm Tractor with half Yard Bucket and/or Backhoe Attachment, Trench Machines cutting over 24", Dredging Equipment, Central Mix Plant Engineer, CMI or similar type Machine, Concrete Spreader, Cherry Picker, Air Compressors 300 cu. ft. or over, Standard or Dinkey Locomotives, Scoopmobiles, Euclid Loader, Soil Cement Machines, Backfiller, Fleavating Machine, Power Blade; Asphalt Plant Engineer, Well Drilling Machine, Paint Machine, Pipe Cleaning Machine, Pipe Wrapping Machine, Pipe Bending Machine, Apsco Paver, Boring Machine, Tractors (without Winch) Head Equipment Greasers, Barber Green Loaders, Formless Paver, Well Point System, Hydra-Ax, Resco Concrete Saw, Marine Scoops, Brush Mulcher, Brush Burner, Mesh Placer, Tree Mover, Helicopter Crew (3), Piledriver Skid or Crawler, Stump Remover, Root Rake, Tug Boat Operator, Refrigerator Machine Freezing Operator, Chair Cart - Self Propelled, Hydra-Seeder, Straw Blower, Concrete Mixers with Skip, All 1-Drum Hoists with Tower or Boom, Dredge Engineer, Dredge Operator, Rock Spreader Truck or Skid Mounted Tower Crane, Engine or Rock Crusher Plant, Boiler Operator, Concrete Plant Engineer, Loaders, HydraCrane, Caissons, Shaft or any similar type Drilling Machines, Concrete Curb Machine (Self Propelled) Winch or Hydraulic Boom Truck.
GROUP D: Mixers 14S capacity or less, Trench Machine cutting 24" & under, Farm Tractor w/less than half yard bucket and other Attachments except Back Hoe, Truck Crane Oiler, Power Subgrader, Bull Float, Form Grader, Finishing Machine, Pavement Breaker, Pock Crushers, 1-Drum Machine, Air Compressor less than 300 cu. ft. capacity, Concrete Pump, Gunnite Machine, Air Tuggers, Truck Crane Drivers, House Elevators when used for hoisting Material, 2 or 4 Generators or Welding Machine, Mechanized Heaters irrespective of Motor Power when used for temporary heat, Small Rollers on Earth, Engine Tenders, Firemen, Wagon Drill, Flexplane, Conveyor, 2 to 4 Water Pumps, Siphon & Pulsometer, Switchman, Fireman on Paint Pots, Fireman on Asphalt Plants, Distributor Operator on Trucks, Tampers, Power Broom, Post Hole Digger, Self-Propelled Concrete Saw, Striping Machine (Motor Driven), Form Tamper, Seaman Tiller, Bulk Cement Plant Equipment Greaser, Track Jack, Mud Jack, Operators to do Winter Repair work in Shop between November 1st & March 1st, Concrete Buggies motor driven, Oilers, Barrel Type Mixer, 1 Welding Machine or 1 Water Pump, Air Valves or Steam Valves from Plant, Concrete Mixers without Skip, Curing Machine, Concrete & Blacktop Curb Machine, Deck Hands.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AQ-1013 - Mod. #1 (38 FR 27175 - September 28, 1973) Boone, Campbell, Kenton, & Pendleton Counties, Kentucky					
Change:					
Bricklayers	9.395	.45	.35		.05
Resilient Floor Layers	8.00	.40	.55		
Terrazzo Workers:					
Terrazzo Workers	9.085	.45	.35		
Tile Setters	9.085	.45	.35		
DECISION #AQ-2100 - Mod. #3 (39 FR 14148 - April 19, 1974) Baltimore City and Baltimore County, Maryland					
Change:					
Glaziers:					
Glaziers	$7.70	.25	.30		
Swinging scaffold or bosun's chair	7.95	.25	.30		
DECISION #AQ-2101 - Mod. #3 (39 FR 14150 - April 19, 1974) Anne Arundel County, Maryland					
Change:					
Glaziers:					
Glaziers	7.70	.25	.30		
Swinging scaffold or bosun's chair	7.95	.25	.30		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AQ-3171- Mod #2 (39 FR 17022- May 10, 1974) Barnstable County, Massachusetts					
Change:					
Electricians:					
Electrical contracts over $12,000	$9.00	.30	1%+.25		a
Electrical contracts under $12,000	7.55	.30	1%+.25		a
Lathers	9.25	.45	.55		
Piledrivermen	9.50	.50	.50		
DECISION #AQ-3172- Mod #3 (39 FR 17026- May 10, 1974) Bristol County, Massachusetts					
Change:					
Electricians:					
Acushnet, Dartmouth, Fairhaven, New Bedford, N.Dartmouth, & S.Dartmouth	9.00	.30	1%+.25		a
Remainder of County	9.50	.50	1%		1/10%
Lathers:					
Attleboro, N.Attleboro	9.25	.45	.55		
Mansfield, N.Easton, Norton, Raynham & Taunton	9.25	.45	.55		
Remainder of County	9.25	.45	.55		
Marble setters' helpers	7.94	.40	.25		
Piledrivermen (Remainder of County)	9.50	.50	.50		
DECISION #AQ-3173- Mod #3 (39 FR 17030- May 10, 1974) Essex County, Massachusetts					
Change:					
Bricklayers; Stonemasons:					
Andover, Boxford, Danvers, Lawrence, Lynn, Lynnfield, Marblehead, Methuen, Middleton, Nahant, N.Andover, Peabody, Salem, Saugus, Swampscott, & Topsfield	9.30	.50	.85		.05
Remainder of County	9.45	.60	.60		.05
Lathers:					
Beverly, Danvers, Gloucester, Hamilton, Ipswich, Lynn, Lynnfield, Salem, Saugus, Swampscott, Topsfield, & Wenham	9.25	.45	.55		.01
Remainder of County	9.25	.45	.55		.01
Piledrivermen	9.50	.50	.50		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AQ-3174- Mod #3 (39 FR 17035- May 10, 1974) Hampden County, Massachusetts					
Change:					
Bricklayers;Cement masons; Marble masons	9.55	.55	.55		.03
Carpenters; Soft floor layers:					
Holyoke	$9.15	.35	.50		.02
Remainder of County	9.15	.35	.50		.02
Painters:					
Brush, Roller, & Tapers	8.32	.50	.35		.03
Spray	11.093	.6667	.4667		.04
Swing stage under 40' & steel	8.507	.50	.35		.03
Swing stage over 40' & steel	8.87	.50	.35		.03
Piledrivermen	9.50	.50	.50		
Plasterers;Terrazzo workers;Tile setters	9.55	.55	.55		.03
DECISION #AQ-3175- Mod #3 (39 FR 17039- May 10, 1974) Middlesex County, Massachusetts					
Change:					
Bricklayers; Stonemasons:					
Newton	9.15	.60	.90		.05
Reading, N.Reading, & Wakefield	9.30	.50	.85		.05
Lathers:					
Entire County, except Town of Marlboro	9.25	.45	.55		
Piledrivermen	9.50	.50	.50		
Plasterers:					
Arlington, Cambridge, Everett, Malden, Medford, Somerville, Stoneham, Wakefield, Winchester, & Woburn	8.55	.45	1.25		.02
DECISION #AQ-3176- Mod #3 (39 FR 17045- May 10, 1974) Norfolk County, Massachusetts					
Change:					
Bricklayers; Cement masons; Plasterers; & Stonemasons:					
Dover, Needham & Wellesley	9.15	.60	.90		.05
Lathers	9.25	.45	.55		
Piledrivermen	9.50	.50	.50		
Plasterers:					
Brookline, & Milton	8.55	.45	1.25		.02

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AQ-3177- Mod #3 (39 FR 17048- May 10, 1974) Plymouth County, Massachusetts					
Change:					
Electricians:					
Mattapoisett, Rochester, & Wareham:					
Electrical contracts over $12,000.	$9.00	.30	1%+.25		a
Electrical contracts under $12,000.	7.55	.30	1%+.25		a
Lakeville & Middleboro	9.50	.50	1%		.1%
Lathers (entire county)	9.45	.45	.55		
Piledrivermen:					
Remainder of County	9.50	.50	.50		
Plasterers:					
Norwell	8.55	.45	1.25		.02
DECISION #AQ-3178- Mod #2 (39 FR 17052- May 10, 1974) Suffolk County, Massachusetts					
Change:					
Lathers	9.25	.45	.55		
Marble setters' helpers	7.94	.40	.25		
Piledrivermen	9.50	.50	.50		
Plasterers	8.55	.45	1.25		.02
DECISION #AQ-3180- Mod #2 (39 FR 19367- May 31, 1974) Berkshire County, Massachusetts					
Change:					
Bricklayers, cement masons, marble masons, plasterers, stone masons, terrazzo workers & tile setters:					
Twps. of Becket, Otis, Sandisfield	9.55	.55	.55		.03
Lathers	8.45	.45	.25		.01
Marble setters' helpers	8.00				
Painters:					
Brush, Rollers, & Tapers	8.32	.50	.35		.03
Spray	11.093	.6667	.4667		.04
Swing stage under 40' & steel	8.507	.50	.35		.03
Swing stage over 40' & steel	8.87	.50	.35		.03
Piledrivermen	9.50	.50	.50		

MODIFICATIONS P. 15

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
DECISION #AQ-3181- Mod #2 (39 FR 19371- May 31, 1974) Franklin County, Massachusetts					
Change:					
Bricklayers, cement masons, plasterers, stone masons, marble, tile & terrazzo workers, caulker, cleaner pointer	$9.55	.55	.55		.03
Carpenters & soft floor layers	9.15	.35	.50		.02
Painters (entire county)					
Brush, Roller, and Tapers	8.32	.50	.35		.03
Spray	11.093	.6667	.4667		.04
Swing state under 40' and steel	8.507	.50	.35		.03
Swing state over 40' and steel	8.82	.50	.35		.03
Piledrivermen	9.50	.50	.50		
DECISION #AQ-3182- Mod #2 (39 FR 19375- May 31, 1974) Hampshire County, Massachusetts					
Change:					
Bricklayers, plasterers, cement masons, stone masons, marble, tile & terrazzo workers	9.55	.55	.55		.03
Carpenters (entire county)	9.15	.35	.50		.02
Painters					
Brush, Roller, & Tapers	8.32	.50	.35		.03
Spray	11.093	.6667	.4667		.04
Swing state under 40' and steel	8.507	.50	.35		.03
Swing state over 40' and steel	8.87	.50	.35		.03
Piledrivermen	9.50	.50	.50		
DECISION #AQ-3183- Mod #1 (39 FR 20923- June 14, 1974) Worcester County, Massachusetts					
Change:					
Bricklayers, cement masons, plasterers, & stonemasons: Warren	9.55	.55	.55		.03
Lathers: Harvard & Lunenburg	9.25	.45	.55		
Painters (Warren & W.Warren)					
Brush, Roller, & Tapers	8.32	.50	.35		.03
Spray	11.093	.6667	.4667		.04
Swing stage under 40' and steel	8.507	.50	.35		.03
Swing stage over 40' and steel	8.87	.50	.35		.03
Piledrivermen	9.50	.50	.50		

MODIFICATIONS P. 16

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
DECISION #AQ-25 - Mod. #3 (38 FR 21540 - September 7, 1973) Douglas & Sarpy Counties, Nebraska					
Change:					
Sheet metal workers	$8.86	.35	.20		.02
Truck drivers, single axle	6.415	.25	.25		
DECISION #AQ-1080 - Mod. #2 (39 FR 5131 - February 8, 1974) Statewide, Nevada					
Change:					
Carpenters					
Clark, Esmeralda & Lincoln Counties; and Nye County South of Hwy. #6 including the Town of Tonopah					
Carpenters	$ 7.46	.45	.60	.80	.10
Floorlayers; Patent Scaffold Erectors; Power Saw Operator	7.61	.45	.60	.80	.10
Piledrivermen	7.66	.45	.60	.80	.10
Millwrights	7.76	.45	.60	.80	.10
DECISION #AQ-1083 - Mod. #2 (39 FR 6001 - February 15, 1974) Clark and Southern Half of Nye (The Nevada Test Site including the Tonopah Test Range) Counties, Nevada					
Change:					
Carpenters	7.94	.45	.60	.80	.03

MODIFICATIONS P. 17

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AQ-2,105 - Mod. #2 (39 FR 14873 - April 26, 1974) Bergen County, New Jersey						
Change:						
Electricians	$10.23	3%	6%+.58		1.5%	
Laborers, Building Remainder of County:						
Laborers	6.80	.65	.60			
Air Tool op. (Jackhammer, vibrator)	6.80	.65	.60			
Mason tenders	6.80	.65	.60			
Mortar Mixers	6.80	.65	.60			
Pipelayers (Concrete and Clay)	6.80	.65	.60			
Plasterers' tenders	6.80	.65	.60			
Wrecking and excavation	6.80	.65	.60			
Painters:						
Commercial and Industrial	7.70	.84	1.38	.38		
Steel, high hazardous work and bridges	8.20	.84	1.38	.38		
Boilermakers	8.75	8%	18%	10%	.01	
Boilermakers helpers	8.22	8%	18%	10%	.01	
DECISION NO. AQ-1066 - Mod. #2 (38 FR 33899-December 7, 1973) Burleigh, Cass, Grand Forks, Morton, Richland, Steele, Walsh, and Ward Counties, North Dakota						
Change:						
Carpenters:						
Burleigh and Morton Counties						
Carpenters	$6.55				.02	
Piledrivermen	6.675				.02	
DECISION #AQ-96 - Mod. #1 (39 FR 17069 - May 10, 1974) Oklahoma, Cleveland, Lincoln, Canadian and Pottawatomie Counties, Oklahoma						
Change:						
Plumbers-Steamfitters	$7.70	.45	.40		.10	
Elevator constructors	7.51	.395	.26	2½+a+b	.02	
Elevator constructors helper	5.26	.395	.26	2½+a+b	.02	
Elevator constructors helper (probationary)	3.755					
Asbestos workers	8.45	.30	.50		.02	
Lathers	8.00				.01	

MODIFICATIONS P. 18

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
DECISION #AQ-68 - Mod. #3 (38 FR 35580 - December 28, 1973) Cameron, Hidalgo, Starr & Willacy Counties, Texas					
Change Mod. #3 to "See General Wage Determination AQ-118 for Incidental Paving & Utilities"					
DECISION #AQ-69 - Mod. #3 (38 FR 35582 - December 28, 1973) Lubbock County, Texas					
Change Mod. #2 to "See General Wage Determination AQ-118 for Incidental Paving & Utilities"					
DECISION #AQ-70 - Mod. #3 (39 FR 1713 - January 11, 1974) Travis County, Texas					
Change Mod. #4 to "See General Wage Determination AQ-118 for Incidental Paving & Utilities"					
DECISION #AQ-71 - Mod. #3 (39 FR 1716 - January 11, 1974) El Paso County, Texas					
Change: Mod. #2 to "See General Wage Determination AQ-118 for Incidental Paving"					

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
DECISION #AQ-73 - Mod. #3 (39 FR 1720 - January 11, 1974) Collin, Dallas, Denton, Ellis, Grayson, Hood, Hunt, Johnson, Kaufman, Palo Pinto, Parker, Rockwall, Tarrant & Wise Counties, Texas					
Change Mod. #3 to "See General Wage Determination AQ-118 for Incidental Paving & Utilities"					
DECISION #AQ-74 - Mod. #2 (39 FR 4382 - February 1, 1974) Bexar County, Texas					
Change Mod. #1 to "See General Wage Determination AQ-118 for Incidental Paving & Utilities"					
DECISION #AQ-75 - Mod. #4 (39 FR 4384 - February 1, 1974) Armstrong, Carson, Castro, Childress, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Swisher & Wheeler Counties, Texas					
Change Mod. #2 to "See General Wage Determination AQ-118 for Incidental Paving & Utilities"					

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
DECISION #AQ-97 - Mod. #2 (39 FR 16981 - May 13, 1974) Bell, Bosque, Coryell, Falls, Hill & McLennan Counties, Texas					
Change Description of Work to Read: Building Construction, (excluding single family homes & garden type apartments up to & including 4 stories).(See General Wage Determination AQ-118 for Paving & Utilities Incidental to Building Construction in Bosque, Falls, Hill & McLennan Counties)					
Change: Incidental Paving & Utilities (Bell & Coryell Counties):					
Air Tool Man	$2.80				
Asphalt Hesterman	2.75				
Asphalt Raker	3.20				
Carpenter	3.55				
Carpenter Helper	2.60				
Concrete Finisher (Paving)	3.85				
Concrete Finisher Helper(Paving)	2.90				
Concrete Finisher (Structures)	3.60				
Concrete Finisher Helper (structures)	2.50				
Concrete Rubber	3.10				
Electrician	5.00				
Form Builder (Structures)	3.85				
Form Builder Helper (Structures)	3.00				
Form Setter (Paving & Curb)	3.20				
Form Setter (Structures)	3.50				
Form Setter Helper(Structures)	2.50				
Laborer, Common	2.25				
Laborer, Utility Man	2.50				
Mechanic	4.00				
Mechanic Helper	3.00				
Oiler	3.25				
Serviceman	3.25				
Pipelayer	3.25				
Pipelayer Helper	2.50				

DECISION #AQ-97 (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
Plumbers:					
Zone 1 - 35 miles radius of Waco, Texas including town of Temple	$7.25				.02
Zone 2 - all area not included in Zone 1	7.65				.02
Powderman	3.25				
Reinforcing Steel Setter(Paving)	3.75				
Reinforcing Steel Setter (Structures)	3.65				
Reinforcing Steel Setter Helper	2.50				
Steel Worker (Structural)	3.75				
Steel Worker Helper (Structural)	2.75				
Sign Erector	3.00				
Sign Erector Helper	2.75				
Spreader Box Man	3.25				
Power Equipment Operators:					
Asphalt Distributor	3.50				
Bulldozer, 150 HP and Less	3.50				
Bulldozer, over 150 HP	3.70				
Concrete Paving Saw	2.75				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shoval (Less than 1½ CY)	3.50				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY and Over)	4.10				
Crusher or Screening Plant Operator	3.50				
Foundation Drill Operator (Truck Mounted)	3.75				
Front End Loader (2½ CY & Less)	3.25				
Front End Loader (Over 2½ CY)	3.50				
Motor Grader Operator, Fine Grade	4.00				
Motor Grader Operator	3.75				
Roller, Steel Wheel (Plant-Mix Pavements)	2.90				
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	2.50				
Roller, Pneumatic (Self-Propelled)	2.50				
Scrapers (17 CY and Less)	3.25				
Scrapers (Over 17 CY)	3.50				
Side Boom	4.00				

DECISION #AQ-97 (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
Power Equipment Operators (Cont'd):					
Tractor (Crawler Type) 150 HP and Less	$3.00				
Tractor (Crawler Type) over 150 HP	3.25				
Tractor (Pneumatic) 80 HP and Less	2.60				
Tractor (Pneumatic) over 80 HP	3.10				
Trenching Machine, Light	3.10				
Wagon Drill, Boring Machine or Post Hole Driller Operator	3.00				
Truck Drivers:					
Single Axle, Light	2.50				
Single Axle, Heavy	2.50				
Tandem Axle or Semitrailer	2.50				
Weighman (Truck Scales)	2.25				
Welder	3.50				

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AQ-98 - Mod. #1 (39 FR 17080 - May 10, 1974) Kleberg & Nueces Counties, Texas **Change Description of Work to Read:** Building Construction, (excluding single family homes & garden type apartments up to & including 4 stories). (See General Wage Determination AQ-118 for Paving & Utilities Incidental to Building Construction)					
DECISION #AQ-106 - Mod. #2 (39 FR 17084 - May 13, 1974) Galveston & Harris Counties, Texas **Change Description of Work to Read:** Building Construction, (excluding single family homes & garden type apartments up to & including 4 stories). (See General Wage Determination AQ-118 for Paving & Utilities Incidental to Building Construction)					

DECISION #AQ-1101-Mod. #1 (39 FR 15679-May 3, 1974) Statewide, Utah	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	App. Tr.
	AREA 1	AREA 2				
Changes: Power Equipment Operators*** (Except Filsdriving & Steel Erection)						
Group 1	$6.21	$7.21	.57	.725	.45	.10
Group 2	6.46	7.46	.57	.725	.45	.10
Group 3	6.78	7.78	.57	.725	.45	.10
Group 4	6.94	7.94	.57	.725	.45	.10
Group 5	7.04	8.04	.57	.725	.45	.10
Group 6	7.45	8.45	.57	.725	.45	.10
Group 7	7.58	8.58	.57	.725	.45	.10
Group 7-A	7.68	8.68	.57	.725	.45	.10
Group 8	7.95	8.95	.57	.725	.45	.10
Group 8-A	8.00	9.00	.57	.725	.45	.10
Group 9	8.05	9.05	.57	.725	.45	.10
Group 10	8.20	9.20	.57	.725	.45	.10
Group 11	8.59	9.59	.57	.725	.45	.10
Group 11-A	9.45	10.45	.57	.725	.45	.10
Group 11-B	9.85	10.85	.57	.725	.45	.10

DECISION NO. AQ-1101 - (Cont'd) POWER EQUIPMENT OPERATORS (Piledriving)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Group 1-a: Assistant to Engineer (Fireman, Oiler, Deckhand)	$6.99	.57	.725	.45	.10
Group 1-b: Compressor Operator (electricelly, gas or diesel powered, etc.)	7.26	.57	.725	.45	.10
Group 1-c: Truck Crane Oiler	7.38	.57	.725	.45	.10
Group 2-a: Operator of Tugger Hoist (hoisting materials only)	7.89	.57	.725	.45	.10
Group 2-b: Compressor Operator (2 to 6)(electrically, gas or diesel powered); Generator Op. (electrically, gas or diesel driven, 100 KW; Pump Operator (2 to 6); Welding Machine Operator (2 to 6)(gas or diesel powered)	8.06	.57	.725	.45	.10
Group 3: "A" Frames; Deck Engineer; Fork Lift Operator; Self-propelled Boom Type Lifting Device	8.30	.57	.725	.45	.10
Group 3-a: Heavy Duty Repairman and/or welder	8.61	.57	.725	.45	.10
Group 4: Operating Engineer in lieu of assistant to engineer tending boiler or compressor attached to crane piledriver; Operator of Piledriving Rigs, Skid or Floating and Derrick Barges; Operator of Diesel or gasoline powered Crane Piledriver (w/o boiler) up to and incl. 1 cu. yd. rating; Truck Crane Operator (up to and incl. 25 tons) (hoisting material only) (Assistant to engineer required) (not driving piles)	9.06	.57	.725	.45	.10
Group 5: Operator of diesel or gasoline powered Crane Piledriver (w/o boiler) over 1 cu. yd. rating; Operator of Crane (w/steam flash boiler, pump or compressor attached); Operator of steam powered crawler or universal type driver (Raymond or similar type); Truck Crane Op.)over 25 tons); (Hoisting material or performing Piledriving work)	9.18	.57	.725	.45	.10

DECISION NO. AQ-1101 - (Cont'd) POWER EQUIPMENT OPERATORS (Steel Erection)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Group 1: Assistant to Engineer (Oiler)	$7.35	.57	.725	.45	.10
Group 2: Assistant to Engineer (Truck Crane Oiler); Compressor; Generator, gasoline or diesel driver (100 KW)	7.66	.57	.725	.45	.10
Group 3: Compressors, Generators and/or Welding Machines or Combination (2 to 6); Deck Engineer; Instrument Man; Signalman (using mechanical equipment); Fork Lift	8.47	.57	.725	.45	.10
Group 4: Heavy Duty Repairman; Tractor Operator	8.59	.57	.725	.45	.10
Group 4-A: Combination Heavy Duty Repairman; Welder	8.82	.57	.725	.45	.10
Group 5: "A" Frame or Boom Truck; Boom Cat; Chicago Boom; Crawler Cranes and Truck Cranes (15 tons m.r.c. or less) Self-propelled Boom Type Lifting Device; Single Drum Hoist; Tugger Hoist; Chief of Party	9.21	.57	.725	.45	.10
Group 6: Crawler Cranes and Truck Cranes (over 15 tons m.r.c.); Derricks (2 operators required when swing engine remote from hoist); Universal Liebher and Tower Cranes (and similar types)(In the erection, dismantling and moving of equipment, there shall be an additional operating engineer); Two or more Drum Hoist	9.54	.57	.725	.45	.10

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AQ-2024 - Mod. #5					
(38 FR 29195 - October 19, 1973)					
Henrico County and the City of Richmond, Virginia					
Change:					
Cement Masons:					
Cement masons	$5.95				
Machine men	6.05				
Scaffolds 30' & over	6.20				
Millwrights	7.45	.20	.20		.01
Plasterers	7.35				
Plumbers	7.25	.40	.30		.05
Sprinkler fitters	7.77	.50	.70		.08
Steamfitters	7.25	.40	.30		.05
Lathers:					
Lathers (plaster finish)	7.24		.10		.01
Lathers (dry wall finish	6.99		.10		.01
Sheet rock applicators	5.90		.10		.01

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AQ-2074 - Mod. #3					
(39 FR 9341 - March 8, 1974)					
York County and the cities of Hampton and Newport News including Langley AFB, Virginia					
Change: (BUILDING CONSTRUCTION)					
Bricklayers & stone masons	$7.25	.30			
Dock builders & piledrivermen	5.65	.20	.20		
Ironworkers:					
Structural, ornamental & reinforcing	7.10	.45	.40	.04	
Fence erectors, riggers, machinery movers	7.10	.45	.40	.04	
Marble setters	7.25	.30			
Millwrights	7.45	.20	.20	.01	
Painters:					
York Co., from a point on the north shore of Queens Creek at the intersection of York River due west to a point on the eastern shore of Jamee River including all cities therein; the cities of Hampton & New port News					
Brush & roller	6.10				
Spray	6.45				
Structural steel to 74' from ground	6.45				
Work over 74' from ground	6.60				
Swing stage from ground up	6.45				
Painters:					
The remainder of York Co:					
Brush	6.70				
Spray	7.05				
Structural steel to 74' from ground	7.05				
Work over 74' from ground	7.20				
Roofers:					
Composition	4.85				
Helpers	3.45				
Sheet Metal Workers:					
Hampton & Newport News	6.70	.35	.20		
York County	6.95	.35	.20		
Sprinkler fitters	7.77	.50	.70	.08	
Power Equipment Operators building construction					

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
BUILDING CONSTRUCTION						
Power Equipment Operators:						
Heavy Duty Operators						
Tunnel machine, cranes, derricks, pile drivers, pavers, two or more drum hoist, finish motor grader, mechanic, batch plant, gradall, quad	$7.05	.225	.10		.05	
Medium Duty Operators						
Cableways, tractors with attachments, conbination front end loader & backhoe, front end loader, rubber tired scraper & pans, rough motor grader, 20-ton locomotive, bull dozers, pump crete, trenching machine, mixer larger than 16'S, fork lift	5.64	.225	.10		.05	
Light Duty Operators						
Compressor over 125 cu. ft., bottom & end dumps, tractors without attachments, 1 drum hoist, rollers, welding machines (gas or diesel), locomotive under 20-tons, power plant, generator (1200 KW or larger), pumps (over 2 inches, including welpoints), A-frame trucks, trucks, mechanic's helpers	4.76	.225	.10		.05	
Firemen	4.58	.225	.10		.05	
Oilers	4.41	.225	.10		.05	

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AQ-2109 - Mod. #1					
(39 FR 15687 - May 3, 1974)					
The cities of Norfolk, Chesapeake, Portsmouth and Virginia Beach, Virginia					
Change:					
Bricklayers & stone masons	$7.00	.35	.20		.02
Bricklayers & stone masons on stacks or chimneys 50' & over	7.25	.35	.20		.02
Linemen	6.945	5%	1%+3%		1%
Millwrights	7.45	.20	.20		.01
Sheet metal workers	6.45	.35	.20		
Sprinkler fitters	7.77	.50	.70		.08

MODIFICATIONS P. 31

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AQ-2051 - Mod. #1 (39 FR 10072 - March 15, 1974) Wayne County, West Virginia					
Change:					
Asbestos workers	9.85	.40	.35		.03
Boilermakers	8.30	.30	.70	.75	.02
Boilermakers helpers	8.05	.30	.70	.75	.02
Laborers:					
Common laborers, flagmen, demolition worker, water boy fire watch, landscape laborers.	6.00	.25	.25		.03
Mason tenders, plasterers' tenders, cement finisher tender, lathers tenders, tile setters tenders, mortar mixer, jackhammer, vibrator, tamper, pavement buster, air siphon & air pump, concrete saw, power saw, chain saw, motorized buggy op., pipelayers helpers, drill op. helpers, asphalt rakers, ride or walk roller tampers, signalmen, powdermen helpers and grade checkers	6.30	.25	.25		.03
Burner and powdermen, air track op., pipeleyer	6.65	.25	.25		.03
Line Construction:					
Lineman	8.31	.25	1%+.17	1.02	
Groundman	6.65	.25	1%+.17	1.02	
Equiptment operators	8.31	.25	1%+.17	1.02	
Sheet metal workers	9.21	.45	.40		.05
Sprinkler fitters	9.25	.50	.70		.08

DECISION #AQ-2051 (cont'd)

MODIFICATIONS P. 32

Change: BUILDING CONSTRUCTION

4-W. VA-PEO-1-H 1 of 1

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS I					
Cranes, derricks, tower cranes, and similar equipment having a reach from the top of its boom to the ground of 175 feet or a lifting capacity of 70 tons. All shovels, draglines, clamshells, back hoes, endloaders, and concrete mixing plants of 4 cubic yard capacity or over. Hoist with 18, 000 pound line pull or over	9.40	.25	.35		.04
CLASS II					
All mechaincs, cranes, derricks and similar equipment. Hydraulic cranes in excess of 15 tons capacity. All shovels, draglines clamshells, gradalls, tug or tow boats. Concrete mixing plants of 3 cubic yards capacity. Endloaders in excess of 2½ cubic yards capacity. Hoist in excess of 5,000 pound line pull. Side boom cat, standard gauge locomotive. Backhoe (over ½ cubic yard)	8.90	.25	.35		.04
Class III					
Hydraulic cranes up to and including 15 tons capacity. Endloaders up to and including 2½ cu. yd. capacity. Two drum hoist. Well point system, concrete mixing plants, elevators, core drills, fork lift, ross carrier, air compressor (600 CFM or over), high compression equipment, concrete pumps double. Backhoe (½ cu. yd. & under)	8.50	.25	.35		.04
Class IV					
Trencher, air tugger, concrete mixer, (2 bag) material hoist, (single cage) grick tote machine, concrete pump (single), "A" frame truck, rubber tired scraper, power grader, dozer tractor and pan, push cat, all tractor oiler's standard gauge locomotive, locomotive crane, truck cranes; over 15 tons, grease truck operator and greaser, fireman, deckhand, asphalt and concrete paving equipment operator	8.10	.25	.35		.04
Class V					
Roller and compactor, concrete mixer (1 bag) Barber Greene loader, mechanic helper, oiler, air compressor, welding machine, (gasoline powered) light plant, generator, conveyor, mechanical heater, and pump operator	7.40	.25	.35		.04

NOTICES

MODIFICATIONS P. 33

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AQ-2087 - Mod. #1 (39 FR 11843 - March 29, 1974) Cabell County, West Virginia					
Change:					
Asbestos workers	9.85	.40	.35		.03
Boilermakers	8.30	.30	.70	.75	.02
Boilermakers helper	8.05	.30	.70	.75	.02
Line construction:					
Lineman	8.31	.25	1%+.17	1.02	
Groundman	6.65	.25	1%+.17	1.02	
Equiptment operators	8.31	.25	1%+.17	1.02	
Sheet metal workers	9.21	.45	.40		.05
Sprinkler fitters	9.25	.50	.70		.08

1-LAB-W.VA-1-B

Change:

BUILDING CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App.
Common laborers, flagmen, demolition worker, water boy, fire watch, landscape laborer	6.00	.25	.25		.03
Mason tenders, plasterers' tender, cement finisher tenders, lathers tenders, tile setters tenders, mortar mixers, jackhammer, vibrator, tamper, pavement buster, air sipon & air pump, concrete saw, power saw, chain saw, motorized buggy ops., pipelayers' helpers, drill op. helpers, asphalt rakers, ride or walk roller tampers, signalmen, powderman helper, grade checker	6.30	.25	.25		.03
Burner & powdermen, air track op., pipelayer	6.65	.25	.25		.03

DECISION #AQ-2087 (cont'd)

MODIFICATIONS P. 34

Change: BUILDING CONSTRUCTION

4-W. VA-PEO-1-H 1 of 1

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS I					
Cranes, derricks, tower cranes, and similar equipment having a reach from the top of its boom to the ground of 175 feet or a lifting capacity of 70 tons. All shovels, draglines, clamshells, back hoes, endloaders, and concrete mixing plants of 4 cubic yard capacity or over. Hoist with 18, 000 pound line pull or over	9.40	.25	.35		.04
CLASS II					
All mechaincs, cranes, derricks and similar equipment. Hydraulic cranes in excess of 15 tons capacity. All shovels, draglines clamshells, gradalls, tug or tow boats. Concrete mixing plants of 3 cubic yards capacity. Endloaders in excess of 2½ cubic yards capacity. Hoist in excess of 5,000 pound line pull. Side boom cat, standard gauge locomotive. Backhoe (over ½ cubic yard)	8.90	.25	.35		.04
Class III					
Hydraulic cranes up to and including 15 tons capacity. Endloaders up to and including 2½ cu. yd. capacity. Two drum hoist. Well point system, concrete mixing plants, elevators, core drills, fork lift, ross carrier, air compressor (600 CFM or over), high compression equipment, concrete pumps double. Backhoe (½ cu. yd. & under)	8.50	.25	.35		.04
Class IV					
Trencher, air tugger, concrete mixer, (2 bag) material hoist, (single cage) grick tote machine, concrete pump (single), "A" frame truck, rubber tired scraper, power grader, dozer tractor and pan, push cat, all tractor oiler's standard gauge locomotive, locomotive crane, truck cranes; over 15 tons, grease truck operator and greaser, fireman, deckhand, asphalt and concrete paving equipment operator	8.10	.25	.35		.04
Class V					
Roller and compactor, concrete mixer (1 bag) Barber Greene loader, mechanic helper, oiler, air compressor, welding machine, (gasoline powered) light plant, generator, conveyor, mechanical heater, and pump operator	7.40	.25	.35		.04

NOTICES

MODIFICATIONS P. 35

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
DECISION #AQ-2088 - Mod. #2 (39 FR 11845 - March 29, 1974) Clay, Boone, Fayette, Kanawha, Putnam Counties, West Virginia					
Change:					
Asbestos Workers	9.85	.40	.35		.03
Boilermakers	8.30	.30	.70	.75	.02
Boilermakers helpers	8.05	.30	.70	.75	.02
Ironworkers:					
Structural & ornamental	8.75	.55	1.15		.05
Reinforcing	8.75	.55	1.15		.05
Plasterers	8.65				.01
Plumbers	9.27	.35	.30		.05
Roofers	9.09	.34	.10		.02+f
Sheet metal workers	8.93	.34	.40		.02
Truck drivers:					
Pick-up, stationwagons, panel trucks, flatbody material trucks (straight jobs), dump trucks (up to 5 cu. yds.) greasers, washers, tiremen, gas pump attendants.	7.71	c	d		
Mechanic helpers, material checkers and receivers.	8.06	c	d		
Tank trucks (straight)	7.81	c	d		
Dump trucks (5 cu. yds. and over), semi dump trucks, semi trailers (whether flat, rack or pole and hauled or pushed by tractors), agitator or mixer trucks(up to 5 cubic yds.) farm type tractor, tank truck (semi).	7.96	c	d		
Low boy trailers, winch trucks, fork trucks, distributor trucks, (front and back end), truck crane, monorail truck	8.01	c	d		
Euclids, dumpsters, turnarockers, ross carriers, athey wagons or similar equipment, A-frame, hydrolift, dual purpose trucks	8.36	c	d		

Footnotes:
c. $41.16 per month for employees employed over 30 days.
d. $34.67 per month.

DECISION #AQ-2088 (cont'd)

MODIFICATIONS P. 36

1-LAB-W.VA-1-B

Change: BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Common laborers, flagmen, demolition worker, water boy, fire watch, landscape laborer	6.00	.25	.25		.03
Mason tenders, plasterers' tender, cement finisher tenders, lathers tenders, tile setters tenders, mortar mixers, jackhammer, vibrator, tamper, pavement buster, air sipon & air pump, concrete saw, power saw, chain saw, motorized buggy ops., pipelayers' helpers, drill op. helpers, asphalt rakers, ride or walk roller tampers, signalmen, powderman helper, grade checker	6.30	.25	.25		.03
Burner & powdermen, air track op., pipelayer	6.65	.25	.25		.03

DECISION #AQ-2088 (cont'd)

MODIFICATIONS P. 37

4-W. VA-PEO-1-H 1 of 1

Change: BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS					
CLASS I					
Cranes, derricks, tower cranes, and similar equipment having a reach from the top of its boom to the ground of 175 feet or a lifting capacity of 70 tons. All shovels, draglines, clamshells, back hoes, endloaders, and concrete mixing plants of 4 cubic yard capacity or over. Hoist with 18, 000 pound line pull or over	9.40	.25	.35		.04
CLASS II					
All mechaines, cranes, derricks and similar equipment. Hydraulic cranes in excess of 15 tons capacity. All shovels, draglines clamshells, gradalls, tug or tow boats. Concrete mixing plants of 3 cubic yards capacity. Endloaders in excess of 2½ cubic yards capacity. Hoist in excess of 5,000 pound line pull. Side boom cat, standard gauge locomotive. Backhoe (over ½ cubic yard)	8.90	.25	.35		.04
Class III					
Hydraulic cranes up to and including 15 tons capacity. Endloaders up to and including 2½ cu. yd. capacity. Two drum hoist. Well point system, concrete mixing plants, elevators, core drills, fork lift, ross carrier, air compressor (600 CFM or over), high compression equipment, concrete pumps double. Backhoe (½ cu. yd. & under)	8.50	.25	.35		.04
Class IV					
Trencher, air tugger, concrete mixer, (2 bag) material hoist, (single cage) brick tote machine, concrete pump (single), "A" frame truck, rubber tired scraper, power grader, dozer tractor and pan, push cat, all tractor oiler's standard gauge locomotive, locomotive crane, truck cranes; over 15 tons, grease truck operator and greaser, fireman, deckhand, asphalt and concrete paving equipment operator	8.10	.25	.35		.04
Class V					
Roller and compactor, concrete mixer (1 bag) Barber Greene loader, mechanic helper, oiler, air compressor, welding machine, (gasoline powered) light plant, generator, conveyor, mechanical heater, and pump operator	7.40	.25	.35		.04

MODIFICATIONS P. 38

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
DECISION #AQ-1043 - Mod. #2 (38 FR 27745 - October 5, 1973) Converse, Goshen, Laramie, Natrona, Niobrara and Platte Counties, Wyoming					
Add:					
Painters: Goshen, Laramie and Platte Counties					
Painters, brush	$ 5.00				

SUPERSEDEAS DECISION

STATE: Florida
DECISION NUMBER: AQ-4127
COUNTY: Orange
DATE:
Supersedes Decision No. AQ-4053 dated January 25, 1974 in 38 FR 3384
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Apr. Tr.
Asbestos workers	$6.24	.35	.20	.75	.02
Boilermakers	7.50	1.0	.90		.01
Bricklayers:					
Bricklayers	7.35	.35	.20		.02
Stonemasons	7.35	.35	.20		.02
Marble masons	7.35	.35	.20		.02
Plasterers	7.35	.35	.20		.02
Cement masons	7.20	.35	.20		.02
Carpenters:					
Carpenters	7.15	1.0		.20	.03
Piledrivermen	7.40	1.0		.20	.03
Soft Floor layers	7.15	1.0		.20	.03
Electricians:					
Electrical contracts less than $20,000.00	6.50	.30	3%		### of 1%
All others	7.95	.30	3%		### of 1%
Elevator constructors	7.035	.3U5	.23	2%+a & b	.015
Elevator constructors' helpers	70% JR	.3U5	.23	2%+a & b	### of 1%
Elevator constructors' Helpers (prob.)	50% JR				
Glaziers	5.20	.20			.005
Ironworkers, structural & ornamental	7.18	1.0	.29	.50	.05
Ironworkers, reinforcing	7.18	1.0	.29	.50	.05
Laborers:					
Air tool operator	4.75	.15			
Laborers	4.60	.15			
Mason tenders	4.75	.15			
Mortar mixers	4.75	.15			
Pipelayers (concrete & clay)	4.75	.15			
Plasterers tenders	4.75	.15			
Lathers	6.25	.20	.10		
Linemen:					
Lineman	7.46	.25	3%		### of 1%
Cable splicers	7.96	.25	3%		### of 1%
Groundmen					
Up to 1 year experience	3.02	.25	3%		### of 1%
Over 1 year experience	4.26	.25	3%		### of 1%
Heavy equipment operator	7.46	.25	3%		### of 1%
Winch truck operator	5.89	.25	3%		### of 1%
Pick up or flat bed operator	4.28	.25	3%		### of 1%
Painters:					
Brush, roller (9" roll & 12" pole)	6.35	.30	.30		.05
Spray	6.60	.30	.30		.05
Paperhangers	6.85	.30	.30		.05
Sandblaster	6.85	.30	.30		.05
Structural steel	6.60	.30	.30		.05
Plumbers	7.02	1.0	.35	.50	.05

AQ-4127 P. 2

48-Florida-1-C (2-2)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Apr. Tr.
Hoisters:					
Hoisters	$5.90	.25	.05		.05
Kettleman	4.45	.25	.05		.05
Hoisters' helpers	3.80	.25	.05		.05
Sheet Metal Workers	6.34	.20	.20	.20	.01
Sprinkler Fitters	8.71	.40	.60		.10
Steamfitters	7.02	.40	.35	.50	.05
Terrazzo workers	7.35				.05
Tile setters	7.35				.05
Welders - Receive rate prescribed for craft performing operation to which welding is incidental.					.05

FOOTNOTES:

a. Six paid holidays, A through F.

b. Employer contributes 1% of regular hourly rate to vacation pay
or-dit for employee who has worked in business more than 5 years.
Employer contributes 2% of regular hourly rate to vacation pay
credit for employee who has worked in business less than 5 years.

PAID HOLIDAYS (WHERE APPLICABLE)
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

SUPERSEDEAS DECISION

STATE: Oklahoma — COUNTY: Tulsa & Creek
DECISION NO.: AQ-123 — DATE: Date of Publication
Supersedes Decision AQ-64, dated December 7, 1973 in 38 FR 33904
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories)

	Basic Hourly Rate	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Asbestos workers	$8.20		.35		.015
Boilermakers	7.00	.30	.76		.02
Bricklayers; Stonemasons	7.38	.30	.40	.33	.04
Carpenters	6.91	.25	.25		.03
Cement Masons:					
Cement Masons	6.07			.70	.06
Power tool operator	6.32			.70	.06
Electricians	7.65	.36	1%+.25	.30	.07
Cable splicers	7.90	.36	1%.25	.30	.07
Elevator constructors	7.40	.395	.26	2½%+a+b	.02
Elevator constructors' helpers	5.18	.395	.26	2½%+a+b	.02
Elevator constructors' helpers (prob. 6 mos.)	3.70				
Glaziers	6.625	.25	.30		.01
Ironworkers:					
Structural; Ornamental; Reinforcing	7.74	.30	.35		.05
Laborers:					
Laborers	5.15	.20	.15		
Air tool op. (jackhammer, vibrator) Mason tender; Mortar mixers; Pipelayers (concrete & clay);					
Plasterers tenders	5.35	.20	.15		
Wagon drill operator	5.55	.20	.15		
Powderman or Blaster	6.00	.20	.15		
Lathers	6.60		.30		.01
Millwrights	7.21	.25	.25		.03
Painters:					
Brush	6.30		.25	.35	.02
High work and stage	6.90		.25	.35	.02
Spray and sandblasting	7.15		.25	.35	.02
Hot or Bituminous	7.80		.25	.35	.02
Sheetrock handtools	6.50		.25	.35	.02
Sheetrock Power tools	6.85		.25	.35	.02
Hazadous work	8.70		.25	.35	.02
Piledrivermen	7.21	.25	.25		.03
Pipefitters	7.80	.35	.40		.05
Plasterers	6.45				.01
Plumbers	7.80	.35	.40		.05

AQ-123 - P. 2

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Roofers	$6.75		.25		.04
Sheet Metal workers	7.66	.38	.45		.06
Soft floor layers	6.24		.15	.42	.03
Sprinkler fitters	8.50	.40	.60		.07
Terrazzo workers	7.78		.10		
Terrazzo workers' & tile layers; helper	5.30				
Terrazzo workers' helpers floor machine operator	5.40				
Terrazzo workers' helpers base machine operator	5.60				
Tile layers	7.76		.10		
Truck drivers:					
Truck drivers, including pick-up 1½ tons or 2½ yds. up to but not including 3 tons or 4 yds. such as dump trucks, flat beds, stake body or bus driver	5.58				
3 tons or 4 yds. up to but not including 4 tons or 6 yards	5.63				
5 tons or 6 yds. and over, including heavy equipment	5.73				
Truck drivers' helpers	5.53				
Tractor-trailer and similar equipment	5.73				

FOOTNOTES:

a. If 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 years. - 4% of basic hourly rate

b. Paid Holidays - A through F

PAID HOLIDAYS:
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

AQ-123 - P. 3
77-Oklahoma-1-H (1-2)

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
All Crane Type equipment with 100' of boom or over (including jib), all Tower Cranes and all Cranes and all Cranes type equipment of 3 cu. yd. or more	$7.65	.35	.25		.07	
Heavy Duty Machanic; Welder; Crane-Hook & Overhead Honorail; Whirley; Derrick; Piledriver Engineer; Draglins; Shovel; Clamshell; Backhoe; Sidaboom; Gradall; Hydro Crane; Hoists while operating 2 or more drums; Cherry picker	7.40	.35	.25		.07	
Motor Patrol (Blade); (Engine H.P. 65 or more); Scraper type equipment; Tournapull; DW 10, 15, 14, 20, 21 & similar rubber-tired equipment; Euclid TS-24 and similar; Loader Operator or Hi-Lift (Engine H.P. 65 or over); Asphalt Lay Machine; Tail Boom; Conveyor-Multiple, Panel Board Control; Power Driver Hole Digger; Trenching Machine; Fordson Tractor or like equipment with hoe or loader equipment or ditcher	7.15	.35	.25		.07	
Locomotive Engineer; Boring Machine; Tug Boat; Mixer, 18 cu. ft. and over; Sand Barge; Dredging Machine; Tugger; Hoist-when operating one drum; Welding machine, 3 to 6; Air Compressor, 3 to 6, 500 cu. ft. and under; Air Compressor, over 500 cu. ft. (1); Pumps, Battery, 3 to 6; Forklift and similar equipment; Generator Plant Engineers, Diesel Elec; Winch Truck with A-Frame Pumps, Battery, 3 to 6; Batch Plant Operator (Portable); Roller, all types; Elevator, building type or personnel hoist; Concrete Buster or Tamper; Heaters under jurisdiction of Op. Engrs.; Fireman; Boiler Operator; Crushing Plants; Oiler Distributor; Pulvimixer; Farm Tractor - with or without attachments; Conveyor Operator dual, continous or Belt-Bulk Handling; Screed Operator; Concrete Pump; Form Grader; Screening Plant; Wall Point Pump Operator; Signal Man on Large whirleys when & if required	6.90	.35	.25		.07	

AQ-123 - P. 4
77-Oklahoma-1-H (2-2)

POWER EQUIPMENT OPERATORS CONT'D	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
Operator for rotary drilling machines when operated from console or machine	$6.90	.35	.25		.07	
Concrete mixer, with hopper less than 13 cu. ft.; Air compressor, 500 cu. ft. & under (1 or 2); Welding Machine (1 or 2); Pump (1 or 2); Fualman; Conveyor Operator - Single - Continous Belt Bulk Handling	6.40	.35	.23		.07	
Greaser; Tilt Top Trailer Operator	6.50	.35	.25		.07	
Asphalt Lay Machine Back End Man; Helpers	6.20	.35	.25		.07	
Track crane oiler or Truck crane driver	6.10	.35	.25		.07	
Engineers for machine not listed under the above classifications shall receive the scale comparable to these classifications.						
Engineers of all classifications when working in caverns or tunnels shall receive 25¢ per hour above all the above listed rates.						
LINE CONSTRUCTION						
Lineman	$7.25		1%		½%	
Cable Splicer	7.65		1%		½%	
Hole Digger Operator	6.58		1%		½%	
Heavy Equipment Operator (or Pole Cat Equivalent)	6.58		1%		½%	
Line Truck Driver (Winch Operator)	5.95		1%		½%	
Jack Hammerman	5.43		1%		½%	
Powderman	6.58		1%		½%	
Groundman	4.84		1%		½%	
Truck Driver (Flat Bed, ton and half and under)	5.12		1%		½%	

SUPERSEDEAS DECISION

STATE: Oklahoma COUNTY: Statewide (except the City of Muskogee)

DECISION NO.: AQ-124 DATE: Date of Publication

Supersedes Decision No. AQ-111, dated June 14, 1974, in 39 FR 20929

DESCRIPTION OF WORK: Construction, alteration, and/or repair of streets, highways, runways, erosion control structures, well drilling, and water and sewer utilities.

	ZONE 1	ZONE 2	ZONE 3	ZONE 4	ZONE 5
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Air tool man	2.75	2.50	2.50	3.00	2.50
Asphalt heaterman	3.00	3.25	3.25	3.25	3.25
Asphalt raker	2.75	2.50	2.50	2.50	2.50
Asphalt shoveler	2.75	2.50	2.50	2.50	2.50
Carpenter	3.75	3.50	3.50	3.50	3.50
Carpenter helper	2.75	3.00	2.75	2.75	2.75
Concrete finisher	3.75	3.50	3.50	3.50	3.50
Concrete finisher helper	2.75	2.85	2.75	2.75	3.00
Concrete rubber	3.75	3.50	3.50	3.50	3.50
Electrician	6.80	6.80	6.80	7.10	7.10
Electrician helper	5.00	5.00	5.00	5.00	5.00
Fireman	3.25	3.25	3.25	3.00	3.25
Form builder	3.75	3.50	3.50	3.50	3.50
Form builder helper	2.75	2.75	2.75	2.75	2.75
Form setter	3.75	3.50	3.50	3.50	3.50
Form setter helper	2.75	2.75	2.75	2.75	2.75
Laborer, common	2.75	2.30	2.50	2.50	2.50
Manhole builder	3.75	3.50	3.50	3.50	3.50
Mechanic	3.75	3.50	3.50	3.75	4.00
Mechanic helper	2.75	3.00	2.75	3.25	3.25
Oiler	3.25	3.00	3.50	3.25	3.25
Painter	3.00	3.00	3.00	3.25	3.25
Painter helper	2.75	2.75	2.75	2.75	2.75
Piledriverman	3.25	3.50	3.50	3.80	3.50
Powderman	3.00	2.75	3.25	3.00	3.00
Powderman helper	2.75	2.50	2.75	2.75	2.75
Reinforcing steel setter(paving)	3.00	3.00	3.25	3.25	3.50
Reinforcing steel setter (structures)	3.00	3.00	3.25	3.25	3.50
Reinforcing steel setter helper	2.75	2.75	2.75	2.75	2.75
Structural steel worker	3.75	3.50	3.50	3.50	3.50
Structural steel worker helper	3.00	3.00	3.00	3.00	3.00
Spreader box man	3.00	3.00	3.00	3.00	3.00
Vibrator(hand type)	2.75	2.50	2.50	3.00	2.50
Weighman (truckscales)	2.75	2.50	2.50	2.50	2.50
Welder	3.75	3.25	3.25	3.75	3.25
Welder helper	2.75	2.75	2.75	3.00	2.75
Pipelayers	2.75	2.30	2.50	2.75	2.75

Decision Number AQ-124 Page 2

	ZONE 6	ZONE 7	ZONE 8	ZONE 9	ZONE 10
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Air tool man	2.50	2.50	3.00	3.00	3.00
Asphalt heaterman	2.35	3.25	3.25	3.25	3.50
Asphalt raker	2.50	2.75	2.50	2.50	3.00
Asphalt shoveler	2.50	2.75	2.50	2.50	2.75
Carpenter	3.50	3.50	3.75	3.75	3.75
Carpenter helper	2.75	2.75	2.75	3.00	3.00
Concrete finisher	3.50	3.50	3.50	3.50	3.75
Concrete finisher helper	2.75	2.75	2.75	2.75	2.75
Concrete rubber	3.50	3.50	3.50	3.50	3.75
Electricians	6.80	6.80	7.10	7.10	7.10
Electricians helper	5.00	5.00	5.00	5.00	5.00
Fireman	3.00	3.00	3.00	3.00	3.50
Form Builder	3.50	3.50	3.75	3.75	3.75
Form Builder helper	2.75	2.75	2.75	2.75	3.00
Form Setter	3.50	3.50	3.75	3.75	3.75
Form setter helper	2.75	2.75	2.75	2.75	3.00
Laborer, common	2.50	2.50	2.50	2.50	2.50
Manhole builder	3.50	3.50	3.75	3.75	3.75
Mechanic	3.75	3.75	3.80	3.80	3.75
Mechanic helper	3.00	3.00	3.25	3.25	3.25
Oiler	3.50	3.25	3.60	3.60	3.40
Painter	3.25	3.25	3.50	3.50	3.50
Painter helper	2.75	2.75	3.00	3.00	3.00
Piledrivermen	3.50	3.75	3.75	3.75	3.75
Powderman	3.00	3.00	3.00	3.00	3.25
Powderman helper	2.75	2.75	2.75	2.75	2.75
Reinforcing steel setter (paving)	3.50	3.50	3.50	3.50	3.25
Reinforcing steel setter (structures)	3.50	3.50	3.50	3.50	3.25
Reinforcing steel setter helper	2.75	2.75	2.75	2.75	2.75
Structural steel worker	3.50	3.50	3.50	3.50	3.50
Structural steel worker helper	2.75	2.75	2.75	2.75	2.75
Spreader box man	3.00	3.00	3.00	3.00	3.00
Vibrator (hand type)	2.50	2.50	2.75	3.00	3.00
Weighman (truckscales)	2.50	2.50	2.50	2.50	3.00
Welder	3.50	3.50	3.50	3.50	3.50
Welder helper	2.75	2.75	2.75	2.75	2.75
Pipelayers	2.75	2.75	2.75	2.75	2.75

Decision Number AQ-126 Page 3

	ZONE 1	ZONE 2	ZONE 3	ZONE 4	ZONE 5
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
TRUCK DRIVERS:					
Over 2 tons	2.75	2.60	2.60	3.00	2.75
2 tons and under	2.75	2.50	2.50	2.80	2.50
Tandem Axle & semitrailer	3.00	3.00	2.75	3.25	3.00
Lowboy	3.00	3.00	2.75	3.25	3.00
Transit mix	3.00	3.00	2.75	3.25	3.00
Winch	3.00	3.00	2.75	3.00	3.00
POWER EQUIPMENT OPERATORS:					
Asphalt distributor	3.00	3.00	3.00	3.00	3.00
Asphalt paving Machine	3.50	3.50	3.50	3.25	3.25
Bulldozer	3.75	3.50	3.50	3.75	3.25
Cement unloading & machine op.	3.75	3.50	3.50	3.50	3.50
Concrete paving machine	3.75	3.50	3.25	3.50	3.50
Concrete finishing machine	3.75	3.50	3.25	3.50	3.50
Concrete saw operator	3.50	3.50	3.25	3.00	3.00
Concrete batching plant	3.00	3.00	3.00	3.50	3.25
Crane, clamshell, backhoe, derrick, dragline & shovel	3.75	3.50	3.75	3.80	2.75
Crusher & screening plant op.	3.25	3.25	3.25	3.25	3.25
Front end loader (1 cy & less)	3.25	3.25	3.50	3.50	3.25
Front end loader (over 1 cy)	3.50	3.50	3.50	3.50	3.25
Hoist	3.25	3.25	3.25	3.25	3.25
Mixer (over 16 C. F.)	3.00	3.00	3.25	3.25	3.25
Mixer (16 C.F. and less)	3.00	3.00	3.25	3.25	3.25
Mixer (Conc. Paving)	3.00	3.00	3.25	3.25	3.25
Motor grader operator	3.75	3.75	3.75	3.75	3.95
Pug mill operator	3.25	3.00	3.75	3.25	3.00
Pump crete	3.00	3.00	3.00	3.00	3.00
Roller (steel wheel)	3.25	3.50	3.15	3.50	3.25
Roller (pneumatic)	3.00	3.00	3.15	3.25	3.00
Scrapers	3.75	3.50	3.50	3.75	3.75
Tractors:					
Crawler, 80 HP & Less	3.25	3.00	2.75	3.00	2.75
Crawler, over 80 HP	3.75	3.50	3.25	3.25	3.25
Pneumatic, 80 HP & less	3.00	3.00	2.75	3.00	2.75
Pneumatic, over 80 HP	3.75	3.50	3.25	3.25	3.25
Traveling plant(stabilization	3.50	3.50	3.50	3.50	3.50
Trenching machine	3.50	3.25	3.75	3.50	3.25
Wagon drill	3.00	3.00	3.00	3.00	3.00

Decision Number AQ-126 Page 4

	ZONE 6	ZONE 7	ZONE 8	ZONE 9	ZONE 10
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
TRUCK DRIVERS:					
Over 2 tons	2.50	2.50	3.00	3.00	3.00
2 tons and under	2.50	2.50	2.50	2.50	2.75
Tandem axle & semitrailer	3.30	3.00	3.60	3.60	3.30
Lowboy	3.30	3.00	3.60	3.60	3.30
Transit mix	3.30	3.00	3.60	3.60	3.30
Winch	3.00	3.00	3.60	3.60	3.30
POWER EQUIPMENT OPERATORS:					
Asphalt distributor	3.35	3.50	3.60	3.60	3.75
Asphalt paving machine	3.35	3.50	3.60	3.60	3.75
Bulldozer	3.75	3.75	3.60	3.60	3.75
Cement unloading & machine op.	3.50	3.25	3.25	3.25	3.25
Concrete paving machine	3.50	3.25	3.50	3.50	3.50
Concrete finishing machine	3.50	3.25	3.50	3.50	3.50
Concrete saw operator	3.00	3.00	3.00	3.00	3.00
Concrete batching plant	3.00	3.00	3.25	3.25	3.25
Crane, clamshell, backhoe, derrick, dragline & shovel	3.75	3.75	3.75	3.75	3.75
Crusher & screening plant op.	3.25	3.25	3.25	3.25	3.25
Front end loader (1 cy & less)	3.25	3.25	3.60	3.60	3.75
Front end loader (over 1 cy)	3.25	3.25	3.60	3.60	3.75
Hoist	3.25	3.25	3.60	3.60	3.75
Mixer (over 16 C. F.)	3.25	3.25	3.60	3.60	3.25
Mixer (16 C.F. and less)	3.25	3.25	3.60	3.60	3.25
Mixer (concrete paving)	3.25	3.25	3.60	3.60	3.25
Motor grader operator	3.75	3.75	3.60	3.60	3.75
Pug mill operator	3.00	3.00	3.25	3.25	3.75
Pump crete	3.00	3.00	3.00	3.00	3.25
Roller (steel wheel)	3.00	3.50	3.25	3.25	3.50
Roller (pneumatic)	3.00	3.25	3.25	3.25	3.25
Scrapers	3.75	3.75	3.60	3.60	3.75
TRACTORS:					
Crawler, 80 HP & less	2.75	2.75	3.00	3.00	2.75
Crawler, over 80 HP	3.25	3.25	3.60	3.60	3.25
Pneumatic, 80 HP & less	2.75	2.75	3.00	3.00	2.75
Pneumatic, over 80 HP	3.25	3.25	3.60	3.60	3.25
Traveling plant stabilization	3.50	3.25	3.60	3.60	3.50
Trenching machine	3.25	3.25	3.50	3.50	3.50
Wagon drill	3.00	3.00	3.00	3.00	3.00

XUM

AREAS COVERED BY VARIOUS ZONES

Construction, alteration, and/or repair of streets, runways, erosion control structures, and water and sewer utilities.

ZONE 1 - Adair, Cherokee, Haskell, McIntosh, Muskogee, Okmulgee, Sequoyah and Wagoner Counties.

ZONE 2 - Atoka, Bryan, Choctaw, Latimer, Leflore, Marshall, McCurtain, Pittsburg and Pushmataha Counties.

ZONE 3 - Cleveland, Coal, Garvin, Hughes, Johnston, Murray, McClain, Okfuskee, Pontotoc, Pottawatomie, and Seminole Counties.

ZONE 4 - Canadian, Creek, Garfield, Grant, Kay, Kingfisher, Lincoln, Logan, Noble and Payne Counties.

ZONE 5 - Beckham, Blaine, Custer, Dewey, Greer, Harmon, Jackson, Kiowa, Roger Mills, Tillman and Washita Counties.

ZONE 6 - Alfalfa, Beaver, Cimarron, Ellis, Harper, Major, Woods, Woodward and Texas Counties.

ZONE 7 - Caddo, Carter, Comanche, Cotton, Grady, Jefferson, Love and Stephens Counties

ZONE 8 - Craig, Delaware, Mayes, Nowata, Osage, Ottawa, Pawnee, Rogers, and Washington Counties.

ZONE 9 - Tulsa County

ZONE 10 - Oklahoma County

WELL DRILLING

	ZONE-A	ZONE-B			
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Well Drillers	$4.00	3.00			
Well Driller helpers	3.00	2.50			

AREA COVERED BY VARIOUS ZONES

Well Drilling

Zone-A - Adair, Atoka, Beckham, Blaine, Caddo, Canadian, Cherokee, Choctaw, Craig, Custer, Delaware, Dewey, Haskell, Kingfisher, Latimer, Leflore, McCurtain, McIntosh, Mayes, Muskogee, Nowata, Okmulgee, Ottawa, Pushmataha, Roger Mills, Rogers, Sequoyah, Tulsa, Wagoner, Washington and Washita Counties.

Zone-B - Alfalfa, Beaver, Bryan, Carter, Cimarron, Cleveland, Coal, Comanche, Cotton, Creek, Ellis, Garfield, Garvin, Grady, Grant, Greer, Harmon, Harper, Hughes, Jackson, Jefferson, Johnston, Kay, Kiowa, Lincoln, Logan, Love, McClain, Major, Marshall, Murray, Noble, Okfuskee, Oklahoma, Osage, Pawnee, Payne, Pittsburg, Pontotoc, Pottawatomie, Seminole, Stephens, Texas, Tillman, Woods and Woodward Counties.

SUPERSEDEAS DECISION

STATE: Puerto Rico COUNTY: Island Wide
DECISION NO: AQ-2,127 DATE: Date of Publication
Supersedeas Decision No. AQ-2,117 dated May 10, 1974, in 39 FR 16979.
DESCRIPTION OF WORK: Residential Construction consisting of single family and garden type apartments up to and including 4 stories.

11-PUERTO RICO-R-1-C

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Bricklayers	$2.50				
Carpenters	2.50				
Carpenters' helpers	1.95				
Cement masons	2.50				
Electricians	2.50				
Electricians' helpers	2.10				
Ironworkers: Reinforcing	2.10				
Laborers	1.95				
Painters	2.25				
Plasterers	2.50				
Plumbers	2.45				
Plumbers' helpers	2.00				
Truck drivers	2.25				
Power Equipment Operators:					
Bulldozer	3.45				
Crane	3.50				
Grader	3.50				
Digger & trenacavator	2.85				

SUPERSEDEAS DECISION

STATE: TENNESSEE
DECISION NUMBER: AQ-4128
COUNTY: *See below
DATE: Date of Publication
Supersedes Decisions Nos.: AQ-4059 dated 39 FR 3426 January 25, 1974
AQ-4062 dated 39 FR 3427 January 25, 1974
DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

*Carter, Sullivan, & Washington	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Accoustical Tile Mechanics	3.50					
Air Conditioning Mechanics	3.00					
Bricklayers	6.00					
Carpenters	4.07					
Cement Masons	4.25					
Electricians	4.76					
Drywall Finishers	4.50					
Drywall Hangers	4.50					
Ironworkers, ornamental	2.75					
Ironworkers, reinforcing	4.70					
Insuletion Installers	3.20					
Laborers:						
Laborers	2.50					
Mason Tenders	2.75					
Morter Mixers	2.75					
Pipelayers	3.00					
Lathers	5.15					
Painters, brush	3.00					
Plasterers	4.75					
Plumbers	4.04					
Roofers	3.00					
Sheet Metal Workers	3.00					
Soft Floor Layers	3.30					
Tile Setters	3.00					
Truck Drivers	2.57					
Power Equipment Operators:						
Air Compressor	3.55					
Backhoe	3.50					
Bulldozer	3.50					
Front End Loader	3.75					
Grader	3.55					
Highlift	3.62					
Shovel	3.00					

SUPERSEDEAS DECISION

STATE: Texas

COUNTIES: Armstrong, Carson, Castro, Childress, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Swisher & Wheeler

DECISION NO.: AQ-121
DATE: Date of Publication
Supersedes Decision No. AQ-92, dated May 3, 1974, in 39 FR 15677.
DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
BRICKLAYERS	$7.25				
CARPENTERS	7.00				
CEMENT MASONS	6.05				
ELECTRICIANS	7.38	.25	1%		1/2%
LABORERS:					
Dallam, Sherman, Hansford, Ochiltree, Lipscomb, Hartley, Moore, Hutchinson, Roberts, Hemphill, Wheeler & Gray Counties:					
Laborers	3.50				
Mason tenders	3.65				
Potter, Carson, Deaf Smith, Randell, Armstrong, Donley, Collingsworth, Castro, Swisher & Childress Counties:					
Laborers	3.00				
Mason tenders	3.15				
PAINTERS	5.80		.15		
PLUMBERS	7.03	.25	.30	.35	
SHEET METAL WORKERS	5.08		.10		.04
TILE SETTERS	4.60				

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DECISION NO. AQ-121

INCIDENTAL PAVING & UTILITIES & SITE PREPARATION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
Asphalt Heaterman	$3.35				
Asphalt Raker	3.70				
Batching Plant Scaleman	4.00				
Carpenter	3.95				
Carpenter Helper	3.75				
Concrete Finisher (Paving)	4.25				
Concrete Finisher Helper (Paving)	3.45				
Concrete Finisher (Structures)	4.30				
Electrician	6.35				
Form Builder (Structures)	4.45				
Form Builder Helper (Structures)	3.45				
Form Liner (Paving and Curb)	3.85				
Form Setter (Paving and Curb)	3.80				
Form Setter (Structures)	4.55				
Form Setter Helper (Structures)	3.50				
Laborer, Common	2.50				
Laborer, Utility Man	2.95				
Manhole Builder, Brick	3.25				
Mechanic	3.75				
Mechanic Helper	3.60				
Oiler	3.55				
Serviceman	3.45				
Pipelayer	2.80				
Powderman	3.75				
Reinforcing Steel Setter(Structures)	4.00				
Sign Erector	3.60				
Sign Erector Helper	2.50				
Spreader Box Man	3.55				
Swamper	2.60				
Power Equipment Operators:					
Asphalt Distributor	3.80				
Asphalt Paving Machine	4.20				
Bulldozer, 150 HP and Less	3.75				
Bulldozer, over 150 HP	3.95				
Concrete Paving Finishing Machine	3.10				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ CY)	4.00				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY & Over)	4.55				
Crusher or Screening Plant Operator	3.75				
Front End Loader (2½ CY and Less)	3.55				
Front End Loader (Over 2½ CY)	4.05				
Motor Grader Operator, Fine Grade	4.55				
Motor Grader Operator	4.20				

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DECISION NO AQ-121

INCIDENTAL PAVING & UTILITIES & SITE PREPARATION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Power Equipment Operators (Cont'd):					
Roller, Steel Wheel (Plant-Mix Pavements)	$3.40				
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	3.00				
Roller, Pneumatic (Self-Propelled)	2.95				
Scrapers (17 CY and Less)	3.40				
Scrapers (Over 17 CY)	3.95				
Tractor (Crawler Type) 150 HP and Less	2.90				
Tractor (Crawler Type) over 150 HP	3.50				
Tractor (Pneumatic) 80 HP and Less	2.85				
Tractor (Pneumatic) over 80 HP	3.00				
Traveling Mixer	3.70				
Wagon Drill, Boring Machine or Post Hole Driller Operator	3.15				
Truck Drivers:					
Single Axle, Light	2.85				
Single Axle, Heavy	3.00				
Tandem Axle or Semitrailer	2.50				
Weighman (Truck Scales)	2.65				
Welder	4.55				

SUPERSEDEAS DECISION

STATE: Texas COUNTY: Bexar
DECISION NO.: AQ-122 DATE: Date of Publication
Supersedes Decision No. AQ-103, dated April 12, 1974, in 39 FR 13503
DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
AIR CONDITIONING INSTALLERS	$3.50				
BRICKLAYERS	7.27	.30	.30		.05
CARPENTERS	4.10				
CEMENT MASONS	7.02	.25			
DUCT INSTALLERS	3.43				
ELECTRICIANS:					
Single or multiple family dwellings or apartments up to and including 8 units not exceeding 2 stories	5.20	.23	1%		1/2%
Over 8 units or over 2 stories	7.58	.25	1%		1/2%
FORM SETTERS	3.29				
GLAZIERS	3.50				
INSULATION INSTALLERS	4.50				
IRONWORKERS	4.66				
LABORERS, UNSKILLED	2.34				
PAINTERS	3.675				
TAPE & FLOAT	4.00				
PLASTERERS	7.40				.01
PLUMBERS & PIPEFITTERS	7.13	.25	.33		.10
ROOFERS	3.10				
ROOFERS, SHINGLERS	3.50				
SHEETROCK INSTALLER	4.00				
SOFT FLOOR LAYERS	3.71				
TILE SETTERS	5.18				
TRUCK DRIVERS	2.25				
T.V. ANTENNA INSTALLERS	3.50				
POWER EQUIPMENT OPERATORS:					
Fork lifts	2.75				
Foundation drill operator (crawler mounted)	3.85				
Front end loader	2.58				
Tractor	3.75				

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DECISION NO. AQ-122

INCIDENTAL PAVING & UTILITIES & SITE PREPARATION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Air Tool Man	$2.25				
Asphalt Heaterman	2.75				
Asphalt Raker	2.75				
Batching Plant Scaleman	3.25				
Battarboard Setter	3.50				
Carpenter	3.45				
Carpenter Helper	2.50				
Concrete Finisher (Paving)	3.75				
Concrete Finisher Helper (Paving)	2.75				
Concrete Finisher (Structures)	3.00				
Concrete Finisher Helper (Structures)	2.70				
Concrete Rubber	2.50				
Electrician	6.35				
Fireman	2.65				
Form Builder (Structures)	3.75				
Form Builder Helper (Structures)	2.80				
Form Setter (Structures)	3.00				
Form Setter Helper (Structures)	2.75				
Laborer, Common	2.00				
Laborer, Utility Man	2.50				
Manhole Builder, Brick	2.75				
Mechanic	3.53				
Mechanic Helper	2.75				
Oiler	2.60				
Serviceman	2.70				
Pipelayer	2.75				
Pipelayer Helper	2.35				
Powderman	3.00				
Powderman Helper	2.50				
Reinforcing Steel Setter (Structures)	3.25				
Reinforcing Steel Setter Helper	2.25				
Steel Worker (Structural)	3.25				
Steel Worker Helper (Structural)	2.75				
Spreader Box Man	2.75				
Power Equipment Operators:					
Asphalt Distributor	3.00				
Asphalt Paving Machine	3.15				
Brook or Sweeper Operator	2.40				
Bulldozer, 150 HP and Less	3.25				
Bulldozer, over 150 HP	3.50				

DECISION NO. AQ-122

INCIDENTAL PAVING & UTILITIES & SITE PREPARATION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
Power Equipment Operators (Cont'd):					
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ CY)	$3.25				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY & Over)	3.85				
Crusher or Screening Plant Operator	3.15				
Foundation Drill Operator (Crawler Mounted)	4.00				
Foundation Drill Operator (Truck Mountad)	4.25				
Foundation Drill Operator Helper	3.10				
Front End Loader (2½ CY and Less)	3.00				
Front End Loader (Over 2½ CY)	3.25				
Motor Grader Operator, Fine Grade	4.00				
Motor Grader Operator	3.50				
Roller, Steel Wheel (Plant-Mix Pavements)	2.55				
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	2.50				
Roller, Pneumatic (Self-Propelled)	2.50				
Scrapers (17 CY and Less)	3.00				
Scrapers (Over 17 CY)	3.25				
Tractor (Crawler Type) 150 HP and Less	2.50				
Tractor (Crawler Type) over 150 HP	2.90				
Tractor (Pneumatic) 80 HP and Less	2.25				
Tractor (Pneumatic) over 80 HP	2.50				
Trenching Machine, Light	3.25				
Wagon Drill, Boring Machine or Post Hole Driller Operator	2.75				
Truck Drivers:					
Single Axle, Light	2.25				
Single Axle, Heavy	2.50				
Tandem Axle or Semitrailer	2.50				
Welder	4.00				
Welder Helper	3.00				

SUPERSEDEUS DECISION

STATE: Vermont
DECISION NO. AQ-3184
Supersedes Decision AQ-3085, dated February 1, 1974, in 39 FR 4391.
DESCRIPTION OF WORK: Highway Construction.
COUNTY: Statewide, except Rutland County
DATE: Date of Publication

VERMONT HIGHWAY CONSTRUCTION 1 of 4

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
CARPENTERS:					
The following towns starting from the N/W corner and moving clockwise:					
Townshend, Brookline, Westminister, Putney, Drummerston, Brattleboro, Guilford, Vernon, Halifax, Whitingham, Marlboro and Newrane	$6.43	.35	.50		.02
Towns, townships, & cities within the perimeter formed by the following towns starting from the N/W corner and moving clockwise:					
Rupert, Dorset, Winhall, Londonderry, Jamaica, Wardsboro, Dover, Wilmington, Readsboro, Stamford, Pownal, Bennington, Shaftsbury, Arlington, and Sandgate	6.36	.40	.50		.04
Remainder of State	6.65	.35	.30		
LABORERS:					
Laborers (basic rate)	4.50	.45	.40	a	.075
Asphalt rakers, Adzemen, Bracers, Burners, Concrete & Power buggy ops, Concrete saw ops, chain saw ops, Fence & Gaurd rail erectors, Form setters, Mortar mixers, Pipelayers, Riprap & Drywall builders, Operators, Tool ops, Wagon Drill ops, Tree trimmers, Tree toppers, Mulchers, Chippers, Stumpers, Scalers, Deckhands, Laborers employed at heights above 30 feet on open steel bridge work, on stripping of decks & on drilling concrate columns & all operationsconnected herewith	4.75	.45	.40	a	.075
Air track ops, Block pavers, Rammers, Curb setters	5.00	.45	.40	a	.075
Powdermen and Blasters	5.25	.45	.40	a	.075
MILLWRIGHTS:					
Townshend, Brookline, Westminister, Putney, Drummerston, Brattleboro, Guilford, Vernon, Halifax, Whitingham, Marlboro, and Newrane	6.68	.35	.50		.02
Rupert, Dorset, Winhall, Londonderry, Jamaica, Wardsboro, Dover, Wilmington, Readsboro, Stamford, Pownal, Bennington, Shaftsbury, Arlington, and Sandgate	6.61	.40	.50		.04

a. Two paid holidays (Memorial Day & Independence Day), provided he works at least two (2) full days in the calendar week in which the holiday falls.

VERMONT HIGHWAY CONSTRUCTION 2 of 4

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
MILLWRIGHTS (Cont.)					
Remainder of State	$6.90	.35	.30		
PILEDRIVERMEN					
Townshend, Brookline, Westminister, Putney, Drummerston, Brattleboro, Guilford, Vernon, Halifax, Whitingham, Marlboro, and Newrane	6.78	.35	.50		
Rupert, Dorset, Winhall, Londonderry, Jamaica, Wardsboro, Dover, Wilmington, Readsboro, Stamford, Pownal, Bennington, Shaftsbury, Arlington, and Sandgate	6.71	.40	.50		
Remainder of State	7.00	.35	.30		
TRUCK DRIVERS:					
Two axle equipment	5.35				
Three axle equipment	5.50				
Specialized earth moving equipment	5.60				

AQ-3.186 P. 4

VERMONT HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
POWER EQUIPMENT OPERATORS (CONT'D): Compressor (up to 315 cubic feet); small mixers with skip; pumps up to 4"; grease trucks; power heaters; welding machines; A-frame trucks; fork lifts up to 7-foot lift and up to 3-ton capacity; powered safety boat; assistant processing plant Engineer; oxidizer; oiler.	$6.35	.35	.50	b	.05	

FOOTNOTES:

a. 2 Paid Holidays: Memorial Day, & Independence Day, provided the employee has been employed for at least 7 days or more prior to the holiday and has worked 2 full days in the calendar week in which the holiday falls.

b. 9 Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day; Washington's Birthday; Columbus Day and Veterans' Day.

AQ-3.186 P. 3

VERMONT HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
POWER EQUIPMENT OPERATORS: Shovels; crawler, tower, truck and hydraulic cranes; derricks; backhoes; trenching machines; elevating grader; gradeall; pile drivers; concrete pavers; on-site processing plant; dragline; clam shell; cableways; belt-type loaders; mucking machines, shaft hoists; automatic grader (i. e. CMI); front end loaders 5-½ yards and over; scrapers towing a wagon or pan; dozer or push cats in tandem; automatic welder.	$8.20	.35	.50	b	.05	
Rotary drill (with mounted compressor); compressor house or bank (three to six compressors); rock and earth boring machines; grader; front-end loaders 4 to 5½ yards; scrapers; farm type combination hoe and bucket ½ yard and below; fork lifts 7-foot and over or over 3-ton capacity.	7.95	.35	.50	b	.05	
Bulldozer; push cats; tractor drawn scrapers; self-powered asphalt paver; front end loader 3/4 to 4 yards; well driller; mechanics, welder; fireman; powered grease truck; Pumpcrete machine; engineer or fireman on boiler or generator; self-loading batch plant well-point operators; asphalt roller; locomotive and dinky machines; grout pumps; sonic hammers; hydraulic jacks for jacking pipe; eight or more electric pumps together performing the function of a well-point system.	7.75	.35	.50	b	.05	
Hoists; conveyors; self-powered rollers and compactors; power pavement breakers; self-propelled material spreader; self-powered concrete finishing machine; two-bag mixer with skip; front end loader under 3/4 yard; McCarthy and similar drills; batch plant (not self-loading); bulk cement plant.	7.20	.35	.50	b	.05	
Compressor (315 cubic feet or over, one or two); Pump 6" or over; tractor with cut blade drawing sheepsfoot roller or other type of compactors, including machines for pulverizing and aerating soil.	6.875	.35	.50	b	.05	

Orchard Lake Hilltop
Union Falls No. 8c

[FR Doc.74-14593 Filed 6-27-74;8:45 am]

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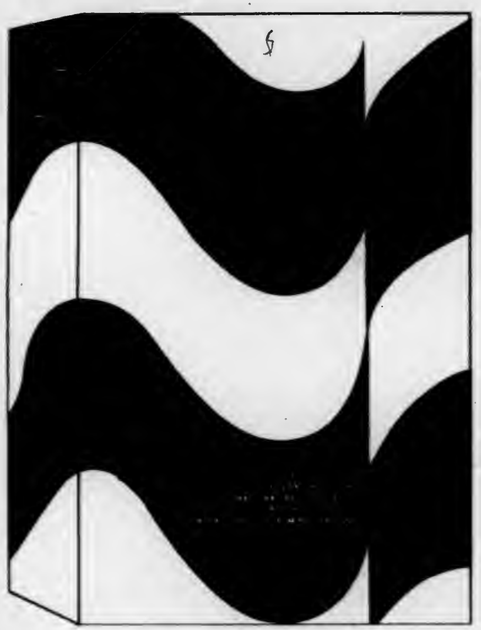
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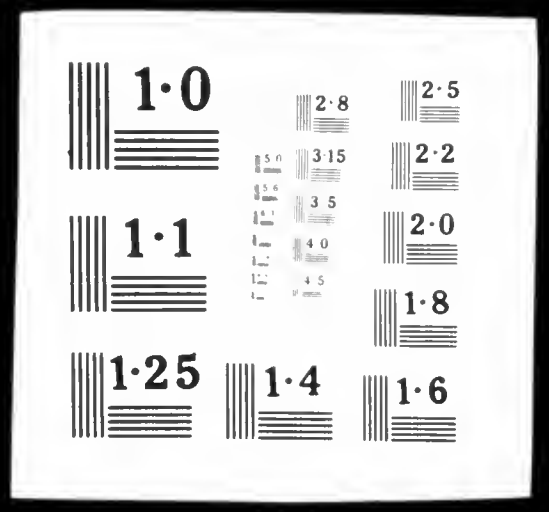
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RESOLUTION CHART



100 MILLIMETERS

INSTRUCTIONS Resolution is expressed in terms of the lines per millimeter recorded by a particular film under specified conditions. Numerals in chart indicate the number of lines per millimeter in adjacent "T-shaped" groupings.

In microfilming, it is necessary to determine the reduction ratio and multiply the number of lines in the chart by this value to find the number of lines recorded by the film. As an aid in determining the reduction ratio, the line above is 100 millimeters in length. Measuring this line in the film image and dividing the length into 100 gives the reduction ratio. Example: the line is 20 mm. long in the film image, and 100 20 = 5.

Examine "T-shaped" line groupings in the film with microscope, and note the number adjacent to finest lines recorded sharply and distinctly. Multiply this number by the reduction factor to obtain resolving power in lines per millimeter. Example: 7.9 group of lines is clearly recorded while lines in the 10.0 group are not distinctly separated. Reduction ratio is 5, and 7.9 x 5 39.5 lines per millimeter recorded satisfactorily. 10.0 x 5 50 lines per millimeter which are not recorded satisfactorily. Under the particular conditions, maximum resolution is between 39.5 and 50 lines per millimeter.

Resolution, as measured on the film, is a test of the entire photographic system, including lens, exposure, processing, and other factors. These rarely utilize maximum resolution of the film. Vibrations during exposure, lack of critical focus, and exposures yielding very dense negatives are to be avoided.